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in said channel over said outer bar be procured as aforesaid and maintained for two years thereafter for the width above named, $25,000 in addition shall be paid in manner aforesaid. The said C. P. Goodyear, his heirs and assigns, shall procure said work on said outer bar by the explosion of dynamite on the bottom of said channel or sunk beneath the bottom thereof, in his or their discretion, and not otherwise, and shall use the necessary auxiliary means for smoothing the bottom of the bar. The money necessary to carry out the provisions of this item is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That no payments except the first, of $30,000, shall be made except upon a certificate of a majority of a board of officers, two of whom shall be officers of the Engineer Corps, detailed for that purpose by the Secretary of War, and the third shall be the Chief of the Coast and Geodetic Survey, that the said C. P. Goodyear, his heirs and assigns, have complied with all the conditions as to any of the depths and widths named or as to the maintenance of a depth of 26 feet accomplished in accordance with the provisions of this item.

Mr. BLANCHARD. Mr. President, I think there ought to be some discussion of this item. It is an item proposing to make a donation to Mr. C. P. Goodyear of $30,000 under the following facts: In the last Congress Mr. Goodyear applied to the River and Harbor Committee of the House of Representatives for a contract to deepen the outer bar of the port of Brunswick, in the State of Georgia. He was to use a new means for accomplishing that result so far as the deepening of harbors was concerned.

He proposed to deepen the outer bar of Brunswick Harbor by the use of dynamite. He submitted a proposition to the River and Harbor Committee of the House of Representatives to do this work, and no money was to be paid him except upon the achievement of certain depths. If he did not attain those depths he was to receive nothing under his contract.

The bill making this contract was adopted and became a law. Mr. Goodyear undertook to carry out the terms of his contract to attain the depths referred to, but failed. He came back to the second session of the last Congress and submitted the matter anew to the River and Harbor Committee of the House of Representatives, admitting that he had not attained the depths which he had contracted with the Government to attain, but desiring the Government to pay him anyhow so much money for certain depths which he claimed to have attained, which were not the depths stipulated for in his contract.

The matter was considered by the River and Harbor Committee of the House of Representatives and they declined to recommend payment of any money to Mr. Goodyear for work not in compliance with the contract he had made with the Government, but they agreed—and that was accepted by him at the time—to extend the time for him to achieve the depths which he had started out to attain.

It was claimed on his behalf that he had been interfered with in the prosecution of his work by storms and adverse winds, and it seemed equitable that the time for him to accomplish this work should be extended. Accordingly another bill was passed by Congress, not in any way altering the original contract, but giving Mr. Goodyear additional time in which to do the work and attain the results which he had contracted with the Government to attain.

At the end of that second period of time Mr. Goodyear had not yet accomplished these results, and the depth called for in his contract remained unattained. The engineer officer, Capt. O. M. Carter, stationed at Savannah, submitted a report—and he was the officer upon whom it devolved to survey the work of Mr. Goodyear and report whether or not he had attained the results called for in his contract—and that report shows that Mr. Goodyear did not attain the depths contracted for. Mr. Goodyear, therefore, has not earned a single dollar under the contract made by him with the Government.

Now, Mr. Goodyear claims, or it is claimed on his behalf, that whereas he did not achieve the results for which his contract stipulated, he did achieve certain results, and that he ought to be paid for this.

If this were a private contract made between individuals, there would be no hesitation at all about it. Unless the contractor did the work and attained the results he undertook to attain he would receive no compensation.

But when it comes to the Government of the United States it is a different matter. The Government enters into a contract with an individual who undertakes to do certain things, in default of which he was to receive nothing. The trial is made by the contractor and failure results; those things which the contract called for, which the contractor was to do, in default of which he was to receive no compensation, are not accomplished. Yet is seems the Government must pay anyhow. We reverse the rule which would obtain between individuals; and Mr. Goodyear must be paid for the partial execution of his contract, when in fact he stipulated with the Government that if he did not execute the contract according to its terms he was to receive nothing.

Mr. DAVIS. I should like to ask the Senator from Louisiana if what Mr. Goodyear has done has not improved navigation at that point?

Mr. BLANCHARD. Not according to the report of the engineer, as I understand it.

Mr. GORDON. Mr. President——

Mr. BLANCHARD. I will yield to the Senator from Georgia.

Mr. GORDON. I will wait until the Senator concludes.

Mr. BLANCHARD. But I am not. I will state to the Senator from Minnesota, familiar perhaps with the last report made by the engineer in charge. The point is this: Had Mr. Goodyear obtained the depths which his contract called for, there would not be any necessity for the incorporation of $30,000 in this bill to pay him, for the reason that the law awarding him the contract appropriated the funds required to meet the payments under his contract.

The Secretary of War could warrant for the money whenever the engineer officer reported that Goodyear had achieved the results which would entitle him to the money. The Secretary of War never certified to the Secretary of the Treasury that Mr. Goodyear had earned anything; no warrant was drawn in favor of Mr. Goodyear for the money which was appropriated in the act authorizing the contract, for the reason that Goodyear had not earned anything under the terms of his contract.

Under the operation of the law awarding the contract not a single cent has gone out of the Treasury in compensation for this work simply because the engineer officer and the War Department report that Mr. Goodyear had not achieved the results called for in his contract. And it is because he can not be paid out of the money appropriated in the law awarding him the contract that he comes before the Senate Committee on Commerce and obtains the incorporation in the river and harbor bill of this proposition.

Improving the outer bar of Brunswick, Ga., $30,000, the whole of which shall be paid to C. P. Goodyear for depth of water heretofore obtained over said outer bar.

I repeat that this is giving $30,000 to Mr. Goodyear on the idea, I suppose, that he has some equity growing out of the contract made by him with the Government—a contract never complied with by him.

If we are going to embark upon that kind of legislation, the sooner it is known the better. If the Government is going to hold out that it will contract with a man to do certain things, and those things are to be done before he is to receive a dollar, and yet when those things are not done we pay anyhow upon the idea that perhaps the contractor is entitled to some equity consideration, then it ought to be known, so that the Government will be more particular in future in making contracts with individuals.

Mr. PLATT. Do I understand this to be the position of the Senator, that when, under a contract, the Government has received from an individual a beneficial result it will pay nothing, under any circumstances, because the contract has not been fully completed according to its letter?

Mr. BLANCHARD. I will say, in answer to the Senator from Connecticut, that I believe the Government ought to deal with its contractors like individuals deal with those who contract with them. There is no claim against the Government whatever, which is enforceable in law, growing out of this contract; because the terms of the contract, on the part of Mr. Goodyear, have not been complied with.

Mr. PLATT. I understand the law as between individuals to be, that where a person has received a substantial benefit from a contract, and has accepted the work, or has availed himself of the work, he is bound to pay what in equity is due.

Mr. BLANCHARD. Undoubtedly that is true where the work is accepted by the other party, or he has availed himself of the benefit resulting from the work. But the engineer officer in charge of Brunswick Harbor does not report that Mr. Goodyear has obtained any of the depths which he contracted to obtain, and the United States Government has never accepted the work.

Mr. DAVIS. I should like to know if ships can go there which could not go there before?

Mr. GORDON. That is the question.

Mr. BLANCHARD. That is an affirmation on behalf of Mr. Goodyear and his friends, denied by the engineer in charge, who thinks that whatever greater depths may be there now, are not the result of Goodyear's experiments.

I understand the remainder of this clause makes another contract with Mr. Goodyear. Is that correct?

Mr. GORDON. It is.

Mr. BLANCHARD. To that I have no objection at all.

Mr. WALSH. Did I understand the Senator from Louisiana to say that Capt. Carter denied that vessels drawing several feet more water could pass the bar than before the improvement was made?

Mr. BLANCHARD. I stated that the engineer does not admit or believe that the increase of depth at the outer bar is

traceable to Goodyear's work on the bar. Mr. Goodyear's work of blasting by means of dynamite was on a part of the bar distant perhaps as much as a quarter of a mile, maybe further, from the channel over the bar used by the ships.

Mr. Goodyear claims that his work by dynamite blasts thus remote from the ship channel had the effect of deepening this channel in which, or on that part of which, he was not working. This the engineer does not admit at all. There may have been a deepening of the bar in the channel, admitting ships to the inner harbor at Brunswick, but not, I understand, at the point where this dynamiting on the part of Mr. Goodyear took place.

Mr. WALSH. If the Senator from Louisiana will allow me, I will state for his information that I have given this matter a good deal of attention. There are innumerable affidavits from masters of ships testifying that as the result of Goodyear's work in deepening the bar vessels drawing 3 feet more water are enabled to cross in safety in and out over Brunswick bar than formerly.

Mr. BLANCHARD. I will ask the Senator from Georgia before he takes his seat what the engineer officer in charge reports.

Mr. WALSH. I have his report here.

Mr. GORDON. Will the Senator from Louisiana allow me right there to give an answer to that question?

Mr. BLANCHARD. I yield to the Senator from Georgia [Mr. GORDON].

Mr. GORDON. I shall at the proper time, when I can get the floor, make a very brief but a very complete answer, I think. I believe it will be esteemed in the judgment of the Senate to be a complete answer to all the Senator from Louisiana has said. But on the immediate point as to what the engineer says, as the Senator from Louisiana asks for it, I beg to call attention to a letter addressed to the Senator himself by this very engineer officer.

Mr. BLANCHARD. What is the date of it?

Mr. GORDON. It was addressed to the Senator from Louisiana February 17, 1893. I myself have the original letter. The engineer, Capt. Carter, on this identical point uses these words in a letter addressed to the Senator:

> Over what was the crest of the bar in 1891, with a minimum low-water depth of 11.2 feet, there exists at present a channel 100 feet in width with a minimum low-water depth of 14 feet.

That is over the signature of the engineer.

Mr. BLANCHARD. I do not see that that proves anything.

Mr. GORDON. I will show when I get the floor.

Mr. BLANCHARD. What was the depth before Mr. Goodyear undertook the improvement?

Mr. GORDON. The engineer said it was 11.2 feet.

Mr. BLANCHARD. I did not catch it when read.

Mr. GORDON. Oh, yes. The engineer says:

> Over what was the crest of the bar in 1891, with a minimum low-water depth of 11.2 feet, there exists at present a channel 100 feet in width with a minimum low water depth of 14 feet.

Making just two-tenths less than 3 feet increase in depth.

Mr. BLANCHARD. As I before stated, the channel is some distance, perhaps a quarter of a mile from where Mr. Goodyear was blasting with dynamite. The engineer reports a depth over the bar, it is true, but not in the Goodyear channel, as I understand it. It was some distance away from it. I will state to the Senator from Georgia that in company with the engineer I, in April, 1893, examined this work and saw where the channel was that ships use and had pointed out where Mr. Goodyear was dynamiting some distance off. I think the depth to which the engineer alludes is in the channel that the ships have been using and not where Mr. Goodyear had been using dynamite as a means of blasting a channel.

Mr. GORDON. The Senator from Louisiana is simply mistaken, that is all.

Mr. BLANCHARD. I do not know that the Senator from Georgia has himself visited that work.

Mr. GORDON. It is at my old home, and I know a great deal more about it than does the Senator from Louisiana.

Mr. BLANCHARD. I do not doubt that the Senator knows more about the locality than I do.

Mr. GORDON. And more about its people.

Mr. BLANCHARD. I have no doubt as to that; I do not question it at all. That is not pertinent to this discussion. I say I visited the locality and personally examined this very work in April, 1893. I merely desired to know of my friend if he had visited it in person.

Mr. GORDON. I have.

Mr. BLANCHARD. The printed reference to a letter from the engineer officer to me, alluded to by the Senator from Georgia, I find, on looking at it, to be as follows:

> In letter to Hon. N. C. BLANCHARD, chairman River and Harbor Committee, House of Representatives, in relation to the deepening of Brunswick's outer bar, Georgia (original placed in hands of Senator JOHN B. GORDON and copy filed with Committee on Commerce, United States Senate), Capt. O. M. Carter, United States Engineers, etc., under date of Savannah, Ga., February 17, 1893, states: "Over what was the crest of the bar in 1891, with a minimum low water depth of 11.2 feet, there exists at present a channel 100 feet in width with a minimum low-water depth of 14 feet."

That embodies an extract of three lines and a fraction merely from a letter to me.

Mr. GORDON. I have the original here.

Mr. BLANCHARD. If the original letter were produced, and all of it read, perhaps it would state what Capt. Carter stated to me, that this increased depth, this difference between 11.2 and 14 feet was in the immediate ship channel, and not in the place, or near it even, where Mr. Goodyear had been blasting.

Mr. GORDON. The Senator from Louisiana is entirely mistaken. The old ship channel was filled in by the sinking of vessels and navigation made absolutely impracticable. We had no channel until Mr. Goodyear pounded it out by dynamite. The testimony of every leading citizen in that city, its mayor, its council, every pilot upon the bar, all of the shippers from that point of lumber and heavy material, all the owners of ships going in and out, the governor of the State, both the Senators from the State, every member of Congress from the State, every leading citizen within the State, and every member of both houses of the Legislature of the State, stand here to deny those statements. That is all I wish to say at present.

Mr. BLANCHARD. And in reply to the assertion of the Senator from Georgia, I will state that the River and Harbor Committee of the other House had Capt. Carter before them at the time when Mr. Goodyear made application for payment of the very amount which is included in this bill, and examined him touching this very matter. Capt. Carter stated to the committee, with his maps to point it out, that the depths which up to that time had been achieved were not near the line where Mr. Goodyear had been blasting with dynamite.

After hearing Capt. Carter, the Committee on Rivers and Harbors declined to recommend a payment to Mr. Goodyear, but did recommend an extension of the time for the execution of his contract. That extension has long since expired and still the terms of the contract remain unfulfilled.

Mr. BRICE. Mr. President, I merely wish to say in confirmation of what has been stated by the Senator from Georgia [Mr. GORDON], that I have been interested, in a business way, at Brunswick, Ga., for many years. I am perfectly familiar with that bar and that port. I have been over it many times; once last year, about the time of which the Senator from Louisiana speaks. I concur with the Senator from Georgia. I should regret to know or believe that an engineer officer had made a statement which threw any doubt upon the right of Mr. Goodyear to this compensation. I should regard him as unfit for the service. I should think there was something wrong with an army officer who would throw any obstacle in the way of Mr. Goodyear's obtaining this compensation.

I am perfectly familiar with the bar, with the port, with the whole subject. I know it was through Mr. Goodyear's efforts and the expenditure of his money, which he does not get back by this appropriation or anywhere near it, that the bar has been deepened so that commerce is possible. Formerly it was not. I know that of my own personal knowledge and experience.

Mr. GORDON. Will the Senator from Louisiana allow me at that point to add a word to what the Senator from Ohio says?

The Senate will appreciate the fact that not one solitary dollar has ever been spent by the Government upon this bar. Yet the Senator from Louisiana stands here, while millions have been spent by the Government on rivers in his State, in many cases without obtaining 2 inches of depth scarcely, and absolutely denies this man, who spent $50,000 in getting us 3 feet of water, by the testimony of every citizen of Brunswick, the right to this compensation. Mr. President, the Senator from Louisiana does not know more about that bar than I do. It is at my old home, and I know all about it.

Mr. BLANCHARD. The Senator from Georgia does me an injustice. I know, however, he does not intend that.

Mr. GORDON. Certainly not.

Mr. BLANCHARD. There is no Senator on this floor for whom I have greater reverence than for the Senator from Georgia. I never pretended to know more about this matter than the Senator from Georgia. I merely stated I knew a good deal about it; that it had been examined twice by the River and Harbor Committee of the other House, of which I was a member, and that I had once visited it in person.

I wish to assure my friend from Georgia that his remark about my opposing the appropriation of money by Congress for the purpose of improving the harbor of Brunswick is altogether wrong. I would gladly vote with him hundreds of thousands of dollars to improve the port of Brunswick. It is an enterprising, promising town. I have been there; and I am prepared now to

vote, as I have done in the past, for appropriations for the improvement of Brunswick Harbor.

Mr. GORDON. On what plan?

Mr. BLANCHARD. I will state to the Senator from Georgia that there has been work going on in the inner harbor of Brunswick, improving it. It has been going on for years, as the chairman of the Committee on Commerce knows.

Every river and harbor act for years past has carried appropriations for the improvement of Brunswick Harbor. There is such an appropriation now in the bill without regard to the Goodyear appropriation. Two years ago, or perhaps a little more, we showed our desire, and I was one of them, to improve the harbor further by granting this contract to Mr. Goodyear to deepen the outer harbor. So we have two works going on at Brunswick—one in the inner harbor, one on the outer bar.

Now, when the Senator from Georgia says that I have received large appropriations for rivers in my own State and that it comes with bad grace from me to be opposing this appropriation, he is avoiding the point at issue.

Mr. GORDON. Not at all.

Mr. BLANCHARD. The point at issue is not that I am opposing liberal appropriations for Brunswick Harbor. On the contrary, I favor liberal appropriations for work both on the outer bar and the inner harbor at Brunswick.

Mr. RANSOM. Will the Senator from Louisiana allow me to say a word at this time?

Mr. BLANCHARD. I yield to the Senator from North Carolina.

Mr. RANSOM. I shall not speak about myself. The Senators from Georgia know how extremely particular I have been in reference to this appropriation. I desire to say to the Senator from Louisiana that at a comparatively low cost, certainly not one-fifth of what the army engineers estimate, Mr. Goodyear proposes to deepen the outer harbor at Brunswick.

Mr. BLANCHARD. I will say to the Senator from North Carolina that I am not finding fault at all with the new contract. It is only to the payment of the $30,000 for work heretofore done that I object.

Mr. RANSOM. The citizens of Brunswick, the Chamber of Commerce, I can not say all the people of Georgia, but I will say both the Senators representing the State here——

Mr. GORDON. The Senator from North Carolina may say the whole Legislature and the Governor.

Mr. RANSOM. And the members of the House of Representatives have all been before the Committee on Commerce and asked us to adopt the low-priced plan of Mr. Goodyear to deepen the harbor, and we have simply done it.

Mr. BLANCHARD. I will say to the Senator from North Carolina that I stated, perhaps when he was not here——

Mr. RANSOM. I heard the Senator; I was here.

Mr. BLANCHARD. I stated that I find no fault whatever with the clause which awards a new contract to Mr. Goodyear to obtain depths. It is useless to talk about that matter, because I am not attacking it.

Mr. RANSOM. Very good; I am very glad to hear it. Now let us go to the other point for one moment.

Mr. BLANCHARD. The payment of $30,000 on an alleged *quantum meruit* when there was a contract. That is the point at issue.

Mr. RANSOM. I desire to get along with the bill. The report of the Army engineer, Capt. Carter, will show that he admits a certain deepening of the harbor in parts of it. Every pilot—I say every pilot because that is the statement made—who takes his vessel into that harbor says it has been deepened from 2 to 3 and 4 feet. The Chamber of Commerce of Brunswick, the Senators from Georgia, the members of the House of Representatives, the newspapers state, and Mr. Goodyear has stated upon his honor, that the harbor has been deepened to a certain extent. Although he has not literally complied with his contract and in law could not enforce it against the Government, yet in equity he has complied with it.

The harbor has been substantially deepened from 2 to 3 feet. It is roughly done; it is inartistically done, but it is substantially done. Under these considerations the Committee on Commerce of the Senate thought it was right to pay Mr. Goodyear the sum of $30,000 for doing a work which it would have cost the Government $500,000 to have accomplished.

Now, one word further. Mr. Goodyear has had to encounter floods upon floods in the river and in the harbor. During one or two seasons he has had to encounter yellow fever in its worst form. He has had to encounter one or two or three broken banks, by which he has suffered. That is the case; and the Committee on Commerce said he ought to have the $30,000 for the work he has done and be enabled to go on with the improvement.

I hope the Senator from Louisiana will let us go on with the bill. I hope he will allow us to take a vote on the amendment, and then go on with the bill. This matter will go into conference, as he well knows. It will there be considered by the conferees on the part of the other House and the conferees on the part of the Senate. It is very late in the hot days of July; it is sweltering here. Let us go on with the bill.

Mr. BLANCHARD. If the Senator from North Carolina will allow me a little further, I will agree to his proposition and let the consideration of the bill proceed without even making a motion.

Mr. RANSOM. All right.

Mr. BLANCHARD. I am quite willing for it to go into conference and be considered by the House conferees and the Senate conferees. But I wish to state briefly that the contention of the Senators that there has been a deepening somewhere in the harbor of Brunswick should not be permitted to obscure the real question involved in the first four lines of the clause to which I have referred.

It is conceded here that Mr. Goodyear has no claim whatever in law against the Government growing out of the terms of his contract with the Government, because he has not achieved the results he contracted to achieve. Senators talk about depths which have been achieved, and that there is an equity existing which entitles Mr. Goodyear to consideration to the extent of paying him $30,000.

Mr. President, this appropriation, when you boil it down, is nothing more or less than a donation which the Senate proposes to make to Mr. Goodyear. Senators know that there is not a court in this land which would award a cent to Mr. Goodyear if he were to enter suit upon the contract to recover *pro tanto* because of the depth achieved in the channel. Mr. Goodyear is a man capable of contracting with the Government, and did contract with the Government. He did contract with the Government to do certain work, and if he did not do that work he was not to receive any compensation.

Mr. Goodyear went ahead and did, we will admit for the sake of argument, a part of the work under the terms of the contract. But by his own contract he agreed to ask nothing for such partial execution. He could not recover at law, and yet we propose here to-day to pay him $30,000. Do we owe it? No. Then it must be a donation. He has no just claim against the Government for $30,000. We are donating to him $30,000 on the statement made on his behalf that whereas he did not do the work which he contracted with the Government to do, he did part of the work, not enough to get a single cent under the terms of his contract. Yet he ought to be paid, anyhow. That is the proposition submitted here.

Mr. HUNTON. Will the Senator from Louisiana allow me to ask him a question?

Mr. BLANCHARD. Certainly.

Mr. HUNTON. I understand from the Senator's remarks that Mr. Goodyear has done a certain portion of the work. I desire to know from the Senator whether that portion of the work done by Mr. Goodyear is worth $30,000?

Mr. BLANCHARD. It is claimed on the part of Mr. Goodyear that he has done certain work. As I understand the engineer's report, the engineer does not admit that this deepening in the harbor is the result of the blasting done by Mr. Goodyear along certain lines where he was engaged in blasting. Whether the work done by Goodyear is worth the sum proposed to be paid, I know not. The officer of the Government does not say so, as far as I am informed.

I do not know of any recent report upon this work submitted by the engineer which shows different results from those given by Capt. Carter when he was before the River and Harbor Committee of the House, to which I have alluded.

As I understood Capt. Carter then, he denied that the deepening in the harbor was any more traceable to the blasting done by Mr. Goodyear some distance away from the channel used by the ships, than it was to the action of ocean currents.

Mr. President, all Government contractors upon public buildings and all Govevernment contractors in every branch of the Government service are required to fulfill the letter of their contract before they are paid, but here we are reversing that rule, and we are paying Mr. Goodyear $30,000 when he has not at all complied—it is not even claimed that he has complied with the letter of his contract.

I felt it my duty to call the attention of the Senate to this proposition to pay Mr. Goodyear the $30,000. It occurred to me Congress was setting a precedent that would return in the future to trouble it.

Mr. GORDON. Mr. President, I should be willing for the Senate to vote at this instant without one word of reply. I think I know the Senate of the United States. If the proposition made by the Senator from Louisiana were admitted to be true (which I deny), namely, that Mr. Goodyear was not legally entitled to a dollar, there would still remain a moral obligation

upon the Government whatever amount his achievement is worth to the country's commerce. I dissent entirely from the Senator's view of Government's obligations to its citizens.

Sir, upon his principle of standing always and only upon the contract, no Union soldier could ever draw a pension under this Government. They entered into a contract to fight for the Union for a few dollars per month, and now the Senator would stand here upon that principle and say to them: "Soldiers of the Union, you agreed to fight for so much per month and we must stand on the contract. You can not be paid pensions, for that is not the contract." That is the Senator's position.

No, Mr. President, commerce has received the benefit of Mr. Goodyear's work and commerce or the country owes him for it. He has spent $50,000 of his own money in deepening that bar, and he has achieved a success at a cost which under no other system has ever been attained. Indeed, sir, it has cost to reach such result elsewhere more than ten times the amount of money which the Commerce Committee have agreed to pay him.

The Senator from Louisiana says that this is a donation at the instance of the Georgia Senators. He will pardon some warmth in my reply to that charge. Mr. President, the Senators from Georgia, and the Senators who occupy honorable positions on the Commerce Committee, are not in the habit of taking donations from the United States Treasury. I repel such a charge, and am amazed that the Senator could indulge in such criticism of the committee and of his brother Senators. Donations! Mr. President, we stand upon the principle of "*quantum meruit;*" and if this Mr. Goodyear received justice the appropriation would be doubled and quadrupled.

The Senator says he knows that bar. Mr. President, I lived there for some years. My friends live there. I know the citizens of that city. A more honorable people never lived. Their board of trade, their mayor, their councilmen, the pilots, the shippers, the owners of the vessels which cross the bar, the surgeon sent down by the Government, all testify to his success, and that Mr. Goodyear has obtained this depth of water claimed, and that it would be an outrage to send him away penniless. He has opened to us commerce there that was locked out from that harbor.

Only two years ago ships lay in that harbor for month after month, unable to cross the bar, drawing 19 feet of water. Now the Great Erin only a few days ago was carried out, drawing 22 feet 3 inches of water. This, sir, is the identical ship that was tied there with 19 feet of draft and could not get out before Mr. Goodyear deepened the bar by use of dynamite.

Now, Mr. President, such attack, I must repeat, is not entirely becoming to a Senator from another State. My colleague and myself ought to represent Georgia. We are sent here for that purpose. We are not misrepresenting our State. The Senator is mistaken. The governor of that State and every member of her Legislature are before this body by petition asking us to grant Mr. Goodyear this money for his expenditures. Even then he gets only about half what he has paid out for the benefit of the Government. I repeat, if we paid him every dollar of the $50,000 we would not compensate him for the amount of benefit he has conferred upon the commerce of this country.

But, Mr. President, it is idle with such testimony as has been before this committee for me to dwell upon this subject. This is an intelligent committee; the gentlemen composing it have heard all the argument; they understand the whole case, and they recommend this appropriation. I stand upon the report of the committee.

Mr. BLANCHARD. Mr. President, there is no occasion for the Senator from Georgia to get up any feeling over this matter. I am sure there is none on my part. No Senator would surpass me in promptness of action to benefit the people of the State of Georgia by the improvement of their ports or rivers, or in any other legitimate way. Nor have I in anything I have said knowingly misrepresented the Senators from Georgia or the people of that Commonwealth, as claimed by my friend.

I simply present the cold question of policy here, whether or not we are going to pay $30,000 to a gentleman who contracted with the Government to do certain things, and agreed if he did not do them he was to receive nothing—whether we are going to pay him anyhow under a contract which it is admitted even by his advocates he has not complied with.

It is no attack upon my part on the people of Brunswick or the Senators from Georgia or Mr. Goodyear. I have met Mr. Goodyear personally. I think well of him. I believe he is a worthy gentleman and a good lawyer. But that has nothing to do with this question. What the Legislature of Georgia has done in the way of memorializing Congress to pay Mr. Goodyear, or what Mr. Goodyear's neighbors have done in the way of sending petitions up here to Congress and to their Senators asking that Mr. Goodyear be paid, has nothing to do with the cold question which I have presented.

Is the Senate of the United States, as one of the coördinate legislative branches of the Government, going to make a contract with a man to do certain things and accomplish certain results, and when he does not do those things and does not accomplish those results, and comes in here and admits that he has not done it, are we going to pay him anyhow? That is the question which presents itself to the Senate.

I am very sorry that my friend from Georgia has exhibited any feeling over this matter. There was no occasion for it. Surely a Senator may be permitted to present his view of a public question without its being considered that he is inspired by personal pique, or personal animosity, or personal feeling towards anybody connected with this subject-matter of dispute.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Commerce.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 14, line 11, before the word "thousand," to strike out "and seventy," and in the same line, after the word "dollars," to insert:

Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,717,500, exclusive of the amount herein appropriated—

So as to make the clause read:

Improving Cumberland Sound, Georgia: Continuing improvement, $100,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,717,500, exclusive of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 14, line 22, before the word "thousand," to strike out "ten" and insert "fifteen;" so as to make the clause read:

Improving harbor at Apalachicola Bay and River, Florida: Continuing improvement, $15,000.

The amendment was agreed to.

The next amendment was, on page 14, line 24, before the word "thousand," to insert "and twenty-five;" so as to make the clause read:

Improving harbor at Pensacola, Fla.: Continuing improvement, one hundred and twenty-five thousand dollars; and the Secretary of War may, if he deems it advisable, begin the improvement recommended by the Board of Engineers appointed in January, 1892, to consider and report upon the improvement of said harbor.

The amendment was agreed to.

Mr. CALL. I wish to ask the Senator from North Carolina if after the reading of the bill is concluded it will be in order to offer amendments?

Mr. RANSOM. Oh, of course.

The reading of the bill was continued. The next amendment of the Committee on Commerce was, on page 15, line 5, before the word "thousand," to strike out "seventy" and insert "eighty-five;" so as to make the clause read:

Improving entrance to harbor at Key West, Fla: Continuing improvement, $85,000.

The amendment was agreed to.

The next amendment was, on page 15, line 9, before the word "thousand," to strike out "ten" and insert "twenty;" so as to make the clause read:

Improving Charlotte Harbor and Pease Creek, Florida: Continuing improvement, $20,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 23, to insert:

The Secretary of War is authorized, at his discretion, to use such amount as may be necessary, not to exceed $50,000, of the amount appropriated for the improvement of Mobile Harbor by the sundry civil bill for the fiscal year ending June 30, 1895, in removing shoals and other obstructions in the Mobile and Tombigbee Rivers, between the mouth of the Chickasbogue Creek and Nannahubba Bluff, so as to secure a depth of 16 feet at low water: *Provided*, That if a contract has been entered into for the improvement of said harbor, by the terms of which the amount to be so appropriated for said fiscal year should be paid to a contractor or contractors for work to be done by him or them, then no part of said appropriation shall be so diverted without the consent of such contractor or contractors.

The amendment was agreed to.

The next amendment was, on page 16, line 24, before the word "thousand," to strike out "forty" and insert "fifty;" so as to make the clause read:

Improving and maintaining ship channel in Galveston Bay, Texas: Continuing improvement according to the existing project, $50,000.

The amendment was agreed to.

The next amendment was, on page 17, line 4, before the word "thousand," to strike out "two hundred and fifty," and insert "three hundred;" so as to make the clause read:

Improving harbor at Sabine Pass, Tex.: Continuing improvements, $300,000.

The amendment was agreed to.

The next amendment was, on page 17, line 14, before the word

"thousand," to strike out "forty" and insert "fifty;" so as to make the clause read:

Improving harbor at Cleveland, Ohio: Continuing improvement, $50,000.

The amendment was agreed to.

The next amendment was, on page 17, line 22, after the word "dollars," to strike out "a part" and insert "$5,000;" in line 23, after the word "used," to strike out "in the discretion of the Secretary of War," and on page 18, line 1, before the words "and the," to strike out "and deepening inside dredged channels;" so as to make the clause read:

Improving harbor at Sandusky, Ohio: Continuing improvement, $25,000, $5,000 of which may be used in removing shoal at outer approach to harbor; and the Secretary of War is authorized and directed, in his discretion, to cause a survey, if necessary for the purpose, and an estimate to be made of the cost of further necessary improvement of said harbor, including the channel over said outer bar.

The amendment was agreed to.

The next amendment was, on page 18, line 8, before the word "thousand," to strike out "sixty" and insert "seventy-five;" so as to make the clause read:

Improving harbor at Toledo, straight channel through Maumee Bay, Ohio: Continuing improvement, $75,000, a part of which may be used, in the discretion of the Secretary of War, in removing shoal in the old channel and in extending the improvement up the Maumee River.

The amendment was agreed to.

The next amendment was, on page 18, line 17, before the word "thousand," to strike out "eleven" and insert "twenty-one;" so as to make the clause read:

Improving outer harbor at Michigan City, Ind.: Continuing improvement, $21,000.

The amendment was agreed to.

The next amendment was, on page 19, line 4, before the word "thousand," to strike out "twelve" and insert "twenty;" so as to make the clause read:

Improving harbor at Waukegan, Ill.: Continuing improvement, $20,000.

The amendment was agreed to.

The next amendment was, on page 19, line 9, before the word "thousand," to strike out "twenty" and insert "fifty;" so as to make the clause read:

Improving harbor at Frankfort, Mich.: Continuing improvement, and repairs, $50,000.

The amendment was agreed to.

The next amendment was, on page 19, line 21, before the word "improvement," to strike out "continuing" and insert "completing;" and in the same line, before the word "thousand," to strike out "five" and insert "fifteen;" so as to make the clause read:

Improving harbor at Holland (Black Lake), Mich.: Completing improvement, $15,000.

The amendment was agreed to.

The next amendment was, on page 20, line 15, before the word "thousand," to strike out "ten" and insert "twenty;" so as to make the clause read:

Improving harbor at South Haven, Mich.: Continuing improvement, $20,000.

The amendment was agreed to.

The next amendment was, on page 21, line 6, before the word "thousand," to strike out "five" and insert "twelve," and in line 7, before the word "dollars," to strike out "five hundred;" so as to make the clause read:

Improving harbor at Saugatuck, Mich.: Continuing improvement and for restraining works to prevent the drifting of sand into the harbor, $12,000.

The amendment was agreed to.

The next amendment was, on page 21, line 20, before the word "thousand," to strike out "ten" and insert "fifteen," so as to make the clause read:

Improving harbor at Kenosha, Wis.: Continuing improvement, $15,000.

The amendment was agreed to.

The next amendment was, on page 21, line 24, before the word "thousand," to strike out "fifteen" and insert "twenty-five;" so as to make the clause read:

Improving harbor at Manitowoc, Wis.: Continuing improvement and maintenance, $25,000.

The amendment was agreed to.

The next amendment was, on page 22, line 10, before the word "thousand," to strike out "fifteen" and insert "twenty;" so as to make the clause read:

Improving harbor at Racine, Wis.: Continuing improvement, $20,000.

The amendment was agreed to.

The next amendment was, on page 22, line 12, before the word "thousand," to strike out "forty" and insert "fifty;" so as to make the clause read:

Improving harbor at Superior Bay and St. Louis Bay, Wisconsin: Continuing improvement, $50,000, a portion of which may, in the discretion of the Secretary of War, be used in dredging in Superior Bay along the duck line between the Quebec channel and the main channel opposite the base of Connors Point: *Provided*, That so much of said sum as may be necessary may be used for the purpose of making a survey of said harbor with a view of deepening it to 21 feet and making estimates therefor.

The amendment was agreed to.

The next amendment was, on page 22, line 21, after the word "improvement," to strike out "twenty-two thousand four hundred and thirty-nine dollars and fifty-six cents" and insert "twenty-five thousand dollars;" so as to make the clause read:

Improving harbor at Sheboygan, Wis.: Continuing improvement, $25,000, of which the sum of $439.56 may be paid by the Secretary of War to the C. Reiss Coal Company, of Sheboygan, Wis., for dredging done by them in the harbor.

The amendment was agreed to.

The next amendment was, on page 23, line 11, after the word "dollars," to insert the following proviso:

Provided, That so much of said sum as may be necessary may be used for the purpose of making a survey and submitting plans and estimates for the improvement and confinement of the current in the river to maintain a standard depth of water, and to obtain a channel 16 feet deep, and for extending the piers, and for the construction of a harbor 16 feet deep in Green Bay exterior to the river channel:

So as to make the clause read:

Improving harbor at Oconto, Wis.: To maintain works $3,000: *Provided*, That so much of said sum as may be necessary, etc.

The amendment was agreed to.

The next amendment was, on page 23, line 22, before the word "thousand," to strike out "fifty" and insert "seventy-five;" in the same line after the word "which," to strike out "a portion may be used," and insert "an amount not to exceed $25,000;" and in line 24, after the word "War," to insert "may be expended;" so as to make the clause read:

Improving harbor at Duluth, Minn., including repairs to the canal, piers, the channel on the north shore of St. Louis Bay and the St. Louis River $75,000, of which an amount not to exceed $25,000, in the discretion of the Secretary of War, may be expended in the channel of St. Louis River above Grassy Point.

The amendment was agreed to.

The next amendment was, on page 24, line 16, before the word "thousand," to strike out "twenty-five" and insert "thirty;" so as to make the clause read:

Improving harbor at Agate Bay, Minnesota: Continuing improvement, $30,000.

The amendment was agreed to.

The next amendment was, on page 24, line 18, before the word "thousand," to strike out "eighty" and insert "one hundred;" so as to make the clause read:

Improving harbor at Oakland, Cal.: Continuing improvement, $100,000, of which $12,000, or so much thereof as may be necessary, shall be used in opening the western end of the tidal canal in said harbor to the depth of 8 feet below low tide.

The amendment was agreed to.

The next amendment was, on page 24, line 25, before the word "thousand," to strike out "forty" and insert "fifty;" so as to make the clause read:

Improving harbor at San Diego, Cal.: Continuing improvement, $50,000.

The amendment was agreed to.

The next amendment was, on page 25, line 2, before the word "thousand," to strike out "thirty" and insert "forty;" so as to make the clause read:

Improving harbor at San Luis Obispo, Cal.: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 25, line 4, before the word "thousand," to strike out "one hundred" and insert "ninety-five," and in line 5, after the word "dollars," to strike out:

Of which $5,000, in the discretion of the Secretary of War, may be expended in the removal of obstructions in front of Marshfield."

And insert:

And for the construction or purchase of a dredger, and operating the same in removing obstructions from and deepening the harbor of Coos Bay in front of Marshfield, $13,000;

So as to make the clause read:

Improving entrance and harbor at Coos Bay, Oregon: Continuing improvement, $95,000; and for the construction or purchase of a dredger, and operating the same in removing obstructions from and deepening the harbor of Coos Bay in front of Marshfield, $13,000.

The amendment was agreed to.

The next amendment was, on page 25, line 12, before the word "thousand," to strike out "thirty-five" and insert "fifty;" so as to make the clause read:

Improving harbor at Yaquina Bay, Oregon: Continuing improvement, $50,000

The amendment was agreed to.

The next amendment was, on page 25, line 14, before the word "dollars," to strike out "thirteen thousand five hundred" and insert "sixteen thousand;" so as to make the clause read:

Improving Tillamook Bay, Oregon: Continuing improvement, $16,000.

The amendment was agreed to.

The next amendment was, on page 25, line 19, before the word

"thousand," to strike out "thirty" and insert "forty;" so as to make the clause read:

Improving Olympia Harbor, Washington: Continuing improvement, $40,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 21, to insert:

Improving Lubec Channel, Maine: Continuing improvement according to plan submitted by Col. J. A. Smith, December 30, 1890, $5,000; and the Secretary of War is hereby authorized, in his discretion, to expend on this improvement any unexpended balance of appropriations hitherto made for the improvement of the St. Croix River.

The amendment was agreed to.

The next amendment was, on page 26, line 6, before the word "thousand," to strike out "twenty" and insert "fifty;" so as to make the clause read:

Improving Kennebec River, Maine: Continuing improvement, $50,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 8, to insert:

Harraseeket River, Maine: To complete improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 26, line 20, before the word "thousand," to strike out "five" and insert "seven," and in the same line, before the word "dollars," to insert "five hundred;" so as to make the clause read:

Improving Powow River, Massachusetts: Continuing improvement, $7,500.

The amendment was agreed to.

The next amendment was, on page 27, line 8, before the word "dollars," to strike out "twenty-two thousand five hundred" and insert "twenty-five thousand;" so as to make the clause read:

Improving Pawtucket River, Rhode Island: Continuing improvement, $25,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 9, to insert:

Improving Pawcatuck River, Rhode Island and Connecticut: Continuing improvement according to original plan for excavation of channel to a width of 40 feet between the lower and upper wharves in the town of Westerly, and continuing the excavation of the channel to the full width of 100 feet, $3,000.

The amendment was agreed to.

The next amendment was, on page 27, line 25, before the word "thousand," to strike out "twenty" and insert "twenty-five;" so as to make the clause read:

Improving Housatonic River, Connecticut: Continuing improvement, $25,000.

The amendment was agreed to.

The next amendment was, on page 28, line 2, before the word "thousand," to strike out "ten" and insert "twelve," and in the same line, before the word "dollars," to insert "five hundred;" so as to make the clause read:

Improving Thames River, Connecticut: Continuing improvement, $12,500.

The amendment was agreed to.

The next amendment was, on page 29, line 4, before the word "thousand," to strike out "fifteen" and insert "twenty-five;" so as to make the clause read:

Improving Passaic River, New Jersey: Continuing improvement, $25,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 4, to insert:

Improving Frankford Creek, Pennsylvania, by straightening the same between the crossings of Tulip and Roxborough streets, in the county of Philadelphia, $2,000.

The amendment was agreed to.

The next amendment was, on page 30, line 10, before the word "thousand," to strike out "ninety-five" and insert "two hundred and five;" so as to make the clause read:

Improving Delaware River, from Trenton to its mouth, Pennsylvania and New Jersey: Continuing improvement, $205,000, of which $5,000 shall be expended in the improvement of the channel over Perriwig Bar.

The amendment was agreed to.

The next amendment was, on page 30, line 24, before the word "thousand," to strike out "three" and insert "five;" so as to make the clause read:

Improving Appoquinimink River, Delaware: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 31, line 2, before the word "thousand," to strike out "three" and insert "five;" so as to make the clause read:

Improving Smyrna River, Delaware: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 31, line 9, before the word "thousand," to strike out "six" and insert "ten;" so as to make the clause read:

Improving Mispillion River, Delaware: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 31, line 13, before the word "thousand," to strike out "fifteen" and insert "twenty-five;" so as to make the clause read:

Improving the inland water way from Chincoteague Bay, Virginia, to Delaware Bay, at or near Lewes, Del., to be used from Delaware Bay to Indian River: Continuing improvement, $25,000.

The amendment was agreed to.

The next amendment was, on page 32, line 10, before the word "improvement," to strike out "Continuing" and insert "Completing;" and in line 11, before the word "dollars," to strike out "one thousand" and insert "four thousand seven hundred and fifty;" so as to make the clause read:

Improving La Trappe River, Maryland: Completing improvement, $4,750.

The amendment was agreed to.

The next amendment was, on page 32, after line 16, to insert:

That the President of the United States is hereby authorized to appoint a board, to consist of an officer of the Engineer Corps of the United States Army, not below the rank of lieutenant-colonel, an officer of the United States Navy, not below the rank of captain, and two civilians, who, together with the Chief of the Engineers of the United States Army, shall examine and determine, from the surveys heretofore made under the direction of the War Department, the most feasible route for the construction of the Chesapeake and Delaware Canal. And in making such selection said board shall select a route which in its judgment shall give the greatest facility to commerce and will be best adapted for national defense. The said board shall report its conclusions to the Secretary of War, who shall transmit the same to Congress at its next session; and the sum of $5,000 is hereby appropriated to pay the expenses of said board.

The amendment was agreed to.

The next amendment was, on page 33, line 10, before the word "thousand," to strike out "one hundred" and insert "two hundred and fifty;" so as to make the clause read:

Improving Potomac River, Washington, D. C.: Continuing improvement, $250,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 10, to insert:

Protecting Jamestown Island from the encroachments of James River, $10,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 34, after line 21, to insert:

Improving Roanoke River, North Carolina: Continuing improvement, $50,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 2, to insert:

Improving Trent River, North Carolina: Continuing improvement, $5,000.

The amendment was agreed to.

The amendment was, on page 35, line 6, before the word "thousand," to strike out "two" and insert "five;" and in line 7, before the word "dollars," to strike out "five hundred;" so as to make the clause read:

Improving Northeast (Cape Fear) River, North Carolina: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 35, line 11, before the word "thousand," to strike out "eight" and insert "twenty;" so as to make the clause read:

Improving Cape Fear River, North Carolina, above Wilmington: Continuing improvement, $20,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 12, to strike out: "Improving Cape Fear River, North Carolina, at and below Wilmington: Continuing improvement, $80,000," and insert—

Improving Cape Fear River, North Carolina, from Wilmington to its mouth, $200,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,230,000, exclusive of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 36, line 1, before the word "Continuing," to insert "up to Rocky Mount;" in the same line, before the word "thousand," to strike out "three" and insert "ten," and in line 2, before the word "dollars," to strike out "five hundred;" so as to make the clause read:

Improving Pamlico and Tar Rivers, North Carolina, up to Rocky Mount, Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 36, after line 2, to insert:

Improving Contentnia Creek, North Carolina: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 36, line 7, before the word "Carolina," to insert "and South;" so as to make the clause read:

Improving Lumber River, North and South Carolina: Continuing improvement, $4,000.

The amendment was agreed to.

The next amendment was, on page 36, after line 8, to insert:

Improving Neuse River, North Carolina: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 36, after line 13, to insert:

For the survey of the waterways through the sounds of North Carolina and for the survey of the Dismal Swamp Canal, Virginia and North Carolina, and the rivers and water connections connecting said canal with the sounds of North Carolina, $5,000, or so much thereof as is necessary.

The amendment was agreed to.

The next amendment was, on page 36, after line 19, to insert:

Improving Lockwoods Folly River, North Carolina: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 36, line 25, before the word "thousand," to strike out "thirty" and insert "forty;" so as to make the clause read:

Improving Santee River, South Carolina: Continuing improvement, $40,000, to be used in snagging and in making new cut between Estherville and Minim Creek, and in maintaining the Mosquito Creek channel.

The amendment was agreed to.

The next amendment was, on page 37, after the word "river," to insert "north and;" in the same line, after the words "South Carolina," to insert "up to Lake Waccamaw;" and in line 5, before the word "thousand," to strike out "six," and insert "ten;" so as to make the clause read:

Improving Waccamaw River, North and South Carolina, up to Lake Waccamaw: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 39, line 4, after the word "cut-off," to insert "Lees Slough;" and in line 5, before the word "thousand," to strike out "For completion, five," and insert "Five;" so as to make the clause read:

Improving Apalachicola River, Florida, including the cut-off, Lees Slough and Lower Chipola River, $5,000,

The amendment was agreed to.

Mr. CALL. I ask the Senator from North Carolina, in charge of the bill, to agree to the insertion in line 3, on page 39, of the words, "continuing improvement;" so as to read:

Continuing improvement, Apalachicola River, Florida, including the cut-off, Lees Slough and Lower Chipola River.

Mr. RANSOM. That is correct.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 39, line 3, before the word "Apalachicola," it is proposed to strike out "improving" and insert "continuing improvement."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 39, after line 12, to insert:

Improving Indian River, Florida, dredging channel from the channel of the Indian River through the Negro Cut to the bar at the Indian River inlet, $5,000, and, in addition thereto, the Secretary of War is hereby authorized to expend in making said improvement the $15,000 appropriated for the improvement of Indian River by act approved July 13, 1892.

The amendment was agreed to.

The reading of the bill was continued to line 7, on page 40.

Mr. PASCO. A correction is needed in line 7, on page 40. The name "Sarasoto Bay" should be "Sarasota," changing the final "o" to "a."

The PRESIDING OFFICER. That correction will be made, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 43, line 25, after the word "dollars," to insert "of which sum not exceeding $10,000 may be used, in the discretion of the Secretary of War, in removing obstructions from Grand River and Pigeon bayous, forming part of the Bayou Plaquemine route;" so as to make the clause read:

Improving Bayou Plaquemine, Louisiana: Continuing improvement: $100,000, of which sum not exceeding $10,000 may be used, in the discretion of the Secretary of War, in removing obstructions from Grand River and Pigeon bayous, forming part of the Bayou Plaquemine route.

The amendment was agreed to.

The next amendment was, on page 44, after line 4, to insert:

To connect Bayou Plaquemine, Louisiana, with the Mississippi by a lock, $60,000.

The amendment was agreed to.

The next amendment was, on page 44, line 9, before the word "thousand," to strike out "thirty-five" and insert "forty-five;" so as to make the clause read:

Improving Bayou Lafourche, Louisiana: Continuing improvement and removing obstructions, $45,000, and a dredge boat for use in said bayou is hereby authorized to be constructed, the expense of same to be paid out of this appropriation.

The amendment was agreed to.

The next amendment was, on page 45, line 23, before the word "thousand," to strike out "eight" and insert "eighty-three;" and in the same line, after the word "dollars," to insert "seventy-five thousand of which to be expended by the Mississippi River Commission for the prevention of a formation of a cut through to the St. Francis River by the action of the overflow water from the Mississippi River, as recommended in the report of Col. Charles R. Suter, dated May 29, 1894;" so as to make the clause read:

Improving St. Francis River, Arkansas: Continuing improvement, $83,000, $75,000 of which to be expended by the Mississippi River Commission for the prevention of a formation of a cut through to the St. Francis River by the action of the overflow water from the Mississippi River, as recommended in the report of Col. Charles R. Suter, dated May 29, 1894.

The amendment was agreed to.

Mr. ALDRICH. I appeal to the Senator from North Carolina to allow me to move an amendment. On page 5, line 15, after the words "removal of," I move to strike out "the spit at the south end of Goat Island," and insert "Spindle Rock, Rose Island;" so as to read:

Improving harbor at Newport, R. I., including the removal of Spindle Rock, Rose Island, etc.

Mr. RANSOM. There is no objection to that amendment.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of the clause on page 47, line 14.

Mr. HARRIS. On page 47, line 14, I desire to submit an amendment in relation to the Cumberland River below Nashville, which will take but a few moments. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 47, line 14, after the word "improvement," it is proposed to strike out "$30,000" and insert "$50,000, of which sum $15,000, or so much thereof as may be necessary, shall be made available for the location and construction of a lock and dam near the mouth of the Harpeth River."

Mr. HARRIS. The object and purpose of that amendment is that at the mouth of the Harpeth River there are shoals. A lock and a dam at that point would remedy the evil there and make the river navigable from its mouth to Nashville throughout the entire year to the heavier draft steamers. It is a thing of vital importance to the commerce of that portion of the country.

I think it probable that my amendment perhaps goes $5,000 beyond the estimates for the lock and dam, and I am willing to modify it so as to make the amount "$45,000" instead of "$50,000," so as to bring it within the estimates for the lock and dam, for which the amendment proposes to provide.

Mr. RANSOM. The Senator from Tennessee has shown his usual courtesy and consideration in this matter. He brought the subject before the Committee on Commerce, and until he called my attention to it this evening I supposed that that amendment had been adopted by the committee. There is no objection to it.

Mr. CULLOM. I understand the Senator proposes to reduce the amount to $45,000.

Mr. HARRIS. I modify the amendment by making the amount "$45,000," instead of "$50,000."

The PRESIDING OFFICER (Mr. PASCO in the chair). The amendment will be so modified. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 47, line 19, after the word "may," to insert "in the discretion of the Secretary of War;" and in line 24, after the word "sum," to strike out "so much as may be necessary shall be used in making a survey of the river below Riverton, and submitting plans for its improvement," and insert "Ninety thousand dollars, or so much thereof as may be necessary, shall be used in the removal of snags and other obstructions to navigation between Riverton and the mouth of said Tennessee River, and the remainder of said sum of $100,000, or so much thereof as may be necessary, shall be used in making a survey of said Tennessee River below Riverton, and submitting plans for its improvement;" so as to make the clause read:

Improving Tennessee River below Chattanooga, Tenn: Continuing improvement, $400,000, of which $25,000 may, in the discretion of the Secretary of War, be used in continuing the work at Livingston Point, Ky., and $10,000 in improving the river between Hobbs Island and Guntersville, and $100,000 below Riverton, of which last sum $90,000, or so much thereof as may be necessary, shall be used in the removal of snags and other obstructions to navigation between Riverton and the mouth of said Tennessee River, and the remainder of said sum of $100,000, or so much thereof as may be necessary, shall be used in making a survey of said Tennessee River below Riverton and submitting plans for its improvement.

The amendment was agreed to.

The next amendment was, on page 48, line 21, before the word "hundred," to strike out "one" and insert "two;" so as to make the clause read:

Improving Kentucky River, Kentucky: Continuing improvement, $200,000.

The amendment was agreed to.

Mr. BLANCHARD. Mr. President, I hope the chairman of the committee in charge of the bill will not insist upon the Sen-

ate remaining here longer. This has been a long, hot day; it is now after 6 o'clock, and I think the Senate had better adjourn.

Mr. RANSOM. I do not propose to impose upon the Senate this evening. I will say to the Senator from Louisiana that I only wish to get the bill far enough so that we can dispose of it without much delay to-morrow. It is now very late in the session; this is the 12th day of July; the weather is very hot, and there are a number of appropriation bills to be yet disposed of. The tariff bill is also to come back from conference, unquestionably, and we have a great deal to do. I hope the Senate will stay with me until the bill has reached a position when we can certainly get through with it to-morrow.

I tell the Senator from Louisiana that I do not desire, and have no purpose, to cut off amendments or debate. The bill will be left in that position for to-morrow. That is all I can say about it.

Mr. BLANCHARD. It is now quarter past 6 o'clock.

Mr. RANSOM. The atmosphere in the Chamber is much more pleasant now than it has been at any time since we have been in session to-day.

Mr. BLANCHARD. I am willing to stay here until half past 6. If the Senator will not consent to that, I think we ought to adjourn now.

Mr. RANSOM. I shall be satisfied if the Senate shall stay here until 7 o'clock. I hope the Senator from Louisiana will not be so exacting after what I have said.

Mr. BLANCHARD. I think this bill ought to be considered properly. I do not think we ought to rush through the Senate a bill like this, carrying as it does, fifteen, sixteen, or eighteen million dollars. There will be plenty of time to consider the bill to-morrow.

Mr. RANSOM. I tell the Senator from Louisiana that no attempt will be made this evening to hurry the bill through. It will be left open to the offering of amendments to-morrow. It is now only quarter past 6 o'clock, and I hope the Senator from Louisiana will not press for an adjournment but let us proceed with the bill until 7 o'clock.

The PRESIDING OFFICER. The reading of the bill will proceed, unless some motion is made.

Mr. BLANCHARD. I think we ought not to be required to stay here any longer than half-past 6 o'clock on a hot day like this. I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was not agreed to.

Mr. BLANCHARD. I suggest, Mr. President, that there is no quorum present.

The PRESIDING OFFICER. The Senator from Louisiana suggests that there is no quorum present. The Secretary will call the roll.

Mr. RANSOM. The Senator from Louisiana will do himself a wrong to pursue such a course upon this bill.

The PRESIDING OFFICER. The Chair suggests to the Senator from North Carolina that the absence of a quorum having been suggested, nothing is in order but the calling of the roll.

Mr. RANSOM. I understand; but I beg permission to say that I shall not be guilty of putting the Senate to inconvenience, and I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 13, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July 12, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of yesterday's proceedings was read and approved.

IMPROVEMENT OF MINNESOTA RIVER.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of War, transmitting, pursuant to House resolution dated June 28, 1894, reports received since the last annual report of the Secretary of War pertaining to the improvement of the Minnesota River, Minnesota; which was referred to the Committee on Rivers and Harbors.

ADMISSION OF UTAH.

The SPEAKER *pro tempore* laid before the House the bill (H. R. 352) to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States, with Senate amendments.

Mr. WHEELER of Alabama. Mr. Speaker, I desire to take the floor, and yield to the gentleman from Utah to make the motion that the House concur in the Senate amendments, simply with this remark that "Westward the brilliant star of empire gloriously takes its flight." [Laughter and applause.]

Mr. RAWLINS. Mr. Speaker, I move that the House concur in the Senate amendments.

The SPEAKER *pro tempore*. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Utah, to concur in the Senate amendments. If there be no objection the vote will be taken on those amendments in gross. [After a pause.] The Chair hears none.

The Senate amendments were concurred in.

On motion of Mr. WHEELER of Alabama, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

COUNTY BUILDING, COCONINO COUNTY, ARIZONA.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 7506) authorizing the county of Coconino, Territory of Arizona, to issue bonds for the construction of a county building at the county seat thereof.

The SPEAKER *pro tempore*. This bill has been returned from the Senate with an amendment.

Mr. SMITH of Arizona. I move that the House concur in the amendment of the Senate.

The amendment was read, as follows:

In line 6 strike out "twenty" and insert "ten;" so as to read "in not less than two nor more than ten years."

The amendment was agreed to.

On motion of Mr. COBB of Missouri, a motion to reconsider the last vote was laid on the table.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 6016) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1895.

The SPEAKER *pro tempore*. This bill has been returned from the Senate with amendments.

Mr. HENDERSON of North Carolina. I would like to have action on these amendments now. I move that they be concurred in.

The amendments were read, as follows:

On page 1, line 8, strike out "eighteen" and insert "nineteen;" so as to read, "for advertising, $19,000."

On page 3 strike out lines 17 and 18, as follows: "For advertising at first and second-class post-offices, $15,000."

On page 3, in line 23, after the word "routes," insert "including temporary service to newly established offices;" so as to read, "inland transportation by star routes, including temporary service to newly established offices, $6,000,000."

On page 3, in line 23, strike out all after the word "dollars" down to and including "contemplated" on page 4, line 2.

On page 8, after line 2, insert "for payment of rewards for detection, arrest, and conviction of post-office burglars and robbers, $10,000."

Mr. HENDERSON of North Carolina. Mr. Speaker, the general effect of these amendments is to reduce the amount of the appropriations in the bill $4,000, and the reduction is arrived at in this way, the House recommended a new item of $15,000 for advertising at first and second class post-offices. That amount was allowed to the First Assistant Postmaster-General——

Mr. COOMBS. Advertising what?

Mr. HENDERSON of North Carolina. Advertising letters and other mail matter. The Senate struck out this new item and added $1,000 to the amount heretofore allowed the Postmaster-General for the same purposes: that is, increasing the item from $18,000 to $19,000. In addition to that, the Senate recommends a new item of $10,000 for payment of rewards for the detection, arrest, and conviction of post-office burglars and robbers. This is the first time that so few alterations have been made in the House bill by the Senate. I think we had better concur in these amendments.

Mr. BINGHAM. I would like to put one inquiry to the gentleman. He states that the Senate has struck out the new item which the House inserted. Will he state why that insertion was made in the House; and if the insertion was justifiable, why he would now have us consent to the striking out?

Mr. HENDERSON of North Carolina. The item was inserted at the request of the First Assistant Postmaster-General, who stated that in his opinion it was necessary. We thought it a proper item. There was some opposition to it on account of its being a new item; but the committee reported it, and the House agreed to it.

Mr. BINGHAM. Is it not the purpose of the item to publish in the great cities the departures of the foreign mails, etc.?

Mr. HENDERSON of North Carolina. I suppose that will be

included, but the item was intended for general advertising purposes.

Mr. BINGHAM. Is not that the great part?

Mr. HENDERSON of North Carolina. I do not think it is.

Mr. BINGHAM. I make no objection, if the gentleman feels that we ought to lose that item.

Mr. AITKEN. Are there any changes made in the bill as to the classification of mail matter?

Mr. HENDERSON of North Carolina. No, sir; none at all. For information I submit the following statement:

POSTAL SERVICE, 1895.

Amount of estimates for 1895	$90,399,485.33
Amount of House bill	87,240,599.55
Reduction recommended by the Senate	4,000.00
Amount as passed the Senate	87,236,599.55
Amount of estimated postal revenue for 1895	84,427,748.44
Amount of Post-Office appropriation act for 1894	84,004,314.22
The pending bill is less than estimates	3,162,885.78
The bill exceeds estimated postal revenues	2,808,851.11
The bill exceeds the act for 1894	3,232,285.33

The changes in the amounts appropriated by the bill, as passed the House and amended by the Senate, are as follows, viz:

INCREASE BY SENATE.

For advertising, office of the Postmaster-General	$1,000.00
For payment of rewards for detection, etc., of post-office burglars and robbers	10,000.00
Total increase	11,000.00

REDUCTION BY SENATE.

For advertising for first and second class post-offices, office of First Assistant Postmaster-General	15,000.00
Net reduction in bill as it passed Senate	4,000.00

The SPEAKER *pro tempore*. If no separate vote be demanded on these amendments, the vote will be taken in gross.

The question being taken, the amendments of the Senate were concurred in.

On motion of Mr. HENDERSON of North Carolina, a motion to reconsider the last vote was laid on the table.

REGISTER FOR SCHOONER BARGE ASTORIA.

Mr. CLANCY. I ask unanimous consent for the reconsideration of a bill passed yesterday—the bill (H. R. 7197) to provide a register for the schooner barge Astoria. My object is to make an amendment for the purpose of correcting an error in the bill. I desire to have struck out in line 4 the words "foreign built."

By unanimous consent, the motion to reconsider was agreed to.

The amendment of Mr. CLANCY was read, as follows:

In line 4, strike out the words "foreign built," before the word "ship."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CLANCY, a motion to reconsider the last vote was laid on the table.

WILLIAM J. AND JOSEPH M. CORNELL.

Mr. ELLIS of Oregon. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 73) for the relief of William J. Cornell and Joseph M. Cornell.

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask if there be objection to its present consideration.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $800, $400 of which shall be paid to William J. Cornell on account of an overpayment of that sum to the receiver of the United States land office at Lagrande, Oregon, on land entry numbered 4298, for the southern half of section 27, township 3 north, of range 30 east, and $400 thereof to Joseph M. Cornell, on account of an overpayment by him of that sum to said receiver, on land entry numbered 4292, for the north half of section 27, township 3 north, range 30 east, said entries having been made under the third section of the act of September 29, 1890, and said parties having been by mistake of the officers of said land office required to pay $2.50 per acre instead of the legal price thereof, namely, $1.25 per acre.

Mr. SAYERS. Before consent is given for the consideration of this bill, I would like to have the report read.

The SPEAKER *pro tempore*. The report will be read in the time of the gentleman from Oregon, after which the Chair will ask if there is objection to the consideration of the bill.

The report (by Mr. RICHARDS) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 73) for the relief of William J. Cornell and Joseph M. Cornell, have duly considered the same, and submit the following report:

The facts out of which this bill for relief arises are stated in Senate Report No. 18, Fifty-third Congress, first session, made September 4, 1893, from the Senate Committee on Public Lands, to accompany this bill, a copy of which report is hereto attached and made a part of this report.

Your committee concur in the conclusions stated and recommendations made in that report, and recommend that this bill do pass.

[Senate Report No. 18, Fifty-third Congress, first session.]

The Committee on Public Lands, to whom was referred Senate bill 73, have examined the same, and recommend that the bill be passed.

The committee adopt the report of the committee upon a similar bill at the second session of the Fifty-second Congress, as follows:

[Senate Report No. 1149, Fifty-second Congress, second session.]

The Committee on Public Lands, to whom was referred the bill (S. 3849) for the relief of William J. Cornell and Joseph M. Cornell, have examined the same, and report that the bill be passed as amended.

William J. Cornell was required by the register of the land office at La Grande, Oregon, to pay $2.50 per acre on land entry No. 4298, for the south half of section 27, township 3 north, of range 30 east; and Joseph M. Cornell was required to pay $2.50 per acre on land entry No. 4292, for the north half of section 27, township 3 north, range 30 east, when the legal price of the same was $1.25 per acre, as will appear by letters of the Commissioner of the General Land Office hereto attached and made a part hereof.

The Commissioner of the General Land Office holds that the overpayments can not be refunded under existing laws.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C. December 20, 1892.

SIR: In reference to the matter of the application of William J. Cornell for return of $1.25 per acre on cash entry La Grande, Oregon, No. 4292, for the S. ½ sec. 27, T. 3 N., R. 30 E., which was denied by my predecessor in letter to the register and receiver at La Grande, of October 1, 1891, being the subject of your late inquiry, I have the honor to state that the case in question appears to be governed by the principles of the decision of the Secretary of the Interior in the case of Joseph Brown (5 L. D., 317), which holds that the Department is not clothed with power to make repayments except by specific statutory authorization.

The existing legislation providing for repayments in cases where parties have paid double minimum prices for land which has been found not to be within the limits of a railroad land grant, viz, the act of June 16, 1880 (21 Stats., 287), does not apply so as to cover a case of this kind in which the land is actually within the limits of a railroad land grant. I can not, therefore, do otherwise than adhere to the conclusion of my predecessor above mentioned.

The copy of his letter of October 1, 1891, is herewith returned.

Very respectfully,

W. M. STONE, *Commissioner.*

Hon. J. N. DOLPH, *United States Senate.*

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 16, 1892.

SIR: In answer to your verbal inquiry of this date, in the matter of the claim of William J. Cornell and Joseph Cornell, respectively, for repayment of $1.25 per acre, paid on certain entries made at La Grande, Oregon, I have the honor to inclose herewith copy of a letter addressed to the register and receiver, La Grande, relative to the case of William J. Cornell, dated October 1, 1891. A similar letter was written on October 3, 1891, in the case of Joseph Cornell.

Very respectfully,

M. M. ROSE, *Assistant Commissioner.*

Hon. J. N. DOLPH, *United States Senate.*

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., October 1, 1891

GENTLEMEN: Referring to your letter of the 14th ultimo, transmitting application of William J. Cornell for return of $1.25 per acre on cash entry No. 4292, for the S. ½ sec. 27, twp. 3 N., R. 30 E., you are advised that said entry was made under the third section of the act of September 29, 1890, and the party should have only been required to pay $1.25 per acre. But the party paid $2.50 per acre, making a total of $800, under the impression of your office that the land was double minimum in price.

This land was within the granted limits of the Cascade Branch of the Northern Pacific Railroad, from Wallula to Tacoma, which road has been constructed. By the act of September 29, 1890, the land within the granted limits of the unconstructed portion of the Northern Pacific Railroad was forfeited to the United States.

As the Cascade Branch has been constructed, the railroad company took as a moiety the alternate odd sections from 1 to 5, etc., but the vacant lands within the limits of said branch were only subject to entry at the price of $2.50 per acre, except to parties coming under the third section of said act, and the party should have entered the land at $1.25 per acre.

The amount overpaid on said entry can not be refunded under the act of June 16, 1880, as said act provided, "In all cases where parties have paid double minimum price for land which has been found not to be within the limits of a railroad land grant, the excess of $1.25 per acre shall in like manner be repaid to the purchaser thereof, or to his heirs or assignees." In the case now under consideration, although the railroad grant has been forfeited to the United States, said road has been constructed, but the lands have never been restored to the minimum price, and the vacant lands formerly within the limits of the branch lines are only subject to entry at $2.50 per acre, except as is specifically provided in certain cases under said act.

This is a case of an erroneous exaction of $1.25 per acre on the part of the local land officers, but under the law this office could not afford the party any relief. The application is denied.

Very respectfully,

THOS. H. CARTER,
Commissioner.

REGISTER AND RECEIVER,
La Grande, Oregon.

Mr. SAYERS. I understand from the reading of the report that the beneficiaries of this bill paid to the receivers of the public lands $2.50 an acre for lands for which they were only required to pay $1.25 per acre?

Mr. ELLIS of Oregon. That is correct.

Mr. SAYERS. And the object of this bill is to refund the difference between the price they paid and the $1.25 an acre?

Mr. ELLIS of Oregon. Which can not be done under the present law.

Mr. SAYERS. I understand that to be the purpose of the bill.

Mr. ELLIS of Oregon. That is all there is in the bill and all that it seeks to do.

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

On motion of Mr. ELLIS of Oregon, a motion to reconsider the last vote was laid upon the table.

LEAVE OF ABSENCE.

Mr. CATCHINGS. I desire to ask leave of absence for my colleague, Mr. KYLE, indefinitely, on account of sickness.

There was no objection.

Mr. MCNAGNY. I ask that Mr. CONN have leave of absence to-day, on account of sickness.

There was no objection.

ORDER OF BUSINESS.

Mr. COCKRELL. Mr. Speaker, I ask unanimous consent for the present consideration——

Mr. BABCOCK. I demand the regular order.

The SPEAKER *pro tempore*. That is equivalent to an objection.

The regular order is the call of committees for reports.

The committees were called for reports, when the following reports were submitted, ordered to be printed, and referred as follows:

BRIDGE ACROSS MISSISSIPPI.

By Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, reported with amendments a bill (H. R. 7498) to authorize the construction of a bridge across the Mississippi River from a point within the limits of the city of Dubuque, in the State of Iowa, known as Eagle Point, to the opposite bank of said river, in the county of Grant and State of Wisconsin—to the House Calendar.

INTERRUPTION TO AND INTERFERENCE WITH COMMERCE AMONG THE STATES.

By Mr. GEARY, from the Committee on Interstate and Foreign Commerce, reported a substitute for the House resolution of July 2, 1894, to investigate interruptions to and interferences with commerce among the several States—to the Committee of the Whole House on the state of the Union.

The SPEAKER *pro tempore*. The original resolution for which the substitute is presented will be laid upon the table.

RIGHT OF WAY, INDIAN TERRITORY.

By Mr. ALLEN, from the Committee on Indian Affairs, reported with amendments a bill (H. R. 6122) authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through the Indian Territory, and for other purposes—to the Committee of the Whole House on the state of the Union.

CONVICT LABOR.

By Mr. RYAN, from the Committee on Labor, reported with amendments a bill (H. R. 6840) to protect free labor and industries in which it is employed from the injurious effect of convict labor by confining the sale of goods, wares, and merchandise manufactured by convict labor to the State in which they are produced—to the Committee of the Whole House on the state of the Union.

CLAIM OF MINNESOTA.

By Mr. KIEFER, from the Committee on Claims, reported with amendments, a bill (H. R. 5261) to reimburse the State of Minnesota—to the Committee of the Whole House on the state of the Union.

REPORT UNITED STATES CIVIL SERVICE COMMISSION.

Mr. BRODERICK. Mr. Speaker, I submit at this time a report from the Committee on Printing, for which I ask immediate consideration.

The SPEAKER *pro tempore*. The report will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That 23,000 copies of the tenth report of the United States Civil Service Commission be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 20,000 for distribution by the United States Civil Service Commission.

The report (by Mr. BRODERICK) was read, as follows:

The committee have considered the House concurrent resolution to print 23,000 copies of the tenth annual report of the United States Civil Service Commission, and direct me to report the same with recommendation that it do pass.

The estimated cost of same is $5,000.

The resolution was considered and agreed to.

On motion of Mr. BRODERICK, a motion to reconsider the last vote was laid on the table.

MORNING HOUR.

The SPEAKER *pro tempore*. The hour for the consideration of morning business begins at thirty-one minutes past 12. The call rests with the Committee on Indian Affairs.

AGREEMENT WITH THE YUMA INDIANS IN CALIFORNIA.

Mr. HUNTER. Mr. Speaker, on day before yesterday, in the morning hour, the bill S. 1919 was under consideration, and was partly read. I ask that that bill be taken up at this time.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 1919) to ratify and confirm an agreement with the Yuma Indians in California, for the cession of their surplus lands, and for other purposes.

The SPEAKER *pro tempore*. The Chair desires to state that this bill is on the Union Calendar.

Mr. HUNTER. I ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. HUNTER] asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. BURROWS. I think it would be better to consider it in Committee of the Whole. It will take but a moment longer.

Mr. HUNTER. On day before yesterday an order was made for the consideration of the bill in the House as in Committee of the Whole, and I suppose that order will stand.

Mr. BURROWS. If that order was made, for the consideration of the bill in the House as in Committee of the Whole, of course that order will stand.

Mr. HUNTER. That is the fact, and the RECORD will show it.

Mr. BURROWS. Mr. Speaker, I understand the gentleman to say that consent was given to consider the bill in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. The Chair finds upon examination that consent has been given to consider the bill in the House as in Committee of the Whole.

Mr. HUNTER. Now, Mr. Speaker, I ask that the House amendments to the Senate bill may be read.

The amendments recommended by the Committee on Indian Affairs were read.

Mr. HUNTER. Mr. Speaker, now I ask for a vote.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Illinois that general debate has not yet been closed upon this bill. Does the gentleman ask to close general debate?

Mr. HUNTER. Yes. I do not desire to debate the bill at all. It is unanimously reported by the Committee on Indian Affairs.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. HUNTER] asks unanimous consent that general debate on this bill be closed. Is there objection?

There was no objection.

The SPEAKER *pro tempore*. The Clerk will now report the bill by sections.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 5. That the Sisters of St. Joseph are hereby granted the tract of land provided for in article 7 of the agreement, including the buildings thereon, and the land to be set aside for a school farm, the whole not to exceed one half section, or 320 acres, so long as they shall use the same for religious, educational, and hospital purposes for said Yuma Indians.

The SPEAKER *pro tempore*. The Clerk will report the committee amendment to this section.

The Clerk read as follows:

Strike out the language just read, and insert the following:

"SEC. 5. That the Secretary of the Interior is hereby authorized and directed to dispose, within a reasonable time, of the tract of land provided for in article 7 of the agreement, including the buildings thereon, being the tract of land known as Fort Yuma, together with sufficient land lying to the eastward of said tract, to make one half section of land, or 320 acres, to be used as a school farm and for educational, religous, and hospital purposes for said Yuma Indians, upon such terms as to him shall seem best for the care, education, and training of said Indians."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 7. That the Secretary of the Interior shall have authority to from time to time fix the rate of water rents to be paid by the said Indians, and that each male adult Indian of the Yuma tribe residing on the said reservation at the time of the approval of this act shall be granted during ten years, or his natural life, water for 1 acre of the land which shall be allotted to him, if he utilizes the same in growing crops, free of all rent charges.

The Committee on Indian Affairs recommended the following amendments:

In section 7 strike out from the word "tribe," in line 4, to the word "shall," in line 5, and from the word "granted," in line 5, to the word "water," in line 6, and add at the end of the section, "during the period of ten years, to be computed from the date when said irrigation company begins the delivery of water on said reservation;" so that the section as amended shall read:

"SEC. 7. That the Secretary of the Interior shall have authority to, from time to time, fix the rate of water rents to be paid by the said Indians, and that each male adult Indian of the Yuma tribe shall be granted water for 1 acre of the land which shall be allotted to him, if he utilizes the same in growing crops, free of all rent charges during the period of ten years, to be

computed from the date when said irrigation company begins the delivery of water on said reservation."

The amendments were agreed to.

Mr. HUNTER. Mr. Speaker, I move that the bill, as amended, be ordered to a third reading.

Mr. PICKLER. I desire to offer an amendment, which I send to the desk.

The SPEAKER *pro tempore*. The gentleman from South Dakota [Mr. PICKLER] offers an amendment which the Clerk will report.

The Clerk read as follows:

At the end of the bill insert the following proviso:

"*Provided*, That any Indians of the United States to whom land has been allotted shall be authorized to lease their lands for a period not exceeding five years, when deemed to their interest by the Secretary of the Interior, and under such rules and regulations as the Secretary shall prescribe."

Mr. HUNTER. I make the point of order that this is not germane to this bill, and it is certainly a change of existing law.

Mr. PICKLER. I hope the gentleman will not urge the point of order, although I do not think it is well taken. This bill disposes of Indian lands on a reservation, and this amendment is a general provision concerning Indians. I ask the gentleman to reserve his point of order, to allow me to make a statement.

Mr. HUNTER. I will do that.

Mr. PICKLER. Mr. Speaker, this amendment provides that where lands have been allotted to Indians in severalty, if it is deemed to their best interest by the Secretary of the Interior, they may be permitted to lease their lands for a term not exceeding five years, under such rules and regulations as the Secretary of the Interior may prescribe. The demand comes from the following facts: In my State and in other portions of the country where lands have been allotted to these Indians many of them have not even proper teams with which to break up their lands. They have pony teams, but can not break up their lands and can not use them.

Now, they desire to lease them to the whites for a period not exceeding five years, if it shall be deemed by the Secretary of the Interior to their best interest so to do, under such rules and regulations as he may prescribe. I have had quite a large number of applications lately to have such a provision as this made, to ask that the Secretary of the Interior be allowed to permit Indians who may have had allotments made to them to lease their lands for five years. It will result in their lands being improved where they would not otherwise be, and would cause a large amount of land to be broken up and put into cultivation that would not otherwise be.

No harm can come to the Indians, because this is to be done under the supervision of the Secretary of the Interior; and, furthermore, it will not be permitted, as it is under his supervision, where he thinks it would not be to the interest of the Indians. He must first determine that it is to their interest, and then the leases will be made at such rates and under such rules and regulations as he may prescribe. It will be to the advantage of the Indians. Dealing with the Indians after they have had their lands allotted to them in severalty is one of the most serious questions that is now presented to us; to determine how they shall get along. This will enable them to have their lands broken up, and must inure to their benefit.

Mr. CANNON of California. Why not specify in your amendment for what purpose they are leased, so as to compel the lessee to break the land up? He might lease it for any other purpose.

Mr. PICKLER. That will be a regulation for the Secretary of the Interior; and I think it had better be left to his discretion.

Mr. HUNTER. I think that after their allotments have been made to them the Secretary of the Interior could regulate that matter; but I will not insist on the point of order.

Mr. PICKLER. The Department has not that right.

Mr. HOLMAN. Let the amendment be again read.

The amendment was again read.

Mr. HUNTER. I shall not insist on my point of order.

The SPEAKER *pro tempore*. The gentleman from Illinois withdraws the point of order, and the question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HUNTER, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMMITTEE ON THE JUDICIARY.

Mr. STOCKDALE (when the Committee on the Judiciary was called). Mr. Speaker, I ask that the Committee on the Judiciary be passed informally without losing its right on the call.

There was no objection, and it was so ordered.

REVENUE CUTTER SERVICE.

Mr. WISE (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, I call up for consideration the bill H. R. 6723, a bill to promote the efficiency of the Revenue Cutter Service.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to convene from time to time, as he may deem proper, a board to be composed of three surgeons of the Marine Hospital Service, of which the Surgeon-General thereof shall be chairman, to examine and report upon all officers of the Revenue Cutter Service who have become or may hereafter become incapacitated by reason of the infirmities of age or physical or mental disability not brought on by vicious habits of their own to efficiently perform the duties of their respective offices. And such officers as, under the terms of this act, may be reported by said board to be permanently incapacitated shall be placed on waiting orders out of the line of promotion, and the vacancies thereby created in the active list of officers shall be filled by promotion in the order of seniority, as now provided by law: *Provided, however*, That no such promotion shall be made until the professional qualifications of the candidates shall have been determined by written examinations before a board of officers of the Revenue Cutter Service convened by the Secretary of the Treasury for that purpose: *Provided, further*, That the number of officers upon the active list now authorized by law shall not be increased by this act.

SEC. 2. That the Secretary of the Treasury is hereby authorized to make all necessary regulations, not inconsistent with law, to properly and impartially carry into effect the provisions of this act and for the general government of the Revenue Cutter Service.

SEC. 3. That all acts or parts of acts conflicting with the foregoing are hereby repealed.

The SPEAKER *pro tempore*. The bill just read is on the Union Calendar.

Mr. SAYERS. Does not that bill have to be considered in Committee of the Whole?

The SPEAKER *pro tempore*. It does, if that point is made.

Mr. SAYERS. I make the point.

Mr. WISE. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole to consider the bill the title of which the Clerk will report.

The title of the bill was again reported.

Mr. WISE. Mr. Chairman, as the report upon this bill was made to the House by the gentleman from Florida, who is a member of the committee, I will yield my time to him, and he will explain the bill to the House.

Mr. CLARK of Missouri. I would like to have this bill read before we proceed.

Mr. WISE. I would state to the gentleman from Missouri that the gentleman from Florida will make a statement that will give all the information with respect to the bill. He will give a brief statement which will give the gentleman a thorough knowledge of the bill. It is strongly recommended by the Secretary of the Treasury.

Mr. CLARK of Missouri. All right.

Mr. TRACEY. Has the bill been read?

The CHAIRMAN. It has been read in the House.

Mr. MALLORY. Mr. Chairman, the object of this bill is, as its title states, to promote the efficiency of the Revenue Cutter Service. As is well known, the Revenue Cutter Service, although in many particulars similar, if not identical with the service of the Navy, is lacking in one quality possessed by the Navy, that of providing a means of retiring those officers who, by reason of disability, are unable to perform the duties of the offices to which they are assigned. In the Fifty-second Congress an effort was made to transfer the Revenue Cutter Service to the Navy in order to secure this desirable object. This bill proposes not to retire the officers of the Revenue Cutter Service, but to place them on waiting orders, practically what is done now.

In the report which is filed with this bill is a statement of the number of officers in the revenue service, their ages, the number of those on active duty and those not. There are in the service to-day thirty-six captains, of whom twenty-one are on board of vessels, three on special duty; two on special duty in the Life-Saving Service; ten on waiting orders. These ten on waiting orders are officers who by reason of their age or physical infirmity, brought on by their exposure in the line of duty, are unable to perform the duties of officers.

Now, it has been contended that the Revenue Cutter Service, being under the domain of the Treasury Department and subject to its orders, is a civil institution or organization and that anything which looks to providing for retirement of these officers would practically be a precedent which should always be avoided, viz, the providing of a retired or pension list for civil employés of the Government.

But, Mr. Speaker, the argument strikes me and struck the committee as not being valid. It is a fact that the revenue service is under the orders of the Treasury Department and the Secretary of the Treasury; but that is not because of any essen-

tial necessity that it should be; it arises from the fact that the duties of the officers in this service relate to the protection of the revenue of the country, relate to the patroling of the coasts, and that it is more convenient that they should be under that Department of the Government which has control of the question of revenue than under any Department which has nothing in common with the sphere or functions of the Treasury Department.

When we come to look at the duties imposed upon the Revenue Cutter Service, it will be found that they are analagous in every respect to the duties imposed on the Navy. You will find that the organization is in every respect similar; and a close investigation will reveal the fact that the officers and men of this service are probably exposed to more inconvenience, hardships, and risk than are the officers and men of the Navy in time of peace.

In addition to these considerations, it is a fact that their whole organization is of a military rather than of a civil character. The officers are commissioned. They hold their commissions under the nomination and appointment of the President with the confirmation by the Senate. They are commissioned without limit as to time—for life. They are subject to military discipline; they have uniforms; they are at the command to go and to come at the will of the Department; they are required on active service to be aboard their ships and to move from place to place.

Their vessels are armed; their men are subject to regular discipline and drill, and from time to time in the history of this country they have occasionally been transferred from the dominion of the Treasury Department to that of the Navy Department, and they have taken part actively in every war that this country has had. Consequently, if you come to look at the design and purpose of this organization, you will find there is nothing in it of a civil character except the fact that it is under the control of the Treasury Department.

Mr. CLARK of Missouri. I would like to ask the gentleman from Florida a few questions if it will not interrupt him.

Mr. MALLORY. I yield with pleasure.

Mr. CLARK of Missouri. This bill, while on its face it provides that these men shall be placed on waiting orders, is really an indirect way of putting them on the retired list at full pay, is it not?

Mr. MALLORY. Well, I suppose it would amount to that. I do not think, however, it is an indirect way.

Mr. CLARK of Missouri. Now, these are civil officers, are they not?

Mr. MALLORY. I deny that. They are not civil officers.

Mr. CLARK of Missouri. How do you make it out that they are anything else?

Mr. MALLORY. They have every element of military officers that is possessed by officers of the Army and Navy.

Mr. CLARK of Missouri. How are they paid now?

Mr. MALLORY. I have not before me a statement of their pay, but the gentleman can find it in the Revised Statutes. I think captains receive $2,000, first lieutenants about $1,800, and second lieutenants about $1,500.

Mr. CLARK of Missouri. They receive the same pay as officers of similar rank in the Navy, do they not?

Mr. MALLORY. Yes, sir; I think about that.

Mr. HULL. That is a mistake. A captain in the Navy receives over $3,000.

Mr. CLARK of Missouri. And while this bill says that the number of officers on the active list shall not be increased, there is no limit in the bill to the number that can be put on waiting orders, as you term it; is there?

Mr. MALLORY. There is no limit in that respect.

Mr. CLARK of Missouri. Are these officers subject to court-martial?

Mr. MALLORY. They are.

I am informed by the gentleman from California [Mr. LOUD] that I was in error in stating that the pay of the officers of the Revenue Marine Service is identical with that of corresponding officers of the Navy. So far as captains are concerned, I am satisfied that the pay is not identical. Captains of the Navy, if there are any, rank much higher.

Mr. CLARK of Missouri. Does not the gentleman think that if this bill passes it will be a mere entering wedge or initiatory step to placing every class of officers in the civil employ of the Government on waiting orders, or on the retired list?

Mr. MALLORY. No; I do not, for this reason: This is not a civil organization. If the gentleman will undertake to examine the matter, he will find that in this revenue-cutter service there is every element of a military organization that there is in the Army and Navy. And I have no hesitancy in saying that if the efficiency of the Army and the Navy of the United States is promoted by the maintenance of a retired list, this legislation will also add to the efficiency of this service in an equal degree.

You will find on an investigation that there are to-day in this service and drawing pay on waiting orders, officers who are utterly incapacitated for the service, one who is over 90 years of age; another, who I understand is about 90, and several others ranging in years from 70 to 90. Now, they can not be removed; you can do nothing with them, and you have the way blocked by which the efficient and younger men who are coming up into the service can be prompted and assume in reality the duties that they are now often compelled to do in the place of those older officers.

Mr. CLARK of Missouri. Could they not be legislated out of office?

Mr. MALLORY. Oh, yes; they could be, undoubtedly, and so you could legislate out of office the superannuated officers of the Army and Navy. But I take it, Mr. Chairman, that the Government of the United States does not propose to treat men whose lives have been exposed in this service, men who entered this service with a promise that they should be appointed for life, and who are exposed to danger and hardship more than any other men in the service—I say I assume that the Government of the United States does not propose to treat these men in that manner.

Let me say to the gentleman that in all the service of the United States, there are no men connected with its affairs, who perform more arduous and dangerous duties than do the men connected with this service. The ships on which they are employed are small, and it is necessary that they should be small and of light draught, because it is important that they shall be able to go into the shoals, bays, and harbors, all along the coast. They are uncomfortable, and are obliged to be near the coast all the time. They rarely get out more than 200 miles from the shore, and they are exposed to all the storms and tempests, especially those which prevail on our Southern coasts, and the Gulf coast in the fall of the year, in September and October, every two or three weeks.

In addition to that they are liable to be called upon at any moment to engage in hostilities with any parties who are opposing the execution of the laws of our Government which these men are employed to enforce. They are required to bring a vessel to and, if necessary, to fire upon her if she does not stop on proper signals; and, as I have already said, if the gentleman will read the report, he will find that hundreds of these officers have from time to time, during the wars in which this Government has been engaged, ever since the Revolutionary war, been transferred to the Navy, and have done as good and efficient service in their respective spheres as any other officers, whether in the Army or Navy.

Mr. EVERETT. Will the gentleman allow me to suggest in that connection that they really constitute a part of the armed forces of the country for the maintenance of law?

Mr. MALLORY. Undoubtedly.

Mr. EVERETT. And they should be upon the same general footing that the Army and the Navy of the United States are placed in regard to the laws affecting retirements and promotions.

Mr. MALLORY. I think there is no question of that.

Mr. PATTERSON. Is there not a marine force on every one of the war ships?

Mr. MALLORY. Yes; but this Revenue Cutter Service has no connection with the marine service.

What I am trying to convey, however, to the gentleman from Missouri in response to his inquiry is the assurance that these men are not by any means civil employés of the Government, but are of a military character. I have already shown that they have official rank. There are captains and lieutenants amongst them; there are chief engineers and assistant engineers, just as we have in the organization of the Navy proper. They are subject to military discipline of the strictest kind, and more than that, they are drilled both with the small arms and with the big guns in the strictest possible manner. They have rank, while perhaps not the same exactly as in the Navy—because I do not remember if we have captains now, although we used to have them in the Navy—but they have a similar rank to that borne by the officers in the Navy.

The gentleman from Missouri seems to assume that they are civilians and that there should not be in regard to them a distinction made between them and other civil employés of the Government. In addition to what I have said in that connection, I wish to add that they are on this dangerous service all the time. Other civil employés of the Government have their leaves of absence, but the leaves of absence of the officers of this service are few and far between, because necessarily the older men can not be retired, are unable to perform the duties, and all the work practically falls upon the younger men.

Civil employés of the Government have certain hours of work. Take for instance in the Departments here at Washington. After the day's work is done they can go home; they can devote

themselves to other pursuits; they can improve their minds or their fortunes if they have the ability to do so, but the revenue-cutter service does not permit these officers of whom I am speaking to do anything of that sort, or in fact to do anything else than perform the work which is assigned to them. They are obliged to be on their posts all the time. They are obliged to keep up two establishments if they have families; and if their family is living along the coast somewhere they are sometimes obliged to be five hundred, a thousand, or may be five thousand miles away for a year or two at a time.

There is no similarity, therefore, in the position of the civil employés of the Government and the work that these men are engaged in, and I challenge any gentleman to produce any argument that will give a scintilla of reason to assume that they are similar, in any respect, other than the mere fact that they are under the control of the Treasury Department.

Mr. LOUD. Is it not a fact also that the naval cadets are now substantially graduated into this service?

Mr. MALLORY. Many of them are, undoubtedly.

Mr. CANNON of Illinois. Does the gentleman from Florida think that these men pursue a more dangerous avocation than those engaged in the merchant marine?

Mr. MALLORY. I do.

Mr. MILLIKEN. They certainly do.

Mr. MALLORY. I do not know how it is on the New England coast, but in my part of the country, on the Gulf coast, where harbors are few and far between—because between Key West and Pensacola, a distance of about 1,200 miles of seacoast, there are only four or five good harbors—they certainly have a more dangerous employment.

Mr. CANNON of Illinois. Would not anybody engaged in the service of the merchant marine as a rule, nine out of ton of them, jump at a chance to get into this service?

Mr. MALLORY. I think not. If I were the captain of a 1,000-ton American ship, I would rather be employed in that service than to occupy the post of a captain in the Revenue Cutter Service.

Mr. MILLIKEN. You could make a good deal more money.

Mr. PIGOTT. And there would be less danger.

Mr. MALLORY. There is certainly less danger and less hardship.

Mr. CLARK of Missouri. The gentleman says this is a dangerous service. I should like to inquire if any of these officers have been killed in active service within the last four or five years?

Mr. MALLORY. I do not know whether they have been killed in active service, but their health is very much impaired by the exposure to which they are subjected.

Mr. CLARK of Missouri. Is it not considered that life on salt water is the healthiest life in the world?

Mr. MALLORY. I do not know that it is. I know that nobody ever saw a bald-headed sailor.

Mr. CLARK of Missouri. Do not all the city people go to the ocean as a means of recuperating their health?

Mr. MILLIKEN. Will my friend allow me right there, for a moment——

Mr. MALLORY. I have here a list of the pay which is received. The captains are receiving $2,500 per annum; first lieutenants, $1,800; second lieutenants, $1,500; third lieutenants, $1,200; chief engineers, $1,800; first assistants, $1,500; second assistants, $1,000. On waiting orders the captains receive $1,800; first lieutenants, $1,500; second lieutenants, $1,200; third lieutenants, $900: chief engineers, $1,500; first assistant engineers, $1,200; second assistant engineers, $900.

Mr. CLARK of Missouri. In addition to these salaries they receive rations, and all their expenses are paid, are they not?

Mr. MALLORY. I think they receive one ration. I am not sure about that.

Mr. CLARK of Missouri. They are at no expense whatever when they are in the service, are they?

Mr. MALLORY. Oh, undoubtedly; they are at the same expense that the officers of the Army and Navy are.

Mr. CLARK of Missouri. But what expense are they put to?

Mr. MALLORY. They must have clothing, and other things besides the mere ration which is necessary for them to live on.

Mr. CLARK of Missouri. What are those other expenses?

Mr. MALLORY. I am mentioning them. I do not see exactly the point of the gentleman's question. If the gentleman is opposed to the bill, I fail to see it from his questions.

Mr. CLARK of Missouri. Well, I am.

Mr. MALLORY. I hope the gentleman will not be. I call attention to the fact that I have already stated that there is now in the service on waiting orders one man 91 years of age, another 90, another about 77, another about 73, another about 72, another of 69, another of 68, and so on.

Mr CLARK of Missouri. Now, let me ask the gentleman from Florida if he does not think that the extreme age of these men is proof positive that this is not a very dangerous or hazardous service?

Mr. MALLORY. Not at all. There are others on the retired list besides these elderly gentlemen; men who have lost their health by reason of the exposure to which they have been subjected. Now, I will say further that this bill has been recommended for a number of years by the Treasury Department. In 1872 Secretary Boutwell recommended it, or a similar measure. Secretaries Richardson and Folger afterward recommended it. Mr. Carlisle recommends it at the present time, and thinks it is essential and necessary. I can say with every conviction of truth that those men who understand the situation, who appreciate the drawbacks and the clogs upon the efficiency of the service and the inability of the service to get rid of its members who are disqualified by disability, believe that the difficulty can not be gotten over in any other way than by providing for the elevation of the energetic and capable men in the service.

Mr. CLARK of Missouri. This bill restricts this "waiting" order business to the officers in the service, does it not?

Mr. MALLORY. Yes.

Mr. CLARK of Missouri. If you are going into it as a matter of justice, why not put the privates on waiting orders as well as the officers?

Mr. MALLORY. Possibly I would be willing to do that, but I doubt very much whether the gentleman from Missouri would.

Mr. CLARK of Missouri. I am opposed to the whole thing.

Mr. MALLORY. There is this distinction between the two. The enlisted men are enlisted only for a limited term of years, and on the expiration of that term they can quit the service and pursue some other occupation.

Mr. CLARK of Missouri. Does not the gentleman think it would be a more sensible plan to have these officers serve for short terms, so they could retire and go back into the body of the people, as well as these privates, instead of undertaking to give them a life tenure and retirement with pay?

Mr. MALLORY. Does the gentleman think it is better that the officers of the Army and Navy should have short terms and be retired among the people. I think the principle is the same in both cases.

Mr. CLARK of Missouri. I think it would be a good deal better to have them bounced when they get to be about 60 years of age.

Mr. MALLORY. Now, Mr. Chairman, this bill simply provides for the retirement, the placing on waiting orders, of those who are found by physical examination to be disqualified and incapable of performing their duties, and giving them the same pay as they are now receiving when they are retired on waiting orders. If it is a thing that commends itself to the judgment of the House, and I think it is a thing that should commend itself to the judgment of every man, as it does to those who live along the seacoast who have opportunity to observe the work of this service—if it commends itself to the judgment of the House, it certainly ought to pass without further delay; and I will therefore not consume further time. I reserve the balance of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SAYERS having resumed the chair as Speaker *pro tempore*, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 6108) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1895;

A bill (H. R. 5482) making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1895, and for other purposes; and

A bill (H. R. 5894) making appropriations for the Military Academy for the fiscal year ending June 30, 1895.

The message also announced that the Senate had passed without amendment the bill (H. R. 5601) to authorize the construction of a wagon and foot bridge across the South, or Main, Canadian River, at or near the town of Noble, in Oklahoma Territory.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 6558) to amend section 2324 of the Revised Statutes of the United States relating to mining claims, asked a conference with the House on the bill and amendment, and had appointed Mr. STEWART, Mr. BATE, and Mr. PALMER as the conferees on the part of the Senate.

The message also announced that the Senate had passed the bill (S. 120) for the relief of H. W. Shipley; in which the concurrence of the House was requested.

The message also announced that the Senate had passed with-

out amendment the bill (H. R. 4671) to remove the charge of desertion standing against the name of Joseph G. Utter.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 133) to remove the charge of desertion standing against the name of Joseph G. Utter.

EFFICIENCY OF THE REVENUE CUTTER SERVICE.

The Committee again resumed its session, Mr. DOCKERY in the chair.

Mr. CLARK of Missouri. Mr. Chairman, I would like to make a few remarks.

It seems to me, Mr. Chairman, that the American people are not ready and are not willing to begin the establishment of a system of pensions from the civil walks of life in this country. I am opposed to the whole business. With all due respect and regard for what the gentleman from Florida has said, these men are simply in the civil service. They have life positions and draw good pay.

I undertake to make this proposition without fear of successful contradiction: that if you will bounce all these officers out of the revenue service this moment you can find twenty competent men before sundown to take every place so vacated, and they will be glad to get them. Such fat jobs are not going begging, sure as you live. If it could be telegraphed to every post-office in the United States this morning that these places were vacant, every member of this House would have from one to fifty applications before sundown from men who desire to fill these places, and who are thoroughly competent.

Now, I want to make this general observation. The whole tendency of things here is to increase the retired list of the Army, to increase the retired list of the Navy, to pension and put on the retired list every man that has had any service in connection with the Army or Navy, however safe that service may have been. It is all wrong and opposed to the genius of our institutions. I am opposed to the whole thing. People are anxious to secure these places and they ought to be satisfied with what they get. Before the Pension Committee of this House there has been pending ever since it was organized a proposition to pension the clerks of paymasters during the Mexican war. They were just as safe during that struggle as a man who stayed at home; and yet they gravely urge their so-called claims in season and out of season; and certainly they have as substantial basis for their demand as have the officers provided for by this bill. There is a proposition that bobs up here every time an opportunity presents itself to pension the mail carriers of the country and the clerks in the Railway Mail Service.

In fact, everybody that has anything to do with the Government appears to think in the first place that he ought to have a life tenure, and in the second place, when he gets to be about 60 or 62 years of age, he thinks he ought to be billeted on the people at a good salary the remainder of his life. The whole scheme is un-American and an outrage on the taxpayers of the country.

It is alleged both in the report on this bill and in the speech of my friend from Florida that this Revenue Cutter Service is particularly hazardous. Let us see what the truth is. There is not a man in it that ever got a thousand miles from shore. They are always within reach of land. True, they spend most of their time on the ocean.

It is admitted, or all science is a lie, that life upon salt water is the healthiest life possible. In fact, it is recommended for invalids. As to the peril, not a man in this service has been killed or seriously wounded for years. These men in the Revenue Cutter Service do not jeopardize their lives, or their limbs, or their health half as much as the men who work in mines, or in rolling mills, or as an engineer on a railroad train.

Mr. MALLORY. Will the gentleman allow me to interrupt him there?

Mr. CLARK of Missouri. Yes, sir; with pleasure.

Mr. MALLORY. Does not the gentleman know that the revenue act of July 1, 1799, authorizes the President "to cause the revenue cutters to be employed to defend the seacoast and to repel hostility to vessels and commerce within their jurisdiction?" I ask the gentleman if there is any other civil service so employed?

Mr. CLARK of Missouri. That is true as to every able-bodied citizen of this country. Any of us are liable to be ordered into service by the authorities at any time in defense of the Republic. I want to recur to the proposition that I was starting to make when interrupted, about the service in this revenue-cutter business. It is not as hazardous as being an engineer on a railroad train; it is not as hazardous as being a conductor on a railroad train; it is not as hazardous as being a fireman on a railroad train; it is not as hazardous as hitching up a pair of mules on a Western prairie and driving them to a reaper or mower. [Laughter.] There are more casualties on the farms and in the factories of the land. It is no more hazardous than ordinary steamboating. It is not as dangerous as service in the merchant marine.

Now, one thing further, Mr. Chairman. If the people of this revenue service are entitled to be put on the retired list by reason of the extra risks they run, I want to make the gentleman from Florida and everybody else an additional suggestion about the danger of different kinds of service. The most dangerous service that an American citizen can be engaged in in a time of peace, not even barring the Army or Navy, is the business of being a United States marshal or deputy United Stares marshal, especially down in the districts where they make moonshine whisky.

Mr. COX. What do you think about a Congressman's life?

Mr. CLARK of Missouri. Why a Congressman's life is in some danger in that kind of a district.

Mr. SAYERS. Unless he joins in with them.

Mr. CLARK of Missouri. Unless he stands in with them.

This bill is the beginning of an indefensible system. It is the thin edge of the entering wedge. It means a list of pensioners from the civil service which will be larger than the pension list by reason of service in the Army and Navy. No man can compute the cost thereof. The burdens of the people are heavy enough in all conscience sake now. They are most assuredly not in a frame of mind to see them increased. They will not have it.

I submit in perfect good faith that if you are going to pension these officers, because that is what putting them on the retired list means, where are you going to draw the line? Where will you stop?

What better right have these officers to this favor than thousands of others? What man in this House can vote for this bill and then refuse to vote for a bill when the marshals and their deputies come in here and ask that they be put upon the retired list of the Army or that they be pensioned because they happened to get a bullet in them somewhere in a strike or a riot, or in hunting up an illicit still down in the mountains of Tennessee, or North Carolina, or Georgia, or some parts of Missouri. [Laughter.] They will come as sure as fate if you pass this bill, and a host which no man can number will come after them.

Now, Mr. Chairman, I reserve the remainder of my time until to-morrow.

The CHAIRMAN. The hour has expired.

The committee accordingly rose; and Mr. RICHARDSON of Tennessee having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 6723, and had come to no resolution thereon.

The SPEAKER *pro tempore*. The morning hour has expired.

PENSION APPROPRIATION BILL.

On motion of Mr. O'NEIL of Massachusetts, by unanimous consent, the bill (H. R. 5482) making appropriations for payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1895, and for other purposes, was taken up, the amendments of the Senate nonconcurred in; and a conference with the Senate requested on the disagreeing votes of the two Houses.

The SPEAKER *pro tempore* announced the appointment of Mr. O'NEIL of Massachusetts, Mr. WILLIAMS of Illinois, and Mr. BINGHAM as conferees on the part of the House.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

On motion of Mr. McCREARY of Kentucky, by unanimous consent, the bill (H. R. 6108) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1895, was taken up, the amendments of the Senate nonconcurred in, and a conference with the Senate requested on the disagreeing votes of the two Houses.

The SPEAKER *pro tempore* announced the appointment of Mr. McCREARY of Kentucky, Mr. HOOKER of Mississippi, and Mr. HITT as conferees on the part of the House.

MILITARY ACADEMY APPROPRIATION BILL.

On motion of Mr. WHEELER of Alabama, by unanimous consent, the bill (H. R. 5894) making appropriations for the Military Academy for the fiscal year ending June 30, 1895, was taken up, the amendments of the Senate nonconcurred in and a conference with the Senate requested on the disagreeing votes of the two Houses.

The SPEAKER *pro tempore* announced the appointment of Mr. WHEELER of Alabama, Mr. OUTHWAITE, and Mr. BOWERS of California as conferees on the part of the House.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. Under the special rule adopted by the House the remainder of this day is assigned to the Committee on Foreign Affairs. The Chair recognizes the chairman of that committee, the gentleman from Kentucky [Mr. McCREARY].

ACCEPTANCE OF A PAINTING.

Mr. McCREARY of Kentucky. I call up the bill (H. R. 4734) to authorize the Secretary of State to accept for the United States of America a painting by G. F. Watts, Royal Academician, entitled "Love and Life."

The bill was read as follows:

Whereas G. F. Watts, Royal Academician of London, England, has signified, through the Secretary of State, a desire to present to the people of the United States the painting by himself entitled "Love and Life," which painting was on exhibition under the auspices of the royal British commissioner at the World's Columbian Exposition: Therefore,

Be it enacted, etc., That the Secretary of State be, and he is hereby, instructed to accept the said painting with a suitable acknowledgment of thanks to the said G. F. Watts, Royal Academician, and that all the duties due and payable to the United States on the said painting imported from London be, and the same are hereby, remitted.

Mr. McCREARY of Kentucky. Mr. Speaker, this bill authorizes the Secretary of State to accept on behalf of the United States a painting by G. F. Watts, of the Royal Academy of London, entitled "Love and Life." Mr Watts exhibited this painting under the auspices of the royal British commissioner, at the International Exposition held at Chicago. It is hardly necessary for me to say that Mr. Watts is one of the most distinguished artists in England.

As far back as 1837 he was exhibiting his paintings in the Royal Academy, and among his best portraits are those of Tennyson, Gladstone, Duke of Argyle, and John Stuart Mill. His list of ideal and mythological works is lengthy and his paintings are found in several of the famous galleries of Europe. The Secretary of State, in a communication, has indicated that Mr. Watts desires to present this painting to the United States, and this bill has been unanimously reported by the Committee on Foreign Affairs.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the last vote was laid on the table.

SECURITIES OF JOHN S. BRADFORD.

Mr. McCREARY of Kentucky. I call up the bill (H. R. 4209) for the relief of the securities of John S. Bradford.

The bill was read, as follows:

Be it enacted, etc., That John Cassels and Rosalie M. Bradford, securities of John S. Bradford, deceased, United States consul at Antigua, West Indies, from August 19, 1890, to August 6, 1891, be, and they are, released from the payment of $239.03, amount claimed to be due the United States on the official bond of John S. Bradford, and said liability is canceled and his accounts with the Government are deemed adjusted and settled.

Mr. McCREARY of Kentucky. Mr. Speaker, John S. Bradford, for the benefit of whose securities this bill has been introduced, was appointed a consul at Antigua, West Indies, August 19, 1890. His health was very bad from the commencement of his service as consul. On the 6th of August, 1891, after a severe illness of three months he died, without having served as long as one year. During the time that he held the office nothing that he received was paid to his family. His wife, Rosalie M. Bradford, assisted in his outfit, spending for that purpose nearly $200.

After his death, on a final adjustment of his accounts, his entire salary, then due, and allowances for stationery, etc., were retained by the Treasury Department to pay what seemed to be a deficit in his accounts, and he was found indebted to the Government in the additional sum of $239.06, for which his sureties are held liable. The committee think, in view of the fact that no part of his salary had been received by his wife, and as she had furnished the money for his equipment and outfit, that it would be a very great hardship upon her to permit the collection of this amount due on the official bond, as she was not the recipient of any part of his salary, as he served only a few months, and the unpaid salary and allowance for stationery were withheld.

It was believed by the committee, under the circumstances, that it would be an injustice and a hardship to require his securities to pay the small amount remaining, and the passage of the bill is recommended unanimously by the Committee on Foreign Affairs.

Mr. WASHINGTON. Will the gentleman allow me to ask him a question? Did he overdraw his account, or how did this deficit occur?

Mr. McCREARY of Kentucky. He was ill soon after his arrival at Antigua, West Indies, a very unhealthy place; he did not, however, overdraw the account. Being sick for three months, and the business of the office not having been managed by him, it was found after his death that there was not a proper amount of money on hand.

All of the salary due him at the time of his death was held by the Treasury to cover the deficit, and the amount of stationery to which he was entitled was also withheld; and these amounts reduced the aggregate to $239.06, which is the balance claimed by the Government. If Capt. Bradford had not been ill there would have been no deficit in his accounts. Up to the time of his severe illness the financial affairs of the consulate were well managed, and every dollar due the Government paid promptly. He was an honorable, accomplished gentleman, and he had the confidence and respect of all who knew him.

Mr. TATE. How is the widow held liable for any part of this obligation?

Mr. McCREARY of Kentucky. She is on the bond.

Mr. WASHINGTON. Is the gentleman able to state who managed the office during his sickness and brought it into debt?

Mr. McCREARY of Kentucky. At Antigua the salary paid the consul is not large, and there was no vice-consul to take charge of the business while Capt. Bradford was sick.

Mr. WASHINGTON. How, then, did this deficit occur? Did not the fees pass into the hands of somebody?

Mr. McCREARY of Kentucky. On settlement it was found that there were certain fees due to the Government which were not in the office. As he was many miles away we do not know who had charge of the office during the entire time of his illness.

Mr. WASHINGTON. But who received the fees at the time that the consul was sick and not in the office?

Mr. McCREARY of Kentucky. I am not able to answer that question.

Mr. WASHINGTON. Is it one of the things that you could not find out?

Mr. McCREARY of Kentucky. It is. When he died and his effects were taken charge of it was found that both his unpaid salary and the stationery allowance had been withheld by the Treasury Department to meet the deficit, and left the amount named in the bill unpaid.

Mr. WASHINGTON. How much did the Treasury hold back of the unpaid salary and the stationery allowance?

Mr. McCREARY of Kentucky. I think about $200.

Mr. WASHINGTON. Making somewhere between $400 and $500 of a deficit?

Mr. McCREARY of Kentucky. I can not give the exact amount, but substantially that.

Mr. WASHINGTON. It does not seem to me to be a good bill.

Mr. HUTCHESON. The gentleman from Kentucky, I understand, claims that the widow is liable on the bond?

Mr. McCREARY of Kentucky. Yes; she has a separate estate, and is joined in the bond with Mr. Cassels.

Mr. HUTCHESON. Then the claim is that she is liable as surety?

Mr. McCREARY of Kentucky. Yes; the bill relates only to the sureties on the bond. Of course, if the amount has to be paid she will have to pay it.

Mr. HUTCHESON. Well, she is not liable in law for it.

Mr. BRETZ. What is the matter with the other surety; why can not the amount be made from him?

Mr. McCREARY of Kentucky. The committee thought under the circumstances that when all the pay due Capt. Bradford by the Government was taken to adjust his account, and Mrs. Bradford, the only member of the family who had money, had furnished the outfit, that she ought to be released from liability.

Mr. BRETZ. But that ought not to release the other bondsman.

Mr. McCREARY of Kentucky. The Committee on Foreign Affairs reported the bill unanimously, and I ask for a vote upon it.

The question was taken on the engrossment and third reading of the bill, and upon a division, demanded by Mr. BRETZ, there were—ayes 106, noes 8.

So the bill was ordered to a third reading, and was accordingly read the third time.

The question recurred on the passage of the bill.

On a division, demanded by Mr. BRETZ, there were—ayes 100, noes 8.

Mr. BRETZ. No quorum.

The SPEAKER *pro tempore* [Mr. DOCKERY]. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BRETZ and Mr. McCREARY of Kentucky were appointed tellers.

The House again divided.

Before the report by tellers was completed,

Mr. BRETZ. I withdraw the point of no quorum.

So, no further count being demanded, the bill was passed.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

REWRITING CONSULAR REGULATIONS.

Mr. McCREARY of Kentucky. Mr. Speaker, I call up the bill (S. 1573) making an appropriation for rewriting the Consular Regulations.

The bill was read, as follows:

Be it enacted, etc., That the sum of $2,000 be, and the same is hereby, appropriated, to be available immediately, for the purpose of rewriting the Consular Regulations under the supervision of the Secretary of State.

The SPEAKER *pro tempore*. The bill is on the Union Calendar.

Mr. McCREARY of Kentucky. This bill appropriates money; but I ask unanimous consent that it be considered in the House as in Committee of the Whole.

There was no objection.

Mr. McCREARY of Kentucky. Mr. Speaker, this bill has already passed the Senate and makes an appropriation of $2,000 for the purpose of rewriting the Consular Regulations under the supervision of the Secretary of State.

It has been customary to rewrite these regulations every few years. They were rewritten in 1881, and again in 1888. This is now 1894, and consequently they have not been rewritten for six years. During that time many changes have been made in the regulations; and I am informed by the Secretary of State, as well as by the Secretary of the Treasury, that the edition has been nearly exhausted, and in fact that we have a present need for the Consular Regulations to give to our consuls.

The changes made in the regulations since the publication of the edition of 1888 have affected the whole body of rules, so that the printed volume we now have can not be said to contain existing regulations; and I have a letter from the Secretary of State, and also one from the Secretary of the Treasury, showing the necessity for rewriting these regulations.

The amount carried in this bill is only $2,000. The amount paid for rewriting the Consular Regulations in 1881 was $3,000, and the amount paid in 1888 was also $3,000. The Secretary of State now says that he can furnish the new edition, as provided in the bill, for $2,000. The bill, as I said before, has passed the Senate, and is recommended by the entire Committee on Foreign Affairs of the House.

Mr. BRETZ. Did we not appropriate a sum of money in the diplomatic and consular appropriation bill for this particular purpose?

Mr. McCREARY of Kentucky. We did not.

Mr. BRETZ. Was there not an amendment offered to that bill for this purpose?

Mr. McCREARY of Kentucky. There was not.

Mr. HITT. It does not belong in the annual appropriation bill, because that is a bill providing for the expenses for the year, while this is not a periodical expenditure, except in the way the chairman of the committee has stated, occurring at intervals of from five to ten years.

Mr. McCREARY of Kentucky. If it is desired, I will have read the letters of the Secretary of the Treasury and the Secretary of State asking for this appropriation.

Mr. CANNON of Illinois. Mr. Speaker, I want to know about this appropriation. If I understand the remarks of the gentleman from Kentucky [Mr. McCREARY], in 1888 there was a new edition of the Consular Regulations edited and published. Now, not quite six years after, we are to have another. The prior one, the gentleman says, was in 1881. This is a year sooner than the last time. Now, consular regulations are very necessary to have. In fact, from what I have observed in the changes of consular officers, and the conduct of some of them, I have felt that there was a sad need for regulations, or perhaps for a knowledge of them.

If there could be some appropriation made that would give consular officers a knowledge of the regulations, it seems to me it would be a good thing. For instance—and I want the attention of my colleague, the gentleman from Illinois [Mr. HITT] now—I have in mind a consular officer who was appointed not a great while ago, who, after he had taken the burden of office, on his trip to his post of duty traveled over Europe, and judging from the letters that he wrote back home for publication in the papers, he must have had a wonderful experience.

He seemed to have gotten the American flag and the American eagle and unfurled one and pulled the tail feathers of the other, and just literally made him scream through London, and Paris, and Vienna, and Rome, and through the smaller cities of the effete monarchies on the other side, upholding the honor and dignity of his country and bidding defiance to the older civilizations.

Now, I have an idea that if that man had had a copy of the Consular Regulations, and had been compelled to read them, probably he would not have done this thing in the absence of a special commission like that which was given to our former friend and brother, Mr. Blount, when he was sent to Hawaii. I never have known, and it has been a matter of doubt in my mind, having this one instance in my mind, whether this gentleman had an extra commission other than that of a consul, or whether he, in the excess and overflow of patriotism, was merely upholding the honor and credit of the Government and bidding defiance to "all the world and the rest of mankind."

I only mention this to show the necessity of having these Consular Regulations; and then if we can get an appropriation to have somebody read the regulations to the consuls, it seems to me it would be well.

But now, to get down to the merits of this proposition, having said this much by way of introduction, to show the necessity of having the regulations, I want to ask the gentleman from Kentucky [Mr. McCREARY], who is in charge of the bill, and also my colleague [Mr. HITT], who was formerly in the State Department, if it is not true that the regulations as published in 1888 or 1889 have been modified, and if, wherever they have been modified, they are not in existence in black and white, reduced to writing and probably in print, and if this code of consular regulations with all the amendments is not *in esse*, and when you come to publish a new edition, will you not publish the regulations as amended? I will just wait for an answer and see if that is not the fact.

Mr. McCREARY of Kentucky. I will have the letter of the Secretary of State read, if the gentleman desires to hear it.

Mr. CANNON of Illinois. I suppose the Secretary of State, not having that exact question asked him, probably does not answer that exact question.

Mr. McCREARY of Kentucky. I will say to my friend from Illinois that the edition is about exhausted, and it is necessary to have the Consular Regulations printed again, and so many changes have been made that it is deemed best to have the whole work rewritten. This bill has already passed the Senate.

The necessity for rewriting the Consular Regulations was apparent to the Secretary of State and to the Secretary of the Treasury.

Mr. CANNON of Illinois. It is not an appropriation to publish another edition of the Consular Regulations. I will vote for an appropriation to publish an edition large enough to give every consul half a dozen copies, and I would consider it money well expended. I would double lead it, so that they can read it easily.

This is not an appropriation for publishing a new edition, but it is an appropriation for editing a new edition of the Consular Regulations; and I will ask the question again: Is it not true that the Consular Regulations published in 1888, with every amendment that has been made from that time to this, is in black and white and in print now? I will pause again for an answer, if anybody knows. [A pause.] I do not seem to get it. I think my colleague from Illinois can answer that question.

Mr. HITT. I suppose the greater part of what will be in the forthcoming volume is, in one form or another, in print.

Mr. CANNON of Illinois. Yes.

Mr. HITT. And some of the instructions may yet be in manuscript. I do not believe that all of it is in existence at all. I know something of the revision of the regulations made in 1881. It was simply a compilation of the changes that had occurred from cases arising where no instructions had been sent to consuls, and in editing the existing regulations it was necessary that they should be harmonized with the other parts of the work.

That was under the charge of a very skillful man, the chief of the bureau. It was in a certain sense editing, but it was more than that—it was writing; it was harmonizing; it was making efficient a very long and complex body of regulations to carry out and supplement a body of law; and he did it so clearly that a man newly appointed, in the fashion our consuls are, without any preparation, should not make a mistake. The necessity for having consuls read the regulations is undoubtedly pressing.

The case of the gentleman on his way to his post who indulged in so much comment on the ways of the kingdoms, the principalities, and the powers of the world he passed through was covered by the regulations, though he did not know it, which forbid him strictly from writing or publishing any comment upon any foreign government. The other case he mentioned, of the distinguished gentleman, formerly a member of this House, who went to Hawaii is exceptional, for he was not an ordinary officer, but paramount.

Mr. CANNON of Illinois. Well, now, when that edition was made in 1881, my friend was Assistant Secretary of State, as I

understand it, and I have no doubt the work was admirably and thoroughly done by the aid of my colleague, who was in the service of the Department of State, and by the aid of the chief of the consular bureau. But that work is still in existence. What is the necessity, when that work was so thoroughly done, and again another edition was published in 1889—what is the necessity of going now and giving a bonus of $2,000 to somebody to edit another edition ready to publish in 1894? In my judgment, if I would go to guessing about it, without being able to state——

Mr. McCREARY of Kentucky. If the gentleman will allow me, I will state it was deemed necessary in 1881 to expend $3,000 for the purpose of rewriting the consular regulations.

Mr. CANNON of Illinois. Yes.

Mr. McCREARY of Kentucky. And it was deemed necessary in 1888 to expend $3,000 for the purpose of rewriting the consular regulations.

Mr. CANNON of Illinois. Yes.

Mr. McCREARY of Kentucky. And now we only ask for $2,000.

Mr. DOCKERY. Will the gentleman from Illinois allow me to ask the gentleman a question here?

Mr. CANNON of Illinois. Certainly.

Mr. DOCKERY. The Secretary of State, as I understand, is asking for $2,000 for the purpose of publishing these regulations at this time.

Mr. McCREARY of Kentucky. Yes, sir.

Mr. CANNON of Illinois. For editing.

Mr. HITT. For writing.

Mr. McCREARY of Kentucky. The Secretary of State proposes to have it done by an officer of the State Department, and only asks $2,000, which is one-third less than was paid in 1881 and 1888.

Mr. DOCKERY. Is the gentleman able to give us the exact items of that estimate?

Mr. McCREARY of Kentucky. I will have the letter of the Secretary read.

Mr. CANNON of Illinois. I will yield in a minute for that.

Mr. DOCKERY. I would like to have the items of the estimate.

Mr. CANNON of Illinois. I would like to have the items of the estimate too, but while the gentleman is seeking them, I want to say that I suppose this $2,000 is a bonus that is to go to some official or officials now in the public service and is extra to their pay. I want to ask my colleague if that is not a fact?

Mr. HITT. I beg my colleague's pardon.

Mr. CANNON of Illinois. Is not this a bonus to go to some official or officials in the public service?

Mr. HITT. I can not believe anything of that kind touching the present Secretary of State and the present President of the United States. It is impossible.

Mr. CANNON of Illinois. Who is to get the money?

Mr. HITT. The men who do the work. I know who the men were that did the work in 1881. I can not tell who will do it now. In those days they did hard work.

Mr. CANNON of Illinois. Were they in the public service?

Mr. HITT. Some were. And the one who had charge of the work was in the public service; he was a zealous, enthusiastic officer; he was paid a fair salary, I think; not a large salary.

Mr. COOMBS. I think I can explain this matter.

Mr. CANNON of Illinois. All right; I am simply trying to get at the facts.

Mr. COOMBS. This same question was presented to my mind when this appropriation was before the House heretofore. At that time I objected at first to the appropriation. Afterwards I made a thorough examination both in the State Department and the Treasury Department; and I became entirely satisfied that this money was to be employed in the payment of skilled talent other than that now in the Government employ.

I became satisfied that some one skilled in international law would be engaged to collate this matter, and put it in a more perfect form than now exists—putting not only the old regulations, but all the new regulations under their proper heads. After investigating the matter half a day, I made up my mind that the appropriation was a proper one, although I opposed it originally.

Mr. CANNON of Illinois: I will ask the gentleman who is to write these regulations.

Mr. COOMBS. I do not know the gentleman's name. It will be done by a gentleman versed in international law, but not by an officer of the State Department. The work lay between two or three persons when I heard of it last; but it is not to be done in the State Department. I supposed in the first instance it would be done there.

Mr. CANNON of Illinois. Now, I will yield enough time (as I believe I have the floor) to permit the gentleman in charge of this bill to give the items of this appropriation.

Mr. McCREARY of Kentucky. I ask my friend to complete his remarks. I desire then to have read letters from the Acting Secretary of the Treasury and from the Secretary of State, which will give proper information.

Mr. CANNON of Illinois. I yield the gentleman enough time to have that done.

Mr. McCREARY of Kentucky. I desire to speak in my own time.

Mr. CANNON of Illinois. All right. Mr. Speaker, how much time have I left?

The SPEAKER *pro tempore*. The gentleman has used about twenty-two minutes.

Mr. CANNON of Illinois. After a single remark I will yield the floor, reserving the remainder of my time.

I doubt if there be a necessity for this appropriation. For one hundred years the Department of State has been executing the law touching the foreign service. This code of regulations pertaining to the diplomatic service, as well as that pertaining to the consular service, is a growth—as much as the practice and the decisions of your courts are a growth.

Now, in my judgment the rewriting of these Consular Regulations is practically a matter of the use of scissors and paste, substantially all this work being now in black and white. The doing of this work will not be half as onerous as it would be to rewrite a Congressional Directory, because every year or two there is a change of officials.

Therefore I believe that the Secretary of State with his present officials, already under pay, will be able to do this work of editing without one cent of extra appropriation. They have very competent men in that Department. They have only a little over fifty employés in the office of the Secretary of State. Nearly all of those employés are high-class men.

Why, sir, that Department is as well officered as the Treasury Department. If you should take the high-priced officials out of it, there would not be much left. Those men are thoroughly competent, as they ought to be. I do not believe there is any necessity for this appropriation. I will agree to vote $2,000, or $5,000, or any other sum that may be necessary, for printing these regulations.

Now, Mr. Speaker, I reserve the rest of my time.

Mr. McCREARY of Kentucky. Mr. Speaker, I ask that the letter of the Acting Secretary of the Treasury and the letter of the Secretary of State on this subject be read, and now send them to the Clerk.

The Clerk read as follows:

TREASURY DEPARTMENT, *February 7, 1894.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of State of the 1st instant, inclosing copy of a proposed bill appropriating the sum of $2,000 to be expended by the Secretary of State in having the Consular Regulations rewritten, and requesting the passage of the same by Congress at an early date.

Respectfully, yours,

S WIKE, *Acting Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF STATE, *Washington, February 1, 1894.*

SIR: I have the honor to request that you will transmit to Congress the inclosed form of a bill appropriating $2,000 to be expended by the Secretary of State in having the Consular Regulations rewritten, and with it the following statement showing why the appropriation is asked for:

1. The edition of 1888, now in use, is nearly exhausted. The changes made in the regulations since the publication of that edition have so far affected the whole body of rules that the printed volume can not be said to contain the existing Consular Regulations in substantial integrity. A reprint of the old text would therefore be inexpedient.

2. The plan and execution of the present edition are, in my judgment, defective, and I wish to have the book rewritten throughout in a manner that will render it more intelligible and easy of use, and more complete and accurate as a compendium of rules for the government of consuls.

The previous editions of 1881 and 1888 cost the Government $3,000 each (20 Stat. 274; 21 *id.*, 239; 24 *id.*, 117); but $2,000 will suffice for the work now proposed.

In order that the revision may be begun at an early date a special bill has been prepared in the hope that it will be passed without incurring the delay that would result from the inclusion of the appropriation in one of the regular appropriation bills.

I have the honor to be, sir, your obedient servant,

W. Q. GRESHAM.

The SECRETARY OF THE TREASURY.

Mr. DOCKERY. Mr. Speaker, I am not at all familiar with this question, and I do not presume to put my judgment against that of the Committee on Foreign Affairs; but I wish to state in connection with this proposed appropriation that I believe it is sound policy and good business, whenever a committee reports a bill calling for an expenditure of the money of the people, that the report should be accompanied with an itemized statement showing the exact necessity for the appropriation.

Mr. McCREARY of Kentucky. If the gentleman will yield

a moment, I would like to answer his suggestion. When I called up this bill I had the Clerk read the statement of the Secretary of the Treasury and the Secretary of State, giving good reasons for the passage of the measure. I could have those letters embodied in the report; but without doing so I have complied with the rules of this House, and have furnished such a report as the rules require. I have given the House all the information that I could have embodied in a lengthy report. If the gentleman desires to make a point of order that there is no report, let him make it, and it will be overruled.

Mr. DOCKERY. Oh, no; the gentleman misunderstands me. My request was for information which might show how the gentleman from Kentucky or his committee reached the conclusion that $2,000 is the necessary amount for this purpose. Of course, if these regulations ought to be printed the Government ought to provide a sufficient sum for that purpose.

Mr. McCREARY of Kentucky. Two officers of the Government—the Secretary of State and the Secretary of the Treasury—say that $2,000 is sufficient; and when they say that, as they have a special interest in this kind of work, as a matter of course I believe it is safe for the committee to adopt their recommendation as to cost.

Mr. DOCKERY. I have no doubt of that. Still I think it is good policy to know just where the money appropriated by the Congress is to go.

Mr. McCREARY of Kentucky. I am sorry to see the gentleman from Missouri objecting to economy.

Mr. DOCKERY. No; I am not objecting to economy at all. But I think all of these amounts should be specific, and that we should know where and how the money appropriated is spent.

Mr. CANNON of Illinois. What would the gentleman from Kentucky say to an amendment requiring a report as to the expenditure of the money? Would the gentleman approve of that?

Mr. McCREARY of Kentucky. It has never been inserted in any bill passed heretofore, for the rewriting of the Consular Regulations. No such condition has ever been attached, and I am satisfied if the work is done under the supervision of the Secretary of State, as the bill provides, it will be done properly and well. The work will be done satisfactorily, and will be as well done as the work of either 1881 or 1888.

Mr. CANNON of Illinois. But is my friend satisfied with having things done as well as they have been done heretofore under the corrupt administration of the old parties? It ought to be an improvement. We have a "reform" Administration. Why, we have a Secretary of State who in some items has cut them down as high as three or four hundred dollars in the name of "economy;" some of them a little more than that?

Mr. SMITH of Arizona. This is cut down a thousand dollars.

Mr. CANNON of Illinois. And I beg to assure my friend that it is not doing himself or his committee justice, in view of past expressions here, to express a willingness in connection with this appropriation to have the work done merely "as well" as it has been done heretofore, and not better.

Mr. McCREARY of Kentucky. Let us have a vote.

The SPEAKER *pro tempore*. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading; and, being read the third time, was passed.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the last vote was laid on the table.

INTERNATIONAL GEODETIC ASSOCIATION.

Mr. McCREARY of Kentucky. I call up now, Mr. Speaker, for consideration the joint resolution (H. Res. 126) authorizing the President to appoint delegates to attend the meeting of the International Geodetic Association.

The joint resolution was read, as follows:

Whereas the Government of the United States was invited in the year 1889 by the Imperial German Government to become a party to the International Geodetic Association; and

Whereas this Government duly accepted said invitation by a joint resolution of Congress approved February 5, 1889: Therefore,

Resolved, etc., That the President be, and he is hereby, authorized to appoint delegates, who shall be officers of the United States Coast and Geodetic Survey, to attend the meetings of the said International Geodetic Association whenever and wheresoever the same shall be held; but no extra salary or additional compensation shall be paid to such officers by reason of such attendance.

Mr. McCREARY of Kentucky. I yield to the gentleman from Arkansas [Mr. DINSMORE], who will explain the purpose of this resolution.

Mr. DINSMORE. The sole purpose of this joint resolution is to authorize the President to appoint the delegates to the International Geodetic Association. A joint resolution of Congress was passed February 5, 1889, authorizing the President to accept an invitation on behalf of the Government of the United States to become a member of the international association, and authorizing him to appoint a delegate for the next meeting of the association. In pursuance of that legislation the President appointed Prof. Davidson, and I believe he attended the first meeting, but there is no authority of law for the appointment of another delegate.

This resolution does not involve any other appropriation; and the only reason for its passage is to vest the President with the authority to appoint the delegates. There has not been any representative of the United States in this association since 1889. For several years it has been neglected, and this resolution has been reported solely for the purpose of authorizing him to make the appointment of the necessary delegate.

I suppose that is all that is necessary.

Mr. MORGAN. Does this provide for mileage and necessary expenses?

Mr. DINSMORE. No; nothing of the kind.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the last vote was laid on the table.

CONSULAR OFFICERS.

Mr. McCREARY of Kentucky. I now call up for consideration the bill (H. R. 6468) to amend section 1674 of the Revised Statutes of the United States relative to consular offices.

The bill was read, as follows:

Be it enacted, etc., That section 1674, subsections 2, 3, and 4, of the Revised Statutes of the United States be amended so as to read as follows, respectively:

Second. "Deputy consul-general," "deputy consul," "deputy commercial agent," and "consular agent" shall be deemed to denote consular officers subordinate to such principals exercising the powers and performing the duties within the limits of their consulates-general, consulates, or commercial agencies, respectively, the first two at the same ports or places and the last at ports or places different from those at which such principals are located, respectively.

Third. "Vice-consul-general," "vice-consul," and vice-commercial agent" shall be deemed to denote consular officers who shall be substituted temporarily to fill the places of consuls-general, consuls, or commercial agents when they shall be temporarily absent or relieved from duty.

Fourth. Consular officers shall be deemed to include consuls-general, consuls, commercial agents, deputy consuls-general, deputy consuls, deputy commercial agents, vice-consuls-general, vice-consuls, vice-commercial agents, consular agents, and none others.

Mr. McCREARY of Kentucky. I ask a vote.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the last vote was laid on the the table.

VIRGINIUS INDEMNITY FUND.

Mr. McCREARY of Kentucky. I now call up for consideration bill H. R. 6111, for the disposal of the interest on the Virginius indemnity fund.

The SPEAKER *pro tempore*. This bill is on the Union Calendar.

Mr. McCREARY of Kentucky. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

There was no objection.

The bill is as follows:

Whereas the Secretary of State holds, "subject to such disposition as Congress may direct," an amount of money received by him as interest and premiums on the bonds in which the so-called Virginius indemnity was invested, as required by section 3659 of the Revised Statutes, pending the presentation, proof, and adjudication of the claims thereto; and

Whereas it appears that further interest has accrued, and is accruing, in respect of such money: Therefore,

Be it enacted, etc., That the said sum, being the earnings of a fund which was paid to the United States in trust for the purpose of relief of the families of those of the ship's company and of such of the passengers as were citizen of the United States who were executed, and to afford compensation to such of the ship's company and to such passengers as in like manner were citizens of the United States who were detained and suffered loss in Cuba, excluding from any participation therein all individuals indemnified as British subjects, is the property of the beneficiaries of said original fund, and the Secretary of State is hereby directed to distribute the same, together with all accretions thereof, accrued and which may accrue, among those persons who have already substantiated their right to participate in said fund, their heirs or legal representatives, under and by virtue of Executive orders heretofore issued and published.

Amend the title so as to read: "A bill for the disposal of the accretions of the Virginius indemnity fund."

Mr. McCREARY of Kentucky. I ask that the report accompanying the bill be read. It is full and explicit, and sets forth all the facts in connection with the matters referred to in the bill.

The report (by Mr. RAYNER) was read, as follows:

The Committee on Foreign Affairs, to which was referred the bill (H. R. 6111) "For the disposal of the interest on the Virginius indemnity fund," report the same back to the House with the following amendment:

Strike out, in the title of the bill, the words "interest on" and insert in lieu thereof the words "accretions of." As thus amended the committee recommends the passage of the bill.

in further report hereon the committee adopts and makes part hereof the accompanying report from the Senate Committee on Foreign Relations:

[Senate Report No. 403, Fifty-third Congress, second session.]

The Committee on Foreign Relations, to whom was referred the bill (S. 1703) providing for the disposal of the accretions of the Virginius indemnity fund, beg leave to report as follows:

Under provisions of the treaty of February 11, 1871, with Spain to ascertain and settle the claims of citizens of the United States against the Government of Spain for injuries suffered by them, a special agreement was made between Minister Cushing and the Spanish minister of foreign affairs, of date February 27, 1875, relative to the Virginius indemnity fund.

Under this agreement Spain paid into the hands of the President of the United States, in three installments, a gross sum of $80,000, to be distributed, under the order and direction of the President, among the several claimants, citizens of this country, for damages in the Virginius case on account of injuries done to such of her crew and passengers as were proven to be citizens of the United States.

The completed payment of this sum in gross was made by Spain of date July 1, 1875. A considerable time elapsed from the date of this payment until the several claims for damages by our citizens had been adjusted and settled in such manner as to make a distribution of the fund.

The money paid had been during this time placed at interest in United States bonds, and the expenditure and distribution of the amount of interest and premium accrued on this investment is the object of the pending bill.

The amount of this accretion, according to the latest report of it made by Secretary Bayard, February 10, 1887, was $24,635.19.

The Government of the United States, as such, suffered no loss and made no claim for any damages on account of the capture of the Virginius.

The special agreement with Spain was entered into only on behalf of private citizens of the United States, or their legal representatives, who had suffered damage by reason of such capture. The Virginius was what is styled in the correspondence a rebel or pirate steamer, condemned in the courts of Cuba as such, whose passengers and crew were some of them imprisoned, others executed as being aiders and abettors of the rebellion in Cuba, then being waged against the Spanish authority. Several of these passengers and of the crew were citizens of the United States, and thence the claims for damages arose.

The Spanish Government did not interfere in any manner with the adjudications of the Cuban courts, nor did it undertake to reimburse American citizens severally or particularly for wrongs claimed to have been done them by such adjudications, but it did agree to pay and did pay the sum abovementioned to enable the President of the United States to reimburse such of our citizens, the claimants, as he might determine were entitled to compensation for injuries suffered by them.

Your committee are of the opinion that the real owners of the fund are also the owners of the accretions thereof, unless there be something in the treaty or agreements of the parties to the transaction or in our own statutes making a different disposition of such accretions.

This fund has never been in the Treasury of the United States—the fund, with the accrued interest and premium thereon, remained in the custody of the Secretary of State, subject to the order of the President, and the accretions are subject to such disposition thereof as Congress may direct. The principal has been nearly all expended to claimants, but the interest and premiums accrued during the time in which the claims have been pending for proof and settlement is unexpended. There is no law directing the retention of this interest by the Government or by the President, and we therefore think that these accretions should follow the ordinary rule and be treated as a part of the principal. Neither the principal, nor the principal with its increment, will suffice to pay the full amount of the claims held to be valid and meritorious. A pro rata distribution among claimants is all that can be provided for.

It would be perhaps no violation of law or treaty or agreement that this Government should retain the accrued interest and premiums, and that we should direct them to be covered into the Treasury. Nevertheless we believe that it would be inequitable and unjust toward our own citizens that such a course should be taken. Such action would be equivalent to that of allowing a mere naked trustee to make some kind of profit or advantage out of the discharge of the duties of his trust.

It is true that a trustee may reimburse himself out of the fund for expenses of the trust. But in this case the expenses have been borne for the most part by the claimants themselves. They prepared and filed their claims and proofs in each instance. The only labor performed by our Government, or in behalf of the President, has been that of officials in the State Department, who have examined and passed upon the claims so presented. As all this has been done by officials already salaried for the performance of this and similar duties, it does not appear to us equitable that, as against its own citizens, the claimants, this Government should in any way or in any behalf recoup any part of the fund upon account of such service.

Your committee, therefore, favor the passage of the bill, with the following amendment:

Strike out the word "interest" in the title thereof and insert the word "accretions," as the increment of the fund arises from both interest and premium upon the bonds of the United States in which the principal was originally invested.

With this amendment your committee are of opinion that the bill should pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended as recommended by the committee.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the last vote was laid on the table.

JOHN E. JOHNSON AND OTHERS.

Mr. McCREARY of Kentucky. Mr. Speaker, I call up the bill (H. R. 5525) authorizing John E. Johnson and others to accept medals of honor and diplomas from the Government of Spain.

The SPEAKER *pro tempore*. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That John E. Johnson, superintendent of the life-saving station at Hog Island, Virginia, and J. A. Doughty, J. K. Carpenter, William B. Goffigon, J. H. De Wald, C. F. Carpenter, J. E. Smith, J. R. Dunton, and R. C. Joynes, members of the life-saving crew at that station, be, and they are hereby, authorized to accept medals of honor and diplomas awarded them by the Government of Spain in recognition of their gallant rescue of the crew of the Spanish steamship San Albano, wrecked in the vicinity of Cape Charles on the 21st day of February, 1892.

The Committee on Foreign Affairs recommended the following amendments:

In line 3 strike out the word "superintendent" and insert in lieu thereof the word "keeper," and in line 12 strike out the word "first" and insert in lieu thereof the word "second."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the last vote was laid on the table.

REAR-ADMIRAL JOHN G. WALKER ET AL.

Mr. McCREARY of Kentucky. Mr. Speaker, I call up bill (H. R. 6424) to authorize Rear-Admiral John G. Walker and Surg. Gen. J. Rufus Tryon, of the United States Navy, to accept the decorations of the "Busto del Libertador" of the third class from the President of Venezuela.

The SPEAKER *pro tempore*. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc. That Rear-Admiral John G. Walker and Surg. Gen. J. Rufus Tryon, of the United States Navy, be, and they are hereby, authorized to accept from the President of Venezuela the decoration of the "Busto del Libertador" in acknowledgment of the care and attention shown to the wounded officers and men of both political parties in the vicinity of La Guayra, Venezuela, during the revolution of 1892.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time.

Mr. CANNON of Illinois. I shall be glad to know if this gentleman is still President of Venezuela—Busto del Libertador?

Mr. McCREARY of Kentucky. Those words mean "the bust of the liberator." I suppose the bust of Bolivar is referred to. The care and attention mentioned in the bill was shown during the last revolution in Venezuela, in 1892, to wounded officers and men, by Admiral Walker and Surg. Gen. Tryon.

Mr. CANNON of Illinois. Is he still President? It seems the chairman of the Committee on Foreign Affairs does not know. I simply wanted to find out how useful this testimonial would be to Rear-Admiral Walker and Surg. Gen. J. Rufus Tryon. Is there much value in the testimonial, or is it merely an honorary matter?

Mr. McCREARY of Kentucky. I will have read a letter from the Secretary of the Navy when the gentleman gets through, or if he will yield to me.

Mr. CANNON of Illinois. I should be very glad. I am asking for information in good faith.

The SPEAKER *pro tempore*. The Clerk will report the letter.

The Clerk read as follows:

NAVY DEPARTMENT, *October 23, 1893.*

SIR: The President of Venezuela has conferred upon Rear-Admiral John G. Walker, United States Navy, and Surg. Gen. J. Rufus Tryon, United States Navy, the decoration of the "Busto del Libertador," in acknowledgment of the care and attention shown to the wounded officers and men of both political parties in the vicinity of La Guayra, Venezuela, during the revolution of last year.

The United States squadron there present was commanded by Admiral Walker, and Medical Inspector Tryon was the senior medical officer. Both exerted themselves to the utmost in the interest of humanity, and rendered very important service during several weeks in saving life and diminishing the sufferings of the wounded and dying.

Under these circumstances, I am of the opinion that these officers should be permitted to accept the compliment tendered them by the Venezuelan Government, and have to request that the Department of State take the proper steps to obtain the necessary permission from Congress.

Very respectfully, your obedient servant,

H. A. BERBERT,
Secretary of the Navy.

The Hon. SECRETARY OF STATE.

Mr. EVERETT. Mr. Speaker, if the gentleman from Illinois will allow me, my impression is that that is not the name of any official of Venezuela, but the name of the decoration, just as the cross of the Legion of Honor is the name of a decoration. I think this decoration is a medal, containing the bust of Bolivar, the original liberator of the Colombian Republic.

I admit that it would be pretty difficult to ascertain who was the President of the Venezuelan Republic at any given time; but in this case I believe the medal is historical, and does not exhibit the bust of any present official.

Mr. REED. These services on the part of these officers occurred in the very last revolution, as I understand from the communication of the Secretary?

Mr. EVERETT. Yes.

Mr. CANNON of Illinois. As we are writing history now, and as this is a matter that refers to the rear-admiral and to the surgeon-general, and as it is a transaction in which the Republic of Venezuela is interested, and as we have the explanation now that it is a decoration which has stamped upon it the bust of Bolivar——

Mr. EVERETT. That is my understanding. I do not wish to speak too positively.

Mr. CANNON of Illinois. I should be glad to have a further contribution, if anybody can give it, as to the material substance of this decoration. Is it a ribbon, or is it a gold or silver medal?

Mr. EVERETT. That I can not tell you.

Mr. CANNON of Illinois. Probably it must be all right, because nobody seems to know anything about it. I do not. I am only asking for information.

The bill was passed.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the last vote was laid on the table.

PROF. ASAPH HALL.

Mr. McCREARY of Kentucky. I call up the bill (S. 1860) to authorize Prof. Asaph Hall, of the United States Navy, to accept a gold medal from the Academy of Science of France.

The SPEAKER *pro tempore*. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That Prof. Asaph Hall, of the United States Naval Observatory, be, and he is hereby, authorized to accept from the Academy of Sciences of the Institute of France a gold medal, known as the Arago prize medal, awarded in recognition of scientific services.

Mr. McCREARY of Kentucky. Mr. Speaker, this bill was reported by my friend from Massachusetts [Mr. EVERETT], and I therefore yield to him for such statement as he desires to make.

Mr. EVERETT. Mr. Speaker, I do not think it is necessary to make a lengthy statement. Prof. Hall's services to astronomy are very remarkable. His discovery of the two satellites of Mars, while he was in charge of the Naval Observatory, was one of the most remarkable contributions to astronomy that had been made for some centuries, and the French Institute of Science, like all scientific bodies in the world, recognized the merit and distinction of this discovery and voted him this medal bearing the name of Arago, one of the most illustrious of French astronomers.

It seems necessary for Congress to pass this bill because the French Institute of Science is to a certain extent connected with the French Government, or some of the officers who have the administration of it are appointed by the Government of France, and have been, I believe, since the time of the First Napoleon. Possibly if Prof. Hall were to accept this decoration as bestowed by a purely scientific society he might be considered as coming within the prohibition of the Constitution; and therefore the Senate thought it best, and the Committee on Foreign Affairs of the House have thought it best, following the lead of the Senate, to present this bill in order to avoid any possible cavil at his acceptance of this medal.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. EVERETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its secretaries, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6558) to amend section numbered 2324 of the Revised Statutes, relating to mining claims.

CAPT. T. O. SELFRIDGE, JR.

Mr. McCREARY of Kentucky. I now call up Senate joint resolution 72.

The Clerk read as follows:

Joint resolution (S. 72) to permit Capt. T. O. Selfridge, jr., United States Navy, to receive a decoration conferred upon him by the President of the Republic of France.

Resolved, etc., That Capt. Thomas O. Selfridge, jr., of the United States Navy, be, and is hereby, authorized to accept the cross of an officer of the national order of the Legion of Honor conferred upon him by the President of the Republic of France in recognition of the services rendered by that officer to the cause of science through his surveys of the Isthmus of Darien.

The joint resolution was ordered to be read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. EVERETT, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

COMMANDER C. H. DAVIS.

Mr. McCREARY of Kentucky. Mr. Speaker, I call up for consideration the bill (H. R. 7479) authorizing Commander C. H. Davis, United States Navy, to accept a decoration from the King of Spain.

The bill was read, as follows:

Be it enacted, etc., That Commander C. H. Davis, of the United States Navy be, and he is hereby, authorized to accept the decoration of "Commandador de numero de la Real Orden de Isabel la Catolica" conferred upon him by the King of Spain in recognition of his services while detailed to attend the Infanta of Spain during her visit to this country.

Mr. ALLEN. I should like to hear some explanation of what he did.

Mr. McCREARY of Kentucky. I will have a letter of the Assistant Secretary of State read.

Mr. CANNON of Illinois. I think the gentleman ought to explain the bill.

The Clerk read as follows:

DEPARTMENT OF STATE, *Washington, July 12, 1894.*

SIR: At the instance of the Secretary of the Navy, I embody herein the text of the letter to you of the 14th ultimo in relation to the decoration conferred upon Commander C. H. Davis:

"At the instance of the Secretary of the Navy, I have the honor to ask that permission may be granted by Congress to Commander C. H. Davis, United States Navy, to accept the decoration known as 'Commandador de numero de la Real Orden de Isabel la Catolica' conferred upon him by His Majesty the King of Spain in recognition of his services while detailed to attend the Infanta of Spain during her visit to this country."

I have the honor to be, sir, your obedient servant,

EDWIN F. UHL,
Acting Secretary.

Hon. JAMES B. McCREARY,
Chairman Committee on Foreign Affairs, House of Representatives.

The bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. McCREARY of Kentucky. Mr. Speaker, all bills reported by the Committee on Foreign Affairs now on the Calendar have been passed and our work is finished. I move that the House do now adjourn.

Mr. SAYERS. I ask the gentleman to withdraw that motion for a moment.

Mr. McCREARY of Kentucky. I withdraw the motion for the present.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1694) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian Reservation, in the State of Minnesota;

A bill (H. R. 1141) to remove the political disabilities of Charles Iverson Graves, of Rome, in the State of Georgia; and

A bill (H. R. 3135) granting to the University of Utah a site off the public domain.

PENSION APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, I ask unanimous consent that the pension appropriation bill with Senate amendments be printed.

The SPEAKER *pro tempore*. If there be no objection that order will be made.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. DENSON, indefinitely, on account of sickness in his family.

REPRINT OF BILL.

By unanimous consent, at the request of Mr. RYAN, from the Committee on Labor, a reprint was ordered of the bill H. R. 6840, as amended by the committee, the first edition being exhausted.

INSPECTION OF IMMIGRANTS BY UNITED STATES CONSULS.

Mr. WILLIAM A. STONE. Mr. Speaker, I ask unanimous consent that the bill H. R. 5246, and the report thereon may be reprinted, as the supply has been exhausted. It is the bill providing for the inspection of immigrants by United States consuls.

There was no objection, and it was so ordered.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. McCREARY of Kentucky. I ask unanimous consent that the consular and diplomatic appropriation bill be printed with Senate amendments.

There was no objection, and it was so ordered.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WHEELER of Alabama. Mr. Speaker, I ask unanimous consent that the Military Academy appropriation bill, with Senate amendments, be printed.

The SPEAKER *pro tempore*. When the House nonconcurred in the Senate amendments to these several bills, the formal order was not made for printing. Therefore, if there be no objection, the order will now be made.

There was no objection, and it was so ordered.

Mr. McCREARY of Kentucky. I now move that the House adjourn.

The motion was agreed to.

And accordingly (at 3 o'clock p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. COOPER of Wisconsin, from the Committee on Claims: A bill (H. R. 3380) for the relief of William A. Dearmon. (Report No. 1229.)

By Mr. STONE of Kentucky, from the Committee on War Claims: A bill (S. 838) for the relief of Col. Jesse H. Strickland, Eighth Tennessee Cavalry, United States Volunteers. (Report No. 1236.)

Also, a resolution referring to the Court of Claims the bills (H. R. 478, 1880, 4192, 460) for the relief of the estate of Robert Raiford, for the relief of the estate of Margret Champion, for the relief of the estate of H. S. Simmons, deceased, for the relief of Patrick Gilfoil, Madison Parish, La. (Report No. 1237.)

Also, a resolution referring to the Court of Claims the bill (H. R. 6510) for the relief of Charles S. Lobdell, of Parkersburg, Butler County, Ind. (Report No. 1238.)

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. TALBOTT of Maryland: A bill (H. R. 7696) to fix a proper military status of acting assistant surgeons of the United States Army who served in the late civil war—to the Committee on Military Affairs.

By Mr. HUDSON: A bill (H. R. 7697) providing for compulsory arbitration—to the Committee on the Judiciary.

By Mr. GEARY: A resolution directing the Committee on Rules to fix a day, Saturday, July 14, 1894, for the consideration of the resolution reported from the Committee on Interstate and Foreign Commerce relative to existing interference with commerce between the several States—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HICKS: A bill (H. R. 7698) to relieve Robert McIntire from the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 7699) to relieve Thomas Amey from the charge of desertion—to the Committee on Military Affairs.

By Mr. MILLIKEN: A bill (H. R. 7700) granting a pension to James Murray—to the Committee on Invalid Pensions.

By Mr. PRICE: A bill (H. R. 7701) for the relief of the estate of Jean Perre Landry, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 7702) for the relief of the estate of Valsin Vincent, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 7703) for the relief of the estate of Dornville Fabre, deceased, late of Fayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 7704) for the relief of Mrs. Ozeine Bondreau, of St. Martin Parish, La.—to the Committee on War Claims.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 7705) for the relief of Elizabeth White, testatrix of Samuel N. White, deceased, late of Feliciana Parish, La.—to the Committee on War Claims.

By Mr. THOMAS: A bill (H. R. 7706) granting a pension to George W. Foster—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AVERY: Petition of George H. Bassett, H. W. Hawkins, Melville Stone, and 112 other citizens of Reed City, Mich., in favor of the passage of H. R. 5246, being an act to regulate immigration and to secure a better grade of immigrants, etc.—to the Committee on Immigration and Naturalization.

By Mr. LANE: Petition of 56 citizens of Verdin, Ill., against the passage of a general bankruptcy law—to the Committee on Banking and Currency.

By Mr. STONE of Kentucky: Papers to accompany the bill (H. R. 7694) for the relief of T. S. Williams—to the Committee on War Claims.

By Mr. WILLIAMS of Mississippi: Petition of Andrew Wilkins, of Lake, Scott County, Miss., for relief—to the Committee on War Claims.

SENATE.

FRIDAY, *July 13, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. GALLINGER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting estimates for the salaries of twenty-four field matrons, and for the maintenance of horses and transportation, with the recommendation that the same be incorporated in the Indian appropriation bill for the fiscal year ending June 30, 1895; which, together with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting a deficiency of $50,000 on account of the appropriation for "State or Territorial Homes for Disabled Soldiers or Sailors" for the fiscal year ending June 30, 1894; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, submitting an estimate of appropriation to enable him to represent and protect the interests of the United States in matters and suits affecting the Pacific railroads, and for expenses in connection therewith during the fiscal year 1895, $30,000; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a concurrent resolution of the Senate and House of Representatives, dated June 20, 1894, a report from the Chief of Engineers, containing partial information as to the survey and estimate for the cost of dredging the bar at Everett, Wash.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

A bill (S. 1860) to authorize Prof. Asaph Hall, of the United State Navy, to accept a gold medal from the Academy of Science of France; and

A joint resolution (S. R. 72) to permit Capt. T. O. Selfridge, jr., United States Navy, to receive a decoration conferred upon him by the President of the Republic of France.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 121) to amend an act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes, approved September 29, 1890;

A bill (H. R. 5478) to authorize the Biloxi and Back Bay Bridge Company to construct and maintain a bridge over that point of the bay of Biloxi, in the State of Mississippi, known as Back Bay; and

A bill (H. R. 7197) to provide a register for the schooner barge Astoria.

The message further announced that the House had passed a concurrent resolution to print 23,000 copies of the tenth report of the United States Civil Service Commission; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of sundry citizens of Alexander County, Ill., holders of policies in life-insurance companies, praying that in the passage of any law providing for the taxation of incomes, the funds of mutual life-insurance companies and associations be exempted from taxation; which was ordered to lie on the table.

Mr. PEFFER. I have a paper which the Franklin Club of Cleveland, Ohio, request me to present to the Senate. After two or three paragraphs of preamble this is the statement of their prayer:

> We, the members of the Franklin Club, citizens of Cleveland, hereby urge upon your honorable body to provide at once for the appropriation of the railway highways by the Government, and their operation as a branch of the Postal Department.

I move that the petition be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. PEFFER. I also present a petition of numerous employés of the Atchison, Topeka and Santa Fe Railroad system-

residents and citizens of Emporia, Kans., earnestly praying for the passage of the joint resolution recently introduced by the Senator from South Dakota [Mr. KYLE], defining obstructions to railway trains. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 221) for the relief of Henry M. Cannon, administrator of the estate of James Cannon, deceased, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 1528) to remove the charge of desertion from the military record of George Weisel, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on Public Lands, to whom was referred the bill (H. R. 6969) for the relief of Benjamin F. Poteet, reported it with an amendment, and submitted a report thereon.

Mr. FAULKNER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 971) to open, widen, and extend alleys in the District of Columbia, and the amendments of the House of Representatives thereto, to report it with the recommendation that the amendments of the House of Representatives be concurred in. I ask that the bill be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 399) for the relief of Bvt. Lieut. Col. J. Madison Cutts, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1935) granting a pension to Elizabeth Ellery, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1584) granting a pension to John Eckland, reported it with an amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 877) to incorporate the Washington Central Railway Company, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1712) to incorporate the Union Passenger Railway Company of the District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. HUNTON, from the Committee on the District of Columbia, to whom was referred the bill (S. 2022) for the relief of certain property-holders in the city of Washington, D. C., reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1896) to provide for the payment of the 8 per cent greenback certificates of the District of Columbia, and for other purposes, reported it with an amendment, and submitted a report thereon.

MISSISSIPPI RIVER BRIDGE AT DUBUQUE, IOWA.

Mr. RANSOM. I am directed by the Committee on Commerce, to whom was referred the bill (S. 2139) to authorize the construction of a bridge across the Mississippi River from a point within the limits of the city of Dubuque, in the State of Iowa, known as Eagle Point, to the opposite bank of said river, in the county of Grant and State of Wisconsin, to report it favorably, with amendments.

Mr. ALLISON. This is purely a local bill, and I ask unanimous consent that it may be considered now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The amendments of the Committee on Commerce will be stated in their order.

The first amendment was, in section 1, line 6, after the word "maintain," to insert "at a point suitable to the interests of navigation;" so as to read:

That the Dubuque and Wisconsin Bridge Company, a corporation duly organized and incorporated under the laws of the State of Iowa, its successors and assigns, be, and is hereby, authorized to construct and maintain at a point suitable to the interests of navigation, a bridge for the passage of vehicles of all kinds, animals, and foot passengers across the Mississippi River, from a point at or near Eagle Point, in the city of Dubuque, in the State of Iowa, to the opposite shore of said river in the county of Grant, in the State of Wisconsin.

The amendment was agreed to.

The next amendment was, in section 1, line 16, to strike out the words "such approval" and insert "decided;" and in the same line, after the word "him," to insert "to be such as will not materially affect the interests of navigation, the said bridge;" so as to read:

That the location and plan or manner of constructing said bridge shall be subject to the approval of the Secretary of War, and until decided by him to be such as will not materially affect the interests of navigation, the said bridge shall not be built.

The amendment was agreed to.

The next amendment was, in section 1, line 24, after the word "required," to insert;

And should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War; and the said structure shall at all times be so kept and managed and provided with such guard fences, shear-booms, and other structures, as to offer reasonable and proper means for the passage of vessels and other floating craft through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge, from the hours of sunset to sunrise, such lights as may be prescribed by the Light-House Board; and the said structure shall be changed or removed at the cost or expense of the owners thereof, from time to time, as Congress may direct so as to preserve the free and convenient navigation of said river, and the authority to erect and continue said bridge shall be subject to revocation and modification by law when the public good, in the judgment of Congress, so requires without any expense or charge to the United States.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "over," to strike out the words "the middle of;" and in line 8, before the word "feet," to strike out "fifty-two" and insert "fifty-five;" so as to read:

That said bridge, between the Iowa shore and the lowland or islands on the Wisconsin side of the river, shall be constructed with unbroken and continuous spans, and the main span shall be over the main navigable channel of the river, and shall give a clear width of water way not less than 350 feet, and shall give a clear head room the full length of said span, not less in any case than 55 feet above extreme high-water mark, as understood at the point of location.

The amendment was agreed to.

The next amendment was, in section 3, line 4, after the word "regulation," to insert "from time to time;" and in the same line, after the words "by the," to strike out "local, municipal, or county authorities, under the laws of the States of Iowa and Wisconsin, respectively" and insert "Secretary of War, and approval by the Secretary of War;" so as to make the section read:

SEC. 3. That said Dubuque and Wisconsin Bridge Company shall have the right to charge and collect a reasonable rate of toll for the passage across said bridge of vehicles, animals, and foot passengers, subject to regulation from time to time by the Secretary of War, and approval by the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PACIFIC RAILWAY INVESTIGATION.

Mr. BRICE, from the Committee on Pacific Railroads, reported the following resolution: which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Pacific Railroads be, and they are hereby, authorized and directed, during any recess of Congress preceding the regular meeting thereof in December next, to make a personal examination of the roads and other properties of the bond-aided Pacific railway companies and their branches and the country through which they pass, or which is immediately contributory to their income, with a view to ascertaining their present status and their ability to pay their indebtedness to the United States, and how that indebtedness can be adjusted and paid. In pursuing their investigation said committee are hereby further authorized, by subcommittee or otherwise, to sit during the recess or sessions of the Senate, at such times and places as they may deem advisable; and they shall have power to send for persons and papers, to administer the necessary oaths, and to employ a stenographer and such clerical and expert assistance as they may deem necessary. Said committee shall have authority to cause its proceedings and testimony taken to be printed from time to time as they may see fit; and such expense as may result from said investigation shall be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of said committee and by the Committee to Audit and Control the Contingent Expenses of the Senate. Any subcommittee appointed by the committee shall have all the powers of the full committee.

BILLS INTRODUCED.

Mr. CAREY introduced a bill (S. 2213) granting to the city of Cheyenne, Wyo., rights of way for water pipes, conduits, and ditches across the Fort D. A. Russell military reservation; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2214) authorizing the purchase of sites for public buildings in the city of Spokane, Wash., in the city of Cheyenne, Wyo., in Boise City, Idaho, and in the city of Helena, Mont.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FAULKNER introduced a bill (S. 2215) to provide for a municipal building and court-house in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. STEWART (by request) introduced a bill (S. 2216) to place retired Commander Frederick R. Smith on the retired list as captain, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. McMILLAN introduced a bill (S. 2217) to provide for the closing of part of an alley in square 185, in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DAVIS (by request) introduced a bill (S. 2218) to place sleeping and dining railroad car companies under the Interstate Commerce Commission; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PASCO (by request) introduced a bill (S. 2219) for the relief of Riley Montrey; which was read twice by its title, and referred to the Committee on Claims.

Mr. GEORGE introduced a bill (S. 2220) to amend "An act to create a board of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate and territorial transportation of property or passengers, and their employés," approved October 1, 1888; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PALMER. I ask leave to introduce a bill, and, with the view to its proper reference, I ask that it be read. It is very short.

The bill (S. 2221) for the relief of Prentiss B. Reed and Lucretia H. Reed Regnier was read the first time by its title, and the second time at length, and referred to the Committee on Revolutionary Claims, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Prentiss B. Reed, of Monmouth, Ill., and Mrs. Lucretia H. Reed Regnier, of Galesburg, Ill., the only living children of the late David Reed, deceased, the sum of $2,495 for Revolutionary pension due their father, David Reed, for pension at $8 per month from June 7, 1832, to July, 1858, the time of death of David Reed, for the military service of said David Reed, who was a private of Capt. Benjamin Lamont's company in the Massachusetts regiment commanded by Col. Samuel W. Cable, in the Revolutionary war, such military service being for and during the months of July to December, 1780, for six months, the commencement of such service being July 1, 1780.

Mr. McLAURIN introduced a bill (S. 2222) for the relief of the owners of certain cotton shipped from Natchez, Miss., in August, 1863, on the steamer Gladiator; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DANIEL submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. KYLE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. MARTIN submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. POWER submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

LOWER BRULE INDIANS.

Mr. PETTIGREW. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Committee on Indian Affairs be instructed either by full committee or such subcommittee or committees as may be appointed by the chairman thereof in accordance with the resolution of April 14, 1893, and by virtue of said resolution to thoroughly investigate the arrest and removal of the Lower Brule Indians from their homes south of White River to their new reservation near Little Bend, and pending such investigation the Secretary of the Interior and the Commissioner of Indian Affairs are hereby directed not to remove any of the Lower Brule Indians from their homes south of White River to their new reservation, and to allow those already removed to return south of White River if they desire to do so.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SHERMAN. I have no objection to the consideration of the resolution, but I do not know what power the Senate of the United States has to direct an executive officer what to do in a certain case, and I therefore ask the Senator to change the language of the resolution.

Mr. PETTIGREW. I will modify the resolution by striking out the word "directed" and inserting "requested."

The VICE-PRESIDENT. The resolution will be so modified.

Mr. MILLS. The chairman of the Committee on Indian Affairs is not present, and it seems to me he ought to be present when the resolution is acted upon. I ask that the resolution may lie over until to-morrow morning.

The VICE-PRESIDENT. Objection being made, the resolution will go over.

Mr. PETTIGREW. Do I understand that the resolution goes over until to-morrow morning?

The VICE-PRESIDENT. The resolution goes over under the rule, there being objection.

Mr. PETTIGREW. I do not object to its going over.

REPORT ON SALMON INDUSTRIES.

Mr. MITCHELL of Oregon submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Public Printer be, and he is hereby, directed to print 1,000 extra copies of Senate Miscellaneous Document No. 200, Fifty-third Congress, second session, being the report of the United States Commissioner of Fish and Fisheries on the salmon industries of the Columbia River, the same to be for the use of the Commissioner of Fish and Fisheries.

ADMISSION OF UTAH.

Mr. FAULKNER. I submit a concurrent resolution, and ask for its present consideration.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Committees on Enrolled Bills of the Senate and House of Representatives be authorized to strike out the word "fifty-third" where it occurs in sections 5 and 19 of the enrolled bill (H. R. 352) to enable the people of Utah to form a constitution and State government and to be admitted into the Union on an equal footing with the original States, and insert in lieu thereof the word "fifty-fourth."

Mr. PLATT. There is no objection to the correction of the bill, but I ask the Senator from West Virginia whether he has looked into the precedents in regard to correcting bills to ascertain whether this is according to our precedent?

Mr. FAULKNER. It is, where the bill is still in the possession of Congress. The chairman of the Committee on Enrolled Bills in the House concurs in this view, as does the committee of the Senate.

The concurrent resolution was considered by unanimous consent and agreed to.

LETTER-CARRIERS' CLAIMS.

Mr. VILAS submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Attorney-General be, and he is hereby, requested to report to the Senate the amount of the several judgments on file in the Court of Claims against the United States, and in favor of letter-carriers, on claims for work done overtime, and whether, in his opinion, an appropriation to cover the amount of said judgments would be advisable at the present session of Congress.

ACCOUNTS OF DEPUTY SURVEYORS.

Mr. POWER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and is hereby, requested to inform the Senate the cause of delay in adjusting accounts due deputy surveyors for contract work performed under direction of surveyors-general, and the average time required by the Department to audit and report on such contract work after the papers of the deputy surveyors have been transmitted for final action, and further what time is required by surveyors-general to make up the accounts of deputy contractors after received.

CIVIL SERVICE COMMISSION REPORT.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That 23,000 copies of the tenth report of the United States Civil Service Commission be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 20,000 for distribution by the United States Civil Service Commission.

HOUSE BILLS REFERRED.

The bill (H. R. 121) to amend an act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes, approved September 29, 1890, was read twice by its title, and referred to the Committee on Public Lands.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 5478) to authorize the Biloxi and Back Bay Bridge Company to construct and maintain a bridge over that point of the bay of Biloxi, in the State of Mississippi, known as Back Bay; and

A bill (H. R. 7197) to provide a register for the schooner barge Astoria.

CONSIDERATION OF THE REVENUE BILL IN CONFERENCE.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from Maine [Mr. HALE] coming over from a previous day, which will be read.

Mr. CALL. I hope the Senator from Maine will allow that resolution to be passed over for to-day. I inquire if he has any particular purpose in taking it up at present? I desire to ask the Senate to proceed to the consideration of the bill to change the boundaries of the judicial districts of the State of Florida.

Mr. HALE. I do not think the resolution is likely to lead to much debate. I can not give way. The resolution comes up now regularly in the morning hour, and if it goes over now it will lose its place. I ask that the resolution may be read.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. HALE, as follows:

Whereas on the 3d day of July, 1894, the bill H. R. 4864, an act to reduce taxation, to provide revenue for the Government, and for other purposes, passed the Senate with sundry amendments; and

Whereas the Senate thereupon asked for a conference with the House of Representatives upon said bill and amendments, and the following Senators were appointed as managers of such conference on the part of the Senate, to wit: Senators VOORHEES, HARRIS, VEST, JONES of Arkansas, SHERMAN, ALLISON, and ALDRICH; and

Whereas on the 7th day of July, 1894, the conference so asked for by the Senate was agreed to by the House of Representatives, and the following members of the House of Representatives were appointed as managers on the part of the conference in that body, to wit, Representatives WILSON, MCMILLIN, TURNER, MONTGOMERY, REED, BURROWS, and PAYNE: and

Whereas the legitimate object of such action on the part of the two Houses was an immediate and full and free conference of all the managers of the Senate and House of Representatives together: Therefore be it

Resolved, That the chairman of the managers of said conference, on the part of the Senate, is hereby directed to inform the Senate whether a full and free conference is being held upon the bill aforesaid and amendments, and if so, at what time such conference was called together.

Mr. HALE. Mr. President, the resolution which I have submitted, which is now before the Senate, and which is intended to call the attention of this body and of the country to the present status of legislation upon the tariff, was not hurriedly brought before this body. It is intended in no way as a disrespectful reminder to the important conference committee which has by the act of the two Houses this whole matter in charge. It is not premature. Since the passage of the tariff bill by the Senate and the appointment of a conference committee, to which the whole subject-matter has been committed, every effort has been put forth in this body to pass the great and small appropriation bills which are necessary for the running of the Government, in order that the Senate might be ready to consider the report of the conferees upon the tariff bill when it should be submitted to to this body.

Mr. President, as showing that there is no unseemly haste in this matter, and no disposition to inopportunely stir or prod the other side or the conferees, I ask the attention of the Senate to the simple presentation of the dates and times in this case.

On the 3d day of July, ten days ago, the Senate, after long deliberation, full discussion, and repeated votes upon one proposition and another, passed the tariff bill with sundry most important amendments, revolutionizing to a great degree the form and substance and principle of the bill. The two Houses had acted upon it; each had expressed itself in the plainest possible manner; and under our parliamentary proceeding all the subjects matter of disagreement were to go to one great committee, made up of conferees appointed by the two bodies.

So great was the haste that directly the bill was passed the veteran Senator from Tennessee [Mr. HARRIS], who had been charged with the parliamentary management of the measure, arose and moved that the Senate ask for a conference, and that the managers on the part of the Senate be appointed by the Chair. The old and distinguished and practiced Senator from Iowa [Mr. ALLISON] ventured to expostulate with the Senator from Tennessee, declaring that such a proceeding was unusual; that on all great measures—and I know it to be true upon all appropriation bills—no conference is asked for by the Senate upon amendments to a House bill, because *non constat* the House may not agree to all the amendments and no conference be needed. The Senator from Iowa appealed to the Senator from Tennessee not to ask for a conference, but to leave that to the House of Representatives. The answer of the Senator from Tennessee was that it had been done on certain measures for years, which was true, and that the exigency was such, and so important was haste in the matter, that he demanded the conference and moved it; and the conference was appointed.

Mr. President, it was not an unknown conference; it was not a conference unattended and unsurrounded with knowledge and experience upon all details of the tariff. It was made up of the chairman of the Committee on Finance [Mr. VOORHEES], with his Democratic associates, the Senator from Tennessee [Mr. HARRIS], the Senator from Missouri [Mr. VEST], and the Senator from Arkansas [Mr. JONES], and three old Senators upon this side, representing the Finance Committee, the Senator from Ohio [Mr. SHERMAN], the Senator from Iowa [Mr. ALLISON], and the Senator from Rhode Island [Mr. ALDRICH]. The request for a conference was sent to the House of Representatives. The House did not at once appoint the conferees, but sent it to the Committee of Ways and Means, which reported it back and agreed to the conference. One week ago the House of Representatives completed the preliminary proceedings and the conferees were appointed upon that side representing both parties upon the Ways and Means Committee, which answers to our Finance Committee, and when that was done, the time for the work of that conference began.

When the last tariff bill, which has been so assailed and denounced and subjected to popular clamor, the McKinley bill, was passed, the Senator who had charge of the conference informs me that immediately after the preliminary proceedings had been gone through and the two sets of managers had been appointed, he notified the entire conference that it should assemble and consider the great subject-matter which had been committed to it by the two Houses. He did not wait, but did at once what was his duty. What was that, Mr. President? It was not by notifying a portion of the committee; it was not by going outside and finding a place where one, two, three, six, or eight men could meet, but in the committee room where the bill had been matured.

The presiding officer, the chairman of that conference, notified every conferee upon both sides to be present and consider the bill; and during the consideration of that conference, and in every conference, so far as I know, and as the Senator from Ohio, who has had larger experience in these matters than any other Senator in the Chamber, tells me, never in his experience on any tariff bill has there failed to be a prompt notice sent to the entire conference at once. There is some foundation for the course which was pursued in the other tariff bills.

The whole subject of conference committees is treated at length by the great masters and authorities upon parliamentary law. Mr. Jefferson has given pages to it, which are found in the appendix to our manual. Cushing, who is an authority, gives page after page to the subject of conference committees, and the whole sum and substance of these authors is in accordance with the course which has been pursued by the two bodies of Congress heretofore. The importance of a committee of conference is treated. The great powers it has are descanted upon. The necessity for immediate action is stated by Cushing and Jefferson, and it is declared time and again, and I might read from the text before me, but I shall not take the time of the Senate, that all the conferees are to participate, if possible, in every conference that takes place, and that no stranger shall be admitted to the conference any more than by the vote or leave of the two Houses they should be admitted to the floor.

The whole subject is invested with the greatest importance, the greatest exigency, the greatest solemnity. Our rules recognize it by declaring that a conference report shall have the highest privilege, that it shall always be in order, except when the Journal is being read, or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

There is nobody, there is no select committee, there is no organ of either House that has so much power and has such privileges as a committee of conference.

I do not deem it inopportune to call attention to the matter after ten days have passed since the bill was concluded here, and a week after the conference had been agreed to in the House of Representatives and the committee met, when inquiries have been made in every direction as to where is the conference and nobody can tell. It is asked what has become of the tariff bill, and no man can disclose. It is a lost bill, so far as any knowledge of the members of the Senate and the House of Representatives and the country are concerned.

The members of the conference upon this side of the Chamber, the Senator from Ohio [Mr. SHERMAN], the Senator from Iowa [Mr. ALLISON], and the Senator from Rhode Island [Mr. ALDRICH], sit in their seats every day and are attending to the duties of other matters which are coming up before the body. When asked, as we have a right to ask, how is the conference getting on, how far have you got, what are you doing with iron and coal, and what show does the sugar trust make in your deliberations, the answer is "We can not tell you," or the answer is "We do not know," or the answer is "We have had no notification of any meeting, and so far as we know no conference is being held."

Mr. President, in view of what has been done by the two Houses of Congress, in view of this lapse of time, in view of the intense heated weather which is upon us, and in view of the

fact that we are passing day by day the great appropriation bills, and will soon have them out of the way and be ready to confront the next stage upon this subject, is it in any way premature or in any way a disrespect to the committee of conference to call the attention of the Senate, by the resolution I have offered, which speaks in plain terms, to the subject, as I have done, and ask that we be informed whether any conference has been ordered and where it is?

I do not choose now to take any more of the time of the Senate. It may be there will be no objection to the resolution. It may be it will be passed *nem. con.* The chairman may answer that the conferees are in session or are to be in session and will devote themselves to the subject-matter; but we have a right to know, sir, and the country has a right to know, where the bill is now and whether anything is being done with it.

Mr. VOORHEES. Mr. President, to begin with, I have the highest personal regard for the conferees appointed from the other side of the Chamber—the Senator from Ohio, the Senator from Iowa, and the Senator from Rhode Island. I wish to state to them, without reference to any other Senator, that I am utterly incapable of purposely committing an impoliteness or a breach of courtesy toward them, or either of them. If in my haste to get to work and to get the bill in shape for the action of the two Houses of Congress I have been neglectful of any duty in that regard, I am ready to make all proper amends. In speaking, however, to at least one of the Senators to whom I have alluded he found no fault with what was going on.

Suppose the full committee had been called together. It would necessarily have been only for a brief session, and then we would have had to go on as we are going on now. The majority members of the committee on tariff legislation have at all times first perfected their lines of action and first agreed upon the bill for which they were to be responsible to the country. That is what we are trying to do now.

I have not the slightest hesitation in talking frankly to the Senate and to the country on this subject. On Monday last I hurriedly called together the conferees from the House and the Senate, representing the majority of this Congress, and in a half hour after we met we were at work arranging those differences of opinion which it is well known prevail between the two Houses, so that as soon as possible we might be able to submit what we thought the bill should be to the Senators on the other side of the Chamber who are to meet with us.

We have hurried along and worked very hard, Mr. President. We have wasted no time, and we have been guilty of no intentional disrespect whatever to the Republican members of the committee of conference. But before the conference can occur which has to take place between the two lines of thought, between the two policies of this Government, of protection on the one hand, or a tariff for revenue on the other, the party responsible to the country for the pending legislation must have an agreement amongst its own members. That is all there is to this. It is well understood. There is no trouble about it at all. I say to the Senators on the other side of the Chamber, the distinguished Senators from Ohio, Iowa, and Rhode Island, that at the earliest moment we come to an understanding amongst ourselves they will be advised of the fact, our work will be submitted to them, and we will go into conference with them in the fullest and amplest manner.

Mr. HALE. Will the Senator from Indiana allow me for a moment?

Mr. VOORHEES. Certainly.

Mr. HALE. I appreciate the frank statement of the Senator, that the delay has been caused by the meeting together of the conferees on the majority side of both Houses in order to come to an agreement among themselves. That is a frank statement, which shows what has been done, and the Senator from Indiana is entitled to credit for his frankness. He says then, that when that is done he will call the Republican conferees into session with them.

Mr. VOORHEES. Certainly.

Mr. HALE. I beg the Senator to tell the Senate what use it will be to call the Republican conferees into session with the Democratic conferees when the Democrats have agreed upon a policy and a bill?

Mr. VOORHEES. The advantage is that which always arises from intelligent people conversing with each other; and if in such conference the distinguished Senators on the other side of the Chamber can show that we are in error, can show where improvement can be made in what we have agreed upon, where amendments should take place, we will thank them, and we will be glad to have such assistance.

There is no arbitrary dogmatism in what we are doing. There will be a full and free conference, with an earnest purpose to arrive at the wisest conclusions possible; and we shall feel aided by their suggestions in many respects. For instance, take the Senator from Iowa. He is an authority on the administrative features of any revenue measure which comes before Congress. I am glad to bear public testimony to that fact. Much is left in the bill on which he will be listened to with great respect and with great profit.

Mr. HALE. Does the Senator from Indiana, who has had a large experience here, having been in the Senate longer than I have, remember any precedent where such a course as he has frankly stated is now being followed was pursued as to a tariff bill or any other bill?

Mr. VOORHEES. So far as the technical precedent is concerned, I do not recall any. But suppose I had called together the entire committee of conference. It would only have been to have said to them as I say here, "We, gentlemen, begging your pardon, meaning no discourtesy, must have our separate consideration of this measure, and then we will submit our work to you." That has been done a hundred times in the history of our Government. It was done in 1883; it was done in 1890; it was done this spring. I do not mean particularly in regard to conference committees, but in the formation of the bill itself.

Mr. HALE. I meant in conference committees. I know that has been done in the formation of bills by both parties.

Mr. VOORHEES. As to conference committees, I say I do not just now recall a precedent, for this matter came upon me suddenly, a few moments ago, while we were hard at work upstairs. I was a member of the committee of conference on the McKinley bill. I do not remember, nor do I care to remember, nor is it of the slightest importance to me whether the entire committee was first formally called together and the minority then dismissed to await the action of the majority. But I do remember and I do know, and so do Senators on the other side of the Chamber, who are members of the present conference committee, that they took their bill, as they ought to have done and as was proper and right, and made it to suit themselves, and then, when they had agreed among themselves, they submitted it to the balance of the conference committee, just as we expect to do.

Now, whether the technical formality of first getting the committee together and telling the members of the minority of the committee to "Just retire now, gentlemen, and we will consider this by ourselves," was done with the McKinley bill or not, I do not know, and I have already said I do not care. If I had thought that any Senator on the other side of the Chamber, especially who is with us in the Finance Committee, would have thought it a want of proper recognition not to have so called the committee, I should have done so rather than to have had any criticism. But it would only have consumed an hour, or possibly two hours at the most, in reaching the conclusion which we reached without any delay, and that was that we had to consider this measure first amongst ourselves, and then bring our work to you.

It would only have resulted in the loss of some time. I should rather have had that, however, than to have provoked the criticism of any member of the conference committee.

I do not desire to be uncivil to the Senator from Maine [Mr. HALE], but I will say that I am glad, if this criticism had to come, that it comes from a Senator not personally touched by anything we have done; in other words, a Senator not a member of the Committee on Finance and not a member of the committee of conference.

Mr. HALE. I suppose the Senator sees that however members of the committee might feel about the matter, none of them would feel like coming forward and making complaint. That is most natural.

Mr. VOORHEES. That might be true as to the floor of the Senate, but I believe my relations with every member of the committee are such that if any one of them had felt that there had been an oversight on any question of propriety on my part he would not have hesitated to intimate the same to me.

No, Mr. President, nothing of that kind has been intended. We have simply intended, in the face of hard work, to get through with it as fast as we could, and then bring the result to a full and free conference; and on that position I am willing for this contention to rest.

I shall move, unless some member of the conference committee wishes to be heard, to lay the resolution on the table

Mr. ALLISON rose.

Mr. VOORHEES. I withdraw the motion.

Mr. ALLISON. I came into the Chamber after the Senator from Indiana began his observations. I have been told by those around me that the Senator from Indiana has stated that one member of the minority of the conference committee was consulted as respects the policy to be pursued.

Mr. VOORHEES. That is not a correct statement. Let me state it over again, then the Senator from Iowa will see. I said before the Senator came in that in the hurry of getting to work

and getting this question off I had called the committee together on Monday without a formal call; that since then, thinking perhaps there might be some question about the mere technical propriety of my course, I had spoken to one member of the committee of conference on the other side of the Chamber, and that I had found no personal complaint in his mind. That is the substance of what I said.

Mr. ALLISON. Very well; that is, in substance, true. I casually met the Senator from Indiana, the chairman of the committee, I think on yesterday morning as I entered the corridor below. Some jocular remark was made by me as respects his being busily occupied. Then the Senator said, "Perhaps I ought to have called the full conference together before our informal conference which is now going on." I think I did not in that conversation, which was purely casual, express dissent or assent.

But now that the matter is before the Senate I think I ought to say as a member of this body, and as one of the members of the conference on the part of the Senate, that I think the course now being pursued by the majority of the Senate conferees is an unusual course.

The very idea of a conference as I understand, and have always understood, is that it is to reconcile differences between the two Houses. The conferees on the part of the Senate are supposed to represent honestly and fairly the views and sentiments of this body, whilst the conferees on the part of the other House are supposed to represent the views and sentiments of that body upon the differences on all bills which are submitted to conference committees.

I had never supposed, and I am loath now to suppose for a moment, that the four Senate conferees of the majority of the Senate conferees and the four House conferees of the majority will gather together and make amendments and withdrawals and concessions as respects the bill which are to be binding upon a majority of each side in the conference, and then submit their work formally to the three Senators on this side of the Chamber in this body and the three members of the minority in the other body, and we are simply to be present and record the *ipse dixit* of the four men on one side in the Senate and four men on the same side in the other House who are now consulting without the authority of either body.

I can not for a moment suppose that these conferees are engaged in the serious business of making concessions, one side to the other, or making modifications to the bill to be carried formally before the conferees of this body. I do not suppose (and I do not gather from the Senator from Indiana, who is chairman of the committee) that that discourtesy is to be placed upon the minority, or upon the Senate, or that the rules governing conference committees from their formation in the beginning of the British Parliament to this moment are thus to be violated.

Understanding as I do that these conferences are informal, and not formal conferences, and that no agreements are being made which bind anybody, I do not object to informal conferences suited to the convenience of these gentlemen. But if we are to be mere bystanders when the formal conference is called by the Senator from Indiana, then, for one, I think it is better that the conference ordered by this body, and assented to by the other House, should be dissolved without further delay.

Mr. VOORHEES. I renew my motion to lay the resolution on the table.

Mr. ALDRICH. I desire to say a few words.

Mr. VOORHEES. Very well; I withdraw the motion.

Mr. ALDRICH. It is quite true that I have made no objection to the policy which has been pursued because I have not been consulted in regard to the matter. I heard my name read as one of the conferees on the part of the Senate upon the bill. Since that time I have had no knowledge whatever of any action on the part of any members of the conference or the conferees as a whole. I suppose that owing to the great pressure upon the business interests of the country, which has been so frequently alluded to by my distinguished friend from Tennessee, requiring haste in this matter, at some time in the future the conference would be called together and all the managers on the part of the Senate and all the managers on the part of the other House would enter into a full and free conference upon the disagreeing votes of the two Houses. I suppose now that that will be done; and that any private agreements which may be made by members of this body will have no binding force or effect whatever upon the managers when they shall assemble.

I see no reason why members of the Senate should not talk over in private conference any subject which they please to consider; but that they can in any sense represent the Senate of the United States in such a conference is not true. All the managers on the part of the Senate are of equal dignity and equal power, if I understand at all the rules which apply to a conference committee. Many of the amendments which were made by the Senate were adopted by the votes of Senators upon this side of the Chamber as well as upon the other.

The action of the Senate is represented by its seven managers appointed by the Vice-President of the United States, and they have an equal right and an equal power in the consideration of the measure. I take it that when the real consideration commences, whenever it shall be, whether this week or next week, or next month or next year, there will be no disposition on the part of any Senators upon the other side to preclude or foreclose the fullest and freest discussion upon every disagreeing vote between the two Houses. I assume that that will be done.

Now, as to the conferences which have taken place in the past I will state that I was in 1883 a member of the conference on the part of the Senate and also a member of the conference of 1890. I presided over the conference of 1890. I called the conferees together the next morning after the other House had appointed its managers. I called all of them together and they remained in session every day until an agreement was reached on the part of the managers. Every single question pertaining to the matter, every disagreeing vote between the two Houses, was discussed openly in the room of the Committee on Finance by the conference, the Democratic members of the conference being present. I will not say that they were all present all the time, but there was no time when some Democratic member was not there.

Mr. ALLISON. They were all notified.

Mr. ALDRICH. They were all notified, and all expected to be there. There was no discussion, public or private, on any of the disagreeing votes at which the Democratic members were not invited, and they took part in the discussion if they saw fit to do so. There was no private conference of any kind in connection with the bill of 1890, and there was no disposition or endeavor on the part of certain members of the Senate conferees to try to come to any agreement with certain members of the House conferees as to amendments in the bill.

Mr. VOORHEES. The Senator will allow me to say that that will be exactly repeated when the conference is called. This is not a conference that is going on. Whenever the conference is called just what the Senator says took place then will take place again.

Mr. ALDRICH. That is not what I understand to be the Senator's position.

Mr. VOORHEES. That is it.

Mr. ALDRICH. I do not understand that I have a right to criticise anything that has been done except the delay which is taking place and which may be prolonged indefinitely when there is a disposition certainly on the part of Congress to dispose of the bill.

Mr. VOORHEES. I wish to say to the Senator that I regret the delay more than he does.

Mr. ALDRICH. I was also a member of the conference committee of 1883; and I will say that in that conference, which was called immediately after the managers were appointed on the part of both Houses, there was no meeting of the committee at which there was not a Democratic manager on the part of the House of Representatives present. There never was a private conference or a private session of any members of that committee anywhere, to my knowledge, and I think I should have known it if there had been.

Now, I do not object to the delay if the Senator from Indiana and those who are acting with him believe that it is imperative; but I do object to the implication which is contained in the statement of the Senator from Indiana, that when they have agreed, then the action will be submitted to the full conference. I say that whatever the Senator from Indiana may be doing in regard to this matter (and I have no knowledge of it whatever), he is doing it upon his responsibility as an individual, and that he does not and can not in any sense represent the Senate of the United States.

Mr. VOORHEES. That is correct. I accept that statement. I act on my own responsibility as a Senator and not as a conferee.

Mr. ALDRICH. But I say I object to the implication which the Senator from Indiana made, that there was some agreement being reached, or that there might be some agreement reached, by irresponsible parties which would have or might be intended to have some force or effect upon the conference when it does meet.

Mr. VOORHEES. I meant to make no such statement or implication.

Mr. SHERMAN. Mr. President, although I do not take very much interest in the subject-matter, I feel bound to say a few words in respect to this question, lest my silence might imply something that would not be true. I am inclined to think that the Senator from Indiana, who is always courteous and kind,

made a mistake in not getting the committee together immediately. Then if a suggestion had been made to the minority that there were political questions involved in the tariff bill, as there are, and that on the whole it was thought better for them to consider those questions among themselves, we certainly would not wish to share in their councils, and there would have been no difficulty. We would not have attended, that is all; we would have remained away. I think that was a good deal the course pursued with the McKinley bill.

The doors were always open and notices were given to every member of the conference to be present without distinction of party, but many of the Democratic Senators did not attend. I doubt very much whether during the conference more than perhaps one or two attended; but it was all open. Certainly if we had been notified that there were political considerations to be dealt with by the representatives of the majority in the two Houses we would not have forced ourselves upon their attention.

Now, that is the way the matter stands. I think that the majority members of the committee of conference ought to confine their consideration to such portions of the bill as they recognize as political in character, where they are called upon as a party to unite; but to go beyond that it seems to me would be a violation of the usages and customs of the Senate, because if anything is sacred in a great body like our Congress, composed of two separate Houses, it is a free conference, which is the only final solution of all the difficulties that occur and necessarily occur in the consideration of any bill, whether of little or of great importance.

Therefore I think that as soon as everything in the nature of political questions is disposed of or agreed upon or disagreed to, the conferees ought to come together and then go over the items in disagreement between the two Houses, because we think we shall be able to convince our brothers of the conference in regard to some matters that are in dispute. They ought to listen to us, at least, representing a great minority in this country, and we ought not to be precluded from what would be a free, open, and full conference between friends. This is all I desire to say.

Mr. VOORHEES. I simply beg to say in response to the closing remarks of the senior Senator from Ohio that there will undoubtedly be afforded a full and free conference in the most liberal sense of that word. Whether a mistake was made on my part, in my haste to get the matter in shape to submit to the conference or not, I am quite sure the Senator from Ohio will acquit me of at least any intentional disrespect to the members of the conference committee.

Now, Mr. President, I do not know that any further words are necessary, and I will ask the Senator from Maine, as a more respectful mode perhaps of disposing of his resolution than laying it on the table, to let it go to the Calendar.

Mr. HALE. It would naturally go to the Calendar. I do not object to that course. It will depend on what happens in the next few days whether I shall call it up. It is a proper suggestion that the resolution shall go to the Calendar, and I do not object.

The VICE-PRESIDENT. Without objection the resolution will go to the Calendar.

PENSION APPROPRIATION BILL.

Mr. BRICE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5482) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1895, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

CALVIN S. BRICE,
S. M. CULLOM,
Managers on the part of the Senate.

JOS. H. O'NEIL,
J. R. WILLIAMS,
HENRY H. BINGHAM,
Managers on the part of the House.

The report was concurred in.

FLORIDA JUDICIAL DISTRICTS.

Mr. CALL. I move that the Senate proceed to the consideration of House bill No. 51, to change the boundaries of the judicial districts of the State of Florida.

The motion was agreed to; and the Senate as in Committee of the Whole proceeded to consider the bill (H. R. 51) to change the boundaries of the judicial districts of the State of Florida.

Mr. PLATT. I desire to say with regard to this bill that the report of the Committee on the Judiciary favoring the bill is not a unanimous report. I did not concur in the report and other members of the committee did not concur in the report. It seems perhaps to be an ungracious matter to oppose the redistricting of a State as requested by its Senators. They are usually supposed to be best informed as to the necessities of their State, as to the convenience of the litigants in their State; but there are some things with regard to this proposed redistricting to which I think attention should be called.

The bill proposes to take from the judge in Florida who now does most of the business the great bulk of the business which is transacted in the court over which he presides and give it to another judge, who is required by law to live not near the spot where the courts are to be held in the district, but 500 miles away, at the very remotest portion of the State of Florida. I do not think that even geographically the division is a fair one.

The reason of this action may as well be stated. Certain parties in Florida have taken offense at something this judge has done, and propose by these means to legislate the business away from him and give it to another judge. Indeed, it is said (and I know nothing about the facts) that he has done things for which he ought to be impeached. That is the claim made by parties who advocate this redistricting; but rather than resort to impeachment proceedings, it is proposed by a redistricting of the State to practically take away his business from him, and let him go on with a lesser amount of business.

I submit that that is not a proper ground for redistricting the State. It may be said that the former districting of the State was unequal, but I think it will not be denied that the real ground for redistricting at the present time is to be found in a desire to take business away from a United States judge who has either rightfully or wrongfully incurred the displeasure of a portion of the people of Florida.

With this statement of the matter I do not desire to discuss it further. I suppose that any discussion will be unavailing, as will opposition to any other political measure which has been thoroughly agreed upon by the dominant party in the Senate. I can only enter a protest and call for a vote.

Mr. CALL. Mr. President, I do not propose to detain the Senate with any argument upon this subject. I will simply state the facts. The present boundaries of the judicial districts of Florida are extremely inconvenient to the people who have business in the courts. One district embraces almost the entire State of Florida, and persons who are required to be present at court in the transaction of business have in many cases to travel 400, 500, 600, and 700 miles. The proposed change in the boundaries of the districts creates a far greater equality in population and territory and furnishes far greater convenience to all persons who have business to transact in the different parts of the State.

The proposed change in the boundaries of the districts meets the approval of, I suppose, nine-tenths of all the people of the State of Florida, without respect to party. The Senator from Connecticut is mistaken in the idea that the bill is advocated upon the ground of dissatisfaction with the judge. There may be such dissatisfaction and there may be cause for it; but that has been carefully excluded from consideration in the bill. The bill stands before the Senate upon the unanimous recommendation of the delegation from the State both in the other House and in the Senate and of the people of the State of Florida without reference to any other consideration than that of the convenience of business and the proper division of the State into judicial districts.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DUCK RIVER BRIDGE.

Mr. RANSOM. Mr. President——

Mr. BATE. I wish to call up Senate bill 2055, a very short bill, authorizing the construction of a railroad bridge. There is no contest about it of any kind.

Mr. RANSOM. All right; I will yield to the Senator from Tennessee for that purpose.

Mr. BATE. I ask the Senate to proceed to the consideration of the bill (S. 2055) authorizing the construction of a bridge over the Duck River, in Humphreys County, Tenn.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with an amendment to add as a new section:

SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FINAL PROOF AND PAYMENT ON PUBLIC LANDS.

Mr. POWER. I ask unanimous consent for the present consideration of the bill (H. R. 3458) extending the time for final proof and payment on lands claimed under the public-land laws of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to add the following as a new section:

SEC. 2. That the time of making final payments on entries under the preemption act is hereby extended for one year from the date when the same becomes due in all cases where preëmption entrymen are unable to make final payments from causes which they can not control, evidence of such inability to be subject to the regulations of the Secretary of the Interior.

The amendment was agreed to.

Mr. PLATT. Has that bill been reported by the Committee on Public Lands?

The PRESIDING OFFICER (Mr. VILAS in the chair). The Chair is so advised.

Mr. PASCO. The bill was reported unanimously by the committee.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RIGHT OF WAY THROUGH YAKIMA INDIAN RESERVATION.

Mr. SQUIRE. I ask unanimous consent for the present consideration of the bill (H. R. 2015) granting to the Columbia Irrigation Company a right of way through the Yakima Indian Reservation in Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Indian Affairs with amendments.

The first amendment was, in section 2, line 3, after the words "Yakima River," to strike out "Toppenish and Satus Creeks;" and in line 5, after the words "of this," to strike out "bill" and insert "act, or that may not be necessary for the domestic and irrigating purposes of any Indian to whom an allotment has been made, or shall hereafter be made, upon or along said Yakima River;" so as to make the section read:

SEC. 2. That the said irrigation company shall have the right to appropriate and use any and all water necessary for their use from the Yakima River, not otherwise appropriated and in actual use at the time of the passage of this act, or that may not be necessary for the domestic and irrigating purposes of any Indian to whom an allotment has been made, or shall hereafter be made, upon or along said Yakima River.

The amendment was agreed to.

Mr. PLATT. The word "transcribe," at the end of line 1 in section 6, is a missprint. It should be "transfer."

The PRESIDING OFFICER. In the absence of objection, that correction will be made.

Mr. PLATT. I noticed, in listening to the reading of the bill, that there is no provision that Congress reserves to itself the right to alter, amend, or repeal this act. I think a provision of that kind should be inserted in all acts, and I move an amendment to add as a new section:

The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

DEALINGS IN OPTIONS AND FUTURES.

Mr. GEORGE. Some days ago a bill from the House of Representatives on the subject of dealings in options and futures, was laid upon the table, there being a dispute between the Senator from Massachusetts [Mr. HOAR] and the Senator from Minnesota [Mr. WASHBURN] as to the particular committee to which it should be referred.

The bill is in relation to a very important subject. Both of those Senators have been absent for some days, and I think there should be a reference of that bill either to the Committee on Agriculture, which the Senator from Minnesota asked, or to the Committee on the Judiciary, which the Senator from Massachusetts preferred.

My own inclination was, owing to the very important constitutional question involved in the bill, that it ought to go to the Committee on the Judiciary; but the Senator from Minnesota, who takes a great interest in the bill and is a member of the Committee on Agriculture, desired that the bill should go to the Committee on Agriculture. I am indifferent myself to which committee it goes, but it ought to go somewhere, so that action shall be taken; and with the view of testing the sense of the Senate as to which committee they will refer this particular bill, I will renew the motion of the Senator from Minnesota, that it be referred to the Committee on Agriculture and Forestry, being myself utterly indifferent to which of the two committees it be referred.

Mr. BATE. I doubt the propriety of taking action upon the reference of the bill in the absence of both the Senators referred to.

Mr. PLATT. Mr. President, the Senate is very thin. This is a matter in which a good many Senators are interested, and especially the two Senators who contend about the reference, and who are absent. I wish the Senator from Mississippi would give notice that some day next week he will bring the matter up. If he insists on moving the reference now, I shall have to take some little time in expressing my opinion as to which committee the bill ought to be referred.

I do not think, however, that a matter of this kind, where the contention has already commenced between two Senators, who both happen to be absent at this time, ought to be decided in their absence. I wish the Senator from Mississippi would give notice that some day next week he will renew this motion, and those Senators can then be advised of his motion, and be here or not, as they like.

Mr. GEORGE. There is force in what the Senator from Connecticut says; but there is a very large portion of our countrymen who take a very great interest, if not in this particular bill, at least in the matter with which it deals. Both those Senators left here about ten days ago; the bill is lying on the table without action; the session of Congress is about to expire; and I felt that if I did not take some action in reference to the matter, I should be charged with a dereliction of duty.

I shall, however, so far yield to the suggestion of the Senator from Connecticut as to give notice that on Monday next I shall ask that the bill be referred to one or the other of the committees I have named; I do not care to which.

The PRESIDING OFFICER. Does the Senator from Mississippi withdraw his motion?

Mr. GEORGE. Yes, sir; I withdraw it.

INDIAN ENGAGEMENTS.

Mr. LINDSAY. I ask consent to enter a motion to reconsider a resolution which was passed a few days since, calling upon the Secretary of War for certain information in regard to hostilities with Indian tribes. I desire to have the resolution reconsidered and recalled.

Mr. PLATT. Was the resolution passed or was it indefinitely postponed?

Mr. LINDSAY. The resolution was passed. It was a resolution introduced at the instance of the Attorney-General to enable him to obtain certain information from the War Department. It has been discovered that the cost for the information will be very much in excess of its value. I ask to have the vote by which the resolution was passed reconsidered, in order that a modified resolution may be presented and adopted.

Mr. PLATT. There is no objection to that.

The PRESIDING OFFICER. The Senator from Kentucky moves the recall of the resolution referred to by him in order to move its reconsideration. The question is on the motion of the Senator to recall the resolution.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House returned to the Senate, in compliance with its request, the bill (S. 1343) to remove the charge of desertion standing against the name of Joseph G. Utter.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 5482) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1895, and for other purposes; and

A bill (H. R. 6558) to amend section 2324 of the Revised Statutes of the United States relating to mining claims.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4858) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WASHINGTON, Mr. SAYERS, and Mr. BINGHAM managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 73) for the relief of William J. Cornell and Joseph M. Cornell;

A bill (S. 1573) making an appropriation for rewriting the Consular Regulations;

A bill (H. R. 4671) to remove the charge of desertion standing against the name of Joseph G. Utter;

A bill (H. R. 5691) to authorize the construction of a wagon and foot bridge across the South, or Main, Canadian River, at or near the town of Noble, in Oklahoma Territory;

A bill (H. R. 6016) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1895; and

A bill (H. R. 7506) authorizing the county of Coconino, Territory of Arizona, to issue bonds for the construction of a county building at the county seat thereof.

FORTIFICATIONS APPROPRIATION BILL.

The PRESIDING OFFICER (Mr. PASCO in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 4858) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CALL. I move that the Senate insist upon its amendments, and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. CALL, Mr. BLACKBURN, and Mr. HALE were appointed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. RANSOM. I move that the Senate proceed to the consideration of House bill 6518, being the river and harbor appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6518) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 49, line 17, before the word "thousand," to strike out "twenty-eight" and insert "forty;" so as to make the clause read:

Improving Big Sandy River, near Louisa, Ky.: For continuing construction of movable dam in accordance with the existing plans, $40,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 15, to insert:

That the Secretary of War is hereby authorized and directed to appoint a board of three engineers of the Army, whose duty it shall be to survey the Miami and Erie Canal, connecting the waters of Lake Erie, at Toledo, in the State of Ohio, with the Ohio River, at Cincinnati, Ohio, and to report as to the feasibility and advisability of improving and widening said canal to 70 feet at the water line, and deepening the same to 7 feet, and by construction of new locks not less than 150 feet in length and 21 feet in width, with a capacity for vessels of at least 280 tons burden, and to report to the next session of Congress with detailed plans and an estimate of the cost of such improvement; and $10,000, or so much thereof as may be necessary for the cost of said survey, is hereby appropriated: *Provided*, That nothing herein shall be construed to commit the Government to proceed with the construction of said improvement.

Mr. BRICE. I desire to state that on consultation with my colleague [Mr. SHERMAN], and after a hearing by the committee, I offer the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. VILAS in the chair). The amendment proposed by the Senator from Ohio to the amendment of the committee will be stated.

The SECRETARY. It is proposed to amend the amendment by striking out lines 19 and 20, as follows:

Connecting the waters of Lake Erie, at Toledo, in the State of Ohio, with the Ohio River, at Cincinnati, Ohio, and to.

And insert:

The Ohio Canal and such branches thereof, and such river and stream channels as may, in their judgment, form available portions of a continuous canal, connecting the waters of Lake Erie with the Ohio River, through the State of Ohio, and to.

Mr. RANSOM. That amendment is right. It only carries out the idea originally entertained.

The amendment to the amendment was agreed to.

Mr. BRICE. I also desire to move another amendment to the amendment of the committee, which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment in line 22, by striking out "said," before "canal," and inserting "such;" and on page 51, line 3, before the word "thousand," by striking out "ten" and inserting "twenty."

Mr. RANSOM. That is all right.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 52, line 2, before the word "thousand," to strike out "fifty" and insert "seventy-five;" so as to make the clause read:

Improving Ohio River by the construction of a movable dam at or below the mouth of Beaver River, Pennsylvania: Continuing improvement, $75,000.

The amendment was agreed to.

Mr. SHERMAN. I want to call the attention of the Senator from North Carolina, in charge of the bill, to an error in the item on page 17, at the bottom of that page, which reads:

Improving harbor at Sandusky, Ohio: Continuing improvement, $25,000

The committee have allowed $5,000 for removing a shoal at the outer approach to the harbor. It will be necessary, therefore, to increase the total amount to $30,000.

Mr. RANSOM. That is right. Five thousand dollars is considered as an addition to the amendment.

Mr. SHERMAN. In line 22, I move to strike out "twenty-five," and to insert "thirty," so that the $5,000 will be an additional appropriation, instead of being paid out of the previous appropriation.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "improvement," in line 22, on page 17, it is proposed to strike out "twenty-five" and insert "thirty;" so as to read:

Improving harbor at Sandusky, Ohio: Continuing improvement, $30,000, etc.

The amendment was agreed to.

Mr. QUAY. I desire to invite the attention of the chairman of the committee to page 30 of the bill. The Coal Exchange of the city of Pittsburg have forwarded to me an amendment, with the request that I offer it at this point. I send it to the Secretary's desk. I trust the point of order will not be made upon the amendment, but that the chairman of the committee will accept it.

Mr. RANSOM. Let me hear the amendment.

The PRESIDING OFFICER. The amendment will be stated.

Mr. RANSOM. I wish Senators would wait until we get through with the committee amendments before they offer their amendments. I shall, however, hear the amendment of the Senator from Pennsylvania.

The PRESIDING OFFICER. Does the Senator raise a point of order on the amendment?

Mr. RANSOM. No, sir; I do not make any point of order.

The PRESIDING OFFICER. The Chair understands the Senator from North Carolina to desire the reading of the bill before individual amendments are offered.

Mr. RANSOM. Yes, sir; but as the Senator from Pennsylvania has already offered an amendment, which he has sent to the desk, I will hear it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the word "directed," in line 18, on page 30, to the end of the paragraph, as follows:

To investigate and report to the next Congress the sum of money necessary to acquire by purchase the locks and dams on the Monogahela River, in Pennsylvania, belonging to the Monongahela Navigation Company, as a whole, and separately.

And insert:

To appoint a commissioner to conduct negotiations with the Monongahela Navigation Company to ascertain the sum of money necessary to acquire by purchase the locks and dams on the Monongahela River, in Pennsylvania, belonging to said company, and also to take testimony as to the value of said improvements and the commercial importance of free navigation of said river, and to report the same to the Secretary of War, together with such other information as may bear upon the subject; and the Secretary of War shall report thereon to Congress at its next succeeding session, to the end that Congress may determine as to the expediency of making the navigation of said river free from tolls. And the sum of $10,000, or so much thereof as may be needed, is hereby appropropriated out of the moneys in the Treasury of the United States not otherwise appropriated for the purpose of paying said commissioner and the expenses of taking testimony and acquiring the other information contemplated.

Mr. QUAY. I understand that the amendment is accepted by the Senator from North Carolina.

Mr. RANSOM. There is no objection to the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. RANSOM. I ask the attention of the Senate for one second. I hope Senators will be here to move such amendments as they desire to the amendments of the committee as they are reached in the reading of the bill, and not ask to go back ten,

twenty, or thirty pages to offer their amendments. I must object to that being done.

Mr. MITCHELL of Oregon. I understand that the chairman of the committee desires that the reading of the bill shall be concluded and the committee amendments acted upon before individual amendments are offered.

Mr. RANSOM. Yes, sir.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 52, after line 2, to insert:

Improving Ohio River, in Pennsylvania, by the construction of a movable dam, numbered two, as located by the Secretary of War: For purchase of site and commencement of dam, $50,000.

The amendment was agreed to.

The next amendment was, on page 53, line 9, before the word "thousand," to strike out "twenty-five" and insert "sixty;" so as to make the clause read:

Improving the water communication across Keweenaw Point, Lake Superior, from Keweenaw Bay to Lake Superior, in the State of Michigan, in accordance with the existing project, $160,000.

The amendment was agreed to.

The reading of the bill was continued to line 14, on page 54.

Mr. HANSBROUGH. I move to amend the bill by striking out the word "fifteen," in line 14, and inserting "thirty." I trust the chairman of the committee will accept the amendment.

Mr. RANSOM. I shall not object.

The PRESIDING OFFICER. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. After the word "improvement," in line 14, page 54, strike out "fifteen" and insert "thirty;" so as to read:

Improving Red River of the North, Minnesota: Continuing improvements, $30,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 55, line 2, before the word "thousand," to strike out "twenty-five" and insert "thirty-five;" so as to make the clause read:

Improving Illinois River, Illinois: Continuing improvement, $35,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 10, to insert:

For examination and survey for the location of a canal connecting Lake Superior and the Mississippi River, $10,000; and the engineers making said examination and survey shall report the most feasible route for such canal, either by way of the St. Croix, Rum, or Upper Mississippi Rivers.

The amendment was agreed to.

The next amendment was, on page 55, line 18, before the word "thousand," to strike out "sixteen" and insert "sixty;" and in the same line, after the word "dollars," to insert:

and so much thereof as shall be required shall be expended in completing connections with the reservoir dams; in completing Sandy Lake dam; and any balance may be used for the construction of a reservoir and dam at Gull Lake, Minn.: *Provided*, That the United States shall not be subject to any cost or expense for lands, mills, or other property necessarily taken or injured for the last-named reservoir and dam;

so as make the clause read:

For care and maintenance of reservoirs at the head waters of the Mississippi River $60,000, and so much thereof as shall be required shall be expended in completing connections, etc.

The amendment was agreed to.

The next amendment was, on page 56, after line 22, to insert:

Improving the Mississippi River between the Chicago, St. Paul, Minneapolis and Omaha Railroad bridge at St. Paul to the Washington Avenue bridge at Minneapolis. The Secretary of War is hereby authorized to appropriate the unexpended balance standing to the credit of this improvement to further improvement under the project or plan to extend navigation from St. Paul to the flour mills at Minneapolis, estimated for by Maj. A. McKenzie as appears by his report made to Gen. Thomas L. Casey, Chief of Engineers, United States Army, under date of March 1, 1894. And the Secretary of War is hereby authorized to enter into contracts for all of the materials and work necessary to complete lock and dam numbered 2 in said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $560,000, exclusive of the amount herein authorized to be expended.

The amendment was agreed to.

The next amendment was, on page 57, line 20, before the word "thousand," to strike out "fifteen" and insert "twenty;" so as to make the clause read:

At the harbor of New Madrid, Mo.: Continuing improvement, $20,000.

The amendment was agreed to.

The next amendment was, on page 57, line 22, before the word "thousand," to strike out "eighty" and insert "one hundred and thirty;" so as to make the clause read:

At the harbor of New Orleans, La.: Continuing improvement, $130,000.

The amendment was agreed to.

The next amendment was, on page 58, line 2, before the word "thousand," to strike out "twenty" and insert "forty;" so as to make the clause read:

At the harbor of Memphis, Tenn.: Continuing improvement, $40,000.

Mr. HARRIS. I wish to move to amend the amendment of the committee in this case. I send to the desk the amendment which was offered to the original bill before the amendment of the committee was made.

The PRESIDING OFFICER. The amendment of the Senator from Tennessee to the amendment of the committee will be stated.

The SECRETARY. Before the word "thousand," in line 2, page 58, strike out "forty" and insert in lieu thereof "one hundred;" so as to read:

At the harbor of Memphis, Tenn.: Continuing improvement, $100,000.

Mr. HARRIS. Mr. President, some months ago the mayor of Memphis addressed to me a letter, calling my attention to the condition of the harbor of that city. I requested him to have the local engineer give me full and accurate information as to the condition of the harbor and its then absolute necessities. As the briefest and clearest statement which I can make of the condition of affairs there, I ask the Secretary to read the letter addressed to the mayor and by him sent to me, which gives an account of the condition of things at Memphis.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

IMPROVING MISSISSIPPI RIVER, FIRST AND SECOND DISTRICTS.

UNITED STATES ENGINEER OFFICE,
99 Madison street, Memphis, Tenn., May 22, 1894.

SIR: As requested by you, I have the honor to say that the sum of $100,000 will be required to execute the improvement contemplated for Memphis harbor.

The proposed improvement consists in completing the bank protection along the city front. The length of the city front from the mouth of Wolf River to the bridge is 13,300 feet. Of this, 9,500 feet has already been protected as follows:

From the mouth of Wolf River to the foot of Beale street it is protected by brush and stone mattresses laid at different times between 1878 and 1887. For a distance of 2,100 feet below Beale street the bank is protected by the citizens' dikes placed in 1886-'87, and for a distance of 1,000 feet above the bridge it is protected by a revetment placed by the bridge company as a protection to its shore pier. The only piece of bank unprotected is that included between the lower end of the citizens' dikes and the bridge company's revetment, a distance of about 3,800 feet. The caving here, formerly of slow progress, has shown increased activity during the past year. A large cave occurred in June of 1893 and a second one in April of this year. Both were caused by the strong current to which this bank is now exposed.

Before the creation of the bar at the upper portion of the city the current exerted its most vigorous action on the Tennessee shore in the vicinity of the mouth of Wolf River, but as the bar grew in width and height the point of greatest attack was gradually forced downstream, and at the present time the current exerts its greatest force along the citizens' dikes and the piece of unprotected bank referred to. The revetment of this bank has, in consequence of the active caving manifested during the past year, become a work of some urgency, and it would be exceedingly advantageous if it could be done in a single season.

As I stated in an official report on this subject, any considerable recession of the bank here must be guarded against to prevent the formation of an eddy at the shore pier of the main channel span of the bridge and to prevent the current from taking an oblique direction through the bridge spans, both of which events would surely occur if the bank is allowed to cave back much farther behind its present location. Incidentally, the revetment will protect very valuable property on the bank now threatened with loss by caving, but the chief reason or necessity for an early execution of the work is its influence in maintaining the current in a proper direction through the bridge and preventing the formation of an eddy in the channel span.

Very respectfully, your obedient servant,

S. W. ROESSLER,
Captain of Engineers.

Hon. W. L. CLAPP,
Mayor City of Memphis, Tenn.

Mr. HARRIS. From the report of the engineer in charge of the work there it appears that under former appropriations the Tennessee shore has been protected down to Beale street, which is near the center of the city. From Beale street down the citizens have protected for some 2,000 or 2,100 feet, as stated in the report. For a thousand feet above the bridge the bridge company has protected, but it leaves a gap of 2,000 or a little over 2,000 feet wholly unprotected between the protection the citizens have given and the protection that the bridge company has given.

It seems that the current is setting in upon the bank and producing very rapid caving. The current of the Mississippi River is not much of a respector of the installment plan, and it is dangerous to let this work go uncompleted for another year, as the caving may go on so as to come in behind and to wash out behind the improvement which the bridge company has already made, and effect the eastern pier of the great bridge which was constructed there a few years ago. Even if it has not that effect, the washing in at that point, the engineer reports, may produce an eddy at or near the bridge and drive the current through the bridge spans, which are in an oblique direction, and that would make navigation exceedingly unsafe. The engineer reports $100,000 as necessary to complete this improvement.

Now, my fear is that if we appropriate thirty, forty, or fifty thousand dollars to go on with the work at this time, and let it go on for another year without completion, it will result practically in the loss of the forty or fifty thousand dollars which

we may invest in the work at this time, and perhaps hereafter we will have to appropriate an equal amount to remedy the evil. That is the view I take of it. In view of that consideration, I think the wisest and most economical policy we can pursue is to make the appropriation which the engineer says is necessary to complete the work. This is all I desire to say.

Mr. RANSOM. In deference to the statement made before the Committee on Commerce by the distinguished Senator from Tennessee, who has just spoken, the committee doubled the House appropriation for Memphis Harbor. The account of that place which the Senator from Tennessee has given is very accurate, and the reasons he gives why the appropriation should be made are good. But the Senate must not forget that in making these appropriations nowhere scarcely can the committee or the Senate give the full amount asked for. It is very rare, as the Senator from Tennessee well knows, that that is done.

Mr. CULLOM. The rule is to give one-quarter.

Mr. RANSOM. The rule adopted by the committee has been to allow one-quarter. But I leave that out of view, because we all know the importance of the harbor at Memphis. It is a very important one, and the Senator's statement is correct and has great force in it. The committee have every disposition to save Memphis Harbor, and to hear what the Senator from Tennessee says. But it does seem to me that for the present an appropriation of $50,000 to save Memphis Harbor is fair. I say that, sir, after some reflection upon the subject, and I hope the Senator from Tennessee will agree to an amendment making the appropriation $50,000 and will not insist upon an appropriation of $100,000.

Mr. HARRIS. If this case is not clearly exceptional, I should not expect to be dealt with other than as other localities and other Senators are dealt with, and if the Commerce Committee is satisfied that it is not sufficiently exceptional to make it an exceptional case and make the full appropriation, while the rule of the committee is otherwise, I shall be bound to acquiesce in the conclusions and decisions of the committee. But in my judgment we are risking the money we put into the partial improvement, whereas by making at once the appropriation which the engineer says is necessary, we will have completed the work and have no further trouble with it.

Mr. RANSOM. I am now satisfied that $50,000 is the proper appropriation to be made in this case. There are a great many other cases in the United States exactly like this one, and we could not go the full amount. I will move to amend the amendment of the committee by striking out "forty," and inserting "fifty."

The PRESIDING OFFICER. Two amendments are now pending to this paragraph, one upon the other.

Mr. HARRIS. I hope no question of order will be raised, and that the sense of the Senate will be tested upon the amendment now proposed by the Senator from North Carolina.

The PRESIDING OFFICER. The amendment of the Senator from Tennessee is withdrawn. The question is on agreeing to the amendment of the Senator from North Carolina to the amendment of the Committee on Commerce.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 58, after line 6, to strike out:

At the head of the Atchafalaya and the mouth of Red River, Louisiana, for improvement thereof with a view to maintain navigation between the Atchafalaya and Red Rivers and dredging Upper Old River, $70,000, of which $2,500 may be used in improving Bayou Des Glaises, in the parish of Avoyelles, and the Mississippi River Commission is directed to report to Congress on the advisibility of effecting a separation between the Mississippi and Red Rivers.

And insert:

At the head of the Atchafalaya and the mouth of Red River, Louisiana, for the rectification thereof: Continuing improvement, $70,000, of which $2,500 may be used in improving Bayou Des Glaises, in the parish of Avoyelles.

The amendment was agreed to.

The next amendment was, on page 58, after line 20, to insert:

Improving Saint Francois River, in Missouri, $5,000.

The amendment was agreed to.

The next amendment was, on page 58, line 24, before the word "thousand," to strike out "four" and insert "five;" In the same line, after the word "dollars," to strike out "improving" and insert "and improving;" on page 59, line 1, before the word "thousand," to strike out "forty-six" and insert "fifty," and in the same line, after the word "dollars," to insert "to be expended according to the plans and specifications adopted by the Missouri River Commission;" so as to make the clause read:

Improving Gasconade River, Missouri: Continuing improvement, $5,000; and improving Osage River, Missouri: Continuing improvement, $50,000 to be expended according to the plans and specifications adopted by the Missouri River Commission.

The amendment was agreed to.

The next amendment was, on page 59, after line 2, to insert:

One hundred and fifty thousand dollars for improving the channel of the Missouri River at points where the volume of water is being diminished by its divergence or escape from the usual channel; of which sum the Missouri River Commission, under such plans and specifications as it may adopt, shall expend $75,000 at Omaha, Nebr.; $25,000 at Atchison, Kans., and the remainder at St. Joseph and other localities on the river, in the State of Missouri, where the Commission may deem such improvement necessary.

Mr. PEFFER. I move to amend the amendment of the committee by striking out, in line 3, the word "fifty" and inserting "sixty," and in connection with that, in line 9, where the word "twenty-five" occurs to strike it out and insert "thirty-five." This will add an additional $10,000 to the total appropriation.

Mr. RANSOM. If I may interrupt the Senator from Kansas I will state that I had already given notice to his colleague [Mr. MARTIN], who has seen me on this matter, that I should not object to the amendment.

Mr. PEFFER. That, then, is sufficient.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. In line 3 of the committee amendment strike out "fifty" and insert "sixty;" and in line 9 strike out "twenty-five" and insert "thirty-five;" so as to make the paragraph read:

One hundred and sixty thousand dollars for improving the channel of the Missouri River at points where the volume of water is being diminished by its divergence or escape from the usual channel; of which sum the Missouri River Commission, under such plans and specifications as it may adopt, shall expend $75,000 at Omaha, Nebr.; $35,000 at Atchison, Kans., and the remainder at St. Joseph and other localities on the river, in the State of Missouri, where the Commission may deem such improvement necessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 59, line 13, after the word "Improving," to strike out:

Missouri River between the foot of the Great Falls of said river in Montana and the lower limits of Sioux City, Iowa, $50,000; of which $10,000 may be expended in the protection and completion of the works at Sioux City, and $40,000 are to be expended in the rectification of the river at Pierre and Fort Pierre.

And insert:

Upper Missouri River between Stubbs's Ferry, in Montana, and the lower limits of Sioux City, Iowa, $145,000, of which $10,000 may be expended in the protection and completion of the works at Sioux City; $40,000 are to be expended in the rectification of the river at Pierre and Fort Pierre; $20,000 in improving the river between Pierre and the mouth of the Sioux River, in South Dakota; $25,000 for improving the river between Pierre and Bismarck; $30,000, in the discretion of the Secretary of War, may be used for the protection of Bismarck harbor and the rectification of the river by works to prevent the river from eroding the banks and cutting a new channel at or near that point; $20,000 shall be expended between the Great Falls of said river, in Montana, and Stubbs's Ferry, in Montana.

So as to make the clause read:

Improving Upper Missouri River between Stubbs's Ferry, in Montana, and the lower limits of Sioux City, Iowa, etc.

Mr. ROACH. I have the permission of the chairman of the Committee on Commerce, in charge of the bill, to move in line 3, after the word "Bismarck," to strike out "thirty" and insert "forty."

The PRESIDING OFFICER. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. After the word "Bismarck" on page 60, line 3, strike out "thirty" and insert "forty;" so as to read "$40,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. ROACH. That will necessitate a change in line 21, page 59, before the word "thousand," to strike out "forty-five" and insert "fifty-five;" so as to read "$55,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 60, line 13, before the word "thousand," to strike out "ninety" and insert "one hundred and fifteen;" so as to make the clause read:

Improving Sacramento and Feather Rivers, California: Continuing improvements, including treatment of the Yuba River, near and above Marysville, and of the Bear River, $115,000; of which $10,000, or so much thereof as may be necessary, shall be expended in snagging and other work between Tehama and Redding, on the Sacramento River; and, in the discretion of the Secretary of War, $10,000, or so much thereof as may be necessary, shall be expended in making a cut-off to avoid Shanghai bend on Feather River.

The amendment was agreed to.

The next amendment was, on page 60, after line 22, to insert:

For construction of restraining works at De Guerre Point, Yuba River, California, for the protection of the Sacramento and Feather Rivers, in accordance with the recommendation contained in House of Representatives Executive Document No. 16, Fifty-third Congress, second session, $100,000: *Provided*, That said appropriation shall not be available until at least a similar amount shall have been appropriated and made available for the same purpose by the State of California. All of said money shall be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 61, line 17, before the word "thousand," to strike out "forty" and insert "fifty;" so as to make the clause read:

Improving San Joaquin River, California, including making cut-off at Twenty-one Mile Slough; and if, in the discretion of the Secretary of War, it is deemed beneficial to navigation by preventing deposit of sediment in Stockton Channel, or otherwise, the making of a double cut-off beginning at Mormon Slough immediately above its junction with Stockton Channel, thence across the same, entering the San Joaquin River immediately below junction therewith of Stockton Channel: Continuing improvement, $50,000, of which $10,000, or so much thereof as may be necessary, shall be expended in snagging and other work in aid of navigation on the San Joaquin River, above the city of Stockton and in the Tuolumne River and other tributaries of the former.

The amendment was agreed to.

The next amendment was, on page 62, line 2, before the word "thousand," to strike out "eleven" and insert "fifteen;" so to make the clause read:

Improving Petaluma Creek, California: Continuing improvement, $15,000.

The amendment was agreed to.

The next amendment was, on page 62, after line 13, to insert:

Improving Columbia River from Rock Island Rapids to Foster Creek Rapids: The Secretary of War may, in his discretion, expend the unexpended balance, $8,210.92, of the appropriation heretofore made for the improvement of the Columbia River between the head of Rock Island Rapids and the foot of Priest Rapids, Washington, for the building of a snag boat for use on the Columbia River between Rock Island Rapids and Foster Creek Rapids, and for such other work as may be necessary for the improvement of navigation of said River within the above-named limits.

The amendment was agreed to.

The next amendment was, on page 63, line 1, before the word "improvement," to strike out "continuing" and insert "completing," and in line 3, before the word "dollars," to strike out "eighty-two thousand" and insert "three hundred and thirty-eight thousand one hundred and eighty;" so as to make the clause read:

Improving mouth of Columbia River, Oregon and Washington: Completing improvement, $338,180.

The amendment was agreed to.

The next amendment was, on page 63, after line 3, to insert:

Improving Columbia River, Oregon and Washington, at Three-Mile Rapids, and the construction and equipment of a boat railway from the foot of the Dalles Rapids to the head of Celilo Falls, said boat railway to be provided at each terminus with hydraulic lifts, and other necessary appliances, for the purpose of raising and lowering the boats on suitable cars to and from its tracks, the whole to be located, constructed, and equipped for the passage of eight boats of 600 tons each in each direction in twelve hours, on the south side of the Columbia River, substantially in accordance with the location and plans submitted by the board of engineers appointed by the President in pursuance of the provision of the act of Congress approved July 13, 1892, and entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," with their report, which is contained in Senate Executive Document numbered 7, Fifty-third Congress, first session, $250,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said improvements, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate, including cost of right of way and right to use of lands required for terminal facilities, $2,014,467, exclusive of the amount herein appropriated: *And provided further*, That the Secretary of War is hereby authorized and directed to proceed to acquire without unnecessary delay by purchase or condemnation, in the manner and according to the conditions now prescribed by law, the necessary right of way for said boat railway and the right to the use of lands required for terminal and other facilities for said boat railway, and to expend so much of the amount hereby appropriated as may be necessary for that purpose.

Mr. HALE. Mr. President, here is a novel scheme which is proposed to be initiated and completed at an expense of $2,500,000, covering the construction and equipment of a boat railway on the Columbia River from the foot of The Dalles Rapids to the head of Celilo Falls. I should like to have the Senator from Oregon inform the Senate what work has heretofore been done upon the Columbia River between the points mentioned as the terminal points of the boat railway.

Mr. DOLPH. Nothing at all has been done. It is a new improvement.

Mr. HALE. That is what I want to know, whether any money has been expended there on this project.

Mr. DOLPH. Nothing of any kind has been done. But it has been examined by two boards, one board of five engineers and a subsequent board of seven engineers.

Mr. HALE. What is the distance between The Dalles Rapids and Celilo Falls?

Mr. DOLPH. About 13 miles I believe is the distance that the railway and the improvement of the river will cover.

Mr. HALE. Then what is to be done at Celilo Falls?

Mr. DOLPH. That is the upper end. Then you have 265 miles of open river navigation.

Mr. HALE. Has any money been expended upon the river above that point?

Mr. DOLPH. In the river there has been some money expended, but not a great amount. There have been small appropriations for the last fifteen or twenty years.

Mr. HALE. This is intended to cover a portion of the river which can not be made navigable in the channel?

Mr. DOLPH. That is it. It is a substitute for a canal, which would cost two or three times as much. This project has been examined by two boards of eminent engineers. The proposition has twice passed the Senate as a separate measure, and it was adopted by the Senate in the river and harbor bill two years ago, but was lost in conference.

Mr. HALE. Is the Senator himself satisfied that it is a practical project?

Mr. DOLPH. Perfectly. It was before the Committee on Commerce two years ago——

Mr. HALE. And that it can be built for $2,500,000?

Mr. DOLPH. The estimate is $2,264,000, and there is a provision that the contract shall not be let unless the improvement can be made for that amount. One hundred and seventy thousand dollars is for river improvements, and a little over $2,000,000 for the boat railway.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Commerce.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 64, line 17, before the word "thousand," to strike out "thirty-five" and insert "fifty;" so as to make the clause read:

Improving Lower Willamette River in front of and below Portland, Oregon, and Columbia River below the Willamette River in Oregon and Washington: Continuing improvement, $50,000.

The amendment was agreed to.

The next amendment was, on page 65, line 7, before the word "thousand," to strike out "twenty" and insert "twenty-five;" so as to make the clause read:

Improving the mouth of Siuslaw River: Continuing improvement, $25,000.

The amendment was agreed to.

The next amendment was, on page 65, line 12, before the word "thousand," to strike out "ten" and insert "twenty-five;" so as to make the clause read:

Improving Upper Snake River, Idaho, between Seven Devils mining district and Huntington bridge, $25,000.

The amendment was agreed to.

The next amendment was, on page 65, line 16, before the word "thousand," to strike out "seven" and insert "fourteen;" and in line 17, after the word "dollars," to insert:

Which, together with the unexpended balance, may, in the discretion of the Secretary of War, or so much thereof as shall be necessary, be used for repairs to snag boat;

So as to make the clause read:

Improving Puget Sound and its tributary waters, Washington: Continuing improvement, $14,000, which, together with the unexpended balance, may in the discretion of the Secretary of War, or so much thereof as shall be necessary, be used for repairs to snag boat.

The amendment was agreed to.

The next amendment was, on page 65, line 22, before the word "thousand," to strike out "twenty" and insert "twenty-five," so as to make the clause read:

Improving Swinomish Slough, Washington: Continuing improvement in accordance with existing plan, $25,000.

The amendment was agreed to.

The next amendment was, on page 66, after line 4, to insert:

For dredging Shilshole Bay and Salmon Bay, and the improvement of the water way connecting the waters of Puget Sound, at Salmon Bay, with Lakes Union and Washington by enlarging the said water way into a ship canal, with the necessary locks and appliances in connection therewith, $100,000: *Provided*, That no part of said amount shall be expended on the improvement of the water way connecting the waters of Puget Sound with Lakes Union and Washington until the entire right of way and a release from all liability to adjacent property owners have been secured to the United States free of cost and to the satisfaction of the Secretary of War.

Mr. RANSOM. In line 5, page 66, after the word "dredging," I move to strike out the words "Shilshole Bay and." It is a mistake in the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 67, after line 24, to strike out:

In all channels and harbors marked by buoys, stakes, or other channel marks, or where passage between piers or alongside of revetted banks is necessary, rafts shall be so constructed that the boom logs surrounding the rafts shall overlap each other, outward and aft, from front to rear, at least 3 feet, and be fastened together by chains, ropes, or other fastenings short

enough to prevent the laps straightening out; and failure to so construct each raft shall be an offense punishable as hereinafter provided for.

The amendment was agreed to.

The next amendment was, on page 68, after line 8, to strike out:

In and through connecting and connected waters of the Great Lakes, such as harbors and rivers with narrow entrances and channels, no bag rafts shall be permitted under penalty as hereinafter provided for.

The amendment was agreed to.

The next amendment was, on page 69, line 1, after the words "St. Clair," to strike out "and" and insert "Maumee;" in line 2, after the word "Detroit," to insert "and Niagara;" in line 6, after the word "rafts," to strike out "with the logs essentially parallel to each other in the direction of raft length;" in line 8, after the word "and," to strike out:

That rafts shall not be of greater dimensions either way than 50 feet wide by 600 feet long, and if longer than 300 feet,

And in line 14, after the words "provided for," to insert:

The provisions and restrictions of this act with reference to the character, size, and construction of rafts, and methods of towing shall not apply to those portions of the waters of Lake Superior bordered by the States of Wisconsin and Minnesota.

So as to make the clause read:

For entering and navigating all harbors with narrow channels, all rivers navigated by vessels other than rafting tugs, except in the rivers St. Mary, St. Clair, Maumee, Detroit, and Niagara, said harbors or rivers being on or connecting with any of the Great Lakes, and for entering or passing through the Portage Lake Ship canals across Keweenaw Point, Michigan, logs shall be made into crib rafts, and be held together by frequent cross sticks, chains, or cables; and shall be handled by two tugs of sufficient power to properly control them. Each failure to comply with this restriction shall constitute an offense punishable as hereinafter provided for. The provisions and restrictions of this act with reference to the character, size, and construction of rafts, and methods of towing shall not apply to those portions of the waters of Lake Superior bordered by the States of Wisconsin and Minnesota.

The amendment was agreed to.

The next amendment was, on page 69, line 24, after the word "shall," to strike out "not exceed 600 feet in length and 60 feet in width; they shall;" and on page 70, line 4, after the words "move it," to insert "as far as possible;" so as to make the clause read:

On the St. Marys River between Sault Ste. Marie and the head of Mud Lake, at a point 2 miles below the position of the Encampment Crib light, rafts shall be securely fastened by cross-ties, or otherwise, to preserve, as far as possible, a uniform width; each raft shall be handled by not less than two tugs of sufficient power to keep the raft under control and to move it as far as possible to one side of the channel sufficiently to permit vessels to pass; and each failure to comply with this restriction shall constitute an offense punishable as hereinafter provided for.

The amendment was agreed to.

The next amendment was, on page 70, line 8, after the words "Saint Clair," to strike out "and" and insert "Maumee;" in line 9, before the word "hundred," to strike out "twelve" and insert "twenty-two;" and in line 10, before the word "hundred," to strike out "one" and insert "two;" so as to make the clause read:

On the St. Clair, Maumee, Detroit, and Niagara rivers, rafts shall not exceed in length 2,300 feet, nor in width 200 feet; they shall be securely crosstied to preserve uniform width; and each failure to comply with this restriction shall constitute an offense punishable as hereinafter provided for.

The amendment was agreed to.

The next amendment was, in section 5, on page 76, line 20, after the word "bridges," to strike out:

Promptly upon reasonable signal for the passage of vessels and boats, and it is hereby declared to be unlawful to obstruct, hinder, or unreasonably delay the passage of vessels and boats through the draws of such bridges.

And insert:

Under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law.

On page 77, line 4, before the word "open," to strike out "so," and in line 8, after the word "given," to insert "as provided in such regulation;" so as to read:

That it shall be the duty of all persons owning, operating, and tending the drawbridges now built, or which may hereafter be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges, under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $2,000 nor less than $1,000, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

The amendment was agreed to.

The next amendment was, in section 6, on page 78, line 5, after the word "harbor," to insert "or river;" so as to read:

That it shall not be lawful to place, discharge, or deposit, by any process or in any manner, ballast, refuse, dirt, ashes, cinders, mud, sand, dredgings, sludge, acid, or any other matter of any kind other than that flowing from streets, sewers, and passing therefrom in a liquid state, in the waters of any harbor or river of the United States, for the improvement of which money has been appropriated by Congress, elsewhere than within the limits defined and permitted by the Secretary of War, etc.

The amendment was agreed to.

Mr. HALE. Let me call the attention of the Senator from North Carolina to the end of section 5. Does he need that provision, as it has been put in in better form in the earlier part of the bill? The Senator will find it is the same provision, and has been put in in better form in a preceding section.

Mr. DOLPH. Let the additional proviso go out.

Mr. RANSOM. All right.

Mr. DOLPH. At the suggestion of the Senator from Maine, I move to strike out the additional proviso, and if it shall be found necessary in conference it can be retained. However, I think it should go out.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 6, page 78, line 18, after the words "United States," strike out down to and including the word "provided," in line 24, in the following words:

Provided further, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 10, page 80, line 16, after the word "directed," to insert "at his discretion;" so as to read:

That the Secretary of War is hereby directed, at his discretion, to cause preliminary examinations to be made at the following localities, to wit:

Mr. RANSOM. The committee does not insist upon this amendment. Let it be disagreed to.

The PRESIDING OFFICER (Mr. PASCO in the chair). The amendment of the committee is withdrawn at the request of the Senator from North Carolina.

Mr. RANSOM. Yes, sir.

The PRESIDING OFFICER. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 10, page 81, line 11, before the word "harbor," to strike out "Byron" and insert "Byram."

The amendment was agreed to.

The next amendment was, in section 10, page 82, after line 13, to insert:

Suisun Creek, with a view to improvement of channel.

The amendment was agreed to.

The next amendment was, in section 10, page 82, after line 22, to insert:

Chapel Point Harbor, at the junction of the Potomac and Port Tobacco Rivers, with a view to the improvement of said harbor and its approaches.

The amendment was agreed to.

The next amendment was, in section 10, page 83, after line 6, to insert:

Withlacoochee River, from its mouth to head of navigation.

The amendment was agreed to.

The next amendment was, in section 10, page 83, after line 8, to insert:

Entrance to Biscayne Bay.

The amendment was agreed to.

The next amendment was, in section 10, page 83, after line 9, to insert:

Anclote River.

The amendment was agreed to.

The next amendment was, in section 10, page 83, after line 19, to insert:

Harbor at Bayou Sara.

The amendment was agreed to.

The next amendment was, in section 10, page 83, after line 22, to insert:

Bayou Dugdamona.

The amendment was agreed to.

The next amendment was, in section 10, page 83, after line 23, to insert:

Bayou Castor.

The amendment was agreed to.

The next amendment was, in section 10, page 83, after line 24, to insert:

Little River.

The amendment was agreed to.

The next amendment was, in section 10, page 85, after line 13, to insert:

Tittabawassee River, from Saginaw to the head of navigation.

The amendment was agreed to.

The next amendment was, in section 10, page 85, line 17, after the word "lake," to insert "with a view to construction of reservoirs;" so as to make the clause read:

Big Stone Lake, with a view to construction of reservoirs.

The amendment was agreed to.

The next amendment was, in section 10, page 85, after line 22, to insert:

Red Lake River, with the view of improving Red Lake River from Thief River Falls to the Red Lake.

The amendment was agreed to.

The next amendment was, in section 10, page 86, after line 10, to insert:

The bar recently formed in Horn Island Pass.

The amendment was agreed to.

The next amendment was, in section 10, page 86, after line 11, to insert:

MONTANA.

Flathead River, from Columbia Falls, in Montana, to its mouth at Flathead Lake, and from its outlet on the south at Flathead Lake to the Clarkes Fork of the Columbia River.

The amendment was agreed to.

The next amendment was, in section 10, page 86, after line 15, to insert:

Kootenai River, from Jennings, in Montana, to the international boundary, with a view of removing rocks and obstructions in the canyon above the town of Jennings.

The amendment was agreed to.

The next amendment was, in section 10, page 86, after line 18, to insert:

Pend d'Oreille River, from Flathead Lake to Jocko Station, Montana.

The amendment was agreed to.

The next amendment was, in section 10, page 86, after line 20, to insert:

Tongue River, with a view of straightening its channel along the eastern edge of the Fort Keogh military reservation.

The amendment was agreed to.

The next amendment was, in section 10, page 87, to strike out line 5, in the following words:

The bar recently formed in Horn Island Pass.

The amendment was agreed to.

The next amendment was, in section 10, page 89, to strike out lines 19 and 20, in the following words:

Block Island Harbor, with a view to making a harbor of refuge in Great Salt Pond.

The amendment was agreed to.

The next amendment was, in section 10, page 90, after line 5, to insert:

TENNESSEE.

Wolf River, from its mouth to a point 5 miles above.

The amendment was agreed to.

The next amendment was, in section 10, page 91, after line 17, to insert:

Clallam Bay, with a view to its improvement as a harbor of refuge.

The amendment was agreed to.

The next amendment was, in section 10, page 91, after line 19, to insert:

Lewis River, from La Center to its mouth, with a view of deepening the channel and improving the navigation.

The amendment was agreed to.

Mr. SQUIRE. After conference with the chairman of the committee, I offer an amendment to come in at the end of line 21, page 91.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 91, after line 21, insert:

From Hood's Canal to Puget Sound to North Bay, in said sound, with a view of constructing a water way and channel between the two bodies of water at the most practicable place of sufficient depth to be navigable for all classes of vessels.

Mr. SQUIRE. This is only for a preliminary examination.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 12, page 94, after line 19, to insert:

Machias River Channel.

The amendment was agreed to.

The next amendment was, in section 12, page 95, after line 5, to insert:

Tarpaulin Cove, Naushon Island.

The amendment was agreed to.

The next amendment was, in section 12, page 95, after line 17, to insert:

NORTH CAROLINA.

North East (Cape Fear) River, from the old county ferry to Juniper Swamp or Creek, a point about 1 mile north of Hilton railroad bridge, with a view to obtaining an increased depth of channel.

The amendment was agreed to.

The next amendment was, in section 12, page 95, after line 22, to insert:

Alligator River.

The amendment was agreed to.

Mr. RANSOM. I move to insert after line 23, page 95:

Cape Fear River above Fayetteville.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 12, page 96, after line 22, to insert:

Ohio River, movable dams, numbered 3, 4, and 5.

The amendment was agreed to.

The next amendment was, in section 12, page 97, after line 2, to insert:

Great Salt Pond, Block Island, with a view to making harbor of refuge therein.

The amendment was agreed to.

The next amendment was, in section 12, page 97, after line 4, to insert:

Pawcotuck River, with reference to its further improvement from Westerly, R. I., to Stonington, Conn.

Mr. DOLPH. The first word in that amendment, Pawcotuck, should be changed to "Pawcatuck."

The PRESIDING OFFICER. That verbal change will be made, in the absence of objection. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 12, page 97, after line 10, to insert:

TENNESSEE.

Forked Deer River, from Dyersburg, Tenn., to its junction with the Obion River, and thence to the Mississippi River, so as to make said stream navigable all the year.

The amendment was agreed to.

The next amendment was, in section 12, page 97, after line 17, to insert:

Trinity River, from Magnolia to the city of Dallas.

The amendment was agreed to.

The next amendment was, in section 12, page 97, after line 18, to insert:

For determining the causes of the erosion of the easterly end of Galveston Island, and estimating the cost of works to prevent the same.

The amendment was agreed to.

The next amendment was, in section 12, page 98, after line 6, to insert:

Grays Harbor and its bar entrance, with a view to the improvement of its channels.

The amendment was agreed to.

The next amendment was, on page 98, line 11, to change the numbering of "section 12" to "section 13."

The amendment was agreed to.

The reading of the bill was continued to line 17, on page 98.

Mr. DOLPH. After consulting with the members of the committee who are present, we are satisfied that the amount appropriated there will be entirely inadequate, and even the amendment that I propose will be inadequate. I move, in line 17, section 13, to strike out "twenty-five," and insert "fifty;" so as to make the appropriation $150,000.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 13, line 17, before the word "thousand," it is proposed to strike out "twenty-five," and insert "fifty;" so as to read:

For preliminary examinations, surveys, except where otherwise herein especially provided for, contingencies, expenses connected with inspection of bridges, the service of notice required in such cases, the examination of bridge sites and reports thereon, and for incidental repairs for which there is no special appropriation for rivers and harbors, $150,000, etc.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. VILAS. I move to amend, on page 23, line 6, before the word "thousand," by striking out "three," and inserting "six;" so as to make the amount $6,000.

I have submitted that proposal to the distinguished chairman of the Committee on Commerce, and I think it has his approbation. It consists simply of increasing the appropriation for the improvement of the harbor at Two Rivers from $3,000 to $6,000. That harbor is one of growing importance. Within two years the business there has increased more than $2,000,000; and the

harbor has been somewhat neglected. I hope the amendment will be agreed to.

The PRESIDING OFFICER (Mr. PASCO in the chair). The amendment will be stated.

The SECRETARY. On page 23, line 6, before the word "thousand," it is proposed to strike out "three" and insert "six;" so as to read:

Improving harbor at Two Rivers, Wis.: Continuing improvement, $6,000.

Mr. RANSOM. I have no objection to the amendment.

The amendment was agreed to.

Mr. VILAS. On page 21, in line 22, I move to amend before the word "thousand," by striking out "fifteen" and inserting "twenty." That is, so as to make the appropriation for improving the harbor at Kewaunee $20,000 instead of $15,000.

By some means the appropriation has fallen below even the usual allowance given by the committee of one-quarter of the estimate. The Chief of Engineers says that the amount that can be profitably expended there during the current fiscal year, which has recently begun, is $75,000 on that improvement; and yet not even the ordinary amount has been appropriated, but less than that.

Let me state what is mentioned in the report of the Chief Engineer himself, that with the recent completion of the railroad to that harbor it has become one end of a ferry across Lake Michigan, which has greatly increased its importance, and there is now a line of boats which transport cars and cargoes of cars in connection with the railroads on each side of the lake.

I hope there will be no question about the amendment. I understand the chairman agrees to it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 21, line 22, before the word "thousand," it is proposed to strike out "fifteen" and insert "twenty;" so as to read:

Improving harbor at Kewaunee, Wis.: Continuing improvement, $20,000

The amendment was agreed to.

Mr. PLATT. I move to amend in section 12, which provides for surveys, under the head of "Connecticut," on page 93, after line 21, by inserting:

Stonington Harbor.

Mr. RANSOM. There is no objection to that.

Mr. PLATT. I think this provision is not necessary, but if it is not it can be stricken out in conference.

Mr. RANSOM. Very well.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Connecticut.

The amendment was agreed to.

Mr. SQUIRE. On page 66, after line 16, I submit an amendment, which I send to the desk. I wish to state that the report from the Secretary of War as to Everett Harbor was received the day after the report on the bill had been made by the committee.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 66, after line 16, it is proposed to insert:

For dredging Everett Harbor, including mouth of Snohomish River, and Snohomish River from mouth to Lowell, in the State of Washington, the sum of $25,000.

Mr. RANSOM. I have tried to make this a fair bill. An appropriation of $25,000 at that point would not be in keeping with other appropriations in the bill. I suggest to the Senator from Washington to make the sum $10,000, and then I shall have no objection to it.

Mr. SQUIRE. I accept that suggestion, and will modify the amendment by making the amount $10,000.

The PRESIDING OFFICER. The amendment will be so modified. The question is on the amendment as modified.

The amendment, as modified, was agreed to.

Mr. BLANCHARD. On page 16, line 15, before the word "thousand," I move to strike out "eighty" and insert in lieu thereof the word "ninety," so as to make the appropriation $90,000.

At the mouth of the Calcasieu River, in Louisiana, there are two bars, one where the stream empties into the Gulf of Mexico, and the other above that, where the upper stream empties into what is called Lake Calcasieu. Further up the Calcasieu River is the town of Lake Charles, in Southwestern Louisiana, and is that section of the State where a large number of immigrants from the Northwestern States have recently settled. There are a number of sawmills on the lake at the town of Lake Charles.

This project for the deepening of this bar at the mouth of the Calcasieu River has been going on for some years. It is a most worthy improvement, and when accomplished will enable vessels to carry cargoes of lumber from the lumber mills on the Calcasieu River to Mexico and other Central American States. The engineer reports that it would require $425,000 to complete the work. He further states that the work consists of jetties, which extend a considerable distance out into the Gulf of Mexico. It is important that that character of work should be completed rapidly, because if left exposed to storms it deteriorates and the the jetties are washed away.

This matter was brought by me to the attention of the Committee on Commerce of the Senate for an appropriation of $20,000 additional to the sum allowed by the bill as it passed the House of Representatives. I now ask that one-half of that sum, or $10,000, be allowed at this time; and I hope that my friend from North Carolina, the chairman of the Committee on Commerce, will do me the favor to agree to this amendment. It is an important project, and the money will be well expended in the achievement of results.

Mr. RANSOM. I can not refuse that request. I see how a gentleman's ideas and views enlarge upon coming from the House of Representatives to the Senate, and I should be a very silly man to object to it. I agree to the amendment so far as I may.

Mr. BLANCHARD. I thank the Senator.

The PRESIDING OFFICER. The amendment proposed by the Senator from Louisiana will be stated at the desk.

The SECRETARY. On page 16, in line 15, before the word "dollars," it is proposed to strike out "eighty" and insert "ninety;" so as to read:

Improving mouth and passes of Calcasieu River, Louisiana: Continuing improvement, $90,000, of which $15,000, or so much thereof as may be necessary, shall be used on the inner bars.

The amendment was agreed to.

Mr. CALL. On page 14, in line 23, after the word "Florida," I move to strike out down to and including the word "harbor," in line 3, on page 15; and in lieu thereof to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14, line 23, after the word "Florida," it is proposed to strike out the remainder of the paragraph down to and including the word "harbor," in line 3, on page 15, as follows:

Continuing improvement, $125,000; and the Secretary of War may, if he deems it advisable, begin the improvement recommended by the Board of Engineers appointed in January, 1891, to consider and report upon the improvement of said harbor.

And insert:

The Secretary of War shall enter into contract with the lowest responsible and most efficient bidder for the permanent improvement of the harbor at Pensacola, Fla., according to the plan and estimate of the Board of Engineers under the act of 1891, to obtain a depth of 30 feet of water, at a cost not exceeding $500,000, of which amount $100,000 is hereby appropriated.

Mr. CALL. Mr. President, I hope the Senator from North Carolina in charge of the bill will agree to the amendment I have offered. The appropriation for this item in the bill is $125,000 for continuing the improvement according to the former estimate. The amendment I propose reduces the present appropriation, and requires the improvement to be made according to the later plan and estimate of the Board of Engineers under the act of 1891, authorizing a contract to be made not exceeding $500,000 for the full amount, and appropriating $100,000 for the work at this time.

The harbors on the coast of Florida, which comprises a large portion of the coast of the United States, including the harbors of the Gulf coast, Pensacola, Tampa Bay, and Charlotte are capable of being made at a slight expense deep-water harbors. The commerce with the Central and South American States finds in those ports its outlet and its inlet; which are capable of being made adequate to the largest vessels.

Inasmuch as this appropriation reduces the amount contained in the bill and only provides for the contract for the work, I think there ought to be no objection to it, and I hope the Senator from North Carolina will agree to it.

Mr. DOLPH. Mr. President, I dislike very much to oppose anything which my friend from Florida wishes, but I think the Senate should know the condition of this matter.

The Senators from Florida were before the committee and advocated placing Fernandina Harbor under the contract system. The committee did that, cutting down the appropriation $75,000, putting the work at that harbor under the contract system. The committee understood that the improvement at Fernandina was more important than the improvement mentioned in the amendment now proposed by the Senator from Florida. The committee made provision for the speedy completion of the more important improvement.

I do not think that anyone pressed the consideration of the Fernandina appropriation upon the committee, except the Senators from Florida. That harbor is partly in Florida, and I understand is one of the most important harbors of that State. The committee did not exactly see how, when there were, I think, only four improvements in this bill which were put under

the contract system, that after we put Fernandina under that system we should also include this harbor.

Mr. CALL. Mr. President, I do not think my friend, the Senator from Oregon, ought to object to this appropriation for Pensacola or for any other appropriation in Florida. In this bill we have voted, and I have voted and am prepared to vote again, for an appropriation of $2,000,000 for an improvement in the State of Oregon on the Columbia River for prospective commerce, where there is none, and for the purpose of inducing it.

Now, we are here asking for an appropriation for a port which annually exports from and imports into the United States several million dollars of gold values. There is a large trade in lumber with the South American countries, and there is a commerce which benefits the whole country; and this point is the natural outlet for it. We are not asking for anything to induce future development; but we are asking for the preservation of existing commerce.

Here is a port where, with an appropriation of $500,000, it is proposed to secure 30 feet of water. If it can not be done under the proposed amendment, the Chief of Engineers will not make the contract. I propose to reduce the annual appropriation and thereby institute an economy. This appropriation will save to the people of the United States as well as to the Government of the United States five times the amount which is now annually appropriated. It reduces the appropriation for this year $25,000.

Mr. DOLPH. Mr. President, I entirely agree with the Senator from Florida about the economy of the contract system, and I think that every great improvement should be conducted in that way. What I suggested was that I did not see how the committee could agree to put so much important work under the contract system for one State, when there were so few improvements so treated in the bill.

In regard to the Columbia River, the Senator from Florida does not know anything about that river, I judge. There are more of the products of the soil of Oregon go out of the mouth of the Columbia River every year than are raised in the whole State of Florida. We have 122 miles of river between Portland and the sea, up which come the vessels of all the maritime nations of the earth, and there may be seen in Portland Harbor at any time the flags of nearly all nations. The people of the city of Portland have expended nearly $500,000 on that stretch of the river within the last two years; they have constructed 8 miles of training dike and have expended many thousands of dollars in dredging so as to make a 25-foot channel.

The engineer in charge reported that it only required $153,000 to complete the work, and still the House of Representatives gave only $35,000 for that 122 miles of navigable river, and it was only increased by the Senate committee to $50,000.

In regard to the upper river, which I presume the Senator had in mind, thirty-two years ago I went down that river from Wallula on a boat carrying from 400 to 600 tons of freight, and from fifty to one hundred passengers, and the river was navigated 200 miles above The Dalles Rapids by a fleet of boats long before railroads were built.

These improvements are not for a prospective commerce; they are for existing commerce. The valley of the Columbia, which is drained by that river and the cost of marketing the products of which would be affected by the improvement of that river, is in extent larger than New England and New York.

As I said, I reluctantly make any opposition to the wishes of the Senator from Florida, and I shall say nothing more. I shall let the chairman of the committee say what shall be done with the amendment.

I entirely agree with the Senator from Florida that the contract system is the economical system and that all the great works of this country ought to be conducted under it: but the question now is what we should do in this bill.

Mr. CALL. Mr. President, I find in this bill the following:

Improving Columbia River, Oregon and Washington, at Three-Mile Rapids, and the construction and equipment of a boat railway from the foot of The Dalles Rapids to the head of Celilo Falls, etc.

With an appropriation of $2,014,467. Will the Senator from Oregon pretend to say that there is any commerce there where this boat railway is to be made?

Mr. DOLPH. Not on those particular rapids, but above and below on the river there has been commerce for years.

Mr. CALL. That is what I said, and the Senator dodged the question.

Mr. DOLPH. Oh, no.

Mr. CALL. There was nothing said about the commerce of the mouth of the river; but I was comparing this bill with nearly $3,000,000 which we are voting for prospective commerce in Oregon, with the objection to a contract for $500,000 for the port of Pensacola, 500 miles away from the port of Fernandina, which subserves the purposes of the people of the United States. This is not a bill for the State of Florida, though the sum I have named is an appropriation for the State of Oregon. This is an appropriation for the whole United States, and it saves to the Treasury of the United States at least a million dollars in these appropriations.

This contract being made for $500,000, reducing the annual appropriation by $25,000, will this year pay to the people of the United States more than twice the amount which will be expended under this amendment of mine.

So by comparison with this upwards of $2,000,000 for a boat railway away up on the Columbia River, where there is no commerce and where there are no people, but which is prospective and to induce commerce, there is nothing like the advantage to the country, and I say it does not lie in the mouth of the Senator from Oregon to make this objection.

The gulf coast of Florida covers a large part of the coast of the United States, commencing at Georgia and running around along the peninsula of Florida. On the Atlantic there are the ports of Jacksonville, Fernandina, Augustine, New Smyrna, Canaveral, Miami, Key West, Charlotte Harbor, Tampa, Apalachicola, St. Andrews, Pensacola, Cedar Keys, furnishing in Tampa, Charlotte Harbor, Apalachicola, and Carrabella and in Pensacola outlet to the whole of the commerce of the United States to South American countries, and a place for the shipping of the whole Gulf of Mexico to find its refuge and its place of safety.

So there is no question that those harbors and ports where there can be made deep water in the Gulf of Mexico and upon the Atlantic Ocean, are not matters which belong to the State, but are of the highest importance to the whole people of the United States.

For that reason I think there should be no objection to an amendment which reduces the appropriations in this bill, and at the same time accomplishes a work required for a far less amount; and when compared with other appropriations in this bill it is the most meritorious one that can be made.

Mr. PASCO. Mr. President, I have nothing to say against the appropriations made for the State of Oregon, and I trust the amendment offered by my colleague is strong enough to stand upon its merits without any such attack.

The Senate committee has been liberal in making additions to the appropriations for Florida. We are very glad of the improvement of Cumberland Sound, in which our State is greatly interested, which has been put in this bill. Cumberland Sound is of vast importance, and contains the harbor of Fernandina, and one end of the jetties rests upon Amelia Island, where Fernandina is located. This improvement has been put upon the continuing list. I shall be very glad if anything I can say will strengthen the efforts of my colleague to put Pensacola also upon the continuing list.

I wish to give to the Senate some of the commercial statistics of the port of Pensacola, taken from the recent report of the Chief of Engineers.

The following statement of the business of the port of Pensacola, for the fiscal year ending June 30, 1893, has been furnished by the collector of customs:

Lumber exported.....feet b. m..	336,995,000
Value of exports to foreign ports	$3,805,967
Value of exports to coastwise ports	468,705
Total exports	4,274,672
Value of imports from foreign ports	6,517,581
Total exports and imports	10,792,253
Duties on imports and miscellaneous collections	27,938
Vessels entering and clearing.	
Vessels entering from foreign ports	460
Vessels entering from coastwise ports	89
Total entering	549
Vessels clearing for foreign ports	479
Vessels clearing for coastwise ports	86
Total clearing	565
Vessels employed in traffic of port	168

It is well known that Pensacola is the best harbor upon the Gulf of Mexico, and it is well worthy of being placed upon the continuing list. It is very desirable that the obstructions to commerce there should be removed, and I should be very glad if the Senate would adopt the amendment offered by my colleague, and add Pensacola to the places included in the system of continuing improvements.

Mr. RANSOM. It would be a real gratification to me to accedt to the wishes of the Senators from Florida. I know the imporeance of this port, and the Senate knows it, but if the Senators from Florida will think with me for one second, as I know the Senate will, they will realize that they ought not to insist upon this amendment. In the first place, the Senate Committee on Commerce has increased the House appropriation for Pensacola

$25,000, one-fourth, showing our disposition to help that port. Now, the Senate has not thought about it, but we have just put Fernandina on the permanent appropriation list. There is no more important port in Florida than Fernandina, and the Senators from Florida would not discriminate between Fernandina and Pensacola. They fought for both and insisted upon both.

But the committee in its discretion, and it was a wise discretion, determined to put Fernandina on the permanent appropriation list and then increased the appropriation for Pensacola $25,000. That ought to be satisfactory. It is fair; it is just.

I certainly do not underate the commercial importance of the State of Florida, its length of coast, and what it is to be in the future. I know of the great phosphate beds there, which are to furnish fertilizing material not only to the United States, but perhaps to Europe. I know of the exhaustless resources they have. I know of their large forests. I know what progress has taken place there, but they have now a permanent, continuing improvement at Jacksonville, on the St. Johns River.

Is not that so? The committee in this very bill has provided for a permanent continuing improvement for Fernandina, and we give in this bill $25,000 more for Pensacola than the other House gave. I appeal to my friends from the State of Florida; I know their earnestness for their State——

Mr. CALL. Take off the $25,000.

Mr. RANSOM. Let it stay; but we can not make every place in the United States a continuing, permanent improvement. If we were to do so, the bill would be crowded to death. It could not last. Next year's sundry civil appropriation bill would almost sink the country. I can not agree to the amendment. I will have to object to it. But if the Senators from Florida will think of it, they will see that they are treated fairly in the bill. I hope the Senator from Florida [Mr. CALL] will not insist upon the amendment.

Mr. CALL. I shall not oppose the passage of the bill by calling for a vote; but I have some other amendments to offer.

The PRESIDING OFFICER (Mr. BLANCHARD in the chair). Does the Chair understand the Senator from Florida to withdraw the amendment?

Mr. RANSOM. I hope the Senator does.

Mr. CALL. I desire to offer another amendment. We can not have a vote on this amendment without delaying the passage of the bill, and as the Senator will not agree to it, I withdraw it.

Mr. RANSOM. I would agree to it if I could, but I can not.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. CALL. On page 15, line 9, I move to strike out the word "twenty" and insert the words "one hundred."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 9, page 15, strike out "twenty" and insert "one hundred;" so as to read:

Improving Charlotte Harbor and Pease Creek, Florida: Continuing improvement, $100,000.

Mr. CALL. It is my duty to present the facts in this case and the reasons which should influence this appropriation. It is not, as stated by the Senator from Oregon and the Senator from North Carolina, that it should be confined to a State and a State's interest, but that it should represent the interest of the commerce of the people of the United States.

The ports of Charlotte Harbor export large quantities of phosphate rock. It needs this improvement in order to reduce the cost of shipment to the people who produce that rock. A large trade exists with Europe to-day, and an appropriation of $100,000 will save $500,000 this year to the commerce of the United States. That is the statement of this case. This appears from the report of the engineers, and upon that ground I ask the Senator from North Carolina to accept the amendment.

Mr. RANSOM. Everybody knows that I wish I could accept the amendment, but the engineers say that only $50,000 could possibly be used in the year.

Mr. CALL. I ask that the whole contract be authorized for $100,000.

Mr. RANSOM. The Senate doubled the House appropriation, and here the engineers say that all that possibly can be used during the year, if they had all the money in the world, is $50,000. I can not accept the amendment.

Mr. CALL. The Senator from North Carolina is like the Senator from Oregon. He will not stand up to the question.

Mr. RANSOM. Yes, I will.

Mr. CALL. The question is whether you are willing to give a hundred thousand dollars, and, if you choose, to authorize a permanent contract for the improvement, so as to secure deep water at that harbor, or whether you are willing to appropriate $20,000 only, a wholly inadequate sum.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was rejected.

Mr. CALL. I will give the Senator from North Carolina another opportunity. I propose on page 15, after line 9, to insert:

Improvement of harbor at Cape Canaveral, Florida, so as to make a harbor of refuge for vessels requiring deep water, and for the proctection of the light-house, $20,000; and the Secretary of War is hereby authorized to contract for the improvement of the harbor at a cost not exceeding $100,000, of which amount $20,000 is hereby appropriated.

Mr. DOLPH. This is an entirely new item. I do not remember now whether it was considered by the Committee on Commerce. I do not think it was.

Mr. CALL. It is recommended by the Committee on Naval Affairs.

Mr. DOLPH. Was the amendment ever sent to the Committee on Commerce?

Mr. CALL. It was.

Mr. DOLPH. Under the circumstances, without consulting with the other members of the committee, we can not accept the amendment.

Mr. CALL. The amendment was referred to the Committee on Commerce. If they did not consider it that is another matter.

Mr. DOLPH. We considered such as our attention was called to by Senators.

Mr. CALL. The amendment was printed and referred to the Committee on Commerce. It has been recommended by the Committee on Naval Affairs. That is a very important point for the commerce of the whole United States passing along the coast of Florida. It is the most easterly point upon the coast. All the commerce of the Gulf passes in sight. In case of storm they find an easy place of refuge. It has been submitted to the Committee on Naval Affairs as a proper improvement for the Navy of the United States as well as for the commercial marine as a place where vessels can find refuge. For that reason I bring it to the attention of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was rejected.

Mr. GALLINGER. On page 2, line 17, I move to strike out "ten" and insert "fifteen;" so as to read "$15,000."

I will say that the chairman of the Committee on Commerce agrees to have the amendment go into the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 2, line 17, before the word "thousand," strike out "ten" and insert "fifteen;" so as to make the clause read:

Improving harbor of refuge at Little Harbor, New Hampshire: Continuing improvement, $15,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

Mr. PASCO. I desire to offer an amendment, which has been submitted to the chairman of the committee, and I believe it will meet with his approval.

The SECRETARY. On page 93, after line 25, insert:

St. John's River from Jacksonville to the ocean: The Secretary of War is hereby directed to prepare and submit plans and estimates for continuing the work, so as to secure an increase of the depth of the channel to 24 feet.

Mr. RANSOM. That is right.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was agreed to.

Mr. CALL. I move to add to the amendment of my colleague relative to the survey of the St. John's River:

And for the improvement of the channel of the St. John's River, Florida, to Sanford and above that point, so as to make deep-water navigation for seagoing vessels to Sanford, Fla.

Mr. DOLPH. I suggest to the Senator that he use the words "with a view to obtaining navigation for deep-water vessels." That is the usual language as to surveys.

Mr. CALL. Very well.

Mr. PASCO. I ask my colleague whether this is a new amendment, or is intended to be added to the one I have offered?

Mr. CALL. It is proposed to be added to the amendment of my colleague, because his amendment relates to that river.

Mr. PASCO. I suggest that this be offered as a new amendment, and that the suggestion to modify the amendment by changing the phraseology be accepted. If my colleague will permit me, I will have the amendment read in its modified shape.

The PRESIDING OFFICER. The amendment as modified will be stated.

The SECRETARY. On page 93, after line 25, insert:

St. John's River from Jacksonville to the ocean: The Secretary of War is hereby directed to prepare and submit plans and estimates for continuing the work, with a view to secure an increase of the depth of the channel to 24 feet.

Mr. DOLPH. The Senator from Florida did not exactly catch my meaning. What I suggested was that it was unusual in the matter of surveys to direct the Secretary of War to prepare plans. That naturally follows. I suggest that the amendment provide for a survey of the river between certain points, with a view to securing navigation of a certain depth; and all the balance follows.

Mr. PASCO. I followed the very language that is made use of with reference to a Georgia project.

Mr. DOLPH. In the bill as it came from the other House. We did not choose to disturb that in the Senate.

Mr. PASCO. I think the same language had better be followed.

Mr. CALL. I will submit the amendment which I propose.

Mr. PASCO. I understand the project my colleague refers to is a different one, and relates to the river above Jacksonville.

Mr. CALL. Yes; above Jacksonville.

Mr. PASCO. The amendment I have offered has already been adopted.

Mr. CALL. Yes; then I will offer this as an independent amendment, to be inserted after line 5, on page 83.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. After line 5, on page 83, insert:

For the improvement of the channel of the St. Johns River to Sanford and points above, with a view to obtaining sufficient water for seagoing vessels.

Mr. RANSOM. I agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was agreed to.

Mr. CALL. Then I will move further, to add to the provision made in the bill for the improvement of Charlotte Harbor and Pease Creek, the words "and Punta Rassa;" and when this amendment is agreed to I will again move for an increased amount adequate to both.

Mr. DOLPH. What point is Punta Rassa?

Mr. CALL. Punta Rassa is a point in the waters of the bay of Charlotte Harbor, farther south, where there is the entrance of the Caloosahatchie River, which connects with Lake Okeechobee and the drainage system that has been designed by the State of Florida, running up into the interior.

Mr. DOLPH. It is a new scheme. Has there been any examination or survey or report?

Mr. CALL. There has been an appropriation every year for the Caloosahatchie River. The Senator will find it in the old appropriation acts. Punta Rassa is at the mouth of the Caloosahatchie River. The Senator will find the whole of that project covered in the surveys. It is one of the most valuable tropical parts of Florida. I ask that the improvement at Punta Rassa be included in the appropriation for Charlotte Harbor. The proposed appropriation, $20,000, is, however, entirely inadequate for the needs of Charlotte Harbor.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida will be stated.

Mr. CALL. At the suggestion of my colleague, I move to insert the amendment on page 39, after the word "river" in line 6.

The SECRETARY. After the word "river" in line 6, page 39, insert "at Punta Rassa;" so as to make the clause read:

Improving Caloosahatchee River and the entrance to the river at Punta Rassa, Fla.: For $1,000.

The amendment was agreed to.

Mr. CALL. Then at the suggestion of my colleague I move to strike out the word "one" in the same clause and insert "two;" so as to read "$2,000."

Mr. RANSOM. There is no objection to that.

The amendment was agreed to.

Mr. CALL. Now, Mr. President, I move——

Mr. RANSOM. I shall object. I give the Senator from Florida fair notice.

Mr. CALL. I am going to ask a very small thing of the Senator from North Carolina.

Mr. RANSOM. No; I will not agree to it.

Mr. CALL. I am going to ask the Senator to insert after line 9, on page 15, Clear Water Harbor and Anclote Harbor, and to give each one of them $1,000. I will state to the Senator that these are two places where there is a great congregation of sponge vessels and fishing vessels. Vessels from the Gulf of Mexico and sailing yachts which sail from the Eastern ports into the Gulf during the winter enter these harbors.

There is a large commerce there. At times you will find behind the islands, outside of these harbors, one, two, and three hundred little vessels, which furnish fish and sponges to the interior of North Carolina, and, in fact, the whole United States. There is a large export of sponges to foreign countries, and I ask for only $1,000 for each of these places.

Mr. PASCO. I call my colleague's attention to the fact that Anclote Harbor has been put in with the list of preliminary surveys on page 83.

Mr. CALL. I know it has been, and I desire that it should be; but it has been surveyed and estimated for, and the increase of commerce at Anclote justifies the appropriation at this time.

Mr. RANSOM. I have done everything in the world for the Senator from Florida.

Mr. CALL. The Senator will not give us anything more?

Mr. RANSOM. No.

The PRESIDING OFFICER. Does the Chair understand the Senator from Florida to withdraw his amendment?

Mr. CALL. Yes, sir. The Senator from North Carolina will not agree to it; but I give notice that I shall seek the first opportunity to renew the effort to accomplish these objects, and to add to them the improvement of the Miami and Fort Jupiter entrance, and to place Indian River, which is really an estuary of the Atlantic Ocean, and within the exclusive jurisdiction of the United States, under the care and the control of the National Government for the improvement of its navigation, and also the Ocklawaha River from the St. Johns to Leesburg and the lakes beyond.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. RANSOM. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. RANSOM, Mr. GORMAN, and Mr. DOLPH were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6373) making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OUTHWAITE, Mr. LAPHAM, and Mr. HULL managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 1919) to ratify and confirm an agreement with the Yuma Indians in California, for the cession of their surplus lands, and for other purposes, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 4209) for the relief of the securities of John S. Bradford;

A bill (H. R. 4734) to authorize the Secretary of State to accept for the United States of America a painting by G. F. Watts, Royal Academy, entitled "Love and Life;"

A bill (H. R. 5525) authorizing John E. Johnson and others to accept medals of honor and diplomas from the Government of Spain;

A bill (H. R. 6424) to authorize Rear-Admiral John G. Walker and Surg. Gen. J. Rufus Tryon, of the United States Navy, to accept the decoration of the "Busto del Libertador" of the third class from the President of Venezuela;

A bill (H. R. 6468) to amend section 1674 of the Revised Statutes of the United States, relative to consular officers;

A bill (H. R. 7475) authorizing Commander C. H. Davis, United States Navy, to accept a decoration from the King of Spain; and

A joint resolution (H. Res. 126) authorizing the President to appoint delegates to attend the meetings of the International Geodetic Association.

ARMY APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6373) making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. COCKRELL. I move that the Senate insist upon its amendments and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint conferees on the part of the Senate, and Mr. BLACKBURN, Mr. COCKRELL, and Mr. TELLER were appointed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. COCKRELL. I move that the Senate proceed to the consideration of House bill 7097, being the legislative, executive, and judicial appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7097) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. COCKRELL. I ask unanimous consent that we may act upon the amendments of the committee as we proceed with the reading of the bill.

The PRESIDING OFFICER. The Chair hears no objection, and that course will be pursued.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 1, line 11, to insert the following proviso:

Provided, That the salaries of Senators elected or appointed to fill vacancies in the Senate and of Senators elected for a full term subsequent to the commencement of such term, shall commence on the date of their election or appointment.

Mr. SHERMAN. Do I understand that the compensation is to begin before the term commences at the time of election?

Mr. COCKRELL. To be perfectly frank with the Senator from Ohio I will state that there has been a construction to the effect that the terms begin at certain times regardless of the fact whether they are filled or not. There are three classes of Senators. On the 3d of March, 1893, there was a vacancy in a class of Senators. That vacancy has not been filled to-day, and will not be filled until next winter.

It will then be filled, and under the old construction of the law the gentleman who will then be elected and become for the first time a Senator will be entitled to draw pay to the amount of $10,000 for a period when he never dreamed of being Senator.

Mr. SHERMAN. I believe that was a faulty construction, but I do not propose to act as a reformer. The point I make is as to the language as it now stands in the amendment. Take my own case. A Senator from the State of Ohio is always elected fourteen months before his term commences. This language is very clear, and undoubtedly I would be entitled if elected Senator to compensation from the time of my election. It would give me pay for a year and two months before I could possibly take the seat.

Mr. COCKRELL. Not at all. It can not be construed that way.

Mr. SHERMAN. Now, I will read it:

The compensation of Senators, $440,000: *Provided*, That the salaries of Senators elected or appointed to fill vacancies in the Senate and of Senators elected for a full term subsequent to the commencement of such term, shall commence on the date of their election or appointment.

In my judgment that language would clearly give to a Senator compensation from the date of his election.

Mr. COCKRELL. If the Senator will just examine it carefully he will see that he misconstrues it entirely. It reads:

That the salaries of Senators elected or appointed to fill vacancies in the Senate, and of Senators elected for a full term subsequent to the commencement of such term.

That is the only class of Senators it applies to, those appointed or elected subsequent to the commencement of the term. It does not refer to or touch anybody else, and the Senator sees that he has not applied the word "subsequent" to the right part of the sentence.

Mr. SHERMAN. I doubt very much whether the language will bear out the meaning, but if it does, why should a Senator receive compensation before the date of his election?

Mr. COCKRELL. That is exactly what we are trying to stop. Three Senators will be elected next winter for the term beginning March 4, 1893, from three States of this Union, and we are trying to stop them from taking $30,000 out of the Treasury without any possible title to it, which they will do unless we make this provision of law, because they will not be elected until two years after their terms begin.

Mr. SHERMAN. I certainly sympathize with the object the Senator has in view, because no man ought to receive compensation for the time before his election, but I question very much whether the language as it now stands is not susceptible of a double meaning.

Mr. COCKRELL. It can not be. It reads:

That the salaries of Senators elected or appointed to—

What?

to fill vacancies in the Senate and of Senators elected for a full term subsequent to the commencement of such term.

It does not have anything to do with Senators elected for a term to begin on a date in the future. It does not relate to that matter.

Mr. SHERMAN. I am inclined to think that the language requires a little careful consideration. I shall not make any point upon it, but in conference it certainly ought to be made clear.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 2, line 8, before the word "dollars," to strike out "seventeen thousand two hundred and fifty-eight" and insert "twenty-three thousand four hundred and ninety-eight;" so as to make the clause read:

For compensation of the officers, clerks, messengers, and others in the service of the Senate, $423,498.90, namely.

The amendment was agreed to.

The next amendment was, on page 5, line 9, before the word "clerks," to strike out "twenty-three" and insert "twenty-nine," and in line 12, before the word "dollars," to strike out "thirty-three thousand one hundred and twenty" and insert "forty-one thousand seven hundred and sixty;" so as to make the clause read:

For twenty-nine clerks to committees, at $1,440 each, $41,760.

The amendment was agreed to.

The next amendment was, on page 5, line 18, after the word "dollars," to insert:

And $500 additional while the office of assistant doorkeeper is held by Isaac Bassett.

So as to read:

Office of Sergeant-at-Arms and Doorkeeper: For Sergeant-at-Arms and Doorkeeper, $4,500; horse and wagon for his use, $420, or so much thereof as may be necessary; for clerk to Sergeant-at-Arms, $2,000; assistant doorkeeper, $2,592, and $500 additional while the office of assistant doorkeeper is held by Isaac Bassett.

The amendment was agreed to.

The reading of the bill was continued to line 24, on page 5.

Mr. COCKRELL. I move, in line 23, to strike out "thirty-five" and insert "thirty-six;" so as to read:

Thirty-six messengers, at $1,440 each.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 6, line 17, to increase the total appropriation for the office of Sergeant-at-Arms and Doorkeeper of the Senate from $114,584 to $115,084.

Mr. COCKRELL. On page 6, line 17, I move to change the total, so as to read:

One hundred and fifteen thousand eight hundred and four dollars.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued to line 15, on page 7.

Mr. COCKRELL. I move to strike out "ten" and insert "nine" in line 13; so as to read:

And nine folders at $720 each.

And change the total appropriation for the folding room from $22,330 to $21,610.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 7, line 25, before the word "annual," to strike out "thirty-five" and insert "thirty-three;" on page 8, line 3, before the word "dollars," to strike out "forty-two thousand" and insert "thirty-nine thousand," and in the same line, after the word "dollars," to insert the following proviso:

Provided, That Senators elected, whose term of office begins on the 4th day of March, and whose credentials in due form of law shall have been presented to the Senate or filed with the Secretary, but who have not been qualified, are authorized to appoint a clerk to serve from the date of the commencement of their terms respectively, whose compensation shall be paid out of the appropriation for clerks to Senators who are not chairmen of committees.

So as to make the clause read:

For thirty-three annual clerks to Senators who are not chairmen of Committees, at $1,200 each: *Provided*, That Senators elected, whose term of office begins on the 4th day of March, etc.

The amendment was agreed to.

The next amendment was, on page 8, line 12, before the word "thousand," to strike out "five" and insert "six," and in line 14, before the word "thousand," to strike out "sixteen" and insert "seventeen;" so as to make the clause read:

For contingent expenses, namely: For stationery and newspapers, including $6,000 for stationery for committees and officers of the Senate, $17,000.

The amendment was agreed to.

The next amendment was, on page 8, line 21, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand;" so as to make the clause read:

For expenses of maintaining and equipping horses and mail wagons for carrying the mails, $5,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 9, line 3, before the word "thousand," to strike out "three," and insert "five;" so as to make the clause read:

For purchase of furniture, $5,000.

The amendment was agreed to.

The next amendment was, on page 9, line 6, after the word "cleaning," to insert "repairing;" so as to make the clause read:

For services in cleaning, repairing, and varnishing furniture, $1,000.

The amendment was agreed to.

The next amendment was, on page 9, line 12, before the word "dollars," to insert "nine hundred and forty;" so as to make the clause read:

For miscellaneous items on account of the Maltby Building, $16,940.

The amendment was agreed to.

The next amendment was, on page 10, line 21, before the word "dollars," to strike out "sixty-nine thousand eight hundred and five," and insert "seventy-three thousand three hundred and twenty-nine;" so as to make the clause read:

For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives, $373,329.74, namely.

Mr. COCKRELL. I move to increase the amount so as to read "$374,655.74." That is a change which makes the correct total and it is necessary to be made. Strike out "three" and insert "four," strike out "three" again and insert "six," strike out "twenty-nine" and insert "fifty-five;" so as to read "$374,655.74."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued to page 11, line 11.

Mr. COCKRELL. In line 7, after the word "office," I move to insert the letter "r" so as to read "officer." It is "disbursing office," but it is evidently intended for "disbursing officer."

The amendment was agreed to.

The reading of the bill was continued to page 12, line 13.

Mr. COCKRELL. In line 4, page 12, I move to strike out "and" after the word "clerk" and insert "$1,200;" so as to read:

One assistant to the file clerk, $1,200.

In line 12, after the word "thousand," I move to strike out "two" and insert "five;" so as to read:

In all, $86,528.

I move this amendment at the special request of the House of Representatives. It is their matter, and they have requested it. It is not done because we are interfering with their arrangements, but solely because they request it.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 13, line 20, before the word "and," to strike out "sixteen thousand" and insert "fifteen thousand nine hundred;" so as to make the clause read:

For twenty-two clerks to committees, including a clerk to the Committee on Irrigation of Arid Lands, at $6 each per day during the session, $15,972.

Mr. COCKRELL. In line 17, page 13, I move to strike out "twenty-two" and insert "twenty-three;" so as to read:

For twenty-three clerks to committees.

I also move to change the total in line 19 to $16,698. This change is made because we have been advised by the other House that an additional clerk has been created there and it is a necessity.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 18, line 24, after the word "Library," to insert "under the direction of the Chief Justice," so as to make the clause read:

For purchase of books for the library, $4,000; for purchase of law books for the library, under the direction of the Chief Justice, $1,500; for the purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress, and purchased under the direction of the Chief Justice, $1,500; for expenses of exchanging public documents for the publications of foreign governments, $1,500; for purchase of files of periodicals, serials, and newspapers, $2,500; in all $11,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 8, to insert:

And in lieu of the clerks now detailed from the several executive departments for duty as examiners at the Civil Servic Commission, clerks for such duty to be employed by said Commission are hereby provided for as follows: Six clerks of class four; eight clerks of class three; ten clerks of class two; twelve clerks of class one; in all, $52,000: *Provided*, That the said Commission may transfer to its rolls and employ such of the clerks now detailed as may be deemed qualified for examining work.

Mr. PLATT. May I inquire of the chairman of the committee how this provision affects the number of clerks employed, whether it is an addition to the clerks at present employed or a reduction, or whether it is the same number which are now employed?

Mr. COCKRELL. The number of clerks here specified are detailed from the different Departments.

Mr. PLATT. Thirty-six in all.

Mr. COCKRELL. We provide for them here, and strike them off in the Departments.

Mr. PLATT. They are stricken off in the bill?

Mr. COCKRELL. They are stricken off in the bill from the Departments. There is no increase in the aggregate number.

Mr. PLATT. The Civil Service Commission is not obliged to employ them all, but can take the number they want. If they do not utilize them all, can they appoint new ones, so that there will be no reduction in the number of examiners?

Mr. COCKRELL. There are a few places now that are not filled by the details. The details are made, but the clerks are not being used, because it is said they are not fit for the duty. There will be authority for new clerks to be taken under civil service examinations or taken from the list of those already in the Departments.

Mr. PLATT. This does not take any of the clerks away from the commission?

Mr. COCKRELL. No.

The PRESIDING OFFICER (Mr. JARVIS in the chair). The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 23, line 6, before the word "dollars," to strike out "three" and insert "four;" so as to make the clause read:

For expenses of editing and distributing the laws enacted during the first and second sessions of the Fifty-third Congress and the Statutes at Large of the Fifty-third Congress, four thousand dollars.

The amendment was agreed to.

The next amendment was, on page 23, line 12, after the word "dollar," to insert "stenographer, $1,800;" and in line 19, before the word "hundred," to strike out "thirty-seven thousand eight" and insert "thirty-nine thousand six;" so as to make the clause read:

Office of the Secretary: For compensation of the Secretary of the Treasury, $8,000; three assistant Secretaries of the Treasury, at $4,500 each; clerk to the Secretary, $2,400; stenographer, $1,800; three private secretaries, one to each Assistant Secretary, at $1,800 each; Government actuary, under the control of the Treasury Department, $1,800; one clerk of class one; one copyist; three messengers; three assistant messengers; in all, $39,680.

The amendment was agreed to.

Mr. COCKRELL. In line 17, on page 23, before the word "messenger," I move to strike out "three" and insert "four;" and in the same line, before the words "assistant messengers," I move to strike out "three" and insert "four."

The Treasury Department recommend four messengers and four assistant messengers, and I hold in my hand the letter of Secretary Carlisle, written to-day, in which he asks for the restoration. It does not increase the force, but, on the contrary, the proposed reform of the Treasury Department reduces the number of messengers eight, and this will still leave a reduction of six.

I ask that the Secretary's letter be printed in the RECORD in connection with this matter.

The PRESIDING OFFICER. It will be so ordered in the absence of objection.

The letter referred to is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 13, 1894.

SIR: Referring to my recent letter, in which I recommended an increase of one messenger and one assistant messenger in the office of the Secretary of the Treasury, I have the honor to again urge the increase of force.

As at present constituted, the force of messengers and assistant messengers for that office consists of three each, all of whom are on duty with the three Assistant Secretaries, leaving the room of the Secretary to be provided for by details from other Bureaus.

Inasmuch as the proposed reorganization of force in this Department will reduce the messenger and laborer force by eight, it will cause embarrassment to provide the Secretary's office with such service from other offices.

Respectfully, yours,

J. G. CARLISLE, *Secretary.*

Hon. F. M. COCKRELL,
Chairman Committee on Appropriations, United States Senate.

Mr. COCKRELL. In order to conform to the amendments I have just proposed, I also move to strike out the total in line 18, and insert "$41,240."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 23, line 17, before the word "messengers," it is proposed to strike out "three" and insert "four;" in the same line, before the words "assistant messengers," to strike out "three" and insert "four," and after the word "all," in line 18, to strike out "$37,880" and insert "$41,240."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 11, on page 25.

Mr. COCKRELL. At the request of the Senator from Ohio [Mr. SHERMAN], who desires to submit some remarks upon the provisions relating to the reorganization of the Treasury Department, I will designate as we reach them all such provisions, and they may for the time being be passed over.

Mr. SHERMAN. I suggest that we pass over, beginning in line 12, on page 25, to the end of line 23, on page 42. The real question I wish to present to the Senate is found on page 126 and *supra*.

Mr. COCKRELL. When we reach the provisions in the reading of the bill that relate to the subject to which the Senator refers, I shall have them reserved.

Mr. SHERMAN. I wish to reserve the amendments on pages 31, 32, and 33.

Mr. COCKRELL. That is only one division of the Secretary's office that is changed. There is no use of reserving the others. I shall note the amendments as we reach them.

Mr. SHERMAN. There is one on page 31.

Mr. COCKRELL. We may as well make the reservations at once, and be done with them. I propose to reserve from line 12, on page 25, down to and including line 23, on page 26.

Mr. SHERMAN. I ask the Senator whether he expects to close the bill to-night?

Mr. COCKRELL. I should like to finish all of the bill but the part on which the Senator desires to be heard. Of course, I am not going to insist on the Senator's speaking this evening under the circumstances.

I propose to reserve also, beginning on page 31, line 5, down to and including line 23, on page 42; then I propose to reserve, beginning on page 45, with line 15, down to and including line 24, on page 46; and then, toward the close of the bill, beginning on page 126, at section 3, and going to the end of the bill.

The PRESIDING OFFICER. The Senator from Missouri asks that the parts of the bill indicated by him may be reserved.

Mr. COCKRELL. Perhaps the reading of the parts of the bill to which I have referred had better be omitted at this time.

Mr. SHERMAN. I do not think it necessary to read the parts the Senator desires to have reserved. Let them all go over.

I desire to say, to relieve the Senator from any idea that I desire to prolong this matter, that I merely wish to present the very important question raised about the reorganization of the Treasury Department. I hope all Senators may be present to hear what may be said, because I do not wish to delay at all the passage of this important appropriation bill.

The PRESIDING OFFICER. The Chair hears no objection to reserving the parts of the bill which have been designated by the Senator from Missouri, and they will be so reserved. The reading of the bill will be resumed after the first reservation, beginning in line 24, on page 26.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 27, line 9, before the word "clerks," to strike out "four" and insert "two;" in the same line, after the word "two," to insert "one clerk of class 1;" in line 10, after the word "one," to strike out "one clerk, at $1,000," and insert "three clerks, at $1,000 each;" in line 11, before the word "clerks," to strike out "two" and insert "three;" in line 12, after the word "each," to strike out "two copyists, at $840 each; one assistant messenger," and insert "two assistant messengers," and in line 15, before the word "dollars," to strike out "six hundred and ten" and insert "five hundred and fifty;" so as to make the clause read:

Division of appointments: For chief of division, $2,750; assistant chief of division, $2,000; one clerk of class 4; two clerks of class 3; two clerks of class 2; one clerk of class 1; three clerks, at $1,000 each; three clerks, at $900 each; two assistant messengers; and one laborer; in all, $21,550.

The amendment was agreed to.

The next amendment was, on page 28, line 1, before the word "clerks," to strike out "seven" and insert "six," and in line 13, before the word "hundred," to strike out "sixty-four thousand three" and insert "sixty-two thousand five;" so as to make the clause read:

Division of loans and currency: For chief of division, $2,500; one assistant chief of division, at $2,100; six clerks of class 4; additional to two clerks of class 4 as receiving clerk of bonds and bookkeeper, $100 each; two clerks of class 3; two clerks of class 2; two clerks of class 1; two clerks, at $1,000 each; thirteen clerks, at $900 each; one copyist, $840; one messenger; two assistant messengers; six laborers; superintendent of paper room, $1,200; one paper cutter, at $3 per day; one paper counter, $720; twenty-four paper counters and laborers, at $620 each; in all, $62,519.

The amendment was agreed to.

The next amendment was, on page 28, line 20, after the word "captain," to strike out "or first lieutenant;" so as to make the clause read:

That the Secretary of the Treasury shall detail a captain of the Revenue-Cutter Service who shall be chief of the division of Revenue-Cutter Service, and a chief engineer, who shall be engineer in chief of said service, but no additional pay or emoluments shall be allowed on account of such detail.

The amendment was agreed to.

The PRESIDING OFFICER. The reading of that portion of the bill from line 5, on page 31, to the end of line 23, on page 42, will be omitted for the present, under the order which has been made.

The Secretary resumed the reading of the bill at line 24, on page 42.

The next amendment of the Committee on Appropriations was, on page 42, in line 25, before the word "dollars," to strike out "three thousand six hundred" and insert "four thousand;" on page 43, line 2, before the word "dollars," to strike out "two hundred and fifty" and insert "five hundred;" in line 5, before the word "clerks," to strike out "sixty" and insert "fifty-nine;" in line 21, before the word "dollars," to strike out "eighteen thousand four hundred and ninety" and insert "seventeen thousand five hundred and forty;" so as to make the clause read:

Office of Auditor for Post-Office Department: For Auditor, $4,000; Deputy Auditor, $2,500; chief clerk, $2,000; seven chiefs of division, at $2,000 each; thirteen clerks of class 4; additional to one clerk as disbursing clerk, $200; fifty-nine clerks of class 3; seventy-two clerks of class 2; eighty-six clerks of class 1, including three now employed in the money-order office of the Post-Office Department; sixty-eight clerks, at $1,000 each; sixteen clerks, at $900 each, including two now employed in the money-order office of the Post-Office Department; one skilled laborer, $1,000; twenty money-order assorters, at $900 each; thirty money-order assorters, at $840 each; twenty-three money-order assorters, at $720 each; two messengers; twelve assistant messengers; twenty-three male laborers, at $660 each; three female laborers, at $660 each; and ten charwomen; in all, $517,540.

The amendment was agreed to.

The next amendment was, on page 43, line 25, before the word "clerks," to strike out "five" and insert "ten;" on page 44, line 1, before the word "clerks," to strike out "five" and insert "ten," and in line 3, before the word "thousand," to strike out "thirty-nine" and insert "fifty;" so as to make the clause read:

For additional force for bringing up work of assorting and checking money orders, two years in arrears, and for increased business, namely: For five clerks of class 4; five clerks of class 3; five clerks of class 2; ten clerks of class 1; ten clerks, at $1,000 each; and five clerks, at $900 each; in all, $50,500.

The amendment was agreed to.

The next amendment was, on page 44, line 19, before the word "clerks," to strike out "fifty" and insert "forty-nine," and on page 45, line 3, before the word "hundred," to strike out "seventy-one thousand three" and insert "seventy thousand four;" so as to make the clause read:

Office of the Treasurer: For Treasurer of the United States, $6,000; assistant treasurer, $3,600; cashier, $3,600; assistant cashier, $3,200; chief clerk, $2,500; five chiefs of division, at $2,500 each; one vault clerk, $2,500; one principal bookkeeper, at $2,500; one assistant bookkeeper, at $2,400; two tellers, at $2,500 each; two assistant tellers, at $2,250 each; one clerk for the Treasurer, $1,800; twenty-six clerks of class 4; seventeen clerks of class 3; fifteen clerks of class 2; one coin clerk, at $1,400; twenty clerks of class 1; eight clerks, at $1,000 each; forty-nine clerks, at $900 each; nine clerks, at $700 each; one mail messenger, $840; six messengers; six assistant messengers; twenty-three laborers; seven charwomen; three pressmen, at $1,200 each; one compositor and pressman, at $3 20 per day; eight separators, at $660 each; seven feeders, at $660 each; in all, $270,461.60.

The amendment was agreed to.

The PRESIDING OFFICER. The reading of the portion of the bill beginning at line 15, on page 45, to and including line 24, on page 46, will be omitted at this time under the order which has been made.

The reading of the bill was resumed at line 25, on page 46. The next amendment of the Committee on Appropriations was, on page 50, line 1, before the word "hundred," to strike out "six" and insert "two;" so as to make the clause read:

Office of the Comptroller of the Currency: For laborer; in all, $26,280.

The amendment was agreed to.

The next amendment was, on page 50, line 13, after the word "one," to strike out "special statistical expert" and insert "statistical clerk;" so as to make the clause read:

Bureau of Statistics: For officer in charge of the Bureau of Statistics, $3,000; chief clerk, $2,250; one statistical clerk, $2,000; four clerks of class 4; three clerks of class 3; five clerks of class 2; nine clerks of class 1; six clerks at $1,000 each; two copyists; one messenge; one assistant messenger; one laborer; and one female laborer, $480; in all, $47,510.

The amendment was agreed to.

The next amendment was, on page 52, to strike out lines 16 and 17 in the following words:

For books, pamphlets, periodicals, specimens of coins and ores, balances, weights, and incidentals, $400.

The amendment was agreed to.

The next amendment was, on page 52, after line 17, to insert:

For specimens of coins and ores, balances, weights, and incidentals, including books, pamphlets and periodicals relating thereto, $400.

The amendment was agreed to.

The next amendment was, on page 53, line 4, after the word "each," to insert "one clerk and translator, $1,000;" and in line 9, before the words "thousand," to strike out "twenty-four" and insert "twenty-five;" so as to make the clause read:

Office of Supervising Surgeon-General Marine Hospital Service: For Supervising Surgeon-General, $4,000; one clerk, $1,800; five clerks, at $1,600 each; two clerks, at $1,200 each; one clerk and translator, $1,000; one hos-

pital steward (employed as chemist), $1,200; six copyists: one messenger, $600; two laborers, at $480 each; and one laborer, $360; in all, $25,720, the same to be paid from the permanent appropriations for the Marine Hospital Service. And hereafter the Supervising Surgeon-General of the Marine Hospital Service is hereby authorized to cause the detail of an additional medical officer and one hospital steward for duty in the Bureau, who shall each receive the pay and allowances of his respective grade in the general service.

The amendment was agreed to.

The next amendment was, on page 54, line 19, after the word "reference," to insert "relating to the business of the Department;" so as to make the clause read:

For newspapers, law books, city directories, and other books of reference relating to the business of the Department; purchase of material for binding important records, and of the amount appropriated not more than $600 may be used in the purchase of technical publications, foreign and domestic, and books of reference for the Bureau of Navigation, $1,100.

The amendment was agreed to.

The next amendment was, on page 55, line 11, after the word "dollars," to strike out "of which $500 to be immediately available;" so as to make the clause read:

For purchase of ice, $2,500.

The amendment was agreed to.

The next amendment was, on page 57, line 5, after the word "exported," to insert "and any necessary expenses under the act of October 1, 1890, respecting bounty on sugar;" so as to make the clause read:

For salaries and expenses of collectors and deputy collectors and clerks, including transportation of public funds, and also including expenses incident to enforcing the provisions of the act of August 2, 1886, taxing oleomargarine, and the act of August 4, 1886, imposing upon the Government the expense of the inspection of tobacco exported, and any necessary expenses under the act of October 1, 1890, respecting bounty on sugar, $1,710,000: *Provided*, That the number of deputy collectors and clerks employed in the collection of internal revenue shall not be increased, nor shall the salary of said officers and employés be increased beyond the salaries paid during the last fiscal year.

The amendment was agreed to.

The next amendment was, on page 59, line 12, after the word "each," to strike out "one clerk, $1,200," and insert "two clerks, at $1,200 each;" and in line 18, before the word "hundred," to strike out "seventeen thousand five," and insert "eighteen thousand seven;" so as to make the clause read:

Office of assistant treasurer at Cincinnati: For assistant treasurer, $4,500; cashier, $2,000; bookkeeper, $1,800; receiving teller, $1,500; check clerk, and interest clerk, at $1,200 each; two clerks, at $1,200 each; two clerks, at $1,000 each; two night watchmen, at $720 each; messenger, $600; one watchman, at $120; in all, $18,760.

The amendment was agreed to.

The next amendment was in the appropriations for the Territory of New Mexico, on page 69, line 22, before the word "dollars," to strike out "five hundred" and insert "one thousand;" so as to make the clause read:

For contingent expenses of the Territory, to be expended by the governor, $1,000.

The amendment was agreed to.

The next amendment was, on page 70, after line 4, to insert:

For repairs to the adobe palace, and furniture for same, $1,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 9, on page 71.

Mr. COCKRELL. Beginning on page 70, line 24, I wish to move certain amendments from the Committee on Appropriations. In line 24, after the word "apportion," I move to strike out "that part of:" after the word "Territory," in the same line, strike out the words "known as the Cherokee Strip, and now organized into counties K, L, M, N, O, P, and Q;" on page 71, line 5, after the word "district," strike out down to and including the word "Legislature," in line 6; in line 7, before the word "citizens," strike out the word "the," and after the word "citizens" the word "thereof," and insert "of said Territory." The proviso will then read:

Provided, That the governor of the Territory of Oklahoma is hereby authorized to appoint three citizens of said Territory, not more than two of whom shall be adherents of the same political party, as a commission to apportion said Territory into thirteen council districts and twenty-six representative districts, in proportion to the population as nearly as may be, but no voting precinct shall be situated in more than one council or representative district, and all citizens of said Territory who are qualified electors under the laws of said Territory shall be allowed to vote for Delegate to Congress and for representatives and councilors.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 71, line 11, before the word "day," to strike out "first" and insert "fifteenth;" in line 13, before the word "day," to strike out "fifteenth" and insert "first;" and in the same line, after the words "day of," to strike out "September" and insert "October;" so as to read:

That the apportionment shall be completed and certified to the governor on or before the 15th day of September, A. D. 1894, and the governor shall, on or before the 1st day of October, A. D. 1894, etc.

The amendment was agreed to.

The reading of the bill was continued to the word "Territory" in line 20.

Mr. COCKRELL. On behalf of the committee, I move, in line 17, after the word "said," to strike out "counties" and insert "Territory;" in line 19, after the word "respects," to strike out "as in the other counties in" and insert "according to the laws of;" and in line 20, after the word "Territory," to insert:

And county and township officers shall be elected in the counties of said Territory which have been organized since the last election, the same as in the counties in said Territory. Each of said commissioners hereby provided for shall be paid for his services a sum not exceeding $10 a day for the time actually spent in making such apportionment.

Now let the clause be read as it will read if amended.

The Secretary read as follows:

That the apportionment shall be completed and certified to the governor on or before the 15th day of September, A. D. 1894, and the governor shall, on or before the 1st day of October, A. D. 1894, issue a proclamation for the holding of an election on the first Tuesday after the first Monday in November, A. D. 1894, setting forth the apportionment of said Territory; and the election thereunder shall be conducted, controlled, canvassed, and certified in all respects according to the laws of the said Territory; and county and township officers shall be elected in the counties of said Territory which have been organized since the last election the same as in the counties in said Territory. Each of said commissioners hereby provided for shall be paid for his services a sum not exceeding $10 a day for the time actually spent in making such apportionment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 71, after the amendment just agreed to, to insert:

And the sum of $1,000 is hereby appropriated to pay the expenses of the apportionment hereby authorized: *Provided further*, That the Legislative Assembly elected under this act shall not consider any proposition or pass any bill to remove the seat of government of said Territory from its present location

The amendment was agreed to.

The next amendment was, on page 73, line 20, before the word "clerks," to strike out "twenty" and insert "twenty-one;" in line 22, before the word "clerks," to strike out "ninety" and insert "ninety-three;" in line 23, before the word "clerks," to strike out "fourteen" and insert "eighteen;" on page 74, line 4, before the words "assistant messengers," to strike out "twenty-nine" and insert "thirty-one," and in line 8, before the word "dollars," to strike out "fifty-nine thousand one hundred and ninety" and insert "seventy-one thousand four hundred and thirty;" so as to make the clause read:

Record and Pension Office: Two chiefs of division, at $2,000 each; twenty-one clerks of class 4; forty-three clerks of class 3; ninety-three clerks of class 2; two hundred and eighteen clerks of class 1; one hundred and twenty-three clerks, at $1,000 each; one engineer, $1,400; one assistant engineer for night duty, $900; two firemen; one skilled mechanic, $1,000; five messengers; thirty-one assistant messengers; one messenger boy, $360; five watchmen; one superintendent of building, $250; and sixteen laborers; in all, $71,430; and all employés provided for by this paragraph for the Record and Pension Office of the War Department shall be exclusively engaged on the work of this office for the fiscal year 1895.

The amendment was agreed to.

The next amendment was, on page 74, line 14, before the word "clerks," to strike out "thirteen" and insert "twelve;" in line 15, before the word "clerks," to strike out "sixteen" and insert "thirteen;" in line 16, before the word "clerks," to strike out "sixty-four" and insert "fifty-eight;" in line 18, before the words "assistant messengers," to strike out "twenty" and insert "eighteen;" and in line 20, before the word "dollars," to strike out "seventy-three thousand nine hundred and twenty" and insert "fifty-nine thousand two hundred and eighty;" so as to make the clause read:

Office of the Adjutant-General: Chief clerk, $2,000; twelve clerks of class 4; fourteen clerks of class 3; thirteen clerks of class 2; fifty-eight clerks of class 1; seven clerks, at $1,000 each; four messengers; eighteen assistant messengers; three watchmen; in all, $159,280.

The amendment was agreed to.

The next amendment was, on page 79, line 10, after the word "dollars," to insert "for medical dispensary, Surgeon-General's Office, $1,000;" in line 12, before the word "thousand," to strike out "four" and insert "five;" and in the same line, after the word "dollars," to strike out "*Provided*, That the Chief Signal Officer of the Army shall be provided with office room in the State, War, and Navy building, and that the medical dispensary shall be removed to the Medical Museum building;" so as to make the clause read:

For rent of buildings for use of the War Department as follows: For the Rebellion Record Office, $1,200; for Record and Pension Office, $2,400; for Signal Bureau, including heating, lighting, and care, $900; for medical dispensary, Surgeon-General's Office, $1,000; in all, $5,500.

The amendment was agreed to.

The next amendment was, on page 88, after line 10, to insert:

That from and after the passage of this act the Superintendent of the United States Naval Observatory shall be a person selected from civil life, learned in the science of astronomy, to be appointed by the President, by and with the advice and consent of the Senate, and shall receive an annual salary of $5,000, which is hereby appropriated; he may also occupy the dwelling house near the Observatory free of rent. The Superintendent aforesaid is hereby authorized when directed by the Secretary of the Navy to prepare a plan for the reorganization of said Observatory establishment, and the Secretary of the Navy shall report said plan to Congress at its next session with his views and recommendations thereon.

Mr. COCKRELL. Let that amendment be passed over for the time being.

The PRESIDING OFFICER. The amendment will be passed over for the present.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 95, line 9, after the word "maps," to strike out "nine hundred and seventy-six copies shall be delivered to the General Land Office," and in line 14, after the word "Representatives," to insert:

And the remainder shall be delivered to the General Land Office, for distribution; and an additional sum of $1,000 is hereby appropriated to enable the Commissioner of the General Land Office to prepare a map of the State of Florida showing the lands approved to the State under the swamp-land grant and for railroads.

So as to make the clause read:

For connected and separate United States and other maps prepared in the General Land Office, $14,840, and of the United States maps 4,664 copies shall be delivered to the Senate, and 9,360 copies shall be delivered to the House of Representatives, and the remainder shall be delivered to the General Land Office, for distribution; and an additional sum of $1,000 is hereby appropriated to enable the Commissioner of the General Land Office to prepare a map of the State of Florida showing the lands approved to the State under the swamp-land grant and for railroads.

The amendment was agreed to.

The next amendment was in the appropriation for the Pension Office, on page 97, line 13, before the word "clerks," strike out "ninety-eight" and insert "ninety-seven;" in line 15, before the word "clerks," to strike out "seventy-six" and insert "seventy-five;" in the same line, before the word "clerks," where it occurs the second time, to strike out "eighty-one" and insert "eighty;" in line 17, before the word "clerks," strike out "thirty-eight" and insert "thirty-seven;" and on page 98, line 4, before the word "hundred," to strike out "ninety-six thousand eight" and insert "ninety-one thousand six;" so as to make the clause read:

Seventy-seven clerks of class 4; ninety-seven clerks of class 3; three hundred and seventy-five clerks of class 2; four hundred and eighty clerks of class 1; three hundred and thirty-seven clerks, at $1,000 each; one superintendent of building, $1,400; two engineers, at $1,200 each; two hundred copyists; thirty-three messengers; twelve assistant messengers; twenty messenger boys, at $400 each; one painter, skilled in his trade, $900; one cabinetmaker, skilled in his trade, $900; one captain of the watch, $840; three sergeants of the watch, at $750 each; twenty watchmen; three firemen; twenty-five laborers; five female laborers, at $400 each; and fifteen charwomen; in all, $2,291,610.

The amendment was agreed to.

The next amendment was, on page 93, line 12, after the word "assistance," to insert "and any other necessary expenses, including telegrams;" in line 13, before the word "hundred," to strike out "two" and insert "three;" and in line 20, after the word "respectively," to insert:

And whenever it may be necessary for either of them to travel on official business outside the District of Columbia by special direction of the Commissioner, he shall receive the same allowance in lieu of subsistence and for transportation as is herein provided for special examiners and detailed clerks engaged in field service.

So as to make the clause read:

For per diem, when absent from home and traveling on duty outside the District of Columbia, for special examiners or other persons employed in the Bureau of Pensions, detailed for the purpose of making special investigations pertaining to said Bureau, in lieu of expenses for subsistence, not exceeding $3 per day, and for actual and necessary expenses for transportation and assistance, and any other necessary expenses, including telegrams, $300,000: *Provided*, That two special examiners, or clerks, detailed and acting as chief and assistant chief of the division of special examiners, may be allowed, from this appropriation, in addition to their salaries and in lieu of per diem and all expenses for subsistence, a sum sufficient to make their annual compensation $2,000 and $1,800, respectively, and whenever it may be necessary for either of them to travel on official business outside the District of Columbia by special direction of the Commissioner, he shall receive the same allowance in lieu of subsistence and for transportation as is herein provided for special examiners and detailed clerks engaged in field service.

The amendment was agreed to.

The next amendment was, on page 100, line 24, before the word "dollars," to insert "seven hundred and fifty;" so as to make the clause read:

For purchase of professional and scientific books and expenses of transporting publications of patents issued by the Patent Office to foreign governments, $2,750.

The amendment was agreed to.

The next amendment was, on page 101, line 9, after the word "done," to strike out:

Under the supervision of the Commissioner of Patents, and in the city of Washington, or within such a reasonable distance th refrom as the Secretary of the Interior and the Commissioner of Patents may consider to be not disadvantageous to the Department; and the Commissioner of Patents, under the direction of the Secretary of the Interior, shall be authorized to make contracts therefor.

And insert:

As provided by section 492 of the Revised Statutes: *Provided*, That the entire work may be done at the Government Printing Office if, in the judgment of the Joint Committee on Printing, it shall be deemed to be for the best interests of the Government.

So as to make the clause read:

For photolithographing or otherwise producing copies of drawings of the weekly issues of patents, for producing copies of designs, trade-marks, and pending applications, and for the reproduction of exhausted copies of drawings and specifications; said photolithographing or otherwise producing plates and copies referred to in this and the preceding paragraph to be done as provided by section 492 of the Revised Statutes: *Provided*, That the entire work may be done at the Government Printing Office if, in the judgment of the Joint Committee on Printing, it shall be deemed to be for the best interests of the Government, $48,000.

The amendment was agreed to.

The next amendment was, on page 103, line 20, before the word "dollars," to strike out "five hundred" and insert "one thousand;" so as to make the clause read:

For examination of books and accounts of certain subsidized railroad companies and inspecting roads, shops, machinery, and equipments of same, $1,000.

The amendment was agreed to.

The next amendment was, on page 105, line 1, after the word "geologist," to strike out:

To sign such letters, papers, and documents, and to perform such other duties in connection with the Geological Survey as he may direct, and.

And in line 4, after the word "officer," to strike out "or in case of vacancy in said office;" so as to make the clause read:

The Secretary of the Interior may hereafter authorize one of the geologists to act as Director of the Geological Survey in the absence of that officer.

The amendment was agreed to.

The next amendment was, on page 106, line 24, before the word "dollars," to strike out "six thousand" and insert "eight thousand five hundred;" and in line 25, before the word "dollars," to strike out "eight thousand" and insert "ten thousand five hundred;" so as to make the clause read:

For surveyor-general of the State of Colorado, $2,000; and for the clerks in his office, $8,500; in all, $10,500.

The amendment was agreed to.

The next amendment was, on page 107, line 3, before the word "thousand," to strike out "one" and insert "two;" so as to make the clause read:

For rent of office for the surveyor-general, fuel, books, stationery, pay of messenger, and other incidental expenses, $2,500.

The amendment was agreed to.

The next amendment was, on page 107, line 15, before the word "thousand," to strike out "eight" and insert "ten;" and in line 16, before the word "thousand," to strike out "ten" and insert "twelve;" so as to make the clause read:

For surveyor-general of Idaho, $2,000; and for the clerks in his office, $10,000; in all, $12,000.

The amendment was agreed to.

The next amendment was, on page 107, line 19, before the word "dollars," to strike out "one thousand five hundred" and insert "two thousand;" so as to make the clause read:

For rent of office for the surveyor-general, fuel, books, stationery, pay of messenger, and other incidental expenses, $2,000.

The amendment was agreed to.

The next amendment was, on page 108, line 23, before the word "hundred," to strike out "two" and insert "five;" so as to make the clause read:

For rent of office for the surveyor-general, fuel, books, stationery, and other incidental expenses, $1,500.

The amendment was agreed to.

The next amendment was, on page 109, line 10, before the word "dollars," to strike out "one thousand five hundred" and insert "two thousand;" so as to make the clause read:

For rent of office for the surveyor-general, fuel, books, stationery, binding records, and other incidental expenses, $2,000.

The amendment was agreed to.

The reading of the bill was continued to line 20, on page 109.

Mr. SQUIRE. I wish to ask the attention of the chairman of the committee to the appropriation for the surveyor-general of the State of Washington. I have had communications from the surveyor-general in which he states that it is necessary to have a larger appropriation for the payment of clerks. He speaks of his own salary as well.

Mr. COCKRELL. We have gone to the very utmost in regard to the State of Washington. We have given all that was estimated for, and we can not possibly establish the precedent of letting individual officers come in after official estimates have been made and make their own individual estimates. We have been very liberal in giving the full amount which has been estimated for.

Mr. SQUIRE. Perhaps that is true, if I may be allowed one moment, in regard to the surveyors-general, that there should not be an exception made. I can realize the importance of that among the surveyors-general of all the States. For a Republican Senator to rise here in order to secure an increased salary for a Democrat now in the office of surveyor-general might seem somewhat anomalous. Yet I believe that the surveyor-general of the State of Washington should be paid at least $2,500 per year. I wish to make a brief statement. In the State of Washington we are doing a great deal of work in this direction. The office of the surveyor-general in that State is to-day the most important one of its kind in the United States.

As I can show by statistics here from that office, there is a large amount of land surveyed and a large amount of money obtained therefor. It is to the interest of the Government that there should be an adequate and proper service rendered there on the part of the clerks. It seems to me that that phase of the question may well engage the attention of the committee, and that the amount allowed for the service of clerks may properly be raised, so that the business can be done.

Let me read one paragraph from the letter of the surveyor-general. He makes an estimate of $13,300 for the salaries of clerks, and says:

The estimate of $100,400 for surveying public lands is submitted as necessary for the survey of lands that are settled upon and occupied in part by actual settlers. This office has now on file at this date petitions for surveys from settlers aggregating over 361,000. The estimate of $13,300 for salaries of clerks in office is submitted as actually necessary for the proper transaction of office work in connection with the public surveys, for the current work of the office, which is constantly increasing, and bringing up arrears of office work, and is intended to include salaries of chief clerk, chief draftsman, two assistant draftsmen, seven copyists, and one stenographer.

On account of the insufficiency of the force employed a great deal of work is in arrears which should be brought up to date at as early a day as possible.

The estimate of $2,000 for contingent expenses is submitted as necessary for the pay of messenger, rent of office, stationery, binding, field notes, and plats of survey of public lands and mining claims, additional office furniture, and other necessary incidental expenses.

Arrears of office work comprises furnishing the several local United States land offices in this State with "descriptive lists" of soil, timber, corners, etc., of every township surveyed, as required by section 2395, Revised Statutes; also bringing up the work of transcribing field notes and making plats of townships surveyed, so that returns of deputy surveyors may be sent from this office to the Commissioner of the General Land Office to be acted upon as soon after notes are turned in as possible.

Not to speak further now in regard to the estimates for contingent expenses, as these are not mentioned in this paragraph of the bill, I submit that it is right and fair toward the interests of the State of Washington, not simply with reference to the question of the salary of the surveyor-general, but in reference to the necessity of employing a sufficient force to turn out the work of the office, that the appropriation should be increased. Therefore I trust the chairman of the committee will not think it inopportune for me to call his attention to this matter.

I have just received these papers. I have not had an opportunity to submit them to him as he has been so closely engaged with his committee. I have tried to find a moment when I could see him and explain this matter. I wish he would make an exception in this case with reference to these employés and allow the amount to be increased. If he will not allow the full amount, $13,300, that is named in the letter of the surveyor-general, which I will submit to him, let us agree on some additional sum beyond the amount named in the bill. There is named here now $9,500 for clerical assistants. I ask the chairman if he is not willing to increase that amount. I will show him the letter of the surveyor-general.

Mr. COCKRELL. Under a Republican Administration, with a Republican surveyor-general, they got along comfortably with $1,500 less than we have given the Democratic surveyor-general in the pending bill. We have given the full amount of the estimate, and I do not see how it is possible to go beyond that. We have given $1,500 over the appropriation of last year.

Mr. SQUIRE. Let me say something about that.

Mr. COCKRELL. Right here is $1,500 more than was appropriated last year, and a Democrat ought to get along with $1,500 more than his Republican predecessor had.

Mr. SQUIRE. Let me say that we have now, in my opinion, a very competent and efficient surveyor-general. Although he is a Democrat I recommended him, knowing that a Democrat would be appointed. He is a thorough business man, a civil engineer by profession, and has been engaged in matters of importance in the railway service and in other public service. He is a man of remarkable talent and ability. He is attending to the surveys of our State as well as they have ever been attended to, even by any Republican surveyor-general; but I believe there has been a lack of the necessary office help for the past few years, while we have been growing so rapidly.

I do not consider that the inadequacy of former appropriations is a sufficient reason for failing to supply the necessary force to do the work of the office now. We now have the figures from the surveyor-general, and I submit them to the chairman of the committee. I hope that if he is not willing to give the whole amount he will give a part of it.

Mr. COCKRELL. We can not possibly consent to let an individual officer, one of ten or fifteen, make an estimate of what the necessities of his office are, and independent of the Secretary under whom he acts, come in here and secure action upon it. We can not do that. We have allowed every solitary dollar that was estimated and sent to us as an estimate for this office. Now, we can not go beyond that. We have not gone beyond it in any case.

Mr. SQUIRE. Have you come up to the estimate submitted by the Commissioner of the General Land Office?

Mr. COCKRELL. We have come up to every estimate here. We appropriated for clerk hire last year $8,500.

Mr. SQUIRE. But this year?

Mr. COCKRELL. This year we appropriated $9,500. Last year the aggregate appropriation was $10,500. Now we make it $11,500.

Mr. SQUIRE. Have you reached the limit?

Mr. COCKRELL. For incidental expenses, for rent of office, fuel, books, stationery, pay of messenger and other incidental expenses we have left the House provision in. We appropriate $1,200 when $2,000 was estimated. That is the only point where we have fallen below the estimate in incidental expenses.

Mr. SQUIRE. Why fall below the estimate for incidental expenses? Certainly you can conform to that. I submit this is a case where the United States is not giving something for nothing. The money coming in from the sales of these lands is indicative of the value of the function of these officials there and their subordinates.

In the State of Washington, as I remarked, we have done in recent times more work in surveying public lands than has been done in three or four other States in the same period of time that have each had as much or nearly as much money appropriated for the expenses of the offices of their surveyors-general as we had. There is no State in the Union that makes the showing as to the amount of public lands sold last year that the State of Washington does, and I submit we ought to have this additional amount.

Mr. COCKRELL. If the Senator from Washington had come before the Appropriations Committee and heard the Senators from Idaho, Montana, and other States tell their tales he would be ashamed of the plea he has made here. They made according to their statements a case so much stronger for a special increase that I do not think he would have asked for it.

Mr. SQUIRE. I received the facts and figures I now present only recently, and I have tried to confer with the chairman. I have before me a statement of the amount spent or contracted for surveying under all the various surveyors-general for the fiscal year ending June 30, 1893, taken from the Land Office report of 1893.

It is shown that there was spent in the State of Washington from the appropriation of $300,000 for survey of public lands the sum of $45,000. No other State spent so much money under that head. Then under the heading "From the $125,000 appropriation for surveys within the limits of railroad grants" the State of Washington spent $19,000. No other State equaled it except the State of California. Under the other heading, "Various appropriations for survey of Indian lands" the State of Washington expended $21,180.

No other State approached it except the State of South Dakota, which expended an equal amount. Under the heading "Receipts from mining claimants and other private sources," the State of Washington expended $3,492; making a total expenditure in the State of Washington of $88,672, and no other State in this entire list reaches near that sum. Several of the States do not expend a quarter of that amount. Some States expended absolutely nothing for surveys. One State expended $10,000; another a little over $13,000.

Now, I submit that this showing of the relative amount of work done is such as to entitle the office in the State of Washington to proper facilities for the transaction of the public business, so as to allow the settlers to have their lands surveyed and the business in connection therewith promptly transacted. We have had a great deal too much delay in the State of Washington. Hundreds and thousands of settlers have been delayed in having their surveys made, and the surveyors have been delayed about getting their money, waiting for months, causing in instances more than a year's delay in getting their money for surveys. I feel it to be a solemn duty to bring this matter to the attention of the Senate.

If the Senate sees fit to let it go by the board, all right, I have

done my duty; but without reference to the question of paying the surveyor-general any more, I feel that certainly these clerks ought to be employed in sufficient numbers and suitably paid to have the work done, and the incidental expenses of the offices ought to be provided for.

Mr. COCKRELL. I hope the Senator will see that the surveyor-general of Washington makes a proper return to the Secretary of the Interior showing the necessity for his office and let the Secretary estimate it so that we can appropriate it. I sympathize as fully as the Senator does with those persons who are trying to get a home where the lands have not been surveyed or where the surveys have not been approved and paid for.

We are doing all we can; but we can not go beyond a certain limit, beyond the amount that is actually estimated. If we do, then we have got to hear every surveyor-general in the United States and let him determine for himself what shall be appropriated for his office. We must have some rule. If the surveyor-general in Washington will make a proper presentation this summer as to the necessities of his office doubtless he can get a recommendation for an increase and it will be given him at the next session.

Mr. SQUIRE. Does the Senator desire to have me understand, and through me the people of the State of Washington, that it is probable upon such representations as can be made through that office there will be a further provision made?

Mr. COCKRELL. If they can convince the Secretary of the Interior, under whose charge they are and by whose sanction they were appointed and hold their office, that they need more money, I have no doubt that Congress will give it very largely, if not to the full limit. We have given it here to the full limit, and we have increased it $1,000 over what it was last year.

Mr. SQUIRE. We had a very inadequate survey.

Mr. COCKRELL. I have no doubt that an increase will be given if a proper presentation is made and it is properly recommended to us as an estimate.

Mr. SQUIRE. This is a small item of a thousand dollars. Two thousand or twenty-five hundred dollars more is very little for this Government to pay for the biggest land office in the United States.

Mr. COCKRELL. Every one of the items in this bill, amounting in the aggregate to $22,000,000, is a very small item.

Mr. SQUIRE. I beg leave to submit as a part of my remarks a list of the amounts spent or contracted for surveying by the different surveyors-general of the United States for the fiscal year ending June 30, 1893.

I also beg leave to submit a statement concerning the surveyed and unsurveyed lands in various States, principally the new States.

Third, I submit an interesting statement as to gross and net receipts from sale of public lands in various States, principally new States, and, fourth, I submit a comparative statement of population in the same States in 1890, also the population in the same occupying farms, or towns containing less than 5,000 people.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
STATE OF WASHINGTON,
Olympia, June, 1894.

Statement of the amounts spent or contracted for surveying, under the various surveyors-general, for the fiscal year ending June 30, 1893.

[Taken from the Land Office Report for 1893.]

States and Territories.	From the $300,000 appropriation for survey of public lands.	From the $125,000 appropriation for surveys within the limits of railroad grants.	Various appropriations for survey of Indian lands.	Receipts from mining claimants and other private sources.	Total.
California	$9,750	$28,500	.....	$2,330	$40,580
Colorado	3,100	.....	.....	53,405	56,505
Florida	None	.....	.....	.....	None
Idaho	30,000	10,000	.....	1,865	41,965
Louisiana	None	.....	.....	.....	None
Minnesota	9,925	.....	3,650	.....	13,575
Montana	40,000	19,000	.....	9,600	68,600
Nevada	5,000	5,000	.....	.....	10,000
New Mexico	15,000	8,000	800	1,335	25,135
North Dakota	20,000	5,000	12,676	.....	37,676
Oregon	20,000	15,000	6,000	3,742	44,742
South Dakota	25,000	.....	21,650	4,690	51,330
Utah	8,207	2,000	.....	7,583	17,790
Washington	45,000	19,000	21,180	3,492	88,672
Wyoming	41,000	.....	.....	405	41,405

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
STATE OF WASHINGTON,
Olympia, June, 1894.

Statement of the surveyed and unsurveyed lands in the following States, and the amount of the same filed upon and left vacant, for the fiscal year ending June 30, 1893.

[Taken from the Land Office Report for 1893.]

State or Territory.	Acres of unsurveyed land.			
	Vacant.	Occupied.	Total.	Per cent occupied.
Washington	13,400,765	8,523,838	21,924,603	39
Montana	61,105,815	6,794,197	67,900,012	10
Wyoming	13,445,209	.....	12,892,838	Error?
Idaho	31,312,757	12,250,244	43,563,001	28
Oregon	13,062,169	6,104,314	19,166,483	32
Utah	28,027,699	10,733,058	38,760,757	27
Colorado	5,243,208	792,396	6,035,604	13
	Page 50	Deduced	Page 158	Deduced

State or Territory.	Acres of surveyed land.			
	Vacant.	Occupied.	Total.	Per cent occupied.
Washington	5,414,246	17,457,311	22,871,557	76
Montana	13,530,110	10,586,518	24,116,628	44
Wyoming	39,957,955	9,794,327	49,752,282	19
Idaho	6,345,063	5,320,096	11,665,159	46
Oregon	24,155,387	17,653,490	41,808,877	42
Utah	7,075,296	8,228,587	15,303,883	54
Colorado	36,108,536	24,735,850	60,844,396	41
	Page 50	Deduced	Page 158	Deduced

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
STATE OF WASHINGTON,
Olympia, June, 1894.

Statement of gross and net receipts from the sale of public lands in the following States.

[Taken from the Land Office Reports for 1892 and 1893.]

State or Territory.	Receipts from sale of public lands—			
	For 1893.		For 1892.	
	Total.	Net.	Total.	Net.
Washington	$69,784	$31,583	$85,528	$45,525
Montana	49,210	23,936	51,199	25,339
Wyoming	26,719	7,823	26,762	7,084
Idaho	33,671	12,815	32,087	10,705
Oregon	64,456	34,293	71,244	41,302
Utah	17,280	11,280	17,481	11,481
Colorado	104,768	44,235	83,625	26,761
	Deduced	pp. 211-213	Deduced	pp. 299-300

STATE OF WASHINGTON.

Cr.

Total receipts for sale of public lands in State of Washington for fiscal year ending June 30, 1892 ..... $45,525

Dr.

Apportionment made to Washington from appropriation for public surveys for fiscal year ending June 30, 1893 45,000

Balance, showing more received from sale of public lands than paid out for surveys therefor 525

Cr.

Total receipts for sale of public lands in State of Washington for fiscal year ending June 30, 1893 31,583

Dr.

Apportionment made to Washington from appropriation for public surveys for fiscal year ending June 30, 1894 24,000

Balance, showing more received from sale of public lands than paid out for surveys therefor 7,583

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
STATE OF WASHINGTON,
Olympia, June, 1894.

Comparative statement of population in the following States, also the population in same occupying farms or towns containing less than 5,000 people.

[Taken from The World Almanac for 1893, pages 282-287.]

State or Territory.	Census year 1890.	Population outside of cities containing 5,000 people and over.	
	Total population.	Population.	Per cent.
Washington	349,390	250,625	72
Montana	132,159	107,602	81
Wyoming	60,705	49,105	80
Idaho	84,385	84,385	100
Oregon	313,767	244,886	78
Utah	207,905	148,173	71
Colorado	419,198	367,324	85

Mr. President, the figures above are very instructive, especially as to the progress and needs of the people of Washington as to surveys and settlement of the public lands. I forbear further comment at this time, excepting to say it seems to me that it is too close cheese paring to keep these people down in their efforts to settle the Western country. It is a small business for us to engage in to try to keep these people back in their occupation and settlement of these lands by not having them properly surveyed beforehand, so that the people who go on the lands can occupy them with some better and higher title than that of a mere squatter. We have hundreds and thousands of people who are regarded simply as squatters waiting for a survey of their lands. Why should the Government of the United States keep back these settlers?

Why should it not allow these lands to be surveyed? We have an efficient man in the office of surveyor-general. What he wants is clerks. What he wants besides money to pay for surveys is money to pay clerks so that the office may do its business properly and promptly. I trust the chairman of the committee will grant this increase, although we have not gone through all the detail and have not been able to shape the thing up to his committee through the Interior Department.

I was not aware of the condition of things until recently. Having received these papers, I deemed it my duty to present them to the Senate and to the chairman; and it seems to me he can not very well resist this honest and decent appeal on the part of the people of that State for relief under the circumstances. If there is too much money appropriated and it is ascertained in the end that it is not necessary, this amount will go over. It is not to be expended unless necessary. Why can not the amount be appropriated so that if needed it can be used? Nobody is going to squander any money there.

Mr. COCKRELL. Nobody ever squanders money there. It would only be an increase of salary there; that would be all.

Mr. SQUIRE. There is no chance under the efficient Commissioner of the General Land Office for any money to be squandered there. Every penny of it will be accounted for through this careful officer. I appeal in behalf of my people to the Senator to allow this amount to be increased for clerk hire and incidental expenses.

Mr. COCKRELL. We can not possibly do it, and it is perfectly unreasonable for the Senator to ask it. I beg to say to him that we can not go beyond the estimate, and if the Senator were in my place he would scorn to do it. We can not do just as we please. We have a Department here that is in charge of this work. They make an estimate of the money that is required.

We give it to them. Then, when some man who has to spend that money and distribute it out to the employés under him comes in and says he wants more, could the Senator, if he were on the Appropriation Committee, recommend an increase in such a case?

Mr. SQUIRE. I would if there were a good showing. If there were an honest, fair showing I would do it. The Congress of the United States and the President are the authorities to decide what is right in legislation. The Bureau or Department is only executive or advisory.

Mr. COCKRELL. We can not do it.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 110, line 5, before the word "hundred," to strike out "two" and insert "five;" so as to make the clause read:

For rent of office for the surveyor-general, fuel, books, stationery, and other incidental expenses, $1,500.

The amendment was agreed to.

The next amendment was, in the items for the office of First Assistant Postmaster-General, on page 111, line 21, before the word "clerks," to strike out "eleven" and insert "ten," and on page 112, line 2, before the word "hundred," to strike out "sixty-four thousand three" and insert "sixty-two thousand nine;" so as to read:

Ten clerks of class 2; twenty-four clerks of class 1; five clerks, at $1,000 each; fifty-six clerks, at $900 each; six female clerks, at $720 each; one assistant messenger; three laborers; four female laborers, at $480 each; in all, $262,900.

The amendment was agreed to.

Mr. COCKRELL. The Senator from California [Mr. WHITE] desires to call attention to an item on page 106.

Mr. WHITE. It is found in lines 20 and 21, on page 106. I will state that I am very familiar with the office of surveyor-general of California. The amount of money I think recommended for the item of books, stationery, pay of messenger, and other incidental expenses, was $2,000. The other House have made it $1,500. I am in position personally to know that that amount of money is insufficient. The office is being run parsimoniously as it is. I know that the officers who have made the estimates have placed them upon the lowest possible basis.

I would not interrupt the progress of the bill or make the suggestion unless I knew something about it. In fact the appropriation last year was so small that the Department refuses to allow cold water to be kept for the uses of the clerks, and I may add that it did not provide any substitute therefor. Besides, there is a rearrangement of Mexican grant maps which are of great importance in California, involving the old diseños and expedientes of the various grants upon which a large portion of our lands depend. The necessities of the case are such that I do not believe even $2,000 will fully discharge the entire expenditure that will be made, but, however, it will be supplied elsewhere.

The present officer will see that the work is done; but I know that this addition is necessary. Hence I appeal to the chairman of the committee in view of the fact that I am not asking for anything not recommended by the Department to accede to the request.

Mr. COCKRELL. The Senator moves to strike out "$1,500" and insert "$2,000"?

Mr. WHITE. I move to strike out "$1,500" and insert "$2,000," that being the amount recommended.

Mr. COCKRELL. The amount estimated was $2,000, and the other House appropriated $1,500. We had no evidence before us to justify us in changing the amount provided by the other House. The Senator can offer his amendment and I shall not contest it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California to increase the amount "for books, stationery, pay of messenger, and other incidental expenses," in the office of surveyor-general of California from $1,500 to $2,000.

The amendment was agreed to.

Mr. BLACKBURN. I ask the chairman of the committee in charge of the bill to allow me to submit an amendment now on page 90, lines 10 and 11, which I send to the desk.

Mr. COCKRELL. Very well.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the items for the Bureau of Ordnance, page 90, lines 10 and 11, strike out the words "two assistant draftsman, at $1,400 each" and insert in lieu thereof "one assistant draftsman, $1,800; one assistant draftsman, $1,400," and insert after the word "thousand" in line 14, same page, the words "four hundred," so as to make the total $12,480.

Mr. BLACKBURN. That is the law to-day.

Mr. COCKRELL. The amendment restores the existing status.

Mr. BLACKBURN. It restores the existing status as to this one draftsman.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment was agreed to.

The Secretary resumed the reading of the bill on page 112, line 3. The next amendment of the Committee on Appropriations was, on page 118, line 2, after the word "disbursing," to insert "and appointment;" in the same line, before the word "hundred," to strike out "two" and insert "five;" in line 6, after the word "one," insert "from October 1, 1894;" and in line 15, before the word "dollars," to strike out "thirty-seven thousand and ten" and insert "thirty-five thousand and sixty;" so as to make the clause read:

Office of t he Attorney-General: For compensation of the Attorney-General, $8,000; Solicitor-General, $7,000; four assistant attorneys-general, at 5,000 each; one assistant attorney-general at the Post-Office Department, 4,000; solicitor of internal revenue, $4,500; solicitor for the Department of State, $3,500; two assistant attorneys, at $3,000 each; three assistant attorneys, at $2,500 each; one assistant attorney, $2,000; law clerk and examiners of titles, $2,700; chief clerk and ex-officio superintendent of the building, $2,500; stenographic clerk, $1,800; three stenographic clerks, at $1,600 each; two law clerks, at $2,000 each; four clerks of class 4; attorney in charge of pardons, $2,400; additional for disbursement and appointment clerk, $500; three clerks of class 3; three clerks of class 2; six clerks of class 1; for examination of accounts as required by section 13 of this act, three clerks of class 2 and four clerks of class 1 from October 1, 1894; one telegraph operator and stenographer, at $1,200; seven copyists; one messenger; five assistant messengers; four laborers; three watchmen; one engineer, $1,200; two conductors of the elevator, at $720 each; eight charwomen; superintendent of building, $250; and three firemen; in all, $135,060.

The amendment was agreed to.

The next amendment was, on page 119, after the word "law," to strike out "and miscellaneous;" so as to make the clause read:

For law books for office of the Solicitor of the Treasury, $300.

The amendment was agreed to.

The next amendment was, on page 120, line 23, after the word "dollars," to insert:

And the Commissioner of Labor is authorized to investigate the alcoholic liquor traffic, its relations to revenue and taxation, and its general economic, criminal, moral, and scientific aspects in connection with pauperism, crime, social vice, the public health, and general welfare of the people.

Mr. POWER. Does the Senator from Missouri propose to allow any appropriation to carry out the amendment?

Mr. COCKRELL. It is not necessary. The Commissioner of Labor has experts and everything of the kind, and this is a direction to him to employ his force in that line. He has a sufficient appropriation for that purpose.

Mr. POWER. I understand he says $10,000 additional will be necessary to make this investigation. I do not know whether estimates have been made for it or not.

Mr. COCKRELL. No; we have not any estimates for it.

Mr. POWER. It is not estimated for?

Mr. COCKRELL. Not that we have ever seen. There may be some communication that was never communicated to us.

Mr. POWER. If so, we can take it up again.

Mr. COCKRELL. We can take it up again.

Mr. POWER. All right.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriation was, on page 122, line 14, after the word "that" to strike out "the compensation of the clerks of the circuit courts of appeals shall be limited to the annual salary of $3,000 now provided by law, and that;" in line 19, after the word "costs," to strike out "and fees of whatever kind;" in line 20, after the word "them," to strike out "as such clerks" and insert "in cases disposed of during the preceding year by said courts;" in line 23, after the word "hire," to insert "and their compensation as provided by law;" in line 25, after the word "costs," to strike out "and fees;" on page 123, line 2, after the word "return," to strike out "*Provided further*, That the surplus of such costs and fees which may accrue on account of the fiscal year 1895 shall not be paid into the Treasury, but shall be expended, under the direction of the Attorney-General, for law books for the use of the circuit courts of appeals;" in line 7, before the word "That," to insert "*Provided further;*" in line 8, after the words "entitled to," to insert "retain and;" in the same line, after the word "expended," to insert "under the direction of the Attorney-General, for law books;" and in line 10, before the words "one-half," to strike out "at least;" so as to make the clause read:

For nine clerks, at $3,000 each; in all, $81,000: *Provided*, That said clerks shall make annually within thirty days after the 30th day of June to the Secretary of the Treasury a return of all costs collected by them in cases disposed of during the preceding year by said courts, and after deducting the incidental expenses of their respective offices, including clerk hire and their compensation as provided by law, said expenses to be certified by the senior circuit judge of the proper circuit, shall pay any surplus of such costs that may remain into the Treasury of the United States at the time of making said return: *Provided further*, That each circuit court of appeals shall be entitled to retain and have expended, under the direction of the Attorney-General, for law books for its use one-half of such surplus accrued therein for the fiscal year 1895.

The amendment was agreed to.

Mr. COCKRELL. I call the attention of the Senator from Iowa to the clause on page 122, line 23, "and their compensation as provided by law." That is in the amendment just agreed to. It is under section 9 of the act, is it not?

Mr. CULLOM. I should like to have that section of the act read.

Mr. ALLISON. I have not a memorandum of the date of the act. It is section 9 of the act of 1891, creating the courts of appeal.

The PRESIDING OFFICER. The amendment will be reserved, without objection.

Mr. COCKRELL. I will furnish the amendment there. It is simply to refer to section 9, of the law of a certain date. I will furnish it to the clerks; then I want to add, "not exceeding $500." The amount is not to exceed $500. That we thought better.

Mr. ALLISON. Let the Senator add the words he now proposes.

Mr. COCKRELL. I propose after the words "by law," to insert the words "not exceeding $500," so as to read:

And their compensation as provided by law, not exceeding $500.

Mr. ALLISON. I have found the act. As I supposed, it is the act of March 3, 1891, providing for the establishment of the courts of appeal. The clause might as well be inserted.

Mr. COCKRELL. Let it read, "as provided by law under section 9 of the act of March 3, 1891."

Mr. ALLISON. It should be sections 2 and 9.

Mr. COCKRELL. "As provided by law under sections 2 and 9 of the act of March 3, 1891, establishing the circuit courts of appeal, and not exceeding $500." That is the amendment.

Mr. PLATT. Is there any provision made for the salary of the clerk except in that section?

Mr. ALLISON. None, except in the two sections.

Mr. PLATT. The salary is $3,000?

Mr. ALLISON. "For nine clerks, at $3,000." This is an additional compensation not to exceed $500.

Mr. PLATT. The $3,000 is already in?

Mr. ALLISON. Yes; in line 13.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After the word "law," line 23, insert "under sections 2 and 9 of the act of March 3, 1891, establishing the circuit courts of appeal, and not exceeding $500."

The amendment was agreed to.

The reading of the bill was continued to line 9 on page 125.

Mr. POWER. I wish to offer an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 125, at the end of line 9, insert:

Provided, That the marshal and district attorney of the districts of Washington, Montana, North Dakota, and South Dakota, shall, for the services they may perform during the fiscal year herein provided for, receive the fees allowed by law to like officers performing similar duties in the districts of Oregon and Idaho.

Mr. POWER. I hope the amendment will be agreed to. This has been allowed ever since those States were admitted. Each year there has been allowed double salary for the marshal and attorney of the United States.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 125, line 13, after the word "dollars," to insert "two clerks, at $1,400;" in line 15, before the word "clerks," to strike out "five" and insert "two:" in the same line, after the word "each," to insert "one clerk, at $1,000;" in line 17, before the word "and," to strike out "thirty-five thousand eight hundred" and insert "thirty-six thousand;" so as to make the clause read:

Court of Claims: For salaries of five judges of the Court of Claims, at $4,500 each; chief clerk, $3,000; one assistant clerk, $2,000; bailiff, $1,500; two clerks, at $1,400; two clerks, at $1,200 each; one clerk, at $1,000; and one messenger; in all, $30,040.

The amendment was agreed to.

The next amendment was, in section 2, on page 126, line 10, after the word "each," to insert:

No person who holds an office the salary or annual compensation attached to which amounts to the sum of $2,500 shall be appointed to or hold any other office unless hereafter specially authorized thereto by law; but this shall not apply to retired officers of the Army or Navy whenever they may be elected to public office.

Mr. PLATT. I supposed we had a provision of law to the effect that no officer in the Government employ could draw a salary for two offices. Is there not such a law?

Mr. COCKRELL. There is such a law, but we do not think it covers the case.

Mr. PLATT. Will the Senator please explain why this amendment is necessary?

Mr. COCKRELL. This is simply to prohibit in certain classes of cases the payment of double salaries, and yet not to make it an invariable rule in all kinds of cases. There is an exception to be offered to it. The Senator from Iowa has the amendment to the amendment which was prepared for submission. After the words "public office," in line 15, to insert:

or whenever the President may appoint them thereto, by and with the advice and consent of the Senate.

Mr. PLATT. Let the amendment to the amendment be read at the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the word "office," in line 15, on page 126, it is proposed to insert:

whenever the President shall appoint them to office by and with the advice and consent of the Senate.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. COCKRELL. On page 88, in lieu of the amendment there proposed by the committee, beginning in line 10 and ending in line 22, I offer, on behalf of the committee, the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 10, on page 88, in lieu of the amendment heretofore reported by the committee, it is proposed to insert:

That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a person selected from civil life, learned in the science of astronomy, who shall be styled director of astronomy, at the United States Naval Observatory, and who shall receive an annual salary of $5,000, which is hereby appropriated. Such director shall have charge of all astronomical work at the United States Naval Observatory, not including the Nautical Almanac, and of all astronomers, assistant astronomers, and computers now employed at said Observatory; and such as may be hereafter appointed shall be under the superintendence and control of said director; and all astronomers, assistant astronomers, and computers shall hereafter be appointed by the Secretary of the Navy, upon the recommendation of the director of astronomy; the salaries of such astronomers, assistant astronomers, and computers hereafter appointed to be fixed by the President, and all laws relating to astronomers, assistant astronomers, and computers at the United States Naval Observatory are hereby repealed, but nothing herein contained shall affect the salaries or terms of office of persons now holding positions as astronomers, assistant astronomers, or computers at said Observatory.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri.

Mr. CALL. I ask the chairman of the committee what changes are proposed to be made by the amendment?

Mr. COCKRELL. The amendment is one prepared by the Secretary of the Navy, and the committee thought it was more complete than the one prepared by it. The amendment simply places the astronomical part of the observatory under civilian management.

Mr. CALL. I understood that to be done by the amendment reported by the committee.

Mr. COCKRELL. It was; but I submitted the matter to the Secretary of the Navy, and he has drawn the line between these officers more markedly than we had done.

Mr. CALL. What does the chairman of the committee say about it, whom I consider a higher authority on such matters than the Secretary of the Navy?

Mr. COCKRELL. The subcommittee, after full consideration and full discussion with the Secretary of the Navy, thought that the amendment prepared by him was preferable to the one prepared by the committee.

Mr. CALL. I should like to hear the amendment read again, and to know why it is proposed in place of the amendment originally reported by the committee.

The PRESIDING OFFICER. The amendment will be again read.

The Secretary read the amendment proposed by Mr. COCKRELL.

Mr. CALL. Do I understand that the amendment allows the salaries to be fixed by the President?

Mr. COCKRELL. The salary of the director is fixed by the bill at $5,000.

Mr. PLATT. But this amendment provides that the salaries of the minor officials in the office shall be fixed by the President of the United States.

Mr. CALL. I do not understand how it is competent to give the President of the United States authority to fix salaries.

Mr. COCKRELL. This leaves the existing law stand.

Mr. CALL. That is the law now?

Mr. COCKRELL. Yes.

Mr. PLATT. I observe that the amendment as now proposed does not commit the preparation of the Nautical Almanac to the chief astronomer?

Mr. COCKRELL. That is not part of the astronomical work at all. That is done separately, and that is one of the reasons why the committee adopted this amendment in preference to the one it had prepared.

Mr. PLATT. I understand the amendment makes no change in that respect from the existing law?

Mr. COCKRELL. No. There are mathematicians in the Navy Department who attend to that work, and they are there for life just like the others. They do the part of the work which is done there, but not the astronomical part, which is separate.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Missouri on behalf of the committee.

The amendment was agreed to.

Mr. COCKRELL. I believe we have reached the third section in the reading of the bill.

The PRESIDING OFFICER. The bill has been read to that point.

Mr. COCKRELL. On page 73, in line 15, the committee failed to insert an amendment which I now offer. After the word "each," in that line, I move to insert:

Two carpenters, at $900 each.

I have here a letter from the Secretary of War explaining how this item was dropped out, stating that these persons are absolutely necessary, and that he can not get along without them. I ask that the letter may be read.

Mr. ALLISON. Let it be printed in the RECORD.

Mr. CULLOM. Let it be printed without reading.

Mr. COCKRELL. Very well. I ask permission to have the letter printed in the RECORD without reading.

The PRESIDING OFFICER. In the absence of objection it will be so ordered.

The letter referred to is as follows:

WAR DEPARTMENT, *Washington, D. C., July 9, 1894.*

SIR: In formulating a plan for the reorganization of the civilian force of this Department, which was put into operation on the 1st instant, and which embraced reductions, transfers, and consolidations of various divisions and subdivisions in the several Bureaus, it became necessary to dispense with two employés who were borne upon the rolls as clerks, but who were actually engaged as carpenters in repairing office furniture, putting up cases, shelving, and in other work of a kindred character.

The discharge of these two men was based solely upon the fact that they were borne upon the rolls as clerks, though performing no clerical duty, it being deemed improper to continue their employment in that capacity. The services of two men are, however, imperatively needed in the work upon which the men above referred to have hitherto been engaged, and in order that the Department may suffer no embarrassment I have the honor to request that the pending legislative, executive, and judicial appropriation bill be amended by the insertion therein of an item providing for two additional carpenters for this Department at $900 each.

This, it should be understood, is not in the nature of an increase, as compared with the appropriation for the last fiscal year, but is an actual decrease, independent of other decreases in the portion of the pending bill relating to this Department, to the extent that in effect it substitutes two carpenters at $900 each, for two clerks (engaged as carpenters) at $1,000 each.

It is intended that the two carpenters to be employed under the provision herein asked, shall be under the supervision and direction of the carpenter already authorized and employed at $1,000 per annum.

Very respectfully,

DANIEL S. LAMONT,
Secretary of War.

The CHAIRMAN *of the Committee on Appropriations, United States Senate.*

Mr. COCKRELL. In order to conform to the amendment I have moved, the total in line 17 should be changed to $92,900.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. Under the head of War Department, on page 73, in line 15, after the word "each," it is proposed to insert "two carpenters at $900 each;" and in line 17, after the word "all," to strike out "$91,100," and insert "$92,900."

The amendment was agreed to.

Mr. COCKRELL. On page 121, line 14, there is an item allowing $250 to the Commissioner of Labor for postage stamps, etc. He says he absolutely requires $350 for that purpose. I move to strike out the word "two" before "hundred" and insert "three;" so as to make the amount "$350."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. COCKRELL. In line 20, on page 121, in the clause making appropriation for the contingent expenses of the Department of Labor, I move to strike out "$500" and insert "$750." The Commissioner of Labor says that $750 for contingent expenses is absolutely necessary.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. CULLOM. I wish to say to the chairman of the committee that, while at present I make no suggestion of amendment, I desire to reserve the privilege, in case I find it necessary to do so, of moving to amend the bill on page 122, in reference to the clerks of courts. I may desire to offer an amendment to insert an appropriation for the salary of an additional clerk. I shall explain the matter to-morrow morning after I have looked up the record.

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Saturday, July 14, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 13, 1894.*

The House met at 12 o'clock m., and was called to order by Mr. RICHARDSON of Tennessee as Speaker *pro tempore*. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of yesterday's proceedings was read and approved.

H. W. SHIPLEY.

The SPEAKER *pro tempore* laid before the House the bill (S. 420) for the relief of H. W. Shipley; which was read twice, and referred to the Committee on Claims.

JOSEPH G. UTTER.

The SPEAKER *pro tempore* also laid before the House the following resolution from the Senate:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1343) to remove the charge of desertion against the name of Joseph G. Utter.

The SPEAKER *pro tempore*. If there be no objection the request of the Senate for the return of this bill will be agreed to.

There was no objection, and it was ordered accordingly.

MILITARY ROAD FROM EL PASO TO FORT BLISS, TEX.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (H. R. 7419) for the construction of a military road from the city of El Paso to Fort Bliss, Tex.

The bill was read.

Mr. COCKRELL. I ask for the reading of the report.

Mr. UPDEGRAFF. I call for the regular order.

A message from the Senate, by Mr. PLATT, one of its clerks,

announced that the Senate had insisted upon its amendments to the bill (H. R. 5894) making appropriations for the Military Academy for the fiscal year ending June 30, 1895, had agreed to the conference asked by the House on the bill and amendments, and had appointed Mr. BRICE, Mr. CALL, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6893) to regulate water-main assessments in the District of Columbia.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 5482) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1895, and for other purposes, had agreed to the conference asked by the House on the bill and amendments, and had appointed Mr. BRICE, Mr. GORMAN, and Mr. CULLOM as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 6108) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1895, had agreed to the conference asked by the House on the bill and amendments, and had appointed Mr. BLACKBURN, Mr. BRICE, and Mr. HALE as the conferees on the part of the Senate.

Mr. WILLIAM A. STONE. Mr. Speaker, I ask unanimous consent that the message just received from the Senate be read from the Clerk's desk, as I am sure very few members understood it as announced.

The Clerk read the message from the Senate.

PERSONAL EXPLANATION.

Mr. DURBOROW. I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. DURBOROW] states that he rises to a question of privilege.

Mr. DURBOROW. I send to the Clerk's desk a copy of the Chicago Times of the 9th instant, and ask to have read the paragraph I have marked.

The SPEAKER *pro tempore*. The Clerk will read the article.

The Clerk read as follows:

Representative DURBOROW in discussing the strike troubles said: "Only one thing can now save the country from being plunged into an armed conflict between labor and capital, which will postpone indefinitely the establishment between genuine workingmen and men of legitimate business—actual producers and actual exchangers—of the modus vivendi for which all men of action are industriously working. That one means of averting a class war was concisely put by an ex-Confederate general who has sat on the supreme bench of a Southern State. Said he: 'Altgeld has chosen the field of battle with consummate strategy. By keeping the fight strictly to the question of State's rights upon which he has commenced it, he will avert the further embittering of class feeling, and will at the same time deliver the United States at large from the bugaboo of Federal centralization.

"Let him expel the Federal troops who, in contempt of the sacred principle of home rule and of the prerogatives of the mayor of Chicago and of the governor of the State, invaded Illinois and the typical American city. Let him do this boldly and decisively. Let him not simply call upon the militia of the State—a weaker showing than the strongest possible might well entail bloodshed—but let him at the outset call for volunteers from the State at large. If he does the issue will never come to a fight. The force exhibited will be too overwhelming. The Federal will withdraw in the face of such a demonstration of popular determination as such a summons would bring forth. The governors of the States of the South and West would refuse to sustain Cleveland in his attempted violation of State right. Without shedding a drop of blood the danger of conflict would be averted, the dignity of the States be maintained, and respect for law and order be strengthened rather than weakened with the people."

Mr. GROSVENOR. I rise to a question of order, Mr. Speaker.

Mr. DURBOROW. I desire to state that I do not now entertain, nor have I ever entertained, such sentiments as are expressed in the paragraph just read.

The SPEAKER *pro tempore*. The gentleman from Illinois will suspend a moment. For what purpose does the gentleman from Ohio rise?

Mr. GROSVENOR. I wish to make a point of order. I have not the slightest objection to the gentleman from Illinois making any personal explanation that he deems proper. But I do not want a precedent established here that a matter of this kind presents a question of personal privilege. The mere publication in a newspaper of what purports to be the unofficial utterance of a gentleman who happens to be a member of Congress is not sufficient ground for a question of personal privilege. But upon a request to make a personal explanation, I have no doubt the House will give unanimous consent.

The SPEAKER *pro tempore*. The gentleman from Illinois stated that he rose to a matter of personal privilege. The Chair hardly thinks this presents such a question; but if there be no objection the gentleman will be permitted to make a personal explanation. The Chair hears no objection.

Mr. DURBOROW. I only want to say that I have never expressed, by word of mouth or in writing, to any person or persons, at any time whatsoever, such sentiments as are attributed to me in the paragraph just read.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

PUBLIC BUILDING AT MOUNT STERLING, KY.

Mr. BERRY, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 1988) to erect a post-office building in the city of Mount Sterling, Montgomery County, Ky.; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

LEAVE TO FILE REPORTS.

Mr. SMITH of Arizona (when the Committee on Public Lands was called). I ask unanimous consent that I may file during the day a report from the Committee on Public Lands, which is not now quite ready. I ask this permission because I may be called away to-morrow.

There being no objection, leave was so granted.

Mr. STOCKDALE (when the Committee on the Judiciary was called). I ask unanimous consent to file during the day a report from the Committee on the Judiciary on House bill No. 4727. The report is not quite completed at this time.

There being no objection, leave was granted.

APPOINTMENT OF DISTRICT JUDGE FOR SOUTHERN DISTRICT OF MISSISSIPPI.

Subsequently,

Mr. STOCKDALE, from the Committee on the Judiciary, reported back favorably the bill (H. R. 4727) to appoint a district judge for the southern district of Mississippi; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RELIEF OF SETTLERS ON UNSURVEYED GOVERNMENT LANDS.

Mr. SMITH, from the Committee on Public Lands, reported back with amendments the bill (H. R. 3655) for the relief of settlers on unsurveyed Government lands lying within certain railroad land grants; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SECTION 40, REVISED STATUTES.

Mr DE ARMOND, from the Committee on the Judiciary, submitted the views of the minority on the bill (H. R. 7274) to repeal section 40 of the Revised Statutes of the United States; which were ordered to be printed with the views of the majority.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (H. R. 352) to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States;

A bill (H. R. 4671) to remove the charge of desertion standing against the name of Joseph S. Utter;

A bill (H. R. 5601) to authorize the construction of a wagon and foot bridge across the South, or Main, Canadian River at or near the town of Noble, in Oklahoma Territory;

A bill (H. R. 6016) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1895;

A bill (H. R. 7506) authorizing the county of Coconino, Territory of Arizona, to issue bonds for the construction of a county building at the county seat thereof;

A bill (S. 73) for the relief of William J. Cornell and Joseph M. Cornell; and

A bill (S. 1573) making an appropriation for rewriting the Consular Regulations.

MINING CLAIMS.

Mr. WEADOCK. Mr. Speaker, I desire to submit a conference report.

The SPEAKER *pro tempore*. The Clerk will read the report submitted by the gentleman from Michigan.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6558) to amend section No. 2324 of the Revised Statutes of the United States, relating to mining claims, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

THOMAS A. E. WEADOCK,
F. C. TATE,
GEORGE B. SHAW,
Managers on the part of the House.

WILLIAM M. STEWART,
WILLIAM B. BATE,
JOHN M. PALMER,
Managers on the part of the Senate.

The statement was read, as follows:

Statement to accompany conference report on H. R. 6558.

The House bill, as reported by the committee on mines and mining, provided that the $100 worth of labor required on each mining claim, located since 1872 should not be required for the year 1894, and was in all respects similar to the law enacted on the same subject in 1893, suspending the same requirements for that year. The House amended the bill by excepting from its provisions the second district of Colorado, where it seems that those interested in mining are not agreed upon the necessity of the law in that district.

The Senate amended the bill by striking out the exception made by the House amendment to the bill reported from the committee. The House having refused its concurrence, and conferees having been appointed and considered the question, they recommended that the House recede from its disagreement and agree to the bill as it was originally reported.

T. A. E. WEADOCK.
F. C. TATE.
G. W. B. SHAW.

Mr. WEADOCK. Unless some further explanation of the bill is desired other than that which is contained in the statement, I shall ask for the previous question on the adoption of the report.

Mr. COOMBS. Do the Colorado people agree to this?

Mr. WEADOCK. Yes, sir.

The previous question was ordered, under the operation of which the conference report was adopted.

On motion of Mr. WEADOCK, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. ENLOE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the purpose of considering bills on the Private Calendar.

The question was taken; and on a division (demanded by Mr. MALLORY) there were—ayes 88, noes 17.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. DOCKERY in the chair.

HEIRS OF ROBERT J. SMITH AND OTHERS.

The CHAIRMAN. The Clerk will report the title of the unfinished business.

The Clerk read as follows:

House resolution as a substitute for House bills 1414 to 1450, both inclusive.

The CHAIRMAN. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the following bills (H. R. 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, and 1450) for the relief of the heirs of Robert J. Smith; Octavius A. White, trustee; John F. Werner; William Wilson; heirs and devisees of Henry McKee; Evalina Ann E. Fripp; John Duncan, survivor; heirs of Benjamin Chaplin; Thomas White, executor and testamentary trustee of the last will and testament of Joseph D. Edings, deceased; Edward M. Capers; heirs of Stephen Whitehead; William H. Conner at and Clarence S. Conner at; Samuel A. Nelson; heirs of Richard N. Kittles; Frederick W. Clausson; Mortimer W. Venning; Stockton E. Slawson; heirs of Charles B. Capers; C. L. Slawson; William Neyle Habersham; William R. Herron; Louisa G. Heyward and others; James D. McDowall, administrator of William D. McDowall, deceased; Francis T. Capers; Joseph S. Baynard and others; Daniel T. Pope; heirs of James Wells; heirs of Joseph James Pope, sr.; heirs of Franklin P. Pope, deceased; heirs of James B. Seabrook; heirs of John A. P. Scott; heirs and devisees of John J. T. Pope; heirs of Robert W. Fuller; George W. Williams & Co.; Robert G. Lamar; George Jacob Huthmacher; and the heirs of Isaac Newman, deceased, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims to find the amount due and report the same to Congress.

Mr. ENLOE. I ask unanimous consent, Mr. Chairman, that this resolution be passed over informally in the absence of Mr. MCLAURIN, who made the report.

The CHAIRMAN. The Chair will first state the parliamentary status. The Chair is advised that when the Committee of the Whole rose last, there was a point of no quorum made on a motion to lay aside this resolution with favorable recommendation; no quorum appeared on that motion, and the committee rose.

The first business in order is the resumption of the count by tellers. Pending that, however, the gentleman from Tennessee asks unanimous consent to lay aside this resolution without prejudice, retaining its place on the Calendar. Is there objection?

Mr. COOMBS. I object.

The CHAIRMAN. The tellers will take their places.

Mr. CLARK of Missouri. Mr. Chairman, I rise to a question of order. I am satisfied that not a half-dozen men in the House know what this resolution is. It was impossible to hear a word of the reading of it here.

The CHAIRMAN. In the absence of objection, it will be again reported.

Mr. KILGORE. I think we would be entitled to have each bill specified in that resolution read.

The CHAIRMAN. The Clerk will report the resolution.

Mr. KILGORE. I demand the reading of the several bills, each one of them mentioned in the resolution.

The CHAIRMAN. The House is dividing, however, on a proposition to lay the resolution aside.

Mr. ENLOE. I hope the gentleman from Texas will permit this to pass over for the present; that is the request.

Mr. KILGORE. I did not object to it.

The CHAIRMAN. The Clerk will report the resolution.

The Clerk proceeded to read the resolution.

Mr. CLARK of Missouri. I do not insist upon the further reading.

Mr. COOMBS. I will ask the Chair to restate the parliamentary status. I think that some mistake has been made.

The CHAIRMAN. The statement of the Chair was made on the recollection of the Clerk at the desk. The Chair is advised that the House was voting on the motion to lay the resolution aside with a favorable recommendation, on which vote no quorum appeared, whereupon the committee rose. The Chair has no other information than that.

Mr. BURROWS. Is the Chair quite certain that that is the pending motion? I supposed that the general debate had been exhausted. I did not know that the matter had reached that stage where the motion to lay it aside could be entertained.

The CHAIRMAN. The Chair is so informed by the Journal Clerk.

Mr. BURROWS. I have no personal recollection of the matter, but think that is a mistake.

The CHAIRMAN. The present occupant of the chair was not in the chair at the time.

Mr. BARTLETT. The RECORD shows a different state of facts. A side issue had been presented, which was discussed——

The CHAIRMAN. Will the gentleman from New York be kind enough to send the RECORD to the desk?

Mr. BARTLETT. Certainly.

Mr. ENLOE. I suggest, Mr. Chairman, that my request would dispose of that question, if the gentleman from New York will withdraw his objection.

Mr. COOMBS. I will withdraw the objection, with the understanding that this resolution loses its place on the Calendar.

Mr. ENLOE. That was not the request.

The CHAIRMAN. Upon an examination of the RECORD, it appears that no motion was made to lay the bill aside with a favorable recommendation.

Mr. BURROWS. That was my impression.

The CHAIRMAN. And the bill is still in the Committee of the Whole under the general debate.

Mr. BURROWS. That is correct.

Mr. COOMBS. That was my understanding.

The CHAIRMAN. And the Chair is advised that the gentleman from New York [Mr. BARTLETT] is entitled to the floor, five minutes having been yielded to him by the gentleman from Michigan [Mr. BURROWS].

Mr. ENLOE. Pending that, I again submit the request that this matter be passed over without prejudice.

The CHAIRMAN. Is there objection?

Mr. BARTLETT. I object.

The CHAIRMAN. The gentleman from New York objects, and is now recognized for five minutes to address the committee.

Mr. BARTLETT. Mr. Chairman and gentlemen, the bills now under consideration, or rather the bills embraced in the resolution offered by the gentleman from South Carolina [Mr. SHELL], provide for the ultimate appropriation of over $1,000,000, all of which is to go to one district in South Carolina.

On the occasion of the last debate, on the 25th day of May, some question was made about the propriety of abolishing the Court of Claims, and the distinguished lawyer from Texas, the chairman of the Committee on Appropriations [Mr. SAYERS], in answer to a query of the gentleman from North Carolina [Mr. BUNN], said that he would abolish the court at once.

I wish to say a few words in behalf of the Court of Claims. That court is not a party court. Although the judges who now adorn the bench were all appointed by Republican Presidents, in its organization in 1855 it was created by the Democratic party, and the first three judges were appointed by President Pierce. The gentlemen I refer to were Isaac Blackford, of Indiana, who for many years had been a reporter of the State Reports; John J. Gilchrist, who had filled the highest judicial post in the State of New Hampshire; and George Scarburgh, of Virginia. These were all Democrats. The successive occupants of that bench have all been good lawyers. The men who now occupy it are men of high character and of marked legal ability.

Look at the record of that court. Out of one hundred and thirty-five cases taken on appeal to the Supreme Court of the United States since the year 1882, only eighteen cases have been reversed in whole or in part. There is no circuit court of the United States, nor any district court, which has a better record.

There would seem to be a decided misconception on the part of many members of this House as to the scope and meaning of the Bowman act of 1883 and of the Tucker act of 1887. The distinguished gentleman from Illinois [Mr. SPRINGER] on the occasion of the last debate suggested that the resolution should have incorporated in it the words, "Referred under the Bowman act."

Now, there can be no such reference of cases such as those embraced in this resolution; that is, cases barred by the statute of limitations, which was in force at the time of the passage of the Bowman act. There can be no reference of such cases to the Court of Claims under the Bowman act. The only way in which these matters can be sent to the Court of Claims is under the act of 1887, popularly known as the Tucker act. There is no limitation in that act over our power as to remitting or transmitting any claim to the Court of Claims for an inquiry as to the facts.

But I desire to call the attention of the committee to the fact that references under the Bowman act and the Tucker act are advisory, and that there can only be a reference to ascertain and report the facts. It is as if issues of fact were sent to a jury for determination, and the findings of fact were to be returned in the form of a special verdict. That is the only function of the Court of Claims, under section 1 of the Bowman act and under section 14 of the Tucker act.

Now, I submit that this resolution is in an improper form, because it goes beyond that and asks that court to find a judgment.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Michigan [Mr. BURROWS] has fifteen minutes.

Mr. BURROWS. I yield to the gentleman from New York ten minutes.

Mr. BARTLETT. I should state at the outset that I do not regard this question as a partisan or factional one. I believe we should look at these Southern claims just as if the condition of things were transposed, just as if the North had been vanquished and the South had been victorious, and I am willing to take my position on these claims according to that standard.

I look at these claims as a lawyer. I look at them as to be adjudged by the law of nations, by international law; for all questions of constitutional law have no bearing whatever when we enter upon a condition of belligerency, when we are dealing with those who are regarded by the law as enemies. So that the only question is, What is the proper test under the rules of international law? All these claims naturally arrange themselves under three heads. The first heading may be said to embrace claims which are made for the use and occupation of real estate by the armies or the naval forces of the United States at the seat of war, and those claims which are for the destruction of or damage to property.

None of these claims should ever be paid, because it is well settled that for any devastation which occurs in the track of war or for any tort, no government is liable. It is so well settled that even an alien can not get compensation for his property which has been destroyed in the natural course of military operations. Look at the case in France, when Earl Granville was secretary of state for foreign affairs, after the Franco-Prussian war. He said: "England can have no claim for the millions of dollars that she has lost during the operations of the Prussians in France."

Now, if that law applies to aliens, I go further and say it applies to the friends of the belligerent, and it certainly must apply to the enemy himself.

What is the second class of cases? I will take the cases covered by the Bowman act for stores and supplies—in all about $37,000,000 were claimed. Now, under the Bowman act 10½ per cent of the cases already disposed of have been allowed by the Court of Claims, or $1,600,000 in round numbers. They have adjudicated upon $15,000,000, and the balance of some $22,000,000 remain for adjudication.

I think all these claims for cotton, beef, mules, horses, and cattle furnished to the loyal armies during the war should be paid; but I do not think the door should be opened one inch further. I draw your attention, gentlemen, to the fact that whether these claims have amounted in the aggregate to $400,000,000 or only $37,000,000, they should be judged by the same law. I draw your attention to the fact that the aggregate of claims presented has always exceeded enormously the claims which have been allowed.

I call your attention to the fact that the first of these claims for stores and supplies, the first series presented to the Treasury Department, through the Quartermaster-General and the Commissary-General amounted to $40,000,000 and that only $6,000,000 were approved, and that subsequently, before the Southern Claims Commission which succeeded to the functions of the Quartermaster-General and the Commissary-General under act of 1871, $60,000,000 were claimed and $4,636,000 have been found to be justly due.

Now, I come to the third class of cases, those embraced within this resolution, claims for cotton taken or seized and sold, and the proceeds alleged to have been covered into the Treasury of the United States. One word as to the alleged trust relation, which is based on the theory that the Supreme Court of the United States in 1871 said that a trust had arisen in behalf of those people who owned the cotton. Chief Justice Chase in that opinion said that a trust has arisen for those declared by this act to be entitled; and six years later, in the Knote case and in the Young case, the Supreme Court of the United States said that no trust had arisen for anyone who did not bring himself fairly within the terms of that act. In the latter case Chief Justice Waite said: "As to all persons within the privileges of the act the proceeds were held in trust, but as to all others the title of the United States as captor was absolute." In other words, no trust relation has arisen for anyone who did not file his petition within two years after the suppression of the rebellion or within two years after August 20, 1866, when the rebellion was declared to have ceased. I call your attention to a pretty good Democratic authority on this question of cotton taken during the civil war. I draw your attention to a letter written by the Hon. Thomas F. Bayard, then Secretary of State, in 1886 to Mr. Muruaga, where he says that—

> Cotton, in fact, was to the Confederacy as much munitions of war as powder and ball, for it furnished the chief means of obtaining those indispensable of warfare. In international law there could be no question as to the right of the Federal commanders to seize it as contraband of war, whether they found it on rebel territory or intercepted it on the way to the parties who were to furnish in return material aid in the form of the sinews of war, arms, or general supplies.

The same principle was laid down, the same view of the condition of facts was adopted by Chief Justice Chase in the case of Mrs. Alexander's cotton, where he says the Southern forces, rather than to permit the cotton to fall into the hands of the Northern army, would invariably destroy it, and he refers to the fact that prior to the evacuation of New Orleans $80,000,000 worth of cotton was destroyed; and he speaks of the further fact that on this very plantation of Mrs. Alexander $1,000,000 worth had been destroyed by the owners the previous year rather than to let it fall into the hands of the enemy—the Union forces.

Now, I say, gentlemen, no claims such as those embraced in this resolution should be referred to the Court of Claims. Let us divest our minds entirely of any party. Let us decide that none of these claims for cotton should be paid. Let us dispose of the question at once. I should say there are about $10,000,000 remaining of the captured and abandoned property fund in the Treasury; and it may be some $2,500,000 of that should be repaid to the parties who can prove their ownership on due proof of loyalty.

About $10,000,000 of that fund has already been paid to the claimants, and the aggregate of claims filed amounted to $77,000,000; and that is some indication of the danger, owing to the lapse of time, of fraud and fraudulent claims. For that reason we should be doubly careful; and I ask you gentlemen now to dispose of this resolution and not to allow this issue, the ascertainment of facts, to go to the Court of Claims. If we do not believe in the payment of these claims it is an error of judgment and a waste of time to burden the Court of Claims with any inquiry or finding as to the facts.

Mr. WILLIAMS of Illinois. If the gentleman will allow me a moment, I understand this resolution includes a great many claims which have not been investigated by the committee at all. Is that true?

Mr. BARTLETT. Yes. It was stated on the occasion of the last debate here, I think by the gentleman from South Carolina [Mr. MCLAURIN] who presented this resolution, that the committee did not think it worth while to inquire into these cases; that in substance they thought the easiest way was to send them to the Court of Claims. Now, it seems to me that it is the duty of that committee to inquire carefully into the nature of claims coming before them. Why, sir, look at the form of this resolution.

Mr. BROOKSHIRE. Is there not an express statute providing that claims of this character may be sent by the committee to the Court of Claims for an ascertainment of the facts concerning them? Is not that the provision of the Tucker act?

Mr. BARTLETT. The fourteenth section of the Tucker act gives either House of Congress the power to send any claim to that court; but I do not think a committee would have the power to send these claims to the Court of Claims for ascertainment of the facts.

Mr. BROOKSHIRE. The gentleman from Texas [Mr. CULBERSON], when this subject was under discussion before, made the point that these claims should be sent by the committee to

the court for an investigation with reference to the facts; and he thought that the committee, and those favoring this proposition on the floor, did not want a mere finding of the facts, but wanted judgments.

Mr. BARTLETT. It would seem to me there is a great deal in that idea, because the form of the resolution is very suspicious. It does not refer these cases for the ascertainment of the facts and a report to the House; but it provides in substance that the court shall hear and determine the amounts due. I forget the exact phraseology; but that is the substance.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Michigan [Mr. BURROWS] is entitled to the floor for five minutes.

Mr. BURROWS. Mr. Chairman, I yield three minutes to the gentleman from South Carolina [Mr. MCLAURIN].

Mr. MCLAURIN. Mr. Chairman, we have already consumed an entire day in debating this matter; and I desire now to test the sense of the Committee of the Whole on the question and bring it to an immediate issue. All of these bills were embodied in one resolution in order to save time and for the sake of convenience.

As I understand, there is a large amount of money in the Treasury Department set apart especially under the law for the payment of claims of this character; in other words, it is a trust fund. And all that was intended by this resolution was that the parties making these claims might be permitted to go to the court and establish their lien, or their right to a portion of this trust fund.

Now, I desire to make a motion that this resolution be reported back to the House, and that we now vote upon the question, closing debate as soon as possible.

The CHAIRMAN. General debate is not yet closed.

Mr. MCLAURIN. Well, I hope the gentleman from Michigan, at the conclusion of his remarks, will make that motion, so that we may stop debate, and test the sense of the committee. I have nothing further to say.

Mr. BURROWS. Mr. Chairman, in the two or three minutes allowed me, I desire to say only that I am as anxious as any member of the committee can possibly be to dispose of this stumbling block, which stands at the head of the Private Calendar. If I were entirely certain that a motion to report this resolution back to the House with a recommendation that it lie on the table would prevail, I would make that motion. But if such a motion should fail, there might then be some question as to the right of amendment. I am perfectly willing that general debate be closed or considered as closed at this time.

The CHAIRMAN. Does the gentleman make that request?

Mr. BURROWS. I do.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that general debate be considered as closed on this question. Is there objection? The Chair hears none.

Mr. BURROWS. Mr. Chairman, general debate having been closed, the resolution is now, of course, open for amendment. I wish to offer an amendment for the purpose of testing the sense of the committee. I move to amend by striking out in the second line of the resolution the figures "1425," being the number of the bill which I send to the desk, and which, if my motion prevails, will not be included in this resolution. I ask the Clerk to read the bill.

The Clerk read as follows:

A bill (H. R. 1425) for the relief of William H. Connerat and Clarence S. Connerat.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized, directed, and required to pay to William H. Connerat and Clarence S. Connerat, heirs of Joseph V. Connerat, deceased, out of any money in the Treasury, not otherwise appropriated, the sum of $153,000, in full satisfaction of any and all demands against the United States arising out of the seizure and sale of property belonging to the said Joseph V. Connerat, deceased, upon their executing a release of any and all claims and demands of every kind and nature whatsoever against the United States on account of said seizure.

Mr. BURROWS. The committee will observe that this bill provides for the payment of $153,000 for the seizure and use of certain property—not cotton—this is not a cotton claim. I wish a vote on this amendment with a view of testing the sense of the committee on this class of claims.

Mr. MCNAGNY. This seizure is alleged or conceded to have been at the seat of war and during hostilities?

Mr. BURROWS. Oh, yes, sir; there is no question about that.

Mr. MCNAGNY. So that this claim would be entirely barred under any statute now in force?

Mr. BURROWS. I suppose there is no question about that. As I was about to say, if the Committee of the Whole should adopt my amendment it will clearly indicate, I think, that the committee is opposed to the passage of this resolution; and if my motion should prevail I shall move further to amend by striking out all these bills, or to report back the resolution with an unfavorable recommendation.

I now yield two minutes to the gentleman from Tennessee [Mr. ENLOE].

Mr. ENLOE. Mr. Chairman, I think this resolution for the reference of these claims to the Court of Claims ought not to pass. This is not a resolution for reference under the Bowman act or the Tucker act; it provides for a reference under the general law; and my judgment is that if Congress should refer these claims under this resolution, it would carry with it the right to render judgment for the amounts that may be found due upon these claims.

I am not willing that the Court of Claims should render judgment in favor of a few favored parties for the whole amount found due to them, to be paid out of the captured and abandoned property fund. I want all claims against this fund to receive an equitable share of the distribution of it and to have them all adjudicated alike, so that each one may have a fair proportion of the fund remaining on hand.

Mr. COX. Will the gentleman yield for an inquiry?

Mr. ENLOE. Certainly.

Mr. COX. Under this act, if it is carried into execution and the judgment is rendered in favor of the claimant—and of course every judgment rendered is necessarily conclusive under this provision—would that not necessarily absorb the whole fund for the benefit of a few claimants named here?

Mr. ENLOE. I do not know that it would absorb all, but it would absorb a large proportion of it.

Mr. COX. Certainly a large proportion of it.

Mr. ENLOE. And in my judgment, if it is a trust fund to be distributed to persons having an interest in it, it should be distributed on a pro rata basis to all alike.

I hope the amendment of the gentleman from Michigan will be adopted, as an indication of the intention of the committee to make an unfavorable recommendation on the resolution.

The question was taken, and the amendment of Mr. BURROWS was agreed to.

Mr. BURROWS. I now move that this resolution be laid aside to be reported to the House with the recommendation that it lie on the table.

The motion was agreed to.

ORDER OF BUSINESS.

The CHAIRMAN. The Clerk will report the next bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 222) to remit the penalties on the dynamite-gun cruiser Vesuvius.

Mr. SAYERS. I ask unanimous consent that this bill be passed over informally. I am quite unwell to-day, and do not feel able to discuss the matter.

There was no objection, and the bill was informally passed over.

The next bill on the Calendar was the bill (H. R. 19) for the relief of the city of Raleigh, N. C.

Mr. LOUD. The gentleman from North Carolina [Mr. BUNN] is not present; at least, I do not see him; and I ask, therefore, that this be passed over informally.

There was no objection.

The next business on the Calendar was the bill (H. R. 903) to provide for the payment of the claim of Edward Hurley for paving Second street, in Sedalia, Mo., in front of the Sedalia post-office building.

Mr. LOUD. I make the same request in regard to that bill.

There was no objection, and the bill was passed over without prejudice.

The next business on the Calendar was the bill (H. R. 286) to authorize the payment of damages sustained by the State of Pennsylvania from Union and Confederate troops during the late war, as adjudicated and liquidated by the State of Pennsylvania under the provisions of an act of the General Assembly.

Mr. MAHON. The gentleman from Pennsylvania who has charge of that bill is absent sick, and I ask unanimous consent that it be passed over without prejudice.

There was no objection.

The next business on the Private Calendar was the bill (H. R. 2767) for the relief of Dr. Nathan Fletcher.

Mr. ENLOE. I do not see the gentleman who has charge of that bill in his seat, and I ask that the same order be made in respect to it that has just been made as to the preceding bill.

There was no objection.

The next business on the Calendar was the bill (H. R. 1125) referring to the Court of Claims the claim of William E. Woodbridge.

Mr. LOUD. I ask that that also be passed over without prejudice.

There was no objection.

The next business on the Calendar was the bill (H. R. 23) directing the Secretary of the Treasury to pay to the city of Lincoln, Nebr., one-half of the cost of constructing certain pavements in front of the Government square.

Mr. LOUD. I make the same request in regard to that bill.

There was no objection.

The next business on the Calendar was the bill (H. R. 415) to submit to the Court of Private Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes.

Mr. ENLOE. I ask that that bill be passed over informally.

There was no objection.

GEORGE M'ALPIN.

The next business on the Calendar was the bill (H. R. 2717) for the relief of George McAlpin, to repay to him moneys unlawfully collected from him by the United States.

Mr. REILLY. Mr. Chairman, my colleague, Mr. MCALEER, who introduced this bill, is absent, and in accordance with his wishes, I ask consent that it go over for the present, retaining its place on the Calendar.

Mr. MAHON. I will state to the gentleman that I have charge of the bill in his absence.

Mr. REILLY. Very well.

The CHAIRMAN. The bill will be read.

The bill was read, as follows:

Whereas George McAlpin was the sutler of the Eleventh Regiment Pennsylvania Cavalry during the years 1862, 1863, 1864, and 1865, and was during those years required by the United States, at the United States custom-house at Baltimore, Md., to pay the sum of 3 per cent on the value of all of the supplies shipped to him during said years within the lines of the Army; and

Whereas he was thus unlawfully and unjustly required to pay to the United States, and did thus unlawfully and unjustly pay the sum of $6,906.18, being 3 per cent on $230,206.29, to the United States, as appears by the books of the custom-house at Baltimore, Md.: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States is hereby directed to pay to the said George McAlpin, out of any moneys in the Treasury not otherwise appropriated, the sum of $6,906.18.

Mr. MAHON. Let the report be read, which fully explains the character of the bill.

The report (by Mr. MAHON) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2042) for the relief of George McAlpin, report as follows:

This case was referred to the Committee on War Claims of the Fifty-second Congress, and was favorably reported upon by that committee. After an investigation of the facts involved, the report of that committee is adopted, a copy thereof being attached hereto, and your committee recommend the passage of the bill.

[House Report No. 2186, Fifty-second Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 8200) for the relief of George McAlpin, to repay him moneys unlawfully collected from him by the United States, respectfully make the following report:

George McAlpin was appointed sutler of the Eleventh Pennsylvania Cavalry in November, 1862, and served in that capacity down to the close of the war, in 1865. His appointment was made under the act of March 19, 1862, providing for the appointment of sutlers for each regiment in the public service. This regiment served in the Army of the James, in the State of Virginia. As sutler he was required to purchase goods, which he did mostly in the city of Baltimore, from which city they were shipped through the lines to the point where the regiment was in service, under regulations regulating such service.

Between the 3d of November, 1862, and the 12th of May, 1865, Mr. McAlpin purchased sutler's stores, mostly in Baltimore, provided for in said act and the revised schedules provided for therein, and had them consigned to himself at different points in the State of Virginia—Old Point, Newport News, Suffolk, Portsmouth, Norfolk, Yorktown, Williamsburg, Bermuda Hundred, Fort Monroe, and other points. Between these dates he purchased and shipped goods to the amount of $235,074.69, which were cleared through the custom-house at Baltimore. The amount of stores so shipped appears from the certified statements from the custom-house at Baltimore.

Under the fifth section of an act entitled "An act further to provide for the collection of duties on imports, and for other purposes," it is provided—

"That the President may, in his discretion, license and permit commercial intercourse with any such part of a State or section the inhabitants of which are so declared in the state of insurrection, in such articles, and for such time, and by such persons as he in his discretion may think most conducive of the public interest, and such intercourse, so far as by him licensed, shall be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury. And the Secretary of the Treasury may appoint such officers at places where officers of the customs are not now authorized by law as may be needed to carry into effect such licenses, rules, and regulations, and officers of the customs and other officers shall receive for services under this section and under said rules and regulations such fees and compensation as are now allowed for similar service under other provisions of law."

Under the provisions of this act certain regulations were prescribed by the Secretary of the Treasury, and, among others, one with reference to the transfer or clearing of sutlers' goods through the custom-house.

Under the heading, "Sutlers' permits, how obtained, and upon what conditions," is regulation 24, as follows:

"Permits will be granted to settlers to transport to the regiments sutlered by them such articles as they are authorized to sell free of the 5 per cent fee: but no permit will be granted to a sutler except on presentation to the proper permit officer of the original certificate of his appointment, or the commanding officer of his regiment, countersigned by the division commander thereof, and an application and affidavit in the form prescribed. Transportation shall not be permitted to any sutler of any amount of goods exceeding $2,500 per month, nor for over two months' supply at one time, nor for any goods except such as he is by law and War Department orders allowed to deal in."

Trade regulation 42:

"Fee for permit so to purchase or sell and transport to or from such district other products, goods, wares, or merchandise, 5 per cent on the sworn invoice value thereof at the place of shipment. Fee for each permit for individual, family, or plantation supplies on every purchase over $20 and not over $50, 5 cents."

Subsequently, on March 21, 1864, this regulation was modified by the Secretary of the Treasury, as follows:

"The forty-second trade regulation, series of September 11, 1863, is hereby so far modified that on and after the 1st day of April next the invoice valuation permit fee on shipments to and from insurrectionary districts will be 3 per cent instead of 5, as therein prescribed."

Mr. McAlpin complied with all the rules and regulations relative to his appointment and qualifications, procuring the proper certificate and making the necessary affidavit to bring him within all the provisions of the act regulating his appointment and the regulations thereunder, above prescribed.

By a mistake of the custom-house officers at the custom-house in Baltimore, Mr. McAlpin was charged 5 per cent and 3 per cent fees on all such shipments through the custom-house, charging them to him as a trader instead of under the regulation above mentioned for sutlers. The amount of payment so made was $6,906.18.

Under the above acts of Congress and the regulations mentioned, no fees should have been charged on sutler's goods such as were shipped by Mr. McAlpin through the custom-house at Baltimore, and, therefore, the amount paid by him to the Government, to wit, the said sum of $6,906.18, was wrongfully collected from him, as there was no law or regulation of the Treasury authorizing such collections.

Your committee find from the evidence adduced before them that the said sum was paid to the United States through the custom-house at Baltimore without any warrant of law.

Your committee also find from the evidence adduced, that Mr. McAlpin fully complied with all the laws, rules, and regulations governing the duties of sutlers and paid all the legal fees and taxes relating to the office of army sutler, and, therefore, respectfully recommend the passage of this bill.

Mr. CLARK of Missouri. I would like to have the gentleman in charge of this bill make a brief statement of the facts on which it is based.

Mr. COOMBS. At the same time state whether any protest was entered at the time these fees were paid.

Mr. MAHON. No, no protest was entered at the time, for the claimant did not know that it was an improper exaction.

This man, Mr. Chairman, is not a constituent of mine; I never met him until about four months ago, when I saw him for the first time. He is an old man now, in the eighty-fifth year of his age, in quite feeble health.

This bill was offered for him by the gentleman from Pennsylvania, Mr. MCALEER. It was referred to a subcommittee of the Committee on War Claims, and I made a very careful examination of it. All the evidence was examined, and the committee were satisfied, unanimously, that this $6,000 had been collected from him without any warrant of law whatever.

The custom-house officer at the city of Baltimore collected the 5 per cent customs duties from this old man, which the law required the officer to collect upon goods coming into that port. This man paid these duties and had his goods shipped into Virginia, or to that part of the army to which he was attached.

The greater portion of these goods, in a raid somewhere in Virginia, were destroyed, and the old gentleman lost about $75,000 worth of goods. The truth of it is he went into the Army as a sutler worth about $60,000, and through the misfortunes of war he came out a bankrupt. Now, as I said before, I have no personal interest in this old gentleman, beyond the matter of right involved, and I am satisfied beyond all controversy of the justice of this claim, and there was not a man on the War Claims Committee but what was satisfied of it beyond all question.

Mr. BYNUM. Was this bill submitted to the Treasury Department for any suggestions they might have to make?

Mr. MAHON. Yes. The Treasury Department have made no recommendations, except that they gave us a certified copy of the report of the collector at the port of Baltimore during the time these duties were paid, showing that this man paid this amount of money.

Mr. BYNUM. Was the question submitted to the Department for their decision?

Mr. MAHON. They could not do anything about it except to give us the papers to show the payment.

Mr. BYNUM. The committee have not consulted the Department as to the propriety of paying this claim?

Mr. MAHON. Yes; we consulted them.

Mr. BYNUM. I notice there is no letter from the Department indorsing this claim.

Mr. MAHON. The committee was satisfied that there was no law authorizing the collection of any tax of this kind from this old man, and the only thing the committee had to do beside that was to ascertain from the Treasury Department the amount of money so illegally collected from him, and the Treasury Department have furnished us the statement which I hold in my hand.

Mr. CLARK of Missouri. What kind of a tax was this?

Mr. MAHON. A regular customs duty of 5 per cent.

Mr. CLARK of Missouri. Collected at the port of Baltimore?

Mr. MAHON. Yes; the same duty that was imposed on other goods.

Mr. CLARK of Missouri. If they imposed a similar duty on other goods, and this man simply paid the usual lawful duties, then what kind of a claim has he got to get this amount back again?

Mr. MAHON. I will tell the gentleman. Permits were granted to sutlers to transport to the regiments in the field and sell to the soldiers such articles as they were authorized to sell, free of that 5 per cent duty. Such permits were issued to the sutlers with their regular papers; but this customs officer, in violation of this permit, charged the 5 per cent that the Treasury Department had authorized the collectors of ports not to collect from sutlers.

Mr. LOUD. How long a period did this cover?

Mr. MAHON. About fifteen months.

Mr. LOUD. I should like to ask the gentleman if this sutler did not, in the regular order of business, contemplate that this was the law, pay the duty without protest, and sell his goods for and in consideration of the fact that he had paid this tax, and collect it from the soldiers in the army as a part of the one, two, three, or five hundred per cent on his goods which sutlers usually charged?

Mr. MAHON. I do not know anything about that. The sutler connected with my brigade did not wrong the soldiers. There may have been men who did; but the truth is this man went into service as a sutler, well to do, and by this raid in Virginia he lost $75,000 worth of property, and most of the property on which he paid these duties was destroyed.

Mr. KILGORE. Will the gentleman allow me?

Mr. MAHON. Yes.

Mr. KILGORE. Is it not a fact now, that when he came to sell these goods or to mark the price on them, that he added to the price this 5 per cent tax which they made him pay, and sold the goods for that additional price and got the money back in that way?

Mr. MAHON. I have just stated that the larger part of the goods were destroyed.

Mr. KILGORE. That is the risk that everybody takes in war.

Mr. CLARK of Missouri. He had already marked up the price, had he not?

Mr. MAHON. I do not know.

Mr. RAY. I should like to ask whether or not this claim was ever presented to Congress before?

Mr. MAHON. I can not tell.

Mr. RAY. Whether it has ever been presented, since the close of the war, until now?

Mr. MAHON. I can not answer that?

Mr. KILGORE. Now, will the gentleman allow me to ask him one further question?

Mr. MAHON. Yes.

Mr. KILGORE. This was a tariff tax, collected at the custom-house, was it not?

Mr. MAHON. Well, yes.

Mr. KILGORE. I understand your theory is that the foreigner pays the tax, and therefore the old man would not pay anything. [Laughter.]

Mr. LOUD. We had not adopted that theory at that time.

Mr. HUTCHESON. Mr. Chairman, I rise to a point of order and inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUTCHESON. I respectfully submit, if it is not too late, the inquiry and to make the point of order, if it is not too late, how is it that this claim went to the Committee on War Claims? It is not a war claim in any sense.

Mr. MAHON. I do not know.

The CHAIRMAN. The Chair is of the opinion that it is too late to raise the point of order, consideration having been entered upon.

Mr. MAHON. Now, Mr. Chairman, I do not propose to take any more time with this bill. I do not propose that the House shall have this bill before it all day, so far as I am concerned. I want to state again that I have no personal interest in this old gentleman, except that I am satisfied beyond all controversy that this Government has taken away from him six thousand and some odd hundred dollars without any authority of law.

Mr. MILLIKEN. Will the gentleman allow me to ask him a question?

Mr. MAHON. Yes.

Mr. MILLIKEN. Did this man pay this amount of money under protest?

Mr. MAHON. I can not tell; I am not close enough in relation to him to know.

Mr. MILLIKEN. I understand that this man is a Democrat, and that therefore the point made by my friend from Texas would not be good as to him.

Mr. MAHON. I do not know whether he is a Democrat. I do not know what his politics are. I know that he is a very old man, and from my intercourse with him I find him to be a very intelligent old gentleman. And I know further that this Government owes him over $6,000.

I know that he is in destitute circumstances. I want to present these facts to this House and to state that if there has ever been a claim that has come from that committee which is a just one this is one; and if the United States Government proposes to pay people what they owe them, this is one of the claims which should be paid. If you propose to do what no honest citizen would do, take money from people unlawfully and refuse to return it, then you can vote this bill down.

I make my final appeal in this case, and I state that I have no interest whatever in it; but after a careful examination made by the Committee on War Claims, I find that this Government has over $6,000 of money taken from this old man without the slightest authority of law whatever. If you want him paid, pass this bill; and if not, vote it down.

Mr. HUTCHESON. Will the gentleman allow me to ask him a question?

Mr. MAHON. Yes, sir.

Mr. HUTCHESON. I understand as a matter of fact that in making these reports from the Committee on War Claims they never have examined the bill at all, except the gentleman in charge of the bill reports to the committee that he has examined the bill and then upon his *ipse dixit* it is reported to the House. Now, I would like to ask the gentleman if, as a matter of fact, in any examination made by the Committee on War Claims on the merits of this bill any evidence was before that committee, and now before the House, that these articles ought not to have been charged the very amount of duty which was paid.

Mr. MAHON. In answer to the gentleman I will say this. That were the gentleman from Texas a member of that committee, and any bill of this kind was submitted to him, and he stated that he had made a careful examination of the law and the facts and reported that bill back to the committee, I, as a member of that committee, would have accepted his statement as a verity. This bill was referred to myself. As I said, I know nothing about the old gentleman or his goods.

I examined the law carefully, and I found that the Treasury Department had directed the custom-house officers to pass goods through the custom-house without the collection of the 3 and 5 per cent from every sutler who passed goods through the other custom-houses of the country, and they were exempt from this duty. But this old gentleman, owing, as I think, to the fact that he lived down in that part of the country dealing in Baltimore, and shipping his goods from there, was required to pay the duty. The great majority of goods imported were through Boston, New York, and the Eastern cities in the North which were in sympathy with the Union Army. This old gentleman, being a resident of Maryland, or somewhere down there, purchased the goods in a Southern State, and through that fact the duties were collected from them.

I have thoroughly examined the case, and I have found that the duties were collected without any authority of law, and in direct violation of the direction of the Secretary of the Treasury. The Secretary of the Treasury of the United States has furnished reports from which it is found, after a careful examination, that this man paid $6,318 and some odd cents.

Mr. HUTCHESON. He made no protest about it. It was a voluntary payment?

Mr. MAHON. The facts were all submitted to the full committee, who unanimously reported this bill.

Mr. HUTCHESON. As I understand the facts there was no protest made at all.

Mr. MAHON. The man did not know anything about it.

Mr. HUTCHESON. There was a voluntary payment.

Mr. MAHON. He paid because he did not know any better.

Mr. CLARK of Missouri. Mr. Chairman, I think it would be stating the case within the bounds of moderation to say that there could be trumped up in the United States—or if that term be offensive to anybody, there could be gotten up in the United States—anywhere from five billions to ten billions of dollars of claims against the United States Treasury which would be more legitimate than this one.

Mr. MAHON. If the gentleman will go to the Treasury Department, or the custom-houses and make examination, I will risk the fate of my bill upon his finding a similar case to this.

Mr. COOMBS. I can find a hundred of them among merchants in New York.

Mr. MAHON. Oh, no.

Mr. CLARK of Missouri. I want to state my position about

war claims and the course I intend to pursue so long as I am in Congress, resolutely and persistently. I do not intend to pay a particle of attention to the question whether a claim comes from the North or from the South, or whether it is presented by a Union man or one who is not a Union man. I intend to pass on each one of these claims on its merits according to my best judgment.

In these matters we occupy the position of petit jurors or of trial judges, sitting without a jury. And we should not consider politics or sections of the country. We should honestly and impartially pass on the law and the facts. I want to repeat the statement I made a moment ago that by ordinary diligence and research, there can be found claims to the amount of five to ten billion dollars, more legitimate as claims against the United States Treasury than this one. I know something about claims, and will give you a sample or two. One of my constituents wrote me about this sort of case. He is a man worth $15,000 to $20,000. He and his two brothers were drafted during the war.

Mr. KILGORE. On which side?

Mr. CLARK of Missouri. Of course they were drafted on the Union side or they would not be here asking to be reimbursed.

Mr. KILGORE. I do not know about that.

Mr. CLARK of Missouri. They paid $500 apiece to get substitutes. This man wrote to me (and he is a friend and client of mine) that he wanted me to introduce a bill to refund to him and his brothers the money that they paid out for substitutes.

I wrote to him and told him that he was of military age during the war; that if he was a Union man it was his duty to be in the Union Army, or if he was a rebel it was his duty to be in the rebel army, and that under either view of the case he had no claim on the United States Treasury for anything.

The men who serve on the Committees on Claims find out a great deal. It has been said that the best way to make a thoroughbred out of a scrub horse is to get him killed by a railroad train. [Laughter.] Now, if you will go down and examine the docket of the Committee on Claims the philosophy of that saying will be fully verified. Nothing swells a claim so much as the fact that it is against the General Government.

Out in New Mexico there was an old woman whose husband was the post carpenter. The commandant gave her permission to sell milk to the soldiers. She gradually accumulated a herd of cattle numbering four or five hundred. They ate up the Government hay which was intended for the horses and mules. The commandant ordered her and her cattle off the Government reservation. Instead of leaving the reservation, she went up on one corner of it, built herself an adobe house that would cost $40 or $50, and her cattle still roved around over the Government reservation.

They again ordered her to get off the reservation, but she would not go. Then the major, or captain, or whoever he was, sent a squad of soldiers up there to put her off in a military suit of ejectment. [Laughter.] When the soldiers arrived at her place it was a rainy, inclement day; and the officer in command, being a tenderhearted fellow, would not put the family and the furniture out in the rain. The next day when he went back the sun was shining so he put them out as carefully as he could, tore down the shanty, and went off. Now she comes in asking the United States Government to give her $25,000 on the theory that the destruction of that house scattered her herd of cattle to the four winds, and she had never been able to get them together again. [Laughter.] With just such monstrous claims as this the docket of the Committee on Claims is rammed and jammed.

Now, I want to say this about the way the Government runs its business: it will not pay an honest claim if it can help it; and the man who has a bogus claim, if he will hang around the committees and "bedevil" them sufficiently, is just as apt to get a favorable report finally as the man who has a good claim.

Now, as to the present claim, I do not know whether this man was a Union man or not; I do not care; I do not care whether he votes the Democratic ticket or the Republican ticket; I do not care except that if he votes the Democratic ticket it would show that he has a good deal more sense than if he voted the Republican ticket. [Laughter.]

But let us see what kind of a fix he is in. My friend from Pennsylvania [Mr. MAHON] I do not think has stated the matter correctly. The general law was that he should pay, like all other persons, this tariff tax at the custom-house.

Mr. MAHON. Well, he had no tariff tax to pay. Now, the gentleman from Missouri asserts that to be the law. I ask him to prove it, and if he will furnish the proof of that fact I will undertake to withdraw the bill.

Mr. CLARK of Missouri. Well, the general law is that every American citizen who imports goods from abroad must pay his customs duties at the custom-house.

Mr. MAHON. These were not imported by him.

Mr. CLARK of Missouri. Now, as I understand it, by virtue of and in consideration of the fact that these sutlers were selling their goods to the troops in the field, therefore by an order of the Secretary of War——

Mr. SNODGRASS. By a regulation of the Treasury Department, not the law.

Mr. CLARK of Missouri (continuing). By a regulation of the Treasury Department and not by any general law, they were allowed to sell them with a certain rebate——

Mr. MAHON. But the gentleman from Missouri does not state the case correctly. The fact of the matter is that this party was not an importer. He had been duly recognized as a sutler, and the party from whom he purchased the goods had undoubtedly compiled with all the regulations and the requirements of the law as to the tariff tax. This man had complied with all of the regulations of the Department——

Mr. CLARK of Missouri. If my friend will let me proceed, I was going on to say that he had, as the gentleman states, this privilege under a regulation of the Department. Now, in the second place, this man paid that tariff tax without protest.

Mr. KILGORE. Under the regulations.

Mr. CLARK of Missouri. Under the regulations of the Department. It is the law of the land, declared, I believe, by the supreme court of every State of the Union—I know it is by the Missouri supreme court, for I am familiar with that—that where a man pays a license fee or a tax without protest, it is held to be a voluntary payment on his part, and he can not get it back. He can not plead ignorance of the law. Nobody can do that.

I will tell you how far the supreme court of Missouri has carried this principle in a test case. Some man up at Kansas City that owned lots 1 and 2, for instance, in block A, went to the collector and paid the tax on lots 1 and 2 in block B, supposing that they were his, and afterwards found that he had made a mistake. He went to the collector and demanded the money back. The collector refused to refund it. He sued the collector, and the supreme court held that he could not get the money back; that it was none of the collector's business to inquire who it was paid the tax on lots 1 and 2 in block B; that it was his duty to collect the tax; that it had been collected, the money had been paid over to him, and that was the end of it so far as he was concerned.

Mr. KILGORE. He paid it voluntarily.

Mr. CLARK of Missouri. Yes; that was the holding of the court, and that is a principle you can not get away from. Every man must exercise ordinary good sense and ordinary caution in all dealings of this character.

Let us see still another thing about this. The sutler pays his tariff duties—my honest opinion is that every man who pays them ought to protest before he pays the tariff tax—but at all events this sutler paid the duties required by law.

Mr. MAHON. If the gentleman will permit me a moment. If the goods had been imported into this country from other countries, the payment of the tax would have been right and proper; but the Government did not collect taxes on coastwise trade, that is, on goods going from one State into another. If the goods had come from other countries, and had been imported under our tariff laws, they would have been required to have paid the tax; but the gentleman must know that there is no tariff duty or tax on goods which are transported in our coastwise trade from one part of the country to another. That is exactly the case here, and there was no authority on the part of the Government to collect this tax.

Mr. CLARK of Missouri. Now, let me ask the gentleman a question while he is up. Is there anything before your committee, or in the report of the committee, or in the archives of the Committee on War Claims, to show that these goods were brought in in the coastwise trade, and that they were not foreign importations?

Mr. HAHON. I will answer this, that this gentleman was not an importer. If he had purchased these goods from abroad and imported them, the duty would have to be paid by him. But as a matter of fact he did not import the goods, and the inference is natural and proper that the duty had been paid before they came into his hands at all. He was simply a citizen of the United States engaged in business, purchased a lot of goods in one part of the country and took them to another part of the same country under our coastwise laws, and the collector of customs demanded from him that he should pay a tariff tax upon the goods, which was unjust.

Mr. CLARK of Missouri. How do you know that these were simply goods transferred from one part of the country to another?

Mr. MAHON. Because I know that he is not an importer.

Mr. CLARK of Missouri. How do you know that?

Mr. MAHON. Why, the report of the collector at Baltimore shows that they did not come from foreign countries into his hands.

Now, Mr. Chairman, I do not object to the gentleman from Missouri opposing this bill, but I do object to his measuring

this man's oats in somebody's else half bushel. I have stated before that I have examined claims on that committee that I absolutely refused to report because I did not believe they were just.

Mr. CLARK of Missouri. I have no doubt of that.

Mr. MAHON. But I report this case, after a full investigation of it, because I am satisfied that this was an unwarrantable act on the part of the collector. The Government had no right to this money, and the party has a legal and equitable claim against the Government for it. I do not believe that we have a Government so poor that it is necessary to maintain itself by robbing the honest citizen, whether the statute of limitations runs or not.

Mr. CLARK of Missouri. In regard to the statute of limitations, to which reference has been made here, that, let me say, is the rogue's defense, and has been so considered from time immemorial by all honest men. I would not refuse to pay a claim against myself because the statute of limitations ran against it, and I am not in favor of the Government's right to do so on the same ground. But the fact that the claim is not presented within the time that the statute prescribes is a suspicious circumstance against it, and makes the defense of the claim very much easier.

I want to state the remainder of this man's case. He is charged with the customs duties. Of course the foreigner never pays any tax. Nobody ever did believe that proposition except McKinley.

Mr. SNODGRASS. And he has taken it back.

Mr. CLARK of Missouri. This man paid that tax. Well, now, people in this country do not pay taxes for their health, or for the fun of it. He charged it up as so much added to the cost price of the goods, and charged the soldiers the additional price. If it had not been for the raiding rebels down in Virginia, the soldiers would have paid to that sutler the customs tax that was collected at the port of Baltimore, and we should never have heard of it.

Now, all that there is to tell about it is that, unfortunately for the sutler, Jubal Early or somebody else in gray consumed his supplies, and he lost his profits on them. He took the ordinary fortunes of war and he lost, and I insist that the United States Government and this Congress are under no sort of obligation to come in at this late day and make a profit for him on what turned out at the time to be a losing game.

Mr. KILGORE. Will the gentleman allow me?

Mr. CLARK of Missouri. Yes, sir.

Mr. KILGORE. I understood you to say that Gen. Early or somebody in the Confederate army got these goods.

Mr. CLARK of Missouri. Yes.

Mr. KILGORE. Were they not marked so high that the Confederates would not use them?

Mr. CLARK of Missouri. They did not pay much attention to prices, Mr. Chairman. They were hungry, and they ate. That is all. They did not care what it cost this sutler.

Mr. KILGORE. I understand that this whole business of dealing with the army by the sutlers was under regulations prescribed by the Treasury Department?

Mr. CLARK of Missouri. Yes.

Mr. KILGORE. They had to have authority for it?

Mr. CLARK of Missouri. Yes, they had to have a license.

Mr. KILGORE. It was a special privilege?

Mr. CLARK of Missouri. Yes.

Mr. KILGORE. Now, did not the Treasury Department have authority to prescribe the conditions, and might not this tax have been imposed as one of the conditions?

Mr. CLARK of Missouri. It does not make any difference. The Treasury Department relieved him from a part of his load, in order to induce him to sell his goods to the soldiers cheaper. He did not do it. He marked the price up on them, and if the rebels had not got his goods, he would have made $10,000 or $20,000 profit. He happened to meet with a loss, and I insist that he should bear it. There is no merit in this claim.

Mr. BYNUM. Mr. Chairman, I recognize that it may be some hardship on this claimant, under the peculiar circumstances as stated by the gentleman from Pennsylvania [Mr. MAHON], to refuse to pay this claim, and yet, Mr. Chairman, it would be establishing a very dangerous precedent. I have no doubt, as the gentleman from Missouri [Mr. CLARK] has said, that there would be millions of claims presented of equal merit. Now, the policy of the Government in the collection of illegal fees, and especially in the collection of illegal duties under the customs laws, is that an importer must protest at the time of payment and take his appeal within the specified time.

I have myself had presented to me claims from my constituents, who have paid excessive duties, sometimes 100 per cent more than the law fixed, but without protest; and I have never been able to get favorably reported a single one of those claims. I think that is the only safe rule that the Government can act upon. The Government does not stand in the same position as an individual. It is well known that the Government officers, faithful and honest as they are, do not guard the interests of the United States as carefully as an individual guards his own interests and protects his own rights, and therefore we should strictly enforce every principle of law and of equity in favor of the Government and against every claimant that comes in claiming to have been injured.

As stated by the gentleman from Missouri [Mr. CLARK] this is clearly a voluntary payment. I do not believe there is a supreme court in any State in the Union but what has held to the principle enunciated that a payment of an illegal license or tax without protest is a voluntary payment and can not be recovered.

Mr. MCNAGNY. I should like to ask the gentleman whether that doctrine of estoppel applies where payment has been made pursuant to a pure mistake of fact and not of law—whether or not the payment must not be made in ignorance of the law rather than in ignorance of the fact?

Mr. BYNUM. I would not undertake to state exactly whether there is that distinction in cases of this kind. I do not remember that such a distinction was drawn in the decisions I have in mind. There are cases, of course, where there is a distinction between a mistake of fact and a mistake of law, but here there could be no mistake of fact, because it is purely a mistake of rights under the law.

Now, the gentleman will recollect that in Indiana the towns of the State at one time, without any authority, passed an ordinance collecting a license from retail liquor-dealers, and the retail liquor-dealers paid that license. They paid it without protest. One, however, protested and went to the supreme court, and the supreme court held that there was no law authorizing the town to collect this license, but those who had paid without protest were without any remedy.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 6373) making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes;

A bill (H. R. 6080) granting a certain military reservation to Oklahoma City, Okla., to aid the public free schools thereof, and and for other purposes; and

A bill (H. R. 4858) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed the bill (S. 320) granting the Purcell Bridge and Transfer Company the consent of the United States to construct and maintain a bridge over the South Canadian River, at or within 1 mile of the town of Lexington, county of Cleveland, Territory of Oklahoma; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 51) to change the boundaries of the judicial district of the State of Florida.

The message also announced that the Senate had passed joint resolution (S. R. 67) for the erection of a statue of Francis E. Spinner at the Treasury Department building, Washington; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5482) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1895, and for other purposes.

The SPEAKER *pro tempore*. The committee will resume its session.

The committee resumed its session (Mr. DOCKERY in the chair.)

ORDER OF BUSINESS.

Mr. SAYERS. Mr. Chairman, I move that the committee rise, for the purpose of moving to nonconcur in the Senate amendments to the fortification appropriation bill.

The committee accordingly rose; and Mr. RICHARDSON of Tennessee having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY, Chairman of the Committee of the Whole, reported that that committee had had under consideration the bill (H. R. 2717) and had come to no resolution thereon.

FORTIFICATION APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments to the fortification bill, and

that the House ask for a conference with the Senate on the disagreeing votes of the two Houses. I also ask for the appointment of conferees, and that the bill, with Senate amendments, be printed.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 4858) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance, for trial and service, and for other purposes.

The SPEAKER *pro tempore*. The gentleman from Texas asks unanimous consent to nonconcur in the Senate amendments, without reading them, to this bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The amendments will be printed, a conference will be asked, and the following conferees are announced on the part of the House: Mr. WASHINGTON, Mr. SAYERS, and Mr. BINGHAM.

ARMY APPROPRIATION BILL.

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments to the army appropriation bill; and I also ask for a conference and the appointment of conferees, and that the bill be printed with Senate amendments.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 6373) making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes.

The SPEAKER *pro tempore*. If there be no objection the House will nonconcur in the Senate amendments without reading them, and the Chair will announce the appointment of the following conferees: Mr. OUTHWAITE, Mr. LAPHAM, and Mr. HILL.

The bill with Senate amendments will be printed.

PENSION APPROPRIATION BILL.

Mr. O'NEIL of Massachusetts. Mr. Speaker, I desire to present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5482) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1895, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

JOSEPH H. O'NEIL,
J. R. WILLIAMS,
HENRY H. BINGHAM,
Managers on the part of the House.

CALVIN S. BRICE,
S. M. CULLOM,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the pension appropriation bill, H. R. 5482, submit the following written statement in explanation of the effect of the action recommended by the committee of conference on each of the amendments of the Senate in the accompanying report, namely:

On amendment numbered 1: Strikes from the bill the provision proposed by the Senate amending the act of December 21, 1893, providing that any pension heretofore, or that may hereafter be granted to any applicant shall be deemed and held by all officers of the United States to be a vested right in the grantee to the extent that payment thereof shall not be withheld or suspended until after due notice to the grantee of not less than thirty days.

On amendment numbered 2: Restores to the bill the provision proposed to be stricken out by the Senate, requiring that the report of the examining surgeons, when filed in the Pension Office, shall be open to the examination and inspection of claimants or their attorneys, under such reasonable rules and regulations as the Secretary of the Interior may provide.

On amendment numbered 3: Inserts the provision proposed by the Senate vesting the appointment of clerks to sign official checks in the pension agents, and fixing the compensation of such clerks at the rates paid during the fiscal year 1894.

The bill as finally agreed upon appropriates $151,581,570, being the same amount as passed by the House.

JOS. H. O'NEIL,
J. R. WILLIAMS,
HENRY H. BINGHAM,
Managers on the part of the House.

Mr. O'NEIL of Massachusetts. I move the adoption of the conference report.

Mr. GROSVENOR. Mr. Speaker, I hope the chairman of the committee of conference on the part of the House will make an explanation to the House of the effect of the agreement of the conferees. I did not gather from the reading of the report what the effect of the agreement is.

Mr. O'NEIL of Massachusetts. Mr. Speaker, the House in December, last year, passed an act declaring a pension to be a vested right. The Senate, in the pension appropriation bill, offered an amendment to that act. They have receded from their amendment, which leaves the law as it was passed in December, 1893.

Mr. ENLOE. The conferees have agreed to recede.

Mr. O'NEIL of Massachusetts. The conferees agreed to recede.

The second Senate amendment to the bill was to an amendment offered by the gentleman from South Dakota in the House, allowing applicants for pension to get a copy of the report of the examining surgeon in their cases. The House provision required that report to be gotten from the Pension Bureau.

The Senate amended that, requiring the medical examiner at the time he made his examination to give to the applicant a copy of that report at the time of his examination. The Senate receded from their action in that respect and adopted the House amendment.

Mr. GROSVENOR. So that the applicant can now, on request, get a copy of the medical examination.

Mr. O'NEIL of Massachusetts. From the Pension Department.

The third Senate amendment, to which the House conferees agreed, was an amendment which allows the pension agent to select without let or hindrance a particular personal clerk whom he desires to sign checks for him. The conferees thought that was a proper amendment. And the conferees were unanimous in their report.

Mr. GROSVENOR. I have no objection, then, to the adoption of the report.

The report of the committee of conference was agreed to.

On motion of Mr. O'NEIL of Massachusetts, a motion to reconsider the vote by which the report of the committee of conference was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 6373) making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes, had agreed to the conference asked by the House on the bill and amendments, and had appointed Mr. BLACKBURN, Mr. COCKRELL, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amenements to the bill (H. R. 4858) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, had agreed to the conference asked by the House on the bill and amendments, and had appointed Mr. CALL, Mr. BLACKBURN, and Mr. HALE as the conferees on the part of the Senate.

GEORGE M'ALPIN.

The Committee of the Whole resumed its session (Mr. DOCKERY in the chair) and resumed the consideration of the bill (H. R. 2717) for the relief of George McAlpin, to repay to him moneys unlawfully collected from him by the United States.

Mr. BYNUM. Mr. Chairman, I think the rule of law for which we are contending obtains in every State of the Union. While under ordinary circumstances I would not insist that the rule should be applied, because I think that in some cases payments should be made which, though not recoverable at law, ought to be repaid in equity, yet taking into consideration the lapse of time that has occurred since this case arose, and of the business in which this claimant was engaged, with its incentive to speculation, and in view of the fact that he no doubt added the amount of the tax to the price of the goods, and that the sole loss arose by reason of the incidents of the war, these circumstances, I believe, should exclude this case from favorable consideration at the hands of this committee.

Mr. CHARLES W. STONE. Mr. Chairman, I wish to say that my colleague [Mr. MAHON], who has charge of this bill, was obliged to leave the hall, being called out of the city, and he asked me to make a single statement in reference to the bill.

Now, let there be no misapprehension. There is no question here of import duties; there is no question of customs involved in this case at all. The simple fact was that this man paid a percentage on goods shipped by himself to himself through the port of Baltimore to other coastwise ports; and that this fee, at first 5 per cent, was imposed by a regulation of the Treasury Department simply on goods that were shipped through the lines into the army; that that 5 per cent was afterward reduced to 3 per cent; that this man paid this imposition of 3 per cent on goods shipped into the lines of the army, amounting to $6,000; that under the law, he being a sutler regularly commissioned, was exempt from that duty. He paid this percentage (which he was not by law required to pay), not on goods imported but simply on goods passing through the custom-house at Baltimore to Aquia Creek, Fortress Monroe, and other points.

There is no question about the facts. But it is alleged that because he made this payment voluntarily, which he was no,

required by law to make, it should not be refunded to him. The fact that the payment was voluntary and that it was made without protest might possibly bar him from any legal right to enforce recovery; but it does not bar the United States from voluntarily refunding this money which the Government improperly and unjustly received; and it is the purport of this bill to give such relief.

There is no possible dispute that this man paid this money illegally, without any requirement of law that he should pay it. There is no evidence that he knew at the time the wrong to which he was subjected, or that he protested. But the fact that he did not protest does not alter the illegality or injustice of the payment, and does not preclude the United States from doing him justice and voluntarily refunding to him this money to which it had no claim. To make such repayment is the whole purpose of this bill.

Mr. LOUD. Mr. Chairman, I ask that general debate now close.

The CHAIRMAN (Mr. O'NEIL of Massachusetts). The gentleman from California asks that general debate be now closed on this bill. Is there objection? The Chair hears none.

The bill was then read.

Mr. LOUD. I move that this bill be laid aside to be reported to the House with a recommendation that it be laid on the table.

The question being taken, there were on a division (called for by Mr. CHARLES W. STONE)—ayes 51, noes 12.

Mr. CHARLES W. STONE. Mr. Chairman, I was requested by my colleague [Mr. MAHON] to ask for tellers.

The CHAIRMAN. In the absence of objection, tellers will be ordered; and the Chair appoints the gentleman from California [Mr. LOUD] and the gentleman from Pennsylvania [Mr. CHARLES W. STONE].

Mr. RICHARDSON of Tennessee. Mr. Chairman, I make the point that tellers have not been ordered.

Mr. CHARLES W. STONE. There was no quorum.

Mr. RICHARDSON of Tennessee. But that point was not made, and the question was not put to the Committee of the Whole on ordering tellers.

Mr. LOUD. The gentleman from Pennsylvania [Mr. MAHON] stated before he left the House, as I understood him, that he would not fight this case upon the question of a quorum.

Mr. CHARLES W. STONE. My colleague stated that he desired tellers; that is all; and I am simply carrying out his request.

Mr. RICHARDSON of Tennessee. But the demand for tellers must be seconded by sufficient number.

Mr. CHARLES W. STONE. For the purpose of securing a count by tellers, I make the point of no quorum.

Mr. RICHARDSON of Tennessee and others. Too late.

Mr. CHARLES W. STONE. As a quorum did not vote, I submit that I am entitled to tellers.

The CHAIRMAN. As the Chair understands, it is too late now to make the point of no quorum. The ayes have it, and the motion of the gentleman from California [Mr. LOUD] is agreed to. The bill is laid aside to be reported to the House with the recommendation that it lie on the table.

W. B. MORROW.

The next business on the Private Calendar was the bill (H. R. 1309) for the relief of W. B. Morrow.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, required to pay to W. B. Morrow the sum of $4,078.55, for Quartermaster's and Subsistence stores taken from him and used by the troops of the United States during the war of the rebellion.

Mr. PENDLETON of Texas. Mr. Chairman, I ask for the reading of the report accompanying this bill.

The report (by Mr. COOPER of Texas) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1309) for the relief of W. B. Morrow, reports as follows:

"This claim was presented in the Fifty-second Congress, and was favorably reported upon by the Committee on War Claims of the House of Representatives, to whom it was referred. After a careful investigation of the facts involved, your committee adopt the report of the committee of the Fifty-second Congress, a copy thereof being hereto attached and made a part of this report."

This claim was never presented to the Quartermaster-General for adjudication under the provisions of the act of July 4, 1864, for the reason that the claimant removed to the State of Texas shortly after the taking of his property, and was ignorant of the passage of the act of July 4, 1864, requiring claimants to file their claims in the Quartermaster-General's Office.

Your committee report back the bill and recommend its passage.

[House Report No. 222, Fifty-second Congress, first session.]

The Committee on War Claims, to whom was referred the petition of William B. Morrow, submit the following report:

This measure was considered by this committee during the first session of the Fifty-first Congress, and was reported upon favorably, which report is appended as a part of this report.

Your committee concur in the conclusions stated in that report, and report herewith a bill and recommend its passage.

[House Report No. 893, Fifty-first Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 2130) for the relief of W. B. Morrow, report as follows:

Your committee adopt the report hereto annexed, made by the Committee on War Claims of the Fiftieth Congress, and report back the bill and recommend its passage.

[Fiftieth Congress, second session. House Report No. 3824.]

The Committee on War Claims, to whom was referred the bill (H. R. 2331) for the relief of William B. Morrow, respectfully report:

That the claim is for stores and supplies taken from the claimant by the Army of the United States during the late war. Claim stated at $4,078.55.

It appears from the proof submitted that in September, 1862, United States troops took from the claimant's plantation, in Hardeman County, Tenn., for the use of the Army, quartermaster's stores and commissary supplies of the value of $4,078.55; that the claimant was throughout that war loyal to the Government of the United States.

Your committee are of opinion that the account is correct and just, and that the stores and supplies were taken as charged; that he has not received pay or compensation therefor from any source, either in whole or in part, but that the same is still due and owing to him from the United States, and report back the bill and recommend its passage.

Mr. COOMBS. I would like to ask the gentleman who has charge of this bill why it has never come before the Court of Claims?

Mr. PENDLETON of Texas. I would like to be permitted to make a brief explanation of this bill, and think I can satisfy the gentleman as to the inquiry he has made.

This bill was introduced by myself in behalf of W. B. Morrow, now a citizen of Robertson County, Tex., but at the time the claim accrued he was a citizen of West Tennessee.

It seems to me, Mr. Chairman, that there are three questions to be considered in connection with the matter: First, the loyalty of the claimant; second, the justice of the claim itself; and third, whether the claimant has been guilty of such neglect in enforcing his rights as to justify Congress in refusing to pay the claim.

Now, in regard to the first question, that of loyalty. His loyalty during the war at all times, from the beginning to the end of the war, was attested by the officers of all the Union troops in that section of the country and by all of his neighbors and friends.

The committee has on file, written at the time, certificates of loyalty from Maj. Gen. Hurlbut, from W. H. Graves, colonel commanding the Twelfth Michigan Infantry; from J. L. Gaston, captain of the Sixty-second Illinois Infantry; from the provost-marshals and from fifteen or twenty other Union officers who were commanding in Tennessee from time to time, and who certify to the facts in connection with this claimant. There are also certificates from the postmasters, from the county and district clerks, and the oaths of his neighbors as well as those of his former slaves. No man's loyalty at all times could be better attested than was his.

The committee had before it also his oath of allegiance taken when the Union troops entered Tennessee; and in addition to that his oath taken at the close of the war. All of the evidence convinced the committee thoroughly without misgiving that he was at all times loyal to the United States. That is as to the first question.

Mr. RAY. Will the gentleman permit me to ask him a question?

Mr. PENDLETON of Texas. Certainly.

Mr. RAY. Now, if this man was so undeniably loyal all of that time, how did it happen that he had to have a bushel basketful of certificates to that effect? What was the occasion for all of the certification on that subject?

Mr. PENDLETON of Texas. I will explain to the gentleman so that I think he will understand it. It was in this way: There were Union troops in a number of places in West Tennessee. In order to avoid being arrested in going from one place to another, he had certificates of loyalty from the officers in command. He had permission from Gen. Hurlbut, for instance, to trade in Memphis.

Mr. RAY. He was a trader, was he?

Mr. PENDLETON of Texas. No, not exactly; he purchased articles for his family and neighbors. He lived some 50 miles from Memphis——

Mr. RAY. What was his business?

Mr. PENDLETON of Texas. He went there—to Memphis—to get coffee and sugar and other supplies for himself and his neighbors.

Mr. RAY. But what was his business?

Mr. PENDLETON of Texas. He was a doctor.

Mr. RAY. And also a trader or a farmer?

Mr. PENDLETON of Texas. He was a doctor and a farmer.

Mr. RAY. And went back and forth to get supplies for himself and neighbors?

Mr. PENDLETON of Texas. Yes, sir.

Mr. RAY. How many different certificates of loyalty had he?

Mr. PENDLETON of Texas. He had certificates of loyalty from the various provost-marshals who were stationed there

from time to time. In the first place, it must be remembered that there were a number of different provost-marshals in his town. The certificates that he had from these officials permitted him to go where he pleased and return without difficulty. He had also the certificate from Gen. Hurlbut which permitted him to go to trade in Memphis.

Mr. RAY. Have you Gen. Hurlbut's certificate?

Mr. PENDLETON of Texas. I have not the certificate at hand; I will send for it, however, if the gentleman desires to see it. If the Clerk will call for the papers in connection with House bill 1309, on file in the Clerk's office, this certificate will be found on file amongst them.

Mr. LOUD. What was the character of the goods and supplies furnished?

Mr. PENDLETON of Texas. I will mention that as I proceed.

Mr. LOUD. It ought to have been in the evidence in the case submitted with the report.

Mr. PENDLETON of Texas. It is in the evidence, and as I was going on to say——

Mr. LOUD. But it ought to have been published in the report.

Mr. PENDLETON of Texas. It was in evidence, but I do not understand that these things are necessarily published in the reports. They are all in the papers, however, which accompany the claim.

I was going on to tell the gentleman that these supplies consisted of corn, fodder, oats, bacon, and in fact all things raised on a farm. He received for them vouchers signed by the Federal officers for almost all that he furnished them.

Mr. LOUD. He never entered the Union Army?

Mr. PENDLETON of Texas. No, sir.

Mr. LOUD. Then was not this a fair contribution, to substantiate his unquestioned loyalty to the cause?

Mr. PENDLETON of Texas. I do not know about that, because I suppose if, as the Government has done in other cases where loyal men lost property, they were allowed compensation for it, the same rule should apply here. It would seem to be only a matter of justice to him to treat him as others have been treated under like circumstances.

Now, as to the propriety of paying any of these claims originally, I do not propose to discuss that. I simply say that these claims are being paid, that this man was thoroughly loyal, that this claim is just if there ever has been a just claim of that character before this House.

Mr. COOMBS. I understand there are other bills here?

Mr. PENDLETON of Texas. As I say, these vouchers are on file in almost every instance. There are perhaps some two or three instances where the troops were in such a hurry, pursuing the Confederates or being pursued by the Confederates, that they could not give vouchers. In those cases the facts are attested by the oath of his neighbors. The account is filed and attested in that way.

Mr. COOMBS. Is this claim simply for the amount that he did not have vouchers for?

Mr. PENDLETON of Texas. This is for the amount that he did have vouchers for, and the others as well. It amounts to about $4,078, including everything.

Now, in regard to the length of time that has elapsed, this gentleman moved to Roberts County, Tex., after the war, his moveable property having been largely contributed to the Union cause, his fences burned, his house destroyed, and nothing left but his land. He went out and settled in the post oaks of Roberts County. Our mails were few and far between. He knew nothing of the laws of the United States. The people there knew nothing of this law.

Perhaps not one lawyer in a hundred in the State of Texas knew that there was any law upon the statute books under which he could file his claim and get his money from the Quartermaster-General. But, Mr. Chairman, as soon as he had an opportunity, as soon as Texas had been reconstructed, he filed his claim with Congress. He put in his petition in 1873. It has been here ever since. It has never been changed in the slightest degree.

Mr. RAY. How many times has it been reported upon?

Mr. PENDLETON of Texas. It has been reported upon, I think, by every Congress from the Forty-ninth. It was passed through this House in the Fifty-second Congress. It went to the Senate and was passed there, and returned here with an amendment on the 3d day of March, 1893, too late to be concurred in.

That, Mr. Chairman, is the condition of the claim. It passed both the House and the Senate, but came back here with an amendment, and there was not time to appoint conferees or to get it up for concurrence. Now, Mr. Chairman, I think this man is entitled to ask consideration from this House, in a Congress that claims to love the American Union and claims to appreciate the sacrifices that were made by her soldiers and by her adherents during the war.

I was on the Southern side of this question. Though young, I was in the Southern army. There were in the South a set of human buzzards who joined the Federal Army as it came along for purposes of plunder, for purposes of revenge. But when a man was a Union man, as Dr. Morrow was, from conviction and from patriotism, and when he risked social ostracism, fortune, and even life itself, to sustain his convictions, I think he should have fair treatment from this House, and I believe that this House ought to and will do him justice.

Mr. GROSVENOR. Mr. Chairman, if this class of claims is to be paid in a general way, if we are to enter upon the payment of this class of war claims, I do not know but we might as well open the door with this one as any other claim, but I want to state a few facts in this connection.

Mr. DOCKERY. If this House proposes to establish a precedent by paying this class of claims, I will state that Missouri can furnish at least three or four millions of just as good claims as this.

Mr. GROSVENOR. And I think they would be furnished by gentlemen who were so loyal that they staid in Missouri, and had a great deal to do with Missouri staying in the Union besides.

Mr. PENDLETON of Texas. This gentleman staid in the State of Tennessee until the close of the war.

Mr. GROSVENOR. Well, the report does not say so. As I recollect it—and I have some recollection about it—the war closed in 1865.

Mr. PENDLETON of Texas. This gentleman moved to Texas in 1866.

Mr. GROSVENOR. The statement here is that the claim was never presented to the Quartermaster-General, under the act of July 4, 1864, for the reason that the claimant removed to the State of Texas shortly after the taking of his property——

Mr. PENDLETON of Texas. It ought to be shortly after the close of the war.

Mr. GROSVENOR. I have got the bill. I can not readjust this bill to suit the emergency. [Continuing] and was ignorant of the passage of the act of July 4, 1864; and the gentleman from Texas tells us that the reason why he did not know of the passage of the act of 1864 was because he settled in a wild part of Texas, where the mails only came occasionally.

Mr. HOPKINS of Illinois. What I want to know is if going to Texas would deprive people of all intelligence of what is going on in the whole of the United States.

Mr. GROSVENOR. My observation is that the people of Texas were pretty tolerably wide-awake as to what was going on about that time.

But let us see what there is in this. The gentleman from Texas [Mr. SAYERS] said that he could count on the fingers of one hand the loyal men in any community throughout the South during the war.

Mr. SNODGRASS. Will the gentleman allow me to make a statement? He must have had a great many fingers if he could have counted all the loyal men in the section where I live, which furnished 35,000 soldiers to the Federal Army.

Mr. GROSVENOR. They came from a very peculiar portion of Tennessee. I know all about that, and they were loyal men, and no doubt the statement of Governor SAYERS was a little——

Mr. SNODGRASS. It shows what this kind of statement about being able to count on the fingers of one hand is worth.

Mr. GROSVENOR. I think it is an exaggeration myself; but it appears that this gentleman, according to the gentleman's own statement, was loyal. What was he doing? The mere fact that he was allowed to go to Memphis and allowed to buy sugar and coffee is not proof of loyalty.

There were thousands of men as totally disloyal as any other men in the South, who, when our armies came there, were allowed to go within the lines to buy and trade upon their honor that they would be governed by the principles of war; and I never knew one of them to violate their parole in that behalf. The fact that the provost guard was allowed to pass this gentleman does not prove anything. The question of loyalty is here. What did he do? What was his action? What was his declaration? What was his conduct during the war? It was a very suspicious circumstance, and I hope that the gentleman from Texas will not cavil at the statement I am now going to make—that he should have lived in the most disloyal part of Tennessee (I do not use that term in the offensive sense), the western portion of Tennessee, where substantially all white men were involved in opposition to the Government. Then, during the war and long before Appomattox, he moved away to Texas. Texas was absolutely——

Mr. PENDLETON of Texas. I want to correct the gentleman. Whatever the report may say, he did not move to Texas until after the war.

Mr. GROSVENOR. The gentleman knows more about it than I.

Mr. PENDLETON of Texas. I say that he did not move to Texas until after the war.

Mr. GROSVENOR. What I am speaking from is the bill itself and report.

Mr. PENDLETON of Texas. The gentleman would not make an argument on a statement which is incorrect.

Mr. GROSVENOR. The gentleman has not sought to amend his bill in any way.

Mr. PENDLETON of Texas. I considered that unnecessary; that it was not a substantial matter.

Mr. GROSVENOR. I will take the gentleman's statement as conclusive, and that is certainly all he can ask. What was this man doing?

But I have come to another branch of this question, Mr. Chairman, and I hope the House will act very intelligently now upon that.

The bar of the statute of limitation began against this claimant. The answer to it is ignorance of the law. Now, then, if that defense is to be admitted here, why you might as well repeal that great principle of law. I think I can give it to you in plain English and possibly can give it in something else. *Ignorantia legis non excusat* is a principle of law that has never yet been varied from and never ought to be varied from.

Now, just see what we have got here. We have got simply the statement of the claimant himself, and I call my friend's attention to the fact that you could never have any other proof, the mere statement of the claimant himself that he did not know of the statute of 1864.

Why, sir, you can not prove in any case that the person knows of the existence of a statute. The statute is passed and put upon the statute book; and the loyal people of the country are charged with notice of it.

This man comes here and says that he did not know of this law. To allow such a plea would repeal every statute of limitations—would repeal the bar to the influx of all claims of this character upon Congress. I close where I began, by saying that if this House of Representatives wants to enter upon this broad field, here is a precedent that can readily be set that will come home to plague us to the extent of a great many million dollars.

Mr. COOMBS. Mr. Chairman, I dislike very much to oppose this claim, after the very eloquent address of the gentleman from Texas, but it strikes me that we can not consistently vote in favor of it for several reasons. In the first place, this man is said to be a very intelligent man. He is not an ignorant, illiterate man, unacquainted with the status of matters in this country. Now, he allows this claim to drift on for twenty-five years before presenting it to the Government. He does not take advantage of the facilities that the Government has given him for the establishment of his claim in the Court of Claims. Now, at this late day we are asked to put him in a better position than men who submitted their claims in due time to that court. It is well known that the Court of Claims investigates in these cases not only the quantity, but the value of the property in question.

Mr. PENDLETON of Texas. Will the gentleman allow me a moment?

Mr. COOMBS. Certainly.

Mr. PENDLETON of Texas. The gentleman says that this man waited for twenty-five years before presenting his claim.

Mr. COOMBS. Well, he waited for a long time.

Mr. PENDLETON of Texas. He waited until 1873, just eight years after the war, when he presented his claim to Congress; and it has been here ever since.

Mr. COOMBS. At all events, he did not put in his claim either under the original law or under the act extending the time. It strikes me that to permit him now to come in and establish his claim before a committee of Congress, where witnesses are not examined, would put him above claimants who have submitted their claims to the consideration of the Court of Claims.

Mr. SNODGRASS. There are vouchers for most of these claims.

Mr. COOMBS. I understand that; but I have been familiar with matters of this kind; and I know that the Court of Claims in such cases frequently cuts down the amounts appearing in the vouchers. I should have no objection to a reference of this matter to the Court of Claims for investigation. But I think it ought not to be put on a higher plane than the claims of men who complied with the law and submitted their cases to the examination of the court.

Mr. SNODGRASS. Now, let us have a vote.

Mr. PENDLETON of Texas. I will occupy only a few minutes. I want to direct attention to some of the papers in this case. Here is a paper dated La Grange, Tenn., September 8, 1863.

Mr. SNODGRASS. I suggest to the gentleman that the Committee of the Whole are satisfied in regard to the facts.

Mr. PENDLETON of Texas. This is, in regard to the question of loyalty.

Mr. SNODGRASS. Everybody is satisfied with your statement about that.

Mr. PENDLETON of Texas. Then I will say no more.

Mr. SNODGRASS. Let us have a vote.

Mr. PENDLETON of Texas. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The question being taken, there were—ayes 33, noes 20.

Mr. GROSVENOR. No quorum.

Tellers were ordered; and Mr. GROSVENOR and Mr. PENDLETON of Texas were appointed.

The committee again divided; and the tellers reported—ayes 55, noes 2.

The CHAIRMAN. The point of order being insisted upon, as the Chair understands, the Clerk under the rule will call the roll.

The Clerk proceeded to call the roll, but was interrupted by——

Mr. ENLOE. I ask unanimous consent that the further call of the roll be dispensed with. I understand that the gentleman from Ohio [Mr. GROSVENOR] is willing to withdraw the point of no quorum, and the gentleman from Texas [Mr. PENDLETON] is willing to agree that this bill be passed over, retaining its place on the Calendar.

Mr. COOMBS. But let it be understood that the bill is still open to discussion.

Mr. ENLOE. This arrangement will leave it entirely open.

The CHAIRMAN. Is there objection to the request that the further call of the roll be dispensed with, that the point of no quorum be withdrawn, and the bill be passed over, retaining its place on the Calendar?

Mr. HOPKINS of Illinois. I object.

The Clerk resumed and completed the call of the roll.

Mr. ENLOE. Mr. Chairman, I renew my request that the order for the call of the roll be vacated, with the understanding that the point of no quorum is to be withdrawn by the gentleman from Ohio, and the bill of the gentleman from Texas be withdrawn from consideration, retaining its place on the Calendar.

The CHAIRMAN. The Chair will again submit the request to the House.

Is there objection?

There was no objection; consequently the roll call was vacated, the point of no quorum withdrawn, and the bill passed over informally, retaining its place on the Calendar.

CATHERINE CAINE.

The next business on the Calendar was the bill (H. R. 952) for the relief of Catherine Caine.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Catherine Caine, widow of the late Rev. Charles Caine, the pay and allowances of a chaplain in the volunteer service, from the 10th day of December, 1861, to March, 1863, the said Charles Caine having served as such chaplain in the organization known as Yates's Sharpshooters, Illinois Volunteers, during the time mentioned, under a commission issued by Richard Yates, governor of the State of Illinois, without pay.

The committee recommend that the bill be amended by striking out of line 8 the words "tenth" and "December," and inserting "first" and "January;" and in line 9, strike out the words "sixty-one," "March," and "sixty-three," and insert "sixty-two," "August," and "sixty-two," so as to allow pay from January 1, 1862, to August 1, 1862; and when so amended, the committee recommend the passage of the bill.

Mr. HENDERSON of Illinois. Let the report be read.

The report (by Mr. WILSON of Ohio) was read, as follows:

The Committee on War Claims of the Fifty-first and Fifty-second Congresses reported favorably bills substantially like the present bill. The governor of Illinois commissioned Rev. Charles Caine to be chaplain of a military organization designated as "Yates's Sharpshooters," which afterwards became the Sixty-fourth Regiment Illinois Volunteer Infantry. Rev. Charles Caine served as chaplain of said organization from January 1, 1862, to July 31, 1862. But he received no pay because there were only six companies of "Yates's Sharpshooters," and the paymaster declined to pay him on the ground that such number of companies were not entitled to a chaplain.

Mr. HENDERSON of Illinois. I will make a brief explanation of the facts in this case.

During the war there was organized in the State of Illinois a body of men—a military organization—known as the "Yates Sharpshooters," composed of six companies. This gentleman, whose widow is the beneficiary of this bill, was a preacher in the county in which I reside, and was appointed and commissioned by the governor of Illinois as the chaplain of this organi-

zation of soldiers and went into the service and served for the time stated in the bill and report.

Mr. COOMBS. In actual service?

Mr. HENDERSON of Illinois. In actual service. It seems, however, that under the law there was not a sufficient number of men in the command to entitle it to the services of a chaplain. This man, though, having received a commission from the governor of the State, left his charge, gave up his salary and his home, furnished himself with a proper outfit and uniform of an officer of the Army, went into the service, and actually served at his own expense for the number of months specified.

This bill simply provides that the widow shall be paid for the time he actually served.

Mr. COOMBS. What is the amount?

Mr. HENDERSON of Illinois. About $700, I think.

This bill was passed by unanimous consent in the last Congress and went to the Senate; but was not acted upon there, I suppose, for want of time. He was a good man, and his aged widow, the beneficiary of the bill, is left without means of support in her old age.

I move that the bill be laid aside with the recommendation that it do pass.

The amendments recommended by the committee were agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM JOHNSON, ADMINISTRATOR.

The next business on the Calendar was the bill (H. R. 722) for the relief of William Johnson, administrator of Thomas I. Johnson, deceased, of Fayette County, Tenn., as found due by the Court of Claims under the act of March 3, 1883.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to William Johnson, administrator of Thomas I. Johnson, deceased, of Fayette County, Tenn., the sum of $13,378 for stores and supplies taken by the United States Army, as found due by the Court of Claims under the act of Congress "to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

The report (by Mr. ENLOE) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 722) for the relief of William Johnson, administrator of Thomas I. Johnson, deceased, of Fayette County, Tenn., as found due by the Court of Claims under the act of March 3, 1883, reports as follows:

That this claim was referred to the Court of Claims for a finding of facts under the provisions of the act known as the "Bowman act," approved March 3, 1883.

Said claim has been returned with a report and findings, which are as follows:

[Court of Claims. Congressional—Facts and loyalty. No. 3614. William Johnson, administrator of Thomas I. Johnson, deceased, *vs.* United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims of the House of Representatives on the 10th day of April, 1888.

Gilbert Moyers, esq., appeared for claimant, and the Attorney-General, by J. H. Nixon, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

On a preliminary inquiry the court, on the 23d day of May, 1892, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 13th day of October, 1892. The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in Fayette County, State of Tennessee, where decedent resided during the late war of the rebellion; that at different times during said period the United States forces, by proper authority, took from the decedent quartermaster stores and commissary supplies of the value of $22,387.75, and appropriated the same to the use of the United States Army, as follows:

17 mules and 4 horses, in all 21 head of stock, at $150 per head	$3,150.00
900 cords of wood	1,950.00
19,000 pounds of fodder, receipted for, at $2 per hundred	380.00
503,000 feet of lumber, at $20 per M	10,060.00
July, 1862:	
1 set blacksmith tools and shop, complete	200.00
30 bushels oats, at $1	30.00
2,540 bushels corn, at $1	2,540.00
1 heavy iron-axle wagon	100.00
16,500 pounds fresh pork, at 10 cents	1,650.00
7,000 pounds of beef, at 7 cents	700.00
200 bushels of potatoes, at $1	200.00
3 barrels of flour, at $12 per barrel	36.00
5 barrels of molasses, 210 gallons, at $1	210.00
290 pounds sugar, at 20 cents	58.00
5,120 pounds cured meat, at 20 cents	1,024.00
100 pounds of sausage meat, at 25 cents	25.00
100 pounds mackerel, at 10 cents	10.00
200 pounds dried beef, at 25 cents	50.00
20 pounds lard, at 15 cents	3.00
5 bushels peas, at $2	10.00
3 bushels corn meal, at $1.25 per bushel	3.75
Aggregating in value	22,389.75

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following.

FINDINGS OF FACTS:

I. That during the war of the rebellion there was taken from the claimant, now deceased, Thomas I. Johnson, by proper military authority, for the use of the United States Army, stores and supplies amounting in value to the sum of $13,378.

II. That no payment appears to have been made for said stores and supplies.

BY THE COURT.

Filed October 10, 1892.
A true copy.
Test, this 6th day of December, A. D. 1892.
[SEAL.]
JOHN RANDOLPH,
Assistant Clerk, Court of Claims.

Your committee, therefore, report the accompanying bill for the payment of the amount found due by the Court of Claims, and recommend its passage.

Mr. ENLOE. I move that this bill be laid aside with a favorable recommendation.

Mr. RAY. Mr. Chairman, I move, if a substitute for that motion is in order——

The CHAIRMAN (Mr. O'NEIL of Massachusetts). The Chair recognizes the gentleman to move a substitute.

Mr. RAY. I move that the bill be laid aside to be reported to the House with the recommendation that the enacting clause be stricken out.

Mr. ENLOE. Mr. Chairman, I would like to ask the gentleman from New York why he makes that motion?

Mr. RAY. I make it because in the first place I do not believe this is a just or proper claim to be allowed or paid; and again, it is one of that class of claims that we considered the other day and discussed in the House, a class of claims I do not think were properly looked after in the interest of the Government by the Attorney-General when they were pending.

Mr. ENLOE. I would like to ask if the gentleman from New York means to impeach ex-Attorney-General Miller by that declaration, who was a member of his own political party, and a very distinguished lawyer? Does the gentleman mean to say or insinuate that he did not properly attend to his official duties?

Mr. RAY. I make no such charge, and however that may be he was charged with a duty and gentlemen on the other side of the House said a few days since—and voted deliberately—that a certain number of claims of this character, or I think they were Indian depredation claims, had not been taken care of as far as the interests of the Government were concerned. That having been declared by your side of the House, I think I am bound to believe that statement to be true as to these claims which to me appear wrong and illegal.

But I am opposed to the claim, and make the motion for that reason.

Mr. ENLOE. I understand the gentleman is opposed to the claim; but what I am trying to find out is on what ground he opposes it, why he makes the motion he does, or if in fact he knows anything about it.

Mr. RAY. Well, I heard the report read, the report and the findings of the Court of Claims. Now, I heard here a few minutes ago a gentleman on that side of the House, speaking in regard to this class of claims, make the statement that millions of dollars of such claims could be found in his State alone, if the Government was to enter upon the policy of paying them. You would bankrupt the Treasury of the United States within the next three months if you enter upon this system of legislatson and pay all the claims of this class that will be brought forward.

Mr. ENLOE. I do not understand the gentleman yet, Mr. Chairman. If the gentleman means to say that he is opposed to the payment of any of these claims, when the Court of Claims has made an investigation and has ascertained the loyalty of the claimant, and has ascertained the value of the property taken, and that it was used by the United States Government, I want him to so declare. If he is attacking this claim because he knows of some reason why this particular claim should not pass, then I want to know what his objection is.

If I am to understand that he takes the broad ground that Congress ought not to appropriate any money to pay these claims after the Court of Claims has found the claimant loyal, and found that the Government took the property, and that this is a proper valuation of the articles taken, then I shall understand his position distinctly. But at present I do not understand his objection.

Mr. RAY. I have told the gentleman that my objection is that I do not believe this to be a just and proper claim.

Mr. PATTERSON. Why do you not? That is the question.

Mr. RAY. Because I have seen no evidence that satisfies me that it is just or proper, or that it is a claim that ought to be paid. I think, in the first instance, the fact that these claims have been dormant and unacted upon for a period of thirty years ought to settle the question of their justice and validity.

Mr. SNODGRASS. Have you reviewed the action of the Court of Claims?

Mr. RAY. I have had no opportunity.

Mr. SNODGRASS. The case has been here for months and months. If you propose to constitute yourself a tribunal of review, you ought to read the proceedings.

Mr. RAY. This is the first time I have heard of this case. If the Congress of the United States is to pay any attention to the action of the Court of Claims, then it ought to enact a law providing that these matters shall be referred to the Court of Claims for investigation——

Mr. ENLOE. That is what it has done.

Mr. RAY. That court to make findings of facts and conclusions of law——

Mr. ENLOE. That is what it has done as to the facts. The conclusions of law are inevitable.

Mr. RAY. That court to pronounce a judgment; and then it ought to be made obligatory upon the Treasury of the United States to pay those judgments without any further action on the part of Congress.

Now, Mr. Chairman, why is it that the law is in the condition it is to-day on this subject? Simply because the Congress of the United States dare not, and does not trust to the adjudications of the Court of Claims. They are all reported here, and then Congress either appropriates the money to pay them or does not, according as it thinks each claim is just and deserving or unjust and undeserving. Therefore, that being the condition of the law on the subject, the right is reserved to this Congress, and to each member of this House to act in these matters as he thinks proper and right.

Mr. ENLOE. I should like to ask the gentleman a question there.

Mr. RAY. Yes.

Mr. ENLOE. I want to know, if a bill were proposed here to authorize the Court of Claims to render final judgments in cases of this character, if the gentleman would vote for it?

Mr. RAY. Establishing in the first place a proper court, organized in the proper way?

Mr. ENLOE. I am talking about this court, and so are you. You are discussing this court, and saying what this court ought to do. Would you vote for a proposition to authorize this court to render final judgment in these cases, with the right of appeal to the Supreme Court?

Mr. RAY. I am not prepared at this moment to say that I would vote for a bill giving to this court, as now organized, the power to pronounce a final judgment; but I do desire to state that I would vote for a bill organizing a court of claims having jurisdiction of all claims against the United States, and giving to that court the power to hear, try, determine, and pronounce final judgment, subject, however, to the right of appeal to the Supreme Court of the United States, accompanied with a provision that those judgments should be final and conclusive, and providing that they should be paid out of the money in the Treasury of the United States without further action on the part of Congress.

Mr. GROSVENOR. I want to ask the gentleman from New York, would he not be governed somewhat in his answer to the question propounded by the gentleman from Tennessee, by the aggregate amount of these claims and the question of the ability of the Government, within a reasonable hope of the future, to pay the amount? Would not that cut some figure?

Mr. RAY. Oh, most certainly, Mr. Chairman.

Mr. ENLOE. I would like to ask the gentleman right there——

Mr. RAY (continuing). It should affect the mind and judgment of every man in this House in passing upon these matters.

Mr. ENLOE. I want to ask the gentleman a question, and I would like the gentleman from Ohio to give me his attention also. I would like to know if the gentleman from New York and the gentleman from Ohio propose to establish the principle here that the payment of a claim shall not depend upon its justness and the obligation of the Government to pay, but shall be determined by the amount of the claim against the Government?

Mr. GROSVENOR. In the abstract the position of the gentleman from Tennessee is right; but following a great war, we all know that the action of nations have got to be affected materially by the magnitude of the amounts involved in this sort of claim.

Mr. ENLOE. I would like to ask the gentleman from Ohio if he thinks, in the first place, that the payment of an aggregate sum of not more than $2,500,000 would endanger the perpetuity of the Government and probably bring it into bankruptcy?

Mr. GROSVENOR. No, Mr. Chairman, not if that could be done. If the gentleman could get into one place, into one court and one suit for damage of $2,500,000, I would be glad to do anything to get out of the constant claims upon the Government that we have here.

Mr. ENLOE. I want the gentleman from New York and I want the gentleman from Ohio to tell the House and the country if they believe that the Government is not able to pay every dollar that it owes to loyal citizens for the property which it took from them for the purpose of carrying on the war when the aggregate amount pending in the Court of Claims is only $25,000,000, and only 8 per cent is the average allowed of these claims, which would make it less than $2,500,000.

I want to know if the gentleman from Ohio thinks that it would be right to refuse payment to loyal citizens who furnished supplies to carry on the war, and if he is going to put the Government in the attitude of being bankrupt and not able to pay its just liabilities of this character when it is able to pay the immense amount of money it is paying annually to pension soldiers.

Mr. GROSVENOR. If the gentleman will allow me, I will say that is one thing and the ravages of war is another. That which takes the form of a debt of the Government, no matter whether in the payment of a contract or liability which results ultimately in an indebtedness, the Government ought to pay regardless of the amount; but when you come to allowing claims for damages to colleges and churches——

Mr. ENLOE. This is not colleges and churches.

Mr. GROSVENOR. They are all intimately connected together; and I am discussing the whole subject.

Mr. ENLOE. But you are not discussing this bill.

Mr. GROSVENOR. I am not speaking on this bill, but it is the system governing the payment of this entire class of claims.

Mr. ENLOE. I will ask the gentleman from Ohio this question: If some institution of learning has a claim against the Government for use of its property, or some church for use and occupation, would he make that a reason why he should refuse to pay a citizen, who has proven his loyalty, for the taking and the use by the Government of his property, by proper authority, and its value? Would you make that a reason for refusing payment?

Mr. GROSVENOR. I was only discussing the general principle of payment in connection with the statement of the gentleman from New York with reference to all claims of this character, which are largely found, when you come to examine them, to be in the nature of depredations and ravages of war.

Mr. ENLOE. But that is not this claim.

Mr. GROSVENOR. I am not discussing this claim.

Mr. ENLOE. The gentleman is discussing the whole subject in opposing this bill; and I am trying to get the House to understand what there is in this bill. This man presented this claim for something over $22,000. The Government investigated it through its attorney, who went upon the ground, examined the witnesses, took the proof, and examined the vouchers for these supplies; and now, after it has made a thorough investigation, the court cuts the amount down $9,000 and reports that there is something over $13,000 due him.

Now, does the gentleman from New York insist that because there are a number of other war claims against the Government, this man should be denied what is due him?

Mr. RAY. The fact that this claim was cut down shows a large element of injustice, and, I might perhaps not inappropriately say, rottenness in connection with the claim.

Now, I desire to yield a moment to the gentleman from Texas [Mr. KILGORE], who, as I understand, wishes to ask a question of the gentleman from Tennessee [Mr. ENLOE].

Mr. KILGORE. If the gentleman from Tennessee will permit.

Mr. ENLOE. I suppose I shall have to accommodate the gentleman.

Mr. KILGORE. The whole of the argument of my friend from Tennessee is based upon the theory that this claimant was loyal during the entire war.

Mr. ENLOE. Yes, sir.

Mr. KILGORE. Now, is there not considerable doubt on that subject? Although the Court of Claims determined that this claimant was loyal, that is not conclusive on this House.

Mr. ENLOE. No.

Mr. KILGORE. Now, is it not true that all through that country those people were loyal to the particular army which at the time occupied the country? That was my experience.

Mr. ENLOE. I have no doubt the gentleman from Texas had a very extensive experience——

Mr. KILGORE. I was in the war along through that section.

Mr. ENLOE. I supposed that you served probably in Texas.

Mr. KILGORE. I served in Tennessee.

Mr. ENLOE. Did you not find loyal citizens there?

Mr. KILGORE. Powerful few!

Mr. ENLOE. Tennessee furnished thirty-seven regiments to the Federal Army.

Mr. KILGORE. I understand that; there is no question about that.

Mr. ENLOE. Then there must have been some loyal citizens there.

Mr. BOATNER. Oh, no; they all went into the army, so that no loyal citizens were left at home!

Mr. ENLOE. The gentleman from Texas, as I understand, is suffering from some peculiar mental distortion growing out of the fact that he was in the war and that he comes from a State that had very few loyal citizens during the war. I have no doubt he thinks it was a crime for a man living in that section to be loyal to the United States Government.

Mr. KILGORE. There were more loyal citizens in Texas than in Tennessee.

Mr. ENLOE. I understand the gentleman from Texas applies his view to Texas, Tennessee, and every other part of the country that went into the secession movement.

Mr. KILGORE. I say that with scarcely an exception, if the people in those sections had been disloyal to the Confederacy when the Confederate army was there, they could not have stayed there; they must have been loyal to whichever army occupied the country. That was my experience there.

Mr. ENLOE. Then the gentleman from Texas believes that if there was an army in his section of the country which represented different opinions from his, he would change his convictions in order to be in sympathy with the "powers that be."

Mr. KILGORE. No, sir; I do not believe any such thing.

Mr. ENLOE. Why, the gentleman, according to his own argument, ought to be a Republican under a Republican Administration so as to "stand in" with the authorities.

Mr. KILGORE. I do not think I can well afford to be argued into the Republican party by the gentleman from Tennessee.

Mr. ENLOE. No, sir; I do not intend to put you there.

Mr. KILGORE. I can not permit that.

Mr. ENLOE. I know the Republican party would object to that. I am not going to inflict anything of that sort upon them. [Laughter.]

Mr. KILGORE. I was a loyal citizen up to the time that Texas seceded. I was opposed to secession and opposed to the war. But after my State seceded, I went in and did my duty on our side; and I did not lose any reputation as a soldier, either.

Mr. ENLOE. I have no doubt the gentleman made a good soldier, but his argument now is untenable; his position is unfair; his statements are unjust.

Mr. KILGORE. But the proof ought to be conclusive before this House consents to concede——

Mr. ENLOE. I refer you to my colleague on the right, who says your statements are untrue so far as Tennessee is concerned.

Mr. KILGORE. Who is your colleague?

Mr. SNODGRASS. I.

Mr. KILGORE. Well, you are not as big a man as I am. How can you afford to say that? [Laughter.]

Mr. SNODGRASS. I know something about the facts you are talking about.

Mr. KILGORE. I know how it was in my experience.

Mr. SNODGRASS. Well, I happened to be a soldier on the same side that you did; and I know there were thousands of families there who would not have given you or me a piece of corn bread; who had no hesitation in saying they were Union people and loyal to the Government.

Mr. KILGORE. I found such in the mountains of Tennessee and Kentucky, but never in the section of country you are speaking of.

Mr. SNODGRASS. I am speaking of one of the best sections of the State, East Tennessee, and every soldier who went through that part of the country knows that there were thousands of loyal people there, as loyal as the people of Massachusetts or New York.

Mr. ENLOE. I would like to know what part of Tennessee the gentleman from Texas has been speaking of.

Mr. KILGORE. Well, I was over pretty nearly all the State.

Mr. ENLOE. I would like to locate your particular spot.

Mr. KILGORE. I was at Knoxsville, Cumberland Gap, Murfreesboro, Chattanooga, Tullahoma, Shelbyville, Nashville, and all over that country.

Mr. ENLOE. Well, you were not in the section of the State where this man resided.

Mr. KILGORE. This man lived down on the Alabama border?

Mr. ENLOE. No, sir, he did not; he lived in a different portion of the State. He lived in West Tennessee.

Mr. RAY. I believe I have the floor.

Mr. BOATNER. I understood the gentleman to yield to the gentleman from Texas.

Mr. RAY. To put a question to the gentleman from Tennessee [Mr. ENLOE].

Mr. BOATNER. I understood it was for a speech.

Mr. KILGORE. I will not trespass further on the time of the gentleman.

Mr. BOATNER. Now, will the gentleman from New York yield to me for a question?

Mr. RAY. Yes, sir.

Mr. BOATNER. I want to ask the gentleman if he was sworn as a juror in a case where a man had sued for $20,000 and proved only $9,000, if he would nonsuit him for the whole amount because he had not succeeded in establishing the entire claim?

Mr. RAY. Oh, no.

Mr. BOATNER. Well, that is exactly what you ought to do under the principles laid down in the argument you have just made. In answer to the gentleman from Tennessee, you say that because he made a claim for $20,000 and proved only $9,000, it was a sufficient ground to warrant the rejection of the whole claim.

Mr. ENLOE. The gentleman perhaps did not mean that exactly.

Mr. RAY. I did not make any such statement. The gentleman from Louisiana is begging the question when he undertakes to put the matter in that shape.

Mr. BOATNER. I beg the gentleman's pardon, I was only quoting his argument against himself.

Mr. RAY. Every man here knows that this claim and all claims of the same nature, to have consideration by the Court of Claims, must have the consent of Congress, and is absolutely without foundation in law. That is the point I was making. It could have no standing for a moment in any court. The claimant had his day; he failed to avail himself of it, and now the time for the presentation and enforcement of the claim has gone by, except by consent of Congress.

Mr. ENLOE. You are mistaken about that.

Mr. RAY. Except by the special permission of this House.

Mr. ENLOE. By Congress.

Mr. RAY. By Congress. That is right. Now, the question of loyality and disloyalty has come up here for discussion, and I want to say a few words on that question. In the State of Tennessee during the war, or in Western Tennessee, there were three classes of persons. The large majority of the people sympathized with the rebellion; they believed that the Confederacy was right, and they had the courage of their convictions, and came up manfully and boldly and announced it.

Those who were able to do so joined the Confederate army. For that class of men I have the highest regard, and the highest respect. I believe they, in the main, were just as honest in their convictions as I was when I joined the Union Army, and I respect them accordingly for having the courage of their convictions.

There was another class of men who believed in the Union, and those who were able to do so came out manfully and joined the Union Army, and fought for the integrity of the nation. For those men I have undying gratitude and respect. There was still another class, however, who were neither fish nor flesh——

A MEMBER. Were they fowl?

Mr. RAY. And they did not mean to be the devil; but they were all the same. When the Union Army had possession of the territory in West Tennessee professedly they were Union men; they would play into the hands of the Union Army and would fill their pockets full of certificates that they were loyal men.

They always posed under such circumstances as true and loyal men. But whenever the Confederate army was in control of the same section they would lay away their papers certifying to their Union proclivities and their unquestioned loyalty, and bring forth their certificates of adherence to the Confederacy, and would present them on every occasion when demanded, or when necessity made it expedient for them to do so.

Mr. BOATNER. Will the gentleman yield for a question?

Mr. RAY. Yes, sir.

Mr. BOATNER. Is there any evidence of that character in this case?

Mr. RAY. I have not seen the evidence of that character in this case yet, but I have no doubt it exists.

Mr. BOATNER. Has the Court of Claims found anything of that sort in the evidence submitted with the claim?

Mr. RAY. Why, only a few minutes ago we had under consideration here a claim of almost this precise character, in behalf of a gentleman now residing in the State of Texas, an intelligent man, a physician, and it has been said that he produced evidence on that behalf—that all during the war he was a loyal man in Tennessee, and at the close of the war he did not go farther north; he did not remain in Tennessee, where there was a percentage of Union men, but he pulled up stakes and dug for Texas, where confessedly there were no Union men, and has lived there ever since.

Mr. ENLOE. Will the gentleman allow an interruption?

Mr. RAY. Let me finish a little explanation that I was undertaking to give in connection with this Texas case, and then I will yield to the gentleman with the greatest pleasure.

Now, the gentleman advocating that bill that I have just mentioned said that he had abundance of evidence that the man was loyal, absolutely, throughout the entire war. I sent for the papers, by the courtesy of the gentleman having the bill in charge, and looked over them and found that every Union colonel, captain, or general who got into that region gave him a certificate that he had given favors to the Union Army; that they believed him to be loyal, and therefore desired that his person and property should be respected.

Now, he had so many of these certificates from so many different sources that it struck me as a little peculiar, and I hunted them all over because I believed if I had lived in Western Tennessee during that four years of civil strife that everybody would have known, without inquiry or certificates, whether I was loyal or disloyal.

I should not have needed a peck basketful of certificates from this colonel and that general to show my loyalty. But I ran down through the papers and I found that in April or May, 1865, this very man took the general oath of amnesty, promising under oath and in writing that *in the future* he would be a loyal man, confessing thereby that during the rebellion he had not been loyal. And still a committee of this House have reported, in ignorance of the facts undoubtedly, that that man was loyal during the war and ought now be treated as a loyal man.

Mr. ENLOE. Now, I ask the gentleman from New York if he does not know that under the order of a military governor of Tennessee every citizen, loyal and disloyal, had to take that oath.

Mr. RAY. Had to take that particular oath?

Mr. ENLOE. That particular oath.

Mr. BOATNER. Or get out of the State or go to jail.

Mr. ENLOE. You did not know that, did you?

Mr. RAY. If that is true it is news to me.

Mr. ENLOE. I think a great many things pertaining to this matter which the gentleman is discussing would be news to him, if the facts were communicated to him.

Mr. RAY. That is undoubtedly true. I make no pretense to knowing everything. I know very little, but, Mr. Chairman, there is one thing that I do know, and I know it beyond all question or dispute, and I desire to impress that fact upon the mind of the gentleman from Tennessee. I am opposed to this bill.

Mr. ENLOE. I have no doubt about that.

Mr. RAY. And I am opposed to every bill similar in character.

Mr. ENLOE. I am very much obliged to the gentleman for defining his position.

Mr. RAY. I may not be able to give, to the gentleman's satisfaction, the reasons why I am opposed, but they are sufficient to satisfy me. They satisfy my mind, and I believe that the Congress of the United States can do no more foolish thing than to enter upon a career of extravagance in appropriating money to pay claims of this class and nature. The gentleman asks me if I would vote against a measure which proposed to do justice to any citizen of the United States.

I say, Mr. Chairman, that there are many measures that I can think of that would do justice to citizens of the United States, that I would vote against. When the war broke out of which we are now speaking, the men of the North were called upon to enlist. They did enlist and went into the Union Army under the solemn promise of the Government of the United States that they should have at first $12 a month, and later on $14, and then $16 per month. The Government of the United States, in its necessities, instead of paying in money worth twelve, fourteen, or sixteen dollars, paid in paper money depreciated in value, a currency not worth at some periods during the war 50 cents on the dollar.

We promised to give the soldiers $16, and we only gave them $8. The war has closed. The Government of the United States has grown rich and prosperous. We could make our promise good to these old soldiers and to their widows and children. We have the ability to do it. We are rich enough to do it. It would be a piece of magnificent justice if we should do it. But if that proposition should be brought before this House to-day, in justice to my country, in justice to all our people, I should be compelled to vote against the measure, not because it would be unjust to the claimants, but because it would be inexpedient and improper, and unjust to the great mass of the citizens of this country under the present condition of things.

Now, Mr. Chairman, I think I have said all I care to say on this subject.

Mr. ENLOE. Mr. Chairman, I have been very much interested in the speech of the gentleman from New York [Mr. RAY]. In the first place, I found out at once that he was opposed to this bill, and I think there is where he started. He was suspicious of the bill on general principles, and he determined to oppose it. But it never had occurred to him to hunt up any reasons why he should oppose it; so after he got on his feet and commenced to make his speech he had to invent the reasons as he went along to justify his position, and he has furnished us with evidence of the fact that while he knows some things very well, yet he thinks he knows a great many things that he does not know about this bill.

I would have supposed from the way he started out to discuss it that he had been in Tennessee during the war and that he was going to tell us what he knew about it from some personal experience, or that he had found something in the record in this case to justify his position. But he can not find anything in this case to justify his position. He does not know anything about what he was talking about as to the condition of things during the war.

He, like many another man has done who wanted to oppose a measure, had to invent as he went his reasons for opposition. He drew upon his imagination for a state of facts and applied it to this particular bill. In the attempt to justify himself he went into the case which was just now before the House, of a citizen who lived in Tennessee and who moved to Texas and subsequently filed a claim against the Government. Then he proceeds as logically in that as in his whole speech to immediately impeach the loyalty of that man because he left Tennessee and went to Texas.

I did not know before that a man lost his reputation for loyalty on account of the State he happened to settle in after the war. But if a man served in the Army from the State of New York, and he went and settled in Texas, according to the gentleman's argument he has proven that he was a traitor to the Government at heart all the while he wore its uniform and fought its battles. Every man from the North, according to the gentleman's logic, who has settled in the State of Texas since the war has furnished overwhelming proof that he was disloyal to the Government during the war because he seeks association with gentlemen like my friend from Texas [Mr. KILGORE].

Mr. RAY. The gentleman will pardon me just a minute there I do not desire to be understood that way.

Mr. ENLOE. Well.

Mr. RAY. In those days, and at that time, my observation led me to the conclusion that Union men sought the society of Union men, and disloyal men (and I do not speak offensively) sought the society and company of disloyal men; and it struck me as a little funny that a Union man in Tennessee should, if he was loyal all through the war, rush away to Texas immediately after the close of the war, where you could not find a Union man any more than you could find a needle in a haystack.

Mr. ENLOE. Now, if the gentleman will allow me to proceed, I think he has not bettered his case by his explanation. The gentleman then puts it upon the ground of association, and he thinks loyal men would not willingly associate with ex-Confederates and their friends.

Mr. RAY. I did not say that.

Mr. ENLOE. But that is the logical conclusion of your argument. Now, I am taking your argument not as you perhaps intended it, because it seems the gentleman does not understand logic. [Laughter.]

But, according to your logic, loyal men should not associate with a man who was disloyal to the United States Government during the war, drawing his conclusions, I suppose, from his inner consciousness. I have no doubt the gentleman gets the most of his information and opinions by consulting himself and thinks he is correct.

Mr. RAY. I should certainly get a great deal more information by consulting myself than by consulting the gentleman from Tennessee; and, therefore, I shall get the information that way in preference to seeking it from the gentleman from Tennessee.

Mr. ENLOE. That is only another evidence of the fact that the gentleman pursues that policy; because if he really understood the facts he would know that the "gentleman from Tennessee" could give him a great deal of valuable information.

Now, I want to say to the gentleman when he has made an argument the logic of which is that gentlemen on that side of the House should not associate with gentlemen on this side, and that is the logic of the gentleman's argument, he ought to follow it out and say that no man living in a Northern State should settle in a Southern State.

Mr. RAY. Will the gentleman yield to me for just a moment?

Mr. ENLOE. Wait until I get through, and then I will let you have a chance.

Mr. RAY. All right.

Mr. ENLOE. I want to give you a little more time, because you will want to interrupt me in a couple of minutes, and I want to save you that trouble.

Mr. RAY. I gave you two-thirds of the time when I occupied the floor.

Mr. ENLOE. All right, then; but you will have to interrupt me again in two or three minutes.

Mr. RAY. I did not say anything about the loyalty of your side of the House. I do not believe that your side is disloyal.

Mr. ENLOE. I thank you for that statement.

Mr. RAY. You had no right to conclude that they are disloyal.

Mr. ENLOE. I did not.

Mr. RAY. You have no right to judge other gentlemen on your side. "Judge not, that ye be not judged."

Mr. ENLOE. I am glad that the gentleman has read a little of the Scriptures. That is the first evidence we have had that he has read the Bible. I want to say to the gentleman that he should "condemn not, lest he be condemned." And if the gentleman means to say what he does say, the meaning of his argument is that if a man living in a Northern State, a Union soldier perhaps, shall happen to fall in love with a lady living in the South, whose sympathies were all on the other side, and they were to get married, in order for the ex-soldier to come up to the gentleman's loyal standard, he ought to get a divorce, on the ground that he can not stand the association with anybody who sympathized with the South during the war.

I am afraid the gentleman is an enemy to emigration from the State of New York to the Southern States. I think he is afraid that some enterprising Yankee, living in New York, might see an opportunity to invest his capital in the South and make money, and he wants to stop it; and he does not know of any better way than to tell him he will loose his standing as a loyal citizen if he goes to a Southern community to live.

Mr. CARUTH. Will the gentleman give way to a suggestion?

Mr. ENLOE. Certainly.

Mr. CARUTH. Did you ever see a decent man come down from the North who did not forthwith become a Democrat? [Laughter.]

Mr. ENLOE. Well, I do not know but what on the whole that is true. I never saw a sensible man, in my judgment, who came there to live as a good citizen who did not soon associate himself with the Democratic party; but I would not expect anything of that kind from the gentleman from New York if he should come among us.

Mr. CARUTH. "Ephraim is joined to his idols, let him alone." [Laughter].

Mr. PAYNE. Do you think he would make a mistake in coming down there?

Mr. ENLOE. No, sir; I do not. I do not think there is any spot on this globe to which an enterprising citizen of the State of New York, who has the characteristics of the average American citizen, would not immediately emigrate if he saw that he could do so with profit to himself. The South offers great opportunities for honest and enterprising citizens who seek to make homes for themselves and families, but we have no use for office seeking carpetbaggers who scruple at nothing. The motive that induces people to move is the hope of bettering their condition. I have no doubt this gentleman left Tennessee and went to Texas because he thought Texas would afford him a better field, a better opportunity to advance himself in life.

Mr. CARUTH. Do not some people "leave their country for their country's good?"

Mr. ENLOE. Sometimes a man has to leave his part of the country, because if he does not they would put him in jail. But we do not want people to leave other States and come to ours for any such reason as that. There are many citizens living in all the Southern States who were in the Union Army, men who served through that struggle, who have come into the Southern States and settled, and who are making good citizens. Most of them are good Democrats.

But I want to quote another authority. I want to quote a man who was perhaps not quite as great in his day as the gentleman from New York, but who had some reputation as a loyal citizen during the war. He was a man who had convictions on this subject, and he expressed his convictions on the floor of Congress; and for the sake of giving the gentleman from New York some information which will perhaps be of benefit to him in the future, I want to quote an extract from a speech of that gentleman. I refer to the late Senator Morton of Indiana. The speech to which I refer will be found in volume 71, page 303, of the Congressional Globe. It was delivered in the third session of the Fortieth Congress on the 12th of January, 1869, in the case of Miss Sue Murphy. Senator Morton said:

Let me take the case of a Union man in the South who has borne the heat and burden of the civil war, who has been persecuted, and who has sustained all those hardships that we know were incident to the condition of a Union man in the South during the war. To say that we will treat him as a public enemy and that we will refuse to pay him for his property deliberately taken by the Government—

As the gentleman from New York would—

where under the same circumstances we would pay a man living in the North for his property taken by the Government, is revolting to the plainest principles of justice. I cannot subscribe to any such doctrine.

But then, I suppose the gentleman from New York is not acquainted with the principles of justice. Does this House intend to do this act revolting to the plainest principles of justice? Does it propose to refuse payment of claims established by undoubted testimony and at great expense incurred because of the action of Congress in referring the cases? Does this House propose to put the Government in the attitude of a dishonest debtor, who having clothed a tribunal with authority to arbitrate refuses to abide the decision though abundantly able to pay the award?

I here give you the views of the distinguished ex-governor of Indiana, then a Senator of the United States—a man who was a great leader of the Republican party—a prominent candidate before his death for the Presidential nomination at the hands of that party. I take this authority, and I set it up against that of the gentleman from New York. I quote from a man who knew the law, who had sound ideas of justice and right, who had respect for the courts of the country, and regard for the rights of individuals.

When you have established a court of this kind and have said that claimants against the Government must go to that tribunal to test the justice of their claims—must submit their cases to investigation; when the Government is represented by its counsel, when its agent goes to the territory where the claims originated and inquire into the evidence to be found among the people there as to the loyalty or disloyalty of the claimant, when this expense has been incurred by claimants, do you mean to say that you will go back of this court and will not submit to the decision of your own tribunal. I say it would be absolutely dishonest, after the justice of the claim has been established by a proceeding of this kind, for Congress to refuse to pay the claimant.

More than that, I will cite other authorities for the benefit of the gentleman from New York. I think he was in this House in the Fifty-first Congress.

Mr. RAY. No, sir; I was in the Forty-eighth Congress first.

Mr. ENLOE. Then you have not been here as long as I thought. If you had been here longer, perhaps you would know more of these matters. I say if the gentleman had been here in the Fifty-first Congress, if he had served here at that time under the leadership of the distinguished gentleman from Maine, who was then known throughout the country as the "dictator" and the "czar" of legislation, he would have known that that gentleman permitted to pass through this House a bill carrying over $500,000 of these claims.

There were more than 285 separate and distinct claims in that bill; and the gentleman from Maine permitted it to pass this House because he said he was satisfied of the justice of those claims and that they ought to be paid. I fought to carry that bill through the Committee on War Claims. I carried it by a majority in a Republican committee, over the opposition of the chairman, Mr. Thomas, of Wisconsin, who at that time played the role that the gentleman from New York is playing to-day. He thought that by attacking these claims and misrepresenting these people to his constituents, he would be enabled to retain his seat in Congress; but when he went back to his constituents, his distinguished services in attempting to repudiate the judgment of the Court of Claims, and to impeach the character of loyal citizens of the South, met with no response; and he sustained an overwhelming defeat at the polls.

Mr. WRIGHT of Pennsylvania. In the matter of the omnibus Southern claims bill which my friend says he succeeded in getting passed through the Fifty-first Congress, is it not a fact, known to the gentleman from Tennessee, that he succeeded in passing said bill by reason of his action in preventing for months the passage of any pension bills, and that he was permitted to pass that measure only because it seemed to be the only way that pension legislation could be accomplished?

Mr. ENLOE. In answer to the gentleman from Pennsylvania who has asked me whether the passage of that bill was not due to the fact that I obstructed legislation in that Congress, I will say that the gentleman pays me such a compliment as I have not received before. It is certainly a great compliment to me, and a great reflection upon the Fifty-first Congress, to assume that one man should be able to come into this House of Representatives, composed of 332 members, and bulldoze through the House a bill carrying a half million dollars, and that the great body of that House, under the leadership of the distinguished gentleman from Maine, should have permitted one weak, thin Democrat like myself [laughter] from the State of Tennessee to come here and bulldoze through a bill of that character.

I say, Mr. Chairman, I think it is an unjust reflection on that Congress. I said the bill was passed because Congress was convinced of the justice of the claims, and that, too, after an investigation; and having done so, that it set an example of honesty to this country that I hope will be followed in the future.

Mr. KILGORE. I understand the gentleman from Tennessee to contend that when the House of Representatives refuses to make appropriations in these cases which have been before the Court of Claims that it is a reflection on the judgment of the court. Now, do I understand the gentleman to contend that the Court of Claims has authority to render judgment in such cases?

Mr. ENLOE. The gentleman from Texas is quibbling now.

Mr. KILGORE. Not at all; that is your own language. You insist, as I understand you, that the appropriation must be made, because otherwise it is a reflection on or a repudiation, if you choose to call it so, of the judgment of the court.

Mr. ENLOE. Well, the gentleman from Texas knows that it is the judgment of the court on a state of facts presented.

Mr. KILGORE. No; it is a finding of the court on the facts.

Mr. ENLOE. And that is the only thing that goes to the court. It is a judgment on the facts presented; and it is just as much a judgment on the facts as is the judgment of the court on the facts in any other case that comes before it, where its judgments are final.

Mr. KILGORE. But it is not a conclusive judgment on this House.

Mr. ENLOE. The gentleman from Texas knows, just as every other member of the House knows, that it is not.

Mr. KILGORE. But I understand you to treat it as though it were a final and conclusive judgment.

Mr. ENLOE. It is a judgment on the facts, and a finding as to the justice of the claim and the loyalty of the claimant. Why, the gentleman knows that if it were a judgment, a final settlement of the matter, that it would not be here for an appropriation; it would be paid by the Secretary of the Treasury as other judgments of the court are paid.

Mr. KILGORE. I do not so understand. Because in the cases to which the gentleman now refers they are judgments both as to the law and the facts, and judgments from which an appeal can be taken. But that is not the case in regard to the findings of the court sent back to Congress.

Mr. ENLOE. We all understand that.

Mr. KILGORE. Well, I want the gentleman to understand it. From your statement a few moments ago it would seem that you did not understand it.

Mr. ENLOE. Notwithstanding the gentleman's criticism the fact remains that Congress created this tribunal; that it has appointed the judges; that they are daily passing on claims from different parts of the country involving many millions of dollars, and Congress accepts the findings of the court on every other subject except this. Now, let me ask why is this exception made?

It makes the exception for no other reason than because of the fact that gentlemen come here and make a football of these findings of fact for political purposes, and play the part of the demagogue before their constituents and the country, to make votes for themselves to secure their reëlection. That is the reason. They have never, in a single instance, investigated the claims, so far as I know, and found that the court had made an erroneous ruling in passing upon the claims, or that its judgment was not worthy of credence because it had not considered the evidence.

When the omnibus bill was passed sometime ago, some gentleman, who offered to be overscrupulous, prepared and secured the adoption of an amendment providing that the Attorney-General should reëxamine all of the cases before payments, if in his judgment it was proper to do so.

Under that authority the Attorney-General went into the court and made a motion for a rehearing on a number of these claims; and after overhauling the Confederate archives and reinvestigating the claims and ransacking every character of evidence which could be obtained for or against them, and searching in every quarter where they could find evidence, I do not know of a single, solitary instance where the original findings of the court were discovered to be erroneous. Not a single case.

If the argument of the gentleman from New York [Mr. RAY] goes to the integrity of the Court of Claims, if it impeaches the honesty of that tribunal or its members, then it should be the duty of the member to rise in his place here in the face of such evidence of dishonesty and move a resolution that would bring about an investigation, and through that medium secure their impeachment and removal from office.

But the gentleman is perfectly willing that the court shall stand; that its judgments shall be final and conclusive in all other cases, involving many millions of dollars against the Government, but that it shall be regarded as not binding in cases of this character; and only in these cases, where the question at issue is the right of some loyal man in the South to receive payment for his property, does he doubt the integrity, the honesty, or the efficiency of the court.

I understand from his argument to-day and from his answer to the questions I propounded to him that he would be unwilling to authorize this tribunal to render a final judgment in claims of this character.

Mr. RAY. The gentleman will allow me a question?

Mr. ENLOE. Certainly.

Mr. RAY. Have you on any occasion, when the question has been up before Congress of appropriating money to pay men whose claims had been adjudicated by this court, examined for yourself the findings of the court, or voted against such claims because you had not investigated them?

Mr. ENLOE. I have no recollection of having so voted.

Mr. RAY. Of course you would not vote to pay in any case unless you were satisfied that the judgment was correct?

Mr. ENLOE. My action would depend on what I knew of the case. If I knew no more of any case than the gentleman from New York does about this case, then I do not think I would vote against it. I would not condemn a man on mere suspicion, or deny a claimant any right on a mere suspicion.

Mr. RAY. Will you answer my question?

Mr. ENLOE. I have answered it.

Mr. RAY. Do you regard the decision, or the finding, I had better say, of the Court of Claims so sacred and so perfect, and and so conclusive in all of these matters submitted to it, that you would vote to appropriate the money to pay the amount in each case without question; or would you reserve to yourself the right, on examination of the case and evidence, to exercise your own judgment?

Mr. ENLOE. I regard the findings of the Court of Claims as furnishing to this House such prima facie evidence of the justice of the claim that I would not vote against its payment unless there was evidence furnished me to show that the court had erred.

Mr. RAY. Would you vote to pay the money in each and every case, and would you feel bound to do it in equity, law, and good conscience, unless you could find some good, satisfactory reason in the facts of the case which led you to think it was just and proper?

Mr. ENLOE. I would say unless I could find some evidence, I would not undertake to find reasons against it, as the gentleman from New York [Mr. RAY] does. I would not draw upon my imagination for reasons. I would not manufacture reasons, I would accept nothing as sufficient to impeach the justice of these findings except evidence to the contrary.

Mr. RAY. If you were not satisfied that a claim was just and proper to be paid, you would not vote to pay it, would you?

Mr. ENLOE. I would be satisfied whenever the court presented its findings here after an investigation. That would be evidence to my mind that the claim was just, and that it ought to be paid, and it ought to be such evidence that no honest man would attempt to overturn it except by evidence to the contrary.

Mr. RAY. You say you would be satisfied under certain conditions. You would not vote to pay a claim unless you were satisfied, would you?

Mr. ENLOE. I would vote to vest that court with jurisdiction to render a final judgment in every one of these claims, reserving the right of the Government to appeal to the Supreme Court.

Mr. RAY. You still dodge my question.

Mr. ENLOE. I do not dodge it.

Mr. RAY. My question is this: Would you vote to pay a single one of these judgments, as you call them, of the Court of Claims, before you were satisfied that it was just and ought to be paid?

Mr. ENLOE. Why, the gentleman must have a very peculiar comprehension.

Mr. RAY. Now, do not dodge the question. Answer my question.

Mr. ENLOE. I do not know whether I can answer it to the intelligence of the gentleman. It is perhaps my fault that I am not able to use language that is pointed enough.

Mr. RAY. Well, then, please come down out of the skies and deal with a plain, common man who only has ordinary intelligence and ordinary language by which to express his ideas, and answer me in plain, common English, honestly, not dodgingly, or by any subterfuge, whether or not you would vote to pay a judgment of the Court of Claims before you were satisfied that it was a just claim and ought to be paid? Can you understand that?

Mr. ENLOE. Yes; and I have told you several times that I would not. Can you understand that?

Mr. RAY. That is the position I take exactly.

Mr. ENLOE. I am glad you have got your comprehension to a point where I can reach it. I say that I would not vote to pay anything that I believed to be unjust.

Mr. RAY. That is just the position that I occupy, and it is because I am not satisfied that this is proper and just to be paid that I oppose it, and in doing that I exercise the right of an American citizen and a member of this House, and I shall continue to exercise it, and all the little twistings in and twistings out of the gentleman from Tennessee seeking to be sarcastic, in which he utterly fails, will not drive me from that position.

Mr. ENLOE. I do not think there is any danger of the gentleman losing his position. He evidently took it without any regard to the facts, or any knowledge of the case, and I would not have him change it. I think it would be a disadvantage to the measure if a gentleman were to get up here and give such reasons for favoring it as he gives for opposing it. If I had no better reason to give why this claim should be paid than the gentleman has why it should not be paid, then I would not open my mouth, for I would be sure that I would accomplish its defeat instead of its passage.

I do not want to waste any more time on the gentleman. I say that the Congress of the United States ought to consider the findings of fact in these cases by the Court of Claims as constituting a prima facie case that justifies it in making an appropriation, unless some one comes here and furnishes evidence in a peculiar case that the court erred in making its findings of fact.

Mr. KILGORE. I want to ask the gentleman if it is not a fact that the Court of Claims does not determine any question of law at all; that it does not determine any question of the liability of the Government, and if it does not leave that question for the House to determine, whether the Government is liable or not?

Mr. ENLOE. Oh, yes; that is only a question of common honesty, and that is left to Congress.

Mr. KILGORE. That is a question of law, which the House must settle.

Mr. ENLOE. That is a plain principle of common honesty, and the Congress of the United States I suppose is capable of passing on a question of that sort.

Mr. KILGORE. I agree to that.

Mr. ENLOE. Now, I want to know how much time I have left?

The CHAIRMAN. The gentleman has twenty minutes of his time remaining.

Mr. ENLOE. I yield that time to the gentleman from Louisiana [Mr. BOATNER].

Mr. BOATNER. Mr. Chairman, I desire to answer the question propounded just now by the gentleman from Texas [Mr. KILGORE] by asking another, and that is, if his idea of the object and purpose to be served in sending a case to the Court of Claims is correct, what is the sense of ever sending a case there?

Mr. KILGORE. Well, I suppose you want me to answer?

Mr. BOATNER. In one moment. I do not want you to take up my time. The rules of the House and the law which sent these cases to the Court of Claims sent them there for a certain specific purpose. First, to have the Court of Claims report to this House whether this claimant was a loyal citizen; second, whether his property was taken for military purposes, for the use of the Army; third, the value of the property at that time; and right there the judgment of the Court of Claims stops. The Court of Claims, in order to reach a conclusion upon these points, must hear testimony on all the points involved.

The witnesses must be sworn. They are examined by the party in whose behalf they are put upon the stand. They are cross-examined by lawyers representing the Government. Every means by which their veracity can be tested and every safeguard and every opportunity to determine the real facts of the case is afforded. The court makes its report to Congress. It says in this particular case, pursuant to resolution of Congress, we find that Mr. A B was a loyal citizen of the United States at such a time and had never given any aid or comfort to those engaged in the rebellion; that such and such an officer of the United States took such and such property at such and such a time, and we find the value of that property is so much.

We find the facts alleged true. Such a man making such proof is entitled as a matter of absolute constitutional right to be paid for his property. This Government has no authority either in war or in peace to confiscate the property of a loyal citizen. It has not the right to take the private property of any man for public purposes except upon making adequate compensation for the same.

Then when the facts upon which such a claim is based are found to be true, and the man comes here to ask payment of the judgment, he is merely demanding his rights as an American citizen. But the gentleman from Texas says, "I have no confidence in these judges; none at all. I do not believe the facts they have reported are true and I am unwilling to pay the amount they find is due."

Mr. KILGORE. Do not do me that injustice.

Mr. BOATNER. I will not apply that to the gentleman from Texas particularly, but to all gentlemen who occupy his position on that subject who have no confidence in the judges, no confidence in the lawyers who represented the Government, and no confidence in the witnesses by whom the claims are proved. They do not know the witnesses; they do not know the lawyers; they know nothing to the discredit of the court; they know nothing about the facts; but they set their suspicion against the solemn findings of five judicial officers of the United States, based upon sworn testimony of witnesses taken before them.

Now, Mr. Chairman, I say, with all due respect to gentlemen who occupy that position, and with all due respect to their right to exercise their judgment upon any public questionf that in my opinion when they take that position, they assume the position of a juror who by reason of prejudice or refusal to conform to the law and the evidence willfully renders a verdict contrary to both the law and the facts.

Now take the argument adduced by the gentleman from New York [Mr. RAY]; which shows the utter hollowness, the flimsiness, the worthlessness, the fallaciousness of the position they are driven to take in order to maintain their attitude. He gives the case of a citizen of Tennessee who adduced evidence, furnished by impartial officers of the Federal Government, who were in the Federal Army during the war, showing that he was a loyal and a Union man.

Now, the gentleman discovers by examining the papers that the man was disloyal and bases the opinion, which in his mind amounts to a conviction, upon these two deductions: One was, that this man moved to Texas after the war was over; the other was, that he found in the papers that this man had actually taken the oath of allegiance to the United States!

Mr. RAY. Will the gentleman let me correct him?

Mr. BOATNER. Now, from those two circumstances the gentleman became fortified, impregnably intrenched in the position that this man was a rebel and that the committee was wrong in ever reporting favorably upon his claim. The testimony of the officers of the Federal Army, the testimony of other witnesses, the testimony of the man himself, the concurrent testimony of his neighbors—all these are to be ignored, forsooth, because the man went to Texas after the war was over, and because, pursuant to military order, he took the oath of allegiance to the United States Government.

Now, Mr. Chairman, that is the most conspicuous illustration I can give of the utter fallacy of the position occupied by gentlemen who oppose the payment of this claim.

Mr. RAY. I said that he took the amnesty oath.

Mr. SNODGRASS. And every other man in Tennessee did.

Mr. BOATNER. The gentleman had reached the conclusion of absolute conviction, a conclusion which he declares is immovable, that under no circumstances could he vote to pay these claims—in ignorance of the fact which is of public record and which, if he had looked into the case with an impartial mind, anxious to reach a correct result, he would speedily have discovered that when the war was over the military commanders and the military governors required that all good citizens, including the soldiers who had come back from the Confederate army, should take the amnesty oath, the oath of allegiance to the Government of the United States.

Mr. RAY. There is a great difference between the two oaths.

Mr. BOATNER. And see the inconsistency of the gentleman's position. If this man had refused to take that oath he would have said: "Here is conclusive evidence that this man was disloyal." He would have said: "Notwithstanding the fact that this man is certified by all the officers of the Federal Army to have been a loyal citizen, yet when the test comes and he is asked to take the oath of allegiance to the United States Government, he says, 'I can not do it;' and therefore he is disloyal."

Mr. Chairman, it appears to me that unless the findings of the Court of Claims are to be treated with ordinary respect—unless they are to carry the prima facie presumption that they are justly and properly rendered—then it is idle to send any more cases to the court. If the gentleman from Texas and other gentlemen on this floor are going to say: "We will not recognize the findings of that court—not that we know anything about the matter ourselves, but we have a suspicion that the court is unfair; we have a suspicion that the lawyers representing the Government have not done their duty; we have a suspicion that the witnesses have committed perjury; and, therefore, we will refuse to vote an appropriation, though we have no evidence to sustain our position except mere suspicion"—then it might as well be understood and settled now that the Congress of the United States proposes to repudiate the obligations of the Gov-

ernment to loyal citizens of the South whose property was taken during the war by the Army for military purposes.

One word more with respect to this question of loyalty. I know that the gentleman from Texas believes (for he has frequently told me so) that there were no loyal citizens in the South during the war. Yet the fact is well known to a great many of us that there were quite a number of such citizens. In the county where I was brought up the delegate elected to the convention to pass upon the question of secession was elected as a Union man. He refused to sign the ordinance of secession. He was arrested during the war and was kept for a long time in confinement. His two sons left the country and went into the Federal Army. In that parish there were enough men who left and went across the lines to form a military company. I know that those people were loyal.

Mr. KILGORE. Have they ever come before Congress with any claims?

Mr. BOATNER. No, sir; because the Federal Army did not go through that country. And if the Federal Army had gone through there and taken the property of such men, the gentleman from Texas would have been equally ready to say, "I will disregard the testimony of every man who swears on the subject, and I will set my opinion, my judgment, my suspicion against any amount of sworn evidence, and in this way I will excuse myself from performing what otherwise would be my duty under the Constitution and laws of the country—to vote an appropriation to pay those men for their property."

In the face of the fact that there were large numbers of men who went into the Federal Army from Missouri, Tennessee, Kentucky, and other border States, can the gentleman doubt that there were loyal people there? Is it possible that there were no men in Texas who were opposed to the war and continued to remain opposed to it?

Mr. KILGORE. Plenty of them.

Mr. BOATNER. Is it possible there were no men in Texas who were loyal to the Union during the war and refused to give their aid and assistance to the Confederacy?

Mr. KILGORE. Plenty of them; but such gentlemen went into the Federal Army.

Mr. BOATNER. The Federal Army, if it had gone through Texas, would have been likely to take the property of some of these people; and if it had done so, and if the evidence were satisfactory as to the amount taken and the value of it, I would hold it to be my bounden duty to vote an appropriation to pay for such property, because I know of no principle under which the United States Government has a right to confiscate the property of its citizens in war or in peace.

It has no right to take the property of a private citizen and appropriate it to public uses without paying for it. Of course, that does not apply to property taken from those who are engaged in arms against the Government. But those who remain loyal to the Government have an absolute, unquestionable right to demand at the hands of Congress that they shall be compensated for property taken from them for the use of the Government.

Mr. KILGORE. Mr. Chairman, the gentleman from Louisiana [Mr. BOATNER] and I do not disagree as to the jurisdiction of the Court of Claims, except where he misrepresents my position. Of course, when he undertakes to state my position, and goes far beyond what I ever contended for, he and I naturally disagree. But that disagreement is on his statement, and not upon the principle involved in the matter.

Now, the only thing about which we do disagree is the binding force and effect of the findings of the Court of Claims in such a case as this.

Mr. BOATNER. Will the gentleman be kind enough to state just what effect he thinks it would have, and what weight such a finding or judgment is entitled to?

Mr. KILGORE. Well, now wait. The conclusiveness of the findings of the court in this case is the question at issue. The gentleman states exactly what the jurisdiction given to the court by the law is, and was intended to be; that is, that the court must first determine whether the claimant was a loyal citizen during the entire war.

That is a jurisdictional fact. That is a fact on which the court takes jurisdiction of the matter at all, and if the proof is not sufficient to establish the loyalty of the claimant, that is the end of the case. If the loyalty is established, the court goes on and inquires as to whether the property was taken by the Army or furnished to it by this loyal citizen; and if it was furnished or taken, then to ascertain the value of the property; and the court must necessarily hear proof of these facts.

Now, the gentleman says when the court makes a finding under such circumstances it is conclusive on the House, and that is the position I understand the gentleman from Tennessee also takes in regard to this matter, and there we separate; there our paths diverge and we take different roads.

Mr. SNODGRASS. The gentleman from Tennessee is not present just at this moment, but he only took the position that the finding of the court was prima facie, and that you ought not to override it without evidence sufficient to set aside the finding.

Mr. KILGORE. Well, just wait a moment now; do not interrupt me at this point.

They contend that it is a reflection on the Court of Claims for men to stand up and antagonize a claim when presented to the House, and that we are to rely upon the judgment of the court in such cases, and not upon the judgment of the House itself; that when we do not do so, when we refuse to accept their judgment, we are impeaching the integrity of the court and the lawyers who conducted the case in the court, for and against the judgment, as well as impeaching the testimony of the witnesses who swore in behalf of the case. And they make it their special duty to come forward to-day and undertake to defend the Court of Claims from these alleged impeachments, when in fact no such suggestions have been made.

I say the law itself—if there is any reflection on the court—casts it when it limits its authority to the mere passing on the question of fact, as I have suggested. The law does that. It limits their authority, not to determine the right of the party or the liability of the Government, but simply to state the findings of the court on the evidence presented and the determination of any questions—collateral questions—that may arise in the taking of the testimony. But they have no authority to render a judgment.

Now, if the Edmunds and Tucker act had been willing to give them the same authority that other courts have to try and determine a case on the law and the facts and render judgment from which an appeal or writ of error could have been prosecuted, why then the House might be concluded, perhaps, and compelled to act blindly and vote the appropriation in accordance with the judgment. For it is the universal practice, so far as I know, that when a court having authority to determine on these questions has done so, and rendered judgment on the law and the facts, and a final judgment against the Government—I think it has been the universal practice of the House, I repeat, so far as I know, to have Congress make an appropriation without much inquiry behind it—to meet the judgment. But that is by no means the case presented here.

Mr. ENLOE. I would like to ask the gentleman from Texas if he knows of any character of judgment that is rendered by the Court of Claims that Congress does not vote to appropriate the money to pay?

Mr. KILGORE. That depends.

They always have to make the appropriation after a court having such jurisdiction renders a final judgment; and Congress does not make any inquiry, as a rule, behind the judgment.

That has been my experience. But in these cases before the House the question presented is different. The House acts; it takes cognizance of the case itself, makes an investigation of it on the ground, I presume, that it does not regard this as a judgment of the court, but a simple finding of fact. The purpose of the law was to take that work out of the hands of the committees and bring it down within the rules of evidence by having it acted upon and considered by a court of law.

Mr. REED. That is to say, it is only an ascertainment of the facts, and it is afterward the duty of Congress to pass judgment on the finding so rendered.

Mr. KILGORE. That is it exactly.

Mr. REED. And that finishes the whole question, does it not?

It is simply a substitution of the Court of Claims for the report of the committee of the House as to the facts.

Mr. KILGORE. That I understand to be correct.

Mr. REED. If on the facts the members present do not believe that the claim should be paid, they are entirely at liberty to refuse the appropriation.

Mr. KILGORE. Undoubtedly. It is the business of the House to render its judgment on the finding of fact. That is, to determine the question of law that may be involved; and that authority is taken from the Court of Claims by the act which gives it jurisdiction.

Mr. REED. But a judgment of the Court of Claims stands upon a different footing from the finding of a committee, because it is a declaration by law of a debt due by the United States, while the other is only a preliminary statement of facts on which Congress is to determine whether the United States is indebted or not.

Mr. KILGORE. That is about as I suggested.

Mr. ENLOE. Well, will the gentleman from Texas answer this question?

Mr. KILGORE. I will if I can.

Mr. ENLOE. I would like also to have the attention of the gentleman from Maine.

The gentleman states this is only an ascertainment of facts in the case, and it leaves the question still to be determined whether the Government owes it or not.

Mr. KILGORE. Whether it is liable or not.

Mr. ENLOE. Whether the Government owes it.

Mr. KILGORE. Whether the Government is legally liable or not.

Mr. ENLOE. Whether the Government owes it; whether it is an obligation of the Government.

Mr. KILGORE. Well, that is the same thing.

Mr. ENLOE. Now, I will ask the gentleman from Maine——

Mr. KILGORE. I do not want to be taken from the floor by a three-cornered colloquy.

Mr. ENLOE. I will ask you, and the gentleman from Maine, as he has come into the fight, to answer this question: If the court finds that the citizen was loyal, and that the United States Army, acting under proper authority, took the property and converted it to the use of the Government, and the amount and value of that property is determined and correctly ascertained, then is it not an obligation upon the Government to pay it?

Mr. REED. Not until Congress has so determined.

Mr. ENLOE. I understand it is not a claim that you can go and enforce in the courts; but is it not as much an obligation upon the conscience of the Government, or as much an obligation upon the justice of the Government, as a claim for a pension is?

Mr. REED. When you get into the domain of conscience that becomes something for the individual member to determine upon.

Mr. PATTERSON. To determine how?

Mr. KILGORE. I hope the gentleman from Tennessee will not interfere further with my argument.

Mr. PATTERSON. I should like to propound a question to the gentleman from Maine.

Mr. KILGORE. I am not yielding for the gentleman to address inquiries to the gentleman from Maine.

Mr. PATTERSON. Well, I will address you, then.

Mr. KILGORE. I can not afford to be ignored in this matter.

Mr. PATTERSON. When the Court of Claims has reported the facts, is a member of Congress justified, on that finding, in voting against the claim, where he himself has made no investigation, where he knows nothing about the case himself, except what appears in the report of the Court of Claims——

Mr. KILGORE. That is generally a stump speech in favor of the claim.

Mr. PATTERSON. I will put the further question to you——

Mr. KILGORE. Do not ask so many at once.

Mr. PATTERSON. Do you know anything about this case? Have you ever investigated this case? Do you know anything about it except what appears here on the face of the report?

Mr. KILGORE. Now, Mr. Chairman, the gentleman from Maine [Mr. REED] answered the first question propounded by the gentleman from Tennessee, whether a man was justified in voting against a claim after the Court of Claims had submitted its finding of facts, when he said that that was going into the domain of conscience and undertaking to affect the discretion of a member of this House, and that is a complete answer to the first branch of the inquiry.

The second branch of the gentleman's inquiry I will answer by saying that I am not talking about the facts. I do not know anything about the facts, but I say that a member of Congress is justified in pursuing his own course, in following his own judgment. He may be wrong——

Mr. PATTERSON. Will my friend allow me to make another suggestion?

Mr. KILGORE. Wait until I get through answering this. If the Congress of the United States, which enacted the Bowman act and Tucker act, had intended to bind this House conclusively by those findings, it would have authorized the Court of Claims to render a final judgment, which would have been binding and conclusive upon this House.

Mr. PATTERSON. Just one moment, my friend——

Mr. KILGORE. Well, sir——

Mr. PATTERSON. You are a lawyer.

Mr. KILGORE. Yes, a chunk of a lawyer.

Mr. PATTERSON. Suppose a court of chancery refers a case to a master to ascertain and report the facts; when that report comes in, if it is unexcepted to, the court invariably confirms it.

Mr. KILGORE. Renders a judgment.

Mr. PATTERSON. Now, I understand this Court of Claims to occupy about the same relation to Congress which a master in chancery occupies toward a court of equity.

Mr. RAY. Oh, no.

Mr. KILGORE. I do not want you to make a speech in my time.

Mr. PATTERSON. That is to say, the Court of Claims ascertains the facts and reports them. Now, you are in the attitude here of a court of justice. You are a member of this House, and you are passing upon this claim, not upon exceptions to the report, not upon a knowledge of facts contrary to the report, but you are arbitrarily, without investigation, ignorant of the facts, without information on the subject, deliberately repudiating the report of the Court of Claims. You are repudiating that very agency which Congress has appointed to ascertain the facts.

Mr. KILGORE. Now, Mr. Chairman, I must protest against yielding to gentlemen to have them lecture me as to my attitude as a member of this House, and to tell me how ignorant I am.

Mr. PATTERSON. Oh, I am not doing that.

Mr. KILGORE. I do not mind being lectured, and I am ignorant, it is true——

Mr. PATTERSON. I ask my friend's pardon. There was no intention on my part to lecture him.

Mr. KILGORE. Well, I said I was entirely ignorant of the facts.

Mr. PATTERSON. Did not the gentleman say to the House that he knew nothing of the case?

Mr. KILGORE. No, sir; I did not say that.

Mr. PATTERSON. You say you have never investigated the case.

Mr. KILGORE. Mr. Chairman, I must protest against this interruption.

The CHAIRMAN. The gentleman from Texas declines to be interrupted.

Mr. KILGORE. I said I knew nothing about the facts in this case.

Mr. PATTERSON. Why, that is what I said.

Mr. KILGORE. Well, there is more involved in this than the mere question of facts.

Mr. ENLOE. What is it?

Mr. KILGORE. The question of the liability of this Government.

Mr. ENLOE. What sort of liability?

Mr. KILGORE. Legal liability. No claim ought to be presented for payment by the Government for which there is not a legal liability. The Court of Claims is not authorized to adjudicate that question. This House must determine that. This House must adjudicate whether or not the facts are as presented. Take the illustration suggested by the gentleman from Tennessee, your colleague, that the Court of Claims was acting in the nature of a master in chancery; why, then, it was simply to ascertain the facts and report them to the court, and the court, if there was no objection, would render a decree on the master's report. But there seems to be some exception in this matter.

Mr. ENLOE. What sort?

Mr. KILGORE. I am not willing to say that the action of the committee or the Court of Claims is conclusive to me. If it was, there would be nothing to be done except to say, "Mr. Speaker, the Court of Claims has determined this question. It has found the value of the property this man has offered or given to the Government or furnished during the war. The Court of Claims has determined the question of his loyalty; and I ask that the appropriation be made." That would be all that would be necessary if we are to pursue the course indicated by the three gentlemen from Tennessee and the gentleman from Louisiana.

Mr. ENLOE. Will the gentleman yield to me for a question?

Mr. KILGORE. Yes, sir.

Mr. ENLOE. I want to ask the gentleman if he believes that when Congress passed the act known as the Bowman act it intended to invite a claimant to come into a court which it had constituted and established and then intending to repudiate the judgments of that court?

After the claimant has established his claim, after he has established his loyalty, and proved the taking of the property and proved its value, was it the intention of Congress to stop there?

Mr. KILGORE. Congress intended to do just what it said. It gave these claimants the right to go before the Court of Claims to have these three facts determined—the loyalty, the question whether the property was furnished or taken, and the value of the property.

That is exactly what Congress said they were authorized to do; and when they did that they must take their chance of having this House determine whether the Government was legally liable to that claimant, and whether it would make the appropriation. If there was no discretion there would be nothing to do but to enter the judgment as you gentlemen desire; but if there is any discretion, there is unlimited discretion. Everybody in the House knows that there is discretion in these matters. Everybody knows that except three or four gentlemen from Tennessee and one from Louisiana.

Mr. ENLOE. I will ask the gentleman this further question.

He talks about legal liability. I suppose, as the gentleman has pleaded guilty to the charge that he is a lawyer——

Mr. KILGORE. I am a friendly Indian now. [Laughter.]

Mr. ENLOE (continuing). I suppose he knows something about the law. That being the case, I suppose the gentleman knows that in the Constitution of the United States it is provided that private property shall not be taken for public use without compensation to the owner.

Mr. KILGORE. Yes, sir.

Mr. ENLOE (continuing). And when the fact is proven that the Government did take private property and did convert it to its use, does not that constitute a liability of the Government to pay for it?

Mr. KILGORE. That is the question.

Mr. ENLOE. Do you believe that constitutes a legal liability?

Mr. KILGORE. I say I have a right to exercise my own judgment.

Mr. ENLOE. That is not the question. I ask your opinion as a lawyer. You say by your action that that does not constitute a legal liability.

Mr. KILGORE. The case you cite would make a case of legal liability; but understand, I am not accepting your statement of a hypothetical case as absolutely applicable to this case. Now, I do not believe this House is bound hand and foot in this matter.

ADMISSION OF UTAH.

The committee informally rose; and Mr. BYNUM having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolutions, in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the Committees on Enrolled Bills of the Senate and House of Representatives be authorized to strike out the word "Fifty-third" where it occurs in sections 5 and 19 of the enrolled bill (H. R. 352) "to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States," and insert in lieu thereof the word "Fifty-fourth."

The Committee of the Whole having resumed its session—

Mr. RAWLINS. I move that the committee rise for the purpose of concurring in the resolution just received from the Senate, which has for its object the correction of a verbal error in the bill for the admission of Utah.

The motion was agreed to.

The committee accordingly rose; and Mr. BYNUM having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole on the state of the Union, having had under consideration bills on the Private Calendar, had come to no resolution thereon.

Mr. RAWLINS. I ask unanimous consent for the present consideration of the concurrent resolution just received from the Senate.

There was no objection.

The resolution was read.

Mr. RAWLINS. I move that the House concur in this resolution.

Mr. REED. What is the effect of the resolution?

Mr. RAWLINS. It simply proposes to change the word "fifty-third" where it occurs in two sections of the bill, to the word "fifty-fourth," so as to conform to the other provisions of the bill.

The SPEAKER *pro tempore*. If there be no objection, the resolution will be concurred in.

There was no objection, and it was ordered accordingly.

DISTRICT OF COLUMBIA.

Mr. COBB, by unanimous consent, reported back with amendments, from the Committee on the District of Columbia, the bill (H. R. 4590) to amend section 553 of the Revised Statutes relating to the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The Committee of the Whole resumed its session.

WILLIAM JOHNSON, ADMINISTRATOR.

The House again resolved itself into Committee of the Whole on the Private Calendar, and resumed the consideration of the bill (H. R. 722) for the relief of William Johnson, administrator of Thomas I. Johnson, deceased, of Fayette County, Tenn., as found due by the Court of Claims under the act of March 3, 1883.

Mr. KILGORE. Now, Mr. Chairman, to summarize the situation, I do not very much disagree with the gentleman from Tennessee [Mr. ENLOE] and the gentleman from Louisiana [Mr. BOATNER] as to the facts which went before the court. We do disagree as to the conclusiveness of the action of the court upon these claims. I dissent from the idea that those of us who choose to oppose these claims reflect upon the Court of Claims when we do so.

The Court of Claims, I apprehend, when a certain amount of proof is presented to it establishing the loyalty of a claimant, is bound to make a finding to the effect that the claimant is loyal; and when a certain amount of proof is presented to the court upon the question whether or not property was furnished or taken for the Army and a certain amount of proof is presented as to the value of that property, the court must make a finding on those facts.

No man can reflect upon the court for doing that. All courts do that. That is the ordinary procedure in a court of justice. And it is no reflection on the court to say that I have the right to discredit the facts upon which the court has made the findings submitted to this House. It is no reflection upon the court if I should say that from my knowledge of the situation in Texas the proof as to the loyalty of a particular citizen in that section of the country is not in my judgment sufficient, or that perjury has prevailed. It is no reflection upon the court for me to dissent from the action of the court in reaching its judgment upon any particular character of testimony. It is my right as a member of this House to determine the facts from my knowledge of the situation. I am not expected to accept the finding of the court as conclusive, or the report of a committee as conclusive. If that were so, this House would not be called upon to investigate any finding coming from that court upon a case submitted under the Bowman act or the Tucker act.

I say it is unreasonable to undertake to put those of us who oppose these claims in the attitude of reflecting on the Court of Claims. We regard that court and its action exactly as the law regards them. The law does not give the court authority to render a judgment. If Congress had intended that the action of the court should be final and binding upon this body, it would have said that the court should have the right to render final judgment. But it did not say that; and in the absence of such a declaration in the statute, we must conclude that Congress did not intend to give the court authority to determine finally and conclusively the liability of the Government in these cases.

But even if the judgments were final, and although it may have been the custom of Congress to pay a final judgment against the Government without much inquiry—if a final judgment were rendered by a court of competent jurisdiction, and were carried to the Supreme Court on a writ of error and confirmed by that court, any member of this House would still have the right to refuse to vote for an appropriation to pay that judgment, would still have authority to exercise his own judgment and discretion.

Such action of the courts can not be conclusive and binding upon any member of this House. It is unreasonable to say that because I have not had the opportunity to investigate the facts in this case I ought to exercise no discretion or judgment as to my duty in voting upon a bill which proposes to make payment.

Mr. PATTERSON. Mr. Chairman, this claim is from the district I represent, and I wish to state to the House very briefly what I think is the correct principle which ought to control a member of Congress in voting on such a question as this.

Congress has already established what is known as the Court of Claims, an instrumentality for the ascertainment of the facts in such cases. Now, Congress, through the agency of this court, employs counsel who go out through the various counties in which these claims arise, and take proofs in regard to them. The claimants have counsel also, and the cases are submitted to the Court of Claims; they are argued there, and the Court of Claims, on the case thus made up, enters its findings. These are embodied in the reports of the committees of this House, and they come before the House in that manner.

It is perfectly competent for any member of Congress to ascertain the facts to be otherwise than as reported if he can. He can go and take the record on which the court has acted, and come before Congress with it and show, if possible, that the Court of Claims was in error in its findings. But I do submit that no member of Congress has the right, in entire and utter ignorance of the facts, without investigation and without a denial of the facts established by the court, without any pretense of information in respect to the facts, to get up here on the floor of the House and arbitrarily condemn the findings of the court. Such arbitrary conduct on the part of a court would justify the impeachment of the judge.

Why, Mr. Chairman, in a court of equity, after a clerk and master has ascertained the facts and they are unexcepted to, they are undisputed, no controversy about them—of course the court could enter a decree refusing to confirm the decision of the master—but did any court ever do it?

Now, what is the pending case? Here is an instrumentality

appointed by Congress to ascertain a state of facts. In the discharge of its functions it has found that, under a law of Congress, a certain amount is due to an individual for supplies or stores, and the facts are reported to this House, and they are undisputed, undenied.

Now, for Congress, the creator of that tribunal, the author of its very existence, to go back on its own instrumentality, and without rhyme or reason to say it will not make the appropriation to pay the claim which has been found, seems to me to be an act that is entirely unwarranted. Of course Congress can do it, but when it does it discredits itself and its own laws, and also discredits the tribunal which it has established for the ascertainment of the facts.

Mr. HEPBURN. Will the gentleman allow me to ask him a question? Do you understand that the question of the liability of the United States is remitted to the Court of Claims at all? Do you think the judgment of the court is final and binding, or do you think the court can do anything more than simply determine the three facts—the loyalty of the claimant, the owner of the property, and the fact of its taking?

Mr. PATTERSON. That is all.

Mr. HEPBURN. Do they determine the liability of the Government of the United States in the premises?

Mr. PATTERSON. I think not.

Mr. HEPBURN. Is not that a question for Congress, and for each individual member?

Mr. PATTERSON. I think so.

But I will answer my friend, too, that it is the judgment of the court of equity on the report of its clerk and master which determines the rights of parties; but who ever heard of a court of equity arbitrarily repudiating the report without reason?

Mr. HEPBURN. The whole question of law is to be determined by each individual member for himself. You do not thereby attack the court. We may admit that every fact referred to in the report of the court has been correctly found, and yet each member of the House may believe that there is no liability existing on the part of the Government to make the payment.

Mr. WISE. And the court may so believe——

Mr. ENLOE. I ask unanimous consent that the general debate be now concluded.

Mr. REED. I desire to say a word in this connection.

The CHAIRMAN. The gentleman from Maine objects.

Mr. BAKER of New Hampshire. I wish to add a single word to this discussion, and desire to congratulate the gentlemen from Tennessee [Mr. ENLOE and Mr. PATTERSON], as well as the gentleman from Louisiana [Mr. BOATNER], that at last they have come to the defense of the Court of Claims. I wish to remind them that there is a vast difference between the original jurisdiction of that court and its jurisdiction under the so-called Bowman and Tucker acts.

In that connection I wish also to say to the gentleman from Tennessee [Mr. PATTERSON], who spoke last, that the Court of Claims has no equity jurisdiction at all, either under its general jurisdiction or under the authority conferred by the Bowman and Tucker acts; and hence all his eloquent talk in regard to the "equities of the case" has nothing whatever to do with the findings of the court in this case or, in fact, with any other case that comes from that court before the House of Representatives.

It is known to all familiar with the practice before that court or familiar with its treatment of those cases when it is called upon simply to find certain facts, that those findings do not in the least determine the liability of the Government, but that they are returned to this House for its action as *de novo* so far as payment is concerned. But the gentlemen on the other side have not by any means been always so enthusiastic in behalf of the Court of Claims.

They have not been so enthusiastic in support of the judgments which have been rendered in dollars and cents under the general and original jurisdiction of the court. This very House has witnessed a partial repudiation of them, and a repudiation of over $400,000 worth of its judgments in the Indian depredation claims, and the $100,000 which was appropriated in payment of certain of those judgments of the court was wrung from the committee after nearly a half day's discussion.

Still more—and gentlemen on the other side should remember it, for they had control of the appropriations in the last Congress, so far as the House of Representatives at least is concerned, and of all appropriations in this Congress—there are now awaiting the action of this House, the judgments of the Court of Claims in the so-called "spoliation claims," amounting to nearly $2,000,000, for which they have not attempted to appropriate in this Congress, or in the last session of the last Congress, a single dollar.

Before gentlemen come here and demand as a matter of right that we should pass upon a bill where there has been simply a finding of facts, let them make themselves clear and clean in regard to the Court of Claims by making appropriations for its completed judgments, and we will meet them more than half way in a spirit of justice, and even in a spirit of equity, although equity jurisdiction is never conferred upon that court in any case where a judgment can be rendered, or in those claims which we have had under consideration this afternoon.

Mr. REED. I think there is just a single error into which the gentleman from Tennessee [Mr. PATTERSON] has fallen, and I think if he will notice the bearing of one thing he has said upon his own remarks he will see the error himself, and its wide-reaching consequences. He says that if upon the finding by a master of certain facts the court should refuse a decree, it would be subject to impeachment. That is so. Now, why is it so? It is because, a certain state of facts existing both in law and in equity, a judgment follows. That is because both law and equity, in the technical sense, are necessary conclusions from facts.

But suppose the gentleman's court of equity was something like the Congress of the United States, a court bound entirely by its own discretion; not even by its own example, but solely by its discretion at the moment of its action. The gentleman will see at once that all the conclusions that he draws from that example of a court are necessarily fallacious. Now, Congress has the power which exists in the individual of saying to what extent he will be bound. That power is complete, and he may exercise it in any way that he sees fit.

Suppose a man is bound by a contract that he is obliged by law to keep. Suppose the other man says, "Here is an accident which has happened, and I want you to do something outside of this contract." That is entirely at the option of the man who is called upon. He can refuse or he can do it, just as he pleases. That is the condition of Congress with regard to all these matters.

Mr. PATTERSON. Will my friend——

Mr. REED. Wherever Congress has squarely stated that the Court of Claims may pass upon a matter, and give a judgment, why that ends the whole business. But the Court of Claims was denied the right to give a judgment in this case, and was only called upon to give a statement of facts, and Congress then can exercise its own sweet will on the subject.

Suppose the loyalty of the man is proven. Suppose the taking of his goods is proven, and the nonpayment on the part of the Government is shown. Nevertheless, after a lapse of twenty-five years the Congress of the United States may say—I do not say that it should say—that the matter should have been ended long ago. It may say: "We have given these claimants an opportunity to appear before two sets of commissions. They have failed to do it. Therefore we will not grant the claim."

You see the matter is wholly for Congress to act on; and to attempt to coerce it on the ground that the judgment of the Court of Claims is final, is not a fair coercion. It is a fair thing to say that the Court of Claims has stated such facts; on those facts do you not believe that this result ought to follow? And that is the full extent of the power of the case stated by the Court of Claims.

Mr. PATTERSON. I want to put the point just in this way. Congress created this Court of Claims for the purpose of ascertaining the facts. Now, when Congress through its own instrumentality has ascertained the facts, I say it is trifling with the people, it is trifling with these claims, it is trifling with justice, to arbitrarily repudiate the claim, without rhyme or reason.

Mr. REED. I am obliged to the gentleman from Tennessee for addressing the committee as to that point, and on that I want to make an observation. Congress did not create the Court of Claims for the purpose of adjusting these claims. The Court of Claims was in existence long before the Bowman act and long before any other act that has been described. Congress, especially the House of Representatives, found that in discussing these questions it began to dispute about facts.

Therefore, it is said to the claimant by the Bowman act, we do not want to have any more discussion in regard to the facts, and if you choose to come before us, you must prove the facts of your case before the Court of Claims, and thereupon we will listen to you on that state of the facts. We do not say we will agree to pay your claim because the Court of Claims finds the facts. We simply agree to listen to you.

The CHAIRMAN. The hour of 5 o'clock having arrived, the gentleman from Maine will suspend, and the committee will rise.

The committee accordingly rose; and Mr. BYNUM having assumed the Chair as Speaker *pro tempore*, Mr. DOCKERY, Chairman of the Committee of the Whole, reported that that Commit-

tee had had under consideration various bills and had directed him to report the same to the House with sundry recommendations.

The SPEAKER *pro tempore*. By direction of the Speaker *pro tempore* the gentleman from Indiana [Mr. BROOKSHIRE] will perform the duties of the Chair at the evening session. The hour of 5'clock having arrived, the House will stand in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. BROOKSHIRE, as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The House is in session pursuant to clause 3, Rule XXVI, for the purpose of considering bills on the Private Calendar.

ORDER OF BUSINESS.

Mr. MARTIN of Indiana. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The Clerk will report the unfinished business.

DRUZILLA J. RIGG.

The Clerk read as follows:

A bill (H. R. 4290) for the relief of Druzilla J. Rigg, of Macomb, Ill.

The bill was read.

The CHAIRMAN. When the committee was last in session the point of no quorum was made on this bill on the motion to lay it aside with a favorable recommendation.

Mr. CURTIS of New York. Mr. Chairman, this bill has been considered, the report has been read, and the disposition of the bill was delayed on account of the point of no quorum being made.

The CHAIRMAN. Tellers were ordered, and tellers will please take their places on the motion to lay aside the bill with a favorable recommendation.

Mr. HOOKER of New York. Can not further proceedings under that call be dispensed with by unanimous consent?

The CHAIRMAN. They can.

Mr. POST. Then I ask unanimous consent to dispense with further proceedings under that call.

The CHAIRMAN. That is on the appointment of tellers?

Mr. POST. Yes, sir.

Mr. PICKLER. Mr. Chairman, we are supposed to have a quorum to-night, and the question before the committee was that this bill be laid aside with a favorable recommendation.

The CHAIRMAN. That was the question, and the vote was being taken by tellers.

Mr. PICKLER. But we are supposed to have a quorum now.

The CHAIRMAN. Tellers were ordered by the committee on that motion; but that can be dispensed with by unanimous consent. Without objection, that order will be made.

Mr. JONES. I object.

The CHAIRMAN. Objection is made, and tellers will take their places.

Mr. CLARK of Missouri. Is there no way to get rid of that thing?

Mr. CURTIS of New York. I rise to make the motion that the House do now adjourn.

The CHAIRMAN. That motion is not in order in Committee of the Whole. The House is now in the Committee of the Whole, and the committee is dividing. Tellers will take their places. The gentleman from Illinois, Mr. POST, and the gentleman from Virginia, Mr. JONES, will take their places as tellers.

Mr. POST. Mr. Chairman, have we to commence this where we left off? Can not we take a vote?

The CHAIRMAN. That can be done by unanimous consent; but that was objected to, and tellers will take their places.

Mr. CLARK of Missouri. I would like to make a parliamentary inquiry.

Mr. PICKLER. Regular order.

Mr. CLARK of Missouri. Is there no way to leave this blil of the gentleman from Illinois [Mr. POST] on the Calendar without prejudice and go on and consider some other bill?

The CHAIRMAN. That could be done by unanimous consent. Does the gentleman prefer that request?

Mr. CLARK of Missouri. Yes, sir.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri that this bill be passed over, retaining its place on the Calendar?

Mr. HOOKER of New York. I object.

Tellers took their places, and pending the count,

Mr. MARTIN of Indiana said: I ask unanimous consent that the bill be passed over without prejudice.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Bills of the following titles were, by unanimous consent, passed over, retaining their places on the Calendar:

A bill (H. R. 3156) for a pension to Cornelia de Peyster Black, widow of Henry M. Black, late colonel of the United States Army, deceased.

A bill (H. R. 811) for the relief of Harriet Woodbury.

A bill (H. R. 3693) for the relief of Louisa B. Hull.

A bill (H. R. 5112) for the relief of Mary E. Cole.

A bill (H. R. 5616) granting a pension to Mary E. Tuttle.

A bill (H. R. 4290) for the relief of Druzilla J. Rigg, of Macomb, Ill.

A bill (H. R. 4962) to restore to the pension roll Sarah Beck, widow.

A bill (H. R. 5260) granting an increase of pension to Thomas Carigan.

A bill (H. R. 3354) for the relief of Mrs. Mary B. Hulings.

PATRICK KELLEHER.

The next business on the Calendar was the bill (H. R. 6405) to remove the charge of desertion standing against Patrick Kelleher, late private Company C, Thirty-eighth Illinois Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to correct the military record of Patrick Kelleher, late a private of Company C, Thirty-eighth Illinois Infantry, by removing the charge of desertion standing against his name and granting him an honorable discharge from said service.

The amendment reported by the Committee on Military Affairs was read, as follows:

At the end of the bill add the following:

"*Provided*, That no pay, bounty, or emolument of any kind shall become due or payable by virtue of the passage of this act."

Mr. MARTIN of Indiana. This report comes from the Committee on Military Affairs. I am not conversant with the facts of the case; and unless there be a request that it be considered, I shall ask that it be passed over.

Mr. LOUD. I should like to have it considered.

Mr. MARTIN of Indiana. Very well.

The report (by Mr. BOWERS of California) was read, as follows:

The committee to whom was referred the bill (H. R. 6405) to remove the charge of desertion standing against Patrick Kelleher, have considered the same and report the same back with an amendment, as follows: "*Provided*, That no pay, bounty, or emolument of any kind shall become due or payable by virtue of the passage of this act," and that so amended the bill do pass.

The military record furnished the committee and made a part of this report shows that the soldier served faithfully for two and a half years, then reënlisted, and in 1864 received a furlough of thirty days and went to his home in Massachusetts, and remained there sick, under treatment, unable to return to his regiment until it was mustered out. The soldier was severely wounded, at the battle of Murfreesboro, in his right arm, shoulder, and leg; is now badly crippled, and unable to labor for his support.

Case of Patrick Kelleher, late private Company C, Thirty-eighth Illinois Infantry.

RECORD AND PENSION OFFICE, *War Department, April 4, 1894.*

The records show that Patrick Kelleher, aged 28 years, was enrolled August 4, 1861, for three years, and mustered into service as a private in Company C, Thirty-eighth Illinois Infantry, September 7, 1861. He appears to have served faithfully until December 31, 1862, when he was captured at Murfreesboro, Tenn. He was confined at Richmond, Va., January 15, 1863; paroled at City Point, Va., January 20, 1863; reported at Camp Parole, Md., January 21, 1863, and was sent to Benton Barracks, Mo. He rejoined his company May 6, 1863; enlisted as a veteran volunteer February 29, 1864, and is reported as having deserted May 12, 1864, at Mattoon, Ill., while on veteran furlough.

In an application for removal of the charge of desertion the soldier testified September 20, 1886, that in December, 1862, at the battle of Murfreesboro, Tenn., he was severely wounded in the right arm, shoulder, and right leg; that about April, 1864, he obtained a furlough for thirty days, being unfit for duty, and went home; that he became much worse and was under the medical treatment of one Dr. Page; that he remained under Dr. Page's treatment until his regiment was mustered out of service, and that he never received a certificate of discharge.

In another affidavit of the same date the applicant made a similar statement, adding that he had no intention of deserting, but was prevented from rejoining his command by physical disabilities.

Under date September 20, 1886, William G. Anderson testified that he had known the soldier for six years; that he (affiant) had been through the war as a member of Light Battery B, Fourth United States Artillery, and knew from conversations with the applicant that his statements are true, although he did not meet him on the battlefield. (Battery B, Fourth United States Artillery, was not present at the battle of Murfreesboro, Tenn.)

John J. Chapman testified in this same affidavit (dated September 20, 1886) that he had known the applicant since 1880, and identified him as the soldier in question.

The application for relief was denied February 21, 1887, and renewing the application in 1893 the soldier testified that he served faithfully until about April 12, 1864, when he received a thirty-day's furlough and went home to Massachusetts, and that while there he was taken sick, was treated by Dr. Page, was not able to leave his bed when his furlough expired, and was sick for about a year, and could then get about only on crutches.

On November 15, 1893, the evidence on file in the Bureau of Pensions was examined and found to contain nothing additional to that already cited, except the testimony of Dr. Nomus Page, the family physician, who declared that he had treated the soldier in April and at other times in 1864 and in 1865 for chronic rheumatism and malarial poisoning, and in another affidavit that he had treated him in May, 1864, during the remainder of 1864, and also in 1865, for debility and malaria.

On November 18, 1893, the application for relief was again denied, the evidence submitted not being deemed sufficient to establish that the soldier was prevented from completing his term of enlistment by disability contracted in the service and line of duty.

The status of the case has not since been changed, either by the introduction of new testimony or by legislation.

Respectfully submitted,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

The SECRETARY OF WAR.

Mr. LOUD. Mr. Chairman, I have naturally very little sympathy with men who deserted their colors during the late rebellion. But this is a case that has probably as much merit as any case that has been presented to this House at any time. I know this gentleman; I know persons who served with him. The service was for two years and some months—long enough to entitle the regiment to reënlist. His service was of the best. During it he was twice wounded. While this is not shown by our hospital records, the fact of his having been taken prisoner at Murfreesboro and treated in some of the Southern hospitals is the reason there is no evidence bearing on this point in our hospital records. My colleague [Mr. BOWERS] and myself carefully examined this man here in Washington not long ago. He bears the evidences of the wounds that the report states he received.

Mr. McNAGNY. If it will not interrupt the gentleman, I would like to ask, what is this man's standing in the neighborhood where he lives? Is it fair?

Mr. LOUD. It is first class. He is not a merchant, not a wealthy citizen of high social standing; but his character for honesty and integrity is of the best.

When he reënlisted he was entitled under the law to a thirty days' furlough, in pursuance of which he went to his home. He states that he was not well at the time he took his furlough, but that he was particularly urged to reënlist in order to make up the requisite number to form a company. He went to his home; and was attended almost constantly from that time until after the close of the war by a reputable physician of his town, whose evidence is a part of the case. These are all the facts. If there is merit in any case, this is a meritorious case, as the soldier rendered gallant service for over two years and a half.

Mr. TALBERT of South Carolina. Is it the object of this bill merely to remove the charge of desertion or to obtain for him a pension?

Mr. LOUD. I can not tell what the object is. I suppose, if the charge of desertion be removed, the man will come in for a pension the same as anybody else would. He ought to have a pension by reason of the wounds he received.

Mr. TALBERT of South Carolina. Why is it that he has not had this charge removed before?

Mr. LOUD. The reason is that he could not get it removed under the law. He was at one time on the pension roll.

Mr. TALBERT of South Carolina. Drawing a pension?

Mr. LOUD. He was drawing a pension for his wounds.

Mr. McNAGNY. Will the gentleman pardon a question?

Mr. LOUD. Certainly.

Mr. McNAGNY. Is it regarded otherwise than legitimate and proper for a man who is a soldier, or a citizen either, to desire to clear off his record?

Mr. LOUD. I do not know that I understand the gentleman's question.

Mr. McNAGNY. The inquiry has been made as to why this party did not take some action before. Now, does not the gentleman regard it as right and proper and commendable for a soldier to desire to clear off any cloud or blot that may be upon his record?

Mr. LOUD. Certainly.

Mr. McNAGNY. That, I understand to be what this soldier is endeavoring to do.

Mr. LOUD. He has been for some years trying to do that to the best of his ability.

Mr. HOOKER of New York. Through the War Department.

Mr. HEPBURN. I would like to ask the gentleman in charge of this bill a question. I find that Col. Ainsworth refused to remove this disability, he says, for the reason "that the evidence submitted was not deemed sufficient to establish the fact that the soldier was prevented from completing his term of enlistment from disability contracted in the service and in the line of duty." As I understand, he was on a furlough at home at this time.

Mr. LOUD. He was.

Mr. HEPBURN. And while there was taken sick, and by that illness was prevented from returning to his command before the war closed. Now, is it true or not that in the office, as stated by Col. Ainsworth, his disabilities could not be removed?

Mr. LOUD. That seems to be the case.

Mr. HEPBURN. Well, let me ask if there is any law requiring that the disability which prevents a soldier from returning when absent with leave must be contracted in the line of duty? While on leave, unless that be considered in the line of duty, it would seem to be an absurdity.

That construction, I think, can not be true, for when a man is absent from his regiment with leave he has no duty to perform, and it is impossible, therefore, for him to comply with that provision of the law saying that the disability shall be "contracted in the line of duty," if as a matter of fact, as in this case, it was contracted while he was at home on leave of absence. I do not believe that there ought to be any such law, or that this officer refused to clear the soldier from the charge for such a reason as that. It is an absurdity on its face, it strikes me.

Here is a soldier who was permitted to return to his home after his reënlistment. He was entitled to thirty days' leave of absence under the law, and while enjoying that furlough he was taken sick from a disease which rendered him incapacitated for service and prevented him from returning to his regiment until it was mustered out.

Mr. LACEY. If the gentleman will permit me, that is the real reason why the bill has come here for consideration. If the disability had been contracted in the service, Col. Ainsworth could have removed the cloud himself. But that is the law.

Mr. HEPBURN. I was trying to find out if there is such a law which permits such a ridiculous state of affairs as that.

Mr. BRETZ. That is the law now.

The CHAIRMAN. The Clerk will report the amendments recommended by the committee.

The Clerk read as follows:

In line 8 insert: *Provided*, That no pay, bounty, or emoluments of any kind shall become due or payable by virtue of the passage of this act."

Mr. JONES. I do not understand exactly from this report who it was that refused this pension.

The statement of the service of this soldier—and the record so far as it appears in the Department here in Washington—seems to have been signed by Col. F. C. Ainsworth. Now, from that statement or official record it seems to me that this is not a case that Congress ought to be called upon to remove the disability.

Mr. Chairman, the only testimony here, the testimony on which the gentleman who has just taken his seat founded and based his remarks, is entirely the testimony of the applicant himself.

Mr. HEPBURN. I beg the gentleman's pardon, there is the testimony of Dr. Page, and two affidavits to the effect that he treated him during his illness.

Mr. JONES. I will read the testimony of Dr. Page. I submit that the only testimony presented here is the testimony of the applicant himself on this point.

Mr. HEPBURN. Well, read it.

Mr. JONES. He testifies as to the wounds received, and as to his being confined in a Confederate prison, and here is the testimony of the two men on whom he relies to substantiate that statement. Under date of September 20, 1886, William G. Anderson testified that "he had known the soldier for six years; that he had been through the war as a member of Light Battery B, Fourth United States Artillery, and he knows from conversation with the applicant that his statement was true, although he had not met him on the battlefield." And the command to which he belonged was not even engaged in that battle. He based his whole statement on a conversation which he afterwards had with the applicant himself.

Now, there is not a gentleman here who would not be obliged to base his conclusions on exactly such statements as this if he voted to pass this bill. It is evident from the statement presented in support of the bill that it is one which should not be permitted to pass this House. The Pension Bureau had this testimony before it.

Mr. AITKEN. Will the gentleman permit a question?

Mr. JONES. Certainly.

Mr. AITKEN. Would not that be a proper question when asking for a pension? The question now is whether he was sick when he was on that furlough.

Mr. JONES. I propose to read a part of the testimony adduced here by the Committee on Invalid Pensions, to show that this man is entitled to the pension he asks for.

Mr. AITKEN. This is not from the Invalid Pension Committee.

Mr. JONES. The Military Committee, then, or the committee from which it comes. One of the gentlemen who has addressed the committee upon this subject alluded especially to to the fact of the man's having been severely wounded in that engagement.

Mr. AITKEN. I know; but would that have any bearing?

Mr. JONES. I am simply saying in reply to what the gentleman from California said upon the subject, that however he may be persuaded from the conversation which he and his colleague [Mr. BOWERS of California] had with this man, that the man was wounded in the way he describes, there is nothing in the record to show it. I think the affidavit of the man who undertakes to support the claimant is not worthy of consideration at all, from the fact that he was not in the battle, and all the information he had on the subject he derived from convervation with the soldier.

Mr. AITKEN. Does it make any difference whether he was wounded or not so far as this bill is concerned?

Mr. JONES. I am coming to that proposition. But the gentleman who I understand is in charge of the bill, and who has addressed the committee on the subject, based his remarks chiefly upon the ground that the man had been severely wounded when there is no real testimony to bear out that statement.

Mr. LOUD. If the gentleman will allow me right there, I simply recited the facts from the beginning to the close of the case. That was merely an incident. The fact does remain that this soldier served two years and some months, long enough to entitle the regiment to be a veteran regiment, and to be reenlisted as a veteran regiment, and that he then went to his home. He received an honorable discharge after more than two years' honorable service.

I am perfectly willing to waive the fact that he was in a Confederate prison or that he was wounded. I do not insist upon taking that into consideration at all. The fact yet remains beyond contradiction that he did serve honorably for two years and a half, and more, and received an honorable discharge. He then went to his home, and it is in evidence that he was attended by a physician during the balance of 1864 and the whole of the year 1865, and was thus prevented from returning again to his regiment. That is the main point.

Mr. JONES. I have permitted the gentleman to interrupt me, and to inject a long speech into my remarks; but I submit, Mr. Chairman, that this statement is a material part of this record, and the gentleman may well say that he is willing to forego any statement upon that point; he merely proposes to leave out that part of the report that is not substantiated by proper testimony, and to base this claim entirely upon the fact that this man was sick and unable to return to his command.

Mr. LOUD. I did not leave it out, but I said I was perfectly willing to waive it.

Mr. JONES. Of course, the gentleman is willing to waive a statement that is only supported by the man's own testimony. The two men brought forward by him to substantiate his statement know nothing whatever about the matter, and say frankly that their testimony is entirely hearsay, and that they gather their statement from conversations with the man himself.

Mr. PICKLER. Why not take the statement of the soldier? Is not a soldier's testimony good?

Mr. JONES. A man who is a deserter, a man who stands with the charge of desertion against his record——

Mr. PICKLER. He never deserted.

Mr. JONES (continuing). Ought never to have the charge removed on his own testimony.

Mr. PICKLER. In other words, your proposition is that the word of a Union soldier is a lie to begin with.

Mr. JONES. My proposition is that if a man deserts from his command in time of war——

Mr. PICKLER. He did not desert.

Mr. JONES. He did desert, as the record shows.

Mr. PICKLER. No, he did not desert; he went home sick.

Mr. JONES. The very language I am employing is employed in the record.

Mr. PICKLER. Technically.

Mr. JONES. The word desertion is employed in the report, and I say that as long as he has the charge of desertion placed against his name upon the records of the War Department, and he comes here to ask that the charge be removed, he ought to bring some testimony to substantiate his bare and unsupported statement.

When you adopt a precedent of that sort, can not any man, any single one of the 200,000 who deserted from the Union Army during the war, come here, without any testimony to support his own testimony, and ask that the record be corrected and the charge of desertion standing against him be removed? I object to the testimony of this character of men, and I insist it should not be accepted here.

Why, sir, to-day, in this very Hall, when we were considering private claims that had been reported by the Court of Claims, where the facts were judicially ascertained, where witnesses were cross-examined by representatives of the United States Government, I heard a gentleman on the other side of this Chamber state, a gentleman I see before me now, that he would not accept any finding of that court unless he personally was satisfied from facts outside of the record that the claim was a just and an equitable one and ought to be paid; and yet we are told to-night, and are constantly told when private pension claims are the subject of legislation, that we ought not to ask for further testimony when the committee having jurisdiction of the claim has reported it favorably, even when we know that the examination was entirely *ex parte*, and the testimony untrustworthy and illegal.

Any testimony or no testimony is sufficient for the majority of those who attend these night sessions. If a just claim against the Government, which has been adjudicated by the Court of Claims, where witnesses on both sides were closely examined, and where the Government as well as the claimant was represented by able counsel, can not pass this House because that testimony is not sufficient for the purpose of satisfying gentlemen that the claim is a just one, then how can gentlemen consent to pass a claim of this sort, when they have not examined the testimony at all, and when the only information they have is such as is before us.

I submit that no gentleman who takes the position I have referred to as to the findings of the Court of Claims could possibly vote to pass a claim of this sort, which he had not paid the slightest attention to, and had not examined, and knew nothing about.

Mr. WHEELER of Alabama. Mr. Chairman, as a member of the Committee on Military Affairs that made this report, I desire to state the considerations which have governed me in investigating measures of this character.

Desertion is one of the most heinous crimes that can be charged against a soldier. The punishment in time of war, in all nations, during all times, has been death.

The Articles of War provide that—

All officers and soldiers who have received pay, or have been duly enlisted in the service of the United States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as, by a sentence of a court-martial, shall be inflicted.

And it was not until May 29, 1830, that Congress provided that—

No officer or soldier in the Army of the United States shall be subject to the punishment of death for desertion in time of peace.

Section 1996 of the Revised Statutes, however, provided that—

All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost marshal within sixty days after the issuance of the proclamation by the President, dated the 11th day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States or of exercising any rights of citizens thereof.

During the war of 1861 to 1865, and in all previous wars, orders were issued directing that soldiers should be marked on the roll as deserters under certain circumstances; and, as my distinguished friend from Virginia has stated, some 200,000 soldiers find on the rolls of their companies a charge of desertion against them. Now, many of these men having risen to high positions, many of them seeking to join societies which require an honorable discharge, finding this record against them, naturally seek in the only way possible to have the charge removed, especially when they know or feel it is unjustly recorded against them; and therefore they come to this tribunal—and I desire to say that this tribunal does not wipe out the charge of desertion in a single case where desertion has really taken place.

The only purpose of this bill is to correct the record, so that it will state the truth according to the law as it exists and the facts in the case; and the law is laid down that desertion is "leaving one's command with the intention of returning;" and therefore it becomes the duty of the committees of Congress that have this question in charge to ascertain from the evidence whether the soldier who left his command left it with the intention of not returning, or whether he left, as in this case, under leave of absence and was prevented from returning through sickness or some other cause.

Now, some criticism is made about taking the evidence of the man himself. In all judicial tribunals the evidence of the defendant or the accused is now admitted and weighed with all other evidence to determine the guilt or innocence of the party.

Mr. JONES. Not in all cases.

Mr. WHEELER of Alabama. In nearly all. As civilization advances, I will say substantially in all.

Now, the question is brought up that the effect of our action in this case will be to give the soldier a right to a pension. That is a matter we have no right to consider. We have no more right to consider it than a jury would have a right to consider, when trying a man for his life, whether his acquittal or his conviction would entail more or less expense upon the county. What would we think of a jury bringing in a verdict of murder in the first degree when the evidence showed it to be man-

slaughter, and give as an excuse that it would cost the county less money to hang a man than to keep him in jail for several years.

Mr. BRETZ. That is a good point, General.

Mr. WHEELER of Alabama. Now, Mr. Chairman, when I was first appointed upon the Military Committee, seeing the great number of cases of this character, and appreciating that the general laws were not adequate to giving proper relief, I suggested that general laws be enacted to cover the cases then before us; and during the years I have served on that committee we have from time to time reported to the House and had lawsenacted, not for the purpose of relieving any deserter from the charge of desertion, but for the purpose of authorizing the War Department to investigate the cases and determine from the evidence whether the men were really deserters, as understood in military law, or whether the charge against them was unjust and ought to be removed. The dates of approval of these laws were August 7, 1882, July 5, 1884, May 17, 1886, August 14, 1888, and March 2, 1889.

These laws specially limited relief to those cases where the soldier "did not intend to desert."

These laws also placed restrictions upon granting pay, bounty, or allowance to applicants or their heirs, and all these laws prohibited the giving of—

any pay or allowance for any period of time he was absent without leave and not in the performance of military duty.

The House will therefore see that these various enactments only provided for changing the charges against a soldier from the charge of "desertion" to the charge of "absence without leave;" and these laws specially provided that the penalties for "absence without leave" should continue to stand against the soldier. Relief under the latest act became barred March 2, 1892, and therefore cases now must be brought before Congress by special bill, and it is the duty of Congress to give them all the most careful investigation and endeavor to do absolute judicial justice.

Now, I applaud my friends who insist on an investigation of these cases, because it is essential that such investigation shall be had to prevent injustice to the real soldier.

It would be very unjust to allow the charge of desertion to stand against a good soldier who is not a deserter, and it would also be unjust to good soldiers to wipe out the charge of desertion where the stigma was just and deserved.

All unjust charges are wrong, and the charge which is frequently made by Republicans that Democrats have not been liberal in appropriating money for pensions for Federal soldiers is untrue, unjust, and absolutely without foundation. It is as unjust and as untrue as some of the records of desertion standing against soldiers, which we are called upon to remove. [Applause.]

Now, the record shows that since 1861 there have been ten Congresses in which the House was Republican—twenty years; and the statement which I will place with my remarks shows that during this period these ten Republican Congresses have appropriated $800,776,651 for pensions—an average of $40,038,832.55 per year.

Mr. AITKEN. Where do your figures commence?

Mr. WHEELER of Alabama. I commence with the appropriation for 1861, an appropriation made by a Republican House of Representatives.

Mr. AITKEN. We were not paying any pensions in 1861.

Mr. WHEELER of Alabama. Well, the bill was prepared by a Republican House of Representatives, and I suppose they paid what they thought was right. The gentleman is mistaken, however, we were paying pensions at that time.

Mr. AITKEN. But the Democrats were in charge before the war.

Mr. WHEELER of Alabama. Yes; the Democrats were in charge before the war, and I invite attention to the record of that glorious Democratic party in all the period that they controlled the Government before the war. I shall make some allusion to that record, and I thank my friend for calling my attention to it. I will give the full record, and gentlemen can examine to see whether I do not do full justice.

Now, there have been fifteen years in which the Democrats have controlled the lower House of Congress, the Forty-fourth, the Forty-fifth, the Forty-sixth, the Forty-eighth, the Forty-ninth, the Fiftieth, and the Fifty-second Congress, and, thank God, they control Congress at the present time.

Mr. CURTIS of Kansas. They will not do it any more.

Mr. WHEELER of Alabama. The gentleman from Kansas hopes that such will be the case, but he will find himself very much mistaken. The temporary depression caused by Republican profligacy and class legislation will pass away under just laws which we will enact, and returning prosperity will, I trust, give increased power to the Democratic party in 1896.

In these fifteen years, with I believe one exception, the majority of these Democrats have been from the Southern States; and the majority from those Southern States have been Confederate soldiers. And these men who are assailed on the other side of the House as not friendly to the Federal soldier have in these fifteen years appropriated for pensions to soldiers $1,139,502,950—an average of $75,966,863.33. In other words, the Democrats, a majority of them being Southern men and a majority of these Southern men being ex-Confederates, have annually appropriated almost twice as much for pensions for the Federal soldiers as was appropriated by Republicans when they controlled Congress. I have carefully tabulated the following figures, to which I invite attention, and I am confident that gentlemen will see I am absolutely accurate.

PENSION APPROPRIATIONS BY REPUBLICANS.

It will be observed that the appropriations and expenditures for pensions in recent years have run up to very nearly half the total expenditures of the Government, including interest; and in utter refutation of campaign charges made by Republicans that the Democratic party has not been liberal in paying pensions to the soldiers of our country, I have only to point to the official figures contained in these tables. The Thirty-fifth Congress was the last Congress prior to the Forty-fourth which had a majority of Democrats in the House of Representatives. The Republicans had full control of the House of Representatives and the Government in the Forty-seventh and Fifty-first Congresses. The appropriations by Republicans during the twenty years in which the ten Congresses existed were as follows:

TABLE No. 1.—*Appropriations for pensions by Republicans during the twenty years of the existence of ten Republican Congresses.*

Congress.	Session.	Year.	Amount appropriated for pensions.
Thirty-sixth	First	1861	$349,000
Do	Second	1862	1,082,000
Thirty-seventh	do	1863	1,450,600
Do	Third	1864	7,685,300
Thirty-eighth	First	1865	3,200,000
Do	Second	1866	14,796,000
Thirty-ninth	First	1867	17,940,000
Do	Second	1868	33,280,000
Fortieth	do	1869	30,350,000
Do	Third	1870	19,250,000
Forty-first	Second	1871	30,000,000
Do	Third	1872	29,050,000
Forty-second	Second	1873	30,480,000
Do	Third	1874	30,480,000
Forty-third	First	1875	29,980,000
Do	Second	1876	30,000,000
Forty-seventh	First	1883	110,000,000
Do	Second	1884	66,575,000
Fifty-first	First	1891	123,779,358
Do	Second	1892	164,550,383
Total appropriations for twenty years for pensions.			800,776,651
Average annual appropriations for pensions.			$40,038,832.55

We therefore see that during a period when Republicans predominated and controlled the House of Representatives the average annual appropriations for pensions was $40,038,832.57.

LIBERAL PENSION APPROPRIATIONS BY DEMOCRATS.

The Democratic party had control of the House of Representatives during the Forty-fourth, Forty-fifth, Forty-sixth, Forty-eighth, Forty-ninth, Fiftieth, and Fifty-second Congresses, and they also control the present Congress. I give below the appropriations for pensions during the fifteen years of Democratic Congresses. It is as follows:

TABLE No. 2.—*Appropriations for pensions by Democrats during the fifteen years of the existence of Democratic Congresses.*

Congress.	Session.	Year.	Amount appropriated for pensions.
Forty-fourth	First	1877	$29,533,500
Do	Second	1878	28,533,000
Forty-fifth	First	1879	29,371,574
Do	Second	1880	50,233,200
Forty-sixth	First	1881	41,644,000
Do	Second	1882	66,282,306
Forty-eighth	First	1885	20,810,000
Do	Second	1886	60,000,000
Forty-ninth	First	1887	82,075,200
Do	Second	1888	83,152,500
Fiftieth	First	1889	85,258,700
Do	Second	1890	89,758,700
Fifty-second	First	1893	146,737,350
Do	Second	1894	166,531,350
Fifty-third	do	1895	151,561,570
Total appropriations for pensions for fifteen years.			1,139,502,950
Average annual pension appropriations.			75,966,863.33

We therefore see that during a period when Democrats predominated and controlled the House of Representatives, the majority of said dominant party being almost always from the Southern States, and very largely composed of ex-Confederates, the average annual appropriations for pensions was $75,966,863.33. In other words, we see that Democrats and ex-Confederates have been nearly twice as liberal as Republicans in pension appropriation bills for soldiers. The Federal soldier has begun to realize that Southern men and ex-Confederates are really his best friends; he recognizes that the ex-Confederates always vote for proper pensions to real soldiers and honestly and intelligently seek to protect the real soldier in his pension by insisting that the pension roll shall not be encumbered and broken down by the addition of names of unworthy men who have no right to pensions.

Now, my friend from Michigan [Mr. AITKEN] said something about the period before the war.

Mr. AITKEN. I hope the gentleman will not feel compelled to go back to "the period before the war" on account of anything I said.

Mr. WHEELER of Alabama. I know the gentleman does not like to have us go back to the period before the war and point to that glorious career of the Democratic party which, during seventy-two years of Democratic rule, changed this country from a wilderness to the happiest, most prosperous, and powerful Government on earth [applause on the Democratic side]; a Government under Democratic and equal laws, with bounties and burdens extending alike over the rich and the poor—a period during which we heard nothing of monopolies and trusts, things which have been created under the centralizing laws of the Republican party. [Applause on the Democratic side].

Mr. AITKEN. The sugar trust included.

Mr. WHEELER of Alabama. The sugar trust included—a creature of the Republican party, a monopoly which could never have come into existence but for the unjust centralizing class legislation of the Republican party. [Applause on the Democratic side.]

Mr. AITKEN. And still alive under a Democratic Administration.

Mr. WHEELER of Alabama. Still alive, but which will cease to live if my vote and the votes of those who agree with me can prevail.

Mr. LACEY. Why not give us the history of the last year of those seventy-two years of Democratic rule, letting the other seventy-one go by?

Mr. WHEELER of Alabama. I will gladly give the gentleman all the information possible regarding the record of the Democratic party at that time.

Mr. AITKEN. If my friend will excuse me a moment, I hope he will explain to the gentleman from Virginia what consideration the Committee on Military Affairs gave to the testimony of this doctor in regard to this soldier being sick when he was home.

Mr. WHEELER of Alabama. I rose for the purpose of expressing my views as to the general principles that should govern this question; and then I propose to apply them to this case.

I regret that explanations demanded of me by gentlemen on the Republican side of the House have forced me into discussions which have no real connection with the matter before the House, and which I would prefer to avoid at this time.

Now, as to 1860, the last year of Democratic rule before the war——

Mr. PICKLER. This is the last year of Democratic rule.

Mr. WHEELER of Alabama. I will not discuss that question now; I am anxious to hurry through my speech.

During the year ending June 30, 1861, the Democratic party spent for the support of this Government $66,650,213; and the year ending June 30, 1860, they spent $63,200,875.

DEMOCRATIC ECONOMY.

They spent during seventy-two and one-third years, from the beginning of the Government up to that time, $2,793,100,432, the average being $38,625,351 a year.

In his speech of June 5, 1894, in the Senate of the United States, Senator ALLEN of Nebraska very correctly informed the country that through vicious legislation during President Harrison's Administration the Treasury was rendered bankrupt on the 4th day of March, 1893.

The Senator was explaining why he was willing to vote for a tax on sugar.

His exact language was:

If the $100,000,000 that were found in the Treasury when Mr. Harrison came into the Presidential office had been judiciously used there would be no necessity to-day for the levying of a tax upon sugar.

Over $25,000,000 of that surplus was taken out of the Treasury and paid as a premium upon bonds, and through that and other means equally vicious the Treasury was rendered bankrupt on the 4th day of March, 1893. The country was bankrupt. The $100,000,000 had disappeared; the national debt increased; the expenses of the Government were pressing upon us.

Those intrusted with the duty of making laws have few greater responsibilities than the most careful scrutiny of every appropriation of money.

Every dollar in the Treasury must in some way come from the people. It is money earned by them, and under laws enacted by the Republican party the money which is collected as tax is very largely paid by the men and women who earn their daily bread. Could there be a higher duty than to guard this sacred fund?

As a guide for the future, let us give some investigation of the action of our Government in the past in this matter of appropriation and expenditures.

In order to more clearly present this matter to Congress I have prepared Tables No. 1 and No. 2, which I have already read, showing the appropriation for pensions by Republican and Democratic Congresses.

I have also prepared Table No. 3, showing the expenditures of the Government for the seventy-two years from 1789 to 1861, during substantially all of which time we were under Democratic administration.

This table comprises all expenditures of every character, including the cost of all wars—the war of 1812, all Indian wars, the war with Mexico, and the preparation for a war with Tripoli.

I have also prepared Table No. 4, showing the total expenditures during the years of war, from June 30, 1861, to June 30, 1865.

Also Table No. 5, showing total expenditures from June 30, 1865, to June 30, 1894.

Also Table No. 6, showing expenditures before the war, during the war, and since the war.

Also Table No. 7, showing the aggregate appropriations made by each session of Congress from 1866 to the present time. The appropriation for the present session only gives the various amounts as the bills passed the House.

It will be observed that appropriations always exceed expenditures. This should of necessity be so, because it often occurs that appropriations are only partly expended, and sometimes all is returned to the Treasury; and we are compelled to appropriate for the full expenditures of the Post-Office Department, notwithstanding that most of this vast sum, and sometimes all, is earned, and therefore balances off appropriation.

Table No. 8 gives a summary of expenditures of State, county, city and other local governments.

Table No. 9 shows Federal, State, and local receipts and expenditures, arranged in order of amount.

Table No. 10 shows receipts and expenditures of Post-Office Department.

Table No. 3 is as follows:

TABLE No. 3.—*Total expenditures of the United States under Democratic government from March 4, 1789, to June 30, 1861.*

Year.	War.	Navy.	Indians.	Pensions.	Miscellaneous.	Net ordinary expenditures.	Premium.	Interest.	Total expenditures, including premium.
1789 to 1791	$632,804.03		$27,000.00	$175,813.88	$1,083,971.61	$1,919,589.52		$1,177,863.03	$3,097,451.55
1792	1,100,702.09		13,648.85	109,243.15	4,672,664.38	5,896,258.47		2,373,611.28	8,269,869.75
1793	1,130,249.08		27,282.83	80,087.81	511,451.01	1,749,070.73		2,097,859.17	3,846,929.90
1794	2,639,097.59	61,408.97	13,042.46	81,390.24	750,350.74	3,545,299.00		2,752,523.04	6,297,822.04
1795	2,480,910.13	410,562.03	23,475.68	68,673.22	1,378,920.05	4,362,541.72		2,947,059.06	7,309,600.78
1796	1,260,263.84	274,784.04	113,563.98	100,843.71	801,847.58	2,551,303.15		3,239,347.68	5,790,650.83
1797	1,039,402.46	382,631.80	62,306.58	92,256.97	1,250,422.62	2,836,110.52		3,172,516.73	6,008,627.25
1798	2,009,532.30	1,381,347.76	16,470.00	104,845.33	1,139,524.94	4,651,710.42		2,955,875.90	7,607,586.31
1799	2,466,946.98	2,858,081.84	20,302.19	95,444.03	1,039,391.68	6,480,166.72		2,815,651.41	9,295,818.13
1800	2,560,878.77	3,448,716.03	31.22	64,130.73	1,337,613.22	7,411,369.97		3,402,601.04	10,813,971.02
1801	1,672,944.08	2,111,424.00	9,000.00	73,533.37	1,114,768.45	4,981,669.90		4,411,830.06	9,393,499.96
1802	1,179,148.25	915,561.87	94,000.00	85,440.39	1,462,929.40	3,737,079.91		4,239,172.16	7,976,252.07
1803	822,055.85	1,215,230.53	60,000.00	62,902.10	1,842,635.76	4,002,824.24		3,949,462.36	7,952,286.60
1804	575,423.93	1,189,832.75	116,500.00	80,092.80	2,191,003.43	4,452,858.91		4,185,048.74	8,638,907.65
1805	712,781.28	1,597,500.00	196,500.00	81,854.59	3,768,598.75	6,357,234.02		2,657,114.22	9,014,348.24

TABLE No. 3.—*Total expenditures of the United States under Democratic government from March 4, 1789, to June 30, 1861*—Continued.

Year.	War.	Navy.	Indians.	Pensions.	Miscellaneous.	Net ordinary expenditures.	Premium.	Interest.	Total expenditures, including premium.
1806	$1,224,355.38	$1,649,641.44	$234,200.00	$81,875.53	$2,890,137.01	$6,080,209.36		$3,308,968.26	$9,449,177.62
1807	1,288,685.91	1,722,064.47	205,425.00	70,500.00	1,697,897.51	4,984,572.80		3,309,578.48	8,354,151.37
1808	2,900,834.40	1,884,067.80	213,575.00	82,576.04	1,423,285.61	6,504,338.85		2,557,074.23	9,061,413.08
1809	3,345,772.17	2,427,758.80	337,503.84	87,833.54	1,215,803.79	7,414,672.14		2,866,074.90	10,280,747.04
1810	2,294,323.94	1,654,244.20	177,625.00	83,744.16	1,101,144.98	5,311,082.28		3,163,671.09	8,474,753.37
1811	2,032,828.19	1,965,566.39	151,875.00	75,043.88	1,367,291.40	5,592,604.86		2,585,435.57	8,178,040.43
1812	11,817,798.24	3,959,365.15	277,845.00	91,402.10	1,683,088.21	17,829,498.70		2,451,272.57	20,280,771.27
1813	19,652,013.02	6,446,600.10	167,358.23	86,989.91	1,729,435.61	28,082,396.92		3,599,455.22	31,681,852.14
1814	20,350,806.86	7,311,290.60	167,394.86	90,164.36	2,208,029.70	30,127,686.38		4,593,239.04	34,720,925.42
1815	14,794,294.22	8,660,000.25	530,750.00	69,656.06	2,898,870.47	25,953,571.00		5,990,030.24	32,943,601.24
1816	16,012,096.80	3,908,278.30	274,512.16	188,804.15	2,989,741.17	23,373,432.58		7,822,923.34	31,196,355.92
1817	8,004,236.53	3,314,598.49	319,463.71	297,374.43	3,518,936.76	15,454,609.92		4,536,282.55	19,990,892.47
1818	5,622,715.10	2,953,695.00	505,704.27	890,719.90	3,835,839.51	13,808,673.78		6,209,954.03	20,018,627.81
1819	6,506,300.37	3,847,640.42	463,181.39	2,415,939.85	3,067,211.41	16,700,273.44		5,211,730.56	21,512,004.00
1820	2,630,392.31	4,387,990.00	315,750.01	3,208,376.31	2,592,021.94	13,134,530.57		5,151,004.32	18,285,534.89
1821	4,461,291.78	3,319,243.06	477,005.44	242,817.25	2,223,121.54	10,723,479.07		5,126,073.79	15,849,552.86
1822	3,111,981.48	2,224,458.98	575,007.41	1,948,199.40	1,967,993.24	9,827,643.51		5,172,788.79	15,000,432.30
1823	3,096,924.43	2,503,765.83	380,781.82	1,780,588.52	2,022,093.99	9,784,154.59		4,922,475.40	14,706,629.99
1824	3,340,939.85	2,904,581.56	429,987.90	1,499,326.59	7,155,308.81	15,330,144.71		4,943,557.93	20,273,702.64
1825	3,659,914.18	3,049,083.86	724,106.44	1,308,810.57	2,748,544.89	11,490,459.94		4,366,757.40	15,857,217.34
1826	3,943,194.37	4,218,902.45	743,447.83	1,555,593.83	2,600,177.79	13,062,316.27		3,975,542.95	17,037,859.22
1827	3,948,977.88	4,263,877.45	750,624.88	976,138.86	2,713,476.58	12,653,095.65		3,486,071.51	16,139,167.16
1828	4,145,544.56	3,918,786.44	705,084.24	850,573.57	3,676,052.64	13,296,041.45		3,098,800.60	16,394,842.05
1829	4,724,291.07	3,308,745.47	576,344.74	949,594.47	3,082,234.65	12,641,210.40		2,542,843.23	15,184,053.63
1830	4,767,128.88	3,239,428.63	622,262.47	1,363,297.31	3,237,416.04	13,229,533.33		1,912,574.93	15,142,108.26
1831	4,841,835.55	3,856,183.07	930,738.04	1,170,665.14	3,004,646.10	13,864,067.90		1,373,748.74	15,237,816.64
1832	5,446,034.88	3,956,370.29	1,352,419.75	1,184,422.40	4,577,141.45	16,516,388.77		772,561.50	17,288,950.27
1833	6,704,019.10	3,901,356.75	1,802,980.93	4,589,152.40	5,716,245.93	22,713,755.11		303,796.87	23,017,551.98
1834	5,696,189.38	3,956,260.42	1,003,953.20	3,364,285.30	4,404,728.95	18,425,417.25		202,152.98	18,627,570.23
1835	5,759,156.20	3,864,939.06	1,706,444.48	1,954,711.32	4,229,698.53	17,514,950.28		57,863.08	17,572,813.36
1836	11,747,345.25	5,807,718.23	5,037,022.88	2,882,797.96	5,393,279.72	30,868,164.04			30,868,164.04
1837	13,682,730.20	6,646,914.53	4,348,036.19	2,672,162.45	9,893,370.27	37,243,214.24			37,243,214.24
1838	12,897,224.16	6,131,580.53	5,504,191.34	2,153,057.29	7,160,664.76	33,849,718.08		14,996.48	33,864,714.56
1839	8,916,995.80	6,182,294.25	2,528,917.28	3,142,750.51	5,725,990.89	26,496,948.73		399,833.89	26,896,782.62
1840	7,095,267.23	6,113,896.89	2,331,704.86	2,603,562.17	5,995,398.96	24,133,920.11		174,598.08	24,314,518.19
1841	8,801,610.24	6,001,076.97	2,514,837.12	2,388,434.51	6,490,881.45	26,196,840.29		284,977.56	26,481,817.84
1842	6,610,438.02	8,397,242.95	1,199,099.68	1,378,931.33	6,775,624.61	24,361,336.59		773,549.85	25,134,886.44
1843	2,908,671.95	3,727,711.53	578,371.00	839,041.12	3,202,713.00	11,255,508.60		523,583.91	11,780,092.51
1844	5,218,183.66	6,498,199.11	1,256,532.39	2,032,008.90	5,645,183.86	20,650,108.01		1,833,452.13	22,483,560.14
1845	5,746,291.28	6,297,177.89	1,539,351.35	2,400,788.11	5,911,760.98	21,895,369.61	$18,231.43	1,040,458.18	22,954,059.22
1846	10,413,370.58	6,455,013.92	1,027,693.64	1,811,097.56	6,711,283.89	26,418,459.59		842,723.27	27,261,182.86
1847	35,840,030.33	7,900,635.76	1,430,411.30	1,744,883.63	6,885,608.35	53,801,569.37		1,119,214.72	54,920,784.09
1848	27,688,334.21	9,408,476.02	1,252,296.81	1,227,496.48	5,650,851.25	45,227,454.77		2,390,765.88	47,618,220.65
1849	14,558,473.26	9,780,705.92	1,374,161.55	1,328,867.64	12,885,334.24	39,933,542.61	$82,865.81	3,565,535.78	43,581,944.22
1850	9,687,024.58	7,904,724.66	1,663,591.47	1,866,886.02	16,043,763.36	37,165,990.09		3,782,393.03	40,948,383.10
1851	12,161,905.11	8,880,581.38	2,829,801.77	2,293,377.22	17,888,992.18	44,054,717.66	69,713.19	3,696,760.75	47,821,191.60
1852	8,521,506.19	8,918,842.10	3,043,576.04	2,401,858,78	17,504,171.45	40,389,954.56	170,063.42	4,000,297.80	44,560,315.78
1853	9,910,498.49	11,067,789.53	3,880,494.12	1,755,300.20	17,463,068.01	44,078,156.35	420,498.64	3,665,832.74	48,164,487.73
1854	11,722,282.87	10,790,096.32	1,550,339.55	1,232,665.00	26,672,144.68	51,967,528.42	2,877,818.60	3,070,926.69	57,916,273.80
1855	14,648,074.07	13,327,035.11	2,772,990.78	1,477,612.33	24,090,425.43	56,316,197.72	872,047.39	2,314,464.99	59,502,710.10
1856	16,963,160.51	14,074,834.64	2,644,263.97	1,296,229.65	31,794,038.87	66,772,527.64	385,372.90	1,953,822.37	69,111,722.91
1857	19,159,150.87	12,651,694.61	4,354,418.87	1,310,380.58	28,565,498.77	66,041,143.70	363,572.39	1,593,245.23	68,997,981.32
1858	25,679,121.63	14,053,264.64	4,978,236.18	1,219,768.30	26,400,016.42	72,330,437.17	574,443.08	1,652,055.67	74,556,935.92
1859	23,154,720.53	14,690,927.90	3,490,534.53	1,222,222.71	23,797,544.40	66,355,950.07		2,637,649.70	68,993,599.77
1860	16,472,202.72	11,514,649.83	2,991,121.54	1,100,802.32	27,977,978.30	60,056,754.71		3,144,120.94	63,200,875.65
1861	23,001,530.67	12,387,156.52	2,865,481.17	1,034,599.73	23,327,287.69	62,616,055.78		4,034,157.30	66,650,213.08
Total	562,914,213.39	360,042,168.18	86,904,164.35	80,738,327.06	487,845,595.23	2,587,444,468.21	5,834,626.94	200,621,336.91	2,793,900,432.06

It is well to remember that with such a record of Democratic economy the Republican convention which nominated Abraham Lincoln for President denounced the expenditure which averaged $38,625,351, as reckless extravagance; and yet the same Republican party immediately launched out into an expenditure which during the first few years of Republican administration averaged annually $835,595,102.61, more than twenty-one times as great as the average expenditure by Democrats.

REPUBLICAN PLATFORM 1860.

The language of the Republican platform of 1860 was in these words:

That the people justly view with alarm the reckless extravagance which pervades every department of the Federal Government; that a return to rigid economy and accountability is indispensable to arrest the systematic plunder of the public Treasury by favored partisans.

I call attention to the fact that the year immediately preceding the meeting of this Republican convention the total expenditure of the Government under Democratic appropriations was $63,200,875; the convention denounced this as reckless extravagance, and yet during the first four years of their control of the Government they expended the enormous annual average of $825,595,102.61.

Mr. CURTIS of New York. What four years?

Mr. WHEELER of Alabama. The four years of the war. I will be perfectly frank with you. I will go on and explain. I intend to do no injustice.

REPUBLICAN EXTRAVAGANCE.

They spent thirteen times as much as the Democratic party spent in 1860, and twenty-one times as much as the average annual expenditure of that party up to 1861, during a period in which the Democratic party carried on the Indian wars, the war of 1812, the Mexican war, and made all the preparations incident to the Tripoli war; they also purchased in that time as a part of the same expenditure what now constitutes the States of Louisiana and Florida, as well as the Gadsden purchase, all of which cost the people only thirty-eight millions a year, while the Republican party, that charged them in their platform with reckless extravagance, expended in each of the four years of war eight hundred and thirty-five millions.

I will now give the table showing the expenditures of the Government under Republican administration during the four years of war. During these four years the total expenditure of the Government was $3,352,380,410.46; the average each year was $835,595,102.61; the average population during that period was 33,611,964. Therefore the average annual expenditure per capita was $24.93.

TABLE No. 4.—*Total expenditures of the United States under Republican government during the war period, from June 30, 1861, to June 30, 1865.*

Year ending June 30—	War.	Navy.	Indians.	Pensions.	Miscellaneous.	Net ordinary expenditure.	Premiums.	Interest.	Total expenditures.
1862	$334,368,407.36	$42,668,277.09	$2,273,223.45	$853,095.40	$321,408,491.16	$461,671,494.46		$13,190,324.45	$474,761,818.91
1863	599,298,600.83	63,221,903.64	3,154,357.11	1,078,991.59	23,265,965.39	690,010,878.56		24,729,846.61	714,740,725.17
1864	690,791,842.97	85,725,994.67	2,629,857.77	4,983,924.41	27,505,599.46	811,637,220.28		53,685,421.69	865,322,641.97
1865	1,031,323,360.79	122,612,945.29	5,116,837.08	16,338,811.13	43,047,658.01	1,218,439,612.30	$1,717,900.11	77,397,712.00	1,297,555,224.41
Total	2,715,782,211.95	314,229,180.69	13,174,276.41	23,254,822.53	115,218,714.02	3,181,759,205.60	1,717,900.11	169,003,304.75	3,352,380,410.46

Mr. CURTIS of New York. I desire, with the gentleman's consent, to ask him a question. How was it that, in view of the splendid prosperity that existed for seventy-two years under Democratic administration, a party—a new party—coming into power at that time was compelled to expend, as the gentleman says, thirty-two times as much as the former Administrations expended; and I hope the gentleman will tell us why it was that these expenditures were required so much in excess of the former expenses of the Government?

Mr. WHEELER of Alabama. I will do so; but I do not wish to be drawn into questions of this character.

Mr. CURTIS of New York. For I am sure there is no man in this House, or in the United States perhaps, that can give a better or a more correct statement from personal knowledge of the reasons which required this great expenditure than my splendid cavalry friend who stands here now on my left. [Applause.]

Mr. WHEELER of Alabama. I thank the gentleman.

Mr. LOUD. I would like to suggest to the gentleman, as he referred to the Indian wars, that my friend from Arkansas has a case of an Indian war survivor——

Mr. WHEEER of Alabama. Well, I hope we will pass it.

Mr. LOUD. I hope the gentleman will allow us to consider these cases.

Mr. WHEELER of Alabama. I did not intend or desire to enter into any discussion about the war, but in reply to the question of the distinguished gentleman from New York, Gen. CURTIS, I will say that these expenditures were caused by events which I deplored. The armies causing these immense expenditures were raised for reasons with which I was not in sympathy, and I regretted very much that they were raised. [Laughter and applause.] I never thought them necessary, because I believed then, as I believe now, that our appeals should have been heeded when we went on our knees at the peace congress in Philadelphia to beg for arbitration and peace, and to beg that some guaranty should be given that the Constitution of the country should be regarded.

CHIEF JUSTICE CHASE IN THE PEACE CONVENTION.

Chief Justice Chase told our Southern people in his great speech of February 6, 1861, that neither he nor any of the leaders of the Republican party could guarantee to the South that the party coming into power would obey the clause of the Constitution which pledged protection to the property of the people of the South.

Mr. Chase said:

The result of the national canvass which recently terminated in the election of Mr. Lincoln has been spoken of by some as the effect of a sudden impulse or of some irregular excitement of the popular mind; and it has been somewhat confidently asserted that, upon reflection and consideration, the hastily formed opinions which brought about the election will be changed.

* * * * * * *

I can not take this view of the result of the Presidential election. I believe, and the belief amounts to absolute conviction that the election must be regarded as a triumph of principles cherished in the hearts of the people of the free States.

* * * * * * *

We have elected him (Mr. Lincoln). After many years of earnest advocacy and of severe trial we have achieved the triumph of that principle. By a fair and unquestioned majority we have secured that triumph. Do you think we, who represent this majority, will throw it away? Do you think the people will sustain us if we undertake to throw it away? I must speak to you plainly, gentlemen of the South. It is not in my heart to deceive you. I therefore tell you explicitly that if we of the North and West would consent to throw away all that has been gained in the recent triumph of our principles the people would not sustain us, and so the consent would avail you nothing.

Mr. Chase in that speech, with great force, gave the South to understand that the Northern States would not and ought not to comply with the obligations of the Federal Constitution.

He said if the leaders attempted an enforcement of that part of the Constitution which the South demanded the people of the North could not sustain them, and they would be powerless.

But he said we may do this: We admit the contract, we admit the constitutional contract, and we may regard it similar to cases in chancery where circumstances have arisen that make a party unable to comply with his contract, and therefore the court decrees pecuniary compensation.

CAUSES OF THE WAR

There were many reasons which brought on the conditions which culminated in the war, which necessitated the vast expenditure of money which is exhibited in the table.

The doctrine of State rights, protective tariff, internal improvements, and in fact all the questions upon which the Democratic party differed with their political opponents, entered into the question; but as history seems to contend that the existence of slavery was the main cause, I will comply with my friends' request and from a Southern standpoint give some reasons which come to my mind, and in doing so I beg that every one present will believe me when I disclaim any feeling or any disposition to censure any one or any section.

I know all, and especially I know the soldiers, will accept my statements in the same good feeling in which they are uttered, and will appreciate the propriety of a Southern man calling attention to historical facts, which refute allegations made upon this floor, that the responsibility of the war rested altogether upon the Southern people.

When the people of the South settled on the shores of Maryland, Virginia, the Carolinas, and Georgia, they had no intention of encouraging or even tolerating the institution of slavery.

The thrifty New England seamen, in their voyages to the Indies and other countries, saw its practical operation, and solely with the view of profit in the transportation and sale of the African, they, with characteristic energy, urged upon all the colonies the great advantages which would result from utilizing this character of labor. Their friends in the North readily acceded to their importunities, but not so with those of the South.

SOUTHERN COLONIES OPPOSED SLAVERY.

Oglethorpe and his colonists were possibly the most determined in resisting the importation, sale, and use of African slaves; and for twenty years they were successful in the enforcement of the law which prohibited the landing of slaves in Georgia. Finally, together with the other Southern States, they succumbed, and the New England shipowners amassed fortunes by plying the business of buying negroes in Africa, transporting them to the United States, and selling them for the most part to Southern people.

The evil of this traffic soon became apparent to the people of the South, and when the Constitution was framed in 1787, the South demanded that the fundamental law of our land should inhibit this traffic of importing human beings from Africa. The South was resisted by the New England slave-traders, and as a compromise it was agreed that the trade should be restricted and after the year 1800 entirely prohibited, but by the persistency of New England the provision was finally extended to the year 1808.

It has been charged that the opposition of Southern slaveholders which was manifested in the convention to the continued importation of slaves was attributable to their desire to maintain the value of the slave property they already possessed, but contemporaneous writing clearly shows that the mass of these people were actuated by no such selfish motives.

Very soon the people of the North found that their climate was not adapted to slave labor, and as the Constitution prohibited the continuance of the profitable business of catching or buying negroes in Africa and selling them to the people of the South, they ceased to have any interest in this class of property. I do not say that the lack of pecuniary interest actuated any one, but about this time there commenced what history will record as a war upon the institution of slavery.

NORTHERN STATES NULLIFY THE CONSTITUTION.

Instead of upholding and enforcing the constitutional guarantee which I have read, many States of the North enacted laws making it a criminal offense for any official to comply with his oath of office and comply with the terms of the Constitution, so far as it affected this question. This was done against the protest of such great men as Edward Everett and Daniel Webster.

This precise question was discussed by that great statesman, Daniel Webster, in his Buffalo speech of May 22, 1851. He said:

Then there was the other matter, and that was the fugitive-slave law. Let me say a word about that. Under the provisions of the Constitution, during Washington's Administration, in the year 1793, there was passed by general consent a law for the restoration of fugitive slaves. Hardly anyone opposed it at that period; it was thought to be necessary in order to carry the Constitution into effect; the great men of New England and New York all concurred in it. It passed and answered all the purposes expected from it till about the year 1841 or 1842, when the States interfered to make enactments in opposition to it.

We see here that Mr. Webster states that these laws, enacted by Northern States nullifying this constitutional provision, commenced as far back as 1841 to 1842. He continued:

Now I undertake, as a lawyer and on my professional character, to say to you and to all, that the law of 1850 is decidedly more favorable to the fugitive than Gen. Washington's law of 1793. * * * Such is the present law, and, much opposed and maligned as it is, it is more favorable to the fugitive slave than the law enacted during Washington's Administration in 1793, which was sanctioned by the North as well as by the South. The present violent opposition has sprung up in modern times. From whom does this clamor come? * * * Look at the proceedings of the anti-slavery conventions in Ohio, Massachusetts, and at Syracuse, in the State of New York. What do they say? That, so help them God, no colored man shall be sent from the State of New York back to his master in Virginia. Do not they say that! And to the fulfillment of that they pledge their lives, their fortunes, and their sacred honor. Their sacred honor! They pledge their sacred honor to violate the Constitution; they pledge their sacred honor to commit treason against the laws of their country.

We see here that Daniel Webster charged that the agitators against slavery were guilty of pledging their honor to violate the Constitution. He said they pledged their sacred honor to commit treason against the laws of their country. If possible, Mr. Webster was even more emphatic in his great speech at Capon Springs. This devoted patriot said:

The leading sentiment in the toast from the chair is the Union of the States.

The Union of the States. What mind can comprehend the consequences of that Union, past, present, and to come? The Union of these States is the all-absorbing topic of the day; on it all men write, speak, think, and dilate from the rising of the sun to the going down thereof. And yet, gentlemen, I fear its importance has been insufficiently appreciated.

Again, speaking as a constitutional lawyer, Mr. Webster said:

How absurd it is to suppose that when different parties enter into a compact for certain purposes either can disregard any one provision, and expect, nevertheless, the other to observe the rest! I intend, for one, to regard and maintain and carry out to the fullest extent the Constitution of the United States, which I have sworn to support in all its parts and all its provisions. It is written in the Constitution—

"No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

That is as much a part of the Constitution as any other, and as equally binding and obligatory as any other on all men, public or private. And who denies this? None but the abolitionists of the North. And pray what is it they will not deny? They have but the one idea; and it would seem that these fanatics at the North and the secessionists at the South are putting their heads together to devise means to defeat the good designs of honest, patriotic men. They act to the same end and the same object, and the Constitution has to take the fire from both sides.

Mr. Webster then told his hearers that if the Northern States persisted in their refusal to comply with the Constitution the South would no longer be bound to observe the constitutional compact. He said:

I have not hesitated to say, and I repeat, that if the Northern States refuse willfully and deliberately to carry into effect that part of the Constitution which respects the restoration of fugitive slaves, and Congress provide no remedy, the South would no longer be bound to observe the compact. A bargain can not be broken on one side and still bind the other side. I say to you gentlemen in Virginia, as I said on the shores of Lake Erie and in the city of Boston, as I may say again in that city or elsewhere in the North, that you of the South have as much right to recover your fugitive slaves as the North has to any of its rights and privileges of navigation and commerce.

Mr. Webster also said:

I am as ready to fight and to fall for the constitutional rights of Virginia as I am for those of Massachusetts.

Then followed the election of Abraham Lincoln upon a platform which clearly informed the Southern people that the guaranties of the Constitution which they revered, and the doctrines of State rights and other principles of government which they cherished, were to be ignored and that they were to be deprived of the greater part of their property and all possibility of continued prosperity.

The South was of necessity alarmed. They were seized with the fear that the extreme leaders of the Republican party would not stop at any excess, that they would not be satisfied with depriving them of their property, but that so far as possible they would place the ignorant slave not only upon equality with but even above his former master.

It was but natural that such an impending fate horrified the people, and that measures to avert it were contemplated and discussed.

SOUTHERN PEOPLE DEVOTED TO THE UNION.

The Southern people loved the Union with a devotion which had no precedent in the history of the world. It was a work very largely of their creation. Their blood and treasures were freely given to secure its independence. The South gave to that sacred cause the voice and eloquence of Patrick Henry to arouse the people to action; the pen of Jefferson to write the Declaration that we were a free and independent people; the sword of Washington to win the battles which made us one of the nations of the earth; and it also furnished Chief Justice Marshall to proclaim the principles upon which American jurisprudence and civil liberty are founded.

They were Southern men with Washington who crossed the Alleghanies one hundred and forty-one years ago to defend the pioneers who were braving the dangers of the Western forest. They were Southern men who, under Capt. Morgan, hastened to the defense of Massachusetts at the first sound of battle at Concord and Lexington. In the war of 1812 the South gave her undivided support to the flag, and largely contributed to the success of our arms. The last battle of that war was fought by a Southern general, with Southern men on Southern soil.

In the Indian wars the South always furnished her full share of soldiers, and in the Mexican war the killed and wounded from the Southern States in proportion to population was about three times that of the States of the North. In the war of 1861–'65 the South furnished 640,000 to the Federal Army, a larger number than it furnished to the Conferate army. This was the only period during which there was any division of sentiment on this point among the Southern people, for since 1865 they have been as devoted to the flag and the Union as the people of any part of our land.

The people of the South did not wish to give up the benefits of a government to the establishment of which they had so largely contributed. They were loyal and law-abiding, and refused to follow the example of the participants in the Shay rebellion in New York, the whisky rebellion in Pennsylvania, the Dorr rebellion in Rhode Island, and the Hartford convention rebellion in Connecticut; but they reluctantly succumbed to the conviction that the party about to take control would have no respect for their rights. For more than half a century they had been taught by their Northern brethren that when the people of a State found that it was not to their advantage to remain in the Union it was not only their privilege but their duty to peacefully withdraw from it.

SECESSION ADVOCATED BY MASSACHUSETTS.

Ninety years ago the people of Massachusetts expressed themselves in favor of the principle of secession by the enactment of the following resolution in the Massachusetts Legislature:

That the annexation of Louisiana to the Union transcends the constitutional power of the Government of the United States. It formed a new confederacy to which the States united by the former compact are not bound to adhere.

It is clearly shown by the history of the times that the people of New England were very pronounced in their expressions that the Constitution recognized the unquestioned right of a State to secede from the Union.

At the celebration of the fiftieth anniversary of the inauguration of Washington, April 30, 1839, ex-President John Quincy Adams delivered an address which was received with great approval by the people. In that speech Mr. Adams said:

But the indissoluble union between the several States of this confederated nation is, after all, not in the right, but in the heart. If the day should ever come (may Heaven avert it!) when the affections of the people of these States shall be alienated from each other; when the fraternal spirit shall give way to cold indifference, or collision of interest shall fester into hatred, the bands of political asseveration will not long hold together parties no longer attracted by the magnetism of conciliated interests and kindly sympathies; and far better will it be for the people of the disunited States to part in friendship from each other than to be held together by constraint. Then will be the time for reverting to the precedents which occurred at the formation and adoption of the Constitution to form again a more perfect Union by dissolving that which could no longer bind, and to leave the separated parts to be reunited by the law of political gravitation to the center.

It is very evident that Mr. Adams and the people of New England generally regarded these views as the correct interpretation of the original compact which bound the people together. I will call attention to the fact that three years later, January 24, 1842, he presented a petition to Congress from citizens of Haverhill, Mass. I read from Congressional Globe, volume 11, page 977:

Monday, January 24.—In the House, Mr. Adams presented the petition of sundry citizens of Haverhill, in the State of Massachusetts, praying that Congress will immediately adopt measures peaceably to dissolve the Union of these States.

First, because no union can be agreeable and permanent which does not present prospects of reciprocal benefit; second, because a vast proportion of the revenues of one section of the Union is annually drained to sustain the views and course of another section, without any adequate return; third, because, judging from the history of past nations, that Union, if persisted in in the present state of things, will certainly overwhelm the whole nation in destruction.

There was a strong manifestation against receiving the petition, and by some it was denounced as treason and perjury.

On page 980, Mr. Adams spoke in his own defense and in favor of the petition. He said:

I hold that it is no perjury, that it is no high treason, but the exercise of a sacred right to offer such a petition, and that it is as false in morals as it is inhuman to fasten that charge on men who, under the countenance of such declarations as I have here quoted, come and ask of this House a redress of grievances. And if they do mistake their remedy, this Government should not turn them away and charge them with high treason and subornation of perjury; but ought to take it up, to weigh the considerations which can be urged in their favor; and if there be none but those which are so eloquently set forth in the pamphlet I have quoted, these should be considered. If they have mistaken their remedy, the House should do as the gentleman from Kentucky [Mr. Marshall] told us he was ready to do—admit the facts.

Mr. Gilmer, page 983, introduced the following resolution:

Resolved, That in presenting to the consideration of this House a petition for the dissolution of the Union the member from Massachusetts [Mr. Adams] has justly incurred the censure of this House.

The following resolution was also introduced by Mr. Marshall of Kentucky:

Resolved, therefore, That Hon. John Q. Adams, a member from Massachusetts, in presenting for the consideration of the House of Representatives of the United States a petition praying the dissolution of the Union, has offered the deepest indignity to the House of which he is a member; an insult to the people of the United States, of which that House is the legislative organ; and will, if this outrage is permitted to pass unrebuked and unpunished, have disgraced his country, through their Representatives, in the eyes of the whole world.

Two weeks were exclusively devoted to Mr. Adams's trial, at the end of which the entire proceedings were laid on the table. I find the following note on page 236 of the Globe:

The trial of Mr. Adams, to the exclusion of all other business, commenced on the 25th of January, and terminated on the 7th of February, when the whole proceedings were laid on the table without deciding a single point. The expenses of the House during that time thus wasted exceeded $20,000.

The failure on the part of the House to even censure Mr. Adams was construed by many as an admission that Mr. Adams's construction was correct.

This sentiment in favor of secession continually gained strength, and five years later the Legislature of Massachusetts passed another secession resolution. I read from "Acts and resolutions

passed by the Legislature of Massachusetts in the year 1844," page 319:

1. *Resolved*, That the power to unite an independent foreign State with the United States is not among the powers delegated to the General Government by the Constitution of the United States.

2. *Resolved*, * * * That the project of the annexation of Texas, unless arrested on the threshold, may drive these States into a dissolution of the Union.

3. *Resolved*, That his excellency the governor be requested to transmit a copy of the foregoing resolves to each of the Senators and Members of the House of Representatives of this Commonwealth in the Congress of the United States.

4. *Resolved*, That his excellency the governor be requested to transmit a copy of the same resolves to the Executive of the United States and of the several States.

Approved by the governor March 15, 1844.

A year later, February 22, 1845, the Legislature of Massachusetts celebrated Washington's birthday by passing still another secession resolution.

I read from the same volume, pages 598 and 599:

Resolved, That Massachusetts has never delegated the power to admit into the Union States or Territories without or beyond the original territory of the States and Territories belonging to the Union at the adoption of the Constitution of the United States.

Resolved, * * * and as the powers of legislation granted in the Constitution of the United States to Congress do not embrace the case of the admission of a foreign state or foreign territory by legislation into the Union such an act of admission would have no binding force whatever on the people of Massachusetts.

Resolved, That his excellency the governor be requested to transmit copies of the preceding report and resolves to the President of the United States, the several Senators and Representatives in Congress from this Commonwealth, and the governors of the several States.

Approved by the governor February 22, 1845.

I beg to call special attention to the second resolution, and also to that part of the third resolution which directed the governor to transmit copies of the resolution, etc. All this was a part of the history of our country when Mr. Lincoln was elected by the solid vote of the States of the North, opposed by the solid vote of the States of the South.

A large part of the Northern press contended that the States of the South had a full right to secede if the people desired to withdraw from the Union, and it was common to see in the Northern press the words:

Erring sisters go in peace.

THE NORTHERN PRESS ADVOCATES SECESSION.

Mr. Lincoln's election was fully known on the evening of November 8, 1860, and the next morning, November 9, Mr. Greeley's New York Tribune contained the following:

GOING TO GO.

If the cotton States shall become satisfied that they can do better out of the Union than in it, we insist on letting them go in peace. The right to secede may be a revolutionary one, but it exists nevertheless.

And again, in the same issue of his widely circulated and influential paper, Mr. Greeley said:

We must ever resist the asserted right of any State to remain in the Union and nullify or defy the laws thereof. To withdraw from the Union is quite another matter; and whenever a considerable section of our Union shall deliberately resolve to go out we shall resist all coercive measures designed to keep it in. We hope never to live in a republic whereof one section is pinned to the residue by bayonets. Let them have both sides of the question fully presented; let them reflect, deliberate, then vote; and let the action of secession be the echo of an unmistakable popular fiat. A judgment thus rendered, a demand for separation so backed, would either be acquiesced in without the effusion of blood, or those who rushed upon carnage to defy and defeat it would place themselves clearly in the wrong.

The New York Tribune of November 16, 1860, again announced their views to the Southern people in an article headed "Secession in practice," in which the paper used the following words:

Still we say in all earnestness and good faith, whenever a whole section of this Republic, whether a half, a third, or only a fourth, shall truly desire and demand a separation from the residue, we shall earnestly favor such separation. If the fifteen slave States, or even the eight cotton States alone, shall quietly, decisively say to the rest, "We prefer to be henceforth separated from you," we shall insist that they be permitted to go in peace. War is a hideous necessity at best, and a civil conflict, a war of estranged and embittered fellow-countrymen, is the most hideous of all wars. Whenever the people of the cotton States shall have definitively and decisively made up their minds to separate from the rest of us we shall urge that the proper steps be taken to give full effect to their decision.

Three days afterwards, on the 19th, the same paper uses these words:

Now, we believe and maintain that the Union is to be preserved only so long as it is beneficial and satisfactory to all parties concerned.

We do not believe that any man, any neighborhood, town, county, or even State may break up the Union in any transient gust of passion; we fully comprehend that secession is an extreme, an ultimate resort—not a constitutional but a revolutionary remedy. But we insist that this Union shall not be held together by force whenever it shall have ceased to cohere by the mutual attraction of its parts; and whenever the slave States or the cotton States only shall unitedly and coolly say to the rest, "We want to get out of the Union," we shall urge that their request be acceded to.

The New York Herald of Friday, November 23, 1860, said:

THE DISUNION QUESTION—A CONSERVATIVE REACTION IN THE SOUTH.

We publish this morning a significant letter from Governor Letcher, of Virginia, on the subject of the present disunion excitement in the South, Southern constitutional rights, Northern State acts of nullification, and the position of Virginia in this crisis. * * * To this end would it not be well for the conservative Union men of the city of New York to make a demonstration—a Northern movement of conciliation, concession, and harmony? Coercion in any event is out of the question. A union held together by the bayonet would be nothing better than a military despotism. Conciliation and harmony, through mutual concessions, in a reconstruction of the fundamental law, between the North and the South, will restore and perpetuate the Union contemplated by the fathers. So, now that the conservative men of the South are moving, let the Union men of the North second their endeavors, and let New York, as in the compromises of 1850, lead the way.

And on the following day, November 24, the Tribune says:

FEDERAL COERCION.

Some of the Washington correspondents telegraph that Mr. Buchanan is attempting to map out a middle course in which to steer his bark during the tempest which now howls about him. He is to condemn the asserted right of secession, but to assert in the same breath that he is opposed to keeping a State in the Union by what he calls Federal coercion. Now, we have no desire to prevent secession by coercion, but we hold this position to be utterly unsupported by law or reason.

I will also quote an article from the New York Daily Tribune, Friday, November 30, 1860:

ARE WE GOING TO FIGHT?

But if the cotton States generally unite with her in seceding, we insist that they can not be prevented, and that the attempt must not be made. Five millions of people, more than half of them of the dominant race, of whom at least half a million are able and willing to shoulder muskets, can never be subdued while fighting around and over their own hearthstones. If they could be they would no longer be equal members of the Union, but conquered dependencies. * * * We propose to wrest this potent engine from the disunionists by saying frankly to the slave States:

"If you choose to leave the Union, leave it, but let us have no quarrel about it. If you think it a curse to you and an unfair advantage to us, repudiate it and see if you are not mistaken. If you are better by yourselves, go and God speed you. For our part we have done very well with you and are quite willing to keep along with you, but if the association is irksome to you, we have too much self-respect to insist on its continuance. We have lived by our industry thus far and hope to do so still, even though you leave us."

We repeat, that only the sheen of Northern bayonets can bind the South wholly to the evils of secession, but that may do it. Let us be patient, neither speaking daggers nor using them, standing to our principles but not to our arms, and all will yet be well.

I will read an extract from an editorial in the New York Times of December 3, 1860:

By common consent, moreover, the most prominent and tangible point of offense seems to be the legislation growing out of the fugitive-slave law. Several of the Northern States have passed personal-liberty bills, with the alleged intent to prevent the return of fugitive slaves to their masters.

From Union men in every quarter of the South come up the most earnest appeals to the Northern States to repeal these laws. Such an act, we are assured, would have a powerful effect in disarming the disunion clamor in nearly all the Southern States and in promoting the prospects of a peaceful adjustment of all pending differences.

The next day, December 4, the New York Times publishes another article, in which it says:

Mr. Weed has stated his opinion of the crisis thus:

1. There is imminent danger of a dissolution of the Union.

2. The danger originated in the ambition and cupidity of men who desire a Southern despotism, and in the fanatic zeal of the Northern Abolitionists who seek the emancipation of slaves regardless of consequences.

3. The danger can only be averted by such moderation and forbearance as will draw out, strengthen, and combine the Union sentiment of the whole country.

Each of these statements will command general assent.

The only question likely to arise relates to the practical measures by which the "moderation and forbearance" can be displayed.

And while the South Carolina convention was in session and before any State had seceded and when it was doubted by many whether such action would be taken, Mr. Greeley said:

If it (the Declaration of Independence) justifies the secession from the British empire of three millions of colonists in 1776, we do not see why it would not justify the secession of five millions of Southrons from the Federal Union in 1861. If we are mistaken on this point, why does not some one attempt to show wherein and why? For our own part, while we deny the right of slaveholders to hold slaves against the will of the latter, we can not see how twenty millions of people can rightfully hold ten, or even five, in a detested Union with them by military force.

In the same issue of Mr. Greeley's paper we read the following:

If seven or eight contiguous States shall present themselves authentically at Washington, saying: "We hate the Federal Union; we have withdrawn from it; we will give you the choice between acquiescing in our secession and arranging amicably all incidental questions on the one hand and attempting to subdue us on the other," we could not stand up for coercion, for subjugation, for we do not think it would be just. We hold the right of self-government even when invoked in behalf of those who deny it to others. So much for the question of principle.

This conservative view of the question which Mr. Greeley gave to the world with such emphasis and in which he expressed his opinion of the principle involved was reiterated for days, weeks, and months with the characteristic persistence of that able leader.

Mr. Greeley also said:

Any attempt to compel them by force to remain would be contrary to the principles enunciated in the immortal Declaration of Independence, contrary to the fundamental ideas on which human liberty is based.

These articles continued to appear in the Northern press for months after the election of Mr. Lincoln and until after most of the Southern States had seceded. They continued until after the people of the South had adopted a constitution and organized their new Confederate government; after they had raised and equipped an army, appointed ambassadors to foreign courts, and convened a congress; after they had taken possession of three-fourths of the arsenals and forts within their territory, enrolled her as one of the nations of the earth.

After all this, Mr. Greeley's paper continued to indorse the action of the Southern people as fully as it was possible for language to enable it to do so. Mr. Greeley said:

We have repeatedly said, and we once more insist, that the great principle embodied by Jefferson in the Declaration of American Independence, that governments derive their just powers from consent of the governed is sound and just; and that if the slave States, the cotton States, or the Gulf States only choose to form an independent nation they have a clear, moral right to do so. Whenever it shall be clear that the great body of Southern people have become conclusively alienated from the Union and anxious to escape from it, we will do our best to forward their views.

Mr. Greeley was earnestly and ably supported in his views by the most prominent men and able editors of Republican papers all over the North.

I cite the following from the Commercial, which was certainly the leading Republican paper of Ohio. After Mr. Lincoln was inaugurated the Commercial said:

We are not in favor of blockading the Southern coast. We are not in favor of retaking by force the property of the United States now in possession of the seceders. We would recognize the existence of a government formed of all the slaveholding States and attempt to cultivate amicable relations with it.

In addition to all this, the commander of the Federal Army, Gen. Winfield Scott, was very emphatic in indorsing the views of the New York Tribune and other papers, to the effect that secession was the proper course for the Southern people to pursue, and his oft-repeated expression,

Wayward sisters depart in peace,

seemed to meet the full approval of the great body of the people of the North. In obedience to all this advice, the Southern States did secede, and almost immediately the vast Federal armies were raised, battles were fought, money expended, and this, let me tell my friend from New York, was the cause of the vast appropriations regarding which he asked an explanation.

These appropriations were made to carry on the most stupendous war recorded in modern history. From April 15, 1861, to the close of the war there was called into the service of the United States 2,865,028 soldiers. Besides this, we have had evidence placed before Congress of numerous organizations called into service by the governors or other officials of border States which would probably number 500,000 men.

That these men were brave is proven by the terrible casualties of the battles which they fought.

The struggle from May 5 to May 12, 1864, at the Wilderness and Spottsylvania, which should really be called one battle, was a good index of the sanguinary character of the conflict.

The losses of Grant's army in that conflict, as reported in Scribner's statistical record, was 9,774 killed, 41,150 wounded, and 13,254 missing.

It gives an idea of the magnitude of this conflict to recall that Gen. Grant's loss in killed and wounded in this battle was greater than the loss in killed and wounded in all the battles of all the wars in this country prior to 1861.

The loss in all the battles of the seven years of the Revolution was 2,200 killed and 6,500 wounded.

The loss in the army of 1812 was 1,877 killed and 3,737 wounded.

The loss in the war with Mexico was 1,049 killed and 7,929 wounded; in all, only 19,227 men.

Now, if we add all the losses of the Indian wars, including the French and Indian war, the entire loss would be less than half the killed and wounded in this great battle.

As another evidence of the gallantry of the officers and soldiers, I will mention that during that war forty-six generals of the United States Army and seventy-six generals of the Confederate army were killed at the head of their commands in battle.

I have given an explanation of this matter to the best of my ability and from the standpoint of one whose feelings were and are in entire sympathy with the Southern people, but who since the close of that war has been as devoted to the Union of the States and the prosperity, welfare, and glory of our country as the most distinguished soldier who fought in the Federal army from 1861 to 1865.

Mr. MARTIN. I hope the gentleman will yield to me for a moment.

Mr. WHEELER of Alabama. Certainly.

Mr. MARTIN. I desire to ask the gentleman this question: With forty or fifty bills on the Private Calendar do not you think now it would be better to not to go into these general remarks——

Mr. WHEELER of Alabama. I shall occupy the floor but a few minutes longer. I did not intend to occupy so much of the time of the committee.

It seemed very clear to me from the discussion in the House that the purposes of the bill was not understood. I know all will concur with me that, where a man enlists as a soldier and serves in battle after battle for two and a half years, it would be a gross injustice to place upon him and his children the stigma of desertion, when in fact he was absent under circumstances which by no means justified that charge.

Mr. MARTIN of Indiana. For I beg to say to the gentleman—and he knows that I do not say this in unkindness, as I have the very highest respect for him—that if our sessions are to be taken up with general discussions, there will be no possible chance of securing action on any of these bills. What, then, will become of them?

Mr. WHEELER of Alabama. I shall not occupy more than three or four minutes.

The House had commenced a general discussion before I took the floor, and my friend knows that when a discussion of this kind commences it continues until the time for adjournment.

My distinguished friend from Indiana, I know, will admit that I am not at all responsible for the length of the discussion. He will admit that my speech was directly in line with the business before the House to-night, and that it would have been very brief had not the gentleman insisted on my explaining the cause for the enormous appropriations during the period from 1861 to 1865. I was going on, Mr. Chairman, to state the expenditures from 1865 down to the present time, but I will print the figures with my remarks. These expenditures are as follows:

TABLE NO. 5.—*Total expenditures of the United States, mostly under Republican government, from June 30, 1865, to June 30, 1894.*

Year ending June 30—	War.	Navy.	Indian.	Pensions.	Miscellaneous.	Net ordinary expenditures.	Premium.	Interest.	Total expenditures.
1866	$284,449,701.81	$43,324,118.52	$3,247,064.56	$15,605,352.35	$41,056,961.54	$387,683,198.79	$58,476.51	$133,067,741.60	$520,809,416.99
1867	95,224,415.63	31,034,011.04	4,642,531.77	20,936,551.71	51,110,223.72	202,947,733.87	10,813,349.38	143,781,591.91	357,542,675.16
1868	123,246,048.62	25,775,502.72	4,100,682.32	23,782,385.78	53,099,867.67	229,915,088.11	7,001,151.04	140,424,045.71	377,340,284.86
1869	78,501,990.61	20,000,757.97	7,042,923.06	28,476,621.78	56,474,061.53	190,496,354.95	1,674,680.05	130,694,242.80	322,865,277.80
1870	57,655,675.40	21,780,229.87	3,407,938.15	28,340,202.17	53,237,461.56	164,421,507.15	15,996,555.60	129,235,498.00	309,653,560.75
1871	35,799,991.82	19,431,027.21	7,423,997.44	34,443,894.88	60,481,916.23	157,583,827.58	9,016,794.74	125,576,565.93	292,177,188.25
1872	35,372,157.20	21,249,809.99	7,061,728.82	28,533,402.76	60,984,757.42	153,201,856.19	6,958,266.76	117,357,839.72	277,517,962.67
1873	46,323,138.31	23,525,256.79	7,951,704.88	29,350,426.86	73,328,110.00	180,488,636.90	5,105,919.99	104,750,688.44	290,345,245.33
1874	42,313,927.22	30,932,587.42	6,692,462.09	29,038,414.66	69,641,593.02	179,619,985.41	1,395,073.55	107,119,815.21	287,133,873.17
1875	41,120,645.98	21,497,626.27	8,384,656.82	29,456,216.22	71,070,702.98	171,529,848.27		103,093,544.57	274,623,392.84
1876	38,070,888.64	18,963,309.82	5,966,558.17	28,257,395.69	66,958,373.78	158,216,526.10		100,243,271.23	258,459,797.33
1877	37,082,735.00	14,959,935.36	5,277,007.22	27,963,752.27	56,252,066.00	141,535,497.35		97,124,511.53	238,660,008.93
1878	32,154,147.85	17,365,301.37	4,620,280.28	27,137,019.08	53,177,703.57	134,463,452.15		102,500,874.65	236,964,326.80
1879	40,425,660.73	15,125,126.84	5,206,100.08	35,121,482.39	65,741,555.49	161,619,933.53		105,327,949.00	266,947,882.53
1880	38,116,916.22	13,536,984.74	5,945,457.09	56,777,174.44	54,713,529.76	169,030,062.25	2,795,320.42	95,757,575.11	267,642,957.78
1881	40,466,460.55	15,696,671.66	6,514,161.09	50,059,279.62	64,416,324.71	177,142,897.63	1,061,248.78	82,508,741.18	260,712,887.59
1882	43,570,494.19	15,032,046.26	9,736,747.40	61,345,193.95	57,219,750.58	186,904,232.78		71,077,206.79	257,981,439.57
1883	48,911,382.93	15,283,437.17	7,362,590.34	66,012,573.64	68,678,022.21	206,248,006.29		59,160,131.25	265,408,137.54
1884	39,422,603.36	17,292,601.44	6,475,999.29	55,420,228.06	70,920,433.70	189,547,865.85		54,573,378.48	244,121,244.33
1885	42,670,578.47	16,021,079.67	6,552,494.63	56,102,267.49	87,494,253.38	208,840,678.64		51,396,256.47	260,223,935.11
1886	34,324,152.74	13,907,887.74	6,099,158.17	63,404,834.03	74,166,929.85	191,902,962.53		50,580,145.97	242,483,138.50
1887	38,561,025.85	15,141,126.80	6,194,522.69	75,929,101.79	85,261,825.59	220,193,602.72		47,741,577.25	267,932,179.97
1888	38,522,436.11	16,920,437.05	6,249,307.87	80,288,508.77	72,952,260.80	214,938,951.20	8,270,842.46	44,715,007.47	267,924,801.13
1889	44,435,270.85	21,378,809.31	6,892,207.78	87,624,779.11	80,064,064.26	240,955,131.31	17,232,362.05	41,001,484.29	299,288,978.25
1890	44,582,838.08	22,006,206.24	6,708,046.67	105,936,855.07	81,403,256.49	261,637,202.55	20,304,224.03	36,099,284.05	318,040,710.66
1891	48,720,065.01	26,113,896.46	8,527,469.01	124,415,951.40	110,048,167.49	317,825,549.37	10,401,220.61	37,547,135.37	365,773,905.35
1892	46,895,456.30	29,174,138.98	11,150,577.67	134,583,052.79	99,841,988.61	321,645,214.35		23,378,116.23	345,023,330.58
1893	49,641,773.47	30,136,084.43	13,345,347.27	159,357,557.87	103,732,799.27	356,213,562.31		27,254,592.18	383,477,954.49
1894	54,357,600.84	31,527,195.15	10,286,416.64	141,177,234.96	101,403,455.85	338,751,953.44		27,841,405.64	366,593,359.08
Total.	a1,640,947,780.69	624,130,204.89	199,078,148.27	1,704,995,792.57	2,046,261,174.90	6,215,598,349.56	118,145,486.60	2,390,935,018.17	8,724,678,854.33

a Includes Military Academy, Rivers and Harbors, Fortifications, etc.

Mr. CURTIS of New York. They were raised under compulsion; we were not answerable for them.

Mr. WHEELER of Alabama. I can not admit that. The expenditures during these years averaged annually $300,850.97.

I will now present a table which I have prepared, giving the expenses of every branch of our Government for each of the three periods I have mentioned, namely, the period before the war, the period during the war, and the period since the war. This shows that the total expenditures of our Government from March 4, 1789, to June 30, 1894, have amounted to the enormous sum of $14,870,959,696.85. The table is as follows:

TABLE No. 6.—*Showing expenditures of the United States Government for period before the war, during the war, and since the war.*

	War.	Navy.	Indian.	Pensions.	Miscellaneous	Not ordinary expenditures.	Premiums.	Interest.	Total expenditures.
Expenditures from March 4, 1789, to June 30, 1861; 72½ years	$562,914,213.39	$360,042,169.18	$96,904,164.35	$90,738,327.06	$487,845,595.22	$2,587,444,468.21	$5,834,626.91	$200,621,336.91	$2,793,900,422.06
Expenditures from June 30, 1861, to June 30, 1865; 4 years	2,715,782,211.05	314,229,189.69	13,174,276.41	23,254,822.53	115,218,714.02	3,181,759,205.69	1,717,000.11	169,003,304.75	3,352,380,410.46
Expenditures from June, 1865, to June 1894; 29 years	1,640,947,780.69	624,130,204.89	199,078,148.27	1,704,995,792.57	2,046,261,174.90	6,215,598,349.56	118,145,486.60	2,390,935,018.17	8,724,678,854.33
Total expenditures from 1789 to 1894; 105½ years	4,919,644,206.03	1,298,401,553.76	299,156,589.03	1,808,988,942.16	2,649,325,484.15	11,984,802,023.37	125,698,013.65	2,760,559,659.83	14,870,959,696.85

Mr. WHEELER of Alabama. I will also print the appropriations of all Congresses for thirty years, with the consent of the committee.

TABLE No. 7.—*Appropriations, fiscal year ending June 30, 1867, to year ending June 30, 1894, inclusive.*

For year ending June 30—	Congress.	Agriculture.	Army.	Diplomatic and consular.	District of Columbia.a	Fortifications.	Indian.	Legislative, etc.	Military Academy.	Navy.
1866	38th, 2d sess		$508,079,527.70	$1,284,250.00		$7,953,000.00	$2,590,415.41	$15,957,866.16	$237,404.00	$111,587,528.95
1867	39th, 1st sess		38,004,241.83	1,405,494.00		1,540,000.00	3,810,772.82	25,438,371.89	146,617.00	18,904,667.50
1868	39th, 2d sess		23,874,454.00	1,425,454.00			3,042,003.36	23,400,191.89	368,913.00	16,288,244.01
1869	40th, 2d sess		33,082,093.00	1,212,434.00			3,847,528.45	17,906,317.09	276,512.00	17,356,350.00
1870	40th, 3d sess		33,350,893.20	1,110,734.00				20,354,774.76	274,488.88	15,832,246.00
1870	41st, 1st sess						6,121,004.81			
1871	41st, 2d sess		29,321,367.22	1,041,347.00		1,311,500.00	6,324,164.15	18,949,258.40	314,869.20	19,250,290.29
1872	41st, 3d sess		27,719,580.00	1,466,134.00		1,627,500.00	5,448,540.90	19,518,229.24	316,269.50	19,832,317.25
1873	42d, 2d sess		35,083,615.33	1,219,659.00		2,037,000.00	6,349,462.04	18,671,785.74	326,101.32	18,296,733.95
1874	42d, 3d sess		31,796,008.81	1,311,359.00		1,899,000.00	5,541,418.90	17,120,495.60	344,317.56	22,276,257.65
1875	43d, 1st sess		27,788,500.00	3,404,804.00		904,000.00	5,680,651.96	20,783,900.80	339,835.00	20,813,946.20
1876	43d, 2d sess		27,933,830.00	1,374,985.00		850,000.00	5,360,554.55	18,902,296.99	364,740.00	17,001,006.40
1877	44th, 1st sess		27,621,867.90	1,187,197.50		315,000.00	4,572,762.01	15,417,933.33	290,065.00	12,742,155.40
1878	44th, 2d sess		*25,812,500.00	1,138,374.50		275,000.00	4,829,865.69	15,450,345.30	286,604.00	13,541,024.40
1879	45th, 1st sess		25,593,486.01	1,077,635.00		275,000.00	4,746,275.70	15,271,251.30	292,805.00	14,152,603.70
1880	45th, 2d sess		†20,797,300.00	1,067,835.00		275,000.00	4,713,478.58	16,287,457.73	319,547.33	14,029,968.95
1881	46th, 1st sess	b$253,302.00	26,425,800.00	1,180,335.00	$3,425,907.35	550,000.00	4,657,262.72	16,274,023.59	316,234.28	14,405,797.90
1882	46th, 2d sess	335,500.00	26,687,800.00	1,122,425.00	3,378,617.44	575,000.00	4,587,866.80	17,678,508.99	322,435.37	14,506,037.56
1883	47th, 1st sess	427,280.00	27,258,000.00	1,256,655.00	3,496,060.47	375,000.00	5,229,374.01	20,038,000.65	235,557.04	14,819,976.80
1884	47th, 2d sess	495,640.00	24,681,250.00	1,296,755.00	3,507,247.96	670,000.00	5,358,655.91	20,454,216.22	318,657.50	15,894,434.23
1885	48th, 1st sess	490,190.00	24,454,450.00	1,219,390.00	3,559,335.54	700,000.00	5,859,402.91	21,393,141.85	314,563.50	14,980,472.58
1886	48th, 2d sess	585,790.00	24,014,052.50	1,242,925.00	3,622,683.20	725,000.00	5,762,512.70	21,376,708.70	310,021.64	15,070,837.95
1887	49th, 1st sess	654,715.00	23,753,057.21	1,364,065.00	3,721,050.99		5,546,362.84	20,654,346.37	297,805.00	16,489,907.20
1888	49th, 2d sess	1,028,730.00	23,724,718.69	1,429,942.44	4,284,590.66		5,226,897.66	20,745,023.67	419,936.93	25,767,348.19
1889	50th, 1st sess	1,716,010.00	24,471,300.00	1,428,465.00	5,046,410.32	3,972,000.00	8,263,700.79	20,758,178.07	315,043.81	19,942,835.35
1890	50th, 2d sess	1,669,770.00	24,316,615.73	1,980,025.00	5,682,402.91	1,233,594.00	8,077,453.39	20,843,615.81	902,766.69	21,692,510.27
1891	51st, 1st sess	1,799,100.00	24,206,471.79	1,710,815.00	5,769,544.15	4,232,935.00	7,262,016.02	21,030,752.75	435,296.11	24,136,035.53
1892	51st, 2d sess	3,028,153.50	24,613,529.19	1,656,925.00	5,597,125.17	3,774,803.00	10,386,284.86	22,027,674.75	402,064.64	31,541,654.78
1893	52d, 1st sess	3,232,995.50	24,308,499.82	1,604,045.00	5,317,973.27	2,734,276.00	7,664,047.84	21,900,132.97	428,917.33	23,543,385.00
1894	53d, 2d sess	3,323,500.00	24,225,639.78	1,557,445.00	5,413,233.91	2,210,055.00	7,854,249.38	21,865,802.81	432,556.12	22,104,061.38
1895	53d, 2d sess	3,215,643.06	23,586,924.63	1,509,738.76	5,206,473.59	2,274,654.00	6,735,518.90	21,105,787.29	401,283.08	25,339,580.27

Year ending June 30—	Congress.	Pension.	Post-Office.c	River and harbor.	Sundry civil.	Deficiencies.	Miscellaneous.	Total regular annual appropriations.	Permanent annual appropriations.	Total appropriations.
1866	38th, 2d ses	$11,230,000.00	$14,096,500.00		$4,094,987.61	$3,964,277.70	$1,333,834.15	$681,631,691.68	$154,487,577.04	$836,119,068.72
1867	39th, 1st ses	15,440,000.00	20,166,025.00	$3,696,047.91	7,119,985.16	11,579,214.62	8,578,877.15	155,832,314.88	180,010,198.84	338,342,513.72
1868	39th, 2d ses	33,280,000.00	19,133,000.00		5,307,191.38	11,629,392.67	9,339,697.08	147,088,541.89	170,906,603.69	317,995,145.58
1869	40th, 2d ses	30,350,000.00	21,069,000.00		8,174,979.66	17,002,222.85	10,274,448.80	160,551,885.85	170,224,120.46	330,776,006.31
1870	40th, 3d ses	19,250,000.00	30,279,153.00		9,976,228.81	20,763,270.98	527,988.31	151,719,777.94	180,082,214.72	331,801,992.66
1870	41st, 1st ses			2,000,000.00		2,913,738.62	31,200.00	11,065,943.43		11,065,943.43
1871	41st, 2d ses	30,000,000.00	28,288,993.00	3,945,900.00	13,447,721.70	6,421,766.46	4,916,645.72	161,533,823.15	166,684,318.52	328,218,141.67
1872	41st, 3d ses	29,050,000.00	24,032,898.00		24,161,773.86	14,023,131.04	1,261,208.80	174,865,082.65	148,370,481.56	323,235,564.21
1873	42d, 2d ses	30,480,000.00	28,519,341.84	5,588,000.00	20,148,413.90	6,045,259.96	7,129,642.48	173,495,015.55	142,882,105.22	316,377,120.20
1874	42d, 3d ses	30,480,000.00	33,529,167.00	6,102,900.00	32,186,129.09	12,978,418.60	2,565,740.31	197,920,297.38	129,230,207.82	327,150,505.20
1875	43d, 1st ses	29,980,000.00	35,756,091.00	5,218,000.00	27,009,744.81	4,083,914.26	1,921,614.13	183,685,002.16	141,981,789.73	325,666,791.89
1876	43d, 2d ses	30,000,000.00	37,524,361.00	6,643,517.50	26,644,350.09	4,703,699.18	1,862,929.19	179,166,209.90	148,961,989.42	328,128,199.32
1877	44th, 1st ses	29,533,500.00	34,585,701.00	5,015,000.00	16,351,474.58	2,908,177.09	4,012,805.84	154,553,639.65	145,037,498.42	299,591,138.07
1878	44th, 2d ses	28,533,000.00	33,584,143.00		17,133,750.06	2,745,480.97	1,262,061.31	144,592,149.23	151,414,544.98	296,006,694.21
1879	45th, 1st ses	29,371,574.00	33,256,373.00	8,201,700.00	26,004,409.26	14,138,742.29	2,049,638.61	174,431,493.87	157,976,282.81	332,407,775.60
1880	45th, 2d ses	d56,233,200.00	36,131,400.00	7,846,600.00	21,656,340.06	3,163,297.15	1,926,020.26	190,457,445.06	181,662,184.24	372,019,629.38
1881	46th, 1st ses	e41,644,000.00	39,093,420.00	8,951,500.00	22,515,428.91	4,207,226.44	5,618,865.22	189,519,191.21	172,053,013.18	361,672,204.39
1882	46th, 2d ses	68,282,306.68	40,957,432.00	11,441,300.00	21,984,194.12	5,092,138.92	1,072,933.64	218,154,506.51	147,810,973.32	365,965,479.83
1883	47th, 1st ses	116,000,000.00	44,643,900.00	18,738,875.00	25,589,358.06	12,992,025.16	6,411,540.10	297,311,802.29	124,826,471.02	422,137,073.31
1884	47th, 2d ses	86,575,000.00	44,489,520.00		23,679,575.44	2,749,941.49	1,912,723.88	231,993,647.63	123,304,227.60	354,297,875.23

*The Army appropriation act for 1873 was passed during the special session of this Congress, but for the purposes of comparison is included under appropriations by the Forty-fourth Congress.

†The Army and legislative appropriation acts for 1880 were passed during the special session of this Congress, but for purposes of comparison are included under appropriations by the Forty-fifth Congress.

a Fifty per cent of the amounts appropriated for the District of Columbia are paid by the United States, except the amount for the water department, which is paid out of the revenues of that department, and was first included in the bill for 1883.

b Prior to 1881 appropriations for the Agricultural Department were provided for in the legislative acts.

c The appropriations for the postal service are paid out of the postal revenues, and any deficiency in the revenue is provided for out of the Treasury of the United States.

d Includes $26,867,200 for pension arrears, appropriated by special act.

e Includes $9,240,000 for arrears and pension deficiencies for 1880, appropriated by special act.

TABLE No. 7.—*Appropriations, fiscal year ending June 30, 1867 to year ending June 30, 1894, inclusive*—Continued.

Year ending June 30—	Congress.	Pension.	Post-Office.a	River and harbor.	Sundry civil.	Deficiencies.	Miscellaneous.	Total regular annual appropriations.	Permanent annual appropriations.	Total appropriations.
1865	48th, 1st ses.	$20,810,000.00	$49,040,400.00	$13,949,200.00	$22,299,434.30	$7,057,509.00	$9,592,598.40	$195,710,588.09	$123,118,901.04	$318,829,489.13
1866	48th, 2d ses.	60,000,000.00	53,700,990.00		26,079,257.49	4,923,855.80	2,177,648.20	219,595,283.18	116,844,639.02	336,439,918.20
1867	49th, 1st ses.	82,075,200.00	54,365,863.25	14,473,900.00	22,062,310.58	7,866,719.62	9,989,410.19	263,914,613.25	123,416,358.74	387,330,971.99
1868	49th, 2d ses.	83,152,500.00	55,694,650.15		22,386,540.96		4,811,991.49	248,672,870.84	110,338,052.68	359,011,523.52
1869	50th, 1st ses.	85,258,700.00	60,860,263.74	22,397,616.90	26,320,804.84	16,063,383.26	10,170,802.55	305,985,544.63	115,640,798.90	422,626,343.53
1890	50th, 2d ses.	89,758,700.00	66,605,344.28		25,297,341.65	8,330,518.30	10,255,795.29	286,646,460.32	108,691,055.95	395,337,516.27
1891	51st, 1st ses.	b123,759,368.35	72,226,608.99	25,136,295.00	29,738,282.22	13,295,541.61	7,010,905.27	361,770,057.79	101,628,453.00	463,398,510.79
1892	51st, 2d ses.	c164,550,383.34	77,907,222.61		37,410,363.99	9,364,148.62	4,371,531.10	402,531,864.55	122,486,808.00	525,018,672.55
1893	52d, 1st ses.	146,737,350.00	80,231,276.73	21,151,218.00	27,665,076.93	15,905,191.50	3,208,922.82	385,736,308.71	121,863,884.00	507,600,188.71
1894	53d, 2d ses.	166,731,350.00	84,004,314.22		41,716,311.15	22,277,086.36	520,499.18	404,036,085.29	115,468,273.92	519,504,359.21
1895	53d, 2d ses.	151,581,570.00	87,240,599.55	9,511,689.56	32,523,383.80	9,463,702.10	460,906.62	380,107,455.24	101,074,680.00	481,182,135.24

a The appropriations for the postal service are paid out of the postal revenues, and any deficiency in the revenue is provided for out of the Treasury of the United States.
b Includes $25,321,907.35, pension deficiencies for 1890.
c Includes $29,335,598.34, pension deficiencies for 1891.

I desire to call especial attention to the fact developed by this table, that when the Democratic party came into control of the Forty-fourth Congress they reduced the regular annual appropriations $32,000,000 below the average appropriations by Republicans during the five preceding years. And again, that when Republicans fell into control of the Fifty-first Congress they increased appropriations $160,000 a year above the average appropriations by the seven preceding Democratic Congresses.

During the five years immediately preceding the Forty-fourth Congress, the average regular annual appropriations by Republicans were .. $181,826,321.52
The Democrats then came into control of the House of Representatives and immediately reduced the regular annual appropriations to .. 149,572,894.44
Thus making an annual saving of 32,253,427.08
The Republicans again came into control of all branches of the Government in the Forty-seventh Congress and they immediately increased the annual average appropriations to 264,652,624.96
This was an annual average increase by Republicans in excess of Democratic appropriations of 86,034,554.04
In the Forty-eighth Congress the Democrats again had control of the House and they immediately reduced the annual average appropriations to 212,652,935.63
Thus making an annual saving to the people of .. 51,999,689.33
During the six years of Democratic rule in the House of Representatives, following the Forty-seventh Congress, the average annual appropriations were 253,587,560.05
The Republicans then obtained control in the Fifty-first, commonly called "the Reed Congress," and immediately increased the average annual appropriations to 382,150,961.17
Which was an increase above the average annual appropriations during the preceding six years, when the House was controlled by Democrats, of 128,563,401.12
For the first time in a third of a century the Democrats now have control of all branches of the Government, and notwithstanding Republican laws, which compel them to appropriate $151,581,570 for pensions, and notwithstanding many other expenses made necessary by Republican laws, they have succeeded in reducing appropriations, as they passed the House, to .. 380,107,455.24
A reduction below the appropriations of the "Reed Congress" of $2,043,505.93

In these calculations I have confined the figures to the annual appropriations by Congress, regarding that as the most just method of comparison. If we should include permanent appropriations, the comparison of the present Congress with the "Reed" Congress will be as follows:

Reed Congress, first session 463,398,510.79
Reed Congress, second session 525,018,672.55
Present Congress, second session 481,182,135.24
The appropriations this year would be much less, but the appropriations for pensions exceed that of the first session of the Reed Congress by .. 27,822,201.65
And the appropriation for the Post-Office by the present Congress exceeds that of the Reed Congress for the same purpose by 15,013,900.56
Most of which latter sum will be returned to the Treasury.

The figures given in the above table show the appropriations as the bills passed the House of Representatives.

The present status of these bills is as follows:

As reported to the Senate:
Indian 9,327,386.69
As passed the Senate:
Agriculture 4,225,183.06
Army bill 23,611,384.68
Diplomatic 1,591,218.27
District of Columbia 5,887,088.57
Fortifications 2,836,604.00
Legislative 21,378,665.79
Navy 25,327,126.72
Pensions 151,581,570.00
River and Harbor 12,946,680.00
As enacted into law:
Military Academy 405,523.08
Post-Office 87,236,599.55

EXPENDITURES BY STATES.

I will now give an interesting table showing the total amount of money expended by State, county, city, and town governments, as reported for the census year 1890. It will be seen that the total expenditure of this character by all the States amounted that year to $569,252,634, which when added to the $318,040,710 expended that year by the General Government makes the grand total of expenses of the Federal, State, and local governments $887,293,344. The table is as follows:

TABLE No. 8.—*Summary of expenditures of the State and local governments by States and Territories, 1890.*

States and Territories.	Expenditures of—						Total expenditures, State, county, city, town, etc.
	States.	Counties reported in detail.	Municipalities having 50,000 or more population and reported in detail, except for public schools.	Municipalities having less than 50,000 but 4,000 or more population and reported in detail, except for public schools.	School districts or other divisions in charge of public schools.	Additional estimated for places not reported in detail.	
Maine	$1,012,308	$434,627	.....	$2,145,211	$1,114,902	$1,073,060	$5,780,108
New Hampshire	445,366	576,887	.....	1,387,057	814,394	359,000	3,582,704
Vermont	401,005	9,962	.....	231,046	689,917	819,787	2,152,317
Massachusetts	6,027,407	1,620,395	$16,663,666	10,439,072	8,286,062	2,450,000	46,486,602
Rhode Island	769,559	(a)	1,967,616	1,544,834	917,990	500,000	5,699,999
Connecticut	1,365,132	184,766	1,625,967	1,766,251	2,123,839	922,407	6,488,362
New York	9,520,504	6,923,007	48,726,695	4,343,502	17,302,274	2,325,000	91,232,042
New Jersey	1,564,264	2,528,204	4,905,361	1,704,465	3,457,525	1,085,000	15,244,192
Pennsylvania	5,512,123	6,474,703	15,430,983	2,368,478	12,823,645	2,975,000	45,589,937

a Has no county financial system.

TABLE No. 8—*Summary of expenditures of the State and local governments, by States and Territories, 1890*—Continued.

States and Territories.	Expenditures of— States.	Counties reported in detail.	Municipalities having 50,000 or more population and reported in detail, except for public schools.	Municipalities having less than 50,000 but 4,000 or more population and reported in detail except for public schools.	School districts or other divisions in charge of public schools.	Additional estimated for places not reported in detail.	Total expenditures, State, county, city, town, etc.
Delaware	$112,025	$46,494	$398,581	$4,034	$329,008	$174,521	$1,064,663
Maryland	1,160,722	1,168,039	5,243,888	112,661	1,910,663	495,548	10,091,521
District of Columbia	4,135,878	(a)			906,124		5,042,002
Virginia	1,867,036	493,023	1,141,568	1,574,373	1,577,347	797,418	7,451,365
West Virginia	513,717	640,931		271,334	1,284,991	840,000	3,550,973
North Carolina	1,052,945	256,416		499,141	718,225	694,976	3,223,703
South Carolina	1,105,527	678,120	624,544	94,231	460,260	136,000	3,098,682
Georgia	1,531,600	399,475	894,788	1,720,717	967,590	1,517,000	7,031,260
Florida	567,684	152,247		223,952	476,503	612,207	2,032,593
Ohio	3,427,709	6,799,574	10,686,065	3,352,016	10,755,246	5,305,000	40,325,610
Indiana	2,205,120	6,320,585	1,037,071	1,297,417	5,900,233	1,410,000	18,260,426
Illinois	2,664,452	1,876,363	12,945,391	1,915,343	11,288,529	3,025,000	33,715,078
Michigan	2,209,262	1,856,450	3,622,298	1,969,028	5,446,416	2,250,000	17,415,454
Wisconsin	1,769,662	1,416,967	2,301,697	1,902,478	3,711,286	3,785,000	14,887,090
Minnesota	2,237,219	2,202,245	7,779,250	1,277,799	4,033,516	1,029,121	18,559,150
Iowa	1,420,608	2,534,245	364,631	1,828,565	6,477,256	3,660,000	16,285,305
Missouri	1,969,302	2,966,919	7,099,302	437,477	5,128,260	3,410,000	21,011,260
North Dakota		485,027		82,083	626,946	1,497,590	2,692,246
South Dakota	257,452	537,983		116,513	1,173,757	1,155,000	3,240,705
Nebraska	1,050,107	2,224,241	1,653,571	89,930	3,301,119	1,460,000	9,778,968
Kansas	1,318,879	2,232,382		1,945,947	4,972,967	3,244,000	13,714,175
Kentucky	2,372,184	322,859	1,428,269	777,432	2,026,552	1,461,213	8,388,509
Tennessee	1,376,961	482,529	1,350,795	353,775	1,300,351	1,500,000	6,394,411
Alabama	1,093,776	405,253		979,974	547,880	1,967,540	4,994,423
Mississippi	506,156	282,657		204,605	1,097,916	1,271,227	3,362,561
Louisiana	1,872,446	250,585	1,910,345	96,460	704,586	578,343	5,412,765
Texas	2,485,303	2,111,879		2,169,468	3,173,104	2,597,034	12,536,788
Arkansas	349,464	263,864		180,407	1,019,060	1,104,067	2,916,862
Montana	355,500	1,058,454		193,036	364,083	753,000	2,724,073
Wyoming	c96,630	255,372		17,000	152,918	277,000	797,920
Colorado	937,932	1,314,810		276,904	1,681,379	2,138,000	6,349,025
New Mexico	143,750	50,657			79,186	302,939	576,532
Arizona		155,993		17,098	177,484	647,000	997,575
Utah	332,065	291,550		1,044,336	394,677	191,500	2,254,128
Nevada	366,538	382,233			162,597	136,000	1,047,368
Idaho	99,424	177,625			168,318	245,000	690,367
Washington	504,609	1,303,012		2,093,034	944,190	1,110,000	5,954,845
Oregon	407,076	394,827		473,433	880,369	1,320,000	3,475,705
California	3,991,768	2,929,584	5,523,870	1,920,927	5,119,097	4,194,412	23,679,658
Total all States and Territories	77,105,911	68,479,220	155,356,212	57,442,844	c139,065,537	71,802,910	569,252,634

a Has no county financial system. b Approximated from State auditor's report for 1891.
c Amount expended for colleges, academies, normal schools, and other educational purposes not included.

Mr. PICKLER. Will the gentleman please print also the proportion of vetoes of pension bills by different administrations.

Mr. WHEELER of Alabama. I thank the gentleman for the suggestion. I had forgotten it. I desire to state as a matter of fact that Mr. Cleveland signed more bills for pensions to Federal soldiers than any President who preceded him.

I will now present a table showing the receipts and expenditures of the Federal, State, and local governments, including the deficiency in postal service. In order to get these facts I have corrected some errors made by the Census Office; for instance, they put down $66,259,547 as expended for the postal service that year when it should have been only $6,100,000, that being the total sum paid by the Treasury to make up deficiencies in the postal revenues.

RECEIPTS AND EXPENDITURES.

TABLE No. 9.—*Showing character of receipts and expenditures of the Federal, State, and local governments combined, schools included, arranged in order of amount, 1890.*

RECEIPTS.

Ad valorem taxes on real and personal property	$443,006,574
Customs	229,668,584
Internal revenue	142,606,706
Liquor license	24,786,496
Income from funds and investments	14,546,352
Special assessment for streets and bridges	13,196,991
Licenses other than liquor	11,144,338
Tax on railroads separately reported	9,926,547
Profit on coinage of silver dollars	9,385,417
Tax on corporations except railroads separately reported	8,758,184
Special assessments for sewers	8,254,978
Miscellaneous, fees, fines, and penalties	8,253,370
Sale of public lands	6,358,272
Proceeds, sales of government and other property	3,263,855
Penal and reformatory institutions	3,154,520
Tax on banks and bankers separately reported	3,153,135
Sinking fund for Pacific railways	1,842,565
Fees, consular and lands	1,719,071
Fees on letters patent	1,247,621
Tax on circulation of national banks	1,301,327
Customs fees, fines, penalties, and forfeitures	1,290,325
Interest on deposits	986,656
Profit on coinage other than silver dollars	831,828
Repayment of interest on Pacific railways	705,691
Tax on sealskins	262,500
Waterworks and other enterprises, net	118,215
Miscellaneous, including reimbursements to counties	32,341,797
Total	982,390,315

EXPENDITURES.

Pensions and other charities	$146,895,671
Educational purposes and public schools	145,583,115
Interest on debt	82,748,423
Roads, sewers, ditches, and bridges	72,262,023
Public buildings and sites, construction and purchase separately reported	38,890,970
Salaries separately reported, fees and commissions	37,552,655
Military purposes	35,537,611
Police	23,934,376
Judiciary, including county courts, inquests, and inquiries	23,071,075
Premium	20,304,224
Public buildings and sites, care and maintenance, including construction, not separately reported	17,950,177
Executive Departments	16,770,891
Fire	16,423,830
Naval establishment, except for new vessels	15,174,403
Penal and reformatory institutions	12,381,425
Improving harbors and rivers	11,737,428
Lighting	11,363,780
Congress and legislative	10,485,825
Constructing new war vessels	6,831,803
Indians	6,708,047
Postal service, excess over revenue	6,100,000
Health	3,280,294
Public parks and places	2,932,697
Foreign intercourse	1,648,277
Miscellaneous	120,692,413
Total	887,293,344

I will now collate these figures, so as to show the receipts and expenditures of the Federal, State, and local governments during the census year 1890, distributed by divisions. The receipts were as follows:

United States Government, excluding postal revenues	$403,090,982
States, Territories, and District of Columbia	116,157,640
Counties, partly estimated	133,525,493
Municipalities, partly estimated	329,635,200
Total	982,390,315

The expenditures were as follows:

United States Government, including postal service deficiencies	$318,040,710
States, Territories, and District of Columbia, except for public schools	77,105,911
Counties, except for public schools, partly estimated	114,573,401
Municipalities, except for public schools, partly estimated	232,988,592
Public schools	139,065,537
Miscellaneous	5,517,182
Total	887,293,344

I desire to call attention to the fact that the very largest item of expenditure is for pensioning soldiers. I also desire to call the attention of my single-tax friends to the great amount of money that is now collected from real estate. The amount of taxes on real estate and personal property was not separately reported to the Census Office, but the real estate was assessed at $18,956,556,675, and the personal property at $6,516,616,743; the total value would therefore be $25,473,173,418, showing that $329,742,400 is derived from a direct tax upon lands, etc.

I will now present a very interesting table showing the receipts and expenditures of the Post-Office Department from June 30, 1865, to June 30, 1894.

THE POSTAL SERVICE.

It will be observed in the above table of Government expenditures that there is no column showing the expenditures for the postal service. This is accounted for from the fact that the receipts in that Department have very nearly met the expenditures, and the small deficiency is included in the column headed "miscellaneous." For instance, the appropriation for the year ending June 30, 1894, was $84,004,314.22, and the revenues of the Department so nearly paid the expenses that they were only compelled to take from the Treasury $8,250,000. In order to illustrate the wonderful growth of the postal service, I have prepared a table showing the revenue and the expenditures for each year since the war, and also the amount which was taken from the Treasury each year to meet the deficiency in the revenues.

The first column of the table shows the total receipts or revenue of the Post-Office Department from the year ending June 30, 1865, to June 30, 1894. The second column gives the expenditures for those years, and the third column the amount drawn from the Treasury to make up the deficiency. The reason why this third column differs in some instances from the actual deficiency is that sometimes at the end of the year the money on hand exceeds unpaid liabilities, and sometimes the condition is the reverse.

The table is as follows:

TABLE NO. 10.—*Receipts and expenditures of the Post-Office Department from June 30, 1865, to June 30, 1894.*

Year ending June 30—	Receipts from business.	Expenditures.	Received from Treasury.
1866	$14,436,986.21	$15,352,079.30	
1867	15,297,026.87	19,235,483.46	$3,991,666.67
1868	16,292,600.80	22,730,592.65	5,696,525.00
1869	18,344,510.72	23,698,131.50	5,707,115.30
1870	19,772,220.65	23,998,837.63	4,022,140.85
1871	20,037,045.42	24,390,104.08	4,126,200.00
1872	21,915,426.37	26,658,192.31	4,933,750.00
1873	22,996,741.57	29,084,945.67	5,690,475.00
1874	26,471,071.82	32,126,414.58	5,922,433.55
1875	26,791,360.59	33,611,309.45	6,704,646.96
1876	28,634,197.50	33,263,487.58	5,068,583.03
1877	27,531,555.26	33,486,322.44	7,013,300.00
1878	29,277,516.95	34,165,084.49	5,307,752.82
1879	30,041,982.86	33,449,899.45	3,297,965.25
1880	33,315,479.34	36,542,803.68	3,597,717.20
1881	36,785,397.97	39,592,566.22	3,297,921.46
1882	41,876,410.15	40,482,021.23	6,595.12
1883	45,508,692.61	43,232,944.43	21,416.85
1884	43,325,958.81	47,224,560.27	140,690.79
1885	42,560,843.83	50,046,235.21	6,066,473.00
1886	43,948,422.95	51,004,743.80	8,751,070.73
1887	48,837,609.39	53,006,194.39	4,746,167.06
1888	52,695,176.79	56,468,315.20	3,386,441.70
1889	56,175,611.18	62,317,119.36	5,745,017.89
1890	60,882,097.92	66,259,547.84	6,100,000.00
1891	65,931,785.72	73,059,519.49	4,441,772.08
1892	70,930,475.98	76,980,846.16	6,260,232.64
1893	75,896,933.16	81,074,104.90	6,727,828.43
1894	74,980,253.84	84,212,057.05	8,250,000.00

I desire to call attention to the marvelous and gratifying growth of the postal service. It is pleasing to observe that, notwithstanding the reduction in the postal charges, the constantly increasing facilities, the rapid and frequent mails, the free delivery and other conveniences, involving immense expenditures, increasing as they have from $15,332,079 in 1866 to the enormous sum of $84,212,057 in 1894, the receipts have kept pace with the disbursements, and the percentage of deficiency is much less now than it was a quarter of a century ago.

Now, with the permission of the House to print these tables, I will yield the floor.

The CHAIRMAN. The gentleman asks unanimous consent to print the tables and documents to which he has referred as an addition to his remarks. The Chair hears no objection.

Mr. HEPBURN. Will the gentleman have any objection to say now, since he has made his speech, which side of this question he is on? [Laughter.]

Mr. WHEELER of Alabama. I am a member of that committee which reported this bill; and I wish to say to the gentleman that we examine all these questions thoroughly; and that we report against possibly nine out of ten that come before us. We take a judicial view of them. There is no partisanship in that committee, and when we report a case it is because we believe it to be proper to report. We are satisfied with the evidence on which it is based, and for that reason feel that we can recommend it to the House.

Mr. DOCKERY. Are you for this bill?

Mr. WHEELER of Alabama. Yes; I certainly favor the charge of desertion being removed from this man's record.

Mr. HEPBURN. All of us on this side of the House are with the gentleman from Alabama on this question, and if he will attend to the gentleman from Virginia [Mr. JONES] we will get along with this case very quickly. [Laughter.]

Mr. WHEELER of Alabama. I will say in reply to the gentleman that the gentleman from Virginia and our friends of the South, as I have shown, are better friends of the Federal soldier than gentlemen on the other side of the House. [Laughter.] They seek to give a pension to every soldier who deserves it; and in order to do this they sometimes feel it their duty to object to pensions that it seems to them are simply proposed to pay for political partisanship.

Mr. HEPBURN. Does the gentleman mean to intimate that this is one of those cases?

Mr. WHEELER of Alabama. I do not intimate it at all, sir. I certainly have made no such intimation in my speech.

Mr. HEPBURN. Do you think it is?

Mr. WHEELER of Alabama. I can not say what the purpose was in introducing this bill, but I do know that the evidence in this case shows that the beneficiary is not a deserter.

Mr. BRYAN. I hope our friends on the other side will not delay action on this bill.

The CHAIRMAN. The Chair understands the gentleman from Alabama to ask unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CURTIS of New York. Mr. Chairman, I do not wish to occupy much of the time of the committee, yet I desire to offer a few general observations in reply to some of the statements made by my friend from Virginia [Mr. JONES], as well as some of those of my friend from Alabama [Mr. WHEELER].

I am a member of the committee that reported this bill, as well as my friend from Alabama [Mr. WHEELER], who has just delivered a carefully prepared set speech. I want to call attention to this broad fact: That of all the reports made to this House from the standing committees there is hardly one that is questioned, its conclusions opposed, or a contest made over the evidence presented, except the reports from the Committee on Pensions, the Committee on Invalid Pensions, or those from the Committee on Military Affairs in favor of the removal of the charge of desertion.

These committees are composed of as creditable and as well-informed men as those who compose the other standing committees of the House. The object of the opposition of my friend from Virginia [Mr. JONES] and others is too evident to require further reference.

Now, my friend from Alabama comes here with a carefully prepared speech for the purpose of informing the House and the country as to the action of the two great parties in appropriating moneys for the payment of pensions, with the express purpose of extolling the generosity and fidelity of the Democratic party to the old soldiers.

I have no doubt that my friend, competent as he is to judge, aware, as he doubtless is, of the bad effect upon the country of these fruitless efforts in every Friday night session to pass bills granting pensions to those who are deserving, has thought it necessary for him or some other conspicuous leader of the Democratic party to come before this House and explain why pensions are not granted in deserving cases, and to substitute instead of a frank explanation an ingeniously constructed speech to extol the record of the party with which he affiliates in making appropriations in the past. My friend commences his statement with the annual appropriations for pensions following the close of the war and continues them to the present year, a most valuable contribution, I admit.

There were during the first decade after the war comparatively few pensions granted. They were increased in the second decade and quadrupled in the third decade. The pension list has steadily grown in the progress of years since the war; and the injuries these men received in the prosecution of that war have increased in arithmetical proportion. That party which my friend calls the party of extravagance is the party that placed on the statute books the laws under which were granted the pensions which have been paid, and it does seem to be a piece of extravagant generosity for a member of the Democratic party

to come into the House and claim special consideration for that party because it did not neglect the duty imposed upon it to appropriate the moneys to pay the pensions which had been granted under laws enacted by the Republican party.

The laws that the Republican party placed upon the statute books granting to those who had suffered in defending the Union required large appropriations, and my friend, Gen. WHEELER, claims special credit for his party for appropriating money to defray the legitimate expenditures of the Government.

I hope, Mr. Chairman, all appropriations for this purpose will be carefully considered and duly estimated for in the future. Whether we should go into a discussion of the war and the reasons which impelled those who inaugurated it to do so, I will not stop to consider.

I am sure there is no desire on my part to enter upon that discussion although the necessity for the granting of these pensions is the direct outgrowth of that war. I will gladly come here and listen to him while he states the policy of his party in regard to the granting of pensions, and I will be glad to hear from him or other prominent leader of that party any explanation they have to make for refusing to grant those meritorious cases which do not come under the general law.

Mr. Chairman, we have been in session nearly a year, and I doubt if we have sent to the Senate more than one pension case a week during all of that time. Who are responsible for the failure to pass these bills? These committees have been appointed by a Democratic Speaker. A majority of the members of the Invalid Pensions Committee, of the Pension Committee, and of the Committee on Military Affairs, belong to the dominant party, yet when these committees favorably report bills to the House, men rise here on every Friday night to contest the judgment of the committee, dispute the evidence on which these reports are made and forget during the day sessions of the week to call in question a single report from any other of the committees that come before the House for its action.

The attention of the House has been called to this subject by the explanation of my friend from Alabama. I wish to call your attention to the fact that an explanation has been made. There are strong reasons why an explanation should be given the country, and I think we ought to give an ample opportunity to my friend from Alabama [Mr. WHEELER], or any other gentleman who comes here for that purpose. It will be useful to that party, and may possibly contribute to its success, to explain why it is that one or two gentlemen, members in good standing in the Democratic party, are permitted to block the consideration of all pension legislation in this House.

My friend from Alabama, I am glad to say, does not take that position, and I am glad to say also that few of his associates do. It defeats all legislation, when a quorum is not present, for a single man to stand up in opposition to the consideration of a bill. I acquit almost all who come here from any such purpose, but if we have one or two or three who assume the responsibility of defeating bills by calling a quorum to save the Government the trifling expenditure necessary to meet the payment of just pensions, they, and they who are responsible for their action, are the men who ought to be allowed an opportunity to explain.

It is for that reason and that reason only that I have thought fit in this manner, without preparation, to call the attention of the House to the underlying reason why my friend has brought into the House a mantle to cover their neglect to do the plain duty which the rules of the House have prescribed, and which each Congress has done without exception for thirty years; that is, to give in these Friday night sessions consideration of pension cases not covered by any general law, and to remove charges of desertion which are not necessarily true cases of desertion, but to correct records by competent testimony to enable claimants to have their claims considered on their merits with a full knowledge of the facts.

Mr. MCNAGNY. Will the gentleman allow me to ask him a question?

Mr. CURTIS of New York. Certainly.

Mr. MCNAGNY. Do you think it good faith to charge a great party with obstructive tactics set on foot by two or at most three individuals, when the bulk of the party is ready and willing to act in accordance with the suggestions the gentleman has made and with your side of the House in the passage of such measures? I say, do you think that quite fair?

Mr. CURTIS of New York. Mr. Chairman, I wish to be understood, and I believe my language will conclusively show that I have said that I thought it was pertinent and proper for some representative of the dominant party in the House to come forward and explain why it is that party allows one, two, or three persons to stand up and thwart all legislation of this character and bring members here week after week, and send them back without being able to perform the duty that brought them here.

Mr. MCNAGNY. Will you pardon a further observation?

Mr. CURTIS of New York. Certainly, sir.

Mr. MCNAGNY. I think it will be found, Mr. Chairman, that the Democratic party, the great patriotic party which it is, repudiates and condemns the obstructive tactics which have been brought forward here night after night for almost a year upon the subject of pensions [applause]; that that party is not in sympathy with them; that that party is in favor of granting pensions to every Union soldier who needs them, and to his wife and to his orphaned children; that that party is in accord with the patriotic sentiment of the country which demands that the pension policy shall be carried forward until every soldier and his widow and his orphan children shall be dealt with by this Government in a spirit of exact justice and right.

And you will pardon me for saying that the Democratic party does not approve of these obstructive tactics; that the Democratic party repudiates them, and that it is wrong and unjust to charge that party with such tactics which are set on foot by two or three individuals who in this connection do not speak for the Democratic party, who have no right to speak for it, who do not bind it and can not bind it, either in the great forum of public opinion, or on the floor of this House; and I for one denounce the charge as untrue that the Democratic party is in the attitude of opposing the granting of pensions in any just and worthy case. Pardon me for having interrupted so long. [Applause.]

Mr. CURTIS of New York. In answer to my friend's last interruption, I call attention to the fact that this night, for the first time in a year, has a leading Democrat, a man of conspicuous ability and high character—who has shown it not only in this House, but elsewhere—come forward to make an explanation and tell the country that the Democratic party has excelled all others in the discharge of its duty to the soldiers. I simply, in further reply to my friend, call attention to the fact that one, two, or three persons in that party have been able to stand up session after session and thwart all its noble purposes, which my friend would have us understand exist, and which we gratefully acknowledge.

Heretofore party leaders have been silent, and now for the first time has an excuse been brought forward in the nature of a shield and a cover for these obstructive acts which have continued uncondemned until the closing days of the session. In view of these facts I do not feel it improper to say that I welcome the opportunity which my friend from Alabama [Mr. WHEELER] has had of disclaiming his approval of the objective tactics and of offering the excuse which he has offered for the neglect of this Congress for a whole year to discharge the responsibilities which have been thrown upon it under the rules of the House and upon the committee which its Speaker has appointed. It is well known where the responsibility rests for the failure of this House to consider pension bills.

Mr. JONES. I desire to ask the gentleman from Alabama a question. So far as I know, the gentleman from Alabama is the only gentleman present who represents the Committee on Military Affairs. He is the only one whom I have heard mention the fact of being a member of that committee. Now, do I understand the gentleman to say, in speaking of this claim, that his committee generally examined these cases carefully, or do I understand him to go further and to say he has personally examined this case carefully?

Mr. WHEELER of Alabama. I will state that every bill is brought before a subcommittee, and then before the full committee, and is read and examined by the full committee; and I regard the investigation there made as being as careful as the investigation which chancellors devote to the cases that come before them.

Mr. JONES. The gentleman has not answered my question. My question is whether he has made any personal examination of this case; not what the committee usually does, but whether the gentleman himself has personally examined the testimony bearing upon this case?

Mr. WHEELER of Alabama. I can not say that I recall now, in the numerous cases that have been before the committee, hearing this case read, but I have read the report since, and I feel confident that every paper was critically examined.

Mr. JONES. I understood the gentleman to say that of the numerous bills introduced in this House and referred to his committee, the committee reject nine out of ten of the bills as being without merit.

Mr. WHEELER of Alabama. I think that is a fair statement.

Mr. JONES. I want to say to the gentleman that this report shows that this man, who claims to have been sick during the year that he was charged with being home as a deserter, did not make application to the Pension Department, which had jurisdiction of this matter, until the 20th of September, 1886, over twenty-two years after the charge of desertion was made against him.

Mr. BRYAN. Is there any evidence that he knew that the charge was standing against him?

Mr. JONES. There is this evidence. that he considered himself a wounded and maimed soldier, and there is a statement made by a gentleman on this floor that he is and has been, as the result of these wounds then received, absolutely in need of a pension. And I take it for granted that if he was absolutely in need of a pension; that if he was wounded at the battle of Murfreesboro, and suffered from these wounds all the time, and was unable to support himself, he would not have deferred for twenty-two years putting himself in a position to receive a pension.

He would not have put off until all the witnesses who could testify had disappeared or died and until he could only produce two witnesses who had barely heard him declare he had been wounded in battle.

Mr. RAY. May I interrupt the gentleman?

Mr. JONES. The gentleman may.

Mr. RAY. Perhaps you are not aware of the fact that there have been hundreds, and perhaps I may truthfully say thousands, of Union soldiers who did not know that they were reported as deserters until ten, fifteen, or twenty years after the war closed.

I have a case in mind which, if the gentleman will pardon me, I should like to call his attention to. A widow in my county applied for a pension on account of the death of her husband.

She was married to him and he went into the Army a young man. She never heard of him after the second battle of Manassas, and she supposed he was dead. She made an application for pension, and it was finally reported to her that she could not have it for the reason that her husband was a deserter. It appeared that he was so entered upon the roll. Now, on looking that case up, evidence was produced, and there was no contradiction, that the soldier was left under a tree in the night at the close of the battle with a bullet through his body. That is the last that was ever heard of him. The soldier was borne upon the roll as a deserter.

Now, what would you say about that, assuming all these facts to be true? You would say, of course, that it was an unjust charge; and I might go on with a dozen and even a score of cases of that kind. I simply speak of this to call your attention to the fact that this charge of desertion was an easy one to make, where the sergeant, or the captain, or the colonel did not know that the soldier had been killed; and when he did not answer the roll call they would very probably enter him as a deserter, when, in point of fact, he might be wounded or be sick somewhere in hospital.

Mr. JONES. I would say in reply to what the gentleman from New York has said that the case he has cited is an exceedingly exceptional one, in my opinion. I will say further in substantiation of that position, that there have been a number of bills of this sort before the Committee of the Whole; a number of reports have been read; and in nearly every one of those cases it has been urged in behalf of the applicant that when he deserted it was after the war had actually closed and there was no command to which he could report; and that if he deserted it was not until after the war was practically over; or that he did not know the charge was against him.

Most of the cases that we have had under consideration were cases of that sort. This man deserted in the very flood tide of the war. He deserted when the war was at its very height. He deserted in April, 1864, and went back to the State of Massachusetts, and according to his own testimony he had recovered before the close of the war. The war had not ended. The war had not ended on the 12th of May, 1865; and according to his own testimony he was not sick over twelve months. He did not, therefore, return to his command, if we can take his own statement, when he was able to do so.

The affidavits are given twenty-two years after the desertion, one of them given nearly thirty years after the desertion. If this man was suffering from rheumatism or malaria, he could easily have furnished his commander or the War Department with an affidavit or certificate of the fact. It does not appear.

The gentleman says that he never offered any excuse for his conduct, because he may not have known that this charge of desertion was against him. Upon that point I wish to say that every report that has been before us, where the facts justified such a statement, contained that statement. It is strange that it is omitted in this one if there was any testimony to justify it.

Mr. LACEY. I would like to call the gentleman's attention to the statute.

Mr. JONES. This report contains a little over twelve lines, and five and one-half of those lines are taken up with the statement of the bill and amendment, which provides that no pay, bounty, or emolument shall become due. There are actually only six and one-half lines of this report; and it is upon the statement contained in six and one-half lines that we are asked, upon the testimony of this man—the deserter himself—to remove the charge of desertion. I take it that if he had not known the charge of desertion was resting against him, in some among the many affidavits he filed he would have stated that fact as some extenuation of his delinquency in making this application.

Mr. LACEY. The gentleman urged the fact that this application was not filed until September, 1886, as a circumstance against the claim. Now, is not that all explained away by the fact that the act under which this man made the application was not passed until May 17, 1886? Up to that date there was no law authorizing the application to be made to the Secretary of War for the removal of the charge of desertion in these cases; and this soldier made his application within a few months after the passage of the act.

Mr. JONES. Does the gentleman refer to the application for the removal of the charge of desertion, or to the application for a pension?

Mr. LACEY. The removal of the charge of desertion.

Mr. JONES. What was in the way of his making to Congress such an application as he now makes? Why has he neglected to make this application for nearly thirty years?

Mr. LACEY. I do not know as to that; but he did make his application to the War Department within a very few months after the act was passed.

Now, let me call attention to a further fact. This case does not rest on this man's testimony alone. Dr. Paige swears that he treated him in April and May, 1864, and from that time until the close of the war, and that he was suffering from debility and malaria and malarial poisoning during all that time. So that in fact he never deserted at all.

Mr. JONES. In reply to that, I will say that this doctor made two affidavits. The first affidavit covered only April and May of 1864; and the man's furlough did not expire until May 12, 1864, so that the whole of the treatment as set forth in the first affidavit may have been during the thirty days that he was on furlough.

Mr. HEPBURN. Will the gentleman allow me to correct him again?

Mr. JONES. Wait a moment. Subsequently this doctor filed a supplemental or additional affidavit—nearly thirty years after the service was rendered—in which he says that he treated the man during the remainder of 1864 and 1865 for debility and malaria. But he nowhere states in his affidavit that the applicant was unable to return to his command on account of the disease from which he was suffering. I infer from this omission that he went just as far as a regard for the truth would permit him to go.

Mr. HEPBURN. The gentleman, in his anxiety to discredit the testimony of Dr. Paige, misquotes it. It is nowhere reported here that Dr. Paige said in his first affidavit that he treated this man in April and May; and the statement is that he treated the soldier in May and at other times in 1864; and then in his second affidavit the doctor says that the soldier "was not able to leave his bed when his furlough expired, and was sick for about a year, and could then get about only on crutches." This is the doctor's testimony.

Let me correct the gentleman further with reference to his statement that this man had said that his diseased condition existed only until May 12, 1865. There is nothing of that kind in the affidavit. The gentleman misquotes it. On the contrary, he says that—

About April, 1864, he obtained a furlough for thirty days, being unfit for duty, and went home; that he became much worse and was under the medical treatment of one Dr. Paige; that he remained under Dr. Paige's treatment until his regiment was mustered out of service.

Mr. JONES. Will the gentleman tell me where the language "he became much worse" is found in this report?

Mr. HEPBURN. It is in this man's testimony. I have just quoted it.

Mr. JONES. Will the gentleman show it to me? I do not see it.

Mr. HEPBURN. I read it again:

That he became much worse, and was under the medical treatment of one Dr. Paige.

I do not wonder that the gentleman misquotes, if he is unable to read the printed language of the report.

Mr. JONES. This is what the report says:

That while there—

At his home—

he was taken sick, was treated by Dr. Paige, was not able to leave his bed when his furlough expired, and was sick about a year, and could then get about only on crutches.

That is the man's own testimony.

Mr. LOUD. I ask that general debate be now closed.

The CHAIRMAN. The gentleman from California asks unanimous consent that general debate be closed. Is there objection?

Mr. JONES. I object.

Mr. TALBERT of South Carolina. Mr. Chairman, I had not intended to say one single word in regard to the question at issue to-night. I did not come here with the intention of making a speech; but I can not sit down here quietly under the innuendoes and insinuations that have been thrown out by the gentleman from New York [Mr. CURTIS] against possibly two or three members of the Democratic party, who he says have come here Friday night after Friday night and thrown themselves as obstructionists across the path of giving pensions, as he says, to deserving Union soldiers.

Mr. Chairman, I deny it. I say, sir, that no member of the Democratic party, nor two, nor three, nor four, have done any such thing. I deny that any member of the Democratic party has come here and opposed a single deserving pension that ought to have been given to a Union soldier. But, Mr. Chairman, I do say that several of us—and I have helped to do it—have come here and interposed our objections against robbing the United States Treasury under the pretended head of pensioning deserters, coffee-coolers, bounty-jumpers, and men who really ought to have been shot before or since the war ended.

I say I will not sit down here and be quiet under any such imputations or any such insinuations. It is not true, and they have not done it. And I want to say that I have not one single word to take back that I have uttered on this floor against pensioning any deserter, or any person who I thought was not entitled to a pension. I stand by every word. And, Mr. Chairman, I still say as long as God shall let me live and I can come here on Friday night, I shall not allow, if I can help it by fair and honorable means, a single pension to be granted to a man whom I believe was a deserter, and who skulked off like a coward instead of facing the enemy like an honest, brave, patriotic soldier.

I say that it is unjust to try to cast this odium upon the Democratic party here or any portion of it. Over $150,000,000 have been freely voted by the Democratic Congress to pension Union soldiers for next the year; a more liberal appropriation than has ever been granted by any nation upon the face of the earth.

I have been here, Mr. Chairman, every single Friday night since I have been a member of this honorable body; and on every occasion, while I have not the figures at hand, there were nearly twice as many Democrats present as Republicans. Now, then, who is staying away to prevent a quorum when we have twice as many Democrats here as Republicans on every Friday night.

Mr. HOOKER of New York. You ought to have, when you have about 100 majority.

Mr. TALBERT of South Carolina. Where are the Republicans? Where is the gallant Mr. REED? Where is the gallant Mr. BURROWS? Where are they? Where are the Democrats? Where are all of the members of this body, Democrats, Republicans, and Populists, whose duty it is to come here not only in the day but in the night to furnish a quorum; not only to pass pension bills but other legislation. I say they will have to give up their euchre parties and entertainments and give up their claw-hammer coats and come here and give the Union soldiers their pensions, if they are just.

I feel that it is sheer hypocrisy to stand up here and charge upon the Democratic party the onus of having denied pensions. It is not so. It is not true. Where to-day are a number of Republicans and Democrats, and Populists, too. Numbers of them are in their districts building fences, when it is their sworn duty to be here in their seats. Numbers of them, when they have unfulfilled pledges, are at home making more pledges, and piling them up, instead of being here fulfilling pledges already made to their constituents by the score.

The charge is right there, and not against those who come here every night and are willing to make a quorum. I have voted on every question since I have been a member, and I stand ready to make a quorum on either one side or the other; and if gentlemen on the Democratic side and gentlemen on the Republican side will quit their hypocritical cant and nonsensical stuff and show their devotion to the soldier by coming here in sufficient numbers they can pass pension bills, for they can pension even the dogs if they wish, because a majority will always vote for pensions. But they do not come. Let them come here and do their duty, and either "put up or shut up."

Now, we are in a tremendous condition in this House, which reminds me of what I once heard a preacher say of one of his congregation. He said: "Now, I want to preach to all good Christians a little while; and I want all of those who are not good Christians to get out; and I will pause for them to get out." Not a single man stirred. "Well," he says, "I want to preach to all sinners; and all those who are good Christians and not sinners will please get up and go out." Not a single soul moved. "Well," he says, "I want to preach to all those who are neither sinners nor good Christians, but those who are lukewarm; all those who are good Christians and sinners will get out." Not a soul stirred. The preacher was nonplussed. Then he got up and said: "You are in a hell of a fix." [Laughter.]

So it is with a number of us. Dozens of members are at home——

A MEMBER. "In a hell of a fix." [Great laughter on the Republican side.]

Mr. TALBERT of South Carolina (continuing). Making more promises. A number of my Republican friends are doing the same thing, and a number of my Democratic friends and my Populist friends are doing the same thing. Here we are without a quorum on account of members at home "fencing." And I think the people and our constituencies are like that preacher found his congregation, they are "in a hell of a fix." [Renewed laughter.] So, Mr. Chairman, I think we ought to have a call of the House and send out at once to the saloons all over the city and to the euchre parties and bring the soldier-lovers here and let us pension the soldiers or stop this hypocritical cant on these Friday night sessions or give up these meetings entirely. [Applause.]

Mr. JONES. Mr. Chairman, I desire to say one word in reply——

Mr. PICKLER. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. PICKLER. I think the rule says that a member shall not speak more than once. Now, the gentleman has spoken several times on this bill; and I make the point that he is out of order. He has spoken three, four, or five times.

Mr. JONES. Mr. Chairman, I want to say in reply to what the gentleman from South Dakota has said, that only to-day a certain gentleman addressed the House a dozen times on the same proposition and that he is given to breaking daily the very rule he now would invoke against me.

I understood the Chair to rule a few nights ago, when this rule was invoked, that it never had been put in practice in the Committee of the Whole, and that the Chairman did not desire to do it, and would not do it on that occasion; and I hope the Chair will not now undertake to enforce a rule of that sort. If the Chair does, I for one will see that it is enforced on all future occasions; I for one will see to it that the gentleman who has raised this point against me does not address the House as many times in the future as he has in the past.

Mr. PICKLER. I do not make the same speech every time, as you do. I say something different. [Laughter.]

Mr. JONES. That is so, no doubt, in the gentleman's own estimation. I presume there are some people on this floor, however, who would not bear him out in this statement.

Now, Mr. Chairman, I want to speak for a few minutes on the question before the House [cries of "Vote!" "Vote!"], and I ask the Chair to rule upon the point raised.

Mr. PICKLER. I withdraw the point. I hope the gentleman will be heard.

The CHAIRMAN. The point is withdrawn.

Mr. JONES. Mr. Chairman, in reply to what my friend from New York [Mr. CURTIS] has said as to the attitude of some gentlemen on this side of the House who have seen proper to object to the passage of some of these bills, I want to say that I am one of those gentlemen who have indulged in the practice which the gentleman thinks the Democratic party would not like to be responsible for, and on that point I wish to assure him that I do not ask the Democratic party or the Republican party or any other party to be responsible for my action in the House of Representatives.

I shall always exercise my constitutional right to oppose bad legislation, whether it comes in the shape of pension bills or in any other shape. A vicious pension bill has no more right to consideration than any other vicious measure, although some people draw a distinction.

I want to say another thing: I have observed that the majority of the gentlemen on the other side of this Chamber, who come here and urge the passage of these claims, are gentlemen who have private bills on the Calendar that they are personally interested in getting through; and that it is not because the bill is specially meritorious—it is not because they are inspired by patriotic sentiments or motives that they come here. I have observed over and over again that when a gentleman on the other side of the Chamber who has been very diligent in his attendance has succeeded at last in getting his bill through, we do not see that gentleman very often afterward at night sessions.

Now, I have said more than once that there were two or three classes of pension bills that I was opposed to; and this is one of them. The gentleman from New York seems to think that all of these are meritorious claims. I call his attention to the fact that a claim came before this body with a unanimous report from the committee which sent it here; and when it was discussed on

this floor there were only five men who were willing to walk through the tellers and say that they were in favor of the passage of that claim. I want to say another thing, that the gentlemen who oppose these bills are not the only "obstructionists" on this floor. On a Friday night two or three weeks ago there was a bill before this House, the patron of which stated that he desired only a fair and square vote, and if he got that he would never raise the question of the absence of a quorum and that nobody on his side had ever done so. Here is his very language:

Mr. HULL. And there is business on this Calendar that I am anxious to get through; and I do not believe I am doing justice to my constituents in allowing it to be passed over night after night. The bill which I particularly refer to, I allowed to be passed over last Friday night because the point of "no quorum" was raised; but I am tired of permitting one or two men to determine what bills shall go through and what shall not.

Almost the language of my friend from New York. Then the gentleman from Iowa goes on further to say:

This Committee of the Whole ought to be able to determine what it will pass. If my bill were voted down in the Committee of the Whole, I would not raise the point of no quorum to save it. But it seems to me it is not fair toward those who have been attending practically every night session to have their bills passed over night after night because the gentleman from Virginia or some gentleman from some other State happens to object.

Again the same gentleman said in the course of that debate:

It has kept its place on the Calendar now for several nights, and I am unwilling to consent to any further delay. I do not think that we ought to consent to let bills which have merit in them be laid aside night after night simply because of the objection of one or two gentlemen. We have never raised the point of no quorum on this side, and it seems to me only justice to let the sense of the committee be taken upon the bill.

Within half an hour after the gentleman from Iowa had given utterance to those sentiments, declaring that he would not raise the question of no quorum if his bill was defeated, and had said that the point had never been made by his side, there was a vote by tellers, and his bill was squarely defeated by a majority of 6, whereupon he immediately rose in his seat and said that he would not allow his bill to be defeated at so slimly attended a session. When the bill obtained a majority vote a week before, and the question of no quorum was raised by myself or some one else, and the gentleman thought our conduct reprehensible, there were only about 52 members present and voting. But when the bill was beaten upon a square vote, he raised the question of no quorum, although there were 70 present!

And still gentlemen on this side are called "obstructionists." So long as you can railroad through a bill without a particle of merit, not supported by any legal testimony, it is all right even if there are only a dozen present; but the moment one of these bills is declared by this body to be without merit and is defeated, the very gentleman who has said that he would not raise the point of no quorum raises it.

Mr. WAUGH. Will the gentleman allow me a word of explanation? The point of no quorum as raised by the gentleman from Iowa [Mr. HULL] was for the purpose of preventing a pension bill from being defeated, not for the purpose of preventing the consideration of a pension bill.

Mr. JONES. Yes, sir; exactly that.

Mr. WAUGH. Had Mr. HULL not raised the question of a quorum the bill would have been defeated. That action saved the bill for further consideration.

Mr. JONES. Of course——

Mr. WAUGH (continuing). And it did not defeat pension legislation, but saved it.

Mr. JONES. I understand exactly; that is the point I make. You seek to promote pension legislation by raising the point of no quorum. As long as you can add to the burdens of the taxpayers with only forty or fifty persons present and participating in pension legislation it is all right, but when those few can not be persuaded to favor a bill because of its utter lack of merit; because it is simply outrageous and indefensible, you think it all right to raise the quorum question. That is the gentleman's idea of promoting pension legislation.

Mr. CURTIS of New York. Let me ask the gentleman if he has thought of the fact that perhaps not one-tenth of the bills that pass Congress receive the majority vote of a quorum of the House in a regular session?

Mr. JONES. I suppose that to be true if the gentleman includes those bills which are taken up in the morning hour by unanimous consent. The most of those, however, have probably been acted upon in Committee of the Whole.

Mr. EVERETT. Oh, no; the gentleman is mistaken.

Mr. CURTIS of New York. Not one-tenth of the bills passed receive a majority of the votes of the House, counting a quorum present.

Mr. JONES. In reply to that, I wish to say that when a gentleman secures recognition on the floor to ask unanimous consent to pass a bill that has been favorably reported by a committee or otherwise he has to go to the Speaker of the House and get his consent to receive recognition, and the Speaker must know the character of the bill before he will recognize the gentleman to ask such consent.

But here there is nothing of that sort. We call the Calendar right along, and when there is a bill which it is supposed will elicit discussion and opposition, it is asked to be passed by, retaining its place on the Calendar; and even this bill would have been passed over if the request of the chairman of the Committee on Invalid Pensions had not been objected to by the gentleman in charge of the bill, who desired that it should be brought before the House, and in consequence of his action that we have been placed in this predicament.

Mr. LOUD. I am perfectly willing and have been all the time to have a vote on the bill on its merits, without all of this talk.

Mr. JONES. I was simply desirous of replying to the gentleman from New York and the strictures he has made on certain members on this side of the House. I wish to say that I, for one, if I am one of those persons alluded to by him, am perfectly willing to take my full share of the responsibility for the defeat of these bills. Moreover, I have never opposed a bill without carefully examining it, so far as the report would allow me to do so, and I am willing that my action shall be judged by the country. The reports will show in every case I have opposed that it had no merit. I am willing that my conduct shall be judged by those *ex parte* reports.

I want to say further, that a few nights ago, when I opposed the removal of the charge of desertion from a man who in my judgment was not entitled to such consideration, I was called out into the corridor after concluding my remarks, and a number of wounded Union soldiers, men whom I had never seen before, said to me that they merely sent for me to thank me for the stand I had taken against that class of pension legislation. One of them said that my course was approved by nine-tenths of the honest Union soldiers.

Mr. BAKER of New Hampshire. Will the gentleman allow a question?

Mr. JONES. I will.

Mr. BAKER of New Hampshire. You have taken considerable time in telling the House that there has been one objection on the other side by a gentleman who is now absent, and who can not reply, to the consideration of a bill by insisting upon a quorum. Have you also looked up the record of how many objections have been raised on that side to defeat all such legislation?

Mr. JONES. I have not; but a great many more than one, I will say to the gentleman.

I read from the RECORD simply because the gentleman from Iowa, in stating that he would not raise the question of a quorum, referred to the fact that I had done so repeatedly, and that he did not propose to act as I had done. Yet when his bill was defeated he turned right around and raised that question, and said that he would not allow his bill to be defeated by such a slim House. I gave you his exact language.

Mr. BAKER of New Hampshire. And I presume the gentleman from Iowa will make a proper answer when he returns to the city. But the point I wish to emphasize to the gentleman from Virginia is simply this: That where he found in a year's session one Republican who had made the point of no quorum for the purpose of preventing the defeat of what he believed to be proper legislation, the gentleman from Virginia and those who have been acting with him did make the point of no quorum, either by himself or his associates, not in one single case only, but in many cases, showing that the purpose was one of obstruction.

Mr. JONES. I will tell the gentleman why we so often raise the point of no quorum. Because usually the majority of those present at these night sessions are interested in claims of this character, and they vote for the claim of everybody else, no matter how unmeritorious, in order to secure votes for their own. That is why we are obliged to insist upon the presence of a quorum. That is why we have to resort to these proceedings. The gentlemen who come here are generally interested in bills. I say to the gentlemen, moreover, that I have heard dozens of gentlemen upon this floor say that the only reason they did not object to bad bills was because the objection would be made to their bills, and I have had numbers of gentlemen come to me and ask me to object to the passage of a bill which they believed was without merit, simply because they could not afford to do it, since they had bills upon the Private Calendar, and they could not afford to incite opposition to themselves.

Mr. BAKER of New Hampshire. I am very glad the gentleman has made that statement, because by making the statement he has contradicted the statement which he made a little while before, that he did not stand here to represent other men and the members of the Democratic party; but now he has proved conclusively by his own language, and by the assertions he has

made in regard to the requests that he said were made to him, that he does stand for the Democratic party.

Mr. JONES. I deny that statement. I said that I had been repeatedly requested to oppose bad bills. I have never yet said that I made an objection at the suggestion of any human being, and I deny the gentleman's statement. I act on my individual judgment in every case.

Mr. BAKER of New Hampshire. Who are the men who have come to you and asked you to make objection?

Mr. JONES. Union soldiers have come to me, men who shed their blood on the battlefield have come to me and asked me to oppose bills that they regarded as bad.

Mr. PICKLER. Will the gentleman allow me to ask him a question?

Mr. CLARK of Missouri. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. I wish to ask the Chair if this bill has not been discussed for two hours and if that is not the end of it, except to vote on it?

The CHAIRMAN. It does not seem to be the end of it, but the gentleman is correct in the statement that it has been discussed for two hours.

Mr. CLARK of Missouri. I insist on the regular order, then.

Mr. PICKLER. I should like to ask the gentleman from Virginia a question.

Mr. MARTIN of Indiana. I ask unanimous consent that debate be now closed.

The CHAIRMAN. The gentleman from Indiana [Mr. MARTIN] asks unanimous consent that debate on this bill be now closed. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the committee.

The amendment was agreed to.

Mr. JONES. I move that the bill be reported to the House with the recommendation that it lie on the table.

Mr. LOUD. I move that the bill be reported to the House with the recommendation that it do pass.

The CHAIRMAN. The question first recurs on the motion of the gentleman from Virginia [Mr. JONES] that the bill be reported to the House with the recommendation that it lie on the table.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. JONES. Division.

The committee divided; and there were—ayes 4, noes 40.

Accordingly, the motion of Mr. JONES was rejected.

The CHAIRMAN. The question now recurs on the motion of the gentleman from California [Mr. LOUD] to lay aside the bill with the recommendation that it do pass.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. JONES. Division.

The committee divided; and there were—ayes 42, noes 4.

Mr. TALBERT of South Carolina. No quorum, Mr. Chairman.

The CHAIRMAN appointed as tellers Mr. TALBERT of South Carolina and Mr. LOUD.

The committee again divided, and the tellers reported—ayes 39, noes 1.

The CHAIRMAN. Is the point of no quorum insisted upon?

Mr. TALBERT of South Carolina. Yes.

The CHAIRMAN. The Clerk will call the roll.

Mr. LOUD. Out of deference to gentlemen who have bills to pass, I will ask unanimous consent to withdraw the bill and that it retain its place upon the Calendar.

Mr. PICKLER. I object.

The CHAIRMAN. The Clerk will call the roll.

Mr. MARTIN of Indiana. I ask unanimous consent that the call of the roll be dispensed with, and that the committee do now rise.

The CHAIRMAN. The gentleman from Indiana [Mr. MARTIN] asks unanimous consent that the call of the roll be dispensed with, and that the committee do now rise. Is there objection?

Mr. TALBERT of South Carolina. Mr. Chairman, I object to that. I raise the point of order that that motion is out of order. I have made the point of no quorum, and have not withdrawn it, and I insist that that is not in order.

The CHAIRMAN. But this is a request for unanimous consent that the call of the roll be dispensed with, and that the committee rise. It can be done by unanimous consent. Is there objection?

Mr. TALBERT of South Carolina. I object.

The CHAIRMAN. The gentleman from South Carolina objects. The Clerk will call the roll.

The roll was called, when the following-named members failed to respond:

Abbott,	Dinsmore,	Johnson, Ohio	Ritchie,
Adams, Ky.	Dolliver,	Kilgore,	Robbins,
Adams, Pa.	Donovan,	Lapham,	Robertson, La.
Alderson,	Doolittle,	Latimer,	Robinson, Pa.
Aldrich,	Draper,	Lawson,	Rusk,
Alexander,	Dunn,	Layton,	Russell, Conn.
Allen,	Dunphy,	Lefever,	Russell, Ga.
Apsley,	Durborow,	Lester,	Sayers,
Avery,	Edmunds,	Linton,	Schermerhorn,
Babcock,	Ellis, Ky.	Livingston,	Scranton,
Bailey,	Ellis, Oregon	Lockwood,	Settle,
Baldwin,	English, Cal.	Loudenslager,	Shaw,
Bankhead,	English, N. J.	Lynch,	Shell,
Barnes,	Enloe,	Magner,	Sherman,
Bartlett,	Epes,	Maguire,	Sibley,
Barwig,	Erdman,	Mahon,	Sickles,
Belden,	Fielder,	Mallory,	Simpson,
Bell, Colo.	Fithian,	Marsh,	Sipe,
Beltzhoover,	Fletcher,	Marshall,	Smith,
Berry,	Forman,	Marvin, N. Y.	Snodgrass,
Bingham,	Funk,	McAleer,	Somers,
Black, Ill.	Funston,	McCall,	Sorg,
Bland,	Fyan,	McCleary, Minn.	Sperry,
Boatner,	Gardner,	McCreary, Ky.	Springer,
Boutelle,	Gear,	McDannold,	Stallings,
Bower, N. C.	Geary,	McDearmon,	Stephenson,
Bowers, Cal.	Geissenhainer,	McDowell,	Stevens,
Branch,	Gillet, N. Y.	McGann,	Stockdale,
Breckinridge, Ark.	Gillett, Mass.	McLaurin,	Stone, W. A.
Breckinridge, Ky.	Goldzier,	McMillin,	Stone, Ky.
Brickner,	Goodnight,	Mercer,	Storer,
Brown,	Grady,	Meredith,	Strait,
Bundy,	Graham,	Meyer,	Straus,
Bunn,	Gresham,	Milliken,	Sweet,
Burnes,	Griffin,	Money,	Talbott, Md.
Burrows,	Grosvenor,	Montgomery,	Tarsney,
Bynum,	Grout,	Moon,	Tawney,
Cadmus,	Grow,	Morgan,	Taylor, Ind.
Campbell,	Hager,	Morse,	Taylor, Tenn.
Cannon, Cal.	Hainer,	Moses,	Thomas,
Cannon, Ill.	Hall, Mo.	Murray,	Tracey,
Capehart,	Hammond,	Mutchler,	Tucker,
Caruth,	Harmer,	Neill,	Turner, Ga.
Catchings,	Harris,	Newlands,	Turner, Va.
Causey,	Harter,	Northway,	Turpin,
Chickering,	Hartman,	Oates,	Updegraff,
Childs,	Hatch,	Ogden,	Van Voorhis, N. Y.
Clancy,	Haugen,	O'Neil, Mass.	Van Voorhis, Ohio
Clarke, Ala.	Hayes,	O'Neill, Mo.	Wadsworth,
Cobb, Ala.	Heard,	Outhwaite,	Walker,
Cobb, Mo.	Heiner,	Page,	Warner,
Cockran,	Henderson, Ill.	Paschal,	Washington,
Cockrell,	Henderson, Iowa	Patterson,	Weadock,
Coffeen,	Henderson, N. C.	Payne,	Wells,
Cogswell,	Hendrix,	Paynter,	Wever,
Conn,	Hermann,	Pence,	Wheeler, Ala.
Coombs,	Hicks,	Pendleton, Tex.	Wheeler, Ill.
Cooper, Fla.	Hines,	Pendleton, W. Va.	White,
Cooper, Ind.	Hitt,	Perkins,	Whiting,
Cooper, Tex.	Holman,	Phillips,	Williams, Ill.
Cooper, Wis.	Hooker, Miss.	Pigott,	Williams, Miss.
Cornish,	Hopkins, Ill.	Powers,	Wilson, Ohio
Covert,	Hopkins, Pa.	Price,	Wilson, Wash.
Crain,	Houk,	Quigg,	Wilson, W. Va.
Crawford,	Hulick,	Randall,	Wise,
Culberson,	Hull,	Rayner,	Wolverton,
Cummings,	Hutcheson,	Reed,	Woodard,
Daizell,	Ikirt,	Reilly,	Woomer,
Davey,	Izlar,	Reyburn,	Wright, Mass.
Denson,	Johnson, Ind.	Richardson, Mich.	Wright, Pa.
Dingley,	Johnson, N. Dak.	Richardson, Tenn.	

The CHAIRMAN. The committee will rise.

The committee accordingly rose; and Mr. BROOKSHIRE resumed the chair as Speaker *pro tempore*.

Mr. DOCKERY. Mr. Speaker, the Committee of the Whole, finding itself without a quorum, as required by the rule I caused the roll to be called, and herewith report the names of the absentees, to be entered upon the Journal.

The SPEAKER *pro tempore*. The gentleman from Missouri, Chairman of the Committee of the Whole, reports that that committee finding itself without a quorum, he caused the roll to be called, and now reports the names of the absentees to the House. The names of the absentees will be entered upon the Journal. Sixty-eight gentlemen have answered present—not a quorum.

Mr. RAY. Mr. Speaker, I offer the resolution which I send to the desk.

Mr. DOCKERY. I ask that the gentleman from Indiana [Mr. HOLMAN] be excused, on account of sickness.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. The Chair would also state that the gentleman from Indiana [Mr. CONN] is sick, and will be excused if there be no objection.

There was no objection, and it was so ordered.

Mr. MARTIN of Indiana. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 10 o'clock and 4 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. STONE of Kentucky, from the Committee on War Claims:

A bill (H. R. 5972) for the relief of Cyrus Gault. (Report No. 1239.)

A bill (S. 61) for the relief of Pearson C. Montgomery, of Memphis, Tenn. (Report No. 1240.)

A resolution to refer to the Court of Claims the bill (H. R. 2465) for the relief of Septimus Brown. (Report No. 1241.)

A resolution to refer to the Court of Claims the bills (H. R. 748, 1343, 473, and 1611) for the relief of Nelson Delap, surviving partner of A. & N. Delap; W. A. Franklin, executor of J. B. Franklin; Abner D. Lewis; and T. S. Galloway, administrator of Martha A. Jones. (Report No. 1242.)

A bill (H. R. 1201) for the relief of the Atlantic Works of Boston, Mass. (Report No. 1245.)

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, a bill and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. McLAURIN: A bill (H. R. 7707) to provide for a public building at Florence, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. SPRINGER: A resolution to appoint a select committee of thirteen members, to whom shall be referred all proposed legislation in relation to differences between employers and employés—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BOEN: A bill (H. R. 7708) granting a pension to Jacob Neibels—to the Committee on Invalid Pensions.

By Mr. ENLOE: A bill (H. R. 7709) for the relief of the estate of Dr. J. M. Walker, deceased, late of Madison County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7710) for the relief of B. J. Young, Henderson County, Tenn.—to the Committee on War Claims.

By Mr. HENDERSON of Illinois: A bill (H. R. 7711) for the relief of the heirs of Clifford Arrick, deceased—to the Committee on Patents.

By Mr. HOUK: A bill (H. R. 7712) for the relief of Isaac Rowland, of Cookeville, Putnam County, Tenn.—to the Committee on War Claims.

Also a bill (H. R. 7713) for the relief of Samuel Feagius, of Smith County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7714) for the relief of John Smith, of New Middleton, Smith County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7715) for the relief of George W. Smith, of New Middleton, Smith County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7716) for the relief of John Bridges, New Middleton, Smith County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7717) for the relief of Mariah Dowell, widow of Ollie Dowell, deceased, of Smith County, Tenn.—to the Committee on War Claims.

By Mr. HICKS: A bill (H. R. 7718) to relieve Arthur Snyder from the charge of desertion—to the Committee on Military Affairs.

By Mr. PATTERSON: A bill (H. R. 7719) for the relief of the estate of Mrs. C. M. Lock, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

By Mr. QUIGG: A bill (H. R. 7720) to relieve Jonathan Conroy of the charge of desertion—to the Committee on Military Affairs.

By Mr. TATE: A bill (H. R. 7721) to pension Synthia Ann Mason, widow of Austin Mason—to the Committee on Pensions.

Also, a bill (H. R. 7722) to pension Martha Ann Mason, widow of Charles Mason—to the Committee on Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 7723) for the relief of David E. Haller, Company D, Third Regiment Guard Mount Volunteers—to the Committee on Invalid Pensions.

By Mr. WILSON of West Virginia: A bill (H. R. 7724) for the relief of Hannah Watson, administratrix of James Watson, deceased, late of Jefferson County, W. Va.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. COOPER of Wisconsin: Petition of the president and faculty of Beloit College, Beloit, Wis., praying for enactment of legislation prohibiting introduction of lottery matter within national territory—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS of Kansas: Petition of 200 citizens of Emporia, Kans., in favor of the Kyle resolution—to the Committee on Labor.

By Mr. HOUK: Petition to Congress of Joseph S. Howard, administrator of Samuel Howard, for stores and supplies and quartermaster claim—to the Committee on War Claims.

By Mr. JOSEPH: Petition of miners of Lordsburg, N. Mex., praying Congress that the law requiring $100 in labor to be performed annually on each mining claim be and remain in full force and effect in the Territory of New Mexico—to the Committee on Mines and Mining.

By Mr. MADDOX: Petition of 24 citizens of Walker and Catoosa Counties, Ga., praying that the boundaries of the Chickamauga National Park be determined—to the Committee on Military Affairs.

By Mr. REYBURN: Petition of citizens of Philadelphia, against the taxing of beneficiary societies—to the Committee on Ways and Means.

By Mr. CHARLES W. STONE: Petition of 35 citizens of Youngsville, Warren County, Pa., in favor of admitting the publications of beneficiary and fraternal associations to the mail as second-class matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

SATURDAY, *July 14, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. QUAY, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General, inclosing an estimate of $255,000 for defraying the expenses incurred by marshals in executing orders, warrants, and processes of United States courts, for the protection of property in the hands of receivers of such courts, etc., which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the First Auditor, submitting estimates for an appropriation for additional force in his office for the fiscal year 1895, amounting to $20,000, to dispose of the additional work which will be required of the office if that part of House bill No. 4864 providing for the collection of tax on incomes becomes a law; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills and joint resolution, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Foreign Relations:

A bill (H. R. 4209) for the relief of the securities of John S. Bradford;

A bill (H. R. 4734) to authorize the Secretary of State to accept for the United States of America a painting by G. F. Watts, Royal Academy, entitled "Love and Life;"

A bill (H. R. 5525) authorizing John E. Johnson and others to accept medals of honor and diplomas from the Government of Spain;

A bill (H. R. 6424) to authorize Rear-Admiral John G. Walker and Surg. Gen. J. Rufus Tryon, of the United States Navy, to accept the decoration of the "Busto del Libertador" of the third class from the President of Venezuela;

A bill (H. R. 6468) to amend section 1674 of the Revised Statutes of the United States, relative to consular officers;

A bill (H. R. 7475) authorizing Commander C. H. Davis, United States Navy, to accept a decoration from the King of Spain; and

A joint resolution (H. Res. 126) authorizing the President to appoint delegates to attend the meetings of the International Geodetic Association.

YUMA INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1919) to ratify and confirm an agreement with the Yuma Indians in California, for the cession of their surplus lands, and for other purposes.

The amendments of the House of Representatives were, on page 3, to strike out section 5 and insert in lieu thereof:

SEC. 5. That the Secretary of the Interior is hereby authorized and directed to dispose, within a reasonable time, of the tract of land provided for in article 7 of the agreement, including the buildings thereon, being the tract of land known as Fort Yuma, together with sufficient land lying to the eastward of said tract, to make one-half section of land, or 320 acres, to be used as a school farm and for educational, religious, and hospital purposes for said Yuma Indians, upon such terms as to him shall seem best for the care, education, and training of said Indians.

In section 7 to strike out from the word "tribe," in line 4, to the word "shall," in line 5, and from the word "granted," in line 5, to the word "water," in line 6, and add at the end of the section, "during the period of ten years, to be computed from the date when said irrigation company begins the delivery of water on said reservation;" so as to make the section read:

"SEC. 7. That the Secretary of the Interior shall have authority to, from time to time, fix the rate of water rents to be paid by the said Indians, and that each male adult Indian of the Yuma tribe shall be granted water for 1 acre of the land which shall be allotted to him, if he utilizes the same in growing crops, free of all rent charges during the period of ten years, to be computed from the date when said irrigation company begins the delivery of water on said reservation."

And at the end of the bill to add the following proviso:

"*Provided*, That any Indians of the United States to whom land has been allotted shall be authorized to lease their lands for a period not exceeding five years, when deemed to their interest by the Secretary of the Interior, and under such rules and regulations as the Secretary shall prescribe."

Mr. ROACH. I move that the Senate nonconcur in the amendments of the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. JONES of Arkansas, Mr. ROACH, and Mr. PLATT were appointed.

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on Public Lands, to whom was referred the bill (S. 1590) to validate outstanding soldiers' additional homestead certificates, and for other purposes, reported it with an amendment and submitted a report thereon.

Mr. HANSBROUGH. I am directed by the Committee on Agriculture and Forestry to report an amendment intended to be proposed to the agricultural appropriation bill. The amendment proposes to appropriate $1,000,000, or so much thereof as may be necessary, for the extermination of the Russian cactus. I move that the amendment be referred to the Committee on Appropriations, and that it be printed.

The motion was agreed to.

MONONGAHELA RIVER BRIDGE.

Mr. QUAY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 2208) authorizing the construction of a bridge over the Monongahela River at the foot of Main street, in the borough of Bellevernon, in the State of Pennsylvania, to report it with an amendment, and I ask unanimous consent for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, at the end of section 4, to insert the following proviso:

Provided, That the channel span of said bridge shall be in length not less than 350 feet in the clear, and shall be elevated at least 54 feet above the surface of the river at poolfull.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. CALL introduced a bill (S. 2223) to provide for the erection of a public building in the city of Ocala, Fla., which was read twice by its title.

Mr. CALL. Ocala is growing to be a very important place. I ask the Committee on Public Buildings and Grounds to consider the bill immediately, as the necessities of the public service are very urgent there.

The VICE-PRESIDENT. The bill will be referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. QUAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PASCO submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. MARTIN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

JUDGMENTS OF CIRCUIT AND DISTRICT COURTS.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to report to the Senate under section 11, of the act of March 3, 1887, entitled, "An act to provide for the bringing of suits against the Government of the United States," all judgments rendered in the circuit and district courts of the United States against the United States not heretofore reported, which require an appropriation for their payment.

JUDGMENTS OF COURT OF CLAIMS.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a list of all claims allowed by the several accounting officers of the Treasury Department under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowance of those already transmitted to Congress during the present session; and also a list of judgments of the Court of Claims requiring an appropriation at the present session not already transmitted.

PERSONAL EXPLANATION.

Mr. ALLEN. Mr. President, yesterday morning I returned to this city from a three days' absence to the seacoast, where I had been in company with my colleague in the House, the Hon. W. A. MCKEIGHAN, and my secretary, for a few hours of necessary rest from hard work, and discovered that during my absence a report had been sent out in the papers that on Tuesday I was under the influence of intoxicating liquors and indecorous in my conduct.

I did not read the report, nor did I know of its existence until I discovered it on my return to this city. I went to the seacoast for the purpose of taking a few hours of necessary rest, and to recuperate from the effects of the protracted summer session. I did not leave the city at a time when my presence was needed, nor have I been absent an hour for seven months, and my usually vigorous constitution was becoming somewhat impaired by close confinement to labor. I did not announce my intended absence, because I desired to be free from annoyances that would be apt to follow a public departure into a section of the country I had never before visited, and where a Populist might be looked upon with some degree of curiosity.

This report was put out in so many different forms that I will not encumber the RECORD by reading it. Personally I am indifferent to it, for my short experience in public life has led me to believe that it is the policy of a portion of the press to misrepresent Senators and Representatives in Congress whose views they do not approve. It is due, however, to the Commonwealth which I have the honor to represent in part in this Chamber, and whose interests and honor are very sacred to me, that I should make this statement. If it concerned me alone and did not involve the interests and feelings of others, I should say nothing.

The great political party of which I am a member will not suffer in consequence of this assault on me, nor will I suffer from it; for its falsity will be understood by my friends, and as for my enemies, I am not concerned. I have not the power to chase down every idle rumor or false statement that can be set afloat and that travels with the rapidity of thought, to be followed by the truth at a snail's pace.

This is the first, and it is altogether likely to be the last, personal statement I will ever make in this Chamber, not because false reports may not be set afloat about me in the future, but because my friends will understand their falsity without any contradiction by me. It has not been concealed from me for many months that certain representatives of the press intended to misrepresent me and my position, and in one instance I have been given to understand very frankly that the reporter was carrying out strictly the wishes of his paper.

If any man has the curiosity to know what I have been doing during my term of service in this body, he may turn to the CONGRESSIONAL RECORD for the past year and examine the bills and resolutions I have introduced, some of which I have succeeded in having become laws. If he desires to know whether I am attending to my business as a representative of a great State ought to do, he will find me either in the Senate during its sessions or at some committee room engaged in necessary labor. I devote my time, with slight interruptions, to hard work.

At the precise time this charge is said to have existed I was in my committee room in consultation with my colleague in the

House, Mr. McKEIGHAN, and my secretary, Mr. Memminger, preparing a letter to be addressed to the Populist party in Nebraska by my Populist colleagues of the House and myself.

Mr. President, between legitimate journalism, which I regard as a very exalted occupation and with which I have some practical acquaintance, and that kind of jackal journalism that deals in falsehoods and fallacious stories for the purpose of injuring men and measures and for the edification of idle and careless readers and scandal mongers, I recognize a very great and marked distinction.

Among the young men in these galleries who report the discussions of this body from day to day there is not one for whom I do not entertain a kindly feeling, although their ideas and mine differ very widely on different questions; and they send out frequently to the world reports that are inexact, due in some measure, perhaps, to the hurry incident to the business, and that are positively injurious and misleading.

No man 500 miles from Washington can, in my judgment, by reading the newspapers, obtain a strictly accurate account of what transpires in Congress. The only place where such a report can be found is in the CONGRESSIONAL RECORD.

This report would have it understood by the public that there is personal ill-will existing between the senior Senator from Connecticut [Mr. HAWLEY] and myself, and I desire to stamp that statement as false so far as I am concerned, and add that while that Senator and myself, as well as other Senators, have had some very spirited and animated discussions over matters pending in this Chamber where we did not agree, such debates have never left rankling in my breast the slightest personal ill-feeling for that gentleman or any other. And, expressing my views once for all with respect to this matter, I desire to say that no controversy or debate, however plain it may be, ever leaves in my breast feelings of ill-will toward the man who may antagonize my position.

I am given myself to plain talking. My language is not courtly or indirect. I call things by their right names as nearly as I understand them, and I like to see others pursue the same course; but I have never at any time attempted to use any political maneuvering or to finesse or place anyone in a false light or position, notwithstanding I have on more than one occasion been the intended victim of such attempts.

Mr. President, I wish to emphasize as strongly as it is possible for me to do, that reports that there is anything like ill feeling on my part toward any individual Senator are absolutely without foundation, and in the interest of truth they ought not to be made. I desire to emphasize the fact that while I do not court abuse, either personal or political, I believe there is an organized attempt to have misleading and untruthful reports sent out to the country about Senators and Representatives who are known as Populists, in the hope that under the lash of the press they can be restrained from doing their duty toward the country as they understand it. I prefer abuse and misrepresentation under such circumstances to desertion of duty. I believe, Mr. President, in that kind of warfare that is good natured, gentlemanly, and courteous, and which emanates from the brain and not from vicious motives.

Mr. President, I shall discharge my duties in this Chamber to the best of my ability as long as I remain here. I will not suffer any false reports or the fear of such reports to drive me from the plain path of duty. While I appreciate as highly as any man can that it is pleasing to have the friendship of all persons, yet if I am ever put to the test of choosing between my own self-respect and the respect of the public I shall not hesitate to choose the former.

I do not speak with any ill-feeling toward the particular author or authors of this report, and would not do them any injustice by word or deed.

I do not speak in anger, but I can not resist the temptation of saying that the individual, human only in semblance, who will assail and blacken character, reeking in slander and mendacity as a bug reeks in filth, and who hides himself in obscurity behind the strong protection of a powerful public press, is, in my judgment, a most deadly enemy to society. As compared to such a creature, if they could walk erect, the hyena and the graveyard ghoul would be gentlemen. He is only surpassed in natural depravity, sharpened and quickened by practice, by that other despicable creature who may inspire him, and who, like the Indian strangler, following the natural instincts of total cowardice, crouches and crawls in the grass, and, taking no risk of danger to himself, throws his well-aimed and deadly cord around his victim's neck and destroys a precious human life.

INVESTIGATIONS BY COMMITTEE ON INDIAN AFFAIRS.

Mr. JONES of Arkansas. Yesterday the Senator from South Dakota [Mr. PETTIGREW] offered a resolution relating to the Lower Brule Indians. I move to strike out all after the word "*Resolved*," in that resolution, and insert as a substitute what I send to the desk; and I ask that the resolution lie over until both the Senator from South Dakota and I can be in the Senate. I understand the Senator from South Dakota will not be here to-day.

The VICE-PRESIDENT. The amendment proposed by the Senator from Arkansas to the resolution of the Senator from South Dakota will be stated.

The SECRETARY. It is proposed to strike out all after the word "*Resolved*," and insert:

That the Committee on Indian Affairs be instructed, either by full committee or such subcommittee or committees as may be appointed by the chairman thereof, with the full power of such committee to continue during the recess of Congress the investigations authorized by the resolutions of May 13, 1890, and February 27, 1891, with the authority and in the manner and to the extent provided in said resolutions, and in pursuance of such investigations to visit the several Indian reservations, Indian schools supported in whole or in part by the Government, and the five nations in the Indian Territory, or any reservation where, in the opinion of said committee, it may be necessary to extend their investigations.

Second. That said committee or subcommittee shall have power to send for persons and papers, to administer oaths, and to examine witnesses under oath touching the matters which they are hereby empowered to investigate, and may hold their sessions during the recess of the Senate at such place or places as they may determine; and the necessary and proper expense incurred in the execution of this order shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of said committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6080) granting a certain military reservation to Oklahoma City, Okla., to aid the public free schools thereof, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. McRAE, Mr. HARE, and Mr. MOON, managers at the conference on the part of the House.

The message also announced that the House had agreed to the concurrent resolution of the Senate authorizing the Committees on Enrolled Bills of the Senate and House of Representatives to make a correction in the enrollment of the bill (H. R. 352) to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States.

GRANT OF MILITARY RESERVATION TO OKLAHOMA CITY, OKLA.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6080) granting a certain military reservation to Oklahoma City, Okla., to aid the public free schools thereof, and for other purposes, and asking for a conference thereon.

Mr. MARTIN. I move that the Senate insist on its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. MARTIN, Mr. McLAURIN, and Mr. PETTIGREW were appointed.

LEGAL REPRESENTATIVES OF HENRY H. SIBLEY.

Mr. DANIEL. I ask the Senate to consider at this time the bill (S. 914) for the relief of the legal representatives of Henry H. Sibley, deceased.

Mr. PLATT. That bill will take hours in its discussion.

Mr. DANIEL. Then it might as well take them now as at any other time, if we can get the bill up. It has passed the Senate once before, and probably the Senator may have voted for it.

Mr. PLATT. I do not know whether I did or not.

Mr. DANIEL. It lies in a very brief compass.

Mr. COCKRELL. I hope the Senator from Virginia will yield until I can have the legislative, executive, and judicial appropriation bill taken up and passed. As soon as we get the appropriation bills in conference there will be ample time to take up other bills, whether they lead to discussion or not, and ample time to dispose of them when taken up.

Mr. DANIEL. I see, with the brief time remaining of the morning hour, I could hardly expect the attention to this bill which it deserves if there is any controversy about it. This is the second time this session I have tried to get the bill up.

I will yield to the request of the Senator from Missouri, the chairman of the Committee on Appropriations, as I think the bill he has in charge should be disposed of.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Mr. DOLPH. I ask the Senator from Missouri if he will give

way to allow a bill of only one page which I have in charge to be considered and passed?

Mr. COCKRELL. That may be done after a while. The Senator from Ohio [Mr. SHERMAN] gave notice yesterday that he intended to submit some remarks this morning on the legislative bill.

Mr. DOLPH. Very well.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7097) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

Mr. COCKRELL. There was a question yesterday evening about the clerks of courts provided for on page 122. I call the attention of the Senator from Iowa [Mr. ALLISON], and I ask the Secretary to read the amendment adopted on page 122, line 23.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "hire," in line 23, on page 122, insert:

And their compensation as provided by law under sections 2 and 9 of the act of March 3, 1891, establishing the circuit courts of appeal, and not exceeding $500.

Mr. ALLISON. The word "law" should be stricken out. It should read, "as provided by section 9 of the act of March 3, 1891," etc.

Mr. COCKRELL. Let the word "law" be stricken out and also the word "two" after the word section. Now, let the amendment be read as it is proposed to be amended.

The VICE-PRESIDENT. The amendment as proposed to be amended will be stated.

The SECRETARY. On page 122, line 23, after the word "hire," it is proposed to insert:

And their compensation as provided by section 9 of the act of March 3, 1891, establishing the circuit courts of appeals, and not exceeding $500.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CULLOM. I ask the consent of the chairman of the committee to offer what I send to the desk, to come in as an amendment on page 123, after line 11.

The VICE-PRESIDENT. The amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. On page 123, after line 11, it is proposed to insert:

Provided, That the judge of the district court for the northern district of Illinois shall be authorized to appoint a clerk of such court at a salary of $3,000.

The amendment was agreed to.

The VICE-PRESIDENT. The first amendment which was reserved yesterday, beginning at line 12, on page 25, and extending to line 23, on page 26, will be stated.

Mr. SHERMAN. I suggest to the Senator from Missouri, in order to save time, whether the question had not better be first taken on striking out the last sections of the bill, because, if they are stricken out, the amendments in the earlier portions of the bill fall.

Mr. COCKRELL. Let them all be considered at once.

Mr. SHERMAN. I intend to address myself entirely to the eight or ten sections at the end of the bill. If those sections are retained in the bill, as a matter of course, the other amendments provided for in the earlier parts should be retained.

Mr. COCKRELL. Very well. Then let the sections in the latter part of the bill be taken up.

Mr. SHERMAN. I ask that the Secretary read, beginning with section 3, on page 126, to the end of the bill.

The VICE-PRESIDENT. The Secretary will read as indicated.

The reading of the bill was resumed at section 3, on page 126.

The next amendment of the Committee on Appropriations was, on page 126, line 25, after the word "Auditors," to insert:

And each deputy auditor, in addition to the duties now required to be performed by him, shall sign, in the name of the Auditor, such letters and papers as the Auditor may direct.

So as to make the clause read:

SEC. 3. The Auditors of the Treasury shall hereafter be designated as follows: The First Auditor as Auditor for the Treasury Department; the Second Auditor as Auditor for the War Department; the Third Auditor as Auditor for the Interior Department; the Fourth Auditor as Auditor for the Navy Department; the Fifth Auditor as Auditor for the State and other Departments; the Sixth Auditor as Auditor for the Post-Office Department. The designations of the deputy auditors and other subordinates shall correspond with those of the Auditor. And each deputy auditor, in addition to the duties now required to be performed by him, shall sign, in the name of the Auditor, such letters and papers as the Auditor may direct.

The amendment was agreed to.

The reading of the bill was continued to the end of section 21, on page 141.

Mr. COCKRELL. On page 141, line 18, I move to strike out "July" and insert "October."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 142, line 18, after the words "day of," to strike out "July" and insert "October;" so as to make the section read:

SEC. 24. The provisions of sections 3 to 23 inclusive of this act shall be in force on and after the 1st day of October, 1894.

The amendment was agreed to.

The next amendment was, on page 142, line 23, before the word "persons," to insert "two," and on page 143, line 3, after the word "Congress," to insert, "notwithstanding section 1765 of the Revised Statutes, or section 3 of the act of June 29, 1874, chapter 328, or of any other provisions of this act;" so as to make the section read:

SEC. 26. The joint commission of Congress, appointed under the act approved March 3, 1893, is authorized to pay to the two persons designated by, and on the joint approval of, the chairman of said commission, for clerical services not exceeding $2,500 per annum from March 3, 1893, until the conclusion of the Fifty-third Congress, notwithstanding section 1765 of the Revised Statutes, or section 3 of the act of June 20, 1874, chapter 328, or of any other provisions of this act.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. SHERMAN. I move to strike out all of the sections relating to this matter, commencing with section 3, on page 126, to the end of the bill.

The VICE-PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. Strike out all of the bill, commencing with section 3, on page 126, to the end of the bill.

Mr. SHERMAN. Mr. President, it is a sad commentary upon American legislation that a proposition which thoroughly changes and revolutionizes the accounting of the Treasury Department, and therefore the accounting of the whole Government of the United States, is now to be suddenly enacted into law, not by the act of either House, but by the attachment to the pending bill of provisions which could not have been, and are not now, well understood in either House. These provisions, as I say, create an entire revolution in our financial system, and yet probably not twenty Senators will know that this question is pending or care what disposition is made of it.

The proposition is here in violation of the rules of both the House and the Senate. If this proposition were offered to-day as an amendment in the Senate it would be ruled out at once by our rules as containing legislation, and the same would be true in the House of Representatives, if objection were made there to the introduction of this subject-matter.

Yet I consider it my duty, without much hope of success however, to place upon the record of the Senate what, in my judgment, will be the consequences of this change in our financial system. I wish first to call attention to the elemental principles of our financial management. I find that all the laws I will need to read are old and well-established, commencing with the very foundation of the Government.

Section 233 of the Revised Statutes provides that—

There shall be at the seat of Government an Executive Department to be known as the Department of the Treasury, and a Secretary of the Treasury, who shall be the head thereof.

Section 236 provides that—

All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or as creditors, shall be settled and adjusted in the Department of the Treasury.

I find also this provision, which is in the act of the 2d of September, 1789, the famous act framed by Hamilton:

There shall be in the Department of the Treasury a First Comptroller and a Second Comptroller, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of $5,000 a year.

Mr. COCKRELL. Did I understand the Senator from Ohio to say that that is the act of September 2, 1789?

Mr. SHERMAN. It is so stated here in the marginal notes.

Mr. COCKRELL. It is simply a mistake. When the Treasury Department was organized there was an Auditor, a Comptroller, a Treasurer, and a Register only.

Mr. SHERMAN. The office of First Comptroller was undoubtedly provided for in the act of the 2d of September, 1789.

Now, the next section specifies the duties of the Comptroller. There was but one Comptroller in the beginning. Now there are three.

Mr. COCKRELL. Two.

Mr. SHERMAN. I call the Commissioner of Customs a Comptroller. He has always been regarded as a Comptroller, and is one.

I wish to read now the duties of the Comptroller as established in these early times:

It shall be the duty of the First Comptroller:

First. To examine all accounts settled by the First Auditor, except those relating to receipts from customs, and all accounts settled by the Fifth Auditor, and by the Commissioner of the General Land Office, and to certify the balances arising thereon to the Register.

In the original act, as a matter of course, these duties were confined to one Comptroller and the other Comptrollers were added to it at a later period. I may mention that hereafter.

Second. To superintend the adjustment and preservation of the public accounts subject to his revision.
Third. To countersign all warrants drawn by the Secretary of the Treasury, which shall be warranted by law.
Fourth. To superintend the recovery of all debts certified by him to be due to the United States, and for that purpose to direct all such suits and legal proceedings, and to take such measures as may be authorized by law, and are adapted to enforce prompt payment thereof.

Those are the broad, comprehensive duties of the Comptroller, and they stand and have stood as the law since the 2d of September, 1789, although in that period of time, by the acts of 1817 and 1849, two Comptrollers were added to the number. Their powers were not changed, however.

In defining the duties of the Second Comptroller, the act of the 3d of March, 1817, provides that—

It shall be the duty of the Second Comptroller:
First. To examine all accounts settled by the Second, Third, and Fourth Auditors, and certify the balances arising thereon to the Secretary of the Department in which the expenditure has been incurred.
Second. To countersign all warrants drawn by the Secretaries of War and of the Navy, which shall be warranted by law. [See § 3673.]
Third. To report to the Secretaries of War and of the Navy the official forms to be issued in the different offices for disbursing the public money in those Departments, and the manner and form of keeping and stating the accounts of the persons employed therein.
Fourth. To superintend the preservation of the public accounts subject to his revision.

Similar powers were conferred upon an officer called the Commissioner of Customs, and which related only to the collection of revenue and the disbursement of the expenses of the collection of the revenue. The Auditors were provided for at the same time and by the same law. I think there was but one in the beginning, and there are now six. Section 276 provides that—

There shall be connected with the Department of the Treasury six auditors of accounts, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be known as the First, Second, Third, Fourth, Fifth, and Sixth Auditors, respectively. * * *
SEC. 277. The duties of the Auditors shall be as follows:
First. The First Auditor shall receive and examine all accounts accruing in the Treasury Department, all accounts relating to the receipts from customs, including accounts of collectors and other officers of the customs, all accounts accruing on account of salaries in the Patent Office—

Then it defines a great number of accounts—

and, after examination—

Here is the point I want to come to—

and, after examination of such accounts relating to the receipts from customs, including the accounts of collectors and other officers of the customs, he shall certify the balances and transmit the same, with the vouchers and certificates, to the Commissioner of Customs for his decision thereon, and he shall certify the balances of all other accounts, and transmit the same, in like manner, to the First Comptroller for his decision thereon.

These are the fundamental laws which provide for the mode of accounting in the Treasury Department. There are two sets of officers. Every account or claim made against the Government of the United States until this hour has to pass under the supervision of one Auditor and one Comptroller, the Comptroller being the judge not only as to the legality of the claim against the United States, but as to the amount due. That has been the law ever since the foundation of the Government and in the Revolutionary period for ten years before the Government was founded.

Now, it is proposed by this bill to abolish all the Comptrollers in the Treasury except one. I will read the first clause of section 4, of the bill:

The offices of Commissioner of Customs, Deputy Commissioner of Customs, Second Comptroller, Deputy Second Comptroller, and Deputy First Comptroller of the Treasury are abolished, and the First Comptroller of the Treasury shall hereafter be known as Comptroller of the Treasury.

It goes on and provides for his duties, excluding him from any participation in accounting, except in case of an appeal. Then it transfers to the Auditors, who are divided among the different Departments, as I shall show, all the powers of the Comptroller in addition to the powers they now exercise by the law.

Heretofore all claims and as well the accounts of disbursing officers go to the Auditor. He examines the amount, the statement of the case, and presents it. According to the natural idea of an auditor, an examiner, he is a man who states the case or makes out the figure. It is then sent to the Comptroller, and is there passed upon finally. But this proposed act takes away entirely from the Comptroller all power in the case except in the case of a limited appeal, which I shall refer to hereafter, and confines the examination of the accounts to a single officer; and that is a revolutionary proceeding in my judgment.

Now, let us reflect on this proposed change for a moment. Any kind of a claim may be made to the Auditor. It may be well or ill founded. It may be fraudulent or fair. It goes into the hands first of the Auditor, then to some clerk, and finally probably reaches down to a second or third class clerk. The gravest claims against the Government and claims for the Government are proposed to be referred to these officers, without any supervision whatever, except that supervision or possible supervision which I shall mention hereafter; and if the account is certified by the Auditor, without the aid of the Comptroller, it is then certified—where?

First, The Auditor for the Treasury Department shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of the Treasury and all bureaus and offices under his direction, all accounts relating to the customs service, public debt, internal revenue, Treasurer and assistant treasurers, mints and assay offices, Bureau of Engraving and Printing—

And naming some others—

and to all other business within the jurisdiction of the Department of the Treasury, and certify the balances arising thereon to the division of bookkeeping and warrants.

Now, what is that division? It is under one of the clerks of the Secretary of the Treasury, appointed by him, controlled by him, and removable at his pleasure. He is an officer at the head of a division. It is called a division in the Secretary's office. His functions heretofore have been to make out statements, estimates for appropriations, expenses, and the like. It is a very important position, it is true, but a position having no responsibility in connection with the collection of debts or the payment of claims.

The balances are certified to him for what? For a warrant upon the Treasury. The Secretary of the Treasury has no more power over this matter than you, sir, as President of the Senate. He has no power whatever. It was intended by our financial law that while the Secretary is the head of the Department and may control the movements of others and direct their conduct so far as he lawfully can, yet he has neither the power to receive money nor to pay money. The Secretary of the Treasury would be the last man to get any money out of the Treasury of the United States. He could not by any possibility touch or handle money, because it is left entirely to the accounting officers, and those accounting officers are independent men. They are leading men in the country.

The Comptrollers who have filled that great office since the foundation of the Government have been equal in ability and power to and better lawyers than the great body of the Secretaries of the Treasury who have held office there. I refer to such men as Whittlesey, who is known to you, sir, by reputation; such men as Mr. Lawrence and Mr. Tayler, men of the highest ability, who have held that position.

Mr. CULLOM. And Mr. Matthews.

Mr. SHERMAN. Mr. Matthews was a very good officer, but not equal to some others. Mr. Whittlesey was understood to be the one of chief merit, and Mr. Whittlesey upheld his position openly, I think, if I am not mistaken, to Mr. Jefferson Davis, at any rate to some prominent Cabinet officer. He overruled the requisition of the Secretary of War. Complaint was made, and Mr. Whittlesey said that was within his function, and it was beyond the power of the Secretary of War or anybody else.

Mr. CULLOM. If the Senator will allow me, I hardly feel satisfied with the remark he made to the effect that the gentleman to whom I referred was not equal to some of the others.

Mr. SHERMAN. I do not know him so well.

Mr. CULLOM. I thought so. That gentleman was for a long time a circuit judge in our State. He is a very able lawyer, and he would probably have been a candidate for supreme judge this year if he had consented to accept the nomination.

Mr. SHERMAN. I have no doubt the gentleman deserves all the Senator says of him. I happen to know the others from the olden times, especially Mr. Whittlesey, who was one of the greatest men this country produced. He was a long time a member of the House of Representatives, and was then transferred to this position, which he held through several Administrations under different parties.

Now, as to the question of transferring the whole accountability of the Treasury Department from two men who are constantly looking out for each other to a single division or to a clerk in a division in the Secretary's office, it seems to me it is one of those things that when proposed should be rejected from the beginning. The mere question of a slight saving of expense (although I do not think there will be any) or the mere question of convenience ought not to be considered for a moment.

There have been some objections urged, I feel bound to state, that the position taken by the Commission appointed by Congress to examine into this matter has been well sustained by able arguments from the members of the Commission, and especially from their experts, but it seems to me that every one of the points made by those gentlemen could be easily answered. In the first place, the experts upon whom our friends have relied are, I understand, railroad men, accustomed no doubt to large transactions in dealing with railroad accounts. They are

not men familiar with the Treasury of the United States. They are not men who have ever held positions there. They are not men familiar with the peculiar organization of that most complicated machinery, the Treasury Department. They look at it simply as they would look upon the accounts of a corporation, but it is far beyond that.

Therefore, when it is said that a single individual might be trusted to pass upon the accounts of a corporation it does not follow that greater care should not be taken when we are dealing with the great affairs of the Government, with a revenue of $400,000,000. Sir, the vast machinery that we have under control, the collection and disbursement of more than $400,000,000, is one of those huge things that require all the care, all the guards that can surround it. To compare it with a railroad corporation, however great may be its transactions, or to suppose that the same machinery necessary to protect a lot of stockholders should be applied to the machinery of the United States is very faulty.

The idea, therefore, of breaking down a single one of the barriers which guard and protect the property of the United States ought to be considered with the gravest care. So happy and so successful have been the financial operations of the Government of the United States that from the beginning until this time there has been very little loss. So far as I know now, no loss worth naming has been caused by the neglect of the officers of the Government, either Auditors or Comptrollers. This is owing to the very fact that these duties are divided and one is under the watch and eye of the other, and that any error or mistake made in the Auditor's Office when sent to the Comptroller would be there corrected by a different set of clerks, with whom they have no communication and of whose acts they could have no knowledge.

Therefore it is that scarcely any losses have occurred. Hardly one mill in a million has been lost through any want of honesty among the officers of the Government or any defects in the machinery of the Government. So when it is proposed to change all this, having been compelled at one time to assume important duties in that Department, I feel that any change whatever proposed to be made in existing conditions except to strengthen them ought to be met with prompt and determined resistance.

I can conceive the force, I admit, of some of the points made by Senators who have had this matter in charge. I believe that there ought to be but one Comptroller, and that he ought to have under him three or four very able men who are assistants with a large and liberal pay—men of high character, great lawyers. These Comptrollers have to pass upon questions of law, sometimes extremely difficult. I can say that the duties of a Comptroller if properly performed are equally as important as the duties of the Chief Justice of the United States.

Mr. PLATT. Or the Attorney-General.

Mr. SHERMAN. They are more important. We could get along very well with a comparatively weak Attorney-General, but we could not get along well with an imcompetent Comptroller of the Treasury. But if you take from him all the essential powers of his office and the power to supervise the Auditor, so that the statements of the Auditors are to be taken as true and valid without further examination, there is the end. All that the Comptroller could then do would be to pass upon such legal questions as are brought before him, but now he not only passes upon legal questions but he supervises through his agents and employés all the matters of account. Every addition is made in that office, and it is a check upon the other office.

Mr. President, the nature and character of the questions which are brought before this officer I think make him far more important than the Secretary of the Treasury. The office of Secretary of the Treasury will almost run itself, because there is an experienced body of men in the clerical force around him. His signature is all that is wanted generally in the great variety of business there, but the Comptroller has mental work to perform every day. He has the combined duty of an arithmetician and a judge. He passes upon legal principles and upon sums of arithmetic.

Therefore, I say it is a grave mistake for the Government of the United States to change the system without fuller deliberation than has been had. Think of it now. This proposition here has never been read in the Senate until to-day. It was never read in the Senate until it was offered and put on the bill *nem. con.* in order to get rid of it. It is here in violation of our rules. I will state what I think our friends ought to do on both sides of the Chamber, because there has been no party feeling in this matter, as is shown by the debate that has taken place in the other House and the various speeches made there. I have read myself, among the rest, one from a member from Missouri, another from a member from Maine. Then there were others on the other side of the question. All have been temperate and kindly. There is no necessity to hurry this matter. Besides, if the law is enacted it can not go into effect immediately. I have a letter here from a leading officer of the Treasury Department saying that it would require at least a year to make the necessary preparations and set the system in motion exactly. New sets of forms and new modes of accounts will be necessary.

There is another feature of the provision that I dislike very much, and that is that they have designated the Auditors according to the Department whose accounts they are to act upon. That is, the accounts from the War Department go to the Auditor for the War Department; and for every other Department there is an Auditor, except the State Department. A number of other divisions and employments are grouped together, but as a rule there is an Auditor for the War Department, an Auditor for the Interior Department, and so on.

It was the intention of the framework of the Departments that the heads of Departments should have no power or control over the Treasury Department. The Treasury Department at least was to be absolutely independent. I think it is a very faulty division of the powers and distributions of the various Auditors to say that one is for the Army and one is for the Navy. How long will it be before the Army Auditor will feel that he belongs to the Army and feel disposed to be generous and liberal to the men of the Army? The Auditors then, instead of being servants of the Treasury Department, will become the servants of the heads of the different Departments after which they are named. That was the trouble with the Sixth Auditor. He was attached to the Post-Office Department, and he came to believe that he was independent of the Treasury Department. Finally he was curtly informed that he was still an officer of the Treasury Department. Even now the tendency is to transfer the whole accounting of the Post-Office Department, amounting to seventy odd million dollars a year, to the Postmaster-General.

These Departments naturally try to build themselves up one upon the ground of another. Therefore nearly all of them have established around the head of the Department what is called an administrative cabinet. That is the tendency, and that tendency ought to be broken up. The old practice was by law to distribute the various kinds of accounts among the different officers, and the Third, Fourth, and Fifth Auditors had to pass upon accounts that belong to different Departments, so that there could be no favoritism, no power to influence the Auditor; but if you place an auditor in charge of a particular class of accounts, say naval accounts, he will soon become attached to the Navy. The natural effect of association in passing upon such accounts would have its influence with him, especially when his accounts are not to be passed upon by any other officer. A double examination in the accounts of the Treasury Department is essential, and without it no provision ought to be made.

As I said, I would be in favor of having only one Comptroller, but I would give him strong assistance, so that he might pass the second time upon all the accounts that go through the different Auditors. I would so divide up these accounts that no one could tell exactly what account would come to him. I suppose it would be within the power of the Secretary of the Treasury to do that. But now it is proposed to be defined by law so that it can not be changed.

I have here now some impartial reports that were made by men not in office or not seeking office. I have three or four letters or statements made by gentlemen who in the past were leading officers of the Treasury Department. Some of them live here now, but they have not been in the Treasury Department for some years. I have no doubt most of the Senators have had their attention called to the statement of Mr. J. R. Garrison, late Deputy First Comptroller of the Treasury. He was a very worthy, excellent officer, as I have always understood. He was for a long time in office in the Treasury Department, and went gradually up until he became one of the leading officers there. He says:

The bills above referred to—

Speaking of the bills which were then pending—

provide for abolishing the office of Second Comptroller of the Treasury, for taking away from the First Comptroller his power and authority to make detailed examination and final settlement of accounts and claims in his office. Six auditors provided for are invested with exclusive power and authority to finally examine and certify all accounts and claims in which the United States are concerned, subject to appeal, under conditions specified, to the First Comptroller, who is to be known as the Comptroller of the Treasury. Accounts are no longer to be certified to the Register of the Treasury, but to a division in the office of the Secretary of the Treasury, to be known as the division of bookkeeping and warrants.

Another feature of this proposition is, that when the accounts are passed by the Auditor he still retains possession of them and they are in his custody, while under existing law they are transferred to the Register; the idea being that the Auditor should examine and pass the accounts, and they would go to the Comptroller, and then in due course they would come back to the Register, where they would be registered and account kept of

them, and they would be cared for. But all that it is proposed to change. The Register's office is to be practically abolished, except so far as certain matters named in the bill.

The files of accounts are no longer to be kept by the Register (who has been the custodian of the accounts of civil expenditures since the foundation of the Government), but the respective Auditors are to keep the files of the accounts subject to their jurisdiction.

The respective jurisdiction of the six Auditors of the Treasury (excepting that of the Auditor for the Post-Office Department) is very materially modified.

In order to clearly comprehend the effect and scope of the proposed legislation the two bills referred to must be considered in connection with Senate bill No. 1738 and House bill No. 5750, which are identical, both introduced March 6, 1894, and provide for abolishing the office of Commissioner of Customs and concentrating in the First Auditor the sole and final authority as to examining and certifying customs accounts and all other accounts subject to the jurisdiction of the Commissioner of Customs, with the right of appeal to the First Comptroller under specified conditions.

Right here it must be observed that this last-named bill, in section 3, provides that the First Auditor shall certify to the Register of the Treasury the accounts now subject, under existing law, to the jurisdiction of the Commissioner of Customs, and this bill (H. R. 5750) was passed by the House March 8, 1894.

But by the bill introduced March 29, 1894—

A few days afterwards—

above referred to (Senate No. 1831, identical with H. R. No. 6478), in section 5, it is provided that the First Auditor shall have sole and final jurisdiction with respect to the same class of accounts—those now subject to the jurisdiction of the Commissioner of Customs—but shall certify said accounts to the division of bookkeeping and warrants.

That is an office in the Secretary's office proper. He discusses one or two other points. It has been said that this will expedite business; that it will especially hasten forward action upon the cases of disbursing officers. Here is his reply to that:

How far will the proposed changes expedite the public business? The question has been considered as if the delays so much complained of occur only in the offices of the Comptrollers and the Commissioner of Customs, and it is assumed that if these offices are abolished all the public business will be kept up to date. Facts do not sustain any such line of argument. The delay in the Auditors' offices have been quite as much as those in the offices of the Comptrollers and Commissioner, in all probability more, except in isolated cases where the Comptrollers and the Commissioner of Customs have necessarily held up accounts and claims pending investigation of frauds or the production of necessary evidence. A full and fair investigation, not confined to a single Auditor or to any special class of accounts, will demonstrate the correctness of this statement.

Here is another point, the truth of which I know from my own personal observation and experience:

Again, nearly all accounts pass through some Executive Department for administrative action or approval, and it is just here that most delays occur. Well-authenticated cases might be cited in which the head of some Department has complained to the First Comptroller of the supposed delay of his office in passing some account or claim, when investigation has developed the fact that the very account was lying unacted upon in the Department from which complaint emanated.

That grew out of the practice I mentioned a while ago, that nearly all the heads of Departments gathered around themselves a little coterie, a little administrative cabinet. No doubt in all the Departments there are clerks of various kinds who form such a cabinet, and these accounts are especially those of disbursing officers of the Navy and the Army. They would be retained, and would receive a kind of a superficial examination. There is no legal authority for such an examination, and there is no legal authority for any examination of public claims or accounts, except those in the Treasury Department, to which I have referred.

I can not see any objection, however, to the head of the Department looking through the papers of any officer of his department, to ascertain whether the office is properly conducted.

I do not complain of it. I know myself when I was Secretary of the Treasury complaints were made about the settlement of the accounts of disbursing officers, and it was finally found the accounts were left to the War or the Navy Department at the time, though the blame all fell upon the Treasury Department.

The paper I have here, which was prepared by Mr. Garrison, is a very interesting document. I shall not stop to read it, as I do not care to weary the Senate with reading, but I shall ask leave to print it in the RECORD in connection with my remarks.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio? The Chair hears none, and the request is granted.

Mr. SHERMAN. I invite Senators who wish to look into this matter to read this paper, because it is certainly a very able one, and goes over the whole ground, giving the history of these offices; and Mr. Garrison is certainly a very well-informed man. I will read one paragraph from his paper:

Doubtless a bonded disbursing officer will, if honest, seek to render correct accounts and avoid errors for which he and his sureties must be held accountable. This may be said of any officer who renders accounts to the Government. If all disbursing officers were beyond the reach of temptation and strictly honest there might be some force in what is said regarding their primary examination to see that their own accounts are correct. But it must be remembered that some of the heaviest losses to the Government have been through the defalcations of some of its disbursing officers. A dishonest disbursing officer may succeed in corrupting a dishonest Auditor, in whom is concentrated the sole and exclusive authority as to settlement of accounts, as is given in the proposed modification and reform of the accounting system. But under the existing system, wherein every account settled by an Auditor must receive a detailed examination and revision by a Comptroller, such corruption or collusion is impossible, unless both officers can be corrupted. One operates as a check upon the other.

I have another paper here written by a gentleman who was a high officer in the office of the Second Comptroller, but who is not now connected with the office, and does not care to have his name drawn into the controversy. His statement in regard to this bill is brief, and I shall ask the liberty of inserting that also in the RECORD, so that the Senate may have full information on the subject.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio? The Chair hears none, and the request is granted.

Mr. COCKRELL. Does the Senator want those papers inserted in the body of his remarks or appended to them?

Mr. SHERMAN. They will be inserted in the body of my remarks in small type.

Mr. COCKRELL. I shall ask that the report of the Joint Commission of Congress to Inquire into the Status of Laws Reorganizing the Executive Departments, and also the report of the experts, may be inserted. I should prefer, if papers presented by the Senator are published at the end of his remarks that these documents should follow that, as the reply of the experts is a refutation of the statements submitted by the Senator.

Mr. SHERMAN. I have no objection to the papers being appended to my remarks.

Mr. COCKRELL. Then I ask that the reports to which I have referred may be inserted after the papers submitted by the Senator.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

Mr. SHERMAN. I have here a communication from W. I. Lewis, who was formerly a clerk in the Treasury Department. It so happens that of the gentlemen who have sent me communications, one was in the office of the Commissioner of Customs, one in the office of the First Comptroller, and one in the office of the Second Comptroller. As the letter of Mr. Lewis, who was formerly a clerk in the Treasury Department, but is now a business man in the city of Washington, is very brief, I shall append it to my remarks.

I have also a letter from Mr. Lawrence, which I shall read. Mr. Lawrence was certainly one of the most industrious Comptrollers we ever had in the Treasury Department. He wrote more opinions and made more decisions than I suppose any judge upon the bench ever did in the same length of time. His letter is as follows:

WASHINGTON, D. C., *April 20, 1894.*

MY DEAR SIR: Referring to our conversation last evening, I respectfully call your attention to volume 1 of the Decisions of the First Comptroller in the Department of the Treasury, in the appendix to which you will find the organization and duties of the accounting officers (pages 411-700) as they stood in 1880. Claims generally against the United States, except those paid by disbursing officers, are first presented by the claimant, or in some cases transmitted by the officers in the Departments to the proper Auditor, who states an account, either allowing or disallowing the claim, when it is passed to the proper Comptroller, who either rejects it or certifies a balance due the claimant.

If the case is a civil matter, the First Comptroller certifies it to the Register, who certifies a copy of the Comptroller's settlement to the Secretary of the Treasury for warrant. If it is a War, Navy, or Indian claim, the Second Comptroller certifies it to the head of the proper Department, who draws his requisition on the Secretary of the Treasury for payment, the requisition being countersigned by the Second Comptroller and registered by the Second, Third, or Fourth Auditor, according to the nature of the claim.

The Secretary issues a warrant on the Treasurer, which is countersigned by the First Comptroller, and is registered by the Register. The warrant is then transmitted to the Treasurer, who issues a draft on himself or either of the assistant treasurers, or a United States depositary. Warrants for the advance of money to disbursing officers must be signed by the Secretary himself, and countersigned by the First Comptroller. Other warrants are signed by an Assistant Secretary, and countersigned in the name of the First Comptroller by his deputy. Neither the Second Comptroller nor Commissioner of Customs, who is also a Comptroller, has any duty in connection with warrants. The accounts of disbursing officers are settled by the proper Auditors and Comptrollers.

The Sixth Auditor of the Treasury for the Post-Office Department, who is his own comptroller, countersigns warrants issued by the Postmaster-General on accounts settled by him.

I am of opinion that in order to secure uniformity of decisions there should be but one Comptroller, with an increased salary, removable only by the President, by and with the advice and consent of the Senate. The auditors should be retained by all means. A double scrutiny of claims is essential to secure accuracy and honesty.

Respectfully, yours,

WILLIAM LAWRENCE.

Hon. JOHN SHERMAN.

That is the opinion of Mr. Lawrence, who is entirely disinterested.

I shall also ask leave to print a short statement in regard to the organization of the Treasury Department and mode of dealing with accounts from the beginning of the Government, which is very brief.

The VICE-PRESIDENT. The paper referred to by the Senator from Ohio will be appended to his remarks, in the absence of objection.

Mr. SHERMAN. I have another paper here, which I shall not print but shall hand to the Senator from Missouri. It is upon the transfer of the files and records of the Treasury Department, and I think it will be interesting to the Senator, as it is connnected somewhat with this subject, but I do not think it necessary to print it.

Mr. President, I have said about all I desire to say. I have no feeling and no interest about this matter more than any other Senator. There is no officer in the Treasury in whose case I am at all interested. All I desire to do is to preserve intact all the securities which have been given to the Government of the United States to protect its Treasury from defalcation and fraud.

I think it is unquestionable that if we should take away the guards which are now around the Treasury Department, the power of the Comptroller to reëxamine the acts of the auditors in all their parts and details, a great blow will be given to our financial solvency and frauds will undoubtedly occur.

It is sometimes said, and has been said with a good deal of ingenuity by the gentlemen who support this proposition, that an appeal may be taken from the auditors to the comptrollers, but that is very fully answered in one of the statements I have submitted. Who makes the appeal? The claimant can make the appeal and the Secretary of the Treasury can make the appeal. But how can the Secretary of the Treasury know anything about what is going on in the accounting offices?

It would not be possible for the Secretary of the Treasury to know anything of one out of a thousand of the claims which are daily being acted upon in the Department. Who is to inform him? Who is to act for the Government? If there is any fraud committed by any officer of the Government, that officer is interested in concealing the fraud, and there would be no chance for the Secretary to know of it.

Besides, one year is allowed within which to make an appeal. Would you suspend all the payments of the Government for one year in order to allow somebody to make an appeal?

The whole provision, it seems to me, is not carefully drawn. The bill is of no account whatever; and it is merely put in for buncombe. I do not intimate that the Senators who have been engaged in this investigation would try to deceive anyone, for I know they do not so desire, and have no wish to conceal anything; but evidently this appeal to the Comptroller as to particular claims is entirely unfounded. It is true that there is not taken from him the power to pass upon legal questions. Where new laws have been enacted which have to be construed, the Auditor is bound to consult the Comptroller as to the proper construction of those laws, but when a legal question shall arise in the examination of a claim as a matter of course nobody would know anything about it except the clerk who has the management and the care of the account. So there is no guard whatever. The Comptroller may be ever so able a man, but he may have no opportunity to act in such a case.

So far as the Secretary of the Treasury is concerned, it is impossible for him to know what is going on in that great Department. He never looks after claims, and the law expressly excludes him from having anything to do with claims. A Secretary of the Treasury would not dare, consistently with his public duty, even to mention the subject of a claim to an Auditor or a Comptroller. If he should do so he would show his utter unfitness for the office. No man who ever held that office would ever do a thing of that kind. It would be in the nature of a criminal act for him to attempt to influence his subordinates. The accounting officers are absolutely independent of him, and he can not interfere with them.

So that in every way I can look at it, I regard this measure as a bad measure, although no doubt it is regarded in a different light by the commission who were ordered to examine into the matter, and who prepared it.

But it seems to me now—and I make this criticism with some reluctance—that this commission ought to have reported their proceedings to each House, and that report should have been sent either to the Committee on the Judiciary or the Committee on Finance, where it should have been taken up and a proper inquiry and examination made. A joint commission has no right to report in this way. All it can do is to inform Congress, and then its report should be sent to one of the regular committees.

I say to my honorable friend from Missouri—and no man respects him more than I do, not only as a faithful, honest, and industrious public servant, but as a man who would not do anything whatever that was wrong, if he knew it—that the proper thing to do is to refer the provisions of this bill relating to the reorganization of the Treasury Department to one of the regular committees, so as to afford an opportunity for the question to be fully examined, and to be heard when there will be more than ten or fifteen Senators present, and when all Senators shall have an opportunity to know what is pending. After an examination by such a committee, it should then be reported to the Senate. I do not care what committee considers the subject, though I suppose the proper committee would be the Committee on Finance or the Committee on the Judiciary.

I could make many suggestions of changes which I think would tend to increase the guards thrown around the Treasury for its protection, and no doubt others could do the same. But to let the bars down in this wholesale way, it seems to me, Mr. President, is improvident and wrong, and I think its results will work evil to our country. Every kind of claim in any part of the country may be presented to the Auditors at will, and the Auditors must keep open doors to every demand made against the Government of the United States.

A claim may be antiquated; it may be as old as the war of the Revolution; it may be entirely groundless, and founded upon forgery or perjury, and yet it may be presented, and if there is no bar between the Treasury of the United States and a false and unfounded claim except one man, and he perhaps trusting everything to his subordinates, I fear that evil results will follow.

It is not wise to break down any of the guards or checks which surround the Treasury. The money of the people of the United States should be sacredly and safely reserved in the future as it has been in the past.

That is all I desire to say, Mr. President.

The papers ordered to be appended to Mr. SHERMAN'S remarks are as follows:

[Senate Miscellaneous Document No. 145, Fifty-third Congress, second session.]

IN THE SENATE OF THE UNITED STATES.

April 12, 1894.—Referred to the Committee on Organization, Conduct, and Expenditures of the Executive Departments, and ordered to be printed. Mr. CHANDLER presented the following:

STATEMENT OF J. R. GARRISON, LATE DEPUTY FIRST COMPTROLLER OF THE TREASURY, IN OPPOSITION TO THE PROPOSED LEGISLATION TO IMPROVE THE METHODS OF ACCOUNTING IN THE TREASURY DEPARTMENT BY ABOLISHING THE OFFICES OF SECOND COMPTROLLER AND COMMISSIONER OF THE CUSTOMS AND GIVING THE SIX AUDITORS THE POWER TO FINALLY EXAMINE AND CERTIFY ALL CLAIMS AGAINST THE UNITED STATES, SUBJECT ONLY TO AN APPEAL UNDER LIMITED CONDITIONS TO ONE COMPTROLLER OF THE TREASURY.

Senate bill No. 1831, and House bill No. 6478, "To improve the methods of accounting in the Department of the Treasury, and for other purposes."

[Bills identical, both introduced March 29, 1894, and each referred to the "Joint Commission of Congress to Inquire into the Status of the Laws Organizing the Executive Departments."]

OBJECTIONS TO THE PROPOSED LEGISLATION—REASONS SHOWING IT TO BE UNWISE, AND THAT IT WILL NOT IMPROVE THE METHODS OF ACCOUNTING IN THE TREASURY DEPARTMENT. BY J. R. GARRISON, LATE DEPUTY FIRST COMPTROLLER OF THE TREASURY.

The bills above referred to provide for abolishing the office of Second Comptroller of the Treasury, for taking away from the First Comptroller his power and authority to make detailed examination and final settlement of accounts and claims in his office. Six Auditors provided for are invested with exclusive power and authority to finally examine and certify all accounts and claims in which the United States are concerned, subject to appeal, under conditions specified, to the First Comptroller, who is to be known as the Comptroller of the Treasury.

Accounts are no longer to be certified to the Register of the Treasury, but to a division in the office of the Secretary of the Treasury, to be known as the division of bookkeeping and warrants. The files of accounts are no longer to be kept by the Register (who has been the custodian of the accounts of civil expenditures since the foundation of the Government), but the respective Auditors are to keep the files of the accounts subject to their jurisdiction.

The respective jurisdiction of the six Auditors of the Treasury (excepting that of the Auditor for the Post-Office Department) is very materially modified.

In order to clearly comprehend the effect and scope of the proposed legislation the two bills referred to must be considered in connection with Senate bill No. 1738 and House bill No. 5750, which are identical, both introduced March 6, 1894, and provide for abolishing the office of Commissioner of Customs and concentrating in the First Auditor the sole and final authority as to examining and certifying customs accounts and all other accounts subject to the jurisdiction of the Commissioner of Customs, with the right of appeal to the First Comptroller under specified conditions.

Right here it must be observed that this last-named bill, in section 3, provides that the First Auditor shall certify to the Register of the Treasury the accounts now subject, under existing law, to the jurisdiction of the Commissioner of Customs, and this bill (H. R. 5750) was passed by the House March 8, 1894.

But by the bill introduced March 29, 1894, above referred to (Senate No. 1831, identical with H. R. No. 6478), in section 5, it is provided that the First Auditor shall have sole and final jurisdiction with respect to the same class of accounts—those now subject to the jurisdiction of the Commissioner of Customs—but shall certify said accounts to the division of bookkeeping and warrants.

So that by the bills introduced March 6 the Auditor is required to certify a certain class of accounts to the Register of the Treasury, and by the bills introduced March 29 he is directed to certify the same class of accounts to the division of bookkeeping and warrants. This instance illustrates the mistakes, incongruities, and perplexities that must of necessity arise if the attempt to break up the system of accounting which has prevailed with signal success for more than a century, and to engraft upon what remains a crude and untried system, should be successful and become enacted into law.

REASONS FOR THE PROPOSED CHANGE UNWARRANTED.

The reasons assigned for the proposed legislation to abolish the final revision and certification of accounts and claims by the Comptrollers and the Commissioner of Customs are two:

1. That the change will expedite the public business and do away with the objectionable delays in the settlement of accounts in the Treasury Department.

2. That it will be economical and save to the Government the salaries of the officials whose offices are abolished and the salaries of such clerks as may be dispensed with.

(1) How far will the proposed changes expedite the public business? The question has been considered as if the delays so much complained of occur only in the offices of the Comptrollers and the Commissioner of Customs, and it is assumed that if these offices are abolished all the public business will be kept up to date. Facts do not sustain any such line of argument. The delay in the Auditors' offices have been quite as much as those in the offices of the Comptrollers and the Commissioner, in all probability more, except in isolated cases where the Comptrollers and the Commissioner of Customs have necessarily held up accounts and claims pending investigation of frauds or the production of necessary evidence. A full and fair investigation, not confined to a single Auditor or to any special class of accounts, will demonstrate the correctness of this statement.

Again, nearly all accounts pass through some Executive Department for administrative action or approval, and it is just here that most delays occur. Well-authenticated cases might be cited in which the head of some Department has complained to the First Comptroller of the supposed delay of his office in passing some account or claim when investigation has developed the fact that the very account was lying unacted upon in the Department from which complaint emanated.

The commission, and particularly their experts, lay great stress upon the value and importance of the so-called administrative action by the Departments on accounts and claims, supposing that such action may take the place of the detailed examination by the Comptroller of the Treasury Department, but the delays caused by such administrative action seem to have altogether escaped their attention.

The proposed change materially modifies the jurisdiction of each of the six Auditors (except that of the Auditor for the Post-Office Department); divests the Register of the Treasury of his authority as official bookkeeper of the Department and custodian of its files; provides that accounts shall be certified to a new division, and that each of the Auditors shall keep his own files of accounts. To illustrate how radical the change will be, internal-revenue accounts which have gone to the Fifth Auditor under provisions of law since the present internal-revenue system was inaugurated will, under the proposed change, go to the First Auditor, while judiciary accounts and other accounts relating to the Department of Justice, which have always been under the jurisdiction of the First Auditor, will, if the proposed bills are enacted, go to the Fifth Auditor.

It does not require argument to show that to prepare the proper books and blanks necessary to inaugurate the proposed change in the system, to transfer the files and prepare places or rooms for them, to familiarize the officials and clerks with their new duties, and to do all things necessary to change the well-established order of things which has existed for a century, and to adapt it to the new conditions, must take time. The changing of the files will not only be productive of confusion, perplexity, and delay in the dispatch of business, but will necessarily require considerable labor by competent clerks to assort and properly distribute the vast accumulation of accounts and records, and will be attended with heavy expense.

While the new order of things is being established the regular routine work of adjusting accounts will fall behind. It is not an extravagant estimate to say that if the present clerical force is left intact it will be some years, at least, before the system is in thorough running order and the work brought and kept up to date. But with the large reduction in the clerical force recommended by the commission and their experts it is inevitable that the public business will soon fall greatly in arrears, much more so than at present. The claim that the proposed changes will expedite the public business and obviate delays is not well founded.

(2) How far will the proposed changes prove to be measures of economy? There will be a saving of the salaries of the officials who are dispensed with, to wit: the Commissioner of Customs and deputy, Second Comptroller and deputy, and Deputy First Comptroller. But against this it should be borne in mind that the First Comptroller is to be continued as Comptroller of the Treasury at a salary of $5,500 per annum, in lieu of his present salary of $5,000, with an assistant comptroller at $5,000 per annum, and a chief clerk at $2,500 per annum. The experts recommend that the salaries of the 6 Auditors shall be $4,000 instead of $3,600, and that there be 10 principal clerks in the Comptroller's office at $2,000, in the place of 4 chiefs of division at $2,100.

The bills referred to do not provide for the changes in the clerical forces. The experts in their report estimate the number of clerks to be dispensed with, but this is entirely problematic. For the reasons stated, if the clerical force is reduced to the extent recommended by the experts, the public business must fall behind for several years until the new system has been inaugurated and put in satisfactory operation. The cost of the necessary books, blank forms, printing, arranging files, cases, and lockers for the files of the several Auditors, moving and arranging the vast number of accounts now in the several file rooms, and other necessary expenses incident to the change must be taken into consideration. The saving in dollars and cents, if any, will by no means be as great as that estimated by the experts, for they have ignored the fact that the proposed change must be attended with heavy expenses and much extra work, for which they have made no estimate.

PROTECTION AND SAFETY IN A DIVIDED RESPONSIBILITY.

It is claimed by the experts, and assumed by the Commission, that a divided responsibility in the accounting system is no protection to the Government. The best possible answer to this proposition is the record of the accounting system of the Treasury for more than a century. No one can examine the facts without being forced to acknowledge that the Government has been protected against fraud, collusion, and consequent loss, in a most remarkable degree. Can it be safely asserted that this is owing solely to the honesty and integrity of the officials and clerks, and that the accounting system instituted by the act of September 2, 1789, which established the Treasury, inaugurated under the supervision and special approval of Alexander Hamilton, has in no way contributed to the result?

During the many years of Republican administration after the late war it was continually asserted by the party in opposition that a change was essential in order that the books of the Treasury might be examined, and the frauds, which a long lease of power is sure to beget, might be brought to light. This claim was even made by Gen. Hancock, when a candidate for the Presidency. But when the change did come, and the Democratic party came into power, the books were examined, and the most rigorous scrutiny was given to the accounting system, but no frauds were discovered. The system is a sure check and spy upon fraud, and none can go long undiscovered so long as the integrity of the system is preserved. No falsification of the books and records of the Treasury Department has been discovered, no corrupt collusion between the accounting officers has been brought to light, and the losses arising within the Department from fraudulent transactions are few in number and trifling in amount.

These are mainly, if not entirely, cases of skillful forgery on the part of dishonest clerks, of such a character as would not ordinarily be detected in a bank or business house, and which escaped the scrutiny of both accounting officers for the time being. They were, however, soon discovered, and the guilty parties arrested, tried, and punished. These cases were adverted to and urged upon the attention of the House in the debate on the bill (H. R. No. 5750) for abolishing the office of Commissioner of Customs, by those favoring the measure, as argument to show that the office of Comptroller in the Treasury is not a safeguard because these frauds were not discovered by that officer or in his office. And it may be here noted, parenthetically, that some of the cases brought up for the purpose of arraigning the office of Comptroller were those for which the Comptroller was in no sense responsible—notably the Burnside defalcation for sales of waste paper, an account pertaining to postal revenues settled exclusively by the Sixth Auditor, and never coming before the Comptroller; and the Ewing defalcation, which was really brought to light by a letter of the First Comptroller to the Attorney-General, complaining of Ewing's neglect in rendering his accounts, and stating that the Comptroller would recommend to the Secretary of the Treasury that no further requisitions of the Attorney-General in Ewing's favor be honored, unless his accounts in arrears were promptly and satisfactorily rendered. (See CONGRESSIONAL RECORD, March 9, 1894, volume 26, No. 71, pages 3358 to 3370.)

The record of the accounting system of the Treasury for more than a century, when compared with that of the fiscal departments of the States and of public and private corporations throughout the country, is marvelous and speaks volumes in favor of the "divided responsibility and double check," the opinions of the experts to the contrary notwithstanding. The losses to the Government arising within the Treasury Department, as compared to the vast amounts involved as receipts and expenditures, are indeed insignificant, and the result is astonishing when the comparison is extended to the stupendous and frequent defalcations, reaching millions of dollars, which have occurred and are still occurring in the treasuries of various States, and of city governments, in the offices of State and city treasurers, auditors, and comptrollers, as well as in public and private corporations and individual concerns. These frauds are accomplished by the result of one-man power—single responsibility, under which systematic falsification of books and records has been made possible, and successfully carried out for years without detection. Is it wise to open the Treasury of the United States to such possibilities?

The commission, in their report of March 29, 1894 (House Report No. 637, page 2), quote from a report made to Congress in 1842, by a "select committee on retrenchment," arguing against the system of divided responsibility, claiming that it does not prevent wrongdoing, but often promotes negligence and fraud, and that "the complex system of expenditure and account is one of the greatest practicable obstructions to economy and responsibility in the Government." It is sufficient answer to this remarkable statement, now invoked to arraign the accounting system inaugurated under Hamilton, that it had no influence on Congress at the time; that body in its wisdom did not see fit to adopt the views of the "select committee." In 1842, and it looks as if valid reasons for breaking down the accounting system are wanting when this back number is resurrected from the dust of the past. The commission say (on the same page of said report): "It is clear that the present mode of settling accounts does not answer the demands of public justice or economy; and it is also clear that the divided responsibility does not protect the Government." The views or arguments adduced by the commission in support of this strong assertion are those of the experts, which will presently be adverted to.

The above statement of the commission must have been made hastily, relying on the views of the experts, for it is in direct contradiction of the views of some of the ablest men of our country, who have emphatically favored a divided responsibility in the accounting system—the independent action of a Comptroller and an Auditor. At the first session of Congress (May, 1789), in the debate on the question whether there should be a board or a single head to manage the finances of the United States, Mr. Madison objected to the former, as follows: "If a board is established, the independent offices of Comptroller and Auditor are unknown; you give the aggregate of these powers to the board, the members of which are equal; therefore you give more power to each individual than is proposed to be intrusted to the Secretary." (Debates in Congress, volume 1, O. S., pages 384-408.)

Mr. Baldwin, who subsequently brought in the bill to establish the Treasury Department, said he hoped "to see proper checks provided—a Comptroller, Auditors, Register, and Treasurer." He "would not suffer the Secretary to touch a farthing of the public money beyond his salary. The settling of the accounts should be in the Auditors and Comptroller, the registering them to be in another officer, and the cash in the hands of one unconnected with either." (*Id.*, 408.)

After Mr. Hamilton had been succeeded as Secretary of the Treasury by Oliver Wolcott, who was promoted from the office of Comptroller, he (Mr. Hamilton) advised the President as to the proper officer to whom should be assigned the temporary execution of the Comptroller's Office, made vacant by Mr. Wolcott's appointment as Secretary. In this letter Mr. Hamilton treats *in extenso* of the complicated system and divided responsibility of the Treasury Department, emphasizing the importance of the separate, independent action of each officer as a check upon the other, even referring to the Register as exercising an important check, "first upon the Secretary and Comptroller, whose warrants he must register and sign before they can take effect; and secondly, upon the settlements of the Comptroller and Auditor by recording their acts and entering them on the books to the proper accounts." In referring to the Comptroller, Mr. Hamilton says his "office imports the second trust in the Department," and he refers to the Auditor as "the coadjutor of the Comptroller in settlements."

Attorney-General Crittenden, in 1852, addressed to the President an elaborate and exhaustive opinion respecting the duties and powers of the accounting officers of the Treasury, growing out of a question of conflicting jurisdiction between the Commissioner of Customs and the Secretary of the Treasury. The learned Attorney-General traces minutely each step in the accounting system established by the organic act of September 2, 1789, and dwells upon the high importance of each process, the separate and independent action of the officers of the Treasury upon whom rest the duty of examining and certifying accounts and claims; that of the Auditor in examining and settling accounts and claims and reporting his balances thereon to the Comptroller (or to the Commissioner of Customs, as the case may be) for his decision thereon; of the Comptroller (or the Commissioner of Customs) in reëxamining and certifying the balances to the Register of the Treasury, and of the Register in recording the same, and (where payment is to be made) certifying to the Secretary of the Treasury "a copy of the balance of the account as audited and adjusted (by the Auditor), and certified to the Register by the Comptroller."

In the opinion of Mr. Crittenden, each of the separate steps, by the independent, separate action and divided responsibility of the officer named, is essential as a "safeguard against improper expenditures of the public money," and as the necessary legal process upon which the Secretary of the Treasury may issue a warrant for payment "which shall be warranted by law." (5 Ops. Atty. Gen., 630-658.) See also Opinion of Attorney-General Taft, February 7, 1877 (15 Ops. Atty. Gen., 192), as to the effect of settlements by the accounting officers.

In 12 United States Court of Claims Reports, page 553, occurs the following statement as to the divided responsibility of the accounting officers and the necessity therefor: "But for the settlement of accounts against the

United States there is established by law a peculiar and well-appointed system, which requires in each case careful examination and consideration and the judgment and decision of high officers, appointed by the President, with the advice and consent of the Senate, called 'accounting officers,' of two distinct classes, acting separately, the Comptrollers reviewing and finally passing upon the action of the Auditors."

The same principle as to the propriety, necessity, and safeguard, in the separate, independent action of the two distinct classes of accounting officers (Auditors and Comptrollers) is recognized in McKnight *vs.* The United States (13 C. Cls., 292-319), which gives an elaborate and instructive review of the accounting system; and also in numerous decisions of the United States Supreme Court, among which reference may be made to—

Smith *vs.* The United States (5 Peters, 291).
Watkins *vs.* The United States (9 Wallace, 759).
United States *vs.* Gaussen (19 Wallace, 198).
United States *vs.* Stone (106 U. S., 525).
United States *vs.* Johnston (124 U. S., 236).
United States *vs.* Waters (133 U. S., 215).

Having shown what weight of authority may be cited (and my statement is by no means all that might be referred to) in favor of the system of divided responsibility and its importance as a safeguard and protection to the Government, we come now to consider the views of the experts, adopted by the Commission, in support of the claim that a divided responsibility in the accounting system "does not protect the Government."

It is claimed that 90 per cent of the expenditures of the Government are now paid through disbursing officers "who are under bond and take especial care to pay out money only for purposes clearly authorized by law, who, indeed, are authorized to obtain the decisions of the Comptroller as to the construction of statutes before making payments," and that as such disbursing officers "primarily satisfy themselves of the correctness of their accounts," and that "as the administrative officers also examine and approve these accounts coming under their control before they go to the Auditor," the final revision or detailed examination by the Comptroller may be safely dispensed with, and the whole matter left to the sole discretion and conclusive action of the Auditor.

As a legal proposition it may be said that section 2 of the act of March 3, 1817, now section 236 of the United States Revised Statutes, which requires that "all claims and demands whatever, by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or as creditors, shall be settled and adjusted in the Department of the Treasury," never contemplated that the primary examination by a disbursing officer of his own accounts, or the administrative action of any Executive Department in approving them, could take the place of one of the examinations and audits required to be performed in the Treasury Department. And as a business proposition it appears unreasonable and fallacious to claim that such examination and administrative action can be safely taken as a substitute for the critical and detailed examination such accounts now receive in the Comptroller's Office.

Furthermore, the commission and their experts seem to have looked at the question with the view of accounting for expenditures alone, not considering the importance of a proper and rigorous examination of the accounts of the officers who receive and collect the revenues of the Government amounting to $500,000,000 annually.

Doubtless a bonded disbursing officer will, if honest, seek to render correct accounts and avoid errors for which he and his sureties must be held accountable. This may be said of any officer who renders accounts to the Government. If all disbursing officers were beyond the reach of temptation and strictly honest, there might be some force in what is said regarding their primary examination to see that their own accounts are correct. But it must be remembered that some of the heaviest losses to the Government have been through the defalcations of some of its disbursing officers.

A dishonest disbursing officer may succeed in corrupting a dishonest auditor, in whom is concentrated the sole and exclusive authority as to settlement of accounts, as is given in the proposed modification and reform of the accounting system. But under the existing system, wherein every account settled by an auditor must receive a detailed examination and revision by a comptroller, such corruption or collusion is impossible, unless both officers can be corrupted. One operates as a check upon the other. Right here it may be observed that the provision for an appeal to the Comptroller in the proposed legislation will not correct any such abuse or fraud as the one above suggested. Dissatisfied claimants may appeal to the Comptroller—and doubtless the Comptroller will have his hands full of such appealed cases—where the Auditor is vigilant and active in seeking to protect the interests of the Government.

But what protection is there to the Government against the action of a dishonest auditor, who for bribe, or favor, prejudice, bias, or any improper motive, rules against the interest of the Government, or suffers extravagant and dishonest expenditures to pass? Neither the Secretary nor the Comptroller can be advised of any such action, unless it be accidentally discovered, and therefore there can be no reason or motive why either of them shall order an appeal to the Comptroller in such cases. Neither will the routine duty required of the auditors in the bills before named, of reporting to the Comptroller their decisions upon the construction of statutes, serve to prevent, or check, or disclose collusive or dishonest practices, or the corrupt and dishonest allowance of accounts or claims by them. The proposed legislation breaks down the all-important safeguard that the divided responsibility imposes—one office acting as a check upon the other. In this connection it is proper to advert to this remarkable assertion, to be found in the report of the experts (page 34, H. R. Report No. 637):

"The present system of accounting is practically but one check, as the audit of the Comptroller is final and independent of any examinations or audits previously made, and the Government is protected by the accounting branch only so far as the audit of the Comptroller is efficient."

This is stated as an axiomatic truth, no argument or reason whatever being assigned in its support. Can it be supposed that because the Comptroller's action is final and conclusive that for this reason the Auditor is no check upon him? Such a view is without foundation in fact. A comptroller who might be inclined to reverse the Auditor's action, and make an illegal allowance or certify a false balance, would hesitate to do so, because his illegal action would, in the ordinary course of business, soon become known to the Auditor, and thus brought to light.

An honest auditor would not hesitate to report to the Secretary, to the President, or to Congress, if necessary, the dishonest and illegal action of a comptroller. The same principle applies to the clerks in the Comptroller's Office. They might be tempted to corrupt or dishonest action in the settlement of an account or claim, but the knowledge that their wrongdoing would shortly come to the knowledge of the clerk in the Auditor's Office, who handles the same line of work or class of accounts, would prevent them. The strong probability of speedy detection operates as one of the most potent and effective preventives of wrongdoing. The divided responsibility affords this salutary check. But remove it, and concentrate in one officer, as the proposed legislation concentrates in the Auditor, the sole authority and undivided responsibility in the settlement of accounts and claims, and the temptation to corrupt action and dishonest practice is enhanced as the probability of detection is made remote.

The experts give much weight to the administrative action respecting accounts in the Departments or offices in which they are approved. Such action is in no sense an audit, but merely perfunctory examination of an account for the purpose of ascertaining whether the officer whose account is to be approved has obeyed instructions or kept within prescribed limits. It is not a critical examination of each voucher to test its correctness and pass upon the legality of the expenditure involved. Therefore it can not take the place of the detailed examination made by the Comptrollers. The proposed legislation in no way provides that this so-called administrative action or examination shall be more critical or exact than it has been in the past.

It is well known to all familiar with these matters that thousands of vouchers and accounts annually pass through the accounting offices of the Treasury, bearing the approval of the head of some Department, after the so-called administrative action therein, in which are found gross errors in computation, and many of the charges so approved by the head of the Department are held to be illegal by the Comptroller. The experts, in referring to the proposed change which takes away from the Comptroller the detailed examination of accounts in his office and vests the final authority to pass upon and certify the same in the Auditor, say:

"This will do much toward removing the irritation and friction that is known to exist between the officers connected with the administrative Departments of the Government and the Government's accounting officers."

The experts in making this somewhat naive statement were evidently unmindful of the protracted struggle that existed on the part of the Comptrollers from the foundation of the Government down to 1868 against the undue pressure exercised by heads of Departments in seeking to enforce the allowance of accounts and claims which the Comptrollers held to be extravagant or unwarranted by law. Various opinions by distinguished Attorneys-General of the United States were rendered, some supporting the view that the approval of the head of an Executive Department should control, others in favor of the conclusive authority of the Comptrollers. But Congress settled the vexed question authoritatively and decisively in favor of the Comptrollers by the act of March 30, 1868 (15 Stat., 54), now section 191 of the Revised Statutes of the United States, which provides that—

"The balances which may from time to time be stated by the Auditor and certified to the heads of Departments by the Commissioner of Customs or the Comptrollers of the Treasury upon the settlement of public accounts shall not be subject to be changed or modified by the heads of Departments, but shall be conclusive upon the executive branch of the Government and be subject to revision only by Congress or the proper courts."

Here is a legislative sanction and approval of the divided responsibility; the separate and independent action of the Auditor and the Comptroller in the settlement of public accounts, and a recognition of the high and important duties and powers of the office of Comptroller, which is stronger than all else that has been or can be adduced in favor of the present accounting system, and ought to be sufficient reason and authority for its retention.

OBJECTIONABLE FEATURES IN THE PRESENT SYSTEM OF ACCOUNTING.

An objectionable feature in the present system of accounting is that statutes sometimes receive contradictory constructions by the two Comptrollers and the Commissioner of Customs, each being independent of the others, and their rulings in other matters pertaining to the settlement of accounts are occasionally at variance. This is an objection which can not be overlooked, but it has never occasioned any serious difficulty or loss to the Government. There has been harmony in the construction of the great and important principles, and the difference has related mainly to minor matters in accounting.

Had the original system as inaugurated under Hamilton been preserved intact this difficulty could not have arisen. Instead of creating separate and independent Comptrollers, as the business of the Government increased the one Comptroller might have been granted assistant comptrollers to perform the duties now assigned to the two Comptrollers and the Commissioner of Customs, and thus many of the difficulties and perplexities in the accounting system would have been avoided. The proposed legislation is not a return to the original system, but a wider departure from it. It vests in the five Auditors the final authority to decide upon matters of account now vested in the Comptrollers and the Commissioner of Customs. (The Sixth Auditor, since the creation of that office in 1836, has, so to speak, been his own comptroller.)

Under the proposed reform there will be six Auditors, each of whom may make decisions, and these decisions will not always be harmonious. If specially appealed to the Comptroller the contradictory decisions will be harmonized; but, as already shown, the process provided will not bring all of such cases before the Comptroller. The remedy proposed for the objectionable feature of contradictory decisions will aggravate rather than cure the evil.

The delay in the transaction of the public business is urged as an objectionable feature in the present accounting system. But the delays that exist are not the fault of the system, but arise from lack of administrative force and proper dispatch of business in Executive Departments and in the accounting offices. As already shown, these delays can not be attributed solely to the Comptrollers and the Commissioner of Customs. The facts will not warrant any such conclusion.

For example: Postal accounts settled by the Sixth Auditor, which do not go to the Comptroller for revision or detailed examination, have been as much in arrears as the accounts in any bureau in the Treasury Department.

Furthermore, for reasons already stated, the proposed legislation, in overturning a well-established system and radically changing the existing order of things and jurisdiction of offices, will, in all probability, bring about greater delays and cause the public business to fall still further behind.

CRITICISM OF SPECIAL SECTIONS OF SENATE BILL NO. 1831 AND HOUSE BILL NO. 6478.

Section 1.—The reasons assigned for the change in the nomenclature of the several Auditors, designating them as Auditor for the Treasury Department, Auditor for the War Department, etc., are fanciful rather than real. The title designates the jurisdiction of the particular Auditor only superficially. True, the Auditor for the Treasury Department will have jurisdiction of all accounts and business coming under the Treasury Department, but it will still be a question to be determined (and sometimes not without difficulty) to say just what accounts and business do come under the Treasury Department, and in like manner with respect to each of the other Executive Departments.

For this fanciful change in title the existing jurisdiction of the Auditors is to be radically overturned, which will be inevitably attended with great confusion, and render it extremely difficult after the lapse of years to trace the payments of accounts and claims. This is no slight evil, as there is no statute of limitations against the Government, and it is a matter of frequent occurrence in the Departments to have old claims, long since paid, brought before the accounting officers and other officials, and their payment urged.

The present division of jurisdiction between the several Auditors is broader and more philosophic than that given in the proposed change. Under the existing system all military and naval accounts go to the three Auditors (the Second, Third, and Fourth), and all civil accounts go to the First, Fifth, and Sixth Auditors, and to the Commissioner of the General Land Office (as Auditor of public-land accounts). The division between the several auditors is very simple; military accounts are assigned to the Second and Third Auditors, the jurisdiction of each being clearly defined; naval account to the Fourth Auditor; post-office and postal-revenue accounts to the Sixth Auditor; public-land accounts to the Commissioner of the General Land Office; the Fifth Auditor has accounts accruing in the Department of State, internal-revenue accounts, and a few others specially assigned to him by statute; and the First Auditor, as the original Auditor, has jurisdiction of all civil accounts not assigned by law to another Auditor. No difficulty can arise as to jurisdiction under the foregoing plain and simple provisions.

This well-defined jurisdiction it is proposed to break down; to divide up the files of accounts between the Auditors for the several Departments, and to combine in one Auditor jurisdiction both of military and civil accounts, in another jurisdiction of naval and civil accounts, and to radically change the jurisdiction of each (except that of the Auditor for the Post-Office Department, whose jurisdiction is not invaded).

Another very grave objection to an Auditor for an Executive Department is that he is liable to be unduly influenced by the will of the head of that Department, with whom he is brought in immediate contact. A Cabinet officer is a powerful factor in the administration of the General Government, and it is not overstating the case to say that an Auditor of a particular Executive Department will become a subordinate of the head of that Department, and in a great measure subservient to his will.

Section 2.—The provision in the latter part of this section as to the important duty of bringing suit against delinquent officers and their sureties is very vague and unsatisfactory. It is that "the Auditors, under the direction of the Comptroller of the Treasury, shall superintend the recovery of all debts finally certified by them, respectively, to be due to the United States." Bearing in mind that the Comptroller of the Treasury, as provided for in this bill, has appellate jurisdiction only of accounts, whose duty will it be, if the bill should become a law, to certify transcripts of accounts to the Solicitor of the Treasury for suit? The specific provisions of sections 3624, 3625, and 3633 of the Revised Statutes, imposing this duty on the Comptroller and the Commissioner of Customs, seems to have been overlooked in drafting this bill, and the general language employed leaves the matter in doubt.

The above-named sections are not specifically repealed, and as the First Comptroller is continued under the title of Comptroller of the Treasury, would the duty of certifying transcripts of accounts to the Solicitor still remain as one of his duties? The perplexity is augumented by the fact that the bill for abolishing the office of Commissioner of Customs, which passed the House of Representatives March 8, 1894 (House bill 5750, and House bill 1738), in section 2 provides for amending section 3625 by inserting therein the words "First Auditor of the Treasury," instead of the words "Commissioner of Customs."

Section 3.—The provision in this section that "The returns of fees mentioned in section 1725 of the Revised Statutes shall be made as prescribed by the Comptroller of the Treasury," conflicts directly with the authority conferred by law upon the President, and takes from the President and vests in the Comptroller a duty specifically assigned by the statute to the President.

The fees referred to in section 1725, Revised Statutes, are consular fees, and the form of rendering these fees is invariably contained in the consular regulations prescribed by the President through the Secretary of State, as the law provides. Section 1725 must be construed in connection with sections 1745 and 1752, Revised Statutes. Section 1745 authorizes the President to prescribe "the rates of tariff of fees to be charged for official services" by consular officers of the United States, and section 1752 authorizes the President to prescribe the regulations and issue the orders governing all diplomatic and consular officers of the United States, in relation to their duties, "The transaction of their business, the rendering of their accounts and returns," etc.

These regulations are always prepared by the Secretary of State and officially prescribed by the President, and in them are always included the tariff of fees which the President is specifically authorized to prescribe (section 1745), and the form of rendering the "return" thereof (section 1725). The authority to prescribe the forms of accounting and returns for diplomatic and consular officers of the United States is vested by law in the President who acts through the Secretary of State.

SECTION 5.—The objections to changing the jurisdiction of the Auditors, as now fixed by law, have already been fully stated. The proposed change of certifying balances to the division of bookkeeping and warrants instead of to the Register is ill-advised. The records of all civil accounts and the files thereof have been with the Register since the Treasury Department was established. The Register, in the opinion of Hamilton, Crittenden, and other able statesmen, who were thoroughly familiar with the accounting system, is one of the checks upon which the Secretary must rely in granting warrants upon settlements. If any improvement or reform is to be made all the files and all the records should be kept in the Register's office, as is provided in the organic act creating the Treasury Department. The proposed change will produce great confusion and can be productive of no good.

Section 6.—In this section, beginning at line 26, the following clause occurs: "Any person accepting payment under a settlement by an Auditor shall be precluded from obtaining a revision of such settlement." This is very obscure as to the real meaning, and the rest of the section does not throw light upon it. Does it mean that if any officer's or claimant's accounts are settled in the ordinary course of business, and a Treasury draft sent to him, which he accepts, negotiates, and receives the money thereon, that he has "accepted payment" in the sense of the proposed statute, and is therefore precluded from obtaining a revision of the settlement, even for good and satisfactory cause shown? The intent of the statute should be made plain. The objections to the provision in this section authorizing the Auditors to keep their own files of accounts have already been fully stated.

Section 8. The advantages of certifying accounts to the Register instead of to a division in the office of the Secretary of the Treasury have already been adverted to. It is inconsistent with the general theory of the duties of the Secretary, as fixed by law, to require his office to perform duties which appertain to the Register so long as the office of Register remains.

Sections 9 and 10.—The duties required of the Auditors in these sections as to passing upon requisitions for advance of public money to disbursing officers are substantially those which are now performed by the Comptrollers, and do not provide any better protection for the Government. And the provisions as to the rendition of accounts do not materially differ from the existing law touching this matter (section 3622, Revised Statutes), as modified by subsequent acts, which authorize quarterly rendition of accounts, but give the Secretary of the Treasury authority to require their rendition more frequently.

This claim, set up as to the great improvement in the system and the better protection to the Government that will inure from these two sections (9 and 10) if enacted, is not well founded.

Section 12. The provision in this section that claims presented to an Auditor which have not had administrative examination shall be "examined by two of his subordinates independently of each other" is, to say the least, a very inadequate and unsatisfactory substitute for the separate, independent, detailed examination of such claims in the Comptrollers' offices, for which this provision is intended as a substitute.

It is respectfully submitted that a candid consideration of the foregoing objections, in connection with the manifest advantages of the present system of accounting, will demonstrate that the proposed changes are unsafe and unwise, and ought not to be adopted.

It appears strange that the experts in their examination of the Treasury Department have passed by many features which to those thoroughly familiar with its workings are regarded as useless and unnecessary, and have aimed their first and only blow at the distinctive and most important feature in the accounting system, the office of Comptroller, regarded by Hamilton as the "second trust in the Department," often spoken of as "the key of the Treasury," and which none of the great Secretaries from the days of Hamilton to the present time have considered as unnecessary or unessential.

In the report of Levi Woodbury, Secretary of the Treasury, made to the Senate in 1834, from which the commission quote, there is no suggestion that the office of Comptroller might be safely dispensed with, or that the divided responsibility of the Auditor and the Comptroller is not a wise and salutary feature in the accounting system. The report recommended simplification of methods, and the present commission say, after quoting largely from Secretary Woodbury's report: "It is evident that some simplification of the present methods is necessary." It is not shown in what way the methods proposed will simplify existing methods; on the contrary, it is not overstating the case to say that the radical changes introduced will produce greater confusion. The honorable members of the commission, engrossed with their own duties as legislators, and not familiar with the details of the accounting system and offices, have necessarily relied upon their experts.

The experts employed as salaried agents to discover defects in the existing system of accounting and to correct them, could hardly be expected to approve the system as satisfactory. Naturally they arrayed themselves against existing methods and greatly magnified the defects and evils which appeared to exist. A perusal of their report clearly shows it to be an arraignment of the present accounting system, and not a judicial and impartial consideration of its merits and defects. In their efforts to improve it they have recommended the striking down of its most important feature and the destruction of one of the essential safeguards of the public Treasury.

NO. 1320 F STREET NW., *Washington, D. C., April 10, 1894.*

SIR: Having been for thirty years employed in various positions in the office of First Comptroller of the Treasury, and filled the office of Deputy First Comptroller for eight years and left the Department with an honorable record, I naturally feel much interest in the proposed legislation, which practically abolishes the office of Comptroller in the accounting system of the Department (Senate bill No. 1738 and House bill No. 5750, introduced March 8, 1894, also Senate bill No. 1831 and House bill No. 6478, introduced March 29, 1894).

I have therefore prepared the inclosed argument against the proposed changes, but without any personal or pecuniary interest whatever in the matter.

I trust you may have the time and inclination to read it.

Very respectfully, yours,

J. R. GARRISON.

Hon. WM. E. CHANDLER,
United States Senate.

THE SYSTEM OF ACCOUNTING IN THE TREASURY DEPARTMENT—ITS ORIGIN AND GROWTH—THE OFFICE OF SECOND COMPTROLLER A PUBLIC SAFEGUARD.

The general scope of the Treasury Department, and the functions of its several bureaus, can be clearly understood only by means of the information obtained from a close observation of the system of public accounting which has worked so satisfactorily, with few interruptions, for more than three-quarters of a century.

The present system of settling public accounts has been in operation since the year 1817.

By the act of March 3, 1817, the offices of accountants in the War and Navy Departments were abolished, and the appointment of an additional Comptroller (the Second Comptroller of the Treasury) and four Auditors was provided for.

It was evidently the intent of the framers of the act of 1817 to establish a tribunal for the settlement and adjustment of accounts against the Government that should be wholly independent of control or revision by those Departments or offices by whom the public expenditures and liabilities are incurred.

The Comptrollers were, by the act of 1817, stationed over the several Departments as checks upon their expenditures. They are not clerks of but are checks upon the heads of Departments. They are the depositaries of special powers. Their functions are so far judicial that President Madison at one time urged that their tenure of office should be independent of the Executive. It is evident that only through an intimate acquaintance with departmental history can the jurisdiction of the Comptrollers be known or the embarrassment and loss that would result from the want of such safeguards be fully estimated.

If, owing to the great growth of the public business, consequent upon the expansion and development of the country, errors have crept into the system of public accounting and injured the general symmetry of the plan as projected by Hamilton, simplicity and order may readily be restored by prudent and wise legislation. It is not necessary to destroy the system to get at the error.

The best evidence as to the value of the present system lies in the fact that it has stood the test of time, having met all the requirements and demands of the Government from its very foundation down to the present period. By looking back at the ordinance of the old Congress, "for regulating the Treasury and adjusting the public accounts," adopted September 11, 1781 (3 Journals Congress, 666), it will be found that this early ordinance provided for precisely the same officers that were constituted by the act of 1789. The duties of the several officers were also similar.

In fact the act of 1789 only continued in operation the old system that had been in existence under the early ordinance from 1781. The same system was preserved by the act of 1817, but it was enlarged and extended to meet the conditions growing out of a great increase of the public business. That is substantially the system which exists to-day. So that it may be said that the present system of accounting has continued, with but few interrup-

tions, and only such changes as were made necessary by the growth of the country, from 1781 to the present time, or one hundred and thirteen years. It would seem, therefore, that a system that has worked satisfactorily for that long period ought not to be disturbed without good and valid reasons. It is not believed that such reasons exist.

The practical effect of the contemplated changes, if made, will be to do away with all revision of the accounts and claims, after their settlement by the several Auditors of the Treasury, except in those few cases where appeal shall be taken to the Comptroller of the Treasury, as provided in the bill "To improve the methods of accounting in the Department of the Treasury, and for other purposes." To some extent this right of appeal may be satisfactory to the individual who may generally be relied upon to see that his own interests are protected, but who is to guard with equal care the interests of the Government? It may be answered that provision is also made that the Secretary of the Treasury may, within a stated time, obtain a revision of any account. To the superficial observer this may look like adequate protection, but to the experienced accountant it would seem to be throwing away the substance and retaining only the shadow.

If the Comptroller of the Treasury is to have action on only those few cases appealed to him from the Auditors, he is not likely to have in his office the subordinate experts through whom every head of a bureau must work, and on whom he must rely for his information and for the performance of the detailed work. Without these experts the accounts could not be properly examined, and the head of the bureau must work at great disadvantage.

Again, as the work of the Auditor is not to be uniformly revised by anybody, only the employés in his office will see the accounts, or know what they contain, what source of information will the Secretary of the Treasury have in regard to them, and how will he determine what particular accounts contain errors prejudicial to the interests of the Government? Is it expected that the Auditor's clerk will call attention to his own errors, even if he becomes aware of them? No; and hence owing to the want of information as to what accounts are improperly adjusted there will be no intelligent revision of accounts, and the interests of the Government will be without adequate protection.

Auditors and their employés are but human, and until the liability to mistakes is eliminated from human action it will be unsafe and unwise to entrust great interests to the exclusive care of one person. An Auditor operates through his clerks, and unless errors are discovered by the clerk, and attention called to the same, the Auditor himself remains in ignorance of the error. If the clerk has a moral or mental defect the error will pass unheeded. His knowledge that the revision of his work is highly improbable will engender careless habits and loose rules of construction.

It should not be forgotten that the famous star route scandal was located in a Department whose accounts are settled by an Auditor without revision by a Comptroller, and that the great swindle and consequent loss to the Government would have defrayed the cost of revision of all Post-Office accounts for half a century or more. Since that time the Sixth Auditor has established within his own office a "Division of Review" of accounts, thus recognizing the necessity of bringing more than one mind to bear upon important questions. The same necessity has been recognized by the committee in framing the present bill, for in section 12 of the bill it is provided that, "In the case of claims presented to an Auditor which have not had an administrative examination, the Auditor shall cause them to be examined by two of his subordinates independently of each other." It is a fact that a large percentage of all claims settled by the Second Comptroller do not receive administrative action, but are filed directly with the accounting officers.

It will be admitted that a rigid scrutiny of official acts tends to keep many in honorable paths who might otherwise be treading devious ways. An ounce of experience is worth many pounds of theory. Search the records of the Comptrollers' offices and you will find innumerable cases where reversal of the Auditor's action has saved the Government large sums, while the amount of wrong prevented is of course incalculable.

Some time during the year 1878 an official claimed to have expended over $30,000 of his private funds for the benefit of the Government. He presented fair vouchers as evidence of the claim. Congress was induced to make an appropriation to reimburse him. The Auditor allowed the claim but the Second Comptroller demurred to the evidence. Investigation proved the claim fictitious, and the next Congress repealed the act of appropriation. Thus this large sum was saved to the Government.

At another time Congress passed an act granting extra pay to certain persons in the service. Ten days after the act became a law a claimant made application for what might be due him thereunder, and he was paid. After the lapse of a number of years the same party again claimed the gratuity. The claim was again certified by the Auditor for allowance, but upon examination by the Second Comptroller it was disallowed upon the ground that the claimant had once been paid in full.

Many other cases could be cited wherein the amount saved by the revision of accounts, after they have been passed by the Auditors, have been large, but it is believed that the two mentioned will suffice to illustrate the value of the double-check system of accounting now practiced.

No one mind is capable of grasping all the different points of the many complex questions which daily arise in the accounting offices. One man will bend his mind to the discovery of noncompliance with prescribed forms. Another will look carefully into the legal status of the transactions; while still another will readily discover all the errors in computation. These different human characteristics are recognized in all the business affairs of life. In our jury system twelve different minds are brought to the determination of questions in order that the facts may be viewed from twelve different standpoints.

The ancient practice of some dignitary "sitting within the gates," hearing and deciding disputes instanter, may have been suited to those primitive times, but it will not satisfy the people of the present day. The complicated affairs of life now require some system adequate to meet the present needs. The system of public accounting established by Hamilton has been reasonably satisfactory for more than one hundred years. To modify that system and remove the checks upon dishonesty and profligacy and place it within the power of one man to decide what is lawful and proper (be he ever so honest), is an experiment fraught with untold danger and the possible loss of large sums of money, compared to which the saving in clerk hire will be insignificant.

The work necessarily involved in the examination and settlement of claims and accounts coming before the Second Comptroller's Office can not be fully expressed in figures. Even if it were practicable to convey by tabulated statements a definite idea of the work, such statements could not be clearly understood except by those who have given long and close personal attention to the work.

The necessity for the work of revision is made apparent by the fact that in 1,160 claims examined in the office of Second Comptroller during the present fiscal year, errors aggregating $34,800.63 were discovered and corrected, being $23,370.38 reported by the Auditor for allowance, to which claimants were not entitled, and $11,439.30, not reported by the Auditor, but found due claimants under the laws and decisions applicable to the cases and allowed by the Second Comptroller; also by the further fact that in 387 accounts of disbursing officers errors aggregating $453,288.63 were discovered and corrected.

In connection with this subject attention is invited to the "joint report from the Secretaries of the different Departments respecting the annual settlement of the public accounts," hereinafter set forth, which was made to the Senate at the second session of the Fourteenth Congress. This report is dated December 6, 1816.

It is an anomaly to be noted that the reasons which appear to have influenced the committee in 1816 in recommending the establishment of the office of Second Comptroller are practically the reasons now urged for the abolishment of the same office. If the condition of the public business at that early date warranted the appointment of an additional Comptroller, how can its present condition be considered to justify the abolishment of that office?

Attention is also invited to the accompanying tabulated statement showing the number of claims and accounts revised by the Second Comptroller during the present fiscal year; also the number of corrections made therein, and the amount disallowed by the Comptroller in said revision.

The bill lately introduced into the Senate and House of Representatives, entitled "A bill to improve the methods of accounting in the Department of the Treasury, and for other purposes," ought properly be entitled "A bill to open the doors to frauds upon the Treasury, and for the benefit of claim agents, and for other purposes."

The bill is vicious and dangerous, and bears upon its face evidence of having been drafted by men without practical experience in Treasury accounting, and without knowledge of the methods they propose to remedy. It is supposed to be a bill to simplify the system which has been in successful existence for almost a century, whereas it is in truth and in fact a bill to confuse and confound.

The reëxamination of accounts, and review of the action of the several Auditors is removed, and a feeble attempt to preserve the checking system by a review established within the several bureaus, thus abolishing the Comptrollers' offices.

Time will not permit an exhaustive brief on this unsafe innovation, but a few salient points can be presented which will show the wrongful tendencies of the proposed legislation.

If enacted into a law it will radically change the system of checks and balances which have so long given satisfaction to both officers and the people.

The bureaus of the First and Second Comptroller, as Comptrollers, are abolished, and in their stead a judge of a court of appeals and an assistant judge are to be substituted, under the name of "The Comptroller of the Treasury and Assistant Comptroller." They will have practically little to do with questions of law, because, as will be seen by an examination of the bill, under the system proposed very few appeals will be taken, as will be shown.

Section 4 amends section 271, Revised Statutes, as follows:

"SEC. 271. The Comptroller of the Treasury, in any case where, in his opinion, the interests of the Government require it, shall direct any of the Auditors forthwith to audit and settle any particular account which such Auditor is authorized to audit and settle."

Now it does not appear how the Comptroller of the Treasury is to know when the interests of the Government demand the settlement of any account unless it be shown in very few cases which are brought to him on appeal; and it is not for a moment to be presumed that Auditors will appeal from their own rulings, and claimants will scarcely venture to invoke such remedy.

The judge and assistant judge, it is true, will have certain duties and powers, the first named having full control; the assistant such duties as his chief may assign him, being chiefly clerical. The revision of the accounting of the several Auditors is entirely removed from the Comptroller, and except upon questions of law (and as has been shown few will arise under the proposed bill) he and his assistant will have plenty of time for recreation.

To speak more plainly, the Comptrollers are shorn of all power, and the several Auditors become the most important officers in the Treasury, ranking in powers for mischief the higher officials. Their action in almost every case will be final, and no matter how great the fraud, there will be no redress either upon the part of the Government or the citizens. The Government will stand powerless in their presence.

To illustrate, attention is called to lines 26 to 28, page 8 of the bill, where it says: "Any person accepting payment under a settlement by an Auditor shall be precluded from obtaining a review of such settlement." Can any legislative enactment be more unjust, more arbitrary? A citizen having a claim pending before the Auditor of the Treasury Department is allowed $1,000. He believes he ought to have more, but not having access to the books and may be pressed for money, accepts it as the best thing that can be done. After a time it is made known to him that the Government owed him $2,000 instead of $1,000, and he modestly asks a revision. He files his petition and is confronted with the above enactment, being practically informed that "mistakes are not corrected in the office of the Auditor of the Treasury." The unfortunate claimant has but one remedy left, and that is an appeal to Congress or the Court of Claims; and sensible men know that is a very doubtful remedy.

Can any law of Congress be more inequitable; nay, more unjust?

But the Government is no better off. Its checking system is gone and it is left to the tender mercies of the accounting officers.

Section 12, recognizing the necessity for the checking system by Comptrollers, in an infirm endeavor tries to preserve it, but it does not. Read what it says:

"SEC. 12. In the case of claims presented to an Auditor, which have not had an administrative examination, the Auditor shall cause them to be examined by two of his subordinates independently of each other."

Mark the words, "the Auditor shall cause them to be examined by two of his subordinates independently of each other." But will they be independent of the Auditor? That is a pertinent question.

To again illustrate. The Auditor of the Treasury, being a man, perhaps of some vanity, of inordinate ambition, and some cupidity (this is merely a supposable case), has a claim pending in his Bureau which is somewhat cloudy. The claimant, knowing his man, "sees" the Auditor and departs. The claim, amounting to $30,000, is taken from the files; the Auditor calls upon his subordinates; gives them his opinion regarding it. However independent they may be of each other, they will not be independent of him, and after an accounting and revision the claim is audited and allowed. The fortunate claimant, of course, will ask for no review; will ask no appeal; the Auditor will certainly not appeal from his own ruling; and the lucky man appears, draws his warrant, and walks out of the Treasury Department with his $50,000—minus the sum it has cost him to "fix" things. This is by no means an extreme case.

Some years ago a claim for some $30,000 ran the gantlet of all the guards against fraud until it reached a division of the Second Comptroller's Office. The clerk whose duty it was to review it made a careful examination, and after such examination pronounced the evidence insufficient and stood by his conviction, notwithstanding there was a good deal of cursing about red tape. A careful investigation was had, resulting in finding the claim fictitious

and without foundation. The Auditor's action was reversed, the claim disallowed, and $30,000 was saved to the taxpayers. This is but one of hundreds of such instances, and will it be safe to tear down such a system and substitute a weakling like said section 12 in its stead? Better cling to the Comptroller's offices as organized in 1817.

There is a report filed with said bill which purports to have been prepared by the three experts who have, it is said, given much time to the examination of departmental methods. If they did prepare the report it reflects no credit upon them, for they display a lamentable ignorance of the subject they pretend to treat. It really needs no answer, because an examination of it in connection with the bill bears its own refutation. To one familiar with the workings of the Second Comptroller's Office it is apparent that these gentlemen named or either of them have never given a day's study to its books. Indeed, it is asserted that not one of the three have ever spent a half day in the Bureau. They have never been seen there but once or twice, and then did not remain in any one room as much as twenty minutes, and some of the rooms they did not visit at all. Their examination and information came from other sources, and they gave little heed to what they were attempting to undo.

But to the report, and a perusal of it will readily show how little they know of what they are talking about, and attention is called to the following culled from it:

"Sections 9 and 10 of this act will do more for the protection of the Government than a dozen reëxaminations of accounts."

It will not do to accept this dicta but go to the act itself, and that will show that said sections 9 and 10 have nothing at all to do with an examination of accounts that will protect the Treasury. Section 9 simply provides for the signing and countersigning of warrants and is no check at all. As a matter of fact, every officer of the Government knows that the Secretary of the Treasury, and the officers under him, are guided by the initials of the different subordinates through whose hands the warrants and accounts must pass, and on them they must rely. They have no time to turn themselves into law professors and bookkeepers, but they must heed the initials, and it is the same to them whether coming from one or a dozen bureaus. The Secretary of the Treasury and the Comptroller can not know under section 9 whether an account be correct or not. Such a statement in a report can have but one object, and that to deceive.

A part of said section 9 repeals section 269 and so much of section 365 of the Revised Statutes as requires the Register of the Treasury to record warrants. This of itself is a removal of a check, and gives the Register less to do, while in the report the experts advise that he be given three more divisions and more clerks with less to do. Why, it is not easy to determine. It is an enigma that is not easy of solution.

It will thus be seen (and this may be a repetition) that there is absolutely nothing in section 9 to protect the Government in lieu of a reëxamination of accounts by a different set of officers removed from the influence of the first accounting bureau; and it is amazing that men should make such an assertion and expect people who can read to believe it.

Section 10 does no better. On the contrary, it is confusing and gives no relief. In all candor, where can the experts point to a clause in said section which is a check or balance? It is faulty in the extreme and attempts to provide against possibilities by requiring an impossibility. The entire section is too long to incorporate in this paper, and but one more brief reference will be made to it.

To give the nondescript dignity it is presumed, the services of the President are brought into requisition. It is sufficient to say that he, too, like the Secretary of the Treasury and the Comptroller, must rely upon the initials of his subordinates and sign what is placed before him, else he would have no time to give to other public business. He in this instance is at the mercy of the Auditors, and the men who drafted the bill, if they knew anything, must have known it. It is merely a blind and practically meaningless.

Section 11 is no improvement on the present system, but the reverse. It gives no check upon the Attorney-General in the examination of accounts. It is a tortuous provision, and only removes checks upon the officers who act under him.

Section 13 is merely directory and is already the law.

It is not necessary to analyze the remaining portions of the bill, as they are perhaps necessary should the change asked be unfortunately made.

The fourth section of the bill, however, deserves especial mention.

The Auditor for the Navy Department must certify all his balances to the bookkeeping division, but he has no control over said division. He is made responsible, but has no control of the books to which he must certify his balances. He is at the mercy of a division beyond his jurisdiction. The experts in framing their report, the men who drafted the bill, gave little heed to this lax method to be substituted for the old and satisfactory way of doing business, and the looseness of the proposed act shows they have given no real study to their subject.

The bill, if it should ever become a law, will throw all the naval accounts into an endless muddle. In less than a year Congress will be called upon to reverse its action and restore the system which prevails and gives so little cause for complaint. Every protection is provided now, and appropriations and accounts arising thereunder move like clockwork. To overthrow the system as proposed by the railroad gentlemen will so pile up the difficulties the officers will encounter that a Second Comptroller, with all his powers as they at present exist, must be again created.

So much for a hasty review of this bill of abominations.

Attention is now called to another peculiar phase of the monstrosity.

An attempt is made to preserve all the high class of officials. Whether fearing a resistance on the part of some of them or with a desire to preserve some special interests, something like a logrolling process is apparent.

The Chief Comptroller has an increase in the bill of $500 added yearly to his salary. The experts recommended an increase of a thousand. They (the experts) also recommend that each Auditor be allowed $400 per annum more than is now paid them. This feature has a dubious aspect. If economy is one reason why the bill must become a law, why lessen the duties of the Comptroller and give him a higher salary? Why increase the salaries of the Auditors? This increase is made at the expense of the clerks in the classified service, who must be turned loose with nothing, and chiefs of divisions, who will be turned out of office. This of itself would be a small matter if a great and lasting reform would be accomplished. But when no reform is had, it has a strange and confessedly dark appearance. Its earmarks are not creditable to the authors of the scheme. This shady view is noticed because some one has thought enough of the officers who expect to be retained to increase their emoluments and dignities and at the expense of the Treasury.

But to the estimated saving; $179,000 per annum the railroad men say will be saved. This looks well in print. Will the change save such an amount? With all due deference to men who so declare, it will not! It will save nothing. Already some of the officers who are most interested are declaring that in view of increased labors their allotment of clerks by the experts is too small and they must have more. Where will the end be?

More important, however, is the great safeguard the Commission want to break down. Common rumor says that in the Second Comptroller's Bureau alone there have been errors discovered and a saving to the Government of a half million or more of dollars within the last nine months, or since its present chief became its head. It is confidently believed that this statement can be verified. If true—and it can be easily ascertained if not true—where is the economy of removing such a check, and opening wide the gate to all sorts of chicanery?

Put the sum of $179,000, even if such estimate be correct (and it is very doubtful if it is) against $500,000, and on which side is the economy? The experts had better try again. Better go back to railroading.

Safety to the Government, fair dealing to her citizens, demand something more than to tear down the wisdom of a century.

The flood gates will be raised should the bill pass. Scandals may not come at once, but they will come; and when they do the star-route robberies will pale into insignificance.

With bold and defiant mien, in the light of the noonday sun will the brazen sons of rascality walk into the doors of the Treasury and out again with their ill-gotten gains unheeded and unmolested.

Will it be safe to follow the leadership of Alexander Hamilton, Robert J. Walker, and JOHN SHERMAN, or shall the Congress of the United States bow with humiliation and shame to the superficial vaporings of J. W. Reinhart, C. W. Haskins, and E. W. Sells?

A statement was made this morning that the "experts" called the Auditors together one day this week and told them that an attack had been made upon them. This does not include the Sixth Auditor. It was a meeting of the Auditors called together after receiving a statement prepared by the Comptroller, showing the differences in the settlement of accounts revised by him. The "experts" are trying to induce the Auditors to believe that this officer is making an attack upon their offices, and to array them against the Comptroller, in order that they may facilitate the passage of their scheme.

[Senate Miscellaneous Document No. 167, Fifty-third Congress, second session.]

IN THE SENATE OF THE UNITED STATES.

April 27, 1894.—Referred to the Committee on Organization, Conduct, and Expenditures of the Executive Departments, and ordered to be printed.

Mr. SHERMAN presented the following:

STATEMENT OF W. I. LEWIS, FORMERLY A CLERK IN THE TREASURY DEPARTMENT, IN OPPOSITION TO THE PROPOSED LEGISLATION TO IMPROVE THE METHODS OF ACCOUNTING IN THE TREASURY DEPARTMENT BY ABOLISHING THE OFFICE OF COMMISSIONER OF CUSTOMS AND GIVING THE POWER TO FINALLY EXAMINE AND CERTIFY ACCOUNTS AND CLAIMS AGAINST THE UNITED STATES TO THE FIRST AUDITOR, SUBJECT ONLY TO AN APPEAL UNDER LIMITED CONDITIONS TO THE FIRST COMPTROLLER OF THE TREASURY.

[House bill No. 5750, "to improve the methods of accounting in the Department of the Treasury, and for other purposes."]

OBJECTIONS TO THE PROPOSED LEGISLATION—REASONS SHOWING IT TO BE UNWISE, AND THAT IT WILL NOT IMPROVE THE METHODS OF ACCOUNTING IN THE TREASURY DEPARTMENT.

The office of Commissioner of Customs was created in 1849 to relieve the then overburdened Comptroller.

In a letter dated December 9, 1848, transmitting his annual report to Congress, Hon. Robert J. Walker, then Secretary of the Treasury, one of the ablest Secretaries we have ever had, said:

"The office of the Comptroller of the Treasury should be divided, and that great and augmenting portion of his duties relating to the receipts from customs and the accounts of collectors and other officers of the customs should be devolved upon the head of a new bureau, to be called 'the Commissioner of Customs.' Combined, as now are under the First Comptroller the duties appertaining both to receipts and expenditures of the public money, accounts, and claims, the office is overburdened with business which can not promptly and properly be performed by any one individual, however able and laborious."

So Congress, after due deliberation, created the office of the Commissioner of Customs. The largest portion of the income of the Government is obtained from the customs duties, involving accounts upward of $204,000,000 during the last fiscal year.

By a comparison of the amount of customs duties collected now and the amount collected when this office was created in 1849 it would seem that if there was a necessity then for establishing the office of Commissioner of Customs that necessity must be still greater now.

But it is claimed in the report of the joint commission, No. 409, that the powers of the Commissioner of Customs are not such as were given him at the creation of the office. It is true that some jurisdiction, for various causes, has been absorbed by the office of the Secretary of the Treasury, but it is also true that jurisdiction over additional accounts appertaining to several branches of the service have been added, viz: Life-Saving Service, Shipping Commission, Commission of Immigration, and Chinese Exclusion, and the business of the Government has so largely increased, that the duties of this office are now very much larger than when the office was created.

In the report of the joint commission, No. 409, it is stated that—

"If the Commissioner of Customs had such powers as were given to him at the creation of the office there might be some reason for the existence of the office; but as it is now the said office has no particular function to perform except to revise the customs accounts which have been previously audited by the First Auditor of the Treasury."

The facts are that, in addition to the examination of 6,135 Auditors' certificates and 16,216 accounts adjusted with accompanying vouchers and papers, there has been performed in the office of Commissioner of Customs in the last fiscal year the following work with which the Auditor had no connection, as appears from the annual report of the Commissioner of Customs, viz: 2,095 estimates received and examined and requisitions issued, involving $16,536,915.31; 24,264 letters received and 8,839 letters written; 9,228 letters recorded; 190,107 stubs of receipts for duties and fees returned by collectors; 171,829 stubs of receipts for duties and fees examined and summarized; 12,956 tonnage stubs examined; 13,394 tonnage stubs received and entered; 6,269 Auditors' certificates registered; 18,372 papers filed, noted, and referred; 4,906 appointments registered; 2,951 Auditors' certificates checked by the stubs; oaths examined and registered, official bonds examined and approved, and commissions transmitted, 2,219; and 190 attorneys registered. (Annual Report Commissioner of Customs, 1893.)

That office looks after these matters, all incident to a proper settlement of the accounts, the collection of revenues, and payment of expenditures; bonds are taken from collectors; fines and forfeitures are kept track of; unclaimed and seized goods are watched, and the stub system is a safeguard and pays much more than it costs. The keeping and comparing of transportation and exportation business requires constant attention of that office. A record of refund cases is required by law; also emolument accounts; public fund and cash statements are to be examined and checked, and a large miscellaneous correspondence is necessary to a proper settlement of accounts.

The clerks of that office have been there a long number of years, and have become expert accountants in their special accounts and understand the law relating to such accounts, and to place all this work in the First Audi-

tor's office and put new clerks on it would require a much larger force than the experts have mentioned in their report, and under the proposed change with new clerks, mistakes would be easily made; and if the mistake is against the Government the claimant will not appeal to the Comptroller and the account settled as stated by the clerk will go into the files and the mistake will never be discovered. Bear in mind that the Auditor himself does not examine the account, nor make the computations; the clerks do that and the Auditor approves the sum totals. In the final settlement and collection of balances due when officers retire, especially when there are controverted questions of law and fact, then the system for the settlement of accounts by one officer will be found to be very weak, as is the case in the settlements of accounts by the Auditor of the Treasury for the Post-Office Department, which is exceptionally weak, as will appear by the following:

In January, 1886, the House of Representatives passed a resolution calling on the Sixth Auditor for a report of "all balances due to and from the United States, as shown by the books of the offices of the Register and Sixth Auditor of the Treasury Department, from 1789 to June 30, 1885," and in reply, dated March 10, 1886, Hon. D. McConville, the then Auditor, said in his letter:

"I have the honor to inform you that it will probably require the entire services of twenty-five clerks four years to prepare the statement required by the terms of the resolution from this office."

The Commissioner of Customs office is a comptrolling office and a proper function of a comptrolling office is to exhaust all legal means for the collection of moneys due the Government as much as to examine and settle an account, and under the present system it would not take but a few clerks four days, in the Commissioner of Customs office, to prepare a statement of balances if called for by Congress.

If the past experience has any weight in this matter, surely the establishment of this Bureau has been a wise and economical measure.

Take the figures from the books of the Treasury (see Finance Report of the Secretary, 1893) as to the receipts and disbursements in customs matters for a number of years, say thirteen years immediately before the establishment of this office, from 1837 to 1849, inclusive, the receipts were $267,963,513.09, the loss $1,737,758, or about $6,500 to each million of dollars collected. The expenditures for same period were about $18,000,000, and the loss about $25,000, or about $1,400 on each million of dollars disbursed.

Now, take the receipts from 1881 to 1893, inclusive, thirteen years, $2,713,773,187.54 (see Annual Report Commissioner of Customs, 1893), the loss $870.17, or about 32 cents on each million collected. The expenditures for the same period were $280,824,420.12, and the outstanding balances $111,469.54, or $3.97 on each $1,000,000 disbursed.

These figures speak louder than any clamor for change in the system which has worked so admirably.

The Commissioner of Customs, in his annual report for the fiscal year ending June 30, 1893, says:

"The amount of unadjusted indebtedness standing on the books of the Treasury arising from accounts, the settlement of which pertains to this office, is very small * * * in transactions aggregating more than $3,000,000,000, a record of which any government may well be proud."

In the light of the past, is it wise to make the contemplated radical change not yet sanctioned by experience?

Heretofore duties on imports have been the largest single source of revenue to the Government, and will probably continue to be when the commerce and the business of the country are again adjusted on a firm basis; and as the loss has been so small (32 cents on a million) in collecting this large revenue, would it be wise to make radical changes for the sake of change? It may be claimed that some large corporations of the country have had the necessary experience to make such change. But in the light of the financial disasters to railroads all over the country, the comparison of losses between their systems of accounting and financial methods and the system of accounting and financial methods of the Government, judging from results, are very largely in favor of the present safe system of accounting by the Government.

A careful and intelligent examination of the existing system of accounting in all its bearings will show that no person, however expert an accountant, without previous practical experience in the office of the Commissioner of Customs can go into the Treasury and in a few days, or even months, make an examination of the methods of accounting and understand the scope and appreciate the value of the different parts, and arrive at a correct and safe conclusion.

The law now provides for two sets of accounting officers, an auditing and revising office; both are required to examine and certify all accounts under their jurisdiction.

In theory each makes an independent examination; the revising office examining the accounts after they have been certified by the Auditor, just as it would if no previous examination had been made.

But it will be shown that in practice there is an important distinction. If that were not true then the system would apparently provide for a duplication of the work.

The examination of accounts as to the character of the work may be divided into two classes, one clerical, and the other judicial.

The clerical consists in making computations, and seeing that the vouchers are properly receipted, certified, and dated; this requires care and fidelity; therefore a second examination of that character must be to insure such care and fidelity, and to detect and correct errors overlooked.

The principal object of a second examination, however, is to see that all laws and regulations restricting expenditures, and the acts of agents, officers, and other persons having accounts with the Government, have been complied with; ascertaining if the articles purchased and labor employed have been applied to the object provided for by the appropriation from which the expenditures have been made, and whether such were for the service of the fiscal year for which the appropriation was made, or come within a provision of law excepting them from such requirement; and, if furnished by contract, whether there has been strict compliance with the terms of the contract.

This requires a knowledge of the special statutes pertaining to such cases and of the general laws and also the decisions relative to the subject-matter, a clear comprehension of the meaning of words and an experienced judgment in applying the statutes.

In order to operate as an efficient check upon extravagant and illegal expenditures, this work must be done by experienced men of knowledge and ability, and with scrupulous care and fidelity.

This work is now being performed by men of ability and long experience in the office of the Commissioner of Customs, experts in customs accounts.

Under the present system the object of a second examination or revision of the accounts examined by the Auditor is fourfold; to maintain the efficiency of the examinations made in the Auditor's Office; to prevent fraudulent allowances, and to provide additional means for detecting and preventing illegal expenditures; and to enforce a compliance with the law.

If this bill No. 5750 becomes a law and the revision of the examination made in the Auditor's Office is done away with, then the accounts when certified by the Auditor will pass into the files and into obscurity, no matter how many illegal expenditures were passed over without question; there would hardly be the remotest chance for discovery; and mistakes, fraud, and collusion will never be detected, unless under very extraordinary circumstances, and even if discovered, the person rendering the account and the clerk auditing the same would naturally claim it to be only a mistake and criminality would not lie.

If a disbursing officer makes an illegal expenditure or intentionally makes a mistake against the Government, and the account is passed by the clerk, intentionally, or by making the same mistake unintentionally (as is often the case in footing columns, as every experienced accountant knows), or when a claimant is paid the amount of his claim, be it illegal or the result of a mistake, he will let the matter go and remain silent, and the clerk who passes the account will not call attention to it and thereby disclose his part in the transaction, and it will never be found.

A collector or other customs officer, or a claimant having accounts with the Government, would naturally make the acquaintance of the clerk who has charge of his accounts, as they have in the past, with no thought of fraud or collusion. As the system now stands, there are two officers and two clerks to collude with; but with only one clerk between him and the Government, with no means of detecting carelessness, negligence, or fraud, collusion to a dishonestly inclined person would naturally be suggested.

The provision of the bill seems to be admirably arranged for claimants and delinquents, but directly adverse to the interests of the Government. The Auditor's decisions are to be final in all cases not appealed. An appeal to the First Comptroller is provided for in the bill, but no decision in favor of a claimant or delinquent would ever be appealed, and the Auditor would not appeal from his own decision, and no one else would know anything about it, and there would be no protection for the Government.

The certificate of the Auditor would disclose no question of law or fact, and the Secretary of the Treasury and the First Comptroller would have no knowledge of the questions passed upon in the examination of a claim or account thus passed by the Auditor, whatever might be allowed. But every decision against a claimant could be appealed to the First Comptroller and tried over again.

But under some extraordinary circumstances, if the Comptroller should discover that an illegal allowance had been made by the Auditor and should take an appeal and decide against the claimant, such action would be of doubtful avail. When the allowance was made the claimant would promptly secure payment, and it would be very doubtful if the money could be recovered back upon a subsequent disallowance by the Comptroller. A suit would have to be instituted against the claimant, and even if a judgment should be obtained in many cases it would be impossible to collect the money.

It does not seem to be a very wise policy to pay the claimant first and then try to get the money back afterward.

Where such multiplex and enormous personal interests are at stake, would it be wise to abolish this safeguard of the Treasury? The value of a second examination for the purpose of preventing fraud and collusion can not be doubted. In said Report No. 409, page 5, the experts state that of 500 accounts revised by the Commissioner of Customs' Office, covering a period of two months, and aggregating a total amount involved of $48,022,523.33, it was found that the results of these accounts were not changed, with but one error found, etc. Now, does this not prove the efficiency and preventive nature of the system and the fidelity of the clerks and those rendering the accounts, as well as the efficiency of the clerks? In a healthy condition of the present system, would not this result be precisely what should be expected? Because there has been no attempt for a long time to burglarize the United States Treasury, would it be wise to abolish the watchmen, the safeguards of the building, and thereby economize the money paid to them for salaries? It would undoubtedly simplify matters, but would it be safe?

Following the line of argument of the Joint Commission, it might be suggested that there is no necessity for the revision of the bills passed by the House of Representatives, and hence the Senate is unnecessary and extravagant; in fact, there are not wanting advocates of a single legislative body in this country and in Europe.

Is there safety in ill-considered haste to change an accounting system which our fathers in their wisdom established, and which has had the approval of wise Secretaries of the Treasury?

Experience has shown that there is wisdom in revision.

The greater portion of all questions of law which are raised and decided in the statement of accounts is the work of the revising offices. Emphatically so as to the office of Commissioner of Customs; and while the amount of money may sometimes be small, the decision of the question of law in the case may prevent future payments of magnitude or prevent the misapplication of appropriations and erroneous interpretation of laws. The usefulness of these decisions can not be measured in terms of money; they must be measured by right and justice and good government. They prevent unauthorized violations of law which would otherwise demoralize the public service.

This revising office has established a long list of admirable decisions, compared to which the auditing office can show little in value. The attention of the clerks in the Auditor's office is directed especially to the collection of evidence and to a formal statement of the accounts, while the Commissioner of Customs is concerned in the question whether the facts presented by the Auditor are in accordance with the law, hence the revising offices have developed a more highly trained judgment in the construction and application of statutes, which is the highest function of the present accounting system. It is proposed that collectors should forward all original papers pertaining to entries, including original invoices with appraisers' returns noted thereon, and the returns of the weigher and gauger to the Auditor. In the report of the joint committee it is stated that—

"The purpose of the bill is not only to reduce expenditures, but is to effect an efficient audit and active supervision of the customs accounts by the First Auditor of the Treasury, to prevent unnecessary duplication of work, and to expedite public business."

As to the first purpose of the bill to reduce expenditures, it will be found that to examine the original invoices from the collectors would require the employment of experts and translators in the Auditor's office. Frequently the goods imported have to be examined at the ports of entry, thus necessitating a continuance of experts and translators there also. This, with the additional labor involved upon the First Auditor's office, consisting of the work now performed by the Commissioner of Custom's office, and with which the Auditor has now no connection, would cost the Government more money than the present system. Therefore a reduction of expenditures would not be accomplished.

As to the second purpose of this bill, viz: "To effect an efficient audit and active supervision of the customs accounts."

I wish to call special attention to the statement contained in the report of the Joint Commission, page 1, viz.:

"* * * About 90 per cent of the customs receipts come from offices where there are naval officers, and the Auditor has no original papers wherewith to check the transcript of the accounts which is forwarded to him by the collector and certified as correct by the naval officer. For the other ports, where there are no naval officers, the accounts of the collectors are accompanied by a copy of the merchant's entries.

Now, these naval officers represent the Treasury Department, and it is

their duty to make original investigation of manifests, invoices, and entries of goods imported, and to estimate the duties, independently of the collector and *before* the duties are paid; and after duties are paid it is their further duty to examine the collector's accounts and abstracts and to certify to their correctness. (Customs Regulations, 1892, articles 1040-1042.)

The report of the Joint Committee further says, on page 1:

"It is proposed that for all ports, except New York, the collectors shall forward to the Auditor, with their statement of accounts, original consular invoices with the appraisers' returns noted thereon, and the returns of the weigher and gauger, if any. This will give the Auditor the facilities for making a complete and satisfactory audit of the customs officers accounts."

Over 76 per cent of the 90 per cent of customs receipts at the ports referred to are now collected at the excepted port of New York, and according to the above propositions the accounts covering less than 24 per cent of those receipts will go to the Auditor, on which a complete and satisfactory audit can be made.

The examination of these papers by the Auditor would be a duplication of work, which can not be done so efficiently by the Auditor as by the naval officers; and it would not be wise to abolish the naval officers, as the investigations made by these officers, who are agents of the Treasury Department, are made *before* the duties are paid, and errors made by the collectors in estimating the duties and liquidating the entries can be corrected in time to secure the proper duties. The naval officer is there where all the transaction takes place, and can investigate and adjust every step of the proceeding which may be unsatistactory. The First Auditor could not make such investigation and adjustment; he could only review the papers *after* the duties were collected and the transaction closed. If, after liquidation and accounts rendered, the Auditor should discover that an error in the rate of duty had been made he would be helpless to correct it. (Heyl's Digest, 1891, Customs Administration; act of 1890, section 14, page 115; 26 Statutes at Large, section 14, page 131.)

To supplant the simultaneous investigation of transactions before they are completed by an officer of the Treasury Department who is present and can see what is being done by an examination at a distance of papers representing these transactions hardly seems to be an improvement of methods.

Collectors of customs are chargeable only with the amount of duties collected, and any additional charge by the Auditor founded on the examination of those papers would be illegal.

Notwithstanding these facts it is proposed to adopt the above method, so valueless. The report of the Joint Commission, No. 409, on page 1, says:

"It is proposed to give the First Auditor in Washington more facilities for obtaining an accurate check upon accounts of collectors, and this will protect the Government to a much greater degree than it is now protected by the office of the Commissioner of Customs." * * *

Suppose those papers would be of some value to the accounting officers, why not require them to be furnished under the existing system, without destroying much more valuable safeguards. The Secretary of the Treasury has now, and always has had, authority to require that all necessary papers be furnished with accounts to the Treasury Department. The Treasury regulations of 1892, section 887, require that the liquidated duties shall be certified on the entry by the proper officer.

If the work of the office of Commissioner of Customs is an unnecessary duplication, what a commentary it is on the auditing system of the Government which has prevailed since the days of Hamilton, and what a commentary on the wisdom of the great Secretary of the Treasury, Robert J. Walker, who recommended the establishment of this office, and what a commentary on the Congress which created it.

It is respectfully suggested that the United States Senate should stand true to its traditions and dignity, and whatever action is taken should be done with thoughtful and careful consideration, and with a full knowledge of all the facts in the matter.

ADMINISTRATIVE ACTION ON ACCOUNTS.

On July 17, 1862, Congress provided, in "An act to provide for the more prompt settlement of the accounts of disbursing officers" (12 Stat., 593), that from and after that date any officer or agent of the United States who should receive public money which he was not authorized to retain as salary, pay, or emolument, should render his accounts monthly, instead of quarterly, as theretofore, and that such accounts, with the vouchers necessary to the correct and prompt settlement thereof, should be rendered direct to the proper accounting officer of the Treasury, and be mailed or otherwise forwarded to their proper address within ten days after the expiration of each successive month.

At the same time Congress also provided that in case of the nonreceipt at the Treasury of any accounts within a reasonable and proper time thereafter, the officer whose accounts were in default should be required to furnish satisfactory evidence of having complied with the above provision, and that for any default on his part the delinquent officer should be deemed a defaulter, and be subject to all the penalties prescribed by the sixteenth section of the act of August 6, 1846 (9 Stat., 63), "to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenues," that is to say, the penalties prescribed by section 5491 of the Revised Statutes, which are a fine equal to the amount of the money involved or embezzled, and imprisonment for a period not less than six months nor more than ten years.

It thus appears that in July, 1862, early in the war of the rebellion, Congress dispensed with such administrative action or examination as was then had upon the accounts of disbursing officers and provided that their accounts should be rendered direct to the proper Auditor of the Treasury. The object of this legislation, as expressed in the title of the act, was "to provide for the more prompt settlement of the accounts of disbursing officers." So far as the accounts of disbursing officers of the War and Navy Departments were concerned, who were disbursing vast amounts of money appropriated by Congress for the suppression of the rebellion, and who were for the most part inexperienced in their duties as disbursing officers, there would seem to have been the greatest necessity, thus early in the history of the war, for administrative action or examination by the War and Navy Departments.

But Congress thought otherwise. Desiring to secure a more prompt settlement of these and other accounts of disbursing officers, it enacted such measures as in its wisdom were necessary to secure that object. All accounts were to be rendered monthly instead of quarterly, were to be forwarded to the Treasury within ten days of the expiration of each successive month or the delinquent disbursing officer to be deemed a defaulter and to be subject to the severe penalties prescribed by statute for embezzlement of the public funds, and all administrative action or examination upon the accounts was to be dispensed with and the accounts, with the vouchers necessary to the correct and prompt settlement thereof, to be forwarded direct to the proper Auditor for the action of the accounting officers of the Treasury.

In the aforesaid act Congress provided, however, that the Secretary of the Treasury might, if in his opinion the circumstances of the case justified and required it, extend the time therein before prescribed for the rendition of accounts, and also that nothing contained in the act should be construed to restrain the heads of any of the Executive Departments from requiring such other returns or reports from the disbursing officer or agent, subject to the control of such heads of Departments, as the public interests might require. (See the act of July 17, 1862, chapter 199, 12 Stat., 593, 594, and section 3622 of the Revised Statutes.)

On March 2, 1867, nearly five years after the passage of the act dispensing with administrative action or examination upon the accounts of disbursing officers, and after most of the large accounts of disbursements for the suppression of the rebellion had been rendered direct to the proper auditors of the Treasury, the passage of a joint resolution of Congress was secured, whereby so much of the aforesaid act of July 17, 1862, as provided that "such accounts with the vouchers necessary to the correct and prompt settlement thereof, shall be rendered direct to the proper accounting officer of the Treasury" was repealed, and it was provided that all such accounts and vouchers should thereafter be sent to the bureau to which they pertained, and, after examination there, should be passed to the proper accounting officer of the Treasury for settlement. (See joint resolution No. 48, approved March 2, 1867, 14 Stat., 571, 572, and section 3622 of the Revised Statutes.)

It thus appears that nearly two years after the close of the war of the rebellion, when apparently there was least need for administrative action upon the accounts of disbursing officers, provision was again made for such action or examination by the bureaus to which the accounts respectively pertain.

On July 15, 1870, Congress provided that the joint resolution of March 2, 1867, should not be construed to apply to disbursing officers of the Navy, but that such officers should render their accounts as the same were rendered before the passage of said joint resolution; that is to say, direct to the Fourth Auditor for his action and the action of the Second Comptroller, without administrative action or examination, which provision of law is still in force. (See section 15 of the act of July 15, 1870, 16 Stat., 334, and section 3622 of the Revised Statutes.)

It thus appears that the accounts of disbursing officers of the Navy, after being exempt from administrative action or examination by the bureaus of the Navy Department for a period of nearly five years, were made subject to such action or examination after the war of the rebellion for a period of little more than three years, whereupon they were again made exempt therefrom, and have continued so for nearly a quarter of a century.

If administrative action or examination by the bureaus of the War Department is necessary upon the accounts of disbursing officers of the Army, it is not apparent why such action or examination by the bureaus of the Navy Department is not necessary upon the accounts of disbursing officers of the Navy. Nor is it apparent if such action or examination is unnecessary upon the accounts of disbursing officers of the Navy, why it is necessary upon the accounts of officers of the Army.

If it was unnecessary in time of a great war, when there were thousands of inexperienced disbursing officers with inexperienced clerks in the service, it would certainly seem to be unnecessary in time of peace. If a more prompt settlement of the accounts of disbursing officers is desired than that which now obtains, a return to the remedy prescribed in the act of July 17, 1862, might and doubtless would be found sufficiently effective. That remedy, as has been shown, was the requirement that administrative action or examination should be dispensed with and accounts forwarded direct to the proper Auditor of the Treasury for the action of the accounting officers. The statute then required, as the act of August 30, 1890 (26 Stat., 413), does now, the quarterly rendition of accounts of disbursing officers.

Something in the direction of a more prompt settlement of accounts might be gained by providing for their monthly rendition in all cases, as was done in the act of July 17, 1862. But still more would be gained in that direction by dispensing with administrative action or examination upon the accounts of disbursing officers by the bureaus of the Executive Departments in which the accounts respectively accrue, as was done in the act of July 17, 1862, so far as all accounts were concerned, and as was done again in the act of July 15, 1870, so far as all naval accounts are concerned.

If these suggestions should be carried into effect, all accounts of disbursing officers of the Army would still be subject to the examination prescribed by the act of April 20, 1874 (18 Stat., 33). That act makes it the duty of the Secretary of War to cause frequent inquiries to be made as to the necessity, economy, and propriety of all disbursements made by disbursing officers of the Army, and as to their strict conformity to the law appropriating the money. It also makes it his duty to ascertain whether the disbursing officers of the Army comply with the law in keeping their accounts and making their deposits. It directs that all these inquiries shall be made by officers of the inspection department of the Army or others detailed for that purpose.

By that designation is meant the Inspector-General's Department of the Army. It provides, however, that no officer detailed for the purpose of making the inquiries contemplated by the act shall be in any way connected with the department or corps making the disbursement. It also provides that the reports of such inspections shall be made out and forwarded to Congress with the annual report of the Secretary of War.

It would seem that these examinations or inspections, if promptly and faithfully made, should be sufficient as preliminary examinations by the War Department, that is, as examinations preliminary to the passing of the accounts to the proper accounting officers of the Treasury for a full and detailed examination by them.

[In connection with Senate Miscellaneous Document No. 145, Fifty-third Congress, second session.]

Supplemental statement in relation to Senate bill No. 1831, identical with House bill No. 6478, introduced March 29, 1894. Prepared by J. R. Garrison, late Deputy First Comptroller of the Treasury.

TRANSFER OF FILES AND RECORDS IN THE TREASURY DEPARTMENT, WHICH THE PROPOSED CHANGE WILL NECESSITATE.

Section 6 of the bill, lines 35-37, provides that "the Auditors shall, under the direction of the Comptroller of the Treasury preserve with their vouchers and certificates all accounts which have been finally adjusted."

In order to carry out the proposed change it will be necessary, as stated by the experts, "that the Register's jurisdiction of the files shall be transferred to the Auditors to whom the accounts relate," to "transfer to the respective Auditors jurisdiction of the files now under the Register." (House Report No. 637, Fifty-third Congress, second session, pages 21 and 29.)

To fully comprehend the magnitude of the work that such transfer of the files will require, some particularity of statement is necessary.

The Register of the Treasury is now the official bookkeeper of all civil accounts, and the custodian of the files and records of such accounts. Down to 1817, he was the bookkeeper of all accounts settled by the accounting officers and the custodian of all the files. By section 5 of the act of March 3, 1817 (3 Stat., 366), the Second, Third, and Fourth Auditors (whose offices were created by said act) were authorized to record and register the accounts made subject to their jurisdiction respectively, and to keep the files and records thereof.

This departure from the Hamiltonian system of accounting is the prime

cause of the confusion and perplexity upon which so much stress is laid by the experts and the honorable commission.

Had the Register's jurisdiction been preserved intact, in his office would have been the registers and records of all accounts and the files thereof. So that there would have been one central office in which the recorded balances of all accounts might be found, and the tracing of the payment of any account or claim, or the indebtedness of an officer on any and all accounts, would have been easy and simple.

The necessity of having the Register of the Treasury keep the balances of all accounts and the files thereof has been adverted to in annual reports by some of the First Comptrollers. The proposed change takes from the Register his duties as official bookkeeper and custodian of the files of civil accounts, transfers the bookkeeping to a division in the office of the Secretary of the Treasury, and divides the files of accounts between the several Auditors. Should the proposed legislation become a law the result will be that for information as to all receipts, and respecting civil expenditures (other than receipts and expenditures of the postal service), the Register's records and files must be resorted to from the establishment of the Department down to the time the proposed legislation is to go into effect, but after that time it will be necessary to have recourse to the bookkeeping division of the Secretary's office and the files kept by each of the six Auditors.

With respect to military and naval expenditures the search for information will be more complex still. From the organization of the Department down to 1817 we would look to the Register's records and files; after 1817 to the records and files of the Second, Third, and Fourth Auditors, but after the proposed legislation goes into effect (if enacted into a law) we must turn to the bookkeeping division of the Secretary's Office and the files kept by each of the six Auditors. The records and files of postal receipts and expenditures have been kept in the Sixth Auditor's Office since its establishment in 1836.

In addition to the foregoing we must also take into consideration that the jurisdiction of each of the six Auditors (excepting the Auditor for the Post-Office Department) will be very materially changed, causing changes in the serial numbers of many classes of accounts, which will pass from the jurisdiction of one Auditor to that of another, *e. g.*, internal-revenue accounts which have been under the Fifth Auditor since the internal-revenue system was inaugurated will go to the First Auditor; judiciary accounts and accounts relating to the Department of Agriculture, which have always been under the First Auditor, will go to the Fifth Auditor; civil expenditures of the War and Navy Departments, which have heretofore been under the First Auditor, will be transferred to the Second and Fourth Auditors; all expenditures of the Interior Department heretofore audited by the First Auditor, will pass to the Third Auditor, who will also take jurisdiction of the public land accounts now audited by the Commissioner of the General Land Office, and so on.

To state the foregoing facts is to demonstrate that the changes proposed, if carried out, will multiply confusion and perplexity, instead of simplifying the existing methods; so that, after the lapse of a number of years, when the officials and clerks now on the scene of action shall have passed away, it will be a matter of the greatest difficulty to trace payments and hunt up the information that is so frequently required respecting accounts and claims. There being no statute of limitation, the liability of paying old claims a second time will be increased because of the difficulty of tracing out former payments.

The necessary transfers to be made in the files, to place them under the changed jurisdiction of the several Auditors, as above partially indicated, will require much time and patient labor by skilled clerks.

In the Register's Office there are now three large files rooms, occupying much space, two located in the basement of the Treasury Department and one in the attic story, in which story is also located the files rooms of the Third and Fourth Auditors. The files of the Second Auditor are in the Winder Building, corner of Seventeenth and F streets northwest.

There is little more available space for files in the Treasury building, which has been burdened with the vast accumulation for a number of years. During President Cleveland's first Administration, Secretary Fairchild forcibly brought the matter to the attention of Congress, and urged that a hall of records for the uncurrent files and records of the Treasury Department and other Executive Departments be provided. In the near future it will become absolutely necessary to provide a building for the uncurrent files and records of the Treasury Department.

The honorable Commission and the experts seemed to have overlooked this necessity altogether, and probably they did not fully investigate and consider the actual condition of things and contemplate what a heavy undertaking it will be, attended with great expense and much labor, besides the inevitable confusion and perplexity already adverted to, to transfer the files and records of the Register's office—the accumulation of more than a century—to the jurisdiction of the several Auditors. If the simplifying of methods is sought for it would seem the proper course to restore all the files to the custody of the Register and to make him the official bookkeeper of all classes of accounts. The Register is an independent officer of the Department, appointed by the President with the advice and consent of the Senate, and the propriety of certifying accounts to him, to be registered and recorded, rather than to a chief of division appointed by the Secretary, is manifest.

Hamilton spoke of the Register as exercising an important check upon the Secretary and the Comptroller with respect to warrants, and upon the Auditor and Comptroller in recording and registering the accounts passed by them. (Works of Hamilton, volume 5, page 77.) The Register also exercises an important check in keeping the files of accounts, and should therefore be the custodian instead of the Auditors. When an account is withdrawn from the Register's files a receipt therefor is taken, so that the party withdrawing it is known, and could always be detected should he destroy or lose an account so withdrawn, or any part thereof. But where an Auditor is given the sole power of passing upon an account or claim, as is proposed in the bills referred to, and is also made the custodian of the files of the accounts passed by him, the check against the allowance of an illegal or fraudulent account or claim is not only removed, but the custody of such account being under the Auditor and not under a separate officer, it is made much easier to make away with an account or claim which furnishes evidence of guilty action by a clerk or an official of the Auditor's office.

ADMINISTRATIVE ACTION OR APPROVAL OF AN ACCOUNT OR CLAIM NOT AN AUDIT.

So much weight is given by the honorable Commission and the experts of the so-called administrative action or approval by the Executive Departments and other offices, that more particularity seems to be required to show that this view is erroneous.

The Commission quote extensively from the report of Hon. Levi Woodbury, Secretary of the Treasury, made in 1834, as in support of their views respecting the accounting system of the Department; but they have overlooked or intentionally omitted this very significant statement, taken from said report:

"It is manifest that no effectual check can ever exist in any case where the same officer authorizes the expenditure and audits or controls the audit of accounts." (Senate Document No. 16, page 5, second session Twenty-third Congress.)

Of what value is the administrative action or approval by the head of the Department who authorizes the expenditure, in the light of Mr. Woodbury's opinion?

To illustrate how perfunctory is the approval of the heads of Departments, it may be stated as a fact that some of the Secretaries of War, and perhaps the heads of other Departments, when it was decided that the affixing of their signatures by a stamp to the accounts or vouchers to be approved would not be accepted, caused schedules of the vouchers to be made to which their signature could be appended. And yet the experts, evidently without correct information as to the facts, say:

"The safeguards or checks upon the disbursing officers rest almost entirely with the heads of the Executive Departments under which the disbursements are made." "The double detailed examinations in the Treasury Department are unnecessary, as the administrative officers keep as close a supervision over, and make as careful examination of, their expenditures as was originally done by the Auditor at the foundation of the Government."

This statement is not borne out by the facts; and even if it were strictly correct, the examination by the administrative officers who authorize the expenditures is, in the words of Mr. Woodbury, "no effectual check."

It is respectfully suggested that the so-called administrative action in a number of bureaus connected with the Treasury and other Departments might be more safely dispensed with and a greater saving and prompter dispatch of the public business effected thereby than to strike down the office of Comptroller in the accounting system of the Treasury. This administrative action is of no value to the accounting officers, and is productive of much of the delay in the settlement of accounts, so justly complained of. A half dozen or more bureaus, offices, or divisions under the Treasury Department might be named in which are so-called accounting offices or divisions devoted to the administrative action of accounts before they come before the Auditors and the First Comptroller. The same condition of things exists in most of the other Executive Departments, and with respect to accounts under the jurisdiction of the Second Comptroller as well as the First Comptroller.

PRACTICAL ILLUSTRATION OF THE IMPORTANCE OF A DOUBLE AUDIT OR DIVIDED RESPONSIBILITY IN THE SETTLEMENT OF PUBLIC ACCOUNTS.

In the report accompanying the bills introduced on March 29 no attention is paid to the great importance of a rigorous and thorough audit of revenue accounts, the argument being devoted solely to expenditures, it being claimed that the preliminary examination by disbursing officers of their own accounts, and the administrative action in the Executive Departments, afford a sufficient check to warrant dispensing with the detailed examination by the Comptroller. But it is just in revenue accounts where the chance for collusion and fraud is the best. Under the proposed change such accounts will be examined only in the Auditor's Office.

If an officer who receives and collects revenues is dishonest, and he can find a dishonest clerk in the Auditor's Office who examines his accounts, a collusion can be effected between them, with no check upon it in the Department. The officer may arrange to render his returns short, say, by systematic errors in addition, adroitly scattered over the many pages of the returns; the dishonest clerk for a corrupt motive may agree to pass the shortages unnoticed. The Auditor can not examine into all these details; no one but the clerk who handles the accounts does. And so a false account might be audited from year to year without detection.

Much is said in the report of the experts to show that it is unnecessary for the Comptroller's Office to review or revise figures, or mathematical computations, but the foregoing illustration will show that it is just here where lurking frauds are most likely to occur.

In the report on the bill introduced March 6, and passed by the House March 8, to abolish the office of Commissioner of Customs (Senate bill No. 1738, House bill No. 5750), it is suggested that as 90 per cent of the customs revenues are collected at ports where there are naval officers, the preliminary examination by the naval officers may be taken as sufficient to dispense with the examination in the office of Commissioner of Customs. Great importance is attached to the fact that section 5 of the proposed bill provides that it shall be the duty of collectors of customs, under direction of the Secretary of the Treasury, to furnish with their accounts the original papers upon which the abstracts of the duties collected are made up by the naval officers.

This was one of the inducements set out for passing this bill, dispensing with the office of Commissioner of Customs, it being alleged that the original papers alluded to will greatly strengthen the audit of the Auditor. It was strangely overlooked by the honorable Commission and the experts that existing law, sections 248 and 251, Revised Statutes, gives to the Secretary of the Treasury the most ample and complete power to require by regulation that such original papers shall be forwarded with the accounts of collectors.

The preliminary work of naval officers can not safely take the place of the detailed examination in the Comptroller's office (or that of the Commissioner of Customs). It was never intended for that purpose. For the duties of naval officers see sections 2626, 2869, and 2889, United States Revised Statutes; sections 1040 and 1042 of the Customs Regulations of 1892. See also customs administrative act of June 10, 1890, 26 United States Statutes at Large, pages 131-137, which makes the decision of collectors of customs as to the rate and amount chargeable upon imported merchandise final and conclusive against parties in interest, subject to appeal, under the conditions prescribed, to the board of United States general appraisers and thence to the United States circuit courts.

After the star-route frauds had been perpetrated, Hon. Jacob H. Ela, of New Hampshire, for many years a member of Congress from that State, and afterwards Fifth Auditor of the Treasury for a number of years, was selected for his special fitness and tried integrity to be Sixth Auditor of the Treasury, to which position he was transferred and appointed from that of Fifth Auditor. In a letter addressed by him to Hon. William Lawrence, then First Comptroller of the Treasury, under date of May 8, 1884, he says:

"In answer to your inquiry as to 'whether it is advisable to apply the Treasury system of adjusting accounts to the account of the Post-Office Department,' I have the honor to inform you that I favor the policy of having all accounts reviewed by a Comptroller after passing an Auditor, whenever they shall be reduced to the lowest practicable number. At the present time four-fifths of the accounts of postmasters are such that they could be dispensed with, by causing the money-order offices to disburse such payments as become necessary, and furnish such stamps as may be required at the smaller offices."

From Mr. Ela's long experience in public life, and the fact that he had served as an Auditor subject to review by the Comptroller, and afterwards as Sixth Auditor, who exercises the functions both of Auditor and Comptroller, and the great interest in the proper settlement of public accounts which existed at the time because of Star Route frauds, great weight should be given to his opinion in favor of the final review of all accounts by the Comptroller.

Public men of ability have entertained the opinion that the Star Route frauds could not have been successfully perpetrated had these accounts been

subject to a detailed examination in the Comptroller's office, since the question as to the legality of said accounts would have been developed thereby and presented for final decision by the Comptroller.

DUTIES OF THE COMPTROLLER UNDER THE PROPOSED LAW.

Under the proposed legislation it would seem that there is no duty appertaining to the office of Comptroller of the Treasury, as therein provided for, which may not at any time be devolved upon his assistant or chief clerk, although the Comptroller is present.

"The Assistant Comptroller of the Treasury shall perform such duties as may be prescribed by the Comptroller of the Treasury, and shall have power, under the direction of the Comptroller of the Treasury, to countersign all warrants and sign all other papers." (Section 2, lines 19 to 23.)

Thus the Assistant Comptroller may at any time countersign accountable warrants, under direction of the Comptroller, a class of warrants which, under the law, must be signed by the Secretary himself, when present and in discharge of his official duties, and which can only be signed by an Assistant Secretary as Acting Secretary when the Secretary is absent, and in like manner must be countersigned bp the First Comptroller when present, and by the Acting Comptroller in his absence.

"The chief clerk shall perform such duties as may be assigned to him by the Comptroller, and thall have the power, in the name of the Comptroller of the Treasury, to countersign all warrants except accountable warrants." (Setcion 2, lines 24 to 27.)

This broad authority as to the assignument of duties to the Assistant Comptroller and the chief clerk makes it possible for the office of Comptroller of the Treasury to become a sinecure.

TREASURY SYSTEM UNDER THE CONFEDERATION.

An interesting review of the Treasury system under the Confederation may be found in volume 6 of the Decisions of Comptroller Lawrence, pages 263 to 266.

Although the plan of accounting under the Confederation was several times changed, yet as early as September 25, 1778, the following ordinance was passed (Journals of Congress, volume 3, page 70 *et seq.;* Laws United States, edition 1815, volume 1, page 663):

"*Resolved*, That a house be provided, at the city or place where Congress shall sit, wherein shall be held the several offices of the Treasury;

"That there be the following offices, to wit, the Comptroller's, Auditor's, Treasurer's, and two chambers of accounts;

"That each chamber of accounts consists of three commissioners and two clerks to be appointed by Congress;

"That in the Auditor's office there be an Auditor annually appointed by Congress, and two clerks appointed by the Auditor;

"That in the Comptroller's office there be a Comptroller annually appointed by Congress and two clerks appointed by the Comptroller;

"That the Auditor, Comptroller, and Treasurer shall not be appointed unless by the votes of nine States, and they be accountable for the conduct of their clerks respectively."

The succeeding sections of the ordinance directed the Auditor to recieve all claims against the United States, and refer them to one of the chambers of accounts, the Commissioner of which was to turn them over to his clerks for a careful examination. The accounts were then to be transmitted to the Auditor, with the findings of the Commissioner indorsed upon them. The ordnance required that—

"The Auditor shall receive the vouchers and accounts from the Commissioners to whom he referred them, and cause them to be examined by his clerk * * * andafter careful examination of the accounts as aforesaid, he * * * shall transmit the accounts and vouchers to the Comptroller"—who had the final action thereon.

In this early stage, when the business of the Government under the Confederation was so limited that two clerks in the Auditor's office and two in the Comptroller's office were sufficient to pass upon all of the accounts, the divided responsibility in the accounting system was recognized, and the accounts practically received three examinations; first by the clerks in the Commissioner's office; next by those in the Auditor's office, and finally by those in the Comptroller's office.

This scheme of accounting, under the ordinance of September 26, 1778, corresponds in very many respects with the Treasury system of to-day, as established by the organic act of September 2, 1789.

The reports ordered to be inserted in the RECORD at the request of Mr. COCKRELL are as follows:

Mr. COCKRELL, from the Joint Commission of Congress to Inquire into the Status of Laws Organizing the Executive Departments, submitted the following report (to accompany S. 1831):

The Joint Commission of Congress to Inquire into the Status of Laws Organizing the Executive Departments, to whom was referred the bill (S. 1831) to improve the methods of accounting in the Treasury Department, and for other purposes, having considered the same, report it back herewith and recommend its passage.

The bill in general provides for a reorganization of the present accounting system of the Treasury Department. It has been examined and is approved by the Secretary of the Treasury in a letter submitted herewith.

The system was originally devised and projected on the organization of the Government, with special reference to the adjudication of claims, which then constituted the preponderating part of accounts, and for the business of the Government as it then existed, when there was no preliminary examination of accounts by administrative or disbursing officers. It appears to have been well adapted for the purpose for which it was designed.

The Treasury Department then contained a Secretary, Comptroller, Auditor, Treasurer, and Register. Of these, the only officers to which were assigned accounting were the Comptroller and the Auditor. The Secretary superintended the business of the Department, including the collection of revenue, and granted warrants countersigned by the Comptroller for the payment of money, but no authority was given him to adjust or decide upon accounts. The Treasurer was himself an accountable officer, and had no authority to pass on the accounts of others. The Register had no authority over either payments or settlements, but simply kept the books of account, and registered the settlements and payments made. The heads of the Executive Departments did not first pass upon accounts, and there was no general system of disbursing by disbursing officers as now.

This plan seemed well enough adapted to the transaction of the comparatively small business of the Government as then conducted. There was but a single revision of the accounts instead of practically two as now, and no unnecessary delay was occasioned in the dispatch of the public business.

The advisability of having a Register to simply keep the books and preserve the accounts may be doubted, as that function could have been performed as well either by the Secretary or the Comptroller. The value of the function of the Register seems to have been doubted, when, in establishing the Second, Third, and Fourth Auditors in 1817, they were authorized to keep their own books and preserve their accounts.

If, under the immense business that now takes place in the Government, the same simplicity of details could be followed as was originally intended, no reorganization of the Department might be necessary. If all demands on the Government could be presented direct to the Auditors, and they could be passed upon and put in shape for payment and be revised only once, then paid, and the books of account for all kept in one Department, the original plan might work properly for the present business; but this is impracticable, as the expenditures of the Government have become so great that it has been found necessary to make payments under the heads of the various Executive Departments.

To facilitate such business the act of January 31, 1823, was passed, allowing advances to be made to disbursing officers. Other changes, also, hereinafter referred to, have become necessary. The Government has now become such a vast machine that its requirements are very carefully provided for by Congress. The appropriations are made with minute detail, and it only remains to see that the money which is appropriated for the various Departments is paid out according to the intentions of Congress.

The accounts now, in most cases, have three and sometimes four examinations; that of the disbursing officer, as to 90 per cent of the business; that of the Executive Department, that of the Auditor, and that of the Comptroller—the examinations by the Executive Department not having existed when the present system was originally established—and that by disbursing agents to a comparatively small extent. This triple and in many cases quadruple examination—two more examinations than existed originally—causes great delay, and it is questionable whether the examinations are not more loosely conducted than if there was more responsibility placed upon one of the examinations. The object of having the two examinations by the Auditor and the Comptroller is to detect and prevent frauds; but in studying the matter carefully it is questionable whether these double examinations have fulfilled the expectations of their authors, and especially whether they subserved any good purpose after the preliminary administrative examination was added.

In this connection the following paragraphs from a report made to Congress in 1842, by a "select committee on retrenchment," are pertinent:

"Responsibility is rarely increased by multiplying agents to do the same thing. Instead of acting as checks to prevent wrongdoing, too often they promote negligence and fraud by distributing the responsibility for what is done.

"The innovations which have been made in the accounting system have embarrassed the system by making it more complicated without increasing either its efficiency or responsibility. The complex system of expenditure and account is one of the greatest practicable obstructions to economy and responsibility in the Government. The Departments at the seat of the Government, instead of being accessible and intelligible to the people who come from all quarters of the Union with business, are but labyrinths, which often perplex those most experienced in their mazes."

The changes which have been made in the accounting system as originally established show that this system has proved inadequate as the business of the country has increased, and that experience has demonstrated so many examinations unnecessary. First, in the establishment of the General Land Office in 1812 (which was done under the direction and control of Albert Gallatin, one of the greatest Secretaries of the Treasury this country has ever had) and in the establishment of the Interior Department in 1849 the accounts of the General Land Office were by law authorized to be audited and settled in the administrative office, and to pass from there directly to the Comptroller for his decision. Secondly, in the establishment of the Auditor for the Post-Office Department in 1836, his audit was made final and conclusive, and not subject to revision except upon an appeal to the Comptroller.

These cases are in line with the system provided for by this bill, and show the necessity of giving greater facility and expedition in the settlement of accounts, in order to protect the Government. The report to the House in 1842, quoted above, says further:

"A great deal may be done by honest and vigilant officers, even under the worst system, to secure fidelity and economy in disbursements; but it is unwise, as well as unsafe, to continue a defective system of accountability which exposes the public interests to constant danger under the best management.

"The responsibility for disbursements is now distributed among the clerks and heads of three several classes of offices, all of whom examine, and two of whom decide, claims; or, in other words, there are three distinct tiers of offices all employed, in fact, on the same duties. The expense incurred by this multiplication of officers and salaries would constitute no sufficient objection to the present organization, if the guards of the Treasury were multiplied to the same or any extent."

It is clear that the present mode of settling accounts does not answer the demands of public justice or economy; and it also clear that the divided responsibility does not protect the Government.

The aim of the present bill is to place greater responsibility upon the Auditors who are now engaged in auditing accounts; to hold them responsible not only for the settlement of accounts and claims that come to them, but also make them responsible for the advancing of money to disbursing officers, their responsibility in the latter case being that they shall disapprove such requisitions for said officers if they have not complied with the law in the rendering of their accounts.

It is the intention of this bill to lessen the number of agents who now share the responsibility for the auditing of accounts, and to concentrate it where it will be felt and where abuses can be at once detected.

In view of the fact that 90 per cent of the expenditures of Government now pass through disbursing officers who are under bond and take especial care to pay out money only for purposes clearly authorized by law—who, indeed, are authorized to obtain the decisions of the Comptroller as to the construction of statutes before making payments—and who, therefore, primarily satisfy themselves of the correctness of the accounts; and in further view of the fact that the administrative officers also examine and approve these accounts coming under their control before they go to the Auditor, which examination was unknown when the original system of settlement of accounts by an Auditor and revision by a Comptroller was established, it would seem to be entirely unnecessary to have these accounts pass through any further revision as to mere mathematical computations under well-settled laws after the proper Auditor has examined them and ascertained and stated the balances.

This bill, therefore, makes this audit final, except as to decisions involving new constructions of statutes, subject to appeal by the claimant, or by the Comptroller, head of a department, or the Secretary of the Treasury on behalf of the Government. Thus all the time now required in the Comptroller's Office to repeat the useless revision of mere mathematical computations is saved.

To guard against the possibility of collusion in the settlement of the few classes of claims which have not had a previous examination and approval by an administrative officer, the Auditor is required to submit such claims to two clerks to examine independently, and a favorable report is required from both to settle the same.

Above the six Auditors is placed one Comptroller, with his assistant, to revise the few settlements appealed from the Auditor, but mainly to determine finally the construction of statutes either by revision on the Auditor's report of decisions, or on appeal.

The advantage of having one Comptroller to stand in the same relation to

the Auditors as an appellate court to inferior courts, instead of two or (with the Commissioner of Customs) three, as now, to make final decisions as to construction of statutes, is so clear that it requires no argument. As it is now statutes sometimes receive contradictory constructions by the different Comptrollers. Under the system proposed there will be uniform constructions of statutes in the accounting branch of the Government, and the fact that one officer is charged with this judicial duty, and relieved from mere mathematical computations, will be likely to lead to more satisfactory results.

When it is borne in mind that all the material changes in revising accounts by the Comptroller arise from the fact that sometimes the latter officer modifies the Auditor's decisions as to the construction of statutes, it will be seen that the system of accounting proposed by this bill secures revision at the only point where it can possibly subserve the public interests, and dispenses with it in the great body of accounts where nothing but mathematical computations are concerned, and where revision is useless for security and the cause of great delay in the settlement of accounts.

To still further promote expedition in the transaction of public business and increase the security of the Government through a more speedy settlement of the accounts of officials, disbursing and other officers charged with the custody of public money are required to make prompt returns under such provisions as are likely to make the requirement effective.

In addition to simplifying, unifying, and expediting the settlement of public accounts, it is estimated that the bill will effect a reduction of the force in the accounting branches of the Government, and result in an annual saving of about $300,000, and at the same time better protect the public interests.

The following synopsis of the several sections of the bill will more fully explain the proposed plan of accounting:

Section 1 of the bill provides a new nomenclature for the Auditors. The present numbers indicate nothing; and the names as given them in section 1 will indicate the accounts which they audit, and should be a great advantage to anyone having any business with accounts or claims.

Section 2 of the act abolishes the offices of Second Comptroller, Deputy Second Comptroller, and Deputy First Comptroller of the Treasury, and constitutes the First Comptroller as Comptroller of the Treasury, with all the duties and responsibilities and powers that are now appertaining to the First and Second Comptrollers of the Treasury. This will concentrate in one head all the legal direction in the settlement of accounts, and will prevent the conflict and confusion which arises from the fact of having two Comptrollers with the same powers. Much advantage will be gained by having one head to the accounting branch.

This section also provides for an Assistant Comptroller and a chief clerk, who shall perform such duties as may be prescribed by the Comptroller of the Treasury.

Section 3 of the bill provides that the Comptroller of the Treasury shall, under the direction of the Secretary of the Treasury, prescribe the forms of keeping and rendering accounts. The present law gives this power to the Secretary of the Treasury, and in some cases to the Comptroller. This section makes all such orders uniform. The same section also provides for the supervision of the Comptroller of the Treasury over the making of returns for fees from consuls and consular agents. These returns are now made under the Secretary of State, and, being accounting, the returns should be made as prescribed by the Comptroller.

Section 4 amends section 271 of the Revised Statutes so as to bring it into conformity with the proposed system without changing the authority vested in the Comptroller.

Section 5 defines the accounts which the various Auditors of the Treasury shall receive and examine. This section is intended to cover all accounts which are now rendered, or any which shall hereafter arise, it being intended that the accounts from the various Executive Departments shall go to the Auditor designated for that Department.

Five of these Auditors have each of them a department over whose accounts they shall have supervision. The remaining Auditor is called the Auditor for the State and other Departments, whose duty is to receive and examine all accounts of salaries and incidental expenses of the offices of the Secretary of State, the Attorney-General, and the Secretary of Agriculture, and all accounts relating to independent commissions and boards not under an Executive Department. The jurisdiction of the Auditor for the Post-Office Department is not changed, except that he shall hereafter audit, in addition to what he now audits, the accounts of salaries and incidental expenses of the office of Postmaster-General, which are now audited by the Fifth Auditor through an accidental omission in the law establishing this office.

When the Auditor for the Post-Office Department was established, in 1836, the accounts of the Post-Office Department were then audited by the Fifth Auditor; and in giving the jurisdiction of the Sixth Auditor over the post-office accounts they omitted to give him jurisdiction over the accounts for salaries and incidental expenses of the Post-Office Department, leaving such accounts with the Fifth Auditor. The same power of the Comptroller is extended over the Sixth Auditor as he will have over the others; that is, he can call up any account at any time for revision.

Section 6 provides that the settlement of accounts shall be final and conclusive upon the Executive branch of the Government, except upon an appeal, which appeal can be taken by the person whose account is being settled, by the head of the Executive Department or independent establishment to which the account belongs, or by the Comptroller of the Treasury, within a year. Upon such an appeal being taken, the Comptroller is to audit and settle such account, and his decision shall be final and conclusive upon the executive branch of the Government. It also provides that the Secretary of the Treasury may, in his judgment, suspend payment and direct the re-examination of any account, which re-examination may be had of an account examined by an Auditor when it has not been appealed, or after its examination by the Comptroller when the account has been appealed. This is to provide against any possible accidents of passing an account improperly by reason of not having knowledge of certain facts which might become known after an account had been passed.

This section also provides that an Auditor in passing an account, having occasion to pass upon a construction of a statute which has not already been construed, or in changing the construction of a statute which has already been passed upon, shall send his decision upon such original construction or change of construction to the Comptroller of the Treasury. This clause is intended to provide the opportunity of presenting to the Comptroller, for his decision, all matters of a legal nature or matters of importance, it being the intention of this statute that the audit of the Comptroller, which is now practically the only audit which is had, shall be moved back to the Auditors, they to be clothed with responsibility; and that over them there shall be this jurisdiction of the Comptroller and this provision for an appeal.

The same section also provides that disbursing officers or heads of the Executive Departments may obtain the decision of the Comptroller upon any question involving a payment to be made by them, which will bind the Auditors and the Comptroller in passing upon the account containing such disbursement. This is intended as a measure of relief for disbursing officers, and also to allow the Executive Departments to know what the action of the Comptroller will be before an expense is incurred by them.

Section 7 provides that any laws of the Revised Statutes in force relating to an Auditor of the Treasury may apply to the Auditors as constituted in this bill.

Section 8 provides that all the books of the Government shall be kept in one office, and that office under the direction of the Secretary of the Treasury. The division which is given direction of these books is now the Division of Warrants, Estimates, and Appropriations. They have now the ledger accounts of all appropriations, and also the accounts of the public debt, and bonded railroad companies.

This section provides that the books of account, or personal ledgers, now kept in the Register's Office, and those kept in the offices of the Second, Third, and Fourth Auditors, shall be removed to this division. This will give uniformity in the direction of these personal and general accounts, and will allow the rendering of statements under one head, and that head the Secretary of the Treasury. This should prevent the confusion and conflict in the statements which now exists.

Section 9 provides that every requisition for the advance of money, before being acted upon by the Secretary of the Treasury, shall be sent to the proper Auditor for his action, as required by section 10.

Section 10 provides that the Auditor shall withhold his approval unless the accounts are forwarded to the Department at Washington within the time specified, and shall be forwarded by the administrative department to the Auditor within another specified time. It is impossible to make any regulations or rules which will compel the prompt rendering of accounts. It is necessary to make a stringent law. Section 3622 of the Revised Statutes prescribes that accounts shall be rendered within a certain time, but it is not complied with.

Sections 9 and 10 of this act will do more for the protection of the Government than a dozen reëxaminations of accounts. Section 9 also provides that warrants signed by the Secretary of the Treasury shall be countersigned by the Comptroller of the Treasury, and that they shall be accompanied either by the Auditor's certificate of the settlement of an account or by a requisition asking for an advance of money; and provides further that this certificate or requisition shall go to the Treasurer, and from him be sent to the proper Auditor, with the date and amount of the draft issued indorsed thereon.

This completes the circle. The Auditor audits the account. It then passes from the hands of the bookkeeping division to the Secretary of the Treasury, and through the Comptroller's Office to the Treasurer, and then comes back to the Auditor with the amount and date of the payment noted. It is evidence to him that the proper amount has been paid as audited, in the case of a settlement; or that an advance has been made in accordance with the requisition. In the settlement of accounts, the Auditor will get from the bookkeeper a statement of the officer's account. He will then have on hand in his own office the requisition asking for the advance, which will be a check upon the bookkeeper.

Section 11 provides that the accounts of all district attorneys, marshals, etc., shall be sent to the Department of Justice before going to the Auditor. These are very unsatisfactory accounts, and it seems wise to have the Attorney-General or his assistants to supervise them before they reach the Auditor. Section 368 of the Revised Statutes now provides that the Attorney-General shall supervise them, but as he does not have the accounts, nor, in fact, ever see them, as by the present law they are sent direct to the Auditor, it is very questionable as to what extent his supervision can go.

Section 11 will give him the power of having proper supervision over these accounts as the law now contemplates. The same section also provides that the judges shall be paid monthly by the disbursing officer of the Department of Justice. It is proposed that this shall be done with a pay roll properly certified. This will save a great many separate statements going through the accounting officer to the Treasury, and will be a more prompt means of paying the judges.

Section 12 provides that claims which come direct to the Auditors from the claimants shall be examined by two divisions in the Auditor's office to which they go. This will provide against any possible opportunity for collusion or carelessness. These claims are not very numerous in class, and this provision can be very readily carried out.

Section 13 provides that the Secretary of the Treasury shall render to Congress on the first day of the regular session each year an annual combined statement of the receipts and expenditures of all public money, to include those of the Post-Office Department. There is a statement similar to this rendered informally by a division of the Secretary's Office. This statement is of more use to Congress than any other which is rendered, and it is proposed to make this a regular report and include the Post-Office Department.

Section 14 relates to the payment of an outstanding liability, and simply amends the statutes so as to provide that the certificate in such case shall be signed by the Secretary of the Treasury instead of the Register of the Treasury, for the reason that this act transfers the records to the division of bookkeeping and warrants.

Section 15 provides for the certification of books and proceedings which may be required in any suit at law.

Section 16 provides that all contracts relating to the payment or advance of money shall be deposited promptly in the offices of the Auditors of the Treasury. Such contracts are now filed with the Comptrollers. The Auditors have now to borrow contracts from the Comptrollers when they have occasion to use them in settling accounts. It is proposed by this section that they shall be filed where they are needed.

Section 17 provides for the settlement of accounts which may be in the offices of the Comptrollers on the first day of July, 1894, when this law is intended to go into effect.

The bill (H. R. 5750) reported by this commission and passed by the House abolishes the Commissioner of Customs, and provides a proper check or audit on the customs receipts. This bill provides proper protection for the Government in all other of its accounts.

So much inconvenience and delay have arisen from the existing accounting system that various attempts have been made to simplify and make more efficient the accounting department of the Government, and to this end reports have been made to Congress showing the necessity which has appeared for such improvements. We quote as follows:

"Report of Levi Woodbury, Secretary of the Treasury, made to the Senate December 8, 1834, in obedience to a resolution of the Senate of the 8th of May, 1832, which resolution was as follows:

"'*Resolved*, That the President of the United States be requested to cause to be prepared and laid before the Senate, at the commencement of the next session of Congress, a plan for the reorganization of the Treasury Department, with a view to simplifying the forms of settling and keeping accounts, and of rendering them more intelligible; of a more equal distribution of the labor and duties, and abolishing some of the subordinate branches, and reducing the number of clerks in the Executive Department.

"'AUDITORS.

"'The present five Auditors are probably numerous enough for all fiscal purposes; but their respective titles by numbers and the manner of assigning duties to them are not calculated in all cases to make those duties well understood by the public or to be free from complexity, and an appropriate mixture in one bureau of subjects totally unlike. The term "Auditors," as showing to the public that they are the officers to first hear or to examine

the evidence and state the results on the accounts or claims of all individuals against the Government for settlement, is sufficiently significant.

"'But the designation of the different Auditors merely by their number conveys no information as to the particular Department with which each is associated or the particular subjects for hearing and examination which are devolved on each. It is therefore recommended that their designation by numbers be changed, and the duties assigned to each be more simplified and rendered more intelligible, by a new division of them, in part, and by attaching one of these officers, and one only, to each Department.'

"Document No. 71, which is a report made by P. G. Washington to the Twenty-fourth Congress, second session, January 6, 1837, entitled 'An inquiry into the practicability of simplifying the system of public accounts,' contains the following:

"'The complexity of the public accounts is a matter of general remark, and all who examine the subject must concur in the President's opinion that the system requires a general reform. There is undoubtedly more machinery than is requisite for the safe disbursement of the public funds or the correct liquidation of the public accounts; and if any part operate uselessly (to say nothing of the needless expense involved) it must operate injuriously, by retarding the prompt action of the Departments and by subjecting the claimants upon them to inconvenient and vexatious delays.

"'If we examine the different parts of the machinery, and look at its means of giving information of the operations of the Departments, we shall find that the system is not less imperfect. The duties are not distributed and arranged among the different offices in the most appropriate and suitable way, their limits of authority are not clearly laid down, and there wants a single office for general deposit and access after the accounts have gone through their course of settlement. To obtain information, in a system so deficient in order, is by no means easy even to the executive officers, whilst to Congress it must often prove exceedingly embarrassing.

"'If it is frequently a matter of perplexity to Congress, to a committee, or to an individual to determine where he ought to apply, so, on the other hand, it is sometimes a matter of no less difficulty with the officers to decide which can or ought to furnish the required information.

"'To devise a system of accounts for the principal departments, which shall be more efficient for all the purposes for which it is designated, in the hands of the heads of those departments, and, through them, of the great head of the whole; and which shall be more prompt in the payment of money, in the settlement of accounts, the exhibition of results, and, withal, less expensive to the nation, is the object of the present inquiry.'

It is evident that some simplification of the present methods is necessary. The business of the Government has become so vast that already the public business is greatly delayed, and unless the system is simplified at an early date congestion is bound to occur. The system proposed by this bill seems to meet the requirements of the situation better than any plan which has heretofore been proposed, and can be more readily put into operation.

The report of the experts, showing the details necessary to carry out the proposed arrangement, is attached hereto as an appendix.

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
"*Washington, D. C., March 27, 1894.*

"SIR: I have carefully examined the draft of bill entitled 'A bill to improve the methods of accounting in the Department of the Treasury, and for other purposes,' and I have the honor to state that in my judgment the changes from existing law, as contained in said bill will simplify the accounting system of the Department and expedite the settlement of public business, while at the same time securing accuracy and economy in the conduct of the service.

"I therefore beg to state that I approve of the bill.

"Respectfully, yours,

"J. G. CARLISLE, *Secretary.*

"Hon. A. M. DOCKERY,
"*Chairman Joint Commission of Congress.*"

F. M. COCKRELL.
JAMES K. JONES.
S. M. CULLOM.
Members on the part of the Senate.
ALEX. M. DOCKERY.
JAMES D. RICHARDSON
NELSON DINGLEY, JR.
Members on the part of the House of Representatives.

APPENDIX.

[Report No. 5.]

OFFICE OF THE EXPERTS UNDER THE COMMISSION TO EXAMINE THE EXECUTIVE DEPARTMENTS,
Washington, D. C., February 24, 1894.

Hon. A. M. DOCKERY,
Chairman Joint Commission, etc.,
Washington, D. C.

DEAR SIR: Your experts, in an examination of the accounting system of the Government in the Treasury Department, beg to make the following report and recommendations thereon:

The present system is an outgrowth of that established by the act of September 2, 1789, which created an Auditor, a Comptroller, a Treasurer, and a Register within the Treasury Department. In the beginning of the operations of the Government, the business of the accounting branch consisted of the examination and settlement of claims. These claims were presented in person or forwarded to the Auditor, who considered all the evidence and facts in the case, drew up a settlement, and forwarded it to the Comptroller for his decision.

This system was not found adequate for the settlement of the business of the War and Navy Departments. The act of May 8 1792, created an accountant for the War Department, and the act of July 16, 1798, created an accountant for the Navy Department. The accounts of expenditures on account of these Departments were settled by them.

The act of April 29, 1816, supplementary to the act of May 8, 1792, created an additional accountant for the War Department.

On the occasions of the said acts of 1792 and 1798 the disbursements of the Treasurer for the appropriations of the War and Navy Departments were required to be made, not by warrants of the Secretary of the Treasury countersigned by the Comptroller of the Treasury, as previously done in pursuance of the requisitions of those Departments, according to the act of 1789, but by warrants of the Secretaries of War and Navy, countersigned by their respective accountants, who were, nevertheless, partially held in check, by being required to report their settlements, from time to time, for the revision and approval of the officers of the Treasury.

The act of March 2, 1817, restored all settlements of accounts to the Treasury Department, and abolished the offices of accountants of the War and accountant of the Navy Departments, and created the Second, Third, Fourth, and Fifth Auditors, and the Second Comptroller; the Second and Third Auditors to audit the accounts of the War Department, and the Fourth Auditor to audit the accounts of the Navy Department; the accounts of these three Auditors to be reviewed or revised by the Second Comptroller; the Fifth Auditor to have the accounts of the State Department, Post-Office Department, and Indian Affairs, to be revised by the First Comptroller.

The act of April 25, 1812, created the General Land Office in the Department of the Treasury, the head of said office to be styled "Commissioner of the General Land Office." Section 9 of said act provides—

"That all returns relative to public lands, heretofore directed to be made to the Secretary of the Treasury, shall hereafter be made to the said Commissioner, who shall have power to audit and settle all public accounts relative to the public lands: *Provided*, That it shall be the duty of the said Commissioner, upon the settlement of any such account, to certify the balance and transmit the account with the vouchers and certificate to the Comptroller of the Treasury for his examination and decision thereon."

The act of March 3, 1849, provides—

"That the Secretary of the Interior shall perform all the duties in relation to the General Land Office, of supervision and appeal, now discharged by the Secretary of the Treasury; and the said Secretary of the Interior shall sign all requisitions for the advance or payment of money out of the Treasury on estimates or accounts approved or certified by the Commissioner of the General Land Office, subject to the same control now exercised by the First Comptroller of the Treasury."

The act of July 2, 1836, created the "Auditor of the Treasury for the Post-Office Department" (commonly called the Sixth Auditor), whose duty it is to audit and settle all accounts arising in the Post-Office Department, or relative thereto, and certify the balances arising thereon to the Postmaster-General, with the provision of an appeal to the First Comptroller.

Thus we have a system consisting of six Auditors, and (after the abolition of the office of Commissioner of Customs, as recommended by report No. 2 of the experts) of two Comptrollers and a Register. The settlements of the First and Fifth Auditors are reëxamined and reviewed by the First Comptroller; the settlements of the Second, Third, and Fourth Auditor are reexamined and reviewed by the Second Comptroller. The settlements of the Sixth Auditor are not reviewed by any Comptroller, except upon an appeal, when they are reviewed by the First Comptroller. The Commissioner of the General Land Office acts as the Auditor for the land accounts, and settlements are reëxamined and revised by the First Comptroller.

The present system is one of confusion, delay, and vexation, and we have failed to find anyone who has ever had any transactions with the Government, either as a claimant, as an officer of the Government, or on behalf of either, who has not just cause for complaint from the manner in which the Government audits accounts. It is the result of additions to the original system, patchwork, as it were, and is incongruous and complicated.

The creation, in 1812, of the General Land Office, an administrative bureau in the Treasury Department, with power to audit and settle accounts of land transactions, subject only to the examination and revision of the Comptroller, and the requirement that only one examination of these accounts should be made in the Treasury Department after the removal of the administrative jurisdiction to the Interior Department in 1849, and the creation of the Auditor for the Post-Office Department in 1836, making his settlement of an account final except upon an appeal, are the only changes in the accounting system which are progressive in their character.

The accounting department was established, as previously stated, to govern the audit of claims. The system of expenditures since that time has undergone a complete change.

The act of January 31, 1823 (section 3648 Revised Statutes), entitled "An act concerning the disbursement of public money," after making a general prohibition of advances of public money to contractors, agents, etc., provided—

That it shall be lawful, under the special direction of the President of the United States, to make such advances to the disbursing officers of the Government as may be necessary to the faithful and prompt discharge of their respective duties, etc.

The system of disbursing money by the Government at present is that, after the appropriation for the expenditure is made, the money, for the most part, advanced to the disbursing agent of the various Executive Departments, to be expended according to law; and the disbursing agent exercises as much care and as much effort to keep within the law as was probably exercised originally by the Auditor; the disbursing agent makes up his account covering his expenditures, and this account in most cases is revised in a Bureau in the Executive Department under which the disbursing agent acts.

The account is then sent to the proper Auditor for settlement under the Treasury Department accounting system, which system is so inoperative that it is found necessary to make advances to disbursing agents although there may be very large balances against them on the books of the Auditor or the Register of the Treasury.

For example, figures were taken from the ledgers in the office of the Third Auditor in November, 1893, showing forty-eight accounts at random (those of pension agents being all of such), as follows:

Class.	Number of accounts	Aggregate balance due United States.	Average balance.	Average bond.
Pension agents (includes two late agents)	20	$63,955,892.93	$3,197,794.07	$112,500.00
Commissary Department	11	1,483,410.25	138,855.48	15,636.36
Quartermaster's Department	9	525,028.24	58,336.47	22,777.77
Engineers	8	4,215,131.84	526,891.48	No bonds.

The same state of affairs exists in the offices of the Second and Fourth Auditors and the Register of the Treasury. The balances against the officers on the books of the Second and Fourth Auditors and the Register aggregate many millions, as they are accounts of paymasters and Indian agents and others, representing large advances. The settlements of the larger of these accounts are very much in arrears.

Advances are continually made to these officers, irrespective of the large balances charged against them. Thus the safeguards or checks upon the disbursing officers rest almost entirely with the heads of the Executive Departments under which the disbursements are made, and the work of the Auditors has therefore become only a technical examination of accounts long after payments have taken place, and the Auditors are not a factor in the active business of the Government.

The Auditors and Comptrollers have a large force of clerks to go over these accounts, in some cases years after the disbursements have been made, and an immense amount of time and labor is taken in establishing small differences, due for the most part to technical errors. The Auditors can not, on account of the unwieldly system that prevails and the time required to handle these accounts by the double detailed examination, be a proper check upon the disbursing officers.

The time elapsing from the date of rendering until the final settlement of the accounts passing through the several Auditors' offices is as follows:

First Auditor's Office, from two to six months.
Second Auditor's Office, from six months to two years.
Third Auditor's Office, from nine to seventeen months.
Fourth Auditor's Office, from five months to one year.
Fifth Auditor's Office, from three to six months.
Commissioner of the General Land Office, from three to four months.

These figures represent an average of the various classes of accounts, and many, of course, are delayed a much longer period. There are scarcely any accounts finally settled within a reasonable period, while for some of the officers who have gone out of service, as, for instance, Indian agents, it is as much as five years before the accounts are settled, and during all this time the vouchers and papers lie in one or another of the offices of the Treasury or administrative departments.

In order to determine the condition of a disbursing officer's account, assuming that the Auditor examined it promptly, it would then have to go to one of the Comptrollers, and the Auditor would lose all control of it; the Comptroller would then have jurisdiction of the account and could take it up when he saw fit. The clerk in his department would ignore all the decisions or work of the Auditor, making his own findings, which, being confirmed by the Comptroller would make the decisions thereon final and conclusive, and the result or settlement would then be entered upon the disbursing officer's account; thus the result of the audit is the finding of the Comptroller alone, and is in no way dependent upon any work done in the Auditor's Office.

It would seem to be consistent with good business principles and a means of protection to the interests of the Government, if the Auditors were some check upon the disbursing officers who are expending vast sums of the public money; and if it were required that the accounts of disbursing officers should reach the Auditor within a specified time after the close of the period covered by the accounts, and that they should be audited within another specified period; and that the result of this examination or accounting should be known before further advances are made to the said disbursing officer, it would take less time and less labor to audit the accounts promptly than it takes now under the present cumbrous and antiquated system.

In order to be able to audit these accounts promptly, thereby securing a close and efficient check over the disbursing officer, the second and unnecessary examination by the Comptroller must be stopped; and the audit of the Auditor should be final and conclusive upon the Executive branch of the Government, except in case of an appeal, when a revision of the account should be made by the Comptroller.

Under present conditions, with the vast expenditures by the Government, it would be impossible to construct an active and efficient accounting department in which the accounts would have to be revised by two different Auditors or Comptrollers. The double detailed examination in the Treasury Department is unnecessary, as the administrative officers keep as close a supervision over, and make as careful an examination of, their expenditures as was originally done by the Auditor at the foundation of the Government.

Mr. PROCTOR. Mr. President, I regret very much to differ with the Senator from Ohio [Mr. SHERMAN], but considerable attention given by me to this matter impels me to do so.

To a person going into one of the Departments here from an active business office, the difference in methods is certainly very striking. While the methods of business in our great establishments, railroads, banks, and factories have been progressing so that they are substantially revolutionized from what they were forty or fifty years ago, those of the Government have not only not progressed, but have doubtless actually retrograded.

I do not contend that the Government should model its methods entirely upon the methods of business houses; the methods of the Government should be of the most conservative and safe character; but there is no reason in the world, while business methods have made such great progress, that the Government methods should not be improved somewhat. A bank in these times which does not know at the close of every day's business its standing with every customer, would be behind the times; a manufacturing or mercantile concern which did not answer its correspondence within at least twenty-four hours and have the business to which the correspondence related under way, would also be losing in the game of competition.

Look, for instance, at the reasons which have led to these business methods of mercantile corporations, which have progressed on account of the active spirit of the age. Railroads, telegraphs, and sharp competition have compelled it to do so; while, on the other hand, the methods of the Government, established more than one hundred years ago, have been in the hands of officials serving for a long time, and the natural effect of that service is to render them hair-splitters and mechanical in their operations, and their natural tendency is to increase the machinery rather than to simplify it.

I admit that the Government methods are ancient; they have in fact the moss and fungus of antiquity hanging thickly about them. Started a hundred years ago, with a population of four or five millions, it would be very strange that they should be adapted to our present wants. In fact, they were found in a very short time to be insufficient.

The Senator from Ohio calls attention to the proposed change of designation of the Auditors. That was recommended more than sixty years ago by the then Secretary of the Treasury, Levi Woodbury. He said:

It is therefore recommended that their designation by numbers be changed, and the duties assigned to each be more simplified and rendered more intelligible, by a new division of them, in part, and by attaching one of these officers, and one only, to each Department.

Another report made more than fifty years ago to Congress states:

The complexity of the public accounts is a matter of general remark, and all who examine the subject must concur in the President's opinion that the system requires a general reform. * * * The duties are not distributed and arranged among the different offices in the most appropriate and suitable way; their limits of authority are not clearly laid down.

* * * * * * *

To devise a system of accounts for the principal departments, which shall be more efficient for all the purposes for which it is designated, in the hands of the heads of those departments, and, through them, of the great head of the whole; and which shall be more prompt in the payment of money, in the settlement of accounts, the exhibition of results, and, withal, less expensive to the nation, is the object of the present inquiry.

Mr. President, it is true that there should be ample guards for the safety of the Government, but it is not, in my opinion, true that a needless multiplication of machinery in the examination of accounts is for the safety of the Government. In fact the rogue will take advantage of this very machinery. If he starts his account, as he goes around through the different processes, his claim is reinforced oftentimes, rather than its fraudulent character detected, by this machinery. The delays, too, which such a system necessarily involves tend to help the dishonest claimant and to injure the honest one.

I should be very glad to submit this question to anyone who has business with the Departments and has not a Congressman behind him to secure expedition.

The report of the commission and the recommendations they have made I have examined carefully, and I believe to be extremely conservative. They do not aim to adopt all the prompt methods which an ordinary business house would adopt; but on the contrary, to preserve to the Government all necessary precautions, and to secure not so much economy in the transaction of business, as directness and simplicity and promptness.

This measure has received the examination and unanimous approval of the commission and of two committees of this body. It has also received the full approval of the present Secretary of the Treasury and of his predecessor. I will read, as it is only a sentence, what Mr. Foster, the last Secretary of the Treasury, said of it. He said:

I have very carefully examined the provisions of the bill, H. R. 6948, improving the methods of accounting in the Treasury. I believe the bill will secure the speedy and reliable audit of the expenditures of the Government, infinitely superior to the present system.

In regard to the experts who were employed by the commission, I have seen much of them, and spent a good deal of time with them in going over the details of their recommendation. I have the very highest opinion of their ability. I think the commission was peculiarly fortunate in their selection. I confess my only surprise was that they were so very fortunate. These experts are men thoroughly competent, experienced, and skillful, and have been extremely careful and conservative in their methods.

It is true, as the Senator from Ohio remarked, that with all the complaints, no important changes have been made in the past methods of accounting in the Treasury Department. That is not at all strange. It is a very difficult matter to overturn customs and traditions and usages, and the opposition of personal attachment to present system, and the opposition of officials to any change in the Departments is to be expected, as everyone knows they are the most conservative possible body. I believe these changes have been very carefully prepared and that they are entirely safe. I feel sure that if there is any detail which is not perfect, it is so nearly so that no harm can come to the interest of the Government. No progress can be made without a beginning.

I am heartily in favor of these provisions of the bill, and I should consider it very unfortunate, after the very great labor which has been expended upon it, that the results should now be lost.

Mr. COCKRELL. Mr. President, I am perfectly satisfied, notwithstanding the criticisms of the Senator from Ohio [Mr. SHERMAN], that if that Senator had given to the matter of the entire reorganization of the system of accounting in the Treasury Department the same care, attention, and labor which others have given to it, he would heartily indorse it as a better system to accomplish what he has so strongly advocated than the existing Treasury system. We all want the Treasury perfectly guarded. I say, in my judgment, this bill guards the interests of the Treasury more sacredly and more closely and more stringently than the existing system.

There is nothing particularly sacred about the present system. It is not the system of Alexander Hamilton; it is not the system of any one man; it is a mere patch-quilt; it is made up of enactments at different times. We started out with the Treasury Department under the act of September 2, 1789, having an Auditor, a Comptroller, a Treasurer, and a Register. Their principal business was to examine the individual accounts of employés of the Government. The machinery was very simple, and there was very little business to be done. We did not then have disbursing officers, receiving in advance of any expenditure hundreds of millions of dollars, whose applications for advances had to be considered. There was nothing of that kind. It was a

very simple process. This system has grown up, as I have stated, by enactments at different times.

By the act of May 8, 1792, a short time after the organization of that system, there was created an accountant for the War Department, and then the act of July 16, 1798, created an accountant for the Navy Department, and the accounts of expenditures in those Departments were settled by them.

The act of April 29, 1816, supplementary to the act of May 8, 1792, created an additional accountant for the War Department.

On the occasions of the said acts of 1792 and 1798, the disbursements of the Treasurer for the appropriations of the War and Navy Departments were required to be made, not by warrants of the Secretary of the Treasury countersigned by the Comptroller of the Treasury, as previously done in pursuance of the requisitions of those Departments, according to the act of 1789, but by warrants of the Secretaries of War and Navy, countersigned by their respective accountants, who were, nevertheless, partially held in check by being required to report their settlements from time to time for the revision and approval of the officers of the Treasury.

Then various changes were made. The Land Office was created by the act of 1812, and it was given jurisdiction of its own accounts. The act of July 2, 1836, created an Auditor for the Post-Office Department. So the system has finally grown up of having the six different Auditors.

The Senator from Ohio complains that we have an Auditor for a special department. In other words, any man looking at this reorganized system, and looking at the names of the Auditors can tell where to inquire to find the status of an account. No man living can do it to-day. I venture to say that I can suggest an account of which the Senator from Ohio, with his long Congressional experience, could not tell what Department has jurisdiction. The names of the Auditors give no idea of the subjects-matter over which they have jurisdiction.

The Senator speaks about an Auditor growing up under each Department. The State Department has a separate Auditor now. One Auditor audits all the accounts of the State Department.

Mr. SHERMAN. I think the people of the United States understand that matter very well. When they want to file a claim they send it to the Secretary of the Treasury anyway. The great mass of the correspondence goes direct to him.

Mr. COCKRELL. Not a particle of change is made in that respect.

The idea that a claim can come up and be presented to the Second Auditor, and that his decision is final, is simply absurd, I beg to say to the Senator. Claims must originate in some branch of the public service. That is a proposition which the Senator from Ohio can not deny. Now, in whatever branch of the public service they originate, they are either under the Department or the head of a bureau, and that Department or head of a bureau has to examine and audit every solitary one of them before they can reach the Auditor. They are to be audited, under the new system, by the Department in which they originate, or if it is a separate bureau, like the Geological Survey, etc., they are audited by the head of the bureau, as it is not under any Department, and they go to the Second Auditor.

The Senator complains that these Auditors will grow up and become a part of the Department. To-day the accounts of all the Departments are distributed among the Auditors. We simply redistribute them, and the Auditors will audit the same accounts, some of them the identical accounts, which they are auditing now. So there is no confusion, there is no necessity for any new books or anything of the kind. The system can be inaugurated at once.

The Senator from Ohio tells us this is a new matter and has not received any consideration. Mr. President, no matter has ever been presented to the Senate during the long term of the Senator from Ohio which has received more careful consideration than this question. When, for example, the question of creating the Congressional commission came up, the late Secretary Foster came before the committee and insisted upon experts in order to readjust and bring the system up to current work. It was largely at his suggestion that the change was made from the method provided for in the other House. Now, what was done? Here are three experts, able men, disinterested, in no manner connected with the Government. They come here and go through the Treasury Department. They consult every head of a bureau; they consult the Assistant Secretary; they consult the subordinates. They go to the desks where the work is performed; they ascertain the entire method and system and the responsibility. When they have done that, they confer with the Secretary of the Treasury, they confer with the Assistant Secretary of the Treasury, and they discuss their plans.

Now, those experts are under a commission of members of Congress. Ex-Governor DINGLEY, Representative from Maine, is one of the active members, and Representative DOCKERY of Missouri another. The experts conferred with them. The Senate commission, composed of the Senator from Illinois [Mr. CULLOM], the Senator from Arkansas [Mr JONES], and myself, consulted with them. They made to us a report recommending this change.

Upon that report we drew bills for this reorganized system. Such a bill was reported to the other House, and a similar bill was introduced in the Senate and referred to the Committee on Organization, Conduct, and Expenditures of the Executive Departments.

The Senator from Ohio pretends that the bill has never been before any committee of the Senate. It was referred to the appropriate committee, the Committee on Organization, Conduct, and Expenditures of the Executive Departments. Not only that, but such a bill passed the House of Representatives and came to the Senate, and was then referred to the Committee on Organization, Conduct, and Expenditures of the Executive Departments. It has been reported favorably to the Senate, and is upon its Calendar.

Here we have a proposition to bring the business in the Treasury Department down to current work, to simplify the methods of doing business, and to guard the Treasury in every avenue which approaches to it as well as, if not better than, under the present system. It has been considered by the experts, who have conferred with the Secretary of the Treasury, the Assistant Secretary, the commission on the part of the other House, ex-Gov. DINGLEY and Mr. DOCKERY, and the members on the part of the Senate whom I have named. They have all approved it.

It has been reported by the commission to both Houses; it has been passed by the House of Representatives; twice reported favorably by the proper committee of the Senate, the Committee on Organization, Conduct, and Expenditures of the Executive Departments. It was then properly placed as a provision in the legislative bill, providing money for the conduct of business in the Treasury Department and specifying the machinery by which the money shall be expended. It has been favorably reported from the Committee on Appropriations, and I say that no measure ever received fuller or more careful consideration. It is wise, it is just, and it is perfectly safe to the Government.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. SHERMAN].

Mr. SHERMAN. I should like to record my vote. I ask for the yeas and nays.

Mr. QUAY. I suggest that there is not a quorum of the Senate present. If the yeas and nays are called for, there will not be a voting quorum present.

Mr. CULLOM. I hope we shall not be prevented, by a call of the yeas and nays, from going through with the bill.

Mr. SHERMAN. All I want is one vote. I am perfectly willing to take the vote Monday morning, if the Senator from Missouri prefers, and we can proceed with something else. Let it be understood that with the exception of this one question the bill is disposed of. I do not think there will be any trouble about it. But I believe there is a quorum here.

Mr. CULLOM. There is a quorum present, but not a voting quorum.

Mr. COCKRELL. It has been suggested that there is no quorum present. I do not see how we can proceed after such a suggestion has been made.

Mr. CULLOM. We can not do it very well.

Mr. COCKRELL. Since it has been suggested, I do not see how we can avoid having the roll called under the rules of the Senate.

Mr. SHERMAN. I have asked for the yeas and nays on agreeing to the amendment, and that will develop whether there is a quorum present or not.

Mr. COCKRELL. Very well.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. GIBSON (when his name was called). I am paired with the junior Senator from Michigan [Mr. PATTON]. I withhold my vote in his absence.

Mr. HANSBROUGH (when his name was called). I am paired with the junior Senator from Illinois [Mr. PALMER].

Mr. MCLAURIN (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. DIXON].

Mr. MCPHERSON (when his called was called). I am paired with the senior Senator from Vermont [Mr. MORRILL].

Mr. POWER (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. I reserved the right to vote to make a quorum, however.

Mr. CULLOM. I am satisfied the Senator from Massachusetts would vote "nay."

Mr. PUGH. It is suggested that the Senator from Massachusetts would agree with me on this question. So I vote "nay."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN]. If he were present I should vote "yea."

Mr. SHOUP (when his name was called). I am paired with the senior Senator from California [Mr. WHITE]. I therefore withhold my vote.

The roll call was concluded.

Mr. PLATT. Has the junior Senator from Virginia [Mr. HUNTON] voted?

The VICE-PRESIDENT. He has not voted.

Mr. PLATT. I am paired with the junior Senator from Virginia. I do not know how he would vote, and therefore I withhold my vote.

Mr. BRICE. I am paired with the junior Senator from Colorado [Mr. WOLCOTT]. Not knowing how he would vote, I withhold my vote.

Mr. GORDON. By an arrangement with the Senator from Connecticut [Mr. PLATT], I transfer my pair with the junior Senator from Iowa [Mr. WILSON] to the Senator from Virginia [Mr. HUNTON], and vote "nay."

Mr. PLATT. I vote "yea."

Mr. BLACKBURN. I am paired with the senior Senator from Nebraska [Mr. MANDERSON], who, I am informed, is not present and has not voted. I therefore withhold my vote, unless it shall be necessary to make a quorum.

Mr. CULLOM. I have a general pair with the senior Senator from Delaware [Mr. GRAY]. I am advised, and am perfectly sure, that if he were present he would vote "nay." I will therefore vote. I vote "nay."

Mr. MCMILLAN. I am paired with the Senator from Louisiana [Mr. BLANCHARD]. I transfer my pair to the Senator from Connecticut [Mr. HAWLEY], and vote "nay."

Mr. BLACKBURN. At the suggestion of the junior Senator from North Carolina [Mr. JARVIS], I transfer my pair with the Senator from Nebraska [Mr. MANDERSON] to the Senator from Texas [Mr. COKE], and vote. I vote "nay."

Mr. BRICE. I vote "nay" to make a quorum.

Mr. VILAS. I am paired with the Senator from Oregon [Mr. MITCHELL], but as my vote is necessary to make a quorum I shall vote. I vote "nay."

Mr. SHOUP. I am informed that if the senior Senator from California [Mr. WHITE] were present he would vote "nay." I will therefore vote. I vote "nay."

Mr. QUAY. I will take the liberty of voting to make a quorum. I vote "yea."

Mr. RANSOM. I am paired with the Senator from Maine [Mr. HALE], but I will vote to make a quorum. I vote "nay."

Mr. MCPHERSON. I will vote to make a quorum. I vote "nay."

Mr. COKE (after having voted in the negative). I am told that I have been paired with the senior Senator from Nebraska [Mr. MANDERSON]. I therefore withdraw my vote.

The VICE-PRESIDENT. The Senator from Texas withdraws his vote.

Mr. POWER. I will vote to make a quorum. I vote "nay."

Mr. HANSBROUGH. I feel at liberty to vote to make a quorum. I vote "nay."

Mr. COKE. In order to make a quorum I will vote. I vote "nay."

Mr. GIBSON. I vote "nay."

The result was announced—yeas 4, nays 40; as follows:

YEAS—4.

Call,	Platt,	Quay,	Sherman.

NAYS—40.

Allen,	Dolph,	Kyle,	Pugh.
Allison,	Dubois,	Lindsay,	Ransom,
Bate,	George,	McMillan,	Roach,
Blackburn,	Gibson,	McPherson,	Shoup,
Brice,	Gordon,	Mitchell, Wis.	Smith,
Carey,	Hansbrough,	Pasco,	Squire,
Cockrell,	Harris,	Peffer,	Stewart,
Coke,	Jarvis,	Perkins,	Vest,
Cullom,	Jones, Ark.	Power,	Vilas,
Daniel,	Jones, Nev.	Proctor,	Walsh.

NOT VOTING—41.

Aldrich,	Frye,	Lodge,	Pettigrew,
Berry,	Gallinger,	McLaurin,	Teller,
Blanchard,	Gorman,	Manderson,	Turpie,
Butler,	Gray,	Martin,	Voorhees,
Caffery,	Hale,	Mills,	Washburn,
Camden,	Hawley,	Mitchell, Oregon	White,
Cameron,	Higgins,	Morgan,	Wilson,
Chandler,	Hill,	Morrill,	Wolcott.
Davis,	Hoar,	Murphy,	
Dixon,	Hunton,	Palmer,	
Faulkner,	Irby,	Patton,	

So the amendment was rejected.

Mr. CALL. Mr. President, I do not propose to detain the Senate by a speech upon this provision of the bill, but I desire to say that the proposition comes to us from a body not recognized by the Constitution of the country. It comes from a joint legislative commission, whereas the provision of the Constitution requires that each House shall appoint its committees and establish its rules of procedure.

It is a commission appointed not by the living Senate and House. It is a selection of members of this body by an expired Congress, vested with power to sit upon its own motion, to draw its own warrants upon the Treasury for any amount that it may decide to be its legitimate expense. That may be cured by such a plan being brought to this body and referred to the proper committee of the body which has reported upon it.

Here it is proposing to change the entire methods of business of this great Government and its thousands of millions of expenditures. Here it is, proposing on an appropriation bill to change the personnel of the entire administration of the Government. Upon what? The reports of experts provided by that commission, and upon a report of a single committee of this body, without consideration. Let its merits be what they may, that, in my judgment, is not a proper method of proceeding for this body, charged with the most important functions of legislation.

The plan, if it be meritorious, would have come to this body and met with ample discussion. The methods of business and the personnel through which the business is transacted are matters of great consideration and importance in the administration of this Government, and upon this body more than all others is imposed the duty of a careful scrutiny and full knowledge and information on the part of each member before a radical change is made in the methods of administration.

As I am the only Democrat who voted in the affirmative on the amendment of the Senator from Ohio and one Senator among four who have voted that this body should take the time and that every member should consider and understand the merits of an important change in the administration of the Government, I make this suggestion.

I have a high opinion of the Secretary of the Treasury, Mr. Carlisle. I am willing to vote for anything in his Department he may recommend, whether it be this bill or any other, but the methods by which the Senate shall act on it are not included in his recommendation. The Secretary is a great man and a patriotic man, and in voting against this bill I do not disregard his recommendations.

Mr. COCKRELL. I move to add at the end of line 7, page 141, the following proviso:

Provided, That this section shall not apply to the existing laws in regard to the contingent funds of Congress.

That is to leave the contingent funds of the Senate and House just as they are now.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. COCKRELL. Now, let the next amendment which was passed over be acted upon

The next amendment of the Committee on Appropriations which had been passed over was, on page 25, after line 11, to strike out:

Division of bookkeeping and warrants: For chief of division, $3,500; assistant chief of division, $2,400; estimate and digest clerk, $2,250; two principal bookkeepers, at $2,100 each; ten bookkeepers, at $2,000 each; ten clerks of class 4; five clerks of class 3; three clerks of class 1; one messenger; one assistant messenger; and one laborer; in all, $64,170.

The amendment was agreed to.

The next amendment was, on page 25, after line 20, to insert:

Division of warrants, estimates, and appropriations: For the following for three months, beginning July 1, 1894, namely: For chief of division, at the rate of $3,500 per annum; assistant chief of division, at the rate of $2,400 per annum; estimate and digest clerk, at the rate of $2,000 per annum; six clerks of class 4; three clerks of class 3; one clerk of class 2; four clerks of class 1; two clerks, at the rate of $1,000 per annum each; one clerk, at the rate of $900 per annum; one assistant messenger; and one laborer; in all, $8,495.

The amendment was agreed to.

The next amendment was, on page 26, after line 9, to insert:

Division of bookkeeping and warrants: For the following for nine months, beginning October 1, 1894, namely: For chief of division, at the rate of $3,500 per annum; assistant chief of division, at the rate of $2,400 per annum; estimate and digest clerk, at the rate of $2,250 per annum; two principal bookkeepers, at the rate of $2,100 per annum each; ten bookkeepers, at the rate of $2,000 per annum each; ten clerks of class 4; five clerks of class 3; three clerks of class 1; one messenger; one assistant messenger; and one laborer; in all, $48,127.50.

The amendment was agreed to.

The next amendment was, on page 31, after line 4, to strike out the next paragraph:

Office of Comptroller of the Treasury: For Comptroller of the Treasury, $5,500; Assistant Comptroller of the Treasury, $5,000; chief clerk, $2,500; one chief law clerk, $2,500; seven law clerks, revising accounts and briefing opinions, two at $2,100 each, and five at $2,000 each; two confidential clerks of

class 4, including one for the Assistant Comptroller; three clerks of class 3; three clerks of class 1; two messengers; and one assistant messenger; in all, $44,100.

The amendment was agreed to.

The next amendment was, on page 31, after line 15, to insert:

First Comptroller of the Treasury: For the following for three months, beginning July 1, 1894, namely: For First Comptroller of the Treasury, at the rate of $5,000 per annum; Deputy Comptroller, at the rate of $2,700 per annum; four chiefs of division, at the rate of $2,100 per annum each; seven clerks of class 4; twelve clerks of class 3; twelve clerks of class 2; eleven clerks of class 1; three clerks, at the rate of $1,000 per annum each; eight clerks, at the rate of $900 per annum each; one skilled laborer, at the rate of $840 per annum; one messenger; one assistant messenger; and three laborers; in all, $23,120.

The amendment was agreed to.

The next amendment was, on page 32, after line 5, to insert:

Second Comptroller of the Treasury: For the following for three months, beginning July 1, 1894, namely: For Second Comptroller of the Treasury, at the rate of $5 per annum; Deputy Comptroller, at the rate of $2,700 per annum; seven chiefs of division, at the rate of $2,100 per annum each; eleven clerks of class 4; ten clerks of class 3; ten clerks of class 2; ten clerks of class 1; three clerks, at the rate of $1,000 each per annum; five clerks, at the rate of $900 per annum each; five clerks, at the rate of $660 per annum each; one messenger, and three laborers; in all, $24,455.

Mr. COCKRELL. I move to amend the amendment of the committee by inserting on page 32, line 9, after the word "five" the word "thousand," so as to read "at the rate of $5,000 per annum." It is an omission in the print.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations, which had been passed over, was, on page 32, after line 19, to insert:

Commissioner of Customs: For the following for three months, beginning July 1, 1894, namely: For Commissioner of Customs, at the rate of $4,000 per annum; Deputy Commissioner, at the rate of $2,250 per annum; two chiefs of division, at the rate of $2,100 per annum each; two clerks of class 4; five clerks of class 3; eleven clerks of class 2; eight clerks of class 1; one clerk, at the rate of $1,000 per annum; one assistant messenger; and one laborer; in all, $12,357.50.

The amendment was agreed to.

The next amendment was, on page 33, after line 6, to insert:

Office of Comptroller of the Treasury: For the following nine for months, beginning October 1, 1894, namely: For Comptroller of the Treasury, at the rate of $5,500 per annum; Assistant Comptroller of the Treasury, at the rate of $5,000 per annum; chief clerk, at the rate of $2,500 per annum; one chief law clerk, at the rate of $2,750 per annum; seven law clerks, revising accounts and briefing opinions, two at the rate of $2,100 per annum each, and five at the rate of $2,000 per annum each; two confidential clerks of class 4, including one for the Assistant Comptroller; three clerks of class 3; three clerks of class 1; two messengers; and one assistant messenger; in all, $33,262.50.

The amendment was agreed to.

The next amendment was, on page 34, line 1, after the word "hand," to strike out "July 1, 1894," and insert "at the date of the approval of this act;" and in line 2, before the word "thousand," to strike out "twenty" and insert "thirty;" so as to make the clause read:

For the temporary employment of clerks within the classified service to complete the accounts in the offices of First and Second Comptrollers and Commissioner of Customs, on hand at the date of the approval of this act, $30,000, or so much thereof as may be necessary.

Mr. COCKRELL. At the top of page 34, after the words "on hand," I move to insert "October 1, 1894," and to strike out in line 2 "at the date of the approval of this act;" so as to read:

For the temporary employment of clerks within the classified service to complete the accounts in the offices of First and Second Comptrollers and Commissioner of Customs, on hand October 1, 1894, $30,000, or so much thereof as may be necessary.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 34, to strike out from line 9 to line 18 inclusive, in the following words:

Office of Auditor for Treasury Department: For Auditor, $3,600; Deputy Auditor, $2,250; one law clerk, $2,000; four chiefs of division, at $2,000 each; seventeen clerks of class 4; thirteen clerks of class 3; ten clerks of class 2; twenty clerks of class 1; three clerks, at $1,000 each; three clerks, at $900 each; three assistant messengers, and four laborers, in all, $115,750.

The amendment was agreed to.

The next amendment was, on page 34, after line 18, to insert:

First Auditor: For the following for three months, beginning July 1, 1894, namely: For First Auditor of the Treasury, at the rate of $4,000 per annum; Deputy Auditor, at the rate of $2,500 per annum; four chiefs of division, at the rate of $2,000 per annum each; seven clerks of class 4; ten clerks of class 3; eleven clerks of class 2; eighteen clerks of class 1; three clerks, at the rate of $1,000 per annum each; four copyists and counters, at the rate of $900 per annum each; two assistant messengers; and two laborers; in all, $22,365.

The amendment was agreed to.

The next amendment was, on page 35, after line 6, to insert:

Office of Auditor for Treasury Department: For the following for nine months, beginning October 1, 1894, namely: For Auditor, at the rate of $4,000 per annum; Deputy Auditor, at the rate of $2,500 per annum; one law clerk, at the rate of $2,000 per annum; four chiefs of division, at the rate of $2,000 per annum each; seventeen clerks of class 4; thirteen clerks of class 3; ten clerks of class 2; twenty clerks of class 1; three clerks, at the rate of $1,000 per annum each; three clerks, at the rate of $900 per annum each; three assistant messengers; and four laborers; in all, $87,300.

The amendment was agreed to.

The next amendment was, on page 35, to strike out from line 20 to line 6 on page 36, the following words:

Office of Auditor for War Department: For Auditor, $3,600; Deputy Auditor, $2,250; one law clerk, $2,000; six chiefs of division, at $2,000 each; sixteen clerks of class 4; additional to one clerk as disbursing clerk, $200; forty-three clerks of class 3; sixty-six clerks of class 2; fifty-three clerks of class 1; eleven clerks, at $1,000 each; five clerks, at $900 each; one skilled laborer; three clerks, at $840 each; one messenger; three assistant messengers, and eight laborers; in all, $300,850.

The amendment was agreed to.

The next amendment was, on page 36, after line 6, to insert:

Second Auditor: For the following for three months, beginning July 1, 1894, namely: For Second Auditor, at the rate of $4,000 per annum; Deputy Auditor, at the rate of $2,500 per annum; six chiefs of division, at the rate of $2,000 per annum each; thirteen clerks of class 4; additional to one clerk as disbursing clerk, at the rate of $200 per annum; forty-three clerks of class 3; fifty-five clerks of class 2; forty-four clerks of class 1; eleven clerks, at the rate of $1,000 per annum each; five clerks, at the rate of $900 per annum each; one skilled laborer, at the rate of $900 per annum; six clerks, at the rate of $840 per annum each; one clerk, at the rate of $720 per annum; one messenger; three assistant messengers; eight laborers; in all, $67,785.

The amendment was agreed to.

The next amendment was, on page 36, after line 24, to insert:

For twenty additional clerks of class 1 in the Second Auditor's Office, rendered necessary by increase of work relating to pensions, for three months beginning August 1, 1894, $6,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 3, to insert:

Office of Auditor for War Department: For the following, for nine months beginning October 1, 1894, namely: For Auditor, at the rate of $4,000 per annum; Deputy Auditor, at the rate of $2,500 per annum; one law clerk, at the rate of $2,000 per annum; six chiefs of division, at the rate of $2,000 per annum each: sixteen clerks of class four; additional to one clerk as disbursing clerk, at the rate of $200 per annum; forty-three clerks of class 3; sixty-six clerks of class 2; fifty-three clerks of class 1; eleven clerks, at the rate of $1,000 per annum each; five clerks, at the rate of $900 per annum each; one skilled laborer, at the rate of $900 per annum; three clerks, at the rate of $840 per annum each; one messenger; three assistant messengers; and eight laborers; in all, $228,125.

The amendment was agreed to.

The next amendment was, on page 37, after line 24, to strike out the following paragraph:

Office of Auditor for Navy Department: For Auditor, $3,600; Deputy Auditor, $2,250; one law clerk, $2,000; three chiefs of division, at $2,000 each; one clerk of class 4; ten clerks of class 3; seven clerks of class 2; eleven clerks of class 1; six clerks, at $1,000 each; five clerks, at $900 each; one clerk, at $800; one messenger; one assistant messenger; and two laborers; in all, $68,830.

The amendment was agreed to.

The next amendment was, on page 38, after line 9, to insert:

Fourth Auditor: For the following, for three months beginning July 1, 1894, namely: For Fourth Auditor, at the rate of $4,000 per annum; Deputy Auditor, at the rate of $2,500 per annum; three chiefs of division, at the rate of $2,000 per annum each; two clerks of class 4; thirteen clerks of class 3; six clerks of class 2; eleven clerks of class 1; four clerks, at the rate of $1,000 per annum each; five clerks, at the rate of $900 per annum each; one clerk, at the rate of $800 per annum; one messenger; one assistant messenger; and two laborers; in all, $18,370.

The amendment was agreed to.

The next amendment was, on page 38, after line 22, to insert:

Office of Auditor for Navy Department: For the following, for nine months beginning October 1, 1894, namely: For Auditor, at the rate of $4,000 per annum; Deputy Auditor, at the rate of $2,500 per annum; one law clerk, at the rate of $2,000 per annum; three chiefs of division, at the rate of $2,000 per annum each; one clerk of class 4; ten clerks of class 3; six clerks of class 2; eleven clerks of class 1; six clerks, at the rate of $1,000 per annum each; five clerks, at the rate of $900 per annum each; one clerk, at the rate of $800 per annum; one messenger; one assistant messenger, and two laborers; in all, $51,060.

The amendment was agreed to.

The next amendment was, on page 39, after line 11, to strike out the following paragraph:

Office of Auditor for Interior Department: For Auditor, $3,600; Deputy Auditor, $2,250; one law clerk, $2,000; three chiefs of division, at $2,000 each; four clerks of class 4, seventeen clerks of class 3, thirty-three clerks of class 2, thirty clerks of class 1, eleven clerks, at $1,000 each; six clerks, at $900 each; two clerks, at $840 each; one assistant messenger, ten laborers, and one female laborer, $480; in all, $156,330.

The amendment was agreed to.

The next amendment was, on page 39, after line 23, to strike out the following paragraph:

To bring up the work transferred from office of Second Auditor to Indian division of office of Auditor for Interior Department, namely: Six clerks of class 3, and six clerks of class 2; in all, $18,000.

The amendment was agreed to.

The next amendment was, on page 40, after line 2, to insert:

Third Auditor: For the following, for three months, beginning July 1, 1894, namely: For Third Auditor, at the rate of $4,000 per annum; Deputy Auditor, at the rate of $2,500 per annum; four chiefs of division, at the rate of $2,000 per annum each; six clerks of class 4; twenty-one clerks of class 3; fifty-four clerks of class 2; twenty-nine clerks of class 1; ten clerks, at the rate of $1,000 per annum each; six clerks, at the rate of $900 per annum each; one assistant messenger; ten laborers; one female laborer, at the rate of $480 per annum; in all, $48,125.

The amendment was agreed to.

The next amendment was, on page 40, after line 15, to insert:

Office of Auditor for Interior Department: For the following, for nine months beginning October 1, 1894, namely: For Auditor, at the rate of $4,000 per annum; Deputy Auditor, at the rate of $2,500 per annum; one law clerk, at the rate of $2,000 per annum; three chiefs of division, at the rate of $2,000 per annum each; four clerks of class 4; seventeen clerks of class 3; thirty-three clerks of class 2; thirty clerks of class 1; eleven clerks, at the rate of $1,000 per annum each; six clerks, at the rate of $900 per annum each; two clerks, at the rate of $840 per annum each; one assistant messenger; ten laborers; and one female laborer, at the rate of $480 per annum; in all, $117,735.

The amendment was agreed to.

The next amendment was, on page 41, after line 7, to insert:

For the following, for nine months beginning October 1, 1894, namely, to bring up the work transferred from the office of Second Auditor to Indian division of office of Auditor for Interior Department, namely, six clerks of class 3 and six clerks of class 2; in all, $13,500.

The amendment was agreed to.

The next amendment was, on page 41, after line 13, to strike out the following paragraph:

Office of Auditor for State and other Departments: For Auditor, $3,600; Deputy Auditor, $2,250; one law clerk, $2,000; three chiefs of division, at $2,000 each; nine clerks of class 4; eleven clerks of class 3; ten clerks of class 2; six clerks of class 1; five clerks, at $1,000 each; four clerks, at $900 each; two copyists; one messenger, and three laborers; in all, $82,070.

The amendment was agreed to.

The next amendment was, on page 41, after line 22, to insert:

Fifth Auditor: For the following, for three months beginning July 1, 1894, namely: For Fifth Auditor, at the rate of $4,000 per annum; Deputy Auditor, at the rate of $2,500 per annum; three chiefs of division, at the rate of $2,000 per annum each; four clerks of class 4; five clerks of class 3; four clerks of class 2; six clerks of class 1; two clerks, at the rate of $1,000 per annum each; four clerks, at the rate of $900 per annum each; one messenger; and two laborers; in all, $12,065.

The amendment was agreed to.

The next amendment was, on page 42, after line 9, to insert:

Office of Auditor for State and other Departments: For the following, for nine months beginning October 1, 1894, namely: For Auditor, at the rate of $4,000 per annum; Deputy Auditor, at the rate of $2,500 per annum; one law clerk, at the rate of $2,000 per annum; three chiefs of division, at the rate of $2,000 per annum each; nine clerks of class 4; eleven clerks of class 3; ten clerks of class 2; six clerks of class 1; five clerks, at the rate of $1,000 per annum each; four clerks, at the rate of $900 per annum each; two copyists; one messenger; and three laborers; in all, $82,040.

The amendment was agreed to.

The next amendment was, on page 45, after line 14, to strike out the following paragraph:

Office of the Register of the Treasury: For Register, $4,000; Deputy Register, $2,250; two chiefs of division, at $2,000 each; four clerks of class 4; seven clerks of class 3; seven clerks of class 2; four clerks of class 1; one clerk, $1,000; twenty-four clerks, at $900 each; one messenger; two assistant messengers; and four laborers; in all, $70,779.

The amendment was agreed to.

The next amendment was, on page 45, after line 23, to insert:

Register of the Treasury: For the following, for three months beginning July 1, 1894, namely: For Register of the Treasury, at the rate of $4,000 per annum: Assistant Register of the Treasury, at the rate of $2,250 per annum; four chiefs of division, at the rate of $2,000 per annum each; seventeen clerks of class 4; sixteen clerks of class 3; eleven clerks of class 2; fourteen clerks of class 1; two clerks at the rate of $1,000 per annum each; twenty-nine copyists; one messenger; four assistant messengers; and eight laborers; in all, $34,937.50.

The amendment was agreed to.

The next amendment was, on page 46, after line 11, to insert:

Office of the Register of the Treasury: For the following, for nine months, beginning October 1, 1894, namely: For Register, at the rate of $4,000 per annum; Deputy Register, at the rate of $2,250 per annum; two chiefs of division, at the rate of $2,000 per annum each; four clerks of class 4; seven clerks of class 3; seven clerks of class 2; four clerks of class 1; one clerk at the rate of $1,000 per annum; twenty-four clerks at the rate of $900 per annum each; one messenger; two assistant messengers, and four laborers; in all, $53,077.50.

Mr. COCKRELL. In line 15 I move to strike out "deputy," before "register," and insert "assistant," so as to read, "Assistant Register."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. COCKRELL. All the reserved amendments have been agreed to.

Now, on page 64, in lines 13 and 14, in regard to the mint at Denver, I move to strike out "$13,750" and insert "$17,500;" and then, for incidental and contingent expenses, in lines 15 and 16, to strike out "$2,750" and insert "$4,000."

I hold in my hand the following telegram from the Director of the Mint:

TREASURY DEPARTMENT, *July 14, 1894.*

HON. F. M. COCKRELL,
Committee on Appropriations:

The business of the Denver mint has increased to such a volume that the amount provided for wages of workmen and contingent expenses in the legislative bill now pending will not be sufficient for the fiscal year 1895. The amount of the business for first six months of 1894, as compared with the first six months of 1893, has increased about 130 per cent. I think the appropriation for wages of workmen at Denver should be increased to $17,500, and for contingent expenses to $4,000, as it is plain that the appropriation provided for in the bill will not be sufficient.

R. E. PRESTON, *Director Mint.*

The amendment was agreed to.

Mr. COCKRELL. On page 5, after line 8, after the word "dollars," I move to insert:

For clerk of Committee on Woman Suffrage and clerk of Committee on Mines and Mining, at $2,100 each (for the fiscal year ending June 30, 1895 only), $4,200.

The amendment was agreed to.

Mr. SQUIRE. After consultation with the chairman of the Committee on Appropriations, I move, on page 109, line 2, before the word "dollars" in the items for office of surveyor-general of the State of Washington, to strike out the words "one thousand two hundred" and insert "two thousand;" so as to read:

For rent of office for the surveyor-general, fuel, books, stationery, pay of messenger, and other incidental expenses, $2,000.

I will state that this is for the incidental expenses for rent of office of the surveyor-general of Washington. The chairman stated yesterday that he had already then provided an appropriation of only $1,200 when $2,000 was estimated for; and I understand that he is now willing that this amount for incidental expenses shall be made to accord with the estimate.

The amendment was agreed to.

Mr. SQUIRE. I have another amendment to offer. I have not had an opportunity to speak with the chairman about it, but I have no doubt he will consent to it.

Yesterday the Senator from Montana [Mr. POWER] proposed as an amendment the insertion of the following proviso on page 129:

Provided, That the marshal and district attorney of the districts of Washington, Montana, North Dakota, and South Dakota shall, for the services they may perform during the fiscal year herein provided for, receive the fees allowed by law to like officers performing similar duties in the districts of Oregon and Idaho.

That amendment was agreed to, but in it there was an accidental omission. I do not think it was the intention at the time. The word "clerk" should be inserted in the amendment just after the word "marshal," so as to read:

That the marshal, clerk, and district attorney of the districts, etc.

Mr. COCKRELL. The amendment that was made yesterday did not affect the clerks. This is a new proposition entirely.

Mr. SQUIRE. I beg to state for the information of the chairman of the committee that it is very important that the amendment shall be allowed to cover the case of clerk. I have in my hand a communication addressed to me by the United States district judge for the district of the State of Washington, and another from the United States district attorney for the State, in which they very strongly urge that this provision shall be made. I will read, if the Senate will hear me, the following:

The clerks of the United States circuit and district courts in this State are required by law to have offices in four different places, and considerable expense to them for assistants is absolutely necessary, which is repaid to them only from earnings of their offices. They have during the past two years, by a proviso in the annual appropriation laws, been put on an equal footing as to fees with the clerks of California, Oregon, Nevada, and Idaho. Double rates allowed elsewhere. But in the appropriation for fiscal year of 1894, while the district attorney and marshal are so provided for, the clerks get left. (See 27th Statutes, page 714.) This is certainly an unreasonable discrimination, and it bears especially hard upon the clerk at Seattle and the deputy clerk at Spokane.

I would not ask you to attempt anything which you may regard as impossible at this special session. But if no unreasonable opposition is to be expected I should think that a bill or joint resolution amending the proviso so as to make it include clerks might be passed.

The compensation of the clerks, district attorneys, and marshals of this State, Montana, and the two Dakotas ought to be fixed permanently at a rate uniform with the allowance to such officers in Oregon and the other States west of the Rocky Mountains.

This is from Mr. C. H. Hanford, district judge of the United States court. I have here a communication addressed by the United States attorney, Mr. William H. Brinker, to Representative DOOLITTLE, going over the same ground, insisting upon the same provision. I think, considering the fact that the United States district court in the State of Washington has had and is likely to have a very great amount of business to perform in comparison with the courts of these other States, it is only right that this allowance shall be made.

I recollect hearing a statement, well authenticated, a few days ago to the effect that the business recently performed in connection with the arrest and trial of something like two hundred train-stealing people in the West has caused a great deal of work to be thrown upon the courts of my State. While that particular incident has passed by, we are not yet out of the woods in respect to the action necessary on the part of the United States courts, as several railroads, including the Northern Pacific Railroad, are in the hands of United States receivers, as is well known. Similar conditions may affect the other States named.

There is very much to be done in these courts, and I think it would be wrong to omit the clerks from the provision in relation to pay. There is no good reason for discrimination against any of the States named in this connection. Therefore I offer the amendment that the word "clerk" be inserted after the word "marshal" in the place I have designated.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 129, in the first line of the amendment adopted yesterday, after the word "marshal" insert the word "clerk;" so as to make the proviso read:

Provided, That the marshal, clerk, and district attorney of the districts of Washington, Montana, North Dakota, and South Dakota shall for the service they may perform during the fiscal year herein provided for, receive the fees allowed by law to like officers performing similar duties in the districts of Oregon and Idaho.

The amendment was agreed to.

Mr. COCKRELL. On page 72, I want to make a change in increasing the appropriation for contingent expenses of the Territory of Utah, to be expended by the governor, from $500 to $750. In line 7, I move to strike out "$500" and insert "$750," and in line 9, to strike out "$1,500" and insert "$2,000," increasing the appropriation for contingent expenses of the secretary of the Territory from $1,500 to $2,000.

The amendment was agreed to.

Mr. GORMAN. On page 10, line 1, I move to strike out "twenty-four" and insert "thirty-six;" and in line 3, page 10, I move to strike out "thirty-eight thousand eight hundred" and insert "fifty-two thousand;" so as to make the clause read:

CAPITOL POLICE.

For one captain, $1,600; three lieutenants, at $1,200 each; thirty-six privates, at $1,100 each; and eight watchmen, at $900 each; in all, $52,000, one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

The amendment was agreed to.

Mr. JARVIS. On page 5, line 5, after the word "Rules," I move to insert the words "and Civil Service and Retrenchment."

Mr. COCKRELL. It is exceedingly unpleasant for me to have to object to that amendment. That would add another annual committee clerk to the rolls. I had hoped that after the controversy we have had in regard to clerks to Senators and clerks to committees, and after the adjustment which was mutually agreed upon in the last Congress, we would not be disturbed with that question again. I sympathize with the Senator offering this amendment, and with his clerk, but I do hope that the Senate will not agree to the amendment.

Mr. CALL. Mr. President, I think this amendment ought to be agreed to. The clerk of this committee was serving as clerk of our lamented colleague, Senator Vance, and as clerk of the Committee on Privileges and Elections. He was serving and appointed at that salary. While that furnishes no direct argument or reason for increasing his salary he has been transferred to a committee whose duties ought to be considered as of the highest importance, the Committee on Civil Service and Retrenchment.

That is the committee which should have been charged with the investigation of the work of the commission, and it still has a vast field of work to do, which it is impossible for it to perform without the services of an efficient clerk. If there is any duty which the Senate ought to perform it is that of equipping itself and its committees with the means of intelligently performing the duties imposed upon it.

The House of Representatives has no right to say to the Senate that it shall not have the instrumentalities which you decide are proper and necessary for the conduct of the public business. If we have difficulty with them in their endeavor to encroach upon the prerogative and the functions and duties of this body, it is an antagonism which we ought cheerfully to meet. There is no committee of this body that is charged with higher and more important duties than the Committee on Civil Service and Retrenchment.

This body to-day has acted upon a report of a commission unknown to the Constitution and to the rules of this body and to its organization, which work should have been confided to the careful examination of this important Committee on Civil Service and Retrenchment. Now, the clerk of this committee was the clerk of the Committee on Privileges and Elections, and had accepted the appointment as such. He was transferred by the death of his father to an equally important committee, but with a salary entirely inadequate to the duties required of him.

I think the Senate ought to have no hesitation in increasing the appropriation.

I wish to say that two-thirds of the Senators on both sides of this Chamber have signed a request that this provision should be reported favorably by the Committee on Contingent Expenses, and the only reason why it was not done was because it was believed that a statute of the United States prevented the use of the contingent fund of this body without the action of the Senate upon the general appropriation bill.

That is the reason why this clerk is not now in the receipt of this compensation. I say two-thirds of the Senators of this body, a majority on both sides of this Chamber, have signed a letter which is in the possession of the chairman of this committee, affirming their belief and their intention and willingness to vote for this compensation to the clerk of this committee.

Mr. JARVIS. Mr. President, I do not desire to disturb any of the harmony between the two Houses, and if I thought offering this amendment would have that effect I would withdraw it; but I believe under the circumstances it is a proper amendment, and I trust it will be adopted. It only adds $200 to the amount the bill carries, transferring this clerk from one page in the bill to another. I trust that under the circumstances the Senate will let the amendment be put in. I do not wish to embarrass the chairman of the committee, as I appreciate his position in the matter, and if I thought, I repeat, that the adoption of the amendment would create any trouble, I would not insist upon it. Believing that it will not, I ask the Senate to adopt it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Carolina [Mr. JARVIS].

The amendment was agreed to.

Mr. POWER. I wish to offer an amendment. On page 5, line 10, after the word "each," I move to insert the following:

And further, That the three clerks to the Senators from the States of Washington, Wyoming, and Montana, respectively, shall each receive the same compensation until the said States shall elect their full representation as clerks to committees heretofore provided for.

And further, in line 11, on the same page, I move to strike out the total "$41,760" and insert in lieu thereof "$46,080."

Mr. COCKRELL. The amedment is not in proper form, if it were to be agreed to. I suggest the following modification of it:

That each of the clerks to the Senators now serving respectively from the States of Washington, Wyoming, and Montana, shall receive like compensation until the existing vacancies in the Senate from such States shall be filled.

The VICE-PRESIDENT. The amendment will be stated from the desk.

Mr. COCKRELL. When the amendment is stated, I should like to hear some reason why this increase is wanted. It is an increase from $1,200 to $1,440.

Mr. POWER. Mr. President, the work of the clerks of the Senators representing the States of Washington, Wyoming, and Montana has been greatly increased, owing to the fact of there being but one Senator from each of those States. Since the beginning of the extra session I have had to employ an extra clerk to assist my secretary in attending to the business required by the State. Twelve hundred dollars a year does not seem sufficient compensation for the work required of those men. The total addition for the three clerks covered by the amendment will be only $720 a year.

I suppose it is not necessary to add anything further, as what has been said explains why the amendment has been offered.

Mr. SQUIRE. I will merely add a word, and shall not take up the time of the Senate at any great length.

My own experience is that the work devolving upon each of the single Senators now representing in this body the three States named has been very largely augmented; that is, the burden upon the single Senators has been largely increased beyond what it was when each of these States was represented by two Senators in this body. Of course, a great deal of this labor involves the service of clerks and extra clerks. I myself have paid out over $1,000 for extra services of clerks since the beginning of this Congress, and the clerks are very hard worked.

Let me state as one of the reasons why this increase should be made, that the books and documents which are furnished for distribution by the Government require a great deal of attention. There is a great call for such documents. My clerk has assisted me to send out since the 1st of last December about 5,000 volumes of books, to say nothing about speeches and the ordinary current documents—I mean the regular publications, which are put at the disposal of different Senators.

The reason why I was enabled to ship this vast amount of printed matter to my constituents was because all the various publications, that had hitherto been accorded to the other Senator from my State, when the State was represented by two Senators, were transferred to my credit, so that actually the distribution of books was made by me for both the Senators that the State is entitled to be represented by in this body. It has so happened that in many other respects, owing to the increased labors devolving upon the Senators from those States, that much additional labor has been performed.

In many instances the books and other publications called for by my constituents are of an unusual character, being descriptive, professional, scientific, or statistical; and the procuring and sending such publications involves extra correspondence.

My constituents are of the live, wide-awake kind of people. They want to know everything knowable about the land and the sea, and all they contain.

Mr. COCKRELL. I should like to ask the Senator how the increase of the salary of the present clerks employed by the

year from $1,200 to $1,400 can make them do any more work, or dispense with the necessity of employing additional clerks?

Mr. SQUIRE. On that point I will say that the clerks have been overworked. My clerk has been at work from 9 o'clock in the morning sometimes until 9 and 10 at night, and right along day after day. Too much work has been imposed on these clerks for the compensation paid them.

Mr. COCKRELL. Then the appropriation ought not to be made for these clerks, but it ought to be made to be expended under the direction of the Senators from the States named, so that they may hire additional help.

Mr. SQUIRE. I will be satisfied to pay the amount for an extra clerk if the clerk I now have can have this additional compensation, and I think he is entitled to it.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "each," in line 10, page 5, it is proposed to insert:

That each of the clerks to the Senators now serving, respectively, from the States of Washington, Wyoming, and Montana shall receive like compensation until the existing vacancies in the Senate from such State shall be filled.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. CALL. On page 108, line 2, after the word "dollars," I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. After the word "dollars," in line 2, on page 108, it is proposed to insert:

For librarian of the Supreme Court, who shall have charge of the Law Library of Congress, $2,500; for two assistants, one at $1,600 and one at $1,400, and one messenger at $600. These four men, now in the Law Library, shall hereafter be under the direction of the Chief Justice.

Mr. CALL. If that amendment be adopted, I shall move some additional amendments.

Mr. HALE. That is subject to a point of order, Mr. President, and I make the point of order upon it.

Mr. CALL. What is the point of order?

Mr. HALE. That the amendment proposes to change the existing law, which gives the whole matter to the charge of the Congressional Librarian. It proposes to create an additional officer, a new librarian.

Mr. CALL. The amendment has been recommended by two committees of the Senate.

Mr. HALE. That may be, but the mere recommendation of a committee of the Senate only makes an additional item of an appropriation or an increase of appropriation in order, but does not make any change of the law in order.

Mr. CALL. Will the Senator please read the law? Will he point out the law which this amendment proposes to change? There is no law upon the subject. A librarian is provided for in the annual appropriation bill, and an assistant to the librarian. These are provided for in the pending bill, and this is a new bill, a new appropriation, and there is no existing law upon the subject. I have the law here, which I propose to read.

Mr. HALE. The amendment proposes to create a new office which is not authorized by the present law. There is no such officer as the librarian of the Supreme Court, and there is no law which makes him an officer. When the Senator seeks to make a new officer, he thereby proposes to change existing law by making a new law.

Mr. CALL. The last appropriation bill has expired; it is no longer in force; and there is no law but that contained in that appropriation bill. This appropriation bill we are now considering creates whatever office there will be.

Mr. HALE. That is the very thing I contend that an appropriation bill can not do. It can not create a new office.

Mr. CALL. I beg the Senator's pardon. There is no such rule for appropriation bills. When such a bill provides for the employment of a person it creates an office in some shape or form, either as an employé or otherwise.

Mr. HALE. Not if a point of order is made against it. There is no authority to create a new office, because that is general legislation, which makes it, so far as it goes, a new law.

Mr. CALL. There is no force in that proposition, and no logic in it. It is repeated here time and time again without any meaning whatever. Every appropriation bill creates in some measure an employment. If you choose to call that an office, then it has that characteristic. An office is a permanent function. This bill provides that these shall be employés under the direction of the Chief Justice. That is all. It does not create an office any more than do other provisions of the bill.

This subject has been before Congress on a former occasion, and it is easy to change the amendment so as to meet the views of the Senator.

It will be seen by the CONGRESSIONAL RECORD that this subject was considered and discussed in the last Congress. Mr. Dawes being in charge of the legislative appropriation bill, the Senator from Colorado [Mr. WOLCOTT] said:

I hope the member of the committee having this subject in charge will at least let the Senate vote as to whether the judges of the Supreme Court shall name the librarian in charge of its library as well as to attend through its marshal to the distribution of the money appropriated for the purpose of keeping the library supplied with books.

The Senator from Massachusetts [Mr. HOAR] said:

I should like to inquire of my colleague if he understands that these persons are to be public officers when appointed?

The Senator from Massachusetts is a member of the Judiciary Committee and is a member of the Committee on the Library, and in reference to this same appropriation which the Senate passed, in like manner as this amendment, he said:

I suggest that he make his amendment so as to require the appointment to be made by the Supreme Court, because if they are to be public officers, the Chief Justice is not a court. Of course, if they are to be mere clerical assistants, the Chief Justice may select them.

Mr. VEST. There is no objection to that.

Mr. DAWES. I will modify my suggestion in order to meet the wishes of the Judiciary Committee.

The Senator from Maine raises this point of order against the authority of the Judiciary Committee, against the authority of the Senator from Massachusetts [Mr. HOAR], against the authority of the Senator from Missouri [Mr. VEST], against the authority of a majority of the Committee on the Library, and against the action of the Senate at that time. The then Senator from Massachusetts, Mr. Dawes, said further:

I move, on page 17, in line 15, to strike out the word "two," where it first occurs, and insert the word "three;" and to insert after the word "each," in the sixteenth line:

"One of whom shall be appointed by the Supreme Court and have charge of the Law Library."

So as to read:

"For compensation of Librarian, $4,000; and for twenty-eight assistant librarians, three at $2,500 each, one of whom shall be appointed by the Supreme Court, and have charge of the Law Library; two at $1,800 each, etc."

Mr. HOAR. After this question is put, if there is no debate on it, I will say what I wish to say.

So that the amendment did pass the Senate, and it was recommended by the Judiciary Committee of the House of Representatives; but it went into conference and was stricken off by a Representative from Indiana [Mr. HOLMAN]. That is the whole story about it.

The Senate has twice adopted this amendment and twice acted upon this question and two committees of the Senate and a majority of the Committee on the Library here to-day are on record upon it. The Senator from Colorado [Mr. WOLCOTT] is on record for it, the Senator from Indiana [Mr. VOORHEES] has recommended it and is here upon record in a speech; the Senator from Massachusetts [Mr. HOAR] was a member of the Committee on the Library at that time, indorsed it, and the Committee on the Library of the House recommended it.

Here is the record. There is no question about it.

What are the facts in this case? I undertake to say there is no legislation not affecting the important and vital functions of the Government which is more clearly demanded by the facts of the case than this is at this time. I shall read a statement from a distinguished lawyer, who uses the Law Library, and who has given the statement to me. He says:

The Law Library was organized by act of Congress July 14, 1832, when the whole number of books in the Library of Congress, including the law books, did not number 40,000 volumes. Congress properly then put one man at the head of the two libraries—two generations ago one man could well direct the duties of these libraries. The Supreme Court had but seven judges; its docket was not crowded then as it is now; there were but 112 Representatives in Congress, and 48 Senators; the country was in its infancy; Missouri was a State but eleven years; Arkansas (1836), Michigan (1832), Florida (1845), Iowa (1846), Texas (1845), Wisconsin (1848), were not yet States, while the visions of the Golden Gate had not yet startled the world. The copyright business was then done by the United States circuit courts. The total number of employés in the Library could be counted upon the fingers of one hand; so one man then could well be at the head of the two departments of the Library.

Twenty-two years ago the entire copyright business of the nation was transferred to the Library of Congress. Fifty thousand and more copyrights are being now issued yearly, more copyrights in one year than the whole number of books in the Library of Congress when the Law Library was created. The Law Library has increased to over 85,000 books, and the Library of Congress claims about 700,000 volumes. While all these changes have taken place the States of the Union doubled in number, the business of the nation increased a hundredfold, and consequently the litigation of the country increased; still the old statute creating the Law Library remains upon our statute books, continuing the management of the Law Library under the same regulations as were only suited to it some two generations ago.

The common law of England in the days of Littleton or Coke would be as applicable to-day in corporation law as the administration of the Law Library in the days of President Jackson would be to-day.

For over a quarter of a century the Law Library has been without a subject catalogue. In a word, the Law Library, instead of being abreast of the times, is a quarter of a century behind them. For over a quarter of a century there has been no subject catalogue, and to-day when I go to the Library to find a work on a given subject, I am met with a big, bulky, unwieldy, incomplete, and imperfect blank-book filled with scraps of printed matter, with marginal notes; and even this makeshift of a catalogue is thumbworn, soiled, dirty, worn out, and falling to pieces, in keeping with the Library itself until a few years ago, when the present assistant in charge,

after repeatedly failing to get authority and money to replace broken furniture and make the Library presentable for the use of Congress and the court, went to a furniture dealer and ordered the Library put in proper condition, the reading tables re-covered and cleaned, etc., and bound himself to pay the bill in case it was not paid.

This same assistant has, through his own endeavor, secured electric lights to be used in the dark alcoves during the day, and to light the library during night sessions, replacing coal oil lamps, the Law Library being required by law to remain open as long as either House is in session, while the general Library of Congress closes at dusk. New book cases, absolutely necessary to keep the books from the floor and to make shelf room for the tons of books piled up and left unarranged by his predecessor, were obtained through his own exertions, by repeated applications to the Architect of the Capitol. All the improvements now in the Law Library had to be fought for, and were obtained through the exertions of Mr. Curtis; and, had not Mr. HOLMAN objected, the Law Library would now have a subject catalogue not inferior to any library in the United States.

The House Judiciary Committee, last session, through Mr OATES, reported favorably a bill in the interest of good government for the Law Library—

The same as this amendment—

the Library Committee and Judiciary Committee of the Senate, last session, reported favorably a similar bill, which passed the Senate, and was defeated by Mr. HOLMAN in conference. This present session the Judiciary Committee again reports the bill favorably, and two Senators of the three constituting the Library Committee favor the measure, Mr. WOLCOTT having expressed his views and those of the Chief Justice on the subject on the 25th of February, last year, and Mr. VOORHEES also, in the same debate.

The salary of $2,500, which was paid the Law Librarian for eighteen years, and appropriated by the committee with the understanding that it was to be paid the Law Librarian, was taken, four years ago, from the Law Library and paid to a man in the general Library of Congress. The salary of the librarian of the Association of the Bar of the City of New York is $4,000 a year, and this library is a smaller library than the Law Library of Congress. The Librarian of the House Library and Librarian of the Senate Library each receive $2,500 a year, while the librarians of the small Department libraries are paid about the same amount. The Medical Library, Surgeon General's Office, a sister professional library, has an army officer at its head, at a salary of about $4,000, with a force of about thirty men, with salaries amounting to about $44,000 a year, besides an annual appropriation of $10,000 a year for binding and printing the subject catalogue, which has now reached the thirteenth volume.

In striking contrast with this, the assistant librarian, who has done all this work and whose predecessor for eighteen years received $2,500 a year, which has been taken away and appropriated to a man in the Congressional Library. The Law Library, with its 85,000 volumes, increasing at the rate of 3,000 volumes a year, in charge of a lawyer who is a member of the bar of the Supreme Court of the United States, an accomplished gentleman, and one who has made all these improvements, is given what? Twelve hundred dollars a year under the present administration.

The library itself until he became responsible for it had broken chairs, was without clean carpets; with books dusty and with these increasing volumes piled up every year in the corners of the library; and yet with this state of facts objection seems to be made and the point of order is raised upon a proposition which passed the Senate twice, having been reported by two committees of the Senate and also reported by the Judiciary Committee of the House of Representatives. This eminent lawyer says further:

A lawyer who is capable of attending to the duties of the Law Library of Congress (and the present Law Librarian is a member of the bar of the United States Supreme Court), if he is worth anything, he is worth $2,500. He is of great service to Senators and Representatives in questions of law, giving authorities and cases on all subjects which come before Congress. Certainly his services, it is submitted, are above those of a messenger, and yet, under the present management, or rather mismanagement, he is paid the magnificent sum of twelve hundred dollars per year.

The judges of the Supreme Court are unanimously of the opinion that the Law Library should be transferred to the court.

That is the statement.

Mr. GEORGE. Mr. President, I desire to make one remark about the Law Library and the Law Librarian, Mr. Curtis. I have occasion frequently to examine books in that library, and I find that the arrangement is such that I can make no progress without the aid of the Librarian. I find further that this aid is always given promptly, intelligently, and efficiently.

I wish to state further, that in the large number of thousands of volumes which constitute that law library I find, without a great waste of time, that it is impossible to get at certain points which are under investigation, and I find that the Librarian is of great service to me, and I believe to all of us, in giving aid in such investigations.

I think the services of the man at the head of the Law Library are of that intelligent, efficient, and necessary kind which at least demand a salary of $2,500 a year.

Mr. CALL. It has been said in my hearing that Mr. Curtis has had something to do with the change that I am endeavoring to make. I desire to say that that is not true. I induced Mr. Curtis to make the statement to Senators which he has made. I insisted that he should do so, and it was demanded by members of the bar who were practicing in that court, who, as the distinguished Senator from Mississippi [Mr. GEORGE] has said, had use for the books and for the services of the Librarian.

If anybody is to blame for coming here and moving an amendment which has been twice put upon the legislative appropriation bill upon the recommendation of the Judiciary Committee and passed by the Senate by a large majority, and for having the facts brought to the attention of the Senate, it is me, and not Mr. Curtis, who objected to it and declined to do it, until I insisted that he should go before the members of the Judiciary Committee and state the facts as they were.

Here is the provision by which the Congress of the United States gave to the Library these two assistants at $2,500 a year, and yet they have been taken away and the law disregarded. It appears in this very debate from Mr. Dawes's remarks that the provision was put on for the benefit of this Library, and yet it never had the benefit of it.

Mr HALE. The Senator from Florida is arguing this question upon the merits, which strictly he has no right to do until the point of order which has been made is ruled upon. I did not make the point of order unadvisedly. The third section of Rule XVI of the Senate provides that legislation of this kind or any general legislation shall not be incorporated upon an appropriation bill. It makes no difference what committee has reported it. Their report does not make a change of law allowable or permissible on an appropriation bill.

It is only to increase an item, but there is a special rule about legislation. When I made the point I had before me the statute, and if the Chair has any doubt about it, all he needs to do is to examine Chapter 6 of the Revised Statutes, where sections, one after another, are devoted to the Library of Congress. The statute provides that the President shall appoint a Librarian of Congress, and it goes on and declares what the Library shall be, who the officers shall be, and says in terms in section 81:

The Library of Congress shall be arranged in two departments, a general library and a law library.

Then it provides that the whole matter shall be under the Librarian of Congress.

Mr. CALL. Will the Senator from Maine allow me to ask him a question? Is not the question in controversy not who is to have general charge, but who is to have the appointment of an employé?

Mr. HALE. The law is exhaustive. It gives the Librarian the charge, declares what the Library shall be, declares who his officers shall be, declares to whom he shall report, declares that he shall give bond, and in terms declares that the whole subject shall be in his charge.

Now, the Senator from Florida proposes an amendment which radically changes the law. Congress can do that by a bill duly reported and passed by the two Houses of Congress. But it can not do it on an appropriation bill. The fact that heretofore such legislation has gone on appropriation bills because nobody chose to make the point of order does not bear in the case.

I make the point of order because this scheme was before the Committee on Appropriations and was rejected by them. It was rejected by the committee partly on the ground that it is a change of existing law and that we had no right to do it.

As to the merits of the amendment, while I do not need to go into that matter, I may say that nobody is claiming this or is clamoring for it except the man who wants to get the place. I tell the Senator, when he says that the man has not engineered this matter, that he has lobbied in season and out of season. There are very few Senators here whom he has not followed up and besought to give him this new place and take it away from the Librarian of Congress.

We are on the point of building one of the most magnificent structures in Washington for the general Library of Congress, and it would be an impertinence now for us to come in and take away from the Librarian an important part of the work he has been engaged in and an important part of the books and give them to one of his subordinates because that man wants more power and more money. It is not a fitting thing to do.

I shall not say another thing about the merits. If the point of order is not good, then I never submitted a point of order which was good.

Mr. COCKRELL. The Senator from Maine is right.

Mr. CALL. The fallacy of the proposition of the Senator from Maine is that the law provided for a certain number of persons to be appointed. Every year since that time additional appointments have been made.

Mr. HALE. The Senator from Florida does not get my point.

Mr. CALL. Yes, I do.

Mr. HALE. The whole library, including the Law Library, is by the terms of the law put under the Librarian of Congress, and then it is declared what subordinates he may have. The amendment takes the appointment away from him and creates a new Librarian——

Mr. DOLPH. And a new library.

Mr. HALE. And a new library, as the Senator from Oregon suggests.

Mr. CALL. Does the act of 1832 say that all subseqent ap-

pointees shall be appointed and the salaries fixed by the Librarian? It provided for a law library under the general charge of Congress, and made provision for a certain number of employés. Even assuming, which is not true, that as a logical proposition the same employés have been continued in office, I ask what about the new employés that have been created by annual appropriation acts? Can not an appropriation bill provide who shall employ those people?

Mr. HALE. No, sir; it can not.

Mr. CALL. Did the act of 1832 intend to say that the Librarian shall appoint for all time everybody whom Congress sees fit to provide for? Its purview is by its terms limited to its contents, and to the employés therein provided for, and that is all.

Mr. HALE. But the statute which I have invoked is not an appropriation act. It is the fundamental law; it is the statute. It is a section devoted to this subject-matter, which makes it perfectly clear. You might just as well take a bureau from the Navy Department and put it in the Treasury Department, or another from the State Department and put it in the Interior Department, on an appropriation bill as to do this.

Mr. CALL. I ask the Senator to point out the language of the law which says that all subsequent employés shall be in charge of the Librarian of Congress.

The VICE-PRESIDENT. The Chair submits to the Senate the question, Is the proposed amendment in order? [Putting the question.] The noes appear to have it. The noes have it, and the amendment is not received.

Mr. GEORGE. I will modify the amendment so as to make it in order.

The VICE-PRESIDENT. The amendment proposed by the Senator from Mississippi will be stated.

The SECRETARY. After line 22, on page 18, insert:

For librarian having charge of the law library of Congress, $2,500; for two assistants, one at $1,600, one at $1,400, and one messenger at $600.

Mr. MILLS. I make the point of order that the amendment creates a new office, which can not be done on an appropriation bill. There is no such officer as "librarian having charge of the law library." It is the Librarian of Congress.

Mr. HALE. Practically the same point which was decided before.

Mr. GEORGE. We will call him a clerk or employé.

Mr. MILLS. That is simply an evasion, and is equally liable to the point of order.

Mr. GEORGE. By every appropriation act the number of employés, clerks, messengers, etc., in every Department of the Government is added to. There is not a general appropriation bill which ever passed the Senate that did not have such an increase. If the Senator objects to the word "librarian," I will call him "messenger" or "the person in charge of the books." Librarian is not an office.

The VICE-PRESIDENT. The Chair submits to the Senate the question, Is the proposed amendment in order? [Putting the question.] The noes appear to have it. The noes have it. The amendment is not received.

Mr. CALL. I suggest another amendment. On page 18, line 13, I move to insert:

For compensation of Librarian, $4,000—

That is in the bill.

and for thirty-one assistants—

The word "assistants" is in the bill.

And for thirty-one assistants, three at $2,500 each, one of whom shall be employed by the Supreme Court as a messenger.

Mr. HALE. That amendment is subject to the same point of order. The law declares that—

The Librarian of Congress is hereby authorized to employ from time to time the following assistants.

It does not authorize the Supreme Court to employ anybody. The Senator does not escape the point of order by that proposition.

The VICE-PRESIDENT. The amendment proposed by the Senator from Florida will be stated.

Mr. CALL. Let me read it first:

For compensation of Librarian, $4,000.

No point of order would lie aginst that, because it is in the bill now.

Mr. DOLPH. Then why repeat it?

Mr. CALL. Does not the Senator from Oregon understand that I wish to amend the paragraph by adding something to it? That is a very plain proposition.

Now, what we ask is—

Thirty-one clerks.

You call them assistants. I call them clerks. No point of order can be made on that.

Mr. HALE. There certainly can be. The chart that the Committee on Appropriations has to pursue under the law is the chart which is laid down in chapter 6. That statute provides just what the offices shall be, what the clerks shall be called, and who shall employ them. Wherever there is a variation from the statute, either that one of them shall be employed by the Supreme Court or that he shall be a different officer, you transcend the law. The Senate has already passed upon this matter twice. There ought not to be any question about the point of order.

After declaring what the duties of the Librarian of Congress shall be, the law says:

The Librarian of Congress is authorized to employ from time to time the following assistants.

Then it gives the assistants, their positions, their pay, and runs clear through the whole thing. It does not call any of them clerks. It calls them all assistants.

Mr. CALL. Then I understand the point of order is that it is not competent for Congress on an appropriation bill to require some clerks to be employed there.

Mr. HALE. Undoubtedly it is not.

Mr. MILLS. I hope the Senator from Florida will send up the amendment. I wish to make the point of order on the amendment as soon as he sends it to the desk. I can not make the point of order while the amendment is in his hands.

The VICE-PRESIDENT. The amendment proposed by the Senator from Florida will be stated.

The Secretary read as follows:

For compensation of Librarian, $4,000; and for thirty-one clerks, three at $2,500 each, one of whom shall be employed by the Supreme Court as a messenger.

Mr. MILLS. I make the point of order——

Mr. CALL. Will the Senator from Texas allow me for one moment before he makes the point of order? I desire to defend Mr. Curtis against the statements made by the Senator from Maine.

Mr. MILLS. That is not in order on a point of order.

Mr. CALL. I ask consent to speak before the Senator from Texas makes the point of order.

I desire to say that Mr. Curtis has not been before this body, and that if he has buttonholed Senators, I have requested him to go and talk to particular Senators, who I thought were liberal enough to care for the proper condition of the Law Library and the dignity of the Supreme Court and its functions. He is a diffident man, and one not disposed to come here and lobby. But I do not know by what rule a citizen of the United States, a member of the bar of the Supreme Court, a gentleman of consideration and character, has not a right to talk to a Senator without having it said that he is buttonholing him.

A Senator is not so far above and beyond the people of his country that he can not be approached and the truth stated to him in regard to the public service. Is it true that the Senate can not hear statements as to the needs of the Law Library of the supreme tribunal of the United States from an accomplished gentleman, the value of whose services are testified to by lawyers of ability and character? His compensation is but $1,200, while the Senate wastes thousands of dollars in needless expense upon others. In the Senate thousands of dollars have been added to the appropriation bill, as to which nobody knows anything at all.

Yet here, in a meritorious case, with the precedent of the Senate in two Congresses having passed upon this provision, with the other House having passed upon it, with the Committee on the Judiciary having recommended it, the point of order is made for its exclusion. Why? What reasons do Senators give for continuing this administration, which has proved to be entirely adverse to the interests of the Government and the public service?

Mr. MILLS. I make the further point of order that the Senate has twice declared the amendment out of order.

Mr. CALL. That is no point of order at all.

Mr. COCKRELL. And it is not reported by the committee.

Mr. CALL. I beg pardon; it is reported by the Judiciary Committee.

The VICE-PRESIDENT. The Chair submits the question to the Senate, Is the amendment in order? [Putting the question.] The noes appear to have it. The noes have it, and the amendment is not received.

Mr. CALL. I have another amendment to suggest.

Mr. HALE. While the Senator from Florida is preparing his amendment, let the bill be reported to the Senate. The Senator can offer the amendment in the Senate. We will thus improve the time.

Mr. CALL. I have no objection.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. PROCTOR. On behalf of the junior Senator from Massachusetts [Mr. LODGE] I offer an amendment reported from the

Committee on Organization, Conduct, and Expenditures of the Executive Departments, to be added at the end of section 26.

The VICE-PRESIDENT. The amendment proposed by the Senator from Vermont will be stated.

The SECRETARY. At the end of section 26, insert the following proviso:

Provided, That the duties devolved by the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1894, upon a Joint Commission to Inquire into and Examine the Status of the Laws Organizing the Executive Departments, etc., shall, after the passage of this act, be performed on the part of the Senate by the Committee on Organization, Conduct, and Expenditures of the Executive Departments.

Mr. HALE. I am constrained to raise the point of order which the amendment itself carries. All those duties were by law, as recited in the amendment, devolved upon a joint commission selected by the two Houses. They have completed or partially completed their work, and with the benefit they have had from experience, if anybody should go further it should be the commission, under the law. The amendment provides in terms that the duties provided for in the act shall be taken from the commission and conferred upon a new committee. I raise the point of order that it is changing the existing law.

Mr. PROCTOR rose.

Mr. HALE. I waive the point of order so that the Senator from Vermont may discuss the question.

Mr. PROCTOR. I suppose the point of order of the Senator from Maine is made under the third clause of Rule XVI, as to amendments to appropriation bills, which reads:

No amendment which proposes general legislation shall be received to any general appropriation bill.

There is nothing said about existing law. The change of any word would perhaps be a change of existing law. I submit that the amendment is not in any essential general legislation. In the last Congress, in an appropriation act, provision was made for a commission, to consist on the part of the Senate of three Senators, to do certain work limited to the present Congress. It expires with the expiration of this Congress. Its duties were those which would properly come under the jurisdiction of a standing committee of the Senate.

The whole work properly pertains to the business of the Committee on Organization, Conduct, and Expenditures of the Executive Departments. The amendment does not provide for any new duties or create any new offices, and does not affect anything or anybody outside of this Chamber. It merely transfers to another body the duties which were performed by what is really in essence a committee of the body, and should be held as a committee.

So far as concerns the skill, experience, and acquaintance of the commission, I may say that all the legislation has been before the committee. It has been a duplication of work, and really a drawback and hindrance to legislation. The business would go where the rules of the Senate contemplated it should go, to a properly organized standing committee. That is all the amendment provides for.

Mr. HALE. I do not suppose there is any necessity of my arguing the point that this is general legislation. Everything is general legislation that is not found in the volumes of the statutes, and is not applicable to private persons and private cases.

The appropriation bills are general legislation. Although they are made up in detail of provisions about the Departments and about the different offices of the Government, they are general legislation. If we should Monday pass a bill providing that the President's salary shall be cut down to $25,000, while it would apply only to the President, it would be general legislation and it would go into the volume of general laws and not into the volume of private acts.

The clause from the rules which the Senator from Vermont has read means to apply to all such cases. Any enactment that is general, any enactment that makes up the law, no matter how limited in scope, is general legislation. It is not private legislation. Private legislation is another thing. General legislation is found in the statutes and is all embodied, just as this act of last winter is, in the statutes. What Congress ought to have done or ought not to have done, I do not know. What it did was to provide in terms that the duties should be performed for the entire Congress and by the Joint Commission. The frame of the amendment offered itself shows that it is a change of existing law.

Mr. PLATT. I think the Senator from Maine is carrying a good way his proposition that the amendment is out of order because it is general legislation. It simply proposes to transfer duties from one body of men to another body of men. That is not according to my idea of what is general legislation.

Mr. HALE. Will the Senator allow me? Suppose the amendment proposed to transfer the duties of the Coast Survey to a branch in another Department, would not that be general legislation? I do not mean to say that it is as general as the scope of certain other acts; but if there is anything in the force of the objection to an amendment on the ground of general legislation it is that it proposes to change the law found in the book of legislation.

Mr. PLATT. The legislation which is enacted on appropriation bills does not seem to me, especially when it is transitory in its character, to come up to the definition of general legislation. This is a matter which, as the Senator from Vermont says, expires with the present Congress. It is not a measure which was to be incorporated as a continuing provision in our statutes. It is a provision for the time being, where we impose certain duties upon a joint commission. We can take them away; there is not any question about that; but the question is whether we can take them away by an amendment to an appropriation bill. I doubt very much whether the amendment is open to the point of order which has been made.

Mr. MILLS. May I be permitted to say a word? My idea of an appropriation bill is that it carries the necessary annual appropriations to administer the Government under existing law, and everything outside of appropriations of money is general legislation. I think that is what it is intended to mean in the rule. The rule of the House of Representatives uses the term "existing law." It says that no amendment which changes existing law shall be in order on an appropriation bill. It means to confine the power in the Government to appropriate money to carry it on according to the laws established for the administration of the Government, and to exclude everything else.

Mr. CALL. The point of order has been made, but I ask unanimous consent to call attention to the fact that the proposition of the Senator from Texas can not be true upon its face. Does he mean to say that there must be a statute for everything for which the Senate and the House can appropriate money?

Mr. MILLS. Yes; unless you make the law as you go. You can not do it on an appropriation bill.

Mr. HALE. Wherever there is law we are confined, as the Senator from Texas says, to carrying out the law.

Mr. CALL. But, then, the Constitution of the United States says that each House shall do what? Manage its own affairs and establish rules of procedure. What does that mean? Only where there is no money provided to carry it into execution? Is that it? Then, again, is the increase of the number of employés to carry out existing law to be provided by some previous statute? Is there no subject that the Congress of the United States, sitting as a legislative body, can appropriate for unless there is some precedent law, some authority or consent of an expired Congress?

Mr. MILLS. It can make the law.

Mr. CALL. An appropriation bill is just as much a legitimate method of making a law as any other measure. Is there any rule of the Senate which says that no amendment shall be made in pursuance of the legislative power vested in this body unless some previous Congress, according to the Senator from Texas, has authorized it? No action of any precedent Congress by the Constitution binds this body, and when the majority of the two bodies concur, by the Constitution of the United States and the supreme law of the land, whatever they do becomes the law, and no existing law can affect their action.

Mr. GEORGE. I ask unanimous consent to make one remark.

The VICE-PRESIDENT. The Senator from Mississippi.

Mr. GEORGE. If the position taken by the Senator from Texas is true, that any change of existing law is general legislation, then it is impossible for the Senate to make any amendment on an appropriation bill, because as soon as the amendment is made it becomes a law, and is therefore a change from existing law.

The VICE-PRESIDENT. The Chair submits to the Senate the question, Is the amendment proposed by the Senator from Vermont [Mr. PROCTOR] in order? [Putting the question.] The noes appear to have it. The noes have it, and the amendment is not received.

Mr. CALL. I move an amendment to come in at the same place as the former one. On page 13, line 24, I move to insert:

One clerk, at $2,500, for the service of the judges of the Supreme Court, to be employed by the Chief Justice of the Supreme Court for the service of the court in connection with the Law Library.

And then, in line 14, I move to reduce the number of assistant librarians from thirty to twenty-nine.

Mr. MILLS. I make the point of order that that is general legislation on an appropriation bill.

Mr. HALE. That is the same point the Senate has already decided three times. The amendment proposes that the clerk shall be employed by the Chief Justice. The law I read declares that he shall be employed by the Librarian.

Mr. CALL. The amendment does not say anything about the Law Library. It has not any connection with it. It provides

that a clerk may be appointed at $2,500 a year for the service of the Supreme Court in connection with the Law Library. Does the Senator from Maine say that any official of the Supreme Court who has any connection with the Law Library must be appointed by the Librarian?

Does he say that the marshal has connection with the Law Library, or any one who is sent by the Supreme Court to get the books of the Law Library? The Senator from Maine raises the point of order that the Judges of the Supreme Court can not send a man to the Law Library unless he is employed by the Librarian.

Mr. HALE. Let us have a decision.

The VICE-PRESIDENT. The Chair submits to the Senate the question: Is the amendment proposed by the Senator from Florida in order? [Putting the question.] The noes appear to have it.

Mr. CALL. I think we ought to have a yea-and-nay vote on this proposition. ["No!" "No!"] Let us have the yeas and nays.

The yeas and nays were not ordered.

Mr. CALL. What is the status of the amendment?

Mr. MILLS. It was decided to be out of order.

The VICE-PRESIDENT. The Chair submitted the question to the Senate as to whether the proposed amendment is in order. He submitted it under the rules governing the body, and the Senate decides that the amendment is not in order. The bill is in the Senate, and still open to amendment.

Mr. CALL. I have another amendment to offer. On page 8, I move to strike out lines 19, 20, and 21, and insert:

For the care and maintenance of horses and vehicles used for carrying the mails and transportation required for the uses of the Senate, $3,500: *Provided*, That the offer of a responsible person shall be accepted, who shall give satisfactory bond and security to perform the service required by the Senate with the present outfit of horses and vehicles and with the use of the stables belonging to the Senate for one-third less than the cost in the fiscal year ending on the 1st of July, 1894.

I suppose this amendment is subject to a point of order.

Mr. GEORGE. Mr. President, I believe I am bound, out of respect to the Constitution of the United States, to suggest that there is no quorum present.

The VICE-PRESIDENT. The Senator from Mississippi makes the point that there is no quorum present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Davis,	Kyle,	Proctor,
Allison,	Dolph,	Lindsay,	Pugh,
Bate,	George,	McLaurin,	Quay,
Caffery,	Gibson,	McMillan,	Ransom,
Call,	Gorman,	Martin,	Roach,
Carey,	Hale,	Mills,	Sherman,
Cockrell,	Harris,	Pasco,	Shoup,
Coke,	Hill,	Peffer,	Vest,
Cullom,	Jarvis,	Platt,	Voorhees,
Daniel,	Jones, Ark.	Power,	Walsh.

Mr. GEORGE. I call for announcement of the result of the roll call.

The PRESIDING OFFICER (Mr. PASCO in the chair). Forty Senators have answered to their names. There is no quorum present.

Mr. BRICE entered the Chamber and answered to his name.

Mr. GEORGE. It is too late. I object to the Senator from Ohio answering after the announcement of the result.

Mr. PLATT. It is always in order to get a quorum.

Mr. HALE. Oh, certainly; it is in order for a Senator who enters the Chamber to answer to his name.

Mr. COCKRELL. I should like to know from the Senator from Mississippi what he wishes to have done. I turn the business over to him. I should like to know what we are to do the rest of the day.

Mr. GEORGE. I have simply discharged my duty. The Senator need not turn any business over to me. However, I object to the name of the Senator from Ohio being called after the announcement of the result.

Mr. COCKRELL. There is no quorum here. What would the Senator from Mississippi have the Senate do?

Mr. GEORGE. I do not care what the Senate does.

Mr. HALE. Unless the Senator from Missouri has another programme in mind I think at this hour, with the lack of a quorum——

Mr. COCKRELL. I had hoped to pass the pending bill and one other appropriation bill this evening, but as a matter of course we can not do it without a quorum; and now the Senate can do whatever it chooses.

Mr. HALE. I move that the Senate adjourn.

The motion was not agreed to.

Mr. HALE. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. GEORGE. On that I call for a division.

The motion was agreed to; there being on a division—ayes 23, noes 2.

The PRESIDING OFFICER. The Sergeant-at-Arms is directed to carry out the order of the Senate.

Mr. SMITH entered the Chamber.

Mr. PLATT. I should like to inquire whether the name of the Senator from Ohio [Mr. BRICE] is recorded?

The PRESIDING OFFICER. It is recorded. Forty-one Senators have answered to their names.

Mr. MARTIN. Has the name of the junior Senator from New Jersey [Mr. SMITH] been called, and has he answered?

The PRESIDING OFFICER. He has not sought the recognition of the Chair. He will be recognized if he desires.

Mr. COCKRELL. Much as I may regret the necessity, it seems manifest that we shall not be able to finish the pending appropriation bill or to take up any other bill this evening. It would only be a punishment to ourselves to remain in session longer. Therefore I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, July 16, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 14, 1894.*

The House was called to order at 12 o'clock m. by Hon. JAMES KERR, Clerk.

The CLERK. I have received the following communication from the Speaker *pro tempore:*

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., July 14, 1894.

SIR: I hereby name the Hon. A. M. DOCKERY, a Representative from the State of Missouri, to perform the duties of the Chair for this day.

JAMES D. RICHARDSON,
Speaker pro tempore.

Hon. JAMES KERR,
Clerk of the House of Representatives.

The CLERK. The gentleman from Missouri will please come forward and take the chair.

Mr. DOCKERY assumed the chair amid applause.

Prayer was offered by the Chaplain, Rev. E. B. BAGBY.

The Journal of yesterday's proceedings was read and approved.

B. F. NORRIS.

The SPEAKER *pro tempore* laid before the House a copy of the findings of the Court of Claims in the case of B. F. Norris, deceased, against the United States; which was referred to the Committee on War Claims, and ordered to be printed.

BRIDGE AT LEXINGTON, OKLA.

The SPEAKER *pro tempore* laid before the House the bill (S. 320) authorizing the Purcell Bridge and Transfer Company to construct and maintain a bridge over the South Canadian River, at or within 1 mile of the town of Lexington, county of Cleveland, Territory of Oklahoma.

Mr. FLYNN. Mr. Speaker, I ask that that bill for the present be allowed to remain on the Speaker's table.

The SPEAKER *pro tempore.* Without objection, that order will be made.

There was no objection, and it was so ordered.

STATUE OF FRANCIS E. SPINNER.

The SPEAKER *pro tempore* laid before the House the Senate Joint Resolution No. 67 for the erection of a statue of Francis E. Spinner at the Treasury Department building in Washington; which was referred to the Committee on the Library.

FREE SCHOOLS AT OKLAHOMA CITY, OKLA.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 6080) granting certain military reservations to Oklahoma City, Okla., to aid the public free schools thereof, and for other purposes.

Mr. MCRAE. Mr. Speaker, I ask that the Senate amendments be reported.

The Senate amendments were reported.

Mr. MCRAE. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments, and ask a conference with the Senate.

The motion was agreed to.

The SPEAKER *pro tempore* announced as conferees on the part of the House, Mr. MCRAE, Mr. HARE, and Mr. MOON.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PIGOTT, for two days, on account of sickness in his family.

To Mr. BARTLETT, until Saturday, on account of sickness.
To Mr. COBB of Alabama, indefinitely, after to-day.
To Mr. CLARKE of Alabama, indefinitely, on account of important business.
To Mr. CABANISS, indefinitely.
To Mr. LACEY, for four days, on account of important business.
To Mr. MURRAY, indefinitely, on account of sickness.

NATHANIEL G. SANFORD.

Mr. MEREDITH, by unanimous consent, obtained leave to withdraw from the files of the House without leaving copies papers in the case of Nathaniel G. Sanford, Fifty-first Congress, no adverse report having been made thereon.

MARY E. HAMILTON.

Mr. COX. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send up to the Clerk's desk, and if necessary will make a little statement in regard to it.

The bill was read, as follows:

A bill (H. R. 6417) to pension Mary E. Hamilton, widow of David Hamilton, soldier in Indian war of 1818.

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place on the pension rolls and pay a pension of $12 per month to Mrs. Mary E. Hamilton, of Williamson County, Tenn., she being the widow of David Hamilton, who served in the Indian war of 1818.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. RAY. One moment.

Mr. COX. Mr. Speaker, if I may be permitted I would like to make a little statement.

The SPEAKER *pro tempore*. Without objection, the gentleman from Tennessee will be permitted to make a brief statement.

Mr. COX. This old lady lives in my town, the town of Franklin. She is about 70 years of age, a most excellent old lady, and the widow of a soldier who served in the war of 1818.

Mr. KILGORE. When did she marry this soldier? A long time after that war.

Mr. COX. I do not know when she married, they were so old. I do not know anything about that. She is just a good old woman, the widow of this soldier, and all the other soldiers in all the other Indian wars have been pensioned except that one. In the act passed by Congress those soldiers and their widows were not included; but all the rest of the survivors of the Indian wars and their widows have been pensioned.

Mr. KILGORE. I have not heard of that war of 1818.

Mr. COX. That is not my fault. [Laughter.] There was a war in 1818.

Mr. KILGORE. It is the fault of the historian in not making any record of that war.

Mr. COX. I am not here to defend the historian. There was a war in 1818; and all the records in this case came from the War Office. This is a most excellent old lady, pretty nearly in the grave. She is the widow of a soldier of that war, and all the other soldiers in those wars are now getting a pension at $12 a month.

Mr. TALBERT of South Carolina. Has this been considered in the Committee of the Whole at a Friday night session?

Mr. COX. Oh, no. The trouble about the Friday night sessions is that you can not get at a bill. I have been here every night, with one exception, since this Congress met trying to get a pension for this old lady, but have never been able to reach the bill on the Calendar. The committee in their report give all the facts in reference to the matter. I think she will die if we wait to get this pension through the Committee of the Whole at a Friday night session.

Mr. PICKLER. That is quite sure if she is over 25 years of age.

Mr. KILGORE. Have you been here every night looking after this matter?

Mr. COX. With a single exception, I have been here every night. Have you been here? [Laughter.]

Mr. KILGORE. Well, most of the time.

Mr. COX. I hope the gentleman will not object.

Mr. KILGORE. I do object.

Mr. COX. What, you object to this poor old woman?

Mr. KILGORE. I object to taking it up out of its order.

The SPEAKER *pro tempore*. Objection is made.

Some time subsequently:

Mr. COX. Mr. Speaker, the gentleman from Texas, who raised the objection a few moments ago to the bill I presented, has consented to withdraw the objection.

The SPEAKER *pro tempore*. The gentleman from Texas, the Chair is informed, withdraws his objection.

Mr. KILGORE. I did agree to abandon my objection in the matter, but I wish to make a brief statement if I can get consent to do so.

The complaint is made that these meritorious bills are not considered at the Friday night sessions. That is a very proper complaint, and the reason is that there is always thrust forward at these sessions some bill to relieve a man from the charge of desertion or a proposition that has no merit in it, according to the opinion of some gentlemen present, who are therefore disposed to antagonize the bill, and as a consequence block the whole business. When a bill of that character is insisted upon the result is naturally that the whole business is blocked by bills having no merit, while meritorious bills——

Mr. LOUD. I object, Mr. Speaker, to this mode of explanation.

Mr. KILGORE. Very well; I withdraw the objection to the request of the gentleman.

The SPEAKER *pro tempore*. Is there further objection?

Mr. HOPKINS of Illinois. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 3458) extending the time for final proof and payment on lands claimed under the public land laws of the United States; and

A bill (H. R. 2015) granting to the Columbia Irrigation Company a right of way through the Yakima Indian Reservation in Washington.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2055) authorizing the construction of a bridge over the Duck River, in Humphreys County, Tenn.; and

A bill (S. 2139) to authorize the construction of a bridge across the Mississippi River, from a point within the limits of the city of Dubuque, in the State of Iowa, known as Eagle Point, to the opposite bank of said river, in the county of Grant and State of Wisconsin

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1919) to ratify and confirm an agreement with the Yuma Indians in California, for the cession of their surplus lands, and for other purposes; and asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JONES of Arkansas, Mr. ROACH, and Mr. PLATT, as the conferees on the part of the Senate.

BRIDGE ACROSS THE MISSISSIPPI AT DUBUQUE, IOWA.

Mr. HENDERSON of Iowa. Mr. Speaker, I ask unanimous consent to have considered the bill I send to the desk, being for the construction of a high bridge in my own city.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill to authorize the construction of a bridge across the Mississippi River from a point within the limits of the city of Dubuque, in the State of Iowa, known as Eagle Point, to the opposite bank of said river, in the county of Grant and State of Wisconsin.

The bill was read at length.

Mr. HENDERSON of Iowa. The Committee on Interstate Commerce recommend certain amendments to the bill.

The SPEAKER *pro tempore*. The amendments will be read, after which the Chair will ask if there be objection to its present consideration.

The amendments were read at length.

There being no objection, the bill was considered, the amendments agreed to, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON of Iowa, a motion to reconsider the last vote was laid on the table.

ADALINE J. PROPS.

Mr. TERRY. I ask unanimous consent for the present consideration of bill the (H. R. 6228) granting a pension to Adaline J. Props.

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask if there be objection.

The bill was read at length.

Mr. HOPKINS of Illinois. I object.

MILITARY ROAD, EL PASO, TEX.

Mr. COCKRELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill I send to the desk.

The SPEAKER *pro tempore*. The bill will be reported.

The Clerk read as follows:

A bill (H. R. 7419) for the construction of a military road from the city of El Paso to Fort Bliss, Texas.

Mr. MALLORY. I would like to inquire if that bill has been reported from the Committee of the Whole?

The SPEAKER *pro tempore*. This is a request for unanimous consent for the consideration of the bill.

Is there objection?

Mr. PAYNE. I think there ought to be an explanation before that is given.

Mr. COCKRELL. I will make an explanation.

Mr. UPDEGRAFF. I object.

The SPEAKER *pro tempore*. Objection is made.

CATHERINE CAINE.

Mr. HENDERSON of Illinois. Mr. Speaker, on yesterday the Committee of the Whole House on the state of the Union considered the bill (H. R. 952) for the relief of Catherine Caine, and reported it back to the House with an amendment and with a favorable recommendation. I now ask unanimous consent that that bill may be acted upon by the House.

The SPEAKER *pro tempore*. The bill will be read, subject to the right of objection.

The bill was read at length.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I object.

Mr. SAYERS. Let us have the regular order.

The SPEAKER *pro tempore* proceeded to call the committees for reports.

PAVING STREETS, CHICAGO, ILL.

On motion of Mr. BLACK of Illinois, the Committee on Public Buildings and Grounds was discharged from the further consideration of the bill (H. R. 5943) to pave the streets abutting on the Government property in Chicago to the middle line of said streets; and the same was referred to the Committee on Claims.

BREVET COMMISSIONS IN THE ARMY.

Mr. BLACK of Illinois, from the Committee on Military Affairs, reported back as a substitute for House bill No. 4767 a bill (H. R. 7725) to repeal section 16 of the act making appropriations for the Army, approved July 15, 1870, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. OUTHWAITE. I ask that the minority of the committee have leave to file their views on this bill.

There being no objection, leave was granted.

BRIDGE BETWEEN MINNESOTA AND WISCONSIN.

Mr. WISE, from the Committee on Interstate and Foreign Commerce, reported back with amendments the bill (H. R. 7518) to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin; which was referred to the House Calendar, and the accompanying report ordered to be printed.

LEAVE OF ABSENCE.

Mr. BRETZ. I ask that my colleague, Mr. CONN, be excused indefinitely, on account of sickness.

The SPEAKER *pro tempore*. In the absence of objection, this request will be granted.

There was no objection.

REVENUE CUTTER SERVICE.

The SPEAKER *pro tempore* (Mr. DOCKERY). The morning hour begins at twenty-eight minutes before 1 o'clock p. m.; and the call rests with the Committee on Interstate and Foreign Commerce.

Mr. WISE. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the pending bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. BAILEY in the chair), and resumed the consideration of the bill (H. R. 6723) to promote the efficiency of the Revenue Cutter Service.

Mr. CLARK of Missouri. Mr. Chairman, I believe I am entitled to the floor.

The CHAIRMAN. The Clerk informs the Chair that when the morning hour expired on Thursday last the gentleman from Missouri [Mr. CLARK] had the floor. He is now entitled to resume the floor, and has forty minutes of his hour remaining.

Mr. CLARK of Missouri. I want to say, Mr. Chairman, that I do not care to consume the time of the House. I have no desire in the world to make another speech about this bill; but I give warning to the Committee on Interstate and Foreign Commerce that I am going to consume this forty minutes before this bill shall pass. Now, if they want to withdraw it and take up another, it is all right.

Mr. WISE. I will say to the gentleman from Missouri [Mr. CLARK] that we have not the privilege without unanimous consent of withdrawing this bill.

Mr. CLARK of Missouri. Well, ask unanimous consent.

Mr. WISE. And if we withdraw it, we have not the privilege under the rules of offering another bill without unanimous consent. If the House will give unanimous consent I will withdraw the bill; for if the gentleman from Missouri proposes to consume the time, it is useless to continue the consideration of the bill.

I am sorry, however, that the gentleman from Missouri has put himself in such a position. This is a bill recommended not only by the present Secretary of the Treasury but by many of his predecessors. They have informed this House that they believe a measure of this kind is necessary in order to promote the efficiency of the Revenue Cutter Service. I believe that it is. The Committee on Interstate and Foreign Commerce have examined this subject carefully, and report to this House, as the result of their investigation, the recommendation that this bill pass.

Under such circumstances it seems to me that the gentleman from Missouri places himself certainly in an unenviable position when he announces that he will not permit a measure thus indorsed to be submitted to a vote of the representatives of the people. Under the circumstances, as the gentleman announces that he will not permit us to vote on this question, I will ask unanimous consent that I may be permitted to withdraw this bill so as to present some others.

Mr. BOWERS of California. I object to the withdrawal of the bill.

Mr. WISE. Then we will consume the hour.

Mr. CLARK of Missouri. All right.

Mr. BOWERS of California. And we will consume this hour for the rest of the session.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] is entitled to the floor.

Mr. CLARK of Missouri. Mr. Chairman, as I stated a few moments ago, I have no sort of desire to make another speech on this subject. The truth is I am not looking for opportunities to make speeches, especially when the mercury is ranging in the neighborhood of 100.

A MEMBER. And, besides, you have already got your nomination. [Laughter.]

Mr. CLARK of Missouri. Yes, I have got my nomination; and I will be elected, too. I am not uneasy about that.

My friend from Virginia [Mr. WISE], for whom I have a very high regard, seems to think that I am putting myself in an unenviable attitude by saying that the House shall not vote on this bill. I hope he has no feeling in the matter. I have not, I am sure.

Mr. WISE. None whatever, sir.

Mr. CLARK of Missouri. I care nothing about seeming to other gentlemen to occupy an unenviable position. The sole question with me is this: "Is the position right?" If so, I take it and hold it.

I would be perfectly willing for the House to vote on this bill if I were "cock sure" the House would beat the bill. [Laughter.] There is nothing like being frank. I regard this as one of the worst bills ever introduced into this House, or that ever will be, the gentleman from California [Mr. BOWERS] to the contrary notwithstanding. It will be cited in all the days to come as a precedent for wrongdoing.

I want to say this, Mr. Chairman, and I say it deliberately and after considering this matter since it was up here before, to see if I have made any mistake about it——

Mr. PENCE. With malice aforethought.

Mr. CLARK of Missouri. Well, you may say with malice aforethought, if you please. I say it deliberately, premeditatedly, willfully, that the American people are not ready to establish a pension system in this country from the civil service.

Mr. HENDERSON of Illinois. This is not the civil service.

Mr. CLARK of Missouri. That is a matter about which we differ. I have no animosity against any man in the Revenue Cutter Service. I do not know any man in it. I suppose that they are excellent gentlemen. Since this bill was up here day before yesterday some of my friends that belong to the third house have waited on me to instruct me as to the necessity and justice of this bill. They did not convince me. Let us see how the case stands, not only with reference to these men, but with reference to everybody else in the appointive departments of the Government. They are anxious to get these places.

There is no member of Congress here who does not spend hours of his time in undertaking to secure appointive places for his constituents. I do it, and everybody else does it. They are anxious to get the places. They receive good pay. They stay in them here for ten, fifteen, twenty, or thirty years, and then if they are bounced out they think that a crime has been committed.

I want to express another opinion while I am at it, and that is, that the civil-service system is the greatest and most monumental fraud ever adopted or proposed in a civilized country. [Applause.] The Commissioners are learned men and good citizens. They do the best they can to execute the law honestly. It is the system which is wrong. The best business men in the country would fail to pass. There are not ten men on the floor of this House who can stand a civil-service examination for a $900 clerkship.

Mr. MORGAN. Perhaps that is the fault of the men, not of the system. [Laughter.]

Mr. CLARK of Missouri. No, it is not the fault of the men, either. We could have stood these examinations once.

A MEMBER. I doubt it.

Mr. CLARK of Missouri. When I was 14 or 15 years old I would have been willing to run the risk of grading 90 on any examination they can get up over there, but I can not do it now, because I have forgotten the things on which they examine people.

Mr. BOWERS of California. The most of us never knew them. [Laughter.]

Mr. CLARK of Missouri. Maybe you never did, but the most of us did when we were younger. I will give you a sample of those examinations over there. At one examination it is said that they propounded this astonishing question:

How many British soldiers came over to America during the Revolutionary war?

One man answered that he did not know how many came over, but that a damned sight more came over than went home. [Laughter.]

A MEMBER. They appointed him, did they not?

Mr. HOPKINS of Illinois. Has the gentleman any objection to stating what examination that was, and who the applicant was that had that question propounded to him, and made that answer?

Mr. CLARK of Missouri. I am not standing an examination, and that question is not pertinent to this discussion.

Mr. HOPKINS of Illinois. The point I make, Mr. Chairman, is this: I contend, for one, that the civil-service law of this country has come here to stay, and that it has improved the service of all the great departments of this Government. I take no stock in the statement that the gentleman makes about these examinations, and what I desire is, that if he makes such charges as these against this Commission, let him specify, so that we can go to the Civil Service Commission and there verify or refute the charges.

Mr. CLARK of Missouri. They do ask such questions. I do not care who it was or where he came from. I saw the statement in a newspaper, and believe it to be true.

Mr. HOPKINS of Illinois. Mr. Chairman——

Mr. CLARK of Missouri. I believe I am entitled to the floor.

The CHAIRMAN. The getleman declines to yield.

Mr. CLARK of Missouri. Another question that was said to have been propounded was, how far it was from the earth to the sun. One man answered that he did not know how far it was, but that it was not far enough to keep him from drawing his salary if he got that place.

Mr. WISE. Will the gentleman permit me to ask him a question?

Mr. CLARK of Missouri. Certainly.

Mr. WISE. Will you tell this House how far you have got from the question before the House? [Great laughter.]

Mr. CLARK of Missouri. I will tell you directly. You need not be uneasy about the question.

Mr. WISE. I am not uneasy.

Mr. CLARK of Missouri. I want to give you another sample of it. About two weeks ago a man from my district whom I had never seen before, or heard of, and his wife came to my room to see me. They were in great perturbation of spirit. He said that he had been over here in one of the Departments for twenty-nine years as a clerk, having been appointed before I moved to Missouri, and that he had been notified that he had been discharged, or would be, on the 1st of July. I examined him as to his politics first. [Laughter.] He said he was a good Democrat. I asked him what pay he had been receiving. He had been getting from $1,000 up through the various grades for twenty-nine years.

I asked him how much money he had saved in the twenty-nine years. He said he had not saved a cent. I asked him when was the last time he went to Missouri to vote in that Congressional district. He said he had not set foot in that State for twenty-nine years. [Laughter]. I asked him his reasons for not going out in the world and getting another place. He said he did not know how to do anything else. That is the kind of citizens you are breeding under the civil-service system in this country. You take away from him the instincts of American citizenship.

Mr. BRETZ. And the individuality.

Mr. CLARK of Missouri. And the individuality.

A MEMBER. And self-reliance.

Mr. CLARK of Missouri. And self-reliance, and a disposition to save a dollar for a rainy day. They would not care to-morrow what became of republican institutions if the change raised their salaries.

Mr. PENCE. And saved their job.

Mr. CLARK of Missouri. I like to see Democrats in these offices, and if not Democrats, good fighting Republicans, or rancankerous Populists. [Laughter.] I have no use for an American who says he has no political opinions. He has no manhood. I like men who have principles and are ready to fight for them—men who entertain opinions and are not afraid to express them. Now, what do you do? You give them a life position. They do not undertake to save a dollar; and when they get too old for service they say the Government ought to support them. Such a theory runs counter to common sense and eternal right.

Now, I will come back to my real text. I am opposed to this bill. Not because it amounts to much *per se*, but the way this bill is rigged up, a dishonest man executing it might increase the waiting list of the Revenue Cutter Service *ad infinitum*. The men do not have to be 62 years old to be retired. They do not have to serve any length of time to be retired. The President can order a board to examine them to see if they are fit for service, and that board can retire a man, under this bill, at full pay at at 25 years of age, with three days' service, just as well as he can a man who is 62 years of age and who had served forty-five years.

Mr. MALLORY. Will the gentleman allow me to interrupt him?

Mr. CLARK of Missouri. Certainly.

Mr. MALLORY. He can not be retired at full pay.

Mr. CLARK of Missouri. How much?

Mr. MALLORY. At the same as on waiting orders, which is much less than full pay. It is the same ratio as in the Army and Navy.

Several MEMBERS. Three-fourths pay.

Mr. CLARK of Missouri. Three-fourths pay. That is better than the majority of the American people in long service get.

Mr. WASHINGTON. A pretty good life insurance.

Mr. CLARK of Missouri. A pretty fair life insurance, as the gentleman suggests. I repeat that it is not because this bill amounts to so much within itself, because there are comparatively few men in that service, and I take it that any President and any board of examiners will execute it honestly, but because it is the beginning of an indefensible system. Some committee came forward with a bill here not long ago to pension the police of this town. Well, now, if there is a soft job on the face of the earth I think it is belonging to the police system of this city. And somebody else suggested the pensioning of the clerks in the Departments.

If I had my way, a clerk would be appointed over there for four years, and then let him go back into the body of the people and imbibe some of their spirit of patriotism, economy, and self-reliance. It would do him a world of good to commune awhile with the taxpayers instead of the tax-eaters. And when one of them failed to go home to vote at two elections in succession, he should never be allowed to hold another office in this Government so long as he lived. [Laughter and applause.]

The judges of the United States courts holding by life tenure now retire on full pay after so many years of service on the bench, or on reaching the age of 70 years. It is a soft snap for the judges, but rather tough on the people who are not judges.

That is done, as all such things are done, on the pretext that they can not save anything out of their salaries, and unless so provided for they will hang on to their positions after they are disqualified by age or disease—all of which is a curious commentary on their sense of honor and justice.

Now, gentlemen, I want to warn you that in this business, as in many others, experience tells us, "Give them an inch and they will take an ell." You can not pass this bill and then come in the next time and say, "We did that, but we will not do this." Take this step and you must go the whole distance. The only safety lies in refusing to take the first step.

But it is said this Revenue Cutter Service is not a part of the civil service.

Mr. HOPKINS of Illinois. Will the gentleman allow me right there?

Mr. CLARK of Missouri. I will yield for a question, but not for a speech.

Mr. HOPKINS of Illinois. Does not the gentleman recognize the fact that our large cities like Chicago, New York, and Boston pension their firemen and policemen?

Mr. CLARK of Missouri. I do not care anything about that; I am not speaking for those cities. Because Chicago or New York does a thing, it is no reason why we should follow their example.

Mr. HOPKINS of Illinois. The point I am making is this: That where the people have a voice in this matter and they find that a faithful employé reaches a point where he can not take care of himself, they take care of him.

Mr. CLARK of Missouri. Well, now, in the first place the people do not have any astonishing amount of voice about what happens in New York or Chicago, where the city council is running affairs. [Applause.] In the next place, how much more faithful service do these people render than the bulk of people render? How does it happen that a man is entitled to an extra "soft snap" in his old age because he has been in the Government employ during the prime of his life, and at better wages than he could get anywhere else?

Mr. WISE. I hope my friend will allow me to call his attention to some of the facts of this case, because he ought to know the facts when he is talking about this thing. He speaks of our creating a waiting order list.

Mr. CLARK of Missouri. Yes, sir.

Mr. WISE. Now, is the gentleman aware of the fact that there is such a list now?

A MEMBER. There ought not to be.

Mr. WISE. Wait a moment. Let us take the facts as they are. Gentlemen are trying to create the impression in this House that this bill is to accomplish something that does not now exist. I ask the gentleman from Missouri to look at the report, and he will find that there are now thirty-four officers in this service on waiting orders. So that we already have a waiting-order list. The only effect of this bill is to enable the Secretary of the Treasury to give promotion to younger and more active men, who can render better service to the Government in whose employ they are now engaged. That is the whole bill.

Mr. WASHINGTON. Will the gentleman point out the law that allows the Secretary of the Treasury to put these men on the waiting-order list and thereby virtually retire them?

Mr. WISE. There is no law——

Mr. WASHINGTON rose.

Mr. WISE. Wait a minute. These men can not now perform duty——

Mr. BRETZ. Why pay them, then?

Mr. WISE. They are disabled by age or disease. There is one man in this service who is now 94 years of age. Nothing can be done with such a man except to retire him or leave him on waiting orders. He can not perform active duty.

Mr. WASHINGTON. One other question. Is not this civil employment?

Mr. WISE. No, sir.

Mr. WASHINGTON. Why not?

Mr. WISE. For the reasons that have already been explained.

Mr. WASHINGTON. These officers are under the Treasury Department.

Mr. WISE. They are under the Treasury Department only for convenience, because their duties relate to the collection of the revenue, of which subject the Treasury Department has control. But these officers are subject to military duty in war; and I will say to the gentleman that one of these officers who is to be put on this waiting order list is a man who served on the Monitor in the contest down here in Hampton Roads during the late war. These men now on waiting orders are there because they can not be anywhere else.

Mr. CLARK of Missouri. Now, Mr. Chairman, one of two thinks is true: Either those men are on waiting orders under the law or they are on waiting orders without any law. If they are on waiting orders without law, they ought to be taken off; if they are on waiting orders under the law, the law ought to be repealed.

If these men are in a quasi naval position, what is the reason they do not go into the Navy?

Mr. MILLIKEN. If they should go into the Navy they could not render this revenue marine service; they could not serve in both capacities at once.

Mr. CLARK of Missouri. I will tell you the reason. They do not want to go into the Navy, because they have a softer job and an easier time where they are than they would have in the Navy.

Mr. BOWERS of California and Mr. MILLIKEN. That is a mistake.

Mr. MALLORY. I have here a list of officers who have been appointed from the Navy to this service. There are twelve officers in the Revenue Cutter Service who were appointed as such after graduation at the United States Naval Academy, having completed the six-years course. Six officers now in the Revenue Marine Service were cadets at the Naval Academy prior to their appointment as cadets in this service. These officers graduated from the school-ship of the Revenue Cutter Service after serving the probationary term and successfully passing all examinations, six in number.

There is a school-ship on which they have to serve before they are admitted to this service at all, and before they graduate from the Naval Academy they must pass an additional examination on that school-ship. The Government does not permit them to go into the Navy directly. Every member present knows that of each graduating class at Annapolis a certain number do not enter the Navy at all, but have leave, if they so desire, to quit the service and enter some other profession. But those who do enter the service must pass this additional examination.

Mr. STOCKDALE. That would apply also to those who wished to enter the profession of teachers, or anything of that kind; they would have to submit to an examination.

Mr. MALLORY. Yes; but I am merely calling the attention of the gentleman from Missouri, in answer to an inquiry, as to why these men do not go into the Navy, for the purpose of showing him that there is no room for them in the Navy. Every time a class graduates from the Naval Academy a large number of the graduating cadets are not permitted to enter the Navy, although they are entirely qualified for it, because there is no room for them. It is not because the Navy is a harder berth than this Revenue Cutter Service. I claim to know something of it myself, and I believe it to be true that the men render very much more arduous service in the Revenue Cutter Service in time of peace than the Naval officers render under similar conditions.

Mr. CLARK of Missouri. Well, Mr. Chairman, that opens up a very wide field that might be discussed at considerable length. It seems, from the drift of the gentleman's statement, that one of the objects of the Revenue Cutter Service is to provide places for the overflow from the Naval Academy—the surplus after six years of free education at the expense of the Government.

I want to make one remark about that. The Government does not educate young men at Annapolis and West Point especially for the benefit of the young men themselves. It educates them for the benefit of the people. Certainly after it has given a young man a free education of six years at Annapolis and five, I think it is, at West Point the Government of the United States is under no sort of obligation to do anything more for him except for its own good; and if a young man is not fit to go out into the world after six years' education at Annapolis and fight his way with our children in this country, why the best thing you could do with him is to take him out and drown him after he gets his graduation papers. [Laughter.]

Mr. RAY. Will the gentleman allow a question?

Mr. CLARK of Missouri. Certainly.

Mr. RAY. After the Government has educated a young man under these circumstances, has given him a proper education and fitted him for the naval service or for service in the Army, is it not to the interest of the Government to keep him in that service, and in the line of duty for which he has been educated, improving him all the time, so that he is ready for duty under the Government in any emergency and can render the country efficient service?

Mr. CLARK of Missouri. Is that your question?

Mr. RAY. That is a part of it. I say is it not to the benefit of the Goverment to keep that young man where the service he can render to the Government may be accessible and useful after he has received this education at the expense of the Government?

Mr. CLARK of Missouri. No, sir; it is not.

I will give you an illustration that will prove my position beyond all controversy. You take the roll call of the great generals of the last war on both sides, the West-Pointers, and see where they were when the war began. With a single exception, that of Gen. Lee on the Confederate side, and Thomas and Hancock on the Federal side, they were in civil life.

Mr. MORGAN. And Sheridan.

Mr. CLARK of Missouri. And not a single, solitary great commander on either side, as I believe or remember, was in the service of the Government when the war began, with those exceptions.

Mr. MALLORY. Sidney Johnston was.

Mr. WHEELER of Alabama. And Hardee.

A MEMBER. How about McClellan?

Mr. CLARK of Missouri. Well, all these men are not all great generals, let me give you the pointer.

Gen. Grant was in the mercantile business in the town of Galena, Ill.

Mr. RAY. But all of these men did become great generals after their graduation.

Mr. CLARK of Missouri. Just wait until I answer your first question.

Mr. RAY (continuing). After their graduation they served in the Army or Navy in the service of the Government for a long term of years.

Mr. CLARK of Missouri. Well, just wait a moment. Some of them got out of it just as soon as they could.

Albert Sidney Johnston, who, excepting Stonewall Jackson, was probably the greatest man, after Lee, in the Confederate service—because I believe that Stonewall Jackson was the greatest soldier that ever set foot on this continent—Albert Sidney Johnston was a great commander. He had been out of the service of the Government and down on the frontier in the army of the Republic of Texas——

A MEMBER. And made a good one.

Mr. CLARK of Missouri. Yes, he was a good soldier, and only got back into the United States service a little while before the war began. So, take them all up one side and down the other, and the statement that I have made is practically true. Gen. Sherman, who ranks next in history with Grant, although not in merit, was teaching school somewhere down in Louisiana when the war began, and before that he had been trying to practice law in Kansas and failed.

Mr. MALLORY. What kind of a school was he teaching?

Mr. CLARK of Missouri. Well, a so-called military school. I do not know exactly what else was taught. Stonewall Jackson had been teaching in the Military Institute of Virginia and running a Sunday school in Lexington, and when the war began he was made a colonel, and the people who knew him said he did not have sense enough to command a regiment. [Laughter.] But they changed their opinion after Bull Run, Front Royal, and the second Manassas. Now, going back a little in the discussion, I do not see how going back into the civil walks of life would deprive a cadet graduated from Annapolis or from West Point of the training that makes him a soldier.

Mr. RAY. Now, may I interrupt you there?

Mr. CLARK of Missouri. Just let me complete one more sentence. Although I do not pretend to know much about naval affairs, I believe that a graduate of Annapolis would see more of sea service and learn more about seamanship in the commercial navy of the world than he would in this Revenue Cutter Service.

Mr. MILLIKEN. Will the gentleman tell me why he comes to that conclusion?

Mr. CLARK of Missouri. I conclude that a man commanding one of these great ocean steamers would certainly cross the Atlantic once in a while and become familiar with its geography; but if he is in the revenue service, while he may get pretty tolerably familiar with the coast and the inlets and the mouths of rivers, he will never learn very much about the great ocean and its geography. And if his Annapolis training fits him for sea life, he can always secure remunerative employment in the merchant marine.

Mr. MILLIKEN. Now, will my friend allow me to interrupt him right there?

Mr. CLARK of Missouri. Yes.

Mr. MILLIKEN. When a seaman has become acquainted with the coast of the Atlantic Ocean he is acquainted with all he wants to know practically, because there is no danger of his running ashore out in the middle of the ocean. Now, my friend stated the other day that one of the reasons why the officers in the revenue marine were not in any danger was because they never got a thousand miles from land.

Now, I do not think it would ever occur to anyone who had learned his seamanship anywhere except upon the broad prairies of the West, that a man could not drown anywhere except a thousand miles out in the ocean. If the gentleman is acquainted at all with the sea, as he evidently is from his remarks and his discussion of the question—I have no doubt he is an old sailor from the way he talks—if he is acquainted with the sea, he knows that the greatest danger is not in the middle of the ocean, but that it is near the shore, for two reasons.

In the first place, when you get upon soundings, the sea is very much worse than it is in the middle of the ocean, because that is where you get the short chops; and then again you know, and so does everyone who has taken pains to become informed about the matter, that where one ship is foundered at sea there are a hundred that are wrecked on the rocks and the reefs on the shore, so that the position which my friend takes, that a man does not learn anything about seamanship, and that he is in no danger until he gets a thousand miles away from land, is an incorrect position, and if the gentleman will consult his experience upon the ocean he will find it to be untrue, and will change his mind.

Mr. CLARK of Missouri. Now, Mr. Chairman, I did not exactly catch the point of the gentleman's question. [Laughter.]

Mr. MILLIKEN. The gentleman evidently wants to take up the time, and I will help him a little. The gentleman says he did not catch the point, because the point was very plain and easy to be caught. But this is true, and I am speaking seriously now, for I know something about it—I have lived on the sea all my life, and I know something about the Revenue Marine Service—I know that on the coast of New England the hardships of the men engaged in this service are perhaps as great as those of any sailors who sail the sea except the fishermen who go out in the winter to catch fish on the Banks. Of course they suffer the most hardships of any sailors, but in the wintertime these men in the Revenue Cutter Service are engaged all the time in getting ice out of harbors and in rendering all sorts of assistance, and they are in more continuous useful service in time of peace than the men in the Navy are.

Mr. WISE. I see my friend from Missouri [Mr. CLARK] has taken his seat. If he has yielded the floor, I should like to take it.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] is entitled to the floor.

Mr. MILLIKEN. The question to be decided here is whether these men who are upon waiting orders shall be retired and so get out of the way, or whether they shall stay in their positions and keep young and active men from promotion, or whether you shall discharge them.

Why should they not stand in the same position as officers in the Navy? They perform substantially all the service. A captain in the Navy gets about $4,000 a year, while a captain in the Revenue Marine Service gets $2,500, and it will be a fairer thing to discharge a captain in the Navy when he gets to that age where he is unfitted for active service than it would be to discharge a man in the Revenue Marine Service. I say there is no ocean service as useful as that of the Revenue Marine.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. CLARK] has expired.

Mr. MALLORY. Mr. Chairman, I do not intend to consume any more time than is absolutely necessary with reference to some few of the points that were made by the gentleman from Missouri [Mr. CLARK]. It seems to me that the gentleman from Missouri misconceives the object and purpose of this measure. He seems to think its purpose is to benefit especially the individuals composing the Revenue Cutter Service. In reality, the object of the measure is to promote the efficiency of the service.

We have a service which even the gentleman from Missouri will not deny is necessary to the proper conduct of this Government. It is absolutely essential that our coast should be guarded by vessels and men qualified and properly equipped to guard against infractions of the revenue laws of the country; and if it is necessary that such a service should exist, it is certainly equally necessary that the service should be kept efficient.

Now, the condition of this service at the present day is this: These officers are appointed on the recommendation of the President and are confirmed by the Senate. They are appointed for life. They receive commissions which authorize them to act in the capacities to which they are appointed; and it is not in the power of the Secretary of the Treasury nor in the power of the President of the United States, or of anyone else, to remove them from their positions. Now, in the course of time, by reason of the hardship and exposure to which they are subjected, these men, earlier in life, perhaps, than ordinary men, become incapacitated to bear the hardships.

Mr. HUTCHESON. What is the death rate?

Mr. MALLORY. I do not know what the death rate is.

Mr. HUTCHESON. They could resign.

Mr. MALLORY. So might the officers of the Navy.

Mr. WASHINGTON. Do they ever die or resign?

Mr. MALLORY. That brings me to the point which the gentleman from Missouri seems to have entirely ignored. The gentleman seems to think that you can pick up a man anywhere in the United States and put him in the command of a vessel. He says that there are hundreds and thousands looking around for such a job, who would jump in and fill any one of these vacancies. That is not so.

It is just as essential that the gentlemen who are appointed to these positions should be qualified to take charge of a ship as it is that a naval officer should be able to do so. You recognize that by requiring a naval officer to go through a long novitiate before he receives a commission of the Government, and the same thing is required of these officers. They are required to pass an examination in seamanship; and it is necessary for them to devote all the best years of their lives to studying the phenomena of the ocean and meeting the obstructions and difficulties that they may encounter in their calling. They are thoroughly skilled navigators, a thing which I am free to say that three-fifths of the masters of merchant vessels outside of the mercantile fleet of the United States are not.

They have to be competent navigators and devote their whole time to the study of this peculiar pursuit; and I am sure that the gentleman from Missouri [Mr. CLARK] is too kind hearted a man, and has too much common sense, and I am sure he appreciates what is necessary under such circumstances too strongly to contend that after these men have devoted all their time and all their lives, you may say, to equip themselves adequately for the performance of their duties, the Government of the United States, at the moment that they become incapacitated, at the moment that they are unable to take care of themselves, should turn them out on the cold charities of the world.

Surely that is why we have a retired list for the Army and for the Navy. That is the only reason for it; and I say if there is a reason for our establishing a retired list for the Army and for the Navy, then it is certainly just as strong in the case of the revenue service. As I undertook to show the other day, the only difference there is between this service and the Navy is the fact that this Revenue Cutter Service is under the control of the Secretary of the Treasury. In addition to that, while this bill will not pass to-day probably, but inasmuch as I purpose to endeavor to get it through this Congress, notwithstanding the opposition that has manifested itself, I will avail myself of the opportunity of calling attention to the language of the Secretaries of the Treasury upon this subject.

As I said the other day in my remarks, the Secretaries of the Treasury have most warmly indorsed this measure. Mr. Boutwell in 1872 indorsed it; Mr. Richardson subsequently to him, and Mr. Folger again made a strong and striking appeal for some such measure; and the present Secretary of the Treasury, in addressing the Committee on Interstate and Foreign Commerce, in response to a request for his views on the subject, used this language:

> The necessities of the service are constantly increasing, while its effective force is constantly decreasing, and unless some remedy is provided by Congress the time can not be very far distant when the Secretary of the Treasury will be compelled to seriously consider the propriety of discharging a number of superannuated and infirm officers in order to fill their places with others who are competent to discharge the duties of the positions which they now hold. Two of the officers now on the "waiting orders" list have been connected with the service more than sixty years, and several of them have served more than thirty years. They were appointed for life, and it would be a great hardship to drop them out of the service after they have become old and infirm without making some provision for them. They are now receiving the same pay from the Government that they would receive if the proposed bill should become a law, and we have in fact, therefore, a retired list, or "waiting orders" list, but without authority of law to fill the places of the officers who compose it.

They stand there really on the active list, on awaiting orders. The result is that the younger officers, below them, can not be promoted to the positions held by these elderly, superannuated, and incapacitated officers; and therefore the efficiency of the service is deteriorated thereby.

> No such condition exists or can exist in any other branch of the public service, and in my opinion the proposed bill, or some measure of a similar character, should be passed by Congress in order to place this very useful part of the customs force upon an efficient basis.
>
> I have the honor to be, very respectfully,
>
> J. G. CARLISLE, *Secretary.*

Now, there are in this service two hundred and eleven officers. Of those two hundred and eleven, thirty-four are on waiting orders. The bill does not authorize an increase of the active force at all. It simply proposes to take these thirty-four incapacitated men and put them on the waiting-order list, giving them waiting-orders pay and thereby enabling vacancies to be created in the positions which they hold, authorizing the promotion of younger officers who are now filling subordinate positions. It does not increase the force of the revenue service in any particular, and simply is a common-sense measure when you come to understand it, which provides for the promotion of those men, who are now in the prime of life, to the command of vessels which are now in their command but held by them in a subordinate position.

In other words, a first lieutenant is practically and actually commanding a vessel, and the captain, who ought to be in command, is superannuated now, and not doing any duty. In addition to this, I will say that the officers are competent men. They are subjected to rigid examinations before they enter the service, such examinations as the cadets of Annapolis are subjected to. They are required to be on a school ship for two years, and even if they have been at Annapolis, they are compelled to go through that course. They have to study navigation; they have to study steam engineering; they have to become thoroughly familiar with duties aboard ship, with methods of navigating vessels under unfavorable circumstances.

It seems to me no intelligible reason can be urged against this measure. If it is the intention of Congress to allow this service to deteriorate and become inefficient, the method which has been pursued in the years gone by will undoubtedly accomplish that result; but if it is the purpose of Congress to raise this service to a level of efficiency comparable to the efficiency of our Navy, then a measure of this kind ought to be adopted. If the Cutter Service is unnecessary, abolish it; if it is necessary, make it efficient.

This service is not a sanctuary for incompetent young men who have failed to obtain office by reason of their attendance at Annapolis. The examination for this service is just as rigid as the examination at Annapolis. Equally thorough knowledge and equally difficult and responsible duties are required of these officers as are required of officers of the Navy.

It will not do for the gentleman from Missouri to undertake to point to the fact that there were many officers of the Army, distinguished for their service in the late war, who at the outbreak of the war had been pursuing the ordinary peaceful avocations of life, for that is not a parallel case. I would like the gentleman to point out any individual who rose to prominence in the Navy during the war who had not gone through a long training to prepare him for the duties of that service, and who was not actually in the Navy at the outbreak of the war. If there were any such they have escaped my memory. The duties of these revenue officers are analogous to those of naval officers, not to those of army officers.

Now, in this service to-day there are among the captains seventeen who served in the Navy during the late war. Among the first lieutenants there are twenty-six who served in the Navy during the late war. Of second lieutenants (these being a younger set of men), there are two; and there is one third lieutenant. Among the twenty-six chief engineers in the service there are fourteen who served in the Navy during the war. There are ten first assistant engineers who served in the war, and two second assistant engineers. Out of two hundred and eleven officers in this service there are to-day seventy-two who served in the Navy during the war. In addition to these, there are twelve who are graduates at Annapolis, and six who, though they did not graduate at Annapolis, nevertheless attended the Naval Academy for a number of years, passed the examinations required for the revenue service, and upon such examinations were admitted as officers in that service.

Mr. COX. I would be glad if my friend would yield for a question. I wish to find out whether I understand this proposition correctly. When these men enter this service they have to undergo an examination?

Mr. MALLORY. They have to spend two years on a school ship.

Mr. COX. But they have to go through an examination, and when they go into the service they go in for life?

Mr. MALLORY. Yes, sir.

Mr. COX. Now, your proposition is that when they reach a certain age——

Mr. MALLORY. When they become superannuated or incapacitated.

Mr. COX. Yes; when they become incompetent, that then they be retired on pay, and others put in their places in the service. Is that the gentleman's position?

Mr. MALLORY. Not that others shall be appointed in their places, but that junior officers shall be promoted.

Mr. WILLIAMS of Mississippi. That is the same thing, as others have to take the place of the junior officers.

Mr. MALLORY. Not necessarily; there is a superabundance of junior officers.

Mr. WILLIAMS of Mississippi. Then there are more men in this service than there ought to be.

Mr. MALLORY. It is expressly provided in the bill that the number shall not be increased.

Mr. COX. Now, when these men, on account of age or for any other reason, prove incompetent to discharge their duties, they having entered the service for life, the Government has no way of dismissing them?

Mr. MALLORY. No, sir.

Mr. COX. And you propose to put them on what you call the waiting-order list?

Mr. MALLORY. Yes, sir; the same as now, except that we open the door for promotion.

Mr. COX. Then it means that they shall be put upon a retired list on full pay?

Mr. MALLORY. No; on reduced pay.

Mr. COX. But it is a retired list at last?

Mr. MALLORY. Yes, sir.

Mr. COX. And the only other way the Government could be relieved of them is by a law authorizing their dismissal?

Mr. MALLORY. Yes, sir; that is the only way.

Mr. COX. Then it looks like a mere proposition to substitute a retired list for a waiting-orders list.

Mr. MALLORY. Practically that is all.

Now, Mr. Chairman, I move that the committee rise and report this bill to the House with the recommendation that it pass.

The question being taken on the motion of Mr. MALLORY, there

were, on a division (called for by Mr. CLARK of Missouri)—ayes 44, noes 32.

Mr. CLARK of Missouri. No quorum.

Tellers were ordered; and Mr. MALLORY and Mr. CLARK of Missouri were appointed.

Before the count by tellers was concluded, the morning hour expired, when the committee rose; and Mr. DOCKERY having resumed the chair as Speaker *pro tempore*, Mr. BAILEY reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. 6723) to promote the efficiency of the Revenue Cutter Service, had come to no resolution thereon.

LAND TITLES, OREGON AND WASHINGTON.

Mr. McRAE. Mr. Speaker, I desire to submit a conference report on the bill H. R. 69.

The SPEAKER *pro tempore*. The report will be read.

The report was read at length.

Mr. PAYNE. Let us have the statement accompanying this report read.

Mr. WILLIAM A. STONE. Mr. Speaker, the title of this bill has not been read. We do not understand what it is.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill prescribing limitations of time for completion of title to certain lands disposed of under the act of Congress approved September 27, 1850, and the acts amendatory and supplemental thereto, and commonly known as the "donation act," and for the protection of purchasers and occupants of said lands.

Mr. PAYNE. Let the statement be read.

The SPEAKER *pro tempore*. The Chair is informed that there is no written statement accompanying the report.

Mr. McRAE. Mr. Speaker, the conferees, by an oversight, failed to submit a written statement; but there is no substantial change between the bill as it passed the House and the amendments made by the Senate, and if permitted to do so I can make a brief statement explanatory of the report.

Mr. PAYNE. I think the report had better be withheld until the statement is prepared.

Mr. McRAE. If that be insisted upon, I withdraw the report for the present.

Mr. PAYNE. I make the point of order on the report.

Mr. WILLIAM A. STONE. Is this the land-grant forfeiture bill?

Mr. McRAE. Oh, no; it is a bill relating only to certain land titles in Oregon and Washington, under what is known as the "donation act."

The SPEAKER *pro tempore*. Is there objection to the gentleman from Arkansas making a verbal statement in place of a written statement?

Mr. TRACEY. I think the rules of the House had better be complied with.

Mr. McRAE. Then I withdraw the report.

The SPEAKER *pro tempore*. The report is withdrawn.

IMMIGRATION AND CONTRACT LABOR LAWS.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to have printed a letter from the Secretary of the Treasury, laid before the House on Monday last, transmitting, pursuant to House resolution of June 7, 1894, information relative to the rules and regulations established in connection with the administration of the immigration and contract labor laws.

The SPEAKER *pro tempore*. Does the gentleman desire to have this printed in the form of a document?

Mr. BARTHOLDT. Yes, sir; in document form.

The SPEAKER *pro tempore*. In the absence of objection the order to print this communication in document form will be made.

There was no objection.

EULOGIES ON THE LATE GEORGE W. HOUK.

Mr. OUTHWAITE (at 1 o'clock and 35 minutes p. m). Mr. Speaker, I ask unanimous consent that the special order, fixed for to-day at 2 o'clock, begin now.

The SPEAKER *pro tempore*. In the absence of objection that order will be made.

There was no objection.

The SPEAKER *pro tempore*. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That Saturday, the 14th day of July next, beginning at 2 o'clock p. m., be set apart for eulogies on the late George W. Houk.

Mr. OUTHWAITE. I offer the resolutions I send to the desk.

The Clerk read as follows:

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of the Hon. George W. Houk, lately a Representative from the State of Ohio.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these proceedings to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

The SPEAKER *pro tempore*. The question is on the adoption of the resolutions.

The resolutions were unanimously agreed to.

Mr. OUTHWAITE. I now yield to my colleague, Mr. SORG.

Mr. SORG. Mr. Speaker, as I arise to add tributes of respect to the memory of the departed Mr. Houk, my mind reverts to the evening when the people who loved him for his worth were given the sad message that he had passed into the shadows.

Could I now give utterance to the thoughts welled up by saddened hearts on that fateful night, the memory of the deceased would be dressed in the choicest garlands. The tenderest sentiments expressed now in the choicest of rhetorical gems are inadequate to convey the sorrow felt at that moment, when the very mantle of death hung darkly over us. In the anguish of sincere grief those who had felt the influence of his sympathy and friendship sent up a prayer for the soul of the dead and the comfort of his loved ones.

George W. Houk was born in the mountains of Cumberland County, Pa, September 25, 1825. His mother was a lady of intellectual rather than romantic inclinations, and was ambitious for a more inspiring location in which to rear her children. When the youngest child, George, was but 2 years old the family crossed the mountains and came to Ohio, locating at Dayton, where Mr. Houk always lived. His alertness of intellect gave him preëminence in school life. An academic training and the study of law enabled him to equip himself with such a fund of legal knowledge that he was admitted to the bar of his county when he was but 21 years old.

Early in life he was elected a member of the Ohio Legislature, and though associated with many leading political figures, his intellect shone with an effulgence that was not dimmed by his surroundings. Despite his youth he was made chairman of the judiciary committee, which position he filled with honor to himself and credit to his county. With the expiration of his legislative term he retired from public life and its attendant cares.

In 1856 he married happily, his wife being Miss Eliza Thruston, and in the congenial duties of his chosen profession and the quiet pleasures of his country home he looked back to his public life with no thought of regret that he had severed from it. In 1860 Mr. Houk was sent as a delegate to the Charleston-Baltimore convention, remaining throughout its deliberations a strong adherent of Stephen A. Douglas. In 1876 he was a delegate to the national Democratic convention held at St. Louis. In 1884 he was chosen a district elector. In 1890 he again entered public life by his election to Congress, and in 1892 he was returned by an abnormal majority.

Prior to his Congressional life, in his profession he ranked as one of the leading practitioners of his State. For nineteen years he was associated with the Hon. John A. McMahon, that gifted orator of the Miami. His life in Congress, though brief, as compared to the extended services of some of my distinguished colleagues, was not without feature. The bold, incisive fight made by him for the soldiers during the life of the Fifty-second Congress has endeared him to their hearts forever. The attempt to have the pension of every inmate of a soldiers' home reduced to $5 a month will be easily recalled by those familiar with Congressional matters.

Soon after the measure was reported to the House, Mr. Houk secured a record of the disabilities of the veterans at the home near Dayton, Ohio, and so vigorously did he combat the bill that it was defeated. For years the Government had shown grateful appreciation, and it would have been cruel and unjust in the very evening of life to cloud their last days with such evidences of ingratitude. Grateful wives and children of helpless soldiers looked upon him as their protector, and thanked Heaven for a life such as his. With the soldiers of Ohio to-day the memory of George W. Houk stands as a monument erected by his grateful beneficiaries.

It was my pleasure to form the acquaintance of Mr. Houk during the fall of 1890, and though the affiliation grew out of political combat the character of the man commanded my profound admiration at once. Always manly, with a pronounced contempt for chicanery and sinister methods, he won the esteem of even those whom he opposed in political warfare. During all of his public career, in the heat of contests when the character of man is often seared before the fires of partisan animosity, never was there a chapter of his life unfolded which drew out a blush from the man who had molded it.

In personal appearance Mr. Houk was commanding and dis-

tinguished, blessed with a tall, massive form within which were those characteristics which displayed a nature as warm as Heaven's own sun rays. His cordiality of address, his warm greeting, his sympathetic and cheerful companionship made him a favorite among all. He loved his friends, and none was fonder of his home and its social environments than was he. His hospitable hearth was a favorite rendezvous for those he loved. With an inexhaustive fund of anecdote and illustration and the grace and suavity of a polished gentleman he entertained on these occasions as few could. Underlying every thought and expression was a vein of humor, and without him social gatherings at his home city were lacking one of their most pleasant features. He was a vital adjunct to the very life of his native place. The bar regarded him as one of its patriarchs and pillars. His party looked to him as the nucleus of their organization, and the city honored him for his worth and integrity as a citizen.

As a scholar Mr. Houk took rank with the foremost, and had his love for books been less greater preëminence would have been attained. In later years, when the fires of youthful ambition had grown low, he buried himself in his library, and with his books he wandered back through blissful channels with his seeming friends—the authors and historians of other days.

There in his home, towering sublimely above the busy city, he feasted on the beauties of nature as presented by the panoramic scenes of the famous Miami Valley and enjoyed the fond companionship of his books.

Indeed, it has often been said that he sat in his library as contented as a civic or military hero, and viewed the remorseless, selfish struggles of mankind with the contemptuousness of a philosopher. He had a passionate fondness for poetry, philosophy and history, and the heroic figures associated with the life of the world found him almost their worshiper. The memory of Lincoln he regarded as one of the tenderest of America's treasures, and his lecture on the life of the first martyred President was a stalwart effort. As a speaker he was commanding, but his genius shone greater as a writer. With a capacious mind replete with beautiful thoughts, and with a skillful command of language, he rounded up his sentences with fascinating beauty and euphony.

When but a mere boy he attacked the leading actors of political life; not with the diffidence of an untrained opponent, but with the skill of a young premier; not with the trepidation of a boy, but with the incisiveness of a trained statesman. He diagnosed the questions a few years prior and subsequent to the Mexican war, and criticised some of the Whig leaders with such effect that old Governor Anderson of Ohio said:

> To think a boy just out of his teens detecting the animus of that controversy and seeing the points upon which Bob Schenck and I split.

Mr. Houk's state papers are held as the efforts of one familiar with every epoch of American history. All contemporaneous questions elicited from him opinions and criticisms which did much to mold public sentiment in his district and in other parts of the country. As a private citizen he did much for the promotion and advancement of his State. He was a member of the constitutional convention to frame for it a new constitution, and was one of the incorporators of the public library at Dayton.

When at last his party was brought from a helpless minority in his district and he was sent to this body, he came with mature thought and experience, and conservatism rather than ostentation attended his career in Congress. His high character as a man you all knew, and his integrity of purpose is seen from his attitudes on absorbing questions.

Mr. Houk had no premonition of death.

During the morning of his last day on earth he sent to Western friends messages of that felicitation ever characteristic of him. The last week when he was treading in the very shadows of another world he was laboring with a tariff speech which had been well-nigh completed. On the afternoon of February 9, 1894, he left his desk with the remark that excessive labor was telling on his vitality and that he would grant himself a respite. A half hour later and the death angel had brought that decree from heaven, and he had passed the breakers of another shore.

Died in the service of his country, rich in triumphs and good deeds, beloved by his friends, admired by his enemies; and though dead, his memory will remain a strange, sweet perfume, ever to be cherished by those to whom he was endeared.

Mr. CURTIS of New York. Mr. Speaker, I rise to support the resolution of my friend from Ohio, and to pay tribute to the memory of Judge G. W. Houk, whose acquaintance I made in the early days of the Fifty-second Congress.

In the progress of legislation I had frequent occasion to appear before the Committee on Interstate and Foreign Commerce, of which Judge Houk was a member in the Fifty-second Congress, and, in presenting arguments for and against bills considered by that committee, I soon learned to regard him as one whose opinions carried great weight. He gave to the members appearing before the committee patient attention, and by intelligent inquiry sought to bring out important facts, thereby assuring them that the merits of their bills should be fully considered.

In his appearance before committees on which I served, his clear and concise statement of the bills he came to advocate won the respectful consideration as well as the entire approval of their members. I found him an industrious and painstaking member in performing the work of the committee on which we both served. It was, however, in the House, in the Committee of the Whole, that he best appeared.

In running debate, or in the set speech, he disclosed a strong understanding, comprehensive knowledge, and careful research, so that he enlightened the House by his arguments, always clothed in words expressive, clear, and strong. He interested the House by his rich store of information, and won its attention by his easy and graceful style, unaffected by studied ornaments of oratorical art, and was never wanting in that unfailing courtesy which characterized his intercourse with others. He was a master of correct, concise expression. His sentences were clear, his arguments direct, and all his speeches furnished convincing proof of his great learning, as shown in his remarks on all the important measures before the House.

There was no member in his first term who spoke on more of the leading measures before the House, or discussed them with greater vigor and intelligence than Judge Houk, whether it was the adoption of the rules, the silver question, the Navy, Army, Post-Office, or sundry civil appropriation bills; the rivers and harbors; the Soldiers' Home; the Columbian Exhibition; public printing; street railroads in the District; the regulation of the sale of tobacco by the producers; the statistics of the colored race and its upward progress in acquiring cultivation and wealth, or the tariff. In all his efforts he illustrated the advantages of a thorough knowledge of law. In every public effort he gave convincing proof of his intimate acquaintance with "that science which," it has been said "does more to quicken and invigorate the understanding than all the other kinds of learning put together." He practiced law at the bar of his own State for nearly fifty years, rising to the front rank. Here he quickly came to be recognized as one of the ablest lawyers of the House.

It was not my good fortune to have known Judge Houk in other relations than those pertaining to membership in this body, and I knew him only as I met him in committees and on the floor. Upon all the great political questions we differed, but outside of those questions upon which parties divide, I counted myself fortunate in agreeing with him, for I know he had brought to their consideration large experience, sound judgment, and great legal acumen. He had a marked and interesting personality, a thorough acquaintance with public affairs, and a happy combination of those qualities of head and heart which made him a safe adviser, an agreeable companion, and a valued friend.

Mr. BLACK of Illinois. Mr. Speaker, thousands of years ago the man of Uz said, "I know that my Redeemer liveth, and that He shall stand at the latter day upon the earth; and though after my skin worms destroy this body, yet in my flesh shall I see God."

It was the declaration of humanity's longing for immortality. And the wisest and best of the race have never departed from the belief that this was a probationary state, and that immortality awaited those whose career here was well run.

If any other view pertained, if there was conviction that with the end of what we call life came absolute cessation of all intellectuality and of spiritual existence, if we believed that all there was of Cæsar was in the ashes shut up in his urn, that all there was of Bonaparte was under the dome of the Invalides in Paris, if all there was of the Man of Sorrows and acquainted with grief was that which had been laid away in the sepulcher, if all that is of those we have known and loved is a clod in the valley, a handful of unrecognizable dust, such ceremonies as these we are now indulging in would be the idlest and most mocking of performances.

But as surely as the influences of men go abroad and dwell after them, so surely it seems to me that we who are indulging in these mournful rites do so in the presence of an assemblage which has marched over the stage of human action, and which from its proper abode is observing that which we say and do here; and with that belief, what we say here of our departed companion and friend should be truthful and wise and kind.

I hardly know why I should have been designated from among the many who have served with him longer than I have, to speak of him, unless it is because of the fact that our lives have been together outside of this Hall to a certain extent, and that I am able to bear some testimony of the quieter life of the man.

I met him in the busy scenes of his own city, and after that in the lovely home which has been adverted to by the gentleman who succeeded him. Occupying as it did a commanding place upon the bluffs of the Miami, from its windows and doors the city of Dayton stretches beneath, with its hundreds of industries and its teeming thousands of population, with its smoke, and its roar, and its ceaseless activities; and yet, although a great figure in that community, within the doors of his home it seemed as if everything was shut out except the life of the family and the man.

It seemed as though one had stepped into the sylvan abodes of the past, and that there was no envy, no contention, and no bitterness possible where he sought his retreat. A wife who loved and adored him, and children who followed him into his quiet, were there, perpetually making the music and the sunshine of happy life within his abode. And through and over it all, in its shadows and its sunshines, there was the undoubted evidence that the spirit of amity, of affection, and of mutual regard inspired the domestic life. There could be no more beautiful scene than that exhibited in the abode of the deceased.

Following him to Washington, his wife—and they were both stricken in years—dwelt with him in all of the trials and labors and triumphs of his honored service in his Congressional career. I was walking through Judiciary Square one day, and turning one of the bends, caught sight of the lengthening vista of a path just being shadowed from the sun by the budding foliage. At a distance that did not enable me to recognize the figures I saw a man and a woman, in lover fashion, sitting on one of the benches, too much engaged with each other to notice my approach.

As I came nearer I recognized Judge Houk and his wife, and jesting with them about their engagement, they told me that they had been reviving the associations, the memories, and the happiness of their youth, and were courting again as they had done before cares came, and the triumphs of a public career had intervened. I went away from that place feeling that I had seen a good man and a good woman and the heads of a happy household.

Almost the last time that he spoke to me, in this House, was when we were discussing something of a public nature that had occurred, where the service of the Episcopal Church had been recited in part, and he said to me—and afterwards it seemed like a prophecy; we do not know why these things come into the minds of men—he said to me: "I have for twenty years omitted from my prayers that part which says, 'Deliver us from sudden death.' When my Master wants me I hope he will take me quickly." I had a little talk with him as to why. He told me he thought that it was well, when a man's work was done, that he should be called without the intervening troubles that hang about the sick bed. And yet the incident had almost passed from my mind, until we received the sudden and shocking intelligence of the fact that in the presence of the friends of his wife and himself he had instantly fallen to rest.

What he has done, Mr. Speaker, belongs to the world. I have seen a star shoot from the firmament, "pass away to darkle in the trackless void," and yet philosophy teaches, and it is true, that the radiance enkindled by that meteor is added to the stores of beauty and luminousness of the world, and never will pass away. The influence of a life that is spent in the service of the country, in the cause of good politics, or in the practice of true law, can no more die out of existence than the enkindled radiance can pass the confines of the universe.

Some one sent me the other day a little bit of poetry, one of those gems called "Pearls of the Faith," which Edwin Arnold, in studying the literature of the Oriental nations, has written into the enduring form of our poetry and given to the world. It has the formulation of some of the best thoughts of that great and dusky race whose myriad millions pass as grains of sands with scarce a permanent figure in all the years, and yet which grains of sand are making up the continents of humanity upon which beat the long, rolling, ceaseless waves of time; and it seems to me in the study of the quiet, loving life of George W. Houk, and in his quick departure to other spheres, you find this consolation, the consolation of the far-away seer, and of all the loving and hoping world:

One morning in Medinah walked our Lord
Among the tombs: glad was the dawn, and broad
On headstones and on footstones sunshine lay;
Earth seemed so fair 'twas hard to be away.
"O people of the grave!" Mohammed said,
"Peace be with you!" Your caravan of dead
Hath passed the defile, and we living ones
Forget what man ye were, of whom the sons,
And what your merchandise and where ye went;
But Allah knows these things! Be ye content
Since Allah is "aware." Ah! God forgive
Those that are dead and us who briefly live.

Mr. BRYAN. Mr. Speaker, George W. Houk was my friend, and while no words of mine can add peace to his ashes or sweetness to his sleep, I beg to place on record my tribute of affection and esteem. He was one of the first members of the Fifty-second Congress whom I met after my own election, and the acquaintance which we formed while crossing Lake Superior together in the summer of 1891 ripened into an attachment which I enjoyed during his life, and which I cherish in memory now.

He was a well-rounded man—one of the most complete men I ever knew. Some are specialists and excel in a particular line of work, or become famous because of some faculty abnormally developed. Not so with Mr. Houk. He was not a one-sided man, nor a man with but one idea or one virtue. He so blended graces and good qualities, so combined the traits and characteristics which distinguish men as to be worthy of Antony's compliment to Brutus:

His life was gentle, and the elements
So mixed in him, that Nature might stand up
And say to all the world, "This was a man!"

He found his inspiration at his fireside, and approached the ideal in his domestic life. He and his faithful wife, who was both his helpmeet and companion, inhabited as tenants in common that sacred spot called home, and needed no court to define their relative rights and duties. The invisible walls which shut in that home and shut out all else had their foundations upon the earth and their battlements in the skies. No force could break them down, no poisoned arrows could cross their top, and at the gates thereof love and confidence stood ever upon guard.

In such a home the devoted parents reared a loving and dutiful family, and lived to see each son and daughter settled in life. And fortune had so smiled upon the children that the father was as far removed from anxious care concerning them as his beautiful estate, Runnymede, overlooking the Miami Valley, was removed from the noise and turmoil of the busy city with whose history his achievements were entwined. He did not leave to his children that doubtful blessing, a large fortune, but he left that priceless heritage which money can not buy—a name without a stain, a reputation without a blemish.

He was a man of surpassing geniality, and his cheerful face shed its radiance on all around him. It was my good fortune to sit by him during both terms of Congress, and I learned to look for the friendly salutation with which he greeted me every morning. He was a boon companion, and allowed no humor to escape him. He abounded in wise proverbs, in stories and in fables, and in all the affairs of life mingled with an artist's skill the lively colors with the grave.

He was, perhaps, not a great lawyer, in the sense of winning national reputation at the bar, and yet he had a legal mind and the habits of a practitioner. He clearly comprehended the principles involved in a case, weighed evidence, and balanced with more than ordinary skill the arguments on either side. He knew not only the law but the reason thereof, and if he did not outstrip his competitors in forensic contests he possessed the sturdy virtues which won and retained the confidence of the community and a prominent place at the bar.

He was a scholar, and a writer of rare ability; in fact many, charmed with his graceful sentences and ornate style, have believed that this was his special gift. He was an omnivorous reader, and possessed the bee's instinct of finding the honey in the flower. One is amazed at the amount of writing and public speaking which he did, and at the facility with which he grasped every subject and analyzed every question. His mind, like the refiner's fire, separated the pure metal from the dross. It is not strange that such a man should be in frequent demand, for his active interest in all public questions, the high esteem in which he was held, his methods of thought and felicity of expression, all combined to fit him for a prominent place in his community.

With him citizenship was a sacred trust as well as a privilege, and in the discharge of its responsibilities he exercised the most conscientious care. He was a politician in the sense that he was a student of the science of government, and a successful legislator in that he wrought into effective law the principles in which he believed. He possessed all the characteristics of the statesman. He reasoned out each proposition that came before him with a singleness of purpose and a desire to know the right.

He was industrious. Not only did he study all public questions, but he responded to every call made by individual constituents, and did it gladly, for he was himself one of the common people, and his sympathy went out to all who were in need. Ever in his place, ever ready for work, he gave to the public service the full measure of his devotion.

He was honest, both with himself and with others. Not only

was he incorruptible so far as pecuniary influences go, but he was true to his own convictions. His fidelity to others was insured by strict adherence to the injunction—

> To thine ownself be true;
> And it must follow, as the night the day,
> Thou canst not then be false to any man.

He was a brave man, and dared to follow his own judgment, even when it led him into disagreement with his party associates. His moral courage was developed to a high degree, and he was willing to assume responsibility for his every act, conscious of the rectitude of his purpose. His ability was recognized by his associates in Congress, and his opinions, based upon extensive research and wide experience, illuminated and ornamented by quotations from history, fiction, and poetry, were sought after more and more as men knew him better.

His life was one long journey upward, without a halt or backward step. His success was not meteoric; he won his way step by step, and pitched his tent on higher ground at the end of each day's travel. For more than sixty-five years his home was at Dayton, Ohio. There he attended school, taught school, read law, and practiced at the bar. There he spent the days of his boyhood and manhood, and there, after he had almost completed his three-score years and ten, he rests from his labors. The sorrowing multitudes who attended his funeral testified, as no language can, to the character of the man. Their expressions of tenderness and affection, and their gentle ministrations fitly crowned the career which they had watched with pride and love. Truly, "The path of the just is as the shining light, that shineth more and more unto the perfect day."

I shall not believe that even now his light is extinguished. If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn, and make it to burst forth from its prison walls, will He leave neglected in the earth the soul of man, who was made in the image of his Creator? If He stoops to give to the rosebush, whose withered blossoms float upon the breeze, the sweet assurance of another springtime, will He withhold the words of hope from the sons of men when the frosts of winter come? If Matter, mute and inanimate, though changed by the forces of Nature into a multitude of forms, can never die, will the imperial spirit of man suffer annihilation after it has paid a brief visit, like a royal guest, to this tenement of clay?

Rather let us believe that He who, in His apparent prodigality, wastes not the raindrop, the blade of grass, or the evening's sighing zephyr, but makes them all to carry out His eternal plans, has given immortality to the mortal, and gathered to Himself the generous spirit of our friend.

Instead of mourning, let us look up and address him in the words of the poet:

> Thy day has come, not gone;
> Thy sun has risen, not set;
> Thy life is now beyond
> The reach of death or change,
> Not ended—but begun.
> O, noble soul! O, gentle heart! Hail, and farewell.

Mr. STORER. Mr. Speaker, in the death of Mr. Houk the State that you and I so much honor and so much love has lost as its representative here one of those men in whose hands its prosperity was sure and its reputation always safe. It has lost a good lawyer, a man who had a reputation equal to that of the ablest on the bench; it has lost a wise, conservative, and courageous representative; and it has lost an honest, Christian gentleman as its citizen. Judge Houk was one of the few of my colleagues, when I came here in the Fifty-second Congress, that I had known before.

When I was but a boy at the bar in Hamilton County, he and his firm were towers of strength at the bar of that part of the State, which, without conceit, we consider to be the garden spot both for soil and in intellect and jurisprudence in the State of Ohio. The firm of Houk & McMahon, twice honored by seats in this House of Representatives, was the leading practicing firm in the whole Miami Valley. It was confined in its practice not to one county or to one Congressional district. I have seen them both, even looked at them with wonder and delight, practicing before my own home courts; and it was with the feeling that I was at home in Congress and in the committee where I was assigned when I found Judge Houk was there too.

I sat with him in committee, knowing him as fellow committeemen in Congress do know their associates; and I say, in my judgment he was as wise, as judicious, as conservative, as courteous, and as courageous a man as ever sat in that committee, whose history is second to none in this House. The estimation in which he was held in that committee I think everyone I see will unite in. I trust I remember aright, in saying that he and I never differed on any question of any moment that ever came up there, and many times have we conferred, being two men from the same State, on matters outside of the committee room. The estimation in which he is held by his comrades on that committee may best be shown, Mr. Chairman, by the resolutions which were unanimously adopted by that committee, copied upon its minutes, and which I am requested to offer to this House to have read at the desk, so that they may be made a part of my remarks and become a part of the permanent record of this day's proceedings.

The Clerk read as follows:

Your committee appointed to prepare a suitable memorial in honor of the memory of the late George W. Houk, of Ohio, late a member of the Committee on Interstate and Foreign Commerce, respectfully report the following:

We, the Committee on Interstate and Foreign Commerce of the House of Representatives of the Fifty-third Congress, have heard with deep regret the announcement of the death of our associate, Hon. George W. Houk of Ohio.

Pursuant to action of this committee heretofore taken, it is hereby

Resolved, That this memorial be entered on the minutes as a mark of enduring respect to the memory of a courteous associate, whose character, abilities, and devotion to his duties on the committee have earned for him the respect of his associates, while his kindness of manner and of heart have inspired them with personal regard and affection, and as a tribute to a distinguished and laborious Representative, an upright and God-fearing gentleman whose death has been a lasting loss to his fellow-members in this committee and the House, to his constituents whom he served justly and faithfully, and to his country.

And further resolved, That this memorial and resolutions be reported from this committee by its chairman, to the House on the day set apart by special order for eulogies on Hon. George W. Houk, in order that they may form a part of the permanent record o fthe proceedings on that occasion.

Mr. STORER. Mr. Speaker, the career of Judge Houk is not one that has struck this House with its wonderful eloquence and its control of the floor and with its command in the business of the House. But none of us who remember the few occasions upon which he addressed this House or the Committee of the Whole, I hope none of us at least but remember the dignity of his thought, the precision and elegance of his language, and the courage of his opinions. We all know at times he differed from the majority of his own party. I also know that no man believed more thoroughly in the principles of his party or was more convinced they were the ones that should control this Government than he.

Though I have felt that I could not agree with him, feeling that the principles of the party to which I belong are those which should fitly govern this country, nevertheless I can not let this occasion pass without bearing my testimony to the honesty and courage with which he always supported the convictions of his heart, the principles of his party, and the course of that party whenever he thought it coincident with those principles.

His district lay close to mine. We were neighbors in the real sense of the term. That district, sir, as you know as well as I, is one that has marked characteristics. It is one of the individual districts of our State. It has been represented here with almost unequaled strength during the last twenty-five or thirty years. It has had as its representative Gen. Schenck; it has had Judge Houk's own law partner, the peer of any man at the Ohio bar, John McMahon; it has had James E. Campbell; and it has had Judge Houk. And I say that in conservative thought, in integrity of purpose, in solidity of character, in fidelity to convictions of truth, that district has never been better or more strongly represented on this floor than it was in the person of him whose death we are now deploring.

Mr. McKAIG. Mr. Speaker, to the members of the House the intelligence of the death of the late distinguished gentleman from Ohio came like a flash of lightning out of a clear sky, as it occurred but a few hours after he left his seat apparently in good health and spirits. I met him at the east door as he was leaving the House, and received a kindly nod and a pleasant smile in response to my salutation, and in a very brief period of time the news of his sudden demise came as a striking commentary upon the unstableness of human life.

An eloquent Senator, who died with equal suddenness, in a memorial address upon a deceased colleague, said:

When those of us who have been here for a series of years bring to our minds the many occasions when we have been called upon to pay the last tribute of esteem and affection to brethren who have fallen by the wayside, we may well pause and consider whether the ends which we pursue here or in other fields of activity are worth the toil, energy, and anxiety which we contribute to them, especially when even the largest successes bring transient satisfaction, and the joy of triumph and eagerness of struggling controversy are alike ended with sudden extinguishment.

Although I feel that I can not add to the wealth of eulogy paid to our deceased associate, yet my long acquaintance with and warm friendship for him urges me to pay a brief tribute to his memory.

I first met him during the winter of 1865, when visiting my relations in Dayton, Ohio, where he was a member of the law firm of Houk & McMahon, and even then a prominent figure in the legal and political circles of the county and State. My as-

sociation with him at that time enabled me to discern and appreciate not only his genial social qualities and generous, affectionate nature, but also the strong mental powers that enabled him to occupy a commanding position in his Congressional district, which could boast of such men as Vallandigham, Gunckle, Schenck, McMahon, and Campbell.

The salient features of his personality were his clear sense of right, his hatred of all shams, his simplicity and candor, fidelity to every obligation, and his strong common sense. A marked characteristic was his kind thoughtfulness to the younger men of the legal profession and a ready appreciation of the many difficulties they had to overcome in struggling up the ladder of life, and they could always rely upon his ready and efficient aid when difficulty overtook them.

Combined with marked legal ability were scholarly interests and attainments that led him to indulge as a pastime in the broad fields of literature and journalism.

Mr. Houk was born in Cumberland County, Pa., September 25, 1825, but his father moved to Dayton, Ohio, in 1827, so his life from early youth was closely identified with the social, commercial, and political interests of his adopted city and State. From the time he taught school, studied law, and formed a partnership with his preceptor, Hon. Peter P. Lowe, in 1846, until he entered the Fifty-second Congress, his life was full of activity. In 1852-'53 he was elected to the State Legislature from Montgomery County, and as a testimonial to his legal ability he was selected as chairman of the judiciary committee, although a young member serving his first term.

His party, in recognition of his unswerving Democracy, sent him as a delegate to the celebrated Charleston-Baltimore Democratic national convention, where he was an ardent supporter of Mr. Douglas for the Presidency. He was unanimously nominated for the circuit judgeship for the second district, but was defeated. His love for the beautiful city in which he spent his life and won legal and political honors was strong and abiding, and he always had its welfare at heart. Prominent in the councils of his party, he never neglected an opportunity to advance the material interests of his State and county through legislative avenues, and was never such a partisan that he was willing to aid or abet political action that might result in party advantage and yet work a detriment to the State.

Mr. Chairman, I feel that I could not better discharge my duty to our dead colleague in this behalf than to incorporate in my remarks the eloquent and beautiful memorial address of the members of the bar of Montgomery County, of which he was an honored member:

IN MEMORIAM.

The members of the bar of Montgomery County, assembled to do honor to the memory of their deceased brother, Hon. Geo. W. Houk, with melancholy pleasure place upon record this brief summary of his life with their sincere testimony to his talents as a lawyer, his integrity in public life, his exalted character as a citizen, and his genial qualities as a man and companion.

It is unfortunate that on this occasion we shall sadly miss the ready and glowing pen that has recorded, on so many similar occasions for so many others, the story of their lives and the sympathy of their fellow-members of the bar. But our accomplished friend is dead, and to inferior hands the sad but pleasing task must be committed.

It is pleasant to be able to say with truth that from his early youth to his latest manhood Mr. Houk was in every way a model for young men. He was always moral, upright, temperate, and honorable in his conduct, so much so that in a long and active life slander never temporarily perched upon his name, nor did partisan rancor ever breathe a suspicion upon his honesty or his motives, or the purity of his life.

Blessed by nature with a commanding form and a most striking presence, he looked, as he was in fact, one of nature's noblemen. In this outward garb of manly beauty there was inclosed a strong intellect, a genial heart, and an unbounded love of beauty, culture, and knowledge that would have made him one of the foremost men of our country had his ambition been as restless and as eager as his capacity was great. But ambition seemed to have few charms. He loved above all other things his lovely and hospitable home upon the hilltop, and the wife and children and grandchildren by whom he was there surrounded, and to whom he was a most devoted, indulgent, and affectionate husband and father, and the numerous friends in whose society he always delighted; and his rugged physical and intellectual vigor never sought that field for display in his earlier days that would have given him his proper stand among his fellow-men.

No doubt his life was happier. But much may have been lost to his country. There were few men better read in the history of the world, better versed in the Constitution of our nation, or fuller of the knowledge of its political events, or more studious of their philosophical bearing. And still fewer men possessed the rare gift of expression upon paper that would have advanced him at once to the front rank of literary eminence had he chosen that field. He did not love his profession as some men do, although for many years he was a steady worker in it, and he had a wide, varied, successful, and honorable practice. He was not fond of the narrow rules and apparent technicalities of a jurisprudence largely built upon established and sometimes contradictory precedents and sometimes at variance with our instincts of natural justice. He often felt fettered in his search for what was right and just by the arbitrary decision of a system instead of the resolution of what was just in the case before him. And the most loyal among us can not but admit that we sometimes share in his feeling.

The law was only a secondary mistress with our friend. It is true she kept his house. But literature adorned, embellished, and inhabited it as his prime favorite. He loved philosophy, history, literature, and poetry with a fervent love, as his well-selected and well-thumbed library plainly shows, and his wonderful talent and passion for developing his own ideas with a pen that was remarkable for its attractive and gorgeous style found but little vent in the preparation of petitions, answers, or stately and formal briefs. Yet he possessed the qualities that would have made him a great lawyer, if that had been the inclination of his mind. He was logical, he was just, and he was of even temperament and possessed of a well-balanced mind. His judgment was always good. He knew by intuition what was right. But with all these qualifications, we all know that if the pursuit of the law is only a duty and not a pleasure, the brightest intellect will fail to reach the highest culture.

Mr. Houk's great delight was in his home. Few men in active life have spent so many years in the bosom of their family. He loved to spend his hours in his library, surrounded by his loving and gifted wife and children, and in the midst of those dumb yet speaking companions of all ages and nations who rested upon the shelves of his bookcase, inviting him to constant communion with their lofty souls, and never tiring of his congenial society, he would look down upon our smoky and restless city, and its tireless schemes of vanity and ambition, with the dignity and almost the contempt of a philosopher.

Such a life, with such surroundings, could not but leave a stamp upon his character. It emphasized the qualities that he already possessed. It made him contemplative and strengthened the balance of his mind. It gave him time for self-inspection and room for thought before action. In his partial retirement he cultivated all the good qualities with which he entered upon life. He was incapable of a mean, dishonest, or doubtful action, and he especially despised such conduct in all others. He became independent in thought and action—so much so as to dissent, in a marked manner, upon several notable occasions from the majority of his political friends. He was always outspoken, and when meanness or trickery or dishonesty crossed his path, whether at the bar, or in politics, or in private life, his tongue was ready to expose or denounce it.

But it is as a brother at the bar and a daily companion and friend that we who knew him the best love most to remember him. He did not seek popularity with the methods of the handshaker, or "mixer," as he is styled by his admirers, and to those who think this insincere outgrowth of modern politics the ideal of a warm-hearted man he might seem cold or haughty. But with those who were congenial, or with whom he was thrown by business or pleasure, he was a most genial and entertaining companion. His fund of anecdote, whether of the higher character of biography or the ordinary, now so popular, was unlimited and ever ready, and he was scarcely equaled in the narration of what was witty and humorous. His own pleasure was as great as that of the listener; and while many of us may best recall him in the different scenes of life, all of us can see him now with his hale, hearty manner, and his joyous life, full of life and life's enjoyment, as if care had never laid her heavy hand upon his head, and existence was in itself the sum of happiness.

When the time and opportunity came for him to be promoted to the halls of the National Council—too tardily, it is true—it is no wonder that his friends, without regard to politics, rejoiced that in his declining years he should be honored in a manner so pleasing to himself and so satisfactory to his friends and constituents. He appreciated and enjoyed the honor most heartily.

The most striking feature in his service in Washington was his devotion to the interests of the pensioners at the Home at a time when his care for them could not but be disinterested. There grew up among the inmates of that institution an affection for him that was touching, and it is a lasting monument to perpetuate, as an element of his character, that his sympathy was with the poor and the needy, or the unfortunate, and that his regard for the brave defenders of the nation was not actuated by interest, but by the goodness of his heart.

Mr. Speaker, the leisure hours of his life being devoted to general study, his mind necessarily became broadened and in touch with the great world that lies outside of the limits of a professional life. This, together with travel, fostered the social side of his nature.

He built a commodious residence on a splendid elevation overlooking the beautiful city of Dayton and commanding a striking view of a part of the rich and famous Miami Valley, where, surrounded by his children and grandchildren, he could cultivate his domestic and social tastes. Here he delighted to retire and indulge in his favorite occupation—writing and studying; however, never unmindful of his hosts of friends who always found the latchstring of his door ready for their touch and to whom he ever gave a warm and appreciative welcome.

Although beyond the prime of life when he entered the Fifty-second Congress, in December, 1891, he took up the duties belonging to the high position and discharged them with fidelity and efficiency. He was constant in his attendance upon the sessions of the House, and was uniformly present at committee meetings, and never in any way permitted personal action to delay the public business. He took an active part in the debates upon the leading questions before the House, and at all times seemed to feel a strong interest in the routine business of the session when the pending work frequently failed through lack of a quorum.

A grateful constituency, in full appreciation of his diligent, painstaking, and efficient work in the Fifty-second Congress, gave substantial recognition of the same by reflecting him to the Fifty-third Congress by a largely increased majority.

Stricken at his post of duty by an enemy which never yet was conquered, our late associate surrendered in obedience to the dictates of an inscrutable Providence, and his spirit passed across the silent river.

Mr. Speaker, when his mortal remains were conveyed to his native city for interment, a great concourse of citizens met the train at the station and escorted the remains to the church, which was beautifully draped in mourning, and where the solemn services were witnessed by hundreds of mourners. Great crowds of people thronged the streets as the funeral cortege moved from the church to the cemetery, striving in every way to show the high esteem in which they held their late honored Representative. He was buried at a point in the cemetery not far distant from his beloved home and overlooking the city he

loved so much, and the last solemn burial rites were performed 'mid thousands of sorrowing friends.

As an eminent Senator said of a deceased associate:

He has departed. His term has not expired, but his name has been stricken from the rolls of the House; his credentials remain in its archives, but an honored successor sits unchallenged in his place. He has no vote nor voice, but the consideration of great measures affecting the interest of every citizen of the Republic is interrupted with the concurrence and approval of all, that the representatives of forty-four Commonwealths may rehearse the virtues and commemorate the career of an associate who is beyond the reach of praise or censure—in the kingdom of the dead.

Can we not rest in the belief that after a life well spent, with its duties faithfully performed, the soul of our deceased associate has at last found eternal rest, amid the scenes of its creation, in the presence of its God, for hath He not said, "He that believeth in Me, though he were dead, yet shall he live, and whosoever liveth and believeth in Me shall never die."

Mr. LAYTON. Mr. Speaker, "In the midst of life we are in death." Never was the truth of these solemn and oft-repeated words more sadly exemplified and impressed upon my mind than when on the morning of February 9 last the startling information was communicated to me that my beloved colleague and old friend, the Hon. George W. Houk, late a member of this House from the Third Ohio Congressional district, had been suddenly stricken down by that grim destroyer death, from whose embrace there is no escape. For it was but about three hours, something less perhaps, before this most sudden and unexpected blow that took him from among us forever that I saw him pass out of this Hall smiling and nodding pleasantly to me as he passed by as was his wont whenever and wherever he chanced to meet me. He appeared to be in his usual good health and spirits, and hence little did I dream that in less than three short hours this world should know him no more forever.

I had the pleasure of knowing Mr. Houk, not intimately but fairly well, for several years. He was indeed a man among men. Always dignified, yet always affable and pleasant. He was a true and sincere Democrat in politics from principle.

But it was not so much my purpose to-day, Mr. Speaker, to occupy the time of the House in endeavoring to pay a feeble personal tribute to the memory of our departed friend as it was to place upon record and call your attention to just how he was regarded at home by those who had known him long and well during his whole life, as neighbor, lawyer, and statesman, knowing full well that their opinions, spontaneously expressed, will much more fully impress your minds than anything I could or might say.

And to this end I will first call your attention to an article published in one of the leading newspapers (of opposite politics) of his beloved city of Dayton, under date of February 10, last, being the next morning after the news of his untimely death had reached the city:

THE STARTLING NEWS.

Last evening the citizens were startled and shocked at the report that the Hon. George W. Houk, representing the Third district in Congress, had died suddenly in Washington while on his way from the Capitol to his home on Connecticut avenue. At first the news was received with doubt, but about half-past 7 the Journal confirmed the news by communicating with Washington. The rumor, which sadly turned out to be too true, had spread through the city, and a number of the deceased's friends congregated at the Journal office to have the report confirmed and to learn the details of the sad death.

In the hotels and at the Dayton Club groups of gentlemen stood about discussing the news and recalling the splendid qualities of the deceased Congressman.

The large family connection were informed later in the evening directly, the wife telegraphing the sad news of her sudden bereavement. His loss will cast a gloom over these that will not easily be expelled.

The portly, erect figure, genial face, and graceful, gallant manner of Mr. Houk were familiar to every Daytonian, and there were none but who enjoyed his presence and associations. At the time of his decease he was serving his second term in Congress, sent from the Third district. He has lived in this city, or just without its limits, since 1827.

His delightful home, Runnymede, has long been the synonym for hospitality, and for all that is beautiful and delightful.

Here he used to hasten as soon as he could close his law office on Third street, where he found the secluded, restful place where he spent the happiest hours of his life, retrospecting, reading, and digesting the various thoughts that occupied his mind continually.

His home commanded the most superb view of the city, and on an immense veranda he was accustomed to sit or lie in his hammock watching the sun sink down into the Miami in the western distance, the smoke of the busy furnaces partially clouding the city give way to the gloaming. The lights begin to sparkle and the stars to shine—a restful, happy period in which any troubles of the day which had annoyed him gave way to his innate love for mankind. In those hours his natural nature carefully weighed both sides of all questions, and the next day he could return to the busy scenes of city life with that genial urbanity and universal courtesy which were so characteristic of him.

He loved to read, to study history, and follow pastoral pursuits. Nothing delighted him so much as a tramp over the farm, watching the development of his crops and the increasing of his herds. Amid such pleasant home scenes as these he reared the splendid family which he now leaves to sorrow.

In politics the deceased was allied heart and soul with the principles of the Democratic party, though he put aside his love of party if he saw his duty clear to oppose its movements. This he demonstrated in a signal manner when he repudiated the late Hon. Samuel J. Tilden.

The Hon. George W. Houk was born in 1826, in Cumberland County, Pa., of which his father, Adam Houk was a native, and his grandfather, Adam Houk, sr., became a resident about the middle of the last century.

In 1827 Mr. Adam Houk moved to Dayton with his family and George was educated in the schools here, finishing his school education at the Dayton Academy under the instruction of the late E. E. Barney. He selected the profession of law, of which he became such a distinguished member.

He studied in the office of Peter P. Lowe, esq., and when admitted to the bar in 1847 went into partnership with his instructor. A year or so after he dissolved this partnership he entered into partnership with the Hon. George B. Holt. Later, in 1860, he formed a partnership with the Hon. John A. McMahon, which lasted twenty years, ceasing in 1880, since which time he has conducted his practice by himself.

In 1852 Mr. Houk was sent to the Legislature, though only 27 years old. He was distinguished by being made chairman of the judiciary committee, through which passed all the important legislation necessary to confirm the laws of the State in the new constitution.

He was sent in 1860 to the Democratic convention, which was held at Charleston, at which Stephen A. Douglas was nominated. In 1876 he was sent to the St. Louis convention, at which Samuel J. Tilden was nominated, and whose nomination he could not sustain.

On December 25, 1856, Mr. Houk married Eliza P. Thurston, the daughter of Robert A. Thurston, and granddaughter of Horatio G. Phillips. She is also the sister of Gen. Gates P. Thurston, of Nashville, Tenn. The lives of these two people have been particularly beautiful, and the deep sympathy of every one goes out spontaneously to the stricken wife from whom he has so suddenly been called.

He leaves three children—Mrs. Harry E. Mead, Mrs. Harry Talbot, and Mr. Thurston Houk—and nine grandchildren. Mr. David Houk, of South Ludlow street, is his brother. Mrs. Mary Ramsey was his sister. Mrs. John G. Lowe, of South Maine street, the widow of the late John G. Lowe, is the mother of his wife.

LITERARY PURSUITS.

In literary attainments the deceased was a writer of fine, forcible, elegant English, and in this had few superiors. Through much and careful reading he had stored in his mind a fund of information upon which he could call at all times to the benefit of his hearers and readers. He contributed much to the press, and his articles were read with more than general interest. He was for a time the editor of the Morning Times of this city, but his genial nature rather rebelled against the rough contact that this duty often compelled to come with the world. The hours, also, which the editor of a morning newspaper must spend at his office were those which Mr. Houk most loved at his Runnymede; so he gave up this pursuit. However, since his busy life in politics, he has often contributed articles on the questions of the day that clearly expressed his convictions and those of his party. He contributed to the magazines occasionally, and wrote the history of the Dayton bar.

He was a forcible speaker and eloquent. He preferred at all times to talk on topics of vital interest to his hearers, and avoided speechmaking for the sake of making a speech.

At all times he was a graceful, agreeable gentleman, genial and gallant. In the history of the city of Dayton the following paragraph says:

"The Hon. George W. Houk has attained distinction through his literary labors and acquirements as well as in his profession of the law. His literary labors, however, have been performed mainly for the sake of diversion and of pleasure derived therefrom rather than for the sake of gain or fame, and what he has achieved in this kind of labor has not been done at the expense of the legal profession."

POLITICAL HONORS.

Within the last few years Mr. Houk conceived the ambition for political honors, and expressed the desire to be sent to Congress from this district. The first nomination resulted in defeat, Mr. E. L. Morey, of Hamilton, being sent in his stead by the Republican party.

Two years later at Franklin Mr. Houk was renominated in a most enthusiastic manner, a great many of his personal friends who had never taken any interest in politics going in a body to that convention to give personal testimony to their confidence in and respect for the candidate. It was a spirited convention, but Mr. Houk was handsomely nominated, and at the election which followed received a big majority. Two years subsequent Mr. Houk was again a candidate and was nominated without opposition, the Hon. John A. McMahon presenting his name in the strongest terms at Hamilton.

At the election in the fall of 1892 he went through with a sweeping majority, and was one of the members of Congress whose complexion is so overwhelmingly in accord with his own convictions.

The many questions of so great interest to the country, which have come up during his connection with Congress, were all carefully investigated by him, and he was thoroughly informed on every side of each.

Those opposed to him politically may have objected strongly to his vote on different questions, but none have ever thought that he ever voted for any but at the dictate of his conscience and the absolute belief that his convictions were based on that which was right and proper.

And of a more impressive character still I will next invite your attention to an eloquent and just tribute to his worth and character, written and published on the same day in the same journal by his old friend and neighbor, Maj. W. D. Bickham, who, by the way, was himself suddenly stricken down by the cold hand of death within a few days thereafter, much in the same manner as his friend, Mr. Houk, prefacing it by stating, as indicated in the article, that Mr. Bickham was of opposite politics.

DEATH OF HON. GEORGE W. HOUK.

The startling intelligence came to this office yesterday afternoon of the sudden death at Washington of Hon. George W. Houk, Representative in Congress from this Congressional district.

It is needless to say that the woeful news caused widespread and sincere sorrow among all the acquaintances of Mr. Houk, of whatever age, sect, or political party they might be.

Mr. Houk was a man among men, a gentleman of the old school, of splendid character, fine personal presence, dignified bearing, noble sentiments, and warm affections. He was the very soul of honor; and during his long professional and political life in this city and vicinity, and as our Representative in the Legislature and in Congress he was never charged with or even suspected of any unmanly or dishonorable conduct. He thoroughly hated and despised falsehood and pretense, and regardless of political or personal consequences never hesitated to so declare himself upon all occasions that seemed to demand it.

This paper has had occasion many times to criticise Mr. Houk's political expressions and votes, but never his personal conduct. Indeed, during all the years of our political differences, which sometimes were very warmly discussed in public, Mr. Houk and the editor of the Journal have been upon the best personal relations.

He was a man to tie to under all circumstances; solicitous of the public welfare as he understood its needs, ready with his pen and voice, both of

which were able and far above the average, for every good word and work a public-spirited citizen in the fullest and best sense of that term.

His mind, like his face and forehead, was broad and high, rather than sharp and cunning.

Though an able lawyer and a pleasing and eloquent public speaker, his forte was probably with his pen. He wrote with great readiness and ease and had a natural instinct for euphony and harmony in his use of words.

There was always a lofty character about his language that commanded attention and admiration, and he had a way of rounding out his sentences with a majestic sweep, like the essays of Macaulay.

If he had devoted his life to literature instead of the law, Mr. Houk would have undoubtedly been upon the lists of prominent American writers.

No man in Dayton was more versatile and adaptable. He could make a speech, try a case, write an essay, relate an anecdote, or enter into the lighter pleasures of a social circle with zeal and success.

By the bar he was universally respected. On all memorial occasions he was an active and sincere participant, and by common consent was selected as the proper person to draft resolutions and make an address. In such duties he seemed to take a melancholy pleasure, and his zeal and interest were not measured by the social or professional prominence of the subject of his pen.

In fact his legal brethren declare that the most carefully prepared and beautiful tribute that he ever wrote was upon the occasion of the death of one of the humblest members of the bar; a man of indifferent success in life, so far as the world views success, but greatly beloved among his fellows for his modesty and sincerity of life.

To some Mr. Houk appeared haughty and unapproachable. But no man was more affable or genuinely democratic in his feelings.

He was always ready to listen to the story of a pensioner, or to lend a helping hand to any worthy man of his acquaintance. He was a man of large heart, cultivated mind, generous spirit, and noble impulses, and he will long be missed and sincerely mourned in this community.

Mr. Speaker, from the time Mr. Houk arrived at years of manhood until he entered Congress he was an able, active, honorable lawyer, enjoying a large and lucrative practice, and held the respect and confidence of all the members of the bar with whom he was thrown in contact. But let them speak for themselves. I now read to you the proceedings of the Montgomery County Bar Association, of which he was an old and honored member, at a meeting held on the morning of February 17 last:

RESOLUTIONS ADOPTED BY THE MONTGOMERY COUNTY BAR ASSOCIATION IN RESPECT TO THE MEMORY OF HON. GEORGE W. HOUK.

A largely attended meeting of the Montgomery County Bar Association was held in Judge Elliot's room yesterday morning, at which final action was taken relative to the death of Hon. George W. Houk. Judge Elliott presided and Charles W. Dustin, esq., acted as secretary.

The committee appointed to draft memorial resolutions submitted its report, pending adoption of which touching and eloquent remarks eulogistic of the life and character of the deceased were made by a number of the members. These were Hon. L. B. Gunckel, Cyrus H. Baldwin, Elihu Thompson, O. M. Gottschall, John M. Sprigg, Hon. Wickliffe Belville, George R. Young, E. P. Matthews, Hon. John A. McMahon, Judge Dennis Dwyer, and Henderson Elliott. Following is the memorial:

The members of the bar of Montgomery County, assembled to do honor to the memory of their deceased brother, Hon. George W. Houk, with melancholy pleasure place upon record this brief summary of his life, with their sincere testimony to his talents as a lawyer, his integrity in public life, his exalted character as a citizen, and his genial qualities as a man and companion.

It is unfortunate that on this occasion we shall sadly miss the ready and glowing pen that has recorded on so many similar occasions for so many others the story of their lives and the sympathy of their fellow-members of the bar. But our accomplished friend is dead, and to inferior hands the sad but pleasing task must be committed.

Mr. Houk was born in Cumberland County, Pa., on the 25th of September, 1835. His family removed to Dayton in 1827, where his home has always been. He was educated at the academy at Dayton, taught school, studied law, and was admitted to the bar of this county when he was but 21 years of age. He then entered into partnership with Hon. Peter P. Lowe in the practice of law. After a few years of successful practice he was elected to the Legislature in 1851, and though a very young man, was made chairman of the judiciary committee of the house. In 1860 he was a delegate to the Charleston-Baltimore convention, adhering most loyally to the cause of Hon. Stephen A. Douglas, and in 1876 he was a delegate to the national Democratic convention held in St. Louis. In 1884 he was chosen district elector, and in 1890 he was elected to Congress, and reëlected in 1892.

He was a candidate upon many other occasions for high honors, when he failed of success only because his party was in a hopeless minority.

During all the time preceding his election to Congress he was actively engaged in the practice of the profession, and for nineteen years was a member of the firm of Houk & McMahon.

It is pleasant to be able to say with truth that from his early youth to his latest manhood, Mr. Houk was in every way a model for young men. He was always moral, upright, temperate, and honorable in his conduct—so much so that, in a long and active life, slander never temporarily perched upon his name, nor did partisan rancor ever breathe a suspicion upon his honesty or his motives or the purity of his life.

Blessed by nature with a commanding form and a most striking presence, he looked, as he was in fact, one of nature's noblemen. In this outward garb of manly beauty there was inclosed a strong intellect, a genial heart, and an unbounded love of beauty, culture, and knowledge that would have made him one of the foremost men of our country had his ambition been as restless and as eager as his capacity was great. But ambition seemed to have few charms. He loved above all other things his lovely and hospitable home upon the hilltop, and the wife and children and grandchildren, by whom he was there surrounded, and to whom he was a most devoted, indulgent, and affectionate husband and father, and the numerous friends in whose society he always delighted; and his rugged physical and intellectual vigor never sought that field for display in his earlier days that would have given him his proper stand among his fellow-men. No doubt his life was happier. But much may have been lost to his country.

There were few men better read in the history of the world, better versed in the Constitution of our nation, or fuller of the knowledge of its political events, or more studious of their philosophical bearing. And still fewer men possessed the rare gift of expression upon paper that would have advanced him at once to the front rank of literary eminence had he chosen that field. He did not love his profession as some men do, although for many years he was a steady worker in it, and had a wide, varied, successful, and honorable practice. He was not fond of the narrow rules and apparent technicalities of a jurisprudence largely built upon established and sometimes contradictory precedents, and sometimes at variance with our instincts of natural justice.

He often felt fettered in his search for what was right and just, by the arbitrary decision of a system, instead of the resolution of what was just in the case before him. And the most loyal among us can not but admit that we sometimes share in his feeling. The law was only a secondary mistress with our friend. It is true she kept his house. But literature adorned, embellished, and inhabited it as his prime favorite. He loved philosophy, history, literature, and poetry with fervent love, as his well-selected and well-thumbed library plainly shows, and his wonderful talent and passion for developing his own ideas with a pen that was remarkable for its attractive and gorgeous style, found but little vent in the preparation of petitions, answers, or stately and formal briefs. Yet he possessed the qualities that would have made him a great lawyer, if that had been the inclination of his mind.

He was logical, he was just, and he was of even temperament and possessed of a well-balanced mind.

His judgment was always good. He knew by intuition what was right. But with all these qualifications, we all know that if the pursuit of the law is only a duty and not a pleasure, the brightest intellect will fail to reach the highest culture.

Mr. Houk's great delight was in his home. Few men in active life have spent so many years in the bosom of their family. He loved to spend his hours in his library, surrounded by his loving and gifted wife and children, and in the midst of those dumb yet speaking companions of all ages and nations who rested upon the shelves of his bookcase, inviting him to constant communion with their lofty souls, and never tiring of his congenial society, he would look down upon our smoky and restless city and its tireless schemes of vanity and ambition with the dignity and almost the contempt of a philosopher.

Such a life, with such surroundings, could not but leave a stamp upon his character. It emphasized the qualities that he already possessed. It made him contemplative and strengthened the balance of his mind. It gave him time for self-inspection and room for thought before action. In his partial retirement he cultivated all the good qualities with which he entered upon life. He was incapable of a mean, dishonest, or doubtful action. And he equally despised such conduct in all others. He became independent in thought and action, so much so as to dissent in a marked manner upon several notable occasions from the majority of his political friends. He was always outspoken, and when meanness or trickery or dishonesty crossed his path, whether at the bar or in politics or in private life, his tongue was ready to expose or denounce it.

But it is as a brother at the bar and a daily companion and friend that we who knew him best love most to remember him. He did not seek popularity with the methods of the handshaker, or "mixer," as he is styled by his admirers; and to those who think this insincere outgrowth of modern politics the ideal of a warm-hearted man he might seem cold or haughty. But with those who were congenial, or with whom he was thrown by business or pleasure, he was a most genial and entertaining companion. His fund of anecdote, whether of the higher character of biography or the ordinary, now so popular, was unlimited and ever ready, and he was scarcely equaled in the narration of what was witty and humorous. His own pleasure was as great as that of the listener, and while many of us may best recall him in the different scenes of life, all of us can see him now with his hale, hearty manner and his joyous laugh, full of life and of his life's enjoyment, as if care had never laid her heavy hand upon his head, and existence was in itself the sum of happiness.

When the time and opportunity came for him to be promoted to the halls of the national councils—too tardily, it is true—it is no wonder that his friends, without regard to politics, rejoiced that in his declining years he should be honored in a manner so pleasing to himself and so satisfactory to his friends and constituents. He appreciated and enjoyed the honor heartily.

The most striking feature in his service in Washington was his devotion to the interest of the pensioners at the home at a time when his care for them could not but be disinterested. There grew up among the inmates of that institution an affection for him that was touching; and it is a lasting monument to perpetuate, as an element of his character, that his sympathy was with the poor and the needy or the unfortunate, and that his regard for the brave defenders of the nation was not actuated by interest, but by the goodness of his heart.

The committee submit the following resolutions:

"*Resolved*, That in the death of Hon. George W. Houk the bar has lost an able, upright, and cultured member; the State a conscientious and faithful legislator; our people an honorable, high-toned, and valuable member of community; his associates a warm-hearted, genial friend, and his family a devoted, indulgent, and affectionate husband and father, to whom we tender our profoundest sympathy.

"*Resolved*, That the judges of the court be requested to place this memorial upon the minutes of the court, and that a copy be transmitted to his family."

Respectfully submitted.

JOHN A. McMAHON,
WARREN MUNGER,
E. THOMPSON,
THOMAS CORWIN,
JAMES H. BAGGOTT,
Committee.

The resolutions were unanimously adopted, when the meeting adjourned.

Mr. Houk was the ever-faithful and devoted friend of the Union soldier, and the news of his death was received at the Soldiers' Home (located near Dayton, in his district) with a genuine and widespread feeling of sorrow and regret. And here I will let the old soldiers speak for themselves also:

William Lowell Putnam Commandery, No. 24, Union Veterans' Union, of the Soldiers' Home, held a meeting in the Grand Army of the Republic Hall, and took action relative to the death of their friend, comrade, and benefactor, the Hon. George W. Houk. The following resolutions were adopted:

"*Resolved*, That William Lowell Putnam Command, Union Veterans' Union, has heard with profound sorrow of the death of their honored comrade, George W. Houk, who was stricken down in the midst of a useful life, and as a mark of respect to his memory.

"*Resolved*, That it extends to his afflicted family its sincere sympathy in their bereavement, and that the adjutant of the command be instructed to transmit to the family of the deceased a certified copy of the foregoing resolution; and be it further

"*Resolved*, That as an additional mark of respect members of the command and all other veterans be requested to pay the last sad tribute to his memory by following the remains to their last earthly resting place.

"*Resolved*, That in the death of the honorable George W. Houk the veterans of the Soldiers' Home have lost their warmest friend, and one who has always advocated their cause wisely and persistently, and with a moderation that always carried with it a conviction of the justness of their claims."

As a further evidence of the high esteem in which he was held

by those who knew him best I may mention the fact that the city council, which was in session at the time the news of his sudden death reached the city, immediately appointed a committee of their number to draft appropriate resolutions of regret, which were unanimously adopted, followed by the adjournment of the council out of respect to his memory.

But what more need be said, Mr. Speaker, in addition to all this of the life and character of our departed colleague? Surely nothing, save perhaps that we, his fellow-members, those of us at least who knew him best, do most sincerely unite with his neighbors and constituents in bearing like testimony to his goodness and worth.

We also bear witness with them to his generous qualities and genial character, which made him popular here as well as at home. For nearly three years he was a useful and distinguished member of this body, serving with painstaking care and promptitude as a member of the Committee on Interstate and Foreign Commerce and of the Committee on Pensions. He was always found at his post, prompt, careful, and conscientious in the discharge of his official duties. With them, his friends, his neighbors and constituents, we bear witness that in his death this House and the country sustained the loss of a most valuable and useful member. And with them, we most sincerely mourn his loss, with the earnest hope and belief that our late colleague is now at rest in that better land. Amen.

Mr. RITCHIE. Mr. Speaker, in Ohio, where the greater portion of his life was spent, our late colleague, the Hon. George W. Houk, stood high in the esteem of his fellows. He possessed the reputation of being an honorable, amiable, and affable man. By this reputation I knew him well for years, but it was not until the closing day of the Fifty-second Congress, of which he was a worthy member, that I formed with him a personal acquaintance, which soon ripened into a friendly intimacy, that was as instructive as it was pleasant and as lasting as it was strong. At the commencement of the present Congress, new member as I was and wholly untutored as to the practice and rules of its procedure, the necessity oft arose to seek information from others who were older and more experienced than I.

In all the membership of this House, upon such matters, no one possessed a richer mine of knowledge, nor imparted it to others with more generous accuracy than did the gentleman to whose memory to-day we gladly, though sadly, pay our unworthy tribute of reverence and of love. In this body there are two classes of members. There are those, first, who deem it not only proper, but necessary, to address the House upon every subject that comes before Congress for its consideration, and, with them, the more trivial the matter under discussion the greater the necessity for talk.

There is still another class who prefer to listen to others rather than to talk themselves, and who, by silent devotion to duty and by indefatigable labor upon committees, shape and fashion pending legislation into law. To the first class belong the so-called "record-makers," but the other class embraces the real law-makers of the land. While the former too often talk without thinking, the latter generally think without talking. To this latter class belonged our late colleague from Ohio.

While the CONGRESSIONAL RECORD may not shine resplendent with brilliant orations delivered by him, his constant attendance upon the House, his arduous labors upon committees, his fidelity to his people, and the correctness of his votes, as cast, speak more eloquently far in his behalf than any mere empty words he might have uttered possibly could.

Mr. Houk was an excellent lawyer, and before he became a member of this House practiced his chosen profession at Dayton, Ohio, with an ability and zeal that ranked him high at his local bar. He practiced law upon the plane of honor. He used none of the law's quiddits nor its tricks. He cared not for the withered branches of technicality but chopped rather at the very root of a legal proposition that in his judgment was unsound. If I were asked what traits of character most predominated in him it would be difficult to answer. He was generous and kind, yet steadfast and firm. While he had respect and toleration for the opinion of others, he still possessed those of his own. These he formed himself, by his own methods of reasoning, and having done so these opinions became convictions which he dared express with the fearlessness of a knight.

In all my intercourse with him, I never heard him speak of a fellow-member a single unkind word, for "his tongue was chained except in praise." Hypocrisy, insincerity, and sham were foreign to his nature. Simplicity of manners and naturalness of character possessed him, for he followed no pattern. He was himself alone. In his social life he was a prince. That he was popular here, is evidenced by the many tributes of respect that have been paid to his memory to-day. That he was popular at home was shown by the thousands of people who followed his dust to the silent tomb. Let his epitaph, in golden, glittering characters, proclaim of him that he was a loving husband, an indulgent father, a wise legislator, a faithful friend, a good lawyer, and an honest man.

Hail and farewell!

Mr. BAKER of Kansas. Mr. Speaker, it is said that some men are born great, that some have greatness thrust upon them, while others by their individual efforts carve out their own destiny.

The latter seems to have been true of Judge Houk.

I have been assigned the privilege of bringing my garland and placing it upon the tablet to his memory.

We entered upon our duties on the floor of this House at the same time, and as we took the oath of office we realized that we were entering upon new duties, duties which carried with them grave responsibilities.

Both born in the same State, of a hardy and earnest pioneer stock, while surrounded and reared under different influences from myself, I could see in his outgrowth and development the sturdy and the inflexible will of the early pioneer of Pennsylvania. With such a character the call of duty was one to be implicitly obeyed.

As our acquaintance began with the commencement of the Fifty-second Congress, I shall speak of him as I knew him in our committee room, and as he revealed his character to me as a member of this House.

I found on many questions that there was a great diversity of opinion between us; those differences I soon learned were differences of convictions; it became evident to my mind that he was a man of very strong character, possessing a philosophical mind, and seeking to establish every truth by a course of logical reasoning.

As in life through our social intercourse we learn to respect our friends, so in death let us cherish their memory and keep ever in mind their good deeds.

We are like the waves upon the seashore, we come and go, we are here to-day, we may be on the other shore to-morrow.

The present only is ours. How soon we may be called to realize the mystery of the life beyond, no one can tell.

Before the sun of life sets for us let us strive to do some deed that will make the world the wiser and the better for our having lived in it.

The mystery of life is not yet unfolded to any of us, but we are turning over leaf by leaf the book of life from day to day, and sooner or later the end will come, and we will be consigned to our narrow home; but ere the volume of life closes to us let us strive to live so that we may have a brighter awakening in the world beyond.

Like the giant oak, man has a small beginning, but unlike the oak he has a great mission to perform in the battle of life. His mission is as broad as humanity itself; it is to lift up, and not tear down. We sow that others may reap. If true, as has been said, that every thought and act reveals the character of an individual, it is ours to know the motives that actuate the man. His nobility of character is seen in his endeavor to elevate society, in broadening the sphere of human action, in teaching by precept and example our duties to the state and to humanity.

Mr. Speaker, in Judge Houk's death the nation has lost a loyal public servant, one who possessed rugged honesty of purpose, modest and unostentatious, broad-minded and yet never posing for display or effect. To me he seemed while quiet in demeanor straightforward in action. I regarded him as a man who would submit to no dictation, one who would acknowledge no master.

As I see him now in my mind, plowing his way up the rugged hill of science in his academic course we see him possessed of those higher ambitions which lead to great attainments in life.

Scarcely had he completed his academic course until we find him engaged in the profession of teaching; but his mind seemed to grasp far broader fields of thought. He turned his attention to law, entering upon that profession at the age of 21.

At the age of 27 he entered upon his duties as a legislator in the State of Ohio, and, although so young, we find he was made chairman of the judiciary committee of the house.

When we examine his history as an individual, whether as a schoolboy, a student at law, as a legislator, or as a member of this House, we see the same inflexible purpose.

His history shows that with age he grew in the confidence of his constituents.

He may not have been a polished scholar, but I regarded him as a deep thinker.

In the rugged school of practical life, his mind seemed to expand with age, which well fitted him for his new sphere of action in the political arena. He seemed to possess an unusual

degree of strong common sense. In my intercourse with him I found him a strong partisan, but it was with him the outgrowth of positive conviction.

His patriotism was not bounded by State lines. He possessed the courage of his convictions under all circumstances.

He seemed to possess in a preëminent degree faith in his own party, and yet at times we see him rise above all party considerations and act in a way that he conceived to be for the good of all the people regardless of party.

Perhaps no member of this House drank deeper at the fountain of Democracy in his early youth than did Judge Houk.

He was not a dreamer, but an actor in the drama of life, and owing to his age and full manly development he was one of the most striking links between the mighty past and the living present.

His loyalty to his party and friends was not momentary, but enduring.

The people love a man whom they can trust, such a man was Judge Houk. A conviction to him was a living truth.

While I could not always agree with him, I did admire his sincerity and honesty of purpose.

In his death Ohio has lost an able and a faithful servant.

Mr. SPRINGER. Mr. Speaker, I will not attempt a biographical sketch of the life and character of George W. Houk. Others better qualified by long personal acquaintance will point out the special incidents and acts in his life. My acquaintance with him began with his election to the Fifty-second Congress. On one occasion I had the pleasure of enjoying the hospitality of his home. It is one's home life that most marks and illustrates personal characteristics. Mr. Houk's residence was 2 or 3 miles from the business center of the city of Dayton, which is the most beautiful city in the Miami Valley. At this point the upper plateau spreads out for 2 or 3 miles on either side of the river. The plains are level, and the soil is rich; and highly cultivated farms and gardens are spread out on every hand.

Skirting this fertile plain are the high hills which form the outer banks of the river and separate the valley from the uplands. Mr. Houk selected one of these hills, overlooking the city, as the place of his homestead. Many of the original forest trees are still preserved. Beautiful walks and drives have been laid out, and a plain but substantial building has been erected as the family residence. A large covered porch was built upon the side of the house overlooking the city. The view from this porch was one of rare beauty, and presented a landscape full of interest and fascination. Below lay the busy city. The tall chimneys, rising like monuments, pointed out the location of the great manufacturing institutions which have contributed so much to the wealth of the State and which furnish employment to so many people.

The tall spires of the churches indicate a high state of Christian civilization, and the broad and fertile plains, covered with farms and gardens, gave assurance that ample food supplies were near at hand. On a distant elevation was located the National Home for Disabled Soldiers, erected and supported by the National Government. The buildings accommodate with all home comforts from three to four thousand veterans of the late war, and the grounds are ornamented and kept in a manner which reflects credit upon the Government, and rival in magnificence the historical parks of the Old World.

It was this city, this valley and scene, which were spread out to the view of those who visited Mr. Houk's residence. He was accustomed, at the close of each day's work, to repair to his home, take his seat on this porch, and enjoy this beautiful panorama. His family vied with each other to contribute to his comfort and happiness. His was indeed a happy home, comprising within it all the rest, quiet, and comfort of the country and all the luxury and elegance of the city. This charming home life contributed greatly to the molding of his character, and especially fitted him for the career of usefulness and honor for which he was distinguished.

As a lawyer he was painstaking, studious, and faithful to the interests of his clients. He was not brilliant, but he was forceful in manner and strong in argument. As a legislator he was constantly at his post, fearless in the discharge of every duty, and always able and conscientious. As a member of the Committee on the World's Columbian Exposition in the last Congress he contributed greatly to the legislation which rendered that great enterprise a success, and the people of Illinois and of the whole country will forever hold him in grateful remembrance for his valuable services in this matter. As a citizen he was ever awake to the interests of the people, and in all respects acquitted himself as an able defender of the rights of the humble, and as an ardent advocate of the supremacy of the law.

As a friend he was ever true, faithful, and honorable. When his purpose was formed he adhered to it with tenacity, and never faltered in fealty. He was one of nature's noblemen, and his loss is deplored by all who knew him.

I was one of those appointed to accompany his remains to his home, and performed this sad duty as one who follows to the grave a near and dear friend. The services at the grave were the most impressive that I have ever witnessed. When the funeral dirge was chanted one of his daughters, the wife of a prominent citizen, joined in the singing. Her voice was lifted far above the voices of all others, and her face was illumined with such a halo of light that it seemed as if we were listening to the voice of an angel coming from above.

Before the last sad rite was performed his faithful and beloved wife addressed a few words to those assembled at the tomb. She did not appear as one stricken with grief, leaning on the arm of a relative, and convulsed with anguish; but she stood erect, with face upturned to Heaven, and assured those present that to her there was no such thing as death. That which seemed to many a dreaded monster was to her a welcome messenger to summon to a higher and better state of perpetual existence. Her faith took hold on immortality. She believed implicitly, and carried that belief into practical operation, that what we call death was but a summons from earthly cares to heavenly bliss. She could see beyond the tomb, could, with her eye of faith, pierce the veil that separates us from the world to come, and see the spirits of the departed enjoying the felicities of a home in Heaven.

The members of this House have in his death lost a most useful coworker, his State has lost one of her best and most distinguished citizens, and his wife had lost a faithful husband, and his children a kind and indulgent father.

Mr. HARE. Mr. Speaker, George W. Houk was a man whom to know was to admire and esteem. Although he had passed the sixty-eighth milestone in the journey of life, yet time had dealt so kindly with him that he did not even in appearance seem old, and the exuberance of his health and the keenness of his enjoyment of the companionship of his fellow-men made him always a welcome associate in every circle he chose to join.

His naturally genial disposition had not been soured by the experiences of a long and active career in a profession which perhaps more than any other affords opportunity for frequent insight into the meaner phases of human character and brings its members into frequent contact with the baser motives that too often constitute the springs of human conduct.

With all these exhibitions of character, motive, and conduct, he was undoubtedly familiar, as every lawyer must become whose practice has extended over a period of more than forty years; but instead of making him at all misanthropic, or distrustful of mankind, these very experiences seemed to render him more charitable in his judgments, more ready to palliate the offenses of others, more careful to see that he did not himself offend.

Accustomed as he was to deal with serious problems, and to consider questions of grave importance, these were not permitted to engross his thoughts to such an extent as to render him unobservant of or oblivious to the lighter and brighter incidents which go so far to relieve the professional life of the lawyer from what would otherwise be an exceedingly somber and unattractive coloring. On the contrary, these were the incidents and features of his experience which he treasured most, and from a seemingly inexhaustible fund of anecdote and reminiscence he was able to draw at will for the embellishment of an argument or the entertainment and pleasure of his friends.

He was a man of serene disposition and temperament, always taking the most cheerful view of a perplexing or discouraging situation, and capable of imparting to his associates the influence of the philosophy which so thoroughly dominated and controlled his own actions. Hence he was seldom confused as to the policy to be pursued in an emergency; his impulses were under the constant restraint of his judgment, and even the edicts of the caucus had but little effect in controlling his course when he had once determined for himself what his duty required him to do.

He was not, in the ordinary sense of the word, a politician; but in the broader, better, and truer sense of the term his title to that distinction was beyond question. He believed that "He serves his party best who serves his country best," and that party organization, discipline, and methods are only valuable as agencies for the recognition and establishment of certain principles of government through certain policies of legislation and administration.

The Democratic party, more nearly than any other, represented the essential political principles in which he believed, and so, always reserving to himself the exercise of the right of individual judgment, he became and remained a faithful adherent of that party, and in the councils of this body during his comparatively brief membership here he was one of its wisest,

most intelligent, and prudent counselors, a thoughtful, sagacious, and trusted champion of the interests committed to his charge.

At the age of 26 years he became a member of the General Assembly of Ohio, and by reason of his recognized ability, learning, and fitness, was made chairman of the judiciary committee of that body, which position he held during the period immediately following the adoption of the present constitution of Ohio, and while that instrument was receiving its original interpretation and construction in the hands of a supreme court of which Allen G. Thurman and Rufus P. Ranney were members, one of the ablest courts that ever adorned the bench of any State.

That so distinguished an honor should have been conferred upon so young a man must be accepted as evidence not only of his high character and sterling worth, but of the recognition by those who knew him of the exceptional talents and sound learning afterward exhibited by him during his long career at a bar as eminent as any in the United States.

He was not merely a successful, but a scholarly lawyer; not simply the trained advocate and inquisitor familiar with the methods of the courts and the details of judicial procedure, but a diligent student, not alone of books but of men, finding in the one not merely an unfailing source of recreation and entertainment, but the means of pursuing with added zest the absorbing study of the other, and both contributed to make him what he was, the broad-minded, conscientious, painstaking legislator and lawyer, the patriotic, public-spirited citizen, the capable man of affairs, the wise statesman, the entertaining and instructive companion, the loyal, unselfish, and unfaltering friend.

Naturally such a man would become the idol of his own household, and his beautiful home overlooking the city of Dayton, and surrounded by the equally attractive homes of his children, bore evidence of his love for those to whom he represented so much of all they were accustomed to love and revere.

To that home and the idols that were templed there his thoughts were almost constantly recurring. It had been prepared, with all the care he could bestow, to become the retreat of his old age, as it had been the scene of his labors and enjoyments during the later years of his active business life; and to that end he had not only embellished it with whatever could add to its attractiveness and comfort in a physical sense, but had assembled in its library, as his permanent guests, the kindred spirits with whom he had been accustomed to commune and whose companionship had been to him a solace and an inspiration from his youth. He loved to talk of his home, he longed to return to it, and it is exceedingly doubtful whether he could have been persuaded again to leave it, unless in response to a most imperative call of public duty.

During his service here he was never obtrusive. He seldom occupied the time of the House, and never did so unless the occasion was such as to require an expression of his views upon a matter of pending legislation. But he was at all times keenly alert to whatever was transpiring upon the floor or in the committee rooms, and no man could have been more attentive to the interests of his constituents.

The largest soldiers' home in the United States is located in his district, and his attention to the welfare and interests of the inmates of that great institution was incessant and unfailing. No comrade could have been more solicitous in behalf of his comrades than he was in guarding the rights of this class of his constituents, the great majority of whom were his political opponents, but all of whom, I believe, were his personal friends. If they were not so the fault was not his, for no proposition that he believed might even remotely prejudice their interests was ever suffered by him to pass unchallenged.

He was a man of commanding presence and apparently in the enjoyment of robust health, destined to many years of usefulness. I parted from him on this floor only a few hours before his death, the news of which came to all of us as a surprise and was received with expressions of incredulity and amazement, but proved, alas, too true. The strong man had fallen, the firm grasp which he had seemed to have upon life had been suddenly loosened, and without other preparation than every man should at all times have he had been summoned to stand in the presence of the King of all Kingdoms.

On the following day, upon the announcement of his death, this House took such action as is customary and appropriate. Every token of sorrow for his death and of respect for his memory was manifested by his late associates, an unusual number of whom accompanied his body to its place of sepulture near the home where he would doubtless have preferred to die; and then the stream resumed its course, members again became intent upon the problems that daily challenge attention here, and all that remained of our brother was the impress he had made and left upon all who knew him.

When the circumstances of his own death are recalled I am reminded strongly of the brief but beautiful address delivered by him in this Hall on the day when tributes were being paid to the late Governor Warwick, in the course of which, speaking of the changes so frequently wrought in the membership of this House by death, he said:

> How forcibly are we reminded, by this ever-shifting scene, of the sublime apothegm of Burke, uttered by that great orator when, during a speech on the hustings, he was informed of the sudden death of his competitor. He at once cut short his speech, gathered up his papers, and exclaimed with touching pathos: "What shadows we are, and what shadows we pursue."

The address delivered by Judge Houk on that occasion was evidently unwritten and extemporaneous, and that this illustration, so singularly appropriate to be recalled to-day, should have occurred to him, may serve to prove that he was not wholly without warning of the peril in which he was even then standing and which he was not long to escape. But whether so or not is of small moment when we reflect how impotent must be every device of man to guard himself against the fate reserved for all the living. He has paid the debt so many are struggling to postpone, and whatever may have been his frailties or his faults, he has left behind him the record of a life filled with good deeds; to his surviving associates the recollections of an intercourse always agreeable and instructive; to his family the memory of a loving and indulgent husband and father; to his country the lasting benefit of the devotion of a faithful public servant.

May he rest in peace!

Mr. RICHARDS of Ohio. Mr. Speaker, that eloquent and pathetic sentence, "In the midst of life we are in death," has been abundantly illustrated in this House during the last year. One of my first duties was as a member of a committee to go to a neighboring State and assist in paying the last sad tribute of of respect to a fellow-member, and from time to time our ranks have been thinned, two falling from my own State.

Statistics prove that the average length of human life is increasing, but not the average life of a member of Congress. This is not merely because many advanced in years or in feeble health are elected, for during the past year we have buried some who were men of vigorous constitution and robust health at the beginning of their term of service, and only a few days ago was buried one of the youngest members of the House.

We have had no epidemic among us, nor has contagion depleted our number. Our duties and requirements are not conducive to longevity. The faithful member, whether in his temporary home in the city or in his real home in his own State, finds his work a constant grind.

George W. Houk, to whose memory we to-day pay tribute, was a man of the people. He carried with him no traditions of superior ancestry, boasted no descent from some important personage, but was content that he was an American citizen from the rank and file; proud that he lived in a land where opportunity is afforded to even the humblest to carve his way to exalted station.

As school-teacher, lawyer, statesman, he ever sustained himself with credit, bearing evidence of a well-balanced mind that weighed well, and having considered, had capacity to act.

No egotism marked his intercourse with his fellow-men, but he was as modest as he was learned, as considerate as he was earnest.

He was not beset by vanity, and there was nothing dreamy or extravagant about him. He did not spring to his feet to speak upon every occasion, but carefully and calmly went about his work. He studied every question and voted upon it intelligently; and when he rose to speak there were no fanatical outpourings, no effort to convince by loud declamation, but his logical arguments showed that he had mastered his subject.

To him the chief office of a member was not how often his name might appear in the RECORD or be printed in some newspaper, but how he could best serve his constituents and his country by a careful performance of duty according to convictions born of earnest study.

With such representatives as he in Congress legislation can never be prostrated by the arts and influences of demagogues, but will be guided by that cardinal principle, "The greatest good to the greatest number."

We are facing a peculiar epoch in our history; a feeling of discontent is creeping over our hills and along our valleys, breeding in some instances lawlessness and crime.

The worshippers of Mammon are increasing, and too often the man of millions takes precedence over the patriot of brains. The arrogance of men who live in luxury sometimes drives the poor to almost desperate measures, and while the law must be respected and enforced, and the rights of property protected, it is our duty to ever keep in view the cardinal principle of the great declaration, "We hold these truths to be self-evident, that all men are created free and equal." This is the keystone which supports the very fabric of our Government, which itself is sup-

ported by constitutional liberty, and which will be protected by Representatives whose hearts beat for the great masses of our people, and such a one was he to whose memory we to-day pay tribute.

Mr. DONOVAN. Mr. Speaker, when the sable and unwelcome messenger of death served the summons of Heaven's High Chancellor on George W. Houk, he made no plea to the jurisdiction. No pretense or excuse of mortal avails to alter the decree of Him who speaks worlds into existence and to whom a thousand years are as a day. In the exalted plan of creation it is as necessary that men die as that they be born, but it is only the apathetic disciple of Zeno who does not feel the pangs of poignant sorrow when an associate and friend unexpectedly departs from a life of usefulness and honor.

It was my good fortune to be personally well acquainted with our deceased colleague, although I did not know him prior to his coming here as a member of this House, which was contemporaneous with mine.

Mr. Houk was born in Cumberland County, Pa., September 25, 1825. He moved to Ohio while very young and settled with his father at Dayton, which city was his home at the time of his death. He encountered the obstacles and surmounted the difficulties that beset the pedagogue, the law student, and the young attorney. He was admitted to the bar at the age of 21, and made the practice of the law the work of his life. He was a proficient, earnest, and successful lawyer, and took such an active interest in public affairs that he was elected as a member of the Ohio Legislature in 1852, in which body his ability was fittingly recognized, as evidenced by his appointment as chairman of the judiciary committee of the house.

By his sincerity, courage, and ability he won and retained the confidence and esteem of his party associates, who proved their appreciation of his high qualities of mind and heart by selecting him to fill many important places of trust and honor. I served with him on one of the committees of this House, and at a meeting of that committee held two days prior to his death he seemed to be in excellent health and spirits, and although his years were nearly three score and ten, yet none of us who met and conversed with him at that meeting thought that he, with his majestic bearing and magnificent physique, would be called so soon to pay his tribute to the King of Terrors.

The victories of William the Conqueror and all the other sovereigns of the English dynasties from Egbert to the present are mere bagatelles compared with the ravaging conquests of this arch enemy of life; but as man is not omniscient who can say that death is not a disguised blessing by which we are translated to the regions of the immortal, where paradisaical pleasures are omniprevalent, and sorrow is unknown.

The progress and invention of this age are marvelous, but with all our astonishing discoveries and all our phenomenal progress, our efforts to make human life perpetual are as futile and as evanescent in their results as were the efforts of Ponce de Leon in his search for the Fountain of Youth.

We can whisper across the sea and converse with the inhabitants of other continents, but we have no telephone communication with the grave. We can measure correctly the distances of the planets and describe minutely their every motion, but we can not trace the flight of the departing soul.

In coming years long after they shall have passed from earth we can reproduce the voice of our friends and the sermons and speeches of our preachers and statesmen, but nature will exhaust herself in vain to produce a mortal with genius to discover media by which communication could be established with those beyond the tomb.

We may illuminate the world with arc lights and incandescent lamps, but we can not make a searchlight to penetrate the least perceptible distance into the darkness of the mystery of death. In spite of the futility of human effort and the inconsequence of any mortal, yet George W. Houk did not live in vain. He carved out of hard conditions a monument to his memory of which his family and his friends may well be proud, and set an example which the youth of this favored land may well afford to emulate.

He is dead, but his good works and their beneficent influence will never die, but will be appreciated and remembered by the beneficiaries of his kind acts and good example, who will ever bear witness that the world is better for his having lived.

Mr. PATTERSON of Tennessee. Mr. Speaker, the late George W. Houk and myself entered Congress at the same time, and were assigned to the Committee on Interstate and Foreign Commerce. Our daily official intercourse on that committee soon ripened into personal friendship. I have met no man in public life who has impressed me as possessing more sterling qualities of head and heart. Leaving it to others who knew him longer than I did to speak of his personal history and the felicity of his social and domestic life, I desire to call attention to one or two characteristics of his public career which reflected honor on him while living, and which are worthy of emulation by those who live after him. He was in the fullest acceptation of the term an honest man.

I do not mean that he was merely honest in the sense that he avoided wrong doing. I mean that he had an honest mind, and courageously did his duty on all occasions according to the lights before him. He had none of the instincts of a demagogue or a time-server. If he believed a measure to be right and that it would result beneficially to the country, he had the courage to advocate and support it, without regard to its effect on his personal fortunes; and if he believed it to be wrong and hurtful in its results to the country, he would oppose it, notwithstanding in doing so he might run counter to a misguided public sentiment in its favor.

A man of education, a student of books, and an observer of current events, he possessed varied information and was thoroughly trained for the public service. Thus equipped and endowed he necessarily took high rank among his associates. Modest and unobtrusive, it required time and opportunity to know him at his worth. It was in the committee room where legislation is considered and perfected that he appeared to the greatest advantage. The highest meed of praise that can be bestowed on the memory of any man is to say that when living he was most respected and loved by those who knew him best, and this can truthfully be said of our lamented friend.

He possessed another quality in a preëminent degree. He was a patriot. He loved his country and his whole country. Its history, its traditions, and its achievements were all familiar to him and swelled his bosom with pride. He contemplated its future growth and development with enthusiam. I do not recall that he ever addressed the House when his country was not his theme. He was a robust American. No "pent up Utica contracted" his patriotic aspirations. Neither faction nor section had attractions for him. It required his country and every part of his country to fill the measure of his patriotism. He loved American institutions as an inestimable heritage from a patriotic ancestry, and guarded the Constitution which vouchsafed them to posterity as the Israelites guarded the ark of the covenant.

The stalwart patriotism of such a man is worthy of comment and emulation in these latter days when Americanism is dimmed and discredited by the propagation of ideas which have been transplanted from foreign countries to our shores. It is the example of such men as George W. Houk which gives assurance of a broader, a deeper, and a more enduring national life; and justifies the belief that we are approaching a period of national glory when sectional pride and differences will no longer exist, when the enemies of social order and good government will nowhere be tolerated, and the Republic, its flag, and its institutions, will everywhere be cherished by the American people as the title to happiness and prosperity.

Mr. WILSON of Ohio. Mr. Speaker, my limited acquaintance with the Hon. George W. Houk does not qualify me to speak of him except in relation to his professional and public life. Ever since I have been a practicing lawyer I have had some knowledge of Mr. Houk, who was an attorney residing in the city of Dayton, in Montgomery County, Ohio. His reputation as a lawyer and a citizen was not limited to his immediate locality. There were few men more highly esteemed than he for devotion to truth. He was free from the cunning and trickery which are sometimes the principal weapons of successful lawyers.

The fact that Mr. Houk was able to achieve a very high standing at the bar of Montgomery County is proof of his ability and perseverance. He was a member of the General Assembly from Montgomery County in 1853, and was three times the Democratic candidate for Congress in the Third district, and was twice elected.

The city of Dayton is located in the beautiful and fertile valley of the Great Miami River. Long before the organization of the State of Ohio the Indians had settled in the Miami Valley, and because of the superior advantages of that locality they resisted all efforts of the white race to invade their territory. But eventually the superior civilization of the white race in its westward course overcame the obstacles interposed by the Indians, and the rich valley became the abode of a very intelligent and enterprising people. Some of the most talented representative men of this country resided in the city of Dayton.

It was here that Hon. Clement L. Vallandigham lived, and from which place he was sent to Congress. It is scarcely necessary to mention the characteristics of this great Democratic leader, especially during the exciting war period. He was the champion of that faction of Ohio Democrats who were opposed to a vigorous prosecution of the war for the suppression

of the rebellion. He was arrested, tried, and convicted by court-martial, and sentenced to imprisonment during the war. But Mr. Lincoln commuted the sentence to banishment into the enemy's lines. But notwithstanding his opposition during the war, Mr. Vallandigham was one of the first to declare in favor of accepting the validity of all the amendments to the Constitution. Having made a determined fight against the policy of Mr. Lincoln during the war, he had that independence of character which made it easy for him to acknowledge defeat and frankly recognize the duty of all people to accept the results as conclusive of the issues involved in the war.

From the city of Dayton also came to Congress another one of Ohio's greatest public men, Hon. Robert C. Schenck. I think I shall not transcend the truth when I say that it is doubtful if any district was ever represented in Congress by an abler man than Gen. Schenck. He was a Republican, and took part in the debates during the reconstruction period, displaying great thought and statesmanship.

In the county of Montgomery, near the city of Dayton, is located the Central Branch of the National Home for Disabled Volunteer Soldiers. It is the largest of its kind in the world. Here the disabled and helpless veterans of the wars of the Union are provided with food, clothing, and shelter. The inmates of that institution are a part of the constituency of the district represented by the Hon. George W. Houk.

Mr. Speaker, I have referred to the foregoing facts for the purpose of affording some information concerning the people whom Mr. Houk had the honor to represent; and I think I may safely say that Mr. Houk was well qualified to represent that district, and fully sustained himself as one of the most efficient and useful members of Congress. He was always conservative and safe. He seldom took part in debate, but when he spoke his remarks were clear and candid. He was a careful listener, and a good judge of the merits of all measures. He was not disposed to follow extremists of his own party beyond the bounds of reason and justice; and when party dictation compelled him to yield support to doubtful measures he did it reluctantly and with regret.

In my personal relations with Mr. Houk I found him to be possessed of the qualities and demeanor of a gentleman. He was inclined to be quiet and unobtrusive in his intercourse with his fellow-members, but was never disagreeable or unsocial when approached by anyone. The success which he attained as a lawyer, the excellent character which he bore among his people at home, and his high standing as a member of this and the last Congress, are sufficient tributes to his worth and character.

Mr. SORG. Mr. Speaker, I ask unanimous consent that any member who may wish to print in the RECORD remarks upon the subject of these resolutions may have permission to do so.

There being no objection, leave was granted.

And then, in accordance with the resolutions already adopted, the House (at 3 o'clock and 35 minutes p. m.) adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LOUD, from the Committee on Claims: A bill (S. 557) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, and others. (Report No. 1250.)

By Mr. COOPER of Texas, from the Committee on War Claims: A resolution to refer to the Court of Claims the bill (H. R. 6070) for the relief of Cornelius Phetznig. (Report No. 1251.)

By Mr. RICHARDS, from the Committee on Claims:

A bill (H. R. 6735) for the relief of the owner of the tug William Alexander. (Report No. 1252.)

A bill (S. 1058) for the relief of Chester B. Sweet, of California. (Report No. 1253.)

A bill (S. 470) for the relief of George H. Jewett, of Arlington, Washington County, Nebr. (Report No. 1254.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, private bills were adversely reported and laid on the table, as follows:

By Mr. RICHARDS, from the Committee on Claims:

A bill (H. R. 5124) for the relief of Nelson Dalbeck. (Report No. 1255.)

A bill (H. R. 7435) for the relief of Elizabeth B. Russell. (Report No. 1256.)

A bill (H. R. 4418) for the relief of Samuel N. Pook, constructor, United States Navy. (Report No. 1257.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of the following bill; which was referred as follows:

A bill (H. R. 7635) to remove the charge of desertion standing against the name of Philo Newman—the Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. JOSEPH: A bill (H. R. 7726) to ratify an act of the Legislative Assembly of the Territory of New Mexico—to the Committee on the Territories.

By Mr. SPRINGER: A bill (H. R. 7727) to create a national board for the arbitration of controversies between employés and employers—to the Committee on Labor.

By Mr. McCLEARY of Minnesota: A bill (H. R. 7731) for the relief of certain Winnebago Indians in Minnesota—to the Committee on Indian Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HALL of Missouri: A bill (H. R. 7728) for the relief of Mary J. Bealmear—to the Committee on War Claims.

By Mr. HOOKER of Mississippi: A bill (H. R. 7729) for the relief of Mary Ann Hendricks, Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7730) for the relief of the estate of L. D. McNair, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. HOUK: Petition of Rachel E. Mitchell, administratrix of the estate of H. C. Fain, deceased—to the Committee on War Claims.

By Mr. McRAE: Resolution of Lessee Union Association of Tecumseh, Okla., against a bill selling Indian lands in reservations open to settlement—to the Committee on Indian Affairs.

By Mr. SPRINGER: Memorial of J. S. Cowden, asking for the printing of certain statements in reference to the District of Columbia—to the Committee on Printing.

SENATE.

MONDAY, *July 16, 1894.*

Prayer by Rev. ISAAC W. CANTER, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Saturday last; when, on motion of Mr. MARTIN, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of $1,500 for completing the range lights above Grassy Island, Detroit River, Michigan, and recommending that it be inserted in the sundry civil appropriation bill for the fiscal year 1894–'95; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, returning, in response to a resolution of the Senate of the 13th instant, a resolution passed by the Senate July 6, 1894, calling for a detailed statement of all engagements between the United States Army and hostile Indians from January 1, 1850, to June 30, 1894, etc.; which, with the accompanying paper, was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 6111) for the disposal of the accretions of the Virginius indemnity fund; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 352) to enable the people of Utah to form a constitution and State government and to be admitted into the Union on an equal footing with the original States; and it was thereupon signed by the Vice-President.

VIRGINIUS INDEMNITY FUND.

The bill (H. R. 6111) for the disposal of the accretions of the Virginius indemnity fund was read twice by its title.

Mr. GRAY. I ask unanimous consent that the bill may lie on the table, in order that I may at some future time ask leave to substitute it for a bill reported from the Committee on Foreign Relations of the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. COCKRELL. It ought to be printed.

Mr. GRAY. Let the bill be printed.

The VICE-PRESIDENT. It will be so ordered.

PETITIONS AND MEMORIALS.

Mr. HARRIS presented a petition of the Chamber of Commerce of Nashville, Tenn., praying for the early completion of the Nicaragua Canal, and placing the construction of the same under the control of the United States Government; which was referred to the Committee on Foreign Relations.

Mr. McMILLAN presented a petition of sundry citizens of West Bay City, Mich., praying that fraternal beneficial societies, orders, or associations be exempted from the proposed income tax provision of the pending tariff bill; which was ordered to lie on the table.

Mr. COKE presented a memorial of sundry citizens of Fort Worth, Tex., remonstrating against the present system of sectarian Indian education receiving Government support, etc.; which was referred to the Committee on Appropriations.

Mr. ALLISON presented the memorial of Rev. G. H. Croker and sundry other citizens of Whiting, Iowa, remonstrating against the present system of sectarian Indian education receiving Government support, etc.; which was referred to the Committee on Appropriations.

He also presented the petition of O. G. Anderson and sundry other citizens of Fort Dodge, Iowa, praying that fraternal beneficial societies, orders, or associations be exempted from the proposed income tax provision of the pending tariff bill; which was ordered to lie on the table.

Mr. DOLPH presented a petition of the Chamber of Commerce, of Astoria, Oregon, praying that an appropriation be made for the establishment and maintenance of salmon hatcheries on the Columbia River (Oregon) and its tributaries; which was referred to the Committee on Appropriations.

Mr. SHERMAN presented a petition of the Ohio State Board of Commerce, praying for a survey for a canal from Lake Erie to the Ohio River; which was referred to the Committee on Commerce.

He also presented a petition of 22 citizens of Elyria, Ohio, praying that fraternal beneficiary societies, orders, or associations, be exempted from the proposed income-tax provision of the pending tariff bill; which was ordered to lie on the table.

Mr. ALLEN presented the paper of Lu B. Cake, of Omaha, Nebr., in relation to a settlement of the recent railroad strike; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. GEORGE, from the Committee on the Judiciary, to whom was referred the bill (H. R. 3130) to repeal in part and to limit section 3480 of the Revised Statutes of the United States, reported it without amendment.

Mr. PASCO, from the Committee on Public Lands, to whom was referred the amendment submitted by Mr. ALLISON on the 19th ultimo, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (S. 1879) to amend "An act to regulate the sittings of the courts of the United States within the district of South Carolina," reported it without amendment.

Mr. ALLEN, from the Committee on Public Lands, to whom was referred the bill (H. R. 6720) providing for the resurvey of Grant and Hooker Counties, in the State of Nebraska, reported it with an amendment.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred an amendment submitted by himself May 23, 1894, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. DOLPH, from the Committee on Foreign Relations, to whom was referred the bill (H. R. 4209) for the relief of the securities of John S. Bradford, reported it without amendment.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 6777) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway," reported it with amendments.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 1463) granting a pension to Mrs. Lucinda C. Wheeler, widow of John H. Wheeler, reported it without amendment, and submitted a report thereon.

Mr. VOORHEES. I am directed by the Committee on the Library to report back favorably the amendment intended to be proposed to the sundry civil appropriation bill submitted by the Senator from South Dakota [Mr. KYLE] on the 13th instant—The amendment to purchase a copy of R. Peal's original portrait of George Washington, by Miss Eugenia Shankland. I move that the amendment be printed and referred to the Committee on Appropriations.

The motion was agreed to.

BILLS INTRODUCED.

Mr. PEFFER introduced a bill (S. 2224) granting an increase of pension to C. W. Converse, of Glasco, Cloud County, Kans.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2225) for the relief of Robert Henderson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2226) for the relief of Louis O. Faringhy; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2227) for the relief of Martin Mullins; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2228) for the relief of the legal representatives of Michael McCann; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLISON introduced a bill (S. 2229) granting a pension to Mrs. Aseneth J. Burnett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURPIE introduced a bill (S. 2230) granting a pension to Susan A. Jenkins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORMAN introduced a joint resolution (S. R. 96) to extend the charter of the Washington and Maryland Railroad Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ROACH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CAREY submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GRAY submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CONFERENCE COMMITTEE SERVICE.

Mr. BLACKBURN. I ask unanimous consent that the Senator from Colorado [Mr. TELLER], who is absent, be excused from service upon the conference on the Army appropriation bill, and that the Senator from Iowa [Mr. ALLISON] be substituted in his place.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 7097) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Florida [Mr. CALL.] The amendment will be stated.

The SECRETARY. On page 8, strike out lines 19, 20, and 21 and insert:

For the care and maintenance of horses and vehicles used for carrying the mails and other transportation required for the uses of the Senate, $3,500: *Provided*, That the offer of a responsible person shall be accepted who shall give satisfactory bond and security to perform the service required by the Senate with the present outfit of horses and vehicles and with the use of the stables belonging to the Senate for one-third less than the cost in the fiscal year ending on the 1st of July, 1894.

Mr. CALL. When the Senate concurred in the amendments adopted as in Committee of the Whole it was agreed that the amendments which I had to offer might be submitted in the Senate. I was engaged at the time in looking over the amendments that I had prepared. That being the understanding, as I have some other amendments to offer in connection with the library and the Supreme Court, I ask that the pending amendment be withdrawn for the present, until I can present and take the sense of the Senate upon the amendments in connection with the library.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the amendment is withdrawn.

Mr. CALL. On page 122, after line 4, I move to insert:

One clerk for the Supreme Court, to be employed by the Chief Justice, at $2,500, for the service of the court in obtaining books and making notes of reference, and such other duties as may be required; and one messenger for the court, at $750, to be employed by the Chief Justice for the convenience of the court and the removal of books.

Mr. MILLS. I raise the point of order that the amendment changes the general law and is legislation on an appropriation bill.

Mr. HALE. The Senate has decided this case already. I hope the Chair will not have any hesitation about settling the matter.

Mr. CALL. I should like to have the decision of the Chair, and I should like to be heard on the question.

The VICE-PRESIDENT. The Chair will hear the Senator from Florida. The Chair was unable to hear the suggestion of the Senator from Texas as to his point of order.

Mr. MILLS. I make the point of order that the amendment is general legislation on an appropriation bill. It is the same point of order that was made and sustained by the Senate four times on Saturday.

Mr. CALL. The point of order was sustained without a yea-and-nay vote by half a dozen Senators.

Now, Mr. President, I ask unanimous consent to be heard on this subject. The proposition is too unreasonable for any body of men to maintain and defend. Let us examine it. The rule says "general legislation." It is manifest, therefore, that general legislation is not legislation alone, but that there must be some other kind of legislation. If there be general legislation, there must be legislation which is not general. No one will deny that proposition. What legislation is there that is not general and what legislation is there that is general? What does the term mean? Every time two or three members of this body desire to make an objection to the passage of any provision on an appropriation bill the senseless cry of general legislation is made. Let us see.

Let us not have positive affirmations of opinion, but let us be a body capable of reasoning and of argument. Now, what is general legislation? What does the term mean? Is it general in respect to what? Is it unlimited and general in respect to time, as that the amendment shall not be permanent, indefinite, continuous? Is it general when it is limited? Or is it particular and not general and as opposed to that which is general? Is it general in respect that it shall embrace the whole country or a part of the country? What does the term mean? If it means anything at all, it means that legislation which concerns the great body of the people.

Now, is it said that an act of Congress providing that money shall be paid to an individual upon conditions, being a change in the conditions upon an appropriation for a private bill affecting a particular person only, is general legislation? In one sense of the word, every penny that comes out of the Treasury is general legislation. That is the sense of the proposition of the Senator from Maine, and he might as well say here that every act and amendment that takes a penny out of the Treasury is general legislation and can not be put upon an appropriation bill; for "general" means either the whole country or the greater part of it, or some particular quality, as in reference to time—that it shall be unlimited, permanent, and continuous.

But, Mr. President, the term "general legislation" has a meaning, and that meaning is that it is that which does not concern a particular tribunal, a particular person, a particular class or set of men, but that it embraces the body politic in its essential qualities and character. That is the only sensible meaning which you can give to general legislation in the sense of this rule. If you mean to say that it changes existing law, the Senator from Mississippi [Mr. GEORGE], with logic apparent and conclusive on its face, showed that every appropriation is a change of existing law, and every provision of the bill, when it comes annually under the command of the Constitution to the two Houses for an appropriation, is a change of existing law. It makes law where there was none before and where it had expired.

But outside of that, what is there in this bill that these objections should be made, when every judge of the Supreme Court desires, if we are to believe the statements of Senators HOAR, VEST, WOLCOTT, and DAWES in the last Congress, this change; when every committee of the Senate to which it has ever been referred desires it; when the two colleagues of the Senator from Texas, the majority of his Committee on the Library, favor this change? He stands alone in defiance of his committee in making these points of order here.

Mr. MILLS. I will state that the matter has not been investigated by the Library Committee

Mr. CALL. I think that the Senator from Colorado [Mr. WOLCOTT] is a member of that committee, and here in the RECORD is his speech in the last session of Congress, which I have read, openly affirming his support of it. The speech of the Senator from Indiana [Mr. VOORHEES], the other associate on the committee of the Senator from Texas, is also in the RECORD, and I read it Saturday, affirming the recommendation and support of this proposition. So, long before the Senator from Texas came upon that committee, the majority of the committee had expressed and affirmed their support of these propositions.

But what is this? I introduce an amendment providing that the Supreme Court shall appoint a clerk. Senators get up and say that that concerns the Library. What possible connection is there between giving the Supreme Court this facility for the purposes of their convenient use of the Library and the organization of the Library?

The Senator from Maine [Mr. HALE] the other day made a point that this amendment proposed to change the existing law. I have examined the statutes, and the statutes in express terms contradict his statement. The statute uses the phrase that "the following assistants," naming them, "shall be appointed by the Librarian;" and those assistants have passed away years and years ago.

As I stated in my first observations, there is no law which today affects the assistants named in the law of 1836. To avoid that, however, I have introduced a provision here that a clerk of the Supreme Court shall be appointed, to serve the conveniences of the court in respect to the use of the Law Library for obtaining the necessary books desired by them for the points and notes of reference, which the Senator from Mississippi [Mr. GEORGE], a member of the Judiciary Committee, for years a justice of the supreme court of the State of Mississippi, and a lawyer who has no superior in this body or out of it, has testified that he has made use of the library, and found the services of the present assistant law librarian in that capacity of necessity and of great service to him.

When I introduced this amendment upon that authority, sustained by the Judiciary Committee of the Senate, sustained by a majority of the Committee on the Library, sustained by the passage of a bill containing a similar provision at the last session of the Senate, sustained by the request, as I have it, from the statement of the Senator from Missouri [Mr. VEST] given to me by others, and no doubt correct—because this record here shows it to be correct—sustained by the wishes of every judge of the Supreme Court of the United States, this point is continuously made.

Mr. President, I undertake to say that there is no more propriety in asserting that an amendment which affects one person is general legislation than there is in saying that it is no legislation. "General" must have some meaning. What is it? Does it mean one person? Is that the meaning of general? Does it mean two persons or three persons or a small part? Does it not mean the greater part? How much more than the greater part might be a question. It means that which affects the people of the United States in general, all of them, and not that which chiefly affects individuals or a small part of the people of the United States.

There are such things as private bills, private interests, class legislation, which do not concern the body politic, do not concern the whole people of the United States; and there are bills and subjects which concern the greater part of the people of the United States, and it is that character of legislation, referring to the continuous and permanent laws affecting the body politic, the economies of legislation, and not special interests, that we have a rule of the Senate which says you shall not offer on an appropriation bill an amendment for a private claim, unless under particular conditions and circumstances.

Mr. MILLS. Mr. President, I make the point of order that the amendment proposed by the Senator from Florida was in conflict with the third paragraph of Rule XVI, which says that:

No amendment which proposes general legislation shall be received to any general appropriation bill.

I make the further point of order that the amendment violates the first paragraph of Rule XVI, which reads:

1. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

The first proposition is that the amendment proposes general legislation on an appropriation bill; and it is only necessary for me to state what I stated on Saturday, when there were not so many Senators present as there are now, that the object of the rule was to confine the appropriations of the Government to the Appropriations Committee, and to confine the Appropriations Committee to appropriations made under existing law to carry on the administration of the Government. That is their special duty; that is their function, under the rules of the Senate, to make the appropriations required by the mandates of the law, and nothing else. Everything outside of that is general legislation—legislation affecting various subjects.

The reason for that provision, Mr. President, as we all know, is that the Committees on Appropriations of the two Houses are the two busiest committees of the two bodies. They have their hands full; they are constantly investigating items of appropriation in the numerous bills, each of which is as large as an ordinary volume. They do not have the time to investigate general legislation that is proposed to be ingrafted upon the bills, and therefore that proposed legislation must be sent to a committee to be investigated before it shall be incorporated in an appropriation bill.

The other provision of the rule proves the position which I take to be unassailable, and that is, that no amendment shall be incorporated in an appropriation bill until it shall have received the investigation and sanction of some committee of the body; and here is an amendment which has received the sanction of no committee.

This body is known all over the country for its courtesy; it stands upon its courtesy among its own members; and here is the Senator from Florida insisting on running over the Committee on the Library, to whom the Senate under its rules commits this question. We have not had an opportunity to investigate and report upon it. So far from it having been reported by the Committee on the Library, it has not even been reported by the committee of which the Senator is a member, the Committee on Appropriations, and that committee is opposing it here upon the floor of the Senate.

Mr. HALE. If I understand the Senator, he is bringing out a point that is entirely new to me in this matter. Does the Senator say that this amendment has not been reported by any committee? I got the impression from what the Senator from Florida stated that the amendment had the support of the Committee on the Library. I do not know that the Senator did say exactly that.

Mr. MILLS. The amendment has never been reported or examined by the Committee on the Library since I have been a member of it, and I am chairman of that committee.

Mr. HALE. Then the Senator from Florida has nothing whatever to go on. I thought the Senator from Florida had the report of a committee to sustain him.

Mr. MILLS. No. The Senator from Florida reported the utterances of two gentlemen who are now on the Committee on the Library, but who at the time the utterances were made were not members of the Committee on the Library, as I understand.

Mr. CALL. I beg pardon, they were.

Mr. MILLS. One was, and one was not. The Senator from Colorado [Mr. WOLCOTT] I think was not.

Mr. CALL. I beg pardon.

Mr. MILLS. He took the place of the Senator from Massachusetts [Mr. HOAR], as I understand.

Mr. HALE. If the Committee on the Library, which has this whole matter in charge, has not reported in favor of the amendment, what little strength it ever had is gone.

Mr. MILLS. It has not been reported by the Committee on the Library.

Mr. ALDRICH. I rise to a question of order. This precise question, as I understand, was decided four times on Saturday, and I do not know why the time of the Senate should be taken up in listening to a discussion between Senators on this question of order. Of course, I understand this matter is within the discretion of the Presiding Officer; but it seems to me this discussion ought not to be allowed to go on indefinitely, when the Senate itself has acted upon it so recently and so emphatically.

Mr. MILLS. I will conclude what I was going to say by simply adding that I have sought to have an opportunity to investigate this thing. I want to confer with the judges of the Supreme Court about it. I have not heard one word from them on the subject. I have conferred, however, with the Librarian, a most excellent gentleman and a most competent officer, as everyone will testify. I have known him for twenty-one years, and I have never known a more competent, a more affable, polite, and courteous gentleman. He is opposed to this amendment.

In common with other Senators, I have been so busy with the tariff question that I have not had an opportunity to investigate this thing as I desire to do, and I want to have during the recess of Congress an opportunity to look into it. This is a very big question, proposing to rend this great Library in twain. The law part of this Library belongs to the Congressional Library, held by these two bodies in their own hands, and they do not give the control of it away to anybody; and now here comes a proposition, supported by one Senator, who is proposing to break down the jurisdiction of the two Houses of Congress as to the law part of this great Library of the country. I at least ask that the Senate will give the Committee on the Library an opportunity to investigate and report upon that question.

Mr. CALL. I ask unanimous consent to say a word. It is always proper that a matter should be stated fairly, and should not be decided upon statements that are entirely incorrect. That is due to every question. There is no argument in stating propositions which do not rest upon facts nor in a body deciding a case which does not rest upon the facts of the case, not meaning to impeach anybody's intention.

Mr. MILLS. What I have stated are facts.

Mr. CALL. I do not undertake to dispute what the Senator says; but I dispute this part of it. I say substantially it is true that while the Library Committee may not have had a meeting since the Senator from Texas has been a member of the committee, the record shows that the Library Committee, constituted in its membership as it is now——

Mr. MILLS. Not the committee, but a member of it.

Mr. CALL. That committee, with the exception of the Senator from Texas, in an open and exhaustive debate in this body at the last session, affirmed their approval and recommendation.

Mr. MILLS. Not at the last session.

Mr. CALL. It is not material whether it was to-day or yesterday or the day before or this session or the last session. The substantial question is not as to time, but as to the facts, whether the Library Committee, whether the Judiciary Committee of the Senate, whether the Senate itself, whether the Judiciary Committee of the House of Representatives, and whether all the judges of the Supreme Court have not affirmed and approved this amendment. That is the question to which the Senator from Texas should have addressed himself, and not as to the merits of the Librarian or the rending of the great library in two. How? This amendment has never been decided out of order, nor any amendment cognate to it, nor has any amendment resembling it which has ever been before this body.

This amendment proposes to reduce the appropriation contained in the legislative, executive, and judicial appropriation bill, and, therefore, it is not subject to the objection. Any Senator can move an amendment to an appropriation bill which does not increase the amount, and which is not general legislation. This amendment reduces the number, and substitutes, in place of it, a clerk of the Supreme Court, who may be employed by the Chief Justice for what? To enable the court to use the books required by them to make notes of reference; a man of the skill and ability, such as this gentleman who has been spoken of here, who has the confidence of the Supreme Court, to be employed as the clerk. The Senator from Mississippi, in his investigations of law questions, has availed himself of the services of this gentleman to make notes of reference from the law books and decisions of the courts.

This lawyer in charge of the Law Library has had the appropriation taken away from him which was provided by law, as appears in this debate, and the Senator from Texas is here justifying it. He is given $1,200 a year, which is less than is paid to the experienced, capable, and intelligent colored employé who attends to the books in the Law Library; this man used by the court in gathering and making notes of the books required in great and important cases, which are being considered there and decided by that tribunal, is receiving but $1,200 a year, and the valuable and capable colored man receives $1,400, and the committee has no time to investigate the subject.

We decide points of order here. The Senator from Texas did not and can not tell us in any sensible proposition what "general

legislation" is except by contrasting it with particular and special legislation. He can not do it. There is otherwise no meaning to the term. This amendment does not increase the appropriation; it reduces it. It reduces the number of assistants in the Library; it relieves them from the work which they are required to do for the Supreme Court, and it gives to the Supreme Court a clerk at $2,500 a year to enable it to facilitate its use of the law books and for making points of reference in the court.

It relates to the judiciary, and it is offered to the clause of the bill relating not to the Library, but to the judicial department of the Government. There is where the amendment belongs and the subject to which it relates.

It is true it serves the same end as the other; but I venture to say that no amendment like this, no amendment in terms resembling this, no amendment which has any connection with this, except that it should have the same use, has been decided by the Senate to be out of order.

The VICE-PRESIDENT. The Chair submits to the Senate the question, Is the amendment proposed by the Senator from Florida in order?

Mr. CALL. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HANSBROUGH (when his name was called). I am paired with the junior Senator from Illinois [Mr. PALMER].

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. SHOUP (when his name was called). I am paired with the senior Senator from California [Mr. WHITE], and therefore withhold my vote.

The roll call was concluded.

Mr. BLACKBURN. I am paired with the senior Senator from Nebraska [Mr. MANDERSON]. If he were present I should vote "nay."

Mr. GEORGE. I am paired with the Senator from Oregon [Mr. DOLPH]. If he were present I should vote "yea."

Mr. CAREY. I am paired with the junior Senator from Wisconsin [Mr. MITCHELL], and therefore withhold my vote.

Mr. MCMILLAN (after having voted in the negative). I am paired with the Senator from Louisiana [Mr. BLANCHARD], but in order to make a quorum I have the privilege of voting, and I will let my vote stand.

Mr. QUAY. I am advised by the Senator from Alabama [Mr. PUGH] that his colleague [Mr. MORGAN], with whom I am paired, would vote the same way as I do on this question, and I therefore vote. I vote "nay."

Mr. BLACKBURN. I have the right to vote to make a quorum. I vote "nay."

Mr. HANSBROUGH. I have the right to vote to make a quorum, and I vote "yea."

Mr. CAREY. In order to make a quorum, I vote "yea."

Mr. SHOUP. I transfer my pair with the Senator from California [Mr. WHITE] to the Senator from Rhode Island [Mr. DIXON], and will vote. I vote "yea."

Mr. CAREY (after having voted in the affirmative). I desire to withdraw my vote. I understand there is a quorum without my vote. I broke my pair and voted in order to make a quorum.

The result was announced—yeas 15, nays 29; as follows:

YEAS—15.

Allen,	George,	Power,	Shoup,
Bate,	Hansbrough,	Proctor,	Squire,
Call,	Hunton,	Roach,	Walsh.
Dubois,	Perkins,	Sherman,	

NAYS—29.

Aldrich,	Gorman,	McLaurin,	Pugh,
Allison,	Gray,	McMillan,	Quay,
Blackburn,	Hale,	Martin,	Ransom,
Brice,	Harris,	Mills,	Vilas,
Cockrell,	Hawley,	Pasco,	Washburn.
Coke,	Hill,	Patton,	
Faulkner,	Jones, Ark.	Peffer,	
Gallinger,	Lindsay,	Platt,	

NOT VOTING—41.

Berry,	Dixon,	Lodge,	Stewart,
Blanchard,	Dolph,	McPherson,	Teller,
Butler,	Frye,	Manderson,	Turpie,
Caffery,	Gibson,	Mitchell, Oregon	Vest,
Camden,	Gordon,	Mitchell, Wis.	Voorhees,
Cameron,	Higgins,	Morgan,	White,
Carey,	Hoar,	Morrill,	Wilson,
Chandler,	Irby,	Murphy,	Wolcott.
Cullom,	Jarvis,	Palmer,	
Daniel,	Jones, Nev.	Pettigrew,	
Davis,	Kyle,	Smith,	

So the amendment was not received.

Mr. CALL. On page 18, line 13, the compensation of the Librarian is fixed at $4,000, and there are thirty assistant librarians provided for, all appointed by the chief Librarian. It reads "for thirty assistant librarians, two at $2,500 each." After the word "each" I propose to insert "one of whom shall have charge of the Law Library and be employed on the recommendation of the Chief Justice."

Mr. HALE. That is the same thing.

Mr. MILLS. I make the same point of order on the amendment. It is the same case in different form. This is the sixth time it has been presented, and five times the Senate has voted that it is not in order.

Mr. HALE. I call for the regular order. Certainly it is high time. I ask for the decision of the Chair on the point of order.

The VICE-PRESIDENT. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. After the word "each," in line 15, page 18, insert:

One of whom shall have charge of the Law Library and be employed by the Chief Justice.

Mr. CALL. Mr. President——

Mr. HALE. I object to debate. I call for the regular order.

Mr. CALL. I ask the Senator from Maine to allow me to say a single word.

Mr. HALE. No, sir; I call for the regular order.

The VICE-PRESIDENT. The Chair will state to the Senator from Florida, that the point of order being made, he can proceed only by unanimous consent.

Mr. CALL. I understand that.

The VICE-PRESIDENT. Is there objection to the Senator from Florida proceeding?

Mr. HALE. I object.

The VICE-PRESIDENT. There is objection.

Mr. HALE. I ask for the ruling of the Chair.

The VICE-PRESIDENT. The point of order having been made, the Chair is compelled, the Senate having repeatedly determined this question, to sustain the point of order. The amendment proposed by the Senator from Florida is not in order.

Mr. CALL. I make a further motion to amend the bill. In line 14, page 18, I move to strike out "thirty" and insert "twenty-six."

Mr. President, I wish to say a word about the amendment.

Mr. HALE. I ask that the amendment be stated.

Mr. CALL. Let it be read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. In line 14, page 18, strike out the word "thirty" and insert "twenty-six;" so as to read:

For twenty-six assistant librarians.

Mr. CALL. Mr. President, the Senator from Maine gains nothing by the motion excluding me from saying a few words on this question. Here is a library of 85,000 volumes, increasing at the rate of two or three thousand a year, certified by every judge of the supreme judicial tribunal to require special care and attention, certified to be in charge of a man capable of giving that care, and the request is made that the court shall have some kind of supervision over the special officer charged with the duty of providing conveniences for the court.

Substantially this amendment and this request of the judges of the Supreme Court, certified to by the Senator from Massachusetts [Mr. HOAR], by Senator Dawes, by the Senator from Missouri [Mr. VEST] in the record which I have read to the Senate, passed by the Senate of the United States, recommended by the Judiciary Committee, struck off the bill in general conference, is denied. The absolute power of appointment of the thirty assistants, without knowledge or recommendation from any Department of this Government, is confided to one single man, and the court's wishes are treated with disrespect and the mandate of the Senate in its former session is treated with disrespect. We stand in this position, and we can not escape it before the country. Here is a bill full of general legislation. Here is a rule which, if the construction that Senators put upon it is correct, is as binding upon the Committee on Appropriations as on any Senator or the members of any other committee of the Senate.

Members of the Senate derive no additional functions from being upon the Committee on Appropriations. They have no additional rights. They are not superior to any other Senators. If it be out of order to put upon an appropriation bill general legislation, it is as much so when proposed by members of the Committee on Appropriations as when suggested by other members. That is a poposition which can not be controverted. They have no more right to change the laws and put legislative provisions upon an appropriation bill than has any other Senator, nor have they the right to exclude such propositions from the consideration of this body. The rule of the Senate does not say that the Committee on Appropriations can put general legislation upon an appropriation bill. It is equally prohibitory upon them.

What does the pending bill do? It changes the entire administrative methods of the Treasury Department of the United

States. It revolutionizes them. It dismisses hundreds of employés and creates new offices without limit and without the sanction of existing law, thus changing the law and abolishing it.

Yet we stand here, by what strange magic I know not, to resist a little request of the Supreme Court and the judges of it, made substantially, if not in terms, as proved in the RECORD by the testimony of the Senator from Massachusetts [Mr. HOAR] at the last Congress; by Mr. Dawes, then in charge of the legislative, executive, and judicial appropriation bill; by the Senator from Missouri [Mr. VEST], as quoted in the debate, speaking of personal conferences with the judges, and by the Senator from Colorado [Mr. WOLCOTT], of the Library Committee, and sustained by the whole Senate.

Yet the bill can, at the request of two or three members, have in it legislation changing the entire method of doing business in, and the entire character of, the Treasury Department in its different bureaus and affecting the whole body politic of the country in its most important Department.

We stand before the country professing to reason and to argue, and we say that an amendment which requires one assistant librarian to be appointed by the Librarian, with the approval of the Supreme Court, is out of order because it is general legislation in a bill of general legislation, changing the whole existing law. If the Senate can stand it, I can.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was rejected.

Mr. COCKRELL. I hold in my hand a letter from Hon. M. A. SMITH, the Delegate from the Territory of Arizona, dated July 16, 1894, calling attention to the absolute necessity of an increase in the amount provided for the office of the surveyor-general of the Territory of Arizona and for clerk hire in his office. The amount is estimated at $8,000. On page 106, line 13, I move to strike out the word "seven" and insert "eight," so as to read "$8,000," to correspond with the estimates.

The VICE-PRESIDENT. The amendment of the Senator from Missouri will be stated.

The SECRETARY. In line 13, page 106, before the word "thousand," strike out the word "seven" and insert "eight;" so as to read: "$8,000."

The amendment was agreed to.

Mr. CALL. In the items for office of Sergeant-at-Arms and Doorkeeper of the Senate, on page 6, line 8, I move, after the word "each," to strike out the word "laborer" and insert the words "two laborers," so as to read: "Two laborers in charge of the private passage;" and to strike out in the 12th line the words "twenty-five" and insert "twenty-four;" so as to read:

Twenty-four laborers, at $720 each.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Florida.

Mr. CALL. I desire to say that this amendment does not increase the appropriation in the bill. It is moved for the purpose of restoring to the rolls of the Senate an aged man who has been in the service of the Senate for thirty years, a crippled man who has no other means of earning a livelihood, who has served the Senate until he is unable to do anything else, and who has a family dependent upon him for support.

A large majority of the members of the Senate on both sides have signed a request that a provision should be made for this man, and such an amendment was referred to the Committee on Contintingent Expenses, but owing to changes and other matters it has not been reported to this body. A majority of the Senators and all the employés here are interested in this amendment. The man is capable of rendering efficient service.

As I said, for thirty years he has been in the faithful service of this body. He is a cripple. I understand he is an intelligent, faithful, efficient, capable man for the duty which he has performed. I have no interest in it. I know him only as others know him; he is not from the State which I represent in part, and I only feel that it is becoming to the dignity of this body that they should not turn out upon the highways to starve a man with a dependent family who has become disabled in the service of the Senate for any other business than that which he may perform here; and he is as capable of performing this business as any other man.

Mr. COCKRELL. I hope the amendment will not be agreed to and that the Senate of the United States will not set the example of taking a civilian and placing him upon a pension roll of Senate officers.

Mr. CALL. I do not expect the support of the Senator from Missouri, but I wish to antagonize the sentiment which he expresses, and I hold that in any body benevolence and humanity and consideration for the poor should form a part of the public policy of the Government, and that a contrary policy is barbarous, uncivilized, and unworthy of this enlightened age.

The amendment was rejected.

Mr. CALL. I have another amendment to offer. On page 8, beginning in line 19, I move to strike out the following clause:

For expenses of maintaining and equipping horses and mail wagons for carrying the mails, $5,000, or so much thereof as may be necessary.

And to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Strike out lines 19, 20, and 21 on page 8, and insert:

For the care and maintenance of horses and vehicles used for carrying the mails and other transportation required for the uses of the Senate, $5,500: *Provided*, That the offer of a responsible person shall be accepted, who shall give satisfactory bond and security to perform the service required by the Senate with the present outfit of horses and vehicles and with the use of the stables belonging to the Senate for one-third less than the cost in the fiscal year ending on the 1st of July, 1894.

Mr. CALL. The clause I move to strike out is perhaps the most extravagant provision of the extravagences of this bill. Here is a provision of $5,000 for what? To take care of eleven horses. It would cost at the outside about $110 a month to feed these horses and provide for their proper care and maintenance, while for them with three or four mail wagons for the use of the Senate, a stable being provided, $5,000 is appropriated.

There are hundreds of people in this city who will agree to perform that service for one-half that amount, and perform it efficiently. No one knows anything at all about the cost of this work, but it is quite evident that it is preposterous. The idea of appropriating $5,000 for eleven horses, stable being provided rent free for three or four wagons! I wish to say it is an extravagant appropriation, and I propose the amendment. I ask for a vote upon it.

The amendment was rejected.

Mr. PROCTOR. I move to insert, at the end of the 26th section, page 143, the following proviso:

Provided, That the duties, devolved by the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1894, upon a Joint Commission to Inquire into and Examine the Status of Laws Organizing the Executive Departments, etc., shall, after the passage of this act, and until the 4th day of March, 1895, be performed on the part of the Senate by the Committee on Organization, Conduct, and Expenditures of the Executive Departments.

This merely transfers from one committee of the Senate to another certain duties which legitimately belong to a standing committee of the Senate. It is not important. It expires on the 4th day of March next. I think it will not be objected to.

Mr. CALL. I can not permit that to pass, although I am heartily in accord with the Senator from Vermont, without showing to the country the character of the proceedings here. Here is an amendment to a bill which contains general legislation in the most important particulars, which changes an entire Department of this Government, put upon it by Senators calling themselves a joint commission. They are no more than individual Senators, for the commission gives them no other function.

Under a rule which they claim prohibits all general legislation, five or six times they have affirmed that anything is general legislation which changes existing law by a deliberate vote of this body, and now the Senator from Vermont proposes to do, what? To abrogate and repeal what they claim to be a statute.

It is true, I say, that it was in contravention of the Constitution of the United States most palpable that this so-called joint commission was created, a legislative body appointed by the dead officers of an expired Congress and charged with the living function of representing a new and live Congress, expending large sums of public money, employing experts, changing the entire character of one of the Departments without the authority of this body as expressed in the form and requirements of the Constitution.

But yet Senators claim it to be a statute, and this amendment of my friend the Senator from Vermont is predicated upon the idea that the Senate of the United States has not the constitutional power of providing its own rules of procedure implied in the term "Each House may determine the rules of its proceedings," and yet that a proceeding of the Senate created by a statute of the United States commanding it to pursue a particular method has to be abrogated by a provision upon an appropriation bill, which the Senate has decided can not contain any general legislation, but is to be abrogated by an amendment to the statutes.

Mr. President, this is all I have to say.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Vermont.

Mr. PROCTOR. I hardly understood whether the Senator from Florida opposes or favors the amendment.

Mr. CALL. I do not oppose it. I only wanted to call attention to the fact that what is accorded to the Senator from Vermont was denied to the Supreme Court, and is denied to other Senators upon this floor. No point of order is raised by me.

Mr. PROCTOR. I trust the Senate will adopt the amendment.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 2015) granting to the Columbia Irrigation Company a right of way through the Yakima Indian Reservation in Washington.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6748) making appropriations for the naval service for the fiscal year ending June 30, 1895, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CUMMINGS, Mr. GEISSENHAINER, and Mr. DOLLIVER managers at the conference on the part of the House.

The message further announced that the House insisted upon its amendments to the bill (S. 1919) to ratify and confirm an agreement with the Yuma Indians in California, for the cession of their surplus lands, and for other purposes; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HUNTER, Mr. LYNCH, and Mr. PICKLER managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 7498) to authorize the construction of a bridge across the Mississippi River from a point within the limits of the city of Dubuque, in the State of Iowa, known as Eagle Point, to the opposite bank of said river, in the county of Grant and State of Wisconsin; in which it requested the concurrence of the Senate.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. BRICE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5994) "making appropriations for the Military Academy for the fiscal year ending June 30, 1895, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 24, and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 19, 20, 21, 23, 25, 26, and 29, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$20;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$560;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with amendments, as follows: Strike out in line 6 of said amendments the words "made available," and insert in lieu thereof the word "reappropriated," and strike out in line 7, page 19, of the bill the following: "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$1,460;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed in said amendment insert "$4,000;" and the Senate agree to the same.

CALVIN M. BRICE,
WILKINSON CALL,
Managers on the part of the Senate.
JOSEPH WHEELER,
JOSEPH H. OUTHWAITE,
W. W. BOWERS,
Managers on the part of the House.

The report was concurred in.

NAVAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6748) making appropriations for the naval service for the fiscal year ending June 30, 1895, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GORMAN. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. GORMAN, Mr. BLACKBURN, and Mr. HALE were appointed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GORMAN. I move that the Senate proceed to the consideration of House bill 5481, being the District of Columbia appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5481) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1895, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. GORMAN. I ask that the formal reading of the bill be dispensed with and that the amendments of the Committee on Appropriations be considered as they are reached.

The VICE-PRESIDENT. Without objection that course will be pursued.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was on page 2, line 8, after the word "dollars," to strike out "one messenger, $480," and insert "one stenographer and typewriter, $720;" in line 24, before the word "dollars," to strike out "clerk, nine hundred," and insert "deputy property clerk, one thousand;" on page 3, line 5, after the word "thousand," to strike out "one hundred and forty-one," and insert "four hundred and eighty-one;" so as to read:

For executive office: For two Commissioners, at $5,000 each; one Engineer Commissioner, $1,768 (to make salary $5,000); one secretary, $2,160; one clerk, $1,500; one clerk, $1,400; three clerks, one of whom shall be a stenographer and tppewriter, at $1,200 each; one messenger, $600; one stenographer and typewriter, $720; one driver, $480; one inspector of buildings, $2,400; one assistant inspector of buildings, $1,200; two assistant inspectors of buildings, at $1,000 each; and one of the assistant inspectors of buildings shall hereafter also perform the duties of inspector of elevators and fire escapes, without additional compensation; one clerk, $1,600; one clerk, $900; one messenger, $480; one janitor, $700; one laborer at $1 per day, $313; two laborers, at $360 each; one steam engineer, $900; one property clerk, $1,600; one deputy property clerk, $1,000; one clerk, $720; one messenger clerk, $600; one messenger, $180; three watchmen, at $480 each; one chief inspector of plumbing, $2,000; four assistant inspectors of plumbing, at $1,000 each: one harbor master, $1,200; in all, $46,481.

The amendment was agreed to.

The next amendment was on page 3, to insert the following proviso after line 6:

Provided, That the accounting officers of the Treasury, in the settlement of the accounts of Josiah Dent, Thomas P. Morgan, and William J. Twining, late Commissioners of the District of Columbia, are hereby authorized and directed to credit and allow audit No. 1577, made in favor of John F. Cook, collector of the District of Columbia, October 17, 1881, for $4,079.70, on account of the redemption of special tax scrip certificates numbered, respectively, 819, 914, 926, and 928: *And provided further*, That in crediting and allowing said audit 1577, as aforesaid, no money on account thereof shall be paid out of the Treasury of the United States, and the Treasurer of the United States is hereby authorized and directed to deliver the said special tax scrip certificates to Isaac S. Lyon, the owner thereof.

Mr. GORMAN. In line 22, page 3, I move to strike out "Treasurer of the United States" and insert "Secretary of the Treasury."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 4, line 13, after the word "dollars," to insert "one deputy collector, $1,800;" and in line 19, before the word "dollars," to strike out "fourteen thousand two hundred" and insert "sixteen thousand;" so as to make the clause read:

For collector's office: For one collector, $4,000; one deputy collector, $1,800; one cashier, $1,800; one bookkeeper, $1,600; two clerks, at $1,400 each; two clerks, at $1,200 each; one clerk and messenger, $1,000; one messenger, $600; in all, $16,000.

The amendment was agreed to.

The next amendment was, on page 5, line 1, after the word "each," to insert "one clerk, $1,000;" in line 3, before the word "dollars," to strike out "five hundred" and insert "six hundred and twenty-five," and in line 5, before the word "dollars," to strike out "sixteen thousand seven hundred" and insert "seventeen thousand eight hundred and twenty-five;" so as to make the clause read:

For auditor's office: For one auditor, $3,000; one chief clerk, $1,800; one bookkeeper, $1,800; one clerk, $1,600; two clerks, at $1,400 each; three clerks, at $1,200 each; one clerk, $1,000; one messenger, $600; one disbursing clerk, $1,625; in all, $17,825.

The amendment was agreed to.

The reading of the bill was continued to line 11, page 5.

Mr. GORMAN. In line 8 after the word "thousand," I move to strike out "two" and insert "eight," and in line 10, after the word "all," I move to strike out "$8,600" and insert "$9,200;" so as to make the clause read:

For attorney's office: For one attorney, $4,000; one assistant attorney, $2,000; one special assistant attorney, $1,800; one law clerk, $1,200; one messenger, $200; in all $9,200.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment

of the Committee on Appropriations was, on page 7, line 14, after the word "dollars," to insert the following proviso:

Provided, That the last clause of section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, is hereby amended so as to read as follows: The President of the United States may detail from the Engineer Corps of the Army not more than three officers, junior to the engineer officer belonging to the Board of Commissioners of said District, to act as assistants to said Engineer Commissioner in the discharge of the special duties imposed upon him by the provisions of this act.

The amendment was agreed to.

The next amendmend was, on page 8, after line 4, to insert:

Plumbing board: For compensation of not exceeding five members of the plumbing board, at $200 each, $1,000, to be paid to said members in addition to any salaries paid them for other services.

The amendment was agreed to.

The next amendment was, on page 8, line 21, after the word "dollars," to insert "clerk to the superintendent, $900; in all, $3,900;" so as to make the clause read:

Superintendent of charities: For superintendent of charities, $3,000; clerk to the superintendent, $900; in all, $3,900.

The amendment was agreed to.

The next amendment was, on page 9, line 13, to increase the appropriation for contingent expenses of the government of the District of Columbia from $22,500 to $24,000.

The amendment was agreed to.

The next amendment was, on page 9, line 23, to increase the appropriation for contingent expenses of stables of the engineer department from $5,500 to $6,000.

The amendment was agreed to.

The next amendment was, on page 10, line 11, before the word "cases," to strike out "witness" and insert "District;" so as to make the clause read:

For judicial expenses, including procurement of chains of title, the printing of briefs and witness fees in District cases before the court of appeals of the District of Columbia, $1,000

The amendment was agreed to.

The next amendment was, on page 10, line 17, before the word "dollars," to strike out "eight hundred and fifty" and insert "one thousand;" so as to make the clause read:

For livery of horse or horse hire for coroner's office, jurors' fees, removal of deceased persons, making autopsies, ice, disinfectants, and other necessary supplies for the morgue, and holding inquests, and photographing unidentified bodies, $1,000.

The amendment was agreed to.

The next amendment was, on page 10, line 20, before the word "dollars," to strike out "one thousand nine hundred" and insert "three thousand;" so as to make the clause read:

For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, $3,000.

The amendment was agreed to.

The next amendment was, on page 10, line 24, before the word "thousand," to strike out "ten" and insert "twelve;" so as to make the clause read:

For advertising notice of taxes in arrear July 1, 1894, as required to be given by act of March 19, 1890, $12,000, to be reimbursed by a charge of $1.20 for each lot or piece of property advertised.

The amendment was agreed to.

The next amendment was, on page 11, line 5, before the word "thousand," to strike out "one" and insert "two;" so as to make the clause read:

To enable the assessor to continue account of arrears of taxes on real property due the District of Columbia, including the payment of necessary clerical force, $2,000.

The amendment was agreed to.

Mr. GORMAN. On page 11, line 7, after the word "house," I move to strike out "to be immediately available;" so as to read:

For additions and repairs to Georgetown market house, $6,500.

The amendment was agreed to.

The next amendment was, on page 11, after line 8, to insert:

For repairs to the Western market house, $3,170.

The amendment was agreed to.

The reading of the bill was continued to line 25, on page 11.

Mr. McMILLAN. I move an amendment to come in at the end of the twenty-fifth line.

Mr. GORMAN. I suggest to the Senator from Michigan that by the unanimous agreement the Senate is to act on the committee amendments first. I would be very glad to take up his amendment later if the Senator will postpone it.

Mr. McMILLAN. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 12, to strike out lines 1 to 5 inclusive, in the following words:

PERMIT WORK.

For the improvement and repair of alleys and sidewalks, and the construction of sewers and sidewalks of such form and materials as the Commissioners may determine, under the permit system, $165,000.

And to insert:

ASSESSMENT AND PERMIT WORK.

For assessment and permit work, $200,000: *Provided*, That hereafter the Commissioners of the District of Columbia are authorized and empowered, whenever in their judgment the public health, safety, or comfort require it, or whenever application shall be made therefor, accompanied by a deposit equal to one-half the estimated cost of the work, to improve and repair alleys and sidewalks, and to construct sewers and sidewalks in the District of Columbia of such form and materials as they may determine, and to pay the total cost of such work from appropriations for assessment and permit work.

Said Commissioners shall give notice by advertisement, twice a week for two weeks in some newspaper published in the city of Washington, of any assessment work proposed to be done by them under this act, designating the location and the kind of work to be done, specifying the kind of materials to be used, the estimated cost of the improvement, and fixing a time and place when and where property-owners to be assessed can appear and present objections thereto, and for hearing thereof. One-half of the total cost of the assessment work herein provided for, including the expenses of the assessment, shall be charged against and become a lien upon abutting property, and an assessment therefor shall be levied pro rata according to the linear frontage of said property. One-half of the cost of the assessment work done under the provisions of this act shall be paid to the collector of taxes of the District of Columbia, as follows: One-third of the amount within sixty days after service of notice of such assessment, without interest; one-third within one year, and the remainder within two years from the date of such service of notice, and interest shall be charged at the rate of 8 per cent per annum from the date of service of such notice on all amounts which shall remain unpaid at the expiration of sixty days after service of notice of such assessment, which in all cases shall be served upon each lot owner, if he or she be a resident of the District, and his or her residence known, and if he or she be a nonresident of the District, or his or her residence unknown, such notice shall be served on his or her tenant or agent, as the case may be, and if there be no tenant or agent known to the Commissioners, then they shall give notice of such assessment by advertisement twice a week for two weeks in some newspaper published in said District. The service of such notice, where the owner or his tenant or agent resides in the District of Columbia, shall be either personal or by leaving the same with some person of suitable age at the residence or place of business of such owner, agent, or tenant; and return of such service, stating the manner thereof, shall be made in writing and filed in the office of said Commissioners: *Provided*, That the cost of publication of the notice herein provided for and the service of such notices shall be paid out of the appropriations for assessment and permit work. Any property upon which such assessment and accrued interest thereon, or any part thereof, shall remain unpaid at the expiration of two years from the date of service of notice of such assessment shall be subject to sale therefor under the same conditions and penalties which are imposed by existing laws for the nonpayment of general taxes; and if any property assessed as herein provided for shall become liable to sale for any other assessment or tax whatever, then the assessments levied under this act shall become immediately due and payable, and the property against which they are levied may be sold therefor, together with the accrued interest thereon, and the cost of advertising, to the date of such sale. Property owners who request improvements under the permit system shall deposit in advance with the collector of taxes of the District of Columbia an amount equal to one-half the estimated cost of such improvements, and in such cases it shall not be necessary to give the notice hereinbefore provided for. All moneys received by the collector of taxes of the District of Columbia for work done upon the request of property-owners, as herein provided for, shall be deposited by him in the United States Treasury to the credit of the permit fund. Upon the completion of work done as aforesaid at the request of property-owners, the Commissioners shall repay to the then current appropriation for assessment and permit work, out of the permit fund, a sum equivalent to one-half of the cost of the work, and shall return to the depositors, from the same fund, as application may be made therefor, any surplus that may remain over and above one-half the cost of the work. All sums received by the collector under the provisions of this act on account of assessment work, and in payment of assessments heretofore made for compulsory permit work, shall be credited to the appropriation for assessment and permit work for the fiscal year in which they are collected: *Provided further*, That the cost of service connections with water mains and sewers shall be assessed against the lots for which said connections are made, and shall be collected in the same manner and upon the same conditions as to notice as herein provided for assessment work: *And provided further*, That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

The amendment was agreed to.

The next amendment was, on page 16, line 6, before the word "hundred," to strike out "one" and insert "two;" so as to make the clause read:

For work on streets and avenues named in Appendix "Z," Book of Estimates, 1895, $200,000, to be expended in the discretion of the Commissioners upon streets and avenues specified in the schedules named in said appendix and in the aggregate for each schedule as stated herein, etc.

The amendment was agreed to.

The next amendment was, on page 16, line 11, before the word "dollars," to strike out "eight thousand and five hundred" and insert "seventeen thousand;" so as to make the clause read:

Georgetown schedule, $17,000.

The amendment was agreed to.

The next amendment was, on page 16, line 13, before the word "thousand," to strike out "thirty-eight" and insert "seventy-six;" so as to make the clause read:

Northwest section schedule, $76,000.

The amendment was agreed to.

The next amendment was, on page 16, line 15, before the word "thousand," to strike out "thirteen" and insert "twenty-six;" so as to make the clause read:

Southwest section schedule, $26,000.

The amendment was agreed to.

The next amendment was, on page 16, line 17, before the word

"thousand," to strike out "nineteen" and insert "thirty-eight;" so as to make the clause read:

Southeast section schedule, $38,000.

The amendment was agreed to.

The next amendment was, on page 16, line 19, before the word "dollars," to strike out "Twenty-one thousand five hundred" and insert "Forty-two thousand;" so as to make the clause read:

Northeast section schedule: Forty-two thousand dollars.

The amendment was agreed to.

The next amendment was, on page 17, line 21, before the word "thousand," to strike out "forty," and insert "seventy-five;" so as to make the clause read:

For relief sewers and replacing obstructed sewers, $75,000.

The amendment was agreed to.

The next amendment was, on page 17, line 23, before the word "thousand," to strike out "seventy-five," and insert "one hundred and twenty;" so as to make the clause read:

For main and pipe sewers, $120,000.

The amendment was agreed to.

The next amendment was, on page 18, line 1, before the word "Fifteenth," to insert "near the intersection of;" so as to make the clause read:

For completing main intercepting sewer from Easbys Point, Potomac River, to near the intersection of Fifteenth and E streets northwest $160,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 3, to insert:

For continuing the construction of the Rock Creek intercepting sewer, $20,000: *Provided*, That the Commissioners of the District of Columbia are authorized to enter into contract for said work at a cost not to exceed $80,000, to be paid for from time to time as appropriations may be made by law; and the said Commissioners are authorized to construct said sewer, where necessary, across lands belonging to the United States: *Provided*, That after the construction of said sewer the excavated portions of said lands shall be restored to their original condition from the appropriation herein provided for.

The amendment was agreed to.

The next amendment was, on page 19, after line 7, to strike out:

Provided, That hereafter no cobblestones shall be used in paving the space between the rails and tracks of street railways upon any paved streets, and whenever a street is paved or resurfaced, or the track relaid, the cobblestones shall be removed and replaced with such form of pavement as the Commissioners may deem advisable.

So as to make the clause read:

Repairs, streets, avennes, and alleys: For current work of repairs of streets, avenues, and alleys, including the repair of cuts made by the sewer department, $35,000. And this appropriation shall be available for repairing the pavements of street railways when necessary; the amounts thus expended shall be collected from said railway company as provided by section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected.

The amendment was agreed to.

The next amendment was, on page 19, after line 13, to insert:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered to make and to enforce all reasonable regulations in respect to requiring street cars operated by other means than horse power in the District of Columbia to be provided with proper fenders for the protection of the lives and limbs of all persons within the District of Columbia. Such power and authority shall extend to the adoption by the said Commissioners of any fender or fenders deemed by them to be superior to the fenders now in use as the fender or fenders which shall be used on cars operated within the said District: *Provided*, That nothing contained in this act shall operate to relieve any street railway company from liability for accidents on its lines.

The amendment was agreed to.

The next amendment was, on page 20, after line 12, to strike out:

That hereafter when sidewalks or curbing are laid on streets, alleys, and roads being improved or repaired, one-half the total cost shall be assessed against the abutting property, in like manner and under the laws governing in the case of compulsory permit work.

And insert:

That when new sidewalks or curbing are hereafter required to be laid on streets being improved, one-half the total cost shall be assessed against abutting property, in like manner and under the law governing in the case of assessment and permit work.

And, in line 24, before the word "permit," to insert "assessment and;" so as to make the clause read:

That when new sidewalks or curbing are hereafter required to be laid on streets being improved, one-half the total cost shall be assessed against abutting property, in like manner and under the law governing in the case of assessment and permit work: *Provided*, That abutting property shall not be liable to such assessment when sidewalk and curbing have been laid by the District authorities in front of the same under the assessment and permit system within two years prior to such assessment.

The amendment was agreed to.

The next amendment was, on page 21, line 4, after the word "determine," to strike out "and to be immediately available;" so as to make the clause read:

Construction of county roads: For construction of county roads and suburban streets, the following sums to be expended by contract or otherwise, as the Commissioners of the District may determine, etc.

The amendment was agreed to.

The next amendment was, on page 21, line 11, after the words "University Heights to," to strike out "Austin street," and insert "Rhode Island avenue;" so as to make the clause read:

For grading and graveling Twelfth street extended from University Heights to Rhode Island avenue, $8,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 16, to insert:

For purchasing land for widening Fourteenth street extended, between Kenyon street and Whitney avenue, to the established width, and for paving the roadway of the portion widened, $6,000; one-half the cost of said widening and paving shall be borne by the Washington and Georgetown Railroad Company, and shall be collected in the same manner as the cost of laying pavements between the rails and tracks of street railways, as provided for in section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878.

The amendment was agreed to.

The next amendment was, on page 22, after line 2, to insert:

For grading and graveling Roanoke and Irving streets from Brightwood avenue to Thirteenth street, $8,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 5, to insert:

For paving First street extended northward from S street to W street, $18,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 7, to insert:

For paving Harrison street, Anacostia, from Monroe street to Fillmore street, $8,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 9, to insert:

For paving R street northwest, extended, from Florida avenue to Twenty-second street, $3,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 11, to insert:

For grading and graveling Albemarle street from Grant road to Connecticut avenue extended, $9,000: *Provided*, That this amount shall not be expended until said street shall have been dedicated to the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 22, after line 15, to insert:

For macadamizing the road now extending from the Broad Branch road to Chevy Chase Circle, $5,000, to be available when the right of way, not less than 60 feet in width, shall have been dedicated to public use, under the laws and regulations applicable to suburban roads in the District of Columbia.

Mr. GORMAN. On page 22, after line 21, I offer the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. HALE in the chair). The amendment will be stated.

The SECRETARY. After line 21, on page 22, it is proposed to insert:

For opening entrance into the Zoölogical Park from Woodley Lane road, and opening driveway into Zoölogical Park from said entrance along the west bank of Rock Creek, $2,500.

The amendment was agreed to.

Mr. GORMAN. I offer an amendment, which I send to the desk, to come in after the amendment which has just been adopted.

Thd PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the amendment just adopted it is proposed to insert:

For improving Eighteenth street extended, from Florida avenue to Columbia road, by widening the roadway to 50 feet, paving same with street asphalt, and changing the grade where deemed necessary by the Commissioners of the District of Columbia, $12,000, one-half of the cost of such widening, paving, and changes of grade, outside of a strip 2 feet exterior to the outer rails of railroad tracks, shall be assessed against and collected from the abutting property in the same manner as assessments and collections are made under law governing assessments and permit work.

The amendment was agreed to.

Mr. GORMAN. I move to insert the amendment which I send to the desk, to come in on page 22, after line 15.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 22, after line 15, it is proposed to insert:

For extending Clayton street from Thirteenth street northwest, from Eleventh street extended to Sherman avenue, one-half of the cost of which shall be paid by the District of Columbia and one-half to be assessed upon the adjacent proprietors, and for grading Clifton street, $5,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 22, line 24, before the word "dollars," to strike out "forty-three thousand" and insert "ninety-two thousand and ninety;" so as to make the clause read:

For grading and macadamizing M street extended, between Twelfth street and Trinidad avenue, $5,000; in all, $92,090.

Mr. GORMAN. I withdraw the committee amendment, and move to insert "$111,590" as the total.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, at the top of page 23, to insert:

That the supreme court of the District of Columbia is hereby directed to vacate its order confirming the report of the commissioners appointed to appraise the value of the lands of the Prospect Hill Cemetery and Annie E. Barbour, proposed to be taken for the extension of North Capitol street under the act approved December 21, 1893, entitled "An act to extend North Capitol street to the Soldiers' Home," and the Commissioners of the District of Columbia are hereby directed to proceed to carry into effect said act, and to acquire the title by condemnation in the future for all lands authorized to be taken, according to chapter 11 of the Revised Statutes of the United States, relating to the District of Columbia.

Mr. GORMAN. I move to amend the amendment by striking out in line 11, after the word "condemnation," to the end of that line.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "condemnation," in line 11 of the amendment, on page 23, it is proposed to strike out "in the future for all lands authorized to be taken."

The amendment to the amendment was agreed to.

Mr. GORMAN. At the end of line 13 of the amendment, I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 23, after line 13, it is proposed to amend the amendment by inserting:

That section 3 of the act approved August 30, 1890, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," shall not be construed to apply to the condemnation of land for public highways, nor to repeal chapter 11 of the Revised Statutes of the United States relating to the District of Columbia in regard to public highways, roads, and bridges.

Mr. HAWLEY. I should like to better understand this provision, and I have no doubt the Senator in charge of the bill can satisfy me.

It is proposed to extend North Capitol street to the grounds of the Soldiers' Home. I suppose it is an accepted proposition, and all the citizens interested understand, that that is to be done in any event. In doing that, an opening is to be made in the Prospect Hill Cemetery. A street 130 feet wide passes through the cemetery, in a general way parallel to the western side of the cemetery, a distance from the south 172 feet to the west line of the cemetery, and on the north side perhaps 200 feet, leaving a rather irregular piece of the cemetery on the west side, and in a sense destroying the whole cemetery, for it leaves 10 acres on the east side, which is not very likely to be used hereafter for a cemetery, whereas the original inclosure comprised 17 acres.

By the act approved December 21, 1893, Congress authorized the Commissioners of the District of Columbia to condemn the lands of Prospect Hill Cemetery and Annie E. Barbour for the extension of North Capitol street from T street to the Soldiers' Home. As I have said, the act provided under what law the condemnation should be made, appropriated the amount necessary to pay the judgment of condemnation, and provided that the appropriation should be immediately available. The Commissioners of the District instituted proceedings in court to have the land condemned, and the court appointed three real estate experts, Albert F. Fox, William B. Gurley, and Oceola C. Green.

The last two of those gentlemen I know, and from my own knowledge can state that no better men could be found for such a purpose; and I have no doubt that is true of all three of them. These men were appointed commissioners to ascertain and report the value of the land proposed to be taken and the amount of benefits and damages. These commissioners were in session many days, heard many witnesses on both sides, and finally reported that the value of the land proposed to be taken from the cemetery, 2.893 acres, was $45,725, and that the damage to the remaining land of the cemetery was $5,962.

The commissioners had been instructed that they were to value the land according to its value as cemetery land. This instruction was in conformity with the decision of the Supreme Court. They allowed to the cemetery company about 36 cents per square foot for the land taken. The cemetery company's price for the land is 55 cents per square foot.

The District Commissioners objected to this report. I do not know why in the case of the cemetery. The court overruled the exceptions, affirmed the report as to values, and denied both benefits and damages. The District Commissioners appealed to the court of appeals, and the case is now pending there.

This paragraph which it is now proposed to insert in the bill directs the supreme court of the District of Columbia to vacate its order confirming the report of the commissioners appointed to determine the value of the land.

It strikes a lay man—I call myself a layman though I studied law once—as rather a singular proceeding as a legal proposition to order a court to vacate one of its orders. I submit that the owners are entitled to whatever the law gives them. There is no charge of fraud; there is no expression of dissatisfaction on the part of the cemetery company particularly, though of course they are very sorry to have their cemetery nearly ruined by this operation, and there is nothing to be said, I suppose, except that the District Commissioners think that the price is too large, and perhaps that there is no assessment for damages. That is perhaps a question.

In the case of the Annie E. Barbour property these same Commissioners say the damages were $21,000—I give round numbers—and the benefits $18,000, and that was affirmed by the court. Now, I am told in explanation that the act providing for obtaining the site for a new city post-office omitted any provision for charging benefits; but in that case the Government took a whole square, and it did not consider there were any benefits to be assessed. It merely paid for the whole square of ground, and omitted to provide for the benefits. It is said that that law took the place of the old law upon the subject, and that thereafter no benefits should be charged. Nevertheless, the proceeding under which this cemetery ground was condemned was perfectly lawful, and is perfectly lawful to-day, and whatever dispute there is about it is in court, where it is likely to be settled equitably.

I became accidentally quite familiar with this question through some German friends. I should say for myself that there are no benefits in this case. The road cuts down about 16 feet, and the Commissioners allowed a sum of money for the revetment that will be necessary along that steep bank, and I doubt very much whether the strip of land on the west side will ever be worth very much for building land. Nobody likes to have a cemetery at a distance of 120 feet from his dwelling, and there will be no desirable building lots there. Nobody will give a full price and nobody will give the price at which the land is held for cemetery purposes, that is to say, 55 cents a square foot. Even if this provision is passed and is accepted the matter through the process of condemnation is again sent to the Commissioners.

It does not follow, in my judgment, that the finding will be any different. The Commissioners found no benefits in this case, but they did find benefits in the Annie E. Barbour case, notwithstanding the city post-office act. It appears to me evident that they did not intend to charge any benefits on account of the strip of land. The cutting of the road through does not benefit that piece of land for cemetery purposes, and it turns the cemetery company into a building association.

Therefore, I do not see why there should be any objection to a proviso sanctioning, if you choose, subject to the decision of the court where the matter now is, the finding in the case of the cemetery. That is the question I should like to submit to the Senator from West Virginia [Mr. FAULKNER] who, I understand, has paid some attention to this matter. Why should that exception be made, and what is the matter with the finding of those commissioners?

Mr. FAULKNER. I will state to the Senator from Connecticut that the amendment submitted here by the Committee on Appropriations is an amendment which was sent to the Committee on the District of Columbia by the District Commissioners, and after consideration in that committee, was reported by me to the Senate with instructions to ask its reference to the Committee on Appropriations. It went before that committee and was there considered, and put as an amendment on the pending bill.

The cause and necessity of that amendment will strike the mind at once when Senators understand the facts. Always here in this District we have had a law which authorized a jury of condemnation in condemning property for public use, as a set-off in determining the value of the property taken, to consider any benefits resulting to the remainder of the property owned by the particular person whose property was taken. That has always been the case here, as it is, I suppose, in every State of the Union.

In the sundry civil appropriation act of August 30, 1890, referring expressly to the condemnation of a square here, it required the taking by condemnation of the property at its fair and full value, without making any provision whatever as to benefits being received as set-off against the value.

When the act to extend North Capitol street was passed, the persons interested went into court before the condemnation, and two questions came before the court, whether or not these properties should have the value ascertained without regard to any benefit resulting to the remainder of the property not taken, or whether the assessment of damages should be under the usual condemnation laws of the District of Columbia.

The court held that by virtue of the third section of the sundry civil appropriation act, to which I have referred, the entire provisions of law touching the set-off of benefits against the value of the property taken were repealed by Congress, and instructed the commissioners that they should not allow any ben-

efits resulting from the property by reason of the public improvement made.

Mr. HAWLEY. May I ask how came those commissioners, then, to charge $18,000 for benefits to the Annie E. Barbour property?

Mr. FAULKNER. Formally and officially I understand that they did not do it, but they expressed the opinion that if they had been allowed to set off the benefits against the value of the property taken in the case of Annie E. Barbour, those benefits would have amounted to $18,000; whereas they had to render a verdict for $21,000 as the value of the property taken, regardless of any benefits.

Mr. HAWLEY. But they made no such reference in the other case.

Mr. FAULKNER. I have not heard of any such reference as to the proceeding concerning the other property. Still these two cases stand upon the same basis. They are the only two exceptions in the entire process of condemnation for thirty or forty years in the District of Columbia, and the commissioners thought that fairness, equity, and justness to both parties required that if those orders were vacated and a new condemnation proceeding instituted both parties ought to stand upon the same basis and the same footing; and I think that view will appeal to the sense of fairness and justice of the Senator from Connecticut.

Of course, Mr. President, there is no constitutional difficulty in this matter. The Supreme Court, in two cases, have sustained exactly a similar order, one taken up from the State of Maryland, and the other from the State of New York, in which they held that there being no contract in the condemnation proceedings, in the first place, and, in the second place, no vested interest in either party until after payment of the damages ascertained by the jury of inquest, and no title vested until after that period, consequently there is no vested interest, and that even after confirmation, and in the case in 10th Howard as long after confirmation as seven years, the Legislature passed a law vacating the confirmation for reasons satisfactory to the Legislature, and ordering a new inquest. That question came before the court in Maryland, and subsequently to the Supreme Court of the United States, and the order was fully ratified and confirmed.

So it simply rests upon the question of the fairness and justice of this matter to the public in this District. If we do not amend this law and correct this evil, hundreds and hundreds, aye millions, of dollars will have to be paid out unjustly to landowners whose property is benefited by the taking and opening of streets for the public use, enhancing enormously their private holdings. Certainly we ought to apply the rule which has been given us in the experience of every State in the Union, it strikes me, and allow the benefits, if there are any, to be set off against the value of the property taken for public use.

Mr. HAWLEY. Of course there must be assessments for benefits, but my only point in this connection is that there are no benefits because the commissioners practically found upon this question no benefit. They found benefits in the case of the Barbour property and found none in this case.

Mr. FAULKNER. They did not find anything. They simply expressed an outside opinion. I do not know whether they expressed any opinion as to the Prospect Cemetery, but whether they did or not, we ought to put them both on the same footing, and not make flesh of one and fowl of another.

Mr. HAWLEY. If the committee have agreed upon this provision, I shall make no further controversy or argument about the matter. It would be impossible for me to secure a correction, and I do not know that there ought to be a change. It is a little aggravating, however, to have property taken away and an order approving it, and then receive an order vacating the previous order.

Mr. SHERMAN. My attention has been called to this matter by persons largely interested in the opening of North Capitol street, which is one of the finest avenues in the city, probably altogether the finest in this part of the city. There was a mistake made in making the provision for the opening of North Capitol street, which was adopted unanimously by both Houses. The mistake was in referring to a statute which did not apply to the particular circumstances. It referred to a statute where we purchased a whole square, and consequently there were no benefits to be assessed. Therefore it would not be just to apply that provision to this particular case.

I happen to know about this matter. North Capitol street extends through two pieces of ground. It is very finely improved, paved and graded, both north and south of these pieces of land, and it is necessary to introduce condemnation proceedings, because the corporation owning the cemetery ground has no right to transfer the property, nor has the Barbour estate, which is in litigation, any power. So, instead of referring to the general laws of the District of Columbia, which authorize benefits to be offset against damages, it referred to a law which had no application to the subject-matter. This is for the purpose of correcting it. I know it would be a great act of injustice for the District of Columbia to be called upon to pay forty or fifty thousand dollars for going through the cemetery and the Annie Barbour estate.

The Barbour estate, I understand, does not contend for it. Still it will avail itself of the privilege given by law to take a large sum of money, some $18,000, which would naturally be awarded in the nature of damages, and the Government would be bound to pay that sum unjustly.

In regard to the cemetery, I know, also, that the road occupies ground not employed for cemetery purposes. The cemetery directors as well as everyone else have known for some time that North Capitol street would at some period have to go through there, and there were no burials upon this land and the land west of it.

I have no doubt that a street 200 feet wide, running the whole length of the cemetery, would vastly benefit the cemetery property, and that any commissioners who would go there would say so. They have not done it because they could not assess benefits under the law. I know that the District Commissioners and the court itself are anxious that the matter should be corrected. All that will be done by the appraisers when they go there is to say whether or not on the whole the cemetery will not be benefited by the increased value of the land cut off on the west side. As a matter of course, the Commissioners will assess a fair amount for benefits conferred upon the value of the land.

The cemetery directors, I think, only desire to get as much as they can from the Government. That is very natural. But it seems to me that the provision now made is just and fair, to make the appraisment depend upon the value of the land first, and to deduct from that what they deem to be benefits conferred by the opening of the street through the land. It so happens that north and south of this land the land for all the streets has been given without cost, as a matter of common benefit to all the property. I hope that the amendment will be adopted.

Mr. HAWLEY. So far as the Senator's argument is based upon the consideration that the order of the court may be arbitrarily vacated, so that the District may make a better bargain, I do not agree to it. But it is a fair proposition that there should always be a possibility of charging benefits as well as awarding damages. When, however, the Senator says that it is too much, and that he thinks we can get the land a little cheaper if we vacate the order of the court, I do not think that is a fair consideration at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland [Mr. GORMAN] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 23, line 16, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

Sprinkling, sweeping, and cleaning: For sprinkling, sweeping, and cleaning streets, avenues, alleys, and suburban streets, $150,000.

The amendment was agreed to.

The next amendment was, on page 24, line 5, before the word "thousand," to strike out "ninety" and insert "forty-six," and in the same line, after the word "*Provided*," to strike out:

That not more than $18 per annum for each street lamp shall be paid for gas, gasoline, or oil, including lighting, extinguishing, repairing, and cleaning, and that not more than 35 cents per night shall be paid for any electric arc light, and that each arc light shall be of not less than 1,000 actual candle power as shown through a clear glass globe; and said gas and electric lamps shall burn not less than three thousand hours per annum and gas furnished shall not be less than 20 candle power, according to the method of testing now authorized by law: *Provided further*, That the Commissioners of the District of Columbia shall invite proposals for street lighting at reduced rates, which shall not exceed 80 per cent of the present rates, and are authorized to enter into contract for such service for a period of three years or less.

And insert:

That no more than $21.50 per annum for each street lamp shall be paid for gas or oil, lighting, extinguishing, repairing, and cleaning, under any expenditure provided for in this act; and said lamps shall burn not less than three thousand hours per annum: *Provided*, That before any expenditures are made from the appropriations herein provided for the contracting gas companies shall equip each street lamp with a self-regulating burner and tip, so combined and adjusted as to secure, under all ordinary variations of pressure and density, a consumption of 6 cubic feet of gas per hour.

So as to make the clause read:

For the parking commission: For contingent expenses, including laborers, cart hire, trees, tree boxes, tree stakes, tree straps, planting and care of trees on city and suburban streets, whitewashing, care of parks, and miscellaneous items, $15,000.

Lighting: For illuminating material, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, roads, and alleys, for purchasing and expense of erecting new lamp-posts, street designations, lanterns, and fixtures; moving lamp-posts, painting lamp-posts and lanterns;

replacing and repairing lamp-posts and lanterns damaged or unfit for service; for storage and cartage of material, $146,000: *Provided*, That no more than $21.50 per annum for each street lamp, etc.

The amendment was agreed to.

The next amendment was, on page 25, after line 5, to insert:

For electric lighting, including necessary expenses of inspection, on one or more of the principal streets in the cities of Washington and Georgetown, maintaining existing service and necessary extensions, $59,500: *Provided*, That not more than 50 cents per night shall be paid for any electric arc light burning every night from sunset to sunrise, and operated wholly by means of underground wires; and each arc light shall be of not less than 1,000 actual candle power, and no part of this appropriation shall be used for electric lighting by means of wires that may exist on or over any of the streets or avenues of the cities of Washington and Georgetown.

The amendment was agreed to.

The next amendment was, on page 25, after line 22, to insert:

Bathing beach: For the care, repair, and extension of the public bathing beach on the Potomac River, in the District of Columbia, $1,000.

The amendment was agreed to.

The next amendment was, on page 26, line 10, before the word "thousand," to strike out "ten" and insert "fourteen;" in the same line before the word "thousand," to strike out "fifteen" and insert "nineteen," and in line 12, after the word "bridge," to insert "across Rock Creek;" so as to make the clause read:

CARE OF BRIDGES: For ordinary care of bridges, including keepers, oil, lamps, and matches, $5,000; for construction and repairs of bridges, $14,000; in all, $19,000. And hereafter one-half the cost of the maintenance and repair of any bridge across Rock Creek occupied by the tracks of a street railway or railways shall be borne by the said railway company or companies, and shall be collected in the same manner as the cost of laying pavements between the rails and tracks of street railways as provided for in section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878. The amounts thus collected shall be deposited to the credit of the appropriation for the fiscal year in which they are collected.

Mr. GORMAN. In line 8, page 26, after the word "matches" I move to amend the amendment of the committee by striking out "five" and inserting "four," so as to read "$4,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 26, after line 21, to insert:

For the repair of the Aqueduct bridge, $51,070, said sum to be expended by and the work to be done under the direction of, the Chief of Engineers of the Army, by contract or otherwise, and by the purchase of material in open market in order to prevent delay in prosecution of the work.

The amendment was agreed to.

The next amendment was, on page 27, line 3, after the words "Rock Creek Park," to insert "For care of park, $1,000;" so as to make the clause read:

Rock Creek Park: For care of park, $1,000.

The amendment was agreed to.

The next amendment was, on page 27, line 23, before the word "thousand," to strike out "forty-five" and insert "ninety;" and in the same line, after the word "dollars," to insert "the work to be completed within the fiscal year 1895;" so as to make the clause read:

Towards the improvement of the receiving (or Dalecarlia) reservoir by the works required for cutting off the drainage into it of polluted water and sewage from the surrounding country; for the purchase or condemnation of the small amount of land required for the purpose, and the excavation necessary at the head of the reservoir, $90,000, the work to be completed within the fiscal year 1895.

The amendment was agreed to.

The next amendment was, at the top of page 28, to insert:

For protecting the conduit at wasteweir numbered 1, near Great Falls, $5,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 22, on page 31.

Mr. GORMAN. In line 21, page 31, after the word "shop," I move to strike out "nine" and insert "ten;" so as to read "$10,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 31, line 24, before the word "thousand," to strike out "twenty-six" and insert "thirty;" so as to make the clause read:

For repairs and improvements to school buildings and grounds, $30,000.

The amendment was agreed to.

The next amendment was, on page 32, line 15, after the word "provided," to strike out:

That hereafter no school supplies or text-books in which any school official, teacher, or trustee may have any pecuniary interest shall be purchased for the use of the public schools in the District of Columbia—

And insert:

That hereafter no school official, teacher, or trustee shall receive any pecuniary benefit on account of school supplies or text-books purchased for the use of the public schools in the District of Columbia.

So as to make the clause read:

For text-books and school supplies for use of pupils of the first eight grades, who at the time are not supplied with the same, to be distributed by the superintendent of public schools under regulations to be made by the Commissioners of the District of Columbia, and for the necessary expenses of the purchase, distribution, and preservation of said text-books and supplies, $30,000: *Provided*, That hereafter no school official, teacher, or trustee shall receive any pecuniary benefit on account of school supplies or text-books purchased for the use of the public schools in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 32, after line 22, to strike out:

That hereafter pupils shall not be admitted to or taught free of charge in the public schools of the District of Columbia who do not reside in said District, or whose parents do not reside or are not engaged in business or public duties therein: *Provided*, That such pupils may be admitted to and taught in said public schools on payment of such amount, to be fixed by the board of school trustees, with the approval of the Commissioners of the District, as will cover the expense of their tuition and cost of text-books and school supplies used by them; and all payments hereunder shall be paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 33, after line 9, to insert:

For one eight-room building in the sixth school division, Mount Pleasant, $25,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 18, to insert:

For two new steam-heating boilers for the Sumner school building, $2,500.

The amendment was agreed to.

The next amendment was, on page 33, after line 20, to insert:

For fireproof stairways for the Curtis, Seaton, and Abbott school buildings, $9,000.

The amendment was agreed to.

The next amendment was, in the appropriation for the Metropolitan police, on page 34, line 20, before the word "privates," to strike out "thirty" and insert "forty;" in line 22, before the word "privates," to strike out "seventy-five" and insert "eighty;" on page 35, line 9, before the word "drivers," to strike out "fourteen" and insert "fifteen," and in line 13, before the word "dollars," to strike out "four hundred and ninety-nine thousand seven hundred and sixty" and insert "five hundred and fourteen thousand five hundred and twenty;" so as to make the clause read:

Two hundred and forty privates, class one, at $900 each; one hundred and eighty privates, class two, at $1,080 each; twenty station-keepers, at $720 each; eight laborers, at $480 each; one laborer in charge of the morgue, $660; one messenger, $700; one messenger, $500; one major and superintendent, mounted, $240; one captain, mounted, $240; forty-three lieutenants, sergeants, and privates, mounted, at $240 each; one van driver, $360; one ambulance driver, $480; two assistant ambulance drivers, at $300 each; fifteen drivers of patrol wagons, at $360 each; and three police matrons, at $600 each; in all, $514,520.

The amendment was agreed to.

The next amendment was, on page 35, line 17, before the word "dollars," to strike out "one thousand nine hundred" and insert "two thousand;" so as to make the clause read:

For fuel, $2,000.

The amendment was agreed to.

The next amendment was, on page 36, line 3, before the word "dollars," to strike out "sixteen thousand five hundred" and insert "twenty thousand;" so as to make the clause read:

For miscellaneous and contingent expenses, including stationery, books, telegraphing, photographs, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs thereto, beds and bedclothing, insignia of office, purchase and care of horses, police equipments and repairs of same, harness, forage, repairs to vehicles, van, ambulances, and patrol wagons, and expenses incurred in prevention and detection of crime, and other necessary items, $20,000.

The amendment was agreed to.

The next amendment was, on page 36, line 7, before the word "hundred," to strike out "twenty-two thousand six," and insert "twenty-six thousand two;" so as to make the clause read:

In all, $26,230.

The amendment was agreed to.

The next amendment was, on page 36, after line 20, to insert:

For additional force for new steam fire engine company for six months: One foreman, $500; one engineer, $500; one fireman, $420; one hostler, $420; six privates, at $400 each; in all, $4,240.

The amendment was agreed to.

The next amendment was, on page 37, line 15, before the word "thousand," to strike out "six" and insert "eight;" so as to make the clause read:

For forage, $8,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 19, to strike out:

For one new engine house for No. 2 company, to be located on reservation at intersection of Ohio avenue, Thirteenth, and C streets northwest, $12,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 22, to insert:

For one new engine house, lot, and furniture for same, in northeastern section of Washington, $23,200.

The amendment was agreed to.

The next amendment was, at the top of page 38, to insert:

For one new steam fire engine, $4,500.

The amendment was agreed to.

The next amendment was, on page 38, after line 2, to insert:

For one new hose carriage, $900.

The amendment was agreed to.

The next amendment was, on page 38, line 10, before the word "hundred," to strike out "fifty-nine thousand five" and insert "seventy-eight thousand one;" so as to make the clause read:

In all, $78,100.

The amendment was agreed to.

The next amendment was, on page 38, line 25, before the word "dollars," to insert "five hundred and fifty;" so as to make the clause read:

For general supplies, repairs, new batteries and battery supplies, telephone rental, wire extension of the telegraph and telephone service, repairs of lines, purchase of poles, tools, insulators, brackets, pins, hardware, cross arms, ice, record books, stationery, printing, purchase of harness, washing, blacksmithing, forage, extra labor, new boxes, and other necessary items, $9,550.

The amendment was agreed to.

The next amendment was, at the top of page 39, to insert:

And the Commissioners of the said District are hereby empowered to authorize the erection and use of telephone poles in the public alleys of the city of Washington: *Provided, however*, That all telephone poles so erected shall be subject to use by the said District for the stringing of wires thereon to be used for fire-alarm and police purposes without any charge therefor to the said District, such privileges as may be granted hereunder to be revokable at the will of Congress without compensation.

The amendment was agreed to.

The next amendment was, in the appropriation for the health office, on page 39, line 24, after the word "dollars," to insert "one assistant chemist, $900," and on page 40, line 5, before the word "hundred," to strike out "twenty-nine thousand four" and insert "thirty thousand three;" so as to read:

One clerk, $1,000; one assistant chemist, $900; one messenger and janitor, $600; one poundmaster, $1,200; laborers, at not exceeding $40 per month, $1,000; one ambulance driver, $480; in all, $30,300.

The amendment was agreed to.

The next amendment was, on page 40, after line 7, to insert:

For chemicals for the laboratory, $250.

The amendment was agreed to.

The next amendment was, on page 40, in line 22, after the word "purpose," to insert the following additional proviso:

Provided further, That said Commissioners may enter into contract, under such regulations and specifications as they may establish, for a collection of all garbage and dead animals in the cities of Washington and Georgetown, and their suburbs, daily from May 1 to November 1, and twice a week from November 1 to May 1, in each year, for a period not exceeding five years, and for incinerating or otherwise disposing of the same within the limits of the District of Columbia for a gross sum of not exceeding $60,000 per year for such collection and incineration. And the sum of $60,000, or so much thereof as may be necessary, is hereby appropriated for such purpose for the current fiscal year, and the sums of $24,400 and $5,000, appropriated in this paragraph, or so much thereof as may be necessary, may be used for the same purpose.

So as to make the clause read:

For collection and removal of garbage and dead animals, $24,400: *Provided*, That the Commissioners of the District of Columbia may, in their discretion, in case the safety and health of the District in their judgment require it, allow for the daily collection of garbage during the months of May, June, July, August, and September of the year 1894, an additional sum, not exceeding $1,000 per month, during the time when such daily collection is made to the satisfaction of the Commissioners, and the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated for such purpose: *Provided further*, That said Commissioners may enter into contract, under such regulations and specifications as they may establish, etc.

The amendment was agreed to.

The next amendment was, on page 41, after line 17, to insert:

That the ordinances of the late board of health of the District of Columbia, as legalized by joint resolution of Congress, approved April 24, 1880, be, and the same are hereby, declared to have the same force and effect within the District of Columbia as if enacted by Congress in the first instance, and that the powers and duties imposed upon the late board of health, in and by the said ordinances, are hereby conferred upon the health officer of said District, and that all prosecutions for violations of said ordinances and regulations shall be in the police court of the District of Columbia in the name of the said District: *Provided*, That said regulations shall not be enforced against established industries and the carrying on of any business therein mentioned, which is not a nuisance in fact.

Mr. GORMAN. In line 5, page 42, after the word "industries," I move to amend the amendment of the committee by striking out "and the carrying on of any business therein mentioned," and in line 6, after the word "which," I move to strike out "is" and insert "are."

The PRESIDING OFFICER. The amendment of the Senator from Maryland to the amendment of the committee will be stated.

The SECRETARY. On page 42, line 5, after the word "industries," strike out "and the carrying on of any business therein mentioned," and after the word "which," in line 6, strike out "is" and insert "are;" so as to make the proviso read:

Provided, That said regulations shall not be enforced against established industries, which are not a nuisance in fact.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 42, line 24, after the word "building," to insert "and for ventilation of cells," and in line 25, before the word "hundred," to strike out "six" and insert "nine;" so as to make the clause read:

For repairs of police-court building, and for ventilation of cells, $900.

The amendment was agreed to.

The next amendment was, on page 43, after line 12, to insert:

Compilation of District laws: To pay William Stone Abert for services in preparing annotations, judicial citations, and appendix to the compiled statutes in force in the District of Columbia such sum, not exceeding $6,000, as the supreme court of the District of Columbia shall deem reasonable, which sum shall be paid upon the order of the said court, and said amount shall be added to the cost of said compilation and the price for which the same shall be sold.

The amendment was agreed to.

The next amendment was, on page 44, line 5, before the word "thousand," to strike out "five" and insert "twenty-five;" so as to make the clause read:

EMERGENCY FUND.

To be expended only in case of emergency, such as riot, pestilence, public insanitary conditions, calamity by flood or fire, and of like character, and in all other cases of emergency not otherwise sufficiently provided for, $25,000.

The amendment was agreed to.

The next amendment was, on page 44, line 14, before the word "thousand," to strike out "twenty-five" and insert "thirty;" so as to make the clause read:

Support of convicts: For support, maintenance, and transportation of convicts transferred from the District of Columbia, to be expended under the direction of the Attorney-General, $30,000.

The amendment was agreed to.

The next amendment was, on page 44, line 18, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand;" so as to make the clause read:

Transportation of paupers and prisoners: For transportation of paupers and conveying prisoners to the workhouse, $4,000.

The amendment was agreed to.

The next amendment was, in the appropriation for the Reform School, on page 46, line 10, after the word "dollars," to strike out "for two teachers, one watchman, and one matron of family, for new family building, $1,710;" in line 13, before the word "dollars," to strike out "15,962" and insert, "14,252;" and in the same line after the word "dollars" to insert:

and after the 13th day of September next the sole management and control, and appointment of officers and employés of the Reform School of the District of Columbia shall be under the Commissioners of the District, and the authority and duties of the board of trustees of said institution and of the Attorney-General in respect thereto shall be transferred to and be exercised by the said Commissioners of the District, and all laws inconsistent with this provision are hereby repealed, to take effect after the 13th day of September.

So as to make the clause read:

In all $14,252, and after the 30th day of September next the sole management and control, and appointment of officers and employés of the Reform School of the District of Columbia shall be under the Commissioners of the District, and the authority and duties of the board of trustees of said institution and of the Attorney-General in respect thereto shall be transferred to and be exercised by the said Commissioners of the District, and all laws inconsistent with this provision are hereby repealed, to take effect after the 30th day of September.

Mr. PLATT. In line 22, after the word "September," the word "next" should be inserted.

Mr. GORMAN. I move to amend the committee amendment by inserting, after the word "September," in line 22, the word "next;" so as to read:

To take effect after the 30th day of September next.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 48, line 5, before the word "temporary," to insert "the;" so as to make the clause read:

For the temporary home for ex-Union soldiers and sailors, $2,500.

The amendment was agreed to.

The next amendment was, on page 48, line 9, before the word "Central," to insert "the," and in line 10, before the word "thousand," to strike out "ten" and insert "twelve;" so as to make the clause read:

For the Central Dispensary and Emergency Hospital, maintenance, $12,000.

The amendment was agreed to.

The next amendment was, on page 48, line 12, after the word "dollars," to insert "for an addition, $10,000; in all $30,000;" so as to make the clause read:

For the Columbia Hospital for Women and Lying-in Asylum, maintenance, $20,000; for an addition, $10,000; in all, $30,000.

The amendment was agreed to.

The next amendment was, on page 48, line 18, before the word "thousand," to strike out "seven" and insert "nine;" so as to make the clause read:

For the National Homeopathic Hospital Association of Washington, D. C., for maintenance, $9,000.

The amendment was agreed to.

The next amendment was, on page 48, line 19, after the word "Hospital," to strike out "and Asylum;" so as to make the clause read:

For the Freedmen's Hospital, as follows:

The amendment was agreed to.

The next amendment was, on page 49, line 8, after the word "dollars," to insert:

And hereafter the management and control of the Freedmen's Hospital shall be under the board of incorporators of said institution.

So as to make the clause read:

For reading matter for patients, $25; in all, $53,025; and hereafter the management and control of the Freedmen's Hospital shall be under the board of incorporators of said institution.

Mr. GORMAN. At the request of the institution, I offer an amendment to the amendment of the committee. At the end of line 11, on page 49, I move to insert:

And hereafter the expenditures for the Freedmen's Hospital shall be under the supervision and control of the Commissioners of the District of Columbia.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 49, line 13, before the word "dollars," to strike out "two hundred;" in line 14, before the word "dollars," to strike out "six hundred" and insert "four hundred and eighty;" in the same line, to strike out "two teachers, at four hundred and eighty dollars each" and insert "one teacher, four hundred and eighty dollars;" in line 16, after the word "dollars," to strike out "one overseer, seven hundred and twenty dollars;" in line 17, after the word "dollars," to insert "one day watchman and driver, four hundred and eighty dollars;" in line 18, after the word "dollars," to strike out "two night watchmen, at three hundred and sixty-five dollars each;" and in line 21, before the word "dollars," to strike out "five thousand one hundred and ten" and insert "three thousand three hundred and forty;" so as to make the clause read:

Reform School for Girls: Superintendent, $1,000; matron, $480; one teacher, $480; one engineer, $900; one day watchman and driver, $480; one laborer, $300; in all, $3,340.

The amendment was agreed to.

The next amendment was, on page 50, line 3, before the word "dollars," to strike out "and services, ten thousand five hundred" and insert "five thousand;" so as to make the clause read:

For groceries, provisions, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicine, medical attendance, hack hire, freight, furniture, beds, bedding, sewing machines, fixtures, books, horses, stationery, vehicles, harness, cows, stables and sheds, fences, repairs, and other necessary items, $5,000.

The amendment was agreed to.

The next amendment was, on page 50, line 8, before the word "dollars," to strike out "one hundred and eighty-one" and insert "eight hundred;" so as to make the clause read:

For the Church Orphanage Association of St. John's Parish: Maintenance, $1,800.

The amendment was agreed to.

The next amendment was, on page 50, line 10, before the word "dollars," to strike out "one hundred and eighty-one" and insert "eight hundred;" so as to make the clause read:

For the German Orphan Asylum: Maintenance, $1,800.

The amendment was agreed to.

The next amendment was, on page 50, line 14, before the word "dollars," to strike out "seven thousand six hundred and eighty" and insert "nine thousand nine hundred;" so as to make the clause read:

For the National Association for the Relief of Destitute Colored Women and Children: Maintenance, including its care of colored foundlings, $9,900.

The amendment was agreed to.

The next amendment was, on page 50, line 16, before the word "dollars," to strike out "three thousand eight hundred and forty" and insert "five thousand four hundred;" so as to make the clause read:

For St. Ann's Infant Asylum: Maintenance, $5,400.

The amendment was agreed to.

The next amendment was, on page 50, line 19, before the word "dollars," to strike out "one hundred and eighty-one" and insert "eight hundred," so as to make the clause read:

For St. Joseph's Asylum: Maintenance, $1,800.

The amendment was agreed to.

The next amendment was, on page 50, line 21, before the word "dollars," to strike out "one hundred and eighty-one," and insert "eight hundred;" so as to make the clause read:

For the Association for Works of Mercy: Maintenance, $1,800.

The amendment was agreed to.

The next amendment was, on page 50, line 25, before the word "dollars," to strike out "one thousand seven hundred and seventy-three" and insert "two thousand seven hundred;" so as to make the clause read:

For House of Good Shepherd, maintenance, $2,700.

The amendment was agreed to.

The next amendment was, on page 51, line 3, before the word "dollars," to strike out "seven thousand six hundred and eighty" and insert "nine thousand nine hundred;" so as to make the clause read:

For the Industrial Home School, maintenance, $9,900.

The amendment was agreed to.

The next amendment was, on page 51, line 6, before the word "dollars," to strike out "two thousand nine hundred and fifty-three" and insert "four thousand five hundred;" so as to make the clause read:

For Saint Rose's Industrial School, maintenance, $4,500.

The amendment was agreed to.

The next amendment was, on page 51, line 10, after the word "including," to strike out "salaries of agents" and insert "salary of agent not to exceed $1,000;" and in line 13, before the word "dollars," to strike out "five thousand" and insert "three thousand five hundred;" on page 51, line 19, before the word "dollars," to strike out "nineteen thousand one hundred" and insert "nine thousand six hundred and fifty;" so as to make the clause read:

Board of Children's Guardians: For the Board of Children's Guardians, created under the act approved July 26, 1892, namely: For administrative expenses, including salary of agent not to exceed $1,000, expenses in placing and visiting children, and all office and sundry expenses, $3,500.

For care of feeble-minded children; care of children under 3 years of age, white and colored; board and care of all children over 3 years of age, and for the temporary care of children pending investigation or while being transferred from place to place, $9,650.

Mr. McMILLAN. I think there must be some mistake about this item. The other House allowed the Board of Children's Guardians $5,000 for administration, and I see here that the Senate committee propose to cut the amount down to $3,500. They have also made a change in the salary of the agent, who is a very competent man. It is to be reduced from $1,800, which I believe he is getting, to $1,000. This simply means that he continue as the agent of the board. I ask the Senator from Maryland if he will consent to put the whole sum back to $5,000, the amount fixed by the other House.

Mr. GORMAN. The committee examined into the expenditures of this organization very thoroughly, and with a view of doing justice and without impairing the efficiency of the board, we reported the amendment. We were under the impression that the amount is amply sufficient. There is this, however, to be said in reply to the Senator's criticism as to salary of the agent, that possibly the cut there is too severe. The matter of all the charities of the District will necessarily be gone over in conference, but I will agree to modify the first amendment and to make the salary of the agent $1,500, and the total amount $4,000.

Mr. McMILLAN. I do not think that is right. It seems to me that the board is a very important part of our machinery for looking after the children of the District. It is a pity, after the board has been at work for nearly one year and has accomplished as much as it has, to go and destroy it without any regard for its usefulness. It seems to me it is all wrong.

I should prefer to have the committee allow the amount of $5,000, as it came from the other House, and also change the amount in line 13 to $5,000, allowing the board $20,000 in all. If the committee can make such changes I have nothing more to say; but if the committee is bound to destroy this most worthy organization, withholding the money absolutely necessary to the work laid upon it, then I would like to say something more about it, and some other Senators will have to say something.

Mr. BLACKBURN. Is the Senator through?

Mr. MCMILLAN. No; I am not through. I ask the chairman of the committee whether he will allow the amount to be raised to $5,000?

Mr. GORMAN. I stated to the Senate very frankly a moment since that this whole matter of appropriation for the charities of this District is the subject of a great deal of controversy. The Senate Committee on Appropriations has taken the proposition as it came from the other House and amended it all through, knowing perfectly well that the matter must be adjusted in the conference between the two Houses. A final adjustment can not take place now. I can not agree in regard to any one of these items, when that has been the rule all through, to permit the amounts to stand as they came from the other House. I say this to the Senator frankly. Therefore, I do not accept the amendment he now suggests.

Mr. MCMILLAN. I must insist that the amendment, in line 13, page 51, reducing the amount from $5,000 to $3,500, shall not be agreed to.

Mr. President, I should like to say a few words in regard to the work done by this board. The board, which was created by the act of July 26, 1892, was for the purpose of taking care of dependent children in the District of Columbia committed to its keeping by the courts. It works without any regard to church or sect, following out a similar law which is now in force in the State of Michigan, in Minnesota, and other States, where the one object is to get children out of institutions and put them into homes.

I do not object at all to have money voted for the aid of the different worthy institutions of the District of Columbia, but this board should not in my judgment be entirely destroyed, as is the evident purpose of this amendment. It is managed for the most part by men and women in the District of Columbia who give their time and attention to it without pay, and have taken a great deal of interest in finding homes for the children.

I will state that during the year 1894 the board has had committed to its care by courts of the District designated for such purpose by the act creating the board, 203 dependent, neglected, abused, or morally exposed children. These children have been cared for. Ninety have been placed in private homes where the expense of their maintenance has ceased; 49 are in institutions where board is being paid, and 36 are boarded now in private homes. The expenses of the board in doing this work for administrative purposes were $4,348.42; and for general purposes, including the care of feeble-minded children, boarda nd care of children both white and colored, both in institutions and private homes, clothing, medical attendance and all other expenses pertaining to the maintenance of children, $17,474.69. This is the first year. Of course they expect to take care of more children as the city and District grow, and therefore they should be allowed more money for the coming year.

The board is not hostile to the charitable institutions of the District. On the contrary it uses them to care for children until homes can be found. But the object of the board is to find such homes and place the children in them, instead of leaving these waifs to the continued influences of institutional life and to be turned adrift on the world. This is true charity, and it is common sense.

The board has paid over to the institutions of the District the following amounts for the temporary board and care of children who became its wards during the present year:

The Industrial Home School	$2,127.50
The National Colored Home	1,537.93
The Newsboys and Childrens' Aid Society	664.57
The St. Ann's Infant Asylum	115.69
The Association for Works of Mercy	117.61
The House of the Good Shepherd	66.54
The Home for Colored Foundlings	72.05

The board calls attention to the fact and represents to Congress that its work for the past year has caused ninety children who had been declared by competent authority to be in the condition of dependence and neglect demanding public relief to become self-supporting and absorbed into the best population of the District and surrounding States. Had those ninety children remained in institutions they would have called for an appropriation, over and above that now necessary, of $10,000. Deduct from this the whole amount of the board's appropriation for administrative expenses, $5,000, which was not all spent, and the board can fairly claim a net saving of $5,000 for the ensuing year.

The purpose of the board is to place children in homes and make them self-dependent. That is a great deal better than putting the children into institutions where they grow up and are cared for during many years and become a great expense to the District. It seems to me that instead of discouraging the people who are managing this board which Congress has created we ought to encourage them all we can, and what is the $2,000 that the committee proposes to save in a matter of a great and intelligent work of charity such as this board has just started upon?

I hope that we may be able to fix upon the amount given by the other House.

Mr. BLACKBURN. Mr. President, I sincerely trust that the Senator in charge of the bill will not yield to the suggestions of the Senator from Michigan. If this matter is to be debated I want an opportunity to convince the Senate, as I think I can do by the record, that there never was as useless or as costly a luxury established within the limits of the District of Columbia nor a system as worthless as proved by its own work as this Board of Children's Guardians. In its very nature it is an anomaly; it is an incongruity.

Mr. MCMILLAN. I suggest the lack of a quorum. I think if Senators are going into this question we had better have a Senate here so that we can understand it.

Mr. BLACKBURN. I do not want my friend to feel called upon to furnish an audience for me. I am entirely willing to talk to empty chairs for the two or three minutes I shall ask the attention of the Senate.

The PRESIDING OFFICER. The lack of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Faulkner,	McLaurin,	Quay,
Allison,	Gallinger,	McMillan,	Ransom,
Bate,	George,	Martin,	Roach,
Blackburn,	Gibson,	Mills,	Shoup,
Brice,	Gorman,	Pasco,	Squire,
Call,	Hale,	Patton,	Stewart,
Carey,	Harris,	Peffer,	Vest,
Cockrell,	Hawley,	Perkins,	Vilas,
Coke,	Hunton,	Platt,	Walsh,
Davis,	Jarvis,	Power,	Washburn.
Dolph,	Jones, Ark.	Proctor,	
Dubois,	Lindsay,	Pugh,	

The PRESIDING OFFICER. Forty-six Senators having answered to their names, a quorum is present. The Senator from Kentucky will proceed.

Mr. BLACKBURN. Now, as my friend from Michigan has managed to secure a quorum, I ask the attention of the Senate for only two or three minutes. I say that the creation of this Board of Children's Guardians constitutes an anomaly. The District of Columbia had but recently passed under the operation of a law which provided for the creation and appointment of a Superintendent of Charities; the gentleman selected for that purpose had barely entered upon the discharge of the duties of his office when Congress (I am sure without the attention of the Senate ever being called to it; I can not speak for the other House) incorporated in the appropriation act a provision creating a Board of Children's Guardians, which, if it did or ever attempted to do anything in the world, was to usurp the function of the Superintendent of Charities, who had scarcely started upon the work which had devolved upon him under the law.

For the last ten months that friction which was inevitable, which could not have been avoided and must of necessity have been foreseen if the attention of reflecting men had been called to the latter act, has been prevalent. If the Board of Children's Guardians is to be continued the office of superintendent of charities should be obolished. They have each other by the ears to-day, and have had since last fall.

The very words stricken out in this bill by the action of the Senate committee, beginning at line 22, page 51, and down to and including line 11, page 52, show conclusively the absolute impossibility of the two laws operating at the same time in the District of Columbia and the superintendent of charities discharging his duties with the Board of Children's Guardians infringing upon his prerogatives at every step.

I undertake to say (and I will submit the record evidence here to prove it) that there never was in this District or anywhere else upon this continent or on this earth a system of charities established that has proven as expensive per capita and as worthless in its character and results as this Board of Children's Guardians. It has cost five times as much under their supervision to support or care for a child as it cost under any other system of charities ever known in this District. Besides, they do not take care of the children.

The Senator from Michigan has just read from the report to show that the idea which the Board of Children's Guardians has of taking care of the unfortunate youths and girls of this city is to take them and put them out in private families in the different States all over the country. What chance there for education, pray tell me? What opportunity, what possibility of an opportunity is offered to a single one of the children taken by this Board of Children's Guardians and put out after an apprenticeship fashion to some farmer living in Pennsylvania, Missis-

sippi, or Texas? Besides, it is a matter of empiricism yet; it has not been in existence long enough to be fairly condemned nor to be approved. We can only speak of the results which have attended its efforts up to this time.

I undertake to say that the Board of Children's Guardians has never had a child in its possession unless it was a child brought to it by a certain member and the same one member of the police force of this District. Every child that has ever come under its supervision or into its custody has been brought to it and turned over by one man, and he a private in the police force of this District.

This is no Board of Children's Guardians, nor any other sort of board. It is a corporation, if it may be so termed, consisting of one man. Its agent, I believe, is a man by the name of Lewis. He does what he pleases with the funds. He expends at his own pleasure, without restriction of law, the appropriations that you make. To denominate him a crank, in the face of the record which he has made, would be to treat him very mildly and very kindly.

The president of this board is a lady, a most accomplished and a most estimable lady, too. Her heart is wrapped up in charitable endeavor of every description. I say upon her authority, not filtered to me through another, but as given to me by herself—I speak from the message I received from her own lips when I say that the board has no practical power on earth over the appropriations made by Congress, but that this agent, this Mr. Lewis, is the only one who claims or exercises an atom of authority either over your appropriations or over the conduct of the business intrusted to this board.

I have authority from the same high and unquestionable source for the statement that its record so far is a failure; that it has not met the expectations of Congress, which made the appropriation, and that it has not proven itself a power potent for any good. I have her authority for saying further that she was ready and more than willing to come before the Appropriations Committees of both Houses and make the same statement.

I think the Committee on Appropriations has made one error, and I speak it deliberately in the face of the record. The error, in my judgment, that that committee has made is in not abolishing the Board of Children's Guardians altogether. There should not be one penny of an appropriation carried by this bill to the credit of that board. If it is to be done in the amount proposed by the committee or even in the larger amount as proposed by the Senator from Michigan let us at least be fair and make the appropriation of whatever money it is not subject to the control of the Board of Children's Guardians, but subject to the control and disbursement of Mr. Lewis, the agent, if anybody knows him well enough to furnish his initials.

As the Senator from Maryland in charge of the bill has said, the whole system of charities in this District by the report of the committee has been put in controversy, and every one of the charitable institutions of this city to which an appropriation has been made will be sent to conference.

Mr. President, I have given this matter no little consideration. I have endeavored to get to the bottom of it. I have waded through volumes of testimony in order to reach the truth. I know nothing of this board personally except its president, of whom I have spoken so frankly and so favorably. I know nothing of its agent, except as I know him through the record he has made.

I can not cherish a more profound conviction than the one I express when I insist that neither the pending bill nor any other bill should carry a penny of an appropriation to any such purpose as we are told this is to be devoted to. But if the other House has seen fit to make appropriations in excess, and largely in excess of any amount this agent, Mr. Lewis, has ever been able to expend—and Heaven knows the record shows he has not been stingy with it—if the House has seen fit to make appropriations largely in excess of his ability as proven in the past to waste and squander money, it seems to me that it is as little as the Senate can do to reduce those appropriations so as to send the matter to conference.

I undertake to say that there is not a charitable institution named in the bill that does not raise and furnish more than 75 per cent, leaving the appropriations of Congress every year less than 25 per cent of the amount actually expended by them in their charitable work. The proposition here is to strip every one of these voluntary charitable institutions and take away from them every penny of an appropriation when they are raising 75 per cent to the 25 per cent contributed by the Government, and let the Government undertake to furnish the whole 100 per cent for the maintenance and support of all the pauper children here, and leave it absolutely in the discretion of this agent, who seems to dominate without dispute what is known as the Board of Children's Guardians. I trust that the Senator in charge of the bill will decline to add one penny to a single appropriation recommended by the committee for this Board of Children's Guardians in any of its items.

Mr. GALLINGER. Mr. President, in looking over the appropriations for charities in this bill the remarkable fact is developed that every appropriation for the care of children is increased by the Senate with the single exception of the appropriation for the Board of Children's Guardians, and that is very largely reduced. Every benevolent association connected with religious societies, it makes no difference what church it is, seems to have been looked after with a good deal of care, while this organization, which is independent of all the churches, which is being conducted, as I believe, by a class of men and women who do not deserve the excoriation the Senator from Kentucky has seen fit to bestow upon them, have their appropriation reduced from $5,000 to $3,500.

The Senator from Kentucky says that the money has been wasted by the Board of Children's Guardians; that the work they have done has been absolutely worthless. I do not know what estimate is put upon a child by the Senator from Kentucky, but my judgment is that if the Board of Children's Guardians have found five children living lives of vagrancy or of shame, and have put them in good homes where they are cared for and to a reasonable extent are educated, and are taught the elements of manhood and womanhood, it is idle to say that the few thousand dollars Congress has appropriated for this charity has been thrown away or has been worthlessly used.

Mr. McMILLAN. I call the attention of the Senator from New Hampshire to the fact that the board say they have found good, comfortable homes for over ninety of these dependent children.

Mr. GALLINGER. I am very much obliged to the Senator from Michigan. He is better informed on the subject than I am. I had intended to look the facts up carefully, but have not had time. So it appears that the record shows that the Board of Children's Guardians in the last year have taken ninety children who presumably have been living lives of vagrancy, perhaps lives of crime, and have given them homes. They found families willing to take them, I presume in some instances to adopt them, and to instruct them at least in the rudiments of what goes to make up manhood and womanhood in this world.

It is a remarkable thing, it strikes me, for a Senator of the United States in the face of that fact to stand here and say that the few thousand dollars that Congress has appropriated for this charity has been thrown away and has been uselessly disbursed. For my part this charity appeals very strongly to every sentiment of my heart. I believe it is in the right direction. I believe it is in better taste for Congress to appropriate money to a nonsectarian institution presided over by men and women who have the welfare of children at heart and who are interested not only to save them for a day or a month or for a year, but to put them under influences that very likely will mold them into good men and good women.

I do not complain that the Senate has increased the appropriations for these other institutions. My impression is that Congress is very stingy with all these appropriations, because it is a matter demonstrated over and over again that true economy so far as dealing with poor, destitute, and outcast children is concerned, is in the line of the utmost liberality. We should not measure our appropriations by technicalities. We ought to make these appropriations broad enough and large enough to enable these various institutions to give their time and their efforts to reclaiming these children from lives of degradation and of shame.

I do not know that I care to say a single word further. The Senator from Kentucky has quoted the lady who, I believe, is at the head of this institution as giving testimony to its discredit. I think I have met that same woman. I believe she has called upon me, and she made no such statement. On the contrary, she made an earnest appeal for a liberal appropriation for the Board of Children's Guardians.

If she has made the statement attributed to her by the Senator from Kentucky, I submit that she has no right to remain in the position which she occupies to-day, for a woman who is at the head of a great moral or educational or benevolent institution, who makes a statement that the funds are not properly used, and that the work of the organization is not being well conducted, ought to resign from the position, instead of making complaints such as have been attributed to her.

I do not know Mr. Lewis, the agent of the Board of Children's Guardians. I have been told that he is a very reputable man, a very benevolent man, and that he is a man having at heart the interests of the poor children of this District; and I am bound to believe that such is the fact. He may be a crank. Most men who do good in this world develop crankiness sooner or later in some direction. He may be a crank in this particular direction of looking after the poor destitute children of the District of

Columbia—and the Lord knows there is a superabundance of them on every hand—trying to find for them well-managed and Christian homes, and putting them under well-managed and Christian influences.

I presume this appropriation is to be reduced by the Senate. I regret exceedingly that it is to be done, because I feel that this one institution, divorced from the church, nonsectarian in its work, ought to receive the approbation and the generous support of the Senate of the United States.

I hope the amendment of the Senator from Michigan will be adopted; but in expressing that hope, in view of the fact that the Senator from Maryland and the Senator from Kentucky are so strongly opposed to it, the latter Senator apparently being in favor of utterly abolishing the Board of Children's Guardians, I confess that my hope is not very strong that the amendment will be adopted. I trust, however, that the distinguished Senator from Maryland, before he concludes to strike down this appropriation and to practically make it impossible for this organization of benevolent men and women to carry on their work successfully, will give it very careful consideration, and endeavor, if possible, to bring his mind to the conclusion reached by the Senator from Michigan, who has given very close attention to this matter and who is influenced, as I understand, by the great work which is being done in his own State by an organization similar to this.

This is all I care to say on the subject.

Mr. GORMAN: Mr. President, I do not care to continue the discussion of this matter further than to say to the Senator from New Hampshire and the Senator from Michigan, that the Committee on Appropriations have no disposition to impair the work which is being done by the Board of Children's Guardians; but after the act of 1892 passed, creating this board, which was reported, I think, from the Committee on the District of Columbia, the appropriations for all these various charitable institutions were cut down 40 per cent; and the 40 per cent taken from them was practically put under the control of the Board of Children's Guardians.

It was reversing the whole system of charities in this District, and there naturally and necessarily came a very sharp conflict. We had reduced our appropriations to such institutions to a point where they could not live. It is proposed now to try to adjust the differences without impairing the efficiency of any of these boards or any of these institutions.

I will state frankly to the Senator from Michigan that, in view of the complications and in view of the fact that the matter can not possibly be settled in this body alone, we thought it was best to take these amendments, and when they go into conference to adjust the matter with a view to the best efficiency of these charities.

It was with no hostility that I approached the question. I am perfectly satisfied, because the figures show that fact, that the amount of money given to the Board of Guardians last year was too large. They could not expend it. It was taken from the other charities and deprived them of their ability to take care of hundreds of children. Some adjustment must be made, and the Committee on Appropriations have gone in the direction of making the adjustment here. As I stated, however, very frankly, it must be made finally when we come into the committee conference. Therefore, I trust the Senator from Michigan will accept the suggestion I make to him. It is in the line of what he desires.

The salary of the agent is cut down a little below that of other agents. We have cut it down to a thousand dollars. I will agree, and I will offer the amendment, if it is satisfactory to Senators on the other side, to make his salary $1,500 and to increase the total amount of the appropriation in that clause to $4,000. That will give us the opportunity to do what is absolutely necessary and what is right and just in the committee of conference.

Mr. MCMILLAN. I inquire of the Senator what he is willing to allow on page 51, lines 18 and 19, for the care of feeble-minded children, etc.?

Mr. GORMAN. During the past year I am certain from the estimates and the statements made that the whole expenditure of this board could not have exceeded from sixteen to seventeen thousand dollars. With a very much larger amount at their disposal they were not able to expend more, and they are not in any better condition to do it now. There is no objection to making the increase to $9,000.

Mr. MCMILLAN. I suggest to make it $14,000, and then it can be arranged in conference.

Mr. GORMAN. That would make the total amount greater than the expenditures during the last year. If it is satisfactory to Senators on the other side, with a view to expediting the matter, I will move to add, in line 11, after the word "thousand," the words "five hundred;" so as to make the salary $1,500; to increase the appropriation to $4,000, in line 13; and to increase the appropriation, $9,650, in line 18, to $13,000.

Mr. MCMILLAN. I will accept that, so far as I am concerned, hoping that in conference we may get more.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 11, on page 51, after the word "thousand," it is proposed to insert "five hundred;" in line 13, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand;" and in line 18, after the word "place," to strike out "nine thousand six hundred and fifty" and insert "thirteen thousand;" so as to read:

Board of Children's Guardians: For the Board of Children's Guardians, created under the act approved July 26, 1892, namely: For administrative expenses, including salary of agent not to exceed $1,500, expenses in placing and visiting children, and all office and sundry expenses, $4,000.

For care of feeble-minded children; care of children under 3 years of age, white and colored; board and care of all children over 3 years of age, and for the temporary care of children pending investigation or while being transferred from place to place, $13,000.

Mr. GALLINGER. I simply desire to say that it is extremely gratifying to me personally that the Senator from Maryland has made these changes in the bill, increasing the appropriations somewhat, and I trust that when they get into conference the Senate conferees may be disposed to yield a little further in the matter, and that all these charities may be taken care of very generously by the conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maryland to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GORMAN. In line 20, on page 51, so as to make the total amount of the appropriation correct, I move to strike out "$13,150" and insert "$17,000."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 51, after line 21, to strike out the following proviso:

Provided, That the institutions for children, including industrial and reformatory, namely, the Church Orphanage of St. John's Parish, the German Orphan Asylum, the National Association for the Relief of Destitute Colored Women and Children, including its care of colored foundlings, the St. Ann's Infant Asylum, the St. Joseph's Asylum, the House of the Good Shepherd, the Industrial Home School, and St. Rose's Industrial School, heretofore receiving aid by specific appropriation, are hereby remitted, except as herein specifically appropriated for, to the appropriation herein made and to the said act of July 26, 1892, "to provide for the care of dependent children in the District of Columbia and to create a Board of Children's Guardians," for all rights and benefits which they may have under the provisions of the said act.

The amendment was agreed to.

The next amendment was, on page 53, line 6, before the word "hundred," to strike out "seven" and insert "eight;" so as to make the clause read:

For expenses of rifle practice and matches, $1,800.

The amendment was agreed to.

The next amendment was, on page 53, after line 6, to insert:

For expenses of camp of instruction, $7,000.

The amendment was agreed to.

The next amendment was, on page 53, line 25, after the word "dollars," to insert "one civil engineer, one thousand five hundred dollars;" and on page 54, line 18, before the word "hundred," to strike out "thirty-six thousand eight," and insert "thirty-eight thousand three;" so as to make the clause read:

For distribution branch: For one superintendent, $1,600; one civil engineer, $1,500; one draftsman, $1,500; one foreman, $1,200; two clerks, at $1,000 each; one timekeeper, $900; one assistant foreman, $900; one tapper and machinist, $900; one assistant tapper, $600; three steam engineers, at $1,100 each; one blacksmith, $750; two plumbers, at $750 each; two assistant machinists, at $864 each; one property keeper, $600; three firemen, at $730 each; two flushers, at $540 each; one driver, at $480; two watchmen, at $480 each; one hostler, at $480; one calker, at $730; in all, $38,334.

The amendment was agreed to.

Mr. GORMAN. In lines 24 and 25, on page 54, I move to strike out the words "to be immediately available."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 54, line 24, after the word "ensuing," it is proposed to strike out "to be immediately available;" so as to make the clause read:

For extra clerical services in transcribing water-rent books to serve for the three fiscal years next ensuing, $875.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 55, line 12, after the word "cents," to insert "and such additional amount as may be necessary to pay said interest in full for the fiscal year 1895;" so as to make the clause read:

For interest on account of increasing the water supply, as provided in the act of July 15, 1882, $11,529.21, and such additional amount as may be necessary to pay said interest in full for the fiscal year 1895.

The amendment was agreed to.

The next amendment was, on page 55, line 18, after the word "cents," to insert:

And such additional amount as may be necessary to pay said interest in full for the fiscal year 1895: *Provided*, That not exceeding $300,000 of the surplus general revenues of the District of Columbia remaining on the 1st day of July, 1894, shall be transferred to the water fund to be be applied in payment of the principal of the debt incurred for increasing the water supply as provided in the act of July 15, 1882.

So as to make the clause read:

For sinking fund on account of increase of water supply, under act of July 15, 1882, $24,036.69 cents and such additional amount as may be necessary to pay said interest in full for the fiscal year 1895: *Provided*, That not exceeding $300,000 of the surplus general revenues of the District of Columbia remaining on the 1st day of July, 1894, shall be transferred to the water fund to be applied in payment of the principal of the debt incurred for increasing the water supply as provided in the act of July 15, 1882.

Mr. GORMAN. There is a clerical error in that amendment. In line 19, after the word "said," I move to strike out the word "interest," and insert "sinking fund."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. GORMAN. On page 12, in line 8, after the word "dollars," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 12, in line 8, after the word "dollars," it is proposed to insert:

And a sufficient amount of this appropriation shall be applied to and expended for the immediate removal of the parking and trees and paving the space in the center of New York avenue between Ninth and Tenth streets.

The amendment was agreed to.

Mr. GORMAN. On page 16, after line 22, I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 22, on page 16, it is proposed to insert:

For paving streets on north side of Lincoln Square, between Eleventh and Fourteenth streets, $8,500.

The amendment was agreed to.

Mr. MCMILLAN. If in order now, I wish to move an amendment on page 11, after line 25. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 11, after line 25, it is proposed to insert:

Provided, That of the above-named sum, $5,000, or so much thereof as may be necessary, shall be expended by the Commissioners of the District of Columbia for the preparation of sketch plans and report by Frederick Law Olmstead on the extension of the streets and avenues of the District of Columbia.

The amendment was agreed to.

Mr. STEWART. On page 28, after the word "dollars," in line 17, I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 23, line 17, after the word "dollars," it is proposed to insert:

Provided, That $5,000 of said sum shall be used for sprinkling driveways outside of the cities of Washington and Georgetown.

The amendment was agreed to.

Mr. HUNTON. In the appropriations for the water department, on page 54, line 4, there is a provision for "one timekeeper, $800." I move to strike out the word "eight" and insert "nine." I understand this amendment will not be antagonized by the Senator in charge of the bill. It is recommended by the Commissioners of the District of Columbia.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 54, line 4, before the word "hundred," it is proposed to strike out "eight" and insert "nine;" so as to read:

One timekeeper, $900.

The amendment was agreed to.

Mr. GORMAN. On page 54, line 18, I move to strike out "three," and insert "four," so as to make the total appropriation "$38,494," to conform to the amendment just made.

The amendment was agreed to.

Mr. PEFFER. I wish to call the attention of the Senator in charge of the bill to page 35. I have been informed personally by the parties interested that the wages allowed for drivers and other persons mentioned in the upper part of the paragraph on page 34 is entirely inadequate. For example, their wages run from $25 a month to $35 a month. I read in line 6 "one van driver, $360" a year, which amounts to just $30 a month, and continuing, "one ambulance driver, $480," which is $40 a month; "two assistant ambulance drivers, at $300 each," which is $25 a month; and "fourteen drivers of patrol wagons, at $360 each," which is $30 a month.

The amendment I wish to offer is in line 6, to strike out "$360," and insert "$480;" in line 8, to strike out "$300," and insert "$480;" in line 9, to strike out "$360," and insert "$480." I believe that is all except, if these amendments are agreed to, it will be necessary to change the total, in line 12, from $514,520 to $516,800. I appeal to the Senator from Maryland that this is a very reasonable request, and I do hope that he will accept the amendment without further urging.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 35, line 6, it is proposed to strike out "three hundred and sixty" and insert "four hundred and eighty;" in line 8, to strike out "three hundred" and insert "four hundred and eighty;" in line 9, to strike out "three hundred and sixty" and insert "four hundred and eighty;" and in line 12, to strike out "five hundred and fourteen thousand five hundred and twenty," and insert "five hundred and sixteen thousand eight hundred;" so as to read:

One van driver, $480; one ambulance driver, $480; two assistant ambulance drivers, $480 each; fifteen drivers of patrol wagons, at $480 each, and three police matrons, at $600 each; in all, $526,800.

Mr. GORMAN. This amendment was suggested by the Committee on the District of Columbia. These men, of course, get very small compensation; they are inadequately paid; but so are many others provided for in the bill.

We must limit the total amount of these appropriations. The committee, while in full sympathy with the views which the Senator has presented, and which were also presented to us by the Committee on the District of Columbia, thought, in view of the limited appropriations which we were compelled to make at this session, we had better expend them in giving additional employment to others who have now no employment, and spend it upon the streets, so that there might be work for a great mass of people in improving the roads in the country around the city of Washington. I trust the Senator will not press the amendment at this time. Next year we can take up this subject. In the meantime we think we have gone beyond where we shall be permitted to go in providing generally employment all over this city to a very large number of people.

Mr. PEFFER. If the Senator will permit me, I do not believe that it is good policy to begin retrenchment and reform with this class of cases. I find that of the men who are working at the wages which I have read, here is one ambulance driver, and there are two assistant ambulance drivers, there are eight or ten patrol drivers, and a van driver. I am informed, and have no doubt that it is entirely true, that the drivers of ambulances are required to work twelve hours per day, including Sundays and holidays; that they are subject to call at all hours of the day and night, and are further required to take care of their teams at all times.

The patrol drivers are required to work from twelve to fourteen hours per day, and are also subject to call at all times. Many of them bring their meals with them and remain the full number of hours. They also take care of their teams, and work Sundays and holidays. The van driver works fifteen hours a day, and takes care of his team and works on Sundays and holidays.

The majority of these men have families to support, and on account of the small amount of wages paid them they barely manage to exist. They are required to remain away from their families a great part of the time. It is a fact, further, that these men, who are required to work longer and be on duty more hours and to be always subject to call, are the worst paid of any class of men in the District of Columbia.

I submit again to the Senator from Maryland and to his friends in charge of the bill that if they do not feel at liberty to accept this amendment now, they will at least feel the force of the suggestion and urge it upon the conference committee; but I think it would be eminently proper that the amendment be submitted now.

There is one further thought. These men are situated altogether differently from the ordinary laborer who, in the hours when his day's work is completed or before it begins in the morning, can do a chore here and there and make a dime or a quarter. These men are subject to call continually and continuously. They are required regularly to work twelve hours a day, and, in addition, when they are off duty they are subject to call at any time. Some of them work fourteen hours a day for $25 a month. I hope that the Senator from Maryland will think about $25 a month for a man and his family, and that he will put himself in the other man's place and then think—

A man's a man for a' that.

I ask that the amendment be adopted. I hope the Senator from Maryland will not object.

Mr CALL. Mr. President, I wish to state that it has been my purpose to introduce an amendment similar to the one offered by the Senator from Kansas [Mr. PEFFER]. I regard it as a measure of great public policy that the people should be taken care of and that in our legislation due regard should be paid to

their comfort and convenience. I think with the Senator from Kansas that it is an outrage which should not be permitted in the District of Columbia that men should slave out their lives for any corporation without some provison of law requiring that their work shall be limited to reasonable hours of labor. I go further than that. I believe that the law, where the legislative power exists to make it so, should require them to have such compensation as will enable them to live and not be starved, and that their families should be taken into consideration in that compensation.

What law of economy, what law of propriety exists that a great corporation shall be unlimited in its power over the lives, the comforts, and the happiness of the people?

I wish for myself to say that I believe the protection of private property and personal rights demands that there should be legislation in this direction.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was rejected.

The bill was reported to the Senate.

Mr. PLATT. I do not wish to call for a separate vote on concurring in the amendment on page 46, as to the Reform School, but I desire to call the attention of the Senator from Maryland to it and to express the hope that when the bill goes into conference the matter will be looked into further, with the hope, also, that the committee may not insist upon the amendment. The trustees of the Reform School of the District of Columbia are, I think, gentlemen of undoubted ability and have great interest in their work and they do not like to have any change made in their control. I do not wish to go into the question or to discuss it at this time. I have no desire to embarrass the passage of the bill, and I shall not. I simply ask of the Senator from Maryland that when the matter goes into conference it may be further considered.

Mr. GORMAN. I will state in reply to the Senator from Connecticut that we will as a matter of course do that. There are certain facts which have been brought to the attention of Senators and the committee during the day and since the bill was reported which require careful consideration. The committee do not desire to impair the control of the institution or to take it away entirely from the board, but what the committee sought to do and what is right is that over all these expenditures there should be some supervision, as there is in every other case. I will state to the Senator from Connecticut without the slightest hesitation that the most careful consideration will be given to these suggestions.

Mr. PLATT. That is all I ask.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. GALLINGER. I desire to offer an amendment, notice of which I gave some time ago.

The PRESIDING OFFICER. The amendment of the Senator from New Hampshire will be stated.

The SECRETARY. Insert after line 20, on page 33:

For providing instantaneous fire alarm apparatus for the public school buildings of the District, $2,500.

Mr. GALLINGER. I wish to say a single word on the amendment, and then I shall be content to have the Senate dispose of it as they see best.

The amendment was first referred to the Committee on the District of Columbia. It received the unanimous indorsement of that committee. Presumably the members of the Committee on the District of Columbia have quite as accurate knowledge regarding the wants of the District as any other equal number of Senators possibly can have. The amendment simply provides for a modern appliance, such as almost every public institution in every great city has at the present day, an instantaneous fire alarm, whereby the public property may be saved, if not the lives of the children better conserved.

It requires an appropriation of only $2,500 to provide this appliance for more than the one hundred school buildings in the District. I notice that the committee of the Senate have made an appropriation of $9,000 for fireproof stairways for three of the great school buildings in Washington. That is a very wise appropriation. In the same line a much greater degree of liberality of appropriation might be indulged in, and I feel sure it would receive the approbation of all who have the interest of children at heart. My amendment goes a little further than the committee have gone.

It looks to the preservation not only of the lives of the children, but of the school property. Inasmuch as we have found it wise to introduce those instantaneous fire alarms into other buildings in the city, and I think into almost all the public buildings, and inasmuch as the amendment received the approval of the Committee on the District of Columbia and, I understand, the Commissioners of the District, I think it ought to go into the bill, and I trust the Senator from Maryland will so conclude.

Mr. GORMAN. The amendment offered by the Senator from New Hampshire was very carefully considered by the Committee on Appropriations. I confess that I was personally impressed with it when it was first suggested, but upon examination we found that it would require a very much larger appropriation for proper connection with the wires and would cost some thousands of dollars. No provision has been made for that, and none is made in the amendment, and therefore the appropriation at this time would be useless. After careful consideration, in connection with the authorities of the District and those in charge of the schools, the committee concluded that the only practicable thing we can do at this time is to give them in three buildings fire-proof stairways and let the matter go over until the next session, when the whole scheme can be developed, and then we can consider it.

Mr. GALLINGER. I wish to make a single inquiry of the Senator from Maryland. I had supposed from certain inquiries which I have made that the appropriation proposed in the amendment would be ample. Will the Senator from Maryland kindly state to me about what amount would probably be required for this purpose?

Mr. GORMAN. That is the difficulty. It could be only a rough estimate or a guess. Therefore provision could not be made for such appliances in the closing hours of the session, and necessarily the matter would have to go over.

Mr. GALLINGER. Under the circumstances, receiving the assurance of the distinguished Senator from Maryland that the committee are thinking kindly of this proposition and will likely make the necessary provision next year, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. PEFFER. I wish to renew my amendment in the Senate, as I desire to test the sense of the Senate. I think it will perhaps be of some assistance to the conference committee to have the judgment of the Senate upon it.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. On page 35, line 6, it is proposed to strike out "three hundred and sixty" and insert "four hundred and eighty;" in line 8, to strike out "three hundred" and insert "four hundred and eighty;" in line 9, to strike out "three hundred and sixty" and insert "four hundred and eighty," and in line 12, to strike out "five hundred and fourteen thousand five hundred and twenty" and insert "five hundred and sixteen thousand eight hundred;" so as to read:

One van driver, $480; one ambulance driver, $480; two assistant ambulance drivers, at $480 each; fifteen drivers of patrol wagons, at $480 each, and three police matrons, at $600 each; in all, $516,800.

Mr. GORMAN. Inasmuch as I explained to the Senator from Kansas and the Senate the reason why the amendment can not be accepted, I am compelled to raise the point of order on the amendment. There is no estimate for it, and it proposes to increase the appropriation.

The PRESIDING OFFICER. The Chair asks the Senator from Kansas whether the increase of appropriation is recommended by any standing committee of the Senate?

Mr. PEFFER. It is not.

The PRESIDING OFFICER. The point of order is well taken.

Mr. PEFFER. I offered the amendment as in Committee of the Whole, and no objection was made to it. I insist that I have a right to offer it in the Senate.

The PRESIDING OFFICER. The Senator from Kansas had a right to offer the amendment in the Senate, but the point of order having been made the Chair sustains it.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

DEALING IN OPTIONS AND FUTURES.

Mr. WASHBURN. The so-called antioption bill came from the other House to the Senate two or three weeks ago and still remains on the table, for the reason that when I made the motion to refer it to the Committee on Agriculture and Forestry the Senator from Massachusetts [Mr. HOAR] made some objection, as he desired to make some remarks upon it. I am sorry that the Senator from Massachusetts is not present, but it seems to me that the bill has lain on the table as long as it should. I understand my colleague on the Committee on Agriculture and Forestry, the Senator from Mississippi [Mr. GEORGE], has given notice that he would request action on the motion. I should like to have the question of reference settled at this time.

The PRESIDING OFFICER. The Senator from Minnesota moves that the bill (H. R. 7007) regulating the sale of certain agricultural products, defining "options" and "futures," and imposing taxes thereon and upon dealers therein, be referred to the Committee on Agriculture and Forestry. Is there objection? The Chair hears none, and it is so ordered.

AGRICULTURAL APPROPRIATION BILL.

Mr. CALL. I move that the Senate proceed to the consideration of the bill making appropriations for the Agricultural Department.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895, which had been reported from the Committee on Appropriations with amendments.

Mr. CALL. I ask that the formal reading of the bill be dispensed with and that the committee amendments be acted upon as they are reached in the reading of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears none, and that course will be pursued.

Mr. CALL. Before the reading proceeds, I will state that the estimates for the Agricultural Department for the year 1895 are $2,233,843.06; the amount appropriated by the bill as it came to the Senate was $3,215,643.06; the reduction recommended by the committee is $7,460; the bill as reported to the Senate appropriates $3,208,133.06; the amount appropriated for the last fiscal year was $3,323,500.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The Secretary proceeded to read the bill, and read to line 8, on page 2.

Mr. GEORGE. There are a great many amendments reported by the committee to the paragraph which is being read, relating to salaries and contingent expenses of the Executive office.

There are some amendments which I shall offer in case the lump sum, in line 2 on page 3, is not allowed to stand as it was when the bill came to us from the other House. I therefore suggest that the reading of the bill be continued down to line 4, page 3, without any vote upon any of the intermediate amendments, as the vote on the amendments will depend very largely upon the vote which will be taken on the amendment just preceding the close of the paragraph.

Mr. CALL. I understand the Senator's proposition to be that, after having read the paragraph, we shall pass over the proposed committee amendments until we get to the line the Senator has just referred to?

Mr. GEORGE. Yes, sir; until we get to line 4 on page 3.

The PRESIDING OFFICER. Under that agreement the Secretary will read the text of the bill as it came from the House of Representatives, not reading the Senate committee amendments, and the amendments of the Committee on Appropriations to this paragraph will be reserved until after action is taken upon the amendment in lines 2 and 3.

Mr. GEORGE. Mr. President, the bill, without having been referred to the Committee on Agriculture and Forestry, and it could not be so referred under the rules of the Senate, has been under consideration by that committee, and they have reached a conclusion with reference to the bill which I propose now to state to the Senate. After a very full and free examination of all the various amendments and after consultation with the Assistant Secretary of Agriculture, we are satisfied that none of the amendments proposed by the Committee on Appropriations to the paragraph under consideration ought to be adopted.

We think especially that the lump sum of $49,520 should be allowed to stand, and that all the amendments made by the committee, which undertake to supply officers who are to be paid for out of this lump sum, ought to be disagreed to. Up to within the last appropriation act, I believe, or before that, such a lump sum was allowed. The Committee on Appropriations, as I learn from the Senator from Maryland, disapproves the idea of making an appropriation so large as $49,520 in a lump sum. They have therefore reduced it to $20,000, and have undertaken to compensate for that reduction by increasing the number of clerks.

I call the attention of the Senate to some of the amendments which the Committee on Appropriations suggest in order to compensate for the lump sum which is reduced. They propose four clerks in one place for two clerks; seven clerks for four in another; seven clerks for four in another; six clerks for four in another. I desire to call attention especially to this point. In line 11 the Committee on Appropriations recommend three clerks of class 3, $4,800. That is not in the bill as it came from the other House. Then four clerks are provided instead of two; seven clerks instead of four, and six clerks instead of four. The contest seems to be whether the Committee on Appropriations is a better judge of the number of employés and the amount to be paid to a very considerable number of them than the Secretary of Agriculture.

I wish to read to the Senate a memorandum which I have here from the Assistant Secretary of Agriculture:

> In order to enable the Department to secure a larger number of clerks at lower salaries, and to enable the Secretary to adapt the compensation to the work actually done, the House bill provides a lump sum for clerks, messengers, mechanics, watchmen, firemen, and charwomen of $49,520. It is desirable to have the appropriation in this form. The Senate committee have, however, restored the statutory roll as in last year's appropriation bill. If this stands a few additional clerks must be provided.

It is pretty well known that the present Secretary of Agriculture has exhibited some considerable economy in the management of his office. I do not see the reason why the lump sum of $49,520, which the other House allowed, should be taken away from him and $20,000 in a lump sum allowed, and why at the same time Congress should undertake to specify to him an additional number of clerks at a specified salary, when, as he claims, and as the Department claims, if he is allowed a lump sum, they can regulate the compensation of each of the clerks, graduated according to his work, and in that way operate a very considerable economy.

I well know that it is very difficult to resist any proposition made by the Committee on Appropriations, but I wish to call the attention of the Senate, if they will give any attention at all to this matter, to the fact that the House Committee on Agriculture has framed the bill in this respect as we desire, and that the Senate Committee on Agriculture and Forestry desire to have the bill passed as it passed the other House.

So in order to test this question and settled it I ask for the vote to be taken on the amendment in lines 2 and 3, whereby forty-nine thousand five hundred and twenty was stricken out by the committee and $20,000 inserted. Let the Senate understand now that if this amendment is rejected all the increase in clerks, amounting to a very considerable sum, made by the Senate Committee on Appropriations will be disagreed to. So in fact there will be little difference in the appropriations, as the Committee on Agriculture and Forestry and the other House think they ought to be.

Mr. WHITE. If the Senator from Mississippi will permit me, I should like to inquire whether he represents the Committee on Agriculture and Forestry in this matter.

Mr. GEORGE. I do. I represent the Committee on Agriculture and Forestry of the Senate who considered the whole subject and directed me to make this statement to the Senate.

Mr. PLATT. I should like to make an inquiry of the chairman of the committee, or of the Senator who has this bill in charge. For any of the other Departments of the Government is a lump sum of $50,000, or any other lump sum appropriated to be spent by the head of the Department in the employment of clerks, messengers, etc., or is this item singular in that respect?

Mr. CALL. I understand that the rule which has governed the Senate in these appropriations is to make specific appropriations and to diminish the authority of the Secretary as largely as possible by providing for each specific item of appropriation. Except in the case of a contingent fund for some special purpose I think the answer to the Senator from Connecticut is that there is not for any of the Departments a lump provided to pay the clerks and other persons employed in the Department.

Mr. PLATT. Then I may be permitted to say that I fear we shall be making a very bad departure here from our usual practice, and one which in a few years would be extended into all the other Departments, and we shall have pretty much all the clerks and lesser employés paid by a lump sum under the direction of the Secretary of the particular Department. I should think we ought to hesitate about doing that.

Mr. COCKRELL. That is exactly the question that is raised by the Senator from Mississippi. It is whether we shall give to the Secretary of Agriculture a gross sum of money to employ clerical force at whatever rate he selects and whomsoever he may select to perform the service, regardless of any examination or anything of the kind.

Mr. DOLPH. It takes them out from under the civil-service rules.

Mr. COCKRELL. Yes; it takes them out from under the civil-service law and it gives him the right to employ whomsoever he chooses at whatever compensation he chooses. It takes out of the bill those that have been appropriated for specifically by different classes for years. It has been a universal rule of the Senate, immemorial so far as I know, that for all the classified service we shall appropriate specifically so much for so many clerks of class 4, so much for so many clerks of class 3, for so many clerks of class 2 and class 1, and for so many at $1,000 and $900. That has been the universal rule. No other Department is given this authority.

Mr. DOLPH. Is any other Department allowed even $20 000 in a lump sum to be expended for this purpose?

Mr. COCKRELL. Not for clerical force, unless it be purely for a temporary purpose to bring up an accumulation of work and transact it so that it can be done in the calendar year.

Mr. DOLPH. So this appropriation of $20,000 is an exception so far as the other Departments are concerned.

Mr. COCKRELL. No, the $20,000 is for minor places that do not come under the civil-service law, like messengers, charwomen, etc., and there may be more of them at one time of the year than another. The Committee on Appropriations in striking out this lump sum and inserting the number of clerks and the different classes which may be required have followed the universal rule which has been adopted in the Senate for years and years.

We submitted to the Secretary, or the Assistant Secretary, a request for a statement of the very lowest number of clerks he could get along with and their classes, or salaries, and we amended the bill to correspond with that statement. After reporting the bill, the Secretary making the suggestion, we made some changes. On page 2, in line 13, the word "seven," which the committee had allowed, was stricken out and "ten" was inserted, so as to read "ten clerks of class 1," that is, at $1,200. Then in line 15 we struck out the words "four clerks, at $1,000 each," and inserted "ten." We gave to the Secretary precisely what he said would be necessary under the classifications and the universal rule of the Senate.

The Senator from Iowa [Mr. ALLISON] was for many years chairman of the committee; the Senator in the chair [Mr. HALE in the chair] has long been a member of that committee; and they will bear testimony that it has been a universal rule, and it has always been sustained in the Senate, to make specific appropriations wherever they could be made. I hope the amendment of the Senator from Mississippi will not prevail.

Mr. GEORGE. I am not offering any amendment. In behalf of the House of Representatives and the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture and Forestry of the Senate, I am merely resisting an improper amendment which I think has been offered by the Committee on Appropriations. That is the way the thing stands. I am offering no amendment.

The PRESIDING OFFICER. The Chair understands the Senator from Mississippi to ask that the question be first taken upon the committee's amendment at the top of page 3, proposing to appropriate an aggregate sum.

Mr. GEORGE. Yes, the lump sum. That will dispose really of the other amendments.

It is well for me to make the remark here (and it is a very obvious one as soon as suggested, to which I desire to call the attention of the Senate especially), that the Department of Agriculture is not a department to carry on the Government of the United States. It is no part of the machinery provided in the Constitution for carrying on the Government of the United States. It is something which Congress provides for simply to aid agriculture.

There is no law which can regulate all the duties of the Department of Agriculture. It is a scheme or a Department inaugurated by the Government for the purpose of making certain investigations, all of a scientific character; the purchase of seeds and the distribution of seeds among the farmers of the country; getting certain information through the statistician in which the farmers of the country and the people of the country generally are interested, and distributing that information. It exercises no constitutional functions. It is neither a part of the Navy, nor of the Army, nor of any civil department of the Government.

It has nothing to do with those functions. The management of this Department assimilates very much to the management of a farm, and must depend very largely upon the discretion and good sense of the head of the Department. Especially do I want the Senate to understand that these clerks and employés are not simply like the clerks and employés of other Departments of the Government. They are assigned to duties, very largely by the Secretary of Agriculture himself. He selects a man who is best adapted to perform that particular duty, not connected with the Government of the United States.

Some of the duties are very important, requiring men of skill, and some of them are very insignificant. He manages or ought to manage the Department very much like a farmer would manage his farm. He gives to each man the compensation which is suitable for his labor, and that is the way it ought to be done, especially in the subordinate offices.

I wish to call the attention of the Senate again to what the Department say. The Department claim that if this lump sum is granted they can better adjust the compensation to the merits of its employé. I see no reason why every clerk should be paid the same compensation when they perform diversified duties some requiring great skill, some requiring ordinary skill, some requiring very little skill. I want to call the attention of the Senate to another point. It is well known that the present head of that Department has exercised discretion so far as it is vested in him in reducing expenditures.

The Department come and tell you now that if the Senate amendments are adopted as against the protests of the Department, as against the voice of the Agricultural Committee of the other House, as against the judgment of the other House, as against the judgment of the Agricultural Committee of the Senate, it will increase the expenditures of the Department.

I do not see any reason why we should be governed by a cast-iron rule on that subject, nor do I see any reason, allow me to say, with the greatest deference to the gentlemen who compose the Committee on Appropriations, why their judgment in these matters should prevail over the judgment of the committee specially selected in the House of Representatives to discharge this duty, and over the judgment of the House of Representatives themselves, and over the judgment of that committee of the Senate which also is specially selected for the purpose of determining as far as may be how that Department should be carried on.

I hope, therefore, that the Senate will agree to the judgment of the House of Representatives; that it will agree to the judgment of the Committee on Agriculture of the House of Representatives; that it will agree to the judgment of the Committee on Agriculture and Forestry of the Senate, and disagree to the amendments proposed by the general Appropriation Committee.

The PRESIDING OFFICER (Mr. WHITE in the chair). The question is on the amendment of the committee, in lines 2, 3, and 4 on page 3, the Chair understands.

Mr. ALLISON. Mr. President, I wish to say a few words before the vote is taken.

I do not understand that the new departure proposed in the bill as respects the clerical force in the Departments is one that will materially advance the interests of the Department. This is the only time I know of in my experience in this body where it has been proposed to allow a lump sum. I wish to call the attention of the Senator from Mississippi to the fact that this is the first time a lump sum has ever been proposed to a Secretary for the purposes of clerk hire.

As a matter of course the Senate and the House defer to the judgment of a head of a Department respecting his clerical force, but we have always insisted (and I know of no exception to that rule since I have been in the Senate) that the head of a Department shall give us a list of his clerical force. If he wants two clerks of class 4 rather than four clerks of class 4 and then wants to increase the clerks of a lower grade, those changes have always been made for the convenience of the Department.

But it seems to me it will create great confusion if we go beyond that and provide that a Secretary, whether it be of the Treasury, or of Agriculture, or of the Interior, shall have $50,000 or $100,000 to dispose of as he may choose, employing a clerk today, another to-morrow, and another the next day, and thus bring the clerical force in the Departments into confusion.

If this be true in regard to the Secretary of Agriculture, it will be true in regard to the Secretary of the Treasury and every other Department in the Government. If the Senator from Mississippi will note the bill passed early this morning, known as the legislative, executive, and judicial appropriation bill, he will observe that it is nothing but a salary bill, covering practically clerk hire in all the Departments, and covering clerk hire in all the great offices of the country, the subtreasury and the public offices in New York City, Chicago, St. Louis, and New Orleans. We require the heads of Departments to make an estimate of the clerical force they need, the number, and the compensation, and when that is done, then as nearly as we can we appropriate for them.

As the chairman of the committee has truly said, the Committee on Appropriations or our chairman stated to the Secretary of Agriculture, or rather to the Assistant Secretary, that we did not think it wise to depart from the long established custom of having clerks provided for specifically, and asked him to make a revision of the necessary clerical force in the Department, and that we could recommend an appropriation for that force.

I understand that was done and the committee proposed to make that provision in the bill. When we have appropriated for all the clerical force desired by the Secretary of Agriculture and practically in such way as will enable him to conduct the clerical business of the Department, why should it be insisted now that a lump sum shall be thrown into his lap to be disposed of as he may choose for that purpose?

It seems to me that it opens a door which will grow wider and wider until the several heads of Departments will want all the

money they can get appropriated in a general sum, in order that they may distribute it according to their will and not according to the supervision of Congress.

That is all there is in this question. It is not a question of committees or preference of committees. Every Senator understands this subject, I suppose one Senator as well as another. It was because we did not wish to make this great departure from the uniform practice of the Government that the Committee on Appropriations has proposed to make these appropriations specific.

Mr. GEORGE. Of course I know I am rowing upstream when I am rowing against the Committee on Appropriations, but still I am right, and I propose to take such time as is necessary to demonstrate the correctness of my position to the Senate. If the appropriation of a lump sum is wrong in principle I should like to know why the sum of $20,000 in a lump is allowed by this amendment? If you must specify everything that is to be expended by the Secretary of Agriculture, why give him the $20,000? The committee allow $20,000 instead of $49,000, and the great wrong now done to the principle which they think is so clear, is that $29,000 is added to the lump sum which the Committee on Appropriations themselves think ought to be allowed, and which would result in a large saving to the Government.

The Senator from Iowa totally failed to notice the very important consideration which I presented to the Senate, showing the distinction between the work done by the employés of this Department and the employés of other Departments of the Government. Ordinarily a clerk in one of the Departments has to do two things, and that is about all he has to do. He ought to write a good hand, and he ought probably to have some little knowledge of the four principal parts of arithmetic, addition, subtraction, multiplication, and division, and that is about all.

But an employé of the Agricultural Department is frequently called upon to decide something or to do something which depends upon his good judgment as to how he shall do it. He is called upon to make some investigation in reference to the growing of crops, or in reference to the diseases of cattle, and so on, all of which is outside of any duty of that kind that is ever devolved upon any ordinary clerk of the Government. So with the multifarious duties which must be assigned by the Secretary himself to each one of these employés there ought to be allowed to him the discretion of paying to each one the value of his services at least out of $3,000,000 of appropriation to the extent of the small sum of $49,000, when the committee itself has said that he ought to have $20,000.

I see the Senator from Iowa present, and I should like to have him explain why it is such a crime, such a violation of principle, such a dangerous precedent to allow subordinate clerks to be employed by the Secretary of Agriculture at a rate of compensation to be fixed by him, and at the same time it is perfectly right to employ messengers at a rate of compensation to be fixed by him, laborers at a rate of compensation to be fixed by him, mechanics at a rate of compensation to be fixed by him, and charwomen at a rate of compensation to be fixed by him.

Why is it that all these employments are perfectly regular and right, but when you come to a man who is called a clerk then you must have a specific sum mentioned in the statute or else the Constitution is violated and the country is ruined?

Mr. ALLISON. I will answer the Senator from Mississippi.

Mr. GEORGE. Just one word more and I will be done.

Mr. ALLISON. I want to answer the Senator right now, if he will allow me.

Mr. GEORGE. All right; you may do it.

Mr. ALLISON. As to laborers, mechanics, and charwomen, the Secretary can select the number, but he can not select the compensation. There is a law which provides that the messengers in the Departments shall receive so much, that all laborers shall receive so much, that all mechanics employed shall receive so much, and that all charwomen shall receive so much. Their compensation is defined in the statute, so that the only thing the Secretary can do under the clause to which the Senator is now alluding is to fix the number of messengers, of laborers, of mechanics, and of charwomen. He can employ five or four of either or all, or he can employ two at one time and three or five at another. He may need more mechanics at a particular time than another, and so of the others. But he can not under this provision fix the compensation of any one of them.

Mr. GEORGE. What difference does that make?

Mr. ALLISON. It makes a great difference.

Mr. GEORGE. The people of the United States are certainly interested only in the amount of money that goes out of the Treasury and not as to whether John Smith, or William Jones, or some other man shall receive $1,000 and another $900. We ought to go upon the idea that a man who is at the head of a Department like this knows something about his business. His name came before us. He could not take his place without our consent. He is nominated by the President and must be confirmed by our advice and consent before he can take his place. If we think the person so nominated is incompetent to regulate this matter between his clerks, we ought to reject him.

Mr. President, I wish to call the attention of the Senator from Iowa to a point which I regard as a very important one, and which he failed to make any reference to. The duties of these persons are not of the character defined by law, but they are largely of the kind defined by the discretion of the Secretary. He can select and impose important duties upon one and less important duties upon another. If that be the case, the salary of the more important employé ought to be larger, and the salary of the less important employé ought to be less.

Mr. COCKRELL. The Senator from Mississippi puts particular emphasis upon the importance of the work of the Department of Agriculture. He says a great portion of it must depend upon the intelligence and fitness of the employé. He referred incidentally to the examinations that are made. A great deal must depend upon the discretion of the Secretary, not in the employment of a mere clerk to do a little writing; that is wholly immaterial. It is clerical work we have provided for; but the Senator says that the important work depends upon the character and fitness of the employé, and the Secretary must have discretion in the selection of his force.

I suppose the Senator approves of the organization of the Department of Agriculture as found in the remainder of the bill as it came from the other House. Let us look at that a minute. We find here the division of botany. Ought not a good botanist be selected for that postion, one selected by the Secretary because of his fitness for the position, and ought he not to be allowed, under the idea of the Senator from Mississippi, to fix the salary of that botanist? Yet here is a provision of the House bill, and there is no disagreement about it, which fixes the salary of the botanist and curator of the herbarium at $2,500; one assistant botanist, $1,600; one assistant botanist, $1,400; and so it goes through.

Then we have a division of entomology; one entomologist, at $2,500, and assistants. Then we have a division of economic ornithology and mammalogy. We provide for one ornithologist, who shall be chief of division, at $2,500, and then for various assistants. So with the division of pomology; so with the division of microscopy, the division of vegetable pathology, the division of chemistry, the division of forestry, the division of seeds; and in every one of these divisions we fix the salaries of the assistants in the Department, and the Secretary does not ask to have authority to name the amount that is to be paid to them.

But when it comes down to the employment of twenty or thirty clerks to do some clerical work, then it is insisted that every rule of the Senate must be departed from, and that the Secretary must be given authority to exercise his own discretion in the selection of clerks and the amount to be paid them.

I hope the amendment of the committee will be agreed to.

The PRESIDING OFFICER (Mr. HALE in the chair). Without objection, the question will be taken on the amendment on page 3, which will be stated.

The SECRETARY. In line 2, on page 3, it is proposed to strike out "$49,520" and insert "$20,000;" and in line 3, after the word "all," to strike out "$96,980" and insert "$87,540."

Mr. CALL. Mr. President, this bill is in my charge, and perhaps it is proper that I should have something to say upon the pending question. The committee's view of the case has been presented by the chairman of the Committee on Appropriations [Mr. COCKRELL] and by the Senator from Iowa [Mr. ALLISON]. It is proper that I should present to the Senate both sides of this question.

The Secretary of Agriculture gives as a reason for this proposition in the bill as it came from the House, which the Committee on Appropriations by a majority of that committee have amended by classifying the additional assistance he requires, that the classification under which these clerks have been appointed is not adapted to the character of work required of them, that in some places a clerk receiving a salary of $1,800 is performing the duty properly belonging to a seven hundred and fifty dollar clerk or a nine-hundred-dollar clerk, and that if the Secretary has the discretion conferred upon him by this lump appropriation, to that extent he can arrange that the clerk receiving $900, performing the work of an eighteen-hundred-dollar clerk, can be assigned to a corresponding position, and the eighteen-hundred-dollar clerk reduced to the character of work and the degree of compensation which he should properly receive.

The question is whether the Senate or the Committee on Appropriations can with absolute accuracy determine the particu-

lar character of the work in a classification and affix to it the compensation, leaving no discretion whatever to the Secretary of Agriculture, whether a cast-iron rule shall be provided, down to each pin or the number of pins to be used, and be provided by Congress, or whether a general limitation and direction, leaving a considerable discretion to the officer at the head of the Department, shall be given to him.

I may speak personally for myself as a member of the committee, that always in regard to all Departments, I believe, that if a Cabinet officer is worthy of his position—and we must act upon the hypothesis that, as we confirmed him, he is honest and capable, and adapted to the position and the work—he should be trusted to some extent, and that a margin of discretion should be allowed to him.

But the committee entertained—and that has been the rule in the Senate, with which I do not agree—the idea, until the Civil Service Commission was established, that Congress should ascertain how many pins each member of the Cabinet was required to use in his Department; and the question is as to the extent of that discretion, whether any should be allowed to him in the disbursement of the public money, and, if so, how much. Since the Civil Service Commission has been established the Cabinet officer is deprived of all authority in that respect, and that power is relegated to three officers distinct from all other branches of the Government, so that he is not permitted to have any discretion in regard to the selection, the aptitude, or the capacity of particular men for particular work.

As to this provision the Secretary of Agriculture desired—and the House have sustained him in it—that to the extent of $49,000 he should be allowed this latitude of judgment and this use of his own idea of the capacity of men in their selection, and that this money might be used by him for that purpose. The committee, however, have adhered to the rule of a specific appropriation for each specific item, leaving no discretion whatever to the Secretary of Agriculture, except as to the $20,000 referred to.

Mr. DOLPH. Mr. President, if in the Agricultural Department a clerk receiving a compensation of $1,800 a year is doing the work of a nine-hundred-dollar clerk, and the nine-hundred-dollar clerk is doing the work of an eighteen-hundred-dollar clerk, it shows that the Secretary of Agriculture is not the man for the place, because while Congress provides the clerks and provides their compensation, I suppose it is the duty of the Secretary of Agriculture to settle the particular business for which their competency and their salary fit them, and their salary pays them.

If this proposition would be a good thing for the Secretary of Agriculture, it would be a good thing for the heads of all the Departments, and if we are to adopt this principle, if the argument is good, I think this Government might save a very large amount of money by letting out to the lowest bidder the conduct of every Department, allowing some man to bid a lump sum to transact the business, and then to employ the necessary employés on the best terms he could get them, to exact the most labor possible from them, and to determine the number of hours they should serve. No doubt, with proper supervision, the public business might be transacted, and there would be a saving of one-half of the appropriation we make annually for the conduct of the public business.

Mr. CALL. I should like the Senator from Oregon to trace the connection he would make between letting out the Department work under contract to the lowest bidder and giving to the Secretary of Agriculture discretion in the use of $49,000 out of $3,000,000.

Mr. HARRIS. Will the Senator from Florida allow me to ask him what he means by the expression in respect to $49,000?

Mr. CALL. I mean to say that the Secretary of Agriculture asks to be allowed to use $19,000 as his own judgment may dictate in the selection and compensation of certain employés, clerks, and others provided for in this bill, and that $20,000 of that amount is allowed him, and the other $29,000 is taken away.

Mr. HARRIS. The Senator from Florida will allow me to say also that there can be no reason, in my opinion, why any such discretion should be given to that Secretary which is not given to every other Secretary.

I think one of the wisest things that could be done would be to allow the heads of Departments to select their subordinates. The wisest thing that can be done, in my opinion, is to abolish what is called civil-service reform and the Civil Service Commission. There can be found no reason, in my opinion, why that particular Secretary should be given privileges which do not extend to every other Secretary of every other Department.

Mr. CALL. I do not know but that I agree with the Senator from Tennessee entirely, but I do not think his argument furnishes any reason why this particular Secretary should not be allowed this sum of money.

Mr. HARRIS. If the Senator will allow me, as long as it is denied to others, I shall be in favor of denying it to him. I propose to deal with the heads of all Departments alike and fairly.

Mr. CALL. That is a matter of justice; but we are now looking into the question of what is the particular advantage of this particular Department in respect to this bill. I think the Senator is right, that a reasonable discretion should be given to all Departments in respect to their employment of clerks, and that the functions of the Civil Service Commission, if continued, should be limited, so that they would not confine, circumscribe, and destroy the power of administration conferred upon the heads of Departments.

But that is the proposition which is contained in this bill, that according to present classification and appointment of clerks, although the Secretary of Agriculture may dismiss an $1,800 clerk, he can not select a $900 clerk and put him in the position of receiving compensation for the work which he is actually performing. He reports now as to his Department and its administration that there are appointments to the extent of $49,000 which a reasonable discretion conferred upon him would enable him so to classify and so to adjust that he could put in the higher paid places men of adequate ability to perform the work and reduce those not having it to lower ones. That is the proposition which he makes, and which I desire the Senate to stand by.

The PRESIDING OFFICER. The question is on the amendment of the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will now state the amendments reported by the Committee on Appropriations on page 2, commencing with line 9.

The SECRETARY. In line 9, after the word "telephone," it is proposed to strike out "clerk," and insert "operator;" in line 11, after the word "dollars," to insert "three clerks of class 3, $4,800;" in line 12, before the word "clerks," to strike out "two" and insert "four;" in the same line, after the words "class 2," to strike out "two thousand eight," and insert "five thousand six," and in line 13, before the word "clerks," to strike out "four" and insert "seven;" so as to read:

One telegraph and telephone operator, $1,200; two clerks of class 4, $3,600; three clerks of class 3, $4,800; four clerks of class 2, $5,600; seven clerks of class 1—

Mr. GEORGE. That should be ten.

Mr. CALL. I move to amend the amendment in line 13 by striking out "four" and inserting "ten."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 13, before the word "clerks," it is proposed to strike out "four" and insert "ten;" so as to read:

Ten clerks of class 1.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The next amendment of the Committee on Appropriations will be stated.

The SECRETARY. In the same clause, on page 2, line 14, after the words "class one," it is proposed to strike out "four thousand eight" and insert "eight thousand four."

Mr. CALL. I move to amend the amendment by striking out "eight thousand four" and inserting "twelve thousand;" so as to read:

Ten clerks of class 1, $12,000.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was, in the same clause, line 15, before the word "clerks," to strike out "four" and insert "seven;" in the same line, before the word "thousand," to strike out "four" and insert "seven;" in line 16, before the word "clerks," to strike out "four" and insert "six;" and in line 17, after the word "each," to strike out "three thousand three hundred and sixty" and insert "five thousand and forty;" so as to read:

Seven clerks, at $1,000 each, $7,000; six clerks, at $840 each, $5,040.

The amendment was agreed to.

The next amendment was, on page 2, after the word "dollars," at the end of line 20, to insert:

One assistant fireman, $720; one assistant fireman, $600; two night watchmen, and two night watchmen who shall also be watchmen for the seed buildings, at $720 each, $2,880.

The amendment was agreed to.

The next amendment was, on page 2, line 25, before the word "messenger," to strike out "clerks;" and on page 3, line 1, after the word "mechanics," to strike out "watchmen, firemen;" so as to read:

Messengers, laborers, mechanics, and charwomen.

The amendment was agreed to.

Mr. GEORGE. The total sum named in line 4, on page 3, at the end of the clause which has been amended, is a smaller aggregate than the increases will make it.

Mr. COCKRELL. In line 4, on page 3, $87,540 should be stricken out and the total corrected according to the changes which have just been made.

Mr. CALL. In place of "$87,540," in line 4, on page 3, I move to insert "$91,140."

The amendment was agreed to.

The next amendment was, on page 3, line 8, after the word "dollars," to strike out "two clerks of class 3, $3,200," and insert "one clerk of class 3, $1,600."

Mr. CALL. In line 8, on page 3, before the word "clerks," I move to strike out "two" and insert "three."

The PRESIDING OFFICER. The Chair understands that the Senator from Florida proposes to amend the committee amendment.

Mr. CALL. I desire to amend the committee amendment by striking out the word "two" in line 8, and inserting the word "three;" so as to read "three clerks of class 3."

Mr. COCKRELL. In lieu of the amendment proposed by the committee to strike out "two clerks of class 3, $3,200," the Senator from Florida proposes to strike out "two" and insert "three," and have the remainder of the language which the committee proposes to strike out stand so as to read——

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to abandon the committee amendment in line 8, on page 3, and insert "three clerks of class 3, $4,800."

The amendment was agreed to.

Mr. COCKRELL. The amendment of the committee proposing to insert "one clerk of class 3, $1,600," is withdrawn.

The PRESIDING OFFICER. The amendment in line 9 will be considered as withdrawn.

The next amendment of the Committee on Appropriations was, on page 3, line 12, after the word "dollars," to strike out "one clerk at $1,000."

Mr. CALL. I ask that that amendment be disagreed to.

Mr. COCKRELL. The committee propose to withdraw that amendment, and let the bill stand in that respect as it came from the House of Representatives.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, on page 3, line 13, after the word "all," to strike out "fifteen thousand seven" and insert "thirteen thousand one."

Mr. CALL. I move to amend the amendment by striking out "thirteen thousand one" and inserting "seventeen thousand three hundred."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 3, line 16, before the word "dollars," to strike out "five hundred;" so as to read:

Division of statistics: One statistician, $3,000.

Mr. GEORGE. I am requested by the Agricultural Department and by the Committee on Agriculture to ask the Senate to disagree to that amendment, and to let the bill stand as it came from the House of Representatives. This office of statistician is said to be a very important one, and it is claimed that $3,500 is only a fair compensation for the services.

Mr. DOLPH. I should like to ask the Senator in charge of the bill how much the salary of that officer is at present?

Mr. CALL. His salary is $2,500. The committee proposes to increase it to $3,000.

Mr. DOLPH. The salary at present is $2,500, and that has been the salary for years past?

Mr. CALL. It has been.

Mr. DOLPH. The House has increased it $1,000—from $2,500 to $3,500—and the Senate committee proposes to reduce it $500, leaving an increase of $500 beyond what it has been heretofore.

Mr. CALL. The House increased it to $3,500 and the Senate committee struck off $500, leaving it $3,000.

Mr. DOLPH. An increase of $500 over the present salary?

Mr. CALL. An increase of that sum over the present salary.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 3, in line 24, before the word "hundred," to strike out "twenty-eight thousand two," and insert "twenty-seven thousand seven;" so as to make the total "$27,760."

The amendment was agreed to.

Mr. CALL. On page 3, line 17, I move to strike out "two clerks of class 4, $3,600," and insert "one clerk of class 4, $1,800."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 3, line 17, it is proposed to strike out the words "two clerks" and insert "one clerk;" and in the same line to strike out "$3,600" and insert "$1,800;" so as to read:

One clerk of class 4, $1,800.

The amendment was agreed to.

The next amendment was, in line 18, before the word "clerks," to strike out "two" and insert "four;" and in the same line, after the word "three," to strike out "$3,200" and insert "$6,400;" so as to read:

Four clerks of class 3, $6,400.

The amendment was agreed to.

The next amendment was, in line 19, before the word "clerks," to strike out "two" and insert "four;" and in the same line to strike out "$2,800" and insert "$5,600;" so as to read:

Four clerks of class 2, $5,600.

The amendment was agreed to.

The next amendment was, in line 20, before the word "clerks," to strike out "four" and insert "five;" and in the same line, after the word "one," to strike out "$4,800" and insert "$6,000;" so as to read:

Five clerks of class 1, $6,000.

Mr. CALL. In line 21, before the word "clerks," I move to strike out "five" and insert "seven."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 3, line 21, before the word "clerks," it is proposed to strike out "five" and insert "seven;" and in the same line, after the word "each," to strike out "five thousand" and insert "seven thousand;" so as to read:

Seven clerks at $1,000 each, $7,000.

The amendment was agreed to.

Mr. CALL. I move to amend, in line 24, by changing the total amount proposed for the division of statistics from "$27,760," to "$35,160."

The amendment was agreed to.

Mr. GEORGE. I should like to have it understood that if these additions be incorrect, they may be corrected by the clerks.

Mr. CALL. That is always the case.

Mr. GEORGE. That is all I care for.

Mr. COCKRELL. The footings will be changed by the clerks where it is necessary to correspond with amendments made by the Senate.

The next amendment was, on page 4, line 17, before the word "chief," to insert "ornithologist, who shall be;" so as to read:

One ornithologist, who shall be chief of division, $2,500.

The amendment was agreed to.

The next amendment was, on page 5, line 12, before the word "dollars," to strike out "five hundred;" so as to read:

Division of Vegetable Pathology: One pathologist, $2,000.

Mr. GEORGE. All the other chiefs of division receive a salary of $2,500 except this one and the one in the Division of Forestry. It seems the Committee on Appropriations have seen proper to put them on a different footing from the other chiefs of divisions. I am requested by the Agricultural Department to say that these chiefs are just as valuable and just as meritorious, and in fact are entitled to as much salary, as the others. I have heard no reason why these men should be put down at $2,000, while the others all have $2,500. I hope the committee will be able to explain that.

Mr. COCKRELL. The reason of it is that they were not estimated for. The head of the Department himself did not estimate for these increases.

Mr. GEORGE. They are reductions.

Mr. COCKRELL. I beg the Senator's pardon. The House increased the appropriation above the estimate, and we put it back at the sum estimated by the Secretary of Agriculture.

Mr. GEORGE. I am requested by the Agricultural Department to say that there is no reason why these men should not have the same compensation as the other chiefs of divisions in the Department; and that is the opinion also of the Committee on Agriculture, and I will say that unless there is some reason given why these men, the chief of the Division of Vegetable Pathology, and the chief of the Division of Forestry, are supposed to be of less value than the other chiefs of divisions, they ought to have the same compensation as the others.

Mr. COCKRELL. There are chiefs of divisions in other Departments receiving only $2,000 per annum, and the Secretary of Agriculture, when he made out his estimate of what he wanted and the way he wanted the money distributed in his office, estimated these two chiefs of division at $2,000 each, and we left them precisely as he said he wanted them.

Mr. ALLISON. And that is the present salary?

Mr. COCKRELL. It is the present law, and has been for years.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 5, in line 13, before the word, "hundred," to strike out "six" and insert "four;" and in line 16, before the word "hundred," to strike out "six thousand three," and insert "five thousand six," so as to read:

One assistant pathologist, $1,400; one assistant pathologist, $1,200; one clerk, at $1,000; in all, $5,600.

The amendment was agreed to.

The next amendment was, on page 5, line 25, before the word "dollars," to strike out "five hundred;" and on page 6, line 5, before the word "hundred," to strike out "eight thousand three" and insert "seven thousand eight;" so as to make the clause read:

Division of Forestry: Chief of division, $2,000; one assistant chief of division, $1,600; one clerk, class 2, $1,400; one clerk, class 1, $1,200; one clerk, at $900; one clerk, at $720; in all, $7,820.

The amendment was agreed to.

The next amendment was, on page 6, line 8, before the word "hundred," to strike out "eight" and insert "six;" in the same line, after the word "dollars," to strike out "one clerk, class 3, one thousand six hundred dollars;" in line 10, after the word "dollars," to strike out "one clerk, class 1, one thousand two hundred dollars," and insert "two clerks, class 1, two thousand four hundred dollars;" and in line 13, before the word "hundred," to strike out "eight thousand five," and insert "seven thousand nine;" so as to make the clause read:

Division of Records and Editing: Chief of division, $2,500; one assistant chief of division, $1,600; one clerk, class 2, $1,400; two clerks, class 1, $2,400; in all, $7,900.

The amendment was agreed to.

The next amendment was, one page 6, after line 13, to insert:

Division of Illustration: Chief artist and draftsman, $2,000; two assistant draftsmen, at $1,800 each, $3,200; three assistant artists, at $1,400 each, $4,200; one wood engraver, $1,800; one assistant wood engraver, $1,800; one assistant wood engraver, $1,200; in all, $14,200.

Mr. PLATT. Does this provision establish a new division?

Mr. COCKRELL. It is just a change in arrangement.

Mr. GEORGE. I am instructed by the Committee on Agriculture and Forestry to resist the amendment. I read from the letter of Assistant Secretary Dabney:

The salary roll of this division—

Speaking of the one now under consideration—

was provided for in the estimates prepared a year ago. Investigation of the work of the division made since that time has shown the Secretary that the division does not make more than one-third to one-half of the illustrations used by the Department, and that the illustrations have cost us two or three times as much as they would have if prepared on the outside.

There is no more need of the Division of Illustrations in this Department than there is of a division of carpentering or any other mechanical profession. What the Department needs is a lump sum with which to purchase illustations, plates, and electrotypes desired, and with which to pay a limited number of artists in the various scientific divisions to make drawings of perishable fruits, insects, and natural history objects which can not be forwarded to artists on the outside. The lithographs and engravings from these pictures can then be made at a distance.

In a letter to the Committees of the House and Senate, the Secretary, therefore, asked that the salary roll of the Division of Illustrations be abolished, and that a lump sum be allowed in lieu thereof. This was done by the House committee.

For that reason I hope the Senate will not agree to the amendment. It is utterly useless, and besides it is more extravagant than the provision which now exists by law.

Mr. COCKRELL. On page 14, under the head of Illustrations and engravings, will be found this provision:

For the pay of artists, draftsmen, and engravers, the purchase of tools, instruments, paper, ink, pencils, paints, and other necessary materials; for printing proofs, necessary traveling expenses, labor, and for drawings, engravings, lithographs, other illustrations, and electrotypes, $15,000.

There has been constantly a division of illustrations, and a specific appropriation has been made for it. The bill as it came from the House leaves out that provision and inserts the paragraph which I have read, giving a lump sum of $15,000 to be used at the discretion of the Secretary in employing people and purchasing material, and doing just as he chooses. We strike all of that out of the bill, except a part leaving $2,000 for the purchase of materials, etc., and insert the paragraph which has been read, "Division of illustration: Chief artist and draftsman, $2,000," and so on, just as it is in respect to the other divisions, to make it correspond with them. The matter can go into conference and be adjusted there.

Mr. GEORGE. I think it will be very well for the Senate to do right about it now instead of leaving it to the conference committee. I have read to the Senate a statement of the Assistant Secretary that the amendment is wholly unnecessary and wasteful, and that the division does only a very small part of the work anyway; that most of it has to be done outside. I call the attention of the Senator from Missouri to that fact.

The Assistant Secretary says:

The salary roll of this division was provided for in the estimates prepared a year ago. Investigation of the work of the division made since that time has shown the Secretary that the division does not make more than one-third to one-half of the illustrations used by the Department.

So, when you establish your division, you have to go outside for about one-third or one-half of the work. The Secretary therefore recommends that the whole paragraph be stricken out, and that the appropriation be made as provided by the other House. Of course the judgment of the House of Representatives, or the judgment of the House Committee on Agriculture, or the judgment of the Senate Committee on Agriculture and Forestry does not count for much, but still it does look to me as though the reasons given here are perfectly competent.

You have to go outside for one-third or one-half of the work anyway and pay for it. You establish a division, which does not do the work, and the Secretary says that on full investigation and trial it has been found that this will not do.

Mr. BATE. Mr. President, I desire to say, touching the point under discussion, that the letter which has just been read brought to our attention before the Committee on Agriculture, of which I am a member, the fact that a portion of the work has to be let by contract necessarily, and that it is simply a question of amount as to how much shall be allowed in order that the Secretary may let the contracts.

As that can not be prevented, and contracts have to be entered into to consummate the work, I thought it proper to give my consent to a lump sum, although I am, on principle, opposed to lump appropriations under which contracts can be made. But as it is shown in the letter that the work can be done much cheaper in that way than it can possibly be done under the present arrangement, I gave my assent in this particular instance for the reasons mentioned in the letter of the Assistant Secretary of Agriculture.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

Mr. GEORGE. On that I call for a division.

The question being put, there were, on a division—ayes 27, noes 7, no quorum voting.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	George,	Jones of Ark.	Proctor,
Bate,	Gibson,	Kyle,	Pugh,
Blackburn,	Gorman,	Lindsay,	Quay,
Brice,	Gray,	McLaurin,	Roach,
Call,	Hale,	McMillan,	Shoup,
Cockrell,	Hansbrough,	Mills,	Squire,
Coke,	Harris,	Pasco,	Stewart,
Dolph,	Hawley,	Patton,	Vest,
Dubois,	Hill,	Peffer,	Voorhees,
Faulkner,	Hunton,	Perkins,	Walsh,
Gallinger,	Jarvis,	Platt,	White.

The PRESIDING OFFICER. Forty-four Senators have answered to their names. A quorum of the Senate is present. The question recurs on agreeing to the amendment of the committee, on which a division is called for.

Mr. GEORGE. I withdraw the call for a division.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 6, line 24, after the word "dollars," to insert "one superintendent of seed room, $1,600;" in line 25, after the word "dollars," to strike out "two experts, at $1,800 each, $3,600," and insert "one expert, $1,600;" on page 7, line 4, after the word "dollars," to insert "eight employés, at $840 each, who shall in addition to other duties execute the requests of Senators, Representatives, and Delegates in Congress for the distribution of seeds among their constituents;" and in line 9, before the word "dollars," to strike out "nine thousand" and insert "thirteen thousand seven hundred and twenty;" so as to make the clause read:

Division of seeds; One chief of division, $2,000; one superintendent of seed room, $1,600; one expert, $1,600; two clerks of class 1, $2,400; one skilled laborer, $1,000; eight employés, at $840 each, who shall in addition to other duties execute the requests of Senators, Representatives, and Delegates in Congress for the distribution of seeds among their constituents; in all, $13,720.

The amendment was agreed to.

The next amendment was, on page 7, line 11, after the word "dollars," to strike out "two chief folders, at $1,000 each, $2,000," and insert "one chief folder, $1,000; eight folders, at $60 per month each, $5,760;" and in line 16, before the word "dollars," to strike out "three thousand six hundred" and insert "eight

thousand three hundred and sixty," so as to make the clause read:

Document and folding room: One superintendent, $1,600; one chief folder, $1,000; eight folders, at $60 per month each, $5,760; in all, $8,360.

The amendment was agreed to.

The next amendment was, on page 7, line 24, to increase the total appropriations for salaries from "$238,220" to "$247,560."

Mr. CALL. I move to amend the amendment of the committee by striking out "forty-seven thousand five hundred and sixty" and inserting "sixty-two thousand seven hundred and sixty;" so as to read "$262,760."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 8, line 4, after the word "records," to strike out "printing, maps, and charts;" in line 9, after the word "dollars," to strike out:

Provided, That $15,000 of this sum, or so much thereof as may be necessary, shall be expended in the collection and tabulation of data showing, so far as possible, the annual yield since the organization of this Government to the present time of all agricultural products, their annual cost of production, the cost of transportation each year from the place of production to the market or markets at which prices are quoted, and their annual market price or prices, and such data when collected and tabulated shall as often as practicable, and at least once in each year, be published and distributed the same as other farmers' bulletins, and so far as practicable such tabulation shall be made and given by States and subdivisions of a State.

In line 21, after the word "State," to insert "*Provided;*" in the same line, after the word "*Provided,*" to strike out "further;" and in line 23, after the word "embrace," to strike out "only;" so as to make the clause read:

Collecting agricultural statistics, division of statistics: Collecting domestic and foreign agricultural statistics, expenses of local investigations and compilations, and necessary traveling expenses; statistical publications furnishing data for permanent comparative records; compiling, writing, and illustrating statistical matter for monthly, annual, and special reports, and the necessary expenses of the same, including paper, envelopes, postal cards, and postage stamps, $100,000: *Provided*, That the monthly crop report issued on the 10th day of each month shall embrace a statement of the condition of the crops by States and in the United States, with such explanations and comparisons with other months and years as may be useful for illustrating the above matter, and that it shall be submitted to the Secretary of Agriculture, who shall officially approve the report before it is issued or published.

The amendment was agreed to.

The next amendment was, on page 9, line 12, after the word "making," to strike out "for preparing, printing, and publishing bulletins and reports on this subject for distribution;" so as to make the clause read:

Inquiries relating to public roads: To enable the Secretary of Agriculture to make inquiries in regard to the system of road management throughout the United States, to make investigations in regard to the best methods of road-making, and to enable him to assist the agricultural colleges and experiment stations in disseminating information on this subject, $10,000.

Mr. GEORGE. I was requested by the Agricultural Department to move to amend the amendment of the Committee on Appropriations by striking out merely the words "printing and publishing" and restoring the words "for preparing bulletins and reports on this subject for distribution."

Mr. COCKRELL. That is right.

Mr. PASCO. I should like to ask how the bulletins can be prepared for distribution unless they are printed and published. It seems to me that is a strange amendment.

Mr. COCKRELL. They are to be prepared for distribution.

Mr. PASCO. How can they be prepared for distribution if they are not to be printed and published?

Mr. COCKRELL. Congress will determine whether to print them and how many shall be printed, and so on.

Mr. PASCO. This appropriation is for a specific purpose, and what is the use of preparing the reports for distribution when there is a restriction against printing and publishing them?

Mr. CALL. I understand that they are published at the Government Printing Office under the general law.

Mr. PASCO. They will not be if the amendment is adopted.

Mr. CALL. The general appropriation act provides for printing these bulletins and reports. They will not be printed under the amendment, as my colleague says, but they will be published under the general appropriation for the Printing Office.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GEORGE. I am also instructed to ask the Senator to insert after the word "making," in line 14, page 9, the words "for traveling and other necessary expenses and;" so that the clause will read:

To enable the Secretary of Agriculture to make inquiries in regard to the system of road management throughout the United States, to make investigations in regard to the best methods of road making, for traveling and other necessary expenses, and for preparing bulletins and reports on this subject for distribution, and to enable him to assist the agricultural colleges and experiment stations in disseminating information on this subject, $10,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 10, line 6, after the word "horticulture," to insert "by inspection and experiments in nurseries and orchards when necessary;" so as to make the clause read:

Investigating the history and habits of insects: Promotion of economic entomology, investigating the history and habits of insects injurious and beneficial to agriculture, arboriculture, and horticulture, by inspection and experiments in nurseries and orchards when necessary, experiments in ascertaining the best means of destroying the injurious ones, publishing reports thereon, and for illustrations, chemicals, and other expenses in the practical work in the division of entomology, $20,300.

The amendment was agreed to.

The next amendment was, on page 10, line 22, after the word "animals," to insert "birds," and in line 25, after the word "four," to strike out "printing and:" so as to make the clause read:

Investigations in ornithology and mammalogy, division of ornithology and mammalogy: For biological investigations, including the geographic distribution and migrations of animals, birds, and plants, and for the promotion of economic ornithology and mammalogy, an investigation of the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry; for publishing reports thereon, and for illustrations, field work, and traveling and other expenses in the practical work of the division, $17,500.

The amendment was agreed to.

The next amendment was, on page 12, line 17, after the word "procured," to insert "by purchase or otherwise;" in line 22, after the word "samples," to strike out "as offered," and on page 13, line 2, after the word "where," to insert "when;" so as to read:

To enable the Secretary of Agriculture to extend and continue the investigation of the adulteration of food, drugs, and liquors, including samples offered by consumers and those procured by purchase or otherwise by the Secretary of Agriculture from such sources and persons as he may deem advisable and the investigation of which will be most conducive to the public good, traveling expenses, stationery, return postage, printing, and illustrations, analyzing, investigating, and examining such samples, $5,000; and for these purposes the Secretary of Agriculture is authorized to employ such assistants, clerks, and other persons as he may deem necessary: *Provided*, That the Secretary is hereby required to make a separate report to Congress as to where, when, and from whom the samples of food, liquors, and drugs were obtained.

The amendment was agreed to.

The next amendment was, on page 13, to strike out lines 21, 22, 23, and 24, in the following words:

To enable the Secretary of Agriculture to further experiment and continue the investigation of flax and hemp culture for fiber purposes in the State of Washington, $500.

The amendment was agreed to.

The next amendment was, on page 14, line 7, after the word "For," to strike out "the pay of artists, draftsmen, and engravers;" in line 10, after the word "materials," to insert "and," and in line 10, after the word "proofs," to strike out "necessary traveling expenses, labor, and for drawings, engravings, lithographs, other illustrations, and electrotypes, fifteen, and insert "two;" so as to make the clause read:

Illustrations and engravings: For the purchase of tools, instruments, paper, ink, pencils, paints, and other necessary materials, and for printing proofs, $2,000.

The amendment was agreed to.

The next amendment was, on page 17, line 20, before the word "seeds," to insert "valuable," and in line 25, after the word "dollars," to strike out the proviso in the following words:

Provided, That this purchase and distribution of seeds shall be confined to such seeds as are rare and uncommon to the country, or such as can be made more profitable by frequent changes from one part of our country to another.

So as to make the clause read:

For the purchase, propagation, and distribution, as required by law, of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, and expense of labor, transportation, paper, twine, gum, printing, postal cards, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, $160,000.

The amendment was agreed to.

The next amendment was, on page 18, line 10, after the word "constituents," to insert "or be directed and mailed by the Department upon their request," and on page 19, after the word "same," to insert:

And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propogation, and distribution of improved and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants: Provided, however.

So as to make the clause read:

An equal proportion of two-thirds of all seeds, bulbs, trees, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Dele-

gates in Congress for distribution among their constituents or be directed and mailed by the Department upon their request; and the person receiving such seeds shall be requested to inform the Department of results of the experiments therewith: *Provided*, That all seeds, bulbs, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for on the 1st of May shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the Department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase, but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of improved and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants: *Provided, however*, etc.

Mr. GEORGE. I am instructed by the Agricultural Department to say that the proposed provision at the end of the paragraph is unnecessary, as such a declaration is already in the general law on that subject. I will say on my own account that the repetition of this injunction in the bill seems to be to cast censure upon the Department, at least to the extent that it seems to require an additional provision to prevent them from doing wrongly with money appropriated from the Treasury.

Mr. CALL. A similar provision is contained in the current law.

Mr. COCKRELL. A like provision is in the current law, but it is not in the permanent law. Such a provision is in last year's appropriation act, and it is put in here in precisely the same shape. There is no more reflection by the provision to-day than there was a year ago.

Mr. GEORGE. I am informed that such a provision is in the general law.

Mr. COCKRELL. No, only in the appropriation act.

Mr. PLATT. I should like to say that I wish the Secretary of Agriculture would obey the law a little more literally than he does. The law now provides that he shall spend this money for improved seeds and bulbs, etc. The fact is that he buys seeds which are common in the market, and does not get hold of any improved seeds for distribution until two or three years after they are on sale everywhere.

Mr. CALL. This provision is not in the permanent law. It is in the appropriation act, and expired with the fiscal year; and it should be put in the bill as it was in the last appropriation act and in the preceding one. It is not in the permanent law.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 19, line 17, after the word "amount," to strike out "here" and insert "herein," and in line 21, after the word "shall," to strike out "upon their request;" so as to make the clause read:

And the Secretary of Agriculture may use not to exceed $30,000 of the amount herein appropriated for the preparation, printing, and publishing of farmers' bulletins, which shall be adapted to the interests of the people of different sections of the country, an equal proportion of two-thirds of which shall be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents as seeds are distributed.

The amendment was agreed to.

The reading of the bill was continued to line 10, page 20.

Mr. GEORGE. In line 9, page 20, my attention has been called to the fact that the word "repairing" before "printing" is an unnecessary repetition of the word. I move to strike out the word "repairing," where it occurs the second time in the line, so as to read:

For printing and for repairing, and for printing presses, $5,400.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 20, line 13, after the word "cane," to strike out "and;" in line 14, after the word "beets," to insert "and sorghum," and in the same line, after the word "culture," to strike out "and;" so as to make the clause read:

Experiments in the manufacture of sugar: To enable the Secretary of Agriculture to make and continue experiments in the production of sugar from sugar cane, sugar beets, and sorghum, including special culture experiments looking to the improvement of those sources of sugar, and for experiments for the more complete separation of the sugar from the molasses, including all necessary expenses in these investigations, namely, traveling expenses, labor, purchase of samples, apparatus, and supplies, chemical services, including $250 additional temporary compensation to the chief chemist, and other expenses incidental to the experiments, $10,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 22, line 14, after the word "investigations," to strike out:

Division of irrigation inquiry: Investigating the amount of water necessary to irrigate the various soils of arid regions of the United States, and the amount of evaporation from the same, the proper methods of water measurements, special observations of the snowfall and rainfall in irrigated regions and districts, the purchase of instruments and technical works and publications on said subjects, and for temporary local assistance and necessary traveling expenses, $8,000.

And insert:

To enable the Secretary of Agriculture to continue the collection of information as to the best modes of agriculture by irrigation, $6,000;

So as to make the clause read:

Irrigation investigations: To enable the Secretary of Agriculture to continue the collection of information as to the best modes of agriculture by irrigation, $6,000.

Mr. GEORGE. I am instructed to ask the Senate not to concur in that amendment. There are two objections to it. In the first place, the appropriation is reduced in a very important matter from $8,000 to $6,000; and, in the second place, the range of the Secretary of Agriculture in investigating that very important subject is very much circumscribed. I ask the Secretary to read the matter in the bill as it came from the other House which is proposed to be stricken out, so that the Senate may see that there is not anything in it that ought not to remain there.

The Secretary read the paragraph proposed to be stricken out.

Mr. PEFFER. Before leaving the amendment of the committee at the bottom of page 22, I wish to call the attention of the Senator in charge of the bill to the peculiar wording of the amendment. It reads:

To enable the Secretary of Agriculture to continue the collection of information as to the best modes of agriculture by irrigation, $6,000.

Information as to the best method of agriculture is not what the farmers desire the work of the Secretary to be. What the farmers are anxious to have from the Secretary of Agriculture is that he may assist them in ascertaining the sources of water and the best method of furnishing water to be applied artificially to the land. That is what the farmers want, and I hope when the bill goes into conference the conferees will change the reading of the amendment so as to amount to what we really need.

Mr. WHITE. I should like to inquire whether the reduction from $8,000 to $6,000 reduces the sum appropriated below the estimate for the Agricultural Department. This is quite an important subject, and it is a very small amount of money.

Mr. GEORGE. The Agricultural Department recommend $8,000.

Mr. WHITE. I think if the Agricultural Department recommended $8,000 they ought to have it for two reasons; in the first place, because it is an important matter, and secondly, because we know that Department of the Government is conducted most economically. It has become well known all over the country that the present Secretary of Agriculture is one of the most economical gentlemen connected with any Department of the Government. I do not believe he would recommend anything in the slightest degree excessive.

Mr. CALL. I will inform the Senator from California that the estimate for the Secretary of Agriculture is $8,000.

Mr. WHITE. I think it ought to remain. It is a very important interest. A large portion of the United States is affected by this matter. Of course, it is not very extensively represented in Congress, but the sum of money recommended by the Department is small, and I think it ought to be appropriated. Eight thousand dollars is not a great deal.

Mr. POWER. An appropriation has been made from year to year of from six to eight thousand dollars on the subject of irrigation, and the money has been used in paying the expenses in the Agricultural Department, and for no other purpose. Consequently the appropriation is a failure.

It should be larger or nothing at all should be appropriated. If it is in order, I will move that it be made $60,000 in place of $6,000. Otherwise I am in favor of striking out the whole item. I am advised that this small appropriation is of no practical use whatever. We appropriate annually $6,000 for this work which about pays for the running of the office here, the man in charge with nothing to do, I believe. That is the present situation. We should have $60,000 to begin with, so as to utilize this branch of the service. I offer that as an amendment.

Mr. CALL. After the committee amendments are through the amendment of the Senator from Montana will be in order. I will state that an additional sum, if any should be required, can be provided hereafter. If the Senate should desire to engage largely in experiments for irrigation, the appropriation can be made in the sundry civil appropriation bill.

Mr. COCKRELL. The clause which is proposed to be stricken out has not been in any appropriation bill. The proposed amendment has been in the law for the fiscal years 1892 and 1893 at $6,000. We are now giving exactly the same amount, and I hope the amendment will be agreed to. If there is to be any further expenditures it will come in on the sundry civil appropriation bill.

The VICE-PRESIDENT. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 23, line 6, after the word "hereby," to strike out "authorized," and insert "required;" so as to make the clause read:

Nutrition: To enable the Secretary of Agriculture to investigate and report upon the nutritive value of the various articles and commodities used for human food, with special suggestion of full, wholesome, and edible rations less wasteful and more economical than those in common use, $10,000; and the agricultural experiment stations are hereby required to coöperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States or Territories as may be mutually agreed upon; and the Secretary of Agriculture is hereby authorized to require said stations to report to him the results of any such investigations which they may carry out, whether in coöperation with said Secretary of Agriculture or otherwise.

Mr. QUAY. I understand the Senator from Florida in charge of the bill will agree to have the word "required" stricken out and the word "authorized" reinstated, as the bill passed the other House.

Mr. CALL. I stated that so far as I was concerned myself, as a member of the committee, I would make no objection to it.

Mr. COCKRELL. What objection has the Senator from Pennsylvania to the amendment?

Mr. QUAY. I will state the objection. The Senator from Missouri has the bill before him. From the word "dollars," in line 6, to the end of the first paragraph on page 23, the clause was drafted at the Agricultural College of Pennsylvania, and it represents, I think, the ideas of those institutions throughout the country. It was in the nature of a tender of services to the Secretary of Agriculture on the part of those institutions. While they desire authority to coöperate with the Department it is not their desire to be subjected to authority. They wish to commence and continue their investigations according to the conditions and laws of the States in which they are located.

Mr. CALL. The Senator will allow me to state that there was serious objection made on the part of the superintendent of the experimental station of Pennsylvania to the word "required," on the ground that he thought it was better that the experiment stations should be left free to initiate these investigations for themselves. I do not see any great difference between the words "authorized" and "required," inasmuch as there is no method of requiring or compelling them to do anything. Therefore, so far as I am concerned, I am content to restore the word "authorized" if the other members of the committee are willing.

Mr. QUAY. Then let the amendment of the committee be voted down.

Mr. COCKRELL. There is no objection to that course. Let the amendment be disagreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 23, line 16, after the word "repairing," to strike out "and improving;" so as to make the clause read:

Furniture cases and repairs: Repairing buildings, heating apparatus, furniture, carpeting, matting, water and gas pipes, new furniture, and all necessary material and labor for the same, including lumber, hardware, glass, and paints, $10,000.

Mr. GEORGE. I have a memorandum from the Assistant Secretary of Agriculture in reference to the pending amendment. He wants the words "and improving," which are proposed to be stricken out, retained. He says:

Without these words the language is not sufficient to cover necessary changes in buildings.

Mr. COCKRELL. Does he only say changes in buildings or does he mean new additions to buildings?

Mr. GEORGE. He says "changes."

Mr. COCKRELL. He said to our committee that he wanted authority to put up new buildings there, and it was for that very reason that we struck out the words "and improving," because we thought best not to expend any more money in mere temporary, inflammable buildings there until we could put up a building that would be permanent. They have now a lot of plain buildings stuck around there that are liable to be fired at any time and consume the whole place.

We do not want any more temporary structures, frame buildings, put up there, covering the whole ground. The time is coming and is doubtless very near when some permanent additional buildings will be put up there. They ought to be of a permanent character, and we did not want any more money spent for temporary structures.

Mr. GEORGE. I think the Senator from Missouri has misapplied, unintentionally of course, the language of the Secretary of Agriculture.

It was intended for the amendment to be found on the last line, line 25, page 29, and upon that point I have a memorandum. I think the language he used was applied to that amendment, not to this one. If I remember correctly, the Assistant Secretary told me that it becomes necessary sometimes in order to adjust certain rooms in the Department of Agriculture to certain purposes to make a partition.

Mr. COCKRELL. That would all be covered by "repairing."

Mr. GEORGE. No.

Mr. COCKRELL. By "rearranging," then.

Mr. GEORGE. He said "repairing" would not do it, and he wanted the word "improving" inserted.

Mr. COCKRELL. Let us put in the word "rearrangement."

Mr. GEORGE. "Repairing and improving," are the words he suggested. I do not care what language you put in, so it gives him power to put up a partition if he needs it.

Mr. HARRIS. "Repairing and rearranging."

Mr. COCKRELL. Let "repairing and rearranging" go instead of "improving."

Mr. GEORGE. That is satisfactory to me.

The VICE-PRESIDENT. The amendment to the amendment of the committee will be stated.

The SECRETARY. On page 23, line 16, after the word "repairing," strike out "and improving" and insert "and rearranging."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 24, line 13, before the word "dollars," to strike out "four thousand two hundred" and insert "five thousand;" so as to make the clause read:

Fiber investigation: To enable the Secretary of Agriculture to continue the investigations relating to textile fibers indigenous in or adapted to the United States, including their economic growth, cleansing, and decorticating preparatory to manufacture; the testing machines and processes for said cleansing and decorticating; for the purchase of material for said tests; for the purchase of fiber plants and seeds for distribution, propagation, and experiment; and for the labor and expenses incident thereto, and for traveling expenses in connection with said duties, $5,000, or so much thereof as may be necessary.

The amendment was agreed to.

The reading of the bill was continued to line 6 on page 25.

Mr. CALL. In the item for "contingent expenses" after the word "stationery," in line 20, page 24, I move to insert the words "purchase of blank books."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 25, line 10, before the word "seal," to strike out "executive" and insert "official;" so as to make the clause read:

The Secretary of Agriculture is hereby authorized and directed to procure a proper seal, with such suitable inscriptions and devices as he may approve, to be known as the official seal of the Department of Agriculture, and to be kept and used to verify official documents, under such rules and regulations as he may prescribe.

The amendment was agreed to.

The next amendment was, on page 26, line 3, before the word "clerks," to strike out "three" and insert "two;" in line 4, before the word "hundred," to strike out "five thousand four" and insert "three thousand six;" in line 6, before the word "stationery," to strike out "assistant;" and in line 18, before the word "hundred," to strike out "sixty-four thousand two" and insert "sixty-two thousand four;" so as to make the clause read:

To enable the Secretary of Agriculture to carry out the provisions of the act of October 1, 1890, transferring the Weather Bureau to the Department of Agriculture: One Chief of the Bureau, $4,500; one assistant chief, $3,000; two professors of meteorology, at $3,000 each, $6,000; three professors of meteorology, at $2,500 each, $7,500; three forecast officials, at $2,000 each, $6,000, for service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand; one chief clerk, $2,250; three chiefs of divisions, $2,000 each, $6,000; two clerks of class 4, $3,600; one bibliographer and librarian, $1,600; one stationery and property clerk, $1,600; five clerks of class 3, $8,000; fourteen clerks of class 2, $19,600; twenty-eight clerks of class 1, $33,600; eighteen clerks, at $1,000 each, $18,000; two telegraph operators, at $1,000 each, $2,000, for service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand; seven clerks, at $900 each, $6,300; four copyists or typewriters, at $840 each, $3,360; one copyist or typewriter, $720; one chief mechanician, $1,200; one captain of the watch, $1,000; one engineer, $840; one battery man, $840; four skilled artisans, at $840 each, $3,360; two skilled mechanicians, at $840 each, $1,680; three assistant messengers, at $720 each, $2,160; two firemen, at $720 each, $1,440; three watchmen, at $720 each, $2,160; one carpenter, $720; five laborers, at $660 each, $3,300; seven messengers, or laborers, at $600 each, $4,200; six messengers, or laborers, at $450 each, $2,700; five messengers, or laborers, at $300 each, $1,500; four charwomen, $240 each, $960; for temporary employment of messengers and laborers, as may be necessary in the office of the Chief of the Weather Bureau, $800; in all, $162,490; and the Secretary is hereby authorized to make such changes or assignment to duty in the personnel or detailed force of the Weather Bureau for limiting or reducing expenses as he may deem necessary.

Mr. CALL. I move that the amendment of the committee be disagreed to.

Mr. GEORGE. I rose to object to the amendment.

The amendment was rejected.

The VICE-PRESIDENT. The committee report to insert the word "at," in line 10, page 27, before the word "four," which will be agreed to in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 28, line 14, after the word "inspectors," to insert "whose compensation in the aggregate shall not exceed $5,400;" so as to read:

Salaries of three inspectors, whose compensation in the aggregate shall not exceed $5,400, thirty local forecast officials, observers, assistant observers, operators, repairmen, messengers, and other necessary civilian employés, outside of the city of Washington, $347,195; and the Secretary is hereby authorized to make promotions in the service without prejudice to those transferred from the Signal Service of the War Department.

The amendment was agreed to.

The next amendment was, on page 29, line 25, after the word "for," to strike out "providing" and insert "temporary rent of;" so as to read:

For supplies for State weather service stations; for apparatus, assistance, supplies, labor, printing, books; for temporary rent of a building or additional apartments, etc.

Mr. GEORGE. I was requested to resist that amendment. I will read a paragraph from a letter of the Assistant Secretary which explains the ground upon which the resistance is made:

Under General expenses of the "Weather Bureau," page 29, line 25, restore the words "providing a building," as in House bill. Investigation has been made, and it has been ascertained that no suitable building convenient to the Department can be rented for this purpose. What is proposed is to alter and improve existing buildings of the Department so as to accommodate the the new Division of Agricultural Soils, and this language is necessary in order to accomplish it.

Mr. COCKRELL. They want to put up a new building?

Mr. GEORGE. No.

Mr. COCKRELL. Then why do you wish the words "for providing a building or additional apartments?" If you want to rearrange the building say so. I understood distinctly from the Assistant Secretary that they want to put up a temporary building there.

Mr. GEORGE. I will read again what he says:

Investigation has been made, and it has been ascertained that no suitable building convenient to the Department can be rented for this purpose.

So, therefore, the provision for renting is unnecessary.

What is proposed is, to alter and improve existing buildings of the Department so as to accommodate the new Division of Agricultural Soils.

If the Senator from Missouri thinks "providing" will authorize the erection of a building suppose he inserts the words "for altering."

Mr. COCKRELL. And rearranging.

Mr. GEORGE. "Altering and improving existing buildings." Will that do?

Mr. HARRIS. And to build additions. That is what you want.

Mr. GEORGE. "Altering and improving."

Mr. COCKRELL. For rearranging existing buildings, not to exceed $2,000.

Mr. GEORGE. Does the Senator agree to that?

Mr. COCKRELL. I am willing. I do not think, and I so stated to the Secretary, that we would be justified in permitting additional frame buildings to be attached to the existing frame structures that are around there.

Mr. GEORGE. They do not want to erect them.

Mr. COCKRELL. If they want to rearrange them let them do it, but I do not want to provide for additional buildings to add to the danger of fire, so that the whole place will be swept away.

Mr. GEORGE. In order to accommodate the Senator from Missouri, I propose to insert two words, so as to read: "For altering and improving a building or additional apartments," etc.

Mr. COCKRELL. "Additional apartments?" What does that mean? What the Senator suggests explains the whole thing.

Mr. GEORGE. Strike out "additional," then, and say "buildings or apartments." Will that do?

Mr. COCKRELL. "Altering and rearranging." Use the same words we inserted before.

Mr. GEORGE. Will "altering and rearranging" suit you?

Mr. COCKRELL. Yes; and then strike out "additional apartments."

The VICE-PRESIDENT. The Chair understands that the amendment of the committee is withdrawn. The amendment proposed by the Senator from Mississippi will be stated.

The SECRETARY. After the word "for," in line 25, on page 29, it is proposed to insert "for altering and rearranging a building;" and after the word "building," in line 25, to strike out "or additional apartments."

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 30, line 1, after the word "apartments," to insert "in the city of Washington, not to exceed $2,000."

Mr. COCKRELL. Let that amendment be disagreed to.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 9, after the word "Washington," to insert "not to exceed $500;" and in line 10, after the word "navigation," to strike out "not to exceed $500."

The amendment was agreed to.

The next amendment was, on page 30, line 15, before the word "counterfeit," to strike out "false or," and in line 16, before the word "representing," to insert "falsely;" so as to make the clause read:

Any person who shall knowingly issue or publish any counterfeit weather forecasts or warnings of weather conditions, falsely representing such forecasts or warnings to have been issued or published by the Weather Bureau, United States Signal Service, or other branch of the Government service, shall be deemed guilty of a misdemeanor, and, on conviction thereof, for each offense be fined in a sum not exceeding $500, or imprisoned not to exceed ninety days, or be both fined and imprisoned in the discretion of the court.

The amendment was agreed to.

The next amendment was, on page 30, after line 22, to strike out:

That the Secretary of Agriculture, in coöperation with the Postmaster-General, shall arrange a plan by which there shall be displayed on all cars and other conveyances used for transporting United States mail, suitable flags or other signals to indicate weather forecasts, cold-wave warnings, frost warnings, etc., to be furnished by the Chief of the Weather Bureau.

The amendment was agreed to.

The next amendment was, on page 31, line 5, after the word "and," to strike out "seventy-six thousand eight hundred" and insert "seventy-five thousand;" so as to make the clause read:

Total Weather Bureau, $875,023.06.

Mr. COCKRELL. That amendment should be disagreed to.

The amendment was rejected.

Mr. PASCO. I should like to ask the committee if there is any objection to making an amendment on page 10, in the provision for investigating "the natural history of and remedies for the cotton boll-worm," and adding at that point "and the leaf worm." The leaf worm is as destructive to cotton as the boll-worm.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 10, line 15, after the word "boll-worm," it is proposed to insert "and the leaf worm."

The amendment was agreed to.

Mr. CALL. I understand there are some amendments to be offered, one by the Senator from North Dakota [Mr. HANSBROUGH], and I propose that we adjourn and consider that amendment to-morrow morning.

Mr. HANSBROUGH. I desire to offer the amendment now.

The VICE-PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

Mr. COCKRELL. Let it be stated subject to any point of order.

The SECRETARY. It is proposed to insert:

RUSSIAN CACTUS.

For the destruction of the Russian cactus (technically salsoli koli tragus), $1,000,000, or so much thereof as may be necessary, to be apportioned by the Secretary of Agriculture among the several States infested by Russian cactus, said apportionment to be made in accordance with the necessities of the case, to be ascertained by the Secretary, and to be paid to the governor of each of said States upon his executing an obligation on behalf of his State that the sum so paid shall be faithfully applied in connection with any sum which may be raised for that purpose in his State for the destruction of said cactus.

Mr. COCKRELL. I reserve all points of order on that amendment.

DEATH OF THE LATE REPRESENTATIVE HOUK.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, communicated the resolutions of the House commemorative of the life, character, and public services of Hon. George W. Houk, late a Representative from the State of Ohio.

Mr. BRICE. I ask the Chair to lay before the Senate the resolutions of the House of Representatives.

The VICE-PRESIDENT. The Chair lays before the Senate the resolutions of the House of Representatives, which will be read:

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *July 14, 1891.*

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of the Hon. George W. Houk, lately a Representative from the State of Ohio.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these proceedings to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

Mr. BRICE. Mr. President, I wish to state that at a subsequent time I shall ask the Senate to set aside a day when appropriate tribute may be paid to the memory of my late colleague in the House of Representatives. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 17, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 16, 1894.*

The House met at 12 o'clock m., and was called to order by Mr. RICHARDSON of Tennessee, as Speaker *pro tempore*. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of Saturday's proceedings was read and approved.

DAMAGE TO FOOD FISH IN WABASH RIVER.

The SPEAKER *pro tempore* laid before the House a letter from the Fish Commissioner, transmitting, pursuant to House resolution, information as to the damage done to food fish in Wabash River by reason of the discharge into said river of the overflow and waste products of the oil wells in the town of Terre Haute, Ind.; which was referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed.

SENATE BILLS REFERRED.

The SPEAKER *pro tempore* also laid before the House Senate bills of the following titles; which were read twice, and referred to the Committee on Interstate and Foreign Commerce:

A bill (S. 2055) authorizing the construction of a bridge over the Duck River, in Humphreys County, Tenn.; and

A bill (S. 2139) to authorize the construction of a bridge across the Mississippi River, from a point within the limits of the city of Dubuque, in the State of Iowa, known as Eagle Point, to the opposite bank of said river, in the county of Grant and State of Wisconsin.

RIGHT OF WAY THROUGH YAKIMA INDIAN RESERVATION, WASH.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 2015) granting to the Columbia Irrigation Company a right of way through the Yakima Indian Reservation, in Washington.

The SPEAKER *pro tempore*. This bill has been returned from the Senate with amendments.

Mr. WILSON of Washington. These amendments of the Senate are merely formal, and have been adopted in accordance with the recommendation of the Indian Department. I move that they be concurred in.

Mr. DOCKERY. Let the amendments be read.

The amendments of the Senate were read.

The motion of Mr. WILSON of Washington was agreed to, and the amendments of the Senate were concurred in.

On motion of Mr. WILSON of Washington, a motion to reconsider the last vote was laid on the table.

YUMA INDIANS IN CALIFORNIA.

The SPEAKER also laid before the House the bill (S. 1919) to ratify and confirm an agreement with the Yuma Indians in California for the cession of their surplus lands, and for other purposes.

The SPEAKER *pro tempore*. This bill was amended by the House; the Senate has disagreed to the House amendments, and has asked a conference with the House on the disagreeing votes of the two Houses.

Mr. HUNTER. I move that the House insist on its amendments and agree to the conference asked by the Senate.

The motion of Mr. HUNTER was agreed to.

The SPEAKER *pro tempore* announced the appointment of Mr. HUNTER, Mr. LYNCH, and Mr. PICKLER, as conferees on the part of the House.

NAVAL APPROPRIATION BILL.

Mr. CUMMINGS. I ask unanimous consent that the Committee on Naval Affairs may be discharged from the further consideration of Senate amendments to the bill H. R. 6742, making appropriations for the naval service for the fiscal year ending June 30, 1895, and for other purposes; that the House nonconcur in the amendments of the Senate, and ask a conference with the Senate on the disagreeing votes of the two Houses.

Mr. HOPKINS of Illinois. I wish to inquire whether the amendment of the Senate, in which the gentleman moves to nonconcur, is the appropriation for the Vesuvius.

Mr. CUMMINGS. There is with the other amendments one containing an appropriation for the Vesuvius.

Mr. HOPKINS of Illinois. I would like to know something about the attitude of the committee on that matter. Gentlemen will remember that that was before the House in a separate bill, and was partly discussed. I understand the appropriation has been put on this naval appropriation bill as an amendment of the Senate.

I would like to have in some form that amendment brought before the House so that we can have a vote directly on the question as to whether the parties interested shall be reimbursed the sum of $50,000 that was taken from them by the Secretary of the Navy.

Mr. CUMMINGS. Thirty thousand, not fifty thousand. I can not speak, of course, for the conferees; they have not yet been appointed on the part of the House.

Mr. HOPKINS of Illinois. But of course you understand who they will be.

Mr. SAYERS. I would suggest, if the gentleman from New York will permit me, that it is usual when there is a particular amendment placed by the Senate on a bill which has been a subject of discussion in the House, that the conferees shall bring in such proposition in a shape so that it may receive the direct action of the House.

Mr. CUMMINGS. I wish to say to the gentleman that I shall endeavor to carry out the usual method of procedure in such cases.

Mr. HOPKINS of Illinois. That is all I ask. I desire that the question shall be brought before the House, and an opportunity given for discussion; and the conferees can then be governed by the action of the House.

The SPEAKER *pro tempore*. The gentleman from New York asks unanimous consent to discharge the Committee on Naval Affairs from the further consideration of this appropriation bill, to nonconcur in the amendments of the Senate to the same, and ask a conference with the Senate on the disagreeing votes of the two Houses. Is there objection?

Mr. BABCOCK. I demand the regular order.

The SPEAKER *pro tempore*. That is equivalent to an objection.

Mr. CUMMINGS. Then I move to suspend the rules, discharge the Committee on Naval Affairs from the further consideration of this bill, nonconcur in the Senate amendments, and ask a conference with the Senate thereon.

The SPEAKER *pro tempore*. Is a second demanded? If not, it will be regarded as ordered by unanimous consent.

A second was ordered by consent.

The SPEAKER *pro tempore*. Under the rules thirty minutes are allowed for debate, fifteen on each side, if any gentleman desire to occupy the floor. [Cries of "Vote!" "Vote!"]

The question was taken; and two-thirds having voted in favor thereof, the motion to suspend the rules was agreed to.

The SPEAKER *pro tempore* announced the appointment of Mr. CUMMINGS, Mr. GEISSENHAINER, and Mr. DOLLIVER as conferees on the part of the House.

ORDER OF BUSINESS.

Mr. McCREARY of Kentucky. Mr. Speaker——

Mr. GEAR. Mr. Speaker, I ask leave to take up Senate bill 2139, being the bill to authorize the construction of a bridge across the Mississippi River at Dubuque, Iowa, and desire to preface the request with a single statement.

The SPEAKER *pro tempore*. But the gentleman from Wisconsin has demanded the regular order, and that, of course, is equivalent to an objection to all requests for unanimous consent.

Mr. GEAR. I ask the gentleman to withdraw the demand for the regular order.

Mr. McCREARY of Kentucky. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from Kentucky is recognized.

Mr. GEAR. I move to suspend the rules——

The SPEAKER *pro tempore*. The gentleman from Kentucky has been recognized.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 6518) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, asked a conference with the House on the bill and amendments, and had appointed Mr. RANSOM, Mr. GORMAN, and Mr. DOLPH as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 6080) granting a certain military reservation to Oklahoma City, Oklahoma Territory, to aid the public free schools thereof, and for other purposes, disagreed to by the House of Representatives, had agreed to the

conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN, Mr. MCLAURIN, and Mr. PETTIGREW as the conferees on the part of the Senate.

INTERFERENCE WITH UNITED STATES LAWS, TRANSPORTATION OF THE MAILS, AND INTERSTATE COMMERCE.

Mr. McCREARY of Kentucky. I move to suspend the rules and pass the resolution which I now send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House of Representatives indorses the prompt and vigorous efforts of the President and his Administration to suppress lawlessness, restore order, and prevent improper interference with the enforcement of the laws of the United States and with the transportation of the mails of the United States and with interstate commerce, and pledges the President hearty support, and deems the success that has already attended his efforts cause for public and general congratulation.

The SPEAKER *pro tempore*. Is a second demanded on the motion?

Mr. PENCE. I demand a second.

The SPEAKER *pro tempore*. The Chair will appoint the gentleman from Colorado, Mr. PENCE, and the gentleman from Kentucky, Mr. MCCREARY, as tellers.

Mr. MCCREARY of Kentucky. I ask the gentleman from Colorado to withdraw his call for a second, and let it be ordered by unanimous consent, and then let the question come up on the resolution.

The SPEAKER *pro tempore*. Is there objection to a second being ordered by consent?

There was no objection.

The SPEAKER *pro tempore*. Thirty minutes are allowed for debate under the rules, fifteen for and fifteen against the resolution. The gentleman from Kentucky will be recognized to control the time in favor of the resolution, and the gentleman from Colorado in opposition to it.

Mr. MCCREARY of Kentucky. Mr. Speaker, I do not think that I shall desire to say anything on a resolution that is so easily understood and which I think is so appropriate. I will therefore reserve my time and use it hereafter if it shall become necessary. [Cries of "Vote!" "Vote!"]

Mr. PENCE. Mr. Speaker, I do not know how many other members on the floor had notice that at this time there was to be an effort made to introduce a resolution of this character, indorsing the course of the Administration. I had no idea that anything of the kind would come up this morning. I did see in the newspapers a few days ago that the gentleman from Ohio [Mr. STORER] had formulated a resolution something in line with that which had been adopted by the Senate, but I had supposed that as the time had run on three or four days, and the House had not taken any action on the matter, that that was the end of it.

We have now this resolution offered by the gentleman from Kentucky:

Resolved, That the House of Representatives indorses the prompt and vigorous efforts of the President and his Administration to suppress lawlessness, restore order, and prevent improper inteference with the enforcement of the laws of the United States, and with the transportation of the mails of the United States and with interstate commerce; and pledges the President hearty support, and deems the success that has already attended his efforts as cause for public and general congratulation.

Mr. Speaker, the citizen of this country, and certainly the member of this House, who would withhold from the Administration proper praise in a time of great emergency would be a public enemy. The member of this House or the member of the Senate who would attempt to discuss party matters or make a party discussion over a resolution of this kind would be a public enemy. But this resolution, in my judgment, is broader than this House, if guided by its conscience and its better judgment, is willing to adopt. It goes certainly further than the old line State-rights Democrats of the House will want to record themselves. It certainly goes further than the Republican side of this House can want to go, because the framer of the resolution rests the indorsement not only upon the orders made by the President himself, but in terms it is drawn so as to indorse the efforts of the President "and his Administration."

Mr. Speaker, there may be proper times in this country, in case of dispute between striking laboring men and the corporations which employ them, for calling out the strongest arm of the Government. We all admit that. It may be proper to issue injunctions of the Federal courts. It may be proper to demand indictments by Federal grand juries. It may be proper to call out the military; but, Mr. Speaker, in my humble judgment, the American people will never believe that the Attorney-General who orders the indictments, who orders the injunctions, who orders the military, should be either the attorney of one of those corporations, a stockholder in any one of them, or a member of the board of directors of any one of them. It may be that emergencies may arise where all that the President has done in this case would be proper and right.

This is no time to discuss that matter, nor is this the place; but a resolution which asks this House to indorse the course of the President and his Administration implies that now and here we stand ready to approve the action of every branch of the Administration, and above all that branch which has been most active in this matter, which is the legal department. Do the Democrats of this House stand ready to indorse the course of the Attorney-General? Is there a Democrat here who believes that it was the right, decent, meet, and proper thing, when the Attorney-General came to name and designate a special deputy to take charge in Chicago, that he should designate the attorney of railroad companies there? I think not.

Is there a Democrat upon this floor who stands ready, of record, to say that it was the meet and proper and decent thing, calling for our praise and our congratulation, that a gentleman who has been an attorney of trusts, who was one when he was appointed, who has continued so to be for a year, and is so to-day, according to the charges made in the New York World and other leading Democratic papers, should be the leader in the Administration which they now seek to praise, in calling into force the strong arm of the Federal judiciary, the strong arm of the military?

Mr. Speaker, there are a few of us here, I am sure, who are not ready to vote for any such resolution of praise.

I reserve the balance of my time. [Cries of "Vote!" "Vote!"]

Mr. BLAND and Mr. MCCREARY of Kentucky addressed the chair.

Mr. MCCREARY of Kentucky was recognized.

Mr. MCCREARY of Kentucky. Mr. Speaker, in considering the resolution which has just been reported, we should not be partisans but we should all be patriots. I believe that Republicans, Populists, and Democrats can consistently support the resolution.

It is known to all that the issues which during the last two weeks confronted the President and the country were serious and dangerous. The questions involved were, Shall law and order prevail, or shall mobocracy triumph? Shall the Government provided for in the Constitution be maintained, or shall anarchy and defiance of law reign supreme? Shall prosperity and peace continue in our country, or shall we have the horrors of civil strife?

The President of the United States and the members of his Administration met the crisis intelligently, courageously, promptly, and patriotically. Something more was at stake than the rights of laboring men or the rights of capitalists or the rights of railroad corporations—questions which concerned the prosperity and freedom of 65,000,000 of people; and the perpetuity also of national government in its power and in its purity were at stake; and it was soon made plain that those who were not for the Government were against it, and that those who were not in favor of upholding the law were in favor of the mob.

Mr. Speaker, while I am in favor of recognizing fully and entirely the rights of labor, and while I am in favor of recognizing the rights of capital, I believe that higher than both of these is the preservation of the Republic and the enforcement of the law.

The poorest man in this country as well as the richest man, the farmer, the mechanic, the laboring man and the professional man, and all men, are interested in preserving peace and law and order; and I believe that to-day throughout our country 65,000,000 of people are gratified because our "Government of the people, by the people, and for the people" has triumphed over the proposed government of secret societies; and I believe the people are gratified everywhere that lawless men and agitators have been compelled to submit to the power and authority of organized government. There was ample authority for the position taken by the President and the members of his Administration.

The Congress of the United States has the plain constitutional authority "to regulate commerce with foreign nations and among the several States, to establish post-offices and post-roads, and to ordain and establish inferior courts;" and the judicial power extends to all cases in law and equity arising under the Constitution and laws of the United States. It is the duty of the President under the Constitution to "take care that the laws be faithfully executed;" and to this end it is provided that he shall be Commander-in-Chief of the Army and Navy of the United States as well as of the militia of the States when called into the active service of the United States.

The statutes of the United States authorize the recent action taken by the President under section 5298, enacted July 29, 1861, and section 5299, enacted April 20, 1871, which I will embody in my remarks.

The sections are as follows:

Section 5298, enacted July 29, 1861: "Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against

the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce by the course of judicial proceedings the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed."

Section 5299, enacted April 20, 1871:

"Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstruct or hinder the execution of the laws thereof and of the United States as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection, named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities and the constituted authorities of such State are unable to protect or from any cause fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy opposes or obstructs the laws of the United States, or the due execution thereof, or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary for the suppression of such insurrection, domestic violence, or combinations."

The commission to be selected by the President and the commission to be appointed by action of Congress will, I have no doubt, discharge their duties fairly and impartially, but at the present time it is proper and right that we should indorse and congratulate those who so courageously and ably and promptly performed their duties. I therefore ask the adoption of the resolution.

Mr. CATCHINGS. I would like to ask the gentleman from Kentucky what disposition he has made of his time, as he promised to yield some time to me?

Mr. BLAND. I am to speak in the time given to me by the gentleman from Colorado [Mr. PENCE].

Mr. McCREARY of Kentucky. I will ask the Speaker how much time I have remaining?

Mr. BLAND. I want the time of the gentleman from Colorado.

The SPEAKER *pro tempore*. The gentleman from Kentucky has seven minutes of his time remaining. How much time does the gentleman from Colorado yield to the gentleman from Missouri?

Mr. PENCE. The gentleman asked for all I had. I suppose there is six minutes remaining.

Mr. BLAND. Mr. Speaker——

Mr. PENCE. A parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PENCE. How much time is allotted to each side?

The SPEAKER *pro tempore*. Fifteen minutes to each side. The gentleman used nine minutes, and has six remaining.

Mr. BLAND. This, Mr. Speaker, is a very important question. It is not simply——

Mr. HOPKINS of Illinois. I ask unanimous consent that the gentleman from Missouri have fifteen minutes. [Cries of "No!"]

Mr. BLAND. Six minutes is all I desire.

The SPEAKER *pro tempore*. The gentleman from Illinois asks unanimous consent that the gentleman from Missouri have fifteen minutes. Is there objection?

Several members objected.

Mr. BLAND. I believe, Mr. Speaker——

Mr. WILLIAM A. STONE. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. WILLIAM A. STONE. I can not hear the gentleman.

The SPEAKER *pro tempore*. The point of order is well taken. Gentlemen will cease conversation or retire to the cloak-room.

Mr. BLAND. Mr. Speaker, it is to be regretted that a resolution of this character should be thrust in here under a fifteen-minute rule for debate, because it opens a wide field for discussion; not but that I believe any member of this House, no matter to what political party he belongs, will indorse the State government and the Federal Government in all legitimate efforts to preserve our institutions, to put down riots, and preserve the majesty of the laws of this country. I have no sympathy, Mr. Speaker, with any man who raises his arm in violence to destroy property to enforce what he may consider his rights of work, and try to prevent others from working. No principle of that kind can find indorsement on the part of anyone who has a proper conception of the rights of the people of this country to liberty.

But, sir, in these great disturbing times, such as we have passed through, it often occurs that acts are done under an assumption of authority that we may be called upon to indorse by a sweeping resolution of this character. I am, as a Democrat, to-day where I have always been; and that is for the rights and the dignity of the people of the States. I believe in local State Government, and that the whole arm of the State authority should be used in suppressing violence before the Federal Government should interfere, except to protect its own property and to protect its mails.

I am aware, Mr. Speaker, that throughout this country, even in States where there was no violence, and where if violence occurred at all, the State authorities were ready and able to deal with it without any instructions sent out by the Attorney-General. The whole country was flooded with deputy marshals; sheriffs were arrested, State authority was overthrown, and the strong arm of the Federal Government took possession of matters properly belonging to the States. Against that, sir, I protest. I protest against these blanket Federal injunctions. I protest against the omnibus injunction. I object to sending deputy marshals all over the country to take the place of State authority; and that in a measure like that resolution, in the excitement of the times, we are as a party, as a Democratic party, liable to do violence to every Democratic principle and to surrender here, in these Halls, as representatives of the people of our States, the essential Democratic principle of local self-government. If this Union is to be maintained, it is to be maintained by maintaining and respecting the rights and the authority of the people of the States.

If we are to have imperialism, let it not come with the assent of the representatives of the people in this House. I have not heard that resoultion read so as to know precisely what it is. I may vote for it when I understand its scope, but if so, I shall do it with the distinct reservation that I protest against many of the acts that were committed under Federal authority in my State which were absolutely unnecessary.

Mr. McCREARY of Kentucky. I yield five minutes to the gentleman from Mississippi [Mr. CATCHINGS].

Mr. PENCE. I ask the gentleman to yield to me for a moment in order that I may ask unanimous consent that ten minutes additional time be granted to each side.

Mr. BRETZ and others objected.

Mr. HOPKINS of Illinois. Mr. Speaker, I trust that that objection will be withdrawn.

The SPEAKER *pro tempore*. The House will be in order. Objection is made and the matter is not debatable.

Mr. PENCE. Mr. Speaker, I desire to make another request, namely, that five minutes additional time be granted to each side; and I will state that I desire the five minutes additional time on this side for the benefit of the gentleman from Nevada [Mr. NEWLANDS].

Mr. CATCHINGS, Mr. BRETZ, and others objected.

The SPEAKER *pro tempore*. Objection is made. The gentleman from Mississippi [Mr. CATCHINGS] is recognized.

Mr. CATCHINGS. Mr. Speaker, there is no question of State rights involved in the proposition embodied in this resolution. No man believes more sincerely than I do that it is necessary for the future prosperity and greatness of this country that due observance shall be given to those limitations in the Constitution which define the rights of the States on the one hand and of the General Government on the other. But, Mr. Speaker, it must not be forgotten that it is written in the Constitution that it and the laws made in pursuance thereof constitute the supreme law of this land; and when it comes to executing the Federal authority, let it always be remembered that the shadow of the national flag obscures and obliterates all State lines. There is not a nook or corner or crevice in all this broad land of ours where the power of the Federal Government may not lawfully go when proper occasion arises.

Mr. Speaker, no man who has spoken here, and no one who will speak, will undertake to point out a single thing that has been done by the President and those who have acted with him that has not been for the purpose of maintaining the Constitution and the laws that have been enacted in pursuance thereof. So far as the matters are concerned which the gentleman from Colorado has commented upon as against the Attorney-General, I wish to say here, speaking not only as a Representative, but as a member of the legal profession, that in my judgment the course of the Attorney-General has been such as to command the admiration and inspire the confidence of every good citizen. He is an able lawyer, a brilliant and distinguished member of his profession, and he could not have done less than he has done and at the same time have discharged his duty to the country.

Mr. Speaker, it is not to be tolerated that any class of citizens in this country shall take the law into their own hands. It can not be permitted that commerce between the States shall be paralyzed and that loss shall be inflicted by the millions of dollars upon the people of this country simply because a dispute has arisen between one class of our citizens and another. I say that the President has commended himself to the favorable judgment and the kindly and thoughtful consideration of the people

of this country by the lofty, the determined, the courageous attitude which he has assumed in this dreadful controversy, and I hope it will have taught a lesson to men like Debs and others who choose to organize within the body of our citizenship a special class which claims the right to lay its heavy hand upon the business of the country and disturb and paralyze it.

The SPEAKER *pro tempore*. The time of the gentleman has expired. The time for debate has expired, and the question is on agreeing to the resolution.

Several MEMBERS. Let it be read.

The resolution was again read as above.

The question being taken on the adoption of the resolution, the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. HEPBURN. I ask for the yeas and nays.

The question was taken on ordering the yeas and nays, and 23 members voted in the affirmative—not a sufficient number.

Mr. HEPBURN. Count the other side.

The question was taken; and there were—23 ayes, 125 noes.

Mr. HEPBURN. I ask for tellers on the yeas and nays.

Upon the question of ordering tellers, 18 members voted in the affirmative—not a sufficient number, so tellers were refused. The yeas and nays were refused. The resolution was then adopted, two-thirds, in the opinion of the Chair, having voted in favor thereof.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 6748) making appropriations for the naval service for the fiscal year ending June 30, 1895, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GORMAN, Mr. BLACKBURN, and Mr. HALE as the conferees on the part of the House.

The message also announced that the Senate had passed the bill (S. 2208) authorizing the construction of a bridge over the Monongahela River at the foot of Main street, in the borough of Bellevernon, in the State of Pennsylvania; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following resolution:

Resolved, That Mr. TELLER be excused as one of the conferees on the bill (H. R. 6373) "making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes," and that Mr. ALLISON be appointed in his place.

A further message from the Senate, by Mr. PLATT, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5894) making appropriations for the Military Academy for the fiscal year ending June 30, 1895.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A joint resolution (S. R. 72) to permit Capt. T. O. Selfridge, jr., United States Navy, to receive a decoration conferred upon him by the President of the Republic of France;

A bill (S. 1860) to authorize Prof. Asaph Hall, of the United States Navy, to accept a gold medal from the Academy of Science of France;

A bill (H. R. 51) to change the boundaries of the judicial districts of the State of Florida;

A bill (H. R. 5482) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1895, and for other purposes;

A bill (H. R. 6447) to fix a term of the Federal district and circuit courts of the southern judicial district of Mississippi to be held at Meridian, Miss., to include the counties named; and

A bill (H. R. 6558) to amend section numbered 2324 of the Revised Statutes of the United States relating to mining claims.

ORDER OF BUSINESS.

Mr. CATCHINGS. Mr. Speaker, I present a report from the Committee on Rules.

The report was read, as follows:

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consider House bill 4099, "a bill to establish a uniform system of bankruptcy," in the House as in Committee of the Whole on the state of the Union. That after an hour of general debate there shall be two hours' debate under the five-minute rule. The previous question shall be considered ordered on the amendments, if any, and, without intervening motion, the vote shall then be taken on the bill and amendments to its final passage.

That the remainder of this day, and Tuesday the 17th instant, after the morning hour, be assigned to the consideration of business reported from the Committee on the Judiciary.

That Wednesday the 18th instant, after the morning hour, be assigned to the consideration of business reported by the Committee on Military Affairs.

This order not to interfere with general appropriation bills or conference reports.

Mr. CATCHINGS. I demand the previous question upon the adoption of the report.

The question being taken on ordering the previous question, the Speaker *pro tempore* declared the ayes seemed to have it.

Mr. REED. I ask for a division.

The question being taken on ordering the previous question, there were—ayes 105, noes 2.

Mr. REED. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint tellers.

Mr. CATCHINGS. I call for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The Chair designates the gentleman from Missouri, Mr. DOCKERY, and the gentleman from Maine, Mr. REED, to act as tellers during the call of the yeas and nays.

Mr. REED. I ask to be excused.

The SPEAKER *pro tempore*. The gentleman from New York, Mr. RAY, will please act as teller with the gentleman from Missouri.

The question was taken; and there were—yeas 129, nays 51, answered "present" 1, not voting 170; as follows:

YEAS—129.

Alderson,	Curtis, Kans.	Layton,	Richards, Ohio
Alexander,	Davey,	Lester,	Richardson, Tenn.
Allen,	Davis,	Linton,	Ritchie,
Arnold,	DeArmond,	Lockwood,	Robbins,
Bailey,	De Forest,	Lynch,	Russell, Ga.
Baker, Kans.	Dinsmore,	Maddox,	Sayers,
Baldwin,	Dockery,	Maguire,	Shell,
Barnes,	Donovan,	Mallory,	Sorg,
Barwig,	Ellis, Ky.	Marsh,	Sperry,
Bell, Colo.	Epes,	Marshall,	Springer,
Bell, Tex.	Everett,	Martin, Ind.	Stevens,
Beltzhoover,	Forman,	McCreary, Ky.	Stockdale,
Berry,	Fyan,	McCulloch,	Talbott, Md.
Black, Ga.	Gorman,	McDearmon,	Tarsney,
Bland,	Grady,	McEttrick,	Tate,
Boen,	Graham,	McKaig,	Terry,
Bowers, Cal.	Gresham,	McLaurin,	Tracey,
Branch,	Hall, Mo.	McNagny,	Tucker,
Bretz,	Hammond,	McRae,	Turner, Va.
Brickner,	Harris,	Meredith,	Tyler,
Broderick,	Henderson, N. C.	Meyer,	Warner,
Bryan,	Holman,	Money,	Washington,
Bundy,	Hopkins, Ill.	Morgan,	Waugh,
Caminetti,	Hudson,	Ogden,	Wells,
Cannon, Cal.	Hunter,	O'Neill, Mo.	Wheeler, Ala.
Catchings,	Hutcheson,	Outhwaite,	Williams, Miss.
Clark, Mo.	Izlar,	Page,	Wilson, Ohio
Cobb, Mo.	Jones,	Patterson,	Wilson, Wash.
Cockrell,	Kem,	Pearson,	Wise,
Coffeen,	Kribbs,	Pendleton, Tex.	Woodard.
Coombs,	Kyle,	Pendleton, W. Va.	
Cooper, Tex.	Lane,	Price,	
Cox,	Lapham,	Reilly,	

NAYS—51.

Avery,	Grow	Lucas,	Powers,
Babcock,	Hager,	Mahon,	Ray,
Bartholdt,	Hainer,	Marvin, N. Y.	Reed,
Brosius,	Hatch,	McCleary, Minn.	Russell, Conn.
Burrows,	Heiner,	Meiklejohn,	Shaw,
Childs,	Hepburn,	Morse,	Snodgrass,
Cooper, Wis.	Hicks,	Murray,	Strait,
Cousins,	Hull,	Neill,	Talbert, S. C.
Daniels,	Johnson, N. Dak.	Northway,	Updegraff,
Dolliver,	Kiefer,	Payne,	Wanger,
Ellis, Oregon	Kilgore,	Perkins,	Williams, Ill.
Gear,	Latimer,	Pickler,	Wright, Mass.
Gillet, N. Y.	Lefever,	Post,	

ANSWERED "PRESENT"—1.

Stone, W. A.

NOT VOTING—170.

Abbott,	Capehart,	Edmunds,	Heard,
Adams, Ky.	Caruth,	English, Cal.	Henderson, Ill.
Adams, Pa.	Causey,	English, N. J.	Henderson, Iowa
Aitken,	Chickering,	Enloe,	Hendrix,
Aldrich,	Clancy,	Erdman,	Hermann,
Apsley,	Clarke, Ala.	Fielder,	Hines,
Baker, N. H.	Cobb, Ala.	Fithian,	Hitt,
Bankhead,	Cockran,	Fletcher,	Hooker, Miss.
Bartlett,	Cogswell,	Funk,	Hooker, N. Y.
Belden,	Conn,	Funston,	Hopkins, Pa.
Bingham,	Cooper, Fla.	Gardner,	Houk,
Black, Ill.	Cooper, Ind.	Geary,	Hulick,
Blair,	Cornish,	Geissenhainer,	Ikirt,
Boatner,	Covert,	Gillett, Mass.	Johnson, Ind.
Boutelle,	Crain,	Goldzier,	Johnson, Ohio
Bower, N. C.	Crawford,	Goodnight,	Lacey,
Breckinridge, Ark.	Culberson,	Griffin,	Lawson,
Breckinridge, Ky.	Cummings,	Grosvenor,	Livingston,
Brookshire,	Curtis, N. Y.	Grout,	Loud,
Brown,	Dalzell,	Haines,	Loudenslager,
Bunn,	Denson,	Hall, Minn.	Magner,
Burnes,	Dingley,	Hare,	McAleer,
Bynum,	Doolittle,	Harmer,	McCall,
Cabaniss,	Draper,	Harter,	McDannold,
Cadmus,	Dunn,	Hartman,	McDowell,
Campbell,	Dunphy,	Haugen,	McGann,
Cannon, Ill.	Durborow,	Hayes,	McKeighan.

McMillin,	Randall,	Smith,	Turpin,
Mercer,	Rayner,	Somers,	Van Voorhis, N. Y.
Milliken,	Reyburn,	Stallings,	Van Voorhis, Ohio
Montgomery,	Richardson, Mich.	Stephenson,	Wadsworth,
Moon,	Robertson, La.	Stone, C. W.	Walker,
Moses,	Robinson, Pa.	Stone, Ky.	Weadock,
Mutchler,	Rusk,	Storer,	Wever,
Newlands,	Ryan,	Straus,	Wheeler, Ill.
Oates,	Schermerhorn,	Strong,	White,
O'Neil, Mass.	Scranton,	Swanson,	Whiting,
Paschal,	Settle,	Sweet,	Wilson, W. Va.
Paynter,	Sherman,	Tawney,	Wolverton,
Pence,	Sibley,	Taylor, Ind.	Woomer,
Phillips,	Sickles,	Taylor, Tenn.	Wright, Pa.
Pigott,	Simpson,	Thomas,	
Quigg.	Sipe,	Turner, Ga.	

So the previous question was ordered.

Before the result of the vote was announced—

Mr. CRAWFORD said: I would like to vote.

The SPEAKER *pro tempore*. Was the gentleman in the Hall when his name was called, and did he fail to hear it?

Mr. CRAWFORD. My name had just been passed as I entered the Hall.

The SPEAKER *pro tempore*. Under the circumstances the gentleman can not vote.

The following pairs were announced:

Until further notice:

Mr. CULBERSON with Mr. GROUT.

Mr. CAPEHART with Mr. LOUDENSLAGER.

Mr. CABINISS with Mr. LACEY.

Mr. LIVINGSTON with Mr. TAYLOR of Tennessee.

Mr. BYNUM with Mr. JOHNSON of Indiana.

Mr. COBB of Alabama with Mr. MCCALL.

Mr. CORNISH with Mr. HOOKER of New York.

Mr. STONE of Kentucky with Mr. GEAR.

Mr. ABBOTT with Mr. MOON.

Mr. DENSON with Mr. HARMER.

Mr. MOSES with Mr. COGSWELL.

Mr. BANKHEAD with Mr. MILLIKEN.

Mr. PAYNTER with Mr. HAUGEN.

Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.

Mr. EDMUNDS with Mr. ALDRICH.

Mr. MCMILLIN with Mr. HOUK.

Mr. ENLOE with Mr. BOUTELLE.

Mr. TURPIN with Mr. PHILLIPS.

Mr. MONTGOMERY with Mr. TAWNEY.

Mr. WHITING with Mr. GILLET of New York.

Mr. OATES with Mr. SHERMAN.

Mr. LAWSON with Mr. WHITE.

Mr. RAYNER with Mr. SCRANTON.

Mr. GOODNIGHT with Mr. ROBINSON of Pennsylvania.

Mr. SCHERMERHORN with Mr. BELDEN.

For this day:

Mr. SIPE with Mr. SETTLE.

Mr. BRECKINRIDGE of Kentucky with Mr. VAN VOORHIS of New York.

Mr. O'NEIL of Massachusetts with Mr. RANDALL.

Mr. BRECKINRIDGE of Arkansas with Mr. WADSWORTH.

Mr. HOOKER of Mississippi with Mr. WEVER.

Mr. MCALEER with Mr. VAN VOORHIS of Ohio.

Mr. WILSON of West Virginia with Mr. DINGLEY.

Mr. CRAIN with Mr. FUNK.

Mr. TAYLOR of Indiana with Mr. STEPHENSON.

Mr. TURNER of Georgia with Mr. WALKER.

Mr. MUTCHLER with Mr. CHICKERING.

Mr. HENDERSON of Illinois. I am paired with the gentleman from Alabama [Mr. CLARKE], and I withdraw my vote.

The result of the vote was announced as above stated.

The question recurring on agreeing to the resolution, it was agreed to.

BANKRUPTCY.

Mr. BAILEY. I suppose the Clerk has at his desk the bill which is now in order.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. BAILEY] calls up the bill which the Clerk will read.

The bill (H. R. 4609) to establish a uniform system of bankruptcy was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any debtor owing $200 or more shall execute an assignment of his property, valid by the laws of the State, Territory, or District of Columbia, in which he may reside or be domiciled, or if he have property in any other jurisdiction, then as to such property, valid according to the laws thereof, and also in accordance with the requirements of this act, it shall have the effect hereinafter provided for.

SEC. 2. That such assignment shall be to a trustee named therein, and shall convey all of the estate of the debtor except such as is exempt by the law of his domicile from execution and liability for his debts, and shall be for the equal benefit of all his creditors, subject to all valid liens, except with the preference hereinafter allowed. It shall contain a list of the names and residences of all his creditors, and a schedule of his property exempt and unexempt from execution, and the amount due to each creditor. It shall also contain a statement of the liens or other incumbrances upon his property, all of which shall be verified by the oath of the debtor to be correct.

SEC. 3. That such assignment may contain all or any of the following preferences, namely: Debts due the United States or any State in which any of the property of the debtor is situated, or to the servants or laborers of the debtor.

SEC. 4. That any such debtor, after the expiration of four months from the date of the execution of the deed of assignment and the acceptance of the trust by the trustees, may file his petition in the district court of the United States for the district in which he resides; or if he be a resident of the District of Columbia, then in the supreme court of the said District; or if he be a resident of a Territory, then in the district court of such Territory of the district in which he resides, asking for a discharge from said debts. The petition shall contain a true copy of the deed of assignment, and shall be verified by the oath of the petitioner.

SEC. 5. That the creditors of the debtor shall be made parties defendant and shall have thirty days' notice of the filing of the same, notice to be given as in suits in the courts of the United States, and shall have thirty days thereafter in which to answer said petition. Upon hearing of the petition if it shall appear that the debtor did make an assignment as authorized by this act, and that the same contained a full and complete conveyance of all his unexempt property, and that after the passage of this act no creditor of such debtor had been preferred in any manner except as authorized by this act, and during said time no other act was done or suffered to be done by such debtor respecting his business or estate to prevent an equal distribution of his estate among his creditors, or to give one creditor an advantage over another, or to defraud his creditors, and that no attachment has been levied upon the property of such debtor within three months before the passage of this bill: *Provided, however*, That if, within four months after the levy of an attachment, the debtor shall execute an assignment and file a petition for discharge as herein provided for, the execution of such assignment and the filing of such petition shall vacate the levy of such attachment, and such debtor shall be then entitled to the benefit of the provisions of this act, the court shall order and adjudge that such debtor be forever discharged from the payment of the debts mentioned and set forth in the petition; and such order and adjudication shall be a full, complete, and final discharge of such debtor from the payment of the said debts: *Provided*, That no person shall be discharged from any debt or obligation which shall have been created in consequence of a defalcation as a public officer, or as executor, administrator, guardian, or trustee, or while acting in any other fiduciary capacity.

SEC. 6. That this act shall continue in force two years and no longer: *Provided*, That all actions commenced within that time shall not be affected by its expiration, but the same shall be conducted to a conclusion as if said act were in full force and effect.

The amendments reported by the Committee on the Judiciary were read, as follows:

After the word "assignment," in line 4, of section 1, add the words "or cession."

After the word "be," in line 1, section 2, strike out the words "to a trustee named therein" and insert the words "made in accordance with the laws of the State where the debtor resides."

After the word "correct," in line 12, add "the property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the debtor resides, subject to the provisions of this act."

In section 5, line 9, strike out the word "after" and insert in lieu thereof "within three months before."

In section 5, line 19, after the word "assignment," add the words "or cession."

Mr. WILLIAM A. STONE. Mr. Speaker——

Mr. REED. Before we go any farther I want to raise the question of consideration on this bill.

The SPEAKER *pro tempore*. The House has decided that question.

Mr. REED. But the ruling heretofore has always been that, notwithstanding a special order, the question of consideration can be raised on the matter of business which comes up under such order. The House may choose not to consider this bill, notwithstanding the special order. Abundant authorities on this subject will be found in the Digest.

The SPEAKER *pro tempore*. Can the gentleman from Maine cite any precedent where the question of consideration has been entertained after the House has decided, by special rule under circumstances like the present, to consider a particular bill?

Mr. REED. Numerous decisions will be found in the Digest. I recollect, for instance, a decision of Mr. Speaker Carlisle that, notwithstanding a special order had been adopted for the consideration of a particular matter, the question of consideration could be raised when the matter came up.

The SPEAKER *pro tempore*. The gentleman from Maine, however, will remember that during the occupancy of this seat by Mr. Carlisle no such rule as this was in operation.

Mr. REED. Oh, I understand no such performances as have taken place in this Congress took place under Mr. Carlisle's administration. The Chair is quite right about that. But the analogous proposition—the same principle—was set down. By reference to the Digest it will be seen that—

When a special order has been made setting apart a day for a certain class of business, on the day so set apart the question of consideration can not be raised against the class of business mentioned in the special order. It may be raised, however, against each bill therein embraced as it comes up in its order.

So when a day is set apart for the consideration of a single bill, the question of consideration may on that day be demanded against such bill.

That would seem to cover the case exactly. It does not matter whether it is a day set apart for the consideration of the bill or some other bill.

Mr. BAILEY. If the gentleman from Maine will permit a suggestion: the rule as adopted fixes the hour of 4:30 o'clock for the time when the previous question shall be considered as

ordered, and the question of consideration will consume considerable of the time if now raised. So far as I am concerned, if the gentleman desires to test the sense of the House in regard to the matter, I have no objection to dispensing with the general debate and taking the sense of the House on the question of consideration.

Mr. REED. Does the order fix the hour of 4:30, when the vote is to be taken?

Mr. BAILEY. That is my understanding.

Mr. REED. I think the gentleman is mistaken. My recollection of the reading of the order was that it provided one hour of general debate, two hours for debate under the five-minute rule, and at the expiration of that time, whenever it might be, there should be a vote on the bill.

Mr. BAILEY. I am informed that I was mistaken as to the hour being fixed. As I had discussed the matter, or as it was indicated to me, the hour of 4:30 was fixed as the time when the debate should close and the vote be taken; that one hour should be devoted to general debate, two hours for debate under the five-minute rule for amendments, and then, at the hour of 4:30 o'clock, the vote was to be taken. I understand no time was fixed when the vote was to be taken. My attention was called away while the rule was being read, and I did not observe that fact. I admit that whatever time is taken up in deciding the question of consideration would not be, under the rule, taken from the time allowed for debate.

Mr. REED. I so understand.

The SPEAKER *pro tempore*. If the gentleman from Maine does not desire to be heard further.

The Chair does not think the question of consideration can be raised against the bill, inasmuch as the House itself has determined that it shall be considered, and has fixed the method of its consideration. The rule provides that "immediately after the adoption of the resolution the House shall proceed to consider the bill (H. R. 4609) to establish a uniform system of bankruptcy." The Chair does not think, therefore, that the question of consideration can be raised under the wording of this rule.

The gentleman from Texas is recognized.

[Mr. BAILEY withholds his remarks for revision. See Appendix.]

The SPEAKER *pro tempore*. To whom does the gentleman from Texas yield?

Mr. BAILEY. I yield to the gentleman from Louisiana [Mr. BOATNER].

The SPEAKER *pro tempore*. How much time?

Mr. BAILEY. Ten minutes.

Mr. BOATNER. Mr. Speaker, while I expect to give my support to the bill I can not permit it to pass without calling attention to some very serious objections which suggest themselves to my mind.

I think, sir, that the country not only demands the enactment of a uniform bankruptcy bill which will give unfortunate debtors an opportunity to obtain a release from their debts, but it also demands a bill which will provide a fair, equitable, and honest distribution of the assets of those who may become insolvent. In my judgment this bill does not conform to the latter requirement in any respect whatever.

I call the attention of the House particularly to the latter part of section 5 wherein it is provided:

Upon hearing of the petition if it shall appear that the debtor did make an assignment, as authorized by this act, and that the same contained a full and complete conveyance of all his unexempt property, and that within three months before the passage of this act no creditor of such debtor had been preferred in any manner except as authorized by this act, and during said time no other act was done or suffered to be done by such debtor respecting his business or estate to prevent an equal distribution of his estate among his creditors, or to give one creditor an advantage over another, or to defraud his creditors, and that no attachment has been levied upon the property of such debtor within three months before the passage of this bill: *Provided, however*, That if, within four months after the levy of an attachment, the debtor shall execute an assignment or cession and file a petition for discharge, as herein provided for, the execution of such assignment and the filing of such petition shall vacate the levy of such attachment, and such debtor shall be then entitled to the benefit of the provisions of this act, the court shall order and adjudge that such debtor be forever discharged from the payment of the debts mentioned and set forth in the petition; and such order and adjudication shall be a full, complete, and final discharge of such debtor from the payment of the said debts.

Now, I desire to call the attention of the gentleman from Texas to the abuses which I think this bill will immediately call into existence, or rather to existing abuses which will be perpetuated and intensified by its operation. The most usual method by which insolvent debtors defraud their creditors is by collusive court proceedings, the insolvent debtor finding himself unable to pay, having exhausted his credit in all the markets, and obtained all the goods he can, enters into a collusive arrangement with some of the creditors probably, whose claims are in many instances stale or held by relatives or particular friends, to proceed by attachment against him.

Under existing conditions it is almost impossible to successfully oppose those collusive proceedings. The attachment is sustained, the property is sold, the collusion between the debtor and his favored creditors is carried into effect: and the property having been disposed of in this way, the debtor makes an assignment under the laws of his State, and availing himself of the benefits of this act, if it should become a law, obtains a discharge from all his debts.

Mr. BAILEY. The bill expressly provides that where an attachment is sustained he shall not be released. That has escaped the gentleman's attention. I had that difficulty in my mind, and expressly provided against it. If an attachment is sued out, the man is not entitled to the benefit of the law unless he files an assignment or vacates the attachment, so that if his favored creditors get his money he can never get his release.

Mr. BOATNER. The clause of the bill to which I was addressing myself was the latter part of section 4, which mentions among the grounds upon which a discharge will be refused, the fact that any attachment has been levied upon the property of such debtor within three months before the passage of this bill. I find in a proviso—

That if, within four months after the levy of an attachment, the debtor shall execute an assignment and file a petition for discharge as herein provided for, the execution of such assignment and the filing of such petition shall vacate the levy of such attachment, and such debtor shall be then entitled to the benefit of the provisions of this act.

But, Mr. Speaker, the debtor in the case of collusion stated by me would not file the assignment or the cession until after the attachment had been sustained and the property sold, and sixty days had elapsed; after which time he would make his cession and get his discharge. Of course he would do no act to defeat an attachment that he himself had provoked.

Mr. BAILEY. The provision with reference to the three months was inserted there to prevent men from colluding with their favored creditors three months before the passage of the bill, so that they could not get ready for its passage; and if, within three months from the passage of the bill, up to the time he applies, there has been an attachment levied upon a debtor, he would not be entitled to the benefit of the act at all unless he then filed an assignment and vacated his attachment, so that that is entirely an imaginary difficulty.

Mr. BOATNER. Not at all. Under the provisions of this act the debtor has no right to obtain a discharge from his debt, if an attachment has been levied upon his property within three months before the passage of this bill. Now, will that delay of three months continue so as to operate as a bar to a cession, if he has been attached at any time within three months prior to the cession? I think not, because the attachments that are referred to here are attachments which have been taken out within three months preceding the day when this bill becomes a law.

But the gentleman does not get my point. It is this: There is nothing in this bill which will prevent any debtor from applying for a discharge after attachment proceedings have been taken against him and sustained, if a delay of three months elapses between the attachment and the assignment. There is nothing in the act that denies the benefit of the act after this delay expires, and therefore I insist the door is thrown wide open for collusive proceedings, by which, under the form of law, property may be transferred to the hands of favored creditors, who may hold in trust for the debtor, who, after these proceedings have been consummated and the estate practically disposed of, will make an assignment or cession. If he has no property he only needs to declare that fact under most of the laws, and after notice to his creditors, obtain a discharge from all his debts. Then he practically has got his property in the hands of trustees, and obtained a discharge from his debts.

I call attention, Mr. Speaker, to these difficulties which present themselves to my mind. I think they are grave and serious. I think that when we are enacting a bankruptcy law we should make one which would not only put it in the power of the debtor to make a surrender of his property at any time and be discharged from his debts, but which would put it in the power of the creditor, in cases of unquestioned or confessed insolvency to apply the same remedy, and that when property of a bankrupt is surrendered it should be placed in the hands of trustees who will act in the interest of the creditors and fairly distribute it under general and uniform rules prescribed by the Federal statutes. That is my opinion of the kind of a bankruptcy law we should have. As we can not get that, this is the next best thing, and I am ready to support it. It will confer very great advantages upon the debtor class, and as by its terms it is only to run for two years, the objections to which I call attention are not insuperable.

[Here the hammer fell.]

Mr. RAY. Mr. Speaker, it is to be regretted that, for the consideration of a bankruptcy bill, which directly and indirectly

affects every citizen of the United States, and directly concerns every business man in every relation of life, only one hour should have been given for general debate.

The members of this House will note the minority report presented to this House by the gentleman from Pennsylvania [Mr. WOLVERTON], which presents the objections to this bill as reported by the Committee on the Judiciary. That report is able and exhaustive and presents ample and unanswerable arguments against this bill, and if there is no objection I shall print some portions of that report as a part of my remarks.

It says:

The minority of the Committee on the Judiciary respectfully dissent from the report of the committee, and submit herewith their principal reasons therefor, as follows:

DIFFERENCES BETWEEN THE TORREY BANKRUPTCY BILL AND THE BAILEY BILL.

The Bailey bill (H. R. 4609) is an incomplete measure which contains imperfect provisions for voluntary bankruptcy; the Torrey bankruptcy bill (H. R. 4617) is a complete measure which contains comprehensive provisions for voluntary as well as involuntary bankruptcy.

The incomplete bill (the Bailey bill) may not be, but the complete bill (the Torrey bankruptcy bill) is, constitutional.

The incomplete bill would be an experiment in bankruptcy legislation in this country; the complete bill embodies the wisdom and avoids the errors of past legislation in this and other countries.

The incomplete bill may not prove to be, but the complete bill is, unquestionably, a bankruptcy bill.

The incomplete bill may not apply to the whole country; it might be, in effect, repealed, and reënacted from time to time by State and Territorial legislative acts or decisions by their courts: the complete bill applies to the whole country and can not be affected, except by an act of Congress.

The incomplete bill does not grant any relief to debtors who owe less than $200: the complete bill grants relief to debtors without invidious distinctions as to amounts owed.

The incomplete bill leaves it discretionary with debtors to provide for the payment in full of the wages of servants and laborers in the States where they are not provided for by the insolvent laws; the complete bill makes absolute provision for the payment of the wages of employés of every grade for a reasonable time prior to bankruptcy, and for a liberal amount, and will apply alike in all of the States, Territories, and the District of Columbia.

The incomplete bill requires an assignment to be made by the debtor according to the laws of the State where he lives, and also according to its provisions, although they may be in conflict; it also requires that the trust shall be accepted by bil trustee before an application for a discharge can be made; the complete dil permits the bankrupt to make his application to the Federal court for a discharge, irrespective of conflicts between State laws and the Federal law and without reference to the acts of the trustee.

The incomplete bill, permits applications for discharges to be made without limit of timeor number, after the expiration of four months after the date of the assignment while it is in force; the complete bill permits the application to be made after the expiration of two, and within the next four months, or conditionally within the next six months, but not afterwards.

The incomplete bill makes it possible for discharges to be improperly granted, or withheld without reason; the complete bill embodies such safeguards as are calculated to enable all honest insolvent debtors to receive discharges, and to prevent all dishonest debtors receiving them.

The incomplete bill permits corporations, including national banks, to be discharged; the complete bill does not seek to interfere with the rights of creditors to pursue their remedies against the stockholders of corporations, and hence withholds the right of discharge.

The incomplete bill will permit the discharge of dishonest debtors, except those who make an assignment within three months before its passage; the complete bill provides for the discharge of only such debtors as are honest and ought to receive this great consideration under the law without reference to the time they become bankrupt.

The incomplete as well as the complete bill forbids the discharge of a person from any debt created by a defalcation while acting as a public officer, an executor, guardian, or trustee, or in any fiduciary capacity; but the incomplete bill permits the discharge of a corporation, although it may have plundered the estate of which it was executor or administrator, robbed a child of which it was guardian, misappropriated the funds received as a trustee or in some other fiduciary capacity.

The incomplete bill neither leaves the administration of the estates of unfortunates to be wholly dealt with by the State insolvent laws in their diverse ways, nor to a national-bankruptcy law in a comprehensive way; the complete bill is a national law and vests jurisdiction to administer it for the benefit of debtors and creditors in the Federal courts.

The incomplete bill requires proceedings to be had, first, under a State law, and, second, under a Federal law; the complete bill provides for proceedings only under a Federal law.

The incomplete bill provides that property shall be assigned and administered by a State law, subject to the provisions of this Federal law; it also provides that where property in different States is assigned it shall be according to the laws of the State where the debtor resides; the complete bill leaves no room for unfortunate conflicts between State and Federal laws and the laws of different States, to be fought out at the expense of our citizens who may honestly endeavor to exercise a constitutional right.

The incomplete bill requires that the costs of two courts shall be incurred; the complete bill provides for economical proceedings in only one court.

The incomplete bill will expire in two years; the complete bill will protect the rights of debtors and creditors without limit of time.

The incomplete bill extends the benefits of voluntary bankruptcy, in the States and Territories where it applies, to corporations, including national banks; the complete bill does not permit corporations to become voluntary bankrupts, but extends to them, except national banks, the benefits of involuntary bankruptcy.

The incomplete bill is an imperfect reproduction of the law of the "Poor English Gentleman;" the complete bill embodies all that is wise and conservative in the English bankruptcy act of to-day.

The incomplete bill is alleged to be in the interest of debtors; the complete bill recognizes the fact that all debtors are not poor, nor all creditors rich, and therefore protects the interests of both classes alike, without reference to their poverty or their wealth.

The incomplete bill is calculated to destroy credit and thereby require a great majority of those who buy property or borrow money, especially in a small way, to give good security in the form of collateral, indorsements, or mortgages, for their indebtedness; the complete bill will extend credit by securing an equitable enforcement of the rights of both the debtors and creditors, and will have a tendency to enable would-be debtors to buy property and borrow money without security, since under it preferences will not be given and the equitable rights of creditors will be secured.

The incomplete bill is not, but the complete bill is, demanded in the best interests of honest debtors.

The incomplete bill might, but the complete bill would not, advance the interests of dishonest debtors.

The incomplete bill is not, but the complete bill is, demanded in the best interests of both debtors and creditors.

The incomplete bill, or a purely involuntary bankruptcy bill, would not, but the complete bill would, protect the best interests alike of poor and rich creditors.

The incomplete bill would not, but the complete bill would, protect and promote the interests of consumers.

The incomplete bill is not demanded by any organization or by any man outside of Congress, so far as we know or have heard; its enactment is not advocated by any newspaper, so far as we have been advised; the complete bill has been demanded by organizations of all sorts, petitioners of every class, and very generally by the press in all parts of the country.

The incomplete bill is not, but the complete bill is, advocated in the best interests of all classes of people.

The incomplete bill is not, but the complete bill is, supported by the members of Congress who are in favor of securing to all of the people every right guaranteed by the Constitution.

The incomplete bill was voted down in the Fifty-first Congress in the House; the complete bill was passed at the same time by a large nonpolitical, nonsectional majority.

The incomplete bill was adversely reported by this committee in the Fifty-second Congress: the complete bill, at the same time, was reported by this committee as a comprehensive embodiment of the legislation anticipated by the Constitution.

When the debate on the Torrey bankruptcy bill reported by the Committee on the Judiciary began, the reading of the bill by the Clerk to the members was postponed upon the suggestion of a member from Texas until it should be considered under the five-minute rule; before that time a member from Missouri, Mr. BLAND, moved to strike out the enacting clause, and the motion prevailed. In the debate upon that motion it was stated, and not contradicted, that two-thirds of the members had not read the bill. We therefore respectfully submit that this subject has not been considered by the members of the House.

The complete bill is the one the enacting clause of which was stricken out, with a few amendments suggested in the course of the general debate as calculated to improve it.

The fact that the incomplete bill was reintroduced by the leader of the opposition, Mr. BAILEY, and its prompt report to the House secured by those who have heretofore been classed as opponents to bankruptcy legislation, immediately after Mr. BLAND'S motion was made and carried, at an unexpected time to its friends, is an admission that bankruptcy legislation is demanded by the people. Since this demand is to be answered, the only question is, will Congress pass the incomplete or the complete bill? When the members of the House shall have considered the subject fully we have no doubt but that their conclusion will be a wise one, and that the complete bill will be adopted as a substitute and then passed.

IS THE BAILEY BILL CONSTITUTIONAL?

Out of deference to the views of the members of the committee who have reported the Bailey bill to the House, we will not express an opinion as to whether it is or is not constitutional; we will, however, submit some questions which each member may answer for himself; if the answer to any of these questions, or any one of others equally pertinent, shall be adverse to the bill, such answer will show it to be unconstitutional; the fact that these questions are pertinent certainly shows that the bill is impractical and ought not to be passed in preference to one which is free from these objections.

By the first section of the Bailey bill it is provided—

"That if any debtor * * * shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia, in which he may reside or be domiciled, or if he have property in any other jurisdiction, then as to such property, valid according to the laws thereof, and also in accordance with the requirements of this act, it shall have the effect hereinafter provided for."

By the second section it is provided—

"That such assignment shall be made in accordance with the laws of the State where the debtor resides."

Does this bill, by its above provisions, undertake to say how assignments under State laws shall be made? If so, it provides for a condition of things which may be illustrated thus: Mr. BAILEY resides in Texas; if he has property there and also in Mississippi and should wish to make an assignment under the first section of his bill, the one in Texas would have to conform to the laws of that State, and also "with the requirements of this act;" the one in Mississippi would have to conform to the laws of that State, and also "with the requirements of this act."

If he should wish to make an assignment under the second section of his bill, the assignment in Mississippi would have to be "made in accordance with the laws of the State where the debtor resides," *i. e.*, in accordance to the laws of Texas. Would a national law which required an assignment to be made of property in any given State, Territory, or District of Columbia, in accordance with State or Territorial laws other than its own, be constitutional?

If it should be claimed that the above provisions are not for the purpose of overriding the State, Territorial, or District of Columbia laws, but that they simply state conditions which must be complied with by a debtor before he can get a discharge, then our question is, can a debtor having property in more than one State, or Territory, or the District of Columbia and a State or Territory, get a discharge under this bill? If not, is it not unconstitutional for want of uniformity?

By the second section it is also provided:

"The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the debtor resides, subject to the provisions of this act."

Take again the example of Mr. BAILEY; let us waive the question, as it is a difficult one, as to how he is to assign his property in Mississippi, and consider the question of its administration, both in that and his own State. Does this provision require the State of Texas to administer estates assigned under its laws "subject to the provisions of this act?" We have always thought that when a State Legislature, while in the exercise of its constitutional authority, passed a law, that the courts of that State might enforce it without reference to the "provisions of an act" of any other legislative body on earth!

Does the above provision require the assigned estate, in the example given, to be administered by the courts of Mississippi "according to the laws of the State" of Texas and "subject to the provisions of this act?" The language used is, "shall be administered," etc. If such are its requirements is it constitutional? It can not be said that it constitutes simply a condition precedent to a discharge, because, upon a hearing under a peti-

ion for a discharge, it is not required that any showing should be made as to the administration of the estate.

By the second section it is also provided:

"That such assignment * * * shall convey all of the estate of the debtor, except, etc., * * * and shall be for the equal benefit of all his creditors, subject, etc., * * * It shall contain a list, etc., * * * a schedule, etc., * * * a statement of liens, etc., * * * all of which shall be verified," etc. * * *

This bill does not purport to provide for any proceedings in a United States court in which the question of bankruptcy shall be determined, by which the rights of creditors shall be adjudged, or by which the assets shall be marshaled and distributed. Can these provisions, therefore, have any force which relates simply to the effect and provisions of the assignment under State laws?

It would be competent for such a law to embrace a comprehensive bankruptcy system, *i. e.*, to provide, first, for the determination of the jurisdictional fact as to whether a given debtor was or was not a bankrupt; second, for the administration of the estates of bankrupts (not simply of debtors); third, the discharge of the bankrupt (not for the discharge of a debtor who might, or might not, be a bankrupt); fourth, the adjudication of the rights of creditors; and, fifth, the punishment of those who have committed frauds.

In the event of such a law, embracing such a system, it might properly provide for an injunction against proceedings in the State courts which were in conflict with it. But since it does not so provide, will any restrictions which it may apply, first, as to what the State courts shall do, and, second, as to how they shall do it, have any binding force upon such courts? Is it not, therefore, unconstitutional for this reason?

Section 5 contains a provision with reference to what debtors the court may discharge, as follows:

"That the debtor did make an assignment * * * and that no attachment has been levied upon the property of such debtor within three months before the passage of this bill: *Provided, however*, That if, within four months after the levy of an attachment, the debtor shall execute an assignment or cession and file a petition for a discharge as herein provided for, the execution of such assignment and the filing of such petition shall vacate the levy of such attachment, and such debtor shall be then entitled to the benefit of the provisions of this act."

The primary purpose of this bill is to provide for the granting of discharges, and yet it is here provided how a debtor may "vacate the levy of" a State attachment, otherwise than by paying the demand or giving bond; would a State court which had issued an attachment, and a State officer who had executed it, pay any attention to such a provision in a United States law? Ought they to do so?

We will consider for a moment, only for a moment, that this bill may properly provide that an attempt of the defendant to assign the title to the property which has been attached and the filing of an application for a discharge in the United States court will vacate the levy of a State attachment. We take this view simply to enable us to consider an additional defect in this provision. Suppose that within the time provided the debtor makes the assignment or cession, but the property shall have already sold under an attachment prior to his making such application, or prior to his making such assignment or cession, and the proceeds of such a sale have been paid over to satisfy the demands of the attaching creditors.

The effect, in such an event, could not be to "vacate the levy of such attachment." Could the creditors who had not attached enforce this provision? Would the debtor be entitled to file his application for a discharge? Suppose that his attempt to assign the property as herein provided should be ignored by the State court issuing the attachment and its officer levying it, could the debtor then file his petition for a discharge? Is there anyone who will claim that such a provision is constitutional?

In brief, is not this bill unconstitutional because of what it contains and what it does not contain?

As between a bill concerning which, if enacted, there would be at least a reasonable doubt as to its constitutionality and one concerning which no such doubt exists we are in favor of the latter

IS THE BAILEY BILL A BANKRUPTCY BILL?

Does the measure of Mr. BAILEY constitute more than an attempt to meddle with the State courts in their endeavor, under imperfect insolvency laws, to exercise the jurisdiction which was reserved to Congress by the Constitution? Is it anything more than an endeavor to pay, by the judgment of a court, the debts of debtors who never have been adjudged, and may not be, bankrupts?

Can a law under which there can not be any bankrupts be said to be a bankrupt law?

This bill does not purport, by its terms—

"To establish * * * uniform laws on the subject of bankruptcies throughout the United States,"

as provided by the Constitution. Its language is as follows:

"A bill to establish a uniform system of bankruptcy."

Even if the title conformed to the language of the Constitution, it would not make it a bankruptcy bill. You can not make a signboard into a house by posting a notice upon it, "This is a house."

"Laws on the subject of bankruptcies" had well defined characteristics when that provision was inserted in the Constitution. It follows that any bill which it is proposed to enact, under the power given to Congress by the Constitution, must have those characteristics or else there is no power to enact it. Those characteristics were that there should be an adjudication in bankruptcy; an identification of the creditors and an adjudication of their rights; the discharge of, or refusal to discharge the bankrupt if he filed a petition therefor; an administration of the estate; and the punishment of those who had committed frauds.

The first step is to give the debtor a status which will vest the court with jurisdiction of him and of his estate; suppose that in an involuntary proceeding in bankruptcy, under a bankrupt law, it should be found that an act of bankruptcy had not been committed; the result would be that the court would not have jurisdiction and the case would be dismissed. If, upon a hearing for the discharge of a voluntary bankrupt, under a bankrupt law, it should appear that he had never filed a petition in bankruptcy, it would follow that he had never become a bankrupt, and therefore the court never had jurisdiction of him and his application for a discharge would have to be dismissed.

In other words, a bankruptcy court can never have jurisdiction of anyone except a bankrupt; when such jurisdiction is acquired it extends to the rights of the creditors, the rights of the bankrupt, the administration of the estate, and the protection of the creditors, the bankrupt, and the estate, by the punishment of those who have committed frauds.

Under the Bailey bill the debtor is required only to make an assignment, secure its acceptance by the trustee therein named, and apply for a discharge. It is not necessary that the assignment shall have been filed or that his status shall have been fixed by the decree of any court. It can not, therefore, be said that he is a bankrupt. As the debtor does not become a bankrupt the bill can not be a bankrupt bill.

Mr. BAILEY in his report makes an admission as to the character of his bill as follows:

"This bill not only differs from all previous enactments in being purely voluntary, but another and material difference is that under it the property is administered according to State laws."

Can a law which "differs from all previous enactments" be established under the Constitution?

We hasten to explain, in view of the failure of the bill reported to have any of the characteristics of a bankruptcy law, that it was reported in the absence of three members of the committee on the day after it was introduced, and that there was a feeling that the House would decide the question, and that it was desirable to get the subject up again for consideration without delay.

In view of the characteristics of the bankruptcy law provided for in the Constitution, formulated and unanimously adopted by George Washington and his associates, what is the bill by Mr. BAILEY and his associates? It is unknown to the Constitution; it has no parallel in past legislation; it is a stranger to us, and we can not, therefore, give it a name. We advocate a bill which, when read to or by the members, will be found to contain each one of those characteristics, expressed in plain and simple language. We therefore think that it ought to be adopted as a substitute and then passed.

WILL THE BAILEY BILL APPLY TO THE DEBTORS OF THE WHOLE COUNTRY?

The language of the Constitution which confers upon Congress the power to pass such a bill as the one in question is as follows:

"To establish * * * uniform laws on the subject of bankruptcies throughout the United States."

We are in favor of carrying into effect this provision of the Constitution by the enactment of a perfectly fair and impartial law, as understood by our constitutional fathers.

The first section of the Bailey bill provides as follows:

"That if any debtor * * * shall execute an assignment or cession of his property, valid by the laws of the State, etc., * * * it shall have the effect hereinafter provided for."

The Legislature of Montana never has passed an assignment law. It has relied upon Congress to pass a bankruptcy law. Will the effect of the measure proposed be, if enacted, to deny any relief to the debtors of that State? Why should we pass such a law when we may as well pass one which is comprehensive of the rights of both debtors and creditors "throughout the United States," as provided by the Constitution?

We have not had time to examine the statutes of all of the States; there may be others which have no laws upon the subject. If so, their citizens may, under this proprosed law, be denied their constitutional rights.

This law will result where it applies, if enacted, in a diverse administration of the estates of bankrupts in the States and Territories and the District of Columbia. Can it, therefore, be said to be "uniform throughout the United States"?

The citizens of all of the States which now have such laws may be denied their constitutional rights, as citizens of the United States, by their supreme court deciding that such laws were for some reason void, or by the repealing of such laws by their Legislature. This proposed law may be, in effect, enacted or repealed again and again by legislative action thereon and without any action by Congress.

This proposed law does not of and within itself confer any right upon a citizen; the right which it purports to confer is wholly dependent upon the action heretofore or hereafter of a State or Territorial Legislature or by Congress with reference to the District of Columbia.

Why should our constitutional rights as citizens of the United States be thus denied us, or be jeopardized by the possible action of our courts or Legislatures, since they act wholly as to our rights as citizens of the State?

Would the passage of this bill indicate that we were a national body, composed of representatives from the whole country? We think not.

The first section provides as follows:

"That if any debtor * * * shall execute an assignment or cession of his property, valid by the laws of the State, etc., * * * in which he may reside or be domiciled, or if he have property in any other jurisdiction, then as to such property, valid according to the laws thereof, and also in accordance with the requirements of this act." * * *

The above provision is contradicted by one from the second section, as follows:

"That such assignment shall be made in accordance with the laws of the State where the debtor resides."

The second section also provides as follows:

"The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the debtor resides, subject to the provisions of this act."

The debtor having property in two States can never make an assignment according to both of the above provisions and therefore can not, as it seems to us, have the benefits of the act.

The debtor having property in two States can never secure the administration of that part of it which is situated in a State other than that of his domicile according to any laws other than those of the States in which the property is situated; the provisions of this act, therefore, can never be complied with in that respect. In view of these provisions what must be said concerning the uniformity of this bill "throughout the United States?" Possibly the explanation is to be found in the title to the bill; it is not, by its terms, to establish uniform laws "throughout the United States," as required by the Constitution, but only "to establish a uniform system of bankruptcy."

Upon a consideration of the whole subject it seems to us that we must reach the conclusion that the enactment of such a law would not be a full exercise of the power conferred upon Congress by the Constitution to legislate upon this subject.

Such are the provisions of the bill reported favorably, the next day after being introduced, by a committee of lawyers of which we are members!

SMALL DEBTORS MUST, BUT LARGE ONES NEED NOT, PAY.

Section 1 of the Bailey bill provides that it shall apply only to persons who owe $300 or more. Why should this financial limitation be put upon voluntary bankruptcy? The man who owes less than this sum may be as effectually borne down by it as the man who owes a greater sum. The probabilities are that he will be less able to pay it than the man who has succeeded in owing a larger amount. Why should a rule be established that a debtor who owes amounts up to $300 must pay, or continue to owe them, but the debtor who owes a larger sum may secure a discharge without the payment of any sum? We contend that all citizens should be equal before the law.

Can it be possible that the members of the Committee on the Judiciary wish to recommend to the House that it shall draw this kind of a distinction between citizens who have large financial obligations and those who have small ones?

Would the passage of this bill indicate that we earnestly wish to legislate wisely for the equal benefit of all classes of the people? We think not.

The complete bill extends the benefits of voluntary bankruptcy to all debtors, except corporations, without invidious distinctions as to amounts owed. It provides that creditors holding unsecured claims for $500 or over against

a common debtor may commence proceedings for themselves and such other creditors as may wish to join them. This provision was made as to involuntary bankruptcy because it was thought that a substantial benefit would not accrue to creditors by permitting them to proceed in cases where the indebtedness was less than that sum.

We do not want in this country any distinction between citizens under the laws because of their occupation, or because they are rich or because they are poor. We want if possible for an honest man, irrespective of the amount he owes, to make a voluntary surrender of his property, except his exemptions, and, if honest, secure a discharge; but we do not want it to be possible for a rich man to hide away his property and then go into bankruptcy and secure a discharge from his debts which he could and ought to pay; we do not want it possible for poor men to become rich by such means.

If a debtor has become insolvent and can not meet his obligations and protect his property we think his creditors ought to be entitled to proceed, under very careful restrictions, to secure the payment of at least a percentage of their claims, since it is the same to them in dollars and cents whether the loss they suffer grows out of dishonesty, incompetency, or the misfortune of their debtor. We want it to be possible for the creditors of a debtor who has swindled his creditors, or is preparing to swindle them, to be able to interfere by involuntary proceedings and secure their equitable rights.

The bill we offer as a substitute for the Bailey bill will apply, approximately, to the affairs of only one in a hundred of those who do business or conduct agricultural, mineral, or other industries in whole or in part on credit; it will affect the affairs of those to whom it does apply with impartiality, and therefore ought to be passed.

THE PROTECTION OF SERVANTS AND LABORERS INCOMPLETE.

The third section of the Bailey bill provides that there may be preferences for—

"Debts due the United States or any State in which any of the property of the debtor is situated, or to the servants or laborers of the debtor."

This provision leaves it discretionary to the debtor as to whether he will or will not provide for his servants or laborers, unless there is such a provision in the State law. We think that any bill on this subject should provide that servants and laborers should have a preferred claim for their wages. Eight of the States, as shown by a published table, do not make any provision under their assignment laws for the protection of servants and laborers. Such States and Territories as have enacted such laws might repeal them.

Would the passage of this bill indicate what we know of the daily necessities of laborers and of the wise public policy which justifies the payment to them when their employer fails of their wages for a limited time before such failure and in a reasonable amount? We think not.

The bill which we submit as a substitute makes provision for the payment of the wages of servants and laborers earned within a reasonable time, before the date of the failure of the employer, and for a liberal amount, without reference to whether the States have or have not done so. It thereby not only secures the rights of those in the States where they would be neglected under the provisions of the Bailey bill, and in all of the other States where they might be so neglected by the repeal of present laws, but it establishes a uniform rule under which the rights of servants and laborers of the whole country will be protected.

The wages of employés should be paid, because it will promote alike the best interests of debtors and other creditors. The great body of laborers live from day to day on their daily earnings. If they were compelled, in the event of the failure of their employer, to take a percentage of their wages in common with other creditors, as they might have to in eight of the States under the Bailey bill, it would result in untold hardships to them and their families. The possibilities of having such calamities befall them would result in their having always to be on the alert with reference to the financial standing and moral worth of their employers. Whenever it happened that they knew that their employers were about to fail, or thought there was danger, or heard a rumor, or became frightened, with or without cause, they, or many of them at least, would be compelled in financial self-defense to quit their employment.

Such a result might possibly be secured by the circulation of a malicious rumor as to the solvency or fraudulent acts of an employer. The abandonment by employés of their employment at a critical time might ruin financially a solvent, honest employer. Such an abandonment might result in irreparable damage to the property of an employer who had become insolvent, and thereby result in great injury to the property interests of the creditors.

The bill we offer as a substitute is not liable to these objections, and hence ought to be passed in the best interest of employés, as well as other creditors, and of debtors.

IMPERFECT AS TO DISCHARGES.

The fourth section of the Bailey bill provides that—

"Such debtor, after the expiration of four months from the date of the execution of the deed of assignment and the acceptance of the trust by the trustees, may file his petition * * * asking for a discharge from said debts."

Suppose the trustee should not accept the trust. In that event the debtor might not be able to file his application for a discharge; at any rate he might be denied what ought to be his right, or hampered and delayed in securing it, by the whim or caprice of a trustee. There is no pertinent relationship between the right to file an application for a discharge and the acceptance by the trustee, and the bill ought not to make the one dependant upon the other.

This bill provides how property shall be assigned, surrendered, and administered. There are now in the country many hundreds of thousands of honest debtors who ought to be discharged under any law which may be passed, but who have no property to assign, surrender, or to have administered; will this bill apply to this army of men? If it will, why should they be put to the trouble of making an assignment under a State law only to go with a copy of it to a United States court and begin another proceeding?

This bill provides that a debtor can not apply for a discharge in a United States court until after making an assignment under a State law. Great numbers of unfortunate men have been compelled to make assignments under the imperfect State insolvency laws during the many years that Congress has refused to pass a wise bankruptcy law; their estates have been administered and they are now penniless. Many of the States have passed insolvency laws under which creditors may cause the estates of their debtors to be liquidated. Many, many men have seen their estates thus disposed of, and are now waiting for relief under a national law. Will this bill apply to these different classes of unfortunate men? If so, why should it not permit them to apply directly to a United States court? Why require first the making of a needless assignment of nothing in a State court?

The creditors of many dishonest debtors have sued them for their debts, litigated with each other for preferences, and paid the costs and expenses. Sometimes they have recovered some part of their claims, sometimes they have lost everything in addition to their costs and expenses, and frequently debtors have escaped with the goods and money.

It is proposed by this bill that such creditors shall lose the residue of their claims against their debtors unless they go to the further expense of, first, contending with the personal representative (the assignee) of the debtor in a State court; and, second, defending in a Federal court an application for a discharge, which must be granted even to dishonest applicants, unless it happens that their assignment was made within three months before the passage of the bill.

Debtors and creditors have always found that diverse laws and complicated proceedings aid rascals, cause needless and exorbitant costs, and hamper and disgust honest men.

Would the passage of this bill indicate that we were familiar with past legislation upon this subject? We think not.

The complete bill will be found, when it shall have been read to or by the members, to contain plain and simple provisions by which every deserving bankrupt may, in an inexpensive way, secure a discharge. It will be found to contain also safeguards to prevent rascals extorting from a court of justice a certificate of discharge, which will constitute a fraud against small and large creditors. We therefore recommend it as a substitute

NO LIMITATION OF TIME AS TO APPLICATIONS FOR DISCHARGES.

Section 4 of the Bailey bill provides:

"That any such debtor, after the expiration of four months from the date of the execution of the deed of assignment, * * * may file his petition in the district court of the United States for the district in which he resides * * * asking for a discharge from said debts."

The fraudulent debtor—an individual or corporation—who ought not to be discharged by any law enacted by honest men for honest people may, under this bill, file his or its application at any time while the law is in force subsequent to the expiration of four months.

Thus he or it may abide his or its time and then proceed with perjured testimony to exact from a court of justice, in the absence of the dead and indifferent creditors, a certificate which will constitute a fraud upon his or its creditors and enable him or it thereafter to enjoy the same benefits as those bankrupts who have become such through no fault of their own and who have been given a discharge upon the merits of their cases.

It is not required that the application shall be made in the United States district court having the same territorial jurisdiction, or partly so, as the court in which the assignment was made; the provision simply is that it shall be made "in the district court of the United States in which he resides."

If, for example, the assignment was made in Mr. BAILEY's district, and the conduct of the debtor has been so reprehensible as to prevent the probability of his securing a discharge in the United States court of that district, he may move to California or to any other district within the country and there again apply for a discharge; if the discharge should not be granted, the petition will be dismissed, and will, of course, not constitute any bar to a removal to Maine or some other district and the renewal of the petition, until in the end a certificate of discharge shall have been exacted from a court of justice.

The bill we advocate provides that the application shall not be made within two months after the adjudication, that it may be made to the court in which the proceedings are pending within the next four months, or, if it can not be made within that time, the judge may permit it to be made within the next six months, but it shall not be made thereafter. The purpose of this provision is to have the matter disposed of within a reasonable time, to the end that all parties in interest shall have an opportunity to be heard and that justice may be done.

The discharge of honest insolvents who have failed, through no avoidable fault of their own, is justified by a wise public policy. They can not, while resting under the burden of their debts, either pay them, discharge their full obligations to their dependents, or fulfill the greatest possibilities as citizens in the communities in which they live. It was intended by the founders of the Government that these men should be discharged. We are ready to make good such intention, by the passage of a law pursuant to which they may be discharged under such careful restrictions as will prevent bad men slipping through at the same time; we therefore urge the passage of the complete bill.

A DISCHARGE MAY BE IMPROPERLY GRANTED OR WITHHELD.

Section 5 of the Bailey bill provides, among a lot of other things, that;

"Upon hearing of the petition if it shall appear that the debtor did make an assignment as authorized by this act." * * *

There is no limitation as to the number of assignments which he may have made; if, therefore, the first assignment does not conform to the provisions of the bill, it seems to us that he may subsequently, at his convenience and under the circumstances which are thought to be entirely compatible with his interest, proceed to make another assignment, and then force through his discharge.

There are certain limitations as to acts which might prevent the granting of a discharge if consummated "within three months before the passage of this act," but there is no limitation or inhibition against the same class of fraudulent acts if they shall have been committed prior to such three months, or if they shall be committed after the act has gone into effect.

It is provided by section 5, among other things which a petitioner must show upon a hearing for his discharge, as follows:

"That no attachment has been levied upon the property of such debtor within three months before the passage of this bill: *Provided, however*, That if, within four months after the levy of an attachment, the debtor shall execute an assignment or cession and file a petition for discharge as herein provided for, the execution of such assignment and the filing of such petition shall vacate the levy of such attachment, and such debtor shall be then entitled to the benefit of the provisions of this act." * * *

We do not comprehend why the simple fact of an attachment having been levied against a debtor "within three months before the passage of this bill" should, of itself, bar him from the right of receiving a discharge; the language is that the attachment has been "levied."

Many innocent men have their property wrongfully levied upon, and in the end the attachment is quashed. Why should the men who have been thus unfortunately attached, within three months before the passage of this bill, have any different rights than the same class of men who may happen to have been attached either before or subsequent to that period? The making of an assignment and applying for a discharge will not enable such debtor to receive a discharge. The reason that it will not do so is that "the execution of such assignment and the filing of such petition" will not "vacate the levy of such attachment." The time never will come, therefore, when "such debtor shall be then entitled to the benefit of the provisions of this act."

This bill proposes to divide all time into three periods: First, the three months before its passage; second, the infinity of time before such three months; and third, the two years during which it is to be in force. It provides that the rights of those who may apply for a discharge shall be determined, not with reference strictly and only to whether such acts as they have committed were right or wrong, but especially with reference to whether they were committed within a particular one of these three periods

We do not know any reason why any such distinction as this should be made. The bill we advocate does not make any such distinction.

The method proposed of making proof under an application of a bankrupt for a discharge is an unheard-of departure from the ordinary proceedings in courts of justice in this, that it not only requires the applicant to prove that he has done certain things, but that he has not done others, *i. e.*, he must prove himself innocent. A bankruptcy bill should provide, in our judgment, with reference to a discharge so far as the applicant is concerned, that he has become a bankrupt by a decree of court, that he has filed his application within the time limited by the act, and conclude with a prayer for his discharge.

It should then be the right of those who are in interest to oppose the discharge to show, as an affirmative proposition, that he has done any one or more of the acts the doing of which, according to the terms of the bill, would prevent his receiving that great privilege. Such are the provisions of the bill we advocate as a substitute for this one.

CERTAIN DEBTORS OUGHT NOT TO BE, BUT WILL BE, DISCHARGED.

The fifth section of the Bailey bill provides that a discharge shall be granted if upon a hearing of the petition, it shall appear as follows:

"That the debtor did make an assignment as authorized by this act, * * * and that within three months before the passage of this act no creditor of such debtor had been preferred in any manner except as authorized by this act, and during said time no other act was done or suffered to be done by such debtor respecting his business or estate to prevent an equal distribution of his estate among his creditors, or to give one creditor an advantage over another, or to defraud his creditors, and that no attachment has been levied. * * * *Provided*, That no person shall be discharged from any debt or obligation which shall have been created * * * in any other fiduciary capacity."

Persons will not be discharged as to debts which may have been incurred in a fiduciary capacity, but there is no limitation as to the discharge of corporations; they may deliberately prepare for and make an assignment in certain parts of the country, except within three months before the passage of this bill, and afterwards secure their discharge without let or hindrance. Do the members of this committee, not joining herein, wish to maintain that position in the House?

There are now in the country large numbers of trust companies which become executors and administrators of the estates of the dead, guardians of the estates of children, and trustees of sacred funds of all sorts, and otherwise act in fiduciary capacities; there is no prohibition in this bill against their securing a discharge from debts created by their embezzling such funds; it prohibits a person from securing a discharge under exactly the same conditions. Why this distinction between corporations and persons?

There is now a national law for the government of national banks, which is more rigid and under which they can be better managed than under any bankruptcy law. Do the members of this committee, who join in recommending the Bailey bill to the House, wish to be understood as desiring to have national banks secure discharges in bankruptcy and go on in business?

All debtors, except such as shall have made an assignment within three months before the passage of the bill, are to be discharged; not simply the honest debtors who have surrendered their property over and above their exemptions, but also the fraudulent debtors, of every degree of vileness and degradation; the insolvent railroads, the bursted banks, the rotten insurance companies, and everybody else—all are to be discharged; not only those who can not pay, but those who can but will not pay, are to have their debts, in effect, paid by the judgment of a court of equity! There is an exception to the above statement; it is that persons who become indebted as the result of misappropriating money or property in a fiduciary capacity can not be discharged; but this prohibition does not apply to corporations; they may plunder estates in their charge, rob children of whose estates they are curators, and embezzle funds received as trustees, and still be discharged under the incomplete bill.

The fact that honest men want a good law established throughout the United States, which shall grant relief to honest insolvent debtors and protect honest creditors in their rights, is made a pretext for considering a bill under which all debtors, except those making an assignment within a particular three months, may be discharged and the rascals who profit by fraud may go unwhipped of justice. Why encourage fraud and dishonesty by the passage of this bill, when by the passage of a complete law we can diminish it?

It may be all right in the estimation of some persons, for parties residing in obscure places to secure discharges from their debts, due to people who are supposed to be rich; we do not believe that the honest people of any part of the country want such an opportunity. How will it be to have live stock and agricultural products sent to market, and have those who are intrusted with their sale secure the proceeds and then make an assignment, and subsequently secure a discharge as provided by this bill? Will the gentlemen who advocate this bill undertake to maintain that it would be right to pass a measure under which such wrongs, or kindred ones, might be perpetrated?

We are in favor of the discharge of voluntary and involuntary bankrupts under such careful restrictions as will prevent dishonest men taking advantage of the law.

Would the passage of the Bailey bill indicate an earnest endeavor on our part to protect the weak and the honest against the strong and the dishonest and enforce the rule of "do unto others as you would that others should do unto you"? We think not.

The enactment of a voluntary law will subject the people to the greatest dangers incident to such legislation, and secure for them only the minimum of good; the enactment of a voluntary and involuntary law would subject them only to the minimum of danger and secure for them the maximum of good. We are, therefore, in favor of defeating the incomplete and passing the complete bill.

JURISDICTION TO BE EXERCISED BY BOTH STATE AND FEDERAL COURTS.

The Federal Constitution not only reserved to Congress the power to establish "uniform laws on the subject of bankruptcies throughout the United States," but prohibited the States from impairing the obligations of contracts. The result is that Congress can, and the States can not, enact a comprehensive bankrupt law.

The Constitution did not give the right to Congress to require the State courts to enforce its laws, but it did provide for Federal courts, and gave Congress the power to so perfect them as to make ample provisions for the administration of the Federal laws. We could not if we would compel the State courts to administer our laws; we ought not to do so if we could. It is the right of the people to have a wise and complete law enacted upon the subject of bankruptcy. It is their right to have it enforced in the courts upon which we can confer jurisdiction, and from which appeals will lie to the Supreme Court, to the end that a uniformity of construction and practice may be secured.

It would not be right, even if it were possible, as it is not, for us to require the States to pay judges and maintain courts to enforce national laws.

Why require an assignment in a State court as a condition-precedent to applying for a discharge in a United States court when the prospective bankrupt has no property to assign?

Why require parties in interest to pay the expenses of proceedings in two courts when by a complete law we can provide for the costs of only one of them?

Congress has been legislating ever since it was first organized, but has never yet passed a law making it necessary for a United States citizen, in order to secure his constitutional rights under a United States law in a United States court, to first begin proceedings under a State law; we do not believe Congress will make any such departure by passing this bill.

Would the passage of this bill indicate that we know that the State governments are different from the Federal Government, and why is it so? That each has its own trial courts to administer its own laws and pays the expenses of maintaining them, and why is it so? That each has a single appellate court to correct the errors of such trial courts, and why it is so? We think not.

We advocate two things: First, the passage of a law contemplated by the Constitution and founded upon precedent, rather than one which will constitute an experiment—possibly a disastrous one; and, second, the postponement of the Bailey bill until its friends submit a constitutional amendment and secure its passage and ratification, if they can, giving a joint jurisdiction to State and Federal courts of laws passed by Congress, so that there will be no question as to our power to pass this kind of a State national law.

Can it be said that this proposed law will tend to "promote the general welfare and secure the blessings of liberty," for which the Constitution was ordained and established? If not, let us pass one which will do so.

A CONFLICT BETWEEN STATE AND FEDERAL LAWS AND LAWS OF DIFFERENT STATES.

The second section of the Bailey bill provides as follows:

"Such assignment shall be made in accordance with the laws of the State where the debtor resides. * * * The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the debtor resides, subject to the provisions of this act."

Suppose that the laws of the State where the debtor resides and the proposed law shall be in conflict; which will prevail? It is really of no importance to the debtor which will prevail, since the conflict will defeat the objects of the bill; *i. e.*, such conflicts will, without his fault, prevent his securing a discharge.

Suppose that a debtor has property in several States—which is true of a large percentage of all of the debtors in the country—how can the assignments in the different States all be in accord with the laws of the States where he resides, in view of the fact that the laws of all of the States and Territories are diverse?

The report on the bill of Mr. BAILEY, in referring to the administration of estates under present State insolvency laws, says:

"The fraudulent practices so injurious and demoralizing in their effect upon all communities will in a measure cease, and many traders whose transactions are now a false pretense will resume their business in an open and honorable way."

There can not be any good reason, so far as we can see, for compelling debtors and creditors to continue to seek, as at present, their rights under such State laws as are here described.

We think it a mighty poor compliment to Congress to suggest that it can not pass a wise and comprehensive law, under which the rights of both debtors and creditors will be secure.

Would the passage of this bill indicate that we had ever read the Federal Constitution? We think not.

If we were to join the author of this bill in formulating a new government we might consider the advisability of giving a joint jurisdiction over this subject to State and Federal courts; we might also try to overcome the possibility of each one of such courts deciding a different way and thereby bringing about a serious conflict between the States and the Federal Government, to be fought out at the expense of the unfortunate bankrupts who might try to exercise their constitutional rights under it. But since the State and Federal Governments have been organized on the basis of each being separate, and each having courts to interpret and enforce its laws, we feel constrained to accept the situation as we find it and advocate a law to be administered in the Federal courts in a plain, simple, and economical way.

There never has been such a law enacted as is here proposed in this or any other country. Why should we make such a departure now, when we can instead enact a plain law which will be administered in the courts which administer our other laws, and thus avoid a possibility of unfortunate conflicts between the State and Federal courts and between the courts of the several States.

When the bill we submit shall have been read it will be found that it can be promptly enforced for the impartial benefit of all parties who attempt to conduct transactions on credit but meet with misfortune.

NEEDLESS AND ENORMOUS COSTS.

Section 5 of the Bailey bill provides—

"That the creditors of the debtor shall be made parties defendant, and shall have thirty days notice of the filing of the same, notice to be given as in suits in the courts of the United States, and shall have thirty days thereafter in which to answer said petition."

The cost of securing service on the creditors, which an ordinary debtor has, as above provided, would be enormous; it is very doubtful if the insolvent with many creditors could raise the money with which to pay them. In the case of a debtor not owing a very large amount in the aggregate, but owing small sums to a large number of creditors, the costs of securing service on the creditors might amount to more than the indebtedness. Clearly this bill will not be available for a vast army of painstaking, economical, and worthy men, who have become debtors in a small way; it can be of service only to those who have operated on a scale of magnificent proportions. Under the bill we advocate the creditors would be notified at a trifling expense.

If the petition should be dismissed the costs of course would fall upon the petitioner; if the prayer of the petition is granted in the proceedings in which they shall have been "made parties defendant," and of which they have been given "thirty days notice," and in which they shall have thirty days "in which to answer said petition," would they not be mulcted in the costs?

Why should we require the payment of the costs of two courts by a poor debtor, whom we are professedly trying to assist in a financial way, when the costs of one would suffice? The costs of the assignment might be paid out of the estate, if there was one, but if not, the debtor would have to pay them. As the debtor is required to first make an assignment of all of his unexempt property before he can apply for a discharge, it follows that, if he has done so in good faith, he will have only his exempt property with which to meet this outlay, which, if his creditors are numerous, will be enormous.

There is a very large class of honest men now in the country to whom the benefits of a bankruptcy law should be immediately available; they have no property either exempt or unexempt; they could not pay the enormous costs provided by this bill, and hence it would not be of any benefit to them. If a debtor shall file an affidavit with his petition, under the law we advocate, that he is without money and can not raise a sufficient sum to pay the costs in his case, he will be permitted to receive all of its benefits without the payment of any sum.

The chief purpose of all laws is to prevent the strong imposing on the weak; to keep the dishonest from robbing the honest; and to enforce the Golden Rule in the affairs of life. We do not want a bankruptcy law which we may enact to be an exception to the rule. It therefore must be a measure which can be cheaply administered so as to be available to all classes.

The complete bill requires strict economy on the part of all officers and others who assist in its administration. It will not apply to the affairs of honest, solvent people, but to the affairs of approximately one in one hundred each year of those who do business or conduct enterprises, in whole or in part, on credit, *i. e.*, one in one hundred is about the percentage of those who fail in the course of a year. It is not in any sense a law which will serve as a guide for commencing or conducting business or enterprises, or as a guide in the affairs of everyday life, but is only for the compromise or settlement of the affairs of the unfortunate, or the administration of the estates of dishonest persons, and of unfortunates where a compromise can not be effected.

The bill we advocate will protect the debtor from the avarice of a "Shylock" creditor; it will give him an opportunity to secure a fair compromise, notwithstanding it might be opposed by a minority of creditors who are moved by malice or greed, and who, under present laws, may pursue him to the final sale under the sheriff's red flag; it will secure him his State exemptions, and will, if he is honest, give him a discharge. It will protect the creditor from the fraud of the debtor; it will secure him a pro rata share with other creditors of the same class of the debtor's estate promptly and at small cost.

In brief, in the event bankruptcy intervenes at any time from the inception of the transaction by which one party voluntarily becomes a debtor and the other a voluntary creditor, and during the entire time until the debt is satisfied, the rights of both of the parties will be more perfectly preserved and be more readily and cheaply enforced than under the Bailey bill, or pursuant to the present State insolvency laws.

Ought we not to pass the bill which will in the best sense, and at the smallest cost, serve the interests of the whole people?

IT OUGHT NOT BE LIMITED TO TWO YEARS.

Section 6 of the Bailey bill provides that the—

"Act shall continue in force two years and no longer." * * *

Debtors have failed from day to day since the repeal of the last bankruptcy law, but have been unable to secure a discharge; this bill proposes to accommodate some of them, but as soon as two years shall have expired, proposes that thereafter none of those who fail shall be entitled to a like benefit under the law.

We do not see any reason why a distinction should be made between the rights of the debtor who has failed, or who shall fail prior to the expiration of the proposed law, and the one who shall fail after it has ceased to be in force.

The provision of the Constitution is not that we shall enact for a short time a law for the benefit of those who may happen to be unfortunate during such period, but it is "to establish" such a law "throughout the United States."

We maintain that it is the right of every citizen to have the benefit of such a law, and that it ought to be permanently upon the statute books and at all times available, to both honest debtors and honest creditors. Such are the provisions of the bill we advocate.

This bill should remain permanently upon the statute books, if it is the embodiment of what was contemplated by the Constitution; if it is not such a law, it ought not to be passed.

Why not make a bankruptcy law as permanent as any other law? What would be thought of us as legislators if we provided only at intervals for the exercise of the other constitutional rights of the people?

Would the passage of this bill indicate that we know that to "establish" the Federal Constitution meant that we were to enjoy the rights secured by it for all time and not for a short period from time to time; or that we know that the word "establish," as used in the preamble, is the same word "establish" which is used in conferring on Congress the power which it is here sought to exercise only for two years? We think not.

Honest men do not fail in classes or only at given periods, nor are they proceeded against by their creditors only in certain years, but from day to day, year in and year out. Rascals do not commit frauds to order, but have done so every night for past ages, and will continue to do so during the ages to come.

We ought, therefore, without further delay, first, to read, and then patiently, wisely, and without prejudice to consider the subject, pass the complete bill, and trust to our successors to amend it from time to time, if occasion shall require, so that honest debtors and honest creditors shall at all times find relief and protection under it.

VOLUNTARY AND INVOLUNTARY BANKRUPTCY.

The terms voluntary and involuntary, as used in bankruptcy legislation, apply, or at least ought to apply, solely to the proceedings prior to the rendition of the judgment by which the debtor is declared a bankrupt, *i. e.*, a voluntary bankrupt is one who has filed his own petition, and an involuntary bankrupt is one against whom a petition has been filed by his creditors; after the judgment is rendered, the rights and duties of the bankrupt or his creditors do not and should not differ in any respect.

Debtors who may be adjudged bankrupts should be considered under four headings, as follows: First, insolvent honest voluntary bankrupts; second, fraudulent voluntary bankrupts; third, insolvent honest involuntary bankrupts; and, fourth, fraudulent involuntary bankrupts.

The first class embraces honest insolvents who have petitioned voluntarily for the benefits of the law. There is no disagreement, either in the committee or the House, among the members who are willing to exercise the powers conferred upon Congress by the Constitution, as to the wisdom of providing, without further delay, for the members of this class.

Those who may be placed in the second class, *i. e.*, fraudulent voluntary bankrupts, are those who have obtained or retained property fraudulently, placed it beyond the reach of their creditors, and voluntarily petitioned for the benefits of the law. The only object which a member of this class would have in going into bankruptcy would be to get a discharge and be thereby the better enabled to enjoy his ill-gotten gains. We do not believe that there is a disposition on the part of the members of this committee to favor this class of men, and yet we know that they, in large numbers at least, could obtain undeserved discharges under the Bailey bill.

The third class, *i. e.*, insolvent honest involuntary bankrupts, is composed of persons who have become insolvent, are unable to pay their debts or protect their property from being inequitably distributed among their creditors, and have therefore, pursuant to proceedings by their creditors, had their property, over and above their State exemptions, turned over to a trustee to be ratably distributed; they will be entitled to a discharge. There is a disagreement among the members of the committee as to this class.

Our opponents say, in effect, that no relief under the provisions of involuntary bankruptcy should be granted to debtors so situated or to their creditors; that a debtor should be left at the mercy of his individual creditors without an opportunity to deal with them as a class; that it is right and desirable that his estate should be taken by those who seize it first, or be kept by those to whom the debtor may deliver it, and that creditors who have extended credit to a common debtor on equal terms shall not necessarily share in his estate on equal terms, or grant him favors on the same basis, but that those who first bring a suit against him shall be paid in full, and those who are most considerate to him shall get nothing.

We contend that a debtor who is insolvent and can not pay his debts, or protect his estate from an unequal division, should have the protection of the complete bill, which will permit him to retain his exemptions, procure a discharge, and enable each of his creditors, of the same class, to receive their pro rata of his estate. Our opponents say that the possibility of there being such a class will give the cruel creditor an undue advantage over the honest debtor. We show that such is not the case; that the cruel creditor may now pursue, in the ordinary course, his debtor to a final sacrifice sale under the scarlet emblem of the executioner; that such a pursuit may not only be to the financial disadvantage of the debtor, but of the other creditors as well.

We also show that under the bill we advocate the bankrupt will not be at the mercy of the individual creditor, as at present; that the favors which the bankrupt may receive in the form of an extension of time or a reduction of his indebtedness, or both, will be from his creditors as a class and by the decree of a court of equity; that these favors will not be extended or withheld according to the whim of the creditors and as a charity, as at present, but will be available for the benefit of the debtor and his creditors alike, and may be enforced as provided by the Constitution.

The fact that debtors may have the protection as above will make men more willing than at present to conduct and extend business, conceive enterprises, and borrow money to promote them, thereby becoming debtors. The fact that creditors will thus be put upon an equal footing with other creditors of the same class will make them more willing to sell property for which they have or have not paid, and to loan money which they have accumulated or borrowed.

It follows, therefore, that the omission of this class, *i. e.*, insolvent honest involuntary bankrupts, would render the system of bankruptcy legislation incomplete, and injure debtors and creditors by omitting these provisions for their protection.

There ought not to be, as it seems to us, but there are, differences of opinion among the members about the fourth class, *i. e.*, fraudulent involuntary bankrupts. Their property should be distributed to the extent of the payment of their debts; they should be refused a discharge and punished for their wrongdoing. This should be done not only because deserved in the individual case, but as an example to deter those who are morally weak from essaying the same role.

The Bailey bill does not make any provision for the protection of the people from the machinations of fraudulent involuntary bankrupts; they will be protected under the bill we advocate. This omission from the Bailey bill should be a sufficient reason, even if there were not numerous others, why the complete bill should be substituted for it.

Those who say that there is a demand for any law which is short of a complete and just one, have never felt the pulses of the sturdy men whose predecessors framed the Constitution, and whose brains conceive, integrity plumbs, and industry carries on, from day to day, the industrial and commercial transactions of the country.

THE LAW OF THE "POOR ENGLISH GENTLEMEN."

In England in very early times there was no such thing as a voluntary bankruptcy law, but all laws upon that subject were involuntary and applied only to traders. Later there was a voluntary scheme for "poor English gentlemen," and under it they might avoid imprisonment for debt; but if guilty of fraud they were subjected to onerous punishments.

A purely voluntary system of bankruptcy, applicable to all classes, has never been in force in this or any other country.

In the evolution of thought upon this subject it was discovered that voluntary bankruptcy might be extended to debtors who were traders, since, if they became insolvent and could not protect their property from an equitable division, or were guilty of fraud, the rights of their creditors could be protected under the provisions of the law of involuntary bankruptcy. As a result the voluntary feature was added to the involuntary law in Great Britain by 6 George IV, chapter 16, and since then the two systems have been one. Prior to 1861 the involuntary system applied only to traders. In that year the complete system, *i. e.*, voluntary and involuntary bankruptcy, was extended in England so as to apply, and still applies, alike to all classes.

It does not seem possible that the House of Representatives of the United States wants to go back to the abandoned law of the "poor English gentlemen" as a precedent for legislative action.

The part of a bankruptcy law most difficult to draft is its voluntary provisions; they must not only provide relief for the honest bankrupt, but they must refuse relief or encouragement to the dishonest bankrupt. It would be quite easy to write a bill saying that the court should grant applications for discharges; the passage of such a law would result in good honest poor men getting discharges, and in so far it would be a good law, but it would also enable a lot of rascals to escape the payment of just debts, and in that respect it would be a bad law.

The fact that all debtors might get a discharge, without the possibility of the interference of their creditors, would curtail credits and do untold harm to all of the members of that great class who conduct their various transactions on credit, and in that respect also would be a bad law. All of the scandals under the old law grew out of proceedings under its provisions for voluntary bankruptcy.

The only ways yet discovered to keep the frauds under a voluntary law down to the minimum, are to make it possible for parties in interest to interfere, by commencing involuntary proceedings, before the fraudulent plans have been consummated and the property secreted or wasted, to provide adequate punishment for fraudulent acts, and to refuse a discharge to dishonest bankrupts.

The measure in question is an imperfect voluntary bill. It is not provided with effective safeguards, for the protection of the rights of honest debtors or honest creditors, but is calculated to encourage every wrong which is known to rascals.

We think that a bankruptcy law ought to apply to all classes of our citizens, as well as be uniform throughout the country.

The "poor English gentleman" law answered a purpose in its time, but it is not adapted to a country where there is no imprisonment for debt; it does not meet the needs of the majority of American citizens, who are all rich—not always in money, but always in integrity, in energy, and in op-

portunities to promote their own happiness. We of the United States want a fair and complete law, which shall be comprehensive of the subject and under which the rights of all classes will be secure.

ALL DEBTORS ARE NOT POOR NOR ALL CREDITORS RICH.

It seems to us that the most tenable theory upon which a purely voluntary law may be advocated, in opposition to a complete law, is that all debtors are poor, and hence ought to be favored, and all creditors are rich, and for that reason ought not to be protected by bankruptcy legislation. It goes without saying that this theory is not true. Most men engaging in either small or large transactions occupy the dual position of both debtor and creditor. One of the largest classes of creditors in the country is the day laborers. The largest class of debtors in the country is the railroads; they owe more than six times the amount of the national debt; the next largest class is the banks.

Let us consider some of the conditions to which it is proposed by our opponents to apply a voluntary law, and to which we propose to apply both the voluntary and involuntary or complete law. Suppose we take cotton and trace it from the raw material on the plantation until it returns as a cloth to be used by the planter, and, for the purpose of illustration, say that it is handled on the entire circuit on credit and at the same price. When the cotton is sold to the factor, the planter thereby becomes a creditor and the factor becomes a debtor. The manufacturer buys it and becomes a debtor and transforms the factor into a creditor. The manufacturer makes it into cloth and then sells it to the wholesaler; he in turn changes from a debtor to a creditor, and the wholesaler becomes the debtor. The wholesaler becomes a creditor by selling it to the retailer, who thereby becomes a debtor. The planter when he buys the cloth becomes a debtor and the retailer a creditor. Each person named has in turn been a voluntary debtor and a voluntary creditor. The debit and credit side of every transaction has been exactly equal and the totals are, of course, equal.

Why should the planter, the factor, the manufacturer, the wholesaler, and the retailer, who have all in turn become voluntary debtors, have any advantages as such debtors, pursuant to national legislation, without at the same time having reciprocal advantages as voluntary creditors with reference to the same transactions and property? Every article of raw material the product of which is used by the producer may be traced in like manner. The example holds good and the reasoning is unanswerable irrespective of whether the contracts of exchange from the producer through middlemen to the consumer relate to the same article in its different stages or to different articles which may be voluntarily exchanged for the convenience or profit of the people.

Roughly speaking, the planter and farmer must pay for the products of the mills and looms with the products of the fields; the laborer must pay for the comforts of life with the products of labor; the business man must pay his expenses with the profits on his merchandise; and the man of wealth must pay for his luxuries with the income from his fortune. The same is true of everyone of every class, *i. e.*, everyone must pay for everything bought with something produced or acquired. Why, therefore, should anyone who buys or sells on credit be favored by national legislation to the detriment of the other party to the same transaction?

It therefore follows that there is no reasonable theory upon which a bankruptcy law should be passed in the interest of any one class. Such a law, like all other laws, ought to be in the best interests of the whole people. Any class law ought not to be passed.

THE BAILEY BILL WOULD DESTROY CREDIT.

Business and commerce have suffered a paralytic stroke; agriculture and the industries have been seized with the palsy. Even if they shall now recover, they will be liable to a recurrence under the present diverse State laws. The votaries of each need a restoration of confidence between themselves, and between them and the possessors of accumulated wealth, to enable them to secure credit and money with which to pursue their callings for securing profit and enjoying happiness.

Can this result be accomplished by the passage of a law, such as the Bailey bill, under which the poor debtor and the rich debtor may alike secure a discharge, except that individuals can not secure a discharge from fiduciary debts, irrespective of whether they are honest or dishonest, if they make an assignment more than three months before the passage of this bill, or after its passage, and before it expires by limitation? We say no. We do say that such confidence can be restored, and such results achieved under the bill we advocate, since under it the rights of both debtors and creditors will be more secure than under the present State laws.

The principle of the voluntary bill has been condemned by the people and the press; not only the principle of voluntary and involuntary bankruptcy, but the terms of the bill we advocate have been approved throughout the length and breadth of the country by all classes of honest people.

The fact that wrongs may be perpetrated in the industrial and commercial world makes it necessary to erect and maintain expensive safeguards; just in proportion as the laws are complete and wise these expensive safeguards are not necessary; just in proportion as the laws are imperfect and permissive of wrongdoing, these safeguards must be fortified. These expenses are not paid by the rascals who occasion them, but by the honest consumers who support the toilers of the industrial and commercial world.

There has occasionally been before the House a bill which, if enacted, would ruin, in a financial sense, a single class of men; but there never has been one before it, to our knowledge, so far-reaching in its destructive qualities as this one, or so well calculated to destroy the credit of all classes, by preventing honest men buying goods and borrowing money, except upon prime security or mortgage. Never before have we had before us such a bill as this one, under which all debtors, except persons who have become such in a fiduciary capacity, might be discharged only to find that they could not buy goods or borrow money, because it would be possible under the law that they might, upon receiving such goods or money, make away with them and again get a discharge, and thereby rob their beneficiaries and bring distrust and bad repute upon all honest debtors.

Would the passage of this bill indicate that we know that the affairs of everyday life, including business and enterprises, can not be extensively and successfully carried on without credit; that credit is founded upon confidence, and that confidence can not exist, in a general sense, except under good and impartial laws? We think not.

Why curtail credit by the passage of this bill when we can, by the enactment of a complete one, extend it?

By reading the bill we recommend it will be seen that it is comprehensive of the best interests of all parties. It will therefore beget confidence in both debtors and creditors and result in an extension of credit and the increase of the industries and commerce. For these reasons, as well as others, it ought to be passed.

HONEST DEBTORS DO NOT WANT, AND THE DISHONEST SHOULD NOT HAVE, A PURELY VOLUNTARY LAW.

There are many hundreds of thousands of present helpless, honest, insolvent men in the country who, while pursuing their chosen avocations, have had their property swept away in legal warfare between their creditors.

This vast number of men are either out of employment or are serving in menial places at small compensation, unable to make headway against the ever increasing interest upon their indebtedness or to accumulate property upon which to pay taxes and with the income of which to support their families and educate their children. These men have not been able to secure discharges because the States can not grant them, since, under the Federal Constitution, States can not impair the obligations of contracts; the State may give them relief from that part of their debts due to creditors of their own State, but not from creditors living in another State. So many of this class of men as become insolvents without fraud ought to be relieved under a wise bankruptcy law.

Honest debtors not engaged in any enterprise or business do not want such a law, because it would destroy or greatly impair credit, and hence after obtaining a discharge under it they would not be able to buy property on credit and borrow money with which to endeavor to repair their fortunes. The enactment of a complete law would enable them to secure a discharge, and would so strengthen credit as to enable them to buy property and borrow money and enter upon and prosecute their chosen callings for their own advancement and in the best interests of the communities in which they live.

The leading characteristic of a bankruptcy law is that it enables a debtor to secure a discharge from his debts—to have his debts paid in effect by the judgment of a court of equity, not a judgment that he has a defense to the claim of his creditor or has paid his debts, but that because of a wise public policy he is excused from paying them. Honest men would, if possible, pay their debts instead of asking for the protection of such a law.

No dishonest man would pay a debt if he could by fraud and perjury get a discharge, and herein lies the one great danger to honest men—the poor and rich alike—of having a bankruptcy law passed. The only excuse for incurring this danger is the great benefit that such a law will be to honest debtors and honest creditors. This danger ought to be reduced to the minimum; it can not be done under a purely voluntary law, not even a plain and simple one; it can only be done by adding to the voluntary law the provisions of the involuntary law, *i. e.*, by putting the debtor and his creditors upon the same basis and giving them reciprocal rights.

It would be bad enough if a voluntary law simply gave to the rich rascal a right to swindle the poor and rich creditors who trusted him, but that is not the half of the wrong done; the success of one rich rascal would beget others; the existence of a class of rich rascals, created and fostered by a national law, would so destroy confidence between men, who buy and sell property and borrow and loan money, that their transactions would be curtailed, and the price of commodities would be increased to consumers, and the interest on money would be advanced to borrowers.

That class of unfortunates, the members of which arrived at their present state through fraud or dishonesty, ought not to be relieved by a discharge, but ought to continue to be liable financially to their outraged creditors. A purely voluntary law might enable them to secure an unmerited discharge, and hence ought not to be enacted.

It is an axiom in equity jurisprudence that those who invoke the rules of equity must do equity; we might with equal reason establish a rule in bankruptcy legislation that those who would be discharged from their honest obligations must be honest men.

PERSONS WHO ARE BOTH DEBTORS AND CREDITORS DO NOT WANT A PURELY VOLUNTARY LAW.

There are very few men engaged in business, in tilling the fields, in working the mines, in manufacturing, or in any of the other industries or enterprises but who are debtors to a greater or less extent and at the same time are creditors.

As a matter of fact very few of all the transactions had in conducting the entire business and promoting all of the resources of the country are for cash. The greater part of all of them are conducted on credit.

It is of the utmost importance that every one of these men who voluntarily becomes a debtor should have the protection of a law under which it shall not be possible for a single creditor to break him up in business, as is possible under the present laws; that is to say, it is usual for a debtor to have many creditors; they are frequently residents of different States and strangers to each other. Any one of these creditors may hear a rumor, either founded or unfounded, as to the solvency of a common debtor, and, if so, he must in financial self-defense, under present conditions, act promptly and in a way to prevent other creditors from obtaining a priority. The result is that great numbers of honest competent men, who, on a fair showing, are solvent and with a little time could pull through, are needlessly driven into liquidation.

Persons who are both debtors and creditors, in so far as they are creditors, are interested in preventing the commission of fraud and the giving of preferences by their debtors. They are themselves debtors, and as such, must pay the amounts which they owe in that capacity, and in order to do so they must be able to collect the amounts which are due them in their capacity as creditors. They must avoid, if possible, suffering a total loss of any of the claims which they have against other debtors. Since only about one in a hundred of those who owe them becomes a bankrupt in the course of a year, they would be practically out of danger if the law we advocate were in force, so that they might be secured against total losses.

The foregoing class of debtors do not want a purely voluntary law, because it would destroy or impair the credit which now enables them to buy property and borrow money, and would hence prove of untold injury to them; a complete voluntary and involuntary law would not harm them in any but would help them in every way. The opportunities of this class to enjoy prosperity ought not to be sacrificed because a voluntary law might prove beneficial to dishonest debtors, who would use it to swindle alike their poor and their rich creditors.

Those who are thus always members of both classes do not want, in their capacity as debtors, any rights, without having at the same time, in their capacity as creditors, reciprocal or corresponding rights. The bill we advocate conforms to their wants, and hence should be passed in their best interests.

CREDITORS DO NOT WANT AN INVOLUNTARY LAW ONLY, BUT A COMPLETE ONE.

The largest class of creditors in this country is composed of those who are employed in various capacities and whose work is necessary to carry on the transactions of the country, and who always have wages due them by their employers from day to day, week to week, or month to month. They are generally employed by those who are debtors—not only for such services, but for materials of all sorts.

There is another class composed simply of creditors, made up for the most part of men who have accumulated a financial competency, either by their own labors or by inheritance, and who make a livelihood by reason of the earning capacity of such competency. This class are quite as anxious to make advantageous investments as others are to buy their property or borrow their money. Just in proportion as the laws are secure they will sell their property or loan their money at long distances from home.

As an illustration of the effect which the laws have upon the members of the creditor class, who have accumulated fortunes, let us suppose a different condition of the laws in two States; let them be Arkansas and Texas. The

supposition with regard to Arkansas is that the laws for the collection of debt are so perfect that every creditor, so desiring, may proceed against his debtor and secure, within a reasonable time, a hearing and a just determination of his rights, at small cost; the supposition is, also, that a wise bankruptcy law is in force, so that the affairs of the bankrupts may be promptly adjusted by arbitration, compromise, or administration.

The supposition with regard to Texas is that an attempt by a creditor to collect a debt from a debtor is hedged about with imperfections in the laws, so that a just determination of the rights of parties litigant would always be greatly prolonged and the satisfaction of a judgment well-nigh impossible; the supposition is also that there is no bankruptcy law in force, and, as a result, pretty nearly every failure will, in the end, amount to a few creditors being paid in full and the rest getting nothing. In which of these two States, under the imaginary conditions as above, would the man of an accumulated fortune be most willing to sell property and loan money? It is a self-evident proposition that he would prefer in every instance, under like conditions, to deal with residents of Arkansas instead of Texas. It would be necessary, in order to induce him to refuse business in Arkansas and accept it in Texas, to increase the profit on property and the rate of interest in the latter State over that charged in the former.

Just in proportion, therefore, as the diverse laws of the States, with reference to assignments, are superseded by one good uniform bankruptcy law, property will be sold on a smaller profit and money loaned at a smaller rate of interest than at present.

Laborers and capitalists are both interested in the enlargement of the debtor class, since the one personally wishes employment, and the other seeks an opportunity to sell goods on credit, or loan money. Any law, therefore, which is designed to protect the interest of debtors will make men more willing to become debtors by giving employment to laborers, buying goods, and borrowing money, and hence will promote the wellbeing of laborers, capitalists, and other members of the creditor class.

CONSUMERS WOULD BE INJURED BY A PURELY VOLUNTARY LAW.

Consumers constitute the class for whose gratification the fields are made to yield their harvests; for whose comfort the looms and mills are put in operation; for the delight of whose fancy chemicals are made to perform wonders and the dextrous fingers of the artist touch the brush to canvas, and for whose benefit the industries are pursued and commerce conducted.

Whenever a series of transactions which result in catering to consumers' wants can be conducted promptly and without fraud or misfortune, the cost is very much less than if they are accompanied by the wrong doing or misfortune of the persons engaged in conducting such transactions.

In this country the great bulk of all the products of the earth, both as raw material and as transformed by the deft hand of man, is consumed in a State other than where produced or transformed. The laws of all of the States relating to dishonesty and misfortune are diverse. Generally speaking every one of the products of the country, when handled by a dishonest man who happens at the time to be prosecuted, or by one who happens just then to have reached the apex of his misfortune, must have added the expenses of such dishonesty or misfortune to its reasonable selling price, and the consumers must pay it.

The Bailey bill does not substitute one good law for the many poor ones, and therefore does not grant any relief to consumers. The bill we advocate substitutes one equitable law for the many, some of which permit debtors to be needlessly ruined and some of which permit creditors to be robbed.

The consumers, therefore, are interested in the enactment of the bill we advocate, since it is a wise and conservative measure and under it fraud will be reduced to the minimum, the rigors of misfortune will be ameliorated, and, as a consequence, the price of commodities will be reduced.

DOES THE BILL AND REPORT OF MR. BAILEY ADMIT THE NECESSITY FOR A COMPLETE BANKRUPT LAW.

The introduction and reporting of the Bailey bill by those members who have heretofore been classed as opponents of the Torrey bankruptcy bill, seems to us to be an admission that the State insolvency laws are not comprehensive of the rights of parties to transactions on credit, and hence ought to be superseded or supplemented by a national bankruptcy law.

In referring to the subject of discharges Mr. Bailey in his report says:

"Many men are to-day conducting their business under other names and concealing their property. * * * The fraudulent practices so injurious and demoralizing in their effect upon all communities will, in a measure, cease, and many traders, whose transactions are now a false pretense, will resume their business in an open and honorable way."

The present imperfect and diverse State laws are responsible for the deplorable conditions admitted above. Since it is necessary to pass a national law to ameliorate these admitted conditions such State insolvent laws ought not to be continued in force but be superseded by it.

It is provided by the second section of the Bailey bill as follows:

"That such assignment shall be * * * for the equal benefit of all of his creditors, subject to all valid liens." * * *

The fifth section provides that a discharge shall be given to a debtor if—

"No creditor of such debtor had been preferred in any manner except as authorized by this act, and during said time no other act was done or suffered to be done by such debtor respecting his business or estate to prevent an equal distribution of his estate among his creditors, or to give one creditor an advantage over another, * * * and that no attachment has been levied upon the property of such debtor, * * * *Provided however*, That if, within four months after the levy of any attachment, the debtor shall execute an assignment or cession and file a petition for discharge as herein provided for, the execution of such assignment and the filing of such petition shall vacate the levy of such attachment." * * *

The report of Mr. BAILEY on his bill says:

"The greatest difficulty which your committee have encountered in this part of their work was to prevent preferences being given through collusive attachments."

An insolvent debtor, who has made an assignment, has no available financial interest in his estate, except his exemptions.

It is right, or it is wrong, that the estate of an insolvent debtor, who has made an assignment, should be equitably distributed among his creditors; this bill admits that an equitable distribution is right.

Since it is admitted that it is not right that one creditor should swindle another of equal rights when they both have amounts due them from an insolvent debtor who makes an assignment, it follows that it is not right to do so when their common debtor is insolvent, but is not willing to make an assignment. As to the debtor who is insolvent, the rights of his creditors should be paramount to his rights, except with reference to his exemptions.

Since it is admitted that it is not right that one creditor of a common debtor, who has made an assignment, should collect his entire debt and thereby prevent his co-creditor, with equal rights, from collecting anything, it follows that it is not right to do so when it happens that their common debtor has acted dishonestly with reference to his property. Since such a debtor has acted dishonestly and thereby subjected his creditors to the danger of the loss of the value of their claims, their rights ought to be paramount to his.

It is also provided by the fifth section that a discharge shall be given to a debtor if—

"No act was done or suffered to be done by such debtor * * * to defraud his creditors."

It is right or it is wrong for an insolvent debtor, who has made an assignment, to defraud his creditors; this bill admits that it is not right for such a debtor to defraud his creditors.

Since it is admitted that it is not right for an insolvent debtor, who has made an assignment, to defraud his creditors, it follows that it is not right for an insolvent debtor, who has not made an assignment, to defraud his creditors. For the same reasons it is not right for a debtor who has acted dishonestly with reference to his property to defraud his creditors.

Section 5 provides that a discharge shall be given to a debtor if—

"Within three months before the passage of this act no creditor of such debtor had been preferred * * * and during said time no other act was done or suffered to be done * * * and that no attachment has been levied * * * : *Provided*," * * *

It is right, or it is wrong, without reference to time, for an insolvent debtor to give a preference to one creditor, when there are others of equal rights, or to defraud his creditors; this bill admits that it is not right to do so within three months before its passage.

Since it is admitted that it is not right for an insolvent debtor who has made an assignment to give a preference to one creditor, when there are others of equal rights, or to defraud his creditors, within three months before the bill is passed, it follows that it is not right that such preference should be given or such frauds committed either before or subsequent to such three months.

Right and wrong are not determined by the calendar; they are determined on principle—principle which is the same now that it has always been; principle which is the same now that it will be for all time to come.

We submit that the Bailey bill constitutes an admission of the necessity for the enactment of the complete bill, but that it is not sufficient to protect the rights of even any one class of honest debtors, to say nothing of the rights of creditors, and hence it ought not to be passed.

THE KIND OF A BANKRUPTCY LAW THE PEOPLE WANT.

The last bankruptcy law was repealed in 1878; ever since then there has been a continually increasing demand for legislation upon that subject by Congress.

Many hundreds of business men's associations, mechanics' exchanges, farmers' alliance and industrial unions, chambers of commerce, lawyers' clubs, boards of trade, tailors' exchanges, builders' organizations, retail associations, wholesale and jobbers' organizations, real-estate exchanges, traveling men's organizations, and other commercial, industrial, and professional bodies, almost without limit as to their objects of organization, in all parts of the country, have considered the subject and passed resolutions, addresses, and memorials, calling upon Congress to exercise its power under the Constitution. Not one of such bodies, or any other, has ever demanded a good voluntary law, or such a one as the State national measure of Mr. BAILEY.

Many of the foregoing bodies have in explicit terms protested against a voluntary law; among them we mention the Tacoma (Wash.) Chamber of Commerce; Mechanics' Exchange, St. Louis; National Association of Builders; Philadelphia Board of Trade; National Brick Manufacturers' Association; Portland (Oregon) Chamber of Commerce; Merchant Tailors' National Exchange; The National Paint, Oil, and Varnish Association; St. Louis Retail Grocers' Association, and the National Convention of the Representatives of the Commercial Bodies of the United States.

The St. Louis Butter and Cheese Dealers' Association; the National League of Commission Merchants of the United States; the Tacoma (Wash.) Commercial Club; and the National Board of Trade have all recently taken action opposing the incomplete and advocating the complete bill.

The proceedings of the foregoing bodies, together with the proceedings of other bodies and documents, appear in the appendix to this report, and will prove interesting and instructive to members.

Thousands of petitioners in every nook and corner of this broad land have petitioned for bankruptcy legislation, but no one of them has ever asked for a good voluntary law, or for such a State-national combination, or measure of mixed jurisdictions, as the Bailey bill.

The great mass of the people are honest and they want honest laws. Even the rogues want everybody else to be honest. Good laws promote honesty and make it easy to buy property and borrow money; bad laws encourage dishonesty and make it difficult to buy property and borrow money. The people know this and can not be deceived with makeshift temporary laws.

Trickery may win for a time in business and pretense may pose as enterprise, just as "noise" may pass for oratory, and experimental legislation seem to satisfy public opinion; but in this country, where every man is an elector and a freeman, it will be found sooner or later that trickery must give way to honest methods of business, that pretense will be followed by merit in enterprise, that "noise" will be superseded by sense and sentiment in oratory, and experimental legislation be displaced in the bright light of reason by that which is wise, comprehensive, and just to the whole people.

Why should we pass such a bill in preference to a complete one, since it does not accord with precedents, embodies an experiment, is of doubtful constitutionality, and is not demanded by any interest or individual outside of Congress?

THE OPPONENTS AND FRIENDS OF BANKRUPTCY LEGISLATION.

George Washington and his associates, of the Constitutional Convention, in formulating the scheme of our National Government with reference to its relationship to the State governments, gave the power to establish uniform bankruptcy laws to Congress. When a plan was formulated for the establishment of the Confederacy, it, too, contained a similar provision; this was true of both the provisional and the permanent constitutions.

There are members of the House who think that they are wiser than were Washington and his associates, and those who proposed to establish the Confederate government. These members, so far as they have spoken, have criticised us and given vent to vituperative abuse of the bill, instead of proposing to amend the Constitution or endeavoring to point out defects in the bill.

Possibly our constitutional forefathers were wrong in granting this power to Congress, but we do not think so; even if we did it would not change the fact that since we have the power we ought to exercise it for the best interests of the people we represent. The members who thus disagree with our constitutional forefathers should fight it out with them and not with us or the bill we advocate.

We are earnestly trying to perform, rather than shirk, a duty which was left for us to perform, and the bill we advocate is unquestionably the best measure which has ever been drafted as the embodiment of the power which we are called upon to exercise.

The members of the House who wish a purely voluntary law enacted may be said to constitute two classes; first, those who entertain the mistaken belief that the debtors of the country would be benefited by such a law; and, second, those who think they are wiser than Washington and his associates and those who drafted the constitution of the Confederacy, but, instead of

saying so frankly, assume the disguise of pretending to favor a purely voluntary system of bankruptcy, which they realize would be impracticable if not unconstitutional.

The two classes of members as last above, in so far as they have been heard from, have usually begun a consideration of the subject in one of two ways. They have either, first, tried to elbow us in part out of our position as the representatives of the honest poor debtor, the honest rich debtor, and the honest poor creditor and the honest rich creditor, and then arrogate to themselves the exclusive right to represent the debtor class; or, second, they have improperly and without justification stated that the bankruptcy movement, which has been in existence all over the country for many years, was organized by wicked people for improper purposes and that we are chosen as their misguided representatives.

Neither of their allegations is correct; neither of them will deceive anybody who has the slightest inclination to know the truth. The facts are that we represent the cause of honest people of all classes in the truest and best sense. The advocates of the Bailey bill do not represent anybody outside of Congress who has ever filed a paper upon the subject of bankruptcy legislation in either the House of Representatives or the Senate, so far as we know. Their utterances do not show a wish, on their part, to carry out the provisions of the Constitution in a comprehensive way. The terms of their bill contradict the assertion that they know the provisions of the Constitution and wish to comply with them.

The principal opposition to the enactment of the Torrey bankruptcy bill, outside of Congress, arises from the selfish interest of a few great houses; they have extensive and expensive legal departments for the protection of their interests, and find that in the present chaotic condition of the State laws they can take advantage of defaulting debtors and associate creditors with greater financial advantage than they could under a uniform equitable law. An additional element of opposition comes from people who are opposed to laws of all kinds for the enforcement of personal and property rights, and wish to have a free latitude for the commission of fraud. It may be said also that there is some opposition founded upon ignorance as to the history, purposes, and probable effects of the measure in question. It is a singular spectacle to thus see opulent selfishness using as a cat's paw fraudulent desire and stupid ignorance in an endeavor to prevent honest legislation as provided by the Constitution.

The bill we advocate is comprehensive of the rights of the whole people, so far as it may affect them. It contains a perfectly fair and impartial voluntary bankruptcy law, for the benefit of those honest unfortunates who are hopelessly insolvent to-day; for the benefit of those who are debtors and creditors to-day, but unfortunately may need relief under it to-morrow; and for the benefit of those who are creditors only to-day, but who may be poor debtors to-morrow. It contains a perfectly fair and impartial involuntary bankruptcy law, which will protect those who are both debtors and creditors, and those who are only creditors, from the incompetency, insolvency, and fraud of their debtors; and it will also protect the creditors of a common debtor from the frauds of each other. It is, in brief, the shield of honest men, be they rich or poor, against the machinations of dishonest men, be they rich or poor.

On our part there is no utterance by any of our friends, which has appeared in the press or been printed in the CONGRESSIONAL RECORD, which shows a disposition to legislate in a partial way, or for or against any class as against any other class, or on behalf of or in opposition to any part of the country. The bill we advocate, in every line and in every sentence, is fair and just to all parties. It will not, therefore, avail the opposition anything to cast reflections upon us or abuse the bill; our utterances contradict them and the bill by its terms shows that they are mistaken.

THE BAILEY BILL WAS VOTED DOWN IN THE FIFTY-FIRST CONGRESS AND ADVERSELY REPORTED IN THE FIFTY-SECOND CONGRESS.

Some years ago an amendment was submitted to a bankruptcy bill then pending in the Senate embodying the chief characteristics of the incomplete bill. Later and in the Fifty-first Congress a bill containing some of the principal features of that amendment was introduced in the House and referred to the Committee on the Judiciary. Pending a consideration of H. R. 3916 of that Congress (the Torrey bankruptcy bill) in the committee, it was moved to substitute that measure for it, but the motion was lost. Later it was submitted as a substitute in the House, and was defeated by a large majority, consisting of members of all political beliefs and from all parts of the country.

In the Fifty-second Congress Mr. BAILEY for the first time introduced substantially this bill, and its number was H. R. 459. The majority of the Committee on the Judiciary, in their report (No. 1674, Fifty-second Congress, first session; see appendix to this report) on it, said that by its terms it provided that a part of the bankruptcy proceedings should occur in the State courts and a part in the Federal courts. They expressed the belief that it would bring about unfortunate complications between such courts, prove unduly expensive, leave undiminished the opportunities for the commission of fraud, and not be satisfactory to the parties affected by it. They further expressed the fear that under its provisions all debtors, the dishonest as well as the honest, would be discharged from their debts.

They pointed out the fact that since the bill provided only for voluntary bankruptcy it left the dishonest debtor an opportunity to deliberately prepare for bankruptcy to the detriment of his creditors without giving them any right or opportunity to interfere and protect their interests, and stated that this fact would impair the credit of all honest debtors, and be of untold injury to them, and therefore recommended that it should be laid on the table.

A minority consisting of four of the then fifteen members of the committee filed their views, but did not defend this bill from the adverse report of the majority, nor advocate its enactment.

FAVORABLY REPORTED IN THE FIFTY-THIRD CONGRESS.

In the present Congress, substantially this bill was introduced for the second time by Mr. BAILEY as H. R. 391, but it was not reported by this committee. On December 11, 1893, Mr. BAILEY for the third time introduced this bill, as H. R. 4609, and on the day following it was for the first time in its history favorably considered and reported by the committee.

In reporting this bill its author says:

"It proposes no advantage for the honest debtor which was not accorded him * * * under the bill recently defeated in the House."

This statement constitutes an admission that this bill is not superior, so far as the rights of the debtor are concerned, to the bill which we submit as a substitute for it. If, therefore, it shall transpire that the bill we report embodies all of the rights of debtors which his bill does, and, in addition, protects the rights of all parties, then it will be perfectly clear that it ought to be substituted for his bill and then passed.

Mr. BAILEY, in his report, undertakes to create the impression that the repeal of bankruptcy laws in this country heretofore was because of their involuntary provisions.

We submit that the discontent with the last law did not arise out of its involuntary features; there never was any complaint under it that any debtor was "coerced into bankruptcy;" that law was repealed because of the very lax provisions of its voluntary system. Opposition to involuntary bankruptcy grows out of a theory of certain legislators; such opposition does not exist in the minds of the people.

The best that the author of this bill can say in its behalf, in his summing up of the report, is as follows:

"Your committee do not claim that the work which they have submitted to the House is by any means a perfect system. But appreciating the need for some measure of relief, and unwilling to recommend one which has been tried and repudiated, they have presented a measure which, even if it succeeds no better than the similar laws which have gone before it, can do no very great harm, because its duration is limited to two years."

Ought a bill to be passed when its greatest recommendation is that it "can do no very great harm?" We think not.

OUR CONCLUSIONS.

Our opinion of the Bailey bill, after not only reading but studying it very carefully, to state it as mildly as we possibly can, is that it is wrong in principle and incomplete in its provisions, and that its passage would retard rather than promote the best interests of the people.

In our judgment, the Torrey bankruptcy bill includes the good, but not the bad, features of prior legislation upon this subject; it is such a uniform law as the Constitution provided should be established throughout the United States; its enactment is demanded by the people, and we herewith submit it as a substitute for the Bailey bill, with the recommendation that it be passed.

I am strongly in favor of a uniform system of bankruptcy in the United States. The Constitution provides that the Congress shall have the power to make such a law, and in my judgment the interests of all our citizens demand that such a law be constantly upon the statute book. But such a law should be uniform, affecting all our citizens alike, whether they reside in one State or another, in one Territory or another. Such a law should be independent of the statutory enactments of any State, else innumerable conflicts will arise between the courts of the several States and the courts of the United States. Such conflicts are always to be deplored. The administration of a bankruptcy law should be as free from entanglements as possible and administered as inexpensively as it is possible to provide.

Again, a bankruptcy law should be just to the creditor class as well as to the debtor class. It should provide for the one as well as for the other. Such a law should not be made simply for the purpose of discharging debtors from their just debts and obligation. Such a law would not be a bankruptcy law in any just or proper sense. However, such is the bill now before the House, and it simply provides that those persons who have made assignments for the benefit of their creditors within their respective States under the laws of the State where the assignment is made, may be discharged from all their debts and obligations, except such as arise from defalcations while acting as officers or in a fiduciary capacity, provided they have not been guilty of any fraudulent act or concealment. It makes no provision, however, by which a creditor can force a dishonest or fraudulent creditor, however glaring the act of fraud, into bankruptcy, and hence the bill affords no sort of protection or remedy to the great creditor class.

If enacted and put in operation it will encourage the idle, the shiftless, and the dishonest to plunge head over heels into debt, live a life of extravagance as long as credit holds out, then make an assignment under the law of some State to which they may at any time remove, and after four months procure a discharge from all their indebtedness. These classes will be safe in so doing, for extravagance and high living will not defeat their discharge, and they may act as indicated with perfect impunity because they will know that by surrendering up the remnants of property left to them they will be sure of a discharge from all obligations under the provisions of this act.

Dishonest men will be safe in committing acts of rascality, for if they shall take time by the forelock and remove to a distance from their creditors their affairs will be administered under the laws of a State from one to three thousand miles distant from the residence of their creditors and they will be sure substantially that the persons to whom they are indebted will not follow them such a distance.

In the interest of honest men, in the interest of hard-working men, in the interest of our manufacturing and commercial classes, I am opposed to this bill, because it has in it the elements of socialism, of anarchy, of unthrift, and of dishonesty. It is a State-rights measure in every phase, and proposes that the Government of the United States shall step in and discharge debtors from their just obligations in all those cases where the States refuse. It has no other purpose or object, and works out no other result. If the estates are to be administered under the insolvent laws of the several States, then let the assignors be discharged, if at all, under the laws of the same States.

Gentlemen who are opposed to paternalism in the General Government should remember that this bill is paternal, in that it proposes to do what the several States have the power to do, but refuse to do. This bill proposes that the Government of the United States take care of the debtors, while the State takes care of the property. It says, Let the State do the disbursing, but let the United States do the discharging.

Now, Mr. Speaker, my purpose at this time is to direct the

attention of the members of this House to the glaring defects that appear in this bill. It is entitled a bill "to establish a uniform system of bankruptcy." It should be entitled, and more appropriately would be entitled, a bill to release debtors from the obligations of contracts without consideration and to enable dishonest debtors to defraud their creditors. It will have this effect and no other; and in a very few minutes I think I can make this clear to every lawyer, at least, on the floor of this House.

Now, look at section 1 of this bill; it provides:

That if any debtor owing $200 or more shall execute an assignment of his property, valid by the laws of the State, Territory, or District of Columbia, in which he may reside or be domiciled.

Then later on, "After four months he may present his petition in the district court of the United States for the district in which he then resides," and if he has not after the passage of this act committed any of the fraudulent acts specified in the bill, then he shall be discharged from all his debts.

Now, let us see what the effect of these provisions will be.

Mr. STOCKDALE. That is the rule of all bankrupt laws.

Mr. RAY. Oh, certainly it is not the rule of any bankruptcy bill or bankruptcy court, as the gentleman well knows, or ought to know. Now, let us see. The debtor must first make an assignment valid under the laws of the State or Territory in which he resides, or, if he choose, in the State in which he may be domiciled. So a citizen of the State of New York desiring to get the benefit of this act, and the assignment laws of the State of New York not being favorable enough to him, he leaves the State of New York and goes to the State of California or to the State of Texas, where the assignment laws are more favorable, and there he makes an assignment under the assignment laws of the State.

He does not reside there. He does not need under this act to take his property with him; he can leave it in the State of New York, where all his creditors reside, and make his assignment under the laws of the State of California, or perchance of Texas, if that State suits him better. Then what is the next step? The trustee resides in Texas or California, as the case may be. This is a law of the United States and protects the assignee, remember. This assignee may go to the State of New York, take possession of all this property, transfer it to California or to Texas, as the case may be, and this must be done because the trust is to be administered by this trustee or assignee, appointed in the State of Texas or California, according to the laws of such State.

So the property is removed 3,000 miles from the State of New York, where the creditors reside, to be distributed in a foreign jurisdiction. Then what is the next step? As provided by section 4, the debtor, four months from the date of the execution of the deed of assignment and the acceptance of the trust by the trustee, may file his petition for a discharge from his debts in the district court of the United States in the district in which he then resides.

Now, in the meantime he may have left his domicile or residence in the State where he made his domicile or residence when he made his assignment, and have gone to another State—Mississippi, Florida, or Oregon—still 3,000 miles, or thereabouts, distant from the State in which his creditors reside and in which the property was originally situated. He may take up his residence a thousand miles distant, and in a State foreign to the one in which he made this assignment, and there is his residence when he applies for his discharge. He applies for his discharge in the State in which he resides when he makes the application for his discharge.

Then what is next? All the creditors are brought in—the creditors in the case I am presenting all reside in the State of New York. They are made parties to the suit in bankruptcy in the State of Texas, Oregon, or California, as the case may be, and if they have any opposition to the discharge of this assignor, this alleged bankrupt, they must go 3,000 miles across the continent to defend this application for a discharge, and the trustee may be compelled to go a like distance. That is the bill as to these features of it. This is the natural logical and inevitable interpretation, and there is no escape from it.

Now, the gentleman who interrupted me a few minutes ago [Mr. STOCKDALE] well knows that in all the bankrupt laws we have heretofore had, the jurisdiction, control, and management of the bankrupt estate was confined to the United States district court in whose jurisdiction the debtor resided at the time he made the assignment, in the locality usually where all the debtors resided.

Mr. BAILEY. Mr. Speaker, in order to be perfectly fair with the gentleman from New York, I will say to him that in the substitute the words "or be domiciled" will not appear; and therefore the argument he is making is not good.

Mr. RAY. Well, Mr. Speaker, I very much regret that the gentleman from Texas has presented this measure to the House and until this moment has kept our side in complete ignorance of the bill that he really intends to ask us to vote upon. It simply indicates in my judgment that there must be a woodchuck in the wood pile.

Mr. BAILEY. The gentleman is entirely too ready to suspect. I had the substitute prepared this morning after I ascertained that this day was to be devoted to the consideration of the bill, and I have just received it from the Printing Office.

Mr. RAY. In all fairness I think it ought to have been in the hands of members before now.

Mr. BAILEY. Does the gentleman mean to say that it is customary to have a substitute which it is proposed to present before the House when a bill is called up for consideration made known in advance? It is not.

Mr. RAY. Well, almost anything is getting to be customary here, but it does seem to me that, in a matter of this importance, affecting all the commercial interests of this great country, the great debtor and the great creditor classes in New York, Boston, and Chicago, in all the great cities and throughout the whole country—it does seem to me that such a measure ought to be before this body for sometime before we are called upon to debate it or to vote upon it.

In such a matter this House certainly ought not to be called on to act hastily. I am glad to find that the gentleman from Texas has discovered one of the many objectionable features of his bill, but even if that is eliminated he will have to go farther in order to remove insuperable objection, and provide that the petition for a discharge shall be filed, not in the district or State or Territory where the debtor happens to reside at the time of filing, but in the district court of the district where he resided at the time when he made his assignment.

Now, Mr. Speaker, I desire to call attention to the unconstitutional provisions contained in this bill. The bill is unconstitutional as it stands, and it seems to me that any good lawyer must recognize the correctness of that proposition. What is to guide and control? No assignments are to be recognized, no debtor claiming the benefits of this act is to be recognized, unless he makes an assignment which is valid by the laws of the State or Territory in which he resides or of the District of Columbia if he resides in such District. Those are the only petitioners who are to be recognized under the law.

Now, it would be possible for any State to defeat the operation of this bill in that State, and therefore the law would not establish a uniform system of bankruptcy. We have no assurance even that the system which it would establish would be uniform now, for the reason that we do not know that there are assignment laws in all of the States and Territories.

It may be that citizens will be compelled to move from one State to another in order to avail themselves of this law if enacted.

And how can a law be said to be uniform when it does not apply to all citizens of a certain class—of the class upon whom it is to operate or for whose benefit it is made? A law available to the gentleman from Texas and not to me under the same conditions is not uniform.

The assignment that the debtor makes must be valid by the laws of the State in which he lives, and also under this act. Suppose that State has no assignment law, then the debtor can not have the benefit of this act. Suppose this law is objectionable to the people or to the Legislature of some State where there is an assignment law, the Legislature may repeal that assignment law, leaving the State without such a law, and then no citizen of that State can take the benefit of the act.

Will any gentleman undertake to say that a general assignment for the benefit of creditors would be valid and binding whether there was an assignment law in the State or not? If any gentleman undertakes to say that, let me tell him that he is mistaken. There is no such thing as a valid general assignment for the benefit of creditors except by some statutory provision of the State or Territory.

It would be valid as between the assignor and the assignee, but the creditors of the assignor, the debtor, are not parties to such an assignment and are not bound by it, and they may go on and get their judgments and issue their executions and take the property away from the assignee in the absence of an assignment law, for the reason that they are not parties to the assignment and are not bound by it.

Every lawyer in the House will readily see, therefore, that this bill is unconstitutional on the face of it, for the reason that it does not provide a uniform system of bankruptcy and also because it may be made inoperative and unavailing in any State of this Union. No law of that character can justly be considered a uniform law. No bankruptcy law can be considered uniform

unless the United States has the power to enforce it in all the States of the Union at the will of the petitioning creditor.

No one will assume for a moment that any other kind of a law than that would be constitutional or ought to be enacted. Again it may be impossible to have assignments valid under the State laws and also under this act, and do we propose that property in a State having no general assignment law shall be disbursed under the laws of some other State.

How much time have I remaining, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman has thirteen minutes remaining.

Mr. RAY. I ask unanimous consent to extend my remarks in the RECORD.

Mr. RITCHIE. I object.

The SPEAKER *pro tempore*. Objection is made.

Mr. RAY. I now yield five minutes to the gentleman from Vermont [Mr. POWERS].

Mr. POWERS. Mr. Speaker, of course it is quite impossible to discuss the question of a bankrupt law in the space of five minutes. I wish to say, however, that I am earnestly in favor of a proper system of bankruptcy being adopted by this Congress, such a system as is proposed in what is known as the Torrey bill. The great objection to the pending bill is that it is entirely one-sided. It simply gives the debtor the right to apply for a discharge from his obligations, while it utterly ignores the rights of the creditor. Now, sir, in England there has been a bankruptcy system in force for more than 300 years. It has become a part of their commercial system, and under it the rights of creditors and debtors are equally protected and preserved.

All the experience we have had in this country on this subject has been under bankruptcy legislation which recognizes the right of the creditor as well as the debtor. The greatest objection urged in the deliberations of the committee on this subject on the part of the gentleman from Texas [Mr. BAILEY], and those who agree with him in favor of this bill, has been that the involuntary system of bankruptcy opened a great door for fraud. Now, under the act of 1867, so far as my observation went, nine-tenths of all the frauds that were perpetrated were perpetrated on the part of the debtor, who sought this discharge by his own voluntary petition.

The creditors of a bankrupt are interested financially in husbanding and preserving the assets of the debtor. There is little danger, therefore, that they will adopt a course of proceeding which will sacrifice those assets. On the other hand, in the case of a petitioning debtor and under a system that ignores the rights of a creditor, the door of fraud is wide open for the debtor to manage his assets in such a way that his creditors can realize nothing whatever from the proceeding. It will be noticed, sir, that this bill makes no absolute payment of a percentage necessary to a discharge. All that the debtor has to do is to proceed under a State law and make an assignment; and four months after that make application to a district court for his discharge, which must be granted, provided his assignment has been according to the provisions of the State law. It seems to me, Mr. Speaker, we should go slowly in any proposition that opens the door to such a system of fraud as this bill provides for.

Mr. RAY. I yield six minutes to the gentleman fron Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. Mr. Speaker, the report presented by the committee refers truthfully to three periods in the history of this country during which we have had a bankrupt law; and it truthfully states that no legislation was ever on our statute books that became so unpopular and so unsatisfactory as did this.

The first bankrupt law was passed in 1800, and it did not live two years. The second was passed in 1841, and so unpopular did it become that the same Congress which passed it repealed it. The bankrupt act of 1867 was passed just after the close of the war, and yet Congress began at once to change it and amend it to meet the popular will. The House at one time passed a bill repealing it, which the Senate did not concur in. Finally, upon the recommendation of President Grant, in one of his messages, the obnoxious legislation was wiped from the statute books.

A moment's reflection will show that there is reason for the unpopularity of such legislation. I claim that it is an utter impossibility to give this country a uniform bankrupt law that will survive longer than a very few years. We are so constituted that we have forty-four, and soon shall have forty-seven, different legislative bodies that are constantly passing laws. We are not in the same condition as England, where all the laws are made by a single legislative body. This Congress, if it tries, can not pass a satisfactory bankrupt law. I defy it to pass a bankrupt law that will be satisfactory to the country. Congress never has been able to do this, and in my judgment many, many years will be passed before it will be able to do it.

I am opposed to any bankrupt law. I believe it would be a great mistake to pass any bankrupt law at this period. In the first place, the condition of the country is not such as to demand a bankrupt law at this time. We are gradually getting out of the troubled waters of commercial disaster and misfortune. We are gradually getting into a better condition financially. Trade is improving. A bankrupt law should never be passed in this country except upon the heels of some great national distress ranging over a period of years, like the late civil war. There is no occasion which demands the passage of a bankrupt law at this time.

This bill in my judgment is less objectionable than the Torrey bill; but any bill is objectionable. Take for instance one feature of the law. All over the country we have little merchants who have been nursing their credit, whose creditors have been carrying them along during our late financial depression. Now if you pass this bill the people who will take advantage of it will rush into court; their property will become the subject of sale at auction; and every little merchant in our towns and villages will have to compete with the marshal or with the trustee who exposes the property of bankrupts for sale.

Take a shoe store, or a dry goods store, or a grocery store. Suppose its proprietor makes an assignment under this bill. The goods could immediately be put on sale at auction. People will purchase then because they are sold without regard to cost at a forced sale for whatever they will bring. A neighbor of the bankrupt who happens to be engaged in the same business can not compete in selling property at such prices. Thus you injure and depress trade; you embarrass people who might tide through. Instead of improving the condition of things you make more bankrupts.

Then there is another very serious objection. Under this bill a man, we will suppose, makes an assignment under the laws of his State. Then he presents his petition to the United States court. What does this court do? At the end of three months the man presents a petition for a discharge. Then the United States court sits and traverses the act of the State court to determine whether the assignment has been in accordance with the laws of the State, to determine whether the bankrupt has given up all his property. Thus the United States court will sit in judgment and review the action of the State court to determine whether the bankrupt is entitled to his discharge.

It will be remembered that under the act of 1867 there was a great diversity of ruling on the part of the judges of the district courts after the law was passed. No two of them construed the law like. It took a long time to get uniformity of decision. If this bill should pass our district judges will differ in their views of its construction. You will have a medley and confusion of tongues; and if the bill should be enforced for only the two years provided by its terms it will be absolutely impossible to get a uniform ruling or a uniform settlement of a debtor's assets under the bill. No earthly good can come of it. Nothing whatever except confusion and interference with trade, diverting the channels of trade and interfering with credit can come from such a bill as this. A bankruptcy bill, if passed at all, should be one adopted after very serious consideration and careful preparation. The idea that in three hours' time of passing a general bankruptcy bill to apply to all this great country, in view of the history of the past legislation pertaining to bankruptcy is, in my judgment, a piece of the highest folly, and certainly I trust this House will not do it.

[Here the hammer fell.]

Mr. RAY. Mr. Speaker, has the other side exhausted all of the time to which it was entitled?

The SPEAKER *pro tempore*. The gentleman from Texas has used only ten minutes of his time.

Mr. RAY. Then I reserve the remainder of my time.

The SPEAKER *pro tempore*. The gentleman from New York has four minutes and the gentleman from Texas has twenty minutes remaining.

[Mr. BAILEY withholds his remarks for revision. See Appendix.]

Mr. RAY. Mr. Speaker, if the gentleman from Texas has any different bill from the one I have before me I should like to see it, and I should like to know by what sort of legerdemain it ever got into this House.

Mr. BROSIUS. You will find it in his report.

Mr. RAY. If there is any such bill before the House it should be printed and in the hands of members.

Mr. BROSIUS. You will find it on page 4 of the majority report.

Mr. RAY. Mr. Speaker, in the four minutes that remain to me, or, indeed, in the one hour that has been allowed for the discussion of this bill, it is of course absolutely impossible to point out all the defects of such a measure or to explain ade-

quately its operation. It is sufficient for me to say now in opposing this bill that I fully concur in the views of the minority presented by the able lawyer from Pennsylvania [Mr. WOLVERTON], in which he argues not only against the advisability of this bill and its injustice, but asserts that it is unconstitutional, that it is not a bankruptcy bill, asserts that it will not apply to the debtors of the whole country, asserts that small debtors must, but that large ones need not, apply for its benefits, asserts that the protection of servants and laborers is incomplete, asserts that the bill is imperfect as to discharges, asserts that no limitation of time as to applications for discharge is contained in it, asserts that a discharge may be improperly granted or withheld under this proposed law, asserts that certain debtors ought not to be, but will be, discharged under its operations; asserts that under it jurisdiction is to be exercised by both State and Federal courts, which is inconsistent; asserts that under this proposed law there is and will be a conflict between the State and the Federal law and the laws of the different States; asserts that it will entail a needless and an enormous expense; asserts that the creditors of the debtor would not have the ability to traverse the distances necessary in order to present their objections to the discharge, as they might be dragged from one jurisdiction to another; asserts that the bill ought not to be limited to two years, and so on. I have not the time to specify all the objections presented by that able report.

Now, Mr. Speaker, I know perfectly well that it is absolutely futile for a Republican to talk to the Democratic side of this House. When you get your heads set, gentlemen, it does not make any difference where you are to be led, or into what kind of a pit you are to fall, you will "go it blind" when a Democrat is in the lead, regardless of consequences. But I want to call your attention, in protest against the passage of this bill, to the fact that Judge WOLVERTON, of Pennsylvania—and there is no better lawyer on your side of the House, in Congress, or, I may say, out of Congress—has presented the defects of this bill and the objections to it in a manner that ought to command attention. I wish to say to you further, that if you pass this bill here it will never, in my judgment, be entertained for one minute by the Senate, but if the Senate does entertain it and does confirm your action by enacting this bill into a law, the bill will rise up to condemn you among the merchants and the business men of this country. Now, Mr. Speaker, I renew the request which I made a while ago that gentlemen who have spoken on this bill in general debate be permitted to extend their remarks in the RECORD.

There was no objection, and it was so ordered.

Mr. POWERS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. POWERS. Is it in order to offer an amendment by way of a substitute to both the original bill and the substitute proposed for the original bill?

The SPEAKER *pro tempore*. Under the rule the time for general debate has expired, and the bill will now have to be read by paragraphs. After it has been read by paragraphs it will be in order to offer a substitute, but it is not in order at present.

Mr. POWERS. I desire to offer a substitute not only for the bill, but also for the substitute of the gentleman from Texas; that is, I desire to have mine supplant both the original and the substitute.

The SPEAKER *pro tempore*. That can only be offered at the close of the amendments in the House as in Committee of the Whole. There are a number of committee amendments to the bill pending, and the Chair suggests to the gentleman from Texas that possibly it would be well to agree to them, in order that the text may be perfected before the Clerk proceeds to read the bill by paragraphs. If there be no objection, therefore, the amendments offered by the committee, and which have been reported, will be voted upon in gross.

Mr. RAY. I object.

The SPEAKER *pro tempore*. Objection is made, and the Clerk will read the bill by paragraphs.

Mr. BAILEY. Mr. Speaker, I wish to ask the gentleman from New York what possible objection he sees to the course suggested by the Chair?

The SPEAKER *pro tempore*. The gentleman from New York will see that these amendments will be pending as each paragraph is read, and will have to be voted upon before amendments that may be offered on the floor, thus consuming time and perhaps excluding the consideration of other amendments.

Mr. RAY. Let me see if I understand the situation. As I understand it, the gentleman from Texas [Mr. BAILEY] presents here certain amendments which he claims to be amendments of the committee.

Mr. BAILEY. Well, I object to that form of statement. The report shows that they are the amendments of the committee.

Mr. RAY. Very good.

Mr. BAILEY. I "claim" nothing——

Mr. RAY. Then there are certain amendments contained in the report?

Mr. BAILEY. That is what they are.

Mr. RAY. In the second report?

Mr. BAILEY. In the report which the committee authorized.

Mr. RAY. Well, now, I do not understand the gentleman.

Mr. BAILEY. There are a great many things you do not understand.

Mr. RAY. Very good; but the gentleman will gain nothing by that form or manner of address. The "gentleman from New York" is not to be intimidated.

Mr. BAILEY. I am not seeking to do anything of the kind; but in common decency no member has any right to stand on this floor and talk about what another "claims" to be the fact when the report submitted to the House shows that these are the amendments which the committee agreed to.

Mr. RAY. There was no offense intended to the very tender-hearted and tender-shinned gentleman from Texas. I simply had not had the honor of seeing any of the proposed amendments; and I do not find any yet.

Mr. BAILEY. Well, here is a copy of the report.

Mr. RAY. But I do find in the report entitled "Part 2," the "supplemental report"——

Mr. BAILEY. Here is a copy of the report which I send to the gentleman.

Mr. RAY. I do find in "Report 206, part 2" this statement:

> The committee submit as an appendix to the foregoing report a copy of the bill in the form in which they shall ask its passage.

Now, Mr. Speaker, I submit that this being the second report, the latest report from the committee—it is a substitute for all prior action of the committee—is to be regarded as the latest action of the committee and as embodying the bill which they submit for action.

Now, I may be wrong in that. I submit to the ruling of the Speaker; and if necessary I will send to the desk——

The SPEAKER *pro tempore*. The Chair has not examined the report, but supposes the reports were regularly made.

Mr. RAY. There is the first report; and here is the second. There is no doubt they were regularly made.

Mr. BAILEY. I desire to make an explanation about that matter. I made in the first instance the report indicating simply the amendments which the committee had adopted. I was afterwards informed that the minority of the committee intended to submit a report, and upon that information I submitted a second or supplemental report myself. If I had not been informed that the minority intended to submit a report, I should have been content with the report as at first submitted.

Mr. RAY. Then, I submit, Mr. Speaker, that I was not out of order nor discourteous when I, as the gentleman supposed, intimated that there was something here before this House that was not the action of the majority of the Committee on the Judiciary——

Mr. BAILEY. I would like to know what it is?

Mr. RAY. Because the gentleman now says that "Report No. 206" is the action of the majority of the committee and that the "supplemental report to bill H. R. 4609"—Report 206, part 2"—is his own individual act.

Mr. BAILEY. That is not true, because I submitted it to the committee, every one of those who favored the bill; and they all read and approved it.

Mr. RAY. Very good.

The SPEAKER *pro tempore*. The Chair thinks that this matter is settled on the face of the papers. The report which contains the amendments was made December 12, 1893. That report contains the amendments which are also contained in the calendar bill reported at the same time. Now, it seems that on January 4, 1894, the gentleman from Texas [Mr. BAILEY] submitted a supplemental report. But the amendments of the committee are in the first report of the committee and also in the body of the bill.

Mr. RAY. This second report—if it be the report of the committee, and the gentleman says it is—states that—

> The committee submit, as an appendix to the foregoing report, a copy of the bill in the form in which they shall ask its passage.

Now what does that mean? Is that a substitute?

The SPEAKER *pro tempore*. That is the bill reported with certain committee amendments which have been read by the Clerk.

Mr. RAY. Then a parliamentary inquiry. Is this not a proposition on the part of the committee to submit a substitute for the original bill?

The SPEAKER *pro tempore*. The Chair thinks not. This is the same bill, but there are a number of amendments recommended by the committee, which have been read by the Clerk. The Chair will submit the request whether the amendments shall be voted upon in gross or not.

Mr. RAY. Before that let me ask, if these amendments are voted upon in gross and accepted, then, as I understand it, we take up the bill with the amendments in, and read it by sections, and the whole bill as amended is then open to amendment?

The SPEAKER *pro tempore*. Unquestionably.

Mr. RAY. Very good; I withdraw the objection.

The SPEAKER *pro tempore*. Then, if there be no further objection the amendments recommended by the Committee on the Judiciary will be voted upon in gross.

There being no objection, the amendments were considered and agreed to.

The SPEAKER *pro tempore*. The Clerk will now read the first section of the bill as amended, and it will then be open to amendment and debate under the five-minute rule.

Mr. BOATNER. Before that, Mr. Speaker, the gentleman in charge of the bill stated that he intended to offer a substitute for the bill. I ask unanimous consent that that substitute be now offered, and that it be read by sections for amendment instead of the original bill.

Mr. WILLIAM A. STONE. I wish to make a parliamentary inquiry before consent is given.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILLIAM A. STONE. Is the bill now before the House, which has bust been amended by the amendments of the Committee on the Judiciary, to be considered in the nature of a substitute?

Mr. BAILEY. Not at all. The bill, let me say to the gentleman, is precisely the bill which the committee ordered to be reported. The bill was introduced, went to the committee, and they adopted certain amendments and ordered the bill to be reported with the amendments. I reported the bill in conformity with that order of the committee.

Now, instead of asking the House to vote on that bill, which the committee reported, I find that there are certain verbal changes necessary, and this morning I redrafted the bill, preserving all of the committee amendments and virtually making merely verbal changes in the bill itself. That bill, which I have so redrafted, is what I call the substitute. It contains practically and essentially the features of the pending bill, and all of the committee amendments.

Mr. WILLIAM A. STONE. Then the bill you propose to offer is not that indicated in the latter part of this report?

Mr. BAILEY. Not at all, although it does not differ from it in principle. There are, as I have said, some verbal changes that I find necessary.

Mr. BOATNER. My request was for unanimous consent that the substitute itself be offered now and be read by sections for amendment in lieu of the bill before the House.

The SPEAKER *pro tempore*. The Chair will submit the request of the gentleman that this substitute bill be now offered, to be considered by sections, and be open to amendment and debate under the rule.

Mr. RAY. Before that request is submitted permit me a word. A few moments ago the question was up of adopting certain amendments to the bill which was then before the House. These amendments were reported and adopted. That was done on motion of the gentleman from Texas [Mr. BAILEY], and I inquired if the bill, with these amendments, would be before the House for consideration. In response to that the Chair stated that that would be the course pursued.

The SPEAKER *pro tempore*. The Chair wants to state, however, that he did not know at the time that the gentleman from Texas intended to offer a substitute.

Mr. RAY. The inquiry I wish to make is this: As the gentleman from Texas has offered his amendments to the bill as it was before the House, and has procured their adoption, is it still in order now for him to move a substitute for the bill as amended on his own motion?

The SPEAKER *pro tempore*. The gentleman from Louisiana asks unanimous consent that instead of going on and perfecting the bill now before the House, that the gentleman may offer his substitue, and let action be taken on that; that is, consider it by paragraphs for amendment.

The Chair stated that it could not be done without unanimous consent. The gentleman asks unanimous consent to substitute that bill for the pending one. If that is done, it is a proposed substitute; it would be read by paragraphs, aad each paragraph would be open to amendment. Now the gentleman makes that request for unanimous consent to substitute that bill.

Is there objection?

Mr. WILLIAM A. STONE. A parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILLIAM A. STONE. If the substitute is considered by unanmious consent, does that prevent my colleague, Judge POWERS, from offering his substitute?

The SPEAKER *pro tempore*. It would not. He could offer it at the close of the two hours' debate as a substitute for the bill, provided the House has at that time concluded the consideration of the bill. The gentleman will remember that the special rule only allows two hours for the consideration of the bill under the five-minute rule; and if the House should exhaust all the time in the consideration of one or two amendments, and have not concluded the final reading of the bill, the Chair thinks there would be some doubt about the right to offer a substitute.

Mr. WILLIAM A. STONE. My difficulty was as to this question, whether a substitute could be offered for a substitute.

The SPEAKER *pro tempore*. It could only be by unanimous consent.

Mr. WILLIAM A. STONE. What I want to know is, whether the gentleman from Vermont [Mr. POWERS], will have to obtain unanimous consent to have his substitute considered.

The SPEAKER *pro tempore*. He would not have to do so as against this bill, because this, if substituted by unanimous consent, would become the original bill, the Chair thinks.

Mr. WILLIAM A. STONE. It would not be regarded as a substitute, then?

The SPEAKER *pro tempore*. The Chair thinks not.

Mr. BOATNER. The substitute is the committee bill as amended, with verbal changes, as has been stated by the gentleman from Texas?

The SPEAKER *pro tempore*. The Chair understands the gentleman to say it is substantially the same bill.

Mr. BAILEY. I undertake to say that no gentleman will object to any change that has been made.

The SPEAKER *pro tempore*. The Chair will now submit the request for unanimous consent to substitute the bill now offered by the gentleman from Texas [Mr. BAILEY].

Mr. RAY. I desire to make a parliamentary inquiry in regard to the situation to see if I understand it.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. RAY. As I understand it, if this unanimous consent is given, then the substitute will take the place of the present bill, and will be before the House.

The SPEAKER *pro tempore*. It will be read by paragraphs.

Mr. RAY. That bill will be read by paragraphs and be considered?

The SPEAKER *pro tempore*. Yes.

Mr. RAY. Now, what I want to understand is, whether or not, at the close of the two hours debate, or of the time that we may have before voting on the proposition, the gentleman from Vermont [Mr. POWERS] will have the floor, will have the right of way to offer his substitute as a substitute for this bill which is to come in by unanimous consent, if unanimous consent is given?

The SPEAKER *pro tempore*. The Chair has already stated that if the House concludes the consideration of the pending bill within the two hours, the Chair thinks that a substitute might be offered; but the rule provides that at the end of two hours the previous question shall be considered as ordered, and that would exclude the substitute, the bill not having been read through for amendment by paragraphs.

Mr. WILLIAM A. STONE. Mr. Speaker, allow me to make one more parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILLIAM A. STONE. If the substitute which is offered by the gentleman from Texas [Mr. BAILEY] is not allowed to come in by unanimous consent—if unanimous consent is withheld—then the substitute of the gentleman from Vermont [Mr. POWERS] would not be in order, would it?

The SPEAKER *pro tempore*. It would only be in order in the event the House concludes the consideration of the pending bill within the two hours.

Mr. WILLIAM A. STONE. Well, I know; but suppose we refuse unanimous consent to the substitute offered by the gentleman from Texas, then there would be one substitute in order, which may be adopted in the consideration of the bill. That being the case, another substitute could not be offered?

The SPEAKER *pro tempore*. It could not.

Mr. WILLIAM A. STONE. Now I wish to ask the gentleman from Vermont [Mr. POWERS] a question, whether the substitute he proposes to offer is the Torrey bill?

Mr. POWERS. Yes.

Mr. WILLIAM A. STONE. Then I object to the unanimous consent.

The SPEAKER *pro tempore*. Objection is made, and the Clerk will proceed to read the bill as amended.

The Clerk read as follows:

Be it enacted, etc., That if any debtor owing $200 or more shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia, in which he may reside or be domiciled, or if he have property in any other jurisdiction, then as to such property, valid according to the laws thereof, and also in accordance with the requirements of this act, it shall have the effect hereinafter provided for.

Mr. BROSIUS. I move to strike out the words "or cession" in the fourth line of the first section.

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The Clerk read as follows:

In line 4, section 1, strike out the words "or cession'

Mr. BOATNER. If the gentleman from Pennsylvania will allow me, I will state to him that those two words are inserted in the bill in order to cover the laws of the State of Louisiana, which denominate insolvency proceedings in that State as a cession of property. It is a civil law term, which has exactly the same meaning as an assignment at the common law. Those words were inserted on my motion, so as to make the bill cover the insolvency laws of the State of Louisiana.

Mr. BROSIUS. Do you not use the word "assignment?"

Mr. BOATNER. No, sir.

Mr. BROSIUS. It is not used at all?

Mr. BOATNER. The word "assignment" is used there when an individual assigns a right, or makes an assignment, in common parlance, but the giving up of property in satisfaction of debts is denominated, in the laws of Louisiana, as a cession of property.

Mr. BROSIUS. If the gentleman from Texas [Mr. BAILEY] will give me the honor of his attention for a moment, I will avail myself of an opportunity to ask a question in relation to the bill. I understood the gentleman from Texas to say that all existing rights of creditors remained unimpaired. I find in the bill that if an attachment is levied on a debtor's property, and an assignment is subsequently made, that attachment is vacated. Now, to that extent, therefore, it would seem that the existing right of the creditor is denied him.

Mr. BAILEY. I stated that in response to the gentleman from Louisiana [Mr. BOATNER].

Mr. BROSIUS. Am I not correct?

Mr. BAILEY. Certainly you are.

Mr. BROSIUS. Then, an attachment levied by a creditor is vacated by an assignment by a debtor.

Mr. BAILEY. It may be; yes.

Mr. BROSIUS. Well, it is under the terms of the bill. Now, I want to inquire whether any other right of the creditor, now existing, under any of the laws of the States, in the nature of an executionary process, is interfered with by this bill, supposing it should become a law; that is to say, in Pennsylvania when we have obtained a judgment we issue an execution and levy upon the property. Does the bill interfere in any way with that?

Mr. BAILEY. Not at all. In other words, the bill expressly provides that it shall be for the benefit of all creditors and subject to all valid liens.

Mr. BROSIUS. But it is not for the benefit of all creditors when it vacates a legal attachment which the creditor has already levied upon the debtor's property.

Mr. MALLORY. That is a valid lien.

Mr. BROSIUS. But it vacates it, as I understand.

Mr. BAILEY. That is a provision of the bill, and it is the only way to affect it. Originally I said it did not affect any right the creditor enjoys; but that must be considered in connection with my statement in response to the gentleman from Louisiana. Now, as to all other things, they stand precisely on the same ground in the bill as they did before the bill.

Mr. BROSIUS. But that does not affect attachment liens.

Mr. BAILEY. Under the attachment laws it does not.

Mr. BROSIUS. But it seems to have been affected.

Mr. BAILEY. It may be, if the debtor fails in his petition.

Mr. BROSIUS. Can either of my friends from Texas or Louisiana assign a reason for affecting an attachment——

Mr. BAILEY. Why certainly.

Mr. BROSIUS. Divesting a lien that has accrued to a creditor in the enjoyment of his legal right?

Mr. BAILEY. This was to prevent collusive attachments. I am free to say to the gentleman from Pennsylvania that I had some doubts on the question myself, but upon conference with the gentleman from Louisiana, who has had large experience in commercial law practice, he insisted that the real difficulty in all these cases was collusive attachments—that the debtor, if the bill should pass without that provision, would suffer a favored creditor, or one related to him, to attach the property of the creditor, which would absorb the estate and he would pay the others in a certificate of the court.

Now, the committee sought to find a way out of that difficulty. It would not do to say if he was attached he should not have the benefit of the law, and stop there, for a vindictive creditor might attach him and prevent him from ever having the benefit of the law. Now, there was a way, and only one way, to let him have the benefit of it, if he was honestly attached, and defeat him if he was dishonestly attached, and that was that he would have to show that it was an honest attachment before he could get the benefit of the law.

Mr. BROSIUS. Is there no way of making a distinction between honest and collusive attachments?

Mr. BAILEY. There is a difference in the opinion of many members; and if the gentleman will recollect, a great many of the States of the Union have provided (I think that Illinois has provided) that when a creditor attaches that brings all the property in for pro rata distribution among all the creditors; and I am told that in those States where it has been tried it has worked most excellent results.

Mr. BOATNER. If the gentleman from Pennsylvania will permit me, I will state that the change of the law which he thinks is made by this provision of the bill is purely imaginary. The circuit court of the United States have held and it is now *stare decisis* that an assignment for the benefit of the creditor made under the State laws dissolves all attachments. That is settled jurisprudence.

Mr. TERRY. Mr. Speaker——

Mr. BOATNER. I move to strike out the last word.

The SPEAKER *pro tempore*. The time for debate on this amendment is exhausted.

Mr. BROSIUS. I withdraw my amendment, as the explanation has been satisfactory.

The SPEAKER *pro tempore*. The Clerk will read the next paragraph.

Mr. PICKLER. Mr. Speaker, I want to ask the gentleman a question. He may have explained it before and I did not hear him. The question is, why is the operation of this bill confined to two years?

Mr. BAILEY. I will be glad to answer that when we reach it.

Mr. PICKLER. It may bear on some other sections of the bill.

Mr. BAILEY. Mr. Speaker, in reply to that question I would simply say this, that all the bankruptcy laws which this country has ever had have been unsatisfactory. This the friends of the bill deem an experiment. The experience under the last law was that it took six years to repeal it after the public became satisfied that it ought to be repealed.

The House repealed it twice before the Senate consented; and finally, the last time, so overwhelming was the sentiment in favor of its repeal that the House voted it by a vote of 205 to 41 and the Senate voted it by 38 to about 16.

Now, with the experience we have had with other bills, it was thought easier to renew it, if it was good, than to repeal it if it was bad; and it being an experiment, because we never before had a purely voluntary system, we thought we would frame it in such a way that if it did no good it certainly could not do very much harm, because of its limited existence.

Mr. McCALL. I wish to ask the gentleman from Texas whether this bill abrogates existing State insolvency laws?

Mr. BAILEY. It does not.

Mr. McCALL. Then in those States where they have involuntary insolvency laws this bill would not prevent an application by the creditor under those laws?

Mr. BAILEY. The bill provides that if a man has done certain things he may go into the Federal courts and get his discharge. Now, if the State laws do not permit him to do those things, that is a matter between him and his State.

Mr. McCALL. In States where they have insolvent laws providing for involuntary insolvency, as we have in Massachusetts, would those laws be operative while your bill was in force?

Mr. BAILEY. I think undoubtedly they would, unless they conflicted, and the bill is so drawn that there could not possibly be any conflict, because whatever is done under it must be valid according to the law of the State and then according to the provisions of this bill.

Mr. McCALL. Then, for instance, if the creditors of a debtor in Massachusetts were satisfied that he was defrauding them, they could make their application to our insolvency court under the State law, notwithstanding the existence of this Federal law?

Mr. BAILEY. Certainly; and if they took him in under your State insolvency laws he would have to stay there.

Mr. POWERS. I think the gentleman from Texas is falling into an error in the answer he is making to the gentleman from Massachusetts. It has been held by the Supreme Court, if I am not greatly mistaken—it certainly has been held by several State courts—that where Congress fails to legislate on the subject of bankruptcy, State laws on that subject may be passed, but that if Congress undertakes to exercise its power, that suspends any

such power on the part of the State. So that in this case, as Congress is now legislating on the subject, the State law of Massachusetts, to which the gentleman [Mr. McCALL] has referred, would be inoperative.

Mr. BAILEY. But this law recognizes State legislation.

Mr. POWERS. But the moment Congress legislates at all on the subject of bankruptcy its action suspends all State power to legislate on the subject, and therefore necessarily suspends the force of the involuntary insolvency laws of Massachusetts.

Mr. BAILEY. The gentleman from Vermont will recall the fact that in the very case where the Supreme Court said that the action of Congress vacated all State laws it yet sustained an assignment under the laws of Maryland. It said that it did, but it held that it did not vacate all State laws.

The SPEAKER *pro tempore*. There is no amendment pending.

Mr. BOATNER. Mr. Speaker, I move to strike out the last word of the preceding section. In answer to the criticisms made by gentlemen on the other side, I want to say that the very object of this bill is to carry into effect and to give complete vitality to the insolvency laws of the several States. Under existing conditions the courts of no State can give a discharge from the payment of debts due to persons who reside outside of the jurisdiction of the State, and therefore the insolvent laws of the several States are entirely ineffective. They have territorial effect within the borders of the several States, but it can be of no benefit to the debtor to obtain a discharge from creditors who reside in his own State if his property still remains subject to the claims of creditors who reside outside of the State.

Under the provisions of this bill the debtor who has made a surrender or an assignment of his property according to the law of the State where he resides, making no unlawful preferences, doing nothing which contravenes the laws of the State, turning over his property less his legal exemptions to the officer provided by the law of the State, for distribution among his creditors—the debtor who has done this may go into the Federal court and supplement the discharge which the State court is authorized to give him by a discharge from the Federal court which will be operative against all creditors whatever. That, as I understand, is the principle upon which the bill is founded, and it appears to me that it is not subject to the criticisms which gentlemen by their inquiries have seemed to pass upon it.

Now, as to whether or not the Supreme Court will hold that the bill establishes a uniform system of bankruptcy, when it does not provide for any liquidation or distribution of bankrupt estates by the Federal courts, that is a question upon which at this time I am not prepared to express an opinion; but if the court does hold that the bill is constitutional in that respect, it seems to me that otherwise it is unobjectionable. If the insolvent laws of the State do not do justice between the creditor and the debtor, that is a matter for the State Legislature, and when Congress has supplemented the authority of the discharge which the State gives by a discharge from the Federal court, all creditors will know that they must go into the Federal courts to protect their rights, and the bill will operate as a uniform bankruptcy law.

Mr. NORTHWAY. Mr. Speaker, I wish to ask the gentlemon from Texas in charge of this bill a question, and as the basis of it I will take his own State. In Texas I believe you have assignment laws.

Mr. BAILEY. Yes, sir.

Mr. NORTHWAY. And those laws provide that there shall be no preferences?

Mr. BAILEY. The assignment law does so provide, but we still hold that there may be a preference by a deed of trust.

Mr. NORTHWAY. Then, by a deed of trust you avoid that law with reference to preferences. In Texas, then, as I understand, a debtor will get up deeds of trust and dispose of his property by preferences, and then he will go into the State court and make a voluntary assignment of what he has left. Then he can go into the State court and make a voluntary assignment of what is left, can he not?

Mr. BAILEY. If he does, he can not get a discharge under this bill.

Mr. NORTHWAY. Wait a moment. That is not certain. Suppose there has been under the State law a deed of trust conveying the property? Do you provide that the creditors can come into the Federal court and have that held invalid which by the State law was valid?

Mr. BAILEY. The bill provides that if such an act be done the debtor shall not be acquitted. If the gentleman will read the bill.——

Mr. NORTHWAY. I have done so; and what I want to find out is this: Take your own State; suppose, in the absence of any bill of this kind, a debtor, under a deed of trust, disposes of his property and afterward makes an assignment; does that set aside his deed of trust?

Mr. BAILEY. Not at all.

Mr. NORTHWAY. The deed of trust is still valid, is it not?

Mr. BAILEY. Certainly.

Mr. NORTHWAY. Now, suppose the debtor under your State law, executes in the first place a deed of trust, and afterward makes anassignment for the purpose of taking advantage of this bill; does that set aside the deed of trust?

Mr. BAILEY. No, sir; as a dishonest debtor, the man fails to get a discharge.

Mr. NORTHWAY. Not a "dishonest debtor." He disposes of his property according to the laws of your State.

Mr. BAILEY. But he undertakes to prefer one creditor over another, which this bill provides shall not be done; or if it is done that there shall be no discharge.

Mr. NORTHWAY. But how can that which has been done lawfully under State law be unlawful under the Federal law?

Mr. BAILEY. If the gentleman will consider the matter a moment he will understand this distinction. This is a bill extending benefactions; these are extended on certain conditions, the main condition being that the creditors of the bankrupt shall participate fairly in the division of his estate.

Mr. NORTHWAY. But the question I want to ask is this—are you providing that the Federal court may hold that to be unlawful which a State court holds to be lawful?

Mr. BAILEY. It is not unlawful, but it is provided that if that be done the debtor shall not have his discharge.

The SPEAKER *pro tempore*. There is no amendment pending.

Mr. BROSIUS. I move to amend by striking out after the word "reside," in line 6 of section 1, the words "or be domiciled;" so as to read:

in which he may reside, or if he have property, etc.

The Clerk read the amendment of Mr. BROSIUS.

Mr. BROSIUS. Mr. Speaker, I understand that this amendment meets the approval of the gentleman in charge of this bill; but before I take my seat I wish to ask him a question, and that is whether an assignment under this bill, if it should become a law, would supersede an assignment under the State law? Suppose, for instance, under a Pennsylvania statute which does not provide for any discharge, I make an assignment of my property for the benefit of my creditors, and subsequently I make an assignment under the provisions of this act. What becomes of my first assignment?

Mr. BAILEY. There is no assignment under the provisions of this act. The bill simply provides that the act of assignment must be lawful under the laws of the State, and must also conform to the requirements of this bill, which looks simply to an equal division of the property among the creditors.

Mr. BROSIUS. Exactly. Now, two things must concur to make a valid assignment under this bill.

Mr. BAILEY. Not to make a valid assignment; but two things must concur in order to secure the discharge of the debtor.

Mr. BROSIUS. Certainly, that is what we are talking about; because an assignment without a discharge will be of no earthly consequence to the debtor. But I say two things must concur: First, it must be in conformity with the State statute; secondly, it must conform to the requirements of this act; otherwise a debtor can not obtain his discharge. Suppose I make an assignment which conforms to the statute of my State, without intending to obtain a discharge; but I subsequently conceive the idea that I may gain something by proceeding under this statute of the United States and I make another assignment which conforms to the law of my State and also to the requirements of the United States statute? What becomes of the first assignment? Is it superseded?

Mr. BAILEY. If the first assignment violates the requirements of this act in any way the debtor will have done something tending to defeat the equal distribution of his estate; and when he comes into the Federal court asking for a discharge from his indebtedness he will be denied it, because his own act previously performed has defeated it.

Mr. BROSIUS. That is a complete answer to my inquiry. Now, I ask a vote on my amendment, which, I believe, meets the approbation of the gentleman in charge of the bill.

The amendment was agreed to.

Section 2 was read, as follows:

SEC. 2. That such assignment shall be made in accordance with the laws of the State where the debtor resides, and shall convey all of the estate of the debtor except such as is exempt by the law of his domicile from execution and liability for his debts, and shall be for the equal benefit of all his creditors, subject to all valid liens, except with the preference hereinafter allowed. It shall contain a list of the names and residences of all his creditors, and a schedule of his property exempt and unexempt from execution, and the amount due to each creditor. It shall also contain a statement of

the liens or other incumbrances upon his property, all of which shall be verified by the oath of the debtor to be correct, the property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the debtor resides, subject to the provisions of this act.

Mr. RAY. Mr. Speaker, I move to strike out—I have not the amended bill before me and can not get a copy, having been informed that there were none to be had—but I move to strike out the words that I suppose must be in lines 1 or 2 of the printed bill—

Shall be made in accordance with the laws of the State where the debtor resides.

And substitute in lieu of them the words:

Shall be made in accordance with the provisions of this act.

Now, I desire the attention of every thoughtful and considerate man on this subject.

What do you propose to do under the provisions of this bill as it stands? The assignment is to be made "in accordance with the laws of the State where the debtor resides." Now, take this case: The debtor who makes the assignment resides in the State of New York. He has property in the State of New York and also in the State of Illinois and in the State of Indiana. But you propose to have him convey that property in accordance with the laws of the State of New York. Then what is to happen? Are you going to leave him there?

This bill, as it now stands, leaves the assignor there. He chooses the trustee. This is a United States law; then, under this bill this man owning property in New York and residing there, having property in Illinois and in Indiana and creditors in each of these States, appoints an assignee in New York who goes into your State of Illinois and your State of Indiana and takes the property there situate, converts it into money and takes the proceeds to New York to be there administered under the assignment laws of New York, regardless of the rights of creditors living in the State of Illinois and regardless of the rights of creditors living in the State of Indiana or any other State where such property may be found.

How are such creditors to be protected? Where and how are they to get their rights? Who is to protect them? Who is to control the disposition of this property and where is it to be done? Under the laws of Indiana? Under the laws of Illinois? In the courts of those two States? No, but in the courts of the State of New York where the debtor lives and where he made his assignment.

I ask you gentlemen from Indiana and you gentlemen from Illinois, you gentlemen from the great commercial States and cities of the United States, whether you are prepared to give your assent to any such proposition as this that will unsettle and overturn the entire commercial systems prevailing in your States? What protection have you or what rights are guaranteed to you by such a bill as this?

Mr. KILGORE. Will the gentleman allow me to interrupt him?

Mr. RAY. Yes, sir.

Mr. KILGORE. Is it not a fact that in all bankruptcy laws—and it was so provided in the Torrey bill, which I believe you supported——

Mr. RAY. No, sir; I did not support it.

Mr. KILGORE. Well, whether you did or not, is it not a fact that in all bankrupt laws it is provided that the bankrupt estate must be administered by the court having jurisdiction; that is to say, that court within whose jurisdiction the bankrupt resides? Is not that the case in all bankruptcy proceedings?

Mr. RAY. Yes, my friend; but here is a case——

Mr. KILGORE (continuing). You can not have an administration of a bankrupt estate in every State where the bankrupt happens to have property.

Mr. RAY. Let me answer your question first. Under the Torrey bill and all others that have been presented heretofore, the bankrupt act itself has attempted to provide the means and manner for the distribution of the estate of the bankrupt. It has made a general law on the subject.

Mr. KILGORE. Did it not provide the place where it should be administered, too?

Mr. RAY. Certainly.

Mr. KILGORE. And did it not provide for the discharge of the petitioner in bankruptcy?

Mr. RAY. Certainly. But let me continue. I say each of these acts provided the mode and manner of the distribution of the estate by a general law. But what do you do in this act? You give this power to the State, and the United States courts will be called on to administer the assignment laws of the forty-four States. Heretofore, under our bankruptcy laws, there was a uniform method of procedure, which applied to all States alike, but here you have property taken from two or three different States, carried into one State because the assignor happens to live there, and have it distributed and divided according to the laws of that particular State, without regard to what may be the rights of the creditors in the other States under their State laws; so that the property of an insolvent debtor may be taken from New England, from New York, or Indiana, and carried away to Texas or Colorado to be administered under the laws of those particular States. That is the injustice, in part, of the bill now before us that I complain of.

The SPEAKER *pro tempore*. The time of the gentleman from New York has expired.

Mr. BOATNER. Mr. Speaker, the gentleman form New York is altogether at fault in his criticism of this section. It provides:

2. That such assignment or cession shall be made in accordance with the laws of the State where the debtor resides, and shall convey all of the estate of the debtor except such as is exempt by the law of his domicile from execution and liability for his debts, and shall be for the equal benefit of all his creditors, subject to all valid liens, except with the preference hereinafter allowed.

That is to say that the person who seeks to avail himself of the provisions of this act must first have made an assignment or cession of the property for the benefit of his creditors; and it must be made according to the laws of the State wherein he resides, but in making it he must have conveyed to the assignee or person appointed to represent the creditors not only the property which he held there, but the property which he holds everywhere, in satisfaction of his obligations. The property which he may surrender in Illinois and the property in Indiana or elsewhere of course would be administered by the assignee or person appointed to represent the creditors in Illinois or Indiana, according to the laws of the particular State, or wherever the surrendered property happened to be—whether in Indiana or elsewhere. It would have to be administered exactly in accordance with the laws of the State where it is situate, providing the effect of judgments, liens, etc.

Mr. RAY. Now, under this law as it stands, if a man makes an assignment under the laws of the State of New York, and if he owns real estate and personal property in ten different States, the property will vest in the assignee. Now, do you claim that the property in each State would be administered according to the assignment laws of the State where that property was situated, or would it be administered under this bill according to the laws of the State where the assignee resided? Which?

Mr. BOATNER. As to the mere form of proceeding of administration, of course that would be controlled by the laws of the State where the surrender was made. But the rights of parties in relation to the property would be determined by the laws of the States where the property was situated. No law of New York could be held to control a lien in the State of Illinois, and *vice versa*.

Mr. RAY. Now let me ask you right there, would not the assignee in New York have a right to go into Illinois, or Indiana, or wherever he could find property, and convert it into money, and take the money proceeds of the property into the State of New York.

Mr. BOATNER. He certainly would, unless, according to the laws of Illinois or Indiana, there were liens upon the property which had not been satisfied.

Mr. RAY. Suppose there are no liens, but suppose the debtor has made fraudulent transfers, and people in the State of Indiana are seeking to set those aside. In comes the assignee from New York before the suit has been brought, before the man has an opportunity to assert his right, and converts the property into money and takes it away to the State of New York. What remedy has the man in Indiana? None whatever.

Mr. BOATNER. The man in Indiana would have a perfect right to go in the State of Illinois, or New York, as the case may be, and contest in those courts for the enforcement of his rights against the fund in the hands of the assignee, according to the laws of the State where the contract is made.

Mr. RAY. That is true; and right there is the injustice and folly of this bill, because I, being an assignee in New York, go into Illinois and take the property and carry it away, in the form of money, to New York, and the creditors in Illinois, seeking to enforce their rights, are compelled to follow me into the State of New York and see the property disposed of under the laws of New York. I do not believe anybody wants that done. No commercial man does. The property should be distributed according to a rule of law made by the United States, not by a single State of the forty-four.

Mr. BOATNER. The very identical condition of affairs which the gentleman now regards with so much horror was provided for by the Torrey bill. It was provided for by the bankruptcy bill of 1867, and, so far as I know, was provided for by every bankruptcy bill the country has ever had. Why, you can not have a separate bankruptcy administration in every State and locality where the property is situated. The gentle-

man from Vermont [Mr. POWERS] has suggested to me that the assignment is made under the law of the State where the assignment is made. That law can have no extraterritorial effect. The person appointed to represent the creditors has a certain representative capacity.

He may go into another State, and in his official capacity may obtain the possession of property. He may provoke the sale of property, but he must do so subject to the laws of that State, and subject to the rights of creditors of that State. If they stand by and permit him to reduce the property to cash and to convey it into another State, why there is no more hardship in those creditors being obliged to go to that State for the purpose of obtaining the ascertainment of their rights than there is for the creditor in New York who now goes to Louisiana or Texas, habitually, for the same purpose if his debtors happen to live there.

Mr. BROSIUS. I move to strike out in line 4——

Mr. RAY. I have not withdrawn my amendment. I call for a vote on my amendment.

The SPEAKER *pro tempore* (Mr. DOCKERY). The Chair will submit the question on the amendment offered by the gentleman from New York [Mr. RAY].

Mr. MALLORY. I ask that that amendment be read.

The SPEAKER *pro tempore*. The Clerk will again report the amendment.

Mr. BAILEY. I think we might have some time if there is any disposition to discuss it. This is a committee amendment, and I did not feel at liberty to leave it out of the substitute that I prepared, but I think it is entirely covered by the first section of the bill, which provides that the assignment shall be valid according to the laws of the State.

Mr. RAY. Where is that?

Mr. BAILEY. In the first section of the bill—

or if he have property in any other jurisdiction, then as to such property, valid according to the laws thereof.

Now, as to personal property in a different jurisdiction, it is conveyed by the law, conforming to the law of the assignor's domicile or residence.

Mr. RAY. I ask unanimous consent for five minutes on this subject here.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from New York?

Mr. MALLORY. I object.

Mr. RAY. Let us understand this before we go further.

Mr. MALLORY. I do not care anything further about debate.

The SPEAKER *pro tempore*. The present occupant of the chair does not know whether the committee amendments have all been agreed to.

Mr. BAILEY. The committee have amendments to offer. I asked unanimous consent that the amendments of the committee be agreed to in gross, and the gentleman from New York objected. He desires now to submit some amendments.

Mr. RAY. I beg the gentleman's pardon. "The gentleman from New York" did not object.

Mr. BAILEY. Well, then, I renew my request.

Mr. RAY. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] objected.

The SPEAKER *pro tempore*. The Chair is advised that the committee amendments were all agreed to.

Mr. BOATNER. What was objected to was that the substitute be considered as pending.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. RAY. Division.

The House divided; and there were—ayes 10, noes 39.

Mr. RAY. No quorum.

The SPEAKER *pro tempore*. The gentleman from New York makes the point of no quorum. The Chair will appoint as tellers the gentleman from New York [Mr. RAY] and the gentleman from Texas [Mr. BAILEY].

The House again divided; and there were—ayes 3, noes 69.

Mr. BAILEY. I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from New York [Mr. RAY] and the gentleman from Texas [Mr. BAILEY].

Mr. BRODERICK. Can we have the amendment of the gentleman from New York reported again? There are members present who do not understand what it is.

The SPEAKER *pro tempore*. Without objection, and at the request of the gentleman from Kansas, the amendment of the gentleman from New York will again be reported.

The amendment was again reported.

The question was taken; and there were—yeas 22, nays 135, answered "present" 9, not voting 185; as follows:

YEAS—22.

Bartholdt,	Fletcher,	Marvin, N. Y.	Stone, W. A.
Brosius,	Gillet, N. Y.	Northway,	Thomas.
Burrows,	Harmer,	Post,	Wanger.
Covert,	Hicks,	Ray.	Wright, Mass.
Daniels,	Hull,	Reilly,	
Draper,	Kiefer,	Somers,	

NAYS—135.

Aitken,	Cooper, Wis.	Hutcheson,	Paschal,
Alderson,	Cousins,	Izlar,	Pearson,
Alexander,	Cox,	Johnson, N. Dak.	Pence,
Allen,	Crawford,	Jones,	Pendleton, Tex.
Arnold,	Cummings.	Kilgore,	Pendleton, W. Va.
Babcock.	Curtis, Kans.	Kribbs,	Price,
Baker, Kans.	Davis,	Kyle,	Richardson, Tenn.
Baldwin,	De Armond,	Lane,	Ritchie.
Barnes,	De Forest,	Lapham,	Robbins,
Barwig,	Dinsmore,	Latimer,	Robertson, La.
Bell, Colo.	Dockery,	Layton,	Sayers,
Bell, Tex.	Donovan,	Lockwood,	Shell,
Berry,	Dunn,	Lynch,	Snodgrass,
Black, Ga.	Ellis, Ky.	Maddox,	Sorg,
Black, Ill.	English, N. J.	Maguire,	Springer,
Bland,	Epes,	Mallory,	Stockdale,
Boatner,	Erdman,	Marsh,	Strait,
Boen.	Fithian,	Marshall,	Strong,
Bower, N. C.	Forman,	Martin, Ind.	Talbert, S. C.
Bretz,	Fyan,	McCulloch,	Tarsney,
Broderick,	Gorman,	McDearmon,	Tate,
Brookshire,	Grady,	McEttrick,	Taylor, Ind.
Bryan,	Graham,	McKaig,	Terry,
Bynum,	Gresham,	McLaurin,	Tucker,
Cannon, Cal.	Hall, Minn.	McNagny,	Tyler,
Caruth,	Hall, Mo.	McRae,	Warner,
Catchings,	Harris,	Meyer,	Wells,
Clark, Mo.	Hartman,	Money,	Wheeler, Ala.
Cobb, Mo.	Hatch,	Morgan,	Williams, Ill.
Cockrell,	Heard,	Neill,	Williams, Miss.
Coffeen,	Henderson, N. C.	Newlands,	Wilson, Ohio
Cooper, Fla.	Holman,	Ogden,	Wise,
Cooper, Ind.	Hudson,	O'Neil, Mass.	Woodard.
Cooper, Tex.	Hunter,	Outhwaite,	

ANSWERED "PRESENT"—9.

Childs,	Geissenhainer,	Page,	Smith,
Everett,	Morse,	Powers,	Tracey.
Gear,			

NOT VOTING—185.

Abbott,	Dolliver,	Lawson,	Russell, Ga.
Adams, Ky.	Doolittle,	Lefever,	Ryan,
Adams, Pa.	Dunphy,	Lester,	Schermerhorn,
Aldrich,	Durborow,	Linton,	Scranton,
Apsley,	Edmunds,	Livingston,	Settle,
Avery,	Ellis, Oregon	Loud,	Shaw,
Bailey,	English, Cal.	Loudenslager,	Sherman,
Baker, N. H.	Enloe,	Lucas,	Sibley,
Bankhead,	Fielder,	Magner,	Sickles,
Bartlett,	Funk,	Mahon,	Simpson,
Belden,	Funston,	McAleer,	Sipe,
Beltzhoover,	Gardner,	McCall,	Sperry,
Bingham,	Geary,	McCleary, Minn.	Stallings,
Blair,	Gillett, Mass.	McCreary, Ky.	Stephenson,
Boutelle,	Goldzier,	McDannold,	Stevens,
Bowers, Cal.	Goodnight,	McDowell,	Stone, C. W.
Branch,	Griffin,	McGann,	Stone, Ky.
Breckinridge, Ark	Grosvenor,	McKeighan,	Storer,
Breckinridge, Ky.	Grout,	McMillin,	Straus,
Brickner,	Grow,	Meiklejohn,	Swanson,
Brown,	Hager,	Mercer,	Sweet,
Bundy,	Hainer,	Meredith,	Talbott, Md.
Bunn,	Haines,	Milliken,	Tawney,
Burnes,	Hammond,	Montgomery,	Taylor, Tenn.
Cabaniss,	Hare,	Moon,	Turner, Ga.
Cadmus,	Harter,	Moses,	Turner, Va.
Caminetti,	Haugen,	Murray,	Turpin,
Campbell,	Hayes,	Mutchler,	Updegraff,
Cannon, Ill.	Heiner,	Oates,	VanVoorhis, N. Y.
Capehart,	Henderson, Ill.	O'Neill, Mo.	VanVoorhis, Ohio
Causey,	Henderson, Iowa	Patterson,	Wadsworth,
Chickering,	Hendrix,	Payne,	Walker,
Clancy,	Hepburn,	Paynter,	Washington,
Clarke, Ala.	Hermann,	Perkins,	Waugh,
Cobb, Ala.	Hines,	Phillips,	Weadock,
Cockran,	Hitt,	Pickler,	Wever,
Cogswell,	Hooker, Miss.	Pigott,	Wheeler, Ill.
Conn,	Hooker, N. Y.	Quigg,	White,
Coombs,	Hopkins, Ill.	Randall,	Whiting,
Cornish,	Hopkins, Pa.	Rayner,	Wilson, Wash.
Crain,	Houk,	Reed,	Wilson, W. Va.
Culberson,	Hulick,	Reyburn,	Wolverton,
Curtis, N. Y.	Ikirt,	Richards, Ohio	Woomer,
Dalzell,	Johnson, Ind.	Richardson, Mich.	Wright, Pa.
Davey,	Johnson, Ohio	Robinson, Pa.	
Denson,	Kem,	Rusk,	
Dingley,	Lacey,	Russell, Conn.	

The following additional pairs were announced:

Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois, until further notice.

For the rest of the day:

Mr. RICHARDS with Mr. STORER.

Mr. LESTER with Mr. GROSVENOR.

Mr. BURNES with Mr. APSLEY.

Mr. GEARY with Mr. WILSON of Washington.

Mr. SWANSON with Mr. WADSWORTH.

On this question:
Mr. TALBOTT of Maryland with Mr. CANNON of Illinois.
Mr. HENDERSON of Iowa with Mr. SHAW.
Mr. McCULLOCH. Mr. Speaker, the gentleman from New York, Mr. COOMBS, was taken sick awhile ago and had to go home. I ask that he be excused.
There was no objection, and it was so ordered.
Mr. WILLIAM A. STONE. Mr. Speaker, I ask that my colleague, Mr. WRIGHT, be excused indefinitely, on account of sickness.
There was no objection, and it was so ordered.
The SPEAKER *pro tempore*. The Clerk will note the names of those who are present and not voting; and on this call gentlemen whose names are called by the Clerk can vote.
The Clerk read as follows:
Mr. BELTZHOOVER, Mr. BRANCH, Mr. BUNDY, Mr. CURTIS of New York, Mr. IKIRT, Mr. LESTER, Mr. MAHON, Mr. McCLEARY of Minnesota, Mr. PATTERSON, Mr. RICHARDS, and Mr. CHARLES W. STONE.
Mr. BROSIUS. Mr. Speaker, do I understand that the names of the persons just announced were those present and not voting?
The SPEAKER *pro tempore*. They are.
Mr. BROSIUS. I heard the name of my colleague, Mr. BELTZHOOVER, called.
Mr. BAILEY. He is sitting right over here.
Mr. HENDERSON of Illinois. I was present and not voting, because I was paired.
The SPEAKER *pro tempore*. Upon this question the tellers report—yeas 22, nays 134, answering present 7, and the tellers note the presence of 11, making in all 174 gentlemen. No quorum has voted.
Mr. BAILEY. Mr. Speaker, I move a call of the House.
The motion was agreed to.
The Clerk proceeded call the roll, when the following-named members failed to respond.

Abbott,	Dolliver,	Lacey,	Shaw,
Adams, Ky.	Doolittle,	Lawson,	Sherman,
Aldrich,	Dunphy,	Livingston,	Sibley,
Allen,	Durborow,	Loud,	Sickles,
Apsley,	Edmunds,	Magner,	Simpson,
Babcock,	Enloe,	McAleer,	Sipe,
Bankhead,	Fielder,	McCreary, Ky.	Stallings,
Bartlett,	Funk,	McDannold,	Stephenson,
Belden,	Funston,	McDowell,	Stone, Ky.
Berry,	Gardner,	McGann,	Storer,
Bingham,	Geary,	McKeighan,	Straus,
Blair,	Gillet, N. Y.	McMillin,	Swanson,
Boutelle,	Gillett, Mass.	Meredith,	Talbott, Md.
Bower, N. C.	Goldzier,	Milliken,	Tawney,
Breckinridge, Ark.	Goodnight,	Montgomery,	Taylor, Tenn.
Breckinridge, Ky.	Grosvenor,	Moon,	Turner, Ga.
Bunn,	Grout,	Moses,	Turner, Va.
Burnes,	Grow,	Murray,	Turpin,
Burrows,	Haines,	Mutchler,	Van Voorhis, N. Y.
Cadmus,	Hammond,	Newlands,	Van Voorhis, Ohio
Causey,	Hare,	Oates,	Wadsworth,
Chickering,	Haugen,	Paynter,	Walker,
Clancy,	Hayes,	Phillips,	Waugh,
Clarke, Ala.	Heiner,	Pigott,	Weadock,
Cobb, Ala.	Henderson, Iowa	Quigg,	Wever,
Cockran,	Hendrix,	Randall,	Wheeler, Ill.
Cogswell,	Hermann,	Rayner,	White,
Conn,	Hines,	Reyburn,	Whiting,
Coombs,	Hooker, Miss.	Richardson, Mich.	Wilson, Wash.
Cornish,	Hooker, N. Y.	Robinson, Pa.	Wilson, W. Va.
Covert,	Hopkins, Pa.	Rusk,	Wolverton,
Crain,	Houk,	Russell, Ga.	Woomer,
Culberson,	Hulick,	Ryan,	Wright, Pa.
Davey,	Johnson, Ind.	Schermerhorn,	
Denson,	Johnson, Ohio	Scranton,	
Dingley,	Kem,	Settle,	

The SPEAKER *pro tempore*. The doors will now be closed and the Clerk will call the names of gentlemen who failed to respond on the first call. Upon this call excuses will be in order.
Mr. BOWERS (when the name of Mr. LOUD was called). Mr. Speaker, I ask unanimous consent that my colleague, Mr LOUD, be excused as he has gone home sick.
There was no objection, and it was so ordered.
Mr. PAYNE (when the name of Mr STORER was called). Mr. Speaker, I ask that the gentleman from Ohio, Mr. STORER be excused on account of illness in his family.
There was no objection, and it was so ordered.
The call was completed.
The SPEAKER *pro tempore*. Upon this call 205 gentlemen have answered to their names, more than a quorum.
Mr. BAILEY. Mr. Speaker, I move to dispense with all further proceedings under the call.
The motion was agreed to.
Mr. BAILEY. Now, Mr. Speaker, I ask unanimous consent that the order by which the yeas and nays have been ordered on the amendment of the gentleman from New York be vacated.
Mr. RAY. Pending that, Mr. Speaker, I wish to make a parliamentary inquiry.
The SPEAKER *pro tempore* (Mr. DOCKERY). The gentleman will state it.
Mr. RAY. I wish to inquire whether under the order adopted this morning we are not required to vote on this bill at half past 4 o'clock to-day?
The SPEAKER *pro tempore*. The Clerk will report the order.
The Clerk read the order as above printed.
The SPEAKER *pro tempore*. The Chair is advised that under the order the time expires at twenty minutes to 5. The present occupant of the chair was not in the chair at the time of the adoption of the order, but that is the record at the desk. Is there objection to the request of the gentleman from Texas that the order by which the yeas and nays were ordered on the amendment of the gentleman from New York be vacated?
Mr. RAY. I object.
The SPEAKER *pro tempore*. Objection is made to the request of the gentleman from Texas. The yeas and nays have been ordered upon the amendment of the gentleman from New York; the tellers will take their places at the desk, and the Clerk will call the roll.
The Clerk proceeded to call the roll and completed the first call.
Mr. BAILEY. Mr. Speaker, in view of the fact that the hour for taking the vote has arrived, I again ask unanimous consent that the order for the yeas and nays be vacated.
The SPEAKER *pro tempore*. The gentleman from Texas, pending the second call, asks unanimous consent that the order for the yeas and nays be vacated.
There was no objection, and it was so ordered.
The SPEAKER *pro tempore*. The order is vacated, the amendment is rejected, and the previous question now operates on the bill and amendments to its passage.
Mr. BAILEY. The amendment of the gentleman from New York was voted down, and the order for the yeas and nays being vacated, I assume that the amendment has failed and that the gentleman withdraws the point of no quorum.
Mr. RAY. Mr. Speaker, the understanding to which I am willing to consent is this: That the substitute proposed by the gentleman from Texas or the majority of the committee shall be regarded as pending in lieu of the original bill, and that the gentleman from Vermont [Mr. POWERS] shall have the right by unanimous consent to offer his substitute for that bill; the vote to be taken on the substitute and then on the bill presented by the gentleman from Texas.
The SPEAKER *pro tempore*. The Chair would be glad to have the gentleman from Texas state his proposition.
Mr. BAILEY. I ask unanimous consent that the substitute which I shall offer shall be regarded and treated by the House as the original bill with amendments, and that for that substitute the gentleman from New York [Mr. RAY] or the gentleman from Vermont [Mr. POWERS] shall have the privilege of offering the bill which they propose as a substitute.
The SPEAKER *pro tempore*. The gentleman from Texas asks unanimous consent to offer a bill as a substitute for the one now pending, the substitute to be treated as the original bill, and that the gentleman from Vermont [Mr. POWERS] be authorized to offer a substitute for that.
Mr. REED. Is that coupled with any proposition as to time for discussion?
Mr. BAILEY. This does not affect the discussion; there will be no discussion on either.
Mr. REED. It seems to me if we are going to have a bankruptcy bill we ought to have some discussion, especially if two new ones are to be brought in.
Mr. BAILEY. I will say to the gentleman that there are absolutely no changes except verbal changes in the bill which I now propose to offer as a substitute, to be treated as the original bill; and the bill which the gentleman from Vermont [Mr. POWERS] will offer as a substitute has been before the House heretofore, and was discussed for two weeks.
The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Texas [Mr. BAILEY]?
Mr. HATCH. I would like to hear that request stated again.
The SPEAKER *pro tempore*. The gentleman from Texas asks unanimous consent to offer a substitute for the bill now pending, the substitute to be treated as the original bill; and he also asks that the gentleman from Vermont [Mr. POWERS] be permitted to offer a substitute.
Mr. HATCH. I object to any vote on the Torrey bill. We rejected it once; and that ought to be satisfactory to every gentleman.
The SPEAKER *pro tempore*. The question is on ordering this bill to be engrossed and read the third time.
The question being put, there were on a division (called for by Mr. WILLIAM A. STONE)—ayes 91, noes 42.
Mr. RAY. No quorum.

Mr. BAILEY. We may as well have the yeas and nays.

Mr. RAY. Before this question is put, I wish to make a parliamentary inquiry. The agreement was made that if consent was given for the bill of the gentleman from Texas [Mr. BAILEY] to come in the bill of the gentleman from Vermont [Mr. POWERS] should be entertained as a substitute. Now, having been talking a moment with gentlemen on this side, I find a vote is about to be taken on the original bill.

Mr. BAILEY. Objection was made.

Mr. RAY. Then the agreement was not carried out?

Mr. BAILEY. It could not be by reason of objection.

The SPEAKER *pro tempore*. The question is now on the engrossment and third reading of the bill which has been under consideration during the day.

Mr. RAY. Not the substitute?

The SPEAKER *pro tempore*. No; because the gentleman from Missouri [Mr. HATCH] objected to the request for unanimous consent.

Mr. RAY. Now I understand the matter.

Mr. SPRINGER. I wish to ask unanimous consent that the vote be taken now by yeas and nays on the final passage of the bill, instead of on the engrossment and third reading.

Mr. REED. Oh, no; let us go on in accordance with the regular order.

The SPEAKER *pro tempore*. The regular order is demanded by the gentleman from Maine. The question is on ordering the yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. BAILEY] and the gentleman from New York [Mr. RAY] will act as tellers during the call of the yeas and nays.

The question was taken; and there were—yeas 123, nays 55, answered "present" 1, not voting 172; as follows:

YEAS—123.

Aitken,	Coffeen,	Ikirt,	Pendleton, W. Va.
Alderson,	Cooper, Fla.	Iziar,	Perkins
Alexander,	Cooper, Ind.	Johnson, N. Dak.	Pickler,
Allen,	Cooper, Tex.	Jones,	Price,
Arnold,	Cox,	Kem,	Richardson, Tenn.
Bailey,	Cummings,	Kilgore,	Ritchie,
Baker, Kans.	Curtis, Kans.	Kyle,	Robertson, La.
Barnes,	Davis,	Lapham,	Sayers,
Barwig,	De Armond,	Layton,	Shell,
Bell, Colo.	Dinsmore,	Lester,	Somers,
Bell, Tex.	Dockery,	Lucas,	Sorg,
Black, Ga.	Dolliver,	Lynch,	Springer,
Black, Ill.	Donovan,	Maddox,	Stockdale,
Boatner,	Dunn,	Maguire,	Strait,
Boen,	English, Cal.	Mallory,	Sweet,
Bowers, Cal.	Epes,	Marsh,	Talbert, S. C.
Branch,	Fithian,	Marshall,	Tarsney,
Brickner,	Geissenhainer,	Martin, Ind.	Taylor, Ind.
Broderick,	Gorman,	McDearmon,	Terry,
Brookshire,	Hall, Mo.	McEttrick,	Tracey,
Bryan,	Harris,	McKeighan,	Tucker,
Bunn,	Hartman,	McLaurin,	Turner, Va.
Bynum,	Hayes,	McNagny,	Tyler,
Campbell,	Heard,	Meyer,	Updegraff,
Cannon, Cal.	Henderson, N. C.	Money,	Washington,
Cannon, Ill.	Hitt,	Morgan,	Wheeler, Ala.
Caruth,	Holman,	Ogden,	Williams, Miss.
Catchings,	Hudson,	Paschal,	Wilson, Ohio
Clark, Mo.	Hull,	Pearson,	Wise,
Cobb, Mo.	Hunter,	Pence,	Woodard.
Cockrell,	Hutcheson,	Pendleton, Tex.	

NAYS—55.

Avery,	English, N. J.	Kribbs,	Ray,
Bartholdt,	Erdman,	Lane,	Richards, Ohio
Beltzhoover,	Everett,	Latimer,	Russell, Conn.
Bland,	Forman,	Lockwood,	Smith,
Bretz,	Fyan,	Mahon,	Snodgrass,
Brosius,	Graham,	Marvin, N. Y.	Stevens,
Cousins,	Gresham,	McCulloch,	Stone, C. W.
Crawford,	Hall, Minn.	McKaig,	Stone, W. A.
Curtis, N. Y.	Harmer,	McRae,	Tate,
Dalzell,	Harter,	Morse,	Warner,
Daniels,	Hatch,	Neill,	Wells,
De Forest,	Hepburn,	O'Neill, Mass.	Williams, Ill.
Ellis, Ky.	Hicks,	Page,	Wright, Mass.
Ellis, Oregon	Kiefer,	Powers,	

ANSWERED "PRESENT"—1.

Outhwaite.

NOT VOTING—172.

Abbott,	Breckinridge, Ark.	Cockran,	Edmunds,
Adams, Ky.	Breckinridge, Ky.	Cogswell,	Enloe,
Adams, Pa.	Brown,	Conn.	Fielder,
Aldrich,	Bundy,	Coombs,	Fletcher,
Apsley,	Burnes,	Cooper, Wis.	Funk,
Babcock,	Burrows,	Cornish,	Funston,
Baker, N. H.	Cabaniss,	Covert,	Gardner,
Baldwin,	Cadmus,	Crain,	Gear,
Bankhead,	Caminetti,	Culberson,	Geary,
Bartlett,	Capehart,	Davey,	Gillet, N. Y.
Belden,	Causey,	Denson,	Gillett, Mass.
Berry,	Chickering,	Dingley,	Goldzier,
Bingham,	Childs,	Doolittle,	Goodnight,
Blair,	Clancy,	Draper,	Grady,
Boutelle,	Clarke, Ala.	Dunphy,	Grimn,
Bower, N. C.	Cobb, Ala.	Durborow,	Grosvenor,
Grout,	Loud,	Phillips,	Stone, Ky.
Grow,	Loudenslager,	Pigott,	Storer,
Hager,	Magner,	Post,	Straus,
Hainer,	McAleer,	Quigg,	Strong,
Haines,	McCall,	Randall,	Swanson,
Hammond,	McCleary, Minn.	Rayner,	Talbott, Md.
Hare,	McCreary, Ky.	Reed,	Tawney,
Haugen,	McDannold,	Reilly,	Taylor, Tenn.
Heiner,	McDowell,	Reyburn,	Thomas,
Henderson, Ill.	McGann,	Richardson, Mich.	Turner, Ga.
Henderson, Iowa	McMillin,	Robbins,	Turpin,
Hendrix,	Meiklejohn,	Robinson, Pa.	Van Voorhis, N. Y.
Hermann,	Mercer,	Rusk,	Van Voorhis, Ohio
Hines,	Meredith,	Russell, Ga.	Wadsworth,
Hooker, Miss.	Milliken,	Ryan,	Walker,
Hooker, N. Y.	Montgomery,	Schermerhorn,	Wanger,
Hopkins, Ill.	Moon,	Scranton,	Waugh,
Hopkins, Pa.	Moses,	Settle,	Weadock,
Houk,	Murray,	Shaw,	Wever,
Hulick,	Mutchler,	Sherman,	Wheeler, Ill.
Johnson, Ind.	Newlands,	Sibley,	White,
Johnson, Ohio	Northway,	Sickles,	Whiting,
Lacey,	Oates,	Simpson,	Wilson, Wash.
Lawson,	O'Neill, Mo.	Sipe,	Wilson, W. Va.
Lefever,	Patterson,	Sperry,	Wolverton,
Linton,	Payne,	Stallings,	Woomer,
Livingston,	Paynter,	Stephenson,	Wright, Pa.

So the bill was ordered to be engrossed and read a third time.

The SPEAKER *pro tempore* (Mr. DOCKERY). The Clerk will report the names of those members who are reported by the tellers as present and not voting.

The Clerk read as follows:

Mr. TURNER of Georgia, Mr. GEAR, Mr. MCCLEARY of Minnesota, Mr. CAMINETTI, and Mr. MCCALL.

Mr. RAY. Mr. Speaker, I desire to make a point of order in regard to the report just read by the Clerk. I desire to say that Mr. GEAR was not within the range of my vision; that is, I did not see him. After the voting was all over and they were counting up the list I did see him, but not until after the call of the roll had been completed.

I do not know of course how the rule will be construed by the Chair; whether a member could only be noted as present when his name was called or not.

Mr. BAILEY. In reply to the gentleman from New York, I want to say, Mr. Speaker, that there was nobody within the range of the gentleman's vision. If you look at the roll kept by the gentleman you will see that he has not marked anybody as "present."

Mr. RAY. Oh, I beg the gentleman's pardon. I did.

Mr. BAILEY. Well, give me the tally sheet and I will prove that the gentleman did not. I make the statement that the gentleman did not mark any member as being present, and to prove it I hold in my hand the tally sheet, which does not show the name of any member marked upon it.

The SPEAKER *pro tempore*. The Chair will ask the gentleman from New York if he objects to any other name upon the list?

Mr. RAY. I do not; and I do not object to that. I only wished to call attention to it, so that we may have some construction——

Mr. BAILEY. Inasmuch as the gentleman from New York has challenged the fact of the presence of the gentleman from Iowa, permit me to say that the gentleman from Iowa is himself in the House, and I am sure he will not undertake to say that he was not present, talking to the Senator from Ohio [Mr. BRICE], while the roll was being called.

Mr. RAY. Now, Mr. Speaker, I am not prepared to say that Mr. GEAR was not in this House during the roll call, but I can say, and I do say, and I think I have pretty fair eyes and I looked very carefully, that I did not see him during the call. I did not see him until after the roll call was entirely completed, and when they were counting up the number voting. Then the gentleman from Texas said, "There is the gentleman from Iowa [Mr. GEAR]; put him down," or "count him." I said, "No; he was not here during the roll call."

Now, the fact that he was present immediately after the roll was called may entitle him to be recorded. I do not know as to that. But that is all I can say in regard to the matter.

Mr. BAILEY. As a matter of fact, I did not put the name of Mr. GEAR down until I saw him standing over there talking to the Senator from Ohio——

The SPEAKER *pro tempore*. The Chair will again ask the gentleman from New York if there is any other name on the list to which he objects?

Mr. RAY. I do not object to any other, and I only raised that objection because of the circumstances connected with it. I do not know how the Chair will regard it, but it seems to me that the member named can only be marked as present at the time his name is reached on the roll.

The SPEAKER *pro tempore*. If there be no objection the name of the gentleman from Iowa [Mr. GEAR], who is recorded as present, will be omitted from the list.

Mr. BAILEY. I object.

The SPEAKER *pro tempore*. There is a disagreement in the report of the tellers.

Mr. PENDLETON of West Virginia. Mr. Speaker, during the latter part of the roll call Governor GEAR was talking——

The SPEAKER *pro tempore*. The Chair is not hearing evidence on the subject. If the gentleman will allow the Chair to proceed——

Mr. BAILEY. Let me say, Mr. Speaker, that I am entirely willing the name shall be taken from the list, as it is not necessary to make the quorum; but I adhere to the statement I have made that Mr. GEAR was present.

The SPEAKER *pro tempore*. There is no issue raised by the Chair upon that question. The only question is whether there is objection to omitting the name from those announced as present and not voting, it not being necessary to make a quorum.

The result of the vote was then announced, as above recorded.

The bill was accordingly read the third time, the question being upon its passage.

The question was taken; and on a division, demanded by Mr. PAYNE, there were—ayes 106, noes 36.

Mr. WELLS. No quorum.

The SPEAKER *pro tempore*. The point of no quorum being made, the Chair will order tellers.

Mr. WELLS and Mr. BAILEY were appointed tellers.

Mr. BAILEY. I hope the gentleman will not insist upon the point of no quorum.

Mr. WELLS. I will withdraw it so as to avoid detaining members here, but I do it with regret.

The SPEAKER *pro tempore*. The point of no quorum is withdrawn.

Mr. PAYNE. I renew it.

Mr. BAILEY. Then I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The SPEAKER *pro tempore* announced the appointment of Mr. PAYNE and Mr. BAILEY as tellers at the desk.

Mr. DUNN. Mr. Speaker, I have just received a dispatch from my colleague, Mr. CORNISH of New Jersey, who wishes to be excused on account of sickness.

There was no objection.

Mr. PICKLER. Pending the vote on the passage of the bill I move that the House do now adjourn.

The SPEAKER *pro tempore*. The Chair can not at this time entertain that motion under the special rule.

The question was taken; and there were—yeas 117, nays 37, answered "present" 3, not voting 194; as follows:

YEAS—117.

Alderson,	Coffeen,	Kem,	Price,
Alexander,	Cooper, Ind.	Kilgore,	Richardson, Tenn.
Allen,	Cooper, Tex.	Kyle,	Ritchie,
Arnold,	Cooper, Wis.	Lapham,	Robertson, La.
Bailey,	Cox,	Latimer,	Sayers,
Baker, Kans.	Cummings,	Layton,	Shell,
Barnes,	Curtis, Kans.	Lynch,	Somers,
Barwig,	Davis,	Maddox,	Sorg,
Bell, Colo.	De Armond,	Maguire,	Springer,
Bell, Tex.	Dinsmore,	Mallory,	Stockdale,
Black, Ga.	Dockery,	Marsh,	Strait,
Black, Ill.	Donovan,	Marshall,	Sweet,
Boatner,	Dunn,	Martin, Ind.	Talbert, S. C.
Boen,	English, Cal.	McDearmon,	Tarsney,
Bowers, Cal.	Epes,	McEttrick,	Taylor, Ind.
Branch,	Fithian,	McKeighan,	Terry,
Broderick,	Grady,	McLaurin,	Tracey,
Brookshire,	Gresham,	McNagny,	Tucker,
Bryan,	Hall, Mo.	Meyer,	Turner, Ga.
Bundy,	Harris,	Money,	Turner, Va.
Bunn,	Hayes,	Morgan,	Tyler,
Bynum,	Heard,	Ogden,	Washington,
Caminetti,	Henderson, N. C.	O'Neil, Mass.	Wheeler, Ala.
Campbell,	Hitt,	Outhwaite,	Williams, Miss.
Cannon, Cal.	Holman,	Paschal,	Wilson, Ohio
Caruth,	Hudson,	Pearson,	Wise,
Catchings,	Hunter,	Pendleton, Tex.	Woodard.
Clark, Mo.	Izlar,	Pendleton, W. Va.	
Cobb, Mo.	Johnson, N. Dak.	Perkins,	
Cockrell,	Jones.	Pickler.	

NAYS—37.

Bartholdt,	Everett,	Morse,	Stone, C. W.
Bland,	Fyan,	Neill,	Stone, W. A.
Bretz,	Hatch,	Page,	Tate,
Brosius,	Kiefer,	Payne,	Warner,
Cousins,	Kribbs,	Post,	Wells,
Crawford,	Mahon,	Powers,	Williams, Ill.
Curtis, N. Y.	McCleary, Minn.	Richards, Ohio	Wright, Mass.
Daniels,	McCulloch,	Russell, Conn.	
English, N. J.	McKaig	Snodgrass,	
Erdman.	McRae,	Stevens,	

ANSWERED "PRESENT"—3.

Cannon, Ill.	Geissenhainer,	McMillin.

NOT VOTING—194.

Abbott,	Apsley,	Bankhead,	Bingham,
Adams, Ky.	Avery,	Bartlett,	Blair,
Adams, Pa.	Babcock,	Belden,	Boutelle,
Aitken,	Baker, N. H.	Beltzhoover,	Bower, N. C.
Aldrich,	Baldwin,	Berry,	Breckinridge, Ark.
Breckinridge, Ky.	Geary,	Lester,	Russell, Ga.
Brickner,	Gillet, N. Y.	Linton,	Ryan,
Brown,	Gillett, Mass.	Livingston,	Schermerhorn,
Burnes,	Goldzier,	Lockwood,	Scranton.
Burrows,	Goodnight,	Loud,	Settle,
Cabaniss,	Gorman,	Loudenslager,	Shaw,
Cadmus,	Graham,	Lucas,	Sherman,
Capehart,	Griffin,	Magner,	Sibley,
Causey,	Grosvenor,	Marvin, N. Y.	Sickles,
Chickering,	Grout,	McAleer,	Simpson.
Childs,	Grow,	McCall,	Sipe,
Clancy,	Hager,	McCreary, Ky.	Smith,
Clarke, Ala.	Hainer,	McDannold,	Sperry,
Cobb, Ala.	Haines,	McDowell,	Stallings,
Cockran,	Hall, Minn.	McGann,	Stephenson,
Cogswell,	Hammond,	Meiklejohn,	Stone, Ky.
Conn,	Hare,	Mercer,	Storer,
Coombs,	Harmer,	Meredith,	Straus,
Cooper, Fla.	Harter,	Milliken,	Strong,
Cornish,	Hartman,	Montgomery,	Swanson,
Covert,	Haugen,	Moon,	Talbott, Md.
Crain,	Heiner,	Moses,	Tawney,
Culberson,	Henderson, Ill.	Murray,	Taylor, Tenn.
Dalzell,	Henderson, Iowa	Mutchler,	Thomas,
Davey,	Hendrix,	Newlands,	Turpin,
De Forest,	Hepburn,	Northway,	Updegraff,
Denson,	Hermann,	Oates,	Van Voorhis, N. Y.
Dingley,	Hicks,	O'Neill, Mo.	Van Voorhis, Ohio
Dolliver,	Hines,	Patterson,	Wadsworth,
Doolittle,	Hooker, Miss.	Paynter,	Walker,
Draper,	Hooker, N. Y.	Pence,	Wanger,
Dunphy,	Hopkins, Ill.	Phillips,	Waugh,
Durborow,	Hopkins, Pa.	Pigott,	Weadock,
Edmunds,	Houk,	Quigg,	Wever,
Ellis, Ky.	Hulick,	Randall,	Wheeler, Ill.
Ellis, Oregon	Hull,	Ray,	White,
Enloe,	Hutcheson,	Rayner,	Whiting,
Fielder,	Ikirt,	Reed,	Wilson, Wash.
Fletcher,	Johnson, Ind.	Reilly,	Wilson, W. Va.
Forman,	Johnson, Ohio	Reyburn,	Wolverton,
Funk,	Lacey,	Richardson, Mich	Woomer,
Funston,	Lane,	Robbins,	Wright, Pa.
Gardner,	Lawson,	Robinson, Pa.	
Gear,	Lefever,	Rusk,	

No quorum voting.

The Clerk announced the following additional pair:

For this day:

Mr. MAGNER with Mr. DINGLEY.

Mr. McMILLIN. I am paired with my colleague [Mr. HOUK], and hence have answered "present" instead of voting.

The result of the vote was then announced as above recorded.

Mr. BAILEY. Mr. Speaker, it is evident we can not obtain a quorum this evening, and I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 52 minutes p. m.) the House adjourned.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. McCREARY of Kentucky: A bill (H. R. 7732) authorizing the persons named therein to accept certain testimonials from the Canadian Government—to the Committee on Foreign Affairs.

By Mr. CLARKE of Alabama: A bill (H. R. 7733) to grant the right of way through the public lands for tram roads, ditches, and canals, and for other purposes—to the Committee on the Public Lands.

By Mr. PERKINS: A bill (H. R. 7734) to amend an act entitled "An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa," approved March 2, 1889, as amended by acts of April 30, 1890, February 7, 1893, and March 24, 1894—to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: A joint resolution (H. Res. 204) for the relief of certain settlers in Oklahoma—to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BELL of Colorado: A bill (H. R. 7735) for the relief of D. H. Dickason—to the Committee on Claims.

Also, a (bill H. R. 7736) granting an increase of pension to Charles F. Holly—to the Committee on Pensions.

By Mr. COUSINS: A bill (H. R. 7737) to pension Aseneth J. Burnett, foster mother of Charles Henry Albright and George Arthur Albright—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOEN: Petition of citizens of Otter Tail and Grant Counties, Minn., asking that Congress adjourn immediately, and

that the question of money, tariff, and an income tax be decided by a direct vote of the people—to the Committee on the Judiciary.

By Mr. BRODERICK: Petition of Rev. B. F. Smith and 500 other citizens of Kansas, for the enactment of a law to suppress lotteries—to the Committee on the Judiciary.

By Mr. CATCHINGS: Papers in the claim of Winniford Collier, of Warren County, Miss.—to the Committee on War Claims.

By Mr. CLARKE of Alabama: Petition of J. A. Freeman and others, members of the Southern Timber Association, asking for the passage of a law by Congress granting them and others the right of way over land belonging to the United States for timber tramways, ditches, and canals—to the Committee on the Public Lands.

By Mr. COVERT: Petition of W. P. Field and others, citizens of Suffolk County, N. Y., against an income tax as applicable to fraternal beneficiary orders—to the Committee on Ways and Means.

By Mr. CRISP (by request): Petition of sundry citizens of Atlanta, Ga., asking that a day be set apart for the consideration of House bill 56—to the Committee on Rules.

By Mr. CURTIS of Kansas: Resolution of Constancy Assembly, 1045, Knights of Labor, in favor of the Kyle resolution—to the Committee on Labor.

By Mr. McETTRICK: Resolution declaring it to be the sense of the House of Representatives that the Pullman Car Company should arbitrate its differences with its employés—to the Committee on Labor.

By Mr. PICKLER: Petition of Dr. A. M. Cross and 88 citizens of McCook County, S. Dak., protesting against any appropriation to sectarian institutions—to the Committee on Indian Affairs.

SENATE.

TUESDAY, *July 17, 1894.*

Prayer by Rev. ISAAC W. CANTER, of the city of Washington.

On motion of Mr. CALL, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a report by Capt. M. A. Healy, United States Revenue Cutter Service, concerning the rescue by the steamer Bear of nine men belonging to the crew of the wrecked bark James Allen, and recommending that an appropriation be made for the payment of the bills which were made necessary owing to the destitute and feeble condition of the rescued men; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, in response to a resolution of the Senate of the 13th instant calling for a report of the amount of the several judgments on file in the Court of Claims against the United States and in favor of letter carriers, etc., stating that such judgments are delivered to the Secretary of the Treasury, and under the law by him certified to Congress for appropriation, etc.; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the Senate of the 14th instant, a list of judgments of the Court of Claims requiring an appropriation at the present session of Congress, amounting to $232,268.66; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Director of the Mint, presenting a deficiency estimate of $16,969.37 in the appropriation for contingent expenses of the Mint of the United States at Philadelphia for the fiscal year ended June 30, 1894; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Director of the Mint, presenting a deficiency estimate of $5,503.85 in the appropriation for freight on bullion and coin between the mints and assay offices of the United States for the fiscal year ended June 30, 1894; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6518) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CATCHINGS, Mr. LESTER, and Mr. HENDERSON of Illinois, managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 1860) to authorize Prof. Asaph Hall, of the United States Navy, to accept a gold medal from the Academy of Science of France;

A bill (H. R. 51) to change the boundaries of the judicial districts of the State of Florida;

A bill (H. R. 5482) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1895, and for other purposes;

A bill (H. R. 6447) to fix a term of the Federal, district, and circuit courts of the southern judicial district of Mississippi, to be held at Meridian, Miss., to include the counties named;

A bill (H. R. 6558) to amend section 2324 of the Revised Statutes of the United States relating to mining claims; and

A joint resolution (S. R. 72) to permit Capt. T. O. Selfridge, jr., United States Navy, to receive a decoration conferred upon him by the President of the Republic of France.

PETITIONS AND MEMORIALS.

Mr. TURPIE presented a memorial of the Yearly Meeting of Friends for New England, and a memorial of sundry citizens of Upland, Ind., remonstrating against the present system of sectarian Indian education receiving Government support, etc.; which were referred to the Committee on Appropriations.

He also presented the memorial of William Beatty, of Indianapolis, Ind., representing many thousand retail liquor dealers of the United States, remonstrating against an increase of the internal-revenue tax on whisky; which was referred to the Committee on Finance.

Mr. SHERMAN presented a memorial of 98 citizens of Cincinnati, Ohio, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Appropriations.

Mr. PEFFER. I present the petition of William K. Tubman, of the city of Baltimore. The petitioner presents a peculiar case, and yet, after having examined it, I think it is a proper one to present to the Senate.

The petitioner shows that suits have been brought by him in the courts of the United States in several instances, beginning some years ago, for the purpose of preventing an infringement upon a patent which he had secured, and when his suit was brought the association known as the Eastern Railroad Association undertook to defend the suit he brought. He alleges that the Eastern Railroad Association had no interest whatever in the proceedings, but that there was connivance upon the part of certain railway companies to defeat action; that the Eastern Railroad Association is made up of railroad interests in different portions of the country, and that in repeated instances during half a dozen years, perhaps, when he brought suits at different times, the Eastern Railroad Association has fraudulently defeated the purposes of his bill.

Now the petitioner comes to Congress alleging that after a series of years and a number of different efforts, he has been unable to procure justice in the courts by reason of the fraudulent interference of the Eastern Railroad Association, and he makes the following prayer:

> That Congress, by joint resolution, shall direct the Attorney-General of the United States to enforce section 4 of the Sherman antitrust law in the United States circuit courts for the district of Connecticut and the eastern district of Pennsylvania, and against the Eastern Railroad Association.

Then the petitioner asks for various other methods of relief. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. BATE presented a petition of the Chamber of Commerce, of Nashville, Tenn., praying for the construction of the Nicaragua Canal under the control of the United States Government; which was ordered to lie on the table.

Mr. WHITE presented a petition of 2,500 citizens of California, praying for the enactment of legislation excluding all foreign labor from this country for the next ten years; which was referred to the Committee on Immigration.

Mr. McMILLAN presented the memorial of Enos Goodrich,

of Tuscola County, Mich., remonstrating against the protection of manufactures of woolen goods while wool is on the free list; which was ordered to lie on the table.

He also presented memorials of C. A. Johnson and sundry other citizens of Pinconning, Mich.; of C. F. Gibson and sundry other citizens of Detroit, Mich., and of F. D. Cogswell and 75 other citizens of New York, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 86) for the protection of persons furnishing materials and labor for the construction of public works, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 366) providing for the sale of the old custom-house and lot connected therewith in the city of Louisville, Ky., reported it without amendment.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (H. R. 1196) to pension Mary E. Trickey, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3033) granting a pension to Amanda J. Lane, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5020) granting a pension to Washington Hislop, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3065) to increase the pension of James Lane, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7071) to exempt the property of the Young Men's Christian Association of the District of Columbia from taxation, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1459) to exempt the property of the Young Men's Christian Association of the District of Columbia from taxation, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2131) to secure uniformity in the names of minor streets of the cities of Washington and Georgetown, reported it without amendment, and submitted a report thereon.

Mr. VOORHEES. I am authorized by the Select Committee on Additional Accommodations for the Library of Congress, to report an amendment intended to be proposed to the sundry civil appropriation bill. I ask that the amendment be read and referred to the Committee on Appropriations.

The amendment was read and referred to the Committee on Appropriations, and ordered to be printed, as follows:

Page 97, line 22, after the word "law," insert:
"And the officer in charge of said building is hereby authorized to construct a tunnel with suitable conveying apparatus for the rapid transmission of books, papers, and messages at all times between the said building and the Capitol for the convenience of the Congress, the terminal of said apparatus in the Capitol to occupy the room in rear of that now occupied by the House Committee on Enrolled Bills, and at an estimated cost of $35,000."

Mr. ROACH, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. MARTIN July 13, 1894, intended to be proposed by him to the Indian appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and be printed; which was agreed to.

BILLS INTRODUCED.

Mr. HALE introduced a bill (S. 2231) for the relief of B. D. Greene; which was read twice by its title, and referred to the Committee on Claims.

Mr. MANDERSON introduced a bill (S. 2232) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890; which was read twice by its title, and referred to the Committee on Finance.

Mr. GEORGE (by request) introduced a joint resolution (S. R. 97) to amend the Constitution in relation to hours of labor; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. WHITE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying statement, was referred to the Committee on Appropriations, and ordered to be printed.

AWARDS OF QUADRO-CENTENNIAL EXPOSITION.

Mr. VEST submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas statements have been made by reputable persons that injustice has been done to many exhibitors at the late Quadro-Centennial Exposition in making the awards and that the action of the committee on awards appointed by the commissioners of said Exposition from their own number has been characterized by undue favoritism, oppression, irregularity, and improper practices, and

Whereas application has been made to Congress for such legislation as will give relief to exhibitors alleged to have been so injured, such legislation being also recommended by the president of the Quadro-Centennial Exposition: Therefore

Resolved, That the Committee on Quadro-Centennial be instructed to investigate all the facts touching such charges and especially the conduct of the Quadro-Centennial Commission, or of any committee appointed by said commission, and of all officials, exhibitors, or other persons, in regard to making said awards, and as to any other matter connected with said Exposition.

That the said committee or any subcommittee appointed by it shall have power to sit during the vacation of Congress either in Chicago or Washington City, as may be deemed best, and may employ a stenographer and may send for persons and papers; the expenses of said committee to be paid out of the contingent fund of the Senate.

The committee shall report at the beginning of the next session of Congress by bill or otherwise.

RESTRICTION OF IMMIGRATION.

Mr. HIGGINS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate whether immigrants, who by law are excluded from entering the United States, are entering the country from either European or Chinese ports by way of Canada; whether the steamship lines between European and Canadian ports are subject to the same regulations as to landing immigrants destined for the United States as are steamship lines to the ports of the United States; whether the inspection of immigrants entering the United States from Canada is efficient in enforcing the laws of the United States concerning immigration; and, if inefficient, whether it is the fault of administration, or whether further legislation on the subject is necessary or desirable.

THE NATURALIZATION LAWS.

Mr. GEORGE submitted the following resolutions; which were referred to the Committee on the Judiciary, and ordered to be printed:

Resolved, That the Committee on the Judiciary be instructed to inquire—

First. Whether that provision of the naturalization laws requiring that an applicant for naturalization should be "a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same," is a condition of admission to the same; and whether, after naturalization has been granted, the same may be recalled if it shall turn out that said naturalized person has so acted as to show that he is not a man of good moral character, or that he is not attached to the principles of the Constitution of the United States, or is not well disposed to the good order and happiness of the same.

Second. That if it shall be ascertained that no such recall of the grant of naturalization can be made as is mentioned in the first resolution, then they shall inquire into the expediency of so amending the law as to provide for such recall as to persons hereafter naturalized.

Third. What new provisions, if any, are necessary to secure a compliance with the law in relation to proof of good character and attachment to the principles of the Constitution of the United States in applicants for naturalization.

Fourth. Whether it is expedient to require by law that ability to read the Constitution of the United States shall be a necessary qualification for naturalization hereafter.

Fifth. Whether it is expedient to require notice to be given of every application for naturalization, to the end that an officer representing the United States may appear and make due contest of the right of any applicant to be naturalized.

2. *Resolved*, That said committee, after making said inquiry, shall report by bill if they deem any amendment to the naturalization laws to be expedient.

MISSISSIPPI RIVER BRIDGE AT DUBUQUE, IOWA.

The bill (H. R. 7498) to authorize the construction of a bridge across the Mississippi River from a point within the limits of the city of Dubuque, in the State of Iowa, known as Eagle Point, to the opposite bank of said river, in the county of Grant and State of Wisconsin, was read twice by its title.

Mr. ALLISON. This is the exact counterpart of a bill which passed the Senate last Friday, and which had been reported from the Committee on Commerce. I ask that the House bill may be now taken up and considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALLISON. The bill was read at length in the Senate before, but perhaps it had better be read again.

The Secretary read the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN ENGAGEMENTS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution returned on the request of the Senate by the Secretary of War. The question is upon the motion of the Senator

from Kentucky [Mr. LINDSAY] to reconsider the vote by which the resolution was passed.

Mr. HARRIS. Let the letter of the Secretary of War be read.

The VICE-PRESIDENT. The communication from the Secretary of War will be read.

The Secretary read as follows:

WAR DEPARTMENT, *Washington, D. C., July 14, 1894.*

SIR: In response to a resolution of the Senate, dated July 13, 1894, I have the honor to return Senate resolution dated July 6, 1894, directing the furnishing to the Senate of a statement, in detailed form, of all engagements between the United States Army and hostile Indians from January 1, 1850, to June 30, 1894, and from the foundation of the Government to January 1, 1850.

Very respectfully,

DANIEL S. LAMONT, *Secretary of War.*

The PRESIDENT OF THE UNITED STATES SENATE.

Mr. HARRIS. I do not see the Senator from Kentucky present. Let the resolution lie over until he comes in.

The VICE-PRESIDENT. The Chair will state that the Senator from Kentucky has entered a motion to reconsider the resolution, and the Chair supposed the Senator was in the Chamber. It will lie on the table for the present.

Mr. VILAS. The Senator from Kentucky explained the reasons for reconsideration at the time he entered the motion; that he had ascertained that the cost of executing the request of the Senate would greatly exceed the value of the information to be obtained, and that he thought it was better to withdraw the request.

Mr. LINDSAY entered the Chamber.

Mr. VILAS. I see the Senator from Kentucky is now present, and he can explain for himself.

Mr. LINDSAY. I will ask that the resolution be laid over. I have no further information from the Department in regard to the matter.

Mr. COCKRELL. I think there is no objection to disposing of the resolution. I understand it would take six months or a year, and probably would require the employment of fifty or one hundred clerks, to get up the data the resolution calls for.

Mr. LINDSAY. I am perfectly willing to have the vote by which the resolution was passed reconsidered.

Mr. COCKRELL. I refer to that part of the resolution which calls for the information from the foundation of the Government to 1850.

Mr. LINDSAY. I wish to reconsider all of it.

The VICE-PRESIDENT. Without objection, the motion to reconsider the resolution will be regarded as agreed to, and the resolution will be indefinitely postponed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 13th instant approved and signed the following acts:

An act (S. 1045) authorizing the Secretary of War to donate four obsolete gun carriages to the city of Marshalltown, Iowa; and

An act (S. 2070) to provide for the restoration to the State of Michigan two flags carried by the Twenty-second Michigan Infantry Volunteers, and now in the War Department.

The message also announced that the President of the United States had on the 16th instant approved and signed the act (S. 1573) making appropriations for rewriting the Consular Regulations.

RESURVEY OF GRANT AND HOOKER COUNTIES, NEBR.

Mr. ALLEN. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 6720) providing for the resurvey of Grant and Hooker Counties, in the State of Nebraska. I think it will lead to no discussion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to add to the bill the following proviso:

Provided, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands to the lands so occupied.

Mr. COCKRELL. Now let the bill be read as it is proposed to be amended.

The VICE-PRESIDENT. The Secretary will read the bill as it is proposed to be amended.

The Secretary read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be made a resurvey of the lands in Grant and Hooker Counties, in the State of Nebraska; and all rules and regulations of the Interior Department requiring petitions from all settlers of said counties asking for resurvey and agreement to abide by the result of the same are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands to the lands so occupied.

The amendment was agreed to.

Mr. HALE. Let me ask the Senator who is in charge of the bill whether the provision requiring settlers of the counties where a resurvey is made to join in a petition and agree to abide by the resurvey is abrogated *in toto* by this bill, or only for this purpose?

Mr. ALLEN. Only for this purpose.

Mr. HALE. Let that part of the bill be read again. I thought it was a general abrogation.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

And all rules and regulations of the Interior Department requiring petitions from all settlers of said counties asking for resurvey and agreement to abide by the result of the same are hereby abrogated.

Mr. HALE. That is a general abrogation. I think there should be inserted "for the purposes of this act."

Mr. ALLEN. I understand that the rule of the Interior Department, so far as these lands are concerned, is abrogated, but in no other respect.

Mr. HALE. I move to insert the words "so far as these lands are concerned, are hereby abrogated." Then it will only apply to purposes of the bill and will not be a total abrogation of the law.

Mr. ALLEN. I do not understand that there is any law upon the subject. It is a mere rule of the Interior Department, and the purpose of this bill is simply to suspend the rule of the Interior Department in so far as it applies to this resurvey.

Mr. HALE. The abrogation should only apply to these lands.

Mr. ALLEN. The rule may be abrogated in so far as it applies to the resurvey of these lands.

Mr. HALE. Let the words I suggest be inserted.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. After the word "same," in line 8, it is proposed to insert "so far as these land are concerned, are hereby abrogated."

Mr. COCKRELL. What is the necessity for this resurvey?

Mr. ALLEN. The necessity for the resurvey is simply that the survey of those counties has been very imperfect, and the settlers have not been able to ascertain the proper boundaries of their lands. The former survey makes irregular pieces of land. The counties there are now very sparsely settled, there probably not being two hundred citizens resident in both counties. The settlers, with the exception of some thirteen or fourteen, are desirous of having the resurvey before their lands are patented. There are a few who will not join in an application for a resurvey. The bill is for the purpose of abrogating the rule of the Department in so far as it applies to these counties, so that the majority may have their land resurveyed.

Mr. HALE. I am not at odds with the Senator at all on the general purposes of the bill. The words I have suggested will make it apply only to these counties.

Mr. ALLEN. I was simply answering the Senator from Missouri [Mr. COCKRELL].

Mr. MANDERSON. I should like the amendment suggested by the Senator from Maine stated.

Mr. HALE. Let it be read with the context.

Mr. MANDERSON. Yes; let it be read with the context, so that we may understand it.

The Secretary read as follows:

And all rules and regulations of the Interior Department requiring petitions from all settlers of said counties asking for resurvey and agreement to abide by the result of the same, so far as these lands are concerned, are hereby abrogated.

Mr. MANDERSON. I understand my colleague to have accepted the amendment.

Mr. ALLEN. I accept the amendment.

The amendment was agreed to.

Mr. MANDERSON. There is no question of the fact that the rule of the Department—and it may be a rule of law as well as of the Department—is one that is based in sound wisdom and good judgment. As to this particular case, however, it certainly should be abrogated. Both my colleague and I have been receiving letters in large numbers, and, as far as I am concerned, for several years my attention has been called to the ill condition of the public lands in Grant and Hooker Counties. The only thing I fear is—and I call the attention of my colleague to this fact—that unless there is a specific appropriation in this bill for the purpose of this resurvey it may avail us nothing. Of course, the general survey appropriation that is in the general appropriation bill is a lump sum, and is to be expended under the direction and entire control of the Secretary of the Interior, directing the General Land Office. What I fear is that if we do not have a specific appropriation in this bill, which is one of value and importance, we shall not get what we desire.

Mr. ALLEN. If my colleague will permit me, I will say that I have offered an amendment, which is now pending before the

Committee on Appropriations, making an appropriation for the specific purpose of resurveying these lands, and I feel confident the committee will report favorably upon it.

Mr. MANDERSON. This, however, is a House bill.

Mr. ALLEN. This is a House bill.

Mr. MANDERSON. If my colleague would move to amend so as to place upon this bill an appropriation of any amount, not otherwise appropriated, sufficient for this purpose, then, if we should fail in the general appropriation bill in conference, we still perhaps, in the conference on this bill, might get what we desire.

Mr. ALLEN. Then I suggest at the conclusion of the proviso there be inserted "and that the sum of $15,000 "——

Mr. MANDERSON. Or so much thereof as may be necessary——

Mr. ALLEN. "Or whatever part thereof may be sufficient, is hereby appropriated to carry out the provision of this act."

Mr. MANDERSON. That is right.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. At the end of the bill it is proposed to add:

And the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated to carry out the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PASCO. I move that the Senate ask for a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. ALLEN, Mr. PASCO, and Mr. DUBOIS were appointed.

GEORGE P. FURBER.

Mr. GRAY. I ask unanimous consent for the present consideration of a resolution, which was reported originally from the Committee on Privileges and Elections, authorizing the payment of $750 to George P. Furber for work in the preparation of the second edition of Senate Election Cases. It will take only a moment to dispose of the resolution.

By unanimous consent, the Senate proceeded to consider the following resolution, which was reported by Mr. CAMDEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, July 2, 1894:

Resolved, That there be allowed and paid to George P. Furber, from the contingent fund of the Senate, $750, as compensation for his services in the preparation of the second edition of Senate Election Cases and the volume entitled Privileges of the Senate.

Mr. GRAY. I merely desire to say that the matter has been before the Committee on Privileges and Elections and was duly considered. The committee think that the sum stated is moderate. The work has been done, and the volume is an important one. We think the compensation stated in the resolution ought to be paid.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

PAY INSPECTOR JOHN H. STEVENSON.

Mr. VOORHEES. I ask unanimous consent for the present consideration of Senate bill 1211, for the relief of Pay Inspector John H. Stevenson. It will excite no opposition and will take but little time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1211) for the relief of Pay Inspector John H. Stevenson, of the United States Navy. It proposes to transfer Pay Inspector John H. Stevenson, of the retired list of the United States Navy, from the half-pay list to the 75-per-cent pay list of retired officers, under section 1588 of the Revised Statutes of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MELBOURNE INDUSTRIAL EXHIBITION.

Mr. FAULKNER. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 2024) authorizing additional compensation to the assistant commissioners to the industrial exhibition held at Melbourne, Australia. It is a short bill, and I am satisfied that it will give rise to no discussion.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of State be, and he is hereby, directed to allow, and, from the unexpended balance of the fund heretofore appropriated under the joint resolution approved February 1, 1888, for the expenses incurred by the Government of the United States in accepting the invitation of the British Government to participate in the international exhibition held in Melbourne in August, 1888, to pay to each of the following-named assistant commissioners, to wit: Richard F. Miller, of Lynchburg, Va.; Alexander Campbell, of Bethany, W. Va.; Francis B. Wheeler, of New York City; and Thomas B. Merry, of Portland, Oregon, who were appointed and represented the United States Government at said exhibition, the sum of $1,500, in full for expenses to and from and of sojourn at Melbourne.

SEC. 2. That should the unexpended balance of the fund so appropriated under the joint resolution of February 1, 1888, have been covered into the Treasury of the United States, the sum of $6,000 is hereby appropriated out of any funds in the Treasury not otherwise appropriated, to be paid in the several sums above provided to each of the individuals named upon the warrant of the Secretary of State.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE COMMERCE LAW.

Mr. GORMAN. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 1778, to amend the act to regulate commerce.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1778) to amend an act entitled "An act to regulate commerce," approved February 4, 1887. It proposes to further amend section 10 of the act to regulate commerce, as amended March 2, 1889, by adding the following clauses thereto:

Whenever any common carrier subject to the provisions of this act is a corporation such corporation may be prosecuted as for a misdemeanor under any of the foregoing provisions of this section, and upon conviction shall be subject for each offense to a fine not exceeding $5,000.

Whenever an indictment shall be found under the provisions of this act against a corporation the service of any writ or other process thereupon, or for the prosecution thereof, shall be sufficient if a copy of such writ or process be delivered to and left with any officer of such corporation resident in the judicial district wherein such indictment may be found.

Section 2 proposes to repeal so much of section 10 of the act to regulate commerce as provides for punishment by imprisonment.

The bill was reported from the Committee on Interstate Commerce with an amendment in section 1, line 18, after the word "officer," to insert "or agent;" so as to read:

Whenever an indictment shall be found under the provisions of this act against a corporation the service of any writ or other process thereupon, or for the prosecution thereof, shall be sufficient if a copy of such writ or process be delivered to and left with any officer or agent of such corporation resident in the judicial district wherein such indictment may be found.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SECURITIES OF JOHN S. BRADFORD.

Mr. DOLPH. I ask unanimous consent for the present consideration of House bill 4209, for the relief of the securities of John S. Bradford. It is only ten lines long, and will not take any time.

Mr. CALL. I reserve the right to object if the bill leads to debate.

Mr. DOLPH. If there is any debate I shall not press the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4209) for the relief of the securities of John S. Bradford. It proposes to release John Cassels and Rosalie M. Bradford, securities of John S. Bradford, deceased, late United States consul at Antigua, West Indies, from the payment of $239.06, claimed to be due the United States on the official bond of John S. Bradford.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DOCUMENTS FOR SOLDIERS AND SAILORS' HOMES.

Mr. MARTIN. I shall be very much obliged to the Senator from Florida if he will yield to me long enough to have the Senate consider and dispose of House bill 236, reported from the Committee on Military Affairs, relating to public documents for soldiers and sailors' homes. It ought to be disposed of.

Mr. CALL. I yield to the Senator from Kansas for that purpose, provided the bill leads to no debate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 236) to amend section 4837 of the Revised Statutes of the United States as to soldiers' homes.

The bill was reported from the Committee on Military Affairs with amendments in line 13, after the word "California," to strike out "and the Soldiers' and Sailors' Widows and Orphans' Home at Knightstown Springs, near Knightstown, in Indiana;" in line 17, after the word "Territory," to insert "receiving aid

from the United States under legislation of Congress;" in line 19, after the word "the," to strike out "journals of each House of Congress at each and every session; all," and insert "session;" in line 21, after the word "documents" to insert "in the abridgment thereof;" in line 22, after the word "daily," to strike out "(two);" and in line 22, after the word "Record," to strike out "and all other documents or books which may be printed and bound by either House of Congress;" so as to make the bill read:

Be it enacted, etc., That section 4837 of the Revised Statutes of the United States, as amended by the act of Congress approved February 8, 1881, be, and hereby is, repealed and reënacted to read as follows, to wit:

"SEC. 4837. That the Secretary of the Senate and the Clerk of the House of Representatives shall cause to be sent to the National Home for Disabled Volunteer Soldiers at Dayton, Ohio, and to the branches at Togus, in Maine; Milwaukee, in Wisconsin; Hampton, in Virginia; Marion, in Indiana; Leavenworth, in Kansas; Santa Monica, in California; and all soldiers and sailors' homes established by the authority of any State or Territory receiving aid from the United States under legislation of Congress, each, one copy each of the following documents: The session laws of Congress; the annual messages of the President, with accompanying documents in the abridgment thereof; the daily CONGRESSIONAL RECORD; and the Public Printer is hereby authorized and directed to furnish to the Secretary of the Senate and the Clerk of the House of Representatives the documents referred to in this section."

The amendments were agreed to.

Mr. MARTIN. I propose an additional amendment to the bill. After the word "California," in line 13, I move to insert:

And to the homes for widows and orphans of soldiers and sailors, established and maintained by any State or Territory.

The amendment was agreed to.

Mr. COCKRELL. From what committee is the bill reported?

Mr. MARTIN. From the Committee on Military Affairs. I will state to the Senator from Missouri that the amendment which I offer has been submitted to the Senator from Nebraska [Mr. MANDERSON], who reported the bill, and it meets with his approval. It ought to be adopted. There is no question about it.

Mr. COCKRELL. It seems to me that a proposition involving as much printing as the bill does ought to go to the Committee on Printing.

Mr. MARTIN. I hope it will not be so referred.

Mr. COCKRELL. I must ask that the bill be printed with the proposed amendments, and then we can look at it.

Mr. MARTIN. I hope the Senator from Missouri will not do that. I have had a provision of this kind before the committee for about a year, and I have been unable to obtain a report.

Mr. COCKRELL. To-morrow or the next day there will be ample time to call up the bill, and it will not lose its place by imply going over and being printed as I suggest.

Mr. MARTIN. If the Senator objects I can not help myself, but I hope he will withdraw his objection and let the bill be passed. The matter has been thoroughly examined by the committee and reported unanimously.

The VICE-PRESIDENT. There is objection.

Mr. MANDERSON. Does the Senator from Missouri object to the further consideration of the bill?

Mr. COCKRELL. The bill is not on my file. It is on the Calendar, but it has just been reported.

Mr. MARTIN. It was reported several days ago.

Mr. COCKRELL. I have not been able to look at it. I suggested that a bill involving so much printing ought to be considered by the Committee on Printing. It certainly involves a good deal of additional printing.

Mr. MANDERSON. Not a great deal.

Mr. MARTIN. There can not be any printing which is more useful or desirable.

Mr. MANDERSON. I will state for the benefit of the Senator from Missouri that as the bill came from the House of Representatives it did involve a very great amount of printing, but as the bill has been reported by the Committee on Military Affairs the extent of the printing is that to each one of these homes there shall be sent a copy of the session laws and a copy of the CONGRESSIONAL RECORD. So there is not any great amount of printing.

Mr. COCKRELL. Is that all the bill involves now?

Mr. MANDERSON. That is all it involves by the amendments reported by the committee.

Mr. COCKRELL. Merely a copy of the CONGRESSIONAL RECORD?

Mr. MANDERSON. A copy of the current RECORD to each soldiers' home, national and State, a copy of the session laws, and the annual message of the President, with the abridgment of accompanying documents.

Mr. COCKRELL. I have no objection to the committee amendments. Let the bill be read as amended.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Be it enacted, etc., That section 4837 of the Revised Statutes of the United States, as amended by the act of Congress approved February 8, 1881, be, and hereby is, repealed and reënacted to read as follows, to wit:

"SEC. 4837. That the Secretary of the Senate and the Clerk of the House of Representatives shall cause to be sent to the National Home for Disabled Volunteer Soldiers at Dayton, Ohio, and to the branches at Togus in Maine, Milwaukee in Wisconsin, Hampton in Virginia, Marion in Indiana, Leavenworth in Kansas, Santa Monica in California, and to the homes for widows and orphans of soldiers and sailors, established and maintained by any State or Territory, and all soldiers and sailors' homes established by the authority of any State or Territory receiving aid from the United States under legislation of Congress, each, one copy each of the following documents: The session laws of Congress; the annual messages of the President, with accompanying documents in the abridgment thereof; the daily CONGRESSIONAL RECORD; and the Public Printer is hereby authorized and directed to furnish to the Secretary of the Senate and the Clerk of the House of Representatives the documents referred to in this section."

Mr. MANDERSON. It will be noticed that the important change in the bill as it came from the other House is that we strike out all documents published by order of Congress, which of course would involve an enormous amount of printing.

Mr. COCKRELL. Why should these documents be furnished by the Secretary of the Senate and the Clerk of the House of Representatives? Why should they not be sent direct to the homes?

Mr. MANDERSON. That seemed to be the most convenient form in which to send them.

Mr. COCKRELL. The RECORD ought to be sent by the Public Printer.

Mr. MANDERSON. It could be sent by the Public Printer.

Mr. MARTIN. The bill has already passed the other House, and there is no use to make any unnecessary changes.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LEAVE OF ABSENCE.

Mr. HANSBROUGH. The Senator from South Dakota [Mr. PETTIGREW] is confined to his room owing to illness. He requests me to ask the Senate to grant him an indefinite leave of absence.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and leave is granted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3458) extending the time for final proof and payment on lands claimed under the public land laws of the United States.

The message also announced that the House had passed the following bills:

A bill (S. 1390) providing an additional circuit judge in the eighth judicial circuit; and

A bill (S. 2208) authorizing the construction of a bridge over the Monongahela River at the foot of Main street in the borough of Bellevernon, in the State of Pennsylvania.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 307) granting a pension to Earnest C. Emerson, and the bill (S. 920) to pension Mary Brown, of Berlin, Vt.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 69) prescribing limitations of time for completion of title to certain lands disposed of under the act of Congress approved September 27, 1850, and the acts amendatory and supplemental thereto, and commonly known as the "donation act," and for the protection of purchasers and occupants on said lands.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5481) making appropriations for the government of the District of Columbia for the fiscal year ending June 30, 1895, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DOCKERY, Mr. WILLIAMS of Illinois, and Mr. HENDERSON of Iowa managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 2015) granting to the Columbia Irrigation Company a right of way through the Yakima Indian Reservation in Washington; and it was thereupon signed by the Vice-President.

DISTRICT APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of

the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 5481) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1895, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses.

Mr. COCKRELL. I move that the Senate insist upon its amendments, and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GORMAN, Mr. COCKRELL, and Mr. ALLISON were appointed.

EARNEST C. EMERSON.

Mr. PALMER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 307) granting a pension to Earnest C. Emerson, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

The Senate recedes from its disagreement to the amendment of the House of Representatives and agrees to said amendment amended by adding to the part proposed to be inserted the following, viz, "At the rate of $10 per month;" so that said amendment shall read as follows:

"Subject to the limitations and provisions of the act of June 27, 1890, at the rate of $10 per month."

And the House of Representatives agrees to the same.

JOHN M. PALMER,
J. H. GALLINGER,
WILLIAM F. VILAS,
Managers on the part of the Senate.

A. N. MARTIN,
D. D. HARE,
Managers on the part of the House.

The report was concurred in.

MARY BROWN.

Mr. PALMER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 920) granting a pension to Mary Brown, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives recedes from its amendments to said bill.

JOHN M. PALMER,
J. H. GALLINGER,
WILLIAM F. VILAS,
Managers on the part of the Senate.

A. N. MARTIN,
D. D. HARE,
Managers on the part of the House.

The report was concurred in.

DONATION LAND CLAIMS.

Mr. DOLPH submitteed the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 69) prescribing limitations of time for completion of title to certain lands disposed of under the act of Congress approved September 27, 1850, and the acts amendatory and supplemental thereto, and commonly known as the "donation act," and for the protection of purchasers and occupants on said lands, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree thereto, with the following amendments:

After the word "claimants," in lines 15 and 16, page 2, insert the words "their heirs, devisees, and grantees."

Strike out the word "their" where it first appears in line 18, page 2.

Strike out all after the word "shall," in line 26, page 2, down to and including the word "shall," in line 30, page 2.

Strike out the word "four," in line 31, page 2, and insert in lieu thereof the word "six."

Strike out the words "at least three newspapers," in line 32, page 2, and insert in lieu thereof the words "one newspaper."

After the word "district," in line 33, page 2, insert the words "in a form to be prescribed by the Commissioner of the General Land Office."

Strike out the words "describing such claims," in line 35, page 2.

After the word "abandoned," in line 38, page 2, insert the words "and the lands embraced therein."

Strike out the entire lines 1 and 2 and the words "before provided," in line 3, of page 3.

After the word "be," in line 3, page 3, insert the words "and are hereby."

After the word "provided," in line 5, page 3, insert the word "further."

After the word "claimant," in line 20, page 3, insert the words "or his heirs, devisees, or grantees, as aforesaid."

Strike out the figure "3," in line 1, section 3, page 4, and insert the figure "2" in lieu thereof.

After the word "right," in line 4, section 3, page 4, insert the words "if such right now exists."

Strike out the figure "4," in line 1, section 4, page 4, and insert in lieu thereof the figure "3."

After the word "Act," in line 4, section 4, page 4, insert the words "Nothing in this act contained shall be construed to impair or affect any adverse claims arising under any law of the United States other than said donation act, to or in respect of the lands in this act referred to."

J. N. DOLPH,
S. PASCO,
WILLIAM V. ALLEN,
Managers on the part of the Senate.

THOMAS C. McRAE,
D. D. HARE,
JOHN F. LACEY.
Managers on the part of the House.

Mr. PLATT. It occurs to me, from hearing the report of the conference committee read, that the amendment to the amendment just agreed to on the part of the other House is pretty comprehensive. Of course I can not tell what is the amendment which was disagreed to on the part of the other House, but from hearing the report read it looks as if there has been a general amendment of the entire bill by the conferees in other respects than those where disagreements occurred between the Senate and the House of Representatives. I should like to have some explanation of the matter.

Mr. DOLPH. The Senate amendment was an entirely new bill. The phraseology of the bill as it came from the other House was not satisfactory to the Committee on Public Lands, and I reported from that committee a substitute drafted by myself. The amendments which are agreed upon by the conference committee are comparatively immaterial. They change the character of the notice required to be given before final action is taken in regard to donation claims under the bill.

The bill is a local one, and affects only donation claims in the States of Washington and Oregon taken under the act of September 27, 1850. Under that act donations were given, 320 acres to a single man and 640 to a married man. The settler was required to notify upon the claim, to reside four years on it, and then make final proof. The law did not provide when the final proof should be made. Consequently, as the matter now stands, although there have been a good many claims notified upon, where residence was not continued and final proof was not made, and which were therefore abandoned, up to this time it has been necessary to institute a contest in every case where a settler wanted to go upon one of these abandoned claims and to have an adjudication in each case.

The bill provides a limitation of time within which proof can be made, and requires a notice to be published in a newspaper in each land district requiring claimants to make proof, and at the end of a year, after notice, the claims are to be declared canceled and the land restored to the public domain.

The donation law was passed in 1850, and it has been a great many years since any claim could be taken up. This bill is simply intended to get rid in a lump of all these abandoned claims; that is, claims notified on in early days, where residence was not continued and proof has not been made of residence and cultivation, without requiring a contest in regard to each one.

Mr. PLATT. I made no criticism in regard to the character of the bill. If, as the Senator from Oregon now says, the amendment of the Senate went to the whole bill, there is no criticism to be made upon the form of the conference report.

Mr. DOLPH. It was in effect a new bill.

The report was concurred in.

AGRICULTURAL APPROPRIATION BILL.

Mr. CALL. I move that the Senate proceed to the consideration of the agricultural appropriation bill.

The motion was agreed to; and the Senate as in Committee of the Whole resumed the consideration of the bill (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH]. The amendment will be stated.

The SECRETARY. On page 16, after line 14 insert:

RUSSIAN CACTUS.

For the destruction of the Russian cactus (technically salsoli koli tragus), $1,000,000, or so much thereof as may be necessary, to be apportioned by the Secretary of Agriculture among the several States infested by Russian cactus, said apportionment to be made in accordance with the necessities of the case, to be ascertained by the Secretary, and to be paid to the governor of each of said States upon his executing an obligation on behalf of his State that the sum so paid shall be faithfully applied in connection with any sum which may be raised for that purpose in his State for the destruction of said cactus.

Mr. McLAURIN. There was a point of order made yesterday evening by the Senator from Missouri [Mr. COCKRELL]. I think the point of order is well taken, and it ought to be passed upon.

Mr. HANSBROUGH. Will the Senator from Mississippi yield to me?

Mr. McLAURIN. Certainly.

Mr. HANSBROUGH. I will state to the Senator from Mississippi that the Senator from Missouri did not make a point of order against the amendment, but simply reserved all points of order against it. No point of order has yet been made.

Mr. McLAURIN. I understood that the point of order had been made.

The VICE-PRESIDENT. The Chair will state to the Senator from Mississippi that he understands the case as stated by the Senator from North Dakota.

Mr. COCKRELL. I reserved last night the right to make the point of order. We did not consider the amendment then.

So I make the point of order now that this is an amendment which proposes general legislation. That is one point against it; that it is an amendment which proposes general legislation, and the report of a standing committee does not bring within the rule an amendment proposing general legislation. No amendment that proposes general legislation, whether recommended by a committee or not, is in order. In addition to that, I will have another point of order made which has to be decided in a different way.

Mr. HANSBROUGH. I beg leave to disagree with the Senator from Missouri in claiming that there is any ground whatever for a point of order against the amendment. The amendment simply provides for a specific appropriation, and directs an officer of the Government as to the disposition of the money so appropriated, and that is all there is to the amendment.

I will state further that, as the Senator from Missouri very well knows, the Committee on Agriculture and Forestry authorized the reporting of the amendment, and that it was duly reported and sent to the Committee on Appropriations under the rule of the Senate, and it is now before us as an amendment to a general appropriation bill.

Mr. BATE. I desire to say, as a member of the Committee on Agriculture and Forestry, that I do not agree with the majority as to the amendment. There is a minority of the committee who do not approve of the amendment.

Mr. HANSBROUGH. I will state as a matter of fact that a majority of the Committee on Agriculture and Forestry authorized me to report the amendment.

Mr. BATE. That is correct.

Mr. McLAURIN. Mr. President, I think the point of order is well taken. The purpose of the rule seems to be to confine legislation on the appropriation bills exclusively to matters of appropriation, and any legislation other than that which appropriates money to defray the expenses incurred under the existing law is general appropriation and is obnoxious to the rule. The purpose of the rule is that in the consideration of legislative matters other than those specially appropriating money to pay what the Government already owes, there shall be given an opportunity to both branches of the Congress of the United States, and the Executive, to pass upon the question of the legislation, disentangled from any question of appropriation or from any appropriation bill. Such legislation ought not to be tied on an appropriation bill.

The Executive ought not to be compelled to approve legislation which he otherwise would not approve, or else veto an appropriation bill all the other items of which approves. I think the rule would exclude this proposed legislation. There is no law which makes the appropriation necessary; there is no law under which the appropriation could be made; and unless the law is made by the bill which is now before the Senate there can be no law for the appropriation. I therefore object to the amendment on that ground. I think the point of order is well taken.

Mr. PLATT. Mr. President, this is a very interesting question, and I am sorry that the Senate is paying no attention to it. Except the Senators who attempt to address the Senate, the rest of the Senators seem to be engaged in conversation on other matters. The question whether the amendment is in order is more interesting to me than the question whether the appropriation should be made. I think the amendment is strictly in order.

There is one thing I want to say preliminarily. According to the practice of the Senate at the present session and for a few sessions past, everything seems to be in order that the Committee on Appropriations wants to put on a bill, and nothing is to be in order that anyone else wants to put on an appropriation bill. The same rule ought to be applied to committee amendments as to amendments which are offered by Senators.

We can not all of us be on the committee; we can not all of us get those provisions accepted by the committee which we think ought to be put on; and we can not have two rules in the Senate. We can not have a rule for general legislation by committee amendments and one for no general legislation except by committee amendments.

But whether the amendments were reported by a committee or offered by a Senator, I do not conceive that it comes at all within that provision of our rule that amendments shall not be proposed to appropriation bills which provide for general legislation. I supposed the question as to amendments of this kind were settled in the Senate when the Senator from Maine [Mr. FRYE] several years ago upon a Post-Office appropriation bill introduced an amendment appropriating $400,000 to be apportioned to American ships which should carry mails from this country to foreign ports, and provided in detail how the lines which might be organized to carry the mails from our shores to foreign ports should receive the money, in different proportions according to the tonnage of the ships and all that sort of thing.

It was decided then (and I have no doubt the clerks will be able to find the decision) that that proposed amendment was strictly in order. We had no law which provided for paying a subsidy to ships which should be organized to carry the mails. It was a feature entirely unknown to our laws. Yet the amendment was held to be in order upon the ground that the main feature in the amendment proposed was the appropriation of a certain amount of money. It was not to carry out any law; it was to appropriate money for a new purpose; and all the rest of the amendment, stating how the money should be expended, embodied conditions attached to the appropriation showing how it should be expended. I understand that ever since that time the rule in the Senate has been, as it ought to be, that an amendment does not propose general legislation which simply makes an appropriation and determines how the appropriation shall be expended, no matter how much detail may be involved in those conditions.

The amendment proposed by the Senator from Maine to the appropriation bill was as follows:

On motion by Mr. FRYE to further amend the bill by striking out lines 174, 175, and 176, and in lieu thereof inserting the following:

"For transportation of foreign mails, including railway transit across the Isthmus of Panama, $800,000. And the Postmaster-General is hereby authorized to enter into contracts for the transportation of any part of said foreign mails, after legal advertisement, with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip, each way, actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated."

The pending amendment is not nearly so much open to the suggestion that it is general legislation as was that amendment proposed by the Senator from Maine.

Mr. WHITE. Will the Senator from Connecticut permit me a moment? I should like to ask him whether there was any discussion upon that proposition at the time.

Mr. PLATT. There was a long discussion upon it. As I remember, it took nearly a whole day to discuss that point of order.

Mr. Bayard raised a question of order, that the amendment proposed general legislation on an appropriation bill.

The President *pro tempore* submitted the question to the Senate, Is the amendment in order under the sixteenth rule? and it was determined in the affirmative—yeas 33, nays 20.—*Senate Journal*, Forty-eighth Congress, second session, February 23, 1885, page 352.

Since that time the Senate has adhered to the decision thus made, that where an amendment proposes an appropriation and simply provides the method in which the appropriation shall be disposed of, the conditions attached to its expenditure, it is not general legislation on an appropriation bill.

Now, take the pending amendment, and it will be seen that there is nothing else in it. There is a proposition to appropriate $1,000,000 (whether it ought to be appropriated or not I do not say) for the destruction of the Russian cactus, and then it says:

To be apportioned by the Secretary of Agriculture among the several States infested by Russian cactus, said apportionment to be made in accordance with the necessities of the case, to be ascertained by the Secretary, and to be paid to the governor of each of said States upon his executing an obligation on behalf of his State that the sum so paid shall be faithfully applied in connection with any sum which may be raised for that purpose in his State for the destruction of said cactus.

There is nothing in the amendment but the proposition to appropriate a million dollars except telling how the Secretary of Agriculture shall pay out the million dollars, and that is not general legislation.

With regard to the other propositions I do not care to discuss them, but I do not think that the amendment falls within the rule which prohibits the reception of amendments which propose general legislation.

Mr. McLAURIN. Mr. President, the fundamental question that will be presented to the Senate, and the House, and the Executive, by the pending amendment is, will the Government of the United States undertake to destroy this thistle or cactus? It is decided that there is no obligation at all on the part of the Congress of the United States for an appropriation of money, and there is nothing in existing law under which the money could be appropriated. It is a general question, and it ought to be disassociated from any appropriation bill. It ought to be determined by itself; and when determined, then there will be time enough to appropriate money for the purpose. An appropriation bill is intended only to appropriate money for the purpose of paying expenses that are incurred under the law as it then exists.

There is no law requiring the Government of the United States to appropriate a dollar for the destruction of the Russian cactus. Until there is a law of that kind, there is no obligation on the part of Congress to appropriate money, and it ought not to be done. Therefore it is extremely necessary that the first ques-

tion to be determined shall be whether the Government of the United States will undertake the destruction of this cactus. That is the question of general legislation and it ought to be first decided.

The VICE-PRESIDENT. The Chair submits to the Senate the pending question of order. Is the amendment proposed by the Senator from North Dakota in order?

Mr. CALL. Mr. President, before the question is submitted to the Senate I desire to say a few words on the subject. I am in charge of the pending bill, and I am not one of those who agree that it is proper to raise a point of order against the amendment. The argument upon the subject should be a precise one. The rule says in words:

No amendment which proposes general legislation shall be received to any general appropriation bill.

That is a rule which applies to the whole Senate, to its committees, to the Committee on Appropriations, and to the Senators on that committee as much as to any others.

What did the chairman of the Committee on Appropriations do on Saturday last, and what construction did the Senate place upon the rule and the principle of this amendment? By a repeated vote this body declared that the revolutionizing the entire Treasury Department, the creation of many offices, the prescribing of a system and a method, until it should be repealed, for the conduct of the business in the Treasury Department, was not general legislation and not within the terms of this rule. With what propriety now do they say that what was done Saturday, there being no existing law for it and no pretense of an existing law, shall to-day by the Senate be held to be entirely wrong when applied to this amendment? Is it not true that the action taken Saturday in favor of a particular idea is to-day to be reversed in its application to this amendment and to other Senators?

Is it not absolutely true that on Saturday the Senate decided that to abolish the entire system and methods of business in the Treasury Department, to create a new system, to create additional officers, to invest them with new powers and with a different jurisdiction, was not general legislation; that to appropriate money in large sums for these new officers with increased salaries was not general legislation?

Mr. President, if there be any meaning in the word, if "general" does not mean particular, if "general" does not mean one or two, or a part, but means the whole or the greater part of the whole, then general legislation is not legislation unqualified; it is not particular legislation; it is not that which relates to one subject, to one person, to one State, but that which relates to the body politic at large and the economies of the nation, to considerations which affect the public at large.

I beg the pardon of the Senator from Mississippi [Mr. McLAURIN] when I say that there is no reason for the assertion that the term general legislation means that which affects existing law, because there never was and there never will be an appropriation passed which does not affect existing law, either by making a new law or repealing old laws. What is every increase of salary? What is every decrease of compensation in an appropriation bill? Is it not a change of existing law? Every decrease, every reduction is a change of existing law. Where, then, can be found the distinction?

Mr. PASCO. Will my colleague permit me to ask a question through the Chair? I desire to know whether the point of order was raised against the amendments he speaks of changing the order and manner of business in the Treasury Department. I was not in the Senate at the time, but I have examined the RECORD and no question of order appears to have been raised on those amendments here or elsewhere.

Mr. COCKRELL. It could not be raised because they were provisions of the House bill and were not subject to a point of order. The Senator from Florida [Mr. CALL] ought to remember that fact, and he does remember it.

Mr. CALL. The rule is as absolute against a House provision as any other. I hold with the Senator that there can be no rule of the Senate which limits the prerogatives of the House. I hold with him that this rule of the Senate is in itself, if it were valid, a violation of the proper proceedings of each House.

Mr. HARRIS. I wish to ask the Senator from Florida, if he will allow me, whether I understand him to assert that we can make a point of order upon a provision in the bill that comes to the Senate from the House of Representatives.

Mr. CALL. No, sir; I do not assert that.

Mr. HARRIS. I am glad to hear the Senator's announcement.

Mr. CALL. I did not assert any proposition so unreasonable. I also say that we can not make a rule of the Senate which limits the sovereign constitutional prerogatives of the House, nor the House of the Senate. I say that therefore this rule was never intended to provide that that was general legislation which did not affect the whole body politic, but only a small part of it. The rule is simply a rule for the progress of business in this body, so that the appropriation bills shall not be interfered with by radical changes in the general laws which affect the entire body politic. That is all, nothing more nor less.

As to the point of order being raised, it is as obligatory upon this body when a proposition comes from the other House to this body here and the Senate of the United States undertakes to modify and change that proposition of the House by the introduction of an amendment relating to the general law as it would be if it had not come from the other House. The Senate may modify a proposition of the other House in any form it pleases, but when the Senate says that no amendment relating to general legislation shall be put upon an appropriation bill, it is as obligatory in reference to the provision of the other House, though it does not limit its sovereign power as a rule of proceeding, as if that bill had not come from the House and had originated in the Senate. Why, because it comes from the other House in no way affects the policy or the propriety of the question.

It is a question that upon an appropriation bill in view of the Senate, whether it be a provision of the House or the Senate, general legislation—that which affects the existing fundamental and general law—shall not be placed. As to the propriety of that rule, a hundred passages of a bill by the other House would not touch the question at all. If it be improper it is as much improper when the other House puts it there, and when the provisions of the bill come to the Senate it is as much obligatory, if we follow reason, as if the bill originated here. As a question of power, as a question of jurisdiction, as a question of constitutional right, no limitation can be put by any rule of this body upon the right of the other House to send any form of bill here they please, or to amend all the laws, or abolish all the laws upon an appropriation bill.

As a question of propriety of proceeding affirmed by the rules of the Senate, that the fundamental law shall not be altered; that the general law relating to the country at large shall not be affected upon an appropriation bill, the rule is just as applicable to a measure that comes from the other House as to any other. That is the distinction.

Mr. President, I say again, whether the point of order was raised or was not raised, the Senate Saturday affirmed that it was not general legislation to change the entire Treasury Department in its methods of business, in the number of its officers, to decrease some salaries and increase others, as a general law relating to all time and to the country; and to-day we are asked to decide—what? That a provision for seven States in relation to one particular evil affecting those States alone is general legislation affecting the whole nation.

I differ from my friend from Mississippi [Mr. McLAURIN]. I think it is time for us to realize the fact that this is a country of 70,000,000 people, soon to be a hundred million, and questions that affect the subsistence, that affect the welfare of the whole people of the country other than mere matters of war, other than mere matters of personal protection, must have consideration and be controlled by the national councils.

What difference is there between the destruction of the people of the States of the West by an invasion of a military force or by pestilence or by famine produced by noxious elements there grown? The substance of the matter is that they should be protected against destruction, whether it comes by arms or by pestilence. Where a great national evil is being threatened, originating in those States, it ought to be suppressed, and I say, not knowing anything of the evidence in the case, that if it be true that some dangerous growth threatens the destruction of the agricultural interests of two or more States of the West, if that fact be ascertained, and the people of that great and growing section of the country need the national arm and the national protection for the preservation of the great agricultural interests, upon which all others depend, it is the plainest demand of wise counsels and of wise public policy that Congress should give that protection to them.

This view is confirmed and enforced by the tenth section of the first article of the Constitution. No State shall enter into any alliance or confederation. It therefore follows that if there shall be any great public evil which can only be remedied, prevented, or suppressed by the concerted actions of two or more States, it must be by the national Government, or remain a public evil unremedied.

Mr. PLATT. A single word more, Mr. President. I take it there is no question about the power of Congress to appropriate money in an appropriation bill by an amendment to an appropriation bill where there is no law existing at the time for the expenditure of the money. That has been done over and over and over again. But I rose for the purpose of calling attention to another instance, in which, by an amendment to an appropriation bill, a large appropriation was made for the purpose of

transporting the mails in American-built vessels. I referred to one and said that that had been followed from that day to the present. That was in 1885. In 1886 the Committee on Appropriations reported this amendment to the Post-Office appropriation bill:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil, the Republic of Mexico, Central and South America, the Sandwich, West India, and Windward Islands, New Caledonia, New Zealand, and the Australian colonies, China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships, for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance, in the most direct and feasible sailing course, between the terminal points as shall be found expedient and desirable to secure the ends above set forth.

Pending debate,

Mr. HARRIS raised a question of order that the amendment proposed general legislation to a general appropriation bill, and under clause 3, Rule XVI, it could not be received.

The President *pro tempore* overruled the question of order, and decided that the amendment was not general legislation on an appropriation bill within the meaning of the rule.

From the decision of the Chair, Mr. HARRIS appealed to the Senate; and

On the question, Shall the decision of the Chair stand as the judgment of the Senate?

On motion by Mr. HOAR that the appeal lie on the table, it was determined in the affirmative—yeas 30, nays 17.

If I had time, I could go through the Journal of the Senate from that day to this, and show that where an amendment proposes simply an appropriation and provides the method and means and conditions on which the appropriation shall be paid out from the Treasury, it has not been held to be a general appropriation or legislation on an appropriation bill.

Mr. COCKRELL. The Senator from Connecticut [Mr. PLATT] makes the point that an appropriation with simply the necessary restriction as to its expenditure is always in order on an appropriation bill. I make the point of order that this amendment is not in order, even though it be only a specific appropriation with restrictions as to its disposition. It is not all appropriations that are in order, but simply appropriations. The rule says:

And no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

I understand that this amendment was reported yesterday from the Committee on Agriculture and Forestry.

Mr. HANSBROUGH. It was reported on Saturday last.

Mr. COCKRELL. Was "July 16" Saturday?

Mr. HANSBROUGH. I will say to the Senator that I understand one of the clerks made a mistake in transcribing the amendment and sent it to the Printer leaving out something; so it was reprinted again this morning, and that is the reason the Senator finds the date he mentions on the amendment. It was reported on Saturday last from the Committee on Agriculture and Forestry.

Mr. COCKRELL. I hold the amendment is not in order, because it proposes general legislation; and if it be an amendment proposing general legislation, even though it be recommended by a standing committee of the Senate, it is not in order.

I say the amendment is not in order, further, because it is not germane or relevant to the subject-matter contained in the bill.

Let us see what the amendment is. It reads:

For the destruction of the Russian cactus (technically *Salsoli koli tragus*), $1,000,000, or so much thereof as may be necessary—

What is to be done with it? It is—

to be apportioned by the Secretary of Agriculture among the several States infested by Russian cactus—

There is a duty imposed upon the Secretary of Agriculture which is not imposed upon him by the existing law. Then the amendment continues—

said apportionment to be made in accordance with the necessities of the case, to be ascertained by the Secretary—

There is another requirement of the Secretary of Agriculture not imposed by existing law—

and to be paid to the governor of each of said States upon his executing an obligation on behalf of his State that the sum so paid shall be faithfully applied in connection with any sum which may be raised for that purpose in his State for the destruction of said cactus.

Here is express legal authority, a new enactment, imposing upon the Secretary of Agriculture authority to pay to the governors of the States a given sum of money, and giving to the governors of the States the right to execute an obligation on behalf of their States and to receive the money, they not having any such power now. If such an amendment is not within the prohibition of the rule, I certainly know of no amendment which could be so.

I hope the Senate will decide that the amendment is not in order.

Mr. HANSBROUGH. I wish to say to the Senator from Missouri that the Secretary of Agriculture has been for the past two years engaged in making investigations concerning this very pest; that he has already spent a large sum of money in that direction, and that the proposed legislation is predicated upon reports made to Congress by the Secretary of Agriculture.

The VICE-PRESIDENT. The Chair submits to the Senate the pending question of order. Is the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH] in order?

Mr. MCLAURIN. I call for the yeas and nays on that question.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAREY (when his name was called) I am paired with the junior Senator from Wisconsin [Mr. MITCHELL]. I transfer that pair to the junior Senator from Rhode Island [Mr. DIXON], and vote "yea."

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. If he were present I should vote "nay." I have, however, reserved the right to vote to make a quorum.

The roll call was concluded.

Mr. VILAS. I desire to say that my colleague [Mr. MITCHELL of Wisconsin] is absent from the Senate on account of the sickness of his wife. As has been stated, he is paired with the Senator from Wyoming [Mr. CAREY].

Mr. DUBOIS (after having voted in the affirmative). I am paired with the junior Senator from New Jersey [Mr. SMITH], and as I see that he has not voted, I withdraw my vote unless it be necessary to make a quorum.

Mr. SQUIRE. I am paired with the Senator from Virginia [Mr. DANIEL], and withhold my vote. If he were present I should vote "nay."

Mr. QUAY. I desire to announce my pair with the Senator from Alabama [Mr. MORGAN]. I shall not vote unless my vote be necessary to make a quorum.

The result was announced—yeas 26, nays 22; as follows:

YEAS—26.

Aldrich,	George,	Patton,	Sherman,
Allen,	Hansbrough,	Peffer,	Shoup,
Allison,	Higgins,	Perkins,	Stewart,
Call,	Hill,	Platt,	Walsh,
Carey,	McMillan,	Power,	Washburn.
Dolph,	Manderson,	Proctor,	
Gallinger,	Mitchell, Oregon	Roach,	

NAYS—22.

Bate,	Coke,	Jones, Ark.	Turpie,
Blackburn,	Gibson,	Lindsay,	Vest,
Blanchard,	Gorman,	McLaurin,	Vilas,
Brice,	Harris,	Mills,	White.
Caffery,	Hunton,	Palmer,	
Cockrell,	Jarvis,	Pasco,	

NOT VOTING—37.

Berry,	Faulkner,	Lodge,	Ransom,
Butler,	Frye,	McPherson,	Smith,
Camden,	Gordon,	Martin,	Squire,
Cameron,	Gray,	Mitchell, Wis.	Teller,
Chandler,	Hale,	Morgan,	Voorhees,
Cullom,	Hawley,	Morrill,	Wilson,
Daniel,	Hoar,	Murphy,	Wolcott.
Davis,	Irby,	Pettigrew,	
Dixon,	Jones, Nev.	Pugh,	
Dubois,	Kyle,	Quay,	

The VICE-PRESIDENT. The Senate decides that the amendment proposed by the Senator from North Dakota is in order.

Mr. PALMER. Mr. President, I had very much hoped that the Senate would have held otherwise. I have been accustomed to legislation under a constitution which provides that the subject of every bill shall be expressed in its title, and also that bills appropriating money for general purposes shall not be connected with any other subject, or that no other subject shall be connected with them.

I confess I have been surprised at the liberality with which Rule XVI of the Senate has been interpreted in this body. I deprecated several amendments made by the Committee on Appropriations to appropriation bills. I have thought that there were radical changes made in existing laws in appropriation bills, which ought not to have been found in that connection. It is the rule of the Senate, however, now, the rule having been interpreted by the Senate that this amendment is in order.

Mr. President, I rise for the purpose of stating my objections to the amendment, to its purpose, its objects, and its methods. The destruction of noxious weeds and plants ordinarily belong to the States, and such communities as the States may authorize to engage in it. I do not agree that it is any part of the duty of the United States to engage in the suppression of the Russian cactus. I think that is an extension of the powers of the Fed-

eral Government to a limit that is without precedent, but precedents are not necessarily conclusive and do not necessarily control.

I object to this appropriation also on account of its inefficiency. I regard it as an attempt to waste $1,000,000 without doing any good. The amendment provides for the appropriation of $1,000,000, and that that $1,000,000 is to be apportioned by the Secretary of Agriculture among the several States infested by the Russian cactus.

Mr. President, who will undertake to find the exact boundaries of that test, its exact limitations, and its extensions? I can understand that there might be some authority given to the Secretary of Agriculture to make explorations and examinations, with a view of determining the limit, not necessarily State boundaries, that there might be some provision, if the money is to be so applied, that would enable the Secretary of Agriculture to discharge his duty intelligently; but the rule that is to govern the Secretary of Agriculture is the necessity of the case—that is to say, he is to determine as to the several States which are infested by the cactus; he is to determine the relative importance or the relative extent to which States are infected; he is to determine the relative difficulties or conveniences for the extirpation of the cactus. In fact, the amendment lacks to my mind but one essential condition at that point, and that is that this money should be employed by the Secretary of Agriculture under his own authority to effect this object.

But that is not all. It is further provided that these proportions, after having been determined by the Secretary of Agriculture, are—

to be paid to the Governor of each of said States upon his executing an obligation on behalf of his State that the sum so paid shall be faithfully applied in connection with any sum which may be raised for that purpose in his State for the destruction of said cactus.

It will hardly be claimed by the Senator from North Dakota that it is within the power of Congress to impose that particular duty upon the governor of a State. It is an offer on the part of Congress of a sum of money which may be paid to the governor, and the governor may enter into an obligation on the part of his State, as this amendment reads, that his State will faithfully apply its proportion of the appropriation to the object of this measure.

Who will undertake to say that any governor of any State can be required to perform this duty? Who will say that any governor of any State has the power to engage his State in the discharge of any duty whatever? As a matter of course, the governor could not employ this money by his own authority. If we had the power to impose that duty upon him, all that the governor could do would be to appeal to the proper department of the State government, and ask their coöperation with him in this enterprise. But who will say that the governor of a State has the power to bind his State to do anything as a condition of paying over this money? How would it be in the State of Illinois if that State was afflicted with this particular nuisance? Where would this authority be found for the governor of the State of Illinois to enter into an engagement—something like a bond, I take it, with conditions—to undertake to bind his State to the discharge of those duties?

But there are still other difficulties about it. As I am informed as to the facts of this case, the United States owns very large bodies of land, and a very large quantity of land in the States which are supposed to be within the purview of this amendment. I understand that those lands are mountains, that they are plains, and that they are swamps, and that the Government has immense territories in those States. By what authority would the governor of a State enter upon the lands of the United States, and from what source would he derive his authority to invade them? I use the term "invade" in its legal, not in its military sense.

The seeds of this plant, as I understand, fly upon the winds; they go everywhere, and the mere clearing of one tract of land, or one county or one State, would be entirely ineffectual, because I am told, so far as we know, this injurious plant was brought into the Northwest by Russian immigration. The mere seed came without the knowledge of the owners of the baggage; they came with their baggage; they came with whatever those immigrants imported, and the weed has grown from time to time until it has taken possession of several States, or threatens to do so. Those seeds are borne upon the winds. They are like the seeds of many other plants with which we are familiar.

If under this appropriation there should be an apparent extirpation, if there was left a single plant upon a single quarter section of land, that plant would, in its turn, spread again over the whole country. Nothing but the most radical, thorough effort will extirpate this noxious plant.

Who has any confidence that this money would effect the object? I venture to say that this million dollars, if appropriated, would be something like the appropriation made by the Illinois Legislature for the destruction of the English sparrow. Three years ago the Legislature of Illinois provided a reward for the head of each English sparrow, and the small boy was put to work, and many thousands of the sparrows were destroyed. As I remember, when I was at home last year I heard the boys had been shooting around my neighborhood for months; but I found the English sparrow was still there. I do not know that this destruction actually increased the number, but there was no apparent decrease in the number of English sparrows which were seen. The appropriation was money wasted. So this will be.

If a scheme is to be adopted at all, it must be a radical scheme. In order to make it successful there must be a power somewhere to enter upon the land of any person, and whether that person is willing or not—although I can understand very well that we may presume that every man will consent that his premises may be invaded, and that his barnyards may be searched, and that his haystacks may be overthrown, if need be; that all those things may be done—but there is no authority anywhere to do it. The result would be that there would be carelessness, and perhaps there might be some who would refuse. We can not tell about that. Perhaps in some cliffs, where goats may go, and where no other animal can find a footing, these seed would fly in and take root and find a resting place, like the seed of the cottonwood, with which we are familiar, or the nettle; they might come flying along and fall on the mountain top or on the hillside in some out-of-the-way place and escape observation, and after awhile multiply and again spread.

Nothing will extirpate this pest, if it admits of extirpation, except the most painstaking care on the part of the people interested, or there may be one other mode. As I understand it, the money we appropriate is appropriated to be expended by the governors of the States. I have already adverted to the proposition that Congress has no right to impose that duty upon the governor of a State. He may decline, and I have spoken of the difficulty of his binding the State. I shall say no more on that point. It is a rule, however, which I have been accustomed to regard as very well established, that the United States can only perform its duties, assuming this to be a public duty or national duty, through agents of its own appointment, and that the duty must be imposed upon some person who would be subject to public or national reprehension if he should fail to discharge it.

Assuming that the governor gives his bond, assuming that he is able to secure the coöperation of the Legislature, what redress would the United States have for the money which has been paid over to him? Can it be said that the governor's bond would insure the return of the money? I understand the governor does not bind himself by this proposition. He binds his State, an impossible thing. But suppose he should accept the money and should fail to perform the duty; what would be the redress of the United States Government? Therefore if the extirpation of the Russian cactus is a duty to be discharged by national agency, by the Federal Government, the only effective mode of doing it is to appoint agents for the discharge of that duty who are responsible to the Federal Government for their failure to discharge their duty.

The provision, in my judgment, is lame and impotent. It is an appropriation of a million dollars for a purpose which will never be accomplished by its means. It is a waste of a million dollars. It is the exercise of a doubtful power; and if I had no doubts of the power I should insist upon some carefully considered statute which would in some way look in the direction of accomplishing the purpose for which the appropriation is made.

Mr. PEFFER. Mr. President, I do not care to go into a general discussion of this subject, but I should like to suggest a thought or two. The Senator from Illinois [Mr. PALMER], who has just addressed the Senate, has called attention to the difficulty of an efficient use of the money which it is proposed to place in the hands of the Secretary of Agriculture, and he also refers to the large amount of labor, much of which may be more or less impracticable, entailed by the proposed legislation on the Department of Agriculture.

I think it will be much better for the Secretary to undertake an examination at least of the work that is to be done. We in Kansas have not yet been troubled any with the Russian thistle, so far as I am aware, but from gentlemen in the States infested by it, my information is that it is peculiar in many respects. The seed is collected in small bulbs or receptacles at the ends of branches. They dry, and the shell becomes very brittle and is easily broken. The plant spreads out, it branches widely, and with the swaying of the wind, which is constantly in operation more or less in that region, the plant as it dries breaks. The stalk becomes brittle, and will break off near the ground or

the roots will come out of the ground entirely, as in the case of the weed which we call the tumble-weed in Kansas and Nebraska. The latter is known in Illinois, too.

These branching plants are rolled across the prairies and the fields, and will bound as they go along, striking little nodules, if I may so call them, on the surface of the earth or a post or a shrub or anything of that kind, and every time their progress is arrested suddenly, there is more or less seed settled upon the ground. In that way one of these plants, rolling across the country, will scatter seeds for miles and miles; and when there are a thousand or a million of them moving about the country it becomes a question of very great magnitude.

The appropriation may seem large, and probably but a very small proportion will ever be used, but if it should be necessary to use every dollar of it for the purpose of getting rid of such a plant, it will be well expended. We have spent millions upon millions, aye hundreds of millions of dollars, to construct highways, to open rivers, to improve harbors, to enlarge and multiply the facilities for commerce in different parts of the country, and this is one of the means of enlarging the area out of which the supplies of commerce are made.

I think that this particular subject and the irrigation of the semiarid lands or arid lands are just as much proper subjects of national legislation as the dredging of a river, the opening of a harbor, or the improvement of any other place or condition for purposes of national defense. It will not be long until the people of the Northwest and the West, through all of that splendid region extending from about the ninety-seventh degree of longitude to the coast-range mountains, will be a unit in asking assistance from the people of the United States, through the National Legislature to procure water which may be applied artificially to the lands for purposes of cultivation.

This is a great national question which interests every citizen of the country, not so much when we consider them as individuals as it does the individual persons interested in that section of the country. It has become evident, however, that no one man, or two men, or a hundred men, in any portion of the country can do anything effective by way of exterminating this plant, and that therefore it must be a large work, one which will comprehend a large area and a very considerable expenditure of money. It is practically throwing a large portion of that country open to the conquest of this weed, and the people, if they will help us, can relieve us from that condition. That is all that is asked for here. I hope the amendment in one form or another will be adopted, so that we can at least make a beginning in this work.

Mr. COCKRELL. Mr. President, I am very sorry that my friend from North Dakota [Mr. HANSBROUGH] has insisted upon this amendment going into an appropriation bill. I find by the Senate Calendar that the bill (S. 1545) to provide for the destruction and extermination of the noxious plant or weed known as Russian thistle or Russian cactus, technically *Salsola kali tragus*, was reported favorably from the Committee on Agriculture and Forestry by the Senator from North Dakota, and is now pending here.

The pending amendment proposes that a large sum of money shall be appropriated, to be expended with scarcely any limitations or restrictions, for the destruction of the Russian cactus. That is an annual plant. It comes from the seed every year. Cut before the seeds have matured destroys the particular plant for all time to come. It is nothing compared with the cockleburr of Missouri and other States of the Mississippi Valley. I have no doubt the Senator from Illinois [Mr. PALMER] has some of those weeds in his State.

Mr. PALMER. A few.

Mr. COCKRELL. It takes two years to kill them out. The seed germinates once in each of two years, one part of the seed in one year and the other part in another year. We certainly ought to provide for the destruction of such a noxious plant. It is absolutely destructive to the wool of the sheep. It renders the wool comparatively worthless. It ought to be added to the amendment, it seems to me.

Then we have the Canada thistle, which ought to be added to the amendment, too. It is said to be equally destructive to agriculture as the Russian thistle is. I believe there are a number of States which have special laws compelling every owner of land and every road overseer to destroy the Canada thistle.

I find that a similar measure was pending elsewhere, and a similar bill, making a provision for this identical object, has been reported adversely elsewhere from another committee called a Committee on Agriculture. They do not take the same view of the question that the committee here take of the matter. I wish to read from a document upon our desks here what some other committee elsewhere say in regard to this matter.

The advocates of Congressional legislation, as proposed in these bills, not only asserted that the weed is the worst known to agriculturists, but that national aid and authority are necessary to secure its extermination. They presented statistics and evidence to show that it is rapid in growth; that each plant, through the almost unlimited quantity of seeds it matures and by the facility with which its ripened branches breaking from the main stem are driven by the wind, scattering its seeds over large areas of territory, is capable of reproducing itself with remarkable celerity, each new plant in its turn becoming a fresh source of seed supply. In this way it is claimed the thistle advances its frontiers of growth several miles each year, and it is generally believed that it is the most troublesome of all the weeds which infest the Western farms.

On the other hand, there is no doubt that the Russian thistle is an annual plant; that it dies each year and is propagated by seed only. It is evident, therefore, that if it is destroyed before its seeds ripen it can not reproduce itself.

Its extermination is certain if each farmer on his own lands will give sufficient care and attention to the destruction of these weeds before they mature, and if the State and local authorities will combine to destroy it in the same way on highways and lands not in private ownership. Several of the States have statutes providing for the destruction of the Canadian thistle and other weeds, and if those statutes are amended so as to include the Russian thistle, and if like statutes are enacted in other States, it is presumed no further legislation will be necessary.

The service required will not be exceedingly burdensome, but prompt and efficient work, and, possibly, a repetition of the means adopted to destroy the thistle will be necessary to fully eradicate it. It may be done either by turning it under with the plow or by mowing it as often as is needed to prevent its seeds from ripening.

The labor and expense necessary to rid farms of this thistle is much less than that required to clear land in many localities or to prepare rocky farms for successful cultivation in others or to exterminate the Canadian thistle where it has become firmly established.

Your committee are of the opinion that State and local authorities are fully able to eradicate this weed without national aid.

Mr. HANSBROUGH. From what does the Senator from Missouri read?

Mr. COCKRELL. I read from a report of a committee on agriculture somewhere else, not in this body.

In view of these facts, I hope the Senator from North Dakota will accept an amendment to include the cockleburr and the Canadian thistle. I believe my friend from Texas on my left has another noxious plant in his State which he wishes to add to the amendment, and it also is perfectly ineradicable by the ordinary means. But I make this suggestion to the Senator from North Dakota and I hope he will accept it, and even if such an amendment is accepted I hope the Senate will vote down the entire amendment.

Mr. McLAURIN. Mr. President, I wish to enter my protest against the amendment. It is a proposition to take out of the Treasury a million dollars for an experiment. This question was before another committee of the Senate, and it was said that the Congress of the United States has no power to enact a law to give this money to the individual farmers in the States which are infested with the thistle or cactus, and that, therefore, it is necessary to give it to the States, to do indirectly what could not be done directly.

Mr. HANSBROUGH. Will the Senator from Mississippi allow me to ask him a question?

Mr. McLAURIN. Certainly.

Mr. HANSBROUGH. Do I understand the Senator from Mississippi to say that any committee of the Senate has declared that Congress has not the authority to make this appropriation?

Mr. McLAURIN. No, sir; I did not say that. I was repeating the argument which I heard.

Mr. HANSBROUGH. I beg the Senator's pardon; I misunderstood him.

Mr. McLAURIN. The money which is to be appropriated is not our money. It belongs to the people of the country. It is taxed from them and put into the Treasury for purposes which are defined under the Constitution and the laws of the country. It is improper, it is not right, it is unjust, it is not within the purview of the Constitution of the country to take money out of the pocket of one man and give it to another, and it does not matter whether it is for the purpose of improving his farm, or what the purpose is.

It has been said by the Senator from Florida [Mr. CALL] that this appropriation is for the purpose of benefiting the farmers, who of all others should be benefited. I can say to the Senator that no man in the Senate Chamber more deeply sympathizes with the farmers of the country than I do. I am one of them. I have been one all my life, and my sympathy is with them. But I do not believe that it is right to tax the farmers in one section of the country in order to give money to another farmer for the purpose of improving his land. It is not right to tax the farmer in the State of Mississippi, or the State of Ohio, or the State of New Jersey, or the State of Alabama, or any other State in the Union to improve the farm of the farmers in the State of North Dakota or any other State in the Union, and I object to it. It is true that if this noxious weed is destroyed the farms and the farmers of the Northwest will be benefited, but it is not right to tax the farmers in my State or the State of Florida for that purpose. It is not right to tax the farmer in any portion of the country for that purpose.

Now, when you come to talk about this noxious weed, there is

in my section a grass equally injurious to the farm. It is the cocoa grass. We have the cockleburr there and we have cocoa grass. If such amendments are to be engrafted upon the bill, I wish to have the pending amendment amended by providing that the money shall also be used for the purpose of exterminating the cocoa grass. It is just as right, it is just as proper, because when the cocoa grass once gets its footing upon the land of any farmer, the land is gone for all practical purposes and especially for all farming purposes, and it, too, ought to be eradicated and destroyed.

Do not Senators see where this thing leads? It is not so much the million of dollars to be thrown away in the experiment to which I object, although I do not know that we have a million dollars to throw away, but it is the dangerous precedent which is set, because if you set the precedent of improving a man's farm which is infested with the Russian cactus, you ought to improve the other man's farm by destroying the cocoa grass. You ought to destroy the cockleburr; you ought to destroy the crab grass, and you ought to destroy every other grass which is hurtful to the cultivation of the farm in any section of the country. The appropriation ought not to be made.

I remember that yesterday there was a proposition to make a lump sum appropriation of $49,000. There was great objection to it because it was a lump sum. To-day the very Senators who opposed that appropriation are willing to appropriate a lump sum of $1,000,000, more than twenty times as much. It seems, therefore, that it is not so much an objection to a lump sum, but to the size of it. If a Senator comes here and offers to appropriate a lump sum of $49,000, there is great objection to it and it is voted down by the Senate. But when another Senator comes into the Senate and proposes an amendment to appropriate a lump sum of $1,000,000, there is no objection raised to it at all by the very Senators who took part in voting down the other appropriation of a lump sum. On the contrary, they advocate it and vote for it.

I for one enter my protest against this measure. I enter my protest against it because I do not think it is proper to take out of the Treasury of the United States, for the purpose of making an experiment, money which is put there by the taxation of all the people of the country for the purpose of defraying the expenses of the Government. If this is a noxious weed, if it is disastrous to the people of those States, and I believe there are only four or five of them who claim so, let the States themselves destroy it. Let the owners of the farms, who will be benefited by its destruction, destroy it, and not call for the taxation of other people in order to destroy it for them, and thus improve their farms.

I am in favor especially of State's rights, and one of the rights I am in favor of preserving to the States is that every State shall be allowed to destroy the Russian thistle within its own borders.

Mr. HANSBROUGH. Mr. President, the Senator from Missouri, the chairman of the Committee on Appropriations, who strenuously objects to the amendment, has referred to the fact that the Committee on Agriculture and Forestry has already reported a bill on this subject, and that the bill is now upon the Calendar. That is true. I found, however, and other members of the Committee on Agriculture and Forestry found, that there was serious objection on the other side of the Chamber to the bill, for the reason that it provided that the Secretary of Agriculture should make contracts with the people in the States infested by the Russian cactus. It was said that it would be an interference with States rights.

For that reason, on last Saturday, I submitted the question to the Committee on Agriculture as to whether it would not be best to meet upon a common ground and have a compromise measure of some kind on this question. A majority of the committee agreed that it should be so, and the amendment reported by me is the result of that agreement.

The Senator from Missouri says he proposes to introduce an amendment to my amendment providing for the destruction of that old-time enemy of the farmer, the cockleburr, and then another amendment for the destruction of the Canadian thistle.

Mr. COCKRELL. I do not propose to introduce such amendments. I suggested them to the Senator, and expressed the hope that he would accept them and incorporate them in his amendment.

Mr. HANSBROUGH. Then I misunderstood the Senator. I wish to say to the Senator, however, that I can not accept amendments of that kind to this amendment, for the very reason that the pests he refers to are simply local inflictions, while the Russian thistle is a great national infliction. The seed of the Russian cactus was brought to this country by Russian immigrants who came here under laws enacted by the American Congress. It is a national pest, and it should be dealt with as such by the National Government.

I will state to the Senate that within the last five or six years, time, the time in which the thistle has become obnoxious and troublesome, it has spread over the better part of seven of the great agricultural States west of the Mississippi River. It continues to spread and is on its way to other States where the lands are chiefly prairie lands, and it will be but a short time before every agricultural State in the United States will be infested by it.

The thistle is not only an affliction upon the grain fields of this country, but it is entirely ruinous to the wool industry wherever it is found. The spines and seeds of the thistle coming in contact with the fleeces of the sheep completely ruin them. I make this statement in reply to a statement made by the Senator from Missouri to the effect that the cocklebur is injurious to wool. The Russian thistle is much more so, in my judgment.

Mr. McLAURIN. I offer an amendment to the amendment.

The PRESIDING OFFICER (Mr. VILAS in the chair). The amendment proposed by the Senator from Mississippi will be stated.

The SECRETARY. Amend the amendment by inserting in line 3, before the word "one," the words "and cocoa grass."

Mr. GALLINGER. Mr. President, I had not intended to occupy the attention of the Senate in the discussion of this very interesting topic, and I rise now only to make an observation or two in answer to the position taken by the Senator from Mississippi [Mr. McLAURIN] in his advocacy of what he is pleased to call States rights. That is a subject which is rather threadbare these days. It has been called upon to do service in so many different directions during the last thirty years in this country that I am not surprised to hear it urged against the amendment just proposed by the Senator from North Dakota [Mr. HANSBROUGH] to the pending bill. The Senator from Mississippi takes the broad ground that the farmers of his section of the country ought not to be asked to contribute any taxes or any portion of money which is to be used for the benefit of the farmers in other sections of the country.

Mr. President, if it were not for the fact that our legislation is constanly destroying that beautiful theory which our Southern friends always call to our attention when it answers their purpose, I do not know that I should say a single word. But I am reminded of the fact that a herd of cattle suffering from pleuro-pneumonia in Mississippi is destroyed; it is destroyed under Federal laws; the Treasury of the United States is called upon to pay for the cattle, and the farmers of New Hampshire pay their proportion. I am reminded of the fact that under the Federal statutes we appropriate money in vast sums, millions of dollars, for the purpose of exterminating yellow fever and cholera, which never infest the Northern States, to protect largely the people of the Gulf States from those pestilences which come and carry off their citizens in thousands and tens of thousands.

Yet when we come to support the Marine Hospital Service the people of my section of the State pay their share in taxes without regard to the question whether they have derived any benefit from it or not. I might go on and enumerate statute after statute that is to-day the law of the land whereby the people of one section of the country, not benefited a farthing, contribute their share to meet the obligations of the Government in destroying things that are obnoxious to the welfare of our people in entirely different sections of the country.

But, Mr. President, the mere suggestion of the matter ought to be sufficient. I am somewhat surprised, I say again, that in the discussion of a question of this kind the ancient, threadworn, and somewhat unpopular doctrine of State rights is to-day invoked. I have had my doubts as to the propriety of this legislation, but it has not been upon the ground that it invaded the rights of Mississippi or New Hampshire. I shall vote for the amendment believing that the Government has precisely the same constitutional right to appropriate money to protect the people of the great agricultural States of the Northwest from this noxious weed that the Government has to protect the interstate commerce of the country, or to protect the cattle of one State from diseases that may possibly be communicated by infection in herds of cattle in some other State.

If there is any well-settled principle in this matter it is that the legislation we have approved, covering a period of a great many years on questions that are on all fours with this proposed legislation, gives us the clear constitutional right to do what the amendment asks us to do.

Mr. CAREY. Mr. President, I do not think that Congress has ever failed to vote money for any necessary purpose for the people in the States where there is such an emergency that one State itself can not successfully overcome the difficulty.

The Senator from New Hampshire has alluded to the matter of pleuro-pneumonia. In 1883 or 1884 the National Live Stock Growers' Association sent a committee to Congress asking for an appropriation to crush out pleuro-pneumonia in several of the

States. The objection was then urged that Congress has no right to go into States and interfere with private property; that it was unconstitutional to vote money for this purpose. Congress did, however, appropriate, I think, the first year $500,000, and continued the appropriation for several years, until that disease was successfully stamped out in the United States. They accomplished in the United States in less than ten years what Great Britain had not been able to do in half a century. It greatly advanced the live-stock interests of this country, because it removed certain restrictions in foreign countries against the meat products of the United States.

It is too late in the day to present the constitutional question against the appropriation of money for this purpose. We vote money to buy seeds to distribute in the several States. All the people of the country contribute the money to buy the seeds. We vote money to discover means to destroy the tobacco worm. We vote money to destroy the cotton worm. Cotton is a product that is grown in only one section of our country.

Unfortunately, the weed or plant under consideration, which is not indigenous to our soil, got into the State of South Dakota. It is not worth while to question how it came there. In a very few years it has spread, I will not say over seven States, but it has spread so as to get into seven States. It does not make much difference what South Dakota does by itself, it can not destroy this plant in the United States. There must be a coöperation of States. In other words, it has passed beyond the control of States, and the United States must take the matter up and legislate upon it or the weed is likely to spread over every State in the American Union.

The amendment is certainly guarded in its terms. First, the use of the money is left entirely to the discretion of the Secretary of Agriculture. He is to find out and determine certain things and then using his best judgment he may appropriate the money to the several States where the weed is found provided the governor of the State gives sufficient bonds to the United States to guarantee the use of the money honestly and for the purpose for which it was appropriated. It is not likely that any State infested with the weed will fail to legislate on the subject and pass laws which will be directory, and the governor will be compelled to execute those laws as he is compelled to execute other laws in the State.

Now, it is true it is but an experiment. If it succeeds the money is well expended. If it is a failure there will be only this amount of money lost and Congress will not further appropriate money for this purpose.

I recollect but a few years ago comparatively the grasshopper plague came upon the plains. Grasshoppers swept down into the Missouri and Mississippi Valleys and destroyed millions of dollars' worth of growing crops. Congress immediately appointed commissions and appropriated money to determine if there was any mode of prevention or any way by which the eggs of the insect could be destroyed.

When there is an emergency in the country I believe it is right for Congress to appropriate money to overcome that emergency or to meet it. It does not make very much difference for what purpose, whether to stay the yellow fever or to stop a disease which is destroying the herds and flocks of the country, it is right that Congress should appropriate money for it, making all the time the reservation that the money is not to be expended if the State is able to do it itself, and in doing it is enabled to prevent reinfection, I may say, or the renewal of the weed in the State, as in this case; but here more than one State must take hold of the matter or the remedy can not be effective.

Mr. McLAURIN. Will the Senator from Wyoming allow me to ask him a question?

Mr. CAREY. Certainly.

Mr. McLAURIN. In how many States does the Russian cactus now exist?

Mr. CAREY. I have not the map before me, but as I recollect the map which was prepared at the office of the Secretary of Agriculture it has spread through seven States from a few seed in South Dakota.

Mr. McLAURIN. Which are the States?

Mr. CAREY. South Dakota, North Dakota, Nebraska; I think there is a little of it in Kansas, some in Wyoming; I do not know whether it is in Montana or not——

Mr. HANSBROUGH. I will state, in addition to that, it is now in the State of Minnesota and also in Wisconsin.

Mr. McLAURIN. With the Senator's permission, I will ask him one other question. Is there any State of those seven not able to cope with this infection or calamity, or whatever it is to be called?

Mr. CAREY. I believe each State would be able itself to suppress it as it now exists in the State; but suppose South Dakota should go to work, it would do South Dakota no good, because the windstorms would seed the State again. So it would do North Dakota no good to spend the money unless South Dakota and the surrounding States should join in the effort. If anything at all is to be done the weed must be absolutely eradicated in the United States.

Mr. McLAURIN. Will the Senator allow me to ask him another question?

Mr. CAREY. Certainly.

Mr. McLAURIN. Is there one of those seven States that would not coöperate with the other six States?

Mr. CAREY. Perhaps not; but I have never known any two States in the American Union to start out and coöperate to perform a work which it is clearly the duty of the United States to do. You can not get seven States to act together. It must be done under one head, and some well-devised plan must be carried out to make it a success.

Mr. McLAURIN. I understood the Senator to say that it was first the duty of a State, and only the duty of the United States when the States themselves could not cope with the difficulty.

Mr. CAREY. I say an individual State can not cope with it.

Mr. McLAURIN. Is it not first the duty of the seven States themselves to destroy the weed before calling upon the United States to do it?

Mr. CAREY. No; it is not the duty of the seven States.

Mr. McLAURIN. You think not?

Mr. KYLE. Will the Senator from Wyoming allow me to answer a little more fully upon that point?

Mr. CAREY. Certainly.

Mr. KYLE. It seems to me the strongest argument in favor of the Government appropriating money for this purpose has been overlooked. The States will to a certain extent coöperate. It is true, as the Senator from Wyoming has said, that if one county alone attempts to exterminate the weed it is absolutely useless, because the weed is peculiar to itself. It is no more like any other weed than a tree is like an ordinary weed in the field. It is a distinctive weed; it is *sui generis*. It grows by a small tap root and then branches out in bell-shape as large as an ordinary tub. As soon as it becomes ripe it loosens from the ground and goes traveling over the prairies for a distance of 20 miles, like the ordinary tumbleweed. It will roll from county to county, and it is rolling from State to State. During the period of fifteen years it has covered over seven States.

Now, as to why the Government should interfere to help out the seven States which have been mentioned. In those States there are to-day 125,000,000 acres of public lands which the Government of the United States owns, and is therefore responsible to that extent for the extermination of that noxious weed. The public lands are scattered all through these States, not in any particular portion of any one State, but through them all. Were the States themselves to attempt the extermination of the noxious weed, it would nevertheless grow upon Government ground and would roll back again upon cultivated farms, and the whole work would have to be done over again. As far as I can see, the appropriation of this lump sum of $1,000,000, distributed among the States, will be no more than the just proportion, in consequence of the public lands that are in these various States, that the Government itself should bear toward the total expense of exterminating the weed.

Mr. McLAURIN. Will the Senator from South Dakota allow me to ask him a question? Has any one of those States appropriated money and undertaken to exterminate this weed?

Mr. KYLE. I will state that we have noxious-weed laws in all our Western States. I know that the noxious-weed law in South Dakota includes the Russian thistle, but it is next to impossible for the State to attempt to exterminate the weed. We have tried it in various portions of the State, but in a period of one year it will spread a distance of 60 or 80 miles.

Mr. McLAURIN. Has there been an appropriation made by any of those States for the extermination of this weed, and if so, how much?

Mr. KYLE. We do not make a specific appropriation, except that we have a general law by which the road supervisors and county commissioners are asked and required to look after the weeds. The appropriations, I believe, are ordinarily made for this purpose out of the county treasury.

Mr. GEORGE. Mr. President——

Mr. CAREY. I have only one more sentence to add, and then I will yield the floor. I was going to speak further with reference to pleuro-pneumonia. New York City had appropriated a great deal of money; New Jersey had appropriated a great deal of money; the State of Illinois and various other States of the Union had appropriated money to try to get clear of this disease among neat cattle in the United States. They failed for the reason that when the disease was eradicated in one State it was immediately brought there from adjoining States. There was no uniform action by the States. As soon as the

United States took hold of the matter and adopted a uniform plan and the States joined with the Government, there was no further controversy about entering States and interfering with private property. Where the Government was compelled to destroy neat cattle in a State it appraised them and paid for them. The United States succeeded in that case where States had failed for years. In this case the condition is very similar so far as this noxious weed is concerned. This is all I have to say.

Mr. GEORGE. Mr. President, I find myself compelled, after a very careful and patient examination of this question, to reverse the opinion which I originally held; and as a result of the vote this morning upon the point of order indicates very clearly that I am with a very small minority of my party—only three or four, upon this question—I believe it my duty not only for my own visdication, but also for the elucidation of this question before the Senate, to say something upon the merits of this very much misunderstood amendment.

A bill was introduced sometime ago by the Senator from North Dakota [Mr. HANSBROUGH] which I deemed unconstitutional. It proposed to authorize the Secretary of Agriculture to enter upon private land and there go to work for the purpose of exterminating this thistle. I did not believe we had the power to make any such entry upon private property. I did think, and I so expressed myself at the time, that we have the power to make an appropriation in aid of any State action that might be taken on the subject. The Senator from South Dakota [Mr. KYLE] prepared an amendment which embodied the ideas which I entertain on this subject. The pending amendment substantially embodies the same ideas.

The question now before the Senate is not, as has been supposed, whether we shall go into the State and with Federal money and Federal power undertake to improve the farms of the State. Nothing of that sort is intended. On the contrary, as was well suggested by the Senator from South Dakota, there is a larger question, a question which does not appeal simply to the charitable sentiments of the American Congress on this subject, but which raises the question as to what we ought to do, what we are bound to do, what as honest and honorable men, representing the Government which owns property in the affected States, we are bound to do in aid of the local authorities in exterminating a pest which equally affects the Government property as well as the property of the private citizen.

As was stated by the Senator from South Dakota, in the six or seven States in which this pest now is doing so much injury, the Government of the United States owns over 125,000,000 acres of land. The ownership of this land imposes upon us duties as well as confers upon us rights.

It so happens that this peculiar pest—and I want the Senate and the country to understand this—is not of the character of the pest of cocoa grass, mentioned by my colleague, and which is a very serious pest in the State of Mississippi. It is of such a peculiar character that if you do not destroy it wholly in a very large district, it soon occupies by the aid of the winds all the uninfested territory within that neighborhood; a neighborhood, as well remarked by the Senator from South Dakota, extending in a circle the diameter of which is 120 miles, the radius 60 miles. So I want the Senate to understand that there is no sentimentality in this matter. It is a question of business; it is a question of honor; it is a question of honesty, whether we, the United States, owning 125,000,000 acres of land in the infested district, will sit down quietly and fold our arms and leave to a struggling and poor community, as new States always are, the great burden not only of exterminating this pest from their own land, but of keeping the public lands free from it. I assert as an undeniable proposition both in constitutional law and in moral law that we, as proprietors, are under as much obligation to contribute our share to the protection of our property as private individuals are.

Now, let us see whether the facts sustain my individual view. If the pest be exterminated on one quarter section with all the sedulous care of the most careful farmer, it is immediately reseeded by the cactus growing on the next quarter section. So it is utter folly to waste the time and the money and the energy of the private owners unless some system can be inaugurated which not only embraces him, but also all other private owners; and not only all private owners, but all owners of all the land upon which this pest may get a foothold and from which it may spread over the surrounding country.

Do Senators understand what sort of a pest the Russian cactus is? Do they suppose it is a noxious weed only, choking up the growth of a crop, and when dug down and eradicated upon a particular farm it is destroyed so far as that farm is concerned? Do they understand, as was intimated by the Senator from Missouri [Mr. COCKRELL], when he asked the Senator from North Dakota to accept an amendment to this amendment to eradicate tumble grass and cocklebur, that this is a mere excrescence produced by cultivation and infesting to some extent all the crops of the country? If they do, they are mistaken.

Sir, I propose to go into the history of this pest, not only for the purpose of my own vindication in this matter, but that the Senate may see if they vote this appropriation of $1,000,000 they not only do a constitutional thing, but they do a just and righteous thing. The weed is indigenous in the Russian Empire, and I will state the history of the pest as shown in the papers which I have before me. It has become so far the master of the owners of the land in the section in which it grows as to have compelled the abandonment by the farmer of large sections of the country. The people in Russia, where it started, used to toil, used to self-denial, used to labor without fair and just compensation, in the struggle with this pest were compelled to surrender their homes and their farms and flee to other sections of the country. The same is true of our own country, for the papers before me show that in very many places the farmers have been compelled to surrender to this enemy and abandon their homes.

How did the pest get here? This is a point which the Senate ought not to overlook. It was imported. That is the history. About fifteen years ago it came through United States ports and found its lodgment near Yankton, in the State of South Dakota. Is the State of South Dakota responsible for the introduction of this pest through the imports into her borders?

Sir, if you read the Constitution of the United States the first thing you see is that the regulation of imports is wholly a matter of national concern. So it was the fault of the United States in the administration of national laws that they allowed this pest to come within our borders and to afflict our fellow-citizens. Does that not impose a superadded moral obligation upon the same Government, which, through its negligence and the negligence of its citizens, introduced this pest to destroy, as I shall show before I get through, the farmers of the Northwest? Does not that increase an obligation of a moral character that the same Government should lend a helping hand to those who may have been thus afflicted?

But more than that. It is here through our fault; it is here through imports, which were solely under the regulation of the National Government, and over which the States of North and South Dakota and their sister States in that community had no control. What clearer point of constitutional law than that they not only had no power to keep this pest out of the borders of the American Union, when imported from abroad, but they had no power, if they knew it, to prevent it coming from one State to another.

Let us stop and reflect upon the condition of affairs. Here fifteen years ago was a new community, a Territory of the United States; its broad acres had been very lately taken or purchased from the Indian tribes, and for what purpose? For settlement and cultivation by the white man.

The United States through their laws invited immigration, invited the hardy sons of our land to leave the more settled portions of our Union, and to go into a bleak, hard climate, but upon a generous soil, to seek to rebuild their fortunes. We sold them the land, and at the same time that we gave them this invitation to go to these broad prairies and build again their fortunes, we, by our negligence, introduced this terrible pest. What was the result? It started in one place in South Dakota, and now, from the papers which are before me, it appears that over 40,000 square miles of American territory are infested by this pest, an area nearly as large as the State of Mississippi.

Mr. HANSBROUGH. If the Senator will permit me, I think it is more nearly 75,000 square miles.

Mr. GEORGE. It is spreading with such terrible and tremendous rapidity that a statement made a year ago as to the area occupied would be incorrect to-day. The last investigation I made upon the subject put it at 40,000 square miles; but how does it spread? Let us see how these hardy sons of toil, whom we had invited to go into these far Western States for the purpose of extending American civilization and American institutions, were treated. They got there, they settled on the lands; we allowed the pest to get there, and what was the result? In fifteen years it has traveled into seven States, and it is extending year by year, and I warn Senators from my own section of the country that, unless its progress is stopped, it will know no boundary to its progress except the Gulf of Mexico. It has already got to Kansas, then it will go to the plains south of that State, and then to the plains of Texas. It is going with, I might almost say, a terrific rapidity.

What is the proposition of this amendment? It is said you are improving the farms of these people, and you have no right to do that. Sir, that man's farm upon which the destruction of this cactus may take place adjoins the public domain; he destroys every vestige of the cactus, and in the next season, with

the wiods which prevail, it is reseeded, or in other words, without a destruction of this cactus the work of the farmer in those States in destroying it is but the rolling up of the ball of Sisyphus, and as soon as it gets to the top it rolls down again; and are we, with 125,000,000 acres of land to be the nursery, the reservoir of this infernal—I think I have a right to call it by that name—pest of the American farmer, are we to say that, to save our 125,000,000 acres, we will put the whole burden upon the pioneer who, at our invitation, left the Eastern portion of our country for the purpose of subduing the wilderness of the Western country? That is the question. I have shown that he can not do it.

Then, if we are not to be moved by the consideration which ought always to affect and move a statesman in a free country by the consideration of the hard destiny and lot of our fellow-citizens, and especially if we are to steel our bosoms against any cry of help from the helpless, let that be so, and we will discuss it upon the simple proposition of proprietorship.

One hundred and twenty-five million acres of land and $1,000,000; and what is that? Less than 1 cent an acre does this bill propose to give for the protection of this immense domain of Government land? Cut out the consideration to the farmer, though he is engaged in subduing that wilderness of the West to civilization and to prosperity and advancement, say we care nothing for him, I think we, as proprietors of this land, ought to care for the interests of the aggregate American people.

Mr. President, this pest does not spread on land which is uncultivated except in spots; I want to be fair about it, but wherever there is any disturbance of the soil, wherever there has been the feeding of cattle, by which the turf of the prairie is beaten down, there it comes. I have before me a statement, which is and ought to be conclusive that whilst the seeds do not germinate on the thick, untrodden, uncleared prairie soil, yet they nestle in the grass and at the very first time the plow of the farmer is introduced for the purpose of upturning this sod, then the seed come up. Are we not interested as proprietors in exterminating a pest which thus afflicts our property? It seems so to me.

What precedents have we for this action? What have we been doing from the very beginning of the Government down to the present time with reference to the public domain, except making appropriations in land or money for the purpose of improving and advancing the public domain? What mean all these railroad grants? I take not the extravagant and wasteful grants made by the Republican party after they came into power, but the grants made by the Democratic party to railroad companies of each alternate section for 6 miles. What did that mean except to devote a part of the national property for the purpose of benefiting the remainder?

But, Mr. President, as a Southern man I have a word to say about it in that aspect of the case. Allusion has been made to the fact that we are taxing people far distant from the denizens of the cold and bleak Northwest for the purpose of improving their farms. I deny that. First, I deny that such is the main purpose of the amendment. That the farmers in that section get an incidental benefit from an appropriation to protect the national property I rejoice.

I am always happy when, in pursuing a line of policy for the protection of the general, universal good, without reference to section, whether North or South, East or West, when pursuing that plain, constitutional, just policy, if it results that incidental benefits come to the citizens of the United States in any part of this great country. My own State has been the recipient of millions of dollars from the National Treasury, is receiving it now, and has been for years, coming from the principle I have just advocated. We build levees on the Mississippi River. Why and how? If I were to get up here and ask an appropriation to build levees on the Mississippi River for the sole purpose of protecting the land of the owners in the Mississippi delta, I should be met with the argument that the Government can not tax the people of the whole country for the purpose of benefiting the private owners of property who happen to live in that delta.

But see how the analogy is. The United States are the owners of the Mississippi River; it is a great public highway, and it is a part of the jurisdiction and the power of the United States to keep that river improved, and I am glad to say that, with all the conflict of sectional passion and sectional prejudice, I have not heard it suggested from the other side of the Chamber when an appropriation was asked for the improvement of the Mississippi River and the building of levees on the Mississippi River, in order to make that improvement, that it should not be done because that appropriation resulted also in benefit to the private owners of land. On the contrary, Mr. President, I thank God that I have lived to see the day after the civil war when I have discovered that this incidental benefit to the owners of land in Mississippi, in Arkansas, and in Louisiana but added zest to the action of Northern men in voting appropriations to build levees. Shall I proceed to read all the testimony I have here? I ought at least to read some of it, for I differ with my party upon this amendment. There are only about four of us who favor it. Right here I should remark—I do not know whether it is to the honor of the American Senate or not—that I have discovered in a service of about thirteen years in the Senate, that a vote on a question of order has always, without a single exception I believe, exhibited exactly the feeling of the Senate as to the measure involved. A vote taken on a point of order discloses how we stood on this amendment.

I do not claim any exemption from the rule I have stated, although I thought if there was anything that according to the rules of the Senate was in order on an appropriation bill, it was the amendment under consideration; and for this reason, unless the rule of the Senate means—and I state an argument now which can not be answered—that you can not add an appropriation to an appropriation bill, then this amendment is in order. It is nothing more than an additional appropriation, with provisions right and proper for its execution.

I want to read a letter to the Senate to show that I have not exaggerated in the statement which I have made about this subject. I read an extract from a letter written by the governor of North Dakota. He says:

> I can assure you that no effort will be spared on the part of North Dakota to eradicate the pest, by township, county, and State assistance; but we do not expect to accomplish the task without Government aid, as our people are poor, our farms are heavily mortgaged, and unless help can be had from the Government these farmers will become discouraged and abandon the land to Eastern mortgagees. Our State debt limit has been reached. Three years time will be required to change our constitution, and in the meantime the cactus will take our country. The counties that are suffering most from this pest have had but two good crops in the past five years. They are in bad condition financially, but will do all they can by individual, township, and county aid.

There is the testimony of the governor of North Dakota. Now, let me give you some testimony as to the nature of this pest from an official of the United States. This is no new thing with the Department of Agriculture, for it has been examining and investigating this subject for years. Here is the statement of the botanist of the Agricultural Department:

> A study of this question for the past two years by the Department of Agriculture shows conclusively that the progress of this weed can be stopped only by concerted action during the same season or seasons over the whole infected area. The facts at present in hand show also that the progress of the Russian thistle is rapid, and that if any determined action is to be taken against it, it may be done far more economically in the immediate future than after the expiration of a few years. It is undoubtedly true that if the progress of the weed is not stopped the damage caused by it in future years will annually reach $25,000,000.

There is another statement, made by the same gentleman, Mr. Coville, to which I desire to call the attention of the Senate. He says:

> The damage already done by the Russian thistle is without question slight in comparison with the damage which will be done by it if its progress is not soon checked. It is a weed peculiarly adapted to the great wheat-raising portions of the United States, and its advent is ominous of an overwhelming calamity to that region.

I have also another witness, going outside of the officials of the Government. I read now an extract from a letter from Prof. W. M. Hays, published in the Farm, Stock, and Home. I wish I could read the entire letter, because every word of it ought to be listened to by the Senate and well weighed before any Senator votes against this appropriation. Prof. Hays says of its rapid spread:

> Nearly two years ago the Department of Agriculture at Washington was advised, by the writer and others, of the desirability of its making a thorough study of this weed, and in the fall of 1892 Mr. L. H. Dewey was sent out by Secretary Rusk to investigate. He published a commendable bulletin on the subject, though did not suggest as heroic measures for its eradication as the present writer believes imperative.
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> It is now spreading very rapidly in two ways. The great body of weeds extend annually 10 miles by the wind blowing the ripe weeds in the same way as the common tumble weeds are carried across the country. In grain, bedding in stock cars, and in other ways they are distributed along railways radiating from the infested district. These new centers serve to spread the weed far and wide. A band of them may be seen along many railroads, even as far as 300 miles from the great Dakota weed patch.

It has got across the Missouri River; it has got into Kansas; and, as I have before remarked, it is pressing with fearful rapidity upon the Southern section of this country.

I have not argued the constitutional question involved in this amendment. If I were to go into that I could cite statutes by the hundred showing the power of Congress to make appropriations of this kind. Let me call the attention of the Senate to the fact that the appropriations made for the Agricultural Department itself, from the Secretary of Agriculture down to the very lowest employé, stand upon the same constitutional authority as does this proposed appropriation.

The Agricultural Department exercises none of the functions of government. Take the whole list which I have in my hand of granted powers contained in the Constitution of the United States in all the clauses of section 8 of Article I, to levy taxes, to borrow money, to regulate commerce, to establish a uniform

rule of naturalization, and uniform laws on the subject of bankruptcies, to coin money, to provide for the punishment of counterfeiting the securities and current coin of the United States, to establish post-offices and post-roads, to promote the progress of science by granting letters-patent, to constitute tribunals inferior to the Supreme Court, to define and punish piracies and felonies committed on the high seas, to declare war, to raise and support armies, to provide and maintain a Navy, to make rules for the government and regulation of the land and naval forces, to provide for calling forth militia, to provide for organizing, arming, and disciplining the militia, to exercise exclusive power over the District of Columbia. When you read them all you will have every governmental function conferred upon the National Government; and in them you do not find any power to establish an Agricultural Department, to make inquiry as to the progress of the crops, to distribute seed among the American people, to suppress pleuro-pneumonia, and all that sort of thing. All these come outside of and under another authority in the Constitution, and that is the power of appropriation, when you have no power of jurisdiction, provided only the appropriation is made to general subjects, and does not amount to a mere gift to private individuals. The first law upon that subject was passed under the Administration of Gen. Washington. The statute books are from that day to this full of appropriations made outside of carrying out the specific powers granted to the Federal Government.

Mr. President, I believe I have given fully the reasons which influence me in casting the vote which I shall cast in this matter; but, before I sit down, I suppose I might be indulged in making an additional remark not exactly pertinent to the amendment, but connected with the general duties of a Senator of the United States. In my youth, before I had a beard upon my face, it was my fortune to have assisted in planting the American standard upon the walls of Monterey.

Afterwards it was also my fortune to bear arms against the flag which I helped to plant upon the walls of Monterey. It was also my fortune, sad as it was, after the war was over, to undergo, in common with the people of the section from which I come, four or five years of the most infernal rule with which a civilized people were ever cursed. I lived through that. I lived to see civil disabilities removed from the Southern people. I have lived to see this side of the Chamber by a very large majority filled by men who have also borne arms against the Government. I have met, since I have been here, some instances of harsh, bitter, unjust sectional argumentation, crimination and recrimination, but I have lived to see, and I am very glad to be able to say it, that where once I heard criminations and recriminations I do not hear them now.

I have lived to see the time when a question comes up in the Senate which affects the section from which I come that I not only find Northern Democrats, God bless them, affiliating with me, sympathizing with me, but I find also that Northern Republicans are exhibiting a forgetfulness of the bitter animosities of the past and are joining with us in upbuilding our common country and the Southern part of it, when that part alone is in question.

It is a pleasure to me, and it is not, sir, the least of the pleasure either which I have to-day in performing the duty which I have performed that as a Southern man I have been able to stretch the hand of friendship and sympathy to the suffering farmers of the Northwest, who, with the other farmers of the country, have led the way in breaking down sectional animosities, and in restoring among our people the feeling of a common brotherhood.

Mr. HIGGINS. Mr. President, we are not without an experience in the country of the character of this pest. I doubt not that all the country is inflicted by what is known as the English or Canada thistle. It prevails to an unfortunate extent in my section of the country, and every farmer there knows how injurious it is to his land and how nearly impossible it is to eradicate it. The agricultural papers tell you that the Canada thistle, so called, can be destroyed by plowing the ground every month or so, thereby preventing the plant from showing its head above the ground. I have never known that to kill it, possibly because of the difficulty of having the work regularly performed. It is most easily extended. Your lands may be free from it to-day, and because of the carelessness of a neighbor you find it on your farm to-morrow; and when it is there it is there to stay. It is a small plant. It is nowhere so easy of propagation and extension as the Russian thistle. It does not grow so tall. The Russian thistle is large in its growth, and when it comes to maturity the wind takes it, and, rolling it over, it is spread rapidly in a continually extending area. But its power of propagation does not stop there.

As the Senator from Mississippi [Mr. GEORGE] pointed out, this plant was brought from Russia to the United States, and to that part of the United States which constitutes the western extremity of our agricultural land east of the Rock Mountains, and that is the center of infection now for the country. As it was easy to be brought from Russia to the Dakotas, it can as easily be brought from the Dakotas to the East. We of the East need not felicitate ourselves that because it is so far it is not so near. I know that the farmers of my section to-day hesitate, if they do not refuse, to purchase bran and other feed for their cattle from the Minneapolis mills, because they are afraid that the seeds of the thistle might thereby be brought to this part of the country. It operates as a bar upon commerce, and a bar upon the sale of the products of the section of country which is infected. It is a threat of the first magnitude, and will bring upon us a disaster incalculable if it cannot be stopped.

Mr. President, the serious question is whether it is in the power of the United States Government, with all its resources put forth without stint and unremittingly, under the direction of the Secretary of Agriculture, in coöperation with the States, to stamp it out. If a single thistle is allowed to remain on any farm in any part of the country it remains a continuing threat. That is the character of this weed, and in the light of such facts it is idle for Senators to hesitate a second as to what we should do. We not only should make the appropriation, but we should do it quickly and gladly.

Mr. MCLAURIN. Mr. President, I shall undertake to answer the arguments which have been made by the Senators in the order in which they have spoken.

As to the point made by the Senator from New Hampshire [Mr. GALLINGER], that the General Government has appropriated money for the prevention of the spread of yellow fever and cholera, which are peculiarly diseases of the South, I desire to state, first, that when I entered the Senate I felt that while I was here to represent the interests of the State which sent me here, I should do it by legislating, so far as I took part in legislation, for the whole country. I entered the Senate with a patriotism which extended to every section of the United States, and I am not here speaking for Mississippi alone; I am speaking for the American people and for their Government.

But I can conceive that there is a vast difference between quarantining by the United States Government against the introduction of infectious diseases into the country and the appropriation of money by the Government out of the Treasury for the benefit of individuals in any section of the country for the improvement of the private property of individuals. I shall insist, before I shall have concluded, that notwithstanding the learned and able effort made by my colleague, this is an appropriation of public money for the improvement of private property. This disposes of the objection which was made by the Senator from New Hampshire.

The point made by the Senator from Wyoming [Mr. CAREY], as I understood it, is that it is not impossible for each individual State infested with this noxious weed to destroy it within its own borders, but that it is impossible to obtain the coöperation of the seven States which are so afflicted. Therefore, the argument is that there must be an appropriation by the General Government in order that it may extend over all the territory of these seven States and destroy this thistle at once. But let us examine the amendment offered by the Senator from North Dakota. It says:

> For the destruction of the Russian cactus, $1,000,000, or so much thereof as may be necessary, to be apportioned by the Secretary of Agriculture among the several States infested by Russian cactus, said apportionment to be made in accordance with the necessities of the case, to be ascertained by the Secretary, and to be paid to the governor of each of said States upon his executing an obligation on behalf of his State that the sum so paid shall be faithfully applied in connection with any sum which may be raised for that purpose in his State for the destruction of said cactus.

Now, in order to make this provision effective it is just as necessary that there should be coöperation on the part of the seven States affected as if there were no appropriation made by the Congress of the United States. It depends first upon the governor of the State executing an obligation for his State. If it is so that it may be put in the power of each governor to obligate his State government in the manner indicated by the amendment; and if one governor executes the obligation and the six others do not, or if six governors obligate their States to do so and one does not, it is equally ineffectual as if there were no appropriation made and the States were called upon to coöperate upon their own account by appropriations made by the States. So there is nothing in the point made by the Senator from Wyoming that the appropriation will enable the States to coöperate whereas they can not coöperate without it.

But again, how is the governor going to obligate his State to apply the fund in the manner required by the proposed amendment to the appropriation bill? It is said by the Senator from Wyoming that the Legislature will give him the power and enable him in some way to do so; but I am told by my colleague

that the thistle is spreading so rapidly that in one year it has increased the area of its prevalence from 40,000 square miles to 75,000 square miles, nearly doubling in one year. Then how many years will it take before the Legislatures of the seven States infected by the Russian cactus can coöperate and enable their governors to execute obligations to the United States or to somebody, because the amendment does not state to whom, to the effect that they will apply the money as intended by the amendment? By the next year the area affected will be 150,000 or 140,000 square miles. So all this delay on the part of the States, allowing the thistle to spread, would be in contravention of the argument used by the Senator.

I take it that there is nothing in the proposition of the Senator from Wyoming that it is necessary that this appropriation should be made in order to enable the seven States infected with the Russian cactus to coöperate for its destruction.

Mr. CAREY. I wish to ask the Senator from Mississippi a question, if he will permit me?

Mr. MCLAURIN. Certainly.

Mr. CAREY. Has the Senator confidence in the Secretary of Agriculture?

Mr. MCLAURIN. I have.

Mr. CAREY. If the Senator will read the bill he will see that if the Secretary finds that there is no necessity for the expenditure of this money it is not probable that any of it will be expended. He is a practical agriculturist himself, and the bill is very guarded in that respect. If the Secretary finds that there is no necessity for it he will not use a cent of the money, and he will not pay it out, anyway, until he gets the requisite bond from the several States.

Mr. GRAY. May I ask the Senator from Wyoming whether the Secretary of Agriculture has asked for this legislation, or approves of it?

Mr. CAREY. I really do not know about that, but it is not likely that he will disburse any more of the money than is really necessary for the purpose. There is an emergency, and it must be met in some manner or other. I understand the amendment was put in this particular shape out of deference to the Senator from Mississippi, who raised objections to the form of the bill which had been prepared and introduced.

Mr. MCLAURIN. To which Senator from Mississippi does the Senator from Wyoming refer?

Mr. CAREY. I do not mean the Senator from Mississippi who now has the floor. I refer to the senior Senator from Mississippi [Mr. GEORGE]. He is a good lawyer. No doubt the Senator from Mississippi who now has the floor is also a good lawyer. But the senior Senator from Mississippi objected to the form of the bill then prepared, and suggested this form to obviate the difficulty. It leaves the first distribution in the hands of the Secretary of Agriculture. He will not permit any of this money to be paid out of the Treasury until he has a guarantee from the governor on behalf of the State that it will be expended wisely and judiciously for the purpose for which it is appropriated.

I do not myself believe that this is the best way to do it. I think it would be a great deal better to leave it to the Secretary of Agriculture and let him appoint agents to go out and see whether the weed can not be eradicated. There are great objections to the other plan, however, and this has been devised to overcome the objections. It is really a compromise measure, and we all hoped that it would be passed without objection even from the Democratic side.

Mr. MCLAURIN. I have confidence in the Secretary of Agriculture. I do not have confidence enough in him to put in his possession $1,000,000 and to allow him to construe the inapt language of the amendment which says that the money is—

> To be paid to the governor of each of said States upon his executing an obligation on behalf of his State that the sum so paid shall be faithfully applied.

The amendment does not state to what State the money is to be given. It leaves it to the Secretary of Agriculture to select the State. It leaves it to the Secretary of Agriculture to say when the obligation is entered into by the governor of the State, and then it leaves it to the Secretary of Agriculture to say how much he will give to each governor. I have no doubt of the integrity of the Secretary; I have no doubt of his fidelity; I have no doubt of his patriotism; I have no doubt of his desire to execute properly the office confided to him, but I do not propose and I do not desire to confide to him $1,000,000 to be given to the governors of those States upon their entering into an obligation such as he will approve as being an obligation which binds their States respectively.

But suppose I had that amount of confidence in the Secretary of Agriculture; how would it help the position of the Senator from Wyoming? The position of the Senator to which I object is that he contends that the Russian cactus can not be stamped out by the States themselves for the reason that all the States must act conjointly; that they must operate in the destruction of the thistle, and if they do not do so it will not be destroyed, because if one State destroys the thistle and another leaves it, it will spread again to the State in which it had been destroyed.

How does the amendment help the matter in this respect? Does it provide that the governors of the seven States shall unite for the destruction of the thistle before they use the million dollars proposed to be appropriated? Not at all. There is nothing of the kind in the amendment. So that disposes, according to my judgment, of the position taken by the Senator from Wyoming, that the weed can not be destroyed by the States themselves unless the appropriation is made by the Congress of the United States.

Now, Senators will remember that the Senator argued that when the States themselves can not grapple with a thing, when it became too gigantic for them to contend with or to destroy, then it is that the United States ought to interpose and assist the States. The question was propounded to him whether the States had undertaken to destroy the weed, and the answer was that they have not undertaken to do it, because unless it is done in all the States at the same time, it is not effective. The amendment does not provide for the destruction of weed in all the States at the same time. It does not provide for the destruction of the weed in two of the States at the same time, much less in all the States. So money might be given to one governor, and he might proceed to the destruction of the thistle in his State and leave the weed in the other States as dangerous and as damaging as it was before.

I desire to address myself to the question of protecting the property of the United States in those States. We are told that there are 125,000,000 acres of public land in the States infested with the Russian cactus, and that it is a matter of honor and honesty that the Congress of the United States should appropriate money for the protection of this land in order that the occupants of the adjoining land may be protected in their property.

It is said by the same Senator who made that argument that this is not for the purpose of protecting private property; that it is not for the purpose of improving the farms of individuals, but that it is for a great public benefit, a great public work, and a great public purpose. Yet he tells us that this ought to be done because it is right, proper, and honorable for the United States Government to destroy the thistle in order that the adjoining farms may be of merit and of value to their occupants and to their owners.

He tells us that it would be dishonorable in us not to destroy it as an advantage to the owners of the adjoining lands and the adjoining farms. Yet in the breath just before that we are told that we are not called upon here to appropriate money to improve private farms, answering, as I suppose, the argument I tried to make before the Senate that it is not right, just, fair, nor equal to tax the farmers in one section—and I do not care whether it be in Mississippi, Alabama, Texas, New Jersey, New York, or any other portion of the country—to raise money for the purpose of improving the farm of another man.

What does the argument of the Senator mean when he says that our honor requires us to destroy the cactus on account of its being destructive to the farms and to the lands of the people who live in the Western section of the country and when in the next breath he tells us that we are not appropriating money for the purpose of improving private farms and private property? You see, Senators, that we are appropriating money for the purpose of improving the farms of one section of the country at the expense of the general public, and I do not care whether they be farmers or what class of people they be, they have put their money into the Treasury.

It is their money and not ours. We are the guardians and the trustees of it, and we have no right to apply it in any way except as provided by the Constitution and the laws of the country. I do not propose to enter into any constitutional argument to show that we have no power to do that. There is a broad and distinguishable difference between the question of power and the question of right. Is it right, is the proposition?

Now, let us see about our public domain and whether it is proper for us to make the appropriation on that ground. It is admitted by the Senators that we ought not to make the appropriation if it is for the purpose of improving the private farms of a portion of the citizens of the country at the expense of the farmers of other sections of the country, and at the expense of all classes, all vocations, and all professions in other portions of the country. At the same time it is said that we are in honor bound to destroy the thistle in order that the adjoining farms may be protected. But Senators contend that it is our duty to make this appropriation in order to protect the public domain.

We have 125,000,000 acres of public land in these States. To

protect 125,000,000 acres of public domain against the Russian cactus we must appropriate $1,000,000. Are you going to improve the public domain? If you are, we have in Mississippi a considerable amount of public domain which ditching would improve; and not only would the ditching of that public domain improve the public domain itself, but it would improve the adjacent lands; the adjacent property would be improved by it. How are you going to start out and improve this public domain in one section of the country and not improve it in another?

Mr. CAREY. Will the Senator allow me to ask him a question?

Mr. McLAURIN. Certainly.

Mr. CAREY. Is it unconstitutional for the United States to make appropriations to prevent the overflow of the Mississippi River and the Missouri River, and thereby protect the lands?

Mr. McLAURIN. There has never been an appropriation made to protect the lands on the Mississippi River. The protection of the lands is incidental. The Senator from Wyoming knows he would not vote for an appropriation to protect those lands. It is for the purpose of benefiting commerce that money is appropriated to improve the Mississippi River.

Mr. CAREY. I will vote for money for any purpose that will do good in the United States. If I am not interfering with the Senator, I wish he would take the agricultural appropriation bill, which is under consideration, and commence very early on its early pages and see what most of the purposes are in the bill for which money is appropriated. We are investigating the subject of chemistry; we are investigating the subject of forestry; we are purchasing specimens of various kinds; we are investigating "the nature of diseases injurious to fruits, fruit-trees, grain, cotton, vegetables, and other useful plants; experiments in the treatment of the same; chemicals and apparatus required in the field and laboratory," and——

Mr. McLAURIN. I did not yield to the Senator to inject a speech into mine, but only for a question. When that question has been propounded to me the Senator does not allow me to answer it before he puts a speech into mine.

Mr. CAREY. I am very sorry. I beg the Senator's pardon.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Mississippi is entitled to the floor. Does the Senator from Mississippi yield further to the Senator from Wyoming?

Mr. McLAURIN. Certainly. I will let him put his speech in the body of my remarks.

Mr. CAREY. We appropriate in this bill (and the appropriation was agreed to, I think, without objection) $800,000 for the prevention of the spread of diseases among domestic animals. We authorize the Secretary of Agriculture "to use any part of this sum he may deem necessary or expedient, and in such manner as he may think best, to prevent the spread of pleuro-pneumonia, tuberculosis, sheep scab, and other diseases of animals, and for this purpose to employ as many persons as he may deem necessary, including $1,000 additional temporary compensation to the Chief of the Bureau of Animal Industry, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals.

I will state that under this provision the Secretary of Agriculture employs men and stations them in the northern tier of counties in Texas to fix definite lines through the State, to fix definite lines in the State of Colorado, and all through that Southern country to prevent the spread of Texas fever. He is spending thousands of dollars each year to discover the causes of Texas fever. I want to say to the Senator from Mississippi it is too late in the day to claim that such appropriations as these are not constitutional. They are made in every appropriation bill; they have been made for a number of years; and they will probably continue to be made as long as the Government exists.

Mr. McLAURIN. Now, Mr. President, if the Senator from Wyoming is through, I will say, as I stated before, that I do not intend to be led off into a constitutional argument. I merely state the proposition that the Constitution never intended that an appropriation of this kind should be made for the improvement of private property. I assert that if we have improperly made appropriations, as the Senator seems to think we have done, it would not make this a proper appropriation. If we have appropriated money for the purpose of investigating the causes of diseases of animals, and such an appropriation is wrong, it certainly would not justify us in committing another wrong to the extent of a million dollars to the Treasury of the United States.

But I can see a difference between the appropriation of money out of the public Treasury for the protection of the public health and the appropriation of money out of the public Treasury for the improvement of private property. As to the question on the improvement of the Mississippi River, which the Senator did not allow me to answer before he had injected another speech into mine, I would say it has all the time been contended that there was no constitutional power to build levees for the purpose of protecting private property, and all the money that has been appropriated for the building of levees by the General Government has been for the purpose of benefiting commerce.

I say that money has been well expended, and if ten times the amount which has been expended in the building of levees on the Mississippi River had been expended the Government of the United States would be benefited thereby; it would be an advantage to the country because of the great advantage to commerce. Here is a river extending 4,100 miles, from the Lakes to the Gulf. It is a river that drains more than twenty States of the Union. It drains nearly one-half the territory of the country. It is a river that carries the commerce of more than half of the territory of the country.

The improvement of a great water way like that is far different from the appropriation of money for the purpose of improving private property. That the people who live along the great Mississippi River, and own that alluvial land are benefited by it, certainly can be no objection to the appropriation of money for the benefit of commerce and of navigation. I say, therefore, that the two propositions are not parallel.

I will say further to the Senator who argued this proposition that there has not been received by the State of Mississippi her share of the appropriations in proportion to the amounts received in other portions of the country so far as the advantages of navigation and commerce are concerned, so far as the improvement of her water ways are concerned, so far as the improvement of her navigation is concerned. I ask Senators to look at the river and harbor bill that passed the Senate last week, and compare the appropriations made in that bill for the State of Mississippi with the appropriations made for the other sections of the country.

Mr. President, I have an interest in all the sections of this country and I do not desire to be sectional, but take that appropriation bill and compare the items and you will see that Mississippi has not only not received any advantage, but that Mississippi has not received as much in proportion as the other States in the Union have received. Take the harbor of Vicksburg, one of the most important along the line of that great water way, and there was $40,000 appropriated. Take some of the other harbors which are not near so important as the port of Vicksburg in Mississippi and compare them with that appropriation and see that they get far more than twice as much appropriated for them.

Mr. WASHBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Minnesota?

Mr. McLAURIN. If the Senator wishes to ask a question I will yield, but if he wishes to lead me off the line of my argument I do not yield.

Mr. WASHBURN. I do not desire to enter into any argument, but speaking of the appropriations in which the State of Mississippi is interested, I should like to inquire of the Senator whether he does not think the State of Mississippi is largely interested in the general improvement of the Lower Mississippi River under the direction of the Mississippi River Commission? I live in a State that is on the Mississippi River——

Mr. McLAURIN. I did not yield for an argument. If the Senator wants to ask a question I will yield.

Mr. WASHBURN. I ask the Senator whether he does not think the State of Mississippi is largely interested in the general improvement of the Mississippi River?

Mr. McLAURIN. I will answer the question. The State of Mississippi is interested in the improvement of the Lower Mississippi River, but the improvements in the Upper Mississippi River by the building of levees have so kept the water within the channel that owing to the failure to build levees in the State of Mississippi those improvements have been a detriment instead of an advantage to the State.

Such complaint was made to me, and it was made to the Committee on Commerce. A delegation came here from the State of Mississippi, and they came with facts and figures to show that their land and the crops on them had been damaged by improving the higher Mississippi River and neglecting to make improvements along the line of the Mississippi River in our State.

Mr. WASHBURN. I ask the Senator from Mississippi if he thinks the State of Mississippi would be willing to have that improvement stopped at this time.

Mr. McLAURIN. No, sir; the Mississippi River ought to be improved, but the Government ought to go on and do justice to the State of Mississippi. The Government of the United States has for the Upper Mississippi River built large levees that have confined the water within the channel of the river. It has no outlet there, but when it comes on down and gets to our State,

levees have not been built except those which have been constructed by taxation of the farmers along the line of the Mississippi bottoms. Levees have not been built there in the proportion in which they have been built above the State of Mississippi, and the water being confined within the channel above, when the water gets to us the channel is not sufficient to hold it, and it overflows the banks and not only destroys the crops then upon the land, but destroys the land itself for purposes of cultivation.

Does the Senator say that is right? Senators talk about justice; they talk about the honor of the American Congress compelling us to do an act; it is the duty of the American Congress to continue the improvement of the river by the building of levees until they make them come all the way down, so that the water which is confined in the channel of the Upper Mississippi may not overflow as soon as it reaches our borders, and we may not be made to suffer by the attempt to improve it above and neglecting to improve it proportionately in our State.

There ought to be a very large appropriation made for the improvement of the river. It ought to be made for the purpose of doing justice to the land owners in the Mississippi bottoms, whose lands are overflowed by the improvement of the Upper Mississippi owing to the neglect to improve the Mississippi proportionately along its banks in the State of Mississippi.

Mr. WASHBURN. As I understand the plan of the Mississippi River Commission, it can not be carried out except by building all the levees——

Mr. McLAURIN. I decline to yield for an argument. I am willing to answer any question the Senator may wish to ask me.

Mr. WASHBURN. I simply desire to state, in answer to what the Senator from Mississippi said, that the plan of the Mississippi River Commission can not be carried out except by the building of levees——

Mr. McLAURIN. The Senator can make his statement after I get through. I decline to yield.

The PRESIDING OFFICER. The Senator from Mississippi declines to yield.

Mr. SQUIRE. I should like to ask the Senator from Mississippi this question.

Mr. McLAURIN. I yield for a question but not for an argument. If the Senator from Washington wishes to make an argument he can make it after I conclude.

Mr. SQUIRE. I do not wish to make an argument; I simply want to ask one question. Is it not true that there has been provided a large amount of money for the improvement of the Mississippi River that is not shown in the river and harbor bill? Has it not been provided for in the legislation of previous years so that the actual appropriation will appear in another bill, for instance, in the sundry civil appropriation bill? Is it not true that an appropriation to the extent of $10,000,000 has been provided for, to be expended in subsequent years, and that the annual appropriation will appear in another bill?

Mr. McLAURIN. That does not touch my argument at all.

Mr. SQUIRE. What I mean to say is that it is hardly fair to refer to the present river and harbor bill to show the proportion of appropriations that the State of Mississippi enjoys, as the particular appropriation will appear in another bill.

Mr. McLAURIN. The Senator from Washington is entirely mistaken. I was not referring to the present river and harbor bill to show that the State of Mississippi did not receive its proportionate share of the appropriations.

I referred to the river and harbor bill to show that the State of Mississippi received a very small share of the appropriations made in that bill in comparison with the other States of the Union. I did that to answer the point which had been made by the Senator from Minnesota just before, who asked me if I am willing that the improvement of the Mississippi River and the building of levees on the Lower Mississippi should stop. I am not willing, as I was going on to say, that it shall cease after the damage which has been done to the farmers along the Mississippi River in the State of Mississippi. I am not willing, then, that it shall cease until that damage is repaired by putting levees there that will protect them against the increased volume of water that flows down the channel of the Mississippi by reason of the levees which have been built along the Upper Mississippi River. And I say it is not honorable to the Government of the United States that the appropriations shall cease until that justice is done.

To return to the point made as to the necessity of the protection of the public domain, from which I was thrown off by the irrelevant questions, as I think, which have been propounded to me. I say there is no earthly use for the appropriation of this money for the purpose of protecting the public domain in the seven States mentioned in the amendment. There is no use for it, for several reasons. In the first place, if the statement of fact made by my colleague is correct, that if you destroy this noxious weed upon all the farms the seed will lodge in the turf in the prairies, and as soon as the plow is put to that turf the weed will spring up, I want to know how the thistle can ever be destroyed at all?

The plow is not going to be put to it until the land is settled, until some man goes and takes possession of it under the homestead laws, which now give it virtually to settlers. So it is only a question as to how long the land will remain a portion of the public domain. The seed will lie in the turf unfruitful, and when in the coming years, or ages it may be, some settler takes possession of the land under the preëmption law and puts his plow to it, the seed will immediately spring up and the Russian cactus is there again, and we have got to go a second time, a third time, or the hundredth time through the process of its destruction.

Mr. GEORGE. Will my colleague yield to me?

Mr. McLAURIN. No, sir; not for an argument.

Mr. GEORGE. For a statement?

Mr. McLAURIN. My colleague has already made his statement.

Mr. GEORGE. I think my colleague should permit me to state the fact.

Mr. McLAURIN. I took my colleague's statement of fact.

Mr. GEORGE. No, I said the seed would lie there for a year and not perish.

Mr. McLAURIN. If the seed would lie there for a year and then perish, it would not be a fact as alleged that as soon as the plow was put to the turf the seed would spring up, because it would not fructify, but would perish after that time. There is no necessity to bring in an argument of that kind, because there is no force in it.

Mr. GEORGE. I mean to say, if my colleague will allow me——

Mr. McLAURIN. Certainly.

Mr. GEORGE. The seed falling on the land every year and not being destroyed, the seed would never be destroyed, although it could not fructify; but when it is destroyed on the plowed land, then it will perish with the other, and there will be no further trouble about it.

Mr. McLAURIN. I must confess I am not very familiar with this matter, but as I understood the statement of fact made by my colleague it is that the seed will not take root; that it will not fructify in soil that is untilled; that it will not grow in the open woods or on the prairie; that there must be some disturbance of the soil.

Mr. GEORGE. My colleague does not exactly state what I said. My statement was that the seed would not fructify on the prairie clod, but it would sprout wherever there was any disturbance in the soil, or where the cattle had been fed so as to break the clods.

Mr. McLAURIN. I understand from my colleague that there is no danger that the seed falling in turf will take life unless it does so in a year.

Mr. GEORGE. In about a year. It will perish in about a year.

Mr. McLAURIN. Then the Government must go into the improvement of 125,000,000 acres of public domain in order that the seed shall not lie for a year on the turf or in any places which are not disturbed by the hoofs of animals or any other agency that would disturb the soil and make a bed for the seed. The Government must take possession of this great question to protect its domain. Now, we have agreed that the Government ought not to do this for the purpose of improving the farms of anybody.

Mr. GEORGE. For the sole purpose.

Mr. McLAURIN. For the sole purpose. My colleague says that the Government is in honor bound to improve this property to the extent of destroying the cactus, because the Government is bound to protect the people who would be damaged by its growth and spread. I take it that that could be nothing in the world except the improvement of the land of those people. But what use is it for the Government to expend millions of dollars for the improvement of its domain? Does the Government save anything by it? Does the Government get any return for it?

Mr. PALMER. Will the Senator from Mississippi allow me?

Mr. McLAURIN. Certainly.

Mr. PALMER. I should like to remark that the States have complete municipal jurisdiction of the public lands. The United States is simply a land owner like others, and it is entirely within the power of the States to protect themselves against any nuisance which may spring up on the public lands. Those lands are subject to the police powers of the States, and there is no occasion for any interference by the United States.

Mr. McLAURIN. I thank the Senator from Illinois for the suggestion. Before I proceed with the argument on which I was about to enter, I wish to say with reference to the argu-

ment made by my colleague to the effect that we should not steel our hearts against these people, that I do not steel my heart or my breast against any section of my country, but I owe some duty to the other portions of the country.

I certainly owe a duty to the rest of the people of the country that I should not legislate to tax them in order to improve the private property of any section of the country. I am one of the trustees in charge of the public money. It does not belong to me. I have no right to take money by legislation from any citizen of this country except for the purpose of defraying the expenses of the Government for the protection of all alike and to the advantage of all alike. I have no right to legislate to take money from any one citizen of this country and give it to another. I am not steeling my breast against any citizen of the country when I refuse to tax another citizen equally meritorious with him and give the money to him.

I have always been opposed to the doctrine of protection, which ought to be denominated extortion, because I do not believe it is right to extort money from one man by process of law, by process of violence, or in any other way and give it to another. For that reason I have always opposed the doctrine. So I oppose the proposition to give this money to these people. It would be only giving the money to them to improve their property at the expense of all the other people of the country. In my State, as the Senator very well knows, there is a grass that is as damaging to the land as the thistle can be to the people of the other part of the country, and that is the cocoa grass.

When it once gets possession of a farm the man has to abandon it. The Johnson grass is nearly as bad. When it once takes possession of the farm the man has to abandon it. I am not going on to state the manner of growth and spread or anything of that kind, but I will state as a fact (and an investigation by any Senator who desires to investigate the question will show it to be a fact) that while its spread is not as rapid as that of the Russian cactus has been represented to be, it is as dangerous, it is as certain, as sure, as the spread of the Russian cactus. It is far more destructive, because there is no use in talking about eradicating it from the land when it has once fastened itself upon the land. At least there has been no process so far discovered—there may be one hereafter—to eradicate it from the land. It is said to be so fast spreading that it threatens to take hold of every portion of the country.

When the question is propounded to Senators, how much has been appropriated by any of the seven States infested with the Russian cactus for the purpose of exterminating it, who answers? When that question is propounded it is answered by an echo. No Senator rises in his place and says that $100,000, or $10,000, or $1,000 has been appropriated by the States. When the question is pointedly put to a Senator, "Has there been an appropriation for the purpose of eradicating this thistle in your State, and if so, how much?" there never has been an answer to it by any Senator upon this floor. Here it is proposed to give a million dollars for the purpose of exterminating it in seven States. Will a million dollars eradicate it?

Mr. CALL. Give two million if a million will not do it.

Mr. MCLAURIN. Of whose money?

Mr. CALL. The people's money.

Mr. MCLAURIN. That is what I thought. If a million dollars will eradicate it in seven States that is less than $200,000 in a State. I have not made any calculation about it, but I would say it would be about $150,000 to a State. What State is there in the Union so poor that it could not appropriate $150,000 for the protection of its citizens, but would have to come to the General Government for protection?

The Senator from Wyoming [Mr. CAREY] says it is the duty of the Government to do this; that if it can not be done by the State then the General Government must intervene, but no State has made the effort. If this thistle, which is so damaging, so destructive, so disastrous, and so ruinous to the people, more than any other grass or more than any other weed in the land, is making such rapid spread at the rate which is described by Senators who are advocating this amendment, I say that it is a remarkably strange fact that no State has made any appropriation for the purpose of destroying it, or has made any effort so to do so far as is shown here.

But it is said by the Senator that this seed is indigenous to the soil of Russia, that it was imported here, and first appeared in the State of Iowa, which was not responsible for it and could not prohibit its importation; that the United States Government had the power to prohibit its importation, that it did not do so, and, therefore, the Government is in honor bound to destroy it.

Is it possible that the stringency of the case is such and that the amendment is such that it must be contended seriously here by a Senator upon this floor that if there accidentally creeps into this country by importation from any other country any noxious weed, any infectious disease, any calamity, because it is within the constitutional power of the United States to control importations into the country, that it devolves as a moral obligation and an equitable obligation upon the Government of the United States to exterminate it? If so, then if there is permitted to come into this country another great calamity from Russia, such, for instance, as *la grippe*, it is the duty of the American Government to make compensation to everybody who suffers from it, to pay his doctor's bill and the expenses of his recovery.

I beg pardon for having detained the Senate so long. I had hoped that some older Senator upon this floor would state the objections to this measure.

I should be glad if the people whose lands are infested with this thistle could obtain the money to destroy it. I do not think it is of that great danger to the country which has been depicted here by Senators; and I do not think that we need to give ourselves any great alarm about it. I think that the people who own farms which would be improved by the extermination of this thistle are the people who ought to destroy it. I believe, furthermore, that when you destroy cocoa grass, Johnson grass, Russian cactus, or anything else which deteriorates the price of a man's land, you are improving his private property.

I believe that, and I insist upon my original proposition that this is an amendment appropriating money for the improvement of private property. When you undertake to take money out of the Treasury of the United States to improve the private farm of one man in any section of this country, and thereby tax the other farmers, who are equally meritorious, who have as many claims upon the country to have their lands improved and protected against overflow, to have cocoa grass eradicated, Bermuda grass eradicated, or Johnson grass taken out, I believe it is unjust and unfair, and not within the scope or the intention of the Constitution, however much constitutional lawyers may contend that there is a constitutional power and right to do so.

I deprecate as much as any Senator upon this floor any feeling or any reference to any feeling of hostility or of animosity which ever existed between the sections of this country. I am as loyal to the American flag as any citizen who is protected by it, I do not care whether he be North or South or East or West, and I should be as ready to defend against invasion, I should be as ready to defend against foreign violence the most Northern, the most Western, or the most Eastern portion of this country, as I should be to defend my own section of the country.

I have no record to refer to of any service rendered to the country before the war. I might refer to an honorable ancestor away back in the eighteenth century, who took part on the side of the colonies in the first battle of the Revolutionary war at Lexington, then I might refer to the humble part I took in the "late unpleasantness;" but I do not see that such references are pertinent to this question. This is the American Senate, composed, as I understand, of men whose patriotism extends as completely over the whole country as I claim that mine does, where all questions ought to be argued upon principles of justice, upon principles of right, upon principles of equality, and Senators ought to consider well to what point this precedent may lead in the legislation of this country.

Senators talk about paternalism. Here is the variest type of paternalism. They talk about loaning money to the individual citizen of the country. Here it is proposed to give it to him for the purpose of improving his private property; aye, you undertake to give it to the governor of a State, not to the citizen. I should far prefer to give the money directly to the owner of the farm, and let him take his own course and his own plan and his own mode of exterminating this noxious weed. He is better capacitated to do it; he better understands the mode of accomplishing the object sought to be attained, and he can better do it. You do not give it to him; you offer it to the governor of the State; you offer to allow the Secretary of Agriculture to give it to such governors as he sees proper; you offer to allow him to give any such sums as he sees proper upon the execution of such obligation for his State; whatever obligation a governor may make for a State for this purpose.

I submit that this amendment ought not to be adopted. I have entered my solemn protest against it. I have no feeling in this matter against any American citizen, and more especially I have no feeling against the farmers, among which class I was raised, and one of whom I have been all my life, working on the farm, toiling on it from "early morn 'till dewy eve." I know their necessities; I know their wants; I know their privations, and I know their toil; but, Mr. President, I shall never be willing to tax one of them equally meritorious to give to another.

Mr. PALMER. Mr. President, very much time has been occupied by the discussion of this amendment. I shall be very brief in what I have to say. I have two objects in what I shall say. One of them is to show if I can that this amendment ought not to be adopted. First, I think it is beyond the constitutional power of Congress.

The present occupant of the chair [Mr. GALLINGER] made

some allusion to the doctrine of State rights in the remarks of the Senator from Mississippi [Mr. McLAURIN]. It is the misfortune of those who have never studied the relation of the States to the Union that they assert the doctrine of State's rights at the wrong time. The senior Senator from Mississippi [Mr. GEORGE] referred to the fact that he had lived in a State which, in the application of the doctrine of State rights, thought that doctrine authorized the dissolution of the Union.

It has been said rather sarcastically of some of our Southern friends that some of them, after they discovered that there was nothing of secession in the Constitution, made up their minds that there was no Constitution left, that being all there was of it. I shall be no party to that aspersion, and do not indorse it.

But the true doctrine of State rights, briefly stated, is this: That the rights of the States not reserved to them merely for the sake of the State, but for the sake of popular government, for the sake of local, home government, are theoretically, at least, accurately defined by the Constitution, or, rather, I ought to state that the Federal Government has its own powers delegated, and all powers not granted to the Federal Government are reserved to the States respectively or to the people. That I understand is State rights.

In no case within my knowledge have I found the principle of State rights so unnecessarily and foolishly conceded as in this case. What is it? I restate that the doctrine of the States' rights party is that the powers which are conferred upon the Government of the United States are complete powers, and that the United States has no occasion to consult the different States in the exercise of those powers conferred upon it by the Constitution.

States' rights men have always been jealous of these partnerships between States. They are generally mistaken in policy and almost always fallacious in their results. Take this case: It is argued by the senior Senator from Mississippi with great force, and by the Senator from North Dakota [Mr. HANSBROUGH], that here exists an evil which can not be remedied by separate State action, and they say because it can not be remedied by separate State action it properly devolves upon the General Government.

The powers of the State are one thing and the powers of the great Federal Government are another. When a power devolves upon the Federal Government it is a complete devolution. In this case an attempt has been made to devolve upon the States the very duty for which this amendment is intended to provide; and this appropriation is to be made, if it means anything at all, upon conditions that the seven States that are supposed to be infected by this noxious plant will unite, will meet, will concur, and then this money is to be distributed to them in proportion to their necessities. If it be true that this can not be done by separate State action, what is the use of this amendment, because it implies separate State action? The object sought can not be effected without separate State action or conjoint State action. It is said that these States, under the pressure of this great evil, can not be brought together, but that if the United States will give a million dollars they will come together; that is, we conjecture they will.

I insist that if it be true that these seven States can not concur in the eradication of this great evil, they will not concur even though we give them $1,000,000. It is a recognition of State rights at the wrong time. If the United States has power to extirpate the Russian cactus, then the United States has complete power to do so, and the United States ought to proceed in that way and avert the very difficulty that Senators insist stands in the way of success by separate State action.

Another thing I want to say. The Senator from Mississippi has spoken of 125,000,000 acres of public land in those States. He has spoken of those public lands as if they were under the separate jurisdiction of the United States. The true doctrine is that the United States is in those States as a mere landowner; it has no political jurisdiction over those public lands. Those lands are subject to the police authority of the States and of their general jurisdiction, always recognizing the right of the United States as the owner of the land, with paramount rights in respect to the disposition of those lands. But the idea that the State of South Dakota or the State of North Dakota must allow a nuisance on the lands of the United States and that it has no power to enter upon the lands and abate it, would be the most complete subversion of State authority.

Mr. GEORGE. Will the Senator from Illinois allow me?

Mr. PALMER. With great pleasure.

Mr. GEORGE. If the Senator from Illinois is undertaking to state my position on that subject to the Senate, he has misconceived it. I spoke of the 125,000,000 acres of public land and the relation of the United States to it simply in reference to the proprietorship on the part of the United States. I never asserted, and could not assert, and endeavored in my speech to establish the fact, that it was not within the power of the States to go on the public land and exterminate this pest there. My idea was that, as we owned the land, there was an obligation on our part to protect it. That was all.

Mr. PALMER. The United States owes no moral duty. That may sound like a paradox; but the United States has only certain political powers. It owns lands in Montana or in Idaho; it exempts those lands from taxation by virtue of its own law. To that extent it is paramount. But it is impossible to conceive of a moral duty in the relations between the United States and the States. They are political entities, each having its appropriate sphere, the two systems moving in their orbits, never to be brought into collision when their powers are understood, but the United States, unless there is some public end to subserve which is within its express jurisdiction, unless in the discharge of some constitutional political duty, has no moral duty.

The Senator from Mississippi, however, with great ingenuity deduces an argument in respect to this amendment from the fact that the original seeds of this evil came into the United States with immigrants, and ergo, the United States must root it out.

Mr. President, I had occasion the other day, in a magazine, to read a very interesting history of rats. I understand that there were no rats in this country originally, but the rats came into the country, and escaped from ships, and have increased until they reach their present immense numbers; they came in from abroad, and as the Senator would argue, it was the duty of the authorities of the United States to see that no rats came into this country, as he said it was their duty to see that no seeds of the cactus came into the country—he says because the seeds of the cactus came into this country, therefore the United States should pursue the cactus and exterminate it—would not the same argument apply to rats?

Mr. GEORGE. I think the Senator misapprehends my position on this subject. I deduced the power and the duty of the United States to interfere in this matter from the proprietorship of the United States of the land. I mentioned the introduction of this pest through the custom-house as simply emphasizing our duty arising from the other source. I never meant to say, and I did not say, that for that reason only, because these seeds were introduced into the United States through the custom-houses of the United States, therefore the United States ought to exterminate the Rusian thistle. The Senator will see the difference, I hope, without any further explanation.

Mr. PALMER. But I understand the Senator to argue that whatever may enter the United States through the custom-house, whether the officers are aware of it or not, the United States thereby incurs a duty to pursue and exterminate such noxious thing.

Mr. GEORGE. I made no such statement as that.

Mr. PALMER. I beg pardon, then.

Mr. GEORGE. I deduce, I will state to the Senator in very plain language, both the power and the duty of the United States to interfere on account of the proprietorship of the United States of the land, and I mentioned the other as simply increasing or intensifying the duty.

Mr. PALMER. It sometimes happens that in the baggage of immigrants there come in certain disagreeable vermin and they are diffused over the country in that way, and I inferred that if the Senator were logical, his argument would be open to the assumption that it would be the duty of the Government to pursue and extirpate them.

Mr. GEORGE. If the Senator intended me to hear the last remark he made, I confess I was so far off and there is so much noise in the Chamber, that I did not hear it. If it had any reference to my position, I should be glad to have the Senator repeat it, so that I may see whether he correctly states my position.

Mr. PALMER. I was trying to analyze and endeavoring to ascertain if I could, the argument which the Senator predicated upon the fact that the seeds of this weed were imported into the country through the custom-house. I am insisting that no such duty can be inferred, because it is much more comprehensive, and because if there should come over with the baggage of immigrants vermin, fleas, for example, there could be no duty upon the United States of pursuing and hunting them down. [Laughter.]

Mr. GEORGE. I shall not correct the Senator any more. I have stated to him twice that I deduce the power and the duty of the United States to interfere in this matter from their proprietorship of the land.

Mr. PALMER. Very well.

Mr. GEORGE. I mentioned the other matters to which he referred simply as an inducement or as a reason why the United States should perform a duty already existing.

Mr. PALMER. I hope the Senator will pardon me for believing that that which he thought proper to mention as an argument, I might, without disrespect to him, answer that which

he himself dignifies by presenting, and that I was fairly justified in doing so.

Mr. GEORGE. I do not object to the Senator answering my argument, but I do object to the Senator putting in my mouth an argument which I never made, and which I repudiate.

Mr. PALMER. Then, I take it for granted that the Senator in those respects meant merely to state nontraversible facts, those facts which are not to be disputed.

Mr. GEORGE. The Senator is very ingenious, very witty, and all that, but this is a very plain proposition. I deduce the power and duty of the United States to interfere from their proprietorship of the land. Then, I also added that which I had a right to do, and which was legitimate as an incentive to perform that duty, that the United States was in fault in another respect.

Mr. PALMER. I then understand the Senator to reach the point that Congress has the power to adopt this amendment because the United States owns certain lands within the States infected. If the Senator will bear with me, each argument must be tested by itself. There is no such thing in logic as a cumulative argument. The proposition of the Senator—I wish to do him perfect justice—is that because the United States owns certain land within these States Congress is authorized to appropriate a million of money for the extirpation of the Russian cactus. It seems to me a very striking stretch of the Constitution.

Congress, as I understand, is in these States in every constitutional sense as a mere proprietor of land, and it has no other powers than such as belong to a proprietor. A proprietor, a large landholder, may voluntarily give of his substance in aid of the general effort to get rid of this pest, and the value of his land will be increased by such donation. I maintain that Congress has no such power. There the man has control over all his own property; here Congress has just such control over the public property as the Constitution confers upon it. Therefore I see no soundness or force in the assumption of the Senator.

I regard this amendment as meaning one of two things. It either means a useless appropriation of money offered to an end which can not be accomplished by the means proposed, or it is an appeal to State rights, which the present occupant of the chair seems to have thought was so obnoxious. We have been talking about noxious weeds and he was speaking of obnoxious doctrines. This is an offer to the governors of seven States of a million dollars to unite. It is understood that unless they do unite nothing can be done. The Senator from Kansas [Mr. PEFFER] spoke of a contribution, of doing something to that end.

This thing must be ended; it can not be temporized with; you have to eradicate it. Recollect in the first instance these seeds were brought over by immigrants and they have spread, like the grain of mustard, which is the smallest of all seed, but which grew into a great tree. If a grain of the Russian cactus seed is left over, there is the germ of future trouble. That which is done must be done thoroughly and radically. It is expected that the seven governors under the influence of a million dollars will unite. It is a waste of money. The end will not be accomplished by that means.

I would propose, if the Secretary of Agriculture is to be intrusted with this power to enter into these States in the discharge of a Federal duty, that he should have the right to enter into any man's home, any man's yard or barnyard, or enter on the public lands, and proceed with this war of extermination. Nothing less than that, I suppose, will ever accomplish the end desired.

I will say to my friend, the Senator from North Dakota, that he need not entertain the belief for a moment that this million dollars will be of any value to his people other than that which may result from the approbation of his constituents for himself, which he so well deserves.

Mr. VILAS. I desire to offer an amendment, and to add a word or two in reference to it. The amendment is to be added at the end of the amendment proposed by the Senator from North Dakota.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. At the end of the amendment of Mr. HANSBROUGH insert the following proviso:

Provided, That no greater amount shall be paid over to the governor of any State out of the sum apportioned to such State hereunder than such State shall have raised and appropriated to the same purpose, which shall, before payment, be certified by the governor and secretary of the State to the Secretary of Agriculture to his satisfaction.

Mr. VILAS. Mr. President, the scheme proposed in this measure, which is to be added, according to the desires of its proponents, to the appropriation bill, is that the United States shall pay $1,000,000 to the governors of seven States, or to so many as shall be found subject to the infliction of this noxious weed, as a contribution toward the removal of the difficulty. This proposition is supported upon the ground that the United States owes a duty to contribute to the removal of the noxious weed because the Government of the United States is itself a landed proprietor in those several States and its lands are not taxed for the support of the governments of those States.

There is a certain force in that reasoning. I am not debating the question from the constitutional standpoint, but assuming that there exists the right in Congress to make such contribution, there is a certain force in the United States sharing with the other landed proprietors of the State the burden and duty of eradicating a pest of this description. But it would be unreasonable that the United States should assume the entire burden because it happens to be a landed proprietor in the States, not owning at this time in any one State probably anything like a half of the territorial area of the State. It occurs to me, therefore, that upon that ground alone it is but a just and proper thing that the contribution of the General Government should be limited and that the States in question ought at least to raise an amount equal to that which the Federal Government contributes.

There is another reason that grows out of what has been said on the floor to-day which I wish to urge for a moment. It is said by the propponents of this measure that if the Federal Government does not interfere, the States will not coöperate and that cooperation among the several States is a necessity to the effectual eradication of this noxious weed. I can see much probability in the latter statement. This measure does not propose any coöperation at all. It does not propose to substitute the unified action of the Federal Government in place of the separate action of the several States, and it proposes no means by which the several States shall coöperate. As it stands now it simply contributes to the governers of the several States a sum of money to be used as each governor may see fit or, perhaps, under the direction of the Legislature of the State, as each Legislature may see fit to direct.

I believe that it will contribute essentially to the coöperation between the States which, according to the friends of this measure, is necessary to its being of any practicable value, to require the States themselves to provide by taxation a sum of money which shall be expended under the direction of the governor or a State board, or any instrumentality it may provide, and that it will be far more efficacious as a public measure if the contribution of the United States takes its place in connection with some effort at least on the part of the beneficiaries.

If, therefore, this is to be treated as a public measure of sufficient value to enlist the coöperation of the Federal Government, let us place it upon a substantial basis, in which the several States are not mere gratuitants or beneficiaries of a bounty, but whereby they themselves will exert their rightful powers to effect their own deliverance from the evil which they seek aid from us to suppress.

Mr. President, let me remark one thing further in respect to that matter. This is an idea which, in the State in which I have the honor to live, prevails most beneficially in reference to public education. The State of Wisconsin has a considerable school fund, from which is raised every year several hundred thousand dollars by way of interest.

In addition to that, and because the State was generous in its disposition toward public education, there is raised everywhere in the State a tax of 1 mill on the dollar as a State tax, which amounts to between $300,000 and $700,000 a year. Thus a very large amount, some twelve or thirteen hundred thousand dollars, I think it now aggregates, is annually distributed by the State to the several school districts in the State, with a view to establishing and maintaining public schools in the several districts. But it is provided in every case that the district itself shall, as a condition of receiving any aid whatever, raise an amount equal to that which is apportioned to it by the State.

It is a helpful public contribution, but upon the best foundation for every such thing—the condition that the beneficiary shall do his best to help himself—a measure as useful in public as it is in private and personal affairs. I believe an amendment of this kind would greatly contribute to the value of the object which the friends of this measure propose.

The PRESIDING OFFICER. The Chair will state to the Senator from Wisconsin that when his amendment was offered the Chair was not aware of the fact that there were then two amendments pending. Under the rule of the Senate the amendment submitted by the Senator from Wisconsin can not be now received. It can be offered, however, after the amendment to the amendment has been disposed of.

Mr. COCKRELL. What amendment to the amendment is pending?

The PRESIDING OFFICER. The amendment of the Senator from Mississippi [Mr. MCLAURIN] to the amendment of the Senator from North Dakota.

Mr. VILAS. The Senator from Mississippi offered an amendment to the amendment?

The PRESIDING OFFICER. That is as far as under the rule of the Senate amendments can be received.

Mr. DOLPH. Mr. President, I shall vote for the amendment of the Senator from North Dakota, although I confess that I do not like its form. I am not a member of the Committee on Agriculture, and I do not like to interfere with the Senators who have put the amendment in shape and who are advocating it. I should be much better pleased, however, if the money to be appropriated was to be expended by the Secretary of Agriculture under Federal authority, or if the method in which it was to be expended by the States was more carefully guarded.

So far as concerns the constitutional power to appropriate money for this purpose, I will state that I have not a particle of doubt about the power. If the General Government did not own an acre of land in any one of those States, the appropriation, if made, would be quite as defensible as nine out of every ten dollars appropriated in the agricultural appropriation bill, and quite as defensible as millions of dollars appropriated by Congress. I shall not stop to recapitulate such appropriations. Some of the cases in which money have been appropriated for similar purposes have been enumerated by Senators to-day, and others might be added.

But when we come to consider that the United States is a large owner of land in those States, that fact raises an equitable obligation on the part of the Government to help exterminate this pest. I think I am not mistaken in supposing that in some States of the Union the owners of land are not only required to exterminate and destroy certain noxious weeds upon their own farms and their own land, but upon the highways adjoining their land to the center of the highway. Such a provision might, of course, be adopted in the States where the cactus is growing and spreading. But every State when admitted into the Union is bound to agree, and does agree, that the State shall not interfere with the control or disposal of the public lands in the State by the General Government, and that it will never tax the lands of the General Government.

Therefore, if any one of those States should assume to deal alone with this question, it would either have to raise a tax for the purpose of destroying the thistle upon the lands of its citizens and upon the public highways, or by legislation require its own citizens to destroy this noxious weed upon their own land and upon the highways, and would have to raise a tax to destroy the thistle upon the lands of the United States. It would have no power to tax the lands of the United States and to require the United States as a landowner in the State to destroy the thistle upon its own land. For that reason it appears to me that not only does the constitutional right on the part of Congress exist to appropriate money for this purpose, but that there is an equity which requires the United States to bear its share of the burden of exterminating this weed.

Mr. MCLAURIN. Mr. President, there is one suggestion which I omitted to make that I beg the patience of the Senate to hear. It is in reference to destroying the thistle because the land is the property of the United States. If Congress proposes to invest this money for that reason, that is a business transaction, and the Government ought to get some return for the money that is invested. If the land will bring any more to the United States than it would if the cactus was not destroyed, then there might be some reason for making the investment, but if the land will not return any more to the United States after the thistle is destroyed by the Government, I can not see as a business transaction where there is any benefit to the country in the investment.

As to the inability of the States to tax the land and make the Government bear its proportionate part of the expenses of destroying this weed, I wish to say that the Government gives the land to actual settlers, who thereafter become citizens or thereby become citizens or therefore are citizens of the State in which the land is located, so that the citizens of the State where the land is located get the land and the Government receives nothing for it. The Government would not receive a dollar more for the lands after the thistle was destroyed in it that they would before its destruction. Therefore it is not a good investment on account of the proprietorship of the United States Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. MCLAURIN] to the amendment of the Senator from North Dakota [Mr. HANSBROUGH].

Mr. PLATT. Let the amendment to the amendment be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. Amend the amendment by inserting in line 3, before the word "one," the words "and cocoa grass;" so as to read:

For the destruction of the Russian cactus and cocoa grass, $1,000,000.

The question being put, there were, on a division—ayes 3, noes 24; no quorum voting.

Mr. COCKRELL. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAREY (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. MITCHELL]. With the permission of the Senator from Mississippi [Mr. MCLAURIN], I transfer my pair to the junior Senator from Rhode Island [Mr. DIXON] and vote "nay."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN], which I transfer to the Senator from Nevada [Mr. JONES], who is absent without a pair, leaving him to stand paired with the Senator from Alabama, and I will vote. I vote "yea."

The roll call was concluded.

Mr. GORDON. I am paired with the Senator from Iowa [Mr. WILSON].

Mr. PUGH. I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], with the right to vote to make a quorum. I understand that a quorum has voted and I withhold my vote. I will state that if the Senator from Massachusetts were present I should vote "nay."

The PRESIDING OFFICER (Mr. GALLINGER, after having voted in the negative). The present occupant of the chair announces his pair with the junior Senator from Texas [Mr. MILLS], and will withdraw his vote.

The result was announced—yeas 13, nays 42; as follows:

YEAS—13.

Blackburn,	Daniel,	Lindsay,	Turpie.
Blanchard,	Harris,	McLaurin,	
Brice,	Hunton,	Quay,	
Cockrell,	Jones, Ark.	Smith,	

NAYS—42.

Aldrich,	Faulkner,	Manderson,	Roach,
Allen,	George,	Martin,	Shoup,
Allison,	Gibson,	Mitchell, Oregon	Squire,
Bate,	Gray,	Palmer,	Stewart,
Caffery,	Hale,	Pasco,	Vest,
Call,	Hansbrough,	Patton,	Vilas,
Carey,	Hawley,	Peffer,	Walsh,
Coke,	Higgins,	Perkins,	Washburn,
Davis,	Jarvis,	Platt,	White.
Dolph,	Kyle,	Power,	
Dubois,	McMillan,	Proctor,	

NOT VOTING—30.

Berry,	Gallinger,	McPherson,	Ransom,
Butler,	Gordon,	Mills,	Sherman,
Camden,	Gorman,	Mitchell, Wis.	Teller,
Cameron,	Hill,	Morgan,	Voorhees,
Chandler,	Hoar,	Morrill,	Wilson,
Cullom,	Irby,	Murphy,	Wolcott.
Dixon,	Jones, Nev.	Pettigrew.	
Frye,	Lodge,	Pugh,	

So the amendment to the amendment was rejected.

Mr. VILAS. I now submit my amendment to the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add at the end of the amendment the following proviso:

Provided, That no greater amount shall be paid over to the governor of any State out of the sum apportioned to such State hereafter than such State shall have raised and appropriated to the same purpose, which shall before payment be certified by the governor and secretary of the State to the Secretary of Agriculture to his satisfaction.

Mr. HANSBROUGH. Mr. President, I desire to say just a word in regard to the amendment offered by the Senator from Wisconsin to my amendment. The people of the Western States infested with the Russian cactus would gladly join the Federal Government in suppressing it, but as a matter of fact several of those States are now bonded clear up to the constitutional limit, and they are financially unable to do so. I know the Senator from Wisconsin will not ask the people of any of those new States to levy a direct tax for the purpose of suppressing a noxious weed in order to keep it out of their State and the adjoining States when most of the weed is on public land, as has been stated here during the day.

Mr. GEORGE. Mr. President, there seems on the face of the amendment to the amendment to be an equity in its favor, but I wish to call the attention of the Senator from Wisconsin, who I know is a fair man, as well as the attention of the Senate, to a consideration which he has wholly overlooked in the amendment which he has offered.

It appears by the reports of the Agricultural Department in relation to this thistle that a good way, and probably the best way, to destroy it so far as that particular land is concerned is by plowing the land at a particular season of the year. My understanding is (and I have given a good deal of attention to this

matter) that so far as the arable land is concerned, the farmers themselves will extirpate the weed by plowing, and plowing at a particular season.

Each farmer will have the assurance now that the cactus will be destroyed on the adjoining land, and he will go to work and plow his land at the proper season and thereby destroy it for that season. It seems to me unjust when the farmer can contribute his labor in destroying the pest that he should be taxed, and that tax be put into a public treasury, and somebody else hired to do the work.

It is shown by the reports that one of the best methods to destroy it is to plow the land. Another is the scraper used in road working. It appears to me but fair and just that men who have the opportunity of doing this work either with the plow or with the scraper should be allowed to do it and not pay taxes in money. Those farmers have not a great deal of money any way. If the amendment to the amendment could be so framed that the farmers would be allowed a credit for the work which they do in extirpating the pest I think it would be fair to do so, but to require as a condition precedent to the payment of this money by the Government that an equivalent sum of money shall be raised and then it shall be paid back to the farmers seems to me to be a little unjust.

Whilst I support this amendment, and have done so all along, upon the idea contained in one phrase of the amendment, that the amount "shall be faithfully applied in connection with any sum which may be raised for that purpose in the State for the destruction of said cactus," I have always thought that with the contribution made by the United States as a proprietor and then the certain taxation of persons who do not have farms, there would be a stimulus given to the work to destroy the pest by the labor of the farmers on their farms. For that reason I think the amendment to the amendment, though apparently just and fair, when properly understood would be unjust and unfair and burdensome to the people.

Mr. VILAS. The suggestion of the Senator from Mississippi it appears to me adds force to the reasons why the amendment I offer should be adopted. This subject will be left by the general amendment to the action of the several States themselves. All that is proposed on the part of Congress is to appropriate a million dollars to be apportioned among the several States, and the expenditure of it will be left to the several States, while it is suggested, and only suggested in the proposed measure, that the sum so paid by the United States shall be faithfully applied in connection with any sum which may be raised for that purpose in the States. I propose to add a requirement that the State shall raise a sum.

I apprehend that it will be perfectly easy for the State Legislature in making provision for a tax to exterminate the cactus, to provide that an amount not exceeding, if you please, or exceeding, if they choose, but, as I would suppose, not exceeding the tax which should be laid upon a particular farm, might be paid to the farmer himself if he expends it under the direction of the proper officers in exterminating the thistles upon his own farm.

But let me say to the Senator from Mississippi and to the Senate that besides the lands of the United States in each one of these States and besides the farms which are actually worked by farmers in each of the States there are many other lands to which it will be necessary that the same measure of extermination shall be applied as shall be applied to the public lands of the United States and to the individual farms.

There are the highways of the State along which it has been depicted that the globules of cactus roll with such fearful effect, distributing and scattering seed. I believe we ought to require the State to do something in addition to merely suggesting that whatever money we give them shall be used in connection with the sum they may raise. There is not a particle of difficulty in the legislation of the State making provision for the application of any necessary amount to whatever labor the farmer expends, for the purpose of destroying the thistle or cactus upon his own land.

Mr. BATE. Mr. President, not wishing to prolong the discussion at all, but being a member of the Agricultural Committee, I wish to state that I oppose this proposition as I did in that committee. I do not propose to adduce an argument or make a suggestion in addition to what has been already offered. I shall not detain the Senate for that purpose. I wish simply to show what some of the States which are troubled with this noxious weed have done in the way of destroying it. I think that is a better argument in itself than any I have yet heard in the Senate.

The course here marked out is that which ought to be pursued. It is the only true remedy. The thistle can be better destroyed by municipal regulation. Let the State, county, and township regulate this matter. I beg in this connection—and that is the purpose for which I rose—to read from the statutes of one of the States so infected. I read from a late statute of South Dakota, passed in 1890, upon this very question. Chapter 116, page 271 provides that—

> Every person and every corporation shall destroy on all lands which he or it may own or occupy, all weeds of the kind known as Russian thistle, Canada thistle, and cockle burr, at such time as the township board of supervisors, or the board of county commissioners, in counties which have not been organized into townships, may direct; and notice shall be published in one or more county papers for a time not less than three weeks before the time fixed upon for the destruction of said noxious weeds: *Provided*, That if there be no newspaper published in the county, then the said notice in lieu of such publication shall be posted the same as election notices are posted.
>
> It shall be the duty of the township supervisors, or the board of county commissioners, to fix the time for the destruction of all noxious weeds, and to provide for their destruction in such manner as to prevent their bearing seed.
>
> Every overseer of highways—

This is pertinent to the point which was just made by the Senator from Wisconsin—

> Every overseer of highways of every township or county shall also, at the same time and in like manner, destroy all such noxious weeds, either on the highways of his road district or on any unoccupied land therein upon which the owner or lessee thereof shall neglect or refuse so to do; and for which service such overseer of highways shall receive as compensation a sum to be fixed by the board of county commissioners to be paid out of the general county fund: *Provided, however*, That the compensation for the said services shall not be less than $2 per day.

Then the act goes on to show how that money shall be raised. The county commissioners shall state an account in each county. They shall ascertain where this work was done and the particular township or district. The overseer is paid; and then they tax the land where the thistle was exterminated. That is the true system by which this noxious weed can be exterminated, and I believe it is the only practical way by which it can be done.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Wisconsin [Mr. VILAS] to the amendment of the Senator from North Dakota [Mr. HANSBROUGH].

Mr. VILAS and Mr. HANSBROUGH asked for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAREY (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. MITCHELL]. With the consent of the Senator from Mississippi [Mr. MCLAURIN], I will transfer my pair to the junior Senator from Rhode Island [Mr. DIXON], and vote. I vote "nay."

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. WILSON].

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE].

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. QUAY (when his name was called). I again announce the transfer of my general pair with the Senator from Alabama [Mr. MORGAN] to the Senator from Nevada [Mr. JONES], and I vote "nay." This arrangement will continue during the voting on the amendment and the amendments to the amendment.

The roll call was concluded.

Mr. DAVIS (after having voted in the negative). Is the Senator from Indiana [Mr. TURPIE] recorded?

The PRESIDING OFFICER. The Senator from Indiana has not voted.

Mr. DAVIS. I withdraw my vote.

The PRESIDING OFFICER (Mr. GALLINGER). The present occupant of the chair is paired with the junior Senator from Texas [Mr. MILLS].

Mr. MANDERSON (after having voted in the negative). I withdraw my vote, being paired with the Senator from Kentucky [Mr. BLACKBURN], who is absent.

The result was announced—yeas 20, nays 30; as follows:

YEAS—20.

Bate,	Coke,	Harris,	McLaurin,
Blanchard,	Daniel,	Hunton,	Palmer,
Brice,	Faulkner,	Jarvis,	Ransom,
Caffery,	Gibson,	Jones, Ark.	Smith,
Cockrell,	Gray,	Lindsay,	Vilas.

NAYS—30.

Aldrich,	Hansbrough,	Peffer,	Squire,
Allen,	Higgins,	Perkins,	Stewart,
Call,	Kyle,	Platt,	Vest,
Carey,	McMillan,	Power,	Walsh,
Dolph,	Martin,	Proctor,	Washburn.
Dubois,	Mitchell, Oregon	Quay,	White.
George,	Pasco,	Roach,	
Hale.	Patton,	Shoup,	

NOT VOTING—35.

Allison,	Dixon,	Jones, Nev.	Pettigrew,
Berry,	Frye,	Lodge,	Pugh,
Blackburn,	Gallinger,	McPherson,	Sherman,
Butler,	Gordon,	Manderson,	Teller,
Camden,	Gorman,	Mills,	Turpie,
Cameron,	Hawley,	Mitchell, Wis.	Voorhees,
Chandler,	Hill,	Morgan,	Wilson,
Cullom,	Hoar,	Morrill,	Wolcott.
Davis,	Irby,	Murphy,	

So the amendment to the amendment was rejected.

Mr. MCLAURIN. I move to amend the amendment by inserting before the word "one," in line 3, the words "and Johnson grass and cocklebur."

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota [Mr. HANSBROUGH].

Mr. COCKRELL. On that let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

The PRESIDING OFFICER (when Mr. GALLINGER'S name was called). The present occupant of the chair is paired with the junior Senator from Texas [Mr. MILLS].

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. WILSON].

Mr. MCLAURIN (when his name was called). By an agreement with the Senator from Wyoming [Mr. CAREY] I transfer my pair with the Senator from Rhode Island [Mr. DIXON] to the Senator from Wisconsin [Mr. MITCHELL], and vote "nay."

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. If he were present I should vote "nay."

Mr. WALSH (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present I should vote "yea."

The roll call was concluded.

Mr. HARRIS. I have a general pair with the Senator from Ohio [Mr. SHERMAN], but I transfer that pair to the Senator from South Carolina [Mr. IRBY], who is absent, and will record my vote. I vote "nay."

Mr. DUBOIS (after having voted in the affirmative). I inquire of the Chair if the junior Senator from New Jersey [Mr. SMITH] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. DUBOIS. I withdraw my vote. I am paired with that Senator.

Mr. PUGH. I will transfer my pair with the Senator from Massachusetts [Mr. HOAR] to the Senator from Indiana [Mr. VOORHEES] and vote. I vote "nay."

The result was announced—yeas 27, nays 24; as follows:

YEAS—27.

Aldrich,	Hale,	Mitchell, Oregon	Quay,
Allen,	Hansbrough,	Patton,	Roach,
Allison,	Higgins,	Peffer,	Shoup,
Call,	Kyle,	Perkins,	Squire,
Carey,	McMillan,	Platt,	Stewart,
Dolph,	Manderson,	Power,	Washburn.
George,	Martin,	Proctor,	

NAYS—24.

Bate,	Coke,	Hunton,	Pasco,
Blackburn,	Daniel,	Jarvis,	Pugh,
Blanchard,	Faulkner,	Jones, Ark.	Ransom,
Brice,	Gibson,	Lindsay,	Vest,
Caffery,	Gray,	McLaurin,	Vilas,
Cockrell,	Harris,	Palmer,	White.

NOT VOTING—34.

Berry,	Frye,	Lodge,	Smith,
Butler,	Gallinger,	McPherson,	Teller,
Camden,	Gordon,	Mills,	Turpie,
Cameron,	Gorman,	Mitchell, Wis.	Voorhees,
Chandler,	Hawley,	Morgan,	Walsh,
Cullom,	Hill,	Morrill,	Wilson,
Davis,	Hoar,	Murphy,	Wolcott.
Dixon,	Irby,	Pettigrew,	
Dubois,	Jones, Nev.	Sherman,	

So the amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. SQUIRE. I wish to ask, before the bill is finally disposed of, whether the provision was stricken out of the bill as it came from the House of Representatives, on page 13, line 21, which is as follows:

To enable the Secretary of Agriculture to further experiment and continue the investigation of flax and hemp culture for fiber purposes in the State of Washington, $800.

I wish to know whether that was stricken out because of the increase of the amount of the appropriation, as shown on page 24, for fiber investigation from the sum of $4,200 to $5,000, making an addition of $800, which is exactly the amount that is stricken out in the paragraph to which I have referred on page 13.

The PRESIDING OFFICER. The Chair is informed that the amendment has been agreed to.

Mr. SQUIRE. I desire to ask the chairman of the committee to please answer the question whether the amendment on page 13 was agreed to?

Mr. COCKRELL. The amendments to which the Senator has referred are the same. The Senate as in Committee of the Whole struck out the paragraph from line 21 to line 24, inclusive, on page 13, as a separate appropriation, and increased the appropriation for fiber investigation, on page 24, which includes the same thing.

Mr. SQUIRE. For the same purposes?

Mr. COCKRELL. It includes the same thing.

Mr. SQUIRE. I wish to have the people of my State understand that. The explanation is satisfactory.

Mr. COCKRELL. I ask that all the amendments made as in Committee of the Whole, except the amendment in relation to the Russian cactus which was offered by the Senator from North Dakota [Mr. HANSBROUGH], be concurred in.

The PRESIDING OFFICER. The amendment submitted by the Senator from North Dakota will be reserved for a separate vote, on the request of the Senator from Missouri. The question is on concurring in the remaining amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. The question is on concurring in the reserved amendment.

Mr. COCKRELL. I do not call for the yeas and nays on concurring in the amendment, because the vote upon it has just been taken; and as a matter of course if the yeas and nays were called there would be simply a repetition of the same vote.

The amendment was concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. CALL. I move that the Senate proceed to the consideration of the bill (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. BRICE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 18, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 17, 1894.

BREVET APPOINTMENTS IN UNITED STATES ARMY.

To be brigadier-general by brevet.

Capt. Reuben F. Bernard, First Cavalry, brevet colonel United States Army (now lieutenant-colonel Ninth Cavalry), for gallant service in action against Indians at Chiricahua Pass, Arizona, October 20, 1869, and in the actions against Indians near the Silver River, Oregon, June 23, 1878, and at Birch Creek, Oregon, July 8, 1878.

To be colonel by brevet.

Maj. Charles T. Alexander, surgeon, brevet lieutenant-colonel United States Army (now colonel, assistant surgeon-general), for gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

First Lieut. William R. Parnell, First Cavalry, brevet lieutenant-colonel, United States Army (now captain, retired), for gallant service in action against Indians at White Bird Canyon, Idaho, June 17, 1877.

To be major by brevet.

Capt. Lawrence S. Babbitt, Ordnance Department (now lieutenant-colonel, Ordnance Department), for gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

Capt. Francis S. Dodge, Ninth Cavalry (now major, paymaster), for gallant service in action against Indians at Milk Creek, Colorado, September 29 and 30, and October 1, 1879.

Capt. J. Scott Payne, Fifth Cavalry (now captain, retired), for gallant service in action against Indians at Milk Creek, Colorado, September 29 and 30, and October 1, 1879, where he was wounded.

To be captain by brevet.

First Lieut. Matthias W. Day, Ninth Cavalry (now captain Ninth Cavalry), for gallant service in actions against Indians during the attack on Geronimo's stronghold in the Sierra Madre Mountains, Mexico, August 7, 1885, and in the Terres Mountains, Mexico, September 22, 1885.

First Lieut. James A. Haughey, Twenty-first Infantry (since deceased), for gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

To be first lieutenant by brevet.

Second Lieut. Joseph W. Duncan, Twenty-first Infantry (now captain, Twenty-first Infantry), for gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

Second Lieut. Patrick Hasson, Fourteenth Infantry (now captain, retired), for gallant service in action against Indians near Willows, Ariz., November 8, 1867, where he was wounded.

Second Lieut. Harry L. Bailey, Twenty-first Infantry (now first lieutenant, Twenty-first Infantry), for gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

Second Lieut. Robert D. Walsh, Fourth Cavalry (now first lieutenant, Fourth Cavalry), for gallant service in action against Indians in the Patagonia Mountains, Mexico, June 6, 1886.

Second Lieut. Thomas Cruse, Sixth Cavalry (now first lieutenant, Sixth Cavalry), for gallant service in action against Indians at Big Dry Wash, Arizona, July 17, 1882.

REGISTERS OF LAND OFFICES.

William H. Brodhead, of Ketchum, Idaho, to be register of the land office at Hailey, Idaho, vice William T. Riley, term expired.

Charles Himrod, of Boise City, Idaho, to be register of the land office at Boise City, Idaho, vice Charles S. Kingsley, term expired.

John F. Hinman, of North Platte, Nebr., to be register of the land office at North Platte, Nebr., vice Anson S. Baldwin, to be removed.

William A. Lowery, of Marysville, Cal., to be register of the land office at Marysville, Cal., vice Charles Hapgood, term expired.

August Muntzing, of Yuma, Colo., to be register of the land office at Akron, Colo., vice Adam J. Johnson, term expired.

Jacob B. Philippi, of Red Cliff, Colo., to be register of the land office at Glenwood Springs, Colo., vice George D. Thayer, term expired.

RECEIVERS OF PUBLIC MONEYS.

William F. Horne, of Hailey, Idaho, to be receiver of public moneys at Hailey, Idaho, vice Thomas A. Starrh, to be removed.

Alfred W. Kroutinger, of Lewiston, Idaho, to be receiver of public moneys ar Lewiston, Idaho, vice Richard Monroe, whose term of office will expire August 28, 1894.

William H. McDonald, of North Platte, Nebr., to be receiver of public moneys at North Platte, Nebr., vice William H. C. Woodhurst, jr., to be removed.

Albert G. Neal, of Sprague, Wash., to be receiver of public moneys at Waterville, Wash., vice Frank M. Dallam, term expired.

William A. Reiniger, of Cœur d'Alene, Idaho, to be receiver of public moneys at Cœur d'Alene, Idaho, vice Jay R. Sanburn, term expired.

PASSED ASSISTANT SURGEON, MARINE-HOSPITAL SERVICE.

Elihu R. Houghton, of New York, to be passed assistant surgeon in the Marine Hospital Service of the United States.

POSTMASTERS.

C. Martin Walter, to be postmaster at Niantic, in the county of New London and State of Connecticut, in the place of Asa E. S. Bush, whose commission expired July 9, 1894.

C. P. Popejoy, to be postmaster at Lexington, in the county of McLean and State of Illinois, in the place of Enos F. Blake, whose commission expired July 12, 1894.

Andrew Currie, to be postmaster at Shreveport, in the county of Caddo and State of Louisiana, in the place of Pinckney B. Weaks, removed.

Joseph B. Boyle, to be postmaster at Westminster, in the county of Carroll and State of Maryland, in the place of George E. Sharrer, whose commission expired March 4, 1894.

William Buttrick, to be postmaster at Concord, in the county of Middlesex and State of Massachusetts, whose commission will expire July 17, 1894.

Will Harkins, to be postmaster at Ladonia, in the county of Fannin and State of Texas, in the place of Leonard H. Harral, resigned.

PROMOTIONS IN NAVY.

Commodore Joseph Fyffe, to be a rear-admiral in the Navy, from July 10, 1894, vice Rear-Admiral J. S. Skerrett, retired.

Capt. Montgomery Sicard, to be a commodore in the Navy, from July 10, 1894, vice Commodore Joseph Fyffe, promoted.

Commander George H. Wadleigh, to be a captain in the Navy, from July 10, 1894, vice Capt. M. Sicard, promoted.

Lieut-Commander Frank Courtis, to be a commander in the Navy, from July 10, 1894, vice Commander G. H. Wadleigh, promoted.

SECRETARY OE LEGATION.

David A. Wells, junior, of Connecticut, to be second secretary of the legation of the United States at London, England, vice Lars Anderson, resigned.

UNITED STATES CONSUL.

James R. Jackson, of New Hampshire, to be consul of the United States at Sherbrooke, Quebec, vice Benjamin Lenthier, who was appointed during the recess of the Senate, but not confirmed.

SURVEYOR-GENERAL OF OREGON.

John C. Arnold, of Pendleton, Oregon, to be surveyor-general of Oregon, vice W. Henry Byars, whose term of office expired July 16, 1894.

REGISTERS OF LAND OFFICES.

John T. Joyce, of Leadville, Colo., to be register of the land office at Leadville, Colo., vice George M. Bowen, to be removed.

George H. Stevenson, of Cascades, Wash., to be register of the land office at Vancouver, Wash., vice John D. Geoghegan, to be removed.

POSTMASTERS.

Mark E. Hughes, to be postmaster at Sonora, in the county of Tuolumne and State of California, in the place of John S. Cady, whose commission expired March 20, 1894.

Frederick E. Pierce, to be postmaster at Greenfield, in the county of Franklin and State of Massachusetts, in the place of Anson Withey, whose commission expired July 11, 1894.

Alfred A. Guck, to be postmaster at Lake Linden, in the county of Houghton and State of Michigan, in the place of John Amesse, removed.

Ward H. Tilton, to be postmaster at Floral Park, in the county of Queens and State of New York, in the place of J. R. Fuller, whose commission expired December 21, 1893.

WITHDRAWAL.

Executive nomination withdrawn from the Senate July 17, 1894.

James Parker, to be attorney of the United States for the district of New Jersey.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 17, 1894.

UNITED STATES ATTORNEY.

Wallace Macfarlane, of New York, to be attorney of the United States for the southern district of New York.

RECEIVER OF PUBLIC MONEYS.

William C. Murphy, of Missoula, Mont., to be receiver of public moneys at Missoula, Mont.

PENSION AGENT.

Patrick F. Walsh, of San Francisco, Cal., to be pension agent at San Francisco, Cal.

REGISTERS OF THE LAND OFFICE.

John M. Evans, of Missoula, Mont., to be register of the land office at Missoula, Mont.

Theodore Bruener, of St. Cloud, Minn., to be register of the land office at St. Cloud, Minn.

MARSHALS.

Charles H. Evans, of Maryland, to be marshal of the United States for the district of Maryland.

John H. McCarty, of New York, to be marshal of the United States for the southern district of New York.

Fletcher C. Peck, of New York, to be marshal of the United States for the northern district of New York.

PROMOTIONS IN NAVY.

Commodore Joseph Fyffe, to be a rear-admiral in the Navy, from July 10, 1894.

Capt. Montgomery Sicard, to be a commodore in the Navy, from July 10, 1894.

Commander George H. Wadleigh, to be a captain in the Navy from July 10, 1894.

Lieut. Commander Frank Courtis, to be a commander in the Navy, from July 10, 1894.

POSTMASTER.

John S. Mitchell, to be postmaster at Newcastle, in the county of Placer and State of California.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 17, 1894.*

The House met at 12 o'clock noon, and was called to order by the Speaker *pro tempore* (Mr. RICHARDSON of Tennessee).

Prayer by the Rev. J. H. MCCARTY, D. D., of Washington, D. C.

The Journal of the proceedings of yesterday was read, corrected, and approved.

ENTRIES UNDER THE PREËMPTION ACT.

The SPEAKER *pro tempore* laid before the House the following House bill with a Senate amendment:

A bill (H. R. 3458) extending the time for final proof and payment on land claims under the public land laws of the United States.

The following amendment of the Senate was read:

After line 8 insert the following:

"SEC. 2. That the time of making final payments on entries under the preemption act is hereby extended for one year from the date when the same becomes due in all cases where preëmption entrymen are unable to make final payments from causes which they can not control, evidence of such inability to be subject to the regulations of the Secretary of the Interior."

Mr. SWEET. Mr. Speaker, I move that the House concur in the Senate amendment?

Mr. MCRAE. I am not prepared to say that the House should concur in this amendment. I had supposed that all preëmption claims had expired. I had just risen to make a motion to nonconcur and ask for a conference.

The SPEAKER *pro tempore*. The motion to concur will take precedence over the motion to nonconcur.

Mr. MCRAE. I should like to know what the gentleman from Idaho [Mr. SWEET] has to say as to the necessity for any such legislation. I can not understand the necessity for an amendment of this sort.

Mr. SWEET. Mr. Speaker, I will ask to have read certain correspondence from the Department relative to this amendment.

The SPEAKER *pro tempore*. The gentleman from Idaho [Mr. SWEET] asks to have certain letters read, which the Clerk will report.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 24, 1894.

SIR: I have the honor to acknowledge receipt, for report in duplicate, of Senate bill No. 1822, Fifty-third Congress, second session, entitled "A bill to extend the time for making final payments on entries under the preëmption act."

This bill provides for an extension of one year from the date when payment shall become due, in all cases where preëmption entry-men are unable to make final payments from causes which they can not control, and I see no objection to the bill becoming a law. The bill is herewith returned.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The honorable the SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, *Washington, May 26, 1894.*

SIR: I transmit herewith report from the Commissioner of the General Land Office on Senate bill No. 1822, entitled "A bill to extend the time for making final payments on entries under the preëmption act."

I know of no objection to urge against the passage of the bill.

Very respectfully,

HOKE SMITH, *Secretary.*

HON. J. H. BERRY,
Chairman Committee on Public Lands, United States Senate.

Mr. HOLMAN. Mr. Speaker, I wish to inquire of the gentleman from Idaho how it happens that, after the repeal in 1891 of the preëmption act, we are to take these claims up again?

Mr. SWEET. Mr. Speaker, the preëmptioner had thirty-three months in which to prove up. Now, during the last year of that thirty-three months it was almost impossible for settlers in the West to make the payment required under the law. We have extended the benefits of this act, as it originally passed the House, to all settlers on the public lands except preëmptioners. When that bill went to the Senate they noticed that we had not included in the beneficiaries of the act the preëmption settlers. Notwithstanding, therefore, that the law has been repealed, and that settlers can no longer take lands under the preëmption act, it was thought to be but just and fair to give those whose time had not expired the benefit of this act.

Mr. TRACEY. I would like to ask the gentleman from Idaho whether the House bill with the Senate amendment becomes identical with the Senate bill to which the Commissioner refers in his letter.

Mr. SWEET. I think that is an error. There is no Senate bill. This is simply an amendment to the House bill.

Mr. MCRAE. Mr. Speaker, as I stated a while ago, the preemption act was repealed in March 3, 1891, and only thirty-three months could be allowed for making proof under that act. Since it is perfectly clear that no new entry would have been made since March 3, 1891, it is also equally clear that there can be no subsisting preëmption entry at this time. They all expired either in December, 1893, or January, 1894.

The effect of this legislation will be, as I understand it, to revive the preëmption law as to many claims that are now barred by the laws. That is, it extends for another year those claims that have been abandoned. Now, with that understanding the House can do what it sees fit. I had supposed there was no necessity for any legislation of this character; and I desire to make the motion to nonconcur and ask for a conference.

Mr. SWEET. Mr. Speaker, the statement that these lands have been abandoned is unfair.

Mr. HOLMAN. Let it go to a conference.

Mr. SWEET. These claims have not been abandoned, and it is hardly fair to make that statement. The preëmptioner abandoned the preëmption location simply because, owing to the stringent times, he was unable to prove up. Now, even if it be true that under this law no entry can be made, and that is the fact, yet there is no reason why the preëmptioner who was so unfortunate as to have his time expire at such a time and under such conditions, should be deprived of the benefits of this act.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Idaho, to concur in the Senate amendment.

The question was taken, and the Speaker *pro tempore* announced that the ayes appeared to have it.

Mr. MCRAE. Division.

The House divided; and there were—ayes 76, noes 68.

So the Senate amendment was concurred in.

On motion of Mr. SWEET, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

RIVER AND HARBOR APPROPRIATION BILL.

The SPEAKER *pro tempore* laid before the House the bill (H. R. 6518) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with Senate amendments.

Mr. CATCHINGS. Mr. Speaker, I move that the House nonconcur in the Senate amendments, that the conference asked be granted, the conferees appointed, and the Senate amendments to the bill be printed.

The SPEAKER *pro tempore*. The gentleman from Mississippi moves to nonconcur in the Senate amendments to the bill, the title of which has just been read, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses, that the conferees be appointed, and that the bill, with Senate amendments, be printed.

The motion was agreed to.

The SPEAKER *pro tempore*. The Chair will announce the conferees shortly.

CHANGE OF CONFEREE.

The SPEAKER *pro tempore* laid before the House the following Senate resolution:

Resolved, That Mr. TELLER be excused as one of the conferees on the bill of the House, 6373, making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes, and that Mr. ALLISON be appointed in his place.

The SPEAKER *pro tempore*. The resolution will lie on the table.

BRIDGE OVER THE MONONGAHELA.

The SPEAKER *pro tempore* also laid before the House a bill (S. 2208) authorizing the construction of a bridge over the Monongahela River at the foot of Maine street in the borough of Bellevernon, in the State of Pennsylvania.

Mr. DALZELL. Mr. Speaker, this bill is identical in terms with one that has already been passed by the House and by the Senate; but, subsequent to the passage of that bill it was discovered that there was a defect in the charter of the Pennsylvania corporation and therefore it was deemed necessary to repass the bill. I ask unanimous consent for the present consideration of the Senate bill.

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONFEREES ON THE RIVER AND HARBOR BILL.

The SPEAKER *pro tempore* announced the appointment as House conferees on the disagreeing votes of the two Houses on the river and harbor bill, Mr. CATCHINGS, Mr. LESTER, and Mr. HENDERSON of Illinois.

ORDER OF BUSINESS.

Mr. BAILEY. Mr. Speaker, in view of the fact that to-day has been assigned to a committee, I feel it my duty to demand the regular order.

THE DONATION ACT.

Mr. McRAE. Mr. Speaker, I desire to present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 59) "prescribing limitations of time for completion of titles to certain lands disposed of under the act of Congress approved September 27, 1850, and the acts amendatory and supplemental thereto and commonly known as the 'Donation Act' and for the protection of purchasers and occupants on said lands," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree thereto with the following amendments:

After the word "claimant," in lines 15 and 16, page 2, insert the words "their heirs, devisees and grantees."

Strike out the word "their" where it first occurs in line 18, page 2.

Strike out all after the word "shall," in line 26, page 2, down to and including the word "shall," in line 30, page 2.

Strike out the word "four," in line 31, page 2, and insert in lieu thereof the word "six."

Strike out the words "at least three newspapers," in line 32, page 2, and insert in lieu thereof the words "one newspaper."

After the word "district," in line 33, page 2, insert the words "in a form to be prescribed by the Commissioner of the General Land Office."

Strike out the words "describing such claims," in line 35, page 2.

After the word "abandoned," in line 38, page 2, insert the words "and the lands embraced therein."

Strike out the entire lines 1 and 2 and the words "before provided" in line 3 of page 3.

After the word "be," in line 3, page 3, insert the words "and are hereby."

After the word "provided," in line 5, page 3, insert the word "further."

After the word "claimant," in line 20, page 3, insert the words "or his heirs, devisees, or grantees, as aforesaid."

Strike out the figure 3, in line 1, section 3, page 4, and insert the figure 2 in lieu thereof.

After the word "right," in line 4, section 3, page 4, insert the words "if such right now exists."

Strike out the figure 4 in line 1, section 4, page 4, and insert in lieu thereof the figure 3.

After the word "act" in line 4, section 4, page 4, insert the words "nothing in this act contained shall be construed to impair or affect any adverse claims arising under any law of the United States other than said donation act to or in respect of the lands in this act referred to."

THOMAS C. McRAE,
D. D. HARE,
JOHN F. LACEY,
Conferees on the part of the House.

J. N. DOLPH,
S. PASCO,
WILLIAM V. ALLEN,
Conferees on the part of the Senate.

The statement of the House conferees was read, as follows:

The several changes in phraseology proposed in the Senate amendment are found to be well conceived, and the adoption thereof is deemed advisable, except the proviso proposed to be added to the first section, embraced in lines from 25 to 38 of the accompanying printed copy, and reading as follows, viz:

"*Provided*, That as soon as practicable after the passage of this act notices shall be mailed to all such donation claimants, their heirs, devisees, and grantees, where their names and residences are known or by reasonable diligence can be ascertained by the register and receiver of the land office for the district in which the donation claims are situated, and shall be published at least once a week for four successive weeks in at least three newspapers of general circulation published in the land district, requiring such donation claimants, their heirs, devisees, and grantees, and all persons making claim to such donation claims, describing such claims, to appear and make final proof for such claims within the time herein provided, and that in default of such final proof such donation claims will be held to have been abandoned."

The claims in question are estimated by the Interior Department as several thousands in number, the exact number not having been ascertained. They originated a long time ago, some thirty or forty years. The claimants have failed up to this time to take any action for perfecting their claims by the proper proof. They have neglected to put on record in the local land offices, or the General Land Office, any sufficient data by which their residences, or those of their proper legal representatives, may be ascertained. They have apparently abandoned their claims and disappeared from the vicinity of the land. The land itself is imperfectly described in the notices, filed at a time when for the greater part the land was unsurveyed, and only indicated by metes and bounds, not connected with the lines of the public survey, or other easily ascertainable landmarks.

Most of the original claimants have died. It would seem to be altogether impracticable, with any possible diligence, for the registers and receivers of the district land offices to determine the proper description of the tracts, with reference to the lines of survey or otherwise, ascertain the residences of the claimants, their heirs, devisees and grantees, in the individual cases, and send notices to them, by mail and by publication, as contemplated by the proposed change in the Senate amendment to the bill. The attempt to do so would require a long time, much laborious investigation on the part of the district land officers, and considerable expense, calling for a liberal appropriation of the public money. The duty properly devolved on the claimants to take the initiative in the necessary steps for perfecting their claims. They have already had ample time in which to do so.

The purpose of the present bill is to prescribe a time certain within which this shall be done and the rights of the parties finally determined. It is a question how far the Government is bound to go in the way of giving notice. It is thought that if notice is to be given, it should not extend beyond general publication of the provisions of the proposed law within the districts, in the newspapers, and for the period named in the proposed amendment. And so the amendment as modified will provide only for the publication of a general notice, at least once a week for six weeks, in a newspaper of general circulation published in the land district, in a form to be prescribed by the Commissioner of the General Land Office. The new paragraph added to section 4 is intended to save any adverse claims arising under any law of the United States other than said "donation act" in respect to the lands in question.

THO. C. McRAE.
D. D. HARE.
J. F. LACEY.

Mr. McRAE. Mr. Speaker, I demand the previous question on the adoption of the conference report.

Mr. CANNON of Illinois. Before that is done I would like to ask a question for information. These Senate amendments seem to prescribe certain limitations as to making proof, etc., under what is known as the donation act, passed, I believe, in 1850. I am not familiar with that act, and I wish that the gentleman, without going too much into detail, would tell us what it is all about.

Mr. McRAE. An old law passed in 1850, applying to Oregon and Washington, and afterward extended, I believe, to Idaho—an act supposed at that time to be necessary for the development of that new country—and in some respects was loosely drawn. It fixed no limitation of time for making final proof of what was required. It was intended as in lieu of the old preëmption law of 1841, and the homestead law which was passed afterward. The act fixed no time within which settlers to whom these donations were made should be required to file their final proof of settlement. Entries were made forty years ago which are now uncanceled and yet so far as the Department knows, there are no actual claimants to them. This bill is intended to fix a time within which final proof in all such cases must be filed. It provides for contests so that other settlers may take the lands unless those who heretofore entered shall comply with the old law within a given time.

Mr. CANNON of Illinois. The original act required settlement?

Mr. McRAE. I am not very familiar with the requirements of that act; but I feel pretty sure it did. The gentleman from Oregon [Mr. ELLIS], or the Representatives from Washington [Mr. DOOLITTLE and Mr. WILSON], ought to be able to state what was required. But whatever may have been required to be done, if done at all, there is no proof of it. There are settlers who will be glad to enter these lands; and the Department wants to get the records cleared of them. There is now no way of getting them off the records, there being no provison for initiating contests. The courts have held that there is no limitation in the original act as to when proof shall be filed. We now propose to fix a limitation by this act.

Mr. WILSON of Washington. Most of these filings were made thirty or forty years ago.

Mr. McRAE. Yes, the act was passed in 1850.

Mr. CANNON of Illinois. Then the object of this bill is to dispose of entries made under the act of 1850—to fix a time when they shall be perfected—to dispose of them and wind them up?

Mr. McRAE. Yes, sir.

Mr. CANNON of Illinois. The bill gives no new right?

Mr. McRAE. No new right at all.

Mr. CANNON of Illinois. Its object is only to ascertain what the rights of settlers are under that act—rights which have accrued by virtue of settlement.

Mr. McRAE. That is it. The bill provides for publishing at the land office of the district within which the lands may lie a general notice of the time when proof must be presented, the purpose being that if parties do not appear within that time and make proof the land shall then be open to settlers, and in any event to enable the Department to decide who should have the land.

The SPEAKER *pro tempore*. The question is on ordering the previous question on agreeing to this report.

The previous question was ordered; and under the operation thereof the report was agreed to.

On motion of Mr. McRAE, a motion to reconsider the last vote was laid on the table.

ERNEST C. EMERSON.

Mr. MARTIN of Indiana submitted a conference report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 307) granting a pension to Ernest C. Emerson, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

The Senate recedes from its disagreement to the amendment of the House of Representatives and agrees to said amendment amended by adding to the part proposed to be inserted the following, viz: "at the rate of $10 per month," so that said amendment shall read as follows:

"Subject to the limitations and provisions of the act of June 27, 1890, at the rate of $10 per month."

And the House of Representatives agrees to the same.

A. N. MARTIN,
D. D. HARE,
Managers on the part of the House.

JOHN M. PALMER,
J. H. GALLINGER,
WM. F. VILAS,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

By the amendment of the House to the bill (S. 307) to pension Ernest Emerson, the amount of the beneficiary's pension was practically reduced

from $12 per month to $10 per month, under the provisions and limitations of the act of June 27, 1890.

The amendment to the amendment, recommended by the conferees, simply puts into words the monthly amount of the pension fixed by the House amendment by construction.

A. N. MARTIN,
D. D. HARE,
Managers for the House of Representatives.

The report was agreed to.

On motion of Mr. MARTIN of Indiana, a motion to reconsider the last vote was laid on the table.

MARY BROWN.

Mr. MARTIN of Indiana submitted a conference report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 920) granting a pension to Mary Brown, of Vermont, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives recedes from its amendment to said bill and the House agrees to the same.

A. N. MARTIN,
D. D. HARE,
Managers on the part of the House.
JOHN M. PALMER,
J. H. GALLINGER,
WM. F. VILAS,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

Concerning the facts in the bill (S. 920) to pension Mary Brown, the effect of the Senate bill was to accept the proofs on file as evidence that the death of the soldier was the result of his army service, and the effect of the House amendment would have been to compel the beneficiary to prove, after the passage of the bill, to the satisfaction of the Secretary of the Interior, that the soldier's death was the result of his army service. By receding from the House amendment the passage of the bill will result in accepting the soldier's death as due to the military service.

A. N. MARTIN,
D. D. HARE,
Managers for the House of Representatives.

The report was agreed to.

On motion of Mr. MARTIN of Indiana, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 4209) for the relief of the securities of John S. Bradford; and

A bill (H. R. 7498) to authorize the construction of a bridge across the Mississippi River from a point within the limits of the city of Dubuque, in the State of Iowa, known as Eagle Point, to the opposite bank of said river, in the county of Grant and State of Wisconsin.

The message also announced that the Senate had passed with amendments the bill (H. R. 7097) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes; in which the concurrence of the House was requested.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 5481) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1895, and for other purposes; in which the concurrence of the House was requested.

ENROLLED BILL SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (H. R. 2015) granting to the Columbia Irrigation Company a right of way through the Yakima Indian Reservation, in Washington.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RUSSELL of Georgia, indefinitely, on account of sickness.

To Mr. CORNISH, indefinitely, on account of sickness.

To Mr. ROBBINS, indefinitely.

CONSIDERATION OF BANKRUPTCY BILL.

Mr. BAILEY. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is the further continuation of the special order, the bill H. R. 4609, the bankruptcy bill, which comes over from yesterday, the previous question having been ordered, and the yeas and nays ordered on the passage of the bill.

Mr. BURROWS. I rise to a question of order, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BURROWS. Is not the regular order the call of committees for reports?

The SPEAKER *pro tempore*. The Chair thinks not. Where the previous question has been ordered on a measure which was up for consideration and not concluded at the time of adjournment, the Chair thinks the further consideration of that matter is the first question in order.

Mr. BURROWS. I desire to call the attention of the Chair and the gentleman from Texas also to the terms of the special order, and suggest that the previous question has not been ordered upon the passage of the bill, and therefore the rule which the Chair cites—and which is the general rule—is not applicable in the present instance. The order provides:

That immediately upon the adoption of this resolution the House shall proceed to consider House bill 4609, "a bill to establish a uniform system of bankruptcy," in the House, as in Committee of the Whole on the state of the Union. That after an hour of general debate there shall be two hours' debate under the five-minute rule. The previous question shall be considered as ordered on the amendments, if any, and, without intervening motion, the vote shall then be taken, etc.

I have examined the original order, and there is nothing in the order which authorizes the previous question on the bill.

Mr. BAILEY. If the gentleman from Michigan——

Mr. BURROWS. I beg the gentleman's pardon. I hope I may be permitted to finish my sentence.

The order simply provides that the previous question shall be ordered on the amendments, if any, and nothing else. There is no provision for ordering it on the bill. So the previous question was not ordered on yesterday except on the amendments. Therefore the bill does not come up to-day under the proposition stated by the Chair that a measure on which the previous question has been ordered comes over and is the first business in order on the next day.

Mr. BAILEY. Mr. Speaker, the rule expressly provides that "the vote shall then be taken." That fixes absolutely the order which shall be pursued by the House, even if the rule does not provide for ordering the previous question on the bill as well as the amendments. The provision that "the vote shall then be taken" is tantamount to ordering the previous question.

Besides that, the yeas and nays have been ordered, and that of itself would make it in order the first thing on the assembling of the House to-day.

Mr. BURROWS. In the first portion of the reply, Mr. Speaker, the gentleman suggests——

The SPEAKER *pro tempore*. The Chair is unable to hear the gentleman from Michigan.

Mr. BURROWS. I have been trying for sometime to make myself heard.

The SPEAKER *pro tempore*. The Chair did not hear the last statement of the gentleman. The Chair heard the preceding statement.

Mr. BURROWS. I had scarcely begun to make my statement, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman will proceed.

Mr. BURROWS. The statement of the gentleman from Texas that because this order provides that "the vote shall then be taken" on the bill is equivalent to ordering the previous question on the passage of the bill seems to me needs no argument to refute; for if that be true, if the order was entirely silent as to the previous question, but simply provided that the Committee of the Whole should consider the bill and at a certain time vote upon it, and that the vote would necessarily be then taken under such an order, or if an adjournment took place it would be before the House until disposed of, is a proposition in which I concur. Certainly there could not be such a construction of the rule as would give it such an interpretation as the gentleman suggests.

Now, upon the other point, that the yeas and nays have been ordered—for I take it the Chair will not hold that the previous question had been ordered—on the final passage of the bill, and that brings the matter up to-day as unfinished business, I do not believe to be correct, but I contend this bill will come up when the House shall give to the consideration of this bankruptcy bill another day. At that time the question before the House would be that upon which the yeas and nays have already been ordered.

It is true, as stated by the gentleman from Texas—the general proposition—that where the yeas and nays have been ordered and the House adjourns for want of a quorum, the pending question comes up the first thing the next day. But if the Chair will turn to the Digest he will find that after a statement of that principle, on page 567, another statement is made:

But if the proposition on which the yeas and nays were ordered was being considered on a day assigned the committee—

And this day was assigned for the consideration of this particular matter from the Committee on the Judiciary—

it would go over as unfinished business and be first in order ,when such committee again had a day.

And it cites, for instance, the Committee on the District of Columbia. Suppose on Monday, when that committee has a day

for consideration of its bills under the rules, the previous question is ordered on any proposition while that committee has the floor, and before concluding its consideration the House adjourns for want of a quorum or for any other reason. Then the order for the yeas and nays will remain—but the matter does not come up on the Tuesday following, but only when that committee has the floor again under the rule.

Now, the House made a special rule that this particular bill should be assigned a particular day for its consideration, to-wit, yesterday. The House adjourned after the yeas and nays were ordered on the passage of the bill, for want of a quorum. The principle involved is precisely the same whether a day is assigned by the settled rules of the House or a special rule.

Under that rule, about which there can be no controversy, I hold that this bill is not before the House as the regular order until the House shall again assign a day for the consideration of the bill, notwithstanding the yeas and nays have been ordered. Should the House appoint another day for the consideration of this bill, the first question would be the execution of the order of the House for the yeas and nays on the passage of the bill.

That is all I desired to say.

Mr. REED. It ought to be added, Mr. Speaker—I do not know but that it was stated by the gentleman from Michigan before I came in—that this order expressly confines the bankruptcy bill to a single day, expressly so, for it says "the rest of the day shall go to the Committee on the Judiciary," together with Tuesday. That is, this day goes to the Judiciary Committee for the consideration of its business, and can not be trenched upon.

Mr. BAILEY. The answer to that suggestion of the gentleman from Maine is obvious, that there was no "rest of the day," and therefore the order must be construed as if there was no rest of the day, because there was none.

Mr. REED. That ends that, but it shows plainly that the order only contemplated yesterday for the bankruptcy bill, because it says the rest of the day and Tuesday shall be given to the Judiciary Committee. Of course, if there was no rest of the day, why, then the Judiciary Committee did not get that; but I am not citing that upon that point. I am citing it to show what the intention of the rule was. The rule contemplated nothing but that particular day, and the ruling by Mr. Carlisle in the Forty-ninth Congress is very distinct on the subject, that where a day is given to a measure—although it says "to a committee," but there is no distinction in principle between the two—and that measure is not finished on that day, that ends the control of the House upon it without a new order. If the previous question had been ordered, then, under other rulings, the question would come over, upon familiar principles of parliamentary law; but in this case the previous question was only ordered on the amendments.

Mr. SPRINGER. Mr. Speaker, the language of this rule when strictly interpreted means precisely the same as the previous question. The previous question is a motion to bring the House to a direct vote upon the pending question, and that is the only object of the previous question, to cut off all debate and all amendments and bring the House to that direct vote. This rule provides for that very thing, by saying that the previous question is ordered on the amendments, which cuts off debate upon them, and amendments of those amendments, or further amendments, and then it provides that the vote shall then be taken on the bill and the amendments to the final passage of the bill. You could not have made it more specific, so far as the order was concerned, as to what the House should do.

But, following that up, Mr. Speaker, it is unnecessary to decide it upon that point. The next day, which is to-day, having been set apart for business reported from the Committee on the Judiciary, it is now in order, even if that bill had passed from the Calendar. It is in order for the gentleman from Texas [Mr. BAILEY] to call the bill up now as a bill reported from the Judiciary Committee, and when called up it stands before the House with the previous question on the amendments, and the direction that the vote be taken upon its passage and the yeas and nays ordered upon that question.

Mr. TERRY. I will suggest to the gentleman from Illinois that in the Judiciary Committee it has been determined in what order bills should be called up, and this bill is not included.

Mr. BAILEY. This bill is not called up by the Judiciary Committee.

Mr. SPRINGER. It is a bill reported by that committee, and it is now before the House. This second part of the order is the consideration of business reported from the Committee on the Judiciary, so that this being reported from the Committee on the Judiciary would be in order, even if the other order had expired, but having come over, it is the remainder of the unfinished order, and the yeas and nays have been ordered upon the final passage of the bill. It had been engrossed and read a third time, and the rule provided that a vote should be taken upon its passage. Upon that there was a yea-and-nay vote ordered, and a quorum failed to appear, so that we are now precisely in the place where we were when the House adjourned last night, namely, the vote to be taken by yeas and nays upon the passage of the bill. A quorum failing to appear last night, the House adjourned, and we have resumed precisely at the point where we were then.

Mr. REED. Does the gentleman from Illinois lay that down as a general proposition?

Mr. SPRINGER. I do, and as a special one in this case.

Mr. REED. I supposed it was a general proposition as a matter of parliamentary law, but it has been so repeatedly overruled in this House, before the adoption of the quorum counting by means of tellers, that I supposed it was banished from the present House.

Mr. SPRINGER. But that does not hold where the previous question has been ordered, and I hold that by this rule the previous question is ordered on the passage of this bill.

Mr. REED. That is, on account of the resolution not holding it.

Mr. SPRINGER. No, the resolution says the vote shall then be taken. That is the effect of the previous question.

Mr. BURROWS. Will my friend allow me to ask him a question? Suppose this order had not provided that the previous question should be ordered on the amendment, and had been entirely silent about that, but had simply said that the vote should be taken at 4 o'clock. If the House adjourned for the want of a quorum, does the gentleman hold that the matter would now come up to-day?

Mr. SPRINGER. It would have the same effect as if the previous question had been ordered.

Mr. BURROWS. Does the gentleman hold it as coming up to-day?

Mr. SPRINGER. I do.

Mr. REED. It does not matter whether the previous question is ordered. It is the previous question when left out just the same as when put in.

Mr. SPRINGER. If you put in language equivalent to the previous question. The declaration that the vote shall then be taken has always been considered to have the same effect as the previous question.

Mr. REED. What opportunities have you had to construe it except in the Fifty-first Congress and in this?

Mr. SPRINGER. The language of the rule, that the vote shall then be taken is much more specific than the previous question.

Mr. REED. Then it is not the previous question?

Mr. SPRINGER. It is more than that. It is the previous question plus the direction of the House that nothing else shall be done.

Mr. REED. It is the previous question plus the previous question left out.

The SPEAKER *pro tempore*. The House will be in order. Gentlemen will cease conversation or retire to the cloak room. The Chair can not hear this debate on the question.

Mr. BAILEY. Mr. Speaker, I assume the Chair desires to hear no further discussion; and if I am correct in that, I will refrain from saying anything further.

The SPEAKER *pro tempore*. The Chair is ready to decide; but the Chair will hear any gentleman who wishes to be heard.

Mr. BAILEY. I have no desire to detain the House or the Chair.

The SPEAKER *pro tempore*. The Chair thinks that the special order is equivalent to or has the same effect as the order for the previous question. The Chair will read the rule:

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consider House bill 4609, "a bill to establish a uniform system of bankruptcy," in the House as in Committee of the Whole on the state of the Union. That after an hour of general debate there shall be two hours' debate under the five-minute rule.

Now, leaving out the words relating to "previous question." Leaving that language out entirely, the rule provides that after "two hours of debate under the five-minute rule, without intervening motion, the vote shall be taken on the amendments and the bill to its final passage." A rule of the House can not be made more emphatic. After two hours of debate under the five-minute rule, the vote shall be taken on the amendments and on the bill to its final passage. The Chair thinks that is certainly equivalent to the previous question. And in addition to that, the House treated "the previous question" as ordered on yesterday.

On yesterday the Speaker *pro tempore* [Mr. DOCKERY], who was then occupying the Chair, after the two hours' debate, announced after the amendment of the gentleman from New York [Mr. RAY] had been voted down, that that amendment was re-

jected and that "the previous question now operates on the bill and on all amendments to its passage." See page 8940 of the RECORD. The Speaker *pro tempore* announced then that the previous question was ordered on the bill to its passage and on the amendments, and so treated the bill at the time, and there was no question made about it.

Under the facts, the Chair holds that this is the regular order. The yeas and nays had been ordered on the passage of the bill, and tellers had been appointed.

Mr. RAY. Mr. Speaker, from that decision of the Chair I desire most respectfully to take an appeal.

The SPEAKER *pro tempore*. The Chair declines to entertain the appeal, as we are proceeding under the resolution from the Committee on Rules. Gentlemen will please take their places as tellers, and the Clerk will call the roll.

Mr. PAYNE. I ask to be excused from acting as teller, as I have received notice of a meeting of a committee of conference that was appointed several weeks ago.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. RAY] will act as teller.

The question was taken; and there were—yeas 129, nays 81, answered "present" 5, not voting 136; as follows:

YEAS—129.

Alderson,	Cooper, Wis.	Kem,	Richardson, Mich.
Alexander,	Cox,	Kilgore,	Richardson, Tenn.
Allen,	Cummings,	Kyle,	Ritchie,
Arnold,	Curtis, Kans.	Latimer,	Robertson, La.
Bailey,	Davey,	Layton,	Sayers,
Baker, Kans.	Davis,	Lester,	Shaw,
Barnes,	De Armond,	Lucas,	Shell,
Barwig,	Dinsmore,	Lynch,	Somers,
Bell, Colo.	Dockery,	Maddox,	Sorg,
Bell, Tex.	Dunn,	Magner,	Springer,
Berry,	Durborow,	Mallory,	Stockdale,
Black, Ga.	English, Cal.	Marsh,	Strait,
Black, Ill.	Epes,	Marshall,	Sweet,
Boatner,	Fithian,	Martin, Ind.	Talbert, S. C.
Boen,	Goldzier,	McDearmon,	Talbott, Md.
Bowers, Cal.	Gorman,	McEttrick,	Tarsney,
Branch,	Grady,	McKeighan,	Taylor, Ind.
Broderick,	Gresham,	McLaurin,	Terry,
Brookshire,	Hall, Mo.	McNagny,	Tracey,
Bryan,	Hammond,	Meredith,	Tucker,
Bundy,	Harris,	Meyer,	Turner, Va.
Bunn,	Hartman,	Money,	Tyler,
Caminetti,	Hayes,	Ogden,	Updegraff,
Campbell,	Henderson, Iowa	O'Neil, Mass.	Washington,
Cannon, Cal.	Henderson, N. C.	O'Neill, Mo.	Williams, Miss
Capehart,	Hitt,	Patterson,	Wilson, Ohio
Caruth,	Holman,	Pearson,	Wilson, Wash.
Catchings,	Hudson,	Pence,	Wilson, W. Va.
Clark, Mo.	Hunter,	Pendleton, Tex.	Wise.
Cobb, Mo.	Hutcheson,	Pendleton, W. Va.	Woodard.
Cockrell.	Ikirt,	Perkins,	
Coffeen,	Izlar,	Pickler,	
Cooper, Tex.	Jones,	Reilly,	

NAYS—81.

Avery,	Ellis, Oregon	Lockwood,	Russell, Conn.
Baker, N. H.	English, N. J.	Mahon,	Smith,
Bartholdt,	Erdman,	Marvin, N. Y.	Snodgrass,
Beltzhoover,	Everett,	McCreary, Ky.	Sperry,
Bland,	Fielder,	McCulloch,	Stevens,
Bower, N. C.	Forman,	McKaig.	Stone, C. W.
Bretz,	Fyan,	McRae,	Stone, W. A.
Brickner,	Geary,	Meiklejohn,	Strong,
Broslus,	Graham,	Mercer,	Tate,
Burrows,	Griffin,	Morgan,	Thomas,
Cadmus,	Grow,	Morse,	Wadsworth,
Childs,	Hainer,	Mutchler,	Wanger,
Clancy,	Harmer,	Northway,	Warner,
Coombs,	Harter,	Page,	Waugh,
Cousins,	Hatch,	Pigott,	Wells,
Covert,	Heiner,	Powers,	Williams, Ill.
Crawford,	Kiefer,	Quigg,	Wolverton,
Dalzell,	Kribbs,	Ray,	Wright, Mass.
Daniels,	Lane,	Reyburn,	
Draper,	Lapham,	Richards,	
Ellis, Ky.	Lefever,	Robbins,	

ANSWERED "PRESENT"—5.

Bynum,	Henderson, Ill.	Outhwaite,	Straus.
Geissenhainer,			

NOT VOTING—136.

Abbott,	Causey,	Edmunds,	Hermann,
Adams, Ky.	Chickering,	Enloe,	Hicks,
Adams, Pa.	Clarke, Ala.	Fletcher,	Hines,
Aitken,	Cobb, Ala.	Funk,	Hooker, Miss.
Aldrich,	Cockran,	Funston,	Hooker, N. Y.
Apsley,	Cogswell,	Gardner,	Hopkins, Ill.
Babcock,	Conn,	Gear,	Hopkins, Pa.
Baldwin,	Cooper, Fla.	Gillet, N. Y.	Houk,
Bankhead,	Cooper, Ind.	Gillett, Mass.	Hulick,
Bartlett,	Cornish,	Goodnight,	Hull,
Belden,	Crain,	Grosvenor,	Johnson, Ind.
Bingham,	Culberson,	Groat,	Johnson, N. Dak.
Blair,	Curtis, N. Y.	Hager,	Johnson, Ohio
Boutelle,	De Forest,	Haines,	Lacey,
Breckinridge, Ark.	Denson,	Hall, Minn.	Lawson,
Breckinridge, Ky.	Dingley,	Hare,	Linton,
Brown,	Dolliver,	Haugen,	Livingston,
Burnes,	Donovan,	Heard,	Loud,
Cabaniss,	Doolittle,	Hendrix,	Loudenslager,
Cannon, Ill.	Dunphy,	Hepburn,	Maguire,
McAleer,	Oates,	Schermerhorn,	Taylor, Tenn.
McCall,	Paschal,	Scranton,	Turner, Ga.
McCleary, Minn.	Payne,	Settle,	Turpin,
McDannold,	Paynter,	Sherman,	Van Voorhis, N. Y.
McDowell,	Phillips,	Sibley,	Van Voorhis, Ohio
McGann,	Post,	Sickles,	Walker,
McMillin,	Price,	Simpson,	Weadock,
Milliken,	Randall,	Sipe,	Wever,
Montgomery,	Rayner,	Stallings,	Wheeler, Ala.
Moon,	Reed,	Stephenson,	Wheeler, Ill.
Moses,	Robinson, Pa.	Stone, Ky.	White,
Murray,	Rusk,	Storer,	Whiting,
Neill,	Russell, Ga.	Swanson,	Woomer,
Newlands,	Ryan,	Tawney,	Wright, Pa.

So the bill was passed.

The following pairs were announced:

Until further notice:

Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.

Mr. CULBERSON of Texas with Mr. GROUT.

Mr. CAPEHART with Mr. LOUDENSLAGER.

Mr. CABANISS with Mr. LACEY.

Mr. BYNUM with Mr. JOHNSON of Indiana.

Mr. COBB of Alabama with Mr. MCCALL.

Mr. CORNISH with Mr. HOOKER of New York.

Mr. STONE of Kentucky with Mr. GEAR.

Mr. ABBOTT with Mr. MOON.

Mr. MOSES with Mr. COGSWELL.

Mr. BANKHEAD with Mr. MILLIKEN.

Mr. PAYNTER with Mr. HAUGEN.

Mr. RUSSELL of Georgia with Mr. WADSWORTH.

Mr. BURNES with Mr. ADAMS of Kentucky.

Mr. LIVINGSTON with Mr. STORER.

Mr. DENSON with Mr. RANDALL.

Mr. EDMUNDS with Mr. ALDRICH.

Mr. MCMILLIN with Mr. HOUK.

Mr. ENLOE with Mr. BOUTELLE.

Mr. TURPIN with Mr. PHILLIPS.

Mr. MONTGOMERY with Mr. TAWNEY.

Mr. WHITING with Mr. GILLETT of New York.

Mr. OATES with Mr. SHERMAN.

Mr. LAWSON with Mr. WHITE.

Mr. RAYNER with Mr. SCRANTON.

Mr. GOODNIGHT with Mr. ROBINSON of Pennsylvania.

Mr. SCHERMERHORN with Mr. BELDEN.

Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.

Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.

The following for this day:

Mr. CRAIN with Mr. FUNK.

Mr. TURNER of Georgia with Mr. WALKER.

Mr. BRECKINRIDGE of Kentucky with Mr. VAN VOORHIS of New York.

Mr. SIPE with Mr. SETTLE.

Mr. HOOKER of Mississippi with Mr. WEVER.

Mr. PASCHAL with Mr. BABCOCK.

Mr. CAUSEY with Mr. PAYNE.

Mr. MCALEER with Mr. DINGLEY.

Mr. BARTLETT with Mr. STEPHENSON.

Mr. STALLINGS with Mr. CHICKERING.

The following on this vote:

Mr. COOPER of Indiana with Mr. TAYLOR of Tennessee.

Mr. TALBOTT of Maryland with Mr. CANNON of Illinois.

The SPEAKER *pro tempore*. On this question the yeas are 128, the nays are 81, answering present 4. The ayes have it, and the bill is passed.

On motion of Mr. BAILEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BYNUM. Mr. Speaker, I have voted, but I find that I am paired with my colleague from Indiana [Mr. JOHNSON], so I desire to withdraw my vote and to be recorded as present.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will call the committees for reports.

Mr. STOCKDALE. Mr. Speaker, does not the special order displace the call of committees?

The SPEAKER *pro tempore*. No; the call of committees is in order.

LEGAL TENDER.

Mr. LANE, from the Committee on the Judiciary, reported back with an amendment a bill (H. R. 5217) to regulate and discharge the payment of contracts in any money made a legal tender by law for the payment of debts; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LIGHTS ON FISHING VESSELS.

Mr. ROBBINS, from the Committee on Merchant Marine and Fisheries, reported back with a favorable recommendation a bill (H. R. 7383) relating to lights on fishing vessels; which was

referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SECTION 4136, REVISED STATUTES.

Mr. BERRY, from the Committee on Merchant Marine and Fisheries, reported back with a favorable recommendation a bill (H. R. 7045) to amend section 4136 of the Revised Statutes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MEDALS OF HONOR, ETC.

Mr. WHEELER of Alabama, from the Committee on Military Affairs, reported in lieu of House joint resolution a joint resolution (H. Res. 205) to provide for the presentation of medals of honor to the militia and volunteer troops of the several States who volunteered their services for the defense of the States of Maryland and Pennsylvania in the year 1863, prior to and after the battle of Gettysburg, Pa.; which was read a first and second time and referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, NEWARK, N. J.

Mr. CADMUS, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation a bill (H. R. 4793) supplemental to an act entitled "An act to authorize the purchase of additional ground in Newark, N. J., adjoining the custom-house and post-office building, and for improvements thereon and the erection of additions thereto," approved March 1, 1888; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT WOONSOCKET, R. I.

Mr. CADMUS also, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation a bill (H. R. 219) for the erection of a public building in the city of Woonsocket, R. I.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, FITCHBURG, MASS.

Mr. CADMUS also, from the Committee on Public Buildings and Grounds, reported back with an amendment a bill (H. R. 8) to erect a public building at Fitchburg, in the State of Massachusetts; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. MEIKLEJOHN, the Committee on Alcoholic Liquor Traffic was discharged from further consideration of the bill (H. R. 6657) to prohibit the sale of intoxicants to Indians, and it was referred to the Committee on Indian Affairs.

The Clerk completed the call of committees.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. This completes the call. Under the special order the remainder of this day is assigned to the consideration of business presented by the Committee on the Judiciary.

Mr. STOCKDALE. Mr. Speaker, I desire to call up the bill (S. 1690) providing an additional circuit judge in the eighht judicial district.

Mr. RAY. Mr. Speaker, before that is done, I desire to raise a point of order. I have no desire at all to interfere with the consideration of the bills that the committee have agreed to call up, but I desire to present this point and have it settled. House bill 3290 was called up by the Committee on the Judiciary for consideration on the 30th and 31st days of October, 1893. It is a bill to amend the naturalization laws of the United States. It was considered for two days and was not disposed of, and is pending as unfinished business. Now, my question is, whether that bill does not take precedence of all other matters, unless some action to the contrary be taken by the House?

Mr. STOCKDALE. Mr. Speaker, my recollection of the special order under which we are operating is that it provides that this day shall be devoted to the consideration of such bills as the Committee on the Judiciary may call up. The committee has designated a number of bills that it desires to have taken up, and it occurs to me that even if there was anything otherwise in the gentleman's point, the decision of the committee to call up certain bills would overrule it.

Mr. RAY. The question I raise is this. Can the Committee on the Judiciary, of itself and without any action of the House, change the order of business as it is presented on the Calendar? Must we not take up these bills in the order in which they appear on the Calendar?

Mr. TERRY. The special order adopted by the House is in itself a change in the order of business.

Mr. RAY. Well, I do not want to have my position misunderstood. I do not desire to get in the way of the bills that the Committee on the Judiciary have agreed to call up, but I bring this point up now so that if we should get into a tangle here over any bill, we might have this question out of the way.

Mr. TERRY. The bill to which the gentleman refers was called up, I think, by the gentleman from Alabama [Mr. OATES] on a suspension day.

Mr. RAY. No, sir; my recollection is that there was a special order reported from the Committee on Rules assigning two days for the consideration of the bill, and it was considered, as will be seen by reference to the Calendar, on October 30 and 31, 1893.

Mr. TERRY. What stage did it reach?

Mr. RAY. It was considered under a special order, according to my recollection. Nothing was done with the bill except to debate it.

The SPEAKER *pro tempore*. The Chair is ready to rule on the question. There is no claim that the previous question was ordered upon that bill, or that any step was taken which would bring it up on the next day when business from the Committee on the Judiciary was in order.

Now, where a day has been assigned to a committee and the committee allowed to present business, it has always been the custom to leave it optional with the committee to call up such measures as it might see fit to designate. The language of the special rule in the present case is that "the remainder of this day (yesterday) and Tuesday the 17th instant, after the morning hour, be assigned to the consideration of business reported by the Committee on the Judiciary." The Chair is clearly of the opinion that any measure reported by the committee may be called up by the committee.

Mr. RAY. But here is one point that the Chair has not decided, I think. Suppose some member of the committee should desire to interpose an objection to the consideration of a particular bill, and should make the point that these bills must be taken up in the order in which they appear on the Calendar. Would that be a good point?

The SPEAKER *pro tempore*. The Chair as at present advised would overrule the point of order, and would permit the committee to call up such bills as it might see fit.

Mr. RAY. My object is to get a clear field.

ADDITIONAL JUDGE EIGHTH CIRCUIT.

The SPEAKER *pro tempore*. The committee may designate the measures which it desires to have considered. The gentleman from Mississippi [Mr. STOCKDALE] has called up the bill (S. 1390) providing an additional circuit judge in the eighth judicial circuit.

The bill was read.

The SPEAKER *pro tempore*. The Chair is informed that this bill is on the Calendar of the Committee of the Whole on the state of the Union.

Mr. HOLMAN. I think the bill had better be considered in Committee of the Whole.

The SPEAKER *pro tempore*. What is the point of the gentleman from Indiana?

Mr. HOLMAN. That the bill involves an expenditure of public money.

Mr. STOCKDALE. I was about to ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. HOLMAN. I think it had better be considered in Committee of the Whole.

The SPEAKER *pro tempore*. Objection is made.

Mr. STOCKDALE. I move, then, that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. DOCKERY in the chair), and proceeded to the consideration of the bill (S. 1390) providing an additional circuit judge in the eighth judicial circuit.

The bill was read, as follows:

Be it enacted, etc., That there shall be in the eighth judicial circuit an additional circuit judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and shall have the same powers and jurisdiction now prescribed by law in respect to the present circuit judges.

Mr. STOCKDALE. I desire to yield the floor to my colleague on the committee, the gentleman from Arkansas [Mr. TERRY], for such time as he may want.

Mr. TERRY. Mr. Chairman, this bill has been unanimously reported by the Committee on the Judiciary, and I do not suppose there will be any considerable opposition to it. It is a bill that is urgently demanded in the eighth judicial circuit. That

is the largest circuit in the United States. It has more business, more cases, than any other circuit in the country. Each of the judicial circuits of the United States has two circuit judges, except the second, which has three; that is the great eastern circuit. The eighth is the great western circuit.

The eastern circuit (the second) embraces the States of New York, Vermont, and Connecticut. It had last year in its court of appeals 196 cases. The eighth judicial circuit contains within its boundaries the States and Territories of Minnesota, Iowa, Missouri, Arkansas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Wyoming, Colorado, New Mexico, and Utah, embracing a population of 10,894,843. The population of the great eastern circuit, the second, is 7,076,553. And against 196 cases in the second circuit there were 207 in the eighth. Considering the amount of revenue turned into the Treasury of the Government, the second circuit in 1892, from its court of appeals, turned in $1,456.75; the eighth, $6,668.51.

Now, the urgent necessity for this bill arises from the fact that where you have only two circuit judges the circuit court of appeals has to be held by the two circuit judges and one district judge, unless the circuit justice from the Supreme bench happens to be there. Judge Brewer is the circuit justice for the eighth circuit; and it is almost impossible for him to be there. The result is that the district judge in St. Louis has to sit with the circuit judges to hold a court of appeals, in consequence of which much of the business in the district and circuit court has to go unattended to, largely increasing the expense to the Government for jurors and witness fees and being a practical denial of justice to the litigants.

I think, Mr. Chairman, that this bill should pass without any considerable opposition. I understand my friend from Indiana [Mr. HOLMAN], when this bill was called up before, made the objection that we are having too much Federal jurisdiction. That may be true, sir, but if you want to remedy that difficulty bring in a bill to limit the jurisdiction. But whatever jurisdiction the United States courts have, by all means give them sufficient force to carry out that jurisdiction and enforce the laws of the United States.

Mr. TARSNEY. If the gentleman will allow me to suggest, in addition to the difficulty he has already stated, on account of Judge Thayer's time being entirely occupied with the court of appeals, it may be said that the whole State of Kansas, comprising one district, has no judge at all on account of the illness and incompetency of the present judge.

Mr. TERRY. Undoubtedly that is true.

The CHAIRMAN. If there be no objection this bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. TERRY. I desire to yield a few minutes first to the gentleman from Missouri [Mr. COBB], who introduced the House bill on this subject.

Mr. COBB of Missouri. Mr. Chairman, in regard to this bill, its passage is not only desirable as a matter of public necessity, but as a matter of economy, for the reason that it costs the Government more now by the detail of judges to the court of appeals than this additional salary would amount to. At present it is the custom to detail judges from other districts to fill vacancies on the court of appeals that necessarily occur by reason of the limited number of judges or from other causes.

I have at hand a letter from the district attorney of St. Louis, and also one from Judge Thayer, of that district, showing that the Government loses absolutely, by reason of these details, from two to three thousand dollars a year; because when judges are detailed they have a per diem of $10 per day, and the Government would save from two to three thousand dollars a year by having this additional judge. I have these letters in my hand from Judge Thayer and the district attorney, and these show conclusively the absolute necessity for this increase in the judiciary, and I am confident that if the members present understood the necessity there would be no objection to the action proposed here.

St. Louis, by reason of the detail of Judge Thayer on the court of appeals, has not had a judge for two years, and he has been recently detailed for another year, so that necessarily during that length of time the court business there will be obstructed, and litigants will be compelled to wait and suffer all the inconveniences of delay.

I trust there will be no further opposition to the bill.

Mr. TERRY. I now yield to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON of Iowa. I desire to say, Mr. Chairman, that as a resident of this circuit and a practicing lawyer, I have some familiarity with the necessities which exist in that district for this additional judge. We can hardly realize the rapid growth of that region of country.

The territory embraced in this judicial circuit is a vast empire in itself, and there has been a wonderful growth of business interests of all kinds. I want to bear testimony as to the absolute necessity of the passage of this bill.

That is all I rose to say.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House, with a favorable recommendation.

Mr. HOLMAN. Mr. Chairman, judging from past experience, I take it for granted that this bill will pass the House, and of course will become a law, so that what I say here will be simply to enter my protest against this increase of the Federal judiciary.

We are gradually, and at nearly every session of Congress, increasing the scope of the Federal courts, their powers, and the number of the Federal judges, and to that extent we are dwarfing the States of the Federal Union.

There has been until recently in my own State an attempt to enlarge the Federal judiciary by dividing the State into two districts

The fact is that at no time has there been an excuse or justification for the increase of the Federal judicial authority in Indiana.

We have a State covering a large area and with very diversified interests. We have a great harbor on Lake Michigan; a vast boundary on the Ohio River, and border on an extended portion of the navigable waters of the Wabash River in the State, which produce a very large amount comparatively of maritime business, that is thrown into the Federal courts by reason of our geographical situation.

The State has within its limits four Federal courts—at Fort Wayne, Evansville, New Albany, and at Indianapolis—with one district judge; and for twenty years past, until recently, there has been a persistent effort to divide that State into two districts; and yet, sir, the members of Congress from Indiana have during the whole period in the main protested against it, and an honest, upright, and competent judge, such as Judge Gresham, when he was the judge of that district, gave aid to the opposition which sought to divide the State into two districts, on the ground that one district judge could attend to the Federal judicial business of the district. The measure up to this time has been defeated.

I am expecting, though, almost every day, to see such a bill coming in proposing to create a new Federal judge in the district of Indiana, because the case is a plausible one, more plausible, indeed, than the case now presented for a new Federal judge in the St. Louis circuit.

Mr. HALL of Missouri. Will the gentleman allow a question?

Mr. HOLMAN. Certainly.

Mr. HALL of Missouri. The gentleman from Indiana, as I understand him, tries to impress upon the House the conviction that the action proposed by the pending bill is one which gives additional jurisdiction and power to the Federal courts and judges. Now, I would like to ask the gentleman if it is not a fact that the simple question presented here is whether the courts of the country shall have an opportunity to attend to their business, in the order in which cases arise in them, or whether Congress will permit them to lag behind year after year, keeping litigants and men of business tied up before the courts without any hope of relief because Congress refuses to pass a bill of this character, which alone can afford the remedy?

Mr. HOLMAN. I hope my friend will listen to what I have to say on that point, and then I hope he will be satisfied. I am not insisting that this legislation is to increase the jurisdiction of Federal courts, but the effect is to prevent a reduction in the jurisdiction of the Federal courts.

This is the vital issue. I have mentioned my experience in regard to my own State for a single purpose, and that is to justify myself in saying that I have never opposed in other sections of the Union the increase in the Federal judiciary without bearing in mind at the same time that I have through many years steadily resisted the various attempts to increase the Federal judicial system in my own State for which, as in the pending bill, there is no excuse.

But, Mr. Chairman, the remedy is a very clear one, and no persons know it better, or so well, perhaps, as the members of the Judiciary Committee of the House. The remedy is to reduce the jurisdiction of the Federal courts. But you will never do that, gentlemen, while you continue to increase the number of the judges. No member of Congress can deny this. As you increase the Federal judges you increase the Federal power.

Mr. COBB of Missouri. Will the gentleman allow me to ask him what is the number of his district?

Mr. HOLMAN. The district of Indiana.

Mr. COBB of Missouri. But the number.

Mr. HOLMAN. I was speaking of the district of Indiana, not the circuit court.

Mr. COBB of Missouri. I mean the judicial district—is it not the fourth?

Mr. HOLMAN. I have been speaking of the United States district court for the district of Indiana.

Mr. COBB of Missouri. Well, that is the fourth, I think. According to the report of the Attorney-General you have thirty-eight cases before the judge there on appeal, while in the eighth district the same report shows two hundred and seven. That is the difference.

Mr. HOLMAN. The gentleman is speaking of the circuit courts. I had referred only to the United States district court of my State, not to the circuit courts of the United States. The remedy is an easy one. It is simply to pass a bill reducing the jurisdiction of the Federal courts and incidentally increasing the jurisdiction of the State courts. Gentlemen, we are inflicting a great wrong year after year upon our people in permititng foreign corporations, having all the benefits of the legislation of our several States, to drag our citizens into the Federal courts, remote from their counties and homes; and you will keep that up, gentlemen, until you reduce rather than increase the number of Federal judges. No one can deny this.

Mr. TERRY. This bill does not provide for any increase in the jurisdiction of the Federal courts.

Mr. HOLMAN. I know it does not. My argument is the jurisdiction of the Federal courts ought to be decreased, and no one understands it so well as the members of the Judiciary Committee of the House. The jurisdiction of the Federal courts should be reduced rather than to increase the number of Federal judges.

Why, gentlemen, it requires no statesmanship at all, looking out from the point which we have now reached in our history, to see that the real centralizing power that is being developed in the current progress of our country is the Federal judiciary; and statesmen will stand here on this floor within the next forty years, perhaps within the next twenty-five years, and denounce the policy of this period by which a centralization of the power of this Government has been brought about by the desire to create patronage and to increase the number of Federal judges.

The peril of the future is in your Federal judiciary, and I am not uttering an original sentiment. Of the aristocratic tendencies in our Government the Federal judiciary is the most to be apprehended, next the Army and Navy. The old Democratic doctrine was that more was to be apprehended from the extension of the jurisdiction of the Federal judiciary than from any other cause; and no class of men stood up so manfully in former years against the enlargement of the Federal judicial system as gentlemen from the South; but of late years members from the Southern States have led off in the legislation that proposes to enlarge the number of Federal judges, and to perpetuate the indefensible extent of the jurisdiction of the Federal court which the Republican policy had created. The remedy is very easy and simple for the impending evil.

Mr. BOATNER. Will the gentleman yield to me for a moment?

Mr. HOLMAN. Yes.

Mr. BOATNER. Is not the gentleman aware that we have largely reduced the jurisdiction of the Federal courts?

Mr. HOLMAN. Oh, some, I admit, and the effect has been in a degree beneficial, but why not confine the Federal courts to the class of cases of which they have fair and legitimate jurisdiction? Why allow foreign corporations doing business in other States to monopolize our Federal courts and drag our citizens from every section of our States into the remote Federal tribunals?

Mr. BOATNER. I will call the attention of the gentleman to the fact that in large commercial centers like St. Louis there is an immense mass of business which, under the intendment of the Constitution, ought to come within the jurisdiction of the Federal courts, and if the jurisdiction is confined to the proper limits there will necessarily always be a very large volume of business in those centers which ought to go into the Federal courts; and that is the case in St. Louis.

Mr. HOLMAN. Why, certainly; but you underestimate the State courts, if you confine the jurisdiction of the Federal courts to the extent that was contemplated by the Federal Constitution, you will still have a large jurisdiction. But our fathers never could have contemplated that corporate power might enter your State and enjoy all the benefits of the local laws of the States and yet have it in their power to drag the citizen into a remote Federal tribunal. Why, gentlemen, you are simply dwarfing your State courts and steadily enlarging the Federal judiciary.

Mr. TERRY. We have bills here to remedy that sort of thing.

Mr. HOLMAN. I know, and when you pass them you will not want to pass this bill. Why do you put this bill in front? The other day when I heard that this bill was coming up, I spoke to the chairman of the Judiciary Committee, the gentleman from Texas [Mr. CULBERSON], and a very able and accomplished lawyer, on this subject, and he promptly said, "If the Senate will pass the bill regulating the jurisdiction of Federal courts, there will be no excuse or justification whatever of increasing the number of Federal judges."

As a citizen of the State of Indiana I protest against this legislation, this remorseless and steady enlargement of Federal judicial power. You are steadily increasing the Federal power and dwarfing the States.

Mr. COBB of Missouri. The gentleman from Texas [Mr. CULBERSON] was present in the committee when this bill was considered, and he voted for it.

Mr. HOLMAN. He may have voted for it upon the ground that he could not get his bill through the Senate reducing the jurisdiction of the Federal courts, but only on that ground. Just as long as the House and Senate refuse to limit the jurisdiction of the Federal courts as it should be limited, this everlasting increase of patronage, in the number of judges with great salaries, will go on, dwarfing your States and our State judiciary as I have already said.

Another fact, gentlemen. See how readily the House Committee on the Judiciary comes forward to increase the salaries of your Federal judges. The Committee on the Judiciary is a very able committee, and always has been, so far as my experience has extended in the House; and yet see how readily it has favored the increasing of the salaries of Federal judges. What effect does that have?

Their salaries are generally more than twice as large as the salaries of your State judges. Am I wrong, gentlemen, then, in saying that this procedure is steadily dwarfing your State courts and dwarfing your States, and enlarging the sentiment of the Federal power as against the States, creating in the public mind the sentiment that the State judges are an inferior class of judges, when as a matter of fact there is no State of the Union whose supreme court and circuit court judges do not rank well with the judges on the Federal bench, from the Supreme Court down to the district judges.

I say this with all respect to the Federal judges. They are able men, and so are the State judges.

I am aware, Mr. Chairman, that nothing that can be said can arrest this progress. The motives here are strong. Party motives for enlarging the number of judges, and influence is always at work for additional judges and officers to be appointed under every Administration. There are other bills behind this of the same class.

The great corporate interests of this country, Mr. Chairman, are behind this movement also. It is beneficial to them. They know very well if Congress should set its face against increasing the number of Federal judges the jurisdiction of the Federal courts would be reduced, and that is not what your corporate interests require and demand. These foreign corporations do in each State largely employ our Federal courts. I do not know of any moment more unfortunate than this to enlarge the Federal jurisdiction, for that is what this bill means. There is no public sentiment in favor of enlarging the Federal judiciary.

The tendency to exercise arbitrary power has already made its appearance to the very verge of the possible powers of the Federal judges. It is the most aristocratic feature in your system, not excepting Army and Navy officers, officers for life with ample salaries. Every session of Congress increases the number of judges, with salaries twice as large as your State judges receive. But all I am doing and hoping to do is simply to enter my protest as one member of this House against this policy of enlarging the Federal judiciary beyond the limits contemplated by our fathers.

The day will come, and it will not be a remote day either, when the injurious policy of enlarging the Federal judiciary to the institutions of our country will be apparent to all men, and this policy will be denounced as having brought upon this country incalculable evils, both in the enlargement of the Federal power and the dwarfing of our States, sapping the foundation of free institutions. I simply make my protest against the measure, not hoping that any word can be uttered that will defeat this bill.

Mr. MILLIKEN. Will the gentleman yield to me for a question?

Mr. HOLMAN. Certainly.

Mr. MILLIKEN. Does not my friend conclude, from the use which the Administration has recently been making of the Federal courts to put down lawlessness and in the course adopted by the courts in enforcing process by the aid of the Federal troops of the country, that there has been a little change of base in the Democratic party upon the question of the danger of extending the power of the Federal courts?

Mr. HOLMAN. I do not think there has been any change of opinion among the people of the country. I think the sentiment is that State rights, as contemplated by the Constitution, ought to be somewhat considered and maintained.

My friend will excuse me, until I say that the jurisdiction of the Federal courts should be maintained and that the Federal tribunal should have all the jurisdiction which our fathers contemplated when the Federal Constitution was formed. But the condition of things that now exist is entirely different from what our fathers could have expected.

This extraordinary power of foreign corporations, carrying our citizens into Federal courts from remote tribunals, remote sections of the States where the supposed foreign corporation is in fact a local corporation instead of foreign, for all practical purposes, doing business in the State as a citizen, such a case as that could not have been anticipated by our fathers. I have nothing to say in censure of the exercise by Federal tribunals of all power that was intended to be conferred on them by the Federal Constitution; and in very rare instances, I am glad to say, has the Federal courts gone beyond the jurisdiction which was intended to be conferred. But Congress invites the Federal courts to an aggressive policy.

Mr. MILLIKEN. If my friend will allow me——

Mr. HOLMAN. Just a moment, for I have promised my time. The country, however, would scarcely consent, on the spur of the moment, that a line of policy should be adopted, in even a moment of peril, to such an enlargement of the number of Federal judges as to create a bad precedent for the future.

There is always a plausible argument for creating new offices, but no gentleman seems to be willing, I regret, to recognize the fact that under the Federal Constitution and in the spirit of the instrument the jurisdiction of the Federal courts ought to be reduced instead of the number of judges being increased. Every session of Congress we are enlarging the multitude of people who are commissioned by Congress to live off of the labor of other men.

Mr. TERRY. I yield five minutes to the gentleman from Vermont [Mr. POWERS.]

Mr. POWERS. Mr. Chairman, if I understand the argument of my friend from Indiana, his objection to this bill proceeds upon the ground that it is dangerous to increase the Federal jurisdiction. Now, I think my friend has been too long in Congress and too long in logic to reason that because you have ten or any other number of judges in a particular territory, you thereby touch the question of the jurisdiction of the Federal courts. The question of the jurisdiction of those courts depends not upon the number of judges, but rather upon the law that is in force fixing that jurisdiction; so that if you had a hundred circuit judges the jurisdiction of the courts would be precisely the same as if you had only five, the law being the same.

Mr. HOLMAN. It is the law fixing the jurisdiction that I was referring to.

Mr. POWERS. Mr. Chairman, I am not afraid of extending the jurisdiction of the Federal courts. It is limited by the laws that we pass here, and so long as Congress keeps its finger upon the subject of the Federal jurisdiction there is no danger that the number of Federal judges can affect it in the least. Now, here is a case where the business of the territory concerned actually demands the appointment of an additional judge. It has been shown by the statistics furnished by my friend from Arkansas [Mr. TERRY] that the population of the district is larger than that of the eastern district embracing the great State of New York, as well as the smaller States of Vermont and Connecticut, and that the number of cases pending in the circuit is larger than in the eastern circuit.

Such being the case, the very mischief which my friend from Indiana complains of, namely, the taking of people for long distances to try their causes is enhanced by the fact that we have an insufficient judicial force in this vast territory to dispose of the business that arises there. If it was a compact territory like the State of New York, then it might reasonably be contended that a less number of judges could do the business, but when you compel your judges to travel almost over an entire continent it is obvious that much of their time will necessarily be lost in passing from point to point.

Mr. HOLMAN. In the gentleman's State I presume, as in most of the States of the Union, the citizen is entitled to answer in a civil suit in the county in which he lives, and can not be taken to another county except by a change of venue. That is the law of the Western States generally, and it has been the law of my State for forty or fifty years. Now, is it not a fact that a reduction of the jurisdiction of the Federal courts, treating corporations like other citizens of the State, would do much to remedy the evil of having citizens dragged to remote points to answer in civil cases?

Mr. POWERS. In reply to the gentleman's suggestion, I will say that it is true, no doubt, in his State, as it is in mine, that a plaintiff living in one county in the State may compel the defendant to go to that county whether it is near or remote, and in the circuit the same rule prevails. But, in my apprehension, that point does not reach this case at all. The work of this circuit actually demands the services of another judge. My friend is entirely mistaken in his view of this matter. The policy of our law for the last fifty years has been in the direction of reducing the jurisdiction of the Federal courts, by requiring the cause of action to be larger, so that it is more difficult now for a plaintiff to get into the Federal courts than it was formerly.

In the early history of the Government a party could get into the Federal courts where the amount involved was quite limited, but as population and the business of the country increased the standard has been raised, until now it is quite difficult for a person to get into the Federal courts at all, and the whole policy of our legislation has been in the direction of making it so.

My friend from Indiana is unfortunate in one respect. He ought to have lived in the early days of this Republic, when things were done on a more economical scale than now, when prices were lower, when litigation was smaller. He forgets that this country has grown from 3,000,000 of people to 70,000,000, and that the business of the country has grown from a small fraction of its present volume to a great mass of business which in the near future will require not only an increase of the judicial force, but a subdivision of judicial administration such as has taken place in England. They have had the same experience there that we are having.

In the early days in England they had but few courts to transact their business, but the growth of that nation in population and commerce has been such as to compel them to subdivide their judicial business by the creation of special courts for special kinds of work. That day is coming in this country, but it has not yet come, and it will be time enough to meet the emergency when it arises. Here, however, is a case where the Judiciary Committee have investigated the question with the utmost care, and have unanimously agreed that the demand for an additional judge in the eighth circuit is one that can no longer be reasonably resisted.

Mr. STOCKDALE. I move that the committee rise and report the bill favorably to the House.

Mr. HOLMAN. I had some time left, I believe, which I reserved. I yield to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Mr. Chairman, I am not disposed to detain the Committee of the Whole on this question. If I am correctly informed, there are bills behind this looking to a curtailment of the jurisdiction of the Federal courts, and I hope this bill may be laid aside until those other bills looking in a different direction shall be considered.

We are all aware of the growth of the country and its necessities, and that there must be ample provision made for litigation and adjudication. But in my opinion we shall never have a reduction of the jurisdiction of the Federal courts until we cease to increase the number of the Federal judges. We are constantly reminded that the Senate of the United States is opposed to a reduction of Federal jurisdiction, and that for this reason it is difficult to pass legislation looking in that direction. But the House, in order to enforce its opinions, if it has such, in favor of reducing the jurisdiction of the Federal courts, can not do better than by a counter refusal on its part to increase the number of judges, thus bringing the question between the two Houses to an issue. The crying evil in this country, so far as the Federal judiciary is concerned, is the conferring of jurisdiction upon the Federal courts with reference to corporations located within the different States.

Mr. STOCKDALE. I would remind the gentleman that in some parts of the country there is not a sufficient judicial force to transact the business coming before the Federal courts. Now, if we adopt the policy of depriving certain localities of sufficient facilities for the transaction of their business, do we not inflict an injury and injustice upon them?

Mr. BLAND. Mr. Chairman, we are inflicting an injury upon the whole people of this country by increasing the number of these judges. This injury falls not upon any particular section or any particular State, but upon all. In the contention between the House and the Senate on this proposition, I think the House can well afford to say, "We will no longer increase the Federal judiciary until the demand for a reduction of jurisdiction has been recognized." In that way we may meet the difficulty.

Especially is it true that corporations doing business within the different States ought to be compelled to abide by the laws of those States and the judicature of those States as do other citizens. It ought to be provided that every corporation doing business within a State shall be considered a citizen of that State so far as the jurisdiction of a State court is concerned; and we should not allow suits in which these corporations are parties to be transferred to the Federal courts. This would be just to the corporations as well as to the citizens; and if this were done it would very much reduce the jurisdiction of the Federal courts, and would open the way for a reduction instead of an increase in the number of Federal judges.

Mr. MILLIKEN. Will my friend from Missouri be kind

enough to state why that should be done—what good would come from it?

Mr. BLAND. In the first place a corporation doing business within a State ought to be compelled to abide by the laws of that State like any other citizen—should be allowed the rights of an ordinary citizen but no more. It ought not to have the privilege of dragging the citizen of the State away from his home judicature into a foreign one. The corporation ought to be compelled to submit its controversies to the judicature of the State in which it does business. I repeat that if such an amendment of our statutes were made, it would largely reduce jurisdiction of the Federal courts and would promote justice to litigants who are citizens of various States.

Mr. WILLIAM A. STONE. The gentleman will allow me to remind him that our committee has agreed upon a bill providing that corporations shall be regarded as citizens of the State in which they do business. That bill will come up presently, if we do not consume too much time on this.

Mr. BLAND. As I have stated, I would be glad if we could have that bill first——

Mr. WILLIAM A. STONE. We can not.

Mr. BLAND. And then we will consider afterward whether this bill is necessary.

Mr. WILLIAM A. STONE and others. Oh, no.

Mr. BLAND. Mr. Chairman, I am not criticising the terms of this bill. I do not know that there is any particular objection to the measure, except as to the principle involved. My point is that the Judiciary Committee should first give us a bill looking to the reduction of the jurisdiction of the Federal courts instead of a bill providing ways and means for increasing that jurisdiction.

The CHAIRMAN. The question is on the motion of the gentleman from Mississippi [Mr. STOCKDALE], that the bill be laid aside, to be reported favorably to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. RICHARDSON of Tennessee having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (S. 1390) providing an additional circuit judge in the eighth judicial circuit, had directed him to report the same back with a recommendation that it pass.

The SPEAKER *pro tempore*. The question is on the third reading of the Senate bill.

The question was taken; and on a division (demanded by Mr. HOLMAN) there were—ayes 116, noes 23.

Mr. HOLMAN. I think that there ought to be a quorum.

The SPEAKER *pro tempore*. The Chair will appoint tellers.

Mr. STOCKDALE. I do not think the point of no quorum was made. The gentleman expressed the opinion that there ought to be a quorum. I think so, too.

Mr. HOLMAN. I make the point that no quorum has voted.

The SPEAKER *pro tempore* appointed Mr. STOCKDALE and Mr. HOLMAN as tellers.

Mr. STOCKDALE. I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore* announced the appointment of Mr. TERRY and Mr. BRYAN as tellers at the desk.

The question was taken; and there were—yeas 177, nays 25, answered "present" 3, not voting 146; as follows:

YEAS—177.

Aitken,	Cooper, Ind.	Graham,	Marsh.
Alderson,	Cooper, Tex.	Gresham,	Marshall.
Alexander,	Cooper, Wis.	Grow,	Martin, Ind.
Allen,	Cousins.	Hager,	Marvin, N. Y.
Arnold,	Cox,	Hainer,	McCleary, Minn.
Avery,	Crawford,	Hall, Mo.	McCreary, Ky.
Bailey,	Curtis, Kans.	Harmer,	McCulloch,
Baker, Kans.	Curtis, N. Y.	Harter,	McDearmon,
Baker, N. H.	Dalzell,	Hartman,	McDowell,
Baldwin.	Daniels,	Hatch,	McEttrick,
Bartholdt,	Davey,	Heard,	McKaig,
Barwig,	De Armond,	Heiner,	McLaurin,
Bell, Tex.	De Forest,	Henderson, Iowa	McRae,
Berry,	Dinsmore,	Henderson, N. C.	Metiklejohn,
Black, Ill.	Draper,	Hicks,	Mercer.
Boatner,	Dunn,	Hitt,	Meredith,
Bower, N. C.	Durborow,	Hopkins, Pa.	Meyer,
Bowers, Cal.	Ellis, Ky.	Hull,	Money,
Bretz,	Ellis, Oregon	Hutcheson,	Morgan,
Brickner,	English, Cal.	Izlar,	Morse,
Broderick,	English, N. J.	Johnson, N. Dak.	Mutchler,
Broslus,	Epes,	Jones,	Neill,
Cadmus,	Erdman,	Kiefer,	Newlands,
Caminetti,	Everett,	Kribbs,	Northway,
Campbell,	Fielder,	Lane,	Ogden,
Cannon, Cal.	Fletcher,	Layton,	O'Neil, Mass.
Capehart,	Forman,	Lefever,	O'Neill, Mo.
Caruth,	Fyan,	Lester,	Page.
Catchings,	Geary,	Linton,	Patterson,
Chilcs,	Geissenhainer,	Loudenslager,	Pendleton, Tex.
Clark, Mo.	Goldzier,	Lynch,	Pendleton, W. Va.
Cobb, Mo.	Gorman,	Mahon,	Perkins,
Coombs.	Grady,	Mallory,	Pickler.
Pigott,	Shaw,	Tarsney,	Weadock,
Post,	Snodgrass,	Taylor, Ind.	Wheeler, Ala.
Powers,	Somers.	Taylor, Tenn.	Williams, Ill.
Ray,	Sorg,	Terry,	Wilson, Ohio
Reilly,	Sperry,	Tracey,	Wilson, Wash.
Reyburn,	Stockdale,	Tucker,	Wise,
Richards, Ohio	Stone, C. W.	Turner, Va.	Wolverton,
Richardson, Tenn.	Stone, W. A.	Van Voorhis, Ohio,	Woodard,
Ritchie,	Straus,	Wadsworth,	Wright, Mass.
Robbins,	Strong,	Wanger,	
Robertson, La.	Sweet,	Warner,	
Russell, Conn.	Talbott, Md.	Washington,	

NAYS—25.

Black, Ga.	Davis,	Kem,	Sheil,
Bland,	Dockery,	Kyle,	Strait,
Boen,	Fithian,	Latimer,	Talbert, S. C.
Brown,	Harris,	Lockwood,	Tate.
Bryan,	Holman,	Maddox,	
Cockrell,	Hudson,	McKeighan,	
Cooper, Fla.	Hunter,	Pence,	

ANSWERED "PRESENT"—3.

Bynum,	Henderson, Ill.	Loud.

NOT VOTING—146.

Abbott,	Culberson,	Johnson, Ohio	Sayers,
Adams, Ky.	Cummings,	Kilgore,	Schermerhorn,
Adams, Pa.	Denson,	Lacey,	Scranton,
Aldrich,	Dingley,	Lapham,	Settle,
Apsley,	Dolliver,	Lawson,	Sherman,
Babcock,	Donovan,	Livingston.	Sibley,
Bankhead,	Doolittle,	Lucas,	Sickles,
Barnes,	Dunphy,	Magner,	Simpson,
Bartlett,	Edmunds,	Maguire,	Sipe.
Belden,	Enloe,	McAleer,	Smith,
Bell, Colo.	Funk,	McCall,	Springer,
Beltzhoover,	Funston,	McDannold,	Stallings,
Bingham.	Gardner,	McGann,	Stephenson,
Blair,	Gear,	McMillin,	Stevens,
Boutelle,	Gillet, N. Y.	McNagny,	Stone, Ky.
Branch,	Gillett, Mass.	Milliken,	Storer,
Breckinridge, Ark.	Goodnight,	Montgomery,	Swanson,
Breckinridge, Ky.	Griffin,	Moon,	Tawney,
Brookshire,	Grosvenor,	Moses,	Thomas,
Bundy,	Grout,	Murray,	Turner, Ga.
Bunn,	Haines,	Oates,	Turpin,
Burnes,	Hall, Minn.	Outhwaite,	Tyler,
Burrows,	Hammond,	Paschal,	Updegraff,
Cabaniss,	Hare,	Payne,	Van Voorhis, N. Y.
Cannon, Ill.	Haugen,	Paynter,	Walker.
Causey,	Hayes,	Pearson,	Waugh,
Chickering,	Hendrix,	Phillips,	Wells,
Clancy,	Hepburn,	Price,	Wever.
Clarke, Ala.	Hermann,	Quigg,	Wheeler, Ill.
Cobb, Ala.	Hines,	Randall,	White,
Cockran,	Hooker, Miss.	Rayner,	Whiting,
Coffeen,	Hooker, N. Y.	Reed,	Williams, Miss.
Cogswell,	Hopkins, Ill.	Richardson, Mich.	Wilson, W. Va.
Conn.	Houk,	Robinson, Pa.	Woomer,
Cornish.	Hulick,	Rusk,	Wright, Pa.
Covert.	Ikirt,	Russell, Ga.	
Crain,	Johnson, Ind.	Ryan,	

So the bill was ordered to a third reading.

The following additional pair was announced for this day:

Mr. BRANCH with Mr. BINGHAM.

Mr. BALDWIN. Mr. Speaker, on account of the illness of my colleague, Mr. HALL, I ask that he be excused for to-day.

There was no objection.

Mr. BYNUM. I am paired with my colleague, Mr. JOHNSON, and withdraw my vote. I desire to be marked "present."

Mr. KYLE. I ask that my colleague, Mr. WILLIAMS, be excused on account of illness, indefinitely.

There was no objection.

The result of the vote was then announced as above recorded.

The bill was accordingly read the third time; the question recurring on the passage of the bill.

The question was taken; and on a division (demanded by Mr. HOLMAN) there were—ayes 182, noes 12.

So the bill was passed. [Applause.]

On motion of Mr. TERRY, a motion to reconsider the last vote was laid on the table.

LEGISLATIVE APPROPRIATION BILL.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent that the legislative bill with the Senate amendments be ordered printed, that the amendments of the Senate may be numbered, and the bill and amendments referred to the Committee on Appropriations.

The SPEAKER *pro tempore*. In the absence of objection, that order will be made.

There was no objection, and it was so ordered.

UNITED STATES RAILROAD CORPORATIONS.

Mr. STOCKDALE. I desire to call up the bill (H. R. 1939) to provide that United States railroad corporations shall, for purposes of jurisdiction, be deemed citizens of the respective States into which their line of railway may extend.

The bill was read, as follows:

Be it enacted, etc., That all United States railroad corporations, or railroad corporations or companies organized or incorporated under or by virtue of any law or laws of the United States, shall, for all purposes of jurisdiction,

be held and deemed to be citizens and corporations of the respective States into which their line of railway, or any branch or spur thereof, may extend, or in which any such corporation may conduct or carry on any business; and service of process upon such corporations may be made according to the laws of the respective States in which suits shall be brought.

SEC. 2. That this act shall take effect and be in force from and after its passage, and all acts or parts thereof in conflict with the provisions of this act are hereby repealed.

Mr. STOCKDALE. This bill makes no appropriation, and I ask a vote upon its passage.

Mr. RAY. I desire to offer an amendment to this bill.

Mr. STOCKDALE. Very well; send it up.

The Clerk read as follows:

In lines 8 and 9 strike out the words:

"Or in which any such corporation may conduct or carry on any business."

Mr. RAY. Now, Mr. Speaker, I desire to call the attention of the gentleman from Arkansas, and the chairman of the committee, to this proposition. It seems to me that this is going a little farther than we should to provide that these corporations and companies shall be deemed, for the purpose of jurisdiction, citizens of any State in which they may happen to carry on any business whatever. If you restrict it to the principal business office, or something of that kind, it would be better; but when you make it as broad as this it is objectionable.

If the company should happen to do business in a State where their line does not run at all, where they have no spur extending and still have an agent representing them who goes there to do any business, however slight or for however short a time, you make them, for the purposes of jurisdiction, a citizen of that State, and take away the jurisdiction of the United States courts. My objection, therefore, is that it is much broader than it ought to be. If the jurisdiction extends to a State where they do business, or where they have a principal office, a regular or permanent place of business or a business office, it would be less objectionable. With that limitation I would be content. It seems to me that it is too broad and goes too far when you say:

Or carry on any business.

Mr. WILLIAM A. STONE. As I understand your amendment it still leaves in the bill the language:

Into which their line of railway, or any branch or spur thereof, may extend.

Mr. RAY. Yes.

Mr. WILLIAM A. STONE. And then you strike out the words:

Or in which any such corporation may conduct or carry on any business.

Mr. RAY. Yes.

Mr. WILLIAM A. STONE. That would still leave the railroad which enters a State with its tracks, a citizen of the State, but it would not be a citizen of the State unless some particular part of its line of road extended into the State.

Mr. TERRY. I suggest to the gentleman that a railroad ought not to be doing any business in a State unless it is railroad business.

Mr. RAY. That is true.

Mr. TERRY. The reason for inserting this clause which you wish to strike out is this, that, for instance, in the great Northwest there is a road which runs up to a lake or other large body of water and does not go beyond that, but the transportation is taken up there by a steamboat company. Now, if we do not provide for that here, the very thing that we are trying to correct, the very evil which we would seek to remedy, would still exist with regard to that particular point.

Mr. RAY. I am willing to provide for that; but my objection goes to the words:

Or in which any such corporation may conduct or carry on any business.

Now, take this instance, if the gentleman will permit me: A railroad does not extend its tracks into the State of Virginia at all. There is no spur of its road extending into that State. It does no business in that State, except that it has a ticket agent somewhere in that State who sells tickets. Now, under this bill, with this language left in, it would be a citizen of that State.

Mr. TERRY. Take the case the gentleman supposes. Suppose a railroad corporation, in another State, sells a ticket there or takes freight there, and suppose that freight is damaged or lost. There is no reason why a suit brought on account of that damage or loss should not go into the State courts.

Mr. WILLIAM A. STONE. It would make railroad companies keep lawyers in every county in every State in the Union.

Mr. TERRY. If they are going to carry their cases into the United States courts they ought to. If they will insist on inflicting unnecessary hardships upon the people they ought not to complain if they are burdened a little themselves.

Mr. RAY. Take almost any large railroad company, and it undoubtedly has a ticket office in almost every State in the Union, a mere subagent who does not look out for the interest of the road at all, or represent the road at all except in the mere item of selling tickets. Now you make the railroad company a citizen of that State for the purposes of jurisdiction.

Mr. TERRY. Yes. For the purposes of jurisdiction only.

Mr. RAY. Now, that being true, it seems to me that if I should sustain any damage by reason of a railroad accident, or something of that kind, I could sue that company in a State court a thousand miles, perhaps, from the point where the accident occurred, a thousand miles from a place where they had any track, or did any real business, simply upon the ground that they had a little ticket office where they sold tickets in that State. Now, that does not seem to be just or right or proper.

Mr. TERRY. The very argument the gentleman makes shows the necessity of accomplishing what we are after in this bill. That is this: that when these national corporations, so to speak, go into any State and transact any business with any citizen thereof, and injure him in his person or property, or his rights, he ought to be able to try that question where he had his contract with them, where the wrong was done, and not leave it in the power of the railroad company to drag the citizen a thousand miles away to a Federal court.

Mr. RAY. Permit me to ask you right there, would you really contend, as a lawyer, that if I buy a ticket in the city of New Orleans of a subticket agent representing the Pennsylvania Railroad Company, the agent having authority simply to sell that ticket and nothing else, and I come up in the State of Pennsylvania and am injured while in Pennsylvania while riding on the road, through the negligence of the company, that negligence occurring in the State of Pennsylvania, I ought to be permitted to sue the Pennsylvania Railroad Company in the State courts of Louisiana and try that question of negligence there, simply because I bought a ticket there?

Mr. TERRY. No; and the Louisiana courts would not have jurisdiction, because the right of action accrued in Pennsylvania, and not where the ticket was bought.

Mr. RAY. There I disagree with the gentleman, because you say here that this Pennsylvania Railroad Company shall, for the purposes of jurisdiction, be regarded as a citizen of any State in which it may conduct or carry on any business.

Now, it has carried on a little business, the selling of tickets, in Louisiana——

Mr. TERRY. I know; but that does not affect the question of jurisdiction, I will say to the gentleman.

Mr. RAY. And it seems to me that it is very dangerous; and I think this goes too far.

Mr. TERRY. This bill only applies to a certain class of corporations, in which the Pennsylvania Railroad is not included.

Mr. RAY. I used that as an illustration, supposing the Pennsylvania Company to be incorporated by the United States.

Mr. TERRY. This simply applies to those railroads that have received their charters from Congress.

Mr. RAY. I know it does.

Mr. TERRY. And this bill in its present form was submitted to one of the ablest United States circuit judges in the country, and I will say that the first suggestion in regard to legislation of this kind came from that gentleman. He is a member of your party, and a very distinguished one. He called my attention to the evil that he had observed growing out of this thing, and in order to show how carefully the bill has been guarded in connection with the judicial opinions that have already been rendered on this question, I submitted the bill to him, and he thought it was in proper shape. Now, if the gentleman had wished to offer an amendment, I think he ought to have submitted it to the committee of which he is a member and where it could have been carefully considered.

Mr. RAY. I admit that.

Mr. TERRY. But inasmuch as he offers it now, I shall object to the amendment.

Mr. DALZELL. Will the gentleman answer a question?

Mr. RAY. I have the floor, and will yield to the gentleman.

Mr. DALZELL. Do I understand the gentleman to say that this bill applies to corporations created by Federal legislation.

Mr. RAY. It does.

Mr. DALZELL. Now, by this bill railroad corporations created by Federal legislation will be confined to State courts while corporations created by State legislation will go into the Federal courts.

Mr. STOCKDALE. I would like to suggest to the gentleman from Pennsylvania that he is mistaken, and that this bill does not discriminate in the direction that the gentleman from Pennsylvania seems to believe.

Mr. WILLIAM A. STONE. It says all United States corporations.

Mr. STOCKDALE. Very well. A corporation created by Congress; by virtue of that fact all suits heretofore had by it or against it go into the United States courts.

Mr. DALZELL. What is that?

Mr. STOCKDALE. I say when a corporation is created by the United States you can not sue it in the State courts at all.

Mr. WILLIAM A. STONE. Why not?

Mr. STOCKDALE. Because it is a United States corporation.

Mr. WILLIAM A. STONE. That does not deprive the State courts of jurisdiction in the matter.

Mr. STOCKDALE. I never saw a suit brought in a State against a railroad corporation created by Congress, but I have not practiced where such a corporation exists.

Mr. DALZELL. Why, the books are full of such cases.

Mr. STOCKDALE. What I mean is, the railroad corporation can remove a suit from a State court to the United States court for that reason alone, simply alleging that it is a United States corporation, so that the State courts are practically without jurisdiction, except by caveat.

Mr. DALZELL. If that bill passes a corporation created by the Federal Government can not be heard except in a State court, whereas a corporation created by a State may be heard in the Federal courts.

Mr. STOCKDALE. I think the gentleman misapprehends the bill. This bill simply applies to railroads or other corporations which are created or chartered by the Government of the United States, and puts them in the same attitude with other roads that are chartered by State legislation. It makes no difference save that they may be sued in a State court. They are made citizens of a State in which they do business, and nothing more; and, of course, if a railroad company in any State can remove its case to the United States courts, why, then they can still do so.

Mr. DALZELL. That is the very right you take away from them.

Mr. STOCKDALE. I think the gentleman misapprehends the bill.

Mr. DALZELL. You draw a distinction between a Federal corporation and a State corporation of the same kind in favor of the State corporation.

Mr. STOCKDALE. The State corporation is already a citizen of the State; and now we want to make the Federal corporation a citizen of the State.

Mr. DALZELL. That is putting them under two jurisdictions, State and Federal jurisdiction.

Mr. STOCKDALE. It would have the same right to bring its cases in a Federal court as any other corporation.

Mr. BOATNER. I desire to offer an amendment, to come in after the word "business," in line 10, "and in which the cause of action may have arisen."

The SPEAKER *pro tempore*. The gentleman from New York has an amendment pending.

Mr. RAY. Perhaps I will agree to the substitute.

The Clerk read the amendment, as follows:

Line 10, page 1, after the word "business," insert, "and in which the cause of action may have arisen."

Mr. TERRY. I will accept that amendment, Mr. Speaker.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Louisiana to offer that as a substitute for the amendment of the gentleman from New York.

Mr. BOATNER. Yes, sir.

Mr. HOPKINS of Illinois. Mr. Speaker, I would like to hear the amendment read again.

The amendment was again read as above.

Mr. HOPKINS of Illinois. That does not help the matter at all. That is simply an additional clause added to the bill without meeting the objection raised by the gentleman from Pennsylvania [Mr. DALZELL]. The first part of the bill clearly takes away the jurisdiction of the Federal courts and makes the railroad company a citizen of the State.

Mr. DALZELL. It may be in half a dozen States.

Mr. HOPKINS of Illinois. Yes. The bill absolutely wipes out the Federal jurisdiction, and the amendment suggested by the gentleman from Lousiana does not help the matter at all.

The SPEAKER *pro tempore*. The question is on the amendment offered by the gentleman from Lousiana.

Mr. BOATNER. Mr. Speaker, on reflection I do not think that the amendment I have offered exactly covers the point which the gentleman from New York made and which I agree with him ought to be covered, and I therefore withdraw the amendment and offer in lieu of it the one which I send to the desk.

The amendment offered by Mr. BOATNER was read, as follows:

Line 10, after the word "business," insert "as to all causes which may arise in said States and Territories against said corporations."

Mr. BOATNER. The object of this amendment is to limit the jurisdiction of the State courts to suits which may arise in the States and Territories where the railroad may run, and in order to avoid the contingency which the gentleman from New York thinks might arise of a suit being instituted in one State against a corporation for a cause of action originating in another State. As, for instance, in the case of an accident or damage occurring in the State of Pennsylvania, a suit might be brought against the company in another and distant State if its line extended into that State. This amendment is intended to limit the State jurisdiction to the extent indicated, and I think it fully meets the objection of the gentleman from New York.

The SPEAKER *pro tempore*. The gentleman from New York has moved to strike out certain words. The gentleman from Louisiana now proposes an amendment which, as the Chair understands, he desires to offer as a substitute for the motion of the gentleman from New York, but the difficulty is in offering additional words as a substitute for a motion to strike out. If the gentleman from New York withdraws his amendment——

Mr. RAY. Mr. Speaker, as far as that point is concerned, I think that the amendment of the gentleman from Louisiana would meet the objection I had in mind, and, therefore, for the purpose of permitting him to offer it, I will withdraw my motion to strike out.

The amendment of Mr. BOATNER was adopted.

Mr. RAY. Now, Mr. Speaker, I desire to offer another amendment to come in at the end of the bill.

The amendment was read, as follows:

Add at the end of the bill:

"Provided that nothing herein contained shall affect the jurisdiction of the courts of the United States."

Mr. HOPKINS of Illinois. Mr. Speaker, I came into the Hall only a few moments ago, and if there has been any general debate on this bill I did not hear it; but I am informed by my colleague from Illinois on the Judiciary Committee that there has not been general debate.

The SPEAKER *pro tempore*. The bill is being considered in the House, not in committee.

Mr. HOPKINS of Illinois. Well, Mr. Speaker, what I insist is that no more radical measure than this has ever been presented to this House as affecting these railroad corporations, and it seems to me that before we attempt to make any amendments at all the mover of the bill ought to state the reasons that have prompted him to propose this marvellous innovation upon the legislative procedure which has heretofore prevailed with regard to corporations of this character. If any reasons exist why such a change should be made it appears to me that the House should be put in possession of those reasons. So far as the section of country is concerned from which I hail there is no clashing whatever between the State and the Federal judiciary, and if there is in other sections I think the facts should be brought out, and the whole subject should be calmly and dispassionately considered, and such legislation as this should not be rushed through here without full discussion and consideration.

Mr. TERRY. Mr. Speaker, I think the proposition embodied in this bill is very simple, and I did not want to insult the intelligence of the House by entering into a lengthy discussion of the reasons why legislation of this kind was desirable. It applies only to such railroads as have received charters from Congress. This legislation is not so necessary in my section of the country. Where it is most needed, where the evils which it is intended to remedy are found existing to the greatest extent, is the great Northwest. In that part of the country, when a man has a cow or a hog killed by the railroad, or some damage done to his property, he may be dragged hundreds of miles from his home by these corporations which have received their charters from the Federal Congress, and this bill is intended to remedy that evil.

The other roads are generally treated as citizens of the States in which they operate; it is only this class of corporations, doing business especially in the great Northwest, who are inflicting this great hardship upon citizens. The evil has no special existence in my own State, but in that Northwest section of country it exists and ought to be corrected.

Mr. WEADOCK. The act of March 3, 1893, prevents the removal of any case where the amount in dispute is less than $2,000; so that the "horse cases" and the "cow cases," of which the gentleman from Louisiana [Mr. BOATNER] has spoken, could not go to the United States courts.

Mr. BOATNER. That act does not apply to these Federal corporations; the law the gentleman speaks of has no application whatever to a corporation chartered by the United States.

Mr. WEADOCK. But, as I understand, that act fixes a limitation as to the amount in controversy.

Mr. BOATNER. But it does not apply where the corporation is a Federal corporation.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from New York [Mr. RAY].

The question being taken——

The SPEAKER *pro tempore*. The noes appear to have it.

Mr. RAY. I call for a division; and pending that, as some gentlemen do not appear to understand the amendment, I ask that it be again read.

The amendment was read, as follows:

At the end of line 12, page 1, insert:

Provided, That nothing herein contained shall affect the jurisdiction of the courts of the United States.

Mr. TERRY. That proviso simply nullifies the bill; if it be inserted there is no use in passing the bill.

Mr. HOPKINS of Illinois. Before the vote is taken I would like to occupy a couple of minutes. The gentleman from Arkansas [Mr. TERRY] represents one extreme on this question, and the gentleman from New York [Mr. RAY] another. This bill is defective so far as the jurisdiction of Federal courts is concerned, as is the amendment offered by the gentleman from New York; and it seems to me that if the gentleman from Arkansas had in view the object that he suggests, he could have found clearer and more felicitous language in which to embody the provision than we have in the bill before us—a bill which absolutely wipes out the jurisdiction of the Federal courts.

Mr. BOATNER. Will the gentleman allow me a question?

Mr. HOPKINS of Illinois. Yes, sir.

Mr. BOATNER. Is the gentleman able to give this House any reason why a railroad company incorporated by the Federal Government, and therefore having no particular State citizenship, should not be subjected to the jurisdiction of the courts of the several States through which its lines run? Why should such a corporation have the privilege of removing every suit from the State courts to the Federal courts? To meet that evil is all this bill does.

Mr. HOPKINS of Illinois. My point is that you have here a bill that goes to the full extreme of depriving the Federal courts of all jurisdiction.

Mr. BOATNER. The gentleman is totally mistaken. The object and purpose of the bill——

Mr. HOPKINS of Illinois. I have heard the statement of the gentleman from Arkansas as to the object of the bill; but he has presented here the most marvelous bill for carrying out that object that was ever presented to Congress.

Mr. BOATNER. The bill simply provides that a railroad company shall, for jurisdictional purposes, be considered a citizen of the States through which its lines run.

Mr. HOPKINS of Illinois. And that wipes out the Federal judiciary.

Mr. BOATNER. No; it does not.

Mr. HOPKINS of Illinois. If the corporation for all jurisdictional purposes is a citizen of a State, then it is limited to the State courts in its litigation, instead of being allowed to resort to the Federal courts.

Mr. BOATNER. Not at all. Why should not the company be limited to the State courts so far as the limitation of this bill extends? Is not the gentleman himself limited in the same way to the State courts?

Mr. HOPKINS of Illinois. The gentleman from Mississippi says that while I am a citizen of the State I can sue in a Federal court. But if the cause of action arises between myself and a citizen of the same State I can not sue in a Federal court; I must go into the State courts. The point I am making is that this bill reported by the Committee on the Judiciary, if it goes through, deprives these corporations of the right of going into the Federal courts. If the corporation is a citizen of the State it can not go into the Federal court, whatever the subject of litigation may be.

Now, if the gentleman desires that in the settlement of small claims of the character which he speaks of these corporations shall be limited to the jurisdiction of the State courts, that can be provided for without striking a deadly blow at the Federal courts of this country.

Mr. NORTHWAY. I should like to put a question to the gentleman in charge of this bill. Suppose an individual traveling on the Northern Pacific Railroad—a corporation chartered by Congress, as I understand—should be injured in the State of Washington, must he, under this bill, bring his action for damages in the State of Washington, or can he sue, for instance, in the United States court at Chicago?

Mr. TERRY. Under the amendment that was offered by the gentleman from Louisiana [Mr. BOATNER], which was adopted, he would sue in the State where the cause of action originated.

Mr. NORTHWAY. Can he sue in any United States court just as anybody else would sue?

Mr. TERRY. Of course; that does not interfere with the right of the citizen. His right is not hampered in any way by the bill. This simply says that these corporations, for purposes of jurisdiction, shall be deemed citizens of the State in which they are transacting business.

Now, if your man, in the case you suppose, lived in Pennsylvania and was injured in the State of Washington, he could sue in the State courts of Washington or the United States court sitting in the State of Washington, because being a citizen of Pennsylvania and the railroad corporation being a citizen of Washington, he could sue there and the court would have jurisdiction.

Mr. NORTHWAY. On the other hand, if he was to sue in the State of Washington, under this bill can the railroad corporation transfer its cause to the United States court, as other roads have the right to do?

Mr. TERRY. It could not.

Mr. BOATNER. Not if this bill passes.

Mr. NORTHWAY. Should it not be within the power of the corporation to exercise the same rights that the law allows to others? If not, why?

Mr. TERRY. Because, I will answer the gentleman, we do not like to have our citizens dragged around to out-of-the-way places at the will of these corporations, some of which extend many hundreds of miles in length and pass through different States.

Mr. WILLIAM A. STONE. I wish to ask the gentleman from New York if the addition of the word "concurrent," before "jurisdiction," would not answer the purpose that he indicated he had in view?

Mr. RAY. In answer to the gentleman from Pennsylvania I would say this: I have offered this amendment, Mr. Speaker, because I have understood the gentleman from Louisiana to say, and I think I so understood the gentleman from Arkansas [Mr. TERRY], if I am correct in my understanding, that they did not purpose, by this bill, to interfere at all with the jurisdiction of the courts of the United States.

Now, if they do not intend to interfere with the jurisdiction of the courts, if that is the purpose of gentlemen having the bill in charge, this proposed amendment of mine should be assented to by them at once, because the amendment is in exact accord with what I understand both gentlemen to say is the purpose of the bill.

I do not see, I will say in answer to the gentleman from Pennsylvania that the amendment would be made either stronger or weaker by the addition of the word "concurrent" before "jurisdiction." I do not know, however, that I would have any objection to the word being added; though it seems to me it would be entirely unnecessary.

But I want to say right here, if the gentleman from Pennsylvania will yield long enough——

Mr. WILLIAM A. STONE. Certainly.

Mr. RAY. With the assent of the gentlemen from Pennsylvania, I want to say that I am opposed to the citizens of any State being compelled to travel hundreds of miles to enforce their claims against railroads incorporated by laws of the United States, where the demand is for a cow or a pig killed, or some trifling loss of that kind. I would be perfectly willing to have a law passed to enable that class of claimants to sue in the State courts to enforce their rights against these companies. But in doing that—trying to provide for justice to the small claimants in these matters—I desire to be particularly careful lest we do a very great injustice to the railroad corporations themselves.

I am not a defender of any of the wrongs of these corporations, wherever they commit them. I am not a champion of corporations or of railroads; but I do desire that they shall have their rights of property protected, and their rights in the courts the same as individuals or citizens. I want them to be in a position to secure their just rights, and to have fair play and justice in the courts of the United States, both State and Federal. But I do not desire that they shall be put at a disadvantage in gaining or protecting their rights. Neither do I desire by any act of mine or any assent of mine to interfere in these matters with the jurisdiction that properly or constitutionally belongs to the courts of the United States. I am opposed to any legislation which will strike out or strike down or interfere with the necessary and proper jurisdiction of the United States courts.

Mr. TERRY. Right on that point, will the gentleman permit me?

Mr. RAY. Certainly.

Mr. TERRY. Suppose you are living in the State of New York and go to live in Pennsylvania, you do not lose thereby any rights you possessed as a citizen of the United States. But if you become a citizen of Pennsylvania, then you sue in the State courts of that State, and are liable to be sued in said courts by a citizen of that State, or in the Federal courts by a citizen of some other State. If you are a citizen of Pennsylvania there is nothing to prevent your bringing a suit in the courts of New York or the United States court there to enforce a claim against a citizen of that State.

This bill does not in any way interfere with the rights of the

citizens. It simply provides that this particular class of railroads shall, for purposes of jurisdiction, be deemed citizens of the States. Outside of that the argument of the gentleman has no possible force.

Mr. RAY. Do you contend, and I ask the question in all fairness, that this bill, as now framed, does not deprive the United States courts of the jurisdiction which they now possess under the law?

Mr. TERRY. It does not, sir, except in this respect, that if any of these railroads that come within the purview of this bill inflict damage on any citizen of any one of the sovereign States of this Union, then under this bill that citizen would have the right to sue them in the State where they inflict the damage, to sue them in the State courts, and they would have no right to transfer that case to the Federal courts.

Mr. RAY. Let me ask you fairly, is it your purpose to compel the citizen to sue in the State courts and the company to be sued there?

Mr. TERRY. No, sir; not at all.

Mr. RAY. Very good. Then I can not see that you should have any objection whatever to this amendment. Under your theory, and under your claim, this amendment of mine would be simply declaratory of the situation as it would be without the amendment. Then the amendment does no harm, because I simply provide by the proposed amendment——

Mr. TERRY. Right there, if the gentleman will permit me, he says this does no harm. Yet if, according to the language of the act as it now stands, a case should arise of the kind the gentleman thinks is covered without this proviso, then when this language is added, the court will say, you could not have meant what would naurally be implied by the law, and therefore you meant something else; and the proviso would virtually destroy the bill.

Mr. RAY. No, because the provisio simply makes it clear that the purpose of the bill is what you declare to be your purpose, to grant concurrent jurisdiction in these matters to the State courts. Now, if that be your purpose, it is all right to say so after you have conferred the jurisdiction on the State courts, in order that there may be no misunderstanding, to say "provided that nothing herein contained shall be construed to deprive the courts of the United States of their jurisdiction." Or have it read "concurrent jurisdiction." Then you have it as you say you purpose to have it, and confer concurrent jurisdiction in these matters upon the State courts, but you leave concurrent jurisdiction in all these matters in the United States courts.

Mr. BOATNER. Will the gentleman yield for a question?

Mr. RAY. Certainly.

Mr. BOATNER. The gentleman says he is not a champion of the railroads or of corporations. And yet, I want to remind the gentleman, he is asking that these corporations which were chartered by the Federal Government be allowed to retain a privilege that is not possessed by any citizen of the United States, namely, the right of not being the citizens of any State, and therefore of removing any suit that may be brought against them anywhere into the Federal courts, and of bringing any suit they desire to bring in the Federal courts, they being the only persons, real or intellectual; within the United States who possess any such privilege; and the gentleman opposes a measure which simply reduces them to the level of other citizens, that is, of being citizens of the several States in which their business is conducted, for jurisdictional purposes. That is what this bill proposes to do, nothing more and nothing less.

Mr. RAY. Now, the gentleman from Louisiana is a good lawyer, and a fair man, and I respect him.

Mr. BOATNER. I am much obliged to the gentleman.

Mr. RAY. If you will permit me I will put the question directly to you. Do you believe in a policy which will first grant life and property rights to a corporation organized under the laws of the United States and then turn around and deprive it of the rights and privileges which it takes under the Constitution and laws of the United States, or by the very act of Congress which brings it into life?

Mr. BOATNER. Why, Mr. Speaker, certainly I would not, nor does this bill propose to do it.

Mr. BRYAN. You could not take away a constitutional right.

Mr. BOATNER. The gentleman knows that if any right or immunity claimed by any of these corporations under any statute or law of the United States should come in question in a State court, and the decision of the State court should be adverse to the company on that question, it may take its writ of error to the court of appeals, or to the Supreme Court of the United States, as the case may be. The gentleman knows perfectly well that the sole object of this bill is to give to the State courts jurisdiction in ordinary controversies which arise between railway corporations incorporated by the United States and citizens, just the same as railroad corporations incorporated by the States.

Mr. RAY. The gentleman says "ordinary controversies." Would it not cover all controversies?

Mr. BOATNER. For the determination of any controversies which may arise between them, of course if it is a mere question of debt or a mere question of damage, or if it is a mere question of business, the decision of the State court would be final, but if any right or privilege which the company claimed to hold on account of an act of Congress is brought into question, the gentleman certainly must know that we could not take away from the Federal court the right to determine such a question. Why that jurisdiction is constitutional. It does not arise from the act of Congress; and so, if the gentleman is not a special advocate and champion of corporations, if he is willing that these corporations shall remain upon the same level as other corporations and other citizens, why certainly he will not object to an act which merely declares them for purposes of jurisdiction to be citizens of the several States in which they operate and conduct their roads.

Mr. RAY. Mr. Speaker, let me say to the gentleman I am perfectly willing to make these corporations organized under the laws of the United States for certain purposes and to a certain extent citizens of the States in which and through which their roads run, and in which they have a principal office where they do business; but in doing that I do not wish to deprive them of the rights and privileges which were conferred upon them by the laws of the United States when brought into existence.

I do not believe it is the right of a man to bring a child into existence and then cut off its ears, pluck out its eyes, cut off its hands, and take off its feet, and render it absolutely imbecile and helpless as a human being. I am perfectly willing to give concurrent jurisdiction to the State courts, to enable these corporations to be sued and prosecuted in the State courts in which and through which they run their roads; but I am not willing to go to the extent of depriving the United States courts of concurrent jurisdiction in these matters.

Now, the gentleman from Arkansas [Mr. TERRY] and the gentleman from Louisiana [Mr. BOATNER] say that it is not their purpose at all, and that this bill does not deprive the United States courts of the jurisdiction that they now have. If that be true, my proposed amendment will do no harm whatever. It seems to me that the bill must go a great deal further and have a broader sweep and accomplish more than I had suspected was in it. I think this because the gentlemen who advocate it are adhering with great tenacity and determination to the proposition that the amendment shall not go into the bill. I suspect they desire to deprive the United States courts of all jurisdiction in these cases.

Mr. TERRY. I demand the previous question on the bill and pending amendments.

Mr. RAY. I desire to reserve the balance of my time.

Mr. TERRY. I demand the previous question.

Mr. STOCKDALE. The gentleman from New York got the floor by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] yielding to him.

Mr. RAY. Then I yield the floor to the gentleman from Pennsylvania.

Mr. WILLIAM A. STONE. Have I the floor, Mr. Speaker? How much time does the gentleman from Vermont want?

Mr. POWERS. Five minutes.

Mr. TERRY. I have demanded the previous question, and I object to gentlemen swopping time after I have demanded the previous question.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania now yields five minutes of his time to the gentleman from Vermont.

Mr. TERRY. The gentleman is giving away his time after it is all consumed.

Mr. POWERS. Mr. Speaker, suppose a railroad runs from Washington to New York through the States of Maryland, Delaware, New Jersey, and Pennsylvania. If a train of that railroad happens to run over a man's horse up in Maryland, it is within the power of that company to take that man into the Federal court, increasing the expense of that litigation fourfold; and the object of this bill is to say to that railroad company you shall answer in the court of Maryland for that accident. [Cries of "That is right!"]

If, Mr. Speaker, any question arises in that suit which draws any question of Federal law, under the Constitution of the United States the jurisdiction of the Federal court is not disturbed.

Mr. COX and others. That is all right.

Mr. POWERS. If no such law or no provision of the Constitution is drawn in question, then the jurisdiction of the State

court is complete and final in this case. That being so, the amendment of the gentleman from New York takes the bowels out of the bill. There is no such thing as retaining the jurisdiction of the Federal court and at the same time giving the State court full and plenary jurisdiction.

Mr. RAY. Does the gentleman hold that it is impossible to provide for a concurrent jurisdiction?

The SPEAKER *pro tempore*. The gentleman from Arkansas demands the previous question on the bill and amendments.

The previous question was ordered.

The SPEAKER *pro tempore*. The question is on the amendment offered by the gentleman from New York, which the Clerk will read.

The amendment was again reported.

The SPEAKER *pro tempore*. The question is on this amendment.

The question was taken, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. RAY. Division.

The House divided; and there were—ayes 22, noes 105.

Mr. RAY. No quorum.

The SPEAKER *pro tempore*. The gentleman from New York makes the point that no quorum has voted. The Chair will appoint tellers.

Mr. SNODGRASS and Mr. TERRY. Yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The Chair will appoint the gentleman from Arkansas [Mr. TERRY] and the gentleman from New York [Mr. RAY] to act as tellers.

The question was taken; and there were—yeas 44, nays 136, answered "present" 4, not voting 171; as follows:

YEAS—44.

Baker, N. H.	Grosvenor,	McCleary, Minn.	Smith,
Bingham,	Grow,	Meiklejohn,	Stone, C. W.
Bowers, Cal.	Hager,	Morse,	Stone, W. A.
Brosius,	Hartman,	Northway,	Sweet,
Childs,	Heiner,	Perkins,	Taylor, Tenn.
Curtis, Kans.	Hepburn,	Phillips,	Tracey,
Curtis, N. Y.	Hicks,	Post,	Wadsworth,
Dalzell,	Hitt,	Ray,	Wanger,
Daniels,	Loudenslager,	Reed,	Warner,
Ellis, Oregon	Mahon,	Reyburn,	Waugh,
Everett,	Marvin, N. Y.	Russell, Conn.	Wilson, Ohio.

NAYS—136.

Alderson,	Coffeen,	Kem,	Pendleton, W. Va.
Alexander,	Cooper, Fla.	Kiefer,	Pickler,
Allen,	Cooper, Tex.	Kribbs,	Pigott,
Arnold,	Cooper, Wis.	Kyle,	Powers,
Bailey,	Cox,	Lane,	Richards, Ohio
Baker, Kans.	Crawford,	Latimer,	Richardson, Tenn.
Barnes,	Davey,	Layton,	Ritchie,
Bartholdt,	Davis,	Lester,	Robbins,
Barwig,	De Armond,	Lockwood,	Robertson, La.
Bell, Colo.	De Forest,	Lucas,	Sayers,
Bell, Tex.	Dinsmore,	Lynch,	Shell,
Berry,	Dockery,	Maddox,	Snodgrass,
Black, Ga.	Durborow,	Mallory,	Somers,
Black, Ill.	Ellis, Ky.	Marsh,	Sorg,
Bland,	English, Cal.	Marshall,	Stockdale,
Boatner,	Epes,	Martin, Ind.	Strait,
Boen,	Erdman,	McCreary, Ky.	Straus,
Bretz,	Fithian,	McCulloch,	Talbert, S. C
Brickner,	Forman,	McDearmon,	Talbott, Md.
Broderick,	Fyan,	McEttrick,	Tate,
Brookshire,	Goldzier,	McKaig,	Taylor, Ind.
Bryan,	Gorman,	McKeighan,	Terry,
Bunn,	Grady,	McLaurin,	Tucker,
Cadmus,	Gresham,	McNagny,	Turner, Va.
Caminetti,	Hall, Mo.	McRae,	Tyler,
Campbell,	Hatch,	Meyer,	Updegraff,
Cannon, Cal.	Henderson, N. C.	Ogden,	Weadock,
Cannon, Ill.	Holman,	O'Neil, Mass.	Wells,
Capehart,	Hudson,	O'Neill, Mo.	Wheeler, Ala.
Caruth,	Hunter,	Page,	Williams, Ill.
Catchings,	Hutcheson,	Patterson,	Wilson, W. Va.
Clark, Mo.	Izlar,	Pearson,	Wise,
Cobb, Mo.	Johnson, N. Dak.	Pence,	Wolverton,
Cockrell,	Jones,	Pendleton, Tex.	Woodard,

ANSWERED "PRESENT"—4.

NOT VOTING—171.

Abbott,	Bundy,	Cummings,	Gillet, N. Y.
Adams, Ky.	Burnes,	Denson,	Gillett, Mass.
Adams, Pa.	Burrows,	Dingley,	Goodnight,
Aitken,	Bynum,	Dolliver,	Graham,
Aldrich,	Cabaniss,	Donovan,	Griffin,
Apsley,	Causey,	Doolittle,	Grout,
Avery,	Chickering,	Draper,	Hainer,
Babcock,	Clancy,	Dunn,	Haines,
Baldwin,	Clarke, Ala.	Dunphy,	Hall, Minn.
Bankhead,	Cobb, Ala.	Edmunds,	Hammond,
Bartlett,	Cockran,	English, N. J.	Hare,
Belden,	Cogswell,	Enloe,	Harmer,
Beltzhoover,	Conn,	Fielder,	Harris,
Blair,	Coombs,	Fletcher,	Harter,
Boutelle,	Cooper, Ind.	Funk,	Haugen,
Bower, N. C.	Cornish,	Funston,	Hayes,
Branch,	Cousins,	Gardner,	Heard,
Breckinridge, Ark.	Covert,	Gear,	Henderson, Ill.
Breckinridge, Ky.	Crain,	Geary,	Henderson, Iowa
Brown,	Culberson,	Geissenhainer,	Hendrix,
Hermann,	McCall,	Quigg,	Stone, Ky.
Hines,	McDannold,	Randall,	Storer,
Hooker, Miss.	McDowell,	Rayner,	Strong,
Hooker, N. Y.	McGann,	Reilly,	Swanson,
Hopkins, Ill.	McMillin,	Richardson, Mich.	Tarsney,
Hopkins, Pa.	Mercer,	Robinson, Pa.	Tawney,
Houk,	Meredith,	Rusk,	Thomas,
Hulick,	Milliken,	Russell, Ga.	Turner, Ga.
Hull,	Money,	Ryan,	Turpin,
Ikirt,	Montgomery,	Schermerhorn,	Van Voorhis, N.Y.
Johnson, Ind.	Moon,	Scranton,	Van Voorhis, Ohio
Johnson, Ohio	Morgan,	Settle,	Walker,
Kilgore,	Moses,	Shaw,	Washington,
Lacey,	Murray,	Sherman,	Wever,
Lapham,	Mutchler,	Sibley,	Wheeler, Ill.
Lawson,	Neill,	Sickles,	White,
Lefever,	Newlands,	Simpson,	Whiting,
Linton,	Oates,	Sipe,	Williams, Miss.
Livingston,	Outhwaite,	Sperry,	Wilson, Wash.
Loud,	Paschal,	Springer,	Woomer,
Magner,	Payne,	Stallings,	Wright, Mass.
Maguire,	Paynter,	Stephenson,	Wright, Pa.
McAleer,	Price,	Stevens,	

So the amendment was rejected.

The question was taken on the engrossment and third reading of the bill, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. RAY. I ask for a division.

The House divided, and there were—ayes 119, noes 19.

Mr. RAY. No quorum.

Mr. STOCKDALE. Let us have the yeas and nays.

Mr. HOPKINS of Illinois. Pending that, Mr. Speaker, I move that the House do now adjourn.

The question being taken on the motion of Mr. HOPKINS, the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. HOPKINS of Illinois. I ask for a division.

The House divided, and there were—ayes 17, noes 92.

Mr. HOPKINS of Illinois. I demand tellers.

Tellers were refused; only 22 members voting in favor thereof.

The yeas and nays were ordered on the engrossment and third reading of the bill.

The question was taken; and there were—yeas 158, nays 12, answered "present" 7, reported by tellers 3, not voting 171; as follows:

YEAS—158.

Alderson,	Cox,	Jones,	Robbins,
Alexander,	Crawford,	Kem,	Robertson, La.
Allen,	Curtis, Kans.	Kiefer,	Russell, Conn.
Arnold,	Curtis, N. Y.	Kilgore,	Sayers,
Bailey,	Davey,	Kribbs,	Shell,
Baker, Kans.	Davis,	Kyle,	Somers,
Barnes,	De Armond,	Lane,	Sorg,
Bartholdt,	De Forest,	Latimer,	Sperry,
Barwig,	Dinsmore,	Layton,	Springer,
Bell, Tex.	Dockery,	Lester,	Stockdale,
Beltzhoover,	Dunn,	Lucas,	Stone, W. A.
Berry,	Durborow,	Lynch,	Strait,
Black, Ga.	Ellis, Ky.	Maddox,	Talbert, S. C.
Black, Ill.	English, Cal.	Marsh,	Tarsney,
Bland,	English, N. J.	Martin, Ind.	Tate,
Boatner,	Epes,	Marshall,	Taylor, Ind.
Boen,	Erdman,	McCreary, Ky.	Taylor, Tenn.
Bowers, Cal.	Everett,	McCulloch,	Terry,
Bretz,	Fielder,	McDearmon,	Thomas,
Brickner,	Fithian,	McEttrick,	Tracey,
Broderick,	Fletcher,	McKaig,	Tucker,
Brookshire,	Forman,	McKeighan,	Turner, Ga.
Bryan,	Fyan,	McLaurin,	Turner, Va.
Bundy,	Goldzier,	McNagny,	Tyler,
Cadmus	Gorman,	McRae,	Updegraff,
Cannon, Cal.	Grady,	Money,	Van Voorhis, Ohio
Cannon Ill.	Gresham,	Ogden,	Wanger,
Capehart,	Griffin,	O'Neil, Mass.	Warner,
Caruth,	Hall, Mo.	Page,	Waugh,
Catchings,	Hatch,	Patterson,	Weadock,
Clancy,	Heard,	Pearson,	Wells,
Clark, Mo.	Henderson, N. C.	Pendleton, Tex.	Wheeler, Ala.
Cobb, Mo.	Hitt,	Pendleton, W. Va.	Williams, Ill.
Cockrell,	Holman,	Pickler,	Wilson, Ohio
Coffeen,	Hudson,	Pigott,	Wise,
Cooper, Fla.	Hunter,	Powers,	Wolverton,
Cooper, Ind.	Hutcheson,	Price,	Woodard,
Cooper, Tex.	Ikirt,	Richards, Ohio	Wright, Mass.
Cooper, Wis.	Izlar,	Richardson, Tenn.	
Cousins,	Johnson, N. Dak.	Ritchie,	

NAYS—12.

Bingham,	Dalzell,	Hainer,	Quigg,
Brosius,	Grosvenor,	Harmer,	Ray,
Childs,	Grow,	Heiner,	Reyburn.

ANSWERED "PRESENT"—7.

Burrows,	Daniels,	Henderson, Ill.	Montgomery.
Bynum,	Enloe,	McMillin,	

REPORTED BY TELLERS—3.

Baker, N. H.	Milliken,	Post.

NOT VOTING—171.

Abbott,	Avery,	Bell, Colo.	Breckinridge, Ky.
Adams, Ky.	Babcock,	Blair,	Brown,
Adams, Pa.	Baldwin,	Boutelle,	Bunn,
Aitken,	Bankhead,	Bower, N. C.	Burnes,
Aldrich,	Bartlett,	Branch,	Cabaniss,
Apsley,	Belden,	Breckinridge, Ark.	Caminetti,

Campbell,	Hammond,	McCall,	Scranton,
Causey,	Hare,	McCleary, Minn.	Settle,
Chickering,	Harris,	McDannold,	Shaw,
Clarke, Ala.	Harter,	McDowell,	Sherman,
Cobb, Ala.	Hartman,	McGann,	Sibley,
Cockran,	Haugen,	Meiklejohn,	Sickles,
Cogswell,	Hayes,	Mercer,	Simpson,
Conn.	Henderson, Iowa	Meredith,	Sipe,
Coombs,	Hendrix,	Meyer,	Smith,
Cornish,	Hepburn,	Moon,	Snodgrass,
Covert,	Hermann,	Morgan,	Stallings,
Crain,	Hicks,	Morse,	Stephenson,
Culberson,	Hines,	Moses,	Stevens,
Cummings,	Hooker, Miss.	Murray,	Stone, C. W.
Denson,	Hooker, N. Y.	Mutchler,	Stone, Ky.
Dingley,	Hopkins, Ill.	Neill,	Storer,
Dolliver,	Hopkins, Pa.	Newlands,	Straus,
Donovan,	Houk,	Northway,	Strong,
Doolittle,	Hulick,	Oates,	Swanson,
Draper,	Hull,	O'Neill, Mo.	Sweet,
Dunphy,	Johnson, Ind.	Outhwaite,	Talbott, Md.
Edmunds,	Johnson, Ohio	Paschal,	Tawney,
Ellis, Oregon	Lacey,	Payne,	Turpin,
Funk,	Lapham,	Paynter,	Van Voorhis, N. Y.
Funston,	Lawson,	Pence,	Wadsworth,
Gardner,	Lefever,	Perkins,	Walker,
Gear,	Linton,	Phillips,	Washington,
Geary,	Livingston,	Randall,	Wever,
Geissenhainer,	Lockwood,	Rayner,	Wheeler, Ill.
Gillet, N. Y.	Loud,	Reed,	White,
Gillett, Mass.	Loudenslager,	Reilly,	Whiting,
Goodnight,	Magner,	Richardson, Mich.	Williams, Miss.
Graham,	Maguire,	Robinson, Pa.	Wilson, Wash.
Grout,	Mahon,	Rusk,	Wilson, W. Va.
Hager,	Mallory,	Russell, Ga.	Woomer,
Haines,	Marvin, N. Y.	Ryan,	Wright, Pa.
Hall, Minn.	McAleer,	Schermerhorn,	

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. DOCKERY (pending the second call). Mr. Speaker, I ask unanimous consent that the House nonconcur in the amendments of the Senate to the bill (H. R. 5481) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1895, and for other purposes, and ask for a conference, and also that the bill and amendments be printed.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore* appointed as the conferees on the part of the House, Mr. DOCKERY, Mr. WILLIAMS of Illinois, and Mr. HENDERSON of Iowa.

UNITED STATES RAILWAY CORPORATIONS.

The Clerk resumed and completed the roll call, as above.

The following additional pairs were announced for the rest of the day:

Mr. TALBOTT of Maryland with Mr. MORSE.

Mr. DUNPHY with Mr. WALKER.

Mr. RUSK with Mr. SMITH of Illinois.

Mr. McMILLIN. Mr. Speaker, I have voted in the affirmative, but being paired with my colleague, Mr. HOUK, I desire to withdraw my vote.

The SPEAKER *pro tempore*. The Chair will inform the gentleman that a quorum has not voted.

Mr. McMILLIN. Still, Mr. Speaker, I must withdraw my vote, because my colleague has been very kind in pairing with me for ten days past, when I have been compelled to be out of the House on public business, and I do not wish to take advantage of his absence on this occasion, for I suppose he is absent under the impression that I could not be here, and that therefore he could not vote even if he were present. I ask to be recorded as present.

The SPEAKER *pro tempore*. The Clerk will call the names of gentlemen who have been noted as present but have not responded.

The names were called.

The SPEAKER *pro tempore*. On this question the yeas are 157 and the nays 12, answering present 7, and noted as present, but declining to answer, 3. The ayes have it, and the bill is ordered to be engrossed and read a third time.

The bill was passed.

On motion of Mr. TERRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

JUDICIAL DISTRICTS IN KENTUCKY.

Mr. STOCKDALE. I call up the bill (H. R. 5598) to divide Kentucky into two judicial districts and fix the times and places of holding court therein.

Mr. CARUTH. Mr. Speaker, I raise the point of order that this bill must first be considered in Committee of the Whole.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

Mr. McCREARY of Kentucky. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. CARUTH. I object.

Mr. STOCKDALE. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of this bill.

Mr. CARUTH. Pending that motion, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MARTIN of Indiana, from the Committee on Invalid Pensions:

A bill (H. R. 4867) for the relief of David C. Dane. (Report No. 1259.)

A bill (H, R. 4874) for the relief of Susan Baker. (Report No. 1260.)

By Mr. McETTRICK, from the same committee: A bill (H. R. 1229) granting a pension to Bridget Devine. (Report No. 1261.)

By Mr. PICKLER, from the same committee:

A bill (H. R. 6974) to pension Mrs. John H. Clark. (Report No. 1262.)

A bill (S. 1490) to pension Mollie Crandall. (Report No. 1263.)

By Mr. STRONG, from the same committee: A bill (H. R. 5336) granting a penson to Ellen Day, stepmother of Albert L. Day. (Report No. 1264.)

By Mr. McNAGNY, from the Committee on War Claims:

A resolution to refer to the Court of Claims the bill (H. R. 7427) for the relief of J. R. Wasson. (Report No. 1265.)

A bill (H. R. 6696) for the relief of Frank S. Sowers. (Report No. 1266.)

A bill (H. R. 950) for the relief of Sarah A. Clapp. (Report No. 1267.)

By Mr. BOWERS of California, from the Committee on Military Affairs: A bill (H. R. 6921) for the relief of George B. Crosby. (Report No. 1268.)

By Mr. WHEELER of Alabama, from the same committee: A bill (H. R. 4941) for the relief of Don Carlos Buell. (Report No. 1269.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. COX, from the Committee on Claims, reported adversely the bill (H. R. 3280) for the relief of the German Bank of Memphis, Tenn., and the Chemical National Bank of New York City; which, with the accompanying report (No. 1258), was ordered to be printed and laid on the table.

PUBLIC BILLS.

Under clause 3 of Rule XXII, bills of the following titles were introduced and severally referred as follows:

By Mr. SOMERS: A bill (H. R. 7738) to appropriate a certain sum for the purchase of 8 acres for the benefit of Portage Lake harbor of refuge, Manistee County, Mich.—to the Committee on Claims.

By Mr. DURBOROW: A bill (H. R. 7739) to declare letters patent null and void when used, operated, or controlled by any trust, monopoly, corporation, combination, or other conspiracy in restraint of trade and commerce among the several States or with foreign nations—to the Committee on Patents.

By Mr. STRAUS: A bill (H. R. 7740) to regulate railroad companies engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BUNDY (by request): A bill (H. R. 7741) for the relief of James Forgey, of Lawrence, Ohio—to the Committee on War Claims.

Also (by request), a bill (H. R. 7742) for the relief of Henry E. Saunders, administrator of Edwin E. Saunders, of Proctorville, Lawrence County, Ohio—to the Committee on War Claims.

Also (by request), a bill (H. R. 7743) for the relief of Deitreck Glander—to the Committee on War Claims.

Also (by request), a bill (H. R. 7744) for the relief of Theodore J. Gillett, Lawrence County, Ohio—to the Committee on War Claims.

Also (by request), a bill (H. R. 7745) for the relief of the heirs

of Nathan C. and Hezekiah J. Winslow, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 7746) for the relief of W. T. Scoville and John Kouns, surviving partners of George L. Kouns, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 7747) for relief of heirs of Henry A. Shadel, of Ohio and Louisiana—to the Committee on War Claims.

Also (by request), a bill (H. R. 7748) for the relief of Ammon McLaughlin, of Sciotoville, Ohio—to the Committee on War Claims.

By Mr. COVERT: A bill (H. R. 7749) for the relief of Alexander Stoddart, of New York—to the Committee on Claims.

By Mr. RUSSELL of Connecticut: A bill (H. R. 7750) granting a pension to Eliza F. Tucker—to the Committee on Invalid Pensions.

By Mr. SPRINGER: A bill (H. R. 7751) for the relief of John A. McClernand—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 7752) for the relief of John C. Thomas, Madison County, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALZELL: Petition of sundry citizens of Pittsburg, Pa., against an income tax as affecting fraternal beneficial societies—to the Committee on Ways and Means.

By Mr. DURBORO'W: Petition of James Muntan and others, employés of the Chicago Tire and Spring Company, against the passage of the Wilson tariff bill—to the Committee on Ways and Means.

Also, petition of Clifford J. Ellis and others, of Chicago, Ill., against the passage of the Wilson tariff bill—to the Committee on Ways and Means.

Also, memorial of John M. Mott and others, of Chicago, Ill., for a national alphabet—to the Committee on Education.

By Mr. HOLMAN: Remonstrance of the Knights of Labor of Philadelphia, Pa., against the interference of the Federal Government between the employés of railroad corporations and those corporations—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Resolution of the council of the city of Greenville, Ohio, praying Congress to make an appropriation for a monument in honor of Gen. Anthony Wayne—to the Committee on the Library.

By Mr. RICHARDS: Petition of C. H. Mathews and others, citizens of New Philadelphia, Ohio, against an income tax on fraternal and beneficial orders—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *July 18, 1894.*

Prayer by Rev. ISAAC W. CANTER, of the city of Washington.

The Vice-President being absent, the President *pro tempore* took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on motion of Mr. TURPIE, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the provisions of the act of Congress of February 16, 1889, information that there is in the War Department an accumulation of files of papers which are not needed or useful in the transaction of the current business of the Department and have no permanent value or historical interest; which, on motion of Mr. COCKRELL, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates of appropriations required by the several Departments of the Government to complete the service of the fiscal year ended June 30, 1894, and for prior years, amounting to $10,076.31, and for the Postal Service, payable from the postal revenues, $57,985.54; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CULLOM. I present a memorial of citizens of Chicago and Cook County, Ill., remonstrating "against the violation of the American principle of separation of church and State which is involved in making appropriations for or contracts with agents of sectarian institutions for Indian education," etc. The memorial is extensively signed. As the appropriation bill referred to is now before the Senate, I ask that the memorial be laid on the table.

The PRESIDENT *pro tempore*. The memorial will lie on the table.

Mr. SHERMAN. I present a petition of the Miami and Erie Canal Association, of Dayton, Ohio, praying that an appropriation be made for a canal from Lake Erie to the Ohio River.

As the petition relates to an item of appropriation in the river and harbor bill, and that bill is now in conference, I ask that the petition be referred to the committee of conference.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. SHERMAN. I also present a petition of Typographical Union No. 97, of Peru, Indiana, praying for the enactment of legislatation providing for arbitration of the labor troubles. I do not know which committee has charge of the question of arbitration.

The PRESIDENT *pro tempore*. The Committee on Education and Labor, the Chair is inclined to think.

Mr. SHERMAN. I think a joint resolution on the subject was referred to the Committee on the Judiciary, and that that is the proper committee to have charge of the matter.

The PRESIDENT *pro tempore*. What committee does the Senator from Ohio suggest?

Mr. SHERMAN. The Committee on the Judiciary.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on the Judiciary.

Mr. MCMILLAN presented the petition of L. C. Butler and sundry other citizens of Bay City, Mich., praying that fraternal beneficiary societies, orders, or associations be exempted from the proposed income-tax provision of the pending tariff bill; which was ordered to lie on the table.

He also presented memorials of Rev. W. D. Cole and sundry other citizens of Popple; of H. M. Post and sundry other citizens of Owosso; of Rev. H. H. Andrews and sundry other citizens of Deckerville; of W. E. Holt and sundry other citizens of Bellevue, and of John Brett and sundry other citizens of Millington, all in the State of Michigan, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were ordered to lie on the table.

Mr. DANIEL presented a memorial of sundry citizens of Norfolk, Va., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc., which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on Territories, to whom was referred the bill (H. R. 5293) concerning leases in the Yellowstone National Park, reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Claims, to whom was referred the bill (S. 1262) for the relief of Paul McCormick, reported it with an amendment, and submitted a report thereon.

Mr. PEFFER. I am instructed by the Committee on Claims, to whom were referred the bill (S. 1718) for the relief of Theodore Teed, his heirs, legal representatives, or assigns, and the bill (S. 709) for the relief of Theodore Teed, his heirs, legal representatives, or assigns, to report them adversely. It seems that the last-named bill was introduced during the first session of the present Congress, in August last, and Senate bill 1718, being the same bill substantially, was introduced during the present session. Both bills are reported adversely, and I move that they be postponed indefinitely.

The motion was agreed to.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 1069) for the relief of the estate of Thomas Sherwin, deceased, reported it without amendment and submitted a report thereon.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. ALLISON on the 9th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. BRICE, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. ALLISON on the 9th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 1313) to increase the pension of John Scott, reported it without amendment, and submitted a report thereon.

Mr. BLANCHARD, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. ALLISON on the 9th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported adversely thereon, and they were postponed indefinitely:

A bill (S. 2003) to provide for the erection of a United States bonded warehouse in the city of Atlanta, State of Georgia; and

A bill (S. 2033) to provide for the erection of a United States bonded warehouse in the town of Bonners Ferry, State of Idaho.

Mr. CAREY, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. GEORGE, from the Committee on the Judiciary, to whom was referred the joint resolution (S. R. 91) to provide for the printing of a digest of the laws and decisions relating to the appointment, salary, and compensation of officials of the United States courts, reported it without amendment, and moved that it be referred to the Committee on Printing; which was agreed to.

Mr. DOLPH, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on Public Lands, to whom was referred the amendment submitted by himself on the 17th instant, intended to be proposed to the deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and be printed; which was agreed to.

Mr. KYLE, from the Committee on Education and Labor, to whom was referred the amendment submitted by himself March 12, 1894, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and be printed; which was agreed to.

Mr. HUNTON. I am directed by the Committee on Post-Offices and Post-Roads, to whom was recommitted the bill (S. 886) for the relief of the legal representatives of John Wightman, deceased, to report it with amendments, and submit a report thereon.

Mr. VILAS. On behalf of the minority of the committee, I beg leave to submit the views of the minority on the bill just reported by the Senator from Virginia [Mr. HUNTON]. I ask that the views of the minority may be printed, to accompany the report.

The PRESIDENT *pro tempore*. The report of the majority and the views of the minority will be received and printed, and the bill will be placed on the Calendar.

Mr. CAREY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2214) authorizing the purchase of sites for public buildings in the city of Spokane, Wash.; in the city of Cheyenne, Wyo.; in Boise City, Idaho, and in the city of Helena, Mont., reported it with amendments.

Mr. DANIEL, from the Committee on Claims, to whom was referred the bill (S. 2203) for the relief of Arthur Connell, reported it with an amendment, and submitted a report thereon.

MEDALS OF HONOR, DECORATIONS, ETC.

Mr. TURPIE. I am instructed by the Committee on Foreign Relations, to whom were referred the bill (H. R. 5525) authorizing John E. Johnson and others to accept medals of honor and diplomas from the Government of Spain; the bill (H. R. 6424) to authorize Rear-Admiral John G. Walker and Surg. Gen. J. Rufus Tryon, of the United States Navy, to accept the decorations of the "Busto del Libertador" of the third class from the President of Venezuela, and the bill (H. R. 7475) authorizing Commander C. H. Davis, United States Navy, to accept a decoration from the King of Spain, to report them favorably without amendment.

I ask for the present consideration of the House bills just reported. The Senate has already passed bills which are identically the same. Those bills have gone to the other House, and it is not likely that they will be reached in that body for action. I therefore ask for the present consideration of these bills. There is no legislation in them. They simply give consent to members of the Life Saving Service to accept medals of honor and officers of the Navy to accept the decorations named. It will take but three minutes to dispose of all of them. I ask that the bills may be considered collectively.

The PRESIDENT *pro tempore*. The three separate bills?

Mr. TURPIE. Yes, sir.

The PRESIDENT *pro tempore*. The Secretary will read by title the first bill reported by the Senator from Indiana.

The SECRETARY. A bill (H. R. 5525) authorizing John E. Johnson and others to accept medals of honor and diplomas from the Government of Spain.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Senator from Indiana also asks unanimous consent for the present consideration of a bill the title of which will be read.

The SECRETARY. A bill (H. R. 6424) to authorize Rear-Admiral John G. Walker and Surg. Gen. J. Rufus Tryon, of the United States Navy, to accept the decorations of the "Busto del Libertador" of the third class from the President of Venezuela.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Senator from Indiana also asks unanimous consent for the present consideration of a bill the title of which will be read.

The SECRETARY. A bill (H. R. 7475) authorizing Commander C. H. Davis, United States Navy, to accept a decoration from the King of Spain.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTERNATIONAL GEODETIC ASSOCIATION.

Mr. GRAY. I am instructed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. Res. 126) authorizing the President to appoint delegates to attend the meetings of the International Geodetic Association, to report it without amendment, and I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

WATTS'S PAINTING OF "LOVE AND LIFE."

Mr. GRAY. I am instructed by the Committee on Foreign Relations, to whom was referred the bill (H. R. 4734) to authorize the Secretary of State to accept for the United States of America a painting by G. F. Watts, Royal Academician, entitled "Love and Life," to report it without amendment, and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS INTRODUCED.

Mr. WASHBURN introduced a bill (S. 2233) to authorize the construction of certain dams across the St. Louis and Cloquet Rivers, in the State of Minnesota, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VILAS introduced a bill (S. 2234) to further amend section 2399 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2235) prescribing the conditions under which cases at law or in equity which have been before the Supreme Court and are afterwards proceeding in a circuit court may be again appealed to the Supreme Court; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DANIEL introduced a bill (S. 2236) for the relief of Julia A. Lewis, executrix of James Lewis, deceased, late of Frederick County, Va.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CALL submitted an amendment intended to be proposed

by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PEFFER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

J. E. JOHNSON.

Mr. KYLE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Mr. J. E. Johnson be paid from the contingent fund of the Senate the sum of $37.50 for services rendered as stenographer during the special proceedings of the Senate Committee on Education and Labor.

ALBERT E. REDSTONE.

Mr. PASCO submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to.

Be it resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 1105) for the relief of Albert E. Redstone.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. Pruden, one of his secretaries, announced that the President had on the 18th instant approved and signed the following acts:

An act (S. 1860) to authorize Prof. Asaph Hall, of the United States Navy, to accept a gold medal from the Academy of Science of France.

An act (S. R. 72) to permit Capt. T. O. Selfridge, jr., United States Navy, to receive a decoration conferred upon him by the President of the Republic of France.

INVESTIGATIONS BY COMMITTEE ON INDIAN AFFAIRS.

Mr. PLATT. On the 13th instant the Senator from South Dakota [Mr. PETTIGREW] submitted a resolution providing that the Committee on Indian Affairs might visit the Lower Brule Agency in the recess, and on the 14th instant the chairman of the committee [Mr. JONES of Arkansas] submitted an amendment in the nature of a substitute for the resolution as proposed by the Senator from South Dakota. I ask that both be laid before the Senate, that they may be disposed of.

The PRESIDENT *pro tempore*. If there be no further resolutions, concurrent or otherwise, the Chair lays before the Senate a resolution coming over from a former day, which will be stated.

The SECRETARY. A resolution directing the Committee on Indian Affairs to investigate the removal of the Lower Brule Indians.

Mr. PLATT. I ask that the amendment proposed by the Senator from Arkansas, the chairman of the committee, may be read.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. It is proposed to strike out all of the resolution after the word "*Resolved*" and insert:

That the Committee on Indian Affairs be instructed, either by full committee or such subcommittee or committees as may be appointed by the chairman thereof, with the full power of such committee to continue during the recess of Congress the investigations authorized by the resolutions of May 13, 1890, and February 27, 1891, with the authority and in the manner and to the extent provided in said resolutions, and in pursuance of such investigations to visit the several Indian reservations, Indian schools supported in whole or in part by the Government, and the five nations in the Indian Territory, or any reservation where, in the opinion of said committee, it may be necessary to extend their investigations.

Second. That said committee or subcommittee shall have power to send for persons and papers, to administer oaths, and to examine witnesses under oath touching the matters which they are hereby empowered to investigate, and may hold their sessions during the recess of the Senate at such place or places as they may determine; and the necessary and proper expense incurred in the execution of this order shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of said committee.

Mr. PLATT. I ask, in behalf of the chairman of the committee, that the amendment be adopted.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the resolution.

The amendment was agreed to.

Mr. PLATT. I now move that the resolution as amended be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

STATE RESERVATION OF ARID LANDS.

Mr. CAREY. Mr. President——

The PRESIDENT *pro tempore*. The morning business is concluded. The Calender under Rule VIII being in order, the Chair recognizes the Senator from Wyoming.

Mr. CAREY. I ask the unanimous consent of the Senate for the present consideration of the bill (S. 1591) to provide for the reservation, sale, and settlement of certain lands in several of the States and Territories.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 9, before the word "years," to strike out "three," and insert "ten;" so as to read:

That to encourage the reclamation of arid lands, and the cultivation and sale thereof in small tracts to actual settlers, there is hereby reserved, for the purposes and upon the conditions provided in this act, in each of the States to which the desert-land law of the United States is applicable, 1,000,000 acres of the surveyed public arid lands in said States, respectively, to be selected by each of said States within ten years after the passage of this act, and from the date of such selection to be thereafter withheld from other disposal, except as hereinafter provided.

The amendment was agreed to.

Mr. COCKRELL. I wish to ask the Senator in charge of the bill as to the propriety of now reserving 1,000,000 acres of land in each of these States for ten years, without the lands being designated or selected, or anything of the kind, without their being known, and giving the State ten years within which to select them.

Mr. CAREY. For the simple reason that the lands are not reserved for ten years. It is simply to enable the State, if the State sees there is an opportunity to cause a piece of land to be reclaimed, for instance, by a colony, that it can then go and make the selection of the land; but the minute the land is selected the time runs against the State, and then there is only five years for their reclamation.

Mr. COCKRELL. I understand that; but here is the point: A man wants to go and locate upon such lands as arid lands. There are a million acres already reserved.

Mr. DOLPH. He can do that at any time. The lands are not reserved until selected by the State. The bill does not prevent anybody from going and taking the lands until selected by the State, and then five years are given.

Mr. COCKRELL. The first section reads:

That to encourage the reclamation of arid lands, and the cultivation and sale thereof in small tracts to actual settlers, there is hereby reserved——

Mr. CAREY. At what point does the Senator propose to amend the bill.

Mr. COCKRELL. I want to call the Senator's attention to the language, because I know he does not want it the way it is now, for it would work a wrong. It continues:

There is hereby reserved for the purpose and upon the conditions provided in this act, in each of the States to which the desert-land law of the United States is applicable, 1,000,000 acres of the surveyed public arid lands in said States, respectively.

I suggest that there should be inserted there "said reservation to take effect when such lands are selected by said States."

Mr. CAREY. There is no objection whatever to that.

Mr. COCKRELL. Some such provision as I have suggested should be inserted at that point.

Mr. DOLPH. There is no objection to that.

Mr. COCKRELL. If that be the intention, then let that provision be inserted in the bill.

Mr. CAREY. The lands will not be tied up until the State does select them; so that the amendment may be put in at that point.

The PRESIDENT *pro tempore*. Will the Senator from Missouri indicate the exact point where he desires the amendment to be inserted?

Mr. COCKRELL. I shall do so later when the amendments of the committee have been acted upon.

The next amendment of the Committee on Public Lands was, in section 1, line 13, before the word "years," to strike out "three" and insert "five;" so as to read:

Provided, That any lands so reserved which shall not be reclaimed within five years from the date of their selection, as aforesaid, or as to which the State has not expended or caused to be expended the sum of $3 per acre in works intended for the reclamation of such lands, as now required by the United States desert-land law from claimants thereunder, shall be released from such reservation and become subject to disposal as other public lands of the United States, after proclamation by the President so declaring.

The amendment was agreed to.

The next amendment was, in section 3, line 7, after the word "provided," to insert:

And where there is no adverse claimant the decision of the register and receiver as to what are arid lands shall be final.

So as to read:

SEC. 3. That all lands, exclusive of timber lands and mineral lands, which will not, without irrigation, produce some agricultural crop, shall be deemed arid lands within the meaning of this act, which fact shall be ascertained by affidavit of two or more credible witnesses, filed in the land office of the district in which such land may be situated at the time of the selection thereof, as herein provided, and where there is no adverse claimant the decision of the register and receiver as to what are arid lands shall be final.

Mr. COCKRELL. As to that amendment, I will suggest that

it would hardly be proper to let the register and receiver approve the selection, without communicating with the Commissioner of the General Land Office. I think the selection ought to be approved by the Commissioner of the General Land Office or the Secretary of the Interior, for the purpose of keeping the records straight in the Department. As a matter of course, if there be no contest about the matter, it ought to be subject to the final approval of the Department.

Mr. CAREY. The trouble about it is that the committee considered the fact that the five years commences to run against the State that undertakes this work immediately on the selection of the land. The difficulty is to get anything approved in the General Land Office. For instance, in the selection of State lands it takes from one to five years.

Mr. COCKRELL. I think that difficulty will be obviated in the near future and the work will be brought up to current date. I do not think there will be any trouble about that.

Mr. CAREY. Very well, then; let the amendment go out, though I think it is all right as it stands.

The PRESIDENT *pro tempore*. Does the Senator propose to withdraw the amendment?

Mr. CAREY. It is a committee amendment, and I think it is a good amendment.

Mr. COCKRELL. It is reversing the general policy of having everything in relation to the public lands approved in the General Land Office.

Mr. CAREY. If it were not for the two or three States that have arid lands it would be all right.

Mr. COCKRELL. I think there will be found no trouble about it. If there should be found to be any difficulty, we can remedy it by immediate legislation.

Mr. CAREY. Very well; let the amendment be disagreed to.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the committee, which has been read.

The amendment was rejected.

Mr. COCKRELL. After the words "act, and," in line 10 of section 1, I move to insert the words "such reservation."

Mr. CAREY. That is satisfactory.

Mr. DOLPH. I suggest to the Senator that he also insert the words "and approval."

Mr. COCKRELL. Yes; so as to read: "from the date of such selection and approval."

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 10, before the word "from," it is proposed to insert "such reservation to take effect;" and after the word "selection," in line 11, to insert "and approval;" so as to read:

To be selected by each of said States within ten years after the passage of this act, and such reservation to take effect from the date of such selection and approval, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CAREY subsequently said: I move that the votes by which the bill (S. 1591) to provide for the reservation, sale, and settlement of certain lands in several of the States and Territories, was ordered to a third reading and passed, be reconsidered simply for the purpose of correcting a clerical error in the print of the bill.

The motion to reconsider was agreed to.

Mr. CAREY. I move to amend the bill in section 4, line 2, before the words "and Kansas," by striking out "Montana," and inserting "Nebraska," so as to read:

That this act shall also apply to the States of Nebraska and Kansas, and to the States that may be formed out of the Territories of Arizona, New Mexico, Oklahoma, and Utah, when admitted, etc.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

METROPOLITAN RAILROAD COMPANY.

Mr. McMILLAN. I ask unanimous consent for the present consideration of the bill (H. R. 6171) to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company.

I will state that this is a very important bill for the District of Columbia. The Metropolitan Railway Company has great difficulty, owing to the failure on their part to comply with the provisions of the law. The House of Representatives has already favorably acted upon this bill, and it seems to be very necessary that the question which has arisen in regard to the charter and to the propulsion of the cars should be settled immediately.

Therefore, I ask that the bill may be read; and as the reading proceeds, I will answer any questions that may be asked in regard to it. It is a short bill, merely amending their charter and arranging for the company to use underground power and put on new cars.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments. The first amendment was, in section 1, line 6, after the word "hereby," to insert:

Required to cease to use on its lines running east and west each and every closed car that has been in use on any of its lines for three years or more, and shall substitute therefor new cars of the most approved pattern. Failure to comply with the provisions of this section within ninety days from the approval of this act shall subject the said company to a fine of $25 for each and every day during which the company neglects or refuses to make the substitution of new cars as herein specified, which fine may be recovered by the Commissioners of the District of Columbia in any court of competent jurisdiction.

So as to make the section read:

That the Metropolitan Railroad Company, incorporated under the act of Congress approved the 1st day of July, anno Domini 1864, be, and the same is hereby, required to cease to use on its lines running east and west each and every closed car that has been in use on any of its lines for three years or more, and shall substitute therefor new cars of the most approved pattern. Failure to comply with the provisions of this section within ninety days from the approval of this act shall subject the said company to a fine of $25 for each and every day during which the company neglects or refuses to make the substitution of new cars as herein specified, which fine may be recovered by the Commissioners of the District of Columbia in any court of competent jurisdiction.

The amendment was agreed to.

The next amendment was, at the end of section 1, to insert:

SEC. 2. That the said Metropolitan Railroad Company be and the same is hereby.

In line 3 of the same section, before the word "cars," to strike out "their" and insert "its;" and in line 6, before the word "road," to strike out "their" and insert "its;" so as to read:

SEC. 2. That the said Metropolitan Railroad Company be, and the same is hereby, authorized, empowered, and required to equip and operate the lines of its cars upon and along all the streets and avenues of the cities of Washington and Georgetown, within the District of Columbia, where the lines of its road or any part thereof are now laid and operated.

The amendment was agreed to.

The next amendment was, in section 2, line 8, before the words "an underground," to insert "a pneumatic or with;" so as to read:

SEC. 2. That the said Metropolitan Railroad Company be, and the same is hereby, authorized, empowered, and required to equip and operate the lines of its cars upon and along all the streets and avenues of the cities of Washington and Georgetown, within the District of Columbia, where the lines of its road or any part thereof are now laid and operated, and as hereinafter provided, with a pneumatic or with an underground electric system for propulsion of such cars.

Mr. STEWART. I should like to inquire of the Senator from Michigan whether there are any cars being run in this country by pneumatic power?

Mr. McMILLAN. There have been attempts to run cars by pneumatic power, and there are experiments occasionally in the use of that system. But the bill does not provide that the company shall apply pneumatic power. It simply gives them authority to use the pneumatic system.

Mr. STEWART. I understand that, but is it not a fact that all the experiments in the use of that power, so far as this country is concerned, have been failures? Is it worth while to designate in an act a system which is a failure?

Mr. McMILLAN. I am not strenuous about the amendment. The bill only gives the railway company authority to use that power.

Mr. STEWART. It seems to me that it would be subject to criticism in that connection to require the road to adopt the pneumatic system, when there is no such power in use.

Mr. McMILLAN. I have no objection to striking out the provision in regard to pneumatic power. I think it is covered by the bill.

Mr. STEWART. The insertion of those words can not do any good. It is not a power which is used in the United States.

The PRESIDENT *pro tempore*. Does the Senator from Michigan consent that the amendment may be disagreed to?

Mr. McMILLAN. I consent.

The PRESIDENT *pro tempore*. Without objection, the amendment is rejected.

The next amendment of the Committee on the District of Columbia was, in section 2, line 8, before the word "system," to strike out "electric;" so as to read:

SEC. 2. That the said Metropolitan Railroad Company be, and the same is hereby, authorized, empowered, and required to equip and operate the lines of its cars upon and along all the streets and avenues of the cities of Washington and Georgetown, within the District of Columbia, where the lines of its road or any part thereof are now laid and operated, and as hereinafter provided, with an underground system for propulsion of such cars.

The amendment was agreed to.

The next amendment was, in section 2, line 10, after the word "completed," to insert "upon its north and south line;" in line 11, after the word "year," to insert "and upon its east and west

line within two years," and in line 12, before the word "approval," to strike out the words "date of the;" so as to make the proviso read:

Provided, That the change to an underground system shall be completed upon its north and south line within one year, and upon its east and west line within two years after the approval of this act.

The amendment was agreed to.

The next amendment was, in section 2, line 15, after the word "Square," to insert:

And also an extension from Ninth street west northwesterly on Florida avenue to Tenth street west: *Provided*, That on the completion of the extension from Ninth street to Tenth street on Florida avenue, as herein provided for, the said company shall cease to operate that portion of its present lines which extends from Ninth street west to Seventh street west on Florida avenue, and also that portion on Seventh street west north of Florida avenue.

And in line 23, after the word "such," to strike out "completion" and insert "completions;" so as to make the additional proviso read:

Provided, There shall be completed an extension thereof on East Capitol street from Ninth street east to Fifteenth street east, around both sides of Lincoln Square, and also an extension from Ninth street west northwesterly on Florida avenue to Tenth street west: *Provided*, That on the completion of the extension from Ninth street to Tenth street on Florida avenue, as herein provided for, the said company shall cease to operate that portion of its present lines which extends from Ninth street west to Seventh street west on Florida avenue, and also that portion on Seventh street west north of Florida avenue. And in default of such completions all acts or parts of acts chartering or extending the said road are hereby repealed.

The amendment was agreed to.

The next amendment was, in section (4) 5, line 2, after the word "power," to insert:

In all cases where the lines of one or more companies coincide under routes authorized by Congress, with the route of the Metropolitan Railway Company, and where the nature of the mechanical power used by said company will allow;

So as to read:

That the District Commissioners shall have the power in all cases where the lines of one or more companies coincide under routes authorized by Congress, with the route of the Metropolitan Railway Company, and where the nature of the mechanical power used by said company will allow, to permit the use of the tracks of the Metropolitan Railroad Company by other railroad companies in the said District upon such terms and conditions as said Commissioners shall deem just.

The amendment was agreed to.

The next amendment was, to insert as a new section the following:

SEC. 6. That on and after one year from the approval of this act the Metropolitan Railway Company shall pay to the District of Columbia, in addition to all other taxes now required to be paid by said company, an annual tax of $600 for each and every car operated by horses on that portion of its lines known as the Ninth Street line; and on and after two years from the approval of this act the said railway company shall pay, in addition to all other taxes now required to be paid by said company, an annual tax of $500 for each and every car operated by horses on any line owned or controlled by the said company.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 7. That Congress reserves the power to alter, amend, or repeal this act.

The amendment was agreed to.

Mr. MITCHELL of Oregon. I should like to inquire of the Senator from Michigan, in charge of the bill, as to the nature of the case pending in the supreme court of the District of Columbia which the bill proposes to transfer to the court of appeals. What is the case and what is it about?

Mr. MCMILLAN. It is an old claim for paving, running back a great many years, which has already been settled by the courts in favor of the company because of the statute of limitations. Now the company has given way on that, and has agreed to what is virtually an arbitration of the whole matter. That is to say, the District Commissioners and the company got together on the proposition to refer the case to the court of appeals for the District of Columbia, the decision of which court should be final. No appeal is to be taken by either side.

This is the provision in the bill as it comes from the House; and the Senate committee has made no change in it.

Mr. MITCHELL of Oregon. The judgment was rendered for a very large amount.

Mr. MCMILLAN. About $160,000.

Mr. MITCHELL of Oregon. It was a judgment rendered against the company?

Mr. MCMILLAN. It was a judgment rendered in favor of the District against the company in the District courts, but on appeal to the Supreme Court of the United States, judgment was rendered in favor the company, by reason of the statute of limitations. This provision opens up the whole case again, and the railway company is willing to give way and allow the court of appeals finally to settle the controversy.

Mr. MITCHELL of Oregon. Was there any appeal?

Mr. MCMILLAN. There was, and it was decided in favor of the company by the Supreme Court of the United States.

Mr. MITCHELL of Oregon. On the ground of the statute of limitations?

Mr. MCMILLAN. Yes.

Mr. MITCHELL of Oregon. What is the purpose of transferring the case now by law from one court to another?

Mr. COCKRELL. Will the Senator from Michigan permit me for one moment?

Mr. MCMILLAN. Certainly.

Mr. COCKRELL. The statute of limitations was pleaded and sustained. Then, in a subsequent act, we put in a provision forfeiting the charter if the company did not pay the judgment.

Mr. FAULKNER. That is it.

Mr. MITCHELL of Oregon. Why do we not stand by that action and compel the company to pay the judgment?

Mr. COCKRELL. Wait a moment. The company claim that if the case had been tried upon the facts at issue the amount claimed would not have been given against them.

Mr. MCMILLAN. That is a correct statement.

Mr. FAULKNER. That is the situation.

Mr. MCMILLAN. I think the rights of the District, I will say to the Senator from Oregon, are fully protected by the amendment.

Mr. MITCHELL of Oregon. I wish to ask another question in relation to the bill. I desire to ask the Senator in charge of the bill whether it is usual in chartering a company to give them authority to issue bonds without any limit?

Mr. MCMILLAN. There is a limit here.

Mr. MITCHELL of Oregon. It is very indefinite. It is a limit fixed by the cost of the work, that is all. There is no limit to the bonds either in the aggregate or per mile. There is nothing of the kind.

Mr. MCMILLAN. I will read the language of the section.

Mr. MITCHELL of Oregon. I have it here in section 3.

Mr. MCMILLAN. It says:

That the said company is hereby authorized and empowered to issue its bonds, secured by a mortgage on its franchises and other property, to such amount as may be necessary to pay the cost of the work to be done and of the materials required, and the expenses incident to the change to be made as provided in this act—

This is done as to almost all these charters—

but not in excess of such cost.

That is the usual form.

Mr. MITCHELL of Oregon. Is there no amount fixed in any of these bills?

Mr. MCMILLAN. There sometimes is a rough estimate. You can not tell the amount in this case. You can not tell whether the road will cost $20,000 a mile, or $60,000 a mile, or $100,000 a mile. It is utterly impossible to tell, because it all depends on the character of the power used, and the expense of the conduit, and of the changes to water pipes, etc.

Mr. MITCHELL of Oregon. It is all left to the company.

Mr. MCMILLAN. It has to be left to the stockholders. This is the same clause which is put in all such acts. The stockholders are not likely to issue any more bonds than they are compelled to issue.

Mr. MITCHELL of Oregon. Now, another question. I wish to understand the amendment of the Senate committee to section 5 on page 5. The section as the other House passed the bill read as follows:

That the District Commissioners shall have the power to permit the use of the tracks of the Metropolitan Railroad Company by other railroad companies in the said District upon such terms and conditions as said Commissioners shall deem just, etc.

Now, the amendment reported by the Senate committee, and adopted by the Senate, makes it read as follows:

That the District Commissioners shall have the power in all cases where the lines of one or more companies coincide under routes authorized by Congress, with the route of the Metropolitan Railway Company, and where the nature of the mechanical power used by said company will allow, to permit the use of the tracks of the Metropolitan Railroad Company by other railroad companies in the said District upon such terms and conditions as said Commissioners shall deem just.

What is a man to understand by that language? What lines does the word "coincide" comprehend?

Mr. MCMILLAN. It is intended to apply to the roads which may be authorized by Congress to reach the same points that are now reached by the Metropolitan Company's tracks. There are several roads which might be brought in over the Metropolitan Company's tracks, roads which connect with it. The Senate committee has repeatedly reported in favor of allowing one to run over the tracks already laid by another company. There are three other roads which are run partially over the Metropolitan tracks at the present time, and the object of putting in the last clause——

Mr. MITCHELL of Oregon. Why not leave it as provided by the other House? The House provision gives the Commissioners the power to permit the use of the tracks of the Metropolitan Company by other railroad companies of the District on such

terms and conditions as they deem just. Why is not that sufficient?

Mr. MCMILLAN. This is a new provision. Such provisions are generally objected to by railroad companies. They do not think it desirable to have other companies running cars over their tracks. The power to make such requirements should remain in Congress and be exercised with due discretion to the interests involved.

Mr. MITCHELL of Oregon. This amendment is to limit the power of the Commissioners, and yet it does not limit it after all. The word employed may be susceptible of one construction or another.

Mr. MCMILLAN. I will say to the Senator from Oregon that this covers all the cases that will be applicable to the Metropolitan Company. We intended to protect this company, while opening the way for other companies to use streets already used for street railways. I think the provision is just and ample.

Mr. MITCHELL of Oregon. Is it intended to give authority to permit the use of the tracks of the Metropolitan Company by the cars of other roads which connect with it?

Mr. MCMILLAN. This matter has been gone over very carefully in the interest of the District, and I do not quite see the point the Senator is trying to make. The intention is to allow railroads which can not now enter into the heart of the city to use the tracks of the Metropolitan Company to a certain extent under proper restrictions to be imposed by Congress as need arises. It is to prevent the use of other streets that are being demanded by different new companies here which eventually, unless we do something of this kind, will gridiron all the principal streets and avenues of the city of Washington.

Mr. MITCHELL of Oregon. Is it not a fact that the bill as it came from the other House gave the Commissioners full power to compel the company to permit the use of its tracks by any other railway company in the District? Is not that the effect of the House provision?

Mr. MCMILLAN. I think that is not a fair thing to do to the company.

Mr. MITCHELL of Oregon. Why not?

Mr. MCMILLAN. Because, for instance, the Metropolitan Company may adopt a certain kind of mechanical power, and they would not then want horses to be run over their line. If we want rapid transit we can not have it with horses and electricity applied to the same line. Therefore we put in the amendment "where the nature of the mechanical power used by said company will allow," which I think is a very proper amendment.

Mr. MITCHELL of Oregon. It occurs to me that the word "coincide" will not serve the purpose sought to be accomplished.

Mr. MCMILLAN. What would the Senator suggest "to connect?"

Mr. MITCHELL of Oregon. I should strike out the whole provision, if I had my way about it, and give the Commissioners the precise power that the other House gave them, and no more and no less.

Mr. MCMILLAN. This is drawn with a great deal of care, and I think it is in the real interest of the public.

Mr. MITCHELL of Oregon. I fail to see the exact purpose of the amendment.

Mr. COCKRELL. Let us have a vote.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. STEWART. I suggest to the Senator from Michigan that "district court" is wrong in line 15 of section 5. It is the supreme court of the District that has jurisdiction.

Mr. MCMILLAN. I have no objection to the change, if it is a mistake.

Mr. STEWART. We should have a better court.

Mr. MCMILLAN. There is no objection to that change.

Mr. HUNTON. It ought to be the supreme court of the District of Columbia.

Mr. MCMILLAN. I have no objection to that amendment. It ought to be changed.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In section 5, line 15, after the word "the," strike out "District" and insert "supreme," and after the word "court" in the same line strike out "of the United States for the District of Columbia" and insert "of the District of Columbia;" so as to read:

If either party is dissatisfied with the compensation for such use so fixed by the Commissioners, the compensation may be determined by the supreme court of the District of Columbia.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return the bill (S. 1105) for the relief of Albert E. Redstone.

The message also announced that the House had passed the following bills:

A bill (S. 104) for the relief of Gen. Napoleon J. T. Dana;

A bill (S. 322) to place Dunbar R. Ransom on the retired list of the Army; and

A bill (S. 1513) for the relief of Maj. Gen. George S. Greene.

The message further announced that the House had passed a bill (H. R. 4600) to establish a uniform system of bankruptcy; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution requesting the Secretary of War to furnish the House with an estimate of the probable cost of completing the improvement of Saugatuck Harbor, Michigan; in which it requested the concurrence of the Senate.

NAVAL APPROPRIATION BILL.

Mr. GORMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6748) making appropriations for the naval service for the fiscal year ending June 30, 1895, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 18, 27, 28, 29, 36, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 9, 10, 11, 12, 13, 14, 16, 17, 21, 22, 23, 24, 25, 30, 31, 32, 33, and 35, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "That all officers who have been appointed to any corps of the Navy after service in a different branch of the Navy, shall have all the benefits of their previous service in the same manner as if said appointments were a reentry into the Navy;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out lines 1, 2, 3, and 4, and down to and including the word "treatment," in line 5 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "Navy," insert the words "in his discretion;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"For paying Justin McCarthy, contractor for building the dry dock at Port Royal, S. C., in full for loss and damage caused by the cyclone of August 27 and 28, 1893, as ascertained by the Navy Department, $18,521.42."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"Dry dock at Algiers, La.: For the purpose of completing the purchase of additional lands necessary for the establishment of a dry dock at Algiers, La., cost of advertising, plans and specifications for said dry dock, and expenses of judicial proceedings instituted for the condemnation of such additional lands, $23,025.03."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with amendments as follows: In line 3 of said amendment, after the word "namely," insert the following: "For sealing all the walls to remove existing disease germs and for antiseptically finishing and painting them, removing rotten wooden floors and replacing them by tile with slate sidings impervious to moisture, scraping and painting all doors and woodwork, refitting windows so as to be utilized in ventilation, remodelling cased wooden stairways and renewing them with iron or other suitable material, $15,000; for construction of one ward of modern design of sufficient size and cubic air space to accommodate at least fifty sick and wounded men, to be one story high with suitable elevation and to be constructed of the same material used for present hospital, $25,000;" and in line 14 of said amendment strike out "forty-four" and insert "sixty-nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In line 8, page 24 of the bill, after the word "laboratory," insert the words "and department of instruction;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lines 1 and 2 of said amendment strike out the word "temporarily;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following as a separate paragraph:

"That every Member or Delegate of Congress whose district or Territory is now unrepresented at the Naval Academy by a cadet who is not an actual resident of the district shall be permitted on or before the 1st day of September, 1894, to recommend a candidate for appointment as a cadet at the Naval Academy, and the Secretary of the Navy shall nominate such candidate for appointment to the Academy, subject to qualifications now prescribed by law. Such cadets, when appointed, to be in addition to the number of cadets now allowed, and the sum of $5,500, or so much thereof as is necessary, is hereby appropriated for the additional number of cadets herein authorized."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"Construction and steam machinery: On account of the hulls and outfits of vessels and steam machinery of vessels heretofore or herein authorized, $6,955,025 and from this amount there shall be paid all speed premiums upon new naval vessels earned previous to January 1, 1894, and which remain unpaid at this date, the amount of such speed premium in each case being according to the official report in the trial of each vessel approved by the Secretary of the Navy."

And the Senate agree to the same.

A. P. GORMAN,
JOSEPH C. S. BLACKBURN,
EUGENE HALE,
Managers on the part of the Senate.

AMOS J. CUMMINGS,
J. A. GEISSENHAINER,
Managers on the part of the House.

Mr. MANDERSON. There were a great many points of disagreement between the two Houses on the naval appropriation bill. That is evident not only from the RECORD but from the conference report. Under the custom which obtains with reference to conference reports, they might as well be written in Sanscrit as in the form which they assume when they come to the two Houses of Congress. It is utterly impossible to ascertain from the reading of a conference report, or even from its examination after it has been printed, what have been the agreements or the disagreements between the two Houses.

I hope the Senator from Maryland [Mr. GORMAN], who of course is entirely familiar with the bill, will explain to the Senate what has been given away of the Senate's action in conference and what has been held to, and the main points of the conference report, so that they may be understood. I know particularly a matter that one of my colleagues in the House of Representatives was particularly interested in, who came to me about it this morning, that is in reference to the appointment of cadets to the Naval Academy where there has been a failure to appoint from the Congressional district or someone has been appointed from outside of the district. I am unable to ascertain from hearing that report read what has been done in that behalf. There are other matters of interest which I think ought to be explained, and I hope the Senator from Maryland will give us an explanation.

Mr. GORMAN. I can go over all the amendments in the bill if the Senator desires; but I will answer the Senator in the matter to which he has just alluded as to the appointment of cadets to the Naval Academy. The provision stands substantially as the bill came from the House in that respect, the Senate receding from the amendment offered by the Senator's colleague [Mr. ALLEN] requiring actual residence of two years in the district. Otherwise the provision stands substantially as it came from the House.

As to the remainder of the disagreements, the first amendment was on page 2, which provided for the appointment of officers who had been appointed to any corps of the Navy after serving in a different branch of the Navy, should have the benefits of their previous service in the same manner as if they had reëntered the Navy. That provision the conferees of the Senate receded from, as it only embraced eighteen officers.

The remainder of the bill is substantially as it passed the Senate.

The report was concurred in.

HOUSE BILL REFERRED.

The bill (H. R. 4609) to establish a uniform system of bankruptcy was read twice by its title, and referred to the Committee on the Judiciary.

IMPROVEMENT OF SAUGATUCK HARBOR, MICHIGAN.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Commerce.

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be requested to furnish the House with an estimate of the probable cost of completing the improvement of Saugatuck Harbor, Michigan, under the project of 1867, as modified in 1869, 1870, 1875, 1882, and the improvements recommended in the report of the Chief of Engineers for the year 1893.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HATCH, Mr. FORMAN, and Mr. WAUGH managers at the conference on the part of the House.

AGRICULTURAL APPROPRIATION BILL.

Mr. CALL. I ask the Chair to lay before the Senate the action of the House of Representatives on the amendments of the Senate to the agricultural appropriation bill.

The PRESIDING OFFICER (Mr. FAULKNER in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CALL. I move that the Senate insist upon its amendments, disagreed to by the House of Representatives, and accede to the request of the House for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. CALL, Mr. BRICE, and Mr. CULLOM were appointed.

INDIAN APPROPRIATION BILL.

Mr. CALL. I move that the Senate proceed to the consideration of House bill 6913, being the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CALL. I ask unanimous consent to dispense with the formal reading of the bill.

The PRESIDENT *pro tempore*. Without objection the formal reading will be dispensed with and the bill will be read for action upon the amendments reported by the Committee on Appropriations as they may be reached in the reading.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 1, line 9, before the word "agents," to strike out "fifty-six" and insert "fifty-seven;" so as to make the clause read:

For pay of fifty-seven agents of Indian affairs at the following-named agencies, at the rate respectively indicated

The amendment was agreed to.

The next amendment was, on page 7, line 7, after the word "agents," to strike out:

And also provided, That the Pueblo and Jicarilla Agency, New Mexico, is hereby abolished and consolidated with the Southern Ute Agency, Colorado.

And in line 11, after the word "dollars," to strike out:

And all provisions of law fixing compensation for Indian agents in excess of that herein provided are hereby repealed, and all offices in the Indian service not herein provided for are hereby abolished.

So as to make the clause read:

Provided, That the foregoing appropriations shall not take effect nor become available in any case for or during the time in which any officer of the Army of the United States shall be engaged in performance of the duties of Indian agent at any of the agencies above named: *Provided, further*, That the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency upon the superintendent of the Indian training school located at such agency, whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents.

The amendment was agreed to.

The next amendment was, on page 7, line 17, after the word "dollars," to insert "but no person employed by the United States and paid for any other service shall be paid for interpreting;" so as to make the clause read:

For the payment of necessary interpreters, to be distributed in the discretion of the Secretary of the Interior, $10,000; but no person employed by the United States and paid for any other service shall be paid for interpreting.

The amendment was agreed to.

The next amendment was, at the top of page 8, to insert:

For pay of one superintendent of Indian schools, $3,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 2, to insert:

For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, $1,500: *Provided*, That he shall be allowed $3 per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare: *And provided*, That he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 8, after line 24, to insert:

For the expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, $5,000.

The amendment was agreed to.

The next amendment was, on page 15, line 15, after the words "for purposes of," to strike out "erection" and insert "education;" so as to make the clause read:

For 5 per cent interest on $200,000, for purposes of education, per sixth article of treaty of August 7, 1856, $10,000.

The amendment was agreed to.

The next amendment was, on page 19, line 23, after the word "authorize," to strike out "in his discretion;" so as to make the proviso read:

Provided, That the Secretary of the Interior is hereby authorized to pay per capita in cash to the Iowa Indians in Oklahoma the sum of $24,000, appropriated by the act of February 13, 1891, as a partial payment to them for certain lands in Oklahoma ceded to the United States, in lieu of expending the same for their benefit.

The amendment was agreed to.

The next amendment was, on page 25, line 17, after the word "ninety-three," to strike out "and;" in line 18, after the word "ninety-four," to insert "and June thirtieth, 1895;" and on page 26, line 3, before the word "cents," to strike out "four thousand one hundred and sixty-two dollars and sixty" and insert "six thousand two hundred and forty-three dollars and ninety;" so as to make the clause read:

POTTAWATOMIES OF INDIANA AND MICHIGAN.

For this amount due certain Pottawatomie Indians of Indiana and Michigan, being their proportion ($2,081.30) of the perpetual annuities ($22,300) due the Pottawatomie Nation under various treaties, for the years ending June 30, 1893, June 30, 1894, and June 30, 1895, as ascertained by the judgment of the Supreme Court of the United States pronounced in the case of the Pottawatomie Indians of Michigan and Indiana against the United States, on the 17th day of April, 1893, and which annuities were not embraced in the judgment aforesaid, $6,243.90.

The amendment was agreed to.

The next amendment was, on page 26, line 13, after the word "ninety-one," to strike out the following proviso:

Provided, That the restrictions in patents issued to the Citizens' Band of Pottawatomies and Absentee Shawnee Indians over 21 years of age, are hereby waived subject to such rules and regulations as may be prescribed by the Secretary of the Interior, with the approval of the President of the United States, as to lands owned by them in severalty in Oklahoma, it being understood that they shall only dispose of lands which they hold in excess of 80 acres each; except where said Indians are nonresidents of Oklahoma, they shall have the power to sell all of said lands.

Mr. PLATT. I should like to have some explanation as to why the provision inserted by the other House is to be stricken out. I understand that it has the recommendation of the Commissioner of Indian Affairs.

Mr. COCKRELL. It does not have the recommendation of the Commissioner of Indian Affairs. I will send to the desk, however, a substitute which the committee proposes in lieu of the words striken out, which is in the exact language of the recommendation of the Commissioner of Indian Affairs. If the Senator from Connecticut will turn to the report of the Commissioner of Indian Affairs, with the substitute as it is read, he will see that it is an exact copy of it.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The amendment will be stated.

The SECRETARY. In lieu of the part proposed to be stricken out, insert the following proviso:

Provided, That any member of the Citizen Band of Pottawatomie Indians and of the Absentee Shawnee Indians of Oklahoma, to whom a trust patent has been issued under the provisions of the act approved February 8, 1887 (24 Stats., 388), and being over 21 years of age, may sell and convey any portion of the land covered by such patent in excess of 80 acres, the deed of conveyance to be subject to approval by the Secretary of the Interior under such rules and regulations as he may prescribe, and that any Citizen Pottawatomie not residing upon his allotment, but being a legal resident of another State or Territory, may in like manner sell and convey all the land covered by said patent, and that upon the approval of such deed by the Secretary of the Interior the title to the land thereby conveyed shall vest in the grantee therein named, and the land sold and conveyed under the provisions of this act shall upon proper recording of the deeds therefor, be subject to taxation as other lands in said Territory, but neither the lands covered by such patents not sold and conveyed under the provisions of this act, or any improvements made thereon, shall be subject to taxation in any manner by the Territorial or local authorities during the period in which said lands shall be held in trust by the United States.

Mr. PLATT. Since the Senator from Missouri answered me, as I thought, somewhat curtly——

Mr. COCKRELL. Not at all. If I said anything that was not in the most kindly manner I beg pardon, for I certainly meant nothing curt.

Mr. PLATT. The proposition of the committee as it stood in the bill was to strike out the entire provision and allowing the lands to be sold, and I knew that the Commissioner of Indian Affairs had recommended a sale of the lands.

Mr. COCKRELL. We struck it out because we did not have the substitute. We wanted to get the recommendation of the Commissioner of Indian Affairs, and we also desired to report the bill at once.

Mr. PLATT. This is entirely satisfactory to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment striking out and inserting.

The amendment was agreed to.

Mr. MITCHELL of Oregon. Is the Senate entertaining amendments, or are we to go through with the committee amendments first?

The PRESIDING OFFICER. The Senate is acting upon the amendments of the committee as they are reached in the reading.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 30, after line 15, to strike out:

For permanent annuity, for educational purposes, per fourth article of treaty of August 3, 1795, and third article of treaty of May 10, 1854, $1,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 19, to strike out:

For permanent annuity, in specie, for educational purposes, per fourth article of treaty of September 29, 1817, and third article of treaty of May 10, 1854, $2,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 24, to strike out:

For interest, at 5 per cent, on $ 0,000, for educational purposes, per third article of last named treaty, $2,000; in all, $5,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 2, to insert:

That the Secretary of the Treasury is hereby authorized and directed to place on the books of the Treasury Department, to the credit of the Cherokee Nation of Indians, the sum of $100,000, being the value of annuities of the Shawnee Indians arising under their treaties of August 3, 1795, and May 10, 1854, transferred to the Cherokees by an agreement between the said tribes, dated June 7, 1869, under the provisions of article 16 of the treaty of July 19, 1866, with the Cherokees, the said sum to be apportioned as follows, namely: Cherokee national fund, $50,000; Cherokee school fund, $35,000; Cherokee orphan fund, $15,000; interest on these several sums at the rate of 5 per cent per annum from July 1, 1894, to be paid under the provisions of the act of April 1, 1880.

The amendment was agreed to.

The next amendment was, on page 35, line 5, after the word "that," to strike out "this sum" and insert "the foregoing sum of $1,000,000;" so as to make the clause read:

For subsistence of the Sioux and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, $1,000,000: *Provided*, That a sum not to exceed $5,000 may be used in completing three artesian wells at Pine Ridge, Rosebud, and Standing Rock Agencies, this amount in addition to the sum appropriated for that purpose by act of March 3, 1893: *Provided*, That the foregoing sum of $1,000,000 shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall be employed whenever practicable: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account.

The amendment was agreed to.

The next amendment was, on page 35, line 25, after the word "dollars," to strike out the following proviso:

Provided, That when in pursuance of any treaty an appropriation has been heretofore made to erect schoolhouses for the accommodation of the children of any tribe of Sioux Indians out of any fund belonging to said Indians which appropriation is still in force, the Secretary of the Interior shall proceed as early as practicable to erect such school buildings.

The amendment was agreed to.

The next amendment was, on page 37, line 4, before the word "machines," to strike out "thrashing" and insert "threshing;" in line 12, before the word "appropriated," to strike out "to be;" in line 14, after the word "extended," to insert "to:" and in the same line, after the word "expended," to strike out "to" and insert "for;" so as to make the clause read:

For third of ten installments, to be expended under the direction of the Secretary of the Interior, in the removal of the Spokane Indians to the Cœur d'Alene Reservation, in erecting suitable houses, in assisting them in breaking lands, in furnishing them with cattle, seeds, agricultural implements, saw and grist mills, threshing machines, mowers, clothing, and provisions; in taking care of the old, sick, and infirm; in affording educational facilities, and in any other manner tending to their civilization and self-support, as per article 5 of agreement with said Indians, dated March 18, 1887, ratified by act of Congress approved July 13, 1892, $8,000: *Provided*, That any moneys heretofore or hereafter appropriated for the removal of said Spokane Indians to the Cœur d'Alene Reservation shall be extended to, or expended for, such members of the tribe who have removed or shall remove to the Colville, Spokane, or Jocko Reservations.

The amendment was agreed to.

The next amendment was, on page 39, after line 17, to strike out:

That the Secretary of the Interior be, and he hereby is, authorized and directed to negotiate and effect, if practicable, an agreement with the Ogden Land Company, its successors or assigns, for the surrender and relinquishment to the United States of all such right, title, and interest as it may be found to have in and to any and all of the lands occupied by the Seneca Nation of Indians in the State of New York, if any right is found to exist. Any agreement made hereunder to be subject to ratification by Congress.

The amendment was agreed to.

Mr. CALL. After line 2, page 40, I move to insert what I send to the desk.

The Secretary read as follows:

That the Secretary of the Interior be, and hereby is, authorized to make a thorough investigation of the facts touching the so-called Ogden Land Company, its organization, when and by whom formed, its continued existence or organization to this date, its capital stock, number of shares, amount or face value, where and by whom held, its liabilities and assets, and the original history of the alleged claim of said company to any of the lands of the Seneca Nation of Indians in the State of New York, and any and all evidences of title, and also the condition of said Indians, their progress in civilization, and fitness for citizenship, their number, and system of government, and the propriety of allotting their lands in severalty, and to make to Congress a full report of such suggestions and recommendations as he may deem proper in view of all the facts ascertained.

Mr. PLATT. It was impossible to catch the meaning of the amendment from the reading of it. Will the Senator in charge of the bill please explain what is proposed by the amendment.

Mr. COCKRELL. There was the following provision inserted by the House of Representatives:

That the Secretary of the Interior be, and he hereby is, authorized and directed to negotiate and effect, if practicable, an agreement with the Ogden Land Company, its successors or assigns, for the surrender and relinquishment to the United States of all such right, title, and interest as it may be found to have in and to any and all of the lands occupied by the Seneca Nation of Indians in the State of New York.

Mr. PLATT. I am familiar with that matter.

Mr. COCKRELL. The Ogden Land Company dates its existence back prior to the Revolutionary war, or about that time.

Mr. PLATT. I understand all about the Ogden Land Company; but what is it that the amendment proposes to do?

Mr. COCKRELL. The amendment directs the Secretary of the Interior to investigate the whole question as to the origin and the continued existence of the Ogden Land Company, its membership, its capital in bonds and in stock, and its contracts and rights, if any, to this land, and then whether the land should be allotted to the Indians in severalty, and to report the facts with such recommendations as he may make, doing nothing that binds Congress.

Mr. PLATT. That is right.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 40, line 7, before the word "thousand," to insert "and ten;" so as to make the clause read:

For support and civilization of the Apaches, Kiowas, Comanches, Wichitas, and affiliated bands who have been collected upon the reservations set apart for their use and occupation, $110,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 8, to insert:

To enable the Secretary of the Interior to purchase land and subsistence and other necessaries for the support of the Digger Indians, Central California, and for such other purposes as may be deemed necessary for the civilization of said Indians, $10,000. A primary day school may be established and maintained out of this appropriation.

The amendment was agreed to.

The next amendment was, on page 42, line 6, after the word "dollars," to strike out:

Provided, That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may deem proper and necessary to protect the interests of the Indians and of the United States, to sell or otherwise dispose of a quantity of timber from time to time on the Jicarilla Apache Indian Reservation, the proceeds to be used by him in the purchase of such stock or other articles for the benefit of the Indians belonging thereto as will best tend to promote their welfare and advance them in civilization.

So as to make the clause read:

For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico and Arizona, $185,000.

The amendment was agreed to.

The next amendment was, on page 43, line 15, after the word "employés," to insert "and purchase of farming implements and seed;" so as to make the clause read:

For support and civilization of the Navajo Indians, New Mexico Territory, including pay of employés and purchase of farming implements and seed, $7,500.

The amendment was agreed to.

The next amendment was, on page 44, line 15, after the word "dollars," to insert "one-half of which sum shall be expended by the Commissioner of Indian Affairs in procuring permanent homes for said Indians;" so as to make the clause read:

For support, civilization, and instruction of the Seminoles in Florida, $6,000, one-half of which sum shall be expended by the Commissioner of Indian Affairs in procuring permanent homes for said Indians.

The amendment was agreed to.

The next amendment was, on page 45, after line 19, to insert:

To enable the Secretary of the Interior to remove and rebuild the bridge across the Big Wind River on the Shoshone Indian Reservation, in the State of Wyoming, $2,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 48, line 6, before the word "thousand," to strike out "five" and insert "three;" in line 7, before the word "thousand," to strike out "three" and insert "five," and in the same line, after the word "dollars," to strike out "at least one-half of this amount shall be expended for Indian employés;" so as to make the clause read:

Utah: For general incidental expenses of the Indian service, including traveling expenses of agents in Utah, support and civilization of Indians at Uintah Valley and Ouray Agencies, $3,000, and pay of employés at said agencies, $5,000; in all, $8,000.

The amendment was agreed to.

The next amendment was, on page 48, line 20, after the word "Arizona," to strike out "one thousand two hundred" and insert "two thousand four hundred and twenty;" so as to make the clause read:

For operating and repairing the flour mill at Pima Agency, Arizona, $2,420.

The amendment was agreed to.

The next amendment was, at the top of page 49, to insert:

For the erection of a flour and saw mill at Shoshone Agency, Wyoming, and to purchase machinery therefor, $6,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 14, to insert:

That all persons who are in whole or in part of Indian blood or descent who are entitled to an allotment of land upon any Indian reservation under any law of Congress, or who claim to be so entitled to land under any allotment act or under any grant made by Congress, or who claim to have been unlawfully denied or excluded from any allotment or any parcel of land to which he, she, or they claim to be lawfully entitled by virtue of any act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto in the same manner as may be done by citizens of the United States.

Mr. CALL. I move to insert as a substitute for the amendment which has just been read, the clause which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out the committee amendment from line 15 to line 25, inclusive, on page 49, and in lieu thereof to insert:

That all persons who are in whole or in part of Indian blood or descent who are entitled to an allotment of land under any law of Congress, or who claim to be so entitled to land under any allotment act or under any grant made by Congress, or who claim to have been unlawfully denied or excluded from any allotment or any parcel of land to which they claim to be lawfully entitled by virtue of any act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto, in proper district courts of the United States; and said district courts are hereby given jurisdiction to try and determine any action, suit, or proceeding arising within their respective jurisdictions, involving the rights of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty, and the judgment or decree of any such court in favor of any claimant to an allotment of land shall have the same effect when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him.

Mr. PLATT. It is very difficult to get at the exact meaning of the amendment as it was read at the desk, owing to the confusion in the Chamber; but I am afraid that, unless an exception be made, the Cherokee Indians will think that in some way or other it affects or may affect the question of what is called the intruders in the Indian country. If they should think that this provision in any way relates to the lands there upon which the intruders have settled in the past or may settle in the future, it would utterly prevent any negotiations on their part with what is called the Dawes Commission. I suggest that there be added to the amendment these words:

But this provision shall not apply to any lands now held by either of the five civilized tribes.

Mr. CALL. There is no objection to that.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add to the amendment:

But this provision shall not apply to any lands now held by either of the five civilized tribes.

The amendment to the amendment was agreed to.

Mr. DOLPH. This is an amendment to the amendment offerred by the Senator from Florida, and I should like to have that amendment again stated at the desk.

Mr. COCKRELL. The amendment offered by the Senator from Florida is just the same as the amendment reported by the committee, which is printed in the bill, except that it provides for the proceeding in the proper district court of the United States.

Mr. DOLPH. I think there is an omission before the words "district court." Let the amendment be again stated as amended.

The PRESIDING OFFICER. The amendment will be stated as amended.

The Secretary read as follows:

That all persons who are in whole or in part of Indian blood or descent, who are entitled to an allotment of land under any law of Congress, or who claim to be so entitled to land under any allotment act, or under any grant made by Congress, or who claim to have been unlawfully denied or excluded from any allotment, or any parcel of land to which they claim to be lawfully entitled by virtue of any act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto in proper district courts of the United States.

Mr. DOLPH. There is an omission there.

Mr. COCKRELL. The word "the" should be inserted before the word "proper."

The PRESIDING OFFICER. That correction will be made, in the absence of objection. The reading of the amendment will be continued.

The Secretary continued the reading, as follows:

In the proper district courts of the United States, and said district courts are hereby given jurisdiction to try and determine any action, suit, or proceeding arising within their respective jurisdictions, involving the rights of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty; and the judgment or decree of any such court in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him; but this provision shall not apply to any lands now held by either of the five civilized tribes.

Mr. DOLPH. I wish to suggest that except in bankruptcy cases and in some other exceptional cases, the district courts are not given civil jurisdiction. Suits of this character are usually brought in the circuit court.

Mr. COCKRELL. It would be more appropriate to bring the suits in the district court in the beginning. This amendment proposes to give express jurisdiction, and it was prepared by the Commissioner of Indian Affairs, so that there might be no question as to the place where the suits should be brought.

Mr. DOLPH. I think I am quite as familiar with the practice in the United States courts as the Commissioner of Indian Affairs. By this provision a question might be raised when there is an appeal in a civil case about where it is to go, and all that sort of thing. The district judges serve as circuit judges, and try all the cases in the circuit court; but I think, as a rule, it would be better to make these cases triable in the circuit court as similar cases are.

Mr. COCKRELL. Very well, let that go in.

Mr. DOLPH. If there be no objection, let the word "district," where it occurs in the amendment, be changed to "circuit."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out the word "district" where it occurs and insert the word "circuit;" so as to read "circuit courts of the United States."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. QUAY. Mr. President, I have a number of memorials bearing upon this bill, which I have received in my mail to-day, and I ask the unanimous consent of the Senate to present them at this time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Mr. CALL. No objection.

The PRESIDING OFFICER. The Chair hears no objection, and the memorials will be received.

Mr. QUAY. Mr. President, I will state that these memorials, I understand, originated with the Patriotic Order of Sons of America and affiliated organizations. The one I have in my hand is from citizens of Clinton County, Pa. The first signers I notice are the superintendent of the public schools of that county and the ex-superintendent.

The memorialists state that they remonstrate against the violation of the American principle of "separation of church and state," which is involved in making appropriations for or contracts with agents of sectarian institutions for Indian education.

They emphatically protest against the passage in its present form of the pending Indian appropriation bill, as that bill specifically appropriates Government moneys for various sectarian schools or undertakings, and permits the Indian Department to contract with others. Therefore, upon the bill itself, and particularly upon the provisions referred to, they ask that a yea-and-nay vote may be taken, believing that the citizens of the country have the right to know what Senators favor this class of education for the nation's wards.

They call the attention of the Senate very particularly to the resolutions of various church societies in opposition to the bill, and petition us to change the pending bill by adopting an amendment similar to the one offered by Representative GEAR, which, in substance, provides for a system of Government schools for advancing education among the Indians on the basis of the American free-school system, and the memorialists ask the influence and votes of the Senate for "the Government schools only."

In addition to this memorial of L. M. Patterson and 60 others, of Clinton County, Pa., I also present the memorials of E. C. Miller and 51 others, of Houtzdale, Pa.; of W. F. Werley and 25 others, of Lehigh County, Pa.; of E. F. Becker and 58 others, of Lancaster, Pa., and of Rev. J. M. Spangler and 52 others, of Cambria County, Pa., all remonstrating against the present system of sectarian Indian education receiving governmental aid.

The PRESIDING OFFICER. The petitions will be received and laid on the table, the bill having been reported.

Mr. QUAY. In pursuance of the suggestion from the Patriotic Order of Sons of America in one of their councils, as well as of the memorials I have presented, I move that the further consideration of this bill be postponed until two weeks from to-day, in order that the patriotic orders of the country may be heard from.

Mr. COCKRELL. I hope the motion will not prevail, Mr. President.

Mr. PLATT. It was my intention when we should reach the portion of the bill, which we shall come to pretty soon, providing for denominational schools, to make some inquiries with reference to the policy of the Government in that respect and some observations on the subject.

The PRESIDING OFFICER. The question is on the motion submitted by the Senator from Pennsylvania, to postpone the consideration of the bill for two weeks from to-day.

Mr. QUAY. In order that the Patriotic Order of the Sons of America may be heard from. That is part of the motion, and on that I call for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania.

The motion was not agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 51, line 2, before the word "thousand," to strike out "twenty-five" and insert "forty;" so as to make the clause read:

For the service of not exceeding eight hundred and fifty privates, at $10 per month each, and not exceeding seventy-five officers, at $15 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquors on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at nonration agencies, $140,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 6, to insert:

Telegraphing and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian service and pay of necessary employés; advertising, at rates not exceeding regular commercial rates, inspection, and all other expenses connected therewith, including telegraphing, $45,000.

The amendment was agreed to.

The next amendment was, on page 51, line 17, before the word "thousand," to strike out "fifty-seven" and insert "seventy-five;" so as to make the clause read:

For this amount, for necessary expenses of transportation of such goods, provisions, and other articles for the various tribes of Indians provided for by this act, including pay and expenses of transportation agents and rent of warehouses, $275,000.

The amendment was agreed to.

The next amendment was, on page 51, line 22, before the word "thousand," to strike out "twenty" and insert "sixty;" and in the same line, after the word "dollars," to insert "of which amount $35,000 shall be expended in South Dakota;" so as to make the clause read:

For survey and subdivision of Indian reservations, and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs under the direction of the Secretary of the Interior, $60,000, of which amount $35,000 shall be expended in South Dakota.

The amendment was agreed to.

The next amendment was, on page 51, after line 23, to insert:

For surveying lands in the Indian Territory, known as those of the Five Civilized Tribes, in conformity to the laws applicable to the public domain, $5,000; and any unexpended balance of the sum of $25,000 appropriated by section 15 of the Indian appropriation act approved March 3, 1893, is hereby made available and may be applied to the same purpose.

The amendment was agreed to.

The next amendment was, on page 52, after line 6, to insert:

To enable the Secretary of the Interior, in his discretion, to negotiate through Indian inspectors of his Department with any Indians for the surrender of portions of their respective reservations, any agreement thus negotiated being subject to subsequent ratification by Congress, $5,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 11, to insert:

For the purpose of conducting negotiations with the Shoshone and Arapaho Indians for the sale and relinquishment of certain portions of their reservation in the State of Wyoming to the United States, $2,000; and the Secretary of the Interior shall detail immediately one or more of the five Indian inspectors to make an agreement with said Indians: *Provided*, That any agreement entered into for said lands shall be ratified by Congress before it shall become binding.

The amendment was agreed to.

The next amendment was, on page 54, line 5, after the word "ninety," to insert:

And an additional sum of $3,000, or so much thereof as may be necessary, to reimburse such of the fifteen other settlers whose claims are held for further proof, in such amounts as may be found justly due them by the Secretary of the Interior.

So as to make the clause read:

To enable the Secretary of the Interior to carry out the provisions of an act of Congress approved October 1, 1890, providing for the assessment of damages resulting to nine hundred and forty-four settlers who went upon the Crow Creek and Winnebago Indian Reservation, in the now State of South Dakota, between the 27th day of February, 1885, and the 17th day of April, 1885, and who were afterwards removed therefrom by the Government, the sum of $116,119.19, said sum being the amount found due after careful examination by the Secretary of the Interior and recommended by him for payment in pursuance of said act of October 1, 1890, and an additional sum of $3,000, or so much thereof as may be necessary, to reimburse such of the fifteen other settlers whose claims are held for further proof, in such amounts as may be found justly due them by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 55, line 5, after the word "dollars," to strike out "the same to be immediately available;" so as to make the clause read:

For the purpose of continuing and completing the appraisal of improvements of intruders in the Cherokee Nation under the provisions of the act of March 3, 1893, $4,996.

The amendment was agreed to.

The next amendment was, on page 56, after line 15, to insert:

That the Secretary of the Treasury be, and he hereby is, authorized to allow to Eugene E. White, of Prescott, Ark., late a special United States Indian agent, a credit of $165 on his two cash accounts, one for the quarter ending December 31, 1887, and the other for the quarter ending March 31, 1888, and out of said amount to pay him the sum of $69.49, which is hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 56, after line 24, to insert:

To provide for the expenses of the five commissioners appointed to take a census of the Old Settlers Cherokees, $5,000, the same to be deducted from the amount awarded to said Indians by judgment of the Court of Claims, dated June 6, 1893, and reimbursed to the United States.

The amendment was agreed to.

The next amendment was, on page 57, after line 6, to strike out:

For support of Indian day and industrial schools and the erection and repair of school buildings on Indian reservations, and for other educational purposes not hereinafter provided for, including the pay of the superintendent of Indian schools the salary of $2,500 with traveling expenses as prescribed by the Secretary of the Interior, and pay of draftsman to be employed in the office of the Commissioner of Indian Affairs, $1,070,000, $20,000 of which may be used for the purchase of horses, cattle, sheep, goats, and swine, and poultry, for schools, and $20,000 for the transportation of pupils to and from Indian schools.

And insert:

For support of Indian day and industrial schools and for other educational purposes not hereinafter provided for, including pay of draftsman to be employed in the office of the Commissioner of Indian Affairs, $1,000,000, of which amount the Secretary of the Interior may in his discretion use $5,000 for the education of Indians in Alaska; for the erection and repair of school buildings on Indian reservations, $40,000; for the purchase of horses, cattle, sheep, goats, swine, and poultry, for schools, $20,000; for collecting and transporting pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools, except Carlisle, and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified, to give such pupils moral, industrial, and educational training under arrangements in which their proper care, support, and education shall be in exchange for their labor, $35,000; in all, $1,095,000.

Mr. PLATT. I should like to inquire whether the lump sum of $1,095,000 is for the support of Government schools, or whether some portion of it is to be used for the support of what are known as contract schools?

Mr. CALL. The amendment, I understand, includes what are known as contract schools also.

Mr. PLATT. The Senator from Pennsylvania [Mr. QUAY] a few moments ago presented a memorial from citizens of Pennsylvania, the object of which is to remonstrate against the appropriation of money by the Government for denominational schools for Indian pupils.

I have a similar memorial from citizens of Middletown, Conn., numerously signed, protesting against appropriations to sectarian schools for the education of Indians, which I present at this time and ask that it lie on the table.

The PRESIDING OFFICER. The memorial will lie on the table.

Mr. PLATT. In reference to this matter, I desire to say that I am, and have been for a number of years, entirely opposed to appropriating money for the support of denominational Indian schools. I had hoped that the policy of having all our Indian schools Government schools was to prevail, and that the number of Indian pupils in attendance upon denominational schools would be reduced as rapidly as possible. It is practically impossible in an appropriation bill to reduce the appropriation for the purpose of carrying on these schools. To refuse to appropriate money in the pending bill for the denominational schools is to have the education of about one-third, more or less, of the Indian pupils of the United States stopped at once, without any provision being made by the Government for their education.

There has been some reduction in the appropriations for denominational schools. I am unable to ascertain from the bill, and I think none of the appropriation acts afford that information exactly, how much money is to be expended by the Government in any one year for the denominational schools, because there is a lump sum of $1,000,000 for the support of the Government schools, and a portion of that amount is used to support the denominational schools. Certain denominational schools are provided for specifically in the bill, and I understand other denominational schools are provided for from the appropriation of a million dollars, as the Commissioner of Indian Affairs may make contracts.

The amount paid for denominational schools reached its highest point in 1892, when it was $611,570. In 1893 it fell to $533,241, and in the fiscal year which expired on the 30th of June last it was $512,435. Whether a further reduction is contemplated for the present fiscal year I am unable to discover from the appropriations in the pending bill. There is a table in the report of the Commissioner of Indian Affairs showing the expenditure for this purpose from 1887 to 1894, inclusive, which I will ask may be inserted in the RECORD as a part of my remarks.

The Methodists, Presbyterians, Episcopalians, and Congregationalists have heretofore taken some official action declaring that they will cease to take aid from the Government in conducting the Indian schools carried on under their supervision. This has partially gone into effect. The Methodist denomination drew out, if I may use that expression, in 1892, and the Episcopal Church reduced the amount received from Government from $29,910 in 1891 to $7,020 in 1894, gradually withdrawing from the work. The attendance of pupils at Government schools and at contract schools is shown in table 1 of the report of the Commissioner of Indian Affairs, and I ask that it may be inserted in my remarks.

Amounts set apart for various religious bodies for Indian education for each of the fiscal years 1887 to 1894, inclusive.

	1887.	1888.	1889.	1890.	1891.	1892.	1893.	1894.
Roman Catholic	$194,635	$221,169	$347,672	$356,957	$363,349	$394,756	$375,845	$378,345
Presbyterian	37,910	36,500	41,825	47,050	44,850	44,310	30,090	30,090
Congregational	26,696	26,080	29,310	28,459	27,271	29,146	25,735	6,250
Martinsburg, Pa	10,410	7,500	(*)					
Alaska Training School	4,175	4,175						
Episcopal	1,890	3,600	18,700	24,876	29,910	23,220	4,860	7,020
Friends	27,845	14,460	23,383	23,383	24,743	24,743	10,020	10,020
Mennonite	3,340	2,500	3,125	4,375	4,375	4,375	3,750	3,750
Middletown, Cal	1,523							
Unitarian	1,350	5,400	5,400	5,400	5,400	5,400	5,400	5,400
Lutheran, Wittenberg, Wis		1,250	4,050	7,560	9,180	16,200	15,120	15,120
Methodist			2,725	9,940	6,700	13,980		
Mrs. L. H. Daggett							†6,480	
Miss Howard			275	600	1,000	2,000	2,500	3,000
Appropriation for Lincoln Institution	33,400	33,400	33,400	33,400	33,400	33,400	33,400	33,400
Appropriation for Hampton Institute	20,040	20,040	20,040	20,040	20,040	20,040	20,040	20,040
Total	363,214	376,264	529,905	562,640	570,218	611,570	533,241	512,435

*Discontinued. †This contract was made in 1892 with the Board of Home Missions of the Methodist Episcopal Church. As that organization did not wish to make any contracts for 1893, the contract was renewed with Mrs. Daggett.

Enrollment and average attendance at Indian schools, 1887 to 1893.

ENROLLED.

Kind of school.	1887.	1888.	1889.	1890.	1891.	1892.	1893.
Government schools:							
Training and boarding	6,847	6,998	6,797	7,236	8,572	9,634	11,126
Day	3,115	3,175	2,863	2,963	2,877	3,481	3,589
Total	9,962	10,173	9,660	10,199	11,449	13,115	14,715
Contract schools:							
Boarding	2,763	3,234	4,038	4,186	4,282	4,262	4,182
Day	1,044	1,293	1,307	1,004	886	839	616
Boarding, specially appropriated for	564	512	679	988	1,309	1,344	1,327
Total	4,371	5,039	6,124	6,178	6,477	6,445	6,125
Public day schools						190	202
Mission schools not assisted by Government; boarding and day pupils						157	75
Aggregate	14,333	15,212	15,784	16,377	17,926	19,907	21,117
Increase					1,549	1,981	1,210

AVERAGE ATTENDANCE.

Government schools:							
Training and boarding	5,276	5,533	5,212	5,644	6,749	7,622	9,068
Day	1,896	1,929	1,744	1,780	1,661	2,084	2,165
Total	7,172	7,462	6,956	7,424	8,410	9,709	11,233
Contract schools:							
Boarding	2,258	2,694	3,213	3,381	3,504	3,585	3,449
Day	604	786	662	587	502	473	342
Boarding, specially appropriated for	486	478	721	837	1,172	1,204	1,113
Total	3,348	3,958	4,596	4,808	5,178	5,262	4,904
Public day schools						105	123
Mission schools not assisted by Government						93	43
Aggregate	10,520	11,420	11,552	12,232	13,588	15,167	16,303
Increase					1,356	1,579	1,136

This table shows that the highest number enrolled in contract schools was, in 1891, 6,477, while in 1893 it had fallen off about 350, to 6,125. In the meantime the enrollment in the Government schools was rapidly increasing, having increased from 11,449 in 1891 to 14,715 in 1893.

I fully sympathize not only with the sentiment which seems to be extending in the country that the Government should not aid denominational Indian schools, but in the wider sentiment that the Government ought not to appropriate money for any institutions which are carried on by sects or denominations, especially with regard to the teaching of Indians. I do not think there ought to be two systems.

I believe that the Government system is the right system, and that all the Indian schools ought to be Government schools. I do not believe that the contract schools by the different denominations have been of the service in the education of Indian children that the Government schools have been. It raises jealousy between the denominations, and more or less the different religious denominations seek to inculcate religious truths according to their idea of what religious truth is.

Now, in Alaska, for instance, where we are carrying on education, I think the education is conducted among and by eight different denominations, and there is continual jealousy and bickering among them. All this must have its effect upon the practicability and the efficiency of the education of the Indian children. I know of no reason why the Government should not educate all the children, if it educates any, and I hope and have hoped that the policy of denominational schools might cease.

The matter has been discussed in the Senate before. I think we have had assurances here, and indeed from the Indian Commissioners, that the denominational schools should as rapidly as possible be done away with and Government schools substituted in their place. Practically, it is impossible to do away with the contract schools all at once without serious injury to the children who are being educated in them, but the policy of doing away with them ought to be adopted by Congress, and they should gradually be abandoned.

Mr. GALLINGER. Perhaps the remark made by the Senator from Connecticut a moment ago answers the question I rose to propound. I wish to ask the Senator from Connecticut if there is any substantial reason why we might not provide that no part of the appropriation of $1,000,000 should be used for denominational schools. Would such a proviso attached to the appropriation work hardship or conflict with contracts now made?

Mr. PLATT. The difficulty about it is that all these schools are in operation, the children are attending them, and the buildings in many instances are owned by the denominations. The Government has no buildings at the places where the schools are conducted, and to cut off the appropriations suddenly would simply prevent the education of the children who are now being educated in the contract schools. It will break up the schools until such a time as the Government can establish schools to take charge of the children who are now being educated in the contract schools.

That is the difficulty. If it were not for that I should be in favor of a provision that from this moment the contract-school system should be abolished, and the entire education of Indian children carried on by the Government. But in thinking about this matter and considering it, as we have considered it, it does not seem practicable to discontinue the practice by a provision upon an appropriation bill when the system is in operation, and when it must either be appropriated for or the education of the children cease.

It depends largely upon the Commissioner of Indian Affairs whether the policy shall be restricted. He has a certain sum of money to expend for the education of children, not specially provided for in the act, and a portion of that sum goes to support contract schools which are not specifically provided for in the act. The Commissioner can gradually withdraw these contracts, and I believe the sentiment of the country, the sentiment of all denominations of Christians, is against continuing the system of schools carried on by the denominations. I think it is a great mistake that they were ever instituted at all.

Mr. QUAY. Mr. President, in connection with the general subject I send to the desk and ask to have read a communication to me from the officers of the Women's National Indian Association and the Universal Peace Union.

The PRESIDING OFFICER. The Secretary will read as requested, if there be no objection.

The Secretary read as follows:

1823 ARCH ST., PHILADELPHIA, *June 7, 1894.*

DEAR SIR: The Universal Peace Union having examined the Indian appropriations bill reported in the House of Representatives April 30, earnestly requests that you will present in the United States Senate the urgent protest of this Union against the proposed reduction, by $70,000, of the amount for day and industrial schools named as necessary by the honorable Secretary of the Interior, and also against the reduction by, $150,000, of the appropriation needed for the current fiscal year, as well as against the clauses hampering the use of educational funds when appropriated.

We also protest against the reduction, by $16,000, of the appropriation for the Carlisle Indian School, and against the diminution of the total sum for all Indian schools, by over $315,000, or more than $231,000 less than the amount named as necessary by the Secretary of the Interior.

All these reductions would, we know from long observation of the needs of the Indian service, be disastrous to Indian education and civilization, and therefore this society, with its wide membership and world-wide influence, as well as the many societies included in your own constituency, will be grateful to you for your influence, efforts, and vote against these proposed reductions.

Second. Permit us, sir, on the other hand, to ask you to present an expression of our profound gratitude that our Government seven years ago by legislation pledged itself to the policy of Indian education and civilization, and this in order to fit our Indian tribes for the radical and permanent economy of self-support and United States citizenship, and to say that it is because such a policy is the only economical one that we should regard the above proposed reductions, if granted, as in effect a criminal extravagance.

Third. We beg you, sir, to say for us, in view of the true national economy of Indian industrial education and its resulting self-support, that, instead of a diminution of Indian appropriations, we would urge the small increase needed to provide schools for all Indians of school age, and that we emphatically urge adequate provision for the retention of all the inspectors, superintendents, and field matrons, and for the continuance of all the facilities now employed for Indian civilization and education, not one of which is yet more than adequate; and, lastly, that there may be the usual appropriation for the expenses of the Board of Indian Commissioners, whose vigilance and uncompensated services have saved to our Government many hundreds of thousands of dollars, many antagonisms, and been so important and inexpensive a factor in Indian progress.

We are, sir, for the Universal Peace Union,

Yours, respectfully,

AMELIA S. QUINTON,
President Women's National Indian Association.
THOMAS J. WHITNEY,
Vice-President Universal Peace Union.
FRANK E. CARSON,
Secretary Universal Peace Union, Committee.

Hon. M. S. QUAY, *United States Senator.*

Mr. PLATT. I should like to ask the Senator in charge of the bill whether it is true, as stated in the communication which has just been read, that there has been a serious reduction in the amount of money to be appropriated for Indian education.

Mr. CALL. There has been a reduction, but I am not prepared to state the total amount of the reduction. There has been a reduction in special cases where it is believed, according to the statements of the Commissioner and the other evidence before the committee, that the schools are not well attended, and that the expenditure is not required to the full extent of former appropriations. There are special reasons in each case which would have to be investigated before any conclusion would be arrived at with regard to the correctness of that statement. There have been reductions all along the line, but as to the

schools, it has generally been in cases where there has been a nonattendance of pupils and the establishment of other schools, which, in the opinion of the Commissioner and the committee, render larger appropriations unnecessary.

Mr. PLATT. The communication from the president of the Women's National Indian Association and the vice-president and the secretary of the Universal Peace Union makes the statement that the diminution of the total sum for all Indian schools is $315,000, or more than $231,000 less than the amount named as necessary by the Secretary of the Interior. It would hardly seem that a reduction of $315,000 less than the amount appropriated last year for Indian education could be accounted for by diminution of appropriations in cases of schools where there has been a nonattendance of scholars.

The pupils in Government schools increased in 1891, 1,549; in in 1892 over 1891, 1,981; in 1893 over 1892, 1,210. We have not the figures for 1894. But these figures show that there has been a gradual increase of Indian scholars, and I do not think there ought to be such a reduction.

Mr. HAWLEY. Is the appropriation of $1,005,000 made in the bill $231,000 less than was given last year?

Mr. PLATT. No; less than the amount recommended by the Secretary of the Interior.

Mr. HAWLEY. It is $231,000 less than the amount named by the Secretary of the Interior.

Mr. President, speaking frankly, I do not believe that such a reduction is necessary. I do not believe it is justified by the circumstances. With the report of an increase in attendance and the general protest of the people who make a special study of the matter of Indian education and Indian progress against it, I think we ought to have some fair explanation as to why the Secretary of the Interior is cut down $231,000. He is not to be charged with any undue sentimentality. It is not a mere fancy on his part that he recommends this sum of money. It is to be supposed that this Administration selects a specially capable man.

Mr. PLATT. The Secretary of the Interior cut down the amount $75,000.

Mr. HAWLEY. The Commissioner of Indian Affairs is a capable man, and knows what he is about. As my colleague suggests to me, after the Secretary has cut down the appropriation $75,000, then the committee cuts it down $231,000.

Now, one of their reductions is in the appropriation for the Carlisle school. That is one of the schools which are a credit to American civilization. Capt. Pratt is like the late Gen. Armstrong, of Hampton, a man marvelously fitted for that kind of work. While he is full of what you may choose to call a sentimental enthusiasm upon this matter as Armstrong was, yet, like Armstrong, he is emphatically a man of what in common parlance is called horse sense. He is not wasting any money. He is making a profound impression upon a large body of Indian youths, who go back to their homes, and if 10 per cent of them go to the devil after they go home the money is still well invested.

I think it is a shame for the American people to go backward openly by a legislative decree in this splendid work. These people are our wards. We have done a great deal of foolish work in endeavoring to take care of them; but we happen to have been on the right track in this matter, and I am sure that the Democratic party will make nothing in the estimation of the morality and Christian civilization of this country by cutting down the Carlisle school, or by refusing to give the Secretary of the Interior by $231,000 as much as he wants after he has reduced his recommendation $75,000.

Mr. CALL. Mr. President, it is obviously impossible to form any intelligent judgment of the correctness of the action of the committee in this respect without examining each individual case. Whether a specific sum of money should be appropriated to a particular school depends upon the efficiency of that school, upon the number of pupils now and prospectively in the immediate future to be there, and it depends upon other schools. The various circumstances connected with each school will vary the appropriation from year to year. So in the large number of schools for which this appropriation is made it is impossible to judge of the reasons which actuated a majority of the committee without going to each particular school and considering the circumstances attending it.

The committee, however, acted upon the idea that the smallest amount of money which was capable of being used efficiently was the proper sum to appropriate in each case. It is obvious that unless we choose to go through the whole of the items, whether the aggregate amount shall be ascertained to be the correct amount or whether the estimate was the correct amount, that was the judgment of the committee as to each particular school making up the aggregate amount, which was reduced.

With regard to the appropriation for the Carlisle school, that is a proper subject of inquiry here. The chairman of the Committee on Appropriations will explain the reasons why the committee acted as it did in this particular instance. I wish to say a word in reference to the sectarian schools, as they are denominated.

Mr. PLATT. May I inquire a little further about the Carlisle school? I can not understand that. The appropriation for the Carlisle school has been cut down. The committee reports an increase of $5,000. The item in last year's appropriation act is as follows:

For support of Indian industrial school at Carlisle, Pa., at not exceeding $167 for each pupil, for transportation of pupils to and from Carlisle school, and for the repair of buildings, $105,000; with additional pay of military officer acting as superintendent, $1,000: *Provided*, That not more than $5,000 of this amount shall be used in repairing buildings: *And provided further*, That no more Indian children shall enter and be educated and supported at said school who have not attended some other school for a period of at least three years; in all, $106,000.

The item on page 60 of the bill reads as follows:

For support of Indian industrial school at Carlisle, Pa., at not exceeding $167 for each pupil, for transportation of pupils to and from Carlisle school, and for the repair of buildings, $105,000; for additional pay of military officer acting as superintendent, $1,000; in all, $106,000.

So I do not see why the appropriation is not precisely the same as it was last year.

Mr. CALL. It is. There was no reduction for the Carlisle school.

Mr. QUAY. Will the Senator from Florida in charge of the bill state what was the estimate for the present year for the Carlisle school? What was the amount recommended by the Secretary of the Interior and the Commissioner of Indian Affairs?

Mr. COCKRELL. I will read the estimate:

Support of Indian schools, $1,000,000; transportation, $10,000; superintendent, $1,000; repairs, $5,000; $116,000.

Mr. PLATT. It was then cut down $10,000 from the estimate?

Mr. CALL. Yes, from the estimate.

Some question was made here in regard to the appropriations in the bill, as there always is, for what is termed denominational schools. The committee had before it the protests of different denominations and associations from various portions of the country against any appropriations for what the memorialists term denominational or sectarian schools. The present Commissioner of Indian Affairs, as well as the former Commissioners, have endeavored to prevent any increase in appropriations for what are termed denominational schools. The policy of the Government does not recognize different religious sects, and the policy of the administration of the Indian Department has been to make no recommendation of appropriations for different denominations.

These appropriations are not to sectarian or denominational schools, but according to the estimate and the report of the Commissioner there have been schools throughout the country established by citizens of the United States out of their own means, in different portions of the Indian Territory. They are charitable associations, and in the absence of an adequate provision on the part of the Government and for the purpose, I suppose, of avoiding the very greatly increased expense of assuming the entire burden of education, and to encourage by the policy of the Government these charitable efforts, contracts have been made not with denominations, not with any particular form of religious belief, but with citizens of the United States, made in former Administrations and continued down from one Administration to another.

No adequate provision being made for the education of the entire body of the Indians, I presume it was found best, as was stated by the Senator from Connecticut, not to discontinue abruptly the appropriations where charitable institutions of any kind undertake to take care of the Indian children but to provide an education for them without any knowledge, or any inquiry, or any reference to whether it was an Episcopalian, or a Methodist, or a Baptist, or a Catholic institution. Dealing with it as an agency offering to educate these children as citizens of the United States associated for these charitable purposes, and not looking into the question whether they are of one form of religious belief or of any form of religious belief, the law authorizes the Secretary of the Interior and the Commissioner to make contracts for the education of these children.

Under this theory the schools were established; the present Administration finds they are in operation just as they were before; and in the absence of any other provision and in the interest of economy it has been thought proper that these contracts shall be made to do what? To carry out the existing contracts which rest upon the pledged faith of the Government more or less.

This I understand to be the justification of these appropriations. The Government has contributed to establish these schools not in money but by appropriating certain sums of money to pay for the education of these children. They are in existence and there is no adequate provision, and can not be, until some system shall be adopted looking into the future and taking effect in the future by which if it is possible to do so you can prohibit these denominational institutions from their voluntary use of their own money going into those sections of the country and educating the Indian children.

I find in the report of the Superintendent of Indian Schools the following:

In a previous annual report I said it was my opinion that as a whole the Government schools were the best, in respect to real scholarship. There are some very excellent contract schools, conducted by Presbyterians Episcopalians, Roman Catholics, and Congregationalists; but none of them are quite equal to the best Government schools, though a few are not much behind. It is safe to say that the general average of the Government schools is above the general average of the contract schools.

I have little sympathy with the complaint that "religious exercises take too much time in the contract schools," and that in the Roman Catholic schools "about all the children learn are prayers, the catechism, and a little fancy work." I have heard this charged *ad nauseam*. In a few cases the charge has been justified by the facts; but in almost all cases, if I may accept the statements made to me, but little time in school hours is occupied with such exercises, particularly with the catechism. In a few instances, I have found occasion to object to the amount of time devoted to the catechism, and in no instance have my objections been discourteously treated. I do not think it the purpose of the Government, so long as it accepts the contract schools as they are conducted, to severely disparage the religious exercises. The prayers, scripture passages, and religious songs are helpful, not only in teaching the English words, but also elevated sentiments.

That I understand to be the policy in regard to this bill as in all former appropriation bills for the Indian Department.

* * * * * * *

Bishop Whipple, a Protestant, whose life has been devoted to the Indians, a minister of the gospel distinguished for his learning, his piety, and his eminent ability, opposed to sectarian or denominational schools, in a speech which is appended to the report of the Commissioner of Indian Affairs, Mr. Browning—a valuable and interesting report—says:

I have tried to make it the rule of my life that never, under any possible circumstances, would I be a party to presenting a divided Christianity to heathen folk. There was at this time a noble mission among the Sioux in the care of the Presbyterian Church, under the charge of two men, uncanonized saints. I allude to the venerable Dr. Williamson and the Rev. Dr. Riggs. They had a noble mission among the upper Sioux, but there were 2,500 Indians among the lower Sioux, where there was no mission: and when three of their chiefs came to me and said, "We have sold the Government 800,000 acres of our reservations, and we have waited for four years, and have not received one single penny, and we are entitled to $8,000 a year for schools, and that money has been expended for six years, and yet there is not among our people a single child who has ever learned to read," I said that I would plant a mission there.

For two years, twice each year, I visited the Indian country. In the Ojibway country I traveled from 500 to 1,000 miles each year on foot or in a birch-bark canoe. I saw very little fruit. We gathered a little Christian company, and there were some gleams of light. Then there came that awful Indian massacre. Eight hundred white people slept in nameless graves. I supposed that our missionaries were murdered, and I never can forget the anxiety of heart as I sat in my study, with the tears running down my cheeks; and, when she who was more than my right arm, who is waiting for me now in Paradise, came and put her arms around my neck, and said, "Henry, you have forgotten something." I said, "What, my dear?" "You have forgotten that it is your business to do the work, and God will take care of the harvest." And so I began again. When we heard from the Indian country, so far as I know, there was not a single Christian Indian of the Presbyterian or of our own mission who was not as true as steel to his profession.

I know one man who comes to visit me still, an old man, who was a Christian. When Little Crow said he was going to join the English, and they would wipe out the people of Minnesota, this man said: "Tell them the truth. Tell them those English are ruled by a squaw who would not touch her little finger to his bloody hand." And they cried out, "Shoot him!" He opened his coat, and said, "Shoot!" But they saved 200 white women and children from death, and a fate worse than death. When we heard of their fidelity, we were overpaid a thousandfold.

But it was in that case as it has always been, that the hostile element were given rations, and were removed and cared for. And these men who had shown their bravery at the risk of their lives were left to the charge of the cold world or to starve.

I never shall forget the time when the Government put in my care the Sisseton Indians, who belong largely to the mission of the Presbyterian Church. There was a conflict between the two Houses of Congress. There was no confidence in the Indian agent. Money had been squandered. One day someone said: "Bishop Whipple has been living near these Indians. Let us put the money in his care; he will not steal it." And, to my surprise, I found myself in charge of a large body of Indians outside of my diocese. I telegraphed that I could not take the responsibility. I went to Washington, but Congress had adjourned; and the Secretary said, "If you do not take this money and help the Indians, they will starve to death." When I reached the agency the old Indian, Simon Anagmani, rose, trembling in every limb, and with tears running down his cheeks, said: "For days and days the earth has been iron, and the sky is as if it were iron, and we have cried, and God did not hear or answer, and we have reached out our hands, and we could not take hold of anything. We have looked into the faces of the Christian men at last, and I believe the Great Spirit has saved us."

* * * * * * *

There is another matter that I hardly know what to say about. I am sometimes afraid that we have made a terrible mistake; and then, again, it is always safe to stand on principle. I believe that every Christian man in the United States should avoid anything that looks like an alliance between state and church. Almost all of the religious bodies have voluntarily relinquished the aid which the Government gives to their schools. The school at Santee Agency is not there to teach Presbyterian theology; it is to teach Indians the same things that they are taught at Carlisle. But, because it is supported by the American Missionary Association, it seemed to be sharing the position of Government patronage. So far as I know, I may be wrong.

I am afraid that to one body of this country quite as much money, and perhaps more, is being given as at any period of the history of the Government. If that is so, it ought not so to be. I know not what there may be in the future, but I do know this, that if we know how to work and wait, if we know how to sow the seed and believe God will give the harvest, there is no question about the future. And, when you get over to that country where you are going to meet those loved ones and see your beloved Master, there will be no comfort greater than to meet some one you have helped heavenward, homeward. Happy is the man or the woman that could have written over her grave the epitaph which I once read in the Basque Province of France: "Here lies Estelle, who, having spent her fortune in works of charity and love, which she sent before her to Heaven, has now gone there to enjoy them."

That, I think, is the explanation of this appropriation. Schools have been contracted for under an established policy of the Government, having no kind of reference to any form of religious belief, not contracts with Episcopalians, nor with Presbyterians, nor with Congregationalists, nor Catholics, but contracts with any kind of association of character, and conducted by men capable of educating these people, to educate such a number of these people as from year to year they may undertake to take care of; but in no case where there was adequate education, and in no case now where there are adequate opportunities for education in Government schools do I understand that there has been any appropriation whatever. I am fully in accord with the sentiment of the religious denominations on the subject, that church and state should be entirely separate.

Mr. GALLINGER. Mr. President, I do not want to be unnecessarily technical about this matter. I presume that the policy laid down in the bill is to be continued at least for another year. But I wish to express my conviction that it is high time that the Congress of the United States shall return to the doctrines which were laid down by the fathers of the Republic when they demanded that there should be a separation of church and state in this country. It is a doctrine which I hold myself, and which I think if submitted to the American people would receive their indorsement.

Yet in the matter of educating the Indians, notwithstanding the Senator from Florida disclaims that we are encouraging sectarian education, the facts are that we are doing that very thing, and the remarkable fact is shown by an examination of the statistics that one church in this country during the past eight years has received appropriations aggregating $2,366,416, while fifteen other religious denominations have received only a little more than one-half of that amount.

Mr. CALL. Will the Senator from New Hampshire allow me?

Mr. GALLINGER. Certainly.

Mr. CALL. It was no part of my purpose to disclaim that the influence of these appropriations is unequal and to the advantage of some churches over others. I spoke of the policy of the Government as it had come down to the present Administration, and whatever might be the effect of it, I said that although the committee might concur altogether with the opinion of the Senator from New Hampshire, and probably do, as to the propriety and necessity of a separation between church and state in all matters, they had no discretion in regard to this matter except to continue the appropriations or discontinue entirely the education of the Indians now going on in these charitable institutions; and the committee believed that the contracts which had been made before and came down to the present Administration were binding upon the Government, if not as a matter of law as a matter of good faith.

Mr. GALLINGER. I am disposed to believe that the statement made by the Senator from Florida is absolutely correct. The Senator from Connecticut [Mr. PLATT], who is interested in this matter, and who with myself is opposed to appropriating money for sectarian schools either in the Indian Territory or elsewhere in the United States, has made a very lucid statement covering that point, saying that in his opinion we can not with justice or propriety abandon the contract system at the present time. Mr. President, I shall make no attack upon any religious denomination. Those who know me best know that I can not bring myself to do that. But I feel bound to say that the Catholic Church in this country has received during the last eight years in appropriations from Congress for the education of Indians $2,366,416, while fifteen other religious denominations have received $1,400,000, or a little more than one-half the amount received by that one great religious organization.

In view of that fact it is not to be wondered at that other great religious denominations of this country have come to the conclusion that it is time to return, as I said, to the doctrines of the fathers, and no longer be parties to a reversal of the doctrine which was then laid down, that church and State in this country ought to be divorced and forever kept apart. The great Methodist Episcopal Church of the country, at Omaha, in their General Conference, in May, 1892, passed the following resolution:

Whereas the appropriation of public funds for sectarian purposes by the

National Government is not only wrong in principle, but in violation of both the letter and spirit of the Constitution of the United States: Therefore,

Resolved, That this General Conference of the Methodist Episcopal Church requests the missionary societies working under its sanction or control to decline either to petition for or to receive from the National Government any moneys for educational work among the Indians.

Following that action, the Woman's Home Missionary Society of the Methodist Episcopal Church, in its annual session at Grand Rapids, Mich., in October, 1892, passed a similar declaration. The General Assembly of the Presbyterian Church of the United States, at Portland, Oregon, in May, 1892, passed similar resolutions. Following that, the United Presbyterian Church of North America, at the meeting of their General Assembly in Allegheny, Pa., May 31, 1892, resolved—

That we protest against all Government appropriations for the denominational Indian schools and for other sectarian purposes as unconstitutional, and petition Congress to refuse all applications for such appropriations.

I will state that this denomination is not receiving Government appropriations.

Mr. PLATT. Will the Senator from New Hampshire allow me?

Mr. GALLINGER. Certainly.

Mr. PLATT. According to the table which I have put in my remarks the highest sums paid the schools established under Roman Catholic auspices was in 1892, $394,756.

Mr. GALLINGER. That is correct.

Mr. PLATT. The amount in 1893 was $375,845, and in 1894 it was $378,345. It seems to have increased a little in 1894. The Presbyterian denomination had its highest appropriation for schools in 1890, which was $47,650.

Mr. GALLINGER. And in 1893, $29,000.

Mr. PLATT. And in 1894, $30,090. The Congregational denomination had its highest appropriation in 1889, which was $29,310, falling off in 1894 to $6,250.

The amount received by the Episcopal Church I gave when I was on my feet before, $29,310, falling off in 1894 to $7,020. The Quakers had the highest amount in 1887, $27,845, falling off in 1894 to $10,020. The Methodists discontinued the work entirely.

Mr. GALLINGER. And they never had very much.

Mr. PLATT. They had $13,980 in 1892 and have had nothing since.

Mr. GALLINGER. That is correct.

Mr. PLATT. That is the statement of facts from the table.

Mr. GALLINGER. The entire appropriations received by the great Methodist Church in this country amounted to only about $30,000. That is all the money that they have ever drawn, while the one other church to which I have alluded drew in the single year, 1892, $394,756, and a still larger amount, I understand, is appropriated to them for the present year.

But in addition to the religious denominations to which I have alluded, the General Convention of the Protestant Episcopal Church, sitting as the Board of Missions, Baltimore, Md., October 19, 1892, has put itself on record against this system. The Board of Managers of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church December 13, 1892, declared against it.

The American Missionary Association of the Congregational Church in the annual session at Hartford, Conn., October 27, 1892, made a very strong declaration against the continuance of these appropriations for sectarian purposes. They close their declaration by quoting a form of amendment to the Constitution of the United States which they think ought to be adopted, and which I think ought to be adopted. I will read it:

No state shall pass any law respecting an establishment of religion, or prohibiting the free exercise thereof, or use its property or credit, or any money raised by taxation, or authorize either to be used, for the purpose of founding, maintaining or aiding, by appropriation, payment for services, expenses, or otherwise, any church, religious denomination or religious society, or any institution, society, or undertaking, which is wholly, or in part, under sectarian or ecclesiastical control.

So it appears that four of the great religious denominations of this country have put themselves plainly and unqualifiedly on record against the system which we are continuing to perpetuate in our annual appropriation bills.

I wish to call attention to the fact that while our great political parties have made many declarations, which have been repudiated in Congress first and last, they have not forgotten the very question that is now under discussion. The Republican party in 1876 made a very strong declaration in these words:

The public school system of the United States is the bulwark of the American Republic, and with a view to its security and permanence, we recommend an amendment to the Constitution of the United States, forbidding the application of any public funds or property for the benefit of any schools or institutions under sectarian control.

The Democratic party met in national convention in 1876, thirteen days after the Republican party, and not to be outdone by their rivals they made a declaration in the following words:

We do here reaffirm * * * our faith in the total separation of church and state, for the sake alike of civil and religious freedom—

And they refer to the public schools—

* * * which the Democratic party has cherished from their foundation, and is resolved to maintain, without prejudice or preference for any class, sect, or creed, and without largesses from the Treasury to any.

I wish that we might live up to those declarations of the two great political parties in the country in this matter. They were right when they made those declarations, and the Congress of the United States is doing violence to a principle which was enunciated at the very beginning of the Government, when they take money from the Treasury of the United States and appropriate it for sectarian purposes, I care not what church or religious society is benefited by it.

I wish to call attention to one of the most remarkable documents in the form of a petition that has ever been presented to the Congress of the United States. It is from the National League for the Protection of American Institutions. They petitioned, I understand, the Fifty-first, Fifty-second, and Fifty-third Congresses concerning the matter of appropriating money for sectarian purposes in connection with our Indian system.

It is signed by hundreds of men from different parts of the country. I am almost tempted to read the names, but will not do so. I will call attention, however, to the officers:

William H. Parsons, president; William Strong, vice-president; James M. King, general secretary; William Fellowes Morgan, treasurer.

Board of managers: George S. Baker, George T. Balch, Henry K. Carroll, Churchill H. Cutting, Peter Donald, Dorman B. Eaton, W. W. Hoppin, John Jay, James M. King, James McKeen, George D. Mackay, Thomas J. Morgan, William Fellowes Morgan, William H. Parsons, John Sinclair, John D. Slayback, Josiah Strong, Peter A. Welch.

Law committee: William Allen Butler, Dorman B. Eaton, Cephas Brainard, Henry E. Howland, Wheeler H. Peckham.

Among the honorary officers I will name only a few: Charles Kendall Adams, LL.D., Madison, Wis.; Hon. Sherman W. Adams, Hartford, Conn.; Rev. Bishop E. G. Andrews, D. D. LL.D., New York City, N. Y.; Hon. Hubert H. Bancroft, San Francisco, Cal.; Rev. William A. Bartlett, D. D., Washington, D. C.; Gen. Henry V. Boynton, Washington, D. C.; Rev. Bishop Thomas Bowman, D. D., LL.D., St. Louis, Mo.; Hon. Addison Brown, New York City, N. Y., and so on through the list. I will ask permission to insert the petition and the names thereto attached as part of my remarks.

A petition concerning sectarian appropriations for Indian education.

[A careful perusal is respectfully requested.]

To the Congress of the United States:

The National League for the Protection of American Institutions petitioned both sessions of the Fifty-first and Fifty-second Congresses concerning sectarian appropriations by the National Government for Indian education.

The league now addresses the following petition to the Fifty-third Congress concerning Indian appropriation bills.

The league petitions against the violation of the American principle of the separation of church and state which is involved in making any sectarian appropriations for Indian education.

The highest official bodies of the Congregational, the Methodist Episcopal, the Presbyterian, and the Protestant Episcopal Churches have determined to withdraw their applications for funds from the United States Treasury, because of the principle which they now see is involved in this dangerous practice, and they propose henceforth to support their own schools without Government aid.

The league petitions that the General Government now adopt a definite, permanent, and uniform principle, in accord with the spirit of the United States Constitution, for advancing education among the Indians on the basis of the American free common school system, in order that the dangers involved in departure from the American principle of keeping separate and distinct the functions of church and state be no more fostered by any actions of the General Government.

Officers: William H. Parsons, president; William Strong, vice-president; James M. King, general secretary; William Fellowes Morgan, treasurer.

Board of Managers: George S. Baker, George T. Balch, Henry K. Carroll, Churchill H. Cutting, Peter Donald, Dorman B. Eaton, W. W. Hoppin, John Jay, James M. King, James McKeen, George D. Mackay, Thomas J. Morgan, William Fellowes Morgan, William H. Parsons, John Sinclair, John D. Slayback, Josiah Strong, Peter A. Welch.

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Honorary vice-presidents: President Charles Kendall Adams, LL. D., Madison, Wis.; Hon. Sherman W. Adams, Hartford, Conn.; Rev. Bishop E. G. Andrews, D. D., LL. D., New York City, N. Y.; Hon. Hubert H. Bancroft, San Francisco, Cal.; Rev. William A. Bartlett, D. D., Washington, D. C.; Gen. Henry V. Boynton, Washington, D. C.; Rev. Bishop Thomas Bowman, D. D., LL. D., St. Louis, Mo.; Hon. Addison Brown, New York City, N. Y.; Hon. H. W. Bruce, Louisville, Ky.; Rev. J. G. Butler, D. D., Washington, D. C.; President Horace Bumstead, D. D., Atlanta, Ga.; Hon. George W. Cheyney, Tombstone, Ariz.; Hon. J. B. Chrisman, Brookhaven, Miss.; James Fenimore Cooper, esq., Albany, N. Y.; Rt. Rev. Bishop Arthur C. Coxe, D. D., LL. D., Buffalo, N. Y.; Henry A. Cram, esq., New York City, N. Y.; President E. M. Cravath, D. D., Nashville, Tenn.; Hon. J. L. M. Curry, LL. D., Washington, D. C.; Hon. Charles P. Daly, New York City, N. Y.; Hon. Noah Davis, New York City, N. Y.; Rt. Rev. Bishop William Crosswell Doane, D. D., LL. D., Albany, N. Y.; William E. Dodge, esq., New York City, N. Y.; Rev. George William Douglas, D. D., Washington, D. C.; Hon. Neal Dow, Portland, Me.; Hon. A. S. Draper, Albany, N. Y.; President Edward Dwight Eaton, D. D., LL. D., Beloit, Wis.; Hon. John Eaton, Washington, D. C.; Hon. Samuel N. Elliot, Bentonville, Ark.; Hon. Joseph Estabrook, Olivet, Mich.; President L. R. Fiske, D. D., Albion, Mich.; Rev. Bishop James N. Fitzgerald, D. D., New Orleans, La.; Rev. Bishop Charles H. Fowler, D. D., LL. D., Minneapolis, Minn.; Rt. Rev. Bishop George D. Gillespie, D. D., Grand Rapids, Mich.; President Daniel C. Gilman, LL. D., Baltimore, Md.; Rev

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Some representative names of citizens who are members or adherents of the National League: Robert Abbe, M. D., New York City, N. Y.; D. R. Anthony, esq., Leavenworth, Kans.; D. F. Appleton, esq., New York City, N. Y.; Hon. William H. Arnoux, New York City, N. Y.; Hon. J. M. Ashley, Toledo, Ohio; President George W. Atherton, LL. D., State College, Pa.; Darius Baker, esq., Newport, R. I.; President W. G. Ballentine, D. D., Oberlin, Ohio; President J. W. Bashford, D. D., Delaware, Ohio; Hon. R. C. Bassett, Seneca, Kans.; Hon. Newton Bateman, LL. D., Galesburg, Ill.; H. M. Beardsley, esq., Kansas City, Mo.; Birdseye Blakeman, esq., New York City, N. Y.; Hon. Cornelius N. Bliss, New York City, N. Y.; Rev. Robert Russell Booth, D. D., New York City, N. Y.; Cephas Brainerd, jr., esq., New York City, N. Y.; President Ezra Brainerd, A. M., Middlebury, Vt.; Rev. Edward Bright, D. D., New York City, N. Y.; Martin Brimmer, LL. D., Beverly Farms, Mass.; Isaac V. Brokaw, esq., New York City, N. Y.; Rev. Arthur Brooks, D. D., New York City, N. Y.; President W. Leroy Brown, D. D., Auburn, Ala.; Rev. James M. Buckley, D. D., Morristown, N. J.; Hon. Charles Butler, New York City, N. Y.; President Horatio Butterfield, D. D., Olivet, Mich.; R. A. Caldwell, esq., Fort Smith, Ark.; President James H. Carlisle, LL. D., Spartanburg, S. C.; President Franklin Carter, LL. D., Williamstown, Mass.; Prof. Charles F. Chandler, New York City, N. Y.; L. E. Chittenden, esq., New York City, N. Y.; Edward F. Choate, esq., New York City, N. Y.; Pearson Church, esq., Meadville, Pa.; John Claflin, esq., Brooklyn, N. Y.; Hon. A. T. Clearwater, Kingston, N. Y.; President David H. Cochran, LL. D., Brooklyn, N. Y.; Henry S. Cohn, esq., Louisville, Ky.; M. A. Cohn, esq., Little Rock, Ark.; Charles L. Colby, esq., New York City, N. Y.; Prof. James F. Colby, Hanover, N. H.; James B. Colgate, esq., New York City, N. Y.; Rev. H. Price Collier, D. D., Brooklyn, N. Y.; Rev. Robert Colyer, D. D., New York City, N. Y.; Washington E. Connor, esq., New York City, N. Y.; James M. Constable, esq., New York City, N. Y.; Joseph Cook, LL. D., Boston, Mass.; Hon. Oscar H. Cooper, Austin, Tex.; Hon. Austin Corbin, New York City, N. Y.; Rear Admiral Pierce Crosby, Washington, D. C.; R. Fulton Cutting, esq., New York City, N. Y.; E. Kieth Dargan, esq., Darlington, S. C.; G. F. Darrow, esq., Ogdensburg, N. Y.; Hon. J. C. Bancroft Davis, Washington, D. C.; Hon. B. H. Davis, Olympia, Wash.; Hon. R. C. Davis, Louisville, Ky.; Amos B. Denison, esq., Keene, N. H.; Richard H. Derby, M. D., New York City, N. Y.; Theo. L. De Vinne, esq., New York City, N. Y.; Rev. Daniel Dorchester, D. D., Boston, Mass.; F. Wayland Douglas, esq., Indianapolis, Ind.; Hon. W. C. Dovey, Carson City, Nev.; Prof. Henry Drisler, New York City, N. Y.; James B. Dudley, esq., Wilmington, N. C.; Rev. James B. Dunn, D. D., Boston, Mass.; Rt. Rev. Bishop T. U. Dudley, D. D., Louisville, Ky.; Rev. Arthur Edwards, D. D., Chicago, Ill.; President E. C. Eldridge, LL. D., Troy, Ala.; Rev. Joachim Elmendorf, D. D., New York City, N. Y.; Hon. Heman Ely, Elyria, Ohio; President Simpson Ely, D. D., Canton, Ohio; President Calvin Esterly, Los Angeles, Cal.; Julius Estey, esq., Brattleboro, Vt.; Sherman Evarts, esq., New York City, N. Y.; Hon. Enoch L. Fancher, New York City, N. Y.; Prof. Henry W. Farnham, New Haven, Conn.; Edgar H. Farrar, esq., New Orleans, La.; Prof. W. Wayland Fellowes, New Haven, Conn.; Hon. A. I. Felt, Seneca, Kans.; President A. H. Fetterolf, A. M., Ph. D., Philadelphia, Pa.; President John H. Finley, LL. D., Galesburg, Ill.; James G. Flanders, esq., Milwaukee, Wis.; Hon. David L. Follett, Norwich, N. Y.; Prof. Wm. Watts Folwell, Minneapolis, Minn.; President Edward S. Frisbee, D. D., Aurora, N. Y.; Prof. John R. French, LL. D., Syracuse, N. Y.; Rev. E. M. Gallaudet, D. D., Washington, D. C.; Henry Wise Garnett, esq., Washington, D. C.; Hon. James Gayler, New York City, N. Y.; R. Swain Gifford, esq., New York City, N. Y.; Arthur Gilman, LL. D., Cambridge, Mass.; Rev. Bishop Daniel A. Goodsell, D. D., San Francisco, Cal.; Rev. Dr. Gustav Gotthell, New York City, N. Y.; Hon. Frederick D. Grant, New York City, N. Y.; Rev. David H. Greer, D. D., New York City, N. Y.; President W. M. Grier, D. D., Due West, S. C.; W. N. Haldeman, esq., Louisville, Ky.; Hon. Matthew Hale, Albany, N. Y.; Rev. John Hall, D. D., LL. D., New York City, N. Y.; J. Hooker Hamersley, esq., New York City, N. Y.; B. D. Harris, esq., Brattleboro, Vt.; Hon. William T. Harris, Washington, D. C.; Rev. Thomas S. Hastings, D. D., LL. D., New York City, N. Y.; President Hiram C. Haydn, D. D., Cleveland, Ohio; Hon. Rowland Hazard, Peace Dale, R. I.; James M. Head, esq., Nashville, Tenn.; Frederick S. Hebard, esq., Cheyenne, Wyo.; President David J. Hill, LL. D., Rochester, N. Y.; Robert H. Hinckley, esq., Philadelphia, Pa.; Welcome G. Hitchcock, esq., New York City, N. Y.; Henry Holt, esq., New York City, N. Y.; Prof. E. N. Horsford, Cambridge, Mass.; Rt. Rev. Bishop Howe, D. D., Charleston, S. C.; Hon. Mark Hoyt, Brooklyn, N. Y.; Rev. Wayland Hoyt, D. D., Minneapolis, Minn.; Prof. J. L. N. Hunt, LL. D, New York City, N. Y.; Richard M. Hunt, esq., New York City, N. Y.; President F. T. Ingalls, D. D., Springfield, Mo.; Anthony Ittner, esq., St. Louis, Mo.; Charles P. Jacobs, esq., Indianapolis, Ind.; Rear-Admiral T. A. Jenkins, Washington, D. C.; Eastman Johnson, esq., New York City, N. Y.; Rev. Herrick Johnson, D. D., Chicago, Ill.; Rossiter Johnson, esq., New York City, N. Y.; Gen. R. W. Johnson, United States Army, St. Paul, Minn.; Hon. J. B. Julian, Indianapolis, Ind.; Linden Kent, esq., Washington, D. C.; Hon. John A. King, Great Neck, N. Y.; Hon. T. H. Kirk, St. Paul, Minn.; Charles Lanier, esq., New York City, N. Y.; J. B. Larimer, esq., Topeka, Kans.; Hon. Henry C. Lea, Philadelphia, Pa.; Hon. J. M. Longyear, Marquette, Mich.; Daniel Lord, jr., esq., New York City, N. Y.; Rev. George C. Lorimer, D. D., Boston, Mass.; R. R. McBurney, esq., New York City, N. Y.; Rev. C. C. McCabe, D. D., New York City, N. Y.; John J. McCook, esq., New York City, N. Y.; Chancellor William F. McDowell, Ph. D., Denver, Colo.; Hon. E. B. McElroy, Salem, Oregon; Rev. R. S. MacArthur, D. D., New York City, N. Y.; Chancellor Edward Mayes, LL. D., University, Miss.; Rev. H. Pereira Mendes, D. D., New York City, N. Y.; Frank D. Millet, esq., New York City, N. Y.; Ezra P. Mills, esq., New York City, N. Y.; Hon. Bankson T. Morgan, New York City, N. Y.; J. Pierpont Morgan, esq., New York City, N. Y.; Hon. Levi P. Morton, New York City, N. Y.; Hon. C. C. Nott, Washington, D. C.; Prof. J. Edward Oliver, Ithaca, N. Y.; Frederick Law Olmstead, esq., Brookline, Mass.; Hon. Alanson S. Page, Oswego, N. Y.; Hon. Isaac C. Parker, Fort Smith, Ark.; John E. Parsons, esq., New York City, N. Y.; Hon. Charles A. Peabody, New York City, N. Y.; Rt. Rev. Bishop George W. Peterkin, D. D., Parkersburg, W. Va.; Henry E. Pierrepont, esq., Brooklyn, N. Y; S. S. Prentiss, esq., New Orleans, La.; George L. Putnam, esq., New York City, N. Y.; James Pyle, esq., New York City, N. Y.; John D. Rockefeller, esq., New York City, N. Y.; President Henry Wade Rogers, LL. D., Evanston, Ill.; V. Henry Rothschild, esq., New York City, N. Y.; Hon. Russell Sage, New York City, N. Y.; Charles Scribner, esq., New York City, N. Y.; President L. Clark Seelye, D. D., Northampton, Mass.; Hon. C. M. Sessions, Mount Vernon, Iowa; Albert Shaw, LL. D., New York City, N. Y.; Hon. James Shearer, Bay City, Mich.; Hon. Charles C. Smith, Rutledge, Tenn.; S. Fleet Spier, M. D., Brooklyn, N. Y.; Edmund C. Steadman, esq., New York City, N. Y.; Hon. Lispenard Stewart, New York City, N. Y.; Hon. Mason S. Stone, Montpelier, Vt.; Rev. Richard S. Storrs, D. D., LL. D., Brooklyn, N. Y.; President William M. Thornton, LL. D., Charlottesville, Va.; Hon. Frederick Townsend, Albany, N. Y.; Prof. Moses Coit Tyler, Ithaca, N. Y.; Cornelius Vanderbilt, esq., New York City, N. Y.; Kiliaen Van Rensselaer, esq., New York City, N. Y.; Richard M. Venable, esq., Baltimore, Md.; Henry Villard, esq., New York City, N. Y.; Rev. Samuel H. Virgin, D. D., New York City, N. Y.; President Leslie Waggener, LL. D., Austin, Tex.; Hon. Francis A. Walker, Boston, Mass.; Prof. Francis Wayland, New Haven, Conn.; Hon. S. V. White, New York City, N. Y.; George G. Wheelock, M. D., New York City, N. Y.; Hon. Pardon C. Williams, Watertown, N. Y.; E. B. Willis, esq., Sacramento, Cal.; Skipworth Wilmer, esq., Baltimore, Md.; Rev. John M. Worrall, D. D., Danville, Ky.; Henry E. Young, esq., Charleston, S. C.; President W. C. Young, D. D., Danville, Ky.; O. F. Zollikoffer, New York City, N. Y.

Now, this is a very serious matter. It concerns the rights of the American people so far as the appropriation of their money is concerned. Notwithstanding the Senator from Florida has disclaimed that these appropriations are made for sectarian purposes, I believe it is in contravention of the spirit at least of the Constitution of the United States; and were it not that wrong would come to established schools which have been encouraged and perpetuated by this false system I should certainly move a proviso to the effect that this money shall be used exclusively for other than sectarian purposes. I do not believe the Congress of the United States can long stand upon the ground we occupy to-day. There is already a gathering storm in this country against this matter of appropriating money for sectarian purposes. That storm may break before a great while upon the Congress and the people of the United States. The principle is wrong. That principle will have to be reversed sooner or later, and in my opinion the sooner it is done the better it will be for the rights and the liberties of the American people.

Mr. President, I have a single additional remark, and that is, that if I can find time to formulate a motion to recommit this bill with proper instructions to the Committee on Appropriations, with a view to getting rid of this abnormal and unjust condition of things in the near future, without doing detriment to contracts already made, I shall, when the bill comes into the Senate, submit that motion. If I do that, as I hope to do, I trust that Senators will lay aside all prejudice, all prepossession, and come to a conclusion that it is time at least that we made a starting point in remedying an evil which has grown upon our system and which, as I before stated, is in contravention of the spirit, if not of the letter, of the Constitution of our country.

Mr. CALL. Mr. President, there is not a member of the Committee on Appropriations who does not agree with the Senator from New Hampshire [Mr. GALLINGER], that whenever it is possible to do so, in deference to the growing public sentiment of this country, it would be better that all Indian schools should be under the direct control of the Government. He does not differ from the committee in that respect, nor the committee from him. The public opinion of this country, of the great masses of the religious people of all churches, is opposed, I believe, to the policy of sectarian schools.

The question, however, is, What can the Committee on Appropriations do? These contracts have been made; these schools are established. Suppose you did establish a Government school to-day right alongside of one of these denominational institutions, as they are termed, would the children be taken away unless you used force? Would they not have a discretion to attend them? Would it be proper for the Committee on Appropriations or for the Senate suddenly to adopt a system in this country to do away with all the schools which are to be found there

or leave them entirely to the spasmodic influences of private charity?

To show the condition the Committee on Appropriations is in, and the Senate is in, I desire to read upon this subject the statement of a man whose life has been devoted to the interests of the Indians and to Indian education, a man who favors the idea that there should be no sectarian schools, but who states candidly the difficulties in the way of the subject, not only on the part of Congress, but on the part of the denominations and religious associations themselves. In a history of the proceedings of the convention of the board of Indian Commissioners held at Lake Mohonk, attached to the Report of the Commissioner of Indian Affairs for the year 1893, on page 1035, I find the following in the address of Bishop Whipple:

There is another matter that I hardly know what to say about. I am sometimes afraid that we have made a terrible mistake; and then, again, it is always safe to stand on principle. I believe that every Christian man in the United States should avoid anything that looks like an alliance between State and church. Almost all of the religious bodies have voluntarily relinquished the aid which the Government gives to their schools. The school at Santee Agency is not there to teach Presbyterian theology; it is to teach Indians the same things that they are taught at Carlisle. But, because it is supported by the American Missionary Association, it seemed to be sharing the position of Government patronage.

So far as I know, I may be wrong. I am afraid that to one body of this country quite as much money, and perhaps more, is being given as at any period of the history of the Government. If that is so, it ought not so to be. I know not what there may be in the future, but I do know this, that, if we know how to work and wait, if we know how to sow the seed and believe God will give the harvest, there is no question about the future. And, when you get over to that country where you are going to meet those loved ones and see your beloved Master, there will be no comfort greater than to meet some one you have helped heavenward, homeward. Happy is the man or woman that could have written over her grave the epitaph which I once read in the Basque Province of France: "Here lies Estelle, who, having spent her fortune in works of charity and love which she sent before her to Heaven, has now gone there to enjoy them."

He proceeds further on another page of the report to say.

I never shall forget the time when the Government put in my care the Sisseton Indians, who belong largely to the mission of the Presbyterian Church. There was a conflict between the two Houses of Congress. There was no confidence in the Indian agent. Money had been squandered. One day some one said: "Bishop Whipple has been living near those Indians. Let us put the money in his care; he will not steal it." And, to my surprise, I found myself in charge of a large body of Indians outside of my diocese. I telegraphed that I could not take the responsibility. I went to Washington, but Congress had adjourned; and the Secretary said, "If you do not take this money and help the Indians they will starve to death." When I reached the agency the old Indian, Simon Anagmani, rose, trembling in every limb, and with tears running down his cheeks, said: "For days and days the earth has been iron, and the sky is as if it were iron, and we have cried, and God did not hear or answer, and we have reached out our hands, and we could not take hold of anything. We have looked into the faces of the Christian men at last, and I believe the Great Spirit has saved us."

I suppose that neither the Senator from New Hampshire nor any religious denomination in this country would say that this action of Bishop Whipple, a Protestant, opposed to the continuance of sectarian schools, was not exactly what ought to have been done, and that the schools established and the care of the Indians, which he carries with him, ought not to be suddenly displaced by the Government.

The contracts made were certainly obligatory, and the existing contracts are now obligatory. They are not made by the Committee on Appropriations; they are not made by the Senate; they are not made by the House of Representatives; they have been made by the Executive, the administrative department of the Government. Bishop Whipple was sent there, and being there a missionary to the Indians, he found that the interests of honest administration could best be conserved by a citizen of the United States of character, and probably because of his religious character and associations.

So the committee have no responsibility whatever for these provisions in the bill, and I believe every member of the committee is favorable to the idea of an entire separation of these schools from all sectarian or religious connections, but they have no authority in this matter unless they encroach upon the administration of the Government in its executive functions and arbitrarily set aside the contracts which have been made.

For myself, I am entirely of the opinion that these schools ought not to be sectarian, just as Bishop Whipple was of that opinion; but we find ourselves in this condition, and the committee disclaim any responsibility whatever for these appropriations. They are made in pursuance of laws which are obligatory on us and on the House, and to pay money contracted for and recommended by the proper executive authority.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 58, line 23, after the word "fund," to strike out—

And also provided, That $3,000 of the amount hereby appropriated shall be expended in the construction of school buildings for the Cherokee Training School at Cherokee, N. C.: *Provided*, That so much of the appropriations made in this bill for the payment of agents, as shall not be required for that purpose, is hereby made available for educational purposes to be added to the $1,070,000 already appropriated and used for the same purpose, if required.

The amendment was agreed to.

The next amendment was, on page 59, line 24, before the word "hundred," to strike out "four" and insert "two;" in the same line, after the word "dollars," to insert "for construction of school buildings, $3,000;" and on page 60, line 1, before the word "hundred," to strike out "fourteen thousand seven" and insert "seventeen thousand five;" so as to make the clause read:

For support and education of eighty pupils at the Cherokee Training School, at Cherokee, N. C., at $167 per annum each, $13,360; for pay of superintendent, $1,200; for construction of school buildings, $3,000; in all, $17,560.

The amendment was agreed to.

The next amendment was, on page 60, line 70, before the word "thousand," to insert "and five;" and in the same line, after the word "dollars," to insert "for additional pay of military officer acting as superintendent, $1,000; in all, $106,000; so as to make the clause read:

For support of Indian industrial school at Carlisle, Pa., at not exceeding $167 for each pupil, for transportation of pupils to and from Carlisle school, and for the repair of buildings, $105,000; for additional pay of military officer acting as superintendent, $1,000; in all, $106,000.

Mr. QUAY. Mr. President, on that amendment I ask the Senator in charge of the bill, if we can not have the $10,000 additional estimated for by the Secretary of the Interior, to consent to give at least half of it for the Carlisle industrial school, so as to appropriate $110,000 instead of $105,000? I trust there will be no objection to that increase on the part of the committee.

Mr. CALL. I shall not object if the other members of the committee do not.

The PRESIDING OFFICER. The Chair understands the Senator from Pennsylvania to move to amend the amendment of the committee in line 7, by striking out the word "five" and inserting "ten."

Mr. QUAY. Yes, and the amendment is accepted by the committee.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 7, before the word "thousand" it is proposed to strike out "five" and insert "ten;" so as to make the amount $110,000.

The amendment to the amendment was agreed to.

Mr. QUAY. I move to increase the total from "$106,000" to $111,000, so as to conform to the amendment which has just been made.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 61, line 10, after the words "per annum," to insert "and said superintendent shall give bond with approved security and act as agent of the Santee Indians located at Flandreau, and while so acting shall be allowed a clerk at the yearly rate of $500, which amount is hereby appropriated."

Mr. COCKRELL. The committee desire that amendment to be disagreed to.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 16, on page 61, after the word "dollars," to insert "to procure a permanent water supply for the school, $1,000, or as much thereof as may be necessary," and before the word "hundred," in line 19, to strike out "twenty-nine thousand one," and insert "thirty thousand six;" so as to make the clause read:

For support and education of 150 Indian pupils at Flandreau, S. Dak., at $167 per annum each, $25,050; for pay of superintendent of said school, $1,500 per annum; for pay of one assistant matron, $600 per annum; general repairs and erection of outhouses, $2,000; to procure a permanent water supply for the school, $1,000, or as much thereof as may be necessary; in all, $30,650.

The amendment was agreed to.

The next amendment was, on page 62, after line 3, to insert:

For the repair of the church and building used for school purposes on the San Xavier Reservation, in the Territory of Arizona, $1,000.

Mr. PLATT. I should like some explanation of this proposed amendment. That is not a Government school, is it?

Mr. COCKRELL. That amendment applies to an old Greek church, which is said to be the oldest church in America. It is a question as to whether it is not as old or older than the building at Santa Fe. It is used in connection with the schools. It is a building of rare architecture, and it needs some repairs. The roof is covered with tiles, and repairs are needed there, and owing to the length of time which has elapsed since its con-

struction, the stone near the foundation is disappearing, and some additional repairs are needed there. The building is said to be a work of rare architectural skill. The Senator from Colorado [Mr. TELLER], who visited it in person, insisted that this amendment should be made, even if the building were not used for school purposes.

Mr. PLATT. The real object of the appropriation, then, is to preserve a building which is one of our antiquities at the present time?

Mr. CALL. That is it.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Florida to line 19, on page 61. The Senate having disagreed to the amendment from line 10 to line 14, the Chair suggests that the word "six," before the word "hundred," should be changed to "one;" so as to read $30,100."

Mr. COCKRELL. Let "six" be stricken out and "one" inserted.

The PRESIDING OFFICER. If there be no objection, the vote by which the amendment in line 19, on page 61, was agreed to will be regarded as reconsidered, and the word "six" stricken out and "one" inserted. The Chair hears no objection, and it is so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 63, line 1, after the word "fencing," to strike out "in entire building plant;" so as to make the clause read:

For support and education of 150 Indian pupils, at $167 per annum each, at Grand Junction, Colo., $25,050; for pay of superintendent at the Indian school, $1,500 per annum; for general repairs, $500; fencing, painting, $685; cisterns, cesspools, and sewerage, $500; in all, $28,235.

The amendment was agreed to.

The next amendment was, on page 63, line 23, after the words "per annum," to strike out "general repairs, $1,000; construction of laundry, $500; construction of storage building, $2,000," and insert "construction of buildings and general repairs, $3,500;" so as to make the clause read:

For support and education of one hundred and fifty Indian pupils at Mount Pleasant, Mich., at $150 per annum each, $22,500; for pay of superintendent, $1,500 per annum; construction of buildings and general repairs, $3,500; in all, $27,500.

The amendment was agreed to.

The next amendment was, on page 66, line 7, before the word "dollars," to insert "five hundred;" and in line 8, before the words "and fifty," to strike out "twenty-eight thousand five hundred," and insert "twenty-nine thousand;" so as to make the clause read:

For support and education of one hundred and fifty Indian pupils at Santa Fe, N. Mex., at $167 per annum each, $25,050; for pay of superintendent of said school, $1,500 per annum; for general repairs, $1,000; water supply for irrigation and fire protection, $1,500; in all, $29,050.

The amendment was agreed to.

The next amendment was, on page 66, after line 17, to strike out:

For the purpose of conducting negotiations with the Shoshone and Arapaho Indians for the sale and relinquishment of certain portions of their reservation in the State of Wyoming to the United States, under charge of a commissioner to be appointed by the Secretary of the Interior, there shall be appropriated the sum of $2,000, to become immediately available: *Provided*, That the pay of said commissioner shall not exceed $6 per day and necessary traveling expenses: *And provided further*, That any agreement entered into for said lands shall be ratified by Congress before it becomes binding: *Provided*, That the Secretary of the Interior shall detail immediately one or more of the five Indian inspectors to make said treaty.

The amendment was agreed to.

The next amendment was, on page 67, after line 19, to insert:

That in the expenditure of money appropriated for any of the purposes of education of Indian children, those children of Indians who have taken lands in severalty under any existing law shall not, by reason thereof, be excluded from the benefits of such appropriation.

Mr. PLATT. I suggest that in line 22 of the amendment, on page 67, after the word "taken," to insert "or who may hereafter take."

Mr. CALL. That amendment to the amendment is accepted.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. It is proposed to amend the amendment by inserting after the word "taken," in line 22, on page 67, the words "or may hereafter take."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 68, line 3, after the words "direction of the," to strike out "Commissioner of Indian Affairs" and insert "Secretary of the Interior;" and, in line 7, after the word "him," to strike out "subject to the approval of the Secretary of the Interior;" so as to make the clause read:

That the expenditure of the money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Secretary of the Interior, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may from time to time be prescribed by him.

The amendment was agreed to.

The next amendment was, on page 68, line 9, after the words "Sec. 2," to insert:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the several Indian tribes interested therein, the face value of certain nonpaying State bonds or stocks, including certain abstracted bonds described on pages 153 and 154 of Annual Estimates for the fiscal year ending June 30, 1895 (House Executive Document No. 5, Fifty-third Congress, second session), to draw interest at the rate of 5 per cent per annum, as provided by the act of April 1, 1880; and thereupon said State bonds or stocks shall become the property of the United States.

The amendment was agreed to.

The next amendment was, in section 3, on page 69, line 17, after the words "construction of," to insert "artesian wells;" and on page 70, in line 4, before the word "thousand," to strike out "fifty" and insert "ten;" so as to read:

SEC. 3. That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate $500 in value, at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding $3,000 at any one purchase: *Provided*, That funds herein and heretofore appropriated for construction of artesian wells, ditches, and other works for irrigating may, in the discretion of the Secretary of the Interior, be expended in open market.

The amendment was agreed to.

The next amendment was, in section 4, on page 70, line 6, after the word "That," to strike out "so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June 30, 1895, shall be immediately available; but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July 1, 1894. And;" and in line 18, after the word "male," to strike out "*Provided*, That these contracts" and insert "and the contracts so made shall be on the basis of the appropriations for the preceding fiscal year and;" so as to read:

SEC. 4. That hereafter the Commissioner of Indian Affairs is authorized to advertise in the spring of each year for bids, and enter into contracts, subject to the approval of the Secretary of the Interior, for goods and supplies for the Indian service required for the ensuing fiscal year, notwithstanding the fact that the appropriations for such fiscal year have not been made, and the contracts so made shall be on the basis of the appropriations for the preceding fiscal year, and shall contain a clause that no deliveries shall be made under the same and no liability attach to the United States in consequence of such execution if Congress fails to make an appropriation for such contract for the fiscal year for which those supplies are required.

The amendment was agreed to.

The next amendment was, on page 74, after line 8, to strike out section 11, as follows:

SEC. 11. That no Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child if either of them are living, and if neither of them are living without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. Nor shall any Indian child be sent to a school more than 40 miles beyond the reservation of the tribe to which he or she belongs until after said child shall have attended school on some Indian reservation for at least four years.

The amendment was agreed to.

The next amendment was, on page 74, after line 22, to insert as a subheading:

AGREEMENT WITH THE YANKTON SIOUX OR DAKOTA INDIANS, IN SOUTH DAKOTA.

The amendment was agreed to.

The next amendment was, on page 74, line 25, after the word "Section," to strike out "12" and insert "11;" and on page 75, line 14, after the word "confirmed," to strike out "with the modifications, changes, and conditions hereinafter set forth;" so as to make the section read:

SEC. 11. The following agreement, made by J. C. Adams and John J. Cole, commissioners on the part of the United States, with the chiefs, headmen, and other male adults of the Yanton tribe of Sioux or Dakota Indians upon the Yankton Reservation, in the State of South Dakota, on the 31st day of December, 1892, and now on file in the Department of the Interior, and signed by said commissioners on behalf of the United States, and by Charles Martin, Edgar Lee, Charles Jones, Isaac Hepikigan, Stephen Cloud Elk, Edward Yellow Bird, Iron Lingthing, Eli Brockway, Alex Brunot, Francis Willard, Louis Shunk, Joseph Caje, Albion Hitika, John Selwyn, Charles Ree, Joseph Cook, Brigham Young, William Highrock, Frank Felix, and Philip Ree, on behalf of the said Yankton tribe of Sioux Indians, is hereby accepted, ratified, and confirmed.

The amendment was agreed to.

The reading of the bill was continued to the end of line 24 on page 86.

Mr. PLATT. Will the Senator in charge of the bill give me his attention for a moment? The matter beginning with line 24 on page 86, and going to the end of line 3 on page 87, ought to be stricken out. I do not want to have an enacting clause

put in the middle of a bill. The ratification of the agreement with the Yankton Sioux is already contained on page 75.

Mr. COCKRELL. The Senator from Connecticut is not correct in that respect. It is very proper that those words should go in on page 86, where they are. The first clause is a ratification, and then we enact provisions specifically in regard to it. We put the enacting words in there to show that what follows is not a part of the agreement which is copied there. It is the rule which has been pursued in all the other Indian appropriation acts.

Mr. PLATT. I do not believe the Senator will find an enacting clause in the middle of an appropriation act anywhere.

Mr. COCKRELL. We thought we did find it in all of them.

Mr. CALL. It can be corrected afterwards if the Senator from Connecticut desires.

Mr. PLATT. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 87, line 3, after the word "confirmed," to strike out:

As modified as follows:

First. That the sum of $10,000, or so much thereof as may be necessary to be paid to the adult members of said tribe as provided in article 7 of said agreement, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the same shall be immediately available, and shall be applied in carrying out the provisions of the said seventh section of said agreement. And the sum of $11,475 shall be appropriated, as provided in article 15 of said agreement, upon the ratification of the changes of said articles of agreement, as provided in this act by said Yankton tribe of Sioux Indians.

That of the first proceeds of the lands ceded by said tribe to the United States $100,000 shall be set apart, not to be covered into the Treasury, and shall be placed by the Secretary of the Treasury in charge of the Secretary of the Interior, on his requisition, to carry into effect the provisions of the third article of said agreement; and the Secretary of the Interior shall cause the said sum to be divided among the members of said tribe per capita, as contemplated by the said article, and such distribution shall be made within thirty days from the opening of said lands to settlement; and if the whole of said sum shall not have been received as proceeds of said lands, the remainder shall be immediately distributed, when with the sum before distributed, it amounts to $100,000. And the sum of $500,000, the residue of the proceeds of said land, shall be placed to the credit of said tribe of Indians, and shall bear interest at the rate of 4 per cent per annum, said interest to be paid and distributed to said tribe as provided in articles 5 and 6 of said agreement: *Provided*, That none of the money to be paid to said Indians under the terms of said agreement, nor any of the interest thereon, shall be subject to the payment of any claims, judgments, or demands against said Indians for damages or depredations claimed to have been committed prior to the signing of said agreement.

And in lieu thereof to insert:

That for the purpose of carrying the provisions of this act into effect there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $600,000, or so much thereof as may be necessary, of which amount the sum of $500,000 shall be placed to the credit of said tribe in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum from the 1st day of January, 1893, said interest to be paid and distributed to said tribe as provided in articles 5 and 6 of said agreement. Of the amount herein appropriated $100,000 shall be immediately available, to be paid to said tribe as provided in section 1 of Article 3 of said agreement. There is also hereby appropriated the further sum of $10,000, or so much thereof as may be necessary, which sum shall be immediately available, to be paid to the adult male members of said tribe, as provided in article 7 of said agreement. There is also hereby appropriated the further sum of $11,475, which sum shall be immediately available, to be paid as provided in article 15 of said agreement: *Provided*, That none of the money to be paid to said Indians under the terms of said agreement, nor any of the interest thereon, shall be subject to the payment of any claims, judgments, or demands against said Indians for damages or depredations claimed to have been committed prior to the signing of said agreement.

The amendment was agreed to.

The next amendment was, on page 89, line 18, before the word "That," to strike out "Second;" in line 22, after the "words United States," to strike out "(except section 2301 of the Revised Statutes, which shall not apply);" on page 90, line 4, after the wotd "shall," to strike out—

before making final proof and receiving a certificate of entry, pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of $3.75 per acre, one-half of which shall be paid within three years from the date of this original entry.

And insert

"in addition to the fees provided by law, pay to the United States for the land so taken by him the sum of $3.75 per acre, of which sum he shall pay 50 cents at the time of making his original entry and the balance before making final proof and receiving a certificate of final entry.

And in line 18, after the word "aforesaid," to strike out:

Provided however, That each settler shall be limited to 80 acres in amount, but after the expiration of six months from the opening of said lands to settlement, may take an additional 80 acres from any of the lands of said tract then subject to entry: *And provided further*, That after three years' actual and continuous residence upon said land from date of settlement, the settler shall, upon full payment of $3.75 per acre, receive patent for the tract entered: *Provided*, That settlement shall be made under this act within thirty days from date on filing on land. That the right of commutation is extended to all bona fide homestead settlers on the lands in Oklahoma Territory opened to settlement under the provisions of the act of Congress, entitled "An act making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for the fiscal year ending June 30, 1894," approved March 3, 1893, and the President's proclamation in pursuance thereof, after fourteen months from date of settlement, upon the payment for the lands as provided in said act.

So as to make the clause read:

That the lands by said agreement ceded to the United States shall, upon proclamation by the President, be opened to settlement, and shall be subject to disposal only under the homestead and town-site laws of the United States, excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of the State of South Dakota: *Provided*, That each settler on said lands shall, in addition to the fees provided by law, pay to the United States for the land so taken by him the sum of $3.75 per acre, of which sum he shall pay 50 cents at the time of making his original entry and the balance before making final proof and receiving a certificate of final entry: but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States, shall not be abridged, except as to the sum to be paid as aforesaid.

The amendment was agreed to.

The next amendment was, on page 91, after line 13, to strike out:

Third. That any person who was not the owner of land in any State or Territory of the United States at date of passage of this act may make an entry of the lands opened to settlement under the provisions of this act, although said person may have heretofore made an entry under the provisions of the homestead law: *Provided*, That said person is not otherwise disqualified.

That the changes of said agreement provided for in this section shall be deemed ratified and agreed to by said Yankton tribe of Sioux Indians when three-fourths of those who signed said agreement shall individually sign an agreement assenting to said changes and accept and receive the payment each, as provided to be paid in article 7 of said agreement.

Fourth. That immediately after the passage of this act the Secretary of the Interior shall prescribe rules and regulations to procure the ratification by said Yankton tribe of Sioux Indians to the changes in said agreement, as provided for in section 1 of this act, and shall without delay, upon the agreement of said Indians to said changes, under such regulations as he may prescribe, open said lands to settlement, provided the settlers upon said land shall be required to pay 75 cents per acre at the time of filing upon same: *Provided*, That the proclamation of the President opening said lands to settlement, as provided in section 3 of this act, shall be issued within thirty days after the ratification of the changes in said agreement by said Indians, as provided in section 1 of this act, and that said proclamation shall be issued giving at least sixty days notice of the date said lands will be open to settlement.

Mr. COCKRELL. The provisions proposed to be stricken out relate to an entirely different matter from the treaty. They have no connection with the treaty, directly or indirectly, although injected into the midst of this matter. We therefore propose to strike them out, and the part which ought to be retained we put in as an additional section at the end of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 92, line 19, before the word "that," to strike out "fifth;" so as to make the clause read:

That the Secretary of the Interior, upon proper plats and description being furnished, is hereby authorized to issue patents to Charles Picotte and Felix Brunot, United States interpreters, for not to exceed 1 acre of land each, so as to embrace their houses near the agency buildings upon said reservation, but not to embrace any buildings owned by the Government, upon the payment by each of said persons of the sum of $3.75.

Mr. COCKRELL. I move to amend the amendment by inserting in line 21, after the name "Brunot," the words "and W. T. Selwyn."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment was, on page 93, after line 2, to strike out:

Sixth. That every person who shall sell or give away any intoxicating liquors or other intoxicants upon any of the lands allotted under the provisions of this act shall be punishable by imprisonment for not more than two years and by a fine of not more than $300. And Article XVII of the agreement is modified by this section.

And to insert:

That every person who shall sell or give away any intoxicating liquors or other intoxicants upon any of the lands by said agreement ceded, or upon any of the lands included in the Yankton Sioux Indian Reservation as created by the treaty of April 19, 1858, shall be punishable by imprisonment for not more than two years and by a fine of not more than $300.

The amendment was agreed to.

The next amendment was, on page 93, after line 16, to insert:

That any person who was not the owner of over 40 acres of land in any State or Territory of the United States on the 1st day of January, 1894, may make an entry of the lands opened to settlement under the provisions of this act, although said person may have heretofore made an entry under the provisions of the homestead law: *Provided*, That said person is not otherwise disqualified.

Mr. PLATT. Does the committee desire to insist upon this amendment?

Mr. COCKRELL. It was in the original proposition I think. It was proposed by the other House, and we had to strike it out where it was because it was not in the proper place. We simply propose to reinsert it here.

Mr. PLATT. Where does it appear in the bill as it came from the other House?

Mr. COCKRELL. On page 91, as the third provision. It ought not to have gone in as a part of this matter, but as a regulation. If the Senator from Connecticut objects to it we shall not insist upon the amendment.

Mr. PLATT. I doubt whether we ought to make a different provision in the opening of one of these reservations from what

is contained in the general land laws of the United States. There has been a great deal of controversy over the question as to whether the entire land laws ought not to be changed in that respect.

Mr. CALL. I accept the Senator's suggestion.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

Mr. COCKRELL. Let the amendment be disagreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment was at the top of page 94, to insert the following heading:

AGREEMENT WITH THE YAKIMA NATION OF INDIANS IN WASHINGTON.

The amendment was agreed to.

The next amendment was, on page 109, line 24, after the word "confirmed," to strike out:

First. The sum of $10,000 to be paid said Indians as provided in Article II of said agreement, as herein modified, is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the same be immediately available and shall be applied in carrying out the provisions of said article, and the sum of $100,000 shall be hereafter appropriated, when said Indians shall approve and ratify the amendments made by this act in said agreement, which sum of money shall be deposited in the Treasury of the United States to the credit of the Indians of the Siletz Reservation as provided in Article II of said agreement. That of the proceeds of the lands ceded by said Indians $32,600 shall be set apart not to be covered into the Treasury, and shall be placed by the Secretary of the Treasury in charge of the Secretary of the Interior, on his requisition, to carry into effect the provisions of Article II of said agreement and the moneys shall be divided per capita among the members of the tribe as provided in said article.

And to insert:

That for the purpose of carrying the provisions of this act into effect there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $142,600, which sum of money shall be paid to the Indians in the manner and form prescribed by articles 2 and 3 of the agreement.

The amendment was agreed to.

The next amendment was, on page 111, line 8, after the word "depredations," to strike out:

[*And provided further*, That sections 16 and 36 of the lands ceded and relinquished by said agreement are hereby confirmed to the State of Oregon for the support of the common schools of said State under the limitations prescribed by law.

And in line 12, before the word "mineral," to insert "the.'

The amendment was agreed to.

The next amendment was, on page 112, line 3, before the words "per cent," to strike out "four" and insert "five;" in the same line, after the words "after the," to strike out "ratification" and insert "passage;" and in line 4, after the word "act," to strike out "by said Indians;" so as to make the clause read:

That all of the money so held by the United States to pay the delayed payments shall draw interest at the rate of 5 per cent per annum after the passage of this act.

The amendment was agreed to.

The reading of the bill was continued to the end of line 12, on page 112.

Mr. COCKRELL. On page 112, after the word "shall," in line 6, I move to strike out down to and including the word "changes" in line 10; and in line 11, before the word "sixty," to insert "proclamation by the President and."

The SECRETARY. On page 112, line 6, after the word "shall," it is proposed to strike out:

Prescribe rules and regulations to procure the ratification by said Indians of the Siletz Reservation to the changes in said agreement, as provided for in this act, and shall without delay, upon the agreement of said Indians to said changes.

And in line 11, before the word "sixty," to insert "proclamation by the President and;" so as to make the clause read:

That immediately after the passage of this act the Secretary of the Interior shall, under such regulations as he may prescribe, open said lands to settlement after proclamation by the President and sixty days' notice.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 112, after line 12, to insert:

AGREEMENT WITH THE NEZ PERCE INDIANS IN IDAHO.

SEC. 15. Whereas Robert Schleicher, James F. Allen, and Cyrus Beede, duly appointed commissioners on the part of the United States, did on the 1st day of May, 1893, conclude an agreement with the principal men and other male adults of the Nez Perce tribe of Indians, upon the Lapwai Reservation, in the State of Idaho, which said agreement is as follows:

Whereas the President, under date of October 31, 1892, and under the provisions of the act of Congress entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1887, authorized negotiations with the Nez Perce Indians in Idaho for the cession of their surplus lands; and

Whereas the Nez Perce Indians are willing to dispose of a portion of the tract of land in the State of Idaho reserved as a home for their use and occupation by the second article of the treaty between said Indians and the United States, concluded June 9, 1863:

Now, therefore, this agreement made and entered into in pursuance of the provisions of said act of Congress approved February 8, 1887, at the Nez Perce Agency, by Robert Sleicher, James F. Allen, and Cyrus Beede, on the part of the United States, and the principal men and male adults of the Nez Perce tribe of Indians located on said Nez Perce Reservation, witnesseth:

ARTICLE I.

The said Nez Perce Indians hereby cede, sell, relinquish, and convey to the United States all their claim, right, title, and interest in and to all the unallotted lands within the limits of said reservation, saving and excepting the following described tracts of lands, which are hereby retained by the said Indians, viz:

In township 34, range 4 west: Northeast quarter, north half and southeast of northwest quarter, northeast quarter of southwest quarter, north half and east half of southwest quarter, and the southeast quarter of southeast quarter, section 13, 440 acres.

In township 34, range 3 west: Sections 10, 15, 36, 1,920 acres.

In township 33, range 3 west: Section 1; northwest quarter of northeast quarter, north half of northwest quarter section 12,760 acres.

In township 35, range 2 west: South half of northeast quarter, northwest quarter, north half and southeast quarter of southwest quarter, southeast quarter section 3; east half, east half of northwest quarter, southwest quarter section 10; section 11; north half, north half of south half, section 21; east half of northeast quarter, section 20; sections 22, 27, 35, 4,200 acres.

In township 34, range 2 west: North half, southwest quarter, north half and southwest quarter and west half of southeast quarter of southeast quarter, section 13; section 14; north half section 23, west half of east half and west half of northeast quarter, northwest quarter, north half of southwest quarter, west half of east half and northwest quarter and east half of southwest quarter of southeast quarter, section 24; section 29, 2,700 acres.

In township 33, range 2 west: West half and southeast quarter section 6; sections 16, 22, 27; north half and north half of south half section 34, 2,880 acres.

In township 34, range 1 west: West half section 2; sections 3, 4; north half and southwest quarter section 8; north half section 9; north half and north half of southwest quarter section 18; northwest quarter section 17, 2,960 acres.

In township 37, range 1 east: Section 20; section 21, less south half of south half of southwest quarter of southeast quarter (10 acres), 1,270 acres.

In township 36, range 1 east: South half of sections 3, 4; sections 11, 12, 1,920 acres.

In township 33, range 2 east: Sections 16, 17, 18, 20; all of section 25 west of boundary line of reservation; sections 26, 27, 4,240 acres.

In township 35, range 2 east: North half of sections 16, 17, section 27; north half of section 34, 1,600 acres.

In township 34, range 2 east: East half and east half of west half of southeast quarter section 24, 100 acres.

In township 34, range 3 east: South half of sections 19, 20; north half; north half of south half; southwest quarter and north half of southeast quarter of southwest quarter; north half of south half of southeast quarter section 23; north half; north half and north half of southwest quarter and southeast quarter of southwest quarter; southeast quarter section 24; north half and southeast quarter of northeast quarter; north half of northwest quarter section 25; south half of northeast quarter of northeast quarter section 26; section 29; northeast quarter of northeast quarter and south half section 30; northwest quarter and north half of southwest quarter section 31; northeast quarter; north half and southeast quarter of northwest quarter section 32; northwest quarter; north half of southwest quarter, section 33, 3,700 acres.

In township 33, range 4 east: South half of southeast quarter section 18; northeast quarter and fraction northeast of river in east half of northwest quarter section 19; fraction west of boundary line of reservation, in section 22; west half and southeast quarter of section 35, 1,440 acres.

In township 32, range 4 west: Fraction in west half of northeast quarter of southwest quarter; fraction in northwest quarter of southeast quarter section 1; section 2; south half of section 6; west half and southeast quarter of northeast quarter of section 9, 1,410 acres.

In township 31, range 4 west: South half of northeast quarter; southeast quarter of northwest quarter; northeast quarter of southwest quarter; southeast quarter section 17; northwest quarter section 21, 480 acres. Total, 32,020 acres.

ARTICLE II.

It is also stipulated and agreed that the place known as "the boom" on the Clearwater River, near the mouth of Lapwai Creek, shall be excepted from this cession and reserved for the common use of the tribe, with full right of access thereto, and that the tract of land adjoining said boom, now occupied by James Moses, shall be allotted to him in such manner as not to interfere with such right. Also that there shall be reserved from said cession the land described as follows: "Commencing at a point at the margin of Clearwater River, on the south side thereof, which is 300 yards below where the middle thread of Lapwai Creek empties into said river; run thence up the margin of said Clearwater River at low-water mark, 900 yards to a point; run thence south 250 yards to a point; thence southwesterly, in a line to the southeast corner of a stone building, partly finished as a church; thence west 300 yards to a point; thence from said point northerly in a straight line to the point of beginning; and also the adjoining tract of land lying southerly of said tract, on the south end thereof; commencing at the said corner of said church, and at the point 300 yards west thereof, and run a line from each of said points. One of said lines running on the east side and the other on the west of said Lapwai Creek; along the foothills of each side of said creek; up the same sufficiently far so that a line being drawn east and west to intersect the aforesaid lines shall embrace within its boundaries, together with the first-above described tract of land, a sufficient quantity of land as to include and comprise 640 acres;" for which described tracts of land the United States stipulates and agrees to pay to William G. Langford, his heirs or assigns, the sum of $20,000, upon the execution by said Langford, his heirs or assigns, of a release and relinquishment to the United States of all right, title, interest, or claim, either legal or equitable, in and to said tracts of land, derived by virtue of a quit-claim deed of February 14, 1868, to the said William G. Langford, from Langdon S. Ward, treasurer of the American Board of Commissioners for Foreign Missions, which release and relinquishment shall be satisfactory to the Secretary of the Interior, and it is stipulated and agreed by said Nez Perce Indians that upon the execution and approval of such release and relinquishment the right of occupancy of said Indians in said described tracts shall terminate and cease and the complete title thereto immediately vest in the United States: *Provided*, That any member of the said Nez Perce tribe of Indians entitled to an allotment now occupying and having valuable improvements upon any of said lands not already occupied or improved by the United States may have the same allotted to him in such subdivisions as shall be prescribed and approved by the Secretary of the Interior, in lieu of an equal quantity of agricultural land allotted to him elsewhere; and for this purpose shall relinquish any patent that may have been issued to him before the title to said "Langford" tracts of land shall vest in the United States, and shall have a new patent issued to him of the form and legal effect prescribed by the fifth section of the act of February 8, 1887 (24 Statutes, 388), covering the new allotment and that portion of the former allotment not surrendered. It is further agreed

that 5 acres of said tract, upon which the Indian Presbyterian Church is located, as long as same shall remain a church, shall be patented to the trustees of said church; that the said 5 acres shall not include improvements made by the United States; the said 5 acres to be selected under the direction of the Commissioner of Indian Affairs.

ARTICLE III.

In consideration for the lands ceded, sold, relinquished, and conveyed as aforesaid, the United States stipulates and agrees to pay to the said Nez Perce Indians the sum of $1,626,222, of which amount the sum of $626,222 shall be paid to said Indians per capita as soon as practicable after the ratification of this agreement. The remainder of said sum of $1,626,222 shall be deposited in the Treasury of the United States to the credit of the "Nez Perces Indians, of Idaho," and shall bear interest at the rate of 5 per cent per annum, which principal and interest shall be paid to said Indians per capita, as follows, to wit: At the expiration of one year from the date of the ratification of this agreement the sum of $50,000, and semiannually thereafter the sum of $150,000 with the interest on the unexpended portion of the fund of $1,000,000 until the entire amount shall have been paid, and no part of the funds to be derived from the cession of lands by this agreement made shall be diverted or withheld from the disposition made by this article on account of any depredation or other act committed by any Nez Perce Indian, prior to the execution of this agreement, but the same shall be actually paid to the Indians in cash, in the manner and at the times as herein stipulated.

ARTICLE IV.

It is further stipulated and agreed that the United States will purchase for the use of said Nez Perce Indians two portable steam saw mills, at a cost not exceeding $10,000, and will provide for said Indians, for a period not exceeding two years, and at a cost not exceeding $2,400, a competent surveyor, for the purpose of fully informing said Indians as to the correct locations of their allotments and the corners and lines thereof.

ARTICLE V.

It is further stipulated and agreed that the lands by this agreement ceded shall not be opened for public settlement until trust patents for the allotted lands shall have been duly issued and recorded, and the first payment shall have been made to said Indians.

ARTICLE VI.

It is further stipulated and agreed that any religious society or other organization now occupying under proper authority, for religious or educational work among the Indians, any of the lands ceded, shall have the right for two years from the date of the ratification of this agreement, within which to purchase the land so occupied, at the rate of $3 per acre, the same to be conveyed to such society or organization by patent, in the usual form.

ARTICLE VII.

It is further stipulated and agreed that all allotments made to members of the tribe who have died since the same were made, or may die before the ratification of this agreement, shall be confirmed, and trust patents issued in the names of such allottees, respectively.

ARTICLE VIII.

It is further stipulated and agreed that the first per capita payment, provided for in Article VIII of this agreement, shall be made to those members of the Nez Perce tribe whose names appear on the schedule of allotments made by Special Agent Fletcher, and to such as may be born to them before the ratification of this agreement: *Provided*, That should it be found that any member of the tribe has been omitted from said schedule, such member shall share in the said payment and shall be given an allotment and each subsequent payment shall be made to those who receive the preceding payment and those born thereafter: *Provided*, That not more than one payment shall be made on account of a deceased member.

ARTICLE IX.

It is further agreed that the lands by this agreement ceded, those retained, and those allotted to the said Nez Perce Indians shall be subject, for a period of twenty-five years, to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Nez Perce Indian allottees, whether under the care of an Indian agent or not, shall, for a like period, be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians.

ARTICLE X.

Representation having been made by the Indians in council that several members of the Nez Perce tribe, to the number of about fifty, as per list hereto attached, served the United States under Gen. O. O. Howard, in the late war with Joseph's band of said tribe, as scouts, couriers, and messengers, and that they have received no pay therefor; it is agreed that the United States, through its properly constituted authority, will carefully examine each of the cases herewith presented, and make such remuneration to each of said claimants as shall, upon such examination, be found to be due, not exceeding the sum of $2.50 per day each, for the time actually engaged in such service; it being understood and agreed that the time of service of said claimants in no case exceeded sixty days. And it also having been made to appear that Abraham Brooks, a member of the Nez Perce tribe of Indians, was engaged in the service of the United States in the late war with Joseph's band of Nez Perces, and it also appearing that the said Abraham Brooks was wounded in said service, and that by reason thereof, he is now in failing health, and has been for several years; that he is now nearly blind in consequence thereof; it is agreed that an investigation of all the facts in the case shall be made by the proper authorities of the United States, as early as practicable, and that if found substantially as herein represented, or if found worthy under the law in such cases provided, he shall be allowed and paid by the United States a pension adequate to the service and disability.

ARTICLE XI.

The existing provisions of all former treaties with said Nez Perce Indians not inconsistent with the provisions of this agreement are hereby continued in full force and effect.

ARTICLE XII.

This agreement shall not take effect and be in force until ratified by the Congress of the United States.

In witness whereof the said Robert Schleicher, James F. Allen, and Cyrus Beede, on the part of the United States, and the principal men and other male adults of the Nez Perce tribe of Indians have hereunto set their hands.

Concluded at the Nez Perce Agency, this 1st day of May, A. D. 1893.

ROBERT SCHLEICHER,
JAMES F. ALLEN,
CYRUS BEEDE.

A. B. LAWYER, and others.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same hereby is, accepted, ratified, and confirmed.

That for the purpose of carrying the provisions of this act into effect there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,668,622, of which amount the sum of $1,000,000 shall be placed to the credit of "the Nez Perce Indians of Idaho" in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum. Said sum of $1,668,622, together with the interest on said sum of $1,000,000, shall be paid to said Indians, or expended for their benefit, as provided in Articles II, III, IV, and VIII of said agreement; "out of which sum the Secretary of the Interior shall pay to the heirs, administrator, or legal representatives of William G. Langford, deceased, the sum of $20,000, upon a release and relinquishment to the United States by said heirs, administrator, or legal representatives of all right, title, interest, or claim, either legal or equitable, in and to the tract of land described in article 2 of said agreement as therein provided: *Provided*, That none of the money agreed to be paid said Indians, nor any of the interest thereon, shall be, or become, liable to the payment of any judgment or claim for depredations committed by said tribe or any member thereof before the date of said agreement.

That immediately after the issuance and receipt by the Indians of trust patents for the allotted lands, as provided for in said agreement, the lands so ceded, sold, relinquished, and conveyed to the United States shall be opened to settlement by proclamation of the President, and shall be subject to disposal only under the homestead, town-site, stone and timber, and mining laws of the United States, excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of Idaho: *Provided*, That each settler on said lands shall, before making final proof and receiving a certificate of entry, pay to the United States for the lands so taken by him, in addition to the fees provided by law, the sum of $3.75 per acre for agricultural lands, one-half of which shall be paid within three years from the date of original entry; and the sum of $5 per acre for stone, timber, and mineral lands, subject to the regulations prescribed by existing laws; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States, shall not be abridged except as to the sum to be paid as aforesaid.

That the Commissioner of Indian Affairs be, and he hereby is, authorized to employ a competent surveyor for a period not exceeding two years, at a compensation not exceeding $1,200 per annum, for the purposes stipulated in Article IV of said agreement, and he is also authorized to purchase two portable sawmills, as provided in Article IV.

That the Secretary of the Interior is hereby authorized to examine the claim of those Indians who served the United States under Gen. O. O. Howard in the late war with Joseph's band of said tribe as scouts, couriers, and messengers, referred to in Article X of said agreement, and also as to the claim of Abraham Brooks, mentioned in said article, and report his findings and recommendations to Congress.

The amendment was agreed to.

The next amendment was, on page 128, after line 3, to insert:

AGREEMENT WITH THE YUMA INDIANS IN CALIFORNIA.

SEC. 16. Whereas Washington J. Houston, John A. Gorman, and Peter R. Brady, duly appointed commissioners on the part of the United States, did on the 4th day of December, 1893, conclude an agreement with the principal men and other male adults of the Yuma Indians in the State of California, which said agreement is as follows:

Articles of agreement made and entered into this 4th day of December, A. D. 1893, at Fort Yuma, on what is known as the Yuma Indian Reservation, in the county of San Diego, State of California, by Washington J. Houston, John A. Gorman, and Peter R. Brady, commissioners on the part of the United States appointed for the purpose, and the Yuma Indians.

ARTICLE I.

The said Yuma Indians, upon the conditions hereinafter expressed, do hereby surrender and relinquish to the United States all their right, title, claim, and interest in and to and over the following-described tract of country in San Diego County, Cal., established by executive order of January 9, 1884, which describes its boundaries as follows:

Beginning at a point in the middle of the channel of the Colorado River due east of the meander corner to sections 19 and 30, township 15 south, range 24 east, San Bernardino meridian; thence west on the line between sections 19 and 30 to the range line, between townships 23 and 24 east; thence continuing west on the section line to a point which, when surveyed, will be the corner to sections 22, 23, 26, and 27, in township 15 south, range 21 east; thence south on the line between sections 23 and 27, in township 15 south, range 21 east, and continuing south on the section lines to the intersection of the international boundary, being the corner to fractional sections 34 and 35, in township 16 south, range 21 east; thence easterly on the international boundary to the middle of the channel of the Colorado River; thence up said river, in the middle of the channel thereof, to the place of beginning, be, and the same is hereby, withdrawn from settlement and sale and set apart as the reservation for the Yuma and such other Indians as the Secretary of the Interior may see fit to settle thereon: *Provided, however*, That any tract or tracts included within the foregoing-described boundaries to which valid rights have attached under the laws of the United States are hereby excluded out of the reservation hereby made.

"It is also hereby ordered that the Fort Yuma military reservation be, and the same is hereby, transferred to the control of the Department of the Interior, to be used for Indian purposes in connection with the Indian reservation established by this order, said military reservation having been abandoned by the War Department for military purposes."

ARTICLE II.

Each and every member of said Yuma Indians shall be entitled to select and locate upon said reservation and in adjoining sections 5 acres of land, which shall be allotted to such Indian in severalty. Each member of said band of Indians over the age of 18 years shall be entitled to select his or her land, and the father, or, if he be dead, the mother, shall select the land herein provided for for each of his or her children who may be under the age of 18 years; and if both father and mother of the child under the age of 18 years shall be dead, then the nearest of kin over the age of 18 years shall select and locate his or her land; or if such persons shall be without kindred, as aforesaid, then the Commissioner of Indian Affairs, or some one by him authorized, shall select and locate the land of such child.

ARTICLE III.

That the allotments provided for in this agreement shall be made, at the cost of the United States, by a special agent appointed by the Secretary of the Interior for the purpose, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and within sixty days after such special agent shall appear upon said reservation and give notice to the said Indians that he is ready to make such allotments; and if anyone entitled to an allotment hereunder shall fail to make his or her selection within said period of sixty days, then such special agent shall proceed at once to make such selection for such person or persons, which shall have the same effect as if made by the person so entitled; and when all of said allotments are made and approved, then all of the residue of said reservation which may be subject to irrigation, except as hereinafter stated,

shall be disposed of as follows: The Secretary of the Interior shall cause the said lands to be regularly surveyed and to be subdivided into tracts of 10 acres each, and shall cause the said lands to be appraised by a board of three appraisers, composed of an Indian inspector, a special Indian agent, and the agent in charge of the Yuma Indians, who shall appraise said lands, tracts or subdivisions, and each of them, and report their proceedings to the Secretary of the Interior for his action thereon; and when the appraisement has been approved the Secretary of the Interior shall cause the said lands to be sold at public sale to the highest bidder for cash, at not less than the appraised value thereof, first having given at least sixty days' public notice of the time, place, and terms of sale, immediately prior to such sale, by publication in at least two newspapers of general circulation; and any lands or subdivisions remaining unsold may be reoffered for sale at any subsequent time in the same manner, at the discretion of the Secretary of the Interior, and if not sold at such second offering for want of bidders, then the Secretary of the Interior may sell the same at private sale at not less than the appraised value.

ARTICLE IV.

That the money realized by the sale of the aforesaid lands shall be placed in the Treasury of the United States, to the credit of the said Yuma Indians, and the same, with interest thereof at 5 per cent per annum, shall be at all times subject to appropriation by Congress, or to application, by order of the President, for the payment of water rents, building of levees, irrigating ditches, laterals, the erection and repair of buildings, purchase of tools, farming implements and seeds, and for the education and civilization of said Yuma Indians.

ARTICLE V.

Upon the approval of the allotments provided for herein by the Secretary of the Interior he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted for the period of twenty-five years in trust for the sole use and benefit of the Indian to whom such allotments shall have been made, or in case of his or her decease, to his or her heirs or devisees, according to the laws of California, and that at the expiration of said period the United States will convey the same by patent to said Indian or his heirs or devisees, as aforesaid in fee, discharged of said trust and free of all incumbrance whatsoever.

And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void. And during said period of twenty-five years these allotments and improvements thereon shall not be subject to taxation for any purpose, nor subject to be seized upon any execution or other legal process, and the law of descent and partition in force in California shall apply thereto.

ARTICLE VI.

All lands upon said reservation that can not be irrigated are to be open to settlement under the general land laws of the United States.

ARTICLE VII.

There shall be excepted from the operation of this agreement a tract of land, including the buildings, situate on the hill on the north side of the Colorado River, formerly Fort Yuma, now used as an Indian school, so long as the same shall be used for religious, educational, and hospital purposes for said Indians, and a further grant of land adjacent to the hill is hereby set aside as a farm for said school; the grant for the school site and the school farm not to exceed in all one-half section, or 320 acres.

ARTICLE VIII.

This agreement shall be in force from and after its approval by the Congress of the United States.

In witness whereof we have hereunto set our hands and seal the day and year first above written.

WASHINGTON J. HOUSTON, [SEAL.]
JOHN A. GORMAN, [SEAL.]
PETER R. BRADY, [SEAL.]
Commissioners on the part of the United States.

BILL MOJAVE, and others.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same hereby is, accepted, ratified, and confirmed.

That for the purpose of making the allotments provided for in said agreement, including the payment and expenses of the necessary special agent hereby authorized to be appointed by the Secretary of the Interior, and for the necessary resurveys, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,000, or so much thereof as may be necessary.

That for the purpose of defraying the expenses of the survey and sale of the lands by said agreement relinquished and to be appraised and sold for the benefit of said Indians, the sum of $3,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the same to be reimbursed to the United States out of the proceeds of the sale of said lands.

That the right of way through the said Yuma Indian Reservation is hereby granted to the Southern Pacific Railroad Company for its line of railroad as at present constructed, of the same width, with the same rights and privileges, and subject to the limitations, restrictions, and conditions as were granted to the said company by the twenty-third section of the act approved March 3, 1871, entitled "An act to incorporate the Texas and Pacific Railroad Company, and to aid in the construction of its road, and for other purposes:" *Provided*, That said company shall, within ninety days from the passage of this act, file with the Secretary of the Interior a map of said right of way, together with a relinquishment by said company of its right of way through said reservation as shown by maps of definite location approved January 31, 1878.

The Secretary of the Interior is hereby authorized and directed to cause all the lands ceded by said agreement which may be susceptible of irrigation, after said allotments have been made and approved, and said lands have been surveyed and appraised, and the appraisal approved, to be sold at public sale, by the officers of the land office in the district wherein said lands are situated, to the highest bidder for cash, at not less than the appraised value thereof, after first having given at least sixty days' public notice of the time, place, and terms of sale immediately prior to such sale, by publication in at least two newspapers of general circulation, and any lands or subdivisions remaining unsold may be reoffered for sale at any subsequent time in the same manner, at the discretion of the Secretary of the Interior, and if not sold at such second offering for want of bidders, then the Secretary may cause the same to be sold at private sale at not less than the appraised value. The money realized from the sale of said lands, after deducting the expenses of the sale of said lands, and the other money for which provision is made for the reimbursement of the United States, shall be placed in the Treasury of the United States to the credit of said Yuma Indians, and shall draw interest at the rate of 5 per cent per annum, and said principal and interest shall be subject to appropriation by Congress, or to application by the President of the United States for the payment of water rents, the building of levees, irrigating ditches and laterals, the purchase of tools, farming implements, and seeds, and for the education and civilization of said Indians: *Provided, however*, That none of said money realized from the sale of said lands, or any of the interest thereon, shall be applied to the payment of any judgment that has been or may hereafter be rendered on claims for damages because of depredations committed by said Indians prior to the date of the agreement herein ratified.

That all of the lands ceded by said agreement which are not susceptible of irrigation shall become a part of the public domain, and shall be opened to settlement and sale by proclamation of the President of the United States, and be subject to disposal under the provisions of the general land laws.

That the Colorado River irrigating Company, which was granted a right of way for an irrigating canal through the said Yuma Indian Reservation by the act of Congress approved February 15, 1893, shall be required to begin the construction of said canal through said reservation within three years from the date of the passage of this act, otherwise the rights granted by the act aforesaid shall be forfeited.

That the Secretary of the Interior shall have authority from time to time to fix the rate of water rents to be paid by the said Indians for all domestic, agricultural, and irrigation purposes, and in addition thereto each male adult Indian of the Yuma tribe shall be granted water for 1 acre of the land which shall be allotted to him, if he utilizes the same in growing crops, free of all rent charges during the period of ten years, to be computed from the date when said irrigation company begins the delivery of water on said reservation.

The amendment was agreed to.

The next amendment was, on page 138, after line 12, to strike out:

SEC. 16. That to pay the expense of purchasing goods and supplies for the Indian Service and pay of necessary employés; advertising, at rates not exceeding regular commercial rates, inspection, and all other expenses connected therewith, including telegraphing, $35,000.

The amendment was agreed to.

The next amendment was, on page 138, after line 17, to insert as a new section at the end of the bill:

SEC. 17. That the approval of Congress is hereby given to "An act to adopt the negroes of the Chickasaw Nation," etc., passed by the Legislature of the Chickasaw Nation, and approved by the Governor thereof January 10, 1873, particularly set forth in a letter from the Secretary of the Interior transmitting to Congress a copy of the aforesaid act, contained in House Executive Document No. 207, Forty-second Congress, third session.

The amendment was agreed to.

Mr. CALL. I offer an amendment as an additional section to come in at the end of the bill.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add as an additional section:

SEC. 18. That the right of commutation is hereby extended to all bona fide homestead settlers on the lands in Oklahoma Territory opened to settlement under the provisions of the act of Congress entitled "An act making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for the fiscal year ending June 30, 1894," approved March 3, 1893, and the President's proclamation in pursuance thereof, after fourteen months from the date of settlement upon the full payment for the lands at the prices provided in said act.

And the Secretary of the Treasury is hereby authorized to issue to the Cherokee Nation or to its assigns evidences of indebtedness of the United States of America, bearing interest at the rate of 4 per cent per annum, payable annually on the 4th day of March of each year, in amount of one thousand and ten thousand dollars, respectively, for the respective amounts of the second, third, fourth, and fifth installments, maturing respectively on the 4th day of March, 1895, the 4th day of March, 1897, the 4th day of March, 1898, and the 4th day of March, 1899, and amounting in the aggregate to $6,640,000, as specified in said act.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

Mr. COCKRELL. I move that the Senate reconsider the vote by which, as in Committee of the Whole, we agreed to the amendment of the Committee on Appropriations on page 54, line 5, beginning with the word "and" and going to the words "Secretary of the Interior," in line 9.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment reported by the Committee on Appropriations on page 54, line 5, to insert what will be read:

The Secretary read as follows:

And an additional sum of $3,000, or so much thereof as may be necessary, to reimburse such of the fifteen other settlers whose claims are held for further proof, in such amounts as may be found justly due them by the Secretary of the Interior.

Mr. COCKRELL. I move to amend the amendment by striking out what has been read and inserting in lieu thereof the matter which I send to the desk, furnished us by the Commissioner of Indian Affairs.

The SECRETARY. It is proposed to strike out the committee amendment and insert in lieu thereof:

And the further sum of $3,000, or so much thereof as may be necessary, is hereby appropriated for the purpose of reimbursing, if found upon further examination to be entitled, such claimants in the list examined by the Secretary of the Interior as were held for further proof, or which were erroneously disallowed because of incorrect descriptions of the lands settled upon, thus making it appear that they were not upon lands affected by the executive order of February 27, 1885.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CALL. I move to reconsider the vote by which the Sen-

ate as in Committee of the Whole agreed to the amendment of the Committee on Appropriations to strike out the proviso beginning in line 25, on page 35, and going to the end of line 6, on page 36.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Committee on Appropriations. The amendment will be stated.

The SECRETARY. Strike out on page 35, line 25, the following proviso:

Provided, That when in pursuance of any treaty an appropriation has been heretofore made to erect schoolhouses for the accommodation of the children of any tribe of Sioux Indians out of any fund belonging to said Indians which appropriation is still in force, the Secretary of the Interior shall proceed as early as practical to erect such school buildings.

The amendment was rejected.

Mr. DUBOIS. I desire to offer an amendment to be inserted on page 50, after the word "dollars" in line 4.

The SECRETARY. After the word "dollars," in line 4, page 50, it is proposed to insert:

The Secretary of the Interior is directed to contract with responsible parties for the construction of irrigating canals and purchase or securing of water supply on the Fort Hall Indian Reservation, in the State of Idaho, for the purpose of irrigating the lands of said reservation: *Provided*, That the expense of constructing said canals and purchase or securing of water supply shall be paid out of moneys belonging to the said Fort Hall Indians now in the Treasury of the United States and subject to the disposal of the Secretary of the Interior for the benefit of said Indians.

Mr. PLATT. Before the amendment of the Senator from Idaho is considered I wish to ask whether all the committee amendments have been offered. I will state very frankly, if I can get the attention of the committee, that I supposed the committee were to offer an amendment on page 69, striking out the proviso at the top of the page and inserting another provision directing the Secretary of the Treasury or the Secretary of the Interior to examine the claim of Mr. Munson referred to there. Does not the committee intend to offer an amendment of that character?

Mr. COCKRELL. That was a very peculiar case. The senior Senator from Colorado [Mr. TELLER], who is now absent from the Chamber, took up the matter, and looked into it very carefully. There were grave doubts as to whether the provision ought not to remain upon the bill, and there were grave doubts as to whether it ought to remain. It was understood that he and I would make an investigation of it, if we could, and submit the result to the full committee. We never had an opportunity of completing the examination.

We reported the bill subject to that modification. Unfortunately he was called away before we had time to confer with him, and I prepared a proposed substitute for it, directing the Secretary of the Interior. The Senator from Colorado thought it ought not to be allowed now without some restrictions upon it. That substitute was never submitted to the full committee, and when there was such controversy over it, I did not feel that I had a right to offer it as a committee amendment. I have furnished the proposed amendment that I drew to the Senator from Connecticut. He has it in his possession. I thought, after reviewing the whole matter, that it was better to do that under all the circumstances. We still kept control of it, and there was still controversy as to what the facts were. In fact we did not have all the facts before us; we never had them, and I do know to this day what all the facts are in the case. I have been told that there are facts on both sides, and I have never seen them in writing or in any other way.

Mr. PLATT. I supposed it had been agreed upon as a committee amendment, but if that is not the case I will offer it at the proper time.

Mr. DUBOIS. I will state to the committee and also to the Senate, that when I sent up my amendment I presumed that all the committee amendments which were going to be offered had been presented. In regard to the amendment which I have submitted, I will state that it has the indorsement of the Commissioner of Indian Affairs and also of the Secretary of the Interior. It takes no money out of the Treasury. I understand the committee are willing to accept it. I say to the Senator who has the bill in charge that I understand the committee are willing to accept the amendment.

Mr. CALL. I make no objection to the amendment, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senater from Idaho [Mr. DUBOIS].

The amendment was agreed to.

Mr. PLATT. I move to strike out the proviso on page 69, commencing in line 1, and ending in line 6, and to insert in lieu thereof what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out the following proviso at the top of page 69:

Provided, That the sum of $9,500 shall be subtracted from the amount to be paid to the Chickasaw tribe of Indians on account of the interest herein provided for and the Secretary of the Treasury shall pay the said sum of $9,500 to W. B. Munson of Denison, Tex.

And in lieu thereof to insert:

That the Secretary of the Interior is hereby directed to make a thorough examination of the claim of W. B. Munson, of Denison, Tex., against the Chickasaw tribe of Indians for the amounts named in certain orders or drafts drawn by R. H. Sanders in favor of the First National Bank at Denison, Tex., dated December 10, 1880, and directed to Hon. Robert L. Boyd, auditor, Chickasaw Nation, Indian Territory, and by him accepted June 6, 1881, and to make a full report of the finding of the facts to Congress in December next.

Mr. PLATT. The point that I make with reference to the provision in the bill which I propose to strike out is that Congress has no power or right to take anything from the interest of the Chickasaw trust fund for any purpose whatever; that it is under treaty obligation and statute obligation to pay the interest of that trust fund to the Indians, and it can not divert any portion of it for the purpose of paying any supposed debt which the Chickasaw Nation or any person in the Chickasaw Nation may owe or be supposed to owe.

I shall not go into what is claimed with reference to this debt. The provision of the bill seems to count upon the fact that the Chickasaw Nation owes W. B. Munson, of Denison, Tex., $9,500. That is disputed by the nation. For the purposes of this amendment I do not care very much whether the nation owes the debt or not. The United States has no right to take the money out of this trust fund.

We have had a little experience with this trust fund. We went a good many years ago upon a supposed right, and paid out a part of the principal. After the lapse of thirty or forty years they went into the Court of Claims and obtained the decision of the Court of Claims that we had no right to do it, and we had to refund $240,000, and there is now a bill pending here to pay them $560,000 as interest. The Chickasaw trust fund is derived from some land which they ceded to the United States and for which the United States agreed to pay them. In the treaty of 1832 there was the following clause:

ARTICLE II.

The Chickasaw Nation have determined to create a perpetual fund for the use of the nation forever, out of the proceeds of the country now ceded away. And for that purpose they propose to invest a large proportion of the money arising from the sale of the land in some safe and valuable stocks, which will bring them in an annual interest or dividend, to be used for all national purposes, leaving the principal untouched, intending to use the interest alone. It is therefore proposed by the Chickasaws, and agreed to, that the sum to be laid out in stocks, as above mentioned, shall be left with the Government of the United States until it can be laid out under the direction of the President of the United States, by and with the advice and consent of the Senate, in such safe and valuable stock as he may approve of, for the use and benefit of the Chickasaw Nation.

Then, in 1834, there was the following clause in the treaty:

The funds thence resulting, after the necessary expenses of surveying and selling, and other advances which may be made, are repaid to the United States, shall, from time to time be invested in some secure stocks, redeemable within a period of not more than twenty years; and the United States will cause the interest arising therefrom annually to be paid to the Chickasaws.

Then we had the statute of January 9, 1837. It is now section 2096 of the Revised Statutes:

The Secretary of the Interior shall invest, in a manner which shall be in his judgment most safe and beneficial for the fund, all moneys that may be received under the treaties containing stipulations for the payment, to the Indians annually, of interest upon the proceeds of the lands ceded by them, and he shall make no investment of such moneys, or of any portion, at a lower rate of interest than 5 per cent per annum.

Then in the treaty of 1852 there is the following clause:

The Chickasaws are desirous that the whole amount of their national fund shall remain with the United States in trust for the benefit of their people, and that the same shall on no account be diminished. It is therefore agreed that the United States shall continue to hold said fund in trust, as aforesaid, and shall constantly keep the same invested in safe and profitable stocks, the interest upon which shall be annually paid to the Chickasaw Nation. (10 Stat., 975.)

In three treaties and by one statute we are bound to pay this interest to the Chickasaw Nation, and by the decision of our Supreme Court we are just as much bound to keep our obligations with the Indians as we would be to keep our obligations with Great Britain.

Mr. HIGGINS. We ought to do it without the decision of the court.

Mr. PLATT. We ought to do it without the decision of the court. We might just as well attempt to divert a portion of a fund which we held for the benefit of Great Britain or a portion of its interest and pay it to somebody who said he had a just claim against Great Britain as to take it away from this trust fund or the interest of the trust fund and pay it out to some one who claims that he has a debt against the Chickasaw Nation. A man deals with the Chickasaw Nation as he deals with the United States. We are simply trustees of the United States to hold that property and to pay the interest arising from the invested fund to the Chickasaw Nation.

If, according to the terms of the bill, we were to pay this money to Mr. Munson (even if he had a judgment against the Chickasaw Nation), without the consent of the Chickasaw Na-

tion, if the Chickasaw Nation could get into the Court of Claims it could bring suit for and recover it against the United States.

As was said by the Senator from Missouri, the facts here are in dispute. If they were not in dispute, if they were conceded, we would have no right against the protest of the Chickasaw Nation to pay out its interest money upon the trust fund which we hold to cancel a debt which a man has against the Chickasaw Nation. But the facts are in dispute, and therefore I have proposed, in lieu of the proviso which I propose to strike out, a provision directing the Secretary of the Interior to examine this claim and report a finding of the facts to Congress.

I doubt very much whether the United States ought to interfere even to that extent. If we pay this claim it is an admission of the fact that whenever any person has a claim against any one of the Indian nations which the Indian Nation refuses to pay and we have any funds belonging to it in our hands, he may come to Congress and get payment out of the funds which we have.

Mr. President, I do not think that I need say any more about this claim. I have a large number of papers, affidavits, and protests from the Chickasaw Nation declaring that they do not owe it, that the debt of Mr. Munson is against an individual and not against the Chickasaw Nation, if he has any debt at all. But I do not wish to detain the Senate by going into the disputed facts with reference to whether this is a just claim against the Chickasaw Nation. What I say is that the United States has no right under the treaty and under the law to divert any portion of the interest of this trust fund for any such purpose, and if it does it will have to restore it out of its own Treasury to the Chickasaw Nation.

Mr. COKE. Mr. President, the House of Representatives, after an elaborate investigation of this matter, passed an appropriation in behalf of Mr. Munson, in these words:

Provided, That the sum of $9,500 shall be subtracted from the amount to be paid to the Chickasaw tribe of Indians on account of the interest herein provided for and the Secretary of the Treasury shall pay the said sum of $9,500 to W. B. Munson, of Denison, Tex.

Now, who received the benefit of this money? The Chickasaw Indians. They received every dollar of it. They received it from a bank with which they were accustomed to transact the business of the nation. They received it on a draft drawn on their auditor and accepted by him. They received it on papers approved at the time by the governor of the Chickasaw Nation, William B. Overton. I propose that the Senate shall hear a plain, lucid statement of the transaction given by Mr. Perry, who was at one time president of the Denison bank. I ask that the Secretary read it.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested. The Chair hears none.

The Secretary read as follows:

THE STATE OF TEXAS, *Grayson County:*

Personally appeared before the undersigned authority, Edward Perry, who, after being by me sworn in conformity to law, on his oath says: That he was, from 1873 to 1888, the executive officer of the First National Bank of Denison, Tex. That during a part of said time the officials of the Chickasaw Nation of Indians transacted the greater part of their financial business through the said bank. That R. H. Sanders, a citizen of the United States, had a contract from the said Chickasaw Nation to supply and conduct a large school in the said nation, known as the Lebanon Academy; that this contract run for five years, the said Sanders being paid by said nation under said contract about $12,000 per annum as the contract price for supplying and conducting said academy. That about one year before the expiration of this contract the said academy was destroyed by fire, at which time the said nation was indebted on said contract to said Sanders in the sum of $5,500.

The said Sanders, being anxious to have the said academy rebuilt, and to obtain a new contract with the said nation for another term of five years, proposed to the authorities of the said nation that if the said authorities would rebuild the said academy and give him a new contract to supply and conduct same for another term of five years, at or about the same consideration as the old contract, that he, Sanders, would contribute to the construction of the new building the said sum of $5,500. This proposition was accepted by the said authorities as made; the said building was erected, the contract made with said Sanders as stipulated, and to the personal knowledge of affiant the said Sanders did contribute and pay to the said Chickasaw authorities the said sum of $5,500, and the said fund was used by the said authorities in the construction of said building.

The said Sanders entered upon his new contract; had to furnish and equip the said academy, and in so doing and to conduct and maintain same had to use large sums of money, which he in part obtained by loans from said bank. That the usual course of business in the transactions of the said bank and the said Chickasaw authorities, so far as the same related to the said Sanders, was for the said Sanders to draw through the said bank on the auditor of the said Chickasaw Nation against the sums due the said Sanders by the Chickasaw Nation under said contract; then when such drafts were accepted by the said auditor the said bank would make advances on such acceptances to the said Sanders on account. That on the 10th day of December, 1880, the said Sanders drew three certain drafts on Robert L. Boyd, the then auditor of the said Chickasaw Nation, for the sum of $4,640; two of these drafts were for $2,000 each, and one for $640, which said drafts were regularly and in due course of business accepted by the said Boyd as auditor of the said nation, and was then by the said Sanders turned over to the said bank on account. That these transactions were in conformity to a method adopted by the said bank and the said Chickasaw Nation at the advice and with knowledge and consent of the governor and officials thereof.

Transactions involving large sums of money had for some time previously been handled in this way, and heretofore all such drafts had been regularly paid. That upon demand for the payment of said three drafts, the officials of the said nation requested time, saying they were not ready to pay them then. The sum of $240 was however paid on the six hundred and forty dollar draft, leaving a balance due on this one of $400, at the same time this draft was retained by the said Boyd, he saying that he would need it for a voucher for the amount he paid on same. That subsequently, and about eighteen months after the making of the new contract between the said Sanders and the said Chickasaw Nation, as aforesaid, and after the payment of the $240 also, as aforesaid, on the said draft for $640, divers personal disputes, quarrels, differences, controversies, and difficulties, grew up between the said Sanders and B. F. Overton, the then governor of the Chickasaw Nation, who was a high-handed, violent, and arbitrary man; in consequence of these various disputes and difficulties between the said Overton and the said Sanders, the said Sanders being in great bodily danger, and to preserve his life fled from the said Chickasaw Nation; that his life was threatened, and his residence in the said Chickasaw Nation, where his wife and children then were was fired into in the night time by a body of armed men, the furniture in said house being riddled with bullets from gun and pistol shots.

That as a further consequence of these disputes and differences, the said Overton, by his high-handed and arbitrary threats and action, at and against the said Sanders, made the life of the said Sanders in the said Chickasaw Nation so unsafe that he dared not return thereto, and that he was compelled to remain away, having every reason to believe, and this affiant does believe, that his life would have been taken if he had remained in the said nation; thus making it impossible for the said Sanders to complete his said contract, the effect of which was to deprive him of the benefits and profits arising out of his said contract. That the said authorities of the said nation then refused to pay the said sum of $4,400, the balance due on the said drafts, and have failed and refused to pay the same or any part thereof ever since, and yet so refuse. That affiant, as the executive officer of said bank, endeavored in every way to secure the payment thereof, and failing in this, then requested and urged the said authorities of the said nation to refund and pay to the said bank for the said Sanders, to secure the payment of the said drafts, the $5,500 contributed by the said Sanders to the said authorities to aid in the construction of the said academy, claiming and charging to the said authorities that the said Sanders had been ruined financially by his expulsion from the said nation, as aforesaid, and their refusal to allow him to fulfill and complete his said contract.

Affiant charges that the said Sanders was so made absolutely insolvent and has ever since remained so, and that in consequence thereof it has been impossible for the said bank to recover from him the money due on said drafts.

Affiant further says that the said three drafts, excepting the $240 paid, as aforesaid, are now due and payable to W. B. Munson, of Denison, Tex., who is the ex-president of the said First National Bank, and became so in the following manner: When some years ago the said Munson, desiring to retire from the banking business, and having arranged for a sale of the said bank, these drafts having become a suspended debt, the purchasers refused to accept them as assets, whereupon the same were written off to the said Munson. That copies of the two of the said drafts, for $2,000 each, are hereto appended, marked Exhibits A and B, and together with the indorsements thereon are made a part hereof. That the said draft for $640 is not in the possession of the said Munson, but was, and affiant supposes is yet, in possession of the Chickasaw Nation, and therefore a copy can not be furnished, the said authorities of the said nation refusing to either pay or return the said draft to the said bank.

EDWARD PERRY.

Sworn to and subscribed before me this 28th day of June, A. D. 1892.

[SEAL.] J. R. HANDY,
Notary Public, Grayson County, Tex.

Mr. COKE. I hold in my hand the original drafts upon the auditor of the Chickasaw Nation, duly indorsed and accepted by him. I will state that the evidence shows that the money which was thus drawn for had been already earned by Sanders in teaching the Indian children and carrying on the Lebanon school.

This is a statement of the facts of this case. The amount called for in this bill is the amount of these drafts with the interest at 8 per cent according to the laws of Texas when drawn.

This is a statement of the condition of the transaction. Since 1880, which I believe was the date of the transaction, Mr. Munson has tried in every possible way to get some sort of settlement. He has been endeavoring to get a settlement there and a settlement here in Washington. He has utterly failed to get any settlement whatever with those people. Then this state of case is presented. Here is a man who was contracted with by the Chickasaw authorities, by the governor and the other authorities. Here are drafts drawn in accordance with that contract and accepted by those authorities; and they are unpaid, and refusal is absolutely made to pay them.

It is said that the fund out of which payment is sought is a trust fund. Of course any fund is a trust fund in the hands of any party belonging to another. The interest on the securities that belong to the Chickasaw Indians was to be paid to the Indians themselves. We can not sue the Indian tribe. There is no legal remedy against them. The only remedy that exists at all is to apply to the Government of the United States, who are the trustees of these Indians, and who hold money to be paid into the hands of the Indians whose government contracted with Sanders, the payee of the drafts, and whose children have been benefited by the contract. That is all there is about the case.

Mr. President, it does seem to me that the Government ought to compel these Indians to do the honest thing in their dealings with the white people of this country. The Government is the guardian of the Indians. The Indians are permitted to contract in a certain mode. They did contract with Sanders, the assignor of Munson. Sanders did comply with his contract until his life was endangered, and he was run out of the Territory. The officers of the Chickasaw government admitted that the

drafts were properly drawn by accepting them as drafts which must be paid as soon as they get money into the treasury. This is all I have to say at this time about it.

Mr. JONES of Arkansas. Mr. President, this claim is disputed by the Chickasaws. The claimant is a man, I understand, of fine character, a business man, and the president of a bank. He claims that this money has been due him for a number of years. It is posttively denied by the Chickasaw Nation that it is due, and I think it would be an improper thing for the Senate of the United States to undertake to settle a litigated question in this way between a claimant and an Indian nation.

Mr. COKE. I have here in my hand the drafts drawn on and accepted by the auditor of the Chickasaw Nation. Are there any receipts against these drafts?

Mr. PLATT. Will the Senator from Arkansas allow me?

Mr. JONES of Arkansas. Certainly.

Mr. PLATT. This claim is thirteen years old.

Mr. JONES of Arkansas. Fourteen years.

Mr. PLATT. The Chickasaw Nation have had money in that bank during all that period, and the bank has not attempted to take this debt out, and Mr. Munson is the president of the bank.

Mr. JONES of Arkansas. It is stated in the affidavits of the officers of the Chickasaw Nation that this claim has never been presented to the nation. It has been presented again and again by attorneys about the time the Indian appropriation bill was to be passed.

I have personally inspected the claim, which was placed in my hands by the attorney representing the claimant, and after looking into it carefully, I stated to him I could see no justice in undertaking to put in an appropriation bill a provision for its payment. There is no bill pending here and never has been any petition or bill presented asking Congress to pass a law authorizing this man to bring suit anywhere. He simply waits until an appropriation bill is about to be passed, and comes in and undertakes to have the item put on an appropriation bill in spite of the positive denial of the debt by the officers of the Chickasaw Nation, sworn to by the whole of them.

Mr. COKE. If the Senator will allow me, I wish to ask him how long has this claim been in Washington?

Mr. JONES of Arkansas. I think it has been here two or three years according to my recollection. It has been brought to my attention a number of times.

Mr. COKE. Several years?

Mr. JONES of Arkansas. Perhaps it has been. I know it has been presented to me several times by the attorney representing the claim, and I was satisfied that it was not proper for Congress to undertake to pay it. It may be that the claim is due to this man; it may be that it is a just debt of the Chickasaw Nation; but, if so, it ought to be ascertained and determined by some court, and not determined by the Senate of the United States upon an appropriation bill. That is not fair; it is not reasonable.

Mr. COKE. Will the Senator state to what court the question can be taken?

Mr. JONES of Arkansas. I do not care what court. I am perfectly willing for it to go to the United States court in the Indian Territory, or I am perfectly willing that the Secretary of the Interior shall investigate the case, as proposed by the amendment of the Senator from Connecticut.

Mr. COKE. I will ask the Senator whether there is any court that could take jurisdiction of this question, whether he is willing to have it determined by a court or not?

Mr. JONES of Arkansas. I am perfectly willing to vote for a bill, as soon as this bill is passed, providing that the claim shall be investigated as proposed by the Senator from Connecticut. I am willing to have any fair, careful, thorough investigation of this claim that can be suggested; but the Senate has not the time to investigate it now.

I have here copies of the papers involved in the case. Here are pages upon pages of affidavits, which I have not had time to read and which other Senators have not had time to read.

I understand the fact to be that this money was loaned to a man by the name of Sanders under circumstances which have been stated to me by both sides, and I believe I understand the truth of the case. If there ever was a case which would justify the establishment of a court to investigate and determine it this is the sort of case that ought to be determined by a court, and not determined anywhere else.

I shall not detain the Senate by arguing as to the impropriety of diverting a trust fund in the custody of the United States to the payment of this claim, however just it may be. We have no such authority, we have no such right; and just at this particular time it would be a most unfortunate thing for us to treat the Chickasaw Nation in this way. We have a commission down in the Indian Territory undertaking to make arrangements with those people by which their lands may be settled and by which they may become citizens of the United States, and it seems to me it is not a very wise step, and it is not a very wise thing for us to inflame the Chickasaws against the Government of the United States, and against the commission we have there now by this high-handed and outrageous proceeding in taking a part of their money and diverting it to the payment of even a just debt.

If this is a just debt to Mr. Munson, the president of a national bank, he is a man of high character, a man of high intelligence, who understands how to take care of his rights, and if the courts are open let him sue. If there are no courts in which suit can be brought, I am willing to vote for the passage of a bill which will allow him to sue in a United States court anywhere, but I am not willing to have the claim settled here in this offhand way without examination, and I enter my protest against it.

Mr. HIGGINS. Even if the money sought to be diverted to the payment of this alleged debt were not a trust fund, I think it simply an extraordinary proceeding to attempt in this manner to garnishee the United States for the payment of this claim.

As every lawyer knows the Government is not subject to being sued in that way, is not subject to garnishment. You can not stop the pay of any officer of the Government, even though he may be indebted to some individual; and if you could not do it in that case, surely you should not in this, even if it were an absolutely just debt which had been reduced to a judgment.

But the proposition is not less extraordinary that the Senate is asked to resolve itself into a court, and as a court and jury to determine whether or not the Chickasaw Nation owes Mr. Munson $9,500. We are to leave the vast and exacting business of the United States to determine this issue. That is an extraordinary proposition. But if we were to go on and vote on this claim we should absolutely pass a verdict upon the case and have the money paid without hearing the evidence.

Affidavits have been introduced, something is put in here on one side, and allegations are made on the other; but is that any way for a court or a tribunal to determine the right between man and man? Yet we are asked to do that. But beyond and above all, is the fact that we are asked to divert funds on which there is created a solemn trust for the payment of the wards of this nation. I hope that they do not stand in this august tribunal any weaker because of their weakness, that their strength would be any greater if, as *cestui que trusts*, we had here the most powerful nation on earth. We are asked, holding this money in our hands for their use, to pay it to some one else. It is not for this Senate or this Congress to turn itself into a court for the determination of private suits between individuals because one of the parties happens to have trust money owing to it from the United States.

Mr. COKE. Mr. President, I desire it understood that this is not an amendment of the committee. This bill was reported to the Senate unchallenged with this provision in it for paying this man. The statement of the Senator from Missouri [Mr. COCKRELL] has been made that he had certain reservations in his mind in regard to it; but the bill was reported here favorably without any impeachment of this provision, which was solemnly placed in the bill by the House of Representatives, providing for the payment of this money.

This question was investigated in the House of Representatives, and it comes here with the indorsement of that body. I stand here and show to the Senate a written acceptance of these drafts by the officers of the Chickasaw Nation, and the interest at 8 per cent makes up the amount of the proposed payment. There has been no impeachment of it; no man has said that the debt has been paid.

Mr. PLATT. There has been no impeachment of it except that there was no authority to make any such acceptance. I think that was enough.

Mr. COKE. We had before us the evidence that this bank at Denison advanced money as high as $50,000 at a time to the Chickasaw Nation and that these drafts were given in the usual and ordinary course of business. It was an honest transaction on the part of Mr. Munson and the bank. The Chickasaw Nation have his money. It went to the education of the Chickasaw children and to the maintenance of the Lebanon school. They have never paid it, and the House of Representatives have sent us a provision in this bill providing for its payment. We are remediless without the adoption of this provision.

The Senator from Arkansas talks about helping us to pass a bill to get the claim into court. We know what that amounts to. We are without a remedy. There is no court to which the claimant could go. The claimant dealt with the Chickasaw government. It is true that this Government is the trustee of the Chickasaws for the money that is proposed to be disposed of here, but it is to be paid to the individual Indians or to the nation, not to be invested in stocks, and no direction is given

as to its disposition, except that it is to be paid to the Indians. This proceeding is in the nature of a garnishment against the Chickasaw Nation.

Mr. PLATT. Is this a payment of interest to the Indians?

Mr. COKE. The interest is to be paid to the Indians.

Mr. PLATT. "The interest upon which shall be paid annually to the Chickasaw Nation."

Mr. COKE. It is to the Chickasaw Nation, then:

Mr. PLATT. Is this payment to the Chickasaw Nation?

Mr. COKE. That puts it still closer. Here is a debt of the Chickasaw Nation, a debt which we have no court to go into to collect, and a debt for which they have stood the claimant off for about thirteen years.

Mr. PALMER. Will the Senator from Texas allow me to ask him a single question?

Mr. COKE. Certainly.

Mr. PALMER. I ask the Senator upon what pretext does the Chickasaw Nation refuse to pay it?

Mr. COKE. They just simply do not pay it.

Mr. JONES of Arkansas. They say absolutely that they do no owe it.

Mr. COKE. Where does the Senator get that?

Mr. JONES of Arkansas. From the affidavits of the officers of the Chickasaw Nation.

Mr. COKE. Here is their draft for money advanced on the faith of what the governor and the auditor of the Chickasaw Nation said to the bank in the due course of business. Besides there had been a part payment made upon the drafts.

Mr. JONES of Arkansas. Will the Senator let me see that draft?

Mr. COKE. Yes; here it is (handing a paper to Mr. JONES of Arkansas). Two hundred and forty dollars was paid on the drafts. They seem to have been short of money, and the Denison bank has had to advance them a great deal of money; and yet we are told that the bank is without any remedy.

The question is whether or not these Indian nations are amenable to any law, whether they are to be permitted to obtain money from citizens of the United States without any remedy, when the United States holds money in its hands which is due to them? I have known repeated instances since I have been a member of the Senate when the Government of the United States has paid claims against Indians out of moneys due them—trust funds—perhaps not against these Indians, but against some Indian tribes. It has been a very common thing to do. The attempt to put this provision upon this appropriation bill has been suggested by the practice of the Government heretofore.

Mr. President, the transaction was an honest one. There is no man in the State of Texas who stands higher than W. B. Munson. I have his affidavit here, in which he makes a plain statement of the transaction. He says the money is due and unpaid. He was the president of that bank once. He ceased to be its president for a time, but is now again its president; and he comes here and asks, when he is without remedy elsewhere, that when the United States Government is about to pay over a large amount of money to the Chickasaw Nation, they pay this sum to him in liquidation and adjustment of an honest debt.

Mr. JONES of Arkansas. I wish to read to the Senate the paper which the Senator from Texas talks about, and I should like to have the Senate consider just what it is and what it says. It reads:

FIRST NATIONAL BANK, *Denison, Tex., December 10, 1880.*

Please deliver to the First National Bank of Denison, or order, out of my pay due me after 1st February, 1881, a split warrant for $3,000.

R. H. SAUNDERS.

To Hon. ROBERT L. BOYD,
Auditor of the Chickasaw Nation, Ind. T.

On the back of that is written:

Accepted January 6, 1881.

ROBT. L. BOYD, *Auditor.*

It is a plain matter of fact, well known to everybody, that this auditor had no right to accept any draft of this kind on money that was not due, and to bind the Chickasaw Nation. If he undertook to do so he could not bind it. He could only discharge his proper duties in the line of the law.

The other papers are in exactly the same condition. This is an order from a man by the name of Saunders. I have no doubt Mr. Munson tells the truth when he says this money is due; but it is due from Saunders. I have no doubt that is true; but that it is due from the Chickasaw Nation is, to my mind, exceedingly doubtful, and the Senate ought not to assume that if he had had the money he had the right to appropriate it for this purpose. It ought not to assume to pay a doubtful debt of this kind without the Chickasaws having a hearing.

Mr. HIGGINS. I call the attention of the Senator to the fact that Munson was not the payee of these drafts.

Mr. JONES of Arkansas. Not at all.

Mr. HIGGINS. The drafts were dishonored, and in the affidavit that was read at the desk, which was presented by the Senator from Texas, it was stated that they were written off to Munson afterwards. He simply stands here, therefore, as the holder of paper dishonored as a security, and has no higher equity than the payee himself.

Mr. JONES of Arkansas. Let me call attention to one other fact in connection with this case, that Saunders failed to perform his contracts with the Chickasaw Nation. He was held to have violated every claim he had on the Chickasaw Nation, and he was dishonorably dismissed from the service, and among the papers is a statement from Saunders himself that every dollar the Chickasaw Nation owed him had been paid. This money was to be paid out of the money due Saunders after a certain date in the future. Saunders was discharged, and the Chickasaw Nation owed him nothing. There is no obligation in the spirit or letter of the contract that this money should be paid, but if there were, this auditor had no right by his act to undertake to bind the Chickasaw Nation, and the Senate can not undertake to establish any such precedent as that an officer can do any such unauthorized and unwarranted thing.

Mr. BLANCHARD. If the Senator will allow me, in his remarks preceding those just delivered, he stated that the courts were open to Mr. Munson to establish his claim in an action at law.

Mr. JONES of Arkansas. I do not know that I said that.

Mr. BLANCHARD. I understood the Senator to say that. I was going to say that the Senator from Texas [Mr. COKE] denies that there is any remedy in court; and upon that point I should like to hear the Senator.

Mr. JONES of Arkansas. I said a while ago if the courts were open, my impression was that Mr. Munson would have the right to bring the suit. He certainly has availed himself, as I understand, of his right to sue Saunders, but he has got nothing out of it. Whether he has the right to sue the Chickasaw Nation is another thing.

I am perfectly willing to support the amendment suggested by the Senator from Connecticut [Mr. PLATT], that this question shall be investigated by the Secretary of the Interior and the facts reported by him to Congress; I am perfectly willing to incorporate in this bill a provision giving jurisdiction to the United States courts anywhere down in that country, where it would be proper and regular to have a suit brought. But what I contend is that in a litigated case like this, one which I submit, so far as it has been investigated, seems to be in favor of the Chickasaw Nation and against the validity or legality of this claim, against its justice and against its fairness, that it is not right for us to settle it here without any investigation and without knowing all the facts.

Mr. COKE. I have just one more word to say, and that is that so far as the offer of the Senator from Arkansas to create a court is concerned, in which this claim can be tried, the Senator is not able to deliver the goods, not able to fulfill his promise. The claimant is without any remedy in the world, the bank is out of this money, and must get it this way or never get it at all. That is all there is about it.

I call attention again to the fact that this is a transaction with an officer of the Chickasaw Government, made with the consent of the governor of the Nation. It is a draft drawn upon him and accepted by him.

Mr. JONES of Arkansas. There is nothing in that paper except the auditor's statement. There is nothing about the governor.

Mr. COKE. So far as that is concerned, does any man imagine that a good, honest, sensible man like Mr. Munson, the president of a bank, was going to put out this much money on a draft of an auditor without the consent of the governor, especially when he swears that it was in the course of a very large business that he was doing with the Chickasaw Nation?

I think the Chickasaw Nation can bind themselves as well as any other government; I think the Chickasaw Nation can be estopped as well as any other government; I think the Chickasaw Nation can be made liable on its promises as well as other governments, if you can get it into a place where the nation has money that can be reached; and here is the only place that I know of.

Mr. ALLISON. Only a word on this question. It is true that the Committee on Appropriations reported this bill and without changing the text as it came from the House of Representatives. The Senator from Missouri [Mr. COCKRELL] states truly that it was to be further investigated by those having the bill specially in charge. It so happened that I looked into it in connection with the Senator from Missouri after the bill was reported, and I made up my mind that, to say the least, there is a dispute as to whether this is a debt of the Chickasaw Nation. Mr. Munson and the bank which he represents advanced this money fourteen years ago, and this is the first we have heard about this claim in this Chamber.

Mr. COKE. I called the attention of the Senator from Arkansas to the fact, and he admitted it to have been here in Washington for several years.

Mr. ALLISON. Very likely; but that does not change the point I make respecting it. The amendment proposed by the Senator from Connecticut submits this question to an investigation by the Secretary of the Interior, one of our own officers, and the chief officer having in charge the great questions relating to Indian tribes.

It seems to me that where a dispute of this kind is to be settled, and where there is a doubt as to whether this claim is due or is not due, Mr. Munson ought to be willing to allow the claim to be fully investigated.

If I remember the amendment as I heard it read at the desk, it is proposed that the Secretary of the Interior shall make report at the next session of Congress. So, if Mr. Munson has a just claim that we are bound to take care of, it is a difference of three or four or five months. After the statement made by the Senator from Arkansas, and after the investigation I made, reading every paper that I could find in connection with this case, I must say that I made up my mind that it is a doubtful claim, and therefore I assented—because the Senator from Missouri showed his amendment to me at the time of its preparation—for myself to agree that this claim should be investigated by the Secretary of the Interior, who is a responsible officer of this Government, and who is at the head of the Department having the care of the Indian tribes.

Why should we take this money from the Chickasaw Nation now, without investigation, when we have by this amendment proposed an investigation and report within four or five months?

Mr. COKE. I simply desire to say, in reply to the Senator from Iowa, that Mr. Munson has been pursuing this claim since 1880; and now the proposition is to put it before the Secretary of the Interior; and nobody knows when the report will ever be made and how much additional delay will be involved. The debt has already doubled by interest at 8 per cent, and nobody knows when a report will be had, and whether the report will amount to anything when it is had. I suppose the claimant would then have to go to the Court of Claims the same as if no report had been made, and possibly by that time the money of the Chickasaw Indians would have been paid out, and the claimant would be left where he is now, without money and without any recourse upon anyone. The proposition is to postpone indefinitely the collection of an honest debt already delayed twelve years.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Connecticut [Mr. PLATT].

Mr. COKE. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAREY (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL].

Mr. CULLOM (when his name was called). I am usually paired with the Senator from Delaware [Mr. GRAY], but a while ago I agreed to pair with the Senator from Maryland [Mr. GORMAN] on this question. If he were present I should vote in favor of the amendment.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. HARRIS (when his name was called). I am paired with the senior Senator from Ohio [Mr. SHERMAN]. Not knowing how he would vote, I withhold my vote.

Mr. McLAURIN (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. DIXON].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PALMER (when his name was called). I am paired with the senior Senator from North Dakota [Mr. HANSBROUGH]. I do not know how he would vote, and I therefore withhold my vote.

Mr. POWER (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY], and withhold my vote.

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN]. I transfer my pair to the Senator from Nevada [Mr. JONES], and vote "nay."

The roll call was concluded.

Mr. GALLINGER. I announce my pair with the junior Senator from Texas [Mr. MILLS]. If I were at liberty to vote, I should vote "yea."

Mr. BLANCHARD (after having voted in the negative). I am paired with the senior Senator from Michigan [Mr. MCMILLAN]. In his absence I desire to withdraw my vote.

Mr. GORDON. I am paired with the junior Senator from Iowa [Mr. WILSON].

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON], and therefore withhold my vote.

Mr. GORDON. I will vote to make a quorum. I vote "yea."

Mr. DAVIS. In order to make a quorum I will vote. I vote "nay."

Mr. GALLINGER. I transfer my pair with the junior Senator from Texas [Mr. MILLS] to the Senator from Rhode Island [Mr. ALDRICH], and I will vote. I vote "yea."

Mr. HARRIS. Notwithstanding my pair with the Senator from Ohio [Mr. SHERMAN], in order to make a quorum I ask that my vote be recorded. I vote "nay."

Mr. CAREY. I am paired with the junior Senator from Wisconsin [Mr. MITCHELL]. I transfer my pair to the senior Senator from Nevada [Mr. JONES] and vote "yea."

Mr. SMITH. Has the junior Senator from Idaho [Mr. DUBOIS] voted?

The PRESIDING OFFICER. The Senator from Idaho has not voted.

Mr. SMITH. I withhold my vote, being paired with that Senator.

The result was announced—yeas 28, nays 15; as follows:

YEAS—28.

Allen,	Gibson,	Jones, Ark.	Proctor,
Allison,	Gordon,	Lindsay,	Roach,
Brice,	Gray,	Mitchell, Oregon	Shoup,
Carey,	Hawley,	Patton,	Turpie,
Cockrell,	Higgins,	Peffer,	Vilas,
Faulkner,	Hunton,	Perkins,	Walsh,
Gallinger,	Jarvis,	Platt,	White.

NAYS—15.

Bate,	Davis,	Kyle,	Stewart,
Call,	George,	Pasco,	Vest,
Coke,	Harris,	Quay,	Washburn.
Daniel,	Hill,	Ransom,	

NOT VOTING—42.

Aldrich,	Dolph,	McMillan,	Power,
Berry,	Dubois,	McPherson,	Pugh,
Blackburn,	Frye,	Manderson,	Sherman,
Blanchard,	Gorman,	Martin,	Smith,
Butler,	Hale,	Mills,	Squire,
Caffery,	Hansbrough,	Mitchell, Wis.	Teller,
Camden,	Hoar,	Morgan,	Voorhees,
Cameron,	Irby,	Morrill,	Wilson,
Chandler,	Jones, Nev.	Murphy,	Wolcott.
Cullom,	Lodge,	Palmer,	
Dixon,	McLaurin,	Pettigrew,	

So the amendment was agreed to.

Mr. POWER. I wish to offer an amendment. On page 8, line 3, I move to strike out "twenty-five" and insert "forty-four," and in line 14, after "dollars," to insert "$19,000 to be used for Fort Shaw Reservation and Indian Industrial School, Montana."

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 8, line 13, strike out "twenty-five" and insert "forty-four," and in line 14, after "dollars," insert "$19,000 to be used for Fort Shaw Reservation and Indian Industrial School, Montana."

So as to make the clause read:

For buildings and repair of buildings at agencies, $44,000, $19,000 to be used for Fort Shaw Reservation and Indian Industrial School, Montana.

Mr. POWER. The amount asked for in the amendment is estimated for by the Department. I wish to have read a letter from the Commissioner of Indian Affairs requesting that the amount be added to the appropriation bill.

The PRESIDING OFFICER. The Secretary will read as requested.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 12, 1894.

SIR: Referring to the letter dated March 31, 1894, from the honorable acting Secretary of the Treasury to the Speaker of the House of Representatives, transmitting for the consideration of Congress an estimate of appropriation submitted by the Department of the Interior for the support of the Indian school at Fort Shaw, Montana, for the current fiscal year, and aggregating in amount $62,500 (see Ex. Doc. 176, Fifty-third Congress, second session), I have the honor to invite your especial attention, and to ask favorable consideration of the following items which are embraced in the estimate referred to, viz:

Repairs of buildings	$12,000
Fences, farm implements, seed, etc.	2,000
Irrigation ditches, laterals, etc.	5,000

The improvements contemplated being made with these sums are very material and urgently necessary for the proper conduct and maintenance of this school, and I strongly recommend that they be incorporated in the Indian appropriation bill now under consideration by your committee.

Very respectfully,

D. M. BROWNING,
Commissioner.

Hon. FRANCIS M. COCKRELL,
United States Senate.

Mr. POWER. The chairman of the committee, I believe, is satisfied that the amendment shall be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. POWER].

The amendment was agreed to.

Mr. VILAS. I wish to offer an amendment to be inserted on page 66, after line 17.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 66, after line 17, it is proposed to insert:

For education and support of one hundred and fifty Indian pupils at St. Joseph's Indian Industrial School, Keshena, Wis., at $125 each per annum, $18,750.

Mr. VILAS. Mr. President, the amendment I submit has been favorably reported by the Committee on Indian Affairs. It has been approved and is recommended by the Secretary of the Interior and the Commissioner of Indian Affairs, and I believe it will have no opposition from the Committee on Appropriations. I shall, therefore, content myself by simply remarking in respect to it that this school has been established a long time, and has been conducted in a manner very satisfactory to the Department. It has been supported largely by contributions. The price at which pupils are to be maintained is much less than the average current price paid. The school has for a long time maintained a considerable number of Indian pupils in addition to the number which it is now proposed by the amendment to award to it.

I ask leave to insert in the RECORD a letter of the superintendent of the school, a letter of the Secretary of the Interior, and a letter of the Commissioner of Indian Affairs in respect to the amendment, and with these, unless there be more reason for discussing it, I shall submit the question for the determination of the Senate:

KESHENA, WIS., *March 20, 1894.*

SIR: Inclosed please find copy of an amendment to the Indian appropriation bill, which I respectfully submit, together with the following:

Ten years ago we started at this place and have uninterruptedly carried on till the present day an Industrial Boarding School for the training of Indian children. Our labors have been hard and tiresome, frequently in very discouraging circumstances, but they have been crowned with success, and I do not hesitate to pronounce our school one of the best in the Indian service. This can be proven by the reports of inspectors, special agents, supervisors, and other officials, all on file in the Interior Department. At the Indian educational exhibit at the World's Fair at Chicago we received an award and diploma of honor for our exhibit, testimony for which will be kindly presented by Mr. J. A. Gorman, of Washington.

Our buildings, all of which have been erected at our own expense and for the sole use of the Indians, have ample accommodation for 170 pupils; our average attendance has been and is upwards of 160, and the enrollment about 190 pupils. Notwithstanding this number our school receives contract compensation for only 130 pupils at $108 per capita.

Of course, ever since the establishment of this school we have been obliged to add to what we received from the Government large contributions of our own in order to maintain the school and make it what it is now, and even if we succeed in securing what we now ask for, viz, an increase of funds from the Department, we will be obliged yet to supplement it with our own funds. What we request is much less than is paid for nearly all the other schools specially appropriated for, as will be seen by referring to the appropriation bill.

Every cent received by us is spent for the benefit of the Indians. I can assure you that a much higher purpose than mere money-making actuates us in our work for the Indian's welfare. The seeking of personal profits was barred off beforehand by our solemn promises rendered ere our foot was set upon the field given in our charge. Now that our people here have advanced so far on the road to civilization and Christianity we will not abandon it, but strive to secure every means for its further and better development and final perfection.

I am confident that the Department, if asked, will substantiate all I have said in regard to the school, and I respectfully request that when the Indian appropriation bill comes before the Senate you may aid us in placing the amendment for our school where it belongs among the other portions of the bill.

Very respectfully, yours,

REV. ODORIC DERENTHAL.

Hon. W. F. VILAS,
United States Senator, Washington, D. C.

DEPARTMENT OF THE INTERIOR, *Washington, March 30, 1894.*

SIR: I have the honor to acknowledge the receipt of your letter of the 26th instant, and accompanying letter from Rev. Odoric Derenthal, in regard to an appropriation to maintain the Indian industrial school at Keshena, Wis. (Green Bay Agency).

In response thereto, you are respectfully advised that this school is now conducted under a contract approved by the Department for 130 pupils at $108 per annum per pupil, and is paid from the general appropriation for support of schools.

The accompanying report of the Commissioner of Indian Affairs, dated 29th instant, to whom the matter was referred, contains the statement that the St. Joseph school is a most excellent school, and that the number of Indian pupils cared for and educated is greatly in excess of the number provided for by the contract, and that it is worthy of all the aid the Department can give it in regard to increasing its per capita allowance and granting the number of pupils asked for.

In view of these facts, I have to recommend that an appropriation be made to maintain this school as requested.

The papers accompanying your communication are herewith returned.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. WILLIAM F. VILAS, *United States Senate.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 29, 1894.

SIR: I have the honor to acknowledge receipt, by your reference, of the letter of Rev. Odoric Derenthal, superintendent of St. Joseph's Industrial Boarding School, Keshena, Wis., addressed to Hon. WILLIAM F. VILAS, United States Senate, dated March 20, 1894, submitting an amendment to the Indian appropriation bill, with a history of the school, requesting my report thereon.

In reply, I have the honor to state that from reports of inspectors, special agents, and supervisors, recorded in this office, the St. Joseph's school is a most excellent Indian school.

The quarterly attendance reports show that the number of Indian pupils cared for and educuted at this school is greatly in excess of the number provided for by the Government.

In my opinion, St. Joseph's school is doing very good work for the Indians, and it is worthy of all the aid the Department can give it in regard to increasing its per capita allowance and granting the number of pupils asked for.

I concur in the statement set forth in the letter of Superintendent Derenthal, and respectfully request your favorable consideration of his request.

The letter of Rev. Odoric Derenthal and its inclosures are herewith returned.

Very respectfully,

D. M. BROWNING, *Commissioner.*

The honorable the SECRETARY OF THE INTERIOR.

Mr. COCKRELL. The Committee on Appropriations made no recommendation as to this matter because it determined not to add any new schools to the list of schools. The price in the other schools provided for in the bill is $167, and the price fixed in the amendment of the Senator from Wisconsin is $125.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. VILAS].

The amendment was agreed to.

Mr. MANDERSON. On page 53, line 14, I move to strike out "five hundred" and insert "nine hundred and ninety-five;" so as to read:

One thousand nine hundred and ninety-five dollars.

I have called the attention of those in charge of the bill to the proposed change. A bill appropriating $1,995 to pay John Palmier for buildings and improvements at Pine Ridge Agency passed the Senate early in the session. There is no question of the right of Mr. Palmier to recover from the Government the value of the buildings and improvements. The only question is one of amount. There must have been a blunder made elsewhere as to the amount. The amount that was certified to by the Indian agent, Capt. Brown, was $1,995. I refer to Report No. 56, made from the Committee on Indian Affairs in this Congress, justifying fully the amendment I have proposed. There certainly should be no opposition to it, and I hope the Senator in charge of the bill will not object to the amendment.

Mr. COCKRELL. I ask the Senator from Nebraska to read the items which make up the $1,995.

Mr. MANDERSON. The items are as follows:

Frame dwelling house, 1½ stories high, 18 by 26 feet; with addition 14 by 18 feet	$1,200
Log dwelling house, 18 by 36 feet	100
Log and board stable	75
Log corral, 100 by 75 feet	50
Forty acres of land under cultivation, inclosed with pole and wire fence	160
Fruit trees planted and growing	40
Breaking 40 acres of land at $3 per acre	120
Digging one well, labor and material	50
Personal labor on farm and buildings	200
Total	1,995

Mr. COCKRELL. Will the Senator again read the last item?

Mr. MANDERSON. The last item is for "personal labor on farm and buildings, $200."

Mr. COCKRELL. I thought it was $400.

Mr. MANDERSON. It is $200, making a total of $1,995.

Mr. COCKRELL. We left this just as it came from the other House. I have seen the papers the Senator has, but I am under the impression that there are some other reasons why the full amount was not put in. However, the amendment of the Senator from Nebraska may be agreed to and the matter reserved for action in conference.

Mr. MANDERSON. I wish to say simply that Mr. Palmier was upon these premises for twelve years. He is a very exemplary citizen. Capt. Brown, an army officer, who was the Indian agent at Pine Ridge Agency, says:

Returning to Mr. Palmier's claim for $1,995, I have to say that I consider it a reasonable claim. He has a very good house, barn, corrals, and other improvements which, of course, cost him some money and much labor to erect at this point.

There was no question in the minds of the Committee on Indian Affairs but that this is a very low appraisement of the improvements which were lost by reason of the action of the Indian Department under the law referred to. I hope the committee can retain the amendment in the bill.

The PRESIDENT *pro tempore*. The question is on agreeing

to the amendment of the Senator from Nebraska [Mr. MANDERSON].

The amendment was agreed to.

Mr. SQUIRE. I offer an amendment to be inserted after the word "dollars," in line 25, on page 49.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 25, page 49, insert:

That all lands heretofore constituting a part of the Puyallup Indian Reservation situated near the city of Tacoma, in the counties of Pierce and King, State of Washington, now held in severalty by the Puyallup Indians, patents to which have heretofore been issued by the United States to said Indians, said patents containing certain restrictions upon the sale and conveyance of said lands, are hereby declared to be the property and the estate of each of said allottees or their heirs in fee simple, free and clear of each and every restriction as to the sale, conveyance, or other disposition of the same heretofore imposed by the Government of the United States: *Provided, however*, That no sale of said lands shall be valid until the parties shall appear before the United States district judge in the district in which said lands are situated, and thereupon submit to him all the terms and conditions of such proposed sale for his approval, and if approved by such judge, he shall indorse his approval on the contract or other instrument evidencing such sale; thereupon such sale may be executed and completed in accordance with the terms and conditions so approved by said judge: *Provided further*, That the purchase price agreed upon, and as before mentioned, approved by said judge, shall be secured and paid as follows, namely, one-third of the purchase price shall be paid at the date of the final execution of said sale to said allottee, and the other two-thirds shall be secured by eight promissory notes of equal amount, each bearing interest at the rate of 4 per cent per annum, and payable, respectively, in one, two, three, four, five, six, seven, and eight years from the date thereof. Said promissory notes and each of them shall be secured by a first mortgage and lien upon the lands sold, and neither said notes nor said mortgage shall be assignable or transferable to any person whomsoever, but shall remain the sole property of said allottee and his heirs until the indebtedness of said purchaser is fully discharged in accordance with all of the terms and conditions herein.

Mr. SQUIRE. Mr. President, the question as to what ough to be done with what is known as the Puyallup Indian Reservation is not a new one to the Senate of the United States. It is a question which has engaged the attention of Congress and of the Executive Department of the Government for some years. The people of the State of Washington feel that they ought to be heard again on this subject and now.

It seems to be a simple matter, although it may appear to be complicated when one first looks over the documents which have been submitted upon the subject. But is in fact a very simple question when you get right down to the bottom of it. There was a treaty with the Puyallup Indian tribe, which provided that the Territory of Washington, which was afterwards created to be a State, could by law remove the restrictions placed upon the disposal of property held by the Indians in severalty, but such a law to be of full force and effect must have the approval of the Congress of the United States. This was provided in the treaty.

Now, the Legislature of the State of Washington, at its first session, held in 1890, did remove those restrictions. Therefore it was simply left for the approval of Congress to be exercised, and then the Indians would have had just as much right to dispose of their land held in severalty as any person holding land has a right to dispose of his property. Thereupon certain individuals proceeded to make negotiations with the Indians for their lands or a portion of their lands. Those negotiations went on, and certain agreements were entered into.

There was a feeling, however, that there might be in this connection some advantage taken of the Indians. There are in the States of the East people who are busying themselves very honorably and charitably in looking after the interests of the Indians.

Some of these people thought that there was a danger that the Indians might be cheated and defrauded out of the value of their property or a large part of the value, and remonstrances began to pour in. There was a cessation of the negotiation, and efforts were made to prevent the Congress of the United States from approving the act of the State. Thus the matter stands. That condition of affairs has been maintained and exists at this day.

Now, what are the essential facts about the situation? Here is the city of Tacoma, of 40,000 people. The boundaries of the city are immediately adjacent to the Indian reservation. The Indian reservation consisted originally of 18,050 acres, of which 585 (originally 598.81, afterwards reduced on account of the overlapping of some claim which was allowed) belong to and are kept in a separate unallotted portion for cemetery, school, and agency purposes. The remainder, 17,463 acres, was allotted to the Indians. How many allottees were there? Only 166 individual Indians altogether were the patentees.

The total population, counting men, women, and children, numbered about 600.

When this matter came up in the Fifty-first Congress in 1890 there was a great deal of discussion about it, and at that time a commission was sent there. On that commission was a very eminent jurist by the name of Judge Drake, now deceased. Many of the Senators knew him. The commission went there and made an examination of the property and local conditions and all the circumstances. Their report is here before me, giving a statement in detail of all the facts ascertained, the names of the Indians, and the amount of property held by them in severalty, and every other feature affecting the question. The commission being an able one, its suggestions and report are of value.

Up to the present time the Indians have been unable to make a disposition of their lands, and in consequence they are the sufferers. Of course, you make an appropriation of $16,000 in the pending bill for the Puyallup and other Indian agencies in that State. You make provision for them on page 48 of the bill, as follows:

For general incidental expenses of the Indian service, including traveling expenses of agents at seven agencies and the support and civilization of Indians at Colville and Puyallup agencies, and pay of employés, $16,000.

But if the Indians had been able to sell their land they would have raised the sum of $700,000 for only a portion of the land, only about one-half, for the sale of which they had made contracts. That would have given to the adults, of whom there are less than a hundred and fifty, the sum of $5,000 each. Forty-two of the original patentees had died in 1891. This vast amount of money could have been realized and the United States could have been relieved of expense.

The property would have gone into the hands of white men, who would have improved it, and it would have been taxable property in the State of Washington and in the county in which it is situated. The opportunity which the Indians had of making the sale has gone by for the present. The average value of the land as then arranged to be sold by them was about $76 an acre, which is a very good price for property encumbered by very heavy forests.

Mr. GRAY. Seventy-six dollars an acre?

Mr. SQUIRE. Seventy-six dollars an acre. That is the average price. Mind you, some of it is low land and unfit for occupancy for residence or home purposes. Some of it is good, rich valley land, which, when cleared, will support people well. Other land included in the reservation is hill land and is suitable mainly for agricultural purposes when improved. Now, when this land is cleared, particularly the valley land, it is highly productive. It has been stated, and I believe it to be true, that 6 or 7 acres of it, if it is well cleared, will support a family. But it costs a great deal of money to clear it. It costs from $75 to $150 an acre to clear it for purposes of agriculture. I take these figures from the report of the commission.

Now, see what a position we are in. The Indians can do nothing with this land, practically. There is another commission out there under the law enacted by the Fifty-second Congress in 1893, and while I do not say that the Indians are quarreling with the commission, they do not like the situation. The last commission, to which I now refer, is invested with certain powers and functions as to the selection and sale of the land. But the Indian owners decline to sell under present conditions. These are not savage Indians. They are intelligent people. They have their schools. More than half of the men, women, and children can read and write. They appear in the same garb as we do; they go to political conventions, and vote for Representative in Congress. These people understand the methods of doing business. They serve on juries, and perform all the other duties of American citizenship.

I have been amongst them year after year. I have visited them. I know some of them personally, and that they are some of them highly intelligent people. They have had the benefit of schools for many years. They have one of the best conducted agencies now under the Government. The agent, Mr. Eells, is an exceptionally excellent one, who has been there for a great many years.

I will state what we wish to have done. We desire to have these Indians empowered to sell their lands under some suitable and adequate provision for their protection, for they are the wards of the nation still. We think the best plan to be adopted is to allow the judge of the United States district court to pass upon the question of the equity of the contract—the reasonableness of it. We think that he, being on the ground and knowing these men personally, having been brought up in a city only 30 or 40 miles distant from them, having known many of them for years, and knowing all the conditions, is better able to judge than anybody else.

We wish to have Congress allow the Indians to have the benefit of their property. Time is rolling by, and they are getting no usufruct from the vast body of lands uncultivated. They are cultivating altogether about 1,800 or 1,900 acres out of the 18,000. The Indians are not hard workers, and they can not do the clearing without financial assistance. They can not improve their own property unless they have the money with which to

do it, and they can not raise the money because they can not sell the land, and they can not even lease it.

I go now to the other feature of the question. The Congress of the United States by law permits the Indians to dispose of their lands after a certain period, eight years of which yet remain. Eight years from now they can dispose of their lands without any act of authorization by the Congress, and without any restrictions. They are probably as well fitted for business now as they will be then.

Now, why keep them waiting all this time? This is in their behalf. This bill is for their benefit. But aside from that it seems to me the white people of that State have some rights in the premises, I mean without injustice to the Indians. Here is this very important city for the Pacific coast, one of our largest cities of that region, that is bounded on one side by this Indian reservation, which contains the very best land in that vicinity. The land in the valley of the Puyallup is very rich and fertile, and it is most injurious to the interests of the city and county that this grappling hand be held on their throats. It is not right. It is not fair to those people, and it is in their interest in large part that I plead before the Senate to-day.

Mr. GRAY. What can they get for their land now?

Mr. SQUIRE. I suppose the original contracts can not be enforced under the law. The Representative in Congress from that district, Mr. DOOLITTLE, informs me that the Indian owners can probably get from $125 to $150 an acre for land uncleared. It may seem strange that we can get such prices for land. It is because——

Mr. GRAY. Because of the timber on the land?

Mr. SQUIRE. Not because of the timber, but because of its contiguity to the city of Tacoma and its fertility.

Mr. GRAY. What is the matter with the farmers out in that part of the country if they can get $150 an acre for land?

Mr. SQUIRE. The trouble in this case is that the Indians are not free to sell the lands they desire to sell. These Indians have exceptionally good lands. I may say to the Senator from Delaware that it is very fertile. I mean, of course, the best of the valley land.

Mr. GRAY. I am very glad to hear it.

Mr. SQUIRE. They can not sell their land. It happens that owing to its contiguity to the city of Tacoma there is a double value: first, its fertility, and, secondly, its proximity to the city and all the inducements that go toward the sale of suburban property.

Mr. BLANCHARD. Will the Senator from Washington permit me to ask him a question?

Mr. SQUIRE. Certainly.

Mr. BLANCHARD. Do these Indians ask for this to be done?

Mr. SQUIRE. They do. Mr. DOOLITTLE, the Representative in Congress who lives in Tacoma, assures me positively that they do.

Mr. BLANCHARD. How did they take action signifying their desire?

Mr. SQUIRE. They held public meetings, and they have communicated their wishes from time to time to those who represent them here. I submit that there is no necessity for any entanglement about this matter. It is simply a question of allowing a highly competent tribunal located there, the United States district bench, now occupied by a judge who has exceptional qualities of intellect, heart, fairness, and candor, a man who has the confidence of the Indians, to supervise and approve contracts of sale, and this is what they want done.

Now, why should we keep them back? Why not allow those Indians to dispose of their lands under the supervision of the United States judge, who deals with all great questions of admiralty and all other great interests there in that State. Is there any good reason for objection? Is it necessary that there should be kept hovering over them a commission consisting of persons sent from some distant States of the Union and paid at the expense of the people of the United States, a sort of permanent fixture over these Indians, a surveillance that is distasteful to them?

I believe, Mr. President, that the good sense of the Senate will manifest itself in the passage of this amendment. I see no good reason against it. The money ought to be paid there and kept there, and those people ought to be free from this bondage.

Mr. VILAS. Mr. President, I regret exceedingly to feel obliged to say a few words in respect to the pending amendment. The Senator from Washington is a Senator whom we not only all respect but very much admire and regard, and it is unpleasant for me to interpose a word of objection to anything whatever which he desires. But it happened to be my duty, in serving upon the Committee on Indian Affairs in the Senate, to make a careful inquiry into the facts touching the Puyallup Indian Reservation, and it was imposed upon me by that committee to stand in opposition to a somewhat similar proposal by the former colleague of the Senator from Washington [Mr. Allen]. I do not myself feel at liberty to permit this amendment to be considered without briefly advising the Senate what I understand to be the situation in respect to the Puyallup Reservation.

The Senator from Washington has correctly stated the fact, that it is a rich and valuable tract of land, hugging closely to the city of Tacoma, so nearly adjacent to it as that the city itself is now almost upon it. Some of that land is worth a thousand dollars an acre, I suppose.

Mr. SQUIRE. May I correct the Senator from Wisconsin? I do so with great reluctance, as I respect him very highly.

Mr. VILAS. I would be very glad to be corrected.

Mr. SQUIRE. I think there was such an estimate made as to one particular tract, and that is the tract now under consideration in the amendment. The tract that is reserved for school purposes was valued at a thousand dollars an acre. That is the only tract, I believe, that was considered of such value, and that was at a time when all property, especially real estate in that vicinity, and in fact all over the country, was at a higher figure than it is to-day.

Mr. VILAS. Whether that estimate is correct or not it certainly is land of very high value. It is true also that it has been allotted so that nearly all of it stands in the name of Indian allottees, some one hundred and sixty odd in number. I suppose there is hardly one of those allottees whose name is not affixed to a contract obtained from him some years ago by some speculator or trader in lands who hoped to acquire the ownership of his allotment so soon as Congress shall remove its protective guardianship over his right of sale.

There lies the rich prize. There are the active speculators ready to seize upon it. It is not strange that the fact is as was stated by the distinguished Senator, that the very first Legislature of the State of Washington which assembled gave its unqualified consent to the unlimited power of alienation by the Indians, and had it not been for the wise and prudent restriction which had been preserved for the benefit of the Indians in the treaty with them that the consent of the Legislature should not be effectual to the end without the consent also of Congress, those contracts would long since have taken away from the Indians their rich and valuable possessions.

Mr. SQUIRE. May I interrupt the Senator one moment?

Mr. VILAS. With pleasure.

Mr. SQUIRE. I wish to state that the land which was contracted for at that time did not amount to more than about half of the allotted land. I should also state that it is not now believed that those contracts are valid under the conditions of law existing. It is not proposed to enforce those contracts. The proposition is that new contracts may be made, not that the others shall be enforced.

Mr. VILAS. Have not the contracts been made either before the date of the consent of the Legislature or since for substantially all the rich land?

Mr. SQUIRE. I understand, and it is shown in the report which I hold in my hand from the commission, that the contracts cover something over 9,000 acres out of the 18,000 acres.

Mr. VILAS. What is the date of that report?

Mr. SQUIRE. Eighteen hundred and ninety-one is the date.

Mr. VILAS. That is the old contract.

Mr. SQUIRE. There have been no contracts made since that I am aware of, I should say——

Mr. VILAS. I was about to add, after that general statement of the situation, not caring to go with great particularity into details (nor indeed am I able to do so, for it is some time since I have reviewed the facts with care), that when the last appropriation bill was before Congress, in view of all these circumstances Congress took what seems to me to be very wise and proper action. In the act of March 3, 1893, it was provided—

That the President of the United States is hereby authorized immediately after the passage of this act to appoint a commission of three persons, and not more than one of whom shall be a resident of any one State, and it shall be the duty of said commission to select and appraise such portions of the allotted lands as are not required for homes for the Indian allottees; and also that part of the agency tract, exclusive of the burying ground, not needed for school purposes, in the Puyallup Reservation, in the State of Washington. And if the Secretary of the Interior shall approve the selections and appraisements made by said commission, the allotted lands so selected shall be sold for the benefit of the allottees, and the agency tract for the benefit of all the Indians, after due notice, at public auction, at not less than the appraised value, for cash, or one-third cash and the remainder on such time as the Secretary of the Interior may determine, to be secured by vendor's lien on the property sold.

And it was declared to be the duty of that commission, or a majority of them, to superintend the sale of those lands; to ascertain who are the true owners of the allotted lands; to have guardians duly appointed for the minor heirs of any deceased allottees; to make deeds of the lands to the purchasers thereof, subject to the approval of the Secretary of the Interior, which

deeds should operate as a complete conveyance of the land upon the full payment of the purchase money, etc.

Other provisions, which I shall not delay the Senate to listen to, for further care over this matter, were introduced in that act.

Now, Mr. President, that commission was appointed, as I am informed. That commission is in service, discharging the functions. There is the authority which, if exercised as Congress has provided, will clear up in a just and proper manner this difficulty of a dead tract of land lying near the city of Tacoma. It will provide fair terms for the Indians. And, sir, while that provision of law is in process of execution, and while it is apparently abundantly sufficient to secure the great end of the sale of this property with justice to the Indians, it does not seem to me quite right that on this appropriation bill, without any especial care or examination, we should suddenly introduce a new law which removes at once all restriction upon the sale of the property except that it submits it to a judicial officer upon whom Congress has no right to impose the duty and who can only perform it in case he voluntarily accepts an extrajudicial function without compensation.

Mr. PLATT. Will the Senator from Wisconsin allow me a moment?

Mr. VILAS. With pleasure.

Mr. PLATT. Does not the proposed amendment provide for the sale of all the land of the Indians?

Mr. VILAS. The Senator from Connecticut is correct. The amendment provides——

Mr. PLATT. If the Senator will permit me further. I will state that any bill which has been introduced before, until the action of Congress at the last session in appointing a commission, has always reserved from sale what is within these black lines on the map [indicating], which is about half of the premises. The provision last year was that the lands which the allotters did not need for homes were to be sold. Now, the pending amendment provides for selling everything, as I understand it.

Mr. VILAS. I was about to call attention to the fact——

Mr. PLATT. In this report we have a full account of the allotment of every Indian, stating what might be sold and what is homestead and what might not be sold. It seems that matter is entirely disregarded by the pending amendment.

Mr. SQUIRE. I would like to make a statement, with the indulgence of the Senator on the floor.

Mr. VILAS. Certainly.

Mr. SQUIRE. I learn that the Department of the Interior is very well satisfied to remove all restrictions so far as relates to sale of the quantity of land. I think the Department would be quite willing to remove restrictions altogether with one exception possibly. I do not know that it would object to this amendment, but I think it may be true that the Department would prefer to retain the supervision itself. But I suggested in my remarks that a judge of such a character as we have there, a judge living there, familiar with the Indians, understanding them, and a man of their choice, they admiring him, they approving him, desiring that he shall be the one to pass upon the conditions which may be fair toward them, would be preferable to any officer of the Interior Department.

We all know how busy the Departments are here and the Bureaus under them; how difficult it is to pay special attention to such subjects as this, of which the conditions are in distant regions of our country and depending almost altogether upon representations made by agents of the Department, upon which the Department may act. Therefore it is believed that the Indians desire that this United States district judge shall be the one to pass upon the propriety of these contracts as to their interests. They desire this man to be substituted for a commission or even the head of the Department in deciding whether these contracts are conscionable or not.

I beg pardon for speaking just one word more simply to say that I learn it is a fact to-day that the commission there has accomplished nothing in the direction of selecting land which may be sold with the approval of the Indians.

Mr. PLATT. Why not?

Mr. SQUIRE. Because the Indians do not desire to have people act for them in selecting land. They say they know their business. They know what they want to sell just as well as the white man does, and they probably do. They know whether they want to part with a piece of property or not; they know what it is worth; and you can depend upon them to secure all they can get for it.

It seems to me now that it is understood the Department has shown its willingness to have all other restrictions removed, that is, so far as relates to the quantity of land to be sold—to be merely a question who shall supervise and approve the sales, and we consult the Indians themselves when they ask that this notable man, this correct, upright judge, who has done so well for the bench there, shall be their father—if I may use that term in this connection—to approve or disapprove of the transaction, and they ask that their will be granted in this respect.

Mr. VILAS. Mr. President, I am not disposed at all to question the statement of the distinguished Senator from Washington, but we have no other evidence than the general statement that these Indians are so desirous of having this judge perform the duty. We have no evidence that the judge is willing to assume that duty. If we impose that duty upon him we have no sort of control over him. It would be an entire extrajudicial duty, which he could assume only voluntarily. Congress can not impose upon a judge of the Federal court the duty of supervising contracts of sale with Indians.

Mr. President, I only wish to observe (and I wish to do so as gently and with as little urgency as the facts will permit) that this amendment coming in now seems extraordinary after the provision made last year which is in process of execution. It almost leads one to suspect, what I am sure has never entered the mind of the Senator from Washington, that some of those people out there interested in securing these lands have found the commission to be executing its duties with too much advantage to the Indians, with too much care in their supervision.

Let me observe further, as was suggested by the Senator from Connecticut, that the amendment proposes not only to obliterate the cautionary guardianship of the United States, save and except as it imposes that duty upon a judge when there is no right to put it there and when he may repudiate it, but it also proposes to sell all of these allotted lands, notwithstanding the very act now under execution, in care for the Indians, directed the commission first to save for them what was necessary for their homes, and notwithstanding every proposal heretofore made, the one which we successfully resisted in the last Congress, when urged by the distinguished colleague of the Senator from Washington, has limited and set apart a certain portion of this reservation as not to be sold, while this sweeps in the whole thing.

Mr. SQUIRE. The Senator does not mean that it sweeps in the whole thing. He does not mean that it sweeps in anything beyond the allotted land.

Mr. VILAS. I was just about to add, if the Senator will permit me, that with the act of last year it takes every acre and makes every acre subject to sale.

Mr. SQUIRE. Five hundred and eighty-five acres are reserved, unallotted.

Mr. VILAS. I must withdraw that general expression. It reserves the burying ground, and so much as shall be held necessary for school purposes.

Mr. SQUIRE. Five hundred and eighty-five acres, which is probably the most valuable. That is, I believe, according to the appraisement under the supervision of the commissioners. It is valued at a thousand dollars an acre, because this can be made town property and be divided into lots. It is perhaps all, or nearly all, cleared. It is adjoining the village of Puyallup, as I remember, and is convenient to churches, schoolhouses, residences, and streets.

Mr. VILAS. The act provides that it shall be the duty of the commission to select not only such parts of the allotted land as are not required for homes for the Indian allottees, but also that part of the agency tract, exclusive of the burying ground, not needed for school purposes, and expose it all for sale.

Mr. MITCHELL of Oregon. Will the Senator from Wisconsin allow me? Does the Senator understand that under the provision of law of last year the allotted lands can be sold without the consent of the Indians?

Mr. VILAS. Perhaps not, but I will not undertake to affirm absolutely that I am correct in that statement.

Mr. MITCHELL of Oregon. The truth of the matter is, I think, that the whole business is a dead letter on the statute book. I suggest to the Senator from Wisconsin that if the act contemplates selling the allotted lands on which those Indians hold patents from the United States without their consent, then I take it the Senator will agree with me that that is something Congress can not do. If upon the other hand, it contemplates securing their consent, then I suggest that the Indians never have consented and never will consent to the disposal of their lands in that way. Consequently in any event the statute is a dead letter. There is nothing being done, and nothing has been done except the surveying of land There has not been a sale.

Mr. VILAS. It may be that nothing has yet been done in the way of effecting sales, and perhaps a reason for it may be discovered in this amendment, which seeks to put the entire disposition of the lands in the Indians themselves, subject only to an approval of their contract by a judge.

Mr. MITCHELL of Oregon. The Senator from Wisconsin is

familiar with Indian Affairs. Does he not believe that the interests of the Indians would be protected under the provisions of this amendment if it became a law? Are their interests not safe, when every contract that they make for the sale of the lands, that they have made in the past or may make in the future, must be submitted to the judge of the United States district court, a man residing there in the State, a man of integrity, a man holding a high judicial position? When the contracts, with all their terms as to amount per acre and everything of that kind, must be submitted to him, does not the Senator believe that their interests are to be protected?

Mr. VILAS. Mr. President, I am not here to affirm anything against the integrity, high character, the great ability, the power and the benevolence of the judge of that court, but I am entirely satisfied with the commission which has been created for the purpose of giving their personal and careful attention to the disposition of these lands, and with the approval of the Secretary of the Interior thrown over as a further safeguard I very much prefer it, I am bound to say, to the scheme proposed in the amendment. I suspect this amendment.

Mr. President, I think I have said all that is necessary to bring the situation concerning this matter to the attention of the Senate. I have already said that it is with the very greatest reluctance, as a personal matter, that I have said what I felt it my duty to say both as respects the genial, affable, and lovable Senator from Washington [Mr. SQUIRE] and the Representative in another place of the same State, who was formerly a citizen of my own State, and for whom I have a personal regard. I should like to ask whether this amendment has been considered by the Committee on Indian Affairs and whether it has been reported by the Committee on Indian Affairs?

Mr. SQUIRE. In answer to the Senator, I will say that I thank him for his kind words. I appreciate them coming from him, and I appreciate his careful consideration of this question.

The Senator asks, has this amendment been reported from the Committee on Indian Affairs? I would state to the Senator that the condition of business in the Senate has been such that the committees, as he well knows, have not ordinarily been holding their customary sessions as committees, and there has been no lack of desire on my part or on the part of the Representatives in the House from the State of Washington to present this matter to the Committee on Indian Affairs. We have endeavored to do so over and over again, but have not been able to secure the necessary attention. Therefore it is not our fault. The amendment was duly referred to the Committee on Indian Affairs long since, and they have had an opportunity to consider it.

Mr. VILAS. Is the amendment acceptable to the Committee on Appropriations?

Mr. SQUIRE. We hope so. We hope the committee thinks favorably of it.

Mr. COCKRELL. I have been trying for sometime to say what the Committee on Appropriations think of the amendment. We are profoundly astonished that this matter is pressed upon the Senate. The distinguished Senator from Iowa [Mr. ALLISON] and I gave the subject the most elaborate, careful, and painstaking consideration for the express purpose of reporting it favorably, if it was within the bounds of decency and self-respect for the committee to do it; and we notified the friends of the measure that it could not be done, that we could not sustain it; and I am sorry that it has been pressed upon us, for I did not want to say what I have felt compelled to say here on the subject.

I sympathize with the representatives of the State of Washington in regard to this matter. I appreciate the condition they are in, and so do the Committee on Appropriations; but I called upon the distinguished Senator from Iowa, in the absence of the Senator from Colorado [Mr. TELLER] to confer with me in regard to certain matters which might come up on this bill; and we gave the subject the utmost care and attention.

How could we come in here and report favorably upon this amendment when it is the purest kind of legislation? How could we come in here and report the amendment in the face of the opposition of the Commissioner of Indian Affairs and of the Secretary of the Interior? How could we come in and report it in the face of the fact that only about March, 1893, we passed a bill providing for the sale of all these lands, appointed a commission, and that commission is there now negotiating with the Indians for the sale of the lands, and the Commissioner of Indian Affairs tells us that the commission is making progress. The Committee on Appropriations could not maintain their self-respect and come in and report favorably upon this amendment.

Mr. SQUIRE. I would ask the Senator if it is not the correct statement that this commission is making progress with the school or agency lands, and that it is not making progress with reference to anything else?

Mr. COCKRELL. I do not know that they have. They have not had time to complete their work, but they report that they are making progress in allotting the lands which have not been allotted in severalty, in getting possession of them, and in disposing of them to individuals.

Mr. SQUIRE. Is it not true that the commission has not been successful in its endeavors to conciliate the Indians in respect to the allotted lands?

Mr. COCKRELL. The Commissioner does not so report.

Mr. SQUIRE. And that the Indians do not act in accord with the commission?

Mr. COCKRELL. The Commissioner has not so reported to us.

Mr. SQUIRE. I am informed that no sales have been made, and that the Indians are not satisfied to come under the terms of the law creating the commission.

Mr. MANDERSON. It is very evident that the bill, which affects very great interests, can not be closed to-night. I appeal to the Senator from Missouri to allow it to go over until to-morrow.

Mr. COCKRELL. I had hoped that we could dispose of a few more amendments this evening; but under the circumstances I will move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 12 minutes spent in executive session the doors were reopened and (at 6 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 19, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 18, 1894.

COLLECTOR OF CUSTOMS.

George L. Baltzell, of Florida, to be collector of customs for the district of Fernandina, in the State of Florida, to succeed James A. Pine, whose term of office has expired by limitation.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Assistant Engineer Alfred Hoyt, of New York, to be chief engineer in the Revenue-Cutter Service, in place of John J. Roberts, deceased.

Second Assistant Engineer William Robinson, of Pennsylvania, to be first assistant engineer in the Revenue-Cutter Service, to succeed Alfred Hoyt, promoted.

PROMOTIONS IN THE NAVY.

Passed Assistant Engineer Albert F. Dixon, to be a chief engineer in the Navy, from July 13, 1894, vice Chief Engineer Alexander Henderson, retired.

Assistant Engineer Albert Moritz, to be a passed assistant engineer in the Navy, from July 13, 1891, vice Passed Assistant Engineer A. F. Dixon, promoted.

(Subject to the examination required by law.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 18, 1894.

TERRITORIAL ASSOCIATE JUSTICE.

Napoleon B. Loughlin, of New Mexico Territory, to be associate justice of the supreme court of the Territory of New Mexico.

UNITED STATES ATTORNEY.

Sherwood Dixon, of Illinois, to be attorney of the United States for the northern district of Illinois.

MARSHAL.

Clark Campbell, of New Hampshire, to be marshal of the United States for the District of New Hampshire.

REGISTER OF THE LAND OFFICE.

Jesse W. Ellis, of Blountsville, Alabama, to be register of the land office at Huntsville, Alabama.

COLLECTOR OF CUSTOMS.

Cornelius R. Sleight, of New York, to be collector of customs for the district of Sag Harbor, in the State of New York.

SURVEYORS OF CUSTOMS.

John C. McGuire, of New York, to be surveyor of customs in the district of New York, in the State of New York.

G. Frank Bayles, of New York, to be surveyor of customs for the port of Port Jefferson, in the State of New York.

APPOINTMENT IN THE MARINE HOSPITAL SERVICE.

Elihu R. Houghton, of New York, to be passed assistant surgeon in the Marine Hospital Service of the United States.

APPOINTMENT IN THE NAVY.

Charles Poor Kindleberger to be an assistant surgeon in the Navy.

PROMOTIONS IN THE NAVY.

Naval cadets (line division) to be ensigns.

Joseph R. Campbell, George C. Day, Holden A. Evans, Luke McNamee, Frederick L. Sawyer, Charles L. Hussey, John R. Y. Blakely, Charles T. Jewell, Gregory C. Davison, Leon S. Thompson, Frederick A. Traut, John F. Hines, Fred. R. Payne, Powers Symington, Yates Stirling, jr., George Mallison, Joel R. Poinsett Pringle, and Benjamin B. McCormick.

Naval cadets (engineer division) to be assistant engineers.

John S. Porter, Robert K. Crank, Stanford E. Moses, and Raymond D. Hasbrouck.

Naval cadets (line division) to be second lieutenants in the Marine Corps.

William C. Dawson, Theodore H. Low, Walter Ball, Austin R. Davis, John H. Russell, jr., Charles F. Macklin, and Thomas S. Borden.

PROMOTION IN THE MARINE CORPS.

Second Lieut. Dion Williams, to be a first lieutenant in the United States Marine Corps.

POSTMASTERS.

J. T. Sherman, to be postmaster at Newton, in the county of Jasper and State of Iowa.

H. L. Getz, to be postmaster at Marshalltown, in the county of Marshall and State of Iowa.

Parley Davey, to be postmaster at Mason City, in the county of Cerro Gordo and State of Iowa.

Charles M. Furlow, jr., to be postmaster at Madison, in the county of Morgan and State of Georgia.

James Carey, to be postmaster at Berlin, in the county of Green Lake and State of Wisconsin.

John Winchester, to be postmaster at Pecatonica, in the county of Winnebago and State of Illinois.

Andrew Currie, to be postmaster at Shreveport, in the county of Caddo and State of Louisiana.

Reuben W. Wood, to be postmaster at Tottenville, in the county of Richmond and State of New York.

N. Holmes Odell, to be postmaster at Tarrytown, in the county of Westchester and State of New York.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 18, 1894.*

The House met at 12 o'clock m. Prayer by the Rev. J. H. McCARTY, D. D., of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

USELESS PAPERS, WAR DEPARTMENT.

The SPEAKER laid before the House a letter from the Acting Secretary of War, transmitting, in accordance with the act of Congress approved February 16, 1889, a list of useless papers on file in the War Department; which was referred to the Special Committee to Consider the Question of the Disposition of Useless Papers.

REFERENCE OF A SENATE BILL.

The SPEAKER also laid before the House the bill (S. 320) to authorize the Purcell Bridge and Transfer Company to construct and maintain a bridge over the South Canadian River, etc.; which was read a first and second time, and referred to the Committee on Interstate and Foreign Commerce.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ADAMS of Kentucky, indefinitely, on account of sickness in his family.

BRIDGE ACROSS THE MISSOURI.

Mr. TARSNEY. Mr. Speaker, I ask unanimous consent to consider the bill (S. 1930) authorizing the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. TARSNEY. There is an amendment reported from the Committee on Interstate and Foreign Commerce.

The amendment was considered and agreed to.

The bill as amended was ordered to a third reading; and being read the third time, was passed.

On motion of Mr. TARSNEY, a motion to reconsider the last vote was laid on the table.

IMPROVEMENT OF SAUGATUCK HARBOR, MICHIGAN.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for the present consideration of a concurrent resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be requested to furnish the House with an estimate of the probable cost of completing the improvement of Saugatuck Harbor, Michigan, under the project of 1867, as modified in 1869, 1870, 1875, and 1882, and the improvements recommended in the report of the Chief of Engineers for the year 1893, Appendix MM.

Mr. SAYERS. Before consent is given I would like the gentleman to make some explanation of this resolution.

The SPEAKER. The Chair will state that the House passed a House resolution on this subject, but the Secretary of War reported that under the last river and harbor bill no supplemental estimate could be sent in except on action taken by Congress.

Mr. REED. Should not this information be furnished to Congress, if a concurrent resolution is required? This resolution provides that the information shall be furnished to the House.

The SPEAKER. The Chair thinks perhaps it should be so worded.

Mr. REED. I only make the suggestion. Are the estimates furnished to both Houses?

The SPEAKER. Will the gentleman from Michigan please send the letter from the Secretary of War to the desk?

Mr. REED. Probably it makes no difference. But if it requires the action of Congress it would seem that the information should be furnished to Congress.

The SPEAKER. The Clerk will read that portion of the letter from the Chief of Engineers bearing upon this subject.

The Clerk read as follows:

In returning the resolution of the House of Representatives. I beg to say that section 8 of the river and harbor act, approved July 13, 1892, provides "that, after the regular or formal report on any examination, survey, project, or work, under way or proposed, is submitted, no supplemental or additional report or estimate for the same fiscal year shall be made, unless ordered by a resolution of Congress."

The SPEAKER. This is a concurrent resolution for the purpose indicated, and the question is on its passage.

Mr. CATCHINGS. I think it is all right in its present form.

There being no objection, the resolution was considered and agreed to.

On motion of Mr. THOMAS, a motion to reconsider the last vote was laid on the table.

CUSTOMS DISTRICT, HARTFORD, CONN.

Mr. SPERRY. I ask unanimous consent for the present consideration of bill (H. R. 4452) for adding the towns of Manchester and Vernon, in the State of Connecticut, to the customs district of Hartford, Conn., and making the city of Rockville, Conn., a port of delivery.

The SPEAKER. The bill will be read, subject to objection.

The bill was read at length, as follows:

Be it enacted, etc., That the act of March 3, 1887, creating the customs district of Hartford, be amended by adding the towns of Manchester and Vernon, in the State of Connecticut, to the towns already named as comprising said district, and that the town of Vernon, city of Rockville, in said State of Connecticut, within said district of Hartford, is hereby constituted a port of delivery within the meaning of said act of March 3, 1887, and the act of which said act of March 3, 1887, is an amendment.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I would like to ask if this is unanimously reported from any committee?

Mr. SPERRY. I so understand it. The report is at the desk.

Mr. DOCKERY. I ask to have the report read.

The SPEAKER. Without objection, the report will be read.

The report (by Mr. PRICE) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 4452) adding the towns of Manchester and Vernon, in the State of Connecticut, to the customs district of Hartford, Conn., and making the city of Rockville, Conn., a port of delivery, report the same back without amendment and with the recommendation that the bill do pass.

The purpose of the bill is to add the towns of Manchester and Vernon to the customs district of Hartford, Conn., to make the city of Rockville, Conn., a port of delivery, and to extend to it the privileges of the seventh section of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

The accompanying letter from the Treasury Department, of December 20, 1893, which is made a part of this report, says there is no objection to the passage of the bill.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 20, 1893.

SIR: I have the honor to acknowledge the receipt of a communication from your committee, dated the 6th instant, with which was inclosed for an expression of my views thereon copy of House bill No. 4452, providing for the addition of Manchester, Vernon, and Rockville, in the State of Connecticut, to the ports of delivery embraced within the customs collection district of Hartford, Conn., and extending the privileges of the seventh section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods and for other purposes," to Rockville, Conn., and in reply to say that I see no objection to the passage of said bill.

Respectfully, yours

C. S. HAMLIN, *Acting Secretary.*

Hon. GEORGE D. WISE,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I object.

CORRECTION.

Mr. BAKER of New Hampshire. Mr. Speaker, I rise to ask a correction. I find I am recorded, on page 8973 of the daily RECORD, by the tellers as present and not voting when the vote was taken on the final passage of the bill then under consideration. I was not in the House at that time, and was probably at least a mile distant; for as soon as I had voted on the amendment of the gentleman from New York [Mr. RAY], as recorded on page 8972, I got my hat and immediately afterwards took the cars to my office on F street. Therefore I wish to have it understood that I was not in the House at that time and was probably that distance away from it when the vote was taken.

The SPEAKER. The Chair has been unable to hear the statement of the gentleman from New Hampshire.

Mr. REED. The gentleman desires a correction on the ground that the tellers reported him as present yesterday when he was a mile away. It seems unfortunate——

The SPEAKER. Will the gentleman from New Hampshire repeat his statement?

Mr. BAKER of New Hampshire. My statement was this: That I am recorded on page 8973 of the RECORD, as reported by the tellers, "present," when I was not present in the House, and was probably at least 1 mile away. As soon as I had answered to my name on the first roll call, recorded on page 8972, on the amendment of the gentleman from New York [Mr. RAY], I took my hat and left the House and went to the cable cars and immediately proceeded westward to my office. I was absent during the whole of that roll call on the passage of the bill, and for probably nine-tenths of the time included in the roll call on the amendment as recorded on the preceding page.

The SPEAKER. The tellers were the gentleman from New York——

Mr. REED (interrupting). I should like to inquire who the bad men were who were acting as tellers at that time.

The SPEAKER. The tellers were the gentleman from New York [Mr. RAY] and the gentleman from Arkansas [Mr. TERRY].

Mr. REED. I hope the Committee on Rules will give attention to the proposition that we should have four tellers, and let us see if we can not have accuracy.

The SPEAKER. The gentleman from New Hampshire [Mr. BAKER] does not seem to be very certain that he was not here. The tellers can make any statement about it they please.

Mr. BAKER of New Hampshire. What is the statement of the Speaker?

Mr. TERRY. I will state that we noted the gentleman from New Hampshire [Mr. BAKER] as present; we believed he was present. We agreed upon that. I called the attention of the gentleman from New York [Mr. RAY] to him, and the gentleman from New York noticed him and took down his name. It is possible we might have been mistaken, but we do not think we were. At least I do not think we were.

Mr. BAKER of New Hampshire. Mr. Speaker, I presume the gentleman from Arkansas [Mr. TERRY], as well as the gentleman from New York [Mr. RAY], would agree that I am perfectly conscious of my own existence, and know where I was at the time specified, and I say that as soon as I had answered on the preceding roll call I left the House, and was not in it afterward, yesterday.

Mr. TERRY. What time did the gentleman leave the House?

Mr. BAKER of New Hampshire. I can not give you the precise moment, but it was as soon as I answered to my name on the previous vote taken on the amendment.

Mr. TERRY. Yes; but it so happened that when it came to the last vote we saw a number of gentlemen leaving, and I thought that I recognized you as one of the gentlemen, and I called the attention of the gentleman from New York [Mr. RAY] to it at the time and told him to make a note of it, and then he took a note.

Mr. BAKER of New Hampshire. I did not leave at that time, because I had left the House at least half an hour before that time.

Mr. TERRY. The gentleman from New York [Mr. RAY] took the note with the understanding that if you did not answer when your name was called then it would be so reported.

Mr. BAKER of New Hampshire. I am not responsible for the obscure vision of the tellers: but I repeat that I had left the House of Representatives at least one-half hour before, because I answered to my name on the vote on the amendment, and immediately left the House. I answered on the first roll call. There must have been a second roll call, and the intervening business, and then the roll call on the passage of the bill, and that certainly must have occupied at least one-half hour.

Mr. TERRY. I called attention to you, as I thought it was you, when you were right there. [Indicating.] I spoke to the gentleman from New York [Mr. RAY] and told him he ought to know you better than I did; and we agreed on it and took your name down. Of course the gentleman ought to know better than we did whether he was present. He could hardly be mistaken in that, and we might possibly be, but the gentleman might be mistaken as to the time, and he does not seem to be very certain as to the time when he did leave the House in point of fact.

Mr. BAKER of New Hampshire. I am absolutely and unconditionally certain that I was not present in this House during any portion of that roll call, and I have so stated at least four or five times, and for the gentleman who acted as teller, or for any one else, to undertake to dispute my statement upon that point seems to me entirely superfluous.

Mr. TERRY. All I can state, Mr. Speaker, in reply to the gentleman is that I was satisfied in my own mind that it was the gentleman, and then I called on the gentleman from New York [Mr. RAY] on his side, called his attention to him, and we agreed on the matter and took his name down, and when he did not respond to his name we reported him as "present."

Mr. BAKER of New Hampshire. Mr. Speaker, I am not only satisfied, but I know I was not in the House at any time during that roll call.

Mr. REED. Mr. Speaker, I desire to call the attention of the House and the gentleman from Arkansas to the statement made by the gentleman from New Hampshire [Mr. BAKER]. His name occurs early on the roll, among the Bs. He states, without having looked at the clock, or knowing at what hour he left, that on the previous roll call, as soon as his name was called and he had answered to it, he left and took the cable cars and went west. Now, if that does not conclusively prove that half an hour after he left the Hall he was recorded by the tellers as present, I do not know what can prove it, supposing the gentleman from New Hampshire [Mr. BAKER] to be stating the truth.

Now, the only point about it is this: Nobody charges that the gentleman from Arkansas [Mr. TERRY], or any other gentleman, willfully recorded anybody as present who was not present. That is not the charge. Nobody makes any charges about it. It is only a correction of fact, and, incidentally, it is interesting to some of us here, as showing the fallibility of human instrumentalities, even when those instrumentalities consist of members of the House.

In other words, that members appointed to do a certain duty are as likely to make a mistake as the Speaker *pro tempore*, or as a clerk; and the sole emphasis to be put upon this transaction is its relation to past events. A good deal of abuse has been wasted on a Speaker *pro tempore* who made a mistake of that sort, and upon a clerk who made a mistake; but inasmuch as this was made by two members, one on each side, it goes to show that some portion of that abuse was unnecessary. That is all the significance of the fact.

Mr. TERRY. In regard to that, Mr. Speaker, I simply say that when we have tellers, one of them from the Democratic side and one from the Republican side, there is less danger of mistakes occurring of the kind the gentleman speaks of, when the count was confined to one side.

Mr. REED. Now, let us put that to a practical test. The other system ran for two years and only two mistakes were made, supposing them to have been mistakes. This system has been running only a few months and we run against a mistake. This is really the first day that it has ever been practically put in practice, where a member was recorded as present who did not vote. There were only two mistakes, without any member as teller, and here is one mistake with two members as tellers.

Mr. TERRY. It is an alleged mistake.

Mr. REED. So you will see there is no infallibility of tellers. The rays come through prismatically distorted, notwithstanding the attempted correction by putting crown glass and flint glass together.

Mr. BLAND. It shows there is no infallibility.

The SPEAKER. Of course there is not nor can there be any

system that is absolutely infallible. All that is claimed for the present system is that it removes it from any suspicion of intentional unfairness or injustice, because the tellers are composed of members, one from each side, or one from each political party represented in the House. That they may make mistakes, of course every man knows. No one contends otherwise. But what is claimed for the rule, and for the superiority of that rule over any rule that has gone before, is that it removes any question of intentional error.

Mr. REED. If the Speaker will permit me just one word, I desire to say further, that the question is not a test as to the system, but as to whether two members selected from the House, necessarily not very well acquainted with all the members as the Speaker or the Clerk is, are more liable to make a mistake than these two sworn officials of the House. And I want to demonstrate that the experience of mankind, which has more significance than all these theories, thus far is to the contrary.

Mr. RICHARDSON of Tennessee. I only want to make one remark. On the day before yesterday, when a question was made as to the accuracy of the count by tellers, one of the tellers disputed that a certain gentleman, Mr. GEAR, was present who had been noted as present by the other teller. I think that this goes to show that the present plan or mode of ascertaining the fact is superior to the arbitrary method of the Speaker making a count, because in this case the tellers, one coming from each side of the controverted question, not agreeing that the member who was in issue or in controversy was present, his name was stricken from the roll.

Mr. REED. And that was wrong, for he was here.

Mr. RICHARDSON of Tennessee (continuing). It shows that with a system of two tellers, one from one side and the other from the other, and when they must agree in the count, there is less liability of error.

Mr. REED. Yes.

Mr. RICHARDSON of Tennessee. And it confirms the statement made by the Speaker, that there can be no partisanship. Errors may occur, but they are less likely to occur, and there is less likely to be suspicion in connection with it, if a mistake is made in that way by tellers where two tellers are required and they must agree.

Mr. REED. I am very much obliged to the gentleman from Tennessee for stating this fact, because that shows another error on the part of the tellers, for the gentleman from Iowa Mr. GEAR] came here next day and stated that he was present when one of the two contended that he was not.

Mr. RICHARDSON of Tennessee. I beg the gentleman's pardon. The gentleman from Maine is altogether mistaken.

Mr. REED. Governor GEAR was here.

Mr. RICHARDSON of Tennessee. He made no statement at the time.

Mr. REED. He made a statement the next morning; and you will find it in the RECORD.

Mr. RICHARDSON of Tennessee. He made no statement at that time.

Mr. REED. The gentleman from Iowa [Mr. GEAR] made a statement, and that shows another mistake on the part of the tellers, and I thank the gentleman from Tennessee very much for bringing that out.

Mr. RICHARDSON of Tennessee. He stated the next morning that he was present.

The SPEAKER. The House will be in order.

Mr. REED. And the tellers disagreed, so that there was another error.

The SPEAKER. The House will please be in order. The tellers disagreed, so that there was no report.

Mr. RICHARDSON of Tennessee. None at all.

Mr. GEAR. Mr. Speaker——

The SPEAKER. And therefore the statement of the gentleman from Iowa does not controvert the statement of the tellers, because there was no statement of the tellers.

Mr. REED. But the gentleman from Iowa being present when the tellers did not report him, although present, shows an error caused by the system.

The SPEAKER. The rule does not require the tellers to report all gentlemen present, but only a sufficient number to constitute a quorum.

Mr. REED. But at that time the name of the gentleman from Iowa [Mr GEAR] was necessary.

Mr RICHARDSON of Tennessee. It was not necessary.

Mr. REED. It turned out afterwards not to be necessary, but at that moment of dispute it was necessary.

The SPEAKER. The Chair thinks that case illustrates the beauty of this rule. Wherever the tellers disagree no report is made.

E. DOUGLASS.

Mr FLETCHER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1319) for the relief of E. Douglass, late Indian agent at White Earth Indian Agency.

The bill was read.

The SPEAKER. Is there objection to the request for the present consideration of this bill?

Mr. COCKRELL. I object.

The SPEAKER. Objection is made. The Chair understands that the gentleman from Texas [Mr. COCKRELL] has withdrawn his objection to the request made by the gentleman from Connecticut [Mr. SPERRY] a while ago for the consideration of a bill, and the Clerk will again report the title of that bill.

CUSTOMS DISTRICT, HARTFORD, CONN.

The Clerk read as follows:

A bill (H. R. 4452) adding the towns of Manchester and Vernon, in the State of Connecticut, to the customs district of Hartford, Conn., and making the city of Rockville, Conn., a port of delivery.

The SPEAKER. Is there further objection to the request for the present consideration of this bill?

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SPERRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

The committees were called, but no reports were presented.

The SPEAKER. Under the special order this day is devoted to the consideration of measures called up by the Committee on Military Affairs.

ENLISTMENTS IN THE ARMY.

Mr. OUTHWAITE. I call up the bill (S. 1209) to regulate enlistments in the Army of the United States.

The bill was read, as follows:

Be it enacted, etc., That so much of the act of Congress entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1894, and for other purposes," approved February 27, 1893, as provides that "no private shall be reënlisted who has served ten years or more or who is over 35 years of age, except such as have already served as enlisted men for twenty years or upwards," be, and the same is hereby, repealed.

SEC. 2. That hereafter all enlistments in the Army shall be for the term of three years, and no soldier shall be again enlisted in the Army whose service during his last preceding term of enlistment has not been honest and faithful; and in time of peace no person who is not a citizen of the United States, or who can not speak, read, and write the English language, shall be enlisted in the Army for the first time: *Provided*, That the foregoing requirements as to enlistments in time of peace shall not apply to the enlistment of Indians.

SEC. 3. That the period within which soldiers may reënlist with the benefits conferred by sections 1282 and 1284 of the Revised Statutes, be, and the same is hereby, extended to three months; and hereafter every enlisted man in the Army, excepting general service clerks and general service messengers, shall be entitled to all the benefits conferred by sections 1281 and 1282 of the Revised Statutes: *Provided*, That to entitle them to the additional pay authorized by section 1281, for men serving in the third, fourth, and fifth years, the service must have been continuous within the meaning of this section.

An amendment recommended by the Committee on Military Affairs was read, as follows:

Page 2, lines 4 to 9 inclusive, strike out the words "and in time of peace no person who is not a citizen of the United States, or who can not speak, read, and write the English language, shall be enlisted in the Army for the first time: *Provided*, That the foregoing requirements as to enlistments in time of peace shall not apply to the enlistment of Indians," and insert the following: "And in time of peace no person (except an Indian) who is not a citizen of the United States, or who has not made legal declaration of his intention to become a citizen of the United States, or who can not speak, read, and write the English language, or who is 30 years of age, shall be enlisted for the first enlistment in the Army: *Provided*, That any soldier discharged since January 27, 1893, who has been prevented from reënlisting by the operations of the act of Congress approved February 27, 1893, and who may hereafter enlist within three months from the date of the approval of this act, shall be considered to have reënlisted, and shall be entitled to receive while serving subsequent to such enlistment the same pay, service pay, and allowances as if he had reënlisted within thirty days from his latest discharge."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SICKLES, a motion to reconsider the last vote was laid on the table.

MEDICAL APPOINTMENTS SOLDIERS' HOMES.

Mr. OUTHWAITE. Mr. Speaker, I call up the bill (H. R. 5898) to amend section 4829 of the United States Revised Statutes.

The Clerk read as follows:

Be it enacted, etc., That section 4829 of the Revised Statutes of the United States be amended by the addition of the following words: "*Provided*, That surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers, and the several branches thereof, may be appointed from others than those who have been disabled in the military service of the United States."

The SPEAKER. The Clerk will report the amendment recommended by the committee.

The Clerk read as follows:

Line 8, strike out the word "others," and insert the words "other soldiers."

The amendment was agreed to.

Mr. PICKLER. Mr. Speaker, I would like to understand the object of this bill. I would like to know what reason there is for going outside of disabled soldiers for these appointments. What reason is there for changing the rule which has hitherto prevailed?

Mr. OUTHWAITE. I refer that question to the gentleman from Illinois [Mr. BLACK].

Mr. BLACK of Illinois. Mr. Speaker, *prima facie*, every man in these homes is a disabled man and is in hospital, and in fact a great many of them are actually in hospital. So great a period of time has elapsed since the close of the war that the night service of the hospital, and some of the day service, ought now to be performed by younger men than those that can be employed under the existing rule.

In a hospital camp of four thousand men, with perhaps five hundred actual invalids on an average, it is impossible to get proper service for so large a number of disabled soldiers if you can only call upon men who were disabled or who served during the war. Hence, after a good deal of experience and consideration of the matter, the board of managers reached the conclusion that the time had come when they ought to be allowed to employ younger men for this work. That is the reason for this bill. If the gentleman will remember that most of the men who were in military service during the war must be now verging towards 60 years of age, and that the men in these homes are disabled men, I think he will see that there ought to be an infusion of new blood into the service.

Another point is that a man who was a surgeon in the service, or who was in the service and is now a surgeon, and who would leave his home to accept the little salary and the confined work that the board of managers can give him, is not a man who would have very much practice to abandon at home. In other words, we would not be able to get the highest class of medical talent for the salaries we are able to pay. The bill, therefore, from every aspect, judging by the experience we have had, is a bill in the interest of members of the homes. It is not, I will say to the gentleman, and it was not designed to be, for the benefit of any particular class of surgeons or any particular class of officials. It was intended to be and it is for the benefit of the patients.

Mr. BROSIUS. What is the salary paid now?

Mr. BLACK of Illinois. The salaries range from $1,200 upward. Of course such salaries do not go very far toward securing veteran physicians.

Mr. MARSH. Will my colleague [Mr. BLACK of Illinois] allow me to ask him a question? I wish to know whether this bill, with the amendment——

Mr. OUTHWAITE. There is no amendment reported by the committee. That is a mistake.

Mr. HULL. Was not that amendment pending at the time the bill was up before?

Mr. OUTHWAITE. But unless offered again at this time, it is not before the House.

Mr. MARSH. I rise to a parliamentary inquiry, Mr. Speaker. Has there been an amendment adopted?

The SPEAKER. The Chair put to the House the question on agreeing to the amendment reported by the committee; and it was agreed to.

Mr. MARSH. That is my understanding—that the amendment has been adopted.

Mr. OUTHWAITE. That occured in the confusion, when it it was impossible to know what was going on. The committee reported no amendment. As soon as I could get to the desk, I saw that somebody had penciled on the bill an amendment which had misled the Clerk.

The SPEAKER. Without objection, the vote by which the amendment was adopted, will be reconsidered. The Chair hears no objection.

Mr. PICKLER. I object, unless we can have the privilege of offering that amendment.

Mr. BROSIUS. I ask unanimous consent that the amendment be reported. We do not know anything about it.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 8, after the word "from," strike out "others" and insert "other soldiers;" so as to read, "may be appointed from other soldiers than those who have been disabled in the military service of the United States."

The SPEAKER. The Chair is informed that this bill has been before the House heretofore—perhaps during the morning hour——

Mr. OUTHWAITE. By unanimous consent, perhaps. It never was in the morning hour.

The SPEAKER. The amendment, as the Chair understands, was offered then and discussed, and was left pending. It is not a committee amendment, as the Chair is now informed.

Mr. PICKLER. It was not offered as a committee amendment.

The SPEAKER. The Chair put the question in that way, supposing that it was a committee amendment. Without objection, the vote by which this was adopted as a committee amendment will be reconsidered.

Mr. PICKLER. I desire to ask the chairman of the committee whether we shall have the opportunity to offer the amendment again?

Mr. OUTHWAITE. The amendment was adopted in the confusion and under a clear misapprehension. The statement was made by the Chair that it was a committee amendment when in fact it was not.

Mr. PICKLER. Now, my question is whether we shall have an opportunity to submit that amendment—whether the committee will allow the amendment to be offered?

The SPEAKER. The gentleman can offer the amendment without leave of the committee.

Mr. HULL. I rise to a parliamentary inquiry: If when this bill was heretofore considered this amendment was pending, was considered by the House, and went over with the bill, would it not come up of itself when the bill comes up?

The SPEAKER. The trouble is that the Chair thought it was a committee amendment, and submitted it as such to the House.

Mr. HULL. I understand that.

The SPEAKER. As the gentleman understands, it very often happens that the House agrees to committee amendments as a matter of course.

Mr. SICKLES. This is a mere informality.

The SPEAKER. But the technical point is made. The gentleman from Ohio then moves to reconsider the vote by which the amendment was adopted.

Mr. PICKLER. I withdraw my objection, as the Chair misunderstood the matter.

Mr. SICKLES. If it is a good amendment, let it stand.

Mr. GROSVENOR. It is not a good amendment. It is an amendment which I wish to oppose if it should become pending again.

Mr. OUTHWAITE. I have no objection to the amendment being offered and considered for a limited time.

The SPEAKER. Then without objection the vote by which the amendment, was agreed to will be reconsidered. The Chair will recognize some gentleman to offer the amendment.

Mr. MARSH. I offer the amendment.

The SPEAKER. The gentleman from Illinois offers the amendment which will be read.

The Clerk read as follows:

In line 8, after the word "from," strike out "others" and insert "other soldiers;" so as to read, "may be appointed from other soldiers than those who have been disabled in the military service of the United States."

Mr. GROSVENOR. My suggestion is that the word "soldiers" probably ought not to be there. If the purpose of the committee is to enable the managers of these homes to secure the services of medical gentlemen other than disabled soldiers, I am in favor of the proposition.

Mr. OUTHWAITE. The purpose is to enable them to secure the services of men of ability, capable of taking care of the soldiers.

Mr. GROSVENOR. But why say "other soldiers?" Why not say "others," omitting the word "soldiers?"

Mr. OUTHWAITE. The bill reads "others."

Mr. GROSVENOR. But it makes a limitation.

Mr. MARSH. I will say to the gentleman from Ohio that the language which he desires to have in the bill would allow the employment of anybody, whether he had been in the service or not.

Mr. GROSVENOR. Very well, I am perfectly willing. The time is coming very rapidly when we can not limit the medical service of these soldiers' homes to men who have served in the Army. Of the surgeons now living who served in the Army, most of them have either become wealthy by their practice or else they are entirely incapacitated for active professional duty. Why not leave this matter to the discretion of the managers of the homes, that they may employ whomsoever they please, regardless of whether the person employed was a soldier or not.

Mr. MARSH. That is exactly what I want to prevent them from doing.

Mr. GROSVENOR. Then we differ on that.

Mr. MARSH. Exactly.

Mr. PICKLER. I wish to say that whenever it becomes necessary to go outside of the men who served in the Army in order to obtain physicians for the soldiers' homes I am willing it shall be done, but I am not willing to do so until it is necessary.

Mr. OUTHWAITE. Will the gentleman allow me a ques-

tion? Who is the best judge as to whether it is necessary—the board of managers, who have charge of these men, who see their condition day after day, or the representative from South Dakota?

Mr. PICKLER. I have been trying for ten minutes to have some member of the committee give us some reason why this change of the law should be made. The gentleman from Illinois, as I understood him, has said there is no particular reason. I want to know whether the time has come when we can no longer find men who were in the Army to act as surgeons at these homes. If that time has come I am willing to vote for this bill, but I want to be satisfied that the time has come.

During this Congress there have been several bills before the Committee on Civil Service Reform proposing that in appointments to office preference be given to soldiers who have been discharged from the Army, whether they were discharged on account of disability incurred in the service or not. But we have been unable to obtain consideration of such a measure, which would enlarge the discretion of appointing officers in the selection of soldiers for offices which they are competent to fill. This bill as now proposed seems to impose a further restriction.

I say again, if the time has come when we can not obtain surgeons for our soldiers' homes from men who have served in the Army, we will go outside of that service; but if the time has not come, I am opposed to this bill. I object to this measure until some good reason is shown for its passage.

I do not agree with the gentleman from Ohio [Mr. GROSVENOR]. I am not willing that we shall go outside to make these selections from any person who may offer, if we can find men who were the army comrades of these old soldiers, and who are competent to act as their physicians.

Mr. GROSVENOR. Neither am I.

Mr. PICKLER. I so understood the gentleman. I do not see why we should not have some showing as to the necessity of this legislation. As I have said before, ex-soldiers are preferred under our statutes for offices which they are competent to fill, if they were discharged from the service on account of disabilities which were incurred in it.

I repeat that we have had during this Congress several bills before the Committee on Civil Service Reform, providing that ex-soldiers shall be preferred for offices they are competent to fill whether they have been discharged from the military service on account of disability or not. But we have thus far been unable to get any report or consideration upon that bill from that committee which looks to enlarging the preference for ex-soldiers in official appointments. Now I am opposed to introducing further restrictions, unless some good reason can be shown. I would like to hear from the committee on this subject, and to know what are the facts upon which they base their report.

Mr. OUTHWAITE. I yield five minutes to the gentleman from New York [Mr. CURTIS].

Mr. CURTIS of New York. Mr. Speaker, the House fully recognizes the great solicitude of my friend from South Dakota [Mr. PICKLER] for the Union soldier; but I hope it will not be understood that nobody besides my distinguished friend is giving attention to the soldier.

The members of the Committee on Military Affairs have as strong reasons to be interested in the welfare of the soldiers as have those gentlemen who are not members of that committee; and they have made this recommendation to the House in the interest of the welfare, comfort, and health of the soldiers in the national homes after a full and careful examination of the subject. It is not easy—in some cases, indeed, it does not seem possible—to obtain the medical attendance required in these homes for the soldiers because of the requirements of the present law. We simply authorize the managers of the homes to employ other physicians than those who have been in the military service.

Mr. GROSVENOR. Will the gentleman permit a question?

Mr. CURTIS of New York. Certainly.

Mr. GROSVENOR. Does not the term "other soldiers" limit the discretion of the management of those homes to some kind of soldier?

Mr. CURTIS of New York. Certainly.

Mr. GROSVENOR. Then would not such a construction lead possibly to the exclusion of the loyal son of a Union soldier for appointment to a position as medical officer in one of these homes, while at the same time it might permit the son of a rebel soldier to fill such position?

Mr. CURTIS of New York. Mr. Speaker, the inquiry of the gentleman from Ohio requires two answers. First, the amendment to which he objects is not a part of the bill as reported by the committee, but is an amendment proposed by the gentleman from Illinois [Mr. MARSH].

The further question, as to whether this would admit a man to practice in a soldiers' home who served in the war on the Southern side, I do not think could have any force, because they have never been recognized by Congress as soldiers in the sense in which the word is used in this bill, and officially those who also served in the Southern army were not recognized as entitled to recognition as soldiers. That term refers alone to the soldiers who served in the Union Army; and the rebel soldiers can not be embraced under the provisions of the present law. Those, however, who served in the regular or volunteer Army only are included.

Mr. PICKLER. If your bill passes is it not true that you may select a soldier from the rebel army? If that is the purpose of the bill, if you mean to go entirely outside of the Union Army, I do not know that I would have any special objection to that feature; but——

Mr. CURTIS of New York. Oh, well, that is an alarmed state of feeling that has no justification in the present instance.

Mr. PICKLER. There is no feeling of alarm about it, but I am unwilling to concede away the rights of the Union soldiers, as I have seen the gentleman from New York ready to do here. I am not willing to be so accommodating as you are.

Mr. CURTIS of New York. Mr. Speaker, the gentleman is entitled to his opinion. The whole question here presented has been fairly stated and the objections made known, and I think it quite time that we should have a vote on the amendment and on the bill. The amendment I do not deem necessary to accomplish the object desired, and the bill may well be passed without it.

Mr. PICKLER. The gentleman from New York has a little time remaining, I believe, and I would like to ask him a question.

Mr. CURTIS of New York. I will hear the gentleman's question.

Mr. PICKLER. What is the evidence the committee have that the time has come when we should go outside of the soldiers for this service?

Mr. CURTIS of New York. It is in evidence from the boards of managers of the homes themselves.

Mr. PICKLER. What homes?

Mr. CURTIS of New York. The soldiers' homes.

Mr. OUTHWAITE. The National Home for Disabled Volunteers.

Mr. CURTIS of New York. The managers of the National Home for Disabled Volunteers have so stated.

Mr. O'NEIL of Massachusetts. It was stated in the hearing before the Committee on Appropriations on the sundry civil bill.

Mr. CURTIS of New York. There is no question of the fact.

Mr. OUTHWAITE. The managers of the national homes have so reported to the committee.

Mr. CURTIS of New York. And we acted upon their report.

Mr. PICKLER. I would like to have that communication read if it is in evidence before the committee.

Mr. CURTIS of New York. I do not know whether it was printed or not. We used it in the consideration of this measure before the committee. You must take something on the credibility of the committee itself. They have given a thorough consideration to the matter.

Mr. OUTHWAITE. I yield a few minutes to the gentleman from Illinois [Mr. MARSH].

Mr. MARSH. Mr. Speaker, I have a few remarks that I desire to submit in favor of the amendment I have offered, but first I desire the Clerk to read sections 4829 and 4830 of the Revised Statutes of the United States, to which sections this bill is a proposed amendment.

The Clerk read as follows:

SEC. 4829. The officers of the National Home shall consist of a governor, a deputy governor, a secretary, and a treasurer, and such other officers as the managers may deem necessary. They shall be appointed from disabled officers who served as mentioned in the following section; and they may be appointed and removed from time to time, as the interests of the institution may require, by the board of managers.

SEC. 4830. The board of managers shall have authority to procure from time to time, at suitable places, sites for military homes for all persons serving in the Army of the United States at any time in the war of the rebellion, not otherwise provided for, who have been or may be disqualified for procuring their own support by reason of wounds received or sickness contracted while in the line of their duty during the rebellion; and to have the necessary buildings erected, having due regard to the health of location, facility of access, and capacity to accommodate the persons entitled to the benefits thereof.

Mr. MARSH. Mr. Speaker, the object and purpose of the law just read was to provide the officers of the National Home for Disabled Volunter Soldiers from those who were in the war of the rebellion. The design is to surround them with old soldiers—with their old comrades. Now, it is claimed that the soldiers have become so aged and decrepit that it is very difficult, if not impossible, to secure medical attendance—medical officers—in these homes from the ranks of the volunteer army. I wish

to say that that assumption is in my judgment entirely unfounded. I think that my friend and colleague, both on the committee and from my State, is entirely mistaken when he assumes that gentlemen of the medical profession who served in the army are too old and decrepit for this service at the national homes. I can count in every county in my district from a half dozen up to a dozen active practicing physicians who served during the war.

Mr. OUTHWAITE. Do you know of one who would give up his practice——

Mr. MARSH (continuing). Men all over this country, who would be very glad of an opportunity to serve their country as surgeons in these institutions. Take the soldiers' home at Quincy, Ill., in my district. There is large competition among the physicians who were in the service for positions there in that home. The most successful physicians in the region of country where I live are gentlemen who performed service in the volunteer army. Why, Mr. Speaker, the gentleman says that the most of them are 60 years of age. When my friend, Gen. BLACK, shall have arrived at that period, he will but be in the prime of life, in the vigor of his manhood.

There are very few men in this country who break down at 60, and especially is that the case in the learned professions, one of which is the medical profession.

Mr. BLACK of Illinois. Mr. Speaker, I hope that is all true, but at the same time neither my friend nor I would want to turn out at all hours of the night to attend sick calls in hospitals of five hundred men at the age of 60 years. That is the situation. Now, my friend will pardon me for one suggestion, and then I will take my seat. That is, that the Board and the committee had no earthly idea of doing anything except to furnish the men themselves, in the barracks, with young, strong, and good attendants. We did not think that this bill ought to be drawn in the interest of surgeons alone, but that it ought to be drawn in the interest of the soldiers and patients.

Mr. MARSH. Mr. Speaker, I think the existing law is in the interest of the soldier; I think it is in the interest of the soldier and consults his interest, of all others, when it provides officers from the ranks of the army in which he served, men who can sympathize with him as no man outside can sympathize. And when my friend [Mr. BLACK] charges that medical gentlemen who have arrived at the age of 60 are thereby incapacitated to perform the duties required of them, I think he is greatly mistaken. I have no charge to make against the object and purpose that this National Board had in making this recommendation, if they made it. If the National Board have made such a recommendation I have never seen it, and I ask my colleague now if that Board, in its official capacity, has made any such recommendation?

Mr. BLACK of Illinois. No, it was the general judgment of the board——

Mr. MARSH. Then Mr. Speaker, I want this House to understand——

Mr. BLACK of Illinois. Wait until I finish my answer.

Mr. OUTHWAITE. Wait until the answer is given.

Mr. MARSH (continuing). That that board has not in its official capacity made any such recommendation. I know that one distinguished gentleman on this board, my colleague, recommended it, but there is no official information here that the board recommended it. And I want to say, gentlemen, in the absence of that recommendation, in the absence of that official action on the part of that board, this House, in my humble opinion, would not be justified in holding that the volunteer medical men who have arrived at the age of 55 or 60 are incapable of performing their duties here.

Now, I want to say one word more in the interest of the soldier. I want to say that if I was an inmate of one of those homes, I would rather see my friend and comrade, Gen. BLACK, an officer there than some gentleman who had not served in the Army. I would rather see that institution officered, from the head of it to the foot of it, by comrades of mine in the Army, because, Mr. Speaker, there is a community of feeling that permeates from one soldier to another that is not to be found elsewhere; and they will feel better, they will feel happier, they will feel that they are surrounded by their friends.

I want to say here that the pretext that these gentlemen have become so old that they are incapable of performing the duties of surgeons and physicians in those institutions is not well taken. I hope that my amendment will prevail, because while the present law compels them to select from disabled soldiers, this amendment of mine will enable them to select from soldiers who are not disabled, and the object that my colleague from Illinois [Mr. BLACK] has in view will be accomplished.

Mr. OUTHWAITE. I yield four minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Speaker, the showing before the Military Committee was to the extent only that it was impossible now to get good medical attendants from those who were disabled in the service, and that showing, Mr. Speaker, was confined, I think, almost exclusively to the statement of our colleague on the committee [Mr. BLACK]. I have never felt like challenging his statement, but I am not willing to let the statement of my colleague from New York [Mr. CURTIS] pass unchallenged that the members of the committee who served in the Union Army are practically unanimous in favor of this bill as originally reported from the committee. I believe the time has come when we should extend the field of selection, and I believe that the amendment of the gentleman from Illinois, my colleague on the Committee on Military Affairs [Mr. MARSH], makes the extension sufficient to meet the present necessities of these soldiers' homes.

We have all over this country many gentlemen who served in the Union Army who were mere boys when they came out at the close of the war.

Mr. PICKLER. Hospital stewards.

Mr. HULL. Some of them got their first lessons in medicine on the medical corps, serving as hospital stewards of their regiments. Coming out of the Army before attaining their majority, they finished their study of medicine and became active practitioners, and are now in the prime of life and as competent to discharge the duties of surgeons of these homes as any men in the United States, whether they were in the Army or not.

I am anxious to see this amendment adopted, so as to extend the selection in such a manner as to include that class of men. I have in my district, and I have no doubt the same is true as to the majority of the districts in the country, especially in the North, men who were assistant surgeons who are not any older to-day than I am, and I still feel able for duty. They are competent, able, and willing. They would be glad to accept these places; and if you can not get good medical attendance at the salaries now provided—and I understand that one of the contentions is that good physicians will not go there at present salaries—the Board of Managers is not doing its duty if it does not increase the salaries of these surgeons so as to get these old volunteers the very best of medical attendance.

I do not see why my friends on the committee, and especially the gentleman from Illinois [Mr. BLACK], oppose this amendment. It extends it to thousands of additional surgeons, men who are not too old, who are in the prime of life, men who have a community of feeling and interest with these old soldiers in the homes, and I hope that in this session we will not break down the bars entirely. Let us at this session at least preserve some of the original features of the bill. When the time comes when these surgeons that I refer to are too old to give these men good attention it will be time enough to throw the matter open to the competition of the medical profession of the United States.

But, Mr. Speaker, not one word of evidence has been submitted to the committee, not one word of evidence has been submitted to this House, that if this amendment of my colleague from Illinois were adopted the Board of Managers could not get all the service they need from competent physicians of this country to-day.

Mr. PICKLER. Will the gentleman allow me to ask him a question?

Mr. HULL. Certainly.

Mr. PICKLER. Will the gentleman, or some member of the committee, let us know how many of these surgeons are employed in the homes of the United States.

Mr. HULL. I can not give the gentleman that information. The gentleman from Illinois [Mr. BLACK] ought to be able to answer that.

Mr. OUTHWAITE. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON of Illinois. Mr. Speaker, it is with some degree of diffidence that I disagree with the recommendation of the Committee on Military Affairs touching the proposed legislation, and for the following reasons: The law founding the volunteer homes provided that the officials of the homes, in section 4829 and subsequent sections, should be appointed from officers who had served in the Army. Yes, from disabled officers, not all the officers, but disabled officers.

Mr. OUTHWAITE. Will the gentleman yield for a correction?

Mr. CANNON of Illinois. Certainly.

Mr. OUTHWAITE. During the last Congress I introduced and had passed a bill which provides that these salaries may be offered to soldiers and enlisted men.

Mr. CANNON of Illinois. Certainly; I am coming to that in a minute. I was speaking of the law as it originally passed—that these appointments for officering this great work should be from the disabled officers of the Army. The years have rolled around, and in apt time, under the lead of the gentleman from

Ohio, that law was amended so as to make the appointment from officers and enlisted men in the late war whether they were disabled or not.

Mr. OUTHWAITE. Not only officers, but all honorably discharged soldiers.

Mr. CANNON of Illinois. Certainly. I am saying, if the gentleman will allow me, it was broadened so as to include all officers. Aye, more, it was broadened so as to include all soldiers, and I believe that includes all military men. Now, then, I will say at once in the administration of this great work the preference ought to be given to these military men if they can be found who are competent to hold these places.

Right in that connection I will say that this Board in control of the soldiers' homes is not infallible. I think it is a very good Board. I think the men composing it are men of high character, but they do not know all the men who were in the service, and all of them do not know all the law that pertains to this subject. The president of that Board stated during an investigation at this session of Congress that he had in substance permitted for a long time an incompetent treasurer to remain in service at the Togus branch because he could not find a competent man who was an officer and disabled in the service, not knowing that the law had been amended so that he was free to draw on this whole million of men for one to fill that lucrative position. Now, when the Committee on Military Affairs comes here and proposes to amend the law so as to allow the Board to draw upon surgeons everywhere in the United States for this service, I do not believe it is apt, and I do not believe it is necessary, because the amendment of my colleague from Illinois, if adopted, permits them to call upon any surgeon who served in the Army, in fact the law now allows it.

[Here the hammer fell.]

Mr. CANNON of Illinois. I should like a little more time.

Mr. OUTHWAITE. I yield the gentleman two minutes more.

Mr. CANNON of Illinois. The law in that form would and does enable the board to call upon any man out of this million who is a surgeon. Many who served in the Army acquired their profession after they were mustered out, but many of them were surgeons in the Army and many were assistant surgeons, and, from my own knowledge in my own section, I believe that there are hundreds if not thousands of surgeons now in practice who are perfectly competent to fill these positions, men who saw service in the late war, and I think they ought to have the preference.

Mr. BLACK of Illinois. My colleague is proceeding in his argument upon this bill, as I understand, upon the idea that the surgeons who were in the service, or the soldiers now surgeons who were in the service during the late war, are entitled to a preference?

Mr. CANNON of Illinois. Yes.

Mr. BLACK of Illinois. Now, the committee proceeded upon the idea that this vast army of invalid men had a right to the freshest, ablest, brightest medical service that could be obtained, and it was for that reason, and not from any desire to sacrifice any of the rights of the veteran soldiers, that the bill was brought in. One thing further—the passage of this bill will simply enable the board to make its selection from all surgeons, but will not destroy, remove, or affect the preference to which the veteran soldier is entitled under the law as it stands.

Mr. CANNON of Illinois. I have not indulged in any criticisms upon the motives of this committee or of any member of it in recommending this legislation, and do not now; but I do say again that I believe this recommendation is ill conceived.

My colleague says that the inmates of these homes are entitled to the freshest and best talent that can be secured for this service. I grant him that. They ought to have the best service of the best talent that can be secured for the money. But it is perfectly evident that you can not get Dr. Ford Thompson of this city, or any other great specialist whose practice is worth ten thousand, twenty thousand, or thirty thousand dollars a year, to accept one of these places, which pays about $2,000 a year and quarters.

Mr. BLACK of Illinois. From $1,200 up.

Mr. CANNON of Illinois. Well, on an average, about $2,000 a year and quarters, as I understand. Now, I repeat, it is evident that you can not get great specialists to serve for that compensation, but you may take men that my colleague and I both know, men like Dr. M. S. Brown, like Dr. Moore, of my own town, like Dr. Pierce, like Dr. Leavitt, like our mutual friend, Dr. Barton, or Dr. Jones, the best medical talent—I will not say the best, but equal to any medical talent in my country—men who saw service in the late war—and many of them would jump at the chance of taking one of these positions at $2,000 a year and quarters.

I undertake to say that those men with their practical experience, are worth a regiment of callow youth graduated every year from the medical colleges; and in my opinion the young man who is without experience would be the one who, being acquainted with the president or the executive committee of the Board of Managers, would receive this employment, which ought to be given to the veteran surgeons who are their superiors from their practical professional work for this service. Therefore I would keep the law as it is and as it was amended and broadened in the last Congress under the leadership of the gentleman from Ohio, so as to permit the managers to call upon any surgeon in the United States who saw service in the late war, and my word for it, those men would seek these places and there would be a score of competent applicants for every place to be filled, because it is true that in the present condition of the country, as it has been for ten years past and as it will be for ten years to come, these are places greatly to be desired, and which would be better filled by this class of talent than by newly-graduated medical students.

ALBERT E. REDSTONE.

A message from the Senate, by Mr. GARRETT, one of its clerks, announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 1105) for the relief of Albert E. Redstone.

The SPEAKER. The Chair understands it is necessary that action be taken on this resolution now, because the ten days during which the bill has been in the hands of the President are about to expire. The Senate desires to recall this bill; and if there be no objection the resolution will be considered.

There being no objection, the resolution was considered and adopted.

MEDICAL APPOINTMENTS, NATIONAL SOLDIERS' HOMES.

Mr. BLACK of Illinois. Mr. Speaker, the gentleman last on the floor [Mr. CANNON of Illinois] has certainly introduced into this discussion an element of injustice by the insinuation which he has made that this bill is being presented and urged in order to allow the president of the Board of Managers or some member of the Board to appoint favorites—"callow youths" instead of veterans.

Mr. CANNON of Illinois. Will the gentleman allow me?

Mr. BLACK of Illinois. I repel the insinuation. There is not a scintilla of proof, not a word in the history of the Board, not an intimation in all that it has ever done that justifies such an insinuation.

Mr. CANNON of Illinois. Will the gentleman allow me?

Mr. BLACK of Illinois. I deny absolutely that such a purpose underlies this bill.

Now, as for the gentleman's talk about the surgeons to be found in the neighborhood where he and I reside, that may be all true. But the point with this committee is, not that a certain class of surgeons shall continue to be favored, but that the veteran soldiers in the homes shall have the best possible attendance at any and all times.

In response to the gentleman from South Dakota [Mr. PICKLER] I will say that in the judgment of the Board the time has come when it is desirable that the list from whom the boards may choose medical attendants to wait upon the sick veterans should be widened.

Mr. PICKLER. Will the gentleman allow me?

Mr. BLACK of Illinois. One moment, please. That time has come and has passed for years. We have absolutely been hampered by the provisions of the law which we seek to have changed, in the choice that we believe we ought to be allowed to make for the benefit of the veterans themselves. I will not deny that there are in the United States scores and perhaps thousands of men who were my comrades and the gentleman's comrades who are abundantly able to fill these offices, but to the honor of the soldier I say that the men who were comrades of ours and who are fit to exercise the duties of this position are most of them enjoying such practice they can not, on account of financial considerations, turn away from their homes and seek this new employment.

The opposition to this bill is bottomed upon the idea that we ought to prefer and favor a particular class of surgeons. The support of the bill rests on the ground that the veteran soldiers of the Republic should have the best medical attendance that can be given them in their declining days. Gentlemen, the committee on this point are strenuous. A few words of explanation I think will be sufficient to establish in the mind of every man the wisdom of the proposed change. In the first place it has been thirty-three years since the outbreak of the war. The men who were surgeons in the war, or who having been in the war have since become surgeons, are men older by far on the average than the majority of this House.

To expect those men to turn out as they would have to do if

the law is enforced at present—to expect that men who on the average are older than you and I shall be compelled to attend to the wants and necessities of the hospitals and the camp at all hours from noon until noon again, is not reasonable. The Board has found that in order to give the best service the law should be ameliorated; and to put it in a fashion which will meet the statements made on the other side, the sons of these old men should now be permitted to become their attendants, and the generation that furnishes the support should also furnish the surgeons to attend upon these veterans. I understand the gentleman from Minnesota and the gentleman from South Dakota to agree that if the time has come when this change ought to be made they will agree to it.

I beg to assure those gentlemen that in the judgment of the board, who earnestly support this bill, who have no personal interest in it but desire only the best results, the time has come when with the limited salaries which our appropriation allows—not more than $1,200 in some cases, $1,500 in others, and as high as $2,000 in others—must pass beyond the preferred class designated in the statutes—must have the whole of the medical knowledge and surgical skill of America to draw from, preserving the preference given by the law to those who were actually in the service.

Mr. HALL of Missouri. Will the gentleman allow me to ask him a question?

Mr. BLACK of Illinois. Certainly.

Mr. HALL of Missouri. As I understand it, there is nothing in this bill contrary to the idea that the board of managers of the homes if they can not first find suitable medical assistants among those who served in the Army may then have the privilege of going outside?

Mr. BLACK of Illinois. Nothing whatever. The preference is always given to the soldier.

Mr. PICKLER. Let me ask the gentleman how many soldiers who are assistant surgeons are employed now or required for these homes?

Mr. BLACK of Illinois. About twenty now are required, who are absolutely necessary, and the necessities of the service are steadily increasing. In addition to that let me say to the gentleman that there are the nurses, hospital stewards, and others, and the demand is steadily increasing. The average in the hospitals now is about two hundred and fifty men in each of the seven branches.

Let me assure the gentleman that the experience of the past proves conclusively that the time has come when we must take in new employés—that we must have another field to select from—and I take the case, as an illustration, of the surgeon of the gentleman's [Mr. PICKLER'S] own regiment. He was a man of mature years. If he was worth anything at all after he left the Army he acquired a practice, and would probably be unwilling to go into a soldiers' home at the present compensation, unless he was a man who was superannuated in his profession and entirely incompetent to perform the duties which would be required of him there.

Mr. PICKLER. He has gone over the river.

Mr. BLACK of Illinois. He has gone over the river. Very well. Then take the assistant surgeon; is he still in the land of the living?

Mr. PICKLER. Yes, sir; I think he is. The last I heard of him he was.

Mr. BLACK of Illinois. Where is he located?

Mr. PICKLER. At Keokuk, Iowa.

Mr. BLACK of Illinois. What was his name?

Mr. PICKLER. Maxwell.

Mr. BLACK of Illinois. Do you know whether he is a successful physician?

Mr. PICKLER. Not personally, but I have always heard so.

Mr. BLACK of Illinois. Do you know the extent of his practice?

Mr. PICKLER. No, sir; I do not. I understand it is good.

Mr. BLACK of Illinois. Do you know if he could be induced——

Mr. PICKLER. Let me say to the gentleman that I know he was a fine surgeon, and rendered active and efficient service in the regiment. He filled the position with honor to himself and satisfaction to the men.

Mr. BLACK of Illinois. Let me ask the gentleman this question: Do you know if he could be induced to accept one of these positions in the homes?

Mr. PICKLER. No, sir; I do not.

The SPEAKER. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 5481) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1895, and for other purposes, disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GORMAN, Mr. COCKRELL, and Mr. ALLISON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the reports of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bills of the following titles:

A bill (H. R. 6748) making appropriations for the naval service for the fiscal year ending June 30, 1895, and for other purposes; and

A bill (H. R. 69) prescribing limitations of time for completion of title to certain lands disposed of under the act of Congress approved September 27, 1850, and the acts amendatory and supplemental thereto, and commonly known as the "Donation act," and for the protection of purchasers and occupants on said lands.

The message also announced that the Senate had passed with amendments the bill (H. R. 6720) providing for the resurvey of Grant and Hooker Counties, in the State of Nebraska., asked a conference with the House on the bill and amendments, and had appointed Mr. ALLEN, Mr. PASCO, and Mr. DUBOIS as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895.

A bill (H. R. 236) to amend section 4837 of the Revised Statutes of the United States as to soldiers' homes.

The message also announced that the Senate had passed without amendments bills and joint resolutions of the following titles:

A bill (H. R. 7475) authorizing Commander C. H. Davis, United States Navy, to accept a decoration from the King of Spain;

A bill (H. R. 6424) to authorize Rear-Admiral John G. Walker and Surgeon-General J. Rufus Tryon, of the United States Navy, to accept the decorations of the "Busto del Libertador" of the third class from the President of Venezuela;

A bill (H. R. 5525) authorizing John E. Johnson and others to accept medals of honor and diplomas from the Government of Spain;

A bill (H. R. 4734) to authorize the Secretary of State to accept for the United States of America a painting by G. F. Watts, Royal Academician, entitled "Love and Life;" and

Joint resolution (H. Res. 126) authorizing the President to appoint delegates to attend the meetings of the International Geodetic Association.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2024) authorizing additional compensation to the assistant commissioners of the industrial exhibition held at Melbourne, Australia;

A bill (S. 1778) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; and

A bill (S. 1211) for the relief of Pay Inspector John H. Stevenson, of the United States Navy.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

A bill (S. 920) to pension Mary Brown, of Berlin, Vt.; and

A bill (S. 307) granting a pension to Earnest C. Emerson.

MEDICAL APPOINTMENTS, NATIONAL SOLDIERS' HOMES.

Mr. OUTHWAITE. Mr. Speaker, as a member of the Committee on Military Affairs, believing that this bill would be conducive to the good of the inmates of the soldiers' homes throughout the country, instead of placing them under the medical charge of a number of old and disabled heroes who would be unable to perform the duties necessarily required of them, I was in favor of the bill. But I see that there is such a difference of opinion on the floor, especially among the particular friends of the soldiers, that I think perhaps the bill may as well be withdrawn; but before doing so I wish to yield two minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON of Illinois. Mr. Speaker, in that two minutes I want to say that if my colleague from Illinois [Mr. BLACK], it seems to me, had been as courteous as I should have been to him under similar circumstances, he would have yielded to me for a correction when he misstated what I had said in reference to the personnel of the trustees of the soldiers' homes.

I proceed now to restate, and in restating deny that I imputed to the personnel of the governors of the homes selfish motives in the administration of this law as it is now, or as it will be

amended if this act should pass. I have said, and I repeat, that men are apt in performing their official duties to prefer those who are about them: and to show that even the governors of the homes, were not infallible, I called the attention of the House to the fact, which the records of the House will show, namely, that the governor of the Board, or the president of the Board, Gen. Franklin, had stated during this Congress that an incompetent treasurer was continued at Togus because of the provision of the law that disabled officers alone could hold the places, while in fact the law permitted any one of the million men, survivors of the late war, to receive the appointment.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON of Illinois. I would like to have a minute more.

A MEMBER. Let us have a vote. We have had talking enough.

Mr. CANNON of Illinois. Oh, well, the gentleman from Ohio will be more generous than the suggestion that is made by my colleague.

Mr. OUTHWAITE. I can not resist the gentleman and yield to him an additional minute.

Mr. CANNON of Illinois. Now, then, that is his statement, and presumably the statement of the Board, because he acts for the Board—that they did not know the law; so it is not infallible.

I state again my belief, Mr. Chairman, to be that from the thousands of men who had army service these places that offer $2,000 a year or more can be filled, and better from that class of men than from the newly-graduated students. "Great medical ability!" you say. Well, you could not get it for $2,000 a year. Your Thompsons, and other experts, are not going to take these places. So you will be forced to take the newly-graduated students, or men who in civil life have demonstrated their ability to make a failure or have demonstrated the fact that they can not make a success. You had better at this time stick to the law with the amendment suggested by my colleague.

Mr. MARSH. Which if adopted will leave the law as it now is.

[Here the hammer fell.]

Mr. OUTHWAITE. Mr. Speaker, I had thought of withdrawing the bill, but I will ask a vote on the amendment first.

The SPEAKER *pro tempore* (Mr. DOCKERY). The question is on the amendment offered by the gentleman from Illinois [Mr. MARSH].

Mr. BLACK of Illinois. I should like to have the amendment again reported.

The amendment was again read.

The question was taken on the amendment of Mr. MARSH, and the Speaker *pro tempore* announced that the "noes" seemed to have it.

Mr. MAHON. Division.

The House divided; and there were—ayes 50, noes 71.

Mr. MAHON. No quorum.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. MAHON] makes the point of no quorum, and the Chair will appoint as tellers the gentleman from Pennsylvania [Mr. MAHON] and the gentleman from Ohio [Mr. OUTHWAITE].

Mr. SICKLES. I hope the gentleman will not press the point of no quorum. I have an amendment which I hope will be satisfactory.

Mr. OUTHWAITE. I withdraw the bill.

The SPEAKER *pro tempore*. Without objection, the bill will be withdrawn.

There was no objection.

SECTION 4833, REVISED STATUTES.

Mr. OUTHWAITE. Mr. Speaker, I am directed by the Committee on Military Affairs to call up the bill (H. R. 6050) to amend section 4833, Revised Statutes, and for other purposes.

The bill was read, as follows:

Be it enacted, etc. That section 4833 of the Revised Statutes of the United States be, and the same hereby is, amended to read as follows:

"SEC. 4833. The Managers of the National Home for Disabled Volunteer Soldiers are authorized to aid persons who are entitled to its benefits by outdoor relief, in such manner and to such extent as they may deem proper, but such relief shall not exceed the average cost of maintaining an inmate of the Home: *Provided*, That in the event that buildings at any branch of the Home shall be destroyed by fire or rendered unfit for habitation because of pestilence or by the elements, then and in that event the Board of Managers shall have authority to remove the members of said branch so afflicted or destroyed to any other branch not so affected, and to do this, they may use any funds appropriated for the home, notwithstanding they may have been specifically appropriated for other purposes, to the extent that such funds shall be necessary to effect such a transfer and the maintenance and support thereafter of said members so transferred, and shall report their doings therein to the Congress and their expenditures as in other cases of expenditures: *Provided further*, That the appropriations for any fiscal year shall not be exceeded."

SEC. 2. That this act shall take effect from and after its passage.

Mr. OUTHWAITE. I ask for the reading of the report.

The SPEAKER *pro tempore*. The report will be read in the time of the gentleman from Ohio [Mr. OUTHWAITE].

The report (by Mr. BLACK of Illinois) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6060) to amend section 4833, Revised Statutes, and for other purposes, submit the following report:

The bill submitted herewith provides that in the event of the buildings at any branch (of which there are seven, located at various points in the United States) being rendered unusable by fire, the elements, or pestilence, that then the Board of Managers for the National Home for Disabled Volunteer Soldiers may change the members of said branch, so rendered unusable, to other branches and may use any moneys appropriated for the use of the Home for the transportation and support of said members.

Existing law would not allow this use of the appropriations.

The bill does not increase expenditures; it only makes available for an emergency funds already appropriated.

Within the past winter two fires have occurred, one in the branch at Santa Monica, Cal., one at the branch at Warsaw, Ind., and each, fortunately, of limited damage. But they accentuate the necessity for the act proposed. The Board of Managers would be without power under existing law to transport the members rendered homeless by such a calamity to another branch or to support them when transferred. Therefore the Committee on Military Affairs reports the bill and ask that it may pass.

Mr. BLACK of Illinois. In the second line of the fourth paragraph of the report occur the words "at the branch at Warsaw, Ind." That should be "Marion, Ind."

The SPEAKER *pro tempore*. Does the gentleman offer an amendment?

Mr. BLACK of Illinois. No, it is a correction in the report.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read a third time.

Mr. PICKLER. Mr. Speaker, I do not understand exactly what is the object of this bill?

Mr. OUTHWAITE. The object is to authorize the managers, in case of fire, to use certain funds to take care of the people who are turned out of doors.

The bill was passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

MAJ. GEN. GEORGE S. GREENE.

Mr. OUTHWAITE. Mr. Speaker, I am directed by the Committee on Military Affairs to call up the bill (S. 1513) for the relief of Maj. Gen. George S. Greene. There is a House bill identical in terms, which has been favorably reported. I ask to take up the Senate bill, which is on the Speaker's table, and that the corresponding House bill be ordered to lie on the table.

The SPEAKER *pro tempore*. The gentleman asks to substitute the Senate bill for the corresponding House bill. In the absence of objection, this will be ordered, and the House bill will be ordered to lie on the table.

There was no objection.

The bill S. 1513 was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint George S. Greene, late brigadier and brevet major-general United States Volunteers, to the rank of first lieutenant of artillery in the Army of the United States, and to place him on the retired list of the Army as of that grade, the retired list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That from and after the passage of this act no pension shall be paid to the said George S. Greene, but this proviso shall be no bar to any claims for pension that the widow or children or other heirs of said George S. Greene may have after his decease.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

SCHOONER HENRY R. TILTON.

Mr. OUTHWAITE. Mr. Speaker, I am directed by the Committee on Military Affairs to call up the bill (S. 901) for the relief of the owners of the schooner Henry R. Tilton, and of personal effects thereon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to ascertain as soon as practicable what was the reasonable value of the schooner Henry R. Tilton and the proportion thereof belonging to each of her several owners at the time she was sunk by a deflected projectile from a gun on the United States proving grounds at Sandy Hook on or about the 9th day of July, 1892; and he shall, in like manner, ascertain what was the reasonable value of the personal effects of each of the several officers and sailors on the said schooner at the time of her sinking as aforesaid; and he shall report to the Secretary of the Treasury the several amounts so ascertained; and the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the owners of the said schooner the value thereof so ascertained and reported as herein prescribed: *Provided*, That the aggregate amount so reported as the value of said schooner does not exceed $10,000, less the amount of the net proceeds of the sale of the schooner; and he shall pay to the officers and crew of said schooner the several sums so ascertained to have been the value of their personal effects lost: *Provided*, That the aggregate of the said several sums shall not exceed $1,000: *Provided further*, That all and each of said several amounts shall be received by the persons herein described in full satisfaction of all their claims against the United States on account of the loss of the said schooner Henry R. Tilton.

Mr. OUTHWAITE. Mr. Speaker, that bill is in Committee of the Whole.

Mr. LOUD. I raise the question of consideration against this bill.

The SPEAKER *pro tempore*. This bill is in Committee of the Whole.

Mr. OUTHWAITE. I ask unanimous consent to consider it in the House as in Committee of the Whole.

Mr. KILGORE. I object.

Mr. LOUD. I desire to raise the question of consideration against this bill, and make the point of order that it is a bill that should have come from the Committee on Claims. It has no business to be reported from the Committee on Military Affairs.

Mr. OUTHWAITE. I desire to be heard on that point, Mr. Speaker.

The SPEAKER *pro tempore*. What is the point raised by the gentleman from California?

Mr. LOUD. That this bill should have come from the Committee on Claims. It is really a private claim.

Mr. OUTHWAITE. Mr. Speaker, this claim results from a transaction of the Army at a very recent date, and therefore it is quite as proper that it should be reported by the Committee on Military Affairs as by the Committee on Claims. It is not a war claim. It is not a claim that is disconnected from the actual transactions of the Army.

The SPEAKER *pro tempore*. The Clerk will report clause 4 of Rule XXI.

The Clerk read as follows:

4. No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts.

The SPEAKER *pro tempore*. The Speaker ruled upon this question at the beginning of the present session. Under that ruling, and in harmony with it, the Chair sustains the point of order raised by the gentleman from California.

EUGENE WELLS.

Mr. OUTHWAITE. Mr. Speaker, the next bill that the committee directs me to call up is the bill (H. R. 2637) for the relief of Eugene Wells.

The bill was read.

Mr. KILGORE. I make the point of order that the bill should be considered in Committee of the Whole.

The SPEAKER *pro tempore*. The bill is in the Committee of the Whole on the Private Calendar.

Mr. OUTHWAITE. I ask unanimous consent to consider the bill as in Committee of the Whole.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Ohio?

Mr. KILGORE. I object.

Mr. OUTHWAITE. I move that the House resolve itself into Committee of the Whole for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. RICHARDSON of Tennessee in the Chair.

The CHAIRMAN. The House is in Committee of the Whole to consider the bill the title of which the Clerk will report.

The title of the bill was again read.

Mr. KILGORE. I think the bill ought to be read.

The CHAIRMAN. The Chair was informed that the bill had just been read in the House.

Mr. KILGORE. I understand that, but it ought to be read in Committee of the Whole.

Mr. OUTHWAITE. Let the bill be read again.

The bill was read, as follows:

A bill (H. R. 2637) for the relief of Eugene Wells, late captain Twelfth Infantry and second lieutenant First Artillery, United States Army.

Be it enacted etc., That the President of the United States be, and hereby is, authorized to nominate and, by and with the advice and consent of the Senate, appoint Eugene Wells, late captain Twelfth Infantry and second lieutenant First Artillery, a second lieutenant of artillery in the Army of the United States; and when so appointed he shall be placed upon the list of retired officers of the Army, unlimited, on account of disabilities incurred in service during the war of the rebellion, as shown by the reports of the boards of medical examiners, United States Pension Bureau, and which disabilities would have entitled him to retirement had he remained in the Army, his rank and pay to date from his appointment and retirement under this act.

Mr. OUTHWAITE. Mr. Chairman, I yield such time to the gentleman from Missouri as he needs.

Mr. MORGAN. Mr. Chairman, I desire to make this request of the members present—that they listen to the report in this case. I know that there exists on some sides opposition to bills restoring officers to the Army who for any cause have quit the service; but this is a case not founded upon any sentimentality or any sympathy or any gush. It is not intended to do anyone a favor. It is to do an act of simple justice; and I venture the assertion that not a single member of this House can read this case as I have read it, and know this case as I have known it for the last twenty years without making up his mind at once in regard to its absolute justice and merit.

There have been six favorable reports made by the Committee on Military Affairs of the Senate and House. There have been two favorable reports made in this case by the Senate; one by Senator COCKRELL, a distinguished, able, careful, painstaking Senator, who always examines these cases from the standpoint of the Government, a man who served in the Confederate army with great bravery and distinction, and is familiar with military service and with the requisites of a good soldier. The other report was made in the Senate by Senator MANDERSON, a Republican, who served with equal distinction and honor in the Federal Army.

A report has been made by my distinguished colleague [Mr. HULL], a Republican serving upon the Committee on Military Affairs, himself a soldier; and in the Forty-eighth Congress, then a member of the Committee on Military Affairs, I examined this case carefully and made a report upon it. All I ask in the world is that the members of this House shall listen to the report attentively and decide the case upon its merits. If they will do this, I feel assured that there will not be a single vote against it. I ask that the report be read.

Mr. KILGORE. Will the gentleman yield to me for a question before the reading of the report commences?

Mr. MORGAN. Yes, sir.

Mr. KILGORE. How long is it since this man has been out of the army?

Mr. MORGAN. Since 1877.

Mr. KILGORE. Was he discharged from the service?

Mr. MORGAN. He was tried by court-martial on charges. I wish to be perfectly frank with the gentleman. He was charged with various offenses against military law and tried upon them. He was acquitted upon every charge except the single one of intoxication. Upon that charge every enlisted man and some of the officers who served with the command at the time during the riots testified that he was not intoxicated, while other officers testified that they thought he was.

Now, let me go a little further. The court-martial found him guilty upon that, and they unanimously recommended him to executive clemency. The proceedings and findings were taken to President Hayes for his approval, but this unanimous recommendation of the court-martial was entirely overlooked by the President. He was not aware of its existence. There is no question about that, for Senator COCKRELL so states in his official report to the Senate in the Forty-seventh Congress. President Hayes made the statement to Senator Armstrong and others, that he had never seen this recommendation to executive clemency when he approved the sentence, and it was the first case where the full sentence was executed where there was such a recommendation to clemency.

Mr. KILGORE. I understand that the judgment of the court was that this man be cashiered and dismissed from the service.

Mr. MORGAN. Yes, sir.

Mr. KILGORE. And I understand also that President Hayes refused to restore him.

Mr. MORGAN. The President could not reappoint him without the authority of Congress.

Mr. KILGORE. Now, I can not understand how the papers relating to the court-martial and the judgment of the court failed to reach the President when it was necessary for him to pass upon them.

Mr. MORGAN. He did pass upon the papers, but he overlooked the recommendation to clemency.

Mr. KILGORE. Did not that recommendation go with the papers?

Mr. MORGAN. Yes, sir; I presume so.

Mr. SICKLES. But the President stated that he never saw it.

Mr. KILGORE. What is the authority for that statement?

Mr. SICKLES. Senator COCKRELL.

Mr. KILGORE. Did the President put on record any such statement?

Mr. MORGAN. Senator COCKRELL states the fact.

Mr. KILGORE. He states, I suppose, that he is informed and believes so?

Mr. MORGAN. No; he says it is so. It often happens that a brief of such cases is submitted to the President instead of the full record.

Mr. KILGORE. Was there not a charge of insubordination made against this man?

Mr. MORGAN. Yes, sir; and he was acquitted on that charge.

Mr. KILGORE. Where do those facts appear?

Mr. MORGAN. We had them before the Committee on Military Affairs. I have gone over the entire testimony in the trial of the case by court-martial.

Mr. KILGORE. Well, they ought to be before the House when we are asked to reverse the action of this court.

Mr. MORGAN. You do not have to take the word of the present Military Committee; you have the word of six other Military Committees of the House and the Senate for that fact.

Mr. OUTHWAITE. It is set forth in the report.

Mr. SICKLES. Let me read the gentleman the statement of the report on that point, which is very brief.

Mr. KILGORE. Very well.

Mr. SICKLES (reading):

In a report made by Senator COCKRELL, from the Committee on Military Affairs of the Senate in the Forty-seventh Congress, he presents the superior merits of this case in a few words. He said:

"The President did not know of the recommendation for clemency when he approved the sentence. This is about the only case where such a unanimous recommendation by all the members of the court-martial was totally overlooked, and was, therefore, wholly disregarded."

And in a speech made in support of the bill of Mr. Wells, Senator COCKRELL made use of the following emphatic language:

"The unanimous recommendation of the court-martial, had it been known to the President, would have received his favorable sanction, and the sentence would not have been approved. There is conclusive evidence of that."

The evidence is not set forth in detail in the report; but when Senator COCKRELL says there is conclusive evidence of a fact, I think that is a very good ground to go upon.

Mr. KILGORE. I understand that, and I would be very much inclined to accept any statement made by Senator COCKRELL as almost conclusive if he made it of his own knowledge, because he is mighty straight goods [laughter]; but I am not inclined to accept anybody's statement as to the policy of enlarging this list of retired officers.

You put a man on that list a while ago, and I made no objection, because it was stated here that he was 130 or 140 years old. [Laughter.]

Mr. SICKLES. Ninety-four—a century plant, born with the century.

Mr. KILGORE. Well, I was not very far wrong about his age.

Mr. MORGAN. We do not propose by this bill to extend the retired list. We simply propose to do an act of justice to this man, to allow him to be reappointed to the Army, and if, in view of his present age and condition, he goes upon the retired list, that fact ought not to be used to prejudice his case where he asks for simple justice.

Mr. KILGORE. Where does he live?

Mr. MORGAN. He lives in Missouri. He is a son of the old Federal judge, Robert W. Wells, who was appointed by Andrew Jackson, and was the best judge we ever had in Missouri.

Mr. KILGORE. What is his vocation?

Mr. MORGAN. He was employed in the civil service of the Government for many years, I think, and is now engaged, as far as health will permit, in private vocation.

Mr. KILGORE. Is he a graduate of West Point?

Mr. MORGAN. No, sir. He was appointed from civil life or the volunteer service. He is a soldier who was recommended for gallantry in the field by such men as Slocum, Hancock, Butterfield, and Stannard.

Mr. TALBERT of South Carolina. Does this bill authorize his appointment as captain?

Mr. MORGAN. No, sir; it simply authorizes the President to appoint him a second lieutenant. It does not propose at all to retire him as captain; it simply proposes to authorize his appointment to the position that he lost through inadvertence or mistake of President Hayes. Senator COCKRELL stated this in a report to the United States Senate in the lifetime of President Hayes, in the Forty-seventh Congress.

Mr. KILGORE. I would like to make a further inquiry of the gentleman from Missouri. I understand that the purpose of this bill is to remove this charge against this man, to set aside this judgment, and to authorize the President to appoint him to the same position in the Army that he held when he was cashiered. Is that the purpose?

Mr. MORGAN. That is it.

Mr. KILGORE. How old a man is he?

Mr. MORGAN. Over 50 years of age.

Mr. KILGORE. What effect will this bill have on men who have been in the service continuously and doing duty?

Mr. MORGAN. It will not affect them at all.

Mr. KILGORE. Will it not affect their rank and their right to promotion?

Mr. MORGAN. Not at all.

Mr. KILGORE. Will not the bill give him precedence over them?

Mr. MORGAN. No, sir, because he is placed on the limited retired list; and there is no promotion upon that. I wish to state further that this bill was examined by the Secretary of War, who has recommended its passage.

Mr. KILGORE. That is not conclusive.

Mr. MORGAN. But it shows this whole matter has been carefully investigated.

Mr. HEARD. There has never been any unfavorable report from any source.

Mr. KILGORE. Well, it is very curious if everybody was in favor of it that this action has been postponed for fifteen or twenty years.

Mr. MORGAN. That was simply because the bill, while it frequently passed one House or the other, has never passed both Houses at the same Congress.

Mr. KILGORE. When was he cashiered?

Mr. MORGAN. In 1877.

Mr. OUTHWAITE. I move that the committee rise and report the bill to the House with the recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. RICHARDSON of Tennessee reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 2637) for the relief of Eugene Wells, late captain Twelfth Infantry and second lieutenant First Artillery, United States Army, had directed him to report the same back with a favorable recommendation.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MORGAN, a motion to reconsider the last vote was laid on the table.

GEN. NAPOLEON J. T. DANA.

Mr. OUTHWAITE. I am directed by the Committee on Military Affairs to call up the bill (S. 104) for the relief of Gen. Napoleon J. T. Dana.

The SPEAKER. This bill is in Committee of the Whole.

Mr. OUTHWAITE. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. SAYERS. I think it had better be considered in Committee of the Whole.

Mr. OUTHWAITE. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. RICHARDSON of Tennessee in the chair), and proceeded to the consideration of the bill (S. 104) for the relief of Gen. Napoleon J. T. Dana.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Sennte, to appoint Gen. Napoleon J. T. Dana, late assistant quartermaster of the United States Army, to the position of assistant quartermaster, with the rank of captain of cavalry, and to place him on the retired list of the Army with that rank and pay, the retired list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That from and after the passage of this act no pension shall be paid to the said Napoleon J. T. Dana.

Mr. SAYERS. I wish to inquire of the gentleman in charge of this bill whether, in addition to putting this man on the retired list, it does not promote him from first lieutenant and assistant quartermaster to the rank of a captain of cavalry?

Mr. OUTHWAITE. It is my understanding that the bill retires him with the same rank that he had when he left the Army. The gentleman from New York [Mr. SICKLES] is more familiar with the case than I am.

A MEMBER. Let us hear the report.

Mr. OUTHWAITE. The report may be read in my time.

The report (by Mr. SICKLES) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 104) for the relief of Gen. Napoleon J. T. Dana, have had the same under consideration, and report the same to the House with a recommendation that the bill do pass. The House bill on the same subject has been favorably reported, and this is identical with it.

Mr. DOCKERY. Is this a bill to still further increase the retired list?

Mr. OUTHWAITE. It increases the retired list by one.

Mr. DOCKERY. What will be the additional charge imposed on the Treasury by reason of the bill?

Mr. GORMAN. Ninety-six dollars a month.

Mr. DOCKERY. Nearly $1,200 a year. What is the amount of the pension that this man now receives?

Mr. GORMAN. Fourteen doliars a month.

Mr. SAYERS. How old is he?

Mr. HULL. Between 73 and 74 years; but he is more infirm than his age would imply, on account of severe injuries which he received during the war. At the close of the war, when he held a major-general's commission, he resigned because the war was over, and he desired to resume his private business, which had suffered because of his absence in the Army. But on

account of his disabilities he was never able to reinstate himself in business; the war had made him a bankrupt.

Mr. SAYERS. Mr. Chairman, this officer resigned from the service——

Mr. SICKLES. He did. But the gentleman should remember that he went back into the service again, and went back at a time when his services were needed.

Mr. SAYERS. I understand that. He was educated at the Government expense?

Mr. SICKLES. And he gave the Government the benefit of his military education. He left, let me say to the gentleman, a most lucrative business in the West, the business of banking in which he was engaged, and entered the military service of the Government during the war. His business was entirely broken up during his absence, and when he resumed it again after the war he was so disabled by wounds that he was unsuccessful, and is now wholly impoverished and unable to earn a dollar, simply living on the insignificant pension of a few dollars a month which the Government grants him.

This is one of the most meritorious cases, I think, that was before the committee. I examined it personally and with great care.

Mr. SAYERS. If the gentleman will permit me, it seems to me the action that should have been taken by the committee in this matter would have been to have increased the pension instead of putting him in the regular Army and on the retired list.

Mr. SICKLES. Well, it is more soldierlike and agreeable to a man who reached this high rank in the Army, and won such distinction in the service, to be able to be on a footing upon the retired list with other officers who held a similar rank.

But I would say to the gentleman that the Military Committee naturally sympathize with the desire of the House to look carefully into all of these bills. These half-dozen bills that the chairman has been instructed to report to-day to the House were selected from more than three hundred bills pending before that committee of a similar character. We selected these, and this one particularly, because we regarded them as of singular merit. The rest of these bills are in the pigeonholes of the committee, and we did not wish or think it proper under the circumstances to report them, although as a matter of fact many of them have very considerable merit.

But what I wish to assure the gentleman of is the fact that the Military Committee looks carefully and critically at each application. I have myself denied the appeals from more than a hundred officers, who came personally to me and who brought the strongest letters, asking my support for similar bills. But this order to be presented to-day is one which embraces only cases that have absolute merit, and I could not find a single objection that was tenable in this case.

Mr. SAYERS. The objection, if the gentleman will permit me, to the bill, is that this officer resigned in 1855.

Mr. SICKLES. Yes.

Mr. SAYERS. He had been educated, I understand, by the Government, at West Point?

Mr. SICKLES. Yes.

Mr. SAYERS. And he resigned from the Army and went into civil life?

Mr. HULL. But that was not unusual at that time.

Mr. SAYERS. Still he resigned from the service.

Mr. SICKLES. Just as many others did. Grant did; McClellan did, and a host of others did also, because at that time their services were not needed by the Government; but the gentleman should remember that in each of these cases when the war commenced they came back and served the country with fidelity and honor.

Mr. OUTHWAITE. Let me say to the gentleman that at that time there was not such a demand for officers as required them to remain in the Army, and it was aiding the service when they resigned and entered the persuits of civil life.

Mr. SAYERS. But when the officer resigned was he not paid a sum of money that would be equal to a commutation of the amount that would be paid him by the Government for the probable length of time he would be in the service?

Mr. SICKLES. Not at all.

Mr. HULL. That is entirely a mistake; there was no such payment.

Mr. SAYERS. Were these officers not paid commutation at the time of their resignation, under the general law?

Mr. HULL. Not at all.

Mr. WHEELER of Alabama. At that time there was no such law.

Mr. SICKLES. That was passed after the war.

Mr. SAYERS. When was it passed?

Mr. WHEELER of Alabama. I suppose the gentleman refers to the act of 1870?

Mr. SAYERS. But was there not a law passed prior to the war, permitting an officer to resign and receive commutation for the pay which he would be entitled to receive during the probable length of service?

Mr. HULL. There was no such law.

Mr. OUTHWAITE. An officer who resigned before the passage of the act of 1870 could not receive commutation.

Mr. SAYERS. I understood that that was the law.

Mr. WHEELER of Alabama. No; that did not become the law until 1870.

Mr. HULL. After the war had ended.

Mr. SAYERS. Is the gentleman not mistaken in that?

Mr. WHEELER of Alabama. No.

Mr. SAYERS. Then there was no commutation, in the shape of a cash payment of what would be due the officer for the length of time he would probably serve the Government on his resignation?

Mr. WHEELER of Alabama. Not at all.

Mr. SICKLES. No officer who resigned before the war got that.

Mr. OUTHWAITE. And it should be remembered that this officer reëntered the service when it was necessary.

Mr. SAYERS. I admit that.

Mr. OUTHWAITE. And he was in the Mexican war, a most gallant soldier.

Mr. SAYERS. I admit that also.

Mr. CONN. In connection with what the chairman of the committee has said, if the gentleman will permit me——

Mr. SAYERS. One moment. Let me state my objection to this bill. If this officer is taken from civil life and restored to the Regular Army upon the plea that he had made an able and gallant soldier, which I admit, does not that circumstance apply to a good many thousands of other gallant soldiers during the war who were also in the Federal Army?

Mr. SICKLES. I will say to the gentleman from Texas [Mr. SAYERS] that precisely what is proposed to be done in this bill has been done in fifty bills previously.

Mr. SAYERS. I admit that.

Mr. SICKLES. The principle has never been recognized by Congress, so far as I know, that officers or soldiers whose service was strictly limited to the volunteer service should be placed on the retired list. That has never been done, and it is not proposed now. We do not propose to establish any such precedent. Congress in its wisdom has not yet done so, and probably will not do so, but this bill does not interfere at all with that principle. There are fifty precedents for this bill.

Mr. OUTHWAITE. I move that the committee rise and report the bill to the House with the recommendation that it do pass.

The CHAIRMAN. If there be no objection, general debate on the bill will be closed.

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. OUTHWAITE] moves that the committee rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having resumed the chair as Speaker *pro tempore*, Mr. RICHARDSON of Tennessee, Chairman of the Committee of the Whole, reported that that Committee had had under consideration the bill (S. 104) for the relief of Gen. Napoleon J. T. Dana, and had directed him to report the same to the House with the recommendation that it do pass.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

DUNBAR R. RANSOM.

Mr. OUTHWAITE. Mr. Speaker, I call up the bill (S. 322) to place Dunbar R. Ransom on the retired list of the Army.

The bill was read.

Mr. OUTHWAITE. This bill is in Committee of the Whole, and I move that the House resolve itself into the Committee of the Whole for the purpose of considering it.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole, with Mr. RICHARDSON of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is

hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Dunbar R. Ransom, late captain in the Third Artillery of the Army, a captain in the Army, and to place him on the unlimited retired list.

Mr. OUTHWAITE. I yield to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Chairman, the bill to place Dunbar R. Ransom on the retired list was first taken up in the Fifty-second Congress, when Senator PROCTOR, having left the position of Secretary of War, took his seat in the Senate. While Secretary of War he took an active interest in this case and made a thorough investigation of it, and as soon as he went to the Senate he had the bill passed in the Fifty-second Congress, but it failed to pass the House in that Congress on account of lack of time. Briefly the case is simply this: Dunbar R. Ransom was a graduate of West Point, entering that institution in 1847, and leaving it in 1850. He served all through the war, coming out of it a colonel at the close of the war. Dropping back in the reorganization of the Army he became a captain of artillery. He is a son of Col. Ransom, who fell at the head of his regiment at Chapultepec, and a brother of Gen. Ransom, who died in Georgia from wounds received in Sherman's campaign.

There never was a word against his character as an officer until he borrowed $275. In being moved from post to post he failed to pay it when it was due. He had only paid seventy-three dollars and some cents. He borrowed it from a private. He never denied the debt, but acknowledged its justice. Charges were preferred, and he was cashiered for borrowing from a private soldier. He was a man of large family, with no means except his pay, and had been in the Army all his life, being moved from post to post, as the war records show; he was unable to pay the expenses of his family without borrowing the money. He has from that time to this lived an upright life and has paid the debt from his earnings in private life. The testimony of all the officers and men with whom he has been associated is that he is one of the most gallant and upright men this country has produced.

Mr. BARNES. When did he pay the debt?

Mr. HULL. Since he was cashiered; all but $73, which he had paid before.

Mr. BARNES. How long after that did he pay it?

Mr. HULL. As soon as he could. There is no evidence to show how long it took, but he paid it long before this matter came up.

I will say to my friend that Col. Ransom was brought before Congress more by his friends than by his own action. He is broken down and so old that he is not able to do anything in active business. Gen. G. M. Dodge and other officers have taken an interest in his case, and Senator PROCTOR took an interest in it when it was brought to his attention as Secretary of War, and they have brought this measure before the Congress of the United States, and I believe that it is an act of justice to a man who has fought in the great number of battles that the War Department certifies he fought in. They are set out in full in the report, now before this House, which I had the honor to submit.

Mr. BARNES. I would like to ask my friend whether he acted honorably about this debt before he was discharged?

Mr. HULL. Absolutely. There is absolutely no doubt about that. His letters set forth in the report show that he never denied the debt; and the man himself who made the charge, when he found the serious results of the charge, would have withdrawn it if he could have done so. So that it is simply a question of whether you will continue to punish a man who did such magnificent service for his country by leaving him to die with this stigma upon him, or whether you will now reinstate him in the Army. He is too old for active service in the Army now, and there is no chance of promotion; and I believe that it is one of the most meritorious cases that I have ever known to come before the Congress of the United States.

Mr. HALL of Missouri. Will the gentleman yield to me for a question?

Mr. HULL. Certainly.

Mr. HALL of Missouri. I would like to know how many officers are situated like this officer?

Mr. HULL. I never heard of any other situated the same as he.

Mr. HALL of Missouri. A great many are cashiered and leave the Army and afterwards they want to get reinstated.

Mr. HULL. I never before knew of an officer being cashiered because he could not pay a debt when it was due.

Mr. HALL of Missouri. They are cashiered for a great many causes, and as soon as the witnesses are dead and the facts forgotten they come here and ask for reinstatement.

Mr. HULL. A majority of the members of this House and officers of the Army or in business could be cashiered for not paying debts due at sometime in their lives.

Mr. HALL of Missouri. I believe that the precedent set by this bill is a dangerous one. I am usually a man whose sympathies are with, always have been with, and always will be with that side; but, at the same time, if we lay down a precedent here that as soon as the witnesses have died and the facts have been forgotten an officer can come to the Congress of the United States and have himself reinstated on such a proposition as this, it simply opens a flood gate for others to come in.

Mr. HULL. There is nothing to show that there is any other charge against him. There is no other controversy.

Mr. HALL of Missouri. But you do not ask simply a removal of the stigma: you ask that he be put upon the retired list, and that he may draw his pay as a retired officer of the Army, and that does not seem to me entirely right.

Mr. HULL. I will ask the gentleman to read the record of this gallant officer, and I am sure you will think it is not wrong to put him on the retired list.

Mr. HALL of Missouri. I think the bill sets a dangerous precedent.

Mr. OUTHWAITE. If the gentleman will permit me to call his attention to the fact he will see the fact of the absence of witnesses in this particular case cuts no figure, because the report is based upon written documentary evidence on file in the War Department:

It appears from the testimony of the principal prosecuting witness, Sanborn, that when he loaned the money to Ransom he stated that he would not require its return until the following October. (Page 15 of transcript.)

We have not printed all the papers here, but all the papers have been before the committee.

He also testifies, on page 18, that he did not write the captain on the subject of the loan until after the receipt by him of the $75 remittance some time in March, 1868. So it will be seen that this payment was made by Ransom without any demand by Sanborn.

What I want to impress upon the committee is that there is nowhere in this testimony any evidence tending to show fraud or deception, or taking advantage at all. It is simply a record of poverty and inability to pay money borrowed, because the officer was ordered to one or two places and had to take his family, and as soon as he could he began to pay the debt. Then this man, growing impatient after he had received one payment, made a complaint, and the pay of the officer was stopped, and the stoppage of the pay preventing him from making payment to the claimant.

Mr. HALL of Missouri. I will not object further.

Mr. HENDERSON of Iowa. Mr. Chairman, I desire to say just a word about this bill, as I know so many men who have felt an interest in Capt. Ransom. Gen. Logan, when alive, had this bill before his committee and examined the entire record of the court-martial, and the report of that committee contains this statement:

The committee are of opinion, after carefully examining all the evidence adduced, that the court erred in its findings as well as in the law of the case.

I call the attention of my friend from Missouri [Mr. HALL] to that statement, and to the fact that this man, after having participated in twenty-four battles, with his body full of lead, having been three times promoted for gallantry on the field of battle, was, on an error of law and of fact, dropped from his position in the regular Army.

Mr. HALL of Missouri. I will say to the gentleman from Iowa that after hearing the statement of the chairman of the Committee on Military Affairs I withdraw all objection.

Mr. HENDERSON of Iowa. I am glad to hear that. I knew that the just and generous-hearted gentleman from Missouri would not persist in opposing this bill. I will not occupy further time, Mr. Chairman, but will ask favorable action.

Mr. OUTHWAITE. I ask unanimous consent that debate on the bill be now closed.

There was no objection, and it was so ordered.

Mr. OUTHWAITE. I move that the committee rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose, and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. RICHARDSON of Tennessee, from the Committee of the Whole, reported that they had had under consideration a bill (S. 322) and had directed him to report the same to the House with the recommendation that it do pass.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES B. STIVERS.

Mr. OUTHWAITE. Mr. Speaker, I call up the bill (H. R. 868) for the relief of Charles B. Stivers.

The bill was read, as follows:

Whereas Charles B. Stivers, late captain in the Seventh United States Infantry, was summarily and erroneously dismissed the service on the 15th

day of July, 1863, by Special Orders, No. 313, by order of the then Secretary of War, which order of dismissal, upon proof being made to the War Department that an injustice had been inadvertently done the said officer, was revoked by order of the Secretary of War on August 11, 1863, by Special Orders, No. 356, whereupon said Capt. Stivers was restored to his rank in the Army and continued in honorable and faithful service therein until December 30, 1864, when, by a proper order from the War Department, after due examination, on account of long and faithful service and physical disability, he was placed upon the retired list of the Army; and

Whereas the said Charles B. Stivers was continued upon said retired list from the said date of his retirement until June 1, 1890, when he was dropped from the same in pursuance of an order of the War Department made by reason of the decision of the Supreme Court of the United States (114 United States Report, 619) to the effect that the revocation by the President by an order of dismissal of an officer of the Army did not restore him to his former position in the service, but that such restoration could only legally be effected by an act of Congress: Therefore,

Be it enacted, etc., That the provisions of law regulating appointments in the Army by promotion in the line are hereby suspended for the purpose of this act only, and only so far as they affect Charles B. Stivers; and the President of the United States is hereby authorized, in the exercise of his discretion and judgment, to nominate and, by and with the advice and consent of the Senate, to appoint said Charles B. Stivers, late a captain in the Seventh United States Infantry Regiment, to the same grade and rank of captain in the Army of the United States in the infantry service, and to place him on the retired list of the Army as of the date of December 30, 1864, the retired list being thereby increased in number to that extent, with the pay of his grade and rank from said date the same as if he had never been considered out of the service since his original entrance therein; such retired pay, however, having been heretofore duly and continuously received by said Charles B. Stivers up to the 1st day of June, 1890, the same shall only be due and payable to him hereafter from said date last named.

Mr. OUTHWAITE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. RICHARDSON of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill (H. R. 868) for the relief of Charles B. Stivers.

Mr. OUTHWAITE. Mr. Chairman, I ask the attention of the gentleman from Texas [Mr. SAYERS] to the language of the report on this bill.

Let it be understood that this officer was erroneously dismissed from the Army in 1863, and that within thirty days thereafter the Secretary of War admitted that he had made a mistake, admitted it publicly by an order of the President restoring the officer.

Mr. SAYERS. But I understood the gentleman to say that this man had been erroneously dismissed from the Army?

Mr. OUTHWAITE. Yes.

Mr. SAYERS. How was he erroneously dismissed?

Mr. SORG. He was sick. He was reported absent without leave, but it was afterwards discovered that he was sick.

Mr. OUTHWAITE. That was admitted, and upon that admission action restoring him was taken. The same Secretary of War and the same President by whom he had been dismissed restored him, and he continued in the service until the 30th of December, 1864. Then, by virtue of the law and of his long and faithful service, he was placed on the retired list. He was then in the Army properly, or was supposed to be in it properly, and he continued on the retired list until it was decided recently by the Court of Claims that while the President had the power to dismiss an officer summarily, he had no power to revoke such order of dismissal even when improvidently or unjustly made.

Mr. SAYERS. Then, from 1864 until 1890 this officer was illegally drawing pay?

Mr. OUTHWAITE. Yes, according to the decision of the Court of Claims—illegally, but not unjustly or inequitably, because he had been restored by the same authorities that had dismissed him, they having discovered that he had been tried for an offense for which he was not guilty and dismissed because of the judgment of the court-martial.

Mr. SAYERS. Do I understand the gentleman to say that when this officer was court-martialed he had no notice?

Mr. OUTHWAITE. He was tried in his absence.

Mr. SAYERS. And had no notice?

Mr. OUTHWAITE. He had no notice, as I recollect the record.

A MEMBER. How did the court get jurisdiction?

Mr. OUTHWAITE. This was a court of inquiry. They took jurisdiction in a number of such cases. This decision of the Court of Claims was made quite recently.

Mr. CANNON of California. Did this man draw pay as a retired officer until that decision?

Mr. OUTHWAITE. Yes, sir.

Mr. CANNON of California. Do you know whether he is now drawing a pension—

Mr. OUTHWAITE. He is not. The preamble to this bill recites that—

The said Charles B. Stivers was continued upon said retired list from the said date of his retirement until June 1, 1890, when he was dropped from the same in pursuance of an order of the War Department made by reason of the decision of the Supreme Court of the United States (114 United States Reports, 619) to the effect that the revocation by the President by an order of dismissal of an officer of the Army did not restore him to his former position in the service, but that such restoration could only legally be effected by an act of Congress.

Now, this bill proposes to legalize that which was done by order of the President and which at the time was supposed to be legal, so that no claim may be made against this officer for money illegally received.

Mr. DOCKERY. The bill carries no appropriation, I understand?

Mr. OUTHWAITE. No appropriation. It simply authorizes the President, in the exercise of his discretion, to appoint "said Charles B. Stivers, late a captain in the Seventh United States Infantry Regiment, to the same grade and rank of captain in the Army of the United States in the infantry service, and to place him on the retired list of the Army as of the date of December 30, 1864, the retired list being thereby increased in number to that extent, with the pay of his grade and rank from said date the same as if he had never been considered out of the service since his original entrance therein; such retired pay, however, having been heretofore duly and continuously received by said Charles B. Stivers up to the 1st day of June, 1890, the same shall only be due and payable to him hereafter from said date last named."

It seems to me that justice and equity require that he should be permitted to receive pay from that date.

Mr. CANNON of Illinois. As I understand it, if this bill is not passed, he may be called upon to refund the pay he has received?

Mr. OUTHWAITE. Yes, sir.

Mr. CANNON of California. Then I think we ought to pass the bill.

Mr. OUTHWAITE. This bill has been reported favorably two or three times. It was introduced by my late colleague, Mr. Houk, and I am not as familiar with all the facts of the case as I ought to be.

Mr. SAYERS. Mr. Chairman, it occurs to me that this officer, if placed upon the retired list at all, ought not to draw pay except from the time when he shall have been restored to the retired list. It is not contended here that he was not properly dismissed for disobedience of orders and without leave.

Mr. BLACK of Illinois. I will say to the gentleman that that was altogether a mistake. He was absent on account of sickness and he was tried for being absent without leave.

Mr. SAYERS. But he was tried also for disobedience of orders.

Mr. BLACK of Illinois. That would mean the same thing in this case.

Mr. OUTHWAITE. If the gentleman from Texas [Mr. SAYERS] insists upon it I think this would be a fair provision: "That the same shall only be due and payable to him hereafter from the date of the passage of this bill." That would relieve him from the possibility of a claim for the money received by him.

Mr. Chairman, to satisfy the judgment of the gentleman from Texas, I move to amend by striking out, in line 22, page 3, the words "from said date last named" and inserting "from the date of the passage of this act."

The CHAIRMAN. Without objection, general debate will be considered as closed, and this amendment will be regarded as agreed to.

There was no objection.

Mr. OUTHWAITE. I move that the committee rise and report the bill as amended to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. RICHARDSON of Tennessee reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. 868) for the relief of Charles B. Stivers, had directed him to report the same back with an amendment, and with the recommendation that it be passed as amended.

The question being taken, the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

WILLIAM A. WINDER.

Mr. OUTHWAITE. I call up the bill (H. R. 450) to restore William A. Winder to the United States Army, and to place him on the retired list with the rank of captain of artillery.

The SPEAKER *pro tempore*. The bill is in Committee of the Whole on the state of the Union.

Mr. OUTHWAITE. I move that the House resolve itself into Committee of the Whole for the consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CLARK of Missouri in the chair. [Loud applause.]

The committee proceeded to the consideration of the bill (H. R. 450) to restore William A. Winder to the United States Army, and to place him on the retired list with the rank of captain of artillery.

The bill was read, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint and restore to his proper rank in the Army, as captain of artillery, and to place him on the retired list, William A. Winder, of San Diego, Cal.

Several MEMBERS. Let us hear the report.

Mr. OUTHWAITE. I will yield to the gentleman from California (Mr. BOWERS) to explain this bill.

Mr. BOWERS of California. Mr. Chairman, Capt. Winder entered the United States Army and served all through the Mexican war. He was promoted for gallantry in that war and made a lieutenant; he served continuously from that time until 1866—through both wars. There is no charge against him in connection with his whole service except in connection with his service at Alcatraz Island, where he was in command for three years during the war. Some fanatical patriots who were careful to stay at home during the war charged that while he was in command at that post he "fed the rebel prisoners on the fat of the land, served on silver platters."

That is substantially the charge, and practically the only charge against him. Because he was a Democrat then and is now, and because all of his family, the Winders of the South, including his father and others, were in the Confederate army, a great many of those patriots thought he could not be a Union man; and therefore they set to work to undermine him and prejudice Secretary Stanton against him. In consequence of these charges Gen. Wright at one time sent a company of men to reenforce the place, with an officer to rank Capt. Winder. But upon an investigation which was made soon after, Capt. Winder was reinstated in the command and highly complimented for his judgment and efficiency.

This man served, as I have stated, until 1866, and he served under very adverse circumstances. He was true to the country that he served so long. In 1866, after the war was over, he tendered his resignation, the reason assigned by him being that the Secretary of War was unfriendly to him. Within three months afterward he made application to be restored to his position in the Army. But the President, in the meantime, had filled the vacancy, and he could not be reappointed.

Now, during the time he was in command on the Pacific coast he was paid in greenbacks, which were worth there 35 cents on the dollar. He entertained the commanders of all the various foreign war vessels that came there; so that when he resigned he was in debt $4,000, which it had cost him for the entertainment of these people.

There is no charge against him whatever. He is now nearly 70 years of age, broken down in health. He served the country long and faithfully. The President of the United States, Mr. Cleveland, recently gave him a very small billet to let him allot some Indian lands in California; but the service does not amount to anything, as he will only be engaged for three or four months. I ask this House in justice to an old and gallant soldier to put him on the retired list. The bill carries no back pay or any considerable amount of money; he simply wants to die under the flag.

Mr. SAYERS. Mr. Chairman, we may as well draw the line on this bill. If it had merit I should be the last to oppose it. I will briefly call the attention of the committee to the facts that are set forth in the report as forming the basis of merit on which it rests.

Now, in this case the party can not fall back on the proposition that he rendered great or important military services during the late war. He rendered no service during that time that involved any danger. He was stationed in California, and left the service directly after the war was over, on the ground that the Secretary of War was hostile to him.

Mr. ALLEN. Do I understand you to say that he rendered no service during the war which involved danger, personal danger?

Mr. SAYERS. No service of a dangerous character.

Mr. ALLEN. I can scarcely forgive him for that. [Laughter.]

Mr. SAYERS. It does seem to me that the facts as stated by the committee in their report can not possibly justify this committee in placing him on the retired list at an expense of from $100 to $125 per month to the Government.

Mr. BOWERS of California. Let me say to my friend from Texas that he repeatedly made application to the authorities during the war to be sent East into active service. Commanding as he did that most important point on the Pacific coast, his services were deemed necessary there and he was not sent East. It was that stronghold on the Pacific coast that did much to save the coast to the Union. The man that commanded it is the man this bill seeks to place upon the retired list.

Mr. SAYERS. Oh, well, I suppose there were a good many loyal men on the Pacific coast at that time.

Mr. BOWERS of California. So there were; but the record of this man is all straight. There is no crime alleged against him, no charge against him at all, only that he was kind and considerate to the Confederate prisoners.

He is now old and poor, and for the two or three years he has got to live he would like to be an officer of the United States, in whose service he was for such a long time.

Mr. SAYERS. Well, let us see what his military record is.

Mr. BOWERS of California. I have his military record here, too.

Mr. SAYERS. I will read from it.

Mr. BOWERS of California. Well, read from it.

Mr. SAYERS. Very well, let us see where he was during the war:

Awaiting orders to February 21, 1861; en route to March 22, 1861; with company at Presidio, Cal., to May 30, 1861; at Alcatraz Island, California, to October 21, 1861; at Washington, D. C., to January, 1862; at Alcatraz Island, California, to August 2, 1864; at Point San José, California, to August, 1865; at San Diego, Cal., to October 6, 1865; en route to the East to November 21, 1865; on recruiting service in New York to January 18, 1866, and on leave until he resigned, October 18, 1866.

Now, there is the record of this officer; and it does occur to me that the case is absolutely without merit, and that this committee will not be doing right to restore him after he had voluntarily resigned from the service and retired to private life at the expense which this bill will necessarily involve.

Mr. BOWERS of California. Now, let me read a little more from the record. The gentleman has not read it all.

Mr. SAYERS. Very well; I am reading from his military record.

Mr. BOWERS of California. Well, I am reading from the record, and let us see what it says:

Resolved by the General Assembly of Maryland, That the thanks of this State be, and they are hereby, tendered to Capt. Creighton, of the bark Three Bells, Capt. Lowe, of the Kilby, and Capt. Stouffer, of the Antarctic, for their noble and humane conduct in rescuing so many valuables lives from the wreck of the ill-fated steamer San Francisco.

Resolved, That the thanks of their native State are also tendered to Capt. James T. Watkins, the noble and heroic commander of the unfortunate steamship San Francisco, and to Maj. Wyse, Lieuts. W. A. Winder and Charles S. Winder, and Lieut. Frank Key Murray, for their courageous and gallant bearing during those trying scenes.

Here was a service for which this man was complimented in this manner. Nearly two hundred men and officers were drowned on that steamer. That is another part of the record, when he was in charge, and shows that this was a time at least when he was in personal danger.

Mr. ALLEN. Is there not some suspicion that he sympathized with the rebel prisoners during the war?

Mr. BOWERS of California. That was a charge against him at the time, that he sympathized with them, and on the ground that his family were all on that side, he himself being the only member of the family who was true to the flag.

Mr. BRYAN. What has he been doing ever since that time?

Mr. OUTHWAITE. Trying to pay the debts contracted in the service.

Mr. BOWERS of California. And he was compelled to expend that by reason of the position he occupied there. The Government never paid it, but paid him his salary at the same time in currency that was only worth 30 or 35 cents on the dollar. If he lived twenty years on the retired list you could not repay him the money he took from his own pocket to sustain the honor of the country at the time he occupied the position to which I have referred, and for the services he rendered.

Mr. GROVESNOR. What was the matter at San Francisco at that time?

Mr. BOWERS of California. And I want to call the attention of the Chairman, and the committee, to the fact that he went as a boy into the Mexican war, fought all through that war and was brevetted a lieutenant for gallantry in the battles of that war.

Mr. OUTHWAITE. I ask unanimous consent to close general debate.

The CHAIRMAN (Mr. CLARK of Missouri). The gentleman from Ohio [Mr. OUTHWAITE] asks unanimous consent to close general debate. Is there objection?

There was no objection.

Mr. OUTHWAITE. I move that the committee rise and report the bill to the House with a favorable recommendation.

Mr. SAYERS. Mr. Speaker, I move as a substitute that the committee rise, and report the bill to the House with the recommendation that it do lie upon the table.

Mr. ALLEN. Mr. Speaker, would it be in order now to move

that this bill be referred back to the Committee on Military Affairs, with instructions to bring in some different report?

The CHAIRMAN. It is not in order in the committee. The question is first on the motion of the gentleman from Texas [Mr. SAYERS] that the bill be reported back to the House with the recommendation that it lie on the table.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. SAYERS. Division.

The committee divided; and there were—ayes 20, noes 47.

Mr. SAYERS. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. The Chair will appoint as tellers the gentleman from Texas [Mr. SAYERS] and the gentleman from California [Mr. BOWERS].

Mr. BOWERS of California. Mr. Chairman, I ask permission that the bill be withdrawn.

The CHAIRMAN. Without objection, the bill will be withdrawn.

Mr. OUTHWAITE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CLARK of Missouri, Chairman of the Committee of the Whole, reported that that committee had had under consideration the bill (H. R. 450) and had directed him to report that, by unanimous consent, it had been withdrawn without recommendation.

AGRICULTURAL APPROPRIATION BILL.

Mr. HATCH. Mr. Speaker, I desire to call up the agricultural appropriation bill.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895.

Mr. HATCH. I move to nonconcur in the Senate amendments, and request a conference.

Mr. SAYERS. Mr. Speaker, I should like to ask the gentleman from Missouri a question. I understand that there is an appropriation of a million dollars put upon the bill by the Senate for the purpose of destroying the Russian thistle. I desire to know of the gentleman if he will not, before he agrees to that item, bring it back to the House for the purpose of taking the sense of the House upon the proposition?

Mr. HATCH. I certainly will.

The SPEAKER. Without objection, an order will be made that the House nonconcur in the Senate amendments, and request a conference with the Senate on the disagreeing votes of the two Houses.

There was no objection.

The SPEAKER announced as conferees on the part of the House Mr. HATCH, Mr. FORMAN, and Mr. WAUGH.

MEDALS OF HONOR.

Mr. OUTHWAITE. Mr. Speaker, I call up the joint resolution (H. Res. 205) to provide for the presentation of medals of honor to the militia and volunteer troops of the several States who volunteered their services for the defense of the States of Maryland and Pennsylvania in the year 1863, prior to and after the battle of Gettysburg, Pa.

The SPEAKER. The gentleman from Ohio [Mr. OUTHWAITE], from the Committee on Military Affairs, calls up a joint resolution, which the Clerk will report.

The joint resolution was read.

Mr. OUTHWAITE. Mr. Speaker, this is in Committee of the Whole. I move that the House resolve itself into the Committee of the Whole for the purpose of considering the joint resolution.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole for the consideration of the joint resolution H. Res. 205, with Mr. TRACEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering a resolution which the Clerk will report.

The joint resolution was read, as follows:

Resolved, etc., That the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of General Orders, No. 195, Adjutant-General's Office, War Department, Washington, D. C., June 29, 1863, and which reads as follows:

"General Orders, No. 195.

"The Adjutant General will provide appropriate medals of honor for the troops who, after the expiration of their term, have offered their services to the Government in the present emergency, and also for the volunteer troops from other States that have volunteered their services in the States of Maryland and Pennsylvania.

"By order of the Secretary of War:

"E. D. TOWNSEND,
"*Assistant Adjutant-General.*"

Mr. OUTHWAITE. I yield five minutes to the gentleman from New York [Mr. COOMBS].

Mr. COOMBS. Mr. Chairman, during the invasion of the States of Pennsylvania and Maryland, previous to the battle of Gettysburg, a call was made for 100,000 troops, and at the same time, immediately upon their starting for the scene of conflict, the Adjutant-General issued the order which has been read by the Clerk.

It has always been considered an obligation on the part of the Government which ought to have been redeemed long ago. And the Assistant Secretary of War in his communication says "It would seem as though no possible objection could be made to carrying out General Order 195, quoted in the resolution, but that it should be greatly regretted that the carrying out of such an order should have been so long delayed." This order was in the nature of a contract; and it certainly ought to be fulfilled on the part of the Government. When the call was made the merchant left his counting-house, the banker left his bank, the clerk left his counter.

Mr. SICKLES. And the farmer left his plow.

Mr. COOMBS. The farmer left his plow, and within twenty-four hours they marched to the scene of the conflict. The order was read to the troops on the field of battle, and that they did efficient service has never been doubted. It is an obligation of the Government which I am sure this Congress will be ready to redeem.

I have had estimates made at the mint by the Director of the Mint and he states that the silver medals will cost about 40 cents apiece. I have letters from forty or fifty colonels of regiments, generals and men prominent in the service, who have asked me to claim this at the hands of Congress. I wish to ask, Mr. Chairman, permission to change the title of the bill so that it shall read, "Service in the defense of the United States in the States of Maryland and Pennsylvania."

Mr. ALLEN. Will the gentleman allow me to ask him a question?

Mr. COOMBS. Certainly.

Mr. ALLEN. Does the gentleman think it exactly the fair thing to these bankers who left their banks, and these clerks who left their counters, and these merchants who left their stores, and these farmers who left their plows to put off on them a silver medal made of a debased metal. [Laughter.]

Mr. SICKLES. It is good for medals, though not good for money. That it just what it is fit for.

Mr. KILGORE. I want to make an inquiry of the gentleman from New York, and then, perhaps, to base some observations on his reply.

Mr. COOMBS. If the gentleman will allow me to make one other statement before making his inquiry.

Mr. KILGORE. I want to make an inquiry or two for information. How many of these soldiers were there enlisted at first?

Mr. COOMBS. Twenty-six thousand five hundred. They went down inside of eight days.

Mr. KILGORE. Were they called out by the State or by the Federal Government?

Mr. SICKLES. They were called out by the President.

Mr. COOMBS. He called out 100,000 men. He knew he was going to have a hard time with you men down there, and he called for abundant force.

Mr. KILGORE. How long were they in the service?

Mr. COOMBS. They were not discharged until all danger from you people was over.

Mr. KILGORE. How long was that; for how long a time were they called into service?

Mr. SICKLES. They were called in June, 1863, and they remained in the Army until the exigency was over, and this order was issued as an inducement to them to serve.

Mr. KILGORE. How long did the exigency exist?

Mr. SICKLES. For about three months.

Mr. KILGORE. About three months. Why are you trying to make any discrimination in favor of these picnic soldiers as against——

Mr. SICKLES. Simply because the Government itself made that discrimination.

Mr. KILGORE (continuing): And against soldiers who served through all the war. I believe in doing justice all along the line.

Mr. SICKLES. Undoubtedly. This was the action of the Government itself——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OUTHWAITE. Let this debate run on.

Mr. GROSVENOR. I would like to know upon what terms arrangement is made. There ought to be an opportunity at least for discussion of both sides of the question.

Mr. OUTHWAITE. The gentleman will have an opportunity afforded him.

Mr. GROSVENOR. Now, upon what principle is this debate being conducted? Does the gentleman undertake to control all the time on both sides?

Mr. OUTHWAITE. I do not undertake to take any time except such as is given me under the general rule, which gives me the floor for an hour.

Mr. GROSVENOR. The gentleman is taking the floor and alloting the time himself upon this subject. Something may be said on both sides of the question; and I desire to say something, unless the gentleman has got a patent in the matter.

Mr. OUTHWAITE. I do not claim any patent, but I am entitled to the first hour, and I am giving the time to those who desire it.

Mr. GROSVENOR. I want to have some time myself.

Mr. OUTHWAITE. If the gentleman desires to have any time, I will yield it to him.

Mr. COOMBS. I would like the privilege of answering the gentleman from Texas. I wish to say to him that these men who went to the front in this special emergency were not carpet soldiers. They had done previous service. Their time had expired and they went to the front in this emergency as skilled soldiers.

Mr. KILGORE. But they did not stay very long, and that is the trouble.

Mr. SICKLES. They had already served their time.

Mr. COOMBS. They had served their time and had been discharged.

Mr. SICKLES. And this was an inducement offered to them by the Government.

Mr. KILGORE. But why did not they continue in the service?

Mr. SICKLES. Their services were not required.

Mr. KILGORE. I suppose they were bankers and other people of that class, and that you had to promise them silver medals in order to get them to go at all. [Laughter.] But I understand the gentleman from New York to say that this is a contract entered into by the Government.

Mr. SICKLES. Yes.

Mr. KILGORE. In that case I want to set up the plea of limitations right here and now, because this claim has been running thirty-one years, and the statute of limitation bars it.

Mr. SICKLES. Oh, that statute applies to money obligations, not to obligations of honor. There is no statute of limitations against the recognition of patriotic service in this country, thank God! [Applause.]

Mr. KILGORE. I understand that; but there were many other people who were engaged in serving their country in a patriotic way and whose claims are equal or greatly superior to these. Beside, sir, we have not got the money for this purpose.

Mr. SICKLES. We are going to tax sugar in a few days, and that will bring us all the money that we want. [Laughter.]

Mr. KILGORE. But we do not want to do that. Besides, as my friend from Mississippi [Mr. ALLEN] has suggested, I do not think it is fair to these people to compel them to accept medals made out of a metal of so little value as silver in this country. Therefore I am inclined to antagonize this bill.

Mr. SICKLES. Substitute gold, then.

Mr. KILGORE. We have not got the gold to spare.

Mr. OUTHWAITE. Mr. Chairman, I yield five minutes to the gentleman from Iowa.

Mr. HULL. Mr. Chairman, there seems to have been some misapprehension on the part of members of the Committee on Military Affairs as to the resolution that was considered when this question was before us. At least there was a misapprehension on my part, for I supposed that we were considering a resolution more general in its terms than this, but I am informed by the Chairman that this is the one that was adopted by the committee. At the time this resolution was before the Military Committee first the question came up as to broadening the scope of the resolution so as to honor other men who had performed distinguished service upon the field of battle after the expiration of their regular term of service, and I was in favor of that.

I refer particularly to one regiment, the First Iowa, which was among the earliest to volunteer when the civil war was inaugurated. The term of service of that regiment had expired, but the battle of Wilson's Creek was impending and they unanimously resolved that they would stay with the command until that battle was fought. They did so, and they were led in person by Gen. Lyon, who gave his life in leading a charge against the enemy's lines.

Now, I regard that battle as one of very great importance in many ways, because it fixed irrevocably the status of Missouri in the Union, and awakened the North to work before us; and I desire to offer here an amendment which I offered in the committee, and which received the support of my distinguished colleague from New York [Mr. SICKLES], who suggested that the resolution should be recommitted to the subcommittee with instructions to incorporate my amendment in it. That suggestion was adopted by the committee. The resolution was reported back, however, in its present form because the committee thought it best to report a resolution simply covering the cases that had been mentioned in the general orders.

Mr. SICKLES. To give what had been promised.

Mr. HULL. Yes; but in this matter of honoring the Union soldiers who stayed in the service after their time had expired, I do not believe we should limit it to Maryland and Pennsylvania, whose soldiers are named in the general orders simply because they were near the national capital. I do not believe the militia of those two States should receive an honor denied to regular volunteers. This is the amendment I desire to offer:

Resolved further, That the Secretary of War be instructed to prepare like medals of honor for such other volunteer troops as performed service on the field of battle in defense of the Union after the expiration of their term of service.

That will let in the First Iowa, but it will not confine this recognition to that regiment, but will include every regiment that stayed and fought after its term of service had expired. I can see no reason why the troops of Maryland and Pennsylvania should have medals of honor for certain services that does not apply equally to every other regiment of Union troops that performed similar service with or without promise of special recognition. They all stayed and performed the service simply because they were defending the flag of the Union and were willing to sacrifice their lives for their country.

I want to say further, in reply to a suggestion which has been made here, that nineteen-twentieths of the members of the First Iowa Regiment went home and immediately enlisted and served in other regiments through the war. I want this recognition to go not only to the surviving veterans, but to their families.

A distinguished colonel of the First Iowa Regiment, a Democrat from Dubuque, died in my town recently. I do not want to deprive his family of this evidence of the loyalty of their father.

[Here the hammer fell.]

Mr. OUTHWAITE. I yield five minutes to my colleague [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, I concur very heartily with the suggestions which have just been made by the gentleman from Iowa [Mr. HULL]. I was seeking the ear of the distinguished Chairman of the committee in order to offer just some such suggestions. I am heartily in accord with the purpose of this bill; but I can see no possible reason why at this late day the men who volunteered to save Gettysburg (and God knows there were a good many outsiders needed there) should be selected out and placed in apparent competition and discrimination with men who did the same sort of acts on many another field.

I have in my mind two regiments—one from Ohio, with which I was not connected, and one from Illinois, the Twenty-fourth Illinois—both of which regiments had been ordered to the rear to be mustered out of service, but both of which remained on their own motion, went into battle, and lost heavily of their men. And there were many other cases of the same kind.

I can see no reason why medals should be given to the men who served at Gettysburg, while these men of whom I speak are discriminated against.

Again, there were other emergencies than that at Gettysburg. Other cities than Philadelphia, and Baltimore, and Washington were threatened. I remember the time when Kirby Smith with a great army threatened the destruction of Cincinnati, and the communication with the Army of the Cumberland and of Tennessee. I remember when, upon the request of the President and the proclamation of the governor, thousands of men in Ohio and Indiana went to Cincinnati, were organized into provisional regiments, brigades, and divisions under Lew Wallace, and stood in the trenches. Judge Storer, the father of my distinguished friend who usually sits before me when he is in the House, was one of them.

Men of that class were organized into what were called in Ohio the "squirrel hunters." They have received legal recognition; they were all organized troops that did valiant service, protecting a great flank of the Union with the same valor and the same patriotism that was exhibited in Pennsylvania: Therefore, while I am in favor of this bill and will vote for it without amendment, I think it ought to be more comprehensive, so as to express the opinion of the Government as to their patriotism and valor.

Mr. OUTHWAITE. I now yield to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER of Alabama. We admit all that the gentleman from Ohio [Mr. GROSVENOR] has said. But here is a positive promise given by the Government to certain soldiers. The Committee on Military Affairs, and I believe Congress, feel that

this promise ought to be redeemed. If the gentleman from Ohio will bring in bills to cover those other meritorious cases they will unquestionably receive favorable consideration.

A gentleman asks me what was the promise made in this case. I will read it:

General Orders No. 195.

The Adjutant-General will provide appropriate medals of honor for the troops who, after the expiration of their term, have offered their services to the Government in the present emergency, and also for the volunteer troops from other States that have volunteered their services in the States of Maryland and Pennsylvania.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

Mr. Chairman, I think that, in view of this order publicly made at the time these soldiers went into action, those who rendered that service ought to have the medals promised them. These medals are not costly as pensions are; the expense of each medal is but a few dimes. I trust there will be no objection to the passage of this joint resolution.

Mr. OUTHWAITE. I ask unanimous consent that general debate be closed.

There was no objection.

Mr. OUTHWAITE. I now ask a vote on the amendment offered by the gentleman from Iowa [Mr. HULL].

The amendment of Mr. HULL was read, as follows:

Resolved further, That the Secretary of War is instructed to prepare similar medals of honor, and present the same to such other volunteer troops as performed service on the field of battle in defense of the Union after the expiration of their terms of service.

The amendment was adopted.

Mr. COOMBS. The title ought to be amended in two particulars.

The CHAIRMAN. An amendment to the title will be in order in the House after the passage of the bill.

Mr. OUTHWAITE. I move that the committee rise and report the bill with the amendment to the House, with a recommendation that it pass.

The question being taken: there were, on a division (called for by Mr. TALBERT of South Carolina)—ayes 42, noes 9.

Mr. TALBERT of South Carolina. No quorum.

Mr. SICKLES. Does it require a quorum for the committee to rise? A quorum is evidently present, but whether it has voted or not I think the motion that the committee rise does not require a quorum.

The CHAIRMAN. But the motion is that the committee rise and report the bill to the House, and the point of no quorum is in order on that motion.

The Chair will appoint tellers.

Mr. COOMBS and Mr. TALBERT of South Carolina were appointed tellers.

The committee proceeded to divide. Before the announcement of the vote,

Mr. OUTHWAITE. I withdraw the bill, Mr. Chairman.

The CHAIRMAN. The bill, in the absence of objection, will be considered as withdrawn.

There was no objection.

Mr. OUTHWAITE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TRACEY reported that the Committee of the Whole House on the state of the Union, having had under consideration House joint resolution 205, by unanimous consent the same was withdrawn.

WILLIAM R. STEINMETZ.

Mr. OUTHWAITE. I now call up for consideration the bill (S. 812) for the relief of William R. Steinmetz.

The SPEAKER. This bill is in Committee of the Whole.

Mr. OUTHWAITE. I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

Mr. KILGORE. To that I object.

Mr. OUTHWAITE. I move that the House resolve itself into Committee of the Whole for the consideration of the bill the title of which has been stated.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. TRACEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the bill S. 812, the title of which the Clerk will read.

The Clerk read as follows:

A bill (S. 812) for the relief of William R. Steinmetz.

Mr. OUTHWAITE. I yield to my colleague, the gentleman from Michigan [Mr. GORMAN].

Mr. KILGORE. This bill ought to be read first.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Capt. William R. Steinmetz, United States Army, retired, a major on the retired list of the Army, with the rank and pay of that grade from February 23, 1891, under the provisions of sections 3 of "An act to provide for the examination of certain officers of the Army, and to regulate promotions therein," approved October 1, 1890.

Mr. GORMAN. Mr. Chairman, Capt. Steinmetz entered the service in 1860, and was promoted during the war to be assistant surgeon. He served on the frontier from 1860 until 1891. He was examined in 1878—first in 1875. He was called for examination for promotion and was given an extension of time because he had been on the frontier ever since the close of the war. The extension of time given to him I think was for two years. He went before the board at the expiration of that time and underwent an examination for retirement. The board recommended that he was fit for active service and refused to retire him. That was a few months before the close of 1875, or the latter part of that year—the report gives the exact date.

In 1878 he asked for an examination for promotion. He was reported then by the examining board of surgeons as not fit for promotion, because of physical disabilities, and was given a year's leave of absence. He asked continually to be restored to active service, and it will be seen by reference to the report that he was placed on active service at the Watertown Arsenal, and served there from some time in the latter part of 1878, or the fore part of 1879, continuously until 1891, when he asked to be retired under the act passed in the Fifty-first Congress allowing any officer to be retired at a rank above that which he held in the service. When he asked to be retired as major, however, they go back and recommend his retirement under examination of 1875 as captain, and without any notice or investigation, or opportunity for explanation on the part of Capt. Stinemetz, he was retired under that examination.

He asks now simply that he be retired according to the existing law, and that is the act of 1891, which is embodied in the report. Section 3 of that act provides:

That the President be, and he is hereby, authorized to prescribe a system of examination of all officers of the Army below the rank of major to determine their fitness for promotion, such an examination to be conducted at such times anterior to the accruing of the right to promotion as may be best for the interests of the service: *Provided*, That the President may waive the examination for promotion to any grade in the case of any officer who, in pursuance of existing law, has passed a satisfactory examination for such grade prior to the passage of this act: *And provided*, That if any officer fails to pass a satisfactory examination, and is reported unfit for promotion, the officer next below him in rank, having passed said examination, shall receive the promotion: *And provided*, That should the officer fail in his physical examination, and be found incapacitated for service by reason of physical disability contracted in line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted.

It will be seen that this act provides that he shall be retired "with the rank to which his seniority entitled him to be promoted."

That is all that this bill seeks to do. The purpose of it is simply to give him the rank to which he was justly entitled under the law at the time of his retirement.

Mr. KILGORE. Right there I wish to ask a question. He was not entitled, as I understand it, to his retirement in the absence of examination, and under that law you have to submit to the examination. Now, the purpose of this bill is to exempt him from that examination.

Mr. GORMAN. No, the law provides that if he is incapacitated through physical disabilities, he is entitled to be retired as of the rank to which his seniority would entitle him.

Mr. KILGORE. Then what is the necessity for this bill?

Mr. GORMAN. They retired him on the examination that was had under the old law, which the act of 1890 superseded.

Mr. KILGORE. Now, you want to promote him, and retire him with a higher rank?

Mr. GORMAN. We simply want to give him what he is legally entitled to under the law.

Mr. KILGORE. Why did he not get it under the first examination?

Mr. GORMAN. Because this law was not in effect when he had the first examination in 1878.

Mr. KILGORE. You want to take advantage of a new law that has been passed upon the subject, to give him additional rank?

Mr. GORMAN. No, it is not to take advantage of anything that did not exist at that time; but it is simply to give him advantage of that which did exist at the time he was retired.

Mr. KILGORE. How is it that they did not give him the benefit of it then?

Mr. GORMAN. Some funny things occur sometimes.

Mr. KILGORE. I see in that report a mention of several things that you do not care to discuss. I apprehend, therefore, that there is something in this case that has not been developed, and I should be inclined to insist that it go over until we can find out more about it. I should be inclined to resist the passage of this bill this evening, under the circumstances.

Mr. GORMAN. I hope in view of the fact that he was retired under the old examination, when as a matter of fact he was entitled to an examination in 1891, and demanded that examination, in view of the fact that no opportunity was given him to take the examination and to get the rank to which he was entitled, that the gentleman will not object to the passage of this bill.

Mr. KILGORE. He is entitled to an examination under the law passed since he was examined, you say?

Mr. GORMAN. That is what we ask for, and that is what he seemingly did not have an opportunity to take advantage of, because they undertook to retire him under the old law.

Mr. KILGORE. I should be perfectly willing to allow the gentleman to withdraw the bill. I should not make any objection to that.

Mr. GORMAN. If it was not a truly meritorious bill, I should ask the chairman to withdraw it——

Mr. KILGORE. I have looked into the report, and I am not satisfied, and I have talked with some of the friends of this gentleman; but the report itself leaves the impression that there are quite a number of things in this case which have not been developed.

Mr. GORMAN. I will say that the Senate has passed this bill twice.

Mr. KILGORE. That is against it.

Mr. GORMAN. The report made by Senator DAVIS is elaborate, and I think if the gentleman from Texas [Mr. KILGORE] will refer to it he will see reasons which I have not had time to state in this brief explanation, and which I do not care to state on the floor.

Mr. KILGORE. I have not read the report made by Senator DAVIS, and I should like to have an opportunity to do so.

Mr. GORMAN. I have no desire to criticise the action of the Surgeon-General's Office.

Mr. KILGORE. I should be willing, as I say, to agree that the bill might be withdrawn. That is as far as I could go this evening.

Mr. GORMAN. Will you agree that it may come up by unanimous consent after you have sufficiently investigated it?

Mr. KILGORE. That is a matter that I could not well control, and I do not want to make any promise now. I should be very glad to accommodate my friend, but this is a matter in which I feel that there should be further investigation.

Mr. GORMAN. If we yield to your wishes in the matter you ought to be willing to yield something in return.

Mr. KILGORE. I may, after I have looked into it.

Mr. OUTHWAITE. Does the gentleman from Texas insist that this bill shall be withdrawn?

Mr. KILGORE. Yes; I shall have to insist upon it.

Mr. GORMAN. It is a truly meritorious measure. This man is legally entitled to be retired as a major.

Mr. KILGORE. The report of the committee which I have read does not impress me in that way.

Mr. OUTHWAITE. Mr. Chairman, I ask unanimous consent to withdraw the bill.

There was no objection.

Mr. OUTHWAITE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. TRACEY, Chairman of the Committee of the Whole, reported that that committee had had under consideration the bill (S. 812), and by unanimous consent the bill had been withdrawn from consideration.

HENRY W. FREEDLEY.

Mr. OUTHWAITE. Mr. Speaker, by direction of the committee, I call up the bill (H. R. 1578) for the relief of the legal representatives of Henry W. Freedley, late major in the United States Army.

The SPEAKER. This bill is in Committee of the Whole on the Private Calendar.

Mr. OUTHWAITE. I move that the House resolve itself into Committee of the Whole for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. TRACEY in the chair.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and he is hereby, authorized and directed to pay to the legal representatives of Henry W. Freedley, late major in the Army of the United States, out of any money in the Treasury not otherwise appropriated, the sum of $11,000, being the difference between the pay of a major retired, which he actually received, and the pay of a colonel, which he should have received, from March 3, 1875, to November 3, 1889, the date of his death, to which he was in his lifetime entitled by reason of a wound in the leg, received at the battle of Gettysburg while acting as colonel, and subsequently underwent the operation of resection, by which the leg was permanently disabled.

Mr. SAYERS. Mr. Chairman, I wish to raise the point of order that the Committee on Military Affairs has no jurisdiction over the bill. It should have gone to the Committee on Claims.

Mr. TALBOTT of Maryland. Mr. Chairman, this bill, I think, was properly referred to the Committee on Military Affairs, because it fixes the rank of the officer.

Mr. OUTHWAITE. I will say, Mr. Chairman, that that bill has been introduced two or three times, and has always been referred to the Committee on Military Affairs.

Mr. LAPHAM. The bill relates to the retirement of an officer of the regular Army.

Mr. SAYERS. It is a direction to the Secretary of the Treasury to pay the legal representatives of this officer the sum of $11,000. That is the substance of the bill.

The CHAIRMAN. The Clerk will read the section of the rule relating to the reference of bills.

The Clerk read as follows:

Rule XXI, clause 4: No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts.

The CHAIRMAN. The Chair thinks that under the rule this bill should have gone to the Committee on Claims, and therefore sustains the point of order.

Mr. OUTHWAITE. Then I move that the committee rise and report its action to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TRACEY, Chairman of the Committee of the Whole on the Private Calendar, reported that that committee had had under consideration the bill H. R. 1578, and the point of order being made that the bill was not properly within the jurisdiction of the Committee on Military Affairs, the point of order was sustained by the Chair, and the committee had directed him to report that fact to the House.

JAMES WILLIAM ABERT.

Mr. OUTHWAITE. I now call up the bill (H. R. 2582) to authorize the appointment of James William Abert to the retired list of the Army.

The bill was read.

The SPEAKER. This bill is in Committee of the Whole on the Private Calendar.

Mr. OUTHWAITE. I move that the House resolve itself into Committee of the Whole for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. TRACEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill which the Clerk will now report.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint James William Abert to the Army of the United States, and to place said Abert on the retired list thereof with the rank of major of engineers.

Mr. OUTHWAITE. I yield to the gentleman from Michigan [Mr. GORMAN].

Mr. GORMAN. Mr. Chairman, I sincerely hope that there will be no opposition to the passage of this bill, for if there has been any meritorious bill for placing an army officer, or ex-army officer, upon the retired list, this is one of the most meritorious that has been offered to this committee to-day. James W. Abert was in the military service of this country about twenty-six years. He is a hero of three wars. He was chief of the topographical engineer department in the latter part of 1864.

On the 26th day of May, 1864, under circumstances that were trying and particularly excusable, as he was being transferred from the North Carolina and South Carolina department to New Orleans, while in transit from New York, he asked leave of absence, which was seemingly denied at first, but finally, through the influence and assistance of friends, he was allowed a few days leave to visit his wife, who was then at the point of death at Newport, Ky. He was advised by the attending physician that it was absolutely necessary to the life and health of his wife that he should remain with her. He asked for an extension of leave of absence for ten days.

Secretary Stanton did not feel inclined to grant it. Abert then telegraphed that if it was not agreeable to the War Department to extend his leave at least ten days he would be forced to tender his resignation. Not hearing anything further from the War Department, he at once returned to New York and took his transit with his command for New Orleans. While waiting orders to leave New York, he received by wire from the

War Department notice of the acceptance of his resignation. He immediately returned to Newport, Ky., to the bedside of his wife, and after a few days was advised by the attending physician that it would be safe for him to leave. He immediately came to Washington and asked the War Department to reinstate him in his command. He brought such influence as it was possible for him to bring to bear to that effect.

Mr. Stanton did not reinstate him. He has been clamoring at the doors of the War Department for reinstatement from that time to this. I believe that in view of the fact that he spent the major part and the best years of his life in the service of his country, that he is now 74 years of age, practically blind, and without a dollar to render him aid or comfort in his last days, it is the duty of a philanthropic country to reinstate a man of this kind. I therefore ask my friends who have thought proper to object to some measures here to take into consideration the specially meritorious character of this bill and allow it to pass unanimously.

Mr. OUTHWAITE. Mr. Chairman, I move that the committee rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TRACEY, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 2582) and had instructed him to report the same to the House with the recommendation that it do pass.

Mr. OUTHWAITE. Mr. Speaker, I demand the previous question on the passage of the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time.

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent to make a typographical correction. In line 6 of the bill, "Albert" should be "Abert."

The SPEAKER. Without objection that correction will be made.

There was no objection.

The bill was passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the vote by which the bill was passed was laid on the table.

DAMAGES FROM MUSCLE SHOALS CANAL.

Mr. OUTHWAITE. Mr. Speaker, I call up the bill (H. R. 5930) to appoint a commission to report and determine upon certain damages done to citizens of Lauderdale County, Ala., by the building of the Muscle Shoals Canal.

Mr. SAYERS. Mr. Speaker, I make the point of order that the subject-matter of that bill is not within the jurisdiction of the Committee on Military Affairs.

Mr. OUTHWAITE. This is not a claim, Mr. Speaker. It does not make any charge upon the Treasury. It simply requires the War Department to make an examination as to the injurious results to certain citizens from a work which was done under the War Department. The subject belongs properly, either to the Committee on Military Affairs or to the Committee on Rivers and Harbors. It is not a claim, and it seems to me quite clear that the subject belongs to some committee having jurisdiction of the War Department, and not to the Committee on Claims, so that the point of the gentleman from Texas is not well taken.

The SPEAKER. As the Chair understands the resolution, its effect, if adopted, would be to put in the possession of the War Department a report by its own officers as to the damage alleged to have been occasioned by the works at the Muscle Shoals.

On the question of the reference of the bill, under our rules private bills are referred by the member introducing them. None of the officers or clerks under the Speaker has anything to do with that. The member himself marks the bill with the name of the committee to which he wishes it referred, but if a member refers a bill erroneously, the committee to which it is referred does not thereby acquire jurisdiction of it.

There is a provision in our rules that only certain committees shall have jurisdiction of claims. Paragraph 4 of Rule XXI provides that—

> No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts.

There is no way of giving any other committee than one of those here named jurisdiction of a claim against the Government, except by unanimous consent. Now, if this bill is a claim within the meaning of the rule, then it is not properly reported from the Committee on Military Affairs.

Mr. OUTHWAITE. But, Mr. Speaker, the bill does not provide for either the payment or the adjudication of anything.

The SPEAKER. It did not occur to the Chair that this was a claim. The bill provides that officers of the Government shall make an investigation as to damage alleged to have resulted from certain work conducted under the direction of the War Department.

Mr. WHEELER of Alabama. A great many such bills have been referred to the Committee on Military Affairs during the last ten or twelve years. I recall the bill providing for the appointment of such a board to investigate and report upon the damages sustained by owners of oyster beds, caused by public work carried on under the direction of the War Department.

I also recall the bill for appointing such a board to report upon the Reed claim for the invention of projectiles; also the Woodbridge claim, of a similar character. No question of jurisdiction was ever raised on these cases, and this is the first time that objection has been made.

The SPEAKER. The Chair overrules the point of order.

Mr. OUTHWAITE. I yield five minutes to the gentleman from Alabama.

Mr. SAYERS. Mr. Speaker, this bill should be considered in Committee of the Whole.

The SPEAKER. Yes. The amendment recommended by the committee provides for an appropriation.

Mr. OUTHWAITE. Then, Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. TRACEY in the Chair).

Mr. OUTHWAITE. I yield to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER of Alabama. Mr. Chairman, this is simply a proposition to authorize the War Department to appoint three persons to examine and report how much should be paid to certain citizens by reason of their land having been used by the Government for the building of a canal. It can not possibly involve any great sum; but in order that the matter may be fairly and justly adjudicated this bill was introduced.

It seems to me unnecessary to make any remarks, because no appropriation is proposed. These officers will simply examine and report what ought to be done; and if a small payment should ultimately be recommended, certainly no one will object to paying for land at the price which the agents of the Government say ought to be paid.

Mr. WASHINGTON. Does not this bill contemplate the payment eventually of what are supposed to be damages?

Mr. WHEELER of Alabama. Simply compensation for the use of the land, that is all. The Government has the matter entirely in its own hands; it is to say what it will pay; these people have nothing to say about it.

The canal was begun years ago, but was abandoned before its completion, and therefore no effectual steps were ever taken to acquire a title, and the parties have been in possession of the land and canal bed until a few years ago, when the Government took possession, completed the work, and turned water in the canal, and the owners of the land then applied for payment. I think water was run in the canal in the spring of 1889, about five years ago.

Before that was done the ditch was no very serious damage to the land, and the owners had it in possession and control, but since 1889 the land has been in possession of the Government.

It is not an old claim. The parties applied for payment as soon as the Government took it in charge five years ago. Many persons, under such circumstances, would be very unreasonable in their demands, but the people in their extreme liberality ask by the bill that the Government have its own officers fix and report upon the value of the land, and even then the bill does not require that even this small sum shall be paid.

I appeal to every member of this body to vote for this bill. It is the most just and moderate request which has been made this Congress. The amount of land involved is only a few acres, but small sums are important to these good people, and to neglect to give them a hearing would be a great wrong.

Mr. WASHINGTON. Did not you and your people want the canal at the time an appropriation was made for building it? Would you not have given all the land in Northern Alabama for the purpose of having that canal constructed?

Mr. WHEELER of Alabama. I do not think such a view should be taken. The Government built the canal to open a water highway from the Northwest and West to the Southeast. It is a great Government project for the benefit of possibly one-third of the United States. Certainly my friend from Tennessee will not contend that people are compelled to give their land away.

Mr. WASHINGTON. But we are not compelled to pay for it, either.

Mr. WHEELER of Alabama. Yes, sir; it would be a terrible doctrine to announce in Congress that the Government may take private property in this way and then not pay for it.

Mr. SAYERS. I want to suggest two amendments—first, to strike out the words "three persons" and insert "three officers of the Army"; and also to strike out the clause in italics at the end of the bill.

Mr. WHEELER of Alabama. I think it is only fair to let the Government select the persons who are to serve on this commission.

Mr. SAYERS. But let the Government send its own officers to make this examination.

Mr. OUTHWAITE. I ask unanimous consent that general debate be closed.

There was no objection.

Mr. SAYERS. I now move to amend by striking out in line 4 the word "persons" and inserting "officers of the Engineer Corps," so as to read "a commission of three officers of the Engineer Corps."

Mr. WHEELER of Alabama. I have no objection to the purpose of the amendment; but I think it would be better not to say "officers of the Engineer Corps," because the Government might not be able readily to spare three such officers for this service. I suggest to the gentleman from Texas that he simply say "officers," and then let the Government send such officers as it may see fit.

Mr. SAYERS. All right; I modify my amendment so as to say "officers of the Army."

The amendment as modified was agreed to.

Mr. SAYERS. I move to strike out in line 6 the word "sustained" and insert the word "claimed."

The amendment was agreed to.

Mr. OUTHWAITE. I withdraw the amendment reported by the committee to add at the end of the bill the words:

That in case any person other than an officer of the United States Army is appointed on the board he shall be paid $3 per day for the time actually and necessarily employed in said work.

There being no objection, the amendment was withdrawn.

Mr. OUTHWAITE. I move that the committee rise and report the bill to the House with the recommendation that it pass as amended.

Mr. HEPBURN. Mr. Chairman, it seems to me that this bill as now amended can not accomplish any necessary or good purpose. As amended it is a bill providing for the appointment of a commission to report the amount of damages "claimed by the following citizens of Lauderdale County, Ala." Now, I suppose there is no question as to the amount "claimed." I take it these claims have already been filed, or they may be filed at any time. What is the use of going to the trouble and expense of sending army officers down into Lauderdale County, Ala., for the purpose of ascertaining the amount of damages that a man "claims" when he can at any time by a letter or petition give Congress that information?

Mr. WHEELER of Alabama. The committee did not do this. It was done by the chairman of the Committee on Appropriations.

Mr. OUTHWAITE. But the pith of the bill is all stricken out when we read "report upon the amount of damages claimed." Of course they are to report upon the amount of damage sustained, because the amount claimed could be ascertained without this commission at all.

Mr. HEPBURN. It seems to me that this commission can comply with the duties that are imposed on them by this bill as it now reads, when they return here a list of the claims that these gentlemen are asserting. That is all there is in it; and in my judgment we ought not to encumber the statutes with enactments of this kind.

The CHAIRMAN. The Chair will state that there is another committee amendment which has not been acted upon.

Mr. OUTHWAITE. What is that?

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

After the word "report," in line 5, insert the words "to the Secretary of War."

The amendment was agreed to.

Mr. OUTHWAITE. Now, I withdraw the motion that I made a few moments ago that the committee rise and report the bill favorably, because I think the phraseology of the bill had better be changed a little, since an amendment has been adopted in line 6. I ask to reconsider the vote by which the word "sustained" was stricken out of this line and the word "claimed" inserted.

Mr. SAYERS. I want to be heard on that.

The CHAIRMAN. Is there objection to reconsidering the vote?

Mr. WASHINGTON. I object.

Mr. OUTHWAITE. Then, how does the amended bill read?

The Clerk read as follows:

That the Secretary of War be, and he is hereby, authorized and directed to appoint a commission of three persons to examine and report to the Secretary of War upon the amount of damages claimed by the following citizens of Lauderdale, etc.

Mr. OUTHWAITE. I desire to amend the bill by inserting after the word "claimed," in the sixth line, the words "to have been sustained;" so that it will read: "damages claimed to have been sustained." [Laughter.]

Mr. MALLORY. That will not help it any.

The CHAIRMAN. In the absence of objection, this amendment will be agreed to. The Chair hears none.

So the amendment was agreed to.

Mr. OUTHWAITE. The gentleman on my left suggests that I insert the word "and" in place of "to have been;" so as to read: "claimed and sustained."

The CHAIRMAN. In the absence of objection, the amendment will be considered as agreed to. The Chair hears no objection.

Mr. HEPBURN. Wait a moment; there is objection.

Mr. MALLORY. Let it be read.

The CHAIRMAN. The Clerk will read the proposed amendment.

The Clerk read as follows:

Strike out from the amendment just adopted the words "to have been" and insert "and;" so that it will read: "damages claimed and sustained by the following citizens," etc.

Mr. HEPBURN. The gentleman could not insert the word "sustained," for it would be subject to the point of order.

The CHAIRMAN. That word has been inserted already by the committee, by consent.

Mr. HEPBURN. I think not, Mr. Chairman.

The CHAIRMAN. It has been already inserted, on motion of the gentleman from Ohio.

Mr. MALLORY. But the word "sustained" is not in there, Mr. Chairman. It was struck out by the amendment adopted.

Mr. OUTHWAITE. But it was put in by another amendment.

Mr. HEPBURN. I think not.

Mr. MALLORY. It was not voted upon.

Mr. OUTHWAITE. The Chair stated when the amendment was offered that without objection it would be considered as agreed to, and there was no objection. The Chair then stated that the amendment was adopted.

Mr. MALLORY. It was not put to the committee.

The CHAIRMAN. It was offered by the gentleman from Ohio, was stated by the Chair, and was adopted without objection.

Mr. OUTHWAITE. I ask that my motion be now put, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio moves that the committee rise and report the bill to the House as amended

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TRACEY reported that the Committee of the Whole House on the state of the Union, having had under consideration bill H. R. 5930, had directed him to report the same to the House favorably, with certain amendments.

Mr. OUTHWAITE. I demand the previous question on the amendments and the bill to its passage.

The previous question was ordered, under the operation of which the amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, the question being on its passage.

The question was taken; and on a division (demanded by Mr. MAHON) there were—ayes 43, noes 18.

Mr. MAHON. No quorum.

The SPEAKER. The point of no quorum being made, the Chair will appoint tellers.

Mr. MAHON and Mr. WHEELER of Alabama were appointed tellers.

The House divided; and the tellers reported—ayes 81, noes 15.

Mr. MAHON. No quorum.

The SPEAKER. The point of no quorum is made——

Mr. REED. The gentleman from Pennsylvania made the point when the tellers were ordered.

Mr. OUTHWAITE. I withdraw the bill.

The SPEAKER. The bill has been amended——

Mr. REED. The previous question having been ordered on a bill, can it be withdrawn?

The SPEAKER. The Chair thinks not, without unanimous consent.

Mr. OUTHWAITE. Then I think we will have to take the yeas and nays. I ask the yeas and nays.

The yeas and nays were ordered.

The SPEAKER appointed Mr. OUTHWAITE and Mr. MAHON as tellers at the desk.

The question was taken; and there were—yeas 51, nays 90, answered present 6, not voting 204; as follows:

YEAS—51.

Alderson,	Daniels,	Izlar,	Price,
Allen,	De Forest,	Kribbs,	Richards, Ohio
Arnold,	Ellis, Ky.	Latham,	Richardson, Tenn.
Barnes,	English, Cal.	Layton,	Ritchie,
Black, Ill.	English, N. J.	Mallory,	Robbins,
Bowers, Cal.	Erdman,	Morgan,	Ryan,
Brickner,	Gorman,	Neill,	Sickles,
Cadmus,	Griffin,	O'Neill, Mo.	Stockdale,
Caminetti,	Hall, Minn.	Outhwaite,	Tracey,
Capehart,	Hall, Mo.	Paschal,	Tucker,
Caruth,	Harris,	Pendleton, Tex.	Warner,
Coombs,	Hatch,	Pendleton, W. Va.	Wheeler, Ala.
Curtis, N. Y.	Ikirt,	Pigott,	

NAYS—90.

Aitken,	Cousins,	Lester,	Shell,
Alexander,	Cox,	Linton,	Sperry,
Avery,	Culberson,	Lynch,	Springer,
Baker, Kans.	Cummings,	Maddox,	Stone, C. W.
Barwig,	Curtis, Kans.	Maguire,	Strait,
Berry,	Davis,	Mahon,	Strong,
Black, Ga.	De Armond,	Marshall,	Talbert, S. C.
Bland,	Dockery,	Martin, Ind.	Tate,
Boen,	Grady,	McCulloch,	Taylor, Ind.
Branch,	Grosvenor,	McDearmon,	Taylor, Tenn.
Bretz,	Hager,	McEttrick,	Terry,
Broderick,	Harmer,	McNagny,	Turner, Ga.
Brookshire,	Heard,	McRae,	Turner, Va.
Brosius,	Henderson, N. C.	Ogden,	Van Voorhis, Ohio
Bundy,	Hepburn,	O'Neil, Mass.	Wanger,
Bynum,	Hulick,	Page,	Washington,
Cannon, Cal.	Hunter,	Pearson,	Waugh,
Catchings,	Jones,	Perkins,	Williams, Ill.
Clark, Mo.	Kem,	Post,	Williams, Miss.
Cockrell,	Kilgore,	Quigg,	Wilson, Ohio
Cooper, Ind.	Kyle,	Ray,	Woodard.
Cooper, Tex.	Lane,	Russell, Conn.	
Cooper, Wis.	Latimer,	Sayers,	

ANSWERED "PRESENT"—6.

Enloe,	Geissenhainer,	Kiefer,	Smith.
Epes,	Goldzier,		

NOT VOTING—204.

Abbott,	Dinsmore,	Hull,	Reed,
Adams, Ky.	Dolliver,	Hutcheson,	Reilly,
Adams, Pa.	Donovan,	Johnson, Ind.	Reyburn,
Aldrich,	Doolittle,	Johnson, N. Dak.	Richardson, Mich.
Apsley,	Draper,	Johnson, Ohio	Robertson, La.
Babcock,	Dunn,	Lacey,	Robinson, Pa.
Bailey,	Dunphy,	Lawson,	Rusk,
Baker, N. H.	Durborow,	Lefever,	Russell, Ga.
Baldwin,	Edmunds,	Livingston,	Schermerhorn,
Bankhead,	Ellis, Oregon	Lockwood,	Scranton,
Barthold,	Everett,	Loud,	Settle,
Bartlett,	Fielder,	Loudenslager,	Shaw,
Belden,	Fithian,	Lucas,	Sherman,
Bell, Colo.	Fletcher,	Magner,	Sibley,
Bell, Tex.	Forman,	Marsh,	Simpson,
Beltzhoover,	Funk,	Marvin, N. Y.	Sipe,
Bingham,	Funston,	McAleer,	Snodgrass,
Blair,	Fyan,	McCall,	Somers,
Boatner,	Gardner,	McCleary, Minn.	Sorg,
Boutelle,	Gear,	McCreary, Ky.	Stallings,
Bower, N. C.	Geary,	McDannold,	Stephenson,
Breckinridge, Ark.	Gillet, N. Y.	McDowell,	Stevens,
Breckinridge, Ky.	Gillett, Mass.	McGann,	Stone, W. A.
Brown,	Goodnight,	McKaig,	Stone, Ky.
Bryan,	Graham,	McKeighan,	Storer,
Bunn,	Gresham,	McLaurin,	Strans,
Burnes,	Grout,	McMillin,	Swanson,
Burrows,	Grow,	Meiklejohn,	Sweet,
Cabaniss,	Hainer,	Mercer,	Talbott, Md.
Campbell,	Haines,	Meredith,	Tarsney,
Cannon, Ill.	Hammond,	Meyer,	Tawney,
Causey,	Hare,	Milliken,	Thomas,
Chickering,	Harter,	Money,	Turpin,
Childs,	Hartman,	Montgomery,	Tyler,
Clancy,	Haugen,	Moon,	Updegraff,
Clarke, Ala.	Hayes,	Morse,	Van Voorhis, N. Y.
Cobb, Ala.	Heiner,	Moses,	Wadsworth,
Cobb, Mo.	Henderson, Ill.	Murray,	Walker,
Cockran,	Henderson, Iowa	Mutchler,	Weadock,
Coffeen,	Hendrix,	Newlands,	Wells,
Cogswell,	Hermann,	Northway,	Wever,
Conn,	Hicks,	Oates,	Wheeler, Ill.
Cooper, Fla.	Hines,	Patterson,	White,
Cornish,	Hitt,	Payne,	Whiting,
Covert,	Holman,	Paynter,	Wilson, Wash.
Crain,	Hooker, Miss.	Pence,	Wilson, W. Va.
Crawford,	Hooker, N. Y.	Phillips,	Wise,
Dalzell,	Hopkins, Ill.	Pickler,	Wolverton,
Davey,	Hopkins, Pa.	Powers,	Woomer,
Denson,	Houk,	Randall,	Wright, Mass.
Dingley,	Hudson,	Rayner,	Wright, Pa.

No quorum voting.

The Clerk announced the following pairs:

Until further notice:

Mr. OATES with Mr. SHERMAN.

Mr. HOOKER of Mississippi with Mr. CHICKERING.

Mr. STONE of Kentucky with Mr. GEAR.

Mr. MOSES with Mr. VAN VOORHIS, N. Y.

Mr. TURPIN with Mr. GROUT.

Mr. STALLINGS with Mr. SCRANTON.

Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.

Mr. ABBOTT with Mr. MOON.

Mr. CABANISS with Mr. LACEY.

Mr. DINSMORE with Mr. DRAPER.

Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.

Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.

Mr. SCHERMERHORN with Mr. BELDEN.

Mr. GOODNIGHT with Mr. ROBINSON of Pennsylvania.

Mr. COBB of Alabama with Mr. BABCOCK.

Mr. LAWSON with Mr. WHITE.

Mr. WHITING with Mr. GILLET of New York.

Mr. MONTGOMERY with Mr. TAWNEY.

Mr. ENLOE with Mr. BOUTELLE.

Mr. MCMILLIN with Mr. HOUK.

Mr. EDMUNDS with Mr. ALDRICH.

Mr. DENSON with Mr. RANDALL.

Mr. LIVINGSTON with Mr. STORER.

Mr. BURNES with Mr. ADAMS of Kentucky.

Mr. RUSSELL of Georgia with Mr. WADSWORTH.

Mr. PAYNTER with Mr. HAUGEN.

Mr. BANKHEAD with Mr. MILLIKEN.

Mr. CORNISH with Mr. HOOKER of New York.

For this day:

Mr. CRAIN with Mr. FUNK.

Mr. SIPE with Mr. SETTLE.

Mr. MCALEER with Mr. DINGLEY.

Mr. CAUSEY with Mr. REYBURN.

Mr. MUTCHLER with Mr. STEPHENSON.

Mr. EPES with Mr. MCCALL.

Mr. WILSON of West Virginia with Mr. MORSE.

Mr. TURNER of Georgia with Mr. WALKER.

On this vote:

Mr. TALBOTT of Maryland with Mr. LOUDENSLAGER.

LEAVE OF ABSENCE.

Pending the announcement of the vote, by unanimous consent, leave of absence was granted as follows:

To Mr. COBB of Missouri, indefinitely, on account of sickness.

To Mr. HOLMAN, for this day, on account of sickness in his family.

The result of the vote was then announced as above recorded.

Mr. OUTHWAITE. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 16 minutes p. m.) the House adjourned.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. DOOLITTLE: A bill (H. R. 7753) to exempt the articles of foreign exhibitors at the Interstate Fair at Tacoma, Wash., from the payment of duties—to the Committee on Ways and Means.

By Mr. WILSON of Washington (by request): A bill (H. R. 7754) providing for the purchase of the railway and telegraph lines of the United States by the Government thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. BRANCH: A bill (H. R. 7755) for the establishment of home or homes for the indigent colored people and colored orphans in the South—to the Committee on Education.

By Mr. PHILLIPS: A bill (H. R. 7756) authorizing the appointment of a nonpartisan commission to collect information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital—to the Committee on Labor.

By Mr. MALLORY: A resolution to set aside a day for the consideration of the bill (H. R. 6723) to promote the efficiency of the Revenue Cutter Service—to the Committee on Rules.

By Mr. PENCE: A resolution asking the Secretary of the Treasury for information as to issue and sale of proof dollars minted in 1894—to the Committee on Coinage, Weights, and Measures.

Also, a resolution instructing the Committee on the Judiciary to report to the House a bill definitely fixing the power of Federal courts in the matter of punishment of persons charged with contempt of said courts—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 7758) granting a pension to Henrietta Gottweis—to the Committee on Invalid Pensions.

By Mr. HAINER of Nebraska: A bill (H. R. 7758) granting an

increase of pension to Joseph Rouse, of Wilbur, Nebr.—to the Committee on Pensions.

By Mr. HEPBURN: A bill (H. R. 7759) granting a pension to Arlington W. Harrington—to the Committee on Pensions.

By Mr. MEREDITH: A bill (H. R. 7760) for the relief Nathaniel G. Sanford—to the Committee on War Claims.

Also, a bill (H. R. 7761) for the relief of Elizabeth R. Strother—to the Committee on Pensions.

By Mr. CUMMINGS: A bill (H. R. 7762) for the relief of John Carney—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DOCKERY: Petition from citizens of Harrison County, Mo., asking a pension for William J. Prater—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: Memorial from the Chamber of Commerce, of Astoria, Oregon, asking an appropriation to establish fish hatcheries on the Columbia River, in the State of Oregon—to the Committee on Merchant Marine and Fisheries.

By Mr. MORGAN: Petition of Newton Boughn, to accompany H. R. 7589—Committee on War Claims relieved, and referred to the Committee on Military Affairs—to the Committee on Military Affairs.

By Mr. PENCE: Petition of sundry citizens of Park County, Colo., asking the opening of South Platte forest reservation—to the Committee on the Public Lands.

Also, petition of the Silver State Council, No. 3, and of Washington Camp, No. 1, asking the passage of House bill 5246—to the Committee on the Judiciary.

Also, petition in the interest of the fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Women's Equal Suffrage Association, asking the passage of a bill to increase the pension of H. L. Dent—to the Committee on Invalid Pensions.

Also, petition of sundry citizens of Logan County, Colo., asking the passage of the bill to change the preamble of the Constitution—to the Committee on the Judiciary.

By Mr. RAY: Petition of citizens of the city of Binghamton, N. Y., against certain provisions of the income tax—to the Committee on Ways and Means.

By Mr. RUSSELL of Connecticut: Petition from citizens of Noank, Conn., against the application of the income tax to fraternal benevolent societies—to the Committee on Ways and Means.

By Mr. SORG: Petition of citizens of the Miami and Erie Canal Association, of Dayton, Ohio, relative to an appropriation to be added to the river and harbor bill—to the Committee on Rivers and Harbors.

By Mr. UPDEGRAFF: Petition of M. B. Doolittle and 200 other citizens of Howard County, Iowa, for a law subjecting express companies to the provisions of the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *July 19, 1894.*

Prayer by Rev. ISAAC W. CANTER, of the city of Washington.

On motion of Mr. MANDERSON, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the Senate of the 2d instant, information concerning the failure of due and prompt delivery of Senate mail; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting estimates for an appropriation of $28,560 for a new copper roof for the Pension Office building; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL. I ask that the printing of the communication be made special, so that we may get it back by to-morrow.

The PRESIDENT *pro tempore* also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the Senate of the 14th instant, a list of all judgments against the United States by circuit or district courts of the United States under section 11 of the act of March 3, 1887, providing for the bringing of suits against the Government of the United States which have not heretofore been reported to Congress; which was read.

Mr. COCKRELL. I ask that a special order may be made for the printing of that document speedily. Let the communication and accompanying papers be referred to the Committee on Appropriations. I want it printed as quickly as possible.

The PRESIDENT *pro tempore*. It will be so ordered, in the absence of objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed, each with an amendment, the following bills:

A bill (S. 1209) to regulate enlistments in the Army of the United States; and

A bill (S. 1930) to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 868) for the relief of Charles B. Stivers;

A bill (H. R. 2582) to authorize the appointment of James William Abert to the retired list of the Army;

A bill (H. R. 2637) for the relief of Eugene Wells, late captain Twelfth Infantry and second lieutenant First Artillery, United States Army;

A bill (H. R. 4452) adding the towns of Manchester and Vernon, in the State of Connecticut, to the customs district of Hartford, Conn., and making the city of Rockville, Conn., a port of delivery; and

A bill (H. R. 6060) to amend section 4853 of the Revised Statutes, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of 28 citizens of Findlay, Ohio, and a memorial of sundry citizens of the State of Ohio, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were ordered to lie on the table.

Mr. PERKINS presented a petition of Stockton Grange, Patrons of Husbandry, of Stockton, Cal., praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

Mr. CULLOM. I present three separate memorials, one signed by a large number of citizens of Fulton County, in the vicinity of Farmington; another from the town of Sheridan, and a third from Watseka, all extensively signed by citizens of Illinois, remonstrating against the violation of the American principle of separation of church and state, which is involved in making appropriations for or contracts with agents of sectarian institutions for Indian education, etc. As the bill to which this matter refers is now under consideration, I move that the memorials lie on the table.

The motion was agreed to.

Mr. CULLOM subsequently presented a memorial of sundry citizens of Savanna, Ill., remonstrating against the violation of the American principle of separation of church and state, which is involved in making appropriations for or contracts with agents of sectarian institutions for Indian education, etc.; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 5478) to authorize the Biloxi and Back Bay Ridge Company to construct and maintain a bridge over that portion of the bay of Biloxi, in the State of Mississippi, known as Back Bay, reported it without amendment.

Mr. HAWLEY, from the Committee on Pensions, to whom was referred the bill (H. R. 1686) granting a pension to Margaret English, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4322) granting the use of certain land to the town of Castine, Me., for a public park, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 636) granting the use of certain lands in Wallawalla County, State of Washington, to the city of Wallawalla for the purposes of a public park, reported it with an amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 1688) for the relief of Enoch Davis, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 528) for the relief of A. W. Wills, administrator, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2586) granting certain property to the city of Newport, Ky., reported it without amendment.

Mr. MANDERSON. I report from the Select Committee on Ford Theater Disaster an amendment intended to be proposed to the sundry civil appropriation bill, and I call the attention of the chairman of the Committee on Appropriations to the fact that this is to reach another case of those who were killed at the Ford's Theater disaster, the proof having just been made. We propose to add his name to the list of those who have been provided for in the amendment heretofore reported. I move that the amendment be printed and referred to the Committee on Appropriations.

The motion was agreed to.

Mr. WASHBURN, from the Committee on Commerce, to whom was referred the bill (S. 2151) to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota, approved April 24, 1894, reported it with amendments.

PACIFIC RAILWAY INVESTIGATION.

Mr. JONES of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution proposing an investigation by the Committee on Pacific Railroads, to report it without amendment, and to ask for its present consideration.

The SECRETARY read the resolution (reported by Mr. BRICE on the 13th instant from the Committee on Pacific Railroads), as follows:

Resolved, That the Committee on Pacific Railroads be, and they are hereby, authorized and directed, during any recess of Congress preceding the regular meeting thereof in December next, to make a personal examination of the roads and other properties of the bond-aided Pacific railway companies and their branches and the country through which they pass, or which is immediately contributory to their income, with a view to ascertaining their present status and their ability to pay their indebtedness to the United States, and how that indebtedness can be adjusted and paid. In pursuing their investigation said committee are hereby further authorized, by subcommittee or otherwise, to sit during the recess or sessions of the Senate, at such times and places as they may deem advisable; and they shall have power to send for persons and papers, to administer the necessary oaths, and to employ a stenographer and such clerical and expert assistance as they may deem necessary. Said committee shall have authority to cause its proceedings and testimony taken to be printed from time to time as they may see fit; and such expense as may result from said investigation shall be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of said committee and by the Committee to Audit and Control the Contingent Expenses of the Senate. Any subcommittee appointed by the committee shall have all the powers of the full committee.

Mr. CULLOM. Where does the resolution come from?

Mr. BLACKBURN. From the Committee on Pacific Railroads.

Mr. FAULKNER. And indorsed by the Committee on Contingent Expenses.

Mr. CULLOM. I thought we had passed one or two such resolutions.

Mr. COCKRELL. It was referred to that committee—on Contingent Expenses.

Mr. FAULKNER. After having been reported from the Committee on Railroads.

Mr. CULLOM. It seems to me we are laying out a pretty big field for expenditure here.

Mr. COCKRELL. Let the resolution be printed.

The PRESIDENT *pro tempore*. The resolution will be printed and lie on the table.

TARIFF STATEMENT.

Mr. VOORHEES. I am instructed by the Committee on Finance to report a comparison of the tariff act of 1890 and the bill H. R. 4864, as it passed the Senate, with the rates of said bill as it passed the House of Representatives, and of the Mills bill in 1888; which I ask may be received and be printed.

The PRESIDENT *pro tempore*. The report will be received and ordered to be printed, if there be no objection.

BILLS INTRODUCED.

Mr. CALL introduced a bill (S. 2237) requiring a patent to be issued to Edmond A. Lorbeer of certain land in Florida; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2238) for the relief of Edward M. Agee; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WASHBURN introduced a bill (S. 2239) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KYLE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GIBSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

SPECIAL AGENTS OF TREASURY DEPARTMENT.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate the names of all persons acting in the capacity of special agents of the Treasury Department, designating the nature of the employment and the compensation of each such special agent.

BUREAU OF INFORMATION FOR IMMIGRANTS.

Mr. ALLEN submitted the following resolution; which was referred to the Committee on Immigration:

Resolved, That the Secretary of State be, and he is hereby, directed to inform the Senate if a station or bureau has been established on Ellis Island, in New York Harbor, or elsewhere on territory belonging to the United States or islands adjacent thereto, by the Italian, or any other Foreign Government, for the purpose of furnishing information to intended immigrants to this country on the subject of employment in the United States, if so, by what authority, and if the Government of the United States is bearing the expenses thereof, in whole or in part; also, that he be, and is hereby, directed to furnish the Senate copies of all letters, communications, and documents bearing thereon in any manner.

FISH HATCHERY IN FAIRMOUNT PARK.

Mr. QUAY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioner of Fish and Fisheries be, and is hereby, directed to report to the Senate the desirability of establishing a fish hatchery in the Zoological Gardens, Fairmount Park, Philadelphia, Penn.

PROPOSED INCOME TAX.

Mr. HILL. Some time since I requested Mr. Worthington C. Ford, Chief of the Bureau of Statistics, Treasury Department, to make an estimate in regard to the anticipated revenue that might be derived from the proposed income tax. He has completed that estimate, and his statement contains much valuable information. It has been only partially published. I now present it, and move that it be printed as a document.

Mr. COCKRELL. It is complete now?

Mr. HILL. Yes, sir.

Mr. MANDERSON. We had better have it printed in the RECORD, unless it will take too much space.

Mr. COCKRELL. Let it be printed as a document. That is better.

Mr. MANDERSON. All right.

The PRESIDING OFFICER (Mr. PASCO in the chair). The statement will be printed as a document, in the absence of objection. It is so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 16th instant approved and signed the following acts:

An act (S. 73) for the relief of William J. Cornell and Joseph M. Cornell.

An act (S. 1694) granting to the St. Paul, Minneapolis and Manitabo Railway Company the right of way through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian Reservations, in the State of Minnesota.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. BLACKBURN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6108) "making appropriation for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1895, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their rspective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 7, 9, 14, 17, 19, 20, 21, 22, 23, 24, 25, 26, 32, 38, 39, 40, 41, 42, 48, and 52.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 8, 11, 12, 13, 16, 28, 29, 30, 31, 33, 34, 35, 36, 37, 43, 44, 45, 46, 47, 50, 51, 53, 54, 55, 57, 58, 59, 60, 61, 62, 63, 64, 65, and 67, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$365,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$54,275;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$394,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Belize (British Honduras);" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment, and in lines 16 and 17, page 20 of the bill, strike out the words "eight hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$94,750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"Commercial Bureau of American Republics, $10,000: *Provided*, That any moneys received from sale of the Bureau publications, from rents or other sources, may be paid into the Treasury as a credit in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the Bureau."

And the Senate agree to the same.

JO. C. S. BLACKBURN,
CALVIN S. BRICE,
EUGENE HALE,
Managers on the part of the Senate.
JAMES B. McCREARY,
ROBERT R. HITT,
Managers on the part of the House.

The report was concurred in.

JOHN M. RICE.

Mr. BLACKBURN. I ask unanimous consent for the consideration at this time of the bill (H. R. 3978) for the relief of John M. Rice. I am sure it will not occasion a moment's debate, and there can be no difference of opinion about it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SHERMAN. Let the bill be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,800 to John M. Rice, to be in full of expenses incurred by him as contestee in the Forty-first Congress.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BLACKBURN. I will say, Mr. President, that this bill has passed the House of Representatives unanimously and has been unanimously reported by the Committee on Claims of the Senate. It simply allows $1,800 for expenses incurred in this contest. The party in whose interest the bill is to be passed had a contest for his seat in the House of Representatives, and it was decided in his favor. The contestant was paid $2,000 for his expenses, and the contestee has never been paid anything. The committee of the Senate has agreed to the bill as passed by the House of Representatives, allowing the contestant $1,800 for his expenses.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severely read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 868) for the relief of Charles B. Stivers;

A bill (H. R. 2582) to authorize the appointment of James William Abert to the retired list of the Army;

A bill (H. R. 2637) for the relief of Eugene Wells, late captain Twelfth Infantry and second lieutenant First Artillery, United States Army; and

A bill (H. R. 6060) to amend section 4833 of the Revised Statutes, and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 4452) adding the towns of Manchester and Vernon, in the State of Connecticut, to the customs district of Hartford, Conn., and making the city of Rockville, Conn., a port of delivery, was read twice by its title, and referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6748) making appropriations for the naval service for the fiscal year ending June 30, 1895, and for other purposes.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (S. 104) for the relief of Gen. Napoleon J. T. Dana;

A bill S. 307) granting a pension to Earnest C. Emerson;

A bill S. 322) to place Dunbar R. Ransom on the retired list of the Army;

A bill (S. 920) to pension Mary Brown, of Berlin, Vt.;

A bill (S. 1390) providing an additional circuit judge in the eighth judicial circuit;

A bill (S. 1513) for the relief of Maj. Gen. George S. Greene;

A bill (S. 2208) authorizing the construction of a bridge over the Monongahela River at the foot of Main street in the borough of Bellevernon, in the State of Pennsylvania;

A bill (H. R. 69) prescribing limitations of time for completion of title to certain lands disposed of under the act of Congress approved September 27, 1850, and the acts amendatory and supplemental thereto and commonly known as the "Donation act," and for the protection of purchasers and occupants on said lands;

A bill (H. R. 3458) extending the time for final proof and payment on lands claimed under the public land laws of the United States;

A bill (H. R. 4208) for the relief of the securities of John S. Bradford;

A bill (H. R. 4734) to authorize the Secretary of State to accept for the United States of America a painting by G. T. Watts, royal academician, entitled "Love and Life;"

A bill (H. R. 5525) authorizing John E. Johnson and others to accept medals of honor and diplomas from the Government of Spain;

A bill (H. R. 6424) to authorize Rear-Admiral John G. Walker and Surg. Gen. J. Rufus Tryon, of the United States Navy, to accept the decorations of the "Busto del Libertador," of the third class, from the President of Venezuela;

A bill (H. R. 7475) authorizing Commander C. H. Davis, United States Navy, to accept a decoration from the King of Spain;

A bill (H. R. 7498) to authorize the construction of a bridge across the Mississippi River, from a point within the limits of the city of Dubuque, in the State of Iowa, known as Eagle Point, to the opposite bank of said river, in the county of Grant and State of Wisconsin; and

A joint resolution (H. Res. 126) authorizing the President to appoint delegates to attend the meetings of the International Geodetic Association.

ALBERT E. REDSTONE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and ordered to lie on the table:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 18th instant (the House of Representatives concurring), I return herewith the bill S. 1105, entitled "An act for the relief of Albert E. Redstone."

GROVER CLEVELAND

EXECUTIVE MANSION, *July 19, 1894.*

INDIAN APPROPRIATION BILL.

Mr. MITCHELL of Oregon. I ask unanimous consent of the Senate for the present consideration of the bill (S. 1191) making an appropriation for the completion of the light-house at Cape Arago, in the State of Oregon. It is a local measure, which I think will occasion no debate.

Mr. COCKRELL. I must insist that we take up the Indian appropriation bill, and finish it. It is the only appropriation bill we have before us, and there will be no appropriation bill ready for the action of the Senate for two or three days, so that we shall have that time for the consideration of bills on the Calendar.

The PRESIDENT *pro tempore*. Does the Senator from Missouri object to the request of the Senator from Oregon?

Mr. COCKRELL. I hope the Senator will withdraw his request until we can get the appropriation bill passed. I do not want to object to it.

Mr. MITCHELL of Oregon. I withdraw the request.

Mr. CALL. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1895, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on agreeing to the amendment proposed by the Senator from Washington [Mr. SQUIRE].

Mr. SQUIRE. Mr. President, I trust that those of the Senate who were not present during the concluding hours of the session yesterday will have an opportunity to understand what the question is, and I ask that the amendment be again reported.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. After the word "dollars," line 25, on page 49, it is proposed to insert:

That all lands heretofore constituting a part of the Puyallup Indian Reservation situated near the city of Tacoma, in the counties of Pierce and King, State of Washington, now held in severalty by the Puyallup Indians, patents to which have heretofore been issued by the United States to said Indians, said patents containing certain restrictions upon the sale and conveyance of said lands, are hereby declared to be the property and the estate of each of said allottees or their heirs in fee simple, free and clear of each and every restriction as to the sale, conveyance, or other disposition of the same heretofore imposed by the Government of the United States: *Provided, however*, That no sale of said lands shall be valid until the parties shall appear before the United States district judge in the district in which said lands are situated, and thereupon submit to him all the terms and conditions of such proposed sale for his approval, and if approved by such judge, he shall indorse his approval on the contract or other instrument evidencing such sale; thereupon such sale may be executed and completed in accordance with the terms and conditions so approved by said judge: *Provided further*, That the purchase price agreed upon, and as before mentioned, approved by said judge, shall be secured and paid as follows, namely, one-third of the purchase price shall be paid at the date of the final execution of said sale to said allottee, and the other two-thirds shall be secured by eight promissory notes of equal amount, each bearing interest at the rate of 4 per cent per annum, and payable, respectively, in one, two, three, four, five, six, seven, and eight years from the date thereof. Said promissory notes and each of them shall be secured by a first mortgage and lien upon the land sold, and neither said notes nor said mortgage shall be assignable or transferable to any person whomsoever, but shall remain the sole property of said allottee and his heirs until the indebtedness of said purchaser is fully discharged in accordance with all of the terms and conditions herein.

Mr. SQUIRE. Mr. President, I do not desire to tax the patience of the Senate at any length this morning, but I wish to call attention briefly to one point, which was not referred to in my remarks yesterday, and that is the language of the proposed amendment in reference to the times of payment. The impression conveyed by some of those who spoke yesterday might not have been quite in accordance with the terms of the amendment. Let me state them as found in the amendment itself:

One-third of the purchase price shall be paid at the date of the final execution of said sale to said allottee, and the other two-thirds shall be secured by eight promissory notes of equal amount, each bearing interest at the rate of 4 per cent per annum, and payable, respectively, in one, two, three, four, five, six, seven, and eight years from the date thereof. Said promissory notes and each of them shall be secured by a first mortgage and lien upon the lands sold, and neither said notes nor said mortgage shall be assignable or transferable to any person whomsoever, but shall remain the sole property of said allottee and his heirs until the indebtness of said purchaser is fully discharged.

That provision in the amendment is in accordance with the suggestion and recommendation made by the Drake commission, which made a thorough examination of the Puyallup Indian Reservation and all the circumstances and conditions connected therewith. I beg to read a sentence from their report on page 24, as follows:

Our judgment is, that it would be promotive of their welfare (referring to the Indians) if Congress would, as a condition of the removal of the restriction in any case of a sale, require that the purchase money payable to an allottee should be deposited somewhere at interest, and be paid to him in annual installments, with interest, through such series of years as Congress should prescribe—we would suggest at least ten.

Two or three of those years have passed away since then, leaving about eight years now remaining, and certainly under the provision proposed there is no chance for the Indians to be defrauded, nor that they shall be left impoverished after a short time, as has been erroneously suggested, because they can not get the last of this money until after eight years. They can get only one-third of it when the sale is made, and one-eighth of the remainder thereafter for each of the eight years. They can not dispose of those promissory notes secured by mortgage. These Indians are absolutely protected in that way. After the eight years have expired, under the present law the Indians can alienate their property without any restriction whatever.

Is it not the best plan to permit them, under the supervision of the United States district judge, who is well acquainted with those Indians and with the reservation, who knows the whole history of it, a man who is *persona grata* to them, a man whom they admire, whom they choose, whom they desire—is it not best that this judge shall have the supervision, and that the other restrictions shall be made in the manner provided in the amendment? Would not the Indians in this way be amply protected, and is not that all that we want?

All we desire to accomplish by means of suitable restrictions is that these Indians shall be carefully guarded from wrong, from deceit, from fraud, from injustice, and this Drake commission over and over again in their report has testified to the character of those Indians, their intelligence, their cultivation, their schooling, their ability to read and write and to converse. All those things are stated over and over again in the report and collateral documents. I could read them for the edification of the Senate if it were necessary, but I think it is not necessary——

Mr. COCKRELL. Will the Senator let me read one sentence?

Mr. SQUIRE. I know the Senator might select some sentence, and in one place it is stated that these Indians are inclined to spend their money freely, which is probably true; but that is not truer of them than it is of many whites in that section of the country, and in other sections for the country. It is also stated in the report that these Indians know how to make good bargains.

If you do not give responsibility to people, you do not educate them in the line of their care for property. Intrust them with responsibility, intrust them with property, and they will learn to take care of it. That is true of Indians as it is of white men.

Mr. President, there are only two or three points of view to be noted carefully. The first, and the main one, is the suitable protection of the Indian afforded, as I have stated, by the terms of this amendment. First, the supervision of the United States district judge; secondly, the provision relating to their inability to alienate their land until after the lapse of eight years: that is to say, they can part with the title to the land, but they can part with the consideration therefor only gradually, and not entirely, until the entire eight years shall have passed; and, thirdly, the question what ought to be done relative to the interests fo the city of Takoma and the counties of Pierce and King, in the State of Washington.

The bulk of the property is unproductive; it is paying no taxes. Therefore the present situation is seriously detrimental to the people of those counties. The valley of the Puyallup is the most productive land in the county. Perhaps there is no more productive land anywhere when it is cleared and cultivated.

Mr. HUNTON. Will the Senator allow me to interrupt him a moment?

Mr. SQUIRE. Yes, sir.

Mr. HUNTON. I understand from what I have heard of this debate, that the Government wants these lands sold, that the Indians want them sold, that the people there, especially in the city of Tacoma, want these lands sold, that a plan was devised by the committee a year ago to sell these lands, and that that plan has been a failure. If that be true, I am for adopting some other plan, and shall vote for the amendment of the Senator from Washington.

Mr. SQUIRE. I thank the Senator from Virginia for his good, hard sense and the decision to which he has come. I hope that the Senate generally will understand the matter in the same light as does the Senator from Virginia.

It is a fact—and I was coming to that—that the commission now there on the ground, going there in accordance with the terms of the act of Congress from three different States of the Union, far distant, far remote, thousands of miles away, going there entire strangers, undertake to know all about these Indians, to pick out the lands they shall sell, and say "You shall sell that, or you shall keep it," etc.

The law was passed, and it was the best we could do at that time. There is no reason for its continuance if it has not met our full expectations in the operations attempted under its provisions. Since the commissioners have gone there, as I understand, there has been absolutely no sale made and nothing done with respect to the allotted lands, except perhaps some surveys.

The Senator from Missouri [Mr. COCKRELL] yesterday said something indicating that he thinks the commission attended to the granting of patents of the lands to those Indians. I do not understand that they have anything of that kind to do. That business has all been disposed of, unless some adjustments as to the descent of the property of deceased Indians has required attention.

The patents were allotted in 1886. They were definite in number; there were 166 patentees at that time; and when the report of the Drake commission was made in 1891, 42 of those patentees had died, and probably to-day there are not 100 adult Indians remaining of those original patentees. True, there are altogether something like 600 men, women, and children constituting the entire population of that tribe of Indians.

The fact exists that this commission is not agreeable to those Indians. They state in their letters and dispatches, and they ask their representatives to protect their interests. They say, "We know the lands we want to sell, and we are able to make fair terms about them. If there is anybody going to supervise sales, let us take Judge Hanford, who is a man we respect and a judge whom we know all about; he will be fair."

If this commission had gone on and accomplished something in the way of sales of the allotted lands, if it were satisfactory to the Indians, I should not say a word. In that case, there would have been no effort to bring this question before the Senate of the United State at this session, but for the fact that progress is stopped because of the lack of coöperation and satisfaction on the part of the Indians in respect to this commission. That is the truth about it.

The commission has gone on, and, as I understand, has made some progress; but, as I am informed, that progress has been limited to its investigation, and, perhaps, to the arrangements that have been made by the commission in respect to the lands

not allotted. The land not allotted is a very valuable tract of land, worth $585,000, which is reserved for agency, school, and cemetery purposes. The cemetery proper contains only 15 acres, being only a small portion of the large and beautiful agency tract of 585 acres, which was once appraised, as was stated here yesterday, at $1,000 an acre. The average value of the remainder of the land was appraised at a time when land of that character was held very high, on account of its suburban character, at $273.50 an acre.

Now, aside from the mere question of not having gone through the *modus operandi* of having the bill referred to the Committee on Indian Affairs and having had their favorable report, there is nothing in the way. It is a mere question of technicality. It seems to me we all have sense broad enough to do the right thing. Why, after all, should Congress insist upon such a course as is detrimental not only to the Indians but to the white people of that country?

If the Indians will not sell their land to the commission, if they will not coöperate with the commission, why not make an arrangement whereby they will coöperate and under which they will go on and make the sale of the land and thus secure it for somebody who will cultivate it? The Indians can not even lease it now. It costs from $75 to $150 an acre, according to the report of the commission, to clear the land for agricultural purposes, and the Indians have not the means to do it.

When we send an ambassador to a foreign court we try to send a person who is pleasing to that court, in the technical language. Now, when we are talking about the Indians and are treating with them, why should we not send someone pleasing to them? If you are going to have anyone supervise their affairs, why not have some competent authority, who is pleasing to them, instead of a commission which is displeasing and with which and under which they will not act to carry out the purposes of the law?

The people of the city of Tacoma and the people of the county of Pierce wish that the land shall bear its share of taxation. There is no land in the vicinity of Tacoma equal to it for agricultural purposes except as you go further on in the valley. If you go in the other direction you have hill land, whereas this is very rich valley land, suitable for the cultivation of fruits and hops and all kinds of vegetables and market supplies and for truck farming. It seems to me that it is time that this millstone about the neck of that people and that city should be removed. Of course, we wish to act in a manner satisfactory to the Indians.

It seems to me that any objection which may be made here to-day can be only a technical objection, a mere question as to whether the Congress of the United States is going to maintain for an indefinite length of time this commission composed of three citizens from three different States, whom the people of the United States are paying to stay there, and whom the Indians do not want. Is it for the purpose of keeping men in office? Is that what you want to do? Is that why you decline to act upon this matter? Is it because the Bureau of Indian Affairs or the Department of the Interior have condemned the proposition?

I think not. I do not think they have condemned it at all. I think the Interior Department and the Bureau of Indian Affairs prefer to keep the control, perhaps. That is natural. What bureau officer did you ever hear of who voluntarily declined to maintain an existing state of things when his power of appointment would be interfered with by a change of the law? I have no doubt that the Department is interested in it. I have no fault to find with the Commissioner of Indian Affairs. I merely say that the people of the State and the Indians are primarily interested. What would a Senator from one of the States of the East think of me, for example, if he had an Indian reservation in his State of the importance of this one and a similar state of affairs, and I, on the ground of public policy or through some sentimental notion, should object, should say, "No, you do not know what you want; your people do not know what they want?"

I should defer to that Senator if he had an Indian reservation in his State under such circumstances. I should say "Probably you know what your people require; you know what is right about it; you ought to know. You have studied the affairs of your State, and the interests of all your people. At least the presumption is strong that way."

There is only one voice from the people there so far as I have heard from them. All the communications I have received have been in the line of seeking the accomplishment of this needful legislation. I hope that the chairman of the Committee on Appropriations will not object to the amendment. I know his heart is not against us. I believe from the remarks he has made in my hearing that, while perhaps I ought not to say he is in full sympathy with this movement, he sees the justice of our position. The objection is based on a question of technicality.

Now that he has administered the castigation which he did yesterday, and has vindicated the dignity of the committee so far as relates to their action in failing to indorse a matter which has not gone through the mill of the Indian Bureau and the Indian Department, and has cleared the skirts of the committee, it seems to me he can acquiesce in what seems to be the general desire on the part of Senators, irrespective of party, to allow the amendment. I know that as a general rule of courtesy the members of the committee stand by the action of the committee, and we have an uphill road as relates not only to the Committee on Appropriations, but perhaps also as to the Committee on Indian Affairs.

Senators have heard what has been said by the Senator from Virginia [Mr. HUNTON], and I have heard statements made to me by several others. I am sure the good sense of the Senate is in favor of the adoption of the amendment, if its members free themselves from unnecessary technicalities. The object to be accomplished is the substantial good of the people of the State of Washington, including the Indians of the Puyallup Reservation.

Mr. MITCHELL of Oregon. Mr. President, I simply desire to say a few words in favor of the pending amendment. I am quite sure an impression has gotten abroad in the Senate that the purpose of the amendment is to enable a lot of speculators to get some advantage of the Indians, and perhaps the impression still further obtains that if this amendment should be adopted it would have the effect of enabling men who are disposed to take advantage of the Indians to take advantage of these Indians. I am quite sure that if those impressions can be dissipated every member of the Senate, including the distinguished chairman of the Committee on Appropriations, will see the justice and propriety of the proposed legislation.

For one I do not believe there is any purpose on the part of the promoters of the amendment to get any advantage of these Indians. In the second place, if any such purpose exists in the mind of any person favoring the amendment, then it occurs to me that the proposed legislation on its face shows conclusively that no person would be able under it to get any undue advantage of these Indians, or any of them.

Mr. President, these are not a roaming band of Indians, or Indians of the plains. They are civilized Indians. We treated with these Indians forty years ago exactly. In 1854 the Government of the United States made a treaty with them, and the treaty on its face shows that the Government then supposed they were dealing not with wild savages, but with men who are civilized. They have been brought in contact with the whites for over seventy-five years. They and their ancestors first came in contact with the Northwestern Trading Company and subsequently with the people of the Hudson Bay Company. So, when in 1854 the United States came to treat with them, there were provisions put in the treaty, as Senators will find by looking at it, similar to provisions which we put in treaties with civilized nations. For instance, one clause in the treaty provided that these Indians should not go farther north than 101 miles across the waters of Puget Sound and the Straits of Fuca, for the purpose of trading with the Hudson Bay Company and other white traders in the British possessions. They were thus restricted by the provisions of the treaty. They had been in the habit of carrying on an immense trade there just as the whites subsequently carried on trade with the Hudson Bay Company and with the people of the great Northwest and the British territory.

Therefore I say provisions were put in the treaty not ordinarily put in treaties with Indians, because the Government felt and knew that they were dealing with civilized men. Under that treaty the Indians were to be paid a certain amount of money, $34,000, I think, in installments. The last installment fell due and was paid in 1875, and from that day to this the Government of the United States has never paid a dollar for the subsistence of these Indians. The Government has appropriated for their schools.

It is a notable fact in connection with this matter that these people have had schools on their reservation continuously for over thirty-odd years. When the children of the white settlers, the pioneers in that country, could not get three months' schooling, the children of the Indians had schooling ten months out of the year every year. That has been the case for over thirty-four years. Consequently they have grown up an intelligent, civilized people. As long ago as 1871 the agent in charge of the agency reported to the Department here that the Indians had acquired the habits of the whites, that they had the customs of the whites, and wore the costumes of civilized people, and even as long as thirty-one years ago they conducted schools there.

In 1875 the agent in charge reported that about three-fourths of the marriageable people belonging to that tribe were married according to the laws and the usages of the country, and there was

a record made of their marriages. In all respects they had then conformed to civilized customs and civilized usages, and were virtually a civilized, intelligent, bright people. In 1885 the agent in charge made a report that these Indians were, in his judgment, better educated and infinitely better qualified to assume the duties of citizenship than one-half of the foreigners who came to this country and become citizens. That is the character of his report.

This, then, is the kind of Indians we are talking about. Now, is it likely, is it at all probable, that Indians who have had all these advantages, who have been in contact with the whites from their infancy, as these Indians have, and who have assumed all the habits of the whites, wearing the dress and conforming to the laws and usages of the whites, are going to be taken advantage of by a set of white men in any trade they may make with them? But I will come to that again. When the treaty of 1854 was made it was simply applying the provision of the treaty then existing with the Omahas, in which there was a provision that there should be a restriction in the deeds issued to the Indians to the effect that they should not sell their land for a certain length of time.

But there was this other provision, that the State at any time might, with the consent of Congress, remove the restriction. Why was that put in the treaty? It was done for some purpose, and the purpose evidently was to cover an exceptional case which might arise; just such a case as this is. It had some purpose. It was put in there for some purpose. It was evidently thought that a case might arise where the State in its good judgment, by presenting the matter to Congress, and getting the consent of Congress, would think the proper thing to do was to remove the restriction. Now, I undertake to say that this is such a case as was contemplated by the framers of the treaty when they inserted the provision, to the effect that the State might, with the consent of Congress, remove the restriction.

Here is a great city of between forty and fifty thousand inhabitants. This agency includes land which within the next twenty years will undoubtedly be covered by a portion of that city. It comes up to the very boundary of the city. According to one report it is within 1¼ miles of the city now, but I understand certain portions of the reservation come right up to the boundary or about that of the city. It is right there in sight. Those who are familiar with that country know the location of the reservation.

The State of Washington, I understand, by unanimous vote of the Legislature, on the 22d day of March, 1890, passed this act:

> Whereas all the conditions now exist which said treaties contain and which make it desirable and proper to remove the restrictions in respect to the alienation and disposition of said lands by the Indians, who now hold them in severalty: Now, therefore,
>
> *Be it enacted, etc.,*
>
> All deeds, conveyances, incumbrances, or transfers of any nature and kind executed by any Indian, or in any manner disposing of any land or interest therein shall be by deed executed in the same manner as prescribed for the execution of deeds conveying real estate, or any interest therein, except that the same shall in all cases be acknowledged before a judge of a court of record. In taking said acknowledgment, the said judge shall explain to the grantor the contents of said deed or instrument, and the effect of the signing or execution thereof, and so certify the same in the acknowledgment, and before the same shall be admitted to record shall duly examine and approve the said deed or other instrument.
>
> That this act shall take effect and be in force from and after the consent to such removal of the restrictions shall have been given by the Congress of the United States.

There is the voice of the State removing these restrictions so far as it was in the power of the State to do it and calling upon Congress to give its consent. Here is the Senator from that State, who was governor of the Territory while it was in a territorial condition, and is perfectly familiar with all the conditions. He is here earnestly advocating and maintaining this proposed legislation.

Now, what is the objection to it? I presume it will be said that it would enable somebody to get some advantage of these Indians. I insist not. This proposed legislation is to the effect that no Indian upon that reservation shall be permitted to sell a foot of his land until the provisions of the contracts of sale, the terms, the amounts, everything connected with them, are submitted to the United States district judge of that State for his examination and approval.

Is there a Senator on this floor who believes that a man occupying a position like that will permit any advantage to be taken of these Indians by any speculative man, by any person desiring to obtain some undue advantage of the Indians? Certainly not. Then what is the objection to the amendment? In view of the fact that these lands lie right in the shadow of the great and growing city of Tacoma, is it not advisable that there should be some provision by which the Indians may be permitted to sell their lands?

Mr. HILL. The question has been raised as to the power to impose that duty upon the district judge. I should like to hear what the Senator has to say upon that point.

Mr. MITCHELL of Oregon. I have no doubt from the universality of the feeling on the subject that the district judge of Washington is perfectly willing to assume this obligation. He might not regard it as a duty that Congress had the absolute right to impose, but there can be no doubt that he would assume the duties. He has already indicated, I understand, that he is perfectly willing to assume the duties.

Mr. HILL. Can Congress impose any other than strictly judicial duties upon such an officer?

Mr. MITCHELL of Oregon. I have already answered that question by indicating perhaps not; but other than judicial functions have frequently been conferred by Congress on the judiciary.

Mr. HILL. I only desire to hear the Senator's suggestion on that point.

Mr. MITCHELL of Oregon. There may be some question about that so far as that is concerned; but, as I have said, I understand the judge is perfectly willing to perform the duty required. It is a matter that will not take any great deal of time.

Mr. DOLPH. If my colleague will allow me, I will state that it has often been done.

Mr. MITCHELL of Oregon. It has been frequently done.

Mr. DOLPH. For instance, in the appointment of inspectors of hulls and boilers a district judge of the United States acts in connection with the collector of the district and the supervising inspector.

Mr. MITCHELL of Oregon. I do not understand that there is a single solitary objection from any citizen of that great State to this proposed legislation. The only objection, if there is objection at all, is perhaps some suggestion from the Department.

I submit that the judge of the United States district court living in the State of Washington, performing his official functions in that State, perfectly and thoroughly familiar with these Indians, with their rights, with the value of the land and everything acquainted with it, without casting any reflection at all upon the Commissioner of Indian Affairs or the Secretary of the Interior, is infinitely better qualified to judge as to what is the proper thing to do in reference to these matters than either the Commissioner of Indian Affairs or the Secretary of the Interior, as far as that is concerned. There is a disposition, I suppose, on the part of the Department to hold on to everything connected with these Indian matters, especially the few offices connected with them, some commissioners to send out, etc., making some pap for somebody. That can all be dispensed with.

The legislation of the last Congress is a failure. It is a dead letter on the statute book. I understand that the Indians will never consent to the provisions of that law, and their consent is expressly required, as I found, after the remark I made yesterday, by an examination of the statutes providing for a limited sale of the lands.

Mr. PLATT. Mr. President——

The PRESIDING OFFICER (Mr. PASCO in the chair). Does the Senator from Oregon yield to the Senator from Connecticut?

Mr. MITCHELL of Oregon. Certainly.

Mr. PLATT. I asked the question yesterday why the Indians would not consent. I did not get any very definite answer to the question. If the Senator from Oregon can inform me why it is that the Indians will not consent to sell their lands under the supervision of the commission that has gone out there I wish he would do so.

Mr. MITCHELL of Oregon. There may be several reasons. In the first place, I understand under that statute the money is to be brought to Washington and deposited; that it is taken away from that part of the country. And there may be other considerations.

Another reason why the amendment should be adopted is because these valuable lands are there in that new State and not a foot of them is taxable to-day. The State receives not a dollar of revenue from these lands. They are not taxable as long as they remain tied up in the hands of the Indians.

Mr. President, I do not wish to take time, but I say, in view of all the facts, in view of the character of these Indians as to intelligence, and as to being able to take care of themselves, in view of the fact that these lands lie immediately adjacent to a growing city, in view of the fact that they are valuable lands and are not taxable at this time, in view of the action of the Legislature of the State, which is unanimous in favor of this proposed legislation, and in view of the earnest appeal of the Senator from that State, who understands thoroughly the whole situation, it seems to me that the amendment ought to be adopted. I am quite sure for one that if the distinguished chairman of the Committee on Appropriations could be fully satisfied that no advantage can be taken of these Indians, or would be taken of them under this proposed legislation, he would have no objection to the amendment; at least, I do not think he would, because I believe that is what is operating in his mind. He wants

to do what is right, and he wants to protect the Indians. If I thought any advantage was to be taken of the Indians, or any of them, I would not support the amendment for one moment. I hope the amendment will be adopted.

Mr. MANDERSON. Mr. President, I will vote for the pending amendment for reasons which I shall attempt to give in brief fashion.

Some years ago in pursuance of an order of the Senate certain members of the Committee on Indian Affairs visited the Puyallup Reservation. They did so at the request of the Indians themselves. The members of the Committee on Indian Affairs at that time who were in the town of Tacoma were its very efficient and much beloved chairman of that day, Senator Dawes of Massachusetts, Senator Stockbridge of Michigan who has lately left us, Senator JONES of Arkansas, and myself.

The first communication we had with those men was in a room in the town of Tacoma to which we were invited. I remember how strongly we were all impressed with the fact that we were meeting men well able to care for themselves. They were dressed in the usual garb of the American citizen. They were intelligent men, evidently with business experience. I would no more hesitate to see them traffic and trade and have due regard for their own interests than I would hesitate to see the most intelligent white men do the same thing. They desired full citizenship. They urged upon us that they should be taken out of the strait-jacket the Government had imposed upon them; that the swaddling clothes should be taken from them; that they were no longer infants, but that they were able to stand up for their own rights and protect them.

They urged then upon us the action that is proposed in general terms by this amendment; that is, that they should be permitted to step outside of reservation limits as to their right to traffic; that they should be allowed to deal with those who wished to purchase their lands; that such of them as desired to sell might be permitted to sell without impediment and use the proceeds for the bettering of their condition. I for one saw no reason why that should not be done, and I think the unanimous feeling of those who were present, not only the members of the committe, but many white men who had gathered in to hear us, was that those Indians were able to stand upon their own feet and protect their own rights.

As the pending amendment is in that direction I shall vote for it.

Abundant reasons have been given by the Senator from Washington [Mr. SQUIRE], supplemented most ably by the Senator from Oregon [Mr. MITCHELL], why this action should be taken.

Mr. President, how long is it to take in the natural order of things before an Indian is to be civilized? The object of our appropriations for the care of Indians, the purpose of all treaties which we make with them, is for their advancement in civilization, that they may become self-reliant, fairly educated, able to protect themselves.

The Indian in his natural state is no mean trader. Any man who has seen the Indians of the plains particularly and observed the traffic that they have between the members of the tribe and between different tribes is forced to the conclusion that the Indian is a good natural trader.

No commission goes out to treat with Indian tribes and gathers with their headmen in council chamber which does not find that they usually drive with the Government of the United States an extremely hard bargain. They stick persistently to that which they believe is proper to demand. Aye, they even go further; their demands will exceed that which they believe is proper; and they reach for all they can get.

I think that in this process of civilization we have thrown about the Indians too many safeguards. We have kept them too long in leading strings. We give them the rights of citizenship; we give them the right to vote, and they vote, too, in very large number in the State I have the honor in part to represent; and yet we throw around them none of the duties of citizenship.

There came to me within five minutes in my mail a petition of the board of supervisors of Knox County, Nebr., praying for the enactment of legislation to provide for the taxation of land held by Indians in severalty. We allow Indians to take their lands in severalty; and we have said to the Indians who have thus taken the lands allotted to them "You shall not be permitted to alien these lands for twenty-five years; you shall not make contracts for sale." In many instances we do not permit them to make contracts for the leasing of their lands; and we do not permit them to pay their fair proportion of the local taxes they do so much to increase.

Mr. President, I will read a part of this petition before asking to refer it to the Committee on Indian Affairs. At a session of the county board of supervisors held in Niobrara, Knox County, July 13, they passed the following resolutions unanimously, addressed to the honorable the Senate and House of Representatives in Congress assembled:

Whereas a large portion of Knox County, Nebr., covering about 120,000 acres of its most valuable land on what are known as the Santee and Ponca Indian Reservations, is held in severalty by Indians, and is therefore exempt from taxation; and

Whereas the fact that said Indian land so exempt works a great hardship to the taxpayers of said Knox County, as an expense of more than $4,000 has been incurred on said Indian reservation in the last three years for roads, bridges, and lawsuits caused by the Indian settlers residing on said reservation. One case alone, known as the State of Nebraska *vs.* Benjamin Joseph Young, incurring an expense to Knox County of $2,135.64, said Young being an Indian; and

Whereas, there is now a bill pending in Congress making such Indian lands subject to taxation: Therefore

Resolved, That we, the undersigned members of the board of supervisors of Knox County, Nebr., in regular session assembled, ask and pray that said bill or such other measure as may accomplish a similar object be enacted into law for the relief of said Knox County, Nebr.

Resolved, That copies of these resolutions be sent to the honorable Senators and Representatives of the State of Nebraska.

Signed by the members of the board.

Isaac Davidson, Geo. M. Bly, A. W. Crandall, J. S. Patton, James E. Miles, Chas. Cleveland, Julius Schindler, Danl. Graham, John Bruce, J. H. Ulrich, Oliver La Croix, Wm. Wieschendorff, T. M. Clark, John Dolphin, T. J. Buckmaster, Oscar Faith, J. T. Foley, James Metteer, A. L. Jones, Nels Nelson, Edward West, A. B. Yuntis, W. H. Needham, Robt. Lynn, Val F. Minarck, S. L. Whitmore, chairman.

And: the county officials S. Draper, county attorney; J. T. Lindsay, jr., clerk of court; Chas. Crockett, sheriff; B. F. Chambers, county judge; Aug. C. Filter, county treasurer; Chas. Van Camp, county clerk.

STATE OF NEBRASKA, *Knox County, ss:*

I, Charles Van Camp, county clerk, and clerk of the board of supervisors, hereby certify that the above and hereto attached copy is a copy of the original resolution as it appears of record in my office.

Dated this 14th day of July, 1894.

[SEAL.] CHAS. VAN CAMP, *County Clerk*,
By P. B. CLARK, *Deputy*.

The PRESIDING OFFICER. The petition will be referred to the Committee on Indian Affairs.

Mr. MANDERSON. In the State of Nebraska there is another county, Thurston County, having within it 250,000 acres of land; 240,000 acres are occupied by Indians. Part of it has been taken by them in severalty. They are citizens. They vote at every election. The vote of every individual Indian counts just as much as the vote of any white man within the State. The white settlers in that county occupy the remaining 20,000 acres of land. Roads are maintained, schools are established, bridges are built, courts are run, and yet this handful of white men living on the 20,000 acres foots all the bills incident to such expenditure, and the Indians who receive the benefit of that civilization pay no part of it. The expense of the county organization, I see by a report I have in hand, is between ten and twelve thousand dollars a year, and between eight and nine thousand dollars of it annually is caused by the needs of the Indians themselves and the needs of the land upon which they live.

Mr. President, it seems to me that it is time for us to take steps in the other direction. With the rights and immunities of citizenship there should come some of the obligation and duties of citizenship. I think the best way to civilize Indians rapidly is to make them assume some of these obligations and get out from that condition of wardship and vassalage which keeps them as children.

For forty years, we are told, these Indians have been in contact with civilization in a greater or less degree. The good results of their residence near a thriving, growing Western town was readily seen when I visited them a few years ago. There is no reason, it seems to me, under the heavens why they should not be permitted to do that which they insist they ought to be permitted to do—traffic with their own, just as white men traffic with their own.

While I regret that this amendment has not had the consideration directly of the Committee on Indian Affairs, and while I regret that the legislation which has been had heretofore on the suggestion of that committee has not worked out its work, I shall vote for the amendment, believing it to be a move in the right direction, and I shall vote for it in the interest of the Indian himself as taking him rapidly yet safely out from under this condition of wardship to stand erect as an American citizen, exercising all the privileges of citizenship and at the same time paying his tribute and assuming his part of its duties and obligations.

Mr. PALMER. Mr. President, the arguments urged in support of the pending amendment prove too much or too little. It is said that these Indians are intelligent, and that they are entirely capable of managing their own affairs. If that fact is established, why the remaining portion of the amendment? If it is established by logic, which I suppose ought to be regarded as irresistible, for it comes from a number of sources, that the Indians are entirely able to take care of their own affairs and manage their own property, and that the burdens of

citizenship based upon property and intelligence, for those are implied, ought to be imposed upon them, why is it not done? The provision of the amendment which proposes to place the interests of these Indians under the extrajudicial authority of the judge of the district court concedes that they are not capable of managing their own affairs. Now, which horn of the dilemma will those who advocate the amendment take?

Mr. MITCHELL of Oregon. I think, as far as I am concerned, and I only speak for myself, that it is simply a concession to the sentimentalism which exists on this side of the Rocky Mountains to a very great extent, I am sorry to say, and I think it exists owing to the fact that the people on this side of the mountains know very little about the Indians, their habits or customs or anything else, which causes a great many men on this side, and some Senators, perhaps, to think that the Government must in some way or other have a supervisory control over anything and everything that the Indians do, no matter how capable they may be to manage their own affairs.

Mr. COCKRELL. There are as many Indians on this side of the Rocky Mountains as on the other side.

Mr. PALMER. The Senator from Oregon concedes entirely too much to us who live on this side of the mountains. In conceding so much to our sentimentality he belittles our judgment. An intelligent man on this side of the mountains is very much like an intelligent man on the other side of the mountains. We are not more humane than they. I do not think we have more liberality toward the unfortunate. But the fatal fact I have pointed out is conceded in the amendment.

I should hesitate very much before voting for the amendment, in view of the facts. There is a large and valuable tract of land almost adjoining the city of Tacoma, in Washington. I know it has been an object of very great interest. I know that gentlemen who speculate in lots and lands are exceedingly anxious to put their hands upon it.

I suspect very much that this is one of the schemes dictated much more by the cupidity of men who want to buy the lands than upon any theory of benefiting the Indians. That is my deliberate conclusion.

I realize the difficulty of watching the Indians in their transition from barbarism to civilization. In almost every instance, whatever may be said of Indian intelligence (and I was delighted with the views expressed by the Senator from Nebraska [Mr. MANDERSON], who has found the Indians to be so shrewd), I know as a matter of history that they have been the victims of white cupidity from the day that the Pilgrim fathers landed upon the rock until the present moment. I know that pretexts have often been urged to justify the habitual, constant, ever continuing, and never ceasing plunder of the Indians.

I insist that if the Indians are as intelligent as is claimed, that they themselves are capable of devising some system by which their lands may be disposed of for their separate and their common benefit. I distrust schemes which have been devised by benevolent white men, good men whose hearts bleed for the Indians, and who are longing to see them in the enjoyment of their rights. If these Indians are as intelligent as Senators claim them to be, why do not the Indians themselves devise some scheme for the sale of this land?

Mr. MITCHELL of Oregon. They have done so, I can say in all candor to the Senator from Illinois. I live not very far away from Tacoma, and I understand from many sources that this proposition comes from the Indians.

Mr. PALMER. Then why is not this proposition coming from the Indians put in some authentic form?

Mr. MANDERSON. I fear the Senator from Illinois did not do me the honor to listen to the statement I made, that this suggestion, practically (not as to the detail of it, that the judge of the court should intervene by any process, but the proposition that they should be permitted to sell their lands) came from the Indians to the members of the Committee on Indian Affairs several years ago when a subcommittee of that committee visited them on their reservation at their request. There was no complaint from them which prompted the committee to visit them. The committee being in the town of Tacoma received an invitation from the Indians to go out and visit their reservation, and after that there was a talk in which they suggested substantially what is in the amendment, that they may be permitted to trade their land and act just the same as white men act with reference to their property.

Mr. PALMER. I listened to the remarks of the Senator from Nebraska to-day with that attention which I always give to whatever he may choose to utter on the floor of the Senate; but after all the Senator from Nebraska is not able to make that definite and clear which is in itself indefinite and uncertain. The Senator has not relieved the difficulty I have suggested. It is said that here are lands which belong to a number of intelligent, educated persons, I take it for granted, upon the indorsement which has been given to them by the Senator from Oregon and the Senator from Washington. I understand they have had schools, and that they have had advantages not enjoyed even by the whites around them. Is it not remarkable that those people, thus educated, thus intelligent, are not capable of themselves formulating some scheme for the disposition of these lands, or some scheme for the disposition of their own rights?

Is it supposed that in the State of Washington a court would undertake to act upon information so vague? It is a matter of mere partition. The courts require that the parties in interest in such a case shall file some formal statement setting out their rights and asking judicial action in aid of the rights of the parties. But the Senate is asked upon mere rumor, without any authentic information from the only persons who own these lands, to formulate a scheme for them. Not a single name is here of one of these proprietors who approves this formulation.

Mr. SQUIRE. Will the Senator permit me to interrupt him for one moment?

Mr. PALMER. With the greatest pleasure.

Mr. SQUIRE. Of course it is impossible to arrange papers with reference to the action of Indians as we might do if they had the organization of white men sitting like chambers of commerce and boards of trade. But these do hold their meetings; they do confer; they do speak to their friends; they do write letters to their representatives in Congress, and even telegraph to them. We have all of that evidence, and in addition I remind the Senator that the Senator from Nebraska [Mr. MANDERSON] a few moments ago stated that when the Committee on Indian Affairs visited Tacoma and met these Indians for the purpose of listening to their statement it was exactly in the line of the proposition now submitted to the Senate.

Mr. PALMER. I understand the difference between a town meeting, either of Indians or white men, where individuals express their wishes in regard to the common property and the formal presentation of a case by the Indians. The Senator from Nebraska has not yet gone to the extent of asserting that the tribe, or the Indians, or the persons who were interested in this property, submitted to the committee any formal plan for the disposition of their several or their common property.

This large interest—worth a million or more, I am told—has not been made a subject of deliberate thought by anyone, so far as we have authentic information, or by any number of the parties who are interested; but Senators mature a plan satisfactory to themselves by which these lands are to be referred to the large discretion of the judge of a district court, who is, I suppose, to devise a scheme for the sale of these lands or for recognizing the sales already made; and the time of payment is to be extended over the period of eight years, without interest or with interest, as the case may be. It is a juggling scheme, and obviously one that will admit of infinite injustice.

Senators are committed as to the intelligence of these Indians, and I submit in all seriousness, when it comes to a settlement of this question as to their property, that it is remarkable that that intelligence has never been consulted.

Mr. MITCHELL of Oregon. This is not the first time this matter has been up. During the last Congress the Puyallup Indians selected three of their most intelligent men, and instructed them to come to Washington to do what they could to secure some such legislation as this; and they did come here, and were here for a considerable time. They called on me personally and urged legislation providing for the removal of these restrictions.

Mr. CAFFERY. These Indians?

Mr. MITCHELL of Oregon. These Puyallup Indians.

Mr. PALMER. There were a number of Puyallup Indians here during the last session of Congress. I met one of them and learned something of their general plans; but I knew nothing of their representative character, and there was no scheme matured, according to my recollection, so far as it was disclosed to me nor disclosed to the Senate.

The point I want to make is that these people who have attained this state of intelligence ought to be consulted, and that the Senate, before it practically breaks up the reservation and turns it over to the tender mercies of speculators, should have before it some authentic information as to the wishes of the parties interested. I would no more trifle with the rights of an Indian than with those of a white man.

Mr. CAFFERY. Will the Senator please inform me what were the restrictions for the alienation of the land held by the Indians in severalty by the terms of the treaty between them and the United States?

Mr. COCKRELL. Twenty-five years. The words of the

statute show upon their face that they were prohibited from alienation for twenty-five years. It was changed by a subsequent act to ten years, and two years of that time have elapsed.

Mr. MITCHELL of Oregon. Yes; two years have elapsed, and there are about eight years to run.

Mr. PALMER. The Senator from Louisiana, I trust, is answered.

I say I would treat the rights of these Indians with the same respectful care that I would the rights of every man or woman, white or black, and I would not do so important a thing as practically to remove the power of alienation, subject to this cumbrous machinery, which does not by any means, to my mind, insure a careful regard for their rights. I would not consent to do it, because it may be and probably will be abused in its administration.

Therefore I complain, as I have done before, of the loading down of appropriation bills with these special provisions. This amendment is not germane to anything contained in the bill. It is simply thrust in here because of the occasion.

I suppose it is an occasion which grows out of the loose interpretation of the rules of the Senate. It is thrust in here, because if it were presented singly and separately, certainly something more would be required from those who advocate it than these loose declarations by means of which the rights of the Indians are to be affected in a most important degree. I would not submit to it in the case of white or black men, and I see no justice in the application of it to these red men. Consult them; let them make their own schemes for the disposition of their property, and after the matter has been deliberately settled and decided by them, it will be time enough for Congress to act. It is said they are intelligent. Then let Congress express its approval of what they have themselves determined upon after a full consideration of their rights and the value of the interests affected.

Mr. HUNTON. Mr. President, one of the main objections made to the amendment consists in the fact that by its terms the ratification or approval of the contract is left to the judge of the district court, which is a mere *descriptio persona*, and makes it a duty imposed on an individual, which he may or may not accept. To avoid that criticism upon the amendment, I have prepared an amendment which I submit for the consideration of the friends of the measure, by striking out and interlining the amendment, so that it will read:

That no sale of said lands shall be valid until the parties shall appear by petition before the United States district court of the district in which said lands are situated, in term time or vacation, and thereupon submit to said court all the terms and conditions of such proposed sale for approval, and, if approved by such court, the approval thereof shall be indorsed on the contract or other instrument evidencing such sale; thereupon such sale may be executed and completed in accordance with the terms and conditions so approved by said court: *Provided further*, That the purchase price agreed upon and as before mentioned, approved by said court, shall be secured and paid, etc.

The Senator from Illinois criticises this amendment because he says there is no evidence that the Indians want this mode of selling their lands, and by implication he agrees that if the Indians were here ratifying and consenting to this mode of selling the lands, he would not object to it. If this amendment be adopted, there can be no sale of the land belonging to any given Indian without the approval of this plan by the Indian, because the first step to be taken must be a contract between the purchaser and the owner of the land, and when that contract is made, which goes before the district court, it is an approval of the plan set out by this amendment; and I make it necessary to go into court, because that imposes an additional judicial function upon that court which the court is obliged to discharge. I believe my amendment is satisfactory to the Senator from Washington.

Mr. SQUIRE. I will modify my amendment in the way suggested by the Senator from Virginia.

The PRESIDING OFFICER. The amendment of the Senator from Washington will be so modified.

Mr. DOLPH. Mr. President, I do not know that it is necessary for me to add anything to the full presentation of this case by the Senator from Washington [Mr. SQUIRE] and by my colleague [Mr. MITCHELL of Oregon], but I do not like to let a statement made by the Senator from Illinois [Mr. PALMER], which I can not repeat verbatim, but which was substantially that the Indians have been the victims of the cupidity of the white people of this country from the time this continent was discovered up to to-day, go without some answer.

When this continent was discovered, it was occupied by straggling Indian bands, who did not cultivate the soil, who lived by fishing and hunting, who were engaged in perpetual warfare, and if they had been permitted to occupy this continent undisturbed until this time, all the then great undeveloped resources of this continent would have remained undeveloped, and the continent would have been still as unfit for the habitation of civilized man to day as it then was.

Whoever asserts that the Indian tribes had the same equitable and just rights to the soil of this vast continent that civilized nations have to the territory they occupy, is governed by sentimentality, and not by reason.

The causes which brought about the settlement of this continent by civilized man, and which have impelled the wave of civilization which has swept from the Atlantic to the Pacific, were as imperative as the causes which impel the planets in their orbits. The principle which was early established in this country by this Government, and upheld by the courts, that the lands of this country belonged to the discoverer, that the United States would not permit individuals to purchase title to lands from the Indians, but would itself extinguish the Indian title and sell the lands, was a just, a proper, a reasonable, and the only practical solution of this question.

Whatever may have been the character of the dealings of the colonies with the Indians, or whatever may have been the character of early treaties between this Government and the Indians, since I have been old enough to know anything about the transactions of the Government with the Indian tribes, those tribes have been paid whenever we have purchased their lands, not only the full value, but in many cases double or even treble the value of the land, and to-day and ever since I have been in this body, whenever Congress authorizes a railroad company or a ditch company to acquire a right of way over an Indian reservation, instead of allowing a jury to determine the value, the companies are compelled to treat with the Indians, and that treaty has to be approved by the Secretary of the Interior. So far as my observation and knowledge go, the result is that the Indians receive two or three times the value of the rights acquired.

Besides that, we have been annually for many years appropriating large sums of money for the education and support of the Indians, largely for sentimental reasons. I do not know how much the pending bill carries, but six or seven million dollars, I believe, for an Indian population of 250,000 in the United States, many of whom are self-supporting.

These Indians upon the Puyallup Indian Reservation are to-day worth individually and collectively many times what the same number of white American citizens would be worth if all the wealth of this country should be divided and distributed per capita.

You may take all the Indians upon all the reservations in the United States and they have more property and they are worth more money to-day than the white citizens of the United States would be if the property of this country were to be divided per capita among them.

Mr. President, I think we are making a mistake. I believe that the Indian Bureau—I do not speak particularly of its conduct here in Washington, but including the agencies and schools—has become topheavy. I believe there are too many employés for the services to be performed. I believe that the enthusiasm and the sentimentality of the people who are advocating Indian education have caused us to enter upon too elaborate a system of Indian education.

The education the Indian needs is a practical education; he needs an industrial education; he needs to be taught how to work, how to utilize his means, how to cultivate his land. He needs to be instructed in the duties of citizenship, and his book education ought to be that which will tend to fit him for these practical duties. I have always, however, voted for the largest sums for Indian education. If there have been wrongs in the past against the Indians I am willing to help make amends now to the present generation, and this Government is dealing with the Indians with a liberality unparalleled in the history of any country.

A few years ago this Government, after failure to civilize Indians by the course which was being pursued, after the expenditure of large sums of money, and when it became apparent that the reservations must be cut down, that they must be opened to the settlement of white men; that they must give away before the advance of civilization, determined to adopt a new policy, a policy of allotting lands to the Indians in severalty and making them citizens, giving them, when the lands were allotted, the right to citizenship, but absolving them from many of the duties of citizenship, giving them a right to vote, but exempting their lands from taxation and exempting them from the necessity of educating their children, proposing to still continue to appropriate money out of the Federal Treasury for their education, and passing no sufficient laws for the purpose of compelling them to cultivate their lands.

For fear that they would not be able to take care of their lands when they were taken in severalty, and might be defrauded out of them, a general rule was proposed in the law for the allotment of lands in severalty that the lands should not be alienable for twenty-five years. As a general rule that was a necessary precaution, but that prohibition can not be continued indefinitely.

The sooner the Indians are absorbed in the body politic the better; the sooner the duties of citizenship are imposed upon them the better; the sooner their children are sent to the district schools with the children of white citizens the better; and we shall never be able to solve the Indian problem until that is done.

Mr. President, the limitation of twenty-five years was a reasonable limitation probably, as a general rule, for all the Indian reservations in the country, but here is an exceptional case. Here are Indians who have been educated at the expense of the Government for a generation; here are Indians who have been in close contact with the whites for half a century; here are Indians, according to all the testimony, who are civilized and enlightened and intelligent; and their case was so exceptional that a few years ago Congress passed an act that their lands might be alienable at the end of ten years more. They were allotted in severalty about eight years ago. That would make about sixteen years that they would be required to hold their lands in this condition.

As has been said, this reservation is valuable. It lies right abutting one of the great growing cities of the West, and there is not a Senator upon this floor, if this was a case of a city in his own State, who would not see the justice of removing this bar to the settlement of these lands and expansion of that city; who would not see the justice of doing something which would secure the cultivation of the lands and the addition to the wealth of the State which would be caused by their cultivation and productiveness, and who would not see the justice of subjecting them to taxation.

This is a good case to make an experiment with. This is a case of a tribe of Indians far more advanced in civilization than many of the other tribes in the United States will be at the expiration of the twenty-five years after they have got their patents to their lands. This is a case in which the rule that the land shall not be subject to alienation for twenty-five years might be relaxed, and we can see what the effect will be of allowing these Indians to sell their lands, of allowing white men to go upon the lands within this reservation and build homes and cultivate the lands and establish schools, and of allowing the children of the Indians to go to the public schools with the children of their white neighbors. Let us experiment with this case, and then we shall know better what to do with the other tribes when the twenty-five years' limitation upon their power of alienation has expired.

The Indians want it. They have come here to present their case to Congress. Like my colleague I met them and I heard their story; like my colleague I have been interviewed by the authorities of Washington and of the city of Tacoma. I know the situation well. I have been for many years personally acquainted with the most excellent agent formerly on that reservation, and I know that all that has been said about the intelligence of these Indians, about the propriety of placing upon them some of the duties of citizenship when we have given them the privileges of citizenship, is true.

The Senator from Illinois complains about the eight years deferred payments. I hope Senators will observe that the eight years of the deferred payment make up the eight years that are to yet run under the existing law before these lands will be alienable. That provision is placed there for the benefit of the Indians. It is provided that neither the notes nor the mortgage shall be negotiable, but that this money shall be paid to the Indians. It is a proper provision to prevent the money being squandered and these Indians being left penniless; I think it is a very wise provision.

I hope the amendment proposed by the Senator from Washington will be adopted.

Mr. JONES of Arkansas. Mr. President, it seems to me this amendment is absolutely indefensible under all the circumstances that exist. Some three or four years ago there was a contract made with these Indians by certain parties who wanted to buy certain parts of this land, and as I remember the contract—I do not undertake to state it accurately—but as I remember, it was a contract to lease the lands, and they had the authority to lease it for one or two years, and the leases were to be renewed indefinitely at the expiration of each lease, and by the operation of the paper that was given at the time, it was to revive itself and carry on the leases indefinitely until such time as the Indians should be allowed to dispose of their land absolutely, when the conveyance was to become absolute, and convey the property without further action on the part of the Indians.

It seems to me that if there is any effect whatever in this amendment, it is to make the approval of this contract, made between these people and these Indians three or four years ago——

Mr. SQUIRE. I should like to ask the Senator a question, with his permission?

Mr. JONES of Arkansas. Certainly.

Mr. SQUIRE. Does the Senator believe that those contracts could be enforced under the law by any court of competent jurisdiction? Does he believe that contracts of that kind would be in accordance with public policy?

Mr. JONES of Arkansas. I have heard some of the best lawyers of my acquaintance say that those contracts could be enforced. Those contracts I believe would be void. I do not believe they could be enforced; but why do you now propose to make an amendment here that would start this controversy? Why do you want to begin this sort of thing? There are people who, as I said awhile ago, are much better lawyers than I, who believe that these contracts can be enforced whenever the time shall come that the Indians have the right to convey absolutely; but if I should be wrong, and these better lawyers than I am should be right, it would be then too late to undertake to protect the Indians from their own indiscretion.

Mr. SQUIRE. Will the Senator allow me to interpose a word there?

Mr. JONES of Arkansas. Certainly.

Mr. SQUIRE. I believe it is generally admitted now that there is no intention to try to enforce those contracts. It is so understood, at least, by those who have communicated with the Representatives in Congress here, who are getting communications from the people of Tacoma, and who tell me, privately of course, that it is not proposed to endeavor to enforce these contracts. The legislation I now propose is to cover the proposition of new contracts.

Mr. JONES of Arkansas. Let me ask the Senator, in that connection, have those contracts made with these Indians been returned by the parties?

Mr. SQUIRE. I am not informed as to the details.

Mr. JONES of Arkansas. Until the contracts have been returned, we can not get rid of the assumption that this thing is being done for the benefit of those parties. It seems to me it would be easy enough for them to put the information in the hands of their friends that these contracts had been given up and canceled, for if they remain in existence it would be an exceedingly improper thing, in my opinion, for Congress to do anything which would make it possible that there should be any controversy about their ratification.

Mr. SQUIRE. Let me ask the Senator from Arkansas whether under existing law, relating to the action of the commission which is now in existence and is there in communication with the Indians, whether the suggestion as to the legal status of these contracts would not be equally applicable in case of contracts made under the supervision of that commission exactly as it would be in the case of the United States district court? Would there be any difference in regard to that feature of the matter? Not a particle. Then, again, let me say to the Senator that I do not believe any very great injustice would have been done the Indians if those contracts had been carried out. I have not gone into the details of that, but the Drake commission state in their report that for 9,000 acres or thereabouts the sum of $700,000 was to be paid practically in cash or nearly cash.

That sum of money distributed among 140 or 150 of these patentees (and there was not that number at the time the commission was there; there were then 166 less 42, leaving 124 patentees) would give each one of them an average of between five and six thousand dollars. Even then they would have had a great part of the allotted lands, nearly half, still left, besides the agency land, 585 acres of which were ascertained to be of the value of $1,000 an acre. Under such circumstances how is it possible to bring up this matter as an objection to the amendment? I can not see how it can be done with any show of reason. The Senator imputes a motive for the proposed legislation that, I am satisfied, does not exist. It is not right to assume for one moment that the beneficiaries of the proposed legislation would be the persons who made those contracts with the Indians several years ago, which he himself now believes are of no force or effect. It is quite doubtful if the Indians could make at the present time so large a sale of lands on such favorable terms.

Mr. JONES of Arkansas. If the Senator from Washington will allow me to interrupt him long enough, I will suggest that there certainly is a difference between him and the people who undertook to negotiate this arrangement, because they have made most extraordinary efforts to have a ratification or to put this matter in such shape that it should be ratified. These extraordinary efforts would not have been made if there had not been some result to come to somebody in connection with it. I have very little doubt that those men are more familiar with the facts and know the value of this property better than does the Senator himself from his own personal inspection.

But I wish to state, in connection with some other statements which have been made here, that this question has been before Congress in one shape or another for years. Contracts after con-

tracts with the Puyallup Indians have been brought here for ratification. They have been brought here to be examined. Committee after committee has been sent to the Puyallup Reservation to investigate the facts. I myself on two occasions have gone to the reservation for the purpose of examining the statements on the one side of the alleged greatest fairness and of the friends of the Indians on the other of the greatest unfairness.

I was with the Senator from Nebraska [Mr. MANDERSON] at the time of which he has spoken, when we were at Tacoma some years ago with Senator Dawes and Senator Stockbridge. There was one striking circumstance in connection with the meeting we had there then. We did not meet the Indians over on the reservation. The proposition was that we should meet them. We met them in a hall in the city. There were in the hall more of the real estate people who live in Tacoma than there were Indians. There were perhaps a dozen Indians, well dressed and intelligent, who were there to speak for their people, and they were all exceedingly anxious that they should be empowered with the absolute disposal of their property and should be allowed to do what they pleased with it.

I have never seen a man, I do not care how weak-minded he is, who would believe he was incapable of taking care of himself and defending himself; but I was satisfied by what I saw that night that those people would be absolutely helpless if they could alienate their property, and they would soon find that they did not know half so much as they supposed they did. They were surrounded by people who knew a great deal more. I left the room that night with the firm conviction that if we did not intend that the Puyallup Indians should become paupers, while they have one of the most valuable reservations on this continent, we ought to be exceedingly careful about allowing them to have the absolute disposal of their property while their surroundings were such as they were then. I have not changed my opinion on that point.

There are some other things in connection with this matter. The statement has been made here that these Indians are men of high character, that even as far back as 1854 they were evidently men of great intelligence. Now, there are a good many circumstances connected with this matter, and I recall just now one in particular, which prove very clearly how thoroughly these people understand the force of a moral obligation; and I say, to their credit, that they have shown the highest sense of obligation.

On one particular occasion a good man went down there and made a contract with them by which he got certain valuable rights. He had succeeded, I believe, in getting a bill passed through Congress for its ratification, provided the Indians approved it by a majority of their male adults. When that was done the present Assistant Commissioner of Indian Affairs, who was then an Indian inspector, was sent on the reservation for the purpose of holding the election. After he had talked to the Indians for some time, one of them stated that he was inclined to vote against the proposition, but that he supposed he could not. The inspector asked him why he could not so vote.

He said because the gentleman (calling his name) had given him two dollars and a half to vote the other way. When the election was held the next day, with the party in interest at one end of the table and the Indian inspector at the other, more than half of these people went in there and put down on the table their money, from $2 to $6, as I remember, returning it to the man who gave it to them, and voted the other way. That is a pretty high degree of morals. I have heard of cases of that sort, where such things have been done in this country.

Mr. SQUIRE. It shows the Indians had good sense and good morals.

Mr. JONES of Arkansas. It shows that these people are influenced by considerations which ought not to influence them. It shows that they have no conception of the value of what they possess, and that they ought not to be trusted with the absolute control of it.

The truth is that this reservation and the city of Tacoma lie side by side. A straight line divides the city of Tacoma from the reservation. The Indians have the water front on that great bay, which is invaluable. Nobody can estimate its true value.

I am willing for all of that property to be disposed of and to have it go into the hands of citizens of the United States to be used for the purpose of building up cities and so on; but I think it ought to be done with care and circumspection. It ought to be kept under the control of the Commissioner of Indian Affairs and the Secretary of the Interior and the Government of the United States until they know that justice has been done and that such arrangements have been made with regard to these Indians as will prevent them from becoming paupers; and money enough should be kept in their hands to support the Indians and educate their children and their children's children after them.

I hope the Senate will not agree to the amendment. I think it is utterly wrong in every respect.

Mr. COCKRELL. Mr. President, I am very sorry that the necessity exists which compels me to talk on this case, and to talk plainly and frankly. The question before the Senate is not whether a distinguished gentleman shall be renominated for Congress. It is not a question whether Senators' importunities shall prevent other Senators from speaking and voting their honest sentiments and convictions. It is a question as to the present status of these Indian matters, and why shall they be changed?

In the first place, the Puyallup Indians had their lands allotted to them in severalty, except a certian reservation, and there was a clause in the deed prohibiting the alienation for twenty-five years. That was before the town of Tacoma was built up. Then the city was located there. It has extended its borders right up against the reservation, against the part held jointly and the allotments. Now, the people of Tacoma are very anxious to get it. They want the town to extend in that direction, and for years efforts have been made to get the disposition of the lands into the hands of the individual Indians. The proposition in different forms has been here before Congress for years. By the law of August 19, 1890, a commission was appointed. I will read from that law, as I wish Senators to understand exactly the situation. By the act of August 19, 1890, President Harrison was authorized—

To appoint a commission to consist of three persons, not more than two of whom shall be of the same political party, and not more than one of whom shall be a resident of any one State, whose duty it shall be to visit the Puyallup Reservation, in the State of Washington, and to make full inquiry and investigation regarding such reservation; the nature of the title to and value of the lands allotted in severalty; whether there are any common lands which have not been allotted, and if so, the value of the same, and of the interest of the Indians therein; whether such reservation embraces the land on Puget Sound, between high and low water mark; whether any restrictions now existing upon the power of alienation by Indians of their allotted lands should be wholly or in part removed; as to the manner in which lands shall be disposed of when the Indian allottees shall be vested with power to dispose of their individual tracts; in what manner, if at all, individual Indians shall be indemnified for damage to their individual holdings, if railroads shall be granted a right of way through the reservation; in what manner the tribe shall be compensated for the damage consequent upon the granting of such right of way through any tribal or common lands belonging to said reservation; in what manner and by whom the legitimate heirs of deceased allottees shall be determined; under what circumstances and upon what conditions contracts have been obtained from Indians for the sale of their allotted lands; and regarding all other questions and matters bearing upon the welfare of said Indians, and the wisdom or necessity of the disposal by the Indians of their interest, in whole or in part, in any individual or tribal lands belonging to said reservation.

There is the law. A commission was selected by President Harrison, composed of whom? I will read the names of the members of the commission. The members were Charles D. Drake, once a Senator from the State of Missouri, and for many years chief justice of the Court of Claims; George B. Kincaid, and B. F. Harness. They made a full and elaborate report. What do they say as to the condition of these Indians, and so on? I suggested the reading of their report on this point, but the Senator from Washington did not want to hear it at that time.

With every kind feeling toward the Puyallups, we can not disregard the testimony of many who know them well, that they have no just appreciation of the value of money, are prone to squander it, and many of them are easily duped, and many are prone to strong drink.

Mr. SQUIRE. From what page does the Senator read?

Mr. COCKRELL. From page 23.

Such being the case our judgment is, that it would be promotive of their welfare if Congress would, as a condition of the removal of the restriction in any case of a sale, require that the purchase money payable to an allottee should be deposited somewhere at interest, and be paid to him in annual installments.

Mr. SQUIRE. Is that not exactly what I ask the Senate to do?

Mr. COCKRELL. Yes; but the Senator wants it left in the hands of the Indians, and not in the hands of the Government.

Mr. MITCHELL of Oregon. Will the Senator from Missouri allow me? I am glad the Senator read the extract from the report, but I wish to ask the chairman of the committee whether at any place in the report the commission report against removing the restrictions?

Mr. COCKRELL. They do not report against removing the restrictions, but they suggest a modification to ten years. If the Senator will wait I will cover the whole ground, so that there will be no necessity for any questions to be asked.

Mr. MITCHELL of Oregon. All right.

Mr. COCKRELL. What is the finding of the commission?

The first question, and in our opinion the highest in immediate importance, is connected with their disposal of their lands. We have shown that the total amount agreed to be paid them for the lands which they have contracted to sell is about $700,000, all of which is to be paid them within ninety days, or other short period, after the restriction is removed.

For how much land? If the Senator from Connecticut is cor-

rect, and according to my recollection, it is estimated to be worth about $4,000,000.

Mr. PLATT. Four million seven hundred thousand dollars in all, and more than half of this land was contracted to be sold.

Mr. COCKRELL. More than half of the land was contracted to be sold. I wish to read from pages 82, 83, and 84 of the report of the commission. Let us find what the commission recommend. They give a table showing the number of acres which each Indian ought to keep, the number of acres he ought to be allowed to sell, the value of the land, and the value of the land to be sold.

The aggregate number of acres which the commission recommend the Indians should keep is 4,684.27, and its value is $1,419,224.70. Much of the land was appraised, some at $350, some at $425, some at $500, some at $200, and some at $250 per acre.

Now, what did they say could be sold? They stated that the quantity is 12,778.45 acres. What did they appraise it at? They appraised it at $3,322,184.50. Some of that land was appraised at $500 per acre, some at $1,000 per acre, some at $700 per acre, some at $400. Scarcely any of it was appraised below $50 an acre.

Mr. SQUIRE. Will the Senator from Missouri kindly state how the appraised values were arrived at?

Mr. COCKRELL. They were arrived at by the three disinterested commissioners selected by President Harrison, men of the highest character and standing.

Mr. SQUIRE. How did they arrive at the values?

Mr. COCKRELL. They arrived at them from information derived from the people there.

Mr. SQUIRE. They took thirty people in that vicinity, perhaps some of them land-owners or speculators, who valued land highly and took their estimates.

Mr. COCKRELL. Certainly. As a matter of course the commissioners went to the honest, good citizens there and asked them to tell the commission how much the land was worth; and this is their report of the result.

Mr. SQUIRE. Is it not true that at that time the prices of real estate were very high, abnormally so?

Mr. COCKRELL. Will they not be so again?

Mr. SQUIRE. I hope so.

Mr. COCKRELL. What is the justice of compelling a sale now at depreciated prices?

Mr. SQUIRE. There is no compulsion to sell.

Mr. COCKRELL. That is the question.

Mr. SQUIRE. The Indians have never had an opportunity to sell the land at that appraisement.

Mr. COCKRELL. Here is the list of the tracts contracted to be sold and the amount contracted to be paid for each. Here is tract No. 3. It contains 120 acres and was appraised at $60,000. Eighty acres of it were contracted to be sold for $8,000. A tract of land appraised at $40,000 and under contract to be sold for $8,000! Senators may run through the list. Here it is. Each tract is given and the price, and the difference between the appraised value and the price at which each tract was contracted to be sold corresponds in about the same proportion.

This was the condition at that time. Here is a commission appointed by President Harrison, reporting back to Congress a full statement of their report. Their report is given in full in Senate Executive Document No. 34, Fifty-second Congress, first session. All the facts are there set out.

Now, what did Congress do? An effort was made to permit the Indians to sell their lands. What was the result? I will tell you. I shall not take time to read the law, but in the act passed in the last Congress, when the Senator from Washington was a member of this body with his colleague, provision was made for the appointment of a commission of three persons, almost in the same language as the other act.

That commission was to go there and to divide the lands adjoining the city of Tacoma into town lots, to lay off streets and to sell the lots. It was to ascertain how much land each allottee could part with, to appraise it, and then to sell it. It was to put into the hands of the Indians such part of the money as would be necessary and to deposit the rest in the Treasury, so that interest upon it could be paid to the Indians. There was the condition; that was the result.

We have been remarkably friendly to the good people Tacoma in these provisions, in granting extensions. In that law we limited the period in which the Indians should not alienate the land to ten years instead of twenty-five. We struck off fifteen years from the time specified in their patents during which the lands should not be sold and reduced it to ten years. Nearly eight years of that time has yet to run.

The commission was authorized to investigate the whole question from beginning to end, to settle the matter, and to lay this land off into town lots and sell them; that is, the land held in common. It was then to determine how much each allottee should sell, the price at which the land should be sold, and to sell it subject to the approval of the Secretary of the Interior. So it was an open transaction, and everybody could know it and understand it. There could be no very great delay, and no delay which would be deleterious to the Indians in the depressed condition of real estate there and elsewhere.

Why was the commission appointed? It was in consequence of the recommendation of Secretary John W. Noble, a man certainly not inimical to the people of Tacoma and certainly disposed to do justice to the Indians. He says in his letter of transmittal of the report of the Drake Commission:

> In view of all the facts set forth in the report of the Commission and the other communications herewith transmitted, I have the honor to recommend that Congress be advised to authorize the appointment by the President of a commission of three, no more than two of whom should be of any one political party, to appraise, in appropriate parcels, the lands determined best to sell, and to superintend the sale, at not less than the appraisement, at public auction, on due notice; the appraisement and sale to be subject to approval of the Secretary of the Interior: to attend to the matter of ascertaining, through the proper courts of Washington, who are the heirs of deceased allottees, and have guardians appointed for minors: to make deeds of the lands to the purchasers thereof, which, when approved by the Secretary of the Interior, shall operate as a full conveyance of the land, subject to such terms of payment as may be authorized by Congress: to obtain the full value of this land the trustees should be authorized to sell either for cash, or, in case the purchaser desires it, for one-third cash and the balance in one and two years, with notes secured on the land sold, bearing interest at 5 per cent per annum: the whole amount, as collected, to be placed to the credit of the individual Indian entitled, and to be paid to him in such sums and at such times as the Commissioner of Indian Affairs, upon the approval of the Secretary of the Interior, may determine best.

That is what that commission was appointed for. The commission was appointed by President Cleveland in September last and is now upon the ground discharging the duties imposed upon it.

I wish to read something about the commission. I hold in my hand a report from the Commissioner of Indian Affairs to the Secretary of the Interior, dated May 5, 1894. The Commissioner says:

> On October 30, 1893, a commission consisting of three individuals was appointed by the President to select and appraise certain portions of the lands in the Puyallup Indian Reservation, in said State, under the provisions of an act of Congress approved March 3, 1893 (27 Stats., 612). The Commissioners were instructed on November 6, 1893, the instructions being approved by the Department, to select and appraise such portions of the allotted lands as are not required for homes for the Indian allottees; and also that part of the agency tract, exclusive of the burying ground, not needed for school purposes in the Puyallup Indian Reservation, and when the agency tract shall have been selected to plat or cause the same to be platted under their direction and supervision into streets and lots as an addition to the city of Tacoma, and appraised at a certain value per lot, to obtain the written consent of the Indians in a certain manner to the sale of the same at a sum not less than the appraised value thereof, which written consent should constitute the said commission, or a majority thereof, trustees to sell said lands and make deeds therefor.
>
> The commissioners were given full and explicit instructions in the premises and furnished with all the information in the possession of this office pertaining to the matter under consideration with a view to carrying out the provisions of the act last mentiond, to which I also specially invite your attention. The mission of those commissioners is one of great importance, not only to the Indians themselves, but to the city of Tacoma and State of Washington, and in fact to the whole Western country; and it is confidently believed that they will bring to the consideration and adjustment of the matter the most careful, intelligent, and conscientious judgment and from recent reports as to their labors it is thought that they will, in all probability, meet with success in their mission.

I read from another part of the same report:

> It appears from information in possession of this office that certain parties at Tacoma, Wash., and in the vicinity thereof, are using their influence and putting forth certain efforts to prevent the Indians from giving their consent to the sale of the allotted lands, and to retard, in various ways, the progress of the work of the Puyallup commissioners among the Indian allottees.

Do the good people of Tacoma want this land sold at public auction to the highest bidder? Do they want these reserved lands laid out into town lots, with streets and alleys, and the lots sold to every man with a fair chance? If they do, then they want the commission to continue. If they want to get some advantage of the Indians, the only way they can do it is to destroy the commission and place the matter in other hands.

Mr. SQUIRE. I should like to ask the Senator from Missouri a question, if he will permit me. Does he think the best way would be to advertise and have a public sale of lots to the highest bidder in the manner he has described, or would the more prudent and thrifty way be for individual owners of land to make sale in the best way they can? Why make a difference in this respect between the white man and the Indian? Why sell the Indian's property for him when he does not want to sell it, and not let him sell that which he wants to sell?

Mr. COCKRELL. I have no doubt but there are from fifty to one hundred town sites in the State of Washington that have been sold at public auction after flaming advertisements all over the States, and as a rule they bring higher prices in that way than any other.

Mr. SQUIRE. I wish to state most emphatically that the Senator is in great error. I have never heard of such a sale in the State of Washington, and I do not believe the Senator ever

did. He is certainly drawing on his imagination very largely for this class of facts.

Mr. COCKRELL. Then if I am mistaken, that it is not best to sell it at public sale, the commissioners were right to sell it at private sale. How can you get around that point?

Mr. SQUIRE. I ask the Senator if he has heard of a single instance where they have perfected a sale?

Mr. COCKRELL. They have not done it, because influences at work here and there have prevented them from agreeing to anything the commissioners might do.

Mr. SQUIRE. That statement is not well founded. There are no influences here against it, and I have heard of none there, except what the Senator read from the record in his hand. I do not know the authority for that statement. I have no doubt that many citizens of Tacoma are of the opinion that there is not justice being done either to the Indians or to the people of their city in the manner the business is now being carried on.

I have no doubt the people feel uneasy. Of course they do, or they would not send their representatives to us to endeavor to get a modification of the plan of conducting the business for the Indians. The Indians are not satisfied under it. They are not acting under existing law. They will not have it.

The result is that you are retarding the sale; you are retarding the development of the country, and you are keeping the city of Tacoma "cribbed, cabined, and confined" there with this great Indian reservation occupying the most fertile land in its vicinity, and with no means of getting help, because they can not compel the Indians. Yet Senators talk about trying to protect the Indians!

Mr. COCKRELL. I must ask the Senator not to repeat his speech, which he has already made three times.

Mr. SQUIRE. I beg most respectfully to resent both the impatience and the dictatorial manner of the Senator from Missouri. I am in the pursuance of a duty to the people of my State. He has no right to press me unfairly. It is true I have repeated some things, because Senators have come in who had not been present to listen to points presented by me heretofore in this debate. I desire only a minute longer. I do not think that the disposition of the people of Tacoma is at all as intimated by the Senator from Missouri. I do not so understand it. I understand the people of Tacoma to be very glad to have the Indians accept terms and make sales of the land.

Mr. COCKRELL. I read again:

It appears from information in possession of this office that certain parties at Tacoma, Wash., and in the vicinity thereof, are using their influence and putting forth certain efforts to prevent the Indians from giving their consent to the sale of the allotted lands, and to retard in various ways the progress of the work of the Puyallup commissioners among the Indian allottees.

In view of this fact, and all other circumstances in the case, I think that the commissioners should be encouraged in every proper way possible in the prosecution of their work, and that further legislation embracing the recommendation of the commission and embodying the desires and wishes of the Indian allottees as to the payment of the purchase money arising from the sale of their allotted lands should be had to facilitate their work, lessen the difficulties which seem to surround them, and make their mission a success and satisfy the Indians.

Mr. President, there is the whole case. The act was deliberately passed by the last Congress. A commission was constituted, and it is the second commission which has been sent there. The plan was sanctioned by Secretary Noble, and the proposed innovation upon it is opposed by the present Secretary of the Interior. We are simply carrying out the recommendations of Secretary Noble and the preceding Administration. These commissioners have been appointed. They are upon the ground. They have authority to adjust every solitary question, to sell all the lands held jointly, and the allotted lands, and then pay the Indians whatever amount is necessary for them and keep the balance in the Treasury. Now, can anything more be done for the Indians?

I admit that the good people of Tacoma want these lands. They look with longing eyes to them, and justly and properly so. Do they want this legislation to enhance the happiness and the wealth of these Indians? Certainly a white man will take care of himself. Is it anything more than their interest pecuniarily that this shall be done? There it is in a nutshell. It is to their pecuniary interest, and if it be to their pecuniary interest it is to the pecuniary loss of the Indians.

Why should we sell those lands now in this depressed market?

I am no sentimentalist about the Indian. If I had my way I would have the Indians agree to this matter, and agree to it promptly, and I would have the lands sold, as they should be sold, to the best advantage.

But, Mr. President, this matter is here in a peculiar shape. It is first proposed to the Committee on Appropriations. It has never had the sanction of the Committee on Indian Affairs. The distinguished chairman of that committee will tell you so. The distinguished member of that committee from Connecticut [Mr. PLATT], one of the oldest members, will tell you so. It comes to our Appropriation Committee without the recommendation of any head of a Department. It comes without the recommendation of any committee.

Mr. SHERMAN. Why does not the Senator from Missouri make a point of order against the amendment?

Mr. COCKRELL. I intend to do it.

Mr. SHERMAN. That is all right.

Mr. COCKRELL. The amendment comes to us in that way. It is not in order. It is legislation, pure and simple. It is legislation modifying and cutting in twain the work of an existing commission before its labors are completed. It is putting a gag upon the commission authorized by the law of 1893, signed by President Harrison.

Now, Mr. President, why did not the Committee on Appropriations report the amendment? Could we, with all these facts before us, dare to report it as an amendment to the appropriation bill—pure, simple, and unadulterated legislation, opposed by the Secretary of the Interior and the Commissioner of Indian Affairs; legislation not recommended by any standing committee of the Senate, and legislation which we believe will be to the detriment of the Indians as it may be to the pecuniary advantage of the whites?

The Senator from Iowa [Mr. ALLISON] and myself, he having been taken as a member of the subcommittee in the absence of the Senator from Colorado [Mr. TELLER], gave this matter the fullest consideration. We heard the Representative from Washington longer than we heard all the Senators put together upon the pending bill. We both wanted to do something to relieve him and his people, if it could be done decently, and honestly, and properly. After we had gone into the matter with that disposition and had heard everything he had to say time and again, we told him frankly that the Committee on Appropriations could not report it as an amendment to this bill; that it was legislation; that it was legislation which had not received the consideration of the Committee on Indian Affairs; that we could not sanction it in the form it was in.

Now, notwithstanding all that, it is pressed here upon the Senate. We have had it discussed now for nearly a whole day. Mr. President, I make the point of order that the amendment proposes legislation pure and simple, and that it is not in accordance with the rules of the Senate, not being recommended by any standing committee.

Mr. HARRIS. Mr. President——

Mr. SQUIRE. I ask the Senator from Missouri to withhold the point of order for just one moment.

Mr. COCKRELL. If there is not to be an hour's discussion. I have been very patient.

Mr. HARRIS. I rose for the purpose of asking the Senator from Missouri to withdraw, for the present at least, his point of order, and allow me to move to lay the amendment on the table.

Mr. COCKRELL. I will do that.

Mr. HARRIS. But I will yield for a moment to the Senator from Washington. I shall seek the floor immediately upon the conclusion of his remarks.

Mr. SQUIRE. I thank the Senator for his courtesy.

The PRESIDING OFFICER. The point of order is withdrawn, and the Senator from Washington will proceed.

Mr. SQUIRE. Mr. President, I feel it my duty to protest against the imputation expressed here against the citizens of Tacoma. It seems to me that it is very unfounded and very unfair. The people of that city are as clean and loyal and honorable as citizens of any other city in the United States. They are a progressive, active people. They find themselves in a condition now where their growth is interfered with. The Drake commission, of which much has been said by the chairman of the Committee on Appropriations, has testified in its report, and has spoken of the disadvantages to the city of Tacoma.

If the Senator thinks it will be proper I would like to read a paragraph of that report. I shall not take up much time. The report says:

That it is a serious detriment to the city of Tacoma to have such a body of unoccupied land blocking its growth and hindering its commercial, manufacturing, and social development seems to us incontrovertible.

I read on page 16:

Ought this state of things to be permanent? Our judgment is that it ought not. We can not see any good reason why, for a community of only 600 Indians, there should be held a great body of land that stays the growth of a city of 40,000 people, if a way can be devised, without injustice to the Indians—

If a way can be devised, without injustice to the Indians—

to open it to the acquisition and occupancy of all who may be able and willing to pay a fair price for it, particularly when the Indians are very desirous to sell.

I omit one passage and come to another, which is as follows:

And now the grave question is presented, whether the state of things we have described ought, for the sake of either the Indians or the surrounding white population, to be allowed to continue. That it is injurious to the Indians seems to us clear, for they have on their hands a great quantity of wild land which they can neither make available for cultivation nor convert into money. If they could by the sale or mortgage of the wild land obtain money to apply to the improvement of their homesteads and the purchase of personal comforts and conveniences, they would have the means of bettering their condition, and the sale and improvement of that land would greatly enhance the value of the rest; but the terms of their patents bar sale or mortgage. They are therefore owners of a large territory which in the hands of white men could and would be made productive and valuable, but which in the ownership of the Indians, under the terms of their holding, may be said to be practically almost worthless, and which they are ready and desirous but unable to sell.

I ask the Senate if there is not enough reason for the people of the city of Tacoma to desire through the representatives of their State that additional legislation shall be enacted to relieve them from this condition of things without imputing motives which are discreditable to that people?

Is it right to impute motives that are unworthy of them when such great motives as these are apparent in the report of the commission, the great commission headed by Judge Drake that made such a painstaking and thorough examination? It seems to me that is reason enough. That is the reason why I have put forth my voice here in advocacy of this amendment. I have endeavored to find out what that people want. I have done my best. I have no motive in the world except to serve the people of my State and every part of it. I do not believe the people who make these reports to me are actuated by selfish motives. I believe they are actuated by motives that should actuate American citizens in promoting the interests of their State, of their county, of their city, in every honorable and proper way.

The state of things is admitted to be bad. The commission say so. We all understand it. There is no need of multiplying illustrations in regard to it. The question is how are you going to get out of it, the difficulty? As the Senator from Missouri has stated, there is a commission there which has been engaged in its function only about a year, and during that time it has been ascertained that it is a failure. It is a failure so far as relates to the land that has been allotted.

It has not been a failure in regard to the immensely valuable agency tract of 585 acres worth about $600,000. Nobody objects to anything it has done about that; but so far as relates to inducing the Indians to part with their allotted lands upon terms that are mutually satisfactory and agreeable to the commissioners and Indians the commission has not succeeded.

Now, it having been shown that it is a failure, why continue this state of things? That is the position we have to confront. The question simply is, what are we going to do about it? Are you going to leave a useless appendage of the Government there, an agency that is not working out successfully the plan which was conceived by Congress? Are you going to leave the commission there doing nothing, comparatively idle? The Indians dissatisfied. That is all there is of it.

If the Indians are willing to sell their lands upon such terms as are provided in this amendment, taking eight years for the payment, one-eighth each year (and at the end of the eight years they would have the land without any kind of restriction under the present law), they would simply have one-eighth from year to year until the expiration of the eight years.

If they are satisfied with such a provision as that, and then with the supervision of an eminent jurist, a man who has jurisdiction over the most important interests of that State, a man high in the esteem of everyone, whose decisions are notable for their power and accepted value among great lawyers—if such a man as this, a man raised there from a boy, who has known these Indians and who has been known by them, is the man acceptable to them to supervise their interests—what is the reason why we can not accept their wish and carry it out?

That is all there is of it. If we were trying to do it against the wishes of the Indians it would be a different thing. It is what the Indian wants, and it seems to be the only practicable solution of the question. That is the main point. The present commission is not a success in its work. The Indians are not working in harmony with it. They are not selling their lands under the scheme now inaugurated and existing, but they would be willing to work in harmony under such an arrangement as is proposed in the amendment.

Now, for the sake of the people of Tacoma, for the sake of the people of the county and State who want this land improved, who want the opportunity that the city may expand, who want the land to be improved and to pay its fair share of taxes, and for the sake of the Indians who want to dispose of a part of their land, so that with the means thereby derived they may improve the rest of their property that is now lying idle and unproductive—I say, all these things considered, it seems to me these merely technical objections are of small account, and I hope the Senators will not press them.

It is no matter if they have not had the opportunity to try our case fully in committee. There were reasons for that. We all know that the committees of the Senate have not been doing their customary work owing to the time which has been occupied in considering the tariff and other proposed legislation. With the Senate sitting for eight or nine hours a day committees did not convene in the morning; there was not the time to bring these matters up and have them properly discussed in committee; but the Senate of the United States is considering this question in committee.

It is considering the bill as in Committee of the Whole, and Senators have had information enough on the subject, just as much as would be needful to impress any committee with the value and importance of this proposed legislation. I submit from the facts here presented and the arguments and appeals made by distinguished Senators, there has been enough said to satisfy reasonable men that this legislation ought to be enacted.

Mr. HARRIS. I yield for a moment to the Senator from Missouri.

Mr. COCKRELL. No one has cast a particle of reflection upon the people of Tacoma. They are just like any other good white people anywhere. They want to develop and expand their town, and they want to get this land. That is all there is about it. I do not blame them for it. I am not censuring them for it. The best way for them to get the lands is through the commission which is upon the ground with authority to lay the lands out this day; and whenever the people of Tacoma ascertain that they can not get the provisions proposed here, then the Indians will very quickly consent to the other plan. I move to lay the amendment on the table.

The PRESIDING OFFICER. The Senator from Missouri moves to lay the amendment of the Senator from Washington [Mr. SQUIRE] on the table.

Mr. SQUIRE. I call for the yeas and nays.

Mr. COCKRELL. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote if he were present, and I withhold my vote.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. CAREY (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. MITCHELL], and therefore withhold my vote.

Mr. HARRIS (when his name was called). I agreed with the Senator from Rhode Island [Mr. ALDRICH] that I would pair with him upon this question. I should vote "yea" if the Senator from Rhode Island were present.

Mr. McLAURIN (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. DIXON].

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

The roll call was concluded.

Mr. DUBOIS. Has the junior Senator from New Jersey [Mr. SMITH] voted?

The PRESIDING OFFICER. He has not voted.

Mr. DUBOIS. I withhold my vote, being paired with that Senator.

Mr. GALLINGER (after having voted in the negative). I inquire if the junior Senator from Texas [Mr. MILLS] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. GALLINGER. I am paired with the junior Senator from Texas, and withdraw my vote.

Mr. MANDERSON. I ask whether the Senator from Kentucky [Mr. BLACKBURN] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. MANDERSON. I am paired with that Senator, and withhold my vote.

Mr. HARRIS. In order to make a quorum, notwithstanding my pair with the Senator from Rhode Island [Mr. ALDRICH], I will record my vote. I vote "yea."

Mr. GALLINGER. With a view to make a quorum I shall vote. I vote "nay."

Mr. McLAURIN. I inquire if a quorum has voted?

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. McLAURIN. I will vote in order to make a quorum. I vote "yea."

Mr. DUBOIS. I have the privilege of voting in order to make a quorum. I vote "nay."

Mr. MANDERSON. I feel privileged to vote to make a quorum, notwithstanding my pair. I vote "nay."

Mr. McPHERSON. I am paired with the senior Senator from Vermont [Mr. MORRILL].

The result was announced—yeas 26, nays 19; as follows:

YEAS—26.

Allison,	George,	Kyle,	Turpie,
Bate,	Gibson,	McLaurin,	Vest,
Blanchard,	Gorman,	Martin,	Vilas,
Cockrell,	Harris,	Mills,	Voorhees,
Coke,	Higgins,	Pasco,	White.
Cullom,	Irby,	Platt,	
Faulkner,	Jarvis,	Sherman,	

NAYS—19.

Allen,	Gallinger,	Manderson,	Power,
Caffery,	Gray,	Mitchell, Oregon	Pugh,
Davis,	Hill,	Patton,	Squire,
Dolph,	Hunton,	Peffer,	Washburn.
Dubois,	McMillan,	Perkins,	

NOT VOTING—46.

Aldrich,	Daniel,	Lindsay,	Quay,
Berry,	Dixon,	Lodge,	Ransom,
Blackburn,	Frye,	McPherson,	Roach,
Brice,	Gordon,	Mitchell, Wis.	Shoup,
Butler,	Hale,	Morgan,	Smith,
Call,	Hansbrough,	Morrill,	Stewart,
Camden,	Hawley,	Murphy,	Teller,
Cameron,	Hoar,	Palmer,	Walsh,
Carey,	Jones, Ark.	Pettigrew,	Wilson,
Chandler,	Jones, Nev.	Proctor,	Wolcott.

So the amendment was laid on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 4864), to reduce taxation, to provide revenue for the Government, and for other purposes; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILSON of West Virginia, Mr. MCMILLIN, Mr. TURNER of Georgia, Mr. MONTGOMERY, Mr. REED, Mr. BURROWS, and Mr. PAYNE managers at the further conference on the part of the House.

MISSOURI RIVER BRIDGE.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1930) to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.

The amendment of the House of Representatives was, in section 4, line 5, to strike out the word "of."

The PRESIDING OFFICER. The amendment is a mere verbal one, and will be considered as concurred in if there be no objection. It is concurred in.

THE REVENUE BILL.

Mr. VOORHEES. Mr. President, I rise to a privileged question. I ask that the communication received from the House of Representatives a few minutes ago in regard to a further conference on House bill 4864 be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the action of the House of Representatives, which will be read:

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July 19, 1894.*

Resolved, That the House insists upon its disagreement to the amendment of the Senate to H. R. 4864, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon,

Ordered, That Mr. WILSON of West Virginia, Mr. MCMILLIN, Mr. TURNER of Georgia, Mr. MONTGOMERY, Mr. REED, Mr. BURROWS, and Mr. PAYNE be managers of the conference on the part of the House.

Mr. VOORHEES. I am instructed by the committee of conference between the two Houses to state that we have had House bill 4864 under consideration in full, free conference; that we have not agreed in regard to the amendments adopted in the Senate; and that the Senate conferees insist upon the amendments of the Senate. Having made this announcement, and after consulting somewhat with Senators who expect to take part in this matter in the way of discussion, I ask that the communication from the House of Representatives lie on the table, to be taken up to-morrow morning immediately after the reading of the Journal.

Mr. HILL. I desire to give notice that at that time I shall move to instruct the conferees on the part of the Senate to place coal and iron on the free list, and that I shall submit some remarks upon the question.

Mr. MANDERSON. In connection with the conference report, let me inquire if there is any message from the President of the United States which should be published in connection with it?

Mr. VOORHEES. None that I have.

Mr. MANDERSON. Perhaps the Senator from New York can answer.

The PRESIDING OFFICER. The request of the Senator from Indiana is that the matter lie on the table until to-morrow morning, when the message from the House of Representatives is to be taken up. That will be the order of the Senate.

Mr. VOORHEES. I give notice, it being a privileged question, that immediately after the reading of the Journal to-morrow I shall call up the matter for consideration.

INDIAN APPROPRIATION BILL.

Mr. COCKRELL. Now, let the appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes.

Mr. KYLE. I wish to offer a few minor amendments. On page 35, line 1, after the word "exceed," I move to strike out "$5,000" and insert "$12,000, or so much thereof as may be necessary."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 35, line 1, after the word "exceed," it is proposed to strike out "$5,000" and insert "$12,000, or so much thereof as may be necessary;" so as to read:

For subsistence of the Sioux and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, $1,000,000: *Provided*, That a sum not to exceed $12,000, or so much thereof as may be necessary, may be used in completing three artesian wells at Pine Ridge, Rosebud, and Standing Rock Agencies, this amount in addition to the sum appropriated for that purpose by act of March 3, 1893.

Mr. KYLE. The reason for this amendment is very plain. I have been out through that region recently, and found that the appropriation which was made for digging artesian wells is not sufficient for the purpose. A year ago an appropriation of $15,000 was made for the purpose of putting down three artesian wells. I believe the lowest bid which was received for this purpose was $5 per foot. It was given out by the Geological Survey that in that region it would be necessary to go down 1,800 feet, and therefore $9,000 will be required for each well, and the three wells, one at Pine Ridge, one at Rosebud, and one at Standing Rock, will require $27,000, instead of $15,000.

It was thought when the bill was under consideration in the House of Representatives that $5,000 additional would be sufficient, but on further consideration it is found that it will require $7,000 more. Therefore I take it there will be no objection to the amendment.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from South Dakota.

The amendment was agreed to.

Mr. KYLE. On page 36, at the end of line 6, after the word "buildings," I move the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 36, at the end of line 6, after the word "buildings," it is proposed to insert "at such points as he may think best for the Indians interested."

Mr. KYLE. This amendment refers to the location of ordinary schools around the reservation, and allows the Secretary of the Interior to proceed to erect such school buildings as he may think best for the Indians.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from South Dakota.

The amendment was agreed to.

Mr. KYLE. On page 69, line 20, after the word "market," I move to strike out "may" and insert "shall, as far as practicable;" so that the sentence will read:

Provided further, That purchase in open market shall, as far as practicable, be made from Indians under the direction of the Secretary of the Interior.

I offer this amendment because I think it is right that the Government should purchase the stock which is raised by the Indians in preference to letting contracts to white people; in other words, to encourage stock-raising and the raising of ordinary agricultural products by the Indians.

Mr. CAREY. Let the amendment be stated from the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 69, line 20, after the word "market," it is proposed to strike out "may," and insert "shall, as far as practicable."

The amendment was agreed to.

Mr. KYLE. On page 70, at the end of line 5, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 70, after line 5, it is proposed to insert:

And the Secretary of the Interior may, when practicable, arrange for the manufacture by the Indians upon the reservation of shoes, clothing, leather, harness, and wagons.

Mr. KYLE. The manufacture of shoes, wagons, harness, and

such things, is already carried on on the reservation to some extent. I think there will be no objection to the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Dakota.

The amendment was agreed to.

Mr. KYLE. I offer another amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 50, at the end of line 13, it is proposed to insert:

Provided, That Indians to whom lands have been allotted in severalty shall be permitted to lease their lands for a period of five years when thought best by the Secretary of the Interior, and under such regulations as he may prescribe.

Mr. KYLE. I think that is a proper safeguard to throw around such a lease. There are lands which are not specially fit for cultivation, which are taken up in severalty by the Indians, and which might be leased for stock purposes and some of them might be leased, perhaps, for agricultural purposes.

Mr. PLATT. I believe that amendment is liable to a point of order, and I make the point of order that it is general legislation.

The PRESIDING OFFICER. The Senator from Connecticut raises the point of order against the amendment. The Chair will submit the point of order to the Senate. The question is: Is the amendment submitted by the Senator from South Dakota in order?

Mr. PLATT. Mr. President, the practice and custom is, I believe, to allow the point of order to be stated by the Senator who makes it.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for that purpose.

Mr. ALLISON. Before that is done, if the Senator will allow me, I should be glad to hear the amendment read in connection with the text so that we may understand what it is.

The PRESIDING OFFICER. The amendment will be so read.

The SECRETARY. The clause beginning at line 5, on page 50, reads:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed, at wages not exceeding $75 each per month, to superintend and direct farming and stock-raising among such Indians as are making effort for self-support, $70,000; and no person shall be employed as such farmer or stockman who has not been at least five years immediately previous to such employment practically engaged in the occupation of farming.

To which the following is proposed as an amendment.

Provided, That Indians to whom lands have been allotted in severalty shall be permitted to lease their lands for a perion of five years when thought best by the Secretary of the Interior, and under such regulations as he may prescribe.

The PRESIDING OFFICER. The Senator from Connecticut makes the point of order that the amendment is not in order. That question the Chair submits to the Senate.

Mr. PLATT. Mr. President, this is a proposition to put on an Indian appropriation bill legislation which entirely changes the allotment law as it stands upon the statute book, known as the Dawes allotment act. That law provided that Indian lands should be inalienable for twenty-five years. This amendment provides that any Indian to whom land has been allotted——

Mr. KYLE. If the Senator will allow me, I do not wish to violate the rule of the Senate, and I will withdraw the amendment. I thought it had passed as part of the Yuma bill

Mr. PLATT. It did.

Mr. KYLE. And on the strength of that I supposed it might be admitted in the Senate.

The PRESIDING OFFICER. The Chair understands the amendment to be withdrawn.

Mr. PLATT. I wish simply to say another word about it.

This is a matter which, if it could receive the full consideration of the Committee on Indian Affairs of the Senate and have proper restrictions put around it, might possibly be not so very objectionable; but we have a law now which allows the lands of minor Indian allottees and of female Indian allottees to be leased, and this amendment proposes to provide that all lands allotted to Indians may be leased under regulations prescribed by the Secretary of the Interior. It is, therefore, clearly general legislation.

The PRESIDING OFFICER. The Chair understands the amendment to be withdrawn.

Mr. KYLE. I withdraw it.

Mr. BLANCHARD. I send to the desk an amendment to the pending bill to come in after the words "per capita," in line 13, on page 55.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 13, on page 55, it is proposed to insert:

For payment in full to the treasurer of the Chapter of Calvary Cathedral, Sioux Falls, S. Dak., for amount due for two quarters ending, respectively, December 30, 1891, and March 30, 1892, for board and tuition for Indian pupils at the Hope Indian boarding school at Springfield, S. Dak., as per contract duly executed by the Commissioner of Indian Affairs dated July 1, 1891, $2,430.

Mr. CALL. We make no objection to that amendment.

The PRESIDING OFFICER. The question is on the amendment.

Mr. COCKRELL. The question would be necessarily as to whether this is a private claim or not. The rule of the Senate reads:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

As I understand this case, there was an Indian school at that place, and the agent of the Indian school appointed by the claimant was guilty of misconduct and was removed. He was the agent, but made the contract in his own name, and not as trustee. The bishop claims that he notified the Department that this man had been removed and that another man had been appointed as trustee, and that the Department after that sent this $2,430. The Treasury Department deny that they had anything to do with any other person, and in the committe report, which was submitted here, there is nothing to show that any notice was ever received by the Treasury Department. There are letters there addressed by the bishop to the Commissioner of Indian Affairs.

I do not wish to be captious about these matters. This amendment has been reported by the Committee on Indian Affairs. I do not hold, however, that that makes it in order. It may not be in the nature of a private claim in the full sense of the word, but if it is, as my colleague on the committee in charge of the bill has accepted it, I shall not make the point of order. I do not, however, want it understood that I waive any point of order about private claims going on appropriation bills, for they have no place there.

Mr. BLANCHARD. I understand the Senator from Florida [Mr. CALL], in charge of the pending bill, accepts the amendment, and I understand that my friend from Missouri [Mr. COCKRELL] makes no objection to the amendment other than he has stated. In view of that I shall not detain the Senate by responding to the argument submitted by the Senator from Missouri, further than to say that he is mistaken as to the facts in this case.

Mr. COCKRELL. I drew my facts from the report which was made and which is on file here, and I believe it was made by the Senator himself.

Mr. BLANCHARD. I hold the report in my hand, and I state that my friend from Missouri is mistaken as to his statement of the case.

The amendment was agreed to.

Mr. ALLEN. I offer the amendment which I send to the desk, to come in as a separate paragraph after line 13, on page 22.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 13, on page 22, it is proposed to insert:

OMAHAS.

That so much of an act entitled "An act making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for the fiscal year ending June 30, 1894," approved March 3, 1893, as amends an act entitled "An act to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes," approved August 7, 1882, authorizing the Secretary of the Interior, with the consent of the Indians of that tribe, to allot in severalty, through an allotting agent of the Interior Department, to each Indian woman and child of said tribe born since allotment of the lands were made in severalty to the members thereof under the provisions of said act and now living, one-eighth of a section of the residue lands held by said tribe in common, instead of one-sixteenth of a section, and to allot in severalty to each allottee under said act now living who received one-sixteenth of a section thereunder, an additional one-sixteenth of a section of such residue lands, be, and the same is hereby, repealed.

Mr. ALLEN. Mr. President, I desire briefly to call the attention of the Senate to the necessity for the adoption of this amendment. On the 7th of August, 1882, Congress passed an act authorizing the allotment of the land belonging to the Omaha Indians in the State of Nebraska. The fifth section of that act is to be found on page 342 of volume 22 of the Statutes at Large. It provides that:

To each head of a family, one-quarter of a section; to each single person over 18 years of age, one-eighth of a section; to each orphan child under 18 years of age, one-eighth of a section; and to each other person under 18 years of age, one-sixteenth of a section; which allotments shall be deemed and held to be in lieu of the allotments or assignments provided for in the fourth article of the treaty with the Omahas, concluded March 6, 1865, and for which, for the most part, certificates in the names of individual Indians to whom tracts have been assigned have been issued by the Commissioner of Indian Affairs, as in said article provided.

The sixth section pertains to the issuance of patents to the allottees. The eighth section, which is important, I desire to read. It is as follows:

That the residue of lands lying east of the said right of way of the Sioux

City and Nebraska Railroad, after all allotments have been made, as in the fifth section of this act provided, shall be patented to the said Omaha tribe of Indians, which patent shall be of the legal effect and declare that the United States does and will hold the land thus patented for the period of twenty-five years in trust for the sole use and benefit of the said Omaha tribe of Indians, and that at the expiration of said period the United States will convey the same by patent to said Omaha tribe of Indians, in fee discharged of said trust and free of all charge or incumbrance whatsoever: *Provided*, That from the residue of lands thus patented to the tribe in common, allotments shall be made and patented to each Omaha child who may be born prior to the expiration of the time during which it is provided that said lands shall be held in trust by the United States, in quantity and upon the same conditions, restrictions, and limitations as are provided in section 6 of this act, touching patents to allottees therein mentioned.

That is perhaps all that is necessary to be read to show the condition of the law in 1882.

In 1893, on March 3, the following law was enacted and made a part of the Indian appropriation bill:

That the act of Congress approved August 7, 1882—

The act from which I have just read—

entitled "An act to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes," be, and the same is hereby, amended so as to authorize the Secretary of the Interior, with the consent of the Indians of that tribe, to allot in severalty, through an allotting agent of the Interior Department, to each Indian woman and child of said tribe born since allotments of land were made in severalty to the members thereof under the provisions of said act, and now living, one-eighth of a section of the residue lands held by that tribe in common, instead of one-sixteenth of a section, as therein provided, and to allot in severalty to each allottee under said act, now living, who received only one-sixteenth of a section thereunder, an additional one-sixteenth of a section of such residue lands: *Provided*, That the allotments so made shall be subject to the same conditions, restrictions, and limitations provided for in sections 6, 7, and 8 of said act, touching allotments and patents to allottees therein mentioned: *And provided*, That the expenses incurred in making the allotments hereby authorized shall be defrayed out of the funds appropriated for surveying and allotting Indian reservations.

The necessity for this law is made apparent when it is remembered that by the act of 1882, 25,000 acres of these lands were set apart in a body and were to be held as sacred property for Indian children who were born after the year 1882. They were to be held in trust by the Government. The title to such land was to pass immediately to the Indian tribes. By the act of 1893 an attempt is made to divest the Omaha Indians of their land by an act of Congress, and to grant to each previous allottee one-sixteenth of a section more than he took under the act of 1882.

It will be observed that this is an attempt by legislation to take the title out of the tribe of Omaha Indians as placed there by the act of 1882, and give to certain individuals of that tribe additional property. In addition to that, it creates the office of an allotting agent, and authorizes that allotting agent to take of the residue land 25,000 acres, I think, lying in a body there, some of the finest land in the State, and allot it to these little children and the widows of annuitants of certain Indians, and by that means, under the act of 1882, passing the title of these lands out of the tribe of Indians and out of the Government into the names of the allottees, thereby placing these lands entirely beyond the control of the National Government. Under the act of 1882 these lands were allotted and set apart for the allottees, and from that moment they become the private property of the Indians.

It is for the purpose of preserving the interest of the minor Indians who have been born since 1882, or may be born before the period of twenty-five years from that time, that the provision in section 8 of the act of 1882 was adopted. The act of 1893, which I seek to repeal by my amendment, destroys the safeguard that those Indian children had under the previous law.

I have on more than one occasion talked to the officers of the Indian Bureau as to the propriety of repealing that act, and no later than last night I addressed the Commissioner of Indian Affairs a letter, to which he responded this morning in a memorandum as follows:

Memorandum by Indian Office in reply to letter from Senator Allen, dated July 18, 1894.

Senator ALLEN'S communication is as follows:

"Calling your attention to the Omaha Reservation in Nebraska, I desire to state that in 1893 an amendment was attached to the Indian appropriation bill by which the law of 1882 was amended to the extent of authorizing a reallotment of the Indian lands among the Omaha Indians, and provide for an allotting agent. I understand that such an agent has not yet been appointed, and hope that no appointment will be made.

"Much compliant has reached me from the Indians that this amendatory act is entirely unsatisfactory, and if executed will work practical injustice to the Indians. I wish you would furnish me, by bearer, your opinion as to the propriety of repealing this amended act."

The law to which Senator ALLEN'S inquiries relate may be found in the 27th Statutes at Large, at the bottom of page 630 and the top of page 631.

This item of legislation, excepting the words "Indian women and," in the seventh line of the paragraph, was prepared in this office at the earnest solicitation of a small delegation of Omaha Indians then in this city, having one Mr. Peebles as spokesman. This was during the last Administration. The delegation, as I understand, represented that it was the earnest desire of the Omahas that such legislation should be enacted. This Office did not heartily indorse the measure, but in view of the fact that the consent of the Indians was required, it did not believe that any harm could come by the enactment of the law. Moreover, it was looked upon with favor by some members of Congress with whom the delegation had conferred.

No steps have been taken to make the allotments and readjustment of allotments as provided in this law, although a year and four months have elapsed since its passage.

Statements have repeatedly been made to this Office to the effect—

I call the attention of the Senate more particularly to this language—

that there are big schemes underlying this whole plan, one of which is to have allotments made to minor children and married women, when they would be subject to lease under existing law for agricultural purposes; the main object being to secure voters in the interest of county improvement plans. Senator ALLEN himself will perhaps be better able than I to explain these things.

My own idea is that the law referred to (relating to additional allotments to the Omahas) might be repealed without damage to the interests of the Indians.

Under the act of August 7, 1882 (22 Stats., 341), the Omahas hold their surplus lands in common, and there is a provision authorizing allotments of lands (40 acres each) to children born during the trust period, which runs for twenty-five years after the date of said act. No allotments have as yet been made to children born since the original allotments were made, but this can be done at any time. If the clause in the last Indian appropriation act to which Senator ALLEN refers should be repealed, the whole subject could receive the most thorough and painstaking investigation and consideration and new legislation devised to carry out any further beneficent plans that may seem proper in regard to the Omaha allotments. Therefore, I say that I do not think that any harm could come from the repeal of the existing provision, and it might be altogether desirable that it should be repealed in view of the confusion and complications growing out of the illegal leasing both of allotted and unallotted lands.

D. M. BROWNING, *Commissioner.*

The Commissioner says here that statements have repeatedly been made to his office to the effect that there are big schemes underlying this whole plan. That statement is not entirely without foundation. There is organized in Thurston County, in the State of Nebraska, a company composed of two or three persons who are financially irresponsible, backed, perhaps, by some who are financially responsible, but who are not in sight, which has leases of thousands of acres of these allotted lands, and which has leases as well of the unallotted lands. But it requires the approval of the Interior Department to make the leases of any validity as to the unallotted lands.

I am safe in saying that there is an organized attempt upon the part of some persons, whom I shall not undertake to name, to have all of these unallotted lands of the Indian children and women allotted under the act of 1893, and after that is done to enforce their leases against them and turn over the lands to white settlers at $1.50, or possibly $2.00, per acre, because they are very valuable lands. They will then seek to settle upon the county of Thurston a great indebtedness. The Indian vote since the organization of that county has prevented certain persons from settling upon the people of that county immense debts. Repeatedly there has been an attempt to vote bonds to the amount of hundreds or thousands of dollars upon the settlers in and the property of Thurston County, where this reservation is, and in each instance it has been the vote of the voting Indians which has saved the settlers from that great debt.

Now, if these men who scheme to put the county in debt for the purpose of themselves making money out of it can have this great body of 25,000 acres of land allotted under the act of 1893, they having leased it of the Indians for 10 cents an acre, and if they can enforce their leases against the lands, as they are trying to do in the courts to-day, they can people this great body of land with irresponsible white settlers. Then, through their votes they can put upon the people of the county and the Indians of the county a debt which it will take them years to pay. Not only that, but if under the act of 1893 the 25,000 acres which are held under the act of 1882 for twenty-five years as a sacred trust fund, can be cut up and partitioned out to the children born since 1882 and the widows of the tribe, and that is all the act covers, any one can readily see that it will require guardians to handle the estates of these children and the women.

There is an opportunity for the guardian, to use the pat language of the day, to stand in with the man who wants to lease the land and approve the leases which have been made at 10 cents an acre. There is no more valuable land in the State of Nebraska than the Omaha reserved lands, and yet thousands and thousands of acres of that land are held under leases by these persons professing to be a corporation, on a rental of 10 cents an acre. The moment the lands are allotted and pass out of the hands of the General Government to the allottees and come under the law of the State, these persons expect to enforce their leases.

I might at this point, without consuming much time, call attention to another fact.

There is now pending in the circuit court for the district of Nebraska an action against this company or these irresponsible persons who hold the leases to the Indian lands. The Interior Department having repudiated the leases and having refused to ratify them, these men have gone into court and have enjoined Capt. Beck, the agent, who has undertaken to enforce the regulations of the Interior Department, from exercising his authority in keeping off the lands white settlers who were put there as sublessees.

Notwithstanding that the Interior Department refused to approve the leases, notwithstanding the fact that they are void upon their face, yet the people holding the leases have taken into that county and put on the land irresponsible white settlers, exacting from them a large rental. When Capt. Beck undertook to eject them from the land, in accordance with the instructions of the Interior Department, the lessees went into the Federal court and enjoined him from executing that authority, and the injunction is *pendente lite* to-day. Something must be done in reference to these lands. Something should be done to save the interest of the little children born since 1882. The act of 1882, I understand from the substantial men of the Omaha tribe, is entirely satisfactory.

I might refer in this connection to another matter which has been stated. I can not vouch for it, but I think there are witnesses in this city who know that one of the persons who was interested in having these leases ratified or in getting the land out of the control of the Government, so that the Government could no longer exercise its control and wardship over these little children, was instrumental in bringing a few of the younger and wilder spirits of the Omahas to the city at his own expense. He took them before the Indian Department with representations that they were desirous of having the act of 1893 passed. He brought them from the State of Nebraska; paid their railroad fare and their hotel bills here, and took them home.

If I am informed correctly he paid them for coming here. It is perhaps that to which the Commissioner refers when he says a delegation came here and it seemed to be their desire to have the act of 1893 passed. But the old men, the substantial men of the tribe, and the women are protesting and protesting daily in the interest of the little children who are involved under the act of 1882 against the enforcement of the act of 1893; and it is the provision in that act which my amendment seeks to repeal.

Mr. MANDERSON. Mr. President, I might upon full inquiry into the question find myself in entire accord with my colleague in his desire to repeal the section of the act of 1893. It is a matter, however, with which I have very little acquaintance, and I am lacking in that knowledge which would teach me to vote intelligently upon his proposition. It is an effort to repeal a piece of legislation which had its origin outside of an appropriation act, but finally had its due course in the appropriation law of last year. I wish I had that complete knowledge of the matter which my colleague seems to have; but unfortunately I have not. It is a matter which concerns a very large number of the constituents represented by my colleague and myself.

It is certainly, however, an unusual course of procedure that on an appropriation bill there should be an attempt to repeal such an enactment. The matter of the proposed repeal should go to the Committee on Indian Affairs, of which committee my colleague and I are both members, and there should be that full, calm deliberation and consideration which is given to matters of proposed legislation in that committee.

I always hesitate, unless I have exceptional knowledge in regard to a subject, to vote for that which is in the nature of general legislation upon appropriation bills. This is general legislation beyond a peradventure. It proposes a repeal of existing law, and it is not only subject to the point of order that it is general legislation on an appropriation bill, but it is also subject to the point of order that it is an amendment which has not received the sanction of one of the committees of this body. Although I feel loth to combat my colleague on a matter of this kind, my combat is because of my lack of knowledge and information upon the subject, and I feel it my duty to be informed in the regular methods and by the regular process. I therefore make the point of order upon the amendment.

Mr. ALLEN. I hope my colleague will withdraw the point of order.

Mr. MANDERSON. I withdraw it, so that my colleague may be heard.

Mr. ALLEN. I think that when my colleague thinks the matter over he will realize the importance of the amendment becoming a law.

Mr. MANDERSON. That is what I wish to do—to examine into the matter.

Mr. ALLEN. I do not know that I have had an opportunity for knowing what has transpired on the reservation superior to that of my colleague. We both live about an equal distance from it. I do know, however, from talking with the attorneys on both sides of the case I mentioned, in which Capt. Beck, the agent, has been enjoined from ejecting these interlopers, that it is admitted that leases were obtained at 10 cents an acre. That is not disputed in the case, as I understand from counsel upon both sides.

It is maintained on the part of the claimant who brought the bill for the injunction that the leases are valid notwithstanding the Interior Department refuses to approve them, and especially so far as they apply to the allotted lands. I am inclined to think that that contention on the part of the plaintiff is true, because when the lands are allotted the title passes to the allottee as completely and is as free from all restrictions as the title of a grantee under a warranty deed.

Mr. MANDERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to his colleague?

Mr. ALLEN. Certainly.

Mr. MANDERSON. Is the injunction proceeding now pending in court?

Mr. ALLEN. It was pending when last I heard from it.

Mr. MANDERSON. Does it not strike my colleague as an abundant reason why there should be no disturbance of the existing condition by legislation that the court shall have an opportunity to decide the pending case?

Mr. ALLEN. Not at all, because it does not involve the precise point reached by the amendment. The injunction reaches the cases where allotments have already been made.

Under the act of 1893 there is an attempt by legislation to take a 40-acre tract of the residue lands, the title of which by the act of 1882 was vested in the tribe at large as a legal entity, and give it to the former allottees under the act of 1882. Certainly no man will claim that the Legislature has the power to take the legal title of property out of one man and transfer it to another, especially when the act of Congress provides that the legal title shall rest in the tribe.

But, as I say, by the act of 1893 there is an attempt to take 40 acres of that land and transfer it by legislative enactment to the former allottees of other portions of the reservation. What does that mean? It means that of the allotments made under the act of 1893 by the new allotting agent the lessees of the fraudulent leases, or the leases which at least are void, get under the leases 40 acres more of the Indians who had taken their allotment under the former act. But that is not the particular point. The point I contend for, which is not involved in the lawsuit of which I speak, is that Congress ought to exercise some precaution as to control over the lands which were set apart for twenty-five years, to rest in the Government as a trust fund for these children and the widows of that tribe. There it was specified that the title to 25,000 acres, a great body of valuable land, should rest in the tribe for the benefit of the women and children. The Indians were content with it; they were satisfied with it.

In 1893, without the Indians knowing a thing about it, without their knowledge or consent, if their chief men are to be believed, this provision was placed in the Indian appropriation act. By that means this great body of land, reserved to the children and the widows for twenty-five years, where the Government should be responsible for it, where the Government should stand sponsor to the child and responsible to the tribe for it, is to be reallotted among the children and the widows and guardians appointed over them. I suppose that land also would be leased for 10 cents an acre to these fortune hunters.

Let me call attention to another matter. The unallotted lands can not be leased for agricultural purposes. They can be leased only for grazing purposes. But if these lands can be reallotted to these little children and the widows, these wards of the nation, and title pass out of the Government, the trusteeship of the Government cease and guardians be appointed by the State courts, how easy it is to avoid the law and to take the lands, rented for 10 cents an acre, and through the instrumentality of the private guardian lease them to some person for a dollar and a half or $2 an acre or more for agricultural purposes; and land in that country is worth that much for agricultural purposes. Not only that, but the entire fortune of these women and children is turned over to the tender mercies of the sharks who are among them and are endeavoring to get their land from them as rapidly as possible.

I appeal to my colleague to withdraw his point of order. If the Senator from Alabama [Mr. MORGAN] had been here he would have attended to the matter. He is a member of the Indian Committee and has looked into this question. But unfortunately he is not here now. I offer the amendment, and I hope my colleague will withdraw the point of order so that the Senate may vote upon the amendment.

Mr. MANDERSON. Mr. President, if anything were needed to emphasize the value of my point of order upon the amendment it has been afforded in the forcible and emphatic speech made by my colleague. It is so very evident that there are two sides to this controversy, it is so very evident that it is a matter needing deliberate exploration and calm deliberation, that I feel constrained to insist upon the point of order I have made. Therefore I renew it, and ask the decision of the Chair upon it.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. MANDERSON. The point of order I make is, that this is in the nature of general legislation upon an appropriation bill; and further, that it has not the sanction or the favorable report of one of the committees of the body.

Mr. ALLEN. Before the Chair rules upon the point of order I wish to say a few words.

The PRESIDING OFFICER. The Chair will hear the Senator from Nebraska.

Mr. ALLEN. I do not see how it can be claimed that this is general legislation. My understanding is, and I think all agree upon it, that general legislation is that which applies generally as distinguished from particular or special legislation, which pertains to a special individual or a special subject and which is merely tentative in its character. I do not know whether the distinction that is ordinarily observed in courts of law is to be observed in the construction of the rule, or whether the rule is to be taken as a mere matter of convenience, like a special appearance to enable a man to stay out of court when he does not want to go into court and meet the merits of his case.

There is nothing in the very nature of the amendment that is legislation in the sense of creating a new law. It does not create a new law. It is germane to the subject-matter of the bill. The bill pertains to Indian affairs, to the making of appropriations for the manifold Indian necessities recognized by law. The amendment, instead of being general legislation, as it is called—and I do not know exactly what that means—is the undoing of an act that was passed in 1893, and it is not the creation of law at all. It is the reverse of the creation of law.

It proposes to undo that which has been done before. It proposes to destroy, not to create, not to make law. As it pertains not to a general subject, not to all Indians under like circumstances, but pertains to the specific subject of repealing an allotment with reference to these particular Indians and a particular portion of them, it is not a general law. There is no rule known to our jurisprudence by which anyone can determine that it is general legislation. Certainly it is germane to the bill and certainly the merits of it require its passage.

The PRESIDING OFFICER. The purpose of the present amendment is to repeal a part of a general law, "An act making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for the fiscal year ending June 30, 1894." The point of order raised by the Senator from Nebraska is under Rule XVI, section 3, which provides that—

No amendment which proposes general legislation shall be received to any general appropriation bill.

The Chair thinks that legislation is as active in repeal as in enacting a law, and is of opinion that the amendment is subject to the point of order raised by the Senator from Nebraska [Mr. MANDERSON].

Mr. PERKINS. I desire to offer an amendment. I move to insert between sections 16 and 17 what I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from California will be stated.

The SECRETARY. After section 16 insert:

To pay the amounts found due by the Court of Claims, as hereinafter set forth, for supplies furnished the Indian service in 1873 and 1874, and reported to Congress by Senate Miscellaneous Document No. 105, Fifty-first Congress, first session, to wit:

To Edward N. Fish & Co., $1,800.

To Edward N. Fish & Co., assignees of W. B. Hugus, $2,400.20.

To Bowers & Richards, assignees of James M. Burney, $3,534.76.

To Sutro & Co., assignees of William B. Hooper & Co., $3,479.32.

The payments to the assignees in each case being at the request of the original claimants as found by the Court of Claims.

Mr. PERKINS. These amounts are for rations furnished the Indians in Arizona at the request of a Government officer. The claim has been passed upon by the Court of Claims. The amendment was referred to the Committee on Indian Affairs and favorably reported. A bill to pay the claim was passed by the Senate in 1890, I think, but failed to become a law.

Mr. COCKRELL. Has the Senator a print of the proposed amendment?

Mr. PERKINS. Yes, sir.

Mr. COCKRELL. I wish he would send me a copy. On what page of the bill does the amendment come in?

Mr. PERKINS. Between sections 16 and 17, page 138.

Mr. PLATT. What is the name of the first claimant to be paid by the amendment?

Mr. PERKINS. Edward N. Fish & Co.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

Mr. COCKRELL. One moment, Mr. President. I make a point of order on the amendment.

The PRESIDING OFFICER. The Chair will hear the point of order stated.

Mr. PERKINS. Mr. President——

The PRESIDING OFFICER. The Chair will recognize the Senator from California as soon as the point of order is stated.

Mr. COCKRELL. The point of order is that the amendment proposed by the Senator from California does not belong to this bill. It is a private claim which was taken to the Court of Claims, and there determined in favor of the claimants. It has no business on this bill. It is a deficiency. Such things are always considered on the deficiency appropriation bill. Clause 4 of Rule XVI provides that—

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

I hope the Senator from California will not press the amendment on this bill when it properly belongs to another bill which has not yet been considered in the Committee on Appropriations.

Mr. PERKINS. I had reason to believe that the committee would accept the amendment at this time without raising the point of order. I think I could convince my friend from Missouri that perhaps his point of order is not well taken in this instance, but I will withdraw the amendment for the present and offer it on the deficiency appropriation bill.

Mr. COCKRELL. I will withdraw the point of order that the Senator may make an explanation of the amendment. I do not want to do him any injustice. If it properly belongs on this bill, if it is connected with Indian affairs, I have no objection to its going in; but I should like to see the document. Where is the executive document recommending the payment of the claims?

Mr. PERKINS. So much time has been occupied in the discussion of the various amendments offered to the bill, and as there are half a dozen other amendments yet to be submitted, if my amendment is to elicit any discussion I will withdraw it and let it go over.

Mr. COCKRELL. Let me see the document.

The PRESIDING OFFICER. The Chair understands the amendment is withdrawn.

Mr. PLATT. I am not quite sure whether it is withdrawn or not. I remember about this claim in the Committee on Indian Affairs.

Mr. COCKRELL. The Senator from California has withdrawn his amendment for the present. Let us go on with the bill.

Mr. PLATT. Very well.

The PRESIDING OFFICER. The amendment of the Senator from California is withdrawn for the present.

Mr. SHOUP. I am directed by the Committee on Indian Affairs to offer an amendment as an additional section to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add the following as an additional section:

SEC. 19. That the President of the United States is hereby authorized and directed to appoint a commission of three persons to allot in severalty to the Uncompahgre Indians within their reservation, in the Territory of Utah, agricultural and grazing lands according to the treaty of 1880, as follows:

"Allotments in severalty of said lands shall be made as follows: To each head of a family one-quarter of a section, with an additional quantity of grazing land not exceeding one-quarter of a section; to each single person over 18 years of age, one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; to each orphan child under 18 years of age, one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; to each other person under 18 years of age, born prior to such allotment, one-eighth of a section, with a like quantity of grazing land: *Provided*, That with the consent of said commission, any adult Indian may select a less quantity of land, if more desirable on account of location:" *And provided*, That the said Indians shall pay $1.25 per acre for said lands from the fund now in the United States Treasury realized from the sale of their lands in Colorado as provided by their contract with the Government. All necessary surveys, if any, to enable said commission to complete the allotments shall be made under the direction of the General Land Office. Said commissioners shall, as soon as practicable after their appointment, report to the Secretary of the Interior what portions of said reservation are unsuited or will not be required for allotments, and thereupon such portions so reported shall, by proclamation, be restored to the public domain and made subject to entry as hereinafter provided.

SEC. 20. That the remainder of the lands on said reservation, except lands containing asphaltum, gilsonite, or other like substances, shall, upon the approval of the allotments by the Secretary of the Interior, be immediately open to entry under the homestead and mineral laws of the United States: *Provided*, That after three years actual and continuous residence upon agricultural lands from date of settlement the settler may, upon full payment of $1.50 per acre, receive patent for the tract entered. If not commuted at the end of three years the settler shall pay at the time of making final proof $1.50 per acre.

SEC. 21. That said commission shall also negotiate and treat with the Indians properly residing upon the Uintah Indian Reservation, in the Territory of Utah, for the relinquishment to the United States of the interest of said Indians in all lands within said reservation not needed for allotment in severalty to said Indians, and if possible, procure the consent of such Indians to such relinquishment, and for the acceptance by said Indians of allotments in severalty of lands within said reservation, and said commissioners shall report any agreement made by them with said Indians, which agreement shall become operative only when ratified by act of Congress.

SEC. 22. That said commissioners shall receive $6 per day each, and their actual and necessary traveling and incidental expenses while on duty, and to be allowed a clerk, to be selected by them, whose compensation shall be fixed by said commissioners, subject to the approval of the Secretary of the Interior: *Provided*, That the cost of executing the provisions of this act shall not exceed the sum of $16,000, which sum is hereby appropriated for that purpose out of any moneys in the Treasury not otherwise appropriated.

Mr. PLATT. I should like to make one inquiry about the amendment. It provides that certain lands forming part of an Indian reservation shall be sold. It reserves the mineral lands for sale under the general law. The asphaltum lands are reserved, I understand, to be disposed of under the general mineral laws of the United States. I should like to know if there is any provision as to the price which is to be paid for mineral lands. I ask the Senator from Oregon [Mr. DOLPH], who is familiar with the mineral-land laws of the United States, how the mineral lands are disposed of? Is there a specific price which has to be paid for them?

Mr. DOLPH. Oh, yes; there is a mineral-land law. I would not be quite certain, however, whether the law refers to asphaltum.

Mr. PLATT. How much has to be paid for mineral lands—$5 an acre?

Mr. DOLPH. I think from $5 to $10 an acre, I do not recollect the exact amount; I think it is $5.

Mr. PLATT. I have an impression that Government mineral lands can be obtained by individuals for $5 an acre.

Mr. COCKRELL. There are different prices fixed, I think. For coal lands, lands containing precious metals, and other mineral lands, there are different prices.

Mr. DOLPH. Coal lands which are not within ten miles or twenty miles of a railroad are sold at $10 an acre, and if within ten miles of a railroad $20 an acre; but I think gold and silver placer lands are sold for $5 an acre.

Mr. PLATT. Whether asphaltum and gilsonite deposits would make these mineral lands I do not know.

Mr. ALLISON. I think they are excepted in the amendment.

Mr. COCKRELL. Let me read section 19 of the proposed amendment—

That the President of the United States is hereby authorized and directed to appoint a commission of three persons to allot in severalty to the Uncompaghre Indians within their reservation, in the Territory of Utah, agricultural and grazing lands according to the treaty of 1880, as follows:

It then describes the land.

Said commissioners shall, as soon as practicable after their appointment, report to the Secretary of the Interior what portions of said reservation are unsuited or will not be required for allotments, and thereupon such portions so reported shall, by proclamation, be restored to the public domain and made subject to entry as hereinafter provided.

Then section 20 of the amendment, proposed by the Senator from Idaho, provides—

That the remainder of the lands on said reservation, except lands containing asphaltum, gilsonite, or other like substances, shall, upon the approval of the allotments by the Secretary of the Interior, be immediately open to entry under the homestead and mineral laws of the United States.

So these lands are absolutely excepted, the way I read the amendment.

Mr. PLATT. All that I ask about the matter is that if the amendment passes the committee will pay careful attention to it in conference so that no one is going to get this valuable asphaltum and gilsonite land for a song.

Mr. COCKRELL. Would this language include it?

Mr. PLATT. I can not tell.

Mr. ALLISON. The Senator can add to it and make it certain by inserting "except those lands which are reserved from sale."

Mr. COCKRELL. I will put in that clause. The amendment reads—

That the remainder of the lands on said reservation, except lands containing asphaltum, gilsonite, or other like substances—

I will insert the words:

Which are hereby reserved from sale.

Mr. PLATT. That is right.

Mr. COCKRELL. That makes clear the point the Senator from Connecticut makes. I was not sure but that the amendment did read that way.

The PRESIDING OFFICER. The amendment of the Senator from Missouri to the amendment of the Senator from Idaho will be stated.

The SECRETARY. Amend the second section of the amendment so as to read:

SEC. 20. That the remainder of the lands on said reservation, except lands containing asphaltum, gilsonite, or other like substances, which are hereby reserved from sale, shall, upon the approval of the allotments by the Secretary of the Interior, be immediately open to entry under the homestead and mineral laws of the United States.

The PRESIDING OFFICER. Does the Chair understand that the amendment to the amendment is accepted by the Senator from Idaho?

Mr. SHOUP. The amendment to the amendment is accepted.

The PRESIDING OFFICER. The amendment to the amendment is accepted. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. PEFFER. I offer an amendment to be inserted on page 28, immediately after line 2, as a part of the matter relating to the Sacs and Foxes of Missouri.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Add after line 2, page 28:

That the Secretary of the Interior be, and hereby is, authorized and directed to cause to be allotted, under the provisions of the act of Congress approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," to each and every child born of a recognized member of the Sac and Fox of Missouri tribe of Indians since the completion of allotments to said tribe, 80 acres of land within the reservation of said tribe in the States of Kansas and Nebraska, and upon the completion thereof to offer for sale the remaining lands of the said reservation, at the proper land office, upon such terms, conditions, and regulations as the Secretary of the Interior may determine: *Provided*, That the Secretary of the Interior shall inquire into the correctness of the appraisement made under authority of an act of Congress approved August 15, 1876, of lot 8 of the southeast quarter of section 19, township 1 north, range 17 east, Sac and Fox Reservation lands in the State of Nebraska; and if he shall be satisfied that said lot was appraised at more than its actual value, he may cause the same to be sold upon the same terms as the other lands are sold: *And provided further*, That before any sale shall be made of said lands the consent of a majority of the male adults of said Indians shall first be obtained.

SEC. 2. That the net proceeds arising from the sales of lands, as provided in section 1 of this act, shall be used for the benefit of said tribe or shall be paid to said Indians per capita, as the Secretary of the Interior may determine. The cost of the advertisement and sale of said lands shall be defrayed from the first proceeds arising therefrom.

Mr. PEFFER. In explanation of the amendment, I will state that some two years ago an allotment was made of the Sac and Fox lands lying on the northeastern portion of Nebraska and the northeastern portion of Kansas. Since that time some fifteen children have been born to the tribe. There are something less than 2,000 acres yet remaining of the reservation to be disposed of. The amendment proposes that to the children who have been born since the last allotment, there shall be an allotment the same as was made to their ancestors, and that what is left, which is estimated at the Indian Bureau to be about 600 acres, shall be disposed of as the rest of the lands have been disposed of.

The Committee on Indian Affairs have all the correspondence with the Department of the Interior and the Commissioner of Indian Affairs in relation to this matter. My information is that both the Secretary of the Interior and the Commissioner of Indian Affairs favor this proposition; and they state that after an allotment of 80 acres each is made to fifteen children, amounting in all to 1,200 acres, there will be about 600 acres left, as I understand, but the Senator from Connecticut thinks it will be a very small number of acres.

Mr. PLATT. I think 33 acres.

Mr. PEFFER. The Senator from Connecticut suggests that there will be a small quantity left.

Mr. COCKRELL. How much?

Mr. PLATT. Thirty-three acres will be left.

Mr. COCKRELL. No, there are about 1,600 acres now, and when these allotments are made there will be about 575 acres left.

Mr. PEFFER. Then my information was correct. I put it at about 600 acres. This is all I have to say at the present time concerning the amendment.

Mr. PLATT. I believe I consented that this amendment should be reported pro forma by the Committee on Indian Affairs, but I think I told the Senator from Kansas I did not know that I should agree to the amendment. It raises a pretty important question in dealing with Indian lands. It is almost precisely such a provision as was put upon the Indian appropriation bill last year in regard to the Omaha Indians lands, which the Senator from Nebraska [Mr. ALLEN] has just attempted to have repealed this year by an amendment to the pending bill and which was ruled out of order.

I will state the question presented by the amendment: When a tribe of Indians concludes to avail itself of the provision of the act called the Dawes allotment act, and takes lands in severalty for all the members of the tribe, leaving a portion of the lands undistributed and still held in common by the Indians, and the land thus remains for a series of years until the Indians think they would like to dispose of the whole of it, or until they think they would like to have a new allotment of a part of it, shall there be a new allotment to children who are born after the first allotment takes place? There is no occasion for it in this particular case, probably, except what would exist in regard to every Indian reservation where allotments have been made under the Dawes act.

Mr. COCKRELL. And surplus lands have been left.

Mr. PLATT. And surplus lands have been left undistributed. It will be observed that where lands have been allotted under

the Dawes act there are surplus lands left in all cases, unless there has been some special provision made by Congress for the sale of the lands. Where allotments are made under treaties with the Indians there is usually included an agreement with the Indians that the land shall be purchased by the Government and opened to settlement; but upon the lands of almost all tribes where allotments have been made there are still undivided lands held in common. The amendment raises the question, What is to be done with those lands?

There is no provision in the Dawes allotment act which determines what shall be done with the lands which are left undistributed when an allotment takes place. The amendment seems to proceed upon the principle that so long as there are any lands left in common there are to be successive divisions or allotments made as children shall be born to the tribe. Of course this particular amendment provides for selling the lands which are not now to be alloted to the children who have been born since the first allotment, but that probably would not be done in all cases. So, under this principle we should have successive allotments at intervals of a few years, alloting to the children who should be born from time to time specific portions of the land. Whether that is what should be done in such cases, or whether one allotment having been made, it should be considered that the right of allotment and the power of allotment have been exhausted, and the rest of the land sold for the benefit of the whole tribe, is the question.

I do not like to dispose of this question on an appropriation bill. It is quite a large question, as Senators who are listening to me will see. When this allotment to the Sacs and Fox took place all the living Indians got an allotment, and there were left 1,600 acres of land. That land belonged to the whole tribe, including those who had received allotments. Now, it is proposed to take the greater part of it and give it to thirteen or fourteen or fifteen children, who have been born since. It seems to me that that is scarcely fair to the remaining members of the tribe who do not happen to have had children born to them since the first allotments were made.

I do not wish to decide that question now. That is my difficulty about it. I have not thought of it sufficiently to be fully determined in my mind which policy should be pursued, whether one allotment having been made, if the Indians want to dispose of the remainder of their lands, they should be sold for the benefit of the whole tribe, or whether allotments should be made as children shall be born until such time as the lands are fully disposed of. These allotments, of course, will go to the children of persons who received allotments originally, but there will be other persons who received allotments originally who will get no benefit of these lands.

As I say, my mind is not made up as to which policy should be adopted. My only reason for speaking at all is to say that I do not like to decide such a question upon an Indian appropriation bill without full consideration.

Mr. PEFFER. Just a word or two, Mr. President, in addition.

I have not personally given the point raised by the Senator from Connecticut very careful consideration. I have proposed the amendment because my information is, and I understand it to be entirely reliable, that the Secretary of the Interior recommends this disposition of the remaining land, recommends the course proposed in the amendment, and that the Commissioner of Indian Affairs approves it and recommends it; and, what would seem ordinarily to be better than both, the Indians themselves, who are personally interested in the matter, have recommended it.

In addition to that, the amendment itself provides that nothing shall be done along the lines laid down in the proposed amendment except with the consent of the Sac and Fox Indians.

Mr. PLATT. All of them?

Mr. PEFFER. All of them, as I understand, It is so provided. That being true, I do not see how there could be any mistake made. It might be that if there was a very large proportion of the reservation yet remaining undisposed of, there would be an opening for fraud.

Mr. PLATT. If the Senator will permit me to correct him with regard to what requirement is made for the agreement of the Indians, it is the consent of the Indian male adults. Without question the consent will be obtained of persons who have had children born, but it only requires the consent of a majority of the males.

Mr. PEFFER. I suppose that is the usual way. I have several times since my membership in this body proposed that the word "male" be stricken from bills and resolutions, but the motion has always been voted down.

Mr. PLATT. But it is a majority only that is required; it is not all of them.

Mr. COCKRELL. I regret exceedingly that such questions as these have to be decided upon appropriation bills; but in view of the fact that the Committee on Appropriations did not propose the amendment, I regret that the Committee on Indian Affairs have referred this amendment to us, unless they wanted it to pass. We are in this predicament: We found the amendment referred to the Committee on Appropriations by the Committee on Indian Affairs, and found it recommended by the Department, and we left the Committee on Indian Affairs to present it.

Mr. PEFFER. It occurs to me, Mr. President, that in view of all this, the proceeding is not only regular, but eminently proper. Perhaps my excellent neighbor from Nebraska [Mr. MANDERSON], who is quite as familiar with the subject as any of us, will be able to enlighten us about it.

Mr. MANDERSON. Mr. President, it seems to me the great difficulty about the consideration of this amendment is that none of us have that familiarity with the subject which we ought to have to legislate understandingly upon it. The lands proposed to be alloted here, as I understand, are in the States of Kansas and Nebraska, and we have as yet no information as to the amount of land involved.

Mr. COCKRELL. Sixteen hundred and fourteen acres to be allotted to twelve or thirteen children, allowing 80 acres to each, will leave remaining 574 acres.

Mr. MANDERSON. I thank the Senator from Missouri. The Sac and Fox Indians are not living in either Kansas or Nebraska. Whether some remnant of the tribe has remained upon these old lands in Kansas and Nebraska and these children to whom lands have not been allotted are to be found there, or whether they are with the tribe, which has an agency in the State of Iowa, I confess I do not know. The Sac and Fox agency, for which I see there is an appropriation in this bill for the pay of an agent at $1,000 per annum, is in the State of Iowa.

Can the Senator in charge of this bill inform the Senate whether the children, to whom these lands are to be allotted, are in the State of Kansas or in the State of Nebraska, or whether they are with the tribe which seems to have its habitat in the State of Iowa?

Mr. PEFFER. I am not able to inform the Senator upon that point. I presume, however, it is safe to rely upon the knowledge and information of the Secretary of the Interior and the Commissioner of Indian Affairs. In addition to that I will state to the Senator that I do not see how that can affect this proceeding one way or the other. There is nothing in the law requiring an Indian to live upon land which has been allotted to him. He may choose to live there, or he may choose to live somewhere else. So it may be with the children. If the parents are in Iowa, I have no doubt the children are there. The probability is that if they were born within the last three years they are not yet able to take care of themselves.

Mr. MANDERSON. That may be so. I do not take issue with my friend from Kansas on that proposition, and I do not antagonize his amendment. What I rose to say, however, and as I have proposed to say it sometime during the deliberation upon this bill—this is perhaps as opportune a time as any, although it is not strictly germane to this amendment—is that here is another instance of a very flagrant abuse pervading our Indian policy. I refer to the Sac and Fox Indians in the State of Iowa. At their agency there is an agent who is continued under the terms of the pending bill at a thousand dollars per annum, and there is about as much, I perhaps might say there is not as much, reason why they should have an agent as there is reason for a guardian for the person and property of the Senator from Kansas or for myself.

Mr. COCKRELL. I have a petition from the Indians at this agency dated:

SAC AND FOX OF MISSOURI INDIAN RESERVATION,
June 24, 1884.

We, your petitioners, members of the Sac and Fox of Missouri tribe of Indians, assembled in open council on our reservation in Kansas and Nebraska, being included in the Pottawatomie and Great Nemaha Indians—

The Nemaha Agency, I believe, is just on the border extending into both Kansas and Nebraska.

Mr. MANDERSON. I am speaking now of the Sac and Fox agency in Iowa mentioned in this appropriation bill, and making their case an instance only of many others like them. There is abundant reason why this Sac and Fox agency in the State of Iowa should be abolished. I simply give this agency as an example of numerous other Indian agencies that might well be abolished, and the best way to abolish them will be to abolish in the Indian appropriation bill the compensation to the agents. Shut off their supplies and they will cease to be.

I turn to a very valuable publication of the Census Bureau, not yet generally issued, and perhaps not to be given full light by that Bureau, prepared by Mr. Donaldson, expert special agent, and I see as to these particular Indians this fact stated:

The Sac and Fox Agency, Iowa, should be at once abolished, as the Indians

under charge of the agency are not reservation Indians in fact. The so-called reservation is owned by the Indians in fee, and no one has a right to invade or molest it. All requirements of law can be attended to by the United States district attorney for the district in which the Sac and Fox lands are located, or by an inspector of the Indian Office, and like matters at most of the other agencies when abolished could be so attended to.

Here is a small tribe of Indians, comprising but a few hundred—397 in all—living upon lands which they own in fee, deriving no rations from the Government. What possible use is there for the continuation of that agent?

We had in 1890 139 Indian reservations, and there were 54 actual agents under salary, with numerous dependents. I believe it to be a fact that from one-half to two-thirds of these agents could be abolished with advantage, not only to the Government in the way of saving the expenditures incident to their maintenance, but to the very great advantage and material good of the Indians themselves.

I know that a most convenient place to locate some superannuated, played-out, exolete politician is to send him to an Indian agency as an agent. He must, of course, be a man of very small caliber and light capacity who will thus exile himself for the paltry thousand or twelve or fifteen hundred dollars a year which he receives, and that is the class of men who are usually selected. There is no civil service examination. Those agents are not appointed upon their merits, but usually upon their demerits. If a small-bore politician is objectionable in the community in which he lives, and the desire is to get rid of him, the political Botany Bay for him is to send him to some Indian agency where there is nothing to do, and pay him the paltry compensation incident to the place.

Mr. President, one of the crying ills and great evils of our Indian system is that we are thus maintaining these so-called guardians but properly termed leeches of the Indians. We should wipe some of them out with a liberal hand; we should expunge from the appropriation bills the compensation which some of them are to receive, and that would result in their complete and perfect eradication and annihilation. Cut off from them that upon which they feed and they would soon expire.

Mr. President, there is abundant authority for the eradication of many of these agencies. Early in this session of Congress I introduced a resolution calling upon the Secretary of the Interior to transmit to Congress a list of all Indian agencies, and to suggest to Congress what agencies might, in his opinion, with safety be abolished. The list came, and there was very cavalier disposition of the question by the statement from the Secretary of the Interior that at this particular time he saw no reason why any of these agencies should be abolished.

I now quote from much better authority, which I hold in my hand, and I propose before I get through to ask leave to insert it as a part of my remarks, for it is a very valuable contribution to our literature upon the Indians. It has not yet received publication except in very limited number. I have an advance copy, approved by Superintendent Porter, of this very valuable report, made to the Census Bureau by its accomplished agent, and I ask leave to attach it as part of my remarks. It is a part of the Report on Indians, Eleventh Census, 1890.

By so doing, I shall save much of the time of the Senate, for I am so filled with well-grounded antagonism and with righteous indignation at the way this subject has been treated, that I should feel warranted and tempted to expend much of the valuable time of the Senate in expressing that indignation. I shall not, however, do that, but shall ask leave to append this document to my remarks, reading just now, as pertinent to the matter in hand, one or two extracts from it.

Representative HOLMAN, in his report on the pending bill, says of this paper:

> The very exhaustive, able, and interesting report of Hon. Thomas Donaldson, of Philadelphia, Pa., as expert special agent to take the census of the Indian tribes, furnishes a vast amount of valuable information in relation to the Indian service and the condition of all the tribes. He recommends the abolition of a number of the Indian agencies. While these recommendations have not yet been fully considered, it is believed that the report will greatly facilitate in the early future valuable improvements and positive reforms in the Indian service.

The PRESIDING OFFICER (Mr. PASCO in the chair). Is there objection to the request of the Senator from Nebraska? The Chair hears none.

Mr. MANDERSON. Hon. Thomas J. Morgan, Commissioner of Indian Affairs, in his annual report for 1890, speaks of the present system of conducting Indian affairs under existing laws. Gen. Morgan continued as Commissioner of Indian Affairs for a time after he made this report, and I greatly fear that because of his contact with these officials and with those who had a deep and valuable interest in the maintenance of the present Indian policy of the Government, he never again used language so emphatic, so forcible, and so truthful as this that I shall now read. He said:

> The entire system of dealing with them (the Indians) is vicious, involving as it does the installing of agents, with semidespotic power over ignorant, superstitious, and helpless subjects; the keeping of thousands of them on reservations practically as prisoners, isolated from civilized life and dominated by fear and force; the issue of rations and annuities which inevitably tends to breed pauperism; the disbursement of millions of dollars' worth of supplies by contract, which invites fraud; the maintenance of a system of licensed trade, which stimulates cupidity and extortion, etc.

Mr. PEFFER. That is strong.

Mr. MANDERSON. It is strong, Mr. President, as suggested by the Senator from Kansas, but it is as true as it is strong.

I know our sentimental brethren in the East, who know little of the Indian except as they read of him in Leather Stocking Tales, who do not come in contact with him and do not know him as he is, who do not know his weaknesses and do not know his strength—for he has both weaknesses and strength—I know that these sentimentalists believe in the maintenance of the present system; they think there must be safeguards thrown about the Indians; they think you must protect him from the rapacious hand of his white neighbor.

Mr. President, there is no greater friend of the Indian, no man who desires his advancement more than the white man who lives by his side. The Senator from Kansas, the Senator from South Dakota, my colleague, and I, who have seen much of the plains Indians, know them for what they are worth; we know they have the capacity to make most excellent citizens if you let go the leading strings with which we hold him. We would teach him to swim and yet keep him out of the water.

Mr. President, you could take the best white men and put them under this sort of tutelage, this objectionable vassalage and weakening bondage, and you would degenerate them to such an extent that they would be hardly worthy the name of men, and yet as to the Indian we go on year after year in these appropriation bills appropriating money to maintain worse than useless agents. It is about time there was a turn in the wheel.

As I suggested in the early part of the day, we have given to the Indians who have dissolved the tribal relation, who have taken lands in severalty in their allotment, the right of citizenship. Let us impose upon them the corresponding duties of citizenship.

The contrast that is afforded in my own State and adjoining States, where the white man goes and takes 160 acres of land, and with wife and children settles upon it, and struggles for years and years for a bare subsistence, with the Indian, who right across the line of an Indian reservation, is allotted his lands, furnished the materials with which he shall build his house, furnished the implements with which he shall plow the soil, with the seed that he shall plant, the implements and tools with which he shall reap the harvest, aye, and even the horses and wagons receiving pay, as they do at Pine Ridge and at Rosebud, for hauling with them the rations to be consumed—the contrast, I say, between the Indian thus pampered and thus sustained, and the white man, who on the very next farm struggles for life is most marked and most significant, and we of the West are growing tired of it. We want no abuse of the Indian, we would protect him with our lives if necessary, but we want to give him the chance for self-sustaining manhood, a chance to struggle for his own advancement and to aid in his own progress.

Mr. President, I read further:

> The remedy of Kit Carson—
>
> A pretty good frontiersman—
>
> one of the bravest and most humane of Indian fighters, for the Indian question was to stop the Indian from running at large, place him on reservations of good land, and let him fight the problem out himself.
>
> The only true remedy * * * is to compel the savages to form settlements by themselves, then and there assist and teach them to cultivate the soil; in time they will be able to gain a maintenance independent of the General Government.

That is the object to be attained, a maintenance independent of the General Government, to stop being wards, to come to the time when reaching their majority they will take upon themselves the full responsibity of manhood.

> And to a certain extent they will become responsible for their acts.
>
> This is, as has been noted, the present Canadian Indian policy.

We afford a most marked and dreadful spectacle as compared with the course that has been pursued by our wiser Canadian neighbor. They owe no more duty to the Indian of Canada than we owe to the Indian of the United States, but they pursue the other policy. They said, "Work and you shall receive pay; take care of yourselves, and if necessity compels we will help you." That was the motto. As suggested by a friend near me, it was "Root hog, or die;" and it is a pretty good motto for either the animal or the man creature. I quote:

> The Indians of Canada are placed upon reservations of land which will maintain them, of course with a small area for each, and they are aided to a start in life. They are now practically self-sustaining. The Canadian Indian knows when he goes on the land that it is to be his; the American Indian knows, if experience is worth anything, that it is not to be his, or the chances are largely that it will not be, and in addition it may be a sand bank. Ninety per cent of the present American Indians on reservations are not agriculturists, but the most of them will work in other fields

when paid for it. The Indian is too much of a child of nature to wait for slow-growing crops. He wants to see an immediate result from his labor. He will work as a laborer provided you board him and pay him cash besides. This has been tested. Money is an actual visible result to him. (See the reports of the special agents as to this.) The Navajoes did much of the work of grading the Atlantic and Pacific Railroad in Arizona and New Mexico.

A strange fact in connection with the administration of the Indian Office is, that as the Indians decrease in number and the civilized Indians become more numerous, according to the reports sent out, the number of employés and dependents and the expenditures for Indians increase.

I have a report here made by Mr. HOLMAN from the Committee on Indian Affairs of the House of Representatives, showing the amount of the Indian appropriation bills. Here it is. The appropriations for the Indian service in the year 1891 were $7,262,016.02; in 1892, $16,386,284.86. That very large increase in that year was because of the payment under certain treaties for certain lands. I think it involved, perhaps, the payment of the lands that were in the Indian Territory that constitute Oklahoma.

But the next appropriation in 1893, when there was no such exceptional increase, but simply the natural increase referred to by the writer from whom I have read, the appropriation was $7,664,047.84; and in 1894, $7,854,240.38 by the bill as it came from the House, which is to be increased, I presume, by the bill as it will pass the Senate.

Mr. President, there is this constant ever-recurring increase, and it is an unnecessary and useless increase. We could bring it down very materially if we would abolish some of these valueless agents. Mr. Donaldson goes on to suggest:

In some cases the consolidation of Indian agencies, reduction of reservations, and the Indians' removal would be of service to the Indians and profit to the United States. This would better the Indians' moral and physical condition. For illustration: The Jicarilla Apaches of Northwestern New Mexico could be removed to the Mescalero Agency in the southwestern portion of the Territory. These are ration agencies and both reservations are wretchedly poor in agricultural resources, and are without irrigation. If combined the expense of one agency would be saved and civilization aided. The Jicarillas number 808 and the Mescaleros 513, which would be a total of 1,321 Indians for a combined agency.

Yet each one of this aggregate handful of Indians, the Jicarillas on one reservation and the Mescalero Apaches upon another, have an Indian agent with but 1,321 Indians on both of them; two Indian agents, with the farmers who do not farm, the blacksmiths who do not forge, the matrons, and all the attendants and employés incident to an Indian agency, that swell so enormously the amount of the appropriation in these bills.

The Rosebud and Pine Ridge Sioux Agencies in South Dakota, and the Brule Sioux Agency and the Cheyenne River and Standing Rock Agencies are unfit for agriculture by reason of lack of water; and hot winds and drought also make them dreadful for living purposes. The Fort Berthold Reservation is also a miserable one for agriculture. * * *

Many agencies should be abolished, some reservations abandoned, and tribes consolidated and removed to localities where it is possible to make a living. Congress should at once take this in hand, as proper action in this will save millions of dollars, and tend to the bettering of the condition of the Indians. When agencies are ordered abolished the inspectors of the Indian Office can take charge and close them up.

The following agencies at different points, as shown by the reports of the special agents, should be abolished as useless—

Now, mark this language, Mr. President. These special Agents were sent out to view the land; have explored it, and it is upon their recommendation and conclusions, and personal observation and knowledge, that this writer says these agencies should be abolished—

The Six Nations of New York; Eastern Cherokees of North Carolina; Lapwai, Idaho; Pueblo, New Mexico; Round Valley, California; Hoopa Valley, California; Siletz, Oregon; Umatilla, Oregon; all agencies in Washington, viz, Colville, Neah Bay, Puyallup, Tulalip, and Yakima; Quapaw, Indian Territory; Osage, Oklahoma, and Sac and Fox, Iowa; all agencies in Minnesota; all agencies in Wisconsin. Some of the agencies named were recommended for abolishment by officials ten or fifteen years ago.

And yet, notwithstanding the fact that the Secretary of the Interior recommended the abolishment of many of them years ago, we maintain these useless places, these houses of refuge for those it is desirable to get rid of in other localities.

Mr. President, I have ventured to take the time of the Senate that I might emphasize these things, and that I might give them additional emphasis by publishing in the RECORD, that it may be seen of all men, this valuable contribution to Indian literature, and the abundant reasons that are here given for improvement in the direction of the bettering of the Indian himself, which I have advocated.

The Report referred to by Mr. MANDERSON, and ordered to be printed in the RECORD, is as follows:

NORTH AMERICAN INDIANS IN THE UNITED STATES.

(ALASKA EXCEPTED.)

[By Thomas Donaldson, expert special agent, Eleventh Census.]

The history of the American Indians prior to European occupation of this continent is veiled in obscurity, and the theorist now finds abundant material for his speculations. This obscurity would be in fact total oblivion but for the remnants of nations or tribes found by the whites, and these were, by their own stories, the survivors of once great nations. While the pre-Columbian North American Indian* left no monuments of iron, stone, or brass, and but few if any carvings or inscriptions, he left a varied posterity whose descendants are now pregnant with stories, and constantly tell of the grandeur of alleged past Indian nations.

"One of the safest conclusions reached in the study of North American archæology is that graphic art on bark, bone, shell, or stone never reached a higher stage than simple picture-making, in which no attempt was made to delineate form in three dimensions, and in which hieroglyphs never appear."—*J. W. Powell*, 1890.

The Indian legendist, while not having the faculty or facility of expression of the otherwise cultured white man, excels him in most cases in improbabilities, and the amusing thing in this connection is, that this same white man frequently believes more of these improbabilities than the Indian, and sometimes enlarges on them and furnishes probabilities where the Indian fails to connect the links.

"Nothing is more misleading than Indian tradition, which is of the least possible value as evidence."—*Francis Parkman*, in A Half Century of Conflict, 1892.

Much of what is now written about the pre-Columbian period is but a repetition of old fancies, legends, and traditions; as a rule nothing new, simply a cunning rehabilitation of these old legends and theories, a dressing of them in stately and harmonious periods, and in some cases the application of recent rules to old facts. There are a few mud mounds, or graves, with their contents, some inscriptions (when or where made or their meaning no one knows), and some pottery resembling present tools and implements common to the world; excepting these and his descendants and their legends the pre-Columbian aboriginal stands a myth. Indian history begins with the memory of the oldest native first found by the whites.

"Man has dwelt in the United States, so far as we yet know, only during the latter half of pleistocene time. There are no evidences of races of people occupying the country anterior to the Indian tribes. Pre-Columbian culture was indigenous; it began at the lowest stage of savagery and developed to the highest, and was in many places passing into barbarism when the good Queen sold her jewels."—*J. W. Powell*, 1890.

Modern authors have searched the earth, dragged rivers, climbed mountains, contracted wasting fevers, and martyred themselves on sea and land to learn something of the American pre-Columbian period. The most thorough research finds only the things first known when the European arrived or which have been discovered from time to time as the country has been opened up. The aborigines could tell nothing of these things; but in view of the Indians' well-known secretiveness and love of mystery, it had best be said that they would not tell of them.

For several hundred years learned pundits have continued to threaten to astonish the world with revelations as to races of men who peopled the portion of the New World now known as the United States anterior to the present Indians. Mystery, myth, and superstition have been employed to impress the public with expectant discoveries in this line. Thus far these discoveries have not materialized, and each year adds to their uncertainty.

If one fact is now more apparent than another in relation to the North American Indians it is that those found by the Europeans were the legitimate descendants of an ancestry which Dr. Daniel G. Brinton has called "the American race," the original inhabitants of the American continent.

The mounds or earthworks of the Indians found by the Europeans in New York, Virginia, Eastern Tennessee, and Kentucky have been called by ethnologists military structures. The mounds of the river valleys of the Ohio and Mississippi basins were for defense, residence, or burial places. Being along streams, they were frequently in the vicinity of cornfields. The cave and cliff dwellings of the rivers, streams, and canyons of Utah, Colorado, New Mexico, and Arizona and the ruins of towns or pueblos on the plains in the same regions were also for defense and residence. Some of the ancient ruins, which have been restored on paper from the foundation lines, are stated as having once been communal houses. These three grades or kinds of structures, each conforming to the demands of climate, were found by the Europeans on their entering the United States. The age or antiquity of any of these three classes of pre-Columbian structures was not determined by the first Europeans. The probabilities are decidedly against any age now being fixed.

The mounds in the central portion of the United States have frequently been cited as evidence of another (but an extinct) race on this continent. Much has been predicted, but nothing substantial has been discovered to prove that these mounds were built by a people other than the ancestors of the present Indians. Extinct nations usually leave something behind, a memory at least, if not language, traditions, buildings, excavations, ruins, or monuments. The alleged races of men anterior to or distinct from the ancestors of the present Indians left nothing visible.

Mr. Warren K. Moorehead, in Primitive Man in Ohio, 1892, says that "some writers have misrepresented and distorted field testimony to uphold theories previously formed."

The rocks lie not, neither do the mounds and burial places when opened. One of the most exhaustive researches thus far for testimony of a race of people prior to and not ancestors of the present Indians of the United States was made of the mounds in the Ohio Valley in 1890–1891 by Warren K. Moorehead. The result of these researches, given in Primitive Man in Ohio, 1892, was that the persons buried in the mounds, presumably their builders, were of the American race, and necessarily the ancestors of the present North American Indians.

Mr. Moorehead, in the work cited, states the purposes of his book and gives his conclusions, as follows:

"For many years the great majority of readers upon American archæology and ethnology have believed in the existence throughout the Mississippi Valley of a nation called, for want of a better name,† "the mound builders." Hasty explorations of tumuli and inclosures in various parts of the Ohio and Mississippi Valleys have been made by those desiring to further the popular belief. Books and numerous articles have been published in which the imagination was permitted to range unchecked. Statements were made without proper authority, speculations freely indulged in, and hypotheses were built upon foundations as unstable as those of sand. As a natural result many persons were led to attribute a high degree of civilization to the mound-building tribes of the Mississippi Valley. Fine relics or carved images taken from the mounds, the signification of which the collector could not satisfactorily explain, were accepted as evidence in support

*Indian: One of the aboriginal inhabitants of America. In general, Indians have no political rights in the United States; they can not vote at the general election of officers nor hold office. In New York they are considered as citizens and not as aliens, owing allegiance to the Government and entitled to its protection (20 Johns., 188, 633); but it was ruled that the Cherokee Nation in Georgia was a distinct community (6 Pet., 515; 8 Cow., 189; 9 Wheat., 673; 14 Johns., 181, 332; 18 *id.*, 505). The title of the Indians to land was that of occupation merely, but could be divested only by purchase or conquest (2 Humphr., 19; 1 Dougl., 546; 2 McLean, 412; 8 Wheat., 571; 2 Washb. R. P., 521; 3 Kent. 378).—*Bouvier's Law Dictionary*, edition 1890.

†We are in favor of Dr. D. G. Brinton's term, "the American race."

of the high status of these people. In spite of investigation and publications upon the part of learned institutions and private individuals, tending to dispel such deceptions, many intelligent people still retain false impressions while reading works that treat of primitive man.

"It is the purpose of our book to do away with certain of these illusions. In attempting this we are aware that a herculean task has been undertaken. But the time has arrived when men prefer facts to flights of fancy. We are therefore quite confident that our material, so carefully collected and thoughtfully weighed, will not be cast aside and its place usurped by the rash statements of hasty and incompetent investigators. Why there should be so much speculation and uncertainty concerning the life of our aborigines is inexplicable to us. No question of equal importance could have been more easily determined had the early writers given as much care and patience to mound exploration as is given at the present time.

"Conclusions: The skeletons of the brachycephalic people in the collections examined from the Great and Little Miami Valleys and those of the Scioto and Ohio suggest that they were strong and well built, and in stature slightly superior to the dolichocephali.

"No skeletons of gigantic size were discovered, and there is but little doubt that the progenitors of the American race were in height subject to the same variations in stature which are to be remarked among our recent tribes.

"In anatomical peculiarities the people of the Scioto, Ohio, and Great and Little Miami Valleys closely resemble those of the stone-grave people of Tennessee, and are in all probability but a prolongation of that short-headed stock northward in the localities named.

"In some of the large mounds, especially those of Hopewell's earthwork in the Scioto Valley and mounds of the Little Miami Valley, the crania are remarkable for their great thickness and low, retreating, narrow foreheads, with heavy superciliary ridges, these at times being replaced by a flat plane * * * running backward somewhat horizontally, and then losing itself in the rest of the frontal bone as it mounts toward the parietals. * * *

"We can not overlook the fact that the crania and skeletons examined by us, many of them excavated by our own hands, approached somewhat the negro in their anatomical characteristics. They are those of an inferior race, with strong mesocephalic and brachycephalic affinities. None of the characteristics of the Mongolian or of Mongoloid types are present in any of the Ohio crania which we have examined. They are evidently those of a people whose racial type was created and fixed on the American continent; in other words, the American race."

The ruins, cave towns, and cliff dwellings on the plains, in the cliffs, or along streams in Colorado, Utah, New Mexico, and Arizona, and in some cases adjacent to the present Moqui Pueblos and Pueblos, have long been peopled by romance with legends of a race anterior to the ancestors of the present Indians. Much mystery has therefore attached to these ruins or dwellings. They have been mapped, platted, described, painted, and photographed until nothing new can now be given about them. Investigation shows that the pueblos were built of adobe, or sun-dried bricks, or stone blocks broken from the sandstone adjacent, or rubble or bowlders taken from the rivers or streams, and never of dressed stones as known to the whites; that they were the homes of the ancestry of the present Indians of the towns of the vicinity, a part of the American race.

The great area of the country covered by these ruins or dwellings is no evidence that it contained a vast population, for the country itself, its resources and features, prevented a large population, and a small population, abandoning easily built houses from time to time for economical or natural reasons, or flying to cave or cliff dwellings for protection against a foe or to escape sudden inroads of water, will account for the great number of ruins or dwellings. The present Moqui Pueblo Indians of Arizona and Pueblo Indians of New Mexico, living in the region of these ruins, are not a mysterious people nor a more ancient people than other portions of the North American Indians. Six of the Moqui towns are inhabited by Shoshone Indians. The people of the seventh town (Tewa), originally from the valley of the Rio Grande, are probably also Shoshone, as well as the nineteen pueblos of New Mexico. They are all probably a portion of the down drift of the Shoshone movement of centuries ago, which came from the north and went south down the valleys on the east and west of the Rocky Mountains to the Rio Grande, thence to the Gila, and thence to the Pacific Ocean.

The uncertainty surrounding the origin of the North American Indian raises several questions of interest: Are the American Indians within the present area of the United States and the cognate tribes adjoining, now in the Dominion of Canada, an original people? If so, when and how and where did they originate? If created on this continent, where was their Garden of Eden? If spontaneous in origin, why on this portion of the American continent and not elsewhere and everywhere? Is the Turanian theory of origin correct? Is the North American Indian of the brotherhood and unity of man? If so, he is an anomaly, and his origin, considered broadly, must be recent, as his thought, progress, and the results therefrom were in the first stages of savagery when discovered; and if he is of the brotherhood, why generally a nomad? Besides, his color and habits indicate an entirely different class of aboriginal man from any yet known, for he is the highest type of the wild man. Is he a proof that man first began about the north pole by reason of that portion of the earth cooling first and becoming tropical and inhabitable, and that from that point man spread over the world.

The great variety of life among the various tribes or peoples on the American continent when first noted by the whites is confusing on review, and furnishes but little ground for comparison. The varying degrees of progress or of detail of daily tribal life are perplexing; still, the climate of the several sections in which the aborigines were found in these varying conditions will account for much of the difference in customs, forms, and modes of life. Was the continent populated at different points by a different ancestry? The ruins of buildings in Central America are puzzling when compared with the tepees, or wigwams, of the aboriginal population to the north. The Mexican condition of life presents a problem not easily solved by comparison with the ruins of Central America. The life and government of Peru and Chile present another phase, and so on until Cape Horn is reached.

From the Arctic regions to Patagonia on the American continent human life, when viewed beneath the surface, defies dates as to its origin, duration, or any positive knowledge from whence it sprang in its great variety, and after all study, investigation, and the acquirement of and deductions from all possible knowledge, the safest conclusion as to the North American Indian is that at the advent of the whites he *was* and in 1890 he *is*.

It is in evidence that many Indian nations have become extinct from various causes, especially war, famine, and disease, since the European has been on the continent; others were described by the Indians, as having become extinct long prior to the white man's arrival, and since the white occupation not one Indian tribe has been made, save where tribes or bands have been consolidated; so that by observation and tradition, as well as their own statements, the thought is forced that the Indian nations or tribes or bands were on the decline at the date of the arrival of the whites under Columbus. Still, with all this presumably large aboriginal population in the United States, not a column of an aboriginal architectural structure is kissed by the sun; not a certain ancient ruin rises up to attract the traveler; not a vestige, except now and then a mud mound, a fort, or a grave; only traditions and legends remain to tell of the so-called pre-Columbian men and women.

As to the origin of the Indian, in 1836 Albert Gallatin, in his Synopsis of the Indian Tribes, wrote:

"The uniformity of character in the grammatical forms and structure of all the Indian languages of North America which have been sufficiently investigated indicates a common origin. The numerous distinct languages, if we attend only to the vocabularies between which every trace of affinity has disappeared, attest the antiquity of the American population."

Nothing to seriously change this view of a common origin for the North American Indian has been presented from 1836 to 1890, except the published opinions of Maj. John W. Powell, United States geologist and ethnologist. Maj. Powell, after a study of the North American Indians of more than twenty years, in the seventh annual report of the Bureau of Ethnology, of which Bureau he is the chief, gives as to these Indians the following conclusions, which are entitled to much consideration. It will be noted that Maj. Powell differs essentially from several other authorities:

"First. The North American Indian tribes, instead of speaking related dialects originating in a single parent language, in reality speak many languages belonging to distinct families, which have no apparent unity of origin.

"Second. The Indian population of North America was greatly exaggerated by early writers, and instead of being large was in reality small as compared with the vast territory occupied and the abundant food supply; and, furthermore, the population had nowhere augmented sufficiently, except possibly in California, to press upon the food supply.

"Third. Although representing a small population, the numerous tribes had overspread North America and had possessed themselves of all the territory, which, in the case of a great majority of tribes, was owned in common by the tribe.

"Fourth. Prior to the advent of the European, the tribes were probably nearly in a state of equilibrium, and were in the main sedentary, and those tribes which can be said with propriety to have been nomadic, became so only after the advent of the European, and largely as the direct result of the acquisition of the horse and the introduction of firearms.

"Fifth. While agriculture was general among the tribes of the eastern United States, and while it was spreading among western tribes, its products were nowhere sufficient wholly to emancipate the Indian from the hunter state."

Some scientists class the Indians at the date of European occupation as being in the lowest condition of man, some in a state of savagery and barbarism, the next highest condition, and others (notably the Atlantic coast tribes) as just touching in habits and methods the verge of the shadow of civilization. These classifications are useful, even if not true; but for a comprehensive view, having in mind the history of all the tribes, the one generic statement of a "wild man" best applies to these Indians. There is no evidence since European occupation that the Indian within any reasonable time would have developed into a civilized man, as the Anglo-Saxon defines it. He had no incentive to such a development. The country was large, and its resources natural and varied. Here and there may be isolated instances of Indian sagacity or ingenuity which promised something of advance, but, as with other races, an Indian to show progress usually had to be of a different tribal parentage. Keokuk is said to have had a French father and a Sac mother; Tecumseh, a Shawnee father and a mother of another tribe; Logan, an Iroquois father and a Delaware mother; Osceola, an English father and a Creek mother.

So of the Sioux of to-day. When they are leading men they are usually of a cross of blood within the bands of Sioux or with one parent from a different tribe. Have our ethnologists given this the weight it deserves? If probable that this mixture of blood is an essential element of Indian progress or greatness, why, then, are not the several tribes of different origin? The degrees in the original condition of the Indians at the advent of the whites are not essential to ascertain their condition in 1890, but if the fact be conceded as established that he is a "wild man," and fearfully wild at times, and the entire horizon of Indian life shows this, then much is gained toward changing and improving his condition. It is a matter of no moment for the purpose of improving his condition, whether he dropped from the clouds, came out of the ground, just grew, is the result of evolution, came from Asia by way of Bering Sea, or came from Europe across the Atlantic over a dike now out of sight.

The facts of his origin are not now so essential to a proper future treatment of the North American reservation Indian as the one fact yet to be ascertained, and his condition demands it, which is, "What shall the Government do with him?" His physical condition is of more moment to the National Treasury than his origin. His present and continued existence is serious enough to occupy attention without the theory of his origin, for theory it must always be, the witnesses on this point being as silent as Memnon, and Memnon speaks not. The North American Indian is one of the few races of man who has not a reasonable theory of his origin. Indians seldom, if ever, in their legends, account for their origin from a single individual or a pair of individuals. It is usually, if not always, by nations. At present the most of the 133,417 reservation Indians are more troubled about what the Government of the United States is going to do with them than who their ancestors were or from whence they came.

The Indian's daily bread is now his serious burden. The past or the future weigh little with him compared to the wants and needs of the present. His origin is vague and unknown to himself, his future the same, while tranquilly he leaves the present in the hands of the Government and the Committee on Appropriations of the House of Representatives; yet he scans the newspapers to learn who the chairman of the Appropriations Committee is, as his rations largely depend on that chairman and his colleagues of the Indian Committee. The North American reservation Indians sum up their origin in the words "I am" and their future in "I want."

The European found the Indians self-sustaining and self-reliant, with tribal governments* and many forms of worship, with ample clothing of

*The legal definition of an Indian tribe is: a separate and distinct community or body of the aboriginal Indian race of men found in the United States. Such a tribe, situated within the boundaries of a State, and exercising the powers of government and sovereignty under the national Government, is deemed politically a State, that is, a distinct political society, capable of self-government; but it is not deemed a foreign state in the sense of the Constitution. It is rather a domestic dependent nation. Such a tribe may properly be deemed in a state of pupilage; and its relation to the United States resembles that of a ward to a guardian (5 Pet., 1, 16, 17; 20 Johns., 193; 3 Kent, 308-318; Story, Const., § 1096; 4 How., 567; 1 McLean, 254; 6 Hill, 546; 8 Ala., N. S. 49). No State can, either by its constitution or other legislation, withdraw the Indians within its limits from the operation of the laws of Congress regulating trade with them, notwithstanding any rights it may confer on them as electors or citizens (3 Wall., 407; 5 Id., 737, 761).—*Bouvier's Law Dictionary*, edition 1890.

skins and furs, and food fairly well supplied. In fact, they were in nowise in need of the white man's care, nor did they desire it. They were wild men and women, to whom the restraints of a foreign control became bonds of steel.

RANK AND GRADES OF MEN IN INDIAN TRIBES.

In 1833 George Catlin, the eminent ethnologist, from observation, gave the rank and grades of men in the various Indian tribes, which, with some slight modifications for local forms and necessities, were general. The United States, since establishing the reservation system, has done much toward doing away with these grades. The United States Indian agents now approve or reject the selection of chiefs, if any be selected, and when there is a chief his power is nominal, no matter who selects or approves him. The constant hunt for the near necessities of life by the Indians has somewhat removed the old sense of dependence on the chief, because they find that instead of planning and executing raids on game preserves or other tribes for food and plunder, he is now as busy as they in hunting his daily bread. Indians are very much like other people; they know when their bread is buttered. The following are the grades given by Mr. Catlin:

"1. War chief: The first man of the nation; the first to whom the pipe is handed on all occasions, even in councils or treaties; the man who leads in battle, is first in war, speaks first in council of war and second in peace councils or treaties.

"2. Civil chief: The head man of the nation, except in times of war; speaks first and smokes second in peace councils; is chief orator of the nation.

"3. Warrior: A man who is not a chief, but has been on war parties and holds himself ready at all times for war excursions.

"4. Braves: Young men not distinguished as warriors, but known and admitted to be courageous, who stand ready at home to protect their houses and firesides."

As our Anglo-Saxon ancestor moved across the continent from the east to the west he met several types of the Indian; Indians living upon cultivated corn, grain, and vegetables, wild grains, fruits, and roots; flesh eaters, root diggers, and fish eaters. Everywhere he found the Indian conforming through necessity to his surroundings, taking advantage of the situation, and ingenious with the elements around him.

The highest intelligence was found among the Indians of the Atlantic coast and east of the Ohio River, this intelligence gradually decreasing, until the most squalid Indian was found beyond the Rocky Mountains and to the Pacific coast and northward, and in regions where the natural resources were limited.

Civilizations start to die, and to die where they are the oldest. So our Indian civilization, judged by this rule, began on the Pacific coast of the United States (being found virtually effete there 300 years ago), and proceeded across the continent to the Atlantic coast, where our ancestors found it fresh and vigorous, as indicated by the Indians they met.

Albert Gallatin, in 1836, wrote as follows of the North American Indians as agriculturists, hunters, fishers, and nomads:

"All the Indians of North America, north of the civilized districts of the Mexican Empire, may be arranged in two classes: those who cultivated the soil and those who derived their subsistence exclusively from the natural products of the earth and the sea. The territory over which cultivation had extended is that which is bounded on the east by the Atlantic, on the south by the Gulf of Mexico, on the west generally by the Mississippi, or perhaps more properly by the prairies; on the north, it may be said, by the nature of the climate. The northern boundary of cultivation was, near the Atlantic, that which divided the Abenakis from the Etchemins, including certainly the river Kennebec, and probably the Penobscot. With the exception of the Hurons and other kindred tribes on the northern shores of Lake Erie, there was no cultivation north of the Great Lakes; nor does there appear to have been any among the Chippeways, who occupied the country along the southern banks of Lake Superior. They and the Menomonies depended for vegetable food principally, if not altogether, on the wild rice or wild oats, as the plant is called.

"The few tribes west of the Mississippi which attend at all to agriculture have already been designated, as well as those which, extending thence to the Pacific, derive their principal means of subsistence either from the buffalo or from roots and fish. Nor were the inhospitable regions of the north destitute of those means. Innumerable lakes cover perhaps one-third of the inland country, and would afford an abundant supply of food to an industrious and provident population. The musk ox and the American reindeer are found under those latitudes where the buffalo and the common deer can not exist. Even along the shores of the Arctic Ocean and of its numerous bays, the Eskimaux appear to be as well provided as the more Southern Indians. Immense quantities of salmon are caught in the summer, and are easily preserved till the ensuing year. The seal, which is taken even during the winter, supplies the Eskimaux with food, fuel, light, and clothing; and even where there are neither trees nor driftwood, and where subterraneous abodes are not resorted to, or can not be excavated, the ice itself affords materials for winter dwellings as comfortable and as quickly constructed as the leather lodges or the bark huts of the erratic tribes.

"It is obvious that the population of nations which for their subsistence depend exclusively on natural products is necessarily limited by the quantity naturally produced. A nation of hunters, living exclusively on game, can not increase the quantity which a given extent of territory can sustain. All they can at most effect for that purpose is the destruction of carnivorous animals. If at any time their population should be so increased as to require a greater consumption of food than is afforded by the natural production of game, this would be checked, and the population would soon be diminished till the equilibrium was again restored. In order to keep up their numbers the Indians must resist any encroachment on their hunting grounds. They must fight in their defense against invaders as for existence. On the other hand, the great extent of ground necessary to sustain game sufficient for the subsistence of a very moderate population compels them to separate and to form a number of small independent communities. It may easily be perceived that the perpetual state of warfare in which neighboring tribes are engaged had its origin in the same cause which has produced the great diversity of American languages or dialects. We may also understand how the affections of the Indian became so exclusively concentrated in his own tribe, the intensity of that natural feeling, how it degenerated into deadly hatred of hostile nations, and the excesses of more than savage ferocity in which he indulged under the influence of his unrestrained vindictive passions.

"It is worthy of remark that the population of those hunting nations does not appear to have ever reached the maximum of which it was susceptible. We have the proof of this in the undiminished numbers of the buffalo in the prairies, and even of the deer in the north, and in the facility with which the numerous servants of the European and American trading companies derive their means of subsistence in those districts from the natural resources of the country, from the chase, or from the product of the lakes. The only species of animals which have decreased are those which supply furs and skins, for which commerce has created an extraordinary demand. The intestine wars of the Indians may have checked the increase of population, but this is not the only cause, and we may find another in their inveterate indolence, united, as it is, with that habitual improvidence, occasionally attended with the greatest privations, and even with famine.

"War and the chase are the only pursuits which the men do not think beneath their dignity. This is the uniform characteristic of all our Indian nations. When not thus engaged they sink into a state of mental apathy and physical indolence, from which strong stimulents alone can arouse them, and to this cause may be traced their excessive passion for gambling and for ardent spirits. Women are everywhere slaves and beasts of burden. Independent of that portion which naturally falls to their share, the cares of maternity and of the household, every other species of labor falls upon them; and this alone has prevented the beneficial effects which would otherwise have flowed from the introduction of agriculture.

NORTH AMERICAN INDIANS IN THE UNITED STATES.

"It has already been seen that cultivation is exclusively confined to that portion of the country clothed with forests, which, between the Lakes and the Gulf of Mexico, extends from the Atlantic to the Mississippi, and hardly beyond it. This territory and Chile, in South America, might in some respects be considered as centers of an incipient civilization. But the Araucanians appear to have ceased to be hunters, and to have derived their subsistence exclusively from agriculture. Their long and successful resistance against the Spanish invaders proves them to have been a numerous and united people; they were not, like the Peruvians and Mexicans, under the yoke of a civil or religious despotism, and although they had not made the same progress in arts or knowledge, they may perhaps be considered as the most favorable specimen of the American race. The social state of the semi-agricultural nations of North America presents a very different picture. Cultivation among them appears to have been confined to the maize, some species of beans (phaseolus), and pumpkins (cucurbita), and in some quarters the sweet potato (convolvulus), the watermelon, and tobacco, all which plants were also cultivated in Peru. Maize, which constituted the most important article, is decidedly of Southern origin, but whether the cultivation first took place on the continent or in the West India Islands can not be ascertained. It would seem more probable that it originated in the favored elevated plains of the torrid zone, and that in its gradual progress it was introduced from the neighboring islands of the Gulf of Mexico into the country which lies along its northern shores. Its extension northwardly would be a natural process, and may have been favored by the greater difficulty of obtaining food where there is no fish, and the game, consisting principally of deer, is comparatively less abundant and obtained with greater labor than in the prairies. But the introduction of agriculture produced little alteration in the habits or manners of the men. They still continued to be hunters, and being too indolent to attend to the daily and tame labors of agriculture these were again thrown upon the women."

This last social condition continues, notwithstanding the efforts of the United States Government and philanthropists to change it. The North American reservation Indian is not a farmer.

THE NORTH AMERICAN INDIANS AT THE ADVENT OF THE WHITES.

Peaceful and genial at first, then murderous (on the Atlantic coast) at the advent of the whites, the Indians became more murderous, wild, and savage as our ancestors proceeded westward, this fierceness increasing and being aggravated by the advancing lines of Anglo-Saxon civilization.

The aboriginal American Indian furnishes a theme for poet and author. Most of the Indians of the present day furnish no theme save doubt and neglect. Cooper's novels, delightful and heroic, along with other Indian romance, have produced in the American mind a belief in a higher type of Indian than ever existed, or is even possible. So with all romance of Indian life. The high type demanded by false types in literature and poetry has worked gross injustice to the present North American Indian. It has created in the popular mind, in sections where he is not actually known, a false impression of his capacity, his manhood, and his fitness for the demands of Anglo-Saxon life. In fact, by reason of this false teaching, we expect too much of him. He has been placed upon a high pedestal in literature, story, and song, and at a distance, like the great statue, he shows neither defect nor lact of symmetry. On close inspection the present Indian clearly indicates a great decadence from his reputed ancestors, and convicts many of the writers contemporaneous with his forefathers of exaggeration. Most of the present North American reservation Indians are no credit to their ancestors of romance. If these ancestors were as pictured these modern descendants are certainly a most degenerate offspring.

As a rule, the present reservation Indian does not change unless compelled by necessity or force. Outside surroundings do not weigh upon nor affect him as they do other people. He welcomes death, but resists the tendered civilization. Indian life and civilization from his point of view are perfect, and have always been so. The continent was his, and he, an uncontrolled child of nature, the perfection of a wild man. What a life was his! He roamed without restraint. In early days he received cordially the few whites who visited him, and cheerfully divided his food with them.

Along streams in the interior prior to the advent of the Europeans the dugout canoe was the Indian's conveyance. He moved in his canoe, and the mounds of the Western and Southern States were his places of rest, defense, and burial. These mounds, generally along streams, are in the vicinity of rich alluvial soil, where corn or other crops were easily raised; besides, the streams gave fish and mussels for food.

The Spaniards brought the modern horse to America. Some of the horses escaped in the Southwest and ran wild in bands. The Indians soon captured and adopted them, and so after a time the canoe was partially abandoned, and as a result the roaming plains Indian followed. The new means of locomotion, the horse, became the Indian's inseparable companion. The interior of the country was thus easily explored, and tribes became migratory. The plains where the horse was found running wild became of value as horse-producing grounds, and almost incessant war was the result. In fact, if tradition was to be believed, war seems to have been the normal condition of the Indian tribes of North America. The horse, enabling him to follow the buffalo (used for food and clothes), and the claiming of the lands by the tribes encouraged his nomadic habits, and paved the way for his continued unsettled life. The buffalo grounds were also battlefields where the southern Comanche fought the northern Sioux and the Pawnee and the Cheyenne met in deadly conflict.

The wandering habits of many tribes and their varied manners and customs may account for the great number of tribal languages. Permanent and isolated tribal settlements also aided the growth of distinct speech. Then the ideal Indian life existed, for there was in fact no labor. The battle for the necessities of life was not a struggle as now, because game was abundant and people not so numerous. Skins and furs for clothing and for making lodges, tents, or tepees were plentiful; and the flesh of the fur animal was good for food. The streams abounded in fish, and the seasons brought the unfailing crops of roots and nuts. War, theft, and laziness in the males were virtues, and labor by the females a duty. The workers in the tribes were few, and the breadwinners were the decoy, spear, and bow and arrow.

Individuals, as a rule, knew no law of personal property. The patient squaw was then, as now, the stay of the family, being in fact a beast of burden and both camp guard and keeper, while the males loafed, hunted, stole horses, fished, or made war. Nature was supreme. Wants were compara-

tively few and easily supplied. Waste of flesh food was then the rule; still, with all his carelessness, the Indian had some idea of economy in the killing of beasts for food, as the buffalo herd or game preserves were invaded only in season.

In illustration of Indian life, consider the conditions and surroundings of lake and river Indians of the middle United States. The Pottawatomie, Chippewa, Ottawa, Huron, Wyandotte, Miami, Shawnee, and Kickapoo roamed along the lakes, rivers, and streams of what is now Ohio, Indiana, Northeastern Illinois, and Michigan. This was to them an ideal home. The water yielded fish, the trees shelter and fuel, the plains food and clothes. Why should man work in such a beautiful region? What use for labor where nature planted, reaped, and harvested? Why strive for more or for another life when abundance came with the seasons? The environments of civilization did not prevent the following of inclination. The Detroit River was then the favorite passageway and rallying point for the northwestern Indians. On it the canoes came and went, and it was an artery in the system of aboriginal life. Game was abundant, including bear, elk, moose, wolves, beaver, otters, muskrats, and rabbits. Wild berries were indigenous. The sugar maple contributed to the luxury of the savage taste.

The wild rose, honeysuckle, and clematis made the forest air fragrant, and along the waterways and lakes the lily waved its welcome of beauty in myriad blossoms. Night came as a time of rest, and while nature worked the Indian slept, and on the morrow, as the sun's rays kissed the longing earth, he arose to a bountiful repast not created by man. The incoming of the white man changed all this. The first sentence of the Latin tongue spoken in the Northwest ordained the death of the Indian. He felt it, and neither honeyed speech, tuneful song, nor gilded vestment and protecting church could reconcile him to the foreign invasion and control. The green wood soon echoed to the ax of the settler, and the stalwart son of the forest who had walked through his own possessions, alert and erect as the towering pine, became of necessity a stealthy or hiding outcast in the land of his fathers, and crawled by night amidst the groves where, prior to the advent of the whites, he had boldly walked by day as a man. Of this region Cadillac, who settled Detroit in 1701 (and was afterwards, in 1710, made governor of Louisiana), wrote:

"Its borders are so many vast prairies, and the freshness of the water keeps the banks always green. The prairies are bordered by long and broad rows of fruit trees which have never felt the careful hand of the vigilant gardener. Here, also, orchards, young and old, soften and bend their branches under the weight and quantity of their fruit toward the mother earth which has produced them. It is in this land, so fertile, that the ambitious vine, which has never wept under the knife of the vinedresser, builds a thick roof with its large leaves and heavy clusters, weighing down the top of the tree which receives it, and often stifling it in its embrace.

"Under these broad walks one sees assembled by hundreds the timid deer and fawn; also the squirrel bounding in his eagerness to collect the apples and plums with which the earth is covered. Here the cautious turkey calls and conducts her numerous brood to gather the grapes, and here also their mates come to fill their large and gluttonous crops. Golden pheasants, the quail, the partridge, woodcock, and numerous doves swarm in the woods and cover the country, which is dotted and broken with thickets and high forests of full-grown trees, forming a charming perspective which sweetens the sad lonesomeness of the solitude. The hand of the pitiless reaper has never mown the luxuriant grass upon which fatten woolly buffaloes of magnificent size and proportion.

"The fish are here nourished and bathed by living waters of crystal clearness, and their great abundance renders them none the less delicious. Swans are so numerous that one would take for lilies the reeds in which they are crowded together. The gabbling goose, the duck, the widgeon, and the bustard are so abundant that to give an idea of their numbers I must use the expression of a savage, whom I asked, before arriving, if there was much game there: 'So much,' he said. 'that they drew up in lines to let the boats pass through.'"

The North American Indians, in their aboriginal condition, had no slaves, and, in fact, no tribe had until about 1800. This fact largely accounts for their continued aboriginal condition and nonprogressive methods. Slaves from without their tribes, doing servile labor within them, and in sufficient numbers to be factors, would unquestionably have materially changed their condition. Of this and the possibilities suggested Albert Gallatin wrote in 1836:

"The annals of every nation of which we have any ancient and authentic records exhibit to us a state of society of which slavery constituted a component and important part. Such was the case with the Romans, with the Greeks, and with the Eastern nations, without excepting the Jews. It seems as if, after man had departed from the first ordinance given to him, conquest and slavery had become necessary ingredients in order to bring him within the pale of civilization.

"Had the Five Nations, or any other conquering Indian tribe, instead of murdering or adopting prisoners of war, reduced them to a state of slavery and made them their helots, they might have attained a Spartan civilization. That of Peru and Mexico was avowedly the result of conquest, and in both cases had for its foundation the abject servitude or submission of the many, the military power of the conquerors, and the yoke imposed by a false religion.

"The only well-ascertained instance among our own Indians of their having, at least in part, become an agricultural nation, meaning thereby that state of society in which the men themselves do actually perform agricultural labor, is that of the Cherokees [and Creeks], and it is in proof that in this case also cultivation was at first introduced through the means of slavery. In their predatory incursions they carried away slaves from Carolina. These were used to work, and continued to be thus employed by their new masters. The advantages derived by the owners were immediately perceived. Either in war or in commercial intercourse, slaves of the African race became objects of desire; and, gradually assisted by the efforts of the Government and the beneficial influence of the missionaries, some among those Indians who could not obtain slaves were induced to work for themselves."

That the North American Indian was a seafaring man prior to the advent of Europeans there is no evidence. He was not met with at sea or at a distance from the coast by the Europeans; he did not, as a rule, sail on the lakes, and his sailing on the rivers was in dugouts or rudely made craft. If he originally came by water across the sea his descendants early lost the trade of their fathers. Capt. Howard Stansbury mentions the launching of a boat in 1849 on Great Salt Lake, and the surprise it awakened among the Indians dwelling along its borders, and ventures the suggestion that it was the first boat they had ever seen. The North American Indian was a land lover. He held to the earth. The forest and plains had more charms for him than the roar of breakers and the crush of waves. He considered lands to be tribal, not individual property. He used lands he found vacant and fitted to his wants, but the individual use was merely possessory. The tribal lands, or claim for them, were held to most tenaciously, and the invasion of hunting grounds by other tribes was resisted, and frequently war followed. These national or tribal Indian land claims present a curious study of the beginning and protection of natural land rights.

"The lands of Indians, however, are owned, so far as owned at all, by the whole community, and in the case of the Algonquin tribes the chiefs had no real authority to alienate them without the consent of the tribesmen."—*Francis Parkman*, in A Half Century of Conflict, 1892, volume I, 214.

Investigation shows that the Indians prior to the coming of the whites had portioned out the surface of the country fairly well, and that by consent or tacit agreement separate sections of the country were occupied by tribes of the several stocks. In illustration: the Sioux, in a broad swath down the valley of the Mississippi, reached the far southeast; the Catawbas, of Siouan stock, were in North and South Carolina; the Biloxis in Louisiana, while the Tutelos, of the same stock, lived in Eastern Virginia. The Shoshonean stock roamed down through the middle basin between the Rocky and Sierra Nevada Mountains, in Idaho, Utah, Colorado, New Mexico, and Arizona, to the Pacific Ocean, the Indians of the San Luis Rey Mission, in California, being of this stock.

Lands thus claimed were respected by the other tribes. The leagues of the Iroquois and the Dakotas seem to have been the comprehensive leagues, while in other instances adjoining tribes leagued as emergency required for attack or assault. Tribes were sometimes found in perpetual league, as for instance the Hurons and Shawnees.

Indian nomadic life prevented large families. The various Indian tribes were generally nomadic within the areas claimed by or conceded to them by other tribes. They moved with the seasons, following the game or going to corn-growing grounds, and large numbers of children would have been an incumbrance. Those who depended most upon agriculture were the most permanent, because the climate of the agricultural sections was unusually good, and the country, generally limestone, abounded in root crops and birds, and the streams contained fish.

These natural resources made this class of Indians less nomadic than those who were mere flesh eaters, depending on game. Indians were good judges of natural resources and possibilities, and they never of their own choice selected a desert on which to live. The Jesuits in North America never made a settlement which died out, except perhaps one, and that on the Missouri River. In fact, they almost all became cities. The prefix St. to a city in the present United States is pretty sure to designate an original Catholic location. These fortunate locations were due to the fact that the priests sought the Indian settlements or towns and always found them favorably located for fish, flesh, and water, and grain and root crops. If the Indian had not been so careful in his selection of the best lands he would not have so soon become an object of attack by "land-hungry" people. It remained for the white man to discover that the Indian was fitted for deserts and mountain tops, as is shown in many of the reservations upon which he is sojourning at present as a ward of the nation (leaning heavily upon the Treasury meanwhile) in some of the Western States and Territories. It may be asserted, as a rule, that the Indian has thrived fairly well upon lands where a white man could make a decent living.

INDIAN LANDS AND THEIR PURCHASE.

The early European doctrine was, that although the Indian was placed on the land by the Almighty it was only his to use until the white man should come over and claim it. This curious doctrine the Indian did not seem to understand, and does not understand to this day. The Supreme Court of the United States solemnly declared that the Indian had the possessory or occupancy title merely (though he was born on the land), and so he only held the fee in keeping for his white brother beyond seas.

After the reservations were established by executive order or by law they were and are still being diminished, by an actual decrease of reservation lines, either by the demans of settlers, forcing reduction, or by the modern method of allotment, the Indians, by the latter method, being paid for the excess of the reservation they occupy. When reservations are diminished in gross the Indians are paid for the area of the reservation which the Government takes possession of and disposes of under the various laws. The Indian does not, as a rule, get paid for the areas claimed originally by him, but for the area fixed for him as a reservation by the nation. There have been some limitations to this, however, prior to the days of reservations, when grants of money (divided pro rata) were made to small bands of Indians for civilization and support by reason of cession of lands, etc., and removal to other lands belonging to the Government; these removals were generally called "perpetual and permanent." Many of the tribes have had several such removals upon the same fiction of permanent homes.

The land that the nation now buys is not the lands embraced in the original claim of the Indians, but reservations, upon some of which the Indians have been arbitrarily placed. Some tribes, notably those in California, did not receive one dollar for their lands. Of course the Indian had to assimilate or remove. He could not assimilate, so he removed, and is now being allotted.

The Indian nations were divided into clans or gentes. Of this Albert Gallatin wrote in 1836:

"The Indians, as individuals, have preserved a much greater degree of independence than is compatible with a more advanced state of civilization. They will hardly submit to any restraints, and it is well known that the nominal title of chief confers but little power, either in war or peace, on their leaders, whose precarious authority depends almost entirely on their personal talents and energy. Yet we find that nominal dignity of chief, sachem, mingo, or king to have been, with but few exceptions, among all the Indians, not only for life but hereditary. But another institution belonging to all the southern, and of which traces may be found among the northern, nations deserves particular consideration.

"Independent of political or geographical divisions, the division into families or clans has been established from time immemorial. At what time and in what manner the division was first made is not known. At present, or till very lately, every nation was divided into a number of clans, varying in the several nations from three to eight or ten, the members of which, respectively, were dispersed indiscriminately throughout the whole nation. It has been fully ascertained that the inviolable regulations by which those clans were perpetuated among the southern nations were, first, that no man could marry in his own clan; secondly, that every child belongs to his or her mother's clan. Among the Choctaws there are two great divisions, each of which is subdivided into four clans, and no man can marry in any of the four clans belonging to his division. The restriction among the Cherokees, the Creeks, and the Natches does not extend beyond the clan to which the man belongs.

"There are sufficient proofs that the same division into clans, commonly called tribes, exists among almost all the other Indian nations; but it is not clear that they are subject to the same regulations which prevail among the southern Indians. According to Charlevoix most nations are divided into three families or tribes. One of them is considered as the first and has a kind of preëminence. Those tribes are mixed without being confounded. Each tribe has the name of an animal. Among the Hurons the first tribe is that of the Bear, the two others of the Wolf and the Turtle. The Iroquois Nation has the same division, only the Turtle family is divided into two, the Great and the Little.

"The accounts are not so explicit with respect to the Lenape tribes. Mr. Heckewelder, indeed, says that the Delawares were divided into three

tribes, but one of them, the Wolf or Minsi, had altogether separated from the others and was a distinct nation or tribe, and not a clan in the sense now under consideration."

Much study has been given this subject since Mr. Gallatin's time and most satisfactory results have been reached.

Wild and free life made the Indian improvident. It gave him no care for the future. Even now a week's rations is consumed in two days, for he eats prodigiously, and besides he is not certain there may be any on the morrow. Nature has also conspired to make the Indian thriftless and unstable. In his free condition he was the ideal wild man, pure and simple, and to this day many of them are but little changed in their wild instincts. Then the restraint upon his appetite, physical or otherwise, was satiety, and death was met with nerve and as a condition of life. Cunning and ingenious, and with some mechanical skill, he placed nature under tribute for arms, weapons, decoys, and game traps. As a hunter he was more adroit than the wildest game, more fleet of foot than the elk or deer, and more stealthy than the wolf.

The Indian camp life was then ideal, or almost so; but now the ideality has fled and only dirt remains. Peace reigned amid trees, which bore acorns or pine nuts for food and furnished shade and rest; in the mountain fastnesses or along the sides of valleys fern and flower joined hand in never-ending sleep; down moss-covered rocks trickled gleeful streams to join the music of children's laughter, and warriors planned murder, theft, and attack on rich and distant foes. The nights were lurid with the light of camp fires and the air shook with the shouts of men, as, in the dance, they invoked all powers to aid their designs.

The Indian village is the unit of organization in almost all the tribes. The individual is merged in the village. All classes of North American Indians had a village life. With the agricultural Indians the villages were of a permanent character. With the nomadic Indians lodges or tents, with their live stock and property, composed the village.

In peace the nomadic village was placed in a favored retreat, and here the Indians remained until war or the seasons forced them to remove. By marks or signs a band could tell what Indians had preceded it. As a rule, the bands of a tribe had their well-defined camping grounds, which were sacred to them. A tribe seldom, if ever, camped or lived in a compact mass. The villages were frequently remote, and in war were signaled with fires or alarmed by runners. In war old men and women cared for the camp and protected it. When a war party returned, one of their number was selected to bear a pole upon which were suspended the scalps taken from the enemy. Victorious Indians do not bring banners back to camp, because tribes have none; they bring scalps.

The Indian village or camp (town it was called by the Creeks) was and is now the seat of education, culture, comfort, and power with the Indian tribes. The individual who led a band was the head of the village, and his power in the council of his tribe depended upon the number of warriors in his village, just as civilized nations have their influence in the world by reason of their armies or navies. This Indian village life, the growth of centuries, is now partially perpetuated on large reservations, and the love of it is one of the chief causes of the Indian's resistance to the white man's customs. The Indian does not like to live isolated.

Dances preceded and followed all their movements, good or bad. There was then no right, by the Saxon rule, with the Indians. Necessity and inclination made laws for them, and with some of them it is the rule to this day. From the camps or villages the warriors sets out to acquire new honors or to meet death (killing and stealing then made honors). To them he returned alive, or his story came with the survivors. This was the life of the ancestors of the present North American Indians, and with some tribes it still continues.

The Latin and Anglo-Saxon life which poured in upon the Indian has been to him invasion. The pale face to him was a robber, who despoiled him of his lands and game, and so became for all time his enemy. From the Indian standpoint, Sitting Bull's bleached and upturned face, dead on the plains of Dakota, was the face of a hero, a patriot, who died for his race. The Indian's first impression of the white man was not very favorable, and to him the white man has not changed, except to be looked upon as more grasping. He found in the first white man the same instincts of trade and desire to oppress the lower orders of men that he finds now, together with much assertion of personal goodness.

How hard to make some white men understand the necessities of the age and to consent to changes essential to the march of progress, progress meaning in the case of the Indian, as in the case of other people, the engrafting of ideas, habits, and manners of one people upon another. Such a thing can not be done in a day.

The Indian of romance and story is an ideal Indian; the Indian of to-day is real, a serious problem, and a decided matter of fact. While not a producer in the economic sense, he is intensely alive in producing disorder at times, keeping the frontier in terror and the army in motion.

While the Indians in past ages had all the benefits arising from contact with beautiful scenery, all that bounteous nature could give to please, ennoble, or entrance, in an area so great that all climates were within his domain, and all altitudes, from the towering mountain sublime in its upreaching to the low and poetic ranges of hills where verdure lay the year round and the wild flower blossomed with each succeeding rain, no Indian was ever inspired to great deeds or excited to the softer ways of life by these grand effects of lavish nature. None of these beauties seem to have raised an Indian to ways of refined peace by the unrolling before him of nature's golden stores. Always the materialist, he seems to be ever content with material things.

It may be asserted that Indian eloquence has been aided by the beauties of nature, and his love of his country, as depicted in his interpreted speeches, shows the influence of scenery. Interpreters are usually ignorant men, and their interpretations may be correct or not; still there is the curious fact that this wild man has a love for the spot on which he was born, even though it be but a rock, and he sticks to it most tenaciously.

The Navajo women in 1867–1868 saved their tribe from being deported to a distant country by reason of their love of country and appeals to Gen. W. T. Sherman and the famous peace commission of 1868. The incident is given in the report of Special Agent Marmon, page 376.

Experience shows that the Indian's so-called eloquence lies chiefly in his gestures. Words are usually put into his mouth by interpreters, and his speeches are carefully edited before being put in print. The Indian vocabulary does not admit of much true oratory in speech, but his tones and gestures are always eloquent. Except an Indian be educated out of the Indian tongue, his periods are not musical and his ideas do not come forth in the compact Saxon method. An Indian is frequently eloquent with his eyes and hands, but seldom in his ideas, as expressed in the Indian tongue. Still, metaphors are much used in the speeches and conversation of Indians, particulary the Iroquois in New York.

When the weather is very cold the Iroquoian says "it is a nose-cutting morning;" of an emaciated person, "he has dried bones." A steamboat is "the ship impelled by fire." A horse is "a log-carrier." A cow is "a cud-chewer." In old times these Indians kept warm by covering themselves with boughs of hemlock; and now if an Indian is about to repair his cabin he says "I will surround it with hemlock boughs," meaning that he will make it warm and comfortable. When a chief has made a speech he finishes with saying "the doors are now open, you can proceed." The Iroquois call themselves "the older people" and the white man "our younger brother."

Indian graphic art shows the meagerness of his constructive power or idea, and his lack of mathematics accounts for his want of power of concentration.

As individuals the Indians sometimes show virtues which the whites could imitate with profit. Scores of incidents can be related of their faithful friendship to the whites during the present century, and many of them are capable of becoming good and industrious citizens with proper encouragement and aid, provided usually that the Indian father and mother are of different tribes.

Angeline Seattle in 1890 (supposed to be more than 100 years of age) resided in a cabin at Seattle, Wash. She is a type of the Puget Sound Indian. The illustrations of the Puyallup Indians show the irregular features of these Indians. Angeline is the daughter of Chief Seattle, whom Governor I. I. Stevens made a chief, and after whom the present city is named. She is known as the friend of the whites and as being the person who saved the early settlers of Seattle, along in the fifties, from massacre. The Indians of the region had confederated for an attack on the town. Angeline pushed her way into the settlement and informed the people. The man-of-war Decatur, lying in the harbor, shelled the woods about the town and drove the concealed warriors away. This old Indian woman has since been the favorite of Seattle, and is called the "Princess Angeline." Visitors look upon her with awe and wonder, both in respect to her person and her garments. She roams about at will, a general and welcome town charge. "Old Betz," a famous squaw in the Minnesota Sioux massacre of 1862, saved scores of whites from murder, and is gratefully remembered by the people of Minnesota. She died in 1873.

VARIOUS OPINIONS AS TO THE INDIANS.

A great variety of opinions, curious, quaint, and vague, can be found in historical travels and ethnological works upon almost all the Indian tribes. It is almost impossible to form a correct judgment from published opinions as to the Indians of the whole country, especially of those west of the Missouri River. The following as to the Shoshones is the opinion of Hubert H. Bancroft. (Native Races—Wild Tribes, 1886, volume 1, pages 440, 441.) The grass-eating Shoshones, whom he mentions, would be singular kind of men, and their exact location would be of value to ethnology at this time:

"The character of the better Shoshone tribes is not much worse than that of the surrounding nations; they are thieving, treacherous, cunning, moderately brave after their fashion, fierce when fierceness will avail anything, and exceedingly cruel. Of the miserable root and grass eating Shoshones, however, even this much can not be said. Those who have seen them unanimously agree that they, of all men, are lowest. Lying in a state of semi-torpor in holes in the ground during the winter, and in spring crawling forth and eating grass on their hands and knees until able to regain thir feet; having no clothes, scarcely any cooked food, in many instances no weapons, with merely a few vague imaginings for religion, living in the utmost squalor and filth, putting no bridle on their passions, there is surely room for no missing link between them and brutes."

Mr. Bancroft then, in the work named, gives the following authors as to the Shoshones:

"The Shoshones of Carson Valley 'are very rigid in their morals.'—Remy and Brenchley's Journal, volume 1, page 85. At Haw's ranch, 'honest and trustworthy, but lazy and dirty.'—*Idem*, page 123. These Kusi-Utahs 'were very inoffensive, and seemed perfectly guileless.'—*Idem*, volume 2, page 412. The Pai-uches 'are considered as mere dogs, the refuse of the lowest order of humanity.'—Farnham's Life and Adventures, page 376. The Timpanigo Yutas 'are a noble race, * * * brave and hospitable.'—*Idem*, page 371. The Pi-utes are 'the most degraded and least intellectual Indians known to the trappers.'—Farnham's Travels, page 58. 'The Snakes are a very intelligent race.'—*Idem*, page 62. The Bannacks are 'a treacherous and dangerous race.'—*Idem*, page 76. The Pi-Edes are 'timid and dejected;' the Snakes are 'fierce and warlike;' the Tosawitches 'very treacherous;' the Bannacks 'treacherous;' the Washoes 'peaceable, but indolent.'—Simpson's Route to California, pages 45–49. The Utahs 'are brave, impudent, and warlike, * * * of a revengeful disposition.'—Graves, in Indian Affairs Report, 1854, page 173. 'Industrious.'—Armstrong, in *idem*, 1856, page 233. 'A race of men whose cruelty is scarcely a stride removed from that of cannibalism.'—Hurt, in *idem*, page 231. 'The Pah-utes are undoubtedly the most interesting and docile Indians on the continent.'—Dodge, in *idem*, 1859, page 374. The Utahs are 'fox-like, crafty, and cunning.'—Archuleta, in *idem*, 1865, page 107. The Pi-Utes are 'teachable, kind, and industrious, * * * scrupulously chaste in all their intercourse.'—Parker, in *idem*, 1866, page 115. The Weber-Utes 'are the most worthless and indolent of any in the Territory.'—Head, in *idem*, page 123. The Bannacks 'seem to be imbued with a spirit of dash and bravery quite unusual.'—Campbell, in *idem*, page 120. The Bannacks 'are energetic and industrious.'—Danilson, in *idem*, 1869, page 288. The Washoes are 'docile and tractable.'—Douglas, in *idem*, 1870, page 96. The Pi-Utes are 'not warlike, rather cowardly, but pilfering and treacherous.'—Powell, in *idem*, 1871, page 562. The Shoshokoes 'are extremely indolent, but a mild, inoffensive race.'—Irving's Bonneville's Adventures, page 257. The Snakes 'are a thoroughly savage and lazy tribe.'—Franchere's Narrative, page 150. The Shoshones 'are frank and communicative.'—Lewis and Clarke's Travels, page 306. The Snakes are 'pacific, hospitable, and honest.'—Dunn's Oregon, page 325. 'The Snakes are a very intelligent race'.—White's Oregon, page 370. 'The Pi-Utes are as degraded a class of humanity as can be found upon the earth. The male is proud, sullen, intensely insolent; * * * they will not steal; the women are chaste, at least toward their white brethren.'—Farley, in San Francisco Medical Press, volume 2, page 154. The Snakes have been considered 'as rather a dull and degraded people, * * * weak in intellect and wanting in courage; and this opinion is very probable to a casual observer at first sight, or when seen in small numbers, for their apparent timidity, grave and reserved habits give them an air of stupidity. An intimate knowledge of the Snake character will, however, place them on an equal footing with that of other kindred nations, either east or west of the mountains, both in respect to their mental faculties and moral attributes.'—Ross's Fur Hunters, volume 2, page 151. 'Les Sampectches, les Pagouts et les Ampayouts sont * * * un peuple plus miserable, plus degrade, et plus pauvre. Les Français les appellant communément les Dignes-de-pitié, et ce nom leur convient à merveille.'—De Smet, Voyages, page 28. The Utahs 'paraissent doux et affables, très-polis et hospitaliers pour les étrangers, et charitables entre eux.'—*Idem*, page 30. 'The Indians of Utah are the most miserable if not the most degraded beings of all the vast American wilderness.'—Domenech's Deserts, volume 2, page 64. The Utahs 'possess a capacity for improvement whenever circumstances favor them.'—Scenes in the Rocky Mountains, page 180. The Snakes are 'la plus mauvaise des races des Peaux-Rouges qui j'ai fréquentées. Ils sont aussi parcesoux que peu prévoyants.'—Saint-Amant, Voyages, page 325. The Shoshones of Idaho are 'highly intelligent and lively * * * the most virtuous and unsophisticated of all the Indians of the United States.'—Taylor, in California Farmer, April 27, 1860. The Washoes have 'superior intelligence and

aptitude for learning.'—*Idem*, June 14, 1861; see also *idem*, June 26, 1863. The Nevada Shoshones 'are the most pure and uncorrupted aborigines upon this continent; * * * they are scrupulously clean in their persons and chaste in their habits; * * * though whole families live together, of all ages and both sexes, in the same tent, immorality and crime are of rare occurrence.'—Prince, in *idem*, October 18, 1861. The Bannacks 'are cowardly, treacherous, filthy, and indolent.'—Schoolcraft's, volume 4, page 223. 'The Utahs are predatory, voracious, and perfidious; plunderers and murderers by habit; * * * when their ferocity is not excited their suspicions are so great as to render what they say unreliable, if they do not remain altogether uncommunicative.'—*Idem*, volume 5, pages 197, 198. The Pa-Vants 'are as brave and improvable as their neighbors are mean and vile.'—Burton's City of the Saints, page 577. 'The Yuta is less servile, and consequently has a higher ethnic status than the African negro. He will not toil, and he turns at a kick or a blow.'—*Idem*, page 581. The Shoshokes 'are harmless, and exceedingly timid and shy.'—Brownell's Indian Races, page 538."

The real North American Indian sometimes dresses in highly colored blankets, when he can buy them, or in the Government blue blankets sometimes furnished him, but when in the vicinity of towns or settlements he wears the rags cast off by the whites.

Delegations of Indians visiting Eastern cities and the Indians usually seen in the East are well dressed and present a fantastic appearance. They impress with their picturesque garb. What a magnificent sight! we exclaim. To see a tribe, in their native condition on the plains, thus dressed would be a sight indeed. The truth is, the dress is borrowed, and the entire wardrobe of a tribe is drawn upon to fit out the visiting statesmen, the several owners of the traveling wardrobe remaining at home tightly rolled up in blankets. Photographs of Indians kept on sale are those of Indians fixed up for artistic effect and to catch the popular eye. When at home, rags and feathers or nature are the usual dress and decoration of the reservation Indians, except where the Government provides. A visiting Indian is a very different person in appearance from an Indian at home.

The squaws in winter roll their lower limbs in gunny sacks, presenting a most curious side and front view; they capture all the cast-off female clothing of towns in their vicinity on the frontier. Buckskins and furs are now almost gone. In fact, anything will do for body covering.

On the bank of a river stood an Indian (in the land of the Piutes) some years ago in the bracing air of an early May morning, dressed in an abandoned society coat, buttoned backward, a pair of eyeglasses, and a high, white hat with a black crepe band. This costume was really startling. He was an Indian dude, the envy of his tribe. The possession of so much personal wealth caused his death. In the night time he was murdered by a fellow Indian, his body thrown in the river, and the next day the murderer appeared in the dress coat.

The real reservation Indian is usually filthy in his person, habits, and methods. He eats uncooked food (food unfit for swine) and vermin, and changes his clothes when they drop off from decay or lack of buttons or straps. He is offensive in odor and thriftless in all things pertaining to the economy of life. He is the constant and agreeable companion of every kind of vermin. Virtue is lost with some of the Indians, if it ever existed.

When a squad of Indian youths arrive at an industrial or training school, fresh from a reservation, the hose and water cans are made ready. In one case the coachman who drove the wagon from the depot to an Indian school (not his first experience with a load of red children from a Western reservation) insisted upon leaving the wagon seat and riding one of the horses while on the way to the school with a load of children, and the gentleman who was sent to receive them insisted upon walking behind the wagon to the house. It was not hospitable, but it was personal safety.

Upon the arrival of the wagon the boys were taken back of a building, hosed down, and given new clothes, which they put on, and their recent coverings were burned. Dirt and the average reservation Indian seem to have formed a partnership at birth, and thus far no means have been discovered to divorce the combination. With all their filth and dirt, however, they are not the only dirty people in the world. They live no worse than the very poor class of the great cities of Europe and America. See the annual reports of the Commissioner of Indian Affairs for a description of the personal habits of the members of the several reservation tribes.

"The most powerful Southern nations appear to have been, upon the whole, less exterminating than the Northern Indians. It is also probable that the impenetrable swamps and the multiplied channels or bayous by which the delta of the Mississippi and the Red River country are intersected have afforded places of refuge to the remnants of conquered tribes."—*Albert Gallatin*, 1836.

The American colonists had a severe experience with the Indians, and Mr. Jefferson, in writing the Declaration of Independence, expressed the prevailing opinion of them when he wrote in that instrument of the "merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions."

The European did not teach the Indian the brutalities of war. From the statements made to the first (and as for that to the last) white men with whom he came in contact, the normal condition of the North American Indians prior to the advent of Europeans was war, cruel and bloody. The several tribes, when they fought, fought to exterminate. They had no firearms or swords of steel, but they used with cunning brutality the club, spear with stone point, bow and arrow, and the stone brainer; rude but effective weapons. These wars were generally for encroachments on fish or game preserves or territory.

The Europeans taught the Indians the use of firearms. They also taught them the value of cunning and diplomacy in transactions with men; and so after a time under this tutelage the Indian laid aside his club and spear and depended more upon deceit, words with double meaning; as he puts it, "speaking with a forked tongue." The Caucasian also initiated him into the mystery of drunkenness, for it is not noted that the Indian had an intoxicant prior to the time the Europeans first met him. Smallpox and venereal diseases were also the white man's contributions to his red brother's ills.

At the advent of the Europeans, and especially in Virginia, the Indians, according to their own statements, were exterminating themselves. They told fabulous stories of great tribes of Indians once in existence, but now extinct; of vast hordes of large-sized men and women in the west of the continent, who were overcome and destroyed. Their imaginations from time to time increased these exterminated tribes and their numbers.

After the white men came to the continent they put a stop, where possible, to the Indian tribes fighting one another, and the Indian became so busy in watching the white man and his movements that he had no time to battle with his fellow Indians; and so for the first one hundred years after the white man came the Indians probably increased.

It may be safe to say, keeping well in mind the Indians' stories and legends of their wars and results, that had the white man delayed his appearance a hundred or more years, many tribes of Indians would by their own acts and policy have ceased to exist.

"There is a disposition to assume that events like that just recounted were a consequence of the contact of white men with red; but the primitive Indian was quite able to enact such tragedies without the help of Europeans. Before French or English influence had been felt in the interior of the continent a great part of North America was the frequent witness of scenes still more lurid in coloring and on a larger scale of horror. In the first half of the seventeenth century the whole country, from Lake Superior to the Tennessee, and from the Alleghanies to the Mississippi, was ravaged by wars of extermination, in which tribes, large and powerful by Indian standards, perished, dwindled into feeble remnants, or were absorbed by other tribes, and vanished from sight. French pioneers were sometimes involved in the carnage, but neither they nor other Europeans were answerable for it."—*Francis Parkman*, in A Half Century of Conflict.

Still, along the Indian trail to oblivion, the white man, in many cases, has been as brutal and fiendish as the Indian, and with less excuse, for one is cultured and the other wild and untutored. There has been up to within a few years past but little humanity, charity, or justice in much of the white man's treatment of the American Indian. No apology can be offered for it; no excuse, save the domination for a time of the brute in our superior white race and the attempt to out-Herod Herod, for at times Indians have been wantonly murdered or used like beasts. The Indian is a coward in warfare, because he fights behind rocks and bushes, and usually begins his wars with the murder of white women and children. He is at all times treacherous, and fights like a wild animal, stealthily creeping and crawling up to his prey, but when cornered he fights like a devil incarnate. Indians who are brutally brave in battle are at other times arrant cowards.

The fierce and warlike Apache of Arizona, cruel and brutal in his warfare, hides like a coward at night, and traveler or soldier is always safe from attack from him after nightfall. The darkness to the Indian is peopled with evil spirits and dreaded and dangerous forms, so he hides away until daylight. The once cruel and dreaded Brule Sioux on the Brule Reservation, South Dakota, will not venture abroad at night, and, when forced to do so, will keep up an incessant hallooing, and will not go far unless answered by a friendly shout.

As an interesting and curious fact, almost all the superstitions and customs recorded of the Indians during the past four hundred years still exist, or traces of them can be found among both the wild and so-called civilized tribes, and frequently with Indians taxed not in tribal relation or their descendants. Of course, this embraces reliable and authentic superstitions and customs, and not the idle fancies of imaginative Indians.

In illustration of Indian tenacity in holding to old customs, an Indian and his moccasins are yet almost inseparable companions. He seems born in them; he walks and sleeps in them, and he is buried in them. An Indian may be habited in a dress suit, but the chances are that his feet are covered with moccasins. In the Army he dresses in uniform, but almost always insists on the moccasins. At the training and industrial schools it is with difficulty that he can be induced to discard them. Even after Indians are known as civilized they will be seen with moccasins.

Most of the American Indians are pigeon-toed, growing out of the fact, probably, that having no heels on their moccasins and walking on the ball of the foot, the foot turns inward; the male Indians also have a habit of crossing their feet when they sit.

INDIAN KNOWLEDGE OF MEDICINE AND INDIAN MEDICINE MEN.

For a long time it was believed that the North American Indian possessed positive and useful knowledge of the medicinal properties of plants, roots, and herbs, and certain portions of animals or birds indigenous to their country. Marvelous stories have been told of this knowledge and the cures made through it. Many white men have become rich from the sale of supposed Indian remedies, which, of course, the Indians never saw or even knew of. Investigation shows that if they possessed any such knowledge it was exceedingly limited. Their surgery was and still is of the crudest character, and in some cases almost brutal. Superstitions, appeals to charms, incantations, and trickery were and now are the chief remedies used by the Indian medicine man, or shaman, as will be seen by the reports of the special agents. Childbirth is attended to by women. The report of Special Agent Reuben Sears, page 454, inferentially shows what has been known to a very few Indian querists, that the polygamy of most Indian men is largely in the nature of lechery. The Indian medicine men are simply the vilest of quacks, working upon the credulity of the people. Through their acts and advice many deaths and some murders have recently been committed. They should be abolished wherever it is possible for the United States authorities to reach them.

N. B. Meacham, in "Wi-ne-ma," writes of the medicine man as follows:

"The medicine man of the Indian is not selected in the same manner as are the medicine men of the white race. He does not choose the profession as an easy way to make a living; he knows too well the fearful responsibility of his position. He has seen the medicine man too often slain on account of his failure to cure. Hence the position is one not sought, but, as they believe, is forced upon them by the Great Spirit. The indications of the selection appear at various ages: sometimes in childhood, sometimes in middle life, and again in old age. The first intimation of being tow-ed is by bleeding at the mouth or by becoming crazed with jerkings and twitchings of the muscles. When these manifestations appear the tribe or band is notified and a council is called, on which occasions the older doctors officiate. It is one of great importance to all the people, inasmuch as the medicine man has so much power.

"The candidate is very solicitous because of the fearful responsibility involved in assuming the office. He dare not resist the spirit, as doing so would imperil his life forever, present and future. Hence he comes to the examining council with trepidation, sometimes like the man in civil life called of God to preach the gospel comes, when he hears those words which have driven thousands of men into the ministry, 'Woe is me if I preach not the gospel.' Such a conviction has the Indian medicine man; and though he may not hear those same ominous words he feels them with as much reality and obeys with as much faith as ever candidate for ministerial orders went before a board of deacons and elders.

"When the council is convened the preparations are completed by the older doctors making prayers and offering sacrifices, killing white-haired dogs and hanging the skins upon a pole which is raised above the council. On the top of the pole are placed the tail feathers of the great medicine hawk, which is called the 'king hawk' because of his mastery over all other birds. The skins of the white weasel, the otter, the mink, and black fox, all of which are said to be 'sacred,' are also hung upon the pole. These sacred skins are supplied by the older doctors, or the friends of the candidate, and they are his after the ceremony is over if he shall be found to be a doctor of the right kind; for with these people some of them are called of the good spirit and some of the bad spirit. The authority under which they act is a matter of great concern to all parties and more especially to the candidate himself; for should he prove to be called of the evil spirit his ministry is of short duration, ending his life as soon as the authority is clearly recognized, unless he escapes. It may be easily understood why 'the bringing out' of a medicine man is a great event."

In November, 1892, "Runs With," a famous medicine man of the Sioux at Rosebud Agency, South Dakota, in testifying before a grand jury at Sioux Falls, S. Dak., in the case of Ghost Hawk for the murder of his wife, thus detailed how he became a medicine man. He was one of the medicine men called in to see the woman:

"My heart told me that I should be a medicine man, and I went upon a mountain and fasted and prayed for two days awaiting a sign from the Great Spirit. At the end of the second day as the sun was going to sleep, I saw a great light which blinded my eyes and heard a noise as of a rushing of many waters. I looked again and around me were four animals; a black-tailed deer, a white-tailed deer, a wolf, and a buffalo. They all spoke the speech of men. They said the Great Spirit had heard my prayer and had sent them to me. The animals then took me over the prairie and told me what plants were hurtful and what were good for my people. They told me what diseases of men the good herbs would cure, and then they vanished as suddenly as they had come. I returned to my people and told the chiefs what I had seen, was made and have since been a medicine man."

The medicine man's theory of the death of Ghost Hawk's wife was that the arteries in the arm were broken by the twisting of the arm, and that the arteries kept on breaking until the patient's heart broke.

Experience has shown that the deportation of warlike Indian tribes is the most effectual way to make them peaceable. The Sioux were removed from Minnesota to various States and Territories after 1863; the Modocs, from California to Indian Territory in 1874; the Nez Perces (Joseph's band), from Idaho to Indian Territory in 1877, and Geronimo's Apaches, from Arizona to Mount Vernon barracks, Alabama, in 1887. Removing Indians from their ancient haunts deprives them of natural methods, and knowing nothing of the topography of a new country by experience or maps, and surrounded by whites, it takes them years to learn hiding places and food and water resources. On his native heath the Indian fights for the graves of his ancestors, and his roaming ground, in fact, his home. Removed, he sits and mopes, a stranger in a strange land. Deportation, however, is a costly thing, for after deportation the Indians must be fed.

The use of force with Indians is frequently the effective method; in some events, the only method. One fight with the whites won by Indians awakes their vanity, arouses their pride, and means death to unwary travelers. Runners are sent out after such events and neighboring tribes or warriors invited to join the victors. When once whipped soundly after an outbreak, Indians send out runners to advise their friends of their defeat, just as they do in case of victory. When whipped an Indian's first demand is for a "big talk," a council. By these councils the Indians usually get a temporary relief from control, get some presents, and then go back to their old ways. Of course, a treaty is made, or some kind of an agreement. The Indian, however, when he has the power, hears no cry but the groans of the dying. He hears no appeal until the last soldier is dead. Scores of instances of his barbarous methods in battle, when he has power, can be found during the last hundred years. The Dade massacre, the Fort Fetterman massacre, and the Custer massacre are striking illustrations. In these three affairs only one white man got away alive, and he in the Dade massacre. Sentiment is wasted on an Indian when his blood is up; the bullet only can then obtain his attention; starvation will also cause him to stop.

The Indian is the embodiment of cruelty. Boy or man, he enjoys torturing all living things, and the women in this respect far excel the men. Cruelty is born in them in many cases. The prolonging of human suffering while torturing a white captive the Indian can accomplish with rare dexterity.

The Indian squaw is the tenderest possible mother, affectionate, loving, and even going hungry for her child; at the same time she is a fiend in war with the whites, and is the embodiment of cruelty in her methods of torturing the captives, men, women, and children. The American Indian squaw is the inventor of more kinds of torture for women and children than one can well enumerate.

The ancestors of the present Comanches at Kiowa, Comanche, and Wichita Agency, Oklahoma, were noted for their cruelty to prisoners. The Comanches in the olden times, or in early Texan days, were known as Comanches of the Woods (those who lived in the timber) and Comanches of the Prairies (horse Indians).

Senator Sam Houston, in the Senate of the United States, December 31, 1854, in speaking of them, said:

"There are not less than 2,000 prisoners (whites) in the hands of the Comanches, 400 in one band in my own State. * * * They take no prisoners but women and boys (killing the men). The boys they treat with a degree of barbarity unprecedented, and their cruelties toward the females are nameless and atrocious."

Many illustrations of the habits of the Sioux and other tribes in mutilating the dead whites after battle or massacre may be found in official reports of Government officers.

Squaws and children actually engage in war when necessary. In a fight which the Mojaves had with the soldiers near Fort Mojave, Arizona, in 1866, their chief got up into a cottonwood tree so that he could direct their movements. The soldiers ran out of ammunition and fixed their bayonets. The old chief called out to his men: "The soldiers are squaws; they are stopping up their guns; they won't fight any more." Just then another detachment came and opened a cross fire. A private shot the old chief out of the tree, and the soldiers were victorious. During the fight the old women formed a line in the rear of the warriors and held them up to the work, seizing and throwing them back when they tried to run. The squaws frequently fight in the line along with the men, and children of 10 years of age have been found with rifle in hand.

The North American Indian, unlike other races, posesses no affection, love or gratitude for his fellow-man. The Indian has an insatiable greed for money, and change in his condition can be aided by giving him a chance to acquire it. The conclusion at which close students have arrived is that he is a wild man (not a brute), and intermarriage with whites or negroes, or force, large quantities of beef, work, or death can alone disperse him. The iron gong of civilization has long since called him, but he refuses to be garnered.

The average Indian, while low in his instincts, has the basis for much intellectual development. He is at all events the beginning of a man. Considering him from the Anglo-Saxon standpoint, he is in his native condition most dangerous and unlovable.

Indians as a class are egotists. Their egotism asserts itself in their tribal as well as personal matters. Each tribe asserts itself to be "the people," the other tribes being mere "raise ups" or "drop offs." The medicine men are unusually oppressive egotists. One of the special agents of the Eleventh Census while at a Sioux reservation was importuned by a medicine man not only to attend his medicine lodge and see the ceremonies, where, said he, "you will see the greatest Indian medicine man in all the world, myself," but was asked by him to attend a special dinner at his tepee. His inducement was that he had obtained a delicacy of great gastronomic value which he alone could properly cook and serve. This was on beef or issue day; he had the delicacy in a gunny sack on his pony. He further informed the special agent that he had asked seven chiefs and headmen to dine with him at the same time.

The agent accepted the invitation and expected not only to enjoy a true Indian dinner, but to see much of Indian society, as the guests were noted Sioux of the Missouri. Curious as to the dinner, the special agent mentioned it to the reservation butcher. The latter informed him, in a note of warning, that the medicine man had secured from him that day, as a rarity for his guests' dinner the next day, and was carrying it home in the gunny sack, a tumor of 30 pounds' weight cut from a cow. It is hardly necessary to add that the special agent did not dine with the greatest medicine man in the world.

With all his lack of reasoning powers, the Indian has rare perceptive faculties in the matter of the retention of his own property, and he discovers dangers to it at the proper moment. These faculties are inborn. It is the faculty common to all men and animals, that of protecting life and property.

In one of Raleigh's expeditions, the first to New Albion, one of his captains (Amidas or Barlow) upon landing met a band of Indians who lived in houses built of wood. The chief wore upon his head a platter-shaped or bowl-like helmet of shining metal. The captain, thinking it gold, wanted to inspect it, and tried to take it off the red man's head. The Indian, with rare judgment (born with him) promptly declined and retired in haste. He probably desired to retain the helmet He knew the white man at sight.

This lord of the forest and plains, strange to say, has become under present influences, on most of the reservations, a persistent, constant, and unceasing beggar. No matter what his rank or station, when you visit his reservation, he meets you with a begging proposition, and he esteems you in proportion to your giving qualities. Your yield is his measure of affection for you, and he never questions about the object given. He will receive anything. He possesses the faculty of looking the expectant donor squarely in the face. By the Homeric rule that "shamefacedness is a bad quality in a beggar," the North American reservation Indian is well qualified for begging.

The noninvestigating humane people of the East look upon the Western citizen as the hereditary enemy of the Indian. In looking at this proposition now, it is well to remember that times change and that railroads and telegraphs have united all places, and that around almost all of the Indian reservations (save, say, twelve) can be found the same civilization and the same moral forces as in any city in the East. The pioneer is a man of the past. The mountain men are few in number, and the white cutthroats and murderers are seldom seen. Men with love of greed are plenty, but what point is free from them?

The Indians occupying large reservations are frequently allowed to go to towns and cities, but usually have a pass or permit to do so from the agent, giving the time they are to be absent. An Indian, when off the reservation or on the plains, on approaching travelers, at once produces his "paper" or permit to leave the reservation, or a letter from a white man certifying to his character. At times these papers are very necessary, as white men have frequently begun shooting when the Indian could not produce a leave of absence from an Indian agent or a certificate from a white man.

The expert special agent in 1868 met a Shoshone Indian named Taytober (and whose son he found on the Bannock Reservation twenty-two years afterward in Idaho) near the Boise River who carried "a paper." He was a splendid type of man, eloquent in gesture and honest in purpose. The following is the paper:

"ROSE FORK, IDAHO, *July 4, 1868.*

"This Indian's name is Taytober. He is a thoroughbred. He goes without the bell tapping. He is also a gentleman, and you can bet your life he will do what he agrees to do. Make him your friend, for he is a good one. Do the square thing by him and he is a honey-cooler. Do anything mean to him, and he is a johan, and he will get even. Brace him up with food when he hands you this, as he is always hungry; no rum, but beef, and plenty of it.

"WILLIAM TROTTER AND UNCLE.
("GEORGE SMITH.")

The following are other Indian "papers:"

"JUNE 30, 1871.

"To whom it may concern: The bearer of this note is a Sho-sho-ne. He has no name; he has few of the necessaries of life, and tries hard in an honest way to procure more. He always appears to be satisfied with his lot, and has nothing in his appearance to recommend him to your attention, but he has traits in his character that are worthy of imitation. Study him, and you may see them.

"J. P. GIBSON."

"BRIDGER, UTAH, *June 1, 1867.*

"This will be presented by Moss Rose, or 'Dirty Pete,' a Washakie Shoshone. Keep him away about 5 feet when he presents it; also lock your valuables up in your fireproof when you see him coming, for he is a great beggar. In the meantime, if you have any jerked meat turn him loose at it. He don't care whether it's cooked or not. Ten to 12 pounds of good meat, bear, elk, deer, or buffalo, lunches him. He don't want any trimmings with the meat, and you needn't hand him a napkin, either. He is not a bad Indian, but he is so dirty. He counts in dirt for two Indians when the agent rounds up the band for issue. Treat him well; his faults are few, and vices small ones. His word's good.

"JAMES BRIDGER."

Indians can by law abjure their tribes and become citizens when they like. When once off the reservation they work, beg, or go about as they please; but the whites usually do not like to pay an Indian as much for his work as they do other men.

The Western people, being the party most directly interested, want the Indian question settled. Believing the Indian to be a savage, and that thus far the Government has not civilized him, they want to be relieved of the danger of being murdered and having their wives and children also butchered and slaughtered. These people can not understand why a law is passed to prohibit them from carrying a pistol, while the Indian can roam at large with a repeating rifle in his hand.

Many people in looking at the Indians see only the men, women, and children, and not the surroundings, their habits, and vices. These people have the theory, but not the experience.

Since 1776 the North American Indian has cost the people of the United States about $1,100,000,000, and he has killed more than 19,000 persons, of whom over 2,000 were women and children.

Indian history shows heroism, endurance, treachery, murder, tribal patriotism, great war leadership, and adroit political management. No man ever had the hold on a people that the medicine man has upon the Indian. What a league this Indian tribal resistance is to the white man's civilization! Still, has the white man's policy assisted the Indian to love him or make him his friend? Sitting Bull some years ago said to the commanding officer at Fort Buford: "The Indian that says he likes a white man is a liar, and the white man that thinks an Indian likes him is a fool."

INDIAN NAMES.

Indians frequently have several names. George Catlin in 1832 wrote this: "Nothing is more embarrassing for the traveler through the Indian countries, both of North and South America, than the difficulty of obtaining the real names of Indians, owing chiefly to the singular fact that no Indian in either country will tell his name, but leaves it for occasions or for other Indians to reveal.

"The Indians have generally their family names in the idiom of their

tribe, and having no Christian names, they often attach to them significations which are wrongly supposed to be their interpretations. A great proportion of Indian names (like Jones, Bailey, Roberts, etc., in English) admit of no translation. In these cases the interpreters give their family names, joining to them the qualifications for which the individuals are celebrated, as, Oon-disch-ta (the salmon spearer), Oon-disch-ta (the tiger killer), as we would say, Jones (the shoemaker), Jones (the butcher), etc.; and yet another difficulty still more embarrassing, that most Indians of celebrity have a dozen or more names, which they use according to caprice or circumstances.

"I recollect that when I was painting the portrait of a Comanche chief I inquired his name, which another chief, sitting by, gave me as Ish-a-ro-yeh (he who carries a wolf). I expressed my surprise at his getting such a name and inquired if he had ever carried a wolf, to which he replied: 'Yes, I always carry a wolf,' lifting up his medicine bag, made of the skin of a white wolf and lying by the side of him as he was sitting on the ground.

"How curious (Indians) names and how pleasing. Among the Mandans, the reputed belles when I was there, were Mi-neek-e-sunk-te-ca (the mink) and Sha-ko-ka (mint), daughters of two of the subordinate chiefs; among the Riccarrees, Pshan-shaw (the sweet-scented grass); among the Minatarrees, a few miles above the Mandans, Seet-see-be-a (the midday sun); * * * among the Assinnaboines, Chin-cha-pee (the firebug that creeps); among the Shawanos, Kay-te-qua (the female eagle); of the Ioways, Ru-ton-ye-wee-nee (the strutting pigeon); and among the Puncahs, Hee-la-dee (the pure fountain), and Mong-shong-shaw (the bending willow); among the Pawnee Picts Shee-de-a (wild sage), and among the Kiowas Wum-pan-to-me (the white weasel)."

Mr. Catlin in the same work also calls attention to the variety and singularity of the names of Indian men, as shown in his catalogue, such as "The very sweet man," and "The grass, bush, and blossom."

This duplication of names of Indians continues to this day. In fact, many Indians have merely nicknames given them by the whites or for reservation use. Some go by numbers, as Jim No. 1, No. 2, No. 3, etc. Indians have no family names which white men understand. For the past two or three years the agents on the reservations have been giving them names. The census rolls of 1890 show the continuance of curious Indian names.

There is much romance in ideal Indian names. Minnehaha, abbreviated in the West to Minnehaw; Hiawatha, Toyaba (pure white spirit), Eufaula (falling water), Weewoka, are soft and euphonious. The names of some of the real Indians of the present time are: Among the Creeks and Cherokees, Man-Afraid-of-his-Horse, Tom Potato, Hog Shooter, Pig Mike, Samuel Walking Stick, Samuel Poor Boy, Adam Dirt Seller, David Bull Frog, James Tin Cup, Archie Big Foot, Thomas Rooster, Robin Dirt Pot, Walter House Fly, Liar, Samuel Squirrel, Two Strikes, Hump, One-Eyed Sam, Old Bolly, Mouse, and Little Horse Nos. 1, 2, 3, 4, and 5.

The following are Indian and white names of Bannock Indians taken from the ration list of the Bannock tribe at Fort Hall Agency, Idaho, in November, 1890: Weed-ze-we, Teton Bill; Coppe-que-tan, Coffee Grounds; We-he-din, Iron Mouth; Se-tso Po-ku-wak-i, Chinaman's Family; Ca-nave, Johnny Stevens; Egi, Little John; Pah-a-give-ta, Big Mack; Saw-a-hun, Little Old Man; Pi-ze, Pit Piper.

The following are Indian and white names from the ration list of the Shoshone Indians at the same ageney: Pe-ah-go-un-dimmue, Andy Johnson; Joe Hooker; To-gum-bot-se, John Hair; Pe-ah-toon-yip, Big Man; Noisy Sam; Lazy Joe; To-sa-man, Slim Jim; Na-ho-ne, Big Jimmy; Quar-ree-sho-van-go-nip, Pompey Jack; Charley Summer.

The names of Indians at Red Cloud Agency entitled to receive rations is given in Executive Document No. 145, House of Representatives, Forty-fourth Congress, first session. March 1876. Among them, of the Sioux, there were American Horse, Big Weeds, Biting Dog, Black Bull, Takes Things, Washerwoman, Frog, Big Belly Wolf, Sand, Bald Face Bull, Captain Long Dog, Cherry Seed, Chicken Packer, Hole in the Ground, Lightning Strikes, Screw or Little Moon, Turkey Legs, Thunder Hawk, Died in Lodge, Mule Head, Man-Afraid-of-his-Horses 1 and 2, Pumpkin Seed, Louse, Spotted Cow, Old Beads; of the Cheyennes, Timber, Red Neck, Bull A, Slow Horse, Split Nose, Crow, Poor Bull, Itching, Dull Knife, One-Eyed White Man, No Account, Never Full, Old Slab, and Wild Hog; of the Arapahos, Feather on Head, Sharp Nose, Died Old, Short Shoulder Blade, Road of the Sun, Dog Chief, Kill, Curly Hair, Friday.

The following names are found at Pine Ridge, S. Dak.: Of Sioux, Onsiyayanka, Sits Pitiful; Waseocin, Begs for Paint; Winkle Onaso, Pacing Morphadite; Wakan, Holy Imahewicoil, Village in the Mouth; Wakankliwin, Comes Holy; Lecawakan, Just Holy; Woptura, Jefferson Chips; Woptura, Geoffrey Chips; Mirci Wanica, No Water; Cepa Wanica, No Fat; Tacupa, Marrow Bone; Newton Cancatanka, Newton Big Road; Iye Psa, His Sneeze; Sam Wikan Yuspaka, Samuel Broken Rope; Scili, Pawnee Leggings; Asa Wagmu Su, Asa Pumpkin Seed; Clarence Wicarpi, Yamni, Clarence Three Stars; Levi Sunk Hinto, Levi Blue Horse. Northern Cheyennes, Hohkot, Grasshopper; Tahouosaso, Bites; Wolnsceya, No Brains; Wokaus, Crooked Nose; Moctke, Loves his Knife; Mochtayoesin, Black Whetstone; Awair, Hail.

The names of some of the Lower Brule Sioux are: Hind Dog, Grinder, Bobtail Crow, Small Forked Tail, Thin Belly, From Above, John Logan, Pretty Voice Hawk, Tom Red Leaf, Come Out of the Woods, Bucket Ball, Quick Jealousy, Joshua Good Eagle, Rude Dog, and Gunny Sack Lodge.

The Indian will be remembered in the coming centuries from the fact that he has impressed himself upon the laws of the Republic, and given names to many of its States and Territories, cities, towns, rivers, and mountains.

The following are Indian words, with their meanings, used for names of some of the States and Territories:

"Alabama, here we rest; Alaska Territory, great country; Arkansas, arc, a bow, prefix to Kansas; Connecticut, up the long river; Idaho, gem of the mountains; Illinois, Franco-Indian, tribe of men; Indiana; Iowa, Franco-Indian, drowsy; Kansas, smoky water; Kentucky, at the head of river; Massachusetts, about the great hills; Michigan, a weir for fish; Minnesota, cloudy water; Mississippi, great long river; Missouri, muddy; Nebraska, water valley; North Dakota, leagued; Ohio, beautiful; Oklahoma Territory, beautiful land; Oregon, great river of the West; South Dakota, leagued; Tennessee, river of big bend; Texas, friends; Utah Territory, named after a tribe of Indians; Wisconsin, wild rushing channel; Wyoming, the large plains. On coats of arms of States: Alabama, here we rest; Washington, Al-Ki (bye-bye)."

It has been quite the mode recently to drop Indian names for places and natural objects and adopt names of modern persons or designations from the ancients. American names, however, have special import, and should be retained. Centuries ago the continent was fairly well explored, and while the several nationalities stamped their sufferings, glories, or prowess upon the topography of the country with the names of sovereign leaders, they in many cases adopted the Indian names.

"The American people wrong their own country by obliterating the Indian names which made rivers, mountains, and valleys expressive of their beauty, their location, and their power. Hebrew history alone, throughout the ages, has so dignified human qualities and the works of nature, as has the history, unwritten though it be, of the native American. The attempt to obliterate Indian names and to silence Indian tradition, is to obliterate landmarks which the American people should be more disposed to rescue and perpetuate. This feature of American civilization is neither enlightened nor Christian, but essentially pagan. The unity of history is despoiled of its royal prerogative, that which identified nature in all its forms and man in all his capacities with one superintending Great Spirit over all."—*Special Agent H. B. Carrington*, 1890.

That the North American Indian (undoubtedly all of one original stock) has any well-defined religious views or beliefs as we understand them remains yet to be ascertained. The ideal Indian has a religion, but the real Indian has none. "God," a word he first heard from Europeans, has to him in fact no special significance. It means anything around and above him. His mythology is crude and embraces the natural features about him: Fire, water, the air, earth, the sun, moon, and stars, and all animated nature. The real Indian hangs to his mythology, which is ingenious for its elements but unsatisfactory as a theory, with desperate tenacity, and herein lies the nut of the Indian question, which is hard to crack.

"No attention is paid as yet to the fact that the religious creeds of the Indians over the whole American Continent were moulded on the same pattern; that their social organization was fundamentally the same among the Cherokees, the Pueblos of New Mexico, the Mexicans, and the Peruvians; that the system of government of the Iroquois differed from that of the Mexicans but very little, and that the same principles pervaded aboriginal architecture from one arctic circle to the other, varying only in degree and not in kind. It is constantly overlooked that the fact of a certain class of buildings being of stone and another group of wood does not necessarily imply a superiority of the builders of the former over the builders of the latter, and that the long house of the Iroquois shows as much mechanical skill, if not more, as the honey-combs in which the New Mexican Indians still live in part; that the carved dwellings of the Northwest coast denote an advance in art not behind that of aboriginal Yucatan."—*H. O. Ladd*, in History of New Mexico, 1891.

It is curious that while the North American Indians, according to some authors, have a complete system of religion and forms most ingenious and mathematical in its sequences, these same Indians are incapable of inventing, constructing, or building anything that requires the mental power of combination. They can not smelt iron or copper, or carve stone or wood (except in imitation and in a feeble way, save the Alaska Indians, who are probably of Tartar origin), or do other mechanical things. In fact, they have no mathematics in their methods, and many of these alleged singular and complex religious and other systems would not be known save for their exhumation, development, or invention by white men. The Indians could invent a religion, but not a language to preserve it, nor a method to mark it! They could invent and develop myths, but could not build a house for their devotees, nor perpetuate their doctrines by signs or marks! With all other races the faculty of preservation is found with invention. It remained, in many instances, for white men to tell the Indian what his methods and systems were.

The Indian has the faculty of being led in conversation. In fact, he likes to be so led, provided he sees any food or largess at the end, and any ingenious ethnologist or investigator wedded to a theory can, if he has a vivid imagination and a stock of money and food, obtain ample proof of that theory from an Indian. Left to himself the Indian has no theories to propose to white men; and while the most garrulous people among themselves, they become silent at the approach of the white man, their natural enemy. Approach an Indian camp quietly and unobserved, and you hear the clatter of tongues and the laughter of children. The women chatter like white gossips and the children bubble over with fun. Indian children seldom if ever cry, and a brutal Indian father or mother is most unusual.

It is amusing to see an Indian mother unstring the cradle from her back, take the child out, fill her mouth with water, eject it in a spray, and wash the vermin or dust from the child, which never even whimpers, carefully replace it, string it to her back, and trot along to catch up with the moving band. Again, she will take the child out when hot and cool it by blowing over it, and when cold in the winter she will also warm it by blowing her hot breath over it. Indian children seem to have the same secretive instincts as young mice and rats; they do not make any noise and give no sign of their presence. This is common to most wild animals. Young cats, puppies, colts, and calves, being domesticated animals, and white infants, make much noise from their birth. The silent Indian will, however, on the production of money, food, or clothing, forget his animosity to the whites until after the ownership of the visible object is settled, when he will become talkative; during this time almost any theory can be proven.

There is a theory or a legend that the Pueblo Indians of New Mexico and Arizona are daily waiting and watching for the coming of Montezuma. Rose-colored descriptions have been given of how the Indian rises from his couch, just before the orient blazes forth, and hies him up a ladder to the roof of his house, and there, in kneeling posture, with a longing look to the East, and with weary body awaits the rising of the sun and the coming of the expected Montezuma. Pictures have been painted of this scene, and much beautiful language used complimentary to the red man for this example of devotion and faith. The fact is, that this Pueblo red man rises from his couch (usually a sheep skin) and scrambles to the roof of his house, made of mud, because he is hungry and wants his breakfast. From the top of his castle, as the sun rises, he searches for his herd of goats and cows, which furnishes him with milk. After he discovers their location he returns to earth, rounds up his live stock, and gets his food; and another reason is that these pueblos or houses have no ventilators or windows, and the red men, women, and children rise and escape early in the morning to get a breath of fresh air, or are called by the town crier, under assignment to labor.

Like many Indian legends made by white men, this Montezuma waiting story is pretty, but it is not true. These same self-supporting Pueblo Indians of Arizona and New Mexico, citizens of the United States and progressive, while nominally Catholics, are at heart self-reliant wild men and women, and hold to their ancient forms and beliefs. In some of the New Mexico pueblos there are Catholic churches with priests, but at the same time there are estufas for old Indian religious ceremonies, which are carefully looked after by the people.

The priest in some cases marries them by the ceremonies of his church, charges for it, and frequently immediately afterward they are remarried in the old Indian way. Sometimes prior to the dance and estufa ceremonies, lasting several days, the priest is removed to a safe distance, placed under guard, and held a prisoner until the affair has ended, occasionally he is picketed on a hillside like a donkey.

The Indian is superstitious, but superstition is not by any means common to savage races. In fact, many are lead to believe from observation that culture frequently breeds superstition. The Messiah craze of 1890 among the Indians was no worse than some of the isms among the whites.

The Indian is tenacious of his belief and customs. In past years too many attempts have been made to correct Indian forms and observances, not heeding the fact that many of these are the results of long established and serious beliefs.

In an account of the state of the missions newly settled by the Jesuits in California, by Father Francis M. Picolo, made to the royal council at Caudalaxa, in Mexico, February 10, 1702, is this reference to the religion of the Indians of California in 1697:

"The Californians [Indians] are a very lively people, and fond of joking. This we found when we first began to instruct them. They, whenever we committed any error in speaking their language, laughed at and jeered us;

but now, that we are better acquainted, they correct us, whenever we commit a fault, in the civilest manner, and whenever we explain some mystery or article in morality which interfered with their prejudices or ancient errors, they wait till the preacher has ended his discourse and then will dispute with him in a forcible and sensible manner. If cogent reasons are offered they listen to them with great docility, and when convinced they submit and perform whatever is enjoined on them. They did not seem to have any form of government, nor scarce anything like religion or a regular worship. They adore the moon, and cut their hair (to the best of my remembrance) when that planet is in the wane, in honor of their deity. The hair which is thus cut off they give to their priests, who employ it in several superstitious uses. Every family enacts its own laws at pleasure, and this possibly may be the cause of the frequent contests and wars in which they are engaged with one another."

Some of the surroundings of the attempts at christianizing the American Indians in later days were not calculated to inspire particular confidence in the promised "peace on earth and good will to men" to come from the adoption of the creed preferred by the white man. The nonprogressive, those who believed in holding on to the old Indian ways, frequently had strong arguments to use with their people against change and conforming to the ways of the whites. Willing ears listened to the recital of these incidents and willing hearts carried them over the plains or in the groves to roaming Indians from the Gulf to the Lakes. The story of the massacre of the Christian Indians at Gnadenhutten, in what is now Ohio, March 8, 1782, was a treasured morsel by the old Indians, and was repeated to admiring listeners along the norther frontier from 1782 until 1810, and greatly aided Tecumseh and his Winnebagos in inciting the northern frontier Indians to revolt. The story of the murder of the ninety men, women, and children at Gnadenhutten threw the cause of Indian christianization back fifty years. Of this massacre Charles McKnight, in Our Western Border One Hundred Years Ago, says:

"The whole massacre leaves a stain of deepest dye on the page of American history. It was simply atrocious and execrable, a blistering disgrace to all concerned, utterly without excuse, and incapable of defense. It damns the memory of each participator to the last syllable of recorded time; all down the ages the massacre of the innocents will be its only parallel."

The North American Indian, a child of nature, seems to possess a peculiar logic, and it seems to have been born in him.

"On a visit to the Dacotah mission, in 1859, a scalp dance was held near the mission house. I was indignant. I went to Wabasha, the head chief, and said: 'Wabasha, you asked me for a missionary and teacher. I gave them to you. I visit you, and the first sight is this brutal scalp dance. I knew the Chippeway whom your young men have murdered; he had a wife and children; his wife is crying for her husband; his children are asking for their father. Wabasha, the Great Spirit hears his children cry. He is angry. Some day He will ask Wabasha, 'Where is your red brother?' The old chief smiled, drew his pipe from his mouth, blew a cloud of smoke upward, and said: 'White man go to war with his own brother in the same country; kill more men than Wabasha can count in all his life. Great Spirit smiles; says, "Good white man; he has my book; I love him very much; I have a good place for him by and by." The Indian is a wild man; he has no Great Spirit book; he kills one man; has a scalp dance; Great Spirit is mad, and says, "Bad Indian; I will put him in a bad place by and by." Wabasha don't believe it.'"—*Bishop H. B. Whipple*, Minnesota, April, 1860.

The Indian usually soon perceives the attempt to convert him to the white man's creeds and resists it with vigor.

On the reservations the Indian is cunning enough to see that he may reap some personal advantage by getting the agent and missionary at loggerheads, and to this end he frequently works. All the reservation Indian's aims and means are directed toward the acquisition of material things, things brought to him by others. A church on a reservation which clothes its Indian school children and has other material aids gets a full attendance. Komo, a Ute Indian, while explaining that he and his people were nominally Christians, unwittingly gave the reason when he said, "Oh, we go down to Salt Lake City once a year, get baptized, and get blankets!" At the present time church-attending Indians on the reservations are called by the whites "pork and flour Indians," as these commodities are sometimes distributed to them.

In connection with the ghost or messiah dance during 1890-1891, an Indian wrote to the editor of the Chicago Tribune as follows:

"QUAPAW MISSION, IND. T., *December 2, 1890.*

"You say, 'If the United States Army would kill a thousand or so of the dancing Indians there would be no more trouble.' I judge by the above language that you are a Christian and do all in your power to advance the cause of Christ. You are doubtless a worshiper of the white man's Saviour, but are unwilling that the Indians should have a messiah of their own. The Indians have never taken kindly to the Christian religion as preached and practiced by the whites. Do you know why this is the case? Because the Good Father of all has given us a better religion, a religion that is all good and no bad, a religion that is adapted to our wants. You say, if we are good, obey the Ten Commandments, and never sin any more, we may be permitted eventually to sit upon a white rock and sing praises to God forevermore, and look down upon our heathen fathers, mothers, brothers, and sisters who are howling in hell. It won't do. The code of morals as practiced by the white race will not compare with the morals of the Indians. We pay no lawyers or preachers, but we have not the one-tenth part of crime that you do.

"If our messiah does come we shall not try to force you into our belief. We will never burn innocent women at the stake or pull men to pieces with horses because they refuse to join in our ghost dances. You white people had a messiah, and, if history is to be believed, nearly every nation has had one. You had twelve apostles; we have eleven, and some of those are already in the military guardhouse. We also have a Virgin Mary, and she is in the guardhouse. You are anxious to get hold of our messiah so you can put him in irons. This you may do. In fact, you may crucify him as you did that other one, but you can not convert the Indians to the Christian religion until you contaminate them with the blood of the white man. The white man's heaven is repulsive to the Indian nature, and if the white man's hell suits you, why, you keep it. I think there will be white rogues enough to fill it.

"Hoping that our messiah will come soon, and prove all that his prophets have proclaimed him, I remain your most obedient,

"MESSE HADJO OR JOHN DAYLIGHT."

An Indian headman in 1891, when visited by an official, who mentioned that dancing among the Indians was not looked upon with favor by the authorities, said:

"White men dance when they please; why shouldn't an Indian? When I was down in Washington, some years ago, I called at the council house and saw the President. It was at nighttime, and a lot of women were walking around. They were about half dressed, the top of their bodies being exposed in such a way that an Indian woman would be ashamed to do; yet I found that these half-dressed women were the wives of big chiefs, and called themselves good women and went to church. I expect they were the wives, too, of some of the church men who want to stop Indians from dancing. White man takes mighty good care of himself and his own people; he better let other people alone with their harmless amusements."

It will be noted that the North American Indian is a person of much intellectual power, undeveloped or uncultivated as we understand it; he is as cunning as the wild beast or reptile; he holds tenaciously to what he believes to be his religious duty, and resists the white man's civilization or Christianity with all his power. He seems to have had no stages of progress as other recorded peoples have had; he appears not to have had the ambition or incentive to invent or construct beyond the merest minimum limits of wants and needs. If he is not a wild man, how is it that after years of education there are so many instances showing that he at the first opportunity returns to his old habits and traditions? As a rule, he is eminently a destructionist, not a constructionist, in the economic sense.

In considering the present reservation Indians, it is well to recall that it is several hundred years since Massasoit, Philip, or Powhatan lived; a shorter period since Brandt, Red Jacket, Tecumseh, Black Hawk, and Osceola were ruling chiefs; while Little Crow, Rain in the Face, Red Cloud, Scar Faced Charley, Joseph, Bannock Jim, and Sitting Bull are near neighbors.

There is no doubt or mystery about most of the North American reservation Indians in 1890. The Indian one now meets is a plain, every day, always present fact, and he is found to be eminently open and plain in one purpose, and that to get a living with as little effort as possible, in which purpose the present system of affairs aids him. The Indian is never so much in earnest as when at the national trencher. He begins when the food is before him and ends when it is all consumed; still, when compelled, Indians can live upon as little food as any people upon the earth.

A hundred or more years ago, in a report to the French academy, written by a competent and famous investigator, it was stated that "the North American Indian is an enigma," and this can in truth be written to-day. While an enigma he is of a magnificent race, and if civilized would be the ancestor of a mighty people. When we consider the ravages of disease, intermarriage, exposure, starvation, and the white man, and then consider the number of Indians now here, as against the number at the advent of the European on this continent, the Indian would seem to be a startling example of the survival of the fittest. War fits his nature, is his occupation by selection, and apparently by design, and gives him fame. His heroes are warriors, and so tradition and fact encourage him to follow war as a recreation or profession.

The key to the American Indian's resistance to the white man occupying his country and utilizing its resources, and then attempting to control him, lies in the fact that being the original occupant and owner of the lands he can not see why he should give way, go to the wall, or move to parts unknown. He can not understand the profit to come to him and his by his being despoiled first and absorbed afterwards. With his limited experience he can not understand why so much should be exacted of him, and so little be done of a practical nature by those receiving most of the benefits. Centuries of living by roaming, war, and the consuming of the wild products of nature have not especially fitted him for readily accepting Anglo-Saxon civilization. What is offered him in place of his old life? What other means of support are given him? What chance is he to have in the battle of life against the culture of the white man?

The Indian's battle has been for the control of the heart of a continent. As the white man presses him and certain death or absorption stares him in the face, his tribal history, his past life and methods rise before him. He could not, would not, and does not, with few exceptions, realize the necessity for change. It was bred in his bone that labor is dishonorable. The approach, demands, and requirements of civilized life foretold to him the end of the old Indian life, and the curling smoke from the settler's hut the doom of his unrestrained liberty. Up to this time the Indian had been a good man, there being no Anglo-Saxon standard of good or bad for comparison, for sin comes with the law and definition. Moral training such as we know he never knew, and he does not know to this day. His method of warfare, fierce and brutal, was born in him. Then he met force with force, reason with the knife, and logic with his club or gun, and he uses the same methods now. Then he was a good man until something he did not like or understand met him, and then, as now, the good man became a howling savage. The first tender of our advancing civilization he met with surprise and then resistance, and so for almost three hundred years unceasing war has followed. If quiet in one place, he is growling or in revolt in another.

In almost all of the pioneer movements to the West the crack of the rifle was heard while the glitter of the hoe was seen. As the Indian felt the presence and weight of this new civilization all of his past history and present life crowded upon him and he revolted, because he could see that his race was about to be covered with a cloud that would eventually engulf it. The white man's clutch was on his throat; the ideal Indian life was about to become practical. With the advancing lines of white men it took no prophet to proclaim the Indian's doom. With clenched teeth, and club or gun in hand, he places his back to the rock and dies in resistance. And such a death!

As has been stated, it is not probable that the present area of the United States since the white man came has contained at one time more than 500,000 Indians. High estimates were made in early days, but the average even then was about 1,000,000. In 1890 we have about 248,000 civilized and uncivilized Indians.

Through almost four centuries warlike bands resisted, and many of these Indians are still resisting progress. How defiantly they met death! They died silently, without a groan, amid the shouts of murdered white men and women, the groans of butchered children, the roar of the cannon, and the crack of the rifle.

Over the old hunting ground, across the silvery streams which thread the brown barrens and plains, up the tall mountains among the towering pines to the snow-capped and sun-touched summits, in the land once the home of his people, the Indian of to-day can cast only a longing eye, and reflect. The plains are silent to the tread of the old Indian host; no monuments or structures tell their story, no footprints in the rocks, no piles of carved or sculptured stone speak of their patience, ingenuity, or their presence. The streams run as of yore, but, while softly creeping to the sea, sing no song and speak no word of the olden times. The nodding pine and ash along the mountain side bend and bow a welcome to the newcomer, but are silent as to the past. The canyon and mountain recess shelter as of old, but speak not.

For the remaining Indian the painter, the museum, and the art preservative alone can tell the story. Even nature, the Indian's god, is silent as to him, and speaks not. Such has been his life, such the results, that if the entire remaining Indians were instantly and completely wiped from the face of the earth they would leave no monuments, no buildings, no written language (save one), no literature, no inventions, nothing in the arts or sciences, and absolutely nothing for the benefit of mankind. A few small graves and unimportant structural ruins and enigmas met the gaze of the white man four hundred years ago. The past of the Indian was sealed even then, and apparently to the Indian as well as to the white man; and this condition remains to this time. Thus far the North American Indians have been (judg-

ing by conditions and results) the God and man forsaken race of the earth, and through circumstances useless beings in the economy of nature.

All of the Indian past is now largely reflection and retrospection, an epic preserved by legend and story. Crooning squaws and tottering old men on reservations, in most cases in squalor, rags, and hunger, retell the fierce battles of their people, each tale exaggerated with age, every person mentioned being a hero; all now legend and myth. These past Indian splendors and glories can never come again; but the Indian does not realize it, and so he invokes their return with his ghost or messiah dance.

Events, incidents, and great war feats may be mentioned, but the absorbing and destroying Anglo-Saxon has his deadly grip upon the North American Indian, and time alone is wanted to set his eyes in death; and for the Indian, even while living, the glory of Egypt hath departed.

There are not ten tribes of any of the two hundred or more now in the United States but what have been in revolt, and those existing as tribes are now remnants, with a few exceptions, too poor or too few to fight, or they consider it too dangerous.

Governmental Indian policy, although intended otherwise, has gone arm in arm with war, murder, and failure, and the Government is at present engaged in trying to civilize and control the remnants of these once powerful tribes on reservations. Its hardest struggle is with the original Indian "nomads," the Indians of the plains or "flesh eaters."

The Atlantic coast Indians (except a handful of Seminoles in Florida, semicivilized), the Cherokees in North Carolina, and some Indians on the Northern lakes, and the tribes of the Six Nations remaining in New York have long since ceased to be troublesome. Death, removal West, whisky, restraints of civilized life, and smallpox and other diseases have destroyed the great mass of the North American Indians from the Atlantic Ocean to the Mississippi River.

The Pacific coast fish-eaters and root-diggers are now peaceable, having been thoroughly whipped, and are progressive and almost entirely self-supporting.

The Five Civilized Tribes (the Creeks, Cherokees, Choctaws, Chickasaws, and Seminoles in Indian Territory), once warlike and fierce, furnish no guide for comparison in the question of reservation Indian civilization. Because of being left to control themselves, intermarriage with whites and negroes, and the adoption of others into the tribes, the pure Indians are few, and the people are progressive. The Sioux, Kiowas, Comanches, Apaches, Navajos, and the Bannocks are on reservations, and doing as well as the poor country they occupy will permit.

The other reservation Indian tribes, even if disposed to war, are so surrounded by white settlements that a war would be of short duration.

The question of the moral and physical condition of the reservation Indians will not here be considered or presented in detail. This question would take volumes, especially if considered from the Anglo-Saxon view as to what moral condition is. In time there may be some relief; meanwhile death will remove many of the victims of fearful affliction. In our anxiety to keep the Indian quiet, having failed to civilize him, the moral and physical condition of these people has been considered secondary. Allotment, keeping him quiet, and education seem to be the methods now most popular.

The disappearance or removal of some tribes of Atlantic coast and Mississippi Valley Indians is given under "Tribes and Stocks," "Removal of tribes west of the Mississippi River," and "Reservation Indians." The section on "Citizen Indians" also gives data on the same and in a measure details as to the present condition of tribal remnants on the Atlantic coast.

The Indian service of the United States up to 1869 was the weakest branch of the civil service, morally and otherwise. Before that time, to get an Indian agency was considered by some as leading to wealth and comfort in old age. During the war of the rebellion the nation had but little time to see to the civil side of the Indian service. A few earnest men and women, however, held on to the subject. Bishop Whipple, of Minnesota, in April, 1890, thus wrote of his efforts for the Indian in 1861–1865:

"In those early days my visits to Washington were oft-repeated stories of blighted hopes. I found President Lincoln a willing listener. I told him the story of the massacre of 1862, when 300 miles of our border was one track of blood. As I repeated the story of specific acts of dishonesty, the President said: 'Did you ever hear of the Southern man who bought monkeys to pick cotton? They were quick; their long, slim fingers would pull out the cotton faster than the negroes; but he found it took two overseers to watch one monkey. This Indian business needs ten honest men to watch one Indian agent.'"

"From the martyred President I received the highest compliment ever paid to me. He said to a friend: 'As I listened to Bishop Whipple's story of robbery and shame, I felt it to my boots;' and, rising to his full height, he said: 'If I live, this accursed system shall be reformed.' He would have done it.

"Secretary Stanton said to Gen. Halleck: 'What does Bishop Whipple want? If he came here to tell us that our Indian system is a sink of iniquity, tell him we all know it. Tell him the United States Government never redresses a wrong until the people demand it. When he reaches the heart of the people the Indians will be saved.'"

When President Grant, in 1869–1870, placed his hand upon the Indian system it was about at its worst. It was a makeshift and an emergency result. Nomadic tribes were recognized and solemn treaties were made with wild men, of which, through imperfect interpreting, they knew but little, and these same treaties were frequently the lever to open the public treasury to the white man's plunder. The advisory power of chiefs had been put away. The system was powerless to punish crimes against Indians, and it gave no protection to Indian property, person or life, and by the practical operation of the reservation system the Indians were made paupers and continued so up to 1869.

What the United States Indian service was prior to 1869 can be imagined upon reading the following statement by Bishop H. P. Whipple, who, in his Appeal for the Red Man, thus spoke of the Indian service and policy of the United States prior to 1869:

"There is not a man in America, who ever gave an hours' calm reflection to this subject, who does not know that our Indian system is an organized system of robbery and has been for years a disgrace to the nation. It has left savage men without governmental control; it has looked on unconcerned at every crime against the law of God and man; it has fostered savage life by wasting thousands of dollars in the purchase of paint, beads, scalping knives, and tomahawks; it has fostered a system of trade which robbed the thrifty and virtuous to pay the debts of the indolent and vicious; it has squandered the funds for civilization and schools; it has connived at theft; it has winked at murder; and at last, after dragging the savage down to a brutishness unknown to his fathers, it has brought a harvest of blood to our door."

The last sentence referred to the Sioux massacre in 1862, and was the good bishop's view of that dreadful event.

One of the most absurd and senseless cries that has recently gone up about our Indian policy is the present one of the "dishonest Indian agent." The agent is made responsible for all wrongs and failures; he is called a thief, a robber, and a maltreater of the poor red man. There are 133,417 Indians living on reservations; to these there are about fifty-four active agents; they are administrative officers only; they do not usually purchase articles of food for the Indians, except in emergencies, and then by order of the Commissioner; they have no money belonging to the Indians, and are bonded officers. If they steal they can not sell the plunder without detection. The old-time Indian agent sometimes had an open field. The system as to Indian agents and their opportunities has entirely changed within twenty years. The cry of "dishonest Indian agent" is an old one, and comes from conditions changed many years ago. The present Indian agent is closely watched by missionaries, by agents of the Indian Rights Association, by school teachers, by a special corps of inspectors, by army officers (when on the reservations), and by the Indians themselves. The suggestion is here made that these agents are as honest as any other fifty-four citizens of the United States.

It is unjust to lay the shortage of rations or clothing or supplies for the Indians on the men who never receive them; who never have them to issue, and who only issue what is sent them, provided by Congress; especially is it unjust to charge the failure of an inefficient or slow system on men who have only to execute it. Congress alone can change the present system; and in view of the facts it is cowardly and unworthy to denounce a body of worthy men who stand with their lives in their hands in their daily intercourse with and control of the North American reservation Indian. From personal knowledge, the present system (excepting one feature) is as good and efficient as it can be made under existing law.

In 1890–1891 there was much discussion as to the employés of the Indian service, and it was asserted that they were dishonest and inefficient. Many really earnest people believed this. The Cambridge (Mass.) Civil Service Reform Association, becoming alarmed, on January 31, 1891, sent a letter to President Harrison on the subject. The President replied as follows:

"EXECUTIVE MANSION, *Washington, February 4, 1891.*

"GENTLEMEN: I have received by the hand of Senator HOAR the communication addressed to me by the officers of the Cambridge Civil Service Reform Association, and in reply beg to say that your suggestions will have my respectful attention. Your reference to the recent outbreak among the Sioux as affording convincing evidence of a necessity of a change in the manner of appointing the officials of the Indian Bureau, leads me to say that I have not found, in a very full examination of all the facts from all sources, evidence of any deterioration in the Indian service. On the other hand, the Board of Indian Commissioners, through Merrill E. Gates, their chairman, have, as a result of close observation, declared to me, under date of January 10, last, "that upon the whole the Indian service is now in better condition than ever before."

"The object of their communication was to urge the extension of civil service rules to the Indian service, but they were careful to recognize that the argument was not to be found in any special or recent incident, but in the broader fact that the work among the Indians is educational and philanthropic, and should therefore be separated from party politics.

"I may add that before any special appeal had been made to me from any source the subject of including Indian agency clerks and employés in the classified service had been under consideration.

"Very respectfully yours,

"BENJAMIN HARRISON."

The following rule was made in relation to certain of the Indian service employés, October 1, 1891:

"The classified Indian service shall include all the physicians, school superintendents, assistant superintendents, school teachers, and matrons in that service, classified under the provisions of the act to regulate and improve the civil service of the United States, approved January 16, 1883."

THE COLONIAL AND NATIONAL INDIAN POLICY TO 1890.

The Europeans who first met the Indians had no policy in their treatment of them. Some came to convert heathen, others for gold and silver, others for religious liberty, and others for the glory of their sovereigns, and to add new domains to home areas. The Indian wondered at these variety of interests and at the many and curious kinds of white men. His wonder grew when he became better acquainted with the whites, and during the past four hundred years his amazement has not decreased. When the colonies were organized, the Indians within them were managed by the separate colonial authorities. There was but little difficulty then in managing the Indians, considering the large area of unoccupied lands and the small number of whites. After 1789 the United States Government assumed charge of the Indians.

All nations in control of this continent and north of Florida, excepting what is now California, New Mexico, and Arizona, recognized the Indian as primarily the owner of the soil, and considered that his title to the land must be extinguished before any disposition could be made of it, which was usually done by a treaty between chiefs and headmen of tribes and representatives (generally soldiers) of the contracting nation.

The United States has never considered public domain public lands and extended the land disposition or settlement laws over them until the Indian title was extinguished. The United States only permits Indian tribes to sell their own lands to itself. No citizen can purchase land of an Indian without authority from Congress. The right and supremacy of the Government to do this has been sustained by the Supreme Court of the United States, and is now an accepted fact.

Up to 1890 the United States has made about 450 treaties and agreements with 157 tribes of those once or now within its borders. How many of these have been kept? Have any been kept? The policy, begun in 1789 and continuing up to 1869, of recognizing the Indian tribes as separate nations was bad for the Indian. Treaties between nations generally depend for their proper execution on the fact that they have about the same sized armies and navies. The Indian had neither. In 1869 President Grant, at the suggestion of Gen. P. H. Sheridan, put an end to treaty making with the Indian nations, which action was confirmed by Congress in 1871, and they became wards of the nation. Since 1789 the Indian has had eight distinct kinds of policies tried upon him by the United States Government:

First. They were treated as separate and independent nations, and treaties were made with them by the War Department.

Second. The frontier was so extensive, and the area of land so large back of it, that early in the century the Government saw but little of the Indians, except when they came into the forts and posts. It then presented them with swords, guns, knives, pistols, and tomahawks, and red paint to deck themselves for war, probably in the hope that they would kill one another. A line of houses, posts, or warehouses were built on the frontier and occupied by Government agents called factors, and the Government was alone permitted to trade with the Indian and receive the profit of the trade with him. This was abandoned in 1822. A general superintendent of Indian affairs, authorized by law in 1822, resided at St. Louis, Mo.

Third. His control in an indefinite way by the War Department until 1849, and being under the generals commanding departments, districts, divisions, or portions of the country, and being used sometimes in Indian wars as an ally, the War Department also supplying him with arms and ammunition. A civic commissioner was over him in the War Department after 1832.

Fourth. The creation of the home or Interior Department in 1849 necessitated the transfer of bureaus from several departments to make this new one. The Indian Bureau was among those transferred, and the Indian came under civil rule, where he still continues. Commissioners appointed from civil life now made treaties with the Indians.

Fifth. The organizing the Indians within a State or Territory under a superintendency. In Territories the territorial governor was sometimes the superintendent, but in the States the superintendent was appointed by the President. The agencies and reservations were under an agent who reported directly to the superintendent, he reporting to the Indian Office at Washington. Under such a system there was a fine opportunity for gathering much plunder. In 1869 President Grant took up the Indian question, and soon abolished the superintendencies and made the agents directly responsible to the Indian Office at Washington. The experiment was tried in 1869–1870 of assigning the several reservations to denominations. The churches selected the agents and President Grant appointed them. It proved a failure in two years and was abandoned.

Sixth. The reservation system: Insisting by treaty and otherwise, beginning extensively in 1868, that the Indians stop roaming, assigning them reservations of land upon which they moved, and agreeing solemnly, in most cases with the Indian, that such reservations should be permanent. Public necessity, constant demand of the settlers, encroachment of the whites, the objection to a large number of wild Indians living as tribes within the center of population, caused the Government in 1887 to pass the allotment act, forcing the Indians to take lands in severalty, and paying them a compensation for the remainder of the reservation, thus destroying their reservation and tribal condition, the amount to be paid being fixed by the United States, also agreeing to many other things for the Indian, and still retaining the agent on the reservation.

Seventh. The agriculturalizing of Indians by Congressional enactment: Since 1849 issuing food and clothes and agricultural implements and some cattle to the Indians, the payment of annuities and the establishment of schools and a number of experimental efforts (such as trying to make Indians farmers and mechanics, whether fitted or not), now discovered to be mainly in the wrong direction, has been the Indian policy. In this there has been a shifting from point to point and drifting with the Indian, and only when running up against his gun or knife was there a halt to look the field over, and take an account of stock.

Eighth. The educational and allotment policy now in full operation and the enlistment of Indians in the United States Army. The educational policy began in 1819 with an appropriation for $10,000, which was increased in 1876 to $20,000. In 1891 the cost was about $2,000,000 per year. It embraces several features, the education of children of citizen Indians, reservation Indians, in fact all Indian children: this policy contemplates the education of about 18,000 children. No one can now estimate its future cost (not less than $3,000,000 per year for ten years) or its practical results. There are Indian schools on the several reservations conducted by teachers paid by the nation, and Indian schools on the reservations or near them conducted by denominations, who receive $150 per year or more for each Indian pupil. There are also a number of industrial schools, like Carlisle, Pa.; Genoa, in Nebraska, and the one near Salem, Oregon, where the pupils cost $167 or $180 each per year. These are solely under the charge of the Bureau of Indian Affairs. Some private schools throughout the country are also paid an annual sum for the care of Indian pupils, as are local school boards in some of the States and Territories.

Seven of the above policies have been emphatic failures, one succeeding the other as a necessity. Will the eighth or present one prove a failure also? Will the education of 12,000 or 18,000 Indian school children civilize more than 110,000 adult Indians?

The educational policy also contemplates the building, or, when built, the extension, of industrial or Indian schools at all of the present agencies, the superintendent of the schools to be bonded, and to receive a small additional annual compensation, thus taking the place of the Indian agent. This has been done at the Hoopa Valley, Eastern Cherokee, and Moqui Agencies. It is a change of name merely and not of the system in the matter of the Indian agent.

As to allotment and its origin, the principle is an old one with the Indians. Cadillac put it in active operation in Detroit in 1701–1710. In 1880–1883 the expert special agent, in the Public Domain, suggested the following:

"The settlement of the question as to whether lands are to be given to the Indians in severalty for settlement. It is immaterial for this purpose whether they are to be allotted to the individual or the tribe. The area is the question. It is probable that almost two-thirds of the area at present embraced in Indian reservations will be thrown into the public domain for settlement or disposition. The remainder, above the wants of the Indians, should be taken by the nation, say, at $1.25 per acre, and a trust fund created with the proceeds. The interest, payable four times a year, will be ample, coupled with the results of their own labor, to maintain the Indians. An army officer could disburse it, and the Indians be at once removed from the need of annual legislation."

The enlistment of Indians as soldiers in the United States Army has proved a success. In 1892 more than 800 Indians were enlisted.

A great difficulty, and probably the greatest, in Indian progress or attempts at their civilization, is the fact that practically all such efforts come from outside sources, either from the Government or from white people, which are met usually by the serious opposition of the Indians. These tenders, coming from those the Indian considers his natural enemies, arouse his suspicion. No aid to any extent for a long time past in this struggle has come from the Indians excepting the Indian police, paid by the nation, who have for ten years past aided a little. Revolutions do not begin from the outside. To be effective they must arise and be led and carried into effect from within a people, government, or nation. The governmental educated reservation Indian has not as yet appeared as the Moses to lead his people in new ways of peace and progress.

ADVANCE OF RESERVATION INDIANS, 1890.

Ability to support themselves alone is not proof of advance of Indians toward civilization, because they might support themselves by the chase or hunting and fishing. The best tests of Indian advance toward civilization are their adoption of the white man's dress and habits, of their engaging in agriculture or the mechanical arts, and in consenting to the education of their children. Judged by two of these three standards, the reservation Indians of the United States to June 30, 1890, have made but little progress toward Anglo-Saxon civilization. Of the about 60,000 who wear citizens' dress, about 10,000 have adopted the white man's best habits. Only a nominal number of the unallotted 133,417 reservation Indians are put down as agriculturists, and these are included in the 98,632 who earn their own living on the reservations by hunting, fishing, and root-digging. Four-fifths of these are of the last three classes.

As to the schools, the reservation Indians are not partial to them, and, under the authority of the Commissioner of Indian Affairs, in past years rations have been withheld from the adults to force them to send the children to school. Several wars growing out of these school matters have been averted by President Harrison, Secretary Noble, and Gen. A. McD. McCook during the past two years. It is not easy to tell how much the majority of the present reservation Indians have advanced up to 1890. It is to be hoped that the Indian census of 1890 will be a starting point from which many things may be determined as to the progress or retrogression of the reservation Indians. At present many of them are in a most dependent and wretched condition, viewed from an Anglo-Saxon standpoint.

One of the best evidences that some of the reservation Indians are approaching the lines of civilization is that they are beginning to place a value on their time. In 1889 or 1890 Chief John Gall said to Hon. Charles Foster, ex-governor of Ohio, who was a member of a commission to treat with the Sioux, that his time was valuable, and if he must talk with the commission it would cost $10 per day.

Indian Commissioner T. J. Morgan, at the Yuma Reservation, California, was informed in October, 1890, by Chief Magill (Miguel or Spakoter) of the Yumas that it would cost $5 to converse with him.

The actual progress of reservation tribes can only be ascertained by reading the reports of Indian agents for twenty or thirty years back and then visiting the reservations. From year to year rosy and expectant views were found in these reports. The reforms promised are lovely. Each succeeding agent makes many promises of change and reform, and tells how he intends to improve things. From these reports one necessarily expects much, and imagines that an Arcadian condition of life exists on reservations. Visit one of these modern Arcadian resorts, and you will usually find the same old Indian described by our fathers. The truth is, the adult Indian who has advanced the most is the one whom the Government has had least to do with. The education of 12,000 to 18,000 reservation Indian school children alone will not feed and civilize 60,000 or 70,000 adult dependent reservation Indians; neither will sand banks or deserts furnish them with homes on which to make a living. The tables of statistics and the special agents' reports will answer as to the reservation Indian's actual condition in 1890.

Has the Government of the United States done anything for the Indians? The nation has done a great deal for the Indian; but no nation has ever before had such a man to civilize. His intellectual capacity, of a high order, coupled with the instincts and brutalities of an unrestrained wild man, has made him the most savage of men. The Indian has hated the nation intensely, and the white people of it he has made his victims. The Army alone has had any respect from him, and this because it is the embodiment of force.

"The Indians do not and can not love us; and seeing the little regard paid to engagements which they at least had considered as binding on both parties, they look on all the acts of Government with a jealous eye."—*Albert Gallatin*, 1836.

To illustrate the Indian's resistance to the civilization of the white man, and his indisposition to even go upon a reservation, the following extract from an article by Gen. Nelson A. Miles, published in the North American Review for January, 1891, is of value:

"The first time the writer met Sitting Bull was under a flag of truce between the lines, when he had a thousand warriors behind him; and during the conversation I think he expressed in a few words the true sentiment of the Indian. He was what might be considered a devotional man, frequently offering a little prayer and saluting the Great Spirit. One remark of his is certainly significant. Raising his eyes toward Heaven, he said: 'God Almighty made me an Indian, and he did not make me an agency Indian, and I do not intend to be one.' That remark was indorsed by huge grunts of the stalwart savages within hearing, and it is the sentiment of the nontreaty, disaffected Indians of every tribe in every section of the great West. They prefer to be Indians in their wild and independent life rather than to be confined to the limits of any agency."

During the past century, considering all the Indian's shortcomings from an Anglo-Saxon standpoint, and reviewing his life, no author of character or speaker of note has been found bold enough to even attempt to excuse or vindicate the Indian policy of the colonists or of the nation.

The language of some of the Indian treaties, considered with the subsequent facts, are humorous. A reader would suppose from the language of these treaties that the Indian was in the hands of a just and equitable people. The facts are exactly the reverse. For confirmation of this, see the report of the Indian peace commission of 1868.

THE RESERVATION INDIANS, 1890.

The North American Indian was the finest type of the wild man the white man had ever met. He differed from the African wild man in this: The African in many cases looked up to and imitated the white man; the Indian looked down upon the white man with the utmost contempt, and does to this day.

The Government of the United States, in war, legislation, or peace, has been in mortal combat with a man and not a child in this Indian question, especially in trying by act of Congress to make him forget, and to change his life, his habits, and characteristics.

In the final settlement of the Indian question there need be no mistake made, and the idea of reparation can be lost sight of. Instilling such an idea in the Indian's mind in the past has worked great injury to his progress. In illustration, an official circular of instructions to Indian agents in regard to inculcation of patriotism, of December 10, 1889, after directing that Indian school children be instructed in the elements of American history and as to worthy historic characters, says:

"While in such study the wrongs of their (the Indians') ancestors can not be ignored, the injustice which the race has suffered (from the Americans) can be contrasted with the larger future open to them, and their duties and opportunities, rather than their wrongs, will most profitably engage their attention."

The constant repetition to the Indians of their people's wrongs, or alleged wrongs, was hardly ever the best way to inculcate in them feelings of kindness toward a dominant ruling class. The American Indian of the present day, however, is not caring as much about the wrongs of his ancestors as he is about his daily bread. As long as the nation will feed, clothe, and care for him he does not care much about what or how his grandfather suffered. Still, such reminders to a people accustomed to running amuck with gun and pistol would not seem to be judicious; and besides, the Indian is quick enough to perceive the error in this and to take advantage of it.

There is no sentiment involved in the closing up of the Indian question. It is not necessary to recall Indian wrongs nor to tell lisping children of the wickedness of their ancestors. It is now a question of right and justice, and of the commonest kind. The equity of the case lies beneath a load of useless treaties, laws, and obsolete customs. This nation needs no sentimental appeal to do its duty. Congress simply needs hammering at by night and by day by earnest men who have a complete and satisfactory plan of settlement of this question, a plan which will close up the entire matter and cause the disappearance of the word Indian from our statutes; administration will then follow.

The word American should be large enough to inclose the man, woman, or child whose ancestors once owned the lands of the continent. We welcome foreigners to citizenship, why not native Americans? The best friend now to the Indian is the man or woman who desires that he be removed from the control of the nation and away from official contact. Knowledge of the

Indians is not now confined to a few, but his control is in the hands of a few. The railroad, telegraph, and printing press are in the vicinity of every reservation in the United States, and (but 15 or 16 of all the reservations are more than a day's travel from a railroad) these modern agents of civilization are affecting the Indian as they do the white man.

In the West the railroad and the telegraph now precede the immigrant, and the demand for lands for settlement forces the curtailment of the areas of Indian reservations and the allotment of the Indians to small holdings. All the conditions affecting the white people in the country about the reservations affect the Indian, and so a final policy should now be adopted, both as an act of justice and as a matter of right.

One of the absurdities in Indian administration is the constant recurrence in addresses of expressions of this kind: "The Great Father loves his Indian children." "The Great Father expects his Indian children to do this and that." "The Great Father chides his erring Indian children reluctantly."

Such expressions are puerile when addressed to these most cunning of men, many of whom have murdered in cold blood white women and children, the stains of the blood of their victims being still on their garments and the echo of their dying groans still in the ear. These same innocents, great, stalwart, able, thoughtful men, thus treated and lovingly addressed, at intervals take the United States Army and double it up in a scroll of fire, and have had the ability, for the last century, to outtalk and sometimes to outwit the ablest white men sent to them as commissioners. An evidence of the intellectual capacity of the Indian can be seen in the treaty the Cherokees made with a national commission in 1891.

Every Indian on a reservation above 10 years of age knows that the President is the President, and that he resides at Washington, and is to the Indian, in consequence of the mistaken policy of the past making the Indian a dependent, a deity who gives out things, and also pardons the red man after outbreaks, and who, answering and acting on the maudlin sentiment of mistaken sentimentality, frequently does great wrong to the Indian by not severely punishing some of them. This "Great Father" expression dwarfs men into children. Another feature of the present time is that the Indians on reservations read morning papers, discuss the news of the world, watch the acts of Congress, and in case of an outbreak, get the movements of the troops.

One visitor to a reservation in the fall of 1890, and just after the Congressional election, was taken aback at seeing an Indian wearing eyeglasses, sitting with his feet upon a table, reading a city journal of the same day, and he was partially paralyzed when this Indian, evidently with an eye to his food supply for the future, asked the visitor: "Do you think Mr. HOLMAN will be the next chairman of the House Committee on Appropriations?"

Many reservation Indians keep an eye open to the condition of the several reservations in their vicinity. When food is in abundance at a reservation there is at once a movement toward it by Indians of other tribes. The agent of the invaded reservation repels the invaders, aided by the Indian police. Unless this were done a well-supplied agency would be overrun.

The efforts of the United States toward a proper ending of Indian affairs should be directed entirely to the reservation Indians. The reservation Indians, other than those taxed (including the Six Nations of New York, the Eastern Band of Cherokees, the Five Civilized Tribes, the Moquis of Arizona, and the Pueblos of New Mexico), numbering 133,417, including allottees under charge of the Indian Office, are in twenty States and Territories, the administrative office being in Washington.

The reservation Indian's condition does not now require the shedding of tears for the past or promises for the future. Let us now do the just thing with these Indian remnants on reservations. There are less than 95,000 of them, not including the civilized and allotted Indians. We have tried almost every idea suggested to civilize and control them. Let us now make a general plan of right and justice and work to it rapidly.

We can learn much of value from the methods of the Dominion of Canada in handling its reservation Indians, 122,000 in number. (See elsewhere for the Indian policy of Canada.) There are within 11,000 of as many reservation Indians in the Dominion of Canada as there are in the United States. The total annual expense of this large number is but $1,057,561.50. The reason for this is: (1) The Indians are considered and treated as men; (2) all treaties are kept with them, and (3) they are on good lands and are practically self-supporting. In the United States the reservation Indians in many cases are on sand banks and deserts, and in consequence of their many removals to make way for land hunters they have become almost natural tramps.

A proper Indian policy embraces both humane and business propositions, even if force has to be employed at times, which is frequently most effective. In the seventies Gen. George Crook, called Gray Fox by the Indians, the greatest Indian fighter the country has produced, had occasion to reprimand an Apache Indian named Manuel for inciting the young men to revolt on an Arizona reservation. Manuel, a smart Indian, but idle, worthless, and dangerous, became impudent. Crook knocked him down, called an officer and a squad of men, and placed him in the guardhouse. A week afterward Manuel was in a casement at Alcatraz, in San Francisco Harbor. There he remained two years. Gen. Crook after this wrote to Gen. John M. Schofield to send Manuel back to Arizona. Manuel, thinking he was to be executed on his return to Crook, when brought out of prison, said he preferred to be shot at Alcatraz. He was taken to Arizona and to Crook's headquarters. Crook said, "Ah, Manuel, you are back; come along, I want you."

Taking him to the river bank he said, "Here are arms, two horses, a bunch of cattle, and food enough for a few months. That house is yours, and also the land staked out around it. Now, go to work and take care of your property." Surprised and astonished, the Indian went to work and became a man of means, and was afterward a great aid to Gen. Crook in settling Apache Indian troubles. A year or so after this event another Apache, one Tonti, became troublesome, and one day was engaged in a row in the presence of Manuel. "Oh," said Manuel, "I know what you are after; you want Crook to knock you down, send you to Alcatraz, keep you two years, bring you back, and give you a ranch and a bunch of cattle. Oh, you want to be civilized by Crook."

The mental, physical, and moral condition of all reservation Indians does not fit them to the exact demands of laws made for cultivated Anglo-Saxons.

There are serious obstructions in the way of changing our Indian policy, and it is most difficult to make any essential changes in the Indian system of the United States. Interested parties prevent changes: besides, Indian agencies and reservations are a source of much profit and revenue to persons in their vicinity. The patronage is large. In 1876 Zachariah Chandler, of Michigan, Secretary of the Interior (see House Executive Document No. 106, first session Forty-fourth Congress), sent to the House of Representatives a bill for the transfer of the Indians in the States of New York, North Carolina, Michigan, Wisconsin, Minnesota, and Iowa from the control of the United States to the control of the several States named, within which said Indians were located. His reasons for the transfer were:

"In my opinion the Indians referred to have made such progress in the acquirement of education and industrial skill as to enable them to support themselves and to render it wise and proper to separate them from the guardianship and control of the Federal Government, that they may be made subject to the restraints and be endowed with the rights and privileges granted by State laws and regulations."

The scheme of transfer is set out in full in the bill. The United States still hangs on to the unfortunate Indians in all of the above States except Michigan, where they are now caring for themselves, although not as well fitted to do so as the Indians of the other States named.

There is a mistaken idea in the inexperienced mind as to what an acre is west of the Missouri River. When orators and writers state the great number of acres contained in the 135 reservations of the 54 agencies at which live the 133,417 Indians in the 20 States and Territories, to wit, about 76,000,000 acres, the area seems simply enormous. Usually a reservation acre is not an arable acre as an acre East. Acres on most of these reservations mean huge sand banks, deserts or barrens, not one of which can be cultivated without irrigation. The great size of these reservations is due to the fact that it requires an immense area of such land to sustain life, and on some of the largest reservations (some of them 60 and 80 miles square) there are only 1 or 2 small streams and a few springs.

The condition of much of the reservation land is the cause of the Indian continuing a roamer. To get a livelihood he moves about on these reservations from point to point for water, grass, and fuel, living the meanwhile in tents or tepees of brush (when of canvas it is furnished by the Government). Only by this nomadic life can the Indian live upon most of these reservations. In Eastern minds acres are associated with productiveness. An Eastern agricultural acre will usually sustain five cattle; in Utah, Arizona, Idaho, New Mexico, Montana, and other arid regions 1,000 acres frequently will not sustain more than one head of stock. There is no growth without irrigation, except some native grasses, which are short lived when in season. The allotment of land to Indians on most of these reservations means giving them a desert or a piece of desert or a sand bank to starve on; land from which a coyote runs in howling terror and birds which are said to live on air hardly dare fly over.

Before lands are allotted to Indians it should be known and made a fact that they are arable. Build ditches, bore wells, and make them fit to live upon before you place the Indian on them. If the whites get control of the ditches make them deed a perpetual water right for the Indian lands. A large source of revenue to the Indian on many reservations is now derived from the sale of wild hay. This hay grows on marshes or lands close to river or stream banks which are subject to overflow. Under the allotment system the Indian could not live on the hay lands, and will be allotted on higher ground, so that unless irrigating ditches are built and the land made fit for cultivation the white man will secure the hay land and the money therefrom and the red man get the sand bank. Lands are not made to bear and blossom like the rose by act of Congress; and to make them fit for cultivation where there are no showers of rain it takes showers of gold. The irrigation of land is costly.

In 1886 the total number of Indian reservations was given as 144, containing 135,478,345 acres. Of this it was estimated by the Commissioner of Indian Affairs that 15,266,836 were tillable. In the 144 reservations were included the Pueblo grants, the Six Nations lands, and the holdings of the Five Civilized Tribes. The area of bad or arid land within the lines of these reservations was simply enormous.

As a curious fact, in this desert country of the West, or arid belt, one is constantly met with the cooing of doves. There are great numbers of these birds, no part of the American desert being free from them. They fly very rapidly in pairs, and their peculiar coo sounds like mourning notes. The Indians are superstitious as to these doves and their cooing.

The present system of allotment will abolish the reservations, and the sooner the better; still, the reservations are of service, as on them are gathered the nomadic Indians. The reservations were originated by John C. Calhoun while Secretary of War.

The reservation Indians are now governed by laws made by Congress and by rules laid down by the Indian Office. The Indians are punished or controlled by the agents, sometimes after the manner of school boys. The reservations on which the Indians live, although mostly within States, are not subject to all the State laws. They are almost "empires within an empire," and the Indian agent is supreme over them. Felonies committed on them are tried in State or United States courts. The Indian not being considered a citizen of the United States, but a ward of the nation, he can not even leave the reservation without permission.

In the past, at intervals of three, four, or five years, this civic control has proved ineffectual. When civil authority fails the soldiers are called in, and murder of settlers and war follow. When the Indians are whipped, they are again placed on the reservations under the control of the civic administration. The Indians rest, get tired of control, and after they fatten their horses, get good arms, and a supply of ammunition, another outbreak follows. We have had nine Indian wars in sixteen years. In ten years, up to March 4, 1882, Indian wars alone cost the Government of the United States $202,994,506. In most of these wars the fault was not always with the Indian, but sometimes the result of two controlling powers in one government. The Indian should be controlled either by war or peace. In this enlightened age, and with all our past experience, we ought to be able to invent a plan of control for our Indians which should be as peaceful as that which controls other Americans. The last outbreak at Pine Ridge, in December, 1890, was not caused by the encroachments of settlers, but by the neglect of the Government to keep its treaties and its word.

The Indian has always been cunning enough to see the weak spots in the armor of our Indian policy and to take advantage of them. He has whetted his appetite for blood on Government rations, and at stated times satisfied it on settlers first and soldiers second, because our system permitted him to so do. In an outbreak he goes off the reservation to kill; when he gets through he returns to it and looks over the boundary and laughs at the settler, who can not come over after him. The soldiers are to keep the settlers off the reservations and the Indians on them.

The Indians on the reservations retain some old-time customs. Of the 133,417 reservation Indians, 1,584 men are given as polygamists, with 3,458 women living with them. With the male Indian polygamy is largely a means of gratifying a bestial appetite. Notwithstanding the rule with polygamists is 2 wives, with the Navajoes there are reported 492 men living in polygamy with 1,080 wives, 413 of whom have 2 wives, 70 have 3, 7 have 4, 1 has 6, and 1 has 8. In 2 of the Navajo districts the polygamists were not reported, but they can be safely estimated as 108. There are probably with the Navajoes 600 polygamists with at least 1,188 wives.

Let all the past in Indian matters be considered ancient history; the present and the future are enough. To force a closing up of this question there must be Indian aid societies of all creeds and opinions organized in the States and Territories where the Indians are as well as where they are not; but in this work do not let the Indian know much about them, or he will lean on them and live on them, for he is both a boarder and lodger when boarding and lodging are free. Congress while paying expenses will never consent to give citizens or associations of citizens control of Indian affairs, but citizens can demand of Congress justice for the Indian and do much in aiding officers to discharge their duties, but not by condemning them without a hearing and casting stones at them on mere suggestions.

The idea must be gotten out of the head of the Indian that because he lives on a reservation he is entitled to more consideration than the people of the surrounding States and Territories. Let the allotted wardship continue for a term in the United States courts after the nation is through, and let the local Indian rights associations keep the courts and officers up to their work. With this in view at least a third of the members of the con-

trolling boards of these several associations should be women. They usually keep things moving. Let the allotment of land go on; but see to it before the land is allotted that it is arable, and that it will sustain life in a grasshopper or a crow.

See to it that irrigating ditches are built or artesian wells are sunk in cases where the lands are arid, and that white speculators and thieves or corporations do not get control of the water rights. Pay the Indian for the rest of the land above the allotment embraced in the reservation. Do not give all the money to him, but use a portion for farm implements, seeds, a house, cattle, horses, and a fair start in life, or move him entire where the land will not cost too much to improve. Most treaties have agreed to do this. Considering the allotted lands, and deducting them from the total area embraced in the present reservations, the remaining land would be worth about $50,000,000, at $1.25 per acre. This would be ample to put the Indians on their feet. Consider the bulk of the male Indians as mixed farmers, that is, with a house and some arable lands, and a herd of cattle, sheep, or horses to run on grazing land. Stop the children learning the Indian language.

Experience has demonstrated that not 1 in 10 of the present male reservation Indians want to be or can be farmers. Many can and will be laborers, say 1 in 30 mechanics, and 1 in 100 professional men. Not one Indian, it is said, shows even a disposition to become a lawyer. Along streams or on the ocean front Indians become fishermen, but the white man usually drives them off. Let the tendencies and habits of these people be considered and taken advantage of, and success must follow. Pay the Indian to build his own house; let him understand that the house, stock, agricultural implements, and land are his. Let the Indian know that he must work with head or hands; aid him to work, and, if necessary, force him to work. Depend upon the squaw as a great aid in this reform. Teach her to keep house, to cook, to sew and mend. Spend much of the time and money on her; make her the head of the house.

Millions have been wasted on the men. Try some on the women. Give them a start on a piece of land as well as the men. Remove the bad-natured, those indisposed to work, and entirely lazy Indians from reservations; send them far away to other Government reservations or distant States, and put them to work on fortifications, ditches, or roads. Care for the very young, the crippled, aged, and feeble in hospitals, or contract for the care of the same with the authorities in States and Territories; but above all these things, for the redemption and salvation of the Indians and the preservation of national honor and the public peace, as soon as possible, place the Indian beyond the necessity of control or handling by Congress. All movements, efforts, and actions should be directed to this end.

Work, which to other people means money and its benefits, many Indians utterly repudiate. Many of them, by nature, by training, and by cultivation (from the Anglo-Saxon standpoint) are ideal vagabonds. The Indian in his attempt at ease and elegance is the savage parallel of the Saxon, except in wealth. The vagabond Indian's idea of work was well given by Chief Jack to Maj. Steele of the Army in 1879, a few days before the Utes of Colorado murdered one of their friends, N. G. Meeker. Meeker had the courage to ask the Utes to work; he was the agent in charge of them. Chief Jack in this matter of work spoke for most of his Indians: "Meeker say 'Ute must work.' Ute say 'Meeker, plow no more.' Ute no work. Ute no like work. Ute no school. Ute hate school. Ute fight. Ute heap fight." The Utes did fight. Mr. Meeker was murdered and some scores of soldiers killed.

This is the class of men the Government is expected to make earn their own living by manual labor and by farming, an uncongenial work. Except labor be congenial, white men even fail. Why should not an Indian fail when tied to uncongenial pursuits? If he is not a farmer, and he is not, make him a laborer or a herder. Let the squaw attend to the home, and teach her and the children to tend the garden and raise food enough for the family, while the male Indian tends the herds; but turning the Indian loose without horses, cattle, sheep, or land will not help him to work; by providing him with these things he is shown the necessity for work; to save and care for his own property. Give him some responsibility in a money sense, guarding it legally for a time after you do so. If this be not done grants to him will only be gifts to whites in his neighborhood.

One of the current errors is that the United States Army lies awake devising means to kill the Indians. The fact is that the Indian would have long since been a thing of the past but for the Army. The Army on the frontier has kept the settlers from destroying him; the Army has been the Indian's best friend. What honor is there to the officers or men of the United States Army in an Indian war? What honor in fighting wild men, who use every artifice known to the savage? It is a mistaken idea that the Army wants to kill or murder the Indians. No brave man seeks a fight. It is about the last thing he desires. A soldier knows his fate if he gets into the clutches of the Indian, and so in war he tries to prevent torture and suffering by exterminating him root and branch.

When the Army fights Indians its best policy is to clean up all in front of it. The Indian does not respect the Army if it does not do this. The Indian kills all, from the strong man to the unborn infant. In Indian wars, the United States Army, both officers and men, to be successful must come down to the exact level of the Indian and use his methods. In this connection the query arises, What do we keep an army for? Why, mostly to govern and kill the Indians. A nation which governs a portion of its people by the rifle and cannon would seem to be a little out of joint in this age of the world. Settle the Indian question properly, and a large portion of the Army can be dispensed with. Each soldier costs $1,000 a year. Every Indian costs about $25 a year; so that under the present methods we hire a $1,000 soldier to watch a $25 Indian.

Idleness is the condition of two-thirds of the North American reservation male Indians. Their stomachs are empty and their head and hands are idle. If these two conditions would not ruin an Anglo-Saxon and make a bad citizen of him history and example are entirely false. The progress and salvation of any people depend upon the head and hands being busy and their stomachs full. Feeding the intellect is of no service unless the stomach be filled at the same time.

One of the greatest difficulties in executing any Indian policy on behalf of the Government is the fact that the executive officers charged with the duty of control have not enough discretionary authority, and they are far removed from the seat of war. The annual Indian appropriation law names the tribes, the service, the number of agents, and the amounts to be expended for each tribe; it fixes the entire system; Congress is very tenacious as to this. In many cases of emergency neither the President nor the Secretary of the Interior has sufficient discretionary power to act. The Commissioner of Indian Affairs, so far as real power goes, is frequently no more than a chief clerk. The position is supposed to be important, and the occupant is frequently charged with neglect and lack of duty when he simply stands in the position of an officer with a large title and small powers.

Congress should give these officers full authority to act in emergencies. A just Secretary of the Interior in Indian matters must do his duty both to the people and the Indian. He must recognize the fact, which is frequently lost sight of, that there are two sides to the Indian question, and that while much equity and justice lies with the Indian, the white men, women, and children on the frontier, and the taxpayers and the public Treasury are entitled to a day in court. A great difficulty that administrative officers at the head of Indian affairs have to contend with is the neglect of Congress to act promptly on the recommendations sent to them in matters connected with the Indians; cases of urgent necessity are pigeonholed when received and not acted upon for months and sometimes years.

Tribal relation is almost a myth in all but three or four tribes. The United States Indian agent is now the virtual chief of the tribes under him. If a tribe selects a man as chief his selection must be affirmed by the agent. President Grant, in 1869–'70, in refusing to make further treaties with tribes as tribes or nations, or to recognize them as such, gave the death blow to the chief's authority, and the subsequent order making the selection of chief depend upon the approval of the agent virtually aided and increased the chief's power with his people, who could see the material benefits to come from the agent. The Indian medicine man, or shaman, controls many Indians through superstitition, and will continue to do so for years, but tribal relations, as known in the past, are not now in practice. The fact that Indians reside together in a bunch does not make "tribal relations," which imply the controlling power of a chief. The most potent influence now with reservation Indians is the old men and women, who control and advise the children and young people. They train the Indian youth.

The Indians became tired of the domination of chiefs and headmen. They found that these dignitaries who made treaties for them frequently sold them out to the whites, making profit and annuities in some cases for themselves. The Sioux in 1867–'68 petitioned the peace commission to abolish their chiefs and have but one chief for all the Sioux Nation, and that no treaty be of force unless signed by two-thirds of a tribe. The commission acted favorably on these suggestions.

INDIAN TRAINING OF YOUTH.

The Indian reservations are now ideal homes for Indian youth. Many of them absolutely do nothing in the way of labor or work until 12 or 14 years of age. They roll about in the dirt, play games, ride ponies, and copy the manners and ways of the older Indians. Indian mothers, who, as stated, are most affectionate, have control of their children. The Indian father never strikes nor attempts to control his children. The Indian boy, when ready to become a warrior, passes under the control of his father.

In tribal or reservation life the young are taught the glories and legends of Indian life. The boys are taught to hunt and trap, the splendor and horrors of war, to scorn manual labor, and to consider women as beasts of burden. The girls are taught to labor for man, and the value and beauty of obedience to man. Cunning old men fill the minds of the youth with hatred of the white man and his methods. The Indian youth educated at national institutions, away from tribes or reservations, upon their return are hounded, threatened, ridiculed, and in many cases forced into a return to the breechclout and blanket, and to again take up the Indian language. From all his surroundings and education with his tribe the Indian boy when he reaches manhood is usually unfit to cope with the youth of like age among the whites. The sooner the Indian youth is thrown among the whites the better his chance for making a livelihood when a man. The Indian is essentially imitative, and will soon learn the white man's ways when forced to; besides the Indian likes money, and many of them will work when they are paid for it.

THE EDUCATED INDIAN ON THE RESERVATIONS.

Unfortunately, so far, the returned educated Indian has not led the mass of reservation Indians in any movement toward Anglo-Saxon civilization. The reports of the special agents show this in detail. The following data by Mary McHenry Cox, of Philadelphia, Pa., one of the most noted and earnest friends of the Indian youth in this country, is of value. In addition to zeal she has good sense and business capacity of a high order. Her Indian school work at Philadelphia has been noted for results. In September, 1890, she visited Pine Ridge and Rosebud Reservations, in South Dakota, and made the results known in the Philadelphia Ledger of September 30, 1890. Her suggestions as to returned Indian school children are practical. She shows how difficult it is for educated Indians to apply their knowledge, and their position on Pine Ridge and Rosebud Reservations can be taken as a type of the condition of those on a score or more reservations:

"PINE RIDGE RESERVATION.

"As there were fifty-two pupils to return from the Lincoln Institution and the Educational Home to their reservations, and sixty to be brought back to fill the vacancies in the school, and desiring to see for myself what homes they had and how they were to be employed on their return, besides being told that the Indians would give their girls to a lady sooner than to a superintendent, I decided to accompany Mr. Lewis and Miss Knotwell, our superintendent and teacher, who were taking the pupils back. So we started on August 26 from Philadelphia and arrived at Pine Ridge Agency on August 30. The weather was fair and the railroad accommodations comfortable; the meals served on the train and at the station are excellent.

"There is a small hotel at Pine Ridge kept by Mrs. J. A. Findly, clean and well kept; nothing was left undone to make us comfortable. We were fortunate in meeting there Mr. A. T. Lea (special Indian agent appointed to take the Indian census) and his wife; the latter aided me much by her kind sympathy and by writing my official letters to the Commissioner on her typewriter. I visited all our returned pupils I could and found all dressed in citizens' dress, and most of them attending the church services. I invited all to meet me at the hotel in the evening; about thirty came; they were nicely dressed; we had cake and ice cream and all seemed to enjoy the reunion very much.

"The Indian's home.

"But about their homes. These girls that we found so gentle, so refined, so modest, and so neat in their persons while with us, were living with relations, some in tents, some in log cabins, sometimes only one room, sometimes two rooms, ten or more sleeping in a room. The mother in most cases had had four or five different husbands, the father also having had a number of wives; their food consisting of fat bacon, Rio coffee full of grounds, no butter; heavy and oftener sour bread; dried wild cherries, black and unsavory looking in most cases; no table to eat off, no dishes but tin ones; beef killed while running, cut up in thin slices and dried.

"This is the kind of home that awaits these children that we have taught to be good cooks, good washers and ironers, good sewers; about whose food we have been so careful, watching that their meat was fresh, their bread sweet. They are forced in many cases to marry against their will some man who may have other wives, but who can give their parents a pony or two for them. One of the returned pupils, a boy of 17, told me that since his return a year ago several Indians had tried to make him take their daughters and give them a pony for them. Many of our girls wanted to return with us to the school, but their parents would not allow them, and no people that I ever heard of have such influence, or rather authority, over their children as the Indians under similar circumstances.

"A white boy or girl in their teens would defy their parents and run off. These children will simply say, I want to go back. I have coaxed hard, but my father or grandmother says I can not go; and one reason they are so determined that they shall remain is because the family is benefited by the rations they draw. I often heard it charged about returned students that they went back at once to their idle habits. What else can they do? I obtained positions for several of our best girls at the agency, but after a few

days their relatives insisted upon their returning home, and gave them no peace until they did. Then there are not six places on the whole agency that require the service of girls; there are no dressmaking or millinery establishments, no work at all for more than a few, even at the Government buildings; no private families to employ them.

"What have they to do then but go to ruin, as we would term it; but it is not so looked upon here. A woman may have a dozen husbands and the man as many wives, and they are treated the same as the others; and, strange to say, there is little quarreling among them. Children of the same mother, but all with different fathers, will live and love each other even better than many of one family with the same parents. No scolding or jealousies that we could see, even between the several wives living with the same man. Several of our girls, I was glad to see, had married white men, and seemed, so far, to be kindly treated; but what their future will be it is hard to say.

"Distributing rations.

"The great curse of the Indian system is this ration business; it is a most demoralizing sight to see a string of hundreds of women standing in line with their children around them waiting for their rations, and coming to their wagons with a bag of flour on their back, a piece of fat unsavory looking bacon in their hands, sugar, rice, etc., in bags, scrambling into high wagons and driving to their homes, some 5, some 10, and oftentimes 70 to 150 miles distant. These rations are given out by the agent once a week to those near, and every two weeks or a month to those at a distance. Some Indians spend most of their time coming for and driving back with their rations; then once every two weeks they have a beef issue, and no Spanish bullfight is more brutal than this method of killing the cattle. You see wagons of women and children around the corral where the bullocks are kept. The men, young and old, on horseback with rifles in their hands, form two lines.

"At a given signal a bullock is driven out of the corral and through this line, and the names of the families to whom it is given called; immediately the men representing them gallop off after the unfortunate brute and run him about half a mile, then shoot him down; the women of the family watch anxiously until the poor beast is down; then they whip up their horses and drive furiously after them, to assist the men to butcher the animal. The hide is taken off at once; the meat, still warm with life, cut up; the liver and all the entrails eaten in their heated state. Imagine such a scene in our Christian country, and think what a demoralizing effect it has upon the rising generation, who, to the youngest, take part in this most brutalizing affair. It was a sickening sight, and I realized how these people are so sickly, so scrofulous, so consumptive; and my great amazement is how, trained up among such surroundings, they can be as gentle, as kind, as affectionate as they are.

"Taking the census.

"I spent a day with Mr. Lea when he went to take the census, and camped out with the party. I never saw anything done more thoroughly than he is doing this work. Not one member of the family is allowed to slip; he will not enumerate anyone who is in the least painted; they must wash it all off before he will take their name. We tried to get some children from the camps. Such a scene! As we approached the camps we could see lots of children running wild over the plains like wild deer, and with scarcely any clothing on. On our approach they would run and hide behind their tents, and, do all that we could, their parents could not be induced to send them to school. The rations they draw for them is more to their mind than all education. By the census now being taken there are hundreds of these children running in this wild way over the plains.

"No chance for school.

"The law is that all children of a proper age should be sent to school some place, but how can the agent enforce this on a reservation covering some 3,000,000 or 4,000,000 acres, with only an allowable police force of fifty Indian men.

"The agent does the best he can, but even the reservation board and day schools are not full, because the children are so near home they are constantly staying away. The only hold the agent has on them is to refuse the parents rations if they do not send them to school, and yet, as he says, he has not the heart to enforce this, as he knows how they would suffer without them. He is not allowed to give us any children that have been enrolled into the reservation school for the past year. We have no authority to take these wild ones of the plains, so we are hindered very much in collecting pupils, while, if allowed to take those who are entered in the schools here, and whose parents are really anxious for them to go to the East, the agent could fill up his vacancies from the camps, and there would not be room enough in all the agency contract schools East and West for half the children of age to be educated.

"Some former pupils.

"Four of our returned male students are employed at the agency; one at a trader's store; one girl as a servant in a minister's family. A good many of the girls are married. We spent one night with one of these, Alice Pousin, married to a half-breed, Joe Brown. We drove 30 miles along the prairie hoping to find children, and when we reached her home, nearly dark, where we were not expected, her face fairly beamed with joy at seeing us. She gave us her room, which was a large one, with a board floor, a melodeon in one corner, sewing machine, bedstead, chairs, etc. She at once proceeded to prepare supper for us, at which she told us she would christen some of her wedding presents. The table was spread with a clean white cloth, clean white linen napkins, nicely plated spoons, forks, and knives. We had tea, bread, tomatoes, meat, bacon, potatoes, and plum jelly. There was a very nice hanging lamp into our room, basin, pitcher, soap, etc. The bed was soft and clean, and we slept very comfortably.

"In the morning we had as good a breakfast and served as nicely as the supper. We had to leave early for our 30 miles return drive, and I am sure our visit gave all the family much pleasure. As for ourselves, we were delighted with our hospitable reception and to find Alice so comfortably fixed. Her husband seems a good, industrious man, and capable of supporting her well. He has not the education she has, and regrets he did not go to our school some years since. This visit repaid us for a good deal of our labor. Another of our girls, Jennie Palardy, is married to Robert Pugh, a white man, who is freight agent at Pine Ridge. She also lives comfortably. She brought her 3-months-old child in a baby coach (there is only one other in Pine Ridge) to see us, and it was as nicely and cleanly dressed as any child East. She was constantly with us while we stayed at the agency, and expressed her appreciation and love for our school very strongly.

"Another of our pupils, Julia Sanders, is married to one of our students, Charles Clifford. Julia met us on our arrival at the depot in Rushville, the railroad station 25 miles from Pine Ridge. She had ridden over with the friends of the children who were returning to meet us. Her husband and she came to see us often. They seem happy in each other, and he is trying to get an appointment for teacher at one of the schools on the reservation.

"Idleness and poverty.

"We did not see the husbands of the other girls, but they are all poor, because there is no place for them to work. No tin shops, no tailor shops, no blacksmith (except the Government one, a small affair, which requires no help). The only work for boys is herding and breaking horses; the others stand around all day idle. If there were flour mills, sawmills, etc., there would be plenty of work for them, but no one can start any such industries on reservations without consent of the Indian Department. We had many of our boys taught farming, but the land is a barren desert. There has scarcely been a good shower of rain for a year. What corn, potatoes, and other things were planted has all dried up and is useless. The Government supplies all kinds of farming utensils, but they are useless. The whole reservation that I saw is a desolate plain, incapable of cultivation on account of the drought.

"Miss Drexel's school.

"The only flourishing kitchen garden we saw was at the Roman Catholic school built by Miss Catherine Drexel, and the only way they have succeeded has been by irrigation. They have gone to much expense, and have the water now running all through their vegetable garden. There is no investment that has been made of Miss Drexel's fortune that is paying as good solid interest as this. Here are gathered one hundred and fifty of these ignorant, neglected, but intelligent boys and girls, who are clothed, fed, and educated under the care of a good, kind father and an earnest Christian mother. The contrast between them and their Arab brothers and sisters is indescribable. Father Jutz and the mother superior are doing a great and good work well; their hearts are in it, and it is blessing many with Christianity and civilization.

"Difficulty in collecting children.

"We had the promise of many scholars. Red Shirt, who was so courted in Europe by crowned heads, etc., came to see us at once. He was most anxious for his children to go to our school, which he had visited, but they had in his absence been enrolled into the boarding school, and neither he nor the agent had any control over them. Many others were similarly situated. The orders from the Commissioner prevent any being transferred from a reservation school to any other. Another cause for the difficulty that all the schools have had this season in collecting children is this unfortunate fanaticism that has seized upon the Indians that Christ is about to come in person. A party of Mormons have been sending their emissaries among the Indians, telling them that Christ is about to come on earth to destroy the white people and give them back their lands, buffaloes, and all the possessions they formerly had, and they have started all over the reservation a dance called the Messiah dance.

"On Friday, when we crossed the plains on our return from our thirty-mile drive, there was scarcely an Indian man, woman, or child to be seen, where on the day before hundreds were roving around. They had all gone to the messiah dance, where they were to remain perhaps a week, dancing and cutting themselves and refraining from all food until they fell prostrated. Then they thought they saw visions. In connection with this the chiefs held a council lately and decided that no children should be sent East to school for the present. They could not say they should go to no school at all, for they know the rule of the Government, but they also know that there is not room for half in the reservation schools, and this resolve of theirs prevents them attending any school. The agent is doing his best to break up these dances. When he went out to them to stop it, about a week since, they drew their revolvers, and had he not put on a bold front there might have been serious trouble. Every Indian nearly has a rifle or revolver. Very many of the bucks have a large revolver and belt filled with cartridges, which they wear at all times. No man East is allowed to carry openly loaded weapons. These Indians, old and young, carry them openly.

"For these reasons we were obliged to leave Pine Ridge with but two girls. There were plenty of boys of 16, 17, 18, and 20 who wished to come, but our experience is that after 15 years of age we can do only temporary good to these pupils. By that time they have been so accustomed and trained in their parents' ways that a five-years course at school can not change their tastes so as to enable them to resist the home influences on their return. Although we found none of our children had gone back to the Indian dress, because perhaps we never had many of the older ones, still we saw enough to convince us that we could do the greater good by taking both boys and girls under 12 years of age.

"A hospital badly needed.

"There is one thing much needed on the reservation; that is a hospital. The sick have no chance of recovery, having no care; their medicine man is sent for and he puts charms on them and says some chants, then demands a pony for payment of his services. In all our missionary efforts now the hospital is considered the strongest agency of civilization; there should be no delay in having them established.

"We left Pine Ridge on the 7th for Rushville, to take the train for Valentine, 30 miles from Rosebud Reservation, and arrived there on the 8th.

"ROSEBUD RESERVATION.

"On our arrival at Rosebud we called at the agency, and were most kindly received by Miss Wright, the sister of Maj. Wright, the agent, and were comfortably quartered at their house, which is quite commodious and nicely furnished. Rosebud Agency is in a valley, surrounded by hills; the roads around are steep and very sandy; no trees of any account to be seen and vegetation all dried up. No rain except a few showers has fallen here all summer. The streams, few in number, are mostly dry. It took us from 9 a. m. to 4 p. m. to drive from Valentine to Rosebud. The country we rode through was not as barren as about Pine Ridge, but for miles we did not see a habitation or a living thing.

"We started out the day after we arrived to visit the camps, and met three of our returned scholars, all in citizens' dress; but the same old story of no employment met us, and, of course, idleness brings in its train all kinds of evils. The agency proper is surrounded with a stockade, into which none can pass without an order or for some good reason. This is to keep the Indians from loitering around and preventing the employés attending to their duties.

"During our whole journey so far, with the exception of one or two days, the heat has been most oppressive, but it does not cause perspiration as with us; while very warm your clothes are dry and comfortable.

"Looking for pupils.

"We started the next morning among the log houses and tents to try and induce the parents to send some of their children home with us. There is no boarding school on this reservation, and as there are but a few Indians residing near the agency, only a limited number can attend the day school, which is under the efficient charge of Miss Wright, assisted by Luther Standing Bear, a returned Carlisle student. The various camps are at some distance from the agency and we had to ride miles before reaching them. We found here, as at Pine Ridge, the Indians unwilling to part with their children, indeed many were so sickly that we did not want them.

"We met one of our old pupils, Prairie Chicken; he was the first of our school ars whom we have met that wore the Indian dress; he was not painted, but his hair was long and his costume Indian. He was with us at school only about six months, when we first commenced our work; he was transferred to Hampton, where he remained 2.5 years. He was driving with hid wife, a full Indian squaw, but recognized me at once, stopped his horse and rushed over to shake hands; he has not forgotten his English. He after

wards came to see us at the house to ask us to take his wife's brother to our school.

"We visited St. Mary's school, established by Bishop Hare, under the charge of Miss Ives, and found forty-nine bright, intelligent children, with kind, efficient teachers. The influence of this school is telling upon the people and too much can not be said in its favor.

"*The white man's bad faith.*

"One of our difficulties in procuring children has been, I think, caused by the Indians feeling sore with the white people on account of the Government not carrying out the pledges made to them by the Sioux commission, and on which pledges they signed the late treaty. Gen. Crook, Governor Foster, of Ohio, and Gen. Warner, the acting commissioners, gave not only verbal promises, but written ones, that if they would sell their lands and sign the treaty founded on the Dawes bill, that their rations should not be reduced and that nothing which they now received should be taken from them; not more than a month after the treaty was signed at Pine Ridge the beef issue was reduced 1,000,000 pounds for the year, and at Rosebud 2,000,000 pounds; their annuities were also reduced. It is said that Gen. Crook felt so badly about this that, it is thought, it hastened his death, as he had always kept his word in his dealings with the Indians, and it was their confidence in his integrity that made them sell their lands and sign the treaty. All who desired to benefit these people are now looked upon with renewed distrust; and who can blame them for this?

"*Maj. Wright vindicated.*

"We read in the papers before coming here severe comments on Maj. Wright, the agent, on account of the number of rations having been issued for 7,500 people, while, when the census was taken this year there were found to be only 5,500 Indians on this reservation. Maj. Wright received his appointment on September 14, 1889, and he acted on the census taken by Mr. Spencer, his predecessor; he could not, of course, take any other basis for his estimate of rations; he received orders from the Department to take a new census immediately after June 30, 1890, the end of the fiscal year; he pressed all his employés into the service, and having stationed his assistants at differents points, took the count on the 7th and 8th days of July and had it all completed by the 15th of that month. Acting under orders from the Interior Department, his count was made without regard to that of Special Agent Lea, whose returns were not made until August 5. The two reports do not materially differ. Agent Wright shows on the reservation about 150 more Indians than Mr. Lea; both reports prove 2,000 less than the number reported as receiving rations.

"The Indians are diseased here; many die of consumption; last year la grippe and measles were fatal among them. With no hospital, their camps miles from the physician, there is scarcely any hope for the sick Indian, man, woman, or child, to recover. Unless those who take the census know these people's ways they will likely number the dead in the count, for if you ask an Indian how many children he has, he will tell you he has ten; when asked to see them he will show you five; the others, he will tell you, are upon the hill, meaning that they are buried there. The doctor reports that during the last year only nineteen died; that means only those he had attended.

"The number who died in the far-off camps he can not possibly know about. Maj. Wright naturally feels annoyed at the misunderstanding in regard to his position in this matter, but a simple explanation is all that is needed to set him right before the community. Even if a man desired to be dishonest in regard to these rations, situated as the Rosebud Agency is, it would be almost impossible for him to do so. Think, 5 miles from any town or railway station, with no means of transportation to or from the place except in open wagons, up and down sand hills difficult for a light carriage even to go; besides, all goods from the storehouses would be seen and recognized by every Indian and employé on the road.

"We remained at Rosebud until Tuesday, September 15, securing only six children, whom we sent on to school. The agent said he was surprised that we got any, as he had, under orders from the Indian Commissioner, tried to get a class for Carlisle and could not get one."

"MRS. COX'S IMPRESSIONS.

"I would sum up the impression made on me by my visit to these two Sioux reservations and the opinion I have formed from my experience there in regard to the best method of civilizing these people in a few words. They are not to be censured for their mode of living, as that is incident to all nations and people of the same class. I have seen in Great Britian, on the continent, in Philadelphia itself, families living in one room and in as squalid a condition. What I do think should be insisted upon in the first place is that they should be made to obey the general law of our land in regard to marriage; that they should be made to contract lawful marriage, and plurality of husbands and wives should be punishable; that education of all children of over 5 years should be compulsory; that hospitals should be established on all reservations, and all the sick obliged to report there, and, if possible, treated there, and so to dispose of the medicine man; that the men should be obliged to cut their hair and wear the citizens' clothes which the Government provides for all; that no man should go about enveloped in white sheets, covering, as they do, their hands and faces, which is a common sight among them, looking exactly like a statue. This they consider a proper costume for courting, as they term it. In this disguise they follow the young girls, and throwing the sheet over them, force them to go with them. We saw, I suppose, hundreds of young bucks in this dress. Then, if the children were sent away to school, the younger the better, where they could not see or feel the influence of the older ones, there would be a greater chance of their never returning to the old ways.

"*District schools better than reservation schools.*

"Of course, the reservation schools do much good, but in every school we visited there were one or two police constantly on hand to hunt up children who had run off to their homes; and also a great drawback to these schools is that the friends of the children come and tent near them, and expect the school to provide provisions for them. The superintendent of one school near a reservation told me that they did not want children from the neighborhood, they were so annoyed by the visits of their friends and relatives. It would be a wise thing, in my opinion, if the Government, instead of giving them rations, clothing, stores, implements, etc., would allow them each so much money per week, so that they would learn to take care of themselves.

"The Government, of course, in giving them what it does is only paying them for the land purchased from them, but let it be money and they will soon learn the value of dollars and cents, which now they know nothing about. It seems hard to say, 'Take the young children from their parents,' but is it wise to allow generation after generation to be trained as the young Indian is? Is such training ever going to fit them for citizens? Is it not better for one man or woman to suffer than a whole nation to be demoralized? As soon as the parents see that they must act differently or lose their children for a time, they would soon yield to the inevitable, and this great problem would solve itself.

"*Amusements for the Indians.*

"Another suggestion I would make is to have a large room or hall on every reservation for the purpose of concerts, tableaux, and other civilized amusements. Human nature is the same in men and women of every color; young, middle-aged, old, all need recreation and entertainment. Nothing of this kind is provided for the Indians, and they naturally cling to their wild dances, the only amusement they know of. At their homes they sing their weird songs. And yet they are capable of attaining a high standard of vocal and instrumental music, as anyone can ascertain if they will call at our school and hear the sweet chanting of the Episcopal service. That most difficult of pieces, 'I know that my Redeemer liveth,' and other music is sung by our pupils.

"Why it never occurs to those undertaking the training of any people in Christian and civilized ways to provide proper amusements has always been a surprise to me, and when I found these people rushing to see the Messiah, the Omaha, and other dances, I was reminded of the thousands of our best educated people, even royalty itself, who flocked to such entertainments as Buffalo Bill and other similar shows. Take from our people their public amusements, and in a short time they would institute the same wild entertainments as the Indians have.

"*Employment and farming for the men.*

"In an experience of thirty-two years of work for poor children I can hardly say that in the seven years of that time that has been devoted to the Indian children I have felt more has been accomplished in spiritual, intellectual, and industrial education than in any other seven years of that period, thus showing the great capability of these people for civilization. I would also suggest that employment be found on the reservation for all able to work. It can be done. The wagons, the tins, and many other goods now purchased by the Government could be manufacturered by the people themselves and would be a great saving of expense. Put a competent white mechanic at the head of each department or manufactory and he would soon have plenty of workers.

"Just one word about farming. The reservation lands that I have seen are unfit for agriculture. The drought of South Dakota would not allow of successful farming, even if the land was good. Two thousand bushels of potatoes were distributed by one agent last year, all planted, and not any result; all dried up. Think of the waste. A fair chance is all the Indian wants. Good land, workshops, good laws enforced, money, not supplies, and in a short time the now uncivilized will become honest, industrious, well-behaved citizens. We have found it so with our pupils here. They would carry it out at home if we could give them surroundings that would encourage and strengthen them.

"I returned home strengthened in my interest in these people and my firm belief of their capabilities under proper treatment."

The conclusion is inevitable, after thorough investigation of the condition of the reservation Indian, after seeing and being with him, studying and observing the laws and their application and execution, with due regard for the several experiments which have been tried upon him by the nation, and the failure of them all so far, that certain radical changes in the present Indian policy must be made. With an eye to the present experiments of allotting him, and the gigantic educational scheme now being tried upon him, in some cases preferring him to other worthy dependent children of the Republic, the following suggestions are made:

First. Let the Government keep its word with the Indian. In studying the North American Indian let us abandon the imaginary and study him in the light of facts.

Second. That a white man can much easier adopt Indian life than an Indian can the white man's customs. In illustration: the squaw men can become virtually Indians in three months, while it takes an Indian years to get to the level of the white man.

Third. Every change of policy by the United States in relation to its Indians, although the Indians decrease, results in an increase of annual expense.

Fourth. Let the Indian understand that at a date quite near the United States will cease to be his "Good Father," that he must look out for himself, and that allotment precedes his removal from Government charge. A total change of system in Indian affairs is needed, not a mere change of officers. Congress could hasten the final settlement of this Indian question by at once passing a law that after a given date all Indians born in the United States are "Indians taxed." This would make them citizens without technicalities or legal machinery. The reservation Indians are not now citizens. The fear that being "wards of the nation" they will be taken advantage of by the whites or that they will become independent of the United States prematurely has heretofore prevented this. If such a law were passed and the Indians told that they were free and had equal rights with other citizens the inducement would cause thousands of them to start to work for themselves. The fact that they are not citizens and have the reservations and the United States to fall back upon makes them dependent and stifles manhood and personal independence. If such a law were passed there would soon be less Indian agency employés and fewer contractors to furnish Indians with supplies.

Fifth. That the Indian is now governed too much.

Sixth. That he is more interested in his earthly future than he is in theology.

Seventh. That he is now an asset on the wrong side of the national ledger.

Eighth. That his salvation, physical and otherwise, depends upon his getting from under Government control.

Ninth. That allotting Indians on sand banks and saying by law "Indians must be farmers" does not make them so; crops will not grow on barren lands for Indians by act of Congress where they will not grow for white men.

Tenth. That the sooner the Indian gets into the school and other systems of the States and Territories in which he now resides on reservations or allotments the better for him and the whole nation.

The above suggestions must be considered with the limitations that before any permanent settlement of the Indian question can take place the nation must by purchase or otherwise close out all Indian trust funds in its hands, amounting to $25,491,430.17½, and certain liabilities of the United States to Indian tribes under treaty stipulations, which on June 1, 1890, amounted to $7,441,666.64, in all $32,933,096.81½. This large amount will have to be paid by the nation to the Indians, or white men for them. The class of claims known as Indian depredation claims, when liquidated, are paid from the amounts due to tribes committing depredations on the property of the whites. They are now of an indefinite and enormous amount. Unless care is had they will eat up the entire amount held as cash due the Indians. The necessity for the above changes is apparent to all who observe the condition of the Indian.

Hon. Thomas J. Morgan, Commissioner of Indian Affairs, in his annual report for 1890, thus speaks of the present system of Indian Affairs under existing laws:

"The entire system of dealing with them [the Indians] is vicious, involving as it does the installing of agents, with semidespotic power, over ignorant, superstitious, and helpless subjects; the keeping of thousands of them on reservations practically as prisoners, isolated from civilized life and dominated by fear and force; the issue of rations and annuities, which inevitably tends to breed pauperism; the disbursement of millions of dollars' worth of supplies by contract, which invites fraud; the maintenance of a system of licensed trade, which stimulates cupidity and extortion, etc."

The condition that the reservation Indian now needs is a condition of prompt and rapid change in most of the incidents of the system now current, and the creation of new laws to meet changed conditions. The reservation Indian is governed in many ways. Congress, the Department, the Indian Office, the State courts, the citizens, and men and women's associations are constantly at him. There are only 133,417 reservation Indians, but they take up much valuable time.

The method now of getting him out of control of the nation is to allot him. Some of his best friends, however, fear that this is merely getting him deeper into the embrace of red tape. When you put an Indian into severalty you place him out of his reservation status at once, at least, in name. Then you say, "You are allotted." The Indian goes on the land ignorant of agriculture as an art or profession, uncultivated, not a worker; and then you provide that neither State or Territory shall tax his land for twenty-five years. Can they tax his personal property? Certainly.

The Indian does not like taxation; he has to give something up; he has been a receiver for many years past; the habit of receiving has grown on him. Who is to teach the Indian to farm? Is a costly establishment to be kept up, either under the school system or agency? Is not the agency, with all its employés, to be maintained as long as you keep this quasi control over the Indian? Is he always to be a dependent? Is he never to be alone?

Let Congress pass a law similar to the law of Canada that allotted Indian lands, in cases where the allottee by reason of illness or lack of means or experience can not utilize them, may be leased for the benefit of the allottee. The United States judge for the district in which the land lies should have this jurisdiction, and the land in such cases would afford the allottee a support.

In allotting lands to the Indians in arid regions the nation does not seem to have considered the necessity or expense of a system of irrigation sufficient to make the allotted lands fit for cultivation or residence. Where the Indians have been permitted to remain on as good land as the whites occupy, as a rule, when in tribal relation, they have succeeded. In illustration of this, see the present condition of the Six Nations of New York, the Eastern Cherokees, the Five Civilized Tribes, the Moquis of Arizona, and the Pueblos of New Mexico.

No separate laws for Indians or Indian reservations are necessary. A law good enough for a white man is good enough for an Indian. Instead of passing a separate code for Indians, pass a law placing them under the control of the laws of the several States and Territories. If the Indian is put upon his own resources, he will not want agents or other persons. What the reservation Indians want is the actual application of things good for them: Adopt useful things, not theories, and practical things will follow.

The present North American reservation Indians, collectively and individually, and their special friends, such has been their tutelage and dependence, seem to be about the only portion of our people who have an exact idea of the possible capacity of the United States Treasury. At all times and in all places, like the white man, he wants money. The reservation Indian will work if he is paid for it. He likes money, wants it, and will work for it. Pay him promptly and as much as any other man for like work and he will do it.

Cadillac at Detroit, in the Northwest, from 1701 to 1710, attempted the only successful method of civilizing Indians: showing them how and teaching them to work; giving them the proceeds of their labor and keeping faith with them. He considered them men and so treated them. He began a settlement for "habitation and the growth of civic institutions." He had a grant of land and upon this he began operations. He bought seed wheat from France, and gave the Indians each a little land to work. He was the father of allotment. In 1718, after he had left, the Indians about Detroit were reported as harvesting wheat and raising corn, beans, peas, squashes, and melons; but the almost constant war between England and France, in which the Indians were used as allies, prevented the growth of the Cadillac idea in the upper Northwest.

Cadillac's idea was the reverse of the clerical; the latter founded missions to convert Indians, near which were trading posts to enrich the owners. The church sought to control the Indian by appealing to his heart and sympathies, which were supposed to be alike in men, and the traders frequently intermarried with the Indians, and thus obtained influence over them. These methods neither aided the Indian to better his actual condition nor tended to the founding of permanent homes or communities.

Cadillac showed the Indian a result from his labor, gave him the proceeds and stimulated his ambition with gain. He appealed to his material side, which order of appeal has been potent with man in all ages; besides, at that time the Indian had not as yet become a dependent upon the public treasury. He had not been debauched by gifts of fire-arms or whisky. The grip of the white man was not then on his throat, his tongue in his ear, nor his touch in his palm.

The remedy of Kit Carson (one of the bravest and most humane of Indian fighters) for the Indian question was to stop the Indian from running at large, place him on reservations of good land, and let him fight the problem out himself;

"The only true remedy * * * is to compel the savages to form settlements by themselves, then and there assist and teach them to cultivate the soil; in time they will be able to gain a maintenance independent of the General Government and to a certain extent they will become responsible for their acts."

This is, as has been noted, the present Canadian Indian policy. The Indians of Canada are placed upon reservations of land which will maintain them, of course with a small area for each, and they are aided to a start in life. They are now practically self-sustaining. The Canadian Indian knows when he goes on the land that it is to be his; the American Indian knows, if experience is worth anything, that it is not to be his, or the chances are largely that it will not be, and in addition it may be a sand bank. Ninety per cent of the present American Indians on reservations are not agriculturists, but the most of them will work in other fields when paid for it. The Indian is too much of a child of nature to wait for slow growing crops. He wants to see an immediate result from his labor. He will work as a laborer provided you board him and pay him cash besides. This has been tested. Money is an actual visible result to him. (See the reports of the special agents as to this.) The Navajos did much of the work of grading the Atlantic and Pacific Railroad in Arizona and New Mexico.

A strange fact in connection with the administration of the Indian Office is, that as the Indians decrease in number and the civilized Indians become more numerous, according to the reports sent out, the number of employés and dependents and the expenditures for Indians increase. Each change of policy costs more money.

The Indian Office now has, in fact, charge of 133,417 Indians, of whom but 34,785 receive rations from the nation, and most of these are on barren lands. About 27,000 of the total are allotted Indians. If the Sioux were removed to good lands they might become self-sustaining citizens, or self-reliant at least, and the ration Indians reduced to a nominal number.

The efficiency of the Indian police at the various agencies is due to the fact that they are paid for their work, are mounted and armed, and have authority. Indians like places of command, as such positions increase their personal influence with the members of their tribe, who believe they have the ear of the agent. To be on terms with the Indian police is frequently to be influential with the agent, as that official mainly obtains his knowledge of the condition of the Indians from the police. Gen. William S. Harney originated the Indian police in a treaty with the Sioux at Fort Pierre, Nebraska Territory, in March, 1856.

The enlistment in the United States Army of about 5,000 able-bodied Indians from among the competent men of the reservation Indians and then their removal as soldiers to distant parts of the Republic, away from the possibility of their marrying or coming in contact with Indian women, would utilize useless material and decrease the reservation Indian population in the matter of births. There are 800 Indian soldiers, and fairly efficient ones, in the service now.

The red man's journey from east to west, poetically described as the "red man journeying toward the setting sun," was in fact making way for the white man to absorb and utilize the arable or productive lands, and has ended in many of the reservation Indians being anchored on sand deposits and sagebrush forests, with coyotes and rattlesnakes for companions.

On many of the reservations the Indian is now a corraled ox, waiting to see what the nation is going to do with him. He is, in fact, merely penned up, and until allotment was devised in 1887 his future was enveloped in a mantle of doubt and he was a most troublesome asset.

There are now about 139 Indian reservations and 54 actual agencies. In some cases the consolidation of Indian agencies, reduction of reservations, and the Indians' removal would be of service to the Indians and profit to the United States. This would better the Indians' moral and physical condition. For illustration: The Jicarilla Apaches of Northwestern New Mexico could be removed to the Mescalero Agency in the southwestern portion of the Territory. These are ration agencies, and both reservations are wretchedly poor in agricultural resources, and are without irrigation. If combined, the expense of one agency would be saved and civilization aided. The Jicarillas number 808 and the Mescaleros 513, which would be a total of 1,321 Indians for a combined agency. The Rosebud and Pine Ridge Sioux Agencies in South Dakota and the Brule Sioux Agency and the Cheyenne River and Standing Rock Agencies are unfit for agriculture by reason of lack of water, and hot winds and drought also make them dreadful for living purposes. The Fort Berthold Reservation is also a miserable one for agriculture. The reports of special agents as to reservations, pages 350-717, give much data as to this.

Many other Indian reservations are utterly unfit for occupation by Indians or anyone else. Congress is frequently called upon, through crop failures, to aid whites living adjacent to them, notably in Arizona and South Dakota. The lands of almost all the Indian reservations in North Dakota, South Dakota, Montana, Idaho, Eastern Oregon, Nevada, Utah, Wyoming, Colorado, Oklahoma, New Mexico, Arizona, and Southern California lie in a region which requires artificial irrigation to produce crops. Hundreds of thousands of dollars have been or will have to be spent to construct irrigating canals and ditches on these reservations. The Crow Reservation in Montana is an example of the expenditures to procure water for the Indians. The United States has paid this expense, and an irrigating engineer has been employed. Who is to keep up this expense? Who will care for the ditch when the Indian is allotted? Even the lands capable of being irrigated, owing to the small supply of water, are limited in extent, as are those in small valleys adjacent to the streams. Almost all the tribes of Indians on reservations lying in the arid belt in the States and Territories above named are ration Indians. What they are to do for food when present treaties expire is a question.

As an evidence of the character of the land given to Indians in Arizona for reservations to live upon and become self-supporting, the following is taken from the report of Gen. A. McD. McCook, commanding the department of Arizona, September, 1891. On the White Mountain Apache Reservation, San Carlos agency, there are 2,121 Apaches; in fact, it is the chief Apache reservation.

"The location of the San Carlos Reservation (agency) is the worst piece of land I know of where so many Indians are concentrated for an attempt at self-support and civilization.

"San Carlos is situated on the north bank of the Gila River, at the Apache Indian agency. It is 77 miles from Fort Grant, via Fort Thomas. This is an important post, being at and near the homes of the Apache Indians, and will continue a military station as long as the present system of management of the Indians there is continued. Heretofore the troops have been in camp, but temporary shelter is now being made for the officers and men. San Carlos is the most uncomfortable station in the department, on account of the intense heat of summer and dust storms in the spring and autumn. The usual tour of duty at this post is six months.

"There is no grass in this country to make hay sufficient for the use of the public animals. Heretofore a coarse pine grass has been cut and delivered by the Indians. It is not hay. The horses and mules will not eat it. When dry it is hard and rough and without a particle of nutriment. The consensus of opinion of all the officers is that it is not fit for food, injuring the horses who try to eat it."

Number of ration Indians in the several States and Territories where reservations are situated, June 1, 1890.

States and Territories.	Total reser'n Indians.	Male.	Female.	Ration Indians.	Remarks.
Total	133,417	65,575	67,842	34,785	
Arizona	28,452	14,066	14,386	1,519	In desert country.
California	5,064	2,589	2,475	175	To old and poor Indians.
Colorado	985	484	501	493	In arid country.
Idaho	4,062	1,997	2,065	409	Do.
Indian Territory	1,224	597	627	8	To old and poor Indians.
Iowa	397	211	186		
Kansas	939	496	443		
Minnesota	8,208	3,884	4,324	333	
Montana	10,336	4,978	5,358	6,763	In arid and desert country.
Nebraska	3,536	1,767	1,769	95	To old and poor Indians.
Nevada	1,552	794	758	404	In desert country.
New Mexico	6,490	3,232	3,258	735	Do.
North Dakota	7,980	3,903	4,077	3,514	In arid country.
Oklahoma	13,167	6,324	6,843	5,001	In arid and desert country.
Oregon	3,706	1,718	1,990	308	Eastern Oregon, arid country.
South Dakota	19,068	9,271	9,797	12,183	In arid and desert country.
Utah	2,847	1,497	1,350	1,149	In desert country.
Washington	7,516	3,812	3,704	152	To old and poor Indians.
Wisconsin	6,085	3,071	3,014	643	Do.
Wyoming	1,801	884	917	901	Desert country.

Rations to Indians, it will be noted, are in most cases issued to Indians living on reservations lying in arid desert sections where white men without irrigation could not make a living.

The Indian Office in its report for 1891 gave the following table of Indians receiving subsistence in 1890, some a pound of beef a week, some a pound a day. The Census Office table for 1890 shows the amount of food equal to a day's rations received by reservation Indians, while the Indian Office table shows the number of Indians to whom food is issued, not specifying quantity, and embracing a large number of Indians not actually under charge of the Indian Office. This table shows worse for the continuance of the desert reservations than the census table. When the area of these reservations is decreased by allotment the Indian's hunting, fishing, and root grounds decrease, and these sources being closed to him, he will become more dependent, unless the allotted land, at a large expense, be prepared for agriculture.

Number of Indians who do not and number who do receive subsistence from the Government.

Receive no subsistence supplies.	Number.	Receive subsistence supplies.	Number.
ARIZONA.		ARIZONA.	
Mohaves off reserve	1,077	Mohaves on reserve	640
Chemehuevis and Hualapais	900	San Carlos	4,819
Pimas and Papagoes	8,099		
Navajoes	15,000		
Suppais	214		
	25,290		5,459
CALIFORNIA.		CALIFORNIA.	
Mission and Tule River, and Yumas	4,056	Hoopa	475
Not under agent	6,995	Round Valley	582
	11,051		1,057
COLORADO.		COLORADO.	
		Utes and Apaches	1,793
NORTH DAKOTA.		NORTH DAKOTA.	
Sioux at Devils Lake	1,041	Fort Berthold Indians	1,183
Chippewas, Turtle Mountain	1,439	Standing Rock Sioux	4,096
	2,480		5,279
SOUTH DAKOTA.		SOUTH DAKOTA.	
Sisseton and Wahpeton Sioux	1,509	Cheyenne River Sioux	2,823
Poncas and Flandreau Sioux	509	Crow Creek and Lower Brule Sioux	2,084
		Pine Ridge Sioux	5,701
		Rosebud Sioux	5,345
		Yankton Sioux	1,725
	2,018		17,678
IDAHO.		IDAHO.	
Nez Perces	1,715	Shoshones and Bannacks	1,492
Not under agent	600	Shoshones and Bannacks (Lemhi)	443
	2,315		1,936
INDIAN TERRITORY.			
Quapaws, etc	1,225		
Five civilized tribes	67,000		
	68,225		
IOWA.			
Sac and Fox	390		
KANSAS.			
Pottawatomies, Kickapoos	1,016		
MICHIGAN.			
Chippewas and Pottawatomies	7,482		
MINNESOTA.			
Chippewas	6,403		
MONTANA.		MONTANA.	
		Blackfeet	2,173
		Crow	2,456
		Flathead	1,784
		Gros Ventres and Assinaboines, Fort Belknap	1,722
		Fort Peck Sioux and Assinaboines	1,842
		Nothern Cheyennes	875
			10,842
NEBRASKA.		NEBRASKA.	
Omahas and Winnebagoes	2,385	Santee Sioux	869
NEVADA.		NEVADA.	
Indians wandering	6,815	Pah Utes (Pyramid Lake and Walker River)	973
		Shoshones and Pi Utes	587
			1,560

Number of Indians who do not and number who do receive subsistence from the Government—Continued.

Receive no subsistence supplies.	Number.	Receive subsistence supplies.	Number.
NEW MEXICO.		NEW MEXICO.	
Moqui Pueblo	2,200	Mescalero Apache	513
Pueblo	8,285		
	10,485		
NEW YORK.			
Senecas, Oneidas, etc	5,112		
NORTH CAROLINA.			
Eastern Cherokees	3,000		
OKLAHOMA.		OKLAHOMA.	
Osages and Kaws	1,778	Cheyennes and Arapahoes	3,372
Poncas	605	Kiowas, Comanches, and Wichitas	4,121
Otoes	358		
Pawnees	804		
Tonkawas	76		
Shawnees, Sac and Fox, Pottawatomies, and Kickapoos	2,062		
	5,683		7,493
OREGON.			
All Indians in	4,507		
TEXAS.			
All Indians in	200		
UTAH.		UTAH.	
Wandering	390	Utes	1,821
WASHINGTON.			
All Indians in	9,830		
WISCONSIN.			
All Indians in	9,152		
WYOMING.		WYOMING.	
		Shoshones and Northern Arapahoes	1,658
INDIANA, FLORIDA, AND MAINE.			
All Indians in	1,302		

Total receiving no subsistence supplies	185,574
Total receiving subsistence supplies	57,960
Total	243,534

It will be observed that the Census Office report on rations issued to Indians in 1890 relates to the 133,417 reservation Indians who are actually under charge of the Indian Office, but the Indian Office total of 243,534 embraces all Indians in the United States carried on the books of that office, self-reliant and independent as well as reservation Indians. The Census Office returns for 1890 made by sworn officers, and they the agents of the Indian Office, show that food equal to a ration for each day for 34,785 Indians was issued, while the Indian Office returns show that subsistence was issued to 57,960 Indians, or that the actual food supply for 34,785 Indians for one day was given to 57,960 for the same time, or about half rations.

The natural surroundings of some of the present reservations and their resources unfit them for residence. Nature never smiles bountifully on a precious metal mining region. Gold and silver are usually found in barren regions and distant lands raise food for the miners. Arizona, rich in precious metals, is no exception to this rule. The Indian reservations there are deserts, and the mountains upon and about them the depositories of rich ores. The Apaches on the several Arizona reservations should be removed to a country where they can sustain themselves, and the mines upon the reservations turned over to men who can develop them.

The Sioux on the Standing Rock, Rosebud, and Pine Ridge Reservations could be removed from the barren and arid lands they occupy and the lands turned over for cattle ranging or to those who will irrigate by canals or artesian wells, provided sufficient water can be found. Irrigation is a costly system, both to establish and maintain.

The 1,811 Piegans of Blackfeet Agency, Montana, are all ration Indians and have been since 1855, a period of thirty-five years. But little advance has been made by them toward self-support; they are simply stalled oxen, fed on a reservation by the United States. The area of this reservation permits of roaming, and its physical features do not permit of agriculture to the extent of feeding these people. Wise and prudent administration would have long since looked to the removal of this tribe to a location of such a character that advancement toward self-support would be possible. The cost of this tribe to the United States in the thirty-five years past has been simply enormous.

Many agencies should be abolished, some reservations abandoned, and tribes consolidated and removed to localities where it is possible to make a living. Congress should at once take this in hand, as proper action in this will save millions of dollars and tend to the bettering of the condition of the Indians. When agencies are ordered abolished the inspectors of the Indian Office can take charge and close them up.

The following agencies at different points, as shown by the reports of the special agents, should be abolished as useless: the Six Nations of New York; Eastern Cherokees of North Carolina; Lapwai, Idaho; Pueblo, New Mexico; Round Valley, California; Hoopa Valley, California; Siletz, Oregon; Umatilla, Oregon; all agencies in Washington, viz, Colville, Neah Bay, Puyallup, Tulalip, and Yakima; Quapaw, Indian Territory; Osage, Oklahoma, and

Sac and Fox, Iowa; all agencies in Minnesota; all agencies in Wisconsin. Some of the agencies named were recommended for abolishment by officials ten or fifteen years ago.

The Sac and Fox Agency, Iowa, should be at once abolished, as the Indians under charge of the agency are not reservation Indians in fact. The so-called reservation is owned by the Indians in fee, and no one has a right to invade or molest it. All reqhirements of law can be attended to by the United States district attorney for the district in which the Sac and Fox lands are located, or by an inspector of the Indian Office, and like matters at most of the other agencies when abolished could be so attended to.

The 300 Chippewas at the Turtle Mountain Reservation should be removed and allotted or made to work somewhere else, and the reservation promptly abolished.

The illustrations in this volume, showing types of Indians of almost all the reservation tribes, should be convincing as to the propriety of dropping many of the present reservation Indians from wardship. Thousands of American citizens are not half as well dressed or cared for as some of these wards, who still hold on with a death grip to the nation's purse.

Reservation Indians in the following States and Territories, as shown by the illustrations, should be forced to take care of themselves, and, as suggested, for bettering the condition of the Indians the agencies therein should be abolished: in Washington, Oregon, California (except the Yumas), Idaho (except the Bannocks and Shoshones), Wisconsin, Minnesota, Nebraska, Iowa, Kansas, Quapaw Agency, Indian Territory, and some in Oklahoma.

Many of the tribes in North Dakota and Montana also show about the same dress and condition as the average Western whites.

The Six Nations of New York, Eastern Cherokees of North Carolina, Moquis of Arizona, and Pueblos of New Mexico, and the Five Civilized Tribes of Indian Territory have agents, but what for no one knows, except for nominal duties or as ornaments. Their duties could be performed by inspectors from the Indian office at stated times once or twice a year.

Still, no general inflexible Indian system can properly settle the Indian question or change the condition of the reservations. There must be much discretion allowed in the execution of any system, as the conditions surrounding most of the tribes differ.

In illustration of the difficulties ahead in the national Indian policy, the Navajoes of New Mexico, Utah, and Arizona may be cited. They occupy a reservation of 8,174,720 acres in the three Territories named. The most of it is desert or mountainous, and a system of irrigation to make it fit for agriculture will cost a vast sum.

The Navajos now have large bands of horses and herds of sheep which they can only keep by having an enormous area to pasture them on. If they are allotted under existing laws their herds must go, as the area allotted would not maintain them. The herds gone, then Government support must follow. At the present time, and for years past, they have been entirely self-supporting. A new policy toward them will be an attempt to at once change a pastoral people, 17,204 in number, into an agricultural people by act of Congress. Such attempts have utterly failed in the past; the expense will be enormous, and the failure must be correspondingly great. In the matter of the Navajos Reservation, the probabilities are that it is better employed now in sustaining 17,204 people by a pastoral life and their herds than it can be made to do in any other way, except at an enormous outlay.

The reports of Dr. Washington Matthews and Special Agents Walter G. Marmon and Julian Scott, pages 375–390, can be read with much profit.

Bvt. Maj. Gen. A. McD. McCook, commanding the department of Arizona, in his report for 1892 devotes much space to the Navajos. Gen. McCook is a man of wide experience, and has given the subject thorough investigation. He was a member of the commission appointed by President Harrison in 1891 to visit the Navajos, and joined in the report which showed that there were no precious minerals in the Carrizo Mountains. In the following extract he indicates the large expense which the Government must incur to make the Navajo lands fit for agriculture:

"The conditions surrounding the Navajo Indian Reservation are a constant source of anxiety to the Indian Bureau, the Army, and the civil authorities of Arizona and New Mexico. There are 9,000 Navajo Indians living beyond the limits of the reservation set aside for them, where they have been living upon the unsurveyed lands for generations and claim these locations as their homes. They know nothing of the land laws and it is hard to make these people understand that they are trespassers outside of their reservation. In addition, they claim their people were in full possession of these lands before any white men were in this country; that they should have the same rights in the unsurveyed public lands as the white men. The white men deny this, claiming that the unsurveyed public lands are in spirit and fact for their use only, and the Indian having large tracts of lands set aside for occupation and use, he should be driven back upon them and compelled to stay there.

"This last proposition seems reasonable and right to those who do not understand the situation and circumstances governing in this case. Those portions of the Navajo Reservation with which I am familiar consist of timbered mountains known as the Navajo forest, high table-lands, sandy valleys, but with little living water upon the whole area. In the dry seasons this country presents a desolate appearance. The Navajo Indian is a nomad, and has for his reservation the northeastern portion of Arizona, northwestern New Mexico, and the strip of the Territory of Utah lying south of the San Juan River, containing in all 8,205,440 acres of land or 12,821 square miles. They number 16,102, of whom 9,241 are living off the reservation, and together they own 9,188 head of cattle, 118,798 horses, and 1,583,754 sheep, making this large tribe self-supporting. There is not sufficient water upon the present reservation to support these people together with their large herds and flocks.

"In order to assist this people, and make it possible for them to withdraw to the lands allotted them, I submitted to the Commissioner of Indian Affairs a plan to divide this large reservation into districts of proper size and numbers, having an officer of the Army, with proper escort, sent into each of these districts to make examination with a view to establishing and maintaining a system of irrigation and developing a stock-water supply sufficient for the Navajo Indians, together with suitable places for artesian wells, bore-wells to be worked by windmills, reservoir sites, or where springs, etc., may be developed.

"These places are known to be limited in number and extent, but for all practical purposes it will be sufficient to report in detail upon all such localities, giving maps, drawings, etc. Such localities can be carefully marked upon the existing maps of the geological survey, which have been made with great care and labor, and which represent the topography faithfully. This plan having met with the approval of the President, it is recommended that one party be charged with reporting upon all waters flowing into the Little Colorado on the Navajo Reservation, also Chinlee Valley as far north as the mouth of the Cañon de Chelly. A second party should be assigned to that portion of the reservation east of the Cañon del Muerto, and east of the Tunitcha, Lukachukai, and Carrizo Mountains.

"A third party should examine the northwestern portion of the reservation, including the remainder of the Chinlee Valley, the western slope of the Lukachukai and Carrizo Mountains, and as far west as the boundary of the reservation. The San Juan River should be divided between the second and third parties. The officers in charge of these parties will be instructed to locate upon the map of the geological survey the points at which any work recommended is to be done. This work will be made in detail, and as far as possible estimates be made of the amount of labor required for the work. In case it is reported that sufficient water for irrigation can be obtained, it is recommended that this plan be elaborated.

"The above plan was suggested by me, first, in the interest of peace, for a conflict with Navajoes, who are great in numbers and are well armed, would be a serious business; second, for the welfare and prosperity of this most interesting people; third, to eliminate from the civil and military administration of the affairs of this tribe the constant anxiety existing, produced by large numbers of these people living off their reservation, and the friction made thereby with their white neighbors."

The Navajos favor schools, but want them on their reservation, as assured by the treaty of 1868; while now a peaceful and quiet people, anxious to increase their herds and flocks, they watch closely any attempt to invade their reservation by unauthorized persons, and are ready to resist such an invasion. The wool grown by the Navajos has for almost a quarter of a century been dyed or marketed at Philadelphia, Pa., and the bright-colored blankets of this people are now principally made from Eastern dyed wool. The Navajos are superior Indians, and their material condition now makes them anxious for peace. War with them will be begun by the United States. Several times during the past two years there has been danger of war with the Navajos, but not brought on by themselves. The census of 1890 was taken with some difficulty, as is shown below.

NAVAJO CENSUS OF 1890.

The census of the Navajos was taken in 1890–1891 under many embarrassments, the great difficulty being the attitude of these Indians in the matter of the school children. The following report of Special Agent John Donaldson, who was in charge of the census, indicates a serious condition of affairs:

"GALLUP, N. MEX., *April 22, 1891.*

"In January, 1891, during our council with the Navajo chiefs at Fort Defiance, Arizona, in relation to the census of their tribe, they had a great grievance about their school children. Indian Inspector Junkin, on the part of the Indian Office, heard the complaint of the Indians. He promised to call the attention of the proper authorities at Washington to the matter. Some time ago Indian Inspector Lewis came to Fort Defiance, and, without the consent or knowledge of their parents, took a number of Navajo school children from the Fort Defiance school to the Indian school at Grand Junction, Colo.

"Some of these children ran away from the school at Grand Junction and returned to their parents on the reservation. They walked home over deserts and mountains, suffered severely from exposure and the hardships of the journey of several hundred miles, and of course they had a serious tale to tell of bad treatment and abuse while at the Grand Junction school: whether true or not, they tell it.

"The Navajos, already incensed at the removal of the children from Fort Defiance to Grand Junction without their consent, were terribly aroused when the children returned with their long stories, and consider the whole matter an outrage. They talked this to Mr. Junkin during the entire time of the council with him.

"The last Congress, he said, had passed a compulsory educational law for the Indians, or rather gave the Commissioner of Indian Affairs authority to force compulsory Indian school attendance, and the Indian children must attend school. This law and its proposed execution is going to make trouble. The Navajos are men of means and sense. It is useless to try to frighten them by threats of using soldiers to take their children to distant schools. If the Government will keep its word with these people there need be no soldiers sent here. It is a funny thing to hear the agents of the Indian Office threatening war about so trivial a matter as the attendance of a few children at a boarding school when the Government is in default to these Indians on a contract made years ago to give them schools on their reservation.

"I question if Congress intended to give a bureau office the power to order out an army to kill men because they will not send their children to school; besides, the Grand Junction school is a long distance off, and is a failure as to its location, because there are no Indians around it to draw from for scholars; but I presume the school must be kept up to please local interests. I venture that Gen. A. McD. McCook, who commands this department, will not favor using the army with which to collect school children. Such proceedings seem to me to smack too much of an empire for our day and country.

"Personally, Mr. Parker is a good, square man, and officially he is a 'rustler.' He gets about rapidly, has seen most of the big men among the Navajos, and is deadly in earnest to get these children for the school. He has raised much excitement among the Indians, and it is hurting our census.

"I explained to the chiefs at the council in January that we were here to get their names, and for no other purpose; that we did not mean to tax or remove them or in any manner interfere with their children.

"I have just returned from Fort Defiance, where Mr. Parker had a council of the big men of the Navajo people, including Manuelito, last Monday. The Navajos like Mr. Parker because he is a thoroughbred, but are down on his Grand Junction school scheme. They are not opposed to the education of their children; on the contrary, they are a unit in favor of education, and everything that will elevate their children, but they want them educated on the reservation where they can see them occasionally and know their condition. They want day schools at home.

"A great many of the parents of the children taken to Grand Junction by Agent Lewis now believe their offspring dead, not having heard from them since their departure.

"The last treaty with the Navajos provides that the Government shall provide a school upon the reservation for every 30 Navajo families; of course none have been provided under the treaty. The Indians want this carried out. They want education here, not in Colorado. The Indians are excited over the matter, and are very suspicious of any official from Washington, believing that all are working against them.

"Mr. Parker, in his talk Monday, threatened to use the troops, if necessary, to get school children. The Navajos did not like this. If soldiers are sent to their reservation it wants to be 5,000 to 6,000 men, or the Navajos will clean them out. They have recently held two or three powwows among themselves over this matter, and last Monday night I counted over forty of them in a room at Fort Defiance discussing it. The conference lasted almost all night. I was ordered from the room when I entered.

"The presence of Mr. Parker upon the reservation for this school business is hurting our census work. The damage, however, is done and can not now be rectified. The Indians now suspect everything and everybody.

"If Mr. Junkin made a report to his chief of the council held in January, I can not conceive how the Department came to send Mr. Parker here to further excite the already aroused Navajos about their school children and the Grand Junction school. The Navajos say that it is a queer system which threatens to use soldiers to obtain school children.

"The Navajos support themselves, are independent, and receive little or

no Government aid. What they receive they do not ask for, and will fight for their children. Troops moved to this reservation means war. The people are able and honest. Reason will reach them better than bullets.

"One of our enumerators, George Sampson, informed me yesterday that a Navajo woman threatened to kill him with a knife when he called at her hogan for census information, supposing that he was there for the purpose of getting her children for a distant school. Col. W. G. Marmon, who is working district No. 9, told me yesterday that the day before he stopped at a hogan to enumerate, and got but two names, the Navajo and his squaw. They stated that they had no children. After he left the hogan he was joined by an Indian policeman, who was present at the hogan during the enumeration, and the policeman informed Col. Marmon that the family contained three children, who were concealed under a blanket in a corner of the hogan while the enumerator was present, the parents fearing to give their names for fear that the children would be taken from them and sent to the Indian school at Grand Junction. Some of the enumerators state that upon their approach the Navajo women conceal their children or hurry them off to the hills.

"Owing to this excitement I fear that we will fall short of the estimate in the total returned.

"If the Government wants a war with the Navajos it can get the accommodation on sight; no days of grace are requisite in the matter. These Indians are peaceable, industrious, earnest, and keeping faith with the nation under all treaties made. They kill no one and mind their own business. In case of war the Government must begin the killing. The Navajos are about the best armed and equipped Indians on the continent, and, including men, women, and children, can put 6,000 to 7,000 fighting people in the field. Their herds of cattle, horses, and sheep will be a good commissary for them in case of war. I hope sincerely that the Government will not send an army here to make a show of force or go to killing these people for a civic offense or for disobeying the Indian Office. By the way, was a compulsory Indian education law ever passed by Congress? What an extraordinary way of enforcing it!

Indian children on reservations should be placed as soon as possible into the public school systems of the States and Territories in which they live and where English alone is taught. There is no objection to their going to these public schools, for there is not the prejudice existing against the Indian that there is against the negro; still, the Indian is not usually a taxpayer; and this might be an objection. The nation could see to this. Public schools are not denominational schools, and creed is not taught in them, so this would be an advantage. Indians should have a school system where necessary under their own authority or the authority of the States and Territories in which they live after they have ceased to be wards of the nation, and industrial education should only be given where the Indian children show mechanical taste.

In the case of the allotted Indians, who are not taxpayers, local school privileges would probably be reluctantly given. The solution of this is the abolishment of the large reservations and the placing of the Indians somewhere on lands on which they can make a living, and then allotting them, and the payment by the United States for, say, 10 years, to the States and Territories in which the Indians are, of a monthly allowance for each child equal to the cost of schools for white children in the several districts.

The establishment of an Indian industrial training school is an event in a community. It adds immensely to the revenues of the adjacent city or town. It also increases population and booms things generally. As long as Congress gives liberally, the policy of increasing the number of such institutions will be popular with the people where they are located and aid some public men in retaining popular favor.

No thorough investigation of the best method of educating Indian children resulting from the several attempts has yet been had. The Government has been experimenting for many years in Indian educational matters, but no one plan has yet been settled upon as the best; still, the existing system is a great advance on previous systems, and is the best we have had. This is largely due to the efforts of President Harrison, Secretary Noble, and Commissioner Morgan. Congress makes or unmakes plans in the annual appropriation laws. The denominational question is always at the front in Indian education. The truth is, that for the past half century or more the various churches have been the most interested of all organizations in the Indian question, and have largely framed the Government's several Indian policies.

Their several boards and societies and the religious press have enabled them to reach and arouse the interest of the mass of the people, and being prominent and influential, they have exercised an enormous influence in this matter. They deserve credit and thanks for their efforts. In fact the Government has largely relied upon the churches in Indian matters, and while they deserve thanks and commendation, the result of the various denominations reaching out for the Indians' spiritual welfare has been on many reservations discord and contests among themselves, which the Indians have closely watched.

The greatest and most difficult problem now of Indian education is what to do with the Indian boys and girls belonging to reservations after they have been educated in Government boarding or industrial schools away from reservations. Shall they be sent back to the reservations? If so, what will they do when they go back; and once back, will they resume their Indian customs?

The Indian boy fresh from Carlisle or some other Government Indian school goes back to his people and reservation. He has learned a trade, perhaps that of a slater, a tinsmith, or harness maker. Such trades are useless among his people. His clothes wear out; he sees no employment at hand; he has no money. Soon a blanket takes the place of a coat, then leggings of blankets for trousers, and finally he is an Indian in appearance. The Indian boy educated at the United States Government boarding and industrial schools should only be sent back to his people when the conditions warrant it, and unless these conditions are as favorable to his remaining as they were at the school he left, he should be encouraged to live among the whites. The educated Indian girl is at a greater disadvantage than the educated boy, as she can only become the wife of a buck.

As stated, the prejudice that exists among whites against the negro does not exist against the Indian, and this should be weighed at its full value in the question of the final disposition of the Indian. The Indian, left to himself, should invoke sympathy and get a helping hand from the whites, both on account of his being the original American and because he will help himself when he knows he is to be paid for his work. The Indian likes money and will work to get it and the comforts which come from its possession.

If a national system of Indian education is to continue in schools away from the reservations, then the Indian youth so educated should be encouraged to remain with the whites until his people are allotted, when he can become an allottee. Indian school children are enrolled for allotment.

The statements of the special agents, pages 351-710, show conclusively that many Indian boys and girls educated at Government industrial or boarding schools away from reservations, after returning to their people have not realized expectations, and have not assisted the mass of Indians on their several reservations in the march of progress, but that they are usually overpowered in sentiment by the old Indians, and are either forced to their old ways and habits or go back to them of their own motion.

Employ Indian men and women as teachers, where competent, in Government schools and in every position possible about the agencies or on the reservations, while they exist, and when so employed pay them as much as you do whites in like positions.

Daniel Dorchester, D. D., superintendent of Indian schools, in his annual report for 1890, after an extended tour over the several Indian reservations, arrived at the following conclusion in connection with the question of church schools for Indians under Government aid, the argument in which is that it is the correct thing in Indian administration to civilize Indians before Christianizing them by creed:

"While the Government can not organically promote Christianity, it can, nevertheless, open the way for the churches, remove obstacles, and encourage them, irrespective of sects, in their work. This is important, because the Indians are thoroughly controlled in all their ideas and customs by their pagan notions. It is surprising to how many very common customs these old beliefs apply and how firmly they are held by them. Their pagan beliefs therefore constitute the chief basis of life."

Let the Indian's harmless games, dances, and customs alone. He dances because he believes it is his duty. He dances; we pray. Leave the Indian a little personality, a little independence, and teach him a little manhood while you are reconstructing him. The sun, scalp, and war dances, all exciting and brutal, have long since been abandoned; the remaining dances are merely for pleasure or duty.

On almost all of the reservations are some aged, crippled, deformed, and otherwise dependent Indians. These should be cared for, and no permanent change in the present system should take place without this being seen to. Of course, these dependent Indians are allotted, and the United States court of the district in which they are could lease their allotments for them, the proceeds going toward their support; or it might be best to make an appropriation direct for their care to the States and Territories in which they reside, or to gather them all in one locality and maintain them. There are only about 1,500 of them.

The nation should at once consider the Six Nations of New York in the matter of the Ogden Land Company's claim. The fee to the land in question, it is said, is claimed by the Ogden Land Company. The United States guaranteed a right of occupancy to the Indians. At present a clear title does not rest in the Ogden Land Company, these Indians, or the United States. The United States will have to initiate a movement to quiet and perfect this title, perhaps by purchase of the Ogden Land Company claim. Nothing in the way of a division of this land among the Indians can be done until the nation so acts. To properly allot the remaining unallotted Indians and cash the trust and other funds, which are about $33,000,000, will cost in round numbers $100,000,000.

In all future dealings with the reservation Indians let them understand that they must become self-sustaining; make them understand this by the law; show them the way; give them the means to become self-sustaining and they will succeed. Teach the Indian that it pays to be clean, to be industrious, to have one wife, to have property, to have but one family of children, and teach him to follow the best habits of white people. Show him that it is to his interest to be like other men.

Whatever is to be done with the reservation Indians, do it at once. Ten years can close this question up. Do not dole this out through another fifty or one hundred years at a cost of $200,000,000 or $300,000,000.

In the final settlement of the Indian question an equity lies with the citizen Indians of California, who were never paid for their lands. Something should be done for them by the nation in the matter of homes and schools from public lands, or with money derived from sales of public lands. Perhaps the nonreservation Indians of Nevada should also be included.

Finally, the changes necessary in the Indian policy to improve the Indian's condition are: Enforced education under authority of the nation or the States and Territories; enforced labor, by making the reservation Indians work for themselves, either as laborers, herders, or farmers; enforced allotment on proper land, with allowance for houses, cattle, and horses prior thereto from the proceeds (perhaps) of their surplus lands; in fact, a start in life, especially for the squaws and children, thus securing for them settled homes.

This is the culmination of the success and failure of the entire Indian administration for the past one hundred years, and the earthly salvation of the remaining reservation Indians depends upon it.

Mr. CALL. Mr. President, the Committee on Appropriations considered this bill very carefully in the light of the estimates and of the action of the Senate and of the House of Representatives. The proposition of the Senator from Nebraska [Mr. MANDERSON] that Congress should, upon the opinion of a single inspector, however intelligent he may be, change the whole policy of the Government, notwithstanding the reports of the heads of Departments and the action of the two Houses of Congress in respect to the administration of the Indian service, is certainly somewhat extraordinary.

I shall not at this time undertake to go into any argument upon this subject, but I will say that in respect to having agents for Indians who have allotments, and who are not upon reservations, I know by the experience of the Indians in Florida that they do require an agent as much if not more than those who are upon reservations.

I think the Government has a duty to perform to these half-civilized, and some uncivilized people, and that the policy of the Government in respect to Indian agencies is one that ought to be preserved, and not be ruthlessly abolished without consideration by a committee of this body, and without reference to the reports of the heads of the Departments.

I hope the Senator from Kansas [Mr. PEFFER] will withdraw the amendment, which certainly ought to have the consideration of the Committee on Indian Affairs, and have a bill reported and acted upon deliberately by the Senate in reference to the allotments of the reserved portion of the reservation. In view of the difference of opinion which exists here, I do not think there can be any intelligent disposition of the subject. I therefore hope that in order to avoid the further consumption of time we may act upon the remaining amendments and that the Senator from Kansas will not press his amendment.

Mr. PEFFER. As I said before, I think this is a very easy way of disposing of the matter, and I therefore insist upon my amendment.

The PRESIDING OFFICER. The question is on agreeing to

the amendment proposed by the Senator from Kansas [Mr. PEFFER].

The amendment was agreed to.

Mr. GALLINGER. At the end of line 7, on page 68, I move to insert the following proviso:

Provided, That the Secretary of the Interior is hereby directed to discontinue contract schools as rapidly as the same can be done without interfering with the education of the Indian children, and that he submit to Congress, in his next estimates, proposals for substituting Government schools for contract schools in all places where, in his judgment, the same can be substituted without detriment to the education of the Indian.

Yesterday when the matter of contract schools was under discussion every Senator who spoke on the subject put himself on record as being in favor of accomplishing this purpose as speedily as it is possible to accomplish it, the objection being urged that under existing law and the administration of the appropriations of Congress it could not be done suddenly without detriment to the education of the children. The amendment simply provides that we shall make a beginning in that direction, and at sometime in the future it is to be hoped the full result may be brought about, the matter, however, being largely left to the discretion of the Secretary of the Interior.

I have no disposition to prolong this discussion, but I wish to read just a few words from the utterances of the Senator from Florida [Mr. CALL] yesterday touching this point. He said:

Mr. President, there is not a member of the Committee on Appropriations who does not agree with the Senator from New Hampshire [Mr. GALLINGER], that whenever it is possible to do so, in deference to the growing public sentiment of this country, it would be better that all Indian schools should be under the direct control of the Government. He does not differ—

Alluding to myself—

from the committee in that respect, nor the committee from him. The public opinion of this country, of the great masses of the religious people of all churches, is opposed, I believe, to the policy of sectarian schools.

I could not have expressed my own convictions any more clearly, nor could I have stated them as well as the Senator from Florida expressed them in the paragraph which I have read from the CONGRESSIONAL RECORD.

The amendment which I have offered looks to the beginning of a scheme under the direction of the Secretary of the Interior which, if honestly carried out, will ultimately take the appropriation entirely out of the hands of sectarian institutions and cause it to be spent wholly in schools controlled by the Government, in which sectarian teachings will presumably and probably be excluded.

This, as I view the matter, is something which ought to be done. It can not be done abruptly. We were told yesterday that these schools should not be discontinued arbitrarily, for the reason that contracts exist which can not and ought not to be summarily repudiated; but there seemed to be a concensus of opinion in the Senate yesterday that the suggestions made in the discussion were in the right direction, and that the ultimate purpose to put the schools under the control of the Government is correct in principle and ought in some way in the future to be worked out.

I never knew anything accomplished that was not begun. Rhetoric does not amount to anything in dealing with a great public question. Oratory never solved a great problem. If this is to be accomplished it must make a beginning. I submit to the Senate, and especially to the committee having the matter in charge, that the amendment I have offered is one which can not do any harm and that it properly, as I look at it, commits us to a policy which will result in great good. I hope the amendment will be accepted by the committee, and if it is not accepted I trust it will be adopted by the Senate.

Mr. COCKRELL. The Senate can do as it chooses in regard to the matter.

Mr. CALL. I suggest to the Senator from New Hampshire whether his purpose would not be better advanced by not interfering with the matter in that shape. Would it not be better to adopt by legislation some practical method prescribing exactly what schools should be established by the Government, where they should be established, and the means provided for them? The amendment of the Senator from New Hampshire is an empty declaration. It simply declares that the Secretary shall as rapidly as possible discontinue the use of contract schools it has always been the duty of the Secretary to provide Government schools wherever it could be done.

The main question will occur to the Senator just as much after his amendment is adopted, if that be the desire of the Senate, as before. Here is a school established by private charity. What shall the Government do, establish another one immediately alongside of it, and let the two schools be in competition? Will the Indians be withdrawn from one school and carried into the other? Shall we have no school there at all, or shall we leave it entirely to private charity? The whole subject is an important one, and in order to advance the idea of the Senator from New Hampshire and others, looking to the establishment of nonsectarian schools for the adequate education of Indian children, it seems to me there ought to be a system and a plan carefully considered and reported, and then acted upon by both Houses of Congress, with whom the responsibility lies.

Mr. GALLINGER. I have been somewhat impressed with the suggestions of the Senator from Florida, and I will modify my amendment so that I think it will be agreeable to the Senator from Florida as well as to myself, and, I trust, to the Senate.

Mr. PLATT. Mr. President, I do not know that there has been any declaration of policy on the part of Congress, by any formal action, relating to this matter. I think it very proper that in some way and by some amendment to the pending bill Congress should declare that it is its purpose to do away with all schools for Indians except Government schools.

I think it is a very great mistake that Congress ever permitted the Indians to be educated in schools outside of the Government schools. I suppose it grew out of the disposition of a great many charitable, benevolent, and religious people to do missionary work among the Indians, supposing that missionary work could best be done through the medium of educational schools. However laudable that idea may have been, I think that as it has been carried out it has been greatly to the disadvantage of the Indians. Either the Government should leave the whole work to denominational associations or it should do the whole work itself. I can think of no reason why the Government should have schools for the education of the Indians and then allow a portion of the Indians to be educated in private schools.

I do not know why religious bodies should establish, maintain, and carry on schools among the Indians any more than that private individuals should carry on schools among the Indians. The Senator from Florida says this is the work of private individuals in some instances, and that in all cases contracts are made with individuals; but the fact nevertheless remains that these schools, conducted and carried on by the different denominational associations of the United States, are really understood to be a part of the work of the churches among the Indians. The object of the persons and the denominations engaged in it is to Christianize the Indians according to their idea of Christianity.

As I said, it may be a very laudable wish, but it seems to me sadly to interfere with the Government system of education of the Indians. The Government is not responsible for what is done in these schools, and whatever may be the nominal supervision which the Government exercises over them, they are not directly under the supervision and care of the Government as our Government schools are.

My own idea about Indian education is that the Indians need very much more work in the line of special education and training; manual and industrial education. Of course, that is to a certain extent foreign to the object of the private denominational schools. I have been hoping that the Government Indian school might assume more and more the feature of being a training school or an industrial school, carried on with the idea and purpose of enabling the Indian child, who is educated in the Government school, to earn a living and to learn how to work in connection with learning the letters and the rudimentary branches of education. I deem it very much more essential that that should be done than that the Indians should be educated along the lines of a common-school education simply and entirely.

To do that the Government should control all the schools. As I said, that can not be to any extent the purpose of the denominational schools. These are established with a kind of missionary object and missionary enterprise, to convert the children rather than to educate them. Just as long as that goes on, the education of the children will not be that which is best adapted to make them citizens and to enable them to take part with other citizens in the race of life.

I am very glad to observe that very many of the denominations of the country are adopting this idea with regard to Indian education. I believe that the Government schools can be best adapted to teaching the Indians those things which it is necessary they should learn in order to become self-sustaining and useful members of society. It does very little good to educate the Indian child above and away from the surroundings to which he or she must be relegated when his or her school life closes.

When the child thus educated goes back to his or her place among his or her associates, then he or she must adopt the customs, manners, and, so far as such a word can be used in connection with the Indian, the aspirations of the other Indians, or life is to be made a burden to them. So, looking at it in whatever way you will, from whatever standpoint you will, the denominational schools are, in my judgment, a hindrance to the civilization of the Indian; and the first great object is civilization, and giving them such an education as will enable them to

make their way in life. This is not new talk; this is not a new doctrine. It has been repeatedly affirmed here, it has been repeatedly affirmed by Indian Commissioners and by Secretaries of the Interior, and yet in some way the system of contract schools goes on, and the tendency all the while is to the enlargement of the system rather than to the diminution of it.

Therefore I think it is very proper that we should express in some way on the pending bill the determination of Congress to reduce the contract school system as rapidly as it can be done without leaving the Indians without the means of education at all, and to substitute in place of the contract schools, as rapidly as it can be done, Government schools under the direct care and supervision of Government officials.

Mr. GALLINGER. I desire to modify my amendment. I will state in connection with it that I have received valuable assistance from the distinguished chairman of the Committee on Appropriations in formulating the amendment in its modified form. I desire to modify the amendment so that it will read as follows:

Provided, That the Secretary of the Interior is hereby directed to inquire into and investigate the propriety of discontinuing contract schools, and whether, in his judgment, the same can be done without detriment to the education of the Indian children; and that he submit to Congress at the next session the result of such investigation, including an estimate of the additional cost, if any, of substituting Government schools for contract schools, together with such recommendations as he may deem proper.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. GALLINGER].

The amendment was agreed to.

Mr. MARTIN. I offer an amendment, to come in after line 24 on page 56.

The SECRETARY. Add after line 24 on page 56:

That the proper accounting officers of the Treasury Department be, and they are hereby, authorized to examine the accounts of James A. Cooper, late special agent of the Interior Department, upon the principles of equity and justice, and allow him such credits as he is entitled to and incurred by him under direct authority and orders of his superior officer, the Secretary of the Interior, and give him credit for the per diem due him while detained here in Washington under orders of the Interior Department.

Mr. MARTIN. In regard to the amendment I desire to say that I have submitted it to the chairman of the Committee on Appropriations as well as the Senator from Florida, having the bill in charge, and I think it meets with their approval. As the only explanation of the amendment which is at all necessary I submit a letter from the Commissioner of Indian Affairs, explaining the whole situation.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 16, 1894.

SIR: I have the honor to acknowledge the receipt of your communication of 14th instant, calling for a report as to the work done by Special Indian Agent James A. Cooper, for the commission appointed by act of July 13, 1892, to negotiate with the Yankton Indians in South Dakota.

All such commissions require that one of its members be designated as a disbursing agent under bonds, so that funds can be placed to his credit to meet the expenses of the commission. For this purpose Mr. W. L. Brown, one of the commissioners, was so designated, and the necessary funds were placed to his credit from time to time; but under date of December 24, 1892, he resigned.

Neither of the other members of the commission being under bond, funds could not be remitted to them for the compensation and expenses, and as it was believed that they had nearly completed their duties, it was thought to be better to detail a special agent already bonded to act for them until the end of the work.

Therefore, under date of February 8, 1893, Special Indian Agent Cooper was directed by this office to proceed to Yankton Agency and assume the duties of disbursing agent for the Yankton Commission.

He was specifically instructed to pay all legitimate claims incurred by the commission if he was satisfied that they were necessary and proper for the speedy execution of the work, provided each claimant swore to his claim and the chairman of the commission indorsed his approval thereon.

The commission having finished its duties in February, 1893, the Secretary of the Interior telegraphed Agent Cooper to accompany the members to this city, which order he complied with, remaining here with them, assisting them in completing their work and settling their accounts until the 17th of the following May, when he was ordered to proceed to New Mexico on special duty.

As it appears that Agent Cooper acted entirely under Department authority, even in the payment of the commissioners, Adams and Cole, in full, without deduction for absence from duty, and as he was detained here until ordered to another post of duty, I think that his accounts as presented in accordance with the regulations of the Department, and in compliance with the specific instructions above referred to, should be allowed, which would include the commissioner's compensation in full and his per diem while detained in this city as above explained.

Respectfully,

D. M. BROWNING, *Commissioner.*

Hon. JOHN MARTIN, *United States Senate.*

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. MARTIN].

The amendment was agreed to.

Mr. MARTIN. I also offer an amendment, in relation to certain homeless Wyandotte Indians, to follow line 2, on page 40. I will state that I have submitted this amendment also to the chairman of the Committee on Appropriations and some of the other members, as well as to the Senator having the bill in charge, and I think they have no objection to it. The amendment is recommended by the Acting Commissioner of Indian Affairs.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. After line 2, on page 40, insert:

Whereas there is due the Wyandotte Indians from the Government of the United States, as ascertained and reported by the Commissioner of Indian Affairs in his letter to the Secretary of the Interior of February 17, 1894, a balance of $15,686.80; and

Whereas there are absentee Wyandotte Indians, who are poor and homeless, numbering between 150 and 200 persons, and for whom no provision has been made:

Therefore, the Secretary of the Interior is hereby authorized and directed to purchase for said absentee Wyandotte Indians 80 acres of land per capita, or so much thereof as said sum of $15,686.80 will purchase, at a sum not to exceed $1.50 per acre; such lands to be purchased from the Quapaw Indians in the Indian Territory, or, if this be found impracticable, then such lands shall be purchased of other Indians in the Indian Territory, where the land may be most conveniently and advantageously obtained by the Secretary of the Interior; said lands to be taken in allotments, as provided in the severalty act of Congress of February, 1887, and amendments thereto. And the sum of $15,686.80, so due the said Wyandotte Indians, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for the purpose of making the purchase of the lands herein and hereby provided for.

Mr. MARTIN. I submit a letter from the Acting Commissioner of Indian Affairs in relation to the matter, which I ask may be printed in the RECORD without being read.

The letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 17, 1894.

SIR: I have the honor to state that I am in receipt of a communication from Hon. WILLIAM S. HOLMAN, chairman of the Committee on Indian Affairs, House of Representatives, dated February 9, 1894, in which he incloses copy of a letter from this office to R. B. Armstrong, esq., dated January 8, 1891, relative to the claims of certain Wyandotte Indians, and a proposed amendment to the Indian appropriation bill, and asks for my views in relation to the claim.

With the papers submitted by Mr. HOLMAN is the draft of what appears to be an item intended for insertion in the Indian appropriation bill, as follows:

"Whereas there is due the Wyandotte Indians by the Government of the United States, as ascertained by a report of special commissioners appointed by Congress to investigate the claims of the Wyandottes, transmitted to Congress March 19, 1869, the sum of $24,811.50; and whereas there are absentee Wyandotte, Indians who are poor and homeless numbering between 150 and 200:

"Therefore the Secretary of the Interior is hereby authorized and directed to purchase for said absentee Wyandotte Indians 80 acres of land per capita, such purchase to be made of the Indians comprising the Quapaw Agency in the Indian Territory, or if found impracticable, of other Indians in the Indian Territory, said lands to be taken in allotments as provided in the severalty act of February, 1887, and amendments thereto, and to be paid for at the maximum price of $1.50 per acre; and the sum of $25,000 is hereby appropriated, out of the general fund not otherwise appropriated, for the purpose of carrying out this provision."

The thirteenth article of the treaty of February 23, 1867, known as the Omnibus treaty (15 Stats., 516), as originally agreed upon, provided "that there shall be recognized as due and paid to the Wyandottes of all classes the sum of $83,814.40," as shown by a schedule attached to the treaty.

The items in said schedule were as follows:

1. Annuity due under the sixth article of the treaty of January 31, 1855	$8,750.00
2. Amount discounted on $53,594.53 in State bonds on the 13th of May, 1859	15,187.03
3. Interest on the above $15,187.03 from May 13, 1859, to February, 1867, at 5 per cent	6,150.87
4. Amount discounted on $53,000 in State bonds, March 24, 1860	11,130.00
5. Interest on above $11,130 from March 24, 1860, to February 24, 1867	4,618.85
6. Moneys heretofore appropriated in fulfillment of treaty stipulations, but transferred to surplus fund	3,635.05
7. Amount for depredations on Wyandotte property, claim approved by Secretary of the Interior, March 21, 1863	34,342.50
Total amount	83,814.40

The schedule also contained the following statement:

"The above-named total sum is designed to represent the full claim of the Wyandottes against the United States under former treaties.

"The first, second, and fourth items, together with another named in the fourteenth article of the foregoing treaty, were examined and approved by the House Committee on Indian Affairs, and their payment recommended. (See Congressional Globe, page 1037, part 2, second session, Thirty-eighth Congress.)

"The third and fifth items constitute the interest on the moneys discounted on the bonds mentioned in items 2 and 4. Although the committee did not recommend the payment of this interest they acknowledged its justice, but said that its allowance would possibly endanger the passage of the appropriation, as the general feeling was averse to paying interest on claims."

In ratifying the treaty the Senate struck out the above provision of the 13th article and inserted the following in lieu thereof:

"And the Secretary of the Interior is hereby authorized and required to appoint three persons whose duty it shall be to ascertain and report to the Department the amount of money, if any, due by the United States to the Wyandotte Indians under existing treaty stipulations, and the items mentioned in Schedule A, appended to this treaty, and the report of the persons so appointed, with the evidence taken, shall be submitted to Congress for action at its next session."

This amendment was accepted by the Wyandottes, and Messrs. James H. Embry, Julius A. Fay, and James P. Taylor were appointed commissioners thereunder. March 2, 1869, these commissioners submitted their report, in

which they found the following sums justly due the Wyandottes from the United States, to wit:

A. Interest on deferred payments	$11,612.00
B. Loss on sale of bonds, May, 1859, with interest	18,547.00
Loss on sale of bonds, March, 1860, with interest	12,630.00
C. Money heretofore appropriated in fulfillment of treaty stipulations, but transferred to the surplus fund	3,844.69
D. Taxes unjustly collected by the Territorial government of Kansas in 1859 and 1860, to be refunded with interest	14,582.62
E. Grant of $5,000 for Wyandottes to establish themselves in their new homes	5,000.00
Total	66,206.31

This report was transmitted to the Senate by the Secretary of the Interior, March 17, 1869 (Senate Executive Document No. 6, Forty-first Congress, first session).

In a supplemental report the commissioners allowed for claims of various parties for losses by depredations committed on their property	6,293.50
Making the total amount allowed by the commission	72,499.81

It will be observed that there are three items of interest included in the above amounts:

First. A. Composed entirely of interest on deferred payments	11,612.00
Second. In B. Interest on loss on bonds, which is found to amount to	11,444.50
Third. In D. Interest on taxes illegally collected found to amount to	2,879.06
Total	25,935.56
It also appears from the records of this office that item C included the sum of $1,755.18 for interest	1,755.18
	27,690.74

The draft submitted with Mr. Holman's letter appears to be composed of these several items with the exception of No. 3, the correct amount of the other items being $24,811.68.

By the act of May 29, 1872 (17 Stats., 165), the sum of $16,703.50 was appropriated to refund the taxes unjustly collected, being item D of the commission's report, less interest, $11,703.56, and for the payment of the $5,000 for removal, being item E.

By the act of March 3, 1881 (21 Stats., 421), the sum of $28,109.51 was appropriated to be paid to members of the Wyandotte tribe of Indians, which appears to include the following items:

Losses on sale of bonds, May, 1859	$11,592.50
Losses on sale of bonds, March, 1860 (being item B with interest omitted)	8,130.00
Money theretofore appropriated but transferred to surplus fund (being item C without interest)	2,089.51
And depredation claims (being amount allowed by commission in supplemental report)	6,293.50
	28,105.51

The commissioners allowed the sum of $44,809.07, exclusive of the items for interest, and Congress had up to 1891 appropriated the sum of $44,813.01 in payment.

It having been ascertained that, in the payment of the foregoing appropriations, the citizen Wyandottes had not received the amount to which they were entitled, Congress, on March 3, 1891 (26 Stats., 1009), appropriated the sum of $13,000, or so much thereof as might be necessary, to pay balances due the citizen Wyandottes.

There has, therefore, been paid to the Wyandottes of all classes, in carrying out the provisions of the amended thirteenth article of the treaty of 1867, the sum of $57,813.01, leaving a balance, according to the report of the commission, of $15,686.80.

I see no reason to differ from the conclusion of the Committee on Indian Affairs, as referred to in Schedule A attached to the treaty of 1867, and of the commissioners appointed under the amended thirteenth article of that treaty, that the Wyandottes are justly entitled to the items of interest.

I think, however, that the tribal Indians should be charged with the $13,000 paid to the citizen class, to equalize the payments to each, as full payment of their entire share of the amount found due by the commission, the balance to be paid the citizen class in full discharge of their share of said amount. This would reduce the proposed appropriation from $25,000 to $15,686.80.

It is understood that the latter Indians will be satisfied with the proposed disposition of the money, but regarding this I have no other information than that conveyed by Mr. Armstrong.

It is probable that such disposition would be for the best interests of the Indians referred to in the item submitted.

Very respectfully, your obedient servant,

FRANK C. ARMSTRONG.
Acting Commissioner.

The Honorable The SECRETARY OF THE INTERIOR.

Mr. COCKRELL. I ask that the letter of the Acting Commissioner of Indian Affairs be also printed as a miscellaneous document.

The PRESIDING OFFICER. It will be so ordered. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. MARTIN].

The amendment was agreed to.

Mr. PLATT. As I am obliged to leave the Chamber, I wish to return to an amendment which was made on page 49, in lieu of the matter contained within line 15 to line 25, inclusive. The last clause of the amendment which was adopted reads:

But this provision shall not apply to any lands now held by either of the five civilized tribes.

I wish to add at the end of the amendment "nor to any of the lands within the Quawpaw Indian Agency."

That agency is in the Indian Territory, and the same reason exists for it.

Mr. CALL. We accept the amendment.

Mr. COCKRELL. Let the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. PLATT].

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole. Is it the wish of the Senate that the vote shall be taken on concurring in the amendments in gross?

Mr. JARVIS. I ask that the amendment made in line 24, page 59, reducing the appropriation for the Cherokee training school at Cherokee, N. C., from $1,400 to $1,200, may be reserved. I wish to speak about three minutes on that amendment, and ask the nonconcurrence of the Senate in it.

Mr. CALL. I ask that all the rest of the amendments be concurred in.

The PRESIDING OFFICER. Is a separate vote desired on any other amendment? The amendment indicated by the Senator from North Carolina will be reserved for a separate vote. The question is on concurring in the amendments made as in Committee of the Whole with that exception.

The amendments were concurred in.

The PRESIDING OFFICER. The question is on concurring in the amendment reserved at the request of the Senator from North Carolina. The amendment will be stated.

The SECRETARY. On page 59, line 24, before the word "hundred," the Senate, as in Committee of the Whole, struck out "four" and inserted "two;" so as to read:

For support and education of eighty pupils at the Cherokee training school at Cherokee, N. C., at $167 per annum each, $13,360; for pay of superintendent, $1,200.

Mr. JARVIS. Mr. President, I desire to call the attention of the chairman of the Committee on Appropriations to a fact which I presume has been overlooked. I would have done so before the amendment was made as in Committee of the Whole, but I happened not to be in my seat at the time.

Prior to 1892 there was at the Indian training school at Cherokee an agency. The agent received $800. The superintendent of the school received $1,200, making in all $2,000. The act of 1892 abolished the agency and imposed the duty of the agent upon the superintendent of the school, increasing his compensation from $1,200 to $1,400. It gave the superintendent of the school $200 for the discharge of his duties as agent, and required him to give a bond. The provision will be found in the Statutes at Large, page 122, of the acts of 1892. I will read it.

The superintendent of the Indian training school at Cherokee, N. C., shall, in addition to his duties as superintendent, perform the duties heretofore required of the agent at said Cherokee Agency, and receive in addition to his salary as superintendent, $200 per annum, which sum is hereby appropriated for the purpose, and shall give bond as other Indian agents, and that the office of agent be, and the same is hereby, abolished at that place.

The same act fixed his salary as superintendent at $1,200, in the very language which is now copied in this proposed act. The attention of the House of Representatives was called to the dual duty he performs, and they put in his salary at $1,400. The committee of the Senate struck out $1,400 and made it $1,200, and the Senate as in Committee of the Whole agreed to the amendment. To reduce this salary, as the officer is under bond, it seems to me would be doing him a manifest injustice for the sake of saving $200 a year. As I said, I presume the fact that the act of 1892 imposes these other duties upon him escaped the attention of the Committee on Appropriations.

Mr. COCKRELL. I will state to the Senator frankly that he is exactly correct in some particulars. I will give a statement of the case showing the exact condition of the matter.

In the appropriation laws for the fiscal years 1891, 1892, and 1893 we find for the Eastern Cherokee Agency $800. In the law for the fiscal year 1893, we find the following:

The superintendent of the Indian training school at Cherokee, N. C., shall, in addition to his duties as superintendent, perform the duties heretofore required of the agent at said Cherokee Agency, and receive in addition to his salary as superintendent $200 per annum.

The other House, in this bill, on page 2, retained that clause. It reads:

Additional compensation to superintendent of said school for performing the duties heretofore required of the agent at the Cherokee Agency, $200.

Then evidently by an oversight they put his salary at $1,400, which was intended to be the aggregate amount. The committee of the Senate cut it down to $1,200, just what it has been all the time, leaving $200 to be paid to the superintendent acting as agent, as it was in the former law.

Mr. JARVIS. Then I learn from the chairman of the committee that the appropriation for the duties of the superintendent as agent has been made.

Mr. COCKRELL. It will be found at the top of page 2 of the pending bill.

At the Cherokee School, North Carolina: Additional compensation to superintendent of said school for performing the duties heretofore required of the agent at the Cherokee Agency, $200.

There was evidently a mistake made in the other House. I thought the Senator was right until I discovered the reason why we reduced the appropriation from $1,400 to $1,200. That is the reason why we struck it out. We wanted to leave it just as it was.

Mr. JARVIS. The explanation of the Senator from Missouri is entirely satisfactory. I withdraw the objection to concurring in the amendment.

The PRESIDING OFFICER. The question is on concurring in the reserved amendment.

The amendment was concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 5894) making appropriations for the Military Academy for the fiscal year ending June 30, 1895; and

A bill (H. R. 6108) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1895, and for other purposes.

STATUS OF APPROPRIATION BILLS.

Mr. MANDERSON. Personally I would feel very greatly obliged to the Senator from Missouri, the chairman of the Committee on Appropriations, and I know the Senate generally would be very glad for information from him concerning the probabilities as to the remaining appropriation bills. I understand that all the appropriation bills are now disposed of, so far as original action in the Senate is concerned, except the sundry civil appropriation bill and the deficiency appropriation bill. Can we have any intimation as to whether the bills I have named will be out of the committee before next week, and if not, about what time next week?

Mr. COCKRELL. The subcommittee, consisting of the Senator from Iowa [Mr. ALLISON], the Senator from Maryland [Mr. GORMAN], and myself, have been at work on the sundry civil appropriation bill, preparing it for the full committee at every leisure moment we have had for some days past. Unfortunately yesterday and to-day we had no time except a short while before the Senate met at 12 o'clock. The subcommittee on the deficiency appropriation bill, consisting of the Senator from Maine [Mr. HALE], the Senator from Ohio [Mr. BRICE], and myself, have not looked at that bill. We have not had time to get to it. We hope to get the sundry civil appropriation bill reported to the Senate on Saturday, but it is not a certainty.

We can not tell how much of the time of the Senator from Iowa will be taken up to-morrow in the tariff discussion. That has been the trouble. We could not consider the sundry civil appropriation bill at any time as the other bills were considered, because the Senator from Iowa could not leave the floor of the Senate while the tariff bill was under discussion. We shall have that bill before the Senate, and hope to get it through early in the coming week, but it will be impossible to name the exact day when it will be reported.

Mr. MANDERSON. I am aware of some of the difficulties which have attended the consideration of these bills, especially the sundry civil appropriation bill. It occurred to me that time might perhaps be gained if the subcommittees of the Committee on Appropriations having in charge these two particular bills might be disengaged entirely during to-morrow and Saturday, which could very easily be accomplished, and at the same time we could give that prayerful and careful consideration which the action to-day elsewhere demands at the hands of the Senate by adjourning over until Monday. Of course, I simply make it as a suggestion for the consideration of the majority.

Mr. COCKRELL. I wish we could do it as far as the labors of the Committee on Appropriations and our individual convenience are concerned, but it would not be just or proper under the circumstances to do it, as the Senator from Indiana (Mr. VOORHEES], the chairman of the Committee on Finance, has given notice that immediately after the reading of the Journal in the morning he will call up the message from the House of Representatives on the tariff bill. Otherwise I would be perfectly willing to do it.

I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 20, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 19, 1894.

MINISTER TO RUSSIA.

Clifton R. Breckinridge, of Arkansas, to be envoy extraordinary and minister plenipotentiary of the United States to Russia, vice Andrew D. White, resigned.

SURVEYOR OF CUSTOMS.

Walter I. Carter, of New York, to be surveyor of customs for the port of Patchogue, in the State of New York, to succeed Robert Mills, whose term of office has expired by limitation.

INDIAN AGENT.

Horace M. Rebok, of Toledo, Iowa, to be agent for the Indians of the Sac and Fox Agency in Iowa, vice Wallace R. Lesser, term expired.

REGISTER OF THE LAND OFFICE.

Eugene J. Trippel, of Yuma, Ariz., to be register of the land office at Tucson, Ariz., vice Frank W. Walls, deceased.

POSTMASTERS.

Charles L. Shipton, to be postmaster at Marengo, in the county of Iowa and State of Iowa, in the place of David M. Rowland, whose commission expired April 22, 1894.

George E. Le Tourneau, to be postmaster at Windom, in the county of Cottonwood and State of Minnesota, in the place of Joseph McMurtrey, deceased.

Charles W. Arner, to be postmaster at Wellington, in the county of Lorain and State of Ohio, in the place of Elmer E. Husted, whose commission expired June 14, 1894.

Frank Cooper, to be postmaster at Ravenswood, in the county of Jackson and State of West Virginia, in the place of James F. Stone, removed.

John Hoberg, to be postmaster at South Kaukauna, in the county of Outagamie and State of Wisconsin, in the place of Frank M. Charlesworth, whose commission expired July 12, 1894.

PROMOTION IN THE ARMY.

Infantry arm.

Second Lieut. Marcus D. Cronin, Twentieth Infantry, to be first lieutenant, July 15, 1894, vice McMartin, Twenty-fifth Infantry, dismissed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 19, 1894.

PROMOTIONS IN THE ARMY.

Medical Department.

Lieut. Col. Francis L. Town, deputy surgeon-general, to be assistant surgeon-general.

Maj. Joseph R. Gibson, surgeon, to be deputy surgeon-general.

Capt. Marshal W. Wood, assistant surgeon, to be surgeon.

Infantry arm.

Second Lieut. Arthur B. Foster, Nineteenth Infantry, to be first lieutenant.

POSTMASTERS.

C. B. Popejoy to be postmaster at Lexington, in the county of McLean and State of Illinois.

Joseph B. Boyle to be postmaster at Westminster, in the county of Carroll and State of Maryland.

Martin C. Walter, to be postmaster at Niantic, in the county of New London and State of Connecticut.

Nun McCullick, to be postmaster at Montpelier, in the county of Blackford and State of Indiana.

William H. Lightle, to be postmaster at Gas City, in the county of Grant and State of Indiana.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July 19, 1894.*

The House met at 12 o'clock m. Prayer by the Rev. J. H. McCARTY, D. D., of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

QUESTION OF PRIVILEGE.

Mr. REED. Mr. Speaker, I rise to a question of privilege. If I am correctly informed, the statement of the gentleman from New Hampshire [Mr. BAKER], made yesterday, which like statement is always accepted in the House, shows that there was not a quorum present at the time when action was taken on what I think was the bankruptcy bill. If that be the case, and there are no corrections to be made otherwise, it will show that there was not a quorum present; and it will become the duty of the House to commence where the error occurred.

The SPEAKER. The Chair will call the attention of the gentleman from Maine to the fact that on yesterday the gentleman from Indiana [Mr. MARTIN] corrected the RECORD and the Journal by having his name recorded as present and voting, he having been present.

Mr. REED. He said he was present. I called the attention of the tellers to this omission yesterday, and was informed that it only showed 179; and therefore I felt it my duty to call attention to the matter.

The SPEAKER. That is correct; and he stated afterwards that he voted.

Mr. REED. He afterwards stated that he voted. That is all right then——

Mr. SPRINGER. And the gentleman from Iowa said he was present.

THE TARIFF.

Mr. OUTHWAITE. Mr. Speaker, I present a report from the Committee on Rules, and ask for its immediate consideration.

The SPEAKER. The Clerk will read the report from the Committee on Rules.

The Clerk read as follows:

Resolved, That after the adoption of this resolution, it shall be in order, when the House conferees on House bill 4864 make a report of disagreement, to move that the House insist upon its disagreement to the Senate amendments to said bill in gross, and ask a further conference with the Senate on the disagreeing votes of the two Houses thereon. That two hours of debate shall be allowed upon said motion, and then, without delay or other motion, a vote shall be taken thereon. Should such motion prevail, the Speaker shall at once appoint the House conferees, and the matter shall then for the time being pass from the consideration of the House.

Mr. OUTHWAITE. I ask for the previous question.

Mr. HOPKINS of Illinois. Before that is done, I ask if the gentleman will allow me to offer an amendment, that the debate be four hours instead of two? Will you allow the House to vote on that?

Mr. OUTHWAITE. I have asked for the previous question.

The previous question was ordered.

Mr. REED. I desire simply to say that I shall vote against this resolution, because it does not seem to me to allow adequate debate in the House upon the subject. Some gentlemen, upon the other side especially, had indulged in the hope that under the new régime this would be a deliberative body. But that hope has gradually grown less and less, until with what is now proposed and what is in the womb of the future, the last hope has disappeared. I yield ten minutes to the gentleman from Ohio [Mr. JOHNSON].

Mr. JOHNSON of Ohio. Mr. Speaker, I am in entire accord with the Committee on Rules in their effort to pass a rule limiting debate on the report of disagreement of the conference committee to some reasonable time, say two or four hours; for I believe that the amendments the Senate has proposed all tend, with a few trifling exceptions, in the wrong direction. But I do complain of the rule coming in from the Committee on Rules, in that it purposely, as I think from hearing it read, cuts off a motion to instruct the conference committee. I do not know whether I interpret it right or not, but I have inquired of members of the committee, and they say that the rule has been purposely framed so that we can not instruct the conferees to bring in a separate report on the subject of sugar.

Now, I believe it is the interest not only of the Democratic party, but of every member of this House, after the great scandal in connection with the sugar schedule, to have a separate and distinct report on sugar in order to allow this House to express itself on that subject separately, without any complication with other schedules. There is but one way to get this report, and that is by instructing your conferees to report separately on the sugar schedule, for if you allow them to report on the bill as a whole they are apt to do so.

The only opportunity you are likely to have is right now. You will find that the conference report will come in with other questions involved, and you will be face to face with the alternative of having to vote for a great many things that you do not want in order to get what you do want. The conference report has to be voted either up or down. You must vote for everything in it or against everything in it. If there is free sugar in the bill—and this House wants free sugar—and there is a duty on coal, those who oppose one will find that the two propositions are put side by side, and they must vote for both or against both.

It is bad enough that in order to secure two votes in the Senate, a sugar schedule which makes concessions to the Louisiana sugar-planters, has been proposed. I believe absolutely in free sugar, and that it is bad politics for the Democratic party to put any duty on sugar; but the criminal part of the schedule is the concession to the sugar trust. Now, we hear on every side the claim that unless concessions are made to the sugar trust it will defeat the bill. If that is true a greater question than that of mere schedules arises. If it is true that there is a power in this country which has grown so great under protection that it can dictate, not only to Congress, but to the people of the United States, that it can dictate to both political parties, that it can make schedules, whether the Democrats or the Republicans are in power, then I say, there is a greater question here than that of mere rates.

Whether the Gorman bill or the McKinley bill is better, is a question which sinks into comparative insignificance. And if it is true that this power exists, it is time that we should appeal to the people of the United States and let them decide whether the sugar trust or the other trusts are to legislate for them. [Applause.] I, for one, welcome the issue, and have no doubt of the result. Their lobbies can only work under cover, and on small bodies of men. I am fighting against the proposition of the Committee on Rules because it prevents this House from instructing its conferees to bring in a separate report on the sugar schedule, although I am in hearty accord with the report of general disagreement.

Mr. Speaker, I desire to make a parliamentary inquiry to ascertain whether my interpretation of the rule is correct, that the opportunity to instruct is by this rule cut off.

The SPEAKER. The Chair will state that if the House should adopt this rule and then insist upon its disagreement to the Senate amendments, the Chair, under the rule, would at once appoint conferees and the matter would pass from the consideration of the House.

Mr. JOHNSON of Ohio. The Chair would not recognize, as a privileged motion, just before the appointment of conferees, a proposition to instruct?

The SPEAKER. The Chair would not.

Mr. JOHNSON of Ohio. That is my interpretation of the rule, and for that reason I believe we ought to send it back to the Committee on Rules, and let them report a rule that will give us an opportunity to instruct the conferees on so important a question. I yield back the remainder of the time to the gentleman from Maine.

Mr. WARNER. Mr. Speaker——

Mr. JOHNSON of Ohio. I yield back the remainder of the time to the gentleman from Maine.

Mr. REED. Perhaps the gentleman from Ohio in charge of the rule [Mr. OUTHWAITE] will yield to the gentleman from New York.

Mr. OUTHWAITE. I understand that the gentleman from New York rises to a parliamentary inquiry, and it is not necessary that I should yield for that purpose.

Mr. REED. I will yield the floor to the gentleman from New York for a parliamentary inquiry.

Mr. WARNER. My inquiry is this: Whether an insistence upon a disagreement under the circumstances will not practically be an instruction in favor of free sugar? [Laughter.]

The SPEAKER. The gentleman from Maine is recognized.

Mr. OUTHWAITE. Does the gentleman from Maine desire to occupy any more of his time?

Mr. REED. I do; but if the gentleman from Ohio desires to proceed now, I am content.

Mr. OUTHWAITE. No; I intend to speak only about five minutes.

Mr. REED. Then I will follow you.

Mr. OUTHWAITE. I prefer to close the debate, and I do not care to divide a five-minute speech into two parts.

Mr. REED. Mr. Speaker, this House can see, after the remarks made by the gentleman from Ohio [Mr. JOHNSON], just exactly what it will do with itself if it passes this rule. Of course there are certain arguments for as well as certain arguments against, and the gentleman from Ohio very well states one of the arguments against, namely, that the House has no opportunity to specially indicate its determination upon a particular point, which point is one of the great elements of dispute. The House, for instance, instead of stating that it is irrevocably opposed to the sugar amendment made by the Senate, mingles that with all the other Senate amendments without any particular stress or any particular emphasis.

This will be the result of the action of the House if it takes the direction of the adoption of this rule. On the other hand, gentlemen on the other side have to consider what would be the effect of opposite action. They have this subject under complete control. They can go to the Senate with a general denial, or they can go to the Senate with a specific denial. The question is which course will strengthen the hands of their committee in the great game of—I hardly know what to call it——

A MEMBER. Bluff. [Laughter.]

Mr. REED (continuing). In the great game of moral courage to be displayed on the one side and on the other. It is, I say, a question for them to determine which will be the most strengthening. If they adopt this rule, for instance—and here I am anticipating a part of the work of my colleague from Ohio [Mr. OUTHWAITE]—if they adopt this rule they will contrive to muzzle the expression of a great deal of Democratic sentiment, and the Sen-

ate will not know how many friends they have in the House. They will not know how much support they have arising from the opinions of individual members here.

As this House will present itself to the Senate, it will seem to be solid, and that will be liable to be misleading [laughter]; but I think also that your committee needs all the factitious support that they can possibly get, and that is another reason why you should adopt this rule, because it is in your power and you want to hold up the hands of the brethren—which are not very strong [laughter]—and make them vigorous, because they are contending not with idealists, not with individuals with a theory, but with individuals who have definite purposes, definite aims, definite motives; gentlemen who know precisely on which side their provisions are buttered. [Laughter and applause.] And in order to make your committee strong, you ought to take every means of suppressing what looks like undisciplined riot, such as is proposed by the gentleman from Ohio [Mr. JOHNSON], who has been specially singled out to be stricken down by this rule. So that you see your position is one where you have got to carefully balance these different reasons in the little arrangement into which you are about to enter.

Allow me, however, to say to you that there is one gleam of hope for you in the future. This business is entirely—with the exception of a single Senator, and he not in the most robust of health—the whole business is in the hands of the Southern Democracy. The whole business is where the control of your party is. The whole matter will be disposed of in connection with these interests; and if you can work them properly it is possible you may succeed in establishing a great coal company in Nova Scotia, that you may do some great service toward the iron mines of Cuba; and the ownership of those mines has been carefully attended to beforehand in hopes that this matter may come to some point.

Now, I have no doubt I have rendered unnecessary the remarks which the gentleman from Ohio is intending to make, by this careful charge to the jury who are to pass on this case. [Laughter and applause on the Republican side.]

Mr. Speaker, I reserve the residue of my time.

The SPEAKER. The gentleman has three minutes.

Mr. OUTHWAITE. Mr. Speaker, I might upon some other occasion be disposed to thank the gentleman from Maine for the very valuable assistance he has rendered me at this time.

Mr. REED. No thanks, please; don't mention it.

Mr. OUTHWAITE. No, I do not think thanks are needed.

The Constitution of the United States commits to the House of Representatives the duty of preparing revenue bills. It commits to us that duty, because the members of this House are nearer to the people than those of the other legislative branch. The House of Representatives, after sufficient deliberation, after careful consideration, framed a revenue bill—framed it upon great party lines—framed it upon the great principles that sent the great majority of these Representatives here. The present question simply presents to the House of Representatives the opportunity to say whether at this time it will adhere to the position it has taken heretofore upon this great question.

The gentleman from Maine was extremely felicitous in his choice of language when he designated the proposition that we should take up the items of this bill by piecemeal and adopt instructions upon those separate items, as "undisciplined rioting" in the party. The American people are not disposed to countenance anywhere "undisciplined rioting"——

Mr. REED. I shall have to yield time to your colleague if you abuse him in that way. [Laughter.]

Mr. OUTHWAITE. And this House is not at this time disposed to countenance it. The passage of the resolution will be an instruction covering the point upon which the gentleman from Ohio, my colleague, desires a separate vote. The House of Representatives expressed its legislative determination upon the sugar schedule when it passed the bill, and we have no reason to think that this House is inclined at this time to recede from the position it then took. [Applause on the Democratic side.]

The gentleman from Maine says that it would be wise for the House of Representatives to stay the moral courage of its conferees. He does not mean that this should be taken in anywise as a personal expression, because he knows that the conferees of the House on this side of the Chamber have exhibited the noblest example of moral courage that any group of conferees ever exhibited in refusing to agree to amendments and coming back to this House at this time with that disagreement. [Applause on the Democratic side.]

The gentleman from Maine could not close his remarks without the customary sneer based on the fact that the large bulk of the Democratic party comes from the South, and that the long service of the members sent here from that region has entitled them to a preference upon this conference committee by virtue of the rules that obtain in this House and the other. But we have those conferees sacrificing the interests—the private interests they might be termed—of their own section, as much as they require any sacrifice from us of the North. This bill, framed, if it may be said to have been framed, by a majority of gentlemen from the South, gives to the poor and shivering wretches of the North, with its long winters, free wool and cheaper garments with which to clothe themselves. [Applause on the Democratic side.]

The great leader in that movement, who at the time he began it was a Representative on this floor and is now a Senator in the other end of the Capitol, was the representative at that time of a great woolgrowing region of the United States, and his State is still one of the great producers of that staple. Yet he said, "If it will give cheaper garments to the people of this country my people will not ask that yours be taxed a dollar for their benefit." I could give other equally noble instances——

Mr. JOHNSON of Ohio. Will my colleague allow a question?

Mr. OUTHWAITE. Certainly.

Mr. JOHNSON of Ohio. Why do you object to giving us an opportunity to instruct the committee of conference on sugar?

Mr. OUTHWAITE. Why should we not commence to parcel out and piecemeal the action of this House on all the various questions involved? This rule virtually insists that the House conferees shall adhere to the position it has already taken on sugar.

Mr. JOHNSON of Ohio. Why should you not give the House an opportunity to say whether they will give instructions or not?

Mr. OUTHWAITE. The House is going to say it when it has the opportunity this afternoon. For the same reason, you might ask, Why not give the House an opportunity to have a separate report on the wool schedule? Why not give them an opportunity to make a separate report on the iron schedule, on the wool schedule, on coal, on cotton goods, on glassware, on chemicals, and every other question of difference existing between the two Houses? We regard it as a single question involving a principle, and propose to treat it in that way.

Mr. JOHNSON of Ohio. But if the House wants separate action on these various matters it ought to have it.

Mr. OUTHWAITE. My answer to the gentleman is that, up to this time at least, so far as we are able to perceive, there is no difference of sentiment on this side of the House on this great question. [Applause on the Democratic side.]

I reserve the remainder of my time.

Mr. REED. The gentleman from Ohio has paid a touching tribute to the stern persistence of the conferees on the part of the House on this bill. They have persisted, so far as my knowledge is concerned and that of the other Republican conferees on the part of the House, just two days, one day lasting one hour and the other lasting just ten minutes. If there has been any other persistence on the part of the conferees of this House than that, I am not aware of it. There have been but the two meetings, one lasting an hour, as I have said, and the other about ten minutes of the full conference.

But we may suppose that they have been resisting in private, and their heroism is dragged before the public for the first time by the gentleman from Ohio. I hope the gentleman from Ohio in his reserved time, or in mine, will tell us just how long this courage is to last. [Laughter and applause on the Republican side.] What does "courage" mean, or what does it amount to when it backs down as soon as the time comes? [Laughter.] What does courage that lasts only a week amount to, when it is the courage of two weeks that does the business?

Mr. OUTHWAITE. There has been no backing down up to this time, as the gentleman knows.

Mr. REED. But how long is it to last? When is the courage to fail? Can the gentleman from Ohio in his reserved time give us that information? Is it to be permanent? The gentleman from Ohio is silent. Into the future he does not desire to penetrate. [Laughter on the Republican side.] His mind is not of a prophetic cast, and he is wise, absolutely wise; and he took the first opportunity, and perhaps the last he will ever have, therefore, to praise the courage of the conferees. [Applause on the Republican side.]

Mr. OUTHWAITE. Mr. Speaker, I do not think there is anything requiring a response from me in what the gentleman from Maine has said, and I ask a vote.

The question was taken, and the resolution reported from the Committee on Rules was agreed to.

Mr. WILSON of West Virginia. Mr. Speaker, I am instructed by the majority of the conferees on the part of the House on the tariff bill to report to the House that they have not been able to agree with the Senate conferees upon the bill as to the proposed Senate amendments.

I move, therefore, that the House further insist——

The SPEAKER. Will the gentleman from West Virginia send to the desk the statement of the conference committee, and the papers accompanying the bill?

Mr. WILSON of West Virginia. I send to the desk the papers connected with the report.

The SPEAKER. The Clerk will read the statement of the conference committee.

The Clerk read as follows:

The conference committee on the bill H. R. 4864, after final, full, and free conference, failed to agree. The Senate conferees insist on their amendments to said bill, and the House conferees insist on their disagreement to the Senate amendments.

W. L. WILSON,
BENTON McMILLIN,
H. G. TURNER,
A. B. MONTGOMERY,
Conferees on the part of the House.

Mr. WILSON of West Virginia. I submit the motion, therefore, Mr. Speaker, that the House further insist upon its disagreement to the Senate amendments, and ask for a further conference, and upon that motion I shall submit a few explanatory remarks to the House.

It is true, as the gentleman from Maine [Mr. REED] has just said, that there have been but two meetings of the full conference committee of the Senate and House.

A tariff bill, of recent years at least, and perhaps almost always in the history of this country, has been a political measure—a measure proposed by one party and resisted by the other. The present tariff legislation does not differ from that historic character. It was fully recognized and cordially expressed by the Republican conferees of the Senate that it was the duty of the dominant party in the two Houses, through their special conferees, first, to try if they could reconcile their own differences before they brought to the attention of the full conference committee their proposed action.

I say this was fully and cordially and handsomely recognized by the Republican conferees on the part of the Senate. While, therefore, there have been but these two meetings of the full conference committee, there have been, since the first appointment of the conference committees, daily, protracted, earnest, and laborious consultations on the part of the House conferees representing the majority party in this House, and the Senate conferees representing the majority party in that House, as to the six hundred and thirty-four amendments, in the hope that we might reach some agreement that could be reported to the full conference committee when it should be called together. It is because no such agreement has been attained, it is because no such agreement seems at present in sight, that we have felt it our duty to bring the whole matter back to the House, and receive afresh from this House its instruction as to our duty in the further proceedings.

Mr. Speaker, I desire to be perfectly frank and as complete as possible in any statement I may make to the House to-day, and yet I recognize that there are some limitations to completeness of statement which probably it would be best for me to observe at this stage in the controversy between the two Houses. But I think I may say with truth and frankness and courtesy that if the conferees of the Senate on the part of the majority party had met us of the same party in the House as free and untrammeled as we ourselves were, with nothing to control our action but our sense of duty to the people and to our party and to the House; if they could have come to us, I say, as free and untrammeled as we came to them, a tariff bill would have been agreed upon in one day's session that would have been satisfactory to the Democratic party and that would have given hope and courage and enthusiasm to the American people. [Applause on the Democratic side.]

But, sir, we were not long in finding out, greatly to our disappointment, that whatever might be the personal opinions, the personal judgment, the strong personal wishes of the Democratic conferees of the Senate, they came to us somewhat fettered and somewhat limited as to any action that they might agree to upon this bill, either by the supposed moral obligations of party caucus, or the apprehension that there were forces in the Senate, however small, yet powerful enough to resist successfully the passage of any bill which did not make concessions to great corporate and trust interests, that we, representing the House, did not feel free on our part to agree to. [Applause on the Democratic side.]

I do not believe, Mr. Speaker, that there would be any great difficulty in coming to a compromise or an agreement upon the vast majority of the six hundred and thirty-four amendments proposed to this bill by the Senate; but there are important amendments proposed by the Senate which give to this bill in the main a different character from what it had when it went from the House, and on which amendments we seem, up to this time, to be irreconcilably divided. It is because of these amendments and because of the statements made to us in all kindness and courtesy, and I might almost say in sadness, that such was the condition of affairs at the other end of this Capitol that unless this House was willing to accept the Senate bill practically and substantially as it passed the Senate there was to be no tariff legislation at this session of Congress; that we could not agree.

We did not feel, Mr. Speaker, representing the House of Representatives, that we could without a sacrifice of its dignity and of its equality as a legislative chamber, respond to any such proposition as that. [Applause on the Democratic side.] Least of all did we feel that in the great question of taxation, resting by the very theory of free institutions and by the language of the Constitution as a peculiar and original trust on the representatives of the people, we could for one moment entertain and agree to such a proposition. [Applause on the Democratic side.]

But aside from that question, Mr. Speaker, the differences between the bill as it passed the House and the bill as it comes back to us from the Senate are so marked, are in the main so objectionable to tariff reformers in the country generally, that we could not, without the guidance and the instruction of this House, agree to accept those differences and thus adopt a different and modified scheme of tariff reform.

Whatever imperfections may have attached to the House bill—and those who framed that bill were perhaps more aware of its imperfections than anybody else could be—it did seem to be accepted by the people of this country as a fair and substantial performance of the pledges by which the Democratic party came into power at the beginning of this Administration. It was framed upon Democratic lines in the main. It sought in levying taxes to consider chiefly and primarily the wants of the public Treasury, and not the profits and schemes of great private interests. [Applause on the Democratic side.]

The bill which comes back to us from the Senate has not met the approval of the great tariff-reform sentiment of this country. It has not been accepted by those who, through defeat and victory, have followed this standard with so much enthusiasm for ten years past, as the fruition of their efforts, as the performance of their pledge, and as the full and substantial realization of their great victory.

It remains for me simply to add, Mr. Speaker, that the chief points of controversy between the representatives of the dominant party in the two Houses, and thus between the conference committees of the two Houses, was, first, the sugar schedule, to which the gentleman from Ohio [Mr. JOHNSON] has addressed himself; next the duty upon iron ore and upon coal and the duty upon silver-lead ores and some of the duties in the woolen schedule, and especially to some of the duties of the iron and steel schedule, prominently those upon pig iron, upon steel rails, and upon cutlery and structural iron.

But the great difficulty in the pathway of an agreement has been a proper adjustment of the sugar schedule. This House voted for free sugar, raw and refined. [Loud applause on the Democratic side.] It voted down the proposal of the Committee on Ways and Means for a gradual repeal of the bounty and a reduction by more than one-half of the duty upon refined sugar. The Senate has reintroduced into the proposed tariff bill a sugar schedule, which, whether truly or not, has been accepted by the country, by the press of the country, by the people of the country, as unduly favorable to the great sugar trust. It proposes a duty of 40 per cent ad valorem on all grades of sugar, a differential of one-eighth of a cent upon refined sugar, in addition to a differential of one-tenth of a cent on sugar imported from countries that pay an export bounty upon their sugar.

There is reasonable ground for difference of opinion among Democrats as to whether any duty upon sugar should be placed in our tariff bill or not. It has always been contended by most of those who have been leaders in the great tariff-reform movement in this country that of all the articles yielding large revenue sugar was the one article upon which an ideal Democratic revenue tariff could be placed.

There would be substantial agreement, I think, with that position to-day in the Democratic party except for the fact that the framers of the McKinley bill, in their zeal to cut off taxation the larger part of which went into the public Treasury, in order that they might increase taxes the larger part of which went into the pockets of their beneficiaries [loud applause on the Democratic side], placed raw sugar upon the free list, gave a half cent protection or six-tenths of a cent in the case of sugar imported from bounty-paying countries on the refined sugar, and provided a bounty to the producers of sugar in this country. By this action the people have had a taste of untaxed sugar, and it is difficult for us to get back [laughter on the Republican side] to the position originally occupied by the Democratic party.

It is our hope that we shall give them, if we succeed in pass-

ing any sort of a wise and proper tariff-reform bill, a taste of so many other untaxed articles [loud applause on the Democratic side] that protection can never raise its head again in this country. [Renewed loud applause on the Democratic side.]

It is not possible, Mr. Speaker, for anyone to state accurately, on the proposed sugar schedule of the Senate, what would be the amount of duty upon refined sugar which would inure as a protection to the great refining company of this country. Although I had not fully reached that conclusion when the House bill was prepared, I have no doubt myself to-day that the business of sugar refining can be carried on as cheaply in the United States as in any country in the world [loud applause on the Democratic side], and I have not the slightest doubt, although sincere tariff reformers differ with me on that point, that any differential duty whatever upon refined sugar is simply so much bounty provided for the great monopoly of refining sugar in this country. [Loud applause on the Democratic side.]

If, therefore, the House conferees were prepared to recede from the House position for free sugar and attempt to agree upon some revenue taxation for sugar, they could not, without the mandate of this House, accept such a provision as that which is offered in the Senate bill. [Loud applause on the Democratic side.] If it be true, as stated by the gentleman from Ohio [Mr. JOHNSON], of which I have myself seen some affirmations in the press; if it be true that the great American sugar trust has grown so strong and so powerful that it can say that no tariff bill can pass the American Congress in which its privileges are not adequately guarded; if, I say, that be true, I hope this House will never consent to adjournment. [Great cheering on the Democratic side.] I hope, whatever the fate of the general tariff bill is, that this House will not consent to an adjournment until it has passed a single bill putting refined sugar on the free list. [Renewed cheers on the Democratic side.]

Mr. Speaker, I shall not detain the House with any argument upon the other point of dispute between the two Houses. I have indicated the items. I have, perhaps almost beyond the limits of proper repetition, gone over from time to time the arguments in favor of a release of the great materials of industry from taxation under any bill that may be passed by Congress. I will simply therefore, in closing, call attention to the position in which we find ourselves to-day with reference to tariff taxation. This great question of tariff reform has been the dividing, the burning, question of American politics for the last three Presidential campaigns.

The American people have three times voted for the present occupant of the White House on the great issue of tariff reform. When in 1888 we were defeated by a narrow margin before the people of this country there was not a Democrat in all this land who did not feel on the morning after the election as enthusiastic and as determined to press forward in that fight as he did when the hope of victory was with him the day before. [Applause on the Democratic side.] It was because of that determination, it was because of that growing enthusiasm, it was because we felt the spirit and the thrill of the spirit of American liberty inciting us, it was because we felt the incitement of a great moral purpose which multiples men by ten, that we took up this cause in 1888, fought for it in 1890, and prevailed in 1892. [Applause on the Democratic side.]

The American people have given us the responsibility. It remains to be seen whether we also have the power to fulfill their mandate. The bill which passed the House was not only approved, prepared, and voted for by those who are the immediately chosen servants of the taxpayers of this country, but it has been officially approved and indorsed by the President who was chosen by them to carry out this great reform of the tariff. [Applause on the Democratic side.] Thus every part of the machinery of the United States Government to-day deriving its authority from the direct vote of the American people—for the electoral college now amounts to nothing, and the President is virtually chosen by a direct vote—every part of the lawmaking machinery deriving its authority from the direct vote and mandate of the people has indorsed the scheme of tariff reform proposed here and carried through this House.

No man in this country, Mr. Speaker, has been more interested in the progress and successful termination of this great movement than the man whom the people selected to lead them in this great campaign. [Applause on the Democratic side.] He has never spoken an uncertain word as to his position on this question. In his official message of last December he emphatically and unqualifiedly indorsed the action of the House and the bill which had then been prepared for its consideration.

While the proprieties of his position have compelled him, as a matter of courtesy to the two branches of Congress, to remain in a large measure quiet during the pendency of these bills, yet he has felt it to be his duty to express in every suitable manner exactly what his position is to-day, and, just as we were entering on the great work of conferring between the two Houses I had the honor to receive from him a long personal letter, which, with his consent obtained this morning, I will now send to the Clerk's desk to be given to the people of this country. [Great applause on the Democratic side.]

The Clerk read as follows:

[Personal.]

EXECUTIVE MANSION, *Washington, July 2, 1894.*

MY DEAR SIR: The certainty that a conference will be ordered between the two Houses of Congress for the purpose of adjusting differences on the subject of tariff legislation makes it also certain that you will be again called on to do hard service in the cause of tariff reform.

My public life has been so closely related to the subject, I have so longed for its accomplishment, and I have so often promised its realization to my fellow-countrymen as a result of their trust and confidence in the Democratic party, that I hope no excuse is necessary for my earnest appeal to you that in this crisis you strenuously insist upon party honesty and good faith and a sturdy adherence to Democratic principles.

[Applause on the Democratic side.]

I believe these are absolutely necessary conditions to the continuation of Democratic existence.

I can not rid myself of the feeling that this conference will present the best if not the only hope of true Democracy. Indications point to its action as the reliance of those who desire the genuine fruition of Democratic effort, the fulfillment of Democratic pledges, and the redemption of Democratic promises to the people. To reconcile differences in the details comprised within the fixed and well-defined lines of principle will not be the sole task of the conference; but as it seems to me its members will also have in charge the question whether Democratic principles themselves are to be saved or abandoned.

There is no excuse for mistaking or misapprehending the feeling and temper of the rank and file of the Democracy. They are downcast under the assertion that their party fails in ability to manage the Government, and they are apprehensive that efforts to bring about tariff reform may fail; but they are much more downcast and apprehensive in their fear that Democratic principles may be surrendered.

[Applause on the Democratic side.]

In these circumstances they can not do otherwise than to look with confidence to you and those who with you have patriotically and sincerely championed the cause of tariff reform within Democratic lines and guided by Democratic principles. This confidence is vastly augmented by the action under your leadership of the House of Representatives upon the bill now pending.

Every true Democrat and every sincere tariff reformer knows that this bill in its present form and as it will be submitted to the conference, falls far short of the consummation for which we have long labored, for which we have suffered defeat without discouragement; which in its anticipation gave us a rallying cry in our day of triumph, and which in its promise of accomplishment is so interwoven with Democratic pledges and Democratic success, that our abandonment of the cause or the principles upon which it rests means party perfidy and party dishonor.

[Applause on the Democratic side.]

One topic will be submitted to the conference which embodies Democratic principle so directly that it can not be compromised. We have in our platforms and in every way possible declared in favor of the free importation of raw materials. We have again and again promised that this should be accorded to our people and our manufacturers as soon as the Democratic party was invested with the power to determine the tariff policy of the country.

The party now has that power. We are as certain to-day as we have ever been of the great benefit that would accrue to the country from the inauguration of this policy, and nothing has occurred to release us from our obligation to secure this advantage to our people. It must be admitted that no tariff measure can accord with Democratic principles and promises or bear a genuine Democratic badge that does not provide for free raw materials. In these circumstances it may well excite our wonder that Democrats are willing to depart from this the most Democratic of all tariff principles, and that the inconsistent absurdity of such a proposed departure should be emphasized by the suggestion that the wool of the farmer be put on the free list and the protection of tariff taxation be placed around the iron ore and coal of corporations and capitalists.

[Applause.]

How can we face the people after indulging in such outrageous discriminations and violations of principle?

It is quite apparent that this question of free raw materials does not admit of adjustment on any middle ground, since their subjection to any rate of tariff taxation, great or small, is alike violative of Democratic principle and Democratic good faith.

I hope you will not consider it intrusive if I say something in relation to another subject which can hardly fail to be troublesome to the conference. I refer to the adjustment of tariff taxation on sugar.

[Laughter and applause.]

Under our party platform and in accordance with our declared party purposes sugar is a legitimate and logical article of revenue taxation. Unfortunately, however, incidents have accompanied certain stages of the legislation which will be submitted to the conference that have aroused in connection with this subject a natural Democratic animosity to the methods and manipulations of trusts and combinations.

I confess to sharing in this feeling; and yet it seems to me we ought, if possible, to sufficiently free ourselves from prejudice to enable us coolly to weigh the considerations which, in formulating tariff legislation, ought to guide our treatment of sugar as a taxable article. While no tenderness should be entertained for trusts, and while I am decidedly opposed to granting them, under the guise of tariff taxation, any opportunity to further their peculiar methods, I suggest that we ought not to be driven away from the Democratic principle and policy which lead to the taxation of sugar by the fear, quite likely exaggerated, that in carrying out this principle and policy we may indirectly and inordinately encourage a combination of sugar refining interests. I know that in present conditions this is a delicate subject—

[Laughter on the Republican side]—

and I appreciate the depth and strength of the feeling which its treatment has aroused.

I do not believe we should do evil that good may come, but it seems to me that we should not forget that our aim is the completion of a tariff bill, and that in taxing sugar for proper purposes and within reasonable bounds, whatever else may be said of our action, we are in no danger of running counter to Democratic principle. With all there is at stake there must be

in the treatment of this article some ground upon which we are all willing to stand, where toleration and conciliation may be allowed to solve the problem without demanding the entire surrender of fixed and conscientious convictions.

I ought not to prolong this letter. If what I have written is unwelcome, I beg you to believe in my good intentions.

In the conclusions of the conference touching the numerous items which will be considered the people are not afraid that their interests will be neglected. They know that the general result, so far as these are concerned, will be to place home necessaries and comforts easier within their reach, and to insure better and surer compensation to those who toil.

We all know that a tariff covering all the varied interests and conditions of a country as vast as ours must of necessity be largely the result of honorable adjustment and compromise. I expect very few of us can say when our measure is perfected that all the features are entirely as we would prefer. You know how much I deprecated the incorporation in the proposed bill of the income-tax feature. In matters of this kind, however, which do not violate a fixed and recognized Democratic doctrine, we are willing to defer to the judgment of a majority of our Democratic brethren. I think there is a general agreement that this is party duty.

This is more palpably apparent when we realize that the business of our country timidly stands and watches for the result of our efforts to perfect tariff legislation, that a quick and certain return of prosperity waits upon a wise adjustment, and that a confiding people still trust in our hands their prosperity and well-being.

The Democracy of the land plead most earnestly for the speedy completion of the tariff legislation which their representatives have undertaken, but they demand not less earnestly that no stress of necessity shall tempt those they trust to the abandonment of Democratic principle.

Yours, very truly,

GROVER CLEVELAND.

Hon. WILLIAM L. WILSON.

[Prolonged applause on the Democratic side.]

Mr. WILSON of West Virginia. Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The gentleman from West Virginia has twenty-three minutes, which he reserves. The gentleman from Maine [Mr. REED] is recognized.

Mr. REED (who on rising to speak was greeted with loud applause on the Republican side). I take it for granted, Mr. Speaker, that the gentleman to whom the letter was addressed to which we have just listened has observed all the proprieties which gentlemen ordinarily observe with regard to their correspondence, and that a letter which is marked "personal" having been addressed to him, he has not been guilty in any way of making it public in this fashion without the express consent of the author. Hence we have here to-day the somewhat remarkable spectacle of a message sent by the President of the United States——

Mr. BRECKINRIDGE of Arkansas. Will the gentleman permit me to correct an error of fact?

Mr. REED. Surely.

Mr. BRECKINRIDGE of Arkansas. The gentleman from West Virginia stated that he made the letter public with the consent of the President given to him this morning.

Mr. REED. I took that for granted, and was proceeding upon that assumption.

We now understand, then, that the President has been pleased to address a communication to the House of Representatives through his faithful Committee of Ways and Means. This seems to be a just reciprocal action on his part; for the House will recollect that the Committee of Ways and Means communicated to this House its intention of having an income tax through the kindness of the President of the United States. [Applause on the Republican side.]

Whether this relationship thus intimate between a committee of this House and the President of the United States was contemplated by the Constitution of the United States or not is hardly worth the trouble of inquiry in the shape in which the matter now stands before the House. Least of all would anybody on this side find fault with the severe language which the President—the Democratic President—has seen fit to use about a Democratic Senate. [Laughter and applause on the Republican side.] Undoubtedly his personal intercourse with the members of that body and his official relations with them have enabled him to put vigorously all the strength of reproof which that letter contains. But the transaction as it stands to-day is between them and him. Far be it from us to interfere. If he has made a righteous charge, their characters are blackened; and if he has made a false charge, it is for them to see that justice is done to the truth of history. [Applause on the Republican side.]

We have no concern with it except as spectators. The public aspect of this affair, however, shows that the newspaper rumors have had all the truth that newspaper rumors ever have in regard to the relations between this committee of the House and the President of the United States; and it is shown very clearly that the committee has his directions to consent to a sufficient tax upon sugar in consideration of the fact that coal and iron ore shall be brought here free. In other words, in the great contest between the trust which manufactures the sugar of this country and which is a home corporation, and the great corporation which is to exploit the mines of Nova Scotia and enrich by $10,000,000 the set of men who are engaged in that enterprise, the President and a committee of this House take the side of the Boston corporation. [Laughter and applause on the Republican side.]

Which is best, let them decide. Which is most satisfactory to the people, let the country decide. It is a matter that does not concern us.

The gentleman from West Virginia was kind enough to compliment the Republican conferees in the Senate, and by inference to refrain from complimenting us, in stating the declaration that was made, he said, by the Republican conferees that the Democrats had better disagree. It is curious how two men, witnessing the same scene, put a different interpretation upon it.

To my mind the scene which occurred was only part and parcel of the statement which was made, that inasmuch as these gentlemen had called us in, not for the purpose of consultation, although that was their avowal, but for the purpose of removing the reproach which had been cast upon them by the greatest Democratic newspaper, which is the representative of the Democratic ideas of the day—the New York World—they should act as they had determined, of course our Republican conferees saw that we went there as a mere matter of form, and said: "If you have made up your minds to disagree, why not like men do so, and let us not waste our time upon immaterial matters." But under the influence of that editorial they wasted another day before they brought before the people of this country their resistless determination to make the Senate yield to their wishes.

But the gentleman from West Virginia, in the course of his remarks, has been pleased to observe that in their private meetings with the members of the conference board on their side—the three other Southern gentlemen and the Northern gentleman in somewhat ill health—they treated them in a tone almost of sadness in regard to their willingness to agree, but were held back by their "bad partners," the Jorkinses of the Senate. But, unfortunately, in this confessional mood, the gentleman from West Virginia did not permit himself to give particulars. He stated that the members of the Senate were "fettered," but he did not state to what the "fetters" attached them.

I hope when the conference committee next meet—the real conference committee, and not the Democratic politicians, seven Southern and one Northern—we shall have a diagram and printed aid to our memory, so that we may know exactly to what amendment each Senator is "fettered" and what the size of the "fetter" is. [Laughter and applause on the Republican side.]

The gentleman from West Virginia has pledged this House—amid the uproarious applause of the other side—has pledged this House of Representatives to stand out against the Senate, to break the fetters which bind these gentlemen to their present positions. I have no doubt that what the gentleman says is probably true, that the Southern gentlemen in the Senate met their Southern brethren with sadness. I have no doubt that sorrow filled their hearts, because there are many amendments of the Senate which it is fair to say are improvements on the House bill and in the direction of protection. The Senate bill is not what this country ought to have. It is not such a bill as would do justice to its industries; but the House bill was so bad, that almost any change in an upward direction was for the better.

But what was the trouble with these Southern gentlemen? These Southern gentlemen met with the interests and the industries of their Northern Democratic conferees—their fellow-Senators—and what is a tariff bill but one which relates to the interests and the industries of the country? When a distinguished Senator held out for collars and cuffs and the Democratic party in the Senate marched up to the full measure of protection on them, that Senator was acting not merely for his own interests, but for the interests of his constituency. And if it is, as stated, that he himself was in any way interested in business in that town—not of that kind—and that that business would lose its vigor and life on account of the destruction of the collar-and-cuff industry, he was representing his people, because this country and its prosperity are made up of its industries and its interests. [Applause on the Republican side.]

The gentleman from Ohio, in that moment of truth which sometimes comes from exhaustion of the intellect [laughter and applause on the Republican side]—I meant weariness, for I do not mean to be disrespectful—said that the Southern gentlemen who are running this matter for the House sacrificed their own interests, and notably in one instance the interests of their constituents, and the Democrats on the other side applauded the sentiment, showing that in spite of all they say they do recognize the fact that the taking off of the tariff is the sacrifice of interests and of industries.

No, Mr. Speaker; if they did sacrifice their own States, it was because they wanted to sacrifice us still worse. And they are engaged to-day in the process, so baleful to this nation, of endeavoring to bring the prosperity of the rest of the country down

to their level instead of doing what we are trying to do, to bring their prosperity up to the great level of ours. [Prolonged applause on the Republican side.]

We believe, not in the success of the North, but in the success of the whole country [applause on the Republican side], and we stand as ready to give the South the benefit of the laws of the land, which make higher wages for men and an increase of wealth for all, as freely and as readily as we give it to our own people. [Prolonged applause on the Republican side.]

I reserve the remainder of my time.

The SPEAKER. The question is on agreeing to the motion of the gentleman from West Virginia——

Mr. WILSON of West Virginia. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER of Alabama. Seventy million bread-earners—free American citizens, victims of vicious legislation—are to-day bowed on their knees to the American Congress, asking emancipation from the worst tax laws which ever disgraced the statute books of any country.

The beneficent legislation which we seek to enact is opposed by the few, who for thirty years have been the recipients of bounties levied upon the sweat and toil of American freemen.

I desire to express myself in favor of a most thorough and complete reform in the tariff laws of our country.

The gentleman from Maine, Mr. REED, has spoken of the sacrifices imposed upon Southern people by this bill.

Let me say to him that they have never asked for bounties at the expense of the people of other sections, and I stand here to-day firm in the conviction that they are not, that they never were, and that they never will be actuated by selfish or personal considerations. They have shown willingness to submit to a full share of sacrifice in this grand and commendable movement to lift burdens from the great mass of the people of our land—an effort to give them cheap clothing, cheap food, and all other necessaries for the maintenance of themselves and families.

A MEMBER on the Republican side. Cheap labor?

Mr. WHEELER of Alabama (continues). Any sacrifice necessary to add to the happiness of the people and the glory and prosperity of our country.

But we must never adjourn this body until a tariff-reform bill has been enacted into law. If not full and complete reform, then by all means as full and complete as can be attained under the conditions with which we find ourselves confronted. We must, as far as lies in our power, redeem our pledges to the people, and I feel I can, in the name of every Representative from the State of Alabama, say that we all pledge our voices and our votes to carry out the promises made to the people in the platform upon which we won victory in the election of 1892. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from West Virginia to insist upon the disagreement to the Senate amendments and ask a further conference on the disagreeing votes of the two Houses.

Mr. REED. I believe I have some time left, Mr. Speaker; I do not know that any gentleman desires to occupy it.

Mr. GROW. I would like to have a few minutes.

Mr. REED. I yield ten minutes to the gentleman from Pennsylvania [Mr GROW].

Mr. GROW. Mr. Speaker, in the entire history of the legislation of Congress up to this time all parties have been in favor of collecting the revenue necessary for the support of the Government in time of peace from duties on foreign imports. This Congress proposes a departure from this uniform and unbroken practice of more than a century. For the first time it is now proposed to raise only a part of the revenue necessary for the Government in time of peace from duties, and to seek for other sources of taxation from which to raise the deficiency. It is unnecessary to go outside of the imports in order to raise all the necessary revenue, for we have the proof under the operation of the McKinley tariff law itself that revenue enough can be raised for the Government in all of its peace expenditures without resorting to an income tax or any of the other taxes known and recognized as war taxes. For three years sugar and molasses have been on the free list, and the duties were so adjusted on foreign imports as to raise sufficient revenue for the Government.

Yet the present majority in control of Congress propose to depart from the old uniform practice, approved by all parties for more than a hundred years, and to so adjust duties in a tariff as to raise only a part of the necessary revenue from duties on the products of foreign labor and to resort to what is known as war taxes for the residue.

I shall not discuss any of the particular clauses of the bill or the differences between the two Houses.

I only wish to call the attention of the House to the fact that without disturbing reciprocity treaties, some fifteen or sixteen of which have been made with different nations to increase the markets for our agricultural and mechanical products, without violating good faith by the Government in its legislative promise of bounty to the sugar producers of this country, sufficient revenue could be raised by an adjustment of duties on foreign imports, as it has been done for the last three years, and has been done since the beginning of the Government except in time of war, without resorting to these outside sources of taxation in time of peace. With $850,000,000 in valuation at the point of shipment of foreign imports, this party has not shown thus far the ability to so adjust duties upon this vast importation as to raise the necessary revenue for the support of the Government.

Internal taxation pays the war debt and the pensions. When they are disposed of there will be no reason for resorting to anything but the duties on foreign imports to raise the necessary revenue for the Government. Why arrange a scale of tariff duties which will not raise within $75,000,000 or $80,000,000 of as much revenue on the same amount of importations as is raised under the McKinley tariff, and then propose to put from $40,000,000 to $50,000,000 on sugar to make up the deficiency, and in addition thereto an income tax, selecting forty or fifty thousand people out of the seventy millions in this country from whom you propose to collect this special tax?

There is no necessity for the adoption of this class legislation. Under the system that has had the approval of all parties for more than a century of taxing the consumption of the country, greater prosperity has come to all its industries than in any other previous period of its history. Its industries have grown from a valuation of $16,000,000,000 in 1860 to over $65,000,000,000 in 1890. Railroads have increased from 30,000 miles in 1860 to 176,000 miles in 1893. With this vast unprecedented expansion in national wealth, with all of its industries prosperous and successful, why disturb that state of things by resorting to a new method and new sources of taxation, never approved before by any political party except in time of war.

Two years ago, when labor was finding ready employment everywhere at wages greater than ever before, except during war, with every manufactured article selling for less than at any time heretofore, with money abundant in circulation, whether gold, silver, or paper, interchangeable one into the other, at such a time of prosperity, with that inherent disposition of human nature never to let well enough alone, the majority of voters sowed the wind, and the business of the country since has been waiting to see what the harvest shall be. [Applause on the Republican side.]

Mr. REED. Mr. Speaker, I desire to make a correction to the House. I inadvertently stated in my remarks an inference which I drew from hearing the President's letter read, which seems to me upon examination to be erroneous. The paper not being printed as usual as an executive document, I had no opportunity to examine it and consequently was liable to fall into that error.

It seems to me from a careful reading of the letter, so far as one can make a careful reading amid the confusion on the floor of this House, that the President has not taken the position which I supposed he had, of opposition to the sugar trust which his faithful friends had taken here, but he seems rather disposed to support both the trust and the Nova Scotia syndicate. I give him credit for that situation. I do not know whether we ought to parcel out that Executive communication to the Committee on Ways and Means and other committees to which it is appropriate or not. The governing authorities of the House will probably attend to that.

The SPEAKER. The question is on the motion of the gentleman from West Virginia [Mr. WILSON].

The motion was agreed to.

The SPEAKER announced as conferees on the part of the House, Mr. WILSON of West Virginia, Mr. MCMILLIN, Mr. TURNER of Georgia, Mr. MONTGOMERY, Mr. REED, Mr. BURROWS, and Mr. PAYNE.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CALL, Mr. BRICE, and Mr. MCMILLAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6108) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1895.

The message also announced that the Senate had passed with amendments the bill (H. R. 6171) to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 3978) for the relief of John M. Rice.

The message also announced that the Senate had passed the bill (S. 1591) to provide for the reservation, sale, and settlement of certain lands in several of the States and Territories; in which the concurrence of the House was requested.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 6424) to authorize Rear-Admiral John G. Walker and Surg. Gen. J. Rufus Tryon, of the United States Navy, to accept the decorations of the "Busto del Libertador" of the third class from the President of Venezuela;

A bill (H. R. 5525) authorizing John E. Johnson and others to accept medals of honor and diplomas from the Government of Spain;

A bill (H. R. 4734) to authorize the Secretary of State to accept for the United States of America a painting by G. F. Watts, Royal Academician, entitled "Love and Life;"

A bill (H. R. 3458) extending the time for final proof and payment on lands claimed under the public land laws of the United States;

A bill (H. R. 7498) to authorize the construction of a bridge across the Mississippi River from a point within the limits of the city of Dubuque, in the State of Iowa, known as Eagle Point, to the opposite bank of said river, in the county of Grant and State of Wisconsin;

A bill (H. R. 69) prescribing limitations of time for completion of title to certain lands disposed of under the act of Congress approved September 27, 1850, and the acts amendatory and supplemental thereto, and commonly known as the "donation act," and for the protection of purchasers and occupants on said land;

A bill (H. R. 4209) for the relief of the securities of John S. Bradford;

A bill (H. R. 7475) authorizing Commander C. H. Davis, United States Navy, to accept a decoration from the King of Spain;

A bill (S. 104) for the relief of Gen. Napoleon J. T. Dana;

A bill (S. 322) to place Dunbar R. Ransom on the retired list of the Army;

A bill (S. 1513) for the relief of Maj. Gen. George S. Greene;

A bill (S. 2208) authorizing the construction of a bridge over the Monongahela River at the foot of Main street, in the borough of Bellevernon, in the State of Pennsylvania;

A bill (S. 920) to pension Mary Brown, of Berlin, Vt.;

A bill (S. 1390) providing an additional circuit judge in the eighth judicial district; and

A bill (S. 307) granting a pension to Earnest C. Emerson.

Joint resolution (H. Res. 126) authorizing the President to appoint delegates to attend the meetings of the International Geodetic Association;

MUSCLE SHOALS CANAL.

The SPEAKER. The vote will now be taken on the bill which was before the House on yesterday afternoon. The Clerk will report the title of it.

The Clerk read as follows:

A bill (H. R. 5930) to appoint a commission to report and determine upon certain damages done to citizens of Lauderdale County, Ala., by the building of the Muscle Shoals Canal.

The SPEAKER. The previous question was ordered on the final passage of this bill, which brings it over for consideration to-day. The yeas and nays were ordered, and the vote was taken, and no quorum appeared; so that the question now is upon the final passage of the bill.

Mr. GROSVENOR. Perhaps not more than 25 per cent of the members of this House were present when that bill was considered. I ask that it be read.

The SPEAKER. It will be read again. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to appoint a commission of three officers of the Army to examine and report to the Secretary of War upon the amount of damages claimed and sustained by the following citizens of Lauderdale County, Ala., from the building of the Muscle Shoals Canal, to wit: Emmet O'Neal, William Douglass, Dr. J. A. Douglass, William and Lee Butler, Felix Jackson, Ben Davis, and J. M. Cunningham.

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent to reconsider the vote by which the yeas and nays were ordered.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the vote by which the yeas and nays were ordered on this bill may be reconsidered, so that the vote may be taken without the yeas and nays. Is there objection? [After a pause.] The Chair hears none. The question is, Shall this bill pass?

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. WHEELER of Alabama. Division.

The House divided; and there were—ayes 34, noes 81.

Mr. WHEELER of Alabama. Tellers.

Pending the count on the demand for tellers,

Mr. WHEELER of Alabama. I will make the point of no quorum.

The SPEAKER. That point the gentleman did not make. Twenty-four gentlemen have arisen in support of the demand for tellers; not a sufficient number.

Mr. WHEELER of Alabama. The other side, Mr. Speaker.

The SPEAKER. There is no other side on this question. It requires one-fifth of a quorum to order tellers. Twenty-four only have arisen, and it requires 36; so that tellers are not ordered; the noes have it, and the bill is lost.

NAVAL APPROPRIATION BILL.

Mr. CUMMINGS. Mr. Speaker, I desire to present the conference report on the naval appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6748) making appropriations for the naval service for the fiscal year ending June 30, 1895, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 18, 27, 28, 29, 36, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 9, 10, 11, 12, 13, 14, 16, 17, 21, 22, 23, 24, 25, 30, 31, 32, 33, and 35, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "That all officers who have been appointed to any corps of the Navy after service in a different branch of the Navy, shall have all the benefits of their previous service in the same manner as if said appointments were a reëntry into the Navy;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out lines 1, 2, 3, and 4, and down to and including the word "treatment," in line 5 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "Navy," insert the words "in his discretion;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For paying Justin McCarthy, contractor for building the dry dock at Port Royal, S. C., in full for loss and damage caused by the cyclone of August 27 and 28, 1893, as ascertained by the Navy Department, $18,521.42."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Dry dock at Algiers, La.: For the purpose of completing the purchase of additional lands necessary for the establishment of a dry dock at Algiers, La., cost of advertising, plans and specifications for said dry dock, and expenses of judicial proceedings instituted for the condemnation of such additional lands, $23,025.03."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with amendments as follows: In line 3 of said amendment, after the word "namely," insert the following: "For sealing all the walls to remove existing disease germs and for antiseptically finishing and painting them, removing rotten wooden floors and replacing them by tile with slate sidings impervious to moisture, scraping and painting all doors and woodwork, refitting windows so as to be utilized in ventilation, remodeling cased wooden stairways and renewing them with iron or other suitable material, $15,000; for construction of one ward of modern design of sufficient size and cubic air space to accommodate at least fifty sick and wounded men, to be one story high with suitable elevation and to be constructed of the same material used for present hospital, $25,000;" and in line 14 of said amendment strike out "forty-four" and insert "sixty-nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In line 8, page 24 of the bill, after the word "laboratory," insert the words "and department of instruction;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lines 1 and 2 of said amendment strike out the word "temporarily;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following as a separate paragraph:

"That every Member or Delegate of Congress whose district or Territory is now unrepresented at the Naval Academy by a cadet who is not an actual resident of the district shall be permitted on or before the 1st day of September, 1894, to recommend a candidate for appointment as a cadet at the Naval Academy, and the Secretary of the Navy shall nominate such candidate for appointment to the Academy, subject to qualifications now prescribed by law. Such cadets, when appointed, to be in addition to the number of cadets now allowed, and the sum of $5,500, or so much thereof as is necessary, is hereby appropriated for the additional number of cadets herein authorized."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"Construction and steam machinery: On account of the hulls and outfits of vessels and steam machinery of vessels heretofore or herein authorized, $5,955,025, and from this amount there shall be paid all speed premiums upon new naval vessels earned previous to January 1, 1894, and which remain unpaid at this date, the amount of such speed premium in each case being according to the official report in the trial of each vessel approved by the Secretary of the Navy.'

And the Senate agree to the same.

AMOS J. CUMMINGS,
J. A. GEISSENHAINER,
Managers on the part of the House.

A. P. GORMAN,
JOSEPH C. S. BLACKBURN,
EUGENE HALE
Managers on the part of the Senate.

Mr. CUMMINGS. I now send up the statement of the House conferees.

The statement is as follows:

Statement to accompany H. R. 6748, making appropriations for the naval service.

The undersigned conferees on the part of the House on the naval appropriation bill beg leave to state that the effect of the agreement reported, as the result of the conference as aforesaid, is as follows:

Amendment numbered 1 of the House is agreed to by the Senate conferees, with an amendment limiting the benefits to officers already appointed to any corps of the Navy after service in a different branch of the Navy.

2. House conferees agree to so much of Senate amendment numbered 2, which provides:

"That in order to fill vacancies that may exist in the grade of ensign in the Navy and in the grade of assistant engineer in the Navy, the Secretary of the Navy shall, in case the number of vacancies in either of such grades exceeds the number of naval cadets in the line division or in the engineer division of the class of naval cadets finally graduated in the year 1894, or in any one year thereafter, select a number equal to such excess from the final graduates of said class in the engineer division or in the line division, as the case may require, who shall be reported as proficient and be recommended thereto by the Academic Board, and such final graduates shall be appointed to fill vacancies in the grade of ensign in the Navy or in the grade of assistant engineer in the Navy, respectively, and the naval cadets so appointed to fill vacancies in such grades shall take rank in those respective grades next after the naval cadets appointed from the line division or from the engineer division, as the case may be, to fill vacancies in those grades, but among themselves according to merit as determined by the Academic Board."

3. The following Senate amendments, agreed to by the House conferees, are merely formal and do not involve appropriations or any important change of law, viz, Nos. 3, 6, 9, 12, 13, 14, 17, 30, 31, 32, and 33.

4. House conferees agree to Senate amendment No. 4 by adding a proviso making the purchase of "the Ousdan & Kolb letter engraving machines discretionary with the Secretary of the Navy."

5. The House conferees recede from disagreement to amendment No. 5, which appropriated $150,000 for modern battery for United States steamship Hartford.

6. Senate conferees recede from amendment No. 7, and House conferees agree in lieu therefor to the following:

"For paying Justin McCarthy, contractor, for building the dry dock at Port Royal, S. C., in full for loss and damage caused by the cyclone of August 27 and 28, 1893, as ascertained by the Navy Department, the sum of $18,521.42."

7. House conferees agree to Senate amendment No. 8 with an amendment appropriating an additional $1,000 for advertising and plans for dry dock at Algiers, La.

8. House conferees agree to amendment No. 10, appropriating $5,000 for gas plant at Naval Academy; and also to amendment No. 11, appropriating $3,000 to pave certain streets at Annapolis, Md., contiguous to the Academy.

9. Senate conferees recede from their amendment No. 15, providing for completion of hospital building at Brooklyn, N. Y., and agree that the appropriation under this head be increased to $60,000. House conferees agree to recede from their amendment No. 16.

10. Senate conferees recede from amendment No. 19 with an amendment transposing the words "and department of instruction."

11. House conferees agree to amendment No. 20, with an amendment striking out the word "temporarily." The effect of the amendment as agreed upon provides for the detail of an officer of the Pay Corps as assistant to the Chief of the Bureau of Supplies and Accounts.

12. House conferees agree to amendments Nos. 21 and 22, which respectively provide appropriations of $8,000 and $150,000 for repair of the United States steamships Constitution and Hartford.

13. The House conferees recede from their amendment No. 23, thereby reducing the appropriation of $100,000 which it was proposed to expend for new machinery, engines, and boilers for United States steamship Hartford.

13. Senate amendment No. 24, under "Pay of professors and others, Naval Academy," corrects the total and reduces the appropriation thereunder by $36; which is agreed to by the conferees of the House.

14. House conferees agree to amendment No. 25, which provides "that naval cadets shall have been at least two years immediately preceding the date of their appointment actual and bona fide residents of the district in which vacancy exists."

15. The Senate conferees recede from the amendment numbered 26 with an amendment striking out the word "August," and substituting therefor the word "September;" and also by striking out so much of the amendment as provides for the appointment of but one naval cadet from the State of South Dakota, at large, as was provided for in the said amendment.

16. Senate conferees recede from amendment No. 27, which is in words, as follows: "And for the expenses of clerks of the United States Marine Corps traveling under orders."

17. The Senate recedes from amendment No. 28, relating to the pay of the drum-major of the Marine Corps.

18. Senate conferees recede from their amendment No. 29, which struck out the words "or San Francisco, Cal."

19. The House conferees recede from amendment No. 34, with amendments, so as to make the paragraph read as follows:

"Construction and steam machinery: On account of the hulls and outfits of vessels and steam machinery of vessels heretofore and herein authorized, $5,955,025; and from this amount there shall be paid all speed premiums upon new naval vessels earned previous to January 1, 1894, and which remain unpaid at this date, the amount of such speed premium in each case being according to the official report in the trial of each vessel approved by the Secretary of the Navy."

20. The House conferees agree to the amendment of the Senate No. 35, which remits the time penalties on the dynamite-cruiser Vesuvius.

21. The Senate conferees recede from their amendments Nos. 36 and 37, which has the effect of reducing the appropriations $135,000.

In conclusion, your committee state that the total estimates for 1895 were $27,951,279.70; the amount in bill as it passed the House was $25,339,580.27, and the amount as it stands in the conference report is $25,192,090.72. This is a net reduction from the estimates of $2,759,188.98. The bill as agreed upon by the conferees carries $147,489.55 less than the House bill.

Respectfully submitted.

AMOS J. CUMMINGS,
J. A. GEISSENHAINER,
JONATHAN P. DOLLIVER,
Conferees on part of the House.

Mr. CUMMINGS. Now, Mr. Speaker, I ask that the House assent to the agreement of the conferees, with the exception of the paragraph in relation to the Vesuvius, about which there appears to be some difference of opinion.

The SPEAKER. The Chair did not understand the gentleman.

Mr. CUMMINGS. I ask assent to the agreement as reported by the conferees, with the exception of the paragraph relating to the Vesuvius.

The SPEAKER. You can not do that. If this is a complete agreement, the House must vote it up or down as a whole.

Mr. CUMMINGS. Mr. Speaker, gentlemen opposed to the paragraph concerning the Vesuvius have informed me that they wanted time for debate over that proposition. I would be glad to give them an hour if they desire it.

Mr. CANNON of Illinois. If the gentleman will allow me, when he was speaking about the Vesuvius, as I recollect it, the other day, the understanding was that there should be be no agreement in conference touching that amendment until the House had a chance to instruct or concur upon that amendment. Now, it comes in the report, and it must be adopted or voted down as a whole. If it is voted down as a whole then there can be a complete agreement upon every other item except the Vesuvius.

Mr. CUMMINGS. Then, Mr. Speaker, I ask a vote upon the report as a whole.

Mr. CANNON of Illinois. I desire, in justice to my colleague [Mr. HOPKINS], that his notice shall be called to this matter.

Mr. CUMMINGS. Upon that motion I demand the previous question.

Mr. CANNON of Illinois. I hope the gentleman will not do that.

Mr. CUMMINGS. You can try to vote it down.

Mr. CANNON of Illinois. I am quite sure, when the gentleman takes a second thought, with the conference report in this condition, that he will not cut off debate.

Mr. TALBOTT of Maryland. He just asked for an hour.

Mr. CUMMINGS. I do this for the purpose of getting the matter before the House. I demand the previous question on my motion.

Mr. CANNON of Illinois. I hope the gentleman will wait a minute until my colleague comes in.

Mr. GEISSENHAINER. The gentleman insists upon it being taken now.

Mr. CANNON of Illinois. Does the gentleman want an immediate vote upon this conference report?

Mr. CUMMINGS. You can vote it down.

Mr. GEISSENHAINER. You can reach it by voting down the report.

Mr. CANNON of Illinois. Does my friend propose to ask that the conference report be rejected, and go back to conference.

Mr. CUMMINGS. I want the conference report adopted.

Mr. CANNON of Illinois. Well, with this Vesuvius and all.

Mr. CUMMINGS. Yes.

Mr. CANNON of Illinois. Does my friend think it is good faith to the House to have brought in a complete agreement?

Mr. CUMMINGS. The rules force me to this. I am willing to give you all the time you want.

Mr. CANNON of Illinois. I am not trying to embarrass my friend in the adoption of the report.

Mr. CUMMINGS. Thank you.

Mr. CANNON of Illinois. But I want the gentleman to recollect what he is doing, and see if I understand. When this bill came up on disagreement to the Senate amendments, if I recollect properly, my colleague, now absent [Mr. HOPKINS], asked the gentleman whether or not the House would have an opportunity to act upon the Vesuvius amendment later on.

Mr. GEISSENHAINER. The chairman has said he desired to give you an opportunity, but the rules prevented it.

Mr. CANNON of Illinois. Oh, no; I beg your pardon. The gentleman from New York, in charge of the bill, if I recollect aright, said this——

Mr. CUMMINGS. I said that I could not be responsible for the action of a conference committee which had not been appointed, and the RECORD will bear me out in this statement.

I am perfectly willing to give you time for debate if there is a possibility of getting it. I told your colleague [Mr. HOPKINS of

Illinois] before the vote was taken on the tariff bill that this report would be called up immediately afterwards.

Now, Mr. Speaker, I want to say a word to the House. For the first time in forty years this bill comes from the conferees of both Houses with a reduction of $147,000 from the bill as it passed the House, and a reduction of $2,759,000 from the estimates as originally submitted. I am sorry that the rules do not give me an opportunity to offer the gentleman from Illinois debate upon the paragraph relating to the Vesuvius amendment. I am sorry that the rules compel me to the action which I have taken; but I do now ask a vote upon the conference report, and on that I demand the previous question.

Mr. KILGORE. How much did the bill carry when it left the House?

Mr. CUMMINGS. The bill carried when it left the House $25,339,580.27.

Mr. KILGORE. How much did the Senate add to it?

Mr. CUMMINGS. The increase in amounts made by conferees in Senate amendments was $237,546.45. The reductions made by the conferees in the amendments of the Senate amounted to $385,036. The total amount in the bill as agreed upon by the conferees is $25,192,090.72.

Mr. KILGORE. That is a little less than the bill stood as it passed the House.

Mr. CUMMINGS. One hundred and forty-seven thousand dollars less than when it passed the House.

Mr. PICKLER. What was the agreement in reference to the cadets at Annapolis? Was the provision in the bill agreed to, and was the time extended?

Mr. CUMMINGS. The Senate receded from its amendment and the cadets stand in the bill as they stood in the House, with the time for their appointment extended to September 1st.

Mr. CANNON of Illinois. I would be glad to have a moment, Mr. Speaker.

Mr. CUMMINGS. Reserving my right to the floor and to the previous question, I yield to the gentleman from Illinois.

Mr. CANNON of Illinois. I have in my hand the RECORD of the 17th of June, from which it appears that the gentleman from New York [Mr. CUMMINGS] asked nonconcurrence to the Senate amendments to the naval appropriation bill, when this took place:

Mr. HOPKINS of Illinois. I wish to inquire whether the amendment of the Senate, in which the gentleman moves to nonconcur, is the appropriation for the Vesuvius?

Mr. CUMMINGS. There is with the other amendments one containing an appropriation for the Vesuvius.

Mr. HOPKINS of Illinois. I would like to know something about the attitude of the committee on that matter. Gentlemen will remember that that was before the House in a separate bill, and was partly discussed. I understand the appropriation has been put on this naval appropriation bill as an amendment of the Senate.

I would like to have in some form that amendment brought before the House so that we can have a vote directly on the question as to whether the parties interested shall be reimbursed the sum of $50,000 that was taken from them by the Secretary of the Navy.

Mr. CUMMINGS. Thirty thousand, not fifty thousand. I can not speak, of course, for the conferees; they have not yet been appointed on the part of the House.

Mr. HOPKINS of Illinois. But of course you understand who they will be.

Mr. SAYERS. I would suggest, if the gentleman from New York will permit me, that it is usual when there is a particular amendment placed by the Senate on a bill which has been a subject of discussion in the House, that the conferees shall bring in such proposition in a shape so that it may receive the direct action of the House.

Mr. CUMMINGS. I wish to say to the gentleman that I shall endeavor to carry out the usual method of procedure in such cases.

Mr. HOPKINS of Illinois. That is all I ask. I desire that the question shall be brought before the House and an opportunity given for discussion, and the conferees can then be governed by the action of the House.

Now, Mr. Speaker, if I recollect about the Vesuvius amendment, it remits a penalty exacted from the contractor for not finishing in time a vessel that he had contracted to build. What its merits are I say frankly I do not know.

Mr. TALBOTT of Maryland. But the naval committees of the Senate and of the House do understand the merits.

Mr. CANNON of Illinois. One moment. I recollected what my colleague [Mr. HOPKINS] had said about it on the floor, and that is why I have called attention to what took place on that occasion. Now, in view of what was stated here and which I have just read from the RECORD, what would have been the proper course for this conference committee? If I had been upon it, or if the usual course as I understand it had been pursued, in the event that the Senate and the House conferees agreed upon the bill generally, the proper course to have pursued would have been to have agreed upon every item in the bill except the Vesuvius amendment.

Mr. CUMMINGS. The gentleman has had more experience on conference committees than I have had.

Mr. CANNON of Illinois. The proper course, I say, would have been to have agreed to every item in the bill except the Vesuvius amendment, thus closing up the bill by that agreement, and then to have reported to the House a disagreement as to that particular amendment. Then the House could have adopted the report of the conference committee and that amendment would have stood alone upon its merits, and a motion could have been made that the House recede from its disagreement to the Vesuvius amendment, and if that motion were adopted it would pass the bill.

But instead of pursuing that course, what have we here? Without any chance on the part of the House to pass on the merits of that Vesuvius amendment standing by itself, the committee comes in with a report closing up every amendment, including the Vesuvius amendment, and we must adopt or reject this conference report as a whole. In my judgment, if my colleague [Mr. HOPKINS] insists upon it, the proper thing for the gentleman from New York to do (and I suggest it to him) is to ask that the House reject this conference report, insist further upon its amendments, and send the bill back to conference; or, closing the matter up, except as to this one item, let the House act upon it separately, receding or insisting, as it may choose, or adopting whatever instructions on the subject it may desire. Otherwise, the pledge which has been given—and it seems to me what I have read amounts to notice that the House should have a chance to pass upon this amendment separately from any other—is not fulfilled.

My colleague from Illinois [Mr. HOPKINS] is now here; and I hope the gentleman from New York will yield to him.

Mr. HOPKINS of Illinois rose.

Mr. CUMMINGS. Mr. Speaker——

The SPEAKER. To whom does the gentleman from New York yield?

Mr. CUMMINGS. To the "gentleman from New York." [Laughter.]

Mr. Speaker, I want to say that the "gentleman from New York" has done all that he could do to carry out what the gentleman from Illinois says was an implied contract with his colleague [Mr. HOPKINS of Illinois]. The "gentleman from New York" had only one vote in the conference committee. This question of the Vesuvius has already been discussed four hours on this floor, and it ought to be thoroughly understood by members of the House.

The proposition to make this payment in the case of the Vesuvius was favorably and unanimously reported from the Committee on Naval Affairs. But if it were in my power now I would yield to the gentleman an hour, if he desired it, to discuss the question. The rules of the House, however, are imperative. The committee of conference has done its duty. It has reduced the appropriation in this bill from what it was when it passed the House by $147,000; and I submit that for its action the committee deserves the approval of the House.

Now, Mr. Speaker, I move the previous question on agreeing to the conference report.

Mr. CANNON of Illinois. Will the gentleman yield to me——

Mr. MALLORY. I have been waiting to ask a question.

Mr. CUMMINGS. The gentleman from Florida wishes to ask me a question, and I yield to him.

Mr. HOPKINS of Illinois. Will not the gentleman from New York give me a little time before he calls the previous question?

Mr. CUMMINGS. I gave time to your colleague, and he has answered for you.

Mr. HOPKINS of Illinois. You occupied considerable time yourself.

Mr. CUMMINGS. How much time does the gentleman want?

Mr. HOPKINS of Illinois. Ten minutes.

Mr. CANNON of Illinois. Mr. Speaker, I presume that this claim in reference to the Vesuvius is an honest claim. If it be so, the gentleman from New York can not afford in the light of this record to put it through in this way.

Mr. CUMMINGS. It was reported unanimously from the Committee on Naval Affairs and has been repeatedly reported from that committee. It is now reported from the conference committee. It is an honest claim, or I guarantee my word as a man it never would have come from the Committee on Naval Affairs.

Mr. HOPKINS of Illinois. Will the gentleman now give me ten minutes?

Mr. MALLORY. With regard to this appropriation for the Algiers dry dock, I wish to ask the gentleman from New York if that matter has ever been before the House?

Mr. CUMMINGS. It came before the House on the last naval appropriation bill.

Mr. MALLORY. And was stricken out?

Mr. CUMMINGS. No, it was accepted in an amendment offered in the Senate.

Mr. MALLORY. Accepted?

Mr. CUMMINGS. Yes, sir; it was carried through the last House.

Mr. MALLORY. How is it, then, that it comes up here again?

Mr. CUMMINGS. This is an increase in the appropriation to perfect the purchase of the land for the dock.

Mr. MALLORY. I know something about this dry dock business; and I think this is an absolute waste of money.

Mr. CUMMINGS. Mr. Speaker, I think it due to the gentleman from Illinois [Mr. HOPKINS] that I yield him ten minutes.

Mr. HOPKINS of Illinois. Mr. Speaker, I trust I may have the attention of members of the House during the brief time that is allowed me to discuss this subject. I supposed I had a definite, clear, explicit agreement with the gentleman from New York that when the conference report should be made time would be given to debate this Senate amendment and an opportunity allowed for a separate and distinct vote upon it.

Now, I have confidence enough in the integrity of the gentleman from New York to believe that if his individual views could have prevaled in the conference committee this agreement with me would have been carried out; and I accept in its fullest extent his remark that he was overruled, if that expression may be used here, by his colleagues on that conference when this amendment was agreed to.

Now, what I want to say to members of the House is this: if this report of the committee of conference be voted down, we shall then have an opportunity of having a reinvestigation of this Senate amendment, separate and distinct from all the other claims in the report of this committee. And I say from the investigation that I have given to the subject that if the report goes through in the manner it is now presented to the House, $39,000 of the money of the people of the United States will be filched from the Treasury and paid to parties who are not entitled to a dollar of it.

I am amazed, Mr. Speaker—I repeat I am amazed that the conferees on the part of the House, under the conditions in which this amendment is here presented, should have acceded to it. And I judge that the gentleman from Maryland, who was such a zealous advocate of this measure when it was pending in a separate bill, was one of the conferees on the part of the House.

Mr. TALBOTT of Maryland. I was not.

Mr. HOPKINS of Illinois. Well, the reason I made the statement was because of the zeal manifested by the gentleman to get action on this question without any opportunity to discuss it when the bill was reported to the House.

But I repeat, the facts of this matter will not bear investigation on the theory that this $39,000 shall be paid by the Government. This Pneumatic Dynamite Company was organized for the express purpose of manufacturing a vessel of this character, and came and procured a special act of Congress to authorize the construction.

Everything was granted to them in that legislation, precisely as they asked. They represented to the Government that they had a gun that would exceed in efficiency anything known in naval warfare, and under these representations they obtained an appropriation of $350,000 from the Government of the United States. They went on and constructed this vessel. What is the result? After the Government has paid out $350,000, minus the $39,000 withheld under the contract from them, this vessel and its guns have both proved perfect failures for the purposes for which they were originally constructed.

Why, Mr. Speaker, when the first report was made it was under conditions that looked as though it were corrupt. The vessel was to have a capacity of a certain number of knots an hour, and they simply tested it for six minutes and thirty-nine seconds in one direction in a calm sea, and seven minutes the other way and then reported to the Government of the United States that the contract has been complied with and obtained the money from the Treasury! From that day to this that vessel has never complied with the conditions of the contract. The pneumatic gun which was to work such wonders in naval ordnance is a perfect failure, and the Naval Committee of the House, during this session of Congress, has recommended that the Vesuvius be taken out of the list of war vessels, for which it was designed, and placed in the Navy as a torpedo boat.

A better torpedo boat can be constructed at from $90,000 to $100,000, and it seems to me that after losing the amount of money already paid, and after expending more than $100,000 in the way of experiment, the Government of the United States ought not now to pay back to these parties the $39,000 taken from them by a Republican Secretary of the Navy because they failed to comply with their contract. I say it looks as though there were something corrupt here. I can not understand how men can vote in favor of such a proposition.

Mr. CUMMINGS. Well, a Republican Secretary of the Navy, Mr. Tracey, said that the claim was a just one, but that he had no power under the contract to remit the penalty.

Mr. HOPKINS of Illinois. He had the right to do so, and could have remitted it if he believed it to be just; but he refused to do it because he did not regard the claim as a valid one.

Mr. TALBOTT of Maryland. The records do not bear out the gentleman's statement.

Mr. HOPKINS of Illinois. In place of paying the money over to these parties he took that amount from the appropriation and put it into the Treasury. And it is left now for a Democratic House and a Democratic Senate to take that $39,000 from the Treasury of the United States and pay it over to these parties after their utter failure to comply with the conditions of their contract. I hope and trust, Mr. Speaker, that this report will be voted down, and that the members of the House will have an opportunity to investigate the matter, and decide after that full investigation whether my position is correct or whether the views of these gentlemen who are seeking to filch from the Treasury this sum of money are correct.

Mr. CUMMINGS. Mr. Speaker, I have said before that this question has been discussed for four hours in this House. The morning hour of the Committee on Naval Affairs was lost in the discussion. The facts in regard to the Vesuvius are just as true coming from my lips as they would be in coming from the lips of the gentleman from Illinois.

The Vesuvius, under her contract, was to make a required rate of speed. She was to carry a gun specified in the contract. When the contractors came to build the vessel they thought that by making her a little longer and larger, and by increasing the size of the gun they would be enabled to furnish the Government with a better vessel than they had contracted for.

The reason why they were willing to do this at their own expense was because they thought if she was such a grand success as they imagined she would be, that they would get the contract for another vessel, the appropriation for which was already made by Congress, and thereby would be selected to build the sister ship. At their own expense then, at an expense of $80,000 paid out of the pockets of the contractors, beyond the contract price for the vessel, they built such a vessel, with the assent—with the willing consent—of the Secretary of the Navy. But in increasing the size of the vessel, and in making her nearly a knot more speedy than the contract called for, they did not deliver her within the time specified in the original contract.

Mr. HOPKINS of Illinois. But they were allowed time——

Mr. CUMMINGS (continuing). She would have been delivered within the contract time if she had not been altered with the consent of the Navy Department.

Mr. HOPKINS of Illinois. They asked for more time when they were going to increase the size of the vessel and the gun, and all the time was granted, so that no claim can be made on that ground.

Mr. CUMMINGS. No, sir; it was the extra qualities which they had given this ship which consumed the time not reckoned in the contract.

Mr. HOPKINS of Illinois. It has no "extra qualities." It is a failure.

Mr. CUMMINGS. Oh, no; the ship is a good ship. More than this, Secretary Tracy has acknowledged the justice of this claim, and said that the money would have been remitted if he thought he had it within his power to remit the penalty under the contract.

Mr. OUTHWAITE. Will the gentleman yield for a question?

Mr. CUMMINGS. Yes, with pleasure.

Mr. OUTHWAITE. The gentleman has mentioned a change in the construction. Was that authorized or consented to?

Mr. CUMMINGS. It was willingly authorized and consented to by the Government.

Mr. TALBOTT of Maryland. And the Secretary of the Navy admitted that the Government had sustained no damage by reason of the delay.

Mr. HOPKINS of Illinois. That change in the construction was asked for by the company for their own benefit, and was allowed at their request, and not at the request of the Government.

Mr. CUMMINGS. Mr. Speaker, I have only used ten minutes in reply to what has been said by the gentleman from Illinois, and I now demand the previous question and await the action of the House.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HOPKINS of Illinois. Division.

The House divided; and there were—ayes 73, noes 18.

Mr. HOPKINS of Illinois. Mr. Speaker, no quorum.

Mr. CUMMINGS. I demand the yeas and nays.

The yeas and nays were ordered.

The Speaker appointed as tellers Mr. CUMMINGS and Mr. HOPKINS of Illinois.

The question was taken; and there were—yeas 169, nays 42, answered "present" 4, not voting 136; as follows:

YEAS—169.

Adams, Pa.	Cummings,	Kem,	Richardson, Tenn.
Alderson,	Curtis, Kans.	Kribbs,	Robertson, La.
Alexander,	Curtis, N. Y.	Lockwood,	Russell, Conn.
Allen,	Dalzell,	Loud,	Sayers,
Arnold,	Daniels,	Lynch,	Schermerhorn,
Avery,	Davey,	Maddox,	Shell,
Bailey,	Davis,	Mahon,	Sickles,
Baker, Kans.	DeForest,	Marsh,	Smith,
Baldwin,	Dockery,	McAleer,	Somers,
Bartholdt,	Dolliver,	McCreary, Ky.	Sorg,
Bartlett,	Donovan,	McCulloch,	Sperry,
Barwig,	Durborow,	McDearmon,	Springer,
Bell, Tex.	English, Cal.	McDowell,	Stevens,
Berry,	English, N. J.	McEttrick,	Stockdale,
Bingham,	Epes,	McKaig,	Stone, C. W.
Black, Ga.	Erdman,	McKeighan,	Stone, W. A.
Black, Ill.	Everett,	Meredith,	Strait,
Bland,	Fielder,	Meyer,	Strong,
Boatner,	Forman,	Money,	Swanson,
Bowers, Cal.	Fyan,	Mutchler,	Sweet,
Bretz,	Geissenhainer,	Neill,	Talbert, S. C.
Brickner,	Gillet, N. Y.	Northway,	Talbott, Md.
Broderick,	Goldzier,	Ogden,	Tarsney,
Brookshire,	Graham,	O'Neil, Mass.	Taylor, Ind.
Brosius,	Gresham,	O'Neill, Mo.	Terry,
Bundy,	Grosvenor,	Outhwaite,	Tracey,
Bynum,	Hall, Minn.	Page,	Tucker,
Cadmus,	Hall, Mo.	Paschal,	Turner, Va.
Caminetti,	Hammond,	Patterson,	Updegraff,
Campbell,	Harmer,	Payne,	Wadsworth,
Cannon, Cal.	Harris,	Pearson,	Wanger,
Caruth,	Hartman,	Pendleton, Tex.	Warner,
Causey,	Hatch,	Pendleton, W. Va.	Waugh,
Clancy,	Heard,	Phillips,	Weadock,
Clark, Mo.	Heiner,	Pigott,	Wells,
Cockrell,	Henderson, N. C.	Post,	Wheeler, Ala.
Coffeen,	Hendrix,	Powers,	Williams, Miss.
Cogswell,	Hicks,	Price,	Wise,
Coombs,	Hopkins, Pa.	Quigg,	Wolverton,
Cooper, Fla.	Hulick,	Ray,	Wright, Pa.
Cooper, Ind.	Hurt,	Rayner,	
Cooper, Tex.	Ikler,	Reilly,	
Culberson,	Jones,	Reyburn,	

NAYS—42.

Boen,	Hainer,	Layton,	Perkins,
Branch,	Hepburn,	Lefever,	Reed,
Cannon, Ill.	Hermann,	Lucas,	Ritchie,
Capehart,	Hitt,	Mallory,	Taylor, Tenn.
Childs,	Holman,	Marshall,	Van Voorhis, Ohio
Cousins,	Hunter,	Marvin, N. Y.	Williams, Ill.
Crawford,	Hutcheson,	McCall,	Wilson, Ohio.
Ellis, Oregon	Johnson, N. Dak.	McCleary, Minn.	Woodard.
Fithian,	Kilgore,	McRae,	
Grady,	Lane,	Meiklejohn,	
Hager,	Latimer,	Mercer,	

ANSWERED "PRESENT"—4.

Bryan,	Cooper, Wis.	De Armond,	McLaurin.

NOT VOTING—136.

Abbott,	Dinsmore,	Johnson, Ohio	Russell, Ga.
Adams, Ky.	Doolittle,	Kiefer,	Ryan,
Aitken,	Draper,	Kyle,	Scranton,
Aldrich,	Dunn,	Lacey,	Settle,
Apsley,	Dunphy,	Lapham,	Shaw,
Babcock,	Edmunds,	Lawson,	Sherman,
Baker, N. H.	Ellis, Ky.	Lester,	Sibley,
Bankhead,	Enloe,	Linton,	Simpson,
Barnes,	Fletcher,	Livingston,	Sipe,
Belden,	Funk,	Loudenslager,	Snodgrass,
Bell, Colo.	Funston,	Magner,	Stallings,
Beltzhoover,	Gardner,	Maguire,	Stephenson,
Blair,	Gear,	Martin, Ind.	Stone, Ky.
Boutelle,	Geary,	McDannold,	Storer,
Bower, N. C.	Gillett, Mass.	McGann,	Straus,
Breckinridge, Ark.	Goodnight,	McMillin,	Tate,
Breckinridge, Ky.	Gorman,	McNagny,	Tawney,
Brown,	Griffin,	Milliken,	Thomas,
Bunn,	Grout,	Montgomery,	Turner, Ga.
Burnes,	Grow,	Moon,	Turpin,
Burrows,	Haines,	Morgan,	Tyler,
Cabaniss,	Hare,	Morse,	Van Voorhis, N. Y.
Catchings,	Harter,	Moses,	Walker,
Chickering,	Haugen,	Murray,	Washington,
Clarke, Ala.	Hayes,	Newlands,	Wever,
Cobb, Ala.	Henderson, Ill.	Oates,	Wheeler, Ill.
Cobb, Mo.	Henderson, Iowa	Paynter,	White,
Cockran,	Hines,	Pence,	Whiting,
Conn,	Hooker, Miss.	Pickler,	Wilson, Wash.
Cornish,	Hooker, N. Y.	Randall,	Wilson, W. Va.
Covert,	Hopkins, Ill.	Richards, Ohio	Wooomer,
Cox,	Houk,	Richardson, Mich.	Wright, Mass.
Crain,	Hudson,	Robbins,	
Denson,	Hull,	Robinson, Pa.	
Dingley,	Johnson, Ind.	Rusk,	

So the conference report was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.

Mr. OATES with Mr. MORSE.

Mr. PAYNTER with Mr. HAUGEN.

Mr. GOODNIGHT with Mr. ROBINSON of Pennsylvania.

Mr. MONTGOMERY with Mr. TAWNEY.

Mr. STONE of Kentucky with Mr. GEAR.

Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.

Mr. DINSMORE with Mr. DRAPER.

Mr. MCMILLIN with Mr. HOUK.

Mr. ENLOE with Mr. BOUTELLE.

Mr. COBB of Alabama with Mr. BABCOCK.

Mr. LAWSON with Mr. WHITE.

Mr. WHITING with Mr. GILLET of New York.

Mr. EDMUNDS with Mr. ALDRICH.

Mr. DENSON with Mr. RANDALL.

Mr. LIVINGSTON with Mr. STORER.

Mr. BURNES with Mr. ADAMS of Kentucky.

Mr. BANKHEAD with Mr. MILLIKEN.

Mr. CORNISH with Mr. HOOKER of New York.

Mr. CABANISS with Mr. LACEY.

Mr. ABBOT with Mr. MOON.

Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.

Mr. STALLINGS with Mr. SCRANTON.

Mr. TURPIN with Mr. GROUT.

Mr. HOOKER of Mississippi with Mr. CHICKERING.

Mr. MOSES with Mr. VAN VOORHIS of New York.

For this day:

Mr. COVERT with Mr. WEVER.

Mr. WILSON of West Virginia with Mr. DINGLEY.

Mr. CRAIN with Mr. SETTLE.

Mr. TURNER of Georgia with Mr. WALKER.

Mr. RUSSELL of Georgia with Mr. FUNK.

Mr. SIPE with Mr. LOUDENSLAGER.

Mr. GEARY with Mr. WILSON of Washington.

The result of the vote was then announced as above recorded.

On motion of Mr. CUMMINGS, a motion to reconsider the last vote was laid on the table.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WHEELER of Alabama. Mr. Speaker, I desire to present a conference report on the bill (H. R. 5994) making appropriations for the Military Academy for the fiscal year ending June 30, 1895, and for other purposes.

The SPEAKER. The Clerk will read the conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5994) "making appropriations for the Military Academy for the fiscal year ending June 30, 1895, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 24, and

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 19, 20, 21, 23, 25, 26, and 29, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$20;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with amendments, as follows: Strike out in line 6 of said amendments the words "made available," and insert in lieu thereof the word "reappropriated," and strike out in line 7, page 19, of the bill the following: "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$1,460;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed in said amendment insert "$4,000;" and the Senate agree to the same.

JOSEPH WHEELER,
JOSEPH H. OUTHWAITE,
W. W. BOWERS,
Managers on the part of the House.
CALVIN S. BRICE,
WILKINSON CALL,
Managers on the part of the Senate.

The report was concurred in.

Mr. WHEELER of Alabama. I send up the statement to accompany the conference report.

The Clerk read as follows:

The managers on the part of House on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5994) "making appropriations for the Military Academy for the fiscal year ending June 30, 1895," submit the following written statement in explanation of the effect of the action of the conferees as embodied in the conference report:

Amendment No. 1, as agreed to, provides that "hereafter no graduate of the Military Academy shall be assigned or detailed to serve at said Academy as a professor, instructor, or assistant to either within two years after his graduation, and so much of the act of June 30, 1882, as requires a longer service than two years for said assignments or details is hereby repealed."

This amendment was recommended by the Secretary of War, and does not increase expenses.

Amendment No. 2, as agreed to, simply corrects an addition, increasing a total $12.

Amendments Nos. 3, 4, and 5, as agreed to, increase the appropriation for pay of enlisted men from $280 to $560.

Amendment No. 6, as agreed to, provides "that any of the foregoing sums for the department of chemistry, mineralogy, and geology not expended for the purposes named, may be used in fittings of the laboratory of the new academic building." This amendment does not increase expenses.

Amendments Nos. 7, 8, 9, 10, 11, 12, 13, 14, 17½, 19, 20, 21, 23, 25, 26, and 29, as agreed to, strike out the words "to be immediately available." These words became unnecessary, as after July 1 the whole appropriation becomes "immediately available."

Amendment No. 14, as agreed to, also adds a total by incorporating these words, "in all, $350."

Amendment No. 15, as agreed to, appropriates $1,500 for water pipe, plumbing, repairs, etc., which is $500 less than was recommended by the Secretary of War.

Amendment No. 16, as agreed to, fixes the appropriation for contingencies for the Superintendent of the Academy at $1,000, the amount appropriated by the House, the Senate having receded from its amendment. This is $500 less than was recommended by the Secretary of War.

Amendment No. 17, as agreed to, strikes out the word "said," which does not affect the bill.

Amendment No. 18, as agreed to, provides that "the appropriation of $2,000 made by the act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1894, for asphalt road and walk in front of and around the new gymnasium, is hereby reappropriated for the construction of said road and walk of asphalt or other suitable material." This amendment does not increase the amount carried by the bill. The House agreed to the Senate amendment with an amendment.

Amendment No. 22, as agreed to, fixes the amount appropriated for new mangers and general repairs to interior of cavalry stables at $1,400. This is one thousand less than the Senate amendment, and one thousand less than the amount recommended by the Secretary of War.

Amendment No. 24, as agreed to, fixes the amount for "building a breast-high masonry wall on each side of the road from north gate to entrance of post cemetery," at $1,000. Senate receded from its amendment. The amount appropriated is $800 less than the Senate amendment, and $800 less than the amount recommended by the Secretary of War.

Amendment No. 27, as agreed to, fixes the amount appropriated for placing gas pipes and gas fixtures throughout the barracks of Company E, Battalion of Engineers, at $300, the Senate having receded from its amendment. This is $100 less than the Senate amendment and $100 less than the amount recommended by the Secretary of War.

Amendment No. 28, as agreed to, appropriates $4,000 for one steam road roller. This is $500 less than the Senate amendment and $500 less than the amount recommended by the Secretary of War.

The bill as it passed the House carried an appropriation of	$401,283.08
Which is less than any bill passed by Congress for the Military Academy since 1889.	
The Senate increased the bill	8,920.00
Making the total amount	410,203.08
The conference reduced the Senate amendments as follows:	
Pay of enlisted men cavalry detachment	280.00
Water pipe, plumbing, and repairs	500.00
Contingencies, Superintendent of Academy	500.00
New mangers and repairs to stables	1,000.00
Masonry wall from north gate to post cemetery	800.00
Placing gas pipes in barracks	100.00
Steam road roller	500.00
Total reduction	3,680.00
The net increase of the bill as agreed to in conference is	5,240.00
Which added to the House bill	401,283.08
Makes the total amount as agreed to and reported by the conferees	406,523.08

JOSEPH WHEELER,
JOSEPH H. OUTHWAITE,
W. W. BOWERS,
Managers on the part of the House.

Mr. OUTHWAITE. I ask the previous question on the adoption of the report.

Mr. MARSH. I want to take about a minute now.

Mr. OUTHWAITE. Let us have the previous question, and then I will yield to you as much time as you want.

Mr. MARSH. Mr. Speaker, I desire to ask my colleague on the committee——

Mr. OUTHWAITE. I desire the previous question, and then I will yield to the gentleman.

The previous question was ordered.

Mr. MARSH. Mr. Speaker, I desire to ask the gentleman from Alabama, in charge of this bill, what the effect of the first amendment is there which has been agreed to in conference.

Mr. WHEELER of Alabama. The law——

Mr. MARSH. I understand that under the existing law officers may be detailed to take professorships in the colleges of the country, but that an officer is first required under the existing law, before he can be detailed, to have rendered four years' service.

Mr. WHEELER of Alabama. No, you are mistaken. The law says the officers can not be detailed for duty at the Academy until they have been in the Army four years.

Mr. MARSH. That is the same thing.

Mr. SICKLES. No.

Mr. MARSH. Especially does it apply to West Point. I will accept the correction, if it is a correction. Now, that question, Mr. Speaker, was carefully and very thoroughly considered in the committee.

Mr. WHEELER of Alabama. And adopted in the committee.

Mr. MARSH. And now you ask us——

Mr. WHEELER of Alabama. And as I recall it was adopted unanimously.

Mr. MARSH. If it was adopted it was not adopted unanimously, for it was opposed by myself and the gentleman from Iowa [Mr. HULL] and others; and if it was adopted there, it was defeated in this House.

Mr. WHEELER of Alabama. No, it was not defeated; it went out on a point of order in this House.

Mr. MARSH. Then it was defeated.

Mr. SICKLES. It was ruled out.

Mr. MARSH. Now, Mr. Speaker, in consideration of what I have said, and in consideration of the fact that I believe there is good ground for compelling these graduates of West Point to serve for four years in the open field before they are allowed to be detailed as teachers at West Point, I hope that the gentleman will allow this House to have a separate vote upon that proposition.

Mr. WHEELER of Alabama. It would be impossible to do so under the rules. I regret that I could not comply with my friend's request.

Mr. MARSH. It can be done, Mr. Speaker, by unanimous consent. There is nothing that this House can not do by unanimous consent unless it be prohibited by the Constitution of the United States; and, in view of the fact that this legislation could not be adopted originally in this House upon an appropriation bill, and which could not be here to-day except by the action of the Senate in placing this amendment upon the bill, in contravention of the rules of this House, defying the rules of this House, I ask unanimous consent that this House may have a vote upon that proposition.

Mr. Speaker, I hold that a young gentleman just graduating from West Point is not the kind of man who should be placed in charge of the cadets who are there in that school. I hold that he ought to go out into the world, into active service; he ought to come in contact with men of the world and with the soldiers and officers of the world. He ought to have four years of schooling outside of the walls of that Academy before he should be detailed to teach the young men of this country who are there being educated.

Mr. SICKLES. That is right. I agree with you in that.

Mr. MARSH. It is not only necessary that a teacher should have a good academic education, but he should know something of the world, especially when he is detailed to teach in the greatest military school of the world the young men of this country in military affairs. I hope that a separate vote will be taken and allow this House to vote upon this proposition, a proposition which is forced here against the rules of the House and which could not come into an appropriation bill under our rules, but is stuck on at the other end of the Capitol, in absolute disregard of the rules of this House, which is the body which represents most closely the people of this country.

It is the body that furnishes the great mass of the scholars in that Military Academy. The members of this House are clothed, under the law, with the power and right to nominate the great bulk of the young men who are in that Academy; and I think that this House ought to reserve to itself the right to have some voice in determining what shall be the character of the teachers who are placed over those young men.

I know it has been said in support of this proposition, if not here elsewhere, that when one of these young men graduates and goes into the field and has four years of service there, he is thereby unfitted to teach the technical knowledge of that institution. Sir, I repudiate the idea that the graduates of West Point in four years of service in the field become unfitted for teaching. I think, on the contrary, that such service fits them to teach if they had the necessary academic knowledge before, for it enables them more intelligently to perform the duties of teachers. Now, all I ask is that this House, which has so great an interest in that school, shall have an opportunity to vote separately on this proposition.

Mr. WHEELER of Alabama. Mr. Speaker, it is because the House has such a great interest in this institution that we endeavored to have this bill so framed as to meet the needs of the Academy in the best possible manner. The gentleman is mistaken when he asserts that officers lose the ability to teach in the Academy by being out of it for four years.

Mr. MARSH. The statement I made was made with due consideration. It was claimed in the room of the Committee on Military Affairs that one of the objections to men serving four years before they became teachers was that in that time they would have lost the technical knowledge which would fit them for teaching.

Mr. WHEELER of Alabama. I think the gentleman is mis-

taken. I never heard that point made. The point made was this, that at the end of four years of service the best officers have generally built up reputations which cause them to be assigned to other important duties, so that the best men can not be obtained as teachers in the Academy. The gentleman speaks of the necessity of having officers mix with the world for four years before they are fitted to control cadets——

Mr. MARSH. I said to teach.

Mr. WHEELER of Alabama. Or to teach. The gentleman, when he made that point, must have forgotten that the discipline at West Point is largely maintained by the cadets themselves. They command the companies; they are the captains, lieutenants, sergeants, and corporals; upon them depends almost entirely the discipline of the corps, and to say that those gentlemen after two years of service are not fitted to teach, is certainly to contravene the experience of those who have had charge of the Academy. To show my friend the difficulty that has been experienced in getting proper officers for these duties, I will tell him that last year the superintendent had to apply for thirteen different details before he was able to get a suitable person to fill one of the positions at the Academy.

This bill only enlarges the field. It does not confine the detail to men of two years' studies, but simply provides that men of two years' studies shall not be excluded. I think this is a very important amendment. The House committee adopted it, but it went out on a point of order.

Mr. HULL. It was adopted by a very close vote and not, as the gentleman stated a few minutes ago, almost unanimously.

Mr. WHEELER of Alabama. I do not think the RECORD shows a close vote; I do not think it shows anything. But the Senate committee adopted it, the Senate passed it unanimously, the conferees agreed to it, and that, I think, ought to terminate the discussion of this question. I ask the adoption of the report.

Mr. MARSH. Mr. Speaker, I would like very much for this House to have a vote on that proposition, and inasmuch as unanimous consent can not be obtained, I know of no way by which this House can take control of this amendment, placed upon the bill by the Senate in defiance of the rules of this House—I know of no way by which the House can reach that amendment and express its opinion upon it except by voting down the proposition of the gentleman from Alabama. I hope, therefore, that the House will vote it down and thereby take this matter into its own hands for consideration.

The question being taken on agreeing to the conference report, the Speaker declared that the ayes seemed to have it.

Mr. MARSH. I ask for a division.

The House divided; and there were—ayes 100, noes 14.

Mr. MARSH. No quorum.

Mr. WHEELER of Alabama. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 16, answered "present" 12, not voting 166; as follows:

YEAS—157.

Adams, Pa.	Cooper, Ind.	Ikirt,	Price,
Alderson,	Cooper, Tex.	Izlar,	Quigg,
Aldrich,	Cousins,	Johnson, N. Dak.	Richards, Ohio
Alexander,	Cox,	Johnson, Ohio	Richardson, Tenn.
Arnold,	Crawford,	Jones,	Ritchie,
Bailey,	Culberson,	Kribbs,	Robbins,
Baker, Kans.	Curtis, Kans.	Lane,	Robertson, La.
Baldwin,	Dalzell,	Lapham,	Russell, Conn.
Barnes,	Daniels,	Latimer,	Sayers,
Bartlett,	Davey,	Layton,	Schermerhorn,
Barwig,	Davis,	Lester,	Sherman,
Berry,	De Armond,	Lockwood,	Sickles,
Bingham,	De Forest,	Lynch,	Stockdale,
Black, Ga.	Donovan,	Maddox,	Stone, C. W.
Black, Ill.	Doolittle,	Maguire,	Strait,
Boen,	Durborow,	Mahon,	Straus,
Bowers, Cal.	Ellis, Oregon	McCall,	Swanson,
Branch,	English, Cal.	McCleary, Minn.	Sweet,
Bretz,	English, N. J.	McCreary, Ky.	Talbert, S. C.
Brickner,	Epes,	McCulloch,	Tarsney,
Broderick,	Erdman,	McDearmon,	Tate,
Brookshire,	Everett,	McEttrick,	Taylor, Tenn.
Brosius,	Fielder,	McKaig,	Terry,
Bryan,	Fyan,	McKeighan,	Tracey,
Burrows,	Geary,	McNagny,	Tucker,
Bynum,	Goldzier,	McRae,	Updegraff,
Cadmus,	Grady,	Money,	Warner,
Caminetti,	Gresham,	Morgan,	Washington,
Campbell,	Griffin,	Northway,	Waugh,
Cannon, Cal.	Grosvenor,	O'Neil, Mass.	Wheeler, Ala.
Capehart,	Hainer,	Page,	Williams, Ill.
Catchings,	Haines,	Paschal,	Williams, Miss.
Causey,	Hall, Mo.	Patterson,	Wise,
Childs,	Hatch,	Payne,	Wolverton,
Clark, Mo.	Heard,	Pearson,	Woodard,
Cockrell,	Henderson, N. C.	Pendleton, Tex.	Wright, Mass.
Coffeen,	Hines,	Pendleton, W. Va.	Wright, Pa.
Conn,	Hitt,	Phillips,	
Coombs,	Hulick,	Pickler,	
Cooper, Fla.	Hunter,	Pigott,	

NAYS—16.

Baker, N. H.	Hull,	Marshall,	Stone, W. A.
Bundy,	Kilgore,	Meiklejohn,	Van Voorhis, Ohio
Hicks,	Lucas,	Mercer,	Wanger,
Hopkins, Ill.	Marsh,	Perkins,	Wilson, Ohio.

ANSWERED "PRESENT"—12.

Bartholdt,	Geissenhainer,	Kyle,	Outhwaite,
Dockery,	Johnson, Ind.	Loud,	Pence,
Enloe,	Kiefer,	Newlands,	Springer.

NOT VOTING—166.

Abbott,	Draper,	Kem,	Russell, Ga.
Adams, Ky.	Dunn,	Lacey,	Ryan.
Aitken,	Dunphy,	Lawson,	Scranton,
Allen,	Edmunds,	Lefever,	Settle,
Apsley,	Ellis, Ky.	Linton,	Shaw,
Avery,	Fithian,	Livingston,	Shell,
Babcock,	Fletcher,	Loudenslager,	Sibley,
Bankhead,	Forman,	Magner,	Simpson,
Belden,	Funk,	Mallory,	Sipe,
Bell, Colo.	Funston,	Martin, Ind.	Smith,
Bell, Tex.	Gardner,	Marvin, N. Y.	Snodgrass,
Beltzhoover,	Gear,	McAleer,	Somers,
Blair,	Gillet, N. Y.	McDannold,	Sorg,
Bland,	Gillett, Mass.	McDowell,	Sperry,
Boatner,	Goodnight,	McGann,	Stallings,
Boutelle,	Gorman,	McLaurin,	Stephenson,
Bower, N. C.	Graham,	McMillin,	Stevens,
Breckinridge, Ark.	Grout,	Meredith,	Stone, Ky.
Breckinridge, Ky.	Grow,	Meyer,	Storer,
Brown,	Hager,	Milliken,	Strong,
Bunn,	Hall, Minn.	Montgomery,	Talbott, Md.
Burnes,	Hammond,	Moon,	Tawney,
Cabaniss,	Hare,	Morse,	Taylor, Ind.
Cannon, Ill.	Harmer,	Moses,	Thomas,
Caruth,	Harris,	Murray,	Turner, Ga.
Chickering,	Harter,	Mutchler,	Turner, Va.
Clancy,	Hartman,	Neill,	Turpin,
Clarke, Ala.	Haugen,	Oates,	Tyler,
Cobb, Ala.	Hayes,	Ogden,	Van Voorhis, N. Y
Cobb, Mo.	Heiner,	O'Neill, Mo.	Wadsworth,
Cockran,	Henderson, Ill.	Paynter,	Walker,
Cogswell,	Henderson, Iowa	Post,	Weadock,
Cooper, Wis.	Hendrix,	Powers,	Wells,
Cornish,	Hepburn,	Randall,	Wever,
Covert,	Hermann,	Ray,	Wheeler, Ill.
Crain,	Holman,	Rayner,	White,
Cummings,	Hooker, Miss.	Reed,	Whiting,
Curtis, N. Y.	Hooker, N. Y.	Reilly,	Wilson, Wash.
Denson,	Hopkins, Pa.	Reyburn,	Wilson, W. Va.
Dingley,	Houk,	Richardson, Mich.	Woomer.
Dinsmore,	Hudson,	Robinson, Pa.	
Dolliver,	Hutcheson,	Rusk,	

So the conference report was agreed to.

The following additional pairs were announced:

For the rest of the day:

Mr. TALBOTT of Maryland, with Mr. WADSWORTH.

Mr. SNODGRASS with Mr. BELDEN.

Mr. KYLE. Mr. Speaker, when my name was called I was absent in attendance upon a meeting of a committee which was sitting by order of the House. I desire to vote.

The SPEAKER. The Chair can not entertain the request.

Mr. KYLE. Then I wish to be recorded as present, as I was in the House before the roll call was concluded.

The SPEAKER. The gentleman will be so recorded.

Mr. BRICKNER. My colleague, Mr. SOMERS, was taken ill, and was obliged to go to his room. I ask that he be excused.

There being no objection, Mr. SOMERS was excused.

Mr. PENCE. I believe I was not present when my name was called; but I was here during the roll call and I wish to be recorded as present.

Mr. GEISSENHAINER. When my name was called I was absent in attendance upon the meeting of the Committee on Immigration and Naturalization. But I desire to be recorded as present.

Mr. DOCKERY. When my name was reached on the roll call I was absent on official business. I wish to be noted as present.

The result of the vote was announced as above stated.

On motion of Mr. WHEELER of Alabama, a motion to reconsider the last vote was laid on the table.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. McCREARY of Kentucky submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6108) "making appropriation for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1895, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 7, 9, 14, 17, 19, 20, 21, 22, 23, 24, 25, 26, 32, 38, 39, 40, 41, 42, 48, and 52.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 8, 11, 12, 13, 16, 28, 29, 30, 31, 33, 34, 35, 36, 37, 43, 44, 45, 46, 47, 50, 51, 53, 54, 55, 57, 58, 59, 60, 61, 62, 63, 64, 65, and 67, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert "$330,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$54,275;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$304,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Belize (British Honduras);" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment, and in lines 16 and 17, page 20 of the bill, strike out the words "eight hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$94,730;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"Commercial Bureau of American Republics, $10,000: *Provided*, That any moneys received from sale of the Bureau publications, from rents or other sources, may be paid into the Treasury as a credit in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the Bureau."

And the Senate agree to the same.

JAMES B. McCREARY,
ROBERT R. HITT,
Managers on the part of the House.
JO. C. S. BLACKBURN,
CALVIN S. BRICE,
EUGENE HALE,
Managers on the part of the Senate.

The report was concurred in.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the diplomatic and consular appropriation bill, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report on the amendments of the Senate, namely:

On amendments numbered 1, 2, 3, 4, 5, and 6: Fixes the salary of the minister to Belgium at $10,000, as proposed by the Senate, instead of $7,500, as proposed by the House, and the salary of the minister to Switzerland at $6,500, as proposed by the House, instead of $7,500, as proposed by the Senate.

On amendment numbered 7: Provides for a secretary of legation and consul-general to Honolulu at $4,000, as proposed by the House.

On amendment numbered 8: Provides for a secretary of legation to Nicaragua, Costa Rica, and Salvador, at $1,800, as proposed by the Senate.

On amendments numbered 9 and 10: Strikes out the provision proposed by the Senate for a stenographer and typewriter for the ambassadors at London, Paris, and Berlin at $1,500 each.

On amendments numbered 11, 12, 13, 14, and 15: Provides for interpreters to China and Turkey at $3,000 each, as proposed by the Senate, instead of $2,000, as proposed by the House, and for an interpreter to Japan at $2,500, as proposed by the Senate, instead of $2,000, as proposed by the House, and for an interpreter to Corea at $500, as proposed by the House, instead of $1,000, as proposed by the Senate.

On amendment numbered 16: Appropriates $105,000, as proposed by the Senate, instead of $100,000, as proposed by the House, for contingent expenses of foreign missions.

On amendment numbered 17: Strikes out the provision appropriating $5,000, proposed by the Senate, to purchase of Mr. John H. Haswell certain manuscripts.

On amendment numbered 18: Appropriates $25,000 instead of $20,000, as proposed by the House, and $30,000, as proposed by the Senate, for printing reports, maps, etc., of the preliminary survey of an intercontinental railway.

On amendments numbered 19, 20, 21, 22, 23, 24, 25, and 26: Makes provision for the salaries of the several consuls-general, as proposed by the House, instead of as proposed by the Senate.

On amendments numbered 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, and 49, concerning the salaries of consuls, vice-consuls, and commercial agents: Appropriates $3,000 for the consul at Nuremberg, as proposed by the Senate, instead of $2,500, as proposed by the House; $2,500 for the consul at St. Thomas instead of $1,500, as proposed by the House; $2,000 for the consul at Cologne, as proposed by the House, instead of $2,500, as proposed by the Senate; $2,500 for the consul at Jerusalem, as proposed by the Senate, instead of $2,000, as proposed by the House; $2,000 each for the consuls at Bahia and Para, as proposed by the Senate, instead of $1,500, as proposed by the House; $1,500 for the consul at Belize, British Honduras, instead of $2,000, as proposed by the Senate; $2,000 each for the consuls at Bermuda and Auckland, as proposed by the House, instead of $1,500, as proposed by the Senate; and restores the appropriation of $2,000 proposed by the House and stricken out by the Senate for the salary and expenses of a commercial agency at Boma, in the Lower Kongo Basin.

On amendments numbered 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, and 66: Appropriates in the aggregate $94,730, instead of $91,850, as proposed by the House, and $96,530 as proposed by the Senate, for allowance for clerk hire at the several consulates.

On amendment numbered 67: Appropriates $150,000, as proposed by the Senate instead of $150,000, as proposed by the House, for contingent expenses of consulates.

On amendment numbered 68: Appropriates $10,000, as proposed by the House, instead of $20,000, as proposed by the Senate, for the Commercial Bureau of American Republics.

The bill as finally agreed upon appropriates $1,563,918.76, being $6,473.76 more than the appropriations for the current fiscal year, $27,300 less than the bill as it passed the Senate, and $52,180 more than the bill as it passed the House.

JAMES B. McCREARY,
ROBERT R. HITT,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the report of the committee of conference.

Mr. REED. I should like to inquire about some of these increases and the reasons that were given for them in conference. For instance, the salary of the minister to Belgium seems to have been increased about $2,500.

Mr. McCREARY of Kentucky. Yes, sir.

Mr. REED. As the country is somewhat poorer than it was last year, I should like to know why the chairman of the House committee consented to yield on this point. I hope he will state the reasons which seemed to him powerful enough to justify this increase.

Mr. McCREARY of Kentucky. Mr. Speaker, the Senate amended the bill by increasing the salary of the minister at Belgium from $7,500 to $10,000. The committee believed it was proper to do this in order to put Belgium on an equality with Peru, Chile, Turkey, and Colombia. Our ministers to those countries receive $10,000 each. At Brussels the expense of living is as high as it is at almost any other place in Europe.

If we are to have a minister at Brussels, it was believed by the committee that he should be paid $10,000. The position is an important one. All of the great nations of the world have ministers at Brussels, and it was deemed proper not to abolish the Belgian mission. Our commercial relations with Belgium have improved very much in the last few years, and a great international exposition is being held this year in Belgium, where costly and important exhibits are being made by citizens of the United States. Our Government has been the recipient recently of special courtesies from Belgium. When our country was hunting a place at which to hold the International Monetary Conference an invitation was extended to the President of the United States by the Belgian Government to hold the conference at Brussels, and there have been two other international conferences held there.

It was believed by the committee that if we are to continue to have a minister at Brussels, we should pay him a salary sufficient to enable him to live as comfortably there as at his home in the United States. Therefore the Belgian mission was raised to the same rank with Peru, Chile, Turkey, and Colombia, these being missions of the third class.

Mr. REED. I presume the expediency of lowering the salaries paid to our ministers to Turkey, Peru, and those other nations was not suggested; nor was the poverty of our country at the present time.

Mr. McCREARY of Kentucky. No such proposition could have been considered, as the gentleman well knows, in a committee of conference, because there was no disagreement as to the salaries of ministers to the countries named.

Mr. REED. Who is the gentleman who now occupies the position as our minister at Brussels?

Mr. McCREARY of Kentucky. Mr. Ewing, of Illinois.

Mr. REED. From what part of Illinois does he come?

Mr. McCREARY of Kentucky. I do not know.

Mr. REED. From Bloomington?

Mr. MARSH. He comes from Bloomington, Ill.

Mr. HOPKINS of Illinois. He is the cousin and the law partner of the Vice-President.

Mr. REED. I do not regard the fact that he is the law partner of the Vice-President as one which should disqualify him for receiving the increase which would naturally result from the courteous treatment received by our representatives in the monetary conference at Brussels. [Laughter.] That is a perfectly natural thing. I only want to get at the facts.

Mr. McCREARY of Kentucky. I would like to say to the gentleman from Maine, in response to his suggestion, that the amount appropriated in the diplomatic and consular appropriation bill in the first session of the Fifty-first Congress, when he was Speaker, was $1,710,815, and that the amount appropriated by the pending bill is $1,563,000, or $147,000 less. Further, let me state that the amount of the diplomatic and consular appropriation bill passed at the first session of the Fifty-second Congress was $1,684,500, and that the present appropriation bill is $41,000 less than that.

Mr. REED. Where is the gain?

Mr. McCREARY of Kentucky. This bill appropriates less than the appropriation bills of the years just named.

Mr. REED. But where do we make the gain on the business?

A MEMBER. On a deficiency bill, perhaps.

Mr. REED. Is it to be made on a deficiency bill that is to be introduced hereafter, as suggested by a Democratic gentleman whom I will not mention? [Laughter.]

Mr. McCREARY of Kentucky. Mr. Speaker, I move the adoption of the report.

Mr. REED. I hope the gentleman is going to answer my question.

Mr. McCREARY of Kentucky. I thought I had answered it.

Mr. REED. I wish to know where we make the gain of $41,

000; whether it is for a deficiency bill in the future or whether it is in practical business a real, substantial gain?

Mr. McCREARY of Kentucky. It is a real, substantial gain.

Mr. REED. Then in what way do we gain it?

Mr. McCREARY of Kentucky. It will not be necessary, I think, to have any deficiency bill for the benefit of our foreign service.

Mr. REED. But how about the gain of $41,000? How do we get that?

Mr. McCREARY of Kentucky. Because certain appropriations made in the Congresses referred to are not made here.

Mr. REED. For instance, what appropriations?

Mr. McCREARY of Kentucky. Well, there are quite a number of items.

Mr. REED. What are they, if the gentleman will kindly give the items?

Mr. McCREARY of Kentucky. I am not able to give them all.

Mr. REED. Well, the main body of them would be grateful to me.

Mr. McCREARY of Kentucky. The amount appropriated for the preliminary survey of the intercontinental railroad is one.

Mr. REED. That is, we stop that job?

Mr. McCREARY of Kentucky. That is not in this bill.

Mr. REED. How much do we make on that?

Mr. McCREARY of Kentucky. I believe $65,000.

Mr. REED. Well, that is a very good slice.

Mr. McCREARY of Kentucky. We save that amount by not appropriating for that purpose.

Mr. REED. In other words, we make $65,000, but do not get but $41,000. Is that the condition?

Mr. McCREARY of Kentucky. The amount of the bill is that much less than the amount carried in the preceding bill.

Mr. REED. Then how about the minister to Switzerland? Is there an increase there?

Mr. McCREARY of Kentucky. The salary of the minister to Switzerland, under the Revised Statutes of the United States, is fixed at $7,500 a year. That salary was paid to him for a number of years, but it has been reduced, so that under the present bill he gets only $6,500.

Mr. REED. That is, you dock him $1,000.

Mr. McCREARY of Kentucky. No, we do not do that; but the Senate allows the same amount that the House allowed in the appropriation bill, $6,500.

Mr. REED. Did not the Senate demand a thousand more for him?

Mr. McCREARY of Kentucky. Yes, sir; but the House did not concur.

Mr. REED. Who is the minister to Switzerland under this Administration?

Mr. McCREARY of Kentucky. Mr. Broadhead.

Mr. REED. From St. Louis?

Mr. McCREARY of Kentucky. Yes; I believe from St. Louis.

Mr. REED. Is that the gentleman who used to be a member of this body?

Mr. McCREARY of Kentucky. I think so.

Mr. REED. It is a great pity he could not have received the same consideration that he would have received if he had gone to Brussels. Has there not been an increase in the cost of living there?

Mr. McCREARY of Kentucky. Living is not so expensive in Switzerland as in Brussels.

Mr. REED. And there were no "conferences" there? [Laughter.]

Mr. McCREARY of Kentucky. No.

Mr. REED. Now, I must say it does seem to me the committee on conference in this regard have failed to do their duty either one way or the other. I am quite certain that Mr. Broadhead is as good a man as the Illinois man, the executive partner, and I do not think we ought to discriminate against one in favor of the other. Nor does it seem to me that we have really made any money out of the transaction. We have abandoned the international project, which was to take railroads down through the Central American States, and got $65,000 out of that, according to the statement of the gentleman from Kentucky. That ought to be "a dead open-and-shut game." But instead of that amount, $20,000 or more of it has been spent in the return of courtesies which were rendered by the Brussels people on the occasions mentioned by the gentleman from Kentucky.

Now I can not quite understand the logical connection between the courteous action of the Brussels Government and our giving our minister more money. There does not, somehow or other, seem to be any logical connection between those two things, and I was in hopes that the gentleman from Kentucky [Mr. McCREARY] would make that a little plainer. But perhaps he has made it plain enough to enable his Democratic brethren to pass the bill. Only I want to say here and now that it is perfectly evident that we are $24,000 more extravagant than the wicked persons who preceded us; and $24,000 with a ruined country is a good deal. We are $24,000 worse than the most extravagant Congress except one—the Congress which immediately followed it; $24,000 worse than that Congress, and Democrats are proposing to pass that bill and to do so without a single—I will not say without a single whimper, because I have noticed on the countenances of Democrats in front of me a sort of approval of my idea, although they failed to approve of my action.

Mr. COOMBS. I should like to ask the gentleman from Maine [Mr. REED] a question.

Mr. REED. I was in hopes the gentleman from Brooklyn would appear, because I was quite sure that the Democratic defense would not be complete without him. [Laughter.]

Mr. COOMBS. I shall not attempt to match the gentleman's kind of wit, but I want to ask him this question: Does he not think it is important that as American commerce extends its field abroad we should be better represented, and that we should spend more money in our representation? I ask that in all candor.

Mr. REED. I am going to answer it in perfect courtesy. I can only say that this salary seems to be anticipatory of the commerce which is going to occur. Perhaps on the gentleman's principle it might be well enough to wait until the commerce had happened. The Democratic party is hopeful always, on impossible subjects. It is always hopeful about the increase of our foreign commerce. It never seems to be quite hopeful of the increase of our internal commerce, but curiously enough the foreign commerce does not seem in the Democratic mind to bear any relation to the increase of internal commerce.

Now, I can not see the slightest connection between the minister at Brussels and the commerce of the United States. Yet if the gentleman from New York [Mr. COOMBS] does, I will say frankly to him that this increase does not trouble me. What I say about it is that logically it ought to trouble the Democratic brother, and I am awaiting some expression on his part, after this exposition of this increase has been made, at a time when we were bound to be the most economical. The only reason or suggestion yet offered is by the gentleman from New York [Mr. COOMBS], who says that it ought to be done on account of a commerce which has not yet occurred.

Mr. COOMBS. I did not say that.

Mr. REED. Well, I add that.

Mr. COOMBS. Our remarks are addressed from different standpoints. The gentleman from Maine made the remark that the total of the bill had increased, after deducting that $65,000 for an intercontinental railroad survey. I point out the fact that within the last two years our commerce to all South American and Central American ports has increased enormously.

Several MEMBERS on the Republican side. Under reciprocity.

Mr. REED. That seems to be the result of reciprocity, as gentlemen around me remark.

Mr. COOMBS. Do you honestly believe that the consular service of the Government should be crippled by too much economy?

Mr. REED. The gentleman is a little superfluous in his question when he asks me if I "honestly" believe. Whenever I believe, I always do it honestly, and I beg to say that I am in accord with him in the increase of the consular service, and as he is a little outside of the Democratic party in that respect, my remarks were not at all addressed to him. But I was referring to some of the gentlemen whom I see in front of me, who are so strongly in favor of economy and do not pay any attention to the considerations so ably urged by the gentleman from New York, either upon this or any other commercial question. [Laughter.] I was not addressing my remarks to him. He and I are in accord on these points; but I am referring to those persons from the interior regions who do not fully understand the necessities of the case and whose emotions are not world-wide.

Mr. COOMBS. In answer to the remarks of the gentleman, I fully understand the necessity of making all kinds of political capital out of this that you can, even although you have to pick up little shreds here and there; but I do not believe you want to record yourself as being in favor of too much economy in expenditures for the consular service.

Mr. REED. Did you ever know me to record myself in favor of anything Democratic, speaking in a party sense? Why, you are revolting against your party! [Laughter.]

I am only pointing out to your party how inconsistent it is to increase the salary of the minister to Brussels as compared with their pledges of economy. That is all. I do not think, after the gentleman from New York has examined the matter, that he will desire to interfere. I simply want to see if this Democratic

House wants to vote this increased expenditure without any good reason.

Mr. McCREARY of Kentucky. I move the previous question on the adoption of the report.

The previous question was ordered, and under the operation thereof the report of the committee of conference was agreed to.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the vote by which the report of the committee of conference was agreed to was laid on the table.

ORDER OF BUSINESS.

Mr. CATCHINGS. Mr. Speaker, I desire to submit a report from the Committee on Rules.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of House Resolution No. 20; that on Friday, the 20th instant, after the second morning hour, the consideration of said resolution shall be resumed, and at the hour of 4 o'clock the previous question shall be considered as ordered on the amendments, if any, and the final passage of the bill, and the vote shall then be taken without any delay.

That Saturday, the 21st instant, after the second morning hour, it shall proceed to the consideration of House bill 3249; that at the hour of 4 p. m. the previous question shall be considered as ordered on the amendments, if any, and on the bill to its final passage; and the vote shall then be taken without delay.

This order not to interfere with conference reports, or revenue bills, or general appropriation bills.

Mr. CATCHINGS. I demand the previous question.

Mr. BURROWS. I desire to inquire what bills they are, as they are referred to only by number.

Mr. CATCHINGS. The bill which is to be considered to-morrow is one reported from the Committee on Elections of President and Vice-President and Representatives in Congress, which looks to a constitutional amendment so as to have Senators elected by the people.

Now the next, for Saturday, is a bill reported from the Committee on the Judiciary, providing that all postal clerks who were dismissed from the Railway Mail Service between the 15th day of March and the 1st day of May, 1889, shall be eligible to appointment.

Mr. PAYNE. Does not the gentleman think that is a great deal of time for the discussion of that amendment in connection with the election of Senators?

Mr. HOPKINS of Illinois. A parliamentary inquiry, Mr. Speaker. This last bill, reported from the Committee on the Judiciary, is a bill that under the rules of the House should go to the Committee on Reform in the Civil Service. I would like to know if this resolution is adopted if it prohibits the question of consideration being raised. I desire to make the point of order against this bill that the Committee on the Judiciary has no jurisdiction over it, and to state that there is a bill now pending before the Committee on Reform in the Civil Service embodying the same question.

The SPEAKER. It does not occur to the Chair that that question could arise now.

Mr. HOPKINS of Illinois. The reason why I ask that question now is the day is being set for consideration; and if I do not raise the point now will I not be precluded from raising it hereafter?

The SPEAKER. The gentleman will recollect that this is a public bill and not a private bill. A committee may get jurisdiction of a public bill, if not a bill providing for a claim, by reference; and even if it be an erroneous reference, yet, when the committee acts upon it and makes a report, there is no way of undoing that work in the case of a public bill, and that is because a private bill is referred by the member and not by the Speaker.

Mr. HOPKINS of Illinois. If this resolution is adopted, will I have the parliamentary right to raise the question of consideration on that bill?

The SPEAKER. Does the gentleman mean as to the right of the committee to report?

Mr. HOPKINS of Illinois. I mean if this resolution now reported from the Committee on Rules is adopted on Saturday when this bill is taken up, will I have the parliamentary privilege of raising the question of consideration, or any member who seeks to raise that question?

The SPEAKER. If the bill is made a special order the Chair does not think the gentleman would have that right. Without having looked up the precedents on the subject, it seems if the order be adopted it would provide that it should be considered at that time.

Mr. CATCHINGS. I demand the previous question.

The previous question was ordered.

Mr. REED. I desire to say a word about the resolution.

The SPEAKER. But the matter has been debated before the previous question was ordered.

The resolution was agreed to.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (H. Res. 20) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the Legislatures of three-fourths of the States.

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, at large, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

"The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the Legislature thereof.

"When vacancies happen in the representation of any State in the Senate the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the Legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the Legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Mr. TUCKER. I do not desire to occupy the time of the House in any discussion of this measure. Two years ago I discussed it as fully as I know how. I have had the resolution read. It is identically in the same words as the resolution which passed the House two years ago without a division. With this statement, and reserving my time, I yield the floor to the gentleman from Missouri, Mr. DE ARMOND.

The SPEAKER. If the gentleman from Virginia reserves his time, the Chair will now recognize some gentleman in opposition to the joint resolution, if any one desires recognition.

Mr. TUCKER. I suggest, then, that the gentleman from Ohio, Mr. NORTHWAY, be now recognized.

Mr. NORTHWAY. I should prefer to be recognized later.

The SPEAKER. Then the Chair will recognize the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, as has already been stated to the House, the joint resolution now pending is a copy of one which was reported from the same committee in the last House, and adopted by that body. That resolution, having passed the House, went to the Senate, since which time nothing has been heard from it.

In the formation of the Constitution, Mr. Speaker, while the general design was to establish a government by the people, to recognize the fundamental principle that the people themselves are the source of all power, and that all just government emanates from them, the framers of our Constitution, with monarchies all about them, naturally retained some features of a monarchical character, which we believe have been shown by the lapse of time and by experience to be unnecessary if not positively harmful.

Among those features of arbitrary power are the veto power of the President as it exists, the life tenure of the United States judiciary, and the long term of office and the peculiar method of selection of United States Senators. To one of these features, the election of Senators, public attention has for some time been directed, and we believe that a well-founded public sentiment now exists in favor of changing the manner of electing these important legislators, and that it is the desire of the people—a natural desire, a desire the gratification of which will inure to the good of the country and the perpetuity of the Government—that the Senators shall be elected more directly than now by the people themselves.

In order that the people may have the opportunity to pass on this proposition and, if it meets with their approval, to make a change in the fundamental law of the land, this joint resolution has been introduced and has been reported back to this House, as a resolution precisely the same was reported to the last House.

I will not detain the House with any minute discussion of the supposed abuses which exist in the present method of electing United States Senators. It is enough for my purpose at present to say that it is the conviction, I believe, of a very large proportion of the people that if the Senators were elected by popular vote, they would feel to a greater extent their responsibility to the people, and in the discharge of their legislative functions would more nearly and more surely meet the reasonable expectations of the people.

It is a notorious fact that in not a few instances in the history of this country, particularly its more recent history, persons have been elected to membership in the United States Senate by the present method of selection by the Legislatures of the various States, who certainly would not have been chosen had the choice been left with the people. It is further true that in some

instances at least the persons thus chosen were not, perhaps are not, average Senators in ability, in character, in usefulness, and have not, to the full extent to which they ought to have, if they were the proper sort of men, selected in the proper way, the confidence and support of those whom they were chosen to represent.

It is true, I think, that in some instances men have been selected by the powerful agencies and influences of special interests, corporations, or other aggregations of wealth and power; and, without dwelling upon recent history, I think that even now the transaction of business in the Senate would be more satisfactory to the country, and more nearly in accord with the decisions of the people at the polls, if some of the men who are members in that body were to give place to those who would be selected, or who would have been selected, had a different method been employed. Obscure, unknown men, men supported by powerful interests——

Mr. HOPKINS of Illinois. Will the gentleman permit a question?

Mr. DE ARMOND. Oh, yes.

Mr. HOPKINS of Illinois. What does the gentleman say of the recent experience of the Democratic party in the State of Illinois in the selection of a candidate for the United States Senate? All over that State a distinguished member of this House was recognized as the favorite of his party. Probably nine-tenths of the Democrats in the State of Illinois——

Mr. DE ARMOND. Does the gentleman desire to make a speech in my time, or, as he proposed, simply to ask a question?

Mr. HOPKINS of Illinois. I just want to ask the gentleman a question.

Mr. DE ARMOND. Then please address yourself to the question.

Mr. HOPKINS of Illinois. Probably nine-tenths of the Democrats in the State of Illinois would have selected the gentleman to whom I have referred in preference to the man who was selected by the convention——

Mr. DE ARMOND. Mr. Speaker, I can not yield for a speech. If the gentleman desires to ask a question let him ask it. I yield for that.

Mr. HOPKINS of Illinois. Well, does the gentleman believe that the recent selection of a candidate for United States Senator by the Democratic party in Illinois is an illustration of the benefits that would result from the adoption of the law which he now advocates?

Mr. DE ARMOND. This gentleman believes, Mr. Speaker, that different men have very different ideas of propriety in debate. I was addressing myself to the general question of whether or not there should be a change in the method of selecting Senators of the United States. According to the idea of propriety which evidently obtains with the gentleman from Illinois it is appropriate, and may perhaps be thought smart, to endeavor to inject a speech of his into the remarks of someone else.

Now, I am by no means vain in my judgment of my own remarks, but I do really believe that they would not be greatly improved, on an average, by the incorporation into them of such suggestions as that which the gentleman from Illinois has just made. [Laughter and applause on the Democratic side.]

I believe this: that the principles and platform on which the Democratic party in Illinois is at present acting and proceeding are a vast improvement over any which its great adversary has adopted in that State, or, up to this time, elsewhere in this country.

Coming back now to the question of——

Mr. HOPKINS of Illinois. The gentleman from Missouri does not answer my question.

Mr. DE ARMOND. The "gentleman from Missouri" does not propose to be diverted from the line of his argument.

Mr. HOPKINS of Illinois. After what the gentleman has said, I submit that I am entitled to a reply.

Mr. DE ARMOND. I presume the gentleman will have the floor in due time in his own right.

Mr. HOPKINS of Illinois. I do not desire the floor——

Mr. DE ARMOND. And I do not desire the gentleman to interpose his remarks in my time.

Mr. HOPKINS of Illinois. The gentleman allowed me to ask a question, and instead of answering it he has made a statement——

The SPEAKER *pro tempore*. The gentleman from Missouri declines to be interrupted and is entitled to proceed unless he yields the floor by his own consent.

Mr. DE ARMOND. I do not yield to the gentleman.

I fancy, Mr. Speaker, that it is not at all an entertaining performance to this House, and certainly not an instructive one to the members present, to consume the time of the House in such a colloquy as the gentleman from Illinois would like to indulge in as a part of these proceedings. In considering whether there should be a change in the fundamental law in regard to the election of the members of one of the branches of the National Legislature, how trivial it must seem to insist upon getting the opinion of a Representative from some other State, as to whether the Democracy of Illinois should have nominated for Senator Franklin MacVeagh or Gen. JOHN C. BLACK!

As far as I know, each of these gentlemen is infinitely superior in material for making a good, useful, and honest United States Senator to any man who is likely to be put up for that high office by the party in opposition. [Applause on the Democratic side.]

But, Mr. Speaker, I was saying when the gentleman from Illinois desired to have an expression of my opinion upon this subject, as to the choice between Mr. BLACK and Mr. McVeagh, that I believe, without going into particulars, that if some persons now occupying seats in the United States Senate had been compelled when the time came for the selection of representatives from their several States to sit in that body, to submit their claims or their ambitions to the judgment of the great populace—the voting people of their States—the high place which knows them now would never have known them, and that there would be in their places men who would more nearly represent those whom they ought to represent, but perhaps do not represent fully or fairly.

Now, as I have said already, when this Government was formed those who formed it looked abroad into the world and saw everywhere arbitrary governments—saw monarchical governments prevailing. Their experiment was a great and a grand but to some extent a most hazardous one. They determined to found here, on this continent, a government of the people.

While some of them would have gone the full length, looking far enough into the future and realizing in advance the vast capacity, the splendid ability, of our American people for self-government; would have thrown away all of the shackles and forms of arbitrary government which were in part retained—others, less hopeful, more cautious, less bold in their views, insisted on retaining in our form of government some of those hampering influences and agencies which were borrowed, in some degree at least, from the monarchical governments surrounding them.

I believe the experience and the demonstrations which we have in this Goverment of ours, in its century of existence, are sufficient to convince us that the experiment is not a failure, is not destined to be a failure, if we follow it logically and as we should, and insure actual free government to all the people of the American Republic.

Mr. Speaker, the dangers which menace us to-day do not arise from trust and reliance in the common people of the country. There is no serious danger from misguided influences or evil motives originating amongst the people themselves, because the judgment of the people in the main is sound, and the motives of the vast body of American citizens are in the main pure, lofty, and conservative.

But the dangers which threaten us, and the dangers which we must meet and conquer, unless we would have our Government overthrown, and this experiment of a free Government by the people perish, are dangers from other directions, from the concentration of power, from the neglect of the rights, wishes, and majesty of the people by the powers, influences, and traditions of comparatively small bodies. I believe the apprehensions felt in respect to the House of Representatives, its members coming fresh from the people, liable to be influenced by popular excitement and prejudices and the moving sentiments of the hour—I believe such apprehensions, based really upon distrust of the people, may well be dismissed.

With all its uncertainty, with all of its vagaries, here, in the membership of this House, is the great representative body of all of the American people; here after all is the place in this Government where, when necessary, can be heard the voice of the common people; and here, if necessary, is where the rights of the people will be asserted; and where, so far as the constitutional power of this body goes, those rights will be protected and enforced. [Applause.]

I believe to-day that instead of the other body, the so-called conservative body, the so-called "balance wheel" in the machinery of the Government—instead of that being a source of safety and of benefit to the country as contradistinguished from this body, the eyes of the people turn here in hope, and the eyes and the thoughts of the people turn in the other direction, to the other end of this massive and splendid Capitol, in dread and apprehension.

I believe that where the popular voice may be heard, where the popular feelings may be echoed, where the popular needs may be proclaimed, the rights of the people are far safer than

where tradition rules over reason, and where so-called "courtesy" has far the better of principle.

I believe, sir, that that other body, the Senate, so far as all useful conservative features that inhere in it or can justly or properly inhere in it are concerned, will be a far better body if its members are selected directly by the people.

I believe it is far more difficult to impose upon the people of a whole State than upon a few of them an unworthy man; unworthy because he lacks sufficient intellectual ability or sufficient moral stamina; unworthy because he is under bad influences, because he will look after special interests instead of great general public interests. I believe the chances of imposing such a man upon the people of a great State, in the full light of the discussion which takes place in campaigns when important officers are selected, will be less than the prospect of his imposing himself upon a Legislature, or of a Legislature inflicting him upon the people.

There is comparative safety where a man may be judged in the open field, in the full light of day, according to what he is and what he stands for, what he probably will be, scanning his future by his present and his past. In view of all these things, may we not safely conclude that, upon the whole and on the average, the people themselves, if given the power, will elect better, truer, more reliable men to the Senate, men of greater intelligence, men more completely in sympathy with the people, men better grounded in the principles of republican institutions, men freer from all influences adverse to the rights and interests and welfare of the great people of the Commonwealth represented.

Believing these things, I believe that this House, and of course I believe that the Senate also should adopt this resolution and submit to the Legislatures of the several States the question of whether there shall be a change in the method of electing Senators.

Now, one word as to what the change should be, if a change be made at all. It has been suggested and it may be again—I do not know whether it will be or not—that there should be a sort of optional feature about the election of Senators; that this is better, as a matter of reason and principle; is more likely to prevail, and therefore is better as a matter of policy than some fixed method for choosing Senators. At first blush the suggestion is attractive and the argument in support of it specious. At first blush, the reasons urged in favor of such a proposition may appear convincing, but upon analysis and reflection a different conclusion, I think, will be reached.

The present method of selecting Senators is or is not to be preferred to the method of selecting them more directly by the people. If the present method of selecting Senators is better than their selection by a direct vote of the people, then no change should be made—not only no change all over the Union, but no change in any State of the Union.

If, on the other hand, it is better that Senators be elected by a direct vote of the people than by the several State Legislatures, then it is better, not in one State merely, it is better, not merely to get A instead of B into the Senate from one particular State, but it is better as a system; it is better upon principle, it is better because it will give the American people a better lawmaking body at the other end of this Capitol.

Now, while as a citizen of Missouri—whose present Senators would have been chosen by the sovereign people voting directly—I may feel greatly interested in the determination of who shall be selected from that great State to membership in the United States Senate; yet the people of Missouri, in their interest in legislation, are as much affected by the vote for the right or the vote for the wrong if the vote be cast by a Senator from the distant State of New Hampshire as if it comes from a Missouri Senator.

When a question of great public interest—as, for instance, the tariff question—is pending in the Senate, to be disposed of—I say "to be disposed of," although I speak also, at the same time, and in the same connection, of the United States Senate [laughter]—when a great question is pending in the United States Senate to be disposed of, it is important to the people all over this country what the action of the Senate shall be; not merely how a Senator from any particular State (unless his vote may determine the issue) shall vote, or whether he shall vote and fight for the right or shall vote and contend for the wrong, or by secret and dishonest devices, by dark and devious ways, conspire with the enemy to thwart the right while pretending to be its apostle.

It is important to the people how the legislation shall result, and let me not forget to add, when the result shall be reached, as to what the action shall be, as to whether the pending measure shall pass or shall be defeated; and if it pass, in what form and of what substance it shall be when it does pass.

Now then the proposition embodied in this resolution to amend the Constitution is for a uniform amendment. If it be adopted, Senators will not be elected anywhere in this Union except by the direct votes of the people of an entire State.

It has been suggested, as I have said, in behalf of the other theory, that if you propose a kind of automatic plan by which you can in one case elect by the people, then swing back and elect by the Legislature, or in the first instance elect by the Legislature and then by a change of the law or by a constitutional change elect by the people—electing in one State by the Legislature and in another State by the people—the persons opposed to amending the Constitution will be less violent in their opposition, will be likely to yield something of their opposition, inasmuch as their State will not be forced to adopt the new scheme; and thence it is argued an amendment to the Constitution by which some States may elect Senators by a direct vote of the people and others by the present course will be more likely to pass House and Senate and be ratified by the Legislatures of three-fourths of the States.

The legislator who rests upon that hope is hugging a delusion. Tell me where is there a man in this House, or where in the other body, who is opposed to the election of Senators by direct vote of the people, but who is in favor of any amendment which will permit such election anywhere? How does a man, if he is opposed to the election of Senators by the people, know that the question will not soon be a burning one in his own State?

How does he know that if an amendment be adopted by which the people of a State may elect Senators by their own votes instead by vote of the Legislature, there may not be a party in the State, powerful and aggressive, demanding that Senators in that State be chosen by direct vote of the people? The fact is, it is almost certain that that condition of things would arise in every State in this Union.

I do not believe there is in a single State such complete approval of and satisfaction with the present method of electing United States Senators that a very considerable number of people will not be found, if the opportunity be opened to them, favorable to electing Senators by direct vote of the people. In every State it would be a source of ceaseless agitation. You change from election by the Legislature to election by popular vote, perhaps making the change by a close vote. An effort will be made by those opposed to that change, and who favor the old method, to swing back. The question remains unsettled. It is a question that might overshadow and injuriously affect other great questions.

So I think upon principle, as well as for policy sake, for every reason that can be urged, when you consider it fairly, we should either adhere to the present method for all the Senators elected and to be elected in the United States, or should change the method for all. This amendment preserves to the Senators now elected, or who may be in office at the time of its ratification by the States, if it be ratified, the full right to their Senatorial seats, as though they had been chosen by popular election.

This of course is necessary for reasons unnecessary to state, and undoubtedly proper. But if we decide to make the change, then let there be no question in Rhode Island, in Missouri, or California, or anywhere, as to whether the election of Senators shall be by popular vote or by the Legislature. Let it be fixed and settled by the fundamental law of the land, if the Constitution is to be amended at all, that the selection there and elsewhere in the Union shall be by direct vote of the people.

No man here will vote, unless he does it merely as a matter of policy, with a view of killing the resolution, for an optional proposition, who will not vote for one that has nothing optional in it. No man at the other end of the Capitol, unless actuated by similar motives, will cast a like vote. No member of a Legislature will vote to ratify an amendment to the Constitution if opposed to electing Senators by the method to be employed, if that amendment shall become a part of the Constitution, because he, in great magnanimity, in Pickwickian generosity, is entirely willing that somebody somewhere may have an opportunity to elect Senators in a particular way which he does not approve.

We have tried for a century the present method of electing Senators. It has had a fair trial. If it has justified itself it ought not to be changed. It is a great and serious thing to change so magnificent and mighty an instrument as the Federal Constitution. It ought not to be done lightly. If done, those who do it ought not to say in the doing of it that they do not know whether they wish to do what they are doing or that they merely wish to experiment to give the people an opportunity to try this or that project.

The man who votes for a change of the Constitution should be prepared to put something definite, fixed, uniform, settled, immovable, clearly understood, into the Constitution in addition to what is there or in place of that which he would eliminate.

Mr. Speaker, having spoken briefly upon this question when it was up before, and not having any desire whatever to weary the House, and feeling that the question having been consid-

ered so much in public gatherings and among the people of the country, having been so frequently in the newspapers, there being such pronounced sentiments here and there in regard to it, feeling that every member of this House has his own mind made up as to how he should vote, and conceding to everybody what I claim for myself, the right and the duty to vote as his judgment shall lead him, I feel that I ought not longer to detain the House. Therefore, I yield the floor, reserving the remainder of my time.

Mr. RAY. Will the gentleman permit me to ask him a question as to the meaning of this resolution?

Mr. DE ARMOND. Yes.

Mr. RAY. The resolution says:

That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators, the following be proposed as an amendment to the Constitution:

Then follows your proposition; which is:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, at large, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

And then:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the Legislature thereof.

Now, it is the intention to leave out of this resolution so much of section 4 of the Constitution that I find there now, which reads:

But the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It is not intended to have any such language apply to the election of Senators, is it? How do you understand that, or what is your purpose?

Mr. DE ARMOND. I am very happy, Mr. Speaker, to be able to say that I think the gentleman from New York has a correct understanding of that proposition. The fact is, I might further add, that I do not see how anybody could have an incorrect understanding of it, inasmuch as it proposes to take out certain words and substitute certain others. I take it that is what it means.

Mr. RAY. Very good. Is it your purpose by this resolution or does the resolution in your judgment have the effect of taking out of section 4 that part in which it says—

But the Congress may at any time by law make or alter such regulations—

In so far as that language applies to the election of Representatives in Congress? Does it leave that part of the Constitution in so that it will apply hereafter if a change is made in the mode of the election of Senators?

Mr. DE ARMOND. Mr. Speaker, I hardly see that there is any question of judgment involved in the inquiry of the gentleman from New York. It is simply a question of reading plain language and understanding plain language when one reads it.

Now, then, for the benefit—for I want to be accommodating when I can be—of the gentleman from New York, and not for the benefit of any other gentleman upon the floor, because I believe anybody who will examine it closely will understand that it does not need any explanation, I will say that if he will give the resolution an attentive reading I am satisfied he will understand that the purpose is, and that the effect would be, upon the adoption of this amendment to the Constitution, to leave the times, places, and manner of holding elections for Senators to be prescribed in each State by the Legislature thereof. It would shut out and prevent Federal interference in the election of Senators when the election takes place by the vote of the people at popular elections. Now, then, I have no time to discuss that proposition.

Mr. RAY. It would not, in your judgment, and is not intended by you or the gentleman in charge, so far as you know, to change the Constitution in so far as it applies to the election of Representatives.

Mr. DE ARMOND. I think, sir, that it has no reference to that and says nothing about it, but leaves it precisely as it is.

Mr. RAY. Then as it is, there would be two rules; one for the election of Senators and one for the election of Representatives.

Mr. DE ARMOND. Having already concluded my remarks, I will add, so far as the gentleman from New York is concerned, and I do not want to weary the House so near the adjournment hour, if he will look over the resolution and if he will read the Constitution, a night's careful reflection will bring him to an accurate conclusion upon these things without any aid from me.

Mr. RAY. I was going to ask the gentleman another question. I desire to ask you this: Do you regard it as a wise thing to do, to have one rule of the Constitution as to the election of Senators by the people and another as to the election of Representatives in Congress? Ought you not to make the same rule while you are at it, and in proposing to make a change would it not be better to have the same rule apply to both?

Mr. DE ARMOND. Mr. Speaker, unlike the gentleman from New York, the committee was not sufficiently wise to undertake the amendment of the entire Constitution. Now, I have no doubt that there are upon this floor some gentlemen who could recast that supposed immortal instrument and bring out something which, in their own estimation, would be vastly superior to it. There are some little changes in the Constitution that I might venture to make if I had the power, but which no one but the gentleman from New York would feel warranted in doing in disposing of a plain resolution carrying a simple single proposition to effect a change in the method of electing United States Senators.

Now, I can hardly think it is pertinent to determine now, especially when one feels that he is holding the floor simply for the accommodation of one member and at the expense of all others, what the other principles of the Constitution probably ought to be, and what few scraps of that instrument ought to be left in order to meet the full approval and insure the satisfaction of all or any of the gentlemen upon the floor.

Mr. RAY. I had no desire to take the gentleman's time, but I did want to understand him; and now I want to say to him that I am very much obliged for his very small and very ungentlemanly attempt at abuse, which does not affect me in the least degree. It is a very small way of answering a question which pertains to the Constitution of the United States.

Mr. DE ARMOND. Mr. Speaker, at the expense of a moment more of the time of the House I will say that I feel somewhat flattered, and I presume the House feels somewhat relieved, if the result of what has happened has been, even for the time being, to suppress the gentleman from New York, who neither understands his own questions nor the answers of anyone else. [Laughter and applause on the Democratic side.] Who, with the alphabet before him, would ask people to explain whether they understood that it contains 26 or some other number of letters; who with the alphabet before him would take five minutes to have somebody explain to him (if anybody would be complacent enough to do it) whether "A" begins the alphabet and "Z" ends it, and who would wind up with the comforting assurance that all he had desired was to get an answer to his question and to understand the matter.

Mr. EVERETT. I understood the gentleman from Missouri to speak of some alternative plan by which some States might adopt this measure and others adhere to the old method. Did I understand him correctly to say that any such plan was in contemplation as an amendment to this resolution?

Mr. DE ARMOND. None such is before the House. Such plans have been talked about and considered. Resolutions of that kind have been introduced, but I merely touched upon the matter and discussed it incidentally.

Mr. NORTHWAY. Mr. Speaker, the usual hour for adjournment having arrived, I should be glad if the gentleman in charge of this measure would move that the House adjourn, as I should be unable to conclude my remarks this evening.

Mr. TUCKER. We are pressed for time, but if the gentleman desires it, I will do so. Mr. Speaker, I move that the House do now adjourn.

Pending the motion to adjourn,

WITHDRAWAL OF PAPERS.

Mr. GROSVENOR obtained leave to withdraw from the files of the House papers relating to the bill H. R. 5505, Fifty-second Congress, without leaving copies.

LEAVE OF ABSENCE.

Mr. HOPKINS of Pennsylvania, by unanimous consent, obtained leave of absence for ten days, on account of sickness.

The motion of Mr. TUCKER was then agreed to, and the House accordingly (at 5 o'clock and 2 minutes p. m.) adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. KIEFER, from the Committee on Claims, reported the bill (H. R. 6384) for the relief of Walter S. McLeod; which, with the accompanying report (No. 1277), was ordered to be printed, and referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. RUSK: A bill (H. R. 7763) in aid of the exposition to

be held under auspices of the Baltimore Centennial Association, and for other purposes—to the Committee on Ways and Means.

By Mr. CHILDS: A bill (H. R. 7764) to enlarge the power of United States and district courts to extend the time for filing bills of exceptions in cases at common law—to the Committee on the Judiciary.

By Mr. IKIRT: A bill (H. R. 7765) to establish a board of arbitration, and for the adjustment of difficulties between employers and employees—to the Committee on Labor.

By Mr. WHEELER of Alabama: A bill (H. R. 7766) to appoint a commission to report and determine upon certain damages done citizens of Lauderdale County, Ala., by the building and operation of the Muscle Shoals Canal—to the Committee on Military Affairs.

By Mr. RICHARDSON of Tennessee: A resolution to print Digest of Rules and Practice of the House for the second session Fifty-third Congress—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD: A bill (H. R. 7767) for the relief of John J. James—to the Committee on Naval Affairs.

By Mr. BALDWIN: A bill (H. R. 7768) granting payment of certain accrued pension to Mrs. Angeline Brumaghin—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 7769) to remove the charge of desertion from the record of Christopher Murray—to the Committee on Military Affairs.

Also, a bill (H. R. 7770) to correct the military record of James W. Dennen and to grant an honorable discharge—to the Committee on Military Affairs.

By Mr. HICKS: A bill (H. R. 7771) to increase the pension of James Defibaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7772) to relieve Robert McIntire from the charge of desertion—to the Committee on Military Affairs.

By Mr. McALEER: A bill (H. R. 7773) granting extension of letters patent to B. C. Lauth—to the Committee on Patents.

By Mr. MUTCHLER: A bill (H. R. 7774) for the relief of the legal representatives of John Wightman, deceased—to the Committee on Claims.

By Mr. OUTHWAITE: A bill (H. R. 7775) for the relief of William S. Laney—to the Committee on Military Affairs.

By Mr. RAWLINS: A bill (H. R. 7776) restoring to the Church of Jesus Christ of Latter-day Saints the real estate now in the hands of the receiver of said church appointed by the supreme court of Utah—to the Committee on the Judiciary.

By Mr. TYLER (by request): A bill (H. R. 7777) granting an increase pension to Andrew T. Bovard—to the Committee on Invalid Pensions.

By Mr. TURNER of Virginia: A bill (H. R. 7778) for the relief of William Weaver, Shenandoah County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 7779) for the relief of David Rudy, of Woodstock, Shenandoah County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 7780) for the relief of David Sheetz, of Shenandoah County, Va.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CUMMINGS: Brief to accompany House bill 7762—to the Committee on War Claims.

By Mr. GRESHAM: Petition in the interest of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIFFIN: Petition of R. McKinnell and 29 others, members of fraternal beneficiary societies, for exemption of said societies from provisions of income tax—to the Committee on Ways and Means.

By Mr. HICKS: Petition of Hon. Theo. Burchfield, Hon. John A. Rohrer, Theo. H. Wigton, Dr. W. S. Ross, Robert Johnson, J. S. Leisenrig, W. S. Hammond, E. H. Amies, and 130 other persons, of Altoona, Pa., members of the Order of Heptasophs, for an amendment to the tariff bill to relieve and exempt fraternal societies from the provisions of the income tax—to the Committee on Ways and Means.

By Mr. MEIKLEJOHN: Memorial from the board of supervisors and officers of Knox County, Nebr., praying for the passage of House bill 262, a bill extending relief to Indian citizens, and for other purposes—to the Committee on Indian Affairs.

By Mr. MERCER: Resolutions of the board of supervisors of Knox County, Nebr., relative to taxing the lands of the Indians in said county—to the Committee on the Public Lands.

SENATE.

FRIDAY, *July 20, 1894.*

Prayer by Rev. ISAAC W. CANTER, of the city of Washington.

On motion of Mr. FAULKNER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 236) to amend section 4837 of the Revised Statutes of the United States as to soldiers' homes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6171) to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEARD, Mr. RICHARDSON of Tennessee, and Mr. POST managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7097) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DOCKERY, Mr. COOMBS, and Mr. BINGHAM managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6720) providing for the resurvey of Grant and Hooker Counties, in the State of Nebraska; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCRAE, Mr. HALL of Minnesota, and Mr. MEIKLEJOHN managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 1930) to authorize the construction of a bridge across the Missouri River, at or near the city of Lexington, Mo; and

A bill (H. R. 6748) making appropriations for the naval service for the fiscal year ending June 30, 1895, and for other purposes.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with the act of Congress approved March 3, 1879, a tabulated statement showing subsisting leases of unoccupied and unproductive property of the United States under control of the Treasury Department; which, with the accompanying papers, was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, recommending an appropriation for the continuance of the work of constructing the Federal building in course of erection at Worcester, Mass.; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to resolutions of the Senate of July 6 and July 14, 1894, schedules of claims allowed by the accounting officers, not heretofore reported to Congress; which was read.

Mr. COCKRELL. I ask that the communication be printed and that a special order may be made for expedition.

The PRESIDENT *pro tempore*. The communication and accompanying papers will be referred to the Committee on Appropriations and printed, and the special order suggested by the Senator from Missouri will be made.

Several Senators addressed the Chair.

Mr. VOORHEES. I will yield for routine morning business.

PETITIONS AND MEMORIALS.

Mr. CULLOM. I present memorials of sundry citizens of Eureka, Peoria, and Auburn, all in the State of Illinois, remonstrating against the violation of the American principle of separation of church and state, which is involved in making appropriations for or contracts with agents of sectarian institutions, for Indian education, etc. The Indian appropriation bill has gone out of the possession of the Senate, but it may come back again; and I move that the memorials lie on the table.

The motion was agreed to.

Mr. PALMER. I present the petition of Marshall Field & Co., Armour & Co., Phelps, Dodge & Palmer, and many bankers of Chicago, Ill., praying for the immediate disposition of the

tariff bill. As the petition is only four lines long, I ask that it be read.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the Secretary will read the petition.

The petition was read and ordered to lie on the table, as follows:

CHICAGO, ILL., *July 18, 1894.*

To the Senate and House of Representatives in Congress assembled, Washington, D. C.:

The whole country demands that Congress terminate the pending tariff legislation immediately. Failure to dispose of the question quickly will work incalculable loss and irreparable injury to financial and industrial interests.

Mr. PEFFER presented the petition of E. B. Bebee, of New York City, N. Y., praying for an issuance of $50,000,000 legal-tender Treasury notes; which was referred to the Committee on Finance.

He also presented a petition of the Advance Labor Club, Local Assembly, No. 1562, Knights of Labor, of Brooklyn, N. Y., praying for the enactment of legislation to tax immigrants $50 each; which was referred to the Committee on Immigration.

Mr. MANDERSON presented a petition of the board of supervisors and county officials of Knox County, Nebr., praying for the enactment of legislation to provide for the taxation of lands held by Indians in severalty; which was referred to the Committee on Indian Affairs.

Mr. PATTON presented the memorial of B. S. Holly and sundry other citizens of Woodland, Mich., and the memorial of Rev. G. M. Gosling and sundry other citizens of Decatur, Mich., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were ordered to lie on the table.

Mr. DOLPH. I present a memorial of the Chamber of Commerce of Portland, Oregon, praying that an appropriation of $100,000 be made for building and maintaining salmon fish hatcheries on the Columbia River and its tributaries. I submitted an amendment intended to be proposed to the sundry civil appropriation bill, which is before the Committee on Appropriations, and the petition may be referred to that committee if there is no objection.

The PRESIDENT *pro tempore*. The Chair hears no objection, and that reference will be made.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1157) to provide for the incorporation of street railway companies in the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2018) to provide for making returns to clerk's office of marriage service in the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1037) in relation to the separate property of married women in the District of Columbia, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 2152) to amend sections 720, 721, 722, and 723 of the Revised Statutes of the United States relating to the District of Columbia, in relation to marriages, reported it with amendments.

Mr. MCMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 2094) to amend the charter of the Eckington and Soldiers' Home Railway Company, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2059) to authorize and require the Washington and Georgetown Railroad Company to make certain alterations in its lines, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2210) to provide for the repair of the piers of the Aqueduct Bridge and for its use by a street railway, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1574) providing for the reconstruction of the Aqueduct Bridge, reported adversely thereon, and the bill was postponed indefinitely.

Mr. ALLEN, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 7335) to grant to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Military Affairs, to whom was referred the bill (S. 1229) to correct the military record of George Whittaker, late a private of Company C, Twelfth New Jersey Volunteers, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on the District of Columbia, to whom was referred the bill (S. 2066) to provide for continuing the system of trunk sewers in the District of Columbia, to provide for sewage disposal, to lay out highways, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2014) to incorporate the National Gas, Electric Light, Heat and Power Company, submitted an adverse report thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2146) to incorporate the National Gas and Electric Light, Heat and Power Company of the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1461) to remove the charge of desertion from the record of Andrew L. Grugett as a former member of Company E, Sixth Tennessee Cavalry, in the war of the rebellion, and to grant him an honorable discharge therefrom, reported it without amendment, and submitted a report thereon.

Mr. HUNTON, from the Committee on the District of Columbia, to whom was referred the bill (S. 1702) to provide for improvement of the public bathing beach, on the Potomac River, in the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2118) authorizing the sale of title of United States to a tract of land in Montgomery County, in the State of Maryland, to William H. and George Bobinger, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 2240) to repeal a part of an act entitled "An act making appropriations for current and contingent expenses, and fulfilling treaty obligations with Indian tribes for fiscal year ending June 30, 1894," approved March 3, 1893; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2241) requiring the Interstate Commerce Commission to hold at least one session annually in the city of Omaha, in the State of Nebraska, and for other purposes; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. CULLOM introduced a bill (S. 2242) granting accrued pension to the surviving children of Shubal York, surgeon of Fifty-fourth Illinois Volunteers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 2243) in aid of the exposition to be held under the auspices of the Baltimore Centennial Association, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

Mr. VOORHEES introduced a bill (S. 2244) granting a pension to Mary L. Ellsworth, widow of Henry G. Ellsworth, late a first lieutenant of the United States Marine Corps; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BATE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LINDSAY submitted two amendments intended to be proposed by him to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

DEPORTATION OF CHINESE PERSONS.

Mr. MITCHELL of Oregon. I submit a resolution which I ask be read and lie on the table for the present.

The resolution was read and ordered to lie on the table, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to advise the Senate as to what steps have been taken, if any, by the Treasury Department looking to the deportation from the United States of all those Chinese persons who have failed to register as required by existing law.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7097) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. COCKRELL. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. COCKRELL, Mr. CALL, and Mr. ALLISON were appointed.

METROPOLITAN RAILROAD COMPANY.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 6171) to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MCMILLAN. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, and accede to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MCMILLAN, Mr. HARRIS, and Mr. HANSBROUGH were appointed.

THE REVENUE BILL.

The PRESIDENT *pro tempore*. If there are no further concurrent or other resolutions the morning business is closed and the Calendar under Rule VIII is in order.

Mr. VOORHEES. I ask that the communication from the House of Representatives now on our table upon the subject of the conference between the two Houses on House bill 4864 be taken up for consideration.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July 19, 1894*.

Resolved, That the House insists upon its disagreement to the amendments of the Senate to H. R. 4864, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. WILSON of West Virginia, Mr. MCMILLIN, Mr. TURNER of Georgia, Mr. MONTGOMERY, Mr. REED, Mr. BURROWS, and Mr. PAYNE be managers of the conference on the part of the House.

Mr. VOORHEES. Mr. President, the conferees on the part of the Senate now await the further action of this body.

Mr. SMITH. Mr. President, I shall vote for a motion to insist on the Senate amendments in the hope that a tariff bill may yet be evolved which will be enacted into law by Democratic votes. I supposed when we took a final vote upon the measure before us two weeks ago that such a bill had been perfected. But the events of the past twenty-four hours have shown us our error, and it is folly to deny that we are now confronted by the danger of no tariff legislation at this session. If this shall be the result, the responsibility can be fixed only by the people. Whether it shall rest upon the House of Representatives, which has repudiated in a wholly unprecedented manner the outcome of the deliberations of this body; or upon the President, whose fears of a departure from Democratic principles induced him to offer suggestions before the bill technically came before him for his consideration; or upon the Senate, which strove to harmonize wide differences of opinion by mutual concessions, is a question which can be determined only by the great mass of voters whose interests are at stake.

Whatever may be the attitude of my colleagues upon this point, I can only say for myself that I do not hesitate to accept the verdict of that tribunal as just and right.

I have always believed, Mr. President, and I believe now, that of all peoples in the civilized world the American people are most abundantly endowed with the priceless heritage of common sense.

Having that belief, and appreciating, in the face of the undisguised threats uttered and applauded by our party colleagues in the House of Representatives, the necessity of plain speaking, I wish to direct the candid consideration of fair-minded men to a brief statement of facts.

When the time came for the Democratic party to fulfill its pledges and reform the tariff, the House of Representatives contained a Democratic majority of 87. This fortunate condition alone made easy the task of securing the adoption of any party measure regardless of the local and State interests involved. But even this advantage in securing party legislation was hardly greater than that afforded by the adoption of rules which enabled the majority to close debate arbitrarily and prevent obstruction or delay of any kind. Under these circumstances no difficulty was experienced in passing a tariff bill despite the fact that its provisions were so offensive to some that the party line was broken and no less than 17 Democrats voted against the bill.

Still the majority was so large and the rules so well adapted to action that their defection was hardly noticed. I submit, therefore, Mr. President, that, whatever may have been the quality of the statesmanship and management which characterized the conduct of the original bill in the House, surely the highest order of ability was not absolutely essential to that "free and untrammeled action" on the part of the House conferees to which they seem to attach so much importance.

How different was the situation in the Senate. Here the Democratic majority was 3. The defection of only two would turn the Democratic majority into a Democratic minority. Practically every vote was needed to enact party legislation. Indeed, as a matter of fact, there has never been a time when 43 Senators would bind themselves to abide by the decree of a Democratic caucus. I apprehend, Mr. President, without designing the slightest reflection upon his capacity as a party leader, that the chairman of the Ways and Means Committee would have found this situation far more trying than that which enabled him to dispense with 17 Democratic votes and still retain a clear majority of nearly 60 in the House.

In any event, many times two Democratic Senators could not see their way clear, in justice to the interests of either their constituents or the whole country, to vote for the Wilson bill. Just how many held this position I can not say. I know that I was one. I made no concealment of the fact and I make none now.

The Committee on Finance, in charge of the bill, did not attempt to disguise the truth. They knew the bill could not pass in its original form. They recognized the situation as it was, and they met it, sir, to their everlasting honor as Democrats charged with the performance of a most difficult duty, like men. I do not suppose there was or is a Senator in the Chamber, Republican or Democrat, to whom some provisions of that bill, especially the income tax, seemed more offensive than myself.

But nothing less than the most intense self-satisfaction and bigotry could withstand the unflagging efforts of the Finance Committee to bring order out of chaos. Whatever may be the final outcome of this struggle, I can not refrain from seizing this opportunity to pay a tribute to the untiring zeal, earnest endeavors, and genuine self-sacrifice evinced by the members of that committee in performing their duty as Democrats and patriots devoted to the best interests of their country and their party.

Their efforts aroused the enthusiasm and won the hearty cooperation of others, and were crowned with success. A tariff-reform bill was perfected and passed by the Democratic majority of this body. It was not a radical measure. It was adapted to the unforeseen change in the industrial conditions of the country.

Unlike the Wilson bill, it contained no menace to the great industries of the nation, was designed to hasten rather than retard the resumption of business prosperity, would not have resulted in the reduction of the wages of a single workingman, but would have given employment to thousands now idle, and redounded to the credit and perpetuity of the Democratic party. Unlike the Wilson bill again, it was not drawn by a few representatives of sparsely settled districts with no great interests at stake, but was made acceptable to those who represented that section of the country which is most intimately concerned in any legislation affecting American industries and the interests of American workingmen.

It has been charged that a small minority of Northern Senators insisted upon consideration for the welfare of their constituents, and that in consequence of their demands the majority of Democratic Senators were constrained to make concessions. That is a fact. But, sir, it must not be forgotten that that minority were not only speaking for a vast majority of the people numerically, but caring for and protecting ninety-nine one-hundredths of the industries which have made this nation what it is to-day. They had a right to speak, and they were heard.

We are told that this is a protection bill, drawn at the dictation of protection Senators, in defiance of tariff-reform sentiment. Mr. President, I would not dignify so absurd a charge with a denial but for the fact that it has been advanced by our colleagues in the House of Representatives in support of the extraordinary position which some of them have seen fit to assume. A stranger unaccustomed to modern methods of making political capital might jump to the conclusion that Democratic Senators were of one mind as opposed to Democratic Representatives.

But, sir, everybody familiar with political conditions in this country knows that a large proportion of the Democratic membership of this body favors, not mere tariff reform, but absolute free trade, and this bill was as satisfactory to that element as to those of us who believe that the time has not yet come when moderate protection can be dispensed with without impairing our growth, progress, and prosperity. It did not contain room for further concessions to gratify radical tariff reformers. It contained the concessions themselves.

But now, Mr. President, suddenly, without warning of any kind, without ever having received an intimation of the kind while the bill was being perfected, we are accused of violating Democratic principles because we have not placed all raw ma-

terials upon the free list. The word "perfidy" is used, and, as an instance of our betrayal of Democracy, the fact that a duty still remains upon coal and iron ore is cited. I have only to say on this point that personally I believe in the theory of free raw materials. But I can not believe that now, when it is barely possible for miners to obtain living wages and when the newspapers have barely ceased to record the incidents of one of the greatest mining strikes the world has ever known, is the time to take the risk of striking down this great industry and robbing thousands upon thousands of miners of their means of livelihood.

This, sir, is one reason—the practical, considerate reason—why we have not put these articles upon the free list. Another, I grant, lies in the fact that by doing so we would have alienated Democratic Senators. But, sir, there is yet another of even greater importance.

There may be honest differences of opinion, Mr. President, as to what constitute Democratic principles when an income-tax proposition is taken from a Populist platform and incorporated into a Democratic revenue bill. But, sir, there was no misunderstanding in the minds of the American people regarding tariff reform when they voted in 1892. They accepted as correct, without the possibility of question, the interpretation of the Democratic candidate for the Presidency. And he, sir, as you well remember, in his letter of acceptance, declared that principle and that purpose to be, not free raw materials, but freer raw materials.

Now, sir, what has the Democratic Finance Committee done and what has the Democratic Senate done regarding the articles in question? It has reduced the duty on chromic iron ore from 15 per cent to 4.39 per cent ad valorem; it has reduced the duty on all other ore from 42.70 per cent to 22.77 per cent ad valorem, and it has reduced the duty on coal from 75 to 40 cents per ton.

In view, sir, of the instances of stubborn self-sacrifice noted so earnestly and carefully in the House of Representatives yesterday, I may perhaps be permitted to say that neither of these products constitutes a material part of the industries of the State which I have the honor, in part, to represent. On the contrary, free coal and free iron ore would be a distinct advantage to all of my constituents. But, sir, these industries do figure very largely in the well-being at this time of thousands of our fellow-citizens in other States, and under the circumstances at this time, when every incentive is absolutely essential to general revival of business, I for one do not feel at liberty to depart from the Democratic principle so clearly enunciated by Mr. Cleveland.

The same policy was adhered to strictly in regard to each and every one of the schedules mentioned by the chairman of the Ways and Means Committee as those upon which our action was unsatisfactory. We reduced the duty on silver-lead ore from 75.36 per cent to 37.6 per cent; we reduced the duty on metals 37.37 per cent, and on woolens more than 50 per cent.

But we are informed that the great difficulty in the pathway of an agreement in conference was a proper adjustment of the sugar schedule. This difference arose from the fact that a majority of 87 enabled the House to ride roughshod over the protests of representatives of sugar-producing States, while a majority of 3 was not sufficient to warrant like action in the Senate, even though there had been an inclination to perpetrate so gross an injustice. In view of the importance attached to this difference by the chairman of the Ways and Means Committee and of his threat, in the face of the President's injunction to the contrary and in flat defiance of his own doctrine of free raw materials to pass a single bill putting refined sugar only on the free list, it may be well to note the fact that the Senate made precisely the same disposition in regard to this article as of those already referred to.

The people now pay in the form of bounties about 2 cents on every pound of raw sugar produced. Under the Senate bill the consumers would pay 40 per cent ad valorem—about 1 cent a pound—a reduction of 50 per cent. The present law gives refined sugar a differential duty of one-half a cent per pound, which the Senate bill reduced to one-eighth. Under the revenue tax proposed, however, the refiner would receive in addition the advantage of the ad valorem duty upon the difference between the prices abroad of raw and refined sugars.

Taking the average prices in Hamburg from January, 1893, to June, 1894, as a basis of calculation, and adding the one-eighth additional, the total differential duty allowed the refiner is 14.90 cents per hundred pounds against 50 cents upon the same amount under the present law. The net result is a reduction of 70 per cent on the differential duty and additional revenue for the Government, instead of the payment of millions of dollars annually in the form of bounties.

In regard to the statistics, I ask consent to insert with my speech a statement of the figures of the price of refined sugars in Germany.

Prices of sugar (beet), raw and refined, in the London (Mincing lane) market. Prices f. o. b. Hamburg, per cwt. (of 112 pounds), from January, 1893, to June, 1894.

Date.	London exchange on beet 88 per cent, 112 pounds.	Federal money.	London exchange on German granulated.	Federal money.	88 per cent beet per 100 pounds.	German granulated, 100 pounds.	Value of beet sugar to make 100 pounds granulated.	Difference in value, cost of sugar, and price of sugar after allowing for waste.
1893.	*s. d.*		*s. d.*					
January 11	14 6	$3.54	16 10½	$4.12	$3.16	$3.68	$3.59	+$0.09
January 28	14 4½	3.51	16 10½	4.12	3.13	3.68	3.55	+.13
February 11	14 6	3.54	16 10½	4.12	3.16	3.68	3.59	+.13
February 25	14 1½	3.45	16 6	4.02	3.08	3.59	3.50	+.09
March 11	14 4½	3.51	16 7½	4.05	3.13	3.62	3.55	+.07
March 25	15 3	3.72	16 9	4.09	3.32	3.65	3.77	−.12
April 15	16 3	3.96	18 3	4.45	3.53	3.97	4.01	−.04
April 29	17 4½	4.24	18 10½	4.61	3.79	4.11	4.29	−.18
May 3	17 9	4.33	20	4.88	3.86	4.35	4.38	−.02
May 27	18 1½	4.42	19 10½	4.85	3.95	4.33	4.47	−.14
June 10	18 9	4.58	20 6	5.00	4.09	4.46	4.64	−.18
June 24	18 6	4.51	21	5.12	4.02	4.58	4.50	+.08
July 15	17 9	4.33	21 3	5.15	3.86	4.60	4.38	+.22
July 29	15 10½	3.87	19 9	4.82	3.45	4.30	3.92	+.38
August 12	16 1½	3.93	19 10½	4.85	3.50	4.33	3.96	+.33
August 26	14 3	3.48	18 6	3.90	3.10	3.48	3.55	−.07
September 9	14 6	3.54	18 7½	4.53	3.16	4.04	3.70	+.46
September 23	15	3.66	19	4.62	3.27	4.12	3.70	+.42
October 14	13 9	3.35	17	4.15	3.00	3.70	3.41	+.29
November 11	13 1½	3.20	15 4½	3.75	2.86	3.35	3.25	+.10
November 25	12 6	3.05	14 6	3.54	2.72	3.16	3.07	+.09
December 23	12 4½ / 12 6	3.03	14 6	3.54	2.70	3.16	3.07	+.09
Average						3.90½	3.80⅝	+.09⅛
1894.								
January 13	12 4½	3.02	14 7½	3.57	2.70	3.19	3.07	+.12
January 27	12 6	3.05	14 7½	3.57	2.72	3.19	3.07	+.12
February 17	12	3.17	14 10½	3.63	2.83	3.24	3.21	+.03
February 24	13 1½	3.20	14 9	3.60	2.86	3.21	3.25	−.04
March 10	12 10½	3.14	14 9	3.60	2.80	3.21	3.18	+.03
March 24	12 9 / 12 10½	3.12	14 8	3.58	2.78	3.19	3.18	+.01
April 14	12 9	3.11	14 6	3.54	2.77	3.16	3.18	−.02
April 28	11 4½	2.77	13 7½	3.32	2.47	2.97	2.80	+.17
May 12	11 9	2.86	13 9½	3.37	2.55	3.02	2.90	+.12
May 26	11 7½ / 11 9	2.84	13 6	3.29	2.53	2.94	2.90	+.04
Average						3.13½	3.07⅞	+.05⅝

Unlike the production of coal and iron, the refining of sugar is one of the greatest industries of New Jersey, and I do no hesitate to say that, in my judgment, this reduction, one of the greatest of all made, is as large as it should be called upon to bear under present conditions.

I have dwelt briefly, Mr. President, upon each of the points complained of by the House conferees. I shall not tax the patience of the Senate by analyzing the remainder of the bill, which is not in dispute. I shall take the liberty, however, unless objection be made, of inserting in the RECORD a table, prepared in the Treasury Department, which shows, in totals, that if the duties provided by the Senate bill had been levied instead of those which were imposed during the past five years upon the same importations, the actual saving to the people of the United States in that time would have exceeded the enormous sum of $174,000,000.

Fiscal year ending June 30—	Value of merchandise imported.	Duties received.	Estimated duties, 39.68 per cent rate.	Reduction of duties or gain.
1889	$484,856,767.90	$218,701,773.76	$187,542,507.82	$31,159,175.94
1890	507,571,763.95	225,317,075.65	196,328,766.29	28,988,317.36
1891	466,455,172.68	215,790,686.05	180,424,860.78	35,365,825.27
1892	356,526,741.56	173,097,670.59	137,517,743.63	35,579,926.96
1893	400,069,658.48	198,373,452.97	154,746,944.10	43,626,508.87
Total	2,214,480,104.55	1,031,280,659.02	856,560,904.62	174,719,754.40

As I understand the motion to be offered, it practically gives to the conferees on the part of the Senate an assurance of confidence, and instructs them to continue firm in support of the Senate amendment. I shall vote for the resolution, because that is the position which I wish to take. I believe, however, that our conferees have done their full duty, and, remembering their arduous labors during the past few months, I should consider it unjust to them to put upon them this additional burden for any great length of time.

So far as I am concerned—and I think I speak also for several of my colleagues—there has not been and will not be the slighest

change in my position. I accepted the income tax in its modified form from a sense of duty to my party, but I did so with the greatest reluctance and with the distinct declaration, regarding other portions of the measure, that I would not vote for any bill or any amendment that would make it impossible for a single industry to continue or resume operations. I believe, sir, that the Committee on Finance will bear me out in the assertion that I have done everything in my power to aid them in their work.

It is true that I have urged the necessity of care and moderation in revising the schedules which directly concern the industries of my State, but I believe they will concede a disposition on my part to be fair and reasonable, and I know that I have demanded far greater concessions from my constituents than I have sought from the Finance Committee.

Mr. President, it has been charged that we are not sincere in our advocacy of the Senate bill; that we have made it for trading purposes, and that those of us who oppose the Wilson bill would rush into line at the first crack of the whip. I did not suppose, sir, that any person familiar with the character of this body would be misled by a notion so puerile. But it is evident from the attitude of our colleagues in the House that either they do not believe we meant what we said or they are willing to invite defeat of tariff legislation.

If the former, I have only to say that they have mistaken their men. If the latter, they must answer to the people for the defeat of a bill which should, and I believe would, satisfy all reasonable expectations.

I have tried, Mr. President, to define the position of my colleagues and myself with the candor and moderation befitting a member of this body. I have tried to speak dispassionately and in a spirit of friendliness rather than of hostility. I have tried to be frank, and have scrupulously avoided covert threats by inference or innuendo. I have not supposed cases of whose existence I know nothing. I have not said that if this or that be true, such and such must be done.

But, in the circumstances and in view of what has been said, I should certainly fail in my duty if I failed to speak with the utmost plainness. And so, sir, I say in conclusion, in all friendliness towards those who have aspersed our motives, that, so far as I am concerned, they need expect no further concessions. I have labored earnestly and honestly to bring about a satisfactory settlement of this question. But, sir, I have reached the limit. I have done.

It would be unbecoming in me, Mr. President, to suggest to our conferees what they should do. They are older and wiser and know what is best. But it is certainly fitting that they should understand the wishes of their colleagues. And so I say, for myself I know, and for many others I believe that, if I were a member of that committee I should say to the conferees from the House in answer to the defiance which has been flung in our faces: "Gentlemen, there is our bill. It is the result of great labor and infinite pains. It has met with the approval of both the free-trade and protection elements of our party. It is adapted to conditions, not theories. It is not perfect, but it is as nearly perfect as we can hope to make it at this session. In any event, such as it is, there it lies. You are at liberty to take it or to leave it."

That, sir, would be my position. I would not recede from it so much as a hair's breadth.

That, sir, is all I have to say. I trust that it will be considered sufficient.

Mr. HILL and Mr. GRAY addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from New York.

Mr. HILL. Mr. President, I desire to move that the Senate recede from its amendments to the bill as it came from the other House by which duties were imposed upon bituminous coal and iron ore, and I will proceed to speak upon the points involved in that motion.

Mr. President, a theory as well as a condition now confronts us. [Laughter on the floor and in the galleries.]

The PRESIDENT *pro tempore*. The Chair admonishes the occupants of the galleries, as well as those who accept the courtesy of the Senate upon its floor, that there must be no further disorder. Any demonstration of approval or disapproval is in violation of the rules of the Senate. The Senator from New York will proceed.

Mr. HILL. The theory of the Democratic party is that in the enactment of tariff legislation free raw materials should always be an essential and conspicuous element.

It is our creed that those things on which the industrial prosperity and progress of our country so much depend—the materials which enter into our manufactures—should be freed from the burden of tariff taxation. The best interests of the manufacturers as well as the consumers of the land demand the recognition of this wise discrimination.

We are committed to this side of the question, and we can not retreat and we can not retract. We are honorably bound to redeem our professions and our promises. Justice, good faith, and a decent regard for public sentiment all require this course.

Until recently I had supposed that there was no dispute upon this question of principle, but that every Democrat worthy of the name was willing to concede that if there was one thing more than another to which the Democratic party was committed, it was in favor of the doctrine of free raw materials; not simply freer raw materials as some now ingeniously contend, but absolutely free raw materials.

Mr. SHERMAN. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from New York yield to the Senator from Ohio?

Mr. HILL. Certainly.

Mr. SHERMAN. I should like the Senator from New York to state when the principle of free raw materials was ingrafted upon the doctrines of the Democratic party. In the Walker tariff law, the last attempt of the Democratic party to regulate our taxation, all raw materials were made dutiable, with very few exceptions. I should like to know when the Democratic party first announced the doctrine of free raw materials.

Mr. HILL. If the Senator from Ohio will be content to wait until I am through he will see how I demonstrate my proposition. I shall call a distinguished witness upon that point. I repeat, that we can not escape our record upon this subject, even if we are disposed to do so. The true and honest construction of every Democratic national platform for twelve years past irrevocably commits us to this just and reasonable principle.

What did our last national platform in 1892 say upon this point? Let me quote it:

> We indorse the efforts made by the Democrats of the present Congress to modify its [the McKinley law's] most oppressive features in the direction of free raw materials and cheaper manufactured goods that enter into general consumption, and we promise its repeal as one of the beneficent results that will follow the action of the people in intrusting power to the Democratic party.

To repeal the McKinley law in form simply, to reënact it in effect, is keeping this promise to the letter, but breaking it in spirit.

What were "the efforts made by the Democrats of the present Congress" [1892] to which this platform points with pride and deliberately approves? They were measures for free iron ore, free lead ore, free coal, and free wool, which were then pending in Congress, advocated by Democrats and opposed by Republicans, and some of which had then already passed or were subsequently passed.

Everybody knows to what the platform referred, and there was no necessity of any bill of particulars to inform the people. The Democratic position was so plain and is so clear that he who runs may read. The Democratic speeches in Congress were substantially all upon one side.

If any Democratic orator in any part of the country, forgetting the interests of the whole land and subserving the supposed interests of a locality, promised the people of any State or section that there would be any exception made to the enforcement of the general principle of free raw materials when the Democrats should obtain power, he exceeded his authority and misinterpreted our position.

It is said by some, in justification of or excuse for their present action, that the President's letter of acceptance in 1892 modified the extreme demands of our platform. It is true that some portions of his letter may tend to bear that construction.

It was not that bold, ringing, and explicit declaration in favor of the platform which his party had a right to expect, but was regarded by many as timid, cautious, and conservative; but whether this criticism is or is not well founded, the fact remains that he had no power or authority to change or alter one line or sentence or provision of the national platform which had been deliberately adopted in national convention duly assembled. No President can be above his party; no President can dictate to his party; no President can change his party's platform.

But no matter what idea it may be claimed was intended to be conveyed in his letter of acceptance in mitigation or modification of the platform, there can be no doubt as to the President's position at this time upon this essential principle of free raw materials. Let me read from that remarkable letter of the President's which was yesterday submitted to the House of Representatives. It expresses better than I can hope to do the true, sound, and logical position of the Democratic party upon this question.

Among other things he says:

> One topic will be submitted to the conference which embodies Democratic principle so directly that it can not be compromised.

Mark the words!

> We have in our platforms and in every way possible declared in favor of the free importation of raw materials. We have again and again promised that this should be accorded to our people and manufacturers as soon as the Democratic party was invested with the power to determine the tariff

policy of the country. The party now has that power. We are certain today, as we have ever been, of the great benefit that would accrue to the country from the inauguration of this policy, and nothing has occurred to release us from our obligations to secure this advantage to our people. It must be admitted that no tariff measure can accord with Democratic principles and promises, or bear a genuine Democratic badge that does not provide for free raw material.

In these circumstances it may well excite our wonder that Democrats are willing to depart from this, the most Democratic of all tariff principles, and that the inconsistent absurdity of such a proposed departure should be emphasized by the suggestion that the wool of the farmer be put on the free list and the protection of tariff taxation be placed around the iron ore and coal of corporations and capitalists. How can we face the people after indulging in such outrageous discriminations and violations of principle?

It is quite apparent that this question of free raw material does not admit of adjustment on any middle ground, since their subjection to any rate of tariff taxation, great or small, is alike violative of Democratic principle and Democratic good faith.

Mr. President, I approve every word that I have here quoted. It is an honest and manly statement of the true attitude which the party should assume in this crisis. I am not required to defend the propriety or wisdom of the promulgation of this letter at this peculiar time.

Mr. PUGH. Will the Senator from New York allow me to ask him a question?

Mr. HILL. Yes, sir.

Mr. PUGH. The Senator joins the President in expressing the opinion that the two Houses of Congress should be controlled in their legislation upon iron ore and coal by the fact of their ownership in this country. I should like the Senator to tell me, as I have no doubt he is able to do, who owns the coal and the iron ore that he and the President desire to have placed on the free list as a condition-precedent to the modification or repeal of the McKinley law?

Mr. HILL. I will answer the Senator. I do not know and I do not care. It makes no difference. I know to what the Senator undoubtedly refers. It may be brought out in this debate, and when it is I shall refer to it. I repeat, I do not know who owns a single coal or iron bed anywhere outside of this country and I do not care, and it makes no sort of difference in considering the question involved here.

It may have been indiscreet, it may operate as a firebrand to spread the flames of discord already kindled among party friends, honestly differing, as I am disposed to concede, upon questions of public and party policy. It may widen the breach already existing in this Senate, and in that view it may be regarded as unfortunate and ill-advised. It was a time for diplomacy, statesmanship, and conciliation, rather than recrimination, denunciation, and arraignment. But aside from the question of its mere expediency, I am here to defend the President's letter in so far as it demands that the party shall not be led astray into the violation of Democratic pledges and principles.

Upon the question of free raw materials the President is right and you know it. You can not answer his arguments. You can not successfully dispute his propositions. You can not doubt his sincerity and patriotism. You must yield in the end to his views. You can not stand up against the sentiment of the great Democratic masses of the country which will rally around the President in his contest with you upon this particular branch of the subject.

The time to yield is now, before there is further humiliation, embarrassment, and discord.

Mr. President, having demonstrated, as I think I have, that the true Democratic theory of revenue reform requires that free raw materials should be its distinguishing feature, let us next inquire what is the condition which now confronts us?

The Senate bill which has been passed violates this Democratic theory, and while it reduces the duty on iron, coal, lead, and some other raw materials from those imposed under the McKinley law, and in that respect is commendable, it nevertheless imposes some duties thereon, and thereby fails to redeem our pledges. It is not a question of the amount of duties which may be imposed; a question of principle is involved, and a single penny's duty violates our promises and places us in a false position. As the President well says, there can be no compromise on a matter of this character, where a vital principle is at stake.

The House of Representatives, fresh from the people, which represents more distinctly and peculiarly than we do the taxing power of the people, repudiates our bill, and a Democratic President has emphasized that repudiation, and the condition which confronts us is one of extreme embarrassment. Shall we retreat or advance? Shall we surrender to the House while we can do so honorably, or shall we wait until we are driven to it?

Mr. President, in the light of the letter of the President of the United States the House can not honorably retreat. It has no other alternative except to insist upon its bill wherein it provides for free raw materials. The President can not approve the Senate bill after what he has said in this remarkable letter, a portion of which I have read.

He arraigns the Senate, and intimates that the enactment of the Senate bill means "party perfidy and party dishonor." These are strong words, sir, which the President of the United States would not use toward a measure which he ever expected afterward to approve.

This letter, unusual and unprecedented in its character and method of promulgation though it may be, nevertheless clearly foreshadows a veto of the Senate bill, even if the House should finally concur in our amendments. What person would expect the President to approve the Senate bill after its vigorous and scathing denunciation contained in his letter. You would think less of him for his glaring inconsistency.

No, this letter is significant; it is a bold, vigorous, even if imprudent letter; it means war to the knife against the Senate bill; it justifies much that has been said against the Senate bill during all the last three months; it means that it can never receive Executive approval; it means that the Senate can not be permitted to abandon or surrender the great underlying principles for which we struggled and lost in 1888 and fought and won in 1892.

The President is right; there is no middle ground which we can occupy.

No bill which does not provide for free raw materials can be permitted to become a law.

It is unnecessary to enter into any argument to define or designate what articles constitute raw materials. Every Democrat knows what they are. Any article may be considered raw material when it is in the lowest or crudest form into which it enters into commerce. That definition is ample and sufficient, and will redeem our pledges if it is honestly applied.

Mr. President, I have thus far indorsed all that the President of the United States has so appropriately said upon the subject of the importance of securing free raw materials for the benefit of the manufacturers, the consumers, and the people of the country. Nothing more need be said by me upon that point.

If the President in his wisdom had seen fit, while the debate was progressing in the Senate, to have aided my efforts to secure adhesion to this principle by expressing his views in favor thereof in some proper and legitimate way, I should have been gratified, and it unquestionably would have been of practical benefit to the cause. I rejoice that he has expressed them even now, although I am not required to defend the manner and form of their presentation, which I do not assume.

I respectfully differ from the President in his assumption that a tax upon sugar is necessary at this time, conceding for the purposes of the argument that an income tax is to be retained. Clearly both are not needed for any legitimate purposes of the Treasury. That fact has been demonstrated over and over again during this debate. The President speaks of the "Democratic principle and policy which lead to the taxation of sugar." He asserts that in the taxation of sugar "we are in no danger of running counter to Democratic principle."

I am not now controverting that idea, but desire only to suggest that if it was desirable that sugar should be taxed "as a legitimate and logical article of revenue taxation," as he now says, it seems strange that the President did not in his last annual message make some intimation, suggestion, or recommendation to that effect. Not a word of that kind appears.

He indorsed the Wilson bill explicitly in his message, although it provided substantially for free raw sugar. He permitted the House to pass that measure without a word of protest, suggestion, or advice that there should be a tax upon sugar, which has come to be largely regarded as one of the necessaries of life.

Secretary Carlisle, the trusted financial officer of his Cabinet, speaking unquestionably *ex cathedra*, outlined with great care the essential provisions of the proposed tariff reform bill, but made no recommendation whatever for a tax upon sugar. While free sugar was being carried through the House the Administration remained quiet and passive; but now, after the House has acted and the country has been led to expect free sugar, the Administration shows its hand and declares for a duty upon it.

I am not now antagonizing its suggestion; I am simply stating the facts of recent history. Under the existing circumstances—with an income tax retained in this bill, I voted for free sugar before, and I shall do so again.

In my judgment the House can not now honorably retreat from its position in favor of free sugar. The President's suggestion came too late. The Senate must recede from its amendments.

Mr. President, I said that the country had been led to expect free sugar. When the House passed the Wilson bill containing a provision for free sugar it met with universal approbation on the part of the Democracy of the country from one end of it to the

other. Resolutions were passed distinctly by conventions, by clubs, by Democrats everywhere, favoring that distinct principle. I read from Evansville, Ind.:

HILL, BRICE, AND GORMAN DENOUNCED.

EVANSVILLE, IND., *May 25.*

The First district Democrats, who last night renominated ARTHUR H. TAYLOR for Congress, adopted resolutions denouncing Senators HILL, BRICE, and GORMAN as the Benedict Arnolds of the Democratic party, and demanding that sugar be put on the free list.

Mr. VOORHEES. I am authorized by my colleague, Mr. TAYLOR, who happens to be here, to say that that statement is absolutely false; that there was no such declaration in the resolutions.

Mr. HILL. I read the Washington Post every morning with great care, and on the 26th——

Mr. VOORHEES. I do not care what you read. [Laughter.]

Mr. HILL. That may be.

The PRESIDENT *pro tempore*. The Chair hopes he will not again have to admonish the occupants of the galleries and gentlemen on the floor of the Senate accepting the courtesies of the Senate to preserve order. The Senator from New York will proceed.

Mr. HILL. This appears to be a regular Associated or United Press dispatch from Evansville, Ind. That is all, of course, that I know in regard to it. Those dispatches are usually correct; but of course I am willing to accept the statement of the Senator from Indiana that Mr. TAYLOR says that what I have read was not contained in the resolutions.

Mr. VOORHEES. I wish simply to state that I know Mr. TAYLOR, I know his character, and I stake my own on his, and if the Senator from New York or anybody else makes an issue of veracity with him, it will be met very promptly.

Mr. HILL. Mr. President, does the Senator from Indiana think the Senator from New York is courting an issue of veracity?

Mr. VOORHEES. I do not know what he is courting. His actions seem to be very strange to me.

Mr. HILL. Mr. President, is the Senator so afraid of that resolution that he thinks it would be unworthy of his constituents to pass such a resolution? Does the Representative in Congress from Indiana, who was nominated upon some sort of platform, want to stand upon some other bill than that portion of the Wilson bill? I speak of this fact——

Mr. VOORHEES. The Senator from New York need not assume that tone towards me. I wish to say to him that I fear nothing, absolutely, not even the Senator from New York in any form or in any shape, or in anything he can say or do. [Laughter.]

Mr. HILL. I am glad to hear it, Mr. President. [Laughter.] I felt a little concern over the fact, and now we thoroughly understand one another.

I was casting no reflection upon the Senator from Indiana, and he need not go out of his way to pick a quarrel with me; but he seems to be remarkably sensitive over the fact that somewhere, even though the information may not be strictly correct, Indiana was denouncing me for coalition with other gentlemen in voting against free sugar, when I had voted consistently from the start in favor of free sugar.

I speak of this simply to show that the Democracy of the country upon the passage of the Wilson bill approved of it—perhaps not in all of its features, but approved at least distinctly of that provision of the Wilson bill which declared for free sugar. That is the point I desire to make; and it matters not whether this Associated and United Press dispatch is correct or not.

Mr. President, the House of Representatives is right, in my humble judgment, and reflected the demands of the Democratic party of the country when, under the circumstances, it placed sugar upon the free list in this bill. I say to the Senators around me, they misinterpret Democratic sentiment, and I think, the President himself misinterprets Democratic sentiment, when he asks, under the existing circumstances, that a duty shall be placed upon sugar.

One further suggestion, Mr. President. I welcome the President of the United States to the platform of opposition to an income tax. In the letter which he wrote Mr. WILSON on some day in July—the precise figure is a little obscure—he says:

You know how much I deprecated the incorporation in the proposed bill of the income-tax feature.

This is the first time that I have heard of that proposition. The President does not say that the country knows it, he does not say that the Democracy knows it, he says "you know it"—Mr. WILSON knows it—and Mr. WILSON has kept that information within his own breast from that day to this hour.

I have before me the message of the President of the United States, and, if I can read the English language, he substantially recommended an income-tax feature, perhaps not the one contained in this bill; perhaps it may be said that his recommendation was for a separate measure. In that respect the President is entirely right. If, however, he was speaking of this bill, then I think, if I can read the English language correctly, there was a distinct recommendation—not it is true, of this particular form of income tax, but of a modified income tax upon certain corporate investments. The President now says:

You know how much I deprecated the incorporation in the proposed bill of the income-tax feature.

I am glad to learn it. The word "deprecate" means what? It means to "pray against as an evil; to seek to avert by prayer [laughter]; to desire the removal of; to seek deliverance from; to express deep regret for; to disapprove of strongly." That is what Webster says is meant by the word "deprecate."

Mr. President, I simply cite this at the close of my remarks for the purpose of showing that the President of the United States, so often quoted in this debate here and in the House of Representatives as favoring the income tax, now comes forward, even at this late hour, and says he deprecates the putting of any such income tax in this tariff-reform bill. I trust that those sentiments of the President, which usually have weight with Senators around this circle and with Representatives in the other House, will have weight now.

I have expressed my views upon the incorporation of the income tax in this bill, and I do not propose to inflict any further argument upon the Senate in that regard. I simply say it has been from the start a disturbing feature of this measure. Eliminate it, and I stand ready to join with you earnest, honest, sincere tariff reformers around this circle to make a just and honest revenue bill, a revenue bill which shall place raw materials upon the free list, a revenue bill which, in my judgment, will meet the demands of the country.

The bill as it passed the Senate has been discredited by the Democracy of the country. Senators must be blind to the signs of the times if they can not see that it does not have the approval of the Democratic masses. In my judgment, it is our duty to recede from the two amendments to which I have called the attention of the Senate by the resolution which I have offered.

Mr. President, I desire to perfect this bill. I know it will be said by Senators around me that my views ought not to be considered because I do not intend to support the bill. I wish to be frank with you. So long as the income-tax feature remains a part of the bill I can not conscientiously support it; and I have before stated the reasons why I can not.

I still insist upon that position. I do not propose, however, to abdicate my position here as a Senator; but I desire to perfect the bill; I desire to amend it; I desire to make it as defensible a bill as possible before the people of the country and before the Democratic masses. In that view and in that line, I have offered the motion that the Senate shall recede.

Mr. President, the House of Representatives is right upon the question; the Democratic masses are right upon it; the President is right upon it. The amendments which I have offered will perfect the bill. Let us take them now, rather than wait until some other day.

Mr. VEST. Mr. President, it is a subject of congratulation with every Democrat that the Senator from New York [Mr. HILL] and the President of the United States are at last able to stand together upon any platform at all. [Laughter.] They are both now urgently pleading with members of this Congress for the enactment of a law which will give to us absolutely free raw materials.

But these distinguished statesmen have arrived at this unification of opinion after much intellectual struggle, and are now subject to the charge of much inconsistency. So far as harmony can be produced, even to a limited extent, within the Democratic party, I join in the congratulations which must come from every portion of the country upon this union at last of these two distinguished gentlemen.

The political millennium seems to have come upon us, at least in a modified degree. The lion and the lamb of New York have lain down together, and the Ways and Means Committee of the House now leads them. [Laughter.] Which is the lion and which the lamb I leave for future adjustment, for I am not bold enough now to enter upon that discussion. [Laughter.]

Mr. President, the Senator from New York tells us, as does the President of the United States, that the cardinal principle of Democratic faith in regard to tariff reform is free raw material. The President even goes further than the distinguished Senator from New York, and says that it is perfidy to Democratic doctrine and principle to consider tariff reform unless free raw materials be embodied in that reform. First, let me ask the Senator from New York, when he arraigns the Finance Committee and the Democratic party of the Senate for placing

a duty upon coal and iron ore, why he declined to vote for free wool when the yeas and nays were called in this Chamber upon that issue?

Mr. HILL. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield to the Senator from New York?

Mr. VEST. Certainly.

Mr. HILL. I have stated distinctly that in the Committee of the Whole on several occasions I did not vote upon some of the motions. In the Senate I voted distinctly for free wool.

Mr. VEST. Mr. President, if my soul were burning with enthusiasm for free raw material, if I could not rest at night because the Democratic party was going to its death by putting a duty upon raw material, I should stand on no parliamentary technicalities as to the Committee of the Whole or the open Senate; but I would rush here at the peril of my life to put myself on record for this great, cardinal, elementary doctrine. The yeas and nays were called, and the Senator from New York admits that he declined to vote for free wool; and yet the wool and woolen schedule is the palladium of protection, the citadel of the protectionist in this tariff question.

Mr. President, we are told by his excellency the President of the United States, in language so emphatic that it can not be added to in that respect, and which has been read by the Senator from New York, that no modification of this doctrine shall be made in regard to free raw material; that the imposition of any duty, however small, upon raw material is an abandonment of the teachings and doctrines of the Democratic party; yet in 1887 Mr. Cleveland sent a message to Congress in which he said:

> The radical reduction of the duties imposed on raw material used in manufactures, or its free importation, is of course an important factor in any effort to reduce the price of these necessaries; it would not only relieve them from the increased cost caused by the tariff on such material, but the manufactured product being thus cheapened, that part of the tariff now laid upon such product, as a compensation to our manufacturers for the present price of raw material, could be accordingly modified. Such reduction, or free importation, would serve beside to largely reduce the revenue.

It is apparent that the President at that time did not consider the modification of the duties upon raw material to be a crime against the principles of the Democratic party, as he now declares in the letter from which the Senator from New York has read.

My colleague [Mr. COCKRELL] hands to me the letter of acceptance of the President, in which he says:

> Recognizing these truths, the national Democracy will seek by the application of just and sound principles to equalize to our people the blessings due them from the Government they support, to promote among our countrymen a closer community of interests cemented by patriotism and national pride, and to point out a fair field, where prosperous and diversified American enterprise may grow and thrive in the wholesome atmosphere of American industry, ingenuity, and intelligence.
>
> Tariff reform is still our purpose. Though we oppose the theory that tariff laws may be passed having for their object the granting of discriminating and unfair governmental aid to private ventures, we wage no exterminating war against any American interests. We believe a readjustment can be accomplished in accordance with the principles we profess without disaster or demolition. We believe that the advantages of freer raw material should be accorded to our manufacturers, and we contemplate a fair and careful distribution of necessary tariff burdens rather than the precipitation of free trade.

This was the letter of acceptance of 1892, yet we are told now by the President of the United States that the bare contemplation of a reduction in the duties imposed upon raw materials is perfidy to the Democratic party and an attack upon its fundamental doctrines.

Mr. President, the time has come for plain speaking in regard to the matter now pressing itself upon the people of the United States. I have been the consistent friend of the present occupant of the executive chair. I defended him in the Senate when his friends could be counted upon the fingers of one hand. I shall continue to defend him so long as I believe that his aims and objects are in consonance with the success of the Democratic party, which I believe necessary to the glory and honor of this country.

But the Democratic party is greater than any man. It survived Jefferson, Madison, Jackson, and it will outlive Grover Cleveland. He does not embody all the Democracy and all the tariff reform of this country. He has no right to disregard the spirit of the Constitution. He has no right to trample upon the sensibilities and obligations of other members of his party for any purpose whatever. When it reaches the limit of self-respect, I shall consider myself fettered by no other obligations than those of my conscience and my duty to the country.

Where does the President of the United States find his right, by private letter or personal appeal, to influence the legislation of Congress? The Constitution of the United States gives him the right and imposes upon him the duty to give Congress information as to the condition of the Union, and to suggest such measures of legislation as he may deem just and expedient.

When our fathers declared that there should be three great coördinate departments of this Government, absolutely independent of each other, did they mean that the President of the United States by the use of patronage, by the shadow of the great office, the greatest upon earth, which the people have given him, should, in the teeth of the Constitution, put into the hands of the conferees, instructed to have a full and free conference upon matters in dispute between the two Houses, a personal appeal to his party friends to stand by his views upon any public question?

Mrs. Adams, the wife of the second President of the United States, in some memoirs which can be obtained in the Congressional Library, gives a quaint reason why the Capitol was placed at one end of Pennsylvania avenue and the White House at the other. It was, said that good lady, to prevent the President from exercising undue influence upon the deliberations of Congress.

But, Mr. President, in a conference committee, where the conferees are instructed to have a full and free conference, the President of the United States has deliberately injected his personal appeal and his personal opinion in order in advance to influence the vote upon a measure on which, under his oath and the obligations of the Constitution, he is at last to pass. He is a part of the lawmaking power of this Government, but his functions begin only after the Houses of Congress, unswerved and uninfluenced by the executive or the judiciary, have passed upon the question placed before them.

The President of the United States, without waiting until the Constitution places this duty upon him, in a private letter to the chairman of the conferees upon the part of the House of Representatives, throws his personal authority, the weight of his great office, his hold upon the American people, into the scales, and demands from the Senate that it shall accede to his views in regard to tariff reform, or that we virtually shall be unable to enter into any canvass upon a bill such as we think meets the demands and exigencies of the hour.

Mr. President, that portion of the letter which has struck me with more alarm than anything I have heard during the course of my public life since the declaration of war between the States thirty years ago, is the statment by the President that it was impossible, without treason to the party to which we belong, without perfidy to the principles which we profess, that a bill, adopted solemnly by one branch of the National Legislature, should become a law by the votes of his political associates. If that can be done by the President of the United States, what becomes of the theory of the Constitution that each department of the Government shall in its sphere be independent of all the others?

What becomes of our boasted republican institutions, our freedom from all except the limitations of the Constitution? If the President can do this, he can send his Cabinet ministers to us, he can use his executive patronage over us, he can do as was done in regard to the silver question—punish recalcitrant Democratic Senators who did not accept his views in regard to the free coinage of silver.

But what mockery it is to talk of a full and free conference when one conferee has in his pocket at the time when he goes into conference the views if not the instructions of the President of the United States as to what shall be done? It has been said in another place, of which I can not speak without violating the rules of this body, that the Senate conferees appeared fettered hand and foot, and in sadness informed their brothers of the other House that they were not at liberty to do as they pleased.

Sir, my sadness would have been infinitely increased if I had known that at that time, in the pocket of one of the conferees of the other House, was a letter from the President of the United States informing us as to our duty in the face of the instruction that we should have a full and free conference in regard to the matters in dispute between the two Houses.

Now, Mr. President, a few plain words in a brief résumé of the history of this tariff bill. I shall content myself by saying that no one has made greater sacrifices of opinion than I in supporting the bill as it passed the Senate. The first bill reported from the Finance Committee, or the Democratic members of that committee, provided for free iron ore, free lead, free lumber, free wool, free zinc, and a duty of 40 cents a ton on coal.

That bill came or was about to come to the full Finance Committee of the Senate when a caucus of Democratic Senators was called, and after three days' deliberation, as all the world knows, we were told to go out and prepare such a bill as would command a majority of the Democratic votes in this Chamber. It is easy enough for those who are at a distance and without responsibility resting upon them to assail Democrats in this Chamber and denounce them for making weak and cowardly compromises and concessions.

What was the situation with which we were confronted? We

knew that the overwhelming voice of the Democratic party in the United States was in favor of the repeal of the McKinley act and the lessening duties imposed by that legislation. We knew that the country had been carried on that issue. We realized that we were instructed above all things to relieve the country from the inordinate taxation imposed by the McKinley act. We were confronted with the alternative of going back to our people and saying to them that we were utterly incapable of carrying out the instructions of our party or of making an improvement upon the McKinley act, and which lessened the duties imposed upon the people.

What was our duty? That was the question presented to me. When the President of the United States says in his letter that we have now the power to pass any law we please, I beg most respectfully to take issue with him. All the world knows now, without elaboration of detail, that it was impossible to pass the Wilson bill as it came from the House of Representatives.

All the world knows now, unless it chooses to believe a falsehood willfully, that the only possibility of enacting anything in place of the McKinley act is to accept the measure which, after four months of such toil, responsibility, and harassing service as I shall never endure again, has been sent to the House of Representatives. When the President, secure in the White House, reads to us a lecture about our cowardly surrender, does he realize the circumstances which surround us? Does he know that we were confronted with the alternative of taking this bill or of taking nothing?

I, for one, determined that question for myself, and I stand here to-day fully responsible for my action. The bill does not meet my views. I am known to be an extreme tariff reformer; but when I was confronted with the necessity of taking this or of giving my acquiescence to the McKinley act remaining upon the statute book, I did not hesitate for one instant. I should like to see free coal, free iron ore, free lead, free zinc, free lumber, free wool; but if I can not get all, I shall take what I can get, and trust that a time may come more propitious, when the people of the United States will go further in the direction of tariff reform.

Mr. President, for us to be told now, after what we have endured and suffered, after libel, slander, calumny in all its black and tortuous details, that we, who were tariff reformers before the President commenced his phenomenal career are false to this great truth, is beyond the limit of human endurance, and for one I shall protest most vehemently against it.

A traveler who toils up his weary course along the mountain side knows that he can not reach the summit in a single hour or day. He is confronted by some marble cliff, by some icy glacier, and must by strategy make his way around, but if animated by the certainty that he must succeed at last, he will eventually stand upon the highest peak and then look back upon the toil and danger as anxious memories.

I hope that the time may come when the full fruition of my hopes in regard to tariff reform may be witnessed, but until I can get a better bill I shall take such a measure as can be enacted by the Congress of the United States, and I shall not receive my instructions from any other source in regard to my duties as a conferee than from the Senate. No President, no Administration, has the right to dictate to me what I shall consider to be my duty to the people of Missouri and of the United States.

I do not care to go further into what is at best an unpleasant task. I do not care to state more now than that the bill as it is before the Senate will, in my judgment, become a law, or the McKinley act will remain upon the statute book. I wish it were otherwise, but I shall not hesitate to go back to those who have intrusted me with the responsibility which I now bear and say to them, under all the circumstances, as a Democrat and a tariff reformer, I did the best I could.

Mr. ALDRICH. Before the Senator from Missouri sits down I should like to ask him a question?

Mr. VEST. Certainly.

Mr. ALDRICH. Does the Senator from Missouri desire the Senate to understand that the Democratic managers of the conference on the part of the Senate were not aware of the existence of the President's letter of instruction for the seventeen days which elapsed from the 2d of July until the 19th?

Mr. VEST. I speak only for myself. I never heard of the letter until it was read yesterday in the House of Representatives. I had no more idea of its existence than I have now of what is being transacted in Asia Minor or Africa. I say, in addition, and I neglected to state it, that I was under the impression at the time those amendments were offered that the President of the United States and the Secretary of the Treasury were fully cognizant of their nature.

I know personally that the Secretary of the Treasury knew the difficulties which we were encountering, and that he urged us to secure the passage of some bill in place of the McKinley act, and that he agreed with me that the greatest disaster possible that could come to this country would be the failure of the Democratic party to enact a tariff bill in this Congress. When, therefore, this letter, placing upon the Senate of the United States the odium of having framed this bill and departed from the cardinal principles of the Democratic party, was made public, I use but a mild expression when I say it struck me with infinite amazement.

I am not here, Mr. President, to defend or to attack the Administration, but I am here to defend the rectitude of my motives and those of my colleagues in what we have done. I shall not make the speech which was made by the Senator from New York [Mr. HILL] in defense of the President. It reminded me of a desperate murder case I tried in my early life, when I was compelled to plead the abnormal and natural moral depravity of my client to such an extent that he was incapable of committing crime. [Laughter.] After I cleared him he came to me and said, "I am obliged to you for having gotten me off, but I would rather go to the penitentiary for life than to hear that speech again." [Laughter.]

Mr. GRAY. Mr. President, I rose this morning as the Senator from New York was recognized, after this matter had been called to the attention of the Senate, for the purpose of submitting a motion which I then supposed was in order. I do not know now whether, after the motion of the Senator from New York, the motion I then intended to submit would be in order. It was a motion that the Senate insist upon its amendments and consent to the further conference asked for by the House of Representatives. If that motion is now in order I will offer it. If it is not, I will offer it when it shall be in order.

The PRESIDENT *pro tempore*. The Chair thinks that it will be in order at this time to make the motion, but the motion of the Senator from New York will take precedence. The question must first be taken on the motion of the Senator from New York.

Mr. GRAY. I then make the motion.

The PRESIDENT *pro tempore*. The Secretary will state the motion of the Senator from Delaware.

The SECRETARY. A motion that the Senate shall insist upon its amendments and consent to the further conference asked by the House of Representatives.

Mr. GRAY. Mr. President, I do not think it necessary to detain the Senate by saying anything in support of the motion that I have just submitted, or in regard to the motion now before the Senate offered by the Senator from New York. It suffices me to say that there is nothing in the situation, nothing that has occurred, so far as I am informed, in the conference between the Senate and the House upon the bill which lately passed the Senate with amendments, that makes any unusual course on the part of the Senate necessary or proper.

Although I can not speak with absolute certainty, I do not believe there will be found a precedent in the recent history of the Senate where it has, on the first report of a disagreement between the two Houses, and surrounded by conditions anything approximating those which now exist, determined to recede from the position it had taken after due deliberation, or to incontinently retreat in the face of the determined stand of the other House, or of threats from any quarter, be they what they may.

Mr. President, the bill passed the Senate in its present shape with my vote. It probably could not have passed without my vote; it certainly looked so at one time. And so might every Senator say who voted for it. The conditions out of which the Senate bill came were unusual, and they need not be recited here. Difficulties presented themselves in the path of those who were earnest, loyal tariff reformers that seemed at one time insuperable. But with a degree of patience, forbearance, wisdom, and practical statesmanship that I have not in my short service here seen equaled, those difficulties were so far overcome that a sufficient number of votes were obtained upon this side of the Chamber to pass a substantial measure of tariff reform—a measure which was as objectionable to those who supported the McKinley bill that it repealed as the Wilson bill itself.

No enemy of tariff reform rejoiced in the passage of the Senate bill. Every enemy of tariff reform did what he could, properly and honestly enough, I think, to throw obstructions in its path, to interfere with its progress in the Senate, to sow the seeds of discord and confusion among the friends of a measure that would in some degree take the burden off the bowed back of American labor and give some relief to the tax-ridden people of this country. That measure, therefore, had my free support, although it goes without saying, to those who know me, that it does not reach the standard of tariff reform which I would gladly live up to.

It does not mark the achievements in the direction of wise tariff legislation that I would rejoice to see completed; but as the Senator from Missouri said, it did record the best efforts of those who in the face of appalling difficulties succeeded at last in doing that thing. It seemed almost impossible at one time to succeed in bringing the consent of 30 Senators to a measure of substantial and real tariff reform and relief of tax burdens.

Now, Mr. President, at every stage in the progress of the bill through the Senate the enemies of the Democratic party, the enemies of what we conceive and I conceive to be sound views in regard to tariff taxation, have attempted to thwart, to hinder, to interrupt, and to prevent if possible the passage of any measure that would modify in any substantial degree what the Democratic platform declared to be the enormities of the McKinley tariff taxation.

When the bill first came into the Senate from the Finance Committee the other side of the Chamber, with its earnest, zealous, and able opponents of tariff reform, made the air vocal with their taunts that there was no agreement on this side in regard to any bill, and challenging the Democratic party that before they brought a bill here for discussion and for serious debate they should agree among themselves, believing, as I have no doubt they did believe, that such an agreement was impossible. When at last it began to be evident that such an agreement was possible and had obtained, then the same enemies of tariff reform changed their base of attack, and jeered at and taunted the Democratic party because, forsooth, with what they called a departure from the principles of their own platform, that they were not in favor of absolute free trade; and that in this particular and in that particular the bill fell short of the demands of the Democratic voters who had placed the party in power.

I am not criticising my friends on the other side who took that course. It was natural. It was skillful leadership. I only want to call the attention of my friends on this side and of Democratic reformers in the country to the attitude which the two sides of this Chamber occupied towards each other during the progress of the bill through the Senate.

Mr. President, in the process of arriving at a measure that would command 43 votes in the Senate, it goes without saying (there are none so fond and foolish as not to know) that concession was necessary on one side and the other. Of course views had to be compromised. Who ever heard of an agreement between two, much less than forty-three independent minds, in which there did not have to be concession on one side and the other? Yet we hear concession spoken of as if there were something unusual, abnormal, and unworthy in the suggestion; whereas it is usual and necessary and most worthy where the end to be accomplished is a high and patriotic one, as in this instance it was.

Mr. President, I had my views when we were in the process of arriving at this result. I urged them with such vehemence and such argument as I was able to command upon my fellows in the Senate. I was in favor of free iron and free coal when the Senator from New York was placing every obstacle that his experience and ability could command in the pathway of obtaining either.

Mr. HILL. Will the Senator from Delaware explain what he means by that?

Mr. GRAY. Mr. President, I am not to be betrayed——

Mr. HILL. Will the Senator from Delaware allow me?

The PRESIDENT *pro tempore*. Does the Senator from Delaware yield to the Senator from New York?

Mr. GRAY. Certainly.

Mr. HILL. All I can say is, that upon every occasion, and usually upon my own motion, when the question was presented for free raw material, for freedom from duty on iron ore and coal, I voted every time for that proposition.

Mr. GRAY. There are thirty Senators within the sound of my voice who know that what I said is absolutely true.

Mr. HILL. Mr. President, the Senator in justice to me should explain what he means.

Mr. GRAY. I have already in what I have said sufficiently explained; but I will repeat, that when we were in process of agreeing or endeavoring to agree to a measure that would command a sufficient number of votes, the voice of the Senator from New York was not heard by me, and I will venture to say it was not heard by the majority of Senators on this side, in favor of either free coal or free iron that he advocates to-day.

Mr. HILL. I do not know to what occasion the Senator refers. I will simply say——

Mr. GRAY. I say on no occasion.

Mr. HILL. I do not understand the Senator. It must have been——

The PRESIDENT *pro tempore*. Will the Senator from Delaware yield to the Senator from New York?

Mr. GRAY. Certainly, I yield.

The PRESIDENT *pro tempore*. The Senator from New York is recognized.

Mr. HILL. On every occasion in the Senate in which the question has been presented I have advocated the absence of duty on iron and coal. Does the Senator dispute that proposition?

Mr. GRAY. I do not know, and I was not speaking of what is the Senator's record in the Senate.

Mr. HILL. To what other record does the Senator refer?

Mr. GRAY. I was speaking of what my language clearly indicated, that in the effort on this side of the Chamber to come to an agreement on a tariff measure which would command 43 votes the voice of the Senator from New York was not heard by me, and I will venture to say it was not heard by any other Senator here, advocating either free coal or free iron.

Mr. HILL. If the Senator will allow me, I will state that I know of no occasion, at any time or place, of which it can be said that I have not held the very views I have expressed here, and I expressed them on every proper occasion.

Mr. GRAY. Has the Senator from New York any recollection of a conference of Democratic Senators where the attempt was made, and first made, and long continued, to obtain an agreement on this very bill?

Mr. HILL. I recollect distinctly that conference, sir, and shall never forget it. I recollect distinctly that upon that occasion I expressed my opposition to an income tax. I argued that. I refrained from interfering upon the details of the bill. Does the Senator mean to say that at that conference I expressed any opposition to the principle which I now lay down? If so, let him not confine himself to intimation or insinuation. Let him state what I said.

Mr. GRAY. The Senator from New York shall not betray me into the impropriety of disclosing what occurred in a Democratic caucus.

Mr. HILL. The Senator is at liberty, so far as I am concerned.

Mr. GRAY. Very well. I repeat what I said, that I never heard the voice of the Senator from New York raised in advocacy of either free coal or free iron, and I venture to say there is not a Senator within the sound of my voice who heard it upon that occasion.

Mr. HILL. I am not aware that I spoke on the subject. Others spoke upon the subject. I listened to what was said. I made some suggestion to those around me. The Senator will not say that simply because I did not choose to monopolize the time of the caucus I was bound by any other conclusion or that I was compelled to express my views upon any and all occasions? I did, sir, in those caucuses, express my views upon most of these questions, and the Senator is at liberty to state what I said.

Mr. GRAY. Mr. President, it is very far from my wish to get into a personal controversy with the Senator from New York.

Mr. HILL. Then——

Mr. GRAY. But the Senator from New York has arraigned his fellows in the Senate here. He has voted against the measure upon which they agreed and he defiantly tells them to-day, while lecturing those who have always advocated free raw material, that he will not vote for the bill if we put a duty on those articles. I decline to take instructions from such a source.

Mr. HILL. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Delaware yield to the Senator from New York?

Mr. GRAY. I do.

Mr. HILL. Does the Senator mean to say in the heat of argument that I am endeavoring to instruct him?

Mr. GRAY. Is the Senator through?

Mr. HILL. Yes.

Mr. GRAY. The Senator has delivered himself this morning upon the subject, on his motion to put coal and iron upon the free list, and in so doing he has, as I conceive, endeavored to instruct his fellows, as he has a right to do where he occupies a position that permits it. But I say that he has no right to instruct me as to the details of a measure which he declines to support.

Mr. HILL. Mr. President, I have not endeavored or intended to instruct the Senator. I have submitted and expressed the views which I hold why I am in favor of free raw material, and I have not intended to reflect upon any other Senator. If the expression of those views has reflected upon some other Senators, then I can not help it. I have the same right which the Senator from Delaware has to express my views upon the details of the bill. Whether I vote for the bill or whether I do not makes no sort of difference; I am entitled to express my views. I have expressed them, and it is because the Senator does not like them that he is squirming now.

Mr. PUGH. Will the Senator from New York——

The PRESIDENT *pro tempore*. Does the Senator from Delaware yield to the Senator from Alabama?

Mr. PUGH. Allow me to ask the Senator from New York a question.

Mr. HILL. I can not——

Mr. PUGH. I thought I had your permission.

Mr. HILL. Not until I have the floor and can answer the Senator.

Mr. GRAY. I will yield to the Senator from Alabama, and of course the Senator from New York may answer the question.

Mr. PUGH. I understand I have the permission of the Senator from Delaware to make——

Mr. HILL. I decline now, during the speech of the Senator from Delaware and after what he has said, to permit the question to be asked. When I take the floor and reply to him, if occasion permit, the Senator from Alabama can ask me the question.

Mr. PUGH. I thought I would close the controversy by a question.

Mr. HILL. It might renew it.

Mr. GRAY. Mr. President, I have ardently longed for a measure of tariff reform that would include free iron and free coal. I have done all that in me lay to bring about a result that would include free iron and free coal; and I am willing to compare my record with that of the Senator from New York in that regard. But, sir, I say I shall not yield to the temptation of self-exploitation, of airing my own views on tariff reform, nor do I desire to gain a little brief applause by declaring what drastic measures I might be in favor of if I had the power and the right to frame a bill that would contain and embody my own views. Those of my friends who take sufficient interest in my record to think on the subject at all know what those views are. They are as extreme as the extremest of the intelligent defenders of tariff reform.

The distinguished gentleman who has done so much for the great cause of tariff reform by his eloquent tongue and his incisive pen, the chairman of the Ways and Means Committee of the other House, will not go further, will not brave more opposition, will not make greater sacrifices to obtain a measure of practical tariff reform than will I. I will go where he dares lead and I will lead where he dares follow if practical results can be obtained.

But, Mr. President, if I have learned anything by my service in this body and by my comparatively short career in public life, I have learned that practical results are not always in strict accord with the theories and with the ideals of those who conspire to produce them. We are often obliged by circumstances to take the best that we can get, if it is moving in our direction. If we will turn our face towards absolute free trade I will march with that army, be its pace more or less slow or more or less fast. I will move on a double-quick if I can, and I will take the regulation step if I can not.

Mr. President, I do not believe that the tariff reformer is to be hounded down and brought into disrepute because he may differ with some of his colleagues as to the rate of progress that is possible toward the goal that we all desire. The beautiful imagery with which the Senator from Missouri closed his speech typifies our efforts, and aptly illustrates what has been done and what will be done in the future in order to reach the mountain top, where the sunlight of unrestricted commerce and unfettered trade shall at last shine upon the American people.

Mr. ALDRICH. Will the Senator from Delaware allow me a question?

Mr. GRAY. Certainly.

Mr. ALDRICH. The Senator has alluded to the attacks which have been made on this side of the Chamber upon the Senate bill as a violation of Democratic principles and as an abandonment of Democratic promises and platforms. Have not those attacks been fully justified by the utterances of his personal and political friend, the highest authority in the Democratic party, the President of the United States?

Mr. GRAY. Oh, Mr. President, I do not think so. I only answer that in the negative. The President of the United States is amply able to vindicate himself. He has the ear and the confidence of the American people, and he can always command their attention when he desires to speak to them. They have not as yet betrayed him, and I know he has never betrayed them.

Mr. ALDRICH. Does the Senator from Delaware agree with the utterances and expressions of the semiofficial letter which has just been alluded to?

Mr. GRAY. I am as much in favor of free iron and free coal as the President possibly can be. I do not know but that I was in favor of them before he had ever formulated the proposition to himself for his own consent and approval.

Mr. ALDRICH. But I understand, if the Senator will allow me, that the attitude of the President is that the imposition of a duty, however small, upon either iron ore or coal is an act of perfidy and dishonor.

Mr. GRAY. Oh, Mr. President, the Senator from Rhode Island is back at his old practices again, trying to do the best he can to produce confusion and discord in the Democratic ranks. Now that he sees the opportunity to aid the Senator from New York, who has made the defense of the President, in order to get up a division between the President of the United States and the Democratic party in the Senate. I do not think he will be able to do it. I do not blame him for wanting to do it. It is quite natural that he should wish to do it. But let me prophesy—I do not often indulge in prophecies—that his desires and wishes in that respect are doomed to disappointment.

Mr. ALDRICH. I will say to the Senator from Delaware that evidently it does not require any action either on the part of the Senator from Rhode Island or the Senator from New York to produce that result.

Mr. GRAY. That may be, but the Senator from Rhode Island is doing his little utmost in that direction. He undertakes to dance a measure with the Senator from New York, and they will waltz together down the aisle in support and in furtherance of this family feud.

Mr. President, I was saying, when I was interrupted, that no man's views as a tariff reformer were entitled to be gainsaid because he might differ with some of his colleagues as to the rate of progress that was practicable or possible under existing circumstances. If you are out in the sea in an open boat and want to get to the shore and the tide is against you, all you have got to do is to row, and if your strength will last you after a while you will reach there; but you will not advance one step by jumping overboard and trying to walk.

So, Mr. President, recognizing the conditions that surround us; recognizing the raging sea of partisan Republicanism that casts up against the prow of the Democracy all the dead and foul things that exist at the bottom of that sea; recollecting that we have these difficulties to encounter, that we have these obstacles to overcome—it would be idle to ignore them—how can we arraign our brethren who are enlisted in the same cause if they shall think that progress and final achievement require a slower gait or demand concession on this side or that, so long as the prow of the boat is kept towards the shore of our promise and our hopes.

These are not new views of mine. In 1890, at the close of the discussion on the McKinley bill, I had occasion to say:

> But it is one thing to occupy that conservative attitude toward these protected industries, turning our faces all the while in what we consider the right direction, towards greater freedom of trade, towards the loosening of the bonds that bind the intercourse of men, towards fewer restrictions and not towards an increase of them, and another to support that policy which keeps its face always turned towards a greater and greater restriction, towards building higher and higher this tariff wall, and shutting our eyes to all that lies outside of it—a policy that must be founded upon the theory, if there is anything in it, that the world is too large, and that we should be better off if the oceans that wash the eastern and western shores of this continent should bound all the world for us, and that all outside of it were a waste of waters and no civilized man found habitation elsewhere than within the confines of our own Republic.

Mr. President, I always knew, or thought I knew, that the task that was before the Democratic party after the election of 1892 would prove a most difficult and a most appalling one. Here was protection intrenched in power and place and wealth, supported by the avarice and self-interest of the protected classes, by the trained intelligence of the protected classes, all believing, and I admit honestly believing, most of them, that protection had come to be an absolutely necessary condition to the continuance of the industries that supported them. I knew the obstacles that would confront us here. I was hardly prepared, however, for all that has occurred. I knew the outcry and the clamor that would pierce the skies and resound above the Dome of this Capitol the moment we placed our hands upon what had come to be considered the sacred edifice of protection.

Every privileged class in the country, every corporation or trust that had been growing rich or making its profits out of the unequal privileges given by the McKinley law and by high protection, thronged here through its representatives in Washington, and with the best skill and the best intelligence that wealth could command assailed the ears of Senators with argument, with entreaty, with expostulation. It would be vain to say that such efforts did not produce any result at all. They have retarded the progress of tariff reform undoubtedly. They have given a road of sand through which to drag the car of our progress. It is true many of them were honest in their appeals.

Industries in a Senator's own State, frightened by the speeches and the representations of our Republican friends, came here, and necessarily gave pause to many a good tariff reformer, and made him willing to go slower than he otherwise would have done. The Republicans themselves, honestly believing in the theory and cause of protection, have been here with their ap-

peals and their arguments, and they do not think so poorly of their own abilities as to believe that they have not made some impression on this side. The Senator from Rhode Island [Mr. ALDRICH], with his great and acknowledged skill in all tariff matters, has been day in and day out with apparent, and I have no doubt real, sincerity urging upon his fellows on this side that this and that measure of the tariff bill would bring ruin and destruction to the industries of the country; and of course his arguments have had some effect.

And yet, in the face of all these difficulties, in the face of specious and plausible arguments, in the face of the obstructions of false friends, in the face of the small majority on this side in favor of tariff reform, in face of the fact that the people have not given us what we could call a working majority of tariff reformers on this side, they are demanding brick without straw We have nevertheless made our tale of brick, and we have brought out a measure, which, while not coming up to Democratic ideals in completely fulfilling the hopes and aspirations that I have entertained all my political life, yet does present to the American people a measure of substantial reform, a measure that will undo to a large degree the wrongs that have been entailed upon the people by the McKinley law; one which will give us free lumber for our homes, which will give us free wool for our clothing, which will give us reduced taxes on the manufactured products, which will reduce the taxes on structural iron and on railroad bars, and all the multiplied uses to which iron is put in civilized life and cuts in half the tax on coal and iron ore.

Mr. President, I should be recreant to the high trust that has been reposed in me by the people who sent me here if I should have failed, by my vote, to support any measure because it did not come up to the full standard of what I believed to be tariff reform, or because I found attached to it by the House of Representatives what I consider an abhorrent provision, in nowise connected with true tariff reform—I mean the income tax—yet I voted for it despite all these things; and I shall vote for any measure that comes from the conference committee that gives a substantial and real abatement and relief from what I believe to be the unjust burdens of the McKinley tariff.

There, Mr. President, I differ from the Senator from New York. I am sincerely in favor of tariff reform, and shall vote for the best measure in that direction that I can obtain. I shall vote for it whether there is free coal or free iron ore or only a duty of half the present duty on those two articles embraced in the bill; and so doing, I think I shall be discharging my highest duty to my constituents and to the whole American people.

Forty-three votes were necessary, and the conditions were anomalous. They were such that any political gambler could take us by the throat and say, "By my not voting for this bill I put the bill in jeopardy or I defeat it." That we have had to confront, and we did confront it, and we overcame it, and by God's blessing we shall overcome the remaining obstacles that lie in the path of the achievement to which the Democratic party is pledged. We shall bring honesty, we shall bring high endeavor, we shall bring all the patriotism that ought to exist in the breast of an American Senator, and we shall join hands to see that the hopes of the American people are not at last disappointed, and the fruit offered them does not turn to ashes on their lips.

Mr. President, patriotic duty requires self-sacrifice; it requires self-suppression; it requires resistance to the temptation to self-exploitation for a little popular and temporary applause. I have no doubt, in my imperfect way, I could gain from these thoughtless friends of tariff reform my measure of applause by standing here and reciting my creed in regard to unfettered commerce. I could, no doubt, receive the applause of many valued friends at home by telling them how ardently and how heroically I was standing for the things that they stood for, and that I was so heroic and so firm that I would not abate one jot or one tittle of my opinion, even though an adherence to it inflicted the McKinley law on the country for an indefinite number of years in the future. I am not that kind of a Democrat. [Manifestations of applause in the galleries.]

Mr. President, I have said all I think it necessary to say on the motion that I desire to offer at the proper time. I believe that the dignity, the patriotism, and the self-respect of this body require it to insist upon the amendments which they have solemnly and deliberately placed upon the bill as it came from the House of Representatives.

Mr. VILAS. Mr. President, I desire to move—I suppose properly it will come as a substitute for the motion of the Senator from New York [Mr. HILL]—that the Senate recede from so much of its amendment numbered 156 as is contained in the following words:

And upon all sugars above No. 16 Dutch standard in color and upon all sugars which have been discolored there shall be levied, collected, and paid a duty of one-eighth of 1 per cent per pound in addition to the said duty of 40 per cent ad valorem.

And to amend the said amendment numbered 156 by striking the said words from it.

I offer that as a substitute for the amendment of the Senator from New York.

The PRESIDENT *pro tempore*. The amendment will be stated.

The Secretary read the amendment of Mr. VILAS, as follows:

That the Senate recede from so much of its amendment, numbered 156, page 41, as is contained in the following words, beginning with the word "and," in line 10, and ending with the words "ad valorem," in line 14:

"And upon all sugars above No. 16 Dutch standard in color and upon all sugars which have been discolored there shall be levied, collected, and paid a duty of one-eighth of 1 cent per pound in addition to the said duty of 40 per cent ad valorem."

Mr. DOLPH. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Oregon will state his point of order.

Mr. DOLPH. I do not think the proposition of the Senator from Wisconsin [Mr. VILAS] can be received as a substitute for the motion of the Senator from New York [Mr. HILL]. The motion of the Senator from New York goes entirely to another portion of the bill and is in relation to another subject. I suppose the proposition of the Senator from Wisconsin might be offered as an amendment to that of the Senator from New York, or the two propositions might be connected.

Mr. MILLS. The Senator from Wisconsin can offer it as an independent motion.

Mr. VILAS. Let it be received, then, as an independent motion, if that is the proper parliamentary course.

The PRESIDENT *pro tempore*. The Chair holds that it is in order for the Senator from Wisconsin [Mr. VILAS] to move his amendment as an addition to or as a substitute for the motion of the Senator from New York [Mr. HILL], and that the amendment in either form would be in order.

The Chair will also state, however, that, as the motion of the Senator from New York covers two independent and distinctive propositions, and that of the Senator from Wisconsin another independent and distinctive proposition, it would be competent for any Senator to demand a separate vote upon either one of those distinct propositions. The Senator from Wisconsin is recognized.

Mr. VILAS. Mr. President, the circumstances in which we are placed have invited much discussion, which is perhaps properly to be characterized as personal. There is apparently evoked much feeling which, it seems to me, is rather the expression of individuals in their individual capacity than the judgment of Senators in their capacity as Senators. I desire scrupulously to avoid any such line of discussion.

I share the sentiments with which the Senator from Delaware [Mr. GRAY] so eloquently and nobly concluded the remarks which he has just addressed to the Senate. I believe I can say, without the offense of egotism, that I have been a faithful observer of the principle of duty which he so eloquently and vigorously enunciated; for, from the time when this bill was first under discussion until the last day of its consideration, I refrained, often against a strong impulse, from occupying any of that precious time which was so fearfully wasted in the long protraction of so-called debate.

Sir, I wish now to add no word that shall be or tend to any undue consumption of time. We have heard read from the desk to-day a petition, brief and to the point, from a large number of the business men of this country, which expresses the aspiration, the eager hope, of the entire people of the country, that this legislative assembly, and its associate in legislation, shall bring to a speedy and a profitable end this long, wearisome, and exacting struggle. The business interests of this country lie waiting opportunity to take a leap forward, to relieve depression, to assuage suffering, to uplift the hope of our country and our people again. Let us then deal with this question so as to promote that end.

What now is the immediate step which we are bound to take? We have passed through that stage of our deliberations which was necessary to the passage by the Senate of a tariff bill; we have sent that bill to the other House loaded down with amendments, expressing the various opinions entertained at this end of the Halls of Legislation. After long conference the conferees representing the two Houses have disagreed; the struggle between the two has failed to bring to us a single point of yielding on the one side or the other so far as the report of the committee of conference indicates, and it is proposed now that the Senate shall insist upon every one of the six hundred and thirty-four amendments which it made to the bill.

Mr. President, without a word of personal crimination, criticism, or reproach, what is the duty, not of an individual Senator, but of this Senate, this great American legislative Chamber in

dealing with this contingency? There are three considerations to which I wish to invite attention with reference to our relation to the House of Representatives in respect to this particular measure.

First, the Constitution of the United States gave a certain superiority of place and right in the consideration of revenue measures to the House of Representatives. It awarded to that House the sole privilege of originating a proposal to tax the people. That did not find its place in the Constitution of the United States as a mere prescription of a mode of business. The Constitution was not laying down a rule of order. It declared a principle, and we know whence that principle was derived. It came from the constitution of Great Britain, and it carried into our Constitution the expression of the doctrine, which has been maintained there through the centuries of their liberty, that it was in the Commons, the immediate representatives of the people, that the right of taxation primarily lay.

Sir, another thing I desire to mention, a fact rather than a principle, in exact accordance with this to which I have drawn attention, is that in truth the members of the House of Representatives, with whom we are now in contention, are the more immediate representatives of the people. They came to their seats by the choice of the electors in their several districts at the last election; and the great majority in that House in favor of tariff reform is the latest expression of the people of the United States, coming from them after many years of laborious agitation and education.

This body contains within its numbers able, honorable, and venerable men, some of whom we might fairly say come down to us from a past generation; they have been here a great number of years; and all of them are entitled to the highest consideration in every respect. Still the fact corresponds with the very idea in and upon which the Constitution predicated the proposition that taxation should originate with the immediate representatives of the people.

Sir, let me add another thing, which appeals, it seems to me, with great force to the Democratic Senators upon this side of the Chamber. We have to deal with a body composed in large majority of members of the party to which we belong, whose principles we reverence as those which alone can preserve the liberties of our country and carry forward true measures of justice to our people. As a mere coördinate branch of the Legislature, we owe duty to deal with that body in the spirit of fraternity and conciliation, in the spirit of Democratic kindness, and with effort to agree in expression of Democratic principles in our tariff legislation. We owe that duty generally, indeed in every case. It is peculiarly a duty in respect to revenue legislation.

Mr. President, having in view these three propositions, what is the situation in which we find ourselves at this time?

That body which possesses the right to originate measures of taxation, after months of arduous labor, sent to us a measure of tariff taxation, not all that tariff reformers desired, but yet such in its completeness and general scheme that its passage through the House of Representatives was the scene of tumultuous joy there, responded to in the hearts of the American people throughout the land.

That measure has now been almost six months in this Chamber, and this body, which possesses by the Constitution power only to suggest amendments, has been wrestling with it until it has metamorphosed it; and when at last our long and painful struggle was ended, and we sent it to the House of Representatives for their consideration of the amendments proposed, I grieve to say our enactment did not have the same cordial and cheerful response with which the original measure was received by the people of the United States.

And, sir, this proposition is now that we shall insist upon every amendment sent to that body. For what purpose? To compel its submission to the Senate, which has so changed the bill as that its friends would not recognize it. By what compulsion? Alas, only by public suffering. At what cost? The practical failure to pluck the fruits of victory, the result of the many years of struggle and contest through which the people of this country have passed.

Mr. President, what can justify us in taking that extreme position now? Have we found the conferees representing the other House so unreasonable, so unwilling to yield anything, that there is no opportunity for further hope? By no means. It may certainly be gathered, from what has appeared through various sources of information, that there has been a spirit of conciliation, a spirit of concession, manifested on the part of the House of Representatives.

And upon what particulars do we most insist? Upon them which in nature most peculiarly offend the spirit of the Constitution itself. We have insisted on putting on that measure subjects of taxation which the House of Representatives deliberately declared to be free. We have sought to make those things dutiable which the House of Representatives declared were improper to bear the burden of popular taxation.

I feel that in the special feature to which my motion is addressed the attitude of the Senate is so especially un-Democratic and unjust, that we ought, by receding from it, to tender to the House of Representatives an expression of our willingness to consider proper changes in the bill at the same time that we again send to them conferees with the general instruction to insist.

Sir, I am willing to vote for the motion to insist upon every other amendment proposed by the Senate, provided only we take from it this peculiarly odious and offensive tax which is embraced in the article to which I have drawn attention by the motion.

Mr. COCKRELL. Mr. President——

The PRESIDING OFFICER (Mr. GRAY in the chair). Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. VILAS. Certainly.

Mr. COCKRELL. Would it interrupt or interfere with the Senator from Wisconsin if I were to read what the President says on this schedule?

Mr. VILAS. I have read what he has said, and it would be in this discussion no aid to me; I presume others have read it, and it would be no aid to them to read it again now. I prefer to pursue to the end speedily the remarks I intend to make.

Mr. President, I concede that it may be a proper thing for the Senate to insist generally on such subjects of taxation being considered in conference as the Senate has seen fit to propose, and that in a certain sense it is right that the conferees shall be supported by the expression of the Senate that the points which meet with opposition there shall be further debated. For that reason, ardently desiring myself the greatest freedom in tariff taxation, the greatest deliverance of subjects of taxation from that form of oppression which is for the benefit of the few, therefore wishing for free coal and free iron ore as well as to have other articles of similar general nature upon the free list, I am still willing to vote for a general insistance covering those items.

I might for that reason, if simply sugar were proposed as a subject of taxation, be willing to include it in the general insistance. Indeed, I believe sugar to be a proper subject for revenue duty, and therefore should desire it to be presented again to the House. But, sir, here is a tax confessedly levied for a single purpose, a tax levied for the purpose of enriching still further the most gigantic, obnoxious, iniquitous, and offensive trust that I believe has yet been openly placed upon the people of this country. It is a trust raised into its hideous power by the McKinley act itself; for, although it had some existence before, it was that act which, by making raw sugar free and placing a higher discriminating duty on refined sugar than it ever before had borne, raised this monster of the sugar trust into its position of domination over the interests of the people of the country and of tremenduous influence and power in the halls of legislation.

Now, for what reason shall we adhere to a tax solely for the benefit of the sugar trust?

Mr. CAFFERY. I should like to inquire of the Senator from Wisconsin as to whether the tax of one-eighth of a cent additional on refined sugar will not inure to the benefit of the producer? I understand him to state that the tax is exclusively in the interest of the sugar trust.

Mr. VILAS. The Senator from Louisiana can tell better than I can whether there is in any way some share of advantage to the sugar producer in the additional one-eighth, but if there be, certain it is that the people of this country understand that that tax was inserted, not for the benefit of the producer, but for the benefit of the refiner. They understand that it was inserted in the bill distinctively and peculiarly as a refiner's tax, and it has brought down upon the Democrats of the Senate the animadversion of the people of this country, because it was put in as a refiner's tax, a peculiar expression and illustration of the principle of protection to the manufacturer.

As such I deal with it. If more taxation be necessary to raise suitable revenue upon sugar, let it be laid. Put it on, if need be, but put it on in such a manner that nobody shall derive incidental protection from it except the agriculturist, who in the fields of Louisiana or Nebraska makes sugar from cane or beets. Let us discharge ourselves from this odium. Let us deliver the Democratic party from this peculiar expression of subserviency to the great sugar trust of the United States.

Mr. President, is there need of protection to that colossal combination? Sir, not to protract the discussion with details, have we not been advised, by such modes of information as can leave

no moral doubt upon the mind, that the sugar trust has been able to divide among its stockholders in the compass of a single year a total sum nearly equal to one-third of its enormous capital of $75,000,000; that capital being itself inflated and swollen by excessive valuations of the properties in its hands? Does it need protection? As long ago as 1880 the present president of the trust testified before the Ways and Means Committee of the House of Representatives that with free trade in sugar they could beat the world in competition in refining.

By the most careful proofs, collated from trustworthy sources, it is established that the labor cost and the general cost of refining sugar in this country is much less than in any of the great countries of Europe where sugar is refined. A protective duty can only be claimed as a fair measure when it is to exclude foreign competition because that competition possesses factitious advantages which do not belong to our own country. Here the rule is reversed. By the machinery which is possessed by the great sugar trust sugar can be and is refined at a much cheaper cost and a much cheaper labor cost than in England, France, or Germany.

Upon what basis, then, shall we give to the trust a continued right to levy taxes of the same kind and in the same manner that the United States levy upon the people of this country? The United States compel the merchant, the shopkeeper, the jobber everywhere to collect here a little and there a little from every customer, from every poor man's family that buys a few pounds of sugar, some few cents or some few mills in order that revenue shall be paid into the Treasury of the United States.

Why should the United States make the sugar trust its partner in the division of the taxes so wrought upon the people of the United States? Why take the trust into this confederation to lay upon every poor family the duty of contributing some mills upon every pound of sugar until in the great aggregate the trickling streams of wealth which spring in the sweat of the laborer's forehead gather in one mighty pour of millions into the coffers of the sugar trust? Sir, for one I can not support this measure without entering this effort to relieve the conference between the two Houses of a proposed tax so obnoxious to the principles of Democracy, so abhorrent to every principle of justice, so oppressive to all the people of the United States, so unfair, wicked, and unnecessary.

Mr. President, I am glad to know that upon the other side of the Chamber the same sentiments I utter, at least in respect to the result, are entertained. I am glad to know that there is one tax, levied in the name of protection, which has become so odious, so anathematized by every thinking man in the United States that even the men of a party which professes protection for a principle can no longer support it. I am glad to know that upon the other side of this Chamber we have had, and I hope will have again, concurrence in the effort to discharge the people of this country from this oppressive and hateful burden.

I trust that we may agree upon this subject. I hope it may be possible that when these conferees are sent, bound by the general charge of the Senate, to again insist upon the six hundred and thirty-four amendments laid upon the bill, they may carry with them at any rate this tender of conciliation, this peace-offering of fraternity, by which they will signify that the Senate at least does not intend to maintain an autocratic rigidity of purpose against that body in whom the Constitution wisely places the power to originate revenue legislation.

I do not wish to detain the Senate. There are many things which I had it in mind to touch upon when I came to the Chamber this morning, but which, for the very reason that so much has been said which is not calculated to promote conciliation, I wish to refrain from any allusion to. I prefer rather to carry to the Senate, if I can, my idea of its high constitutional duty in dealing with that other body in the great American Congress.

I trust, sir, that out of this dealing, out of all the labor we have undergone, out of all the suppressions, the self-effacements, I was about to add the self-abasements, to which we have submitted in the effort to bring harmony to the majority of this body and harmony into the councils of that party which is in the majority in the country, there is yet to come a measure of economic liberty, not the complete fruition, not the surmounting of the mountain top in the beautiful figure of speech of the eloquent and winning Senator from Missouri [Mr. VEST], but at least a measure which shall mark to the people of this country the fact that at last a turn has been reached in the course of oppressive, burdensome, grinding taxation upon them to fill the coffers of the few; that at last hope is to shine upon the people of this country; that the day is to dawn not far distant when revenue will be raised by our customs taxation and not tributes for the increase of the wealth of any classes especially favored, but when with general liberty throughout the land in trade and commerce as well as in law and enlightment, the merchants of the United States, descending to their ships from either shore of this vast continent, will bind up in great bands of peace and Christian kindness the trade of the whole world to its center in the United States.

Let us not mark this measure from which we hope so much with a badge of servitude, nor put upon the Democratic party, which alone can be the servant of that liberty in this land, the collar of a villien of the sugar trust.

Mr. CAFFERY. Mr. President, I understand the motion of the Senator from Wisconsin [Mr. VILAS] to be an instruction to the Senate conferees to drop the differential of one-eighth upon refined sugar which has been adopted by the votes of the Senate. During the course of the Senator's remarks I ventured to ask him a question, after a strong expression on his part, and which he referred back to me for a response.

It is absolutely useless for me to say that, representing my State and its chief staple product, I have no concern with or interest in the sugar trust. I am here to advocate so far as I can the interest of my State in this particular. The one-eighth being taken off will strike a deadly blow at that interest.

Mr. PALMER. Will the Senator from Louisiana allow me?

Mr. CAFFERY. Certainly.

Mr. PALMER. I should like to make a statement and to ask the Senator from Louisiana a question. I have never been able to comprehend how the producers of sugar are interested in retaining the one-eighth for the refiners. I hope he will show how the producers are interested.

Mr. CAFFERY. The explanation is very simple. The producer of cane in Louisiana is mostly a manufacturer of sugar. The Louisiana planter, by adopting the recent improved methods, turns out a sugar which goes into consumption as refined sugar. It is a centrifugal sugar, quite equal to the German granulated sugar, which is the great competing sugar that the trust has to contend with.

Mr. President, in the matter of tariff reform I am in strict line with the orthodox tenets of my party. I was born and reared in the midst of the sugar-planting district of my State. Ever since I have attained years of discretion I have been a Democrat and a tariff reformer on the strictest lines of the Democratic faith, theory, and policy. For many years I have been censured in my own part of the country for clinging too tenaciously to the Democratic theory.

I have earnestly, in season and out of season, told my people that the anchor of safety for them was to grasp the Democratic theory and lay hold of the Democratic platform, which platform announces the theory that the Democratic party is pledged to a tariff on imports for revenue, and that having the article which produces revenue more conspicuously and to a larger extent than any other article upon the dutiable list, they were in no danger of destruction at the hands of the Democratic party.

I am not a whit behind any of my associates upon this floor in the matter of tariff reform; but when the Democratic party breaks loose from its moorings, when I am told upon this floor that the very conference committee which has brought in this report would have brought in a report for free sugar if they dared, I think it is time to call a halt, and to inquire into the reasons why we have departed from ancient Democratic doctrines.

Mr. President, it is said the reason that there is a hesitation, the reason there is almost an absolute refusal to place sugar upon the dutiable list is that it is unpopular so to do, that the people of the United States have enjoyed the sweets of free sugar, and that they owe the sweets of free sugar to the Republican party.

If, therefore, the Republican party were to adopt a principle or plan of putting on the free list every cherished subject and object of Democratic taxation, and that made it popular, then the Democratic party is to recede from its principles and adopt the plan of the Republican party. I am not that sort of a Democrat.

Mr. President, I will allude briefly to the sugar culture of Louisiana, and try to induce the Senate to believe that at this moment it would be absolute destruction to the people engaged in that industry to put sugar either upon the free list or give them such a restricted and diminished duty as that they could not live and prosper. The sugar industry existed in Louisiana before it was a State.

The first experiment made in sugar was in 1794 by M. Etienne De Boré, a gentleman who had a plantation above the city of New Orleans. It was not supposed that the juice of the cane would granulate into crystals of sugar until the experiment was made by this gentleman. He succeeded. When Louisiana was admitted into the Union under the State constitution of 1812 it found the sugar industry just about springing well into existence.

From that period, and before that period, down to the present, there is not a single Democratic Congress that ever hesitated one moment as to whether or not a tariff upon sugar was within Democratic lines and Democratic policy. We never dreamed that because the Republican party put sugar upon the free list the Democratic party would depart from the precedent of a hundred years of imposition of duty upon sugar. From uninterrupted custom, from the continuous imposition of a tariff upon sugar for more than a hundred years, the people of my State built up the industry, relying upon its continuance as an application of Democratic doctrine.

I have constantly heard upon this floor the declaration made that if the gentlemen framing this bill had their way there would be no tax upon sugar. It is about time to talk plainly, and I propose to do so now. I make no threats, no criminations. There is none of that sort of thing in me. When the test comes here as to whether I will sit in my seat and see the industry destroyed upon which the prosperity of my State is founded, I shall act promptly and decidedly.

The sugar industry had culminated under the slave régime in 1861 to the extent of supplying about one-half of the sugar of the United States. In a few more years it is my deliberate opinion that that State alone would have supplied all the sugar of the United States. I am warranted in that belief from the rapid strides the industry had made from about 1820 to 1861. After the war the sugar-planters were absolutely divested of all means to follow the pursuit.

It required, under the conditions confronting them, very large capital. It required expensive machinery. It required vast outlays. The necessary capital to commence the business had consequently to be borrowed. Before the labor relations between the owners of the soil and the emancipated blacks had been properly adjusted (as I am happy now to say they are), the history of the sugar industry of Louisiana from the war up to about ten years ago is a history of disaster and bankruptcy. Since the improvement of the method both of extracting the juice from the cane and evaporating the juice after its extraction, the industry has taken a new start.

The start commenced under the tariff that existed prior to 1890. It was accelerated after the gift or grant of a bounty by the McKinley act of October, 1890; and now the industry is in a flourishing and prosperous condition.

I will direct the attention of the Senate to the fact that when the Republican party, out of its own exigencies, in 1890 took the tariff from sugar it recognized the justice of giving an equivalent to the sugar producers, lest they should be wiped out of existence. They gave the equivalent in the shape of a bounty. There was a bounty of nearly 2 cents a pound, with an additional tariff of sixty one-hundredths of a cent on refined sugar.

In answer to the question of the Senator from Illinois, I stated that we have made to a large extent what is called refined centrifugal or off-white sugar. The term off-white is used to signify that the color is slightly off, not entirely white; and by adopting the centrifugal process, and by the establishment of large mills the planters of my State have been able to keep abreast with the times. They are not entirely so yet, but they are rapidly approaching to the use of scientific methods adopted in Germany for the manufacture of the beet into sugar.

Under the promise held out by the Senate in the report of its Finance Committee of giving a diminished bounty, the planters, in order to provide for a time when the tariff might be entirely taken off or considerably diminished, have incurred enormous expenses. I believe I am safe in saying that they have anticipated both the 40 per cent tariff and the small modicum of bounty that was allowed, for at least three years in advance, in purchasing more approved machinery and in erecting more suitable buildings.

Mr. President, living in that part of the country, knowing somewhat about the business, if not entirely an expert in it, I am perfectly justified in saying, and I do say here, that even with the proposed modified bounty which the Senate struck off, with the 40 per cent ad valorem and the eighth and tenth additional, a large number of the planters of Louisiana will go to the wall. They have censured me for accepting the proposition of the Senate Finance Committee. They have represented to me—and I know their representations are not at all extravagant—that under this diminished protection they would be met with ruin and with bankruptcy.

Notwithstanding that, in the intense desire and eagerness I had to see that a Democratic measure of tariff reform should be passed and the enormous burden of taxation entailed by the operation of the McKinley law relieved, I submitted to the proposition of the Senate Finance Committee. I did so in good faith. Then came the vote on the amendment offered by the Senator from Nebraska [Mr. ALLEN] in precise line with the proposed action of the Finance Committee itself, and it was defeated by an overwhelming vote.

Now it is proposed to take off an eighth, and taking off the eighth will cripple and destroy the planters of Louisiana. It is not merely a handful of protected planters whose interests are at stake in this matter. There are nearly 300,000 laborers directly and indirecly engaged in the sugar business. There is a capital of about $100,000,000 invested in it. The annual crop, or the crop of last year rather, for the crop rises in progression, was worth at least $20,000,000. That crop has been exchanged against nearly every product of the West and the machinery of the North and the East.

The area to which cane culture is devoted in my State is embraced south of the thirty-second degree of north latitude, extending from the Mississippi River westward near the Texas line. It is bordered on the south by the Gulf. It is not fitted for the culture of the cereals. A portion of the country can not make cotton at all; the atmosphere is so damp that the worm eats up the bolls as fast as they are formed. There is no other product in the extreme southern belt, composing about twelve parishes, in my State to which the agriculturist can devote his attention; and I say here for my State, if the bounty is denied that was promised, if the duty is taken off which was agreed to be imposed, that country will become a desert.

Mr. President, this cry for relief coming from the sugar planters of Louisiana does not come from overgrown and bounty-fed corporations. It comes from the honest tillers of the soil. It comes from honest American citizens. They have been induced to go into this business by reason of the legislation of a hundred years, and it is not Democratic to strike them down. It is not only not in accordance with political economy and theories of the Democratic party, but it is not humane; it is not just; it is absolute, unadulterated cruelty.

If those people have to be destroyed by either one party or the other, humanity dictates that at least such a modicum of protection shall be given to them as will enable them to find some other pursuit or go to some other spot upon God's green earth where they will not be tortured and punished by tariff legislation. They ask this at the hands of a Democratic majority; a Democratic State asks it which never yet has wavered in her allegiance to the Democratic party. Her citizens ask it. They ask the withholding of the hand that would deal the deadly blow.

At every step in the progress of this sugar-tariff legislation schedules agreed on have been changed; promises made have been violated. We are treated to this reduction, and then that reduction, until the people of my State know not where they stand. A fair revenue tariff, a fair, square, honest tariff upon sugar in the first instance would have been what the situation demanded and what the Democratic party could have accorded without violating a single one of its principles.

What is the slight protection that we enjoy, Mr. President? We made 600,000,000 pounds, say, of sugar last year. The bounty on that at 2 cents is $12,000,000. What proportion does it bear to other protected manufacturing interests in the country even under the operations of this bill? Under the Democratic theory of adding the tariff to the amount of the sales of the domestic product we find that the domestic product of cotton goods enjoys a protection of $63,897,360.

The Senate bill proposes to put a rate of 38.45 per cent upon manufactured products of cotton. Subtracting from the amount of the gross product the amount of the McKinley tariff, the cotton manufactures have a protection of $63,897,360 on an output of $268,000,000. What about woolen products? The distinguished Senator who now occupies the chair [Mr. GRAY in the chair] I think stated that wool is the palladium of tariff reform. Wool is placed on the free list, but the products of wool are not placed on the free list. The protection that woolen fabrics enjoy after subtracting from the product of the domestic manufactures the amount of the McKinley tariff would be about $37,440,000.

I have here a long list of industries protected by the bill, but I do not choose to read them all. I will only allude to iron and steel and bituminous coal. The rate in the Senate bill upon iron and steel manufactures is 34.52 per cent. The amount of protection upon the amount of the domestic sales under this calculation would be $92,114,405. This is the way the tariff reaches. It reaches by indirection.

Under the operation of the tariff prior to 1890, the tariff act of 1883, and the last year of that tariff, out of $212,000,000 realized from the duty on imports $88,000,000 of that amount was derived from sugar; the ideal subject of taxation filling up completely the Democratic scheme of tariff taxation.

The amount of protection on bituminous coal allowed under

this bill is $45,312,000. I will ask the privilege of inserting these figures in my remarks.

"Tax" or protection on domestic consumption.

[Figures from census, "Manufacturing industries," page 4.]

1890. Cotton, manufactures of	$268,000,000
Exported	10,000,000
	258,000,000
McKinley rate, 35½, discount value	166,183,000
Senate bill rate, per cent	38.45
Domestic tax or protection	63,897,360
Duty collected on imports of	11,691,500
1890. Woolen, manufacturers of	328,000,000
(Exports nominal.)	
McKinley rate, 98.53, discount value	170,247,000
Senate bill, average rate, per cent	35
Tax or protection	59,586,450
Manufactures of, duty collected on imports of	37,440,000
1890. Silk, manufactures of	87,300,000
(Exports nominal.)	
McKinley rate, 53.56, discount value	56,850,000
Senate bill, average rate per cent	44.16
Tax or protection	25,104,960
Duties collected on imports	18,945,900
1890. Iron and steel manufactures (Statistical Abstract, 1893, page 159)	430,900,000
Exports nominal	3,194,000
	427,705,000
McKinley rate, 58.48, discount value	270,511,000
Senate bill, average rate, per cent	34.52
Tax or protection	82,114,405
Duty collected on imports of	15,384,100
1890. Glass, manufactures of	41,950,000
Exports, nominal	892,677
	41,057,323
McKinley rate, 51.46, discount value	27,114,000
Senate bill, average rate	37.13
Tax or protection	10,067,428
Duty collected on imports of	4,215,838
1890. Chemicals, manufactures of	59,000,000
Exports	6,224,500
	52,776,500
McKinley rate, 33.04, discount value	39,970,000
Senate bill, average rate	20
Tax or protection	7,994,000
Duties collected on imports of	4,669,000
1890. Steel rails (Statistical Abstract, 1893, page 221,) tons	1,885,300
Exported do	10,236
	1,875,064
	$31.75
Value	59,533,282
McKinley rate, $17.75, discount value	33,305,000
Senate bill, average rate, per cent	22½
Tax or protection	7,493,625
Duty collected on imports of	45,927
1892. Coal, bituminous, production (Statistical Abstract, 1893, page 68) tons	113,250,000
Senate bill, cents per ton	40
Tax or protection	45,312,000
Duty collected on imports of	303,443
1892. Pig iron, production (Statistical Abstract, 1893, page 221), tons	2,157,000
Senate bill, cents per ton	40
Tax or protection	3,662,800
Duty collected on imports of	462,602
1892. Lead ore (Mineral Resources), 208,000 tons, 416,000,000 pounds, at three-fourths of 1 cent tax or protection	3,120,000
Duty collected on imports of	756,052
1892. Tin plate, 103,900,000 pounds, at 1 cent tax	1,039,000
Duty collected on imports of	6,746,600
1890. Boots and shoes, manufactures of (Abstract of census, page 143)	220,649,000
(Exports nominal.)	
McKinley rate, 25 per cent discount value	176,519,000
Senate rate, per cent	20
Tax or protection	35,303,800
Duty collected on imports of	24,260
1890. Shirts, production	33,000,000
McKinley rate, 68.26, discount value, about	20,000,000
Senate bill rate, per cent	50
Tax or protection	10,000,000
1890. Gloves and mittens, production	10,103,000

"Tax" or protection on domestic consumption—Continued.

McKinley rate, say, 65, discount value	$6,123,000
Senate bill rate, per cent	40
Tax or protection	2,449,200
Duty collected on	880,118

1890. Sugar imports: value, $36,034,500; duty, $53,965,873.

1890-'91. Sugar, domestic: 497,170,000 pounds; duty, say, 2½ cents, $12,429,250.

Barley, hulled, 30 per cent, an increase of 50 per cent.

Barley, malt, 40 per cent, an increase of 3.7 per cent.

Barley, production, 65,000,000, at 40 cents per bushel, equals $20,000,000; 30 per cent ad valorem equals $8,970,000 of protection or tax.

Gloves, 40 per cent. The cuts run from 10 to 30 per cent.

Gloves at 41 cents per pair, 40 per cent gives 16.4 cents tax.

Gloves at 81 cents per pair, 40 per cent gives 32.4 cents tax.

Gloves at $1.04 cents per pair, 40 per cent gives 41 cents tax.

RECAPITULATION.

Tax or protection on domestic product.

	Tax.	Revenue.
Cotton, manufactures of	$63,897,360	$11,691,500
Woolen, manufactures of	59,586,450	37,440,000
Silk, manufactures of	25,104,960	18,945,900
Iron and steel, manufactures of	82,114,405	15,384,100
Glass, manufactures of	10,067,428	4,215,838
Chemicals, manufactures of	7,994,000	4,669,000
Coal, bituminous	45,312,000	303,443
Pig-iron ore	3,662,800	462,602
Lead ore	3,120,000	756,052
Tin plate	1,039,000	6,746,600
Boots and shoes	35,303,800	24,260
Gloves and mittens	2,449,200	880,118
Total	339,701,403	101,579,503
Revenue from like articles	101,579,503	
Excess of domestic tax over revenue	238,131,900	

Now, when the domestic manufacturers of sugar are trembling for their security, here is another step contemplated, another blow to be struck, which will hurl them into ruin.

Once in my life I had a fearful alternative presented to me. I was a quiet, peaceful citizen, pursuing my calling as a sugar-planter in my native State. Suddenly the tocsin of war sounded throughout the length and breadth of the land. I revered the Union and I honored its flag.

When my State called me to arms I had to answer to the call of the State of my nativity and the State of my love. I revere and I love Democratic principles. They were born in me. What little study and reflection I have been able to give to political subjects have convinced me that the Democratic theory of government is correct and that the Democratic theory of tariff for revenue is correct. But when the alternative comes between the State of my love and the party to which I owe my political allegiance, I shall stand by my State. I here distinctly state that if the amendment proposed by the Senator from Wisconsin is adopted and if the promise of the Senate Finance Committee to give a modicum of bounty is not complied with the bill will not have my support or sanction.

Mr. SHERMAN. Mr. President, I did not intend to take any part in this debate, nor do I intend to occupy the attention of the Senate more than a few moments.

Certainly I do not desire in the slightest degree to injure the production of sugar in the United States. Indeed, I think it is rather discreditable to the United States that it has not long before this time established sugar as an industry sufficient at least to meet the domestic wants. I have no desire at all to disturb the prosperity of sugar manufacturing in this country. I can not, however, justify what has been said by the honorable Senator from Louisiana [Mr. CAFFERY]. The Senate has been extremely liberal to the sugar industry. A higher rate of duty is placed by the bill upon raw sugar than I believe ever existed except in one tariff law in the United States.

By the Walker tariff act the duty was placed at 30 per cent ad valorem upon all grades of sugar, whether refined or unrefined, and I believe that was the highest rate of duty which had been imposed upon it to that time. Mr. Walker considered it as a proper subject for revenue, and that was the highest rate of duty imposed by the Walker tariff act, if I remember aright. It is given in the compilation furnished by the Committee on Finance, and here it is. The duty on sugar was 30 per cent ad valorem.

The duty imposed on sugar in the later acts was even less. By the act of March 3, 1857, which was a Democratic Congress, the duty was 24 per cent. By the Morrill tariff act it was put at three-fourths of a cent a pound. So it is manifest that the duty of 40 per cent on all grades of sugar, which is now proposed to be levied, is as high a rate as has ever been levied before. I think that is right; I think a duty of 40 per cent is amply sufficient to develop the sugar industry in the United States, and I anticipate that within five years from this time there will be

more sugar made from beets in the United States than from sugar cane. It may be that the proprietors in Louisiana will change their mode of producing sugar by taking the homely beet instead of the sugar cane. The general tendency is that way. In every country of Europe where beets can be raised beet sugar has superseded sugar from cane.

The proposition now to impose a duty, whether as a protective duty or as a revenue duty, of 40 per cent ad valorem, it seems to me ought to satisfy our friends from Louisiana, especially as they have contributed to reduce the rates of duty on almost every production of the North to less than 40 per cent, even on cotton goods, on which are imposed the highest rates in the bill. The rate is less than 40 per cent on almost every article produced in the North. Every article produced by the farmer has been reduced to 20 per cent or less. Certainly the gentleman from Louisiana ought not to complain when a higher rate of duty is now imposed upon sugar than upon any other agricultural product of the United States.

I ask my honorable friend from Indiana if he can state a single agricultural product that is now to have a duty of 40 per cent, except sugar.

Mr. BLANCHARD. If the Senator from Ohio will permit me, I can name one.

Mr. SHERMAN. What is it?

Mr. BLANCHARD. Rice.

Mr. SHERMAN. Well, that is a product of the South, and the Senators from the rice-producing States have had their own way about it. I think myself the duty on rice is too high, but we have made no complaint about it. I think it ought to have been reduced to a lower grade; but the Senators from Louisiana now come before us and complain of hardship or injustice and speak as if we desire to interfere with their industry or in any way to injure it. Certainly there is no desire of that kind. The Democratic Senators on the other side have shown rather a disposition to enlarge the duty on sugar. It is true that while there was no duty on sugar under the McKinley act, the large amount given to the refiners was a mistake in that act.

I have said that over and over again, and I have stated it here in the Senate. It seems to me to be now demonstrated that so far as the sugar trust is concerned the 40 per cent ad valorem upon sugar, which is a protection to the refineries as well as to the Louisiana planters, will more than pay the cost of refining. They will go with all their immense capital into all the marts of the world, including Germany and all the countries where sugar is made out of beets, and in the tropical countries; they will buy sugar at the lowest possible rate and bring it in here; and to the extent of 40 per cent ad valorem they are protected. Why should they have an additional protection? Why should one-eighth of 1 cent per pound be given? I know from the usual temper of the House of Representatives, and I know from the way I felt when I was a member of that body, that a bounty of this kind, an absolute sum of money paid out to a single corporation whose watered capital of $75,000,000 represents only about $10,000,000 of actual property, on which they make an income every year equal to the original capital, will never be granted.

The idea of voting one-eighth of a cent a pound in aid of the sugar trust, it seems to me, is entirely indefensible. That one-eighth will not operate for the benefit of the sugar-planters. They seem to think that it will be an additional protection to them, but I do not so regard it, for the difference between the value of the raw sugar and that of the refined sugar, measured at 40 per cent ad valorem, is their protection. There is the great profit to the sugar trust. They will have a protection of 40 per cent, and that will be equivalent to 1 cent a pound, which will more than pay all the expenses of refining; for it must be remembered that in the process of refining no sugar is wasted. All the refiners do in refining sugar is to take out the coloring matter to make it more palatable and more attractive in appearance, so as to secure a higher price for it. There is no reason in the world why that one-eighth of 1 cent should be given to them.

What is one-eighth of 1 cent per pound on two or three or four million tons of sugar? I have forgotten the exact figures, but on all the sugar imported into this country it amounts to an enormous sum, and the refiners get the whole benefit of it, while the entire cost of refining sugar, as shown by the documents before us, is only about one-half of 1 cent per pound.

It seems to me that to grant a subsidy would be a scandal and a shame. I never look upon it in any other way, and I would not vote for it under any consideration. I do not think this bill should ever be passed with such a provision in it. Therefore I think we ought to recede upon that amendment, which is one of the most important features of the bill.

I should vote for striking out that one-eighth and relieve the refiners and relieve the producers and all those who have the benefit of 40 per cent ad valorem on sugar, which is more than the average rate, and more than the rate on any other agricultural production, except rice, and greater, I think, than can be justified by the circumstances of the case.

Mr. PALMER. Mr. President, I agree with the President of the United States that raw material should be free. I represent a State that can derive no advantage from protection. Nothing that we have can be benefited by protection, and I am anxious, if I can, to avoid the oppressions which result from the attempt to protect other interests. That is all that I can do.

I am not willing to vote for this one-eighth of 1 cent a pound in favor of the refiners. I do not think it ought to be asked for by the sugar-producers. They are keeping very bad company.

The Senator from Louisiana [Mr. CAFFERY] says that the sugar-growers of Louisiana do refine sugar to some extent. The amount of benefit that the sugar producers would derive from this one-eighth, under the pretense of refining sugar, is very small. The great bulk of the profit would go to the sugar trust. It would be an addition to the cost of refined sugar. I suggest to the Senator from Louisiana that one of the best things that the sugar-producers can do is to dissolve that partnership with the sugar refiners.

Mr. CAFFERY. If the Senator from Illinois will permit me, I will inquire of him, first, as to the existence of a partnership, and, if there is such partnership, what kind of a partnership it is?

Mr. PALMER. I understand that the Senator from Louisiana argues that, from the improved methods of production, the sugar-producers furnish a class of refined sugar, and to the extent they do that they would be benefited by this duty; but the sugar refiners would derive a hundred times as much benefit from it as would the sugar planters of Louisiana. Hence, I say, although they may produce something of that sort, they may produce a certain species of refined sugar, that the substantial benefits of this one-eighth would go to the organized sugar refiners, who are usually characterized as the sugar trust.

Mr. CAFFERY. I should like to ask the Senator from Illinois if an identity of interests constitutes a partnership?

Mr. PALMER. Yes; an identity of interests and a division of profits do, and that is the exact relation that the Louisiana sugar planter proposes to occupy to the sugar trust, that they are to be one in interest and one in profit, and I suggest to the Senator from Louisiana that the small share of the profits which the sugar grower would derive from this duty would be but an infinitesimal proportion of the burden which would be imposed upon the country.

Mr. CAFFERY. I should like to know of the Senator from Illinois whether there is any chance or opportunity of getting out of what he is pleased to term a partnership, other than by abandoning the manufacture of refined sugar?

Mr. PALMER. The simple method would be for the sugar planters to accept an ad valorem duty that would protect them, and leave the sugar refiners to take care of themselves, whether they be the sugar growers or whether they be the large interests which are represented by what is called the sugar trust. I maintain that 40 per cent is enough and all that the sugar producers ought to have. As the Senator from Ohio [Mr. SHERMAN] has stated, no other agricultural interest receives so large a protection. An exception has been made in favor of that interest.

Mr. CAFFERY. If the Senator will permit me again to inject another interruption in his speech, I think I stated in about as clear language as I could that the sugar planter of Louisiana is per force a manufacturer of sugar, and is therefore entitled to protection.

Mr. PALMER. I am perfectly willing to pay to the sugar grower of Louisiana a fair ad valorem duty on his product, but I am not willing to pay any duty to him as a refiner of sugar. That is another and a distinct employment. If it were possible to limit it to the sugar producers of Louisiana it might be endurable, but the fact is that it operates for the benefit of the persons who are engaged in perhaps the largest business in the world, and therefore I protest against it. I do not say to the Senator that I would not vote for this bill even with that provision in it, because I have yielded my convictions very largely for the sake of agreeing with my political friends.

I have regarded the doctrine of protection as essentially and radically vicious. The whole theory of protection is a fraud, and, if not a fraud, it is worse than that. This theory that the Government can and will and ought to take care of the people by finding them employment at good wages is the nursery the germ from which Coxeyism and all these isms are drawn.

Mr. PEFFER. Why not apply protection according to the Democratic rule?

Mr. PALMER. What is the Democratic rule to which the Senator from Kansas refers?

Mr. PEFFER. I asked why not apply protection according to the Democratic rule?

Mr. PALMER. The Democratic doctrine of protection is that men shall not be burdened, but shall be left to work out their own salvation; and whenever we depart from that doctrine we involve ourselves in strikes and mobs and riots.

Mr. CAFFERY. Will the Senator from Illinois permit me to ask him a question?

Mr. PALMER. Certainly.

Mr. CAFFERY. I ask the Senator whether, when he proposed an amendment to place barbed wire upon the dutiable list and to take it from the free list where it was, he was then of opinion that protection was a robbery and a fraud?

Mr. PALMER. I answer that I was [laughter] and I still am.

Mr. ALLISON. Will the Senator from Illinois allow me to say that I suppose he made an exception as to barbed wire?

Mr. PALMER. I did not; and if the material from which barbed wire is manufactured had been made free I should never have intimated the propriety of taxing barbed wire. I believe in free raw material. It is the manufactured product which it was proposed to tax and to leave free the raw material from which the manufactured product is made. That, in brief, was the Democratic doctrine.

I repeat, that this eighth of a cent allowed to the refiners is not required, I think, by any real interest of the country. I should not say, like the Senator from Louisiana, that I would not vote for the bill even with that abuse in it, because I am anxious to escape from the present conditions. One of the things from which I am anxious to escape is the bounty paid to the Louisiana sugar-planter, a most vicious arrangement, which stands in the way of all real tariff reform. The system of bounties is vicious and demoralizing. I am willing to pay 40 or even 45 per cent ad valorem to get rid of that system, if by that means we can escape from the vicious provisions which gave to the sugar-growers this bounty of 2 cents a pound on sugar. I know it is an expensive experiment, but we must accomplish it at whatever price. I shall submit to anything within fair reason to get rid of it.

We have done the very best we can in the present tariff bill, and we shall have accomplished a very large amount of good if the bill becomes a law. I will state frankly that I am not disinterested about this. The tariff on coal is to me a mere bagatelle. We have 35,000 acres of coal land in Illinois, and if our New England friends would even double the duty on coal—I believe they ought to have free coal; I should be glad to see them consent to accept free coal, but they will not——

Mr. GALLINGER. No, we will not.

Mr. PALMER. Then, I am anxious that they shall not charge back to us the duty they pay on coal. I believe the Senator from New York [Mr. HILL] is a much truer and better friend of the industries of the seaboard than are those who insist upon having a duty on coal. I should be willing, if it were not a violation of sound principle, to see the manufacturing States double or quadruple the duty on coal, because I regard it as a protection accepted by themselves in favor of the industries of Illinois, for I think the day is not distant when the Central States will manufacture their own products, and it will not be necessary to transport products to New England to be converted into fabrics.

Mr. PLATT. Does the Sentor from Illinois not know that the manufacturing center of the United States is now somewhat southwest of Canton, Ohio?

Mr. PALMER. I did not know it in that form.

Mr. PLATT. That is the fact.

Mr. PALMER. I know that in Illinois we have coal to a larger amount than in any other State. We are on the lakes and we can transport iron ore to Chicago through the water communication of Illinois cheaper than it can be done anywhere else. Hence, if I had my way and the manufacturers of the New England States insisted upon it, they might double the duty on iron if they wish to do so. What I insist upon is that it would operate to the benefit of the Middle or the Central States, and I believe it would. I believe that to-day.

I repeat, the Senator from New York, who favors free coal and free iron ore, is a far better friend to the manufacturing interests of New England than those who officially represent those States, and so is the Senator from Texas [Mr. MILLS], who visited New England during the last Presidential canvass, and said to the manufacturers there, "You shall have free coal in case of Democratic success." I believe he was offering them a boon, which I do not think they accepted very readily, but still which ought to be given to them now. There is where free coal and free iron are needed. I am glad to see they take upon themselves all the burdens possible, because the effect will be that the manufacturing industries of the country will be driven to the point where the supplies are abundant and materials can be found on every hand.

I wish to make one other remark, and then I am through. This bill is not the very best, I hope, that we can get. It is better, however, than the McKinley law. The President of the United States in his letter—which has been made the subject of comment, and I may speak of it—with that independence which characterizes him, has expressed his own views and has given his own interpretation of the Democratic creed. Doctrinally he is right; I have no doubt but that he is right in doctrine, but the President does not know as much as some other people do. He does not seem to know that when you can not have the absolute pure milk of the word, you should come as nigh as you can, and that practical politics requires that we should pass this bill and go to the country upon it.

I am prepared to do that, even if I am compelled to take the one-eighth of a cent on sugar. Although that much sugar would be very unpleasant, I would take it precisely as I take any other disagreeable medicine. I would swallow it because it was better than to be sick. I am entirely willing that the President shall entertain his own views. I am in favor of the present bill with such modifications as can be obtained in two or three particulars. I am in favor of laying it before the President. I am then in favor of the President doing his duty as he understands it. Then, we shall all have done our duty in accordance with our own convictions. If the President thinks the McKinley act is better than this bill, he is a wise and judicious statesman to take the McKinley act rather than the bill. If he thinks we have improved on the McKinley law, he will sign this bill.

Mr. President, I favored the nomination of the President of the United States. I think I exerted some influence in securing it. There were a few foolish people in Illinois who talked about me as a candidate, and I told them it was far more important to nominate Mr. Cleveland for reasons which I do not care to give now. I voted for him. I rejoiced in his election; but, Mr. President, I want to say one thing, and then I am done. I was a Senator from Illinois before he became the President of the United States; and a word to the wise is sufficient. [Laughter and applause.]

Mr. HUNTON. I desire to ask the Senator from Illinois a question. Conceding all that he has said to be correct about coal and iron and the one-eighth of a cent per pound on refined sugar, I ask the Senator is it not the true policy of the Democrats who desire to pass a tariff bill to refer this question back to the conferees without instructions, and more especially so as the House of Representatives has pursued that course?

Mr. PALMER. I have the most profound confidence in the committee of conference, and should be entirely willing, and should vote cheerfully to recommit this bill to that committee after having expressed my own views upon the question.

Mr. HUNTON. Without instructions?

Mr. PALMER. Indeed, I should prefer that there should be no instructions.

Mr. BLANCHARD. Mr. President, the great interest which the people of the State I have the honor to represent with my colleague on this floor have in the pending measure, justifies me in detaining the Senate while I submit some observations upon the sugar schedule.

The Senator from New Jersey [Mr. SMITH], in the speech delivered by him to-day, stated what is apparent to everyone, that it requires 43 Democratic votes to enact this measure into law. Recognizing that it required that many Democratic votes to revise the tariff, the Democratic Senators in conference in March last came to an understanding in respect of amendments that should be proposed to the Wilson bill, so as to compromise and adjust the difference between them, and reach a common ground upon which 43 Democratic Senators could stand in support of the bill. Accordingly, amendments drawn upon the lines thus laid down were reported by the Finance Committee, and, with one exception, to be noted hereafter, substantially adhered to in the consideration of the bill by the Senate.

Mr. President, no tariff-revision bill could have passed the Senate which was not a measure in its nature a compromise of conflicting opinions. There were interests represented by Senators on this side whose reasonable demands it was necessary to meet. All important legislation is at best a compromise. We have a country of widely extended boundaries; of great diversity of industry; of many millions of people not entirely and not always homogeneous. It often happens that the interests of sections clash. What is good in the way of legislation for the people living in one geographical division of the country is or may be hurtful to those residing in another geographical division. Each section has its representatives in the Senate and House, and to them is especially committed the interests and welfare of the people they immediately represent.

It is to be expected that Senators representing a State or a

section of the country should earnestly desire that legislation enacted by the body of which they are members should not be of a character harmful to the people whose trust they hold; and that they should seek to control, or at least to reasonably influence, legislation affecting the interests of their people or States.

Hence it was, Mr. President, that in order to reach a common ground whereon united action could be had by forty-three Democratic Senators, constituting a majority of the Senate, it was necessary to make concessions to different interests, different sections, different States.

To accomplish this the conference of Democratic Senators heretofore referred to was held.

Mr. President, I had some doubts whether a reference to this conference and what was said and done at it, was quite proper in open debate in the Senate; but to-day in the speech of the Senator from Delaware [Mr. GRAY], in his colloquy with the Senator from New York [Mr. HILL], the conference or caucus of Democrats to which I have alluded was referred to, and some of the things said and done there exploited before the Senate.

Following this example set by two of the leaders on this side of the Chamber, I trust I will be pardoned for also referring to this conference and for recalling to the recollection of Senators certain understandings and agreements there had.

Mr. President, among other things discussed at the conference, what the sugar schedule of the bill should be was distinctly stated by a leading member of the Finance Committee. This statement covered the following features:

1. Duty on raw sugars: 40 per cent ad valorem.
2. With one-eighth of a cent differential on refined sugars.
3. One-tenth of a cent discriminating duty on sugars whereon an export bounty was paid by the country of production.
4. Bounty under the provisions of the present law to be paid on all sugars manufactured during the current calendar year.

This was proposed in lieu of the schedule previously agreed on proposing a scale of specific duties on sugars.

The Louisiana Senators (myself and my colleague Mr. CAFFERY) present at the conference accepted this modified schedule. It was not what we wanted, or what our people demanded, but we thought the sugar industry of our State could live under it, and in the interest of harmony in the party, in a spirit of concession and compromise, willing to do our part towards reaching a common ground of unity of action with our Democratic colleagues from other States, we determined to give it the sanction of our acquiescence. We did so.

One Senator only arose and attacked the schedule as outlined to the conference by the member of the Finance Committee. He objected to certain features of it, but finally declared he would acquiesce. He did so, and has kept the faith throughout. He is not among those who have sought by their votes, or who now seek by their motions, to disregard and violate the understanding had in caucus.

All the other Senators present at the conference acquiesced in the schedule as stated from the Finance Committee. Among them was the very Senator from Wisconsin who now makes this motion which looks to striking down the one-eighth differential duty. He took a leading part in the deliberations of the caucus, made a strong speech counseling harmony, concession, compromise.

The sugar schedule as stated to the caucus was part of the plan for harmony, for concession, for compromise. The one-eighth differential duty was a necessary part of the sugar schedule, to make it satisfactory as a compromise measure.

The Louisiana Senators heeded the words of the Wisconsin Senator uttered in the conference, accepted the compromise, made the concessions, agreed to accept the modified sugar schedule. In other words, they did their part toward enabling 43 Senators to reach a common ground of unity of action.

Shortly after the conference was held the Finance Committee reported its amendments to the Wilson bill, and among them was the modified sugar schedule, containing all the features hereinbefore stated by me.

The Senate shortly afterward went into Committee of the Whole to consider the tariff bill. The Louisiana Senators, with a sugar schedule fairly acceptable, were in full and hearty accord with their Democratic colleagues in the effort to push the bill through to final enactment into law. On their votes the bill was carted along over the rough road of legislative action.

With these votes in active opposition, the bill would never have gotten beyond the threshold of its consideration. We from Louisiana—with vital interests at stake, with four or five hundred thousand people in our State directly and indirectly interested in the production of sugar, and with $100,000,000 of capital invested in the industry by the people we represent—we kept the faith.

We voted with the Finance Committee, and only for the amendments offered by the committee as had been agreed upon in caucus. During the whole of the three or three and a half months the bill was under consideration as in Committee of the Whole of the Senate we steadfastly adhered to the caucus understanding and agreement. We (my colleague and myself) voted against the proposition emanating from the Republican side to reënact in the pending bill the bounty provision of the McKinley act; we voted against the proposition to substitute the bounty on a diminishing scale of one-tenth off each year, for the sugar schedule; and we voted against other amendments from that side of the Chamber which were more acceptable to the sugar producers of our State than the sugar schedule as agreed on in caucus

We kept the faith. We are Democrats, and stood with our party. We desired a tariff-reform bill passed; we wanted the pledges of the party to the people for tax revision and reduction to be kept.

Of all the Democratic Senators who attended the conference to which I have alluded, only one, the Senator from New York [Mr. HILL], announced he would not be bound by the caucus action, and he placed his opposition on one ground only—the income tax. He objected to nothing else.

All the Senators who attended the conference (other than the Senator from New York) adhered to the caucus understanding as to sugar throughout the long period that the bill was under consideration by the Senate as in Committee of the Whole. The hostile amendments of the Republican Senators, to strike out the sugar schedule entirely, to strike off the one-eighth of a cent differential duty on refined sugars; to strike out the bounty for the present year by making the schedule go into effect at once instead of January 1, 1895, and other amendments of like hostile intent, were all voted down. They were voted down by the votes of Senators carrying out the caucus agreement.

But, Mr. President, when the bill, emerging from Committee of the Whole with the sugar schedule intact, came before the Senate proper the Senator from New York [Mr. HILL] offered an amendment to change the date when the sugar schedule should go into effect from January 1, 1895, to the time of the passage or approval of the bill. The effect of this amendment, if adopted, would be to deprive the sugar producers of the country of any bounty whatever on the crop of the present year.

I have already shown that the bounty for this year was part of the caucus agreement. With the Louisiana Senators it was a *sine qua non* to the acceptance of the modified sugar schedule. Without it we would not have assented to the caucus arrangement as to sugar.

We relied upon the assurance of our Democratic confreres. They had voted straight along with us all through the period of perfection of the bill in Committee of the Whole.

But in the Senate, Mr. President—the open Senate, as contradistinguished from the Senate as in Committee of the Whole—we were abandoned by three Democratic Senators, who united with the Senator from New York and the Republican Senators, and by their votes enabled the date of the going into effect of the sugar schedule to be changed so as to deprive the sugar producers of any part of the bounty for the present year.

The caucus understanding and agreement was broken by this action of the three Senators alluded to. It was a disastrous blow struck at the people of Louisiana in the house of their friends. It was a throwing overboard, so to speak, of the Louisiana Senators after their votes had been used to carry the bill along to within sight of its goal.

Mr. President, I speak of these things with sorrow and regret. I mean no offense to anyone. But it is time to speak plainly. Nothing is to be gained by mincing words. The party to which you and I, sir, belong is in peril—in peril of the failure of the redemption of its pledges of tariff revision and reduction. Plain speech should be used so as to indicate clearly where the responsibility belongs. The failure to redeem this, its most important pledge to the people, means disaster, and may mean ruin to the party.

It is time to speak plainly. The greatest industry in my State is threatened with destruction by this departure from the caucus understanding with the Louisiana Senators. The loss of the bounty for the current year means the loss of $12,000,000 or more to the people of Louisiana. More than that, sir; it means ruin and bankruptcy to many.

The sugar crop of the present year is predicated upon the continuance of the bounty for the year. Contracts have been made by the sugar planters based upon the belief that the bounty for the year would surely be paid them. Anything short of this would be rank injustice and wrong. What justified them in entertaining this belief? Why, sir, the action of the Senate Democratic caucus held in March last. There and then it was agreed that they should be paid the bounty on the crop of 1894.

Again, by the existing law they were guaranteed the bounty for the year. That law has not yet been repealed. It is still in

existence and in force. The year—the calendar year—is now more than half gone. The bounty for the year is more than half earned at this time. Planting of crops in this country is regulated according to the calendar year and by the seasons. The sugar cane crop was planted in the winter and the spring of the early part of the year, and the sugar beet crop in the spring and early summer of the year.

Beet sugar making in California began last Monday, and in Nebraska and other parts of the Union will be commenced next month. The cane crop of Louisiana is rapidly maturing, and sugar making from cane will begin early in October. The greater part of the expense of the sugar crops of the year has already been incurred.

In this way and in this sense the greater part of the bounty for this year has been earned. If the bounty be cut off now by repeal of the existing law granting it, the fact would still remain that part of the bounty for the year had been actually earned before the repeal of the law; earned by the outlay of funds to make the crop; earned by the fact that the crops of cane and beets out of which the sugar is manufactured have already been grown for the year; earned by the fact that more than half of the calendar year during which the crops are grown from which the sugar is manufactured has elapsed; earned by the fact that in the case of the beet sugar manufacturers licenses for sugar-making for the year have already been issued, under the provisions of the bounty clauses of the McKinley act, and in the case of the cane-sugar manufacturers the licenses have long since been applied for and are now ready to be issued; earned by the fact that the promise of the bounty for the year is contained in existing law still in force and by the promise of the dominant party in this Senate in caucus assembled.

Mr. President, somebody is not living up to this promise and this understanding had in caucus.

Not only has the bounty for the year been stricken out of the bill by the Republican vote of this body, plus the votes of the Senator from New York [Mr. HILL] and three other Democratic Senators, but now comes the Senator from Wisconsin [Mr. VILAS] and moves that the one-eighth differential duty on refined sugars be stricken out.

Mr. President, not one word of objection to this one-eighth duty did the Senator from Wisconsin urge in the Democratic caucus; not one word of objection did he urge to it when the bill was under consideration in Committee of the Whole of the Senate.

When the bill was in Committee of the Whole, a motion was made from the Republican side to strike off this one-eighth. How did the Senator from Wisconsin then vote? He voted against it. He was then adhering to the caucus agreement.

Why is he not doing so now? What change has come over him now, that he should so suddenly about-face and change his position from one of adherence to the caucus understanding to one of violation of that understanding?

Ah, Mr. President, the scarecrow used by the Senator from Wisconsin and by others to frighten the Senate away from this one-eighth duty is the sugar trust.

Somebody is riding the sugar trust as a hobby. Somebody is seeking to make a good deal of capital out of its alleged connection with legislation relating to the tariff. I speak plainly, Mr. President, but I speak without intention of offense.

The sugar trust—or the sugar-refining company, more properly—no doubt has a large interest in the retention of this one-eighth duty, but so have the sugar-producers of the country. It is a fact that all the beet sugars made in the country are refined sugars. It is a further fact that we manufactured in Louisiana last year 600,000,000 pounds of cane sugars, of which 74 per cent were refined sugars, in the sense that they tested at and above No. 16 Dutch standard in color (which is the dividing line between raw and refined sugars); sugars ready for consumption on leaving the sugarhouse; marketable sugars in quality and color. Now, these sugars enjoy the additional protection which springs from the one-eighth differential duty just as the sugars refined by the trust do. Therefore, the duty of one-eighth is in the bill for the benefit of the sugar-producers as much as it is for the trust. It was part of the stipulation of the caucus agreement. It is wanted by the people for whom my voice is raised to-day.

It can not be stricken out by Democratic votes without a violation of the caucus understanding.

That caucus understanding, Mr. President, is as binding in good faith and morals to-day as it was when the bill was under consideration in the Senate before going to the conference between the two Houses.

I ask Senators on this side of the Chamber to pause and consider well this matter before voting to further reduce the sugar schedule.

It is already below the danger line. I ask them, and the Senate conferees representing them, to see to it that the caucus understanding in reference to the bounty for this year be reinstated in the conference.

This is but just and fair to those of us on this side of the Chamber who in good faith accepted this caucus understanding and acted upon it; it is but just and fair to those of our countrymen in Louisiana and elsewhere who are interested vitally in the retention of the bounty for the year and who all these months have been relying upon this promise of the caucus.

Mr. President, it will be remembered that when the pending measure passed the Senate, it did so by a majority of 5 votes; but if the 2 votes of the Senators from Louisiana had been cast against it, there would have been a precarious majority of 1 only.

Notwithstanding the fact that the understanding had in Democratic conference had been violated by striking out the bounty for the year in the Senate, the Louisiana Senators, under protest, cast their votes in favor of passing the bill through the Senate in order that it might go to the conference, hoping that in conference the bounty which had been agreed upon as stated would there be restored.

But now, when the conferees on the part of the Senate report to this body a disagreement with the House conferees, Senators on this side of the Chamber are not content with what has heretofore been done towards reduction of the sugar schedule as agreed upon in caucus, but we find a Democratic Senator, who was a member of that caucus, moving to still further reduce the schedule by seeking to abolish the one-eighth differential duty.

Mr. President, I am not here for the purpose of making any threat, and I do not wish to be understood as doing so; but I do say that those of us who represent upon this floor the sugar producers of the United States desire that our people be treated in good faith in this tariff bill. Taking from us the bounty imperils the 43 votes which are needed to enact this measure into law. Taking from us now the one-eighth duty still further imperils this vote.

The Senator from Ohio [Mr. SHERMAN] took the position in his remarks, following those submitted by my colleague, that the 40 per cent ad valorem is about as high a rate of duty as it has been usual to place upon sugar in past tariff enactments. The Senator from Ohio, if I understood him aright, was certainly mistaken in that statement.

The last tariff enactment preceding the McKinley act of 1890 was the tariff law of 1883; and surely the Senator from Ohio has not forgotten that the duty upon sugar, as levied by the act of 1883, ran from 1¾ to 3¾ cents specific duty per pound. The 40 per cent ad valorem in the present bill will average only from 1 to 1.1 cents per pound, calculated on a specific basis.

The sugar producers of Louisiana and throughout the country were well content with the duties as fixed by the act of 1883, and it was over their protest that those duties were stricken down by the McKinley act of 1890, when raw sugars were placed upon the free list and a bounty in lieu thereof given. But they acquiesced in the same and adjusted their business of sugar making and sugar manufacturing to the new order of things. That enactment of the bounty was to last fifteen years.

Now, here is a tariff bill which proposes to repeal the law of 1890 and in lieu of it to give a duty of 40 per cent, with an eighth and a tenth upon refined sugars. This change from the bounty system back to the duty or tax system should not be too sudden. The sugar producers ought to be allowed to meet the unusual expenses incurred by the purchase of new and enlarged machinery, predicated upon the continuance of the bounty, by being accorded the bounty for the current year.

Mr. President, while I concede, as a legal proposition, that the legislative power has a right to withdraw the bounty for the future, I deny that bounties *earned* can be withdrawn by the legislative power. The beet-sugar manufacturers commenced the manufacture of sugar from beets, as I have heretofore stated, last Monday in California. The cane crop of Louisiana is, as heretofore stated, approaching maturity, and it must be conceded by all fair-minded people that a part at least of the bounty for the current year has been already earned.

I hold that the sugar producers do not have actually to manufacture the sugar, under the circumstances, before the bounty, at least in part, is earned. As stated, the greater part of the expense of cultivating the sugar crop for this year in Louisiana has already been incurred, and it now remains only to grind the cane in the sugar mills and make it into sugar to earn the full bounty for the current year.

Now, if part of the bounty for the year has been earned, and earned before the law granting the bounty had been repealed, it is not in the power of Congress to withdraw the bounties so earned.

It is well settled that bounties earned can not be withdrawn

by legislative action. When earned they acquire the character of vested rights. (See Cooley's Constitutional Legislation, 383, 384; Meyer on Vested Rights, page 52, sec. 268; Calder *vs.* Henderson, Federal Reporter, vol. 54, page 802; 9 Mich. Reports, page 327; 80 Mich. Reports, page 205; 19 Mich. Reports, page 259.)

Mr. President, it is to be hoped that when the bill goes back in the conference between the two Houses, the justice of the claim of the sugar producers of the United States for the bounty for the present year will be recognized.

I trust it will be considered and that the point I make, that the bounty for the present year is already earned in part will be recognized. I trust further that the Senate conferees will not forget the agreement and understanding upon that point had in Democratic conference.

Mr. FAULKNER. Will the Senator from Louisiana permit me?

Mr. BLANCHARD. Certainly.

Mr. FAULKNER. I ask the Senator from Louisiana whether he is not mistaken in regard to any specific agreement being had as to sugar or any of the other matters at the time to which he refers? I think he will find that the whole matter was left absolutely and entirely to the Finance Committee, and that no details were entered into in that caucus, so far as any caucus action or conference action was taken.

Mr. BLANCHARD. The Senator from West Virginia will recollect, when I recall it to his attention, that in a general way a member of the Finance Committee stated in the conference what the sugar schedule would be, and that the 40 per cent, with the eighth and the tenth and the bounty for the present year, formed part of it. If the Senator from West Virginia does not recollect that, I do, and other Senators recollect it. There can be no doubt that such was the case.

Mr. FAULKNER. Will the Senator from Louisiana permit me? I myself do not propose to go into any of the details as to what occurred in a private conference of Democrats, more than to say that there was no action by the conference on any details in reference to the bill.

Mr. BLANCHARD. There can be no doubt, I repeat, that the general outline of the sugar schedule was there given, and just as it was there given it was placed in the tariff bill as reported by the Finance Committee. My friend from New York [Mr. HILL] nods in assent to the statement that what the sugar schedule should be was there stated. He now is in a position of antagonism to sugar, and yet in that conference, which he attended, he did not have one single objection to raise to any part of the sugar schedule as it was stated to the caucus.

Mr. HILL. Will the Senator from Louisiana allow me for one moment? Without going into the details of what took place at the Democratic caucus, I simply desire to say that, as the Senator from Louisiana knows, I dissented entirely from all the conclusions of that caucus openly and fairly. Everybody understood my position, that I was not bound and would not be bound by the caucus.

Mr. BLANCHARD. I did not first inject into this discussion the reference to what was done in the Democratic caucus. The Senator from New York and the Senator from Delaware were the first to do that. The fact that they did so is sufficient justification for me to still further allude to what took place there.

The Senator from New York had there a good deal to say in opposition to the income provision of the bill, but not a word of objection did he, or the Senator from Wisconsin, who now makes the motion in opposition to the one-eighth differential duty, or the Senator from Illinois [Mr. PALMER], who supports the motion of the Senator from Wisconsin, urge in opposition to the one-eighth or any other part of the sugar schedule as outlined in the conference.

They urge their objections now; but having been silent then, they should be estopped from objecting now. I ask that there be carried out in good faith by the 41 Democratic votes on this side, needed with the 2 votes of the Senators from Louisiana to enact this measure into law, what was said, understood, and agreed on in the caucus. I repeat that I am not saying this in any spirit of menace. I am saying it because I believe it is my duty to say it, and to speak plainly.

There is not a Democrat in the Senate or in the United States who is more anxious for the passage of a tariff-revision law, repealing the iniquities of the McKinley act, than I am; but while we are enacting a tariff-revision law, doing away with the iniquitous McKinley act, I wish good faith adhered to in dealing with that schedule which affects the people of my State.

The letter of the President read yesterday in the coördinate legislative branch of Congress declares in effect that a tax upon sugar is a proper tax, and that any bill designed to revise the tariff should impose this tax. He even goes further, and intimates that a duty upon refined sugars is a proper thing to concede also in the bill.

Yet the Senator from Wisconsin, ignoring that part of the President's recommendation in his letter, now moves to strike out the one-eighth differential duty upon refined sugars, which would leave the sugar schedule with only the 40 per cent and the tenth of 1 cent discriminating duty against the bounty-fed sugars of Europe.

No such sugar schedule would ever have had the votes of the Louisiana Senators on this floor. From the beginning of the consideration of the bill by the Senate three or four months ago it was necessary, in order to get the bill beyond the threshold of consideration, to have the votes of the Louisiana Senators.

In good faith the votes of the Louisiana Senators were cast with the Finance Committee, in support of their amendments and their recommendations, up to the time when the Senator from New York [Mr. HILL] moved to change the date when the sugar schedule should go into effect from January 1 to the time when the bill shall have passed into a law. Then occurred the first violation of the caucus understanding, and it was not by either of the Senators from Louisiana.

I trust, Mr. President, all these matters will be considered in the conference between the two Houses. I hope the bill will be such that my vote can be cast for it, for I repeat there is no man in this Chamber, or elsewhere in the Democratic fold, more sincerely desirous at heart of having a tariff revision bill passed than I.

ADJOURNMENT TO MONDAY.

Mr. COCKRELL. I move that when the Senate adjourn today it be to meet on Monday next.

Mr. HILL. Mr. President——

The PRESIDING OFFICER (Mr. DUBOIS in the chair). The Senator from Missouri moves that when the Senate adjourn today it be to meet on Monday next. The question is not debatable.

Mr. HILL. Is there any special reason why that course should be pursued?

Mr. COCKRELL. There is no special reason for it.

Mr. HARRIS. The question is not a debatable one.

The PRESIDING OFFICER. The motion is not debatable. The question is on agreeing to the motion of the Senator from Missouri.

Mr. HILL. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Massachusetts [Mr. LODGE]. If he were present I should vote "yea," and I will vote to make a quorum if that is necessary.

Mr. PASCO (when Mr. MCLAURIN'S name was called). I wish to state that the Senator from Mississippi [Mr. MCLAURIN] is paired with the Senator from Rhode Island [Mr. DIXON].

Mr. MURPHY (when his name was called). I am paired with the senior Senator from New Hampshire [Mr. CHANDLER]. If he were present I should vote "yea."

Mr. PERKINS (when his name was called). I am paired with the junior Senator from North Dakota [Mr. ROACH]. If there is no objection I will transfer my pair to the senior Senator from Ohio [Mr. SHERMAN], and vote. I vote "nay."

The roll call was concluded.

Mr. QUAY. I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. GORDON. I am paired with the Senator from Iowa [Mr. WILSON].

Mr. PUGH. I announce my pair with the senior Senator from Massachusetts [Mr. HOAR]. This seems to be a political question, and therefore I withhold my vote.

Mr. CAFFERY (after having voted in the affirmative). I did not notice when I voted that the Senator from Montana [Mr. POWER] is not in the Chamber. I withdraw my vote. I am paired with that Senator.

Mr. BRICE (after having voted in the affirmative). I have voted upon this question, but it has assumed a political bearing, I understand. I ask the Senator from New Hampshire [Mr. GALLINGER] if this is a case where I should observe my pair with the Senator from Colorado [Mr. WOLCOTT]? If it is, I will withdraw my vote.

Mr. GALLINGER. I am not one to give an opinion on that point. The Senator from Ohio must decide for himself.

Mr. BRICE. I withdraw my vote.

Mr. GALLINGER. The Senator from Colorado [Mr. WOLCOTT] understands that he has a general pair with the Senator from Ohio [Mr. BRICE].

Mr. PASCO. I have been requested to announce the pair of the Senator from Arkansas [Mr. BERRY] with the Senator from Colorado [Mr. TELLER].

Mr. HARRIS (after having voted in the affirmative). I have

a general pair with the Senator from Ohio [Mr. SHERMAN], and I voted inadvertently. Since that time the Senator from California [Mr. PERKINS] has transferred his pair with the Senator from North Dakota [Mr. ROACH] to the Senator from Ohio [Mr. SHERMAN], and therefore I let my vote stand.

Mr. PALMER (after having voted in the affirmative). I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH], and I am advised since I voted that he is not present. I withdraw my vote.

The result was announced—yeas 30, nays 23; as follows:

YEAS—30.

Allen,	George,	Kyle,	Turpie,
Bate,	Gibson,	Lindsay,	Vest,
Blackburn,	Gorman,	Martin,	Vilas,
Blanchard,	Gray,	Mills,	Voorhees,
Cockrell,	Harris,	Mitchell, Wis.	Walsh,
Coke,	Hunton,	Pasco,	White.
Daniel,	Jarvis,	Ransom,	
Faulkner,	Jones, Ark.	Smith,	

NAYS—23.

Aldrich,	Dubois,	Irby,	Perkins,
Allison,	Gallinger,	McMillan,	Platt,
Carey,	Hale,	Manderson,	Shoup,
Cullom,	Hawley,	Mitchell, Oregon	Squire,
Davis,	Higgins,	Patton,	Washburn.
Dolph,	Hill,	Peffer,	

NOT VOTING—32.

Berry,	Dixon,	McPherson,	Pugh,
Brice,	Frye,	Morgan,	Quay,
Butler,	Gordon,	Morrill,	Roach,
Caffery,	Hansbrough,	Murphy,	Sherman,
Call,	Hoar,	Palmer,	Stewart,
Camden,	Jones, Nev.	Pettigrew,	Teller,
Cameron,	Lodge,	Power,	Wilson,
Chandler,	McLaurin,	Proctor,	Wolcott.

So the motion was agreed to.

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, July 23, 1894, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 20, 1894.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Clifton R. Breckinridge, of Arkansas, to be envoy extraordinary and minister plenipotentiary of the United States to Russia.

PROMOTIONS IN THE ARMY.

To be brigadier-general by brevet.

Capt. Reuben F. Bernard, First Cavalry, brevet colonel United States Army (now lieutenant-colonel Ninth Cavalry).

To be colonel by brevet.

Maj. Charles T. Alexander, surgeon, brevet lieutenant-colonel United States Army (now colonel, assistant surgeon-general).

First Lieut. William R. Parnell, First Cavalry, brevet lieutenant-colonel, United States Army (now captain, retired).

To be major by brevet.

Capt. Lawrence S. Babbitt, Ordnance Department (now lieutenant-colonel, Ordnance Department).

Capt. Francis S. Dodge, Ninth Cavalry (now major, paymaster).

Capt. J. Scott Payne, Fifth Cavalry (now captain, retired).

To be captain by brevet.

First Lieut. Matthias W. Day, Ninth Cavalry (now captain Ninth Cavalry).

First Lieut. James A. Haughey, Twenty-first Infantry (since deceased).

To be first lieutenant by brevet.

Second Lieut. Joseph W. Duncan, Twenty-first Infantry (now captain, Twenty-first Infantry).

Second Lieut. Patrick Hasson, Fourteenth Infantry (now captain, retired).

Second Lieut. Harry L. Bailey, Twenty-first Infantry (now first lieutenant, Twenty-first Infantry).

Second Lieut. Robert D. Walsh, Fourth Cavalry (now first lieutenant, Fourth Cavalry).

Second Lieut. Thomas Cruse, Sixth Cavalry (now first lieutenant, Sixth Cavalry).

PROMOTION IN THE REVENUE CUTTER SERVICE.

Second Assistant Engineer William Robinson, of Pennsylvania, to be first assistant engineer in the Revenue Cutter Service

JUSTICE OF THE PEACE.

Samuel R. Church, of the District of Columbia, to be justice of the peace in the District of Columbia, to be assigned to the city of Washington.

POSTMASTERS.

William A. Griffin, to be postmaster at Oakdale, in the county of Stanislaus and State of California.

Mark E. Hughes, to be postmaster at Sonora, in the county of Tuolumne and State of California.

Thomas J. Craig, to be postmaster at Eugene, in the county of Lane and State of Oregon.

M. Y. Rusk, to be postmaster at Brookfield, in the county of Linn and State of Missouri.

William F. Barr, to be postmaster at Anderson, in the county of Anderson and State of South Carolina.

George E. Le Tourneau, to be postmaster at Windom, in the county of Cottonwood and State of Minnesota.

Bert Burns, to be postmaster at New Lisbon, in the county of Columbiana and State of Ohio.

Frank Cooper, to be postmaster at Ravenswood, in the county of Jackson and State of West Virginia.

J. F. McIntyre, to be postmaster at Odessa, in the county of Lafayette and State of Missouri.

Will Harkins, to be postmaster at Ladonia, in the county of Fannin and State of Texas.

Matthew J. McEniry, to be postmaster at Moline, in the county of Rock Island and State of Illinois.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 20, 1894.*

The House met at 12 o'clock m. Prayer by Rev. J. H. McCARTY, D. D., of Washington.

The Journal of the proceedings of yesterday was read and approved.

FISH HATCHERY, PHILADELPHIA.

The SPEAKER laid before the House a letter from the Fish Commissioners, submitting, in response to House resolution dated June 9, 1894, an opinion as to the desirability of the Government establishing a fish hatchery in the grounds of the Zoological Society of Philadelphia; which was referred to the Committee on Appropriations, and ordered to be printed.

SECTION 5294 REVISED STATUTES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a draft of a bill to amend section 5294 Revised Statutes, so as to make it apply to vessels, immigration, quarantine, and alien contract labor laws, as well as to the laws relating to steam vessels; which was referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

G. W. GRIFFITH VS. THE UNITED STATES.

The SPEAKER also laid before the House a copy of the findings of the Court of Claims in the case of G. W. Griffith against the United States; which was referred to the Committee on War Claims, and ordered to be printed.

UNOCCUPIED AND UNPRODUCTIVE PROPERTY OF THE UNITED STATES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a tabulated statement of unoccupied and unproductive property of the United States leased under the act of March 3, 1879; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RESURVEY OF GRANT AND HOOKER COUNTIES, NEBR.

The SPEAKER also laid before the House a bill (S. 6720) "providing for the resurvey of Grant and Hooker counties, in the State of Nebraska," with amendments of the Senate thereto.

The amendments were read, as follows:

Line 8, after the word "same," insert "so far as these lands are concerned."

Line 9, after "abrogated," insert "*Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claims of any actual occupant of any of said lands to the lands so occupied; and that the sum of $15,000, or so much thereof as is necessary to carry into effect the provisions of this act, is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. MCRAE. Mr. Speaker, I move that the House nonconcur in the amendments of the Senate and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House, Mr. MCRAE, Mr. HALL of Minnesota, and Mr. MEIKLEJOHN.

SOLDIERS HOMES.

The SPEAKER also laid before the House a bill (H. R. 236) entitled "An act to amend section 4837 of the Revised Statutes of the United States as to soldiers' homes," with amendments of the Senate thereto.

The amendments were read, as follows:

Page 1, line 13, strike out all after "California" down to and including "Indiana," line 15, and insert: "And to homes for the widows and orphans of soldiers and sailors established and maintained by any State or Territory."

Page 1, line 17, after "Territory" insert: "Receiving aid from the United States under legislation of Congress."

Pages 1 and 2, strike "journals of each House of Congress at each and every session, all" and insert "session."

Page 2, line 20, after "documents" insert, "in the abridgment thereof."

Page 2, line 20, strike out "two."

Page 2, line 21, strike out all after "RECORD," down to and including "Congress," line 22.

Mr. OUTHWAITE. Mr. Speaker, I move that the House concur in the amendments of the Senate.

The motion was agreed to.

METROPOLITAN RAILROAD COMPANY.

The SPEAKER also laid before the House, with the amendments of the Senate, the bill (H. R. 6171) to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company.

The amendments were read.

Mr. RICHARDSON of Tennessee. I move that the House nonconcur in the amendments to the Senate, and ask a conference with the Senate on the disagreeing votes of the two Houses.

Mr. BAKER of New Hampshire. I would like to make inquiry——

Mr. RICHARDSON of Tennessee. I yield for an inquiry.

Mr. BAKER of New Hampshire. I wish to inquire the purpose of the discontinuance of that portion of the road of the Metropolitan Railroad Company which now runs along Florida avenue to Seventh street and up Seventh street?

Mr. RICHARDSON of Tennessee. As I understand it the situation there is about this: At the head of Ninth street the Metropolitan cars run along Boundary to Seventh street, and up Seventh street about 100 yards, over a line used by the Brightwood Street Railroad, which uses the overhead trolley. The proposition is simply that this road shall not, by running round on Seventh street, encumber the operations of the other line, the Brightwood line, running outside the District, and using the overhead trolley.

Mr. BAKER of New Hampshire. The statement as to the portion of road proposed to be discontinued is undoubtedly correct; but it seems to me the patrons of the Ninth street line ought to have the privilege of being carried to the terminus of the Brightwood road; that the connection should be continuous.

Mr. RICHARDSON of Tennessee. I quite agree with the gentleman as to that; and I think if the House should assent to that amendment we ought to accompany it with an amendment providing for continuing the connection.

Mr. BAKER of New Hampshire. I observe that the Senate has struck out the word "electric." Can the gentleman state what is the purpose of the Senate in that regard?

Mr. RICHARDSON of Tennessee. I can not, except by reference to the debate published in the RECORD, by which it appears that the word "electric" was stricken out upon the request of some Senator in order, as stated, that the company might have the right to use a pneumatic system, if it saw fit to do so, or any underground or surface motor. The company did not ask that privilege and do not desire it, as I understand. So far as I have understood the expression of the members of the House Committee on the District of Columbia, they favor reinserting the word "electric." Certainly I do.

Mr. BAKER of New Hampshire. I raise no objection on that point.

Mr. RICHARDSON of Tennessee. I do not believe there is any pneumatic system by which the road can be operated.

Mr. BAKER of New Hampshire. I do hope that the House conferees will, in the interest of the people of the District, insist upon the continuance of the right of passengers on this line to connect with the suburban line that I have referred to.

Mr. RICHARDSON of Tennessee. I think that is right.

Mr. OUTHWAITE. There is one amendment to which I wish to call the attention of the gentleman from Tennessee. I refer to an amendment in the fifth section, on page 5. I think disagreement to that amendment ought to be insisted on. The amendment emasculates the section, making it of no value whatever.

Mr. RICHARDSON of Tennessee. As I understand the gentleman from Ohio, he desires that the text of the House bill be adhered to.

Mr. OUTHWAITE. That is it exactly.

Mr. RICHARDSON of Tennessee. I have had no conference with my colleagues on the committee on that subject, and therefore can not undertake to bind them by anything I may say. I have not examined the amendment carefully, but it strikes me the gentleman's proposition is a reasonable one.

Mr. OUTHWAITE. I would like to have it understood that nonconcurrence of the House in this amendment is something more than formal; that the House really desires to insist on its disagreement to this particular amendment.

Mr. RICHARDSON of Tennessee. So far as I understand there is no intention to yield that point.

Mr. HEPBURN. I would like to ask the gentleman a question. The effort on the part of the House was, among other things, to compel immediate obedience to the enactments heretofore adopted in the attempt to control this road. And in pursuance of that purpose, a provision was adopted requiring the company to complete all these improvements within one year. Under the Senate amendments, they are required to do this with reference to one part of their road; but in regard to another part they are granted two years, and no penalties are to attach for nonperformance with regard to that part of the road until the end of three years.

Mr. HEARD. If the gentleman will allow me, I will say that I am advised that the text of the bill that is now on the desk shows that the word "two" has been substituted in place of "three" in the printed bill. There seems to be some mistake in the text as printed.

Mr. RICHARDSON of Tennessee. I was right in my statement, made privately to the gentleman from Iowa, that the amendment of the Senate reduced the time to two years.

Mr. HEARD. They changed the text in the bill.

Mr. RICHARDSON of Tennessee. For myself I want to bring the completion of this work down to the very shortest time possible; but I doubt, without expressing any opinion upon the matter, or having had an opportunity to examine the proofs in respect to it, if the work can be done at an earlier period than the two years fixed in the amendment. However, I shall insist, as far as I am able to insist, that the work shall be done at an earlier period than that if it be demonstrated by the proof that such a thing is possible. The amendment of the Senate, as I understand it, however, calls for two years and not three, as the gentleman supposes. Here are the amendments; the gentlemen can examine them.

Mr. HEPBURN. Again, Mr. Speaker, in regard to the matter I am about to mention now, I refer to it with a great deal of delicacy. I have great respect for the gentlemen composing the Committee on the District of Columbia; but I would submit in the appointment of the conference committee—or I would like to suggest to the Chair—whether it would be an improper thing to place on the committee gentlemen who, on the floor, were opposed to every one of the amendments that the House engrafted on the bill and that the Senate eliminated?

Mr. HEARD. Will the gentleman allow a correction?

Mr. HEPBURN. Certainly.

Mr. HEARD. The gentleman is mistaken about one material point, that is about the use of the word "electric." That, the committee accepted, and urged on the floor of the House. And more than that, let me say to the gentleman, in conference with a Senator having this bill in charge in the Senate, he plainly intimated that there would be no material resistance to the restoration of that word, which of course we will insist upon.

Mr. HEPBURN. That is one important matter. But, Mr. Speaker, the most important in all, in my judgment, is the amendment with reference to the time of completion. The gentleman from Tennessee has already intimated that he is prepared to give away the propositions and commands of the House in that regard.

Mr. RICHARDSON of Tennessee. The gentleman from Iowa has no right to quote me that way, because I said I had not investigated and was not prepared to express a decided opinion upon the matter. I did take the position, when the matter was pending in the House, that I did not think one year was long enough, and I have not changed my mind since. I did think, however, that three years was a reasonable time; but now I am almost prepared to say, although I have not, as I stated before, sufficiently investigated the subject or examined the proof to say that the work can be done in two, though one year, I am satisfied, is too short a time.

Mr. HEPBURN. The House thought one year was sufficient.

Mr. RICHARDSON of Tennessee. I hope the gentleman will allow us to get on now with the report, as I am being pressed by gentlemen having in charge the special order for to-day.

Mr. HEPBURN. In a moment.

I want to ask the gentleman, if it is proper to do so, his view in regard to the amendment of the Senate in lines 2, 3, 4, 5, and 6 on page 5? The House provided that the District Commissioners shall have power to permit the use of the tracks of the

Metropolitan Railway Company by other railroad companies in the District on such terms and conditions as the Commissioners shall deem just.

The amendment of the Senate provides that the District Commissioners shall have power, "in all cases where the lines of one or more companies coincide under routes authorized by Congress with the route of the Metropolitan Railway Company, and where the nature of the mechanical power used by such company will allow," to permit the use of such tracks, and so on. That, I think, destroys the whole purpose of the House amendments.

The purpose of the provision, as inserted by the House, was to secure the admission of suburban routes into the central parts of the city, on roads already established, so as not to insist on the duplication of tracks. Routes that have no authority to come within the limits of the city—companies that have no routes that coincide with the Metropolitan Railway tracks—upon the adoption of that amendment will be absolutely deprived of the power of coming within the city limits. In other words, the amendment destroys the purpose of the House. I hope the gentleman appreciates that fact and understands the purpose of the House in connection with it.

Mr. RICHARDSON of Tennessee. I do appreciate it fully——

Mr. HEPBURN. It was to bring into the central parts of the city those cars belonging to roads whose companies did not have the power to come in at present, and who have no routes that coincide or are parallel to the route of the Metropolitan Railway. If this amendment of the Senate is accepted it renders the purpose of the House entirely abortive.

Mr. RICHARDSON of Tennessee. The gentleman from Iowa must bear in mind, however, that Congress must exercise discretion and power in this matter. Congress would not authorize the Commissioners to charter a railroad in the city or to make one coincide with the tracks of the Metropolitan road where it did not do so; but wherever Congress itself has authorized such a thing to be done, of course there could be no objection such as that urged by the gentleman.

Mr. HEPBURN. But here is the point. Let us suppose the road reached from the suburbs to the terminus of this Metropolitan road, say on Connecticut avenue. Now, it has no authority to come any farther; and if this amendment is adopted its cars can not come into the central part of the city by using, on proper compensation, the tracks of the Metropolitan road. It was the purpose of the House to accomplish just that thing.

Mr. RICHARDSON of Tennessee. I understand that.

I want to say only this in conclusion, Mr. Speaker, that so far as being appointed on the conference committee is concerned, I am not a candidate for the place, and do not desire it. I would rather, in fact, be relieved of that duty. If the Speaker, in his discretion, sees proper to put other gentlemen on that committee it will be satisfactory to me, and, I suppose, to the other members of the committee. I am perfectly content to leave the matter to the Speaker.

I now demand the previous question on the motion.

The previous question was ordered.

The question was taken on the motion to nonconcur and ask a conference with the Senate, and the Speaker announced that the ayes seemed to have it.

Mr. BOWERS of California. I call for a division.

The House divided; and there were—ayes 75, noes 2.

Accordingly the motion was agreed to.

Subsequently the Speaker appointed as conferees on the part of the House Mr. HEARD, Mr. RICHARDSON of Tennessee, and Mr. POST.

SENATE BILLS REFERRED.

The Speaker laid before the House the following Senate bills, which were read a first and second time, ordered to be printed, and referred to the committees named below:

A bill (S. 1778) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1211) for the relief of pay inspector John H. Stevenson, of the United States Army—to the Committee on Naval Affairs.

A bill (S. 2024) authorizing additional compensation to the assistant commissioners to the industrial exhibition held at Melbourne, Australia—to the Committee on Foreign Affairs.

A bill (S. 1591) to provide for the reservation, sale, and settlement of certain lands in several of the States and Territories—to the Committee on Irrigation of Arid Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. WISE, until Tuesday next, on account of business.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent to nonconcur in the amendments of the Senate to the legislative, executive, and judicial appropriation bill, and ask a conference.

The SPEAKER. The clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7097) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

The SPEAKER. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent to nonconcur in the Senate amendments to this bill in gross, and to ask for a conference.

Mr. REED. What is the bill?

Mr. DOCKERY. The legislative bill.

Mr. REED. I should like to have some explanation.

The SPEAKER. The Clerk will report the title of the bill again.

The title of the bill was again read.

Mr. REED. I should like to know the nature of the differences between the two Houses, if the gentleman can give the outline of them.

Mr. DOCKERY. The Senate have made comparatively few amendments to the bill. One amendment increases by $100,000 the fund for the payment of special pension examiners. There is another proposition, to change somewhat the organization of the Naval Observatory, and also a proposition to prohibit an officer of the United States who has a salary, or receives a compensation of $2,500, from holding any other office, except when expressly authorized by law.

Mr. REED. I should like to have that amendment relating to the Naval Observatory read.

Mr. DOCKERY. I do not think there will be any trouble about it.

Mr. REED. I wanted to say a little something about it. I should like to have the amendment read. I wish to call the attention of the House to it.

The SPEAKER. The Clerk will report the Senate amendment relating to the Naval Observatory.

The Clerk read as follows:

Page 76, after line 8, insert the following:

"That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a person selected from civil life, learned in the science of astronomy, who shall be styled director of astronomy, at the United States Naval Observatory, and who shall receive an annual salary of $5,000, which is hereby appropriated. Such director shall have charge of all astronomical work at the United States Naval Observatory, not including the Nautical Almanac, and of all astronomers, assistant astronomers, and computers now employed at said Observatory; and such as may be hereafter appointed shall be under the superintendence and control of said director; and all astronomers, assistant astronomers, and computers shall hereafter be appointed by the Secretary of the Navy, upon the recommendation of the director of astronomy; the salaries of such astronomers, assistant astronomers, and computers hereafter appointed to be fixed by the President, and all laws relating to astronomers, assistant astronomers, and computers at the United States Naval Observatory are hereby repealed, but nothing herein contained shall affect the salaries or terms of office of persons now holding positions as astronomers, assistant astronomers, or computers at said Observatory."

Mr. REED. I simply want to call the attention of the Committee on Appropriations, and especially of those gentlemen who will have charge of this matter in the conference, to the fact that that amendment is in its nature somewhat misleading. It is not a devotion of the Observatory to the cause of astronomy. It does not take it away from the Navy Department, but it only makes a very feeble pretense in that direction, and is an amendment most unfortunate in its character, and one which the House conferees ought to resist with all the power that they have. It does not in any way dislodge the naval officers from complete control. On the contrary, it puts them in more offensive control than they ever were before, if there was anything offensive about it at all, in regard to which I make no charges whatever and no suggestions. It simply provides that there shall be an astronomer who shall have control of what will be found to be only a very few people, when the matter is figured down, a few computers and a few assistants, leaving the Observatory entirely under its present control. Now, on its face it pretends to do something else. If it is proposed to devote that Observatory to science, under national auspices, free from the control of the Navy Department, why, then, it needs an amendment of a totally different character, and it needs most careful consideration.

The amendment which was proposed in the Senate by the Senator from Vermont [Mr. MORRILL] contains the element of a reformation in regard to the observatory. I felt it my duty to call the attention of the conferees to this, because in the multiplicity of matters before them they may not have noticed precisely what that amendment means.

Mr. DOCKERY. I think the gentleman from Maine has put a proper interpretation upon the Senate amendment, as I un-

derstand it; and speaking for myself only, I would say that an amendment proposing a reorganization of so important a branch of the Government service as this is should, in my judgment, have careful consideration by a committee before it is engrafted upon our statutes.

Mr. REED. Has the gentleman looked at the amendment proposed by the Senator from Vermont [Mr. MORRILL]?

Mr. DOCKERY. I have not.

Mr. REED. I would commend it to the gentleman's attention before the discussion comes up. I ventured to ask this question, because I do not see present any of our friends from the Committee on Appropriations.

Mr. DOCKERY. The gentleman from Pennsylvania [Mr. BINGHAM], who will be one of the conferees, is before the gentleman.

Mr. REED. I noticed that most of our friends were absent, and had gone, presumably, to hear the answer to the indictment read to the House on yesterday.

Mr. DOCKERY. My colleague on the committee, the gentleman from Pennsylvania, who represents the minority, is here.

The SPEAKER. The question is on the motion of the gentleman from Missouri.

The motion was agreed to.

The SPEAKER. The Chair will appoint the following conferees, Mr. DOCKERY, Mr. COOMBS, and Mr. BINGHAM.

TARGET PRACTICE ON SUNDAY.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution.

Mr. TUCKER. I believe I will have to demand the regular order.

Mr. GROSVENOR. It will take but a moment; and I will raise the question upon you if you can not be a little courteous. It would save time not to stop the matter.

Mr. TUCKER. If I were satisfied that it would only take a short time I would not demand the regular order.

Mr. GROSVENOR. I will withdraw it if it takes more than a few moments.

Mr. TUCKER. Then, on your statement, I withdraw the demand.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Whereas the following statement is being widely published in the press of the country:

"Cedarquist had scruples." "Would not do target practice on Sunday and must go to prison." Omaha, Nebr., July 14.—Charles O. Cedarquist, private, Company A, Second Infantry, has been court-martialed and sentenced to imprisonment at hard labor for six months with forfeiture of $10 per month of his pay for the same period.

"Cedarquist refused to go to target practice on Sunday, on the grounds that his religious scruples would not allow him to violate the Sabbath day by discharging firearms. The defense contended that the order was unlawful, in that it enjoined a duty in violation of orders and regulations limiting Sunday labor in the Army to the measure of strict necessity, and that the act required to be done would have been a violation of a law of Nebraska.

Brig. Gen. Brooke affirmed the finding, but ordered, in view of the peculiar circumstances attending the offense, that the sentence be reduced to two months' imprisonment: Therefore,

Resolved, That the honorable Secretary of War be requested to inform the House of Representatives whether the said publication contains a truthful statement of the facts in the case described, and if so to report whether such a conviction and such punishment is authorized by any law of Congress, or practice, orders, or regulations of the War Department.

The SPEAKER. Is there objection to the consideration of this resolution.

Mr. TRACEY. I think it ought to go to a committee.

Mr. GROSVENOR. I ask the reference of the resolution to the Committee on Military Affairs.

The SPEAKER. The resolution will be referred to the Committee on Military Affairs. The regular order is the call of committees for reports.

ORDER OF BUSINESS.

Mr. TUCKER. I ask unanimous consent that the call of committees be dispensed with, and that any committees having bills to report may have leave to file them with the Clerk.

There was no objection, and it was so ordered.

The SPEAKER. The morning hour begins at twenty-four minutes to 1 o'clock, and the call rests with the Committee on Rivers and Harbors.

Mr. CULBERSON. I think the call rests with the Committee on the Judiciary.

The SPEAKER. The Chair understands that the Committee on the Judiciary was called and passed over with leave to go back. Under the order the gentleman will have the right to do so.

Mr. CULBERSON. I would like for the committee to be called now.

The SPEAKER. The Committee on the Judiciary.

Mr. McCREARY of Kentucky. Mr. Speaker, I rise to a question of order. There was a day assigned to the Committee on the Judiciary, and at the close of that day the then acting chairman of the Committee on the Judiciary called up the bill (H. R. 5598), and pending the motion to go into Committee of the Whole for its consideration the House adjourned. I should like to have the Speaker rule now as to when that bill comes up.

The SPEAKER. It has no status but its place on the Calendar.

Mr. McCREARY of Kentucky. There was a day assigned to the consideration of business from the Committee on the Judiciary, and——

The SPEAKER. That day was exhausted, and nothing would come over from that day unless the previous question was ordered; and the bill the gentleman refers to not having reached that stage, would retain its place on the Calendar, just as it was before.

Mr. McCREARY of Kentucky. It would retain its place on the Calendar, and it does not come up in the morning hour.

The SPEAKER. It does not.

COMPARISON OF HANDWRITING IN COURTS.

Mr. CULBERSON. I call up the bill (H. R. 7258) to authorize the comparison of handwriting by courts and juries in cases where the genuineness of a signature or writing is in dispute.

The bill was read, as follows:

Be it enacted, etc., That in all cases where the genuineness of any signature or writing is in dispute, comparison of such disputed signature or writing with any writings admitted or proved to be genuine shall be permitted to be made by witnesses, and such writings and evidence of witnesses respecting the same may be submitted to the court and jury as evidence of the genuineness or otherwise of the signature or writing in dispute.

Mr. CULBERSON. I now yield the floor to the gentleman from Pennsylvania.

[Mr. WILLIAM A. STONE withholds his remarks for revision. See Appendix.]

Mr. WOLVERTON. Mr. Speaker, this bill was reported by the Committee on the Judiciary in pursuance of correspondence addressed to the Speaker of the House on April 21, 1894; and I ask that those communications be read by the Clerk.

The Clerk read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 18, 1894.

SIR: I have the honor to transmit herewith copies of letters of Anthony Comstock, post-office inspector of New York, and the Assistant Attorney-General for the Post-Office Department relating to a change in the rule of evidence in regard to the comparison of handwriting in the trial of cases in the courts of the United States, and I respectfully request that the matter be laid before the House of Representatives for consideration.

Very respectfully,

FRANK H. JONES,
Acting Postmaster-General.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

OFFICE ASSISTANT ATTORNEY-GENERAL
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., April 19, 1894.

SIR: I call your attention to a copy of a letter written by Inspector Comstock, of New York, to the chief post-office inspector, and by the Fourth Assistant Postmaster-General referred to me for consideration. I have carefully examined the question presented by Mr. Comstock, and I fully concur with him as to the importance of a legislative declaration by Congress of the rule of evidence recommended by him, which is as follows:

"Comparison of a disputed writing with any writing proved to the satisfaction of the court to be the genuine handwriting of any person, claimed on the trial to have been made or executed, the disputed instrument or writing shall be permitted and submitted to the court and jury in like manner."

This rule, after a long controversy and many conflicting decisions, was adopted by statute in England in 1854. (17 and 18 Vic., ch. 125, s. 27.) It has also been adopted by statutes in Georgia, Iowa, Louisiana, New Jersey, New York, and Wisconsin, and in the rule under the common law of the States of California, Connecticut, Kansas, Maine, New Hampshire, Ohio, Vermont, and Virginia. The rule laid down by the Supreme Court of the United States is that "papers, not otherwise competent, can not be introduced in evidence for the mere purpose of enabling a jury to institute a comparison of handwriting."

"Strother *vs.* Lucas, 6 Pet. (U. S.), 763.
"Moore *vs.* U. S., 91 U. S., 270.
"Williams *vs.* Conger, 125 U. S., 397."

I suggest that you transmit to Congress copies of Mr. Comstock's letter and this communication, with the recommendation that the rule of evidence be changed by legislative enactment to conform to the views above expressed.

I hand you herewith letters addressed to the Speaker of the House and President of the Senate for you to sign, if you concur with me.

Very respectfully,

JOHN L. THOMAS,
Assistant Attorney-General, Post-Office Department.

The POSTMASTER-GENERAL.

NEW YORK CITY, *April 10, 1894.*

MY DEAR SIR: One of the most serious annoyances and embarrassments in the prosecution of criminals for depositing nonmailable matter in the mail arises from the fact that some of the United States judges do not follow the practice prevailing in the State courts in the matter of comparison of handwriting.

There are numerous cases brought to my attention as a post-office inspector where postal laws have been violated, and where we can secure the handwriting of the defendant, and where the examination of the writing used by the defendant in carrying on the unlawful business through the mail shows it to be identical with the handwriting which we are enabled to prove absolutely to be the handwriting of the defendant.

The laws of the State of New York, chapter 555, as approved by the governor, June 9, 1888, read as follows:

"Comparison of a disputed handwriting with any writing proved to the satisfaction of the court to be the genuine handwriting of any person, claimed on the trial to have been made or executed, the disputed instrument or writing shall be permitted and submitted to the court and jury in like manner."

I would very respectfully ask that the attention of the honorable the Postmaster-General and also the attention of the Assistant Attorney-General for the Post-Office Department be called to the difficulty and embarrassment under which the inspectors labor, and to this section of law, as enacted in New York (and other States), and, if possible, a similar law be enacted by Congress, so as to make the rule uniform in all the States.

If this can not be done, then I respectfully urge that it may be sought so far as applying to the proof of offenses against postal laws.

I need hardly offer any argument before the chief inspector, as your experience, I am sure, would enable you to support and favor the enactment of such a law. But in order that I may make myself clear to others who may consider this subject, I desire to present:

First. "The department of mail depredation and its inspectors always move upon probable cause to believe that postal laws are being violated."

This "probable cause" is found upon the face of the newspaper advertisement, or the printed circular or letter, sent out by the fraud who is operating an unlawful scheme or device through the mail.

Again, it comes from complaints of persons who have received unlawful matter sent to them. Or, perchance, some parent or teacher who has found obscene and indecent matter sent to the children.

Second. The moment this probable cause comes to an inspector, his duty is clear, to wit, to ascertain the facts and secure such evidence as shall bring the offending party to justice.

In the case of a person sending obscene matter into a school or seminary, we have the handwriting upon the matter sent of the party thus operating unlawfully through the mails.

Having found his customer he becomes bold. Then the handwriting of the fraud or criminal is easily obtained by means of correspondence, or a returned registered receipt. We can bring the carrier, who has seen defendant write receipts for his registered mail, into court and establish beyond any question the defendant's handwriting.

Under existing rules in this district such handwriting of the defendant would be excluded if offered for comparison.

The same is true of a person violating postal laws by sending lottery circulars or lottery tickets through the mail.

It is especially true of persons who send obscene anonymous writings and papers into homes, and to boys and girls.

While we are obliged to resort to circumstantial evidence to prove all the offenses through the mail, yet one of the strongest circumstances in the transaction, to wit, handwriting, we are deprived of availing ourselves of by this adverse ruling of the courts.

I have had many very flagrant cases which could have properly been brought into the United States court, where the evidence would have been clear and positive, but where we were debarred because of the rigid ruling of the judges, in failing to follow the practice of the State courts.

I do not see any remedy for this embarrassment except legislation by Congress.

Such an act, permitting a comparison of handwriting, would facilitate the enforcement of postal laws, and make available most conclusive and convincing evidence of guilt, and evidence that would be most easily applied by any ordinary mind (to say nothing of an expert), and would enable the inspectors to establish the guilt of many a man who now goes unwhipped of justice, notwithstanding the fact that he is guilty of sending the most shameful and degrading matters through the mail.

I have the honor to be, with very great respect, sir, your obedient servant,

ANTHONY COMSTOCK,
Post-Office Inspector.

M. D. WHEELER, ESQ.,
Chief Post-Office Inspector, Washington, D. C.

Mr. WOLVERTON. Mr. Speaker, this correspondence was referred by the Speaker of the House to the Judiciary Committee on the 21st of April, 1894, and the bill that is now brought before the House is the unanimous report of that committee. The rule of evidence as now adhered to by the Supreme Court of the United States is that where the genuineness of a paper is involved, papers can not be offered independently as standards by which either the court or the jury may determine the genuineness of the paper in question.

This rule has been modified by judicial decisions in several of the States, in most of them perhaps, so as to allow this to be done. This old rule of the common law was changed by act of Parliament in England in 1854. Section 27 of the common-law procedure act of 1854 in England is as follows:

SEC. 27. Comparison of a disputed writing with any writing proved to the satisfaction of the judge to be genuine, shall be permitted to be made by witnesses, and such writing and evidence of witnesses respecting same may be submitted to the court and jury as evidence of the genuineness or otherwise of the writing in dispute.

The law thus changed has been found to be a great improvement on the law as it prevailed in England prior to the passage of the act.

To show that there is no reason for retaining the old common-law rule of evidence the Supreme Court holds that while papers can not be introduced in the case for the mere purpose of enabling the jury to institute a comparison of handwriting, not being competent for any other purpose, yet where other writings admitted or proved to be genuine are properly in evidence for other purposes, the handwriting of such instruments may be compared by the jury with that of the instrument or signature in question and the genuineness thus inferred from such comparison. The rule allows comparison as a proper method of determining the genuineness of writings, but denies parties the means for making the comparison.

As stated, this rule was changed by an act passed in 1854 in England. In 1874 a similar statute was passed in New Jersey. Like statutes have been passed in Wisconsin, Iowa, New York, California, and perhaps other States, and in most of the States the rule has been modified by decisions of the courts. This bill is for the purpose of applying the same rule which prevails in those States to trials of cases in the criminal courts of the United States.

The letters from the Assistant Attorney-General of the Post-Office Department and the Post-Office Inspector show that it is important that the rule now prevailing in the United States courts should be changed by statute. The bill was unanimously reported from the Judiciary. The report so fully sets forth the reasons for the passage of this act that I request that it be printed in the RECORD as part of my remarks.

The report is as follows:

Mr. WOLVERTON, from the Committee on the Judiciary, submitted the following report (to accompany H. R. 7258):

The Committee on the Judiciary, to whom was referred the letter of Hon. F. H. Jones, Acting Postmaster-General, dated April 18, 1894 (Executive Document No. 196), addressed to the Speaker of the House of Representatives, and the accompanying letters of the Assistant Attorney-General of the Post-Office Department, to the Postmaster-General, and letter of the post-office inspector at New York City, addressed to the chief post-office inspector at Washington, D. C., have considered the question submitted in the said letter and report thereon as follows:

The rule of evidence as laid down and adhered to by the Supreme Court of the United States is that papers can not be introduced in the cause for the mere purpose of enabling the jury to institute a comparison of handwriting, unless such papers are competent for some other purposes in the cause, but where other writings admitted or proved to be genuine are properly in evidence for other purposes, the handwriting of such instruments may be compared by the jury with that of the instrument or signature in question, and its genuineness inferred from such comparison.

In England and in many of the States this rule has been modified by legislative enactment. In many other States it has been changed by judicial decisions, so that in most of the States the rule is to allow the jury to compare the handwriting of papers admitted to be genuine or proved beyond question to be in the handwriting of the party to be put in evidence to enable the court or jury to compare them with the disputed writing.

Section 27 of the common-law procedure act of 1854 in England is as follows:

"SEC. 27. Comparison of a disputed writing with any writing proved to the satisfaction of the judge to be genuine, shall be permitted to be made by witnesses, and such writing and evidence of witnesses respecting same may be submitted to the court and jury as evidence of the genuineness or otherwise of the writing in dispute."

In New Jersey, act of March 27, 1874, section 19, provides as follows:

"In all cases where the genuineness of any signature or writing is in dispute, comparison of the disputed signature or writing with any writing proved to the satisfaction of the court to be genuine, shall be permitted to be made by witnesses, and such writing and the testimony of witnesses respecting the same, may be submitted to the court or jury as evidence of the genuineness or otherwise of the signature or writing in dispute: *Provided, nevertheless*, That where the handwriting of any person is sought to be disproved by comparison with other writings made by him not admissible in evidence for any other purpose, such writings, before they can be compared with the signature or writing in dispute must, if sought to be used before the court or jury by the party in whose handwriting they are, be proved to have been written before any dispute arose as to the genuineness of the signature or writing in controversy." (Revision of New Jersey, page 381, section 19.)

In Wisconsin, volume 2, Sanborn and Berryman Annotated Statutes, section 4189, page 2157, is as follows:

"Comparison of a disputed handwriting with any writing proved to the satisfaction of the court to be genuine shall be permitted to be made by witnesses in all trials of proceedings, and the evidence of witnesses respecting the same may be submitted to the court and jury as evidence of the genuineness or otherwise of the writing in dispute."

In the State of Iowa there is the following act:

"Section 4905, of McClain's Annotated Code of Iowa, volume 2, page 1446: Evidence respecting handwriting may be given by comparison made by experts or by the jury with writings of the same person which are proved to be genuine."

State of New York Revised Statutes, Codes and Laws, Birdseye, volume 1, page 1028, section 91:

"Comparison of a disputed writing with any writing, proved to the satisfaction of the court to be genuine, shall be permitted to be made by witnesses in all trials and proceedings; and such writing, and evidence of witnesses respecting the same, may be submitted to the court and jury as evidence of the genuineness of the writing in dispute."

In California there is the following provision:

"Evidence respecting handwriting may also be given by comparison made by the witness or the jury with writing admitted or treated as genuine by the party against whom the evidence is offered or proved to be genuine to the satisfaction of the judge."

Law of Evidence, Wharton, volume 1, section 711:

"By the Roman law the genuineness of a contested writing may be sustained by witnesses comparing such writing with the other writing acknowledged to be genuine. Some fluctuation of opinion, however, was exhibited as to the writing to be taken as a basis for such comparison. It was held that in order to put a greater check on forgery writings thus exhibited must be publicly registered or be testified by three witnesses. Subsequently it was declared that for the same purpose proof may be by writings deposited in public archives. The substantial result, however, finally reached, is that, to enable a writing to be adopted as a standard, it must be demonstrated to be genuine.

"It makes no matter what the writing is thus adopted. It may be, as Gensler argues, a love letter, or it may be a testament. If genuine, it may be received as a standard. By the English common law it is said such a comparison is inadmissible. The reasoning on which this conclusion rests is that handwriting, especially among those with whom writing is not a habit, often changes from period to period. A man not accustomed to writing may write now very different from the way he did five years ago. * * *

"In the United States we have a series of authorities which rest on the old English rule, and hence following this reason exclude evidence of genuineness based on comparison of hands when offered as independent proof. Under the act of Parliament of 28 and 29 Victoria, chapter 18, above recited, it has been held, first, that any writing the genuineness of which is proved to the satisfaction of the judge may be used for the purpose of comparison, although they may not be admissible in evidence for any other purpose.

(Eagen *vs.* Cowan, 30 Law Times, 223; Birch against Ridgeway, 1 Fost. and Fin., 270; Cresswell *vs.* Jackson, 2 Fost. and Fin., 24.)

"Next, that the comparison may be made either by witnesses or without the intervention of any witnesses at all by the jury themselves. (Cobbett *vs.* Kilminster, 4 Fost. and Fin., 490.) Or, in the event of there being no jury, by the court. If, therefore, an action be brought by the indorsee of a bill of exchange against the acceptor, who by his plea has denied the indorsement of the drawer, it seems that the jury may, by simply comparing with an indorsement of the drawee which is admitted to be genuine, find for the plaintiff, even though witnesses be called to disprove the bill. (Taylar's Evidence, section 1607.)

"This rule seems to have been adopted in many States by a statute and in others by decisions of courts.

"In the United States courts the old common-law doctrine is adhered to. In Moore *vs.* The United States (91 U. S., 270) the question is thus discussed by Bradley, J.:

"'The general rule of the common law, disallowing comparison of handwriting as proof of signature, has exceptions equally as well settled as the rule itself. One of these exceptions is that if a paper, admitted to be in the handwriting of a party, or to have been subscribed by him, is in evidence for some other purpose in the cause, the signature or paper in question may be compared with it by the jury.'

"It is not distinctly stated in this case that the writing used as a basis of comparison was admitted to be in the claimant's hand, but it was conceded by counsel that it was, in fact, a power of attorney, given by him to his attorney in fact, by virtue of which he appeared and presented the claim to the court. This certainly amounted to a declaration on the part that it was not his hand, and to contend the contrary would be fraud upon the court."

Williams against Conger, 125 U. S., 397, Justice Bradley, in delivering the opinion of the court, says:

"'It is well settled that the witness who only knows a person's handwriting by seeing it in papers produced on the trial and proved, or admitted to be his, will not be allowed from such knowledge to testify to that person's handwriting unless the witness be an expert and the writing in question is of such antiquity that witnesses acquainted with the person's handwriting can not be had. (Green on Evidence, paragraph 578.)

"'It is also the result of the weight of authority that papers can not be introduced in the case for the mere purpose of enabling the jury to institute a comparison of handwriting, said papers not being competent for any other purpose. (Green on Evidence, paragraphs 579, 581.) But where other writings, admitted or proved to be genuine, are properly in evidence for other purposes, the handwriting of such instrument may be compared by the jury with that of the instrument or signature in question and the genuineness inferred from such comparison, etc.'

"In many States it is a settled practice to admit as a basis of comparison any papers, whether in themselves relevant to the issue or not, if they can be shown to the satisfaction of the court to be the writing of the party whose signature is disputed. In Pennsylvania, however, it is said that at common law, the proof from comparison of hands must be viewed as supplementary and can not be relied upon exclusively, and comparison is to be made by the jury and not by experts. To the admission of a contested paper it is essential that it shall be proved to be genuine to the satisfaction of the court. Such standard must be substantively proved. It can not be proved by comparison. (Wharton's Law of Evidence, volume I, section 714.)

"In Pennsylvania, the case of Travis against Brown (43 Pa. St., 9) is a leading case on the subject."

There are several reasons, which will appear from the examination of the letters referred to your committee, why the rule of evidence in United States courts should be changed so as to allow any paper or writing admitted or proved to be in the handwriting of the party who is alleged to have executed the disputed instrument to be submitted to the court or jury for their inspection to enable them to determine upon the genuineness of the instrument in question. In England and in the States where the rule of evidence has been changed by statute, it is claimed to have proved beneficial. It is difficult to see what substantial objection there could be to the change.

Under the rule which now prevails in the United States courts, unless there happens to be in the evidence some paper admitted to be genuine and in evidence for other purposes than that of comparison of handwriting, the jury is deprived of this means of determining upon the genuineness of the disputed instrument, which in many criminal cases where there is a conflict of testimony, might necessarily result in the acquittal of the defendant who otherwise ought to have been convicted. Your committee has prepared a bill, accompanying this report, providing that in all cases where the genuineness of any signature or writing is in dispute, comparison of the disputed signature or writing with any writing proved to the satisfaction of the court shall be permitted to be made by witnesses, and such writing, and the testimony of witnesses respecting the same, may be submitted to the court or jury as to the genuineness or otherwise of the signature or writing in dispute.

Your committee recommend the passage of this bill.

Mr. CULBERSON. Let us have a vote on the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WOLVERTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

FUNDING ACT OF ARIZONA.

Mr. CULBERSON. Mr. Speaker, I call up the bill (H. R. 6754) to amend section 15 of an act approving, with amendments, the funding act of Arizona, approved June 25, 1890.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act approving, with amendments, the funding act of Arizona," approved June 25, 1890, and paragraph 2952 (section 15) of said act, be, and the same is hereby, amended by adding thereto as follows:

"*Provided further, however*, That the present outstanding warrants, certificates, and other evidences of indebtedness issued subsequent to December 31, 1890, for the necessary and current expenses of carrying on the Territorial government only, together with such warrants as may be issued for such purpose for the years ending December 31, 1894, and December 31, 1895, may also be funded and bonds issued for the redemption thereof; and thereafter no warrants, certificates, or other evidences of indebtedness shall be allowed to issue or be legal where the same is in excess of the limit prescribed by the Harrison act."

SEC. 2. That all acts or parts of acts in conflict with this act are hereby repealed.

Mr. CULBERSON. I yield to the gentleman from Arizona.

Mr. SMITH of Arizona. Mr. Speaker, this is simply a bill carrying to a further extent the funding act of Arizona, so as to prevent the payment of 10 per cent on outstanding warrants for the current expenses of the Territory. It is desired to fund them under the funding act until the collection of the taxes, so as to be able to start on a cash basis. This is purely a local matter extending our funding act, and the bill is unanimously reported from the Committee on the Judiciary.

Mr. HUNTER. I see that it provides for extending the time up to 1895.

Mr. SMITH of Arizona. Yes. That is, until the collection of taxes.

Mr. HUNTER. But if the Territory should become a State in the meantime would not that have some effect on the provisions of this bill?

Mr. SMITH of Arizona. It would not have any effect, for the debt would be bonded as it arose, and the limitation placed by the Territorial Legislature, which does not meet until February, 1895. The Legislature can provide then for everything that happens thereafter, and this is intended only to fix the time up to the meeting of the Territorial Legislature.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CULBERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

COLLECTION OF TAXES UPON CORPORATIONS.

Mr. CULBERSON. Mr. Speaker, I call up the bill (H. R. 6284) to prevent interference in the collection of State, county, and municipal taxes assessed against corporations and corporate property, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That taxes heretofore or hereafter assessed by State, county, or municipal authority against any corporation or corporate property shall not be classed as debts to be passed upon in the first instance by any court of the United States, but shall be collectible by the proper authorities of such State, county, or municipality according to the assessment, whether such corporation be in the hands of a receiver or not; and no judge or court of the United States shall have any other or greater authority or power to enjoin, restrain, or in any way interfere with the collection of such taxes against any corporation or corporate property in the hands or under the management of a receiver than if no such receivership existed; and the seizure as well as the sale of any property for the collection of any such taxes shall divest the receiver and the court of all control over the same: *Provided*, That any and all property taken out of the hands of the receiver and from under the control of the court and not sold for such taxes shall be returned to the receiver, and shall again be under the control of the court: *And provided further*, That a corporation or receiver of a corporation shall have the same right that a citizen of such State, county, or municipality may have, under the laws of such State, to apply for the abatement of any tax, or to sue or defend on account of any alleged overassessment or improper or illegal assessment in any court having jurisdiction.

SEC. 2. That all acts and parts of acts, in so far as the same are repugnant to or inconsistent with the provisions of this act, are hereby repealed.

Mr. CULBERSON. I yield to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, this bill is designed to enable States, counties, and municipalities within the States to collect taxes against corporations in the hands of receivers with as little trouble or hindrance as they encounter in collecting them from individuals or corporations not in the hands of receivers. The occasion of the bill is that in a number of instances troubles have arisen because some of the Federal judges have held that where corporations are in the hands of receivers the taxes occupy the position merely of claims or debts, that the court is to pass upon the matter, that there is no authority to collect the taxes, and that the collection of them may be delayed as long as may seem to the court fit or proper.

Some difficulties arose in South Carolina and in other States over this matter. In most of the States of the Union, I believe, provisions similar to those contained in this bill are made by State law. The tax laws operate equally upon all persons. All have the same opportunity to defend against claims for taxes; all have the same recourse to the courts. That is the provision of this bill.

Since the bill was reported, it has been decided in South Carolina (by Judge Simonton of the circuit court, I believe) that this is, in effect, the law now, but it has been thought desirable in order to prevent conflicts between State and Federal authorities, and in order to facilitate the collection of taxes and to prevent any sort of trouble or delay, that this bill should pass. I think this statement sufficiently explains the object and purport of the bill.

Mr. OUTHWAITE. How far does it go in providing a remedy?

Mr. DE ARMOND. It simply provides, in effect, that proceedings for the collection of taxes against a corporation in the hands of a receiver appointed by a Federal judge or court shall be the same as in other cases, with precisely the same rights on

the part of the corporation to defend or to institute proceedings in any court having jurisdiction, whether State of Federal.

Mr. Speaker, in connection with these remarks and as a part of them I will have printed the report of the Committee on the Judiciary, which is as follows:

The Committee on the Judiciary, to whom was referred House bill 4927, having duly considered the same, recommend that the accompanying substitute therefor be adopted.

The measure reported by the committee is designed to put corporations in the hands of receivers appointed by judges and courts of the United States in the same condition with respect to the collection of State, county, and municipal taxes as if no receivership existed.

It often happens that corporations, by orders of United States courts, pass into the hands of receivers and remain there for a number of years; during which time taxes assessed against such corporations and their property are paid, or not paid, according to the judgment and direction, and in some cases the caprice, of the Federal court. Your committee believe that the power to levy and collect taxes is one without which the State governments can not be maintained or perpetuated. This power and authority, essential to the maintenance of State governments, is often interfered with and suspended by action of the courts in the cases of corporations managed by receivers.

These courts frequently assume authority to pass upon and classify demands for taxes as if such demands were of no higher character than ordinary money liabilities. By this practice corporations in the hands of receivers are enabled to defer the payment of taxes levied against them almost indefinitely, to the great inconvenience and prejudice of the States and of the municipalities within the States.

Your committee are of opinion that corporations in the hands of receivers should enjoy no greater immuntity with respect to the payment of taxes than that which is possessed by corporations carrying on their business operations outside of court and without receivers, and that the tax laws should operate without interruption upon corporations as well as upon natural persons, whatever may be the financial condition of either.

The attention of the committee was specially drawn to this subject by the bill introduced by Mr. LATIMER, of South Carolina, for which the accompanying measure is a substitute, and the condition of affairs in that State which led to the introduction of that bill. Without going into the merits of the controversy between the State and local authorities on the one hand and the United States courts upon the other, it is evident that the laws of South Carolina for the assessment and collection of taxes can not be enforced against certain railroad corporations of that State in the hands of receivers appointed by the United States courts, because those courts claim and exercise complete jurisdiction over all the property and affairs of the corporations and deny and prevent the seizure or sale of any property of such corporations for the payment of taxes.

Now, the tax laws are different in the several States of the Union, but the jurisdiction and power of the Federal courts as at present claimed and exercised are sufficient to stay and thwart the proceedings of the States under State laws for the collection of taxes in any case where a Federal court has appointed a receiver for a corporation and is exercising control over its business and property.

The extensive jurisdiction and powers claimed and exercised by the United States courts over corporations and corporate property in the hands of receivers do no rest upon any statute. These courts assumed jurisdiction years ago, hesitatingly and to a limited extent, and for special purposes, growing out of the apparent necessity of the case, appointed receivers for corporations, especially railroad corporations. Gradually this jurisdiction has been extended further and further, and every advance has served as justification or excuse for still greater advances, until the time has come when these courts, for the security of the States and the preservation of the fundamental rights of the people, as well as a due observance of constitutional restrictions, should be curbed.

Although a corporation may, for sufficient or insufficient reasons, be in the hands of a receiver, its property ought, nevertheless, to be subject to taxation and liable for taxes, the same other property. To insure this just and proper condition of affairs the committee have prepared and recommend the passage of the accompanying substitute. It is their belief that with this measure embodied in our statutes, United States courts would no longer have any pretense of authority for passing upon taxes in the first instance, as they do upon all moneyed demands against corporations in the hands of their receivers; corporations in the hands of receivers would no longer have any immunity from taxation, or any means of escaping the collection of taxes except such as are open to all corporations and all individuals in any particular State; property of corporations in the hands of receivers could be seized and sold as if no receivership existed; Federal courts could not exercise any jurisdiction as against the State or any of its municipalities seeking to collect taxes which it could not exercise in the case of an individual or of a corporation not in the hands of receiver; and that, at the same time, all corporations and receivers of corporations could have access to the courts upon the same footing as individual citizens.

Your committee append hereto a copy of the measure, the passage of which we recommend, and which we believe really furnishes its own interpretation.

Mr. RAY. Mr. Speaker, I can not consent that this bill pass this House without interposing my protest against it. I do not think I shall carry my opposition to the extent of compelling the attendance of a quorum, or anything of that sort, if the principle of the bill meets the approval of this House, and I know it will appeal to the Democratic heart, for it strikes at the dignity and power of the General Government. I regard the principle of this bill as wrong. I am opposed to it for the reason that it appears to me to be an interference with the laws, the power, and the authority of the Government of the United States in matters where railroads are under its control, or the control of its courts.

When these roads have gone into the hands of a receiver and taxes of any description are unpaid, it does seem to me that the matter of the payment of those taxes or the ordering them to be paid ought to be left to the discretion and decision of the courts of the United States, and ought not to be subject to the will or wishes of a municipal corporation or the laws of the State.

The effect of this measure in a great many cases, where companies have been chartered and organized under the laws of the United States, practically will be to put the laws and the authority of a State above that of the Government of the United States. That is the way I understand this bill. As I have said, it appears to me wrong in principle. I regard it as an attack—an indirect attack, it is true—upon the supremacy of the laws of the United States and of the General Government. For that reason I oppose the measure.

I, of course, recognize on the other hand the fact that the State and municipal corporations through whose territory a railroad runs ought to receive their taxes, when justly and properly assessed and levied.

The great object and purpose of appointing a receiver of a railroad corporation is to protect and preserve the property, property rights, and franchises of the company for the payment, first, of the debts of such corporation, including of course lawful taxes thereon; and second, a dividend, if possible, to the stockholders of the corporation. Such receiverships are the only safeguards against the wrecking of railroads and a waste or sacrifice of the interests of the creditors and stockholders therein. Millions of dollars are invested in this kind of corporations, and probably one-half or more of the stock of these companies is held by widows, guardians, executors, etc., or poor people who have their all here invested.

It is impossible to run a railroad without incurring indebtedness, and the ability to pay such indebtedness depends on the earning capacity of the road. Dull times, railroad strikes, and many other occurrences frequently intervene to cripple and almost destroy the earning capacity of the road for the time being, and then, if its obligations are not promptly met, judgments follow, the rolling stock of the company is levied upon, and a sale follows, and the operation of the road is absolutely suspended unless some court can take possession, suspend these forced sales, and continue the operation of the road, waiting better times, a foreclosure of the mortgage, and an advantageous sale of the whole corporate property and franchises, and a distribution of the proceeds of sale among those entitled to it.

In such a proceeding, and such a disposition of such matters, not only the creditors of the company, but the stockholders of the company and the general public are deeply concerned. The opening of this great country of ours, the growth and extension of her industries, the increase of her people until nearly seventy millions of free independent American citizens claim the protection of our flag, have been made possible by the existence of these great railroad systems that form a network over this continent. Commerce, interstate and foreign, demands the preservation and encouragement of this means of transportation and intercourse. Yes, Mr. Speaker, the very existence and perpetuity of our Government depends upon it. Without the great and magnificent systems of transcontinental railways now existing within these United States the great Pacific Slope would be almost a stranger to the East and West and South, and estrangements would follow and possibly internecine strife and a disruption of the Republic.

This bill attacks the power of the Government of the United States to protect and preserve these corporations. It seeks to undermine Federal authority in such cases, and permits State and municipal authorities to seize and sell the rolling stock of these companies and thus defeat the very object of a receivership. Under this bill the courts of the United States will be powerless to protect and preserve the rights of creditors, of stockholders, or of the general public. The evils of the proposed legislation are manifest and manifold. It is not a blow at corporations or corporate encroachments or abuses, but at the private interests of the small stockholders who will be unable to protect themselves, and at the general public who utilize the roads and who would be greatly discommoded by their nonexistence or inability to operate.

This bill puts it in the power of State, county, or municipal authority to tax out of existence almost any railroad affected by it, to cripple it at any time, and especially in times like this, when business is stagnated and strikes are the order of the day.

Mr. Speaker, there is a public feeling against railroads and great corporations. Some of it is just, but much of it is exaggerated. But the correction is within the power of legislative bodies. It is neither necessary nor proper to crush them out of existence in order to defend ourselves against their encroachments. But above all, Mr. Speaker, it is not necessary to strike a blow at good government, at Federal authority and discretion.

It is true that the bill as first presented has been deprived of much of its original animus. The power to injure and wreck railroads is given by the bill, while the effect of the acts that that may be done by State, county, and municipal authority are only alleviated to a very small extent. It is true that the State and all its subdivisions should have their taxes, but it is far better that they be compelled to await payment the same as other creditors rather than that they be clothed with power

to cripple and ruin the roads essential to prosperity of millions of people and forty-five States.

As I understand—I ask the chairman of the committee whether I am correct—an amendment was suggested and adopted by the committee providing that the railroad company may pursue all legal remedies for the refunding of taxes which may be found to have been illegally or improperly assessed or collected. Is that true?

Mr. CULBERSON. That is provided in the bill—that the corporation shall have the same right as the citizen to sue or to defend.

Mr. RAY. Then, under the bill as it now stands, the validity of taxes imposed or any question regarding them may be litigated after they are paid——

Mr. CULBERSON. Or before.

Mr. RAY. And the taxes may be refunded. The bill provides for a refunding, does it not?

Mr. CULBERSON. Certainly. It gives a railroad corporation the same right that a citizen has, to seek a remedy in any court having competent jurisdiction.

Mr. RAY. I will not delay this matter; I simply desire it understood that I am opposed to the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DE ARMOND, a motion to reconsider the vote by which the bill was passed was laid on the table.

MANDAMUS AGAINST UNITED STATES OFFICERS.

Mr. CULBERSON. I call up the bill (H. R. 4312) to provide for the removal of suits, by mandamus, against officers of the United States.

The bill was read, as follows:

Be it enacted, etc., That in suits or proceedings by mandamus in the courts of the United States, against any officer of the United States, to compel the performance of an official duty alleged to be enjoined upon such officer by law, if he dies, or his office becomes vacant during the pendency of such proceeding, the same may be revived against his successor or successors in office, by *scire facias*, or on motion, in the court where the same is pending.

Mr. WOLVERTON. Mr. Speaker, this bill merely provides that proceedings by mandamus in United States courts against any officer of the United States to compel the performance of an official duty shall survive in case of vacancy in the office by death or otherwise.

As such proceedings would be against the defendant as an officer, and not as an individual, there is no reason why such proceedings should abate by death of the officer, expiration of his term, resignation, or the office become vacant in any other manner.

Mr. RAY. There is no objection to the bill, so far as I know, on this side.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WOLVERTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

INSPECTION OF IMMIGRANTS.

Mr. CULBERSON. I call up the bill (H. R. 5246) providing for the inspection of immigrants by United States consuls.

The bill was read, as follows:

Be it enacted, etc., That no alien immigrant shall be admitted within the United States unless he or she shall exhibit to the United States inspectors of arriving immigrants at the place of admission a certificate signed by the United States consul or other authorized representative of the United States at the place nearest where said immigrant last resided, setting forth that the said consul or other United States representative has made an investigation concerning said immigrant and that said immigrant does not belong to the class or classes of alien immigrants excluded from admission into the United States under the provisions of the act of Congress approved March 3, 1891, entitled "An act in amendment to the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor, its amendments or supplements," or by any other law of the United States that now exists or may hereafter be passed.

It shall be the duty of United States consuls and United States representatives in other countries to investigate and grant or withhold certificates, as shall be disclosed on investigation under the directions and instructions of the State Department.

The amendments reported by the committee were read, as follows:

After the word "passed," in nineteenth line, page 2, insert "said immigrant shall, in addition, conform to all present requirements of law."

After the word "Department," in twenty-fourth line, insert the words "according to the laws of the United States as aforesaid."

Add as section 2 the following: "That this act shall take effect from and after the 1st day of January, A. D. 1895."

Mr. CULBERSON. I yield to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], who prepared the report on this bill.

[Mr. WILLIAM A. STONE addressed the House. See Appendix.]

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WILLIAM A. STONE, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENALTY FOR EMBEZZLEMENT BY OFFICERS OF NATIONAL BANKS.

Mr. CULBERSON. I now call up for present consideration the bill (H. R. 5863) to increase the penalty for embezzlement by directors, officers, or agents of national banks.

The bill was read, as follows:

Be it enacted, etc., That section 5209 of Title LXII of the Revised Statutes of the United States (1878) be amended by striking out "or" and adding, after the words "every president, director, cashier, teller, clerk, or agent of any association who embezzles, abstracts, or willfully misapplies any of the moneys, funds, or credits of the association," the words "shall be guilty of a felony, and shall be imprisoned not less than five years nor more than fifteen years if the amount embezzled, abstracted, or misapplied is less than $100,000, or the value thereof; and not less than fifteen years if the amount embezzled, abstracted, or misapplied is $100,000, or the value thereof, or more; and any person." That said section shall be amended further by adding at the end of the section the following words: "and persons arrested under this act shall receive no other or better treatment or greater privileges while in custody before conviction or after conviction than is accorded to persons in custody for violation of other laws of the United States;" so that the section as amended will read as follows:

"Every president, director, cashier, teller, clerk, or agent of any association who embezzles, abstracts, or willfully misapplies any of the moneys, funds, or credits of the association shall be guilty of a felony, and shall be imprisoned not less than five years nor more than fifteen years if the amount embezzled, abstracted, or misapplied is less than $100,000, or the value thereof; and not less than fifteen years if the amount embezzled, abstracted, or misapplied is $100,000, or the value thereof, or more; and any person who, without authority from the directors, issues or puts in circulation any of the notes of the association, or who, without such authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of the association, with intent, in either case, to injure or defraud the association or any other company, body politic or corporate, or any individual person, or to deceive any officer of the association or any agent appointed to examine the affairs of any such association, and every person who, with like intent, aids or abets any officer, clerk, or agent in violation of this section shall be deemed guilty of a misdemeanor, and shall be imprisoned not less than five years nor more than ten; and persons arrested under this act shall receive no other or better treatment or greater privileges while in custody before conviction or after conviction than is accorded to persons in custody for violation of other laws of the United States."

The committee recommend the adoption of the following amendments:

Beginning after the word "amended," in line 5, strike out all the text down to the beginning of line 23, and insert "so as to read as follows;" also strike out the word "fifteen," in line 27, and insert the word "ten:" also strike out the word "fifteen," in line 30, and insert the word "ten," and after the word "years," in line 30, insert the words "nor more than twenty years."

Mr. CULBERSON. This bill was introduced by the gentleman from Nebraska [Mr. BRYAN], and I yield the floor to him.

Mr. BRYAN. Mr. Speaker, this bill, as I introduced it, made the penalty for embezzlement by national-bank officials more severe than the committee felt justified in favoring. The bill, as amended by the committee, leaves the punishment as it now exists where the amount embezzled is less than $100,000. The penalty for embezzlement by national-bank officials is under existing statutes not less than five years nor more than ten years' imprisonment, without regard to the amount embezzled, and this bill, with the committee amendments makes the penalty not less than ten years' imprisonment nor more than twenty years if the amount embezzled exceeds $100,000.

The bill also provides that the following words shall be added at the end of section 5209, namely:

And persons arrested under this act shall receive no other or better treatment or greater privileges while in custody before conviction or after conviction than is accorded to persons in custody for violation of other laws of the United States.

While I would be glad to have the penalty made more severe, and to have the increased penalty apply to a less sum than $100,000, I accept the bill as amended by the committee because it is a decided improvement over the present law.

The circumstances surrounding the punishment of this class of crimes makes it necessary to raise the minimum limit for large embezzlements, because the criminal in such cases usually stands high in business, social, and political circles, and the discretion left with the Federal judge is so exercised that the lowest penalty is too often imposed. To give a light punishment to a big embezzler and a heavy punishment to a petty offender subjects the Government to just criticism. This bill is a step in the right direction in that it to some extent fits the penalty to the crime, and prevents the imposition of a short sentence if the amount embezzled is large.

The words added at the end of the section are intended to prevent courts and marshals from showing special favors to this class of offenders. To keep the poor thief in a dungeon and the rich thief at a first-class hotel is not in harmony with that Democratic principle, "equality before the law." There is no reason why money should purchase immunity from the hardships of

prison life any more than that it should defeat punishment entirely.

If any mercy should be shown at all, it should be shown to the unfortunate person whose surroundings are such as do not encourage virtuous conduct and a manly life, rather than to the embezzler who adds to the crime of theft the betrayal of the confidence of those who trusted him. But, Mr. Speaker, I shall not add more unless some objection is made to the bill. There seems to be no oppositon, and I ask for a vote.

The amendments recommended by the Committee on the Judiciary were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BRYAN, a motion to reconsider the last vote was laid on the table.

APPOINTMENT AND JURISDICTION UNITED STATES COMMISSIONERS.

Mr. CULBERSON. I now call up for present consideration the bill (H. R. 7384) to provide for the appointment of United States commissioners and to define their jurisdiction, powers, and duties.

The bill was read, as follows:

Be it enacted, etc., That the office of "commissioner of the circuit court" is hereby abolished and all acts authorizing their appointment are hereby repealed.

SEC. 2. That the Attorney-General shall divide the several States and Territories into so many commissioners' districts as may be required for the efficient and economical execution of the laws, and for this purpose is authorized to abolish, change the boundaries of such districts, or create new districts, when, in his opinion, the proper administration of justice requires it.

SEC. 3. That the President shall appoint, upon the nomination of the Attorney-General, so many commissioners in each commissioner's district and in the District of Columbia as may be deemed necessary by the Attorney-General to afford a speedy and convenient hearing and trial of persons charged with crimes and offenses against the laws of the United States, with the least expense to the Government. Such commissioners shall hold their office for the term of four years from the date of their respective commissions, unless sooner removed, and the Attorney-General is authorized to remove any commissioner appointed under this act when, in his opinion, the proper administration of justice shall require such removal. Before entering upon the discharge of the duties of their office, each commissioner shall make oath or affirmation before some officer qualified to administer oaths in the district wherein he resides, in such form as may be prescribed by the Attorney-General, that he will perform the duties of his office with fidelity, charge only the fees allowed by law, and make a true return to the Attorney-General of all fees and emoluments received by him, of every name, kind, and character, by virtue of such office.

SEC. 4. That such commissioners shall have the same jurisdiction and powers within their respective districts as are now conferred upon commissioners of the United States circuit courts under existing laws, but their jurisdiction shall not extend to offenses committed outside their respective districts, except in cases where no qualified commissioner resides in the commissioner's district where the offense was committed, in which case the commissioner residing nearest the place where the offense was committtd shall have jurisdiction, and except also offenses against the postal laws of the United States, in which jurisdiction shall remain as now provided by law.

SEC. 5. That commissioners shall keep dockets in which shall be entered minutes of all business transacted before them, and for the purpose of establishing uniformity the Attorney-General shall furnish forms for dockets, books, and blanks to be used by such commissioners. It shall be their duty to keep their dockets, books, and papers in such form and manner as may be required by regulations prescribed by the Attorney-General, and to perform such other duties as may be required by such regulations. All dockets, books, papers, and accounts relating in any way to their official business shall be open at all times to the inspection of any district attorney or other person authorized by the Attorney-General to inspect them, and shall at all times be open to the inspection of any parties interested, and all dockets, books, and papers relating to the business of such commissioners shall be transferred to their successors in office.

SEC. 6. That at the end of each quarter commissioners shall make out a statement, in such form as the Attorney-General shall prescribe, of all fees and emoluments of every kind, name, and character received by virtue of their office, whether specified in any fee bill or not, and submit the same to the United States district attorney for the district in which the commissioner resides, who shall carefully examine the same and cause the commissioner to subscribe an oath to the correctness of each and every item in such statement, and that it contains a true and correct account of the fees and emoluments of every name, kind, and character received by virtue of his office for the time covered thereby; and if said district attorney shall approve of such statement as correct, he shall indorse his approval thereon in writing and shall forward same to the Attorney-General, who shall cause same to be audited and allowed if found to be correct, and if found to be incorrect shall cause such corrections thereof to be made as will make such statement conform to the law; and the approval thereof by the said United States district attorney shall not prevent the Attorney-General from making such deductions therefrom as justice may require, under the law and regulations prescribed by the Attorney-General. When the quarterly statement of a commissioner shall have been audited and allowed, as herein provided, the amount found due to him shall thereupon become immediately payable: *Provided, however*, That no commissioner shall be allowed to receive and retain of the fees and emoluments of his office any greater sum than $2,500 a year for his compensation, to be audited and allowed by the Attorney-General, nor exceeding that rate for any time less than a year, audited and allowed in like manner; and the surplus over said sum shall be paid into the United States Treasury by the commissioners at such times and in such manner as may be prescribed by the Attorney-General.

SEC. 7. That in all prosecutions under the internal-revenue laws commissioners shall not be entitled to fees, unless they have been taxed against and collected from the defendant or unless the prosecution has been commenced upon a sworn complaint by a United States district attorney, collector, or deputy collector of internal revenue or revenue agent, setting forth the facts upon information and belief and approved either before or after arrest by a district judge or the attorney of the United States for the district where the offense is alleged to have been committed.

SEC. 8. That in case any person against whom a warrant may be issued by a commissioner for any offense committed within said commissioner's district shall escape, go into, reside, or be in any other city or county out of the jurisdiction of the said commissioner who issued such warrant, it shall be lawful for, and it is hereby declared to be the duty of, any commissioner of any commissioner's district where such person shall escape, go into, reside, or be, upon proof being made upon oath or affirmation of the handwriting of the commissioner granting such warrant, to indorse his name on such warrant, which shall be sufficient authority to the person or persons charged with the service of the same to execute the same in such other commissioner's district out of the jurisdiction of the commissioner granting such warrant, and to apprehend and carry such offender before the commissioner of the district who indorsed said warrant; and in case the offense for which such offender shall be so apprehended shall be bailable in law by any commissioner, and such offender shall be willing and ready to enter into a recognizance with sufficient sureties, to be approved by said commissioner, for his appearance at the next United States district court having jurisdiction of the offense, such commissioner shall and may take such bail for his appearance in the same manner as the commissioner of the proper district might have done, and the said commissioner so taking bail shall deliver or transmit such recognizance and other proceedings to the commissioner who issued the warrant, who shall return them to the clerk of the district court where such offender is required to appear by virtue of such recognizance, and such recognizance and other proceedings shall be as effectual in law as if the same had been entered into, taken, or acknowledged in the proper commissioner's district where the offense was committed, and the same proceedings shall be had therein; and in case the offense for which such offender shall have been apprehended in any other commissioner's district shall not be bailable in law before a commissioner, or such offender shall not give bail for his appearance at the proper court having cognizance of his crime or offense to the satisfaction of the commissioner before whom he shall be brought, then the marshal or other person so apprehending such offender shall carry and convey him before the commissioner who issued the warrant, there to be dealt with according to law.

SEC. 9. That the following fees are fixed for commissioners:

For administering an oath, 10 cents.

For taking an acknowledgment, 25 cents.

For issuing a warrant, docketing the same, and all proceedings on a criminal charge where no arrest is made, $1.

For hearing and deciding on criminal charges, including docketing of the same, the commitment or recognizances of defendant, sureties, and witnesses, and oaths of witnesses as to travel, order to marshal to pay witnesses and return to court, and all proceedings thereon, $5 in each case, and no more; but where two or more charges are preferred against the same person or persons at the same time only one fee of $5 shall be allowed.

For attending a reference of a litigated matter in a civil case at law in equity or admiralty, in pursuance of any order of court, $3 per day for the time necessarily employed.

For taking and certifying depositions to file, 10 cents for each folio.

For a copy of same furnished to a party on request, 10 cents for each folio, to be paid by the party requesting the same.

For issuing a warrant under any treaty with any foreign government, $2.

For hearing and deciding upon the case of any person charged with any crime or offense and arrested under the provisions of any such treaty, $5 for each case, and no more.

For the examination and certificate in any case for application for discharge of poor convicts imprisoned for nonpayment of a fine or fines and costs, $5 for each examination and certificate and all services therein, and no more.

SEC. 10. That no bill for witness fees for hearings before a commissioner shall be paid until the United States district attorney for the district shall have certified thereon that the witnesses were regularly subpœnaed and in actual attendance by order of the United States attorney. There shall only be taxed fees for two witnesses unless, before the hearing, the United States attorney shall, after investigation, have directed in writing the commissioner to summon more than two, and without such directions in writing the commissioner shall only examine that number, and no more witness fees shall be paid in any such case: *Provided*, That when a witness has been subpœnaed and attends hearings in more than one case on the same day before the same commissioner, he shall be paid but one mileage fee; und where a witness is required to attend or testify in more than one case between the same parties on the same day, he shall be paid but one per diem witness fee; and no witness fees or mileage shall be paid to an officer who is officiating as such before a commissioner.

SEC. 11. That every person who, having taken an oath before a commissioner that he will testify, declare, depose, or certify truly, and contrary to such oath testifies to, states, or subscribes any material matter which he does not believe to be true, shall be guilty of perjury with like effect as if he had testified to, stated, or subscribed any such matter under oath in any legal proceeding in any court, and shall be punished in like manner.

Mr. CULBERSON. I yield to the gentleman from Pennsylvania [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Speaker, the objects of this bill are apparent from the reading of the bill itself. The second section of the bill provides that the Attorney-General shall divide the States and Territories into as many districts as may be required for the efficient execution of the laws, and is authorized to change the boundaries of such districts, or to abolish them, or create new districts when, in his opinion, the proper administration of justice requires it. United States circuit court commissioners are now appointed under section 627 of the Revised Statutes. The jurisdiction of these commissioners extends over the entire State. It will be seen that this gives the Attorney-General power to limit the districts or change their boundaries so as to more efficiently promote the administration of justice in such districts and prevent the abuse of judicial process. The Department of Justice has annually for many years called the attention of Congress to the necessity of some legislation limiting the jurisdiction of commissioners to certain boundaries.

The principal purpose of this section is to prevent the practice which exists under the present law and which allows the arrest of a person charged with an offence against the laws of the United States, and the officer to drag him the whole length of a

State for a hearing before a commissioner in order to make fees for the marshal in charge of the execution of the writ.

Mr. HUNTER. Will the gentleman permit me to ask him a question?

Mr. WOLVERTON. Certainly.

Mr. HUNTER. Are the bounds of any commissioner's district fixed in the bill?

Mr. WOLVERTON. No; that is left to the discretion of the Attorney-General, who is required to fix them for the convenience of the parties in such number, size, and shape as will insure proper administration of the law and as may best serve the ends of justice.

Mr. HUNTER. And who is to determine the necessity for the districts so as to obtain this action on the part of the Attorney-General? How, for instance, is the process to be initiated to secure a change in the districts?

Mr. WOLVERTON. The Attorney-General is charged now by law with the duty of examining the business of the commissioners, and has supervision over them. He knows what business is done in Boston, Chicago, New York, Philadelphia, and other places, and therefore, under the bill, he can so arrange the districts as to adapt them in size and location to the business to be transacted and that is being transacted now, and can arrange them so as to relieve the defendant from great hardship and enforce the laws with least expense to the Government.

Mr. HUNTER. Now, in my country—in Illinois where I live—parties are arrested and taken from 100 to 150 miles before a commissioner at Springfield or Cairo, and yet we have a commissioner already in the district before whom such parties could be tried. But the marshal or deputy marshal, disregarding the local commissioner, travel this distance in order to make fees.

Mr. WOLVERTON. The very purpose of this bill is to prevent that.

Mr. CULBERSON. If you pass this bill that will not be done any more.

Mr. HUNTER. Well, I hope not.

Mr. WOLVERTON. Commissioners under the present law hold office during good behavior, which means for life, and there seems to be no power to remove them from office. By this bill their tenure is limited to four years, unless sooner removed by the Attorney-General, who is authorized to remove them for abuse of their office, whenever in his opinion the proper administration of justice requires such removal.

The bill gives the Attorney-General full power to establish rules of practice before them, and to supervise their accounts.

It limits the number of witnesses in hearings without special directions of the district attorney.

It does away with private informers in internal-revenue cases and requires such prosecutions to be instituted by some revenue officer or the district attorney.

It establishes a certain fee bill which limits charges for services and will prevent the existing practice in many places of continuing hearings from day to day at $5 each for the mere purpose of making fees against the Government.

There is no office so capable of being abused as that of United States circuit court commissioner, and in many parts of the United States abuses of the office have disgraced the administration of justice. The Department of Justice and the Comptroller of the Treasury have for years been complaining of these abuses and have been powerless to prevent them because of powers and latitude they have under existing laws. This bill has the approval of the Attorney-General, and it is believed that it will go far toward remedying existing abuses in the administration of this office.

The enormous increase in the expenses of the United States courts during the last few years is attributed largely to the institution of frivolous prosecutions before United States commissioners and collusive prosecutions for the sole purpose of making fees against the Government.

The expenses of these courts have grown from $2,955,481.57 in 1878 to $5,191,844.95 in 1893. For 1890 they were $1,718,126.32 higher than in 1880, and in 1893 they were $128,724.60 higher than in 1892. In 1880 commissioners' fees were $140,230.90; in 1893 they were $265,000. In 1880 United States marshals' fees were $630,000; in 1893, $1,450,000.

The facts relating to this office are so fully set forth in the report accompanying this bill that I ask that it be printed in the RECORD.

Mr. WILLIAM A. STONE. There is no objection whatever to the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. WOLVERTON, a motion to reconsider the last vote was laid on the table.

Mr. WOLVERTON. I ask that the report accompanying this bill may be inserted in the RECORD.

The SPEAKER. In the absence of objection, that order will be made.

There was no objection.

The report (by Mr. WOLVERTON) is as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 7384) entitled "A bill to provide for the appointment of United States commissioners, and to define their jurisdiction, powers, and duties," having considered the same, respectfully make the following report:

United States circuit court commissioners are now appointed by the circuit courts of the United States under section 627 of the Revised Statutes. They hold their tenure during good behavior or for life, and there seems to exist no power anywhere for their removal from office. There exists no provision of law subjecting their proceedings to the control or review of any court, and the office is in no legal sense inferior to the circuit court itself.

A commissioner has no definite responsibility with any other officer and seems to be subject to no control. His jurisdiction is coextensive with the district or State, and there is no office which offers such opportunities to the professional fee-maker as that of United States circuit court commissioner. The office has been so much abused in different parts of the United States, so many complaints have been made by the Comptroller's Office and the Department of Justice in relation to the manner in which many commissioners conduct their offices, that there is a universal demand for some change in the law regulating their appointment, limiting their jurisdiction, and providing for a limited tenure of office and their removal when the interests of justice require it.

The Department of Justice has called the attention of Congress almost annually for several years to the abuses which prevail in many parts of the United States and to the necessity of some legislation on the subject. As their jurisdiction is unlimited, combinations are easily made between them and deputy marshals for the arrest of persons living in distant parts of the district and bring them before a certain commissioner for the purpose of making fees for the commissioner and a mileage for the marshals. In many districts through such combinations, although commissioners have been appointed and reside in the immediate neighborhood where the offense is alleged to have been committed, warrants have been issued by certain commissioners residing in a distant portion of the State, arrests made, and the prisoners conveyed long distances for hearing before these commissioners, not only making large fees against the Government, but subjecting the defendant to great hardships and expense.

The Department of Justice has endeavored to break up this practice for a long time, and strongly and justly condemns it as an unnecessary hardship for a defendant and needless expense to the Government. The practice of arresting persons for the alleged violation of a statute in one part of a State and taking them away from the residence of the United States commissioner to a distant point in the State for hearing before a particular commissioner is in violation of the spirit of all statutes on the subject, and there can be but one way to account for it, and that is that it is done to make fees for officers concerned in prosecutions. Attorney-General Garland, in his annual report of December 1, 1887, makes the following suggestion in relation to this abuse:

"Commissioners of circuit courts generally issue warrants that are returnable to themselves alone, regardless of the distance and cost consequent upon the order. They have the right to do this, yet experience shows that the right is open to reform. The right to issue a warrant might be left unrestricted in all respects, leaving the commissioner discretion to act upon reasonable grounds of suspicion and belief on a charge made upon reasonable cause of the commission of a felony; but the commissioner before whom the warrant should be returned might be another, and perhaps ought to be another, if the offense is committed without the country of his residence.

"Some of the United States judges have directed commissioners to make warrants returnable to the commissioner nearest the place of the offense. This is practicable only to a limited extent, as it presupposes that the officer issuing the warrant knows who is the commissioner living nearest the place of offense. Error in this particular would lead to confusion, and perhaps to a greater abuse than the one sought to be remedied.

"The marshal (an executive officer only) does not appear to be the proper officer to decide to whom he shall return the writ. A district attorney may be the right one to advise, and perhaps is the only one. The Department of Justice can not direct the commissioner how to act as that officer is subject to the court alone. It is therefore a proper subject for legislation to devise means to remedy the abuse.

"It is suggested that a remedy may be found in limiting the territorial jurisdiction of these officers on the hearings for commitment, and as much complaint has been made for the past several years that trivial and useless prosecutions have been originated before these commissioners, it might be well to have legislation upon this subject, defining more particularly their jurisdiction as well as the mode of procedure, especially as their jurisdiction now rests on old statutes that make these officers of the States where they are what committing magistrates in these States are. I think this whole subject deserves the consideration of Congress."

In his report, December 1, 1888, the Attorney-General reiterates this recommendation.

Attorney-General Miller, in his report, December 22, 1889, says:

"From a number of judges, as well as from other sources, comes the information that very great abuses arise out of the action of commissioners of circuit courts in the amount of fees they make and charge for themselves, as well as those whom they assist, the marshals, and in some cases district attorneys, in making. Whether it is practicable to eliminate entirely the excessive charges in the enormous bills of expenses in proceedings had before these commissioners is perhaps doubtful, but Congress, by enacting a clear and definite fee bill for such proceedings, and providing that no prosecutions shall be commenced, except in an emergency shown in an affidavit, until the district attorney shall have approved of the commencement of such proceedings, and by prescribing severe punishment for any violations of the laws so enacted, can do much to repress these abuses and relieve the Treasury from illegal exactions."

Attorney-General Olney, in his annual report, December 1, 1893, page 32, says:

"Directly in line with the tenor and purpose of the last preceding paragraph is the recommendation also made in the President's message of 1885, that United States commissioners should be clothed with power of trying and determining certain classes of petty offenses within the grade of misdemeanors. As violations of the law of the kind referred to have of course increased in number with the increase of the population and business of the country, the importance of the recommendation is now greater than ever and should lead to its immediate and favorable consideration. The language of the message of 1885 comprises all that need be said upon the subject.

"[Extract from message.]

"The multiplication of small and technical offenses especially under the provisions of our internal-revenue laws, render some change in our present system very desirable in the interests of humanity as well as economy. The district courts are now crowded with petty prosecutions involving a punishment in cases of conviction of only a slight fine, while the parties accused are harrassed by an enforced attendance upon courts held hundreds of miles from their homes. If poor and friendless they are obliged to remain in jail during months, perhaps, that elapse before the session of the court is held, and are finally brought to trial surrounded by strangers and with little real opportunity for defense. In the meantime, frequently, the marshal has charged against the Government his fees for an arrest, the transportation of the accused, and expense for the same, and for examining witnesses before a commissioner, and grand jury and a court. Witnesses have been paid from the public funds large fees and traveling expenses and the commissioner and district attorney have also made their charges against the Government."

In pursuance of a resolution of the House of Representatives in 1890, during the Fifty-first Congress, a committee was appointed consisting of Hon. A. C. Thompson, Hon. H. C. McCormick, and Hon. W. C. OATES, to investigate abuses of judicial power or authority by officers of the judicial department of the United States. This committee took a large amount of testimony showing that the abuses above referred to prevailed in different States and recommending legislation on the subject. The report is No. 3823, and the following is an extract from it (page 9):

"The evidence shows that in some parts of the country men are induced by deputy marshals and United States commissioners to make complaints against each other for violations of the internal-revenue laws and of the timber laws, are arrested by the deputy marshals and brought before the commissioners, where, after a hearing they are bound over to court, often becoming bail for each other, and appearing before the court as defendants, witnesses, and bail. They come up in batches At one time, in the State of Alabama, eighty-nine men from Marion County plead guilty at Huntsville, and at another time forty-one men from Lamar County plead guilty, at Birmingham, of violations of the internal-revenue laws, and in both instances sentences were suspended and defendants discharged without punishment. United States District Attorney Parsons says:

"'You start with a defendant in a neighborhood with two or three witnesses against him and you soon find around it has gathered a batch of cases in which every defendant had been a witness against somebody else, and every witness had been a defendant.'

"As witnesses they receive 5 cents a mile going and coming as mileage, and an attendance fee of $1.50 a day. It is part of the scheme to transport them long distances, a few at a time, past nearer commissioners, for the purpose of increasing their mileage, and the mileage and fees of the deputy marshals who arrest them.

"The marshals charge for endeavoring to arrest, for serving warrant, for mileage, for transportation of prisoners, for guards, for subsistence, for making returns, for subpœnaing witnesses, for attendance before the commissioners, for committing and discharging, etc., and their fees in each case will average from $15 to $20, and the fees of each witness and commissioner will average about as much. But the following extract from the testimony shows how fees and costs may be increased indefinitely:

"'On January 30, 1891, Deputy Hewlett charges for arresting George Doss, Daniel McCullas, and three others at Cross Plains, in Calhoun County, and for their transportation, together with three guards, from that place to Huntsville, a distance of 247 miles, the Government witnesses being George Noble and E. Haldron, two prominent and wealthy citizens. The defendants employed James H. Savage as counsel, and he endeavored to secure a hearing before Commissioner Erwin at Cross Plains, the home of the defendants. Deputy Marshal Hewlett refused to allow this, and Mr. Savage telegraphed to Commissioner Bone at Huntsville to obtain his consent to a hearing in Cross Plains. Commissioner Bone refused, and telegraphed the deputy marshal to bring defendants and witnesses to Huntsville, which was done, defendants leaving Cross Plains on February 1.

"'Upon the conclusion of the trial, on February 4, the two United States witnesses, Noble and Haldron, were arrested by Deputy Hewlitt on writs sworn out by George Doss and Daniel McCullas before Commissioner Erwin at Cross Plains, on February 1. Both gentlemen (Noble and Haldron) immediately gave bonds before Commissioner Bone for their appearance at Cross Plains, and set out for that place in company with H. L. Jeffers, a United States commissioner, and G. B. Douthill, two very old gentlemen, Deputy Hewlitt remaining in Huntsville, and charging in his accounts for transporting prisoners Noble and Haldron and guards Jeffers and Douthitt from Huntsville to Cross Plains, 247 miles. The total expense to the Government of this transaction in marshal's fees alone was over $700."

"Often defendants travel to the commissioner's office themselves, at their own expense, but the deputy marshals charge for transportation and guards for prisoners and for subsistence, although neither transportation, guards, nor subsistence has been furnished. Shortly before the court sits, although the accused are under bail to appear before the court, their sureties, who are often defendants and witnesses in other cases, surrender them to some deputy marshal, who carries them to court at the expense of the Government, making fees for himself and saving defendants, who are bound by their bonds to appear before the court, the expense of traveling to the place where the court sits. They are then indicted, or informations are filed against them, when they often disappear and have to be brought in on capias, making additional fees for the deputy marshals, marshals, and clerks.

"When they are brought in witnesses are often absent and the defendants are again put under bond for their appearance, and the case is continued until the next term of the court. At the next term of the court frequently they fail to appear and are brought in on alias capias, making more fees for the deputy marshals, marshals, and clerks. When they are finally brought before the court they plead guilty, are sentenced, and as a rule the sentence is suspended by the judge. Pending arrest and rearrest the bonds of the absent defendants are forfeited, suits are instituted thereon, and judgments nisi are rendered, and when, upon arrest or rearrest, they are brought in these judgments nisi are nearly always set aside unconditionally. These proceedings largely increase the costs of clerks.

"After suspension of sentence these defendants, now convicts, go to the clerk's desk, get a certificate showing the number of days they have attended as witnesses and the amount of mileage they are entitled to, and this they take to the marshal, who pays them anywhere from $15 to $30 each for attendance and mileage. These amounts are paid without deducting the fines and costs assessed against them as defendants. They return to their homes, and as soon as court is over they and the commissioners and deputy marshals resume these practices of fee-making and are on hand at the next term of the court with a new batch of cases, and the Government is robbed in this way of thousands of dollars every year.

"The evidence shows that sentence in the case of the same individuals has been suspended many times. The district attorneys in some parts of the country attend many of the hearings before commissioners when there is absolutely no necessity for it, and in Massachusetts the district attorney attends every hearing, for which he gets a per diem of $5 a day."

Again, on the 1st of February, 1892, the Fifty-second Congress passed a similar resolution instructing the Judiciary Committee to investigate all the complaints of illegal and disreputable practices indulged in by certain officials connected with the courts of the United States in certain localities, including illegal fee-making and jobbery discreditable to the judicial administration. The committee was appointed, consisting of WOLVERTON, LAYTON, and BRODERICK, who made their report to the House of Representatives, No. 1966, to which reference is made. Before the last committee J. W. Nightingale, an examiner in the Department of Justice, and who had filled that position for twelve years, testified:

"There were eighteen commissioners in the district of Massachusetts located at different points throughout the State, but Mr. Hallett, a commissioner at Boston, transacted all the business, you might say, in the district. In other words, no matter where the defendant might reside, he would be brought to Boston, ignoring the other commissioners who live in cities outside of Boston. I thought it an unnecessary expense. Commissioners had been located at other places to hear cases so that defendants would not be taken too far from their homes. It is also an unnecessary expense to the Government for the transportation of these defendants to Boston and also of the witnesses.

"A man arrested, for instance, at Worcester could be taken before a commissioner there, and, as the witnesses lived there, if he was held they could be taken to Boston and imprisoned, but if he was discharged the Government would not be put to the unnecessary expense of travel, paying for travel of deputies and witnesses. There were commissioners at Worcester, at Pittsfield, and New Bedford. Defendants were arrested at those places and instead of being taken before the commissioners there for preliminary hearing were carried to Boston and taken before Commissioner Hallett, never before any of the other commissioners residing in Boston. In other words, he had a monopoly of the entire business.

"Q. How did you account for that?

"A. A great deal of that was done by the deputy marshals. They have, of course, entire power to take a man where they wish, and probably they may have liked Mr. Hallett's ways better than they liked those of any other commissioner. Of course the deputy marshals generally make arrangements for their own benefit.

"Q. Did you find that to be the fault to some extent of parties making complaint coming before him instead of other commissioners?

"A. Well, that in true to some measure. The complaints at that time were made to a great degree by deputy collectors of internal revenue, who all reside in Boston, and they would go before Mr. Hallett. Some were made before him by deputy marshals. He having issued the warrant, they, of course, would skip all the other commissioners and bring him in before Hallett. In the case of a preliminary hearing where defendants resided at Springfield, they could have been taken before a commissioner there at very little expense, but by taking them to Boston the Government is put to expense of traveling—for a deputy 100 miles, $10; travel for prisoner, $10; and guard, $10. Taking the average number of witnesses, which are three it would make the expense of traveling 100 miles $60, which if he was taken before a commissioner at Springfield there would hardly be any expense at all; anyway, it would be very small.

"Q. Well, these marshals have the right to go before any commissioner, or even any officer to take bail?

"A. Yes, sir; The Department has held that; they have tried in fact to have it done in all districts throughout the country that the defendant should be taken to the commissioner nearest the place of arrest, but it has not been done in a large number of districts; it has been resisted.

* * * * * * *

"Q. I suppose that these abuses that you have spoken of, that have occurred in Massachusetts, occur also in other States, and the hardships are as great or greater where the Territory is larger?

"A. Yes, sir. I have known in some districts through the South that defendants have been transported by marshals 250 or 300 miles, and have, of course, been held for court and given bail; but in those cases where they had to go so far the sureties came with them, and they would allow them to start, and give them a fair start of some 50 or 100 miles, and then they would overtake them again and arrest the security for having committed perjury, for swearing they were worth a certain sum of money, and they would take them back to a place and put them through another examination and discharge them again.

"Q. In such cases the fees would be enormous?

"A. Yes, sir. The worst case I know of that kind was in Southern Georgia, at Macon, which was the worst I ever had anything to do with. The fees in that case became so enormous it caused a special examination to be made to see what had made them run up so high, and they found collusion there between the commissioners and the deputy marshals to make fees. They could have taken these men before other commissioners, but they seemed to have picked out one who lived the farthest away, because they got more."

Attention is called to the report of Leigh Chalmers, examiner of the Department of Justice, to the Attorney-General, dated January 8, 1894, which shows conclusively that some legislation is necessary. The letter is as follows:

"DEPARTMENT OF JUSTICE, *Washington, D. C., January 8, 1894.*

"SIR: In order to a better understanding of the reports that I have made and am to lay before you on the accounts of the judicial officers of the northern district of Alabama, I think it best that I should submit the following facts relative to the administration of justice in the district:

"Upon examining the books and accounts of the court officers, I soon became convinced that the immense increase of expenses in the district was not justified by the legitimate increase of the business of the courts. An investigation of the vouchers against the witness fund appropriated for the district revealed the facts that for the fiscal year 1891 witness fees amounted to $22,555.77; of this sum $16,412.95 was paid witnesses before the United States circuit and district courts, and $6,142.82 to witnesses before commissioners; total $22,555.77.

"For the fiscal year 1892, amounts paid witnesses, circuit and district courts, $24,244.93; commissioners' courts, $12,218.16; total, $36,463.09. For the fiscal year 1893, including the months of July, August, September, and October of the fiscal year 1894, circuit and districts courts, $54,905.53; commissioners' courts, $30,364.82; total, $85,270.34.

"This shows an increase for the fiscal year 1893 (with the four months added) over 1892 of $48,807.25 and $26,251.48 over 1891 and 1892 combined.

"In the $85,270.34 above stated I have included unpaid vouchers amounting to $27,736.10 yet on file in the marshal's office.

"By an examination of the records of the courts I found that the total expenses incurred by the United States for the courts in this district, as per

accounts approved by the court, from July 1, 1892, to November 1, 1893, to be:

Fees of witnesses	$85,270.34
Fees of commissioners	27,332.49
Fees of United States attorneys	13,695.60
Fees of jurors	14,974.10
Pay of bailiffs	1,723.10
Miscellaneous expenses	3,702.29
Fees and expenses of marshal	62,643.50
Fees of clerk of United States court	14,093.52
Support of prisoners	14,125.00
Total	237,559.94

In order to ascertain the cause of the enormous increase of expenses in this district I collected from the records of the marshal's office the following table of expenses, by appropriations for the fiscal years 1891, 1892, and 1893, the latter embracing the months of July, August, September, and October of the fiscal year 1894, and also a list of United States circuit court commissioners, with amounts of accounts of each approved by the courts from July 1, 1892, to September 30, 1893:

	1891.	1892.	1893.
Witnesses	$22,555.77	$36,465.09	$85,270.34
Jurors	7,126.85	8,691.90	14,974.10
Bailiffs	603.25	1,217.30	1,723.10
Miscellaneous expenses	1,159.89	1,502.22	3,702.29
Support of prisoners	5,072.60	6,345.61	14,125.00
Fees and expenses	19,134.85	22,118.22	62,643.50
Total	55,653.21	86,338.34	182,438.33
Expenses 1891 and 1892 combined			141,991.55
Difference of expenses for fiscal year 1893 over 1891 and 1892 combined			40,446.78

Amounts of accounts of United States commissioners approved in time indicated.

Robert Charlson, Attalla	$7,093.95
W. B. Briggs, Anniston	4,329.60
W. H. Hunter, Birmingham	3,908.95
D. N. Cooper, Russellville	3,506.65
H. M. McCulloch, Huntsville	2,584.14
J. B. Shields, Jasper	1,390.50
H. A. Wilson, Birmingham	1,305.25
J. H. Bone, Huntsville	964.05
E. E. Greenleaf, Huntsville	519.60
R. Scott Parks, Scottsboro	447.95
Sam Thompson	312.60
J. W. Jaggers, Hartselle	306.55
G. H. Smith, Florence	279.10
O. D. Laird	274.20
N. W. Trimble, Birmingham	91.80
R. A. Mosely, Tuscaloosa	47.60
Total	27,332.49

I found that the number of cases brought before United States commissioners in this district from July 1, 1892, to November 1, 1893, to be 1,479. Of this number 1,017 were held to bail by the commissioners and 462 discharged. Of the 1,017 cases held to bail the grand jury refused to indict 401, making 863 cases not of sufficient importance to warrant an indictment. It is not reasonable to charge the grand juries with a failure to perform their duty when, out of the 1,017 cases submitted to them they found 616 indictments, and it is but reasonable to suppose that, upon sufficient testimony, they would have found indictments against the other 401 cases submitted. It is also reasonable to calculate that 25 per cent of the cases upon which indictments are based will fail of conviction on a final trial before a petit jury. By taking this estimate as a basis, and taking the entire expenses of the court in the district for the term covered by my examination (from July 1, 1892, to November 1, 1893), viz, $227,559.94, we find that it costs the Government $500 for each man convicted, and a large majority of the cases are, by a strained construction of the law, for retailing liquor.

Dissecting these facts and figures to arrive at the cause of this profligate increase of expenses, I find that the difference between the items of fees and expenses of marshals and amount paid witnesses for the fiscal year 1891 to be $6,420.92; for the fiscal year 1892 to be $4,344.67; for the fiscal year 1893, including the months of July, August, September, and October, to be $22,626.84.

This points very clearly to the fact that a very large sum of the amount appropriated for the expenses of the courts is unnecessarily expended in payment of witnesses. When we take into consideration the fact that out of the 1,479 cases tried by commissioners 462 were discharged, and the grand jury failed to indict 401 of those held, making a total of 863 frivolous cases, with an average of three witnesses to each case, and the further fact that in the 401 cases ignored by the grand jury the same witnesses (1,203) were resubpœnaed to testify before the grand jury, we are forced to the conclusion that the greatest cause of this profligate increase is attributable, in a very great degree, to the trifling character of cases brought before commissioners.

To satisfy myself fully as to the character of cases tried by commissioners and the manner of proceedings before them, and to fully test the legality of accounts of deputy marshals, I took the testimony of sundry persons who had been arrested and tried before commissioners, and of those who had attended as witnesses before them, aggregating 165 pages of typewritten matter, which I submit, marked Exhibit A and B. Many of these witnesses I found in jail serving sentence. I also put myself in communication with citizens in many parts of the district, whose replies to my letters I also submit with the other testimony.

This testimony, if true, reveals a startling state of affairs in the judicature of the district.

It appears from this evidence that many of the deputy marshals had subdeputies, appointed by themselves, whose business it was, by a well-regulated system of espionage, to work up cases for his principal and act as witness in the trial of the cases before the commissioners, thereby receiving his mileage and per diem in addition to the pay allowed him by his employer. This subdeputy, or "bootlick," as he is called by the mountaineers, would "spot" a sufficient number of violators of the law to make a trip to the commissioner profitable, notifying his principal to meet him at a given point on the railroad, and together with the accused they would go to the place of trial.

It also appears that some of the commissioners had their professional witnesses whose duty it was to scour the country for violators of the revenue laws, report, swear out warrants, and attend as a witness in the case, and draw his per diem for attendance and mileage from the place of arresting defendant, irrespective of the place of service of the subpœna.

Again, the testimony shows that it was the practice of some of the deputies to visit the jails and offer inducements to prisoners to inform on citizens for violating the revenue laws, and when sucessful to take the informers from jail to the commissioner and have them swear out a warrant against his victim. On this warrant the citizen would be arrested, arraigned, and the informing witness used as a witness in the commissioner's court, get his per diem attendance, and frequently mileage from his home to the place of trial, notwithstanding the fact that he actually traveled to testify only from the jail to the commissioner's office, distant in Birmingham but a few blocks.

It appears also to have been the practice of some of the deputies to use every means to induce defendants to plead guilty regardless of the facts in the case. These practices have been carried to such an extent as not only to bring odium upon the Department of Justice, but to the very great harassment of and injustice to many innocent citizens. The very sharp competition to get business by such methods has caused the country and cities to be scoured for victims, who are hunted down and brought in from the "hedges and highways" until no ignorant man, however innocent, is safe in his liberty. Many cases not only frivolous, but criminally frivolous, were developed by the testimony.

I call your attention especially to two of these cases, that of Anthony Gray and C. E. Willborn.

Anthony Gray is a poor old negro, 76 years of age, with frosted head, body bowed down with years of servitude, and too ignorant to know his rights. He was arrested on the information of a professional witness, taken before a United States commissioner as a retail liquor dealer, intimidated into pleading guilty, bound over to court, and in default of bond cast into prison. Knowing that no language at my command could give you an adequate idea of the criminal frivolity of this case and show to what extent the competition to get business has been carried, I secured the services of a photographer and had him take a picture of the poor old negro in his nakedness and squalidity, which I attach to and submit with his testimony as an object lesson. I instructed the stenographer to take his testimony as given, without let or hindrance or dictation, in his own dialect, which carries the import of verity too strongly to be doubted.

The facts in the case of Charles E. Willborn are that among the whitecappers who were put in jail at Birmingham last spring was a distiller, who, to amuse himself, improvised a toy still out of a spittoon for a furnace, half a gallon oil can for a boiler, and a piece of gas pipe for a worm. The materials used for the mash were bits of corn bread and molasses taken from their scanty jail rations and mixed with water. On his way to the penitentiary this whitecapper told the deputy in charge of the fact that he had been experimenting with the still in jail and had left a portion of it in Willborn's cell.

On his return to Birmingham, the deputy informed one of the deputy revenue collector of the facts, who swore out a warrant for the arrest of Willborn (who was in jail), and with the deputy marshal and another as a posse, they proceeded to jail, arrested Willborn, seized the broken toy and carried prisoner and toy before a United States commissioner, who, with the deputies and posse as witnesses, tried the case, found "probable cause" against the defendant and bound him over in a bond of $200, in default of which he was committed. The papers in this case, especially the bill of cost, loom up in full proportions as a genuine raid against an illicit distiller. This little toy still, with a capacity, using the material at hand, for running a gill a day of a nondescript villainous decoction, will, at the estimate above made, cost the Government $500 provided the prosecution is carried to a finish.

Recurring to the matter of witness fees, I will say that I examined several hundred witnesses' pay rolls certified by commissioners for payment, and by questioning orally and corresponding with the witnesses whose names appeared on these rolls as to the fact of their attendance, how many days and what amount they received, and by comparing the signatures of the same persons who had served as witnesses and afterwards testified before me, I became satisfied that they had been tampered with—names forged, fictitious names added, and amounts for mileage and attendance raised. So thoroughly was I convinced of this fact that I filed a written protest with the marshal against the payment of their accounts still remaining on file in his office unpaid.

In fact, I am certain that the greatest frauds are perpetrated in the district and the largest amount of money is wasted in the matter of making and paying witness fees. If a commissioner should be disposed to defraud the Government, this furnishes him with the safest method. Commissioners doing the greatest amount of business in the district all have clerks and brokers in their offices ready to discount for cash all witnesses' pay rolls in cases tried by the commissioners, and there is nothing easier for one disposed to do it than to get witnesses to sign rolls in blank, take their pay, and leave the roll with the commissioner or broker, who can add to the amount of per diems and mileage as much as the case will stand and collect the money from the marshal. In fact, you will find, in the evidence submitted, abundant proof that this practice has been followed by some of the commissioners.

It is but just and fair to call your attention to the fact that all of the testimony submitted is entirely *ex parte*, and much of it of persons who have been convicted of violating the revenue laws and were at the time of testifying in jail serving sentences, and of others who had, upon a preliminary trial, been sent to jail in default of bond. It was a subject of harsh complaint, by some of those interested, that I went to the jail for any testimony at all, but when it is remembered that the witnesses examined by me in jail were the same used by commissioners who had certified to their credibility, and upon whose testimony reputable citizens had been deprived of their liberty, I will be excused for not feeling humiliated by their objugatory criticism.

While there are hundreds of frivolous cases brought and tried in this district, there is no doubting the fact that violations of the internal-revenue laws are on the increase, and many offenders who ought to be arrested, tried, and convicted. Yet this does not palliate the wrongs done and immense cost of arresting and trying ignorant and innocent citizens. To find out the source of and remedy for the evil was the end to which I worked. I have tried to be just and impartial in tracing the evil to its source, and have no hesitation in saying that it is the commissioner's court. With them the responsibility rests. The fact that some of the deputy marshals have worked up and brought before them complaining witnesses in frivolous cases is no excuse for them in issuing warrants. The character and merits of the cases are before them, and upon them rests the responsibility of issuing or not issuing the warrant, without which no further wrong could be done. With the issuance of it commences the evil, and to prevent its issuance in trifling cases and against innocent persons the remedy.

The complaining witnesses have been required to swear of their own knowledge that the offenses have been committed, and commissioners have been required to certify of their own knowledge to the credibility of complaining witnesses before the United States attorney would approve the issuance of the writ. The present attorney, who is using all means at his command to

correct the evil, has, in a circular letter sent to each commissioner in the district, notified them that, in addition to the present safeguards thrown around the issuance of the writ, he will require, as necessary to his approval, the additional certificates of the commissioner that the complaining witnesses are of good character and not professional informers. But this amended remedy will prove as futile as the original, and the evil will go on prospering and to prosper. Some more radical remedy must be invoked to rid the Department of Justice of this disgraceful blot.

If the United States attorney should prosecute vigorously all professional witnesses, commissioners, and deputy marshals who are or have been engaged in working up and trying trifling cases for conspiracy to defraud the Government, and all commissioners and brokers for certifying and presenting false witness rolls for payment, a check would be put upon them in localities where such practices obtain; but under the most scrutinizing vigilance and vigorous prosecutions I believe that many irregularities and frauds would creep in, and consequently this safeguard will not sufficiently supply the remedy.

It seems to me from all the authorities I have been able to gather that United States commissioners, as now appointed, are entirely independent of any officer or tribunal and amenable to none, and can not be removed except by impeachment or conviction of crime. In *ex parte* John Van Orden, 3 Blatch. (S. Dist. N. Y., 1854), the court, Betts J., used this language:

"A commissioner, in the execution of the duties of his office, under the act of September 18, 1850 (9 Stat. L., 462), is, in no legal sense, a magistrate inferior to the circuit court. No provision is made in that act, or in any other, subjecting his proceedings to the control or review of this court, nor are his functions declared to be subordinate to the authority of any other tribunal. The court, in making the appointment of commissioners fulfills an agency imposed upon it by Congress, and no more acquires thereby a supervisory authority over him, or his proceedings in his office, than the President or the Senate has over judges appointed by them. He is not even an officer of the court."

In United States *vs.* Schumann (2 Abb. U. S. Rep. 523), tenth circuit district, California, 1866, Mr. Justice Field held:

"He [the commissioner] is thus made a magistrate of the Government, exercising functions of the highest importance to the administration of justice. He is an examining and committing justice, bound to hear all complaints of the commission of any offense against the laws of the United States in his district, to cause the defendant to be arrested, to examine into the matters charged, to summon witnesses for the Government and the accused, and to commit for trial or to discharge from arrest, according as the evidence tends or fails to support the allegation. For the faithful discharge of his duties in these particulars he alone is accountable. He has no divided responsibility with any other officer of the Government, nor is he subject to any other control." * * *

The language quoted in the two cases in the absence of any law to limit or supervise their acts is sufficient to indicate very clearly, if not establish the fact that commissioners are independent of any other officer of the Government, and within the sphere of the powers conferred on them by statute, are clothed with authority which seems to be practically unlimited, and that they can not be removed except as suggested. From the language of Judge Betts, quoted above, it is easily deducible, if not positively expressed, that the power of the circuit court is limited to the appointment.

If the court has no power to review the acts of a commissioner, and he is not even an officer of the court, it is difficult to find in the law the power in the court to remove a commissioner. Taking this as the proper status of commissioners, it would be difficult to suggest such amendments to the present laws as would provide the greatest possible benefits to the Government, and at the same time throw around the commissioners such safeguards as would prevent an abuse of the powers given them.

The office of commissioner, being a statutory office, a radical change, if not a remedy for the present evils, is easily suggested; that is to repeal all existing laws on the subject of appointment of commissioners, pass a law placing the appointing power in the hands of the President, with power to remove for cause, limiting the appointment to licensed lawyers of good standing in the community to which they are appointed, prescribe his district, abolish the fee system, and make the office a salaried one, adjusting the salary to the probable amount of business to be transacted in the district.

There is no gainsaying the disgraceful fact that under the present system, the *modus operandi* by commissioners, great frauds are being perpetrated, large sums of money are wasted, spies, common informers, and professional witnesses are being bred, great outrages are being committed, and vile injustice done reputable citizens and innocent persons, and the administration of justice made a byword and reproach in some of the districts in the United States. To visit northern district of Alabama, examine the accounts of commissioners, learn the manner of proceeding in their courts, see the number of criminally frivolous cases brought and tried, attend the courts and see the crowds of witnesses, and defendants attending, see the witnesses and jury certificate broker plying his vocation in the very corridors of the court-house, visit the jails and see the squalid crowd of innocent and guilty huddled together in a common jail, as hogs in a pen, hear their tales of woe, that their wives and helpless children in their humble homes in some distant mountain cove are depending for a bare subsistence upon the charity of some trusted neighbor who is poorly able to spare it from the scanty fare of his own family, while the defendant is languishing in a loathsome jail cell, a victim to the rapacity of some professional witnesses and judicial officers, is enough to enforce the conviction that it would be a godsend to justice to have the doors of the criminal courts in the district closed. There is no surer way to make a bad citizen out of a patriot than to deprive him of his rights, persecute him in the name of law, and turn a deaf ear to his cries for justice.

I can not too strongly urge upon you the necessity of sending to this district a sufficient corps of examiners to visit each commissioner doing any great amount of business and thoroughly examine all the accounts, papers, and process of his office, and to call before them defendants, witnesses, deputy marshals, and all others who may be able to testify to any fact connected with the trial of any particular case tried before them and bring out all facts connected with the administration of justice by them, and if fraud is developed to lay the facts connected with it before the United States attorney, who should be instructed to prosecute the perpetrators to the fullest extent of the law.

From much experience in such matters I will say that, to a thorough examination into these matters, it is necessary to clothe the examiners with full authority to compel the attendance and answers of witnesses, employ stenographers, and, if necessary, employ the services of guides who know the country and people. Clothed with this authority, I will stake my commission on being able to reduce the expenses of the district $50,000 per annum.

A thorough examination of the affairs of the district and punishment of the guilty is not only demanded by justice, but it is due to the good people of the district, who feel keenly the atimy which is being brought upon their community by the conduct of some of the officers, and are ready, willing, and anxious to render any assistance at their command to unearth the fraud, punish the perpetrators, and purge the district of the pernicious practices.

I respectfully recommend that this report and accompanying evidence be referred to the United States attorney for the district, with instructions to spare neither pains nor expense in bringing the guilty to justice.

Very respectfully,

LEIGH CHALMERS,
Examiner, Department of Justice.

THE ATTORNEY-GENERAL.

Attention is called to the letter of Hon. W. E. Curtis, Acting Secretary of the Treasury, of February 16, to Hon. JOSEPH D. SAYERS, chairman of the Committee on Appropriations, accompanied by a letter of Hon. Richard Olney, Attorney-General, to the Secretary of the Treasury, dated February 8, 1894, and letter of Hon. G. W. Wilson, Acting Commissioner of Internal Revenue, to the Secretary of the Treasury, dated January 23, 1894. They are as follows:

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
"*Washington, D. C., February 16, 1894.*

"SIR: I have the honor to inclose herewith a copy of a letter of the Acting Commissioner of Internal Revenue, calling my attention to the unequal geographical distribution of commissioners of the United States circuit courts, which results in great expense to the Government, and often in great injustice to defendants and witnesses.

"The letter of the Acting Commissioner was submitted to the Attorney-General for his views, and I have the honor to inclose herewith a copy of his reply, and call your attention to his statement that 'the evil to which the Commissioner's report relates undoubtedly exists, and can be remedied only by proper legislation.'

"The Attorney-General refers to the recommendation contained in the President's annual message of 1885. Properly, the remedy for the evil should be considered by the Judiciary Committee, but the expenses of the United States courts are increasing so rapidly that it may be best to consider the suggestion of the Acting Commissioner of Internal Revenue and correct the evil in the appropriation bill.

"I refer the letters with a recommendation that your committee consider an amendment to the law providing for the appointment of United States commissioners, having in view a curtailment of the largely increasing expenditures in this branch of the public service.

"Respectfully, yours,

"W. E. CURTIS, *Acting Secretary.*"

"DEPARTMENT OF JUSTICE, *Washington, D. C., February 8, 1894.*

"SIR: I have yours of the 7th instant, inclosing copy of letter to you from the Acting Commissioner of Internal Revenue respecting what he terms "the present unequal geographical distribution of commissioners of the United States circuit courts in some of the judicial districts.'

"The evil to which the Commissioner's report relates undoubtedly exists and can be remedied only by proper legislation. Of course, when the Commissioner speaks of a 'geographical' distribution of commissioners he does not mean to overlook population as a factor to be regarded in the distribution.

"You will remember that the President, in his last annual message, repeated a recommendation contained in his annual message of 1885 to the effect that United States commissioners should be clothed with power of trying and determining certain classes of petty offenses within the grade of misdemeanors—should in effect be a kind of Federal justice of the peace.

"Please consider, if legislation is to be had upon the subject of United States commissioners at all, whether something may not properly be done in the line of the President's suggestion.

"Respectfully, yours,

"RICHARD OLNEY,
"*Attorney-General.*

"The SECRETARY OF THE TREASURY."

"TREASURY DEPARTMENT,
"OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
"*Washington, D. C., January 23, 1894.*

"SIR: This office has had occasion heretofore to bring to your attention instances in which the present unequal geographical distribution of commissioners of the United States circuit court in some of the judicial districts, operates detrimentally to the interests of the Government as well as oppressively to persons charged with offenses under the internal-revenue laws.

"For instance, in the southern judicial district of Alabama there appears to be no United States commissioner except at Mobile and in Escambia County. Therefore accused persons arrested in the northern portion of the judicial district, upon warrants issued by one of the Mobile commissioners, are carried, with the witnesses, possibly 200 miles for a preliminary hearing to determine whether they shall be held under bail for court, or discharged—the fees and mileage often amounting to $150 to $200 in each case.

"In the northern judicial district of Florida, also, instances have recently been reported where persons arrested in the vicinity of Chipley, Washington County, have been carried more than 200 miles to Jacksonville for such preliminary hearing. In such a recent case it was complained that the persons arrested were not guilty of the charge, and that it was a great wrong and hardship that they should have been carried so far away from home, among strangers, so that they were unable to give bail.

"It can hardly need argument in support of the proposition that upon every ground of right and justice to persons accused, as well as of economy in administration, there should be such geographical distribution of these officers as will afford speedy and convenient means for the preliminary examination of persons charged with offenses under the internal-revenue laws and other Federal statutes. And it is proper also that such examinations should be before a United States commissioner rather than any State judicial officer.

"It is the understanding of this office that the honorable Attorney-General favors an equal geographical distribution of commissioners. But it is also understood that it is not by law made the duty of the United States courts to appoint commissioners in such localities as the convenience of all concerned requires. Some courts neglect and refuse to so appoint.

"I have the honor to suggest that the matter be brought to the attention of the honorable chairman of the Appropriation Committee of the House of Representatives, with the view to some remedial legislation.

"Respectfully, yours,

"G. W. WILSON,
"*Acting Commissioner.*

"Hon. JOHN G. CARLISLE,
"*Secretary of the Treasury.*"

There has been a great increase in the expenses of United States courts for the last few years which is attributed largely to the institution of fri-

lous prosecutions before United States commissioners and the needless expenses incurred by collusion between commissioners and deputy marshals for making fees and mileage against the Government. The following statement shows these expenses for the fiscal years 1878 to 1894, inclusive:

1878	$2,955,481.57	1887	$3,415,049.76
1879	3,241,520.49	1888	3,900,903.43
1880	3,027,424.56	1889	3,908,226.16
1881	3,193,895.91	1890	4,745,851.88
1882	3,299,625.56	1891	5,028,598.74
1883	3,386,018.24	1892	5,063,120.35
1884	3,296,200.80	1893	5,191,844.95
1885	3,248,858.13	1894, to date	3,345,000.00
1886	3,479,243.64		

It will be seen from this table that the expenses of United States courts for 1893 were almost double the expenses for 1878—$2,236,363.38 in excess. These expenses for 1890 were $1,718,126.32 higher than for 1880, and in 1893 they were $128,724.60 higher than in 1892.

The following statement will show the increase in commissioners' fees for the last few years:

1880	$140,220.90	1887	$122,520.15
1881	159,119.80	1888	123,569.49
1882	155,780.95	1889	135,623.71
1883	150,488.93	1890	188,115.42
1884	135,131.85	1891	207,363.15
1885	147,242.17	1892	256,196.43
1886	160,316.50	1893	265,000.00

It will be seen that the fees of commissioners for 1893 were almost double the fees charged for 1880, or $124,780.10 in excess, more than double the fees for 1888, being $141,569.25 in excess, and being more in excess than the entire fees charged for any year preceding the year 1880. They are $76,884.58 more than for the year 1890, $57,636.85 more than in 1891. From 1888 until the present time there has been an enormous increase in the fees of United States commissioners.

The Department of Justice has for several years made strenuous efforts to restrain these commissioners in their fee-making, but find the only remedy is in legislation. Not only has there been this great increase in the fees of commissioners, but there has been naturally an increase in fees of marshals, as the following will show:

1880	$630,000.00	1887	$735,187.45
1881	742,243.37	1888	738,754.12
1882	652,058.55	1889	797,122.08
1883	780,549.96	1890	980,327.74
1884	692,510.97	1891	1,250,201.07
1885	748,717.81	1892	1,211,925.00
1886	750,266.64	1893	1,450,000.00

From this it will be seen that within ten years these fees have about doubled.

This bill provides for a limited jurisdiction of commissioners within certain districts. This will prevent the most prevalent abuse of the office by cutting off the mileage of deputy marshals, the greatest incentive to fee-making.

It limits the tenure of office to four years and gives the Attorney-General power to remove them for abuses in their office.

It allows the Attorney-General full power to establish rules of process before them and to supervise their accounts.

It limits the number of witnesses in hearings without special directions of the district attorney.

It establishes a fee bill which limits the charges for services and will prevent the existing practice of continuing hearings from day to day, at $5 each.

It requires informations to be made in revenue cases by an officer, and prevents the institution of prosecutions by private informers for fee-making.

The committee believe that the bill will greatly lessen expenses before commissioners and mileage paid to marshals, and will diminish frivolous prosecutions, and therefore recommend the passage of the bill.

SALE OF LEAF TOBACCO.

Mr. CULBERSON. Mr. Speaker, I call up the bill (H. R. 6993) to remove certain restrictions on the sale of leaf tobacco.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 27, chapter 1244, volume 1 of Supplement to the Revised Statutes of the United States, be amended by striking out all after the word "repeal," in line 5 of said section, as follows: "*Provided, however*, That it shall be the duty of every farmer or planter producing and selling leaf tobacco, on demand of any internal-revenue officer or other authorized agent of the Treasury Department, to furnish said officer or agent a true and complete statement, verified by oath, of all of his sales of leaf tobacco, the number of hogsheads, cases, or pounds, with the name and residence, in each instance, of the person to whom sold, and the place to which it is shipped; and every farmer or planter who wilfully refuses to furnish such information, or who knowingly makes false statements as to any of the facts aforesaid, shall be guilty of a misdemeanor and shall be liable to a penalty not exceeding $500."

SEC. 2. That section 3361 of the Revised Statutes and all laws in conflict with this act are hereby repealed.

Mr. CULBERSON. Mr. Speaker, I yield to my colleague [Mr. BAILEY].

Mr. BAILEY. Mr. Speaker, this is a bill relating purely to the administration of the Internal Revenue Department, and I inclosed the bill to the Commissioner of Internal Revenue, and requested his opinion. He replied that he saw no objection to its passage. His reply is in possession of the gentleman from North Carolina [Mr. CRAWFORD], to whom I would yield the floor if there was to be any discussion, but as I think there is no objection to the bill, I ask for a vote on it.

Mr. WILLIAM A. STONE. As a matter of caution, I want to ask if there is any minority report. I do not think there is any.

Mr. BAILEY. There is no minority report.

Mr. WILLIAM A. STONE. I think there was no objection to the bill in the committee.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. BAILEY, a motion to reconsider the last vote was laid on the table.

DIRECT TAX, STATE OF WEST VIRGINIA.

Mr. CULBERSON. Mr. Speaker, I call up the joint resolution (H. Res. 119) to direct the Secretary of the Treasury to pay to the governor of the State of West Virginia the sum appropriated by the act of Congress entitled, "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861."

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the governor of the State of West Virginia, under the provisions, conditions, and limitations of the act of Congress entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861," which act was approved March 2, 1891, the sum of $181,306.93, less the sum of $27,328.19, which was paid to the governor of the State of West Virginia on the 25th day of August, 1891, to be held in trust for the citizens and inhabitants of said State, notwithstanding any claim by the Government of the United States against the State of Virginia.

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that the morning hour may be considered as having expired.

The SPEAKER. This bill is in the Committee of the Whole on the state of the Union. There are only two or three minutes of the morning hour remaining, and without objection the morning hour will be considered as having expired and this bill will be pending in the next morning hour, when the Committee on the Judiciary will be recognized.

There was no objection.

LEAVE TO PRINT.

Mr. DE ARMOND. Mr. Speaker, I ask unanimous consent that the report accompanying the bill 6284 may be printed in connection with the remarks I made this morning.

The SPEAKER. In the absence of objection, the gentleman's request will be granted.

There was no objection.

Mr. RAY. Mr. Speaker, in order that I may give my reasons a little more fully on the bill which passed, to which I said I had objection, I ask unanimous consent that I may extend my remarks on that subject.

The SPEAKER. Without objection, the gentleman will be allowed to extend his remarks on the bill indicated by him.

There was no objection.

HOT SPRINGS RESERVATION.

Mr. BOATNER. Mr. Speaker, I ask unanimous consent at this time to submit the views of the minority, prepared by me, on the bill (H. R. 5160) relating to the Hot Springs Reservation. The bill was ordered to be adversely reported by the committee, and the minority had leave to submit their views. The report has not yet been submitted, but I ask unanimous consent to submit the views of the minority.

The SPEAKER. Without objection, the views of the minority will be printed.

Mr. WILLIAM A. STONE. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAM A. STONE. If this minority report is submitted, does that bring the bill before the House for action in the absence of the adverse report of the majority?

The SPEAKER. It does not. The bill is not yet reported, but the views of the minority can be printed, in the absence of objection.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CAMPBELL, until Tuesday next, on account of sickness in his family.

REPORTS OF COMMITTEES.

The following reports were handed in at the Clerk's desk, referred to their appropriate Calendars, and otherwise disposed of as indicated below:

CONDEMNED CANNON OF THE NAVY.

Mr. DOLLIVER, from the Committee on Naval Affairs, reported back favorably the bill (H. R. 7494) disposing of four condemned cannon of the Navy; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BRIDGE OVER BAYOU DES GLAISES AND ATCHAFALAYA RIVER, IN THE STATE OF LOUISIANA.

Mr. BARTLETT, from the Committee on Interstate and For-

eign Commerce, reported back with an amendment the bill (H. R. 7668) to authorize the St. Louis, Avoyelles and Southwestern Railway Company to bridge Bayou Des Glaises and Atchafalaya River, in the State of Louisiana; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE OSAGE RIVER, IN THE STATE OF MISSOURI.

Mr. BARTLETT also, from the Committee on Interstate and Foreign Commerce, reported back with an amendment the bill (H. R. 7571) to authorize the construction of a bridge across the Osage River, in the State of Missouri; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WAGON BRIDGE ACROSS MISSOURI RIVER.

Mr. BARTLETT also, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (H. R. 7734) to amend an act entitled "An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa," approved March 2, 1889, as amended by acts of April 30, 1890, February 7, 1893, and March 24, 1894; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BOOKS OF THE BEAUFORT LIBRARY, SOUTH CAROLINA.

Mr. BARTLETT also, from the Committee on the Library, reported back favorably joint resolution (S. Res. 12) for the restoration of the books of the Beaufort Library Society, of Beaufort, S. C.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SECTION 2335, REVISED STATUTES.

Mr. IKIRT, from the Committee on Mines and Mining, reported back with amendments the bill (H. R. 4204) to amend section 2335 of the Revised Statutes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

GREENBACK CERTIFICATES, DISTRICT OF COLUMBIA.

Mr. CADMUS, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 6167) to provide for the payment of the 3 per cent greenback certificates of the District of Columbia, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes; in which the concurrence of the House was requested.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 7079) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. COCKRELL, Mr. CALL, and Mr. ALLISON as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 6171) to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCMILLAN, Mr. HARRIS, and Mr. HANSBROUGH as the conferees on the part of the Senate.

On motion of Mr. HOLMAN, by unanimous consent, the Indian appropriation bill, as returned from the Senate, was taken up, and, with the amendments, referred to the Committee on Indian Affairs and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6748) making appropriations for the naval service for the fiscal year ending June 30, 1895, and for other purposes;

A bill (S. 1930) to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.; and

A bill (H. R. 3978) for the relief of John M. Rice.

REPRINT OF A BILL AND REPORT.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent for a reprint of the majority report on the bill H. R. 3249, which is made the special order for to-morrow; and as there is a suggestion that the print of the bill is nearly exhausted, I ask for a reprint of that also.

The SPEAKER. The gentleman from Texas asks unanimous consent to have reprinted the bill H. R. 3249, and also a reprint of the report accompanying the same. In the absence of objection, the reprint will be ordered.

There was no objection.

ELECTION OF UNITED STATES SENATORS BY THE PEOPLE.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

Joint resolution (H. Res. 20) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

The SPEAKER. The gentleman from Ohio [Mr. NORTHWAY] is recognized.

Mr. NORTHWAY. Mr. Speaker, it is a great misfortune that the consideration of the pending joint resolution should have been delayed in this House until this late hour in the session. It is also a great misfortune that so little time should have been given to its consideration. So I thought yesterday. I think now probably the length of time given to its consideration is far too great. Evidently the House cares nothing about it one way or the other, or whether it is voted up or voted down. I had expected yesterday to give at some little length my views upon the pending measure; but I shall content myself with a very brief statement and leave it to the consideration of the empty seats before me. To say that this is an important measure is to state what ought to be apparent to every person who has read the joint resolution. It involves a change of the Constitution of the United States in two important particulars. And I want to say that we ought to venture very carefully upon any amendment to the Federal Constitution. I had intended to give my views somewhat at length upon the question of when we ought to consider a proposition to amend the Federal Constitution; and I shall only do so briefly, and very briefly at that.

I do not believe that any political considerations whatever should enter into the question of the amendment of the Federal Constitution. No amendment should be proposed to Congress or voted upon in Congress through any spirit of party faction. We should not amend the Constitution at the demand of any political faction or political party. Every amendment to the Federal Constitution ought to be responsive to a demand of the people, founded in justice and in reason. Whenever we shall respond to a demand of a political party, whatever that party may be, in changing the Federal Constitution, we are venturing upon dangerous grounds. It is an instrument which should ever be regarded as sacred, to be amended only when there is some overwhelming demand of the people, well founded, and when it is in the interest of justice.

Now, the present joint resolution contemplates a change of the Constitution in two important particulars. First, it is a change in the mode of electing United States Senators; second, it proposes to change the Constitution in relation to Federal control in the election of United States Senators. So that the joint resolution embraces two distinct propositions. While I might be willing to yield my assent to one proposition, to change the mode of the election of United States Senators, I am unalterably opposed to a change in the Constitution relative to the control of the Federal Government in such elections; and I had prepared, Mr. Speaker, an amendment which I propose to offer if the time should come, and if it is proper to offer it now, I will offer it, or if not so, I will ask to have it read so that gentleman may understand that I shall offer it when the opportunity is afforded. I ask to have it read, because upon that amendment I desire to base some of my remarks.

The Clerk read as follows:

Strike out all after the word "vacancies," in line 7, down to and including the word "Senators" in line 10; and also strike out all of lines 21, 22, and 23.

Mr. NORTHWAY. It will be observed, Mr. Speaker and gentlemen, that this proposed amendment which I shall offer and ask members of the House to vote upon is to relieve the joint resolution of all that part which proposes to change the Constitution relative to the control of the election of Senators by the Federal Government, and to leave alone the one proposition—the mode of electing Senators. I believe it to be unwise at this time to put these two amendments together in the same resolution.

The friends of the measure, in proposing a change in the mode of election of Senators, are anxious, I have no doubt, to see that prevail. It will be readily understood here that whatever we may do is but one step in the change of the Constitution. What we do must go to the Legislatures of the various States, and must be sanctioned by three-fourths of those Legislatures before our action shall become a part of the organic law of our land; and it is absolute folly for us to get up any proposition to amend the Constitution when we know that the proposition will not receive consideration at the hands of one-half of the Legislatures of our States.

And so I say to the friends of the measure, those who desire to see the Senators elected by the people, why not submit that proposition, and that alone, for the consideration of the States, so that the States can act freely upon that matter and not be burdened with something else which will cause them to vote against any such proposition as that. So I believe my amendment, which I shall propose, will be in the interest of that very proposition, and will aid in its adoption if it shall pass Congress by three-fourths of the States of our Union. I believe as firmly as I believe anything that if you leave the joint resolution as it now stands, you will not in my day, or in the day of any person who is present here, see it receive the affirmative vote of three-fourths of the States of the Union.

So it is practically to destroy forever the hope of changing the Constitution as to the mode of electing United States Senators if it is coupled with the other proposition to amend the Federal Constitution in its control of those elections. I shall return to this point before I close. I would be very glad to vote for the proposition, pure and simple, to provide for the election of United States Senators directly by the people, and should this joint resolution be relieved from the objection which I have against it I shall vote for it; otherwise I shall vote against it.

In saying that I shall vote for it, however, I want to express myself very briefly as to my reasons. I want to say, in the first place, that I disagree entirely with the report of the committee reporting this measure in some of the statements that it contains. I want to call attention to some of the statements in that report. I am entirely opposed to standing here in this body and charging the other branch of the legislative part of this Government with corruption, with being purchasable or purchased. If there is any one thing that each branch of Congress ought to do it is to see to it that the dignity of the other branch is maintained.

There are passages in the report of the majority reporting this bill to which I can not subscribe. There is no minority report, but I should have submitted one had I been here when the matter was presented to the House, and so I take this occasion to express strongly my dissent from some of the matters contained in the report. To be specific, I shall call attention of the House directly to some of these passages in the report. First let me call attention to a statement on page 2, which I read:

> The knightly courtesy which has always distinguished the intercourse of Senators in the parliamentary battles of the past, and made the Senate of the United States in the eyes of mankind the most imposing, deliberative body in the world's history, has been a powerful agency in elevating the public sentiment of our people and kindling afresh the dying embers of patriotism in the country. Yet it is gravely doubted in the public mind, if the press of the country is to be considered its true exponent, whether such courtesy can be used, without popular indignation, as a cloak for enacting Senatorial falsehoods.

Just what that language means I can not distinctly understand, but I wish to express my entire dissent from this implication of Senatorial subsidy or enacting "Senatorial falsehoods."

I pass to page 4, from which I read this extract:

> The public press for years (in each recurring year) has been teeming with legislative scandals in the election of Senators until bribery and corruption are, we fear, in some localities, fast becoming recognized as a part of the legislative function, while the capacity of the pocketbook rather than that of the head is regarded in like places as the measure of Senatorial equipment. Committees of investigation and the grand juries of the States have been unwilling or unable to detect the frauds, so skillful have the manipulators of it become, until at last an outraged public sentiment has become aroused and has found its just expression in the proposed amendment.

I disbelieve that entire statement. I wish to express here my strong opposition to giving currency to any such statements. This proposed change will not do away with complaints about the election of Senators. A charge of corruption against a Senator is not a charge against the mode of his election, and that is the question that we are dealing with. In this proposed change of the Federal Constitution we are dealing with the mode of electing Senators, and does this committee, or does anybody, say that the mode itself is necessarily subject to corruption and to bribery?

I am opposed to making any such charges. When such a charge goes from the House of Representatives against the Senate of the United States, what have we a right to expect of the people in their opposition to a legislative body? I submit that such statements and such charges are demoralizing. I am well aware that newspapers and individuals, for political purposes, have charged bribery in the election of United States Senators, but I am not aware that it is charged that such evils have resulted from the mode of electing Senators, and, I repeat, that is the question we are dealing with here, and not the question of charges of bribery against certain individual members of the Senate.

I am opposed to heaping or attempting to heap disrepute and dishonor on the Senate in connection with the proposition to amend the Federal Constitution. The Senate must pass upon this question as well as this House, and is it believed that we can use as an inducement for that body to adopt this joint resolution the argument that the Senators are believed to be, and are not only believed to be but are, corrupt? Can we expect to influence the Senate of the United States to adopt this proposed change by any such argument as that? Again, on page 5 of this report I find this:

> The money which corrupts, by purchase, the member of the Legislature for Senatorial elections has debauched him as a servant of the people he is sworn to serve in local legislation. The corporation that can enter the halls of a Legislature and lay its unholy hands upon the members, claiming them as its own in the selection of a Senator, has already destroyed the hope of a pure administration of the local affairs of the people of that State by polluting the source from which such administration is derived. Under the specious guise of interest merely in the Senatorial election, Legislatures are debauched and the purchased member in the Senatorial election can hardly pose as the unbought and the unpurchasable tribune of the people's local rights. If the charges of corruption in Senatorial elections are true, the reflex action on the legislation in the States, incident to such corruption, must be immeasurable in its destruction of the rights and liberties of the people of the States.

Again:

> It is provided that such elections shall be held at the times, places, and in the manner as prescribed by the Legislatures of the States.
>
> 1. Corporate interference in the election of Senators and the corrupt use of money, as openly charged in the public press of the country and believed by many, have finally crystallized public sentiment in favor of the election of Senators free from any outside influence, whether it be corporate, individual, or governmental.
>
> (2) This clause simply guarantees that the States shall elect their Senators in their own way, as to them may seem proper, without Federal supervision, as they have been elected since the foundation of the Government, for no attempt has ever been made in the history of the Government to apply Federal supervision to the election of Senators.
>
> (3) If a condition of things could be imagined when it would be both constitutional and proper to apply Federal authority to the election of Representatives in Congress, we submit that its application to the election of representatives of sovereign States (Senators), the units of constitutional organization, is a very different proposition.

I have not time to pursue this thought, though I should like to do so; but I want to repeat that I am utterly opposed to charging upon the Senate of the United States that it is a purchasable body, that it has been purchased, or that it is a body which represents fraud and perjury. I stand here to defend Senatorial dignity. I believe that the Senate of the United States is one of the grandest, if not the grandest, of all the legislative bodies on the globe; and while it may be true that unworthy men occasionally find seats there, as they do in this House, it is not proper for a body like this to charge such abuses upon the Senate as a whole.

Again the report states, on the first page:

> The necessity for the passage of such an amendment to the Constitution has increased rather than diminished since that time. Indeed, each year but adds to the strength of the argument that the Senate should, by a change in the mode of its election, be made more sensibly responsive to the demands and voice of the people than has heretofore existed. The present Congress has greatly intensified this feeling, and the change seems to be demanded by every consideration of propriety and justice. Originally ordained as a breakwater against the fiery democracy, "fresh from the people," it is now, in the popular mind, believed to be, under the guise of "Senatorial courtesy," an open obstruction to the popular will.

Again, on page 2, I find this:

> So radical in some sections of the country has the feeling of hostility to the Senate become that the sentiment is freely expressed that the Senate has outlived its career of usefulness in the Government under its present mode of organization and election. And members of the House of Representatives have not infrequently been solicited to follow the example of our English cousins and pass a resolution through the House to abolish the Senate as a coördinate branch of the legislative department of the Government, as has recently been done by Parliament in reference to the House of Lords in England.

Now, Mr. Speaker, I am utterly opposed to such statements as those to which I have called attention. I know that under party exigency, and, perhaps, in the excitement of the desire to have some particular measure passed, men do charge upon the Senate that it is an obstruction to legislation, but let me tell you that when history shall be written it will be found that there has never yet been a time when it could be justly charged upon the Senate of the United that it had improperly obstructed the popular will.

In our anxiety to have some particular measure passed, we may complain of the Senate and say that it is causing delay and injury to the country, but, Mr. Speaker, deliberation never ruins a nation. Deliberation in a legislative body never ruins a people. It is not true, in my judgment, that the Senate has ever

in my day improperly obstructed legislation, and if the Senators represent States, I would be glad to know whether each State has not a right to be heard in debate. Is it proper for one State to be heard and for other States not to be heard? I want to express my strong dissent from the doctrine that the Senate is an obstruction to the popular will and that the popular mind has crystallized in opposition to the Senate.

If that is true, if there is any crystallization of public opinion in opposition to the Senate because it is slow, then it is our business to stand here like a bulwark in defense of the Senate, in defense of its right to full and free discussion. So much for that. If the mode of the election of Senators be changed from what it now is to direct election by the people, it will not, in my humble opinion, affect in the least any such question as that.

But it is expected that we shall get abler men in the Senate under the proposed system of election than now. I should like to know how any improvement can be expected in that respect, because at present three-fourths of the Senators are graduated from this body, and were the election made by the people, the other portion of the Senators might be supplied by members of this House if they should have their ambitions fulfilled. I should like to know why the Senate would be stronger in ability if Senators were chosen directly by the people than it is to-day.

I do not believe it possible, taking the Senate as a body, to have a stronger body. It represents the grandest thought, the best brain of our nation. It represents the conservative opinion of both political parties; and I stand here to say that in my humble opinion no change in the Federal Constitution will give us a stronger body of Senators than we have now. It is not for any such reasons that I would vote for the proposed change. I will tell you why I personally would support this proposition. I do not believe that this change would in the least do away with the idea of money being used in the elections.

Unless my memory misleads me, I have seen as many newspaper charges in regard to members of Congress having bought their way into this body as I have seen of such charges affecting Senators—I mean as many in proportion to the greater number of members in the House. I do not believe that the proposed change would operate as a check upon the use of money, if money is improperly used. I do not believe that money is improperly used in one-tenth of the cases where it has been charged that Senators have bought their way to the Senate, whether those Senators be Democrats or Republicans.

Do you suppose that if they are Republicans they would be able to hold their seats by fraud with Democrats ready to attack them? Do you suppose that Senators guilty of this charge would, if Democrats, be permitted to hold their seats there with the Republicans ready to attack them? Such charges may be made for political purposes, but they are difficult to be proved; and a charge ought not to be made when it affects the members of a body like that, unless there is some foundation for it.

Now, I do not believe that an election of Senators by the people will give us any better Senators or any purer Senators. I might say something as to popular elections, if I felt desirous to do so. I will merely throw out the suggestion that we can at the present time in our own country point out officers holding high positions, elected by the popular will, who would to-day receive not the commendation, but the condemnation of all political parties and yet who have been elected directly from the people and by the people. That, then, is not a reason which would influence me to vote for a change. Why would I vote for a change? I will tell you the only reason.

The people now indirectly elect Senators; in other words, they elect the men who do elect the Senators; they vote directly for the men who elect the Senators. The election is in that sense in the hands of the people. Now, if the people desire to take out the one intermediate step so that they shall vote directly on this question, I see no objection to it; and I believe that a large majority of the people are now anxious to take out this one step—to do away with the power conferred upon the Legislature to vote for Senators. They wish to eliminate this intermediate machinery, and vote directly upon the question.

This is an honorable desire on the part of the people. The power is one which they ought to be permitted to exercise if they demand to do so. They do demand to do so. But do not put this change on the ground that the people or their servants under the present system are bought. The people desire this change because they desire to get nearer their servants; and I believe they have a right to do so. For this reason I would vote to confer upon the people a right to vote directly for their Senators.

Ought I now to vote for this joint resolution as it stands, proposing an amendment to the Constitution taking from this body control in the election of Senators? I say no. The proposed amendment, if adopted, will leave Congress free to interpose in regard to the election of members of Congress just as it always has been at liberty to do, but Congress will be prohibited from having anything to do with the manner or form of the election of United States Senators. Is there any reason for allowing the General Government to control in the election of a member of Congress, when through the same ballot box the people would be permitted to vote for United States Senators, and Congress have no control in that matter? Is there any sense in making this distinction? I will be glad to have some gentleman show some reason for it.

Section 4, Article I, of the Constitution was written by our forefathers and accepted by all the States which became members of this Union, and it ought never to be changed. In my humble opinion it never will be changed in the lifetime of the youngest member on this floor. The report accompanying this joint resolution tells us that in the election of Senators Congress has never intervened with any law.

If they mean that, there is a mistake in the statement, for on the 25th day of July, 1866, Congress passed a very important law regulating the mode and manner of electing United States Senators, by providing that the Legislature chosen next preceding the vacancy in the office of Senator should fill it, and providing that the Legislature should meet at noon on the second Tuesday after it comes together as a legislative body, and thereafter on every legislative day shall take one ballot at least to fill the vacancy in the office of Senator until such vacancy is filled. It also provides that a certificate shall be issued, and the effect to be given to it that by virtue of the law of Congress passed on the 25th day of July, 1866, as will be found by the Revised Statutes of the United States, sections 14, 15, 16, 17, 18, and 19. So that the report in this respect, if it means what it would seem to mean, is in error.

Mr. Speaker, I am opposed, diametrically opposed, to taking from the Federal Government any power it may have now relative to the election of officers of the Federal Government. United States Senators, as was said by the gentleman from Missouri, Judge DE ARMOND, on yesterday, in opening this discussion, are not only for the State but for the nation. That is true. Ohio has an interest in knowing who the Senator shall be from Virginia, and Virginia has an equal interest in knowing who the Senator from Ohio shall be. Why? Because the Ohio Senators have as much power in forcing anything on Virginia as the Virginia Senators have in forcing a measure upon the State of Ohio.

Mr. HUNTER. Will the gentleman allow a question?

Mr. NORTHWAY. Certainly.

Mr. HUNTER. Is that not also true as to members of the House?

Mr. NORTHWAY. Yes; certainly it is. It is true of members of the House, but that power is left so that the Federal Government can control in the election of members of this body. No proposition is made here to take away that power from the Federal Government.

Mr. HUNTER. But does the gentleman claim, under the operation of this joint resolution, that the Senate would have no power to judge of the elections, qualifications, and returns of its members?

Mr. NORTHWAY. Oh, no; not at all.

Mr. HUNTER. Well, I did not understand the gentleman's position.

Mr. NORTHWAY. The joint resolution will prohibit the Congress from passing any law affecting the manner of electing Senators, the time of election, or anything else in connection with the subject, yet it leaves Congress full power to determine with reference to the elections, qualifications, and returns of members of the House; and so they divide this power, conferring power on the Federal Government to control in the election of members of the House and refusing the exercise of that power in the case of the election of Senators; and I say, and that is the claim I am making, that there should be no such division.

The power that the General Government has in the premises should be left untouched; and I contend and believe that this division as proposed here should not be made. I do not believe that any respectable number of the States of this Union will adopt a joint resolution which will take from the General Government the power to control under such circumstances.

But, I repeat, it has been said here that the Congress never has intervened in the election of Senators. Now, the case to which I have referred—that is, the legislation passed on the 25th day of July, 1866—was passed under exigencies which may arise again. There is no danger that Congress will interfere with the election of Senators unless some overwhelming public exigency shall arise; but if such exigency should arise, I would be glad to know why we should not have the power to meet it. Suppose a State or a number of States propose to take no part in the affairs of the General Goverment, and they can get strength enough to repeal all their laws and the Senators and Members

resign, and yet there shall be found within the borders of such States a patriotic minority of the citizens who desire to maintain their allegiance and conform to the laws of the United States. Do you say that Congress should not have power to confer on that minority the power to assert their rights under the Federal Constitution? Why would you deny it to them? You are venturing, it seems to me, on very dangerous ground to do so, and one that, if adopted, would subject the Federal Government to a very dangerous strain under exigencies that might arise. Let us not do anything of that kind for political purposes or party exigencies. Whatever is done should be done because of an overwhelming demand on the part of the people themselves for a change.

Has any one of the States demanded to have the Federal Constitution amended? If so, I have failed to observe it. I have heard the claim that the people should be permitted to elect the Senators, but no one claims that Congress should abdicate all power over the election of Senators and Representatives. So, why is it here?

Now, Mr. Speaker, I have briefly covered this question by the suggestions I have made, and propose to leave it. Under other circumstances I should desire to be more extensively heard on the subject, and it is a great misfortune, as I said before, that we have not more time to give full and more adequate consideration to so important a question.

I stand here to-day with a profound reverence for the Federal Constitution. It has been the bulwark of our people; it exhibits the wisdom of our fathers; it exhibits the constancy of our people, and he who would lay unholy hands on a single provision of that Constitution, and wrench it from its purposes, would do violence to his people and to his country.

We should rather stand in defense of every provision of the grandest instrument that was ever written by mortal man, an instrument which has given us liberty, an instrument which has given us freedom and made us a grand and a progressive people. Let us rather stand by every provision of that Constitution and say that not one line nor one word of it shall be removed from its place except in response to the demands of justice or the overwhelming voice of the people. It is too sacred an instrument to be tampered with. We ought not lightly to deal with it in this manner. We ought not to write a single new line or erase a solitary old one, unless it be in the interest of eternal justice and responsive to the demands of an ever progressive people.

I am opposed to the joint resolution as it stands, for the reason that it is dealing unjustly and violently with a section of the Constitution which I believe is a safeguard, even if we do not operate under it very often. It stands to tell us what we have the power to do; and oftentimes the knowledge that we can exercise a power is sufficient, without any exercise of it. Let us retain in the Constitution all the power that was given to us by our forefathers, the grand men who wrote the Constitution, destroying not one word or line of that instrument except in the interest of everlasting justice.

Now, Mr. Speaker, I do not know whether I can offer my amendment at this time, but I will take the decision of the Chair on that point.

The SPEAKER *pro tempore* (Mr. TRACEY). The amendment is in order at present.

Mr. NORTHWAY. I offer the amendment which I send to the Clerk's desk.

The SPEAKER *pro tempore*. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Strike out all after the word "vacancies," in line 7, down to and including the word "Senators," in line 10. Also strike out all of lines 21, 22, and 23.

Mr. TUCKER. Mr. Speaker, I suggest to my friend to have the amendment considered as pending.

Mr. NORTHWAY. I do not care to take a vote on it at this time. Let it be regarded as pending, and let the discussion proceed, and we will take a vote on it after we are through.

The SPEAKER *pro tempore*. The amendment will be considered as pending.

Mr. BOWERS of California. I want to suggest to the gentleman from Virginia [Mr. TUCKER] that there are only about forty members in the House, that the House and Senate have met in joint convention, and that all of us want to go there. I believe that by unanimous consent this matter may be fixed for Monday afternoon, and I believe there would be no objection to that. This is a very important measure, and it seems to me it should not be considered when there are so few here. Anyone who objects can stop this bill, and I merely make this suggestion to the chairman of the committee.

Mr. TUCKER. I should be very glad to accommodate the gentleman, but it would be impossible. I believe the gentleman could get unanimous consent to go to the Senate if he desires.

Mr. BOWERS of California. Oh, that is nothing to me. I do not care to do that.

Mr. NORTHWAY. How much time have I consumed?

The SPEAKER *pro tempore*. The gentleman has occupied thirty-five minutes.

Mr. NORTHWAY. By arrangement with the chairman of the committee I am to control the time on this side.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. MCETTRICK] is recognized for thirty minutes.

Mr. MCETTRICK. Mr. Speaker, I agree with my honored Republican friend, the gentleman from Ohio [Mr. NORTHWAY], that this resolution should not be a matter of political discussion. I agree with him in much that he has said. I candidly admit my respect for his opinions and the manner in which he has expressed them. I am in sympathy with the principles advocated by the gentleman, but it is my duty to sustain the committee report, which represents those principles, in my judgment, with greater force. If that report be not adopted, I am then willing to join hands with him or my honorable friend from Nebraska [Mr. BRYAN], and vote for his resolution, though not for the same reasons assigned by the gentleman from Ohio.

Mr. Speaker, one of the main reasons urged against amending the Constitution to provide that United States Senators shall be elected by popular vote instead of by the legislatures of the several States, which is the present mode, is that it was so ordained by the framers of the Constitution. That they, being men of great wisdom, knew at that time what would be better for us now than we ourselves know, though we have been fortified by more than one hundred years of subsequent and enlarging experience. No man holds the framers of this fundamental document in deeper veneration than I do.

The foundation which they constructed is an enduring testament to the ability and power of those remarkable men, and one which will survive for all time. No stronger charter of government is known in the history of either ancient or modern times. All this we are pleased to confess and much more, were it necessary to make our case clearer. The fact of the matter is, however, the mode adopted of electing United States Senators was not the unanimous wish of the convention, as the opposition would have you believe. There was a wide difference of opinion as to what was best and wisest even at that time.

Many propositions were made, ranging from that which was decidedly aristocratic and monarchical in character to the democratic method of election by popular vote, which is provided for in the proposed amendment of election by the people. No less than four distinct methods were offered, some of which to-day must sound strangely in the ears of our American people, taught, as they have been, to regard everything tending toward centralization as subversive of liberty and popular rights.

One of these methods was to empower the President to select the Senators from a list of names furnished by the legislatures of the several States; another was to permit the members of the House of Representatives to choose the members of the second branch; a third is the present method of election by the State legislatures; and the fourth is the broad Democratic doctrine of election by the qualified electors of the State, who constitute the real sovereignty, in whom all power originally resides, from whom all power is derived, and to whom all vested authority, whether it be legislative, executive, or judicial, should be accountable.

This is the proposition now before the House. The great majority of the members of the convention were men of aristocratic ideas and lineage with but little faith in the capacity of the people for self-government. They had no previous opportunities for judgment. They were jealous of their own power and, mistrusting the people, were exceedingly cautious about letting this power slip from their grasp. As an example of this class, Roger Sherman, of Connecticut, in the course of debate gave expression to the following remarkable utterance:

The people immediately should have as little to do as may be about the Government.

Such doctrine as this would to-day relegate the public servant who presumed as much with double-quick celerity to the oblivion of private life. Some with aristocratic leanings, like Alexander Hamilton, favored the election of United States Senators by electors chosen by the people of the several States for this purpose, who were possessed of a freehold. They argued that the office should be for life tenure and upon good behavior. In section 1, article 3, of Hamilton's Ideal Constitution, it was provided as follows:

The Senate shall consist of persons to be chosen, except in the first instance, by electors elected for that purpose by the citizens and inhabitants of the several States comprehended in the Union, who shall have in their own right, or the right of their wives, an estate in land for not less than life, or a term of years whereof at the time of giving their votes there shall be at least fourteen years unexpired.

This plan even went so far as to permit voting by proxy in the Senate, providing, however, that no Senator should be proxy for more than two that were absent. It is not my purpose to enter into any extended statement of these proceedings, but to mention briefly a few necessary facts for the purpose of making clearer my argument.

Debate in the convention was lengthy and heated. At times so fierce did it become that dissolution even was threatened and it was only by the wise counsels of Franklin, Madison, Randolph, Gerry, and others that harmony was finally established and an agreement was reached.

State representation was one of the chief causes of dissension. The struggle of the smaller States for equal representation in the Senate with the larger States was finally successful and the representation of the States as units of sovereignty was firmly established. The proposition to elect Senators by the people, made by Mr. Wilson, of Pennsylvania, who from first to last fought bravely for the cause of popular representation, was lost, but one State, Pennsylvania, voting yea.

Upon the final motion to elect Senators by the legislatures of the several States, nine States voted in the affirmative and but two, Pennsylvania and Virginia, in the negative. Thus you will see that the present provision of the Constitution was not unanimous; that able champions of popular sovereignty and popular government were in the Federal convention, whose faith in the people was as supreme as the nation's strength is to-day. These champions represented the wisest and ablest statesmanship of that wonderful body. Therefore the present mode of electing United States Senators was adopted in the convention simply and purely in the nature of a compromise. It was later adopted and laid upon the forty-four great and populous States of to-day by the mistaken action, over one hundred years ago, of thirteen thinly-peopled colonies of small importance which had just assumed the title of sovereign States.

Another factor of the debate, and one which had much to do with its acceptance, was the plea for protection of the commercial and financial interests of the country upon the ground that they needed protection. It was said that the landed interests, which were then more powerful, would eventually become oppressive and overcome the commercial interests, which, it was claimed, needed nursing and encouragement. It was urged with strenuous force that the Legislatures of the several States were even more conservative and reliable than the citizens themselves; that the legislators were possessed of more wisdom in matters of currency and finance.

It was claimed that the legislatures could be more safely charged with the responsibility of electing Senators than could their creators, the people themselves, whose substitutes and agents they are, from whom they derive authority, and to whom they owe strict accountability. What a change in the thought and sentiment of to-day? What a change in conditions also? Who will say that the money interests of this country now need to be protected from the farmers of this country? Where, if the system of the fathers was intended to last for all time, as some would have us believe, are the farmers and the landed interests now?

It is an insult to the memory of the noble and patriotic fathers, who risked life and property in protest of taxation and robbery, to say that all this was done to create a government for the benefit of unscrupulous monopoly and the enslavement of posterity one hundred years later. Admitting, for the sake of argument, that the mode of electing United States Senators adopted by the wise and able fathers, worked no hardship for a time, let us contrast the condition of society then with that of the nation to-day. The country had just passed through a severe and trying ordeal. The six years preceding the adoption of the Constitution were discouraging and disastrous ones.

The Government itself was weak and its currency shaky. The outlook at times was cloudy, but out of it all came the light of the great charter, the Federal Constitution of the Union, which to-day shines as a beacon of brightness to the downtrodden and oppressed of the world. The new experiment had not yet been tried. Any change that promised better things was cheering and hopeful and found ready approval and response. As a people they were industrious, brave, and self-reliant. They were the pioneers of the nation. They were inured to hardship and accustomed to self-denial and restraint; but they had no power to look into the great future and view the grandeur and mightiness which one hundred years of our nation's life were to develop.

Had they seen it they would have been transfixed with amazement. From a little scattered agricultural nation of less than 4,000,000 souls in 1789, when the new Government was established, we have in a little more than one hundred years become a nation of almost seventy millions. We have become the most complete and best equipped nation in natural resources, commercial and manufacturing wealth of the nations of the earth. And yet the country is but in its infancy as compared with the life of other nations.

From the days of the old stage coach we have passed to the era of rapid transit, of steam and electricity; science and knowledge unknown to them have given us the telegraph, the telephone, and other wonderful inventions which have hastened the march of civilization and progress. The meager school training of that period has been substituted by the most costly school system on the earth. With yesterday's happenings of the most distant portions of our own country and the doings of the great world outside, printed together in the morning dailies and read at every laborer's fireside; with free libraries, free lectures, free schools, and compulsory education spreading intelligence among our population, we have developed into a nation of thinkers.

Take for example my own State, Massachusetts, with her system of annual elections, with her accompanying press platform instruction and debates and all her educational facilities—the people have become well versed in the principles of sound government and political economy. Mr. Speaker, one hundred years of such history have cultivated independence of political thought and, better still, independence of political action.

The people in the meantime have learned what the duties of citizenship are. They know their rights. They know that under the Constitution all are born free and equal. That the right to govern carries with it the consent of the governed; that the incontestable, inalienable, and indefeasible right to institute government is theirs alone; that the Government of this country was intended for the common good; that it was created for the protection, safety, prosperity, and happiness of all, and not for the profit, honor, or private interest of any man, family, or class of men. Yet with this knowledge they have witnessed everything that the farmer, the mechanic, and the laborer have asked for refused by Congress, and everything asked for by capital granted. They see their conferred authority outrageously abused by irresponsible public servants. They find themselves powerless either to punish or restrain.

While the country for more than a year has been hanging upon the "ticklish balance of suspense," and the angry voice of willing labor has been heard throughout the land, seeking work and finding none, with the cutting down of wages, strikes, mob riots, bridge burning, and disorders of every nature filling the land, they have seen this irresponsible body heedless and indifferent to the nation's call while their prayers and petitions have been disregarded. While charges of shameless bargaining and unconcealed corruption are being publicly made, they have witnessed the Senate entrenching itself behind its courtesy (?) rules, and refusing to act upon measures which had already passed the House with a large majority.

Whether these charges are true or not, the people have a God-given right under the Constitution to hold their public servants to strict accountability, and if found guilty to return them to private life. The spirit of unrest which is abroad is by no means, as has been claimed, of recent birth. Fifteen States of the Union have already declared in favor of the election of Senators by the people. They include Illinois, Louisiana, Oregon, Idaho, California, Wisconsin, Kansas, Indiana, Iowa, Kentucky, and New York, and others, while in the platforms of several other States party resolutions to the same effect have been passed.

In several State legislatures, notably that of Massachusetts, the Democratic party, through its representation, has recorded itself by forwarding resolutions to Congress asking, in the name of protection, of safety, and of popular rights, that the proposed change to election of Senators by the people be adopted. This demand, however, is not confined to any party; it embraces all, and is being emphasized from day to day with louder and ever-increasing force.

Under the present method of electing United States Senators we see a privileged money power, in whose name the framers of the Constitution adopted the present method, now grown powerful, arrogating to itself absolute control of the Government, standing between the people and the Government, while dominating and controlling legislation for its own selfish interest. Scarcely a vestige of the system that was intended for the common good remains. The name still exists, but there is scarcely a shadow of the substance. The history of all legislation for more than thirty years shows that legislation here at the capital has been for the profit and private interest of the money class and not for the public good.

How true to-day sound the prophetic words of the martyred President, Abraham Lincoln, when, warning the American people, he said, "Beware of the money power, which seeks to perpetuate its reign until the wealth of the country has passed into the hands of the few and the nation is lost." One-half the wealth of the country has already passed into the hands of a mere handful of speculators, but the nation is not yet lost. Nor will such a calamity be permitted to befall it, for—greater than party or selfish interest—the love of the American people for country and of freedom's blessings must in the end prevail. [Applause.]

But to-day two elements, opposing and hostile, representing diametrically opposite ends and aims, are arrayed against each other. One is the people, the other the plutocracy which Lincoln referred to, which has no pride of country nor of popular government; whose sole end and aim is to control legislation, to do which it must control legislatures; to control which it must either elect or buy, or both. With its natural sordidness, it does not care to do this oftener than it can help.

The protection of the nation demands frequent elections. Constant watchfulness and supervision of the public conduct of public officers are necessary. The power to recall representatives who have repudiated pledges and broken faith with the people is absolutely essential. The people must govern and govern all the time to be safely protected. To prevent this is the safety valve of monopoly and trust.

Frequent elections with popular interference are a menace to the

money power. Therefore, plutocracy while in power fights against such interference. It is a natural centralizer of power. It is despotic and tyrannical in tendency, believing that all elections should be as infrequent as possible. It sneers and frowns at everything that is American excepting American money. America appears to be a good country for it to make money in, but not good enough to spend it in. It is Anglomaniac in taste, in strut, in dress, in drawl.

To it nothing seems so vulgarly shocking as to be purely American. It may be seen on our exclusive thoroughfares on any pleasant forenoon during the society season, when the streets are as dry as a chip, with its trousers turned up, because in far-away London the sidewalks are moist and damp with fog and mist. [Applause and laughter.] It can be observed on Connecticut avenue during the society season on any pleasant afternoon between 3 and 5 o'clock, driving a stilted dog cart behind a bobtailed tandem, accompanied by a something sitting upright behind with folded arms and a dreamy, far away look, with apparently no use for anything on this earth. [Laughter and applause.] It can be seen on the other side of the water, knocking at the doors of third-rate London clubs, pleading for admission and coming away with the black ball in its palm.

It may be seen, with its American millions purchasing titles of foreign nobility with the blood money of American labor wrung from the tears and toil of starving humanity and helpless childhood. In a land like ours it can be classed as neither fish, fowl or flesh, nor yet good red herring. It is the sturdy opponent of the proposed method of electing United States Senators by the people, for whose judgment it expresses absolute contempt. To secure legislation favorable to its schemes it must have Senators favorable to its schemes. The money power knows that senatorial nominations can be more easily obtained from State legislative bodies at second hand than from the people themselves. Consequently they fight tooth and nail every effort made by the people to alter the existing method.

In the popular branch, the House, which is elected by the people, the proposed amendment receives the necessary two-thirds vote. In the second branch, the Senate, which is not directly accountable to the people, it is pigeonholed. This is a very significant fact and tells the story in a nut shell. But says the opposition, elections of Senators by State legislatures are more reliable and trustworthy than they would be by State conventions, whose nomination of United States Senators, if their party controlled the State, would be equivalent to an election; while the proposed method would increase fraud and bribery.

The fallacy of this argument can be readily proved. The average member of the State legislature is not more reliable and trustworthy or in any sense more capable than is the average member of a political State convention. Political conventions are chosen bodies consisting of the most prominent members of political parties representing the localities in which they reside. They are either men who have filled elective offices in the past, desire to do so in the future, or are honorably mentioned in connection with party and political power.

The dominating influence in the selection of these delegates would naturally be the dominating influence in the nomination of candidates for the States' legislatures also. Many of these delegates have at some time in the past occupied, or aspire at some time in the future to occupy, a seat in the legislature of the State in which they are qualified electors. It may truthfully be said that men are no better than the company they keep, and that they strictly represent the average sentiment, intelligence, and integrity of their political associates.

The judgment, intelligence, and honesty of these delegates is not more pronounced while serving as members of a State legislature than it is while serving as delegates to a State convention, charged with the responsibility of nominating a capable and efficient candidate for the office of chief magistrate of the State. Under the present method of electing United States Senators, the Federal Constitution confers all the power and responsibility upon the home legislatures, bodies that not were elected to look after anything but the local interests of the State.

From their action there can be no appeal. Whereas under the proposed change in the Constitution the responsibility and power is transferred from the legislatures of the several States to the people of those States, who are the creators of the legislatures, where it rightfully belongs. As the custom is to-day, all responsibility of the Senator to any recognized authority ceases the moment he has been vested with the power to represent the sovereignty of his State. For six long years he enjoys liberty and freedom to do just what he pleases, owing responsibility for his acts to nobody.

No matter how oppressive his conduct may become nor how faithlessly his pledges may be broken, the people have no power or authority to call him to account for his acts. Nor even at the end of his six years term is any accountability rendered before he again becomes a candidate for reelection. The members of the legislature by whom he was elected have long since been retired for good. In the new body, possibly not a dozen members can be found who were privileged to vote for him six years before.

But, Mr. Speaker, in these days of political enlightenment and political independence the nomination of a party convention by no means indicates an election by the people at the polls, even if the nominating party is in the majority. The nominee of the party must now submit his candidacy to the people whose representative he proposes to become before he can be vested with authority to act. If the convention in its preliminaries and methods has been fair and honest, and the nomination in all respects a commendable one, it unquestionably will receive the indorsement of its party at the polls.

If, on the contray, the methods resorted to in making the nomination have been improper and reprehensible, and the candidate be unfit, the qualified electors have it yet in their power to repudiate the nomination of such questionable conventions and either refrain from voting or vote for whom they please. The Australian ballot system, though still somewhat defective in some States, permits this to be done. In no other way can an honest expression of the popular will be given, and the choice of the qualified electors be made manifest. From time to time charges of bribery and corruption have been openly made, both by the press and the people, in connection with the election of United States Senators, and such charges will from time to time be made while Senators are elected by the present mode.

I freely admit that charges of fraud and corruption will also be made when the Constitution is amended according to the method proposed and senatorial nominations are made in conventions. Mankind must be regenerated when the political prize is so great and the temptation to wrong and injustice so strong before honest primaries and conventions can be counted on as the rule.

But, Mr. Speaker, while the elections of Senators by State legislatures give the people no voice whatsoever in their selection in the interim between the holding of the conventions and elections, plenty of time will be afforded the qualified electors for considering the merits of the nominated candidates. The candidate of the legislature may have been but the candidate of an hour, nominated by a legislative ring, sprung on a legislative body and railroaded to the Capitol at Washington, and as I myself have seen it done by the scheme of the moment.

Unquestionably the candidate elected in the case referred to was not the approved candidate of his own party nor would he have been the choice of the opposing party, which furnished the bulk of votes in this instance necessary to elect him. A fusion of a disgruntled handful of members of his own party with all the members of the other was made for the purpose of defeating the candidate of his party. With but two or three exceptions nobody ever clearly understood why this was done nor who other than the successful Senator was the most benefited by the arrangement.

I deny that corruption, bribery, and fraud would be increased if popular elections were substituted for the present mode. That there is fraud and rascality perpetrated at the polls even under the Australian ballot system is a well known and recognized fact. Evidence of this is not wanting. Where unscrupulous men handle the machinery there always will be more or less dishonesty; but the point made by those who oppose the election of Senators by the people is that this corruption, bribery, and fraud will be increased in the nominating conventions, made necessary under the new method.

This is absurd, Mr. Speaker, on the face of it. Every man who has had any experience in political life knows that the same influence and power for good or evil which control and dominate the election of delegates to a State convention are equally potent in influencing the nomination of representatives to State legislatures. The fraud and corruption exercised in electing delegates to conventions in the interest of certain candidates would be equally potent in nominating representatives to the State legislatures in the interest of the same candidates.

But the election of United States Senators is never made an open issue in the election of State representatives. A candidate's judgment in local matters alone is considered; but if in a secret underhand way political wire pullers should nominate members for the State legislature for the sole object of electing some man to the United States Senate, then the people are deceived and injured, and local interests being disregarded must naturally suffer. In the interest of popular protection and public safety the legislature should be divorced from this power and the responsibility placed in the possession of the people to whom it rightfully belongs. I realize that infamy, outrage, and wrong are sometimes practiced in caucuses, primaries, and conventions, which if known and understood by the great community of qualified electors would be oftener met with their bitter condemnation.

Corruption and wrong do not end there, however; the evil influence can reach into legislative halls and fasten corruption there as well. The politicians who nominate and elect tools can, if they desire, use the tools afterward for the benefit of the money power and the corporation and as a matter of private speculation. Corporations not seeking legislation can be frequently ordered with threats to stand and deliver, as honest citizens are sometimes stood up by highwaymen. Bargains can be made with capital which wants special legislation.

By the aid of political wire pullers and their willing legislative

tools, laws can be enacted for the benefit of capital, which empower it to fatten and flourish for all time on the sweat and blood of the very people whose misdirected votes elected these corrupt legislative tools to squeeze and rob them; while the bribed may pocket but thousands, the bribers can realize millions, and the honest, well-intentioned but deluded voters, who sometimes struggle and fight for hours in wrangling caucuses to elect these candidates, are now for all time saddled with the privilege of paying for it.

In the mean time, the man with the "pull," who has so successfully "pulled" them, struts about with the air of a king; nay even greater than that, the air of a czar; for like a czar, does he not hold the life and death of his victims in his hands? If his slightest wish be disregarded he can thrust the poor laborer from his employment in the city service (which is the citizen's service) and leave him with hungry wife and weeping babes barefooted in the city streets. Oh, the power of these men with a "pull!"

These men, who know the back entrance of every scheming corporation in the Commonwealth! Who have snatched from the citizens of the city the control of the city service. Who have snatched from the voters of the city the city patronage and the city property to use for their own personal benefit. Who, if they do not occupy high elective offices, control the nominations of those who do. Who perhaps have managed to secure appointive political positions for themselves and members of their families with extraordinary powers and large salaries attached thereto, all paid for by the citizens of the city, who have in many cases converted the city halls of the country into city hospitals for the benefit of family and self.

In some of the large cities of the country political rings, led and controlled by men of this stamp, have managed to get hold of political machines. By shameless bargaining and secret corruption, by selling their influence to corporations and capitalistic schemers, who buy the laws and makers of laws as a farmer buys cattle, they have fastened a vice-like grip upon the body politic. Their lieutenants, understrappers, and tools are, by their influence, frequently made members of political committees, officials in city councils, and members of State legislatures, aye, even of higher elective offices at times, and must patronize and serve their masters or remain at home.

These political czars are the Monte Cristos of public life, who do not waste any time on games for marbles. The world is ours is their motto, and at times it looks so. Immense political organizations are perfected by these men, embracing local district committees, with vast armies of city employés, who do their bidding only upon compulsion and by order of the heads of departments.

These organizations are assisted by the beneficiaries of city contracts and by the employés of their political partners and allies, conspiring corporations who, with the touch of the Monte Cristo button, fairly swarm into caucuses and primaries with an organized force which the unorganized voters find almost hopeless to overcome. Every trick and device known to the rat, weasel, and fox is resorted to by these autocrats of politics both before the primaries and conventions and in them to gain the upper hand. Of their methods it can be truthfully said: "No king so strong can tie the gall up in the slanderous tongue." From commencement to finish there is not a single stage of the battle that the contest is not theirs, for they can count in or out as they please.

No man can become a member of a political committee or delegate to a convention who will not subordinate his will to the exactions of the ring. Every means to coerce and control is adopted. To strengthen their hold a city contract is given here, a city situation is tendered there; a delegate's father, brother, or relative obtains employment in the city service whose backbone shows signs of weakening. Everything is done through the patronage of the city and the help of the corporations to strengthen and perpetuate their power. Under circumstances like these a dishonest and unscrupulous ring can continue its control from year to year.

No caucus reform laws nor political rules ever made, even if honestly lived up to, which they never would be in a close call, could protect the qualified electors from the organized power the dishonest machine practices and the unscrupulous methods of these political usurpers.

The conscientious public servant, after years of toil devoted to the cause of humanity and the people who have honored him, who has fought inch by inch against every encroachment of cold-blooded monopoly and conspiring capital, finds his honorable service but an argument and a weapon raised against his election to higher office. Though honor is inscribed on every page of his spotless public record, without means for organization to prevent it, he sees these vampires of political life, who never knew what it was to draw an honest political breath, dictating his political destruction in the name of party organization.

The one whom neither money, self-interest, nor corporation bribery could purchase, denied all city patronage by the ring, hounded by the corporations, while either wholly unnoticed or willfully misrepresented by a subordinated press, is left out in the cold; while the other, protected and lauded by the same press, loaded with the boodle of corruption, with the patronage of the great city hall in his hands, walks off with the office besides. Their vaunted political ability and political power are corruption pure and simple. Take their grasp from the city service, the city patronage, and the corporation, and striplings will at once become their masters. "While the honest men outnumber the rogues ten to one, yet the rogues have ten times as much to say in Government as the honest men. We seek deliverance from the iron heel of a political absolutism which is willing that the city and country should go to ruin so long as power, patronage, and pelf may be the heritage of its henchmen." But, Mr. Speaker, there is a remedy for all this.

Charles Sumner, in 1851, said:

True politics are simply morals applied to public affairs.

The remedy is in the hands of the people. It is for them to apply it. By the proposed method of electing United States Senators by the people nominations under such conditions as these cited would often prove worthless. The most important factor in citizenship to-day is education. With the progress of education the political enlightenment of the citizen has increased.

Take my own State of Massachusetts, for instance. There, education is compulsory. There the public-school system has existed for about two hundred and fifty years. There, where elections are annual, political independence of thought and action, which is the safety-valve of the citizen and the protection of the State, has become a growing feature. The same is true of many other States in the Union. Nominations forced by political "bosses," which subvert the people's wishes, are continually rebuked. Evidence of the truth of this can be shown on the floor of this House this year and in recent years, and will in greater degree be seen in future years.

Therefore the claim made that an amendment which provides for the election of United States Senators by popular vote will simply mean a transfer of elections from State legislatures to political conventions, can be shown to be misleading and erroneous on the face of it. The fact is, such elections will be transferred to the people, who are the source of all power, to whom the elections rightfully belong.

There, with advancing thought and civilization, with developing consciousness of responsibility and power, the path of these cheap politicians and their business partners, the artful corporations and money trusts of the nation, will not be as smooth as they are to-day. The present system of electing United States Senators is not a feature of Republicanism. It has no connection with Democracy. It is subversive of the citizens' rights, who to-day have nothing whatsoever to say about who shall represent them in the Senate, while their enemies, political corporations and avaricious monopolies have.

Further, the opponents of electing United States Senators say: "It will absolve the larger States from living up to the constitutional obligation which provides that no State shall be deprived of equal representation without its own consent." It is impossible to conceive of an imagination that could be impressed by such an argument as this. Such a flimsy pretext will frighten nobody. The late conflict settled forever the right of a single State to secede. The compact of Union has been sealed for eternity. It is in truth a Union one and inseparable. This proposition is not to change the character of the Constitution.

It is not to deny the sovereign entity of the State. It proposes to strengthen it in its coequal representation with the sister States by going to the fountain head and source of sovereignty, the people themselves. The sovereignty of a State is in the people of the State. When you say the State should have a voice in the election of United States Senators, you mean the people who are qualified electors of the State. What constitutes a State?

Men, high-minded men, * * *
* * * * * * * * *
Men who their duties know,
But know their rights, and knowing dare maintain.
* * * * * * * * *
These constitute a State. * * *

All the world over, Mr. Speaker, the march of freedom and progress is onward. The mechanic and laborer of to-day, unlike their antecedents of one hundred years ago, are sovereign rulers and political economists. The knowledge of government and economic laws is no longer confined to graduates of Harvard and Yale. Everywhere the voice of the people is heard growing louder and louder. As education opens up, civilization and enlightenment follow, and a higher type of man is the result.

Manhood is asserting itself and manhood's rights must be regarded. But while under our Constitution, where all are born free and equal, the people have been guaranteed the broadest freedom from interference in the pursuit of happiness and the right to govern carries with it the consent of the governed, it is an undeniable fact that, of the three departments of the National Government, the House of Representatives alone is directly elected by and owes strict accountability to the people.

In the legislative department the Senate is as far removed from, and at times appears to owe as little direct responsibility to, the people whose agent and subject it is, as the Czar of the Russias. The Cabinet officers are appointed by the President, and as far as responsibility is concerned, are beyond the touch of the popular pulse. As to the Supreme Court Justices, they are appointed to life tenure by the President, owing no responsibility for their action and rendering none to anybody.

The wisdom of vesting power for a lifetime in this branch of our National Government has for a long time been a matter of serious public consideration. When a Justice of the Supreme Court of the United States, whose function is to pass finally on questions affecting individual and public rights, so far forgets himself as to announce an opinion at a public banquet upon a matter which is liable to come before him for judgment at any time, it is high time to order a halt.

The following extract from an open letter to the Washington Post of January 31, 1894, addressed by me, is a universally indorsed opinion of Justice Brewer's contemptuous remarks at Yale College last winter:

> That a Justice of the Supreme Court of the United States, whose function is to pass finally upon questions affecting individual and public rights, should hold the view that the laborer should sacrifice his rights rather than incur the risk of coming to want is startling information, but that he should gravely announce that opinion in a public address as being beyond the range of controversy, is the danger signal which, as a nation, we shall do well to heed.
>
> Our forefathers could have lived without destitution under the aggressions of the mother country, but they chose to risk life itself, and bore cheerfully the devastation of their properties and the famine of Valley Forge and other camps, rather than sacrifice the rights and liberties of freemen. The men who compose the great army of industry are not to be denied their rights and foreclosed from the consideration to which all free persons are entitled by false assumptions flippantly expressed.
>
> But when a representative of that body, which all Americans have been taught to revere as the source of wisdom and the fountain head of justice, publicly indulges in remarks which sneer at the nation's honored dead and scoff at the rights of those living who constitute the nation's support and the nation's pride, it may well be asked whether judicial life tenure, which has been supposed a safeguard, is not, on the other hand, a dangerous menace to our institutions and an anomalous feature in a republican plan of government. It could not be the experience of the judge or the training of the publicist which induced the objectionable utterance above discussed.
>
> Was it, then, suggested and prompted by the associations and flatteries of wealth and station, and of pride, and pomp and power, and life-long place? Whatever induced the expressions, the man who referred to an ex-President as the husband of Mrs. Hayes, and to the laborer as one whose rights and privileges are satisfied by a chance to earn his bread, will henceforth be remembered chiefly in connection with the man who exclaimed, "The public be d——d!" and that other who unintentionally said, "A dollar a day is enough for any laboring man."

With such object lessons before us; with dissatisfaction and distress on every hand; with confidence shaken and the business interests of a great nation disturbed, is it not high time that we set about to regain the power which we have so carelessly permitted to pass from our hands? Everywhere despotism, whether of kings, or rings, is meeting with popular resistance, while education and civilization are lighting the way to independence of thought and popular freedom. While in "America our own House of Lords" has been recently receiving the close and undivided attention of our urgent and clamorous American people, Great Britain has its contemporary in irresponsibility, the "English House of Lords," upon the run.

Though but the abolition of the veto power is asked for at this time, in the end nothing but the abolition of the House of Lords itself will satisfy. With the Australian ballot in Australia the Liberal and Conservative parties are continually held in leash by the Independents in Parliament. Four years ago in New South Wales the independent members of Parliament, the majority of whom were members of labor organizations and trades unions, threw one branch of the government out of power, and followed it up in the following month by throwing the other out, also.

Again in New Zealand last year the Independents, making one last effort, turned a great conservative majority into a great radical majority. A member of the New Zealand upper House had his commission thrust through a bolt hole to him while he was working on the inside of a boiler. Two other members had their commissions laid on their cases while they were setting type. Another, a porter in a warehouse, had his commission handed to him while he was lifting heavy bales of goods, and when the governor of the colony was asked why he issued commissions to common workingmen as legislators, he pointed out to them that they were among the leading citizens, made so through the adoption of the Australian system of balloting.

Mr. Speaker, this Government was instituted for the common good; it was intended for a Government of the people, by the people, and for the people; it was meant for their protection and their safety; it was created for their happiness and not for the profit and private interest of a class, whose indifference to and contempt for our institutions are a menace and a disgrace. The people have grown tired of this arrogance of popular right and usurpation of popular authority which the anarchy of wealth has forced upon them. They demand that their Government be restored to them; that it become indeed what to-day it is but in name, the Government of the people. To-day the anarchy of wealth is on top, while patriotism and principle are underneath. The great American people love freedom—next to Heaven, they revere that holy and ennobling liberty which sanctifies and lights the path to the Great Eternal. It is their right they seek, their constitutional and god-given right, and a right which, from this time forth, they mean to maintain. [Loud applause.]

Mr. TUCKER. I ask unanimous consent that all gentlemen who address the House on this subject may be allowed to extend their remarks in the RECORD.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. NORTHWAY. Mr. Speaker, if we can get unanimous consent to extend the debate for twenty minutes, I should be very glad, as it would relieve me of one or two promises for time that I have made. I ask unanimous consent to take the vote at twenty minutes past 4 o'clock, instead of at 4. Would that be agreeable to the gentleman from Virginia?

Mr. TUCKER. I have no objection to that.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Ohio to extend the debate to twenty minutes past 4 o'clock, instead of taking the vote at 4 o'clock?

There was no objection, and it was so ordered.

Mr. NORTHWAY. I yield five minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Speaker, I shall not attempt, in the limited time that I have, to discuss with the gentleman who has just taken his seat [Mr. MCETTRICK] the question of plutocracy. I agree with him that the use of money in politics is both a great and a dangerous evil, but I do not agree with him that it is as extensive as he seems to think, for if that were the case I certainly would never have been a member of Congress.

I have never had the good fortune, financially, to be a plutocrat myself, and the class of men who send me to Congress are not of that character. I do not see any objection to the passage of this bill, Mr. Speaker, unless it be, perhaps, that it gives away some of the rights and powers which the Federal Government has over the election of its own officers. But what I desire to do in the few moments that I have is to refer to some of the remarks that were made by my friend from Missouri [Mr. DE ARMOND]. He says it is a notorious fact that in not a few instances in the history of this country, particularly in its more recent history, persons have been elected to membership in the United States Senate by the present method of selection by the Legislatures of the various States who certainly would not have been chosen had the choice been left with the people.

I do not refer to this statement with the intention of attempting to confute it. I have no doubt of its correctness. But whom did the gentleman mean? Did he refer to any who were considered particularly hardened and refractory Democratic sinners by the President, when yesterday he took the Democratic Senate across his knee and gave it such a blistering spanking, in the somewhat remarkable and very emphatic letter which he sent to the House through the medium of the chairman of the Committee on Ways and Means? That Democratic Senators deserved the spanking, and indeed as a rule generally merit that kind of primitive and effective discipline, I am sure no one on this side of the House will for a moment question.

But whether the giving it to them, and at the same time strongly admonishing the Democratic House of what the Executive regards as its duty, just at a time when a great measure of great national importance is under consideration in Congress, is not such an interference with the Legislative branch of the Government, as should not be made necessary by the incapacity and wickedness of Democratic members of the Senate and House, is a question of a very much more difficult and serious character. It looks to me to be a great humiliation to the country that its Congress should be controlled by a party needing such severe discipline from such a source. Its patriotism, if it has any, and its sense of responsibility to the people, ought to be sufficient to keep it in line with its pledges, and restrain its eager desire to inflict immeasurable disaster upon the nation. [Applause on the Republican side.]

He further says that obscure and unknown men are supported by powerful interests.

He refers to the Senate. I do not intend to dispute him. There is no question about the correctness of his statement. I have no doubt that he refers to a recent contest in the Senate, and therefore he refers to members of his own party in that body. Now, what I complain of and the people resent, Mr. Speaker, is not so much that these Senators are supported by powerful combinations as that they support the combinations. It is not that powerful combinations support them that we deplore so much as it is that they control them, and hence we received from the Democratic Senate the other day a tariff bill which, while it takes care of the trusts and protects the great combinations in this country, at the same time leaves the farmer the stonecutter, the lumberman, the woolgrower, the mill and factory hands, and the workingmen in our Northern towns unprotected, with diminished profits and reduced wages, or driven into idleness, and hence into poverty and distress.

Mr. DOCKERY rose.

Mr. MILLIKEN. I would like to yield to my friend, but in the limited time allotted to me I can not do so.

The gentleman from Missouri [Mr. DE ARMOND], in the course

of his remarks yesterday, felt obliged to reiterate the stale phrase which we so often hear, of the concentration of power in the Federal Government. And the gentleman from Indiana [Mr. HOLMAN], while discussing the bill which provided for the creation of another judge, took up the same theme and very earnestly contended against the extension of Federal authority, declaring for the old doctrine of State rights which gave to this country nullification, the rebellion with its four years of civil war, and was but the other day strenuously appealed to by a Democratic governor and mayor, to sustain lawlessness, rioting, and the wanton destruction of property.

There is something remarkable and suggestive in the time when these remonstrances against Federal authority are made.

The Democrats in this Congress have formulated a tariff bill to destroy every great industry in the North. Its uniform discrimination against Northern prosperity is so marked, and so boldly stands out in all the schedules of that bill, that hardly a doubt can exist that its main purpose was a deliberate attack by the leaders and controllers of the Democratic party upon the vital interests of that section of the country which defeated them in their attempt to destroy the Union.

The very menace of this bill has paralyzed our business, and changed a condition of prosperity unprecedented in the world's history to desolation and almost universal distress.

The gentleman who has taken his seat, in his vehement disquisition upon plutocracy, excitedly exclaims, "Where are our farmers and our laborers?" I will inform him. They are impoverished, many of them pinched with want, and suffering under the blasting influence of the threatened tariff legislation of his party. In the malignant shadow of that proposed legislation our mills and factories have been stopped, our mines have been abandoned, our furnace fires have been put out, our merchants have seen their sales contract, the wages of labor have been reduced, every industry has suffered, and our workingmen have been doomed to the low plane of living of the pauperized and wretched laborers of the Old World.

This they resent. They not unnaturally rebel against it. They justly and righteously feel that they deserve no such terrible doom at the hands of the party which at present controls the legislation of the country. Why should laws so cruel in their effect be prepared for them? Great strikes result, and are attended by lawlessness and violence at the hands of the vicious, some of whom are to be found among all classes of our people.

The President calls into use the strong arm of the Federal power and represses riot. He does not wait for the governors of States to call for help. Even against the protest of the Democratic governor of Illinois, and in opposition to the wishes of the Democratic mayor of Chicago, he sends the Federal troops into the States where lawlessness exists to repress it, to protect the conveyance of the mails, secure the freedom of interstate commerce, and enforce the processes of the Federal courts.

Never before in the history of the Government, not even at the breaking out of the rebellion or in the nullification period, was the Federal authority in the States more sternly and absolutely asserted than by the present Executive in the case of the recent railroad strikes. And his action was almost unanimously indorsed in this House amid vociferous applause, especially on the Democratic side, while it found a no less enthusiastic support in the Democratic Senate.

The President found among the statutes of his country a force bill much stronger than that which Democrats have so often declared against, and which their party defeated in the Senate. I mean the bill to secure fair elections in the South and in certain great Northern cities, where Democrats control the ballot boxes and corrupt the elective franchise. He vigorously applied that force bill and enforced its execution at the muzzle of the revolver and point of the bayonet.

This concentration of Federal power you indorsed with even ostentatious applause. But, as if you realized that you had repudiated your old theory and come over onto the Republican platform, in which we have always held and announced that the United States constituted one nation, with ample power in its Constitution for self-preservation, you hasten to begin again to sing your old song of State rights and the danger of the exercise of national authority. [Applause on the Republican side.]

It is a significant fact and a glorious triumph of Republican principles, that when by the violation of one of those principles in your legislation you had reduced the greatest prosperity known in history to disaster and ruin, and driven our workingmen into idleness, destitution, and despair, a Democratic Administration found itself obliged to enforce a law involving another Republican principle, the principle of national authority to quell a riot which the menace of its own vicious legislation had indirectly produced. [Great applause on the Republican side.]

The gentleman said again: Yet the people of Missouri, in their interest in legislation, are as much affected by the vote for the right as the vote for the wrong, if the vote be cast by a Senator from the distant State of New Hampshire as if it came from a Missouri Senator.

And here the gentleman is getting upon Republican ground—ground which he repudiated when he voted against Federal supervision of Federal elections. We declared that while we did not propose that Congress should meddle with local elections in the States, yet in the election of members of Congress and electors of President and Vice-President, a man in Maine is quite as much interested in the election in Missouri as in his own State, and has the same right to demand a fair election in the one State as the other; and also that it is not only the right but the duty of the Federal Government to see that the polls are properly guarded, that the voters are not deprived of free and safe access to the ballot boxes, and that a fair count and an honest return of the votes are made. Yet you who vote to indorse the use of Federal troops in the States, even against the protests of their governors, deny the right of the Federal Government to protect the election of its own officers.

The recent action of the President, while it shows in a glaring light your inconsistencies, is a triumph of Republican principles too complete and conspicuous to be overcome by any crawfishing on the part of any Democratic Congressmen who have so enthusiastically indorsed it.

Mr. TUCKER. I yield fifteen minutes to the gentleman from Connecticut [Mr. DE FOREST].

Mr. DE FOREST. Mr. Speaker, I admit myself to be one of those who yield with great reluctance to any proposed change in our Federal Constitution. It is not, I think, simply the ordinary conservative sentiment which shrinks from substituting the untried for the tried, and which prefers to endure great ills that we have rather than flee to others that we know not of—not simply this that makes such innovations so questionable—but the circumstances that surrounded the origin and construction of that great instrument were of a character to invest it with a singular value, and a peculiar reverence, a value which we well may fear to mar while seeking to enhance, a reverence which solemnly forbids all rash approaches, all thoughtless trifling, all inconsiderate meddling. Think of it for a moment. There was the occasion, perhaps the most momentous in all political history, when the people of thirteen sovereign States bordering upon each other, each severally possessed of the incomparably precious right of local self-government, won by their united action from the grasp of foreign domination, were groping by the dim and ghostly light of meager and disheartening precedents, for some plan by which to preserve and perpetuate that boon for themselves and future generations against the assaults of common foes, the outbreaks of mutual jealousy, and the abuses which ambition and corruption will ever generate in a popular system of government.

The despotism of the Old World was scowling at the experiment, ardently desiring and confidently expecting its failure. The weary and discouraged heart of oppressed humanity on every shore was sending up fervent prayers for its success. The testimony of dead heroes from new graves—the incense of patriotic blood fresh spilled—the still-echoing thunders of war, like the sanctus bell, all conspired and combined to make the hour one of surpassing significance, of veritable consecration. Amid such impressive auspices, and in such a crucible of fiery experience was the work of that memorial convention of 1787 purged of every petty, partisan, and selfish ingredient, and reduced to the solid gold of purest patriotism and noblest statesmanship. And then there were the men engaged in that work—men who had pledged all that was precious to its faithful prosecution, and who had attested their fidelity to that pledge in deadly battle's ordeal.

Great men indeed, not because they were endowed with any essentially different or vastly higher natural qualities than possessed by others, but because they heard the voices and responded to the call. This is what has constituted the great ones of the world. Not only Joan of Arc, but every other soul that, listening, has caught the first sound of the herald of truth and duty and answered to the invocation. Such was the Abraham of Ur, the Moses of Midian, the David of the sheep cote, the Saul of Damascus, and such were the heroes and sages, who, laying down the sword, took up the pen and framed and executed as though with the very essence of their hearts this New Testament of our liberties.

In this age, when sham and subterfuge, when party intrigue, when demagogic schemes of slavish paternalism, when projects for the absorption of patronage, when combinations and con-

spiracies to prostitute the powers of the State to the purposes of private and sectional greed and ambition play such conspicuous part in the drama of public affairs, it is refreshing and it excites our wondering admiration to look back and see how those men, differing as they did widely and zealously as to the best means for the attainment of the common object, yet with one voice and united hands applied to the settlement of every doubt and every question the great criterions of elementary justice. And beyond all this, sir, it indeed seems to me, and the more I reflect upon it the more I am impressed with the belief, that there was in the evolutions of that period something far transcending all mere human wisdom and strength.

It seems as though the eternal spirit of liberty that in all former dispensations of government had inhabited only the Divine breast, manifesting itself perhaps to the children of oppression only in some awful Shekinah, some beckoning star, some burning bush, some thunder from Sinai, now descended in its supernatural force and plenitude and filled that chamber where those men were assembled and filled their hearts and minds with a truly Pentecostal inspiration. Well, then, may we hesitate and refuse, except upon the clearest evidence of the most urgent necessity, to lay the finger of change upon a line or syllable of that venerable Constitution. And yet, sir, changes have been made, and in some instances at least have proved salutary. And as a part of that very Constitution, and as a part of the wisdom and patriotism that pervades it, there is this provision for such amendment.

It was perceived that in the developments of time dangers to the body politic might arise, the distinct character of which could not be foreseen, and for which no specific remedy or safeguard could then be devised. And I am convinced, sir, that such a danger we have now encountered in that mode of Senatorial election which it is the object of the present amendment to rectify. Of the fundamental idea of the fathers, that the Senate should stand as the bulwark of the sovereignty and equal rights of the State in the Federal Union, experience has abundantly demonstrated the wisdom. Abundantly has it been demonstrated that our popular institutions, and that liberty which those institutions are designed to guard and perpetuate, are in no way so likely to be lost or imperiled as by any abandonment or relaxation of that idea.

The drift has been toward centralization, and every step in that direction is, in my judgment, a perilous departure from the safe vantage ground of individual freedom. Every safeguard which the Constitution affords against that tendency ought to be cherished, strengthened, and perfected. But in order that this supreme function should be properly discharged by the Senate it is, above all things, necessary that the men selected for that exalted duty should be of a character commensurate with its importance, and the mode of election should be such as in the highest possible degree to secure men of that character. When the Constitution was adopted, the election of Senators by the Legislatures of the several States was supposed to be the mode best calculated to attain that end. Perhaps at that period it was.

The politicians of those days were statesmen. The man who was selected from all the rest by the people of his little community to represent them in the councils of the State was so chosen because he was believed to be, and in fact was, the one of all best fitted to act in that capacity; and he accepted the mission as a duty, not as a privilege, as a solemn and sacred trust, to the faithful discharge of which the best energies of his heart and mind were to be devoted.

He went to the Legislature as he had gone to the field, to carry out in civil life the same ideas for which he had drawn the sword; to save the necks of his countrymen from needless yokes; their limbs from unnecessary fetters; their enterprise, their activity, their natural energy from vexatious intermeddling; to see that they were left in the continued enjoyment of the largest possible measure of personal independence consistent with the bare preservation of public order. He stood there as a sentinel upon guard for that purpose. The thought of pecuniary reward; of bettering his own financial condition; of special interests to serve; of jobs to carry through, was as foreign to his mind as the thought of treason had been when he faced the British cannon.

To men in State Legislatures imbued with such a spirit, it seemed to the framers of our Constitution that it might safely be left to choose for their respective States the Senators who were to exhibit the same spirit and uphold the same principles in the greater councils of the nation. I suppose, sir, it was utterly inconceivable to the noble souls who stood among the still smoldering fires of that great Revolution, and considered the awful sacrifices which that emancipated people had freely made in the contest for self-government, that any individual among them or their posterity could fall so low as to barter away so rich a possession, gained at such a cost, for base ambition or for filthy gold.

Unhappily, however, such a state of affairs has come about, and venalty and corruption, in the exercise of those political functions which were so hardly won and so generously transmitted to us, have now become the chief bane in our republican system of government, a poison that is spreading in that system every hour, is even now approaching its vitals, and which, unless repelled by seasonable antidotes, will ultimately, and at no very distant day, bring stupor and death.

The chief causes are threefold. First, an undervaluation by the individual citizen of the privileges and obligations of his citizenship. By long-continued and uninterrupted enjoyment of his liberty he has lost a sense of its value, and has forgotten that eternal vigilance is the price of its preservation. Thus, lulled to a feeling of security, he has slept at his post, or dallied with the enemy, or has allowed inferior motives to govern his public action. The merchant has said, "I will not go to the polls lest I offend my customers." The laboring man has said, "I will not take the time to vote, for I shall lose a day's wages." The manufacturer has said, "I will take no interest in politics except so far as necessary to secure governmental aid and protection for my particular industry."

The man of no occupation and no principle has said, "I will only cast my ballot for the party that will pay me the highest price." Selfish all, unpatriotic all, dishonest all, and yet none of them perhaps realizing that by such base conduct they have been boring holes in the bottom of the gallant ship in which our common possessions, our freedom, our prosperity, our social and domestic happiness, and all that can make life worth living are embarked. A second cause of this corruption and venality is found in the dangerous and wretched policy, which has in recent years been so boldly announced and made such rapid strides, the policy of governmental control of and interference with the private business concerns of the people.

Every step in the direction of that policy is an additional inducement to bribery, holds out to the purchasable elector or legislator, on the one hand, and to the corruptionist, on the other, the temptation and the opportunity to make vile merchandise of the high and sacred office of the freeman. Of course if it is an admitted principle in the conduct of our affairs that enormous private interests can be legitimately concerned in the legislation of the Federal Government—that the sugar-growers, the mine-owners, the steel-rail makers, the silver-producers, and other vast combinations of capital, can properly be entertained as parties in the councils of the nation—then it necessarily follows that they will endeavor to have their own chosen representative in the United States Senate, and that they will employ such means as are best suited to that end; and that just in proportion as those great interests transcend all others in the amount of capital they represent and the sums at stake, so far will the rights and welfare of the common people be ignored and every great principle of justice be trampled in the dust.

And, again, the difficulty is aggravated by the concentration of wealth in single hands—the collosal fortunes of the few—the comparative poverty of the masses—creating in the minds of those who would be glad to resist such influences in the exercise of the electoral franchise, a sense of helplessness and discouragement, driving from the field of political action those of better quality, and making Senatorial honors, in too many cases, the easy and exclusive spoil of merely wealthy men. In 1787, who could have pictured, by the utmost stretch of the imagination, the inequalities of wealth—the prodigious growth of individual and corporate enterprises and accumulations, the insatiable rapacity, the unblushing audacity, the irresistible coercive influence of the money power in these United States to-day!

By these causes, developing with most portentous rapidity in recent years, it has become the first duty of all who believe in and are attached to republican forms of government in their simplicity and purity, to resist these dangerous tendencies, not only by discouraging, and so far as possible uprooting the causes themselves, but by imposing, within constitutional limitations, all suitable and wholesome restraints upon their malignant effects. Such we believe will in some measure be the result of an election of United States Senators directly by the people.

True, it will be only a partial remedy. True, even in the popular election, venality and corruption will to some degree enter, but with far less advantage and far inferior chances of success than in the election by the Legislature. In the election by the people, the opposing candidates are publicly named a long enough time before the day of the ballot for a full examination and discussion of their comparative merits. It would not be deemed feasible nor would it be conducing to victory for any party to put

in nomination any candidate who had not the requisite qualifications for the office, or who was not shown and believed to be free from all sinister employment or dictation.

Therefore that class of candidates would not be apt to enter the lists, and their corrupting influences would not therefore, in a popular election, be so apt to be exercised. In the election by the Legislature of the State, on the other hand, no one knows in advance with any certainty between what candidates the choice lies. No opportunity is presented for that close scrutiny of their history, their affiliations, their business interests and connections, and their skill and experience in the duties of legislation, which a fair judgment and a just conclusion demand.

Different candidates appear and disappear and perhaps reappear in a long series of ballots, and finally, the commonwealth may suddenly find itself in the proud possession of a Senator who had never before been thought of as a candidate except by some railroad corporation, or mining or other business trust, and who would never have been thought of by them even, except as he would, in exchange for their financial promotion of his candidacy, use his high office for their special benefit. Again, in the election by the people, the number of the electors is so great as to render any attempt at general bribery impracticable.

With the safeguards that the several States of the Union have thrown about the ballot box in the way of registration, impartial inspection, and the secret ballot comparatively little can be accomplished by the unlawful use of money. And no one can know how decisive any particular degree of expenditure may be upon the result. The inducement, therefore, in such an election to corrupt methods is reduced to a minimum. In the election by the Legislature, on the other hand, the number of electors is small. Every one of them can be seen. Every one can be tempted. The character, foibles, and availability for corrupt purposes of all can be thoroughly inspected and understood, and the relative strength of the several candidates can be estimated with substantial certainty.

It therefore is known precisely how many votes can be counted upon, how many must be secured, what the expense will be; and it merely becomes a question who has the longest purse and who will make the most unscrupulous use of it. In the election by the people there is but one ballot, at stated places, on a stated day, and that is decisive. In the election by the Legislature it often happens, and can usually be so arranged by interested parties, that many ballots are taken, running through a number of days, in which, as the secret ballot and other like precautions can not be well adopted in such bodies, the preferences of each representative and the chances of each candidate can be canvassed and speculated upon and the amount of effort required to produce any proposed result in later ballots readily determined.

Obviously, therefore, we say, the election by the people is on every point better calculated to promote the honor of the Senate and welfare of the whole country. I therefore, sir, give my unqualified support to this measure. I feel that it has a claim upon our attention superior to that of any other pending or contemplated legislation. It is idle to look for wholesome and refreshing waters from fountains of defilement. It is worse than idle to expect that great popular reforms can be effected, the strongholds of hoary privilege broken down, the cries of the helpless and oppressed be heard, respected, and answered, so long as the agencies through which such relief is sought are freed from a sense of just responsibility by the pride of purchased power, or committed to the ignoble service of some private master.

This is the reform of reforms—the essential prerequisite to all safe progress, to all sound conditions.

We have staked the hopes of our country on the sovereignty of the masses. In that direction lies our only prospect of national immortality. The story of lost rights scattered all along the pathway of history admonishes us that the only sure guaranty against such losses is found in the actual, watchful, ceaseless personal exercise of those rights by the freeman himself. That as the husbandman who would thrive must follow his own plow, or the merchant who would prosper must sit by his own counter, so in the higher pursuit of freedom—

> Let hearts who love her use their own tongues,
> Let every eye negotiate for itself,
> And trust no agent—

for experience has shown that any other policy leads to disaster.

Tyranny driven out by force returns by fraud. Confidence breeds imposition. Delegation of power is the prologue to usurpation.

Let the intermediary be dispensed with. Let Senators be chosen by the direct vote of the people. [Applause.]

Mr. NORTHWAY. I yield ten minutes to the gentleman from New York [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I am told that the measure now under consideration is popular, and that it will be unpopular to oppose it. But I confess I can see no good reason for changing the organic structure of our Federal Constitution merely because of some irritation against the Senate owing to its counter action on the tariff, or because of some impatience at the delay caused by its protracted debates.

It is proposed to amend the Constitution by providing that Senators hereafter shall be elected by the people of each State, instead of being chosen as now by the Legislature thereof.

In the limited time assigned me, I shall endeavor to call the attention of the House to the arguments urged in behalf of this resolution, and to demonstrate how essentially shallow and narrow they are; and on the other hand, I shall call attention to the ideas which controlled the members of the Federal Constitution in 1787, and which led to the adoption of the existing provision.

If we examine the report of the committee, submitted by the gentleman from Virginia [Mr. TUCKER], we find two reasons stated for this proposed change in our organic law. The first is that the Senate is not sufficiently responsive to the demands and the voice of the people; in other words, that it is too independent, that it is not dependent enough. He tells us that the present Senate is "an open obstruction to the popular will." The other reason adduced by the gentleman has been found by him in certain magazine and newspaper statements, tending to show that the Senate is unpopular.

It seems that he has read somewhere of a clamor for the abolition of the Senate, similar to that which has been raised in Great Britain for the abolition of the House of Lords, and for that reason, in order to bring the Senate once more into popular favor, we must change the mode of election of Senators; we must change in this respect the form of the Federal Constitution as it has existed ever since the 17th day of September, 1787.

Looking further into this report we find cited a report submitted by the same gentleman in the Fifty-second Congress; and there we find another reason urged for this proposed change. This reason is the alleged venality of the State Legislatures; the change must be made because money can be used, because the money of corporations or the money of individuals of large wealth is used to corrupt the Legislatures. I think, gentlemen, this is an aspersion on the Legislatures of our various States.

I can not speak for all of your States; but I know the gentleman from Missouri yesterday said that in Missouri the same Senators would have been chosen by his Legislature; and I can say for the State of New York that I am familiar with the illustrious list of our Senators, embracing the names of Gouverneur Morris and De Witt Clinton, of Martin Van Buren, William L. Marcy, and Silas Wright, of John A. Dix, Hamilton Fish, and William H. Seward, of Roscoe Conkling, Francis Kernan, and William M. Evarts, and with the records of their election, and I do not believe the election of any United States Senator in the Empire State has ever been controlled by the use of a dollar.

Mr. TUCKER. Will the gentleman permit an interruption? Does not the gentleman know that the Legislature of the State of New York, which he so warmly commends to public favor, adopted a resolution indorsing this proposed amendment to the Constitution?

Mr. BARTLETT. I was informed to that effect by the gentleman from Virginia [Mr. TUCKER] about an hour and a half ago; and I presume his statement, like most of his statements of fact, is absolutely correct. But because the Legislature of New York made a mistake two years ago, that is no reason why the Federal Constitution should be changed.

Let us for one moment look at this theory of pleasing the people. Let us consider the words of George Washington when the Convention of 1787 was about to assemble—while they were waiting for a quorum. What did he say about pleasing the people? "If, to please the people, we offer what we ourselves disapprove, how can we afterward defend our work?"

These noble words show that to the mind of that great man there was something higher than merely placating the populace. He believed that principle was higher than a mere attempt to please the people.

As to subserviency, I call the attention of the gentleman to an essay on the Federal Constitution by Noah Webster, written shortly after the adoption of the Federal Constitution, wherein he says that the delegate should represent the interests of the whole people; that every member should act for "the aggregate interest of the whole confederacy;" that he is not the legislator of a single State alone, but the representative of the interests of the whole Union.

And I say that we have a striking illustration lately of that fact in the conduct of one of our most distinguished Representatives on this floor, the gentleman from Arkansas [Mr. BRECKINRIDGE], who lost his renomination for a seat in this body because of his devotion to principle, and whose conduct has received the universal commendation of men on both sides of the

House; a gentleman who, rather than yield to the unreasoning and mad requests of his constituents, held out for a sound currency and thereby lost his renomination. This instance shows that to some men principle is higher than the behests of constituents, when the constituents are in the wrong.

I would say here in respect to this proposed change, that if you want any change made in the manner of the election of United States Senators it would be better to abolish the Senate altogether. Rather than to gather up another little House of Representatives, springing from the same source of power as the present House of Representatives, it were better to wipe out or abolish the Senate altogether as now constituted. But if it remain, as it must, do not take away the conservative principle on which it is based. I wonder that some of you do not advocate returning to the single body of the Congress of the Confederation, with each State enjoying but one vote.

The gentleman from Missouri [Mr. DE ARMOND] yesterday, in his historical résumé, said that when the delegates from the several States met to frame the Federal Constitution they found certain elements of arbitrary government, and he specified "those features" as he called them, one, the veto power of the President, the second the life tenure of the Federal judiciary, another the long term of a Senator, and then the mode of the election of Senators. So I presume that after we have passed this first revolutionary measure, we shall have all of these other conservative safeguards of the Constitution attacked, and attempts made to break asunder these "shackles" as the gentleman calls them, and to destroy and demolish the original fabric of our forefathers.

Perhaps, Mr. Speaker, the views of the gentleman from Missouri as to desirable changes in the Constitution are affected by the ultimate fate of two legislative measures which have come from his State during the present session, one the Bland seigniorage bill, which fell under the Presidential veto, and the other the antioption bill, which will probably not receive much favor in the Senate.

Now, let us consider for a moment one principle which we find adopted in the Constitution as it stands. We have the authority of all the great men who took active part in the debates—of James Madison and George Mason, of Virginia; of John Dickinson, of Delaware; of Elbridge Gerry, of Massachusetts, and Roger Sherman, of Connecticut—that the mode of electing the Senators was chosen for two reasons: First, because it was a filtrated method of selection; and secondly, because it gave the State——

Mr. TUCKER. Will the gentleman yield for a correction?

Mr. BARTLETT. I yield to the gentleman.

Mr. TUCKER. I wish to make one correction. Mr. Mason was in favor of electing Senators by the people in that convention. He did not favor the process of electing them by the State Legislatures.

Mr. BARTLETT. George Mason, of Virginia, closed the debate when the present provision was adopted in Committee of the Whole, and these were his words:

> The State Legislatures also ought to have some means of defending themselves against encroachments of the National Government. In every other department we have studiously endeavored to provide for its self-defense. Shall we leave the States alone unprovided with the means for this purpose? And what better means can we provide than the giving them some share in, or rather to make them a constituent part of the national establishment?

In other words, the main argument in 1787 in favor of the election of Senators by the State Legislatures was that thereby the State government as an entity is given an active share or part in the forming of the National Government.

That such was the fact is proven by No. 62 of the Federalist, where James Madison, in speaking of the appointment of Senators by the State Legislatures, says:

> It is recommended by the double advantage of favoring a select appointment and of giving to the State governments such an agency in the formation of the Federal Government as must secure the authority of the former, and may form a convenient link between the two systems.

And the words used by John Dickinson, of Delaware, in the debate in Committee of the Whole on June 7, 1787, are significant:

> The preservation of the States in a certain degree of agency is indispensable. The proposed national system is like the solar system, in which the the States are the planets, and they ought to be left to move freely in their proper orbits. If the State governments are excluded from all agency in the national one and all power drawn from the people at large the consequence will be that the National Government will move in the same direction as the State governments now do, and will run into all the same mischiefs.
>
> "A State exists as a political society; and it exists as a district of individual citizens, said William Samuel Johnson, one of the then Connecticut delegates: "In one branch of the General Government the people ought to be represented; in the other, the States."

And George Bancroft, in his History of the Constitution, tells us that in Committee of the Whole the choice of the second branch, or Senate, was with one consent intrusted to the individual Legislatures, and he adds these conclusive words:

> In this way the States as States made their lodgment in the new Constitution.

It follows, therefore, that the framers of the Constitution, were they present in this House to-day, would inevitably regard this resolution as a most direct blow at the doctrine of State's rights and at the integrity of the State sovereignties; for if you once deprive a State as a collective organism of all share in the General Government, you annihilate its federative importance.

The gentleman from Massachusetts [Mr. MCETTRICK] is in error when he says that the existing provision as to the choice of Senators was a compromise.

The plan he now favors—election by the people at large—secured but 1 vote in the Federal convention, while the existing provision was adopted unanimously in Committee of the Whole; and in convention, with but 2 dissentient votes out of eleven States; and the two States Virginia and Pennsylvania, which voted against the resolution, "that the members of the second branch of the Legislature of the United States ought to be chosen by the individual Legislatures," did so because they desired a representation in the Senate proportionate to population.

The sound, wise, conservative plan then adopted was no compromise. It was the only scheme which found any strong support in the body of the convention. The gentleman from Massachusetts has inveighed at some length against plutocracy and plutocrats, and has told us of the overweening danger of the money power. But he need not fear; for there is no danger in this country to-day from the aggregation of wealth in the hands of individuals.

We can take care of the rich man, the would-be plutocrat against whom so much vehemence is displayed. The danger to our free institutions on the contrary is to be looked for in another direction—from the socialist and from the anarchist who would destroy property and render life itself of but little value. And if it were safer and wiser in 1787 to guard against such influences by a derivative mode of choosing Senators, such safeguard is far more imperative to-day. At that time James Madison said of the Senate thus to be chosen:

> It will seasonably interpose between impetuous counsels and will guard the minority, who are placed above indigence, against the agrarian attempts of the ever-increasing class who labor under all the hardships of life and secretly sigh for a more equal distribution of its blessings.

And in 1788, in his great pamphlet on the new Constitution, James Iredell, of North Carolina, later a judge of the Supreme Court of the United States, wrote thus:

> Considering that in every popular government the danger of faction is often very serious and alarming, if such a danger could not be checked in its instant operation by some other power more independent of the immediate passions of the people, and capable, therefore, of thinking with more coolness, the government might be destroyed by a momentary impulse of passion, which the very members who indulged it might forever afterwards in vain deplore. The institution of the Senate seems well calculated to answer this salutary purpose.

Of course, the passage of this resolution by the House will come to naught, for it can never secure a two-thirds majority in the Senate, and if ever passed by the Senate it will never be ratified by the Legislatures of the requisite number of States, for they will not be anxious to admit their suggested incompetency or to confess their alleged venality. But the resolution should die here in this House.

At the opening of the Federal Convention in May, 1787, Washington said of its projected work:

> Let us raise a stand ard to which the wise and the honest can repair; the event is in the hand of God.

The Constitution, Heaven-born, and ushered into being under Divine auspices, has lasted unimpaired in its majesty and beauty for more than a century. The standard then raised by George Washington and his fellow-patriots still floats above us. Let it not be lowered; let the honest and the wise still repair to it, and leave the event in the hand of God.

Mr. TUCKER. Mr. Speaker, I yield fifteen minutes to the gentleman from Nebraska [Mr. BRYAN]; and while on my feet I desire to ask unanimous consent that all gentlemen who desire to do so may print remarks on this bill in the RECORD.

The SPEAKER *pro tempore*. Is there any objection to the request of the gentleman from Virginia?

Mr. BURROWS. Mr. Speaker——

Mr. PICKLER. That refers to all members?

The SPEAKER *pro tempore*. Yes. Permission has been granted already to gentlemen to extend their remarks in the RECORD. This embraces all members.

Mr. BURROWS. It is usual, Mr. Speaker, and I believe the gentleman from Virginia will have no objection to modifying his request accordingly, to fix some time to which this permission shall extend.

Mr. TUCKER. Well, say ten days from this time.

Mr. BURROWS. I have no objection to that.

The SPEAKER *pro tempore*. Then, in the absence of objection, gentlemen desiring to print remarks in the RECORD will have permission to do so on this subject, provided such remarks are furnished within ten days.

There was no objection.

Mr. BRYAN. Mr. Speaker, I believe I am recognized for fifteen minutes.

The SPEAKER *pro tempore*. The gentleman is recognized for fifteen minutes.

Mr. BRYAN. Mr. Speaker, I desire to call the attention of the House to what I consider a very important question involved in this joint resolution. I shall not consume time in discussing the general principle of electing Senators by the people. I believe we can take it for granted that not only in the country at large, but in this body, there is an overwhelming sentiment in favor of restoring to the people the right to elect their Senators by a direct vote. It matters not by what course of reasoning we reach that conclusion. We may conclude that the Constitution was a compromise in the beginning; that this plan was inserted as a necessity, and that the necessity having passed away, we can and ought to change it; or we may conclude that it was wise at that time, because then they had poor means of communication, and little means of knowing the character of the men for whom they voted, but that with our daily newspapers and our telegraph facilities we need not now delegate our powers. But whatever may have been the reason for adopting the present plan in the beginning, we realize to-day that no man can stand upon the floor of this House and defend the election of United States Senators by State Legislatures and at the same time defend the election of governors and of State representatives by a vote of the people. No distinction can be made between this and other representative offices.

If the people of a State have enough intelligence to choose their representatives in the State legislature; if they have enough intelligence to choose their executive officers; if they have enough intelligence to choose their judges and their officials in all the departments of the State and county, they have enough intelligence to choose the men who shall represent them in the United States Senate. To oppose the popular election of Senators is to question the wisdom of our form of Government.

We all recognize that there is a reason for the election of Senators by a direct vote to-day that did not exist at the time the Constitution was adopted. We know that to-day great corporations exist in our States, and that these great corporations, different from what they used to be one hundred years ago, are able to compass the election of their tools and their agents through the instrumentality of Legislatures, as they could not if Senators were elected directly by the people.

It is said that conventions will nominate. Yes, but behind conventions stand the voters, and the delegate to a convention dare not support a man whom the member of a Legislature might vote for with impunity. The candidate nominated by the convention must appeal to the voters, but the candidate chosen by a legislative caucus appeals to no one, and is responsible to no one. Men have been elected to the Senate whom no party convention would have dared to nominate.

We are told that we must not change the Constitution because it is a sacred instrument. Who is the best friend, he who flatters and worships, or he who reproves and corrects? He who would make such alterations as changed conditions necessitate is a better friend to the Constitution and to good government than he who defends faults and is blind to defects. Besides, the Federal Constitution has already been amended fifteen times. Amendment was contemplated and provision made for it in the instrument itself.

Our State constitutions are frequently changed, and necessarily so, since circumstances change from year to year. Pennsylvania has had four constitutions, Missouri four, Texas three, Virginia five, etc. Each generation is capable of self-government, and must suit to its peculiar needs the machinery of government and the laws.

Mr. Speaker, I do not desire, however, to dwell upon this phase of the question, but I want to call attention to what I believe to be a very important paragraph in this bill. This bill makes the election by direct vote compulsory, and includes a protection against Federal interference. We might as well recognize conditions. There is no statesmanship in shutting our eyes to the facts and asking for things which, though we desire them, yet we can not secure. If two-thirds of both Houses and three-fourths of the States were Democratic, we might be able to secure a provision which would protect the election of United States Senators and Representatives against Federal interference.

If two-thirds of both Houses and three-fourths of the States were Republican they might secure an amendment electing Senators by a direct vote and putting the control of such elections under the supervision of the General Government. But there is not to-day, there has not been for years, and probably will not be for years to come, a time when two-thirds of both Houses, and three-fourths of the States will be controlled by one political party. Therefore, it is worse than useless to attempt to engraft upon this measure a political principle which can never be adopted until three-fourths of the States are in the control of one party.

Therefore the Democrat who insists that we shall not have the election of Senators by the people unless we provide against Federal interference might just as well insist that we shall not have it for years to come. The Republican who insists that we shall not have it until we authorize Federal control might as well announce that he does not want to elect Senators by the people. We as Democrats should recognize that we must go before Republicans and ask them to vote for this bill, and Republicans should recognize that they can not secure the ratification of any amendment without the aid of Democratic members and Democratic States.

Mr. NORTHWAY. If you will strike out that provision you are talking about, I will vote for the bill.

Mr. HUDSON. My friend states that the Democrats are in favor of electing United States Senators by direct vote of the people. I want to ask him if he does not know that the Omaha platform of the Populists declared in favor of the election of United States Senators by a direct vote of the people? And in order to call my friend's attention to the doctrine declared by that convention, I will read the eighth section of the platform:

Resolved, That we favor a constitutional provision limiting the office of President and Vice-President to one term, and providing for the election of Senators of the United States by a direct vote of the people.

Mr. BRYAN. Mr. Speaker, I understand that that is in the Populist platform, and I do not think it makes the proposition any worse because it was embodied in that platform. The platform adopted by my Congressional convention also declared in favor of the election of Senators by a direct vote. The proposition is good, it matters not who advocates it. It is good whether the Democrats advocate it, or whether the Republicans advocate it, or whether the Populists advocate it. It is good because it is consistent with "a government of the people, by the people, and for the people;" and I welcome it whether it comes from the Populist platform or from any other source, or whether it comes without the indorsement of any convention.

Now, Mr. Speaker, I propose a substitute for this resolution—but I shall not have it read until later—which will simply leave it optional with the State whether it will elect Senators by a direct vote or not. The justification for this substitute is simple and plain. If we leave it optional with the States, we are not compelled either to prohibit Federal interference or to provide for it. The optional plan gives to the Republican party all the protection which it now has.

It gives to the Democrats who want to prohibit Federal interference all the protection which they now have. If we adopt this substitute we leave it to the States to say whether they wish to elect Senators by the people under the Constitution as it is now. If the Republicans say that will give the right of Federal interference, let them believe so and vote for it; but it does alter the Constitution. If those who oppose Federal interference fear the General Government will attempt to control the election of Senators, I say to them this bill provides that the State may go back and elect by the present plan, if it desires, and thus secure all the protection it has now. Therefore it gives to the man who opposes Federal interference every safeguard that is now provided. It gives to the man who favors Federal control every safeguard that he has to-day. My substitute neither adds to nor takes from the Constitution, so far as Federal control is concerned.

I beg you not to yield to party prejudice. I appeal to you who favor popular elections, is it not wiser to take this course than to attempt to fasten this proposition to some political question upon which the parties differ? We know that in the Fifty-first Congress the Republicans passed a bill through the House which was more stringent than the law we recently repealed in regard to Federal elections. We know that in this Congress the Democratic party repealed certain Federal election laws, and on the passage the Democrats voted for and that every Republican voted against that bill.

Need we any more evidence to prove that the Republican party stands by its advocacy of Federal control? Need we any more evidence to prove that the Democratic party opposes Federal interference? We realize that the two parties stand

face to face on this proposition, and are irreconcilably divided; and is it not wisdom to choose a plan of electing which passes between the lines and does not antagonize either side?

Mr. MILLIKEN. Will the gentleman allow me to ask him a question there?

Mr. BRYAN. I yield just a moment.

Mr. MILLIKEN. I would like to ask the gentleman if the present Executive has not found among the statutes and recently enforced a stronger force bill, at the point of the bayonet and at the muzzle of the musket, up in Illinois than the old force bill which you voted against and which your party voted against?

Mr. TUCKER. Do you approve his action?

Mr. MILLIKEN. I will answer, if I can get the time.

Mr. BRYAN. Mr. Speaker, I will not be led aside from the discussion of this question by any such interrogatory as that; and it only shows that if you attempt to tie to this question any other question you will soon be in a field of discussion that is absolutely boundless.

Why not, then, Mr. Speaker, accept a proposition which leaves this political question out, and which will bring the people face to face with the simple proposition: "Do you wish to elect Senators by a direct vote of the people or not?"

Ah, sirs, we go forth to battle with all the allied power of wealth against us, and if we give to them a single excuse behind which they can intrench themselves we shall toil in vain for this reform. If we go forth from this Hall with a partisan principle or party tenet tied to the proposition to elect Senators by a popular vote, every railroad corporation, every gigantic aggregation of wealth will be appealing to party prejudice, and they will not appeal in vain. If we attempt to prohibit Federal interference they will go to the Republicans and say, "Are you going to give up the right of the Federal Government to control elections?" If Federal interference is authorized, they will go to the Democrats and say, "Are you going to surrender the right of self-government?"

But, sirs, if we eliminate partisanship, if we eliminate the question of Federal control, and bring it down to the naked question, "Are you in favor of election of Senators by the people?" we can defeat any combinations formed against us.

The gentleman from Missouri [Mr. DE ARMOND] said yesterday that men would not vote for the optional plan if opposed to popular elections because they knew that it might soon be a burning question in the States. I believe, Mr. Speaker, under the optional plan it would at once become a burning question in the States. Give to the people of the States the right to express themselves, and you can depend upon it they will secure this reform.

But, sirs, we have not now that right and will not soon have it if the proposition is to be weighted down by a great political controversy. I have such confidence in the merits of this proposition that if you leave it to the people of the States to decide I believe they will decide it right. I have such faith in the merit of the proposition, that I am even willing to leave them the power to go back, if they want to do so, because I do not believe that this revolution will turn backward.

And now, sirs, if we want to secure the election of Senators by the people we must submit a proposition free from the Republican idea of Federal interference, and free from the Democratic idea of noninterference. We may just as well cease the attempt to secure this reform if we are going to tie it to Federal-election laws. I appeal to members on both sides of this House, members who in their hearts desire this reform, members who in their own judgment believe that the time has come to give the people a chance to vote for United States Senators, Democrats, Republicans, and Populists alike, to join in a proposition which will eliminate the political question and leave us simply the question of election by the people or not.

I shall vote for the election of Senators by the people in whatever form it is presented. If I must choose between the compulsory election of Senators with Federal interference prohibited, and compulsory election with Federal interference authorized, I shall vote to prohibit Federal interference. But if it is necessary to have Federal interference permitted, as in the case of the election of Representatives, in order to secure the election of Senators by a direct vote of the people, I will vote for it in that form; but I consider the optional plan very much stronger than either.

It is not original with me, although, so far as I know, I was the first to propose it in Congress. Judge Thomas, of Deadwood, S. Dak., first suggested it to me, and I accepted the suggestion as a good one, because the plan avoided the question of Federal control, acted in the line of the least resistance, and recognized the Democratic principle of allowing the State to decide the manner of election for itself. Mr. Bushnell, of Wisconsin, presented a minority report in favor of it in the last Congress, I having then introduced a bill embodying the optional feature.

The substitute which I have presented is the only one that I have seen which avoids all other questions. If anybody has any other proposition which will avoid both Scylla and Charybdis I will willingly support it, but no such proposition has been offered and I do not know of any that has been suggested anywhere. This leaves the State to do as it pleases and avoids all side issues. No person can complain of this proposition on the ground that it takes away an existing right. No person can oppose it who does not want to engraft on the Constitution some new provision not there to-day, and I ask you are you going to load this question down with burdens that it ought not to carry?

Are you going to make its fate depend on other propositions over which people are contending, or are you going to do the patriotic thing and say that because you believe in the election of Senators by the people you will submit that proposition, simple and direct, for the people to decide upon? If you do the latter I believe that victory is ours. I believe that we can call upon the common people and summon them to the defense of their rights; but, sirs, if we ask them to accept this proposition connected with some party tenet we must go out and fight the prejudices of thirty years. Is it not the part of patriotism, is it not the part of wisdom, to strike from this everything but the one proposition and make the opponents of popular government come out in the open field and fight for the control of politics by corporations, if they dare to make such a fight? [Applause.]

[Here the hammer fell.]

Mr. NORTHWAY. I yield ten minutes to the gentleman from Massachusetts [Mr. EVERETT].

Mr. EVERETT. Mr. Speaker, in the ten minutes, which is all that I can ask for, there is no time to give my views at length on this subject or to discuss the question as it deserves to be discussed. There is no time to discuss it in what has been allotted to us by the Committee on Rules, and I earnestly protest against the action of my honored friend from Virginia [Mr. TUCKER], who has insisted on settling in so short a time so vital a question as the amendment of our Constitution, and has insisted on discussing the constitution of the United States Senate at a time when this House of Representatives is much more interested in the actual Senate, and what it is saying and doing, than in its future constitution. [Laughter.]

But, since it must be so, let me say a few words and touch a very few points to show that I am an old conservative, an old Tory, if you like such a word as that, who wishes to stand by the Constitution which was made in 1787 more by an act of inspiration than by ordinary human wisdom. Gentlemen have dwelt here on the wonderful growth of the country. They have dwelt on the progress of a hundred years, which our fathers at Philadelphia never could have anticipated.

Why, sir, that progress is owing to the Constitution. It is because our people were governed by that Constitution that they have spread over the wilderness. It is because we were under that Constitution that we have developed our natural resources and increased our population. It is because we were under the bond of the Constitution that we have received and assimilated the oppressed peoples of Europe. It is the Constitution that has carried us through our wars. It is the Constitution that has raised us from weakness to greatness.

It is because we have had this element of stability, it is because we have had a noble system of government which could not be changed without the greatest difficulty, it is because the whim of the moment could not alter our methods of election, of administration, of judgments, that we have risen to this colossal height. And Mr. Speaker, it is the whole Constitution that has done it. The President, the House of Representatives, the Senate, the judiciary, all have been art and part of this great system. You can not put your finger on any of the great incidents in the advance of your country without finding traces of the hand of every part of our Government.

It is not a question of bearing the ills we have rather than flying to others we know not of. It is because I do not want to change a thing that has proved so wonderfully good, for any imagined gain that I oppose this change. And, sir, in this long history, aye, down to the present time the Senate of the United States, elected by the method appointed by our fathers, has done a noble and glorious part. There is not a State represented on this floor, from Virginia, the old Dominion of my honored friend [Mr. TUCKER], to the youngest of the States, that can not show Senators of whom it is proud, chosen under this old method.

It is said that the Senators chosen by the Legislatures do not represent the people, but if you go to the people of any State and ask them whether their Senatorial representation has not as a whole and with few exceptions done them credit and given them

glory and honor, they will tell you that that is indeed the case. There may be poor Senators; there may be poor Representatives; there may be poor Presidents; but, looking at the whole history of the country with all its changes and advances, in its prosperity and in its adversity, in its day of small things and in its day of greatness, the record of the Senate, the record of the Senatorial representation of the States, has been grand and glorious, and has carried out what the people of the different States demanded.

It is said that the Legislatures are subject to corruption; that they are open to bad influences. Who choose the Legislatures, Mr. Speaker? Where do those Legislatures come from? They come from the people; they come from the very ones to whom you wish to intrust the election of Senators. I believe in the people; but I believe that if there is corruption in the Legislatures it must be because there are weak spots somewhere in the people that lead to this corruption. If there is corruption showing itself in the elections of the Legislatures which choose the Senators, that corruption will show itself sooner or later in the popular vote.

Reform your Legislatures. Think more of them. Think more of what a trust you are putting into their hands. Make your Legislatures right, as you ought to, and your Senatorial delegation will be right also.

Oh, Mr. Speaker, it does not follow that because officers are chosen directly by the people, therefore they are the best representatives of the people. Let me present to you two cases by way of contrast. The judges in my State are appointed by the governor for life. I would ask any lawyer here who knows the Massachusetts reports whether the reports of the decisions of those appointed judges, with their life tenures, do not stand on an equality with the best reports of the best courts where the judges are chosen by popular election. I can assure you that the judges of Massachusetts discharge their offices to the entire satisfaction of the people.

Let me point to an opposite instance in France. It was a vast, an overwhelming popular vote of millions that gave away the liberties of France to the Emperor Napoleon III. The tyrant was at last overthrown. A republic has succeeded, which is proving one of the most stable as well as the most liberal of governments, and which has the love and sympathy of those everywhere in the world who love republican institutions. The President of that Republic is chosen, not directly by the people, but by machinery somewhat similar to that by which our Senators are chosen; yet who shall say that the martyred Carnot and the noble Perier are not far better representatives of the Republic of France and its people than was the tyrant who was elected by so-called universal suffrage?

Mr. BRYAN. Do you think our President ought to be elected in the same way as the President is elected in France?

Mr. EVERETT. No; because I believe every country should have its own way of choosing its own officers. The gentleman can not catch me in that way. [Laughter.]

Mr. BRYAN. Do you not think your illustration, then, loses its force?

Mr. EVERETT. No; I do not. I say that very often an intermediate way of election works better than a direct way, and represents the people more effectually.

Now, Mr. Speaker, it may be that what I say is unpopular; it may be considered undemocratic; it may be considered old-fogyish. But I want one word to be said in this House and on this side in favor of maintaining that Constitution, which has made us what we are—no, it is the people themselves that have made the country what it is; but the people have done so because they have been guided, restrained, helped by a most wonderful machinery working together, with all its parts fitly joined and compacted. Break one part of it and I believe you will break all. The Constitution has been amended before. The first few amendments might almost be considered as belonging to the original instrument. Since then there were, before the war, certain attempts to amend it. Several of those proposed amendments were voted down. They were declared at the time to be unnecessary.

Congress passed them and called upon the States to adopt them, but they were rejected. Who remembers them now? Who can tell me what were the amendments that were passed upon and voted down? But the Constitution stays. It grows in spirit and force. Year after year develops new resources in that amazing instrument. And if the country should grow to twice its size, if we should have a hundred States and two continents under the "Star Spangled Banner," there would still be sufficient resources in the Constitution as it is for the prosperity, the honor, and the glory of every State and every citizen of our vast domain. [Loud applause.]

Mr. TUCKER. Mr. Speaker, I was about to yield to the gentleman from Idaho [Mr. SWEET]; but as he is out of the Hall at the moment, I ask the gentleman from Ohio [Mr. NORTHWAY] to occupy ten minutes of his time.

Mr. NORTHWAY. I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR], and then I propose to yield to the gentleman from Maine [Mr. REED].

The SPEAKER *pro tempore* (Mr. TRACEY). The gentleman from Ohio [Mr. NORTHWAY] has twenty minutes remaining.

[Mr. GROSVENOR witholds his remarks for revision. See Appendix.]

Mr. NORTHWAY. I yield five minutes to the gentleman from Maine [Mr. REED].

Mr. REED. Mr. Speaker, for my part I am utterly unable to treat the pending proposition as a serious one. I quite agree with the gentleman from Masschusetts [Mr. EVERETT] as to the indecency—if I may enlarge his expression—of having a question of this magnitude come up for consideration in this fashion. Here is a proposition to change the method by which the coördinate branch of the Federal Legislature is to be chosen; a proposition to change a system which has existed for a great many years in our history.

Instead of its being discussed in a manner suitable and proportionate to its dignity and importance, it is crowded into the space of a part of two days, and there is not that inclination on the part of the House to give it the consideration and attention which its importance deserves, but upon an examination of the most general character, participated in by a few members only, it is proposed to do this great act.

In addition to this the gentlemen in charge of this bill have seen fit to incorporate into it a most offensive proposition to take away from the United States its right of control, which it has by the Constitution, as to its own legislative body.

It seems to me that every circumstance attends the presentation of this thing which should make the House look upon it as a farce, and that no member can be regarded as disposing of the matter according to his mature opinion. It therefore becomes worthless as an expression of sentiment on the part of the House. It is in absolute defiance of every declaration of the Democrats of the House with regard to the deliberation which should attend the transaction of important matters.

It is thrown into the wastebasket in the same collection and in the same connection with bills for the relief of disabled officers who have not got the promotion which they thought belonged to them. To dispose of a great constitutional question like this in such a fashion is a farce and an absurdity, which I did not believe a Democratic Congress, even with an hundred majority, would attempt to perpetrate. [Applause on the Republican side.]

Mr. NORTHWAY. I will yield time enough to the gentleman from Nebraska [Mr. BRYAN] to have his substitute read.

Mr. BRYAN. The chairman of the committee [Mr. TUCKER] states that he understands it is before the House as a substitute, as I understood it to be, and therefore it will not be necessary to read it until we come to vote.

The SPEAKER *pro tempore*. If there be no objection, the substitute will be considered as pending.

There was no objection.

Mr. NORTHWAY. How much time have I?

The SPEAKER *pro tempore*. The gentleman has ten minutes.

Mr. NORTHWAY. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I have no hesitation in saying that I am in favor of changing the mode of electing United States Senators, and the part of this proposition that would secure their election by a vote of the people I would favor; but I do not believe that any one of the promoters of this measure expects anything like success from it. They have coupled with it a proposition that they knew would not meet with the approval of the great mass of the people. If they had been content to allow the major proposition to stand by itself I think there are very many people in the section of country from which I come who would have been glad to see it prevail; but I do not believe the people of this country propose to allow the States to take away from the Federal Government the power to have control of these elections, and allow the States alone to participate in them.

We have had too many illustrations of the evil effects of that kind of legislation, or of that kind of action in the face of, and in the absence of legislation, and I do not believe that the people propose to consent to give to the different localities absolute sway to determine for themselves just what procedure they will indulge in. Congress ought to have some control in this matter, as is now provided in the Constitution.

Allow me to suggest a want of good faith upon the part of the promoters of this proposition. If you had desired to secure an

amendment of this kind, knowing the difficulties that there are, knowing that you must secure the consent of the Senate, would you have burdened it by making a party question of it in this way? If you were simply animated by an honest desire to secure a change you would not have weighted it down in the manner that you have. You have so worded this that although there are many Republicans who desire the change, none will feel at liberty to vote for your resolution, and it seems to me that you have not acted in good faith when you declare here that you have an honest, earnest purpose to secure a needed change in the Constitution. I will vote for the measure, plain and simple, to bring about such a change. I will not vote for it handicapped and burdened as it is.

You know that with the proposition as it is now, there is not the shadow of a possibility of carrying it through the Senate of the United States. You know that it is a mere pretense, and you are introducing and proposing this now solely because you want to out-Herod the Populists of your localities in their demand for this change. You know it will do no good here, in the way of securing legislation, but you expect it to do something for yourselves on the hustings. You do not want the change yourselves, many of you, but you want to appear to favor the change.

Mr. TUCKER. I yield three minutes to the gentleman from Illinois [Mr. WILLIAMS].

[Mr. WILLIAMS of Illinois withholds his remarks for revision. See Appendix.]

[Mr. TUCKER withholds his remarks for revision. See Appendix.]

The SPEAKER. The Clerk will report the amendment of the gentleman from Ohio [Mr. NORTHWAY].

The Clerk read as follows:

Strike out all after the word "vacancies," in line 7, down to and including the word "Senators," in line 10.

Also strike out all of lines 21, 22, and 23.

Mr. NORTHWAY. Mr. Speaker, I believe I have three minutes of my time remaining?

The SPEAKER. The gentleman has three minutes.

Mr. NORTHWAY. That amendment, if adopted, will eliminate everything from the joint resolution except the one question of the election of Senators by the people. Adopt the resolution as it is without the amendment, and you have this anomalous condition of affairs: that Congress can control as fully as now in the election of members of the House, but can not say anything relative to the election of Senators. So we shall have the people voting at the ballot box for members of the House and at the same ballot box for Senators, Congress having control so far as the election of members is concerned, but being without control so far as the election of Senators is concerned.

We shall then have a Constitution that will be like a goat with one horn. For that reason I have offered this amendment eliminating all but the proposition for the election of Senators.

The SPEAKER. The Clerk will report the language proposed to be stricken out by the amendment of the gentleman from Ohio.

The Clerk read as follows:

Line 7, page 1, strike out the following language:

"And in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators."

Also, in lines 21, 22, and 23, page 2, strike out the following:

"The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the Legislature thereof."

The question being taken on the amendment of Mr. NORTHWAY, there were—ayes 49, noes 119.

Mr. NORTHWAY. No quorum.

Mr. TUCKER. Let us have the yeas and nays, Mr. Speaker.

The yeas and nays were ordered, and the Speaker appointed to act as tellers at the desk Mr. NORTHWAY and Mr. TUCKER.

The question was taken; and there were—yeas 67, nays 137, answered "present" 4, not voting 143; as follows:

YEAS—67.

Aldrich,	Dalzell,	Lucas,	Russell, Conn.
Avery,	Daniels,	Mahon,	Sherman,
Baker, N. H.	Dolliver,	Marsh,	Smith,
Bartholdt,	Doolittle,	Marvin, N. Y.	Sperry,
Bartlett,	Ellis, Oregon	McCleary, Minn.	Stone, C. W.
Bingham,	Griffin,	Meiklejohn,	Strong,
Boen,	Grosvenor,	Mercer,	Sweet,
Bowers, Cal.	Hager,	Northway,	Taylor, Tenn.
Broderick,	Hainer,	Page,	Updegraff,
Brosius,	Hartman,	Payne,	VanVoorhis, Ohio
Bundy,	Hepburn,	Perkins,	Wadsworth,
Burrows,	Hermann,	Phillips,	Wanger,
Childs,	Hitt,	Pickler,	Waugh,
Cogswell,	Hull,	Post,	Wilson, Ohio
Cooper, Wis.	Johnson, N. Dak.	Powers,	Wilson, Wash.
Cousins,	Lefever,	Ray,	Wright, Mass.
Curtis, Kans.	Loud,	Reed,	

NAYS—137.

Alderson,	Culberson,	Kem,	Pigott,
Alexander,	Davey,	Kilgore,	Reilly,
Allen,	Davis,	Kribbs,	Richards, Ohio
Arnold,	De Armond,	Kyle,	Richardson, Mich.
Bailey,	De Forest,	Lane,	Richardson, Tenn.
Baker, Kans.	Dockery,	Latimer,	Ritchie,
Baldwin,	Donovan,	Layton,	Robertson, La.
Bankhead,	Ellis, Ky.	Lester,	Ryan,
Barwig,	Epes,	Livingston,	Sayers,
Bell, Colo.	Erdman,	Lynch,	Schermerhorn,
Bell, Tex.	Everett,	Maddox,	Shell,
Berry,	Fithian,	Maguire,	Snodgrass,
Black, Ga.	Forman,	Mallory,	Stockdale,
Bland,	Fyan,	Marshall,	Strait,
Boatner,	Goldzier,	Martin, Ind.	Straus,
Bretz,	Gorman,	McCreary, Ky.	Swanson,
Brickner,	Grady,	McCulloch,	Talbert, S. C.
Brookshire,	Graham,	McDearmon,	Tarsney,
Bryan,	Haines,	McEttrick,	Tate,
Bunn,	Hall, Minn.	McMillin,	Taylor, Ind.
Bynum,	Hall, Mo.	McRae,	Terry,
Caminetti,	Hammond,	Meyer,	Tucker,
Cannon, Cal.	Harris,	Money,	Turner, Ga.
Capehart,	Hayes,	Morgan,	Turner, Va.
Caruth,	Heard,	Mutchler,	Tyler,
Catchings,	Henderson, N. C.	Neill,	Warner,
Causey,	Hines,	Ogden,	Washington,
Clark, Mo.	Holman,	O'Neil, Mass.	Wheeler, Ala.
Cockrell,	Hudson,	Outhwaite,	Williams, Ill.
Coffeen,	Hunter,	Paschal,	Williams, Miss.
Cooper, Fla.	Hutcheson,	Patterson,	Wolverton,
Cooper, Ind.	Ikirt,	Pearson,	Woodard.
Cooper, Tex.	Izlar,	Pence,	
Cox,	Johnson, Ohio	Pendleton, Tex.	
Crawford,	Jones,	Pendleton, W. Va	

ANSWERED "PRESENT"—4.

Black, Ill.	Enloe,	Kiefer,	Springer.

NOT VOTING—143.

Abbott,	Dinsmore,	Houk,	Robinson, Pa.
Adams, Ky.	Draper,	Hulick,	Rusk,
Adams, Pa.	Dunn,	Johnson, Ind.	Russell, Ga.
Aitken,	Dunphy,	Lacey,	Scranton,
Apsley,	Durborow,	Lapham,	Settle,
Babcock,	Edmunds,	Lawson,	Shaw,
Barnes,	English, Cal.	Linton,	Sibley,
Belden,	English, N. J.	Lockwood,	Sickles,
Beltzhoover,	Fielder,	Loudenslager,	Simpson,
Blair,	Fletcher,	Magner,	Sipe,
Boutelle,	Funk,	McAleer,	Somers,
Bower, N. C.	Funston,	McCall,	Sorg,
Branch,	Gardner,	McDannold,	Stallings,
Breckinridge, Ark.	Gear,	McDowell,	Stephenson,
Breckinridge, Ky	Geary,	McGann,	Stevens,
Brown,	Geissenhainer,	McKaig,	Stone, W. A.
Burnes,	Gillet, N. Y.	McKeighan,	Stone, Ky.
Cabaniss,	Gillett, Mass.	McLaurin,	Storer,
Cadmus,	Goodnight,	McNagny,	Talbott, Md.
Campbell,	Gresham,	Meredith,	Tawney,
Cannon, Ill.	Grout,	Milliken,	Thomas,
Chickering,	Grow,	Montgomery,	Tracey,
Clancy,	Hare,	Moon,	Turpin.
Clarke, Ala.	Harmer,	Morse,	VanVoorhis, N. Y.
Cobb, Ala.	Harter,	Moses,	Walker,
Cobb, Mo.	Hatch,	Murray,	Weadock,
Cockran,	Haugen,	Newlands,	Wells,
Conn,	Heiner,	Oates,	Wever,
Coombs,	Henderson, Ill.	O'Neill, Mo.	Wheeler, Ill.
Cornish,	Henderson, Iowa	Paynter,	White,
Covert,	Hendrix,	Price,	Whiting,
Crain,	Hicks,	Quigg,	Wilson, W. Va.
Cummings,	Hooker, Miss.	Randall,	Wise,
Curtis, N. Y.	Hooker, N. Y.	Rayner,	Woomer,
Denson,	Hopkins, Ill.	Reyburn,	Wright, Pa.
Dingley,	Hopkins, Pa.	Robbins,	

So the amendment of Mr. NORTHWAY was rejected.

Mr. REED (during the roll call). I hope we shall have the unassisted judgment of the tellers.

The SPEAKER (suspending the call). The Chair did not understand the gentleman.

Mr. REED. I was simply saying that I hoped we should have the unassisted judgment of the tellers.

The SPEAKER. That is a matter for the tellers to determine.

Mr. TUCKER (one of the tellers). This gentleman [referring to one of the reading clerks who was near him at the Clerk's desk] is here at my request.

The SPEAKER. The Clerk will proceed with the call of the roll.

The roll call having been concluded—

The following pairs were announced:

Until further notice:

Mr. MCMILLIN with Mr. HOUK.

Mr. HOOKER of Mississippi with Mr. CHICKERING.

Mr. MOSES with Mr. VAN VOORHIS of New York.

Mr. TURPIN with Mr. GROUT.

Mr. STALLINGS with Mr. SCRANTON.

Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.

Mr. ABBOTT with Mr. MOON.

Mr. CORNISH with Mr. HOOKER of New York.

Mr. CABANISS with Mr. LACEY.

Mr. BANKHEAD with Mr. MILLIKEN.

Mr. BURNES with Mr. ADAMS of Kentucky.

Mr. DENSON with Mr. RANDALL.
Mr. ENLOE with Mr. BOUTELLE.
Mr. LAWSON with Mr. WHITE.
Mr. COBB of Alabama with Mr. BABCOCK.
Mr. DINSMORE with Mr. DRAPER.
Mr. STONE of Kentucky with Mr. GEAR.
Mr. GOODNIGHT with Mr. WALKER.
Mr. MONTGOMERY with Mr. TAWNEY.
Mr. PAYNTER with Mr. HAUGEN.
Mr. HATCH with Mr. HARMER.
Mr. WISE with Mr. FLETCHER.
Mr. EDMUNDS with Mr. WEVER.
Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.
Mr. STORER with Mr. MCCALL.
Mr. WEADOCK with Mr. HOPKINS of Pennsylvania.
Mr. WHITING with Mr. QUIGG.
Mr. HARE with Mr. WHEELER of Illinois.
Mr. COBB of Missouri with Mr. BARTHOLDT.
Mr. CRAIN with Mr. SETTLE.
Mr. WILSON of West Virginia with Mr. DINGLEY.
Mr. OATES with Mr. MORSE.
For this day:
Mr. WELLS with Mr. HICKS.
Mr. DURBOROW with Mr. LOUDENSLAGER.
Mr. SICKLES with Mr. STORER.
Mr. COVERT with Mr. FUNK.
On this question:
Mr. BRANCH with Mr. ADAMS of Pennsylvania.
On this vote:
Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.
On the bill:
Mr. CAMPBELL with Mr. ROBINSON of Pennsylvania. If present, Mr. CAMPBELL would vote for the bill, Mr. ROBINSON against it.

Mr. GEARY with Mr. MCDOWELL. If present, Mr. GEARY would vote for the bill, Mr. MCDOWELL against it.

Mr. TALBOTT of Maryland with Mr. WILLIAM A. STONE. If present, Mr. TALBOTT would vote for the bill, Mr. STONE against it.

Mr. DINSMORE (having voted "no"). I withdraw my vote, as I am paired with the gentleman from Massachusetts [Mr. DRAPER].

Mr. CLARK of Missouri. My colleague, Gen. HATCH, requested me to secure for him two days' leave of absence on account of sickness; also to state that on this question he is paired with the gentleman from Pennsylvania [Mr. HARMER], and if present would vote "aye" on the passage of the bill.

The SPEAKER. In the absence of objection, leave of absence will be granted to the gentleman from Missouri [Mr. HATCH] for two days.

There was no objection.

Mr. CULBERSON. My colleague from Texas, Mr. GRESHAM, is detained from the House on account of illness.

Mr. HENDERSON of Illinois. I am paired with the gentleman from Alabama, Mr. CLARKE. If he were present, I should vote in the affirmative.

Mr. BRICKNER. My colleague, Mr. SOMERS, is detained from the House on account of sickness, and desires to be excused.

The result of the vote was announced as above stated.

The SPEAKER. The question is now on the substitute of the gentleman from Nebraska [Mr. BRYAN]; which will be read.

The Clerk read as follows:

Strike out all after the enacting clause of the bill, and insert the following:

That the following amendment be proposed to the Legislatures of the several States, which, when ratified by three-fourths of said Legislatures, shall become and be a part of the Constitution, namely: That section 3 of Article I be amended as follows:

Strike out of the third section of Article I the following words: "The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote;" and insert in lieu thereof the following words:

"The Senate of the United States shall be composed of two Senators from each State, chosen for six years; and each Senator shall have one vote. The Senators shall be chosen by the Legislatures of the several States unless the people of any State, either through their Legislature or by the constitution of the State, shall provide for the election of United States Senators by direct vote of the people, then, in such case, during the existence of such statutory or constitutional provision, United States Senators shall be elected in such State at large by direct vote of the people; a plurality shall elect, and the electors shall have the qualification requisite for electors of the most numerous branch of the State Legislature."

The question being taken on agreeing to the substitute, there were, on a division (called for by Mr. BRYAN)—ayes 78, noes 66.

Mr. TUCKER. I call for tellers.

Tellers were ordered.

Mr. HEPBURN. I call for the yeas and nays.

Mr. WILSON of Washington. Pending that, I move that the House adjourn.

The SPEAKER. That motion is not in order.

Mr. WILSON of Washington. As I understand, there is a special order for this evening—the session for pension bills.

The SPEAKER. There is.

The yeas and nays were ordered.

Mr. TUCKER and Mr. BRYAN were appointed as tellers to act during the call of yeas and nays.

Mr. WILSON of Washington. I desire to submit a parliamentary inquiry: Suppose the roll call is commenced, would it be continued beyond 5 o'clock?

The SPEAKER. It would have to be concluded.

Mr. TUCKER. I rise to a parliamentary inquiry. The yeas and nays are ordered on this question. Now, is it in order to take a recess until to-morrow, and let the matter come up then?

The SPEAKER. It is not.

Mr. REED. It is in order to ask unanimous consent to do so.

The SPEAKER. Of course by unanimous consent it might be done; but the yeas and nays have been ordered.

Mr. TUCKER. I ask unanimous consent that the House take a recess now as of 5 o'clock.

Mr. GROSVENOR. And then the yeas and nays will be in order in the morning.

Mr. REED. I wish to submit a parliamentary inquiry. In case unanimous consent is not given, the House will take a recess at 5 o'clock, or as soon as the roll call is concluded, would it not?

The SPEAKER. The Chair is inclined to think that it was not the intention to take away the Friday night session.

Mr. REED. Then I will make another parliamentary inquiry. Is there anything to make this a continuing order to-morrow?

The SPEAKER. The previous question is ordered.

Mr. REED. It is considered ordered by the resolution adopted?

The SPEAKER. Yes; the previous question on the final passage of the bill.

Mr. GROSVENOR. Then it comes up to-morrow as unfinished business?

The SPEAKER. It will come up to-morrow.

Mr. TUCKER. I ask unanimous consent that the House now take a recess until 8 o'clock.

Mr. GROSVENOR. That is right.

Mr. BRYAN. I object.

The SPEAKER. Objection is made and the Clerk will proceed with the call of the roll. The gentleman from Virginia, Mr. TUCKER, and the gentleman from Nebraska, Mr. BRYAN, will please take their places as tellers.

The question was taken; and there were—yeas 88, nays 108, answered "present" 2, not voting 153; as follows:

YEAS—88.

Aldrich,	Cooper, Wis.	Hunter,	Pence,
Avery,	Cousins,	Ikirt,	Perkins,
Baker, Kans.	Curtis, Kans.	Johnson, N. Dak.	Pickler,
Barnes,	Daniels,	Kem,	Post,
Bell, Colo.	Davis,	Kiefer,	Powers,
Berry,	Dolliver,	Lefever,	Russell, Conn.
Bingham,	Doolittle,	Loud,	Ryan.
Black, Ill.	English, N. J.	Lucas,	Schermerhorn,
Boen,	Fithian,	Lynch,	Shell.
Bowers, Cal.	Griffin,	Mahon,	Sherman.
Broderick,	Grosvenor,	Marsh,	Smith,
Broslus,	Hager,	Martin, Ind.	Springer,
Bryan,	Hainer,	Marvin, N. Y.	Straus,
Bundy,	Haines,	McCleary, Minn.	Strong.
Burrows,	Hall, Minn.	McCulloch,	Sweet,
Cannon, Ill.	Harris,	McKeighan,	Tarsney,
Capehart,	Hartman,	Melklejohn,	Taylor, Tenn.
Childs,	Hepburn,	Mercer,	Updegraff,
Cockrell,	Hermann,	Money,	Van Voorhis, Ohio
Coffeen,	Hitt,	Northway,	Wanger,
Cogswell,	Hudson,	O'Neill, Mo.	Waugh,
Cooper, Tex.	Hull,	Page,	Wilson, Ohio.

NAYS—108.

Alderson,	Culberson,	Kyle,	Reilly,
Alexander,	Davey,	Lane,	Richards, Ohio
Allen,	De Armond,	Latimer,	Richardson, Mich.
Arnold,	De Forest,	Layton,	Richardson, Tenn.
Bailey,	Dockery,	Lester,	Ritchie,
Baker, N. H.	Donovan,	Livingston,	Robbins,
Baldwin,	Dunn,	Maddox,	Robertson, La.
Bartlett,	Epes,	Maguire,	Sayers,
Barwig,	Erdman,	Mallory,	Snodgrass,
Bell, Tex.	Everett,	Marshall,	Stockdale,
Black, Ga.	Forman,	McCreary, Ky.	Strait,
Bland,	Fyan,	McDearmon,	Swanson,
Boatner,	Goldzier,	McEttrick,	Talbert, S. C.
Bretz,	Gorman,	McRae,	Tate,
Brickner,	Grady,	Meyer,	Taylor, Ind.
Brookshire,	Graham,	Morgan,	Terry,
Bunn,	Hall, Mo.	Mutchler,	Tracey,
Bynum,	Hammond,	Neill,	Tucker,
Caminetti,	Hayes,	Ogden,	Turner, Ga.
Cannon, Cal.	Heard,	O'Neil, Mass.	Turner, Va.
Caruth,	Henderson, N. C.	Outhwaite,	Tyler,
Catchings,	Holman,	Paschal,	Washington,
Clark, Mo.	Hutcheson,	Patterson,	Wheeler, Ala.
Cooper, Fla.	Izlar,	Pearson,	Williams, Ill.
Cooper, Ind.	Johnson, Ohio	Pendleton, Tex.	Wilson, Wash.
Cox,	Jones,	Pendleton, W. Va.	Wolverton,
Crawford,	Kribbs,	Pigott,	Woodard.

ANSWERED "PRESENT"—2.

Barthoidt, Enloe,

NOT VOTING—153.

Abbott,	Dunphy,	Lacey,	Settle,
Adams, Ky.	Durborow,	Lapham,	Shaw,
Adams, Pa.	Edmunds,	Lawson,	Sibley,
Aitken,	Ellis, Ky.	Linton,	Sickles,
Apsley,	Ellis, Oregon	Lockwood,	Simpson,
Babcock,	English, Cal.	Loudenslager,	Sipe,
Bankhead,	Fielder,	Magner,	Somers,
Belden,	Fletcher,	McAleer,	Sorg,
Beltzhoover,	Funk,	McCall,	Sperry,
Blair,	Funston,	McDannold,	Stallings,
Boutelle,	Gardner,	McDowell,	Stephenson,
Bower, N. C.	Gear,	McGann,	Stevens,
Branch,	Geary,	McKaig,	Stone, C. W.
Breckinridge, Ark.	Geissenhainer,	McLaurin,	Stone, W. A.
Breckinridge, Ky.	Gillet, N. Y.	McMillin,	Stone, Ky.
Brown,	Gillett, Mass.	McNagny,	Storer,
Burnes,	Goodnight,	Meredith,	Talbott, Md.
Cabaniss,	Gresham,	Milliken,	Tawney,
Cadmus,	Grout,	Montgomery,	Thomas,
Campbell,	Grow,	Moon,	Turpin,
Causey,	Hare,	Morse,	Van Voorhis, N.Y.
Chickering,	Harmer,	Moses,	Wadsworth,
Clancy,	Harter,	Murray,	Walker,
Clarke, Ala.	Hatch,	Newlands,	Warner,
Cobb, Ala.	Haugen,	Oates,	Weadock,
Cobb, Mo.	Heiner,	Payne,	Wells,
Cockran,	Henderson, Ill.	Paynter,	Wever,
Conn,	Henderson, Iowa	Phillips,	Wheeler, Ill.
Coombs,	Hendrix,	Price,	White,
Cornish,	Hicks,	Quigg,	Whiting,
Covert,	Hines,	Randall,	Williams, Miss.
Crain,	Hooker, Miss.	Ray,	Wilson, W. Va.
Cummings,	Hooker, N. Y.	Rayner,	Wise,
Curtis, N. Y.	Hopkins, Ill.	Reed,	Woomer,
Dalzell,	Hopkins, Pa.	Reyburn,	Wright, Mass.
Denson,	Houk,	Robinson, Pa.	Wright, Pa.
Dingley,	Hulick,	Rusk,	
Dinsmore,	Johnson, Ind.	Russell, Ga.	
Draper,	Kilgore,	Scranton,	

So the substitute was rejected.

The following additional pairs were announced:

Mr. GEISSENHAINER with Mr. GILLETT of Massachusetts, for this day.

Mr. KILGORE with Mr. WALKER, until 8 o'clock p. m.

Mr. TATE. Mr. Speaker, on page 9067 of the RECORD I am recorded as not voting. I was present and voted "no" on that roll call.

Mr. RAY. I desire to withdraw my vote, as I am paired with Mr. WILLIAMS of Mississippi. He is necessarily absent and desired me to say that if he were present he would vote against this proposition. I would vote for it.

Mr. DINSMORE. I withdraw my vote. I am paired with Mr. DRAPER. I voted in the affirmative.

Mr. MCMILLIN. I desire to withdraw my vote. I voted to make a quorum. I am paired with my colleague Mr. HOUK.

The result of the vote was then announced as above recorded.

The SPEAKER. The House will now take a recess under the rule until 8 o'clock, the evening session to be devoted to business from the committees named in the rule. The gentleman from Indiana [Mr. BROOKSHIRE] will preside at the evening session.

Accordingly (at 5 o'clock and 17 minutes p. m.) the House took a recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. BROOKSHIRE, as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The House is in session pursuant to clause 3, Rule XXVI, for the purpose of considering bills on the Private Calendar.

ORDER OF BUSINESS.

Mr MARTIN of Indiana. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, with Mr. EVERETT in the chair.

PATRICK KELLEHER.

The CHAIRMAN. The Clerk will report the first bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 6405) to remove the charge of desertion standing against Patrick Kelleher, late private Company C, Thirty-eighth Illinois Volunteers.

The CHAIRMAN. This bill was pending last Friday night, when no quorum voted.

Mr. TALBERT of South Carolina. Mr. Chairman, I hope that bill will be withdrawn, and that it will not be pressed, because it will only obstruct business. If that bill can be passed over, I hope we may have an opportunity to consider some really meritorious bills. I move that that bill be laid aside for the present.

Mr. MARTIN of Indiana. Mr. Chairman, I ask unanimous consent that that bill be passed without prejudice.

Mr. PICKLER. Mr. Chairman, what bill is this?

The CHAIRMAN. The Clerk will again report the title of the bill.

The title of the bill was again read.

The CHAIRMAN. The point of no quorum was made last Friday. The gentleman from California [Mr. LOUD] is in charge of the bill. The gentleman from Indiana [Mr. MARTIN], chairman of the Committee on Invalid Pensions, asks unanimous consent to pass this bill over without prejudice, for the present. Is there objection?

Mr. LOUD. I object.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to correct the military record of Patrick Kelleher, late a private of Company C, Thirty-eighth Illinois Infantry, by removing the charge of desertion standing against his name and granting him an honorable discharge from said service.

Mr. MARTIN of Indiana. I hope the gentleman from California will not object to my request.

Mr. LOUD. I have done everything that was fair and reasonable in regard to this bill. I have offered to withdraw it on previous occasions, and my offer was not accepted.

The CHAIRMAN. There is an amendment to this bill which the Clerk will report.

The Clerk read as follows:

Add to the bill the following:

"*Provided*, That no pay, bounty, or emolument of any kind shall become due or payable by virtue of the passage of this act."

The CHAIRMAN. The question is on the amendment.

Mr. TALBERT of South Carolina. I make the point of order that the point of no quorum was pending and it is still pending.

The CHAIRMAN. Does the gentleman from South Carolina make the point that no quorum is present?

Mr. TALBERT of South Carolina. Yes; I make the point.

Mr. TAYLOR of Indiana. It is not in order to make that point until some vote is taken.

Mr. MARTIN of Indiana. That point can not arise without a vote.

The CHAIRMAN. The question is on the amendment.

Mr. PICKLER. Mr. Chairman, I think that the status of this bill is this: When we adjourned on last Friday night for the want of a quorum tellers had been ordered, and that is the parliamentary status of the bill now. The tellers will take their places.

Mr. TALBERT of South Carolina. I will call for a division, and shall make the point of no quorum, and insist upon it. My idea is just this: We have just begun the evening session, and we have ample time to send out and get the presence of members. If they are in earnest and mean that they want Union soldiers to have pensions they ought to be willing to come here and give them pensions by producing a constitutional quorum. I shall insist on the point of no quorum in order that a call of the House may be had, that we may send out and get these people who are playing the hypocrite from one Friday night to another here in Congress.

Mr. LOUD. Regular order.

Mr. TALBERT of South Carolina. Let them come here and give up some of their pleasures. That is my idea about the matter.

Mr. MARTIN of Indiana. I ask unanimous consent to make a statement which will occupy only two minutes.

The CHAIRMAN. If there be no objection, the gentleman will be allowed to make a statement.

Mr. LOUD. If I may have two minutes in which to reply, I shall not object.

Mr. PICKLER. Debate is not in order, is it?

Mr. LOUD. No, debate is not in order.

The CHAIRMAN. The gentleman from Indiana wishes to make a statement.

Mr. MARTIN of Indiana. Mr. Chairman, in view of the statement that has just been made by the gentleman from South Carolina [Mr. TALBERT]—and I know that he makes it in the utmost good faith—I want to say that we have two hours and a half, by limitation of the rule. In two hours and a half we can not get a quorum here, but we can expend from $250 up to $1,000 in trying to get a quorum here, and then we shall be compelled to adjourn.

Mr. TALBERT of South Carolina. Let me suggest right there that if we spend that time to-night, by next Friday night members will know that they have got to be here, and in that way we shall finally get a quorum.

Mr. MARTIN of Indiana. Mr. Chairman, this matter has been tried frequently, not in this Congress, but in previous Congresses; and I am sure that if a call of the House is ordered and the Sergeant-at-Arms is sent out to bring in absent members, it

will simply mean a waste of time and a waste of money and the passage of not a solitary bill.

Mr. PICKLER. Mr. Chairman, I want to say, further, if I may be permitted, that bringing a quorum will not help this matter any. When any of these bills are called up a member who gets the floor can hold it for an hour, and we would not be able to pass more than two or three bills if we had a quorum. We were assured several weeks ago that if we would not call up those bills for pensioning widows, as we finally agreed to do, and did, gentlemen would not make the point of no quorum.

Now, after we have put aside that class of bills and reached another class, that agreement, it appears, was merely a rope of sand, and the point of no quorum is again made. There is no good faith shown in carrying out that agreement. When we agreed to let those widows' bills go back, it was understood by the House that these factious objections would not be made, but they are made to another class of bills, in order to defeat all this class legislation, in my opinion.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. JONES. I desire to make a few observations on the bill.

Mr. LOUD. I would like to make a statement before the gentleman proceeds in respect to the real business before the House. The amendment to this bill had been adopted, and the House was dividing on the motion to lay the bill aside with a favorable recommendation. That is the status of the case. You can not go back to the amendment of this bill. This bill has passed the stage where that can be done, and we have got to dispose of it without any further debate.

The CHAIRMAN. The Chair is now informed that the amendment was agreed to, and the question as the Chair now understands it is on the motion that the bill be laid aside with a favorable recommendation.

Mr. JONES. It is to that motion that I desire to address myself.

Mr. LOUD. I believe that it is the universal rule of the House, where tellers have been appointed, that the procedure must revert back to that. Debate had closed. I do not think that there is any doubt as to the status of this case, and that it must go back to where it was last Friday night.

Mr. POST. On last Friday night we had a case in exactly the same position, and the Chairman directed the tellers to take their places at once.

Mr. JONES. Mr. Chairman, I do not desire to discuss that question. I do not know that I am prepared to do so. I supposed from the remarks made by the chairman of the Committee on Invalid Pensions that the matter would be taken up just as if there had been no direction for tellers to take their places on the point of no quorum being made. My recollection is that on that question the Chairman of the Committee of the Whole has held both ways. Indeed I am very sure that the matter has been decided both ways this session. I do not want to raise that question; but simply desire to submit a few remarks in the event that the Chair holds that this question can be debated at this stage of the proceedings.

The CHAIRMAN. Does the Chair understand the gentleman from Virginia as speaking on the point of order raised by the gentleman from California as to the stage of the bill?

Mr. JONES. I was speaking to that just now, but I simply say to the Chair that I have no desire to make the point on that question. I simply want to say that in the event the Chair holds, as has been held in the Committee of the Whole, that the bill was in a position that it could be discussed, that I desired to submit a few remarks on the bill.

Mr. LUCAS. Mr. Chairman, last Friday night when the House adjourned tellers had been ordered, and while we were proceeding under that order, it was disclosed that there was no quorum present. The roll was called, and at the close of that the House adjourned. Now, this bill comes up in the regular order at this meeting, and it seems, under the rule, we should begin right where we left off and proceed with a vote by tellers. Debate has closed upon this case, and surely nothing remains except to proceed with the vote by tellers.

The CHAIRMAN. The question is raised by the gentleman from California as to the parliamentary status of this bill. Tellers having been ordered before the committee rose, the question is whether the bill resumes the position in which it was left on the rising of the committee, and whether tellers should be reappointed. The Chair would state, with proper diffidence from his inexperience, that he believes that point has been ruled both ways. The bill has been thoroughly debated, and the Chair will rule that the bill stands as it did on the last Friday night session, and that tellers should take their places. The gentleman from California [Mr. LOUD] and the gentleman from South Carolina [Mr. TALBERT] will take their places as tellers.

The committee divided; and the tellers reported—ayes 24, noes 2.

Mr. TALBERT of South Carolina. No quorum.

The CHAIRMAN. The gentleman from South Carolina makes the point of no quorum. If that is insisted upon the Chair, under the rule, must direct the roll to be called.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Abbott,	Cummings,	Ikirt,	Reyburn,
Adams, Ky,	Dalzell,	Izlar.	Richards, Ohio
Adams, Pa.	Davey,	Johnson, Ind.	Richardson, Tenn.
Aitken,	De Forest,	Johnson, N. Dak.	Ritchie,
Alderson,	Denson,	Johnson, Ohio	Robbins,
Aldrich,	Dingley,	Kilgore,	Robertson, La.
Alexander,	Dinsmore,	Kyle,	Robinson, Pa.
Allen,	Dockery,	Lacey,	Rusk,
Apsley,	Donovan,	Lapham,	Russell, Conn.
Arnold,	Doolittle,	Latimer,	Russell, Ga.
Babcock,	Draper,	Lawson,	Sayers,
Bailey,	Dunn.	Lefever,	Schermerhorn,
Baker, N. H.	Dunphy,	Lester,	Scranton,
Baldwin,	Durborow,	Linton.	Settle,
Bankhead,	Edmunds,	Livingston,	Shaw,
Barnes,	Ellis, Ky.	Lockwood,	Shell,
Bartholdt,	Ellis, Oregon	Loudenslager,	Sherman,
Bartlett,	English, Cal.	Lynch,	Sibley,
Barwig,	English, N. J.	Maddox,	Sickles,
Belden.	Enloe,	Magner,	Simpson,
Bell, Colo.	Epes,	Maguire,	Sipe,
Bell, Tex.	Fielder,	Marsh,	Smith,
Beltzhoover,	Fithian,	Marshall,	Snodgrass,
Berry,	Fletcher,	Marvin, N. Y.	Somers,
Bingham,	Forman,	McAleer,	Sorg,
Black, Ill.	Funk,	McCall,	Sperry,
Blair.	Funston,	McCleary, Minn.	Springer,
Bland,	Fyan,	McCreary, Ky.	Stallings,
Boatner,	Gardner,	McCulloch,	Stephenson,
Boen,	Gear.	McDannold,	Stevens,
Boutelle,	Geary,	McDearmon,	Stockdale,
Branch,	Geissenhainer,	McDowell,	Stone, W. A.
Breckinridge, Ark.	Gillet, N. Y.	McGann,	Stone, Ky.
Breckinridge, Ky.	Gillett, Mass.	McKaig,	Storer,
Brickner,	Goldzier,	McKeighan,	Strait,
Broderick,	Goodnight,	McLaurin,	Straus,
Brosius,	Gorman,	McMillin,	Swanson,
Brown,	Grady,	Meiklejohn,	Sweet,
Bryan.	Graham,	Mercer,	Talbott, Md.
Bundy,	Gresham,	Meredith,	Tarsney,
Bunn,	Grosvenor,	Meyer,	Tawney,
Burnes,	Grout,	Milliken,	Taylor, Tenn.
Burrows,	Grow,	Money,	Terry,
Bynum,	Hager,	Montgomery,	Thomas,
Cabaniss,	Haines,	Moon,	Tracey,
Cadmus,	Hall, Minn.	Morgan,	Tucker,
Caminetti,	Hall, Mo.	Morse,	Turner, Ga.
Campbell,	Hammond,	Moses,	Turner, Va.
Cannon, Cal.	Hare,	Murray,	Turpin,
Cannon, Ill.	Harmer,	Mutchler,	Tyler,
Caruth,	Harris,	Neill,	Updegraff.
Catchings,	Harter,	Newlands,	Van Voorhis, N. Y
Causey,	Hartman,	Northway,	Van Voorhis, Ohio
Chickering,	Hatch,	Oates,	Wadsworth,
Childs,	Haugen,	Ogden,	Walker,
Clancy,	Hayes,	O'Neil, Mass.	Washington,
Clarke, Ala.	Heard,	O'Neill, Mo.	Waugh,
Cobb, Ala.	Heiner,	Outhwaite,	Weadock,
Cobb, Mo.	Henderson, Ill.	Page,	Wells,
Cockran,	Henderson, Iowa	Paschal,	Wever,
Cockrell,	Henderson, N. C.	Patterson,	Wheeler, Ill.
Coffeen,	Hendrix,	Payne,	White,
Conn,	Hepburn,	Paynter,	Whiting,
Coombs,	Hermann,	Pence,	Williams, Miss,
Cooper, Fla.	Hicks,	Pendleton, Tex.	Wilson, Ohio
Cooper, Ind.	Hines,	Pendleton, W. Va.	Wilson, Wash.
Cooper, Tex.	Hitt,	Phillips,	Wilson, W. Va.
Cooper, Wis.	Holman,	Powers,	Wise,
Cornish,	Hooker, Miss.	Price,	Wolverton,
Cousins,	Hooker, N. Y.	Quigg,	Woodard,
Covert,	Hopkins, Ill.	Randall,	Woomer,
Cox.	Hopkins, Pa.	Ray.	Wright, Mass.
Crain,	Houk.	Rayner,	Wright, Pa.
Crawford,	Hulick.	Reed,	
Culberson,	Hutcheson,	Reilly,	

Mr. MARTIN of Indiana (during the roll call). I ask unanimous consent that the further call of the roll may be dispensed with, and that the committee may rise.

Mr. TALBERT of South Carolina. I object.

The roll call was resumed and concluded.

Mr. CURTIS of New York. Mr. Chairman, I ask that those who have failed to respond on the first call be excused.

Mr. HULL. If that is done, we shall have to adjourn.

Mr. CURTIS of New York. We must adjourn anyhow.

The CHAIRMAN. There is only one call of the roll in Committee of the Whole.

Mr. CURTIS of New York. A motion is in order to excuse any individual who may be absent on the second roll call.

The CHAIRMAN. After the Committee of the Whole rises, the gentleman may make his request that members be excused.

The committee rose; and Mr. BROOKSHIRE having resumed the chair as Speaker *pro tempore*, Mr. EVERETT reported that the Committee of the Whole on the Private Calendar, having had under consideration the bill (H. R. 6405) to remove the

charge of desertion pending against Patrick Kelleher, late private, Company C, Thirty-eighth Illinois Volunteers, the committee had found itself without a quorum, whereupon the Chairman had directed the roll to be called, and now reported the names of the absentees to the House to be entered on the Journal.

The SPEAKER *pro tempore*. The roll call shows that 53 members, less than a quorum, have responded. The names of the absentees will be entered on the Journal.

Mr. CURTIS of New York. I move that the House adjourn.

The motion was agreed to; and accordingly (at 8 o'clock and 25 minutes p. m.) the House adjourned.

REPORTS OF COMMITTES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GEISSENHAINER, from the Committee on Naval Affairs: A bill (S. 1438) for the relief of Louis A. Yorke. (Report No. 1278.)

By Mr. MCALEER, from the same committee, a bill (H. R. 1221) to correct the naval record of and grant an honorable discharge to Thomas H. Holden, of Pawtucket, R. I. (Report No. 1286.)

Also, a bill (H. R. 5180) to remove the charge of desertion against the record of William J. McFalls. (Report No. 1287.)

By Mr. BOWERS of California, from the Committee on Military Affairs: A bill (S. 829) granting an honorable discharge to Cyrus Payne. (Report No. 1288.)

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. COCKRELL: A bill (H. R. 7781) to amend an act entitled "An act to establish a United States court in the Indian Territory, and for other purposes," approved March 1, 1889, and an act entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May 2, 1890; to provide for the redistricting of the Indian Territory for judicial purposes, for an additional judge and more United States commissioners, and to prescribe the jurisdiction, duties, and authority of such judges and commissioners, and for other purposes—to the Committee on the Judiciary.

By Mr. BRANCH: A bill (H. R. 7782) to provide for the establishment of State banks—to the Committee on Banking and Currency.

By Mr. CLARKE of Alabama: A bill (H. R. 7783) to fix the terms of the circuit and district courts of the United States for the southern division of the northern district of Alabama—to the Committee on the Judiciary.

By Mr. MEIKLEJOHN: A bill (H. R. 7784) for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. OUTHWAITE (by request): A bill (H. R. 7785) to authorize the Secretary of the Treasury of the United States to issue silver-bullion certificates upon deposit of silver bullion—to the Committee on Coinage, Weights, and Measures.

By Mr. QUIGG: A bill (H. R. 7795) to purchase a portrait of Daniel D. Tompkins, late Vice-President of the United States, painted by Jarvis, in 1812—to the Committee on the Library.

By Mr. GROSVENOR: A resolution calling upon the Secretory of War for information regarding the court-martial and sentence of Charles O. Cedarquist, private Company A, Second Infantry—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BURROWS: A bill (H. R. 7786) for the relief of James G. Barker—to the Committee on War Claims.

By Mr. GROSVENOR: A bill (H. R. 7787) to remove the charge of desertion from the record of Winfield S. Barnett and to grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 7788) for the relief of Josiah R. Allen—to the Committee on War Claims.

Also, a bill (H. R. 7789) granting an increase of pension to Henry H. Alcorn—to the Committee on Invalid Pensions.

By Mr. HAINES: A bill (H. R. 7790) to authorize and direct the Secretary of the Interior to place the name of Lucy H. Hopkins on the pension roll—to the Committee on Invalid Pensions.

By Mr. NEILL (by request): A bill (H. R. 7791) for the relief of the estate of Nancy Whisenant, deceased, late of White County, Ark.—to the Committee on War Claims.

By Mr. WELLS: A bill (H. R. 7792) authorizing and directing the accounting officers of the Government to audit the account of William Siegelberg, etc.—to the Committee on Claims.

Also, a bill (H. R. 7793) authorizing and directing the Secretary of the Interior to place upon the pension rolls the name of Laurenz Hegel—to the Committee on Invalid Pensions.

By Mr. WHITING: A bill (H. R. 7794) to remove the charge of desertion against George A. Jeffers—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD: Papers to accompany House bill 7767—to the Committee on Naval Affairs.

By Mr. CARUTH: Papers to accompany House bill 7644, a bill for the relief of the estate of William Campbell, deceased—to the Committee on War Claims.

By Mr. GRIFFIN: Petition of the Trades and Labor Council of Detroit and 25,000 citizens of Detroit, praying for the passage of the bill now before Congress, incorporating the telegraph with the postal service—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: Memorial and evidence to support House bill 7769, to remove the charge of desertion from the record of Christopher Murray—to the Committee on Military Affairs.

Also, evidence and memorial to support House bill 7770—to the Committee on Military Affairs.

By Mr. HERMANN: Memorial from Chambers of Commerce of Portland and Astoria, Oregon, for an appropriation for fish hatcheries on the Columbia River in Oregon—to the Committee on Appropriations.

By Mr. MCRAE: Resolutions of the Agriculture Protective Association of Blue County, Choctaw Nation, Ind. T., to accompany House bill 7590—to the Committee on Indian Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 21, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DURBOROW, for three days, on account of sickness.

To Mr. MORSE, indefinitely, on account of sickness.

To Mr. SMITH of Illinois, for one week, on account of the sickness of his wife.

ELECTION OF UNITED STATES SENATORS BY THE PEOPLE.

The SPEAKER. The Chair recognizes the gentleman from North Carolina [Mr. WOODARD].

Mr. BOWERS of California. I call for the regular order.

The SPEAKER. The regular order is the vote upon the passage of the joint resolution (H. Res. 20) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States. This being a proposition to amend the Constitution, a two-thirds vote is necessary for its adoption.

The question having been put—

The SPEAKER. In the opinion of the Chair, two-thirds have voted in the affirmative.

Mr. NORTHWAY. I call for a division.

Mr. PENDLETON of West Virginia. I demand the yeas and nays.

The yeas and nays were ordered.

The Speaker appointed Mr. TUCKER and Mr. NORTHWAY to act as tellers during the call of the yeas and nays.

The question was taken; and there were—yeas 141, nays 50, answered "present 2," not voting 158; as follows:

YEAS—141.

Alderson,	Bell, Colo.	Brown,	Coffeen,
Alexander,	Bell, Tex.	Bryan,	Cooper, Fla.
Allen,	Black, Ga.	Bunn,	Cooper, Ind.
Arnold,	Bland,	Bynum,	Cooper, Tex.
Bailey,	Boatner,	Caminetti,	Cooper, Wis.
Baker, Kans.	Boen,	Cannon, Cal.	Cox,
Baldwin,	Bower, N. C.	Capehart,	Crawford,
Barnes,	Bretz,	Catchings,	Culberson,
Barthold,	Brickner,	Clark, Mo.	Davey,
Barwig,	Brookshire,	Cockrell,	Davis,

De Armond,	Henderson, N. C.	McMillin,	Snodgrass,
De Forest,	Hepburn,	McNagny,	Springer,
Dinsmore,	Holman,	McRae,	Strait,
Dockery,	Hunter,	Meredith,	Swanson,
Donovan,	Hutcheson,	Meyer,	Sweet.
Doolittle,	Izlar,	Morgan,	Talbert, S. C.
Ellis, Ky.	Johnson, N. Dak.	Mutchler,	Talbott, Md.
English, Cal.	Kem,	Newlands,	Tarsney,
Epes,	Kiefer,	Ogden,	Tate,
Erdman,	Kribbs,	O'Neill, Mo.	Taylor, Ind.
Fithian,	Kyle,	Outhwaite,	Tucker,
Forman,	Lane,	Patterson,	Turner, Ga.
Goldzier,	Latimer,	Pearson,	Turner, Va.
Gorman,	Layton,	Pence,	Tyler,
Grady,	Livingston,	Pendleton, Tex.	Warner,
Graham,	Lynch,	Pendleton, W. Va.	Washington,
Gresham,	Maddox,	Pickler,	Wells,
Griffin,	Maguire,	Pigott,	Wheeler, Ala.
Haines	Mallory,	Reilly,	Williams, Ill.
Hall, Minn.	Marsh,	Richards, Ohio	Williams, Miss.
Hall, Mo.	Marshall	Richardson, Tenn.	Wilson, Wash.
Hammond,	Martin, Ind.	Robertson, La.	Wolverton,
Harris,	McCreary, Ky.	Ryan,	Woodard.
Harter,	McDearmon,	Sayers,	
Heard,	McEttrick,	Schermerhorn,	
Henderson, Iowa	McKaig,	Shell,	

NAYS—60.

Aldrich,	Daniels,	Loud,	Russell, Conn.
Apsley,	Dolliver,	Lucas,	Sherman,
Avery,	Ellis, Oregon	Marvin, N. Y.	Sperry,
Baker, N. H.	English, N. J.	McCall,	Stone, W. A.
Bartlett,	Everett,	Meiklejohn,	Taylor, Tenn.
Bingham,	Grosvenor,	Northway,	Thomas,
Bowers, Cal.	Grout,	Page,	Updegraff,
Brosius,	Hager,	Payne,	Van Voorhis, Ohio
Bundy,	Hainer,	Perkins,	Wadsworth,
Burrows,	Hitt,	Phillips,	Wilson, Ohio
Cannon, Ill.	Hull,	Powers,	Wright, Mass.
Curtis, Kans.	Johnson, Ind.	Ray,	
Dalzell,	Lefever,	Reed,	

ANSWERED "PRESENT"—2.

Draper,	Money.

NOT VOTING—168.

Abbott,	Dunn,	Kilgore,	Rusk,
Adams, Ky.	Dunphy,	Lacey,	Russell, Ga.
Adams, Pa.	Durborow,	Lapham,	Scranton,
Aitken,	Edmunds,	Lawson,	Settle,
Babcock,	Enloe,	Lester,	Shaw,
Bankhead,	Fielder,	Linton,	Sibley,
Belden,	Fletcher,	Lockwood,	Sickles,
Beltzhoover,	Funk,	Loudenslager,	Simpson,
Berry,	Funston,	Magner,	Sipe,
Black, Ill.	Fyan,	Mahon,	Smith,
Blair,	Gardner,	McAleer,	Somers,
Boutelle,	Gear,	McCleary, Minn.	Sorg,
Branch,	Geary,	McCulloch,	Stallings,
Breckinridge, Ark.	Geissenhainer,	McDannold,	Stephenson,
Breckinridge, Ky.	Gillet, N. Y.	McDowell,	Stevens,
Broderick,	Gillett, Mass.	McGann,	Stockdale,
Burnes,	Goodnight,	McKeighan,	Stone, C. W.
Cabaniss,	Grow,	McLaurin,	Stone, Ky.
Cadmus,	Hare,	Mercer,	Storer,
Campbell,	Harmer,	Milliken,	Straus,
Caruth,	Hartman,	Montgomery,	Strong,
Causey,	Hatch,	Moon,	Tawney,
Chickering,	Haugen,	Morse,	Terry,
Childs,	Hayes,	Moses,	Tracey,
Clancy,	Heiner,	Murray,	Turpin,
Clarke, Ala.	Henderson, Ill.	Neill,	Van Voorhis, N. Y.
Cobb, Ala.	Hendrix,	Oates,	Walker,
Cobb, Mo.	Hermann,	O'Neil, Mass.	Wanger,
Cockran,	Hicks,	Paschal,	Waugh,
Cogswell,	Hines,	Paynter,	Weadock,
Conn,	Hooker, Miss.	Post,	Wever,
Coombs,	Hooker, N. Y.	Price,	Wheeler, Ill.
Cornish,	Hopkins, Ill.	Quigg,	White,
Cousins,	Hopkins, Pa.	Randall,	Whiting,
Covert,	Houk,	Rayner,	Wilson, W. Va.
Crain,	Hudson,	Reyburn,	Wise,
Cummings,	Hulick,	Richardson, Mich.	Woomer,
Curtis, N. Y.	Ikirt,	Ritchie,	Wright, Pa.
Denson,	Johnson, Ohio	Robbins,	
Dingley,	Jones,	Robinson, Pa.	

So (two-thirds voting in favor thereof) the joint resolution was passed.

Before the result of the vote was announced,

Mr. GEAR. I wish to withdraw my vote. I am paired with the gentleman from Kentucky [Mr. STONE]. If he were present, he would vote for this joint resolution and I should vote against it.

Mr. McMILLIN. Mr. Speaker, I have been paired with my colleague [Mr. HOUK]; but on this question I desired to vote; and he is now paired with the gentleman from Mississippi [Mr. MONEY]. I have therefore voted in the affirmative.

Mr. BRODERICK. Mr. Speaker, I wish to inquire whether the gentleman from Mississippi [Mr. STOCKDALE] has voted?

The SPEAKER. He has not.

Mr. BRODERICK (who had voted "no"). I agreed yesterday to pair with him from to-day. As he has not voted on this question, I desire to withdraw my vote.

Mr. DRAPER. Mr. Speaker, I should like to vote. I was present, but understood that I was paired with the gentleman from Arkansas [Mr. DINSMORE]. I was not aware that he was present. I find, however, that he has voted. I should therefore be glad to have my vote recorded in the negative.

The SPEAKER. The Chair can not entertain that request. The gentleman can be recorded as present.

Mr. BURROWS. I wish to inquire whether the names of the members noted as present ought not to be read?

The SPEAKER. There has been no report of those names by the tellers, because there was a quorum voting.

The following pairs were announced:

Until further notice:

Mr. MONEY with Mr. HOUK. Mr. MONEY would vote for this joint resolution.

Mr. WILSON of West Virginia with Mr. DINGLEY.

Mr. OATES with Mr. MORSE.

Mr. HOOKER of Mississippi with Mr. CHICKERING.

Mr. MOSES with Mr. VAN VOORHIS of New York.

Mr. STALLINGS with Mr. SCRANTON.

Mr. ABBOTT with Mr. MOON.

Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.

Mr. CORNISH with Mr. HOOKER of New York.

Mr. CABANISS with Mr. LACEY.

Mr. BANKHEAD with Mr. MILLIKEN.

Mr. CADMUS with Mr. ADAMS of Kentucky.

Mr. DENSON with Mr. RANDALL.

Mr. ENLOE with Mr. BOUTELLE.

Mr. LAWSON with Mr. WHITE.

Mr. COBB of Alabama with Mr. BABCOCK.

Mr. STONE of Kentucky with Mr. GEAR.

Mr. GOODNIGHT with Mr. WALKER.

Mr. TURPIN with Mr. GROUT.

Mr. MONTGOMERY with Mr. TAWNEY.

Mr. PAYNTER with Mr. HAUGEN.

Mr. HATCH with Mr. HARMER.

Mr. WISE with Mr. FLETCHER.

Mr. EDMUNDS with Mr. WEVER.

Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.

Mr. WEADOCK with Mr. HOPKINS of Pennsylvania.

Mr. WHITING with Mr. QUIGG.

Mr. HARE with Mr. WHEELER of Illinois.

Mr. CRAIN with Mr. SETTLE.

Mr. STRAUS with Mr. GILLET of New York.

Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.

Mr. COBB of Missouri with Mr. BARTHOLDT.

Mr. STOCKDALE with Mr. BRODERICK (except on tariff).

For this day:

Mr. MCALEER with Mr. STEPHENSON.

Mr. LESTER with Mr. SMITH of Illinois.

Mr. JONES with Mr. CURTIS of New York.

Mr. BRANCH with Mr. ADAMS of Pennsylvania.

Mr. PASCHAL with Mr. GARDNER.

Mr. SICKLES with Mr. STORER.

Mr. DURBOROW with Mr. LOUDENSLAGER.

Mr. BERRY with Mr. FUNK.

Mr. WASHINGTON with Mr. COGSWELL.

Mr. TRACEY with Mr. MERCER.

On this vote:

Mr. CAUSEY with Mr. HICKS.

On this bill:

Mr. CAMPBELL with Mr. ROBINSON of Pennsylvania. If present Mr. CAMPBELL would vote for the bill, Mr. ROBINSON against it.

Mr. GEARY with Mr. MCDOWELL. If present Mr. GEARY would vote for the bill, Mr. MCDOWELL would vote against it.

The result of the vote was announced as above stated.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 5894) making appropriations for the Military Academy for the fiscal year ending June 30, 1895; and

A bill (H. R. 6108) making appropriation for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1895.

LEAVE OF ABSENCE

By unanimous consent, indefinite leave of absence was granted to Mr. BERRY, on account of sickness in his family.

INDIAN APPROPRIATION BILL.

Mr. HOLMAN. Mr. Speaker, I ask leave to report back from the Committee on Indian Affairs the bill making appropriations for the Indian service for the year 1895. I am instructed by the Committee on Indian Affairs to request unanimous consent that the amendments of the Senate, one hundred and twenty in number, be nonconcurred in and a conference asked with the Senate thereon.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes.

The SPEAKER. The gentleman from Indiana reports back from the Committee on Indian Affairs the Senate amendments to this bill, and by direction of the committee asks unanimous consent that the House nonconcur in the Senate amendments and request a conference thereon. Without objection, that order will be made.

There was no objection.

Mr. HOLMAN, Mr. ALLEN, and Mr. WILSON of Washington were appointed conferees on the part of the House.

The SPEAKER. The Clerk will call the committees for reports.

PACIFIC RAILROADS.

Mr. REILLY, from the Committee on the Pacific Railroads, reported in lieu of House bills 305, 4411, 6947, and 6950 a bill (H. R. 7798) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure to the United States payment of all indebtedness of certain companies therein mentioned; which were referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. REILLY. This is a substitute, and I ask that it be printed and the original bills lie on the table.

The SPEAKER. The bills in lieu of which the gentleman reports the bill, the title of which has just been read, will be ordered to lie on the table.

Mr. REILLY. I also ask leave of the House that members of the committee who desire to submit minority views will have that privilege.

The SPEAKER. In the absence of objection, the minority will be permitted to file their views, to be printed with the report of the committee.

There was no objection.

SECTION 553, REVISED STATUTES.

Mr. COOPER of Florida, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 4950) to amend section 553 of the Revised Statutes of the United States, relating to the District of Columbia; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

DIRECT TAX, WEST VIRGINIA.

The SPEAKER. The morning hour begins at ten minutes before 1 o'clock. The Clerk will read the title of the bill called up by the gentleman from Texas [Mr. CULBERSON] on yesterday just before the expiration of the morning hour.

The Clerk read as follows:

Joint resolution (H. Res. 119) to direct the Secretary of the Treasury to pay to the governor of the State of West Virginia the sum appropriated by the act of Congress entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861."

The SPEAKER. This bill is in the Committee of the Whole.

Mr. CULBERSON. Mr. Speaker, I desire to state to the House that this resolution was reported from the Committee on the Judiciary by the gentleman from Arkansas [Mr. TERRY], who is unavoidably detained from the House this morning. Mr. WILSON of West Virginia, who introduced the bill, I think originally, feels a great interest in it, and I ask unanimous consent that the second morning hour may be dispensed with to-day in order to allow these gentlemen to be present when this bill is considered in the next morning hour to which the committee is entitled.

Mr. REED. Are we in the second morning hour now?

Mr. CULBERSON. Yes.

Mr. REED. Can not the committee take up some other bill?

Mr. CULBERSON. I am perfectly willing to take this bill up on Tuesday. I do not wish any advantage, I will state to the gentleman.

Mr. REED. But suppose you lay it aside, and take up some other bill.

The SPEAKER. This bill was pending in the morning hour.

Mr. CULBERSON. I would say in response to the gentleman from Maine that we would not be authorized to do that under the rule; we have only one hour left.

Mr. REED. Very well; I have no objection to the request of the gentleman.

The SPEAKER. The gentleman from Texas asks for unanimous consent that the morning hour be dispensed with for to-day.

Mr. BURROWS. Do I understand that the committee is to have the hour at some other time?

The SPEAKER. The committee had an hour on yesterday, and under the rule they can use another hour if necessary.

Mr. BURROWS. And the committee would lose its right to day?

The SPEAKER. It would lose its right——

Mr. CULBERSON. Mr. Speaker, I do not understand that.

The SPEAKER. What is the suggestion of the gentleman?

Mr. CULBERSON. That the committee would lose its right to call this up in the next morning hour.

The SPEAKER. The Chair stated that when the committee finished this bill it would not be able to call up any other bill. That is to say, it would lose its right after the consideration of this bill, if its consideration occupied the hour.

Mr. CULBERSON. That is correct.

Mr. BURROWS. When will this come up?

The SPEAKER. The next day that we have a morning hour. This simply postpones its consideration for to-day.

Without objection, the morning hour will be dispensed with for to-day.

There was no objection.

REINSTATEMENT OF CERTAIN RAILWAY MAIL CLERKS.

The SPEAKER. The Clerk will report the special order for to-day.

The Clerk read as follows:

That Saturday, the 21st instant, after the second morning hour, the House shall proceed to the consideration of House bill 3249; that at the hour of 4 p. m. the previous question shall be considered as ordered on the amendments, if any, and on the bill to its final passage; and the vote shall then be taken without delay.

This order not to interfere with conference reports, or revenue bills, or general appropriation bills.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 3249) for the reinstatement of clerks dismissed from the Railway Mail Service between the 15th day of March and the 1st day of May, 1889.

Be it enacted, etc., That upon the rquisition of the Postmaster-General the Civil Service Commissioners shall certify for reinstatement, whenever a vacancy may occur, in a grade or class no higher than that in which he was formerly employed, any person who was dismissed from the Railway Mail Service, through no delinquency or misconduct of his own, between the 15th day of March and the 1st day of May, 1889, or who was dismissed from said serviceafter said last-named date upon any order made prior thereto.

Mr. BYNUM. Mr. Speaker, in view of the fact that the morning hour has been dispensed with, I ask unanimous consent that the final vote on the bill and amendments be taken at 3 o'clock, instead of 4. I apprehend that two hours equally divided will be ample time for the discussion of this question.

Mr. BRODERICK. There is a minority report in this case, and there are a number of gentlemen on our side of the House who will want to be heard, and I should not be willing to make that agreement at this time.

Mr. REED. What is the proposition?

The SPEAKER. That the vote be taken at 3 o'clock instead of 4.

Mr. REED. I have no objection to its being taken at half past 9. Postponement would be very satisfactory.

Mr. BURROWS. Inasmuch as the rule fixed the time for taking the vote at 4 o'clock instead of 3, there might be many members who would not be here until the time fixed in the order for taking the vote, namely, at 4 o'clock.

The SPEAKER. Objection is made.

Mr. BYNUM. Mr. Speaker, the bill designated by the order of the House is the bill introduced by myself and referred to the Committee on Civil Service Reform, upon which no report has yet been made. A similar bill, introduced by Judge Houk, was referred to the Committee on the Judiciary, and has been reported and is upon the Calendar. The latter bill is No. 4017. I ask unanimous consent that that bill be substituted for the one designated in the order, and that whatever amendments are proposed be offered to that bill instead of the one designated in the special order.

The SPEAKER. If there be no objection, that can be done. The Chair hears none.

Mr. REED. What is the nature of the request?

The SPEAKER. The gentleman from Indiana [Mr. BYNUM] states that the bill designated in the special order (H. R. 3249) was referred to the Committee on Reform in the Civil Service, and has not been reported; but that an identical bill (H. R. 4017) was reported from the Committee on the Judiciary. The bills

are identical, and the gentleman asks that we substitute H. R. 4017 for the bill (H. R. 3249).

Mr. REED. I will ask, before consent is given, how does that help the matter?

Mr. BYNUM. It does not make any material difference. We desire to take up the bill which is on the Calendar, instead of the one that has not been reported.

Mr. REED. What is the difference?

Mr. BYNUM. A very slight difference.

Mr. REED. Have we any rights against the bill as it stands now which we should lose by the substitution? We do not want to lose any chance of beating a partisan bill of this kind—purely partisan.

Mr. BYNUM. I do not understand the gentleman.

Mr. REED. If this is a mere desire on the part of the gentleman from Indiana to have his name attached to a partisan bill we have no objection, but if it in any way facilitates the passage of it we do object.

Mr. BYNUM. I am very sorry to disappoint the gentleman in the point he is attempting to make. I am asking to dispense with the bill that I introduced, and to take up one that Judge Houk introduced, which was referred to the Committee on the Judiciary, and was reported by that committee, and which is upon the Calendar.

Mr. REED. Then, if the gentleman desires to be generous, and to bestow the honor upon somebody else, that I have no objection to, on his assurance that it does not deprive us of any opportunity to beat such an utterly unsuitable bill.

Mr. BYNUM. It is the bill of Judge Houk that I am asking to substitute.

Mr. REED. I think it would look a little more decent to have it that way.

The SPEAKER. Without objection, the House will consider the bill H. R. 4017.

There was no objection.

Mr. BYNUM. Mr. Speaker, at no time in the history of the country was the clamor for office so insatiate as upon the accession of the last Republican Administration to power. The old-timers, who had spent most of their lives in office and had become imbued with the idea that the Government positions belonged to them, reënforced by the younger element, which had been almost entirely excluded from the public stalls, came rushing to the capital by the thousands, eager to receive a crumb from the table supposed to be so plentifully supplied.

Rich and bountiful, however, as was the feast, it only served to sharpen the appetites of the hungry horde that swarmed through the lobbies; invaded the White House, filled the Departments and drove the members of the Cabinet to seek refuge in their private rooms. The endeavors to appease this inordinate demand resulted in the most brutal assaults that were ever committed upon the civil service of the Government. Amongst the many open, flagrant, willful, and corrupt violations of the principles of the civil service during this period was the dismissal from the Railway Mail Service of nearly 3,000 efficient Democratic clerks and the appointment in their stead of inexperienced Republicans.

The facts, briefly stated, were as follows: On the 1st day of December, 1888, President Cleveland issued an order placing the Railway Mail Service under the classified service, to take effect on the 15th day of March, 1889. It has been openly charged and never denied that the order, as it left the hands of the President, fixed the date on which the service should become classified the 15th of February instead of the 15th day of March, as contained in the order when promulgated by the Civil Service Commission. In view of what subsequently transpired, it does not seem improbable that such was the fact.

I shall not, however, at this time question the genuineness of the order as it was finally issued, as the transaction was criminal enough without including the elements of forgery. Mr. Harrison became President on the 4th day of March, 1889, and within one week after his inauguration issued an order extending the time when the order of Mr. Cleveland was to take effect from the 15th day of March to the 1st day of May, 1889. That this extension was made for the sole purpose of enabling the Administration to make a raid upon the service in the interest of its partisans is as clear as the noonday's sun. From the 4th day of March, 1889, the day on which Mr. Harrison became President, to the 15th day of May, a period of less than two months, seventeen hundred Democratic clerks, with records for efficiency and integrity theretofore unequaled, were summarily dismissed, and their places filled with virulent Republican partisans without experience.

A more outrageous partisan assault upon a class of Government clerks who had earned and secured their positions by laborious and efficient work can not be found, even in the history of the unparalleled greed of the Republican party. What excuse was offered for this raid upon the most important branch of the public service? The present Administration is ready to protect this branch of the public service from impairment by the strong arm of military power, but the last Republican Administration was willing and eager to destroy its efficiency for the sake of rewarding partisan heelers.

No rascal, however, was ever caught in the perpetration of a crime so heinous as that he was unable to conjure up some excuse for its commission; and so it was in this case. It was claimed that no lists had been secured, and therefore that it was necessary to extend the time, that examinations might be held and the same prepared. Even if it had been true that sufficient opportunity had not been given to make all necessary arrangements, the necessity for the retention of the experienced men until such were completed was only the greater. This excuse, however, was but a shallow pretext.

Three months and more had elapsed from the time the original order had been issued. Why had nothing been done during this long interval of time? For no other reason than that the Civil Service Commission, composed at the time of a single member, and he a bitter Republican partisan, not only failed to discharge its duty, but in every conceivable way obstructed the efforts of subordinates to do so. Strong as the facts and circumstances are in support of this belief, we are not dependent upon them alone to prove this assertion. True, the hen's tracks all lead to the fox's hole, but we have an eyewitness to reynard's incursions into the barnyard.

On the 14th day of last February, there appeared in the Washington Post an interview with Mr. Cumming, who, during the time this fraud was being practiced was a clerk under the Civil Service Commisssion, and was cognizant of how this pure and inmaculate branch of the public service was manipulated in the interest of the Republican party.

"I see," said Mr. Cumming, the promotion examiner of the Treasury Department, "that Mr. Theodore Roosevelt, in a letter objecting to the Houk bill with reference to the reinstatement of the railway mail clerks, states that the classification of the Railway Mail Service was ordered by President Cleveland to take effect on March 15, 1889; that it was absolutely impossible for the Civil Service Commission to complete the classification by that date, and that in consequence it was deferred until May 1. This statement is misleading in what it contains and in what it omits, and presents a highly inadequate picture of the spoils system in active operation in the spring of 1889.

"The facts are somewhat as follows: On January 4, 1889, President Cleveland ordered the classification to take effect, as he supposed, on February 15, 1891. By some mistake the date was made March 15, 1889. The Civil Service Commission then consisted of only two members, Messrs. Edgerton and Lyman. Some time in February, through the instrumentality of Mr. Morgan, a Democratic clerk on the Commission's force, the President was informed that no steps were being taken to hold examinations and secure lists of eligibles by the prescribed time. Owing, it is said, to an unsatisfactory interview on this subject with Mr. Edgerton, who might naturally have been expected to be zealous in protecting Democratic employés in office, President Cleveland dismissed him. As the result of this proceeding, and of the Senate's failure to confirm George Thompson's nomination, made immediately thereafter, the Commission consisted solely and exclusively, until about the middle of May, of Mr. Lyman."

"On March 11, after more than two months of dillydallying, and four days before President Cleveland's order should have taken effect, President Harrison was informed in writing by Mr. Lyman, the sole Commissioner, that it would not be possible to have the list of eligibles ready before May 1. I was during that entire period, and for a year and a half thereafter, chairman of the central board of examiners of the Civil Service Commission. I was away on leave, and holding examinations from Virginia to Texas, inclusive, between January 1 and about March 20. I had examined at least a dozen Texans and a lot of Tennessee ans for the Railway Mail Service, and other examiners had held examinations in other States. On my return to Washington, sometime late in March, I found that no effort had been made to mark any of these papers, and that the marking of the regular departmental papers was way behindhand."

"You got at them at once, of course?"

MR. LYMAN'S BUSINESS METHODS.

"Not by a decided majority. The board was always subject to the orders of the chief examiner, W. H. Webster, so far as concerned the work to be done. Although—not to speak of the railway mail papers—the work on the regular departmental papers was greatly in arrears, I found that he had ordered one of the most efficient members of the examining board to rearrange the old examination papers in the Commission's vault, and to make selections from them for publication in the next report of the Commission, which would come out late in the summer or fall.

"Two or three other members of the board were put at work getting upexamination questions for candidates for the position of post-office inspector—a business that could have kept without spoiling for two or three months. One or two others were sent out on examination trips, and during most of this time we were ordered to mark the departmental papers, giving them the preference over the railway mail. I do not often indulge in herculean tasks, and never take a pride in work for its own sake; but if I had not got two or three members of the board switched off on these railway mail papers with me, and had not put in full time week days and Sundays, during the month of April, I believe Mr. Lyman would have been in a position to state to President Harrison that the classification could not go into effect until June 1."

"You saved your distance, however, didn't you?"

"Yes. But by this time the deed had been pretty effectually done. A few days after Mr. Lyman told us that, according to his information, out of 4,500 clerks in the Railway Mail Service, the Democrats had, on retiring, left 1,500 Republicans in office; that now, in May, the Republicans had left 1,500 Democrats in office; and that he thought that was about fair.

Mr. Speaker, the members of the Civil Service Commission assume to be paragons in the administration of the law. They have arrogated to themselves a guardianship over all other of-

ficials, and loudly proclaim their superior virtue; and yet I venture that there can not be found in all of the Departments of the Government a proceeding that discloses such moral turpitude.

That it was the purpose of Mr. Lyman to delay and obstruct action until Mr. Wanamaker and his subordinates could displace all the Democrats that could be spared from the service is too patent for argument. The vigorous efforts of Mr. CUMMINGS thwarted his purpose, and when the 1st of May arrived the conspirators had not completed their work. Nearly a thousand Democrats who had been marked for dismissal were still in the service, which had already been crippled.

The fact, however, that the service became classified on May 1, did not deter such reformers as Wanamaker and Lyman from completing the work they had begun. They had gotten rid of 2,000 Democratic clerks, the other 1,000 must go, and after this date, when the service became fully classified, 927 more clerks were dismissed and 1,212 were appointed by the disgraceful and fraudulent practice of antedating the notices of removals and appointments. It was upon the consummation of this last act that Mr. Lyman congratulated himself that the job had been so successfully accomplished. As an evidence of the persistent manner in which this conspiracy was pursued I append as an exhibit to my remarks the report of the Postmaster-General, giving the number and dates of appointments, made after the 1st of May, regardless of the civil-service regulations.

True, the legality of this proceeding was questioned; but that was only a slight impediment, as the Attorney-General came to the rescue with an opinion that such proceedings were strictly legal, and no doubt he felt like quoting the sentiment of his subordinate in Indiana, who, in speaking of the letter of Col. Dudley advising the division of voters into blocks of five in charge of trusted leaders with necessary funds, "only indicated a patriotic interest" in public affairs. The President, the Attorney-General, the Postmaster-General, and the Civil Service Commissioner were all parties to this disgraceful transaction.

In all the history of spoils and spoilsmen there never has been such a merciless and cold-hearted raid made upon a class of Government officials who were diligently striving to discharge their duties, while their superiors were secretly plotting their removal. The measure under consideration, although introduced by the late Judge Houk, was drafted by myself, and is, in substance, the same as a bill introduced by myself at an earlier date.

At the time I first introduced the measure I had but a faint conception of the extent to which this abuse had been carried. As soon, however, as the contents of the bill became known, I began to receive letters from every part of the country, giving information as to the ruthless manner in which Democrats had been discharged and the indecent haste in which Republicans had been rushed into their places. While I am not at liberty to give the names, I can not refrain from publishing extracts from a few of these letters, as they convey more forcibly than I can express, the manner in which the work was accomplished:

NEW YORK, *September 23, 1893.*

DEAR SIR: As one of the twenty-five hundred clerks removed from the Railway Mail Service, in Harrison's memorable raid of April 30, 1889, I wish to heartily thank you for introducing your bill providing for the reinstatement, as fast as vacancies occur, of employés of the Railway Mail Service, dismissed by the Republicans for political purposes.

I will say right here that I do not want to be reinstated in the Railway Mail Service. I have a good position in this bank and do not care to exchange it for any political office.

Your bill is a good, just one, and it should pass both Houses of Congress without a dissenting Democratic vote. Hundreds of bright, keen-witted, ambitious young Democrats went out of the service on the above-mentioned date, and they were mostly succeeded by a lot of old, superannuated, broken-down slow coaches who were a disgrace to the Republican party—to which, of course, they all belonged. This was not the case in every instance, but was generally true.

The young blood infused into the service by the advent of zealous Democrats raised the standard of the service more than 20 per cent. In 1884, and previously, 75 to 90 per cent was considered an excellent record in the examinations, but the standard commenced to go up, and when I left the service in 1889, 96 per cent was considered quite a necessary mark. The old-timers growled and sputtered at the way they had to study, but the young Democrats had set a hot pace, and as the old fossils had to trot double, they had to do their level best to keep up or drop out entirely.

I know of quite a number of good, capable men who have applied for reinstatement, and they have received cool replies from hold-over Republicans now in office down there in Washington, stating that their applications have been "placed on file," or "referred to the proper officers."

Yours, very truly,

Hon. WILLIAM D. BYNUM,
Washington, D. C.

MICHIGAN, *September 22, 1893.*

DEAR SIR: I notice in to-day's papers that you have introduced a bill for the reinstatement of postal clerks so unceremoniously bounced by the Harrison Administration between March 1 and July 1, 1889. This act on your part is one of the most praiseworthy movements yet made in Congress. I had the honor to serve as postmaster at this city from September 1, 1885, to November 17, 1889, and in the period referred to in your bill I witnessed the most unjust and outrageous removals of thoroughly competent men for no other reason than the poor fellows, like myself, happened to be Democrats. And right here, let me say, some of the most thoroughly competent men ever employed in the service was found amongst the number.

The Republicans in their hurry to get Democrats out and Republicans in disorganized the whole service of the country, and in a number of instances put men in who had been bounced for incompetency by the Democratic party, not for politics. The present Superintendent of Railway Mail Service stood by and saw these outrages committed, and by silence sanctioned the whole proceedings, and on general principles ought to have been bounced long ago. He is a stench in the nostrils of all Democrats who know about the affair. These removals were by all odds the most outrageous treatment of loyal and competent Democrats in the entire history of our Government, and I am very thankful that there is one Democrat with grit enough to try to right this fearful and outrageous wrong.

Very respectfully, yours,

Hon. WILLIAM D. BYNUM,
Washington, D. C.

ST. JOHNS, MICH., *October 6, 1893.*

MY DEAR SIR: Please accept my thanks and gratitude for the interest you have taken to champion the cause of the poor railway postal clerk by the introduction of a bill before the House for their reinstatement over civil service, without examination. I myself, being one of the number of 2,000 or more competent and efficient Democratic clerks, have positive knowledge that the method of J. Lowrie Bell, General Superintendent under the Harrison Administration, dated the red letters of removal back in order to obtain priority to May 1, 1889, thus many being decapitated at the rate of three a minute in violation of all law and decency; a great slaughter, indeed. This great wrong is hardly given a passing notice, while the perpetrators of it hold high official positions. Such a renovating was never known before in the history of the Government.

In nearly every instance young, vigorous, active, healthy, and ambitious clerks were decapitated to make room for the old, decrepit, and worn out clerks, who were compelled from incompetency to give way under Mr. Cleveland's former Administration. What is the result? To-day the Railway Mail Service is 95 per cent Republican. J. Lowrie Bell, the man who did all this work, still holds the position of Second Assistant Postmaster-General; all the division superintendents and their chief clerks are Republicans, and not a Democrat clerk or appointee therein has got into the service in six months in this Democratic Administration. Mr. BYNUM, to just scan your eye over the doings and manipulations of the Civil Service Commission, during the reign of Harrisonism, it discloses the fact to be that through the machinations and party zeal of the Republican majority of said Commission, the so-called eligible list contained on an average of nine Republicans to one Democrat, among the successful applicants passing the per cent to make a record.

Very respectfully, yours,

Hon. W. D. BYNUM, M. C.,
House of Representatives, Washington, D. C.

UTICA, N. Y., *September 22, 1893.*

DEAR SIR: I wish to thank you for the bill introduced by you providing for the reinstatement of railway postal clerks removed by the Republicans in 1889. Not for myself, but on behalf of many worthy men.

I was in the Railway Mail Service four years and by hard work and study made good progress, as I was promoted to the position of chief clerk at Syracuse, N. Y., with about 7,000 miles of route and 225 men to take charge of.

I know what the service is and what it needs. In my own case I was given a certain number of days in which to hand in my resignation. Others were not given even that consideration (?) and were brutally removed. In many instances removals that were dated prior to May 1, 1889, were held and forwarded along in the fall, for they did not dare remove too many men at once, as they had already greatly demoralized the service. Some of the best Democrats and best clerks in this State—men of most excellent records and characters—were thrown out, though they were in every way better fitted to fill the positions than the green hands and absolutely poor clerks appointed in their places.

Yours, very truly,

Hon. WILLIAM D. BYNUM,
Washington, D. C.

NORWALK, OHIO, *October 7, 1893.*

DEAR SIR: As president of the Democratic EX-Postal Clerks' Organization of Northern Ohio, it gives me pleasure to assure you of our hearty indorsement of the bill introduced by you, for the reinstatement of Democratic clerks removed by the Harrison Administration between certain dates. It is an act of justice, which will rectify at least in part, the ravaging of this Department of the Government by John Wanamaker. We have cited this great wrong to the Civil Service Commission, and while they admit that in some instances it would be just to reinstate, yet fear that some innocent men might be removed from the service by doing so.

Let me say to you, honored sir, that among these innocent men, in whom the Commissioners take so much interest, are many of the conspirators who, when General Vilas was Postmaster-General, threatened, and did form an organization requiring Republican clerks to write out their resignations, committing same to a committee which was authorized to forward said resignations to Washington in case of removal of any of said clerks in favor of Democrats, and thus block the railway mail system of the United States. A Republican official who was aware of these proceedings notified the Department at Washington, and eighteen of the arch conspirators were removed forthwith. Almost the first act of the Harrison Administration was to reinstate many of these men.

I am, most respectfully, yours,

Hon. WILLIAM BYNUM, M. C.,
Washington, D. C.

TURKEY, N. C., *October 2, 1893.*

DEAR SIR: Having seen in the New York World that you had introduced a bill with reference to the restoration to service of ex-Democratic railway postal clerks, and being one of the number myself for whose purpose your bill is intended to secure justice, I herewith beg leave to thank as well as congratulate you for the position thus manifested in our behalf.

During Mr. Cleveland's first Administration I received an appointment as railway postal clerk on one of the trunk lines of the country from Washington, D. C., to Wilmington, N. C., passed my examinations on all the post-offices in Virginia, North Carolina, and South Carolina, with a general average about 95 per cent; was always prompt and attentive in the discharge of my duty; had my absolute appointment and was actually under the civil service, but was removed May 21, 1889, to gratify a Republican that wanted my place. All the Democrats on mine and connecting roads were removed in like manner.

I am, yours,

Hon. WM. D. BYNUM,
Washington, D. C.

The most striking illustration, however, of the haste to get rid of Democrats and restore Republicans comes from the State of Maine. I am conscious that the living of that State are always willing to sacrifice themselves in the public service, but I was not aware that in their eagerness to get rid of Democrats they were willing to make requisition upon the sextons of the cemeteries. Such, however, seems to be a fact.

WATERVILLE, ME., *October 16, 1893.*

DEAR SIR: I received a copy of the bill you introduced in the House a short time since, and I wish to say to you that the ex-postal clerks are very much pleased with your undertaking and trust the bill may pass.

In their haste to remove us from the service they appointed one man who had been dead for more than one year, another who was nearly dead and who told the superintendent that he could not go back, he was too sick; but they made him go on, as they said, till they could straighten things out. He went on, and after a few months resigned, went home, and died.

Yours, respectfully,

———

Hon. WILLIAM D. BYNUM,
Congressman, Washington, D. C.

[Laughter and applause.]

Mr. Speaker, in the palmiest days of Congressional spoils, I venture that a record more replete with a debauchery of the public service can not be found. It has been said by way of excuse that during Mr. Cleveland's Administration a large number of experienced and efficient clerks were dismissed from the service to make room for Democrats, and that the great number of changes made during that period had impaired the efficiency of the service, and that it was necessary to restore the old clerks to improve its standard.

This assertion is unqualifiedly false. It is a well-known fact, and the official records support me in this statement, that the service had never before attained the standard of efficiency it did during the Administration of Mr. Cleveland. From the very beginning the service began to improve. From the annual report of the superintendent of the Railway Mail Service for the year 1893 I take the following figures:

Table of pieces of mail distributed, etc., annually since July 1, 1883.

Year ending June 30—	Number of pieces distributed.	Increase.	Number of errors.	Increase of errors.	Decrease of errors.	Number correct to each error.
1884	4,519,661,900	538,145,620	1,167,223	203,745		3,872
1885	4,948,059,400	428,397,500	887,704		279,519	5,575
1886	5,329,521,475	381,462,075	1,260,443	372,739		4,228
1887	5,834,000,875	505,479,398	1,734,617	474,174		3,364
1888	6,528,772,060	694,081,185	1,765,821	31,204		3,694
1889	8,020,837,130	498,065,070	1,777,295	11,474		3,954
1890	7,947,723,600	820,886,470	2,769,245	991,950		2,834

It will be seen from the foregoing table that in 1885, the first year of Mr. Cleveland's Administration, there was an increase of nearly five hundred millions of pieces distributed, and a decrease in the number of errors of nearly three hundred thousand. In 1884 there were 3,872 pieces correctly handled to each error, while in 1885 there were 5,575 pieces correctly handled to each error. During the year 1888, the last wholly under Democratic Administration, 7,026,837,130 pieces were handled, with a total of 1,777,295 errors.

To each 3,954 pieces correctly handled there was one error, while during the first year, wholly under Republican Administration, from July 1, 1889, to July 1, 1890, 7,847,723,600 pieces were handled, with a total of 2,769,245 errors. The increase of errors was 991,950. The first year under the reforms inaugurated by the Republicans, the number of pieces correctly handled to each error fell from 3,954 to 2,834. It thus appears from the official records that in the first year of Mr. Harrison's Administration the standard of efficiency was reduced nearly 28 per cent.

I know it to be a fact, as stated in some of the communications I have quoted, that at the time the Democratic party first came into power there was a large number of old men in the service that had to be removed for inefficiency. To show how lax the Administration prior to 1885 was, at the transfer station in Indianopolis were four or five clerks, not one of whom had ever been required to take a case examination.

At the end of Mr. Cleveland's Administration every clerk had a record of examinations and could take a run on the Pittsburg, the most important line, in case of an emergency, and yet all these competent and efficient clerks were removed and the old ones restored, and from that day to this the record of examinations opposite their names is a blank, no examination having been required, and not one of them could separate the mail on the most important line to the edge of Marion County.

The great haste to restore these men will be easily comprehended when it is known that they were active partisans, one of them at least having left his post of duty in 1884 to serve as a deputy marshal, on election day, in Cincinnati under Lot Wright. I regret seriously that this bill has encountered the opposition of Mr. Roosevelt. I believe it is a just and meritorious measure, but of course it would be high treason, if not sacrilegious, for this House to pass it after he has communicated to this body his opposition.

In his message he says that this bill is the same as the one introduced by myself and referred to the Committee on Civil Service Reform, which was never reported. The reason that it was never reported by that committee was because a quorum could never be gotten together to report anything. Continuing, he says:

The classification of the Railway Mail Service was originally ordered by President Cleveland to take effect on March 15, 1889. It was absolutely impossible for the Civil Service Commission to complete the classification by that date, and in consequence the classification was deferred until May 1, 1889, at which date it actually took effect (nine days before I myself was appointed Civil Service Commissioner). Advantage was taken of the delay in the classification to turn out twenty-three hundred Democratic clerks, replacing them, without examination, with Republicans. This was undoubtedly an outrage. But in the first place it is all wrong to try to cure it by committing another wrong now, and in the next place it was an outrage precisely similar in character to what has occurred in a number of the newly classified post-offices within the last eight months.

In 1889 the Republican administration of the Post-Office Department took advantage of the necessary delay in classifying the Railway Mail Service to make sweeping removals of Democratic clerks and replace them by Republicans, just before the law went into effect.

The shallowest crossroads pettifogger could set up a plea more consistent with truth and more convincing in logic.

According to his version there was not sufficient time to make the classification; the extension of the order from March 15 to May 1 was for an entirely legitimate purpose. The most "childlike and bland" statement, however, is that the classification actually took effect May 1. Does he not know that after he became a member of the Board, on the 9th of May, that more than eight hundred dismissals and appointments were made in violation of the very rules he says were in force?

His endeavor to place the proceeding on a parity with the removal of letter-carriers by certain postmasters, under the present Administration, is demagogical. The cases are not similar. Under Mr. Harrison there was a willful failure to classify the service, a fraudulent extension of the time, and an open and flagrant violation of the rules of civil service after they were in full and complete operation; while under the present one, admitting all that he charges, there were only dismissals and appointments before the service became classified.

The most remarkable statement in Mr. Roosevelt's message is, that of the 2,600 clerks appointed at the beginning of the last Administration but 900 are now in the service. According to his figures 1,700 have been dropped for incompetency. This is much worse than I supposed. Why the haste to remove competent clerks and get in such a large number of incompetent ones? It can be explained upon no other theory than that it would be easier to get rid of an incompetent Republican than a competent Democrat, conscious that they would have no difficulty in securing another Republican under the manipulations of the civil-service law.

I venture that if Mr. Roosevelt will furnish the names of the 1,700 appointees from the classified lists, he will find that more than 90 per cent are Republicans.

The Civil Service Commission commands neither the confidence nor the respect of the people. Its principal endeavor has been to prevent incompetent Republicans from being discharged and competent Democrats from securing positions. No Department of the Government needs a renovation more than does this hypocritical body.

The measure under consideration should and will receive the commendation of every sincere civil service reformer.

It simply gives to a set of efficient persons the right of restoration to the service when vacancies occur, without further examination. Why compel those who have been in the service for two, three, or four years and demonstrated their qualifications to go through an examination to prove their fitness? The Civil Service Commissioners no doubt are opposed to the measure. Under its provisions a Democrat may occasionally find employment in the service instead of a Republican through their manipulations.

Mr. MCNAGNY. I wish to ask the gentleman, for information, whether it is not true that hundreds of men were appointed in the Railway Mail Service afterwards?

Mr. BYNUM. Hundreds of them were appointed afterwards. As I said, 1,212 were appointed after the 1st day of May, and between that and the 1st day of September, on fraudulent orders dated in April.

Mr. WILLIAMS of Illinois. Can the gentleman from Indiana state the per cent of those who were Democrats and those who were Republicans in the Railway Mail Service at the time when that order actually went into effect?

Mr. BYNUM. I can not state that. All I can state is the number of Democrats removed, which was about 3,000 after the inauguration of Mr. Harrison.

Mr. WILLIAMS of Illinois. What was the total number in the Railway Mail Service under Mr. Harrison's Administration?

Mr. BYNUM. Between seven and eight thousand.

Mr. McCREARY of Kentucky. Can you state how many Democrats have been appointed since the present Administration came in.

Mr. BYNUM. I can not; but I am informed that it is less than 10 per cent.

I reserve the balance of my time. [Loud applause on the Democratic side.]

APPENDIX.

REPORT OF THE POSTMASTER-GENERAL,

In reply to the fourth inquiry I have to state that the number of clerks appointed, reappointed, or reinstated to said service and who commenced service subsequent to the 1st day of May, 1889, though appointed, reappointed, or reinstated upon orders bearing date prior thereto, was 1,212, and the dates upon which said clerks entered upon their duties were as follows:

	No. of clerks.		No. of clerks
May 1, 1889	145	June 10, 1889	7
May 2, 1889	36	June 11, 1889	3
May 3, 1889	44	June 12, 1889	5
May 4, 1889	40	June 13, 1889	4
May 5, 1889	17	June 15, 1889	4
May 6, 1889	47	June 16, 1889	2
May 7, 1889	39	June 17, 1889	3
May 8, 1889	25	June 18, 1889	3
May 9, 1889	38	June 19, 1889	6
May 10, 1889	31	June 20, 1889	4
May 11, 1889	27	June 21, 1889	3
May 12, 1889	20	June 22, 1889	4
May 13, 1889	38	June 23, 1889	3
May 14, 1889	48	June 24, 1889	2
May 15, 1889	56	June 26, 1889	3
May 16, 1889	49	June 29, 1889	1
May 17, 1889	36	June 30, 1889	1
May 18, 1889	29	July 1, 1889	7
May 19, 1889	15	July 3, 1889	1
May 20, 1889	59	July 4, 1889	2
May 21, 1889	44	July 7, 1889	1
May 22, 1889	32	July 10, 1889	2
May 23, 1889	20	July 15, 1889	1
May 24, 1889	18	July 16, 1889	2
May 25, 1889	8	July 17, 1889	1
May 26, 1889	7	July 23, 1889	1
May 27, 1889	21	July 24, 1889	1
May 28, 1889	15	Aug. 1, 1889	1
May 29, 1889	15	Aug. 3, 1889	1
May 30, 1889	6	Aug. 23, 1889	1
May 31, 1889	7	Aug. 25, 1889	1
June 1, 1889	51	Sept. 25, 1889	1
June 2, 1889	6		
June 3, 1889	7	Total for the month of—	
June 4, 1889	8	May	1,032
June 5, 1889	11	June	156
June 6, 1889	4	July	19
June 7, 1889	2	August	4
June 8, 1889	3	September	1
June 9, 1889	6		

I have the honor to be, sir, very respectfully,

W. S. BISSELL,
Postmaster-General.

Hon. CHARLES F. CRISP,
Speaker of the House of Representatives, Washington, D. C.

Mr. BRODERICK. Mr. Speaker, no arrangement has been made as to who is to control the time on either side of the House. By the request of some members of the committee, I will be recognized for that purpose.

The SPEAKER *pro tempore* (Mr. MONEY). The gentleman from Kansas is recognized.

Mr. BRODERICK. I yield such time to the gentleman from Maine as he desires.

Mr. REED. Mr. Speaker, since this bill presented by the gentleman from Indiana has met with the enthusiastic applause and approval of the Democratic party, it is perhaps well enough just to state what it is. The outgoing President, in December, 1888, proposed to bring into the civil service classification the clerks in the Railway Mail Service.

But he realized the fact that he had utilized the four years of his Administration in packing that service with Democrats, having dismissed about 90 per cent of Republicans that were then there and filled their places with Democrats; therefore, in the midst of his zeal for civil service, he recognized the utter impropriety of closing up the Railway Mail Service from the Republican party by making an order which was to go immediately into effect. He therefore gave eight days after March 4 for the opportunity for removal. That did not prove satisfactory in all its arrangements, and was only a sort of tribute to the decency of plunder.

When Mr. Harrison came into office and became President of the United States, the Civil Service Commission reported that they did not have time to make the arrangements necessary for the classification; and therefore the date of going into effect of that order was postponed to a period which might be equal to one month. Was there anything indecent or unsuitable in that? No man with any sense of fairness would for an instant say so. Immediately changes were made; and there never was a time when changes were more necessary. My district I know about. It was filled with a set of incompetent men; and the whole service throughout the country was filled with such a set of men that the complaints of business men were loud, frequent, and importunate.

Now, of the men who were appointed a very large part of them I know from a sample that I had in my own district, a very large part of them were old employés, men who had not been out so long that their reinstatement was anything but an advantage to the service; and the service was instantly improved by that action.

Then again, it is defensible from another point of view. The report of the Civil Service Commission left no doubt what ought to be done, and the result is its abundant justification. And here let me say a word in reply to the gentleman from Indiana with regard to the Civil Service Commission. That Commission, with a single exception, has been composed of men who had a real, honest zeal for the public service. Governor Thompson of South Carolina, I personally know, and I know that his action as a member of that Commission was creditable to him and honorable to the country.

Mr. Roosevelt is thoroughly well known in this House, to a great many members of it individually, and any eulogium of him by me would be entirely unnecessary; but if there has ever been in the public service a more faithful, straightforward and honorable official I ask any man present to name him here and now. He has been thoroughly just, upright, and righteous in his administration of his difficult office. No obstacle has prevented him from doing his duty.

No partisan feeling has kept him from attacking his own side whenever there was occasion to do justice, and no fear of the other side has ever prevented him from attacking them when it was necessary to do it in order to do justice, and any assaults from the gentleman from Indiana or any other source will fall entirely to the ground. I am not sure that the public service has got so much better men by reason of the adoption of the civil-service system.

I am not one of those who believe that men who are interested in politics are not men of intelligence and capacity, and if there could have been a suitable division, so that not only every man would know what appointments he had to assist in, but also that the public might know upon whom rested the responsibility for appointments, I am not entirely sure that the service would have been improved by any change. But there were many scandals arising from controversies between members of Congress, between Senators and members of the House, and our lives were rendered a burden, and, for my part, I have been very glad to have my portion of the public administration taken away from me and bestowed upon anybody else, as a matter of personal comfort. And I am bound to say further, having noticed the proceedings of the Civil Service Commission, that their action has been on the whole creditable to them.

Now, what is proposed here? It is proposed to throw open this branch of the public service to the reappointment of a set of men who went out of office amid the applause of the entire business interests of the country. Why? Simply to give an opportunity for gentlemen to force upon the Departments their personal favorites, their political friends. There is no other purpose in this bill. If there is among these men any good thoroughly satisfactory man whose service the Government has wanted, somebody has got possession of him before this time, or had until the Democracy blasted all the industries of the country.

Mr. TALBOTT of Maryland. Was it the Democracy or was it the McKinley bill?

Mr. REED. Was it the Democracy or was it the McKinley bill! Well, now, Mr. Speaker, the gentleman from Maryland is, of course, not the flower of our intelligence, but he knows better than to ask such a question as that. [Laughter.]

Mr. TALBOTT of Maryland. You have not answered the question, however.

Mr. REED. I think I have, and to the evident satisfaction of the House.

Mr. TALBOTT of Maryland. I do not think you have. There is a difference of opinion there.

Mr. REED. Well, the difference is only between you and all the rest of us.

Mr. TALBOTT of Maryland. That is sufficient.

Mr. REED. It is *Athanasius contra mundum*, and no Athanasius in the case either! [Laughter.]

Now, Mr. Speaker, as I was remarking when I was rudely interrupted, this is a mere partisan bill for the purpose of getting in a lot of Democrats who are not fit for anything, or else some of those Democrats that the party have turned out of employment by destroying the industries of the country. Of course, I sympathize with that class of people, but I do not think the Democratic party is the one to do them justice.

The people of the United States are going to do them justice,

probably, by leaving the McKinley bill alone, because the Lord has confounded the Democratic party. [Laughter.] It reminds one of some of the stories in Scripture history where the angel interfered specially and set the wicked by the ears—set them to attacking each other and pounding each other's faces, the best thing that any of them could pound on this earth. [Laughter.]

I am sorry that the gentleman from Indiana [Mr. BYNUM] did not frankly tell us what was the difference between this bill and the one for which he caused this to be substituted without stating what the object was. I am sorry he did not tell us frankly that this bill leaves the unprotected Postmaster-General open to the assaults of the Democratic politicians to an extent that was not even contemplated in the imagination of the gentleman from Indiana who framed the first bill.

Mr. BYNUM. I beg the gentleman's pardon. This bill is not susceptible of that construction. The first bill, the one that I drafted, provided that the Civil Service Commission should certify in these cases, but upon reflection, this service never having been in their control, of course the Commission never had the list. The Postmaster-General had a full list, had all the records, and when I came to investigate the matter more closely, I found that the duty which I had proposed to put upon the Civil Service Commission could not be performed by them, but could be performed by the Postmaster-General.

Mr. REED. Why did not you tell us that when you asked to substitute the one bill for the other?

Mr. BYNUM. It would not make any difference.

Mr. REED. Oh, yes, it would. It is evident that this bill means a practical plan of civil-service looting, while the other bill means nothing at all.

Mr. BYNUM. Under the first bill, if the Postmaster-General should undertake to enforce the rule as there provided, the Civil Service Commission would have no discretion. They could do nothing except certify the list, as they do now.

Mr. REED. In other words, your bill for which you have substituted this, would not have been effectual at all, would it?

Mr. BYNUM. Certainly it would.

Mr. REED. How would it have been effectual?

Mr. BYNUM. I think it would have been effectual.

Mr. REED. I think that anybody who reads the two bills—which I did not do at the time—will perceive that the bill which the gentleman from Indiana has caused to disappear would be entirely ineffectual, while the present bill will yield the finest results of the system which has met with the disapprobation of the American people.

Mr. BYNUM. I am very free to admit that the last bill is a "perfected bill;" and we have brought up the other in order that it should be perfected.

Mr. REED. "The last bill a perfected bill!" Then I have correctly described the "perfected bill" which has met with the approbation of the Democracy. That is all the argument it is necessary to make.

Mr. BYNUM. I want to ask the gentleman one question. How can he say the service was greatly improved by the removal of Democrats and the appointment of Republicans, when the records show that the efficiency fell 28 per cent?

Mr. REED. Simply because before the change came the complaints were universal all over this country that the postal service was never in so bad a condition as it was when President Harrison came into power, and because immediately thereupon the complaints ceased. That is a practical test, and it is sufficient. Now, you propose to undertake the demoralization of the service, and it meets with the applause of the Democratic side. I am awaiting here a protest from some gentleman on your side who did not applaud.

Mr. HALL of Missouri and Mr. OUTHWAITE rose.

Mr. REED. I really feel bound in courtesy to yield to the gentleman from Ohio [Mr. OUTHWAITE].

Mr. OUTHWAITE. I was not desirous to put a question to the gentleman from Maine; I was seeking the floor in my own right.

Mr. REED. Then I will reply to the gentleman afterward.

Mr. HALL of Missouri. I understood the gentleman from Maine to take the position that the Republican side of this House, and Mr. Harrison when he was President, showed great zeal for civil-service reform. I want to ask him whether he is not cognizant of the fact that Mr. Harrison, during his entire term, never said a word about extending the civil-service system by any order to the letter-carriers and others in the employ of the free-delivery offices at cities or towns of less than 50,000 inhabitants until after he was defeated in November; and then on the 15th of January following he extended the civil-service regulations to all free-delivery post-offices in cities of 50,000 inhabitants and more, for the sole and only purpose of keeping in office 14,000 or 15,000 Republican employés?

Mr. REED. I waive the fact that the gentleman has addressed to me a stump speech instead of a question; and I will answer whatever of interrogatory he has propounded. I answer in the first place, that I do not know; but if what he says is true, President Harrison was only following in the footsteps of the civil-service reformer now in the White House, who managed in December, 1888, to try to close up, to hermetically seal, the postal service after he had dropped out 90 per cent of Republicans and put in 90 per cent of Democrats. Being a Democratic President, he is of course a good man. And especially after the judgment he has shown in his description of his party in this House and the Senate, to follow such a man as that is of course creditable. [Laughter and applause on the Republican side.]

Mr. BRODERICK. I yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I shall occupy only about five minutes in stating some knowledge that I have in regard to the main question involved here. At the time the Administration changed on the 4th of March, 1889, and during the period covered by this bill, in the Congressional district in which I was residing at the time I requested and had put back into the service six postal clerks who had been removed because they were Republicans, and for no other reason, during the Cleveland Administration.

Every one of those men is still in the postal service, and many of them—I may say most of them—have been promoted to the highest grade of the service. During this same period of time, upon my recommendation, five new men were appointed. Each one of these is now in the postal service; and one of them has taken the gold medal for completeness of knowledge and efficiency, and there is not one of them who has not been promoted as rapidly as the rules of the Department would admit.

Of the men who were removed as incompetent, one of them had been over and over again reported prior to the 4th of March, 1889, and was finally reported as having ridden or been carried, totally insensible with intoxication, from Cincinnati to Parkersburg in the mail car; yet he had been retained in the service month after month in spite of repeated charges. To fill his place one of these new appointments was made.

Mr. BYNUM. Does not the gentleman know that during the Administration of Mr. Cleveland the Republican clerks formed a conspiracy in the shape of an organization by virtue of which they placed their resignations in the hands of one person to be delivered in case any one of them was discharged—thus organizing what might be termed a "strike," and that a great many Republican clerks were dismissed because they were members of that conspiracy?

Mr. GROSVENOR. I know nothing whatever of that. I am talking only now of what I do know.

Mr. BYNUM. Well, it is a fact, at all events.

Mr. GROSVENOR. But whether it be a fact or not, can not a man strike?

Mr. BYNUM. I do not understand the gentleman.

Mr. GROSVENOR. Is it a crime to strike under a Democratic Administration?

Mr. BYNUM. Well, now, I apprehend the gentleman from Ohio will not enter into a defense of an arrangement by which the whole service enters into a conspiracy to refuse to serve the Government if one of the members is discharged.

Mr. GROSVENOR. I only discredited the story; that was all. Because I never knew in all of my experience anyone who was willing to enter into a conspiracy with others to get out of the service. [Laughter.]

Mr. BYNUM. If the gentleman applies that to the Republicans he is doubtless correct.

Mr. GROSVENOR. I have no doubt that conspiracies might be formed to get into the service, but never, I think, to get out of it.

Now, Mr. Speaker, I know of another thing, and I challenge the records of the country to contradict it. By whatever process it was brought about, the postal service of the country was in a most deplorable condition when Harrison's Administration began. I venture to say now that if the gentleman from Indiana will propose an amendment to his bill so as to provide that no man—no one of these men dismissed—shall be reappointed unless he can pass a civil-service examination up to 50 per cent of perfect, that there will not be one of those postal clerks who was discharged in my district who will ever get within a thousand miles of halfway in the service again. [Laughter.] Now, why do you not do that? The gentleman says they were competent men, competent clerks——

Mr. PENDLETON of West Virginia. Will the gentleman allow a question?

Mr. GROSVENOR. Not now. When I have concluded my sentence I will indulge the gentleman.

I say if the gentleman will put into this bill a provision to the effect that none but competent men, and found so by an exami-

nation, shall be reinstated, the good faith of the performance will be manifested absolutely and become apparent on the record. But without that the good faith is woefully lacking.

Mr. BYNUM. If the gentleman is not willing to trust the Postmaster-General to restore none but those having the best records for efficiency, I do not think that the bill could be framed or drafted to carry out successfully that idea.

Mr. GROSVENOR. Your Administration has the power to——

The SPEAKER *pro tempore*. The time of the gentleman from Ohio has expired.

Mr. GROSVENOR. I should like to have a few minutes more.

Mr. BRODERICK. I yield four minutes additional to the gentleman from Ohio.

Mr. GROSVENOR. I was going to say, Mr. Speaker, that the present Administration can take the postal service out of the civil service if it wants to. But as long as it is under the civil-service rules—and your Administration seems to be proud of it and holds on to the members of the Commission which the gentleman from Indiana has denounced so bitterly—it seems to me to be an unjust discrimination to permit men who can show nothing except a political recommendation to go back into the service, while other men who did not happen to be in the service can not go in at all except through the process fixed by the Commission.

Mr. BYNUM. I think the gentlemen from Ohio is not stating the conditions of the bill absolutely fairly. Again, I say frankly, that in drafting the bill I thought I was carrying out the civil-service idea to the fullest extent.

Mr. GROSVENOR. Well, now, let me see whether you are or not.

Mr. BYNUM. Let me call the attention of the gentleman——

Mr. GROSVENOR. My attention has already been called——

Mr. BYNUM (continuing). To the record of efficiency.

Mr. GROSVENOR. The gentleman from Indiana says that he has put a limitation upon the power of the Board; that these parties shall be reinstated unless they went out of the service by reason of "delinquency" or "misconduct." Now, what is delinquency or misconduct? What do you mean by that? Stupidity? Is that delinquency or misconduct?

Mr. BYNUM. The civil service have used those terms in connection with the rules as to restoration, and I was simply quoting the language of the Commission.

Mr. GROSVENOR. Why not say, if you believe these men to be perfectly competent as you say, that they shall be eligible to be reinstated provided they can pass a moderately fair examination?

Mr. BYNUM. I will state this——

Mr. PENDLETON of West Virginia. Will the gentleman now allow a question?

Mr. GROSVENOR. Oh, yes, although I believe my time is about gone; but I have no doubt the gentleman has an important inquiry.

The SPEAKER. To whom does the gentleman from Ohio yield?

Mr. GROSVENOR. I yield to the gentleman from West Virginia for a question.

Mr. PENDLETON of West Virginia. I wish to call the attention of the gentleman——

Mr. GROSVENOR. But I thought you wanted to ask me a question.

Mr. PENDLETON of West Virginia. I do, but I wanted to preface it. The gentleman from Ohio is a very distinguished member of the Congress of the United States, and I would like to know from him whether he thinks he could pass a civil-service examination such as that required for a railway postal clerk?

Mr. GROSVENOR. Well, I think I could if the gentleman from West Virginia would put the questions. [Laughter and applause.]

Mr. PENDLETON of West Virginia. I have no doubt the gentleman could if I were to put the questions, because I would ask him the right kind and not ask him about matters with which he is not familiar, and with which the postal clerks can not be expected to be familiar; questions which have no possible relevancy to the subject.

[Here the hammer fell.]

Mr. BRODERICK. Mr. Speaker, I yield five minutes, or such time as he may desire, to the gentleman from Massachusetts [Mr. EVERETT].

Mr. EVERETT. Mr. Speaker, I am surprised that anybody should undertake to defend the proceeding of the last Administration in hastening to make these removals during the short period of delay. I think the fact that Commissioner Roosevelt, who came into office immediately after the 1st of May, spoke of it as an outrage, is sufficient answer to all attempts to defend it. But I can not assent to the statement that it was the fault of the Board, or rather of Mr. Lyman, who then constituted the Board, and not of greater men than he, who had the postal service in charge.

Mr. Lyman himself feels sore and indignant that he should be charged with an attempt to nullify President Cleveland's action, when he was making exceptional exertions to carry it out, and I have here a letter from Commissioner Lyman, which he has sent to me, which I desire to have read, and I hope sufficient time will be allowed for the Clerk to read it.

The Clerk read as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., July 20, 1894.

DEAR SIR: Referring to our conversation this morning, and in order that you may have the facts then stated clearly before you, I beg to make the following statement in relation to the classification of the Railway Mail Service under the civil-service rules.

The classification order, made by the direction of the President, was issued by the Postmaster-General on December 31, 1888. In pursuance of that order rules for the government of the Railway Mail Service were prepared by me, and were approved by the President January 4, 1889, to go into effect on March 15, 1889.

The work of preparation for placing the Railway Mail Service under the rules thus approved was immediately begun, and was prosecuted with the utmost vigor until its completion. This work involved the consideration and solution of many new problems. It was a new branch of the service, differing in many respects, and requiring different treatment, from any then classified. It was extremely important, in view of all the conditions then existing, that as few mistakes should be made as possible, and that the work should be so well and thoroughly done as to disarm criticism.

Among other things it required the preparation of a large number of blanks and circulars, their printing and distribution throughout the whole country to intending applicants, an enormous correspondence with such applicants, the receipt of requests for blank applications from thousands of persons in all parts of the country, the sending of blanks to such persons, the receipt back of such blanks executed, their proper examination and registration in this office, the organization of boards of examiners in every State and Territory, the arrangements for holding examinations in every State and Territory, the sending of notices to all persons from whom applications were accepted of the times and places of these examinations, the determining the character of the examinations and the preparation and printing of the examination questions, the actual holding of the examinations, the marking of all the papers of these thousands of applicants at the office of the Commission, the sending notices of the results of such examinations to the applicants, the making up of the registers, and all the incidental work connected with these divers transactions.

All this necessarily covered a period of time and embraced an amount of work and a number of details which can only be appreciated by those who are familiar with such matters. This, understand, was additional to the regular work of the office, and had to be attended to without increase of force.

After the change of Administration, on the 11th of March, 1889, four days before the time for the rules to go into effect, when these preparations were going on as rapidly as possible, but without any registers completed or near completion, I addressed a communication to the President of the United States, stating the facts and recommending that the date when the rules should go into effect be changed from March 15 to May 1, believing that by that date it would be possible to have eligible registers established, and that it would not be possible to have them established at an earlier date.

The President approved the recommendation, and made the necessary order. When the date arrived, May 1, registers were still lacking for some fifteen States and Territories, notwithstanding the utmost efforts put forth in this office and the lengthening of the office hours from 4 to 5 o'clock for weeks prior to that time. A very strong pressure was brought to bear upon me, as the sole Commissioner, to have the time further extended. This pressure I resisted, believing and repeatedly stating that the time should not be extended one single day beyond what was absolutely necessary for the establishment of the eligible registers.

To this position I rigidly adhered, and was sustained in it by the President. Every resource at the command of the Commission was used to hasten the establishment of eligible registers, and any person who states to the contrary, or who states that there was any unnecessary delay in putting the civil service rules into operation for the Railway Mail Service, or that I yielded to any pressure from any quarter in the matter, states what is not true.

If the extension of time that was absolutely necessary was taken advantage of to make partisan changes in the Railway Mail Service, the responsibility for those changes should be put where it belongs. No part of it belongs to me or to the Civil Service Commission.

Very respectfully,

CHAS. LYMAN, *Commissioner.*

DR. WILLIAM EVERETT,
House of Representatives.

Mr. EVERETT. Mr. Speaker, I believe that letter to state the facts as far as I have been able to inquire into them, and without casting any imputation on the character of the gentleman whose evidence to the contrary was read, I would suggest that he himself states that he was away from Washington a large part of the time, in the service of the Commission, when he thinks that the work might have been expedited.

I shall not fight the whole civil-service reform battle over again, here, Mr. Speaker, and I certainly shall not enter into any defense of the character of the Commission. Their work is open to all. I think the gentleman from Indiana [Mr. BYNUM] is mistaken in saying they have not the public confidence, but he and I might discuss that subject forever without changing each other's opinion. I believe it to be a fact, and I believe the final vote in this House and the vote in the Senate on the appropriation bill and the expressions of the public press show, that the classified service is to be permanent in this country, and is accepted by the people. I believe that a great wrong was done in the case of these clerks, but, as usually happens with a great wrong, it is a thing not easy to right.

The wrong lies at the door of the spoils system, and it is one

of the legacies that the dying spoils system is leaving us, that it has inflicted upon us wrongs which we can not right without equal wrongs in turn. I do not believe it is possible to go back and reinstate those who were turned out by a high-handed, arbitrary, and unjust exercise of power, and it is one of the things that makes me so keen against the spoils system, that it perpetrated an act of injustice under the cover of law which can not easily be rectified. I find it difficult to cast my vote either for or against this bill.

Mr. PENDLETON of West Virginia. Will the gentleman allow me to ask him a question?

Mr. EVERETT. Certainly.

Mr. PENDLETON of West Virginia. As I understand the bill, it only provides for the reinstatement of these people when vacancies occur. It does not provide for turning anybody out of his present position.

Mr. EVERETT. I am afraid that opportunities would be found for turning people out if the bill were passed.

Mr. PENDLETON of West Virginia. Certainly not while Mr. Bissell is Postmaster-General.

Mr. MILLIKEN. Vacancies will be made.

Mr. EVERETT. That is what I am seriously afraid of, although, as the gentleman from West Virginia [Mr. PENDLETON] is well aware, I have unbounded confidence in Mr. Bissell, whom I believe to be one of the most intelligent, most honest, most fearless, and most patriotic officials that there ever was in control of a great Department of the Government.

Mr. PENDLETON of West Virginia. I agree with the gentleman. If the gentleman thinks that, why not trust Mr. Bissell?

Mr. EVERETT. Because there will be a pressure put on him to make vacancies that an archangel would find it difficult to resist. [Laughter.]

Mr. BYNUM. I should like to ask the gentleman if he does not think that a clerk who has been in the service for two or three or four years, where a record is kept of work performed by him, where a check was kept on his work and reported every month, and he attains an efficiency of 98 or 99 per cent, is better qualified to go into the service than a man who may have never been in, but who passed an examination before the Civil Service Commission?

Mr. PENDLETON of West Virginia. And stood well in literature.

Mr. EVERETT. I can not say I do. I believe that in certain cases that may be the fact, going back to the record of five years ago; but I believe that now the other system has been established, it should be stuck to in spite of such gross injustice as this; or, to take the words of my eloquent friend from Virginia [Mr. TUCKER] in his speech yesterday, the motto of the Democratic party should be *vestigia nulla retrorsum*. [Laughter and applause.]

Mr. BRODERICK. The time has not expired for debate. I would like to know how much time we have.

Mr. BYNUM. We are ready for a vote if the other side is. [Cries of "Vote!" on the Democratic side.]

The SPEAKER *pro tempore*. The opposition has consumed thirty-five minutes, as the Chair is informed by the Clerk.

Mr. BRODERICK. I supposed we had an hour and a half.

The SPEAKER *pro tempore*. The Chair understands that the time fixed for the vote is 4 o'clock, and if there has been no other agreement the Chair will so hold.

Mr. BYNUM. There is no other agreement, but I supposed the House could vote when it wants to.

The SPEAKER *pro tempore*. There is no doubt about that.

Mr. BYNUM. I ask unanimous consent that the House now proceed to vote on the question.

Mr. BRODERICK. We may be able to agree after a while, and before 4 o'clock.

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent that the vote be taken now.

Mr. BRODERICK. I object. We may be able to agree hereafter, but not at present. I now yield five minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON of Iowa. Mr. Speaker, this bill is a pismire attack on the civil service. Instead of a good square blow to strike down the whole thing, they here commence a nibbling process; and I think it is all wrong.

I discover another feature in this bill. It seems to me to be a retaliatory measure upon the President. [Laughter on the Republican side.] A day or two ago it was thought he attempted to usurp the legislative duties of this House; and this seems to be an attempt to usurp the appointing power of the President. It is providing for legislative appointments, and therefore, in that view, is all wrong.

But another great objection to this bill is, that its aim is to let in these discharged postal clerks without going through the examination prescribed in the civil service law.

Mr. Speaker, if these men are qualified, their experience in the postal service ought to give them an advantage against all competitors and comers, and they do not need this advantage. The presence of this bill in this House is a confession that their removal was timely when it was made.

Now, something has been said about the action of President Harrison. I know something of that. When Mr. Cleveland, outgoing, put up the bars, he left no time for the incoming Administration to inform itself touching the condition of the service. It was impossible to appoint a chief of the Railway Mail Service and have him inform himself within the limited time he had. President Harrison wisely extended the time to the 1st of May; and what did Mr. Bell, the chief of that division, do?

Mr. HOPKINS of Illinois. Will the gentleman allow me to ask him a question or make a suggestion there?

Mr. HENDERSON of Iowa. Let me finish the statement. He laid down this rule—I remember it well—he put the Railway Mail Service into three classes, "best," "fair," and "poor;" and among the "best" he did not allow the political knife to enter. In my district, and over the country I believe, those who ranked as "best" were undisturbed. They were not disturbed in my district.

Mr. GEAR. They were not in mine.

Mr. HENDERSON of Iowa. They served all through the Harrison Administration, and are serving now.

Mr. HOPKINS of Illinois. Will the gentleman allow me to interrupt him there?

Mr. HENDERSON of Iowa. Certainly.

Mr. HOPKINS of Illinois. I desire to say that the extension of the order by President Harrison was made on the recommendation of the Civil Service Commission.

Mr. HENDERSON of Iowa. Very good. I am glad to have that statement made.

But for those who were marked "poor" he had no standing in the service to protect him. There is where changes were made. In my district I went and had restored a number of "A No. 1" postal clerks, who had served in the Union Army; and they were put into the places of men who were marked "poor;" and I approved of the position of the Administration.

Now, gentlemen, let us not go in a cowardly way to attack the civil service, and attack it like a lot of pismires; but if you are against the civil service law come out and repeal it like men, but do not commence in a petty way to do so.

I am in favor of the law, for one; and I heartily indorse the statements of the gentleman from Maine [Mr. REED] in what he said in speaking in such commendatory terms of those gentlemen who had been engaged in conducting the business of that Commission; and I, for one, enter my protest against usurping the power of the President and trying to overthrow by the nibbling process the civil service law. [Applause on the Republican side.]

Mr. BYNUM. I yield ten minutes to the gentleman from Kansas.

Mr. HUDSON. Mr. Speaker, I am pleased to hear my friend, the gentleman from Iowa [Mr. HENDERSON], say he is in favor of the law. It is a very proper thing, I know, that my Republican friends should be in favor of the law at this time and opposed to replacing any clerks, because as I understand at present they are about 99 per cent Republicans.

Mr. GEAR. Not at all.

Mr. HUDSON. I make the statement as I have it.

Mr. HOPKINS of Illinois. Would it not be advisable to have some information on that subject before you make that statement?

Mr. HUDSON. I have examined the matter.

Mr. HOPKINS of Illinois. You are away off.

Mr. HUDSON. I was in favor of the law when it went into force, and I am heartily in favor of it now, if it is fairly administered.

But the manner of its administration by the former Postmaster-General, Mr. Wanamaknr, was a farce, and every American who has average intelligence knows that it was a farce. I was astonished to hear the distinguished leader of the Republican side [Mr. REED] say this morning that the dismissals that were made early in the Administration of Mr. Harrison were necessary.

I have examined that matter. I have had occasion to examine it somewhat carefully because I was connected to some extent with post-office matters during the Administration of Mr. Cleveland and during the early part of the Administration of Mr. Harrison, and I believe the fact to be generally, as I know it to be in the West, that more than half of the railway postal clerks in the service at the time Mr. Harrison was inaugurated were Republicans, and I think, as a friend on my left suggests, that that was true all over the United States. As a matter that came within my own personal knowledge, I may state that

not a solitary postal clerk from the southern district of Kansas was removed, although every clerk in the postal service at the time Mr. Cleveland first came into office was Republican. But few of them were removed.

In the State of Kansas, and in the Western States generally, a large mileage of railway was built during the first Administration of Mr. Cleveland, and in every instance where new appointments were made there was an effort—I think a natural one under the circumstances—to equalize the service and to have Democrats appointed. Now, to my own knowledge, nine Democrats were appointed in Southern Kansas, all young men, all competent; not one of them was discharged before the 1st of May, as I now remember; but by the 1st of September, after Mr. Harrison's Administration came in, every one of those nine men was discharged, though not one of them was charged with incompetency.

The record shows that fact, and to-day there is not in the southern portion of the State of Kansas, nor anywhere within my knowledge in the West, or at least there was not when Mr. Cleveland was inaugurated the second time, a solitary Democrat in this service. Three men that were discharged sent to me (as I had been instrumental in securing their appointment) their last examination papers, which showed that their qualifications were largely above the average.

Mr. CURTIS of Kansas. Will the gentleman permit a question?

Mr. HUDSON. I will yield for a question.

Mr. CURTIS of Kansas. Do not you know that there are Democrats in the Railway Mail Service in Kansas?

Mr. HUDSON. I do not.

Mr. CURTIS of Kansas. I call your attention to Mr. Blackburn, of the city of Topeka.

Mr. HUDSON. Mr. Speaker, my colleague may know the fact, but I do not. Mr. Blackburn is perhaps the only one in the State.

Mr. CURTIS of Kansas. No; there are others.

Mr. HUDSON. Does the gentleman deny that nineteen-twentieths of the men in that service are Republicans?

Mr. CURTIS of Kansas. Nineteen-twentieths of them are not Republicans, and you know it.

Mr. HUDSON. I assert the fact to be that these Democrats of whom I have spoken were turned out, as I have stated, and the records show it, and not one of them for incompetency, but wholly on political grounds.

Mr. CURTIS of Kansas. Mr. Speaker——

The SPEAKER *pro tempore*. Does the gentleman from Kansas yield?

Mr. HUDSON. I do not yield. The gentleman is simply asserting a proposition, and I do not propose to have him stand up here and make his statements in my time. He can make his own speech when he gets the floor.

Mr. CURTIS of Kansas. I give you the names, but you do not name anybody.

Mr. HUDSON. You give one name.

Mr. CURTIS of Kansas. Well, that is more than you do.

Mr. BRODERICK. I will give you another name, Mr. Nye, of Lebanon, and others appointed during Mr. Cleveland's first Administration.

Mr. HUDSON. Well, Mr. Speaker, they have found two. Now, I have stated, and the record will show, that these Democrats were turned out on partisan grounds. I want to say further that the pretense of Postmaster-General Wanamaker that the service required the turning out of those men is contradicted by every report that has ever been made on the postal service. When I was interrupted, I was about to say that in three instances men who had been discharged as late as July sent their examination papers to me, which showed that they got above 90 per cent, and they were conceded by the superintendent of the service, whom I saw myself, to be much above the average. I asked him if there were any charges against them, and he said there were not. I sent these men's cards to the Civil Service Commission with an inquiry as to why this had been done, but have never received a response. I want to make the charge here and now that there never was a greater piece of humbug than the attempt of Mr. Wanamaker and those working under him to oust these clerks and put in new men, and as a result of that action the service fell off 20 per cent, as the reports show.

Mr. HOPKINS of Illinois. Does the gentleman say that the business of the post-office fell off 20 per cent?

Mr. HUDSON. I say that the proportion of mistakes was 20 per cent greater—that the efficiency of the service fell off 20 per cent.

Mr. HOPKINS of Illinois. What was the increased railway mail mileage?

Mr. HUDSON. It was very little after Mr. Harrison came in. The railroads had been built prior to that.

Mr. WILSON of Washington. May I ask the gentleman a question?

Mr. HUDSON. Yes, sir.

Mr. WILSON of Washington. Has the Democratic convention in your district been held yet? [Laughter on the Republican side].

Mr. HUDSON. The Democratic convention in my district has not been held, but if it had I would say that the Democrats in my district have been fairer than the Republicans.

Mr. WILSON of Washington. It is clear that the gentleman is working for an indorsement by that convention.

Mr. HUDSON. I am standing here to tell the truth, and if that brings a Democratic indorsement, it shows that the Democrats will appreciate the truth, which is more than the Republicans always do. [Laughter. Applause on the Democratic side].

Mr. PAYNE. Is the gentleman for this bill?

Mr. HUDSON. I believe this bill is right because nine-tenths of the men turned out of office at that time were unfairly and unjustly turned out; and I believe this bill would operate as a fair measure, giving them simply a fair chance to be restored.

Mr. PAYNE. Are you not afraid that in this onslaught now made on the mail service by putting in men who have not had experience in recent years, the record of the service for efficiency may go down 20 per cent again?

Mr. HUDSON. No, sir.

Mr. PAYNE. You have no fear of that?

Mr. HUDSON. No, sir; because I believe that these men when restored will render as good service as they did before; and they were rendering better service than is being rendered to-day, as is shown by the report of the Railway Mail Service.

Mr. PAYNE. If these men were competent and were young men, why can they not get in under the civil-service regulations?

[Here the hammer fell.]

Mr. HUDSON. I should be glad to answer the gentleman's question if I had time. They might get in under the civil-service regulations; but why can they not get in under this bill?

Mr. BRODERICK. I yield five minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Speaker, I think that the absurdity of this bill can be very easily seen if we will reflect for a few moments and see what would be the result of such a measure if logically carried out in all the Departments of the Government. There can be no reason, so far as I can conceive, why railway mail clerks who have been discharged should be restored—why the civil-service law should be repealed for their benefit in order to open the door for their restoration—any more than similar measures should be adopted in the case of clerks of the Departments here, or in any branch of the Government now subject to the civil-service law.

If this measure is to be adopted in the present case, why, then, if the Administration should change politically at the end of the present term, should we not come in and ask that the same thing be done for railway clerks who may have been turned out under the present Administration, and that a similar measure be adopted for the benefit of clerks in every one of the Departments? No gentleman has given any reason, there can be no reason given, why the civil-service law should be repealed in order that these railway mail clerks may be put back into their places, unless the same reasoning applies in favor of clerks in the Treasury Department, the War Department, the Interior Department, and every other Department of the Government.

I believe, as the gentleman from Massachusetts has said, that civil service has come to stay. I believe it ought to stay. It ought to stay for many reasons. It ought to stay in order to save the members of Congress from having two-thirds of their time taken up in attending to applications made to them for official appointments, as was the case under the old "spoils system." It ought to stay because it puts the business of the Government upon business principles—upon the same principles on which the head of any great business acts when he keeps in his service employés who have filled their places well, who have rendered good service, without regard to their politics or their religion.

So far as regards the facts which existed under the Administration of Gen. Harrison and the Administration prior to that, I can speak only with reference to my own State. I know that when Mr. Cleveland went out of office at the end of his first Administration there was not in my district one railway mail clerk who was a Republican. Every Republican in my district and every one in the State of Maine had been turned out; throughout the entire State there was not a Republican in the Railway Mail Service.

Now, hwat did Mr. Harrison's Administration do? I saw myself the superintendent of the Railway Mail Service for New

England; I saw him in the interest of retaining a Democrat in office after Mr. Harrison had been inaugurated. I asked the superintendent what his policy would be. He said he should restore the old clerks who were competent, putting them in the places of those in the service who were incompetent, but that competent railway mail clerks, though they were Democrats, would be retained.

I can speak of one gentleman who was employed on the trains coming into and going out of my own city. A Republican railway mail clerk there was discharged under the Cleveland Administration, although he was efficient, and in his place there was appointed a young man by the name of William B. Snow, a Democrat. He made a good clerk; he was in every way a respectable man; and when Mr. Harrison came into office I myself went down to the Post-Office Department and filed an application, leaving it there over my own signature, to have him retained. And under Mr. Harrison's Administration he was retained, until he himself resigned to go into a private business.

The SPEAKER *pro tempore* (Mr. MCCREARY of Kentucky). The time of the gentleman has expired.

Mr. MILLIKEN. I would like to have a moment or two more.

Mr. BYNUM. Will the gentleman permit a question?

Mr. MILLIKEN. Well, my time has expired, I believe.

Mr. BYNUM. I will yield the gentleman a minute to answer me.

Why did you feel it necessary to go down to ask the retention of a man if he was a competent clerk?

Mr. MILLIKEN. I will say to my friend from Indiana that I generally look carefully after my affairs and my friends also. I do not trust to anybody else; and if the gentleman from Indiana wanted a position anywhere that I had influence to help him to secure, and desired to secure for him, I should take no chances, but attend to it at once and probably before he got ready to ask me. It was not because I felt it realy necessary that I immediately interfered for this worthy young man, but because it is my habit to take care of my constituency to the best of my ability; and I did it at that time for a Democrat, as I have done on many other occasions. And I will further say, if my minute has not expired, that I have been at work for the last six months to get that same gentleman, who went out on his own motion to enter into private business, restored to the postal service, and simply because he was a very efficient clerk and I believed it to be a good thing for the public service, although he is a Democrat.

The restoration of the few postal clerks whom this bill would let in is not a very serious matter in itself. But it is an entering wedge to the overthrow of the civil service. It is an insidious, a covert attack upon the whole civil-service law, and for that reason more than for any other I am radically and unqualifiedly opposed to it. I hope never to see that law repealed. I would rather see it extended and made more complete than it is. The spoils system is contrary to good sense and good morals. It is incompatible with an efficient public service, and an injustice and cruelty to those servants of the Government who have been efficient and faithful, and whose experience is too valuable to be thrown away simply to give their places to others who want them. No business concern in the country adopts that system, and none could succeed if it did.

[Here the hammer fell.]

Mr. BRODERICK. I yield five minutes to the gentleman from Illinois [Mr. HENDERSON].

Mr. HENDERSON of Illinois. Mr. Speaker, I have been a Representative in this House for nearly twenty years——

Mr. DOCKERY. And a faithful and efficient one.

Mr. HENDERSON of Illinois. I thank my friend for his kind expression. But I remember well when I first came here that I had, as I presume members usually have, some applications for appointments in the Railway Mail Service; and on that subject, I speak only from memory now as to the exact time, but my impression is that it was more than two years before I could get a single appointment in the Railway Mail Service under a Republican Administration, for the reason that the service was regarded of so much importance to the country generally that they would not make changes and put out competent and faithful men on any grounds excepting such as were sufficient to warrant a removal, and put an incompetent or an inexperienced man in his place. I believe that has been the policy of every Administration since I have been a member of the House of Representatives, to appoint only capable men in the Railway Mail Service and not to make changes unless they were made for good cause. And this is true policy.

Now, gentleman say here that a large percentage of the railway mail clerks were Republicans kept in office under the Administration of Mr. Cleveland.

I do not know how it was in other districts, but I do know that in my district a very large percentage of the appointees in that service were Democrats, and that not more than two or three out of ten, at least, were Republicans on the day that President Harrison was inaugurated, on the 4th of March, 1889. They had made nearly a clean sweep, I think entirely a clean sweep, in the county in which I live, and I found eight or nine Democrats in the Railway Mail Service who had been appointed to their positions under Mr. Cleveland's Administration to one Republican left in the service.

I thought it unkind on the part of President Cleveland, after his Administration had extended over nearly the entire period of four years, and after he had been defeated by the people of the country, then for the first time to turn his attention to this service and issue an order putting it under the civil service law. After the election, and when it was known that he was to cease to be President on the 4th of March following, he issued an order to put the Railway Mail Service under the civil service law and rules, not, however, to take effect immediately, as stated by the gentleman from Maine [Mr. REED], but to take effect on the 15th day of March following, as I remember the date.

Mr. TERRY. What do you think of the order of President Harrison, issued after his defeat, extending the civil service law to the free-delivery service?

Mr. HENDERSON of Illinois. I should not approve of anything of the kind, but I believe that it was done on the recommendation of the Civil Service Commission.

Mr. HUNTER. Only Mr. Lyman.

Mr. HENDERSON of Illinois. On what ground Mr. Cleveland made the change I am not able to say. If I had been President of the United States for four years, without bringing this service under the civil service law, I would have allowed it to remain there until my successor came in, and have left the matter to his judgment to determine what should be done in reference to it.

But I am not discussing now the propriety or the impropriety of the order. I am only stating that about eight out of the ten employés in the Railway Mail Service in the district I represent were Democrats when President Harrison was inaugurated, and they had been appointed in the place of competent Republicans who had been removed to make place for them. Some changes were afterwards made upon my own recommendation, but three or four Democrats were left in the service in my county, and are still in the service because they were competent. Like the illustration given by my friend and namesake from Iowa [Gen. HENDERSON], in making removals they would only allow me to remove the more inefficient or poorer clerks.

Mr. TERRY. The gentleman of course understands that President Harrison, after his defeat, extended the civil service to the free-delivery clerks.

Mr. HENDERSON of Illinois. I have already stated that I believe it was done on the recommendation of the Civil Service Commission. Now, it may be that Mr. Cleveland extended the order to embrace the railway mail clerks under that recommendation. But I certainly thought it was an impropriety for a President who had served four years, or nearly the entire term of his office, without interfering with such service, then, just at the close of his Administration, to put the service under the civil-service law and rules, and still have the order to take effect after the expiration of his term, and thus make it possible to appoint Democrats in place of Republicans. It would have looked better, it seems to me, to have let the matter stand until his successor came into office, for such action as he thought proper to take.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BYNUM. Does the gentleman know that Mr. Arthur did the same thing before he went out of office in all the Departments in Washington here?

Mr. HENDERSON of Illinois. No, I do not; and I want to say that this country never had any better President of the United States than Chester A. Arthur, all honor to his memory. [Applause on the Republican side.]

Mr. BRODERICK. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON of Illinois. Mr. Speaker, I want to say to my colleague [Mr. HENDERSON] that the statement that what was done by President Harrison just before he went out was upon the recommendation of the Civil Service Commission, I have no doubt is true; and that it meets with the approval of the present President I apprehend is also true, because he seems to continue substantially the Civil Service Commission—a good Commission no doubt. I do not know just what its politics is. I suppose, perhaps, it is Republican, a majority of it. I am not sure about that, but I think so. But that is not to be wondered at. I do not know whether there could be any simon-pure Democrat found who would make a good Civil Service Commissioner. But that is not material.

In what little time I have I want to say about this Railway Mail Service, that I am not known in the House or anywhere else as being a wonderfully zealous friend of civil-service reform, so called, as we have it in this country. I do not mean that I do not want a good civil service. I do; but I have said before, and I will say again, that it seems to me the service we have is not the American system, nor is it the English system, and it seems to me that it has the vices of both systems largely, and the virtues of neither.

But as to this Railway Mail Service, I believe it is the one service in the Government, above all others, in which men should have a permanent tenure, dependent only upon efficiency, and without reference to politics. It does no good to say that Cleveland in his first Administration turned out 90 per cent of this force of railway post-office clerks. He did, and filled their places with Democrats. I am not here to abuse him for it. He did it at the request, no doubt, of Democratic members of Congress.

Mr. PENDLETON of West Virginia. And he did right, and President Harrison did the same thing.

Mr. CANNON of Illinois. The gentleman says he did right. I am not here to dispute that, from the standpoint of the gentleman from West Virginia, because all things that come his way are right. [Laughter.] Nor am I hear to defend President Harrison for turning out 40 per cent of these railway post-office clerks before these civil-service rules finally went into full force. He did not turn out half as many as Cleveland did. He turned out 40 per cent of them.

Mr. ALLEN. That is, he did not turn out as many in a month as Cleveland did in four years.

Mr. CANNON of Illinois. I was in harmony with the action of President Harrison then, and I see no reason to change my opinion now. I have no doubt that some of the men appointed by President Harrison were new men. But in the main they were tried, efficient men, who had been dropped during President Cleveland's Administration, and, in my judgment, the service was benefited by their reinstatement.

Now I want to call the attention of gentlemen to the fact that to be a good railway post-office clerk requires peculiar qualities. A man must have great industry. He must have a peculiar mind. He must have what the phrenologists call location. When you take sixty or seventy thousand post-offices and put mail in great quantities into a moving post-office on a railway car, with the 175,000 miles of railway postal routes, there being nothing on the letters to indicate the routes which they are required to take, and the clerk is required to throw that mail and give it the proper direction, so that it will go in the least space of time, it requires peculiar qualities. There is not one man in a dozen who will make a good railway post-office clerk, although he might make a better something else than the man who would make a good railway clerk.

[The time of Mr. CANNON of Illinois having expired, Mr. BRODERICK yielded to him two minutes more.]

Mr. CANNON of Illinois. Now, this service has been built up through the years when Mr. Cleveland first came in. He turned out nine out of ten of these trained clerks, and filled their places with new men. Some of those men were good men. Some of them made good clerks. Many of them are yet in the service; but in the main they were poor clerks. In my section of the country all men, of all parties, protested about the defective service, and the service was benefited when half of Cleveland's appointees were turned out, and these old and tried clerks were reinstated.

Now we have a good service. You gentlemen think the men now in the service ought to be turned out and the Democrats turned in. Very well; if you can pass this act and get Grover Cleveland to do it, well and good. From a political standpoint I have no objection, because it will only add another weight that you have to carry. From the humane standpoint I do object, because, God knows, you are carrying all now that you can stagger under and walk. [Laughter.]

Mr. BARNES. That does not make you sorry.

Mr. BRODERICK. I yield five minutes to the gentleman from Pennsylvania.

Mr. BINGHAM. Mr. Speaker, the report by the majority in connection with this proposed legislation is somewhat misleading as to dates as well as to other facts contained in the report. But as I proceed in my limited time I shall endeavor to invite your attention to several most marked. The condition of the Railway Mail Service to-day, in its subordinate force, the clerks, consists of about seven thousand men. These men have been under the rules of the civil service for upwards of five years, and at this time the railway mail clerks are well established as a part of the classified service of the General Government.

The proposition contained in the bill is that 2,800 or 2,900 men who were removed between the dates March 1, 1889, to the 30th day of May of the same year may, "whenever a vacancy may occur in a grade or class no higher than that in which he was formerly employed, be reinstated by the Postmaster-General without examination or certification by the Civil Service Commission." These men were in the service under the old rule of personal selection by the Postmaster-General and the probationary test of six months' work and examination for regular appointment—a system well tried and productive of good results.

This legislation proposes, after the Railway Mail Service has been established five years under the civil service rules, to allow a large number of men to be considered qualified for the service without any examination, simply because it is alleged they were removed because of partisanship at a time when personal or partisan selection was the rule. It is well for us to remember in that connection that the same Commissioner recommended to President Cleveland the rule governing the transfer of the service, to take place on the 15th of March, who, when he found that he could not effect the transfer in the service at that time, also recommended to President Harrison that it should not take place until the first day of May. Commissioner Lyman recommended March 15, 1889, as the date for the transfer; finding it impossible, he asks the then President to fix the date May 1st, and it is so fixed.

The same sincerity and desire for good administration that prompted Lyman to fix the one date governed him in fixing the second date. Throughout the entire transfer of the service there is not a single fact or particle of evidence to show that Commissioner Lyman in fixing the 1st day of May, in his official letter to the President, was governed by any other motive than that which governed in fixing the 15th of March. I believe that in the transfer of the service every effort as an official on his part was used to make the transfer in time, and in the making of the transfer of these thousands of men and the examinations which were required in the various States, it was physically impossible for him to carry out the law. Therefore, up to the 1st of May, the old rules ran.

The same rules that these men were appointed under; the same rules ran that had prevailed ever since that service was organized. These men now have no special claim for consideration, for the reason that they were appointed under the old rules and were dismissed under the same rules that existed when they were appointed. For five years your service has been established under the civil service laws. You have 7,000 well-equipped men, and I claim no adequate or good reason has been given why any rule should follow these old discharged employés other than the rule that would cover any men in the United States service appointed under the old rules discharged and clamorous for reinstatement.

There is no evidence that partisanship formed any part of the recommendations of the Commissioner. These men, duly discharged under the system and rules governing appointments and discharges for many years, assert and claim removal because they were Democrats. This bill, if enacted into law, directs their reappointment because they were appointed as Democrats; therefore, having been removed, as is claimed, five years ago, they should under an entirely new system and construction of rules be reinstated because they are now Democrats. The service is to-day operating most satisfactorily to the people—let it continue under the civil service, and let these men comply with existing law.

Mr. BYNUM. I yield five minutes to the gentleman from West Virginia [Mr. PENDLETON].

Mr. PENDLETON of West Virginia. Mr. Speaker, I have no doubt that there is a good deal of hypocrisy on this subject. When Mr. Cleveland came to the White House in 1885, he found that for nearly thirty years the members of only one party had filled the positions known as railway mail clerks. During the course of his Administration he changed in all probability about one-half of the clerks holding positions in that service. At the end of his Administration, after he had been defeated at the polls, he tried to place the Railway Mail Service under the civil service. I do not know what his motive was. I do not know what actuated him; but it is my opinion that Mr. Cleveland was anxious to save 3,000 or 4,000 Democrats from the remorseless hands of the Republican party. I have no doubt upon that subject whatever.

Mr. Arthur had in his preceding Administration pursued the same policy in order to retain Republicans in as many places as possible. Mr. Cleveland, however, was not successful, because Mr. Harrison came along after him and suspended this order; suspended it for no other purpose—and there is no use in talking hypocritically upon the subject—than to turn out 3,000 Democrats and substitute 3,000 Republicans in their places.

This talk about these Democrats being incompetent is all humbug, the sheerest humbug, united with a great deal of impudence. Their places were wanted for Republicans, and of course

excuses had to be trumped up for such an open and shameful violation of the civil-service principle to which the Administration of President Harrison professed to be devoted. Our Republican friends simply favor the civil-service theory as at present carried out, because it is so administered as to retain Republicans in office. In all the Departments of the Government where the clerical service comes under the civil-service law, nine-tenths of the employés are Republicans, who, under its working, expect to hold their positions for life. Hence this present love on the part of Republicans for civil service as it is administered.

Mr. Harrison, following Mr. Cleveland's example, on the 15th of January, 1893, after he had been defeated for reëlection, issued his civil-service order with regard to the employés in the post-offices of the country, fourteen or fifteen thousand strong——

Mr. BINGHAM. Oh, no. Does not the gentleman know that in the entire service there are only a little less than twelve thousand letter-carriers, and that that order applies only to second-class offices in towns of less than fifty thousand population?

Mr. PENDLETON of West Virginia. My understanding is that there are from twelve to fifteen thousand of these employés.

Mr. BINGHAM. According to the last annual report there were 11,711.

Mr. PENDLETON of West Virginia. Clerks and letter-carriers both?

Mr. BINGHAM. Letter-carriers. The clerks have always been under the civil service.

Mr. PENDLETON of West Virginia. The clerks have not been under the civil service in the post-offices affected by this order. What was the object of this order? Mr. Harrison had been defeated at the polls, and the object of the order was not to manifest any love for civil-service reform, but to retain Republican employés in office. Why not be honest about it, and say that that was the object? I do not blame President Cleveland for trying to keep Democrats in office. I do not blame President Harrison for trying to keep his own political friends in office; but I do blame the hypocrisy which undertakes to defend the course of President Harrison on the ground of professed enthusiasm for the purity, the glory, and the grandeur of civil-service reform.

The whole talk is hypocritical. Gentlemen talk about turning these men out for the good of the service, and about dividing the offices with the Democrats. Take the State of West Virginia. In Mr. Harrison's Administration there was only one Democrat left in the service in the entire State, and he had obtained his position through the influence of Gen. Goff, the Republican leader in that State; and when Mr. Cleveland came in I found that every position of this kind was filled by a Republican, and so far as I know, down to the present moment not two Democrats in the entire State of West Virginia have been appointed to positions in the Railway Mail Service.

Now, Mr. Speaker, this is not an unjust bill. It is a righteous bill. It does not undertake to turn out anybody. It does not undertake to turn out a single Republican. It simply provides that when vacancies occur these men who formerly filled the places shall have a right to a preference without going through a civil service examination. I think it is a very just and generous bill to our Republican brethren; and, as to its administration, if there be in all this land a man who is thoroughly devoted to civil service reform, that man is Postmaster-General Bissell, and if this bill becomes a law, I do not think there is a Democrat or a Republican here who believes for a moment that Mr. Bissell will permit any pressure of any character to induce him to violate it, either in letter or in spirit.

Mr. MARSH. The gentleman from Massachusetts [Mr. EVERETT] does not think so.

Mr. PENDLETON of West Virginia. I do not agree with the gentleman from Massachusetts. He has not run against Mr. Bissell's backbone as often as I have. I have found that it is very nearly as strong as Grover Cleveland's, and he is thoroughly devoted to this absurd system of civil service reform, so called. Mr. Speaker, I would be in favor of civil service reform if it was administered with proper regard to the great parties that divide our people, but when I see it so administered that four-fifths of the employés are members of the party that is driven from power, I think that is an injustice to the party voted into power by the people.

Mr. Cleveland has not in any way interfered with the order made by Mr. Harrison, and the 15,000 clerks and letter-carriers protected by it still enjoy their positions, though the Democrats, as the result of the elections, expected to get them all. One-half of the Government employés under the civil service rules are Republican politicians who never were compelled to submit to any examination whatever. Whether the Democrats be in power or no, for many years to come the civil service of the country is to be administered by the party hostile to them.

Mr. BRODERICK. I yield ten minutes to the gentleman from New York [Mr. RAY].

Mr. RAY. Mr. Speaker, the brass of the gentleman from West Virginia is of that bright and shining quality which commands my admiration. He appeals to the generosity of the Republicans in this House and asks us to assist in the passage of this bill.

Mr. PENDLETON of West Virginia. Oh, no. I do not expect you to vote for it.

Mr. RAY. I beg pardon if I misunderstood the gentleman. I thought he appealed to our generosity to aid in the passage of this bill as a matter of justice to the Democrats, and it struck me as strange that he should do that at a time in our history when the Democratic guillotine is rising and falling with a destructive rapidity that defies computation.

The gentleman claims, as I now understand him, that this is a generous bill. Yes, sir, it is a very generous bill! It is one of the many partisan measures that a Democratic House of Representatives has determined to force to a passage and to put upon the statute book under the whip and the spur of a special rule which limits and cuts off debate, forbids a fair presentation of the merits of the case, orders the previous question at a specified hour, and forces the measure to a final vote to the exclusion of all other business.

And, Mr. Speaker, all this is done at a time when there is no necessity whatever for it; because the House, under the lead of the distinguished chairman of the Ways and Means Committee has declared that we shall never, no never, adjourn until we can have free sugar, free coal, and free iron, and free wool, while the Senate at the other end of the Capitol, in an equally defiant attitude, has declared that there shall be a tax on sugar, coal, and iron, and that the sugar trust must and shall be protected.

So, Mr. Speaker, I ask you and gentlemen of this House what occasion there is for any particular haste in legislation at this time?

Mr. HAINER of Nebraska. "The eternal years of God" are theirs.

Mr. RAY. Yes, under the declarations that have been made in both branches of Congress as to the tariff bill, the eternal years of God are yours, gentlemen, since the Senate and the House will have to compromise on these questions or we shall remain in session until our terms of office expire; and compromise they never will, so they say!

Now, Mr. Speaker, this is simply an attempt by a Democratic Congress to legislate into office in defiance of the civil-service rules a lot of discharged Democrats, amounting to several hundred, or it may be several thousand, all of whom were discharged between March 5 and May 1, 1889, for cause. These men have been out of office since that time—about five years; and if they are good for anything in any department of life they have found business long since in some remunerative field which they will be loth to leave. If they have not found other business they are not deserving of positions under this Government.

It is not very strange that our Democratic friends are seeking to legislate hundreds of clerks into office under the whip and spur of a special rule—not so very strange; for their hatred of civil-service rules and of the law pertaining to civil service is so great that they are willing to strike down and trample under foot everything that looks to reform in the civil service of this Government.

Again, this is about the only way that the Democratic party can get men into office. It has tried at the polls at the last two elections, and has met with a most miserable, humiliating, and dismal defeat. The elections for months and months past have proven a succession of Waterloos to our Democratic friends. Again they find it impossible to get Democratic aspirants into office through the regular channels of Presidential appointment; for the Senate assumes an independent attitude and refuses or neglects to confirm the appointments made by the President of the United States.

The Democratic party is so thoroughly at war with itself that the sky is fairly lurid with the glare of Democratic internecine strife. These Democratic combatants are now engaged in factional war, with their daggers drawn and their flashing scimitars gleaming in the bright sunlight of these July days; and these instruments of Democratic warfare are drinking deep of Democratic blood.

Mr. Speaker, I rejoice at this situation and congratulate the country. Under existing conditions I can not say that I really blame our Democratic friends for seeking to legislate men into office in defiance of the President, in defiance of civil service laws and rules, through a special act of Congress. It is their only hope. But it strikes me, gentlemen, that you may find the same opposition to this measure at the other end of the Capitol that you find to your free trade and sugar trust bill now pending there for action.

The Railway Mail Service is of great importance to every citizen, and especially to every business man. This Railway Mail

Service ought not to be lightly interfered with. What justification do you find for the enactment of a law which will set aside and put at defiance the civil service laws and rules adopted after years of consideration, which have been improved and amended from time to time in the interest of this service, in the interest of the business men of this great country, and in the interest of good government? No excuse has been offered, no excuse can be offered by any Democrat for the passage of this bill, except simply that it will place in office somewhere between 3,000 and 8,000 hungry Democrats longing for places, and who can find occupation nowhere else.

A MEMBER. You mean famished Democrats.

Mr. RAY. Yes; famished Democrats.

There is no principle on which the measure can rest. It would be just as wise to legislate out every clerk put in office under the Administration of President Harrison, and legislate into office every Democrat removed during the same period. I trust the good sense of the Democratic party, if it has any, will assume control of your actions and defeat a measure so opposed to common sense, justice, good government, and which is without precedent in our history.

[Here the hammer fell.]

Mr. BYNUM. I yield five minutes to the gentleman from Michigan [Mr. GORMAN].

Mr. GORMAN. Mr. Speaker, I should not be willing to support any measure which would in any way impair the efficiency of the postal service. I do not think that this bill, if carried out as designed, will endanger in any way the efficiency of that service; and it is hardly fair to impugn the firmness and official integrity of the Postmaster-General by supposing that he will yield to the importunities of his Democratic friends and put into this service men not competent to discharge properly their duties.

The object of this bill, as I understand, is to put back into the service men who were dismissed for purely political reasons and whose efficiency was unquestioned.

In answer to the suggestion of the gentleman from Iowa [Mr. HENDERSON], who said that none but inefficient clerks were dismissed, I wish to say that I am personally acquainted with eleven gentlemen in my district who were dismissed as postal clerks at the beginning of the Harrison Administration, and before the application of the civil-service law; and the dismissals in some cases were dated April 29, although the men were retained in the service until the latter part of May.

Not one of those men in my district who were dismissed from their positions of clerks was a Republican; every man dismissed was a Democrat. There was one, a Mr. Caldwell, of Monroe, whose standing was nearly 98 per cent. Not a single charge was made against him except that he was a Democrat. That was the response he got from the Department; that he had spoken disrespectfully of his political opponents.

This bill, as I understand, is designed to give to men of this class that just treatment which they are entitled to receive at the hands of this or any other Administration. It is not the design to put into the service inefficient clerks, but to restore men who have been dismissed for political reasons—not because of any inefficiency as clerks. That Republican Administration dismissed every Democrat that had been appointed from my district except four; and two of those four have since been dismissed; so that to-day there are only two Democrats in that service from my district.

I want to show you and the House, Mr. Speaker, a statement giving the number of divisions of the routes, and the number of clerks employed in each; and in figuring up the total on the Detroit division there are 110 persons employed, of which number 15 only are Democrats. In the Grand Rapids division 32 persons are employed, 5 only are Democrats, and the total number in the State employed in this ninth division of the Railway Mail Service is 660 persons, of which number 534 are Republicans and 126 Democrats.

I want to say one thing more before taking my seat. Since this Administration has come into power there has not been a single Democrat appointed from my district, although many and many of them have taken the civil service examination.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. GORMAN. I ask unanimous consent to insert in the RECORD as a part of my remarks the table which I have quoted in part, showing the number of clerks on each one of these routes in the ninth division and their political affiliations.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Michigan?

Mr. BRODERICK. I ask that all gentlemen who have spoken on this question be permitted to extend their remarks in the RECORD.

The SPEAKER *pro tempore*. The Chair will submit that request afterward. The Chair hears no objection to the request of the gentleman from Michigan.

The gentleman from Kansas asks unanimous consent that all members who have spoken on this question may be permitted to extend their remarks in the RECORD. Is there objection? The Chair hears none.

Mr. GROSVENOR. I desire to ask whose statement it is that the gentleman from Michigan proposes to put into the RECORD? The Chair has not put that question, and I desire to know, before consent is given, what the statement is.

The SPEAKER *pro tempore*. The Chair had put the question and understood that no objection was made.

Mr. GROSVENOR. I beg the Chair's pardon. Before the question was submitted the gentleman from Kansas submitted another request.

The SPEAKER *pro tempore*. The Chair asked if there was objection and heard none.

Mr. GROSVENOR. The gentleman had not specified whose statement it was.

Mr. GORMAN. It is a statement prepared by five Democratic clerks in the Railway Mail Service, and vouched for to be absolutely correct. In any case where there was doubt as to the political affiliation of a party, the doubt was given to the other side; and it is manifest that the statement is most likely to give a larger percentage to the Democrats than they are entitled to, for the reason that any man in the service if asked what his political convictions are would be inclined to say that he was a Democrat under the present circumstances.

Mr. LOUD. I would like to ask the gentleman from Michigan how he can ascertain the political affiliations of any person employed as a clerk in the Railway Mail Service?

Mr. GORMAN. In this case the information was obtained by personal inquiry and contact.

Mr. LOUD. I imagine that there is a great deal of guesswork about it.

Mr. GORMAN. Well, these men are in the service and have been since Mr. Cleveland's first Administration.

Mr. LOUD. I would like to find a man who had any political proclivities at all in the service—especially a Republican.

Mr. GORMAN. If you will go with me into the district I represent I will find you men in the service attending meetings, carrying torchlights in processions, hurrahing for members of Congress or for political candidates, and talking politics plainly and openly.

Mr. MILLIKEN. Do they do that while they are on the run?

Mr. GORMAN. They are not all the time on the train.

Mr. MILLIKEN. How do they manage?

Mr. GORMAN. They have plenty of time when they are not on the trains to attend political meetings; and there is no doubt of their political affiliations, as I could easily demonstrate to the gentleman.

The SPEAKER *pro tempore*. The Chair understands that there is no objection to the gentleman publishing the table to which he has referred.

There was no objection.

The table referred to by Mr. GORMAN is as follows:

Routes.	Total number of employés.	Total number of Republicans.	Total number of Democrats.	Democrats on night runs.
ROUTES ASSIGNED TO CHIEF CLERK'S OFFICE AT DETROIT, MICH.				
Alpena and Alger railway post-office	2	2		
Bad Axe and East Saginaw railway post-office	1	1		
Bay City and Jackson railway post-office	4	3	1	
Bay City, Plymouth and Detroit railway post-office	2	2		
Big Rapids and Detroit railway post-office	3	3		
Caseville and Pontiac railway post-office	1	1		
Fort Gratiot and Detroit railway post-office	2	1	1	
Detroit and Chicago railway post-office	38	34	4	3
Detroit, Mont. and Chicago railway post-office	4	3	1	
Detroit and Grand Haven railway post-office	7	6	1	
Detroit and Grand Rapids railway post-office	6	6		
Detroit, Grand Ledge and Grand Rapids railway post-office	5	4	1	
Detroit, Three Rivers and Chicago railway post-office	4	3	1	
East Saginaw and Port Huron railway post-office	1	1		
Fort Gratiot and Chicago railway post-office	8	7	1	
Howard City and Grand Ledge railway post-office	1	1		
Lenox and Jackson railway post-office	2	1	1	
Mackinaw City and Detroit railway post-office	10	8	2	1
Manistee, East Saginaw and Detroit railway post-office	4	4		
Montp. and Peru railway post-office	2	1	1	
Port Austin and Port Huron railway post-office	2	2		
Trenton and Adrian railway post-office	1	1		
	110		15	

Routes.	Total number of employés.	Total number of Republicans.	Total number of Democrats.	Democrats on night runs.
ROUTES ASSIGNED TO CHIEF CLERK'S OFFICE AT GRAND RAPIDS, MICH.				
Battle Creek and Goshen railway post-office	1	1	.....	.....
Bay View and Grand Rapids railway post-office	4	4	.....	.....
Big Rapids and Holland railway post-office	3	3	.....	.....
Cadillac and Fort Wayne railway post-office	4	4	.....	.....
Durand and East Saginaw railway post-office	1	1	.....	.....
Grand Rapids and Elkton railway post-office	4	4	.....	.....
Kalamazoo and South Haven railway post-office	1	1	.....	.....
Mackinaw City and Grand Rapids railway post-office	4	1	3	.....
Muskegon and Allegan railway post-office	1	1	.....	.....
Owosso and Muskegon railway post-office	2	1	1	.....
Pentwater and Muskegon railway post-office (operated by Big Rapids and Holland railway post-office clerks)	.....	.....	.....	.....
Toledo and Allegan railway post-office	2	2	.....	.....
Traverse City and Manistee railway post-office	1	1	.....	.....
Grand Rapids and Lacrosse railway post-office	3	2	1	.....
East Saginaw and Howard City railway post-office	1	1	.....	.....
	32	.....	5	.....
ROUTES ASSIGNED TO THE SUPERINTENDENT'S OFFICE.				
Adrian and Fayette railway post-office	1	1	.....	.....
Ashtabula and Youngstown railway post-office	1	1	.....	.....
Ashtabula and Oil City railway post-office	2	1	1	.....
Cleveland, Fort Wayne and Chicago railway post-office	4	3	1	.....
Cleveland and Toledo railway post-office	4	4	.....	.....
Detroit and Toledo railway post-office	1	1	.....	.....
Frankfort and Toledo railway post-office	6	6	.....	.....
Jackson and Adrian railway post-office	2	2	.....	.....
Jackson and Fort Wayne railway post-office	2	2	.....	.....
Lansing and Hillsdale railway post-office	1	1	.....	.....
Ludington and Monroe railway post-office	4	1	3	.....
Port Huron and Chicago railway post-office	8	7	1	.....
Toledo and Chicago railway post-office	4	4	.....	.....
Ypsilanti and Hillsdale railway post-office	1	1	.....	.....
New York and Albany railway post-office	12	7	5	.....
New York and Chicago railway post-office, east division, train 3	8	5	3	.....
New York and Chicago railway post-office, east division, train 13	50	40	10	.....
New York and Chicago railway post-office, east division, train 11	66	44	22	22
New York and Chicago railway post-office, east division, train 21	12	9	3	.....
New York and Chicago railway post-office, east division, short stops	13	10	3	2
New York and Chicago railway post-office, east division, register clerks	4	3	1	.....
New York and Chicago railway post-office, middle division, train 3	36	32	4	4
New York and Chicago railway post-office, middle division, train 13	48	41	7	7
New York and Chicago railway post-office, middle division, train 11	60	54	6	.....
New York and Chicago railway post-office, west division, short stops	2	2	.....	.....
New York and Chicago railway post-office, west division, train 3	28	23	5	.....
New York and Chicago railway post-office, west division, train 13	44	28	16	8
New York and Chicago railway post-office, west division, train 11	44	32	12	12
New York and Chicago railway post-office, west division, register clerk	4	3	1	.....
Superintendent's office, Cleveland, Ohio	10	10	.....	.....
Chief clerk's office, Syracuse, N. Y.	4	4	.....	.....
Chief clerk's office, Detroit, Mich	3	3	.....	.....
Chief clerk's office, Grand Rapids, Mich	3	3	.....	.....
Chief clerk's office, Chicago, Ill	1	1	.....	.....
Transfer clerk at Utica, N. Y.	1	1	.....	.....
Transfer clerks at Buffalo, N. Y.	3	3	.....	.....
Transfer clerks at Cleveland, Ohio	3	2	1	.....
Transfer clerks at Toledo, Ohio	3	3	.....	.....
Transfer clerks at Jackson, Mich	1	.....	1	.....
Transfer clerks at Detroit, Mich	4	4	.....	.....
Transfer clerks at Grand Rapids, Mich	2	2	.....	.....
Transfer clerks at New York, N. Y.	8	8	.....	.....
Employés of the ninth division	660	534	126	58
Average percentage	76.4	23.6	.....	.....

This, the ninth division of the Railway Mail Service, has 660 employés; 534 are Republicans and 126 are Democrats, or about 76.4 per cent are Republicans and 23.6 per cent are Democrats. They are divided as follows: The New York and Chicago, which is the main route of the division, has 419 postal clerks; 326 are Republicans and 93 are Democrats. Of the 93 Democrats, 63 are assigned to night runs. There are 36 clerks in charge, of which 26 are Republicans and 10 are Democrats. The 10 Democrats are all on assigned night runs. The remaining routes of the division have 195 postal clerks; 164 are Republicans and 31 are Democrats. The number of official positions in the division are 21, all of which are held by Republicans. The number of clerks detailed for transfer duty at the large junctions in the division are 25, of which 23 are Republicans and 2 are Democrats.

Mr. BRODERICK. I yield two minutes to the gentleman from Illinois, Mr. MARSH.

Mr. MARSH. I shall not require that much time. This bill I understand to be a bill providing for the restoration to office of a lot of Democrats who were formerly in the postal service at the time Mr. Harrison became President of the United States. At the proper time I will offer an amendment to the bill providing for a restoration of the post-offices to the Republicans who have been turned out by Grover Cleveland. [Laughter and applause.]

Mr. BYNUM. How long a time does the gentleman from Kansas desire to occupy?

Mr. BRODERICK. Not more than ten minutes, perhaps.

Mr. BYNUM. I ask unanimous consent, at the close of the gentleman's remarks, that we take a vote on the amendment and on the bill instead of waiting until 4 o'clock.

Mr. CANNON of Illinois. Will you adjourn then?

Mr. BYNUM. Yes.

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent, at the conclusion of the remarks of the gentleman from Kansas (the gentleman is entitled to fourteen minutes) that the vote shall then be taken under the special order, instead of waiting until 4 o'clock. Is there objection?

There was no objection.

Mr. BRODERICK. Mr. Speaker, it being late Saturday evening and the mercury at nearly 100° in the shade, I appreciate the anxiety of members for an early vote on this question and an adjournment. Having recently taken part in a discussion of this question, and having stated my position fully upon the civil service law, I do not care to restate what was then said. The law speaks for itself. It is a wise and just provision, and there is no demand from any source for its repeal or modification. Its provisions should be strengthened rather than weakened, and an honest execution should be demanded to the end that merit shall be the true test of ability to secure position under this law.

In the consideration of this question the fact should not be overlooked that every political party in this country has unqualifiedly indorsed the principle of the civil service law and there has been no dissent from this position until this bill was presented. I want the country to know that this proposition comes from the Democratic side of the House, and that it is in opposition to every public declaration of that party for the last ten years. The measure was conceived and is urged here to-day in the hope of securing a partisan advantage. This is not the worst feature of the bill. It is an attempt to do indirectly what no party would offer to do directly. It is a blow at the principle of civil service.

I ask to have read from the Clerk's desk as a part of my argument the minority report on this bill. It clearly states the views of the Republican members of the committee, and if we can place any reliance upon what political parties say through their national conventions it states the views of the American people.

The Clerk read as follows:

Mr. BRODERICK, from the Committee on the Judiciary, reported the following as the views of Republican members:

The undersigned, members of the Committee on the Judiciary, object to the passage of House bill No. 4017, and state the following reasons therefor:

After the Presidential election held in 1888, and before the expiration of President Cleveland's term, he issued an order placing the Railway Mail service under the regulations of the civil service, the rule to take effect on the 15th day of March, 1889. About the 11th of March, 1889, the Civil Service Commission, which is charged with the duty of classifying, having advised President Harrison that it was impossible to complete the classification by the 15th, and recommended an extension of time, President Harrison accordingly issued an order extending the time to the 1st day of May, 1889, at which time the rule went into full force.

This bill and report recommending its passage are based upon the assumption that the order of President Harrison, issued for the extension of the time, as above stated, "was to enable the new administration to make changes and appointments for political reasons alone."

That this is an erroneous assumption is clearly evidenced by the order of the President and by the statement of the Civil Service Commission made in an official letter dated February 8, 1894. The statement is as follows:

"The classification of the Railway Mail Service was originally ordered by President Cleveland to take effect on March 15, 1889. It was absolutely impossible for the Civil Service Commission to complete the classification by that date, and in consequence the classification was deferred until May 1, 1889, at which date it actually took effect."

That there were dismissals between the 15th day of March and the 1st day of May, 1889, we do not dispute, but this was before the order took effect and while the old system was in force, and it will be remembered that during the Democratic Administration of 1885–1889 nearly 90 per cent of the Republican railway mail clerks were turned out and supplanted by Democrats.

The Democratic party should not complain because removals were made in 1889. It was precisely what was done in 1893 under the first six months of Mr. Cleveland's Administration. Again we quote from the letter of the Civil Service Commission of February 8:

"In 1893 the Democratic postmasters at Plattsburg, N. Y., at Topeka and Kansas City, Kans., at Galesburg, Bloomington, and Quincy, Ill., at Athens, Ga., and in several other places took advantage of the necessary delay in the classification of the free-delivery post-offices to make sweeping removals among the Republican clerks and carriers in their offices and to replace them by Democrats, just before the classification went into effect. The cases are precisely parallel and it is rank dishonesty to try to cure one and not cure the other."

If the majority here is seeking to do justice to any class of Government employés who have been dismissed from the service, then they should amend the bill and include this latter class (the carriers), and restore them to the service. It is not likely that the really meritorious clerks who were dis-

missed as long ago as 1889 are now out of employment, and why should we weaken a system which is sanctioned by the better judgment of all classes for the few who have been idly waiting five years for reappointment? Will the public interest be subserved by this effort of the Democratic party to return to the obsolete and disreputable spoils system?

The way to uphold this law is to sustain it now. It should be strengthened and extended in its scope and effect rather than modified. It is our conviction that the proposition to take this backward step in civil service reform is unwise, and should the bill be passed without including the carriers and others dismissed under the present Administration, it will be an extreme partisan measure, which will meet with condemnation, and its effect will be most demoralizing and vicious.

CASE BRODERICK.
WM. A. STONE.
THOS. UPDEGRAFF.
GEO. W. RAY.
H. HENRY POWERS.
ROBERT A. CHILDS.

Mr. BRODERICK. Mr. Speaker, when the bill now under consideration was before the Committee on the Judiciary, I addressed a letter to the Civil Service Commission, asking information upon this subject, and received in reply a letter, a copy of which I hold in my hand and which I desire to have read as a part of my remarks. It is a full and complete answer to the attack made on the Commission by the gentleman from Indiana [Mr. BYNUM]. It clearly shows that this bill ought not to pass.

The Clerk read as follows:

FEBRUARY 8, 1894.

DEAR SIR: I was much surprised at the receipt of your letter containing the account of the favorable report of Mr. HOUK's bill, H. R. 4017, from the Committee on the Judiciary. I thank you for your courtesy in calling the matter to my attention. This bill is precisely similar to one presented by Mr. BYNUM of Indiana and referred to the Civil Service Committee, by which it has not been reported. I appeared before the Civil Service Committee in opposition to it, and I should certainly have appeared before the Judiciary Committee in opposition to this had I known there was any intention of acting on such a measure. I should like to be heard before the committee about it, but as this may now be impossible I will take advantage of your courtesy and give the following reasons why the bill should not be made into a law:

The classification of the Railway Mail Service was originally ordered by President Cleveland to take effect on March 15, 1889. It was absolutely impossible for the Civil Service Commission to complete the classification by that date, and in consequence the classification was deferred until May 1, 1889, at which date it actually took effect (nine days before I myself was appointed Civil Service Commissioner). Advantage was taken of the delay in the classification to turn out 2,300 Democratic clerks, replacing them without examination with Republicans. This was undoubtedly an outrage. But in the first place it is all wrong to try to cure it by committing another wrong now, and in the next place it was an outrage precisely similar in character to what has occurred in a number of the newly classified post-offices within the last eight months.

In 1889 the Republican administration of the Post-Office Department took advantage of the necessary delay in classifying the Railway Mail Service to make sweeping removals of Democratic clerks and replace them by Republicans just before the law went into effect. In 1893 the Democratic postmasters at Plattsburg, N. Y., at Topeka and Kansas City, Kans., at Galesburg, Bloomington, and Quincy, Ill., at Athens, Ga., and in several other places took advantage of the necessary delay in the classification of the free delivery post-offices to make sweeping removals among the Republican clerks and carriers in their offices and to replace them by Democrats just before the classification went into effect. The cases are precisely parallel, and it is rank dishonesty to try to cure one and not cure the other. If the Democratic employés dismissed before the classification of the Railway Mail Service in 1889 are to be restored then the Republican employés dismissed before the classification in the offices above mentioned in 1893 ought to be restored.

The truth is that neither one set nor the other should be restored. The only safe rule to follow in dealing with the civil service law is to deal with office and branch of the Government from the moment it becames classified, and not take into account what went on before. If we do endeavor to take into account what went on before, we are entangled in an absolutely hopeless mesh of wrongs suffered and committed by both sides during the preceding years, and it is quite impossible to remedy any of these wrongs without committing fresh wrongs in turn. The proposed bill of Mr. Houk does not, it is true, provide that the Postmaster-General must reinstate the old clerks, but only that he may reinstate them, but immediately upon its enactment into law the greatest pressure would be brought to bear to create vacancies in order that reinstatements might be made. Of the 2,300 clerks appointed to fill the places of the Democrats but 900 now remain in the service (a strong proof of the inferiority of the men obtained under the spoils system), so that the bulk of the places are not filled by people who came in through the civil service examinations, very many of whom were themselves Democrats.

In most cases, therefore, the reinstatement would result in turning out not the original beneficiary of the wrong but some innocent and honest outrider. Moreover, the persons who would be reinstated would be the very persons who ought not to be reinstated. The discharged railway mail clerks who were honest, capable men have now, five years after their discharge, undoubtedly gotten places where they are at work at good salaries. It is precisely those who are incapable and who originally got their places merely through political favoritism, but who have now banded themselves together in political associations for selfish purposes, who would get reinstated under the proposed law. It must be remembered that all of the 2,300 clerks turned out in 1889 simply suffered under the same spoils system through which they had received their appointments. During the Democratic Administration of 1885-'89 nearly 90 per cent of the Republican railway mail clerks were turned out and were supplanted by Democrats. During the two months before the classification of the service under the succeeding Republican Administration 46 per cent of the entire force or about half the Democrats in it were turned out by the Republicans. Then the office was classified. No appointments or dismissals for partisan reasons have been since made, and it would be mischievous in the extreme now to go back to the old system and allow the reinstatement of the men thus originally appointed for spoils reasons.

The Commission has found by actual experience that it is a detriment to the public service to allow the reinstatement of a man who has been out of that service for more than a year. With every change of Administration partisans of the party which has returned to power endeavor to secure the reinstatement of their party friends who have been turned out. When President Harrison's Administration came into power the Commission found that during the Democratic administration of the Baltimore post-office no less than 96 per cent of the Republicans had been turned out and their places supplied by Democrats, and great efforts were made to induce the Commission to allow the reinstatement of all the Republicans who had thus been dismissed for party reasons. The Commission steadily opposed the proposed proceeding on the ground that while injustice might sometimes be remedied the general result would be absolutely bad and the effect would be to introduce a system of sweeping removals and sweeping reinstatements with each change of Administration for political reasons.

The proposed action to be taken with reference to Democratic railway mail clerks is precisely the action that was proposed to be taken in reference to the Baltimore post-office clerks and carriers four years ago. But there is in this instance an additional reason for opposing the bill because during the present Administration in a number of post-offices precisely the same course has been followed as was followed four years ago in the Railway Mail Service; and it is pitiable injustice to try to remedy one set of cases and not remedy the other. The bill is simply a bill for the partial reintroduction of the spoils system and for the demoralization of the railway mail service; it is thoroughly mischievous, and I sincerely hope it will fail. If there is any further information which you wish I shall be most happy to furnish it. I write this officially, by the direction and with the approval of the Commission.

Very cordially, yours,

THEODORE ROOSEVELT.

Hon. CASE BRODERICK,
House of Representatives.

Mr. BRODERICK. Mr. Speaker, after the reading of that letter I do not think anything further need be said in opposition to this bill. The bill is wrong in proposing to reinstate in the Railway Mail Service clerks who never passed an examination and who were relieved in order to secure a more efficient service. The bill is unjust and wrong in proposing to reinstate those who were dismissed in 1889 and in not proposing to restore the carriers who were dismissed under the present Administration in 1893. If the former should be restored, so should the latter. A great number of purely partisan measures have been introduced during this Congress, but in my judgment none are more objectionable than this, because it strikes at a system with which the whole people have expressed approval. It is unsafe to disturb questions so well settled, and for the good of the public service I hope the proposition may never become law.

Mr. BRODERICK. Mr. Speaker, we think that if this bill should pass there should be an amendment to it, and I send to the Clerk's desk an amendment which I offer as a separate section.

The SPEAKER. The gentleman from Kansas [Mr. BRODERICK] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the bill the following:

"SEC. —. That all letter-carriers who have been discharged since the 4th day of March, 1893 (except those who were removed by the Postmaster-General upon written charges and investigation, or when arrested for crime), shall be reinstated as fast as vacancies may occur."

Mr. BRODERICK. I wish that to come in at the end of the bill as a separate section. Mr. Speaker, I believe we are now ready for a vote.

The SPEAKER. Debate is now closed. The previous question is operating on the bill and the amendment. The question is upon agreeing to this amendment.

The amendment of Mr. BRODERICK was rejected.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

The House divided; and there were—ayes 86, noes 22.

Mr. BRODERICK made the point of no quorum, but subsequently withdrew it.

Accordingly the bill was ordered to be engrossed and read a third time; and being engrossed, it was read a third time.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BRODERICK. Division.

The House divided; and there were—ayes 87, noes 24.

Mr. BRODERICK. No quorum.

Mr. BYNUM. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BYNUM. If we should adjourn now, will this bill come up on Monday?

The SPEAKER. The previous question is ordered, and it will come up on Monday.

Mr. BYNUM. Then I move that the House adjourn.

Mr. BURROWS. Under the special order is that in order?

The SPEAKER. No quorum being present, it is in order. If there was a quorum present it would not be in order, but when there is no quorum the House must adjourn or order a call of the House.

LEAVE OF ABSENCE.

Pending the vote on the motion to adjourn, by unanimous consent, leave of absence was granted as follows:

To Mr. UPDEGRAFF, for ten days, on account of ill health.

To Mr. HEINER of Pennsylvania, for four days, on account of sickness in his family.

The motion of Mr. BYNUM was then agreed to.

Accordingly (at 3 o'clock and 35 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. MCALEER, from the Committee on Naval Affairs, reported the bill (H. R. 7683) to remove the charge of desertion against James Fay; which, with the accompanying report (No. 1289), was ordered to be printed and referred to the Committee of the Whole House.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 7796) to enable the Secretary of the Treasury to remit or mitigate fines, penalties, and forfeitures—to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Washington (by request): A bill (H. R. 7797) providing for a new system of revenue and for a national currency, and for other purposes—to the Committee on Banking and Currency.

By Mr. HEARD (by request): A joint resolution (H. Res. 206) authorizing the Commissioners of the District of Columbia to allow the use of certain streets for temporary street railway tracks—to the Committee on the District of Columbia.

By Mr. BUNDY: A memorial of the Legislature of Ohio, relating to pensions of soldiers of the Union Army—to the Committee on Invalid Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. MADDOX: A bill (H. R. 7799) for the relief of James W. Hill, of Gordon County, Ga.—to the Committee on Claims.

By Mr. SNODGRASS: A bill (H. R. 7800) for the relief of William C. Hale, administrator of Elijah M. Hale, late of Hamilton County, Tenn.—to the Committee on Claims.

Also, a bill (H. R. 7801) for the relief of Julius C. Hoodenpyle, administrator of Robert Hoodenpyle, deceased, late of Sequatchie County, Tenn.—to the Committee on Claims.

Also, a bill (H. R. 7802) for the relief of William Pickett, administrator of Jesse Pickett, late of Sequatchie County, Tenn., as found due by the Court of Claims under act of March 3, 1883—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH: Petition of Anchor Council, Royal League, of South Chicago, Ill., for adoption of an amendment to the tariff bill, providing for exemption of fraternal beneficial societies from operation of the income tax—to the Committee on Ways and Means.

By Mr. BARNES: Petition from citizens of Green Bay, Wis., against the taxation of fraternal beneficial societies in any form—to the Committee on Ways and Means.

By Mr. BURROWS: Petition of James G. Barker, for his claim against the Government—to the Committee on War Claims.

By Mr. ELLIS of Oregon: Memorial from the Chamber of Commerce of Portland, Oregon, asking for an appropriation to protect the fishery industries on the Columbia River in Oregon—to the Committee on Merchant Marine and Fisheries.

By Mr. GROSVENOR: Petition and papers of S. N. Paston and 21 others, citizens of Nelsonville, Ohio, for relief of Henry H. Alcorn, pensioner, certificate No. 427,080—to the Committee on Invalid Pensions.

Also, petition of Winfield S. Barnett, for removal of the charge of desertion, to support his claim under House bill 7787—to the Committee on Military Affairs.

By Mr. HAINER of Nebraska: Memorial of supervisors of Knox County, Nebr., praying for the taxation of lands held by Indians—to the Committee on Indian Affairs.

By Mr. HULL: Petition of Andrew Engle and 60 others, citizens of Des Moines, Iowa, praying for the impeachment of Richard Olney, Attorney-General of the United States—to the Committee on the Judiciary.

By Mr. LUCAS: Resolution of Black Hills Chautauqua, North Dakota, relative to laws governing immigration—to the Committee on Immigration and Naturalization.

By Mr. WILSON of Washington: Petition of 16 citizens of Spokane, Wash., to exempt fraternal beneficial societies from all the provisions of the tariff bill regarding taxation in any form—to the Committee on Ways and Means.

Also, petition of 19 citizens of Everett, Wash., protesting against the passage of House bill 5746—to the Committee on Agriculture.

Also, memorial of Yakima County Bar, of Washington, for the establishment of district and circuit court term for the courts of the United States at North Yakima, to embrace the counties of Yakima, Kittitas, and Klickitat—to the Committee on the Judiciary.

SENATE.

MONDAY, *July 23, 1894.*

Prayer by Rev. ISAAC W. CANTER, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Friday last; when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the Senate of March 1, 1894, a letter from the Chief of Engineers, submitting the report of a Board of Engineers, upon the feasibility and advisability of using the water power of the Great Falls of the Potomac or other water power in the neighborhood of Washington, D. C., for the purpose of lighting by electricity the public buildings, grounds, and streets of the District of Columbia; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

DEATH OF PRESIDENT CARNOT.

The PRESIDENT *pro tempore* laid before the Senate the following communication; which was read, and ordered to be placed on the files:

SAN FRANCISCO, *June 26, 1894.*

HONORED SIR: The French colony of San Francisco, deeply touched at the heart-felt sentiments of sympathy and condolence expressed by the United States Senate toward the French Republic and Madam Carnot, in this supreme hour of their great national sorrow and bereavement, caused by the cruel assassination of the President of their Republic, unanimously desire to testify to you and to the United States Senate, through you, the appreciation of their grateful thanks and the sincere expression of their kindest regards.

For the French colony:

P. H. BERGEROT.

The Hon. ADLAI E. STEVENSON,
Vice-President of the United States and President of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6913) making appropriations for the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1895, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. HOLMAN, Mr. ALLEN, and Mr. WILSON of Washington managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4312) to provide for the revival of suits, by mandamus, against officers of the United States;

A bill (H. R. 5246) providing for the inspection of immigrants by United States consuls;

A bill (H. R. 5863) to increase the penalty for embezzlement by directors, officers, or agents of national banks;

A bill (H. R. 6284) to prevent interference in the collection of State, county, and municipal taxes assessed against corporations and corporate property, and for other purposes;

A bill (H. R. 6754) to amend section 15 of an act approving, with amendments, the funding act of Arizona, approved June 25, 1890;

A bill (H. R. 6993) to remove certain restrictions on the sale of leaf tobacco;

A bill (H. R. 7258) to authorize the comparison of handwriting by courts and juries in cases where the genuineness of a signature or writing is in dispute; and

A bill (H. R. 7384) to provide for the appointment of United States commissioners and to define their jurisdiction, power, and duties.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 3978) for the relief of John M. Rice;

A bill (H. R. 5894) making appropriations for the Military Academy for the fiscal year ending June 30, 1895; and

A bill (H. R. 6108) making appropriation for the diplomatic

and counsular service of the United States for the fiscal year ending June 30, 1895.

INDIAN APPROPRIATION BILL.

Mr. COCKRELL. I ask that the message from the House of Representatives on the Indian appropriation bill be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6913) making appropriation for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. COCKRELL. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. CALL, Mr. COCKRELL, and Mr. TELLER were appointed.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented petitions of 12 associate members of the Ohio State Board of Commerce, praying for a fast-mail service from Cincinnati to the South; which were ordered to lie on the table.

He also presented a memorial of 250 citizens of Cincinnati, Ohio, and a memorial of 45 citizens of Cincinnati, Ohio, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were ordered to lie on the table.

Mr. QUAY presented memorials of 109 citizens of Nuremburg; of 29 citizens of Derry; of 52 citizens of Herndon; of 361 citizens of Mercersburg; of 37 citizens of East Waterford; of 137 citizens of Malvern; of 41 citizens of West Point; of 344 citizens of Rothsville; of 41 citizens of Le Roy; of 76 citizens of Woodward; of 60 citizens of Allegheny; of 72 citizens of Fairchance; of 32 citizent of Hastings; of 55 citizens of Roaring Springs; of 133 citizens of Myerstown; of 118 citizens of Scranton; of 6 citizens of Summit Station; of 43 citizens of Topton; of 94 citizens of Pennsylvania; of 102 citizens of Liberty; of 98 citizens of Mount Union; of 171 citizens of Sunbury; of 123 citizens of Watsontown; of 78 citizens of Mount Jewett; of 103 citizens of Big Run; of 98 citizens of Pittsburg; of 49 citizens of Freedom; of 42 citizens of Warriors Mark; of 104 citizens of Middleburg; of 14 citizens of Drifton; of 51 citizens of Beloit; of 112 citizens of Ephrata; of 17 citizens of Philadelphia; of 46 citizens of Lock Haven; of 48 citizens of Pennsylvania; of 43 citizens of Moscow; of 25 citizens of Philadelphia; of 78 citizens of Clearfield; of 56 citizens of Bellefonte; of 106 citizens of Indiana; of 66 citizens of Pennsylvania; of 79 citizens of Morrisdale; of 54 citizens of Lewisburg; of 72 citizens of Pennsylvania; of 57 citizens of Shamokin; of 51 citizens of Montoursville; of 94 citizens of Pennsylvania; of 25 citizens of St. Clairsville; of 63 citizens of Churchtown; and of 278 citizens of Carlisle, all in the State of Pennsylvania, remonstrating against the support of the Government in maintaining the present sectarian Indian education, etc.; which were ordered to lie on the table.

Mr. CULLOM presented memorials of sundry citizens of Prairie City, Riverton, Algonquin, and Woodson, all in the State of Illinois, and a memorial of sundry citizens of the United States, remonstrating against the violation of the American principle of church and state which is involved in making appropriations for or contracts with agents of sectarian institutions for Indian education, etc.; which were ordered to lie on the table.

Mr. PLATT. Mr. President, I desire to make a parliamentary inquiry. Is it in order to move to refer the petitions which have just been presented by the Senator from Pennsylvania [Mr. QUAY] and the Senator from Illinois [Mr. CULLOM] to the conferees on the part of the Senate upon the Indian appropriation bill? The petitions refer to a matter which is before the conferees. They were laid on the table because the bill has been passed by the Senate. I wish to inquire whether it will be in order to make a motion to refer those petitions to the conferees?

The PRESIDENT *pro tempore*. Can the Senator from Connecticut inform the Chair as to whether the petitions refer to any matter involved in the disagreements between the two Houses?

Mr. PLATT. They do refer to a matter upon which the Senate made an amendment, which involves the subject-matter of the petitions. I do not care for an answer at this time. I am in doubt myself upon the question.

The PRESIDENT *pro tempore*. The Chair will consider the matter, as the Chair is in doubt, and answer the Senator later.

Mr. DOLPH presented petitions of sundry citizens of California, praying for the repeal of the act of October 1, 1890, concerning the Yosemite National Park; which was referred to the Committee on Public Lands.

Mr. ALLEN presented a memorial of sundry citizens of Homer, Nebr., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was ordered to lie on the table.

He also presented a petition of the board of supervisors and county officials of Knox County, Nebr., praying for the enactment of legislation to provide for the taxation of lands held by Indians in severalty; which was ordered to lie on the table.

Mr. FAULKNER presented the memorial of H. W. Nino and 20 other citizens of Elk Garden, W. Va., remonstrating against the passage in its present form of the Indian appropriation bill, or that portion which appropriates money for the support of sectarian schools; which was ordered to lie on the table.

Mr. VILAS presented memorials of William M. Ross and sundry other citizens of Footville; of F. W. Alexander and sundry other citizens of Viroqua; of J. N. Wood and sundry other citizens of Benoit; of W. B. Stilwell and 29 other citizens of Plainwell and of sundry other citizens of Shawano, all in the State of Wisconsin, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were ordered to lie on the table.

Mr. BATE presented a petition of the Chamber of Commerce, of Nashville, Tenn., praying that an appropriation be made for the construction of a lock and dam below the mouth of the Harpeth River, in that State; which was ordered to lie on the table.

Mr. PATTON presented memorials of Harry Park and sundry other citizens of McKinley; of E. Moore and sundry other citizens of Kalamazoo County; of John L. Jackson and sundry other citizens of Grand Rapids, and of John M. Chute and sundry other citizens of North Branch, all in the State of Michigan, remonstrating against the violation of the American principle of separation of church and state which is involved in making appropriations for or contracts with agents of sectarian institutions for Indian education, etc.; which were ordered to lie on the table.

Mr. LODGE presented memorials of William K. Miles and 355 other citizens of Haverhill, Mass.; of Chase Roys and 86 other citizens of Massachusetts; of Henry S. Hayden and 405 other citizens of Massachusetts; of Rev. D. Augustine Newton and 111 other citizens of Winchester, Mass.; of William M. Folsom and 88 other citizens of Boston; of C. L. Young and 56 other citizens of Springfield; of Robert E. Galvin and 45 other citizens of Haverhill; of Rev. D. F. Lamson and 81 other citizens of Manchester; of W. L. Rockwell and 30 other citizens of Watertown; of Albert B. Hale and 44 other citizens of West Newbury; of David Young, jr. and 26 other citizens of Cambridge; of Frederick U. Viall and 63 other citizens of Marlboro; of Nathan Bailey and 101 other citizens of Methuen; and of E. A. Brownville and 81 other citizens, all in the State of Massachusetts, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were ordered to lie on the table.

Mr. PROCTOR presented the memorial of H. S. Fiske and sundry other citizens of Rutland, Vt., and the memorial of Elmer J. Bullock and sundry other citizens of Readsboro, Vt., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc., which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2245), to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 1766) to prohibit the interment of bodies in Graceland Cemetery in the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 953) to increase the pension of Mary P. Broughton, reported it without amendment, and submitted a report thereon.

Mr. GEORGE, from the Committee on the Judiciary, to whom was referred the bill (H. R. 4326) to subject to State taxation national-bank notes and United States Treasury notes, reported it with amendments.

Mr. PUGH, from the Committee on the Judiciary, to whom was recommitted the bill (H. R. 108) to fix the times and places for holding the Federal courts in the State and districts of Nebraska, reported it with amendments.

Mr. MARTIN, from the Committee on the District of Columbia, to whom were referred the following bills, submitted ad-

verse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 329) for the relief of the estate of William B. Todd, deceased;

A bill (S. 852) to incorporate the National Light and Fuel Company;

A bill (S. 1129) to amend an act to punish false swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes; and

A bill (S. 1148) to provide a building site for the National Conservatory of Music of America.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. PEFFER on the 18th instant, intended to be proposed to the sundry civil appropriation bill, reported it favorably with amendments, and moved that it be referred to the Committee on Appropriations; which was agreed to.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 2246) prescribing the qualifications of soldiers and marines of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. POWER introduced a bill (S. 2247) authorizing and directing that the President detail army officers to act as collectors of customs in certain localities; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2248) to provide for surveying and estimating the cost of canals and the location and cost of reservoirs for the reclamation of arid lands in certain States and Territories, and for other purposes; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. SHERMAN introduced a bill (S. 2249) for the erection of a monument at Greenville, Ohio, to commemorate the treaty of peace made on the 3d of August, A. D. 1795, at Fort Greenville (built on the site of said Greenville, Ohio), by Gen. Anthony Wayne, on behalf of the United States, and various Indian tribes occupying territory northwest of the Ohio River, and to perpetuate the memory of Gen. Wayne and his gallant army; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Library.

WITHDRAWAL OF PAPERS.

On motion of Mr. MANDERSON, it was

Ordered, That the papers in the files of the Senate accompanying a bill to grant a pension to Dr. B. F. Lemert be withdrawn from the files of the Senate, and transmitted to the Committee on Invalid Pensions of the House of Representatives.

OFFICERS OF THE NAVY.

Mr. ALLEN submitted the following resolution, which was read and ordered to lie on the table, and be printed:

Resolved, That the Secretary of the Navy be, and is hereby, directed to inform the Senate what percentage, if any, of the enlisted men, noncommissioned and commissioned officers of the Navy of the United States are aliens, and what percentage are citizens of the United States by birth or naturalization, properly classifying the same respectively.

OFFICERS OF THE ARMY.

Mr. ALLEN submitted the following resolution; which was read, and ordered to lie on the table and be printed:

Resolved, That the Secretary of War be, and is hereby, directed to inform the Senate what percentage, if any, of the enlisted men, noncommissioned and commissioned officers of the regular Army of the United States are aliens, and what percentage are citizens of the United States by birth or naturalization, properly classifying the same respectively.

AMERICAN PRISONERS IN CUBA.

Mr. CALL. I submit a resolution, and ask that it be read.

The resolution was read, as follows:

Resolved, That the President of the United States be, and is hereby, requested to institute negotiations for the release of citizens of the United States now held in confinement by the Government of Spain in the Island of Cuba upon charges of complicity with or aid to the rebellion in the Island of Cuba or resistance to the authorities in all cases where such persons are held upon suspicion merely; and in cases where there is evidence against them, that they be brought to a speedy trial, and also that the President be requested to instruct the consul-general of the United States to make arrangements for the defense of such citizens where they are unable to procure the means to employ counsel and procure witnesses.

Mr. CALL. Before asking the reference of the resolution to the Committee on Foreign Relations, I desire it to be accompanied by the following statement from a respectable citizen of the United States, made to me in a letter which I have just received. He states:

It is necessary that you introduce a resolution in the Senate in favor of the American citizens imprisoned here. One Mr. Williams, a native American, is in jail in Santa Clara without any cause. The poor man was imprisoned for some offense connected with his profession as a lawyer. Mayolini and Mendez are not yet tried, and, if the Department does not ask it, they will be held in jail for many years. If they were Spaniards they would have been released before this time; but being Americans, they are confined in jail upon suspicion, and will be held until the Government interferes for their relief.

It seems from this letter that the subjects of foreign governments receive protection and prompt interference in their behalf from their governments when arrested or charges of offenses are made against them and they are placed in confinement. These citizens of the United States have been long held in close and harsh imprisonment, and prompt action should be taken in their behalf.

I ask that the resolution be referred to the Committee on Foreign Relations, and that the committee will take prompt action in securing the release of these citizens of the United States.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Foreign Relations, in the absence of objection.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 23d instant, approved and signed the following acts:

An act (S. 1390) providing an additional circuit judge in the eighth judicial circuit.

An act (S. 2208) authorizing the construction of a bridge over the Monongahela River at the foot of Main street, in the borough of Bellevernon, in the State of Pennsylvania.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 4312) to provide for the revival of suits, by mandamus, against officers of the United States;

A bill (H. R. 5863) to increase the penalty for embezzlement by directors, officers, or agents of national banks;

A bill (H. R. 6284) to prevent interference in the collection of State, county, and municipal taxes assessed against corporations and corporate property, and for other purposes;

A bill (H. R. 6754) to amend section 15 of an act approving, with amendments, the funding act of Arizona, approved June 25, 1894;

A bill (H. R. 6993) to remove certain restrictions on the sale leaf tobacco;

A bill (H. R. 7258) to authorize the comparison of handwriting by courts and juries in cases where the genuineness of a signature or writing is in dispute; and

A bill (H. R. 7384) to provide for the appointment of United States commissioners, and to define their jurisdiction, power, and duties.

The bill (H. R. 5246) providing for the inspection of immigrants by United States consuls was read twice by its title, and referred to the Committee on Immigration.

THE REVENUE BILL.

The PRESIDENT *pro tempore*. Are there other resolutions, concurrent or otherwise? If not, the morning business is concluded, and the Calendar under Rule VIII is in order.

Mr. VOORHEES. I ask, as a matter of privilege, to call up the subject of the conference between the two Houses on House bill 4864.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Indiana? The Chair hears none, and the Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July 19, 1894*.

Resolved, That the House insists upon its disagreement to the amendments of the Senate to H. R. 4864, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. WILSON of West Virginia, Mr. MCMILLIN, Mr. TURNER of Georgia, Mr. MONTGOMERY, Mr. REED, Mr. BURROWS, and Mr. PAYNE be managers of the conference on the part of the House.

Mr. GORMAN. Mr. President, I hope that I fully realize the seriousness of the conditions under which we are about to act. The question which now confronts us would ordinarily be determined without discussion. Whenever there is a disagreement between the two Houses of Congress upon any measure of legislation, the orderly and ordinary mode of proceeding is to agree to a conference and attempt to adjust the differences. Thus only can legislation be perfected.

The country, Mr. President, is anxiously waiting for a speedy determination of this question. The National Treasury is depleted. There is not sufficient money to pay the current expenses of the Government. Factories are idle, workshops are closed, and honest mechanics and laborers are tramping through the country begging that they may be employed. Further suspense is destructive to the best interests of our common country. Further delay, further agitation, will be laid at the door of the Democratic party, which now controls every branch of this Government that deals with legislation. That responsibility, Mr.

President, is greater than has ever devolved upon us in the history of our country since 1860. I hope, I trust, I believe, that we shall meet this situation as becomes American Senators and as becomes patriotic American citizens.

The conditions in this Chamber were so well described by my distinguished friend from New Jersey [Mr. SMITH] on Friday last that it would be idle and futile for me to attempt to add anything to what he has said. In meeting this situation he truly said that in a coördinate branch of the Government we have an overwhelming majority of Democrats able to pass any measure under their rules that they see proper, no matter how radical or how conservative; but that here we have only 44 Senators who were elected as Democrats, including the distinguished Senator from New York [Mr. HILL], who has openly and manfully opposed this measure from the day it came before us for consideration until now.

We have only 43 votes, a bare majority of the Senate, every one of which is necessary to pass any bill; 43 votes to be cast by ambassadors from the great States of the Union, who have been honored by their constituents with seats in the highest legislative body in the world, and every one of whom had his distinct views and was compelled to represent fairly the interests of the great State which he represents. To harmonize them, to bring them together upon some common ground upon a bill which was in direct line and thought with the promise of their party, to make sacrifices of individual opinions, sacrifices of great interests, sacrifices almost of principle, was so great a task that possibly but once in the history of this body were the conditions such as we had to confront.

Behind those Senators were intelligent people urging them to extreme action in more than two-thirds of the States represented on the Democratic side. On the other were the great State of New York, the great State of New Jersey, the States of Ohio, Maryland, which said "We are in favor of the Democratic platform and in favor of a bill carrying out to the letter every promise of the Democratic party; but the bill which came to us from another place is so radical and so destructive, as we believe, of the interests of these great industries, that we can not support it with this income tax attached to it."

When we went into conference, as is usual in both parties, the only method known by which parties can be brought together—not a secret conclave to trade this interest or that, but a free and manly conference—a fair and straightforward statement of these differences was made; and, sir, I am glad to say that, while the Committee on Finance of this body had a majority of Southern Democrats on it, there has been the greatest desire to do justice to every section of the Union, and an intimation, coupled with the statement of the fact to any Southern man on that committee, that an industry was to be destroyed or impaired made the Southerner more anxious than our Northern friends to prevent a wrong and preserve the great industries of the Northern States.

It is not necessary for me, and it would not be proper for me, to enter into the details of these long hours of conference or to give the views of those who participated in it, but I will indorse every word the Senator from New Jersey has said to the effect that but for the patience, but for the wisdom, but for the earnest devotion to principle of the Senator from Indiana [Mr. VOORHEES], the venerable Senator from Tennessee in front of me [Mr. HARRIS], my distinguished friend from Missouri on my right [Mr. VEST], and the Senator from Arkansas [Mr. JONES], these differences would not have been adjusted and we should have passed through the session with divisions as wide upon this side as it is possible to conceive of within a party. But they accomplished the feat which the timid thought was impossible. It required earnest and self-sacrificing work to bring it about, but it was done.

Right here, Mr. President, I think, in view of all the occurrences which have taken place, of all that has been said in the public press, of all the misrepresentations of this body, and of all the calumny which has been uttered and published and sent forth against members of this body, I have the right, or at least I feel it to be my duty to myself and to those who have coöperated with me, to give to the Senate and to the country a plain statement of these events.

I shall speak plainly, Mr. President, not in temper, with malice toward none, with the hope, however, that, as these matters have been brought to the public attention by others, by looking my fellow party men here and elsewhere straight in the eye, by telling the truth, and by putting the responsibility wherever it belongs, we may yet come together as honorable and patriotic men desiring to serve our common country should.

I want to say again, as I have said here often to every member of this body on this side of the Chamber in private, that no small matter, no personal wish, no desire to serve my State in opposition to other States, no pride of opinion, will prevent me from meeting any Democrat and saying to him that the paramount duty of us all is to serve our country and keep our party in power.

Mr. President, the declarations of the chairman of the conference committee on the part of a coördinate branch, which I have a right to allude to as a matter which concerns both Houses, accompanied, as it was, by the most extraordinary, the most uncalled for, and the most unwise communication that was ever penned by a President of the United States, place this body in a position where its members must see to it that the dignity and honor of this Chamber shall be maintained. It places me, Mr. President, in a position where I must tell the story of events exactly as they occurred. Never in the course of my life, and I have had connection with party management almost all my life, have I thought the provocation was sufficient, the abuse and misrepresentation violent enough, or the aspersion of character sufficient to induce me to talk of private matters in public: but the limit of endurance has been reached. It is not my honor, it is the honor of many of my fellows which impels me to make the statement which I now make.

Mr. President, you know [Mr. FAULKNER in the chair], and all the 43 Democrats here know that when we ascertained the fact that the Wilson bill as such could not pass, when we ascertained the fact that the first amended bill as reported by my distinguished friend from Indiana [Mr. VOORHEES] could not pass this body; that it could not receive 43 votes, we counseled again. The subcommittee in charge of the bill was composed of the distinguished Senator from Missouri [Mr. VEST] and the distinguished Senator from Arkansas [Mr. JONES]. Every Democratic Senator was seen and consulted. His views and suggestions were ascertained, and a memorandum was made of every amendment proposed.

Then those of us, and I am one, responsible to a greater extent because of official connection with the party organization, said to them "With the slim majority in the Senate, with the diversity of views, with the excitement in the public mind, growing out of the great industrial revolution, it will be impossible to obtain 43 votes in the Senate to pass the bill unless we have the coöperation of the executive branch of the Government, its hearty good will, and its earnest support of what we shall do." These two gentlemen not only conferred with the executive branch, as they had a right to do, but they conferred with their fellows in the other House who were responsible and active in framing the original measure which came to this body.

So, when we were informed, and there can be no mistake as to the information, that this thorough coöperation, this hearty support which we knew to be necessary to the passage of the measure and the unification of our party was had, as we were assured, we went on to secure the passage of the bill. On the 23d of May, when we had reached that consummation, I stated to the Senate in the remarks which I then made that the bill with the Jones amendments—

> Is a Democratic measure of tariff reform, which merits and I believe will receive every Democratic vote in this body, the indorsement of a Democratic House, and the signature of a Democratic President.

Mr. President, I believed then, and I believe now, that I had the right to make that statement.

While those amendments were being considered, before they were offered to this body by the Senator from Arkansas, there was intense anxiety, there was great feeling among I may say a majority of the Democrats in both Houses of Congress that the amendments were too radical, that the bill, if amended as proposed, would not be agreeable to them, to say the least, and they hesitated about accepting the amendments because they were not radical enough in the direction of free trade. It became necessary to assure the hesitating, to soften the blow, if it was a blow, to the free trader, or the radical tariff reformer, to let them know and to let the country know that this compromise not only had the approval of the 43 votes on this side of the Chamber, but that it had the indorsement of the Executive branch.

Mr. GRAY. It was no compromise in principle.

Mr. GORMAN. And that it was no compromise in principle. I wish to emphasize that fact. It was directly in the line of the Democratic promise. There was no principle compromised from the beginning to the end. It was purely a revenue bill with no duties levied higher than the revenue standard, and no favoritism to any interest.

Then, as was understood and will not now be denied, the great Secretary of the Treasury, himself a tariff reformer of the foremost, regarded by his party fellows in that particular line as without a peer within his party, who had seen every amendment which was to be and was afterward proposed, who scanned every amendment, who made suggestions, if he had any to make, as he did, looking it all over, knowing the condition which confronted the party, wanting to let the country know that the Administra-

tion was in favor of it, and that it was a measure which the Democratic party could with honor stand upon, published in the Washington Post on April 30, 1894, the statement which I will ask to have read. His statement is not an interview given casually to a reporter, but as I am informed, and believe, was sent directly from the Treasury Department to the two associated press organizations that it might be published and be considered official. I ask my friend from Missouri [Mr. COCKRELL] to read it.

Mr. COCKRELL read as follows:

MR. CARLISLE ON THE TARIFF BILL—HE THINKS THE SUPPORT OF THE SENATE WILL BE SECURED WITHOUT RADICAL CHANGES.

Secretary Carlisle, before his departure for a brief holiday trip to Fort Monroe, was asked whether the report was true that he had been taking part in conferences in regard to amendments to the tariff bill. He replied:

"I have had no conference upon this subject with anybody, except the Democratic members of the Senate Committee on Finance. It is true that an effort is being made to agree upon such changes in the pending bill as will secure for it the united and active support of all the Democrats in the Senate. The indications now are that this support can and will be secured without making radical changes in the rates of duty or material alterations in the form or structure of the tariff schedules as they were passed by the House of Representatives. In fact, I regard most of the changes now under consideration as quite unimportant, while the remainder are not of such a character as substantially to affect the merits of the bill as a measure for the reformation of the worst features of existing legislation upon this subject.

"I do not think we ought to permit differences of opinion upon mere matters of detail, or in regard to small increases or reductions of rates in the bill as it now stands, to prevent the redemption of our pledges to the people, and therefore I am in favor of securing, if possible, without any surrender of principle and without abandoning any part of the Democratic policy of tariff reform, such mutual concessions upon these points as will consolidate our strength and pass the measure at the earliest possible date. So far as the proposed amendments relate to duties on important articles of consumption now subject to duty, the rates suggested as a basis for adjustment are all much lower than in the present law, while there are only a few instances in which they are higher than in the bill reported by the Senate committee.

"By far the most important single article upon which a change of duty is now proposed is sugar, raw and refined, and it is strenuously contended by persons interested in the production of this article that the specific rates already in the bill as reported by the Senate committee are higher than the ad valorem rates which it is now proposed to insert. Whether this is correct or not depends upon the price of sugar in the foreign markets from time to time, and therefore it is not possible to make an exactly accurate statement upon the subject; but I am satisfied that the difference, if any, between the specific rates heretofore proposed and the ad valorem rate now under consideration is so small as to be of no material consequence either way. At any rate, I think that differences of opinion upon this question, which has always been troublesome and vexatious, should not be allowed to defeat the passage of the tariff bill, and I believe this is the opinion of all intelligent and sincere advocates of revenue reform.

"The repeal of the McKinley act and the substitution of a more just and equitable measure in its place are of vital importance to the prosperity of the country, and the people have a right to expect that all really in favor of a reduction of the tariff taxation will make such reasonable concessions in each other's views as will certainly accomplish these results. If the country is to wait for tariff reform until a measure is devised which is entirely acceptable in all its parts to every Senator and Representative whose vote is necessary to pass it our promises will never be kept."

Replying to a question as to whether any changes were proposed in that part of the bill which relates to the income tax, Mr. Carlisle said:

"It is well known that there has been from the beginning considerable opposition to the proposed income tax, even among those who have voted for and supported the bill with that feature in it. Much of this opposition has been based upon the provisions of the bill which prescribe the methods of ascertaining and collecting the tax, some of which are alleged to be arbitrary and inquisitorial. In my opinion, many of those objectionable provisions ought to be and can be safely omitted from the bill, and other changes can be made, which the advocates of an income tax can consistently accept, and which will at the same time remove the principal objections of its opponents and secure their support for the bill. This method of securing revenue has never before been resorted to by the Government of the United States except in time of war when it was absolutely necessary to utilize every means within its reach, and there are many patriotic citizens who are not satisfied that its adoption as a permanent part of our system is justifiable in time of peace when no great emergency exists.

"This view of the subject could be fairly met, I think, by limiting the operation of the law to a reasonable period—say five years—so that its effect upon the country could be thoroughly tested, leaving the people to decide hereafter, in the light of the experience thus acquired, whether it shall continue or expire by its own terms. The power to repeal always exists, and the power to reenact can be promptly exercised if the majority of the people approve the measure."

Mr. GORMAN. Such was the declaration of the Secretary of the Treasury. That statement from him had the desired effect. It softened the hard places when we came to confer and to act. It was accepted as the utterance of the Administration. It did much to enable us to bring together forty-three Senators in this body. But for it I do not believe we ever should have succeeded in getting together. But this was not all. It did not rest solely with the Secretary of the Treasury to speak as he does necessarily for the President in matters concerning his Department.

The President was not ignorant of what we proposed to do. Nothing was concealed from him. The papers announced on the day following the interview with Mr. Carlisle that the President himself concurred with his great Secretary. So we understood, and, if it was not true, then forty-three Senators on this side of the Chamber were misled. Every prominent amendment to the bill was as well known to him as to me.

While neither the President nor his Secretary was in love with all the provisions of these amendments—I may say in fairness that there were many of them to which they were opposed, as the Senator from Missouri on my right, and the Senator from Arkansas, and the distinguished chairman of the Committee on Finance were opposed to many of them, and as it was a compromise measure it was not satisfactory to a single solitary human being on this side of the Chamber in all its details—yet I assert that as a whole the structure as presented, as scanned by these gentlemen whom I have named, as looked into by us, was satisfactory, and was recognized as the best that was possible to pass through this body, and that from no quarter, high or low, from the President, through his Cabinet, or by any member of this body, was it ever suggested or intimated that there was any violation of Democratic principle in anything we did.

Now, Mr. President, this is a very broad statement. I call upon the two gentlemen who had the immediate control of the bill, the Senator from Missouri [Mr. VEST] and the Senator from Arkansas [Mr. JONES], and I ask them if I have made a statement which varies a hair's breadth from the truth; and it is due to the Senate, it is due to themselves, it is due to me, it is due to the country that the truth shall be known. Let the people have the truth. I pause for a reply from my friend from Missouri.

Mr. VEST. Mr. President, when I addressed the Senate on Friday last I studiously avoided going into details which might add to the irritated feeling that was known to exist. As the Senator from Maryland has addressed himself to me particularly as one of the two Senators who did most of the work in preparing the bill on the Democratic side, I wish to say that I have never spoken to the President upon this subject, nor have I seen him since he did me the honor to send for me during the pendency of what was known as the bill repealing the purchasing clause of the Sherman act.

The Secretary of the Treasury, while we were working upon the tariff bill, was frequently in our committee room, and distinctly gave us to understand that the greatest possible calamity which could come to the Democratic party and to the country would be the failure to pass a bill to take the place of the McKinley act upon the statute book. He often consulted with us in regard to the details and distinctly impressed upon me and the other members of the committee his opinion that no difference of opinion in regard to rates or duties should prevent the great consummation of passing a tariff bill during the present session of Congress.

The Senator from Rhode Island, as the RECORD shows and as my brother Senators will remember, fairly and legitimately, as a matter of debate, asked me repeatedly while we were discussing the bill originally reported from the Finance Committee to the Senate if a large number of amendments, amounting to more than three hundred, had not been prepared to the bill and if they would not be offered in a very few days. I told him then honestly that I knew of no such amendments, and I stated the truth. It is true that my colleague, the Senator from Arkansas [Mr. JONES], who had been working with me upon the bill had told me that he intended to consummate a compromise bill if possible, and that he would see the dissatisfied Senators upon this side of the Chamber and ascertain what amendments would be necessary to secure their votes.

I encouraged him in that direction, and told him, as I have told everybody else, and as the Secretary of the Treasury had stated to us, that the greatest calamity which could come to the Democratic party and to the country, in my judgment, would be the failure to pass a tariff bill at the present session of Congress.

When I answered the Senator from Rhode Island as I did, I answered truthfully, because I knew then of no such amendments. Two or three days afterwards my colleague on the committee, the Senator from Arkansas, came to me with a number of amendments which were afterwards adopted and sent to the conference committee.

I found many of them such that I was compelled to resist their adoption; conspicuously, as I now remember, the duties upon cotton yarns and cutlery, and the metal schedule generally. He appealed to me to withdraw my objection, and in argument upon the question stated that the Secretary of the Treasury had passed upon every one of the amendments and agreed to them; that he had also seen the President of the United States, who had told him that the bill as proposed to be amended would be acceptable to him, and had concluded his conversation with him in these words, as far as I remember: "I am willing to do or say anything that will pass this bill through Congress." Then I said: "This is to receive the support of the Administration? Let us distinctly understand each other. If we go into this fight, it will be a close one, and we must have the President and his Administration with us."

The Senator from Arkansas assured me that this would be the fact. I gave up my personal opinions; I went into the contest, and have done my duty; and for the first time when his letter was read in the House of Representatives I ascertained that the

President of the United States is against the bill as passed by the Senate.

Mr. GORMAN. And now I ask the same question of the Senator from Arkansas [Mr. JONES].

Mr. JONES of Arkansas. Mr. President, it is proper that I should make some statement to the Senate of the facts connected with the amendments in the bill. It is well known to every member of the Senate on this side of the Chamber that after the Finance Committee of the Senate had reported an amended bill to the Senate we were convinced that it would be impossible to pass the bill. We were assured by a number of Democrats on this side of the Chamber that the proposed changes bearing upon industries located in their States were so radical and so sweeping that they would feel themselves compelled to vote against the bill. We knew that to pass the bill in its form at that time was impossible.

With that fact staring us in the face and appreciating the necessity of passing some sort of tariff bill while we had power, the Senator from Tennessee, the Senator from Missouri, and I and other members of the committee and Senators not on the committee, discussed the situation frequently. I suggested to the Senator from Tennessee [Mr. HARRIS] that there was but one way out of the difficulties that surrounded us, and that was for us to ascertain what the difficulties were in the minds of Senators who would vote against the bill unless it was modified. Without telling any member of the Senate except him of my intention, I began conversations with individual Senators, one after another. I carefully noted down the objections and criticisms of each and each particular paragraph through the bill to which objection was made and the objection made to it.

I went from the beginning to the end through the bill with man after man, on this side of the Chamber, spending days and days in the work.

While thus engaged I scarcely ever saw the Senator from Missouri, my colleague on the committee. I would not have hesitated for a moment to have explained the whole thing to him if it had been clear that there would have been any outcome except failure from my efforts. I was apprehensive that I would strike something which would be insurmountable, that could not be gotten over, and in that event it was of no use to annoy him or anybody else with the details of a futile effort at a settlement.

After I had talked with each man who was opposing the bill and had noted on the margin of the bill I had every objection presented by each of them, and after I had gone over the marginal notes and made up my mind about exactly what were the smallest modifications which would at all meet the difficulties which were in the way—the first step I took after reaching that point was to go to the Secretary of the Treasury. Before beginning this attempt at a compromise bill, I had previously talked with him and the President about the idea I had of the possibility of some sort of a compromise being accomplished. Both thought it was wise to undertake exactly the course that I pursued.

After finding out what these gentlemen on our side of the Chamber said and their objections, I went to the Secretary of the Treasury with my bill in my hand. I went clear through the bill from one end to the other. I gave him every solitary proposed amendment. He and I together went over the data; we went over the reports of the Treasury Department; we considered the bearing and effect of each proposed change, what the law was under the McKinley act, what it was to be under the Wilson bill, and what changes the proposed Senate amendments would produce. After we had gone over each one of these items one by one, I asked him the question as to what he thought ought to be done; whether if we could bring forty-three Democrats to support the bill thus modified we could afford to make the concessions, which neither he nor I nor a large majority on this side of the Chamber wanted to make, but if it was better under the circumstances for us to do it. He said there was no doubt about it in his mind for a single moment.

Then, as the President would not perhaps have the time necessary to go through each of the items and to figure out its bearing and result, I asked the Secretary of the Treasury, as the head of the Treasury Department, the representative of that branch of the Government to let the President know just what these proposed amendments meant, telling him at the same time that I had not proposed the amendments to the Finance Committee; that they had not been shown to a single member of the Finance Committee and nobody know of their exact existence; that not one of the Senators who were insisting on changes knew what the others had proposed; that I alone had all the facts and all the information as to the position of these different men bearing on the subject.

In a day or two I called on the President, and asked him if the Secretary had made the statement to him and explained to him the proposed changes of the bill. He said he had. I then said, "Mr. President, I will not take one step further in this matter unless this proposed compromise meets the approval of the Administration. It must be indorsed by you and the Secretary of the Treasury or I will go no further." He then said to me (almost in the language the Senator from Missouri has just quoted, and which I reported to him) that he would do and say anything he could to effect a compromise; that it was a wise thing and a proper thing to do.

Now, remember, this proposed compromise did not embrace just what the Senator from Missouri has stated. There was nothing said in it about cotton yarns and nothing about woolen yarns. There was nothing said about the cotton schedule or the woolen schedule. The gentlemen who objected to the bill as reported said they would be willing for the Finance Committee to make such changes in these schedules as they thought were necessary and proper. They had suggested that there should be changes, though they were not sufficiently familiar with these schedules to do it.

But in the bill we had reported and which was then pending in the Senate and which had been practically rejected by a number of Democrats on this side, there was a proposition for a tax on coal and iron ore.

It was then in the bill; it was a part of the bill, and it was the modification of that bill which I undertook to make with the approval of the Secretary and the President, and which I supposed and believed until I heard the President's letter had been read in the House of Representatives the other day had met his cordial approval. Both the President of the United States and the Secretary of the Treasury in all the conversations I had with them expressed my own feelings and expressed the feelings of a majority of the Democrats on this side, that we preferred not to make any of these changes; that we would rather not make any of these concessions; but when we found it was impossible to pass the bill as reported by the Finance Committee, the question was whether we had better pass a modified bill or have no bill at all; and upon that point I understood the President to express himself as positively as I ever heard any man express himself on any question that he was in favor of such action, and the Secretary of the Treasury expressed himself the same way.

This is a plain statement of the facts about the matter, and it is due to me and to the Senate that I should state it.

Mr. VILAS. Will the Senator from Maryland allow me to ask the Senator from Arkansas a question?

Mr. GORMAN. Certainly.

Mr. VILAS. I should like to ask the Senator from Arkansas (he has alluded to it, but I want the point specifically understood) if there was anything in the amendments which he proposed, and which were the subject of conference with the Secretary of the Treasury, or anything which the President said, that related to the subject of the duty on coal or iron ore?

Mr. JONES of Arkansas. In every conversation I had with the President, coal and iron ore were mentioned—in every single one. In each one of those conversations the President said he earnestly desired and hoped that in the progress of the compromise free coal and free iron ore could be brought out of it; but he nowhere ever uttered one solitary word against going forward with the amendments with coal and iron ore in the bill as we had proposed it. [Laughter and applause in the galleries.]

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Chair will announce to the occupants of the galleries that under the rules of the Senate demonstrations of applause or dissent are not permitted, and that if repeated the Chair will be under the necessity of ordering the galleries cleared.

Mr. VILAS. Mr. President——

Mr. GORMAN. I trust the Senator from Wisconsin will permit me to proceed.

Mr. VILAS. I wish to ask just one question at this point, and it is in order to ascertain the fact.

Mr. GORMAN. Very well.

Mr. VILAS. Was there a single conversation which the Senator from Arkansas had with the President in which the President did not express his hope that the outcome of the arrangement and legislation would be free coal and free iron ore?

Mr. JONES of Arkansas. He said on every occasion that he hoped such would be the result, but there was no suggestion, I think I may be allowed to say, at any time, that there was in the mind of the President any abandonment of principle in an agreement to impose a tax on those articles.

Mr. GORMAN. Mr. President, I notice in this morning's Post, published in this city, a statement purporting to come from the distinguished senior Senator from Tennessee [Mr. HARRIS], a Senator whom we have delighted to honor by giving him a place upon the great Finance Committee and making him President *pro tempore* of this body. I ask that Senator if

that interview is substantially correct, or rather, will he, in justice to us all, state to the Senate and to the country whether the statements that I and the Senator from Missouri and the Senator from Arkansas have made are substantially correct, for it will not do to do injustice to any high officer of the Government. I ask that Senator now if he will state to the Senate and the country exactly what he knows of this case?

Mr. HARRIS. Mr. President, I have had very little to do in the makeup of the details of the Senate amendments to the tariff bill. As a member of the Finance Committee I was continuously in conference with the Democratic members of the committee when those amendments were being shaped and considered. The amendments in the form of concessions to Senators who were not willing to accept the bill as originally reported by the Finance Committee were considered by each and every Democratic member of the committee, and my distinct recollection is that however distasteful many of them, or I may say all of them, were to the Democratic members of the committee, each and every one of us agreed to concede them as a compromise of conflicting opinions in respect to the questions involved.

After the Democratic members of the committee had agreed to them and the Democratic members of the Senate in conference agreed that we should make these concessions and incorporate those amendments in the bill, and after the consideration of the bill had commenced in this body, I had as many as two conversations with the President upon the subject of the bill and its general management and the prospect of its passage. I will not undertake to reproduce the language of the President in any one of those interviews. I will, however, state that my distinct understanding as the result of each of those interviews was that the President was deeply and earnestly interested in passing the bill with the concessions that the committee of the Senate had consented to make as a compromise measure—not that it was satisfactory to him, any more than it was satisfactory to me, but because it was a great improvement upon the existing law imposing tariff taxation, and a compromise that he, as I, deemed it important to make rather than perpetuate the McKinley act.

After the passage of the bill and after the Democratic members of the conference of the two Houses were consulting as to what we would favor in respect to the disagreeing votes of the two Houses, the Senator from Arkansas [Mr. JONES] and myself had an interview with the President, in which he was distinctly informed by both of us as to existing conditions and as to the probable impossibility of our being able to induce the House to agree to some of the concessions we had been compelled to make in the Senate.

My distinct understanding in that interview was that the President desired that we should pass the bill as it had passed the Senate if we could make no better terms. He was decidedly in favor of its passage in that form if the Senate could not recede from its amendments. He expressed to the Senator from Arkansas and myself the hope that we could in some way arrange to put coal and iron ore upon the free list, but I told him I feared it would be utterly impossible to do so. My understanding as the result of that interview is that the President was decidedly in favor of passing the bill as it had passed the Senate if no better terms could be made with those Senators to whom the concessions had been made.

Mr. GORMAN. Mr. President, I wish to ask the venerable Senator from Tennessee whether in any of these interviews or discussions, and particularly the one after the passage of the bill through the Senate and the appointment of the conferees, the suggestion was made to him from that or any other quarter that the tax placed upon coal and upon iron ore was a violation of Democratic principles, and that Senators would be guilty of perfidy if they insisted upon it?

Mr. HARRIS. No such suggestion, Mr. President, has ever been made to me by the President or by any member of the Cabinet or by any human being.

Mr. GORMAN. Now, Mr. President, my distinguished friend, the chairman of this committee, the Senator from Indiana, has had intimate connection, of course, with this measure throughout. I happen to know that he is not feeling very well to-day, and expects himself to make his own statement before the close of this discussion. Therefore I shall not ask him to-day to give the country the benefit of his statement, so that all the truth in connection with this matter may go to the people.

As I have said, sir, this is a most extraordinary proceeding, for a Democrat, elected to the highest place in the Government, and fellow-Democrats in another high place, where they have the right to speak and legislate generally, to join with the commune in traducing the Senate of the United States, to blacken the characters of Senators who are as honorable as they are, who are as patriotic as they ever can be, who have done as much to serve their party as the men who are now the beneficiaries of your labor and mine, to taunt and jeer at us before the country as the advocates of trusts and as guilty of dishonor and perfidy.

Mr. President, it is time to speak. The limit of endurance has been reached. The Senate owes it to itself. Every Senator here who is a part of this Democratic majority owes it to himself. There is no power, no matter how great, in this country, even the President with his patronage, that would keep me silent longer under the charges, under the imputations so freely made from such distinguished quarters. I hurl back the accusation and say that this treatment of their fellows is discreditable. It is destructive to the Government that men in high position should attempt to lower this body, a conservative body, consisting, when full, of 88 worthy representatives of States.

No man can reach here by devious ways and remain long. The Senate is composed of men who represent the best thought of the country, men who have stood and battled for tariff reform when those in higher places dared not show their heads; men who, when another place was overrun and those in it had not the courage to stand and fight a tyrant, stood here at the risk of health, at the risk of fortune, of all that is dear, and saved the liberties of the country. Then these traducers of the Senate could not be seen. We will not be traduced longer, Mr. President; the facts must come.

We have seen how this bill passed the Senate; how only it could pass the Senate. No man, whether in this or in another place, no matter what his position may be, who styles himself a Democrat, who believes in his party, can change materially this measure without defeating it. Who dare take that responsibility?

One hundred and seventy-four million dollars, as shown by the figures presented from the Treasury Department by the Senator from New Jersey, would be saved to the people of the country in five years by the passage of this bill. It is not all my friend from Missouri wants, or my friend from Indiana, or my friend from Arkansas, or my friend from Tennessee; it is not all that any of us want; it is not what I want; but it is all we can get. All the power we have will not drive it beyond that. He who takes the responsibility of keeping the McKinley law upon the statute books, instead of accepting this bill, has a terrible responsibility before his country.

I can imagine no man who would do it unless he was consumed with vanity and desired to set his judgment above that of his fellows, or desired to keep an issue before the people upon which he might ride into power, rather than give content and peace and labor and prosperity to his fellow-countrymen.

The Senator from New York has fought this bill openly and manfully, and fought it from the moment he could not get what he wanted—the elimination of the income tax. In every move he has made during the consideration of this bill we looked upon that distinguished Democrat as the most active and most dangerous opponent we had upon the floor. He said he was fighting for a principle, but he submitted to the vote being taken, and the bill was passed by only the requisite number of Democrats. What a godsend the letter of President Cleveland has been to that distinguished Senator! [Laughter.] It is the only comfort he has had out of this Administration. [Laughter.]

Mr. HILL. Will the Senator permit me?

Mr. GORMAN. Certainly.

Mr. HILL. The Senator is entirely right in that last proposition. [Laughter.]

Mr. GORMAN. The Senator rejoices in it, because he tells the Senate, and he tells the country frankly, that he wants to defeat the bill if the income tax is contained in it. I hope I do not misrepresent the Senator if I do not use his exact language.

Mr. President, the bass in the Potomac never went more swiftly to the hook than the Senator from New York did to this letter of the President of the United States. He was almost prepared at first to swallow it all, until he reached sugar and the income tax. But immediately he offered a motion that the Senate recede from the amendments on coal and iron ore. Why did he do it? He did it because he knew, or he thought he knew, that if he was successful in changing a line of the bill before it went back to the conference, he would demoralize his Democratic friends on this side, and the bill would be defeated.

Mr. HILL. Will the Senator allow me?

Mr. GORMAN. Certainly.

Mr. HILL. The Senator will do me the justice, I think, to state that I made both those motions weeks before the letter of President Cleveland appeared.

Mr. GORMAN. Mr. President, I do. I said a moment ago that the Senator from New York had been consistent from the day the bill came up for consideration in his efforts to defeat the bill. He has made every motion which it was possible for him to make to defeat it. He would defeat it now. I do not say that

he does not believe in free coal and free iron, but the main purpose of the Senator from New York has been from the beginning to thwart his party and to prevent the passage of the bill. He, with his present attitude, thinks he has discovered a great principle in the income tax. Another distinguished citizen of New York thinks he has discovered a great principle in the tax on coal and iron, and between the two, differing in everything else, if they adhere to their principle, the bill will be defeated, and the Senator knows it. He is playing his hand well. He is stirring up passions here. It is the rôle of Iago, played by a man who is not suited to the part. [Laughter.]

Mr. President, such an interference comes for the first time in the history of our country. Never since the Declaration of Independence was such action taken by a President of the United States. It is well right here at the beginning, to read a single clause of the Farewell Address of the Father of his Country, and I ask my friend from Kentucky [Mr. BLACKBURN] if he will favor me by reading the clause which I have marked from that immortal address.

Mr. BLACKBURN read as follows:

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres; avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position.

The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the other, has been evinced by experiments ancient and modern—some of them in our country, and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Mr. GORMAN. Mr. President, this is an appropriate time to recall to our countrymen these declarations of that great man. The one encroachment has occurred. Let every self-respecting member of either branch of Congress, who believes in our form of Government, put his condemnation upon the first step, which would, if followed, lead to the control of your Government by one man. Remember, fellow-countrymen, that in a time of great political excitement we on this side of the Chamber and Democrats throughout the United States looked with dread to the concentration of the Army in Washington, when at one time it looked as if the great captain, who then was the head of the nation, would hold the power of Government himself. His superb patriotism and the compromise which was made, by which Hayes was counted in, saved us by the forms of law.

Do not open the door for any man who controls three hundred thousand appointments to dictate to either House of Congress what they shall do. Keep your committees of conference free from any outside influence; let us say that that is a matter which belongs to us, and that the liberty of the Senate shall not be invaded, though a thousand hirelings write the Senate down and traduce its members.

Mr. President, it is said in this communication, and indorsed very thoroughly and completely by the distinguished senior Senator from New York, that there is a Democratic principle involved in taxing raw materials, and that if we tax coal and iron ore we violate that principle. The Senator from New York asserted that every platform we have had for twelve years declared for that principle. The President says that it would be dishonorable to tax raw materials. Men who set up a high standard must themselves come to you with clean hands. The House of Representatives, if they demanded free raw material as a principle, ought to have applied that rule throughout the bill. Did they do it? No; they did not do it. There are innumerable instances in this bill as it came here where the crudest sort of raw material is taxed.

Statement of raw materials made dutiable by the bill H. R. 4864, as reported from the Committee on Ways and Means December 19, 1893: Alumina, etc.; chalk, etc.; extracts of logwood, etc.; glycerine, crude; whiting and Paris white, dry; sponges; sumac; china clay, or kaolin; marble, rough or squared; lead ore and lead dross; barley; hops; castor beans; flaxseed; waste; zinc spelter.

Now you ask us to strike coal and iron from a bill which according to your statement has no principle in it. [Laughter.] The whole criticism is on what the Senate has done.

Mr. President, many great and good men have been elected to the Presidency of the United States; we have had a great many Democratic Houses of Representatives, and the Senate was controlled prior to 1860 by some of the greatest men of the nation. It has, however, been left to the year 1894, on the 7th day of June, for the discovery to be made by any Democratic statesman that it was a violation of principle to tax either coal or iron.

The Senator from New York says that the Democratic platform has said so. I deny it. The evidence which he produces in regard to the last platform was evidence which refutes the statement he made, as I shall try to show.

In the first tariff bill which was ever passed, when we had statesmen who were near to the time of the formation of the Constitution, who understood a principle when they saw it better than some of us do, who are a hundred years distant from that period, levied a tax on coal of 56 cents a ton of 2,240 pounds; from 1792 to 1794 the tax was 84 cents a ton; from 1794 to 1812 it was $1.40 a ton; from 1812 to 1816 it was $2.80 a ton; from 1824 to 1842, the great Democratic period, when the giants of the party controlled the Government and when we had undisputed control in every branch, what do you suppose was the tax levied on coal? One dollar and sixty-eight cents a ton. In 1842 it was increased to $1.75 a ton. I insert the table:

The changes from time to time in the duty on bituminous coal is shown in the following compilation of the tariff laws, to-wit:

Year.	Rate.	Duty per ton.
1789	2 cents per bushel, equals	$0.56
1790-1792	3 cents per bushel, equals	.84
1792-1794	4½ cents per bushel, equals	1.26
1794-1812	5 cents per bushel, equals	1.40
1812-1816	10 cents per bushel, equals	2.80
1816-1824	5 cents per bushel, equals	1.40
1824-1842	6 cents per bushel, equals	1.68
1842-1846		1.75
1846-1857	30 per cent ad valorem, equals	$0.65 to .75
1857-1861	24 per cent ad valorem, equals	.55 to .65
1861-1862		1.00
1862-1864		1.10
1864-1872		1.25
1872-1883		.75

From 1856 to 1866, by a treaty, made it is true by Democrats, we had an arrangement with Canada that we would stop charging any duty upon her coal provided she would let ours into Canada free of duty. That ran ten years, until 1866, and then by the common consent of every patriotic Democrat in the country, without dissent on either side of the Chamber, we abrogated that treaty and put coal back upon the taxable list, and the duty remains now at 75 cents a ton.

What did the Senate propose to do? To put a tax of 40 cents a ton on coal, only one-half of what Robert J. Walker placed upon coal in his great Democratic tariff, and less than was put upon it in the great tariff act of 1857, when R. M. T. Hunter, of Virginia, managed that bill in the Senate as you [Mr. VOORHEES] manage this now. We have fixed the duty 10 per cent lower than he fixed it.

There, Mr. President, is the uniform action of Democrats from the foundation of the Government, taxing coal, and the same is true of iron ore, the duty on which we have reduced lower than the Democrats ever did prior to the war; and yet you turn around and tell us it is a violation of a Democratic principle.

Mr. PUGH. And that is "perfidy."

Mr. GORMAN. Yes, "perfidy." That will become a common word now, I suppose, Mr. President.

Mr. HILL. Will the Senator from Maryland allow me a moment?

The PRESIDENT *pro tempore*. Does the Senator from Maryland yield to the Senator from New York?

Mr. GORMAN. With pleasure.

Mr. HILL. The same tariffs to which the Senator has referred, and which he asserts were Democratic tariffs, imposed a duty upon wool and lumber, did they not?

Mr. GORMAN. Yes, Mr. President, they did. Therefore such duties were not imposed altogether as a matter of principle. It was done in the adjustment of the details of the schedules.

The Senator from New York, and his distinguished fellow-citizen of New York, want to have iron and coal free. They think they have discovered a new principle, and that it is in a Democratic platform. I deny it. It never has been in a Democratic platform. The Senator from New York cited the action of the House of Representatives at the session preceding the Chicago convention of 1892, as an evidence that that convention indorsed free raw material. I deny it.

Let us go back, however, Mr. President, to 1884, when President Cleveland was first nominated, and then elected by the grace of God and a great deal of hard work by people whom it is not necessary to describe. [Laughter.] That platform declared not for free raw materials, but for a fair revenue duty.

Mr Cleveland came into power on that platform. He sent his

celebrated message of December, 1887, to Congress recommending a revision of the tariff. He talked of free wool; but show me a single sentence in that message in regard to coal or iron, or any general declaration as to free raw material all around. It was not in the message, and it was not even in the report of the head of the Treasury Department; and the distinguished Senator from Texas on my left [Mr. MILLS], who is known to be as thorough and radical a tariff reformer as exists, who is manly and outspoken about it, who framed the bill in response to the President's message, put a tax on coal at 75 cents a ton, a tax on iron ore, and a tax on sugar.

Mr. MILLS. Will the Senator from Maryland permit me?

The PRESIDENT *pro tempore*. Does the Senator from Maryland yield to the Senator from Texas?

Mr. GORMAN. With pleasure.

Mr. MILLS. I was in just precisely the same situation I am to-day, and in which the majority on this side of the Chamber are to-day; I was in the hands of half a dozen gentlemen who controlled that measure. It was not my choice to put iron ore or coal on the free list, though the Senator charges me with making that bill.

Mr. GORMAN. Mr. President, the Senator from Texas and I have not been very intimately associated upon these matters, but I think he knows me well enough to know that I do not intend to do him an injustice. I would not do him, nor would I do anybody, an injustice if I knew it. I am only giving the history of this case, and the Senator is a prominent figure in that history. [Laughter.] I want to give his bill more credit than he has given the bill which he has called the Gorman-Brice bill. I should have preferred his bill; I did from the beginning; I so told the Senator, and I am glad he has stated the facts.

That bill was framed with a view of passing the House of Representatives, not representing the views in half of its items of the now Senator from Texas and the then great leader of the other House, but he was framing a bill for his party. His effort was to frame a bill which could be passed, just as we have been endeavoring here to frame a bill which could be passed. Before the passage of that bill, the convention at St. Louis was about to assemble and the President of the United States, Mr. Cleveland, was about to be renominated by acclamation. No Democrat from one end of the land to the other opposed his nomination. He wanted a platform upon which he could stand and be elected, for his tariff message had created a great deal of excitement and feeling throughout the country.

That platform was drawn and drawn with his approval, not saying a word about the Mills bill, but simply reaffirming the declaration made at Chicago in 1884. That was his own wish, wanting to stand, as he ought to have stood, indorsing the platform upon which he was elected, and his recommendations in the message of 1887 were of necessity in strict compliance with the platform upon which he was nominated, not one word of which referred to free raw materials.

Mr. President, as it has been published by a very distinguished author, Mr. Henry Watterson, and as the facts are no longer private, I can afford to repeat what Mr. Watterson said after the convention, because every word of it was true. When I went to the convention at the express request of the man who was to be nominated, to present his conservative platform, the radicals at the convention—I mean the free traders and the more advanced tariff reformers—were not content to stop with the simple reaffirming of the platform of 1884. They framed a resolution indorsing the Mills bill as a whole, and there the Senator from New York will find the resolution indorsing a bill which taxed coal 75 cents a ton and iron ore 75 cents a ton. On that platform Mr. Cleveland ran and made his campaign. Where was the principle of the Senator from New York and his friends who think as he does when this specific declaration was substituted for the one proposed?

Take the convention of 1892. It met after the House of Representatives—for we did not control this body or the executive branch—had passed numerous bills to put this and that article on the free list. They knew it was not possible to pass a tariff bill. So they came not with a great constructive measure, but for the purpose of stirring up the other side and doing something in the direction of tariff reform, the distinguished chairman of the Committee on Ways and Means used the homeopathic remedy instead of the allopathic. The other House sent over bills, not to put coal on the free list, but to put a number of other articles on the free list. The convention met, and the wise heads of the Democratic party, and I assume the closest friends of the President, with my distinguished friend from Wisconsin [Mr. VILAS], if I mistake not, and the distinguished Senator from Delaware [Mr. GRAY], on the committee, prepared resolutions indorsing the other House. Oh, no; we were too astute to do that. We commended the House of Representatives for going in the direction of free raw materials. Then came the nomination of Mr. Cleveland, amid that scene which has never been equaled in any convention, with the thunder rolling and the lightning flashing, and every man in the convention feeling unsafe for his life in that temporary structure. The men who were opposed to Mr. Cleveland's nomination, who in all probability wanted to strike a blow at his election, brought in an extreme resolution, going beyond what the conservatives, who were Mr. Cleveland's friends, wanted put in the platform. They put in the addition which I will read:

> We denounce Republican protection as a fraud, a robbery of the great majority of the American people for the benefit of the few. We declare it to be a fundamental principle of the Democratic party that the Federal Government has no constitutional power to impose and collect tariff duties, except for the purposes of revenue only, and we demand that the collection of such taxes shall be limited to the necessities of the Government when honestly and economically administered.

The President scanned the platform as an able, conscientious, earnest man would. He had no reservations. He was ready to present to the country his best thought, and to tell frankly what he would do if he became President. He felt, as all his friends around him felt, that the extreme action at Chicago would put his election in jeopardy. He knew, just as the great captain on the other side, Mr. Blaine, had expressed it in 1884, that the declarations of a great national convention, consisting of hundreds of delegates, had no longer any weight with the American people.

It was the declaration of the candidate himself to which the people looked. Platforms were obsolete. It was the letter of the candidate accepting the nomination, and saying what he would do if elected, that the people accepted. Hence his careful consideration of that letter. After conference with his friends, he deliberately and wisely said, in the line of all precedents, of all the declarations he had made, of all the declarations that his party had ever made, in the exact line of all legislation from Jefferson down to Grover Cleveland in 1887, we will not destroy any industry; we will remodel the tariff; we will give lower duties; we will even the burdens on the people and we will give freer raw materials—not free raw materials. There it stood. As I have once before said in the Senate, but for that declaration I do not believe Mr. Cleveland could have carried the country and been elected President of the United States.

Mr. President, is the proposed duty of 40 cents a ton on coal a revenue duty? It is lower than any Democrat ever claimed to put upon coal when we had the power heretofore. But is it a revenue duty pure and simple? There were imported—

Year.	Tons coal.	Value.	Duty.	Average value per ton.	Average ad valorem duty, per cent.
1891	1,031,500	$3,558,932	$773,670	$3.45	21.73
1892	1,309,974	4,352,180	982,480	3.32	22.57
1893	1,102,231	3,614,202	826,673	3.27	22.93

Now you have reduced the duty one-half, and if the importations do not double, then every man who is familiar with the subject is mistaken. It will give to one company, a foreign syndicate, in five years all the trade from Boston and the East. Being a revenue duty, we have a right to stand by it. Who wants free coal? This coal is not used except for manufacturing purposes. It is not used for domestic purposes. It is used for manufacturing purposes and by the railroads. There is not a human being, man, woman or child, from the Ohio River to California who would be benefited one iota by free coal. You have coal in nearly every State west of the Ohio River. The cost of transportation prevents coal coming to you from any foreign shore. There is not a man, woman, child, or beast from the Potomac River to the Gulf of Mexico that would be benefited by it. Who would be benefited? New England with cheaper fuel would be benefited, if it amounted to anything to them. But they do not want it. They do not vote for it. Not a New Englander asks for it.

None of the New England Senators will vote for it. One other State has an interest—California. California imported and paid the duty on most of the coal to which I have referred. The Senator from California [Mr. WHITE], the Democrat who presided over the St. Louis convention in 1888, and his colleague, a Republican, both stand here and tell you that California does not demand free coal. They do not want it. They prefer to see the American interest fairly protected under a revenue duty. Then who does want it? Who demands it? Does it benefit anybody here? The professional, the theoretical reformer says it will reduce the cost of manufacturing.

The cost of what manufacturing? Massachusetts people and those of Rhode Island, as I have the Senator from Rhode Island [Mr. ALDRICH] in my eye, are as astute as any people on the face

of the earth. If there is a penny anywhere to be found or made they can find it or make it quicker than any other people in the world. They go into detail in all their expenses. What do you suppose free coal would give them in the manufacture of woolen goods or cotton goods or anything else in the way of raiment for the people? It would give them about three-fourths of 1 per cent on the cost. It would be so small that you could not deduct it from a yard of calico or a ton of iron. It would be of no benefit. It might increase the profits of the manufacturers, but it is so small that they do not want it to the exclusion of the American interest

Whom would free coal benefit? There is but one concern in the world to which it would give any special benefit. As we have gone on with the revolution in commerce, the methods of transportation, the modes of operating lines, and the facility with which we dig from the bowels of the earth not only ores, but coal and the precious metals have changed all the conditions which existed twenty years ago. In Nova Scotia there is a deposit of coal as great as there is in any other one spot on the face of the earth.

The Canadian Government own every ounce of it, and until five years ago no man could dig it without paying a royalty to that Government. The policy of the Canadian Government until five years ago was the same as that of Maryland a hundred years ago. They thought the coal so valuable that they would not lease the land except in small lots of 30 or 40 acres, so small that no great plant could be put upon it. The coal could not be dug, although it is right at the sea and under the sea. Mined in this way it could not be worked successfully to compete with American coal.

Five years ago, I think it was, or four years ago the Canadian government were induced to change their policy. They wiped out or permitted to be wiped out all the small leases. They contracted with persons prominently connected with that great, mammoth corporation, the Canadian Pacific Railroad, which was built by the English Government as a great war measure, the most threatening piece of work that has ever been constructed against American interests, and they permitted them, with certain gentlemen within our own country associated with them, to lease as a whole all this vast coal field, with an agreement that for ninety-nine years they should pay to the Canadian government 12 cents a ton as royalty on all the coal which they removed. This company, with that privilege, constructed for the first time a road right around the border of the sea, only 27 miles in length, to Lewiston, where there is a great harbor, open all the year round, where ships can enter. They there for the first time got American machinery, so that they can dig the coal and carry it only 27 miles to the water.

Now, the Canadian government want revenue. The men who have the mines want to make profits. Here are Boston and Providence and New England, which consume the soft coal of the two Virginias, Maryland, and Pennsylvania. "We are nearer to it," the Canadians said; "we can deliver the coal there and drive the Americans out of their own territory. Give us free coal and we will sweep this American industry from New England." If you do you will place in the Canadian treasury money which ought to go into the American Treasury. You were thus asked to permit the greatest combination of its kind to enter the United States. Mr. President, we have trusts enough to deal with now. I shall never agree that a foreign trust shall enter our territory and take the substance from our own people.

If when the bill came here there had been coupled with free coal a fair provision for reciprocity, you could have said, "We will give you free coal. Your coal shall come in; we will give you the New England market, provided you in Canada will admit free of duty our coal from Illinois, Ohio, Indiana, Western Pennsylvania, and the Virginias west of the mountains." It would be possible to understand how a man who is in favor of free trade could advocate such a proposition. It was stated elsewhere by a responsible man that we would have this privilege from Canada, but it is not true.

The very last act of the Canadian Parliament on this subject, which I have, although I have it not at hand, imposes, as Canada has done heretofore, on all coal which we send over the border of Canada from these great Western States, 67 cents a ton of 2,240 pounds, or 60 cents as they levy it on a ton of 2,000 pounds. Why should we give up the American interest? Who can find in it a principle? I know the Canadian interest is a great one, but, as I have said before, I prefer to take care of American interests.

So with iron ore. I shall not weary the Senate with the details in regard to it.

Mr. President, I understand there is only one other serious proposition involved in this controversy, and that is the everlasting subject of sugar. Our Republican friends on the other side with great generalship saw from the beginning the weak point in our line. In the construction of the McKinley bill they made free sugar the pivot, so that they might increase the duties on their own wares and the output of their own factories. They attempted to secure free sugar by fighting us when we attempted to reverse their McKinley act and twitting us with going back and putting upon the dutiable list an article which they put upon the free list. They managed it well. They knew how to stir up the animosities and the feelings which are natural with us against increased duties on anything that has ever been on the free list.

They used the press of their party to charge, as they did, all sorts of bad motives against the men who were in favor of putting sugar on the dutiable list. They twitted us upon the floor. You had scarcely gotten into the consideration of the bill before they wanted to investigate us and see whether we were not selling out to a trust. The men who made the trust became suddenly virtuous for the purpose of killing our bill. They managed it so astutely as to really trouble a great many honest men inside and outside of this Chamber.

I give you credit for your generalship. This is a war, a battle between the two sides. You have conducted it, if not upon the highest plane, as well as a Modoc Indian ever conducted a campaign. [Laughter.] That you demoralized some of our forces and made them run to the bombproof for fear they might be shot is true. I have seen honorable men correcting in the papers the horrible statements which have been put forth to demoralize them, and it is not unnatural that they should have done so. But the majority of us, who are accustomed to shot and shell, have never yet flinched, because we knew that no matter how distasteful our action was to us personally the votes of the Louisiana Senaters were necessary.

We knew further that a fair duty on sugar was the first consideration to the Treasury. Your legislation has left us bankrupt until we have been compelled to sell bonds. As the distinguished chairman of the Committee on Finance said, it was our purpose in framing the bill to give to the Treasury a surplus and to remove from the people any fear of the Government not carrying out its obligations. We do not intend, when we get our bill through, to increase the bonded debt. If we do not get our bill through, that may and probably will happen.

Mr. President, I speak of the President of the United States with none but the kindest feelings. I have never in my life had anything but the kindest feelings for him. I believe he is one of the most remarkable men in public life in the last fifty years in any civilized country on the face of the globe. I gave my constant, unremitting labor to elect him the first time he was a candidate. I stood by him when we had but few who had the moral courage to uphold him. I supported his nomination for the second time, though not agreeing with the policy of his declaration in the message of 1887, and from the beginning of the campaign to the end I stood by my friend, the Senator from Ohio [Mr. BRICE], who gave to the candidacy of Mr. Cleveland his substance and his time and everything that a man can give to serve a great cause.

I was not in favor of Mr. Cleveland's nomination again in 1892 as a matter of policy, but I, with the distinguished Senator from Ohio and the distinguished Senator from New York [Mr. MURPHY], who carried the battle flag in that State, and the Senator from North Carolina, never permitted anything to stop our efforts until we placed him in this high station. We did it with an admiration for the man, with a belief that he would serve his country well, but I did my part above all in order that we might have Democratic control in this Government.

I have given the President fair and honest support, never subservient, never swayed by the want of patronage or by patronage, but ever ready to stand with him on whatever was right. He has no cause of complaint against me. I am not his debtor. Let him answer for himself. But in the campaign of 1892, when men's cheeks were blanched with fear, my friend, the junior Senator from New Jersey [Mr. SMITH], active as was the Senator from Ohio [Mr. BRICE], and I and the distinguished Senator from New York [Mr. HILL], who I regret now opposes the bill, went to the front to lead in that campaign and made a Democratic victory possible, starting the first great cheer which gave hope and comfort to the country.

Louisiana through its two Senators, then the late distinguished man who occupied a seat in this body, Randall Lee Gibson, and Edward D. White, wanted to know before we entered upon the campaign, with no threat, with no inquiry except that which an honorable man has a right to make, what the policy of the party was to be under the apparently free-trade resolutions adopted at Chicago. After a great deal of talk, after the most careful consideration, the candidate of our party told them, as he told the public through his letter, that the Democratic party was not to destroy industries; that it should place a fair duty upon dutiable articles, a revenue duty; that the bill which had met approval

was the Mills bill, and on the line of the Mills bill the Democratic party would act.

The junior Senator from New Jersey [Mr. SMITH], the junior Senator from Ohio [Mr. BRICE], and myself were then giving our time and our money, and everything that men can give for the success of the party. We conferred with all those distinguished gentlemen. We were not at the conference with the candidate, but had from both sides what had occurred. They wanted to know if the Democratic organization, of which we were a part, put the same construction upon it, and would be in favor of that line of procedure thereafter. They said to us frankly, we want to tell our people the truth. We do not want to press you to give a single fraction of a cent to Louisiana, but we only want to know the truth. At that solemn conclave we all said yes, it is a dutiable article; it is to be and must be the corner stone by which we will overthrow McKinleyism; you shall have it.

Mr. President, I would have given anything in reason for the interest of my own people whom I represent if I could have had free sugar all along the line. I could not have it without violating the rule that I have made for myself, not to-day, but from the beginning of my career, for a fair revenue duty on all dutiable articles.

But above all, sir, in all my public career, no man, no living being, has ever charged me with perfidy. No soul can say that I ever made a promise about public or private matters that I did not carry out if I had the power to do it. These two Senators and myself, carrying out our pledge, have stood here and been gibbeted as three men who were in a sugar trust. It is unnecessary to say no Senator on this floor with whom I am associated would believe such a thing, but it is due to the man who writes the history that he shall have the truth of the transaction.

Now, Mr. President, for us on this side of the Chamber this is indeed a most serious matter. There is nothing that I have said, there is nothing in my breast now, or ever has been, that in the same open and straightforward way that I have conferred with my colleagues, will prevent me from going with them one and all, no matter how wide we may differ as to the details, in the hope that we shall come together, come together for the benefit of our common country, come together that Democratic thought may prevail, come together that a measure which will not be repealed for twenty years may be placed upon the statute book and hope and prosperity may go with our people.

Mr. President, the conferees in this matter on the part of the Senate have a great duty to perform. There are almost, as it appears, irreconcilable differences. But, Mr. President, I want them to say to the conferees on the other side, "Now, above all other times, gentlemen, the law must be observed. Harmony can only be had by standing by the letter of the law. You, who make laws with us, must not violate them. There is in this case the written and the unwritten law, to which there is no exception, and that is that when one House proposes to change an existing statute and the other refuses to go as far, the House making the most radical demand shall give way. That is the law. That is the custom. Whenever it is insisted upon, there is no escape from it, if you intend to have legislation."

You can say, Mr. Chairman [to Mr. VOORHEES], that while there has been unpleasant talk about people not coming out in the open, Senator after Senator upon this floor has announced what he is bound to do as a matter of conscience if radical change is demanded. I do not mean that you shall not have a free and fair conference. I would have this time a free and fair conference. I would exclude everything except your own opinions.

You can say that in this body now, where we have only 1 majority among the Democrats, the great State of Ohio, the State of New Jersey, the State of New York, the States of Louisiana and of Maryland step out to the front and tell frankly the public what ought to have been told only in private, and say that within the borders of the States I have named, while they represented only five or six Democratic Senators, there is more manufacturing industry than in all the States which demand this radical change.

Say to them that at this time, when the whole world is ablaze with revolution in industrial affairs and want and distress are felt, these Senators, out of abundant caution, out of a superabundant caution, if you please, have said to you they can not go further; they prefer to make a mistake for too high rates rather than to have them too low; that it is wise statesmanship, true patriotism, to make the mistake and make the tax too high and let the laboring people go to work, rather than to make it too low and then try to keep them in order with deputy marshals and soldiers.

Mr. President, with our rules, this bill stands as I think in the best shape in which it is possible to get it to represent our views. I appeal to my colleagues on this side to stand as we stood during all this long struggle in the Senate, to stand together with the perfect knowledge that if we do not the bill is defeated. If the senior Senator from New York [Mr. HILL] or the Senator from Wisconsin [Mr. VILAS] succeed (and any Democrat may succeed by uniting now with any other) in amending the bill, you have heard the declaration of enough Senators to know that you defeat it.

Mr. President, the defeat of this bill would be a fearful responsibility. As it passed the Senate it is a great reform measure, and upon examination it will be found that sixty-three paragraphs are placed on the free list upon which duties were collected for the fiscal year 1893, amounting to $11,436,264.48.

On the following paragraphs the rates of duty were reduced more than 75 per cent: Bar iron, all other, and slabs, blooms, or loops; spikes of wrought iron or steel; mules; yarns, woolens, etc., valued at not more than 30 cents per pound; cloths, woolens, etc., valued at not more than 30 cents per pound; shawls, woolens, etc., valued at more than 30 cents per pound and not more than 40 cents per pound; common pipes of clay.

On eighty-three paragraphs the duties were reduced between 50 and 75 per cent.

On two hundred and eighty paragraphs the duties were reduced between 25 and 50 per cent.

On one hundred and twenty paragraphs the rates were reduced not exceeding 25 per cent.

The total saving to the people through the reduction of customs duties made by the Senate bill would be $63,083,636.70.

And the average ad valorem rates of duty under the bill as compared with the act of 1883, the Mills bill, and the McKinley bill, are:

	Per cent.
Tariff of 1883 (imports, 1887)	47.10
Mills bill (imports, 1887)	42.38
McKinley bill (imports, 1893)	49.58
House bill (1894: imports, 1893)	35.51
Senate bill (1894: imports, 1893)	38.68

Reduction of average ad valorem rates of duty by the Senate bill, 1894:

	Per cent.
From the Mills bill	8.72
From the McKinley law	22.90

Mr. President, what is our duty? What did we agree to do? We placed in your hands, Mr. Chairman, and you Democrats the power to say what we ought to do, after careful and unfettered conference. No such confidence on the part of all our party has ever been given to men as we gave to you. Let this degree of confidence continue. Let the bill go back to a conference on the part of the two Houses? These thunder clouds will roll by; these flashes of lightning, these ebullitions of temper, must clear the atmosphere and enable the conferees to give new hope and new life to the American people. [Applause in the galleries.]

Mr. WHITE. Mr. President, I desire at this exceedingly critical juncture to offer a few suggestions which seem to me pertinent to the occasion. I know that it is difficult for one who considers that he has been unjustly attacked to abstain from retaliation, and it is not surprising that emphatic language has been used in this debate. But I can truthfully assert, I trust, that I entertain no feeling which can interfere with the discharge of my duty. I appreciate the nature of the circumstances under which Senators labor here—men of long experience in this Chamber—who have given the best years of their lives to the cause of their country and to the advantage of their party.

My remarks shall be directed to what I shall call the intrinsic merits of the situation. I do not deem it of essential importance whether the President of the United States has or has not sent a message in an indirect way to Congress, or to a portion of Congress, or to certain members of Congress. There may be a question of policy involved; and we have heard enough to know that there is a question of taste possible of consideration; but as members of a party charged with the performance of a public duty, it seems to me that we must look beyond the statements of Senators and Presidents, and solve this issue in the light of duty.

The elements and influences resulting in the amendments made by the Senate to the tariff bill have been dwelt upon long and thoroughly. Not only did we find differences of view among Democrats, but we discovered upon the other side a unanimous Republican membership capable of resorting and ready to resort to every legitimate parliamentary practice to defeat us. Senators no doubt said they would not filibuster, but in the early hours of the morning, upon entering the Chamber, we would sometimes note our distinguished friend the Senator from Pennsylvania [Mr. QUAY], rising methodically and producing something which we afterwards learned was a history of sugar from the day of Adam's original apple to the sugar beet. [Laugh-

ter.] Then, upon another day, the same able Senator would bring forth a treatise upon iron or lead or wool, etc., elaborate, instructive, thoroughly prepared, but most essentially time consuming.

While thus listening to these elaborate and of course interesting remarks to some, we would occasionally be reminded by our friend from New Hampshire [Mr. CHANDLER] that we were not saying anything in defense of our measure. We felt as the days rolled by and as the people demanded action that the best thing to do was to remain quietly in our seats, waiting until something developed adequate to solve the issue. We were confronted by a situation from which we could not easily extricate ourselves—rules that may have been desirable at some time or at some period, but which do not now win or deserve admiration or applause.

But whatever the situation, we were compelled to and did meet it. This long drawn out contest, coupled with the solemn assurances that there were many volumes of unuttered speeches left, forced certain concessions to Republican Senators to the detriment of our purpose. Superadded, therefore, to the difficulties which might be called domestic were these essentially antagonistic demonstrations of our adversaries interfering no little with the proper framing of our measure.

Mr. President, it is not fair, it is not right, it appears to me, to charge those whose views differ perhaps from the majority of their associates with a want of sincerity or honor. As Senators elected by constituencies whose views they understand, these gentlemen have sought to impress their sentiments upon us. Under these conditions we finally reached a point where we were satisfied that there had been evolved the best proposition that could be passed by the Senate.

Speaking for myself alone, uttering my individual sentiments as well as the sentiments of my State, I can truly say that free coal and free iron would be a great boon. Every prominent iron worker and manufacturer in California, whether Republican or Democrat, has asked for free iron. All have solicited free coal, and, as stated by the Senator from Maryland [Mr. GORMAN], the State of California pays almost the entire coal tax. When the Government collected $1,100,000 of revenue duty upon coal California paid $800,000. Manifestly, therefore, we are deeply interested.

Yet, Mr. President, notwithstanding these facts, I representing in part the people of California and knowing their sentiments, have said that the bill presented here being the best that can be had will be cheerfully accepted. It affords us a reduction of 46⅔ per cent upon the duty as now existing. This is worth having.

I refer to this incidentally for the purpose of showing that in the respects referred to in the letter of the President of the United States personally I can find no ground for objection, and that nevertheless I take the position that there is nothing for the Senate to do now except to vote for the motion offered by the Senator from Delaware [Mr. GRAY] and remit the matter wholly to the committee from whence it has just come to us.

Mr. President, who are these committeemen? Who are the Senators whom we have intrusted with this measure? They are gentlemen known all over this Republic. The Senator from Missouri [Mr. VEST] is a man without whose voice no Democratic national campaign would be deemed effectually organized. The Senator from Arkansas [Mr. JONES] has labored and labored honestly, faithfully, and continuously to accomplish a most radical reform measure. The same may be said of their associates. They are the friends of tariff reform, not its enemies. We have instructed them to confer with the managers on the part of the House. We appointed them to take charge of our bill.

The House of Representatives, in pursuance of its constitutional power, refused to accept our amendments and insisted upon the original measure. The bill comes to us in that condition. There is nothing left for us to do but to insist upon our amendments and intrust the controversy to our conference committee, to the men who have done so much towards the solution of this difficult question, who have successfully labored to produce a measure for which every one can conscientiously vote, and which will be an effective and a Democratic bill.

In one of our great newspapers, the New York Herald, of Saturday morning, I find the following:

> The Herald demonstrated fully yesterday from the official statistics of the United States that the McKinley law now costs the American people about $2,000,000,000 a year, though the Treasury does not get one-tenth of this sum in revenues. The Senate's tariff is certainly an improvement upon McKinley's, but it will nevertheless force the people to pay in bounties and tribute to the "protected" monopolies at least $1,250,000,000 every year, and possibly much more.

Here is an admission that the bill as passed by the Senate, bad as we are told it is, will relieve the American people from $750,000,000 of taxation. And yet we are informed that this is immaterial. If we must accept the McKinley act or accept a measure which will relieve us from $750,000,000 of taxation, I shall unhesitatingly vote for the relief and not against it; nor can I conceive how any man who admits that taxation is a burden imposed upon the people, who inveighs against and denounces it, can refuse to vote for a reduction of this magnitude, even if it be true that the public expected a much more radical act.

Mr. President, I am in sympathy with much that has been uttered with reference to the sugar trust. I believe that that institution has grown to be so powerful that it is a menace to the public interest. But I have confidence enough in the committee of conference to believe that whatever ambiguity there may be, if there is any, in the sugar schedules passed by this body will be ultimately cleared up, and that in this, as in other respects, the committee will make a report that will meet Democratic approval.

I do not think that the floor of the Senate is the place to discuss amendments now. I do not believe that it will forward the interests of the Democratic party or render less improbable the rejection of the bill if we debate important subjects upon the floor of the Senate. Agreements in a large body are difficult of realization. One imprudent word leads to another. An expression, ill-advised, provokes another more so, and the Senate will stand still further removed from adjustment and settlement.

This is a time calling for the highest patriotic effort. This is a time when however much an individual may have been personally attacked, however much one's feelings may be involved, all, as I have already stated, should sink before the manifest public duty which confronts this side of the Chamber. Our friends upon the other side are solicitous to defeat the bill. They are anxious to see McKinleyism perpetuated. They are honest in the faith that such an outcome will be to the advantage of the people of this country. But, Mr. President, we Democrats have come here obligated to do a specific thing. The people of the United States declared the system of taxation called McKinleyism to be wrong, and have ordained that the act shall be stricken from the statute book. It is idle talk to say to me that that verdict has been set aside or reversed. If disaster in local elections has overtaken the Democratic party in certain portions of the country, it is not because the people have feared the repeal of the McKinley act, but for the reason that they have become restive because we have not already repealed it.

Now, Mr. President, it has been said that the Senate has been unjustly attacked, not only by individuals but by newspapers and by officials of our own party. But, sir, let me say that all this is irrelevant matter. We have not the time to enter into the merits of our individual disputations. We must perform our duty to our country here, and while stating the reasons governing us we must trust to history, to the candid opinion of our fellow-citizens, for our future and final vindication. By our acts we shall be judged; and if after having come to this Capitol with the solemn obligation upon us to repeal the McKinley act we suffer it to go unrepealed, then we must return to our constituents with the admission that we have not kept faith.

But if we accomplish the repeal, even though we do not reach the point of full relief demanded by many of our fellow-citizens, we shall be able to truthfully assert that we have done the best possible, and they will appreciate our surroundings and situation and accord us our full due. Even if I can not procure the enactment of a bill giving California free coal and free iron ore, yet when I can return to those who sent me here and show that I have saved them $400,000 of annual taxation through the 46⅔ per cent reduction in the coal tariff I know that my course will be approved.

The people outside of this Capitol are, as we all know, intelligent and discerning. For the moment they may be misled, for the instant they may do that which they should not do, and sometimes their words are harsh and their acts seemingly unjust; but time tempers their judgments, so that the representative who does the best he can upon this floor will receive that same commendation from his constituents that he who acts justly and to the full measure of his powers is entitled to receive here and hereafter.

Mr. President, it will, I think, subserve no useful purpose to give any instructions whatever to this committee. If we concede our parliamentary right to do so, and if we vote for the motion of my friend from Wisconsin [Mr. VILAS], we open the door to amendments upon every conceivable subject; we will then have the entire bill before the Senate, every phase of it, every feature of it, open to dispute and contention.

Nor will it be of the slightest avail to use words of criticism towards the House of Representatives. Our rules forbid it, and, even if the proprieties of the situation are omitted, it is the manifest policy for every Democrat in Congress, to whichever branch he may belong, to speak and think of his fellows as associates, endeavoring to accomplish something for the betterment of their country. In this spirit alone can we hope to prevail. Conciliation is not only important, but absolutely essential.

Remember that there are around us gentlemen who are solicitous for our destruction; gentlemen who, whenever they can invade our ranks, and woo with tender song some too fragile brother; gentlemen who, by argument and influence of every sort—proper, I mean, of course—are seeking to allure Senators upon this side and with promises of coöperation are endeavoring to persuade them to vote for some special amendment, which will render the passage of the bill less likely. Who doubts that upon this very question of sugar, our friends upon the other side will rush frantically to the front, and denouncing the sugar trust, will vote in the most positive manner for the amendment proposed by the Senator from Wisconsin; yet who questions that in doing that, in so voting, it will be the hope of each Senator upon the other side that his action, ostensibly against the sugar trust, will result in the defeat of this measure and the perpetuation of the McKinley schedule, which was admittedly dictated by the trust.

Mr. President, our friends have not denied that the McKinley act contains undue protection to the sugar trust. No man has been found to produce anything that will show that the McKinley act is not far more favorable to the trust than the pending measure; and yet gentlemen who are loud in their denunciation of this trust, who declare it to be the most outrageous of all American combinations, as I believe it to be, those very gentlemen, sir, are striving to keep alive and perpetuate the blessings, as the trust beneficiaries would call them, of the McKinley act. Are we to aid in this work?

We are not laboring for tariff reform when we coöperate with its enemies, nor do I think, if my friend from New York [Mr. HILL] shall succeed in his amendment, it can result, as matters now stand, in the improvement of the situation. Let us assume his success, and that free coal and free iron ore—more beneficial, as I have said, to my constituents—are voted on the free list, does the Senator from New York not know—I will change the form of the expression—the Senator from New York does know that by so voting he will imperil the whole measure. True, he will not shed any tears because of that circumstance.

Mr. HILL. Will the Senator allow me?

The PRESIDING OFFICER (Mr. BATE in the chair). Does the Senator from California yield to the Senator from New York?

Mr. WHITE. Certainly.

Mr. HILL. Will the Senator explain how the carrying of my amendment will imperil the passage of this bill? Does he know of a single Senator so devoted to the cause of a tariff upon coal and iron ore that he will feel as though he must vote against this bill? I have heard no such expression from anyone.

Mr. WHITE. Is the Senator through?

Mr. HILL. For the present.

Mr. WHITE. It has been otherwise stated to me, Mr. President, by gentlemen who claim to know something of their own opinions. I do not think that my friend from New York would vote for anything that would insure or assist in the passage of a bill which would contain the income-tax provision, because he is solemnly pledged to do everything that he can to defeat such a provision. Not without a purpose has he thrust aside for the time being the affiliations of a lifetime, not for an idle end has he sought by a combination with the distinguished leader of the Republican party to dictate tariff legislation.

My friend from New York honestly believes that this bill should be defeated because of the income-tax provision, and, skillful soldier that he is, he places all his men, all his forces, upon a vantage ground from which he hopes they may be able to compass the rout of their foes.

Mr. HILL. Will the Senator allow me?

Mr. WHITE. Certainly.

Mr. HILL. Do I understand the Senator that he thinks it unwise now for the Senate either to recede from any of its amendments or to instruct the conferees?

Mr. WHITE. Is that all of the Senator's question?

Mr. HILL. It is for the present.

Mr. WHITE. The Senator retained the floor, and I did not know whether he had concluded or not.

Mr. HILL. I have.

Mr. WHITE. I will say yes; my answer is in the affirmative. I stated, in my opinion—I may be wrong, most assuredly; but the Senator has asked for my opinion—that the friend of legislation, the man who wishes the enactment of a tariff bill, who desires the reduction of the McKinley rates, and even of the rates fixed in this measure, that man will vote to send this bill to the committee; but the man who desires the defeat of this bill, who wishes the McKinley law to stay upon the statute book, that man, if he has good judgment and possesses skill, will vote to amend this bill now in all possible respects. Understand me, Mr. President, I do not charge that every Senator who offers an amendment has that end in view.

I know that my friend from Wisconsin, who sits near me [Mr. VILAS], is as solicitous as any man can be for the passage of this bill, and I know that my friend, the Senator from New York, is as solicitous as any man can be that this bill shall be defeated unless the income tax shall be exscinded, and then I suppose he would vote for it with coal free or taxed.

Mr. HILL. Will the Senator please explain how he expects an agreement to be reached if the Senate does not recede at all?

Mr. WHITE. My understanding is that the Senate, having confided to these conferees this delicate and onerous duty, will listen to their recommendations. For one, I shall. Of course, if I had no confidence in any Senator upon my side, if I set up my little individual judgment against the solid phalanx of my party, I should vote against recommittal, and then I would do as some other people do—pair myself. [Laughter.]

I have said these words, Mr. President, because I am anxious to persuade the friends of this bill; because I am anxious to impress upon those who think that a vote should be taken upon the sugar matter now that there is great danger in such procedure. I know that these gentlemen are anxious that a tariff measure shall be enacted. I know they hope with me that we will not leave this Capitol with our pledges unredeemed. My argument to them is an appeal to their judgment. I solicit their candid, careful, patient, and time-taking consideration of the suggestion that I make, whether it will not be better that this affair shall be considered in the small council of conference than that it shall be a subject of general controversy in this Chamber.

But, Mr. President, anxious as I am for the accomplishment of the purposes specified, solicitous as I am personally to see the views of the Senator from New York on coal and iron impressed upon this bill, desirous as I am to have it framed so that the sugar trust shall realize only a reasonable profit; still I believe that it is my obligation to vote for the motion submitted by the Senator from Delaware [Mr. GRAY], and that to do otherwise would be to ally myself with those who oppose all tariff reform.

As I said in the beginning, in doing this I have but one objective point, the discharge of that solemn obligation which was imposed upon me when I accepted the burdens and honors of a Democratic Senator, an obligation alike imposed upon all of us, and which I understand every one here is ready to discharge.

My appeal does not involve the sincerity of anyone; but it is to some extent a criticism of that judgment which precipitates a bitter controversy upon this Chamber at this heated time; a controversy that necessarily arrays not only the two Houses of Congress, to some extent, against each other, but challenges the Executive, and brings us all into general and mutual hostility, from which concerted action, I fear, will never be evolved.

On the other hand, if this matter be relegated to the tried and trusted Democrats of the conference, to those whose party fealty has never been doubted, and whose ability passes without comment, I believe that a means of extrication from this attitude will be suggested.

I wish to state before I resume my seat that, being tolerably familiar with the general facts concerning the framing of this bill, I am justified in saying that each and every Democratic Senator commenced this struggle with the desire to pass a good tariff bill. I do not sympathize with the attacks which have been made upon Senators. Many of these onslaughts are inspired by people who are not friends of Democracy. Some of the accusations are fathered by newspapers and individuals representing the Republican party, and whose prayers are for the continuation of McKinleyism. Our ranks can not be thus broken up.

We can not afford, whatever may be the present trend of popular sentiment, to ignore the good which those who are attacked have done. We can not charge the Senator from New York with a lack of sincerity because he has not agreed with us, for he has heretofore shown his fealty to his party and his ability as a Democratic leader, and the Democratic organization of the United States knows his record and appreciates his many services.

Nor should anything but kindly criticism be directed at the Senator from Maryland [Mr. GORMAN]. Long before I saw this Chamber, when I had but little idea indeed of entering it, almost in my boyhood, I knew of his worth and ability. But lately, when from one end of the United States to the other the entire Democratic organization was fearful of the disaster threatened by the force bill, when the question of a free ballot and the right of men to govern themselves was challenged, Senator GORMAN was the leader of Democracy, and in this Chamber his eloquent and able championship won for us and for his country safety from unwise legislation and subsequent party victory. In times when the skies are clouded, when criticism is on every lip, when motives are hourly questioned, let us not forget to do that justice which every man owes to his fellows; and, if criticise we must, let us do so in considerate phrase, but let us not forget the past, whether it be because of great services or because of great offenses.

This is a contest between Democracy and Republicanism, as the latter is exemplified in the McKinley law; this is a contest in which the Democratic party in this Chamber is entitled to a majority vote. That majority it must obtain, or I fear the people will not forgive it. They abandoned their allegiance to the Republican organization after it had been tried for many years. A change was deemed necessary that disaster might be averted and they accepted other leadership that they might be led from the house of bondage. Having been given this power, having accepted this trust, let us exercise it for the popular benefit, and let us meet the situation even though we may be compelled to do that which is personally distasteful, but which we can do without dishonor. We must not expect to be able to succeed without effort, consideration, or concession.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York [Mr. HILL], that the Senate recede from its amendments as to coal and iron ore.

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened; and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 24, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 23, 1894.

SECOND SECRETARY OF LEGATION.

David D. Wells, of Connecticut, to be second secretary of the legation of the United States at London, vice Larz Anderson, resigned. The nomination of "David A. Wells, jr.," delivered to the Senate on the 17th instant, is hereby withdrawn to correct error in name.

CONSULS.

Hiram H. Lott, of Louisiana, to be consul of the United States at Managua, Nicaragua, to fill a vacancy.

Archibald H. Grimke, of Massachusetts, to be consul of the United States at Santo Domingo, vice John R. Meade, deceased.

COLLECTOR OF CUSTOMS.

Richard T. Rundlett, of Maine, to be collector of customs for the district of Wiscasset, in the State of Maine, to succeed George B. Sawyer, whose term of office has expired by limitation.

ASSISTANT COLLECTOR OF CUSTOMS.

David B. Peterson, of New Jersey, to be assistant collector of customs for the port of Camden, N. J., in the district of Philadelphia, in the State of Pennsylvania, to succeed J. Eugene Troth, removed.

PENSION AGENT.

Charles H. Robinson, of Knoxville, Iowa, to be pension agent at Des Moines, Iowa, vice Stephen A. Marine, term expired, Henry H. Trimble having declined.

SURVEYOR-GENERAL.

Clayton Belknap, of Virginia City, Nev., to be surveyor-general of Nevada, vice George F. Turrittin, term expired.

REGISTER OF LAND OFFICE.

Michael J. Barrett, of Jamestown, N. Dak., to be register of the land office at Minot, N. Dak., vice Thomas E. Olsgard, to be removed.

RECEIVER OF PUBLIC MONEYS.

John A. Ely, of Towner, N. Dak., to be receiver of public moneys at Minot, N. Dak., vice Warren C. Plummer, resigned.

INDIAN AGENT.

Louis F. Pearson, of Medicine Lodge, Kans., to be agent for the Indians of the Pottawatomie and Great Nemaha Agency in Kansas, vice Joseph A. Scott, resigned.

POSTMASTERS.

Rollin M. Rood, to be postmaster at South Manchester, in the county of Hartford and State of Connecticut, in the place of Walter B. Cheney, whose commission expired December 19, 1893.

John J. Oberlin, to be postmaster at Butler, in the county of Dekalb and State of Indiana, in the place of Adolphus G. Jones, whose commission expired May 17, 1894.

Edward H. Hunter, to be postmaster at Des Moines, in the county of Polk and State of Iowa, in the place of Isaac Brandt, whose commission expired June 2, 1894.

Clement R. Leonard, to be postmaster at Easton, in the county of Talbot and State of Maryland, in the place of James C. Mullikin, whose commission expired May 23, 1894.

Michael J. Derick, to be postmaster at Duncannon, in the county of Perry and State of Pennsylvania, in the place of William H. Pennell, whose commission expired July 9, 1894.

John H. Grady, to be postmaster at Kane, in the county of McKean and State of Pennsylvania, in the place of George Griffith, whose commission expired July 2, 1894.

John T. Ives, to be postmaster at Thurlow, in the county of Delaware and State of Pennsylvania, in the place of John R. Nowland, whose commission expired January 21, 1894.

J. J. McCrum, to be postmaster at Titusville, in the county of Crawford and State of Pennsylvania, in the place of Leander L. Shattuck, whose commission will expire July 24, 1894.

John Nealon, to be postmaster at Carbondale, in the county of Lackawanna and State of Pennsylvania, in the place of William L. Yarrington, whose commission expired May 10, 1894.

Moses M. Shaw, to be postmaster at Braddock, in the county of Allegheny and State of Pennsylvania, in the place of Christopher Sheets, whose commission expired June 10, 1894.

Frederick A. Seitz, to be postmaster at Freeport, in the county of Armstrong and State of Pennsylvania, in the place of Selina Gibson, whose commission expired June 18, 1894.

John H. Ossenbeck, to be postmaster at Bradford, in the county of McKean and State of Pennsylvania, in the place of F. S. Johnson, whose commission expired June 23, 1894.

J. S. Sloan, to be postmaster at New Bethlehem, in the county of Clarion and State of Pennsylvania, in the place of Edward A. Hamilton, removed.

John Westerman, to be postmaster at Columbia, in the county of Lancaster and State of Pennsylvania, in the place of John L. Wright, whose commission expired June 6, 1894.

Frederick E. Phillips, to be postmaster at Central Falls, in the county of Providence and State of Rhode Island, in the place of James E. Bowen, whose commission expired March 27, 1893.

PROMOTIONS IN THE NAVY.

Commodore Oscar F. Stanton, to be rear-admiral in the Navy, from July 21, 1894, vice Rear-Admiral Joseph Fyffe, retired.

Capt. Edward O. Matthews, to be a commodore in the Navy, from July 21, 1894, vice Commodore O. F. Stanton, promoted.

Commander Arent S. Crowninshield, to be a captain in the Navy, from July 21, 1894, vice Capt. E. O. Matthews, promoted.

Paymaster Leonard A. Frailey, to be a pay inspector in the Navy, from May 24, 1894, vice Pay Inspector A. D. Bache, retired.

Passed Assistant Paymaster Eustace B. Rogers, to be a paymaster in the Navy, from May 24, 1894, vice Paymaster L. A. Frailey, promoted.

Assistant Paymaster Henry E. Jewett, to be a passed assistant paymaster in the Navy, from May 24, 1894, vice Passed Assistant Paymaster E. B. Rogers, promoted (subject to the examination required by law).

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 23, 1894.

CONSUL.

James R. Jackson, of New Hampshire, to be consul of the United States at Sherbrooke, Quebec.

SECRETARY OF LEGATION.

David D. Wells, to be second secretary of the legation at London.

POSTMASTERS.

Samuel S. Bowne, to be postmaster at Cooperstown, in the county of Otsego and State of New York.

William Redder, to be postmaster at El Reno, in the county of Canadian and Territory of Oklahoma.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 23, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MOSES, indefinitely, on account of sickness in his family.

To Mr. MORGAN (on request of Mr. HEARD), indefinitely, on account of sickness in his family.

To Mr. TAYLOR of Indiana (on request of Mr. BRETZ), indefinitely, on account of sickness.

To Mr. CONN (on request of Mr. BRETZ), indefinitely, on account of sickness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to

the bill (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. CALL, Mr. COCKRELL, and Mr. TELLER as the conferees on the part of the Senate.

ENROLLED BILL SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 236) to amend section 4837 of the Revised Statutes of the United States as to soldiers' homes; when the Speaker signed the same.

CHANGE OF LINES BETWEEN EASTERN AND WESTERN JUDICIAL DISTRICTS OF NORTH CAROLINA.

Mr. WOODWARD. I ask unanimous consent for the present consideration of the bill (H. R. 6542) to change the lines between the eastern and western judicial districts of North Carolina and fixing time for holding courts in said eastern district.

The bill was read, as follows:

Be it enacted, etc., That the counties of Person, Durham, Chatham, Moore, and Richmond, now constituting a part of the western judicial district of North Carolina, shall be, and are hereby, transferred to and made part of the eastern judicial district of North Carolina; but all crimes and offenses heretofore committed in said western district, in which the defendants have been bound over, shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

SEC. 2. That the sessions of the district courts of the United States for the eastern district of North Carolina shall begin and be held at the city of Raleigh on the fourth Monday of May and first Monday of December of each year; at the city of Wilmington on the first Monday after the fourth Monday in April and October of each year; at the city of Newbern on the fourth Monday in April and October of each year; at the city of Elizabeth City on the third Monday in April and October of each year.

SEC. 3. That the regular terms of the circuit court shall be held at Raleigh on the fourth Monday in May and first Monday in December of each year.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. REED. Let us hear the amendments.

The amendments recommended by the committee were read, as follows:

Strike out "Richmond," in the fourth line of the first section.

Add at the end of the first section the following:

"*Provided also*, That all actions or proceedings now pending against parties residing in the counties of Chatham, Moore, Person, and Durham, in the courts of said western district, may, upon the application of either party, be transferred to the court for the eastern district at Raleigh; and in case of such transfer, all papers and files therein, with copies of all record entries, shall be transferred to the office of the clerk of such court, and proceed in all respects as though originally commenced in said court at Raleigh."

Strike out all that part of the second section after the word "year," in the fourth line.

Add at the end of the third section the following:

"And at Wilmington on the first Monday after the fourth Monday in April and October of each year."

Mr. WILLIAM A. STONE. Does the bill create any new offices? Who is in charge of that bill?

Mr. WOODARD. It does not. It is purely a local bill.

Mr. WILLIAM A. STONE. It is simply a rearrangement of the districts?

Mr. WOODARD. Is it simply a rearrangement of the districts. It has the approval of the two judges and the district attorneys, and it is reported unanimously by the Committee on the Judiciary.

Mr. REED. One moment. If the amendments are adopted, what is the effect of the whole bill?

Mr. WOODARD. I will state the effect of the bill. The bill as originally reported included the county of Richmond, and the committee, at my request, struck out the county of Richmond, as at that time there was a suggestion there might be some opposition to transferring Richmond to the eastern district. Since then, however, the members of the bar of that county and the judges have stated that there would be no objection to putting Richmond in the eastern district. I desire to offer an amendment, that Richmond may be transferred from the western to the eastern district.

Mr. REED. How many districts does this bill make?

Mr. WOODARD. We have two districts in North Carolina, and by this bill we transfer some counties from the western to the eastern district. The counties are in the eastern part of the State.

Mr. REED. In how many different places does the court sit?

Mr. WOODARD. There are four places in the State where the court sits—at Elizabeth City, Newbern, Raleigh, and Wilmington. These four counties are very near to Raleigh, where the court meets in the eastern district. They are probably a hundred miles from the nearest point in the western part of the State where the court meets, and only about 30 miles from Raleigh where the circuit and district courts of the eastern district meet.

Mr. REED. So that the places of meeting are geographically well situated?

Mr. WOODARD. It is very largely for the benefit of the people of those counties.

Mr. REED. Is the bill unanimously reported by the Committee on the Judiciary?

Mr. WOODARD. Yes, sir.

The SPEAKER. Is there objection to the request for the consideration of this bill? [After a pause.] The Chair hears none. The question is on the committee amendments.

The amendments of the committee were agreed to.

Mr. WOODARD. Mr. Speaker, I desire to offer an amendment.

The Clerk read as follows:

Insert after the word "Moore," in line 3, the words "and Richmond;" and after the word "Durham," in line 13, insert the words "and Richmond."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WOODARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

E. DOUGLASS.

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent for the consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (S. 1319) for the relief of E. Douglass, late Indian agent at White Earth Indian Agency.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ebenezer Douglass, late Indiana gent at White Earth Indian Agency, in the State of Minnesota, out of any moneys in the Treasury not otherwise appropriated, the sum of $566.66 for money paid out and services performed by said Douglass, at the request of the Commissioner of Indian Affairs, in closing the accounts with said agency.

Mr. SAYERS. Mr. Speaker, I would like to have some explanation of that bill before unanimous consent is given.

Mr. FLETCHER. The bill has been considered and passed by the Senate. It has been considered and favorably reported by the Committee on Claims. It has been unanimously recommended, and it is a very small amount.

Mr. SAYERS. But that is not a sufficient explanation, I would submit to the gentleman. I would like to have the report read.

The SPEAKER. Without objection, the report can be read.

The report (by Mr. KIEFER) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 1319) for relief of E. Douglass, after fully investigating the same, report it back to the House with the recommendation that it do pass, and adopt the report hereto attached made by the Senate.

The SPEAKER. The Senate report is very voluminous.

Mr. FLETCHER. I would say this bill has been——

Mr. SNODGRASS. I demand the regular order.

The SPEAKER. The gentleman from Tennessee demands the regular order, which is equivalent to an objection. The regular order is the call of committees for reports.

SURVEYS OF PUBLIC LANDS.

Mr. HALL of Minnesota, from the Committee on the Public Lands, reported the bill (H. R. 7803) to amend sections 2401 and 2403 of the Revised Statutes as a substitute for the bills (H. R. 6194 and H. R. 7559); which was referred to the House Calendar, and, with the accompanying report, ordered to be printed. The bills H. R. 6194 and H. R. 7559 were ordered to lie on the table.

INTERMENTS, GRACELAND CEMETERY, DISTRICT OF COLUMBIA.

Mr. POST, from the Committee on the District of Columbia, reported favorably the bill (H. R. 6915) to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia; which was referred to the House Calendar, and, with accompanying report, ordered to be printed.

REINSTATEMENT OF CERTAIN RAILWAY MAIL CLERKS.

The SPEAKER. This completes the call. The regular order is taking the vote on the bill on which the previous question was ordered on Saturday. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 4017) for the reinstatement of clerks dismissed from the Railway Mail Service between the 15th day of March and the 1st day of May, 1889.

The SPEAKER. The question is, Shall this bill pass?

Mr. REED. What is the proposition?

The SPEAKER. The Clerk will again report the title of the bill.

The title of the bill was again reported.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BRODERICK. Division.

The House divided; and there were—ayes 82, noes 8.

Mr. BRODERICK. No quorum has voted.
Mr. BYNUM. I demand the yeas and nays.
The yeas and nays were ordered.
The SPEAKER. The gentleman from Indiana [Mr. BYNUM] and the gentleman from Kansas [Mr. BRODERICK] will please take their places as tellers.
The question was taken; and there were—yeas 121, nays 24, answered "present" 3, not voting 203; as follows:

YEAS—121.

Alderson,	Crawford,	Ikirt,	O'Neill, Mo.
Allen,	Culberson,	Islar,	Outhwaite,
Arnold,	Cummings,	Kem,	Page,
Bailey,	Davey,	Kribbs,	Pearson,
Baker, Kans.	Davis,	Kyle,	Pendleton, W. Va.
Baldwin,	De Armond,	Lane,	Pigott,
Barnes,	Dinsmore,	Lapham,	Richards, Ohio
Barwig,	Dockery,	Latimer,	Richardson, Tenn.
Bell, Colo.	Ellis, Ky.	Layton,	Ritchie,
Bell, Tex.	English, Cal.	Livingston,	Rusk,
Black, Ga.	Epes,	Lynch,	Ryan,
Black, Ill.	Fithian,	Maddox,	Sayers,
Bland,	Forman,	Maguire,	Shell,
Boatner,	Geary,	Mallory,	Snodgrass,
Bretz,	Goldzier,	Marshall,	Springer,
Brickner,	Gorman,	Martin, Ind.	Strait,
Brookshire,	Grady,	McCreary, Ky.	Talbert, S. C.
Bryan,	Graham,	McCulloch,	Talbott, Md.
Bunn,	Gresham,	McDannold,	Tarsney,
Bynum,	Griffin,	McDearmon,	Tate,
Caminetti,	Hall, Minn.	McEttrick,	Terry,
Cannon, Cal.	Hall, Mo.	McKeighan,	Warner,
Capehart,	Hammond,	McLaurin,	Weadock,
Catchings,	Hare,	McNagny,	Wells,
Clark, Mo.	Harter,	McRae,	Wheeler, Ala.
Cockrell,	Heard,	Meredith,	Williams, Ill.
Coombs,	Henderson, N.C.	Meyer,	Wolverton,
Cooper, Fla.	Holman,	Money,	Woodard.
Cooper, Ind.	Hudson,	Neill,	
Cooper, Tex.	Hunter,	Ogden,	
Cox,	Hutcheson,	O'Neil, Mass.	

NAYS—24.

Baker, N. H.	Hull,	Marsh,	Ray,
Boen,	Johnson, Ind.	McCall,	Reed,
Broderick,	Kiefer,	Meiklejohn,	Russell, Conn.
Cooper, Wis.	Lacey,	Mercer,	Taylor, Tenn.
Daniels,	Lefever,	Perkins,	Thomas,
Hulick,	Lucas,	Pickler,	Wright, Mass.

ANSWERED "PRESENT"—3.

Breckinridge, Ark.	Everett,	Kilgore.

NOT VOTING—203.

Abbott,	Denson,	Johnson, N. Dak.	Settle,
Adams, Ky.	Dingley,	Johnson, Ohio	Shaw,
Adams, Pa.	Dolliver,	Jones,	Sherman,
Aitken,	Donovan,	Lawson,	Sibley,
Aldrich,	Doolittle,	Lester,	Sickles,
Alexander,	Draper,	Linton,	Simpson,
Apsley,	Dunn,	Lockwood,	Sipe,
Avery,	Dunphy,	Loud,	Smith,
Babcock,	Durborow,	Loudenslager,	Somers,
Bankhead,	Edmunds,	Magner,	Sorg,
Bartholdt,	Ellis, Oregon	Mahon,	Sperry,
Bartlett,	English, N. J.	Marvin, N. Y.	Stallings,
Belden,	Enloe,	McAleer,	Stephenson,
Beltzhoover,	Erdman,	McCleary, Minn.	Stevens,
Berry,	Fielder,	McDowell,	Stockdale,
Bingham,	Fletcher,	McGann,	Stone, C. W.
Blair,	Funk,	McKaig,	Stone, W. A.
Boutelle,	Funston,	McMillin,	Stone, Ky
Bower, N. C.	Fyan,	Milliken,	Storer,
Bowers, Cal.	Gardner,	Montgomery,	Straus,
Branch,	Gear,	Moon,	Strong,
Breckinridge, Ky.	Geissenhainer,	Morgan,	Swanson,
Brosius,	Gillet, N. Y.	Morse,	Sweet,
Brown,	Gillett, Mass.	Moses,	Tawney,
Bundy,	Goodnight,	Murray,	Taylor, Ind.
Burnes,	Grosvenor,	Mutchler,	Tracey,
Burrows,	Grout,	Newlands,	Tucker,
Cabaniss,	Grow,	Northway,	Turner, Ga.
Cadmus,	Hager,	Oates,	Turner, Va.
Campbell,	Haimer,	Paschal,	Turpin,
Cannon, Ill.	Haines,	Patterson,	Tyler,
Caruth,	Harmer,	Payne,	Updegraff,
Causey,	Harris,	Paynter,	Van Voorhis, N.Y.
Chickering,	Hartman,	Ponce,	Van Voorhis, Ohio
Childs,	Hatch,	Pendleton, Tex.	Wadsworth,
Clancy,	Haugen,	Phillips,	Walker,
Clarke, Ala.	Hayes,	Post,	Wanger,
Cobb, Ala.	Heiner,	Powers,	Washington,
Cobb, Mo.	Henderson, Ill.	Price,	Waugh,
Cockran,	Henderson, Iowa	Quigg,	Wever,
Colleen,	Hendrix,	Randall,	Wheeler, Ill.
Cogswell,	Hepburn,	Rayner,	White,
Conn,	Hermann,	Reilly,	Whiting,
Cornish,	Hicks,	Reyburn,	Williams, Miss.
Cousins,	Hines,	Richardson, Mich.	Wilson, Ohio
Covert,	Hitt,	Robbins,	Wilson, Wash.
Crain,	Hooker, Miss.	Robertson, La.	Wilson, W. Va.
Curtis, Kans.	Hooker, N. Y.	Robinson, Pa.	Wise,
Curtis, N. Y.	Hopkins, Ill.	Russell, Ga.	Woomer,
Dalzell,	Hopkins, Pa.	Schermerhorn,	Wright, Pa.
De Forest,	Houk,	Scranton,	

The following-named members were announced as paired until further notice:
Mr. WILSON of West Virginia with Mr. DINGLEY.
Mr. OATES with Mr. MORSE.
Mr. TURNER of Virginia with Mr. HEINER of Pennsylvania.
Mr. STEVENS with Mr. DRAPER.
Mr. STOCKDALE with Mr. BRODERICK.
Mr. COBB of Missouri with Mr. BARTHOLDT.
Mr. HOOKER of Mississippi with Mr. CHICKERING.
Mr. MOSES with Mr. VAN VOORHIS of New York.
Mr. STALLINGS with Mr. SCRANTON.
Mr. MCMILLIN with Mr. HOUK.
Mr. ABBOTT with Mr. MOON.
Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.
Mr. CORNISH with Mr. HOOKER of New York.
Mr. BANKHEAD with Mr. MILLIKEN.
Mr. CADMUS with Mr. ADAMS of Kentucky.
Mr. DENSON with Mr. RANDALL.
Mr. ENLOE with Mr. BOUTELLE.
Mr. LAWSON with Mr. WHITE.
Mr. COBB of Alabama with Mr. BABCOCK.
Mr. STONE of Kentucky with Mr. GEAR.
Mr. GOODNIGHT with Mr. WALKER.
Mr. MONTGOMERY with Mr. TAWNEY.
Mr. PAYNTER with Mr. HAUGEN.
Mr. HATCH with Mr. HARMER.
Mr. WISE with Mr. FLETCHER.
Mr. EDMUNDS with Mr. WEVER.
Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.
Mr. CRAIN with Mr. SETTLE.
Mr. STRAUSS with Mr. GILLET of New York.
Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.
Mr. TURPIN with Mr. GILLETT of Massachusetts.
Mr. MORGAN with Mr. SMITH of Illinois.
Mr. LOCKWOOD with Mr. WHEELER of Illinois.
The following were announced as paired for this day:
Mr. DURBOROW with Mr. LOUDENSLAGER.
Mr. BERRY with Mr. STORER.
Mr. TRACEY with Mr. HICKS.
Mr. TAYLOR of Indiana with Mr. HOPKINS of Pennsylvania.
Mr. MUTCHLER with Mr. STEPHENSON.
Mr. ALEXANDER with Mr. GARDNER.
Mr. MCALEER with Mr. UPDEGRAFF.
Mr. WASHINGTON with Mr. COGSWELL.
Mr. ROBERTSON of Louisiana with Mr. WADSWORTH.
Mr. CARUTH with Mr. SWEET.
Mr. TURNER of Georgia with Mr. HENDERSON of Iowa were announced as paired on this vote.
Mr. KYLE. Mr. Speaker, I ask that my colleague, Mr. WILLIAMS, be excused indefinitely on account of illness.
There was no objection, and it was so ordered.
Mr. BROOKSHIRE. Mr. Speaker, my colleague, Mr. CONN, has been sick for several days, and as he is not present I am satisfied that he is still unwell. I therefore ask that he be excused.
The SPEAKER. The gentleman from Indiana, Mr. CONN, has been excused.
Mr. HENDERSON of North Carolina. Mr. Speaker, my colleague, Mr. ALEXANDER, is detained from his seat by illness, and I ask that he be excused on this vote and for the remainder of the day.
There was no objection, and it was so ordered.
The SPEAKER. Upon this question there are—yeas 121, nays 24, present and not voting 3; no quorum.
Mr. BYNUM. Mr. Speaker, I move a call of the House.
The motion was agreed to, and a call of the House was ordered.
The Clerk called the roll; when the following-named members failed to respond:

Abbott,	Cadmus,	Durborow,	Houk,
Adams, Ky.	Caminetti,	Edmunds,	Johnson, Ind.
Adams, Pa.	Campbell,	Enloe,	Johnson, Ohio
Aitken,	Cannon, Ill.	Erdman,	Jones,
Alexander,	Caruth,	Fielder,	Lawson,
Avery,	Causey,	Forman,	Lockwood,
Babcock,	Chickering,	Funston,	Loudenslager,
Baldwin,	Childs,	Gardner,	Magner,
Bankhead,	Clancy,	Geissenhainer,	Mahon,
Bartlett,	Clarke, Ala.	Gillet, N. Y.	Marvin, N. Y.
Belden,	Cobb, Ala.	Gillett, Mass.	McAleer,
Beltzhoover,	Cobb, Mo.	Goodnight,	McDannold,
Berry,	Cockran,	Grosvenor,	McDowell,
Bland,	Cogswell,	Grout,	McGann,
Boatner,	Conn,	Grow,	McMillin,
Boen,	Cooper, Wis.	Hager,	Milliken,
Boutelle,	Cornish,	Harmer,	Montgomery,
Bower, N. C.	Covert,	Hartman,	Moon,
Bowers, Cal.	Crain,	Hatch,	Morgan,
Branch,	Cummings,	Haugen,	Morse,
Breckinridge, Ky.	Curtis, N. Y.	Heiner,	Moses,
Brickner,	Dalzell,	Hendrix,	Murray,
Brosius,	Denson,	Hicks,	Mutchler,
Brown,	Dingley,	Hines,	Newlands,
Bryan,	Dolliver,	Hooker, Miss.	Northway,
Burnes,	Draper,	Hooker, N. Y.	Oates,
Burrows,	Dunn,	Hopkins, Ill.	Paschal,
Cabaniss,	Dunphy,	Hopkins, Pa.	Payne,

Paynter,	Settle,	Storer,	Wadsworth,
Pence,	Shaw,	Straus,	Walker,
Pendleton, Tex.	Sherman,	Strong,	Washington,
Phillips,	Sibley,	Swanson,	Wever,
Powers,	Sickles,	Sweet,	Wheeler, Ill.
Price,	Simpson,	Tawney,	White,
Quigg,	Sipe,	Taylor, Ind.	Whiting,
Randall,	Smith,	Tracey,	Williams, Miss.
Rayner,	Somers,	Tucker,	Wilson, W. Va.
Reilly,	Sorg,	Turner, Ga.	Wise,
Reyburn,	Stallings,	Turner, Va.	Woodard,
Robbins,	Stephenson,	Turpin,	Woomer.
Robinson, Pa.	Stevens,	Tyler,	
Russell, Ga.	Stockdale,	Updegraff,	
Scranton,	Stone, Ky.	Van Voorhis, N. Y.	

The SPEAKER. The doors will now be closed, and the Clerk will call the names of gentlemen who failed to respond to the first call. Upon this call excuses will be in order.

Mr. BYNUM (when the name of Mr. TAYLOR of Indiana was called). Mr. Speaker, my colleague, Mr. TAYLOR, is detained from the House by sickness, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. BRODERICK (when the name of Mr. FUNSTON was called). Mr. Speaker, I have just received a letter from my colleague, Mr. FUNSTON, stating that his wife's mother, who was a member of his family, died this morning, and asking to be excused until next Monday.

The SPEAKER. Upon a call of the House the gentleman can be excused only for the remainder of this day, but the request for further leave of absence can be presented later.

Mr. WILLIAM A. STONE (when the name of Mr. WOOMER was called). Mr. Speaker, my colleague, Mr. WOOMER, is detained from the House by sickness in his family. I ask that he be excused.

There was no objection, and it was so ordered.

Mr. WOLVERTON (when the name of Mr. REILLY was called). Mr. Speaker, my colleague, Mr. REILLY, is absent on account of sickness in his family, and I ask that he be excused.

There was no objection, and it was so ordered.

The SPEAKER. Upon this call 180 gentlemen have answered to their names.

Mr. BYNUM. Mr. Speaker, I offer the resolution which I send to the desk.

Mr. REED. Mr. Speaker, I desire to make a suggestion to the gentleman from Indiana, if he will permit me. I understand that the accused is still pleading to the indictment and that a part of the plea is complicity on the part of the grand jury——

Mr. BYNUM. I call for the regular order, Mr. Speaker.

Mr. REED. Mr. Speaker, I think we had better all go over to the Senate——

The SPEAKER. The gentleman will be in order. The regular order is demanded. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Ordered, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are absent without the leave of the House.

The question was taken on agreeing to the resolution, and the Speaker declared that the ayes seemed to have it.

Mr. REED. I ask for a division.

The House divided: and there were—ayes 72, noes 9.

Mr. REED. I call for tellers.

Tellers were not ordered, only 22 voting therefor.

Mr. REED. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken: and there were—yeas 120, nays 20, answered "present" 2, not voting 200; as follows:

YEAS—120.

Alderson,	Culberson,	Hutcheson,	O'Neil, Mass.
Arnold,	Daniels,	Ikirt,	Outhwaite,
Bailey,	Davey,	Izlar,	Page,
Baker, Kans.	Davis,	Kem,	Patterson,
Baldwin,	De Armond,	Kribbs,	Pearson,
Barnes,	De Forest,	Kyle,	Pendleton, Tex.
Barwig,	Dockery,	Lane,	Pendleton, W. Va.
Bell, Tex.	Donovan,	Latimer,	Perkins,
Black, Ga.	English, Cal.	Layton,	Price,
Boatner,	English, N. J.	Lefever,	Richards, Ohio
Boen,	Epes,	Lester,	Richardson, Mich.
Bretz,	Fithian,	Livingston,	Richardson, Tenn.
Brickner,	Forman,	Lynch,	Ritchie.
Brookshire,	Fyan,	Maddox,	Robertson, La.
Brown,	Gorman,	Mallory,	Ryan,
Bryan,	Grady,	Marshall,	Sayers,
Bunn,	Gresham,	Martin, Ind.	Shell,
Bynum,	Griffin,	McCreary, Ky.	Snodgrass,
Capehart,	Hall, Minn.	McCulloch,	Strait,
Catchings,	Hammond,	McDannold,	Talbert, S. C.
Clark, Mo.	Hare,	McDearmon,	Talbott, Md.
Cockrell,	Harris,	McEttrick,	Tate,
Coffeen,	Hayes,	McKaig,	Terry,
Coombs,	Heard,	McKeighan,	Turner, Ga.
Cooper, Fla.	Henderson, Iowa	McLaurin,	Warner,
Cooper, Ind.	Henderson, N. C.	McRae,	Weadock,
Cooper, Tex.	Hermann,	Meredith,	Wells,
Covert,	Hitt,	Money,	Wheeler, Ala.
Cox,	Holman,	Neill,	Williams, Ill.
Crawford,	Hunter,	Ogden,	Wolverton,

NAYS—20.

Bartholdt,	Doolittle,	Lacey,	Ray,
Bingham,	Funk,	Linton,	Reed,
Bowers, Cal.	Henderson, Ill.	Lucas,	Russell, Conn.
Broderick,	Hull,	Phillips,	Strong,
Curtis, Kans.	Kiefer,	Post,	Van Voorhis, Ohio

ANSWERED "PRESENT"—2.

Everett, Hulick.

NOT VOTING—200.

Abbott,	Denson,	Lapham,	Sibley,
Adams, Ky.	Dingley,	Lawson,	Sickles,
Adams, Pa.	Dinsmore,	Lockwood,	Simpson,
Aitken,	Dolliver,	Loud,	Sipe,
Aldrich,	Draper,	Loudenslager,	Smith,
Alexander,	Dunn,	Magner,	Somers,
Allen,	Dunphy,	Maguire,	Sorg,
Apsley,	Durborow,	Mahon,	Sperry,
Avery,	Edmunds,	Marsh,	Springer,
Babcock,	Ellis, Ky.	Marvin, N. Y.	Stallings,
Baker, N. H.	Ellis, Oregon	McAleer,	Stephenson,
Bankhead,	Enloe,	McCall,	Stevens,
Bartlett,	Erdman,	McCleary, Minn.	Stockdale,
Belden,	Fielder,	McDowell,	Stone, C. W.
Bell, Colo.	Fletcher,	McGann,	Stone, W. A.
Beltzhoover,	Funston,	McMillin,	Stone, Ky.
Berry,	Gardner,	McNagny,	Storer,
Black, Ill.	Gear,	Meiklejohn,	Straus,
Blair,	Geary,	Mercer,	Swanson,
Bland,	Geissenhainer,	Meyer,	Sweet,
Boutelle,	Gillet, N. Y.	Milliken,	Tarsney,
Bower, N. C.	Gillett, Mass.	Montgomery,	Tawney,
Branch,	Goldzier,	Moon,	Taylor, Ind.
Breckinridge, Ark.	Goodnight,	Morgan,	Taylor, Tenn.
Breckinridge, Ky.	Graham,	Morse,	Thomas,
Broslus,	Grosvenor,	Moses,	Tracey,
Bundy,	Grout,	Murray,	Tucker,
Burnes,	Grow,	Mutchler,	Turner, Va.
Burrows,	Hager,	Newlands,	Turpin,
Cabaniss,	Hainer,	Northway,	Tyler,
Cadmus,	Haines,	Oates,	Updegraff,
Caminetti,	Hall, Mo.	O'Neill, Mo.	Van Voorhis, N. Y
Campbell,	Harmer,	Paschal,	Wadsworth,
Cannon, Cal.	Harter,	Payne,	Walker,
Cannon, Ill.	Hartman,	Paynter,	Wanger,
Caruth,	Hatch,	Pence,	Washington,
Causey,	Haugen,	Pickler,	Waugh,
Chickering,	Heiner,	Pirotte,	Wever,
Childs,	Hendrix,	Powers,	Wheeler, Ill.
Clancy,	Hepburn,	Quigg,	White,
Clarke, Ala.	Hicks,	Randall,	Whiting,
Cobb, Ala.	Hines,	Rayner,	Williams, Miss.
Cobb, Mo.	Hooker, Miss.	Reilly,	Wilson, Ohio
Cockran,	Hooker, N. Y.	Reyburn,	Wilson, Wash.
Cogswell,	Hopkins, Ill.	Robbins,	Wilson, W. Va.
Conn,	Hopkins, Pa.	Robinson, Pa.	Wise,
Cooper, Wis.	Houk,	Rusk,	Woodard,
Cornish,	Hudson,	Russell, Ga.	Woomer,
Cousins,	Johnson, Ind.	Schermerhorn,	Wright, Mass.
Crain,	Johnson, N. Dak.	Scranton,	Wright, Pa.
Cummings,	Johnson, Ohio	Settle,	
Curtis, N. Y.	Jones,	Shaw,	
Dalzell,	Kilgore,	Sherman,	

Mr. BYNUM. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 1 o'clock and 30 minutes p. m.) the House adjourned.

PUBLIC BILLS.

Under clause 3 of Rule XXII, a bill of the following title was introduced, and referred as follows:

By Mr. GRIFFIN: A bill (H. R. 7804) to confer equitable jurisdiction in United States circuit courts in case of libel or slander of title of patents—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HULICK: A bill (H. R. 7805) to amend the military record of Levi G. Fessenden, late leader of the band of the Seventy-fourth Regiment Ohio Volunteer Infantry and of the First Regiment Kentucky Volunteer Infantry—to the Committee on Military Affairs.

By Mr. MALLORY: A bill (H. R. 7806) for the relief of Edward N. Oldmixon, Sadie Bazzell, Minnie Reed, and William Oldmixon—to the Committee on Claims.

By Mr. MEREDITH: A bill (H. R. 7807) for the relief of Mrs. S. Jones—to the Committee on War Claims.

By Mr. BOATNER: A bill (H. R. 7808) for the relief of Stephen C. Sterling, administrator of the estate of Mary C. Sterling, late of the parish of West Feliciana, in the State of Louisiana.—to the Committee on War Claims.

Also, a bill (H. R. 7809) for the relief of William B. Smith, administrator of the estate of Dr. J. D. Smith, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROOKSHIRE: Petition signed by A. D. Smith and 115 other members of Local Union, No. 188, American Railway

Union, of Brazil, Ind., complaining of the conduct of the Attorney-General of the United States and requesting an investigation of his official acts by Congress—to the Committee on the Judiciary.

Also, resolutions of Local Union, No. 130, United Mine Workers of America, requesting an investigation of all matters and facts connected with late labor strikes, etc.—to the Committee on Labor.

By Mr. BURROWS: Petition of International Association of Machinists of Kalamazoo, Lodge No. 387, asking that the same leave of absence be granted to the employés of the naval gun factory as are granted to all other employés—to the Committee on Reform in the Civil Service.

By Mr. PHILLIPS: Petition of citizens of Newcastle, Pa., for the passage of House bill 5246, restricting immigration—to the Committee on the Judiciary.

By Mr. RYAN: Petition of Rev. John A. Ingham, Irvington, N. Y., in favor of the speedy passage of the antilottery bill—to the Committee on the Judiciary.

SENATE.

TUESDAY, *July 24, 1894.*

Prayer by Rev. ISAAC W. CANTER, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General, submitting a statement of deficiencies in the appropriation for contingent expenses Department of Justice, and requesting that the same be included in the deficiency appropriation bill now pending; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of L. Doolittle, of Ballston, Va., praying for the removal of the army of men now camped near the Aqueduct Bridge on the Virginia side; which was referred to the Committee on Education and Labor.

Mr. PASCO presented a memorial of the State board of missions of the Florida Baptist Convention, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was ordered to lie on the table.

Mr. BATE. On behalf of my colleague [Mr. HARRIS] and myself (my colleague being in the chair as President *pro tempore*), I present a memorial of sundry citizens of Harriman and Roane Counties, Tenn., remonstrating against the violation of the American principle of separation of church and state, which is involved in making appropriations for or contracts with agents of sectarian institutions for Indian education, etc. Inasmuch as the question is now pending in conference on the Indian appropiation bill, which has passed the Senate, I move that the memorial lie on the table.

The motion was agreed to.

Mr. BATE presented a memorial of sundry citizens of Knoxville, Tenn., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was ordered to lie on the table.

Mr. CULLOM presented sundry memorials of citizens of Gilman, Bellflower, Jacksonville, and Chicago, all in the State of Illinois, remonstrating against the violation of the American principle of separation of church and state, which is involved in making appropriations for or contracts with agents of sectarian institutions for Indian education, etc.; which were ordered to lie on the table.

Mr. PALMER presented a memorial of sundry citizens of Normal, Ill., and a memorial of sundry citizens of Springfield, Ill., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were ordered to lie on the table.

Mr. DAVIS presented a memorial of the St. Paul (Minn.) Jobbers' Union, remonstrating against the passage of the so-called Chickering bill, authorizing the President by proclamation to close St. Marys Canal to Canadian vessels, and also to prohibit the shipping of goods through Canada in bond; which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry members of the United Norwegian Lutheran Church of the United States, of St. Paul; of M. O. Elliott and 370 other citizens of Minneapolis; of H. A. Cone and 320 other citizens of Windom, Moorhead, and Jordan; of 285 citizens of Minnesota; and of Edgar Snyder and 147 other citizens of St. Paul, all in the State of Minnesota, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were ordered to lie on the table.

Mr. LODGE presented memorials of James F. Brodie and 700 other citizens of Salem; of W. A. Brown and 73 other citizens of Haverhill; of Walter W. Clarke and 95 other citizens of Bradford; of A. P. Jaques and 315 other citizens of Haverhill; of George A. Hobbs and 60 other citizens of Woburn; of Rev. Nelson S. Burbank, of Revere; of Rev. C. W. Reding and 60 other citizens of Beverly; and of Herbert E. Cheney and 66 other citizens of Boston, all in the State of Massachusetts, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were ordered to lie on the table.

Mr. McMILLAN presented the memorial of G. W. Wisner and sundry other citizens of Edmore, Mich., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was ordered to lie on the table.

Mr. PATTON presented the memorial of J. M. Jamison and 47 other citizens of Grand Rapids, Mich., and the memorial of Charles Montague and 128 other citizens of Caro, Mich., remonstrating against the violation of the American principle of separation of church and state which is involved in making appropriations for contracts with agents of sectarian institutions for Indian schools, etc.; which were ordered to lie on the table.

Mr. HAWLEY presented the memorial of Rev. I. F. Stidham and 43 other citizens of New Britain, Conn., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was ordered to lie on the table.

Mr. BLACKBURN presented the memorial of R. F. Baird and sundry other citizens of Louisville, Ky., and the memorial of Rev. J. Howard Carpenter, of Paducah, Ky., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were ordered to lie on the table.

Mr. KYLE presented a petition of the county commissioners of Brule County, S. Dak., praying that Red Lake, in that State, be granted to Brule County, to be used as a reservoir for storing water and to assist in developing an artesian basin; which was referred to the Committee on Appropriations.

Mr. GORDON presented a petition of sundry citizens of Georgia, praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HARRIS (Mr. COCKRELL in the chair) presented a petition of the Chamber of Commerce of Nashville, Tenn., praying for the immediate settlement of the tariff question; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Nashville, Tenn., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was ordered to lie on the table.

Mr. FRYE presented a petition of Union No. 1, Cigar Makers' International Union, of Baltimore, Md., praying for the adoption of the four-dollar rate on imported cigars; which was ordered to lie on the table.

Mr. GEORGE. I present a petition of the Board of Trade of Vicksburg, Miss., praying for the immediate settlement of the tariff question, asserting that such disposition is essential to the interests of the country. I move that the petition lie on the table.

The motion was agreed to.

Mr. RANSOM. I present a petition signed by Charles L. Spencer, chairman, and A. W. Bowen, secretary, on behalf of the several departments of labor in the Government Printing Office; praying for relief from the danger now so apparent by use of the H street wing of that structure. I ask that the petition may be read, printed, and referred to the Committee on Appropriations.

The petition was read, and ordered to be printed, and referred to the Committee on Appropriations, as follows:

To the honorable members of the United States Senate:

GENTLEMEN: The undersigned, a committee appointed by the several departments of labor in the Government Printing Office, petition to Congress for relief from the danger now so apparent by use of the H street wing of the office structure, respectfully submit:

First. That said H street wing is a menace to human life by reason of its structural weakness, its excessive overloading by material, machinery, and employés.

Second. That said H street wing is a menace to human life by reason of its tinder-like material, indicating that an accident by fire would cause destruction, a holocaust of life and property.

Third. That said H street wing is a menace to human life by reason of the constant jar and jolt of working machinery, the heavy pounding and

vacillation caused by the necessary work, thus slowly but surely foreshadowing disaster.

Fourth. That said H street wing is a menace to human life, by reason of the age and decay of the structure, that it is permeated with dry rot in timber and crack and fissure in walls, as is manifested by braces, clamps, and other appliances intended to hold the building together.

Therefore, the undersigned committee, as enjoined by the employés of the Government Printing Office, supplemented by individual petition of said employés, pray for relief from this foreshadowed danger; that same may be immediately made possible by the appropriation of the necessary means to secure a location for and construction of a new Government Printing Office, and the construction of an annex or addition to the present structure to relieve possible danger to life and destruction of property. It is therefore prayed that provisions for the annex or addition to the present structure will be authorized in the present sundry civil bill, by amendment thereto, should it be deemed impossible to meet the full desire of your petitioners.

CHARLES L. SPENCER, *Chairman.*
A. W. BOWEN, *Secretary.*
S. H. BELL.
W. C. VAN MATRE.
H. V. GILBERT.
E. BURKEHOLDER.
JAMES E. BERGIN.

Mr. HUNTON presented a petition of sundry citizens of Alexandria and Fairfax Counties, Va., praying for the passage of House bill No. 7006, authorizing the Washington, Alexandria and Mount Vernon Railway Company to extend its line into the District of Columbia; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. POWER, from the Committee on Public Lands, to whom was referred the bill (H. R. 83) authorizing the State of Montana to make selections from certain public lands, reported it without amendment.

Mr. PEFFER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3309) to pension Ambrose Giseburt; and

A bill (H. R. 6206) granting a pension to A. F. Neely.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 1908) for the benefit of Joshua Bishop, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. QUAY, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1656) granting an increase of pension to Mary A. L. Eastman; and

A bill (H. R. 3487) granting an increase of pension to Eliza K. Starr.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (H. R. 1713) granting a pension to Marilla Tenney, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3840) to pension Joel A. Walters; and

A bill (H. R. 5351) granting a pension to Celestia P. Hartt.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (H. R. 5735) to remove the political disabilities of Caleb Huse, reported it without amendment.

Mr. WHITE, from the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the bill (S. 2248) to provide for surveying and estimating the cost of canals and the location and cost of reservoirs for the reclamation of arid lands in certain States and Territories, and for other purposes, reported it with an amendment.

Mr. GORMAN, from the Committee on Printing, to whom was referred the bill (H. R. 2650) providing for the public printing and binding and the distribution of public documents, reported it with amendments and submitted a report thereon.

REPRINT OF DOCUMENTS.

Mr. GORMAN, from the Committee on Printing, to whom was referred the resolution submitted by Mr. KYLE, June 22, 1894, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That there be printed for the use of the Committee to Establish the University of the United States 2,000 copies of Senator HUNTON's Report (No. 433) on Senate bill 1708, to establish a national university; also 2,000 copies of Miscellaneous Document No. 95, entitled A Solution of the Labor Problem, for the use of the Committee on Education and Labor.

EUGENE WELLS.

Mr. MANDERSON. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 2637) for the relief of Eugene Wells, late captain Twelfth Infantry and second lieutenant First Artillery, United States Army, to report it without amendment. The bill is identical with a bill reported from the Committee on Military Affairs of the Senate, which is now on the Calendar. I ask for the present consideration of the House bill. I think it will lead to no debate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President of the United States to nominate and, by and with the advice and consent of the Senate, appoint Eugene Wells, late captain Twelfth Infantry and second lieutenant First Artillery, a second lieutenant of artillery in the Army of the United States; and when so appointed he shall be placed upon the list of retired officers of the Army, unlimited, on account of disabilities incurred in the service during the war of the rebellion, as shown by the reports of the boards of medical examiners, United States Pension Bureau, and which disabilities would have entitled him to retirement had he remained in the Army, his rank and pay to date from his appointment and retirement under this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MANDERSON. I move that the bill (S. 33) to restore Eugene Wells to the Army, be postponed indefinitely.

The motion was agreed to.

BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 2250) to compensate the Baptist Church at Helena, Ark., for destruction of its building during the late war by the Federal Army; which was read twice by its title, and referred to the Committee on Claims.

Mr. WHITE introduced a bill (S. 2251) relating to lights on fishing vessels; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. POWER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUAY (for Mr. CAMERON) submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MARTIN. A few days ago I submitted an amendment relating to soldiers' additional home certificates to the sundry civil appropriation bill, and had it referred to the Committee on Appropriations. I ask unanimous consent that the amendment may be withdrawn from that committee and that it be referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. In the absence of objection, that change of reference will be made.

IMPRISONMENT OF VICTOR H. M'CORD.

Mr. QUAY (for Mr. CAMERON) submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he is hereby, directed to furnish for the use of the Senate, copies of all papers, correspondence, diplomatic or otherwise, on file in the State Department in connection with the arrest and imprisonment at Arequipa, Peru, of Victor H. McCord, a citizen of Linesville, Crawford County, Pa., in June, 1885, he being at that time consular agent of the United States in Peru.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 23d instant approved and signed the following acts:

An act (S. 190) for the benefit of sundry persons residing in the vicinity of Jefferson Barracks, Mo.;

An act (S. 307) granting a pension to Earnest C. Emerson; and

An act (S. 920) to pension Mary Brown, of Berlin, Vt.

HAWAIIAN AFFAIRS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Foreign Relations:

To the Congress:

I herewith transmit a communication from the Secretary of State, covering a despatch from the United States minister at Honolulu.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, July 24, 1894.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5860) to amend sections 4, 6, and 10 of the act of February 9, 1893, entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes."

The message also announced that the House had passed the following bills:

A bill (S. 79) to authorize a corrected patent to be issued for the donation land claim of Wheelock Simmons and wife; and

A bill (S. 1076) to release a certain limitation existing in an act of Congress touching the Episcopal Church at St. Augustine, Fla.

The message further announced that the House had passed a joint resolution (H. Res. 20) proposing an amendment to the Constitution, providing that Senators shall be elected by the people of the several States; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 236) to amend section 4837 of the Revised Statutes of the United States as to soldiers' homes, and it was thereupon signed by the President *pro tempore*.

COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.

Mr. MITCHELL of Oregon submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5860) to amend sections 4, 6, and 10 of the act of February 9, 1893, entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives recede from its disagreement to each and all of the Senate amendments, and agree to the same.

JOHN H. MITCHELL,
WILLIAM F. VILAS,
RICHARD COKE,
Managers on the part of the Senate.

D. B. CULBERSON,
GEORGE W. RAY,
Managers on the part of the House.

The report was concurred in.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 20) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States, was read twice by its title, and referred to the Committee on Privileges and Elections.

OFFICERS OF THE NAVY.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The Chair lays before the Senate a resolution coming over from a previous day; which will be read.

The Secretary read the following resolution, submitted yesterday by Mr. ALLEN:

Resolved, That the Secretary of the Navy be, and is hereby, directed to inform the Senate what percentage, if any, of the enlisted men, noncommissioned and commissioned officers of the Navy of the United States are aliens, and what percentage are citizens of the United States by birth or naturalization, properly classifying the same respectively.

Mr. ALLEN. I ask that that resolution and the resolution in relation to the Army, which I also submitted yesterday, may be considered at this time. The resolutions simply ask for information on the subject of the number of aliens in the Army and the Navy.

The PRESIDING OFFICER. The question is on agreeing to the resolution which has been read.

The resolution was agreed to.

OFFICERS OF THE ARMY.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution submitted by the Senator from Nebraska, coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. ALLEN, as follows:

Resolved, That the Secretary of War be, and is hereby, directed to inform the Senate what percentage, if any, of the enlisted men, noncommissioned and commissioned officers of the regular Army of the United States are aliens, and what percentage are citizens of the United States by birth or naturalization, properly classifying the same respectively.

The resolution was agreed to.

GRANT OF "FORT MADISON LOT" TO CASTINE, ME.

Mr. HALE. I ask unanimous consent to call up the bill (H. R. 4322) granting the use of certain land to the town of Castine, Me., for a public park. It will give rise to no debate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILITARY BARRACKS PROPERTY AT NEWPORT, KY.

Mr. LINDSAY. I ask unanimous consent for the present consideration of the bill (H. R. 2586) granting certain property to the city of Newport, Ky.

Mr. HARRIS. Let the bill be read for information.

The PRESIDING OFFICER. The bill will be read.

The Secretary read as follows:

Be it enacted, etc., That all the right, title, and interest of the United States in and to the lots and parts of lots and the appurtenances and appendages thereunto belonging, comprising the old military post or barracks property situated at the confluence of the Ohio and Licking Rivers, in the city of Newport, in the county of Campbell and State of Kentucky, be, and is hereby, granted and conveyed to the said city of Newport, to have and to hold for a public park forever.

SEC. 2. That whenever said city shall cease to use the said property for the purposes of a public park, or shall use the same or any part thereof for any other than for a public park, all the right, title, and interest hereby granted and conveyed to said city shall at once, and without any act whatever upon the part of the United States, revert to and become the property of the United States.

SEC. 3. This act shall take effect on January 1, 1895.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE REVENUE BILL.

Mr. HARRIS. I ask unanimous consent that the message from the House of Representatives respecting House bill 4864 be now laid before the Senate for consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the Chair lays before the Senate a message from the House of Representatives, which will be read.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July 19, 1894.*

Resolved, That the House insists upon its disagreement to the amendments of the Senate to H. R. 4864, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. WILSON of West Virginia, Mr. MCMILLIN, Mr. TURNER of Georgia, Mr. MONTGOMERY, Mr. REED, Mr. BURROWS, and Mr. PAYNE be managers of the conference on the part of the House.

Mr. HILL. Mr. President, I agree with the distinguished Senator from Maryland [Mr. GORMAN] in the statement that we are now in the midst of a great crisis. It is a most peculiar and unusual situation of affairs. The Democratic party, after having been out of power for a long number of years, has been intrusted with the control of governmental affairs, and in the discharge of its duty to the country has framed a measure for the revision of the tariff. The bill, as we all know, first passed the House of Representatives. There were some objections to the measure, which were duly noted by Senators, by the press, and by the people.

Some of its features were especially approved by the American people. It met the public expectation in so far as it proceeded upon the lines laid down in the Chicago platform; in so far as it departed therefrom, it was not satisfactory to the Democracy; in so far as it attempted to adopt the platform of the Populist party, it was condemned by Democratic citizens in many parts of the country. That bill as a whole seemed to meet, aside from its income provision, with general appreciation. It came to the Senate, a body which is divided politically almost evenly, and was referred to the Committee on Finance, and given careful consideration by the members of that committee.

I do not propose to be betrayed into any recital of the efforts which were made by Democrats in their various conferences to agree upon a bill which should meet the approval of the Senate. It is sufficient to say that finally a bill was prepared; it was discussed for many long, weary months. Finally it passed this body. That bill, as I stated on the day of its passage, was not satisfactory either to the Democratic party or to the people of the country.

In my humble opinion it violated the position which the Democratic party has assumed in recent years, and did not fulfill the pledges which it was bound to perform. It was returned to the House of Representatives. A conference committee was appointed by both Houses. For ten days they struggled to get together, and finally were compelled to report to their respective Houses that they were unable to agree. Certainly this presented a great crisis in the history of our party and in the history of the country.

What were those differences which confronted our conferees? What great obstacles presented themselves which it seems could not be overcome? In the first place, they were met with the objection that the Senate had made the bill inconsistent; they were met with the objection that the Senate had placed a duty upon many raw materials which the people expected and believed would be placed upon the free list.

Mr. President, the motion which I have made, and which is now before the Senate, contemplates that the Senate shall recede from some of the amendments which it made, and to which the House of Representatives has refused to assent. My motion contemplates that we recede from our amendments which place a

duty upon coal and iron. The committee of conference have tried to get together upon the basis of a duty upon those articles, and they have failed. There is no hope held out anywhere that the House of Representatives will yield upon this point, which they consider an essential and vital point. If the Senate still adheres to its amendments and still desires to keep these articles upon the dutiable list, what prospect of an agreement is held out to us and to the country? None whatever.

My motion is in the line of an agreement. My motion contemplates something which is practical. My motion is in the line of perfecting this bill on Democratic theories and upon Democratic conditions. You have tried the other course by adhering to the amendments, and you have failed. I suggest that you try the course proposed by my motion, namely, that of receding from these amendments, and you can at least be no worse off. It is worth a trial. It is worth a trial that you should accept my amendment.

What other course is suggested here? Simply that you shall recommit the bill to the conference without instructions, without suggestions, adhering blindly and obstinately, it seems to me, to the same position which you took in the final passage of the bill. You advance not one single step if you adopt the motion of the distinguished Senator from Delaware [Mr. GRAY] and omit to adopt the other motion. I, as a practical man, suggest to a practical Senate that we express our opinion upon some of these disputed points. It does no good blindly and obstinately to adhere to the former position, which was taken when the bill was passed.

What evidences are there that you will come to an agreement? Have you seen any weakening on the part of the House of Representatives? Do you think that the House, backed, as it is unquestionably, by the public press of the country, backed by the Democratic masses of the country, and backed by the President of the United States, expects to yield to us upon this vital point of free raw material? I can see no hope in that direction. The clouds are dark and forbidding. In my judgment, this Senate can afford to recede from these amendments.

Aside from any question of abstract principle involved, as a question of policy, as a question of good judgment, with an earnest and sincere desire to perfect this bill and make it as acceptable as possible, it strikes me that the right and the honorable course for the Senate to pursue is to adopt the motion upon those two articles to which I have called the attention of the Senate. I am not now speaking for the amendment of the Senator from Wisconsin [Mr. VILAS]; I am not asking a recession upon any other differences involved in the bill.

I have simply picked out two articles, coal and iron, and I suggest to the good sense of my party friends upon this side of the Chamber, let us recede from those amendments and see whether it does not lead to an agreement. Merely appointing conferees in each House without instructions, without suggestions, to negotiate and dicker with each other day after day will be futile, and it will amount to nothing. Some expression of our real, honest sentiment should be given here by our votes. Adherence to the Senate amendments will produce no proper or good result.

After the bill had passed the Senate there was presented to the chairman of the Ways and Means Committee of the other House a letter which has been commented upon in the House of Representatives and in the Senate. As I said the other day, it is not my province to defend the time of the sending of the letter. It is not my province to speak of its propriety. The President was the judge of what it was his duty to do, and I do not propose to criticise him. In the discharge of a high public duty to his party and to his country he deemed it wise that he should send that letter to the chairman of the Ways and Means Committee. With his judgment upon that question I am content. I am here to defend the sentiments expressed in the letter. Mr. President, you would judge from the criticisms which have been offered that the President has been guilty of a violation of the Constitution of his country by sending a letter criticising a tariff bill passed by one or both Houses. He violated no clause of the Constitution. He had a right—a constitutional, a legal, a moral right—to send the letter. It was not an official communication in the proper sense of the term.

It was at first intended as a private communication to a long-time personal friend and adherent, a gentleman whom not he but the Democrats in the other House have honored with the high and responsible position of chairman of the Ways and Means Committee. It was a communication which he had a right to send to that official. Whether it should be subsequently disclosed to his party associates in the other House was a matter of determination between the sender and the person who received the letter. It is a matter with which we, sir, have nothing whatever to do.

The sentiments contained in the letter are Democratic. They are sentiments which unquestionably are honestly entertained. No Senator around this circle has risen here to criticise the President so far as to challenge his motives in sending the communication. Senators have differed with him as to its propriety; they have differed with him as to the sentiments which he expressed, but they have not challenged the honesty or sincerity of his motives in the sending of what I concede to be an unusual communication.

What did the President discover? He discovered what has been so frequently said in the Senate, that we had made an inconsistent bill. He saw a duty placed upon the raw materials of coal and iron ore, and he saw at the same time a duty omitted from wool. He saw keenly that that would place the Democratic party in a false position. He knew that it would place us upon the defensive, and as a party man, desirous of the success of his party in the country and in Congress, he saw fit in his own way, in his own terms, and in his own language to call the attention of the chairman of the Ways and Means Committee to it and subsequently to allow it to be spread before Congress.

Mr. President, I assert that the bill as it came from the other House, so far as it placed iron ore and coal upon the free list, represented Democratic sentiment. Was there any protest anywhere in this country from Democratic sources against the bill as it came from the other House when that provision was inserted? I think not. Was there any club anywhere in this broad land which passed a resolution condemning the bill as it came from the other House in those respects? Was there a Democratic convention, and there have been a half a dozen held since the Wilson bill passed the other House, which has condemned those features of the bill? Not one. On the contrary, they have approved it. I differ with those conventions where, in some of them, they approve the income tax; but upon the point I am now discussing there has been a universal Democratic assent to these provisions of the Wilson bill.

Until the distinguished Senator from Maryland [Mr. GORMAN] addressed the Senate there had been no one, except the Senator from West Virginia, who had ventured to defend the duty upon iron ore. The chairman and members of the Finance Committee had endeavored to apologize for the insertion in the bill of duties upon those articles. They had endeavored to mitigate the charge made that it was a violation of Democratic principles. I think I state correctly the position of the majority of the members of the Finance Committee when I say that in their places here nearly all of them said that personally and as Democrats they believed in free coal and free iron ore.

They so said, but they took the position that they had been induced to make these concessions for the purpose of passing the bill, not because it was Democratic, not because they favored duties upon those articles as Senators or as Democrats, but simply as a mere question of party expediency, and that was all. But, sir, yesterday the Senator from Maryland, frank and bold as is his nature, came forward and did not set up any such defense. He threw off any mask which might otherwise have been before him and came to the front, and placed himself boldly upon the ground that it was Democratic to put duties upon iron ore and coal.

Mr. GORMAN. A revenue duty.

Mr. HILL. The Senator from Maryland says "a revenue duty," and I accept the correction. If I interpret his remarks correctly the Senator from Maryland would have placed a duty upon iron ore and coal whether a majority of the Senators here desired it or not. As a matter of judgment he thinks it is right, as a matter of judgment he defends it. He does not tell us, or he did not think it proper to tell us, as to the details of Democratic conferences. He says that it is Democratic to place a duty upon these articles, and therefore, because he thinks it is Democratic, and in addition because he thinks it is right, he favors a duty upon them. He does not set up the childish defense that he was "buncoed" into putting a duty upon those articles.

Mr. President, the Senator from Maryland alludes to President Cleveland's original tariff message of 1887, and if I correctly recollect his remarks, he intimated that there was no suggestion in that message in favor of free raw materials. Let me quote what the President said:

> The radical reduction of the duties imposed on raw material used in manufactures, or its free importation, is of course an important factor in any effort to reduce the price of these necessaries; it would not only relieve them from the increased cost caused by the tariff on such material, but the manufactured product being thus cheapened, that part of the tariff now laid upon such product, as a compensation to our manufacturers for the present price of raw material, could be accordingly modified. Such reduction, or free importation, would serve beside to largely reduce the revenue. It is not apparent how such a change can have any injurious effect upon our manufacturers.

That was in the early days of tariff reform. The President, at the very outset, when he gave to the country this grand message for industrial relief, placed himself upon the broad ground

that there must be the radical reduction of the duties on or the free importation of raw materials. Do Senators think that tariff reform has made no progress from that day to this? It has. It has increased. Democrats who were unwilling then to take steps forward have advanced greatly from that day to this. Tariff reform has been growing. Men who years ago hesitated are bold now upon this subject.

The tariff message of 1887 placed the President in the advanced line wherein he demanded the radical reduction of the duties on, or the free importation of, raw materials. That was the platform upon which he started in 1887, and I am loath to believe that he has since taken any back track upon that particular point.

The Senator from Maryland yesterday seemed to want us to infer that the President had discovered some new Democratic principle in the doctrine of free raw materials, or that I had discovered it here within the last few weeks. I have before me the message of the President of the United States sent to Congress last December, before this controversy arose. What did he then say, when certainly his motives were pure and upright, and he was engaged in no controversy with Senators.

Not less closely related to our people's prosperity and well-being is the removal of restrictions upon the importation of the raw materials necessary to our manufacturers.

That was his message to us as the official head of the Democratic party last December, and now, forsooth, we are told that this is a new invention, made for the purpose of placing the Senate in an awkward and embarrassing position. Not so. The President placed himself then directly upon this platform.

Yesterday the Senator from Maryland sought to hold the President responsible for the unofficial utterances of his Secretary of the Treasury. That is certainly going a great way. The President might properly be held responsible to a large extent for the official utterances of the Secretary of the Treasury, but certainly it is a new doctrine, indeed, if the President is to be held responsible for every *ipse dixit* of any of his Cabinet officers. But what did the Secretary of the Treasury say last December in his report made to us for the purpose of enabling us to frame a proper tariff bill?

Raw and partially raw materials constitute the basis of all our manufacturing and mechanical industries. * * * With free raw materials as a permanent feature of our revenue legislation the demand for labor would steadily grow with the extension of trade, while enlarged opportunities for the profitable investment of capital would stimulate the spirit of enterprise among our people and greatly diminish the danger of periodical suspensions, etc.

He speaks expressly of a tax upon iron ore and wool. He speaks frequently in his report in favor of free raw materials, and I accept the doctrine that he represented the President of the United States in making those suggestions. If that be true, then the President, not only in his own message, but in the report of the Secretary of the Treasury, has been consistent, at least until this question arose.

The President's letter asserts a doctrine and declares for a principle. He speaks of no Senator personally. He details no conferences or interviews with anybody. He declares that the bill fell short of Democratic expectations. Who doubts it? Who disputes it? He said all this in a communication which he had in his judgment a right to make to a friend and an official having large influence in the shaping of revenue legislation. He attacks the bill as a whole. It was a progressive bill. It progressed with steady steps toward the McKinley act from the time it was framed. He saw the schedules grow higher and higher. He saw the tariff rates advancing day after day when as votes were taken duties were added. What he might have been willing to accept when first approached upon the subject he undoubtedly saw it would be impossible to accept when the bill as a whole was presented to him.

As I said before, when his letter was penned he saw coal and iron ore owned, as expressed and understood, by the rich and the monopolists. He saw a duty placed upon those articles for the benefit of these great interests, and he saw the farmer's wool left entirely unprotected. If he thought that such inconsistent legislation would place the Democratic party in a false attitude before the people he would have been false to himself, false to his party, and false to his country if he had not called our attention to it.

Then when the bill as passed by the Senate was thus perfected in the Senate he wrote his letter, perhaps not wisely, but too candidly, too honestly, too earnestly. That is all the criticism that can properly be made against it. And now Senator after Senator has arisen to complain of what is freely termed the "dictation" of the President. Yet we are confronted with this fact. They approached him for his opinion; they begged his advice; they went to the White House to consult with him in regard to this subject. As has been stated here, they wanted him back of them in every single step they took. They badgered him with their suggestions, their compromises, and their concessions, and tried to get him, as it appears from their statements, to support them. They knew how weak and indefensible the bill as passed by the Senate would seem to the American people if it did not have the approval and sanction of the Democratic President.

The Senator from Maryland caused to be read a portion of Washington's Farewell Address upon the necessity of observing the distinctions and rights of the various departments of the Government. That is well enough in its way; but that address is quoted in vain when Senators here, instead of relying upon their own reserved rights and acting upon their own judgment and taking their own steps independent of anybody else, seek the White House and ask the interposition of the President of their party. [Manifestations of applause in the galleries.] It comes with poor grace for Senators to ask suggestions, to ask aid, to ask help, and then read Washington's Farewell Address to show that the President ought not to make any suggestions on pending legislation in the form and manner that he did.

Mr. President, it was indeed a wonderful spectacle yesterday. Senator after Senator rose in his place and in the discharge of his duty, as he considered it, I presume, detailed conversations of a semiconfidential character at least with the President of their country for the avowed purpose of placing that President in a false position before the Senate and the country.

Mr. President, I am not the defender of the President ordinarily. I have received no favors at his hands, as you and the country well know. I have my political grievances. I differ with him upon interparty policy, especially on political matters in my own State. But I think, sir, in this particular it is my duty, and I am broad-minded and liberal enough, to defend him when he is unjustly attacked. [Applause in the galleries.]

The PRESIDING OFFICER (Mr. BERRY in the chair). There must be order in the galleries. Applause must not be repeated. It is contrary to the rules.

Mr. HAWLEY. Mr. President, I beg leave to suggest that the doorkeepers be instructed to remove promptly any person in the galleries who violates good order.

The PRESIDING OFFICER. The Sergeant-at-Arms will see that anyone who violates the rules is removed from the galleries and that order is preserved. The Senator from New York will proceed.

Mr. HILL. I repeat, Mr. President, that it was a wonderful and unusual spectacle that we witnessed yesterday. Great scenes have taken place in this Chamber during the last half a century and more; great speeches have been made; fierce personal denunciations have been had; encounters have taken place here; great debates have been heard in this Chamber. Yesterday with crowded floors and crowded galleries we witnessed the conceded leader upon the Democratic side, whom I personally respect and honor, calling witnesses one after another upon the question of what the President had said to them about the details of a tariff bill.

A stranger came into the Senate Chamber yesterday, and looking at the Presiding Officer and hearing these witnesses called, he asked a bystander whether that was the Chief Justice of the United States Supreme Court presiding, and whether this was a court of impeachment trying the President of the United States. It was a pertinent inquiry under the circumstances by reason of the accusation thundered against him here and the witnesses called to prove that accusation.

Mr. President, I know nothing personally, of course, in regard to what the distinguished Senators have said as to their interviews with the President. I simply know that the official utterances of the President and his Secretary of the Treasury have all been on one side. If it is possible that he has changed his sentiments in his communication to these Senators it is something, of course, new to me and extraordinary in its character. Was he bound to speak and express his sentiments upon every detail of the bill? When these party friends consulted him was he obliged to place himself in a position where he could not retreat? Was he bound to say yes or no to every suggestion made to him?

Sir, some of them are frank enough to state that he said in every conversation, "I do not like some of the terms of the bill as proposed in the Senate." The Senator from Arkansas [Mr. JONES] states distinctly that in every conversation the President said, "I want free raw materials." He is honest and frank enough to say so. Yet they say, or infer, or understood that the President told them to go ahead and do the best they could. Did that commit him to the terms of this bill? No. He was still a free moral agent. He still reserved the right to say, "You have carried these concessions too far." He still reserved the right to say, "This bill is not satisfactory

to me now that I see it as it is to be perfected. I will write an honest and a manly letter to the chairman of the Ways and Means Committee telling him of my doubts, telling him of my fears, telling him of my wishes." He did not intend to dictate to either branch of Congress. His letter can not be construed into a dictation. It was a suggestion; it was an expostulation; it was a warning to party friends not to persist in the bill as framed by the Senate.

Mr. President, when you carefully analyze the statements of the distinguished Senators who yesterday testified against the President, you will see that there is a failure on their part to say that he distinctly approved this measure. He wished them success. He bade them Godspeed in the good work of tariff reform. He wanted the bill made better, and of course he desired it to pass. But, sir, he, I am sure, could not have said anything to those Senators which could justify them in believing that he was irrevocably bound up to the provisions of this bill so that he could not thereafter consistently criticise it.

Mr. President, I have known the President of the United States for many long years. I have had my differences with him; but, sir, in this particular you must bear me out that he says but little in conversation. He is a good listener to other men. He forms his conclusions slowly, deliberately, honestly, and sincerely. He permitted these party friends to disclose their plans and purposes. He hoped they might frame a satisfactory bill, but it is as certain as anything could be that he did not bind himself to the provisions of this bill, nor did he approve them.

So much for the President's letter. I can not, as I said, speak of matters about which I know nothing. Whether the provocation, as it is called, was sufficient to justify honorable Senators in detailing the conversations with the President of their party is a matter, of course, which must be submitted to their judgment. I am not here to criticise them. I speak of the facts simply as they appear.

Mr. President, the Senator from Maryland alluded to me several times during his most able and interesting speech as an opponent of this bill. In the shape in which this bill is now presented I am willing to answer to that description. I am not an opponent of tariff reform. My views have been expressed upon that question over and over again ever since the memorable tariff message of 1887. I have said over and over again that I would go as far as any Senator here in the line of genuine tariff reform. I have said that I was opposed to a Populistic income-tax feature being placed in the bill. I want to eliminate that tax if I can. I shall resort to every honorable method by which it can be done. If I can place the bill in a situation where it can not pass with the income-tax feature in it and induce you to so frame it that the income-tax feature shall be stricken out, I shall be gratified. I do not know that that can be done, but I am here to make suggestions which will tend to that end.

The Senator from Maryland did me the justice to say that my opposition had been manly and honorable. I thank him for that statement. Mr. President, he did, however, seek to create the impression that upon the subject of free raw materials I had made a new departure; that I had discovered some new principle. Let me see whether that is so. He also alluded to the fact that I had done the State or the party some service, and that in 1892 I delivered a speech in the city of Brooklyn which was the formal opening of the campaign in the Empire State. Mr. President, permit me to quote what I said on that occasion. I laid down certain principles upon which I declared that all tariff legislation should be based. I read from the printed speech. They were as follows:

First. That the necessaries of life should be substantially free.
Second. That luxuries should bear the heaviest burdens.
Third. *That there should be free raw materials for the benefit of our manufacturers.*
Fourth. That the tariff upon manufactured articles should, as a general rule, be larger where similar articles are manufactured in this country than where they are not.
Fifth. That the tariff imposed upon all manufactured articles (other than those which for good reasons are placed on the free list) should equal the difference between the rate of wages paid in this and foreign countries, so far as labor enters into the cost of their production.

The Senator having referred to this speech, I will simply say that the national committee of which he was a member did me the honor of circulating throughout the country a quarter of a million copies of that speech. Yet the Senator desires to have it inferred that the doctrine of free raw material is a new and a recent one. I think if the Democrats anywhere in the country were asked to lay down Democratic principles in 1892 they would have placed themselves substantially upon that ground.

Last fall, in the campaign in my own State, while Congress was then in session and the Ways and Means Committee was engaged in preparing a tariff reform bill, I spoke as follows:

Foremost among the great questions passed upon at the last national election was the issue of the revision of the existing tariff. Twice has that tariff been condemned by the solemn verdict of the American people, first in the elections of 1890 and again last year. There was no mistaking the issue presented, which was whether there should be taxation for any other than public purposes. The Democratic party took the high ground that the Constitution does not authorize any species of tariff or other taxation except for the direct purpose of raising the necessary revenue for the support of the Government, and the people sustained us in that contention. In my opinion, they are not disposed to reverse that judgment now, when the country is just upon the eve of the realization of the enforcement of our policy.

The Committee of Ways and Means of the House of Representatives now in session is engaged in the preparation of a bill embodying the sentiments of the Democratic platform, and in the very near future, probably by December 1st, the measure will be formulated and ready for the consideration of Congress. Our Republican friends manifest an impatience, and complain that we are tardy in pressing forward our measure of tariff relief, but I beg to suggest to them there is no custom or rule of propriety which demands the presentation of such a measure earlier than the first regular session of Congress after the national election.

The Ways and Means Committee should be complimented rather than criticised for its conservatism in dealing with so important a subject affecting the revenues and industries of the whole country. While disclaiming all authority to speak for that committee as to the details of their proposed measure, we may, nevertheless, safely anticipate some of its general features. First of all, it will be a revenue bill and not a scheme for the promotion of private interests at the public expense. Its purpose will be the raising of the needed funds for governmental purposes strictly in the mode and ways least burdensome to the masses. Raw materials needed in our manufactures will be placed upon the free list, for conclusive reasons fully explained in the debates of last year, and which every manufacturer and workingman entirely understand, and which they cordially approve. This relief will give an impetus to certain of our manufacturing industries, and afford work to tens of thousands of our idle laborers.

The necessaries of life will be substantially free. In fixing the necessary tariff upon manufactured articles due consideration will be given to the difference in wages between this and other countries, and such differences will be equalized in the rates imposed here, in the general interest of the labor of our country. There will be no unjust discrimination anywhere tolerated among its provisions. Bounties and subsidies will find little favor in its composition. The free list will be enlarged, and the complicated schedules will be greatly simplified. Every sort of favoritism heretofore permitted will be conspicuous by its omission, and in that respect it will stand out in bold contrast with the McKinley bill.

Mr. President, I speak of these two speeches, one made in 1892 and the other made last year, long before this bill had entered the Senate, to illustrate my own position upon this question. The Senator from Maryland says that I must be regarded as an opponent of the bill in its present shape. Let it be so. The Democratic masses are the opponents of this bill; your Democratic House of Representatives is against this bill; the President of the United States is against your bill; and I am in pretty good company, in my humble judgment.

I have endeavored to make the bill Democratic. The Senator says that I have endeavored to embarrass your bill. Embarrass it by offering amendments which perfect it? Embarrass it by offering amendments which are according to the platform of your party? Embarrass it by seeking to eliminate unjust taxes, not sanctioned in your Democratic platform? Embarrass it by relieving duties upon raw materials? Embarrass it by suggesting removal of duties from the necessaries of life? Embarrass it by seeking to take out those provisions wherein scandals have attached to them by reason of matters over which none of us have had any control? All these suggestions I have made, I have advocated, I have voted for; and if that constitutes embarrassing this bill, then I am guilty of the charge.

Mr. President, I have desired early action upon this tariff measure. It is well known, I think, that as early as March, 1893, I advised the calling of an extra session of Congress for the purpose of proceeding immediately with the work of tariff reform. I desired that we should frame a genuine tariff-reform bill. I had then no reason whatever to believe that it was contemplated by any Senator or by any member that an income tax should constitute a part and parcel of a tariff-reform measure. No suggestion of that kind had been made in 1892; no suggestion of it had been made last year; no suggestion of it had been made until last December.

Mr. President, the Senate has placed wool, and lumber, and hides, and other articles too numerous to mention upon the free list. Upon what ground? On what ground do you justify such action? They say, and repeat it, parrot-like, that this is a bill for revenue, and they say that therefore there must be no free list; that everything must be taxed. If the object of a tariff is simply and only for revenue, rejecting all other considerations of every kind and character, then all articles should be taxed.

But in this very bill you have placed on the free list wool, which last year brought into your deficient Treasury $8,000,000. Why is the duty taken off of wool when you say your Treasury needs money, and wool is a revenue article and last year brought $8,000,000? It is upon the broad ground, sir, that to the general rule that all things should be taxed we believe there are exceptions. The exceptions are that the necessaries of life should be substantially free.

Tell me, will you, please, why you do not put a duty upon tea and coffee? Would that not produce an immense revenue for the benefit of your Treasury? What ground is it, except upon the plausible, broad, and tangible ground that they are a por-

tion of the necessaries of life, and therefore an exception to the general rule? So you place wool upon the free list because it is one of those things which constitute raw material necessary for the manufactures of the country. As you propose to reduce the duty upon manufactured goods, it was proper and right that these articles should be placed upon the free list.

Mr. President, it is idle to talk about a bill for revenue unless you make it consistent. I believe, just as I said before, in the first place, that all articles, as a general rule, should be taxed. The exceptions are the necessaries of life, which include, in my judgment, tea, coffee, and sugar—sugar, unless the absolute necessities of the Treasury require it to be taxed. I said before that you do not need both a sugar tax and an income tax. Second, you exclude raw materials, because they are necessary to build up the industries of the country, to aid and foster labor, and to give employment to your workingmen. Those are the reasons why those exceptions to the general rule are tolerated.

Have you forgotten the fact that away back in 1884, Hugh McCulloch, Secretary of the Treasury of the United States, recommended that "the existing duties upon raw materials which are to be used in manufactures should be removed?" Have you forgotten the further fact that Democrats everywhere throughout the country applauded that recommendation of Hugh McCulloch, then Secretary of the Treasury? Is this doctrine of free raw materials a new doctrine with the Democratic party?

Away back on June 6, 1870, in the House of Representatives, a resolution was passed, for which three-fourths of the Democratic members of that House voted, to place coal upon the free list. Now we are told that this is a new doctrine upon the part of the President of the United States thus interpolated into this tariff debate.

Mr. President, the Senator from Delaware [Mr. GRAY], while criticising me as an opponent of this bill, playfully alluded to the fact that I could dance a waltz down the aisle in company with the Senator from Rhode Island [Mr. ALDRICH]. I am not aware that I have been engaged in any such dance. I have cooperated with the Senators upon the other side in their opposition to an income tax. I have endeavored to so shape this bill as to compel, if I could, the elimination of that tax from this scheme. I have pursued the same course which early in the silver debate of last fall the Senator from Delaware pursued, when we saw him dancing a waltz down the aisle with the distinguished Senator from Ohio [Mr. SHERMAN], who led the forces upon that side.

Together they stood shoulder to shoulder, arm in arm, and step by step, in advocacy of that repeal bill. All at once, if I recollect, there came a change over the spirit of the dreams of the Senator from Delaware. Just as victory was within our grasp for that repeal bill, we were then told by the same men who prophesy defeat now, that we could not pass that unconditional repeal bill here. We were told that your moss-grown rules would prevent it. We were told that every great question in the Senate of the United States must be compromised. You heard the predictions made then, substantially under the same auspices under which they are now made, that that repeal bill should not pass the Senate.

Mr. President, the President of the United States is believed to have occupied the same position then which he occupies today—the bold, unflinching champion of unconditional repeal. You said the bill could not pass the Senate. It did pass. The President announced in a formal interview had with the Associated Press that he stood where he had always stood, for unconditional repeal. These prophecies which were then made fell to the ground. The bill passed; the compromise failed. Mr. President, it is not unlikely that some tariff bill may pass here, but it is not likely that this compromise bill will pass. A bill should be framed based upon Democratic lines.

Mr. President, the Senator from Maryland not only saw fit to disclose the interviews which have been had with the President of the United States, but he went further to disclose party secrets. If I understood him correctly, he did not seek to defend a tax upon sugar solely upon the ground that it was a revenue article and that a tax was desired for the purposes of revenue. He said, of course, it was a revenue article. He said, of course, from his standpoint, it was Democratic to put a tax upon it. I do not wish to do him injustice, and I shall not; but the principal argument, the gravamen of his remarks, the gist of his point, was that we had bargained through him, the Senator from Ohio [Mr. BRICE], and the Senator from New Jersey [Mr. SMITH]—they had bargained that the Democratic party, if it came into power, should place a duty upon sugar.

Who authorized these gentlemen to make this bargain? Campaign committees are made for the purpose of conducting campaigns; they have no authority to change platforms; they have no authority to dictate legislation. They are *functus officio* the moment the campaign is over. They had no right, they had no authority, to make such a promise, and they exceeded their jurisdiction when they made such a promise to citizens of Louisiana. They said that a Democratic House, a Democratic Senate, and a Democratic press would ratify the bargain, the assurance, the compact that was made. That was a poor ground upon which to urge a tariff upon sugar.

It will make the people of the country desire that portion of the House bill which gives free sugar more than ever before. They believe that this tax, if defensible at all, should be defended upon principle, that it should be defended because it is required by the needs of the Government, that it should be defended upon broad grounds of public policy, and not upon the ground on which the Senator from Maryland gave his word of honor it should be done. That Senator never violates his word of honor, and I do him the credit to say that I have never known him to violate it. It does not follow simply because he gave his word of honor that we shall ratify it here. Much as I respect the Senator, much as I respect the national committee, much as I appreciate the great labor which they performed for the Democratic party, for Mr. Cleveland, and for the country, I am not here to be delivered in any such arrangement. I must speak and act for myself.

Mr. President, I do not care to discuss the question as to how far, if at all, the President of the United States was consulted in regard to that arrangement. It strikes me that the true ground for the Senate to take is that we will act independently of the President, we will act according to our own judgment, and that we should not be running to the White House to get suggestions as to how we shall vote upon this, that, or the other matter. I suggest to these friends of ours—these deceived Senators—that they do as I do—keep away from the White House. [Laughter.]

The idea that the President of the United States overreached these old, experienced, and foxy politicians [laughter], who have been through many a campaign, who talked with him but did not understand him, who now urge that he was too sharp for them, too bright for them, and they came away with a different sort of impression from what he had; and then, when the President wants to clear the atmosphere and tells the Democratic masses just what this bill is, with one accord they say, "We were overreached by this ambitious President!" [Laughter.]

It has been suggested that there are great interests somewhere which are demanding free coal. I do not know where they are. I do not know of any interests which are particularly demanding free iron ore. I hold in my hand a memorial from members of the Baltimore Cotton and Flour Exchange in regard to the advantages of free iron ore, signed by a long list of reputable citizens and business men of the city of Baltimore, and I ask that it may be attached to my remarks.

I do not know what interests are seeking for free coal. I have yet to hear any Senator suggest that the President of the United States in making this recommendation desired to subserve the interests of any monopoly or any individual or any interest. It matters not whether there is or is not any personal friend of the President engaged in this business. I have not heard a single suggestion of that kind made. The question has been asked who was interested? Certain interests, it is claimed. I believe that this suggestion of free coal has been recommended because it was believed to be for the best interests of the country. I believe that that gallant band of Democrats in the House of Representatives placed this article of coal upon the free list, not because somebody wanted it there, but because they believed they were thereby best discharging their duty to the country and fulfilling the pledges of the Democratic platform.

I shall not detain the Senate longer with further suggestions upon the propriety of my motion. I reiterate that it is as clear to me as can be that the Senate ought to recede from the amendments which it has made in the particulars I have mentioned. I repeat that that is a step in the right and practical direction. If you try another conference, if you recede from those amendments and submit the question again to the House of Representatives, and the House then fails to yield upon the other provisions of the bill, I shall own I am mistaken. You can not get together upon the present basis if you desire so to do.

Mr. President, I stand here ready to perfect this bill so far as it is possible to do so. I shall vote, as I have voted before, for free coal, free iron ore, free sugar, and free wool. If there are other articles of raw material which can be specified upon which the duty should be removed, I am willing to go to that extent. I desire, as I said before, to eliminate the income tax from this bill and I shall continue that struggle to the end.

Mr. GORMAN. Will the Senator from New York permit me to ask him a question?

The PRESIDENT *pro tempore*. Does the Senator from New York yield to the Senator from Maryland?

Mr. HILL. Certainly.

Mr. GORMAN. I want to ask the Senator from New York if the Senate recede from every amendment which it placed upon the bill as it came from the House of Representatives, and allows that bill to stand with free sugar, free coal, free iron ore, and free wool, will the Senator vote for the Wilson bill in that shape?

Mr. HILL. With the income tax remaining in?

Mr. GORMAN. Yes.

Mr. HILL. I will cross that bridge when I get to it. [Laughter.] The Senator from Maryland has said that the Senate would not recede. He is perfectly safe, of course, in making the "bluff" which he makes now. [Laughter.]

Mr. GRAY (to Mr. HILL). Do not let him "bluff" you.

Mr. HILL. I do not think he will.

Mr. GRAY. "Call" him. [Laughter.]

Mr. HILL. I would say that the Senator from Delaware is a good deal more used to those figures of speech than I am. [Laughter.]

I will suggest to the Senator from Maryland to try the effect upon me of removing the duty upon these articles, vote for free sugar, take off the one-eighth of a cent a pound, relieve this bill from the suspicions and scandals attached to it, and place all these articles on the free list, and then I will talk with you about how you vote and how I vote. [Laughter.]

Mr. President, I have thus discharged my duty from my standpoint. The Senator from Maryland yesterday started to describe me as the Iago of Shakespeare, and then he withdrew the comparison. That reminds me of the senatorial conspiracy of years ago in the Roman senate, when a senatorial cabal conspired to assassinate the great Roman emperor. If I were disposed to make comparisons, I might speak of the distinguished Senator from Maryland as the "lean and hungry Cassius." [Laughter.] You recollect what Cæsar said of him. He said:

He thinks too much; such men are dangerous.

[Laughter.]

I might speak of the Senator from Arkansas [Mr. JONES] as Marcus Brutus—"honest Brutus." Right here I want to say a word. During all the tariff debate, during all the preparation of this bill, that Senator has exhibited most wonderful patience and sagacity; he has treated every citizen and every Senator with the greatest respect. No matter how this debate may terminate, no matter whether this bill passes or not, I say the Senator from Arkansas—and in paying this compliment I do not discriminate against anyone else—has won the esteem and respect of his countrymen everywhere. I will call him "honest Brutus." Cassius I have already referred to. [Laughter.] Casca was the distinguished Senator who struck the first blow last Friday [Mr. VEST]. Trebonius, the Senator from Indiana [Mr. VOORHEES]—testy, probably a little petulant—"good Trebonius." Metellus Cimber, the distinguished Senator from Tennessee [Mr. HARRIS]. [Laughter.]

Mr. President, when yesterday they stabbed at our President, and sought to strike him down, they made the same plea as did the conspirators of old, that they struck for Rome—for their country. They said they did it, not that they loved Cæsar less, but that they loved Rome more; not that they loved the President less, but they loved their party and this Senate bill more. [Laughter.] I can say with Mark Antony:

> What private griefs they have, alas, I know not,
> That made them do it; they are wise and honorable.

[Laughter and applause on the floor and in the galleries.]

The PRESIDENT *pro tempore*. The Chair admonishes the occupants of the galleries, and gentlemen accepting the courtesies of the floor of the Senate, that any demonstration of approval or disapproval is in violation of the rules of the Senate.

Mr. CAFFERY. Mr. President, I send up a motion, which I ask may be read.

The PRESIDENT *pro tempore*. The motion submitted by the Senator from Louisiana will be read.

The Secretary read the motion of Mr. CAFFERY, as follows:

I move that the conferees on the part of the Senate on House bill 4864 be instructed to insist upon the following amendment to the sugar schedule of said bill:

That the bounty provided in said act shall stand unrepealed to the extent that there shall be paid to the producer of sugar, from beets, sorghum, or sugar cane, grown in the United States in the year 1894, or from maple sap produced in the United States during the year 1894, under license for 1894, and subject to the limitations now imposed by law on all sugars testing not less than 90° by the polariscope, nine-tenths of 1 cent per pound, and upon such sugar testing less than 90° by the polariscope and not less than 80°, eight-tenths of 1 cent per pound.

Mr. CAFFERY. Mr. President, I do not desire that motion to be considered now. I desire it to lie upon the table subject to call.

During the course of the debate yesterday a great deal was said by the Senator from Maryland [Mr. GORMAN] about the President's action in writing the letter he did, especially in so far as that letter assailed, according to his construction of it, the honor and dignity of the Senate.

I can not hope to rival the distinguished Senator from New York [Mr. HILL] in his eloquent vindication of the President of the United States. But, preliminary to certain remarks that I desire to make, I will say that there is nothing whatever in that letter which the President was not perfectly warranted and justified in saying, and there is nothing in that letter which assails in the slightest the honor of the Senate or any member of it. The passage of that letter which seems to have produced the ire of the Senator from Maryland reads as follows:

> Every true Democrat and every sincere tariff reformer knows that this bill in its present form and as it will be submitted to the conference, falls far short of the consummation for which we have long labored, for which we have suffered defeat without discouragement, which, in its anticipation, gave us a rallying cry in our day of triumph, and which in its promise of accomplishment is so interwoven with Democratic pledges and Democratic success that our abandonment of the cause or the principles upon which it rests means party perfidy and party dishonor.

Is that letter leveled at the Senate of the United States or is that letter addressed to the vast body of the constituents of the Democratic party. The President speaks of the whole party. He says that failure to perform the pledges made by the Democratic party in the conference committee will be a perfidy and a dishonor to that party, and I can not see why this assertion should be taken to apply entirely to the Senate.

Mr. President, I am not a champion of the President of the United States. I am entirely independent in any view I may take upon any question which is presented before this body. I act according to my own judgment and according to the best lights before me; and, according to that judgment, with the best lights before me, I say that the President of the United States is exonerated in this letter from any charge of imputing to the Senate of the United States either perfidy or dishonor. The very evidence that was elicited by the Senator from Maryland is proof conclusive that the President of the United States had a right to write that letter.

I stated that the very evidence elicited here, called forth in the dramatic style of the Senator from Maryland, justifies the President of the United States in writing the letter. If the President of the United States could be consulted and was consulted, his counsel sought, his indorsement as to the most important bill before the Senate asked by members of the committee in charge of the bill, with more power to assure its passage than any other component part of the Senate, why could not the President of the United States write a private letter and express his views upon the situation?

Why, if it was sought in the manner disclosed by the testimony, to influence legislation, to make legislation, could he not write a letter suggesting what his views were upon the subject? There is absolutely nothing in the charge that the President of the United States had no right to send, or that he violated the high functions of his office in sending, a private letter to the Chairman of the Ways and Means Committee.

How does the substance of the letter impute dishonor to the Senate? There is hardly a member of the Finance Committee who has not risen in his place upon the floor of the Senate and disclaimed a great many features of the bill that they themselves have introduced. They have lifted their hands to high heaven and vowed that they would not have introduced such a bill had they not been coerced. Did they expect that coercion to go through conference? Did they look for their duress to run the whole length of the passage of the bill in its various stages? If they themselves have abjured the bill, if they have made declarations which are tantamount to saying that certain features of the bill involve perfidy and dishonor to party principles, how can they charge the President of the United States with almost a crime when they have virtually assailed the bill in nearly the same measure and degree.

Mr. President, in view of the revelations which were made here yesterday it is not forbidden to me to disclose the secrets of my little prison house. The Louisiana Senators have been made the common target for the taunts of Republicans and the shot of our own side. We have been pointed at as the *bête noir* of the bill. Our demand and our attitude have been the alleged stumbling block in the way of tariff legislation. Now I shall relate, feeling perfectly justified in doing so, the steps, so far as I know them, which led up to the formation of the sugar tariff schedule as finally presented to the Senate by the Finance Committee.

On one occasion I was present at a conference at which were present the Senator from New York [Mr. HILL] who has just addressed the Senate, the Senator from Maryland [Mr. GORMAN]; my then colleague, now Mr. Justice White, and the Senator from New Jersey [Mr. SMITH]. At that time we held a consultation, which was practically limited to the sugar schedule. I remember distinctly that the distinguished Senator from Maryland, if not the Senator from New Jersey, and the Senator from

Ohio [Mr. BRICE], whose name I forgot to mention as being among those who were present, thought that a certain schedule upon sugar, which was 40 per cent ad valorem upon raw and 50 per cent ad valorem on refined, was a very excellent one. It was especially good for the refiner. It was fairly good for the producer.

I had not at that period looked into the calculation which under an ad valorem rate upon sugar would conceal a benefit in favor of the refiner, and immediately after the adjournment of that conference I, with those gentlemen, waited upon the Senate Finance Committee and offered to them as a fair sugar schedule 40 per cent ad valorem upon raw sugars and 50 per cent on refined. The Senator from Arkansas [Mr. JONES], who is a very able and industrious man, after I submitted that schedule, made a calculation which showed me that the schedule, while apparently giving only ten points to the trust, concealed quite as much as the trust derived under the McKinley act. Thereupon I withdrew the proposition. I need summon no witness to prove that fact. The Senator from Missouri [Mr. VEST] sits right before me. If that statement is not correct, he can correct it.

After this, various other conferences were had with the committee. Finally the committee adopted a specific rate of duty, based upon the polariscopic test, ranging from a cent for 80-test sugar to 1.26 for 93-test sugar, with 12½, or an eighth of a cent additional, for refined sugar. That schedule, in my opinion, was a good one. That schedule concealed nothing whatever in favor of the sugar trust more than what appeared on its face. It was with reluctance accepted by the people of my State. They thought that by economy, by better methods of extraction and evaporation, and even of agriculture, they could get along with that.

So the matter rested for some time, until finally one morning I met the distinguished Senator from Maryland at the northern door which enters into the corridor from this Chamber, and he told me that that schedule meant free sugar. I was admonished of the same fact by the Senator from Ohio [Mr. BRICE].

After some three or four weeks, the Senator from Arkansas [Mr. JONES] of the subcommittee, came to me and my colleague [Mr. BLANCHARD]. He represented that that schedule was unacceptable to the refining interest, and that that interest would procure free sugar, which would involve the necessity of the Louisiana delegation in the Senate antagonizing the bill. He almost, I will not say entreated, but he earnestly besought us to accept a schedule of 40 per cent ad valorem on raw sugars, with one-eighth of a cent additional on refined, and with the bounty for 1894 assured to us.

That schedule was not acceptable to me, but I wish the Senate to know that the schedule of 40 per cent ad valorem and an eighth and a tenth is not the making, is not the concocting, of the Louisiana Senators. I wish the Senate to know that the specific rate, which is fair to the producer and reasonably fair to the refiner, was threatened with destruction. The whole of the Republican side would have voted for free sugar as a party measure; and then with a few votes on this side of the Chamber, sugar would have been put upon the free list. That would necessarily antagonize the sugar interests.

Therefore it was that the Senator from Arkansas in charge of the bill came to us and besought us to submit to this change. The Senator from Arkansas stands before me now. If I have said aught that is not correct in this matter, I desire him now to correct me. After some time we accepted that schedule. We accepted it in good faith. The stipulation was that the bounty for 1894 should be given to us; that 40 per cent ad valorem should be levied on all sugars, with an eighth and tenth additional, as reported by the committee.

The method adopted to secure the bounty for 1894 was by extending the time for the repeal of the McKinley act, so far as the sugar schedule was concerned, to the 1st of January, 1895. A tremendous clamor arose upon the Republican side; they beat their drums and tom-toms, and they affrighted the souls of the timid brethren on this side. They made it appear that the trust would rake in millions by having from the time the bill was under discussion until the 1st of January, 1895, to gather in all the sugars in the world. Yet the gentlemen who were making that tremendous clamor knew just as well as anybody else that the trust had already provided against an evil day; that it had bought every pound of sugar that was then made in the world which it could lay its hands on, and that therefore the trust was to be benefited by passing a bill which, as to the sugar schedule, would go into effect immediately, because the immediate rise would be felt on sugar then on hand which would otherwise have to be carried in stock until the 1st of January, 1895.

That scared our brethren over here, and then came the motion of the Senator from New York [Mr. HILL], animated by the most patriotic purpose I ever saw. He is trying all sorts of expedients to better the bill in order to kill it. The ingenious methods of the Senator from New York are almost beside my understanding. With great skill and an overflowing patriotism which brings down the applause of the occupants of the galleries he waxes eloquent over the defects of the bill. He seeks to amend but to destroy, to repair but to kill.

Upon the motion of the Senator from New York to strike out that feature of the bill which continued the time for the repeal of the McKinley act, so far as the sugar schedule is concerned, until the 1st of January, 1895, our own brethren jumped the track and went over into the folds of the Republican party. That part of the agreement which was thus made was stricken out, and that was the first violation of faith toward the Louisiana representatives here.

I make this statement to show, first, that the schedule which has proved so objectionable was accepted by the sugar interest of Louisiana under protest. I make it to show that after as solemn an agreement as could be made between Democrats that agreement was wantonly and flagrantly violated upon the floor of the Senate. What occult power is it which has the force to change a fair schedule adopted after long deliberation? What subtle influence is it which is pervading the Senate that can strike down the agriculturist and uphold the interest of what is called a trust? The provision extending the bounty law was one not of politics, not of any particular theory of taxation, but one of absolute justice to the people of my State. That justice has been recognized throughout this body, and it will be recognized by anybody before whom the facts are laid.

The distinguished Senator from Ohio [Mr. SHERMAN], in reply to some remarks that I made upon sugar culture a few days ago, took occasion to say that a tariff of 40 per cent ad valorem was as high as any agricultural interest ought to have. It is a great deal higher than any agricultural interest that I know of except sugar ought to have. I do not place the tariff upon sugar in the line of protection, and I never did. I do place this modicum of bounty which was to have been given by our own side over here as an act of simple justice.

I had occasion a few days ago to refer back to the history of sugar culture. Sugar cane is not indigenous to the soil of this country. It is an exotic. It is foreign to our soil. The lower part of Louisiana, with its fertile soil and moist climate, comes nearer filling the conditions of the tropics as to sugar cane than any other place in the United States; and I say here that if we were upon equal conditions with Cuba or any of the tropics there is not a solitary man in Louisiana who would come before Congress and ask for a tariff. Before we were a State, while Louisiana was under the Spanish and French régimes, there was a high tariff on sugar.

When the French went into its cultivation under a tariff, and for a hundred years the people of Louisiana have been induced to cultivate that exotic by reason of the tariff. After the destruction of the industry by the war it was built up on a very high tariff. When the Republican party, following out their modern principle of not protecting articles that could not be produced or manufactured here to supply the domestic wants, put sugar upon the free list they thought our people ought not to be destroyed. Whether rightfully or wrongfully, they were engaged in that culture, and it was concluded that it would be a cruel thing to strike them down. It would have been a cruel thing, and it would be a cruel thing now.

I say, therefore, that it is not a question of politics at all as to a partial bounty for this year. It is a question of pure justice. In order to try to equalize themselves with the tropics, where cane grows indigenously, the people of my State have undertaken all sorts of improvements of a very costly nature, as all sugar improvements are. They have been trying to provide against the time when there would be no tariff. They are making an honest effort in that direction. Most of them have anticipated their crops and the tariff for years to come, and right at this moment it would be absolute destruction of those people to deny them this modicum of justice which was promised by the Senate Finance Committee.

Mr. President, as I have said before, there is an influence here which I feel, but which I can not put my finger on, that has a vast deal more power in regard to sugar than the Louisiana Senators.

Here is an extract from the speech of the Senator from Maryland [Mr. GORMAN] yesterday, according to press reports, which I will read, making the Louisiana Senators the *bête noire*, placing upon them the responsibility of forcing this side of the Chamber into an unpleasant attitude, one which will violate Democratic principles and is distasteful personally to Democrats. I read:

I have seen honorable men correcting in the papers the horrible statements which have been put forth to demoralize them, and it is not unnatural that they should have done so. But the majority of us, who are accustomed to shot and shell, have never yet flinched, because we knew that no matter

how distasteful it was to us personally, the vote of the Louisiana Senators was necessary to us.

Some have run to their casements, some of the timid have fled, but we veterans, scarred with the wounds of battle and accustomed to grape and cannister, stood our ground. We did not run away from attack because the wicked Louisiana Senators forced us to accept their sugar schedule. These horrid Louisiana Senators had two votes which we had to have; and while very distasteful to us, we had to swallow their terms.

The sugar schedule is not the making of the Louisiana Senators, nor did they coerce or threaten the Finance Committee into adopting it.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). Does the Senator from Louisiana yield to the Senator from Colorado?

Mr. CAFFERY. Certainly.

Mr. TELLER. I should like to ask the Senator from Louisiana a question. The Senator has told us what the attitude of everybody else is on free sugar. Will the Senator tell us what would be the attitude of the Louisiana Senators toward the bill if free sugar were put in the bill?

Mr. CAFFERY. Yes, sir; I will do so. I have distinctly announced on the floor of the Senate, and I will now repeat to the Senator from Colorado, that if free sugar is put in the bill I shall vote against it. I hope that is clear.

Mr. TELLER. I should like to ask the Senator from Louisiana one other question. Was that his attitude during the discussion some time back as to what should go into the bill?

Mr. CAFFERY. I do not care about being catechised in a categorical sort of style. I have answered the main question, and I think that is quite sufficient. Now, after the Senate Finance Committee had adopted the ad valorem schedule on sugar, the refining interest jump into the craft of tariff reform so far as sugar is concerned. They grasp the helm, they make the Louisiana Senators unwilling passengers with them; and if this tariff-reform bill is shipwrecked on that particular schedule, Senators need not shake their gory locks at us and say, "You did it."

Mr. President, I have sent up a motion to instruct the conferees on our side to do precisely what I understood the Senate Finance Committee promised to do, and the very amendment that they had printed and were to have offered and did not. I think that is in line with the ideas the Senate Finance Committee had upon this point, and it is a proper motion to make at this stage of the proceedings.

But, sir, I have stated, and will again state, that I have never placed the tariff on sugar *per se* on any other ground than that it is a fair, legitimate subject of revenue taxation. If I lived out of the State of Louisiana, like my friend from Delaware [Mr. GRAY], who sits before me and who is as earnest a tariff reformer as there is in this body, I would vote for a tariff upon sugar irrespective of what protection it afforded.

The amount of money derived from the tariff upon sugar goes back to the people in paying the expenses of the Government which protects them. The tariff upon the protected manufactures goes nearly all of it into the pocket of the protected manufacturers and very little of it into the Federal Treasury. You may take any single article upon the dutiable list and make a comparison between the amount of money derived from the tariff upon the import of that article into this country and sugar and you will find that sugar pays at least six to one into the Federal Treasury above any other article on the dutiable list.

Mr. SQUIRE. May I ask the Senator from Louisiana a question?

Mr. CAFFERY. Certainly.

Mr. SQUIRE. I should like to ask the Senator from Louisiana whether the people of Louisiana have any interest in a duty upon refined sugar in addition to the duty on raw sugar? I should like to have that point made clear, for it has been discussed over and over again, and it has been remarked that the State of Louisiana is interested in the refining of sugar. I should like to ascertain the Senator's view on that point.

Mr. CAFFERY. I am glad the Senator has asked me the question. The people of Louisiana have slowly emerged from a condition of absolute bankruptcy and ruin after the war into one of very considerable prosperity now. They have adopted, so far as their means permitted, all the modern appliances for the extraction of the juice from the cane and the evaporation of that juice when extracted. They have increased the output of sugar more than 50 per cent by the adoption of these methods. In adopting these methods they have necessarily turned from the old processes of the kettle and open steam train to the vacuum pan; to the centrifugal manufacture.

The centrifugals turn out sugar which is about equal to the German granulated. It is not equal to the first grades of sugar, the standard granulated made by the sugar trust, but it is about equal to the ordinary granulated sugar turned out by the Germans in their factories in Germany and the French in their factories.

Therefore, the Senator from Washington will see that the Louisiana sugar planters are directly interested in this differential duty of one-eighth of a cent. The trust has fastened itself upon our neck like the Old Man of the Sea around Sinbad's. We can not shake it off. It is a fellowship that we do not court. It is a forced alliance which is not of our making, and while this ad valorem tariff benefits the planter in the matter of the eighth, a tariff can be framed, and ought to have been proposed, a purely revenue tariff, which would have protected the producer and would have given at the same time the refiner all the adequate protection that he needs.

Mr. GRAY. May I ask the Senator from Louisiana a question?

Mr. CAFFERY. Certainly.

Mr. GRAY. Is it not a fact that under the bounty clause of the McKinley law those who receive the bounty, the producers of raw sugar, are forbidden to refine?

Mr. CAFFERY. In a measure. I will explain that to the Senator. The centrifugal sugar that is turned out by the Louisiana producer is a refined sugar, if you please to term it such, which the planter is permitted to make under the operations of the McKinley law. But a clause in that act virtually prohibits the planter from refining other sugar than his own. The centrifugal process is permitted on the premises; and the planter is allowed under the law to produce sugar according to the license.

Mr. GRAY. So that, if I may be permitted, the McKinley law gave to the sugar refiner and to the sugar trust the benefit of a protection of one-half a cent a pound on refined sugar and prevented any competition with the business of refining on the part of the sugar-producer.

Mr. CAFFERY. It did, in this way——

Mr. ALDRICH. I hope——

Mr. CAFFERY. If the Senator from Rhode Island will excuse me I will yield in a moment. The only way that you can successfully refine cane sugar is by the bone-black process. When you turn out from your centrifugals either yellow, clarified, or off-white sugar, there is a large residuum which the planters call second sugar, and the more they water, or the more they use hot steam to discolor the sugar in centrifugals and make a first-class article, the more they have of this second-class article, an inferior article called seconds. So, under the operations of the McKinley act the planters found it more profitable not even to make the first-class sugars under their centrifugal process, but simply to make the dark sugar with a high polariscope test, or a sufficient polariscope test coming up to 80 and 90 respectively, in order to get the bounty provided in the act.

Mr. ALDRICH. Will the Senator allow me just a moment?

Mr. GRAY. One moment, if the Senator from Rhode Island will allow me. Then the practical effect is that the conditions produced by the McKinley law prevented the sugar planter from refining in competition with the American Sugar Refining Company?

Mr. CAFFERY. To a great extent.

Mr. ALDRICH. I can not allow a statement which is so far from the truth as that made by the Senator from Delaware to go unanswered.

Mr. GRAY. It is the statement of the Senator from Louisiana. I asked him the question.

Mr. ALDRICH. I refer to both statements.

Mr. GRAY. I asked the question for information.

Mr. ALDRICH. The act of 1890 allows a planter to refine his own sugars to any extent he pleases, and by any method he chooses; but in order to protect the revenue (as the Senator from Delaware must see if he stops to consider a moment) it prevented a sugar planter or producer from refining foreign sugars in the place where he was producing sugars upon which a bounty was to be paid, because if foreign sugars were taken into this place and mixed indiscriminately with the domestic product there would be no method of ascertaining the portion of domestic sugars upon which the bounty should be paid. The provision was inserted in the bill to prevent fraud. There is nothing in any sentence of the act which prevents a planter from refining his own sugars.

Mr. CAFFERY. I have read that clause of the act only once. The Senator from Rhode Island may possibly be correct.

Mr. ALDRICH. I am absolutely correct, because it was a matter, as the Senator from Iowa [Mr. ALLISON] will remember, of long discussion in committee, and of consultation with the Internal Revenue Bureau, as to what provisions should be adopted for the purpose of preventing fraud.

Mr. CAFFERY. Does the Senator mean by "all foreign sugars" any sugar the planter would buy from the neighborhood?

Mr. ALDRICH. Cane can be brought to central factories, and the entire product refined, but the producer can not bring sugars from Cuba or anywhere else and take them into his sugar house and mix them indiscriminately with his own, because on his product a bounty of 2 cents a pound was to be paid, and there would be no possible way by which enormous frauds could be detected.

Mr. CAFFERY. My recollection of the act is that there is a prohibition in it against the planter refining upon the same premises.

Mr. ALDRICH. Not his own sugar.

Mr. CAFFERY. He can not refine anybody's sugar but his own.

Mr. ALDRICH. Certainly not.

Mr. CAFFERY. That is precisely what I asserted; and for this reason——

Mr. ALDRICH. But the cane can be brought, as is customary in Louisiana, to a central factory. There is no provision against that.

Mr. CAFFERY. The factories that buy cane have as much as they can do to refine that sugar. In order to put up a refinery it is necessary to have a large building and to incur very heavy expenses, as the Senator from Rhode Island knows. A bone-black establishment of sufficient capacity to pay must be a large one. You can not run a small one with profit. An ordinary planter, therefore, would have to get his sugar in the neighborhood to refine, or the growers would have to send it there, and the act prohibits it. It is a practical prohibition.

Mr. ALLISON. Will the Senator from Louisiana allow me to ask him a question?

Mr. CAFFERY. Certainly.

Mr. ALLISON. The McKinley law, so called, has been in operation in Louisiana for three years. What proportion of the product of sugar in Louisiana is sent to central refineries to be refined under the bone-black process?

Mr. CAFFERY. Does the Senator ask what proportion of product of the sugar houses of Louisiana is sent to bone-black establishments to be refined?

Mr. ALLISON. I mean to the regular refineries such as the Senator from Delaware is trying to show were not to be accessible to the Louisiana planters.

Mr. CAFFERY. There is none sent to the refineries for the simple reason that there are no refineries there to send the product to.

Mr. ALLISON. Then that sugar is not refined, but sold in the form in which it is manufactured at or near the place of production? Is not that true?

Mr. CAFFERY. That is true generally.

Mr. ALLISON. I remember very well that the Senator's colleague stated on this floor within a brief space that 86 per cent of the sugar produced in Louisiana was above 16 Dutch standard and would receive the benefit of the one-eighth which is provided for in this bill.

Mr. CAFFERY. If the Senator will pardon me, I think I have made it clear that what we call centrifugal or off-white sugars do not come under the technical name of refined sugars.

Mr. ALLISON. I am not criticising——

Mr. CAFFERY. When you say that it was asserted upon this floor by me or by my colleague—I do not remember—that about 6 per cent——

Mr. ALLISON. Eighty-five or 86 per cent; I do not remember the exact figure.

Mr. CAFFERY. However, that is not correct. It is about 74 per cent.

Mr. ALLISON. Very well.

Mr. CAFFERY. All these sugars went into consumption directly and were not raw sugars, but centrifugally refined. The Senator is entirely correct.

Mr. ALLISON. Undoubtedly.

Mr. CAFFERY. But those sugars are not equal to the sugars run through a first class bone-black establishment.

Mr. ALLISON. Undoubtedly.

Mr. CAFFERY. That is the case.

Mr. ALLISON. But what I desire to have made clear to the Senator from Louisiana is that this provision in the McKinley law was not inserted there for any purpose looking to the benefit of the refining of sugar to the detriment of the producers of sugar in Louisiana.

Mr. GRAY. I did not make any assertion about the purpose for which the provision was placed in the bill.

Mr. ALLISON. Or the effect of it.

Mr. GRAY. I do not know the purpose or the effect of it. I sked for information from the Senator from Louisiana, who knows a great deal more about those things than I do, as does the Senator from Iowa, whether the condition was not such as I have described.

Mr. ALDRICH. If the Senator from Delaware will allow me, I will read the provision of the law, which is perfectly plain and explicit upon that subject.

Mr. GRAY. What section?

Mr. ALDRICH. Paragraph 236 of the act of 1890 reads as follows:

That any person who shall knowingly refine or aid in the refining of sugar imported into the United States——

Mr. GRAY. "Or."

Mr. ALDRICH—

or upon which the bounty herein provided for has already been paid or applied for——

Mr. GRAY. "Or applied for."

Mr. ALDRICH—

at the place described in the license.

In other words, it was intended to prevent frauds on the revenue, and the provision on its face shows that fact.

Mr. GRAY. Read section 234.

Mr. ALDRICH. I will do so when I have an opportunity. In paragraph 234 the same language is used.

Mr. CAFFERY. Mr. President, it is manifest that the McKinley act was framed with an ingenuity of an exquisite character, especially so far as the sugar trust is concerned. What I have stated in regard to the practical prohibition contained in the act against a planter refining is true. In order to refine sugar you have to put up a large establishment; you have to import sugar to keep your works going; and the act practically prevents anybody in that part of the country from refining sugar according to the best processes unless he shall erect a new building. A sugar planter with his building already completed sufficiently to put in a bone-black apparatus under that act can not in order to supplement his own crop import sugar enough to continue operations during the year so as to make it pay.

Mr. ALDRICH. The Senator certainly would not make that statement if he were aware of the facts. The prohibition applies only to the refining of foreign or bounty-paid sugar at the "place" where the sugar is produced for the purpose of securing a bounty. The prohibition only applies to these sugars when brought to that "place" and mingled with sugars upon which a bounty is to be paid. There is no way in which the revenue can be collected and the laws of the United States enforced unless this prohibition is imposed. A refinery can be erected across the street from the planter's sugar house, and he can refine sugars brought from all over the world. The same principle applies to this as to distilleries. Does the Senator from Louisiana suppose that it would be possible for the United States to allow a distiller who is required to pay a tax on his product to take his distilled spirits from the distillery to a rectifying establishment and mingle them with other spirits, foreign or domestic, without the payment of the tax? The planters of Louisiana can refine their own sugar, and are doing it every day of the year, as the Senator from Louisiana ought to know much better than I do.

Mr. CAFFERY. I read this clause in the McKinley act:

That any person who shall knowingly refine or aid in the refining of sugar imported into the United States, or upon which the bounty herein provided for has already been paid or applied for at the place described in the license——

Mr. ALDRICH. That place is the place where the sugar is produced.

Mr. CAFFERY. Exactly; I understand it.

Mr. ALDRICH. And it applies only to that place, and no other.

Mr. CAFFERY. Exactly; and that is the only place it can apply to in order to prevent the Louisiana sugar planter from refining.

Mr. ALDRICH. I should like to have the Senator from Louisiana explain to me what is to prevent the Louisiana sugar planter from building a refinery across the street or in any other part of his plantation for refining the sugar. The act merely provides that he shall not do it at the place where the sugar is produced for the purpose of paying the bounty, and the inhibition applies to no other place.

Mr. CAFFERY. Simply because when the Louisiana sugar planter has already a building suited for the purpose, which costs a great deal of money, he is not able to build another building twenty-five or thirty feet from it in order to be a refiner, and when you exact that of him you practically destroy his ability and capacity to refine.

Mr. ALDRICH. Will the gentleman allow me a little further?

Mr. CAFFERY. Certainly.

Mr. ALDRICH. The Senator from Louisiana must know—I take it that he is familiar with this subject—that sugar pro-

duced in Germany and usually called the German granulated is now produced by a continuous process without the use of bone-black at all. The Senator is also aware that a considerable portion of the sugars produced in the world go into consumption without going through the bone black.

Mr. CAFFERY. The Senator from Rhode Island is an expert on sugar, and I am not. The Senator from Rhode Island knows just as well as I do that all the sugars made by the Louisiana sugar planter are centrifugal that go into consumption, and there is a much larger proportion of sugar made in Louisiana that does not go into consumption, which is in the form of seconds sugars, and which the planter has to sell to the refiners. Now, this provision of the McKinley law practically prohibits the refining of sugar in his own sugar house by the bone-black process, because he can not afford to put up a bone-black process for his own crop. The Senator from Rhode Island knows that if he puts up a bone-black process he has to keep that apparatus running during the year, and in order to do that he will have to import sugar, and he can not do it under the McKinley act.

Mr. ALDRICH. Now, if the Senator will permit me right there, let me ask what is the character of this prohibition? It only applies, as I have already twice stated, to the place where the sugar is originally produced, and if the planter has the machinery or can obtain the machinery for refining there is nothing in the law to prevent his doing it. No Senator will undertake to say that there is any practical prohibition against the refining of sugars in Louisiana or elsewhere.

Mr. LINDSAY. Can he do that?

Mr. ALDRICH. Certainly he can.

Mr. LINDSAY. Under the act?

Mr. ALDRICH. Certainly he can. He can refine it at any place in the country except the place where the sugar is produced for a bounty. There is nothing in the act or any other act which prohibits it.

Mr. GRAY. What is the object?

Mr. ALDRICH. The object is very plain. The object is to prevent the importation of sugar and taking it into an establishment where sugar is produced for the payment of the bounty, and mingling it with sugar upon which a bounty is to be paid, when it is perfectly clear that there can be no way of distinguishing between the two.

The provision was inserted to prevent the payment of 2 cents a pound bounty upon imported sugar or upon sugar upon which a bounty had already been paid; and I know of no other way by which frauds of this nature can be prevented. This action was taken after consultation with the officers of the Internal Revenue Bureau, who have had great experience with matters of this kind.

Mr. CAFFERY. That is practically an admission that the bill is a prohibition. First, if they have not got a house that is suitable for refining, the Senator from Rhode Island says they can go across the street and build another house. It is very easy to say that to the Louisiana sugar planter, but how can he do it when it would compel him to expend three or four hundred thousand dollars? He can not do it, and he is not going to do it.

Mr. ALDRICH. What could the sugar planter of Louisiana do if this prohibition did not exist, that he can not do now?

Mr. CAFFERY. He could put up a bone-black establishment inside of his present sugar house and refine sugar.

Mr. ALDRICH. He could not, if he did not have the money. The Senator from Louisiana says it requires an enormous expenditure and very expensive machinery. The enactment of this bill, or the want of this bill, would not give him the money to build a bone-black establishment, or to increase the size of his building.

Mr. CAFFERY. I do not intend to go into this discussion further than to say that it is absolutely absurd for the Senator from Rhode Island to say that because the Louisiana sugar planter would have to buy the apparatus he necessarily would have to build a new house, if he has got one already in which to put the apparatus.

This bill prohibits him from doing that. He would have to go off the premises somewhere, to build a new house, which Col. Cunningham was compelled to do. He was told by the Treasury officials that he could not refine sugar in his sugar house. He got a bone-black establishment. He had to put up a new house at an enormous expense, when his old structure would have answered the purpose. You impose upon the sugar planter the double expense of building a new house for which he has no use and purchasing machinery which he must have in order to go into his own house. He might be able to purchase the machinery and not put up the house. If you entail the two expenses upon him, it is manifest that he can not refine sugar. So the statement made by the Senator from Delaware to me is substantially correct.

Mr. COCKRELL. Will the Senator from Louisiana yield to me to make a motion?

Mr. CAFFERY. Certainly.

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 25, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 24, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

REINSTATEMENT OF CERTAIN RAILWAY MAIL CLERKS.

Mr. BYNUM. I call for the regular order.

The SPEAKER. The regular order is the vote on the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 4017) for the reinstatement of clerks dismissed from the Railway Mail Service between the 15th of March and the 1st of May, 1880.

The SPEAKER. The yeas and nays are ordered, and the gentleman from Indiana, Mr. BYNUM, and the gentleman from Montana, Mr. HARTMAN, will please act as tellers.

The question was taken; and there were—yeas 139, nays 52, answered "present" 2, not voting 158; as follows:

YEAS—139.

Abbott,	Cooper, Ind.	Holman,	Patterson,
Alderson,	Cooper, Tex.	Hudson,	Pearson,
Alexander,	Cornish,	Hunter,	Pendleton, Tex.
Allen,	Covert,	Hutcheson,	Pendleton, W. Va,
Arnold,	Cox,	Izlar,	Pigott,
Bailey,	Crawford,	Jones,	Richards, Ohio
Baker, Kans.	Culberson,	Kem,	Richardson, Mich.
Baldwin,	Cummings,	Kribbs,	Richardson, Tenn.
Barnes,	Davis,	Kyle,	Ritchie,
Bartlett,	De Armond,	Lane,	Robbins,
Bell, Tex.	Dinsmore,	Lapham,	Robertson, La.
Beltzhoover,	Dockery,	Latimer,	Ryan,
Black, Ga.	Donovan,	Layton,	Sayers,
Black, Ill.	Dunn,	Lester,	Schermerhorn,
Bland,	Dunphy,	Livingston,	Shell,
Boatner,	Ellis, Ky.	Lynch,	Snodgrass,
Bretz,	English, N. J.	Maddox,	Somers,
Brickner,	Epes,	Mallory,	Springer,
Brookshire,	Erdman,	Marshall,	Strait,
Brown,	Forman,	Martin, Ind.	Swanson,
Bunn,	Geissenhainer,	McCreary, Ky.	Talbert, S. C.
Bynum,	Goldzier,	McDannold,	Talbott, Md.
Cadmus,	Gorman,	McDearmon,	Tarsney,
Caminetti,	Graham,	McEttrick,	Tate,
Cannon, Cal.	Gresham,	McGann,	Terry,
Capehart,	Griffin,	McKaig,	Turner, Ga.
Caruth,	Haines,	McNagny,	Tyler,
Catchings,	Hall, Minn.	McRae,	Warner,
Causey,	Hall, Mo.	Meredith,	Wells,
Clancy,	Hammond,	Meyer,	Wheeler, Ala.
Clark, Mo.	Hare,	Money,	Williams, Ill.
Cobb, Mo.	Harris,	Ogden,	Williams, Miss.
Cockrell,	Hatch,	Outhwaite,	Wolverton,
Coffeen,	Heard,	Page,	Woodard.
Cooper, Fla.	Henderson, N. C.	Paschal,	

NAYS—52.

Adams, Pa.	Curtis, N. Y.	Lacey,	Quigg,
Apsley,	Daniels,	Lefever,	Reed,
Avery,	Draper,	Linton,	Russell, Conn.
Baker, N. H.	Ellis, Oregon	Loudenslager,	Stone, C. W.
Bingham,	Funk,	Lucas,	Storer,
Boen,	Grout,	Marvin, N. Y.	Strong,
Broderick,	Hainer,	McCall,	Taylor, Tenn.
Brosius,	Hartman,	McCleary, Minn.	Thomas,
Bundy,	Hulick,	Meiklejohn,	Van Voorhis, Ohio
Burrows,	Hull,	Northway,	Wanger,
Childs,	Johnson, Ind.	Perkins,	Waugh,
Cooper, Wis.	Johnson, N. Dak.	Pickler,	Wilson, Ohio
Cousins,	Kiefer,	Powers,	Wright, Mass.

ANSWERED "PRESENT"—2.

Everett,	Fletcher.

NOT VOTING—158.

Adams, Ky.	Breckinridge, Ark.	Curtis, Kans.	Fyan,
Aitken,	Breckinridge, Ky.	Dalzell,	Gardner,
Aldrich,	Bryan,	Davey,	Gear,
Babcock,	Burnes,	De Forest,	Geary,
Bankhead,	Cabaniss,	Denson,	Gillet, N. Y.
Bartholdt,	Campbell,	Dingley,	Gillett, Mass.
Barwig,	Cannon, Ill.	Dolliver,	Goodnight,
Belden,	Chickering,	Doolittle,	Grady,
Bell, Colo.	Clarke, Ala.	Durborow,	Grosvenor,
Berry,	Cobb, Ala.	Edmunds,	Grow,
Blair,	Cockran,	English, Cal.	Hager,
Boutelle,	Cogswell,	Enloe,	Harmer,
Bower, N. C.	Conn,	Fielder,	Harter,
Bowers, Cal.	Coombs,	Fithian,	Haugen,
Branch,	Crain,	Funston,	Hayes,

Heiner,	McCulloch,	Randall,	Straus,
Henderson, Ill.	McDowell,	Ray,	Sweet,
Henderson, Iowa	McKeighan,	Rayner,	Tawney,
Hendrix,	McLaurin,	Reilly,	Taylor, Ind.
Hepburn,	McMillin,	Reyburn,	Tracey,
Hermann,	Mercer,	Robinson, Pa.	Tucker,
Hicks,	Milliken,	Rusk,	Turner, Va.
Hines,	Montgomery,	Russell, Ga.	Turpin,
Hitt,	Moon,	Scranton,	Updegraff,
Hooker, Miss.	Morgan,	Settle,	Van Voorhis, N. Y.
Hooker, N. Y.	Morse,	Shaw,	Wadsworth,
Hopkins, Ill.	Moses,	Sherman,	Walker,
Hopkins, Pa.	Murray,	Sibley,	Washington,
Houk,	Mutchler,	Sickles,	Weadock,
Ikirt,	Neill,	Simpson,	Wever,
Johnson, Ohio	Newlands,	Sipe,	Wheeler, Ill.
Kilgore,	Oates,	Smith,	White,
Lawson,	O'Neil, Mass.	Sorg,	Whiting,
Lockwood,	O'Neill, Mo.	Sperry,	Wilson, Wash.
Loud,	Payne,	Stallings,	Wilson, W. Va.
Magner,	Paynter,	Stephenson,	Wise,
Maguire,	Pence,	Stevens,	Woomer,
Mahon,	Phillips,	Stockdale,	Wright, Pa.
Marsh,	Post,	Stone, W. A.	
McAleer,	Price,	Stone, Ky.	

So the bill was passed.

The following pairs were announced:

For this day:

Mr. OATES with Mr. MORSE.

Mr. WILSON of West Virginia with Mr. DINGLEY.

Mr. WEADOCK with Mr. ADAMS of Kentucky.

Mr. TURNER of Virginia with Mr. HEINER of Pennsylvania.

Mr. STOCKDALE with Mr. BRODERICK.

Mr. HOOKER of Mississippi with Mr. CHICKERING.

Mr. MOSES with Mr. VAN VOORHIS of New York.

Mr. STALLINGS with Mr. SCRANTON.

Mr. MCMILLIN with Mr. HOUK.

Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.

Mr. BANKHEAD with Mr. MILLIKEN.

Mr. DENSON with Mr. RANDALL.

Mr. ENLOE with Mr. BOUTELLE.

Mr. LAWSON with Mr. WHITE.

Mr. COBB of Alabama with Mr. BABCOCK.

Mr. STONE of Kentucky with Mr. GEAR.

Mr. GOODNIGHT with Mr. WALKER.

Mr. MONTGOMERY with Mr. TAWNEY.

Mr. PAYNTER with Mr. HAUGEN.

Mr. WISE with Mr. FLETCHER.

Mr. EDMUNDS with Mr. WEAVER.

Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.

Mr. CRAIN with Mr. SETTLE.

Mr. ROBBINS with Mr. MOON.

Mr. STEVENS with Mr. DRAPER.

Mr. STRAUS with Mr. GILLET of New York.

Mr. TURPIN with Mr. GILLETT of Massachusetts.

Mr. MORGAN with Mr. SMITH of Illinois.

For this day:

Mr. LOCKWOOD with Mr. WHEELER of Illinois.

Mr. DURBOROW with Mr. LOUDENSLAGER.

Mr. MUTCHLER with Mr. STEPHENSON.

Mr. MCALEER with Mr. UPDEGRAFF.

Mr. WASHINGTON with Mr. COGSWELL.

Mr. BERRY with Mr. HICKS.

Mr. CABANISS with Mr. HOPKINS of Pennsylvania.

Mr. ALEXANDER with Mr. HOOKER of New York.

Mr. FITHIAN with Mr. GARDNER.

Mr. TAYLOR of Indiana with Mr. HARMER.

Mr. CONN with Mr. MAHON.

On this vote:

Mr. WHITING with Mr. WRIGHT of Pennsylvania.

Mr. O'NEIL of Massachusetts with Mr. MERCER.

Mr. FORMAN. I ask that my colleague, Mr. FITHIAN, be excused, on account of sickness. If present he would vote "aye."

There was no objection.

Mr. MCNAGNY. I ask that Mr. CONN be excused indefinitely, on account of sickness.

The SPEAKER. The Chair is informed that the gentleman already has leave of absence.

Mr. HENDERSON of Illinois. I am paired with the gentleman from Alabama, Mr. CLARKE. If he were present I would vote "no."

Mr. LYNCH. I would like to have my colleague, Mr. BARWIG, excused, on account of sickness, for this day.

There was no objection.

The result of the vote was then announced as above recorded.

On motion of Mr. BYNUM, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS FOR THE WEEK.

Mr. CATCHINGS. I submit the following privileged resolution, Mr. Speaker, from the Committee on Rules.

The Clerk read as follows:

Resolved, That this day, after the second morning hour, be assigned to the consideration of business reported from the Committee on the Public Lands.

That Wednesday, the 25th instant, after the second morning hour, be assigned to the consideration of business reported from the Committee on Invalid Pensions.

That Thursday, the 26th instant, after the second morning hour, be assigned to the consideration of business reported from the Committee on Interstate and Foreign Commerce.

That Saturday, the 28th instant, after the second morning hour, be assigned to the consideration of business reported from the Committee on Patents.

This order not to interfere with revenue or appropriation bills or conference reports.

Mr. CATCHINGS. I demand the previous question on the adoption of the resolution.

The previous question was ordered, under the operation of which the resolution was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted for ten days to Mr. PENCE, on account of sickness in his family.

To Mr. BELL of Colorado, for ten days, on account of sickness.

To Mr. BARWIG, for this day, on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers from the files of the House was granted to Mr. HAINER of Nebraska, without leaving copies, in the case of Guy W. Gibson, Fifty-third Congress, there being no adverse report.

CHANGE OF REFERENCE.

The SPEAKER. The Senate bill No. 901, for the relief of the owners of the schooner Henry R. Tilton, was referred to the Committee on Military Affairs and reported back to the House by that committee. The point of order being made against it, the Chair held that the committee had no jurisdiction of the matter, it being a claim. The Chair now directs the reference of this bill to the Committee on Claims.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will call the committees for reports.

Mr. RICHARDSON of Tennessee. I ask to present a resolution from the Committee on Printing.

The SPEAKER. Is it privileged? The regular order has been demanded.

Mr. RICHARDSON of Tennessee. It is not privileged, but I would like unanimous consent to present it, as it provides for printing the papers connected with the arbitration between Great Britain and the United States with reference to the fur seals. It is a very important matter, and as we have reached a late stage of the session, it ought to be attended to. I ask unanimous consent for the consideration of the resolution.

The SPEAKER. The regular order has been demanded, and unless the demand be withdrawn, the Chair can not entertain the gentleman's request.

BRIDGE ACROSS MISSOURI RIVER.

Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, reported back with amendment the bill (H. R. 7572) to authorize the construction of a bridge across the Missouri River at De Witt, Carroll County, Mo., and to establish it as a post-road; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

AMERICAN REGISTER FOR STEAMER OCEANO.

Mr. COOPER of Florida, from the Committee on Merchant Marine and Fisheries, reported back favorably the bill (H. R. 7504) to provide an American register for the steamer Oceano, of New York, N. Y.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ENTRY OF LAND FOR RESERVOIR PURPOSES.

Mr. LACEY, from the Committee on the Public Lands, reported back with amendment the bill (S. 2129) to authorize the entry of land for reservoir purposes; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

He also, from the Committee on the Public Lands, reported back with amendment the bill (H. R. 7451) to amend an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. RICHARDSON of Tennessee. I should be glad now to have unanimous consent for the consideration of the resolution I have already indicated.

Mr. CULBERSON. I rise to a privileged report.

The SPEAKER. The gentleman from Texas [Mr. CULBERSON] rises, as the Chair understands, to present a report from a conference committee.

Mr. CULBERSON. I will yield to the gentleman from Tennessee, that he may submit his request.

The SPEAKER. The Chair will ask if there be any objection——

Mr. RICHARDSON of Tennessee. I hope there will be none.

Mr. BURROWS. I suppose there is no objection to the request of the gentleman from Tennessee; but to call the regular order and then waive the call for a particular member is hardly regular.

The SPEAKER. The Chair thinks not.

Mr. BURROWS. I have no objection at all to the gentleman's request.

The SPEAKER. The Chair does not like to submit a request for unanimous consent after the regular order has been demanded.

Mr. RICHARDSON of Tennessee. Very well; I will not press my request.

COURT OF APPEALS, DISTRICT OF COLUMBIA.

Mr. CULBERSON. Mr. Speaker, I submit the conference report which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas [Mr. CULBERSON] submits a conference report, which the Clerk will report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5860) to amend sections 4, 6, and 10 of the act of February 9, 1893, entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives recede from its disagreement to each and all of the Senate amendments and agree to the same.

D. B. CULBERSON,
G. W. RAY,
Managers on the part of the House of Representatives.

JOHN H. MITCHELL,
WM. F. VILAS,
RICHARD COKE,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The Senate amendments from which the conference committee recommends the House to recede simply make the salaries of the clerk and his deputy payable monthly instead of quarterly, and the other amendment limits the special expenditures of the clerk's office to $500 in lieu of $2,000 provided in the original bill.

The conference report was agreed to.

MORNING HOUR.

The SPEAKER. The morning hour begins at twenty-two minutes before 1 o'clock. The Clerk will report the joint resolution which was called up by the Committee on the Judiciary and pending at the conclusion of the last morning hour.

DIRECT TAX, WEST VIRGINIA.

The Clerk read as follows:

Joint resolution (H. Res. 119) to direct the Secretary of the Treasury to pay to the governor of the State of West Virginia the sum appropriated by the act of Congress entitled, "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861."

The SPEAKER. This resolution is in Committee of the Whole.

Mr. TERRY. I ask unanimous consent for the consideration of this resolution in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Arkansas [Mr. TERRY] asks unanimous consent for the consideration of this resolution in the House as in Committee of the Whole. Is there objection?

Mr. BURROWS. I object.

Mr. TERRY. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of the resolution.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BURROWS. Division.

The House divided; and there were—ayes 62, noes 3.

Mr. BURROWS. Mr. Speaker, there is no quorum, and yet I have no desire to delay the matter at all. It is a matter of such importance that I want to get a quorum here.

Mr. TERRY. Let us have the yeas and nays.

The yeas and nays were ordered.

The SPEAKER appointed as tellers Mr. TERRY and Mr. BURROWS.

Mr. BURROWS. Will the Speaker kindly appoint the gentleman from Kansas [Mr. BRODERICK] in my place.

The SPEAKER. Very well; the gentleman from Kansas [Mr. BRODERICK] will act as one of the tellers instead of the gentleman from Michigan.

The question was taken; and there were—yeas 138, nays 30, answered "present" 2, not voting 181: as follows:

YEAS—138.

Abbott,	Culberson,	Hutcheson,	Pearson,
Alderson,	Cummings,	Ikirt,	Pendleton, Tex.
Alexander,	Davis,	Izlar,	Pendleton, W. Va.
Allen,	De Armond,	Jones,	Powers,
Arnold,	De Forest,	Kilgore,	Price,
Bailey,	Dinsmore,	Kribbs,	Richards, Ohio
Baldwin,	Dockery,	Kyle,	Richardson, Mich.
Barnes,	Donovan,	Lacey,	Richardson, Tenn.
Bartlett,	Ellis, Ky.	Lane,	Ritchie,
Bell, Tex.	English, Cal.	Latimer,	Robertson, La.
Black, Ga.	English, N. J.	Lester,	Ryan,
Boatner,	Epes,	Livingston,	Sayers,
Branch,	Erdman,	Lynch,	Schermerhorn,
Bretz,	Everett,	Maddox,	Shell,
Brickner,	Forman,	Maguire,	Somers,
Brookshire,	Fyan,	Mallory,	Sperry,
Bryan,	Geissenhainer,	Marshall,	Springer,
Bunn,	Goldzier,	Martin, Ind.	Strait,
Bynum,	Gorman,	McCreary, Ky.	Talbert, S. C.
Cadmus,	Grady,	McCulloch,	Talbott, Md.
Cannon, Cal.	Graham,	McDannold,	Tate,
Capehart,	Gresham,	McDearmon,	Terry,
Caruth,	Griffin,	McEttrick,	Tracey,
Catchings,	Grout,	McGann,	Turner, Ga.
Clancy,	Haines,	McKaig,	Tyler,
Clark, Mo.	Hall, Mo.	McLaurin,	Warner,
Cobb, Mo.	Hare,	McNagny,	Washington,
Cockrell,	Harris,	McRae,	Wheeler, Ala.
Coffeen,	Hatch,	Meredith,	Williams, Ill.
Cooper, Fla.	Hayes,	Meyer,	Williams, Miss.
Cooper, Ind.	Heard,	Money,	Wilson, W. Va.
Cooper, Tex.	Henderson, N. C.	Neill,	Wolverton,
Covert,	Holman,	Ogden,	Woodard.
Cox,	Hudson,	Page,	
Crawford,	Hunter,	Paschal,	

NAYS—30.

Adams, Pa.	Curtis, Kans.	Linton,	Mercer,
Aldrich,	Daniels,	Loud,	Perkins,
Apsley,	Hainer,	Loudenslager,	Reed,
Beltzhoover,	Harmer,	Lucas,	Reyburn,
Bingham,	Hartman,	Marsh,	Stone, C. W.
Boen,	Henderson, Iowa	Marvin, N. Y.	Sweet.
Bundy,	Kem,	McKeighan,	
Burrows,	Lefever,	Meiklejohn,	

ANSWERED "PRESENT"—2.

Baker, Kans.	Ellis, Oregon

NOT VOTING—181.

Adams, Ky.	Doolittle,	Layton,	Sickles,
Aitken,	Draper,	Lockwood,	Simpson,
Avery,	Dunn,	Magner,	Sipe,
Babcock,	Dunphy,	Mahon,	Smith,
Baker, N. H.	Durborow,	McAleer,	Snodgrass,
Bankhead,	Edmunds,	McCall,	Sorg,
Bartholdt,	Enloe,	McCleary, Minn.	Stallings,
Barwig,	Fielder,	McDowell,	Stephenson,
Belden,	Fithian,	McMillin,	Stevens,
Bell, Colo.	Fletcher,	Milliken,	Stockdale,
Berry,	Funk,	Montgomery,	Stone, W. A.
Black, Ill.	Funston,	Moon,	Stone, Ky.
Blair,	Gardner,	Morgan,	Storer,
Bland,	Gear,	Morse,	Straus,
Boutelle,	Geary,	Moses,	Strong,
Bower, N. C.	Gillet, N. Y.	Murray,	Swanson,
Bowers, Cal.	Gillett, Mass.	Mutchler,	Tarsney,
Breckinridge, Ark.	Goodnight,	Newlands,	Tawney,
Breckinridge, Ky.	Grosvenor,	Northway,	Taylor, Ind.
Broderick,	Grow,	Oates,	Taylor, Tenn.
Broslus,	Hager,	O'Neil, Mass.	Thomas,
Brown,	Hall, Minn.	O'Neill, Mo.	Tucker,
Burnes,	Hammond,	Outhwaite,	Turner, Va.
Cabaniss,	Harter,	Patterson,	Turpin,
Caminetti,	Haugen,	Payne,	Updegraff,
Campbell,	Heiner,	Paynter,	Van Voorhis, N. Y.
Cannon, Ill.	Henderson, Ill.	Pence,	Van Voorhis, Ohio
Causey,	Hendrix,	Phillips,	Wadsworth,
Chickering,	Hepburn,	Pickler,	Walker,
Childs,	Hermann,	Pigott,	Wanger,
Clarke, Ala.	Hicks,	Post,	Waugh,
Cobb, Ala.	Hines,	Quigg,	Weadock,
Cockran,	Hitt,	Randall,	Wells,
Cogswell,	Hooker, Miss.	Ray,	Wever,
Conn,	Hooker, N. Y.	Rayner,	Wheeler, Ill.
Coombs,	Hopkins, Ill.	Reilly,	White,
Cooper, Wis.	Hopkins, Pa.	Robbins,	Whiting,
Cornish,	Houk,	Robinson, Pa.	Wilson, Ohio
Cousins,	Hulick,	Rusk,	Wilson, Wash.
Crain,	Hull,	Russell, Conn.	Wise,
Curtis, N. Y.	Johnson, Ind.	Russell, Ga.	Woomer,
Dalzell,	Johnson, N. Dak.	Scranton,	Wright, Mass.
Davey,	Johnson, Ohio	Settle,	Wright, Pa.
Denson,	Kiefer,	Shaw,	
Dingley,	Lapham,	Sherman,	
Dolliver,	Lawson,	Sibley,	

No quorum voting.

The following additional pair was announced:

Mr. SICKLES with Mr. DINGLEY, for the rest of the day.

The SPEAKER. On this question the yeas are 137, the nays 30, present 2, and not voting 182. No quorum.

Mr. TERRY. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The roll was called; when the following-named members failed to respond:

Adams, Ky.	Dalzell,	Loud,	Settle,
Aitken,	Denson,	Magner,	Shaw,
Babcock,	Dingley,	Mahon,	Sibley,
Baldwin,	Dolliver,	McAleer,	Sickles,
Bankhead,	Durburow,	McDowell,	Simpson,
Barwig,	Edmunds,	Meiklejohn,	Sipe,
Belden,	English, N. J.	Meyer,	Smith,
Bell, Colo.	Enloe,	Milliken,	Snodgrass,
Berry,	Fielder,	Montgomery,	Sorg,
Black, Ill.	Fithian,	Moon,	Stallings,
Boutelle,	Fletcher,	Morgan,	Stephenson,
Bower, N. C.	Funston,	Morse,	Stockdale,
Breckinridge, Ky.	Gardner,	Moses,	Stone, Ky.
Brickner,	Gillet, N. Y.	Murray,	Storer,
Brosius,	Gillett, Mass.	Mutchler,	Straus,
Brown,	Goodnight,	Northway,	Sweet,
Burnes,	Grosvenor,	Oates,	Tarsney,
Cabaniss,	Grow,	Ogden,	Tawney,
Campbell,	Hager,	O'Neil, Mass.	Taylor, Ind.
Cannon, Ill.	Hainer,	O'Neill, Mo.	Taylor, Tenn.
Causey,	Hall, Minn.	Outhwaite,	Tucker,
Chickering,	Haugen,	Patterson,	Turner, Va.
Childs,	Henderson, Ill.	Payne,	Turpin,
Clancy,	Hendrix,	Paynter,	Updegraff,
Clarke, Ala.	Hicks,	Pence,	Van Voorhis, N. Y.
Cobb, Ala.	Hines,	Phillips,	Wadsworth,
Cockran,	Hooker, Miss.	Randall,	Walker,
Cogswell,	Hooker, N. Y.	Ray,	Weadock,
Conn,	Hopkins, Ill.	Rayner,	Wever,
Coombs,	Hopkins, Pa.	Reilly,	Wheeler, Ill.
Cooper, Ind.	Houk,	Reyburn,	White,
Cooper, Texas	Hull,	Robbins,	Whiting,
Crain,	Johnson, Ohio	Rusk,	Wilson, Wash.
Crawford,	Lawson,	Russell, Ga.	Woomer,
Curtis, N. Y.	Lockwood,	Scranton,	Wright, Mass.

The SPEAKER. The doors will now be closed, and the Clerk will call the names of those who failed to respond on the first call.

The call of the roll was concluded.

The SPEAKER. Two hundred and eleven gentlemen have answered to their names.

Mr. TERRY. I move to dispense with all further proceedings under the call.

The motion was agreed to.

Mr. TERRY. I ask unanimous consent that the second morning hour may be considered as having expired.

The SPEAKER. Without objection that order will be made.

There was no objection, and it was so ordered.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

That this day, after the second morning hour, be assigned to the consideration of business reported from the Committee on Public Lands.

ANDREW GRAY.

Mr. McRAE. Mr. Speaker, I call up the bill (H. R. 4806) for the relief of Andrew Gray.

The bill was read, as follows:

Whereas the commission duly appointed under the act of Congress approved October 1, 1890, recommended the reinstatement and approval for patents of the homestead entry of the southeast quarter of the northeast quarter, and the northeast quarter of the southeast quarter of section 22, and the southwest quarter of the northwest quarter, and the northwest quarter of the southwest quarter of section 23, in township numbered 23 north of range numbered 12 west, of Mount Diablo meridian, in the State of California, made by Andrew Gray on October 9, 1872, upon which he has continuously resided ever since, and has made improvements thereon worth more than $4,000; and

Whereas said entry was erroneously canceled by the Commissioner of the General Land Office on September 14, 1880, for conflict with the boundaries of the Round Valley Indian Reservation as defined by the act of Congress approved March 3, 1873, subsequent to said entry; and

Whereas said Indian reservation has been reduced under said act of 1890, so that the land covered by said entry is not within its limits; and

Whereas the Secretary of the Interior declined to approve said recommendation on the ground that he had no authority to reinstate said entry, because the third section of said act of 1890 provided for the sale of said tract: Now, therefore

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause said entry to be reinstated and allow the entryman to make due proof of his compliance with the requirements of the homestead law, upon which patent may issue as in other cases.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McRAE, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed, without amendments, bills of the following titles:

A bill (H. R. 2637) for the relief of Eugene Wells, late captain Twelfth Infantry and second lieutenant First Artillery, United States Army;

A bill (H. R. 4322) granting the use of certain land to the town of Castine, Me., for a public park; and

A bill (H. R. 2586) granting certain property to the city of Newport, Ky.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On July 12, 1894:

An act (H. R. 6500) to define and establish the units of electrical measure;

An act (H. R. 7293) regulating the procedure in criminal cases in the District of Columbia.

On July 16, 1894:

An act (H. R. 5601) to authorize the construction of a wagon and foot bridge across the South or Main Canadian River at or near the town of Noble, in Oklahoma Territory;

An act (H. R. 6016) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1895;

An act (H. R. 1141) to remove the political disabilities of Charles Iverson Graves, of Rome, in the State of Georgia; and

An act (H. R. 352) to enable the people of Utah to form a constitution and State government and to be admitted into the Union on an equal footing with the original States.

On July 18, 1894:

An act (H. R. 7503) authorizing the county of Coconino, Territory of Arizona, to issue bonds for the construction of a county building at the county seat thereof;

An act (H. R. 5482) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1895, and for other purposes;

An act (H. R. 6558) to amend section numbered 2324 of the Revised Statutes of the United States, relating to mining claims; and

An act (H. R. 6447) to fix a term of the Federal district and circuit courts of the southern judicial district of Mississippi to be held at Meridian, Miss., to include the counties named.

On July 23, 1894:

A bill (H. R. 51) to change the boundaries of the judicial districts of the State of Florida;

An act (H. R. 3135) granting to the University of Utah a site off the public domain;

An act (H. R. 4671) to remove the charge of desertion standing against the name of Joseph G. Utter;

An act (H. R. 4734) to authorize the Secretary of State to accept for the United States of America a painting by G. F. Watts, Royal Academician, entitled "Love and Life;"

An act (H. R. 5525) authorizing John E. Johnson and others to accept medals of honor and diplomas from the Government of Spain;

An act (H. R. 6424) to authorize Rear-Admiral John G. Walker and Surg. Gen. J. Rufus Tryon, of the United States Navy, to accept the decorations of the "Busto del Libertador" of the third class from the President of Venezuela;

An act (H. R. 7475) authorizing Commander C. H. Davis, United States Navy, to accept a decoration from the King of Spain;

Joint resolution (H. Res. 126) authorizing the President to appoint delegates to attend the meetings of the International Geodetic Association;

An act (H. R. 7498) to authorize the construction of a bridge across the Mississippi River from a point within the limits of the city of Dubuque, in the State of Iowa, known as Eagle Point, to the opposite bank of said river in the county of Grant and State of Wisconsin;

An act (H. R. 2015) granting to the Columbia Irrigation Company a right of way through the Yakima Indian Reservation, in Washington.

EPISCOPAL CHURCH AT ST. AUGUSTINE, FLA.

Mr. McRAE. Mr. Speaker, I call up the bill (S. 1076) to release a certain limitation existing in an act of Congress touching the Episcopal Church at St. Augustine, Fla.

The bill was read, as follows:

Whereas in the provisions of section 3 of the act of Congress entitled "An act to provide for the confirmation and settlement of private land claims in East Florida, and for other purposes," approved February 8, A. D. 1827, it was declared that the lands in St. Augustine, Fla., relinquished and confirmed to the incorporated Episcopal Church of St. Augustine should forever inure to the purposes for which they were confirmed, and should not be alienated without the consent of Congress; and

Whereas the growth of the city of St. Augustine, and other physical and social conditions, have rendered the land so relinquished as aforesaid unsuitable for the purposes of the church aforesaid: Therefore,

Be it enacted, etc., That the consent of Congress is hereby given to the said church at St. Augustine, and to the corporation of The Protestant Episcopal Church in the Diocese of Florida, and to all other officers and authorities having charge over, or interest in, the said land, to sell and convey the same to the purchaser thereof free and discharged from the condition stated in the provisions of the statute referred to in the preamble of this act. And the proper authorities of the said The Protestant Episcopal Church in the Diocese of Florida may use the proceeds of said sale in pur-

chasing another lot in the city of St. Augustine and erecting a church edifice thereon for the use and benefit of the church organization to which the old Episcopal Church lot was relinquished and confirmed by the act of Congress hereinbefore mentioned.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. McRAE, a motion to reconsider the vote by which the bill was passed was laid on the table.

WHEELOCK SIMMONS AND WIFE.

Mr. McRAE. Mr. Speaker, I call up the bill (S. 79) to authorize a corrected patent to be issued for the donation land claim of Wheelock Simmons and wife.

The bill was read, as follows:

Whereas in the patent issued to Wheelock Simmons and Lucinda Simmons, his wife, dated April 20, 1866, for their donation land claim, in the county of Washington, in the State of Oregon, a mistake was made in the description of the lands intended to be confirmed to them thereby, and the boundary lines thereof, as given in said patent, do not connect; and

Whereas it has been held by the Secretary of the Interior that such mistake can not now be corrected without authority from Congress: Therefore

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be issued to said Wheelock Simmons and wife a corrected patent, to show upon its face that it is issued in lieu of the patent heretofore issued to them, for the lands described in a special plat of a survey of their donation land claim approved November 8, 1862, and certified by the surveyor-general of Oregon to the local land office August 8, 1867, described as follows, to wit: Beginning at a point 5.05 chains west and 15.65 chains north from the northeast corner of section 1, township 1 south, range 3 west; thence west 40 chains; thence south 59°, west 24 chains; thence south 25°, west 29.13 chains; thence south 30°; 30' east 48.25 chains; thence east 26.15 chains; thence south 1.75 chains; thence east 58.85 chains; thence north 57.75 chains; thence west 39.93 chains; thence north 15.65 chains to the place of beginning; to be divided between husband and wife, as in the original patent, and that said patent shall have the same force and effect as to the title of all purchasers and grantees of any portion of said land claim from said patentees, or either of them, as if the same had been executed and delivered at the date of the execution of said patent, dated April 20, 1866.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. McRAE, a motion to reconsider the vote by which the bill was passed was laid on the table.

PRESBYTERIAN BOARD OF HOME MISSIONS.

Mr. McRAE. Mr. Speaker, I call up the bill (H. R. 5623) authorizing the issue of a patent to the Presbyterian Board of Home Missions for certain lands on the Omaha Indian Reservation for school purposes.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States of America is hereby authorized and directed to issue to the Presbyterian Board of Home Missions a patent for the following-described land, to wit: The southwest quarter of northeast quarter and west half of southeast quarter and northeast quarter of southeast quarter of fractional section numbered 29, township 25, range 8 east of the sixth principal meridian, on the Omaha Indian Reservation, in Thurston County, Nebr., containing 160 acres, more or less.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McRAE, a motion to reconsider the vote by which the bill was passed, was laid on the table.

COLD WATER RESERVOIRS AT HOT SPRINGS, ARK.

Mr. McRAE. Mr. Speaker, I call up the bill (H. R. 7488) authorizing the Secretary of the Interior to grant leases for sites on the Hot Springs Reservation, Arkansas, for cold water reservoirs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to lease unto the Hot Springs Water Company, of Hot Springs, Ark., its successors and assigns, or to any other person or corporation authorized to supply the city of Hot Springs with cold water for drinking and domestic purposes, a site upon the West Mountain of the Hot Springs Reservation, to be selected by him, for the purpose of constructing and maintaining thereon a reservoir for cold water and the pipes necessary to connect the same with the system of water supply of the city of Hot Springs, the term of such lease to be not to exceed twenty years, and the consideration therefor an annual rental of $300, to be collected and accounted for as now provided by law in relation to the collection and accounting for of revenue derived from leases of bath-house sites upon the Hot Springs Reservation.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

Mr. PICKLER. Mr. Speaker, I would be glad to hear the gentleman for a few words on this bill. I desire to revert to a matter that was before the House a few days ago on House bill 4952, a bill for the disposition of disconnected tracts of the public domain. In the debate upon that bill the chairman of the committee, the gentleman from Arkansas [Mr. McRAE], made the declaration:

Now, we have in the State of South Dakota, in the State of Washington, in the State of Montana, and all over the West isolated and disconnected tracts of land, without the limitation of less than 160 acres we propose, which are subject to sale at the minimum rate of $1.25 an acre.

I controverted the proposition of the chairman of the committee that there were lands in the State of South Dakota that could be purchased at $1.25 an acre, and I have since taken the trouble to inquire into the matter and I find the state of the case to be about this: It is not as the gentleman stated in his broad declaration here. As I said before, there is not an acre of land in South Dakota that any man can go to the Land Office and purchase, as a matter of course, at $1.25 an acre; but I find it has been the practice, under the statute, for the Commissioner of the General Land Office to make no general proclamation in regard to the sale of these lands. There is a possibility of securing land, as the gentleman from Arkansas asserted, but it is only a possibility, and that does not apply to my State in general, in my opinion, and the Land Office seems not to have so construed it. In the language of the section that the gentleman from Arkansas has referred to in his report—

It may be lawful for the Commissioner of the General Land Office to order into the market after due notice, without the formality and expense of a proclamation of the President, all lands of the second class, though heretofore unproclaimed and unoffered, and such other isolated and disconnected tracts or parcels of unoffered land which, in his judgment, it would be proper to expose for sale, in like manner, after public notice of at least thirty days, which shall be given by the land officers of the district in which such land shall be situated, pursuant to the direction of the Commissioner.

It will be seen that even in the States named by the gentleman from Arkansas, and in which he said that any citizen could go and buy these disconnected tracts at $1.25 an acre, there is only a possibility of obtaining such lands in that way. The petitioner, if he finds a disconnected tract, may petition the Commissioner of the General Land Office as to that single tract to have it offered; but there is no assurance that he will get the land. I understood the gentleman from Arkansas to assert there was; my understanding of his statement was that any citizen could go to the Land Office and buy any of these disconnected tracts at $1.25 an acre.

Mr. McRAE. I made no such statement as that. If the gentleman so understood me, he misunderstood me.

Mr. PICKLER. Well, that was the whole subject of controversy between us. The gentleman said this:

Now we have in the State of South Dakota, in the State of Washington, in the State of Montana, and all over the West, isolated tracts of land without the limitation of less than 160 acres we propose, which are subject to sale at the minimum rate of $1.25 an acre.

That proposition is the one which I denied and which I now deny.

Mr. McRAE. The gentleman must have understood that we were then trying to amend a law which provided for the public sale of isolated tracts of land. I had no thought of conveying the impression that anyone could go and buy such lands without advertisement, and in the debate distinctly stated that the act of March 2, 1889, prevented private sales.

The very bill that we had before us provided for advertising. The object of the bill was to put the offered and the unoffered lands upon the same footing. I understood the gentleman [Mr. PICKLER] to say that that law did not apply to South Dakota, and that isolated tracts would not be sold there, and I said it did, and I think he will concede that upon that point he was in error.

Mr. PICKLER. I did not assert that it did not apply to South Dakota.

Mr. McRAE. Well, then, I misunderstood you, and if you did not there should be no question between us, and let us not take up the time of the House about a matter not under consideration and about which neither appear to have understood the other. I accept your statement as to what you intended.

Mr. PICKLER. I was very positive as to what I said, as was the gentleman from Arkansas about what he said. I stated that lands could not be procured in South Dakota at $1.25 an acre, as the gentleman had said they could. At that time I did not believe that the Land Office was applying the law at all to any portion of my State, but I find that in one of the old land districts, before the homestead law went into operation, there were a few tracts of land disposed of in that way. The gentleman from Arkansas, however, certainly did make his statement too broad when he said that a citizen could purchase these lands at $1.25 an acre. As I have already stated, there is only a possibility of some getting the lands at that price.

The man petitions the commissioner, and the commissioner advertises, and the man who wants the land has no assurance that he will get it, for it is put up at public auction and is sold to the highest bidder. So, when the gentleman from Arkansas made the assertion I have quoted, I denied that broad proposition, and I was right. I say again there is not an acre of land in my State that can be procured, as a matter of course, at $1.25 an acre.

Mr. HERMANN. But in many of the States of the Union large bodies of land can be purchased at $1.25 an acre as the minimum price without regard to advertising. That condition of things arose under the act of October 20, 1862, which permitted the President of the United States to issue his proclamation and offer those lands.

Mr. PICKLER. But those were not the disconnected tracts that we have been talking about.

Mr. HERMANN. That applied to disconnected tracts as well as to large bodies of land. There was no distinction made between disconnected tracts and large bodies.

Mr. PICKLER. But those were offered lands.

Mr. HERMANN. That is, they were unoffered lands previously, but were made offered lands by the proclamation.

Mr. PICKLER. That is true; but I contend to-day that there are no offered or unoffered lands left; that that distinction has ceased altogether.

Mr. HERMANN. By special act of Congress.

Mr. PICKLER. The reason for the law has ceased altogether. In earlier times, before the homestead act went into operation, the President of the United States by proclamation offered certain lands for sale, and they were known as offered lands, while those that were not included in the proclamation were known as unoffered lands. Then the homestead law came into operation and those proclamations ceased, and the general law provided that all public lands should be disposed of under the homestead, preemption, and other land acts.

Mr. HERMANN. No; the gentleman is mistaken in that statement. The homestead law did not withdraw from market the lands offered by the President's proclamation; they were still offered lands.

Mr. PICKLER. Does the gentleman say it has been the policy to offer lands for sale since the homestead law was enacted?

Mr. HERMANN. Regardless of the policy, we have the law.

Mr. PICKLER. The lands which were offered were offered before the homestead law was enacted. I do not contend that any lands which were offered were ever withdrawn; I am not contending that the effect of the homestead law was to withdraw offered lands; but I say that when the homestead law came into operation the reason for keeping up this distinction as to offered and unoffered lands ceased; and there are now in my opinion no lands that can be classed as offered or unoffered lands. Hence I do not believe that these disconnected tracts can be sold in any of our States in the way referred to.

Mr. HERMANN. They can by being offered under proclamation.

Mr. PICKLER. It can not be assumed that because the discretion existed when the President was by proclamation offering lands for sale therefore all lands never offered in that way and subject to the homestead law are unoffered lands. I do not believe they can be so construed. They are not in my State.

I desired to say this much in vindication of the position which I took the other day, and which I think was absolutely correct.

Mr. HERMANN. The proclamation never extended to the gentleman's State, which was then in a Territorial condition.

Mr. PICKLER. The Commissioner of the General Land Office makes these sales regardless of the President's proclamation. Instead of a man being able to go and take one of these tracts, the fact is that in my State any man desiring such a tract must file a petition with the Commissioner of the General Land Office for the specific tract. The Commissioner considers the application; he may conclude that the land can not be sold at all. If he concludes it ought to be sold, it is put up at public auction; and there is no assurance that the applicant can get the land at any moderate price.

The question being taken on the passage of the bill, it was passed.

On motion of Mr. McRAE, a motion to reconsider the last vote was laid on the table.

COMPROMISE AND SETTLEMENT WITH ARKANSAS.

Mr. McRAE. I call up the bill (H.R. 4903) to authorize a compromise and settlement with the State of Arkansas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury and the Secretary of the Interior, or any three persons they may jointly select or cause to be selected on behalf of the United States, are hereby fully authorized and empowered to compromise, adjust, and finally settle with the governor of the State of Arkansas, or with such person or persons as may be authorized by the laws of that State to act in its behalf, upon such terms and conditions as to them may seem just and equitable, subject to approval by Congress, as hereinafter provided, all or any of the differences between the Government and the said State growing out of and arising from the issue of certain bonds by the said State which are now owned in their own right or held in trust by the United States; the 5 per cent fund which accrued to the said State under the act approved June 23, 1836; the unpaid portion of the distribution fund which accrued to the said State under the act approved September 4, 1841; the swamp and overflowed lands in place granted by the act approved September 28, 1850, and not heretofore approved to the State; the land and money indemnity due the said State under the acts approved March 2, 1855, and March 3, 1857, and all other claims and demands of whatever kind or nature; and any compromise or settlement they may make with the said State shall be fully reported back to Congress, giving the basis thereof, for its further action, said compromise not to be effectual and final until approved by Congress.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. McRAE, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENTRY OF LAND FOR RESERVOIR PURPOSES.

Mr. McRAE. I call up the bill (S. 2129) to authorize the entry of land for reservoir purposes, and I yield to the gentleman from Iowa [Mr. LACEY].

The bill was read, as follows:

Be it enacted, etc., That any citizen of the United States, or any association of citizens of the United States, or any ditch or water company, under rules and regulations prescribed by the Secretary of the Interior, shall have the right to purchase lands suitable for reservoir purposes, not to exceed one quarter section of unoccupied public lands not reserved for public use at such price as the Secretary of the Interior shall prescribe, not less than $2 per acre: *Provided*, That when lands so purchased are within a mining district such lands shall be considered mineral lands, and the patent to such lands shall not authorize the purchaser to extract mineral therefrom, but all such mineral shall be reserved to the United States, which reservation shall be inserted in such patent.

SEC. 2. That the Secretary of the Interior shall insert in the patent a provision that unless the land so sold shall, within three years from the date of entry, be utilized for reservoir or water-storage purposes, that such land shall revert to the United States. That the privilege herein granted shall not be construed to interfere with the control of the water for irrigation or other purposes under authority of the respective States and Territories, and this provision shall be inserted in the patent.

The amendment reported by the committee was read, as follows:

Amend by adding the following:

"SEC. 3. The Secretary of the Interior is hereby authorized and empowered to sell to any railway company operating a line of railway through or near the public lands of the United States so much land under this act as he may deem necessary, not exceeding 160 acres at any one place, for gravel pits, reservoirs, and also right of way for pipe systems connecting the same with such railways, and is authorized to issue patents therefor as provided herein: *Provided*, The same shall be utilized for reservoir purposes within three years from the date of purchase, as specified for individual purchasers in section 2 hereof: *And provided further*, That the land or right of way shall not be within the limits of any park, forest, military or Indian reservation, or the District of Columbia."

The SPEAKER. The question is on agreeing to the amendment just read.

Mr. LACEY. Mr. Speaker, as this bill was reported only this morning, the report has not yet been printed. I will have it printed with my remarks so that it may go into the RECORD. The object of the bill, taken in connection with the amendment reported by our committee, is to provide means by which railroad companies now or hereafter operating their railways in, through, or near the public lands of the United States may acquire by purchase from the Government at an appraised valuation tracts of land not exceeding 160 acres in any one place for the purpose of making reservoirs from which water may be drawn in the operation of their roads.

The amendment provides that pipe lines may be laid across the public lands to connect these reservoirs with the railroads, the grant, however, to be made by the Secretary of the Interior, in whose discretion the whole matter is left; but this discretion is so limited that he can not grant more than 160 acres at any one place.

It also provides that in like manner land may be conveyed to the railroad company for a gravel pit on paying the appraised value into the public Treasury.

Mr. HARTMAN. Will the gentleman allow me a moment? I understand that they are not permitted to purchase land except for the construction of reservoirs, to be used for the purpose of supplying the water to their respective roads and to provide gravel?

Mr. LACEY. That is all. That is the only purpose of the proposed amendment in the shape of an additional section to the Senate bill.

Mr. HERMANN. What is the reference to the mineral lands in the bill?

Mr. LACEY. I have not the Senate bill before me, but ask the Clerk to send it to me and I will explain. It is in relation, however, to the question of irrigation. The first section of the Senate bill covers the question of irrigating ditches, and provision is made for the use of water for mining purposes also.

Mr. CAMINETTI. That is just what we want to investigate. This bill might create very great damage in California.

Mr. COFFEEN. I ask that the amendment be again read.

The committee amendment was again reported.

Mr. CHILDS. I desire to offer the amendment I send to the desk, to be added at the end of the act.

The SPEAKER *pro tempore*. The first question is on the amendment of the gentleman from Iowa, which has been read.

Mr. HERMANN. Let me ask the gentleman first this additional question: In his first explanation, as to the purposes of the bill, I understand he stated it provided to the railroad companies the right to secure land for reservoir purposes in connection with their railway privileges. But it seems to apply also, as I understand the bill, to the mining interests of the country, and I should desire further information with regard to the scope of the bill as it affects mining operations.

Mr. LACEY. Mr. Speaker, the first section of the bill of the Senate I will read, and then endeavor to explain its provisions.

Mr. WILSON of Washington. Before that, if the gentleman from Iowa will yield to me——

Mr. LACEY. Certainly, if the gentleman is familiar with the amended bill, I yield with pleasure.

Mr. WILSON of Washington. That is just the trouble; I am not familiar with its provisions, and therefore I rise for the purpose of getting information. I think the policy sought to be outlined here ought to be carried out in full, in all of its details, and there are some important questions in connection with the matter that should be clearly understood.

Mr. PICKLER. I would like to have the bill again reported.

Mr. WILSON of Washington. The report accompanying the bill is not before the House.

Mr. LACEY. I have the report in my hand. It was made this morning.

Mr. WILSON of Washington. It has not been printed, and is not in such shape as to be accessible to us.

Mr. LACEY. I will read the report. It is as follows:

This bill provides for the entry of public lands for reservoir purposes, and your committee think its purpose a wise one, and recommend its passage.

But we think that there is a necessity for an enlargement of the scope of the act.

We have already recommended a substitute for H. R. 7451, which would carry out the objects of the present bill in part, but we think that the whole matter can be more conveniently disposed of by the addition of another section to the present bill.

We therefore recommend that the bill be amended by adding the following section:

"SEC. 3. The Secretary of the Interior is hereby authorized and empowered to sell to any railway company operating a line of railway through or near the public lands of the United States so much land under this act as he may deem necessary, not exceeding 160 acres at any one place, for gravel pits, reservoirs, and also right of way for pipe systems connecting the same with such railways, and is authorized to issue patents therefor, as provided herein: *Provided*, The same shall be utilized for reservoir purposes within three years from the date of purchase, as specified for individual purchasers in section 2 hereof: *And provided further*, That the land or right of way shall not lie within the limits of any park, forest, military or Indian reservation, or the District of Columbia."

This additional section will provide for the purchase of the necessary gravel pits, reservoirs, and pipe lines upon the public lands for the benefit of the railways located there.

We think that the sale of such land for these purposes, not exceeding 160 acres in any one tract, may be safely intrusted to the discretion of the Secretary of the Interior, the land to be properly appraised.

Your committee also recommend that the title of the bill be amended to read as follows: "To authorize the entry of land for gravel pits and reservoir purposes, and authorizing the grant of right of way for pipe lines."

Now, the first section of the Senate bill is in the following words:

That any citizen of the United States, or any association of citizens of the United States, or any ditch or water company, under rules and regulations prescribed by the Secretary of the Interior, shall have the right to purchase lands suitable for reservoir purposes, not to exceed one quarter section of unoccupied public lands not reserved for public use, at such price as the Secretary of the Interior shall prescribe, not less than $2 per acre: *Provided*, That when lands so purchased are within a mining district such lands shall be considered mineral lands, and the patent to such lands shall not authorize the purchaser to extract mineral therefrom, but all such mineral shall be reserved to the United States, which reservation shall be inserted in such patent.

Mr. Speaker, the Senate bill as originally prepared covered ditch companies, or water companies, and had for its main purpose the aid of irrigation, or to simplify matters connected with irrigation in the arid lands of the United States. In the same arid lands, however, the railway companies met with the same difficulty and great inconvenience about procuring water, and it was thought best to cover both questions in the same bill, so far as it was possible to do so.

Mr. HARTMAN. If the gentleman from Iowa will permit me, I frankly say that I knew nothing whatever of the questions involved in this bill until it came up to-day. I would like to ask the gentleman if he would object to withdrawing the bill from consideration for the present, and allow it to come up on some other day?

I have heard the same or a similar statement of opinion from at least two gentlemen sitting near me. We do not want to oppose the bill, if, after careful examination of it, we can approve of it; but there is a very important matter involved, and that is the question of the right of any person, company, or corporation to purchase a tract of land for reservoir purposes at a stipulated figure, or at a minimum figure; because if that is done, the purchaser and holder of that reservoir tract has complete control and monopoly, in many instances, of the disposition of all the water supply that can possibly be gathered in the vicinity. I ask the gentleman to withdraw the bill.

Mr. LACEY. I have no question but that if gentlemen will examine this bill they will find it satisfactory. I ask leave to withdraw it from the present consideration of the House.

Mr. HERMANN. Has this bill been examined by the Commissioner of the General Land Office or the Secretary of the Interior?

Mr. LACEY. I understand so; and I understand the bill is entirely satisfactory to all parties. Under the statement of the gentleman from Montana [Mr. HARTMAN], I will ask to withdraw the bill.

The SPEAKER *pro tempore*. The gentleman asks to withdraw the bill. If there be no objection it will be withdrawn.

There was no objection.

SETTLERS ON CERTAIN PUBLIC LANDS.

Mr. McRAE. Mr. Speaker, I call up the bill (H. R. 3655) for the relief of settlers on unsurveyed Government lands lying within certain railroad land grants.

The bill was read, as follows:

Be it enacted, etc., That where any citizen or citizens of the United States have heretofore made actual bona fide homestead or preëmption settlement on any unsurveyed Government land, though such settlement may prove to be within a land grant from the Government to a railroad corporation, such settlers, notwithstanding such grant, shall be protected in the peaceable possession of such homestead or preëmption claim, and shall receive from the United States title to the land so occupied, in the same manner and under the same conditions as other settlers on like public land.

The SPEAKER *pro tempore*. This bill is in Committee of the Whole.

Mr. McRAE. Mr. Speaker, I ask unanimous consent to consider it in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. The gentleman from Arkansas [Mr. McRAE] asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER *pro tempore*. The Clerk will report the amendments.

The amendments recommended by the Committee on Public Lands were read, as follows:

Amend by inserting at the end of line 4 the words "or desert-land entry and," and strike out the word "Government," in line 5.

Add to the end of line 12 the following:

"And said railroad companies may select from the lieu lands of its grant an amount equal in quantity to the lands so occupied by settlers."

Add the following:

"SEC. 2. Nothing in this act shall be so construed as to waive any right the United States now have to declare a forfeiture of such grants for failure to comply with any condition of the grant."

Mr. McRAE. Mr. Speaker, I yield to the gentleman from Washington [Mr. WILSON].

Mr. WILSON of Washington. Mr. Speaker, on the first reading of the bill I did not pay as close attention as I should, and I desire to ask if this bill provides for settlers upon the indemnity strip? I have sent for a copy of the bill, but I do not know whether it will reach me in time. As I understand, it provides for any valid homestead or preëmption settler within the granted limits upon any odd section, but the person whom we ought to try to help is the settler upon the odd section within the indemnity strip.

Mr. McRAE. I think the bill will cover that, but if the gentleman wishes to make it perfectly certain, I suggest to him that he insert the words "within the indemnity limit."

Mr. WILSON of Washington. A large body of settlers made their settlements outside of what was known as the 40-mile strip, not knowing that at that time there was authority in the Secretary of the Interior to withdraw the 10-mile indemnity strip and the second 10-mile indemnity strip, and they got upon the odd sections there. Now, if we can give these people some relief by legislation here in this bill it ought to be done.

Within the Western States and Territories are vast tracts of land claimed and held by railroad companies under grant of lands to aid in the construction of the roads. Much of this land is still unsurveyed, and there has been and is now no certain means by which the home-seeker can distinguish the railroad-land sections from the Government sections; hence many settlers have within the limits of these grants settled and improved lands and are now occupying the same as their homes. To many of these homes the railroads are claiming title. The object of this bill is to confer title in such cases on the settler, and permits railroad companies to select from the lieu lands granted an amount equal to the sum of lands so occupied.

Mr. McRAE. I think there will be no question about the bill covering them, but there is no objection to inserting the words "or within the indemnity limit."

Mr. WILSON of Washington. Then I propose, Mr. Speaker, to amend by adding, after the word "grant" in line 7, the words "or within the indemnity limits surveyed."

Mr. McRAE. I have no objection to that amendment.

The SPEAKER *pro tempore*. The Clerk will report the proposed amendment.

The Clerk read as follows:

In line 7, after the word "grant," insert the following:

"Or within the indemnity limits surveyed."

Mr. HERMANN. I will ask my friend from Washington [Mr. WILSON] whether that will not exclude settlements upon the unsurveyed lands; whether it will not be construed to mean only such settlements as were made upon surveyed lands within the indemnity limits?

Mr. McRAE. But if the gentleman will pardon me, the gentleman from Oregon thinks that your use of the word "surveyed" may exclude those that are "unsurveyed."

Mr. HERMANN. Make it "surveyed or unsurveyed."

Mr. McRAE. I would suggest that you withdraw the word "surveyed" and let it be "within the indemnity limits."

Mr. WILSON of Washington. I accept that suggestion.

The amendment as modified was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER *pro tempore*. Without objection the title will be amended as recommended by the committee.

There was no objection, and it was so ordered.

Mr. WILSON of Washington. I would suggest that the bills which the chairman of the Committee on Public Lands is going to call up, if there be no objection, be sent for, so that we may have them here and have some understanding about the bills.

TIMBER AND STONE ACT.

Mr. McRAE. Mr. Speaker, I call up the bill (H. R. 7259) for the relief of certain settlers who have entered lands under the timber and stone act, etc.

The bill was read, as follows:

Be it enacted, etc., That all entries heretofore made under an act entitled "An act for the sale of timber lands in the States of California, Nevada, Oregon, and Washington Territory," approved June 3, 1878, as amended by the act of August 4, 1892, which said entries have been or may be held to be invalid for the reason that the lands embraced therein have "been offered at public sale according to law," and which said entries have not been canceled nor the lands covered thereby otherwise entered, appropriated, or disposed of prior to the passage of this act, be, and the same hereby are, confirmed.

SEC. 2. That an act entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and Washington Territory," approved June 3, 1878, be, and the same is hereby, amended by striking out the words "and which have not been offered at public sale according to law," where the same occur in the fifth and sixth lines of section 1 of said act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of McRAE, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF TIMBER LANDS IN THE STATES OF CALIFORNIA, OREGON, NEVADA, AND WASHINGTON.

Mr. McRAE. Mr. Speaker, I call up the bill (H. R. 5714) to amend an act entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory."

The bill was read, as follows:

Be it enacted, etc., That section 3 of an act entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory," approved June 3, 1878, be, and the same is hereby, amended to read as follows, to wit:

"SEC. 3. That upon the filing of said statement, as provided in the second section of this act, the register of the land office shall post a notice of such application, embracing a description of the land by legal subdivisions, in his office for a period of sixty days, and shall furnish the applicant a copy of the same for publication, at the expense of such applicant, in a newspaper of general circulation published nearest the location of the premises, to be designated by the register of the land office, for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements other than those excepted, either mining or agricultural, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper, or coal; and upon payment to the proper officer of the purchase money of said land, together with the fees of the register and the receiver, as provided for in case of mining claims in the twelfth section of the act approved May 10, 1872, the applicant may be permitted to enter said tract, and on the transmission to the General Land Office of the papers and testimony in the case a patent shall issue thereon: *Provided*, That any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so held by him, stating the nature of his claim thereto; and evidence shall be taken, and the merits of said objection shall be determined by the officers of the land office, subject to appeal as in other land cases. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office."

Mr. WILSON of Washington. Mr. Speaker, the only purpose of this bill which has just been read is to empower the registers and receivers of the land offices to designate the papers in which timber-land notices shall be published. I think it unwise and impolitic to make any change of the present law. It has been in operation many years. For several years I had the designation of the newspapers in which land-office notices should be published, and in my judgment it has operated well.

It gives the register and receiver no power and no opportunity of favoritism. He must designate the paper published nearest the land, without regard to its politics or anything of that kind; and it has grown into almost law in the Western country that its operation should continue; and it seems to me that it will be exceedingly unwise at this time to change the method of designating the papers in which timber-land notices shall be published. Leave it as the law is now, providing that the register and receiver shall designate the papers published nearest to the land.

In all my acquaintance with land matters in the West I have never known this to be violated; and in fact under the law it can not be violated, because whenever a notice comes up to be published the register and the receiver have to take a map and measure which newspaper is published nearest to the land for which the publication is to be made. Now, if we change the law as to timber-land notices, it will at once involve politics and partisanship and all that sort of thing that never has to my knowledge crept into this advertising in the past. It seems to me that the old law is just what we should have, a law that says that the register and receiver shall designate the newspaper located nearest to the land, utterly regardless of politics.

Mr. SMITH of Arizona. Will the gentleman allow me to ask him a question?

Mr. WILSON of Washington. Certainly.

Mr. SMITH of Arizona. I have found in my experience, which has been somewhat extensive in these land matters in the West, that whenever the Republicans were in power—in respect to the suggestion of publication of the advertisement in the paper nearest to the land—when the Republicans were in power the Republican paper in the same town got it, and when the Democrats were in power the Democratic paper got it, when there were two papers published in the same town. Have you not found in your experience, so far as favoritism and putting it into politics is concerned, that instead of taking it out of politics it has put it squarely in; and when the designation was made as to the paper the notice was to be published in, when there were two papers published in the same town, it was published in the Republican paper even when the land was perhaps 40 miles away?

Mr. WILSON of Washington. Well, my experience has been to the contrary. I know that when—and I hesitate to say the number, when there were from five to eight advertisements a day, that whenever there was any doubt we always made a note of it, and then if one paper got it to-day or to-morrow the next time we would give it to the other newspaper. I never had any trouble in my district about it.

Mr. SMITH of Arizona. You were a fair man.

Mr. WILSON of Washington. No, I think I am as much permeated with partisanship as anybody else; but we recognized that this was not partisan patronage, but something that all were entitled to, and we recognized that the people who were paying for the advertisement had some right in the matter, so we advertised as he desired.

But what I want to do is to keep it out of the power of the register and receiver to absolutely designate the paper, because that would give an opportunity, it seems to me, for a great deal of favoritism. I believe that the old law in its operation for the last fifteen years has given rise to as little complaint as any law that could be enacted. This does not apply to homestead entries; it does not apply to desert-land entries; it simply applies to timber-land entries.

Now, I want to call attention to the fact that upon the west side of the State of Washington there is perhaps the largest timber deposit in the known world. Nearly all our notices over there are timber-land notices, and to give these land officers at Olympia or at Seattle—all honorable men, who, so far as I know, are performing their duties faithfully—to give them, I say, the absolute power to designate whatever paper they please for these publications is, I think, inadvisable. It is not desirable to place in the hands of any public officer any such discretionary power, especially when you have a law that has worked satisfactorily for ten or fifteen years past, and which has given rise to no complaint at any time or any place, so far as I am advised.

Mr. PICKLER. Will the gentleman permit a question?

Mr. WILSON of Washington. Certainly.

Mr. PICKLER. The publication under this law has to be for sixty days, has it not?

Mr. WILSON of Washington. Ninety days.

Mr. PICKLER. Now, why could not the settlers be saved considerable expense by shortening that time? Under the homestead law we make only six publications.

Mr. WILSON of Washington. I think that might be done and ought to be done. The old law requires a publication for ninety days, and, for a timber-land notice, I believe the expense is from $6 to $10, whereas it ought not to exceed $5. We ought to reduce the time to sixty days, and I do not know but we ought to abolish the publications entirely, because out of the thousands of cases of final proofs that have come within my knowledge I have never known of a single complaint being brought about by these publications in the newspapers. But in

any case we ought to shorten the time and reduce the expense to which the settler is subjected by having these publications made.

If we could amend the bill in that way, leaving out this power to designate the papers, it seems to me that would be about right, and I do hope the committee will not put into the hands of any officer any such power of discrimination as is here proposed, especially when we have a law upon the statute book that has worked well for ten or fifteen years and has given rise to no complaint.

Mr. FLYNN. Is it not a fact that the present Commissioner of the General Land Office has placed a construction upon the law which seems to be satisfactory to everybody, holding that, no matter what the politics of the paper may be, the notice must be published in the paper nearest to the land?

Mr. WILSON of Washington. In answer to that I will say that if a notice was published in any paper not nearest to the land, and that fact was afterwards discovered, it would cause a suspension of the final proof, and a new publication of notice to make final proof would be required.

Mr. FLYNN. Then most of the entries that I know of in my section prior to this ruling would have to be suspended.

Mr. WILSON of Washington. There is no question about the law. It provides absolutely that the notice must be published in the paper nearest to the land.

Mr. MARSHALL. Do you think there ought to be any different rule in reference to timber lands?

Mr. SMITH of Arizona. The timber lands are generally more remote from the settlements where papers are published.

Mr. WILSON of Washington. It is true, as the gentleman from Arizona suggests, that the timber lands are far removed from the settlements in many cases, but all along Puget Sound and all through that region there are half a dozen newspapers published in every county, and if an amendment could be adopted cutting down the time, reducing the expense of these notices and leaving the old law to stand, providing for publication in the paper nearest to the lands, I think that would be about right. Another point. Under the present law the register and receiver have a right to designate in a contest case any newspaper within the county.

Now, that has not worked very satisfactorily, because almost any register or receiver will designate the paper that is most convenient to him, or the one that has been most agreeable to him, or the one that is published in the place where he is located. Now, very many readers of the little country newspapers never see these contest notices, and if you give the register and the receiver the power to designate any newspaper they please, then supposing a man to make a timber-land entry in Whatcom County, the farthest portion of my State, and supposing the register or receiver to designate a paper in Thurston County, more than 300 miles away, nobody would know anything about it.

The idea of the law is that the notice shall be published in the paper nearest to the land, so that people who reside in the neighborhood shall see the publication and know whether or not the law is being complied with.

Mr. LUCAS. The gentleman will notice that this bill has been introduced "by request."

Mr. WILSON of Washington. Yes; but that does not affect the bill or the principle at all.

Mr. LUCAS. No; but it is a circumstance to be noted.

Mr. HERMANN. Mr. Chairman, it occurs to me it would be very unwise indeed at this time to change the existing law so far as this very important subject is concerned. It is not so much the widest publicity that we desire in the matter of these publications as it is that the notice shall be put before the class of people who are most likely to know whether fraud exists or not; for the object in giving notice is to enable parties who are acquainted with any frauds to make those frauds known at the time of the hearing at the local land office. There is no necessity for a change in the law, for the reason that at the present time the law favors the policy that has been carried out recently by the present Administration and in former years by former administrations.

The rule has been invariably to select those papers which are published nearest to the land in question; and after long years of experience in connection with sales of the public lands I have discovered this, as a general thing, to be the best and most satisfactory policy; because it is presumed that persons residing in the neighborhood of the land are best acquainted with the land and know whether it is timber land or not. Under the present timber law it is necessary that the party shall make proof that the land he desires to purchase is chiefly valuable for timber. That is the requirement of the law. Now, if he desires to purchase the land for any other than timber purposes, making the timber merely a pretext, persons residing in the neighborhood of the land will best know whether the land is actually sought for timber purposes or not.

It it be left to the register or receiver to select some newspaper in the town or city in which the local land office may be situated, or some other place distant or otherwise from the land, it will be readily seen that great frauds may be perpetrated, from the fact that information as to the real purpose in purchasing the land will not be conveyed by those who have the means of knowing whether the land is really desired for legitimate purposes or not. For this reason, it occurs to me, the existing law, with its present construction by the Department, should remain.

Again, public lands which contain timber are as a general thing remote from the local land offices, from the principal towns or cities where there are several newspapers. In nine cases out of ten it will be found that the paper published nearest to the timber land is a single journal published in a town or village of the vicinity. So that very little harm can be done if the law be left as it is, because if the nearest paper be selected, it will generally be found that there is but one paper to be designated.

For these and other reasons which it is not necessary to enumerate, it occurs to me it would be very unwise to disturb the existing law, or the construction which the Department has put upon it.

Mr. McRAE. Mr. Chairman, the reason for this bill is perfectly obvious. The Department, after an experience of several years, under the old method of advertising, thinks it ought to have the discretion to select the papers in which these notices are to be published. The notices of sale in cases of this kind are quite important; and the object should be to give the greatest publicity to the sales. Frauds have been perpetrated by selecting some newspaper without any general circulation, because by accident or design it was nearest to the land. Mistakes have been made in determining which paper was the nearest to the land. Mistakes of this sort ought not, in my judgment, to operate to the injury of the honest, bona fide purchaser; yet, following the plain letter of the law as we have it now, they do. The land officers ought to be authorized to select the newspaper in which to publish these advertisements, and the notice when thus given ought to be recognized by the law. It is enough to make the applicant pay for the notice.

Mr. HERMANN. In the land district in which I reside—in fact in the town in which I reside—is located the local land office. The main timber belt now sought for is about 200 miles from that land office. In the town in which the land office is situated are the leading newspapers of the land district. Now, I will ask my friend whether it would subserve the purpose of the law, which is that these entries shall be honestly made, to have this publication made in newspapers 200 miles away from the location of the land, thereby permitting speculators, syndicates, etc., to enter lands for other purposes than timber purposes—for mineral purposes or agricultural purposes, for instance.

They well know that if the notice be published in newspapers 200 miles distant from the lands, or 200 miles farther than the newspaper nearest to the lands, no person who may be interested in defeating the fraudulent intent of the proposed purchaser can obtain information as to his purpose. Does not the gentleman think that a great many frauds can be perpetrated in that way, whereas by publication in papers nearest to the land the intended fraud may be discovered and frustrated?

Mr. McRAE. That depends upon where the man lives who contemplates to perpetrate the fraud upon the public domain. The present law would give just as much opportunity for such fraud as there could be under this bill. I repeat that everything depends upon the residence of the man who wants to commit the fraud. And whether he lives near the land or whether he may live away from it, if he wants to keep that information from the community at large, why he would publish it in a paper that does not have a general circulation in the neighborhood.

Mr. HERMANN. But the paper circulating nearest to the land ought to be designated. My friend would admit, and naturally, that such a paper or such an advertisement published in such a paper, would meet the eyes of the people who are likely to be better acquainted with the circumstances of the case than if it were published two or three hundred miles away.

Mr. McRAE. Oh, there is no necessity for publishing it two or three hundred miles away. It ought to be published in the county or in the vicinity, and if the register or receiver publishes it two or three hundred miles away from the land it would be, to my mind at least, clear and conclusive evidence that he and somebody else were in collusion to rob the Government.

But I undertake to say that bonded and sworn officers will not do that except for the very purpose of committing fraud: and it

is better by far to fix the responsibility of these officers, and so require them to secure an honest administration of the law and make them responsible, that this legislation is proposed.

Mr. HERMANN. Let me illustrate this case to the gentleman: I reside in a county that is a hundred miles long from north to south, and 72 miles from east to west. In one extreme portion of it there is valuable timber land, near which is published one newspaper. The land office is about 65 miles away from this point. Now, does not my friend believe, in publishing matters of this kind, that it would be better to publish it in a paper two or three or five or ten miles from the land, where more people would have knowledge of the facts, the character and quality of the land, and better able to give notice, if fraud exists, than if this was published sixty-five or a hundred miles away?

Mr. McRAE. Of course; and if the register having discretion in the matter did not exercise it properly under those conditions, he ought to be removed.

Let us take another case. Suppose there is no paper published there at all, and you must go outside and publish it in another county or in another State, as is often the case, and in a paper that does not circulate in that community at all. The land-grabber is compelled to publish in that paper because it is the nearest and he knows that there will be no competition; and therefore, under such circumstances and without any competition whatever, he buys in the land.

Mr. HERMANN. Yes; a very extreme case.

Mr. McRAE. Yes, but it has happened and it may happen again.

Now, the bill can be amended, if it be deemed advisable, to require the publication to be in a paper in the community if there is one, but let some officer be charged with the responsibility of selecting the paper that will give the greatest publicity to the notice.

Mr. HERMANN. Will not the gentleman agree to this, that the amendment shall include the newspaper published in the county nearest the land?

Mr. SMITH of Arizona. I would not do that.

Mr. McRAE. If you do that you at once get into the trouble that we have already. You have to make measurements on the map and go through all the formality that has been heretofore attended with so much difficulty, and with which the settlers ought not to be harassed, instead of doing what is far better, to give the officer the discretion to select the paper in which the notices shall be published. If there is one paper published in the county, let him take that. If there is more than one, then let him have the power to say which of them should have it.

Mr. HERMANN. But in some cases there are counties in the West, as the gentleman knows, which are four or five times as large as some of the older States. The counties exist under peculiar conditions because of their immense size in some cases——

Mr. McRAE. I do not see how we could remedy that except by dividing the counties.

Mr. HERMANN. It could be done by a general law to cover this advertising.

Mr. WILSON of Washington. The gentleman from Arkansas has stated the law with one exception now. The only difference is that the register and receiver can not now designate the newspaper.

Mr. McRAE. That is the meat of this bill.

Mr. WILSON of Washington. He is now charged with the enforcement of the law, and must collect the money for the advertisements. Any person can go to the office and have the advertisement inserted. He goes to the office, makes his application, and makes his final proof. The register or receiver looks at the map which is hanging on each local land-office wall. He takes a measure, if he is an honest man, and measures it. He then takes the $5, and charges himself with it, and when the advertisement comes in he examines it to see if the section and township and range, the name and description are accurate, and when he finds that, he approves it and pays the newspaper man for it. That is all there is of it; but he shall, under the law, designate the paper nearest to the land.

Mr. McRAE. And if he makes a mistake in selecting that, if he is not informed of the publication of a little paper which he had never seen, why the entry and sale are void, and the man who may have gone upon the land and cut his timber is subject to be yanked up in the Federal court and put in jail, and fined, and his lumber seized and sold. You expect the land officer to know things which he can not know, and he acts at the peril of the man who is trying honestly to buy the land and not his own.

Mr. HUNTER. In the event that the publication was made in a newspaper under the rule suggested by the gentleman from Washington, that it should be the nearest newspaper, if it was published in a newspaper that was not nearest to the land, would that invalidate and destroy the title of the purchaser?

Mr. McRAE. I understand so. I understand that to be the ruling in the Department, although I am not prepared to cite the case.

Mr. WILSON of Washington. It has been held both ways. I know that mistakes have been made in the spelling of the name or a mistake in the section or township or range, an improper description. That comes back for correction. I want to say that wherever it occurred in our office, we readvertised, and I paid for it myself; but it only occurred upon two or three occasions. I hate to see this law amended, I hate to see this power given into the hands of one or two men upon the west coast of my State, because I believe it will not operate to the best interests of the service.

Mr. McRAE. If the advertisement is made in the same county will not that protect it?

Mr. WILSON of Washington. It may.

Mr. McRAE. I have no objection to that.

Mr. WILSON of Washington. I think we ought to recommit this bill with instructions to report it back, with an advertisement for sixty days, or for thirty days. We should be doing some good in that way; but by this we are reversing the law that has been upon the statute books for the last fifteen years.

Mr. HAINER of Nebraska. I venture to suggest that this bill as it now stands provides for the publication in a newspaper of general circulation, published nearest to the location of the premises, to be designated by the register of the land office.

Mr. McRAE. Yes.

Mr. HAINER of Nebraska. The only difference between this bill and the law as it now stands is that it provides for the publication in a paper of general circulation and, in addition to that, that it shall be designated by the registrar. Now, it follows from that that the objections that have been made are not well taken; that this bill would not authorize the designation of a newspaper far removed from the premises where there is a newspaper nearer to the premises than the one designated.

Mr. HERMANN. Excepting this, I desire to say that the register or receiver might be guilty of partiality. He might say, "This is not a paper of general circulation," whereas in reality it might be. Who shall decide that question?

Mr. HAINER of Nebraska. That would be a matter to be decided by this registrar. Unquestionably there are two interests involved: First, the party having the notice issued; and, second, the general public; and both parties are interested in having the matter absolutely settled. This makes the registrar the responsible party, and I know of no better way of determining whether a paper is of general circulation, or whether it is nearest to the premises, than by referring it to some appropriate person, and any particular person interested could have an appeal on this subject.

But now the law as it stands has the effect that if a person fails to publish his notice in the paper nearest the premises, then, not having complied with a jurisdictional provision of the law, his proof is absolutely void, and it invalidates his title. Now, I am insisting that an amendment to the law should be made which will set at rest those questions of fact and law that may be involved.

Mr. McRAE. That is just the purpose of this bill.

Mr. HAINER of Nebraska. And while I think this bill is not drawn as carefully, perhaps, as it should be, yet I think it is a move in the right direction. We should, if we can, meet all the objections that have been made.

Mr. DOOLITTLE. Where does the gentleman from Nebraska get the idea that an appeal could be taken from a decision of the registrar or receiver designating the paper?

Mr. HAINER of Nebraska. That certainly could be done.

Mr. DOOLITTLE. I do not think so.

Mr. HAINER of Nebraska. The order of the registrar or receiver must necessarily become a part of the record, and an appeal could be prosecuted on that question. I submit that to my friend, who is a lawyer, and who must know that.

Mr. DOOLITTLE. I have never known an appeal to be taken or sought to be taken upon this ground, and I do not think there is any provision by which an appeal can be taken.

Mr. McRAE. I would like to move this amendment and have a vote upon it. I have two other bills that I would like to have passed this morning, which are more important than this one.

The Clerk read as follows:

Insert in line 15, page 2, after the word "premises," the following:
"And in the county wherein the lands are situated, if there be one in such county."

The CHAIRMAN. The question is on the amendment.

Mr. WILSON of Washington. I move to strike out the last word. Mr. Chairman, now we have got this down to counties, a mere geographical area of a county; but that is not what I have been opposing. I am opposing the other paragraph—that the

register and receiver shall not have the power to designate absolutely and unconditionally the paper, either in the county or outside of it.

Mr. HUNTER. Who designates at this time?

Mr. WILSON of Washington. The register or receiver, in the paper nearest to the land.

Mr. HUNTER. They do that now.

Mr. WILSON of Washington. That is, more properly the register does that. But this gives him the power absolutely in the county, the same as in contest cases, as I referred to in my first remarks. In contest cases, wherever we have a contest, the register can designate the paper in the county. Now, I think it would have been better in contest cases to have the advertisement in the paper published nearest the land. Finally, in contest cases we had to go to work, under a regulation of the Land Office, giving us instructions to place the notice absolutely on the land.

No, Mr. Chairman, the matter is not perfected very much by the addition of the county. It now resolves itself into the same condition as in the contest cases, and we always have more or less trouble with them, and I hope the bill will be sent back for instructions, or that it will be laid on the table. It is not in the interest of the settlers, and not in the interest of anybody that I know of.

Mr. McRAE. I would like to have a vote.

The question was taken, and the amendment was agreed to.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

Mr. PICKLER. I have an amendment I desire to offer.

Mr. WILSON of Washington. I have an amendment I desire to offer, if it is in order.

The SPEAKER *pro tempore*. The gentleman from South Dakota is recognized.

The Clerk read as follows:

Strike out the word "sixty," in line 12, page 2, and insert the word "thirty;" strike out the words "for a like period of time," in lines 16 and 17 and insert "for four consecutive weekly insertions;" strike out the word "sixty," in line 17, and insert the word "thirty."

Mr. PICKLER. Mr. Speaker, this is a very simple matter to which I ask the attention of the gentleman from Washington. It is unnecessary to have a publication for sixty days, altogether unnecessary.

Mr. McRAE. How will it suit the gentleman if we say six weeks instead of sixty days.

Mr. WILSON of Washington. Make it five consecutive weeks.

Mr. McRAE. If the amendment is modified in that respect, I will accept it.

Mr. WILSON of Washington (to Mr. PICKLER). That is the same as the homestead.

Mr. PICKLER. But you have to post the notice in the land office.

Mr. WILSON of Washington. Yes.

Mr. HERMANN. I would suggest to my friend that he insert the words "at least," for the reason that there are some cases in which it may be necessary to give a longer notice than five consecutive weeks.

Mr. McRAE. I have no objection to a modification of that kind.

Mr. HERMANN. Then the register and receiver can exercise that discretion.

Mr. McRAE. I would have no objection to an amendment changing the amendment in that respect.

Mr. PICKLER. You have to post a notice in the land office, and my amendment gives thirty days, which is now the period the notice has to be posted in the land office. If you make it "five consecutive insertions," will that always cover thirty days?

Mr. McRAE. I think it will always cover thirty days.

Mr. PICKLER. "Five insertions." I think that will be all right, Mr. Speaker.

Mr. HUNTER. Let the amendment as modified be read.

The Clerk read as follows:

Strike out "sixty," in line 12, page 2, and insert "thirty."
Strike out "for a like period of time," in lines 16 and 17, and insert the following: "For five consecutive weekly insertions."
Strike out "sixty," in line 17, and insert "thirty."

The amendment was agreed to.

Mr. WILSON of Washington. Mr. Speaker, I move to amend, in line 14, page 2, by striking out after the word "newspaper" the words "general circulation."

The amendment was rejected.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being taken on the passage of the bill, the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. WILSON of Washington. I ask for a division.

The House divided; and there were—ayes 23, noes 0.

Mr. WILSON of Washington. I hope the gentleman will withdraw this bill, as I do not want to have to make the point of no quorum.

Mr. McRAE. Let the previous question be considered as ordered and let the bill go over until another day.

Mr. WILSON of Washington. If I agree to that, Mr. Speaker, what parliamentary rights will I have?

Mr. McRAE. You will have the right to vote. [Laughter.]

The SPEAKER *pro tempore*. The gentleman will have the right to move to recommit with or without instructions.

Mr. WILSON of Washington. I hope the gentleman will withdraw this bill. It is a bad bill. Nobody was willing to father it and it was introduced by request.

The SPEAKER *pro tempore*. Debate is entirely out of order.

Mr. WILSON of Washington. Then I will subside, but this bill affects only my State and nobody has asked for it, and I want to preserve my parliamentary rights.

The SPEAKER *pro tempore*. Objection is made. The gentleman from Arkansas [Mr. McRAE] and the gentleman from Washington [Mr. WILSON] will take their places as tellers.

Mr. WILSON of Washington (pending the count by tellers). Mr. Speaker, the gentleman from Arkansas agrees to have this bill go over, and to have a half an hour's debate upon it in the House.

Mr. McRAE. Mr. Speaker, I ask unanimous consent that the previous question be considered as ordered on the bill, and that I be permitted to call it up hereafter in the House, and that we have thirty minutes' debate upon it before the vote is taken.

There was no objection, and it was so ordered.

SECTIONS 2401 AND 2403, REVISED STATUTES.

Mr. McRAE. Mr. Speaker, I call up the bill (H. R. 7803) to amend sections 2401 and 2403 of the Revised Statutes.

The bill was read, as follows:

Be it enacted, etc., That section 2401 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"SEC. 2401. When the settlers in any township not mineral or reserved by the Government, or persons and associations lawfully possessed of coal lands and otherwise qualified to make entry thereof, or when the owners or grantees of public lands of the United States, under any law thereof, desire a survey made of the same under the authority of the surveyor-general and shall file an application therefor in writing, and shall deposit in a proper United States depository to the credit of the United States a sum sufficient to pay such survey, together with all expenditures incident thereto, without cost or claim for indemnity on the United States, it shall be lawful for the surveyor-general, under such instructions as may be given him by the Commissioner of the General Land Office, and in accordance with law, to survey such township or such public lands owned by said grantees of the Government, and make return therefor to the general and proper local land office: *Provided*, That no application shall be granted unless the township so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases of township and subdivisional surveys."

SEC. 2. That section 2403 of the Revised Statutes of the United States as heretofore amended is hereby amended so as to read as follows:

"SEC. 2403. Where settlers or owners or grantees of public lands make deposits in accordance with the provisions of section 2401, as hereby amended, certificates shall be issued for such deposits which may be used by settlers in part payment for the lands settled upon by them, the survey of which is paid for out of such deposits or said certificates may be assigned by indorsement and may be received by the Government in payment for any public lands of the United States entered or to be entered under the laws thereof."

SEC. 3. That all laws and parts of laws inconsistent with this act be, and the same are hereby, repealed.

The report (by Mr. HALL of Minnesota) is as follows:

The Committee on Public Lands, to whom was referred the bills (H. R. 6194 and 7559) to amend sections 2401 and 2403 of the Revised Statutes, have had the same under consideration and report them back to the House with the recommendation that they be laid upon the table and that the accompanying substitute therefor be passed.

Communications from the Department of the Interior hereto attached are made a part of this report.

DEPARTMENT OF THE INTERIOR, *Washington, July 2, 1894.*

SIR: I transmit herewith report of the Commissioner of the General Land Office on House bill No. 6194, "amending section 2401 of the Revised Statutes," relative to the survey of lands containing coal. I concur with the Commissioner in recommending the passage of the bill.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. T. C. McRAE,
Chairman Committee on the Public Lands, House of Representatives.

DEPARTMENT OF THE INTERIOR, *Washington, July 19, 1894.*

SIR: I transmit herewith report of the Commissioner of the General Land Office on House bill No. 7559, "To amend sections 2401 and 2403 of the Revised Statutes," relating to surveys of public lands.

I concur in the views expressed by him, and would recommend the passage of the bill with the amendments suggested in his report.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. THOMAS C. McRAE,
Chairman of Committee on the Public Lands,
House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 6, 1894.

SIR: Under your instructions, dated April 3, 1894, I have the honor to submit herewith my report, in duplicate, on House of Representatives bill No. 6194, Fifty-third Congress, second session, entitled and reading as follows:

A bill amending section 2401 of the Revised Statutes of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That section 2401 of the Revised Statutes of the United States is amended so as to read as follows:

"SEC. 2401. That when the settlers in any township, not mineral or reserved by Government, and persons and associations lawfully possessed of coal lands and otherwise qualified to make entry thereof desire a survey made of the same under the authority of the surveyor-general, and file an application therefor in writing and deposit in a proper United States depository to the credit of the United States a sum sufficient to pay for such survey, together with all expenses incident thereto, without cost or claim for indemnity on the United States, it may be lawful for the surveyor-general, under such instructions as may be given him by the Commissioner of the General Land Office, and in accordance with law, to survey such township or coal lands and make return thereof to the general and proper local land office: *Provided*, That the township or coal lands so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases of township and subdivisional surveys."

It is a truth that the Government is deeply interested in the legal and orderly development of the public lands of all classes, and it has been the policy to facilitate such development by liberal legislation intended to give to all citizens equal opportunities.

The development of public lands, containing valuable deposits of coal, is a matter of great importance to the general public, and undoubtedly should be encouraged by appropriate legislation.

Although the discoverer of a valuable deposit of coal, upon the unsurveyed public domain may, under section 2359, United States Revised Statutes, take possession of and hold his mine, yet there is no provision of law under which a patent can be issued therefor until the public surveys have been extended so as to embrace it; and until such survey is made the Government can not avail itself of the advantage of a sale.

I am of the opinion that a necessity exists for legislation providing a proper method for obtaining title by Government patent to lands containing valuable deposits of coal which are situated upon the unsurveyed public domain.

The bill before me has in view an enlargement of the facilities contained in the coal-land laws by permitting such lands to be surveyed in manner as now provided by sections 2401 and 2402, United States Revised Statutes, and section 2403 as amended by the act of March 3, 1879, (20 Stats., 352), for the survey of agricultural lands required for actual settlement.

Believing that it is in accordance with sound public policy to have our coal lands upon the unsurveyed public domain which are not available under existing law brought into the market and developed as early as practicable, and believing that their disposal and development would be promoted by the enactment of this bill, I recommend its passage.

The copy of the bill and the letter from the chairman of the Committee on the Public Lands, and a copy of existing regulations relative to deposits by individuals for the survey of public lands, are hnrewith returned.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 17, 1894.

SIR: I have the honor to acknowledge the receipt, by reference from the Department, of a letter dated June 28, 1894, from Hon. THOMAS C. MCRAE, chairman of the House Committee on the Public Lands, inclosing House bill No. 7559, entitled "A bill to amend sections 2401 and 2403 of the Revised Statutes," and requesting an early report thereon with such suggestions and recommendations in reference thereto as may be deemed proper.

In response to the direction of the Department to report the views of this office upon the provisions of the pending bill, I have to state as follows:

Under existing law settlers upon the public lands may make deposits for the survey of the townships in which their claims are situated, when such townships are within the range of the regular progress of the public surveys embraced by existing standard lines or bases for the township and subdivisional surveys.

The triplicate certificates issued for such deposits prior to March 3, 1879, can be used only by the settlers in the purchase of lands in the township the surveying of which was paid for out of such deposits:

The triplicate certificates issued subsequent to March 3, 1879, and prior to August 7, 1882, may be assigned by indorsement and used in payment for lands entered under the homestead and preemption laws in any land district; and

Triplicate certificates issued on and after August 7, 1882, can be received in payment for lands only at the land office in which the lands surveyed for which the deposit was made are subject to entry, and not elsewhere.

Reference is made to sections 2401, 2402, and 2403 of the Revised Statutes, and the amendatory acts of March 3, 1879 (20 Statutes, 352), and August 7, 1882 (20 Statutes, 327).

By section 1 of House bill No. 7559 section 2401 of the Revised Statutes is so amended as to provide, in addition to the authorization of deposits by settlers for the survey of public lands, that when the owners or grantees of public lands of the United States under any law thereof desire a survey made of the same under the authority of the surveyor-general, and shall file application therefor in writing, and shall deposit in the proper United States depository to the credit of the United States a sum sufficient to pay for such survey, together with all expenditures incident thereto, without cost or claim for indemnity on the United States, it shall be lawful for the surveyor-general, under such instructions as may be given him by the Commissioner of the General Land Office, and in accordance with law, to survey such township or such public lands owned by said grantees of the Government, and make return thereof to the general and proper local land office: *Provided*, That the township so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases for township and subdivisional surveys when said application is made by settlers, otherwise said surveys to be made of the lands granted by the United States or owners or grantees as aforesaid.

Section 2403, Revised Statutes, provides that the amounts deposited by settlers under section 2401 shall go in part payment for their lands situated in the townships the surveying of which is paid for out of such deposits.

By section 2 of the pending bill section 2403, Revised Statutes, is so amended as to provide that, when settlers or owners or grantees of public lands make deposits in accordance with the provisions of section 2401 as amended by said bill (No. 7559), the amount so deposited shall go in part payment for their lands situated in the townships the survey of which is paid for out of such deposits, for which there shall be issued certificates. Also that each certificate when not used by settlers may be assigned by indorsement and may be received by the Government in payment for any public lands of the United States entered or to be entered under the laws thereof.

By section 3 of said bill all laws inconsistent therewith are repealed.

I have carefully considered the provisions of the pending bill, which has in view an enlargement of the facilities for the adjustment of the various Congressional land grants and for the obtaining of title by the settlers upon the public lands, and as the Government is equally interested in the legal and orderly development of the public lands, it is good policy on its part to facilitate such development by liberal legislation.

There is no question of the great desirability of the early completion of the survey of the public lands within the limits of the railroad and other land grants, in order that the grantees, may be enabled to select the lands to which they are legally entitled under such grants, and it is equally desirable to afford every facility to settlers upon the public lands to obtain title to their claims.

There is at present no specific appropriation for the survey of the public lands within the limits of the railroad and other Congressional land grants, and as the regular appropriations have been, and are likely to be, inadequate to meet all demands for public land surveys the advisability of such legislation as will provide additional facilities for the adjustment of land grants and meet the demands of settlers is obvious.

I believe House bill No. 7559 to be, in the main, in accordance with sound public policy, but would suggest the following amendments, viz:

Amend the proviso to section 1 by striking out all after the word "surveys," in line 23, and making the same read as follows:

"*Provided*, That no application shall be granted unless the township so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases for township and subdivisional surveys."

Amend section 2 so as to read as follows:

"SEC. 2403. Where settlers or owners or grantees of public lands make deposits in accordance with the provisions of section 2401 as hereby amended, certificates shall be issued for such deposits, which may be used by settlers in part payment for the land settled upon by them the survey of which is paid for out of such deposits, or said certificates may be assigned by indorsement, and may be received by the Government in payment for any public lands of the United States entered or to be entered under the laws thereof."

The bill thus amended would, in my opinion, be free from objection, and I recommend that it be so passed.

Mr. MCRAE's letter and the inclosed copy of H. R. bill 7559 are herewith returned.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCRAE moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MINERAL LANDS, MONTANA AND IDAHO.

Mr. MCRAE. Mr. Speaker, I call up the bill (H. R. 3476) to provide for the examination and classification of certain lands in the States of Montana and Idaho.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed, as speedily as practicable, to cause all lands in the States of Montana and Idaho within the land grant and indemnity land-grant limits of the Northern Pacific Railroad Company, as defined by an act of Congress entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and acts supplemental to and amendatory thereof, to be examined and classified by commissioners to be appointed as hereinafter provided, with special reference to the mineral or nonmineral character of such lands, and to reject, cancel, and disallow any and all claims or filings heretofore made, or which may hereafter be made, by or on behalf of the said Northern Pacific Railroad Company on any lands in said States which upon examination shall be classified as provided in this act as mineral lands.

SEC. 2. That for the purpose of making the examination herein provided for, there shall be appointed by the President of the United States, as soon as practicable after the passage of this act, three commissioners for each of the following land districts, to wit: The Bozeman, Helena, and Missoula land districts, in the State of Montana, and the Cœur d'Alene land district, in the State of Idaho, at least one of whom for each district shall be a practical miner and a resident of such district; and said persons so appointed for each district shall constitute a board of commissioners to perform within such district the duties herein prescribed. They shall each receive for their compensation such sum as may be allowed by the Secretary of the Interior, not exceeding their actual expenses, and in addition thereto such further sum, not exceeding $10, for each day they may be actually engaged in the performance of their duties; and their accounts shall be audited by the Secretary of the Interior and paid monthly. Before entering upon their duties each of said commissioners shall take an oath to faithfully perform the duties of his office. Said commissioners shall make examination of the lands herein mentioned within their respective districts, and may also take the testimony of witnesses as to the mineral or nonmineral character of any of said lands, and receive any other evidence relating to said matter, and shall have power to summon witnesses to appear before them, and to administer oaths; and they shall, immediately upon their appointment, proceed to examine and classify the lands herein mentioned within their respective districts, as provided in this act. The oath of office of said commissioners shall be filed by them in the office of the Commissioner of the General Land Office. All testimony taken by said commissioners shall be reduced to writing, subscribed by the witnesses, and filed with the report of the commissioners hereinafter required. The action or decision of a majority of said commissioners in each district shall control in all matters herein provided for. Not more than two of the commissioners in any one district shall be appointed from the same political party.

SEC. 3. That all lands shall be classified and taken to be mineral lands under this act which prior to the passage of this act have been located or patented as mineral lands, or which have, or probably will have, a market value by reason of the minerals which they contain, or which show such indications of valuable mineral deposits as would induce a miner to spend his time or money upon them with the reasonable expectation of finding min-

eral in paying quantities, or which, from their geological formation or their situation or propinquity or relation to known mineral lands, are or probably will be valuable for the mineral therein; and all of these matters shall be considered by the commissioners in determining the mineral or nonmineral character of such lands and in classifying the same. The classification herein provided for shall be by sections where the lands have been surveyed, unless there are such differences in the situation or character of different parts of the same section as in the opinion of the commissioners to require its classification by quarter sections; and in no case shall any subdivision of less than a quarter section be made for classification upon surveyed lands. If the lands examined are not surveyed, classification shall be made by tracts of such extent, and designated by such natural or artificial boundaries to identify them, as the commissioners may determine. Where mining locations have been heretofore made or patents issued for mining ground in any section of land, this shall be taken as prima facie evidence that the whole of such section is mineral land: *Provided*, That the word "mineral," where it occurs in this act, shall not be held to include iron or coal: *And provided further*, That the examination and classification of lands hereby authorized shall be made without reference or regard to any previous examination or report or classification thereof.

SEC. 4. That such of the lands herein mentioned as have been surveyed prior to the passage of this act shall be first examined and classified as herein provided, and afterwards, and as speedily as practicable, the lands herein mentioned which have not been surveyed, until all the lands herein mentioned shall have been examined and classified, as herein provided.

SEC. 5. That said commissioners shall, on or before the 5th day of each month, file in the office of the register and receiver of the land office of the land district in which the land examined and classified is situated a full report, in duplicate, in such form as the Secretary of the Interior may prescribe, showing all lands examined by them during the preceding month, and specifying clearly, by legal subdivisions, where the land is surveyed, or otherwise by natural objects or permanent monuments, to identify the same, the lands classified by them as mineral lands and those classified as nonmineral; and with said report shall be filed all testimony taken and written communications received by said commissioners relating to the lands embraced in the report. The register and receiver shall file one duplicate of said report in their office, together with all accompanying testimony and papers, and the other duplicate shall be by them forwarded direct to the Secretary of the Interior, and said commissioners shall furnish to the Secretary of the Interior at any time such further or additional report or information as he may require concerning any matters relating to their duties or the performance of the same. Upon receipt of such report the register of the land office shall, at the expense of the United States, cause to be published in a newspaper of general circulation in the county in which the land is located, at least once a week for four consecutive weeks, notice of the classification of lands as shown by said report, and any person, corporation, or company feeling aggrieved by such classification may, at any time within sixty days after the first publication of said notice, file with the register and receiver of the land office a verified protest against the acceptance of said classification, which protest shall set forth in concise language the grounds of objection to the classification as to the particular land in said protest described, whereupon a hearing shall be ordered by, and conducted before, the said register and receiver, under rules and regulations as near as practicable in conformity with the rules and practice of such land office in contests involving the mineral or nonmineral character of land in other cases; and an appeal from the decision of the register and receiver shall be allowed to the Commissioner of the General Land Office and the Secretary of the Interior, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That at such hearing the United States district attorney or his assistants for the judicial district in which the land is situated shall appear and defend the interests of the United States, and for such service he shall receive compensation not exceeding $25 per day, to be paid out of the fund provided for the examination and classification of said mineral lands.

SEC. 6. That as to the lands against the classification whereof no protest shall have been filed as hereinbefore provided, the classification, when approved by the Secretary of the Interior, shall be considered final, except in case of fraud, and all plats and records of the local and general land offices shall be made to conform to such classification, and as to the lands against the classification whereof protests may be filed, the final ruling made after the day set for hearing shall determine the proper classification, and all records of the local and general land offices shall be made to conform to the classification as determined by such final ruling, and all costs of such hearing shall be paid by the unsuccessful party, under such rules as the Secretary of the Interior may prescribe; and the Secretary of the Interior is hereby authorized to establish such rules and regulations as may be necessary to carry into effect the true intent and provisions of this act as speedily as practicable.

SEC. 7. That no patent or other evidence of title shall be issued or delivered to said Northern Pacific Railroad Company for any land in said States until the examination and classification provided for in this act shall have been made, and such patent or other evidence of title shall only issue then to such land, if any, in said States as said company may be by law and compliance therewith and by the said classification entitled to, and any patent, certificate, or record of selection, or other evidence of title or right to possession of any land in said States, issued, entered, or delivered, to said Northern Pacific Railroad Company in violation of the provisions of this act shall be void: *Provided*, That nothing contained in this act shall be taken or construed as recognizing or confirming any grant of land or the right to any land in the said Northern Pacific Railroad Company, or as waiving or in anywise affecting any right on the part of the United States against the said Northern Pacific Railroad Company to claim a forfeiture of any land grant heretofore made to said company.

SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, or so much thereof as may be necessary, to be expended to carry into effect the provisions of this act, the same to be paid out upon the order of the Secretary of the Interior.

Mr. McRAE. I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

There was no objection, and it was so ordered.

Mr. McRAE. Does the gentleman from Montana [Mr. HARTMAN] desire any general debate?

Mr. HARTMAN. I am not particular. I presume we are ready to vote on the bill.

Mr. McRAE. Then, Mr. Speaker, if the gentleman who introduced the bill does not desire to address the House, I ask unanimous consent that general debate be now closed and that the bill be taken up for consideration by paragraphs.

The SPEAKER *pro tempore* (Mr. BYNUM). Is there objection to the request of the gentleman from Arkansas [Mr. McRAE] that the general debate be now closed and this bill be considered by paragraphs under the five-minute rule?

Mr. PICKLER. Mr. Speaker, I understand that this pertains only to mineral lands along the Northern Pacific road?

Mr. McRAE. Yes, sir; to mineral lands in Idaho and Montana.

The SPEAKER *pro tempore*. If there be no objection the vote upon the amendments recommended by the committee may be taken in gross.

Mr. McRAE. The gentleman from Texas [Mr. SAYERS] has some amendments to propose to the committee amendments, and I think it will be better to take the bill up by paragraphs and dispose of the amendments as they are reached.

The Clerk (reading the bill by paragraphs) read as follows:

SEC. 2. That for the purpose of making the examination herein provided for there shall be appointed by the President of the United States, as soon as practicable after the passage of this act, three commissioners for each of the following land districts, to wit: The Bozeman, Helena, and Missoula land districts, in the State of Montana, and the Cœur d'Alene land district, in the State of Idaho, at least one of whom for each district shall be a practical miner and a resident of such district; and said persons so appointed for each district shall constitute a board of commissioners to perform within such district the duties herein prescribed. They shall each receive for their compensation such sums as may be allowed by the Secretary of the Interior, not exceeding their actual expenses, and in addition thereto such further sum, not exceeding $10, for each day they may be actually engaged in the performance of their duties; and their accounts shall be audited by the Secretary of the Interior and paid monthly. Before entering upon their duties each of said commissioners shall take an oath to faithfully perform the duties of his office. Said commissioners shall make examination of the lands herein mentioned within their respective districts, and may also take the testimony of witnesses as to the mineral or nonmineral character of any of said lands, and receive any other evidence relating to said matter, and shall have power to summon witnesses to appear before them, and to administer oaths; and they shall, immediately upon their appointment, proceed to examine and classify the lands herein mentioned within their respective districts, as provided in this act. The oath of office of said commissioners shall be filed by them in the office of the Commissioner of the General Land Office. All testimony taken by said commissioners shall be reduced to writing, subscribed by the witnesses, and filed with the report of the commissioners hereinafter required. The action or decision of a majority of said commissioners in each district shall control in all matters herein provided for. Not more than two of the commissioners in any one district shall be appointed from the same political party.

Mr. SAYERS. Mr. Speaker, I move to strike out all after the word "compensation" in line 12 on page 2, down to and including the word "exceeding" in lines 14 and 15, and to insert after the word "duties" in line 16, the words "which shall include their transportation and subsistence expenses." In support of that amendment I will say that it has been the custom, I am informed, in the partition of Indian lands, to allow $6 per day and actual traveling expenses, and instead of $6 a day and actual traveling expenes, I propose to allow $10 a day, which shall include both traveling and subsistence expenses. I will say to the gentleman further that I am informed that this is the usual allowance in such cases.

Mr. HARTMAN. While the expenses of transportation and of living are as high as they are in these two States, it seems to me that the allowance proposed by the gentleman from Texas would not be sufficient. I suggest that the gentleman modify the amendment so as to provide for the payment of $8 a day and expenses.

Mr. SAYERS. No, sir; I would not be willing to agree to that. An aggregate compensation of $10 a day is enough.

Mr. HARTMAN. Another thing. The gentleman must remember that anyone who engages in this occupation of examining and classifying these lands must be an expert—must understand the subject-matter that he is investigating. It is not every person who is capable of doing this work.

Mr. SAYERS. There will be no difficulty in finding men to do the work at $10 a day—good men, too.

Mr. HARTMAN. Well, in order not to delay the bill, I will assent to the amendment of the gentleman from Texas. My understanding is that it provides for $10 a day compensation to these parties, and that they are to pay their own expenses.

Mr. SAYERS. Certainly.

The amendment was agreed to.

Mr. CANNON of Illinois. I move to amend by striking out the last word. I have not had time to read the bill, but only to glance at the first section. I wish to ascertain whether I am correct in understanding that the bill with the amendment just adopted provides for a commission composed of three persons, at a compensation of $10 a day, to examine the mineral lands of Montana and Idaho within the Northern Pacific Railroad grant?

Mr. McRAE. That is correct, I think.

Mr. CANNON of Illinois. All the lands—the mineral lands?

Mr. McRAE. Well, it is to classify the lands so as to segregate the mineral lands from the other lands covered by the grant.

Mr. CANNON of Illinois. The alternate sections that the railway company claims to own, as well as the others—the whole of them?

Mr. McRAE. The gentleman will remember that the min-

eral lands were excepted from the Northern Pacific grant. There has been a contention between the railroad company and the miners as to when these lands passed to the railroad company. The contention which underlies this bill—which is, that the exception continues to the time of patent—has recently been supported by the Supreme Court of the United States; and now all parties, I believe, desire that this classification be made. The gentleman from Montana [Mr. HARTMAN], who introduced this bill, is more familiar with the facts than I am.

Mr. CANNON of Illinois. It provides for an examination of all the lands within that grant?

Mr. HARTMAN. No, sir.

Mr CANNON of Illinois. All the mineral lands?

Mr. HARTMAN. It provides for an examination of lands within the grant supposed to contain minerals. In Montana, Idaho, and other mineral States the minerals are found in what are known as "mineral zones." There are certain portions of Montana and Idaho that we know contain no more mineral wealth than can be found in the city of Washington. So that it will not be necessary to make an examination of every alternate section through the whole length of the Northern Pacific Railroad grant in those two States in order to discover the lands coming within the mineral zone. Hence this work is not so much of an undertaking as the gentleman seems to think.

Mr. CANNON of Illinois. Under the opinion of the Supreme Court, with which I am not familiar, the contention or theory on which this bill is framed has been, I understand, confirmed. Now it is proposed to examine the lands granted to the Northern Pacific Railroad in Montana and Idaho—the mineral lands. Am I correct?

Mr. MCRAE. It is proposed to make an examination for the purpose of determining what lands are mineral, in order to segregate the mineral lands from the agricultural. It will not be necessary, as my friend from Montana has suggested, to examine every section——

Mr. CANNON of Illinois. I understand that.

Mr. MCRAE. But simply to make such an examination as will enable the commissioners to segregate the mineral lands and to settle the dispute between the railroad and miners.

Mr. CANNON of Illinois. That is, to take for the Government the mineral lands coming within the grant to the Northern Pacific Railroad, which that company has been claiming heretofore?

Mr. MCRAE. That is it exactly.

Mr. HARTMAN. And which the Supreme Court of the United States has held the railroad company is not entitled to.

Mr. CANNON of Illinois. Now, this is a pretty large job, is it not?

Mr. HARTMAN. It is no child's play, of course.

Mr. CANNON of Illinois. There are, I presume, fifteen or twenty million acres of land within that grant, or more?

Mr. HARTMAN. There are 17,800,000 acres in Montana within the Northern Pacific grant, and 1,900,000 acres in Idaho.

Mr. CANNON of Illinois. I understand that, but——

Mr. HARTMAN. And no considerable portion of the land will have to be examined.

Mr. CANNON of Illinois. I understand. But you provide for the appointment of a commission, and the payment of $10 a day for their services. You provide for a report, with a chance to the railway or to the people to make a contest, and finally for the confirmation of the report.

Now, I wish to ask my friend from Arkansas [Mr. MCRAE], considering the fact that the North Pacific Railway was not completed west of the Missouri River in time, and within two weeks past, with a great flourish of trumpets, we passed through the House a bill to forfeit every acre of the land they hold, if he thinks it economy to pass this bill now, and thereby, impliedly at least, acknowledge the title of the North Pacific Railway to the lands?

Mr. MCRAE. If the gentleman will read the bill, he will find that we expressly reserve in the bill all the right of forfeiture we have, and distinctly provide that there shall be no such implication to follow the passage of the bill. Whatever rights may exist between the parties now will be preserved by this provision. We know that as long as the railroad company holds the legal title, the miner's right is imperiled, and whatever may be the final fate of the forfeiture bill to which the gentleman refers, we intend by this bill to protect the miners if possible. That bill would protect them if it becomes a law, but if it fails, then this bill gives them another chance.

Mr. CANNON of Illinois. Well, I wanted to see how much my friend thought we ought to spend, considering the fact that in justice and equity according to the House, the North Pacific road has no title to all that land west of the Missouri River; and how far he would go in making this kind of an expenditure when his own bill declares that they have no title at all. I know it will make some places on the commission; but I think that we had better pick out the people who are going to constitute the commission, and give them just that much money outright, and avoid this circumlocution.

Mr. MCRAE. I am glad to see my friend has so much faith in the passage of the forfeiture bill. I hope his friends and party associates in the other end of the Capitol will take the same view of it, and then we will not need to organize this expensive commission.

Mr. CANNON of Illinois. My friend from Nebraska on my left [Mr. HAINER] expresses the opinion that the other bill was absolutely a "bluff."

Mr. MCRAE. The gentleman is very much mistaken, and will find that it is not a bluff. We intend to protect the miners and the settlers and all parties concerned by forfeiture and classification.

The SPEAKER *pro tempore*. The Chair will regard the pro forma amendment as withdrawn, and the Clerk will resume the reading of the bill.

The Clerk read section 3, as follows:

SEC. 3. That all lands shall be classified and taken to be mineral lands under this act which prior to the passage of this act have been located or patented as mineral lands, or which have, or probably will have, a market value by reason of the minerals which they contain, or which show such indications of valuable mineral deposits as would induce a miner to spend his time or money upon them with the reasonable expectation of finding mineral in paying quantities; or which from their geological formation, or their situation or propinquity or relation to known mineral lands, are or probably will be valuable for the mineral therein; and all of these matters shall be considered by the commissioners in determining the mineral or nonmineral character of such lands and in classifying the same. The classification herein provided for shall be by sections where the lands have been surveyed, unless there are such differences in the situation or character of different parts of the same section as in the opinion of the commissioners to require its classification by quarter sections; and in no case shall any subdivision of less than a quarter section be made for classification upon surveyed lands. If the lands examined are not surveyed, classification shall be made by tracts of such extent, and designated by such natural or artificial boundaries to identify them, as the commissioners may determine. Where mining locations have been heretofore made or patents issued for mining ground in any section of land, this shall be taken as prima facie evidence that the whole of such section is mineral land: *Provided*, That the word "mineral," where it occurs in this act, shall not be held to include iron or coal: *And provided further*, That the examination and classification of lands hereby authorized shall be made without reference or regard to any previous examination or report or classification thereof.

The committee recommend the adoption of the following amendments:

Strike out in lines 18 to 20 the words "quarter sections; and in no case shall any subdivision of less than a quarter section be made for classification upon surveyed lands," and insert "legal subdivisions."

Strike out in line 27 the words "whole of such section," and insert "forty-acre subdivision within which it is located."

The amendment was agreed to.

Section 5 was read, as follows:

SEC. 5. That said commissioners shall, on or before the 5th day of each month, file in the office of the register and receiver of the land office of the land district in which the land examined and classified is situated a full report, in duplicate, in such form as the Secretary of the Interior may prescribe, showing all lands examined by them during the preceding month, and specifying clearly, by legal subdivisions, where the land is surveyed, or otherwise by natural objects or permanent monuments, to identify the same, the lands classified by them as mineral lands and those classified as nonmineral; and with said report shall be filed all testimony taken and written communications received by said commissioners relating to the lands embraced in the report. The register and receiver shall file one duplicate of said report in their office, together with all accompanying testimony and papers, and the other duplicate shall be by them forwarded direct to the Secretary of the Interior, and said commissioners shall furnish to the Secretary of the Interior at any time such further or additional report or information as he may require concerning any matters relating to their duties or the performance of the same. Upon receipt of such report the register of the land office shall, at the expense of the United States, cause to be published in a newspaper of general circulation in the county in which the land is located, at least once a week for four consecutive weeks, notice of the classification of lands as shown by said report, and any person, corporation, or company feeling aggrieved by such classification may, at any time within sixty days after the first publication of said notice, file with the register and receiver of the land office a verified protest against the acceptance of said classification, which protest shall set forth in concise language the grounds of objection to the classification as to the particular land in said protest described, whereupon a hearing shall be ordered by, and conducted before, the said register and receiver, under rules and regulations as near as practicable in conformity with the rules and practice of such land office in contests involving the mineral or nonmineral character of land in other cases; and an appeal from the decision of the register and receiver shall be allowed to the Commissioner of the General Land Office and the Secretary of the Interior, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That at such hearings the United States district attorney, or his assistants, for the judicial district in which the land is situated shall appear and defend the interests of the United States, and for such service he shall receive compensation not exceeding $25 per day, to be paid out of the fund provided for the examination and classification of said mineral lands.

The committee recommend the adoption of the following amendment:

In line 46 strike out "twenty-five" and insert "fifteen."

Mr. SAYERS. I desire to call the attention of the gentleman who introduced the bill to the amendment offered by the committee, which is to reduce the compensation of the district attorney or assistant appointed to defend the interests of the United States, from $25 per day to $15 per day.

Mr. HARTMAN. I understand that.

Mr. SAYERS. I understand the proposition is to pay one of the assistant district attorneys $15 a day for services before the commission. Now, they are all paid a regular salary for representing the Government of the United States, and you are adding probably a salary amounting to over $4,500 a year to what they already receive.

Mr. HARTMAN. I think that the gentleman will find that assistant district attorneys, and the district attorney, receive, in addition to the nominal salary, fees and compensation for rendering services to the Government of the United States in cases where they are selected to represent the Government. Now, it has been deemed desirable and advisable by those of us who prepared and reported this bill, that the interests of the United States should be represented on this examination of these lands. It was certainly deemed discreet that it should be done.

Mr. SAYERS. Will the gentleman inform the House for what purpose is an assistant district attorney paid an annual salary if it not be to represent the Government?

Mr. HARTMAN. How much salary does a United States district attorney receive?

Mr. SAYERS. Well, it varies in different districts.

Mr. HARTMAN. How much in my district?

Mr. SAYERS. I can not tell the gentleman.

Mr. HARTMAN. If I am not mistaken, he receives the munificent salary of $500 a year. No; $250, I am told by my friend, Mr. SWEET. It is impossible to get a man who will give his time for $250 a year, if he is competent to practice law at all, to render such service as is required, who would be worth anything.

Mr. SAYERS. Does not the gentleman know that when a man accepts the office of regular assistant United States district attorney he thereby engages himself to represent the Government in all cases into which he may be called?

Mr. HARTMAN. No, sir; I do not.

Mr. SAYERS. What is the object in appointing such a man and paying him $500 a year?

Mr. HARTMAN. The amount is $250. I was mistaken. I want to say, furthermore, to the gentleman that the compensation of $250 a year which he receives is not compensation for the trial of cases, or for the attending of hearings such as are here contemplated.

Mr. SAYERS. For what purpose is it paid him?

Mr. HARTMAN. He is paid for attending to such United States business as may be turned over to him by the district attorney, but he has exactly the same fees in addition to that as the district attorney himself has. The gentleman knows that the district attorney is not confined to a salary.

Mr. SAYERS. That is so; but I know this one thing, Mr. Speaker, that every sundry civil and every general deficiency appropriation bill contain appropriations for the payment of regular and special assistant United States district attorneys, and these appropriations carry large sums of money. Of course I do not assume to speak for the amount that is paid to the regular assistant United States district attorney in the gentleman's district; but I do contend that this House should not pay an assistant district attorney who represents the Government before register and receiver more than $4,500 per year, as is provided for in this bill.

Mr. HARTMAN. The gentleman from Idaho [Mr. SWEET] will have something to say upon that.

Mr. SWEET. Mr. Speaker, I have served as United States district attorney. I have had an assistant appointed by the United States Attorney-General. The United States district attorney receives a salary of $250 per year, which it is expected will pay his office rent. His services are paid for in fees, and when they exceed the sum of $6,000 per annum he is obliged to account for the money, as the gentleman knows.

Mr. SAYERS. That is my understanding.

Mr. SWEET. Now, when the assistant is appointed, he is appointed for some special purpose, and is paid a fixed sum, the ame as any other attorney.

Mr. SAYERS. I will state to my friend that he is mistaken. Regular assistant attorneys receive regular salaries, some of them from $1,200 to $2,500 per annum.

Mr. SWEET. That may be so.

Mr. SAYERS. Then there are special assistant district attorneys who correspond to the character of the assistants that the gentleman has just named.

Mr. SWEET. That may be so in districts sufficiently large, or where the volume of business is large enough to require salaried assistants; but in districts like Montana, Idaho, and Washington—perhaps Washington now has a regular assistant—in the States which I have mentioned you must make application for your assistant, and state what his employment is for, and the Attorney-General, if he allows the assistant at all, fixes the salary he shall receive, or in other words the fee.

Mr. SAYERS. In other words, only special assistants are employed in Idaho and Montana.

Mr. SWEET. That is the fact.

Mr. SAYERS. Very well. Now, I will ask the gentleman if he thinks that assistant district attorneys should be paid at the rate of nearly $5,000 per annum for representing the Government in the matters contained in the bill under consideration?

Mr. HARTMAN. I will say to the gentleman that I consider $15 a day a very moderate compensation for the services of an attorney in attending upon these hearings and looking after the interests of the Government. So far as that is concerned, the only objection to it is that it is too small.

Mr. SAYERS. The gentleman would pay a man $10,000 a year then?

Mr. HARTMAN. No, sir; I do not say that.

Mr. SAYERS. If you pay $25 a day, it amounts to over $7,000 a year.

Mr. HARTMAN. This compensation is only for the days when he is engaged in that work.

Mr. SAYERS. The bill does not say so.

Mr. HARTMAN. If it does not so state, I am perfectly willing that it shall; but I think the gentleman will find upon investigation that it does so state. The provision is on page 7, line 46.

Mr. SAYERS (reading):

Provided, That at such hearings the United States district attorney or his assistants for the judicial district in which the land is situated shall appear and defend the interests of the United States, and for such service he shall receive compensation not exceeding $15 per day.

Now, the gentleman knows that these hearings can be procrastinated from day to day.

Mr. HARTMAN. Let me say to the gentleman that unless the United States district attorney is guilty of fraud it is impossible for him to collect more than $15 per day for each day actually engaged representing the interests of the United States.

Now if there is anything vague in the language, I am perfectly willing, I will state to the gentleman, to accept an amendment to this effect—that he shall receive not exceeding $15 for each day engaged in representing the United States in such hearings. But if the gentleman will notice, these hearings are to be had before the register and receiver. There are hearings to be had after notice given, as provided by the bill: and there will not probably be more than twenty or thirty in an entire year. That is a rough guess; and that is all we can make; but if the gentleman thinks that this service would continue every day he is mistaken.

Mr. SAYERS. What is the area of these mineral lands?

Mr. HARTMAN. The area of the mineral lands it is impossible to estimate.

Mr. SAYERS. About what?

Mr. HARTMAN. I presume it would be safe to say that in the State of Montana alone it will amount to 3,000,000 acres within this grant, but let me go further before the gentleman interrupts me. He will remember this, that each particular section of this land is not reported separately and by itself. The section is not advertised by the register and receiver in the particular section or quarter section. Each particular report is made by the commissioners, and then the register and receiver publishes the notice of hearings. Any person has the right then to come in who is aggrieved by that report and file his protest, and then the hearing occurs.

Mr. SAYERS. So the gentleman estimates that out of this large area of land there will not be over twenty or thirty hearings in a year.

Mr. HARTMAN. I do not say that positively. That is all a guess. As we all know, this is an absolutely new domain. We have never had anything of the sort before.

Mr. SAYERS. And that is the reason I wish to know the probable cost of this business.

Mr. HARTMAN. Let us suppose that it takes 300 days in the year. I want to know of the gentleman if it is not money well spent to have the United States represented by competent men; and you can not get such for less than $10 or $15 a day.

Mr. SAYERS. The proposition is not one as to whether good men should get $5 or $10 a day; but the proposition is, at least my proposition is, to so guard this bill by the insertion of a provision that no advantage can be taken and that these hearings can not be unduly procrastinated at the expense of the Government.

Mr. HARTMAN. Has the gentleman any objection to the language?

Mr. SAYERS. If the gentleman was on the Committee on Appropriations he would know how these expenditures are swelled every year, and he would appreciate the necessity for protecting the Government.

Mr. HARTMAN. I have no fault to find with the gentleman from Texas at all. The only point is this: Is it good judgment on the part of the United States to fail to have competent representatives in these hearings?

Mr. SAYERS. No, sir. If the United States district attorney shall appear before these commissioners he gets $15 a day; and the bill provides that he shall appear

Mr. HARTMAN. Yes, sir.

Mr. SAYERS. That is in addition to his other fees.

Mr. HARTMAN. Will the gentleman allow me to make a suggestion there? There are three land districts in the State of Montana which are included under this bill. What would the United States district attorney do if he had a hearing in each one of these districts on the same day? Should he be compelled to employ assistants to go to the other hearings, and go to one himself, and pay them for their work?

Mr. SAYERS. What does the gentleman propose? Does he propose to hire a lawyer to attend to each one of these matters?

Mr. HARTMAN. Not at all.

Mr. SAYERS. Then, what is the proposition?

Mr. HARTMAN. We propose that in every contest the result of the action of these commissioners, after notice has been given by the register and receiver, that the United States shall be represented by a competent attorney. We say that it is impossible to get such competent attorney unless you pay him something for his services.

Mr. SAYERS. Very well. Then, why does not the gentleman suggest the amount to be paid to the attorney in each contest? Then we could tell what it would amount to.

Mr. HARTMAN. How is that?

Mr. SAYERS. Why does not the gentleman suggest the amount to be paid in each contest?

Mr. HARTMAN. I will tell you why. Some of these contests may last a week or two weeks. I have known such controversies to last four, five, or six weeks. Now, do you think you could get a competent attorney to take those cases for $15 a contest? It would be impossible.

Mr. SAYERS. Under this bill an expense account against the United States of not less than a hundred or a hundred and fifty thousand dollars could be incurred.

Mr. HARTMAN. Can the gentleman show how?

Mr. SAYERS. I will show you. I take the gentleman's own statement. He says he knows of contests which will last one or two weeks.

Mr. HARTMAN. Certainly.

Mr. SAYERS. Well, the gentleman can not tell how many contests there will be. There may be two or three hundred. Now suppose the average contest lasts seven days——

Mr. HARTMAN. The average will not be so high as that. The average will probably be about two days.

Mr. SWEET. May I make a suggestion to the gentleman from Texas?

Mr. SAYERS. Certainly.

Mr. SWEET. Why could not the matter be arranged in this way. In the first place, there are no assistant district attorneys in Montana or Idaho. Now, why not, when a contest arises, keep it under the control of the United States authorities by directing the United States attorney for that district to make a showing to the Attorney-General that he is unable to attend to it, and to request the appointment of an assistant at whatever salary or compensation the Attorney-General may fix?

Mr. SAYERS. I would not object to that.

Mr. HARTMAN. I would be perfectly willing to accept that suggestion. I certainly have no desire to saddle the Treasury with any unnecessary expense in this matter. But let me show the gentleman from Texas wherein he is wrong. If each contest lasted seven days at $15 a day that would be only a hundred and five dollars for a contest, and two hundred contests in a year would amount to only about $21,000—a much less sum than that suggested by the gentleman from Texas.

Mr. SAYERS. But that would be before one commissioner.

Mr. HARTMAN. Oh, no. I mean in the entire State.

Mr. SAYERS. Mr. Speaker, I move to insert in line 46, page 7, after the words "per day," the words "for each day that such attorney or assistant shall actually appear before the register or receiver."

Mr. HARTMAN. I accept that.

Mr. SAYERS. Mr. Speaker, my understanding is that the committee amendment strikes out "twenty-five" and inserts "fifteen."

Mr. McRAE. Yes, sir.

The SPEAKER *pro tempore*. The Chair understands the amendment of the gentleman from Texas to be offered as an amendment to the amendment of the committee.

Mr. SAYERS. Certainly.

Mr. McRAE. So that if the amendment of the gentleman from Texas is adopted, the compensation will be $15?

Mr. SAYERS. Yes.

The amendment of Mr. SAYERS was agreed to.

The committee amendment as amended was then adopted.

The Clerk will read the amendment to section 8.

The Clerk read as follows:

Section 8, line 3, strike out "eighty" and insert "forty;" so that the provision will read: "The sum of $40,000 or so much thereof as may be necessary."

Mr. SAYERS. I move to amend that amendment by striking out "forty" and inserting "twenty," and I call the attention of the gentleman from Montana to the fact that it will be impossible to spend more than $20,000 for this purpose during the coming fiscal year, and that the necessary appropriation for the next year can be made at the short session of Congress.

Mr. HARTMAN. The gentleman's amendments to the other parts of the bill have reduced the expenditure under it so much that I am willing to accept that amendment making the sum $20,000.

The amendment of Mr. SAYERS was agreed to, and the amendment of the committee as amended was then adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SAYERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

LAND GRANTS TO RAILROADS FOR RESERVOIR PURPOSES.

Mr. McRAE. I call up the bill (H. R. 7451) to amend an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875. I yield to the gentleman from Iowa [Mr. LACEY].

The SPEAKER *pro tempore* (Mr. BYNUM). The bill will be read.

Mr. LACEY. As the Committee on Public Lands has reported an amendment, to strike out all of the bill after the enacting clause and insert a substitute, I ask consent that the original bill be not read.

There was no objection.

The SPEAKER *pro tempore*. The substitute reported by the committee will be read.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That whenever the Secretary of the Interior shall in his discretion find it necessary for the use of any railway company, whose line is located and operated through the public domain, that said company should acquire title to some part of such public land for gravel pits or the construction of reservoirs and the right of way for pipe lines to connect the same with such railways, said Secretary is hereby authorized and empowered to sell to said company a sufficient area of such land, not exceeding 160 acres in any one tract, and to issue patents therefor, and to issue permits for such line: *Provided*, That such company shall pay therefor not less than the appraised value of such lands, the appraisers thereof, three in number, to be appointed by the Secretary: *Provided, further*, That the lands or right of way shall not be within the limits of any park, forest, military, or Indian reservation, or the District of Columbia."

Mr. LACEY. Mr. Speaker, this is, in a different form, the same bill to which the attention of the House was called awhile ago. This bill was referred to the Committee on Public Lands, who agreed to report the substitute just read. In the meantime there came from the Senate a bill, which has been read this afternoon, known as the "Teller bill." It was proposed to add this provision to that bill as an amendment, instead of passing it as a separate measure. But there is some question as to the effect of the first part of the Teller bill upon the irrigation laws of the United States; and it is desired that further time be given to the consideration of that measure. In the meanwhile there is no objection, I believe, to this bill in its amended form, and therefore it has been called up for passage. The other measure can be considered separately hereafter.

The amendment of the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The amendment of the committee to make the title read: "An act to authorize the entry of land for gravel pits and reservoir purposes, and authorizing the grant of right of way for pipe lines," was read and agreed to.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. McRAE. Mr. Speaker, our committee has no other bills which we are disposed to call up now. There are several important measures, which, if brought up, would provoke discussion, and it does not seem advisable to present them at the present time. I move that the House adjourn.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SETTLE, for ten days, on account of sickness in his family.

To Mr. STOCKDALE, indefinitely.

The motion of Mr. MCRAE was then agreed to; and accordingly (at 4 o'clock and 5 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BOWERS of California, from the Committee on Military Affairs: A bill (H. R. 5467) for the relief William H. Hugo. (Report No. 1307.)

By Mr. HULL, from the same committee: A bill (S. 179) authorizing the restoration of the name of Thomas H. Carpenter, late captain Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers. (Report No. 1295.)

By Mr. HARE, from the Committee on Invalid Pensions: A bill (H. R. 575) granting a pension to Charity Ann Smith. (Report No. 1300.)

By Mr. PICKLER, from the same committee: A bill (H. R. 7181) granting a pension to Rachel Patton. (Report No. 1301.)

By Mr. RYAN, from the same committee: A bill (H. R. 3253) granting a pension to Susan D. Wright. (Report No. 1302.)

By Mr. LACEY, from the same committee: A bill (H. R. 7671) granting a pension to Elizabeth L. Markham. (Report No. 1303.)

By Mr. BUNN, from the Committee on Claims:

A bill (H. R. 3731) conferring jurisdiction on the Court of Claims to determine the law and the facts in regard to the claim of John O'Dell. (Report No. 1304.)

A bill (H. R. 7603) for the relief of Charles Deal. (Report No. 1305.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. BUNN, from the Committee on Claims, reported adversely the bill (H. R. 5491) for the relief of Calvin J. Cowles and George B. Hanna; which, with the accompanying report (No. 1306), was ordered to be printed, and referred the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. MADDOX: A bill (H. R. 7810) to authorize the Attorney-General to bring suit in the supreme court of the District of Columbia against the Wichita and affiliated bands of Indians, the Comanche, Kiowa, Apache, Choctaw, and Chickasaw tribes, to determine and settle the legal or equitable interest of said Indians in certain lands located between the ninety-eighth and one-hundredth degree of west longitude, in Oklahoma Territory, and located within the territory leased from the Choctaw and Chickasaw tribes in the year 1855, and ceded in 1866, and for other purposes—to the Committee on Indian Affairs.

By Mr. FLYNN: A bill (H. R. 7811) authorizing the El Reno Bridge Company to construct a bridge across the South Canadian River between Blaine County, Okla., and the Wichita Indian Reservation—to the Committee on Interstate and Foreign Commerce.

By Mr. HARTER: A bill (H. R. 7818) to provide public revenue by customs and internal taxes—to the Committee on Ways and Means.

By Mr. TALBERT of South Carolina: A resolution asking the Committee on Banking and Currency and the Committee on Coinage, Weights, and Measures to report measures for the free coinage of silver at a ratio of 16 to 1, and such measures as will change our monetary system—to the Committee on Coinage, Weights, and Measures.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CATCHINGS: A bill (H. R. 7812) to refer to the Court of Claims the claim of Allen E. Anderson, of Mississippi, for cotton taken from him by the United States Army—to the Committee on War Claims.

Also, a bill (H. R. 7813) to refer to the Court of Claims the claim of the estate of Henry S. Montgomery, deceased, late of Claiborne County, Miss., for property and supplies taken and used by the United States Army—to the Committee on War Claims.

By Mr. HATCH: A bill (H. R. 7814) granting a pension to Mary Shaw—to the Committee on Pensions.

By Mr. STORER: A bill (H. R. 7815) for the relief of Dr. C. D. Hillman—to the Committee on Military Affairs.

By Mr. MCNAGNY: A bill (H. R. 7816) granting a pension to Simon Baughman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7817) granting a pension to Joshua Parker—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOUTELLE: Petition to exempt fraternal and benevolent societies from taxation in any form—to the Committee on Ways and Means.

By Mr. BUNDY: Resolution of the Board of Trade of the city of Portsmouth, Ohio, asking their Senators and Representatives in Congress to vote for a bill to provide for a survey and estimate for widening the canal between the cities of Toledo and Portsmouth, in the State of Ohio—to the Committee on Rivers and Harbors.

By Mr. DRAPER: Petition of citizens of Hopedale, Mass., for the passage of legislation restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. GROUT: Petition of Merchants and Manufacturers' Association, in favor of completion of subtreasury building in Philadelphia—to the Committee on Public Buildings and Grounds.

Also, remonstrance of citizens of California, against funding debt against Central Pacific Railroad—to the Committee on Pacific Railways.

Also, memorial of Chamber of Commerce of Astoria, Oregon, asking for protection and preservation of the food fishes of the Columbia River—to the Committee on Merchant Marine and Fisheries.

By Mr. MEREDITH: Papers to accompany House bill 7807—to the Committee on War Claims.

By Mr. MORSE: Petition of B. W. Harris and 64 other citizens of East Bridgewater, Mass., asking for radical legislation for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON of Tennessee: Petition of 2,500 employés of the Government Printing Office, representing that the present building is dangerous to human life, and praying for a new structure or improvement of the old—to the Committee on Appropriations.

SENATE.

WEDNESDAY, *July 25, 1894.*

Prayer by Rev. ISAAC W. CANTER, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on motion of Mr. SHERMAN, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the Senate of the 19th instant, a list of the names of all persons acting in the capacity of special agents of the Treasury Department; which, with the accompanying paper, was referred to the Committee on Finance, and ordered to be printed.

DEATH OF PRESIDENT CARNOT.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Secretary of State; which was read and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed, and to be printed in the RECORD, as follows:

DEPARTMENT OF STATE, *Washington, July 24, 1894.*

SIR: I have the honor to inclose herewith, for the information of the Senate of the United States, copy of a dispatch, No. 191, of July 11, 1894, from the United States embassy at Paris, transmitting copy of a note from the French minister of foreign affairs, reporting the reception by the Chamber of Deputies of the resolutions passed by the Senate and by the House of Representatives regarding the death of the late President Carnot.

I have the honor to be, sir, your obedient servant,

W. Q. GRESHAM.

Inclosure: From France, No. 191, July 11, 1894, and inclosure, copy.

The Hon. ADLAI E. STEVENSON,
Vice-President of the United States, United States Senate.

No. 191.] EMBASSY OF THE UNITED STATES,
Paris, July 11, 1894.

SIR: In reply to Mr. Eustis's note, transmitting to the French Government the resolutions adopted by the Senate and by the House of Representatives

on the occasion of the assassination of President Carnot, Mr. Hanotaux, under date of the 6th instant, writes that the resolutions were read in the French Chamber of Deputies and received with applause. He desires that the feelings of gratitude of the French Government be expressed to Congress. I inclose a copy and translation of his note.

I have the honor to be, sir, etc.,

HENRY VIGNAUD.

Hon. WALTER Q. GRESHAM,
Secretary of State.

[Translation of inclosure.]

PARIS, *July 6, 1894.*

Mr. AMBASSADOR: In expressing to me its personal feelings of condolence, your excellency kindly communicated to me the resolutions passed by the Senate and House of Representatives of America to show its participation in our national mourning. I hastened to transmit this communication to the President of the Chamber of Deputies, who read them in the sitting of June 29. They were received with the unanimous applause of the Assembly.

I beg your excellency to kindly express to the Presidents of the Senate and of the House of Representatives the profound gratitude inspired to the Government of the Republic and by the French Chamber by these marks of sympathy shown to France under such painful circumstances.

Receive, etc.,

G. HANOTAUX.

Mr. SHERMAN. I ask that the correspondence between the Secretary of State and the French Government be inserted in the Journal of the Senate. It will not be journalized without a special order.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and it is so ordered.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. COCKRELL. From the committee of conference on the disagreeing votes of the two Houses on the bill (S. 7097) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, I submit the report of the conference agreement, and ask that the report be concurred in.

In connection with the report I will make a statement of the amounts.

The bill as passed by the House of Representatives contained appropriations amounting to $21,105,787.29.

The bill was passed by the Senate with amendments which increased the appropriations to $21,378,315.79, being an increase by the Senate of $272,528.50.

The amount appropriated by the bill as agreed to in conference is $21,308,295.79.

The amount carried by the legislative, etc., appropriation act for the fiscal year ending June 30, 1894, was $21,865,802.81.

The PRESIDENT *pro tempore*. The conference report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7097) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 23, 24, 33, 100, 113, 114, 130, 144, 168, 182, 183, 184, and 185.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 9, 10, 12, 13, 16, 17, 18, 19, 21, 22, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 169, 171, 172, 173, 175, 176, 177, 178, 179, 181, 187, 188, 189, 190, and 191, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert $426,318.90; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the number proposed insert 26; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert $37,440; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert $116,524; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the number proposed insert "33;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$39,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$374,385.74;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lines 6 and 7 of said amendment strike out "five hundred" and insert "seven hundred and fifty" in lieu thereof; and in line 15 of said amendment strike out "$262.50" and insert "$450" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 55 and 56, and agree to the same with an amendment as follows: Strike out the amended paragraph and insert in lieu thereof the following:

"For the temporary employment of clerks within the classified service to complete, under the Comptroller of the Treasury, the accounts in the offices of the First and Second Comptrollers and Commissioner of Customs on hand October 1, 1894, $30,000: *Provided*, After completing said accounts the clerks so temporarily employed may be detailed by the Secretary of the Treasury to the Auditor for the Post-Office Department, or to any other bureau of the Treasury Department, to bring up back work, and the unused balance of said sum of $30,000 is hereby made available for such purpose."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eight;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twelve;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,100," and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following: "under the supervision of the Commissioner of Patents, and in the city of Washington, or within such a reasonable distance therefrom as the Secretary of the Interior may consider to be not disadvantageous to the Department; and the Commissioner of Patents, under the direction of the Secretary of the Interior, shall be authorized to make contracts therefor after proper notice by publication: *Provided*, That the entire work may be done at the Government Printing Office if, in the judgment of the Joint Committee on Printing, it shall be deemed to be best for the interests of the Government;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In line 10, page 106, of the bill strike out "five hundred" and insert in lieu thereof "seven hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following as a separate paragraph:

"The judge of the district court for the northern district of Illinois shall be authorized to appoint a clerk of such court at an annual salary of $3,000, which amount is hereby appropriated."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "unless" and insert in lieu thereof the following: "to which compensation is attached, unless specially heretofore or;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "act" in line 5 thereof, and insert in lieu thereof as a separate section the following:

"SEC. 27. The present President of the Senate and Speaker of the House of Representatives are empowered to fill vacancies that may occur by resignation or otherwise on the Joint Commission to Inquire into and Examine the Status of the Laws Organizing the Executive Departments, authorized by the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1894."

And the Senate agree to the same.

F. M. COCKRELL,
WILKINSON CALL,
W. B. ALLISON,
Managers on the part of the Senate.

ALEX. M. DOCKERY,
WILLIAM J. COOMBS,
HENRY H. BINGHAM,
Managers on the part of the House.

The report was concurred in.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of 92 citizens of Akron, Ohio, and a memorial of 78 citizens of Cincinnati, Ohio, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were ordered to lie on the table.

Mr. QUAY presented memorials of 30 citizens of Paxinos; of 105 citizens of Stockton; of 67 citizens of Vanderbilt; of 76 citizens of South Woodbury; of 22 citizens of Satula; of 51 citizens of Rainsburg; of 30 citizens of Pennsylvania; of 173 citizens of Lebanon; of 40 citizens of Donaldson; of 90 citizens of Newmanstown; of 109 citizens of Towamencin Township; of 47 citizens of Muir; of 69 citizens of Rock Glen; of 65 citizens of Rehrersburg, and of 120 citizens of Marysville, all in the State of Pennsylvania, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were ordered to lie on the table.

Mr. WASHBURN presented sundry memorials of citizens of St. Paul, Scandia, Minneapolis, Chicago, Stillwater, and Rush City, all in the State of Minnesota, remonstrating against the

support of the Government in maintaining the present system of sectarian Indian education, etc.; which were ordered to lie on the table.

Mr. PLATT. I present a memorial of a similar nature remonstrating against the violation of the American principle of separation of church and state which is involved in making appropriations for or contracts with agents of sectarian institutions for Indian education, the memorial being from the city of Meriden, Conn., which is my home. The names signed to the memorial are among the best citizens of the place.

I inquired the other day whether it would be proper, the Indian appropriation bill having gone into the hands of a conference committee, to refer these memorials to the conference committee. I am satisfied it would be a departure from the practice of the Senate heretofore, whether it might be strictly admissible or not. But I take this occasion to call the attention of the conferees to the fact that a large number of these memorials are being presented daily in the Senate and I hope that they will consider the matter.

The PRESIDENT *pro tempore*. The bill having been reported and acted upon by the Senate, the memorial will lie on the table.

Mr. CULLOM presented sundry memorials of citizens of Chicago, Evanston, Hamilton, East Peoria, Roodhouse, Fithian, Stonington, and Nunda, all in the State of Illinois, remonstrating against the violation of the American principle of separation of church and state which is involved in making appropriations for or contracts with the agents of sectarian institutions for Indian education, etc.; which were ordered to lie on the table.

Mr. TURPIE. At the request of W. R. Stokes, of Lebanon, Ind., I present drafts of amendments to the Federal Constitution. As the amendments are very brief I ask that they may be printed as a document, and referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. It will be so ordered, in the absence of objection.

Mr. PALMER presented a petition of 135 citizens of Chicago, Ill., praying that Congress terminate the pending tariff legislation, as a failure to do so quickly will work incalculable loss and irreparable injury to the financial and industrial interests of the country; which was ordered to lie on the table.

Mr. CHANDLER presented the petition of John F. Hall and 67 other citizens of Salem, N. H., praying for a system of Government schools for advancing education among the Indians on the basis of the American free school system; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 2217) to provide for the closing of a part of an alley in square 185 in the city of Washington, D. C., reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Public Lands, to whom was referred the amendment submitted by himself on the 14th of July last, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and that it be printed; which was agreed to.

REPORT ON SALMON INDUSTRIES.

Mr. GORMAN. I am directed by the Committee on Printing, to whom was referred the resolution submitted by the Senator from Oregon [Mr. MITCHELL] on the 13th instant, in relation to the salmon industries of the Columbia River, to report it favorably with amendments. I ask for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

Resolved, That the Public Printer be, and he is hereby, directed to print 1,000 extra copies of Senate Miscellaneous Document No. 200, Fifty-third Congress, second session, being the report of the United States Commissioner of Fish and Fisheries on the salmon industries of the Columbia River, the same to be for the use of the Commissioner of Fish and Fisheries.

The amendments reported by the Committee on Printing were, in line 10, after the word "salmon," to strike out "industries" and insert "fisheries," and in line 11, after the words "Columbia River" to insert "Basin."

Mr. DOLPH. I inquire of the Senator from Maryland, who reports the resolution, how many copies of this document are proposed to be printed?

Mr. GORMAN. The colleague of the Senator [Mr. MITCHELL of Oregon] offered the resolution, and it proposes to print 1,000 additional copies.

Mr. MITCHELL of Oregon. I introduced the resolution to print 1,000 extra copies for the use of the Commissioner of Fish and Fisheries.

Mr. DOLPH. I wish to suggest to the Senator from Maryland that that is a very important and interesting document to the people of my State and the States bordering on the Columbia River, and the number which would be available for the use of Senators, if only the usual number is ordered printed, would be entirely inadequate. Would the Senator object to having a limited number printed for the use of the Senate?

Mr. GORMAN. Not at all. Within the rule the Senator may offer an amendment for that purpose.

Mr. DOLPH. Let the amendments of the committee be acted upon, and then I shall offer an amendment.

Mr. GORMAN. I suggest to the Senator that when the proper time comes, after the amendments of the committee have been acted on, I shall move to insert "one thousand additional copies for the use of the Senate."

Mr. DOLPH. That will be satisfactory.

The PRESIDENT *pro tempore*. The question is on the amendments reported by the Committee on Printing, which have been read.

The amendments were agreed to.

Mr. GORMAN. I move to strike out "one thousand" and insert "two thousand," and after the words "Columbia River Basin," to insert "one thousand for the use of the Senate and one thousand for the use of the Commissioner of Fish and Fisheries."

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 3, before the word "thousand," it is proposed to strike out "one" and insert "two," so as to read: "Two thousand copies;" and after the word "basin," to strike out "the same to be for the use of the Commissioner of Fish and Fisheries," and insert "one thousand for the use of the Senate and one thousand for the use of the Commissioner of Fish and Fisheries."

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. CALL introduced a bill (S. 2252) for the relief of Mrs. Alice M. Walsh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. ALLEN introduced a bill (S. 2253) restricting the jurisdiction of the Federal courts, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. COKE introduced a bill (S. 2254) to establish a light-house and a range light at the entrance to Galveston Harbor, in the county of Galveston, in the State of Texas; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DOLPH. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill; which, with the letter from the collector of customs at Portland, Oregon, I ask may be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Appropriations and printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

COURTS IN SOUTH CAROLINA.

On motion of Mr. PUGH, it was—

Ordered, That the bill (S. 1879) to amend "An act to regulate the sittings of the courts of the United States within the district of South Carolina," be recommitted to the Committee on the Judiciary.

INVESTIGATION OF DISTRICT CHARITABLE ORGANIZATIONS.

Mr. McMILLAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas the board of children's guardians, at a meeting held July 16, 1894, passed resolutions asking for an investigation of certain charges reflecting on its management and usefulness: Therefore be it

Resolved, That the Committee on the District of Columbia be, and they are hereby, directed to investigate the management of the office of the Superintendent of Charities, of the Board of Children's Guardians, and of the Washington Humane Society, and to report to the Senate whether, in the judgment of the committee, there is conflict or duplication of duties among the established agencies for the protection of children in the District of Columbia and any other material facts in relation to the management of the organizations named. Such investigation may be conducted by a subcommittee or otherwise, in the discretion of the chairman of the said committee.

SEWERAGE OF THE DISTRICT OF COLUMBIA.

Mr. PROCTOR. I submit a resolution, and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That 500 copies of Executive Document No. 445, first session of

Fifty-first Congress, it being a report of a board of sanitary engineers upon the sewerage of the District of Columbia, be printed for the use of the Senate.

Mr. COCKRELL. What will be the cost involved?

Mr. PROCTOR. There was but a single copy of that report remaining in the document room, and I borrowed that copy. It is quite important, in view of some pending legislation, that there should be a reprint of it.

Mr. GORMAN. I suggest to the Senator that he have the resolution referred to the Committee on Printing, and the committee will report it promptly.

Mr. PROCTOR. Very well.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

INDUSTRIAL TROUBLES IN CHICAGO, ILL.

Mr. ALLEN. I submit a resolution, and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Attorney-General be, and he is hereby, directed to transmit to the Senate full copies of all telegraphic and other correspondence which may have passed between him or his office and any of the officers, agents, or attorneys of the Chicago, Rock Island and Pacific Railway Company; the Illinois Central Railway Company; the Chicago, Milwaukee and St. Paul Railway Company; the Chicago and Northwestern Railway Company, and any and all other railways entering into Chicago that were in any manner engaged in or affected by the recent industrial troubles in the city of Chicago, Ill., as well as all telegraphic and other correspondence with the United States district attorney at the city of Chicago, and any and all special attorneys retained or taking any part in the litigation arising out of said troubles, between the 1st day of June, 1894, and the present date.

Mr. PLATT. That is a long resolution. Let it lie over and be printed.

The PRESIDENT *pro tempore*. Being objected to, the resolution will be printed, and go over until to-morrow.

ROBERT TRAVILA.

Mr. DOLPH. If the morning business is disposed of, I ask——

The PRESIDENT *pro tempore*. If there are no further concurrent or other resolutions, the morning business is concluded, and the Calendar under Rule VIII is in order.

Mr. DOLPH. I ask unanimous consent for the present consideration of the bill (H. R. 894) for the relief of Robert Travila for loss of carbine in late war.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISSUE AND SALE OF BONDS.

The PRESIDENT *pro tempore*. The first business on the Calendar under Rule VIII will be stated.

The resolution submitted by Mr. PEFFER January 18, 1894, declaring that the Secretary of the Treasury has no lawful authority for issuing and selling bonds as proposed in the notice published January 17, 1894, was announced as first in order.

Mr. COCKRELL. Let that be passed over for the present.

The PRESIDENT *pro tempore*. The resolution goes over, being objected to. The next business on the Calendar will be stated.

WILLIAM R. WHEATON AND CHARLES H. CHAMBERLAIN.

The bill (S. 1057) for the relief of William R. Wheaton and Charles H. Chamberlain, of California, was announced as next in order on the Calendar.

Mr. PASCO. There is a minority report in that case, and it will take some time to dispose of the bill. I suggest that it go over under Rule IX.

The PRESIDENT *pro tempore*. Upon the suggestion of the Senator from Florida the bill goes over to the Calendar under Rule IX.

Mr. DOLPH subsequently said: The bill (S. 1057) for the relief of William R. Wheaton and Charles H. Chamberlain, of California, went over under Rule IX. The Senator from Florida [Mr. PASCO] has no objection to its being passed over without prejudice. The Senator from California [Mr. PERKINS] was not present when the bill was reached on the Calendar, and I ask that it go over under Rule VIII.

Mr. PASCO. I have no objection to that course being pursued.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be restored to the Calendar under Rule VIII. The Chair hears none.

LIGHT-HOUSE AT CAPE ARAGO, OREGON.

Mr. MITCHELL of Oregon. I ask for the present consideration of the bill (S. 1191) making an appropriation for the completion of the light-house at Cape Arago, in the State of Oregon, which was passed over the other day.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

That $15,500 of the remaining balance of the sum appropriated by the act approved March 3, 1891, for the establishment of a light and fog signal at the mouth of the Coquille River, Oregon, be used in the erection of light keepers' dwellings and a fog signal at the Cape Arago light station.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CALEB HUSE.

Mr. PUGH. I ask unanimous consent for the present consideration of the bill (H. R. 5735) to remove the political disabilities of Caleb Huse.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

HANNAH HOWARD.

Mr. VEST. I ask the Senate to take up the message of the House of Representatives in relation to the tariff bill.

Mr. HILL. Will the Senator from Missouri yield to me for a few moments to call up a bill?

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield to the Senator from New York?

Mr. VEST. I will yield if the bill leads to no debate.

Mr. HILL. I ask unanimous consent to call up Senate bill 1833 to grant a pension to Hannah Howard.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1833) granting a pension to Hannah Howard. It proposes to place on the pension roll the name of Hannah Howard, and to pay her pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINOR CHILDREN OF ALFRED PHIPPS.

Mr. PALMER. I ask unanimous consent for the present consideration of the bill (H. R. 5459) to pension the minor children of Alfred Phipps.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the names of John T. Phipps, Bertha L. Phipps, Mary M. Phipps, Alfred J. Phipps, and Florence H. Phipps, orphan minor children of Alfred Phipps, Company A, Twelfth Maryland Infantry, upon the pension roll of the United States, as if no widow had survived, until they shall respectively arrive at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. L. EASTMAN.

Mr. QUAY. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 1656 to increase the pension of Mary A. L. Eastman.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1656) granting an increase of pension to Mary A. L. Eastman. It proposes to place on the pension rolls the name of Mary A. L. Eastman, widow of Robert L. Eastman, late captain and brevet major, United States Infantry, and to pay her a pension at the rate of $50 per month in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. COKE. I ask unanimous consent to call up House bill 7335, granting to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory.

Mr. VEST. I move that the Senate proceed to the consideration of the message of the House of Representatives on the disagreement of the two Houses in respect to the tariff bill. It can then be laid aside temporarily until the bill which the Senator from Texas wishes to have taken up is disposed of.

Mr. COKE. Very well.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate proceed to the consideration of the message of the House of Representatives in respect to the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

The motion was agreed to.

Mr. COKE. I ask the Senate to proceed to the consideration of the bill (H. R. 7335) to grant to the Arkansas, Texas and

Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PLATT. For the purpose of saving my rights, I wish to enter a motion now to reconsider the vote by which the bill has just been passed. I do not know that I shall press it, but I wish to have time to examine the bill.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The motion to reconsider will be entered.

GRANT OF LANDS TO OKLAHOMA CITY.

Mr. MARTIN. I ask that the Senator from South Dakota [Mr. PETTIGREW] be excused as one of the managers on the part of the Senate at the conference between the two Houses on the bill (H. R. 6080), granting a certain military reservation to Oklahoma City, Okla., to aid the public free schools thereof, and for other purposes, and that the Senator from Wyoming [Mr. CAREY] be appointed in his place.

The PRESIDING OFFICER. If there be no objection, the Senator from Wyoming [Mr. CAREY] will be appointed as a conferee in the place of the Senator from South Dakota [Mr. PETTIGREW] on the bill indicated by the Senator from Kansas. The Chair hears no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7079), making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

THE REVENUE BILL.

Mr. VEST. I call for the regular order.

The PRESIDING OFFICER. The regular order will be proceeded with.

The Senate resumed the consideration of the following message from the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, *July 19, 1894.*

Resolved, That the House insists upon its disagreement to the amendments of the Senate to H. R. 4864, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. WILSON of West Virginia, Mr. MCMILLIN, Mr. TURNER of Georgia, Mr. MONTGOMERY, Mr. REED, Mr. BURROWS, and Mr. PAYNE be managers of the conference on the part of the House.

Mr. CAFFERY. Mr. President, when the debate closed yesterday evening there was a colloquy pending between the Senator from Rhode Island [Mr. ALDRICH] and myself as to the effect of paragraph 236 of the McKinley act of 1890 on the refining interests of plantations. That paragraph reads as follows:

236. That any person who shall knowingly refine or aid in the refining of sugar imported into the United States or upon which the bounty herein provided for has already been paid or applied for, at the place described in the license issued by the Commissioner of Internal Revenue, and any person not entitled to the bounty herein provided for, who shall apply for or receive the same, shall be guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine not exceeding $5,000, or be imprisoned for a period not exceeding five years, or both, in the discretion of the court.

I maintained in that discussion with the Senator from Rhode Island that this paragraph of the McKinley law practically prohibited refining sugar by the producer of the domestic sugar. The interpretation put upon this clause of the statute by the then Secretary of the Treasury, when applied to by Col. Cunningham, of Texas, for his interpretation, was that in order to entitle him to refine sugar at the place where the license to produce sugar was obtained he would be compelled to erect a separate establishment disconnected with his sugar house in order that he might do so.

Mr. ALDRICH. Will the Senator from Louisiana allow me to interrupt him just at that point? The Senator from Louisiana can not mean to say that the Department ruled that it would be necessary for Mr. Cunningham or anybody else to erect a separate establishment to refine the sugar produced at the place licensed by the Department?

Mr. CAFFERY. I do not mean to say that, and I was about to proceed to state that the Secretary of the Treasury informed him (and his construction I think was evidently right) that he could only refine his own sugar; that he could not refine imported sugars; that he could not refine any sugars made in the country upon which a bounty was paid. That, therefore, prevented him from refining domestic sugars, because upon all of them the bounty was due.

Mr. ALDRICH. It did not prevent him from refining them, but it prevented him from refining them in the place licensed for the production of sugar.

Mr. CAFFERY. Exactly. The Senator from Rhode Island is very astute and keen on these points. I do not intend to make any acute or superficial construction of that clause. I want to go right straight to the merits of it. The refining of imported or of domestic sugar is prohibited at the place where the license is procured to produce sugar. That is a practical prohibition of a sugar planter from getting such a process or such an apparatus as will enable him to refine extensively his sugar or the sugar imported. It is necessary if anyone wants to refine sugars to erect an establishment that will run continuously. One can not afford, simply to refine the sugars produced by the ordinary planter, to purchase and erect the apparatus required to refine such sugars as will go into competition successfully with the trust sugars.

It is very true that the centrifugals turn out sugars, as I have previously stated, which, to some extent, go into consumption; but in order to refine the cane sugars it is necessary to put up a bone-black establishment, which I am told will cost about $300,000. Of that I know nothing. I derive my opinion from a gentleman who contemplated putting up one in my parish, and that was the statement he made to me in regard to the cost of the plant.

Therefore, this clause of the McKinley law does practically prohibit any extensive refining of sugar by the producer. In order to do that he would either have to buy the domestic product, which under this clause he can not do, or he would have to import foreign sugars; and in order to refine either he would have to go to the additional cost of erecting a separate establishment. Why? The Senator from Rhode Island says that the provision of the law is made to prevent frauds by mixing sugars. What is to prevent the planter who would be entitled to refine upon his own premises in a separate establishment imported sugars or domestic sugars from mixing such sugars with his own?

Now, sugar is made openly. The very large establishments, the evaporators, the tanks to hold juice, the various machinery connected with a sugar house occupy very considerable spaces. There is a very large number of attendants. Under the operation of the McKinley act it is required by the regulations of the Commissioner of Internal Revenue that a sugar weigher shall be constantly present during the time the sugar is made upon which a bounty is due. How, therefore, could any mixing be accomplished? Could it not as well be accomplished in a separate sugar house 25 feet off as in the main sugar house? No; the contention is entirely correct which was made by the Senator from Delaware and myself that this clause of the McKinley act is a practical prohibition of the producer from going extensively or going at all into regular refining.

It is said that when Napoleon made his celebrated expedition into Egypt he carried along with him a body of French savants, and in making an analysis of the contents of the beet that they saw growing on the borders of the Nile, they discovered that there was a considerable amount of saccharine in it. After the establishment of the empire of Napoleon, the beet industry of France was stimulated by a very large bounty and by a protective law that almost shut out all foreign sugars. At the start there was only 6 per cent of saccharine in the beet. By the application of science, particularly the science of chemistry, the saccharine has been increased from 6 per cent to about 17 per cent, which is the ordinary saccharine of the German beet. That culture has gone on and developed to such an extent that the beet product of the world to-day is in round numbers about 700,000 tons in excess of the whole cane product of the world.

In the great Northwest the soil and climate have been found to be exactly suited to the culture and production of the beet. Successful factories are located in Nebraska and California, and I believe in Utah. Those factories have a very promising prosperity before them. In the present depressed condition of agriculture throughout the United States if this industry were permitted to flourish, to grow, to increase, there is no doubt that it would afford an immense relief not only to that country but to the whole United States from the existing low prices of cereals. It would afford an outlet for the farmers who can now hardly raise at the present prices wheat and other cereals.

Under the terms of the McKinley act the licenses have to be procured on the 1st of July. At that period the sugar-making season commences. I am told that it has already commenced in Nebraska, and perhaps in California. If a bounty is not a contract I do not believe that anybody will hold but that the completion of the crop during the pendency of the bounty law would entitle the producer to the benefit of the bounty. I do not believe anybody could hold to the contrary of that position.

Now, the people who have commenced the manufacture of beet sugar in the Northwest are entitled in my opinion to the bounty stipulated under the terms of the McKinley act. The contract if not complete is almost so. It might be quibbled away in a court of law, but I do not believe that the Congress of the

United States, dealing with a matter verging so near perfection as this, will hesitate to say that the producer is entitled to the benefit of the law conferring the bounty.

Therefore I say, Mr. President, that in any schedule on sugar the bounty for this year at least ought to be guaranteed to the producer.

Laying aside all considerations of the delusion of these producers, if you so please to term it, in regard to the binding force of the bounty under the McKinley act as forming a contract, they at least thought that the Government of the United States was pledged for the continuance of that bounty for fifteen years as stipulated in the law.

It was an honest delusion, if delusion at all; and when it is now proposed to change the law, it is at least equitable (and I appeal to the sense of justice of the Senate and the other House) that the bounty stipulated in the law of 1890 shall this year be accorded to the producer; and if the ad valorem or a specific tax is finally agreed to be levied upon sugar, and that tax does not yield the producer of sugar the equivalent of the bounty, the tax ought to be supplemented with such an amount as would come up fully to the bounty. I believe that that is a just and equitable dealing. I believe that it will meet the common sense of justice of the whole people; and I believe that the Senate and House will grant this request of the sugar producers.

The capacity of the Northwest to produce beets is almost illimitable. The amount of money that the United States has to pay annually for imported sugar is considerably over a hundred million dollars. Under the operation of the McKinley law with raw sugar upon the free list, and the refiner protected by a tax upon the refined sugar of sixty one-hundredths of a cent, there is a very considerable amount of the gross sum that goes into the till of the protected refining interest.

Mr. Havemeyer stated in his testimony before the Senate investigating committee that $35,000,000 have been realized by the trust in the last three years as a profit upon the business in which they were engaged. That may not be an unreasonable sum if the outlay is very large, the expenses of refining very great, but from all accounts the capital is not such nor the expenses so great as to warrant any such profit as $35,000,000 in three years.

Under the terms of the Senate Finance Committee's bill the protection of the sugar-refining interest is cut down about one-half. The estimate that has been made (and it is very difficult to make any estimate upon this subject) is that the sugar trust would derive a protection of between twenty-five and thirty one hundredths of a cent a pound upon sugar.

Now, Mr. President, why is it not possible to levy a duty either upon the basis of a specific rate or upon the basis of a flat ad valorem which will give sufficient revenue to the Government and sufficient protection both to the producer and to the refiner? I believe that a fair, square, honest ad valorem rate, or a specific rate, which is not difficult to fix because the polariscope defines clearly and exactly the saccharine contents of all sugars, would meet with the universal approval both of Congress and the country.

Mr. President, I desire to say a few words in regard to my own State and in regard to the attitude which myself and my colleague have been compelled to take in reference to the sugar schedule. Under a tariff law continuously in existence for so many years our people have rested under a profound conviction that their interests would never be disturbed. They have been induced to go into the cane culture. They have relied upon the action of the Government that has almost obtained the force of law by uninterrupted custom, by continuous application. Relying upon this state of affairs, relying upon the doctrines of the Democratic party, they have rested with some degree of confidence under the belief that their industry, if molested, would not be destroyed.

It is a common belief that the representatives of every interest that flourishes under protection when that interest is about to be assailed, when the amount of protective duty is about to be lowered, will make statements utterly at variance with the truth; that their cry that their industry will be lost or imperiled is engendered by their fears; that they have conjured up in their imagination false danger, and that in reality their interest would not suffer but perhaps would be improved by an application of the pruning-knife, cutting down, curtailing, paring, diminishing. That possibly may be true in regard to a great many protected interests. It may be true in regard to manufacturers who can manufacture upon an equality with the whole world.

It may be true of any interest where the conditions of production in the United States are quite as favorable as they are elsewhere. But that can not possibly be true of an industry which has taken its whole growth, which has had its origin, because of the stimulus of tariff protection. That can not be possibly true where an industry flourishes under conditions of inequality with like industries in other portions of the globe, where the conditions are all unfavorable to the industry protected, and where when the artificial prop of legislation is taken away the industry must necessarily stop or be very considerably endangered.

I will not repeat what I have heretofore advanced in regard to the condition of the planters of Louisiana. I will not state again the condition surrounding them. The statements that I have made in that regard will appear in the former part of my remarks, and I do not now choose to either elaborate or repeat them; but I say that with the better labor that we have (for the colored labor of my State has improved year by year, and in my opinion it is now infinitely superior to the cooly labor of Cuba and of South America); with the application of the improved methods discovered by the Germans, with more attention to the soil than has heretofore been given, that, if tariff legislation does not strike them down now, they will in a space of a decade be able to hold their own; that they will be able to a great extent to hold their own with the cane-growing countries of the world.

This is a mere belief of mine which may not be justified by the events; but from my limited observation of the increase of the output of sugar in my State, the increase of the product of the soil, the increase of the amount of saccharine extracted from the cane, I honestly believe, with a superior labor and a more intelligent agriculture there, that we shall soon be able to compete with the other cane-growing countries of the world.

Mr. President, I have had for years and years a fervent aspiration and hope that the Democratic party would finally succeed in formulating a tariff bill which would give relief to this country. I have for years and years believed that the paternal theory of government, so ably and eloquently advocated by the junior Senator from Massachusetts [Mr. LODGE], is false in theory and injurious in application. I have for years and years believed that the security of the liberties of this country depended upon the largest amount of individual liberty to the citizen consistent with the due enforcement of the laws on the part of the constituted authorities.

I have believed that we have prospered in spite of protection. When the Republican party took the nation into its confidence, carried it into the high mount of protection, and laid before it the beauties and the glories of the world of protection that lay underneath, the people of the United States said to them in the election of 1892: "Get thee behind me, Satan." The people of the United States have denounced as loudly as a people can denounce the false theories and the injurious workings of the protective system; and my deliberate opinion is that the men of thought and of brain and heart on the other side of this Chamber—and there are many of them there—would, if they had the opportunity, themselves introduce a bill and carry it through, very largely reducing the duties now imposed under the McKinley law.

Louisiana does not desire to stand in the way of tariff reform. Louisiana is a Democratic State, and joins her sister Democratic States in the effort to bring about tariff reform. I do not believe there is a patriot in Louisiana who does not cherish the most earnest desire to see a consummation and realization of the ardent wishes of the loyal Democrats of this Union that tariff reform be inaugurated; but I ask our Democratic brethren to pause lest in advancing along with their solid column toward the goal of tariff reform they march over the prostrate body of my State.

Unfortunately for us, Mr. President, not through our wrongs, not by our choice, we have been compelled to be from the very nature of our pursuit, an obstacle to the peculiar theories held by a large number of our Democratic colleagues as to the best methods of bringing about tariff reform. In my opinion it would have been a wise thing and a safer thing, though I am not here to criticise or carp, to have followed the old beaten track, along which and over which the Democratic columns have advanced to victory in the past. I thought the time was inopportune and the moment not auspicious to inaugurate new theories of taxation, but, as I said, I have no criticism to make; I will not foul my own nest; I will not rise in my seat in the Senate and say that this, that, or the other is distasteful to me.

I yield deference to the opinions of those in the majority on this question. Though my individual views on particular subjects may be somewhat impinged upon or opposed by the theories which underlie the formation of the Wilson bill, I shall vote for that bill in silence, unless it destroys my State. We do not occupy the position, nor can we be forced to occupy the position of malcontents and rebels against the party. We are in the very sanctuary of the Democratic temple; we have hold of the very altar of refuge in that sanctuary. When a blow is threatened against us, there we look for security, and ask, not for the protection which is clamored for as protection, but we

ask for an application of the ancient, the honored, the correct, the just, the true doctrine of tariff for revenue.

That is all for which we have asked; that is all for which we ask now. We are entitled to that much, not outside, but inside of Democratic rule, Democratic practice, and Democratic principle; and, in my opinion, it would have been a safe thing to have adhered to that old rule and not have deflected our footsteps into strange and untrodden bypaths. They may lead us no man knows where. When a voyage of discovery is undertaken in the matter of tariff legislation, if a departure from old plans, old precedents, and old theories be made, no man can predict the result.

Mr. STEWART. Would it interrupt the Senator if I should ask him a question?

Mr. CAFFERY. Not at all.

Mr. STEWART. In a tariff for revenue, does the Senator object to incidental protection to sugar?

Mr. CAFFERY. In a tariff for revenue I want to impose it without any sort of regard to protection.

Mr. STEWART. Would it be, in the opinion of the Senator, any objection to a tariff for revenue that it gave incidental protection to sugar?

Mr. CAFFERY. None in the world.

Mr. President, right here the question of the Senator from Nevada raises this thought in my mind: A tariff for revenue, which has been laid for years and years, has brought about a certain industry or certain industries. When it is thought best to change the principle of the party adopting tariff for revenue as to articles grown up under that tariff, is it not both a principle of politics and a principle of common justice and common humanity not to destroy the industry fostered under that tariff policy? In my mind it is not a question of theory, it is not a question as to whether tariff for revenue or tariff for protection is better; but it is a simple question of common justice on the part of any party as to whether or not a certain industry or certain industries, grown up under a tariff for revenue, shall be wantonly and ruthlessly destroyed by a change of theory or a change in the application of a theory.

Mr. President, my State stands, if not first, amongst the first in the Democratic column. Sad will be the day to me when she either lingers in the rear or when the roll is called and Louisiana does not respond to the Democratic call. That State is entitled to recognition at the hands of the national Democratic party. That State's Democracy, her loyalty, her truth, her fidelity——

Mr. MITCHELL of Oregon. Will the Senator yield to me for a question?

Mr. CAFFERY. Certainly.

Mr. MITCHELL of Oregon. If the Senator from Louisiana himself were framing a tariff law for this country, and he found he could raise revenue enough to meet all the expenditures of the Government by placing duties exclusively on those articles of foreign production the like of which we do not at all produce in this country, I ask him if he would put all his customs duties on such articles?

Mr. CAFFERY. If I would put all the customs duties there?

Mr. MITCHELL of Oregon. Yes. If he could raise revenue enough by placing the duties solely on foreign products the like of which we do not produce at all in this country, would the Senator favor the raising of the revenue from those articles and put no duty whatever on other foreign products coming in competition with the products of this country?

Mr. CAFFERY. The question is too general to admit of a specific answer, but I say generally I would.

Mr. MITCHELL of Oregon. I took it for granted the Senator would. His argument seems to lead in that direction.

Mr. CAFFERY. That is just precisely my argument. I would put a tariff upon articles not raised in the United States, or raised to a limited extent, and I would put an excise duty upon tobacco and whisky; I would put a duty upon articles of luxury, whether they were raised in the United States or not, and that would about fill the bill of my ideas of tariff imposition.

Mr. President, I want to make a supplication for my State. It does not humiliate me and it ought not to humiliate any Democrat to come before his fellow Democrats and beseech them to withhold the hand that would destroy; and, in this particular instance, they can do so on exact lines with Democratic policy.

It is estimated that the bill as passed the House of Representatives would create a deficit of $25,000,000. The estimated amount in the first instance to be derived from incomes has been shown to be too high. It is now thought that the revenue from incomes will only be about $12,000,000, and it is very seriously questioned whether or not the amount derived from incomes will not almost entirely be absorbed in the cost of collection.

We have a Treasury, the gold in which has been departing nearly every day; we have a vast amount of silver currency and paper currency to maintain at par with gold. Would a surplus in the Treasury be an unalloyed evil? Would it not be better, Mr. President, to have a surplus in that Treasury of at least $50,000,000 than to have the fate of all this money, now held upon a parity with gold, trembling in the balance, to have the United States on the brink of going to protest in every panic, forcing the Secretary of the Treasury to sell bonds, and resorting to all kinds of expedients to keep up the amount of gold necessary to be held in the Treasury as a reserve?

It will not at all be out of line with either Democratic policy or theory or with the exigencies of the present conditions to levy such a tariff upon sugar, an article which produces revenue, that all these difficulties may be bridged over, that the currency be secure, and the danger of bankruptcy or protest on the part of the Government of the United States avoided.

Mr. President, in concluding I will say to my Democratic brethren, that, while the peculiar position we have been compelled to take upon this floor may somewhat have alienated us politically from them, I beg them to think and to know that the fires of Democracy burn in our bosom as brightly as in theirs; I beg them to consider that if they push this matter of their tariff reform too far, if they push it beyond that point where my State will suffer deadly injury, if we resent, if we are compelled to go into opposition on that point, it will be more in sorrow than in anger; it will be because the dread alternative is presented to us of seeing our State hurt, crippled, or destroyed, or breaking loose somewhat the close ties that ought to bind us in fellowship with our fellow Democrats.

I hope, Mr. President, that day will not come; I hope some way will be seen out of the difficulties that now environ us so that we shall all come together; I hope that wise and temperate and moderate counsels will prevail; and I hope that men wedded to this theory, that theory, or the other theory, will forego the application of their theory. I hope the gentlemen who find that it is a little unpopular to put a tax upon sugar in certain districts will see that sometimes a thing may be unpopular, and yet entirely just and right. I hope they will not put the alleged unpopularity of the sugar tax as against the interests of a great Commonwealth, the interests of the Treasury of the United States, and the interests of the Democratic party itself.

The tariff on sugar is a cardinal doctrine of Democracy; this is the cardinal point of tariff for revenue. How can it be departed from upon an alleged unpopularity of it? Is that a just ground? Can Senators say, in their conscience, in their judgment, that because the Republican party took the tariff off of raw sugar and made free raw sugar popular, therefore the Democratic party must take the tariff off of all sugar? I beg my Republican friends to know that the tariff under the McKinley act has not conduced to the lowering of the price of sugar so much as the enormous output of sugar.

Mr. Havemeyer swears in his testimony before the investigating committee that he keeps the price of sugar up to the importing point. The German is pushing him, or competing with him, and he is keeping the price up to the importing point; and a close analysis of the sugar situation will display the fact that the McKinley tariff of sixty hundredths of a cent upon refined sugars is not such a great boon as our Democratic brethren have been deluded into believing. The boon of cheap sugar has been given by protected Germany, by this artificial stimulus to the producers of beets all over Europe.

The battle-royal is between the cane product and the beet product. The German ships free on board at Hamburg to-day granulated sugars at 3.16 cents per pound. That sugar is transported from there to the United States at about 12½ cents a hundred pounds, and when you add the tariff of sixty one-hundredths of a cent to the freight and the cost price of sugar at Hamburg, and take the price of granulated sugar in New York, you will find it is the low price of sugar in Germany and the enormous output of beet sugar there which has produced the low price of sugar in this country. This sixty one-hundredths of a cent is absolutely prohibitive of the introduction of that sort of sugar which is consumed; that is, refined sugar. The people do not eat raw sugars; they eat the refined sugars; and with the refinement of ingenuity the sugar trust has got its tariff just as it wants it.

Mr. President, this bill has in it an exceedingly objectionable feature to me. Why it was ever incorporated in the bill I can not conceive. It is the provision which exempts the sugar of the Hawaiian Islands from the operation of any tariff which may be imposed upon sugar. Why this discrimination? What Democrats want it? Is Hawaii the salt of the earth? Shall we be favoring Liliuokalani or Dole by this? What special claims has Hawaii that we must make this exemption from the operation of the tariff laws in its favor?

What justifies it? How are they entitled to it? In a tariff bill is inserted a provision—it did not occur in the bill as it

came from the House, but in the bill as reported from the Senate committee—that the sugar schedule should not in any way affect the treaty with Hawaii. If that provision goes through, the President of the United States would hardly feel warranted in signifying to the authorities in Hawaii that the treaty between the two powers should cease after proper notification. That treaty expires in November next. One of the clauses of the treaty requires a notice of twelve months before its abrogation, and under the impression derived by the President of the United States, and legitimately derived from that provision in this tariff bill, he will come to the conclusion that we want absolute reciprocity with Hawaii, and he will hardly venture to give notice of the cessation of the treaty. How will that affect the sugar-growing interests of the Northwest?

Sir, by that treaty only raw sugars are admitted free. No refined sugars can be brought in free under the treaty with Hawaii. So with raw sugars free, and with a tariff on the refined sugar, and with a tariff placed both on refined and raw sugar coming from other countries, the sugar kings of the Pacific coast have a bonanza. For years and years sugar upon the Pacific coast has been higher than in New York, with raw sugar free, even before the adoption of the McKinley act. The raws are a good deal cheaper and the refined a good deal higher there than in New York. I have not the data, but I know that from having seen the figures.

What reason is there for it? I heard the distinguished Senator from Rhode Island [Mr. ALDRICH] say in the debate on the bill, when it was before the Senate as in Committee of the Whole, that the Hawaiian Islands or the sugar trust derived a benefit of about $6,000,000 from the operations of that treaty. Six million dollars given to the trust and Claus Spreckles, because the evidence before the Senate investigating committee shows that Claus Spreckles and the American Sugar Refining Company, called a trust, are equal partners in regard to the sugar refining interests on the Pacific Slope.

Why, therefore, inject such a peculiar provision into the tariff law? Why make the island of Cuba, the continent of Europe, every country in the world producing sugar and importing it into the United States pay a tariff and admit sugar from Hawaii free? What is the object of it? Is it some hallucination that has seized the mind in regard to the Nicaragua Canal, this vast scheme concocted by certain speculators? Is it thought that the Hawaiian Islands are so necessary to the canal that a peculiar and strange exemption must be made in regard to sugar from that country? I hope not; but I can see no other reason. I am at a loss to discover why it was that this provision was inserted.

Mr. President, I wish to give to the bill my honest and earnest support. I do not want to stand out alone or with a handful of men in opposition to the behest of this great party. It may be that an untoward fate will overtake the bill. It may be that some evil will befall the earnest efforts of the Democratic party in consummating the wishes of nine-tenths of the citizens in regard to the bill, for they all want to have a bill passed. Everybody wants to have a bill passed.

Everybody wants to have this state of uncertainty done away with and the business interests allowed to go on. I, as a loyal Democrat, want to support loyally and honestly the bill. What I have said in the Senate in regard to the step that I shall be forced to take under certain circumstances has almost torn my heart out by the roots. I have been absolutely agonized at the contemplation of the dreadful responsibility which I would incur by that step. But I have taken it deliberately; I have taken it with a firm conviction that my duty lay toward my State, and, Mr. President, if the dread alternative is presented to me, I shall have to drink the bitter cup.

Mr. DANIEL. Mr. President, my purpose in rising is to make a brief personal explanation, and not to indulge at this time in any of the features of this debate.

I have before me the Richmond Dispatch of Tuesday, July 24, yesterday, and also the Richmond Times, both daily papers of our capital city. In both of these papers I observe accounts of the speech made by the Senator from Maryland [Mr. GORMAN] on Monday last, and in both of them, for it is an Associated Press dispatch which they publish, I observe the following language:

> The Representatives of New York, New Jersey, Ohio, Pennsylvania, and Virginia at the outset announced that the House bill was so radical, so destructive of the interests of the people, that they would not support it.

I felt assured when I read that language that it was a clerical error, or at least one into which the reporter had casually and for some reason unknown to me fallen. This morning, in company with my colleague [Mr. HUNTON], I called the attention of the Senator from Maryland to these expressions, feeling confident that it was an error. I was so assured by him, and that he had not uttered any such language. It occurred to me that possibly the name of West Virginia had been used in some connection, but I felt assured also that the position of her Senators was the same as that of my own State, for I had never heard any intimation of such an opinion from them. The Senator from Maryland assured me that neither as to the Senators from Virginia nor the Senators from West Virginia had he uttered any such language, and, further, that he had not understood such to be their position.

For myself I have simply to say, that from the outset of this great struggle in the Senate I have felt profoundly convinced that under present conditions no greater calamity could befall this country in an economic sense than the failure of the party in power to enact into a law a reasonable tariff bill. In all of my meetings and discussions with and suggestions to members of the committee and to my colleagues, I have stated, as I do now, that I name no conditions to command my vote; that whether or not the bill suited me or conformed to any special view that I might entertain as to one item or another, it would command my support.

My judgment was that there was no subject upon which a body of this character could be called upon to legislate that so much demanded the spirit of conciliation and compromise as a tariff bill affecting so radically different sections of the country enacted into a law by gentlemen who represent such varied and diverse interests. It is still my opinion, Mr. President, that any man, whomsoever he be and of what department, who lays down an arbitrary statement that this or that item must not be compromised, does not occupy as broad a position as patriotism demands.

I have no speech to make, Mr. President, but I wish simply to say that I regard the delay in the passage of the tariff bill as a great misfortune to our country and to all of its inhabitants, and that in every respect my course in the Senate regarding it has been actuated by, and has conformed to, the desire to effect results. The smallest may criticise, but only the wise can achieve results, and in my judgment wisdom as to a subject so vast must ever be found in the spirit of compromise and conciliation.

Mr. JONES of Arkansas. Mr. President, I suggest that there is no quorum present.

The PRESIDING OFFICER. The Senator from Arkansas suggests the want of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Davis,	Kyle,	Pugh,
Allen,	Dixon,	Lindsay,	Quay,
Allison,	Dolph,	McLaurin,	Ransom,
Bate,	Dubois,	McMillan,	Roach,
Berry,	Faulkner,	McPherson,	Sherman,
Blanchard,	Frye,	Martin,	Smith,
Brice,	Gallinger,	Mills,	Squire,
Caffery,	Gordon,	Mitchell, Oregon	Stewart,
Call,	Gray,	Murphy,	Teller,
Camden,	Hansbrough,	Palmer,	Turpie,
Carey,	Harris,	Pasco,	Vest,
Cockrell,	Hawley,	Patton,	Vilas,
Coke,	Hunton,	Peffer,	Walsh,
Cullom,	Irby,	Power,	Washburn,
Daniel,	Jones, Ark.	Proctor,	White.

Mr. TURPIE. I wish to state that my colleague [Mr. VOORHEES] is detained from the Senate by indisposition.

The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum of the Senate is present.

Mr. HUNTON. Mr. President, I had the pleasure of listening to the speech of the Senator from Maryland [Mr. GORMAN], delivered day before yesterday, and I heard no word uttered by that Senator on that occasion which bore the semblance of the construction placed upon his speech by the press dispatch read by my colleague [Mr. DANIEL] a few minutes ago. The position attributed to my colleague and myself does us both the grossest injustice, because if there are two Senators upon the floor who have made more sacrifices than my colleague and I to obtain the early passage of the tariff bill I have yet to find out those two Senators.

While on my feet I shall take occasion to ventilate in a very brief way the views I entertain upon tariff reform. Tariff reform is no new subject to me. I learned it in my early youth. I learned it from that great tariff reformer, Robert J. Walker, and from that day to this I have not only been an earnest and honest tariff reformer, but I have been a tariff reformer upon the lines laid down by Robert J. Walker. In order to define my position upon the tariff, I beg leave to read from Mr. Walker's celebrated report in 1845 a few of the leading principles of tariff reform to which I subscribe:

> First. That no more money should be collected than is necessary for the wants of the Government, economically administered.
>
> Second. That no duty be imposed on any article above the lowest rate which will yield the largest amount of revenue.
>
> Third. That below such rate discrimination may be made, descending in the scale of duties; or, for imperative reasons, the article may be placed in the list of those free from all duty.
>
> Fourth. That the maximum revenue duty should be imposed on luxuries.

Fifth. That all minimums and all specific duties should be abolished and ad valorem duties substituted in their place, care being taken to guard against fraudulent invoices and undervaluation and to assess the duty upon the actual market value.

Sixth. That the duty should be so imposed as to operate as equally as possible throughout the Union, discriminating neither for nor against any class or section.

There are the principles which actuate me in all my efforts at tariff reform. But I am aware that it is impossible to get a tariff bill which will suit any one given individual. While I subscribe to the doctrines which I have just read from the report of Mr. Walker, I knew when we in this body entered upon the preparation of a tariff bill that it was to be a bill of compromise. While I was most anxious to get rid of the enormities of the McKinley act, I knew that I could only get rid of it by compromising with my fellow Democrats and getting the best bill that could pass this body to take the place of the McKinley law.

I beg to say here that many of the votes which I cast while the bill was before the Senate as in Committee of the Whole did not reflect my views. They did not reflect the views of the eminent tariff reformer from whom I have quoted, but I knew that in order to get the tariff bill in such shape that it would command a majority of the votes in this Chamber I had to give to others in the same way that I expected them to give to me.

Mr. President, as we all know, we came to some agreement, how or where it is not worth while for me to state, and that in order to get a bill which would command 43 votes in this Chamber we, of the Democratic side of the Chamber, had to yield to the Committee on Finance our peculiar views as to many of the items in the tariff bill. In obedience to that arrangement I have in good faith followed the committee in all of its amendments, because I knew that if I departed from the agreement we would not be able to get a bill which would command 43 votes in the Senate. This much for the explanation of some of the votes which I have given. The bill as passed by the Senate does not come up to my ideas of tariff reform, but there is no item in the bill which the Senate has passed that is not a very great improvement on the McKinley tariff law.

The press dispatch from which my colleague has read represents him and myself as being opposed to the tariff bill unless we get certain concessions in it. My colleague has denounced that as incorrect, and I do also. I presume the reference there is to a duty on coal and iron ore. While I am an earnest advocate of a duty on coal and iron ore, and I think my colleague occupies the same position, there is no item in the bill which I would not sacrifice in order to achieve the success of a tariff-reform bill in the Congress of the United States. I am for a duty on coal and iron ore because it is within the doctrine of tariff reform to which I subscribe as laid down by Mr. Robert J. Walker.

I believe, sir, that everything we produce, where we import a similar article, is entitled to have a revenue duty, with the incidental protection that such a duty affords. We know that the coal and iron ore produced in this country—and a good deal of both of those articles is produced in my own State—are subject to competition from abroad. That being the case, I believe it is the duty of the Congress of the United States to put a revenue duty upon coal and iron ore and afford those two articles the incidental protection of that revenue tariff. If we have not reached the revenue standard as to those two items reduce the duty further, but if we have gotten to the revenue standard, as I believe we have, then let us have a revenue duty of 40 cents a ton on coal and iron ore, and let these two articles, which are produced in your State, Mr. President [Mr. FAULKNER in the chair], and mine, have the benefit of the incidental protection of that revenue tariff.

Under the McKinley act coal has a protection of 75 cents a ton and iron ore has a protection of 75 cents a ton. The pending bill reduces the duty in both cases to 40 cents a ton, and it is reduced to 40 cents a ton because it was believed that that is the revenue standard. Being at the revenue standard, according to the doctrine which I have always held, those two articles, produced in many of the States of the Union, are entitled to the incidental protection of such a revenue tariff. I am therefore earnestly in favor of the proposed tariff tax of 40 cents a ton on coal and the same rate on iron ore, but the day never has come when I was not willing, and the day never will come when I shall not be willing to make further sacrifices on coal and iron ore in order to obtain the passage of a revenue tariff bill through both Houses of Congress.

Mr. President, the only other item which causes much trouble in the tariff fight is that of sugar. I apply to sugar as well as to coal and iron ore the doctrine which I have just stated. We produce immense quantities of sugar and we import immense quantities of sugar, and in that condition of affairs, according to my doctrine, the sugar we produce is entitled to have the incidental protection of a revenue tariff. I believe that 40 per cent ad valorem is about the revenue tariff tax on sugar, and therefore I am willing, nay, desirous, to see the sugar product of this country protected by such a revenue tax.

In addition to the 40 per cent on sugar there is a tax of one-eighth of 1 cent on refined sugar. That we are told is a protection to the sugar trust. I for one am in no sense of the word in favor of protecting trusts; on the contrary, I am violently opposed to it, but when we come to consider that the McKinley act gives one-half of a cent and that the bill as passed by the Senate proposes to give one-eighth of a cent, surely nobody can hesitate a moment, in order to get the bill through both Houses of Congress, to allow one-eighth of 1 cent.

These are the main troubles which surround our situation at the present time. They are grave difficulties, but I believe there is patriotism enough in the Democrats of both Houses to give and take and come to an agreement which will command the united support of the Democratic party in both Houses and give us a bill which, if not satisfactory to you and to me, is so much better than the McKinley act that we will take it, and take it gladly.

Mr. President, this is no time for Democrats to stand on their opinions and reject the opinions of brother Democrats. We are here for the purpose of passing a tariff bill. Such a bill was never passed in the history of the Government except as a compromise measure, and I trust there is no Democrat in the sound of my voice, no Democrat in either House, who is not willing to make compromises in order to get a tariff bill which everybody must know is a great improvement on the McKinley act, and which will relieve the people of the United States from a great burden of taxation.

More than that, it is not only important to us, important to the country, important to the Democratic party to pass a tariff bill during this session of Congress, but it is important to the country at large that the bill should be passed with all the promptness and speed we can command. The country is awaiting anxiously the passage of the bill, and the mails are loaded down with entreaties to members of both Houses of Congress to pass the tariff bill so that trade may revive, industries spring up in all the quarters where it has been so depressed, and prosperity come back to the land which needs it so much as does ours.

Mr. President, these sentiments have animated me in the tariff fight from the beginning, and they shall guide my course until the tariff bill is passed or until both Houses acknowledge that no tariff bill can be passed at this session of Congress. I beg leave to state here that during the entire tariff struggle my colleague and I have been perfectly harmonious in the course which we have pursued, and that in all of our course hereafter I shall be guided, as I know he will be guided, by the determination to pass the best bill which the two Houses can agree upon, and I trust that may be done speedily.

Mr. QUAY. I offer certain amendments to the pending motions, which I ask may be read.

The PRESIDING OFFICER. The amendments will be read as requested.

The Secretary read as follows:

Amend the motion of the Senator from Wisconsin [Mr. VILAS] by making it apply to the entire amendment numbered 156.

Amend the motion of the Senator from Delaware [Mr. GRAY] by adding at the conclusion:

"Except as to amendment No. 156, from which the Senate hereby recedes."

Amend the motion of the Senator from Delaware [Mr. GRAY] by adding:

"Except as to so much of its amendment, numbered 156, page 41, as is contained in the following words, beginning with the word 'and' in line 10, and ending with the words 'ad valorem' in line 14:

"'And upon all sugars above No. 16 Dutch standard in color and upon all sugars which have been discolored there shall be levied, collected, and paid a duty of one-eighth of 1 cent per pound in addition to the said duty of 40 per cent ad valorem; '"

Which the managers upon the part of the Senate are instructed to yield.

Mr. QUAY. I intend to ask for a vote of the Senate on these motions when they can come up in order. They may lie on the table for the present.

Mr. ALDRICH. I suppose the amendments will be printed.

The PRESIDING OFFICER. The amendments suggested by the Senator from Pennsylvania will lie on the table, and be printed.

EXECUTIVE SESSION.

Mr. JONES of Arkansas. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened; and (at 3 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 26, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 25, 1894.

COINER OF THE MINT.

Albert T. Spotts, of California, to be coiner of the mint of the United States at San Francisco, Cal., to succeed Charles M. Gorham, removed.

POSTMASTERS.

James P. Weatherstone, to be postmaster at Lagrange, in the county of Cook and State of Illinois, in the place of Otis S. Lyman, whose commission expired July 12, 1894.

Marshall Wisehart, to be postmaster at Shawneetown, in the county of Gallatin and State of Illinois, in the place of Lawrence F. Tromly, whose commission expired July 24, 1894.

Charles E. Howard, to be postmaster at Webster City, in the county of Hamilton and State of Iowa, in the place of John D. Hunter, whose commission expired July 12, 1894.

James R. Lewis, to be postmaster at Grinnell, in the county of Poweshiek and State of Iowa, in the place of Samuel A. Cravath, whose commission expired June 23, 1894.

Edward L. Nesselroad, to be postmaster at Guthrie Center, in the county of Guthrie and State of Iowa, in the place of William W. Heyzer, whose commission expired July 12, 1894.

Charles E. Bliss, to be postmaster at Bangor, in the county of Penobscot and State of Maine, in the place of Augustus B. Farnham, whose commission expired July 17, 1894.

Thomas J. Goodwin, to be postmaster at South Berwick, in the county of York and State of Maine, in the place of Walter H. Downs, whose commission expired June 23, 1894.

John F. Dwyer, to be postmaster at Weymouth, in the county of Norfolk and State of Massachusetts, in the place of George P. Lyon, whose commission expired April 16, 1894.

Martin Hickey, to be postmaster at Grafton, in the county of Worcester and State of Massachusetts, whose commission expired December 20, 1893.

Edwin C. Jenney, to be postmaster at Hyde Park, in the county of Norfolk and State of Massachusetts, in the place of Samuel R. Moseley, whose commision expired January 20, 1894.

Frank R. Moore, to be postmaster at Medfield, in the county of Norfolk and State of Massachusetts, in the place of James Ord, whose commission expired July 1, 1894.

George A. Schofield, to be postmaster at Ipswich, in the county of Essex and State of Massachusetts, in the place of Luther Wait, whose commission expired July 11, 1894.

C. F. Buck, to be postmaster at Winona, in the county of Winona and State of Minnesota, in the place of Daniel Sinclair, whose commission expired June 14, 1894.

Frank Q. Mitchell, to be postmaster at Mound City, in the county of Holt and State of Missouri, in the place of Ambrose Dunham, whose commission expired February 14, 1894.

Nora Webber, to be postmaster at Virginia City, in the county of Storey and State of Nevada, in the place of John S. Orndorff, whose commission will expire July 29, 1894.

Edward E. Carlton, to be postmaster at Farmington, in the county of Strafford and State of New Hampshire, in the place of Asa A. Hall, whose commission expired June 14, 1894.

John L. Cummings, to be postmaster at Mansfield, in the county of Tioga and State of Pennsylvania, in the place of Judson A. Elliott, whose commission expired July 9, 1894.

Robert B. Evans, to be postmaster at Blairsville, in the county of Indiana and State of Pennsylvania, in the place of Joseph Moorhead, whose commission expired July 24, 1894.

Emil Holl, to be postmaster at Media, in the county of Delaware and State of Pennsylvania, in the place of Henry C. Snowden, removed.

Albrecht Kneule, to be postmaster at Norristown, in the county of Montgomery and State of Pennsylvania, in the place of John W. Schall, whose commission expired February 19, 1894.

Montgomery S. Longaker, to be postmaster at Pottstown, in the county of Montgomery and State of Pennsylvania, in the place of William P. Bach, whose commission expired July 9, 1894.

John D. Tyrrel, to be postmaster at Pomeroy, in the county of Garfield and State of Washington, in the place of Frank E. Williamson, whose commission expired March 29, 1894.

PROMOTIONS IN THE NAVY.

Lieut. Charles T. Forse, to be a lieutenant-commander in the Navy from June 22, 1894, to fill a vacancy existing in that grade.

Lieut. Edwin K. Moore, to be a lieutenant-commander in the Navy from July 10, 1894, vice Lieut. Commander Frank Courtis, promoted.

Lieut. (junior grade) Charles N. Atwater, to be a lieutenant in the Navy from June 22, 1894, vice Lieut. Charles T. Forse, promoted.

Ensign William B. Whittelsey, to be a lieutenant (junior grade) in the Navy from June 22, 1894, vice Lieut. (junior grade) Charles N. Atwater, promoted.

Passed Assistant Paymaster Mitchell C. McDonald, to be a paymaster in the Navy from April 7, 1894, vice Paymaster Henry T. Stancliff, retired (subject to the examinations required by law).

Assistant Paymaster Thomas H. Hicks, to be a passed assistant paymaster in the Navy, from April 7, 1894, vice Passed Assistant Paymaster Mitchell C. McDonald, promoted.

Passed Assistant Surg. George P. Lumsden, to be a surgeon in the Navy, from May 12, 1894, vice Surg. John W. Ross, retired.

Surg. Hosea J. Babin, to be a medical inspector in the Navy, from June 22, 1894, vice Medical Inspector William H. Jones, retired.

Passed Assistant Surg. Emlyn H. Marsteller, to be a surgeon in the Navy, from June 22, 1894, vice Surg. Hosea J. Babin, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 25, 1894.

PROMOTIONS IN THE NAVY.

Commodore Oscar F. Stanton, to be rear-admiral.

Capt. Edward O. Mathews, to be a commodore.

Commander Arent S. Crowninshield, to be a captain.

PROMOTIONS IN THE REVENUE CUTTER SERVICE.

First Assistant Engineer Alfred Hoyt, of New York, to be chief engineer in the Revenue Cutter Service.

SURVEYOR-GENERAL OF OREGON.

John C. Arnold, of Pendleton, Oregon, to be surveyor-general of Oregon.

INDIAN AGENT.

Julius A. Andrews, of Belton, Tex., to be agent for the Indians of the Lemhi Agency in Idaho.

SURVEYOR OF CUSTOMS.

Walter I. Carter, of New York, to be surveyor of customs for the port of Patchogue, in the State of New York.

REGISTERS OF THE LAND OFFICE.

William A. Lowery, of Marysville, Cal., to be register of the land office at Marysville, Cal.

August Muntzing, of Yuma, Colo., to be register of the land office at Akron, Colo.

George H. Stevenson, of Cascades, Wash., to be register of the land office at Vancouver, Wash.

Charles Himrod, of Boise City, Idaho, to be register of the land office at Boise City, Idaho.

William H. Brodhead, of Ketchum, Idaho, to be register of the land office at Hailey, Idaho.

Jacob B. Philippi, of Red Cliff, Colo., to be register of the land office at Glenwood Springs, Colo.

RECEIVERS OF PUBLIC MONEYS.

William A. Reiniger, of Cœur d'Alene, Idaho, to be receiver of public moneys at Cœur d'Alene, Idaho.

Alfred W. Kroutinger, of Lewiston, Idaho, to be receiver of public moneys at Lewiston, Idaho.

William F. Horne, of Hailey, Idaho, to be receiver of public moneys at Hailey, Idaho.

POSTMASTERS.

Edward H. Hunter, to be postmaster at Des Moines, in the county of Polk and State of Iowa.

Charles W. Arner, to be postmaster at Wellington, in the county of Lorain and State of Ohio.

George W. Boyd, to be postmaster at New Whatcom, in the county of Whatcom and State of Washington.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 25, 1894.*

The House met at 12 o'clock m. Prayer by the Rev. J. H. McCARTY, D. D., of Washington, D. C.

The Journal of the proceedings of yesterday was read, corrected, and approved.

HAWAIIAN AFFAIRS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and referred to the Committee on Foreign Affairs:

To the Congress:

I herewith transmit a communication from the Secretary of State, covering a dispatch from the United States minister at Honolulu.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, July 24, 1894.*

ASSASSINATION OF PRESIDENT CARNOT.

The SPEAKER also laid before the House the following letter and inclosures in relation to the reception by the French Chamber of Deputies of the resolutions passed by the Senate and House on the death of President Carnot:

DEPARTMENT OF STATE, *Washington, July 24, 1894.*

SIR: I have the honor to inclose herewith, for the information of the House of Representatives, copy of a dispatch, No. 191, of July 11, 1894, from the

United States embassy at Paris, transmitting copy of a note from the French minister of foreign affairs reporting the reception by the Chamber of Deputies of the resolutions passed by the Senate and by the House of Representatives regarding the death of the late President Carnot.

I have the honor to be, sir, your obedient servant,

W. Q. GRESHAM.

The Hon. CHARLES F. CRISP,
Speaker of the House of Representatives.

No. 191.] EMBASSY OF THE UNITED STATES,
Paris, July 11, 1894.

SIR: In reply to Mr. Eustis's note, transmitting to the French Government the resolutions adopted by the Senate and by the House of Representatives on the occasion of the assassination of President Carnot, Mr. Hanotaux, under date of the 6th instant, writes that the resolutions were read in the French Chamber of Deputies and received with applause. He desires that the feelings of gratitude of the French Government be expressed to Congress. I inclose a copy and translation of his note.

I have the honor to be, sir, etc.,

HENRY VIGNAUD.

Hon. WALTER Q. GRESHAM,
Secretary of State.

[Translation of inclosure.]

PARIS, *July 6, 1894.*

Mr. AMBASSADOR: In expressing to me its personal feelings of condolence, your excellency kindly communicated to me the resolutions passed by the Senate and by the House of Representatives of America to show its participation in our national mourning. I hastened to transmit this communication to the President of the Chamber of Deputies, who read them in the sitting of June 29. They were received with the unanimous applause of the Assembly.

I beg your excellency to kindly express to the Presidents of the Senate and of the House of Representatives the profound gratitude inspired to the Government of the Republic and by the French Chamber by these marks of sympathy shown to France under such painful circumstances.

Receive, etc.,

G. HANOTAUX.

CUSTOMS INSPECTORS AT SAN FRANCISCO AND VICTORIA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, suggesting an appropriation for two inspectors at San Francisco, Cal., and Victoria, British Columbia; which was referred to the Committee on Appropriations, and ordered to be printed.

P. B. KENNEDY.

Mr. HENDERSON of North Carolina. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2634) for the relief of P. B. Kennedy, surviving partner of Dalton & Kennedy.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to P. B. Kennedy, surviving partner of Dalton & Kennedy, of North Carolina, or to his legal representatives, out of any money in the Treasury not otherwise appropriated, the sum of $356.20, the amount collected from Dalton & Kennedy in the years 1881 and 1884.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SAYERS. Let us have the report first.

Mr. BURROWS. What is this for?

Mr. HENDERSON of North Carolina. It is to refund to these parties taxes illegally assessed upon them on account of tobacco.

Mr. HOLMAN. I hope the report will be read.

Mr. HENDERSON of North Carolina. Very well. Mr. Speaker, I ask for the reading of the report.

The report [by Mr. BUNN] was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2634) for the relief of P. B. Kennedy, surviving partner of Dalton & Kennedy, submit the following report:

Dalton & Kennedy, of Eagle Mills, Iredell County, State of North Carolina, were manufacturers of plug tobacco during the year 1878, and thereafter.

On the 9th day of September, 1878, twenty-four boxes of manufactured tobacco were found in an outhouse near to but not on their factory premises. Said tobacco had the brand of Dalton & Kennedy, but was not stamped. Dalton & Kennedy claimed said tobacco, but neither of them had any knowledge or information whatever as to how it was taken from their factory or who put it in said outhouse. Said tobacco was put back in their factory, and said factory was seized by the internal-revenue officers.

In a few days after said seizure the said Dalton & Kennedy bonded their said factory, and were required by said officers to include said twenty-four boxes of tobacco in the appraisement, the said Dalton & Kennedy protesting against it; and against their protest they were required to enter said tobacco a second time on their books for internal-revenue tax, they having theretofore paid said tax in the regular course of their business. On the 10th day of July, 1880, the collector of internal revenue notified said Dalton & Kennedy that they were assessed for taxes on said tobacco for the year 1878, amounting to $323.76; and on the 21st day of January, 1881, the said Dalton & Kennedy were compelled to pay, and did pay, under protest, the said assessment on said tobacco, $323.76, with penalty, 5 per cent, $16.18, and interest, five months, $16.18; total, $356.12.

Said Dalton & Kennedy ought not to have been required to pay said sum, they having previously paid the taxes on the tobacco. It has been decided by the Supreme Court of the United States, October term, 1883 (United States *vs.* Ulrici, 111 U. S., 38), that the payment of the tax relieves the taxpayer from any liability to pay it a second time.

The committee recommend that the bill be amended by striking out the the words "and eighteen hundred and eighty-four," after the word "one," in line 9, and as so amended the bill do pass.

Mr. HENDERSON of North Carolina. I will state that this bill was passed unanimously by the House two years ago.

Mr. BURROWS. Is there anything from the Commissioner of Internal Revenue in regard to this matter? Has it been referred to the Treasury Department?

Mr. HENDERSON of North Carolina. I can not say as to that, but it was investigated by the Committee on Claims of the House and unanimously reported.

Mr. BURROWS. It seems to me that ought to have been referred to the Commissioner of Internal Revenue to see whether the facts set forth in the report, that the tax has been paid twice, are substantiated by the records of the Department. Of course, if it has been paid twice it ought to be refunded.

Mr. LOUD. I will state to the gentleman that the committee carefully investigated this case. We took all due precautions and are satisfied from the evidence before us that it had been paid once, and ought not to have been paid again.

Mr. BURROWS. Has the claim been referred to the Treasury Department?

Mr. LOUD. I am not able to state exactly. There are letters from the Treasury Department relating to the case, although I can not recall in detail all of the facts. But it was recently examined and recommended by the committee, and in my judgment there is no doubt of the propriety of the claim.

Mr. BURROWS. Is there anything from the Commissioner of Internal Revenue in regard to the matter?

Mr. LOUD. I have just said I can not recall in detail the the facts.

Mr. SAYERS. I suggest to the gentleman that he withdraw the bill for the present and get a letter from the Commissioner of Internal Revenue.

Mr. HENDERSON of North Carolina. I hope the gentleman from Texas will not insist upon that.

Mr. SAYERS. There will be no objection whatever on my part if such a letter is procured.

Mr. HENDERSON of North Carolina. The bill has already passed the House.

Mr. SAYERS. That may be so.

Mr. BURROWS. Nothing will be lost by letting it remain and retain its place for the present. If it is clear that it has been improperly paid, of course I shall not object to refunding the payment.

Mr. SAYERS. Nor I.

Mr. HENDERSON of North Carolina. I am satisfied that it has been paid twice.

Mr. SAYERS. If the gentleman will state that he knows that of his own knowledge——

Mr. HENDERSON of North Carolina. I can not say that; but I know the parties well, and from all of the facts connected with it I have no reason whatever to doubt that it has been paid twice.

Mr. LOUD. As I stated, I can not refer in detail to the facts on which the committee based its report; but I am satisfied that all reasonable evidence was before the committee to convince any reasonable man that it had been paid twice. It was one of the clearest cases we had before the committee.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments recommended by the Committee on Claims were agreed to.

The bill as amended was ordered to be engrossed and read a a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON of North Carolina, a motion to reconsider the last vote was laid on the table.

BRIDGE OVER MISSOURI RIVER, SIOUX CITY, IOWA.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7734) to amend an act entitled "An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa," approved March 2, 1889, as amended by acts of April 30, 1890, February 7, 1893, and March 24, 1894.

The SPEAKER. The gentleman from Iowa asks unanimous consent to consider a bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa," approved March 2, 1889, as amended by an act entitled "An act to amend 'An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa, approved March 2, 1889,'" which amendment was approved April 30, 1890, and as amended by an act entitled "An act to amend 'An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa, etc.,'" which amendment was approved February 7, 1893, and as amended by an act entitled "An act to amend 'An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa, approved March 2, 1889, as amended by acts of April 30, 1890, and February 7, 1893,'" which amendment was approved March 24, 1894, be so amended that instead and in place of the words "for such reasonable

rates of toll as the city of Sioux City, Iowa, may from time to time prescribe, subject to the approval of the Secretary of War," the said section shall read "for such reasonable rates of toll as the owner or owners of said bridge may from time to time prescribe, subject to the approval of the Secretary of War."

The SPEAKER. Is there objection to the request of the gentleman from Iowa for the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

ELECTRIC RAILWAY, ARLINGTON RESERVATION.

Mr. LAPHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7515) granting the right of way through the Arlington reservation for electric railway purposes.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Washington, Alexandria and Mount Vernon Electric Railway Company, a body incorporated under the laws of the State of Virginia, be, and is hereby, authorized to construct and thereafter maintain and operate its electric railroad across the lower and eastern portion of the grounds of the United States Government known as the Arlington reservation, in the State of Virginia, opposite the city of Washington, said line to be east of and contiguous to the river road, except so much of the northwestern corner of said reservation not to exceed 10 rods south of the intersection of said river road with the north line of said reservation: *Provided*, That this diversion shall not exceed 20 rods from said river road easterly; and for such purpose said company is hereby granted a right of way 50 feet in width, not including slopes, through the grounds aforesaid. And the said company shall repair at its own expense, in a manner satisfactory to the Secretary of War, any damage, injury, or displacement that may be done to roads, footways, bridges, or fences upon or through the Government lands referred to in this act by the construction or operation of the said electric railway company, and shall erect such sheds or other shelter for the comfort and convenience of passengers and at such points as the Secretary of War shall direct: *Provided*, That said line or route shall be subject to the approval of the Secretary of War; and when such right of way shall cease to be used for the purpose aforesaid, the same shall revert to the United States Government. And said road shall be commenced within one year from the date of the passage of this act and finished within three years: *And provided further*, That nothing in this act shall allow the use of steam power: *And provided further*, That the said railway company shall not cross, enter, touch upon, or be granted any right whatsoever upon that part of the Government land set aside and known as the Arlington National Cemetery. And that material for the building, grading, or ballasting of said electric railway shall not be obtained from, nor shall the trees be disturbed on, the Arlington reservation: *And provided further*, That the tracks of said company may be freely used for the passage of cars by the Falls Church and Potomac Railway Company from such point as said company may connect with the Washington, Alexandria and Mount Vernon Electric Railway Company. And the cars of said Falls Church and Potomac Railway Company shall be propelled over the said line, from its junction therewith, by the motive power of said Washington, Alexandria and Mount Vernon Electric Railway Company; and the said Falls Church and Potomac Railway Company shall have the right to collect fares on its cars as fully as if operating that portion of the line in its own right. But said Falls Church and Potomac Railway Company shall make just compensation for the use of said track and motive power; and in case any dispute should arise concerning such compensation or manner of use, any party in interest may apply to the supreme court of the District of Columbia, which court is hereby empowered to fix the amount to be paid for such use and motive power and the mode in which such use may be enjoyed: *Provided*, That the limitations, requirements, and restrictions imposed by this act upon the Washington, Alexandria and Mount Vernon Electric Railway Company shall apply to the Falls Church and Potomac Railway Company. And the said Falls Church and Potomac Railway Company shall be subject, in case of any violations of the limitations, requirements, and restrictions aforesaid, to the same fine, penalties, and forfeiture of the privileges and rights herein granted as the Washington, Alexandria and Mount Vernon Electric Railway Company is subject to: *Provided*, That no cars owned or used by any steam railroad company shall be drawn over the tracks of this road lying within the reservation, and that the sidings and turn-outs within the reservation shall not be used for the assembling or storage of cars, except for the purpose of the accommodation and transportation of passengers on the same day.

SEC. 2. That the right to repeal, alter, or amend this act is reserved to Congress.

The SPEAKER. Is there objection to the request for unanimous consent to consider this bill?

Mr. COOMBS. I should like to ask from what committee it comes?

Mr. MEREDITH. It comes from the Committee on Military Affairs.

Mr. COOMBS. Reserving the right to object, I should like to ask the gentleman where this railroad runs?

Mr. LAPHAM. It runs from Alexandria, and crosses the river at Analostian Island, into the city.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Committee on Military Affairs recommended the following amendment:

In section 1, line 10 of the bill, after the word "except," to strike out the word "so;" also strike out all of lines 11 and 12 and all of line 13, to and including the word "reservation," and insert in lieu thereof the following:

"That said line running northerly may be diverted from said river road easterly at a point not more than 20 rods southerly from the intersection of the river road with the northerly line of said reservation: *Provided*, That this diversion shall not exceed 20 rods from said river road easterly."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. LAPHAM, a motion to reconsider the last vote was laid on the table.

CHRISTOPHER SCHMIDT.

Mr. KIEFER. Mr. Speaker, I ask unanimous consent for the consideration of the bill (S. 573) for the relief of Christopher Schmidt.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to consider a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $40 a month for and during the term of his natural life to Christopher Schmidt, of St. Paul, Minn., for injuries received from accidental shot on the rifle range at Fort Snelling, July 14, 1892, in quarterly payments, upon such vouchers as the Secretary of the Treasury may prescribe.

The SPEAKER. Is there objection to the request for the present consideration of this bill?

Mr. SAYERS. Mr. Speaker, we want some explanation of this.

Mr. KIEFER. Mr. Speaker, this bill passed the Senate, and also the House Committee on Claims. Christopher Schmidt, a citizen of St. Paul, Minn., while walking on the public highway near Fort Snelling, Minn., was shot and seriously wounded and made a cripple for life by United States soldiers, while they, under command of their officers, were practicing rifle target shooting near said highway. It seems that by some misunderstanding the danger flag which should have been put up to warn persons walking upon the highway was not displayed. The man was shot, and as a result lost one eye, lost his sense of smell, and his hearing in one ear. He is now unable to earn a cent, and is absolutely without means. When shot he was on his way to a neighboring farmer in search of work which had been promised him.

Mr. SAYERS. Mr. Speaker, I trust the gentleman will withdraw this bill for the present, so I can examine into it. If not, I shall have to object to it, because it proposes to pension a man at the rate of $40 per month for the rest of his natural life.

Mr. KIEFER. How long a time does the gentleman want to examine into it?

Mr. SAYERS. I will look into it as soon as I can.

Mr. KIEFER. Then I will withdraw the bill for the present.

ORDER OF BUSINESS.

Mr. FUNK. I demand the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order, which is the call of committees for reports.

QUESTION OF PRIVILEGE.

Mr. GROSVENOR. Mr. Speaker, I rise to a question of privilege. On last Friday I introduced into the House a resolution of inquiry, addressed to one of the Departments of the Government. By order of the House it was referred to the standing committee having charge of that subject-matter—the Committee on Military Affairs. I learn from the chairman of that committee that the resolution reached the committee this morning for the first time.

During the intervening time more than half of the period allowed by the rules of the House for a report from the committee has elapsed, and the committee have had no official knowledge of the existence of the resolution. Between now and the expiration of the time allowed to the committee for the consideration of the resolution, no proper and satisfactory reference of it can be made to the Department to which it relates. At this stage in the proceedings of the House, so near the end, as it is hoped, of the session, it is certainly a complete embargo upon this sort of business if we can not have the rules of the House more strictly complied with.

The SPEAKER. The Chair will make inquiry of the distributing clerk, and will inform the gentleman.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 79) to authorize a corrected patent to be issued for the donation land claim of Wheelock Simmons and wife; and

A bill (S. 1076) to release a certain limitation existing in an act of Congress touching the Episcopal Church at St. Augustine, Fla.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, an-

nounced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

A bill (H. R. 5860) to amend sections 4, 6, and 10 of the act of February 9, 1893, entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes;" and

A bill (H. R. 7097) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

A further message from the Senate by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 5735) to remove the political disabilities of Caleb Huse;

A bill (H. R. 5459) to pension the minor children of Alfred Phipps; and

A bill (H. R. 894) for the relief of Robert Travila for loss of carbine in the late war.

The message also announced that the Senate had passed the following resolution:

Resolved, That Mr. PETTIGREW be excused from service as one of the conferees on the bill (H. R. 6080) granting a certain military reservation to Oklahoma City, Okla., to aid the public free schools thereof, and for other purposes, and Mr. CAREY be appointed in his place.

CORRECTION OF BILL.

Mr. LACEY. I desire to make a correction in regard to a bill.

The SPEAKER. The gentleman from Iowa asks that the following order be made to correct a bill which passed on yesterday.

The Clerk read as follows:

Ordered, That the Clerk of the House of Representatives be authorized in enrolling House bill 7451 to insert the word "That" at the beginning of the bill, making it conform to the bill as read and as it passed the House.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the word "That," which has been omitted from a bill sent to the enrolling room, be inserted. If there be no objection that order will be made.

There was no objection, and it was so ordered.

MASSACHUSETTS AVENUE THROUGH GROUNDS OF NAVAL OBSERVATORY A PUBLIC STREET.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I present a conference report.

The Clerk read as follows:

House resolution (H. Res. 32) declaring Massachusetts avenue through the grounds of the Naval Observatory a public street.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the House resolution 32, "Declaring Massachusetts avenue through the grounds of the Naval Observatory a public street" having met, after a full and free conference have agreed to recommend to their respective Houses as follows: That the House recede from its disagreement to the amendments of the Senate and agree to the same.

JNO. T. HEARD,
JAMES D. RICHARDSON,
P. S. POST.
Managers on the part of the House.

CHAS. H. GIBSON,
JO. C. S. BLACKBURN,
GEO. C. PERKINS.
Managers on the part of the Senate.

The SPEAKER. The Clerk will now read the statement, which will perhaps explain the matter better than the report.

The statement of the House conferees was read, as follows:

The House joint resolution 32 provided for the declaring of Massachusetts avenue through the grounds of Naval Observatory a public street. The Senate amended same by providing that no street, avenue, or public thoroughfare in the neighborhood of the buildings erected upon the United States Naval Observatory grounds shall extend within the area of a circle described with a radius of 1,000 feet from the center of the building known as the clock-room of said observatory.

It also provides for extending said Massachusetts avenue just outside of such a circle, and authorizes the Secretary of the Navy to acquire the ground within the circle of 1,000 feet not now owned by the Government for the observatory, and to sell all outside of such circle belonging to the said Naval Observatory grounds. The Secretary of the Navy is authorized to appoint a board of three appraisers to determine and fix the price at which the public land or any part thereof shall be sold, and to determine the value of the parcels of private property to be purchased. The Senate amendment further provides for proper condemnation proceedings in the event the Secretary of the Navy can not agree with the owners of the private property involved.

The adoption of the conference report is an agreement to the Senate amendment.

The report of the committee of conference was agreed to.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the vote by which the report of the committee of conference was agreed to was laid on the table.

PROCEEDINGS OF TRIBUNAL OF ARBITRATION BETWEEN THE UNITED STATES AND GREAT BRITAIN.

Mr. RICHARDSON of Tennessee. I want to ask the gentleman from Illinois [Mr. FUNK] to withdraw his demand for the regular order long enough to have a resolution considered to print the correspondence and papers in reference to the arbitration between the United States and Great Britain in reference to fur seals. It is quite an important matter, and ought to be considered.

Mr. FUNK. I shall consent to that; and then I will demand the regular order. This being pension day, I want to have all the time we can for the consideration of business of that kind.

The SPEAKER. This being a public resolution, the Chair will lay it before the House.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed, under the direction of the Department of State, 6,000 copies of the official proceedings of the Tribunal of Arbitration created in pursuance of the treaty of February 29, 1892, between the United States and Great Britain, including all documents, papers, and agreements presented officially to said tribunal by the agents of said Governments, respectively, and also including the written or printed arguments and the oral arguments of the counsel on behalf of each of said Governments made on said hearing at Paris, and the opinions of the arbitrators, respectively, delivered in said tribunal in conformity with its order, admitting the same to constitute a part of said proceedings; of which number 1,500 shall be for the use of the Senate, 3,000 for the use of the House of Representatives, and 1,500 for the use of the Department of State.

The report of the Committee on Printing (by Mr. RICHARDSON of Tennessee) was read, as follows:

The committee have considered the Senate concurrent resolution to print 6,000 copies of the official proceedings of the Tribunal of Arbitration, created in pursuance of the treaty of February 29, 1892, between the United States and Great Britain, and directs me to report the same with the recommendation that it do pass.

The estimated cost of same is $92,359.

Mr. SAYERS. Mr. Speaker, I would like to ask the gentleman if the expenditure for the publication of this document comes out of the general appropriation for printing?

Mr. RICHARDSON of Tennessee. It comes out of the general appropriation for printing.

The SPEAKER. Is there objection to the consideration of this resolution? [After a pause.] The Chair hears none.

The Senate concurrent resolution was agreed to.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the vote by which the concurrent resolution was agreed to was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. DOCKERY. Mr. Speaker, I desire to present a conference report on the legislative, executive, and judicial appropriation bill.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7097) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

[For report of committee of conference see Senate proceedings of this day.]

The SPEAKER. The Clerk will read the explanation of the conferees, as that will make the matter clearer to the House than the reading of the report itself.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the legislative, executive, and judicial appropriation bill (H. R. 7097), submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report on each of the amendments, namely:

On amendment numbered 1: Provides, as proposed by the Senate, that the salaries of Senators elected or appointed to fill vacancies and Senators elected for a full term, subsequent to the commencement of such term, shall commence on the date of their election or appointment.

On amendments numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15: Provides for the number and compensation of officers and employés of the Senate, as proposed by the amendments of the Senate, except that the extra allowance proposed for the clerks to the Senators from Montana, Washington, and Wyoming is stricken out.

On amendment numbered 16: Authorizes Senators to appoint their clerks to serve from the date of the commencement of their terms respectively.

On amendments numbered 17, 18, 19, 20, 21, and 22: Appropriate for the several items of the contingent fund of the Senate in the amounts proposed by the Senate, except that for the purchase of furniture $4,000 is given instead of $3,000, as proposed by the House, and $5,000, as proposed by the Senate.

On amendments numbered 23 and 24: Strikes out the increase of twelve additional privates, at $1,100 each, proposed by the Senate for the Capitol police force.

On amendments numbered 25, 26, 27, 28, 29, and 30: Increases the salary of the assistant file clerk in the Clerk's office from $900 to $1,200, and provides for one additional session committee clerk in the House, pursuant to a resolution of the House.

On amendment numbered 31: Provides for the purchase of law books for the Congressional Library, to be under the direction of the Chief Justice of the Supreme Court, as proposed by the Senate.

On amendment numbered 32: Appropriates specifically under the Civil Service Commission for the thirty-six clerks now detailed from the several Departments for duty as examiners at the Commission.

On amendment numbered 33: Appropriates $3,000, as proposed by the House, instead of $4,000, as proposed by the Senate, for expenses of editing and distributing the laws of Congress.

On amendments numbered 34, 35, 36, and 37: Appropriates for a stenog-

rapher at $1,800, for one additional messenger and one additional assistant messenger in the office of the Secretary of the Treasury, as proposed by the Senate.

On amendments numbered 38, 39, 40, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 84, 85, 86, 185, 188, 189, 190, and 191: Makes the changes proposed by the Senate and rendered necessary in order to defer the beginning of the operation of the act to improve the methods of accounting in the Treasury Department until October 1, instead of July 1, 1894.

On amendments numbered 41, 42, 43, 44, 45, and 46: Rearranges the force in the office of the division of appointments of the Treasury Department, as proposed by the Senate, at a net reduction of $60.

On amendments numbered 47 and 48: Makes a reduction of one clerk of class 4 in the office of the division of loans and currency of the Treasury Department, as proposed by the Senate.

On amendment numbered 49: Authorizes the detail of a captain only as proposed by the Senate, instead of a captain or first lieutenant, as proposed by the House, of the Revenue Cutter Service to act as chief of the revenue cutter division of the Treasury Department.

On amendments numbered 82 and 83: Makes a reduction of one clerk at $900 in the office of the Treasurer of the United States, as proposed by the Senate.

On amendments numbered 87 and 88: Corrects a total as stated in the bill, and makes a verbal correction in the text.

On amendments numbered 89 and 90: Limits the purchase of books, pamphlets and periodicals in the office of the Director of the Mint to such as relate to specimens of coins, ores, balances and weights.

On amendments numbered 91 and 92: Provides for a clerk and translator at $1,000 in the Marine Hospital Bureau, as proposed by the Senate.

On amendment numbered 93: Limits the purchase of newspapers, law books, and books of reference in the Treasury Department to such as relate to the business of the Department, as proposed by the Senate.

On amendment numbered 94: Strikes out the provision proposed by the House making immediately available $500 for the purchase of ice in the Treasury Department.

On amendment numbered 95: Makes the appropriation for expenses of collectors and deputy collectors of internal revenue available for any necessary expenses under the act of October 1, 1890, respecting bounty on sugar, as proposed by the Senate.

On amendments numbered 96 and 97: Provides for one additional clerk at $1,200 in the subtreasury at Cincinnati, as proposed by the Senate.

On amendments numbered 98 and 99: Increases the appropriation for the mint at Denver as follows: For wages of workmen, from $13,750 to $17,500, and for contingent expenses, from $2,700 to $4,000.

On amendment numbered 100: Appropriates $500, as proposed by the House, instead of $1,000, as proposed by the Senate, for contingent expenses of the governor of New Mexico.

On amendment numbered 101: Appropriates $1,000, as proposed by the Senate, for repairs to the Adobe Palace, and furniture for the same, at Santa Fe., N. Mex.

On amendments numbered 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, and 112: Makes certain necessary verbal corrections proposed by the Senate in the text of the provision to apportion the Territory of Oklahoma, and appropriates $1,000 for the expenses of such apportionment.

On amendments numbered 113 and 114: Appropriates $500, as proposed by the House, instead of $750, as proposed by the Senate, for contingent expenses of the governor of Utah, and $1,500, as proposed by the House, instead of $2,000, as proposed by the Senate, for contingent expenses of the secretary's office in Utah.

On amendments numbered 115 and 116: Appropriates, as proposed by the Senate, for two carpenters at $900 each in the War Department.

On amendments numbered 117, 118, 119, 120, 121, 122, 123, 124, 125, and 126: Provides for a rearrangement of the clerical force in the Record and Pension Office and in the Office of the Adjutant-General, as proposed by the Senate, involving a net reduction in expenditures of $2,400.

On amendments numbered 127, 128, and 129: Strikes out the provision proposed by the House requiring the removal of the office of the Chief Signal Officer and the Medical Dispensary to the State, War, and Navy and Medical Museum building, respectively.

On amendment numbered 130: Strikes out the provision proposed by the Senate providing for the appointment of a director of astronomy at a salary of $5,000, and for a reorganization of the force employed in the Naval Observatory.

On amendments numbered 131 and 132: Provides for an assistant draftsman in the Ordnance Bureau of the Navy Department at $1,800 instead of $1,400, as proposed by the House.

On amendments numbered 133, 134, and 135: Makes a verbal correction in the text of the bill and appropriates $1,000, as proposed by the Senate, for a map of the State of Florida showing the lands approved to the State under the swamp-land grant and for railroads.

On amendments numbered 136, 137, 138, 139, and 140: Makes a reduction in the clerical force of the Pension Office, as follows: One clerk of class 3, one clerk of class 2, one clerk of class 1, and one clerk at $1,000, as proposed by the Senate.

On amendments numbered 141, 142, and 143: Appropriates for per diem and expenses of special examiners in the Pension Office $250,000, instead of $200,000, as proposed by the House, and $300,000, as proposed by the Senate, and authorizes payment of per diem to the chief and assistant chief of the division of special examiners when absent on official business outside the District of Columbia.

On amendment numbered 144: Appropriates $2,000, as proposed by the House, instead of $2,750, as proposed by the Senate, for purchase of professional and scientific books for the Patent Office.

On amendment numbered 145: Requires that the work of photolithographing for the Patent Office be done under the supervision of the Commissioner of Patents in the city of Washington, or within such a reasonable distance therefrom as the Secretary of the Interior may consider to be not disadvantageous to the Department; authorizes the Commissioner of Patents, under the direction of the Secretary of the Interior, to make contracts for such photolithographic work, after proper notice by publication; and provides that the entire work may be done at the Government Printing Office if, in the judgment of the Joint Committee on Printing, it shall be deemed to be best for the interests of the Government.

On amendment numbered 146: Appropriates $1,000, as proposed by the Senate, instead of $500, as proposed by the House, for expenses of examination of books and accounts of subsidized railroads by the Commissioner of Railroads.

On amendments numbered 147 and 148: Makes a verbal correction in the text of the bill.

On amendments numbered 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, and 160: Appropriates in the aggregate for clerk hire and contingent expenses of the several surveyors-general $9,400, as proposed by the Senate, in excess of the amount proposed by the House.

On amendments numbered 161 and 162: Makes a reduction of one clerk of class 2 in the office of the First Assistant Postmaster-General, as proposed by the Senate.

On amendments numbered 163, 164, and 166: Increases the compensation of the disbursing and appointment clerk of the Department of Justice $300, as proposed by the Senate.

On amendment numbered 167: Appropriates for law books, as proposed by the Senate, instead of law and miscellaneous books, as proposed by the House, in the office of the Solicitor of the Treasury.

On amendment numbered 168: Strikes out the provision proposed by the Senate authorizing the Commissioner of Labor to investigate the alcoholic liquor traffic.

On amendment numbered 169: Appropriates $350, as proposed by the Senate, instead of $250, as proposed by the House, for postage to postal-union countries for the Department of Labor.

On amendment numbered 170: Authorizes the use of $750, as proposed by the Senate, instead of $500, as proposed by the House, for expenses of storage of documents for the Department of Labor.

On amendments numbered 171, 172, 173, 174, 175, 176, 177, 178, and 179: Reconstructs, as proposed by the Senate, the provision concerning the compensation of clerks of the circuit courts of appeals so as to limit their annual salaries to $3,000 and to not exceeding $500 additional, under section 9 of the act establishing said courts.

On amendment numbered 180: Authorizes the judge of the district court for the northern district of Illinois to appoint a clerk of said court at a salary of $3,000 per annum, as proposed by the Senate.

On amendment numbered 181: Provides, as proposed by the Senate, that the marshal, clerk, and district attorney of the districts of Washington, Montana, North Dakota, and South Dakota shall receive the fees allowed by law to like officers in Oregon and Idaho.

On amendments numbered 182, 183, 184, and 185: Strikes out the rearrangement of clerks for the Court of Claims proposed by the Senate.

On amendment numbered 186: Instead of the provision proposed by the Senate, prohibiting the holding of two offices by one person, inserts the following: "No person who holds an office the salary or annual compensation attached to which amounts to the sum of $2,500 shall be appointed to or hold any other office to which compensation is attached unless specially heretofore or hereafter specially authorized thereto by law; but this shall not apply to retired officers of the Army and Navy, whenever they may be elected to public office, or whenever the President shall appoint them to office by and with the advice and consent of the Senate."

On amendment numbered 187: Authorizes the Deputy Auditors to sign, in the names of the Auditors, such letters and papers as the Auditors may direct.

On amendment numbered 192: Strikes out the provision proposed by the Senate devolving the duties of the members of the joint commission authorized by the act of March 3, 1893, on the part of the Senate, on the Senate Committee on Organization, Conduct, and Expenditures of the Executive Departments, and empowers the President of the Senate and Speaker of the House to fill vacancies that may occur on said commission by resignation or otherwise.

The bill as agreed upon appropriates $21,308,295.79, being $557,507.02 less than the law for 1894, $202,508.50 more than as it passed the House, and $70,020 less than as it passed the Senate.

ALEX. M. DOCKERY,
WILLIAM J. COOMBS,
HENRY H. BINGHAM,
Managers on the part of the House.

Mr. DOCKERY. Mr. Speaker, the amount appropriated for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1894, was $21,865,802.81. The amount carried in this bill, as stated in the report of the managers on the part of the House, is $21,308,295.79, being a reduction under the law of last year of $567,507.02.

Now, then, unless some gentleman desires information in addition to that submitted by the report of the managers, I will ask for a vote on the report.

Mr. CANNON of Illinois. Mr. Speaker, as I caught the reading of the report, I believe there was a concurrence in the Senate amendment increasing the salaries of the six auditors from $3,600 to $4,000, and the six deputy auditors from $2,250 to $2,500. Am I correct in that?

Mr. DOCKERY. That is correct. It is the amount fixed by the statute.

Mr. CANNON of Illinois. Am I also correct, that I caught from the report, that the House conferees agreed to the amendment of the Senate, authorizing the payment of the chief of the special agents division and his assistant their traveling expenses, etc., when they travel outside of the District?

Mr. DOCKERY. That is true.

Mr. CANNON of Illinois. Will the gentleman give me five minutes?

Mr. DOCKERY. Certainly.

Mr. CANNON of Illinois. As to the last amendment, I am not here to criticise the House committee for having agreed to it. I understand perfectly well that when there are differences between the House and the Senate upon a bill carrying appropriations there must be something of concession. I regret, however, that that amendment was agreed to by the House conferees. The matter has been spoken of and attention has been called to it on more than one occasion in the House, and this item now appears, I think, for the first time in any law or appropriation in the history of the Government.

Mr. DOCKERY. The gentleman will remember that it was reported by the House Committee on Appropriations, but went out of the bill on a point of order.

Mr. CANNON of Illinois. I remember that, but it is new legislation. In all the years since the Pension Office has been in existence, under Mr. Cleveland's first Administration, and under Mr. Harrison's, and up to this time, these two officials, whose duty of superintending this special agent service is and

ought to be performed here in Washington, there has been no such provision as this; and now, for the first time, this allowance is made for ithe payment of their expenses when they go out of the District. In my judgment their duties can be best performed in the District, and ought to be performed here.

Mr. DOCKERY. Let me remind the gentleman that the number of these officials was fixed at two in the bill for the fiscal year ending June 30, 1894, and also in this bill, whereas prior to that time five of these special examiners were authorized; and, as I am advised, they had the privilege of a per diem allowance when absent from the District on public business.

Mr. CANNON of Illinois. I do not understand that to be the case; but let us get at the facts.

Mr. DOCKERY. The facts as I understand them are these. The number of these officials was reduced from five to two on the recommendation of Commissioner Raum at the last session of Congress. Prior to that time there had been five special examiners, who had the privilege of a special allowance such as is carried in this bill.

Mr. CANNON of Illinois. Have these officials heretofore received this compensation or allowance for expenses?

Mr. DOCKERY. Prior to the recommendation of Commissioner Raum, which reduced the number from five to two, they did receive such an allowance, as I am informed.

Mr. CANNON of Illinois. When was that recommendation made?

Mr. DOCKERY. It took effect in the appropriation bill for the fiscal year ending June 30, 1894.

Mr. CANNON of Illinois. Then am I in error in supposing that this item is new legislation?

Mr. DOCKERY. The gentleman is in error, as I am advised by a gentleman usually correct, if he supposes that these examiners have not heretofore received a per diem allowance when absent from the Pension Office.

Mr. SAYERS. Let me ask the gentleman from Missouri whether that allowance was not made by the Commissioner of Pensions under some provision of law?

Mr. DOCKERY. Undoubtedly it must have been. Prior to the last fiscal year, as I have said, there were five of these special examiners, but on the recommendation of Commissioner Raum the number was reduced to two, but in the bill for the fiscal year 1894 there was no provision for the per diem allowance when absent from the office.

Mr. CANNON of Illinois. Why was that left out in 1894?

Mr. DOCKERY. I do not remember. I suppose the provision in the bill was framed in harmony with the recommendation of the Commissioner. The gentleman will remember, however, that this provision only allows actual expenses, and the probabilities are that it will never be availed of, or that it will be availed of to a limited extent. I will state to my friend that it is a provision upon which, as he knows, I laid no special stress, but the other body insisted that it ought to be retained in the bill.

Mr. CANNON of Illinois. I am glad to know that it will probably not be availed of, but that probability, it seems to me, renders it proper that the item should not be in the bill at all.

Mr. DOCKERY. I desire to be understood as agreeing with the gentleman from Illinois in his idea that these gentlemen ought generally to be in the office here in Washington, and for that reason I think it is altogether probable that no stress of official duties will call them away, except perhaps on some unusual occasions.

Mr. CANNON of Illinois. I only wanted to know the facts about this matter. As to the suggestion of the gentleman from Missouri, if I should be spared life and health until the next session of Congress, I shall take an interest in finding out exactly how much of this money has been expended by these two officials and on what kind of duty it has been expended.

Mr. DOCKERY. I hope the gentleman will, for I concur with him in the desire not to make or support any appropriation that is not proper and in the interest of the public service.

Mr. CANNON of Illinois. I have no doubt that is true. Now, Mr. Speaker, as to the increase of the salaries of the auditors and the deputy auditors, I do not say that that was unwise. I am not here to criticise the House conferees for receding from the disagreement of the Senate amendment, but I do desire just for a minute to call the attention of the House to the history of the salaries of these officials. I recollect very well that in the first session of the Forty-fourth Congress, in the year 1875, when, according to my recollection, the late Mr. Randall was at the head of the Committee on Appropriations, and our present colleague, Judge HOLMAN of Indiana, was a member of that committee, we had a great deal of appropriation, and much of nonappropriation, in small matters in the main, but amounting in the aggregate to a considerable sum.

For weeks and months discussions were had touching appropriations, and the columns of the newspapers were filled with accounts of the great saving that the Democratic House of Representatives was forcing by the decrease of the salaries of Government officials. The contest was long and bitter. The Revised Statutes of the United States gave then, as now, $4,000 per annum to each of these Auditors and $2,500 to each of the deputies; but by main force, by long standing out and insisting, the Democratic House compelled an appropriation of only $3,500 a year for each of the Auditors and $2,250 for each of the deputy auditors.

And so there was a decrease in the salaries of these and many other Government officials. The excuse for this was that the country was in the midst of hard times; that the revenues were short; that the compensation of business people and laboring people was reduced; that there was distress throughout the length and breadth of the country. Hence these reductions were made.

At that time gold was at a premium of 25 per cent over and above the currency of the country in which salaries were paid.

Now, from that time to this these salaries from year to year have been slowly restored. Most of them were restored during Mr. Cleveland's former Administration. And now, in the year of our Lord 1894, when the currency in which these officials are paid is gold or its equivalent—when our currency is no longer at a discount of 25 per cent, as it was when these reductions were made in 1875—substantially the last reductions are wiped out, and these officials are to get hereafter $4,000 a year and the three deputies $2,500 a year. The campaign of 1876 was largely made upon the savings, as alleged, in cutting down the salaries of these officials.

Perhaps this is a fit time to restore those salaries. But money is worth one-fourth more than it was then; but I apprehend that the times are better now. It is true we are borrowing money to pay the current expenses of the Government; we were not then. But at any rate this restoration of salaries has been accomplished. I am not here to oppose the adoption of this conference report, but merely by way of reminiscence to refresh the recollection of gentlemen as to how political campaigns are sometimes run.

At the time to which I have referred, we saw a great party with the shibboleth of economy and reduction of salaries, because the times were hard, win the race so far as the House of Representatives was concerned, not only in 1876, but also in 1878, upon the ground of these savings that the representatives of the people had made. But now in 1894 the salaries are restored—perhaps properly enough. I do not know whether the next campaign is to be run on the restoration of these salaries as the former was run on the reduction. I merely wanted to call the attention of the House to this matter.

Mr. DOCKERY. Mr. Speaker, I simply desire to say on the part of the conferees that I regret the gentleman from Illinois [Mr. CANNON] is not satisfied with this conference report. I supposed the gentleman was not in favor of an illiberal policy.

Mr. CANNON of Illinois. Oh, I am not dissatisfied with your report.

Mr. DOCKERY. So far as the conferees were concerned, they endeavored to treat this bill as a business bill. I do not think a suspicion of politics has connected itself with the action of any of the conferees, either on the part of the House or the Senate. I feel that I am warranted in making that statement. We have presented an economic bill, a bill which carries the money necessary to support the Government. Mr. Speaker, I ask a vote.

Mr. BINGHAM rose.

Mr. DOCKERY. Of course, I do not wish to cut off the gentleman from Pennsylvania.

Mr. BINGHAM. Mr. Speaker, there is one paragraph in connection with this conference report upon which the House should be informed, as it has been the subject of several debates, the paragraph with reference to the increase of the appropriation for special examiners or other persons employed in the Bureau of Pensions, detailed for the purpose of making special investigations. Gentlemen are aware of the fact that this item estimated for by the Secretary of the Interior, upon the recommendation of the Bureau of Pensions, for this force, for the next fiscal year, was $500,000. The House committee reported an appropriation of $200,000 as sufficient for the necessary conduct of the work. The Senate amended the House appropriation by increasing it from $200,000 to $300,000. In conference the agreement was reached to make the amount $250,000, in lieu of the $200,000 appropriated by the House and the $300,000 as proposed in the Senate amendment.

This question has been very fully discussed by the House; and while I reluctantly acceded to this increase, I desired in no wise to impair the efficiency of that portion of the Bureau of Pensions that went into the examination of these claims, either as

to their perfection or completion in the aiding of the soldier, together with the necessary investigation as to whether the claims were tainted with fraud.

Mr. DOCKERY. Will the gentleman state in that connection that the reduction from $300,000 to $250,000 was made, if I mistake not, on his suggestion?

Mr. BINGHAM. That is true.

Mr. DOCKERY. The majority of the conferees deferred to the gentleman from Pennsylvania, he having had large experience in connection with pension matters.

Mr. BINGHAM. Therefore I have felt it my duty as representing the minority side, to emphasize the fact that while we have protested as to the estimate of the Commissioner asking for $500,000, and have also made our protest against the amendment of the Senate recommending $300,000, it is well for the Commissioner of Pensions to understand that after a fair and reasonable appropriation has been allowed there will follow a very thorough investigation should he at a later date in the next fiscal year submit either a large or small deficiency, and he will be expected to exhibit in his next annual report the details of his expenditures under this appropriation. I hope they will be wise and carefully entered into.

There have been declarations that large frauds exist in connection with pensions. We have been willing to make reasonable allowance for the investigation of these alleged frauds. But should that Bureau demand of Congress a deficiency appropriation, Congress will insist that their must be a clear exhibit as to this expenditure, both in its details and in its results.

Mr. SAYERS. I understand, then, that in the opinion of the gentleman from Pennsylvania [Mr. BINGHAM] $250,000 is amply sufficient for this purpose, and that no deficiency appropriation will be needed.

Mr. BINGHAM. I think that has been emphasized by the action of your committee and by the action of this House, and I trust it will be understood by the Commissioner of Pensions that he should follow the rule which the Internal Revenue Department follows in its detective service and the rule which the Post-Office Department follows in its detective service. Those Departments never come to Congress for a deficiency appropriation. And the Commissioner of Pensions must understand that we shall scrutinize his action in this matter with great care. With this view I was willing to favor an increase of the appropriation $50,000 above the sum originally voted by the House.

Mr. HENDERSON of Iowa. Will the gentleman allow me a question?

Mr. BINGHAM. With pleasure.

Mr. HENDERSON of Iowa. The amount appropriated, as I understand, by this conference report for this item is $250,000.

Mr. BINGHAM. Yes, sir. We have agreed to an increase of $50,000 over the amount originally voted by the House, reducing the Senate appropriation which proposed an increase of $100,000.

Mr. HENDERSON of Iowa. Is this for detective purposes?

Mr. BINGHAM. Under the administration of the Bureau it is not wholly for such purposes. This special force is detailed to aid pensioners to complete their claims, as well as to follow out any claims tainted with fraud.

Mr. HENDERSON of Iowa. Can the gentleman state how much was appropriated in this line for the last fiscal year, including the deficiency? I mean the fiscal year just closed.

Mr. BINGHAM. For the fiscal year ending June 30, 1893, the amount was $225,000. The appropriation for the year just closed was $200,000; and we gave a deficiency appropriation of $200,000 more.

Mr. HENDERSON of Iowa. Now, the gentleman from Pennsylvania illustrates his suggestion by a reference to the detective force of the Treasury Department and other Departments.

Mr. BINGHAM. I referred to the Internal Revenue Bureau and to the Post-Office Department.

Mr. HENDERSON of Iowa. Can the gentleman so specify the items of expenditure for the last fiscal year as to tell us what proportion of the appropriation was expended for detective purposes?

Mr. BINGHAM. I can not.

Mr. HENDERSON of Iowa. You have not that information?

Mr. BINGHAM. We have not that information.

Mr. HENDERSON of Iowa. Has any member of the conference committee that information?

Mr. BINGHAM. I think there is no such exhibit.

Mr. DOCKERY. If the gentleman will permit me, I think it was stated, perhaps by the gentleman from Maine, on the floor of the House during the discussion of this matter, that the Bureau claimed only 10 per cent of the fund appropriated was involved in the detection of what may be considered cases of fraud in connection with pension matters.

Mr. HENDERSON of Iowa. Ten per cent expenditure of the total?

Mr. DOCKERY. Of the amount appropriated for the special examining force.

Mr. CANNON of Illinois. I think the gentleman from Missouri is in error.

Mr. DOCKERY. No; I think 10 per cent was suggested, after looking over the whole field, as being about the amount involved in that connection.

Mr. HENDERSON of Iowa. And 90 per cent of the total to facilitate the allowance of pension claims?

Mr. DOCKERY. That is my understanding.

Mr. HENDERSON of Iowa. From the number of pensioners dropped from the rolls and the few pensions allowed, I was rather inclined to the opinion that possibly 90 per cent had been used in the attempt to discover fraud, or alleged frauds, and only 10 per cent to facilitate pensions.

Mr. DOCKERY. I think the gentleman is in error in that regard.

Mr. BINGHAM. There is no necessity for an appropriation of any considerable amount for detective service in connection with pensions.

Mr. COOMBS. I would like to ask the gentleman from Pennsylvania, with his consent, a single question. I know that he, as well as other gentlemen on his side of the House, as well as upon this side, are very anxious to have the matter of the investigation and allowance of pension claims in such shape as that they may be made as rapidly as possible on account of the increasing age of the pensioners. Now, I ask him if he would like to take a position that would in any way limit the Commissioner of Pensions as to the amount of expenditures in facilitating the granting of pensions?

Mr. BINGHAM. I have in no wise stated that I took such a position as that.

Mr. COOMBS. Would you not double the appropriation of $250,000 if you deemed it necessary for that purpose?

Mr. BINGHAM. Undoubtedly, if I regarded it necessary to do so. It has not been found necessary heretofore, however, in order to expedite pension claims.

A MEMBER. Because they were not expedited.

Mr. BINGHAM. Now, the office, through its Commissioner, comes in and asks Congress for the unusual appropriation of $500,000; and the position of the House in regard to the matter was predicated on the message of the President of the United States, as well as the utterances of the Commissioner of Pensions himself, that the pension roll was "honeycombed with fraud."

And the Committee on Appropriations of the House, and the House itself, in view of this statement, simply said to the Commissioner of Pensions: "We will give you only $200,000 for this purpose, as Congress has heretofore given, and regard it as sufficient if properly applied."

Mr. COOMBS. I think the gentleman from Pennsylvania is mistaken in connecting these two things. They are entirely different. On the contrary, the Commissioner of Pensions distinctly states that the money is not to investigate frauds in the applications for pensions, or in pensions already granted, except such as may be incidentally found in connection with the business of the office.

When this matter came before the Committee on Appropriations I went to the Pension Office myself, so as to understand distinctly the facts in relation to it. I, as a friend of the soldier, believed the money was being spent in expediting the granting of just pensions; and when he asked for $500,000 I was in favor of giving the total amount, because I believed, as I had reason to believe, that it was being expended or to be expended in expediting these claims. I was in favor, therefore, of the whole appropriation. But our friends on the other side were not willing that that amount should be given.

Now, we must trust somebody. Someone must have the control of the matter, and I believe the Commissioner of Pensions is an honest man, and when he says he needs the money to make the investigations necessary in connection with the public business, I think he states what is correct, and I believe in giving it to him, so as to give these old soldiers their pensions as quickly as possible.

In the committee the other day it was suggested that this compromise of $250,000 be agreed to. I was perfectly willing to give $100,000 more if necessary, and would have voted for it willingly.

Mr. HENDERSON of Iowa. Do I understand the gentleman from New York to say that this side of the House controlled the amount that should be appropriated in this bill?

Mr. COOMBS. Oh, we had to make some compromises. There was a misgiving in the minds of certain gentlemen rep-

resenting the other side of the House as to the object of the expenditure of the money, although I believe that migiving was entirely without foundation and should not have been entertained.

Mr. HENDERSON of Iowa. If this side of the House control in that regard it is the first appropriation bill where they have had that power, and I am and have been in ignorance of the fact stated by the gentleman. If $500,000 was asked for by the Commissioner of Pensions, and was needed, it ought to be given.

Mr. COOMBS. The reason is this: I am afraid the Commissioner of Pensions, reading in the RECORD the remarks of the gentleman from Pennsylvania——

Mr. BINGHAM. Pardon me; reading in the RECORD what has already been said by other gentlemen.

Mr. COOMBS (continuing). Reading the remarks upon this subject will naturally entertain a reluctance, even if it be necessary, to spend more money than the amount appropriated and apply for a deficiency. I want him to feel at liberty to spend all the money that is necessary to get these pensions granted quickly.

Mr. BINGHAM. We do not question that proposition.

Mr. COOMBS. I believe you all feel just the same way.

Mr. PICKLER. Why are there so many suspensions and reductions?

Mr. DOCKERY. Oh, Mr. Speaker, I hope we shall not indulge in a political discussion on this conference report.

The SPEAKER. To whom does the gentleman from Missouri [Mr. DOCKERY] yield?

Mr. DOCKERY. I yield, for a question, to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON of Iowa. I was not present when the bill was passed, but gentlemen tell me that the statement was made that the Commissioner of Pensions said that $200,000 was all that would be needed. I ask the gentleman from Missouri [Mr. DOCKERY] if that is true?

Mr. DOCKERY. The informant of the gentleman is in error. The Commissioner of Pensions made no such statement. On the contrary, he asked for $500,000.

Mr. HENDERSON of Iowa. Why was not that amount given?

Mr. DOCKERY. Because in the opinion of the Committee on Appropriations, concurred in, I believe, on both sides, it was thought that $200,000 would be sufficient; but the gentleman evidently did not hear the statement of his colleague [Mr. BINGHAM], the conferee representing the minority, when the report was first submitted. I asked the gentleman to state to the House, and he did so state, that the amount fixed at $250,000 was his own suggestion; which was concurred in by the majority of the conferees representing this side of the House.

We have dealt with this question without any reference to political considerations. The gentleman from Pennsylvania [Mr. BINGHAM] suggested $250,000. We agreed to the amount, believing that it was sufficient, and I want to say again that in making that suggestion I do not think the gentleman had any thought of politics or political bias. I know we had not on this side.

Mr. HENDERSON of Iowa. We are not taking politics into account, but we want to know whether this appropriation is sufficient and the reasons for fixing this amount.

Mr. DOCKERY. I hope politics will not be brought into it. This day is set apart by order of the House for the consideration of bills reported from the Committee on Invalid Pensions, and this matter has been heretofore thoroughly threshed and rethreshed.

Mr. HENDERSON of Iowa. It is very easy for the committee to agree to the Senate amendment of $300,000, if more than $200,000 is needed.

Mr. DOCKERY. I have stated the facts on which we reached the conclusion that $250,000 was necessary.

Mr. HENDERSON of Iowa. Of course I did not hear the statement before the subcommittee.

Mr. DOCKERY. If the gentleman will consult the RECORD he will find the statement of his colleague [Mr. BINGHAM] in support of the statement I have just made, and if he has any doubt on that question the gentleman from Pennsylvania [Mr. BINGHAM] is present and I will yield to him.

Mr. HENDERSON of Iowa. The gentleman from Pennsylvania states that they had to give a deficiency appropriation of $200,000 for the past year, making the total $400,000.

Mr. BINGHAM. In the general appropriation bill for the fiscal year ending June 30, 1894, we appropriated $200,000 for this purpose. We came in early in this session with a deficiency appropriation of $200,000 more; therefore the Pension Bureau has had an appropriation of $400,000 for this purpose during the fiscal year closing on the 30th of June, 1894. The estimate submitted by the Commissioner for the present fiscal year was $500,000. We saw in the present condition of affairs no reason why we should appropriate $500,000. Nothing had occurred in connection with the pensions administration that warranted it. Therefore we adhered to the appropriation of the preceding year of $200,000.

The deficiency appropriation of $200,000 was given in response to a special message from the Pension Office, to the effect they were investigating great frauds, and it was deemed that that additional appropriation would cover the investigation. The Senate have increased our appropriation for the ensuing fiscal year to $300,000. We have compromised on $250,000, and in my statement to the House submitting that as a fair, reasonable amount, I added the declaration the expenditure would be critically examined, for the reason great fraud had been alleged, and if fraud existed it ought to be investigated and concluded under this appropriation, and the necessity for further appropriation in this direction should be clear and well defined in the Commissioner's report.

Mr. HENDERSON of Iowa. I assume from the statement made by the gentleman from Pennsylvania that probably the committee, or himself, as he has referred to the gentleman from Missouri, thought that there were not as many sleuthhounds and bloodhounds needed as the Commissioner thought in this direction.

Mr. DOCKERY. I would be glad if the gentleman from Iowa would construe his own language, and not mine. I have said nothing that would warrant any such interpretation.

Mr. COOMBS. Mr. Speaker, I shall have to differ from the gentleman from Pennsylvania [Mr. BINGHAM] in one statement that he made in his reply to the gentleman from Iowa. I am a member of that committee, and have no recollection, and I think if the gentleman will think the matter over again he will find, that it was not the case that the Commissioner said that he required the $500,000, because he was making large investigations of fraud. Now, I would like for the gentleman to correct that statement.

Mr. BINGHAM. Then I would like to ask the gentleman this question. What, and how did the Commissioner of Pensions, who with a sweep of his pen, in an order, wiped out the pensions of 20,000 pensioners from the roll, unless he entertained or had reached the conclusion that there was fraud or no merit as to their standing on the roll?

Mr. COOMBS. I am calling the gentleman's attention to one specific point, and, as I think, he will find he is in error on that. I will say this—that probably at the beginning, under a public pressure, which ran throughout the land, there was some unwise action in relation to suspending pensioners; and while there was some rabidness at that time, that was immediately corrected. I believe, and I think every man who knows anything about it will say, that pensioners or applicants for pensions were never more fairly treated than by the present Commissioner and under the present administration of that office. Give them their due, gentlemen. I find that my individual efforts at obtaining pensions are more successful, that more careful work has been done upon my pension claims, and more prompt work than I have ever experienced before. I am very well satisfied with the work they are doing; and I think the country is satisfied. I believe that the money is being spent in expediting the pensioning of old soldiers.

Mr. BINGHAM. I hope it will be done.

Mr. COOMBS. I hope so, and thoroughly believe it.

Mr. DOCKERY. Mr. Speaker, I desire to say, in conclusion, and then I will demand the previous question, that the $250,000 for the examining force was unanimously agreed to by the conferees on the suggestion of that gallant soldier from Pennsylvania [Gen. BINGHAM], one of the conferees. I ask for the previous question.

Mr. CANNON of Illinois. I want to ask a single question. Does the gentleman think it sufficient?

Mr. DOCKERY. I do.

Mr. CANNON of Illinois. One further question. The amount, $200,000, that was appropriated last year was expended by early in December in last year, and Congress gave $200,000 more. Does the gentleman have any doubt about Congress giving an additional amount next December in the event that the $250,000 be honestly expended?

Mr. DOCKERY. Oh, "Sufficient unto the day is the evil thereof." I do not know what the next session will do? My own judgment is that $250,000 is sufficient for the entire year. Of course, if at the next session Congress shall find more is needed, I have no doubt it will be given. I demand the previous question.

The previous question was ordered, and under the operation thereof the report of the committee of conference was agreed to.

On motion of Mr. DOCKERY, a motion to reconsider the vote

by which the report of the committee of conference was agreed to, was laid on the table.

The SPEAKER. The Clerk will call the committees for reports.

CHANGE OF REFERENCE.

Mr. CULBERSON. Mr. Speaker, I am directed by the Committee on the Judiciary to report back the bill (H. R. 7453) to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880; and to ask that the committee be discharged from its further consideration, and that the bill be referred to the Committee on the District of Columbia.

The SPEAKER. The Clerk will report the title of the bill.

The title of the bill was reported.

The SPEAKER. Without objection, the Committee on the Judiciary will be discharged from the further consideration of the bill, and it will be referred to the Committee on the District of Columbia.

There was no objection, and it was so ordered.

COMMODORE DENNIS W. MULLAN.

Mr. TYLER, from the Committee on Naval Affairs, reported favorably the joint resolution (H. Res. 60) authorizing Commodore Dennis W. Mullan, United States Navy, to accept a medal presented to him by the Chilian Government; which was referred to the House Calendar, and, with accompanying report, ordered to be printed.

PUBLIC BUILDING AT NORFOLK, NEBR.

Mr. MERCER, from the Committee on Public Buildings and Grounds, reported with amendment the bill (H. R. 264) for the erection of a public building at the city of Norfolk, Nebr.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The SPEAKER. This completes the call of committees for reports.

Mr. MARTIN of Indiana. Mr. Speaker, I ask unanimous consent that the second morning hour be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Indiana that the second morning hour be dispensed with?

Mr. BURROWS. With what committee does the call rest?

The SPEAKER. With the Committee on Rivers and Harbors.

There being no objection the request of Mr. MARTIN of Indiana was unanimously agreed to.

The SPEAKER. The Clerk will report the special order for to-day.

The Clerk read as follows:

Resolved, That Wednesday, the 25th instant, after the second morning hour, be assigned to the consideration of business reported from the Committee on Invalid Pensions.

Mr. MARTIN of Indiana. Mr. Speaker, I am directed by the Committee on Invalid Pensions to call up the bill (H. R. 233) to supplement the act of June 27, 1890, as to pensions.

The bill was read, as follows:

Be it enacted, etc., That in any application for a pension under the act of Congress approved June 27, 1890, where it is shown that the soldier or sailor on account of whose service such pension is asked dies or has died without having received an honorable discharge from such service, and without having by his own misconduct forfeited his right to receive an honorable discharge, such want of an honorable discharge shall not debar the applicant from receiving the benefits of said law upon complying with the other requirements thereof.

The SPEAKER. This bill is in Committee of the Whole.

Mr. MARTIN of Indiana. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Then, Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. OUTHWAITE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill, the title of which the Clerk will report.

The Clerk read the title of the bill.

Mr. MARTIN of Indiana. I ask that the report be read in my time.

Mr. KILGORE. I would like to have the bill read, Mr. Chairman, so that we may know what it is.

The bill was again read, as above.

The report (by Mr. MARTIN of Indiana) was read as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 233) to supplement the act of June 27, 1890, as to pensions, and submit the following report:

The object of this bill is to correct an inequality in the act of June 27, 1890, arising from a limitation in the wording of that act and wholly unanticipated at the time of its passage. Under that act, if a soldier served ninety days in the war of the rebellion and was honorably discharged, his widow is pensionable without reference to the cause of his death. Moreover, where a soldier died in service and in line of duty, the widow is pensionable under the general laws prior to the act of June 27, 1890. There are cases, however, where the soldier died in the service, but from causes such as do not justify the pensioning of his widow under the general law, such as death by accident while absent from his command on personal business, etc.; neither is the widow pensionable in this case under the act of June 27, 1890, because the soldier did not receive an honorable discharge.

This state of facts gives rise to the anomoly of pensioning without question the widow of a soldier who served for ninety days or more, was discharged, and subsequently died an ignominious death, while the widow of a soldier, no matter how long or meritorious his service, who was killed by the cars through no fault of his own while absent on furlough, is denied a pension altogether.

The point involved is clearly defined, and the purpose of this bill is clearly in the direction of equalization and uniformity in the provisions of the act of June 27, 1890. The Fifty-second and the present Congress have frequently been called on to consider private bills to correct this obvious injustice growing out of the wording of that act, and such bills have uniformly received favorable consideration.

It is clearly proper that such inequalities should be remedied where it is possible by general enactment rather than by individual and private acts; your committee, therefore, recommend that this bill do pass.

Mr. MARTIN of Indiana. Mr. Chairman, I do not know that I can add anything to what is stated in the report of the committee, but I may epitomize it by saying that the object of this bill is simply to cure a defect in the act of June 27, 1890. Before an applicant can receive a pension on account of the death of a husband, it is necessary under that act to show that the soldier had received an honorable discharge. A number of cases have come up from time to time where the soldier had been in the service for more than ninety days—for nearly two years in one case that I recall—and where he was killed, not in the line of duty, not while a deserter, and yet, under the requirements of the law, the widow was barred from receiving a pension. Now, the effect of the passage of this bill will be to do away with the necessity for private bills to meet cases of that character. If any gentleman desires to make any inquiry in regard to the bill I shall be glad to yield to him for that purpose.

Mr. GROSVENOR. I ask the gentleman to yield to me in order that I may state a case in point to which this law will apply.

Mr. MARTIN of Indiana. I yield to the gentleman.

Mr. GROSVENOR. I introduced the other day a bill which I presume has gone to the Committee on Invalid Pensions. It was a case where a soldier overstayed his furlough because of the extreme illness of his wife. He stayed, I think, a number of months beyond the limitation of his furlough and was marked as a deserter. As soon as it was possible for him to return, in view of the circumstances of the case, he started back to his command. On the way, traveling by stagecoach down to the Ohio River, at a point where the stage stopped for dinner he went into a stream to bathe and was drowned. Under the existing law his widow can not have a pension although the soldier was on his way back to his regiment, having, as I said, overstayed his furlough, and the officers of the regiment having, properly under the rules and regulations, reported him a deserter.

Mr. HARE. I desire to suggest in that connection that even if the soldier had not overstayed his furlough and had been accidentally killed when he was on his way back to his regiment, the widow would still have been deprived of the right to a pension under the act of 1890.

Mr. GROSVENOR. That is true; because, technically, he would not have had an honorable discharge.

Mr. SPRINGER. The present law provides, I believe, that where the soldier himself is living and applies for a pension, he must have an honorable discharge, but there is a general law under which he can get such a discharge.

Mr. GROSVENOR. But the limitation in that law has expired.

Mr. SPRINGER. I am speaking of the case where the soldier himself applies for a pension. The law requires that before he can get a pension he must produce an honorable discharge, but under circumstances such as the gentleman [Mr. GROSVENOR] has stated and such as the other gentleman from Ohio [Mr. HARE] has suggested, the soldier would be entitled under the general law to a discharge. He could apply to the War Department, and on making proof would be entitled to his discharge; but there is no law authorizing the granting of an honorable discharge to a dead man, and I have several times found embarrassment resulting from that condition of things; because, while if the soldier were living he could obtain a discharge under the general law, no discharge could be granted to a dead man. This bill therefore seems to me eminently proper and necessary.

Mr. MARTIN of Indiana. Just a word in conclusion, Mr. Chairman. The intention of this bill is not at all to give discharges to those who are laboring under a charge of desertion. That charge must be gotten rid of in some other way. This bill is for an entirely different purpose.

Mr. KILGORE. I understand that the object of this bill is to cover only cases where the soldier was killed in battle or died in hospital and could not have had an honorable discharge, and where, he not having had such discharge, his widow can not avail herself of the pension law of 1890.

Mr. MARTIN of Indiana. No; because, let me say to the gentleman, that in that case the man has died in the line of duty, and the widow could be pensioned under the general law.

Mr. KILGORE. But I understood the gentleman to say that unless the husband had been honorably discharged his widow could not get a pension under the act of 1890.

Mr. COOMBS. Death in the line of duty is an honorable discharge.

Mr. KILGORE. That I should think would be the construction; but that is not the language of the act of 1890.

Mr. MARTIN of Indiana. No, sir.

Mr. KILGORE. I could not understand distinctly, from the statement of the gentleman from Indiana, what the purpose of this bill is.

Mr. MARTIN of Indiana. I will give my friend a case in point. A man enlisted in December, 1863, and served until June, 1865. He was sent by his superior officer upon an errand which it was thought he ought not to have been sent upon; but he was a private soldier, and could not do otherwise than obey orders. Upon going out for the purpose on which he was sent, he fell in with some person with whom a dispute arose in regard to certain property having the Government brand upon it. In the course of that dispute, without any attack having been made by the soldier upon the citizen, the latter drew his revolver and killed the soldier. Now, that man had been in the service nearly two years. His wife applied for a pension under the general law, but it was held that the soldier had not died in the line of duty, and therefore she could not obtain a pension under the general law.

Mr. KILGORE. But he was out under the orders of his superior officer, and was killed while in the performance of duty under those orders.

Mr. MARTIN of Indiana. That would be my view.

Mr. RYAN. But the Bureau held otherwise.

Mr. GROSVENOR. The Bureau has held both ways in cases of that kind.

Mr. KILGORE. Then the bill is intended to cure that sort of case?

Mr. MARTIN of Indiana. Yes, sir.

Mr. KILGORE. The gentleman understands that there have been a great many bills before the House at Friday night sessions to relieve men from the charge of desertion; and I have known some to pass where the proof disclosed that the man had deserted three times, twice from the Federal Army and once from the Confederate army, and had obtained the bounty once or twice. Now, this bill is not intended to cover such a case as that?

Mr. MARTIN of Indiana. Oh, no, sir.

Mr. KILGORE. Nor any other case where a man labors under the charge of desertion?

Mr. MARTIN of Indiana. No, sir; it is not intended to cure cases where there is a charge of desertion.

Mr. KILGORE. As I understood the gentleman, where a man without any fault of his own has failed to get an honorable discharge, he will have the same standing in the Pension Bureau that he would have had if he had obtained an honorable discharge? Now, the bill would perhaps take in such a case as that recited by the gentleman from Ohio [Mr. GROSVENOR].

Mr. MARTIN of Indiana. I do not think it would.

Mr. KILGORE. In that case the soldier labored under the charge of desertion.

Mr. MARTIN of Indiana. But the object of this bill is not at all to relieve any person from the charge of desertion. It is simply intended to cover the class of cases I have just mentioned.

Mr. COOMBS. Where the man was not technically in the line of duty at the time of his death.

Mr. MARTIN of Indiana. Yes, sir.

Mr. JONES. How would it do to provide that this act shall not apply to any cases where the charge of desertion rests against the soldier. As I understand, then the case cited by the gentleman from Ohio would not come under the act.

Mr. GROSVENOR. I think it ought to do so, whether it does or not.

Mr. WAUGH. Allow me a single suggestion. Take the language of this proposed bill:

> Any person who dies, or has died, without receiving an honorable discharge, without its being chargeable to his own misconduct.

Now the removal of charges of desertion and the correction of military records is a matter for the War Department, and it also comes before us in the form of special acts. Now, under the language I have just read, I ask the attention of the gentleman to such a case as this: A soldier who served in the war did not receive any discharge; and his service closed thirty years ago. He has been making an effort to get an honorable discharge from the War Department but has been refused; he has also been making efforts to obtain an honorable discharge by special act of Congress, and in this also has been unsuccessful. Now, would not this bill authorize him to abandon his application at the War Department, to abandon his application before Congress, and to go to the Pension Office in order to have that question determined?

Mr. MARTIN of Indiana. Not at all, as I understand.

Mr. WAUGH (continuing). And let the Commissioner of Pensions pass upon it.

Mr. MARTIN of Indiana. I think not.

Mr. WAUGH. I think the gentleman is mistaken in that. Now, let us see; let us see what the bill itself says. It does not limit a case to the death of a pensioner during the war. It may be a case where the death occurs to-day or occurred yesterday. Then what? The language of the bill is:

> That the soldier or sailor on account of whose service such pension is asked dies or has died, etc.

That is, that he died during or subsequent to the war.

Mr. MARTIN of Indiana. But read the rest of the sentence. It provides:

> Without having received an honorable discharge from such service, and without having by his own misconduct forfeited his right.

Mr. WAUGH. But who is to determine the question of misconduct? The Commissioner of Pensions?

Mr. MARTIN of Indiana. Oh, no; it must be determined by the War Department. It could not be determined by the Commissioner of Pensions or the Pension Bureau. That is covered by the law now. When a man has a charge of desertion pending against him on the records of the Department he can not be pensioned.

Mr. WAUGH. What would be the objection to putting in the words, "as provided by existing law?" It looks as if it leaves the whole matter to the Pension Office.

Mr. MARTIN of Indiana. This has no reference, I will state to the gentleman from Indiana, to desertions at all. There is no such proposition. I regret that that idea should get into the minds of any gentleman in connection with this bill. I would not consent to bring forward a bill for that purpose.

Mr. KILGORE. If the gentleman will permit me, the only question would be as to the construction of the measure, after it became a law, given to it by the Bureau. They might construe it to cover such cases as that named by the gentleman from Ohio [Mr. GROSVENOR]. The truth is it ought to provide specifically against such cases.

Mr. HAINES. It has no application whatever to cases where there are charges against the soldier of any character.

Mr. JONES. I would ask the gentleman from Indiana if he would accept this amendment to be added to the bill:

> *Provided*, That no charge of desertion is standing against such soldier or sailor upon the records of the War Department.

Mr. MARTIN of Indiana. I would be willing for that amendment.

Mr. JONES. I offer the amendment.

Mr. MARTIN of Indiana. I yield to the gentleman from Virginia to offer that amendment.

The CHAIRMAN. By unanimous consent, general debate will be considered as closed; and the gentleman from Virginia will send his amendment to the desk to be read by the Clerk.

The Clerk read as follows:

> Add to this bill:
> "*Provided*, That no charge of desertion is standing against such soldier or sailor upon the records of the War Department."

Mr. MARTIN of Indiana. I have no objection to that amendment.

The amendment was adopted.

Mr. MARTIN of Indiana. I move that the bill be laid aside with favorable recommendation.

The motion was agreed to.

Mr. MARTIN of Indiana. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose, and Mr. TRACEY, having taken the chair as Speaker *pro tempore*, Mr. OUTHWAITE reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 233, had directed him to report the same back with an amendment.

Mr. MARTIN of Indiana. I ask the previous question on the amendment and the bill to its passage.

The previous question was ordered.

Mr. WAUGH. I ask that the bill as amended be reported.

The bill was again read.

The SPEAKER *pro tempore*. The first question is on agreeing to the amendment reported by the Committee of the Whole.

The amendment was adopted.

The bill as amended was ordered to be engrossed and read the third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MARTIN of Indiana, a motion to reconsider the last vote was laid on the table.

ADMINISTRATION OF OATHS BY FOURTH-CLASS POSTMASTERS.

Mr. MARTIN of Indiana. Mr. Speaker, by direction of the Committee on Invalid Pensions, I am instructed to call up the bill (H. R. 7294) empowering fourth-class postmasters to administer oaths to pensioners, and for other purposes.

The bill was read, as follows:

Whereas under existing laws requiring pensioners and their witnesses to make oath in the execution of pension vouchers before an officer having a seal in many instances works great hardship and imposes burdens and expense upon and requires long distance of travel from pensioners who, on account of poverty, infirmities, and disease, are unable to endure the burden: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter, in addition to the officers now authorized to administer oaths in such cases, fourth-class postmasters of the United States are hereby required, empowered, and authorized, free of charge, to administer any and all oaths required to be made by pensioners and their witnesses in the execution of their vouchers with like effect and force as officers having a seal.

Amend the title so as to read: "A bill empowering fourth-class postmasters to administer oaths to pensioners."

Mr. MARTIN of Indiana. This bill is not on the Union Calendar.

The SPEAKER *pro tempore*. No; on the House Calendar.

Mr. MARTIN of Indiana. I ask for the reading of the report. [Cries of "Vote!" "Vote!"]

Mr. BURROWS. Why not vote on the bill now? There is no objection to it.

Mr. MARTIN of Indiana. I think the report had better be read so the character of the bill will be understood.

The report (by Mr. BALDWIN) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 7294) empowering fourth-class postmasters to administer oaths to pensioners, and submit the following report:

The purpose of this bill is to authorize fourth-class postmasters to administer oaths to pensioners and their witnesses in the execution of their vouchers for their quarterly pension payments. The object is to avoid the inconveniences experienced by those who live in sparsely settled communities or remote from any officer at present authorized to administer oaths for general purposes. The bill provides that the postmaster shall use the stamp of his office to authenticate his signature and to charge and receive for each voucher not more than 25 cents, to be paid by the pensioner.

The desirability of such legislation seems to be very apparent, and no ground of objection whatever has occurred to the committee.

The question was submitted to the Commissioner of Pensions, who replied in the following letter:

"DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
"*Washington, June 26, 1894.*

"DEAR SIR: Your favor of the 13th instant, inclosing H. R. 7294, and asking my opinion as to the practicability of such legislation, came here while I was temporarily absent. It seems to me that the bill, if enacted, will make it convenient for pensioners in rural districts to execute their vouchers, and I see no objection to it whatever.

"Yours, very truly,

"WM. LOCHREN, *Commissioner*.

"Hon. A. N. MARTIN,
"*House of Representatives*."

Your committee recommend that the bill do pass, after being amended as follows:

Strike out all of the preamble; strike out the words "free of charge" in line 6; add at the close of the bill the words "and such postmaster shall affix the stamp of his office to his signature to such vouchers, and he is authorized to charge and receive for each voucher not exceeding 25 cents, to be paid by the pensioner."

Amend the title so as to read: "A bill empowering fourth-class postmasters to administer oaths to pensioners."

Mr. MARTIN of Indiana. If there be no inquiries in regard to the bill, I will ask the previous question upon it.

Mr. KILGORE. I would like, before the gentleman demands the previous question, to inquire as to the necessity for empowering fourth-class postmasters in cases such as those named in the bill to administer oaths.

Now, you understand that there are more notaries public in every community than there are postmasters, and they are more convenient, and more competent to do this business. A notary public, for instance, must have a seal, as prescribed by the laws of his State. He must keep a record of oaths administered, and there is a certain responsibility imposed upon him, and he can be punished for making a false certificate.

Now, I say that there is no necessity for enlarging the number of officers authorized to administer these oaths, and especially that fourth-class postmasters should not be authorized to do it. It does not subserve anybody's convenience, because there is always a notary public in every community in which there is a postmaster, and two or three to every postmaster.

Several MEMBERS. Oh, no.

Mr. KILGORE. That is the case in Texas. I suppose Texas ought to be a model for every other State in the Union. There is a law regulating notaries public. There is no law regulating the taking of affidavits before postmasters. This law does not provide any punishment for a false certificate, or for perjury, or for anything of that kind. Besides, the stamp of a postmaster is not protected as is the seal of a notary public. The stamp with which he cancels letters in his office lies about his office. Anybody in the office can use it. The clerks can use it. Most fourth-class post-offices are not kept under the rigid rules which prevail as to offices of higher grade. Any man can walk in there any hour of the day and pick up this stamp and use it, and nobody would think anything of it.

Several MEMBERS. Oh, no.

Mr. KILGORE. The energies of the Pension Bureau have recently been devoted to the detection and prevention of fraud in the Pension Department. You propose now to open the door again by authorizing fourth-class postmasters to administer oaths, and to authenticate them by simply applying the stamp of the office used in the canceling of letters.

Mr. BINGHAM. But the stamp of the office must be used in connection with the postmaster's signature..

Mr. KILGORE. The signature and the stamp.

Mr. RYAN. This only applies to vouchers.

Mr. KILGORE. I understand—the vouchers upon which they draw the money. I do not think that fourth-class postmasters ought to have authority to administer oaths at all, unless they are required to keep seals, just as notaries public would be required under the law to do. A notary public is required to protect his seal and record the work he does.

Mr. BRYAN. Is it not just as easy to get access to the seal of a notary public, as it is to get access to the stamp of a postmaster?

Mr. KILGORE. No; a notary is generally required to keep his seal away from the public.

Mr. PICKLER. Oh, no.

Mr. KILGORE. He is in Texas.

Mr. PICKLER. The gentleman speaks about keeping a record. A notary keeps no record of oaths administered.

Mr. KILGORE. Yes, he does.

Mr. PICKLER. Not in our country.

Mr. KILGORE. Well, you should amend the law of your State. I was a notary public twenty-five years ago in Texas, and I had to keep a record of every transaction. We are twenty-five years ahead of you. I had a book in which I recorded the fact that on a certain day Mr. So-and-so was sworn on a certain subject, and that kind of record is evidence in court.

Mr. PICKLER. That did not do away with the necessity for a signature.

Mr. KILGORE. The seal and signature go together.

Mr. MARTIN of Indiana. There is a law now authorizing certain officers to administer oaths. The same law provides the punishment in case of misconduct. Now, not nearly all of the justices of the peace in this country have seals. Not nearly all notaries public have seals. The object of this bill is to enable pensioners living in a neighborhood where there is no notary public, miles and miles away from the county seat, to take their pension vouchers and go before the postmaster in their immediate neighborhood. A man can not go to the county seat and be sworn to his voucher before the 4th day of the month, the day his pension becomes due. The law punishes him if he attempts to post-date his voucher at all. The object of this bill is simply to make it more convenient to the pensioner, when he comes to make an affidavit for the purpose of drawing his pension.

Mr. NORTHWAY. Why not make this bill applicable in all cases where a man applies for a pension as well as to vouchers?

Mr. MARTIN of Indiana. Before a man can practice as an attorney in the Pension Bureau he must be admitted there. I do not know that we want to open that up at all,

Mr. NORTHWAY. But a great many applicants apply in their own names, and make out their own papers. Why not have the oath administered by a fourth-class postmaster?

Mr. MARTIN of Indiana. Well, Mr. Speaker, that question did not come before the committee. This bill was introduced by the gentleman from Oklahoma [Mr. FLYNN], who urged the convenience it would give to his constituents throughout that Territory.

Mr. NORTHWAY. I agree with this bill, but I should like to see it enlarged.

Mr. MARTIN of Indiana. That question did not come before us, and we did not enlarge it.

Mr. HULICK. I desire to offer an amendment to this bill by inserting the words "free of charge," in the sixth line of the first section, and by striking out all in lines 10, 11, and 12. That is to authorize the postmasters to charge and to receive for each voucher not exceeding 25 cents, to be paid by the pensioner. I think the bill should pass as it was first introduced, with the

words "free of charge" inserted. I think these soldiers should have the benefit of the execution of these vouchers for nothing. Now, I do not know how it is at other places, but my experience is that all the officers who execute these vouchers and papers for soldiers do not charge a cent for it.

Mr. LUCAS. That is voluntary.

Mr. HULICK. That is voluntary. I think it ought to be made compulsory.

Mr. PICKLER. These fourth-class postmasters hardly get enough now. These pensioners will all come in on the same day, and what is he going to do with the pensioners and his duties as postmaster at the same time?

Mr. HULICK. I believe that if the office is worth holding at all they ought to contribute that much.

Mr. LACEY. In many instances their salaries are not $12 a year.

Mr. MARTIN of Indiana. There are a great many of these postmasters whose compensation is almost nominal. The object of this bill is to meet the convenience of the pensioners, and to save them, maybe, a day's journey. The compensation of the postmasters is so little that it seems to me that it would be wrong that they should do this work free of charge, when other parties have been allowed a compensation for doing it.

Mr. HULICK. As I see my amendment meets with considerable opposition I withdraw it.

Mr. NORTHWAY. By a law which is almost universal they will not charge anything.

Mr. WAUGH. Mr. Speaker, I move to strike out "twenty-five" and insert "fifteen."

Mr. MARTIN of Indiana. I did not understand the amendment.

The SPEAKER *pro tempore*. The Clerk will read the amendment offered by the gentleman from Indiana on the left.

Mr. MARTIN of Indiana. I think I had the floor, and did not yield it. I ask the previous question on the amendments and on the bill.

Mr. KILGORE. I desire to ask the gentleman a question for information. I understand that as the law now stands a person making a false oath or false affidavit before certain officers can be prosecuted for perjury or false swearing. Now, if you were to clothe the fourth-class postmasters with authority to administer oaths without carrying with it the other proposition, that all persons who made false oaths before that fourth-class postmaster shall be guilty of perjury or false swearing, then there would be no law to punish false swearing in a case like this.

Mr. LUCAS. It will be a case of perjury, it does not matter before whom the false oath was made.

Mr. KILGORE. Perjury and false swearing are different things.

Mr. LUCAS. If a man makes a false oath before any person authorized to administer oaths he is subject to the penalty.

Mr. KILGORE. That is not always recited in the statute.

Mr. LUCAS. That is not necessary.

Mr. MARTIN of Indiana. Mr. Speaker, section 5392, which has just been handed to me, I think entirely covers this, and from a hasty glance at it it is just this: that punishment for perjury is not for making a false oath before a particular officer, but before any officer.

Mr. KILGORE. That is, a false oath in a judicial proceeding.

Mr. MARTIN of Indiana. But this is in pension cases.

Mr. KILGORE. Ah!

Mr. MARTIN of Indiana. I desire to have the Clerk read this section.

The Clerk read as follows:

5392. Every person who, having taken an oath before a competent tribunal, officer, or person in any case which the law of the United States authorizes an oath to be administered that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than $2,000 and by imprisonment at hard labor not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See section 1750.)

Mr. MARTIN of Indiana. Mr. Speaker, I demand the previous question on the bill and amendments.

The SPEAKER *pro tempore* (Mr. TRACEY). If there be no objection, the committee amendments will be agreed to in gross.

Mr. WAUGH. Mr. Speaker, I rise to a parliamentary inquiry. I wish to know whether the amendment that I offered is pending?

The SPEAKER *pro tempore*. The Chair will state that the other gentleman from Indiana [Mr. MARTIN] had the floor and declined to yield, so that the amendment suggested by the gentleman from Indiana [Mr. WAUGH] is not pending.

Mr. WAUGH. I will ask, then, whether it is in order to offer that amendment now?

The SPEAKER *pro tempore*. The previous question is now pending.

The previous question was ordered.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MARTIN of Indiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSION ACT OF JUNE 27, 1890.

Mr. MARTIN of Indiana. Mr. Speaker, by direction of the committee I call up the bill (H. R. 7574) to amend section 3 of an act entitled "An act granting pension to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890.

The bill was read, as follows:

A bill to amend section 3 of an act entitled "An act granting pension to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of an act entitled "An act granting pension to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890, be so amended to read as follows:

"SEC. 3. If any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged, has died, or shall hereafter die, leaving a widow without other means of support than her daily labor, or minor children under the age of 16 years, or a child or children who then are, or shall subsequently, prior to attaining the age of 16, become insane, idiotic, or otherwise permanently helpless, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his military or naval service, be placed upon the pension roll from the date of the application therefor under this act, at the rate of $8 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under 16 years of age, and also for each insane, idiotic, or otherwise permanently helpless child of such officer or enlisted man, of whom she has the care and custody, irrespective of age; and in case of the death or remarriage of the widow, leaving a child or children as above described, or if such soldier or sailor left no widow, such pension shall be paid to such child or children until the age of 16, and to such insane, idiotic, or otherwise permanently helpless children, the pension, whether heretofore granted or hereafter to be granted either under this or any former statute, shall continue during the life of such children or during the period of such disability: *Provided*, That such condition of insanity, idiocy, or permanent helplessness shall have originated and existed prior to the arrival of such child or children at the age of 16 years: *And provided further*, That said widow shall have married said soldier or sailor prior to the 27th day of June, 1890: *And provided further*, That in case of the death of a soldier or sailor herein described from causes not chargeable to his service in the Army or Navy, leaving a widow to whom he was married subsequent to the 27th day of June, 1890, and leaving, by a former marriage, a child or children under the age of 16 years, or insane, idiotic, or otherwise permanently helpless, such child or children shall be pensioned in like form and manner as if no widow had survived. All pensions under this section shall commence from the date of filing the application therefor.

The SPEAKER *pro tempore*. This bill is on the Union Calendar.

Mr. MARTIN of Indiana. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. HUTCHESON. I object.

Mr. MARTIN of Indiana. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering bills on the Calendar reported from the Committee on Invalid Pensions.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. OUTHWAITE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering bills on the Calendar reported from the Committee on Invalid Pensions.

Mr. MARTIN of Indiana. Mr. Chairman, I call up the bill H. R. 7574, and I ask that the first reading of the bill be dispensed with.

Mr. HUTCHESON. I would like to hear the bill read, Mr. Chairman.

The bill was again read as above.

Mr. CLARK of Missouri. Mr. Chairman, I desire to ask the gentleman in charge of this bill one question. Does the bill contain a provision for pensioning soldiers' widows who remarried and whose new husbands have since died?

Mr. MARTIN of Indiana. No, sir. The bill has no relation to that subject at all.

Mr. HUTCHESON. Mr. Chairman, I would like to have the report on that bill read.

Mr. MARTIN of Indiana. I will ask to have the report read as a part of my remarks, retaining the right to the floor.

The Clerk proceeded to read the report.

Mr. MARTIN of Indiana (pending the reading). Mr. Chairman, I ask unanimous consent that the report be printed in the RECORD without being read and that I be permitted to make a brief explanation.

Mr. HUTCHESON. I would like to have the report read, and then I would like to hear the gentleman's explanation also.

The report (by Mr. ERDMAN) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 7574) to amend section 3 of the act approved June 27, 1890, and submit the following report:

The act of June 27, 1890, provides in section 3 for pensions for the widows and minor children of soldiers who served ninety days and were honorably discharged from service in the late war. That section also provides that—

"In case a minor child is insane, idiotic, or otherwise permanently helpless the pension shall continue during the life of said child, or during the period of such disability, and this proviso shall apply to all pensions heretofore granted or hereafter to be granted under this or any former statute."

The construction of this proviso has been the source of much contention in the Pension Bureau and Interior Department. It will be observed that the proviso does not authorize the placing on the rolls of the name of an idiotic, insane, or permanently helpless child, but simply provides that in case a minor child is insane, etc., the pension shall "continue." The construction placed on this clause by Assistant Secretary Bussey was that it could apply only to those who were under the age of 16 years at the date of the passage of the act.

In a comparatively recent decision Assistant Secretary Reynolds holds that it can apply to those under 16 years of age at the date of application under that act, and also to those who have once been admitted to the pension rolls as minors in their own right, or through increase to the widow on their account, but that it does not operate to place independently on the pension roll those permanently helpless, who have never been pensioned as minors, and who are at date of application over 16 years of age.

Whatever may have been the intent of the framers of the act of June 27, 1890, it will be conceded, no doubt, that this construction is as wide as the words employed in the proviso quoted admit of. This limited operation of that proviso, however, gives rise to distinctions which have no foundation in the essential status of the applicant, and which, therefore, appear invidious. If a soldier dies leaving an insane child 15 years of age, that child is pensionable for life under this law. If the child, in every respect as helpless, be 17 years of age, he is not pensionable for any period, although the proviso is founded clearly on the idea that an idiotic or insane child is to all intents and purposes always a minor. The consequence is that numerous private bills are introduced from year to year to pension those who are not pensionable under the provisions of that act as construed, and yet who come within the alleged intent of the framers of that act.

There have been introduced in the present Congress and referred to this committee, up to the 6th day of July, 1894, 64 such bills, and a very considerable number of them have been favorably reported, where the circumstance were such as to meet certain well-defined requirements; the requirements insisted upon the committee in reporting private bills have been incorporated in the general bill herewith reported. It is clearly desirable that relief in matters of this kind should be given by general enactment rather than by private legislation, because the facilities of the Pension Bureau to determine whether each case meets the requirements imposed are much better than those of a Congressional committee, and especially because it is impossible for Congress to take cognizance of each individual case which may be deserving.

The new legislation involved in the bill herewith is as follows:

First. If a soldier leaves a widow and a child who, prior to attaining the age of 16 years, had become, or shall become, insane, idiotic, or otherwise permanently helpless, the widow shall receive $? per month on account of such child so long as he may be dependent on her, without regard to his age.

Second. If the soldier leave no widow, or if the widow die or remarry, such helpless child, as above described, shall be entitled to pension without regard to his age.

Third. If a soldier leave a widow who is not pensionable under any law, because the soldier's death was not due to his service and because she married him subsequent to June 27, 1890, any children he may leave by a former marriage may be pensioned as if he had left no widow.

The proviso that such condition of idiocy, insanity, or permanent helplessness must have arisen prior to the beneficiary's having attained the age of 16 years is an important one. Since 1866 the law has pensioned minor children of certain soldiers, and, as already suggested, this more recent enactment proceeds on the theory that in certain cases this essential minority has never ceased.

The case of a soldier's son who has attained the age of manhood in health and vigor and then by some misfortune becomes helpless is an entirely different matter, and to omit the proviso referred to would result in the anomaly of paying a pension for life to the son or daughter of a soldier when at some remote period such son or daughter may have become "permanently helpless" by reason of old age or some other cause equally unrelated to the father's military service.

The purposes of the bill herewith seem to be such as to deserve the support of all who desire system, uniformity, and equity in the pension laws; several bills tending to the same end have been introduced, but the one now reported seems to be by far the most symmetrical and to be admirably adapted, both in form and verbiage, to meet the object aimed at.

Your committee, therefore, recommend that the bill do pass, after being amended by striking out the word "has" in line 9 on page 1 and the word "the" before the word "case" in line 27, page 2.

Mr. MARTIN of Indiana. Mr. Chairman, I desire to say a few words ni regard to this bill. I will state to the members of this Committee of the Whole that the bill has no reference whatever to remarried widows of soldiers. There is another bill relating to that subject that may come up later, but this has nothing to do with that question. I yield now to the gentleman from Iowa [Mr. LACEY] such time as he may desire to explain the object of this bill.

Mr. LACEY. Mr. Chairman, I do not know what attention has been given to the reading of the report, but if it has been followed and understood the bill probably needs no further explanation. I will say, however, briefly, that by the act of 1890 it was intended that soldiers' children who were helpless or imbecile and who were over 16 years of age should still remain upon the pension roll regardless of their age, but the law was construed by Assistant Secretary Bussey not to include any children who were over 16 at the time of the passage of the act. Since then Assistant Secretary Reynolds has reconsidered the question and has held that all children who have been at any time pensioners, notwithstanding the fact that they were over 16 years of age in 1890, when the law was passed, are entitled to be placed upon the rolls for such time as they continue to be helpless.

The object of this bill is to add somewhat to the number covered by Secretary Reynolds's decision, namely, those other helpless or imbecile children who were over 16 at the time their mothers became pensioners, or at the time their fathers died, and were thus deprived of the benefit of the act of 1890. The number included in this amendment will not be very great, but they are as helpless, and they appeal as strongly to the charity of the nation, as those who were younger when the law of 1890 was passed.

Mr. TALBERT of South Carolina. As I understand this bill, it applies only to imbeciles.

Mr. LACEY. To imbeciles and permanently helpless children. For instance, there are some children who are paralyzed and absolutely helpless, and all of that class are, for the purposes of this act, regarded as entitled to the same pension as children under 16 years of age.

Mr. TALBERT of South Carolina. If they became helpless before they arrived at the age of 16?

Mr. LACEY. Yes. The bill prescribes the condition that they shall have become helpless or imbecile before arriving at the age of 16. All there is in this bill is that it makes the scope of the law wider and takes in some cases not now covered. Every private bill providing for a case of this kind that has come up in the House has been passed without serious objection, and this bill simply relieves the House from the necessity for considering that class of private pension bills. I reserve the balance of my time.

Mr. WRIGHT of Pennsylvania. Mr. Speaker, I have no disposition to take up the time of the House in presenting a lengthy argument upon the merits and equities of this bill. I do desire, however, to briefly present a few reasons which, in my mind, are conclusive as to the merits of the measure and the justice and equity of its provisions. All general laws on the statute books relating to the late civil war have been fromed and passed from time to time for the avowed purpose of making suitable and proper provision for the needs of those persons who participated, either as soldiers or sailors, in the war; or in case of death of such soldier or sailor, then for the relief and benefit of such of his family who were dependent upon him for support.

I shall not go into the merits of such legislation, because I believe there is not a member present who for a moment questions the justice and equity of such laws. The law of July, 1861, provided that all who should thereafter, or had theretofore, entered the United States service during the then existing war, should be pensioned for all the disabilities incurred in such service; thus making it the legal contract, duty, and obligation of the Government to pension all who received or incurred any disabilities while in such service. And to the payment of all such invalid pensions the Government was as much bound, and as legally obligated, as it was to pay the monthly wages of the same soldiers and sailors, or to pay interest or principal of any bond issued to raise funds to carry on military operations.

Subsequent legislation has regulated the rates of pensions to be paid for certain specific disabilities and pro rata rates for unspecified disabilities. Later on the act of July 27, 1890, was passed, which provided for such veterans as had rendered ninety days' service, and who had in any way, except from their own vices, become disabled. The law was passed as a kind of a half-way service pension, and has all the merits of any law pensioning survivors of the Mexican war or other wars in which the nation has been engaged. I believe that in lieu of the terms of said act of July 27, 1890, a general service pension law should have been passed placing every surviving veteran of the late civil war on a level with the Mexican war survivor, but so much opposition to such a sweeping measure developed in certain quarters that the general service pension proposition had to be abandoned at the time and a more moderate measure substituted, and which became a law on the above date.

There are two classes of beneficiaries only who come under the scope of pension laws. One, the veteran survivor, the other, those of his surviving family who were dependent on him when living for support. Certainly no one would question the justice of the laws providing a pension for the mother whose dependence for support had rested upon her deceased son; certainly no one would question the justice of the law granting a pension to the dependent widow and the infant child of a deceased veteran.

By a wise provision of the pension enactments it has been made a law that when a child of a deceased soldier reached the age of 16 years the title of such child to pension should cease. This provision was based upon the belief that upon arriving at that age the child was no longer dependent. I believe this provision to be a just one in all ordinary cases, and for such I would not favor any

extension of the age limit. But there is one class that the law exempts from this age limit, and to such children as are included in its terms does the right to a pension continue so long as the condition remains the same. This class to which I allude is that which includes children who are insane, idiotic, or permanently helpless and in such condition are receiving pensions or have claims for pension pending before arriving at age of 16 years. To all such the law continues the dependent child's pension during life or until recovery from such mental or physical condition.

Now, I do not believe that there can exist a man, North or South, East or West—certainly not a member of this House—who would take from the widow or the fatherless child of a deceased veteran the small pension allowed them by law. And existing law is found to provide for such idiotic, insane, or permanently helpless child only in cases where the father dies before such child is 16 years old, and where an application for a pension for such insane, idiotic, or permanently helpless child shall be filed before such child reaches the age of 16 years. If such application be not made before arriving at the age of 16 years, no general law makes provision for pension, and so the result is that a large number of private pension bills are introduced at every session of Congress, and usually as many as reach consideration are passed, while those not reached in order go over from one Congress to another until finally passed, abandoned, or the insane, idiotic, or permanently helpless child of a deceased veteran dies, when of course all proceedings in the case terminate.

Now, if a policy for the relief of dependent infants of deceased soldiers has any merit—and I believe it is altogether meritorious—such merit and justice arise from the fact of the dependence of the surviving child as measured by its ability to support itself or become self-supporting. A healthy child of sound mind at the age of 16 certainly is very near if not always quite arrived at the age where it can care for itself. But the insane or idiotic child whose mind is gone, or the child whose physical disabilities are of a character to cause permanent helplessness, such a child is no more and no less a child at the age of 16 than at the age of 5 years. For such, age and time are nothing so far as dependence goes. They are absolutely dependent just as long as such condition exists, not only for food and raiment, but equally dependent for constant care and attendance of some other person.

Now, under existing law, where a veteran of the war dies his infant child or children under 16 years can be pensioned by application being made therefor prior to such child's having reached said age. And if applied for prior to that age in behalf of an insane, idiotic, or permanently helpless child, then, by existing law, the arrival at the age of 16 years does not terminate the pension, but it continues during the life of such unfortunate child or until recovery from such condition. But if a veteran who has a child thus afflicted dies the day his child passes its sixteenth birthday, then under the law as it now stands there is no relief. To meet this class of the most unfortunate and dependent persons that exist I have introduced this bill. A widow and a dependent mother are pensioned because of dependence on the deceased soldier, and there is no question raised as to age—simply one of implied dependence in one case and proven dependence in the other.

Now, does it require any argument to prove to any member the fact that each and every insane, idiotic, or permanently helpless child continues just as helpless and as absolutely dependent so long as life and said condition continue? Can any member cite, or even suggest, any human being more dependent than one of the class embraced by the terms of this bill? Can any member give me any reason, or suggest any reason, why an insane, idiotic or permanently helpless child should be pensioned (and we all concede properly so pensioned) for life while thus conditioned when its veteran father happened to die at such time as to permit a claim to be filed before it was 16 years old, while another veteran's child in precisely the same totally dependent condition, whose father, by the grace of God, was permitted to live and earn a support for his afflicted child for a year or so after it was 16 years old and then died, should be left unprovided for by a law intended to relieve those dependent on the dead soldier for support.

Should the fact that by the life of the veteran father being spared so that he might by his efforts and labor provide for his unfortunate offspring a year or so longer, more or less, and by such extension of his life save the Government from the expense caused by the first-described case—I repeat, should such condition be construed into enacted law to the exclusion of those who must of a necessity be totally and helplessly dependent throughout life regardless of age? Wherein does age lessen the dependence of these classes? Year after year passes, but to such unfortunates they bring but one change—the nearer approach of the day of their final deliverance from the shackles of physical helplessness or darkness of mental affliction.

This bill provides that it shall only apply to such insane, idiotic or permanently helpless children as shall be or have been in such condition at or prior to the age of 16 years. If I were left to my own views I would have made it provide for any child thus afflicted at the time of the decease of its veteran father up to the age of 21 years. But knowing that there was opposition to extending the age limit I have carefully made it harmonize with existing law, so far as possible.

As an illustration of the practical working of existing law, I will relate an instance which came under my personal observation. A neighbor of mine, one of the noblest men I ever knew and a resident of my own State and county, a veteran soldier of the late war, a man universally respected by all who ever knew him, and a man whose personal friendship I had the privilege and honor to possess—this veteran soldier had a child which was permanently afflicted, so as to be one of the classes for which I desire to have the pensionable age limit extended by the passage of the bill under consideration.

This man, in conversation with me, has expressed his sense of independence of pension for himself, and said that should he be taken away he knew his wife would be cared for, as both himself and wife were willing to work, and he feared not for either. But he would add, "Should I be taken, what in God's name would become of my poor child, unable to even care for herself and as helpless as an infant?" And while this noble man feared naught for self, wife, or child while his life was spared, so that by his own effort they would be supported, yet the thought of death to him had one great terror, and that one fear was the thought that his afflicted child would be left helpless and possibly dependent on strangers.

For the wife alone he felt comparatively little anxiety, because he knew that she would bravely meet her contest with the world, but the thought of leaving her not only to fight life's battle for herself, but with a helpless daughter, who could not so much as care for herself and required her mother's constant attention—all this he realized, and with tear-filled eyes and trembling voice I have heard him say, "God only knows what will become of my poor dear child if I am called away."

Time passed along, the child reached an age exceeding 16 years, and still a kind Providence spared his life and he by industry and his daily labor was able to care for his family. Every day almost he could be seen leading his afflicted child along the street after his day's work was finished and he never seemed so happy as when he was caring for her. But one dread day while engaged in his work as usual he was torn and mangled in a railroad accident and brought home to die. And there began the battle of life, for his widow, who not only must earn her own living, but provide for her helpless child. While this condition existed I began to collect data upon which to endeavor to secure favorable action upon a private pension bill which I proposed to introduce. While I was thus engaged a merciful Providence called the child to meet its father in the better world, where once more father and child were reunited, free from the anxieties and helplessness which clouded their happiness in this life.

Now, in this case which I have cited the child, though over 20 years age when his father died, was then and had always been as helpless as when born, so far as earning its own support was concerned. And though the child I have cited has been by death relieved from earthly dependence, yet there are still living some similar cases where God has spared the veteran father, and he has been and still is able to support such child, but which will upon death of such soldier father become absolutely dependent upon public or private charity. For such as these I plead, and for the three classes covered by this bill I bespeak the favorable action of this House.

This measure has the approval of the Commissioner of Pensions; has, I believe, the unqualified approval of every member of the Committee on Invalid Pensions, and I trust will become a law and thus relieve the wants of the most helpless class possible to exist dependent on any soldier or sailor veteran of the war.

Mr. HUTCHESON. I desire to offer an amendment to this bill.

Mr. MARTIN of Indiana. Will the gentleman yield a moment?

Mr. HUTCHESON. Certainly.

Mr. MARTIN of Indiana. I ask unanimous consent that general debate on this bill be considered as closed.

Mr. HUTCHESON. The gentleman certainly would not take advantage of me by making such a proposition——

Mr. MARTIN of Indiana. Oh, no. I am asking unanimous consent.

Mr. HUTCHESON. Well, I oppose the suggestion. I propose to address myself to this bill.

Mr. MARTIN of Indiana. The gentleman can not offer an amendment until the general debate is closed.

Mr. HUTCHESON. Mr. Chairman, very well, I will indicate the amendment I desire to propose. I shall at the proper time move to amend by striking out, on page 3, in lines 39 and 40, the words "27th day of June, 1890," and inserting "19th day of April, 1865."

Mr. Chairman, I am aware of the fact that any opposition to a pension bill coming from a person occupying my position, subjects him to the imputation of a sentiment of disloyalty. I am perfectly prepared to stand that imputation, if anybody wishes to impose it. Personally during the war I encountered the Federal soldier; and I have as much respect for him either during the war or since as any man on this floor. But, sir, I believe a limit has been reached in regard to pension legislation.

No government on earth has ever been more liberal in the pension laws which it has enacted. No government, either as to the class of its pensioners or as to the amounts which have been voted to them, has ever approached the liberality of the Government of the United States. As a Democrat and as a Southern man, I say that I approve all the legislation on that subject, save the act of 1890. I believe that the dependent-pension act of 1890 ought never to have been enacted. And to propose to extend the limit beyond the act of 1890, as is sought by this committee, is asking of this country more than I think ought to be yielded to the greatest patriots and the bravest soldiers.

The gentleman says that this bill does not embrace the widow who marries a second time and whose second husband dies. That is true, Mr. Chairman; but it ought to embrace such a case. It ought to have expressed the utmost limit or boundary to which it is intended to go. The purpose seems to be to extend this boundary or limit piecemeal; and the question might just as well be encountered here as anywhere else on earth. For myself I stand prepared to say that within the limit of the legislation already enacted I propose to give the various pension laws my sincere support; but to extend that legislation one jot or tittle farther would be, in my judgment, to do injustice to the generation of men, North and South, who have come into this world since the war terminated.

Mr. Chairman, I am not prepared to say that because a person who is the child of a man who was in the war has become imposed for his support upon the community in which he lives by reason of his disability, the burden ought to be lifted from the shoulders of that community and transferred to the General Government. What is the proposition of this bill? It is that if a man who ended his career as a soldier when the war closed, marries thirty years after the termination of that service, his children upon his death should be entitled to pensions notwithstanding his death bears no relation to the service in which he was engaged from 1861 to 1865. What connection or relation does such a child sustain to the General Government?

Mr. LACEY. Will the gentleman yield a moment?

Mr. HUTCHESON. With very great pleasure. I would like to be enlightened.

Mr. LACEY. I am very much interested in the question which the gentleman is discussing; but he will allow me to call his attention to the fact that the amendment which he proposes would not change the bill, because the bill covers only children who were over 16 years of age on the 27th of June, 1890.

Mr. HUTCHESON. I do not understand the point of the gentleman's suggestion.

Mr. LACEY. The gentleman's amendment proposes, as I understand, to strike out on the third page the words "27th day of June, 1890," and insert "13th day of April, 1865," the date of the surrender. Now, any child born prior to that date in 1865 would already be covered by the bill with the gentleman's proposed amendment, and those who were under 16 years of age on the 27th of June, 1890, are already covered by the act of 1890. Consequently the gentleman's amendment would not have any effect at all, or at least very little.

Mr. HUTCHESON. Does the gentleman mean my amendment would destroy the effect of the bill?

Mr. LACEY. No; it would not affect it in any way.

Mr. HUTCHESON. Why put that into the bill? What is the purpose of it?

Mr. LACEY. Let me state the reason. The act of 1890 provides that all children under the age of 16 at the date of the passage of the act and permanently helpless should go or remain on the rolls at $2 a month with the widow, or without the widow at such rates as children under 16 years of age would be entitled to; and that their pension should continue notwithstanding their subsequent attainment of the age of 16 years.

But the amendment which the gentleman proposes would not accomplish the purpose he has in view, because children under 16 at the date named (June 27, 1890) are already covered by the bill, and those who were born prior to 1865 would be covered by the bill, even amended as the gentleman proposes. Therefore the amendment would affect but few children. Those born prior to 1865 would be covered by the amended bill and those born within sixteen years of June 27, 1890, are covered by the act of 1890 as it now stands, so that but few children would be affected by the proposed amendment.

Mr. HUTCHESON. Well, I am not after remedying your bill. I am opposed to it altogether.

Mr. LACEY. But your amendment does not affect anybody who would be a beneficiary under the bill.

Mr. HUTCHESON. Then you would have no objection to the adoption of the amendment?

Mr. LACEY. It would make no difference whether adopted or not.

Mr. HUTCHESON. You have no objection to it, then?

Mr. LACEY. Personally I have not, because it would not hurt anybody.

Mr. HUTCHESON. But, Mr. Chairman, I am contending that the whole purpose and object of extending the pension rolls, and the policy of the Government in that direction, ought to have an end; that it has gone far enough; that there should be no claim for its further extension, and that it ought not to be extended under any circumstances and to meet anybody's desires one jot or one tittle further. The people of this country have done enough in that direction, and it is time to call a halt.

Now, addressing myself to the particular beneficiaries of the proposed bill. Who are they? They are people defined in the bill as "lunatics, idiots, or persons permanently helpless." I take it, sir, that this bill would not be enacted into a law, or proposed here at all, unless it was expected to cover a large class of such people. I take it that there must be a general necessity for it in the North and in the East and in the West or it would not be presented here; that there must be a great many people who are either lunatics, idiots, or helpless, to whom it would apply. How far are they helpless?

Why, a great many people are born in this country helpless, and are never anything else but helpless all through their lifetime. Do you propose to pension all of them? Helpless because they are born tired; because born like the Coxeyite, indisposed to do anything, and therefore incapable of doing anything? Is that your policy? The purpose of this bill is to transfer what legitimately belongs to every State, county, and locality in the Union, the care of its own infirm, and make the people of the whole country take that care off of your shoulders and impose it upon their own. Is it just or right?

Do you feel that it is either just or right or proper to ask such a thing? Have you a case in mind where you believe that a man, a boy, or a girl bears any relation to this Government by virtue of which that child morally or properly ought to be a pensioner on its bounty? If you do, it is because you have become accustomed to believe that every infirmity of any man which imposes a public burden on any part of the community, ought to be transferred from their shoulders to the General Government. I do not believe in such a doctrine. If you have that conception, it is wrong. It is not a righteous conception; it is not a just conception, and such men should turn their faces from it forever.

Mr. Chairman, I desire to say that from the statistics I have at hand from Maine, which are compiled in this book before me, there is no necessity for such a bill, and the same is true of Massachusetts, Vermont, New Hampshire, and the whole East. They are being depopulated and there is no necessity for such a bill. They are coming to our country.

They have no children 16 years of age among them. They are all coming South to our country, and to grow up with it, and we will take care of them; the idiots, the incompetent, the permanently helpless, the impotent men, women, and children shall have our care alike, and we will not ask the Federal Government to take them off our hands and grant them pensions at the expense of the whole country.

I dislike to encroach any more than the hour to which I am entitled under the rule, and if some gentleman would like a portion of my time I would be willing to transfer it to him, reserving the remainder.

Mr. BLAIR. I wish to submit a few remarks in this connection.

Mr. HUTCHESON. On my side of the question?

Mr. BLAIR. Well, no, not exactly. [Laughter.]

Mr. HUTCHESON. I yield to the gentleman from New Hampshire for ten minutes and reserve the remainder of my time.

Mr. BLAIR. Mr. Chairman, I do not rise for the purpose of replying to the suggestions of the gentleman from Texas. Our people are not all going to Texas, I can assure him. He must not assume that they are all lunatics. Perhaps it may be said of those who do go there that they exhibit symptoms in that direction, and if he will extend his charity to them we shall be very glad.

But, sir, this bill only undertakes, as I understand it, to make provision for those helpless and permanently helpless children who by reason of their relations to those who were the defenders and preservers of the country only, to those soldiers who defended the flag and the Union and gave to Texas the opportunity to be something—this bill applies only to the helpless children of such men as that.

But, what I rose for was this: I wish to recall the circumstances under which the act of June 27, 1890, came to be a law. As you know, it is now approaching the period when naturally the soldiers of the late civil war will be placed upon the service pension list. Every man of them under the precedents of our history would now or soon be the recipient of a service pension without regard to disability, whether it existed or not, or if it existed, whether contracted in or out of the service. The great number of those thus likely to be thrown on the Treasury of the country excited some hesitation on the part of men who are interested in the financial situation of the Union, and led to the devising of this law, which is intended to be, and if carried out in its purpose would be, a law to provide for all who actually need assistance from the Treasury of the country, whether the disability was contracted in the service or subsequently thereto.

It is eminently a just law, a law which, so far as it goes, is a substitute for another equally just proposed law—that is to say, a service pension law which would extend its benefits to every man who fought in the Army of the Union and who was honorably discharged therefrom, but which would be more burdensome to the Treasury. This measure of June 27, 1890, should not, for this reason, be looked upon by our people in any part of the country as an increase of expense or an additional imposition beyond what is just, or what might naturally be asked of the people of the land. It is a relief to the Treasury rather than an addition to its proper burdens.

Now, in the construction of this act under the present Administration, there has been a great limitation of the benefits which it was supposed the soldiers of the Union in actual need would receive from it. As you remember, the rating is for a disability therein described, and pensionable under that act, between $6, the minimum, and $12, the highest amount; and by the construction of the Department originally, whenever there was found to be a disability, irrespective of the time of its origin, which would have been pensionable if it had been contracted in the service, and would have amounted, or an aggregate of such disabilities as would have amounted, to $6, the pension was allowed.

That construction of the act I think has virtually and properly been overruled, for the act proposed really to give a pension for any disability which incapacitates for work, for labor, for obtaining a support by manual exertion. That incapacity might be the result of increase of age; it might be the result of a gradual diminution of the vigor of the constitution of the individual; it might be the result of an amputation; it might be the result of an aggregate of disabilities which impair the capacity for earning a support. For such disability this law proposed to give a pension, and it being in its nature a substitute for a service pension, it was the design of those who framed the act and who passed it, as I understood it—and I advocated it from the first, in fact I framed it in its inception—that for any degree of disability, even the lowest, those that needed a pension should receive at least the minimum, which was $6.

Now the construction of the present administration is such that no man gets any pension unless his disability is at least equal to the amount of $6. It is very difficult to tell precisely what the rule which they actually administer is. I am informed that at least one-half the applications are now being rejected. But it was the design of the act that for any disability—the slightest disability—there should be the $6 allowed, and then the rating extended upwards to $12, as the disability increased. Take a man for instance who earned $30 per month, that $30 being necessary for his support, and constituting under the act "a support." If he was disabled in his earning capacity a single dollar, the intention was that he should be entitled to a $6 pension, and the addition of the remaining $6 of disability would have given him the $12 rating under the act.

Now, one would think from the present action of the Department that they began at the other extremity, and taking a man totally disabled from laboring at all, gave him $12, and then rating his disability backward or downward, if a man's disability was $6 less than total disability, then they gave him the $6. In other words, unless he is disabled to the extent of $24, out of the $30 earning capacity necessary for his support, only then does the $6 rating attach, and only in such case can a man receive any pension at all.

I do not think the actual administration of the law is so harsh as that, but absolutely I can find no other principle, I can divine no other principle upon which the Department administers its rules construing the act of June 27, 1890. Now this was not the design of the act by any means, and I desire to offer an amendment which embodies the purpose of the original bill, and the ideas of Congress and of the country in its enactment. I will read it, and then yield the floor, asking that the question be taken upon it when the vote is taken on other amendments. My proposed amendment is as follows:

Amend by adding to the end of the bill the following:

And be it further enacted, That any honorably discharged soldier pensioned under the act to which this is an amendment shall be entitled to the minimum rating of $6 per month for any degree of disability described in said act, and the minimum pension for any disability pensionable under any law shall be $6 per month.

At the time this act and other acts were passed in former Congresses, we had arrived at a state when we looked upon it as discreditable and disgraceful for this country to be distributing among the defenders of the Union two, three, and four dollars per month, an unappreciable assistance, if any assistance at all, in the obtaining of a livelihood. Sometimes a minimum of $4 a month was suggested, never less than that to my knowledge, and by others the minimum limit of $6 was favored, and that was put into this bill. It was supposed that it would be extended to the other pension laws, and that very soon the result would be that no pension would be given to anybody under any law with a less minimum rating than $6. I think the country might well revive itself, might well lift itself up to that degree of liberality and I hope that the House will adopt the amendment.

Mr. HUTCHESON. Before any gentleman takes a part of my time, I would like to ask the gentleman from Indiana a question in regard to the action in extending the act of June 27, 1890. Does it change the existing law in regard to marriages?

Mr. MARTIN of Indiana. No, sir; it does not do that. When the act of June 27, 1890, was passed there was a provision offered that this law should not apply to children of marriages contracted after the passage of the act. The idea of this bill is not to break away from that. It leaves it like it was.

Mr. HUTCHESON. Now, Mr. Chairman, I think there is an objection to this bill that all fair-minded men ought to recognize. I know this is a sectional, not a party question. You gentlemen of the North think that whenever gentlemen express any opinion concerning the question of pensions different from yours that that introduces a sectional feeling; and I know you do. I know I shall excite such a feeling, but I shall not, therefore, withhold views I believe most just. Now, let us be fair with each other in the statement of it; let me be fair with you and you be fair with me.

When the soldier was in the army, and up to the very day he ended his connection with the Government, every obligation, every relation between him and the Government up to that time and every debt that the Government owed to him or to his ought to be recognized and provided for.

Now, your bill proposes that after a man's service, after the war, without even being a married man, without having a child, he can create a new relation and impose upon his Government a new condition, a new obligation, which did not exist at the time the compact between him and the Government ended. At the time he was in the service he had neither a wife nor child.

You say to him that he can get married and the Government will take care of him, will take him up in its arms, as well as his wife and children. He now has the privilege of imposing upon this Government the responsibility of taking charge of his newly acquired wife and child.

Mr. PICKLER. Will the gentleman allow me to ask him a question?

Mr. HUTCHESON. Certainly; I should be pleased to.

Mr. PICKLER. The same line of argument would prevent any soldier's widow who married him after the war from receiving a pension after he dies.

Mr. HUTCHESON. I do not think she ought to.

Mr. PICKLER. You think a widow ought not to receive a pension?

Mr. HUTCHESON. I do not think a woman who married a soldier after the war should be pensioned.

Mr. PICKLER. You think the act of June 27, 1890, is wrong?

Mr. HUTCHESON. I do.

Mr. PICKLER. Then what pensions are you in favor of?

Mr. HUTCHESON. I am in favor of pensioning every man who became disabled in the service. I am in favor of taking all the burdens that a man had at that time; but do not tell me that the Government obligated itself to care for that man when he marries a woman and takes a new burden of imposing any number of his family upon the Government, and that this child or that child is likewise to be taken in charge, and thus to take from the community in which he lives the obligation of taking care of his children. The obligation in Indiana, in Massachusetts, in Maine, in any State of this Union is to be transferred from that State and to be imposed upon the entire country.

Now, is that fair? Does any man believe that it was ever contemplated that that was the scope of the employment of the soldier at the termination of his contract with his Government. If that be the obligation of his service, then a man could go on and by the facilities of divorce, have one, two, three, four, or five widows, and one, two, three, four, or five children imposed upon the Government, to be supported by it, and I shall never consent that the boundaries of pensions under the act of July, 1890, shall be extended one jot or tittle beyond where they are to-day. I say then, gentlemen, if you have meritorious individual cases, bring them up and let us consider them upon their individual merits.

Mr. PICKLER. I do not know whether the gentleman is one of those who have been making objections, but that has been the fruitful objection on Friday nights in the consideration of individual bills.

Mr. HUTCHESON. I have never attended one of your night sessions.

Mr. PICKLER. The gentleman knows that that is one of the objections brought up. Gentlemen say, "Bring in a general bill;" and now, when a general bill is brought in, it seems that the gentleman wants us to discard the general law and go back to the individual cases.

Mr. HUTCHESON. Oh, no; my objection to your general law is, that it is liberal enough now. If you have exceptional cases bring them up. The territory of this law ought not to be extended. I believe there are just men on your side who believe so. Ah, Mr. Chairman, a gentleman of this House, on the other side, this morning, addressing himself to the next bill upon your Calendar, with reference to widows, said to me, "HUTCHESON, that bill is wrong in principle, and if I dare I would vote against it, but I do not think there is sufficient in it to justify me in making a stand."

You feel that way. You feel that it is a question between you and your constituents, that it is a popular move; but for God's sake consider that there is a section of this county where the people are not your constituents, and are entitled to justice. We have been prostrated by war. It was the right of the Government to prostrate us. Our country was the scene of secession. We have suffered and we have not complained. We have gotten up from the grave and have come into this Hall, as we should have done, and we have submitted here to legislation of this kind beyond all reasonable limits.

But there must be some point at which it shall cease. Is not this the point? Appealing to your sense of justice, we ask if this is not the point to make a termination of it? We ask if the mad waves of your pension legislation ought not to cease and must not cease right here?

Mr. PICKLER. Let me remind the gentleman that when these soldiers volunteered they were told that they would be taken care of if they became old and decrepit, and that their widows and children would be taken care of; and in this legislation we are only following up what has been done by the Government for the soldiers of other wars. Now, we on this side think that you would not have any Texas down there by this time, that you would not have any government, that you would not have the honor of representing a great people in this, the greatest popular legislative body in the world, if it had not been for these soldiers and their work.

Mr. HUTCHESON. Well, if that be the case, you have reserved to yourselves in that way the richest jewel in the crown of this nation. [Laughter.]

Mr. Speaker, I am glad to be back in the Union, but I am not glad to be back and to have imposed on our shoulders, simply because we sinned, every obligation and every burden that belongs to other localities. Bear your own burdens, gentlemen, with the same manly fortitude that we bear ours. Do not undertake to lift them from your shoulders and put them upon mine and upon the shoulders of the people whom I represent; do not undertake to put upon us burdens which belong exclusively to you. It is unjust; it is wrong.

Mr. PICKLER. Will the gentleman allow one other question?

Mr. HUTCHESON. With great pleasure.

Mr. PICKLER Is not the gentleman willing to act as well and as fair by the soldiers of the last war as the Government has acted by the soldiers of the Indian war and the Mexican war?

Mr. HUTCHESON. Well, I do not know just how to answer that question. Comparisons are never safe standards of right.

Mr. PICKLER. That is a very easy question.

Mr. HUTCHESON. I will tell you what may be the case—the liberality which you have extended to those soldiers of late years may have been for policy's sake, so as to extend your own line.

Mr. PICKLER. You have always been in favor of those pensions, have you not?

Mr. HUTCHESON. No, sir. I have never been in favor of any of them. I have not been in Congress to vote for them. But my proposition is—and this applies to men in the South as well as to men in the North, without reference to politics or location——

Mr. PICKLER. Your State is receiving a large amount of pensions now.

Mr. HUTCHESON. What are they? As I said awhile ago, the gentleman from Maine has a great many constituents who have gone down into our country because they were starving in their own State. But we are glad of it, and we will take care of them. [Laughter.]

Mr. MILLIKEN. If the gentleman will allow me, I will say that I have had some opportunity for observation as to men going down to Texas and "starving." A good many men from Maine have gone down into the gentleman's State to make investments, and many of them have returned in a good deal nearer to a starving condition than they were when they left home. [Laughter.]

Mr. HUTCHESON. You refer now to the carpet-bag crowd. [Laughter.]

Mr. MILLIKEN. No, I do not. I refer to people who took their money down to Texas and who came back without any money. [Laughter.]

Mr. HUTCHESON. Well, I will tell you about that. Your people have been in the habit of having money provided for them, the Government feeding them with a spoon, but our people have been accustomed to make money only by the use of their own strong arms, and your friends were not prepared to labor down there as our people do. There is no spoon-feeding in our State. [Laughter.]

Mr. MILLIKEN. The gentleman misunderstands me. What I say is that some of our people went down to Texas with their own money, which they had earned in our State by laboring with their arms and with their brains—as I am glad to learn from the gentleman, people do in Texas—and they invested their money in what your people represented to be good for something, but which turned out to be good for nothing, and, as a result, those people came home a good deal more starving than when they left. [Laughter.]

I have had no personal experience, but I have had an opportunity for some very close observation. My own father went down to your State and built some houses down there. He was considered a fairly wealthy man when he left home and I know that he brought nothing back when he returned. He left about all he owned behind him there.

Mr. HUTCHESON. Then it is in Texas now. Well, we will take care of it. [Laughter.]

Mr. MILLIKEN. It is either there, or else, as the late James Fisk once observed, "it has gone where the woodbine twineth."

Mr. HUTCHESON. Well, we will take care of the property and the woodbine, too. [Laughter.]

Mr. PICKLER. I wish to answer the inquiry of the gentleman from Texas as to the amount of pensions that his State receives. Here is the report for the fiscal year ending June 30, 1893, which snows that Texas received $1,025,000.80.

Mr. HUTCHESON. I am glad to know that she is getting a portion of the swag. [Laughter.] But I am opposed to extension of another pension tunnel under the vaults of a depleted Treasury. Now, your own Union soldiers down there are the best investments you have in Texas to-day. And the best investment you can make of your ex-soldiers is to send them to Texas, where they will not require pensions from the Government. We do not have any cases of people there requiring pensions from the Government. We get on without the bounty of the Government, notwithstanding we were cut to the very ground, mown down as hay, and put out in the sun to blister and dry. And the Government Federal soldier down there agrees with me that this thing has gone the full length of decency.

Mr. PICKLER. It was not our fault.

Mr. HUTCHESON. No; it was our sin. But let me tell you, the Saviour of mankind, at the time that He gave a man permission to rise, did not say, "You got down there by reason of your own sin." Magnanimity does not manifest itself in that way.

Mr. PICKLER. We have given you a million dollars a year to help you rise.

Mr. HUTCHESON. And we would be glad to have yon take it back. Give us justice. We scorn your money. We ask simply to be put upon the plane of justice. [Applause.]

Mr. MILLIKEN. What can we do to restore you? What position do you want us to put you in? And how can we do it?

Mr. HUTCHESON. Take the tariff off of every article. Give us "free trade and sailors' rights;" and then we shall be a glorious country, and there will be no necessity for pensions.

Mr. CURTIS of New York rose.

Mr. HUTCHESON. I gladly yield to the gentleman from New York. I have given way to him in battle, and am ready to do it again.

Mr. CURTIS of New York. My friend speaks of giving way on the tariff. I would like to know whether he is addressing himself to the Republican or the Democratic side of this House.

Mr. REED. To the Executive, of course! What is the use of talking to anybody else on that subject.

Mr. HUTCHESON. I am addressing my remarks entirely to the leader of this House whenever I speak to the Republican side. They all look up to him; he is the only man on that side. [Laughter.] I will hear the suggestion of the gentleman from Maine.

Mr. REED. I think it is rather a shame to waste the time of the House that is desirous of disposing of this pension legislation by a discourse on the tariff, when such discourse should always under a Democratic Administration be addressed to the Executive, either in public or in private. [Laughter.]

Mr. HUTCHESON. Mr. Chairman, if there is any man who ever wasted the time of this House, it is the gentleman from Maine.

Mr. JOHNSON of Indiana. How can the "only man on this side" waste time?

Mr. HUTCHESON. Simply because it is not your time; it is ours.

Mr. CURTIS of New York rose.

Mr. HUTCHESON. I beg the gentleman's pardon; I will hear his suggestion.

Mr. CURTIS of New York. Your appeal for giving way on the tariff was addressed, as you say, to the gentleman from Maine as the representative of the Republican minority of this House.

Mr. HUTCHESON. Yes, sir.

Mr. CURTIS of New York. I regretted to observe that you had forgotten the eighty-odd majority of the Democratic party in this House, and its majority in the Senate, and its Executive, who are all combining to arrange a tariff that may possibly be satisfactory to the gentleman from Texas.

Mr. HUTCHESON. Will you vote for it?

Mr. CURTIS of New York. But we do not expect you to address your appeal to us until you give us an opportunity for another election. Then we will hear your appeals.

Mr. HUTCHESON. As the gentleman from New York [Mr. CURTIS] has not stated any question, there is nothing for me to answer. But the gentleman from Maine [Mr. REED] presented a question as to whether or not the House should be further troubled in the way of consumption of time upon a question which ought to be addressed to the Executive. Now, Mr. Chairman, there is no man in this House who has consumed its time as the gentleman from Maine has done.

Mr. JOHNSON of Indiana. Has he wasted it?

Mr. HUTCHESON. Yes; he has wasted the time of this House, and he has never done it except when exploiting before the House what he did in the Fifty-first Congress. He has spent time before his own mirror portraying to this generation, for fear they should forget them, the glorious feats that he performed in the Fifty-first Congress. While he has thus contemplated himself he has appeared as the greatest hero of modern times. As the consumer of time in this House he has not any equal now or in any past generation.

Mr. PICKLER. Well, his feats have not been equaled since this Congress began.

Mr. HUTCHESON. No; and they will never be excelled until this Government ceases to exist as a government of the people and gives way to government of one man.

Mr. PICKLER. You have confessed during this Congress, by the action of this very House, that he was the greatest man in the country.

Mr. HUTCHESON. May I ask how much time I have remaining?

The CHAIRMAN. The gentleman has eighteen minutes.

Mr. HUTCHESON. That is as long as I want, but I want every minute of it.

Now, Mr. Chairman, I do not care to speak to the Democratic members of this House, because I know that they are fully convinced on this subject, and understand the condition of the Treasury. But my friends here on the right, to them I feel that I ought to have an opportunity to say a few things, to have some personal talk with them, just as neighbor to neighbor; no antipathies, no bitterness, no complaints, and nothing but a friendly chat.

I want to know where you think this thing of the extension of pensions ought to end? Is it ever to end? Do you think it ought to end anywhere, except after you have succeeded in putting every man who was in the service of the Government in the late war on the pension rolls?

Mr. PICKLER. No, sir; not until every one of them is there.

Mr. HUTCHESON. That is just what I expected you would say.

Mr. GROUT. Just as was done with regard to the Mexican war veterans——

Mr. HUTCHESON. Certainly.

Mr. GROUT. Perhaps not all of them to-day or at this immediate time, but gradually, a few at a time, until all are cared for.

Mr. HUTCHESON. Precisely; I understand what the gentleman means. It is what we have supposed. We have seen this thing going on year after year, Congress after Congress, step by step, inch by inch, going forward insidiously, but steadily, until you succeed in getting every man on the roll whether he needs it or not, whether he deserves it or not, who was concerned in any way in the late war in the service of the Union, whether actuated by patriotism or bought by bounty.

Mr. MAHON. I will tell you how far we will go.

Mr. HUTCHESON. Very well.

Mr. MAHON. The people of this country have decreed that no Union soldier, his wife, or his child shall ever die in a country poorhouse——

Mr. HUTCHESON. Exactly; you do not intend to take care of your poor.

Mr. MAHON. Nor while he lives shall he or they want the necessaries of life.

Mr. HUTCHESON. Is that your limit?

Mr. MAHON. And when they grow feeble and old that they shall be properly cared for and made comfortable.

Mr. HUTCHESON. That is your limit, then?

Mr. MAHON (continuing). And it does not make any difference whether it costs $150,000,000 or $500,000,000 a year, the people of this country say that they shall have it.

Mr. HUTCHESON. I understand; you do not care anything about the expense, provided somebody else pays it.

Mr. MAHON. No, sir; not at all. Because these people sacrificed everything, and it is owing to their sacrifices that we have a country to-day; and this Government, in view of that fact, should not stop to count the cost.

Mr. HUTCHESON. My opinion is that you can not better unman a people of a country than by such vicious legislation as that. It takes away all spur to individual effort, encourages idleness and dissipation, ending in helplessness.

Mr. MAHON. And that I propose to vote for.

Mr. HUTCHESON. Of course; I understand you. I expected you to do that. The gentleman never spoke more than two or three times on this floor, and each time it has been when he wanted to get his arm into the Treasury of the United States. The first time when I heard him was when the question of mileage came up here. You are a fit type of your party; you want all in the Treasury.

Mr. MAHON. No, sir.

Mr. HUTCHESON (continuing). He has been as silent and and quiet as a jay bird.

Mr. MAHON. I never said a word on the subject of mileage.

Mr. HUTCHESON. Why, we had a little encounter here about it. Do not you remember?

Mr. MAHON. Not about mileage; it was about taking pay when you were absent on private business and drawing salary in violation of the law.

Mr. HUTCHESON. Well, it was on the question of reduction of pay.

Mr. MAHON. And you put your arm in the Treasury then, and I did not put mine in.

Mr. HUTCHESON. But I did not put my hand into the Treasury. You got yours in——

Mr. MAHON. Oh, no; I did not.

Mr. HUTCHESON. And the only time, as I have said, that we ever heard the gentleman grow eloquent and flowers of speech spring from his lips, was when he was trying to get into the Treasury of the United States. He has been a silent man all the time.

Why, I staid in the same house with the gentleman for a long time, took my meals at the same table with him, and I never even heard him ask for anything at breakfast, he was so modest. [Laughter.] Could not speak to the servant girl without blushing. They had to force it on him. I never heard such a silent man in all my life; and on all other public questions he is a grave, silent, and thoughtful man.

I noticed the gentleman when he first came, and I said to myself he has come here to learn and will give us after awhile the effect of his wisdom that he is now storing up as if for a battery to be used hereafter.

I expected to see some splendid portrayal upon some great public question, but the first thing which evoked a remark from the gentleman was the question whether or not he should sign

a certificate and get his pay while not being present. He made three eloquent speeches upon that subject.

Mr. PICKLER. Will the gentleman allow me——

Mr. HUTCHESON. Let me get through with the gentleman's record.

Mr. PICKLER. His record is all right.

Mr. HUTCHESON. The next time I heard the gentleman was when he had a private bill in here, when he wanted to get $5,000 for somebody, and I believe it got three votes. He made a speech upon that. Certainly it did not get a respectable corporal's guard. He made a splendid speech upon that; and now, when the question of pensions is up—a question of getting a little more money from the Treasury—we now hear from him again. That is his record, and having completed I will yield to the gentleman's question.

Mr. PICKLER. The gentleman from Pennsylvania [Mr. MAHON] believes it to be the duty of the Government to save the Union soldier, his widow, and his orphan children from going to the poorhouse. As I understand the gentleman from Texas, he wants them to go to the poorhouse.

Mr. HUTCHESON. No; I do not. I will state my position. I want to put the soldier and every member of his family who constituted a part of that family when he was a soldier in such a situation that they shall be cared for, but I do not want——

Mr. PICKLER. We have done a great deal better than that by the Mexican soldiers and their widows.

Mr. HUTCHESON. I understand why you did that. It was a case of "tickle me and I will tickle you."

Mr. PICKLER. You did that.

Mr. HUTCHESON. Certainly not I, but my party did it; you permitted us to do it in response to what you were doing.

Mr. PICKLER. Have not your committee passed a bill increasing——

Mr. HUTCHESON. I have not done anything; am not on that committee.

Mr. PICKLER. A committee composed of a majority of your side of the House have at this session reported a bill to increase the pensions of the widows of Mexican soldiers.

Mr. HUTCHESON. I do not know what they have done.

Mr. PICKLER. You ought to look at the record.

Mr. HUTCHESON. I never voted for one of them, and I never will.

Mr. MILLIKEN. If the gentleman will allow me——

Mr. HUTCHESON. Why, certainly, with the greatest of pleasure. I will take all of these interruptions out of my time, Mr. Chairman. I believe I am entitled to an hour and a quarter.

Mr. MILLIKEN. At the time when the Mexican pension bill passed, we did not succeed in doing anything. We passed the dependent pension bill through Congress. It went through *pari passu* with the Mexican pension bill, but your President, while he signed the Mexican pension bill, vetoed the other one. So, although you say we were doing one thing in order to get the other through, we did not get the other.

Mr. HUTCHESON. That is not the only time I have differed with my President. If he had taken my views, we should have had free silver. We do not agree entirely.

Mr. CLARK of Missouri. Is it not true that that Mexican pension bill is confined to soldiers who have reached the age of 62?

Mr. MILLIKEN. Well, most of the old Union soldiers are getting pretty well along toward 62.

Mr. CLARK of Missouri. There are lots of them who are not more than 50.

Mr. MILLIKEN. But there has been no proposition by gentlemen on your side to take similar action with reference to Union soldiers.

Mr. HUTCHESON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has three minutes.

Mr. HUTCHESON. Then I can not yield for any more interruptions.

Mr. MILLIKEN. I want to ask my friend from Missouri [Mr. CLARK] if he will vote to pension all the Union soldiers when they get to be 62 years old?

Mr. CLARK of Missouri. I am opposed to service pensions for anybody.

Mr. MILLIKEN. Then you are opposed to the Mexican pension bill?

Mr. CLARK of Missouri. Yes; I am.

Mr. GROUT. Why do not you introduce a bill to repeal it?

Mr. CLARK of Missouri. What is the use of doing that?

Mr. HUTCHESON. Now, Mr. Chairman, in reply to the gentleman from Maine [Mr. MILLIKEN] I will say that there is nobody for whom I have a kindlier feeling than I have for that distinguished gentleman. Not only did his father go to Texas, but his brother lives there——

Mr. MILLIKEN. My cousin.

Mr. HUTCHESON. I knew it was a member of the family. And we have given him one of the fairest flowers of the State, a woman in whose veins the blood of the Cæsars courses. [Laughter.]

Mr. MILLIKEN. I am sorry that it was not myself instead of my cousin who went to Texas, if what the gentleman from Texas states is correct.

Mr. HUTCHESON. We should be very much delighted to welcome the gentleman, and while I do not know what the gentleman's situation is, and whether he can accept the offer, if he will come down to Texas, we will show him plenty more such women. [Laughter.]

Not only that, Mr. Chairman, but we will give the gentlemen women who will not breed boys or girls who are impotent, disqualified, or lunatic, but who will breed such people, male and female, as are capable of taking care of themselves without pension from the Government. These women we will give to you will not raise any such scabs as you say live in your country.

Mr. MILLIKEN. Will the gentleman allow me to ask him one question?

Mr. HUTCHESON. Certainly.

Mr. MILLIKEN. I have no doubt about the beauty and the elegance of the women you have there; but what kind of men have you there to invite us to come?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUTCHESON. I ask unanimous consent to answer the gentleman's question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUTCHESON. I am very much indebted to you, gentlemen, for your kind and considerate attention to what I have had to say.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. GROUT. I hope time will be given the gentleman.

Mr. REED. We would like to pass this bill if we could get the chance.

Mr. MARTIN of Indiana. I hope there will be no objection to my request for unanimous consent to close general debate.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to close general debate. Is there objection?

Mr. HUTCHESON. I object.

Mr. MARTIN of Indiana. You have had your hour.

Mr. HUTCHESON. I know I have, but I would think myself to be the most selfish man in the world if I should take the time to the exclusion of others; but if nobody wants the time I shall not object.

Mr. MARTIN of Indiana. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MARTIN of Indiana. Is it in the power of the Committee of the Whole to close general debate on motion?

The CHAIRMAN. Not general debate.

Mr. HUTCHESON. If nobody wants to speak, of course I will withdraw the objection.

The CHAIRMAN. The gentleman from Texas withdraws his objection. Is there further objection to the request of the gentleman from Indiana to close general debate? [After a pause.] The Chair hears none. General debate is closed.

Mr. MARTIN of Indiana. Now, I ask that the bill be read for amendments.

The bill was read by sections.

The Clerk will report the committee amendments.

The Clerk read as follows:

In line 9, section 3, strike out the word "has" before the word "serve;" in line 23, page 2, strike out the word "enlised" and insert the word "enlisted;" in line 27, after the words "and in," strike out the word "the."

The CHAIRMAN. The question is on the committee amendments. If there be no objection, they will be considered as adopted. [After a pause.] The Chair hears no objection.

Mr. MARTIN of Indiana. If there be no further amendments to offer, I ask that the bill be laid aside with a favorable report.

Mr. BLAIR. Mr. Chairman, I offered an amendment.

The Clerk read as follows:

Amend by adding to the end of the bill the following:

"*And be it further enacted*, That any honorably discharged soldier pensioned under the act to which this is an amendment, shall be entitled to the minimum rating of $6 per month for any degree of disability described in said act, and the minimum pension for any disability pensionable under any law shall be $6 per month."

Mr. MARTIN of Indiana. On that I raise the point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MARTIN of Indiana. I think it is not germane to the bill.

Mr. BLAIR. I did not understand the gentleman's statement.

Mr. MARTIN of Indiana. I raise the point of order that it is not germane to the section we are considering.

Mr. LIVINGSTON. The point of order is well taken, too.

Mr. MARTIN of Indiana. The section relates wholly to widows and children. This is a proposition to go beyond that, and to reach what was intended to be reached and was reached by section 1 of the act. This is an amendment to section 3.

Mr. BLAIR. Mr. Chairman, I did not hear the remarks of the gentleman supporting his point of order that this proposed amendment is not germane. I hardly think it can be subject to that objection. I would say to him that I do not purpose to embarrass the progress of this bill by calling the yeas or developing the absence of a quorum or anything of that sort. The amendment must be germane, I think, because the bill itself is one that purposes to amend the general act of June 27, 1890; and this is a proposition to amend one section, which must be germane to the bill,

Mr. MARTIN of Indiana. I hope the gentleman will withdraw his amendment.

Mr. BLAIR. Well, if the gentleman imagines that it will in any way embarrass his bill I will do so; but I do not see how it can do so.

Mr. MARTIN of Indiana. I think it will do so.

Several MEMBERS. Let the Chair rule.

The CHAIRMAN. Does the gentleman withdraw his amendment upon the request of the gentleman from Indiana?

Mr. BLAIR. I prefer to take the sense of the House on the amendment unless it be ruled out of order. I ask the Chair to rule.

The CHAIRMAN. The bill before the committee is an amendment to the act usually described as the act of June 27, 1890. The Chair is in doubt as to this amendment being germane. The proposition of the bill before the committee is to amend a certain section of the law so as to make it apply to insane, idiotic, or otherwise helpless children. The amendment offered by the gentleman from New Hampshire is to fix a minimum for pensions for enlisted men. The Chair will sustain the point of order, though not entirely clear that it ought to be sustained.

Mr. BLAIR. I can appreciate the position of the Chair, and I will not press the amendment.

Mr. MAHON. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

SEC. 4. That the ninety days' service required by the said act, approved June 27, 1890, shall be computed from date of enlistment up to and including the day the soldier received his discharge and pay.

Mr. MARTIN of Indiana. Mr. Chairman, I make the point of order on that amendment.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. MAHON. I do not think the point of order can lie against that amendment, because the bill refers to the ninety days' soldiers, the beneficiaries of this law. The widow or child claiming a pension must establish the fact that the soldier was in the service ninety days, and the amendment seems to be clearly germane.

The CHAIRMAN. At what point in the bill does the amendment come in?

Mr. MAHON. It is intended to be a new section, prescribing how the ninety days referred to in the preceding part of the bill shall be computed. It is simply declaratory. I think that if the Chair will give me his attention for a few minutes I can satisfy him that the amendment is germane and ought to be adopted.

The CHAIRMAN. If the amendment is intended to apply to this bill, the Chair thinks it is not drawn carefully enough to effect that purpose. It seems to the Chair that the amendment is drawn rather so as to amend the original act.

Mr. MAHON. It applies to any soldier's widow, because the widow or the children of any soldier in the service come under this law. I desire to make a brief statement, and then, if there is any serious objection to the amendment, I will withdraw it.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MAHON. There are very few cases that this amendment will cover, but there are some. The act simply says that the soldier shall have been in the service ninety days, but a few cases have been brought before the Department where the discharge had been made out two or three days before the soldier received his pay, and the Department ruled that the ninety days must be computed from the date of the enlistment to the date of the discharge.

For instance, a soldier is off on sea service; his discharge is made out at the headquarters of the regiment and dated on the 28th of June, but the soldier does not receive it until the 6th or 7th of July, so that he is kept in the service doing military duty for more than ninety days, and yet, because of the date of his discharge, his service is computed at, say, eighty-nine days, and his widow and children are debarred from the benefit of the act. Now, the fair construction of the law is that the ninety days shall be computed from the date of the soldier's enlistment until the time when he receives his discharge and pay, for he always receives his pay at the time he is discharged.

Mr. MARTIN of Indiana. Mr. Chairman, I feel like insisting on the point of order, but before doing that I will ask the gentleman to withdraw the amendment.

Mr. MAHON. Mr. Chairman, the gentleman from Indiana [Mr. MARTIN], the chairman of the Committee on Invalid Pensions, has always been so fair, so kind, and so considerate toward members of the House in connection with legislation of this sort that when he makes a personal appeal like that I can not resist it, and I therefore withdraw the amendment.

Mr. JONES. Mr. Chairman, I move to strike out the last word, and I make that motion for the purpose of asking a question of the chairman of the committee. Since this bill has been under discussion I have read the third section of the act of June 27, 1890, very carefully. That section contains this proviso:

Provided, That in case a minor child is insane, idiotic or otherwise perfectly helpless, the pension shall continue during the life of said child, or during the period of such disability, and this proviso shall apply to all pensions heretofore granted, or hereafter to be granted under this or any former statute, and such pension shall commence from the date of the application therefor after the passage of this act."

Now, comparing that with this bill I have arrived at the conclusion that the only difference between the law as it stands and the law as it will be if amended by this bill is that the law will then allow idiots, insane, and helpless children of soldiers who did not apply for pension before attaining the age of 16 years to make application now.

Under the act of June 27, 1890, all persons who were under 16 years of age when that act was passed and who were insane, idiotic, or otherwise perfectly helpless and who applied for pension before attaining the age of 16 years are continued on the pension rolls, and this bill, as I understand it, merely amends that law so as to allow such persons who did not apply for pensions before they had attained the age of 16 to apply now. Is that the only difference between the old law and the proposed amendment? Are these the only persons who could not apply under the old law but who will be permitted to apply if this bill shall pass?

Mr. MARTIN of Indiana. I think I understand the measure in the way the gentleman suggests.

Mr. JONES. I want to know whether that is the only difference between the old law and the present bill.

Mr. MARTIN of Indiana. I think so; that is the intention.

Mr. JONES. Has the Committee on Invalid Pensions made any estimate as to how many persons will come within the purview of this bill?

Mr. MARTIN of Indiana. No, sir; there is no way of making any such estimate. But from the very small number of private bills that have come before Congress embracing cases of this kind, I think the number will not be at all large.

Mr. JONES. As a matter of fact, I believe private bills of that character coming before Congress have encountered less objection than almost any other class.

Mr. MARTIN of Indiana. Yes; with as little at least.

Mr. JONES. I withdraw my amendment.

Mr. HUTCHESON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "prior," in line 39, page 3, strike out "27th day of June, 1890," and insert "19th day of April, 1865."

The question being taken on agreeing to the amendment, there were, on a division (called for by Mr. HUTCHESON)—ayes 8, noes 114.

Mr. HUTCHESON. I make the point of no quorum.

Tellers were ordered; and Mr. HUTCHESON and Mr. MARTIN of Indiana were appointed.

The committee proceeded to divide; but before the count by the tellers was concluded,

Mr. HUTCHESON. I withdraw the point.

So the amendment of Mr. HUTCHESON was rejected.

The CHAIRMAN. The question is now, Shall the bill be laid aside with the amendments to be favorably reported to the House?

The question being taken, there were, on a division (called for by Mr. JONES)—ayes 129, noes 3.

So the motion was agreed to.

The committee accordingly rose; and Mr. TRACEY having taken the chair as Speaker *pro tempore*, Mr. OUTHWAITE reported that

the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 7574) to amend section 3 of an act entitled "An act granting pension to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890, and had directed him to report the same back with amendments and with the recommendation that the bill be passed as amended.

Mr. MARTIN of Indiana. I call for the previous question on the amendments and on the bill to its engrossment, third reading, and passage.

The previous question was ordered.

The question being taken on the amendments, they were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MARTIN of Indiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSIONS OF NONRESIDENTS.

Mr. MARTIN of Indiana. By direction of the Committee on Invalid Pensions I now call up the bill (S. 1138) to repeal so much of a proviso of an act entitled "An act making appropriations for invalid and other pensions of the United States for the fiscal year ending June 30, 1894, and for other purposes," and approved March 1, 1893, as relates to the payment of pensions to nonresidents who are not citizens of the United States.

I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. JONES. I object.

Mr. MARTIN of Indiana. I move that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Union Calendar reported from the Committee on Invalid Pensions.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. OUTHWAITE in the chair.

Mr. MARTIN of Indiana. I call up for present consideration the bill (S. 1138) to repeal so much of a proviso of an act entitled "An act making appropriations for invalid and other pensions of the United States for the fiscal year ending June 30, 1894, and for other purposes," and approved March 1, 1893, as relates to the payment of pensions to nonresidents who are not citizens of the United States.

The CHAIRMAN. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That so much of the fourth proviso of an act entitled "An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1894, and for other purposes," approved March 1, 1893, which reads as follows: "That from and after July 1, 1893, no pension shall be paid to a nonresident who is not a citizen of the United States, except for actual disabilities incurred in the service," be and the same is hereby repealed.

Mr. MARTIN of Indiana. Mr. Chairman, I ask for the reading of the report accompanying the bill.

The report (by Mr. MARTIN of Indiana) was read, as follows:

The Committee on Invalid Pensions have considered the bill (S. 1138) which passed the Senate December 14, 1893, the purpose of which is to repeal an act prohibiting payment of pensions to certain nonresidents, and submit the following report:

A bill (H. R. 3935) to prohibit payment of pensions to foreigners and nonresidents was considered by the Committee on Invalid Pensions of the Fifty-second Congress and reported adversely in the following words (see Report No. 1509):

"The passage of such a measure would, in the opinion of your committee, work an injustice to a worthy class of persons who, by reason of services rendered and disabilities incurred by themselves or near relatives in the military or naval service of the United States in its time of need, have become entitled under existing laws to the recognition of this Government, but who, because of the reduced expenses of living, or for any other reason, have seen fit to take up their residence abroad. Such residence abroad, for whatever reason, even though permanent, is not, in the opinion of this committee, sufficient to justify the withdrawal of the pension which has been granted, and your committee therefore recommended that the bill do lie on the table."

This adverse report was made on May 27, 1892, but subsequently the proviso which it is now sought to repeal was passed as an amendment to the pension appropriation bill which became a law March 1, 1893. The provision referred to is as follows:

"That from and after July 1, 1893, no pension shall be paid to a nonresident, who is not a citizen of the United States, except for actual disabilities incurred in the service."

The repeal of this provision is recommended by the Commissioner of Pensions in his annual report, in which he makes the following statement:

"I respectfully ask your attention to this clause in the hope that you may recommend its repeal. It causes great trouble and annoyance to the excepted classes, who constitute the great bulk of nonresident pensioners, in compelling them to make proof that they belong to these excepted classes. And the final result is that payments under it are withheld from but few save widows and dependent mothers, who have little else for their maintenance. The saving is too little to offset the suffering inflicted in individual cases. If all nonresidents were refused payments of pensions some plausible argument might be made in support of such policy; but none can be urged in favor of this law, which, while giving annoyance to all, strikes only the most helpless.

"I should not feel warranted in asking attention to this law but for the fact that it entails much work on this Bureau in answering communications, and seems to yield little practical results except annoyance and apparent cruelty. I recognize to the fullest extent that my sole duty is to execute and administer the laws as they are enacted, fairly and honestly interpreted.

"Very respectfully,

"WM. LOCHREN, *Commissioner.*"

In a letter addressed by the Commissioner of Pensions, under date of December 18, 1893, to the chairman of the Committee on Invalid Pensions, referring to this law, he says:

"It has caused, and is causing, great trouble and annoyance to a large number of pensioners, especially widows and dependents, and the final result is that there are now about 2,000 cases suspended in which it is practically impossible to furnish the testimony necessary to secure a resumption of payment. I have already called attention to the propriety of repealing this act in my annual report for the fiscal year ending June 30, 1893. I believe that an early passage of this bill (S. 1138, to repeal said act) will be of inestimable benefit to a most worthy class of pensioners, for the suspension of whose pensions there does not appear to have been any satisfactory reason."

The reasons stated for the repeal of this act appear to be conclusive, and the committee are unanimous in recommending the passage of this bill.

In the report of this committee, as originally printed, it was inadvertently stated this action of repeal was "recommended by the Secretary of the Interior pursuant to the suggestion of the Commissioner of Pensions." As a matter of fact the report of the Secretary of the Interior is silent on this subject. The repeal is recommended by the Commissioner of Pensions as herein stated, and this report is presented to make this one correction, and does not otherwise differ from the report of the committee as originally printed.

Mr. MARTIN of Indiana. If no gentleman desires to be heard on this bill, I will ask that general debate be closed

Mr. JONES. I would like to occupy a short time.

Mr. MARTIN of Indiana. Very well; I yield to the gentleman from Virginia.

The CHAIRMAN. How much time?

Mr. MARTIN of Indiana. As much time as the gentleman desires.

[Mr. JONES withholds his remarks for revision. See Appendix.]

Mr. MARTIN of Indiana. I desire to yield to the gentleman from Illinois [Mr. BLACK] such time as he desires.

Mr. BLACK of Illinois. Mr. Chairman, I do not believe the gentleman from Virginia [Mr. JONES], who has just taken his seat, is possessed, as he should be, of all the facts relating to the bill under discussion.

An effort was made some five or six years ago to have an act passed like that which it is now sought to repeal, and at that time I took occasion to find out how many and what class of people would be affected by the passage of such a bill. I made that examination a careful one, and I found—and my information since that time has justified my finding—that the class of people affected by the bill now pending and by the law which it is sought to amend, were largely dependents, the widows and dependents of soldiers who had received their pensions under the general laws, under all of the pension laws in force at the time of my first examination. Within perhaps a year I have received some letters from foreign parts, one of them from a very eminent officer in the consular service of the United States, giving illustrations of the hardship of the law as it stands upon the books.

The law as it stands upon the books affects unfavorably but very few men who were in the service of the United States, but it does affect many of their widows and their children. The amendment which is proposed by the committee to-day does not give a single dollar of pensions to any claimant in the world. It does not enlarge rights previously conferred upon any claimant. It provides that where a pension has been established under the laws of the United States, that pension, now suspended under the operations of the act of 1893, shall be restored the same as though that law had not been enacted.

The cases that have been brought to my attention are some of them exceedingly pitiful, and they arise under circumstances like these: Some men may have served in the Union Army for three or four years. He may have been originally a citizen of foreign birth, but, coming here long before the outbreak of hostilities, when the war came he enlisted.

He met with disabilities incurred in the service, and a pension was granted to him. In time he died from these disabilities, and the law gave a pension to his widow and his children. That widow, in her advancing years, moved by that strong instinct which all of us acknowledge, and especially [addressing Mr. JONES] which no Virginian will deny, the instinct of returning during the years of her sorrow and bereavement to the home of her youth, returned to the old country, where she and her husband were born, where they were married, and from whence they came to share in the struggles and the glory of the young republic.

Moved also probably by another motive than that of seeking sympathy of kindred and of blood, moved by the fact that in the old country the little sum that is paid to a widow will go further towards keeping her and hers in peace and comfort than it will in our more extravagant, bustling, and energetic land, moved by

these which are among the strongest of human motives, she returned to her country, and it is to such people, only now numbering in all 2,000, that this bill seeks to afford relief from the hardships of a law which, speaking with due respect, I say was probably not well considered, and which certainly has been unfortunate in its operation. And in taking my seat I beg to recall the fact to my fellow Congressmen that this amendment will not make one just dollar's difference against the Treasury of the United States. It will relieve what the Commissioner of Pensions decribes here as "suspensions," and will do away with the hardship of introducing and making proof which, being made, would entitle these persons to a restoration of pensions.

Mr. JONES. May I ask the gentleman from Illinois, before he takes his seat, to please explain to the committee, if this bill passes, how it is that it will not save a cent.

Mr. BLACK of Illinois. I say it will not add a single dollar to any pension or give a new pension.

Mr. JONES. It will not put a man on the pension roll who has not already been on the roll?

Mr. BLACK of Illinois. No, sir.

Mr. JONES. But it will restore a number who were dropped from the roll under the act approved March 3, 1893; and will not that add largely to our expenditures?

Mr. BLACK of Illinois. They were not "dropped," but simply "suspended." They are still pending for restoration, in the way fixed by Department regulations.

Mr. JONES. The gentleman makes a distinction between "dropped" and "suspended."

Mr. BLACK of Illinois. Yes, sir.

Mr. JONES. But if this act is not passed, they will stay "suspended" until the gentleman will probably conclude that they are "dropped."

Mr. BLACK of Illinois. They could satisfy that law by returning to this country.

Mr. JONES. And becoming residents.

Mr. BLACK of Illinois. And becoming residents, or by expensive proof of citizenship. But of what avail will that be with a poor old soldier or poorer widow? The law does not add to the Treasury charges; and I do not believe that the law we seek to repeal finds favor in the minds of the jurists and statesmen we have represented here, for the reason that it seeks to forfeit in fact without proper action, without trial, a right already given by law.

Mr. JONES. But a great many of these persons who were suspended never were residents of this country, but always resided abroad, except when they came over here to engage in the war, and were never citizens of this country. Was not that the fact?

Mr. BLACK of Illinois. I may say in reply that the laws gave the right to acquire citizenship from service. I do not know of a single pension that has been granted in the case of a resident who was not a citizen or entitled to become a citizen because of service in the Federal Army.

Mr. JONES. I have always understood that there were a great many.

Mr. BLACK of Illinois. I have no facts whatever that lead me or authorize me to say that a single pension drawn by a nonresident soldier was not paid to a citizen of United States, and I know it was paid to a soldier of the United States. [Cries of "Vote!"]

Mr. MARTIN of Indiana. If no one else desires to use any time, I will not detain the committee.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that general debate on this bill be closed. Is there objection? [After a pause.] The Chair hears none.

Mr. MARTIN of Indiana. I move that the bill be laid aside with a favorable report.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. JONES. Division.

The committee divided; and there were—ayes 92, noes 20.

Mr. JONES. No quorum.

The CHAIRMAN. The gentleman from Virginia makes the point that no quorum has voted. The Chair will appoint as tellers the gentleman from Virginia [Mr. JONES] and the gentleman from Indiana [Mr. MARTIN].

The committee divided.

Mr. JONES (pending the count by tellers). Mr. Chairman, I withdraw the point of no quorum with the understanding that the bill is to be withdrawn.

Mr. PICKLER. Mr. Chairman, I object to the withdrawal of that bill.

Mr. BINGHAM. What was the vote, Mr. Chairman?

The CHAIRMAN. There has been no report made by the tellers.

Mr. MARTIN of Indiana. Mr. Chairman, I desire first to make a parliamentary inquiry. Is it in order to go to the Private Calendar now that we are in Committee of the Whole?

The CHAIRMAN. It is not. It will be necessary for the committee to rise and report action on the pending bill.

Mr. MARTIN of Indiana. Then I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* [Mr. TRACEY] having resumed the chair, Mr. OUTHWAITE, from the Committee of the Whole, reported that they had had under consideration a bill (S. 1138) and that after consideration the bill had been withdrawn.

The SPEAKER *pro tempore*. The Chairman of the Committee of the Whole reports that they have had under consideration a bill (S. 1138) to repeal so much of a proviso of an act entitled "An act making appropriations for invalid and other pensions of the United States for the fiscal year ending June 30, 1894, and for other purposes," and approved March 1, 1893, as relates to the payment of pensions to nonresidents who are not citizens of the United States, and that by unanimous consent the bill had been withdrawn.

Mr. MARTIN of Indiana. I yield now to the gentleman from New York [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent to submit a report from the Committee on Interstate and Foreign Commerce.

Mr. PICKLER. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will please wait a moment. The gentleman from New York [Mr. BARTLETT] asks unanimous consent to submit a report from the Committee on Interstate and Foreign Commerce.

PORT OF ENTRY AT OAKLAND, CAL.

Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, reported back with favorable recommendation a bill (H. R. 7181) to make the city of Oakland, county of Alameda, State of California, a port of entry.

The SPEAKER *pro tempore*. Is there objection to this report being presented?

Mr. PICKLER. A parliamentary inquiry, Mr. Speaker. What became of the bill that was before the committee when it rose?

The SPEAKER *pro tempore*. That bill was withdrawn.

Mr. PICKLER. That required unanimous consent, did it not?

The SPEAKER *pro tempore*. The present occupant of the chair was not in the chair when the bill was withdrawn.

Mr. PICKLER. I objected to the withdrawal of that bill, and I still object. It could not be withdrawn except by unanimous consent. That is the most righteous bill reported to-day, and I do not want it withdrawn.

The SPEAKER *pro tempore*. The report submitted by the gentleman from New York will be referred to the Committee of the Whole on the state of the Union.

Mr. MARTIN of Indiana. I ask unanimous consent for members of the House to print remarks in the RECORD on pension bills.

Mr. JONES. I object. I do not object to gentlemen who have spoken extending their remarks.

Mr. MARTIN of Indiana. I move that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar reported from the Committee on Invalid Pensions.

Mr. HUTCHESON. Mr. Speaker, pending that, I ask unanimous consent that the gentleman from Pennsylvania [Mr. WRIGHT], who is the author of the bill which passed here a awhile ago, and which I had the honor to contest, have leave to print his remarks in the RECORD. I hope the gentleman from Virginia will not object to that.

Mr. JONES. Certainly not.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question now is on the motion of the gentleman from Indiana [Mr. MARTIN] that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar reported from the Committee on Invalid Pensions.

Mr. HUTCHESON. Mr. Speaker, I move that the House do now adjourn.

The question being taken on the motion to adjourn, the Speaker declared that the noes seemed to have it.

Mr. HUTCHESON. I ask for a division.

The House divided; and there were—ayes 12, noes 56.

The motion of Mr. MARTIN of Indiana was then agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. OUTHWAITE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering bills on the Private Calendar, reported from the Committee on Invalid Pensions.

MRS. FRANCES CORSE.

Mr. MARTIN of Indiana. Mr. Chairman, by direction of the Committee on Invalid Pensions I call up the bill S. 882.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mrs. Frances Corse, widow of the late Bvt. Maj. Gen. John M. Corse, at the rate of $100 per month.

Mr. MARTIN of Indiana. I yield to the gentleman from Massachusetts [Mr. MCETTRICK].

Mr. JONES. I think we ought to have the report read.

Mr. MCETTRICK. I ask that the report be read.

The report (by Mr. MCETTRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 882) granting a pension to Frances Corse, widow of Gen. John M. Corse, have given the matter careful attention and respectfully report:

The services rendered by Gen. Corse during the late war were among the most valuable rendered by any officer of his rank. They were marked both by distinguished personal bravery and by the importance of the results to the country. His popular fame rests largely upon the brilliant defense of Allatoona, which saved Gen. Sherman from the loss of his supplies and made possible, without delay, the celebrated "march to the sea." Gen. Corse's services were not, however, limited to this single action. His first severe wounds were received in an equally courageous defense of Missionary Ridge. Gen. Grant, in his Personal Memoirs (chapter 44, volume 2, pages 77, 78), thus describes Gen. Corse's part in that action:

"Sherman was out as soon as it was light enough to see, and by sunrise his command was in motion. Three brigades held the hill already gained. Morgan L. Smith moved along the east base of Missionary Ridge; Loomis along the west base, supported by two brigades of John E. Smith's division; and Corse, with his brigade, was between the two, moving directly toward the hill to be captured. The ridge is steep and heavily wooded on the east side, where M. L. Smith's troops were advancing, but cleared and with a more gentle slope on the west side. The troops advanced rapidly and carried the extreme end of the rebel works. Morgan L. Smith advanced to a point which cut the enemy off from the railroad bridge and the means of bringing up supplies by rail from Chickamauga, where the main depot was located. The enemy made brave and strenuous efforts to drive out troops from the position we had gained, but without success. The contest lasted for two hours. Corse, a brave and efficient commander, was badly wounded in this assault."

The defense of Allatoona is described by Gen. Grant as follows (Personal Memoirs, chapter 59, volume 2, pages 355, 356):

"On the 5th of October the railroad back from Atlanta was again very badly broken, Hood having got on the track with his army. Sherman saw after night, from a high point, the road burning for miles. The defense of the railroad by our troops was very gallant but they could not hold points between their intrenched positions against Hood's whole army; in fact they made no attempt to do so; but generally the intrenched positions were held, as well as important bridges, and stores located at them. Allatoona, for instance, was defended by a small force of men under the command of Gen. Corse, one of the very able and efficient volunteer officers produced by the war. He, with a small force, was cut off from the remainder of the national army and was attacked with great vigor by many times his own number.

"Sherman from his high position could see the battle raging, with the Confederate troops between him and his subordinates. He sent men, of course, to raise the temporary siege, but the time that would be necessarily consumed in reaching Corse would be so great that all occupying the intrenchments might be dead. Corse was a man who would never surrender. From a high position some of Sherman's signal corps discovered a signal flag waving from a hole in the blockhouse at Allatoona. It was from Corse. He had been shot through the face, but he signaled to his chief a message which left no doubt of his determination to hold his post at all hazards."

How keenly Gen. Sherman himself appreciated the importance of the defense of Allatoona is indicated by the more elaborate statement of the battle and of the dispatches which passed, in his Memoirs, appended to this report.

Gen. Corse's military record, printed with this report, shows that he was in the field, except when confined in hospital for a few weeks by wounds, almost from the beginning to the end of the war. The record also shows that his promotion was remarkably rapid for a volunteer officer who was only 26 years of age when the war began. He was five times wounded. These wounds prevented his taking proper exercise, crippled him for many forms of active exertion, and undoubtedly hastened his death. His restless energy of character, however, led him to continue in business after the close of the war, and made him one of the most efficient postmasters of Boston. He was appointed postmaster by President Cleveland in the autumn of 1886, and his reappointment was asked in 1891 by nearly the entire business community, regardless of party, and was recommended by the two Senators from Massachusetts.

Gen. Corse was always sensitive regarding appeals to the public bounty. He received his education at the Military Academy at West Point, but resigned and studied law soon after completing his term, and only accepted a position again in the public service when the war broke out. He was offered a place as lieutenant-colonel in the regular Army in 1866, but in spite of his wounds, which would have entitled him to early retirement on pay, he refused the place and was mustered out of the service. He never applied for a pension, and refused to consider the suggestion that he was entitled to one. He would have been entitled to a high rate of pension for his wounds from the close of the war to the time of his death, on April 27 last, and would probably have drawn from the Treasury more money than the Government will ever be called upon to pay under the pending bill.

The amount asked in the pending bill is smaller than that given to the widows of many other general officers of the rank of colonel. Among those who have been voted special pensions of $2,000 per annum are the widows of Gen. George H. Thomas, Winfield Scott Hancock, John A. Logan, Frank P. Blair, Philip H. Sheridan, George Crook, George B. McClellan, and John C. Frémont. Pensions of $1,200 per annum have been granted by Congress to widows of Gens. Silas Casey, James A. Mower, George I. Stannard, JohnF. Hartranft, Samuel P. Heintzelman, G. K. Warren, James Shields, Robert Anderson, James B. Ricketts, Lovell H. Rousseau, Walter C. Whitaker, and George A. Custer.

The widow of Gen. Corse, who is niece of President Pierce, was not willing at first to have the question of a pension for herself considered, but consented to have the matter presented by her friends to Congress on behalf of her boy of 9 years. Gen. Corse left little property, the health of the widow is not good, and the pension asked is a positive necessity for the boy's education. It is with the purpose of giving him such an education that the widow is willing to accept the grateful recognition of Congress.

The bill herewith reported has already passed the Senate without opposition, and your committee recommend its passage by the House.

APPENDIX.

[Extracts from Memoirs of Gen. William T. Sherman.]

We crossed the Chattahoochee River during the 3d and 4th of October, rendezvoused at the old battlefield of Smyrna Camp, and the next day reached Marietta and Kenesaw. The telegraph wires had been cut above Marietta, and learning that heavy masses of infantry, artillery, and cavalry had been seen from Kenesaw (marching north), I inferred that Allatoona was their objective point, and on the 4th of October I signaled from Vinings Station to Kenesaw, and from Kenesaw to Allatoona, over the heads of the enemy, a message for Gen. Corse, at Rome, to hurry back to the assistance of the garrison at Allatoona. Allatoona was held by a small brigade, commanded by Lieut. Col. Tourtellotte, my present aide-de-camp. He had two small redoubts on either side of the railroad, overlooking the village of Allatoona, and the warehouses, in which were stored over a million rations of bread.

Reaching Kenesaw Mountain about 8 a. m. of October 5 (a beautiful day), I had a superb view of the vast panorama of the north and west. To the southwest, about Dallas, could be seen the smoke of camp fires, indicating the presence of a large force of the enemy, and the whole line of railroad from Big Shanty up to Allatoona (full 15 miles) was marked by the fires of the burning railroad. We could plainly see the smoke of battle about Allatoona and hear the faint reverberation of the cannon.

From Kenesaw I ordered the Twenty-third Corps (Gen. Cox) to march due west on the Burnt Hickory road and to burn houses or piles of brush as it progressed, to indicate the head of column, hoping to interpose this corps between Hood's main army at Dallas and the detachment then assailing Allatoona. The rest of the army was directed straight for Allatoona, northwest, distant 18 miles. The signal officer on Kenesaw reported that since daylight he had failed to obtain any answer to his call for Allatoona; but while I was with him he caught a faint glimpse of the telltale flag through an embrasure, and after much time he made out these letters: "C.," "R.," "S.," "E.," "H.," "E.," "R.," and translated the message: "Corse is here." It was a source of great relief, for it gave me the first assurance that Gen. Corse had received his orders and that the place was adequately garrisoned.

I watched, with painful suspense, the indications of the battle raging there, and was dreadfully impatient at the slow progress of the relieving column, whose advance was marked by the smokes which were made according to orders; but about 2 p. m. I noticed with satisfaction that the smoke of battle about Allatoona grew less and less, and ceased altogether about 4 p. m. For a time I attributed this result to the effect of Gen. Cox's march, but later in the afternoon the signal flag announced the welcome tidings that the attack had been fairly repulsed, but that Gen. Corse was wounded. The next day my aid, Col. Dayton, received this characteristic dispatch:

"ALLATOONA, GA., *October 6, 1864—2 p. m.*

"Capt. L. M. DAYTON, *Aid-de-Camp:*

"I am short a cheekbone and an ear, but am able to whip all h—l yet. My losses are very heavy. A force moving from Stilesboro to Kingston gives me some anxiety. Tell me where Sherman is.

"JOHN M. CORSE,
"*Brigadier-General.*"

Inasmuch as the enemy had retreated southwest, and would probably next appear at Rome, I answered Gen. Corse with orders to get back to Rome with his troops as quickly as possible.

Gen. Corse's report of this fight at Allatoona is very full and graphic. It is dated Rome, October 27, 1864; recites the fact that he received his orders by signal to go to the assistance of Allatoona on the 4th, when he telegraphed to Kingston for cars, and a train of thirty empty cars was started for him, but about ten of them got off the track and caused delay. By 7 p. m. he had at Rome a train of twenty cars, which he loaded up with Col. Rowett's brigade and part of the Twelfth Illinois Infantry; started at 8 p. m., reaching Allatoona (distant 35 miles) at 1 a. m., on the 5th, and sent the train back for more men; but the road was in bad order and no more men came in time. He found Col. Tourtellotte's garrison composed of 890 men; his reënforcement was 1,054; total for the defense, 1,944. The outposts were already engaged, and as soon as daylight came he drew back the men from the village to the ridge on which the redoubts were built.

The enemy was composed of French's division of three brigades, variously reported from four to five thousand strong. This force gradually surrounded the place by 8 a. m., when Gen. French sent in, by flag of truce, this note:

"AROUND ALLATOONA, *October 5, 1864.*

"COMMANDING OFFICER, UNITED STATES FORCES, *Allatoona:*

"I have placed the forces under my command in such positions that you are surrounded, and to avoid a needless effusion of blood I call on you to surrender your forces at once and unconditionally.

"Five minutes will be allowed you to decide. Should you accede to this, you will be treated in the most honorable manner as prisoners of war.

"I have the honor to be, very respectfully, yours,

"S. G. FRENCH,
"*Major-General, Commanding Forces Confederate States.*"

Gen. Corse answered immediately:

"HEADQUARTERS FOURTH DIVISION, FIFTEENTH CORPS,
"*Allatoona, Ga., October 5, 1864—8:30 a. m.*

"Maj. Gen. S. G. FRENCH, *Confederate States, etc.:*

"Your communication demanding surrender of my command I acknowledge receipt of, and respectfully reply that we are prepared for the "needless effusion of blood" whenever it is agreeable to you.

"I am, very respectfully, your obedient servant,

"JOHN M. CORSE,
"*Brigadier-General, Commanding Forces United States.*"

Of course the attack began at once, coming from front, flank, and rear. There were two small redoubts, with slight parapets and ditches, one on each side of the deep railroad cut. These redoubts had been located by Col. Poe, United States engineer, at the time of our advance on Kenesaw the previous June. Each redoubt overlooked the storehouses close by the railroad, and each could aid the other defensively by catching in flank the attacking force of the other. Our troops at first endeavored to hold some ground outside the redoubts, were soon driven inside, when the enemy made repeated assaults, but were always driven back.

About 11 a. m. Col. Redfield, of the Thirty-ninth Iowa, was killed and Col. Rowett was wounded, but never ceased to fight and encourage his men. Col. Tourtellotte was shot through the hips, but continued to command. Gen. Corse was, at 1 p. m., shot across the face, the ball cutting his ear, which stunned him, but he continued to encourage his men and to give orders. The enemy (about 1:30 p. m.) made a last and desperate effort to carry one of the redoubts, but was badly cut to pieces by the artillery and infantry fire from the other, when he began to draw off, leaving his dead and wounded on the ground.

Before finally withdrawing, Gen. French converged a heavy fire of his cannon on the blockhouse of Allatoona Creek, about 2 miles from the depot, set it on fire, and captured its garrison, consisting of 4 officers and 85 men. By 4 p. m. he was in full retreat south on the Dallas road, and got by before the head of Gen. Cox's column had reached it; still several ambulances and stragglers were picked up by this command on that road. Gen. Corse reported 231 rebel dead, 411 prisoners, 3 regimental colors, and 800 muskets captured.

Among the prisoners was a Brig. Gen. Young, who thought that French's aggregate loss would reach 2,000. Col. Tourtellotte says that for days after Gen. Corse had returned to Rome his men found and buried at least a hundred more dead rebels, who had, doubtless, been wounded, and died in the woods near Allatoona. I know that when I reached Allatoona on the 9th I saw a good many dead men, which had been collected for burial.

Corse's entire loss, officially reported, was:

Garrison.	Killed.	Wounded.	Missing.	Total.
Officers	6	23	6	35
Men	136	330	206	672
Total	142	353	212	707

I esteemed this defense of Allatoona so handsome and important that I made it a subject of a general order, viz, No. 86, of October 7, 1864:

"The general commanding avails himself of the opportunity in the handsome defense made of Allatoona to illustrate the most important principle in war, that fortified posts should be defended to the last, regardless of the relative numbers of the party attacking and attacked. * * * The thanks of this army are due and are hereby accorded to Gen. Corse, Col. Tourtellotte, Col. Rowett, officers and men, for their determined and gallant defense of Allatoona, and it is made an example to illustrate the importance of preparing in time and meeting the danger, when present, boldly, manfully, and well.

"Commanders and garrisons of the posts along our railroad are hereby instructed that they must hold their posts to the last minute, sure that the time gained is valuable and necessary to their comrades at the front

"By order of Maj. Gen. W. T. Sherman.

"L. M. DAYTON, *Aide-de-Camp.*"

MILITARY RECORD OF GEN. CORSE.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, October 4, 1893.

Statement of the military service of John Murry Corse, late of the United States Volunteers, compiled from the records of this office.

He was a cadet at the United States Military Academy July 1, 1853, to April 23, 1855.

He entered the service as major, Sixth Iowa Infantry, July 13, 1861; promoted lieutenant-colonel May 21, 1862, colonel March 29, 1863, and appointed brigadier-general of volunteers August 11, 1863. He received the brevet rank of major-general of volunteers October 5, 1864, for long and continued service and for special gallantry at Allatoona, Ga.

Served with his regiment from June to December 14, 1861; provost-marshal at Laurine Cantonment, Mo., to February 1, 1862; on staff of Gen. Pope as inspector-general, district of Central Missouri, to April, 1862, and the Army of the Mississippi to May, 1862; commanding his regiment in the Army of the Tennessee to January, 1863; in the Seventeenth Corps, Department of the Tennessee, to August 27, 1863; commanding Fourth Division, Fifteenth Corps, to October 25, 1863, and Second Brigade of same division to November 25, 1863, when wounded at Missionary Ridge, Tenn.; absent, sick on account of wounds, to January 18, 1864; commanding draft rendezvous, at Springfield, Ill., to February 6, 1864, when relieved on account of not having sufficiently recovered from his wounds; absent, sick and awaiting orders, to April, 1864; on staff of Gen. Sherman as acting inspector-general, Division of the Mississippi, to July 25, 1864; commanding Second Division, Sixteenth Corps, to September 25, 1864, and Fourth Division, Fifteenth Corps, to July 24, 1865; in command of the district of Minnesota, August 22, 1865, to April 30, 1866, when honorably mustered out of the service.

R. WILLIAMS, *Adjutant-General.*

Mr. McETTRICK. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

On motion of Mr. MARTIN of Indiana, the committee rose; and the Speaker having resumed the chair, Mr. OUTHWAITE reported that the Committee of the Whole on the Private Calendar had had under consideration the bill (S. 882) granting a pension to Frances Corse, widow of Gen. John M. Corse, and had directed him to report the same back with a recommendation that it pass.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. MARTIN of Indiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. McKEIGHAN, by unanimous consent, obtained leave of absence for eight days, on account of sickness.

ORDER OF BUSINESS.

Mr. PICKLER. I rise to a parliamentary inquiry, and I would like the attention of the chairman of the Committee on Invalid Pensions. I desire to inquire how the bill which was under consideration in the Committee of the Whole granting pensions to nonresidents was laid aside?

Mr. MARTIN of Indiana. It was simply not acted on in Committee of the Whole.

Mr. PICKLER. It retains its place on the Calendar?

Mr. MARTIN of Indiana. Yes, sir.

REMISSION OF FINES, PENALTIES, ETC.

Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, reported back with amendments the bill (H. R. 7796) to enable the Secretary of the Treasury to remit or mitigate fines, penalties, and forfeitures; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

LEAVE TO PRINT.

Mr. MARTIN of Indiana. I ask unanimous consent that all gentlemen who have spoken on pension bills during this day may be permitted to extend their remarks in the RECORD.

There being no objection, leave was granted.

And then, on motion of Mr. HUTCHESON (at 5 o'clock and 7 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GEISSENHAINER, from the Committee on Naval Affairs: A bill (S. 1211) for the relief of Pay Inspector John H. Stevenson, of the United States Navy. (Report No. 1308.)

By Mr. COX, from the Committee on Claims: A bill (H. R. 649) for the relief of the Continental Fire Insurance Company, and others. (Report No. 1311.)

By Mr. LOUD, from the same committee: A bill (S. 901) for the relief of the owners of the schooner Henry R. Tilton, and of personal effects thereon. (Report No. 1312.)

By Mr. COX, from the same committee:

A bill (S. 143) for the relief of the heirs of D. Fulford. (Report No. 1313.)

A bill (H. R. 2066) for the relief of Charles A. Edwards. (Report No. 1314.)

By Mr. BUNN, from the same committee: A bill (S. 1999) for the relief of Charles T. Russell. (Report No. 1315.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 6664) for the relief of Milton F. Colburn, administrator of the estate of Gilbert Colburn, deceased, late of Annapolis, Md., and the same was referred to the Committee on War Claims.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. CURTIS of New York: A bill (H. R. 7819) to promote the efficiency of the militia—to the Committee on the Militia.

By Mr. JOSEPH: A bill (H. R. 7820) regulating and defining the jurisdiction and powers of United States commissioners in the Territories—to the Committee on the Judiciary.

By Mr. REILLY: A resolution asking that Tuesday, July 31, be set apart for the consideration of bills reported from the Committee on Railways and Canals—to the Committee on Rules.

By Mr. BUNDY: A resolution of the General Assembly of the State of Ohio, asking the United States Government to erect a suitable memorial structure on the site of old Fort Greenville, in the State of Ohio, in honor of the memory of Gen. Anthony Wayne and his gallant army in subduing the Indians and securing the treaty of peace of August 3, 1794—to the Committee on the Library.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXI, private bills of the following titles were presented and referred as follows:

By Mr. BELTZHOOVER: A bill (H. R. 7821) granting an increase of pension to George A. Comfort—to the Committee on Invalid Pensions.

By Mr. CAMINETTI: A bill (H. R. 7822) to pay the claim of Otto & Kelly—to the Committee on Claims.

By Mr. FITHIAN: A bill (H. R. 7823) granting an increase of pension to Lemuel J. Essex—to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 7824) making appropriation for survey of the Neosho River, and for other purposes—to the Committee on Railways and Canals.

By Mr. SPRINGER: A bill (H. R. 7825) to amend the military record of W. C. Johnson—to the Committee on Military Affairs.

By Mr. STORER: A bill (H. R. 7826) for the relief of W. H. Harrison—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALZELL: Resolution of Commercial Exchange of Philadelphia, in favor of a bill to permit railroad pooling—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLEARY of Minnesota: Petition of citizens of Madelia, Minn., favoring the pension claim of William Brown, late of Company D, Eighth Michigan Cavalry—to the Committee on Invalid Pensions.

By Mr. McDANNOLD: Petition of 88 citizens of Perry, Ill., concerning appropriations for Indian education at sectarian schools—to the Committee on Indian Affairs.

By Mr. SMITH of Arizona: Petition of citizens of Arizona, protesting against lotteries and praying for the passage of the antilottery bill—to the Committee on the Post-Office and Post-Roads.

Also, claim of Isaac Polhamus, for the loss of the schooner-rigged boat Martha Washington—to the Committee on Claims.

By Mr. WANGER: Petition of 35 members of the Union Veteran Legion of Pottstown, Pa., for the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. WILLIAM A. STONE: Resolution of the General Assembly of the United Presbyterian Church of North America, against appropriating money for sectarian Indian schools—to the Committee on Indian Affairs.

SENATE.

THURSDAY, *July 26, 1894.*

Prayer by Rev. ISAAC W. CANTER, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, for the consideration of Congress, a letter from the Chief of the Bureau of Engraving and Printing, submitting an estimate for an appropriation of $200, to be embodied in the sundry civil appropriation bill under the head of "Engraving and printing," for the rent of office for the agent of the Post-Office Department to supervise the distribution of stamps by the Bureau of Engraving and Printing; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, citing a list of property owned by the United States as the custom-house sites at Astoria, Oregon, and other places, which is now unoccupied, and recommending that provision be made by Congress for proper authority to sell and dispose of the same; which the Secretary proceeded to read.

Mr. DOLPH. Does the communication come in response to a resolution, or is it submitted without a request for information?

The PRESIDENT *pro tempore*. The communication does not appear to be in response to a Senate resolution.

Mr. DOLPH. I ask that it may lie on the table. I think I shall have it referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. For the present the communication will lie on the table.

Mr. DOLPH subsequently said: A few moments ago I asked that a communication from the Secretary of the Treasury in regard to unoccupied and unimproved custom-house sites be laid on the table for the time being. I have examined it and I find that it embraces such sites in several States. My attention was directed to it from the fact that it refers to a lot in Astoria, Oregon. I think the communication should go to the Committee on Public Buildings and Grounds. I have consulted with the chairman of the Committee on Appropriations, and he does not think that it should be referred directly to that committee. I move that it be referred to the Committee on Public Buildings and Grounds, and that it be printed.

The motion was agreed to.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a concurrent resolution of the Senate of June 20, 1894, a letter from the Chief of Engineers, submitting a copy of a report of Capt. Thomas W. Symons, Corps of Engineers, estimating the cost of dredging the bar at Everett, in the State of Washington, at $372,000; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, calling attention to section 2 of the Indian appropriation bill, which authorizes and directs the Secretary of the Treasury to place upon the books of the Treasury to the credit of the several Indian tribes interested therein the face value of certain nonpaying State bonds, etc., and recommending that authority be given the Secretary of the Treasury to sell or dispose of said bonds, and also submitting a form of amendment to section 2, for the consideration of the committee of conference on the Indian appropriation bill.

Mr. GORMAN. I move that the communication be referred to the Committee on Appropriations, without being printed. An order to print can be made hereafter.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 32) declaring Massachusetts avenue through the grounds of the Naval Observatory a public street.

The message also announced that the House had passed the bill (S. 882) granting a pension to Frances Corse, widow of Gen. John M. Corse.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print 6,000 copies of the official proceedings of the Tribunal of Arbitration created in pursuance of the treaty of February 29, 1892, between the United States and Great Britain.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 4017) for the reinstatement of clerks dismissed from the Railway Mail Service between the 15th day of March and the 1st day of May, 1889;

A bill (H. R. 4806) for the relief of Andrew Gray;

A bill (H. R. 4903) to authorize a compromise and settlement with the State of Arkansas;

A bill (H. R. 6542) to change the lines between the eastern and western judicial districts of North Carolina, and fixing time for holding courts in said eastern district;

A bill (H. R. 7259) for the relief of certain settlers who have entered lands under the timber and stone act, etc.;

A bill (H. R. 7461) to authorize the entry of land for gravel pits and reservoir purposes and authorizing the grant of right of way for pipe lines; and

A bill (H. R. 7803) to amend sections 2401 and 2403 of the Revised Statutes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 79) to authorize a corrected patent to be issued for the donation land claim of Wheelock Simmons and wife; and

A bill (S. 1076) to release a certain limitation existing in an act of Congress touching the Episcopal Church at St. Augustine, Fla.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of sundry citizens of the United States, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was ordered to lie on the table.

Mr. LODGE presented memorials of Sanford H. Johnson and 220 other citizens of Newburyport; of O. P. Fales and 30 other citizens of Boston, and of Frederick H. Williams and 235 citizens of Haverhill, all in the State of Massachusetts, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were ordered to lie on the table.

Mr. PEFFER presented the memorial of Rev. F. R. Henry and sundry other citizens of Wilsey, Kans., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was ordered to lie on the table.

He also presented the petition of J. N. Mills, president of the Lessee Union Association, of Tecumseh, Okla., praying for the enactment of legislation protecting rights of lessees on Indian reservations; which was referred to the Committee on Indian Affairs.

He also presented the petition of W. N. Allen, chairman, Local Assembly No. 1562, Knights of Labor, of Brooklyn, N. Y., praying for the enactment of legislation restricting immigration by taxing immigrants $50 apiece; which was referred to the Committee on Immigration

Mr. McMILLAN presented memorials of O. A. Garfield and sundry other citizens of Durand; of C. J. Silsbee and sundry other citizens of Arbela; of G. A. Lark and sundry other citizens of Wisner Township; of Rev. John Meritt and sundry

other citizens of Tuscola County, and of George N. Hosack and sundry other citizens of Sanilac Center, all in the State of Michigan, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were ordered to lie on the table.

Mr. PERKINS presented a memorial of sundry citizens of Redlands and Riverside, Cal., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was ordered to lie on the table.

He also presented a memorial of the Academy of Sciences of San Francisco, Cal., remonstrating against any reduction of the size of Government reservations; which was referred to the Committee on Public Lands.

Mr. HAWLEY. I present memorials of Eugene Smith and 26 other citizens of Connecticut; of George T. Kellogg and 76 other citizens of Hartford, Conn., and of J. W. Sypher, jr., and 18 other citizens of Connecticut, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.

I observe that similar memorials have been ordered to lie on the table. It seems to me well to send them to the Committee on Indian Affairs, because there is another Indian appropriation bill to come next winter. I do not know what becomes of the memorials when they are ordered to lie on the table; I suppose that they pass out of sight forever in the files of the Senate. I move the reference of the petitions to the Committee on Indian Affairs.

Mr. WASHBURN. Do I understand the motion to include all memorials which have been presented on this subject heretofore? There have been a very large number of them presented which are now lying on the table.

The PRESIDENT *pro tempore*. Does the motion of the Senator from Connecticut reach the memorials heretofore presented and now lying on the table?

Mr. HAWLEY. I think I will move that all these memorials be referred to the Committee on Indian Affairs. The subject will come up next December.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANDERSON presented a memorial of 60 citizens of South Omaha, Nebr., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. PALMER presented a petition of 1,000 citizens of Chicago, Ill., praying for an immediate settlement of the tariff question; which was ordered to lie on the table.

Mr. CULLOM presented sundry memorials of citizens of Manca, Broadlands, and Galesburg, and of sundry citizens of Mason County, all in the State of Illinois, remonstrating against the violation of the American principle of separation of church and state; which is involved in making appropriations for or contracts with agents of sectarian institutions for Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. HIGGINS presented a memorial of sundry citizens of Delaware, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. DANIEL presented the memorial of R. W. McGinnis and sundry other citizens of Westmoreland County, Va., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. HUNTON presented a memorial of sundry citizens of Berkley, Va., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

WASHINGTON NATIONAL PARK.

Mr. SQUIRE. Mr. President, I present a very important memorial. A long series of months has been occupied in the consideration of the subject of the memorial. It is signed by some of the most important, in fact the most important, scientific societies in the United States—the National Geographic Society; the American Association for the Advancement of Science; the Geological Society of America; the Sierra Club; the Appalachian Mountain Club.

I notice among the names of those constituting the committees appointed by these several societies within the past year to prepare the memorial those of the following widely known persons and distinguished scientists:

Dr. David T. Day, Mr. S. F. Emmons, Mr. Bailey Willis, of the Geological Society of America.

Maj. J. W. Powell, Prof. Joseph Le Conte, Prof. I. C. Russell, Mr. B. E. Fernow, Dr. C. H. Merriam, of the American Association for the Advancement of Science.

Hon. Gardiner G. Hubbard, Mr. John W. Thompson, Miss Mary F. Waite, Miss Eliza R. Scidmore, of the National Geographic Society.

Mr. John Muir, President D. S. Jordan, Mr. R. M. Johnson, Mr. George B. Bayley, Mr. P. B. Van Trump, of the Sierra Club of San Francisco.

Mr. John Ritchie, jr., Rev. E. C. Smith, Dr. Charles E. Fay of the Appalachian Mountain Club of Boston.

This project has been carefully considered not only as to its general outlines but as to its details, including such knowledge of the surveys of the lands as have enabled definite opinions to be formed by those conversant with such subjects. The weight of influence is very great and freely given in favor of the establishment of a carefully defined national park in the State of Washington, which, as described, though not large in extent, shall include the most wonderful scenery to be found on this continent, as is fully attested.

It especially includes the celebrated Mount Rainier (as it is officially named, although often called Mount Tacoma), which is one of the grandest mountains on the face of the globe, to be named in admiration with such great mountains as Mount St. Elias, Mount Ararat, Mount Fusiyama and the most superb summits of the Alps.

The President of the United States proclaimed the Pacific forest reserve, in the State of Washington, on the 20th day of February, 1893. The western half of this reserve is that portion which it is proposed shall be made a national park. The eastern boundary to follow the crest of the range, but it is recommended that the westerly line of the park shall extend one survey range beyond the limit of the Pacific forest reserve for the purpose of including within the limits of the national park all the great glacier formations, of which there are eight.

The Pacific forest reserve is traversed through the middle from north to south by the crest of the Cascade range, varying from 5,300 feet to 6,800 feet in height. Mount Rainier is an isolated volcanic peak, 12 miles west of the Divide, from which it is separated by a deep valley. Mount Rainier is 14,400 feet high. It is superb in its boldness, rising from one canyon 11,000 feet in 7 miles. On this mountain there is a colony of Arctic animals and plants as effectually isolated from other animals and plants as are shipwrecked sailors upon an island in mid-ocean separated from the rest of humanity. It is important to preserve this rare colony of Arctic fauna and flora. The proposed national park has magnificent forests which, like all those of the Puget Sound region, are world-renowned for the magnificence and beauty of their hemlocks, cedars, and firs, trees colossal in size and valuable as regulators of floods; as under their protection snows melt slowly, and thus prevent devastation of valleys. They are valuable as water preserves for the irrigation of the plains below.

The boundaries of the proposed national park are so drawn as to exclude from its area lands in which coal, gold, and other minerals are supposed to exist, and they conform to the purpose that the park shall include all features of scenic beauty without encroaching on the rights of miners or settlers.

This mountain might form a valuable site for a weather station, which, in view of the controlling influence exerted by Mount Rainier on the moisture-laden winds of the Pacific, would be important in relation to local weather predictions.

I desire to read an extract in connection with this subject from a report made by Prof. Zittel, a well-known German geologist, and Prof. James Bryce, member of Parliament and author of the American Commonwealth, as follows:

> The scenery of Mount Rainier is of rare and varied beauty. The peak itself is as noble a mountain as we have ever seen in its lines and structure. The glaciers which descend from its snow fields present all the characteristic features of those of the Alps, and though less extensive than the ice streams of the Mont Blanc or Monte Rosa groups, are in their crevasses and serracs equally striking and equally worthy of close study. We have seen nothing more beautiful in Switzerland or Tyrol, in Norway or in the Pyrenees, than the Carbon River glaciers and the great Puyallup glaciers; indeed, the ice in the latter is unusually pure, and the crevasses unusually fine. The combination of ice scenery with woodland scenery of the grandest type is to be found nowhere in the Old World, unless it be in the Himalayas, and so far as we know, nowhere else on the American continent.

These eminent and experienced observers further say:

> We may, perhaps, be permitted to express a hope that the suggestion will at no distant date be made to Congress that Mont Rainier should, like the Yosemite Valley and the Geyser region of the Upper Yellowstone, be reserved by the Federal Government and treated as a national park.

If this park be established I am convinced that no resort in the United States will be so much sought after when people come to know its wonderful attractions in point of majestic scenery and the health-giving qualities of the climate which prevails in the region in which it is situated.

Ex-Senator George F. Edmunds, who visited this region a few years ago, in honor of whom one of the great glaciers was

named, wrote an article descriptive of his trip which was published in the Portland Oregonian, from which I will read the following extracts:

I never believed there was anything in America comparable in grandeur to the scenery.

He speaks enthusiastically of the glaciers, and says:

No Alpine glacier excels the one which is the least in point of size of all that have been discovered on this mountain.

He adds:

I can not help saying that I am thoroughly convinced that no resort in the United States will be so much sought after as this when once people come to know that what men cross the Atlantic to see can be seen in equal splendor, if not surpassed, at home.

I have been through the Swiss mountains, and I am compelled to own that, incredible as the assertion may appear, there is absolutely no comparison between the finest effects that are exhibited there and what is seen in approaching this grand isolated mountain. I would be willing to go 500 miles again to see that scene. This continent is yet in ignorance of the existence of what will be one of the grandest show places, as well as a sanitarium.

Mr. President, I am convinced that the establishment of the proposed park would confer a great boon upon the people of the United States. Its educational advantages would be of unspeakable value; and as a resort for seekers of health and pleasure it would be unsurpassed. The State of Washington, although a recent addition to our galaxy of American commonwealths, is destined to become within a few years one of the greatest. It will be the home of millions of prosperous and worthy citizens.

Now, when we can easily provide, not only for ourselves but for future generations, such a magnificent pleasure ground, sanitarium, and educational object-lesson, shall we let the opportunity pass, particularly when all this can be secured with comparatively little expense? The outlay of money required for the establishment of the park is very small. Concessions can be leased for hotels, stage routes and stopping places; the proceeds of which will provide for maintenance of the park; while the guarding can be done by details of soldiers from Vancouver barracks, or other army posts located in the State of Washington within easy reach.

The value of the timber is very great, commercially speaking; and it ought not to be destroyed. When unprotected, in the dry season, it is subject to the ravages of fire, started, perhaps, by careless tourists or campers. This is the most important danger to be guarded against. The valleys of the White River, the Puyallup River, and the Nisqually River are exceedingly fertile; they are subject to floods during the rapid melting of the snow on Mount Rainier in the limited area above the timber line. It is stated that in the broader area below the timber line, but above 3,000 feet in elevation, the depth of snow in the winter of 1883 was 9 to 15 feet. Protected by the dense canopy of fir and hemlock trees, this snow melts slowly and the the rivers are high from March to June. These eminent scientists, the memorialists, say:

But let the forests be once destroyed by fire or lumbermen, and the snows of each winter melting in early spring will annually overwhelm the Puyallup Valley and transform it into a gravelly waste. The same is true of the White River and the Nisqually.

Hence the great importance of preserving these forests for the sake of protecting the rich agricultural lands below them from destruction.

Mr. President, this view of the case strongly affects the farming interests of my State. The National Government owns this mountain region of unsurpassed grandeur, scenic beauty, and scientific value. Its forests are valuable for commerce, but ought not to be destroyed. The high mountain and glacial lands are totally unfit for cultivation. The Government alone can protect the rich lower lands from ruin if it acts promptly. I have introduced a bill, in accordance with this memorial, to create a national park.

I know there is a prejudice in the minds of some Senators against the creation of more national parks on account of the additional expense thereby entailed upon the National Government. This should be an exception. I have explained that the expense in the present instance need be very little, if any, that will not be contemporaneously reimbursed.

Let this national park be created now; afterward, if it be thought best, let the park be turned over to the State of Washington, to be owned and maintained by that Commonwealth.

I will not detain the Senate with further remarks. I ask that the petition, which is accompanied by a map, having had the consideration of the most eminent scientists in the United States, having been a subject of careful attention for many months, and as it is deserving of great attention on the part of Congress, be printed as a document.

The PRESIDING OFFICER (Mr. PASCO in the chair). Does the Senator from Washington desire a reference of the petition?

Mr. SQUIRE. I ask its reference to the Committee on Public Lands.

Mr. CULLOM. The Senator from Washington does not desire that the document be printed in the RECORD, I believe, but simply that it be printed as a document.

Mr. SQUIRE. I ask that it be printed as a document, including the accompanying map. If it were not for the map, which can not be produced, I would prefer to have the memorial go into the RECORD.

The PRESIDING OFFICER. The Chair understood that to be the request. The Senator from Washington asks that the petition just presented be printed as a document, and referred to the Committee on Public Lands. In the absence of objection it is so ordered.

REPORTS OF COMMITTEES.

Mr. BATE, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1601) granting an honorable discharge to James Coughlin, of North Topeka, Kans.; and

A bill (S. 1866) for the relief of Isaac L. Musselman, of Tennessee.

Mr. MITCHELL of Wisconsin, from the Committee on Military Affairs, to whom was referred the bill (S. 1776) to remove the charge of desertion from the military record of Warren Prosser, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. MCPHERSON, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. PLATT on the 25th instant, intended to be proposed to the deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and be printed; which was agreed to.

Mr. LINDSAY, from the Committee on Indian Depredations, to whom was referred the amendment submitted by himself on the 20th instant, intended to be proposed to the deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and be printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 20th instant, intended to be proposed to the deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and be printed; which was agreed to.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (H. R. 7803) to amend sections 2401 and 2403 of the Revised Statutes, reported it without amendment.

SCHOONER BARGE ASTORIA.

Mr. DOLPH. By direction of the Committee on Commerce, I report back favorably without amendment the bill (H. R. 7197) to provide a register for the schooner barge Astoria, and I ask for its immediate consideration. It will take but a moment.

Mr. COCKRELL. Let the bill be read for information.

Mr. DOLPH. It is only two or three lines long. The Senator will see that there can be no objection to it.

Mr. COCKRELL. What is the Order of Business on the Calendar?

The PRESIDENT *pro tempore*. The bill is at this moment reported from the Committee on Commerce. It will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the ship Astoria, purchased and owned by George Grall, and repaired in American ports and converted into a schooner barge, to be registered as a vessel of the United States.

Mr. DOLPH. I will state that the barge was purchased for $1,300 after it was wrecked, and $11,000 was expended in repairs. The committee are satisfied that it is a proper case. It is a House bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill has already been read at length.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEAMER OCEANO.

Mr. DOLPH. I am directed by the Committee on Commerce, to whom was referred the bill (S. 2150) to provide an American register for the steamer Oceano, of New York, N. Y., to report it without amendment. This bill was introduced by the Senator from Delaware [Mr. GRAY]. It is somewhat similar to the bill which I have just reported and which has been passed, and I ask for its present consideration. It is to grant a register to a vessel wrecked under similar circumstances.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENT OF SAUGATUCK HARBOR, MICHIGAN.

Mr. DOLPH. By direction of the Committee on Commerce I report back favorably a concurrent resolution from the House of Representatives, in which the Senator from Michigan [Mr. MCMILLAN] is interested.

Mr. MCMILLAN. I ask that the concurrent resolution, which consists of only a few lines, be agreed to.

The concurrent resolution was read, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be requested to furnish the House with an estimate of the probable cost of completing the improvement of Saugatuck Harbor, Michigan, under the project of 1867, as modified in 1869, 1870, 1875, 1882, and the improvements recommended in the report of the Chief of Engineers for the year 1893.

HARRIET T. VOSBURGH.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 4561) granting a pension to Harriet T. Vosburgh, to report it without amendment. I will say that the bill proposes a pension to a woman 77 years old; and as there can be no objection to it, I ask its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Harriet T. Vosburgh, mother of George W. Jarvis, late of Company I, Twenty-first Regiment Massachusetts Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUSTOMS DISTRICT OF HARTFORD, CONN.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 4452) adding the towns of Manchester and Vernon, in the State of Connecticut, to the customs district of Hartford, Conn., and making the city of Rockville, Conn., a port of delivery, to report it favorably without amendment, and I ask for its present consideration. It will take but a minute.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 2255) for the relief of Capt. William Fletcher, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL introduced a bill (S. 2256) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GRAY introduced a bill (S. 2257) to remove the charge of desertion from the military record of John C. Carroll, alias John T. Johnson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WASHBURN introduced a joint resolution (S. R. 98) to correct abuses under the patent system, and for other purposes; which was read twice by its title, and referred to the Committee on Patents.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. MCPHERSON. Mr. President, owing to persistent illness, caused by the bad air of this Chamber, and very much aggravated now by remaining here, I am obliged to ask for an indefinite leave of absence after to-day, which I hope the Senate will grant.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks for an indefinite leave of absence from the Senate after to-day. Is there objection? The Chair hears none, and leave is granted.

LISTS OF CLAIMS ALLOWED.

Mr. HUNTON submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a list of all claims allowed by the several accounting officers of the Treasury Department under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowance of those already transmitted to Congress during the present session; and also a list of judgments of the Court of Claims requiring an appropriation at the present session, not already transmitted.

INDUSTRIAL TROUBLES IN CHICAGO, ILL.

The PRESIDENT *pro tempore*. If there be no further resolutions, concurrent or otherwise, the Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. ALLEN, as follows:

Resolved, That the Attorney-General be, and he is hereby, directed to transmit to the Senate full copies of all telegraphic and other correspondence which may have passed between him or his office and any of the officers, agents, or attorneys of the Chicago, Rock Island and Pacific Railway Company, the Illinois Central Railway Company, the Chicago, Milwaukee and St. Paul Railway Company, the Chicago and Northwestern Railway Company, and any and all other railways entering into Chicago that were in any manner engaged in or affected by the recent industrial troubles in the city of Chicago, Ill., as well as all telegraphic and other correspondence with the United States district attorney at the city of Chicago, and any and all special attorneys retained or taking any part in the litigation arising out of said troubles, between the 1st day of June, 1894, and the present date.

The resolution was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 4806) for the relief of Andrew Gray;

A bill (H. R. 4903) to authorize a compromise and settlement with the State of Arkansas;

A bill (H. R. 7259) for the relief of certain settlers who have entered lands under the timber and stone act, etc.;

A bill (H. R. 7451) to authorize the entry of land for gravel pits and reservoir purposes and authorizing the grant of right of way for pipe lines; and

A bill (H. R. 7803) to amend sections 2401 and 2403 of the Revised Statutes.

The bill (H. R. 4017) for the reinstatement of clerks dismissed from the Railway Mail Service between the 15th day of March and the 1st day of May, 1889, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 6542) to change the lines between the eastern and western judicial districts of North Carolina and fixing time for holding courts in said western district was read twice by its title, and referred to the Committee on the Judiciary.

NAVAL OBSERVATORY GROUNDS.

Mr. GIBSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 32) declaring Massachusetts avenue through the grounds of the Naval Observatory a public street, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

CHAS. H. GIBSON,
JO. C. S. BLACKBURN,
GEO. C. PERKINS,
Managers on the part of the Senate.

JNO. T. HEARD,
JAMES D. RICHARDSON,
P. S. POST,
Managers on the part of the House.

The report was concurred in.

LOCATION OF MILITARY BOUNTY LAND WARRANTS.

The PRESIDENT *pro tempore*. The morning business is concluded, and the Calendar under Rule VIII is in order.

Mr. CAREY. I ask for the present consideration of the bill (S. 679) to provide for the location and satisfaction of outstanding military bounty land warrants and certificates of location under section 3 of the act approved June 2, 1858.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That in addition to the benefits now given thereto by law, all unsatisfied military bounty land warrants under any act of Congress, and unsatisfied indemnity certificates of location under the act of Congress approved June 2, 1858, whether heretofore or hereafter issued, shall be receivable at the rate of $1.25 per acre in payment or part payment for any lands entered under the desert-land law of March 3, 1887, entitled "An act to provide for the sale of desert lands in certain States and Territories," and the amendments thereto, the timber-culture law of March 3, 1873, entitled "An act to encourage the growth of timber on the Western prairies," and the amendments thereto; the timber and stone law of June 3, 1878, entitled "An act for the sale of timber lands in the States of California, Oregon, Nebraska, and Washington Territory," and the amendments thereto, or for lands which may be sold at public auction, except such lands as shall have been purchased from any Indian tribe within ten years last past.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA K. STARR.

Mr. QUAY. I ask unanimous consent for the consideration of the bill (H. R. 3487) granting an increase of pension to Eliza K. Starr.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Eliza K. Starr, widow of Samuel H. Starr, late colonel Fifth New Jersey Volunteers and major and brevet colonel Sixth United States Cavalry, and to pay her a pension of $25 a month in lieu of her present pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATES IN THE NAVY.

Mr. CHANDLER. I ask unanimous consent for the present consideration of the bill (H. R. 38) relating to the payment and retirement of mates in the United States Navy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to so construe the law regulating the retirement of warrant officers in the Navy as to apply to the twenty-eight officers now serving as mates in the Navy, and that they shall be entitled to receive annual pay at the rates following: When at sea, $1,200; on shore duty, $900; on leave or waiting orders, $700; but provides that nothing therein contained shall be so construed as to authorize any increase of pay for any time prior to the passage of the act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. LOUIS BRIDGE BETWEEN WISCONSIN AND MINNESOTA.

Mr. WASHBURN. I ask unanimous consent for the present consideration of the bill (S. 2151) to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota, approved April 24, 1894.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in line 3, before the word "two," to strike out "section" and insert "sections," and after the word "two" to insert "and three;" so as to read:

That sections 2 and 3 of said act be amended so as to read, etc.

The amendment was agreed to.

The next amendment was, at the end of the bill, to insert:

And in addition thereto, and before the putting in place of the draw spans of the bridge to be built under this act, the company or persons owning or holding such bridge shall be required, under the direction and supervision of the Secretary of War, or of such officer as he shall designate, to dredge out to a minimum depth of 21 feet below low-water datum the two triangular spaces above and below the proposed site of the bridge, included in the interior angles formed by the crossing of the two ship channels at "the gate," to such an extent as to create a basin, the easterly and westerly limits of which shall be respectively at not less than 1,000 feet from the axis of the bridge and shall be parallel thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CARACAS AWARDS.

Mr. GRAY. I ask the Senate to take up for present consideration the bill (S. 756) for the application of the accretions of the Caracas awards of 1868 to the new awards made in 1889 and 1890. The bill was reported from the Committee on Foreign Relations by the Senator from Indiana [Mr. TURPIE]. I think the bill will explain and commend itself to the Senate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Foreign Relations to strike out the preamble.

The amendment was agreed to.

The title was amended so as to read: "A bill to make disposition of the accretions upon the fund received by the Government of the United States upon the account of the payment of the Caracas awards of 1868, and to apply said accretions to the payment of the new awards made in 1889 and 1890 under the Washington commission."

WILLIAM H. HUGO.

Mr. MANDERSON. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 1549) for the relief of William H. Hugo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint William H. Hugo, a first lieutenant of cavalry in the Army of the United States, and thereupon to place him on the retired list of the Army, with the pay and emoluments of a retired officer with the rank of a first lieutenant, without regard and in addition to the retired list now authorized by law.

Mr. MILLS. Has the bill been reported by a committee?

Mr. MANDERSON. It has been reported unanimously by the Committee on Military Affairs.

The bill was reported to the Senate without amendment, ordered to be engrosed for a third reading, read the third time, and passed.

CLOSING OF AN ALLEY.

Mr. McMILLAN. I ask unanimous consent to call up the bill (S. 2217) to provide for the closing of a part of an alley in square 185 in the city of Washington, D. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MILLS. Has the bill been reported by a committee?

Mr. McMILLAN. It was reported unanimously by the Committee on the District of Columbia.

Mr. MILLS. I should like to have some one state what is the object of closing the alley. I do not believe in closing streets and alleys if it can be prevented, unless there is some good reason for so doing.

Mr. McMILLAN. This is a part of an alley laid out twenty-five years ago. It never has been used at all. Another alley has been opened in the rear, which is used by all the property owners, and this alley is of no actual use, being built upon. The bill is simply intended to clear the title.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REAR-ADMIRAL GEORGE BROWN, UNITED STATES NAVY, AND OTHERS.

Mr. TURPIE. I ask the consent of the Senate for the present consideration of the bill (S. 2034) authorizing the persons herein named to accept of certain decorations and testimonials from the Hawaiian Government.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes Rear Admiral George Brown, Ensign George P. Blow, Lieut. George S. Dyer, Frank Laviere, Capt. George C. Remey, and Medical Inspector George W. Woods, all of the United States Navy, to accept certain decorations of the Royal Order of Kalakaua.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN F. POTEET.

Mr. PASCO. I ask unanimous consent to call up the bill (H. R. 6969) for the relief of Benjamin F. Poteet, and that it be put on its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with amendments—in line 5, before the word "cents," to strike out "seventy-five" and insert "sixty-eight," and in line 6, after the word "Treasury," to strike out "not otherwise appropriated" and insert "to the credit of the Sac and Fox Indians;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Benjamin F. Poteet, of Nebraska, $123.68, out of any moneys in the Treasury to the credit of the Sac and Fox Indians, the same being a repayment of amount wrongfully and by mistake collected from him in excess of contract price for land purchased.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LANDS FOR EDUCATIONAL PURPOSES IN MONTANA.

Mr. POWER. I ask unanimous consent for the present consideration of the bill (H. R. 83) authorizing the State of Montana to make selections from certain public lands.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENLISTMENTS IN THE ARMY.

The PRESIDING OFFICER (Mr. PASCO in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1209) to regulate enlistments in the Army of the United States.

The amendment of the House of Representatives was, on page

1, section 2, line 4, strike out after the word "faithful" all the remainder of section 2, and insert in lieu thereof the following:

And in time of peace no person (except an Indian) who is not a citizen of the United States, or who has not made legal declaration of his intention to become a citizen of the United States, or who can not speak, read, and write the English language, or who is over 30 years of age, shall be enlisted for the first enlistment in the Army: *Provided*, That any soldier discharged since January 27, 1893, who has been prevented from reënlisting by the operations of the act of Congress approved February 27, 1893, and who may hereafter enlist within three months from the date of the approval of this act, shall be considered to have reënlisted and shall be entitled to receive while serving subsequent to such enlistment the same pay, service pay, and allowances as if he had reënlisted within thirty days from his latest discharge.

Mr. BATE. The amendment of the House of Representatives was sent to the Military Committee of the Senate and it meets their approval. I move that the amendment be concurred in.

The motion was agreed to.

COMMANDER DENNIS W. MULLAN.

Mr. GORMAN. I ask the Senate to proceed to the consideration of the joint resolution (S. R. 34) authorizing Commander Dennis W. Mullan, United States Navy, to accept a medal presented to him by the Chilean Government.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUITS UNDER EIGHT-HOUR LAW.

Mr. LODGE. I desire to call up the bill (S. 346) to remove the bar of the statute of limitation and give the right of appeal in certain cases.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

Be it enacted, etc., That the statute of limitation shall not be imposed in any suit brought by any laborer, workman, or mechanic in the Court of claims against the United States to recover wages claimed to be due him under the national eight-hour law: *Provided*, That such suits shall be commenced within three years from the passage of this act: *And provided further*, That any number of claimants may join in the same suit, and the court may find in favor of some and against some, as in law and equity may be right, and both the claimants and the United States shall have the right to appeal to the Supreme Court of the United States, irrespective of the amount claimed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. TRICKEY.

Mr. PALMER. I ask unanimous consent for the present consideration of the bill (H. R. 1196) to pension Mary E. Trickey.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Mary E. Trickey, as widow of Hartwell M. Trickey, late of Company I, One hundred and sixth Regiment New York Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUSTOM HOUSE PROPERTY IN LOUISVILLE, KY.

Mr. LINDSAY. I ask unanimous consent to call up for present consideration the bill (H. R. 366) providing for the sale of the old custom-house and lot connected therewith in the city of Louisville, Ky.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRACELAND CEMETERY.

Mr. GALLINGER. I ask unanimous consent to call up the bill (S. 2245) to prohibit the interment of bodies in Graceland Cemetery in the District of Columbia.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PACIFIC STATE CLAIMS.

Mr. WHITE. I ask unanimous consent to call up the bill (S. 1295) to reimburse the States of California, Oregon, and Nevada for moneys by them expended in the suppression of the rebellion.

Mr. HARRIS. I desire to inquire from what committee that bill came?

Mr. WHITE. I will state that the bill was reported from the Committee on Military Affairs, and that there is a printed report numbered 287. The bill has passed the Senate heretofore, and was once passed upon a sundry civil appropriation bill. The report of the committee is elaborate, and I do not think any one questions the justice of the claim. It is based on exactly the same principles as similar bills which have been passed regarding other States.

Mr. HARRIS. I am not prepared to raise any objection or criticism upon the report of the bill, but it is a very important bill and involves very large sums of money.

Mr. WHITE. The bill certainly received the Senator's vote when it was passed before.

Mr. HARRIS. That is very probably so, and it will probably receive my vote again; but I suggest to the Senator from California that it is now only a half hour until the morning hour expires, and a bill of this magnitude ought not to be hurriedly considered in the few minutes which remain of the morning hour. While I do not intend to interpose a positive objection to the bill, I would greatly prefer that it should be made the special order for some particular time when we can have a full Senate.

Mr. WHITE. If the Senator from Tennessee will permit me, I will call his attention to the report of the committee, simply that he may investigate it. The report, as I have stated, is numbered 287, and I think is very satisfactory. Of course, in view of the statement of the Senator from Tennessee, I shall not press the bill at this time.

Mr. HARRIS. I should be glad that it should go over this morning.

Mr. WHITE. To save time hereafter, there is an amendment which I desire to have inserted at the end of the bill, simply providing that the money shall be paid directly to the State treasuries.

Mr. HARRIS. Let the proposed amendment be printed.

Mr. WHITE. I ask that the amendment be printed and that the bill be made a special order for 1 o'clock to-morrow, in accordance with the suggestion of the Senator from Tennessee.

Mr. HARRIS. I have no objection to that.

The PRESIDING OFFICER. The amendment will be printed. The Senator from California asks that the bill be made a special order for 1 o'clock to-morrow. Is there objection? The Chair hears none, and it is so ordered.

WORK AND WAGES OF WOMEN AND CHILDREN.

Mr. BATE. I ask unanimous consent for the present consideration of the joint resolution (H. Res. 94) providing for an investigation relative to the work and wages of women and children. I will state that the joint resolution will take no time, and it is of some importance that it should be promptly acted upon. It appropriates no money.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs the Commissioner of Labor to investigate and make report upon the conditions attending the employment of women and children; their wages, earnings, sanitary surroundings, and cost of living; the effect of various employments upon their health and longevity; what measures are taken to protect their physical condition and to protect them from accidents; the rates of wages paid them in comparison with the rates paid men; and the effect, if any, their employment has had upon the wages and employment of men, and that the investigation shall be carried out under the regular appropriations made for the Department of Labor.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. GALLINGER. Before the joint resolution is passed, I should like to ask the Senator from Tennessee from what committee it comes?

Mr. BATE. The resolution was reported unanimously by the Committee on Education and Labor, and was unanimously passed by the House of Representatives. It appropriates no money whatever, and it only gives directions to the Commissioner of Labor to make the investigation.

Mr. GALLINGER. The explanation is satisfactory to me.

The joint resolution was passed.

P. S. CORBETT.

Mr. STEWART. I ask unanimous consent for the present consideration of the bill (S. 103) for the relief of P. S. Corbett.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the accounts of P. S. Corbett, formerly United States marshal of the State of Nevada, be readjusted by the Treasury Department, and that the services rendered and expenses incurred by said Corbett in his various attempts to arrest George E. Spencer, and for attempting to arrest persons charged with selling liquor to Indians, be allowed under the head of "Extraordinary expense account;" and also that the said Corbett be credited with full mileage, as provided in section 837 of the Revised Statutes of the United States applicable to the marshals of Oregon and Nevada, from the place of arrest to the place of commitment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES L. TOWNSEND.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (S. 1468) for the relief of James L. Townsend, which passed the Senate in the last Congress, but failed to receive consideration in the House of Representatives.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to correct the military record of James L. Townsend, late captain of Company B, Fourteenth Connecticut Volunteers, and to grant him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADMINISTRATOR OF HENRY FITZHUGH.

Mr. DANIEL. I ask unanimous consent of the Senate for the present consideration of the bill (S. 1824) to carry out the findings of the Court of Claims, and for the relief of Samuel Fitzhugh, administrator of Henry Fitzhugh.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The preamble recites that in the case of Samuel Fitzhugh, administrator of Henry Fitzhugh, deceased, *vs.* The United States, in the Court of Claims, the court upon a preliminary inquiry found that Henry Fitzhugh, the person alleged to have furnished supplies or stores to the United States, or from whom the same were alleged to have been taken, was loyal to the Government of the United States throughout the war; and the court further ascertained that at the time and place alleged in the petition the military forces of the United States for the use of the Army took from Henry Fitzhugh stores and supplies amounting in value at the time of taking to $19,975.

The bill proposes to pay $19,975, to Samuel Fitzhugh, administrator of Henry Fitzhugh, deceased, in full of all stores furnished by and supplies taken from Henry Fitzhugh, by the military forces of the United States during the war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

DONATIONS OF CONDEMNED CANNON.

Mr. HILL. I ask unanimous consent for the present consideration of the bill (H. R. 3202) donating condemned cannon to the St. Lawrence State hospital at Ogdensburg, N. Y.

The bill was read.

Mr. HAWLEY. From what committee does the bill come?

Mr. HILL. It is reported from the Committee on Naval Affairs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEASES IN YELLOWSTONE NATIONAL PARK.

Mr. FAULKNER. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 5293) concerning leases in the Yellowstone National Park.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 233) to supplement the act of June 27, 1890, as to pensions;

A bill (H. R. 2634) for the relief of P. B. Kennedy, surviving partner of Dalton & Kennedy;

A bill (H. R. 3476) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho;

A bill (H. R. 3655) for the relief of settlers on unsurveyed lands lying within railroad land grants;

A bill (H. R. 5623) authorizing the issue of a patent to the Presbyterian Board of Home Missions for certain lands on the Omaha Indian Reservation for school purposes;

A bill (H. R. 7294) empowering fourth-class postmasters to administer oaths to pensioners;

A bill (H. R. 7488) authorizing the Secretary of the Interior to grant leases for sites on the Hot Springs Reservation, Ark., for cold-water reservoirs;

A bill (H. R. 7515) granting the right of way through the Arlington reservation for electric railway purposes;

A bill (H. R. 7574) to amend section 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pension to widows, minor children, and dependent parents," approved June 27, 1890; and

A bill (H. R. 7734) to amend an act entitled "An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa," approved March 2, 1889, as amended by acts of April 30, 1890, February 7, 1893, and March 24, 1894.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 2586) granting certain property to the city of Newport, Ky.;

A bill (H. R. 2637) for the relief of Eugene Wells, late captain Twelfth Infantry and second lieutenant First Artillery, United States Army; and

A bill (H. R. 4322) granting use of certain land to the town of Castine, Me., for a public park.

FORTIFCATIONS APPROPRIATION BILL.

Mr. CALL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4858) "making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 21.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 9, 10, 11, 12, 13, 16, 17, 18, 19, and 22, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Before the matter inserted by said amendment, insert the words "other than water navigation companies;" and in line 20, page 2, of the bill, after the word "thereof," insert the following: "And the Secretary of War is hereby further authorized to assess upon vessels using the wharf at Fort Monroe, Va., one-half of the actual costs of repairs rendered necessary by the ordinary wear and tear of said wharf, and any damage done to said wharf by any vessel shall be paid for by the owner or owners of said vessel;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: After the word "roads" in said amendment, insert the word "pavement;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: After line 16, on page 3 of the bill, insert as a separate paragraph the following:

"And any unexpended balance of the appropriation for construction complete, of a sewerage system at Fort Monroe, made by the sundry civil appropriation act approved March 2, 1889, is hereby covered into the Treasury."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$293,000" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$356,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In line 19 of said amendment, after the word "dollars," insert the words "or so much thereof as may be necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24 and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"*Provided*, That before any money shall be expended in the construction or test of any gun, gun-carriage, ammunition, or implements under the supervision of the said Board, the Board shall be satisfied, after due inquiry, that the Government of the United States has a lawful right to use the inventions involved in the construction of such gun, gun-carriage, ammunition or implements, or that the construction or test is made at the request of a person either having such lawful right or authorized to convey the same to the Government."

And the Senate agree to the same.

WILKINSON CALL,
JO. C. S. BLACKBURN,
EUGENE HALE,
Managers on the part of the Senate.

J. E. WASHINGTON,
JOSEPH D. SAWYER,
HENRY H. BINGHAM,
Managers on the part of the House.

The report was concurred in.

Mr. CALL. Mr. President, I submit the following statement:

The bill as passed by the Senate appropriated	$2,836,004
As agreed on in conference	2,427,004
Reduction in conference	408,600
As agreed on in conference	2,427,004
As passed the House	2,224,654
Increase over the House bill	202,350
As agreed on in conference	2,427,004
Last law	2,210,055
Increase over last law	216,949

ANDREW GRAY.

Mr. WHITE. The bill (S. 1296) for the relief of Andrew Gray has been reported favorably to the Senate, and a similar measure has come from the House of Representatives, being House bill 4806. I ask that the House bill may be now considered.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4806) for the relief of Andrew Gray.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

The PRESIDING OFFICER (Mr. PASCO in the chair). The bill (S. 1296) for the relief of Andrew Gray will be indefinitely postponed in the absence of objection.

WILLIAM H. AND GEORGE BOBINGER.

Mr. HUNTON. I ask unanimous consent for the consideration of the bill (S. 2118) authorizing the sale of the title of United States to a tract of land in Montgomery County, in the State of Maryland, to William H. and George Bobinger.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia, with amendments.

The first amendment was in section 1, line 8, before the word "described," to insert "hereinafter;" in the same line, after the word "described," to strike out "as follows," and insert:

At a price to be determined by the Secretary of War upon a consideration of all the circumstances of the case, which price shall be exclusive of the value of improvements on said land: *Provided*, That the Secretary of War shall be of the opinion that the said sale will in no wise be detrimental to the Washington Aqueduct.

So as to make the clause read:

That the Secretary of War be, and he is hereby, authorized and required to sell, grant, and convey unto William H. Bobinger and George Bobinger, of Montgomery County, in the State of Maryland, all the right, title, and interest of the United States in and unto all that tract of land in said county and State hereinafter described, at a price to be determined by the Secretary of War upon a consideration of all the circumstances of the case, which price shall be exclusive of the value of the improvements on said land: *Provided*, That the Secretary of War shall be of the opinion that the said sale will in no wise be detrimental to the Washington Aqueduct.

The amendment was agreed to.

The next amendment was, in section 1, line 18, before the word "feet," to strike out "forty" and insert "forty-seven;" in line 22, before the word "feet," to strike out "forty" and insert "forty-seven;" in line 25, before the words "square foot," to strike out "four thousand four hundred and forty-one" and insert "five thousand two hundred and seventeen;" and in line 26, after the word "about," to strike out one-tenth" and insert "one-eighth;" so as to make the clause read:

Beginning at a point south 85° 21′ west 67½ feet from a stone marked "W. A. N. 43," and running thence north 4° 39′ west 47 feet; thence south 85° 21′ west and parallel with the southern boundary of the United States land next west of Cabin John bridge 111 feet; thence south 4° 39′ minutes east 47 feet; thence north 85° 21′ east 111 feet to the place of beginning, containing 5,217 square feet, or about ⅛ of an acre of land.

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That upon the payment by the said William H. Bobinger and George Bobinger into the Treasury of the United States such sum of money as the said Secretary of War, upon a consideration of all the circumstances, exclusive of the value of any buildings thereon, shall determine proper to be paid by the said William H. and George Bobinger for said tract of land: *Provided*, That the Secretary of War may be of the opinion that the said sale shall in no wise be detrimental to the Washington Aqueduct.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

VIRGINIUS INDEMNITY FUND.

Mr. GRAY. I ask unanimous consent to take from the table House bill 6111. That bill has been passed by the House of Representatives, and when reported to the Senate I asked that it might lie on the table, for the reason that the Senate had passed a bill upon the same subject, which had been reported from the Committee on Foreign Relations unanimously, and sent it to the House. Meantime the House had passed identically a similar bill and sent it to the Senate. I therefore ask, as both Houses have already acted upon identically similar measures, that House bill 6111 be taken from the table for the consideration and action of the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6111) for the disposal of the accretions of the Virginius indemnity fund.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

WILLIAM B. CHAPMAN AND OTHERS.

Mr. PASCO. I ask unanimous consent for the present consideration of the bill (H. R. 4328) for the relief of William B. Chapman, George W. Street, John W. Hoes, Emmet C. Tuthill, and Joseph H. Curtis.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to revoke so much of Special Orders No. 229, Headquarters Department of Virginia and North Carolina, dated August 21, 1864, as dismissed First Lieut. William B. Chapman, First Lieut. George W. Street, First Lieut. John W. Hoes, First Lieut. Emmet C. Tuthill, and First Lieut. Joseph H. Curtis, Third New York Infantry Volunteers, from the service of the United States, and to issue to each of these officers a certificate of honorable discharge as of the date of the order of dismissal; but the act shall not be construed to allow to any officer named therein, or his heirs, any pay or allowances to which he would not have been entitled if he had been honorably discharged on August 21, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REAR-ADMIRAL JOHN H. RUSSELL.

Mr. CHANDLER. I ask unanimous consent that the bill (S. 864) to authorize the payment to Rear-Admiral John H. Russell of the highest pay of his grade be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Naval Affairs with an amendment, in line 19, after the word "grade," to strike out "from the date of his retirement;" so as to make the bill read:

Be it enacted, etc., That in consideration of the eminent and conspicuous services rendered by Rear-Admiral John H. Russell, of the United States Navy, retired, particularly in that on the night of September 13, 1861, while holding the rank of lieutenant, he voluntarily commanded an expedition of about one hundred officers and men which destroyed the Confederate war vessel Judah, which was fully armed, manned, and equipped, and moored at the Pensacola navy-yard, in the presence of over 1,000 soldiers who were stationed at the yard, and in the face of numerous batteries, one-fifth of his command being either killed or wounded, he being among the latter, and in that he served faithfully and commendably during the subsequent years of the war of the rebellion in important commands and has never received any special promotion or advancement in numbers, said Rear-Admiral John H. Russell shall receive the highest pay of his grade.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6171) to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 894) for the relief of Robert Travila for loss of carbine in late war;

A bill (H. R. 5459) to pension the minor children of Alfred Phipps;

A bill (H. R. 5735) to remove the political disabilities of Caleb Huse; and

A bill (H. R. 5860) to amend sections 4, 6, and 10 of the act of February 9, 1893, entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes."

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 233) to supplement the act of June 27, 1890, as to pensions; and

A bill (H. R. 7574) to amend section 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pension to widows, minor children, and dependent parents," approved June 27, 1890.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 3476) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho:

A bill (H. R. 3655) for the relief of settlers on unsurveyed lands lying within railroad land grants;

A bill (H. R. 5623) authorizing the issue of a patent to the Presbyterian Board of Home Missions for certain lands on the Omaha Indian Reservation for school purposes; and

A bill (H. R. 7488) authorizing the Secretary of the Interior to grant leases for sites on the Hot Springs Reservation, Ark., for cold-water reservoirs.

The bill (H. R. 2634) for the relief of P. B. Kennedy, surviving partner of Dalton & Kennedy, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 7294) empowering fourth-class postmasters to administer oaths to pensioners was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 7515) granting the right of way through the Arlington reservation for electric railway purposes was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 7734) to amend an act entitled "An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa," approved March 2, 1889, as amended by acts of April 30, 1890, February 7, 1893, and March 24, 1894, was read twice by its title.

Mr. ALLISON. I ask that that bill lie on the table without reference, in order that it may be taken up to-morrow morning. I understand that a similar bill has received the approval of the Committee on Commerce of this body.

The PRESIDENT *pro tempore*. The bill will lie on the table until to-morrow, in the absence of objection.

METROPOLITAN RAILROAD COMPANY.

Mr. McMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6171) "to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 10, 12, and 13, and agree to the same.

That the Senate recede from its amendment numbered 5.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment striking out the proviso; and that the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same, amended so that the section shall read as follows:

"SEC. 5. That the Metropolitan Railroad Company is hereby authorized and required immediately to make reciprocal transfer arrangements with street railroad companies whose lines now connect with its lines, and to furnish such facilities therefor as the public convenience may require. Upon the completion of the underground electric system provided for in this act, the said Metropolitan Railroad Company is hereby further authorized and required to enter into reciprocal trackage arrangements with connecting roads. The schedules and compensation shall be mutually agreed upon between the said Metropolitan Railroad Company and the companies with whose lines its lines connect; and in any case of failure to reach such mutual agreement, the matters in dispute shall be determined by the supreme court of the District of Columbia upon petition filed by either party: *Provided*, That every street railway company in the District of Columbia, whose lines connect or whose lines may hereafter connect with the lines of any other street railway company, is hereby subjected to the same requirements as to transfers and trackage arrangements, and upon similar conditions, as in this section provided in the case of the Metropolitan Railroad Company and the lines connecting therewith."

And that the Senate agree to the same.

JAMES McMILLAN,
ISHAM G. HARRIS,
H. C. HANSBROUGH,
Managers on the part of the Senate.

JNO. T. HEARD,
JAMES D. RICHARDSON,
P. S. POST,
Managers on the part of the House.

The report was concurred in.

THE REVENUE BILL.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July 19, 1894.*

Resolved, That the House insists upon its disagreement to the amendments of the Senate to H. R. 4864, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. QUAY. I desire to withdraw the amendments which I proposed yesterday to the motions of the Senator from Wisconsin [Mr. VILAS] and the Senator from Delaware [Mr. GRAY].

The PRESIDENT *pro tempore*. The amendments suggested heretofore by the Senator from Pennsylvania are withdrawn.

Mr. VILAS. Mr. President——

Mr. GRAY. I suggest the absence of a quorum.

The PRESIDENT *pro tempore*. The Senator from Delaware suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dubois,	McMillan,	Quay,
Allen,	Faulkner,	McPherson,	Roach,
Allison,	Frye,	Manderson,	Shoup,
Bate,	Gallinger,	Martin,	Smith,
Berry,	George,	Mills,	Squire,
Blackburn,	Gibson,	Mitchell, Oregon	Stewart,
Blanchard,	Gray,	Mitchell, Wis.	Teller,
Call,	Hale,	Murphy,	Turpie,
Camden,	Hansbrough,	Palmer,	Vest,
Chandler,	Harris,	Pasco,	Vilas,
Cockrell,	Hawley,	Peffer,	Walsh,
Coke,	Hill,	Perkins,	Washburn,
Cullom,	Hunton,	Platt,	White.
Davis,	Irby,	Power,	
Dolph,	Jones, Ark.	Proctor,	
Dixon,	Lindsay,	Pugh,	

The PRESIDENT *pro tempore*. Sixty-one Senators have answered to their names. A quorum is present. The Senator from Wisconsin will proceed.

Mr. VILAS. Mr. President, on Monday last an extraordinary scene took place in the Senate. A Senator of the United States, of the same party association with the President, felt himself warranted in pursuing a course which I believe is without precedent in our history, or, if there be example for it, the example ought rather to have been shunned than followed. It was a spectacle such as I trust may never again be seen in this Chamber; not the arraignment of the political principles or the measures recommended by the President of the United States, but a personal assault upon his character.

I have hoped, sir, that the remarks which were made by the Senator from Maryland [Mr. GORMAN] and other Senators at his request on that day might appear in the RECORD before I felt called upon to say something in reply, but I suppose the engagements and occupations of the Senator from Maryland have prevented him hitherto from reviewing what was said in such manner as he desires before it is finally incorporated with the RECORD. I can well understand that, because my own occupations have been such as to deny me the measure of consideration which I should have been glad to give before addressing any remarks to the Senate upon the subject. But the occasion can not be suffered to pass without something from me regarding the remarkable assault which was made, and I must deal with it as I find it given to the public through the newspaper press.

Mr. President, it is well known that I must speak to this subject from a standpoint not only of a political but a personal friend of that distinguished man who is at the head of the Government. I rejoice, sir, though I have never vaunted it, in the honor of that friendship. It has been continued to me after four years of intimate association with him in his official family, and it is a prize which I have a right to claim. I have often said that of the rewards, few and stinted, which come to laborious public men, one, greatest to me and in my estimation, was the privilege of participating in the upright, lofty, and faithful councils of that distinguished man in his efforts to render useful public service to his countrymen in his day and generation.

And, in all the time of our association, and I have been so situated that there could be no concealment, if the fact were otherwise, it is my honest testimony to his character that never in any moment, in any trial, in any temptation, political or personal, did I fail to see the pure white light of an upright purpose illuminate and direct his mind.

For such a man, under such circumstances, I feel called upon to say some words, not in defense—he needs no defense—but in correction of the apparent discoloration given to simple and plain facts in the attempt to discredit him with his countrymen.

I shall speak with temperance and moderation, I trust; I certainly mean so to speak. I desire only to make as plain as I can, for the truth of history, the matter of fact, which, being clearly understood, judgment may be safely risked without words of mine. I speak in the calmness of perception that it is the simple truth which ought to be clearly known.

Mr. President, what were the points of accusation in the attack to which I have alluded? (I regret that the distinguished Senator from Maryland is not in his seat. I trust he soon will be.) They were three, if I can correctly analyze what appears in the press and what I listened to.

It was first said, or argued if the word was not used, that the President was open to the charge of duplicity in the letter which he

addressed to the chairman of the Committee on Ways and Means in the House of Representatives; and the specification made, the only specification possible to be made upon the letter, was that the accusation rested upon his expressed desire and urgency that the articles of iron ore and coal should go untaxed in the tariff bill.

The next point of accusation was that by the letter he was chargeable with an executive encroachment upon the legislative branch of the Government.

The third was that he had therein traduced the Senate of the United States.

The first of these accusations is true or false, not as matter of argument, but as a matter of fact, and the question is, what is the evidence to justify and support or to authorize the inference to be drawn that the fact is as stated by the distinguished Senator from Maryland? The evidence on this subject is not in itself open to much criticism. The inference of fact from the evidence appears to me plain and simple.

In respect to that, and indeed the whole matter, I am under an obligation to the distinguished Senator from New York [Mr. HILL] for his very able and powerful exposition of the subject. I thank him for it. It did him honor; and I am saying what will be responded to by all who heard him, that never did he appear to better advantage or more ably present his views upon any subject than when he addressed the Senate on Tuesday in reference to this.

Let me observe, first, what has been the President's public position in respect to the subject of a duty on raw materials. There is no opportunity for misunderstanding, and I shall not repeat what was presented on that subject by the Senator from New York, except by calling attention to it. When the President, in 1887, challenged the people of this country to agitation of the tariff question, and staked upon his honest purpose in that discussion his own political future, one of the principles he then enunciated in his message was the doctrine of free raw materials in order to encourage manufacturers in this country and to provide the utmost opportunities for the labor of this country to be employed.

Again, sir, in the message of 1893, only last December in opening the present session of Congress, inviting attention to this subject, he repeated with perspicuity and energy his views. Sir, it was by that time no novelty. In the public discussions of his party friends throughout the land this principle had been insisted on. In the convention which nominated him the third time to the American people the doctrine was again presented, and it had his acquiesence in his letter of acceptance. It has been a favorite call to the devotion of Democrats, the great first step to be taken in the enfranchisement of our countrymen from a system of taxation designed to transfer the produce of their labor through tax exactions to the private concerns and parties favored by the Government.

In such a state of opinion on his part, with such declarations openly and continually made, can it be presumed that that distinguished man would lightly lay aside this important principle which he regarded as underlying every initiative of tariff reform? Is that in accord with his firmness and courage?

Next, what is the evidence that was called to prove or produce the impression that there was qualification of that doctrine on his part, or that he was bending it to a necessity? The distinguished Senator from Maryland [Mr. GORMAN] himself proffered no personal testimony, but he called upon his colleagues to detail private conversations, semiofficial conversations, between the President of the United States and them.

The distinguished Senator from Missouri [Mr. VEST], first called upon, gave no testimony of conversation with the President. He gave testimony only that would be excluded in a court of justice, because hearsay in nature, the statements of another Senator, who was himself present to tell what the fact was, and who told it. I may pass by that testimony then, and turn to the one who had knowledge.

The distinguished Senator from Arkansas [Mr. JONES], who has labored so hard and earned so much of our gratitude by the effort to frame a bill which would pass the Senate and unify Democratic support, when called upon by the Senator from Maryland, stated as a fact that he had laid before the President the amendments which he proposed to make in order to accomplish the result.

Let me pause right there for a moment. Does anyone suppose, did the Senator from Arkansas mean to intimate—I am sure he did not, and he will correct me if I misunderstand him—that there was laid before the President, or that he took into consideration, all the various details of the amendments proposed? How could it be possible that that thing should be done? Let me put the question here to Senators. How many Senators charged with the very particular duty of considering this measure are able to set forth a complete understanding of all the various amendments which have been engrafted upon the bill and their effect upon the business of the country; or determine the question what would be a revenue duty and what prohibitive protection? Few, indeed, of us could go through the list, though in many particulars we may understand the subject.

No, Mr. President, what must necessarily have been laid before the Chief Magistrate of the country was the general principles only upon which these amendments were based and their general nature. The President expressed the same desire that so many of us have expressed here on this floor, that there should be a tariff bill enacted at the present session for the relief of the country. But, sir, upon this particular point what is the evidence touching the specification of the charge that is made? What is the testimony of the Senator from Arkansas?

I asked him, first, because I knew that the amendments for taxed coal and iron ore were proposed by the Finance Committee prior to preparation of the amendments which he submitted to the Senate, whether that subject was mentioned between him and the President, and he said that it was frequently. There seemed to be on the part of some, who had assembled in readiness to accept accusation, some notion that this proved something. But the next question showed the fact. The Senator from Arkansas told it. I asked him, was there a single conference which he had with the President, in which the President did not express the hope that the outcome would be free coal and free iron ore, and he answered truly.

He said: "On every occasion he expressed his hope that such would be the result;" to which the Senator added, not as the words of the President, but as the fact, "but it was the expression of a hope, and circumstances would not permit the realization;" and so they have not up to this hour.

I put the question with confidence because I knew that never, in all this long struggle, for a single moment has the President ceased to affirm his hope and wish that full expression should be given the Democratic principle in this particular.

Now, Mr. President, is there a man anywhere, fairminded, open, desirous of doing simple justice, who can presume to say of such conferences as must necessarily take place between a Senator and the President, that there was any want of perfect openness on his part in the desire that this bill, before its final perfection, should carry free coal and free iron ore?

Mr. President, the Senator from Arkansas doubtless stated the fact truly, and upon that single statement I would be content, perfectly, to rest the certain discharge of that great officer from any imputation of duplicity in speech or conduct. The charge is puerile. The evidence disappointed the Senator from Maryland. It would have been an unbecoming, an extraordinary thing in such a conversation for the President to have interposed a fierce demand that the bill should at once in this process of consideration, when effort was being made to effect unification of Democratic Senatorial opinion, utterly foreclose all differing views from hearing.

Besides, sir, I think the Senator from Arkansas, who does me the honor to listen, would have added, if the question had been addressed to him, that the conference between the Houses was always within view if not always spoken of between them, and that it was always said that the outcome of the bill would not be known, that the result could not be certainly predicted until conference with the other House, as much interested, as much entitled to its voice, in the accomplishment of the legislation as this body.

Therefore, sir, not with any duplicity, but with the openness which always characterizes him, he wrote to the chairman of the Ways and Means Committee of the House, which had sent the bill with untaxed ore and coal to this body, that he hoped the result might be accomplished in conference; and he had unquestionable right to say it upon the basis of everything that had transpired, as it is disclosed to us.

I remember to have read in the law books, and more than once to have heard good judges say to juries, that testimony of conversations is a species of evidence to be carefully weighed and considered before results are taken; not that the particular statement should be doubted when a witness of perfect credibility gives it, but that if the other side were heard, other facts impressed on the memory of another not received with the same significance by the hearer as felt perhaps by the utterer, would qualify and change the general inference to be drawn.

But, sir, I do not need to appeal to any supposition that by hearing the other side there would be qualification of the conclusion we may draw from the testimony already produced. I accept it, and I have no difficulty—I think no man can have difficulty—in perceiving that the right of the President to adhere to his convictions, to insist upon them, to urge their accomplishment in legislation by any proper means, was as perfectly open to him after the conversations reported by the distinguished Senator from Arkansas as it would have been before.

So much for this charge and specification upon which it is based. As I said, I wish to make no other comment than to develop the fact, the just inference of fact, from the testimony undisputed which we have before us.

Mr. President, it is next said of this letter that it was an Executive interference with the conduct of business before the Houses of Congress. The President himself has given some explanation of why he felt it to be his duty to write that letter, and I am entitled first to call attention to his own suggestion. Let it be observed it was written as a personal letter to the chairman of the Ways and Means Committee, and the question of the right to write it must be measured by that fact and the circumstances under which it was written. The President begins by saying, the letter bearing date the day before the passage of the bill in the Senate:

MY DEAR SIR: The certainty that a conference will be ordered between the two Houses of Congress for the purpose of adjusting differences on the subject of tariff legislation makes it also certain that you will be again called on to do hard service in the cause of tariff reform.

My public life has been so closely related to the subject I have so longed for its accomplishment, and I have so often promised its realization to my fellow-countrymen, as a result of their trust and confidence in the Democratic party, that I hope no excuse is necessary for my earnest appeal to you that in this crisis you strenuously insist upon party honesty and good faith and a sturdy adherence to Democratic principles.

Is that the language of a man willfully striking beyond the just sphere of his official duty? Is it not the honest outpouring of a genuine Democrat addressing in a private letter his fellow Democrat in support of the great principles of the party which he had carried in the forefront of fight through two such trying campaigns as those of 1888 and 1892? Can any man speak of that expression of one Democrat to another, especially of such a one as the President, as unfair expression of opinion? Why, sir, had he any reason to think he could not speak to the House of Representatives or to a member of that House as well as to the Senate and Senators of the United States? And yet let me read from the remarks of the distinguished Senator from Maryland, who says that after these amendments had been concocted and partly or wholly prepared—I am not certain which—he, as one having responsibility to a greater extent because of official connection with the party organization, said to the members of the Finance Committee as follows:

With the slim majority in the Senate, with the diversity of views, with the excitement in the public mind, which is phenomenal, growing out of the great industrial revolution, it will be impossible to gather together, on the basis which the bill suggests, 43 votes in the Senate to pass it, unless we have the coöperation of the Executive branch of the Government, its hearty good will, and its earnest support of what we are to do.

And thence came those interviews of which the Senator from Arkansas has spoken.

Mr. President, long before this letter was written, it seems to have been the opinion of the Senator from Maryland that he had a right to have the Executive of the United States help him in an effort to qualify in the Senate the enactment of Democratic principles, but that it was all wrong for the President to attempt to support them in their integrity in the House of Representatives. How baseless is now this cry of unauthorized interference! The interference was invited by the very Senator himself who now undertakes to complain.

He was solicitous for an earnest support of his measure, and after he had been so pressed into action, was there not ample justification, was there not a righteous demand upon the President of the United States, when the bill went into conference, where it was expected to be perfected, that he should call the attention of the chairman of the Ways and Means Committee of the House, which had sent this bill here with untaxed ore and coal, to the necessity of standing by the proposition of the House in order to give effect to this Democratic principle?

Talk of executive interposition! Talk of its being without precedent and without foundation of reason! Sir, in the very first Congress that assembled after the adoption of the Constitution of the United States, when that same great and noble man from whose farewell address to his countrymen words were read the other day was in the executive chair for the first time, who had himself presided over the Constitutional Convention that framed this Constitution of ours, who knew the sentiments upon which it had been constructed and which governed the duty of a magistrate, he came to the Senate of the United States in person, accompanied by his Secretary of War, and took his seat in the President's chair to urge upon the Senate the concurrence of this body in a treaty which he had made; and he brought along, as he said, his Secretary of War to instruct them in the facts, and spoke openly with impatience of their reluctance to proceed according to his wishes.

Mr. President, look at the history of Jackson, not to go down the line and weary the Senate with precedents. Recall the stormy quarrels and troublous times between the Senate and Congress and the President of the United States when that iron-willed but greatly beloved and honest man sat in the executive chair. Is such a temperate communication by personal letter between the President and the chairman of the Ways and Means Committee in respect to a matter of their common party faith, upon which both recognized they owed so great a duty to their countrymen, to be complained of?

But our distinguished colleague from Missouri [Mr. VEST], who never speaks but with a sweet and winning eloquence that charms all who hear him, says that it was unfair that the chairman of the Ways and Means Committee of the House should have had that letter in his pocket to make him rigid in conference with his Senate conferees. Alas, that criticism would have been better urged if it had not also been possible for that very gentleman, the chairman of the Ways and Means Committee, to state to the House a fact not disputed here, as follows:

I do not believe, Mr. Speaker, that there would be any great difficulty in coming to a compromise or an agreement upon the vast majority of the six hundred and thirty-four amendments proposed to this bill by the Senate; but there are important amendments proposed by the Senate, which give to this bill in the main a different character from what it had when it went from the House, and on which amendments we seem, up to this time, to be irreconcilably divided. It is because of these amendments and because of the statements made to us in all kindness and courtesy, and I might almost say in sadness, that such was the condition of affairs at the other end of this Capitol that unless this House was willing to accept the Senate bill practically and substantially as it passed the Senate there was to be no tariff legislation at this session of Congress; that we could not agree.

Mr. President, it can hardly be complained of by the managers of the conference on this side that there was an especial rigidity on the part of the conferees of the House, for it was well added by that distinguished gentleman in his report to the House:

We did not feel, Mr. Speaker, representing the House of Representatives, that we could without a sacrifice of its dignity and of its equality as a legislative chamber, respond to any such proposition as that. Least of all did we feel that in the great question of taxation, resting by the very theory of free institutions and by the language of the Constitution as a peculiar and original trust on the representatives of the people, we could for one moment entertain and agree to such a proposition.

Mr. President, I am content to pass to the judgment of fair-minded men in this day and generation and in all time to come the question of whether the Chief Magistrate of our country has wantonly or unfairly trampled upon the line that separates the two branches of this Government, executive and legislative, adding, however, that to the judgment I so invoke, I know full well others in other places and in other ways will contribute argument far more effective than mine.

It is said that the Senate has been traduced by this letter. Mr. President, in what respect? Let us look at it. The President goes on to say to his fellow Democrats that he believes these are absolutely necessary conditions to the continuance of Democratic existence:

I can not rid myself of the feeling that this conference will present the best if not the only hope of true Democracy. Indications point to its action as the reliance of those who desire the genuine fruition of Democratic effort, the fulfillment of Democratic pledges, and the redemption of Democratic promises to the people. To reconcile differences in the details comprised within the fixed and well-defined lines of principle will not be the sole task of the conference; but as it seems to me, its members will also have in charge the question whether Democratic principles themselves are to be saved or abandoned.

And he proceeds to then speak of the question of iron ore and coal as significant exponents of the principle of free raw materials upon which he had insisted; and, speaking of it, he says:

Every true Democrat and every sincere tariff reformer knows that this bill in its present form and as it will be submitted to the conference, falls far short of the consummation for which we have long labored, for which we have suffered defeat without discouragement, which in its anticipation gave us a rallying cry in our day of triumph, and which, in its promise of accomplishment is so interwoven with Democratic pledges and Democratic success, that our abandonment of the cause or the principles upon which it rests, means party perfidy and party dishonor.

Is he not right? Can any man say that abandonment of these principles by those who have urged them upon the people, in season and out of season, in every form of argument, be not want of faith to that people whom we have solicited and who have responded with their trust? But is it not obvious that this was simply a form of argumentative appeal to the distinguished gentleman to whom the letter is addressed, not a reflection on others?

Mr. President, can anybody imagine that the President of the United States was aiming a shaft at the Senate of the United States, especially that he was aiming at individual Senators, and particularly at one who does not hold the views he professes? It was only to one he addressed who believes as he believes that he was arguing. He arraigned no man for difference of belief. Why so swift to treat this as it were a personal accusation?

Upon the other hand, am I to regard myself accused of perfidy? Is the distinguished Senator from Texas [Mr. MILLS], the distinguished Senator from Missouri [Mr. VEST], the distinguished Senator from Arkansas [Mr. BERRY], the distinguished Senator from Delaware [Mr. GRAY], or other such tariff reformers so accused?

Mr. President, it is, in my opinion, indefensibly unjust to pretend to discern in these remarks, which were but the emphatic expression of adherence to a principle long advocated and professed, an imputation upon anybody.

The President understood the situation in the Senate; the President knew why such distinguished Senators, such long known advocates of tariff reform, such brave and staunch adherents to principle as it contains, of whom I have mentioned the Senator from Texas, the Senator from Delaware, both the Senators from Arkansas; and the junior Senator has especially shown constant impatience and anxiety to promote in every step the progress of this bill on right lines, not less than his colleague rendered great labor. Did not the President know that all Senators, zealous in the faith he holds, have been doing in this Chamber a duty far harder than mere fighting for a cause? Is he to be supposed to have cast reproach on them?

The able and skillful discourse of the Senator from Maryland had, perhaps, a purpose. I shall not impute to it the purpose, although its natural effect was the same as if purposed, to unite the Democratic Senators upon this side of the Chamber in opposition to the House of Representatives, to fix them, if possible, in solid array in support of the views which he maintains, and which he has engrafted on this tariff bill, that ore and coal are proper subjects of taxation. He has a right to his views, and I am not now criticising him in speaking of them, because of them. But it would surely promote them to unify Democratic Senators under an impulse of resentment because they had been trampled upon by the Executive.

There are some facts in respect to this business which are well known, but must be thought of in order to justly understand our position and the views of the President upon it.

Mr. President, the tariff bill came into the Senate on the 2d day of February. It came after that body, in which is reposed the right to originate such legislation, had labored with it during many months. It came here with a general public acclamation of joy that it had been passed; for though tariff reformers criticised it as inadequate to satisfy all their wishes, yet the country at large applauded it as a genuine and great step forward toward enfranchisement and relief.

What happened to it? How fared it in this body? From that date until the 20th of March, forty-six days, that bill lay in the Finance Committee, who worked with an intensity of effort which warrants the praises that have been bestowed upon its members by all the Senators of this side. They had the assistance of the distinguished Senator from Texas [Mr. MILLS], by a special detail, because of the illness of one of their number; they heard the demands of every Senator who chose to present any, and at the end of that long period they brought out the bill and laid it again before the Senate.

What further happened? Did it prove of any avail for the Finance Committee to pass laborious judgment on this measure in aid of their fellow Democratic Senators? No, sir, not the least. Great concessions had been proffered, among which duties had been proposed upon iron ore and upon coal. It availed nothing. From the 20th of March to the 7th of May, forty-eight days more, that bill lay here with nothing done, only a certain amount of talk discharged at the bill. Why? Because there was an inert, sullen, resisting mass on our side, through which the current of Democratic thought did not seem to run as it did through the Finance Committee and other members of the party in this Chamber, to which was denied the electrifying enthusiasm that the Democratic hope and aspiration of the country had raised in others. Nothing could be done; no progress made. It was a helpless, hopeless prostration.

Then the Senator from Arkansas [Mr. JONES], as has been said so many times, undertook the laborious, if not the thankless task—for we all thank him—of endeavoring to ascertain what it was that lay in the secret recesses of men's minds, which must be accommodated before there could be unity of purpose and unity of action. He studiously engaged in it, and produced what shocked us in the proposal, what had been many times denied, honestly denied, as being in purpose. He produced more than 400 amendments to the bill; and upon that basis, at last, it was agreed that we should attempt to go forward.

Through fifty-seven days more the struggle was carried on. How did it result? Not only those amendments, but numbers of other amendments were fastened upon the bill. I hold in my hand a list of over sixty distinct and important increases of tariff duty now upon that bill beyond those proposed by the Senator from Arkansas when he reported his project on the 7th of May. Some eleven different articles have since been put upon the dutiable list which had been free before.

Under such circumstances what was the attitude of the Democratic Senators in this Chamber, those who did not accept the principles that governed a few, but those who believe in the principles of tariff reform as they have been enunciated by the President? It is due to all that the facts should be stated, and though told before, stated again.

I have longed to live to see the day when reformation of these tariff duties should extend the elements of governmental justice to our laboring countrymen. But I, in common with the remainder of our Democratic friends, recognized certain necessary conditions. In order to pass the bill through the Senate these amendments, or some of them at least, had to be acquiesced in.

Why should we thus yield so much of what we believed? First, we knew the law under which we live to-day, the McKinley act, had so given over the share of taxes which it raises into private corporations and private hands that the Treasury of the United States does not derive from that system of taxation enough revenue to maintain the Government. We knew that our Treasury was threatened with bankruptcy; we knew that some bill must be passed to relieve that condition. Again, we knew that the business interests of this country cried aloud for a determination of this long-depending controversy, and that until it was settled capital could not start forward to employ labor and send again the thrill of comfort which the busy hum of industry gives everywhere to the land.

We knew, besides, that it was a good thing to gain some substantial advantage in the diminution of the tariff duties already imposed, even if we did not succeed in all we felt due to the people of the United States. Finally, we knew that it would be an encouragement and a cheer to the Democratic masses throughout the land to know that at last some step had been taken, even though much less complete than was desired, that turned our course toward that goal to which we had invited them by argument and long agitation.

And we bent our heads, we bent our necks, we put the yoke upon us and labored to pull the burden through; and we were, as we had to be to accomplish the result, silent as the patient ox who swelters with his heavy load on some tedious road in the hot summer day. Meantime under the operation of the rules of the Senate we encountered the taunt of our skillful adversaries on the other side that we were dumb; we who felt that we were gagged and smothered by our anxiety, fuming with chagrin, yet subdued by an overruling necessity; and thus we enjoyed that blessed freedom of debate which our rules secure only to the obstructing minority.

When did it become defamation of the Senate to allude to this condition? Has not the distinguished Senator from Missouri [Mr. VEST] repeatedly, in far more vigorous and eloquent language than I can employ, set forth our helpless condition, refraining himself to the utmost possible degree from giving us the pleasure and advantage of his instructive and captivating eloquence on the great subject?

But still more, has it not been from the beginning, during all the period of this weary trial, the understanding of Democrats in the Senate that much of this thing which seemed to be so wrong would find its correction in conference with the other House, for we should be obliged to recognize their right to stand by the principles which they profess, for the measures which they have taken to enact them, not with any want of fidelity or honor on our part, but simply in due acknowledgment of what belongs to a coördinate and coequal branch of the Legislature? Why, then, can not the Senate now deal in that manner in conference with the other House?

Can anybody suppose for an instant that there is such a compulsion, or could be, placed upon Senators by their union of effort to pass the bill through the Senate as to make them reckless of their obligation under the Constitution to another branch of the Legislature? Assuredly not, sir. Nobody in this Chamber would have pretended so to yield up in advance that measure of his duty, his recognized obligation.

Was not this history well known to the President? Has he not often sympathized with the declaration of party loyalty by the distinguished Senator from Missouri, the distinguished Senator from Texas [Mr. MILLS], and others upon this floor? Was he open to criticism because he sought to save what we all had hoped might in some measure be rescued, to the honor of our party and the benefit of our countrymen, by the conference of the two Houses? Besides, as I have already said, the President could not know all the details of the bill.

He could only deal with it in general respects as to its principle, and therefore he wrote. Not to disparage the Senate, not to traduce a single Senator. A base thought it would have been in him; a gross imputation it is to suggest it. He dealt with facts, not falsehoods. He was not only excused, but justified, and his countrymen will justify him and applaud, as they have already done, his unflinching fidelity to his views.

Mr. President, I would not be thought to have uttered one word here in resentment. I have studiously endeavored to avoid, and I hope I have succeeded, expressions which carry or might seem to carry the idea of resentment. It is not resentment that I feel for the distinguished Senator from Maryland. The consequences to him of this assault upon the Chief Magistrate, in the judgment of his fellow-men, he must endure; for in my humble opinion he has made a mistake. He has made a fearful mistake.

The American people will never tolerate in any man treatment in this nature of their great Chief Magistrate. In his office he stands for their great first citizen, endowed by their suffrages with the majesty of the Republic, the representative of the national honor, the central figure in that system to which attaches all our national pride. To assail him is to strike at the Republic; to insult him is to affront every good citizen; to asperse him is to sting the heart of every true American.

Not only in his official capacity, but now also in his admirable, his wonderful individuality, tried in the sternest ordeal and known to every man of intelligence and strength of mind, Grover Cleveland stands perfectly recognized as himself the full measure of a man worthy of his great office. He is not now for the first time President, but with a peculiar glory, shared by no other hitherto, he is a second time President, after a defeat for reëlection, which all his countrymen know augmented his honor, not diminished it. None as he was ever a third time nominated and a second time elected. None like he ever did right rather than be President, and by his courageous rectitude won the popular confidence and became President again.

It was a confidence based on solid foundation of knowledge, for the people for a certainty have knowledge of his character in the very particular wherein this accusation is raised; his character for straightforwardness, for truth, unswerving and fearless, for courage in the right, bending to none.

Besides, how shockingly inopportune comes this grating accusation against the strength of his character. For he has but just won the applauding admiration, nay more, the devoted respect of the entire people of this land by the fidelity with which he has maintained the Constitution and the laws in a trying emergency; by the tenderness and caution which he at the same time displayed in the use of the nation's mighty power in his hands; and as well by the noble dignity of his figure, as with serene and unruffled composure and justice he ruled that storm which for a time seemed to threaten civil commotion.

I forbear to repeat some words in the distinguished Senator's address which seem alone explanatory of his conduct. The Senator

from Maryland I fear must suffer, and I do not wish to add to it, but Grover Cleveland can suffer no impairment of his stature in history from this unjustifiable assault. He will stand, as he deserves to stand, conspicuous in the noble line of illustrious public servants of his country. Long years hence, when the actors of to-day's tempestuous scene shall have passed away, the accessories of our political strife, seemingly always unavoidable, the misunderstandings, the misinterpretations and all uncharitableness will be lost in oblivion or only be recalled as we now in curiosity recall the scenes around other great figures in the story of our national life who suffered in their day from unmerited calumny, and Cleveland's name will rise in growing honor for his noble character, his great and devoted services to his country, supreme above detraction.

"As some tall cliff, that lifts its awful form,
Swells from the vale, and midway leaves the storm,
Though 'round its breast the rolling clouds are spread,
Eternal sunshine settles on its head."

Mr. President, I have not discharged as I ought the obligation which justice imposes on me, nor met at all my sense of duty in it, but I must pass on to deal with the matter immediately incumbent upon me, having already delayed the Senate long. Sir, as I believe in every direction of Democratic principles, I addressed a motion to the pending bill after it came back from conference in sincere confidence that its adoption would promote agreement between the two Houses of Congress.

Other Senators declare that that result would not follow the adoption of my motion. The Senator from Maryland, and he ought to know, asserted upon this floor in unqualified terms that to adopt the motion would defeat the bill, that it would prevent the bill from going into conference again. The distinguished Senator from Ohio [Mr. BRICE], who is present, has made to me, and he authorizes me to repeat it, the same statement; though not as expressing his wish or purpose. He will verify it or qualify it, if need be, as he is present now. The distinguished junior Senator from New Jersey [Mr. SMITH], whom I expected to see at this time in his seat, has made to me a similar declaration, and authorizes me to repeat it. I hoped to have had him sustain it here. He made that statement not alone for himself, as I understand, but for and with knowledge of the opinions of others.

That testimony is complete, and the country will accept it, as I accept it, as proving the fact, however grievous that fact may seem to be to any ardent mind, burning with desire for good result. True it is, it must be granted, that in the honest judgment, the fixed conviction, the fixed purpose, of some upon our side, the claim for special duty in protection of the industry of sugar refining is so overpowering as to demand their resistance of a bill without it, however much to me and to others who think as I do that consummation is devoutly to be wished.

This presents the question whether it is better that the bill should fail than that this thing should be done; at least it presents that question to Senators in the Senate upon the issue of the bill's going back to conference. If it were a single question between the success of the bill here and now, and the granting of such a duty, I can not refrain from saying that I should hesitate in my conduct. There may be, perchance, worse things than the temporary defeat of a righteous cause, even with the suffering that may attend it.

It is far worse in a free country, among a republican people, that disheartenment should ensue in devotion to principle. For we must stand in all our hopes for time to come, not upon the mere exterior appearance of freedom, not upon the self-interest of man, but upon that noble devotion which inspires the highest manhood and bids men go forward into the valley of death rather than yield a principle which underlies this fabric of human liberty. The evils which would ensue upon the failure of the bill would be temporary although severe. As I have already pointed out, they would probably be so severe that they can not be lightly passed by. But the American people have been tried in such a contingency. It is but a few years since when the Democratic party, apparently secure in power, under brave leadership walked, in mere devotion to principle, directly to political defeat.

The lamp which led them was not lost in the obscurity and gloom of the dark valley through which they passed. It soon rose, and it illuminates to-day the very citadel of liberty itself. If we are to be again defeated by devotion to principle, we may still trust the people of the United States. No, sir; there are worse things than failure. There is the decay of virility among free men, far worse than simple defeat.

But, sir, there are some things to comfort us, to cheer the hope that out of the crucible of this conference which will ensue, there will come a measure improved far beyond that which has already passed the Senate. I find that hope, first, in the character of our party conferees; all of them long tried and true Democrats, all of them genuine, sincere tariff reformers, who have labored and borne for the cause. And on this particular matter to which my motion is addressed, our conferees now know the strong current and power of Democratic sentiment, the surely overwhelming voice of this Democratic side, and will give it in their deliberations and efforts its due and proper weight.

Sir, there is also much comfort to be taken in the recognized temper of the body with which we are dealing. It has declared in an unmistakable manner the strength and the enthusiasm of its convictions. I read from the RECORD from the remarks made upon the report of this conference committee to the other House:

If, therefore, the House conferees were prepared to recede from the House position for free sugar and attempt to agree upon some revenue taxation for sugar, they could not, without the mandate of this House, accept such a provision as that which is offered in the senate bill.

And there was loud applause on the Democratic side.

If it be true—

Proceeded the chairman—

as stated by the gentleman from Ohio [Mr. JOHNSON], of which I have myself seen some affirmations in the press; if it be true that the great American sugar trust has grown so strong and so powerful that it says that no tariff bill can pass the American Congress in which its privileges are not adequately guarded; if, I say, that be true, I hope this House will never consent to adjournment. [Great cheering of the Democratic side.] I hope, whatever the fate of the general tariff bill is, that this House will not consent to an adjournment until it has passed a single bill putting refined sugar on the free list. [Renewed cheers on the Democratic side.]

I join in the sentiment, and I echo the applause, and with this expression of Democratic steadfastness responsive to the popular feeling, I ought not to be unwilling to consent to further efforts to agree, nor to refrain from obstructing conference if such would be the effect of the motion I have made.

Now, sir, moved by these considerations, and because, also, they have governed the judgment, not only of those distinguished colleagues on this side of the House who have been with me in its support, but of all others without dissent, I am obliged to recognize my duty to be different now from what it appeared to me to be when I made the motion which lies upon the table of the Senate.

Besides, sir, I am a strict party man, and I am so especially in the prosecution of measures of party principle, for the reason that only by personal submission to the will of the majority, especially in matters of method and procedure, can the results of principle be achieved. Recognizing that, and intending to make no half-hearted acknowledgment when my duty is clear, with far greater ease, with far greater pleasure than it has seemed to me to be my obligation to consider, and to stand for the time until facts were apparent, I shall vote to send this bill to conference in accord with my Democratic brethren, and I ask the leave of the Senate, in order to carry that purpose into effect, to withdraw the motion which I made on Friday last.

The PRESIDENT *pro tempore*. The Senator from Wisconsin withdraws the motion which on Friday last he submitted to the Senate, as the Senator has a right to do.

Mr. STEWART Mr. President, the President of the United States is Commander-in-Chief of the Navy and of the Army. He possesses the veto power. He has the appointment now of not less than three hundred thousand officers, which enables him to influence a large number of persons. No monarch on earth is endowed with as much power as the President of the United States under the Constitution, and that without usurpation. A monarch with such power will always be lauded, and the voice of laudation will be loud and enthusiastic. The framers of the Constitution undertook to divide the Government into three coordinate departments. They placed the legislative department first and declared that—

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

They conferred upon Congress the power to pass bills and upon the President the power to veto the bills passed by Congress, with the further power in Congress to overrule the veto by a two-thirds vote. They gave the President one other power with regard to the proceedings of Congress. They provided that—

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

And there his power ends so far as legislation is concerned. So far as treaties are concerned, he has power to make treaties with foreign nations by and with the advice and consent of the Senate. It has been stated that Washington came here to give the Senate information with regard to a treaty. That was a very different case from the one before us. Congress has nothing to do with treaties. It is a matter between the Senate and the President alone; and consulting the Senate with regard to making a treaty is very different from interfering with legislation.

It must be borne in mind that the lower House of Congress was established specially to represent the people. Through the lower House it was supposed that the people would have a direct voice.

But in the distribution of power, by giving the President the appointing power, the lower House is not an independent body. We all well know that there are a few men of long service, of high character, of conspicuous ability in the lower House, who can be elected without Executive patronage. We also know that the new members who come here, and enter upon a long session,

which is their first session, get away from their homes, and an election comes immediately following the first session of their service, and if the President of the United States, by his patronage, puts a thousand unfriendly officeholders in the district to manage the convention, the member can not be returned as a rule, and it is almost an invariable rule. Consequently the members of the lower House, except the conspicuous and distinguished individuals who have a national reputation, must obey the President or they will fail of reëlection to Congress. That is the condition of public life.

Now, if the President may interfere in legislation, if he may make his will known in an authoritative and peremptory manner, he can, of course, control the lower House with his veto power, exercised on local bills, and with his appointing power until it has become a proverb that no man can enter public life and stay there unless he is in accord with the Administration. Then, whom does the member represent who can not go home, who is dependent upon the officeholders to manage the convention? Does he represent the people or the President?

This Government, that was intended to have three independent departments is fast changing its character. The Executive is assuming all power. The President's unfortunate letter to the chairman of the Committee on Ways and Means is the most direct interference with a measure pending before a legislative body that has taken place for hundreds of years. No king, no President, has undertaken directly to interfere in the conferences between the two Houses. The last conspicuous example was when Charles the First sought to save his friend the Earl of Strafford, who had served him more devotedly than any Senator has yet served the Chief Executive.

The praises and laudations which he bestowed on the king could hardly be surpassed. He had been his devoted friend for a quarter of a century. He was the man on whom the king relied. When the bill of attainder was pending against his friend, after it had passed the lower house of Parliament, the king sent an humble petition to the House of Lords asking for mercy for his friend. Immediately a resolution was passed by Parliament declaring this action to be a breach of privilege, and it was one of the grounds that continued to be charged against him until he lost his head.

Now, the Constitution is very careful to point out how the President may communicate with Congress.

Mr. ALLISON. "Shall."

Mr. STEWART. "Shall." I thank the Senator from Iowa. The Constitution provides that the President "shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient"—not to a conference committee, not to a private individual, not to a party in Congress, but to Congress. He is not to communicate to a person, not to his party friend. The Constitution knows no party. When the President communicates to Congress he communicates as President of the United States and not as a partisan. Here is a partisan letter showing how the proposed legislation will affect a party, and it is sent to the chairman of the conferees on the part of the House to be read to the lower House of Congress and to effect every member of Congress dependent upon him. If this goes on, if he can take an open part in our discussions here, there is no longer an independent department.

This question rises above party. It involves the autonomy of our Government. I verily believe before this Government can be restored to the people some change will have to be made to make the members of Congress independent of and not dependent on the President. They should be dependent on the people and not on the President. But with the power to destroy when he speaks, the President speaks with an authority which can not be disobeyed. In the President's letter there is a plain reflection on the Senate. The Senate appears to be a body which the President feels called upon to suppress.

I was forcibly struck with the language he used towards the Senate when he diverted attention from the laying of the corner-stone of the Capitol and turned to the Senate with these remarks:

> If representatives who are here assembled to make laws for their fellow-countrymen forget the duty of broad and disinterested patriotism, and legislate in prejudice and passion, or in behalf of sectional and selfish interests, the time when the corner-stone of our Capitol was laid, and the circumstances surrounding it, will not be worth commemorating.

This was addressed from the steps of the Capitol to the Senate wing when a measure was pending and which Congress passed in obedience to the demands of the Executive. We now have a tariff bill pending. The Democratic Senators have labored long and hard to perfect a measure upon which the Democrats could agree. It is a bill that I could not vote for when it was put upon its passage, because I thought it unjust to my section. It struck down one of our principal industries. It put wool, which is a great industry, on the free list. I thought that was a great injustice, and I could not vote for the bill. But the bill was put in its shape by long and honest deliberation. It was the best production that the Democratic Senators could make and agree upon.

The President assaults that bill and assaults the independence of the Senate. He goes to the House and denounces the bill, and by implication denounces the Senators who passed the bill. Is not that a blow at the independence of the Senate? The Senate is more independent than the House of Representatives because the terms of the Senators are longer, but, even then, when the fall under the ban of the Administration how difficult is their path? Every old politician understands that. I was told in my youth, "Remember one thing, stay with the Administration if you want to get along in politics."

Senators are placed in this position. They must either uphold the independence of the Senate and stand by their convictions, or submit to the dictation of the Executive by an interference which the Constitution prohibits, at least by implication.

If there is no limit to the importunities, the writings, the advice, and the intimidation of the Executive upon the legislative department, all power is in the Executive. If there is no limit to this power, there is no independent legislative department in this Government; and that is the danger which threatens the existence of this Government and which has destroyed so many others. No government ever failed by the usurpation of the legislative department, but every government which has failed has been destroyed by the one-man power, and that is the danger that now threatens us. This Government needs to get back to its former foundation. More power should be put in the hands of the legislative department or less power in the hands of the President, so that he will not have them at his mercy, and so that when Senators and Representatives come here to transact the public business they will not be compelled to obey him at the risk of being defeated in their nomination and election.

I do not wonder that the President has omnipotent power with his party in the other House. The situation is such that it could not be otherwise, and particularly at this time, when offices are so valuable because there is no business which is profitable. At such a time as this, the President having these offices at his disposal, is omnipotent in the lower House, and the question now is whether the Senate shall be subjected to his will.

I think the independence of the Senate is more important at this juncture than the fate of this or any other bill. These eulogiums upon the President, this laudation of him, is too old and stale in all history to affect anyone. We all appreciate it. No king ever failed to have devoted admirers, and, so long as it was safe to do so, there were plenty of men to sound his praises. That is perfectly safe while he is in power.

But what has the President done to merit laudation? He has had his way from the time he took the oath of office in March, 1893, until this hour. Let the country ask what has he done? Has he helped the people, has he bettered their condition, has he made them happier? I think the verdict will be that at no time in the history of this country has there been so much misery as now. If he is as great and good as the Senator from Wisconsin [Mr. VILAS] thinks him to be, if he is a monument of all wisdom, why this universal distress, why this universal bankruptcy, why are millions out of employment, why are there disturbances in the land?

The Senator from Wisconsin eulogized the President as brave for ordering the soldiers to put down the mob. What else could he do? The Senator, however, does not reflect that the President, more than any other man, is responsible for the causes which produce mobs; he is responsible for the desolate homes; he is responsible for the idle factories; he is responsible for the closed mines; he is responsible for universal distress in a time of profound peace and abundant harvests.

Why have all these things occurred if the President is so wise and so great that he is to be lauded of all ages as a great and wise and good and pure man? By his fruits he will be known, as all other rulers always have been known. During his term there has been more misery and distress in this country among the industrial classes than at any other period in our history. His name will be associated with bankruptcy, strikes, distress, ruin, and industrial prostration.

That is what it is, and his name can never be separated from it. Let him be lauded who has accomplished great good; let power be lauded when it is used for a good purpose; but with the results of the exercise of the imperial will of this man we are too familiar to feel that he is entitled to the praise which has been bestowed upon him. The multitude are too familiar with the dire consequences of his policy to believe that he has a feeling heart or an intelligent head. If he is a wise man he is a bad man, for his Administration has produced nothing but evil. He can only be excused for the disaster of this Administration by the plea of want of comprehension of the situation.

Why should the President dictate to the two Houses of Congress when he himself is unable to suggest a remedy for the evils which we now endure? What is the recommendation, what is the great point he has made? It is as to the duty of 40 cents a ton on coal and iron. That is what all this trouble is about. Does anybody believe whether the tariff is on or off these articles it will change the condition of the country from what it is now? Is 40 cents a ton on coal and iron to revolutionize and change conditions? Everybody knows it will not. Everybody knows that the President's contention is puerile; that it does not reach any great question; that it does not in any manner affect any great industries, either to help or destroy them. The duty has been reduced from 75 to 40 cents. The evils from which we are suffering did not come out of the 75 cents duty on coal or iron, and they will not be remedied by taking the duty off.

In view of the general distress throughout the country, the President is appealing to Democrats on so trivial a point as this. After they have spent months in considering the bill; after they have compromised in the best way they could, after they have reduced the duty from 75 to 40 cents, which was in the line they desired, then the President says the hope of this country, Democratic principles, and everything else, depend on having that 40 cents taken off coal and iron. It is trifling with a great subject to have a controversy over so slight a point, after a compromise has been reached and the Senate has presented its bill.

If the President could not present anything more important than he has done; if he were a very wise man he would have kept silent. He would have kept silent anyhow if he had been patriotic; he would have looked at the Constitution, and if he felt it necessary to call the attention of Congress to the subject, he would have sent a message here as commanded by the Constitution; he would not have interfered with the deliberations of the conference between the two Houses; he would not, in other words, have done that which has been condemned for five hundred years in England and in the United States—interfered with measures pending in the two Houses, and particularly as between the two Houses.

I hope Senators will stand for and vindicate the Senate's independence at least, for a little independence now will be one gleam of light in the midst of this darkness which will give us the hope that in one branch of the legislative department freedom of action still exists.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4858) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

ARMY APPROPRIATION BILL.

Mr. BLACKBURN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6373) "making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 17, 18, 20, 23, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, 15, 24, 29, 33, 35, 36, 37, and 38, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In line 5 of said amendment strike out the word "four" and insert in lieu thereof the word "three," and at the end of said amendment insert the following:

And the officers of the Signal Corps shall retain the commissions held by them at the date of the next vacancy in the office of Chief Signal Officer, unless promoted in compliance with law; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

Restore the matter stricken out by said amendment amended as follows:

In line 12, page 6 of the bill, strike out the word "ninety" and insert in lieu thereof the words "one hundred and ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In line 14 of said amendment, after the word "ninety-three," insert the following: "And said act of May 4, 1880," and in line 17 of said amendment strike out the word "the" and insert in lieu thereof the word "said;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows:

In line 1 of said amendment strike out the words, "and directed." In line 2 of said amendment after the word "reservation" insert the words "or reservations," and in lines 2 and 3 of said amendment strike out the words "not prohibited by existing laws;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows:

At the end of the matter inserted by said amendment strike out the words "for his approval;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows:

In line 2 of said amendment strike out the word "twenty" and insert in lieu thereof the word "ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows:

In line 13, page 15, of the bill, after the word "In" insert the word "field;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows:

In lieu of the sums of money mentioned in said amendment insert "$8,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows:

In lines 3 and 4 of said amendment strike out the words "quantity of surplus liquors, and such," and in line 5 of said amendment, after the word "property," insert the words "exclusive of liquors;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert $8,000; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert $13,000; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows:

In line 23, page 23, of the bill strike out the word "purchase," and insert in lieu thereof the words "amount required," and at the end of the matter inserted by said amendment strike out the words "for his approval;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows:

In lieu of the word stricken out by said amendment insert the words "depots and;" and the Senate agree to the same.

JO. C. S. BLACKBURN,
F. M. COCKRELL,
H. M. TELLER,
Managers on the part of the Senate.

JOS. H. OUTHWAITE,
O. LAPHAM,
J. A. T. HULL,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is: Will the Senate concur in the report of the Committee of Conference?

Mr. MANDERSON. I wish the Senator from Kentucky in charge of the bill would explain to the Senate the exact matters which are agreed upon here, which have been in dispute between the two Houses. I call his attention particularly to the matters pertaining to the decrease in the number of the Medical Corps and the legislation concerning the Signal Corps.

Mr. BLACKBURN. I will answer the Senator, and say that the bill as it came from the House of Representatives made a reduction of 35 assistant surgeons, and as reported by the conferees that number is reduced 15, leaving 110 instead of 90 as proposed by the bill as it came from the House.

I do not wish to go into any discussion of the bill at this time, and unless the conference report can be agreed to I should prefer that the report be printed and go over until to-morrow.

Mr. MANDERSON. I think that would be the better course.

Mr. BLACKBURN. I ask that that shall be done.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection. The Chair hears none, and it is so ordered.

THE REVENUE BILL.

The Senate resumed the consideration of the message from the House of Representatives insisting upon its disagreement to the amendments of the Senate to the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York [Mr. HILL], that the Senate recede from two of its amendments, one of which imposed a duty on coal, and the other of which imposed a duty on iron ore.

Mr. ALLISON. I ask for a division of the question.

The PRESIDENT *pro tempore*. The Secretary will state the first amendment from which the Senator from New York, moves that the Senate recede.

The Secretary read as follows:

109½. Iron ore, including manganiferous iron ore, also the dross or residuum from burnt pyrites, 40 cents per ton.

The PRESIDENT *pro tempore*. The question is, will the Senate recede from the amendment just stated?

Mr. HILL. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GORDON (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

The PRESIDENT *pro tempore* (when the name of Mr. HARRIS was called). The present occupant of the chair is paired with the senior Senator from Ohio [Mr. SHERMAN]. If the Senator from Ohio were present the present occupant of the chair would vote "nay."

Mr. MCPHERSON (when his name was called). I am paired

with the senior Senator from Vermont [Mr. MORRILL]. If he were present I should vote "nay."

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR], but I transfer that pair to the junior Senator from North Carolina [Mr. JARVIS], and vote "nay."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN], but understanding that, if here, he would vote "nay" upon this question, I vote "nay."

The roll call was concluded.

Mr. GORDON. After conversation with the senior Senator from Iowa [Mr. ALLISON], nothwithstanding my pair with his colleague [Mr. WILSON], I learn that I am privileged to vote. I vote "nay."

Mr. MCPHERSON. I transfer my pair with the Senator from Vermont [Mr. MORRILL] to the Senator from Indiana [Mr. VOORHEES], which leaves me free to vote. I note "nay."

Mr. ALLISON. I desire to state that my colleague [Mr. WILSON] is absent on account of illness. If he were here he would vote "nay" on this proposition.

Mr. TURPIE. I announce that my colleague [Mr. VOORHEES] is detained at his home in this city by serious indisposition. If he were present he would vote "nay."

Mr. BRICE. I have a general pair with the Senator from Colorado [Mr. WOLCOTT]; but as I understand if he were present he would vote "nay," I have voted "nay."

The result was announced—yeas 6, nays 65; as follows:

YEAS—6.

Allen,	Hill,	Kyle,	Peffer.
Hansbrough,	Irby,		

NAYS—65.

Aldrich,	Dolph,	Lodge,	Pugh,
Allison,	Dubois,	McLaurin,	Quay,
Bate,	Faulkner,	McMillan,	Ransom,
Berry,	Frye,	McPherson,	Roach,
Blackburn,	Gallinger,	Manderson,	Shoup,
Blanchard,	George,	Martin,	Smith,
Brice,	Gibson,	Mills,	Squire,
Caffery,	Gordon,	Mitchell, Oregon	Teller,
Call,	Gorman,	Mitchell, Wis.	Turpie,
Carey,	Gray,	Murphy,	Vest,
Chandler,	Hale,	Palmer,	Vilas,
Cockrell,	Hawley,	Pasco,	Walsh,
Coke,	Higgins,	Patton,	Washburn,
Cullom,	Hunton,	Perkins,	White.
Daniel,	Jones, Ark.	Platt,	
Davis,	Jones, Nev.	Power,	
Dixon,	Lindsay,	Proctor,	

NOT VOTING—14.

Butler,	Hoar,	Pettigrew,	Wilson,
Camden,	Jarvis,	Sherman,	Wolcott.
Cameron,	Morgan,	Stewart,	
Harris,	Morrill,	Voorhees,	

So the motion was not agreed to.

Mr. CAFFERY. I ask leave to withdraw the amendments I have submitted.

The PRESIDENT *pro tempore*. The Senator has a right to withdraw the amendments he has heretofore proposed, and they are withdrawn. The question is on agreeing to the motion of the Senator from New York [Mr. HILL], that the Senate recede from an amendment. The amendment will be stated.

The SECRETARY. Amendment numbered 304, being paragraph 318½ of the bill, in the following words:

Coal, bituminous and shale, 40 cents per ton; coal, slack or culm, such as will pass through a half-inch screen, 15 cents per ton.

Mr. HILL. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GORDON (when his name was called). I am informed that if the Senator with whom I am paired, the Senator from Iowa [Mr. WILSON], were present he would vote "nay." I therefore feel at liberty to vote. I vote "nay."

The PRESIDENT *pro tempore* (when the name of Mr. HARRIS was called). The present occupant of the chair is paired with the Senator from Ohio [Mr. SHERMAN]. The present occupant of the chair would vote "nay" if not paired.

Mr. MCPHERSON (when his name was called). I have a general pair with the Senator from Vermont [Mr. MORRILL]. I transfer my pair to the Senator from Indiana [Mr. VOORHEES], which leaves me free to vote. I vote "nay."

The roll call was concluded.

Mr. TURPIE. I wish to repeat the announcement before made in relation to the absence of my colleague [Mr. VOORHEES], and to state that if he were present he would vote "nay."

Mr. BRICE (after having voted in the negative). On this question, as on the other, I have a general pair with the junior Senator from Colorado [Mr. WOLCOTT]. Understanding that he would vote "nay," I have voted.

Mr. PUGH (after having voted in the negative). I have transferred my pair with the Senator from Massachusetts [Mr. HOAR] to the junior Senator from North Carolina [Mr. JARVIS]. I have no doubt that if both those Senators were present they would vote "nay."

The result was announced—yeas 6, nays 64; as follows:

YEAS—6.

Allen,	Hill,	Kyle,	Peffer.
Hansbrough,	Irby,		

NAYS—64.

Aldrich,	Dixon,	Jones, Nev.	Platt,
Allison,	Dolph,	Lindsay,	Power,
Bate,	Dubois,	Lodge,	Proctor,
Berry,	Faulkner,	McLaurin,	Pugh,
Blackburn,	Frye,	McMillan,	Quay,
Blanchard,	Gallinger,	McPherson,	Ransom,
Brice,	George,	Manderson,	Roach,
Caffery,	Gibson,	Martin,	Shoup,
Call,	Gordon,	Mills,	Smith,
Carey,	Gorman,	Mitchell, Oregon	Squire,
Chandler,	Gray,	Mitchell, Wis.	Teller,
Cockrell,	Hale,	Murphy,	Turpie,
Coke,	Hawley,	Palmer,	Vest,
Cullom,	Higgins,	Pasco,	Vilas,
Daniel,	Hunton,	Patton,	Walsh,
Davis,	Jones, Ark.	Perkins,	White.

NOT VOTING—15.

Butler,	Hoar,	Pettigrew,	Washburn,
Camden,	Jarvis,	Sherman,	Wilson,
Cameron,	Morgan,	Stewart,	Wolcott.
Harris,	Morrill,	Voorhees,	

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Delaware [Mr. GRAY] that the Senate further insist upon its amendments and agree to the conference asked by the House of Representatives.

Mr. WASHBURN. I move an amendment to the motion of the Senator from Delaware. I send my amendment to the desk and ask to have it read.

The PRESIDENT *pro tempore*. The amendment to the motion will be read.

The Secretary read as follows:

That the Senate instruct its conferees, when appointed, on House bill 4864 to recede, on behalf of the Senate, from so much of its amendment numbered 156, page 41, House bill 4864, an act to reduce taxation to provide revenue for the Government, and for other purposes, as is contained in the following words beginning with the word "and" in line 10 and ending with the words "ad valorem" in line 14, reading as follows:

"And upon all sugars above No. 16 Dutch standard in color and upon all sugars which have been discolored there shall be levied, collected, and paid a duty of one-eighth of 1 cent per pound in addition to the said duty of 40 per cent ad valorem."

Mr. GRAY. Mr. President, I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Delaware will state his point of order.

Mr. GRAY. My point of order is that it is not competent for the Senate to instruct its conferees in a free and full conference, ordered by the Senate, to recede from a particular amendment—much less from a portion of it—or, in other words, that the Senate shall not deprive its conferees of the free and untrammeled opportunity of discussing and conferring with the conferees of the other House upon the various points of disagreement between the two Houses. Otherwise it would be idle, it seems to me, to speak of a full and free conference on the part of those agents of this body who are to be appointed to conduct negotiations and discussion with like conferees appointed by the other House of Congress.

The very object of appointing conferees to conduct a conference of this kind is to avoid a declaration of the unalterable will of the Senate upon any point that is in disagreement between the two Houses, in order that there may be a full and free discussion between them, and a recommendation of some kind, if they can agree upon such, to their respective Houses of a method of reconciling those disagreements.

I do not intend to say more now than to call the attention of the Senator to what I conceive to be in this matter a most important question which seems to me to appeal to the common sense of all, one that is, so far as the amendment of the Senator from Minnesota is concerned, outside of any philosophy I can see which belongs to the matter of a conference between the two Houses for the purpose of reconciling the disagreeing votes of those two Houses.

Mr. MITCHELL of Oregon. May I ask the Senator from Delaware a question.

Mr. GRAY. Certainly.

Mr. MITCHELL of Oregon. The Senator from Delaware will agree, I presume, that the Senate has a perfect right to-day, if it so wills, to recede here and now from every one of the six hundred and odd amendments to the bill adopted by the Senate. The Senator will concede that, of course. That being taken for granted, have we not the right to change our minds here and now in regard to a portion of those amendments and to instruct the managers on the part of the Senate to carry out our will,

especially as it is in the direction of receding from an amendment made by the Senate?

The PRESIDENT *pro tempore*. The Senator will suspend for a moment. The Chair holds that the point of order is not debatable. Debate may be indulged in by unanimous consent. Is there objection to the debate proceeding?

Mr. FAULKNER and Mr. TURPIE. I object.

The PRESIDENT *pro tempore*. There is objection.

Mr. MANDERSON. I hope there will be no objection interposed. This is a matter of such very grave moment and of such very grave importance that I hope the Senator from Delaware will be permitted to proceed and that argument may be had upon a question so vital to the Senate as is the pending point of order.

Mr. FAULKNER. I will state to the Senator from Nebraska that there was an adjudication by the Senate of this point in the Forty-second Congress, and it has never been reversed since.

Mr. MANDERSON. I beg the Senator's pardon; the decision was quite the contrary.

The PRESIDENT *pro tempore*. The Chair will ask again, for the debate must proceed, if at all, by unanimous consent, is there objection?

Mr. TURPIE and Mr. FAULKNER. I object.

Mr. HUNTON. I object.

The PRESIDENT *pro tempore*. There is objection.

Mr. HILL. As there seems to be a general desire to debate the question I will respectfully appeal from the decision of the Chair in order that it may be debated.

Mr. CULLOM. The Chair has made no decision.

The PRESIDENT *pro tempore*. The only decision the Chair has made is that a point of order is not debatable until the Chair has disposed of it. Does the Senator from New York appeal from that decision?

Mr. HILL. The Chair is entirely right in regard to that point.

The PRESIDENT *pro tempore*. The Chair quite agrees with the Senator from New York.

Mr. HALE. I do not think that on consideration for a minute any Senator on the other side will do what I have never known done in the Senate before on an important question of order, the moment the point is raised to shut off what is fair and reasonable debate upon the project. I have been here some years and have heard all kinds of questions of order raised, and the general practice of the Senate is most generous and liberal. If the objection is insisted upon it will be taken on this side as an indication of a disposition now not to allow fair and reasonable consideration.

Mr. FAULKNER. I will settle the matter by withdrawing my objection.

Mr. GRAY. If an appeal is taken from the decision of the Chair debate is open on the appeal.

Mr. RANSOM. The Senator from West Virginia has withdrawn his objection.

Mr. HALE. I understand the objection is withdrawn.

Mr. FAULKNER. I withdrew the objection I made in reference to debate.

The PRESIDENT *pro tempore*. The Chair will hear suggestions from any Senator who may desire to submit them.

Mr. GRAY. I had the floor when the objection was made.

The PRESIDENT *pro tempore*. That is true. The Senator from Delaware is entitled to the floor.

Mr. GRAY. Mr. President, I do not propose to detain the Senate in opening the discussion, if discussion it is to be, but I agree with Senators on the other side that it is an important question, and one which deserves the calm and careful consideration of the Senate. I submit that all the philosophy of this question is on the side of the point of order I have made.

Mr. CHANDLER. Will the Senator from Delaware allow me to ask him a question?

Mr. GRAY. Certainly.

Mr. CHANDLER. Does the Senator advocate the broad proposition that it is out of order at any time and under any circumstances to instruct the Senate conferees?

Mr. GRAY. I hold that it is out of order to instruct the conferees in the matter of a conference asked for as this is asked for in the motion now before the Senate.

Mr. CHANDLER. Will the Senator state when the Senate could instruct its conferees?

Mr. GRAY. There is a conference recognized by parliamentary law, as I read it, known as a simple conference, in which there may be an instruction. I do not know that there is any record in our parliamentary proceedings of a resort to it. The only conference with which I am familiar in our practice is the full and free conference spoken of in the books on parliamentary law. From the inherent necessities which surround such a conference it seems to me to be one that does not admit of an instruction by the body ordering the conference.

As I said a while ago, the very object of appointing a conference is to avoid an expression of the will of the House ordering it, and by its authorized parliamentary agents to bring to the attention of the other House those considerations which the conferees being acquainted with can so urge as to overcome, perhaps, the objections of the other House, and influence the report which the conference committee would make to the two Houses.

Mr. ALDRICH. Will the Senator from Delaware allow me to ask him a question?

Mr. GRAY. Certainly.

Mr. ALDRICH. If the House of Representatives had instructed their conferees or managers, as they could do under their rules, would the Senate then have a right to instruct their conferees?

Mr. GRAY. This is not a question of instruction; it is a question of——

Mr. ALDRICH. The rules of the House of Representatives recognize the right of the House to instruct their conferees, and it is frequently done by the House of Representatives.

Mr. PLATT. It may be done by their rules.

Mr. GRAY. Then all I can say is that so far as the conferees are instructed there can not be that full and free conference contemplated by parliamentary law and by the usage of these two bodies, so far as I am acquainted with them.

Mr. ALDRICH. Then we have never had a full and free conference.

Mr. GRAY. Suppose the Senate on its part appoints conferees and gives them special instructions to insist upon a particular amendment that the Senate has offered to the bill, not the ordinary language of insisting upon the amendment for the purpose of getting a conference, but instructs them, depriving the conferees of all discretion, of all freedom of debate and of conference, and that the House do likewise, as they would have the right to do. We all know what a farce such a conference would be. It seems to me that extreme case illustrates the absolute folly and want of logic in the position taken by the Senator from Minnesota in offering the amendment to my motion.

It seeks to trammel and fetter and control the agents of this House who are appointed, for what purpose? To confer with like agents on the part of the other House to see if perchance there may be some way found in that conference by which the disagreeing votes of the two Houses may be reconciled.

Mr. HALE. Let us reason together for a moment.

Mr. GRAY. I am always glad to reason with the Senator from Maine.

Mr. HALE. The Senator says the object is a full and free conference with the other House. A conference upon what? Upon the subjects on which the two Houses differ. The fewer the subjects are the greater the likelihood of agreement; the fewer the amendments that one body puts on the greater the chance of an agreement. The whole object of a conference is to smooth the way and agree upon propositions where the two Houses are at odds. When the Senate or the House directs its conferees to give way on one provision which is in difference until it is given up, it has simply removed—has it not, I ask the Senator—one of the subjects upon which the conference is at odds? Therefore, is it in any way an abridgement of the free and full conference for the Senate to abandon one of the matters in dispute? Is it not, in short, a full and free conference on the subjects-matter still open to dispute after the two bodies have acted?

Mr. GRAY. That is an exceedingly plausible statement: but——

Mr. MILLS. Will the Senator from Delaware allow me to make an additional point of order? I desire to make an additional point of order, and then the Senator can go on with the discussion. My point of order is that the Senate can not recede from a part of its amendment, and if it can not recede from a part of its amendment it can not instruct its conferees to do what it can not do itself.

Mr. GRAY. The point of order raised by the Senator from Texas seems to me absolutely decisive, inasmuch as it is the argument I was just about to make in reply to the suggestion of the Senator from Maine, that the amendment offered by the Senator from Minnesota is an amendment which applies to a part, to a fragment, of one of the amendments put upon the bill by the Senate.

Mr. HALE. But it is a divisible amendment, and an amendment upon which, when in the Senate, three separate and distinct votes were taken, because it was divisible. Therefore the point of order does not apply.

Mr. GRAY. When the amendment was in the Senate and was voted upon it was divisible in a parliamentary sense. For the purpose of discussion, consideration, and disposition of the

bill it was divisible, but when we come to consider the matters between the two Houses upon which they disagree, one of which is the duty upon sugar, it is the subject-matter about which the conferees, if they are appointed, will have their conference and about which the disagreement between the two Houses will come to the front and be a matter of debate and discussion. So the point made by the Senator from Maine, plausible as it is with reference to the general question, as he put it, that the Senate might recede from one of its amendments and therefore eliminate from the number of disagreements one or more and leave the rest for conference, does not apply where that elimination is only to a part of the amendment.

The practical effect of it would be that the Senate would undertake, after having solemnly passed a bill with certain amendments added, to alter the shape and quality of the bill when it sent it back to another conference with the other House; which, of course, I think the Senator from Maine will agree is not within the competence of the Senate.

Mr. HILL. Does the Senator from Delaware take the broad ground that there is no such thing as instruction to a conference committee?

Mr. GRAY. That is the whole of my point of order; in a conference such as is now asked for by my motion—a full and free conference.

Mr. HILL. The Senator would claim, then, that the Senate has no right to limit the time of the conference committee?

Mr. GRAY. I do not understand what the Senator from New York means by "time."

Mr. HILL. To instruct its conferees to report if within ten days there was no agreement. Can not the Senate limit them? Can not the Senate designate a time? Can not the Senate instruct them? In other words, I think with the Senator that if the point of order is well founded it must be, and he is obliged to take that position, that neither as to time, form, nor anything else is there any such thing as instruction to a conference committee.

Mr. GRAY. In reply to the Senator from New York, who, I suppose, is an authority on parliamentary law, having had long experience in presiding over, perhaps, the greatest legislative body in any State in the Union, I would say that, so far as an instruction such as he suggests is concerned, I do not think that it touches the reason of my objection to the competence of the motion made by the Senator from Minnesota. To instruct a committee as to time may or may not be within the competence of the Senate, but clearly, it seems to me, to instruct a committee as to the substance of the disagreement between the two Houses is out of its competence.

Mr. HILL. The limitation of time, of course, prevents in the broadest sense a full and fair conference. In other words, you have endeavored to control the discretion of your conferees by direction of the body which appointed them.

Mr. GRAY. Possibly so. I am not prepared to take issue with the Senator upon that point. The inclination of my mind would be to say that it differs from the question which I have sought to raise here by the point of order I have made. The point of order I have made seems to me to rest upon the very reason of the matter, on that common sense which must lie at the bottom of all law and all parliamentary rule and practice. After all, it comes down to that.

Therefore, I repeat, if we are to have what is called technically and really a full and free conference between the parliamentary agents of the Senate and the House, it would be idle and absurd to seek to limit the powers of those parliamentary agents, so as to make it less than a full and free conference. The very object had in view in the appointment of such conferees originally or in the reappointment after the report of a disagreement is that those agents may come together and by all the legitimate arts of argument, persuasion, and representation so influence each other that out of the disagreement may come an agreement which both Houses will ratify and support.

Mr. MITCHELL of Oregon. May I ask the Senator from Delaware another question?

Mr. GRAY. Certainly.

Mr. MITCHELL of Oregon. I do not think there is anything in the Senator's point, and there is no more in the point of the Senator from Texas, as I understand it. Suppose the House of Representatives should send us a bill appropriating $500,000 for a certain work. The Senate increases the appropriation to $1,000,000, and the bill goes into conference. There is a disagreement over the $500,000 added by the Senate. The matter comes back here. Have we not a right, I ask the Senator from Delaware, to instruct our managers either to relinquish the whole amendment or to relinquish half of it, and thus to that extent reduce the controversy between the two Houses?

Mr. GRAY. I think the Senate has a right to recede from the whole amendment. We can instruct the conferees to recede.

Mr. MITCHELL of Oregon. We instrct our managers to recede.

Mr. GRAY. Yes.

Mr. MITCHELL of Oregon. I insist that we can say to them by instruction of the Senate, "You may recede either to the full extent, $500,000, or to the extent of one-half of the amount." You are thus dividing the amendment. That is the point the Senator from Texas makes, that you can not instruct your conferees unless you instruct them as to the whole amendment.

Mr. GRAY. You would be receding from the whole amendment in that case.

Mr. MITCHELL of Oregon. I can not see any distinction between that and the case here. The House sends us a bill with certain provisions in regard to sugar. The Senate adds an amendment increasing the duty, both ad valorem and specific, as I understand. The Senator from Minnesota comes in with a motion to instruct our managers to recede as to a portion of the amendment. Now, what is the effect of that motion? It is to reduce the controverted points in issue between the two Houses. It is to eliminate one of the points of controversy. It seems to me there can be no kind of question but that we have a right to do that.

Mr. PALMER. I would be glad to ask the Senator from Delaware a single question.

Mr. GRAY. Certainly.

Mr. PALMER. Is there no authority on a point like this, which must have occurred so very often in this body?

Mr. GRAY. I was about to read an authority, a precedent in this very body. I wish to refer to it. The Senator from Maryland [Mr. GORMAN] I understand has an authority that he wishes to bring to the attention of the Senate.

Mr. GORMAN. Cushing, on page 871, in section 2247, lays down the rule that has been universal, that the house which amends a bill, which is the Senate in this case—

> Can not recede from or insist on its own amendment, with an amendment—

which is precisely what the Senator from Minnesota proposes to do.

Mr. ALDRICH. Oh, no.

Mr. GORMAN. He insists upon receding from half of an amendment, which is an amendment to an amendment, and the universal law is that that can not be done.

Mr. HALE. That is not the proposition.

Mr. GORMAN. I beg to make, in addition to that, another suggestion, if the Senator from Delaware will permit me.

Mr. GRAY. Certainly.

Mr. GORMAN. It is that we can not instruct our conferees at this time. We can not instruct a body that does not exist. This question must come up after the passage of the resolution offered by the Senator from Delaware agreeing to the conference and appointing the conferees. When we have reached that stage, and have somebody to instruct, then the question may be raised, but it can not be presented at this time.

Mr. HALE. The trouble would be that when that was done the Senate had agreed to go into conference and had appointed managers for a free and full conference, and the point would be made that it was too late to do it.

Mr. GORMAN. Not at all.

Mr. HALE. If the Senator from Delaware will allow me——

Mr. GRAY. Certainly.

Mr. HALE. This amendment was put in deliberately in order not to shut out the proposition. It is not what the Senator from Maryland has stated, a proposition to recede from a portion of an amendment that the Senate had put on. That proposition had its paternity in the Senator from Wisconsin [Mr. VILAS] in the amendment that he boldly and defiantly offered the other day, and which has, by some mysterious process which we do not understand, utterly disappeared. We expected to have a vote upon that proposition. That has disappeared. That was technical. There was something in the point that, after the third reading and passage of the bill, it may be that you could not then amend a single proposition in it.

But this is broader than that. It directs our managers. They are not larger than the Senate. They are our creatures. They can follow our direction. They have a full and free conference on everything that the Senate submits to them. When the Senate says, "Your are instructed, Mr. Managers, not to make a controversy with the other House upon this one-eighth proposition and you can make your controversy upon everything else," they are as much the subject of our control at any time before they go into conference as the members of any committee in directions given to it by the Senate.

It is absurd, Mr. President, to advance the proposition here

that the Senate is powerless when there is no conference, and when the other House has sent over here a disagreement on all subjects-matter, to say that the Senate must sit here bound hand and foot and can not instruct its conferees in the direction of an agreement, I do not care what the authorities are, and they are not uniform by any means.

Mr. GRAY. I quite agree with the Senator from Maine in so far that we can recede from any amendment that we have made, and, as I said, eliminate one or more points of disagreement from the consideration of the two Houses. But that is a very different proposition from an instruction to recede on a particular point which is only a portion of an amendment. However, that has been sufficiently commented upon. You can not amend an amendment when it comes from conference, and you can not instruct your conferees to recede on one point for the reason which obtains in both cases and is exactly the same, whether it be an instruction or a proposition that we should amend.

Now, I said there was a precedent. In 1873, on a report from a conference committee on the legislative appropriation bill, the motion was made by Senator Wright that the report submitted by the conference committee be recommitted to the committee of conference with instructions to strike out all that was contained in the amendment reported back on the subject of salaries. The question was raised and gave opportunity for a very interesting debate, which extends over several pages of the Congressional Globe, and was participated in by Mr. Trumbull, by Mr. SHERMAN, who supported the point that I now make, Mr. Logan, Mr. Carpenter, Mr. Edmunds, Mr. Bayard, and Mr. Conkling. The question was submitted by the Vice-President—

The question is on the motion of the Senator from Iowa to recommit the report—

with the instruction to which I have alluded.

The question was taken, and by a vote 40 nays to 24 yeas the Senate refused to recommit. The whole question turned in that case, so far as I can discover from the debate, upon the authority of the Senate to do that thing with instructions. The Senate were practically unanimous on the subject-matter of the amendment.

Mr. HALE. I recall the history of that matter, for I was a member of the other body at that time and upon the committee which had charge of the bill there. Unless the Senator has looked, I am not certain but that the report which was sought to be recommitted with instructions was a report of an agreement; that the Senate desired to come into accord with the other House, and therefore voted down a project to recommit a report which reported an agreement and decided to adopt the report; and the whole matter ended there.

Mr. GRAY. The report was an amendment fixing the rate of salary at something less than the Senate had agreed to by its amendment, and the motion was to recommit that report with an instruction. The Senate were practically unanimous that the salary ought to have been at a higher figure, and the question was to recommit, with instructions to the conferees to insist upon the figure first named by the Senate.

Mr. HALE. Did not the conference committee report an agreement, or did they report a disagreement?

Mr. GRAY. They reported an agreement.

Mr. HALE. I so understood. That was my recollection. They reported an agreement, and the Senate desired that the agreement reported by the conference should be adhered to, and therefore voted down the project to instruct.

Mr. GRAY. The argument that was made upon the question thus raised by those who took that side of the question, Mr. Conkling, Mr. Bayard, and Mr. SHERMAN, and some of the others whose names appear here, was that it was not within the competence of the Senate to recommit the report with instructions.

Mr. HALE. Does not the Senator see the distinction? In that case the conferees had been together and the Senate conferees reported an adjustment of the whole subjects in difference. I would argue myself that under those conditions, where a conference had exhausted its work and had reported an agreement, and the subject was before the Senate, it must either accept or reject the report and can not instruct. If the report was accepted, that ended it. If the Senate did not agree with the report, it would reject the report and the matter would go back to the conference. But I can understand that it might then with great force be argued that that was the only thing for the Senate to do.

Mr. GRAY. There was no way of opposing the motion made by Senator Wright, as it appears from this debate, except upon the ground which I have placed this point of order, that it was not within the competence of the Senate to instruct in a full and free conference. The merit of this question was gone into quite fully. A distinction was made between a conference where an instruction had been given, which has fallen into disuse so far as the practice of these two bodies is concerned, and what is known in our practice as a full and free conference. It was put upon the ground that it would be absurd to order a full and free conference when the conferees were fettered by instructions from the authority which appointed them.

Mr. HALE. Does not the Senator see a great difference in the conditions? Here we have not got a report agreed upon by conferees and submitted for our acceptance or rejection. We have no conference report. We have a disagreement and a declaration on the part of the other House that they want a new conference, which we have not yet ordered. Now, that is one condition. But suppose the conferees of the Senate had brought in an agreement upon the Senate amendments to the House bill, as they did in the case cited by the Senator, and their report had come up before the Senate, the simple question is, "Will the Senate agree to the report or disagree to it?" That conference is ended. You can not instruct that conference.

Mr. GRAY. Let me ask my friend from Maine a question. It is, as he says, a second conference which is asked for by my motion. My motion is that the conference asked for by the House be granted; that the conferees on the part of the Senate be appointed, and the amendments of the Senate insisted upon. Does that differ at all, being a new conference, from the first conference that was appointed?

Mr. HALE. It differs in one respect. If the first conference that was appointed had, as in the case cited by the Senator from Delaware, reported an agreement, and their report had been put on the desk of the clerks, the work of that conference is over. You can not instruct that conference. It would be absurd to instruct them.

Mr. GRAY. I ask if there is any difference in the powers of the conference under a second conference from those that belong to the conferees under the first conference?

Mr. HALE. I will answer the Senator that the first conference takes up the bill and amendments on all questions where there are differences. The only interpretation that the Senate managers can then give to the will of the Senate is in the amendments that the Senate has adopted. The conference has not got to the stage of instructions. If the Senate at that time had wanted to instruct its conferees that the eighth of 1 cent should not be in conference, it would not have put it in as an amendment; but the Senate instructed its conferees then, as it had a right to do on every proposition, by putting into the bill the amendment imposing the additional eighth of 1 cent. That was an instruction to the conferees that such was the will of the Senate. Now, at that stage an amendment was in order.

Mr. GRAY. That is the instruction now.

Mr. HALE. At the present stage it is decided by the Senate that it is not in order, and therefore the irresistible difference comes back. The only power that you have over your conferees, while you can not technically amend the proposition, is to instruct them upon it. I am glad the Senator has asked that question.

Mr. GRAY. I asked it because the scope of the conference in both cases, it seems to me, is precisely the same. After the bill is passed a conference is asked for by the House, the Senate appoints it, if it agrees to appoint a conference at all, and it never occurred to anyone to say that the Senate upon the appointment of the conference in the first instance instructed the conferees upon any point.

Mr. MILLS. It is very hot, and I ask the Senator if he will yield for a motion to adjourn?

Mr. GRAY. In one moment I will give way. It never occurred to anyone so, far as I know, to say in the appointment of that first conference that the Senate would instruct its conferees as to any matter contained in the bill or the amendments which made the points of difference.

Mr. HALE. It does instruct them. It does instruct them by so amending the bill. That is its form of instructing them, and then it instructs them to insist.

Mr. GRAY. But if it was a matter within the proprieties of parliamentary practice, it was quite as right and proper to instruct then as now. The bill is passed with amendments. It goes to the House, and the House after debate refuses to agree to the Senate amendments, and asks for a conference two or three days thereafter. The Senate, if this power exists, could then instruct just as well as now in asking a second conference.

Mr. HALE. The Senator from Minnesota suggests another form of inquiry. The House asks——

Mr. MILLS. Will the Senator from Delaware yield to me?

Mr. GRAY. Yes.

Mr. MILLS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 27, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July 26, 1894.*

The House met at 12 o'clock m. Prayer by Rev. W. E. PARSON, D. D.

The Journal of yesterday's proceedings was read and approved.

ADULTERATION OF FOODS AND DRUGS.

Mr. HATCH. Under instruction from the Committee on Agriculture, I move that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of the bill which I send to the desk, and that it be referred to the Committee on Agriculture.

The title of the bill was read, as follows:

A bill (H. R. 4863) to prevent the adulteration and misbranding of foods and drugs, and for other purposes.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. HATCH].

Mr. COOMBS. I want to discuss that question a little.

Mr. HATCH. It is not open to debate.

The SPEAKER. The question is not debatable.

Mr. HATCH. There is no objection to this on the part of the chairman of the Committee on Commerce.

Mr. COOMBS. But I think that is the committee which properly has jurisdiction of this subject. I do not believe a measure of this kind should be referred to the wrong committee.

Mr. HATCH. This is not the wrong committee.

Mr. COOMBS. In my opinion it is, as Congress can not take jurisdiction of the question except as a matter of commerce.

The SPEAKER. The rule provides:

Correction in case of error of reference may be made by the House, without debate, and in accordance with Rule XI, on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

The Committee on Agriculture claims jurisdiction of this subject, and on behalf of that committee the gentleman from Missouri makes this motion.

The question being taken, there were, on a division (called for by Mr. COOMBS)—ayes 56, noes 25.

Mr. COOMBS. No quorum.

Mr. HATCH. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. COOMBS and Mr. HATCH were appointed as tellers to act during the call of yeas and nays.

The question was taken; and there were—yeas 127, nays 75, answered "present" 1, not voting 148; as follows:

YEAS—127.

Abbott,	De Armond,	Holman,	Pearson,
Alexander,	Dinsmore,	Hudson,	Perkins,
Arnold,	Dockery,	Hull,	Pickler,
Avery,	Doolittle,	Izlar,	Powers,
Baker, Kans.	Draper,	Johnson, N. Dak.	Quigg,
Baker, N. H.	Ellis, Ky.	Kem,	Richards, Ohio
Baldwin,	English, Cal.	Kiefer,	Richardson, Mich.
Barnes,	Epes,	Kribbs,	Richardson, Tenn.
Barthoidt,	Erdman,	Lacey,	Robertson, La.
Beltzhoover,	Fithian,	Lane,	Robinson, Pa.
Blair,	Forman,	Latimer,	Russell, Conn.
Bland,	Funk,	Layton,	Ryan.
Boen,	Gillet, N. Y.	Lefever,	Sayers,
Branch,	Goldzier,	Linton,	Schermerhorn,
Broderick,	Graham,	Livingston,	Shell,
Brosius,	Griffin,	Loud,	Springer,
Brown,	Grosvenor,	Lucas,	Stone, C. W.
Bryan,	Grout,	Lynch,	Strong,
Bunn,	Hager,	Marsh,	Sweet,
Caminetti,	Hainer,	Marshall,	Talbert, S. C.
Cannon, Cal.	Haines,	Martin, Ind.	Taylor, Tenn.
Catchings,	Hall, Mo.	Marvin, N. Y.	Tyler,
Childs,	Harmer,	McCulloch,	Wadsworth,
Clark, Mo.	Harris,	McDowell,	Wanger,
Cooper, Wis.	Hartman,	McLaurin,	Wheeler, Ala.
Cornish,	Hatch,	McRae,	Williams, Ill.
Cousins,	Heard,	Meiklejohn,	Wilson, Ohio
Crawford,	Henderson, Iowa	Mercer,	Wilson, Wash.
Culberson,	Henderson, N. C.	Money,	Woodard,
Curtis, Kans.	Hermann,	Moon,	Wright, Mass.
Curtis, N. Y.	Hines,	Northway,	Wright, Pa.
Davis,	Hitt,	Ogden,	

NAYS—75.

Adams, Pa.	Caruth,	Geary,	Mallory,
Aldrich,	Causey,	Geissenhainer,	McAleer,
Allen,	Clancy,	Grady,	McCall,
Bailey,	Cobb, Mo.	Gresham,	McDannold,
Bartlett,	Cockrell,	Hall, Minn.	McDearmon,
Bingham,	Coombs,	Hammond,	McEttrick,
Black, Ga.	Cooper, Fla.	Hare,	McGann,
Breckinridge, Ky.	Cox,	Hayes,	McKaig,
Bretz,	Cummings,	Kilgore,	McNagny,
Brickner,	Dalzell,	Kyle,	Mutchler,
Brookshire,	Daniels,	Lester,	Neill,
Bynum,	Davey,	Maddox,	Paschal,
Cadmus,	Durborow,	Maguire,	Patterson,
Campbell,	Everett,	Mahon,	Pendleton, Tex.
Reed,	Stone, W. A.	Tucker,	Washington,
Ritchie,	Storer,	Turner, Ga.	Wells,
Snodgrass,	Strait,	Turner, Va.	Wolverton.
Sperry,	Tate,	Van Voorhis, Ohio	
Stevens,	Tracey,	Warner,	

ANSWERED "PRESENT"—1.

Cooper, Ind.

NOT VOTING—148.

Adams, Ky.	Donovan,	Lawson,	Scranton,
Aitken,	Dunn,	Lockwood,	Settle,
Alderson,	Dunphy,	Loudenslager,	Shaw,
Apsley,	Edmunds,	Magner,	Sherman,
Babcock,	Ellis, Oregon	McCleary, Minn.	Sibley,
Bankhead,	English, N. J.	McCreary, Ky.	Sickles,
Barwig,	Enloe,	McKeighan,	Simpson,
Belden,	Fielder,	McMillin,	Sipe,
Bell, Colo.	Fletcher,	Meredith,	Smith,
Bell, Tex.	Funston,	Meyer,	Somers,
Berry,	Fyan,	Milliken,	Sorg,
Black, Ill.	Gardner,	Montgomery,	Stallings,
Boatner,	Gear,	Morgan,	Stephenson,
Boutelle,	Gillett, Mass.	Morse,	Stockdale,
Bower, N. C.	Goodnight,	Moses,	Stone, Ky.
Bowers, Cal.	Gorman,	Murray,	Straus,
Breckinridge, Ark.	Grow,	Newlands,	Swanson,
Bundy,	Harter,	Oates,	Talbott, Md.
Burnes,	Haugen,	O'Neil, Mass.	Tarsney,
Burrows,	Heiner,	O'Neill, Mo.	Tawney,
Cabaniss,	Henderson, Ill.	Outhwaite,	Taylor, Ind.
Cannon, Ill.	Hendrix,	Page,	Terry,
Capehart,	Hepburn,	Payne,	Thomas,
Chickering,	Hicks,	Paynter,	Turpin,
Clarke, Ala.	Hooker, Miss.	Pence,	Updegraff,
Cobb, Ala.	Hooker, N. Y.	Pendleton, W. Va.	Van Voorhis, N. Y.
Cockran,	Hopkins, Ill.	Phillips,	Walker,
Coffeen,	Hopkins, Pa.	Post,	Waugh,
Cogswell,	Houk,	Price,	Wendock,
Conn,	Hulick,	Randall,	Wever,
Cooper, Tex.	Hunter,	Ray,	Wheeler, Ill.
Covert,	Hutcheson,	Rayner,	White,
Crain,	Ikirt,	Reilly,	Whiting,
De Forest,	Johnson, Ind.	Reyburn,	Williams, Miss.
Denson,	Johnson, Ohio	Robbins,	Wilson, W. Va.
Dingley,	Jones,	Rusk,	Wise,
Dolliver,	Lapham,	Russell, Ga.	Woomer.

So the motion was agreed to.

The following pairs were announced:

Until further notice:

Mr. WILSON of West Virginia with Mr. DINGLEY.

Mr. OATES with Mr. MORSE.

Mr. GRESHAM with Mr. MAHON.

Mr. ENLOE with Mr. BOUTELLE.

Mr. ROBBINS with Mr. SHERMAN.

Mr. CONN with Mr. HOOKER of New York.

Mr. WEADOCK with Mr. ADAMS of Kentucky.

Mr. TURNER of Virginia with Mr. HEINER of Pennsylvania.

Mr. STOCKDALE with Mr. BRODERICK.

Mr. HOOKER of Mississippi with Mr. CHICKERING.

Mr. MOSES with Mr. VAN VOORHIS of New York.

Mr. STALLINGS with Mr. SCRANTON.

Mr. MCMILLIN with Mr. HOUK.

Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.

Mr. BANKHEAD with Mr. MILLIKEN.

Mr. DENSON with Mr. RANDALL.

Mr. LAWSON with Mr. WHITE.

Mr. COBB of Alabama with Mr. BABCOCK.

Mr. STONE of Kentucky with Mr. GEAR.

Mr. GOODNIGHT with Mr. WALKER.

Mr. MONTGOMERY with Mr. TAWNEY.

Mr. PAYNTER with Mr. HAUGEN.

Mr. EDMUNDS with Mr. WEVER.

Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.

Mr. CRAIN with Mr. SETTLE.

Mr. STRAUS with Mr. GILLETT of New York.

Mr. TURPIN with Mr. GILLETT of Massachusetts.

Mr. MORGAN with Mr. SMITH of Illinois.

For this day:

Mr. LOCKWOOD with Mr. WHEELER of Illinois.

Mr. MCALEER with Mr. UPDEGRAFF.

Mr. CABANISS with Mr. HOPKINS of Pennsylvania.

Mr. BERRY with Mr. STEPHENSON.

Mr. TAYLOR of Indiana with Mr. GARDNER.

Mr. ALDERSON with Mr. RAY.

Mr. TALBOTT of Maryland. I would like, Mr. Speaker, to vote in the affirmative on this proposition.

The SPEAKER. Was the gentleman in the Hall and failed to hear his name?

Mr. TALBOTT of Maryland. I can not say that I failed to hear my name.

The SPEAKER. The Chair can not entertain the request of the gentleman under the rule.

Mr. LYNCH. I ask leave of absence for my colleague, Mr. BARWIG, for this day, on account of sickness.

There was no objection.

The result of the vote was then announced as above recorded.

Mr. HATCH. I move to reconsider——

The SPEAKER. It is not necessary to move to reconsider the vote just taken, because under the rule the bill can not be brought back on a motion to reconsider.

Mr. WISE. I demand the regular order.

The SPEAKER. The gentleman from Virginia demands the regular order. The Chair will submit the following Senate resolution and executive documents:

CONFEREES ON HOUSE BILL 6080.

The SPEAKER laid before the House the following resolution of the Senate; which was read and laid on the table:

Resolved, That Mr. PETTIGREW be excused from service as one of the conferees on the bill (H. R. 6080) granting a certain military reservation to Oklahoma City, Okla., to aid the public free schools thereof, and for other purposes, and Mr. CAREY be appointed in his place.

HOUSE BILL 6167.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in relation to House bill 6167; which was referred to the Committee on the District of Columbia.

SALE OF CERTAIN CUSTOM-HOUSE SITES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, recommending the sale of certain custom-house sites; which was referred to the Committee on Public Buildings and Grounds.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2586) granting certain property to the city of Newport, Ky.;

A bill (H. R. 2637) for the relief of Eugene Wells, late captain Twelfth Infantry and second lieutenant First Artillery, United States Army;

A bill (H. R. 4322) granting the use of certain land to the town of Castine, Me., for a public park;

A bill (H. R. 5860) to amend sections 4, 6, and 10 of the act of February 9, 1893, entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes;"

A bill (H. R. 5459) to pension the minor children of Alfred Phipps;

A bill (H. R. 5735) to remove the political disabilities of Caleb Huse; and

A bill (H. R. 894) for the relief of Robert Travila for loss of carbine in late war.

METROPOLITAN RAILWAY COMPANY, DISTRICT OF COLUMBIA.

Mr. RICHARDSON of Tennessee. I desire to submit a conference report at this time.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6171) to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 10, 12, and 13, and agree to the same.

That the Senate recede from its amendment numbered 5.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment striking out the proviso; and that the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same amended so that the section shall be read as follows:

SEC. 5. That the Metropolitan Railroad Company is hereby authorized and required immediately to make reciprocal transfer arrangements with street railroad companies whose lines now connect with its lines, and to furnish such facilities therefor as the public convenience may require. Upon the completion of the underground electric system provided for in this act the said Metropolitan Railroad Company is hereby further authorized and required to enter into reciprocal trackage arrangements with connecting roads. The schedules and compensation shall be mutually agreed upon between the said Metropolitan Railroad Company and the companies with whose lines its lines connect; and in any case of failure to reach such mutual agreement the matters in dispute shall be determined by the supreme court of the District of Columbia, upon petition filed by either party

"*Provided*, That every street railway company in the District of Columbia whose lines connect, or whose lines may hereafter connect with the lines of any other street railway company, is hereby subjected to the same requirements as to transfers and trackage arrangements and upon similar conditions as in this section provided in the case of the Metropolitan Railroad Company and the lines connecting therewith."

And that the Senate agree to the same.

JOHN T. HEARD,
JAMES D. RICHARDSON,
P. S. POST,
Managers on the part of the House.
JAMES McMILLAN,
ISHAM G. HARRIS,
H. C. HANSBROUGH,
Managers on the part of the Senate.

Mr. RICHARDSON of Tennessee. I ask now for the reading of the accompanying statement, to which I beg to call the particular attention of the House, as it fully explains the report.

The statement of the House conferees was read, as follows:

First amendment requires the company to put new cars on its road within ninety days.

Second, third, fourth, eighth, tenth amendments are formal. They do not affect the provisions of the bill.

Thirteenth amendment is a reservation of the right of Congress to alter, amend, or repeal the bill.

Fifth amendment: The Senate recedes, leaving the provision so as to require an underground electric system.

Sixth and seventh amendments extend the time for completing the east and west line to two years; the north and south line is to be completed in one year.

Ninth amendment provides for an extension from Ninth to Tenth street. The Senate recedes from its requirement that the company shall cease to operate its lines so as to connect with the Brightwood road on Seventh street.

Eleventh amendment requires the Metropolitan and all other companies to make transfer and trackage arrangements with connecting lines, subject to the determination of the supreme court of the District of Columbia in case of disagreements.

Twelfth amendment places an annual tax of $500 on horse cars operated after the dates set for the changes required.

Mr. RICHARDSON of Tennessee. Mr. Speaker——

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] is recognized.

Mr. WARNER. May I ask the gentleman from Tennessee a question?

Mr. RICHARDSON of Tennessee. Yes.

Mr. WARNER. May I ask whether the effect of the agreement or the recommendation of the conferees will leave the company required to adopt an underground electric system?

Mr. HEARD. Absolutely.

Mr. RICHARDSON of Tennessee. Yes.

Mr. HEARD. And no other kind.

Mr. RICHARDSON of Tennessee. Now, if I may have a few minutes I will explain these amendments briefly. I ask the attention of the House, and will only occupy a few moments' time. I will run through the amendments hurriedly, for there are only about six of them that are of any consequence.

Mr. COOMBS. We want all of them explained.

Mr. RICHARDSON of Tennessee. I will state that they are nearly all of them immaterial, except six, but I will mention each one, in order that the House may judge of the materiality for itself.

Mr. COOMBS. I suggest to the gentleman that he state as to each amendment whether it is a House amendment or a Senate amendment.

Mr. RICHARDSON of Tennessee. The House passed the bill, and all the amendments are Senate amendments. The first amendment of the Senate requires the company to put new cars on its road within ninety days. Within ninety days from the passage of this bill the company is required to equip its line from end to end with new cars, under penalty of $25 a car for each day that they run an old car. The House agreed to that amendment.

The second, fourth, eighth, and tenth amendments are formal. They do not affect the provisions of the bill.

Mr. CANNON of Illinois. Does the gentleman prefer to make his complete statement now, or will he submit to a query touching the first amendment?

Mr. RICHARDSON of Tennessee. I will, right now, as to the first amendment, if the gentleman desires it.

Mr. CANNON of Illinois. As I understand it, this horse railway, the Metropolitan line, is to be changed to an electric railway?

Mr. RICHARDSON of Tennessee. That is true.

Mr. CANNON of Illinois. Now, it is not supposed that that change can be made in ninety days, is it?

Mr. RICHARDSON of Tennessee. No, not at all; but they are required to put on new cars at an expense of from forty to fifty thousand dollars at least within ninety days while using the present motive power.

Mr. CANNON of Illinois. Does my friend think it is proper to require a company that are to make a change to electric cars to entirely re-equip their horse line within ninety days and then make another change of equipment later on?

Mr. RICHARDSON of Tennessee. That is an amendment of the Senate, and the House conferees have agreed to it. The company say they will do it, and I presume they will use the cars as trailers after they have adopted the new motive power. It is a severe rule to apply, but the company submit to it, and the House conferees were not willing to take out the provision.

Mr. CANNON of Illinois. Do I understand that the company agree to it?

Mr. RICHARDSON of Tennessee. They are compelled to agree to it.

Mr. HEARD. They do agree to it.

Mr. CANNON of Illinois. The object of my inquiry was to know whether it was just to compel a company to spend forty or fifty thousand dollars in new equipment, to be thrown away a little later.

Mr. DALZELL. It will not be thrown away.

Mr. RICHARDSON of Tennessee. I will state to the gentleman that it would not be just if it were not for the fact that they can use these cars as trailers on the electric line.

The second, third, fourth, eighth, and tenth amendments correct the grammar of the bill. The word "their" is substituted for "its," as applicable to the company. The words "the date of" are stricken out. There is nothing at all material in any of these amendments.

The thirteenth amendment is a reservation of the right of Congress to alter, amend, or repeal the bill. That was not in the House bill, and it was accepted by the conferees.

The Senate recedes from the fifth amendment, leaving the provision so as to require an underground electric system. As the bill was originally introduced, it provided for an underground electric system. When it was reported from the district committee the word "electric" was left out, but on the floor an amendment was offered, to insert the word "electric." This amendment carried, and the bill went to the Senate with the word "electric" in it, providing for an underground electric system.

The Senate struck out the word "electric," but in conference, upon suggestion of members of the House, who insisted on the word going in, the House conferees have had it reinstated. Therefore, the power is the underground electric system.

The sixth and seventh amendments are important. They extend the time for the completion of the east and west line to two years, the north and south line to be completed in one year. As the bill was reported, it gave them one year on the north and south line and three years on the east and west line; but in the House an amendment was adopted which cut the time down to one year. The Senate amended the House provision so as to require the work to be performed on the north and south line—that is the Ninth street line—in one year, and on the east and west line within two years from the passage of this bill.

Mr. COX. What line is that?

Mr. RICHARDSON of Tennessee. That is the line that runs over F street and East Capitol street, and on to Georgetown.

Now, Mr. Speaker, upon that there was contention. The House conferees were not willing, under the instructions had from the House, to yield the time, and that contention was made until there was proof presented which demonstrated the fact to them that it could not be done inside of two years on the east and west line. Altogether this line will be 9 or 10 miles long, and double track; and it is thought that two years is as early as the east and west line can be completed.

I have in my hand, which I will not read, but which I will insert in my remarks, a letter from Mr. Upton, who is said to be a competent engineer—he was engineer of the Washington and Georgetown street-railway line, and has had experience in the building of street-car lines in the District of Columbia. He says in this letter that it is not possible for this corporation to complete these two lines inside of two years. He thinks the north and south line can hardly be completed within a year; but the bill requires it to be done within a year. He thinks the east and west line can not be completed inside of two years; and therefore the House conferees yielded to the Senate upon that amendment and fixed the time as the Senate fixed it, being one year for the north and south line and two years for the east and west line.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. RICHARDSON of Tennessee. Yes, sir.

Mr. HEPBURN. You say that in your judgment the north and south line can be completed in one year?

Mr. RICHARDSON of Tennessee. I say this engineer says there is doubt about whether it can be completed in one year, but the bill compels them to do it.

Mr. HEPBURN. Why can not they be built concurrently?

Mr. RICHARDSON of Tennessee. I do not know that I can answer that to the satisfaction of the gentleman. The Budapest system, which they propose to adopt, is something new in this country, and it may be that it is not a success. I do not know how that is. At any rate we thought, and we still think, if they complete the north and south line in one year and the east and west line in two years they will do a good work.

Mr. HEPBURN. Then you are giving them two years for additional experiments?

Mr. RICHARDSON of Tennessee. Not at all. I call the gentleman's attention to the twelfth amendment of the Senate, which provides that in the event they do not complete the north and south line in one year and the east and west line within two years, that there shall be a tax of $500 on every horse car operating after that time on their line. I think that means business. I do not think that means further time for experiment.

Mr. HEPBURN. Are you not giving them a year on the east and west line for further experiment?

Mr. RICHARDSON of Tennessee. No, sir.

Mr. HEPBURN. What will they be doing in the meantime?

Mr. RICHARDSON of Tennessee. It will take more than a million of dollars for them to build this road, and it can not be done under two years.

Mr. HEPBURN. That does not answer my question.

Mr. BOWERS of California. Will the gentleman yield to me for a question?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. BOWERS of California. A great many years ago, away on the plains, away from all appliances, 10 miles of track were laid in one day on the Overland route, and it is a wonder that they can not build a little road of this kind in a year.

Mr. RICHARDSON of Tennessee. Was it an underground electric system?

Mr. BOWERS of California. They could do it in ninety days if they wanted to.

Mr. RICHARDSON of Tennessee. Yes; if they had a bonus of about $40,000 a mile and thousands of acres of land for every mile they built; but they have no such bonus as that.

Mr. WILLIAM A. STONE. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. WILLIAM A. STONE. I want to understand what is meant by the proviso in your amendment that requires this company and all other companies to make traffic arrangements?

Mr. RICHARDSON of Tennessee. I will come to that in a moment. I am taking the amendments as I come to them, I will say to the gentleman from Pennsylvania.

Those are the sixth and seventh amendments. I want to say right here that the conference committee gave most careful attention to this question. It may not be improper to refer to the personnel of that committee. There is no politics in it, at any rate. On the part of the Senate, the committee of conference was composed of two Republicans, Senator MCMILLAN and Senator HANSBROUGH, and one Democrat, Senator HARRIS. The House conferees are the gentleman from Missouri, Mr. HEARD, the gentleman from Illinois, Mr. POST, and myself, making three of each party on the committee of conference.

The committee gave very close and earnest attention to this matter, and after the fullest investigation came unanimously to the conclusion that the work could not be done more expeditiously than is provided for in this bill.

The next amendment, the ninth, provides for the extension from Ninth to Tenth street. The Senate recedes from it amendment that the company shall cease to operate its line connecting with the Brightwood road on Seventh street. At the head of Ninth street there is a small branch which runs on Boundary street on the line of the U street road from Ninth to Eighth, and on to Seventh and up Seventh about 100 yards to the stables on the Brightwood overhead trolley line.

The Senate struck out so much of the House bill as required this line to run from the head of Ninth street along the Boundary and up Seventh street to the stables, but the House conferees insisted that that provision should be reinstated, and the Senate yielded. So we have put back in the bill the provision which requires this company to make connection on Seventh street with the Brightwood or Takoma Park road.

Mr. COX. Suppose this company should fail to comply with the conditions within the time prescribed?

Mr. RICHARDSON of Tennessee. I have just stated that in that case they are to be fined $500 for every horse car they continue to run after the expiration of the two years.

Mr. WILLIAMS of Illinois. That is in case they fail on both lines.

Mr. RICHARDSON of Tennessee. On either line.

Mr. WILLIAMS of Illinois. The bill does not read that way.

Mr. RICHARDSON of Tennessee. Yes it does. I have read you simply the statement, and was not reading the bill. I will now read that provision in the bill.

Mr. COX. Suppose they fail on one line and comply with the requirement of the law on the other?

Mr. RICHARDSON of Tennessee. This provision for a penalty in the bill was drawn by Senator MCMILLAN. It reads:

SEC. 6. That on and after one year from the approval of this act the Metropolitan Railway Company shall pay to the District of Columbia, in addition to all other taxes now required to be paid by said company, an annual tax of $500 for each and every car operated by horses on that portion of its lines known as the Ninth Street line; and on and after two years from the approval of this act the said railway company shall pay, in addition to all other taxes now required to be paid by said company, an annual tax of $500 for each and every car operated by horses on any line owned or controlled by the said company.

I have explained the ninth amendment, which provides for making the connection at the head of Ninth street.

The eleventh amendment requires the Metropolitan Company and all other companies to make transfer and trackage arrangements with connecting lines, subject to the determination of the supreme court of the District of Columbia in case of any disagreement between the companies.

Mr. WILLIAM A. STONE. Under that provision these suburban roads that are pressing to get into the city can come in on lines already constructed?

Mr. RICHARDSON of Tennessee. They can.

Mr. WILLIAM A. STONE. So that we will not have to remain in fear of having the streets torn up in front of our houses to oblige speculative gentlemen who may desire to get new street railway franchises in the city of Washington?

Mr. RICHARDSON of Tennessee. The gentleman's question answers itself, I think.

Mr. COOMBS. Is this arrangement as to trackage to begin after the completion of the road or immediately?

Mr. RICHARDSON of Tennessee. The transfer arrangement is to begin at once. I will read the amendment, and I ask attention to it because this seems to be about the only matter as to which there is controversy, and I do not think there will be any about this when practical men come to look at it:

SEC. 5. That the Metropolitan Railroad is hereby authorized and required immediately to make reciprocal transfer arrangements with street railroad companies whose lines now connect with its lines and to furnish the facilities therefor as the public convenience may require.

Mr. COOMBS. That refers to transfers.

Mr. RICHARDSON of Tennessee. Yes. They are required to make immediately reciprocal transfer arrangements with all connecting lines, so as to bring passengers from the suburban lines into the heart of the city. I read further from this section:

Upon the completion of the underground electric system provided for in this act, the said Metropolitan Railway Company is hereby further authorized and required to enter into reciprocal trackage arrangements with connecting roads. The schedules and compensation shall be mutually agreed upon between the said Metropolitan Railroad Company and the companies with whose lines its lines connect; and in any case of failure to reach such mutual agreement the matters in dispute shall be determined by the supreme court of the District of Columbia upon petition filed by either party: *Provided*, That every street railway company in the District of Columbia whose lines connect, or whose lines may hereafter connect, with the lines of any other street railway company, is hereby subjected to the same requirements as to transfers and trackage arrangements and upon similar conditions, as in this section provided in the case of the Metropolitan Railroad Company and the lines connecting therewith.

Mr. COOMBS. I suppose, then, the idea of the committee is that Ninth street shall be made the inlet and outlet for the suburban roads?

Mr. RICHARDSON of Tennessee. No, sir; not that idea simply. The idea is that the Metropolitan Railroad Company has the Ninth street line, and has, too, the Connecticut avenue line, which connects with the Rock Creek road at Eighteenth street. Now, this bill provides that there must be immediately on all the street railroads of this city, where they connect, reciprocal arrangements for the transfer of passengers from one line to another without change of cars. That is all the public can ask.

Mr. COOMBS. The suggestion has been made this morning—and I think attention ought to be called to the matter—that the Metropolitan road proposes to adopt a voltage of their own, different from that of the other roads.

Mr. RICHARDSON of Tennessee. I will discuss that question in a moment. What has now been said leaves only the question of power——

Mr. HERMANN. Before the gentleman proceeds to discuss that question let me ask him whether "reciprocity" or "reciprocal arrangements", where that language occurs, refers, as the gentleman understands, to a uniformity of rates?

Mr. RICHARDSON of Tennessee. The gentleman, as I understand, wishes to know what is meant by the term "reciprocal arrangement." It simply means a mutual arrangement between these railroad companies. Where their lines connect they must make arrangement for the convenience of the public; and in case of a disagreement between them as to the rate of compensation, the supreme court of the District of Columbia, upon the petition of either party, is to settle the question.

Mr. HERMANN. Does it imply that the rate is to be one and the same—that the rate of one road is to be recognized by the other?

Mr. RICHARDSON of Tennessee. Well, it does not settle the rates; it simply leaves that question open for adjustment between the officers of the companies; and in the event that they can not agree, the supreme court of the District must settle it amicably and equitably.

Mr. HERMANN. And there is to be one rate, I understand, applying to these continuous roads?

Mr. RICHARDSON of Tennessee. One rate.

The only other question is that with reference to voltage; and when we come to talk about that I confess to some want of knowledge, for I am not an expert in electricity. But there is, I believe, a standard voltage in this country for running street cars; the power must be equal to 500 volts for overhead systems. That is the standard for the overhead trolley, as I understand.

Mr. KILGORE. I suppose the gentleman means 500 strokes of lightning.

Mr. RICHARDSON of Tennessee. Well, it is worse than lightning—worse than Texas "chain lightning." [Laughter.]

But, Mr. Speaker, I want to get through, because we are trespassing upon the time assigned to the special order.

Mr. COOMBS. But this is an important bill.

Mr. RICHARDSON of Tennessee. It is.

Let me say this: The Metropolitan Railroad Company, having been required by Congress to use an underground electric system, has determined, as we are informed, to use what is known as the Budapest system, and I have been told that that can be run with 300 volts. The conferees were informed that in New York City there is an underground system running with 250 volts. I do not know how that is. I understand that the Love system which is being operated in this city requires 500 volts, and that is the standard power of the overhead trolley. But the underground electric system does not require more than 300 volts.

That being the fact, the conferees felt unwilling to prescribe any standard of voltage. I take it such will be the feeling of the House. We did not feel willing to require the Rock Creek road, operating a part of its line by the Love system, to cease to use the 500 volts and restrict itself to 300 volts. On the other hand, I take it, this House would not be willing to require that the Metropolitan Company, which is to use the Budapest system, shall adopt any higher standard than 300 volts. In other words, we require this road, the Metropolitan Railroad, to use the underground electric system; and we leave it to elect from the various systems the one in which it chooses to invest its money. That is all there is of the matter.

Mr. KILGORE. I understand that there is a scheme to unite the Metropolitan Line with the Chevy Chase Road, the cars of each running on the tracks of the other. I understand further that the Chevy Chase cars can not be run with 300 volts, but must have as many as 500. Hence if we adopt a limitation of 300 volts, would not that exclude the Chevy Chase Road from any reciprocal relation with the Metropolitan?

Mr. RICHARDSON of Tennessee. It would not; they could not use their motive power on the other line; but they could provide for the transfer of cars and passengers. Their cars could be brought in as trailers.

Mr. KILGORE. But the proposition is to run the cars clear through, for instance, from the Capitol to Chevy Chase, without change and for a single fare.

Mr. HEARD. The bill provides for that.

Mr. KILGORE. That may be; but if you fix the limit of power below that necessary to operate the Chevy Chase cars, then you exclude that road from participation in this arrangement.

Mr. RICHARDSON of Tennessee. Now, I will ask the gentleman from Texas if this Metropolitan Company, which is to put a million of dollars, more or less, into a system of electric underground motive power, should not be permitted to decide for themselves which one they will select?

Mr. KILGORE. Well, I would not undertake to prevent them——

Mr. RICHARDSON of Tennessee. We say that they shall use an underground electric motor system, and inasmuch as there are quite a number of these systems, all of them involving a great expense, we leave them to decide for themselves which they shall use.

Mr. KILGORE. Yes; but the public interests should have something to say in the matter.

Mr. RICHARDSON of Tennessee (continuing). If they can get a system to operate with 300 volts, let them do it in Heaven's name. Do not force them to take a higher voltage than that when it is not necessary.

Now, in response to the gentleman's further suggestion, we give in this matter to the public all that they want, or all that they can ask, by bringing in the cars of the Rock Creek and all other connecting lines on the Metropolitan road to the center of the city. It is true that if there is a difference in any two systems used they may not bring in their motors, but they bring the cars and the passengers of the company.

Mr. KILGORE. Well, they will have to be operated with some power.

Mr. RICHARDSON of Tennessee. Oh, no; the power of the Metropolitan road will haul their cars.

Mr. WASHINGTON. They will simply hitch on their cars to the Metropolitan motors.

Mr. CANNON of Illinois. If the gentleman will permit me, I notice right at this point the provision to which the gentleman has referred; that is, that if these companies can not reach an agreement between themselves as to the interchange or the use of their cars, that it shall be carried, upon petition, to the supreme court.

Now, the gentleman says that the standard voltage of street electric railroad construction and operation is 500 volts——

Mr. RICHARDSON of Tennessee. Oh, no.

Mr. CANNON of Illinois (continuing). This company proposes to use a system requiring only 300 volts, and everybody that understands anything about it understands that the change from 500 volts to 300, or *vice versa*, can not be made with regard to these motors without very great expense.

Now, does not my friend think, as this matter is to go to the supreme court anyhow, in the event of a disagreement between these companies, that the question of the voltage to be used by the company should also go there if they can not agree about it? In other words, if the Metropolitan road will not agree with the surburban roads on fair terms, let the question of power or voltage be submitted to the supreme court also.

Mr. HEARD. Will my colleague on the committee allow me a moment?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. HEARD. I want to ask on what authority the gentleman from Illinois asserts that there is any standard of electro-motive power in use in this country or anywhere else?

Mr. CANNON of Illinois. Well, I will state to the gentleman that I have had some little information about the matter; that I have taken some interest in the question of motive powers of street railroads, and have acquired some little general knowledge about it, and that information was reënforced by the statement of the gentleman from Tennessee himself that the standard voltage was 500 in this country.

Mr. RICHARDSON of Tennessee. If the gentleman will permit me, I said the standard of the overhead trolley, operated on the Rock Creek line, was about 500 volts; but I distinctly said that the standard for the underground or Budapest system is only 300 volts, and that in New York they were operating a line of railway, an underground electric system, with less than 250 volts.

Mr. CANNON of Illinois. Will the gentleman state if the Budapest system is operated anywhere in the United States at this time?

Mr. RICHARDSON of Tennessee. I am unable to answer the gentleman as to that, but I think not.

Mr. CANNON of Illinois. Then another question: Is it not practical for the Budapest system to use 500 volts instead of 300?

Mr. RICHARDSON of Tennessee. It is absolutely impracticable; and I will state to the gentleman that the experts who are informed made that conclusion perfectly clear and unanswerable. The conferees were told by the gentleman from Nevada [Mr. NEWLANDS] that it was absolutely impossible for the Love system, which is in use on the Rock Creek line, to use 300 volts, and equally impossible for the Budapest system, which uses 300 volts, to change to 500 volts. It was said by the experts that it would destroy the batteries and render utterly useless the motive power of the roads.

Mr. CANNON of Illinois. Well, my opinion is not that way, and I think I can state with some degree of certainty that the Budapest system can be operated with 500 volts. And whether it can or not, there is another question to be considered here. My friend talks of expending a million dollars by this road for the underground system, and then says to the suburban roads, exceeding many miles the length of the Metropolitan system, that they shall not come into the city where the great travel is unless they come in over the city line of the Metropolitan road, and that they shall not come in then——

Mr. RICHARDSON of Tennessee. I did not say that. There is no such statement and nothing to warrant it in the conference report.

Mr. CANNON of Illinois. Ah, but the gentlemen says the suburban systems can not come in on the Metropolitan line, because they use 500 volts, while the Metropolitan road will use but 300 under this system. Now, who is entitled to the greater consideration in this matter, the suburban roads with their long lines, using 500 volts, or the Metropolitan line, which is to put in a new underground system? Should not the entire new road about to be constructed, if it be practical, use the 500 volts, and thereby accommodate the long suburban lines; or will you compel the suburban system, which has but little travel, to throw away their present motors and substitutes new ones to accommodate them to the proposed new system to be adopted by the Metropolitan road?

Is it not more equitable for the new road about to be constructed to have to interchange with the suburban roads already constructed than to require the latter to conform to what may be adopted by the Metropolitan line? Now, it seems to me that in a question of that character, involving as it does so much, that the question of voltage and other questions of disagreement which may arise between these lines, might well and profitably be left to the supreme court on petition or to the Commissioners of the District as we may provide.

Mr. WASHINGTON. Will the gentleman from Illinois allow me to ask him a question right there?

Mr. CANNON of Illinois. Certainly.

Mr. RICHARDSON of Tennessee. I yield to my colleague [Mr. WASHINGTON].

Mr. WASHINGTON. Do you think the House of Representatives ought to select the particular system that each road should be compelled to adopt, and thereby assume the responsibility of failure, if there is failure?

Mr. CANNON of Illinois. Oh, no.

Mr. RICHARDSON of Tennessee. That is what you propose to do.

Mr. WASHINGTON. That is what you are trying to do, and altogether in the interest of one system of underground transmission of power and one road.

Mr. RICHARDSON of Tennessee. I yielded to my friend for a question. I am pressed by other gentlemen, who desire to bring up other matters, and I hope the gentleman will not consume the time of the House needlessly.

Mr. CANNON of Illinois. Oh, well, this matter is not going through without information, in my judgment, and the gentleman yielded to his colleague [Mr. WASHINGTON] to ask me a question, and I wish to reply.

Mr. RICHARDSON of Tennessee. Will the gentleman answer the question and not argue the matter? I will yield to the gentleman for an answer.

Mr. CANNON of Illinois. I will try, but I must have a little time to answer. The gentleman from Tennessee [Mr. WASHINGTON] asked if Congress can undertake to say what the exact voltage shall be, whether 300 or 500? That was the effect of his question, and I answer no. But when I answer no I must also state what the fact is. At an expense equal to or exceeding the cost of this proposed change in the Metropolitan line, the Chevy Chase road and the Brightwood and Tacoma Park roads have been built. These have been built with the prevailing standard system of 500 volts.

Mr. HEARD. Overhead.

Mr. WASHINGTON. You will not allow this line to use the overhead system, which I would be willing to do.

Mr. CANNON of Illinois. I hope the gentleman will contain his soul in peace.

Mr. WASHINGTON. I am about as peaceful as the gentleman from Illinois.

Mr. RICHARDSON of Tennessee. I hope the gentleman will not consume too much time.

Mr. CANNON of Illinois. I do not think it is high treason to inquire what the facts are about this report.

Mr. RICHARDSON of Tennessee. No, not at all.

Mr. CANNON of Illinois. Now, having stated so much as to the suburban roads, it is stated by the gentleman from Tennessee, and such is the fact, that these suburban roads do not come into the city now. Congress desires to let them come in. They have been knocking at the doors of Congress for the privilege of getting into the city, and we have regretted that they were not in, so that we could get into the country.

Now, Congress has said, "You shall not come into the city," but Congress turns around and says by this amendment, "You may come into the city, but you must come in over the lines of the Metropolitan road, which we are now providing for, and you must come in with a power that will prohibit you from using your present power, which is 500 voltage."

Mr. HEARD. Will my friend allow an inquiry?

Mr. RICHARDSON of Tennessee. I can not yield the floor all day. I want to get along.

Mr. HEARD. If the gentleman will yield to me for a moment, I simply want to correct the statement of the gentleman from Illinois [Mr. CANNON]. He says this will prohibit the Rock Creek road from getting its cars into town. Does not the gentleman know that the provisions of this section will require the Metropolitan road to draw the cars into town in case the Rock Creek or any other connecting road can not use its own power?

The Brightwood road has the same interest. The Tennallytown road and the Rock Creek road and every other road in the suburbs have the same interest.

Mr. RICHARDSON of Tennessee. This amendment provides for all connecting roads.

Mr. CANNON of Illinois. The gentleman makes it that much stronger; and let me say to him that the Metropolitan road should not be allowed to impose terms upon these great suburban systems that their cars shall come in upon that line and be dragged in as trailers.

Now, then, I desire to say that it is confessed by the gentlemen in charge of this bill that the suburban railroads can not come in upon this track on less than 500 voltage, except as their cars are hauled as trailers. Now, then, I desire to say, from the best information I can get, that it is perfectly practicable under the Budapest system, or in any other underground system, to use 500 voltage on that system. Let me read on that point a telegram which has just been handed me, which is conclusive upon that subject:

CHICAGO, ILL., *July 25.*

FRANCIS J. NEWLANDS,
President Rock Creek Railroad, House of Representatives:
Budapest system as modified for America will work all right 500 volts.
SIEMENS AND HALSK ELECTRIC COMPANY.

Mr. HEPBURN. They are the agents here.

Mr. CANNON of Illinois. They are the agents, as I am informed, of that company.

Now, then, I want this conference report voted down, and sent back to conference, to leave this question of voltage open, not according to the wish of the Metropolitan Railroad, not according to the wish of the suburban railways, because they may be either one or the other selfish, but I want it left open for fair adjustment, if it can be adjusted; and if it can not be adjusted, I want them all to have the right to go to the supreme court of the District on petition and let the supreme court say what the voltage shall be and what the terms shall be. It seems to me that it gives equity and fairness, and that is what I believe ought to be done.

It may be the court, on petition, would have that right under the provision as agreed upon in the conference report, but if the conference report is voted down there might be an agreement by another conference expressly authorizing the court to determine the voltage.

Mr. RICHARDSON of Tennessee. Upon the point the gentleman has just made of making it uniform, Congress will have the power to make it uniform, if it can be done, hereafter. The gentleman speaks as if it were a question of the voltage of the Budapest system. The gentleman, if he will think for a moment, will remember, and ought to know, that the apparatus and fixtures used by the Budapest underground system are different from those used by the Love system; and even if they had stored 500 volts they could only attach it and use it by using the same machinery.

Mr. WASHINGTON. They do not use the same trolley.

Mr. RICHARDSON of Tennessee. They do not use the same trolley. They use the overhead in part, and this is underground; but we do not undertake to say, and I do not believe that this House intends to say, to this Metropolitan Railroad Company, "You shall use an underground electric system, and we shall select it for you;" but that if they are to spend a million dollars in order to carry out this improvement, let them select their own plant and spend their money as they desire. Let them select their own system and expend their own money, and let Congress require the work to be done in a workmanlike manner. I now yield three minutes to the gentleman from Missouri [Mr. HEARD].

Mr. HEARD. Mr. Speaker, I desire to ask the attention of the House to the main virtues of this proposition, which are these. It proposes, in a way that is perfectly fair, to give all the people who live in the suburbs the means of getting into the city without change of cars, because if a suburban line has a power which does not admit of being used on the main line, this law compels the main line to draw its cars into the city, and thereby furnishes the accommodation in that direction which the public requires. This applies not only to the Metropolitan and Rock Creek lines, but to any other connecting lines.

But the main advantage of this bill is that it establishes what the people of this District have hoped for for years. It subjects, under reasonable conditions, the main lines to the use of the newer outlying lines to such an extent that it will not be necessary hereafter to appropriate any more of our streets in the heart of the city to railroad purposes in order to get suburban residents into the city. In other words, this measure will enable, and will practically compel, the use of the main street railroad lines of this city by all suburban lines connecting with them, under equitable conditions, and will remove the necessity for giving up the use of any more of our important streets to the occupancy of railroads. And the terms of this proposition are absolutely fair. Any street railroad connecting with another road may make application to the managers of the road with which it so connects for terms for transfers or trackage. If the companies can not agree, then the question goes to the supreme court of the District on the application of either party, and it is there settled just as questions are now settled between these companies where their tracks coincide; and the question of compensation is also thus determined. This adopts the principle of the existing law as it relates to controversies between street railroads, and gives either road the right to make application to the supreme court to fix the terms and conditions upon which the people of the District shall be furnished the transfer accommodation which is necessary or desirable.

[Here the hammer fell.]

Mr. HEPBURN. Mr. Speaker——

Mr. RICHARDSON of Tennessee. How much time does the gentleman desire?

Mr. HEPBURN. I want to be recognized in my own time.

Mr. RICHARDSON of Tennessee. I want to get through with this matter, and I wish the gentleman would state what time he desires.

Mr. HEPBURN. I want only a reasonable time.

Mr. RICHARDSON of Tennessee. I have only ten minutes left, and I will yield the gentleman eight.

Mr. HEPBURN. Well, I will take that, though I want more time.

Mr. RICHARDSON of Tennessee. I am anxious to get through with this report, because the Committee on Interstate and Foreign Commerce is pressing us.

Mr. HEPBURN. Mr. Speaker, I want to call attention to the fact that every amendment of moment adopted and insisted upon by the House has been waived and given away by the conferees.

Mr. HEARD. How about the question of electric power?

Mr. RICHARDSON of Tennessee. We have yielded on but one amendment, and that is as to the time.

Mr. HEPBURN. Mr. Speaker, the attack that was made upon the bill as it was reported by the committee was, first, because of the extended time that it grantsd to the Metropolitan Company to insist upon carrying out their own purposes, without any regard whatever to the declared will of Congress.

Bear in mind that more than five years ago this railroad company was required by law to adopt some other and more speedy system of motive power than that which it was then using and which it is still using. That law went into effect in March, 1889, and from that day to the present this company has treated it with absolute contempt. They came in here demanding two years additional time, and stated as a reason that they had been experimenting and had expended $400,000 in experiments, which was so much lost to them. That statement was shown to be erroneous, and the House finally gave them a single year. Now the conference committee has given that away. That is one point.

The next important proposition was, that Congress adopted the policy, or it was in the minds of members to adopt the policy, of using this road as a trunk line to bring into the center of the city on its tracks the suburban roads; but not one of those roads, under this amendment, can ever reach the center of the city.

Mr. RICHARDSON of Tennessee. Every one of them can have its passengers brought in for one fare.

Mr. HEPBURN. Not one of them can reach the center of the city. You can compel the hauling of their heavy cars, laden with their machinery; you can compel those companies to pay the expense of having that dead weight hauled by other companies, the suburban roads being powerless to use their own machinery. You can do that, but I undertake to say that that was not the purpose of the House, and there is no railroad in existence that, under the provisions of this amendment, can compel the hauling of its cars except one, because there is only one that now connects with this road.

Mr. RICHARDSON of Tennessee. What line is that?

Mr. HEPBURN. That is the Rock Creek line.

Mr. RICHARDSON of Tennessee. Why, the Brightwood line, the Belt line, the Tennallytown line, all connect with this road. The gentleman is not familiar with the subject or he would not make such statements.

Mr. HEPBURN. The Brightwood line connects with it if this company is compelled to continue that part of its line between Ninth and Seventh streets——

Mr. RICHARDSON of Tennessee. And this conference report requires that.

Mr. HEPBURN. But if they are permitted to abandon that, as the Senate amendment proposes, they will then deflect toward Tenth street and be three blocks away from a connection with the Brightwood line.

Mr. RICHARDSON of Tennessee. The gentleman must know very well that this conference report requires them to keep up that connection. I know the gentleman does not intend to misstate the matter. The spirit of advocacy should not tempt him

to overlook the facts. The bill requires that connection to be kept up; and the same is true in regard to the connection with the Tennallytown road.

Mr. HEPBURN. Where is the connection with that road?

Mr. RICHARDSON of Tennessee. In Georgetown. I do not know that I can state exactly where.

Mr. WASHINGTON. At High street.

Mr. HEPBURN. Where connections exist, the gentleman may be correct; but under the terms of this amendment, if connections should hereafter be made over intermediate roads, then there will be nothing obligatory with regard to this matter.

Mr. RICHARDSON of Tennessee. The amendment is drawn to cover all connecting lines.

Mr. HEPBURN. It is not generous for the gentleman, after giving me eight minutes, to consume nearly all my time himself.

Mr. RICHARDSON of Tennessee. The gentleman wanders so far away from the facts that I could not refrain from correcting him.

Mr. HEPBURN. Mr. Chairman, I want to see this conference report voted down with a view to sending the matter again to conference, so that the question of voltage may be submitted to a proper arbitration. Under the terms of this amendment, as has been stated, this company is permitted to use whatever voltage it may choose. This ought not to be; there ought to be uniformity in this matter among all these roads. If electricity is to be the motive power, then there should be some class of machinery common to all the roads, and there ought to be some power to determine the question of voltage.

Mr. WASHINGTON. How can we have that when the Senate will not permit the overhead trolley system to be introduced this side of the boundary, and when nearly all the roads beyond the boundary are operated by the overhead trolley?

Mr. HEPBURN. The machinery of the overhead trolley can easily be adapted to the underground system. One or the other is to be the rule, I take it. There is no difficulty in settling this matter. Let us give the Commissioners power to determine what the voltage shall be, and what the class of machinery shall be; or if you do not like that, let the supreme court of the District of Columbia determine it.

Let us have some common system and common method, and then there will be a possibility of getting into and out of the city without a multiplication of tracks. I do not believe it is the temper of this House to grant any additional roads in the northeastern part of the city. From all that I have observed I think it is impossible for any new company in that direction to be chartered. Hence I believe it is the policy to use the Metropolitan tracks for the purpose of getting into the central portion of the city. Let us have some provision on this subject which shall be effective.

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. Mr. Speaker, it is absolutely impracticable to refer the question of voltage to the courts. If you do that, the work of preparing for and putting in operation this improved motive power must be postponed until that question is settled. Practically it will be an indefinite postponement. Congress proposes to require this road to complete this work within one year on the north and south line, and within two years on the east and west line. If the work is to be postponed indefinitely until this question of voltage can be settled in the courts, it will be a long time before we shall have rapid transit on the Metropolitan line.

Mr. CANNON of Illinois rose.

Mr. RICHARDSON of Tennessee. I can not yield to the gentleman, because I have not the time; and he declined to yield when he had the floor.

Mr. Speaker, the conferees are unanimous. They agree that this report embodies the best that can be done. It is a public necessity that the Metropolitan road should complete its system and introduce rapid transit. As my time is about expiring, I move the previous question and ask the House to adopt the conference report.

Mr. HAINES. Will not the gentleman withdraw the previous question in order to allow me ten minutes?

Mr. RICHARDSON of Tennessee. If I had the time I would; but the gentleman knows I have not.

Mr. HAINES. I ask unanimous consent to address the House for ten minutes.

The SPEAKER. The gentleman from Tennessee has demanded the previous question.

The question being taken on ordering the previous question there were, on a division (called for by Mr. HEPBURN)—ayes 92, noes 19.

Mr. HEPBURN. No quorum.

Mr. HEARD and Mr. RICHARDSON of Tennessee. Yeas and nays.

The yeas and nays where ordered.

The SPEAKER named as tellers to act during the roll call Mr. RICHARDSON of Tennessee and Mr. HEPBURN, both of whom asked to be excused from serving; and Mr. HEARD and Mr. DOOLITTLE were appointed.

The question was taken; and there were—yeas 166, nays 40, answering "present," 3, not voting 142; as follows:

YEAS—166.

Abbott,	Daniels,	Johnson, Ind.	Perkins,
Adams, Pa.	Davey,	Johnson, N. Dak.	Pickler,
Alexander,	Davis,	Kem,	Powers,
Avery,	De Forest,	Kiefer,	Reilly,
Baker, Kans.	Dinsmore,	Kribbs,	Reyburn,
Baldwin,	Dockery,	Kyle,	Richards, Ohio
Bartlett,	Draper,	Lacey,	Richardson, Tenn.
Bingham,	Durborow,	Latimer,	Robertson, La.
Black, Ill.	Ellis, Ky.	Layton,	Ryan,
Blair,	Ellis, Oregon	Livingston,	Sayers,
Bland,	Epes,	Loud,	Shell,
Boen,	Erdman,	Lucas,	Sipe,
Branch,	Everett,	Lynch,	Snodgrass,
Breckinridge, Ark.	Forman,	Maddox,	Somers,
Bretz,	Funk,	Mahon,	Sorg,
Brickner,	Fyan,	Mallory,	Springer,
Brookshire,	Geiss nhainer,	Martin, Ind.	Stevens,
Brosius,	Gillet, N. Y.	McAleer,	Stone, C. W.
Brown,	Goldzier,	McCall,	Stone, W. A.
Bundy,	Gorman,	McCreary, Ky.	Storer,
Bunn,	Grady,	McCulloch,	Strait,
Bynum,	Gresham,	McDearmon,	Strong,
Cadmus,	Griffin,	McDowell,	Sweet,
Campbell,	Hager,	McEttrick,	Talbert, S. C.
Cannon, Cal.	Hainer,	McKaig,	Taylor, Tenn.
Caruth,	Hall, Minn.	McLaurin,	Tracey,
Clancy,	Hall, Mo.	McNagny,	Tucker,
Clark, Mo.	Hammond,	McRae,	Turner, Ga.
Cobb, Mo.	Hare,	Meiklejohn,	Van Voorhis, Ohio
Cockrell,	Harmer,	Mercer,	Wanger,
Coffeen,	Hatch,	Meredith,	Washington,
Cogswell,	Heard,	Meyer,	Waugh,
Cooper, Fla.	Henderson, Iowa	Moon,	Wheeler, Ala.
Cooper, Ind.	Henderson, N. C.	Mutchler,	Williams, Ill.
Cooper, Wis.	Hines,	Northway,	Wilson, Ohio
Cornish,	Holman,	Ogden,	Wilson, Wash.
Cox,	Houk,	O'Neil, Mass.	Wise,
Crawford,	Hudson,	Page,	Wolverton,
Cummings,	Hulick,	Patterson,	Woodard,
Curtis, Kans.	Hutcheson,	Pearson,	Wright, Mass.
Curtis, N. Y.	Ikirt,	Pendleton, Tex.	
Dalzell,	Izlar,	Pendleton, W. Va.	

NAYS—40.

Adams, Ky.	Cooper, Tex.	Hartman,	Pigott,
Aldrich,	Cousins,	Jones,	Quigg,
Allen,	Culberson,	Kilgore,	Ritchie,
Arnold,	De Armond,	Lefever,	Russell, Conn.
Baker, N. H.	Doolittle,	Maguire,	Schermerhorn,
Bartholdt,	English, N. J.	Marsh,	Talbott, Md.
Black, Ga.	Fithian,	Marshall,	Tate,
Bowers, Cal.	Grosvenor,	Marvin, N. Y.	Tyler,
Burrows,	Grow,	Neill,	Warner,
Cannon, Ill.	Haines,	Paschal,	Wright, Pa.

ANSWERING "PRESENT"—3.

Barnes,	Covert,	Henderson, Ill.

NOT VOTING—142.

Aitken,	Dunn,	Linton,	Settle,
Alderson,	Dunphy,	Lockwood,	Shaw,
Apsley,	Edmunds,	Loudenslager,	Sherman,
Babcock,	English, Cal.	Magner,	Sibley,
Bailey,	Enloe,	McCleary, Minn.	Sickles,
Bankhead,	Fielder,	McDannold,	Simpson,
Barwig,	Fletcher,	McGann,	Smith,
Belden,	Funston,	McKeighan,	Sperry,
Bell, Colo.	Gardner,	McMillin,	Stallings,
Bell, Tex.	Gear,	Milliken,	Stephenson,
Beltzhoover,	Geary,	Money,	Stockdale,
Berry,	Gillett, Mass.	Montgomery,	Stone, Ky.
Boatner,	Goodnight,	Morgan,	Straus,
Boutelle,	Graham,	Morse,	Swanson,
Bower, N. C.	Grout,	Moses,	Tarsney,
Breckinridge, Ky.	Harris,	Murray,	Tawney,
Broderick,	Harter,	Newlands,	Taylor, Ind.
Bryan,	Haugen,	Oates,	Terry,
Burnes,	Hayes,	O'Neill, Mo.	Thomas,
Cabaniss,	Heiner,	Outhwaite,	Turner, Va.
Caminetti,	Hendrix,	Payne,	Turpin,
Capehart,	Hepburn,	Paynter,	Updegraff,
Catchings,	Hermann,	Pence,	Van Voorhis, N. Y.
Causey,	Hicks,	Phillips,	Wadsworth,
Chickering,	Hitt,	Post,	Walker,
Childs,	Hooker, Miss.	Price,	Weadock,
Clarke, Ala.	Hooker, N. Y.	Randall,	Wells,
Cobb, Ala.	Hopkins, Ill.	Ray,	Wever,
Cockran,	Hopkins, Pa.	Rayner,	Wheeler, Ill.
Conn,	Hull,	Reed,	White,
Coombs,	Hunter,	Richardson, Mich.	Whiting,
Crain,	Johnson, Ohio	Robbins,	Williams, Miss.
Denson,	Lane,	Robinson, Pa.	Wilson, W. Va.
Dingley,	Lapham,	Rusk,	Woomer.
Doliver,	Lawson,	Russell, Ga.	
Donovan,	Lester,	Scranton,	

So the previous question was ordered.

The following additional pairs were announced for the rest of the day:

Mr. BARNES with Mr. MCCLEARY of Minnesota.

Mr. WELLS with Mr. APSLEY.

The result of the vote was then announced as above recorded.

The report of the conference committee was agreed to.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. WISE. I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports.

CHANGE OF REFERENCE.

On motion of Mr. McRAE, the Committee on the Public Lands was discharged from the further consideration of the bill (H. R. 7516) granting to the Gila Valley, Globe and Northern Railway Company the right to enter upon the White Mountain Indian Reservation and the Camp Thomas military reservation, in the Territory of Arizona, for the purpose of making a survey of its line; and the same was referred to the Committee on Military Affairs.

PORT ANGELES, WASH.

Mr. McRAE, from the Committee on the Public Lands, reported back with favorable recommendation the bill (H. R. 7499) to grant to the city of Port Angeles, State of Washington, certain lands within the town site of Port Angeles, Wash., for cemetery purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY THROUGH THE PUBLIC LANDS.

Mr. McRAE also, from the Committee on the Public Lands, reported in lieu of House bill No. 7733, to grant the right of way through the public lands for tramways, ditches, and canals, and for other purposes, a bill (H. R. 7828) to permit the use of the right of way through the public lands for tramways, canals, and reservoirs, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The SPEAKER. The bill H. R. 7733—the original bill—will be laid on the table.

SETTLEMENT WITH CERTAIN INDIAN TRIBES.

Mr. MADDOX, from the Committee on Indian Affairs, reported back with favorable recommendation the bill (H. R. 7810) to authorize the Attorney-General to bring suit in the supreme court of the District of Columbia against the Wichita and affiliated bands of Indians, the Comanche, Kiowa, Apache, Choctaw, and Chickasaw tribes, to determine and settle the legal or equitable interest of said Indians in certain lands located between the ninety-eighth and one hundredth degree of west longitude, in Oklahoma Territory, and located within the territory leased from the Choctaw and Chickasaw tribes in the year 1855 and ceded in 1866, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS SOUTH CANADIAN RIVER.

Mr. DURBOROW, from the Committee on Interstate and Foreign Commerce, reported back with favorable recommendation the bill (S. 320) to authorize the Purcell Bridge and Transfer Company to construct a bridge over the South Canadian River at or within one mile of the town of Lexington, county of Cleveland, Territory of Oklahoma; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. WISE. I ask unanimous consent to dispense with the second morning hour to-day.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WISE. I now call up the special order fixed for to-day.

The SPEAKER. The Clerk will read the special order.

The Clerk read as follows:

Resolved, That Thursday, the 26th instant, after the second morning hour, be assigned to the consideration of business reported from the Committee on Interstate and Foreign Commerce.

ORGANIZATION OF THE LIFE-SAVING SERVICE.

Mr. WISE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider the bill (H. R. 2795) to amend section 5 of an act approved June 18, 1878, entitled "An act to organize the Life Saving Service."

The motion was agreed to.

The House accordingly resolved into Committee of the Whole House on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. The Clerk will report the bill called up by the gentleman from Virginia.

The bill was read, as follows:

Be it enacted, etc., That section 5 of the act of Congress approved June 18, 1878, entitled "An act to organize the Life Saving Service," be, and the same is hereby, amended so as to read as follows:

"SEC. 5. That hereafter the life-saving stations upon the sea and Gulf coasts at which crews are employed shall be manned and the stations opened for active service on the 1st day of August in each year, and so continued until the 1st day of June succeeding; and upon the lake coasts from the opening to the close of navigation, except such stations as in the discretion of the Secretary of the Treasury are not necessary to be manned during the full period specified; and the crews shall reside at the stations during said periods."

SEC. 2. That all acts and parts of acts inconsistent herewith are hereby repealed.

The Committee on Interstate and Foreign Commerce recommended the following amendment:

In line 8, section 5, strike out the word "sea" and insert the word "Atlantic."

Mr. WISE. Mr. Chairman——

The CHAIRMAN. The gentleman from Virginia [Mr. WISE] is recognized.

Mr. SAYERS. I do not understand the character of the amendment which was offered.

Mr. MALLORY. It is simply to strike out the word "sea" and insert the word "Atlantic."

Mr. WISE. The only amendment proposed by the committee is to strike out the word "sea" and insert the word "Atlantic;" so that it will read "on the Atlantic and Gulf coasts" instead of "sea and Gulf coasts."

Mr. Chairman, I will make the statement that the whole effect of this bill is to have these life stations manned from the 1st day of August until June, instead of from the 1st day of September until May.

Mr. BOUTELLE That is right.

Mr. WISE. The Superintendent of the Life-Saving Service states, in a letter which I have in my hand, that he regards this as absolutely necessary for the preservation of life and property; that in recent years, during the months of August and May, we have had most terrible storms upon our coasts during those two months of May and August, when the life-saving stations are not manned, and he states in this letter which I hold in my hand, and which I will have read, if necessary, that he deems it to be necessary, as I have stated, for the preservation of life and property.

No mention is here made of the Pacific coast, because on that coast he is authorized to have these stations manned whenever he deems it to be necessary. There is no such provision in the law which enables him to have the stations so manned on the Atlantic and Gulf coasts, and if this bill is passed it will enable him to have these stations manned on those coasts as they are now on the Pacific coast, for the preservation of life and of property.

This is recommended, I say, not only by the Superintendent of the Life-Saving Service, but by the Secretary of the Treasury, and I believe that if the members of the House will take the trouble to read his report, they will see the necessity for this legislation. I send to the Clerk's desk and ask to have read the portion of the report which I have marked.

The Clerk read as follows:

The effect of the bill if enacted into law would be to open and man for active service the life-saving stations on the sea and gulf coasts on the 1st day of August in each year, and to keep them so opened and manned until the 1st day of June succeeding, instead of during the time now authorized by law.

At present the stations on the Atlantic and Gulf coasts are opened on the 1st day of September and closed on the 1st day of May following, under the authority of section 5 of the act of June 18, 1878, which the bill proposes to amend.

Under the provisions of a subsequent act, however (see section 6, act of May 4, 1882, entitled "An act to promote the efficiency of the Life-Saving Service, and to encourage the saving of life from shipwreck"), crews may be employed at any of the stations on the Pacific coast during such portion of the year as the General Superintendent of the service may deem necessary. This authority was given in view of the fact that at several dangerous points on the Pacific coast disasters to vessels more frequently occur, as experience has shown, from local causes than from stress of weather, and are about as liable to happen at one season as at another, making it necessary to keep the station open the year around.

The frequency of dangerous tempests along the Atlantic seaboard during the months of May and August, and the special ferocity which has characterized them in recent years, causing widespread destruction of life and property, and which have now come to be expected with the regularity that has been supposed to mark the occurrence of the so-called equinoctial storms, have created an almost universal demand for the protection which it is expected the extension of the active season of the Life-Saving Service to embrace these months would afford.

Mr. WISE. Now, does my friend from Texas [Mr. SAYERS] wish to say anything?

Mr. SAYERS. Mr. Chairman, I desire to call the attention of gentlemen to this bill.

The CHAIRMAN. Does the gentleman from Virginia yield?

Mr. WISE. I will yield to the gentleman from Texas.

Mr. SAYERS. Mr. Chairman, I do not object to the principle of this bill, but I desire to call the attention of the committee to what was done in the Life-Saving Service in 1892, and to give the

reasons, as I am informed, which were stated why that action was had.

In 1892 the salaries of surfmen were increased from $50 to $65 a month. They were generally employed but eight months in the year, and the argument was used that inasmuch as they were employed only for that length of time, and as they could not get employment for the remaining four months, their salaries should be increased from $50 to $65 per month. Now, I desire to read a letter which was handed to me in regard to this matter. It is dated Atlantic City, N. J., June, 1894, and is as follows:

DEAR SIR: In reply to your inquiry as to how the compensation paid by the Government to the surfmen in the life-saving crews compares with the rates obtainable by seafaring men in other pursuits, I would say that the old rate of $50 per month was more than men of that class could get on the Atlantic and Gulf coasts in ordinary maritime pursuits.

Mr. COGSWELL. That is, as common sailors?

Mr. SAYERS. Yes.

It is understood that subsistence at the stations costs the men less than $10 per month, which left at least $40 per month net, above the cost of subsistence.

That is, when the pay was $50 a month. That left $40 per month net.

The crews of vessels in the coasting trade are paid from $20 to $25 per month net, and men on fishing steamers sometimes in very favorable seasons get as high as $35 per month net, but the exposure and boat work here are very severe.

That is, in the fishing season.

The crews of wrecking steamers and harbor towing vessels average less than $27 per month.

When the rate for surfmen in the Life-Saving Service was raised in 1892 from $50 to $65 per month, much use was made of the argument that they had steady employment for only eight months in the year; but this was not a valid reason for the advance, as, during the summer months, which constitute the off season, there is more call for the employment of competent boatmen than during the rest of the year.

Wrecks are few during the fine weather usually prevailing in May, June, July, and August, and as the captains of the stations are left on duty during these months and the apparatus is constantly available, if a dangerous stranding should occur and the vessel remain intact long enough for ordinary operations, a volunteer crew can be assembled with but little delay to effect the rescue.

Mr. COGSWELL. There have been two wrecks on the shore of my district where volunteer crews could not be assembled quickly enough to save them.

Mr. SAYERS. I thought the gentleman from Massachusetts and I understood each other as to this bill.

Mr. COGSWELL. I guess we do, generally, but I do not agree with the contents of that letter, where it says they can get along at an expense of $10 a month, and so forth.

Mr. SAYERS (reading):

Great promptness in rendering aid is perhaps only necessary during the winter months, when sufferers must be relieved as quickly as possible, not only from the fury of the waves, but from the dangers of cold and exposure.

If more money can now be readily appropriated for the Life-Saving Service, it might be well to give the crews employment for the entire year, but restore the old rate of $50 per month. This would give a surfman $600 per annum, and this is more than can be earned by a seafaring man in any less responsible capacity than as an officer of a vessel.

To leave the rate as high as at present, $65 per month, and extend the period of service to ten months, as suggested, then for reasons of the same nature make it ultimately cover the entire year, will create an employment with so much higher pay than any similar occupation as to bring a demand for these places from those not by any means fitted for this sort of work, and tend to exclude the real seafaring element, which in the past has done such excellent work.

Respectfully, yours,

CAPT. EDWARD WILSON,
Master Mariner and Underwriters' Agent for Egg Harbor, etc.

Mr. WISE. Will the gentleman from Texas allow me to make a suggestion?

Mr. SAYERS. Certainly.

Mr WISE. This bill has nothing in the world to do with the question of the rate of compensation of these men. As I understand, the gentleman is debating the question of salary, and the letter he has read is simply as to how much these men ought to be paid per month. The bill which we have offered simply has relation to the time when they shall be employed.

Mr. TALBERT of South Carolina. Does it not increase the appropriation?

Mr. WISE. The Superintendent of the Life-Saving Service says that the months of May and August in recent years are the most dangerous months; and during those months we have had more shipwrecks upon the Atlantic and Gulf coasts in recent years than in any other period of the year. He says that he thinks under these circumstances he ought to have authority, as you have given in reference to the Pacific, to have these stations manned during those periods when they are most required.

Mr. TALBERT of South Carolina. How much additional expense does the passage of this bill incur?

Mr. WISE. It will be the additional expense of two months in the year.

Mr. TALBERT of South Carolina. A very small amount, I suppose.

Mr. SAYERS. What do you call a small amount?

Mr. TALBERT of South Carolina. I am asking for information.

Mr. WISE. It will be about $150,000, I suppose.

Mr. TALBERT of South Carolina. That is what I wanted to bring out.

Mr. WISE. It would be the pay for the two additional months.

Mr. SAYERS. It is true, Mr. Chairman, that this bill contains no appropriation, nor does it provide for any salary; yet there is a law upon the statute book which provides for the salaries.

Mr. TALBERT of South Carolina. That is what I wanted to get at.

Mr. SAYERS (continuing). And if you increase the number of months you will have to pay the salaries now authorized by the law for those months, which will be an increase.

Mr. TALBERT of South Carolina. Of $150,000?

Mr. SAYERS. Of $150,000.

Mr. WISE. One hundred and sixty thousand.

Mr. SAYERS. One hundred and sixty thousand, the gentleman from Virginia says. Now, we were told in the argument which was used in 1892, when the salaries of these surfmen were increased from $50 to $65 per month, that inasmuch as they were employed only eight months in the year, that during the remaining four months of the year they would be practically unemployed and could not obtain work elsewhere.

Mr. BYNUM. That is correct.

Mr. SAYERS. And that, therefore, Congress ought to give them $65 a month for the eight months. Now, the proposition I have to make is a fair one.

Mr. COGSWELL. Every proposition the gentleman makes is a fair one.

Mr. SAYERS. I am obliged to the gentleman—that is, if the gentleman is sincere in what he says.

Mr. COGSWELL. I am always sincere.

Mr. SAYERS. Thank you. My proposition, Mr. Chairman, is, that where these surfmen are employed more than eight months they shall be allowed a salary of $60 per month, giving them $600 a year.

Mr. BOUTELLE. Instead of $65 a month.

Mr. SAYERS. Instead of giving them $65 a month where they work more than eight months in the year.

Mr. ENGLISH of New Jersey. They got $55 a month.

Mr. SAYERS. The get $65. I propose that the salaries of the eight months' men shall remain at $65 a month, and that the salaries of the ten months' men and over shall be $60 a month. Now, that is a simple proposition.

Mr. BOUTELLE. What would be the difference?

Mr. SAYERS. I can not tell exactly.

Mr. CARUTH. Why do you not put it in writing?

Mr. SAYERS. I will offer an amendment.

Mr. WISE. Put your amendment in writing so that we can see it, and perhaps we may agree upon it. You have no objection to the other part of the bill.

Mr. SAYERS. No.

Mr. WISE. I yield five or ten minutes to my friend from New Jersey.

Mr. ENGLISH of New Jersey. Mr. Chairman, there is no doubt in my mind as to the propriety of the passage of this bill with or without the amendment suggested by the gentleman from Texas. On our coast, and I speak of my own State, we have during the months of May and August severe storms and great loss of life, which are not to be measured by dollars and cents. In my judgment the Life-Saving Service should be continued during the whole year, and then the amendment of the gentleman from Texas might be accepted.

But it requires a particular class of men to do this service effectually. You can not pick up the ordinary fisherman, you can not pick up untrained men, and get effective service, and the volunteer service is not always apt or ready. During the present year there have been instances where life and property have been lost because it was necessary to depend upon the volunteer service. You want an efficient, trained, and skillful corps of men, and in that light this bill is the least that can be passed by this House and by Congress.

Mr. COGSWELL. Will the gentleman from Virginia yield to me for a moment?

Mr. WISE. Yes, sir.

Mr. COGSWELL. Mr. Chairman, in furtherance of the remarks of the gentleman from New Jersey [Mr. ENGLISH], who has just preceded me, and in answer to the letter which has just been read by the gentleman from Texas, I want to say a word to this effect: The men in this service are as a class much superior mentally, morally, and physically to the average of those who follow the sea. They have to be physically superior, because their services are required constantly in seasons of

storm by day and by night; and, as one acquainted to a great extent with the material that makes up this force, I want to deny the statements contained in the letter which has just been read.

No unfit or incompetent men can get into this service, and any lengthening of the period of service or any increase of the pay of these men will not encourage unfit men to enter the service. The standard is now very high, and there is nothing to be feared such as is suggested by the master mariner from Egg Harbor. Where that is, or who he is, I do not know, but I do know that the statement that these men can live on $10 a month is not true of those gallant, brave, fearless men in my region, whatever may be true of those who live in Egg Harbor.

I hope the contents of that letter will have no influence, either on the passage of this bill or in determining the monthly compensation of these brave men. The man who wrote that letter is probably an unfortunate and discarded applicant who could not get into the service because it admits only fit men.

Mr. SAYERS. I do not know anything about the gentleman who wrote this letter——

Mr. COGSWELL. I have no doubt that I have described him correctly, all the same.

Mr. SAYERS. I do not know about that. I do not see the member of the House present who gave me the letter, and to whom it was addressed, for the letter was not written to me.

Mr. COGSWELL. I would not wonder if the man was a Mugwump, also. [Laughter.]

Mr. SAYERS. Oh, the gentleman who gave it to me is a good Democrat.

Mr. COGSWELL. I am talking not about him, but about the man who wrote the letter.

The CHAIRMAN. If there be no objection, the committee amendments will be considered as agreed to.

There was no objection, and it was so ordered.

Mr. SAYERS. I offer the amendment which I send to the desk.

The amendment was read as follows:

Provided, That all such surfmen as serve more than eight months shall receive $60 per month during their entire service.

Mr. COGSWELL. What will be the parliamentary effect of that? As I understand, it does not disturb the eight-months' arrangement.

Mr. SAYERS. Not at all.

The CHAIRMAN. If there be no objection, general debate will be considered closed.

There was no objection, and it was so ordered.

Mr. BYNUM. Mr. Chairman, I desire to say a word on the amendment. When the measure was before the House increasing the pay of these men, I took considerable interest in the subject, believing that the former wages were too low in view of the fact that the men were practically idle four months in the year. I became personally acquainted with the service during a trip that I made from Virginia Beach to Currituck Sound, passing several life stations and spending a few days on the coast. At that time I visited one of the stations and had a good deal of talk with the men.

The great argument in favor of an increase was that these men could not secure employment for the remaining four months of the year, and, believing that their wages were too low, I earnestly joined with the friends of the measure in advocating an increase of pay and in voting for it. But I think the gentleman from Texas has stated the facts correctly, and I believe that his amendment ought to be adopted. If we extend the time of the employment of these men it is practically an increase of compensation, so I think the amendment ought to be agreed to without controversy.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas.

Mr. MALLORY. I would like to hear the section read as it will stand if amended.

The Clerk read as follows:

SEC. 5. That hereafter the life-saving stations upon the Atlantic and Gulf coasts at which crews are employed shall be manned and the stations opened for active service on the 1st day of August in each year, and so continued until the 1st day of June succeeding, and upon the lake coasts from the opening to the close of navigation, except such stations as in the discretion of the Secretary of the Treasury are not necessary to be manned during the full period specified; and the crews shall reside at the stations during said periods. Provided that all such surf men as serve more than eight months shall receive $60 per month during their entire service.

The amendment was agreed to.

Mr. WISE. Mr. Chairman, I move that the committee rise and report the bill as amended to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose, and, the Speaker having resumed the chair, Mr. DOCKERY, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 2795) to amend section 5 of the act approved June 18, 1878, entitled "An act to organize the Life-Saving Service," and had directed him to report the bill as amended to the House with the recommendation that it do pass.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WISE, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOSPITALS FOR LIFE-SAVING CREWS.

Mr. WISE. I call up for consideration the bill (H. R. 4346) extending the benefits of the Marine Hospitals to the keepers and crews of life-saving stations.

The SPEAKER. The bill is in Committee of the Whole.

Mr. WISE. The bill carries no appropriation, nor does it contemplate any increase of expenditure. It simply proposes to extend the benefits of the Marine Hospital Service to the keepers and crews of life-saving stations.

The SPEAKER. If there be no objection the bill will be considered in the House as in Committee of the Whole.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the privilege of admission to and temporary treatment in the marine hospitals under the control of the Government of the United States be, and is hereby, extended to the keepers and crews of the Life-Saving Service under the same rules and regulations as those governing sailors and seamen, and for the purposes of this act members of the Life-Saving Service shall be considered and treated as seamen.

The amendments reported by the committee were read, as follows:

In line 3 of the bill, after the word "and," insert the word "temporary."

In line 9 of the bill strike out the words "considered and treated as seamen," and insert in lieu thereof as follows: "Received in said hospitals and treated therein, and in the dispensaries thereof, as are seaman of American registered vessels; but this act shall not be so construed as to compel the establishment of hospitals or dispensaries for the benefit of said keepers and crews, nor as establishing a home for the same when permanently disabled."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WISE, a motion to reconsider the vote by which the bill was passed was laid on the table.

REVENUE CUTTER FOR HARBOR OF SAN FRANCISCO.

Mr. WISE. I call up the bill (H. R. 2669) making an appropriation and providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California.

The SPEAKER. This bill is in Committee of the Whole on the state of the Union.

Mr. WISE. I move that the House resolve itself into Committee of the Whole for the consideration of the bill.

Mr. MALLORY. The bill makes no appropriation.

The SPEAKER. But it requires one to be made and is covered by the rule.

Mr. WISE. Yes; the bill if passed will require an appropriation. I ask a vote on my motion.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. DOCKERY in the chair), and proceeded to the consideration of the bill (H. R. 2669) making an appropriation and providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California.

The bill was read, as follows:

Be it enacted, etc., That the sum of $50,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a revenue cutter for service in the harbor of San Francisco, State of California.

The amendment reported by the committee was read, as follows:

Strike out all after the enacting clause, and insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized to have constructed a revenue cutter for service in the harbor of San Francisco, State of California: *Provided*, That the cost of said construction shall not exceed the sum of $50,000.

Mr. WISE. As I have stated, although this bill in the form reported makes no direct appropriation, an appropriation will hereafter be required to carry out the measure if it be passed.

Mr. SAYERS. Has the gentleman any information from the Treasury Department as to the probable cost of this vessel?

Mr. MALLORY. Fifty thousand dollars.

Mr. WISE. Yes; $50,000, the amount named in the bill. I need only state that in the harbor of San Francisco this Revenue-Cutter Service has now only a tugboat—nothing more and nothing less.

Mr. GEARY. And an old one.

Mr. WISE. Very old—unsafe and unfit for the service. The vessel which this bill proposes to provide is absolutely necessary. I can state from personal knowledge (for I have been out there), what every member from California will corroborate, that this service has no vessel there which is fit for duty. This bill is recommended by the Secretary of the Treasury. So far as I am aware, nobody opposes it. If no gentleman wishes to discuss the measure, I move that the committee rise and report the bill with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole on the state of the Union having had under consideration the bill (H. R. 2669) making an appropriation and providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California, had directed him to report the same back with amendment and with the recommendation that it be passed as amended.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WISE, a motion to reconsider the vote by which the bill was passed was laid on the table.

FOG SIGNAL AT KEWAUNEE, WIS.

Mr. WISE. I call up the bill (H. R. 4567) establishing a fog signal at Kewaunee, Wis.

The SPEAKER. This bill is on the Union Calendar.

Mr. WISE. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. SAYERS. I think it ought to be considered in the Committee of the Whole.

Mr. WISE. I move that the House resolve itself into Committee of the Whole to consider the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the bill which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 4567) establishing a fog signal at Kewaunee, Wis.

Be it enacted, etc., That there shall be established a fog signal at Kewaunee, Wis., at a cost not exceeding $5,500.

Mr. WISE. By direction of the Committee on Interstate and Foreign Commerce I offer the amendment I send to the desk.

The CHAIRMAN. In the absence of objection general debate will be considered as closed.

There was no objection.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Virginia.

The Clerk read as follows:

Add at the end of the bill:

"And the sum of $5,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for that purpose."

Mr. SAYERS. I will say to the gentleman in charge of this bill that this is a departure from the methods heretofore pursued in providing for such structures.

Mr. WISE. If the gentleman from Texas will permit me, I desire first to yield my time to the gentleman from Wisconsin [Mr. BRICKNER].

The CHAIRMAN. How much time does the gentleman yield?

Mr. WISE. All that the gentleman from Wisconsin wants.

Mr. BRICKNER. Mr. Chairman, this is an absolute necessity. I very much regret to be compelled to ask an appropriation at this time for this fog signal; but this a lately established route—only established two years ago. I asked for the appropriation last year, during the short session, but unfortunately was called away, and could not bring it to the attention of the House at the proper time.

This is a through winter route from St. Paul via Frankfort eastward, and a light is absolutely worthless in snowstorms or in heavy weather accompanied with snow, in the winter when this route is being used. It is therefore absolutely necessary that there should be such a signal erected for the safety and protection of vessels passing through that channel. The route is established, and ferry boats that are sufficient in capacity to take on a full train of loaded cars receive their loads there and cross Lake Michigan to Frankfort daily; and for the whole Northwest to the producers of flour and wheat it is a great saving of time and money to be able to run through on this short route to the East.

As to the amount covered, it is small, and I do not see why, in view of the importance of the matter, it should not be appropriated.

I reserve the remainder of the time.

Mr. SAYERS. Mr. Chairman, I would like to know whether the committee have received any information from the Treasury Department as to the necessity for the construction of this work?

Mr. WISE. That is fully covered by the report.

Mr. BRICKNER. I ask that the report be read, which sets forth the facts.

The report (by Mr. BRICKNER) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 4567) "establishing a fog signal at Kewaunee, Wis.," report the same back without amendment and with the recommendation that the bill do pass.

A bill similar to this in all respects was favorably reported by this committee to the House in the Fifty-second Congress, and the fog signal then recommended is no less necessary now than then.

A letter from the Treasury Department, dated December 13, 1893, and addressed to this committee, which accompanies this, and which expresses the views of the Department upon the bill, is made a part of this report.

TREASURY DEPARTMENT, *December 13, 1893.*

SIR: The letter from your committee of December 11, 1893, inclosing H. R. bill No. 4567, authorizing the establishment of a fog signal at Kewaunee, Wis., as to which you asked suggestions touching the merits of the bill, and the propriety of its passage, and especially as to whether what the bill proposes is "indispensable," was, on its reception, referred to the Light-House Board.

In reply I have the honor to say that the Light-House Board states that it recommended the establishment of the fog signal in question in its annual report and in its annual estimates, and that statement was made in its estimates that it considered what the bill proposes as "necessary."

Inclosed is an extract from the Board's annual report, page 129, showing its recommendation as to the establishing of a fog signal at Kewaunee, Wis., and there is also inclosed an extract from the Book of Estimates, showing the Board's recommendation therein as to the amount needed therefor.

Respectfully, yours,

W. E. CURTIS, *Acting Secretary.*

The CHAIRMAN OF THE COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

[Extract from the estimates of the Light-House Board for 1894-'95.]

Kewaunee Light and Fog-signal Station, Wisconsin: Establishing a fog signal at or near one of the pierhead lights at Kewaunee, Lake Michigan, Wisconsin (submitted), $5,500.

NOTE.—This is a regular stopping place for the Goodrich transportation steamers. Boats make this port summer and winter, passing between two piers but 200 feet apart, guided by a light on each. As the lights can be seen but dimly, if at all, in fog or snow, a fog signal is needed to supplement the lights.

[Extract from the Annual Report of the Light-House Board for the year ending June 30, 1893.]

1327. Kewaunee Pierhead (rear), Lake Michigan, Wisconsin.—The establishment of a steam fog signal at the entrance to this place was recommended to Congress by the Board, through the proper channels, in February, 1893. The northern terminus of the Toledo, Ann Arbor and Northern Railroad is at Frankfort, Mich., and their large transfer boats ply between there and Kewaunee, Wis., daily, carrying their cars across Lake Michigan, a distance of 65 miles and connecting at Kewaunee with the Kewaunee and Green Bay Railroad for St. Paul and the Northwest.

The Goodrich Transporatation Company's steamers also make this a regular stopping place. Their boats run summer and winter and have to contend with fogs and snowstorms. Kewaunee is a good harbor, and is much used by the smaller class of lake carriers. One of the transfer steamers went ashore last fall in trying to make the harbor in thick weather, thereby causing much delay to travel on this new and important route, and narrowly escaping loss with the attendant destruction of life and property. The Board therefore recommended the establishment of a fog signal at its entrance, at an estimated cost of $5,500. The recommendation is now renewed.

Mr. SAYERS. I will ask the chairman of the committee if in any of the bills he proposes to bring before the House to-day the appropriations for the construction of the works are embodied?

Mr. WISE. You mean carried in the bills themselves?

Mr. SAYERS. In the bills.

Mr. WISE. I think not, sir.

Mr. SAYERS. Because I would not like to make an exception in one case, and if I do it will be just because there is but one appropriation asked. If there are others, however, to be brought up hereafter I want to treat all members exactly alike, and I will have to object to this.

Mr. WISE. I do not think there are any of the others which contain appropriations.

Mr. MALLORY. The next bill proposed to be called up embodies an appropriation, but it is entirely a different matter.

Mr. SAYERS. I withdraw the objection to the amendment on the statement made to me by the gentleman from Virginia, that there will be no appropriations asked in the bills which he will hereafter present for the consideration of the House, excepting one.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was adopted.

Mr. WISE. I move that the committee rise and report the bill, with the amendment, to the House with favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 4567, had directed him to report the same to the House with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed and read the third time, it was passed.

On motion of Mr. BRICKNER, a motion to reconsider the last vote was laid upon the table.

DEPENDENT RELATIVES, CREW OF STEAMER AMSTERDAM.

Mr. WISE. Mr. Speaker, I call up for consideration the bill (H. R. 6309) for the dependent relatives of the seamen of the Netherlands steamer Amsterdam who lost their lives in the effort to save the crew of the American schooner Maggie E. Wells, and also for the relief of the sole survivor of the rescuing party.

The SPEAKER. This bill is on the Calendar of the Committee of the Whole House on the state of the Union.

Mr. WISE. I move that the House resolve itself into Committee of the Whole to consider the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The Clerk will report the bill called up by the gentleman from Virginia.

The bill was read, as follows:

Be it enacted, etc., That the sum of $5,750 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to pay the following sums of money to the persons herein named, being dependent relatives of the seamen of the Netherlands steamer Amsterdam, who recently lost their lives in a heroic effort to save the master and crew of the shipwrecked American schooner Maggie E. Wells, of Gloucester, Mass., and the sole survivor of the rescuing party: To the widow of First Officer J. Meyer, $500; to each of her two children, $250; to the widow of Boatswain E. Regnard, $500; to the mother of A. J. Oudyn, $500; to each of the two children of F. Eichorn, $250; to the widow of A. Bos, $500; to each of her two children, $250; to the widow of A. Van Vliet, $500; to each of her five children, $250; to A. Van der Wilt, survivor, $500.

Mr. SAYERS. I want an explanation of this bill.

Mr. MALLORY. The bill, Mr. Chairman, simply proposes to appropriate the sum of money named, $5,750, to be distributed amongst the families and dependent relatives of those men who lost their lives in an effort to save the crew of an American fishing smack at sea in last January, and also to pay the sole survivor of the crew.

It seems that the Dutch steamer Amsterdam, while on her way to New York, and during a severe gale of wind in a very rough sea, encountered, on the 14th of last January, the American schooner Maggie E. Wells, flying signals of distress, the weather being very cold and cloudy at the time, the schooner with her sails all gone, the crew lashed to the masts or rigging, and with her lifeboats completely destroyed. In that condition the captain of the steamship Amsterdam called for volunteers to go in a boat to undertake to rescue this crew.

Thirty men volunteered to go, and out of that number he chose these six. Among them was one of the mates, a man by the name of Meyer. They set out from the Amsterdam, but before they reached the Maggie E. Wells the weather was so rough and the wind so violent that their boat was upset, and they were all thrown into the water and drowned with the exception of one, who was finally rescued by the crew of the Amsterdam. As soon as they were upset another crew offered to go in another boat, but the captain thought it was better not to risk any more lives.

This is simply to give an award of a certain sum to each of the parties dependent upon these lost men: to the widow of First Officer J. Meyer, $500; to each of her two children, $250; to the widow of Boatswain E. Regnard, $500; to the mother of A. J. Oudyn, $500; to each of the two children of F. Eichorn, $250; to the widow of A. Bos, $500; to each of her two children, $250; to the widow of A. Van Vliet, $500; to each of her five children, $250; to A. Van der Wilt, survivor, $500.

Mr. SAYERS. He was one of those who went to the rescue of this American vessel.

Mr. MALLORY. Yes; he managed to hold on to the boat until the men on the Amsterdam succeeded in getting a rope to him. I do not think there can be any opposition to this, and I move that the committee rise and report this bill favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6309) for the relief of the dependent relatives of the seamen of the Netherlands steamer Amsterdam, who lost their lives in the effort to save the crew of the American schooner Maggie E. Wells, and also for the relief of the sole survivor of the rescuing party, and had directed him to report the same to the House with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. MALLORY, a motion to reconsider the last vote was laid on the table.

LIGHT-VESSEL OFF SOUTH PASS OF MISSISSIPPI RIVER.

Mr. WISE. Mr. Speaker, I call up the bill (H. R. 7124) to establish a light-vessel off the South Pass of the Mississippi River in the Gulf of Mexico, and for this purpose to discontinue the light-vessel off Trinity Shoal in the Gulf of Mexico.

The SPEAKER. This bill is on the Union Calendar.

Mr. WISE. Mr. Speaker, I think that can be considered in the House without going into Committee of the Whole. It is not a proposition to establish a new light-ship, but simply to change it from a place where it is believed to be unnecessary, and to put it at a station where such a light-ship is deemed to be necessary.

Mr. SAYERS. Does it necessitate any expense?

Mr. WISE. It requires no expense whatever, not a dollar. It is simply to change the light-ship from one place to another.

The SPEAKER. As the Chair understands the statement of the gentleman, it is to transfer a light-ship from one point to another. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That a light-vessel be established off the South Pass of the Mississippi River in the Gulf of Mexico.

SEC. 2. That the light-vessel now established off Trinity Shoal in the Gulf of Mexico be discontinued and transferred to a locality off the South Pass of the Mississippi River in the Gulf of Mexico.

The SPEAKER. This is simply for the transfer of a light-ship. Without objection, the Committee of the Whole will be discharged from the consideration of it.

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. WISE, a motion to reconsider the last vote was laid on the table.

LIGHT-SHIP AND FOG SIGNAL, BOSTON, MASS.

Mr. WISE. Mr. Speaker, I send up for consideration the bill (H. R. 5312) authorizing the construction of a light-ship, with fog signal, to be established to the eastward of Boston Light, Massachusetts, and for the establishment of range lights in Boston Harbor, Massachusetts.

The SPEAKER. This bill is on the Union Calendar.

Mr. WISE. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, for the consideration of the bill, with Mr. DOCKERY in the chair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to construct a light-ship, with fog signal, to be placed about 6 nautical miles to the east by south of Boston Light, Massachusetts, at a cost not to exceed $70,000; and he is hereby further directed to establish range lights in Boston Harbor, at a cost not to exceed $1,000.

Mr. SAYERS. I will ask the gentleman who introduced this bill whether he has received any information from the Treasury Department with regard to the necessity for the construction of this light-ship?

Mr. O'NEIL of Massachusetts. Yes; and in the Book of Estimates, on page 313, it is put down as "indispensable." The Light-House Board for several years have recommended that it be established.

Mr. WISE. I will also state, in addition to what has been said by the gentleman from Massachusetts [Mr. O'NEIL], that accompanying the report of the committee there is a communication from Mr. W. E. Curtis, Acting Secretary of the Treasury, and also other communications, recommending this as indispensible.

Mr. EVERETT. I apprehend there can be no doubt about that.

Mr. WISE. I ask the Clerk to read the letter of the Acting Secretary of the Treasury.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., January 25, 1894.

SIR: I have the honor to acknowledge the receipt of a letter from your committee dated January 20, 1894, inclosing House bill No. 5312, for the construction of a light-ship, with a fog signal, to be established to the eastward of Boston Light, Massachusetts, and for the establishment of range lights

in Boston Harbor, and asking for suggestions touching the merits of the bill and the propriety of its passage.

The bill with your letter was referred to the Light-House Board, which returned them with the statement that in its annual report for 1892 it recommended that appropriations be made for the objects provided for by this bill, and that in its annual estimates and report for 1893 these recommendations are renewed.

As to the necessity for the proposed light-ship, with a fog signal, I have the honor to quote from a preamble and resolutions adopted by the Boston Chamber of Commerce on March 14, 1892, that "Boston is the sixth largest city in the United States and in commercial importance the second, and from records at the Boston custom-house it appears that 4,677 vessels cleared from Boston in 1891; 1,553,600 tons of foreign freight were imported, and 1,278,862 were exported in that year. From records of the steamship companies it appears that 315,000 passengers were carried from Boston to Canadian, Maine, New York, and Southern ports in 1891; and, while it has a commodious and deep harbor, that the approaches to it are dangerous, and the channels, though deep, are narrow and tortuous, with two abrupt turns."

It is further stated that "there is not a lighted aid to navigation from the small or bug light at the Narrows to the Boston wharves." This makes it difficult and sometimes an impossibility to distinguish the turning buoys, even on a moderately dark night. This causes much detention and loss of time to deep-craft vessels, which are compelled not only to wait for daily, but to wait for a favorable tide as well, when, if the approaches were properly lighted, advantage could be taken of a favorable night tide, when much time would be saved.

On March 24, 1892, Mr. J. Malcolm Forbes, commodore of the Eastern Yacht Club, wrote from Boston inclosing a petition asking for the establishment of a light-ship with a steam fog signal off the entrance to Boston Harbor. It was stated in the petition that—

"Such an aid to navigation is indubitably necessary, and the large interests involved warrant its establishment. There is no worse a 'pocket,' or one more dangerous to approach in thick or foggy weather on the whole coast. The well known and admitted difficulty in locating sound in fog or snowstorm, renders the fog signal at Boston light and the bell at Minots Ledge of doubtful utility. Certainly they can not be confidently relied upon, as a mistaken location of their sound would involve an approaching ship in greatest peril, if not in disastrous shipwreck.

"The establishment of the light-ship desired would obviate this serious menace to incoming vessels, for she could be approached and sighted without danger, and the incoming vessel's position thus having been absolutely determined, she could proceed with all confidence and safety to the entrance to the harbor, no matter how threatening the weather."

Copies of the recommendations made by the Light-House Board in its report and estimates for the fiscal year ending June 30, 1893, are inclosed, together with a copy of H. R. bill No. 5312.

Respectfully, yours,

W. E. CURTIS,
Acting Secretary.

The CHAIRMAN OF THE COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

Mr. WISE. Mr. Chairman, I move that the committee rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and Mr. TALBOTT of Maryland having assumed the chair as Speaker *pro tempore*, Mr. DOCKERY, chairman of the Committee of the Whole, reported that that committee had had under consideration the bill H. R. 5312, and had directed him to report it to the House with the recommendation that it do pass.

The bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. O'NEIL of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIGHT AT ENTRANCE TO GALVESTON HARBOR, TEXAS.

Mr. WISE. Mr. Speaker, I ask for the consideration of the bill (H. R. 7107) to establish a light-house and a range light at the entrance to Galveston Harbor, in the county of Galveston, in the State of Texas.

Mr. SAYERS. Let it go to the Committee of the Whole.

Mr. WISE. I move that the House resolve itself into Committee of the Whole for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill which the Clerk will now report.

The bill was read, as follows:

A bill (H. R. 7107) to establish a light-house and a range light at the entrance to Galveston Harbor, in the county of Galveston, in the State of Texas.

Be it enacted, etc., That a light-house and a range light be established at the entrance to Galveston Harbor, at or near the east end of the south jetty, in the county of Galveston, in the State of Texas, at a cost not to exceed $35,000.

The amendments of the committee were read, as follows:

Amend as follows:
Strike out in line 3 the words "and a range light."
Strike out in line 4 the words "east end," and insert in lieu thereof the words "outer end."

Mr. SAYERS. Mr. Chairman, let us have the report read.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from Texas.

Mr. WISE. If the gentleman does not require it, I would suggest that all that is necessary to read is the letter from the Treasury Department addressed to the committee.

The letter was read, as follows:

TREASURY DEPARTMENT, *May 18, 1894.*

SIR: The letter from your committee on May 17, 1894, inclosing House bill No. 7109, to establish a light-house and a range light at the entrance to Galveston Harbor, Texas, with request for suggestions touching the merits of the bill, and the propriety of its passage, was referred to the Light-House Board.

In reply, I have the honor to inform you that the Board states that it had the matter under consideration at its session of May 7, when the conclusion was reached that the interests of commerce and navigation require the establishment of a new light-house of the third order, with a steam fog signal near the outer end of the South Galveston jetty.

The Board also recommends that the light at Bolivar light-station, which is near by, and with which the proposed light can form a range, be changed from a second-order fixed white light to a five-second flash light.

The Board also proposes to change the position of the Galveston light-ship from time to time, as may be made necessary by these and other proposed changes. It is estimated that these changes, including the new structures, can be made for a sum not exceeding $35,000, and it is recommended that an appropriation of this amount be made therefor.

I have the honor to recommend, therefore, that bill 7109 be thus amended:

Strike out from the third line the words "and a range light."

Strike out from the fourth line the words "the east end" and insert in their place the words "outer end," so that the bill will read thus: "That a light-house be established at the entrance to Galveston Harbor, near the outer end of the south jetty, in the county of Galveston, in the State of Texas, at a cost not to exceed $35,000."

A copy of the bill in question is herewith returned.

Respectfully, yours,

S. WIKE, *Acting Secretary.*

The CHAIRMAN *Committee on Interstate and Foreign Commerce,*
House of Representatives, Washington, D. C.

The amendments recommended by the committee were agreed to.

Mr. WISE. If no one wishes to say anything, I move that the committee rise and report the bill to the House.

The CHAIRMAN. Without objection, that motion will be considered as agreed to.

The committee accordingly rose; and Mr. TALBOTT of Maryland having assumed the chair as Speaker *pro tempore*, Mr. DOCKERY, Chairman of the Committee of the Whole, reported that that committee had had under consideration the bill (H. R. 7109) and had directed him to report the same to the House, with amendments, with a favorable recommendation.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER *pro tempore*. Without objection, the title will be amended in accordance with the suggestion of the committee.

There was no objection, and it was so ordered.

On motion of Mr. WISE, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendments bills and a joint resolution of the following titles:

A bill (H. R. 366) providing for the sale of the custom-house and lot connected therewith in the city of Louisville, Ky.;

A bill (H. R. 7197) to provide a register for the schooner barge Astoria;

A bill (H. R. 6111) for the proposal of the accretions of the Virginius indemnity fund;

A bill (H. R. 5293) concerning leases in the Yellowstone National Park;

A bill (H. R. 4803) for the relief of Andrew Gray;

A bill (H. R. 4561) granting a pension to Harriet T. Vosburgh;

A bill (H. R. 4452) adding the towns of Manchester and Vernon, in the State of Connecticut, to the custom district of Hartford, Conn., and making the city of Rockville, Conn., a port of delivery;

A bill (H. R. 4328) for the relief of William B. Chapman, George W. Street, John W. Hoes, Emmet C. Tuthill, and Joseph H. Curtis;

A bill (H. R. 3487) granting an increase of pension to Eliza K. Starr;

A bill (H. R. 3202) donating condemned cannon to the Saint Lawrence State Hospital at Ogdensburg;

A bill (H. R. 1196) to pension Mary E. Wickey;

A bill (H. R. 83) authorizing the State of Montana to make selection from certain public lands;

A bill (H. R. 38) relating to the pay and retirement of mates in the United States Navy; and

Joint resolution (H. Res. 94) providing for an investigation relative to the work and wages of women and children.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing

votes of the two Houses on the amendments of the Senate to bill and joint resolution of the following titles:

A bill (H. Res. 32) declaring Massachusetts avenue through the grounds of the Naval Observatory a public street; and

A bill (H. R. 4858) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1833) granting a pension to Hannah Howard;

A bill (S. 1191) making an appropriation for the completion of the lighthouse at Cape Arago, in the State of Oregon; and

A bill (S. 1656) granting an increase of pension to Mary A. L. Eastman.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be requested to furnish the House with an estimate of the probable cost of completing the improvement of Saugatuck Harbor, Michigan, under the project of 1867, as modified in 1869, 1870, 1875, and 1882, and the improvements recommended in the report of the Chief of Engineers for the year 1893, Appendix MM.

FORTIFICATION APPROPRIATION BILL.

Mr. WASHINGTON. Mr. Speaker, I desire to present a conference report on the fortification appropriation bill, and ask that it be adopted.

The Clerk read as follows:

A bill (H. R. 4858) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The SPEAKER *pro tempore*. Without objection, the statement of the conferees will be reported instead of the report of the committee of conference.

There was no objection.

(For conference report see proceedings of Senate of this day.)

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4858) making appropriations for fortifications, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report on each of the Senate amendments, namely:

On amendment numbered 1: Appropriates $100,000, as proposed by the House, instead of $200,000, as proposed by the Senate, for construction of gun and mortar platforms.

On amendment numbered 2: Appropriates $45,000, as proposed by the Senate, instead of $20,000, as provided by the House, for preservation and repair of fortifications.

On amendment numbered 3: Appropriates $7,500, as proposed by the Senate, for construction of a sea wall on the north shore of Sandy Hook, N. J.

On amendments numbered 4, 5, 6, 7, and 8: Appropriates for one-half the cost of construction of a sewerage system at Fort Monroe, Va., $37,500, as proposed by the Senate—the other half of the cost of such sewerage system to be paid by the owners of hotels and other nonmilitary buildings at Fort Monroe; authorizes the Secretary of War to assess upon vessels using the wharf at Fort Monroe one-half the actual cost of repairs, and requires that the total cost of any damage done to said wharf by any vessel be paid by the owner or owners thereof, and that individuals or corporations other than navigation companies shall pay one-half of any sums necessary for repair and operation of roads, pavements, streets, lights, sewerage, and general police; and covers back into the Treasury the unexpended balance of $25,000 appropriated in the sundry civil appropriation act for 1890 for construction of a sewerage system at Fort Monroe.

On amendment numbered 9: Appropriates $175,000, as proposed by the Senate, instead of $125,000, as proposed by the House, for finishing and assembling seacoast guns at the Army gun factory.

On amendment numbered 10: Appropriates $8,250, as proposed by the Senate, instead of $3,000, as proposed by the House, for sights for cannon and for fuses.

On amendment numbered 11: Appropriates $30,000, as proposed by the Senate, instead of $15,000, as proposed by the House, for steel deck-piercing shell.

On amendment numbered 12: Appropriates $5,000, as proposed by the Senate, instead of $4,800, as proposed by the House, for purchase and erection of steel plates for the test of deck-piercing shell.

On amendment numbered 13: Appropriates $16,600, as proposed by the Senate, instead of $10,000, as proposed by the House, for purchase and erection of armor plates for testing armor-piercing shot.

On amendment numbered 14: Appropriates $293,000, instead of $426,600, as proposed by the Senate, and $200,000, as proposed by the House, to provide for payments under contracts for manufacture of tools for the gun foundry, mortars, gun steel, and mortar and gun carriages authorized under the fortification act approved July 23, 1892.

On amendment numbered 15: Appropriates $356,000, instead of $500,000, as proposed by the Senate, and $225,000, as proposed by the House, to provide for payments that may be due for purchase of gun steel, and gun and gun mortar carriages authorized under the fortification act of February 18, 1893.

On amendment numbered 16: Strikes out the appropriation of $200,000 for 12-inch seacoast mortars, proposed by the House.

On amendment numbered 17: Requires that the purchase of gun steel authorized by the act shall be made under contract, after due advertisement.

On amendment numbered 18: Strikes out the appropriation of $75,000, proposed by the House, for carriages for 12-inch mortars.

On amendment numbered 19: Appropriates $100,000, as proposed by the Senate, instead of $75,000, as proposed by the House, for carriages for seacoast cannon.

On amendment numbered 20: Appropriates $50,000, as proposed by the Senate, to authorize the Board of Ordnance and Fortification to procure and test one 10-inch pneumatic disappearing gun carriage.

On amendment numbered 21: Appropriates $20,000, as proposed by the House, instead of $27,000, as proposed by the Senate, for expenses and maintenance of the ordnance proving ground at Sandy Hook, N. J.

On amendment numbered 22: Appropriates $3,300, as proposed by the Senate, for erection of a brick shed at the Watertown Arsenal, Massachusetts.

On amendment numbered 23: Appropriates $100,000, instead of $125,000, as proposed by the Senate, and $75,000, as proposed by the House, for expenses under the Board of Ordnance and Fortification.

On amendment numbered 24: Requires that the Board of Ordnance and Fortification shall, before expending money in the construction of any gun, carriage, ammunition, or implements, be satisfied, after inquiry, that the Government has a lawful right to use any inventions involved, or that the construction is made at the request of a person having such right.

The bill as agreed upon appropriates $2,427,004, being $409,600 less than as it passed the Senate, $202,350 more than as it passed the House, $216,949 more than the last law, and $307,272 less than the fortification law passed at the first session of the last Congress.

J. E. WASHINGTON,
JOSEPH D. SAYERS,
HENRY H. BINGHAM.
Managers on the part of the House.

Mr. WASHINGTON. Mr. Speaker, unless some gentleman wants further information than that which is given in the report, I ask for a vote on the adoption of the conference report.

The conference report was agreed to.

On motion of Mr. WASHINGTON, a motion to reconsider the vote by which the conference report was agreed to, was laid on the table.

PIER AT THE MOUTH OF CHICAGO RIVER.

Mr. WISE. Mr. Speaker, I send up the following bill for consideration.

The Clerk read as follows:

A bill (H. R. 6038) to repeal House resolution numbered 104, first session Fifty-first Congress, granting to Secretary of War a permit to license to use a pier at mouth of Chicago River.

The bill was read, as follows:

Be it enacted, etc., That the House resolution numbered 104, first session of the Fifty-first Congress, approved October 1, 1890, entitled "Joint resolution to permit the Secretary of War to grant a revocable license to use a pier as petitioned by vessel owners of Chicago, Ill," be, and the same is hereby, repealed, and the property mentioned in the said joint resolution, to wit, the south pier of the Chicago River, shall be excepted from the provisions of an act entitled "An act authorizing the Secretary of War to lease public property in certain cases," approved July 28, 1892, and said pier shall not be subject to be leased by the Secretary of War.

Mr. WISE. It is not necessary to consider this bill in Committee of the Whole.

The SPEAKER *pro tempore*. It is on the House Calendar.

Mr. SAYERS. There may be no appropriation, but does it not make a disposition of public property?

The SPEAKER *pro tempore*. The bill is on the House Calendar.

Mr. DURBOROW. I ask to have the amendment reported.

The Clerk read as follows:

After line 14 add the following:

"*Provided*, That nothing herein contained shall be so construed as to abrogate the permit already granted by the Secretary of War to the Western Seamen's Friend Society for the use of a part of the said pier."

Mr. DURBOROW. Mr. Speaker, in reference to this bill I would say that it is almost identical with the bill which passed the Fifty-second Congress in the first session to repeal this resolution, which was passed by the Fifty-first Congress, the reason for which is explained in the report, which I will ask the Clerk to read; but before doing so I would like to explain that this was a disposition of public property made by the Fifty-first Congress, and it is sought to repeal that resolution by this bill in order that that property may remain public property, instead of being leased and thus made private property, as it was by that resolution.

Mr. SAYERS. Read the report.

Mr. DURBOROW. I ask for the reading of the report.

The report (by Mr. DURBOROW) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 6038) to repeal House Resolution No. 104, first session Fifty-first Congress, granting to the Secretary of War a permit to license to use a pier at mouth of Chicago River, report the same back with an amendment, and with the recommendation that the bill as so amended do pass.

This committee favorably reported to the House in the first session of the Fifty-second Congress a bill (H. R. 4330) the purpose of which was similar to the purpose of this bill. Its report is reaffirmed and made a part of this report, and will explain what is sought to be accomplished by this bill and the necessity for it.

The accompanying letter from the Chief of Engineers of the United States Army, dated March 7, 1894, which is also made a part of this report is additionally explanatory.

The accompanying letter from the Secretary of War, dated March 13, 1894, which is also made a part of this report, shows the concurrence of the Secretary of War in the passage of the bill as amended by your committee.

[House Report No. 616, Fifty-second Congress, first session.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 4330) to repeal House Resolution No. 104, first session Fifty-first Congress, granting to Secretary of War a permit to license to use a pier at the mouth of the Chicago River, having had the same under consideration, submit the following report:

The growing needs of commerce have caused a revolution in the method of handling lake shipping and the transfer of freight upon the Great Lakes

of this country; the transportation of lake freight at the present time being accomplished by steamships or tugs, with tows of from one to five barges.

The facility with which tows may be made up at this pier is very apparent, whereas if the pier was leased it would be necessary to secure tugs to tow the barges into the lake and make up the tow in unprotected waters and at great cost.

Remonstrances from vessel owners, the Board of Trade of Chicago, and persons, firms, and corporations doing a large business in shipping and receiving grain, lumber, and general merchandise, protesting against the leasing of this pier have been so effective that, up to the present time, the Secretary of War has not leased said pier.

The provision that the license shall be a revocable one was perhaps intended to be a restriction in the interest of the Government, but it is well known that it is almost impossible for the Government to regain possession of valuable property or eject the tenant without great cost and vexatious delays.

The necessity for the repeal of the resolution by the passage of bill H. R. 4330 consists in the fact that a future administration, not conversant with all the details, might execute said lease without notice to interested parties and thereby greatly interfere with shipping interests centering in the port of Chicago.

The committee recomend that the bill H. R. 4330 do pass.

WAR DEPARTMENT, *Washington, D. C., March 13, 1894.*

SIR: In returning herewith House bill 6038, Fifty-third Congress, second session, "To repeal House Resolution No. 104, first session Fifty-first Congress, granting to Secretary of War a permit to license to use a pier at mouth of Chicago River," I have the honor to invite your attention to the inclosed report of the Chief of Engineers, dated the 7th instant, from which it will be seen that there is no objection to the bill if it does not abrogate the permit already granted to the Western Seamen's Friend Society for the use of a part of the pier.

The inclosures which accompanied your communication are herewith returned.

Very respectfully,

DANIEL S. LAMONT,
Secretary of War.

The CHAIRMAN OF THE COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., March 7, 1894.

SIR: I have the honor to acknowledge receipt, by reference to this office for report, of letter of the 1st instant from the Committee on Interstate and Foreign Commerce of the House of Representatives, inclosing, with request for War Department views thereon, H. R. 6038, Fifty-third Congress, second session, "A bill to repeal House Resolution No. 104, first session Fifty-first Congress, granting to Secretary of War a permit to license to use a pier at mouth of Chicago River."

The accompanying bill proposes the repeal of "Joint resolution to permit the Secretary of War to grant a revocable license to use a pier, as petitioned by vessel owners of Chicago, Ill.," approved October 1, 1890, and excepts the property mentioned from the provisions of the act of Congress of July 29, 1892, entitled "An act authorizing the Secretary of War to lease public property in certain cases."

Capt. W. L. Marshall, Corps of Engineers, stationed at Chicago, in reporting to this office on the subject of the inclosed bill, states that—

"The pier referred to is supposed to be that portion of the south pier at entrance to Chicago River, 1,225 feet long, approximately, that is in part alongside of one of the Illinois Central Railroad Company's docks. All of the remainder of the south pier is now in use by private individuals and corporations, as heretofore reported.

"The use of a part of the outer 225 feet of this pier, which projects into water beyond the Illinois Central Railroad Company's dock, has been granted to the Western Seamen's Friend Society by the Secretary of War for a sailor's snug harbor, refuge, or home, but not yet used.

"The vesselmen seem opposed to any individual or corporation securing possession of this part of the south pier, as it is somewhat withdrawn (50 feet) from the line of piers west of it, and affords the only safe place not already occupied to tie up vessels in forming tows without encroaching on the available width of the harbor entrance.

"I see no objection to the bill if it does not abrogate the permit already granted by the Secretary of War."

I concur in the views of Capt. Marshall, as expressed above.

The letter of the Committee on Interstate and Foreign Commerce, with its inclosures, is herewith returned.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brig. Gen., Chief of Engineers.

Hon. DANIEL S. LAMONT,
Secretary of War.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Illinois.

Mr. GROSVENOR. Mr. Speaker, I want to say a word or two on this bill. The original bill authorizing the leasing of the pier in question passed in the Fifty-first Congress. Prior to its passage a kindred measure had been submitted to the Committee on Rivers and Harbors authorizing, in practically the same terms, the leasing of the pier at Buffalo to one of the railroad companies.

The committee, after a very long investigation, in which the vessel owners on the lakes were heard and all the interests concerned were carefully considered, presented to the House an elaborate report not only against the passage of that measure, but in general opposition to everything of the kind, protesting in strong language against the invasion of the interests of water transportation by leases of this character. The bill which was passed later had been pending before the Committee on Commerce—improperly as I believed at the time—and when it came suddenly before the House on a motion of a Representative from the city of Chicago, I challenged the action of the Committee on Commerce and its jurisdiction to consider and report a bill of that kind.

A ruling was made by the Chair at that time, varying very materially from the rulings in the present Congress, and practically holding that the possession of the bill by the committee gave jurisdiction for that purpose, and that it was too late to make the objection which I had raised. Thereupon the Representative to whom I refer made a statement upon the floor of the House that this measure was desired by the Secretary of War—that the Department desired that it should pass in order to relieve some situation which the gentleman spoke of in rather uncertain terms. He stated that he had had an interview with the Secretary of War, and that this was a measure which was entirely satisfactory to the Department and, in fact, was desired by the Department. That put me in a position where I could only say that I protested upon general principles against everything of the kind, but could make no further contest so far as that particular bill was concerned, and thereupon it was passed.

Sometime afterward, perhaps two months later, a very strong protest came to the War Department from interests that were affected at Chicago, and the President, to my knowledge, sent a telegram from a distant city directing the Secretary of War not to proceed under the law. That is all I have to say about the matter. I simply wanted to explain how it became possible for a measure of that kind to come up in a manner so entirely in opposition to the practice of this House, and to get through the House.

Mr. WISE. I thank the gentleman from Ohio for the statement which he has made, and I do not think it is necessary to say anything more, because I agree to everything that the gentleman has said.

Mr. SAYERS. Then it is the opinion of the gentleman from Ohio that this bill, if it becomes a law, will rectify the abuse which was then committed.

Mr. GROSVENOR. It will rectify that abuse, and probably put an end to attempts to create other abuses of a similar character.

The amendment of Mr. DURBOROW was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DURBOROW, a motion to reconsider the vote by which the bill was passed was laid on the table.

LICENSES TO CERTAIN OFFICERS OF PASSENGER STEAMERS.

Mr. WISE. Mr. Speaker, I call up the bill (H. R. 5979) to provide for licenses to certain officers of seagoing passenger steam vessels, and I yield to the gentleman from California [Mr. LOUD], the author of the bill.

Mr. LOUD. Mr. Speaker, I call for the reading of the report.

The report (by Mr. MALLORY) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 5507) entitled "A bill to provide for licenses to certain officers of steam vessels," having considered the same, recommend that the substitute herewith reported in lieu thereof, entitled "A bill to provide for licenses to certain officers of seagoing passenger steam vessels," be adopted and pass.

Inasmuch as the change in existing law is intended to apply only to certain officers of seagoing passenger steam vessels, the committee have thought it best not to undertake to amend the sections of the Revised Statutes that relate to this subject, sections 4438 and 4440, which apply to certain officers of all steam vessels, and for that reason have put the measure in the shape of a separate enactment. The committee is also of opinion, in which the Treasury Department concurs, that there is no occasion to require fourth mates to take out licenses, and have therefore omitted that provision from the substitute proposed by them.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 9, 1894.

SIR: I have the honor to transmit herewith a report of the Supervising Inspector-General Steamboat Inspection Service upon H. R. bill 5507, Fifty-third Congress, second session, "To provide for licenses to certain officers of steam vessels," referred by your directions to this Department for such suggestions as may be deemed proper "touching the merits of the bill and the propriety of its passage."

Very respectfully,

W. E. CURTIS, *Acting Secretary.*

Hon. GEO. D. WISE,
Chairman of the Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING INSPECTOR-GENERAL
STEAMBOAT INSPECTION SERVICE,
Washington, D. C., February 7, 1894.

SIR: I have the honor to acknowledge the receipt (by reference to this office for report) of a communication from the Committee on Interstate and Foreign Commerce, House of Representatives, inclosing H. R. bill 5507, Fifty-third Congress, second session, entitled "A bill to provide for licenses to certain officers of steam vessels," and requesting the Secretary of the Treasury "to furnish the committee with such suggestions as you [he] may deem proper touching the merits of the bill and the propriety of its passage."

I have the honor to report that the object of the bill referred to is to require second, third, and fourth mates of seagoing steam vessels to be licensed the same as are the chief mates of steam vessels under sections 4438 and 4440, Title LII, Revised Statutes.

This office is in favor of the examination and licensing of second and third mates of seagoing steam vessels, but thinks it unnecessary and superfluous to require a fourth mate to be a licensed officer, for the reason that, with

the master, and first, second, and third mates duly licensed and qualified as navigators, there will be four such navigators on board, an ample number, in my judgment, to meet all emergencies.

To obtain the objects sought to be accomplished in House bill 5507, I would recommend that the inclosed copy of bill prepared in this office be substituted therefor, in order that the penalties provided in Title LII, Revised Statutes, should directly, instead of by inference, apply in case of nonobservance. This object is accomplished in the substitute bill by amending sections 4438 and 4440 of that title, thereby directly covering the penalties provided therein.

The object in making the substitute bill take effect ninety days after date of approval is in order to give owners and agents of steamers affected by the bill ample time to be prepared for its enforcement, otherwise many ships may be compelled either to violate the law or be detained in port until a sufficient number of qualified officers could be obtained.

The copy of bill is returned herewith.

Very respectfully,

JAS. A. DUMONT,
Supervising Inspector-General.

The SECRETARY OF THE TREASURY.

[Substitute for H. R. 5507.]

The amendments consist in adding to sections 4438 and 4440, Revised Statutes, the underscored words in the lines as indicated herein:

A bill to amend sections 4438 and 4440 of title LII, Revised Statutes of the United States, relating to licensing mates of steam vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 4438 and 4440 be amended to read as follows:

"SEC. 4438. The boards of local inspectors shall license and classify the masters, chief, second, and third mates, engineers, and pilots of all steam vessels. It shall be unlawful to employ any person, or for any person to serve as a master, chief, second, or third mate, engineer, or pilot on any steamer who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of $100 for each offense.

"SEC. 4440. Whenever any person applies for authority to be employed as chief, second, or third mate of steam vessels the inspectors shall require satisfactory evidence of the knowledge, experience, and skill of the applicant in lading cargo and in handling and stowage of freight, and shall examine him as to his knowledge and ability in navigation and managing such vessels, and all other duties pertaining to his station, and if satisfied of his qualifications and good character they shall grant him a license authorizing him to perform such duties for the term of one year; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, unskillfulness, or want of knowledge of the duties of his station, or the willful violation of any provision of this title."

This act to take effect ten days from date of approval.

Mr. LOUD. Mr. Speaker, I reserve the balance of my time.

Mr. BINGHAM. Mr. Speaker, I send to the desk an amendment which I desire to offer.

The amendment was read, as follows:

Amend in line 3, by striking out the words "and third," so that the provision will read, "that second mates of seagoing passenger steam vessels shall be licensed," etc.

Mr. BINGHAM. Mr. Speaker, I submit that the owners of the sea-going passenger steam vessels of the Atlantic coast are opposed to this legislation. Under the existing statute all watch officers of American ships are required to be American citizens and must undergo an examination as to qualifications before they are licensed. This applies to masters who are captains, chief mates who are first mates, engineers, and pilots.

These are indicated as "officers" and must be American citizens. Under a construction of the statute of many years' standing, second mates are officers, who with the captain and first mate are the navigators of the ship. Therefore the Department requires the second mate, under regulation, to be examined the same as the captain and the first mate.

The proposition contained in this bill is to extend this examination to third mates before license is given. It was originally proposed to preclude fourth mates. It is unnecessary to say in the carrying trade, especially the foreign trade, there are also fifth and sixth mates, but these subordinate or junior officers, as they are called, are not "officers" under the statute, and are not subject to the requirement of a certificate, although a certificate is often required at the option of the ownership of the vessel; and they are not ship navigators.

The proposed extension of the statute is to third mates—I have submitted an amendment so as to make it a statutory requirement as to second mates. There is nothing in the fact of American citizenship that will throw around the passenger trade or freight carriage any larger protection to life or property than if the mates were other than American citizens. The bill as submitted will simply secure to American citizens a few positions that are now open to the best men.

This bill does not apply to all steam vessels, but is limited to seagoing passenger steam vessels. Why this discrimination against foreign vessels? Certainly it can not be claimed that an American, native or naturalized, can better care for life because he is an American citizen, and I do not belittle American citizenship when I make this assertion.

No other commercial nation has such a law. England, the greatest maritime nation of to-day, will issue a master's or mate's certificate to any man who has had the necessary experience and can pass satisfactorily their most rigid examination. They make it a question solely of ability.

This is the only nation that requires officers in its mercantile marine to be citizens. I am not going to attack the statute as it exists. I am perfectly willing this requirement which is now embodied in the regulations of the Department be enacted into law as to the second mates.

Great obligations rest upon the owners of vessels as to the wise and safe transportation of their cargoes and passengers; but in view of the examination and certificates now required, I believe the question of citizenship except as to second mates may safely be left as it is now by statute.

Mr. LOUD. What certificate is now required by law?

Mr. BINGHAM. By section 4438 of the Revised Statutes it is required that—

Boards of local inspectors shall license and classify masters—

That is, captains—

Chief-mates, who are first mates.
Engineers and pilots of all steam vessels.

Mr. LOUD. That does not apply to the second officers.

Mr. BINGHAM. I have stated that second officers, under the regulations of the Department, are required to be examined before certificate of fitness or license can be issued, the same as captains and first mates.

Mr. LOUD. That, however, is not a requirement of law.

Mr. BINGHAM. I am perfectly willing to ingraft upon the statute the requirement that second mates shall have the certificate after examination.

Mr. LOUD. You admit that there in no such requirement of law now.

Mr. BINGHAM. It appears to me that is far enough to go, and that as to the officers, junior to second mate, who are not permitted to undertake the navigation of the vessel—only the watch officers, as they are designated—the law should remain as it is. This is as far as the carrying trade of the Atlantic coast desires now to go.

Let me read from a letter recently received:

We protest against the proposed legislation requiring junior officers of seagoing passenger steamers to be American citizens.

Your general statute requires officers of the United States mercantile marine to be American citizens.

Mr. MALLORY. Does the requirement that they pass examination and obtain certificates make them officers?

Mr. BINGHAM. It does.

Mr. MALLORY. In respect to engineers, the Department held that it did not.

Mr. BINGHAM. That is a matter I know nothing about.

Mr. MALLORY. I refer to the action of the last Secretary of the Treasury.

Mr. BINGHAM (reading):

It seems Congress is determined by every species of ingenuity to make it impossible to run a steamship under the American flag, in competition with foreign flags. Why should Congress attempt this legislation? There is no nation on earth, except the United States, that inquires into the nationality of even the commanders of its mercantile fleet. They look to qualifications only, and this legislation is a relic of barbarism. Even the United States does not require its gunners, the most important men on board of its men-of-war, to be American citizens.

Mr. LOUD. By whom is that letter signed?

Mr. BINGHAM. By Mr. Griscom, president of the International Navigation Company?

Mr. LOUD. The company that owns the steamers City of Paris and City of New York?

Mr. BINGHAM. Yes, sir. The letter continues.

The fact is, the United States professes to wish to see its commercial marine extended. It has even passed the postal bill and taken off some of the disabilities of ship-owners. And yet Congress seems disposed to lend a willing ear to trade organizations, who in their turn seem disposed to surround the running of steamships under the American flag with increasing difficulties.

We are making a great effort now to establish and maintain a first-class American line on the North Atlantic. I should think the sympathy of Congress ought to be with us. We intend, also, to make our line thoroughly American, but we must have time to organize and build up.

Now, this legislation will apply to all of the foreign passenger-carrying trade, and only to a limited extent to the coastwise trade, the foreign trade having not only first and second mates, but third, fourth, fifth, and sixth mates.

From the general manager of a great company I have this statement:

If Congress wishes to give any better protection to life and property at sea, let it follow the example of England and pass an act raising the standard of seamanship, to be open to all. Then an American master's or mate's certificate would stand for something, and we would no longer be compelled to exact from our masters and mates (American as well as foreigners) an English board of trade certificate.

Mr. Speaker, I do not wish nor do I intend to make any factious opposition to this proposed legislation, but I submit the seagoing passenger carrying trade of the Atlantic coast is positively against its enactment. I am willing we should incorporate into the law, if it must be done, that which is now the regulation of the Department as to second mates; but I claim the fact of citizenship in no wise protects the lives of passengers; the protection comes from the certificate of qualification which is

required; and the owners of these seagoing vessels are as much concerned for the safety of the lives of their passengers as they could be under any legislation we might enact.

Mr. STORER. If the gentleman will yield to me a moment, I would like to ask a question, prefacing it with a statement.

Mr. BINGHAM. I yield to the gentleman.

Mr. STORER. Let us understand the point the gentleman from Philadelphia [Mr. BINGHAM] makes by way of objection to this bill. As I understand his objection, he construes the bill as compelling second and third mates to be citizens of the United States. He adopts this construction, because, as he says, the second mate being a watch officer, becomes thereby an officer of the ship, and comes under the general statute providing that officers of a ship must be citizens of the United States.

I will call the attention of the gentleman to the fact that this bill does not provide anything more than that the second and third mates shall pass examinations and be certified as qualified for their positions. Nothing is said here about their citizenship.

I will call his attention to another fact in this same connection——

Mr. BINGHAM. Does the gentleman mean to signify to this House that in the passage of this legislation, requiring a certificate from the board of local inspectors or examiners for a third mate, the question of American citizenship is entirely eliminated?

Mr. STORER. I say that the ruling of the Department is that even the engineer, who is called an officer and must pass an examination, need not be a citizen of the United States and does not come under that statute. *A fortiori*, therefore, would be the third mate——

Mr. BINGHAM. Will the gentleman allow a question before he proceeds further? Does he not know it is the statute and regulation of the Department that the captain, first and second mates must be citizens of the United States?

Mr. STORER. I believe that is correct.

Mr. BINGHAM. And if you add, therefore, the third mate, then, by a simple process of reasoning, I ask the gentleman if the Department must not so construe this legislation, placing the third mate in the same category as to citizenship, with the others, according to the rulings heretofore made, unless you unequivocally declare, in the proposition itself, that such is not the intention of the law?

Mr. STORER. The gentleman will not certainly claim that that would follow from the enactment of this provision of law?

Mr. BINGHAM. That is the construction that would be naturally placed upon it unless it was otherwise expressly provided.

Mr. STORER. But not as to citizenship.

Mr. BINGHAM. Oh, yes.

Mr. STORER. I differ with the gentleman in that regard.

Mr. BINGHAM. Well, the president of the International Steamship Company so states, and unqualifiedly.

Mr. LOUD. Mr. Speaker, as the introducer of a bill of a similar character to this, I would like to say a few words to the House in connection with the matter.

The gentleman from Pennsylvania [Mr. BINGHAM] has brought forward some evidence to the House to substantiate the reasons he has given why in his judgment this bill should not become a law. Now, all the evidence the gentleman has brought here emanates from what is known as the American Line of Steamers, the company which has just received at the hands of Congress so large and beneficent a gift—I term it a gift, as no corporation or company in the world has ever received such a privilege without compensation or conditions of any kind.

We passed in this House a bill to admit to American registry two of the finest steamers in the world, and that company now have these two steamers as a nucleus around which they say, at some time in the future, they are going to establish a wholly American line of steamers.

Now, then, immediately after the passage of this bill admitting them to American registry, this company most earnestly protested against what I believed to be a just and proper construction of the law; that is, that the law should have been interpreted to declare that engineers of vessels are officers and should have been American citizens.

But the then Secretary of the Treasury held that under the statute—and I believe it was far-fetched—that engineers were not, under that statute, officers of the vessel, and hence it was not requisite that they should be American citizens.

What a plea for a great company like this to present to Congress, after having received the gift they have, to come here and protest against having the officers of their vessels American citizens! I should say shame upon a company of that kind.

Mr. BINGHAM. Will the gentleman allow an interruption?

Mr. LOUD. I will in a few moments, if the gentleman will permit me to proceed.

Mr. BINGHAM. It is just in reply to what the gentleman has said and his declaration, "Shame upon such a company." They are under the public statute No. 120—the two vessels—and the wording of the statute is that they shall be "American-built steamships," owned and operated by "American citizens in conformity with existing law."

That is, they request simply the maintenance of existing law, and that is all they have sought and all they have asked.

Mr. LOUD. They used all the power at their disposal to dodge the law——

Mr. GROSVENOR. They complained of the construction of the law.

Mr. LOUD (continuing). Yes, they complained of the construction of the law, and they used all the power they had to dodge it, and I believe they will use every effort hereafter to accomplish their purpose.

What did Congress do after having ascertained that such a construction had been put on the law? We proceeded immediately to amend the law, and now engineers are declared to be officers of the vessel.

Mr. MALLORY. Not yet; that bill has not passed the Senate.

Mr. LOUD. Well, this House has expressed its opinion. Now, I know something about the sea myself. I passed several years of my youth aboard a vessel; I have passed much of my time, during the past twenty-five years, upon the water; I know something about the duties of the officers of a vessel; I know that as a matter of fact the second, third, and fourth officers are watch officers. If a vessel carries but three mates, then the second and third mates are the watch officers. The captain and first mate as a rule are in their rooms asleep at night.

If the vessel carries four mates, the third and fourth mates are watch officers, and have absolute command of that vessel during their 4 hour watches. Now, all we ask in connection with this bill is that the second and third mates be included, and the bill that I introduced included the fourth mate, and I believe the law should be made to include the fourth mate. However, I am willing to forego that. The provision is, that they shall pass an examination to demonstrate that they are fitted to occupy the positions they are about to assume. Now, that is all that we maintain.

If there is upon the statute books now a law requiring officers to be American citizens, I fully coincide with that law. But that is simply an incident to this bill now before the House. Recently a steamship was wrecked upon the Pacific coast while the third officer was in command of the deck; and I beg to say that if any officer who was competent to be a third officer had had command of the deck on that occasion, that steamer would never have been wrecked. He had his course from the first officer, but everybody understands that courses sometimes deviate on account of currents. He was heading for a light. He should have known, if he had known anything about navigation, that he was not compelled to follow the course that he had, but discretion should have told him to keep further off from shore or call the first mate.

Now, we have excepted freight vessels. I believe this should apply to freight vessels. But we have included only passenger vessels, because we desire to protect the lives of those people who embark upon the sea. I do not believe that any just and reasonable person, familiar with the character of sea-going vessels, can object to the passage of this measure.

Mr. GROSVENOR. These passenger ships to which this law applies are subject, are they not, to be utilized by the Government as cruisers?

Mr. LOUD. The vessels belonging to that company.

Mr. BINGHAM. Those two are.

Mr. GROSVENOR. The case might happen, therefore, in the absence of this law, that one of these vessels might be under the command of an alien?

Mr. LOUD. Very probably; yes.

Mr. BINGHAM. Oh, no; that can not be. What is called the postal subsidy act requires the officers of these vessels to be American citizens, and the officers of these vessels are the captains and the first and second mates.

Mr. GROSVENOR. From the statement of the gentleman from California [Mr. LOUD], who knows more about the matter than I do, these watch officers may be in command.

Mr. BINGHAM. Is it not against the statute for any officer of a vessel to navigate that vessel other than the duly examined first officers, consisting of the captain and the first and second mates?

Mr. LOUD. Yes, I suppose it is. I do not think it extends to the third mate.

Mr. BINGHAM. That is the construction of the Department.

The CHAIRMAN. Without objection, general debate will be considered as closed.

There was no objection.

The CHAIRMAN. The question is on the amendment of-

fered by the gentleman from Pennsylvania [Mr. BINGHAM], which the Clerk will report.

The Clerk read as follows:

In line 3, strike out the words "and third;" so that it will read:
"That the second mates of seagoing passenger steam vessels," etc.

Mr. MALLORY. Mr. Chairman, this bill is recommended by the Department in the form in which it is reported by the committee. In fact the bill was substantially drawn up by the Department. It seems to me that the debate has taken a turn that does not exactly hit the merits of this case. The point that is sought to be attained by this legislation is to have men competent for responsible positions when the lives of people are intrusted to their care.

It is not a question as to whether they shall be citizens or not, although I am inclined to think that the position taken by the gentleman from California [Mr. LOUD] is correct, that inasmuch as engineers have been construed by the Department as not to be within the requirement that they shall be citizens of the United States, that these individuals, the second and third mates, would also be construed as not required to be American citizens.

Mr. BINGHAM. Does the gentleman signify that that is the construction of his own bill?

Mr. MALLORY. That is mine.

Mr. BINGHAM. That second and third mates are not required to be citizens of the United States?

Mr. MALLORY. It is not my opinion. It is based upon the opinion of Secretary Foster in regard to this other statute, and it was thought on the whole that engineers would not necessarily have to be citizens of the United States. And if I am not mistaken, the very two vessels to which reference has been made are carrying engineers who are not citizens of the United States.

Mr. LOUD. There is no doubt about that.

Mr. MALLORY. I was informed six months ago that that was the case.

Mr. BINGHAM. They can not carry these officers unless they are licensed by the Department.

Mr. MALLORY. That is true; but the requirement that they shall be citizens of the United States was held by Secretary Foster not to apply to engineers, and they are ranked in the same class with second mates. Therefore, I say, reasoning by analogy, if that be correct, then they are not officers also. Still I do not think that is material in this matter at all. The point for us to look after is to require that all persons with whom lives are entrusted shall be competent and careful men, not drunkards, men who shall undergo an examination to show that they are capable of taking care of vessels. That is my idea, and that is why I am in favor of the passage of the bill.

Mr. BINGHAM. Is the gentleman in favor of second and third mates not being citizens of the United States?

Mr. MALLORY. I am not; but in this matter we have the recommendation of the Department.

Mr. BINGHAM. I merely wish to say that it is the recommendation of the Department; but this recommendation never appeared from the Department until inquiry was made, on the submission of the bill introduced by the gentleman from California, with reference to third and fourth mates, and the Department makes this response:

This office is in favor of the examination and licensing of second and third mates of seagoing steam vessels, but thinks it unnecessary and superfluous to require a fourth mate to be made a licensed officer.

They simply signify that they are in favor of it, but never have asked Congress for it.

Mr. MALLORY. They appended a bill.

Mr. BINGHAM. Which you did not put in.

Mr. MALLORY. Simply for the reason that its operation applied to all vessels, and this bill seeks to confine the provision to passenger vessels.

Mr. BINGHAM. You take recommendation of the Department when it suits you, and object to it when it does not suit you.

The SPEAKER *pro tempore*. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken and the amendment was rejected.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LOUD, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENALTIES, FINES, AND FORFEITURES.

Mr. WISE. Mr. Speaker, I send up another bill for consideration.

The Clerk read as follows:

A bill (H. R. 7796) to enable the Secretary of the Treasury to remit or mitigate fines, penalties, and forfeitures.

Be it enacted, etc., That section 5294 of the Revised Statutes of the United States be, and is hereby, amended by the striking out of the words "steam vessels" and the insertion in lieu thereof of the words "vessels, immigration, quarantine, or alien contract labor," so that said section will read as follows:

"SEC. 5294. The Secretary of the Treasury may, upon application therefor, remit or mitigate any fine or penalty provided for in laws relating to vessels, immigration, quarantine, or alien contract labor, or discontinue any prosecution to recover penalties denounced in such laws, excepting the penalty of imprisonment, or of removal from office, upon such terms as he, in his discretion, shall think proper; and all rights granted to informers by such laws shall be held subject to the Secretary's power of remission, except in cases where the claims of any informer to the share of any penalty shall have been determined by a court of competent jurisdiction, prior to the application for the remission of the penalty; and the Secretary shall have authority to ascertain the facts upon all such applications, in such manner and under such regulations as he may deem proper."

The amendments recommended by the committee were read, as follows:

Strike out the words "immigration, quarantine, or alien contract labor," in lines 6 and 7 of the bill, and the same words in lines 11 and 12 of the bill.

Mr. WISE. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

There was no objection, and it was so ordered.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BARTLETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

OAKLAND, CAL., A SUBPORT OF ENTRY.

Mr. WISE. I now call up the bill (H. R. 7187) to make the city of Oakland, county of Alameda, State of California, a port of entry.

The bill was read, as follows:

Be it enacted, etc., That the city of Oakland, county of Alameda, State of California, be, and the same is hereby, made a port of entry.

The amendments recommended by the committee were read, as follows:

Amend as follows:
Strike out the word "port," in line 4, and insert in lieu thereof the word "subport."
After the word "entry," in line 4, insert "in the district of San Francisco, with the privileges of section 7 of an act entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' approved June 10, 1880."
Amend the title by striking out "port" and substituting "subport."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER *pro tempore*. Without objection, the title will be amended in accordance with the recommendation of the committee.

There was no objection.

On motion of Mr. WISE, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. WISE. Mr. Speaker, I call up the bill (H. R. 7518) to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin.

The bill was read at length.

An amendment recommended by the committee was read, as follows:

Section 3, after the words "Secretary of War," in line 41, insert:

And in addition thereto, and before the putting in place of the draw spans of the bridge to be built under this act, the company or persons owning or holding such bridge shall be required, under the direction and supervision of the Secretary of War, or of such officer as he shall designate, to dredge out to a minimum depth of 21 feet below low-water datum, the two triangular spaces above and below the proposed site of the bridge, included in the interior angles formed by the crossing of the two ship channels at "the gate," to such an extent as to create a basin, the easterly and westerly limits of which shall be, respectively, at not less than 1,000 feet from the axis of the bridge, and shall be parallel thereto.

Mr. WISE. Mr. Speaker, I desire to offer an amendment to that.

The amendment was read as follows:

In lines 47 and 48 strike out the words "below low-water datum."

The amendment was agreed to.

The committee amendment as amended was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WISE, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE CHATTAHOOCHEE, COLUMBIA, ALA.

Mr. WISE. I call up the bill (H. R. 6577) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near Columbia, Ala.

The Clerk proceeded to read the bill.

Mr. WISE. Mr. Speaker, I ask unanimous consent that the

reading of the bill be dispensed with. It is a bridge bill, in the usual form, and is approved by the War Department.

There was no objection, and it was so ordered.

Several amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time: and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WISE, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS BAYOU DES GLAISES AND THE ATCHAFALAYA.

Mr. WISE. I call up the bill (H. R. 7668) to authorize the St. Louis, Avoyelles and Southwestern Railway Company to bridge Bayou Des Glaises and Atchafalaya River, in the State of Louisiana.

I ask unanimous consent that the reading of the bill be dispensed with. This also is a bridge bill and is in the usual form and approved by the War Department.

There was no objection, and it was so ordered.

The amendment recommended by the committee was read, as follows:

Section 1, line 10, after the word "line," insert "subject to the approval of the Secretary of War."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WISE, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE OSAGE RIVER, MISSOURI.

Mr. WISE. I call up the bill (H. R. 7571) to authorize the construction of a bridge across the Osage River, in the State of Missouri.

The Clerk proceeded to read the bill.

Mr. WISE. I ask unanimous consent that the reading of this bill be dispensed with. It is in the usual form of bridge bills.

There was no objection, and it was so ordered.

Amendments recommended by the committee were read, as follows and agreed to:

Section 3, line 7, after the words "high-water mark" insert "and the piers of said bridge shall be parallel with the current of said river where said bridge may be erected."

Section 8, line 3, strike out "two years" and insert "one year."

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WISE, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSOURI.

Mr. WISE. I call up the bill (H. R. 7572) to authorize the construction of a bridge across the Missouri River at De Witt, Carroll County, Mo., and to establish it as a post-road.

The Clerk proceeded to read the bill.

Mr. WISE. I ask unanimous consent that the reading of the bill be dispensed with, it being in the usual form and containing the usual safeguards.

There was no objection, and it was so ordered.

An amendment recommended by the committee was read, as follows:

Section 8, line 3, strike out "two years" and insert "one year."

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WISE, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIFE-SAVING SERVICE, LONG ISLAND.

Mr. WISE. I call up the bill (H. R. 387) to authorize the construction of a life-saving service at or near East Marion, Long Island, N. Y., and making appropriation therefor.

The SPEAKER *pro tempore* (Mr. DOCKERY). This bill is on the Union Calendar.

Mr. WISE. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

There was no objection, and it was so ordered.

Be it enacted etc., That the Secretary of the Treasury be, and he hereby is, authorized to construct or cause to be constructed a proper and sufficient life-saving station at or near East Marion, Long Island, N. Y., for the uses and purposes of the Life-Saving Service of the United States; and the sum of ——thousand dollars is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise expended, for such purposes.

Mr. SAYERS. Mr. Speaker, I misunderstood the character of this bill, and I must insist that it shall be considered in Committee of the Whole.

Mr. WISE. I will say to the gentleman that at the time I made a statement to him about the character of the bills we were going to consider I had forgotten that this one contained an appropriation, and I will therefore withdraw the bill in its present form.

Mr. COVERT. Mr. Speaker, I trust this bill will not be withdrawn, but that, if the point is insisted upon, the bill will be considered in Committee of the Whole.

Mr. WISE. I stated to my friend from Texas that no more measures involving a charge upon the Treasury would be brought forward by the committee to-day, and therefore, in order to keep faith with him, I am compelled to withdraw the bill.

The SPEAKER *pro tempore*. The Chair is advised that the amendment reported by the committee strikes out the appropriation.

Mr. SAYERS. That does not make any difference.

The SPEAKER *pro tempore*. What is the request of the gentleman from Virginia [Mr. WISE]?

Mr. WISE. As the amendment strikes out the appropriation, let the bill remain before the House.

Mr. SAYERS. I insist, then, that the bill must be considered in Committee of the Whole.

Mr. WISE. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of this bill.

The SPEAKER *pro tempore*. The order that the bill be considered in the House as in Committee of the Whole will, without objection, be reconsidered. The Chair hears no objection. The question is on the motion of the gentleman from Virginia [Mr. WISE].

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. OUTHWAITE in the chair) and proceeded to the consideration of the bill (H. R. 387) to authorize the construction of a life-saving service at or near East Marion, Long Island, N. Y., and making an appropriation therefor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized to construct or cause to be constructed a proper and sufficient life-saving station at or near Rocky Point or East Marion, Long Island, N. Y., for the uses and purposes of the Life-Saving Service of the United States; and the sum of —— thousand dollars is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise expended, for such purpose.

The amendment reported by the committee was read, as follows:

Strike out at the end of the bill the following:

And the sum of —— thousand dollars is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise expended, for such purpose.

Mr. WISE. I do not care to say anything more than that the clause of the bill making an appropriation for the construction of this work has been stricken out by the committee.

Mr. SAYERS. I wish to ask how far distant this proposed station is from the nearest life-saving station already established?

Mr. COVERT. I do not know of any life-saving station within 20 or 25 miles.

Mr. SAYERS. Which is the station nearest to this point?

Mr. COVERT. There is none within 20 or 25 miles.

Mr. SAYERS. At what place is the nearest station?

Mr. COVERT. It is in the eastern section of Long Island. I do not remember the name of the station; I mean by that the local name applied to it.

If this bill needs explanation I wish to say simply that during the last few years eleven disasters to as many different vessels have occurred at this point. Repeated suggestions and applications have been made by the life-saving officers of the district to the Department for the establishment of a life-saving station at this dangerous point. These losses which have occurred in recent years have jeopardized, according to the report of the Superintendent of the Life-Saving Service to the Secretary of the Treasury, property valued at more than $615,000; and since the making of this report, and within a comparatively short period of time, other disasters have occurred there, resulting in grievous loss of life as well as of property.

Now, if there be any doubt in the mind of the gentleman from Texas or any other gentleman as to the imperative need of the establishment of this station at the point named, I ask that the communication addressed by the Superintendent of the Life-Saving Service to the Secretary of the Treasury be read. Perhaps it is unnecessary to occupy in this way the time of the Committee of the Whole.

Mr. SAYERS. Yes; we should have this information. We can not be too particular in the matter of public expenditure. Executive officers are not always economical.

Mr. COVERT. I do not know where we are to get information that shall be regarded as official and trustworthy unless

from the fountain head—the Department. I ask that the letter of the Superintendent of the Life-Saving Service to the Secretary of the Treasury be read.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE LIFE-SAVING SERVICE,
Washington, D. C., December 18, 1893.

SIR: I have the honor to acknowledge your reference of bill H. R. 267, "To authorize the construction of a life-saving service at or near East Marion, Long Island, New York, and making an appropriation therefor," forwarded by the Committee on Interstate and Foreign Commerce, House of Representatives, for suggestions touching the merits of the bill and the propriety of its passage.

The records of this office show that since the year 1877 eleven disasters to vessels have occurred in the vicinity of East Marion, involving $615,000 in property, of which $83,585 was lost. The neighborhood is a dangerous one, and the fact that these disasters have been unattended with loss of life has been due to good fortune rather than to the absence of danger.

In several instances, as I am informed, there would have been loss of life but for the fortuitous circumstance that in some of them persons competent to render assistance, and the means of doing so, were at hand, while in the others those on board escaped by the merest chance.

Important lines of passenger steamers daily pass this part of the coast, and in my judgment serious loss of life is liable to occur at almost any time during the prevalence of storms or thick weather. Besides the possible rescue of life for which a station here would provide, the saving of property would probably prove considerable. The officers of the service in charge of the third life-saving district have heretofore called attention to the vicinity and recommended the establishment of a station there.

As at present advised, I am in doubt whether a place called Rocky Point, not far distant, would not prove a better location for the station than East Marion, and I would therefore suggest, if the committee should see fit to favorably report the bill, that it be amended in line 5 by inserting after the word "near" the words "Rocky Point or," and that a corresponding change be made in the title of the bill. It is also suggested that the word "service" be stricken out in the title and the word "station" inserted.

Respectfully, yours,

S. I. KIMBALL,
General Superintendent.

THE SECRETARY OF THE TREASURY.

Mr. COVERT. Allow me to add that since the sending in of that communication, the prophesy embodied and expressed in it has been very sadly verified. That is to say since this communication was addressed to the Secretary of the Treasury, there have been other disasters occurring at this point, resulting in serious loss of life as well as the destruction of a large amount of property.

Mr. SAYERS. I understand from this communication that up to the date when it was written not a single life had been lost, although vessels had been wrecked at that point.

Mr. COVERT. I have stated that since the receipt of this communication disasters have occurred at this very point, involving loss of life as well as of property.

Mr. SAYERS. I was referring simply to the communication of the Superintendent of the Life-Saving Service. I would like to know of the chairman of the Committee on Commerce what will be the probable cost of the construction of this life-saving station.

Mr. WISE. Five thousand five hundred dollars.

Mr. COVERT. Permit me to suggest a correction of that statement. I have been in communication with the Department; and I thought I had among my papers, but I find I have not, a written communication from the superintendent to the effect that the minimum cost of the construction of an adequate station would be $4,500.

Mr. SAYERS. If that is the "minimum" we may put the maximum at about $15,000.

Mr. COVERT. The gentleman is extravagant in his figures of speech as well as in his arithmetical figures.

Mr. SAYERS. Well, I happen to know something about the cost of these works. Taking the deficiency bills and the sundry civil bills that have passed through Congress, you will find that nine times out of ten the actual cost of constructing a public work largely exceeds the amount estimated when the proposition for beginning the work is submitted.

Now, the gentleman from New York says the minimum cost will be so much. But what we want is the maximum cost——

Mr. COVERT. Well, I can assure the gentleman, from my recollection of the communication in connection with the matter, that it will not exceed $6,000.

Mr. SAYERS. There is another question I would like to ask the gentleman: What will be the cost of the maintenance of the station per annum?

Mr. COVERT. I can only assume that the cost of keeping up the station will be on a par with the cost of keeping up other stations of a similar character.

Mr. SAYERS. Well, what will it be?

Mr. COVERT. Of course, upon that proposition I am not prepared to say. It will be dependent, naturally, upon existing conditions. The gentleman from Texas is as well advised on that proposition as I am, if not better.

Mr. SAYERS. Mr. Chairman, we ought to have information on these points. We have increased the number of months that the Life-Saving Service is to be employed already——

Mr. WISE. And you reduced the compensation at the same time.

Mr. SAYERS. Oh, a very little reduction.

Mr. WISE. Well, you reduced it $5 per month for the whole year.

Mr. SAYERS. That is all.

Mr. COVERT. Now, I can not say anything more, even if I had the desire, except simply to summarize what has been already said; that from official sources—not from my own simple unsupported statement, but from official sources—we get the information that this is concededly a dangerous point; that there is no life-saving station there; that repeated losses of vessels and cargoes have occurred in recent years, and that since the coming in of this report, and quite recently, disasters have occurred entailing serious loss of life as well as of property.

Mr. SAYERS. Has the attention of Congress been called to this, let me ask the gentleman, by the Superintendent of the Life-Saving Service? Has he ever suggested to Congress at any time to establish a life-saving station at this point, or is it not a fact that it was not until this bill was introduced and referred to him that he made a report concerning the casualties to which the gentleman has referred?

Mr. COVERT. Oh, the gentleman's questions involve their own answers. I do not imagine that there has ever been, anywhere in this country, a life-saving station established primarily on the express recommendation of the Secretary of the Treasury or the Superintendent of the Life-Saving Service. I assume that the gentleman from Texas can not now recall a single instance where any head of a Department ever pointed out to Congress the necessity for the establishment of such a station.

Mr. SAYERS. If the gentleman will allow me——

Mr. COVERT. I decline to be interrupted further until I get through with my statement.

Now, the same course has been observed with respect to this bill that has been observed with respect to all measures of a similar character, and, I assume, the course generally pursued since the construction of these stations has been commenced by the Government. Of course there is no suggestion looking to the construction of life-saving stations anywhere, on the part of the Department, until its attention is called to the matter in a proper and legitimate way by the legislative branch of the Government.

The coming in of this bill was in that way. I say very freely and very frankly to the gentleman from Texas that no action was suggested by the Department in this matter until the introduction of this bill. What was done then? Why, the chairman of the Committee on Interstate and Foreign Commerce, in an orderly, formal, and proper manner, dispatched a letter inquiring as to the necessities and conditions and as to the propriety of the establishment of the station proposed by this bill. The Department promptly replied, and made the statement which I have caused to be read during this discussion. I respectfully submit that this statement, clear and concise as it is, to say nothing of what I have added as to further loss of life and property since the coming in of this statement, ought to be satisfactory to any fair-minded gentleman on the floor of the House. I submit that the proof is ample and more than ample as to the absolute necessity for the establishment of a life-saving station at this dangerous point.

Mr. SAYERS. The statement of the gentleman I think is entirely too broad. If he will refer to the Book of Estimates that is annually submitted to Congress he will find that the attention of Congress is very often called in the estimates to the necessity of the execution of certain public works. I can not recall an instance just now in regard to the Life-Saving Service, but I believe that it was not over two hours ago since the gentleman from Massachusetts [Mr. O'NEIL] read from the Book of Estimates a statement from the Treasury Department in relation to the construction of a light-ship. This was in advance of any bill that had been introduced at the present session of Congress. So that the gentleman is mistaken in his statement.

The executive officers of the Government—it is made their duty to do so—advise Congress at every session as to what the executive branch thinks ought to be done upon a particular line of service.

Now, we are asked here to establish a life-saving station, and that, too, in the face of the fact that the Superintendent of the Life-Saving Service says that no life has ever been lost there. I do not desire to object to the passage of these bills. But my understanding was when the bridge bills were passed it would terminate this session, and yet this bill has been called up just as it was thought the committee was about to rise.

Mr. WISE. I was going to move to rise and adjourn when we got a vote on this bill.

I ask that general debate be considered as closed.

The CHAIRMAN. In the absence of objection general debate will be considered as closed.

There was no objection.

The CHAIRMAN. The question is on the amendments recommended by the committee, which the Clerk will report.

The amendments recommended by the committee were again read.

The amendments were agreed to.

Mr. WISE. I move that the committee rise and report the bill to the House, with the recommendation that it do pass.

Mr. TALBERT of South Carolina. I hope this bill will not be passed. I shall object to it.

Mr. WISE. I ask a vote on my motion.

The CHAIRMAN. The gentleman from Virginia [Mr. WISE] moves that the committee rise and report the bill to the House with a favorable recommendation.

The question was taken, and the Chairman announced that the ayes seemed to have it.

On a division (demanded by Mr. TALBERT of South Carolina) there were—ayes 36, noes 4.

So the motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having taked the chair as Speaker *pro tempore*, Mr. OUTHWAITE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 387, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that the bill as amended do pass.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

The title of the bill was amended so as to read: "A bill to authorize the construction of a life-saving station at or near Rocky Point or East Marion, Long Island, New York."

A motion to reconsider the motion by which the bill was passed was, on motion of Mr. WISE, laid on the table.

CERTAIN SETTLERS IN THE STATE OF CALIFORNIA.

By unanimous consent,

Mr. NEILL, from the Committee on the Public Lands, reported a bill (H. R. 7834) as a substitute for the bill (H. R. 6136) to protect the rights of certain settlers in the State of California.

The bill H. R. 7834 was read a first and second time, and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

The bill H. R. 6136 was ordered to lie on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. BARWIG, indefinitely, on account of sickness.

To Mr. SHAW, indefinitely, on account of sickness.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. BLAND to print remarks on the silver question.

And then, on motion of Mr. WISE (at 4 o'clock and 52 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MCALEER, from the Committee on Naval Affairs: A bill (H. R. 5200) for the relief of Thomas McGrath. (Report No. 1323.)

By Mr. BLACK of Illinois, from the Committee on Military Affairs:

A bill (H. R. 1654) to amend the record of Capt. Thomas H. Reeves, United States Army, retired. (Report No. 1324.)

A bill (H. R. 2405) for the relief of James L. Kidd. (Report No. 1325.)

A bill (H. R. 2425) for the relief of Archibald Gibson. (Report No. 1326.)

By Mr. CAMPBELL, from the Committee on Claims: A bill (S. 1063) for the relief of the legal representatives of George K. Otis, deceased. (Report No. 1327.)

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, a bill and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. MALLORY: A bill (H. R. 7827) to authorize a bridge across the river between the States of Florida and Alabama—to the Committee on Interstate and Foreign Commerce.

By Mr. MCGANN: A resolution setting apart Thursday, August 2, immediately after the morning hour, for the consideration of bills reported by the Committee on Labor—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CHILDS (by request): A bill (H. R. 7829) directing the Secretary of the Interior to pay Andrew Bevins Read, administrator of the estate of Phineas W. Read, deceased, the accrued pension on certificate No. 183178—to the Committee on Pensions.

By Mr. DURBOROW: A bill (H. R. 7830) granting a pension to William Emerson—to the Committee on Invalid Pensions.

By Mr. FITHIAN: A bill (H. R. 7831) for the relief of Jacob Taylor—to the Committee on Military Affairs.

By Mr. PASCHAL: A bill (H. R. 7832) to pension Nathan Mitchell, of Texas—to the Committee on Pensions.

Also, a bill (H. R. 7833) to remove the charge of desertion standing against Joseph W. Parsons, late private of the Eighth Indiana Volunteers—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DAVIS: Petition of 51 persons of Axtell, Marshall County, Kans., protesting against the passage of the Indian appropriation bill in its present form, and against the violation of the American principles of the separation of church and state—to the Committee on Indian Affairs.

By Mr. HARTMAN: Petition of William Archer and 26 other postal clerks of Montana, favoring Senate bill for reclassification of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of Ohio: Petition of citizens of Gallitzin, Carrolltown, and Loretto, Pa., asking for tax reform either by a low tariff or no tariff—to the Committee on Ways and Means.

By Mr. LACEY: Petition of Gen. Lewis C. Frye and sundry citizens of Ottumwa, Iowa, asking that Congress shall issue $500,000,000 of currency and to supply work for the unemployed, and to compel the unemployed to work—to the Committee on Ways and Means.

By Mr. MCCLEARY of Minnesota: Resolution of Duluth (Minn.) Produce and Fruit Exchange, favoring House bill 5746—to the Committee on Agriculture.

By Mr. SHELL: Petition of citizens of Greenville, S. C., in the interest of the fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *July 27, 1894.*

Prayer by Rev. ISAAC W. CANTER, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on motion of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, recommending an appropriation to defray necessary expenses in obtaining title by proceedings in condemnation to Devils Island, Apostle Group, Lake Superior, Wisconsin, for the establishment of a light station thereon; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL. Let an order be made for the special printing of the communication, so that it can be sent back today.

The PRESIDENT *pro tempore*. An order will be made for expediting the printing. The communication will be sent to the Printer at once.

ENROLLED BILL SIGNED:

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 7097) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes; and it was thereupon signed by the President *pro tempore*.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented memorials of citizens of Murphysboro, Chicago, Pawnee, Moweaqua, and Franklin, all in the State of Illinois, remonstrating against the violation of the American principle of separation of church and state, which is involved in making appropriations for or contracts with agents of sectarian institutions for Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. MITCHELL of Wisconsin presented sundry memorials of citizens of Janesville, Grand Rapids, Portage, Fennimore, Milton, Milton Junction, and Seymour, all in the State of Wisconsin, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. LODGE presented memorials of Emery G. Plummer and 50 other citizens of Dorchester; of J. C. McCready and 45 other citizens of Boston; of A. H. Ricker and 225 other citizens of Massachusetts; of George L. Richardson and 120 other citizens of Abington, and of Willis K. Hodgman, mayor, and 589 other citizens of Taunton, all in the State of Massachusetts, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. ALLISON presented the memorial of Rev. J. Y. Hoover and sundry other citizens of Springdale Township, Iowa, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. HAWLEY presented memorials of Joseph E. Houd and 16 other citizens of Stony Creek; of John S. James and 29 other citizens of Hartford, and of J. N. Wilsey and 39 other citizens of Hartford, all in the State of Connecticut, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. TURPIE presented a memorial of sundry citizens of Indianapolis, Ind., and a memorial of sundry citizens of Rushville, Ind., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. POWER presented the memorial of James S. Wilson and 249 other citizens of Anaconda, Mont., and the memorial of Rev. P. Lowry and 42 other citizens of Anaconda, Mont., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. BLACKBURN presented sundry memorials of citizens of Newport, Ky., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. BRICE presented a memorial of the General Assembly of the Presbyterian Church of the United States, remonstrating against the appropriation of public money for the support of religious institutions; which was referred to the Committee on Indian Affairs.

He also presented a memorial of 59 citizens of Canton, Ohio, and a memorial of 51 citizens of Springfield, Ohio, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

He also presented a petition of the city council of Greenville, Ohio, praying for the passage of House bill 7531, providing for the erection of a monument at Greenville, Ohio, to commemorate the treaty of peace made Augusu 31, 1795, at Fort Greenville, by Gen. Anthony Wayne and various Indian tribes, etc.; which was referred to the Committee on Appropriations.

He also presented a petition of the Miami and Erie Canal Association, representing the chamber of commerce, boards of trade, labor organizations, and agricultural interests of Cincinnati, Toledo, Dayton, Springfield, and Hamilton, all in the State of Ohio, praying for a survey of the routes proposed for the construction of a ship canal connecting Lake Erie with the Ohio River, etc.; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Portsmouth, Ohio, praying for a survey and estimate of the cost of deepening and widening the Ohio Canal between Cleveland and Portsmouth, in that State; which was referred to the Committee on Commerce.

Mr. KYLE. I present an argument by F. P. B. Sands, in favor of Senate bill No. 2146, to incorporate the National Gas and Electric Light, Heat, and Power Company. I move that the paper be printed and referred to the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF A COMMITTEE.

Mr. PASCO, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 522) for the relief of Benjamin Alford; and

A bill (S. 1471) to provide for the adjustment and payment of the claim of the American Transportation Company for dredging done at Fairport Harbor, in the State of Ohio.

MRS. KATE BIRD.

Mr. CAMDEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. BLACKBURN June 21, 1894, reported it without amendment:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the appropriation for miscellaneous items of the contingent fund of the Senate, to Mrs. Kate Bird, mother of Edward N. Davie, deceased, late a folder in the folding room of the Senate, the sum of $360, being an amount equal to six months' salary as folder aforesaid; the said sum to include all funeral or other allowances.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

INVESTIGATIONS BY COMMITTEE ON INDIAN AFFAIRS.

Mr. CAMDEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, adopted by the Senate July 18, 1894, reported it without amendment:

Resolved, That the Committee on Indian Affairs be instructed, either by full committee or such subcommittee or committees as may be appointed by the chairman thereof, with the full power of such committee to continue during the recess of Congress the investigations authorized by the resolutions of May 13, 1890, and February 27, 1891, with the authority and in the manner and to the extent provided in said resolutions, and in pursuance of such investigations to visit the several Indian reservations, Indian schools supported in whole or in part by the Government, and the five nations in the Indian Territory, or any reservation where, in the opinion of said committee, it may be necessary to extend their investigations.

Second. That said committee or subcommittee shall have power to send for persons and papers, to administer oaths, and to examine witnesses under oath touching the matters which they are hereby empowered to investigate, and may hold their sessions during the recess of the Senate at such place or places as they may determine; and the necessary and proper expense incurred in the execution of this order shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of said committee.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 2258) to remove the charge of desertion from the military record of Patrick Larkin; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TURPIE introduced a bill (S. 2259) for the relief of Elizabeth Pilling; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 2260) for the relief of William Nix; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. HUNTON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES of Arkansas submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. JONES of Nevada subsequently reported the amendment favorably from the Committee to Audit and Control the Contingent Expenses of the Senate, and moved that it be referred to the Committee on Appropriations; which was agreed to.

REPORT ON IMMIGRATION.

Mr. HILL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, etc., That there be printed for the use of the Committee on Immigration 500 copies, with paper covers, including the testimony, of Report No. 1333, Fifty-second Congress, second session.

LIST OF CLAIMS ALLOWED.

Mr. DUBOIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a list of all claims allowed by the several accounting officers of the Treasury Department under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowance of those already transmitted to Congress during the present session.

THE ARREDONDO GRANT.

Mr. CALL. I submit a concurrent resolution which I ask may be referred to the Committee on Public Lands.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the

Secretary of the Interior be, and he is hereby, directed to suspend the opening of the Arredondo Grant, Columbia County, Fla., to entry under the land laws of the United States, until the further action of Congress.

Mr. CALL. I ask leave to incorporate in the RECORD, in connection with the resolution, a letter which I have received from Florida in reference to the subject.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). Is there objection to the request of the Senator from Florida? The Chair hears none, and leave is granted.

The letter is as follows:

LAKE CITY, FLA., *July 25, 1894.*

DEAR SIR: The 20,000 Arredondo Grant lying in this county has been opened by the Government for entry. A great deal of this land lies near this place, and many persons are being rendered homeless by men like W. R. Bush and others entering their land, and the country is in an uproar, and many are blaming you.

* * * * * * *

Very truly,

B. H. PALMER.

Hon. WILKINSON CALL, *Washington, D. C.*

Mr. CALL. I wish to call the attention of the Committee on Public Lands to the fact that hundreds of people are now being deprived of their homes upon this reservation in consequence of the action of the Interior Department.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Public Lands.

ARMY APPROPRIATION BILL.

Mr. BLACKBURN. I call up the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (H. R. 6373) making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the report of the committee of conference on the Army appropriation bill. The report was read at length yesterday. Is there objection to its present consideration? The Chair hears none. The report is before the Senate for its action. The question is, Will the Senate concur in the report of the committee of conference?

Mr. MANDERSON. I hoped that the Senator from Kentucky [Mr. BLACKBURN], in charge of the bill, would this morning make some explanation of the matters of difference between the two Houses which have been agreed upon. Of course we all understand that with the numbers in the conference report it is extremely difficult if not impossible to find what has been surrendered by the Senate conferees and what has been agreed to by the House conferees. I direct the Senator's attention to the matter concerning the surgeons of the Army, of which he gave a little explanation yesterday, and the matter connected with the Signal Service Corps; but the amendment to which I desire particularly to call the attention of the Senator is that concerning inspections under emergency in departments by the order of the department commander.

Mr. BLACKBURN. That is provided for.

Mr. MANDERSON. That was agreed to by the House conferees?

Mr. BLACKBURN. Yes.

Mr. MANDERSON. I am very glad to learn that fact.

Mr. BLACKBURN. I will state for the information of the Senate that the bill for the support of the Army came to us from the other House carrying $23,586,924.68. As amended by the Senate it carried $23,611,384.68. The increase made by the amendments of the Senate over the bill as it came from the other House was $24,460. As agreed to in conference the deduction amounted to $18,500. The amount appropriated by the bill as agreed to in conference is $23,592,884.68.

The bill as passed by the other House proposed to reduce the surgical corps of the Army by thirty-five assistant surgeons who were not to be dismissed, but the number was to be reduced to ninety, which was a reduction of thirty-five. As they passed out by retirement, death, or resignation, there were to be no vacancies filled until that number was reached. The Senate would not agree to that provision, but the conferees did agree to a reduction of fifteen instead of thirty-five, and that is what is now recommended for adoption in the report.

As to the Signal Corps, of which the Senator from Nebraska inquired, the amendment of the Senate was insisted upon and the House conferees agreed to it, substantially, to this effect, that when the present chief of that corps, Gen. Greely, who holds the rank of brigadier-general, shall go upon the retired list, resign, or die, the force of the Signal Corps hereafter shall consist of a colonel, a lieutenant-colonel, and the majors and captains. The office of brigadier-general expires with the holding of the present incumbent. The Senate conferees thought that they were warranted in insisting upon their amendment in order to perfect the symmetry of that corps, and the House conferees yielded.

As to the other matter of which the Senator inquired, I am sure he will find that the conference report carries his wish. There is but little substantial difference in amounts between the bill as passed and the report of the conference committee submitted here.

Mr. DUBOIS. I should like to ask the Senator from Kentucky, in charge of the bill, what became of an amendment which he and the Senator from Maine [Mr. HALE] and myself agreed upon; an amendment which I offered relating to the transfer of the Apache Indians?

Mr. BLACKBURN. I am obliged to the Senator for his query. It would hardly have been candid upon my part, Mr. President, if I had not stated what I now have the opportunity to state in answer to the Senator's question.

The Senator offered an amendment with reference to the removal of the Apache Indians from Alabama, where they are now quartered as prisoners of war, and have been for many years. That amendment was offered in the Senate, and it was agreed to. A Senate bill having provided for their removal to the Fort Sill Reservation, the Senator was not satisfied with that, and he offered an amendment providing that they should be removed to such reservation as the Secretary of War might select, "not prohibited by existing law." That was agreed to in the Senate. In conference it was determined to strike out those last words, "not prohibited by existing law," and leaving it in the discretion of the Secretary of War to remove these Indians to such reservation or reservations as he might select.

It may not be improper for me to add just here that more than 60 per cent of that tribe of Apaches, now held as prisoners of war in the State of Alabama, have been born in captivity; they have been born as prisoners of war, and it does appear to be an anomaly and an incongruity. They should not be held there in perpetuity. The old chief who bred such consternation in that Northwestern country is now bowed with age; he is three score years and ten and more. I believe he is a justice of the peace. I think he is holding court every day of his life.

The report of the conference committee simply provides that the Secretary of War shall transfer them to such military reservation or reservations, breaking them up into families, as must be done, if we wish to get rid of this monstrosity and anomaly with which we are afflicted.

I am sure the Senator from Vermont [Mr. PROCTOR], who presided over the War Department during the captivity of these people, is in thorough sympathy with the purpose of this bill; and I trust that there will be no objection made to it, as the conference committee's report leaves it absolutely to the discretion of the Secretary of War to transfer the Indians to one military reservation or to any number of military reservations, breaking them up into such small squads as to him may seem best.

Mr. ALLISON. Or to leave them where they are.

Mr. BLACKBURN. Or to leave them where they are.

Mr. DUBOIS. Mr. President, I agree with the Senator from Kentucky that perhaps it would be better to move these Indians who are now in captivity, but I should like to have the attention of the Senate in regard to the amendment which I offered. Under the bill these Indians might be removed to Oklahoma Territory. They did not come from Oklahoma Territory.

Mr. BLACKBURN. This bill does not provide that.

Mr. DUBOIS. Allow me to continue.

Mr. PLATT. An amendment to the amendment was agreed to. Might we not have the provision read as it has been agreed upon by the conference?

Mr. DUBOIS. It has been stated by the Senator from Kentucky, but perhaps it would be fair if the amendment as agreed upon by the conference committee were reported to the Senate.

Mr. PLATT. I have examined it at the desk.

Mr. BLACKBURN. If the Senator will allow me, I will read it.

Mr. DUBOIS. Very well; though I understand it thoroughly.

Mr. PLATT. There are other things in the amendment which were not referred to by the Senator from Kentucky, and I should like to know how it now stands.

Mr. BLACKBURN. If the Senator from Idaho will yield to me a moment, I will read it.

Mr. DUBOIS. Certainly.

Mr. BLACKBURN. Amendment No. 19, on page 14, of the bill reads:

That the Secretary of War is hereby authorized and directed to remove to such military reservation as he may select, not prohibited by existing law—

That is the part proposed to be stricken out by the recommendation of the conference committee—

the Indian prisoners of war now confined at Mount Vernon Barracks, Ala., and for the purposes of the erection of buildings, purchase of draft animals, stock, necessary farming tools, seeds, household utensils, and other articles needed for said Indians and generally for their support and civilization, the sum of $15,000 is hereby appropriated, in addition to the sums herein appropriated, to be expended under the direction of the Secretary of War.

Mr. PLATT. One word, if the Senator will permit me.

Mr. BLACKBURN. Certainly.

Mr. PLATT. The Senator from Kentucky understands, then, that if this band is broken up into families or several parts, the $15,000 appropriated may also be broken up to care for them where they shall go?

Mr. BLACKBURN. Yes, sir.

Mr. DUBOIS. Mr. President, the amendment which I offered, and which was agreed to by the Senate, provided that these Indians should not be sent to any Territory contrary to existing law. That amendment of mine was designed, as I have said, to prevent these Indians going to Oklahoma. There is now a provision of existing law that these Indians shall not go to Oklahoma Territory, yet there was in this bill a distinct proposition that they should be sent to Oklahoma Territory. Therefore, I offered the amendment that they should go to any military reservation except Oklahoma, because, for very good and substantial reasons, Congress has provided that these Indians should not go to Oklahoma Territory.

Not one of them came from that Territory. You might just as well send them to Kentucky or to Idaho or to Maine as to send them to Oklahoma, and I say that this Territory ought to have the benefit of the provision of law which now exists that these Indians shall not be sent there. It is the design to send these Indians to Oklahoma, and if you take away that provision which says that they shall not be sent to any military reservation against which the law does not now prohibit, they will be sent to Oklahoma. I do not know that the law as it now stands will prevail, which prohibits these Indians being sent to Oklahoma Territory; and therefore I think the amendment which I offered in the Senate, in the first place, and which was accepted by the Senate, should still prevail, and let them be sent to any place else they please except to Oklahoma. It is taking an unfair advantage of that Territory to break down the existing law.

I am willing to stand here and combat their going to Idaho; the Senator from Montana [Mr. POWER] will combat their going to Montana, and the Senator from Kentucky [Mr. BLACKBURN] will combat their going to Kentucky; but Oklahoma has no representative on this floor. These Indians do not belong to that Territory, and they should not be sent there.

Mr. PROCTOR. Mr. President, I am heartily in favor of the recommendation of the conference committee. These Indians have held an anomalous position for years, in my opinion, and there ought to have been long ago some provision transferring them to the Interior Department. They have been held as prisoners of war, although many of them were never on the war-path and had served in fact in our Army faithfully and loyally, but they went with the remainder of their band to Mount Vernon. As the Senator from Kentucky [Mr. BLACKBURN] has said, the majority of them have been born there. The anomalous character of their situation can be understood from the fact that for years many of them have been serving in the United States Army, clad in the United States uniform, and yet they are held by the law as prisoners of war.

I do not recollect the provision of law to which the Senator from Idaho [Mr. DUBOIS] refers in regard to Oklahoma. It was my impression that there was a provision that these Indians should not be moved west of the Mississippi River. That would practically, of course, cut off any removal. It is my impression that that was the provision.

While I should be glad even to go further, I think that this is a step in the direction of long-delayed justice to this band of Indians. They have made excellent progress. I have visited their schools, and I am sure they will compare favorably with the Indians on any of the Interior Department reservations. I think this matter can safely be left with the War Department. They have the responsibility of caring for these Indians, and there is no danger that they will send them to any place where they can be of any embarrassment or trouble to the people.

Mr MANDERSON. Will the Senator from Vermont state what reservations are "not prohibited by existing law?"

Mr. PROCTOR. I stated that I was not sure about the law, but that it was my impression that there was a provision which prohibited their being moved west of the Mississippi River; that Oklahoma was not named, but it was a prohibition against their being moved west of the Mississippi River.

Mr. MANDERSON. Mr. President, if anything was needed to prove the necessity—not the advisability, but the absolute necessity—for a change in the rules of the Senate with reference to conference reports, it is to be found in the pending report. Under the rules of the House of Representatives it is required that the conferees in submitting their report upon a bill shall accompany it with a plain statement, showing exactly what has been agreed to and what has been receded from by the conferees, and there is but little difficulty in the House of Representatives, when a conference report comes in, in those who are interested in the report being able to ascertain for themselves, without any catechism upon the floor, as to what the attitude of the bill is.

There is no member of the Senate who has had long experience in this body who has not felt the embarrassment after Congress has adjourned in ascertaining what are the provisions of law upon appropriation acts. There come to us these conference reports, where agreements are made or amendments are receded from simply by number, and in the hurried closing hours of the session it is impossible to ascertain what has been done, except as we may obtain information from Senators upon the floor who have been upon the conference, and even those Senators frequently display an absence of knowledge, to express it in mild terms, as to what has been done in the conference of which they have been a part.

Mr. President, so far as this particular agreement of the Senate is concerned, I am in full accord with the Senator from Idaho [Mr. DUBOIS] in his suggestion that the Senate should not have receded from its amendment in any single particular. There is no reason why these Indians should be sent west of the Missouri River, and if the prohibition in the present law is of that character, the words "not prohibited by existing law" should remain in the amendment. Surely we have Indians enough west of the Missouri River to care for.

I think lands could be found, subject to purchase, upon which these Indians could properly be placed, rather than to send them as a disturbing element into any part of the West, and particularly into the Territory of Oklahoma, which has enough of difficulty and enough of Indian troubles already upon its hands, and certainly should not have more foisted upon it.

I call the particular attention of the Senator from Kentucky to an error into which he has fallen in regard to this bill. Had this debate not been prolonged, I certainly should not have gone to the desk to see this bill to verify the Senator's statement, which I always take as importing absolute verity; but, like all of us, he is liable sometimes to be mistaken.

I find as to amendment numbered 16, in which the Senate inserted, with the full acquiescence and apparently the desire of the Senator in charge of the bill, the words "or are ordered by Army or department commanders in cases of emergency," that the Senate has receded. That certainly should not have been done. Not desiring to waste the time of the Senate when the bill was under discussion, I abstained from argument with reference to the matter, and the mere suggestion of the Senator from Kentucky——

Mr. BLACKBURN. Will the Senator read the lines immediately preceding? I am sure the Senator means to be fair.

Mr. MANDERSON. Certainly, I mean to be fair.

Mr. BLACKBURN. Then let the Senator read what precedes these words.

Mr. MANDERSON. I shall; and I am perfectly aware of what precedes them.

Mr. BLACKBURN. I do not think the Senator is aware.

Mr. MANDERSON. While the bill was before the Senate I called the attention of the Senator from Kentucky to the words that precede the amendment. They are as follows:

> And hereafter no portion of the appropriation for mileage to officers traveling on duty without troops shall be expended for inspections or investigations, except such as are especially ordered by the Secretary of War, or such as are made by Army and department commanders in visiting their commands.

That confines inspections to those made by the department commander when he visits a frontier post. I called the attention of the Senator from Kentucky when this bill was before the body to the fact that there were frequent cases of emergency where, for instance, at a frontier post there might be an outbreak of some disease, malarial fever, typhoid fever, or what not, and that letters which I had received from department commanders and the medical directors of departments had called my attention to the necessity when at times there would be an emergency requiring an immediate inspection of a post. I might, if I saw fit to take the time of the Senate, mention numerous other cases where an emergency might arise where it would be impossible for the department commander to visit a post, and where perhaps he might not have the technical knowledge which would make his visit of any avail, where he might desire to send the adjutant-general of the department, the inspector-general, or the medical director, and where such an emergency occurred the department commander ought to have the right to order such inspection.

While I was very limited and very feeble in argument upon this question, there was argument enough in my proposition to have convinced the Senator from Kentucky, who agreed to the amendment, and who, as I understood him, believed that that amendment was yet in the bill; but it is evidently stricken from the bill.

Mr. President, it is important to retain that provision for the reason which I have urged. The department commander, who is a brigadier-general of the United States Army, and sometimes a major-general of the Army, certainly should have some discretionary power vested in him as to the inspection of the numerous posts and garrisons which are in his command; and where you throw upon him the duty of declaring that in an emergency he must report to the Secretary of War the basis of his action, the matter is certainly sufficiently guarded.

I am, with everybody else, extremely desirous that these appropriations should be hurried through to a conclusion. We sit here and we hear these conference reports, and it is seldom that we indulge in any comment upon them or ask a question concerning them. Such is our trust, and a well-founded trust, in the conferees composed of members of the Committee on Appropriations who constitute the managers on the part of the Senate.

But I think the Senator of Kentucky could not have been aware, in the haste of consideration of the bill, that those words which it seems to me are words of importance and value were stricken from the bill in conference. Indeed, I understood him to say that his belief was that they were in the bill. I hope they may be inserted. I hope the Senator from Kentucky, who has as one of his many virtues that of great patience, will take the bill again into conference and see whether the fair demands of the Senate upon the two items which have been referred to may not be sustained. I know that if he would bring to it that determined will which is another of his chief characteristics he would be compelled to give nothing to the conferees on the part of the other House.

Mr. BLACKBURN. I only hope that I am entitled to some measure of credit for the patience with which the Senator from Nebraska accredits me. I am sure I have had it tested by his speech this morning. I trust the Senate has been instructed, as I am sure it has been entertained, by the lecture which the Senator has delivered to us upon the necessity of amending the rules applying to conference reports. There is nothing in the bill which differs from existing law. There is nothing in the conference report which differs from the bill as it came from the other House to which the attention of the Senate has not been called and of which explanation has not been offered.

In my judgment there is nothing in the objection of the Senator from Nebraska as to amendment numbered 16. The bill as it came from the other House was amply sufficient to cover all those investigations and inspections.

The purpose of the bill as it came to the Senate and the purpose of the Senate committee is to put a stop to an abuse which everybody recognizes in the shape of the allowance of mileage to military officers who are on pleasure bent instead of on duty bound. Where an officer wants to attend a wedding or a ball he gets an order for an inspection tour, and not only has his expenses paid, but collects mileage.

The purpose of the bill is to correct that abuse, and if the Senate will agree to the conference report it will be corrected. It leaves ample power, for it declares that—

> Hereafter no portion of the appropriation for mileage to officers traveling on duty without troops shall be expended for inspections or investigations, except such as are especially ordered by the Secretary of War, or such as are made by army and department commanders in visiting their commands.

Mr. MANDERSON. Personally.

Mr. BLACKBURN. I insist that that is all that is necessary, and whenever you go an inch beyond it you perpetuate an abuse which has grown to be a stigma upon the military service of this country. I care nothing about that.

As to the amendment of the Senator from Idaho [Mr. DUBOIS], he insists that the Territory of Oklahoma shall be exempt from the Apache tribe or band of Indians. He insists that they may be ordered anywhere else among the forty-four States or the Territories of this Union except in that one place. I deny it. The law to-day does not exempt Oklahoma specifically.

Mr. DUBOIS. I suggest to the Senator from Kentucky that he leave the amendment precisely as it is.

Mr. BLACKBURN. Then I suggest to the Senator from Idaho that I will not consent to do that. I propose to leave the Secretary of War untrammeled to exercise his discretion. When the Senator said that unfair advantage is taken or sought to be taken I am sure he said what his deliberate judgment did not approve or warrant. There is no purpose to take any unfair advantage of any Territory, or any State, or any section. The bill as reported back from the conference committee leaves the Secretary of War to exercise his discretion, and authorizes him to quarter those prisoners of war where he pleases, on any reservation or any reservations, whether it be to put them in your State or mine. I am not afraid of these peaceful people. I would sooner fear the shadow of a ghost. It is absurd; it is ridiculous. We are holding in the State of Alabama two hundred and sixty-odd prisoners of war, sixty-odd per cent of whom were born prisoners of war. Many of them have been loyal soldiers, wearing the uniform of our Army. The chief himself is an official of the law. It is absurd.

I shall not consent to have the bill sent back to conference, because the conferees of the two Houses have not hastily, as the Senator from Nebraska intimates, but deliberately, carefully, and painstakingly reached a conclusion. They have made a conference report upon the bill as a whole, and I ask that we may come to a vote upon concurring in that report.

Mr. MANDERSON. I desire to appeal from the Senator from Kentucky having in hand the conference report to the Senator from Kentucky when he had in hand the bill which was under consideration in the Senate on the 12th day of July. I turn to the RECORD, and I will read for his enlightenment and that of the Senate the colloquy which took place between the Senator from Kentucky and myself. We had reached that point in the bill which has concern with amendment numbered 16, and having reached it, I said:

> The last clause of this paragraph makes a very decided change in Army Regulations and in existing law.

The Senator says it does not, but it is quite apparent that it does.

> I am inclined to think that the purpose desired to be accomplished is a good one, but I fear that the pendulum has swung too far in the other direction. It will be noticed that by this wording no army or department commander can order an inspection of any post or any part of his department.

The Senator from Kentucky [Mr. BLACKBURN], interrupting, said:

> Let me ask my friend what amendment he wants.
> Mr. MANDERSON. I shall offer an amendment which I think will commend itself, because it is mild in its terms.

Mr. BLACKBURN. Will the Senator from Nebraska allow me?

Mr. MANDERSON. With pleasure.

Mr. BLACKBURN. I see, Mr. President, that it is the purpose of the Senator not to allow the appropriation bill to pass, and I, with his consent, will ask that the conference report go over and let us go on with other business.

Mr. MANDERSON. I have no desire to waste time, but I must set myself and my friend from Kentucky right in this matter. I beg to go on for a few minutes longer.

Mr. BLACKBURN. I will take care of myself, if the Senator from Nebraska will only do that kindly service for himself.

Mr. MANDERSON. On the 12th day of July the Senator from Kentucky [Mr. BLACKBURN] said:

> I do not mean to abridge or restrict the powers of a department commander. What is it that the Senator from Nebraska wants?
> Mr. MANDERSON. I propose after the word "commanders," in line 16, to insert:
> "Or are ordered by army and department commanders in cases of emergency."
> Mr. BLACKBURN. I accept the amendment.
> Mr. MANDERSON. It seems to me that is right.
> Mr. BLACKBURN. It is right.

Mr. BLACKBURN. I say so now.

Mr. MANDERSON. There was no suggestion then that this was the perpetuation of an abuse.

> Mr. BLACKBURN. It is right.
> Mr. MANDERSON. I wish to say a few words in addition to show abundantly the reasons for it. These departments are very large in territory. Many of them contain numerous posts. Frequently there is an absolute necessity for an inspection. For instance, there is an outbreak of malarial fever or some other disease at one of the garrisons. An immediate inspection by the Medical Department is an absolute necessity.
> Mr. BLACKBURN. I agree to that.

No word of criticism, no word of objection, but with that full agreement, that full understanding, apparently the reaching of our minds to one common object, the amendment was agreed to and put in the bill.

I have nothing further to say. I simply wished to show that my friend from Kentucky is very frequently right and that he was right on the 12th day of July.

Mr. HAWLEY. Mr. President, I desire to sustain heartily what has just been said by the Senator from Nebraska. I can not imagine a reason for making it impossible for army or department commanders to order in an emergency a special inspection. The objection to it could hardly arise from anything but jealousy on the part of the Inspector-General's department. I am sure that such men as Howard and Miles, in case of an unforeseen necessity for a thorough and immediate inspection of a post, either in matters of health or in matters of discipline, are abundantly capable of selecting a good officer and sending him to make the inspection. It must be done in haste frequently.

Mr. BLACKBURN. Will the Senator from Connecticut allow me to ask him a question?

Mr. HAWLEY. Certainly.

Mr. BLACKBURN. Does not the telegraph answer the purpose in sixty minutes?

Mr. HAWLEY. I do not know whether it will or not, but I should be perfectly willing to trust the commanding officer of the Eastern department to send a man to New London or to Newport or to Boston without waiting. It might be after business hours, and it might be impossible under twelve or eighteen hours to get an answer. In the mean time the commanding officer is not allowed to send an officer from his own staff to see what is the trouble at a certain post; at least the officer is not allowed to get his traveling expenses. I think the amendment adopted by the Senate, if the Senator will allow me, is simply common sense.

Mr. BLACKBURN. Let us have a vote.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky ask that the conference report go over?

Mr. BLACKBURN. I ask for a vote upon concurring in the conference report.

Mr. HALE. Let us have a vote.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the conference committee.

Mr. DUBOIS. Mr. President——

Mr. JONES of Arkansas. Will the Senator from Idaho agree to have the conference report go over? It is evident it will take up considerable time, and I should be glad to call up the message from the House of Representatives on the tariff bill.

Mr. DUBOIS. Certainly I shall agree to that course; but I insist, with all due deference, that I should make some remarks in support of the amendment which has been referred to.

Mr. JONES of Arkansas. I have no objection to the Senator from Idaho having all the time he desires to make remarks on the report, but I prefer that the other matter shall be taken up at this time.

Mr. BLACKBURN. Very well; as I chance by accident to be in charge of the conference report, and as I see very plainly that the other side do not intend to allow appropriation bills to be passed——

Mr. HAWLEY. Oh, Mr. President, I protest.

Mr. BLACKBURN. I ask that the report may go over.

Mr. HAWLEY. I protest against that.

Mr. HALE. I hope the Senator will not say that.

Mr. BLACKBURN. I speak in the face of the record which has been made this morning.

Mr. HALE. The Senator from Kentucky knows very well that this is not a matter where the line which divides parties has anything to do with appropriation bills.

Mr. BLACKBURN. I am surprised to find that it has been made such a matter.

Mr. HALE. It has not been made such a matter.

Mr. BLACKBURN. I ask that the conference report may go over indefinitely.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from from Kentucky, that the conference report shall go over?

Mr. HALE. The Senator from Kentucky must not by implication say that this side is opposing appropriation bills.

Mr. BLACKBURN. The Senator from Kentucky does not mean to deal in any implication or intimation, but he means to state that the record of this morning shows that the other side of the Chamber is delaying the passage of an appropriation bill.

Mr. HALE. Why does the Senator from Kentucky say "the other side," when only two or three Senators on this side have taken part in the discussion? The Senator from Vermont [Mr. PROCTOR] has not opposed the report.

Mr. BLACKBURN. No, sir; on the contrary, I make my acknowledgment to the Senator from Vermont.

Mr. HALE. Is it right, then, for the Senator from Kentucky——

Mr. BLACKBURN. And I do not include the Senator from Maine.

Mr. HALE. Then do not apply the remark to this side of the Chamber.

Mr. BLACKBURN. I do say the other side of the Chamber.

Mr. HAWLEY. The Senator need not include me. I am perfectly willing that the present session shall close before midnight. I make no opposition to this report except upon a single point, and there I know I am right.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kentucky that the conference report shall go over?

Mr. MANDERSON. I object for the moment, Mr. President, simply that I may express my amazement——

The PRESIDENT *pro tempore*. There being objection, the conference report is before the Senate.

Mr. DUBOIS. Mr. President——

Mr. MANDERSON. Will the Senator from Idaho allow me for one moment?

Mr. DUBOIS. It will only take me one moment.

Mr. MANDERSON. All right; go on.

Mr. DUBOIS. I desire to state that I offered an amendment in the Senate which was accepted by the Senator from Kentucky and the Senator from Maine. The amendment has been stricken out in conference——

Mr. BLACKBURN. A part of it.

Mr. DUBOIS. And then the Senator from Kentucky rises and says that I am delaying the passage of an appropriation bill. I say the Senator had no right to strike out that amendment; and I propose to show——

Mr. BLACKBURN. I say I had a right.

Mr. DUBOIS. I propose to show the Senate that the Senator is breaking down existing law in order to strike out the amendment. It comes with poor grace from the Senator from Kentucky to charge me with delaying the bill.

Mr. BLACKBURN. It is not the prerogative of the Senator from Idaho to define my rights.

Mr. DUBOIS. I am simply preserving my rights in this Chamber. The Senator had no right to make that intimation.

Mr. BLACKBURN. I deny the Senator's right to define my rights as a Senator. It is a piece of impertinence which I resent.

Mr. DUBOIS. No more than I resent the Senator's.

Mr. MANDERSON. Even at the risk of a continuation of this tempest in a teapot I must express my amazement at the slur upon myself couched in the language of the Senator from Kentucky. I am sure that in cooler moments, and when he shall have read the full RECORD as to the appropriation bill, the Senator will regret having made such a statement.

Mr. President, the army appropriation bill is one in which every member of the Committee on Military Affairs has deep interest, and it is his duty to have deep interest in it. In the performance of that which I conceived was not only my right but was my absolute duty, on the 12th day of July, when the bill was hurried through the Senate, I attempted to impose upon it certain amendments. Like the amendment of the Senator from Idaho, the amendments I offered were not only accepted by the Senator from Kentucky, but he gave them his hearty approbation and his full consent. He agreed with me, and now, forsooth, because we see fit to stand up and insist that that which the Senate has placed in the bill shall not be stricken out and appeal to the Senator to stand by the action which the Senate has taken, we are to be slurred with the statement that we are attempting to embarrass business here and prevent action.

I repudiate it. There is no man on the other side of the Chamber, to say nothing of this side, who has wasted less time in debate than I have done. I have frequently put my hand over my mouth when I felt impelled to speak, because I did not wish to waste the time of the Senate and prevent action of which I am heartily in favor; but, Mr. President, I can not allow that my motive shall be impugned, especially by a man whom I hold in such high esteem as I do the Senator from Kentucky.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kentucky that the conference report shall go over?

Mr. HALE. Let us have a vote on concurring in the report.

Mr. GORMAN. Question!

The PRESIDENT *pro tempore*. The question is, Will the Senate concur in the report of the conference committee?

Mr. MANDERSON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll, and Mr. ALLEN answered to his name.

Mr. DUBOIS. I understand that this conference report——

Mr. BLACKBURN. I object to debate.

The PRESIDENT *pro tempore*. The Chair holds that debate is out of order.

Mr. BLACKBURN. The yeas and nays are being called.

The PRESIDENT *pro tempore*. The roll call will proceed.

The Secretary resumed the call of the roll.

Mr. CAMDEN (when his name was called). I am paired with the senior Senator from South Dakota [Mr. PETTIGREW].

The PRESIDENT *pro tempore* (when the name of Mr. HARRIS was called). The present occupant of the chair is paired with the Senator from Ohio [Mr. SHERMAN], and would vote "yea" if he were not paired.

Mr. MCPHERSON (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL].

Mr. POWER (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. PUGH (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], but I transfer my pair to the junior Senator from North Carolina [Mr. JARVIS], and vote "yea."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. SHOUP (when his name was called). I am paired with the Senator from California [Mr. WHITE].

The roll call was concluded.

Mr. MCPHERSON. I have been requested to transfer my pair with the Senator from Vermont [Mr. MORRILL] to the Senator from Indiana [Mr. VOORHEES], which I do, and I will vote. I vote "yea."

Mr. PASCO. The Senator from Louisiana [Mr. CAFFERY] is indisposed to-day, and I wish to announce his pair with the Senator from Montana [Mr. POWER]. I make this announcement for the day, as he will not be here.

Mr. DIXON. Has the junior Senator from Mississippi [Mr. MCLAURIN] voted?

The PRESIDENT *pro tempore*. The junior Senator from Mississippi has not voted.

Mr. DIXON. I have a general pair with that Senator, and withhold my vote.

Mr. PATTON (after having voted in the negative). Has the junior Senator from Maryland [Mr. GIBSON] voted?

The PRESIDENT *pro tempore*. The junior Senator from Maryland has not voted.

Mr. PATTON. Then I withdraw my vote. I am paired with that Senator.

Mr. GORMAN (after having voted in the affirmative). I am paired with the Senator from Maine [Mr. FRYE]. I suggest to the Senator from Rhode Island [Mr. DIXON] that we transfer our pairs, so that he can vote. I have already voted.

Mr. DIXON. That is agreeable to me. The Senator from Mississippi [Mr. MCLAURIN] will stand paired with the Senator from Maine [Mr. FRYE], and I vote "nay."

The result was announced—yeas 38, nays 18; as follows:

YEAS—38.

Allen,	Cullom,	Lindsay,	Roach.
Allison,	Daniel,	McPherson,	Smith,
Bate,	Faulkner,	Martin,	Teller,
Berry,	George,	Mills,	Turpie,
Blackburn,	Gorman,	Mitchell, Wis.	Vest,
Blanchard,	Gray,	Murphy,	Vilas,
Brice,	Hale,	Palmer,	Walsh,
Call,	Hunton,	Pasco,	Washburn.
Cockrell,	Jones, Ark.	Proctor,	
Coke,	Kyle.	Pugh,	

NAYS—18.

Aldrich,	Dubois,	Lodge.	Perkins,
Carey,	Gallinger,	McMillan.	Platt,
Chandler,	Hansbrough,	Manderson.	Squire.
Davis,	Hawley,	Mitchell, Oregon	
Dixon,	Higgins,	Peffer,	

NOT VOTING—29.

Butler,	Harris,	Morrill,	Stewart,
Caffery.	Hill.	Patton,	Voorhees,
Camden,	Hoar,	Pettigrew,	White,
Cameron,	Irby,	Power,	Wilson,
Dolph,	Jarvis,	Quay,	Wolcott.
Frye,	Jones, Nev.	Ransom,	
Gibson,	McLaurin,	Sherman,	
Gordon,	Morgan,	Shoup,	

So the report was concurred in.

PACIFIC STATE CLAIMS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the special order made yesterday for 1 o'clock to-day, which will be stated.

The SECRETARY. A bill (S. 1295) to reimburse the States of California, Oregon, and Nevada for moneys by them expended in the suppression of the rebellion.

Mr. WHITE. Mr. President——

Mr. JONES of Arkansas. I move that the Senate proceed to the consideration of House bill 4864, being the tariff bill.

Mr. WHITE. If the Senator from Arkansas will permit me, I suggest that the special order, which was made special at my instigation, may go over until some other definite time that will be satisfactory to the Senate.

Mr. GORMAN. Until Monday.

Mr. JONES of Arkansas. I have no objection to that course.

Mr. WHITE. I ask that the bill be made a special order for Monday immediately after the transaction of the routine morning business.

The PRESIDENT *pro tempore*. The Senator from California asks that the bill, the title of which has just been read, be made a special order for Monday next, immediately after the routine morning business.

Mr. HALE. Not to interfere with the appropriation bills.

Mr. WHITE. That will be satisfactory.

The PRESIDENT *pro tempore*. Subject to the suggestion of the Senator from Maine that it is not to interfere with the consideration of appropriation bills. Is there objection to the request of the Senator from California? The Chair hears none, and it is so ordered.

INDUSTRIAL TROUBLES IN CHICAGO, ILL.

Mr. PUGH. With the permission of the Senator from Arkansas, I wish to enter a motion to reconsider. Yesterday morning during the morning hour a resolution coming over from the day before, introduced by the junior Senator from Nebraska [Mr. ALLEN], calling for certain information from the Attorney-General, was passed by the Senate *nem. con.* I desire to enter a motion to reconsider the vote by which that resolution was agreed to.

The PRESIDENT *pro tempore*. The motion of the Senator from Alabama will be entered. Does the Senator from Alabama include with his motion a request for the return of the resolution from the Department of Justice?

Mr. PUGH. I make that request, sir.

The PRESIDENT *pro tempore*. It is so ordered, if there be no objection. It is so ordered.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. PLATT. I ask permission of the Senate to withdraw a motion which I entered to reconsider the vote by which the Senate passed the bill (H. R. 7335) to grant to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes. The bill was passed day before yesterday, and I entered a motion to reconsider, which I wish now to withdraw.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent to withdraw a motion that he has heretofore entered to reconsider the vote by which the bill was passed to which he has referred. Is there objection? The Chair hears none, and the motion to reconsider is withdrawn. The bill stands passed.

THE REVENUE BILL.

Mr. JONES of Arkansas. I move that the Senate proceed to the consideration of the message of the House of Representatives on the House bill 4864.

The motion was agreed to; and the Senate resumed the consideration of the message of the House of Representatives, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *July 19, 1894.*

Resolved, That the House insists upon its disagreement to the amendments of the Senate to H. R. 4864, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. WILSON of West Virginia, Mr. MCMILLIN, Mr. TURNER of Georgia, Mr. MONTGOMERY, Mr. REED, Mr. BURROWS, and Mr. PAYNE be managers of the conference on the part of the House.

Mr. MANDERSON. Do I understand that the Senator from Delaware [Mr. GRAY] does not desire to take the floor upon the pending question? The Senator from Delaware is, I understand, entitled to the floor.

Mr. GRAY. I do not desire to occupy the floor any further.

The PRESIDENT *pro tempore*. The Senator from Nebraska is recognized by the Chair.

Mr. MANDERSON. Mr. President, I rise to address myself to this important question of order with considerable hesitation and very great reluctance, because I realize that the occupant of the chair [Mr. HARRIS], the distinguished President *pro tempore* of this body, is a parliamentarian of distinction, with that distinction well earned and everywhere recognized. But while recognizing the superiority of his acquirements in parliamentary law and of his great experience in matters pertaining thereto, I realize just as fully that that sense of fairness, of impartiality, that possesses him, will prompt him to weigh with very great care and give full consideration to any argument that may be presented bearing upon a subject so important as this question.

The reluctance I feel in addressing myself to this contention is aggravated because I realize that in the loose parliamentary methods that obtain in this body parliamentary law is frequently declared from party impulse and political passion rather than by calm, dispassionate deliberation. It is what we wish to procure from legislation proposed that usually obtains the victory in our parliamentary discussions. The wish is father to the thought, when it comes to the decision of a question of voting upon an appeal from the decision of the Chair or upon a matter pertaining to parliamentary law or construction of our rules, that is referred by the Chair to the Senate for its consideration and for its final action. Conclusions are warped by party bias and parliamentarians stand amazed at conclusions induced by political interests. Precedents are of little value here, for the Senate never hesitates to overturn them at the sweet will of a partisan majority.

Mr. President, I will state the attitude of this question of order. The Senator from Delaware [Mr. GRAY] enters a motion that the Senate shall further insist upon its amendments to the tariff bill and agree to the further conference asked by the House of Representatives. To that there is an amendment by the Senator from Minnesota [Mr. WASHBURN], that that which we know as the one-eighth of a cent differential on sugar contained in paragraph 182½ shall practically be stricken from the

bill by way of instruction to the Senate conferees yet to be appointed to recede from that paragraph. The point of order as it is made is, that it is not competent for the Senate to instruct its managers of a conference on the disagreeing vote of the two Houses.

Now, Mr. President, having seen what it is, let us now see what the question is not. It is not a question of the Senate receding from a part only of an amendment that it has heretofore voted upon a bill. There can be no discussion upon that proposition if that were the question. No writer upon parliamentary law, whether he wrote in the elementary works upon that subject or whether he is found among those who have collated the experience of parliamentary bodies, ever disputed the proposition that an amendment such as was proposed by the Senator from Wisconsin [Mr. VILAS] was not in order.

In other words, after a bill has passed its third reading and gone beyond the amendment stage, especially after it has passed the Senate, it may only be amended by the Senate itself by a complete recession from an entire amendment and not by the dropping out of a part of it. To amend an amendment voted upon the bill by one or the other of the two Houses by the House placing the amendment upon the bill is not recognized by parliamentary writers as being in order. But that is not this question. The simple question for consideration here and now is whether the Senate has it within its power to instruct its managers of a conference.

Mr. President, what is a conference between the two Houses of Congress and how does it differ from conferences between the Lords and Commons in the British Parliament? It has changed its form somewhat under the American method. By parliamentary law as it was practiced in England there was much more of formality; there was much more of gradual approach toward final action than there is under our system. There is always first a simple and then a free conference had between the two Houses of Parliament. Going back to the early days and to the time of the formation of the Parliament you will find that that which obtained then obtains now in the British Legislature.

First, there being a dispute or disagreement between the two houses, there came what was known as the simple, or what is spoken of by some writers as the bare conference, the conferees meeting with much formality, the Lords always insisting upon precedence over the Commons, sitting, we are told, with their hats on in the conference, the upper house fixing the time and place and assuming much of dictation in immaterial matters. There came first this simple or bare conference that simply meant that the two sets of conferees should say nothing of their own motion or express their personal wishes or manifest their personal conclusions, but practically sitting mute, they presented, usually in writing and not verbally, the insistence of the two houses that they respectively represented.

Following a simple conference which failed of agreement there came yet another simple conference, and there was again the same formality and the same limitation of power. Anyone who has explored in parliamentary law and read of the safeguards thrown about conferences can not but be amazed at the spectacle presented within the last few days with regard to the conference upon this tariff bill. We are told that at the conferences, whether simple or free, had in the olden time between two houses constituting one parliamentary body, the participating entrance of a stranger, or the appearance of a paper that had not been legitimately produced in one of the two houses, broke up the conference, and the fact being reported to the two houses immediately all effort at conference ceased.

This was the practice under the old system, and that is yet the law. Yet we have seen in the conference upon this bill the interference of a stranger, wielding, by virtue of his position, enormous power, and exerting it upon the conferees, and indeed upon one House to defeat the expressed legislative desire of the other—an interference with legislative rights never seen before, and deserving of severest censure.

In British practice, the two simple conferences having been had, and proving ineffectual, then, if the two Houses still further insisted, there came what is known as a free and full conference; and in this country, in Congress and in all our Legislatures, we have that form of conference, and that alone.

Under our system, there being no other conference but that which is called free and full, let us now see what is meant by it.

The only enlargement of the powers of the conferees in a free and full conference over one that is simple or bare is that they have the right to present each one to the other his own view, his own idea of the contention, instead of confining himself to that which has been presented in the two bodies. There is that distinction, and that alone. If authority from elemental writers was needed upon this question I might refer the Presiding Officer to Cushing, where he draws very distinctly this difference in his Manual, showing very clearly wherein a free conference differs from the simple or bare conference that he has already described and that I have referred to. I quote:

In the first place, the duties of the managers at the latter—

Meaning a simple conference—

are confined to the making and receiving a communication which has previously been agreed upon and sanctioned by the House at whose request the conference is held. In a free conference they are at liberty, and it is their duty, to urge their own argument, to offer and combat objections, and, in short, to attempt by personal persuasion and argument to effect an agreement between the two Houses.

I wish here to read an extract from another parliamentary author; one who had more than theoretic study of parliamentary law; one who by the actual practice of it in high place has won a distinction and prominence as a parliamentarian second to no man who has ever lived; one who by reason of his sound parliamentary action was declared to be an overbearing czar, was denounced by political foes as a man who proposed to exercise his own will against the will of the House over which he presided; and yet we have seen the wisdom of this distinguished man's action in parliamentary matters ratified, indorsed, and followed by the very men who attempted to howl him down and drive him from the chair that he so ably filled. During this year there has been issued Reed's Parliamentary Rules, and I read from it the author's idea of what is a free conference. In the extract that I shall read you will find the recognition of that I insist upon, that in a full and free conference it is the right of either House to give instruction of whatever character it may see fit to its conferees:

242. *A free conference.*—A free conference is one where the conferees meet and present, not only the reasons of each House, but such arguments, and reasons, and persuasions as seem suitable to each member of the committee. Instead of being confined to reasons adopted by either of the Houses, each member may present his own. A conference may therefore be a free conference though each House may have instructed its members and limited them to the terms of agreement.

Mr. President, the language I have read does not import the instruction that follows from the wording of the bill as it has passed the House or Senate. It goes without saying that if that was the sort of instruction referred to by this writer this language would never have been used. No, sir; it means other instruction. It means, for instance, a specific instruction that the conferees shall recede from an amendment in whole or in part, like this at bar, or that they shall do anything else that the sovereign house whose subjects and mere representatives or agents they are may direct them to perform.

Now, Mr. President, if it be true that the Senate of the United States has no control over this, its committee, in what a bad plight we are left as compared with the House of Representatives. In the House of Representatives the proposition that the House may instruct its conferees has never been gainsaid, and that course has always obtained. It is not a matter of rule. It can not be contended that this course, ever pursued, is because of a rule adopted by the House of Representatives, and that the establishment of such a rule shows that the parliamentary practice or law was different and the adoption of the rule was to work a change. It is not a matter of rule, but is simply a matter of parliamentary law insisted upon from the beginning by those who have so carefully and so well guarded the rights of the House of Representatives over its committees of whatsoever character.

What reason is there that the particular committee of the Senate of the United States which we call the managers of the conference on the part of the Senate should be treated differently from any of its numerous committees? Does the Senate of the United States ever hesitate for a moment to instruct any one of its standing or any one of its special committees? Never. At every session and numerous times during every session of Congress we find the Senate instructing these committees as to what they shall do, and that, too, as to matters far more important than some matter of disagreement that may arise between the two Houses over a bill which has been amended in one body or the other.

What possible reason can be urged, then, why this comparatively unimportant committee, a committee that expires by simply making its report, a committee that dies the moment there is a disagreement announced, a committee that must be resurrected and be born again every time there is an insistence—what reason is there that this unimportant committee should be above that which has created it, and be so important that it can not receive instructions from the Senate that it represents, from the creator that has given it being? There can be none urged worthy of consideration. In the precedents in this body where the Senate has voted against instructions to its conferees, or voted against the right to instruct them, it will be found that these votes have always been based upon that which has been referred to by me as frequently obtaining in this Chamber, where the desire to accomplish a fact, usually a political fact, or to bring about a partisan result, has overpowered and overcome

the judgment of men upon matters of parliamentary law; and frequently and unfortunately by such action the power of the Senate has been curtailed, its rightful powers have been destroyed, simply for party purposes.

I greatly fear that it is a waste of words to attempt to convince any Democratic Senator here of the correctness of my position, which I propose to fortify by frequent and many authorities taken both from the Journals of the Senate and the House of Representatives, because I believe there lies at the bottom of the consideration and of the decision the Senate will make by its majority a desire to retain in the bill the objectionable differential one-eighth of a cent a pound on sugar, the striking out of which it is feared may defeat the pending tariff bill, a consummation I think devoutly to be wished.

Mr. President, there is no use of mincing words about this matter or attempting to deceive; there is more involved in it than the mere question of order, great and important as that is, and we need not and can not shut our eyes to the fact. In this question is involved the claimed rights of the sugar trust, which was so eloquently denounced as a monster by the Senator from Wisconsin [Mr. VILAS] a few days ago, when he made his speech introducing his proposition to recede from the differential one-eighth on sugar, and which he said if voted for by the Democratic party would place upon the neck of that party the collar of a villein of the sugar trust.

It is claimed in this Chamber and out of it that this great and powerful organization has tremendous power over legislation which it exerts at its will, and it seems to me as though it had, for no matter how near we may come to the defeat of the differential one-eighth on sugar, no matter how convinced we may be that at last we have the sugar trust under our feet, there is always found the single vote which will prevent this differential rate from being stricken from the bill, and I apprehend that it will be found present with us to-day. There is always in ambush some one Senator who comes to the front solely for the purpose of saving the rights of this iniquitous and abominable trust that was so boldly denounced by the Senator from Wisconsin a few days ago.

The Senator from Wisconsin, having said that this one-eighth tax was obnoxious to the principles of Democracy, abhorrent to every principle of justice, oppressive to all the people of the United States, unfair, wicked, and unnecessary, has since that statement told us his reason for the withdrawal of his motion to recede from the differential rate, a motion which I admit was not in order had it been objected to, but a motion which very speedily could be made in order by putting it in the form of instructions to the conferees. Does the Senator from Wisconsin, in defense of this withdrawal, tell us that he has had further light upon the subject, and that this much denounced trust is not so black as he had painted it? No. Does he tell us that on sober reflection he has changed his mind, and believes that this measure of protection to the refining industry of this country should be maintained and is of advantage to the people of the United States? No. Manfully, perhaps—and yet I doubt somewhat whether that is a proper term to use as characterizing the action—at least frankly and candidly, he comes to the front taking this position: "No; I still believe this is an obnoxious and iniquitous trust; I still believe that this differential one-eighth is for its benefit and for its benefit alone; that it is abhorrent, obnoxious, and oppressive; I still believe that it should be stricken from the bill; I still think that the great mass of the American people believe that it should not be permitted to remain in this bill as a stigma and a reproach to the Congress of the United States, but the party lash has been applied to my back; I am told by the Democratic caucus that I must withdraw this amendment; I have agreed to the caucus action, and I withdraw the amendment which I really so greatly favor."

Mr. President, now that we have presented to us that which beyond question is a parliamentary method of getting rid of this obnoxious clause, now that we have the parliamentary opportunity to do right, I shall expect the Senator from Wisconsin, and others across the aisle who agree with him, to come to our support and strike from the bill this "obnoxious and abhorrent" feature, even if by such action they destroy the bill, which they themselves say, and all unite in saying, no man either in the Senate or the House of Representatives is in favor of, and all should therefore oppose.

Mr. President, the House of Representatives, I have said, never fails to instruct its conferees, and yet it has never failed to recognize also that it is not within the power of the House parliamentarily to recede from a part of an amendment which it has placed upon a bill. That, it seems to me, very fully and effectually disposes of the point of order suggested to the Senator from Delaware [Mr. GRAY] by the Senator from Texas [Mr. MILLS]. There is between these two propositions a distinction that is both apparent and real. We sometimes have refused to instruct in the Senate under circumstances which I have narrated. In what bad plight we should be if different courses of conduct were pursued in the two Houses.

What immensely superior advantage the House of Representatives will have over us in legislation if it can send its conferees into the conference room instructed upon every item of a bill, making constant changes in the instructions with every conference, insisting to-morrow upon what it did not insist upon to-day. In that sort of conference trade I greatly fear the Senate of the United States will in every instance be worsted in the conflicts which shall come between the two Houses on their disagreeing votes.

Mr. President, very early in its history, I say, the House of Representatives insisted upon instructions to its conferees. In the House Journal of the Thirty-eighth Congress, volume 1—I shall not take time now to refer to the particular instance, but simply refer to the precedent—it was decided by the House that "it is competent for the House to instruct a conference committee the same as other committees."

In the Forty-ninth Congress on three different occasions the House of Representatives insisted on instructions to conferees. I quote:

Instructions on the part of both Houses are common in case of previous disagreement on particular items.

In the Forty-ninth Congress, volume 1, pages 2319, 2320, and 2354, it was held:

Instructions when not observed by the conferees is a matter for the House to consider after the report is made.

I also refer to the Forty-ninth Congress, pages 2458, 2459 of the House Journal, which I have here.

It is well to note, in connection with these citations, the fact that in the Thirty-eighth Congress, being the authority first referred to, the question arose on the disagreeing votes of the two Houses on a House bill to increase the internal revenue, and Hon. Elihu B. Washburn, being himself one of the conferees on the part of the House, having introduced the resolution insisting on a disagreement of the House to the Senate amendment, embodied in his resolution the proposition to instruct the House conferees upon the matter in dispute between the two Houses. The chairman of the managers on the part of the Senate was Hon. JOHN SHERMAN.

The second authority referred to shows the action of the House of Representatives at the first session of the Forty-ninth Congress, in a disagreement that arose on the river and harbor appropriation bill. Hon. Eben F. Stone raised the point of order that it was not competent for the House to instruct a conference committee, thereby curtailing its powers and authority. The Speaker "overruled the point of order, and stated that in accordance with the practice of the House for many years past under decisions of the Chair and the House, a motion to instruct the managers on the part of the House at a conference with respect to any proposition in dispute between the two Houses was in order."

In considering the same river and harbor bill on a second conference, the House instructed its conferees with reference to the appropriation made by the Senate for the Sturgeon Bay and Lake Michigan Ship Canal, and also, on motion of Mr. Hiscock, instructed its conferees to insist upon striking out a part of the amendment of the Senate, providing for the improvement of the Mississippi River. The Speaker held "that instructions to the conferees would be in order at any time before the announcement of their appointment, when the subject was no longer before the House."

Afterwards, in the consideration of the conference report upon the same bill, the Speaker of the House, deciding a question of order, used this language:

It is competent, under the recent practice of the House, to instruct conference committees. Still, the House in that case, as in the other, may ultimately recede from its disagreement to the very amendment in regard to which it had instructed its conferees to insist upon a disagreement.

There are numerous other cases in the House of Representatives which might be cited, but no one will dispute the proposition that in that body there have been no exceptions to the rule that the House might instruct its conferees, and that that course has not been because of rule, but by reason of the unwritten law.

What has been the practice in the Senate of the United States? It was suggested by the Senator from West Virginia [Mr. FAULKNER] that in no instance had the Senate of the United States ever instructed its conferees. That is a grave mistake. It has frequently held and acted to the contrary. Mr. President, I am fully aware of the fact that sometimes such instructions have been refused, but the political reasons for such refusal I have given. It may be that perhaps those same reasons lie at the foundation of all decisions which have been made either way, but I refer here to one or two cases sustaining our

contention. Knowing that the Senator from Connecticut [Mr. PLATT] has looked this matter up more fully, and will refer to other cases, I will not take up much of the time of the Senate in their consideration.

In the Journal of the Senate of September 21, 1888, I find that the sundry civil appropriation bill came from the conferees, and there was a disagreement between the two Houses which was reported by Messrs. ALLISON, HALE, and COCKRELL on the part of the Senate, and Messrs. Burns and Ryan on the part of the House, whereupon the Senator from Ohio [Mr. SHERMAN] submitted the following resolution:

Resolved, That the Senate still further insist upon its one hundred and tenth amendment to the bill upon which the committee was unable to agree, and ask a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon; and that the conferees on the part of the Senate be instructed that if the conferees of the two Houses can not agree they should propose that the text of the House bill disagreed to by the Senate be stricken out of the bill.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore;* and the President *pro tempore* appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL.

Mr. President, there is a case squarely in point and on all fours with this, and it is a case which disposes very satisfactorily of the proposition of objection made yesterday by the Senator from Maryland [Mr. GORMAN] that there were yet no conferees, and therefore they could not be instructed. It seems to me that that objection was a little diaphanous.

What is the difference whether conferees are appointed or are not appointed? Can you not raise a committee, and in advance of the members being appointed by the presiding officer of the body, is it not possible to instruct them as to their duties? That objection is hardly worth a moment's breath to combat. The Senator from Connecticut [Mr. PLATT] suggests to me that he doubts very much whether instructions are ever given in any other way except in advance of the appointment of the conferees.

Did I see fit to take up the time of the Senate, I could perhaps with profit call attention to the numerous instances where the Senate has insisted upon its right to instruct its conferees. In a noted debate had upon this subject in 1874, on the request of Senator Edmunds, who held, when President *pro tempore* of the Senate, as Senator SHERMAN and Senator Ingalls had also held, that it was competent to instruct conferees, sent to the Clerk's desk and had read a compilation of precedents in the Senate, made by the Official Reporter of the Senate, Mr. Murphy, who was recognized by everyone at that time as being one of the best parliamentarians in the country. This compilation is of such value in this connection that I beg leave to insert it in my remarks.

The paper referred to is as follows:

An examination, extending back but a few years, shows two instances in direct opposition to the ruling of the Senate on the 3d of March last.

At the first session of the Thirty-eighth Congress, the committee of conference upon a bill "to increase the internal revenue, and for other purposes," having reported on the 1st of March, 1864, to the House of Representatives their inability to agree, a resolution was offered by Mr. Washburne of Illinois, as follows:

"*Resolved*, That the House insist upon its disagreement to the Senate amendments to House bill No. 122, and that the House request of the Senate another committee of conference on the said bill; and it is hereby declared to be the judgment of this House that in an adjustment of the differences between the two Houses on the said bill, there should be an additional duty of not less than 20 nor more than 40 cents per gallon imposed on spirits on hand for sale. (Congressional Globe, page 892, part 1, first session Thirty-eighth Congress.)

A question of order being raised, the decision of the Speaker (Mr. Colfax) was as follows:

"The SPEAKER. The Chair holds that the House of Representatives has the power to instruct any committee which it authorizes to be appointed. It is a judicious check upon the power of the Speaker in appointing committees. They have a right to instruct a committee of conference as they have a right to instruct a standing or a select committee. The gentleman from Illinois moves this himself as a resolution. It seems, however, susceptible of division, first upon asking another committee of conference, and, secondly, upon the instructions. As to the right to move instructions the Chair has no doubt." (Congressional Globe, part 1, first session Thirty-eighth Congress, page 892.)

The decision of the Speaker was acquiesced in by the House, no appeal being taken, and the resolution of Mr. Washburne was agreed to.

On the following day, the action of the House of Representatives having been communicated to the Senate, the Senator from Ohio, Mr. SHERMAN, offered the following resolution:

"*Resolved*, That the conference requested by the House of Representatives be agreed to; and that the conferees heretofore appointed by the Senate be instructed to agree to proper amendments to the Senate amendments disagreed to by the House, providing for a tax of not exceeding 20 cents a gallon on spirits on hand for sale." (*Ibid.*, page 900.)

The late Senator from Maine, Mr. Fessenden, at once suggested a doubt as to the resolution being in order; to which the Senator from Ohio replied as follows:

"I have not examined for precedents, but I think there can be no doubt of the power of the Senate to instruct its conferees on any point. It is a question of discretion. Ordinarily it would not be done; but there have been two conferences on this disagreement, which has all grown up out of one difference. The House of Representatives have now expressed their opinion on that difference, and I think the Senate ought also to do so." (*Ibid.*, page 900.)

Mr. Fessenden then raised the question of order directly for the decision of the Chair, and the Vice-President, who is now Senator from Maine, Mr. Hamlin, gave his decision in the following words:

"The VICE-PRESIDENT. The Chair can have no doubt that the resolution proposed by the Senator from Ohio is in order. Conference are of two characters—free and simple. A free conference is that which leaves the committee of conference entirely free to pass upon any subject where the two branches have disagreed in their vote, not, however, including any action upon any subject where there has been a concurrent vote of both branches. A simple conference—perhaps it should more properly be termed a strict or a specific conference, though the parliamentary term is 'simple'—is that which confines the committee of conference to the specific instructions of the body appointing it. The Chair therefore rules that the resolution is in order."

In the discussion which ensued the Senator from Ohio said:

"The Senate might very properly object to any action by the Senate conferees which was not strictly within the parliamentary rule, but the Senate itself may, by its instructions, enlarge the power of the committee. There is no doubt about that. There is no limit to the power of the Senate over its committees. It may authorize its conferees to agree to amendments to its amendments, which might not be in order if those amendments to the amendments came directly from the conferees without the action of the Senate. That is the view all the conferees took, although they differed on the question of parliamentary law." (*Ibid.*, page 900.)

In the course of the debate, Mr. Hendricks of Indiana said:

"I agree with the decision of the President of the Senate that it is competent to instruct a committee of conference on the part of the Senate." (*Ibid.*, page 902.)

Again he said:

"In respect to the questions of disagreement, the Senate may instruct its part of the committee, but outside of the questions of disagreement the Senate can not instruct that committee, for the reason that that is not one of the modes of legislation known to parliamentary usages. * * * The Senate may instruct the committee upon all the questions that were referred to that committee, but not upon other questions. (*Ibid.*, pages 902 and 903.)

From this view of parliamentary law no Senator dissented, although the debate on the subject-matter extends over many pages of the Congressional Globe.

The result of the debate, which was quite protracted, was the rejection of the resolution of the Senator from Ohio, although no one doubted the right of the Senate to instruct the conferees, and the adoption of the following resolution offered by Mr. Conness, of California:

"*Resolved*, That the Senate disagree to the resolution of the House of Representatives of the 1st instant, proposing instructions to the conferees, and ask another free conference on the disagreeing votes of the two Houses on the bill (H. R. 122) to increase the internal revenue, and for other purposes." (*Ibid.*, page 907.)

The House of Representatives having agreed to a further free conference, the conferees on again meeting were unable to agree, and the bill was disposed of by the Senate receding from its amendments.

The proceedings in this case, as in that which follows, are recorded in the Journal, but the Congressional Globe is quoted from, because it contains the details of the points raised, with the decisions made and the debate thereon, instead of the Journal, which merely records the votes.

At the first session of the Thirty-ninth Congress an amendment was added by the Senate to the sundry civil expenses appropriation bill increasing the pay of Senators and Representatives and taking effect retroactively from the beginning of that Congress. This amendment was disagreed to by the House of Representatives, but they amended other Senate amendments by the addition of a provision granting bounties to the soldiers of the war of the rebellion. Two committees of conference were unable to agree upon the disagreeing votes of the two Houses, and when the second disagreement was recorded the Globe shows these proceedings occurred:

"Several SENATORS. What shall be done?"

"Mr. SHERMAN. There is but one point of difficulty. The Senate conferees proposed to recede from the amendment in regard to the pay of members, but found that that was not at all in the way; that could be laid out of view; the only difficulty is in regard to the question of bounties. The House insist upon some legislation being had in regard to the bounties, and their conferees submitted a proposition which we did not feel at liberty to accept.

"I will say that the proposition submitted is much more moderate and much more reasonable than any I have yet seen; but we considered that the action of the Senate did not leave us at liberty to accept it." (Congressional Globe, Thirty-ninth Congress, first session, part 5, page 4246.)

And subsequently the Senator from Ohio suggested:

"The Senate may instruct the conferees." (*Ibid.*, page 4247.)

Whereupon Mr. Trumbull, then a Senator from Illinois, moved—

"That the committee of conference be instructed to agree to that proposition of the House." (*Ibid.*, page 4247.)

Meaning the proposition which had been stated in detail by Mr. SHERMAN as having been made by the House conferees.

A modification of the terms of the proposition having been suggested by Mr. Doolittle, Mr. Trumbull said:

"The proper motion, I suppose, would be to recommit the report to the committee with instructions to agree to that proposition." (*Ibid.*, page 4247.)

No point of order was raised, no doubt was suggested by any Senator as to the power of the body to instruct the conferees; and the motion having been stated, amendments to the instructions were moved, and finally, the question recurring on the motion of Mr. Trumbull, it was agreed to by a vote of yeas 28, nays 5. (*Ibid.*, page 4228.) And on the very same page of the Globe it appears that the conferees immediately made a report conformably to the instructions of the Senate, and it was agreed to and the bill disposed of.

Mr. President, I have here several other instances where, in the Senate, conferees have been instructed. I shall not take the time in this intense heat and in view of the impatience which we all have to proceed to final conclusion with this bill, or rather with the proposition to accede to the conference asked for by the House of Representatives, by referring further to them. I can not for the life of me see, as I said a moment ago, why there should be any distinction made between this committee, called the managers of a conference on the part of the Senate, and any other of our committees.

To take that position is most dangerous. It opens up an evil of very great magnitude, and while I know that precedents obtain for little in this body when they pertain to matters of parliamentary law or the construction of our rules, I think we should hesitate a long while before we establish such a pre-

cedent in this instance, not only because of the bad results which will flow from the adoption of any such rule or order of procedure, but hesitate because that departure will have been made under threat—I desire particularly to call the attention of Senators on the other side of the aisle to the proposition I am making—under a threat, coming to us from a monstrous trust, that if this differential one-eighth on sugar is not kept in the bill there shall be no legislation upon the subject of the tariff. Can we, dare we, succumb to such demand to execute their will as is made here by the sugar trust?

That is the plain proposition which meets us here, and it might just as well be understood first as last. Should there be an appeal from the decision of the Chair in its ruling against the instruction—and I hope there will not be, for I believe our fair, impartial President *pro tempore* will see his way clear to the conclusion that I have reached after considerable thought over this subject—a vote to sustain the Chair will be as directly a vote in favor of retaining this differential one-eighth as though that alone were the question involved in this debate. Beware, Senators, how you place yourselves in that position.

Mr. PLATT. Mr. President, I do not think I ought to apologize for taking a few moments of the time of the Senate in referring the Presiding Officer, who must decide upon this point of order, to the precedents of the House of Representatives and of the Senate upon this question.

The Senator from Delaware [Mr. GRAY] yesterday referred to a single case, which would seem, taken by itself, to go to the point that the Senate could not instruct its conferees. That case was upon the so-called salary-grab or back-pay bill. It will be observed that the Presiding Officer of the Senate, at that time Senator Edmunds, entertained the motion. The Senators who wanted to get the back pay immediately took an appeal, and overruled the decision of the Chair by a vote of 47 to 11.

On one occasion since that time the Senator from Ohio [Mr. SHERMAN], being President *pro tempore* of the Senate, held, upon the strength of the action of the Senate in 1873, that a motion to instruct conferees was not in order.

I think I may venture to state, without fear of contradiction, that, with the exception of the two cases to which I have now referred, every precedent in both Houses of Congress from the foundation of the Government to the present moment is the other way, and as I shall show, the Senate has directly since that time entertained the motion and the Senator from Delaware [Mr. GRAY] had voted to instruct conferees.

As a question of parliamentary law, the House of Representatives and the Senate stand alike with reference to the right of the instruction of conferees. There is no specific rule in the House, as I understand, which governs this matter. The House acts in this respect with reference to general parliamentary law. It has never by any presiding officer, so far as I am able to discover, been held that a motion to instruct conferees was not in order. On the other hand, it has repeatedly and without exception entertained that motion whenever it has been made.

There is no reference to this matter in the rules of the Senate; but in the Manual and Digest, containing the rules and practice of the House of Representatives of the United States, it is distinctly stated that—

> Conferees may be instructed by the House, but this course is not usual until they have made their first report, such instructions being only in order when the subject of the conference is before the House.

Then follow the matters which were recited by the Senator from Nebraska [Mr. MANDERSON].

To examine the 1873 decision, which was relied upon by the Senator from Delaware. The matter of back pay came up in the next Congress. On January 6, 1874, it being under discussion, the question of order which was decided in the Senate by overruling the decision of the Chair was again referred to. At that time our chief Official Reporter, Mr. Murphy, whom we all recognize as one of the best parliamentarians that the country has ever afforded, had collated some cases in relation to this matter, which were then read to the Senate by the Senator from Vermont, justifying his ruling on that occasion. Mr. Edmunds said:

> I can not help believing, Mr. President—I am bound to believe in a technical sense, as the Senate was so careful to try the question of order, and was so anxious evidently to have that question of order determined in such a way, if it could be, that we could meet this salary question as to ourselves by itself, and was unable to do so—I am bound to presume that if we could have met it in that way, we should have rejected the increase of our own salary and that of the Cabinet.

That, of course, was sarcasm. He continued:

> I think, Mr. President, that we acted under a grave misapprehension; and I have had a very competent person, whose knowledge of the history of parliamentary law and the course of parliamentary precedents is almost perfect, look back only for a few years to see what our practice had been on that subject. You remember, Mr. President, that the Senate determined, upon an appeal by the then Senator from Illinois [Mr. Trumbull], who has now withdrawn to the quiet of private life and who is no more vexed with questions of this kind, that it was not in our power to instruct our own committee to insist that our salaries should not be increased—that we felt ourselves compelled to follow, and, in spite of our wishes and our will that our salaries should not be increased in that way then and there, we found ourselves compelled by what we then thought to be parliamentary law to vote that they should be increased. That, it turns out from an investigation, was an error; and I ask that the Clerk may read the Congressional history which I send to the desk on that point.

The Chief Clerk then read the compilation of precedents, which had been made by Mr. Murphy, our reporter. I shall not take the time of the Senate to read them, though they are not very numerous; but I shall ask that the paper be inserted in my remarks.

The paper referred to is as follows:

An examination, extending back but a few years, shows two instances in direct opposition to the ruling of the Senate on the 3d of March last.

At the first session of the Thirty-eighth Congress, the committee of conference upon a bill "to increase the internal revenue, and for other purposes," having reported on the 1st of March, 1864, to the House of Representatives their inability to agree, a resolution was offered by Mr. Washburne of Illinois, as follows:

"*Resolved*, That the House insist upon its disagreement to the Senate amendments to House bill No. 122, and that the House request of the Senate another committee of conference on the said bill; and it is hereby declared to be the judgment of this House that in an adjustment of the differences between the two Houses on the said bill, there should be an additional duty of not less than 20 nor more than 40 cents per gallon imposed on spirits on hand for sale." (Congressional Globe, page 892, part 1, first session Thirty-eighth Congress.)

A question of order being raised, the decision of the Speaker (Mr. Colfax) was as follows:

"The SPEAKER. The Chair holds that the House of Representatives has the power to instruct any committee which it authorizes to be appointed. It is a judicious check upon the power of the Speaker in appointing committees. They have a right to instruct a committee of conference as they have a right to instruct a standing or a select committee. The gentleman from Illinois moves this himself as a resolution. It seems, however, susceptible of division, first upon asking another committee of conference, and, secondly, upon the instructions. As to the right to move instructions the Chair has no doubt." (Congressional Globe, part 1, first session Thirty-eighth Congress, page 892.)

The decision of the Speaker was acquiesced in by the House, no appeal being taken, and the resolution of Mr. Washburne was agreed to.

On the following day, the action of the House of Representatives having been communicated to the Senate, the Senator from Ohio, Mr. SHERMAN, offered the following resolution:

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The late Senator from Maine, Mr. Fessenden, at once suggested a doubt as to the resolution being in order; to which the Senator from Ohio replied as follows:

"I have not examined for precedents, but I think there can be no doubt of the power of the Senate to instruct its conferees on any point. It is a question of discretion. Ordinarily it would not be done; but there have been two conferences on this disagreement, which has all grown up out of one difference. The House of Representatives have now expressed their opinion on that difference, and I think the Senate ought also to do so." (*Ibid.*, page 900.)

Mr. Fessenden then raised the question of order directly for the decision of the Chair, and the Vice-President, who is now Senator from Maine, Mr. Hamlin, gave his decision in the following words:

"The VICE-PRESIDENT. The Chair can have no doubt that the resolution proposed by the Senator from Ohio is in order. Conferences are of two characters—free, and simple. A free conference is that which leaves the committee of conference entirely free to pass upon any subject where the two branches have disagreed in their vote, not, however, including any action upon any subject where there has been a concurrent vote of both branches. A simple conference—perhaps it should more properly be termed a strict or a specific conference, though the parliamentary term is 'simple'—is that which confines the committee of conference to the specific instructions of the body appointing it. The Chair therefore rules that the resolution is in order."

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In the course of the debate, Mr. Hendricks, of Indiana, said:

"I agree with the decision of the President of the Senate that it is competent to instruct a committee of conference on the part of the Senate." (*Ibid.*, page 902.)

Again he said:

"In respect to the questions of disagreement, the Senate may instruct its part of the committee, but outside of the questions of disagreement the Senate can not instruct that committee, for the reason that that is not one of the modes of legislation known to parliamentary usages. * * * The Senate may instruct the committee upon all the questions that were referred to that committee, but not upon other questions." (*Ibid.*, pages 902 and 903.)

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The House of Representatives having agreed to a further free conference, the conferees on again meeting were unable to agree, and the bill was disposed of by the Senate receding from its amendments.

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Journal, but the Congressional Globe is quoted from, because it contains the details of the points raised, with the decisions made and the debate thereon, instead of the Journal, which merely records the votes.

At the first session of the Thirty-ninth Congress an amendment was added by the Senate to the sundry civil expenses appropriation bill increasing the pay of Senators and Representatives and taking effect retroactively from the beginning of that Congress. This amendment was disagreed to by the House of Representatives, but they amended other Senate amendments by the addition of a provision granting bounties to the soldiers of the war of the rebellion. Two committees of conference were unable to agree upon the disagreeing votes of the two Houses, and when the second disagreement was recorded the Globe shows these proceedings occurred:

"Several SENATORS. What shall be done?

"Mr. SHERMAN. There is but one point of difficulty. The Senate conferees proposed to recede from the amendment in regard to the pay of members, but found that that was not at all in the way; that could be laid out of view; the only difficulty is in regard to the question of bounties. The House insist upon some legislation being had in regard to the bounties, and their conferees submitted a proposition which we did not feel at liberty to accept.

"I will say that the proposition submitted is much more moderate and much more reasonable than any I have yet seen; but we considered that the action of the Senate did not leave us at liberty to accept it." (Congressional Globe, Thirty-ninth Congress, first session, part 5, page 4246.)

And subsequently the Senator from Ohio suggested:

"The Senate may instruct the conferees." (*Ibid.*, page 4247.)

Whereupon Mr. Trumbull, then a Senator from Illinois moved

"That the committee of conference be instructed to agree to that proposition of the House." (*Ibid.*, page 4247.)

Meaning the proposition which had been stated in detail by Mr. SHERMAN as having been made by the House conferees.

A modification of the terms of the proposition having been suggested by Mr. Doolittle, Mr. Trumbull said:

"The proper motion, I suppose, would be to recommit the report to the committee with instructions to agree to that proposition." (*Ibid.*, page 4247.)

No point of order was raised, no doubt was suggested by any Senator as to the power of the body to instruct the conferees; and the motion having been stated, amendments to the instructions were moved, and finally, the question recurring on the motion of Mr. Trumbull, it was agreed to by a vote of yeas 28, nays 5. (*Ibid.*, page 4228.) And on the very same page of the Globe it appears that the conferees immediately made a report conformably to the instructions of the Senate, and it was agreed to and the bill disposed of.

I refer to the cases which Mr. Murphy cites. In the Thirty-eighth Congress, in the House of Representatives, a resolution was offered that the House insist upon its disagreement to the Senate amendments to House bill 122, and that the House request of the Senate another committee of conference, the resolution reciting:

And it is hereby declared to be the judgment of this House that in an adjustment of the differences between the two Houses on the said bill, there should be an additional duty of not less than 20 nor more than 40 cents per gallon imposed on spirits on hand for sale." (Congressional Globe, page 892, part 1, first session Thirty-eighth Congress.)

A question of order being raised, the decision of the Speaker (Mr. Colfax) was as follows:

"The SPEAKER. The Chair holds that the House of Representatives has the power to instruct any committee which it authorizes to be appointed," etc.

Speaker Colfax, being one of the best of parliamentarians, decided that conference committees could be instructed. No appeal was taken from the decision.

On the following day, the action of the House of Representatives having been communicated to the Senate, the Senator from Ohio [Mr. SHERMAN] offered a resolution agreeing to the conference requested by the House of Representatives and that the conferees heretofore appointed by the Senate be instructed to agree to proper amendments to the Senate amendments disagreed to by the House, providing for a tax of not exceeding 20 cents a gallon on spirits on hand for sale.

That resolution was submitted by the Senator from Ohio. The then Senator from Maine, Mr. Fessenden, suggested a doubt to the Senate as to its being in order to instruct its conferees on any point. The Vice-President, Hannibal Hamlin, gave the decision that it was in order for the Senate to instruct its conferees.

In the first session of the Thirty-ninth Congress an amendment was added by the Senate to the sundry civil expenses appropriation bill increasing the pay of Senators and Representatives. Two committees of conference were unable to agree upon the disagreeing votes of the two Houses, and when the second disagreement was recorded several Senators inquired what should be done.

The Senator from Ohio [Mr. SHERMAN] said that "there was but one point of difficulty," and so on. Subsequently the Senator from Ohio suggested that "the Senate may instruct the conferees;" whereupon Mr. Trumbull, then a Senator from Illinois, moved that the conferees be instructed to agree to the proposition of the House. The modification was proposed, and then Mr. Trumbull said:

The proper motion, I suppose, would be to recommit the report to the committee with instructions to agree to that proposition.

No point of order was raised, and no suggestion was made that it was not in order.

So in 1874, the precedent established in 1873 in the back-pay act being again discussed, I think it was substantially agreed on the part of the Senate that an error had been made in overruling the decision of the Chair that the conferees could be instructed.

This whole matter came under discussion again in 1883 on the internal-revenue taxation provision, which was part of the tariff bill of 1883. It was then contended by the Senator from Arkansas, Mr. Garland, that the Senate had decided in 1873, by its overruling the decision of the Chair, that it could not instruct its conferees. The question was avoided in that case by the Senator from Kansas, Mr. Ingalls, offering a substitute for the motion to instruct the conferees to the effect:

That it is the opinion of the Senate that the conference on House bill 5538 should be full and free, and that if the Senate conferees become advised that any limitation has been placed by the House upon the action of their conferees, the Senate conferees shall retire and report to the Senate for its consideration.

So that action on the discussion which was had then as to whether the Senate could instruct its conferees was avoided by the passage of the resolution submitted by Mr. Ingalls. The result of it was that the conferees came back with an agreement, and the bill was passed.

But if any Senator will examine the discussion as to the pretended authority established by the Senate in 1873, I think he will be convinced that the Senate at that time did not hold that to be an authority. It was followed in 1887 by the Senator from Ohio [Mr. SHERMAN], then being President *pro tempore* of the Senate, and the only time when it has ever been followed in the Senate. That was upon the interstate-commerce law. There had been a conference and a disagreement reported. The Senator from Maine [Mr. FRYE] moved to recommit the report with instructions to the Senate conferees to insist upon striking out certain provisions in the amendment.

The point of order was raised by the Senator from Illinois [Mr. CULLOM] on the motion to recommit, and especially the question of recommitting with instructions. The Senator from Maine contended that a motion to recommit was proper, and also a motion to recommit with instructions. It was argued consistently by Mr. Edmunds that there was nothing in the 1873 decision which reversed the former precedent of the Senate.

But the Senator from Ohio felt himself to be bound by the decision of the Senate made in 1873, and therefore decided that it was not in order to move to recommit with instructions to the conferees. The Senator from Ohio, referring to the decision made in 1873, said:

That question was debated at some length. An appeal was taken from the decision on the question of instructions, and the Senate overruled the decision of the Chair which held that the instructions were in order, by a very large majority, a vote that clearly indicated the purpose of the Senate to adopt that amendment. The Chair feels himself bound by that ruling unless, as the Senator from Massachusetts says, it has been since overruled. The Chair can find no case where the subject has been brought before the Senate since; but the Chair feels bound to regard that as a precedent and therefore is compelled to hold that the instructions are not in order, but a motion to commit is clearly in order.

So we have, as I have said, the overruling of the Chair by the Senate in 1873, and we have the adherence to that precedent by the Senator from Ohio [Mr. SHERMAN] in 1887. But as showing what was the real view of the Senator from Ohio in regard to the matter we find him in 1888, in the case cited by the Senator from Nebraska, moving to further insist upon an amendment which the committee of conference had not been able to agree upon and to instruct the conferees with reference to the amendment. That was with regard to the sundry civil bill, as it has been cited by the Senator from Nebraska. On motion of the Senator from Ohio [Mr. SHERMAN] the Senate resolved—

That the Senate still further insist upon its one hundred and tenth amendment to the bill, upon which the committee was unable to agree, and ask a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon—

They had agreed to everything except that amendment. That was the only matter in difference between the two Houses—

and that the conferees on the part of the Senate be instructed that if the conferees of the two Houses can not agree, they should propose that the text of the House bill disagreed to by the Senate be stricken out of the bill.

The motion of the Senator from Ohio was entertained and those instructions were given to the conference committee in 1888.

But more recently, in 1890, upon the discussion of the question whether the Senate could instruct its conferees the Chair, the Senator from Kansas, Mr. Ingalls, being President *pro tempore*, ruled that the Senate could instruct its conferees. The vote was then taken as to whether the instructions proposed should be made, and it was decided in the negative by a vote of 23 in favor of the instructions and 28 against the instructions.

That was upon the legislative appropriation bill upon a disagreement as to the amendment for annual clerks. The Senate had put into the bill an amendment providing for clerks at $1,800 per annum. The House disagreed to the amendment *in toto*, and a report was made by the committee of conference that after full and free conference they had been unable to agree upon certain amendments. Senator Dawes thought a further conference was hopeless.

Mr. COCKRELL. I wanted to make a motion that the Senate insist upon its disagreement, if that is in order, and I apprehend it is.

The PRESIDENT *pro tempore*. That the Senate insist upon its amendments?

Mr. COCKRELL. Insist upon its amendments with an amendment reducing the amount to $1,500.

Mr. EDMUNDS. You can not do that. You can instruct the conferees.

Mr. COCKRELL. With instructions, then, to the conferees to agree upon $1,500.

After some discussion the President *pro tempore* said:

The Senator from Missouri moves that the Senate still further insist upon its amendments and ask for a further conference, with instructions to its conferees to make the amount of compensation $1,500 per annum for the annual clerks.

The Senator from Ohio [Mr. SHERMAN], without raising any point of order, thought that we ought not to entertain the motion. He said:

That, it seems to me, is the dignified way as between the two Houses. I will not interfere with the motion of the Senator from Missouri if he thinks any good can come from it, but I think the dignified and proper way for the Senate is to recede, stating, however, that we shall insist upon these amendments on any proper occasion hereafter.

And so the discussion went on. Mr. Dawes inquired what the motion of the Senator of Missouri was, and the President *pro tempore* said:

The PRESIDENT *pro tempore*. The Chair was about to state it, that the Senate still further insist upon its amendments and ask for a further conference with the House of Representatives thereon, and instruct the managers on the part of the Senate to agree to a compensation of $1,500 for the annual clerks.

Mr. DAWES. I should like to inquire how that would be "a full and free conference?"

The PRESIDENT *pro tempore*. It is within the power of the Senate to make the order.

Mr. EDMUNDS. It is "full and free" in every parliamentary sense.

The Senator from Oregon [Mr. DOLPH] asked for a division of the question as to the amount of salary. The question was first put on the motion to further insist, and it was agreed to.

The PRESIDENT *pro tempore*. The question now recurs upon agreeing to the motion of the Senator from Missouri [Mr. COCKRELL] that the managers of the conference on the part of the Senate be instructed to agree to fix the compensation at $1,500 for the payment of the annual clerks.

On that the yeas and nays were called for. Then the Senator from Arkansas [Mr. BERRY] moved to reconsider, and that motion got only 5 votes as against 47. Then the President *pro tempore* said again:

The question recurs upon agreeing to the motion of the Senator from Missouri [Mr. COCKRELL] to instruct the managers of the conference on the part of the Senate, upon which the yeas and nays have been ordered.

Then the roll was called, and the result was announced—yeas 23, nays 28. Amongst those who voted to instruct are found the Senator from Missouri [Mr. COCKRELL], who made the motion; the Senator from West Virginia [Mr. FAULKNER], who thought yesterday we had never done it; the Senator from Maryland [Mr. GORMAN], the Senator from Delaware [Mr. GRAY], and other Senators. I will place the yeas and nays in my remarks.

YEAS—23.

Bate,	Colquitt,	Gorman,	Pasco,
Berry,	Dawes,	Gray,	Payne,
Blair,	Faulkner,	Ingalls,	Plumb,
Butler,	Frye,	Jones, Ark.	Reagan,
Cockrell,	George,	Moody,	Sawyer.
Coke,	Gibson,	Morgan,	

NAYS—28.

Aldrich,	Dixon,	Jones, Nev.	Sherman,
Allen,	Dolph,	McMillan,	Squire,
Allison,	Farwell,	Pettigrew,	Stewart,
Barbour,	Hale,	Platt,	Stockbridge,
Cameron,	Hampton,	Power,	Teller,
Carlisle,	Hawley,	Ransom,	Vance,
Casey,	Hiscock,	Sanders,	Washburn.

Mr. FAULKNER. I ask the Senator from Connecticut whether the point of order was made. Of course by unanimous consent we can do anything here.

Mr. CHANDLER. I ask the Senator from Connecticut also to state more distinctly precisely what was the motion of the Senator from Missouri [Mr. COCKRELL].

Mr. PLATT. The motion of the Senator from Missouri [Mr. COCKRELL] was to further insist upon the amendment of the Senate and to instruct the conferees to reduce the sum in the Senate amendment from $1,800 to $1,500.

Mr. CHANDLER. As to the salaries of clerks?

Mr. PLATT. The salaries of annual clerks.

Mr. CHANDLER. The Senator from West Virginia says the point of order was not made.

Mr. PLATT. I have been reading the whole discussion in the Senate to show that it was decided to be in order. While the point of order was not formally made, the question was raised in the Senate as to whether it could be done, and it was decided it was within the power of the Senate to make the order and that the Senate could instruct its conferees. The suggestion was made by Senator Dawes that it would not be a full and complete conference if the Senate conferees were instructed. The whole of the discussion turned upon the question whether the Senate could instruct its conference, and it was decided emphatically by the Senator from Kansas, Mr. Ingalls, then President *pro tempore*, that it was within the power of the Senate to instruct its conferees.

Mr. CHANDLER. At what date did this occur?

Mr. PLATT. This was July 1, 1890, and it is the last precedent of the Senate upon this point.

Now, and as I said before I think I am not mistaken in saying it, the only instance in the history of Congress where either branch has held that it could not instruct its conferees was in 1873, when the Senate overruled the decision of the Chair that they could be instructed, and in a later session when the Senator from Ohio said he felt bound by the precedent in 1883, and held that the Senate could not instruct its conferees, and there was no appeal taken.

But in 1888 we find the Senator from Ohio himself making the motion to instruct the conferees, and the Senate adopting the motion. In 1890, upon a case where a discussion was raised as to whether the Senate could instruct its conferees, we find the Presiding Officer, the Senator from Kansas, Mr. Ingalls, holding it to be within the power of the Senate. From that decision no appeal was taken, nobody disagreeing to the decision to the extent to take an appeal.

There was an instance where in 1883 the Senate seemed to be disturbed because the other House had instructed its conferees. That was upon the tariff bill of 1883. The question was much discussed then, and, as I said, it was avoided by a resolution introduced by the Senator from Kansas, to the effect that if the conferees found that the conferees of the other House had been instructed by the House, they should come back to the Senate and report, and the Senate would then consider what it would do.

Whether the conferees of the other House had been instructed I do not know, but at any rate the Senate conferees did not come back to the Senate with any report of that character. When they came back they came with an agreement with the other House, and thus the bill became a law. But in 1890 there occurred in the other House a very marked case of instructions to the conferees, and one which did not seem to disturb the Senate at that time.

Mr. ALDRICH. If the Senator from Connecticut will permit me, I will state that I was a member of the conference in 1883, and I remember the circumstances very well. The other House had instructed its conferees as to certain points. The Senate conferees declined to meet the House conferees at first upon the ground that it would not be a full and free conference.

The members of the conference on the part of the House, however, assured the managers on the part of the Senate that they did not feel bound by those instructions; that they would meet us in a full and free conference as though no instructions had been given them on the part of the House. By general consent that course was followed, both parties admitting that instructions had been given, and the force of those instructions, if they were insisted upon.

Mr. PLATT. I alluded to that case because it is the only one I know of where the Senate has made any objection to the instruction of conferees by the other House. All through the history of Congress the Senate conferees have been meeting with the House conferees, who came to the conference under instructions by the House. A very notable instance of that kind occurred in 1889 on the bill for the admission of Dakota and other Territories, which will be remembered by our friends who now represent the new States which were thus admitted. There had been a committee of conference, with a disagreement reported to the other House.

Mr. SPRINGER moved that the House further insist upon its amendment and agree to the conference requested. Thereupon, pending the motion—though the Senator from Delaware or some other Senator says it is not in order to instruct while a motion is pending to appoint a new conference—Mr. Baker, a member from New York, moved a resolution that the House instruct the new conferees to recede from the amendment in certain respects. That was afterwards changed by a motion which was submitted by a member from New York, Mr. Cox. Mr. SPRINGER having made the motion that the House further insist and agree to the conference asked, Mr. Cox sent up the following resolution instructing the conferees:

Resolved, That the House instruct the new conferees to recede from the amendments to the Senate bill 185 in the following respects:

1. That the Territory of New Mexico and the proposed new State thereof may be excluded from the bill.

2. That the bill may be so amended in conference as to provide for the admission of South Dakota by proclamation of the President, under the Sioux Falls constitution, to be resubmitted to the people of South Dakota, with provisions for a new election of State officers, and without a new vote on the question of division.

3. Further providing that the proposed States of North Dakota, Montana, and Washington shall be admitted on the same basis, and all of them under proclamation by the President.

Further, that all such matters as relate to the election of delegates and apportionment of the districts in which members to the convention are to be elected, the date of holding the convention, and the date of the resubmis-

sion of the South Dakota constitution, and the location of the temporary seat of government in South Dakota, and such other matters as are not included in the instructions above recited to be referred to the committee of conference for their discretion.

That passed on a call of the yeas and nays, the most remarkable case in the whole parliamentary proceeding of instruction. The Senate made no objection to it. The Senate conferees met the conferees of the other House, instructed upon the vital points of the measure, with a statement that certain other points were left to their discretion. The Senate agreed with the conferees, and the result was that those four Territories were admitted by the adoption of the conference report and the passage of the bill by that means.

Mr. President, observe that the first instance in our parliamentary history where the Senate has held that it could not instruct its conferees was the instance in 1873, where the decision of the Chair that it could do so was overruled, and that the only other instance was the subsequent decision in 1887, where the Senator from Ohio, being President *pro tempore*, felt that he was bound by that decision, and declared that the Senate could not instruct its conferees.

That he believed personally that the Senate could instruct its conferees is shown by the fact that in 1888 he himself moved to instruct the conferees, and the Senate adopted the motion. But when presiding he felt that he was bound by a precedent of the Senate which had not then been overruled. It was overruled in 1888, on the motion of the Senator from Ohio, and it was overruled in 1890 by the Senator from Kansas [Mr. Ingalls], then President *pro tempore* of the body.

How can it be said that on the strength of this one precedent in the Senate, where Senators were anxious to pass the bill, which gave them $2,500 per year additional to the salaries to which they were entitled by law, which put $5,000 into their pockets, a precedent was established by overruling the decision of the Chair that the Senate could instruct its conferees, and that that is to make the rule for the Senate?

Mr. CHANDLER. Mr. President, if this debate is to be regarded as merely for the enlightenment of the President *pro tempore* of the Senate, in order to guide him in reaching a decision, of course it is not necessary that there should be a full attendance of Senators. Any arguments upon the point of order intended for members of the Senate might well enough be deferred until after the ruling of the Chair, when of course an appeal could be taken by the side which may be dissatisfied, and the question again debated before action by the Senate.

On the other hand, it seems to me that in the interest of preventing the consumption of time it would be better if Senators, who may be called upon to vote in case of such appeal, should be present in the Senate while the primary arguments are made which are addressed in the first instance to the judgment of the Chair. As I notice that there is a very limited attendance upon the other side of the Chamber, I think before the Senator from Delaware [Mr. GRAY] resumes the discussion and brings the weight of his great intellect to bear upon this important question there ought to be a quorum of the Senate present, which I suggest is now missing.

The PRESIDENT *pro tempore*. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dixon,	Lindsay,	Power,
Allen,	Dubois,	Lodge,	Pugh,
Allison,	Faulkner,	McLaurin,	Quay,
Bate,	Frye,	McMillan,	Roach,
Berry,	Gallinger,	McPherson,	Shoup,
Blackburn,	Gibson,	Manderson,	Smith,
Blanchard,	Gorman,	Mills,	Teller,
Brice,	Gray,	Mitchell, Oregon	Turpie,
Camden,	Hale,	Mitchell, Wis.	Vest,
Carey,	Hansbrough,	Murphy,	Vilas,
Chandler,	Harris,	Palmer,	Walsh,
Cockrell,	Hawley,	Pasco,	Washburn,
Coke,	Higgins,	Patton,	White.
Cullom,	Hill,	Peffer,	
Daniel,	Jones, Ark.	Perkins,	
Davis,	Kyle,	Platt,	

Mr. TURPIE. I wish to announce that my colleague [Mr. VOORHEES] is detained at his house by serious illness.

The PRESIDENT *pro tempore*. Sixty-one Senators have answered to their names. A quorum of the Senate is present.

The question is upon the point of order raised by the Senator from Delaware [Mr. GRAY] upon the motion of the Senator from Minnesota [Mr. WASHBURN] to amend. The Senate having adopted some six hundred amendments to House bill 4864, the bill being returned to the House and the House having nonconcurred in those amendments, and having sent to the Senate a message insisting upon its nonconcurrence, and asking a conference with the Senate upon the disagreeing votes, the Senate has presumably expressed its judgment and opinion upon the merits of these disagreeing votes by the adoption of the amendments. The House presumably has expressed its opinion in nonconcurring with these amendments, and in its insistence upon that nonconcurrence, and asking a conference.

All conferences between the two Houses of Congress in respect to disagreeing votes are intended to be full and free. Committees of conference are appointed because of the disagreements between the two Houses, and for the purpose, and the sole purpose, of compromising and adjusting the differing and conflicting opinions of the two Houses composing the legislative department. The committee is created to give and take, to compromise, and bring the two Houses to an agreement. And when either House shall instruct its conferees in respect to one or more of the disagreeing votes, it impairs the fullness and absolutely destroys the freedom of that conference.

But the Chair need not decide the broad question of the power of the Senate to instruct conferees, for that question is not necessarily involved in the point of order presented by the Senator from Delaware. The Senator from Delaware moves that the Senate insist upon its amendments and grant the further conference asked by the House of Representatives. The Senator from Minnesota [Mr. WASHBURN] moves as an amendment to the motion of the Senator from Delaware that the conferees hereafter to be appointed, if they are ordered, shall be instructed to amend one of the Senate amendments. It is clear beyond doubt that the only effect, and the object and purpose of the motion is not to recede from, but to amend one of the Senate amendments, which involves and presents directly and distinctly the question as to whether the Senate can do by indirection what no one contends it has the power to do directly—that is, to amend and modify one of the amendments of the Senate at this stage of the proceeding.

The bill was open to amendments in the Senate until it was, by the Senate, ordered to a third reading; but after ordered to a third reading the Senate has had no power to amend.

Neither House having the power in its individual capacity to change the status of the disagreements except by receding from distinctive and complete propositions theretofore insisted upon. And while it may be said that the committee of conference alone can grant these compromises and modify propositions of either House within the limits of the disagreements, the Chair does not hesitate to say that the failure upon the part of either House to instruct deprives the Houses of no one of their respective powers. The power of each House is as absolute and complete over the whole subject-matter in the absence of instructions as it can be with them, because whatever the committee of conference may report, whether an agreement in full, a partial agreement, or a general disagreement, the action of the committee must be agreed to by each House before it can become effective. Whatever the conference committee may agree to and may report, every phase and feature of that report is submitted to the Senate for its action, and the Senate must agree or disagree to the report; and it can never become effective until the Senate has agreed; so that not the smallest particle of the power of the Senate over the subject-matter involved in these disagreements is impaired or lost by a failure to instruct and whether the Senate shall instruct or not instruct.

But believing, as the present occupant of the chair believes, that the Senate can not directly amend any one of the amendments that now constitute the disagreements between the two Houses by its own positive, individual, and direct action, the Chair believes that it can not do indirectly and through the instrumentality of a conference committee or the conferees of the Senate what it has no power to do in its own right and by its own direct action.

The Chair sustains the point of order made by the Senator from Delaware, and holds that the amendment of the Senator from Minnesota is not in order.

Mr. WASHBURN. Mr. President, I take an appeal from the decision of the Chair, and on the question whether the decision of the Chair shall stand as the judgment of the Senate I ask for the yeas and nays.

Mr. FAULKNER. I move to lay the appeal on the table.

The PRESIDENT *pro tempore*. The Senator from Minnesota appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The Senator from West Virginia moves to lay the appeal of the Senator from Minnesota on the table.

Mr. MITCHELL of Oregon. Upon that I ask for the yeas and nays.

Mr. MANDERSON. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRICE (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. WOLCOTT]. By arrangement I transfer my pair to the senior Senator from Indiana [Mr. VOORHEES]. If that transfer is satisfactory to the other side I will vote. I vote "yea."

Mr. BLANCHARD (when Mr. CAFFERY'S name was called).

My colleague [Mr. CAFFERY] is at home sick and unable to attend this day's session of the Senate. He is paired with the Senator from Montana [Mr. POWER]. Were my colleague present he would vote "yea."

Mr. WALSH (when Mr. GORDON'S name was called). My colleague [Mr. GORDON] is paired with the junior Senator from Iowa [Mr. WILSON]. If my colleague were present he would vote "yea."

The PRESIDENT *pro tempore* (when the name of Mr. HARRIS was called). The present occupant of the chair is paired with the Senator from Ohio [Mr. SHERMAN], and would vote "yea" if not paired.

Mr. MCPHERSON (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL].

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. I transfer my pair to the Senator from North Carolina [Mr. JARVIS], and vote "yea."

Mr. QUAY (when his name was called). While I have the floor I desire to announce the pair of my colleague [Mr. CAMERON] with the Senator from South Carolina [Mr. BUTLER]. If both Senators were present my colleague would vote "nay."

I announce also my pair with the Senator from Alabama [Mr. MORGAN]. If the Senator from Alabama were present I should vote "nay."

Mr. SMITH (when his name was called). I am paired on this question with the junior Senator from South Carolina [Mr. IRBY]. If he were here I should vote "yea," and he would vote "nay."

Mr. TURPIE (when his name was called). I vote "yea." I wish to announce the absence of my colleague [Mr. VOORHEES], and to state that if he were present he would vote "yea."

The roll call was concluded.

Mr. CAMDEN. I am paired with the senior Senator from South Dakota [Mr. PETTIGREW]. If he were present I should vote "yea."

The result was announced—yeas 32, nays 32; as follows:

YEAS—32.

Bate,	Daniel,	Lindsay,	Pugh,
Berry,	Faulkner,	McLaurin,	Ransom,
Blackburn,	George,	Martin,	Roach,
Blanchard,	Gibson,	Mills,	Turpie,
Brice,	Gorman,	Mitchell, Wis.	Vest,
Call,	Gray,	Murphy,	Vilas,
Cockrell,	Hunton,	Palmer,	Walsh,
Coke,	Jones, Ark.	Pasco,	White.

NAYS—32.

Aldrich,	Dolph,	Hill,	Peffer,
Allen,	Dubois,	Jones, Nev.	Perkins,
Allison,	Frye,	Kyle,	Platt,
Carey,	Gallinger,	Lodge,	Proctor,
Chandler,	Hale,	McMillan,	Shoup,
Cullom,	Hansbrough,	Manderson,	Squire,
Davis,	Hawley,	Mitchell, Oregon	Teller,
Dixon,	Higgins,	Patton,	Washburn.

NOT VOTING—21.

Butler,	Hoar,	Pettigrew,	Voorhees,
Caffery,	Irby,	Power,	Wilson,
Camden,	Jarvis,	Quay,	Wolcott.
Cameron,	McPherson,	Sherman,	
Gordon,	Morgan,	Smith.	
Harris,	Morrill,	Stewart,	

The PRESIDENT *pro tempore*. According to parliamentary usage, the nays have it, and by a tie vote the motion to lay the appeal on the table fails.

Mr. HALE. On the question, Shall the decision of the Chair stand as the judgment of the Senate? I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HALE. Now let the Chair state the question.

The PRESIDENT *pro tempore*. The Senator from Minnesota [Mr. WASHBURN] having appealed from the decision of the Chair, the question is, Shall the decision of the Chair stand as the judgment of the Senate? Senators believing that the decision should stand as the judgment of the Senate will vote "yea." Those of a contrary opinion, "nay." The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRICE (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. WOLCOTT], which by arrangement has been transferred to the senior Senator from Indiana [Mr. VOORHEES]. I vote "yea."

The PRESIDENT *pro tempore* (when the name of Mr. HARRIS was called). The present occupant of the chair is paired with the Senator from Ohio [Mr. SHERMAN], and would vote "yea" if the Senator from Ohio were present.

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. SMITH (when his name was called). I am paired on this question with the junior Senator from South Carolina [Mr. IRBY].

Mr. TURPIE (when his name was called). I vote "yea." I wish to state that if my colleague [Mr. VOORHEES] were present he would vote "yea."

The roll call was concluded.

Mr. CAMDEN. I again announce my pair with the senior Senator from South Dakota [Mr. PETTIGREW].

Mr. RANSOM. I announce the pair of my colleague [Mr. JARVIS] with the Senator from Massachusetts [Mr. HOAR].

Mr. BLANCHARD. I again announce the pair of my colleague [Mr. CAFFERY] with the Senator from Montana [Mr. POWER].

The result was an nced—yeas 32, nays 32; as follows:

YEAS—32.

Bate,	Daniel,	Lindsay,	Pugh,
Berry,	Faulkner,	McLaurin,	Ransom,
Blackburn,	George,	Martin,	Roach,
Blanchard,	Gibson,	Mills,	Turpie,
Brice,	Gorman,	Mitchell, Wis.	Vest,
Call,	Gray,	Murphy,	Vilas,
Cockrell,	Hunton,	Palmer,	Walsh,
Coke,	Jones, Ark.	Pasco,	White.

NAYS—32.

Aldrich,	Dolph,	Hill,	Peffer,
Allen,	Dubois,	Jones, Nev.	Perkins,
Allison,	Frye,	Kyle,	Platt,
Carey,	Gallinger,	Lodge,	Proctor,
Chandler,	Hale,	McMillan,	Shoup,
Cullom,	Hansbrough,	Manderson,	Squire,
Davis,	Hawley,	Mitchell, Oregon	Teller,
Dixon,	Higgins,	Patton,	Washburn.

NOT VOTING—21.

Butler,	Hoar,	Pettigrew,	Voorhees,
Caffery,	Irby,	Power,	Wilson,
Camden,	Jarvis,	Quay,	Wolcott.
Cameron,	McPherson,	Sherman,	
Gordon,	Morgan,	Smith.	
Harris,	Morrill,	Stewart,	

The PRESIDENT *pro tempore*. According to parliamentary usage, it being a tie vote, the nays have it. The affirmative having failed to carry, the Senate rules that the amendment of the Senator from Minnesota [Mr. WASHBURN] is in order.

Mr. ALDRICH. I ask for the yeas and nays upon the amendment.

Mr. MILLS. Question!

The PRESIDENT *pro tempore*. The question is upon the amendment proposed by the Senator from Minnesota [Mr. WASHBURN] to the motion submitted by the Senator from Delaware [Mr. GRAY], on which the Senator from Rhode Island demands the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BRICE (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. WOLCOTT], which, by arrangement, has been transferred to the senior Senator from Indiana [Mr. VOORHEES]. I vote "nay."

Mr. CAMDEN (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW].

The PRESIDENT *pro tempore* (when the name of Mr. HARRIS was called). The present occupant of the chair is paired with the Senator from Ohio [Mr. SHERMAN], and would vote "nay" if not paired.

Mr. MCPHERSON (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL]. If he were present I should vote "nay."

Mr. PUGH (when his name was called). I transfer my pair with the Senator from Massachusetts [Mr. HOAR] to the junior Senator from North Carolina [Mr. JARVIS]. I vote "nay."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. TURPIE (when his name was called). I vote "nay." I wish to announce that my colleague [Mr. VOORHEES] would vote the same way if he were present.

The roll call was concluded.

Mr. SMITH. I am paired with the junior Senator from South Carolina [Mr. IRBY]. If he were here I should vote "nay."

The result was announced—yeas 32, nays 32; as follows:

YEAS—32.

Aldrich,	Dolph,	Hill,	Peffer,
Allen,	Dubois,	Jones, Nev.	Perkins,
Allison,	Frye,	Kyle,	Platt,
Carey,	Gallinger,	Lodge,	Proctor,
Chandler,	Hale,	McMillan,	Shoup,
Cullom,	Hansbrough,	Manderson,	Squire,
Davis,	Hawley,	Mitchell, Oregon	Teller,
Dixon,	Higgins,	Patton,	Washburn.

NAYS—32.

Bate,	Daniel,	Lindsay,	Pugh,
Berry,	Faulkner,	McLaurin,	Ransom,
Blackburn,	George,	Martin,	Roach,
Blanchard,	Gibson,	Mills,	Turpie,
Brice,	Gorman,	Mitchell, Wis.	Vest.
Call,	Gray,	Murphy,	Vilas,
Cockrell,	Hunton,	Palmer,	Walsh,
Coke,	Jones, Ark.	Pasco,	White.

NOT VOTING—21.

Butler,	Hoar,	Pettigrew,	Voorhees,
Caffery,	Irby,	Power,	Wilson,
Camden,	Jarvis,	Quay,	Wolcott.
Cameron,	McPherson,	Sherman,	
Gordon,	Morgan,	Smith,	
Harris,	Morrill,	Stewart,	

The PRESIDENT *pro tempore*. The amendment fails and is not agreed to.

The question is on the motion of the Senator from Delaware [Mr. GRAY] that the Senate insist upon its amendments and agree to the further conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VOORHEES, Mr. HARRIS, Mr. JONES of Arkansas, Mr. VEST, Mr. SHERMAN, Mr. ALLISON, and Mr. ALDRICH were appointed.

Mr. QUAY. Mr. President, the Senate having recorded its determination to recommit this bill to the committee on conference, I desire to submit some suggestions upon some of the items of the metal schedule, which I wish to impress rather upon the managers on the part of the Senate and their colleagues in the other branch of Congress than upon the Senate itself.

First, as to pig iron:

The pending bill provides a duty of $4 a ton on pig iron. During the last seventy-eight years the duty on pig iron imported into this country has been as follows: 1816, 50 cents per cwt.; 1824, 50 cents per cwt.; 1828, 62½ cents per cwt.; 1832, 50 cents per cwt.; 1833 to 1842, gradual abatement from 50 cents per cwt. to 20 per cent ad valorem; 1842, $9 per ton; 1846, 30 per cent ad valorem; 1857, 24 per cent ad valorem; 1861, $6 per ton; 1864, $9 per ton; 1870, $7 per ton; 1872, $6.30 per ton; 1875, $7 per ton; 1883, $6.72 per ton; 1890, $6.72 per ton.

This summary is given to show that for more than three-quarters of a century it has been, with scarcely an exception, the uniform rule in framing tariff legislation to impose a duty on pig iron that would stimulate its manufacture, which lies at the base of all our iron and steel industries. From 1816 to 1833 the duty was higher than it has ever since been, namely, first $10 per ton and afterwards $12.50 per ton; twice since 1833 has the duty been $9 per ton; and it has at no time since 1861 been less than $6 per ton. Even the distinguished Senator from Texas, when he prepared his celebrated tariff bill of 1888, which passed a Democratic House, fixed the duty on pig iron at $6 per ton. Experience appears to have taught all our lawmakers down to the present time that a lower duty than $6 per ton can not bring prosperity to our pig-iron industry. It is now proposed to make the duty $4 per ton, which would be $2 per ton less than the rate fixed in the Mills bill.

Attention may be called to the extremely low prices at which pig iron is now sold in this country, and particularly in the Southern States, but the fact is overlooked or ignored that these are panic prices, which have already bankrupted many pig-iron manufacturers, and which have been made possible by other panic prices for iron ore, fuel, limestone, and labor. If it is desirable that these conditions should continue, than a duty of $4 per ton will accomplish this result; but if we accept uncontradicted evidence that the present prices of American pig iron are lower than they ought to be, and lower than they can long remain without bankrupting nearly every pig-iron manufacturer in the country, making a reasonable rise in price absolutely necessary at an early day, the conclusion is irresistible that our manufacturers need the duty of $6 per ton which was provided in the Mills bill.

If they are not afforded this protection against cheap English pig iron, the necessary rise in American prices referred to above would at once be taken advantage of by our English competitors, and by Scotch pig-iron makers as well, who would cut under our own prices and destroy utterly the hope of better times for our now greatly depressed pig-iron industry.

The fact is frankly admitted that pig iron can be produced in some of the Southern States at less cost than in any of the Eastern or Western States, but two additional facts in this connection should not be lost sight of. First, that the market for Southern pig iron is chiefly on the Atlantic seaboard, where at a great disadvantage in freight rates it meets foreign pig iron; and second, that pig iron for the manufacture of steel is not made in the South, only foundry and forge pig iron.

With regard to freight charges it can be shown that it costs from $3 to $5 to carry a ton of Southern pig iron to Northern markets on or near the Atlantic coast, while English and Scotch pig iron can be delivered at New York, Boston, and other Atlantic ports at freight rates which seldom exceed 4 shillings per ton, and are often much below that rate, falling as low as 2 shillings and even as low as 1 shilling, the rate depending upon the ballasting necessities of vessels destined for Atlantic ports. So desirable is pig iron as ballast that it has been brought to these ports without any freight charges whatever.

It will be seen, therefore, that to sell their pig iron in Eastern markets, Southern manufacturers are at a disadvantage of about $3 per ton in freight as compared with competing English and Scotch manufacturers. In any change which may be made in the existing duty on pig iron this $3 should be taken into account, as well as the fact that present prices of pig iron in this country, and of the raw materials which enter into its manufacture, are so low that they ought not to continue in justice to all interests involved, including the workingmen who are paid low wages, and the transportation companies which are not earning any money for their stockholders.

The following detailed statement of the prices of Southern pig iron in Eastern markets in October, 1893, and of English pig iron in the same month is taken from the bulletin of the American Iron and Steel Association:

For some time the sharp competition of Southern pig iron has fixed the price of Northern brands in Northern markets. This will be made clear by the following quotations of prices of pig iron at Philadelphia on October 23, 1893, which we take from the Press of that city:

Pig iron at Philadelphia.	Price per ton.
Standard Pennsylvania (lake ore), No. 1x	$14.00-$14.50
Standard Pennsylvania (lake ore), No. 2x	13.50- 14.00
Standard Virginia, No. 1x	14.00- 14.25
Standard Virginia, No. 2x	13.25- 13.50
Virginia and Southern, No. 1x soft	13.50- 14.00
Virginia and Southern, No. 2x soft	13.00- 13.25
Standard Pennsylvania and Virginia forge	12.25- 12.75

It will be observed that the pig iron of Pennsylvania, Virginia, and States farther South is now sold in Philadelphia at substantially the same prices and the same is true of other Northern markets. Prices at New York on October 18 of both Northern and Southern pig iron are given by the Iron Age as follows: "We quote Northern brands $14 and $15 for No. 1; $13 and $14.25 for No. 2; and $12.25 and $12.50 for gray forge, at tide water. Southern iron, same delivery, $13.25 and $14.25 for No. 1; $12.25 and $13.25 for No. 2; gray forge is $11.25 and $12."

In the following table we give the prices of Southern pig iron only at Philadelphia, New York, and Boston about the middle of October, our authorities being the Press of Philadelphia, the Iron Age of New York, and the Commercial Bulletin of Boston.

Brands.	Philadelphia, October 23.	New York, October 18.	Boston, October 14.
Southern No. 1	$14.00-$14.25	$13.25-$14.25	$14.50
Southern No. 2	13.25- 13.50	12.25- 13.25	$13.00- 13.50
Southern No. 3		11.50- 12.25	12.50
Southern No. 1, soft	13.50- 14.00	13.25- 13.50	
Southern No. 2, soft	13.00- 13.25	11.75- 12.25	
Southern gray forge	12.25- 12.75	11.25- 12.00	

We will frankly say that there is some difficulty in comparing English and Scotch brands of pig iron with American brands, but we can not go astray if we assume that Cleveland pig iron, made in the North of England, would be the first foreign pig iron to displace Southern pig iron in Northern markets of this country if the present duty of of $6.72 per ton were greatly reduced. The various brands of Cleveland pig iron closely resemble many brands of both Northern and Southern pig iron. Competing with these brands, they would fix the price for others in our markets. The following are the present prices of Cleveland pig iron at the shipping port of Middlesborough, which we take from the Iron and Steel Trades Journal of London for October 14th, 1893:

Brands.	Price per ton.
Cleveland No. 3	35s. 0d. = $8.50
Cleveland No. 4	33s. 3d. = 8.08
Cleveland gray forge	32s. 9d. = 7.96

Comparing these Cleveland prices with the American prices given above we find a difference of $5 and $6 in favor of Cleveland pig iron.

In the last ten years the pig-iron industry of the Southern States has had a marvelous growth, which has been due largely to the low prices at which Southern pig-iron could be sold in Northern markets, the South itself consuming but little pig iron. It has been said, however, that no matter how low the duty on pig iron may be made, Southern pig iron will always find a market in the Mississippi Valley and in the great West generally, even if it should lose the trade of the Atlantic coast. This theory is a mistake. The cheapness of Lake Superior iron

ores is this day creating a revolution in the Western pig-iron trade, and pig iron made from these ores is actually driving Southern pig-iron out of Western markets.

It is more and more necessary, therefore, that the foreign pig-iron manufacturer should be kept out of our Atlantic coast markets by an adequate duty on pig iron. With a low duty on pig iron the Southern pig-iron manufacturer would surely lose the Atlantic coast markets, and with Western competition he will have a hard struggle to retain any part of the Western markets. With the Atlantic coast markets surrendered to foreigners, I have no hesitation in saying that our Southern pig-iron industry, having only a small home market, would be almost destroyed. I will read an editorial article from the New York Iron Age for July 12, which may well receive the attention of Southern Senators:

THE NORTHWESTERN PIG-IRON TRADE.

Southern pig iron is now receiving some crushing blows in the Northwestern markets.

The month of June witnessed the most active trade that Chicago pig-iron houses have known for a very long time. Not only were contracts for foundry iron numerous, but some of them were very large, covering the requirements of heavy consumers far into next year. When the buying movement began an attempt was made to control it by limiting the time for deliveries to the remainder of this year and by cutting down quantities to be taken by individual consumers. But this policy was speedily dropped, and buyers were permitted to have their own way. An effort was also made to advance prices, in the belief that the buying movement was strong enough to sustain it; but this also proved ineffectual, and the best that can be said is that prices were forced no lower than the rates which had ruled prior to the resumption of active buying. This may be claimed as a distinct gain, because for many months prices have been steadily receding, with every new contract showing a lower figure than the one preceding it. Something has certainly been accomplished when prices are found to be no longer giving way.

But in all this activity the seller of Southern iron has had no share. He has heard the conflict, seen the smoke, and perhaps smelled the powder, but could not participate in the fray. With the lowest prices ever made by Southern furnaces, and the lowest freight rates ever known from the South to the Northwest, there has been absolutely no chance for Southern iron to figure in these contracts. It is the first time since Southern iron made its appearance in the Northwest and since foundry iron began to be made by Chicago furnaces that the former has been so completely ignored. Even Southern soft irons, which have hitherto been purchased for mixture with the strong local irons are neglected. Instances, in fact, are known in which good-sized contracts have been made for special soft irons to be made by Chicago furnaces for foundrymen who had for years scouted the idea of attempting to make good castings from all Lake Superior irons. They have now changed their opinions, partly through the influence of price and partly through the better education of the whole iron trade with regard to the chemistry of iron. Chemistry alone would not have wrought the change, nor could price have done it unassisted, but both operating together have been thus potent.

Peculiar conditions have, of course, favored the Northern furnacemen. They are enjoying cheap ore and cheap fuel, or they could not have met the competition of the very low prices made by the South within the past six months. Southern furnace companies have also been handicapped of late by their striking coal miners, causing quite a number of stacks to be blown out for scarcity of fuel and carrying with it a rapid reduction in pig-iron stocks. An advance in freight rates was also a bone of contention between makers and buyers, as each wished the other to assume the risk of changes in freight schedules. All this has helped the Northern furnaceman to secure contracts nearly as freely as if Southern furnaces had no existence. From present appearances the area of consumption of the coke foundry irons made in the Northwest will grow still larger, until much of the territory north of the Ohio River is occupied.

Statistics of our imports of pig iron in the last few years have been laid before the Senate, showing that the foreign value of these imports was so high that even a lower duty than $4 a ton would afford a fair degree of protection to our pig-iron manufacturers. These statistics are, however, misleading, as are many other statistics which relate to the foreign value of imported commodities. The present duty of $6.72 per ton on pig iron has prohibited the importation of the ordinary qualities of pig iron, and has permitted the importation only of special and high-priced qualities, such as spiegeleisen, ferro-manganese, fancy brands of Scotch pig iron, and Swedish pig iron. No argument based on the value of these importations can properly be made applicable to the ordinary qualities of foreign pig iron, sold at low prices, which are not now imported, but which would certainly be imported in large quantities under a low $4 per ton duty.

Now, Mr. President, as to bar iron: Bar iron is almost entirely the product of manual labor of a particularly trying and exhausting character, and this labor is very much cheaper in European countries than in our own country. Bar iron is produced by puddling, or boiling pig iron, and by heating and rolling the resulting muck bar. These operations are all exceedingly laborious. There is no harder work than the puddling of pig iron.

Until the present wave of Democratic hard times swept over the country the pay of the American puddler was $5.50 per ton at Pittsburg and throughout the West, but now it is only $3.60 at Pittsburg and is even less at mills in the East, while in England the price of puddling has averaged below $1.75 per ton for many years, and in Belgium the price is still lower. That the price of bar iron in this country now closely approximates that of English bar iron is not denied, but the phenomenally low price at home is the result not only of lower wages than have usually prevailed, but also of lower prices of pig iron and other raw materials than have ever before been known.

There should be a higher duty on bar iron than is provided in the pending bill, because the wages which our puddlers and other rolling mill hands have been accustomed to receive should be restored, and because the present low prices of bar iron in this country are based upon an exceptionally low cost of raw materials which can not be expected to continue. When the prices of all products in our country again show a tendency to rise above the present panic figures the benefit of this advance should be given to our own people and not to foreigners.

That labor constitutes the principal element in the cost of producing a ton of bar iron was proved a few years ago in a letter addressed to Secretary Manning by the American Iron and Steel Association. The period to which these figures refer is the early part of 1882. I prefer the figures I am about to give to those which have been more recently collected, because they are from the hand of one of the most eminent, painstaking, and capable of American ironmasters, Mr. John Griffen, now deceased, but for many years the superintendent of the Phœnix Iron Works, at Phœnixville, Pa. In April, 1882, Mr. Griffen compiled for the American Iron and Steel Association from the books of the Phœnix Iron Company the following statement of the labor cost to that company of a ton of best bar iron, which cost was undoubtedly a fair average for the country at large at that time:

1. PIG IRON.

Wages earned in mining enough ore for one ton pig iron	$5.18
Wages earned in mining enough limestone for one ton pig iron	.23
Wages earned in mining enough anthracite for one ton pig iron	1.71
Wages earned in making enough coke for one ton pig iron	.28
Wages earned in transporting above ore	.56
Wages earned in transporting above limestone	.06
Wages earned in transporting above anthracite	.45
Wages earned in transporting above coke	.22
Wages earned by furnace hands in making one ton pig iron	2.75
Total wages earned in making one gross ton pig iron	11.54

2. MUCK BAR.

It requires 1.13 gross tons of pig iron to make 1 gross ton of muck bar. If there are $11.54 labor earnings in 1 ton of pig iron, in 1.13 tons of pig iron, or 1 ton of muck bar, there are $13.04. The whole labor earnings in 1 gross ton of muck bar are as follows:

Wages earned in making 1.13 tons pig iron	$13.04
Wages earned in mining coal used in puddling 1 ton muck bar	1.71
Wages earned in mining ore used in fettling 1 ton of muck bar	.90
Wages earned in transporting the above coal	.56
Wages earned in transporting the above ore	.20
Wages earned by mill hands in making 1 ton of muck bar	7.44
Total wages earned in making 1 gross ton muck bar	23.85

3. FINISHED BAR.

It requires 1.20 gross tons of muck bar to make 1 gross ton of finished bar, ready for the market. If there are $23.85 labor earnings in 1 ton of muck bar, in 1.20 tons of muck bar, or 1 ton of finished bar, there are $28.62. The whole labor earnings in 1 gross ton of finished bar are as follows:

Wages earned in making 1.20 tons muck bar	$28.62
Wages earned in mining coal used in heating 1 ton finished bar	.89
Wages earned in mining sand used to 1 ton of finished bar	.20
Wages earned in transporting above coal	.25
Wages earned by mill hands in making 1 ton finished bar	6.31
Total wages earned in making 1 gross ton of finished bar iron	36.27

4. SUMMARY.

The three preceding statements represent the successive steps in the transformation of iron ore, limestone, and fuel into bar iron. The following statement summarizes the whole operation, giving the quantities of raw materials used in making a ton of bar iron and the total earnings of the labor employed:

Wages earned in preparing 3.53 gross tons iron ore	$9.19
Wages earned in preparing eighty-eight one-hundredths gross ton limestone	.45
Wages earned in preparing 4.84 gross tons coal and coke	5.64
Wages earned in preparing ten one-hundredths gross ton sand	.20
Wages earned in transporting above materials	2.91
Wages earned at blast furnace and in mill	18.97
Total wages earned in making one gross ton of finished bar iron	36.27

The total cost of making a ton of bar iron embraces a number of other elements, including the cost of materials additional to their labor cost, freight charges above wages earned in transportation, insurance, taxes, commissions, interest, office expenses, etc. This total cost in the early part of 1882 was not given by Mr. Griffen, but it was about $50, which would make the labor cost of a ton of bar iron at the period mentioned 72 per cent of the total cost. Substantially the same proportion of labor cost to total cost in the manufacture of bar iron undoubtedly exists in our rolling mills to-day. The workingman, therefore, has the largest stake in the duty on bar iron.

Next, Mr. President, I call attention to

THE DUTY ON STRUCTURAL STEEL.

The Senate tariff bill fixes the duty on beams, girders, joists, and other forms which are usually designated as structural steel at six-tenths of 1 cent per pound. Any lower rate than this would permit the importation of large quantities of Belgian

beams and other structural steel, Belgian products of this character being produced at such low cost for the labor employed that they have for many years successfully competed with like products of English rolling mills in English markets. On December 12, 1893, the export price of Belgian joists or beams was 110 francs, or $21.23 per ton.

On March 15 of the present year the price of structural steel of American manufacture delivered at New York was reported by the Iron Age as follows: Beams up to 15-inch, 1.35 cents to 1.5 cents per pound for round lots; angles, 1.25 cents to 1.35 cents; universal mill plates, 1.2 cents to 1.35 cents; tees, 1.5 cents to 1.7 cents; channels, 1.4 cents to 1.6 cents per pound. The prices of American beams above quoted are panic prices, while the Belgium price that has been quoted is the result of normal conditions in that country.

To show how very low is the cost of labor in Belgium, I quote some authentic statistics which are well worth the consideration of those Senators who advocate a lower duty on structural steel than is provided in the pending tariff measure.

In 1888 the Belgian Labor Commission published a report on the condition of the working people of Belgium, from which the following statement of the wages earned in some branches of industry was compiled a year or two ago by the London Charity Organization Review: "At the Charleroi Iron Works the daily wages were for rollers, 2*s.* 1½*d.*, and for blast-furnace workers, 1*s.* 9½*d.*, while a puddler in the same district could earn £54 16*s.* in the year. Coal miners in the employ of John Cockerill & Co., at Seraing, earn underground 2*s.* 7*d.* a day, and above ground, 2*s.* 0½*d.*; ironworkers, 2*s.*, 5½*d.*; steelworkers, 2*s.* 8½*d.*, and boilermakers, 2*s.* 6½*d.* The Bleyberg smiths and carpenters get 1*s.* 9½*d.* a day, and the founders, 2*s.* 6½*d.* At the Liège foundries the average wage of the stoker is 2*s.* 4½*d.*, and of the laborer, 2*s.* 2½*d.* Masons and joiners at Kirton earn only 1*s.* 7½*d.* to 2*s.* 4½*d.* a day; carpenters, joiners, and woodhewers at Turnhout about 2½*d.*, 3*d.*, and 3½*d.* an hour respectively."

In August, 1888, Mr. Frederick J. Slade, of Trenton N. J., who was then the treasurer of the New Jersey Steel and Iron Company, but is now deceased, published an explanation of the conditions affecting the production of beams and other structural shapes, from which the following extracts, appropriate to this discussion, are taken:

There is probably no branch of iron manufacture that requires such heavy and expensive machinery for the output of so little product as that in question. The average output of each of the mills engaged in this manufacture in the year 1887, in which year the product was larger than in any previous year, was less than 9,000 tons. This quantity is much less than the product of a steel-rail mill in a single month.

In the manufacture of rolled beams, however, the orders are for quantities seldom as much as 50 tons, to be made at a given time, usually for lots of a single carload or less. While the quantity of beams in large fireproof buildings seems considerable, the fact is that, being erected only in large cities, the total quantity of beams required for them is after all small. Moreover, the orders are not given in such a way as to enable the beams to be rolled in quantity, as in the manufacture of rails, but are given out a story at a time, each containing a great variety of sizes and lengths, requiring constant changes of rolls, and constantly interrupting the manufacture.

The variety of regular patterns is so great that a period of one or two months usually elapses from the time any one is rolled till it can be again made, and consequently it is necessary, in order to ship beams as required, to carry a large stock of all sizes, and to cut from this beams of such sizes as can not be rolled promptly. The waste in this operation is very large, and as it applies to a very large proportion of the total business, becomes an important factor in the cost.

As already stated, the machinery required for the production of these large sections is so expensive that the capital invested in proportion to the yearly product is very great. Hence it is impossible that any profit can be realized unless the beams be sold at a price considerably above that charged for such staple articles as rails or merchant bars.

Mr. President, I now come to

THE DUTY ON STEEL RAILS.

In the Senate tariff bill railway bars of iron or steel are made dutiable at seven-twentieths of 1 cent per pound, or $7.84 per ton, which is only $1.12 per ton more than the rate that is provided in the McKinley tariff for pig iron, the raw material from which rails are made. As very few iron rails are now manufactured in any country, I need only to consider the probable effect of the proposed duty of $7.84 on our steel-rail industry and on the industries dependent upon it.

Our steel-rail industry, which is the most conspicuous example of the wisdom of our protective policy, had only a tentative and experimental existence until after the adoption in the tariff act of 1870 of a duty of $28 per ton on steel rails, which duty took effect on January 1, 1871. From 1871 to 1883 the duty on steel rails was practically unchanged, and during this period of thirteen years the production of American steel rails increased from 34,152 gross tons in 1871 to 1,284,067 tons in 1882, and the price decreased from an average of $102.50 per ton in 1871 to an average of $37.75 in 1883. Since 1883 the price has fluctuated between an average of $37.08, which was the price in 1887, and $24, which is the present price.

The tariff of 1883 provided the following rates of duty on iron and steel rails: Iron or steel tee rails, weighing not over 25 pounds to the yard, nine-tenths of 1 cent per pound, or $20.16 per ton; iron or steel flat rails, punched, eight-tenths of 1 cent per pound, or $17.92 per ton; iron railway bars, weighing more than 25 pounds to the yard, seven-tenths of 1 cent per pound, or $15.68 per ton; steel railway bars and railway bars made in part of steel, weighing more than 25 pounds to the yard, $17 per ton.

The tariff of 1890 provided the following uniform rate on both iron and steel rails of all shapes and sizes: Railway bars, made of iron or steel, and railway bars made in part of steel, T rails, and punched iron or steel flat rails, six-tenths of 1 cent per pound, or $13.44 per ton. It will be seen that the tariff of 1890, which is our present tariff, greatly reduced the duties on both iron and steel rails, but particularly on steel rails, the duties on the latter being reduced from the varying rates of $20.16, $17.92, and $17 per ton to a uniform rate of $13.44 per ton. The present steel-rail duty is less than half the duty which was imposed by the tariff act of 1870.

It is now proposed to make the duty on steel rails $7.84 per ton, or less than $8, against $28 eleven years ago. Steel rails are now selling in England at £3 15*s.*, or about $18.25 per ton. But steel rails have been sold in England, delivered free on board vessels for transportation to other countries, at £3 7*s.* 6*d.*, or $16.42 per ton. Against this price as well as the present price the proposed duty of $7.84 per ton would afford wholly inadequate protection. The American Iron and Steel Association has so forcibly objected to this radical reduction that I think it well to present its views at length in the following extracts from its Bulletin:

The proposition to reduce the duty on steel rails can be justified only upon the theory that the present duty is a burden upon the railroads of the country, or upon the other theory that the duty must be lowered to encourage the importation of rails and thus afford needed revenue to the Treasury.

The first of these theories is effectually answered by the fact that the managers and stockholders of our railroads are not petitioning Congress for relief from the duty on steel rails, nor has any such petition been presented to Congress, if we are correctly advised, since 1880. If the consumers of steel rails are satisfied with the present duty, or, in other words, with the prices which they are now paying and have lately paid for steel rails, then there is no burden resting upon them in the form of a duty which Congress is called upon to remove or reduce. It is pertinent to add in this connection that the duty of $28 per ton on steel rails, incorporated in the tariff act of 1870, was imposed by Congress at the request of the railroad managers of the country.

The other theory upon which the demand for a reduction of the duty on steel rails may be made to rest, namely, that the Government needs the revenue from imported steel rails, is best answered from a purely revenue standpoint by the reflection that if the policy of restricting the home production of manufactured products and encouraging the importation of foreign products were made applicable to all the leading manufacturing industries of the country our people would soon become so impoverished through lack of employment that they would cease to make liberal purchases abroad, and the Treasury, instead of being the gainer, would be the loser, as in other periods in our history when we have had a tariff for revenue only.

We have an object-lesson to-day of the effect of lack of employment, or of employment at low wages, upon our importations of foreign goods. They are falling off, and so are the receipts of the Treasury. To assure sufficient revenue to the Government the country should be kept prosperous, and this can not be done by crippling or destroying our steel-rail industry and the industries that it helps to maintain—the production of iron ore, coal, coke, limestone, and pig iron especially, not forgetting the vast amount of traffic which it furnishes to the railroads in the transportation of these so-called raw materials; or by crippling or destroying any other leading industry of the country.

Instead of accepting either of the two indefensible theories above mentioned, or, worse still, assuming a position of reckless hostility to our steel-rail industry, Congress should recognize the great service this industry has rendered to the country during the brief period of its existence, for it is less than thirty years old. Started and sustained thus far by some of the bravest and most enterprising men the country has ever known, it has steadily increased the supply of steel rails to our railroads and just as steadily cheapened their price.

Our steel-rail manufacturers have therefore been public benefactors, and our steel-rail industry has been a public blessing. It has greatly cheapened the cost of transportation, and therefore cheapened the cost of bread and meat and other necessaries of life to every American household; it has greatly increased the foreign demand for our agricultural and other products by cheapening their cost at the seaboard; it has brought all sections of the country closer together by the cheapening of railroad construction, and has thus stimulated the investment of capital in the development of all our resources in every section of the country, and made it possible for tens of thousands of poor men to obtain homes in the Great West.

Our steel-rail industry has kept hundreds of millions of dollars at home, for circulation among our people, which would otherwise have been drained to Europe to pay for foreign rails. It has been the chief factor during the last fifteen years in building up our pig-iron industry and in developing our iron-ore industry, so that each of these industries is to-day the first in the world, as is our steel-rail industry itself.

But it is said that some steel-rail manufacturers in our country have made a great deal of money, and that therefore the steel-rail duty should be reduced so that they shall not make any more. This is an illogical reason for tariff legislation concerning steel rails. Importers of foreign goods of many descriptions have amassed riches; therefore further imports should be prohibited by act of Congress. The Vanderbilts and others have laid away something for a rainy day out of their railroad investments; therefore the Government should confiscate the railroads. The banks and insurance companies make money; therefore the banks and insurance companies should be suppressed.

Have our steel-rail manufacturers as a rule become wealthy men through the manufacture of steel rails? What are the facts? Both of the two experimental Bessemer steel works which were established in this country in 1864 and 1865, one at Wyandotte, Mich., and the other at Troy, N. Y., lost money for their projectors. The Wyandotte works were abandoned. The Troy Steel and Iron Company, which succeeded to the ownership of permanent Bessemer steel works at Troy, is now in the hands of receivers. The

works of the Pennsylvania Steel Company, near Harrisburg, which were the first built in Pennsylvania to make Bessemer steel rails, are to day in the hands of receivers, and so are the works of the Maryland Steel Company at Baltimore, which were the last works built in this country to make rails.

The Freedom Iron Company erected a Bessemer steel plant near Lewistown, Pa., in 1868, to make steel rails, and in 1869 the company failed and the works were afterwards wrecked. The Cambria Iron Company, of Johnstown, Pa., failed twice soon after its organization, the original stockholders losing nearly all of their large investment. The Vulcan Iron Works built a large plant at St. Louis to manufacture Bessemer steel rails, investing $2,000,000, and failed. The works have been wrecked during the past year. The Joliet Iron and Steel Company erected extensive Bessemer steel works at Joliet, Ill., to make steel rails, and failed twice. The Union Rolling Mill Company built large Bessemer steel works at Chicago to manufacture steel rails and failed disastrously.

We might add to this list by mentioning other companies now making steel rails which have either a large floating debt or a large bonded indebtedness. The steel-rail industry in this country has not, therefore, as a rule been a mine of wealth for those engaged in it. Furthermore, most of the money that is now invested in the steel-rail industry in this country was earned in other enterprises and not in making steel rails. Reduce the duty on steel rails to-day so as to encourage foreign importations and what would the investments of our steel-rail manufacturers who are still solvent be worth?

But it is contended that our steel-rail manufacturers can afford to accept a reduction in the present duty on steel rails; in other words, that a reduction will not greatly increase the imports of steel rails. We know that it will. In the Mills bill of 1888 it was proposed to make the duty on steel rails $11 per ton. This rate was objected to by our manufacturers, because, if adopted, it would surely put the steel-rail trade of the Pacific coast in the hands of foreign manufacturers, and it would greatly assist these manufacturers to gain an entrance into our Southwestern markets.

Our manufacturers could not see any good reason why they should be driven out of the Pacific coast and Southwestern markets because their foreign competitors could procure cheaper transportation by vessels sailing to San Francisco and the Gulf ports for grain or cotton. The situation has not altered since 1888. Transportation charges even to our Atlantic ports are in favor of the foreign steel-rail manufacturer, except at the single port of Baltimore. With the exception of one plant at Baltimore all our steel-rail works are located inland, and rail transportation of steel rails for even a few hundred miles is more expensive than transportation across the Atlantic.

We ask attention to the very low prices at which English steel rails have been sold free on board at English ports during the last few years. From May to August, 1886, English steel rails were regularly quoted from week to week at £3 7*s.* 6*d.*, or $16.42 per ton; and in May, June, July, and August, 1888, they were quoted at £3 12*s.* 6*d.*, or $17.63 per ton. In June of the present year they were again quoted at £3 12*s.* 6*d.*, or $17.63 per ton; and in September and October the quotation was £3 15*s.*, or $18.24 per ton. These low prices abroad may be expected in all periods of trade depression, and it is against low foreign prices, and not against high prices, that our steel rail manufacturers need protection.

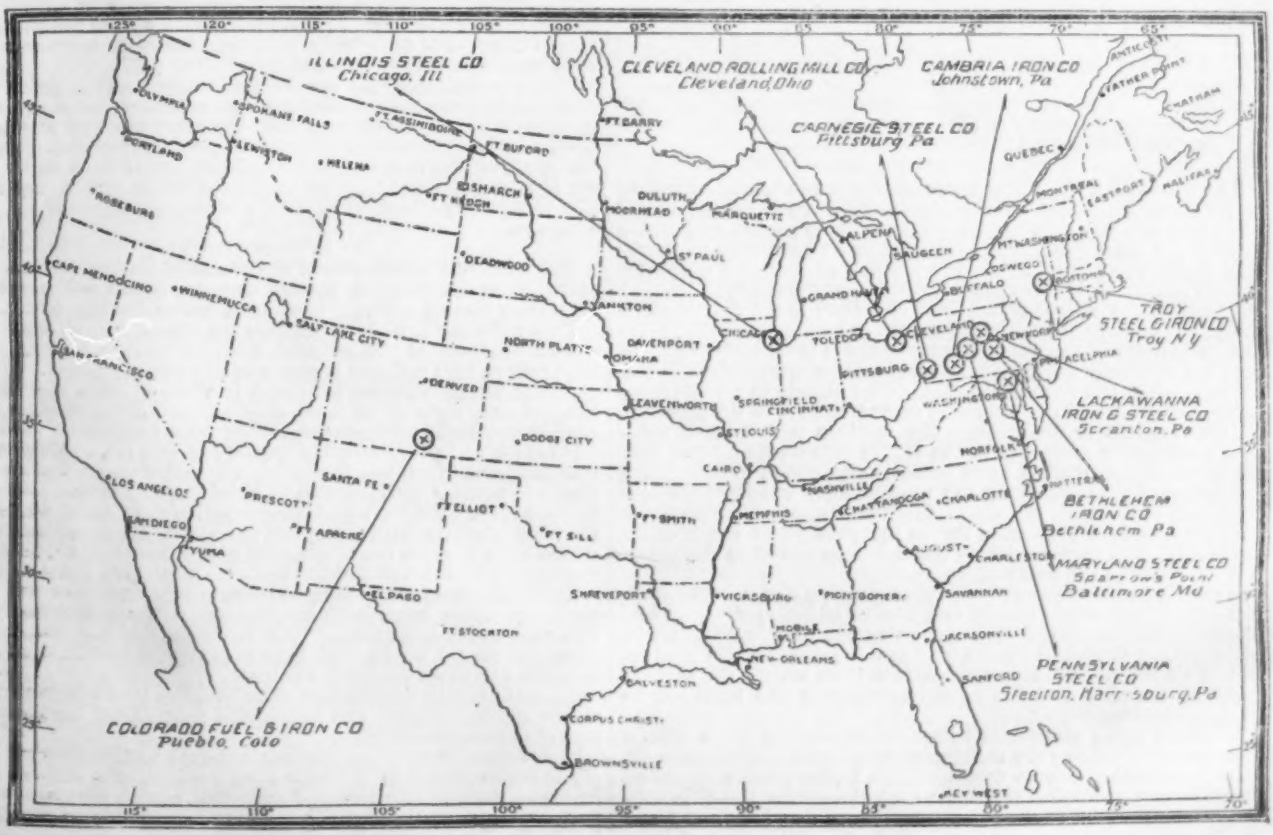
A favorite line of attack upon our steel-rail industry and upon the duty which has built it up is to charge our steel-rail manufacturers with having organized and maintained a trust. Those who make this charge usually accompany it with the declaration that the trust has artificially advanced prices. They are careful, however, not to make specific declarations concerning this alleged artificial advance in prices. General charges suit them better. We have looked in vain for any free-trade Congressman or free-trade newspaper writer to quote our table of the prices of domestic steel rails from the year when they were first made in this country down to the present time. Here is the table. It gives the average annual prices of Bessemer steel rails at mills in Pennsylvania from 1867 to 1894:

Years.	Price.	Years.	Price.	Years.	Price.	Years.	Price.
1867	$166.00	1874	$94.25	1881	$61.13	1888	$29.83
1868	158.50	1875	68.75	1882	48.50	1889	29.25
1869	132.25	1876	59.25	1883	37.75	1890	31.75
1870	106.75	1877	45.50	1884	30.75	1891	29.92
1871	102.50	1878	42.25	1885	28.50	1892	30.00
1872	112.00	1879	48.25	1886	34.50	1893	28.12
1873	120.50	1880	67.50	1887	37.08	1894	24.00

We again state explicitly that there never has been in this country a combination, or trust, or pool of steel-rail manufacturers which was organized to advance the price of steel rails. There is no such combination, or pool, or trust to-day. There has existed since August, 1887, however, an organization known as the Rail Makers' Association, the avowed object of which is to equitably allot among the steel-rail manufacturers the tonnage of steel rails annually required by the railroad companies. There is nothing wrong in this object. It can be successfully defended upon moral as well as upon legal grounds. That the above-mentioned purpose of the Rail Makers' Association has not included an arbitrary advance in steel-rail prices is proved by the fact that the prices of steel rails fell very sharply immediately after the organization was formed in August, 1887. In that month the price of steel rails at Pennsylvania mills was $37 per ton; in September it was $36; in October, $34 25; in November, $32.50; in December, $32.

In 1888 the price gradually fell to $30 in June and to $28 in December. During the first six months of 1889 the price was $27.50. In July of that year there was an advance in the price, consequent upon a general revival of the country's prosperity following a period of depression, and this advance continued until the beginning of 1890, when the price again took a downward turn, which has ever since continued until to-day, as already stated, it is $24. During all the years from 1887 to 1894 the Railmakers' Association was in active existence. With what semblance of truth, therefore, can it be said that it has been a trust for the purpose of arbitrarily advancing prices, or even for the purpose of preventing them from falling?

There are ten Bessemer steel-rail companies in this country, which are prepared to make steel rails of standard sections in large quantities if there were an active demand for them. These mills are located at the following places: Troy, N. Y.; Bethlehem, Scranton, Steelton, Johnstown, and Pittsburg, Pa.; Sparrow's Point, Md.; Cleveland, Ohio; Chicago, Ill.; and Pueblo, Colo.



A reference to the map, herewith submitted, will show that the works at Troy, Bethlehem, Scranton, Steelton, and Sparrows Point, all being located near to the Atlantic coast, are particularly exposed to foreign competition.

If it is desired that these five works shall be driven out of the business of making steel rails except under such panic conditions as prevail to-day, then the proposed duty of $7.84 per ton will most effectually accomplish that purpose. The other five works, being located in the interior, would continue the struggle for existence if the proposed new duty were incorporated in our tariff legislation, but even they would be handicapped by foreign competition, which would certainly capture the trade of the Pacific coast ports and what is known as the Texas or Southwestern trade. A few years ago the Atchison, Topeka and Santa Fe Railroad Company purchased 10,000 tons of steel rails abroad. All its lines are located west of the Mississippi River.

The fact is not so generally recognized as it should be, that freight rates to all points on the Atlantic coast, the Gulf of Mexico, and the Pacific coast favor the foreigner. It costs from $1.50 to $2 per ton to carry steel rails from British ports to North Atlantic ports in the United States; from $2 to $3 per ton to Gulf ports; and usually $3 per ton to San Francisco. The freight rates on American steel rails to North Atlantic ports are at least as high as those mentioned from British ports; to Gulf ports they range from $3 to $4 per ton; and to San Francisco from $9 to $11 per ton. A comparison of these figures will show that our steel-rail manufacturers can not reach the leading points of rail distribution in their own country as cheaply as their British competitors.

Ocean transportation, therefore, not only yields no measure of protection to our steel-rail manufacturers, but reduces such protection as they derive from a duty on foreign rails. A tabulated statement of the results which may be expected if the proposed duty of $7.84 per ton on steel rails is adopted will be sufficient, I hope, to cause those who advocate this rate to assent to a higher rate. I use present prices at home and in England, although English prices, as has been shown, have often been lower than they are to-day, while the present home price is possible only through abnormally low prices for raw materials and labor, which ought not to continue:

GULF PORTS.

English price	$18.25	American price	$24.00
Freight	3.00	Freight	4.00
Proposed duty	7.84	Total cost	28.00
Total cost	29.09		

PACIFIC PORTS.

English price	$18.25	American price	$24.00
Freight	3.00	Freight	9.00
Proposed duty	7.84	Total cost	33.00
Total cost	29.09		

Now, Mr. President, I invite attention to

THE DUTY ON TIN PLATE.

The Senate and the House tariff bills agree in imposing a duty of 1.2 cents per pound on tin plate. The present duty, which has given our tin-plate industry a magnificent start, imposes a duty of 2.2 cents per pound. The proposed reduction is therefore 1 cent per pound, or over $1 per box of ordinary tin plate.

This reduction is cruel and altogether unnecessary. Needed revenue to the extent of millions of dollars is not only thrown away, but an industry which promises to be a great boon to our people in coming years if left undisturbed is to be seriously crippled if not wholly destroyed, as was the case once before in our history, when the duty on tin plate failed utterly to protect from foreign competition our domestic manufacturers of tin plate.

I am at a loss to understand the motives which have actuated Senators in assenting to the House rate on tin plate. Our tin plate manufacturers have actually cheapened to consumers the prices of tin plate since the present duty was imposed, less than four years ago. All tin-plate utensils and roofing plate are now cheaper than they were before the passage of the McKinley tariff. The increased duty has not been added to the price, but has reduced the price.

If our tin-plate industry, with the stimulus of a protective duty, has accomplished this result, and has in addition directly employed many thousands of our countrymen and indirectly employed many thousand others who are engaged in the production of all the so-called raw materials from which tin plate is made, why should not the encouragement it has received be longer continued?

I submit some statistical information, derived from official sources, which shows the wonderful progress of our tin-plate industry under the present tariff. First, I give a table compiled from the reports of Col. Ira Ayer, special agent of the Treasury Department, which shows the production of tin plates and terne plates during the two and one-half years which elapsed from July 1, 1891, to December 31, 1893, the quantity made from American black plates and from imported black plates being given in parallel columns:

Production of tin plates and terne plates, by quarters, from 1891 to 1893.

Quarter ending—	American black plate.	Foreign black plate.	Total.	American.	Foreign.
	Pounds.	*Pounds.*	*Pounds.*	*Per cent.*	*Per cent.*
September 30, 1891	785,547	41,375	826,922	95	5
December 31, 1891	1,200,661	209,160	1,409,821	85.16	14.84
March 31, 1892	2,132,082	1,077,143	3,209,225	66.44	33.56
June 30, 1892	5,178,263	3,022,488	8,200,751	63.14	36.86
September 30, 1892	5,920,082	5,032,643	10,952,725	54.05	45.95
December 31, 1892	8,043,449	11,713,042	19,756,491	40.71	59.29
March 31, 1893	11,371,908	18,194,431	29,566,339	38.46	61.54
June 30, 1893	18,264,225	21,279,362	39,543,587	46.19	53.81
September 30, 1893	8,794,027	18,351,453	27,145,480	32.40	67.60
December 31, 1893	15,907,669	11,443,572	27,351,241	58.16	41.84
Total for 30 months	77,997,973	90,364,669	167,962,642	46.20	53.80

There are now in the United States 56 completed tin-plate works and 3 partly completed works. Of the whole number, 1 is in Massachusetts, 8 are in New York, 3 are in New Jersey, 25 are in Pennsylvania, 3 are in Maryland, 8 are in Ohio, 4 are in Indiana, 5 are in Illinois, 1 is in Michigan, and 1 is in Missouri. Of the amount of capital invested in our tinplate industry there are no official statistics at hand, but it is certainly not less than $10,000,000. I hope that it may yet be possible to afford to this really infant industry the continued protection it deserves.

Next, Mr. President, I deal with the item of

COTTON TIES.

In the Senate bill it is provided that "cotton ties of iron or steel cut to lengths, punched or not punched, with or without buckles, for baling cotton," shall be free of all duty. Cotton ties are a highly finished form of hoop iron or steel upon which additional labor has been expended to make them fit for use. In the tariff bill which is now under consideration hoop iron which has not been made into cotton ties is made dutiable at 30 per cent.

As hoop iron is largely used by Northern manufacturers and mechanics, it will be plainly seen that in making cotton ties free of duty a discrimination has been made in favor of Southern cotton planters, while like consideration has been denied to Northern consumers of hoop iron. Apart from this exhibition of a sectional spirit, which should have no place in tariff legislation, it is an absurdity to make a highly-finished product like cotton ties free of duty while imposing duties on the raw materials from which they are made.

There is absolutely no excuse for putting cotton ties in the free list, because since their home manufacture was adequately protected by the tariff act of 1890 the price at which they have been sold to Southern planters has steadily declined. Before the panic of 1893 they were sold at lower prices than before the act of 1890 was passed. The present duty on cotton ties has, therefore, been a boon to Southern producers of cotton and not a burden.

THE DUTY ON NICKEL.

The tariff bill which passed the House of Representatives put nickel upon the free list, though no other of the ordinary metals was so treated. There is no good reason for that course.

Under the tariff of 1870 the duty on nickel was 30 cents per pound, the tariff of 1883 reduced this to 15 cents per pound, and the tariff of 1890 reduced it again to 10 cents per pound.

As the European price of nickel is about 40 cents per pound, the existing duty of 10 cents equals 25 per cent, which is less than that which is set on many other metals and metal wares.

No interest in this country appears to call for a reduction of the duty on nickel, but the European nickel-makers of course desire it to enter here free. The chief urgency seems, however, to come from Canada, which now supplies the United States, in the form of matte, with almost all the nickel consumed here, and which aims to seize the business of nickel refining, or, in other words, the business of making metallic nickel from matte.

By saving most of the freight of $6 to $7 per ton now paid for carrying matte from Sudbury, Canada, to the nickel works of this country, Canada hopes, with nickel on the free list, to destroy our nickel works, and thus to grasp for herself what she conceives to be an important industry.

Several Canadian cities now offer bounties in the form of valuable lands free of cost, and exemption from taxes, for the erection of nickel works.

The argument that raw materials should be free does not apply to nickel, for it is the advanced product of a difficult and costly manufacture. The raw material, nickel ore, is already duty free, and nickel matte, a product comparable to pig iron, is also free by existing law.

This country now has at least three nickel works producing metallic nickel, and is besides well supplied by European nickel works, which sell their product here at prices considerably below those they obtain at home, plus our duty, to say nothing of freight, interest, insurance, and commission. It is therefore not a question of sustaining a monopoly in this country.

The total quantity of nickel—that is to say, nickel in the metallic form—consumed annually in the United States is under normal conditions about 600,000 pounds to 800,000 pounds annually, of which nearly two-thirds has been imported. Last year the consumption was considerably lighter, and this year it has so far been still lighter.

The duty upon nickel should remain at the moderate existing rate of 10 cents per pound, while nickel ore and nickel matte should remain as now, duty free. The Senate bill fixes the duty on nickel at 6 cents per pound.

REDUCTIONS IN THE METAL SCHEDULE.

I append a table showing how great have been the reductions which have been made in the metal schedule of the Senate tariff bill as compared with the existing McKinley rates, the percentage of the proposed decrease in each instance being also given. For the sake of uniformity I give all rates by the ton:

Articles.	McKinley rates.	Jones rates.	Percentage of decrease.
Iron ore	$0.75	$0.40	47
Pig iron	6.72	4.00	40
Round iron in coils or rods	24.64	17.92	32
Bar iron, common	17.92	13.44	25
Charcoal bars, blooms, etc	22.00	12.00	45
Structural shapes	20.16	13.44	33
Forgings of iron or steel	51.52	33.60	35
Cotton ties	25.88	Free.	100
Railway bars of iron or steel	13.44	7.84	42
Tin plates	49.28	26.88	45
Sheet iron or steel, polished, planished, or glanced	56.00	39.20	30
Steel ingots, slabs, billets, etc., valued at 1 cent per pound or less	8.96	6.72	25
Wire rods, ordinary	13.44	8.96	33
Axles	44.80	33.60	25
Cast-iron vessels, plates, etc	26.88	17.92	33
Castings of malleable iron	39.20	20.16	49
Cast hollow ware	67.30	44.80	33
Wheels for railway purposes	56.00	28.00	50
Nickel	224.00	134.40	40

It will be seen that the cuts made by the Senate bill in the metal schedule are very great. Under the proposed new rates there would, under any circumstances, be increased importations of every article mentioned in the table, while the menace of still larger importations would unquestionably keep the prices of these articles in our own country substantially where they now are, which would be unjust to both capital and labor.

ADJOURNMENT TO MONDAY.

Mr. GORMAN. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

COMPILATION OF MESSAGES, ETC.

Mr. GORMAN. I am instructed by the Committee on Printing, to whom was referred the concurrent resolution of the House of Representatives for printing copies of the compilation of all the annual, special, and veto messages, proclamations, and inaugural addresses of the Presidents of the United States from 1789 to 1894, inclusive, to report it without amendment, and I ask for its immediate consideration.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth 6,000 copies of the complete compilation of all the annual, special, and veto messages, proclamations, and inaugural addresses of the Presidents of the United States from 1789 to 1894, inclusive; 2,000 copies for the use of the Senate and 4,000 copies for the use of the House. The work shall be prepared under the direction of the Joint Committee on Printing.

MISSOURI RIVER BRIDGE NEAR SIOUX CITY, IOWA.

Mr. ALLISON. I ask unanimous consent for the immediate consideration of House bill 7734, which came from the House of Representatives yesterday, as a precisely similar bill has been agreed to by the Committee on Commerce of the Senate. It is a bridge bill, which will lead to no debate, and it is purely local in its character.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7734) to amend an act entitled "An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa," approved March 2, 1889, as amended by acts of April 30, 1890, February 7, 1893, and March 24, 1894.

Mr. WASHBURN. I desire to say that precisely the same bill has been introduced in the Senate and referred to the Committee on Commerce, and that committee has made a favorable report upon it, so that there is no reason why the bill should not be passed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT JUPITER MILITARY RESERVATION.

Mr. PASCO. I ask unanimous consent for the present consideration of the bill (S. 653) to open certain parts of the Fort Jupiter military reservation, in the State of Florida, to entry under the homestead laws. I will state that the bill has been heretofore read and partially considered.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. PASCO. This is a local bill, and there have been some differences between myself and my colleague [Mr. CALL] with reference to the shape of it. I now propose two amendments, which, if adopted, will make the bill acceptable to my colleague, and then I shall ask for its passage. I send the amendments to the desk.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The first amendment proposed by the Senator from Florida will be stated.

The SECRETARY. In section 1, line 4, after the word "patented," it is proposed to insert "or disposed of;" so as to read:

That all the lands within the Fort Jupiter military reservation, in the State of Florida, not heretofore patented or disposed of by the United States under existing laws, excepting lot 1 of section 31, in township 40 south, of range 43 east, now reserved for light-house purposes, and excepting the portions thereof reserved by an order of the President for life-saving purposes, described as lots 4 and 5 of section 5, in township 41 south, of range 43 east, etc.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment proposed by the Senator from Florida will be stated.

The SECRETARY. It is proposed to strike out all after the word "if" in section 1, line 10, down to and including the word "alleged," in line 15, as follows:

And also excepting the portions thereof which have been claimed by the State of Florida as swamp lands, but which have not been patented, provided that upon examination it shall be proved to the satisfaction of the Land Department that the same are of the character alleged.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CALL subsequently said: In reference to the bill which was taken up in my absence a few minutes ago, at the request of my colleague [Mr. PASCO] and passed, to open certain parts of the Fort Jupiter military reservation in the State of Florida to entry under the homestead laws, I desire it to appear in the RECORD that I concur with my colleague in the amendments which have been made to the bill and that they are entirely satisfactory to me.

MARYLAND AND WASHINGTON RAILWAY COMPANY.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 96) to extend the charter of the Maryland and Washington Railway Company, to report it without amendment. I ask for its present consideration. The bill is brief, and I think it will not consume any time.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. TURPIE. I object.

Mr. McMILLAN. It is simply to extend the time——

The PRESIDING OFFICER. The Senator from Indiana objects to the present consideration of the bill, and it will be placed on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6373) making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes; and the bill (H. R. 6893) to regulate water-main assessments in the District of Columbia.

The message also announced that the House had passed the bill (S. 1426) to provide a register for the steamer Goldsworthy.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print 6,000 copies of the report of the Committee on Foreign Relations numbered 227, with additional views of members of the committee and the testimony.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2669) making an appropriation and providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, Cal.;

A bill (H. R. 2795) to amend section 5 of the act approved June 18, 1878, entitled "An act to organize the Life-Saving Service;"

A bill (H. R. 4346) extending the benefits of the marine hospitals to keepers and crews of life-saving stations;

A bill (H. R. 4567) establishing a fog signal at Kewaunee, Wis.;

A bill (H. R. 5312) authorizing the construction of a light-ship with fog signal to be established to the eastward of Boston Light, Massachusetts, and for the establishment of range lights in Boston Harbor, Massachusetts;

A bill (H. R. 6038) to repeal House resolution numbered 104, first session Fifty-first Congress, granting to Secretary of War a permit to license to use a pier at mouth of Chicago River;

A bill (H. R. 6309) for the relief of the dependent relatives of the seamen of the Netherlands steamer Amsterdam who lost their lives in the effort to save the crew of the American schooner Maggie E. Wells, and also for the relief of the sole survivor of the rescuing party;

A bill (H. R. 7124) to establish a light-vessel off the South Pass of the Mississippi River, in the Gulf of Mexico, and for this purpose to discontinue the light-vessel off Trinity Shoal, in the Gulf of Mexico;

A bill (H. R. 7187) to make the city of Oakland, county of Alameda, State of California, a subport of entry;

A bill (H. R. 7668) to authorize the St. Louis, Avoyelles and Southwestern Railway Company to bridge Bayou Des Glaises and Atchafalaya River, in the State of Louisiana;

A bill (H. R. 7571) to authorize the construction of a bridge across the Osage River, in the State of Missouri;

A bill (H. R. 7572) to authorize the construction of a bridge across the Missouri River, at De Witt, Carroll County, Mo., and to establish it as a post-road; and

A bill (H. R. 7796) to enable the Secretary of the Treasury to remit or mitigate fines, penalties, and forfeitures.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 4858) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

A bill (H. R. 7097) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

DEPENDENTS OF SEAMEN OF STEAMER AMSTERDAM.

The bill (H. R. 6309) for the relief of the dependent relatives of the seamen of the Netherlands steamer Amsterdam, who lost their lives in the effort to save the crew of the American schooner Maggie E. Wells, and also for the relief of the sole survivor of the rescuing party, was read twice by its title.

Mr. FRYE. The bill which has just been laid before the Senate is the exact counterpart of a bill reported from the Committee on Foreign Relations which passed the Senate some month or two ago. I ask unanimous consent that it may be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEATS FOR FEMALE HELP.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 1841) to provide that all persons employing female help in stores, shops, offices, or manufactories shall provide seats for the same when not actively employed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRANSFER OF REPRODUCTIONS OF COLUMBUS CARAVELS.

Mr. PALMER. I ask unanimous consent for the present consideration of the bill (S. 1454) authorizing the Secretary of the Navy to transfer the reproductions of the caravels of Columbus to the Columbian Museum of Chicago.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUPPRESSION OF INDIAN HOSTILITIES IN NEVADA.

Mr. STEWART. I ask unanimous consent for the present consideration of the bill (S. 100) to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the territorial limits of the present State of Nevada.

Before the bill is read, I wish to state that a bill for this purpose passed the Senate some three or four times, but failed in the House of Representatives. The Committee on Claims of the Senate have concluded that they would not recommend the appropriation, as it could not probably be acted upon by the House at this session, but would refer the subject to the Treasury Department for further examination.

Mr. JONES of Arkansas. From what committee does the bill come?

Mr. STEWART. The bill was reported by the Committee on Claims. It is the same as a bill which has already often passed the Senate, but now we propose to refer the question to the Treasury Department for further examination.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Claims with an amendment, to strike out all after the enacting clause, and insert:

That the claims of persons whose property was taken, or who rendered services, furnished money or supplies to the volunteer forces under the command of Col. John C. Hays, coöperating with the United States Army, or serving under the command of Maj. William Ormsby during the insurrection of the Piute Indians in 1860, within the territorial limits of the present State of Nevada, and which claims have been favorably reported by the board of examiners of the State of Nevada, are hereby referred to the Treasury Department for examination, adjustment, and report. And the Secretary of the Treasury shall examine and adjust all such claims upon any of the reports, depositions, affidavits, and documentary evidence at any time presented to the State board of examiners of Nevada, together with the decisions of said board, and upon such other and additional evidence as the said Secretary shall procure, or such as may be furnished by the claimants in said cases, and he shall report the amount so found to be due to each claimant to Congress for action thereon.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed,

The title was amended so as to read: "A bill referring to the Treasury Department the claims of sundry persons for examination, adjustment, and report to Congress."

MARGARET ENGLISH.

Mr. VILAS. I ask unanimous consent for the present consideration of the bill (H. R. 1686) granting a pension to Margaret English.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Margaret English, widow of William English, alias William Quinn, late of Company A, Ninety-fifth New York Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CELESTIA P. HARTT.

Mr. HUNTON. I ask unanimous consent for the present consideration of the bill (H. R. 5351) granting a pension to Celestia P. Hartt.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Celestia P. Hartt, widow of Samuel T. Hartt, late naval constructor, a pension equal to that allowed officers in the Navy of the grade of captain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. DULL.

Mr. GIBSON. I ask unanimous consent to call up for immediate consideration the bill (S. 1535) to correct the naval history of John C. Dull.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Navy to correct the naval history of John C. Dull, a landsman in the United States ship Ætna, so as to relieve him from the charge of desertion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPHINE FOOTE FAIRFAX.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (S. 1539) granting a pension to Josephine Foote Fairfax.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Josephine Foote Fairfax, widow of the late Rear-Admiral Donald MacNeill Fairfax, of the United States Navy, a pension at the rate of $100 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN NEBRASKA.

Mr. PUGH. I ask unanimous consent that the Senate proceed to the consideration of House bill 108, in relation to the times and places for holding the Federal courts in the State of Nebraska. It is a local bill, and is short.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 108) to fix the times and places for holding the Federal courts in the State and district of Nebraska.

The bill was reported from the Committee on the Judiciary with an amendment, in section 1, line 10, before the word "Monday," to strike out "third" and insert "first;" and in the same line, before the words "in each year," to strike out "September" and insert "October;" so as to read:

At the city of Lincoln, on the third Monday in January and the first Monday in October in each year.

Mr. MANDERSON. I desire to ask the chairman of the Committee on the Judiciary whether the date proposed by the amendment is in accord with the wish of the judge of that district. I lodged with the committee a letter from the judge, but I have forgotten whether the first Monday in October is the date suggested in his letter.

Mr. PUGH. I am unable to give that information to the Senator from Nebraska. I understood that the amendment had been agreed to by the Senators from Nebraska.

Mr. MANDERSON. I have no objection to the amendment if that is the date which Judge Dundy prefers.

Mr. ALLEN. It is my recollection that it is the date which Judge Dundy wishes to have fixed. I was informed that this date was satisfactory both to my colleague in the Senate and my colleague in the other House, Mr. BRYAN.

Mr. MANDERSON. The date is satisfactory to me. All I desire to know is whether it is the date suggested by the judge of that district, Judge Dundy.

Mr. ALLEN. I think it is the date suggested by Judge Dundy.

Mr. MANDERSON. Then I have no possible objection to the amendment.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The question is on agreeing to the amendment of the Committee on the Judiciary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN FRIEDLIN.

Mr. MANDERSON. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 471) to relieve John Friedlin from the charge of desertion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment in line 8, after the word "volunteers," to insert:

And insert thereon "absent without leave from August 6, 1862, to the end of his term of service."

So as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove from the rolls and records in the office of the Adjutant-General of the United States Army the charge of desertion now standing on said rolls and records against John Friedlin, late a member of Company F, First Regiment New Jersey Cavalry Volunteers, and insert thereon "absent without leave from August 6, 1862, to the end of his term of service," and that he be granted an honorable discharge.

The amendment was agreed to.

Mr. MANDERSON. In line 5 I move to strike out the words, "Adjutant-General of the United States Army," and insert "Secretary of War."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON HISLOP.

Mr. TURPIE. I ask unanimous consent for the present consideration of the bill (H. R. 5020) granting a pension to Washington Hislop.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Washington Hislop, late of the Marengo Light Guards, Indiana Legion, at a rate proportionate to the degree of disability from such gunshot wound of the forehead as may be shown to the satisfaction of the Secretary of the Interior to have been incurred in an engagement with the enemy during the Morgan rain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 2669) making an appropriation and providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, Cal.;

A bill (H. R. 2795) to amend section 5 of the act approved June 18, 1878, entitled, "An act to organize the Life Saving Service;"

A bill (H. R. 4346) extending the benefits of the marine hospitals to the keepers and crews of life-saving stations;

A bill (H. R. 4567) establishing a fog signal at Kewaunee, Wis.;

A bill (H. R. 5312) authorizing the construction of a light-ship with fog signal to be established to the eastward of Boston Light, Mass., and for the establishment of range lights in Boston Harbor, Mass.;

A bill (H. R. 6038) to repeal House resolution No. 104, first session Fifty-first Congress, granting to Secretary of War a permit to license to use a pier at mouth of Chicago River;

A bill (H. R. 7124) to establish a light vessel off the South Pass of the Mississippi River in the Gulf of Mexico, and for this purpose to discontinue the light vessel off Trinity Shoal, in the Gulf of Mexico;

A bill (H. R. 7187) to make the city of Oakland, county of Alameda, State of California, a subport of entry;

A bill (H. R. 7668) to authorize the St. Louis, Avoyelles and Southwestern Railroad Company to bridge Bayou Des Glaices and Atchafalaya River, in the State of Louisiana;

A bill (H. R. 7571) to authorize the construction of a bridge across the Osage River, in the State of Missouri;

A bill (H. R. 7572) to authorize the construction of a bridge across the Missouri River at DeWitt, Carroll County, Mo., and to establish it as a post road; and

A bill (H. R. 7796) to enable the Secretary of the Treasury to remit or mitigate fines, penalties, and forfeitures.

Mr. GORMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 47 minutes p. m.) the Senate adjourned until Monday, July 30, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 27, 1894.*

The House met at 12 o'clock m., and was called to order by the Speaker. Prayer by the Rev. W. E. PARSON, D. D.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill (H. R. 7097) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes; when the Speaker signed the same.

INDIAN APPROPRIATION BILL.

The SPEAKER laid before the House a letter from the Secretary of the Treasury relative to the Indian appropriation bill, and submitting an amendment to section 2 of said bill; which was ordered to be printed and referred to the Committee on Indian Affairs.

SENATE BILLS REFERRED.

The SPEAKER laid before the House the following Senate bills, which were severally read a first and second time, ordered to be printed, and referred to the committees named below:

A bill (S. 1191) making an appropriation for the completion of the light-house at Cape Arago, in the State of Oregon—to the Committee on Appropriations.

A bill (S. 1833) granting a pension to Hannah Howard—to the Committee on Invalid Pensions.

A bill (S. 1656) granting an increase of pension to Mary A. L. Eastman—to the Committee on Invalid Pensions.

WALTER S. M'LEOD.

Mr. HALL of Minnesota. Mr. Speaker, I ask unanimous con-

sent for the present consideration of the bill (H. R. 6384) for the relief of Walter S. McLeod.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of a bill which the Clerk will report, after which the Chair will ask if there be objection to its consideration.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to adjust and audit the account of Walter S. McLeod, late farmer and special disbursing agent of the Medawakanton band of Sioux in Minnesota, and remove the suspensions in his account, by the Second Comptroller of the Treasury, on account of expenditures made by him in the sum of $1,556.66, disbursed subsequent to June 30, 1887, when the money appropriated by act of Congress May 15, 1886, was no longer legally disbursable.

The Committee on Claims recommended the following amendments:

(1) In line 9 strike out the word "in" and insert in place thereof the words "not to exceed."

(2) At the end of line 13 add the following proviso, viz:

Provided, That if it shall appear to the satisfaction of the Secretary of the Interior that the money was expended in purchasing goods for the said Indians and that they received the benefits thereof.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. SAYERS. Mr. Speaker, let us have an explanation of this bill.

Mr. HALL of Minnesota. I ask for the reading of the report.

The SPEAKER. Without objection the report will be read.

The report (by Mr. KIEFER) was read, as follows:

The Committee on Claims, to which was referred the bill (H. R. 6384) entitled "A bill for the relief of Walter S. McLeod," having duly considered the same, report back said bill to the House with the following amendments, to-wit:

(1) In line 9 strike out the word "in" and insert in place thereof the words "not to exceed."

(2) At the end of line 13 add the following proviso, viz:

Provided, That if it shall appear to the satisfaction of the Secretary of the Interior that the money was expended in purchasing goods for the said Indians and that they received the benefits thereof.

And that as thus amended your committee recommend that the bill do pass.

The claimant, Walter S. McLeod, was a farmer and disbursing agent for the Medewakanton Sioux of Minnesota, from November 20, 1886, to October 31, 1887, and as such disbursed a large amount of money in the purchase of lands, goods, etc., for said Indians.

A portion thereof, viz, $1,556.66 was by him so disbursed after June 30, 1887, the expiration of the fiscal year, in the purchase of lumber, etc., contracted for after that date. These purchases were made under the direction of the Acting Secretary of the Interior.

It was at that time evidently understood by both the Secretary and claimant that the appropriations for that purpose belonged to the class of "permanent or indefinite appropriations," by section 3690 of the Revised Statutes, exempted from those appropriations the unexpended balances of which were carried to the surplus fund at the close of the fiscal year.

Upon the final auditing of McLeod's account, however, the Second Comptroller of the Treasury held that the appropriation came under the class of "annual" appropriations, and the unexpended balance thereof must be carried to the surplus fund, and could not be used in the purchase of goods, etc., for said Indians after the end of the fiscal year June 30, 1887. He therefore disallowed that portion of claimant's account.

Inasmuch as McLeod actually expended this fund for the benefit of the Indians, and under the direction of the Secretary of the Interior in good faith, and the Government has had the benefit of the expenditure, your committee sees no good reason why the amount should not be allowed in the settlement of his accounts, and no reason whatever why he or his bondsmen (McLeod being dead) should be compelled to refund said amount.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota.

Mr. KILGORE. Mr. Speaker, before unanimous consent is given, I would like to hear the report, or I would like to know if the Department of the Interior, or the Department which would have jurisdiction of the matter, has recommended the passage of this bill?

Mr. HALL of Minnesota. I have in my hand a letter from the Secretary of the Treasury with reference to the bill.

Mr. KILGORE. You know we fell into a great cavity the other day about a bill, without having sufficient information on it.

Mr. HALL of Minnesota. I have no disposition to put the gentleman in a cavity.

Mr. KILGORE. It was simply a mistake.

Mr. HALL of Minnesota. I will ask for the reading of the letter of the Secretary of the Treasury.

Mr. KILGORE. Does he recommend the passage of this bill?

Mr. HALL of Minnesota. The Department recommends and approves it.

Mr. COOMBS. Is there any disbursement required under this bill?

Mr. HALL of Minnesota. No.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HALL of Minnesota, a motion to reconsider the vote by which the bill was passed was laid on the table.

OLIVER O'BRIEN.

Mr. COGSWELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 650) to remove charge of desertion standing against Oliver O'Brien.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy of the United States be, and he is hereby, directed to so amend the record of Oliver O'Brien as to remove the charge of desertion.

Mr. TALBERT of South Carolina. I would like to know if this bill has been considered favorably at the Friday night sessions?

Mr. COGSWELL. It has, and was passed by the Committee of the Whole.

The SPEAKER. The Chair is informed that it has been favorably considered by the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. COGSWELL. There is an amendment which was recommended by the Committee of the Whole.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. COGSWELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

ALFRED M. BURNHAM.

Mr. EVERETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5990) for the relief of Alfred M. Burnham, of Lynn, Mass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Alfred M. Burnham, of Lynn, Mass., formerly a private in Company B, Seventh Massachusetts Regiment, and in Twenty-fifth Unattached Infantry, the sum of $300, that sum being the commutation money paid by said Burnham under the draft act while suffering from injuries incurred since his first enlistment and before the recovery which enabled him to enlist again on the 9th of December, 1864.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. LOUD. I would like to hear the report read, Mr. Speaker.

The SPEAKER. Without objection, the report will be read.

The report (by Mr. STONE of Kentucky) was read as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 5990) for the relief of Alfred M. Burnham, submit the following report:

It appears from the certificate of the adjutant-general of Massachusetts that said Alfred M. Burnham was mustered into the service of the United States on the 1st day of July, 1862, for six months, and mustered out on the 31st of December, 1862, by reason of the expiration of his service; from affidavits that he was injured by jumping from a train in motion in February or March, 1863; from the records of the War Department that he was drafted for three years, May 13, 1864; from affidavits, that he filed affidavits and claimed exemption, but that this was refused without examination of his person or of his affidavits, and that, being unable to serve then, he was obliged to pay the commutation fee of $300.

Your committee, in view of the foregoing statement of facts, recommend the passage of the bill.

Mr. EVERETT. Mr. Speaker, I will say in addition to that——

Mr. SAYERS. I will have to object to the consideration of that bill.

The SPEAKER. Objection is made.

LEGAL REPRESENTATIVES OF JAMES C. BOOTH.

Mr. BAKER of New Hampshire. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 3512) for the relief of the legal representatives of James C. Booth.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to the legal representatives of James C. Booth, deceased, late melter and refiner of the Mint of the United States at Philadelphia, out of any money in the Treasury not otherwise appropriated, the sum of $1,841.87, in full for the cost value of 1,980.12 ounces of silver bullion, of standard fineness, deposited by him with the Superintendent of the Mint at Philadelphia to make good a deficiency of that amount of bullion in the accounts of the Mint for the fiscal year 1885, the same being the number of ounces of standard silver bullion contained in three bars missing from said Mint, supposed to have been stolen while in the charge of the melter and refiner, but for which safe storage could not be provided for want of vault capacity in the Mint.

The SPEAKER. Is there objection to the request.

Mr. SAYERS. I trust the gentleman will cause to be read the communication from the Treasury Department.

Mr. BAKER of New Hampshire. Mr. Speaker, I send to the desk to have read, at the request of the chairman of the Committee on Appropriations, a recent report from the Treasury Department in regard to the matter. I also hold in my hand a letter written in 1886, and addressed to the gentleman from Illinois

[Mr. SPRINGER], who was at that time chairman of the Committee on Claims.

The SPEAKER. Without objection the communication will be read.

The Clerk read as follows:

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, D. C., June 26, 1894.

SIR: Acknowledging your reference of House bill No. 3512, with the report of the Committee on Claims, and asking to be advised as to facts shown by the records of this Department, and as to whether the passage of the bill is recommended, I have to respectfully reply as follows:

That the claim of Dr. J. C. Booth, melter and refiner of the United States Mint at Philadelphia, for $1,841.87 is based upon the payment by him of that sum, the same being the cost value of 1,980.12 standard ounces of silver stolen in the winter of 1884-1885, while technically in his custody, from the fact of his having receipted for the same; his responsibility, however, was only technical for the reason that no provision had been made by the Government for the safe custody of the silver bullion delivered to the melter and refiner, by providing necessary vault room.

It was, therefore, stored in the courtyard of the mint and thus exposed to depredation, a circumstance over which the melter and refiner had no control. When called upon, however, to make good the deficiency charged to him, it was done without any demur whatever, and the account closed on the books of the mint.

All the circumstances of the case, with the full technical bearing, were related by the Director of the Mint in the fiscal report for 1885, pages 14 and 20, and again in a detailed statement which was submitted under date of April 27, 1886, to the chairman of the Committee on Claims of the House of Representatives.

The Director of the Mint, Dr. J. P. Kimball, in his report for the fiscal years 1885 and 1886, as well as in the statement furnished the Committee on Claims, urged the favorable consideration of Dr. Booth's claim for reimbursement as an act of simple justice to an efficient and venerable officer, as he had held his position for nearly forty years.

During the fiscal year of 1885, that in which this bullion was stolen, the melter and refiner, Dr. Booth, operated upon 28,936,069.91 standard ounces of silver bullion, with an apparent wastage of 3,541.93 ounces, including the stolen bars above named, while the amount allowed him for actual wastage was only 1,561.81 ounces.

In conclusion I would add, that the passage of the bill for the relief of Dr. Booth's heirs would be simply a matter of justice.

I inclose herewith, for the information of the committee, a copy of the report made to the chairman of the Committee on Claims of the House of Representatives, under date of April 17, 1886, by Dr. J. P. Kimball, as Director of the Mint, on this claim.

Respectfully, yours,

[Signed.] R. E. PRESTON,
Director of the Mint.

Hon. J. D. SAYERS,
Chairman Committee on Appropriations, House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire. [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BAKER of New Hampshire, a motion to reconsider the vote by which the bill was passed was laid on the table.

MINERAL LANDS.

Mr. CAMINETTI. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4204) to amend section 2335 of the Revised Statutes.

The bill was read, as follows:

Be it enacted, etc., That section 2335 of the Revised Statutes be amended to read as follows:

"SEC. 2335. All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths in any State or Territory of the United States or in the District of Columbia having an official seal, and all testimony and proofs may be taken before any such officer, and when duly certified by the officer taking the same, attested by his seal of office, shall have the same force and effect as if taken before the register and receiver of the land office. In cases of contest as to the mineral or agricultural character of land the testimony and proofs may be taken under such regulations and notice as the Commissioner of the General Land Office may prescribe: *Provided*, That the presence of rock in place bearing gold, silver, cinnabar, petroleum, or other valuable mineral shall be regarded as presumptive evidence that the land containing the same is and always has been mineral in character: *Provided further*, That in investigating the character of land, with a view to ascertaining whether it is more valuable for mineral than agricultural purposes, evidence may be taken of the mineral discovered or developed adjacent to such land, proof of which shall be presumptive evidence that the land in question is mineral in character: *And provided further*, That wherever land is proven to be within a well-defined mineral belt, such land shall be deemed, presumed, and taken to be and to have been mineral land, unless the contrary is proven: *And provided further*, That the officers of the Land Department of the Government, in construing the provisions of the law relative to the acquisition of the title of the Government to its mineral lands by citizens, shall construe and apply the same with great liberality, with a view to aid the applicant in procuring said title, and that the rules and regulations prescribed by said department for its government and that of its officers in disposing of said lands shall be so formulated and administered as to assist the Government in disposing of said lands to bona fide applicants, and not so as to impede said sale or impose onerous burdens on applicants."

The amendments recommended by the Committee on Mines and Mining were read, as follows:

In line 17, after the word "place," insert "or of deposits."
In the same line strike out the word "petroleum."
In line 18, strike out the word "presumptive" and insert the words "prima facie."
In line 19, strike out the words "and always has been."
In line 25, strike out "presumptive" and insert "corroborative."
In line 26, after the word "that," insert "except in Utah."
In line 27, strike out "such land" and insert "it."
In line 28, strike out the words "presumed and taken to be, and to have been," and insert the words "prima facie evidence of the," and after the word "mineral" insert the words "character of said," and strike out all after the word "land" in line 29.

Mr. PICKLER. I would like to hear the report.

Mr. LOUD. Mr. Speaker, I think that is a question of too great importance to be passed by unanimous consent. It is a radical change in the law, and I do not think it should be passed unless we can have an hour or so for debate. I do not know how it changes the law, but we ought to have some information on the subject.

The SPEAKER. Does the Chair understand the gentleman to object?

Mr. LOUD. I do not like to object, but I would like to call the attention of the House to the importance of the bill.

Mr. SMITH of Arizona. I would like to have the report read.

Mr. CAMINETTI. Let the report be read.

Mr. SNODGRASS. Mr. Speaker, this is a very important bill, revising the entire business with reference to mineral lands, and I object to its consideration.

The SPEAKER. Objection is made.

POTOMAC STEAMBOAT COMPANY.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 425) for the relief of the Potomac Steamboat Company.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to the Potomac Steamboat Company the sum of $5,000, that being the amount paid by the said Potomac Steamboat Company under a decree of the circuit court of the United States for the eastern district of Virginia, affirmed by the Supreme Court of the United States, to the Baker Salvage Company, for services rendered to the steamer Excelsior, belonging to the said Potomac Steamboat Company, when she was sunk by the United States steam tug Fortune in Hampton Roads, Va., on the 4th day of December, 1882, said amount to be received by the said Potomac Steamboat Company in full satisfaction of all claims and demands against the United States in consequence of the said collision.

Mr. BINGHAM. Mr. Speaker, if anyone desires an explanation, I can make a statement much more brief than the report, and I will assure gentlemen that I will cover all the points.

Mr. SAYERS. Let us have the report.

The SPEAKER. The House will be in order, and the gentleman from Pennsylvania will make an explanation of the bill.

Mr. BINGHAM. In December, 1882, the United States naval tug Fortune ran into the Potomac steamer Excelsior in Hampton Roads, and as a result of the collision, serious injury was inflicted upon the Excelsior and she was sunk. A naval board of inquiry was instituted under direction of the admiral commanding the North Atlantic Squadron, a conclusion rendered, and a report made by the naval board to the effect that the said collision was occasioned by the neglect of the officers in command of the United States naval tug Fortune. Congress acted upon the report submitted——

Mr. McMILLIN. Who was the officer and what became of him?

Mr. BINGHAM. That is a matter wholly in the control of the naval administration. I do not know. I am simply giving the House the conclusion of the naval board organized to examine into the subject.

Mr. McMILLIN. The question of how the officer was dealt with by the Department might throw light on the question of his negligence.

Mr. BINGHAM. I would state to the gentleman that the examination was made under the direction of the admiral commanding the North Atlantic Squadron; all the parties interested were called before the naval board, and, as a result of that examination, the board made a report, and I am simply giving the judgment and conclusions of the board.

Mr. SNODGRASS. Did the owners of the vessel that was injured have her insured?

Mr. BINGHAM. That I can not answer. Congress acted upon the report of the naval board, but there was one item not included in the action of Congress, being a point in litigation under admiralty proceedings in the district court of Eastern Virginia and afterwards carried to the Supreme Court of the United States.

Mr. LOUD. Vessels are not insured against injury in bays and harbors.

Mr. BINGHAM. The gentleman from California, who is familiar with the question, states vessels are not insured against injuries in harbors. Under the estimates of the damage done to the vessel, Congress appropriated nineteen thousand and some odd dollars; but one item was held in reserve, being an item in contest between the Potomac Steamship Company and the Baker Salvage Company, which raised the vessel and brought her into port.

Proceedings were had in the United States circuit court for

the eastern district of Virginia, and judgment was rendered for five thousand and some hundred dollars. That judgment, in 1887, was affirmed by the Supreme Court of the United States. A bill similar to this was introduced in Congress, but, as I am informed, has received no consideration by either House of Congress. Large interests in my own city, which I represent, are identified with this Potomac Steamboat Company, and therefore I am specially desirous for Congressional action.

The report shows every question in dispute has been settled save the one as to salvage, which was reserved, and as the judgment of the Supreme Court has affirmed the judgment of the lower court, these parties now come to Congress and ask it to give them the salvage so awarded.

Mr. McMILLIN. What court rendered the judgment? Was the judgment against the United States?

Mr. BINGHAM. The judgment could not be against the United States. It was against the Potomac Steamship Company; that company having its relief in the action of Congress under the decision rendered.

Mr. McMILLIN. And the Government has already paid the claim that was presented?

Mr. BINGHAM. Yes, with the reservation of the claim for salvage. It was not until 1887 that that question was determined by the Supreme Court, and Congress made an appropriation for the damages to the vessel in 1883.

Mr. SAYERS. In the appropriation of $19,000 for the payment of the damages which this vessel sustained was there a special reservation of this other item?

Mr. BINGHAM. At the time the damages were ascertained and reported by the board this item was not considered. It was a claim of the Baker Salvage Company for raising and floating the steamer and towing her to Norfolk. The committee ascertained from the record and from consultation with Mr. CHANDLER, who was then Secretary of the Navy, that this item was suspended and not acted upon.

Mr. McMILLIN. Has the gentleman a copy of the receipt that was given by the steamboat company for the $19,000 paid by the Government?

Mr. BINGHAM. I will allow the gentleman from California [Mr. LOUD], who has examined the case, to answer that question.

Mr. LOUD. Mr. Speaker, all of this evidence was before the committee, and it showed that the money that was appropriated was for the repair of the vessel. At that time the question of salvage was in dispute. There was a question as to whether the courts would allow the salvage or not, and the money that was appropriated was merely for the repairs. The Government repaired the vessel, and the cost of doing it was about $19,000. The question of salvage was left for subsequent consideration, and was, of course, as legitimate a claim as the claim for damages.

Mr. McMILLIN. Do I understand the gentleman that the sum of $19,000 was necessary to repair this vessel and put her in good shape again?

Mr. LOUD. That was the amount that was required and the amount that was paid by the Government. Even the items were before the Committee on Claims.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. BINGHAM]?

Mr. McMILLIN. I would like to hold back action on this matter until to-morrow, so that I may read the report. There seem to be some questions requiring investigation.

Mr. BINGHAM. Does the gentleman desire the reading of the report with reference to the payment of this salvage?

Mr. McMILLIN. I want to see the nature of the receipt given when this money was paid by the Government.

Mr. LOUD. In the last Congress, I brought up this bill, and the gentleman from Tennessee [Mr. McMILLIN] made at that time the same request he makes now—that he have an opportunity to examine the report. He has had two years in which to do so——

Mr. McMILLIN. Very well; I will take one day longer, making two years and one day.

Mr. BINGHAM. If the gentleman will allow a statement, I will say it appears unqualifiedly in the report that the Potomac Steamboat Company had paid the Baker Salvage Company $5,390, the amount carried by the House bill. The Senate bill carries $5,090; and we are asking simply for the passage of the Senate bill.

The SPEAKER. Is there objection to the request for unanimous consent?

Mr. McMILLIN. I wish to read the report. Let the bill go over, and I will examine it.

Mr. BINGHAM. Then I have the privilege of submitting to the gentleman the report, so that after he has examined it the bill may be called up again.

REIMBURSEMENT TO STATE OF NEBRASKA.

Mr. BRYAN. I ask unanimous consent for the present consideration of the bill (S. 463) to reimburse the State of Nebraska the expenses incurred by that State in repelling a threatened invasion and raid by the Sioux in 1890 and 1891.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed, through the proper accounting officers of the Treasury, to audit and pay the actual and necessary expenses incurred by and for the National Guard of the State of Nebraska, called into the service of that State by Governor Thayer in the year 1890 and 1891, to repel a threatened invasion and raid, then imminent, by the Sioux, on presentation by the governor or other proper authorities of said State, of statements of the actual and necessary expenses incurred by said State for said purpose, accompanied, so far as possible, with the proper vouchers and satisfactory proof of the correctness thereof; and that the sum of $12,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to carry out the provisions of this act: *Provided*, That the pay and allowances to the officers and enlisted men of said National Guard shall not exceed the pay and allowances of the Army of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska that this bill be considered now?

Mr. SAYERS. I wish to state that if the House should grant unanimous consent for the consideration of the bill, I propose to offer an amendment striking out the word "pay," in line 5, page 1, and inserting in lieu thereof the words "report to Congress;" also striking out all after the word "thereof," in line 14, second page, down to and including the word "act," in line 18. If so amended, the bill will put the State of Nebraska upon the same footing with other States that have been remunerated for expenses necessarily incurred through threatened invasion by the Indians.

Mr. DOCKERY. Does the gentleman propose that those words be inserted before the House grants consent to consider the bill?

Mr. SAYERS. The gentleman from Nebraska [Mr. BRYAN] and I have an understanding as to the amendments.

Mr. BRYAN. I consent to the amendments which the gentleman proposes.

There being no objection, the House proceeded to the consideration of the bill.

Mr. SAYERS. I move to amend by striking out in line 5, page 1, the word "pay," and inserting "report to Congress;" and by striking out on page 2, all after the word "thereof" in line 14, down to and including the word "act" in line 18.

Mr. McMILLIN. I will ask the gentleman from Texas [Mr. SAYERS] to explain the effect of his amendment.

Mr. SAYERS. The effect of the amendment will be that the Secretary of the Treasury, through the proper accounting officers of that Department, will be directed to audit and report to Congress the amount of expenditures incurred by the State of Nebraska in repelling the threatened Indian invasion in 1890 and 1891. Money was actually paid by the State of Nebraska for this purpose; and the bill with the proposed amendments will put this State upon the same footing with other States whose expenses incurred in the same manner have been reimbursed.

Mr. BRYAN. In this form the bill does not provide absolutely for payment, but simply sends the matter to the Department for audit and report.

Mr. DOCKERY. Will the report show the character of the expenditures?

Mr. BRYAN. Yes, sir.

Mr. SAYERS. It will show everything connected with the matter.

The amendment was agreed to.

Mr. PICKLER. I desire to offer an amendment to insert at the appropriate place the words, "and also audit and report as to like expenditures for the same time incurred by the State of South Dakota."

Mr. SAYERS. I raise the point of order upon that amendment that it is not germane to this bill.

Mr. PICKLER. I do not know why it is not.

The SPEAKER. This bill is in the nature of a private bill to pay a single State——

Mr. PICKLER. But it arises out of the Sioux invasion, which did not affect Nebraska alone.

The SPEAKER. Under the rules it is not in order to amend a private bill by adding another private claim.

Mr. PICKLER. This is certainly not a private bill.

Mr. SAYERS. If the gentleman's amendment be permitted, the bill will carry two claims for two different parties.

Mr. PICKLER. It is a direction to investigate and make a report upon the matter, and I can not see why it is not in order to include another investigation into the same state of facts exactly.

Mr. SAYERS. Let that be done by a separate bill hereafter.

Mr. BRYAN. We may as well combine all of the private bills on the Calendar in one as to undertake to combine these bills.

Mr. PICKLER. On, no; it is a very different case. The same examination could be made as to South Dakota that is required by this bill in reference to Nebraska.

Mr. BRYAN. If the gentleman is interested in the payment of his claim he should bring in a separate bill to provide that the same action be taken with South Dakota.

The SPEAKER. The Digest states, in connection with the point of order raised by the gentleman from Texas:

It is also out of order to ingraft upon a bill for the relief of one individual a provision for the relief of another.

Mr. PICKLER. But this is for the relief of one Commonwealth.

The SPEAKER. The Chair understands that—a State.

Mr. PICKLER. Yes; and to obtain the same information. I simply ask to have the same examination applied to another State that this bill proposes in reference to Nebraska.

The SPEAKER. But would not the principle of this decision, that the Chair has just referred to, cover that:

It is out of order to ingraft upon a bill for the relief of one individual—

Or you may say State—

a provision for the relief of another.

Mr. PICKLER. It does not seem to me that this can be construed as a private bill. It is a public matter.

The SPEAKER. It is true that usually bills for the relief of States have been regarded as public, but the same principle, the Chair thinks, would apply. The reason, the Chair supposes, is that the amendment could not have the same committee consideration that it would have if reported from the committee, and probably that is one of the reasons that the rule was drawn in that way. The Chair is inclined to think that this is not in order.

Mr. PICKLER. I hope the gentleman from Texas will withdraw the objection and let the examination be made in this case also.

Mr. SAYERS. I can not.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, and being read the third time was passed.

Mr. SAYERS. I move to amend the title of the bill by striking out the word "reimburse," in the title and insert in place of that word the words "audit for."

The amendment to the title was agreed to.

On motion of Mr. BRYAN, a motion to reconsider the last votes was laid on the table.

ADDITIONAL CLERKS, COMMITTEE ON ENROLLED BILLS.

Mr. PEARSON. Mr. Speaker, I desire to ask unanimous consent to consider the resolution I send to the desk.

The Clerk read as follows:

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint, for the remainder of this session, two additional assistant clerks for the Committee on Enrolled Bills, said clerks to be paid by the Clerk of the House of Representatives, out of the contingent fund of the House, such compensation per diem as may be fixed by the Committee on Accounts of the House.

There being no objection, the resolution was considered and agreed to.

On motion of Mr. PEARSON, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence, on account of sickness, was granted to Mr. WILLIAMS of Mississippi.

WATER MAIN ASSESSMENTS, DISTRICT OF COLUMBIA.

Mr. HEARD. Mr. Speaker, I submit a conference report.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the House bill, No. 6893, to regulate water main assessments in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to said bill and agree to the same with the following amendments: In line 12, after the word "made," insert the words "and the installments paid as they become due and payable, and the taxpayer is not in default or in arrears in any manner;" and add at the end of the bill the following words: "Nor for relieving any taxpayer who is in arrears for water main assessments."

JOHN T. HEARD,
JAMES D. RICHARDSON,
A. C. HARMER,
Managers on the part of the House.
REDFIELD PROCTOR,
CHAS. J. FAULKNER,
JOHN MARTIN,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The House passed the bill (H. R. 6893) to regulate water main assessments in the District of Columbia, providing that assessments for water mains should be at the rate of $1.25 per linear foot against lots or land abutting upon the streets, etc., in which the main was laid.

The bill provided that in all cases pending where assessments have been made, and where there has not been paid a sum equal to $1.25 per linear foot then only so much shall be collected as will make the whole sum paid equal to $1.25 per linear foot.

The latter provision the Senate struck out of the bill by an amendment. The House disagreed to the amendment. The conferees recommend that the Senate recede from its amendment and agree to same with an amendment, the effect of which is to provide that where assessments have been made, and where there has not been paid a sum equal to $1.25 per linear foot, then only so much shall be collected as will make the whole sum paid equal to $1.25 per linear foot, only in cases where the assessments have been made and the installments paid as they became due and payable, and the taxpayer is not in default or in arrears in any manner for water-main assessments.

Mr. HEARD. I ask a vote upon the adoption of the report.

The conference report was agreed to.

On motion of Mr. HEARD, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

A bill (H. R. 6171) to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company; and

A bill (H. R. 6373) making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 7335) to grant to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1209) to regulate enlistments in the Army of the United States.

PRINTING OF A REPORT.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I submit a privileged report from the Committee on Printing.

The SPEAKER. The gentleman from Tennessee submits a privileged report from the Committee on Printing, which will be read by the Clerk.

The Clerk read as follows:

Resolved, etc., That there be printed 6,000 copies of the report of the Committee on Foreign Relations numbered 227, with the additional views of members of the committee and the testimony; 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The committee have considered House concurrent resolution to print 6,000 extra copies of Senate Report on Foreign Relations, No. 227, with additional views of members, etc., and direct me to report same with recommendation that it do pass.

The estimated cost of same is $4,495.

The resolution was agreed to.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the last vote was laid on the table.

The corresponding House resolution on the same subject was ordered to lie on the table.

COMMITTEE REPORTS.

The SPEAKER. The Clerk will call the committees for reports.

The committees were called for reports.

PUBLIC BUILDING, GRAND HAVEN, MICH.

Mr. BRETZ, from the Committee on Public Buildings and Grounds, reported a bill (H. R. 3608) to provide for the purchase of a site and the erection of a public building thereon at Grand Haven, in the State of Michigan; which was read a first and second time, and, with the accompanying report, ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

MINNESOTA RIVER AND THE RED RIVER OF THE NORTH.

Mr. McCLEARY of Minnesota, from the Committee on Railways and Canals, reported back favorably the bill (H. R. 7591) making appropriation for survey of the Minnesota River and the Red River of the North and tributaries above Fergus Falls and Crookston, Minn., and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SUPPRESSION OF LOTTERY TRAFFIC.

Mr. BRODERICK, from the Committee on the Judiciary, reported back favorably the bill (S. 1620) for the suppression of lottery traffic through national and interstate commerce and the postal service subject to the jurisdiction and laws of the

United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

COURT OF PRIVATE LAND CLAIMS.

Mr. WOLVERTON, from the Committee on the Judiciary, reported a bill (H. R. 3648) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891; which was read a first and second time, and, with the accompanying report, ordered to be printed.

The SPEAKER. This bill will be referred to the Union Calendar.

Mr. SMITH of Arizona. Mr. Speaker, I think that bill should go to the House Calendar. It involves no appropriation at all.

The SPEAKER. It establishes a court.

Mr. SMITH of Arizona. It is simply an amendment to the bill establishing the court. There is no expense at all connected with it.

The SPEAKER. Does it not provide for the awarding of property?

Mr. SMITH of Arizona. It provides for awards in cases of settlement, but the parties who settle will have to pay just as they do under existing law.

The SPEAKER. This does not disclose on its face how it changes existing law.

Mr. SMITH of Arizona. The existing law is that persons having patents on what are known as Mexican land-grant claims, on surveyed lands, can obtain title, and when the confirmation is made, if it is made under the Mexican land grant, that the confirmation is for so much land as the title shall be found to cover, excepting any part of such land as shall have been disposed of by the United States, and not to affect any conflicting private interests. The effect of the confirmation is to release all claim of title by the United States.

The existing law applies to surveyed lands. This bill provides that the same rule shall apply on unsurveyed lands, and the effect of it is that settlers on unsurveyed lands are placed in exactly the same attitude as settlers on surveyed lands under the existing law.

The SPEAKER. The bill will go to the House Calendar, subject to review later.

Mr. SMITH of Arizona. Subject to change of course, if it is found necessary under the rule.

WRITS OF HABEAS CORPUS, UNITED STATES COURTS.

Mr. TERRY, from the Committee on the Judiciary, reported a bill (H. R. 6411) in relation to the issuance of writs of habeas corpus by Federal courts or judges thereof; which was read a first and second time, and, with the accompanying report, ordered to be printed, and referred to the House Calendar.

BRIDGE ACROSS PERDIDO RIVER.

Mr. MALLORY, from the Committee on Interstate and Foreign Commerce, reported a bill (H. R. 7827) to authorize a bridge across the Perdido River between the States of Florida and Alabama; which was read a first and second time, and, with the accompanying report, ordered to be printed, and referred to the House Calendar.

NAVAL MILITIA.

Mr. TYLER, from the Committee on Naval Affairs, reported a bill (S. 1399) to promote the efficiency of the naval militia; which was read a first and second time, and, with the accompanying report, ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. TYLER. The committee reports this bill with the recommendation that it be substituted for the House bill of the same character.

The SPEAKER. That is in effect simply a favorable report on the bill.

ORDER OF BUSINESS.

Mr. BUNN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole for the purpose of considering bills on the Private Calendar, and pending that motion I ask unanimous consent that two hours of the time be given to the Committee on Claims, in which they may call up bills in the order designated by them. I hope the House will indulge me simply to say that having been in session nearly eleven months now, and having had several private bill days, the Committee on Claims have not consumed two hours of the time since the organization of this House. I hope, therefore, that the request which I make will be granted.

Mr. FITHIAN. Does this dispense with the second morning hour?

The SPEAKER. Under the rules the gentleman can move to go into Committee of the Whole on the Private Calendar after the first morning hour. The Chair will state the question. The gentleman from North Carolina moves that the House resolve itself into Committee of the Whole on the Private Calendar; and, pending that, asks unanimous consent that when the House goes into Committee of the Whole for that purpose that two hours of the time to-day be devoted to the consideration of bills reported from the Committee on Claims, in the order indicated by the committee.

Mr. ENLOE. Mr. Speaker, I hope the gentleman will confine himself to the motion to go into Committee of the Whole, and after we go into Committee of the Whole this question as to the disposition of the time can be agreed on by unanimous consent. I have a bill that was taken up and debated almost an entire day when we had private bill day, and I want to dispose of that. After that is disposed of, I think we can make an arrangement as to the time that will suit the gentleman.

Mr. BUNN. Mr. Speaker, I hope the gentleman from Tennessee will not confine us to that basis. He will himself bear testimony that his committee has had eight-tenths of the time.

Mr. LOUD. Nine-tenths.

Mr. BUNN. I only ask for this, sir, at the suggestion of the friends of the bill he suggested; and I want to say to him, that I hope he will not, and I request he will not, make the point against us. We have yielded to him time and again.

Mr. ENLOE. I will state to the gentleman from North Carolina that we can take up this bill in the committee and dispose of it and then go to the consideration of bills from his committee.

Mr. BUNN. But the gentleman knows in Committee of the Whole we can not make any such arrangement.

Mr. ENLOE. You can, by unanimous consent, take up any bill on the Calendar.

Mr. BUNN. No, sir.

Mr. RITCHIE. Mr. Speaker, I desire to know, if that motion prevails, whether or not, after the expiration of two hours, bills will be called in their regular order on the Calendar?

The SPEAKER. They will be called in their regular order for consideration.

Mr. McCREARY of Kentucky. I did not understand the statement of the gentleman from North Carolina.

Mr. ENLOE. Mr. Speaker, I shall object.

Mr. BUNN. Then I withdraw the motion to go into Committee of the Whole.

Mr. ENLOE. I renew it.

The SPEAKER. The gentleman from Tennessee moves that the House resolve itself into Committee of the Whole to consider business on the Private Calendar.

The question was taken, and the motion was rejected.

The SPEAKER. The second morning hour begins at five minutes past 1 o'clock, and the call rests with the Committee on Rivers and Harbors.

STEAMER GOLDSWORTHY.

Mr. MEYER (when the Committee on Merchant Marine and Fisheries was called). I call up for consideration the bill (S. 1426) to provide a register for the steamer Goldsworthy.

The SPEAKER. This must be called up by the committee. The gentleman from Louisiana is not on the committee.

Mr. FITHIAN. I call it up, and yield to the gentleman.

The SPEAKER. The gentleman from Illinois calls up the bill, and yields to the gentleman from Louisiana.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer Goldsworthy, purchased and owned by the New Orleans, Belize Royal Mail and Central American Steamship Company, Limited, and repaired in American ports, to be registered as a vessel of the United States.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to cause the inspection of said vessel, her steam boilers, steam pipes, and their appurtenances, and cause to be granted the usual certificate issued to steam vessels of the merchant marine, without reference to the fact that said steam boilers, steam pipes, and appurtenances were not constructed pursuant to the laws of the United States and were not constructed of iron stamped pursuant to said laws; and the tests in the inspection of said boilers, steam pipes, and appurtenances shall be the same in all respects, as to strength and safety, as are required in the inspection of boilers constructed in the United States for marine purposes.

Mr. MEYER. I ask that the report be read.

The report (by Mr. BERRY) was read, as follows:

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (S. 1426) granting an American register to the steamer Goldsworthy, of New Orleans, La., report back the bill and recommend its passage.

All the requirements of law relating to this case have been complied with, except the steamer was wrecked outside instead of inside the waters of the United States. But for this fact, a register could be granted by the Secretary of the Treasury under the general law. The present bill simply removes this technical difficulty.

As the Senate report states all the facts, it is appended hereto and made a part of this report:

"SENATE REPORT.

"On August 6, 1893, the British steamer Goldsworthy was wrecked off the coast of Belize, Honduras. As thus wrecked she was bought by a citizen of the United States, who sent a wrecking party to the scene of the disaster. By this party the vessel was raised and taken to Belize, where the agent of the Lloyds recommended that she be towed to New Orleans for the purpose

of being docked and repaired. Arriving at New Orleans, she was docked and repaired, the cost being $2,144.11. The sum of these repairs exceeds by three-fourths the value of the vessel when repaired.

"Considering that these facts bring the vessel within the spirit if not the letter of section 4136 of the Revised Statutes of the United States, your committee report the bill admitting the vessel to American registry favorably, with the recommendation that it do pass."

Mr. REED. Mr. Speaker, I hope the gentleman from Louisiana will make some explanation of the bill outside of that which is given in the report. The report does not state that the repairs came within the limit.

Mr. LOUD. The report states that the repairs came up to that.

Mr. REED. Some portion of the repairs came to that.

Mr. MEYER. The vessel was purchased as a wreck for the sum of $804, and was repaired at a total cost of $2,194.11, as shown by the evidence sent to the Committee on Merchant Marine and Fisheries from the Treasury Department.

Mr. BOUTELLE. How much is she worth?

Mr. MEYER. She is worth about $3,000. She has a register tonnage of 40.63. She is 117 feet long, 13 feet beam, and 7 feet depth of hold; and her appraised value is $2,500. Of course, it is understood that the only reason why the Treasury Department is not able to give a register independent of the action of Congress is because she was wrecked a little way from the waters of the United States.

Mr. LOUD. I understand the gentleman to say that she has a registered tonnage of 40, and that she is 116 or 117 feet long. If so, she should certainly have a greater tonnage than that.

Mr. MEYER. That is the statement.

Mr. LOUD. It can not well be so.

Mr. MEYER. She is a very small boat, used in the fruit trade.

Mr. LOUD. That measurement would show that she is over 40 tons. She ought to measure about 160 or 170 tons.

Mr. MEYER. The estimated cost does not include the cost of raising the wreck and towage from place of wreck to Belize and from Belize to New Orleans.

Mr. BOUTELLE. Why do they want to register her?

Mr. MEYER. It offers some advantages to them. I do not know particularly. It is a very small boat and is used in the fruit trade.

Mr. LOUD. She is not used as a pleasure yacht?

Mr. COOMBS. She is very shallow.

Mr. MEYER. She is used in the fruit trade at New Orleans.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MEYER, a motion to reconsider the vote by which the bill was passed was laid on the table.

SECTION 4136 REVISED STATUTES.

Mr. FITHIAN. Mr. Speaker, I call up, on behalf of the Committee on Merchant Marine and Fisheries, the bill (H. R. 7045) to amend section 4136 of the Revised Statutes.

The bill was read, as follows:

Be it enacted, etc., That section 4136 of the Revised Statutes be amended so as to read:

"SEC. 4136. The Commissioner of Navigation may issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be wrecked and shall be purchased and repaired in the United States by a citizen of the United States, if it shall be proved to the satisfaction of the Commissioner that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired."

Mr. BINGHAM. What is the report on that bill?

Mr. FITHIAN. I will say to the gentleman from Pennsylvania that the report does not set out very fully the provisions of the bill. As the law now exists, a register can be granted by the Treasury Department to any vessel of foreign build which is wrecked within American waters, and on which the repairs equal three-fourths of the value of the vessel when restored. This bill proposes to change the law only in this respect: To permit the registration of a foreign-built vessel where the repairs equal three-fourths of the value, regardless of where the vessel was wrecked.

The rule has always prevailed in the Committee on Merchant Marine and Fisheries, as the gentleman knows, to recommend granting American registration by act of Congress where a vessel has been wrecked outside of American waters, and this bill simply changes the law so as to permit that to be done by the Department, thus relieving Congress from the consideration of special bills.

Mr. BINGHAM. Then, as I understand him, the gentleman states that the only change which he proposes in the existing statute is to eliminate the limitation of wreckage within American waters.

Mr. FITHIAN. Yes, sir.

Mr. BINGHAM. All the other requirements of the statute remaining unchanged?

Mr. FITHIAN. Yes, sir.

The bill was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. FITHIAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN REGISTER FOR STEAMER S. OTERI.

Mr. FITHIAN. Mr. Speaker, I call up the bill (S. 1852) to provide an American register for the steamer S. Oteri, and I yield to the gentleman from Louisiana [Mr. MEYER].

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer S. Oteri, owned by Salvador Oteri, a citizen of the United States, residing at New Orleans, La., and repaired in United States ports, to be registered as a vessel of the United States.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to cause the inspection of said vessel, steam boilers, steam pipes, and their appurtenances, and cause to be granted the usual certificate issued to steam vessels of the merchant marine, without reference to the fact that said steam boilers, steam pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to said laws; and the tests in the inspection of said boilers, steam pipes, and appurtenances shall be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes.

Mr. MEYER. Mr. Speaker, I ask that the report, which explains the bill, be read.

The Senate report (by Mr. FRYE) was read, as follows:

The Committee on Commerce, to whom was referred the bill (S. 1852) to provide an American register for the steamer S. Oteri, having duly considered the same, report as follows:

The steamer S. Oteri was built in England in 1881, and has a tonnage of 542 tons net register. She has been engaged in the fruit trade between New Orleans and Honduras. She was wrecked in March, 1885, in the Gulf of Mexico, outside of American waters, when a shaft was broken and other injuries sustained, rendering her unseaworthy. She was towed into New Orleans and repaired at an expense of $9,373.85.

The steamship was again wrecked in August, 1887, in the Caribbean Sea, off the coast of Yucatan. Her machinery broke down, her cabins were swept overboard, together with nearly all her rigging, besides very serious damage being done to her hull and engines. She was again towed to New Orleans and docked in the shipyard of O. F. Valette, where she was thoroughly repaired at an aggregate cost of $22,021.75. Since this last wreck general repairs have been made aggregating $23,900.16.

A recent appraisement of the vessel, according to a valuation under oath, by the president of the board of harbormasters and other officials at the port of New Orleans, is $25,000.

The statute requires that the repairs to a wrecked vessel must equal three-fourths of the value of the vessel after having been so repaired, and that this sum must have been expended in American ports to American labor.

The evidence shows an expenditure for repairs in American ports considerably in excess of the required three-fourths of her value, but having been wrecked outside of American waters, a special act of Congress is required to give the vessel an American register. As she is owned by an American citizen and has been substantially rebuilt in the United States, it is believed by your committee that she is justly entitled to this privilege.

A bill granting an American register to this vessel was favorably reported from the House Committee on Merchant Marine and Fisheries in the Fifty-first Congress, but was not acted on for want of time.

Your committee recommend the passage of the bill.

Mr. REED. Mr. Speaker, there seems to be a clear distinction between this bill and anything that has been passed so far. The bill seems to be an unwarrantable extension of this kind of legislation. This vessel appears to have been owned by American citizens throughout. It is not a case where a vessel was wrecked and sold and bought by American citizens and repaired. This vessel has been repaired without any contemplation whatever of an American register, and it is now proposed to admit her to such register.

I do not think her history indicates that she would be a very valuable addition to the fleet which bears the American flag, as she seems to have been a child of misfortune under all circumstances and likely to continue to be so. She is not worth to-day, apparently, the cost of her repairs.

Mr. FITHIAN. Mr. Speaker, I will withdraw this bill for the present, and call up another.

SHIPPING COMMISSIONERS.

Mr. FITHIAN. I call up the bill (H. R. 5603) to repeal an act entitled "An act to amend the laws relative to shipping commissioners," approved August 19, 1890, and I yield to the gentleman from California [Mr. MAGUIRE].

[Mr. MAGUIRE withholds his remarks for revision. See Appendix.]

Mr. COOMBS. Mr. Speaker, I desire some time in which to oppose this bill.

Mr. FITHIAN. How much time does the gentleman require?

Mr. COOMBS. Ten minutes.

Mr. FITHIAN. I yield ten minutes to the gentleman from New York.

Mr. COOMBS. Mr. Speaker, I have been requested by various organizations in the city of New York to oppose this bill, and no one, either sailor or labor organization, has asked me to favor it. It can not be doubted that the law under which the shipping commissioners were appointed, and their duties defined, was intended to regulate well-recognized abuses then existing, abuses which seemed impossible of remedy in any

other way. It was intended as an emancipation of the sailor from the tyranny of the runner and the boarding-house keeper; to interpose a skilled Government officer between the owner or captain of a vessel, who would see that there should be fair treatment of the sailor in the place of the keeper or runner, who would sacrifice the interests of the sailor for his own personal gain. I understand that penalties applying to both parties to the agreement entered into were provided. These, if proper ones, were necessary in order to secure compliance with them.

I have not heard of any specific complaints of injustice under the law, although there may have been. If so, it would have been wiser to propose amendments to cover defects which experience may have developed.

In place of that, we are now asked to support a bill that in a few lines sweeps away every provision that makes effective twenty-five sections of the statutes of the United States, enacted after long discussion and careful consideration.

Mr. MAGUIRE. Will the gentleman permit me a moment?

Mr. COOMBS. Not in my ten minutes.

Mr. MAGUIRE. The gentleman is proceeding under an entire misapprehension of what the bill is. It does not interfere with the law for the appointment of shipping commissioners, nor with any of the purposes of that law, except the application of certain of its penal provisions to the coastwise trade.

Mr. COOMBS. It does interfere with the shipping commissioners act. I was present at the hearing before the committee; there were shipping merchants from New York there; they pointed out the danger that would result to shipping and to the sailors from such an enactment. At all events, it sweeps away every provision that makes the law effective.

Mr. FITHIAN. I do not think this is the bill which the gentleman has in his mind.

Mr. COOMBS. Oh, yes, it is.

Mr. FITHIAN. This bill was not considered by the committee at the time the gentleman was there.

Mr. COOMBS. I have not had an opportunity to examine it fully in relation to its effect upon the various sections of the statutes, or in relation to the coasting trade, but I am sure that the regulations are as necessary for the long voyages around the Horn on vessels bound for California as it is with reference to voyages across the Atlantic. I do not believe that a law which has received such universal sanction should be repealed without the most deliberate consideration and a full hearing of the parties best informed upon the subject.

I am willing and very anxious to coöperate in any measures that will improve the character or make more tolerable the life of the sailor, which is one of great hardship at the best, but I do not believe that either result will be promoted when we remove this safeguard now standing between the sailor and the boarding-house keeper and deprive him of the effective intervention of the commissioner. We know what a perfect system of slavery existed among the sailors at one time, subjecting them to the rapacity of the boarding-house keepers and runners, whose aim it was to demoralize them by drink and vice so that they might the more effectually be brought under their influence.

To the shipping commissioner the sailor can resort for protection; and if this protection is accompanied with the necessary restrictions and enforced by necessary penalties, penalties applied to the captain as well as to the sailor, no sailor who honestly attends to his duty will object. I have not heard that any benevolent organizations, organized especially to improve the condition of sailors, advocates this measure, and I want to hear from them.

I think a bill of this importance should not pass the House without full and free discussion—larger discussion than can be had within the portion of an hour set aside for its consideration and with so few members present. I shall therefore call upon the House to oppose its passage until it can receive the careful consideration that its importance to the sailor and the shipper demands.

Mr. BINGHAM rose.

The SPEAKER. Does the gentleman from California yield to the gentleman from Pennsylvania?

Mr. MAGUIRE. How much time does the gentleman want?

Mr. BINGHAM. All the time possible. I propose to resist this legislation.

Mr. MAGUIRE. Well, I can not yield to such a general demand as that. If the gentleman wants a specific portion of the time within my control I will be pleased to yield to him.

Mr. BINGHAM. I propose to read documents which I have here from commercial bodies not only in my own section of the country, the East, but also in that portion of the country represented by the gentleman from California. It will take at least fifteen or twenty minutes to say what I desire to say.

Mr. FITHIAN. The gentleman from Pennsylvania will allow me to ask whether he is laboring under the same impression as the gentleman from New York [Mr. COOMBS] was, as to the bill we are considering. This is not the bill, I understand, to which the gentleman wishes to urge his objection.

Mr. BINGHAM. I understand that this is House bill No. 5603.

Mr. FITHIAN. That is right. But there appeared to be no opposition to this bill when it was considered in the committee, and our report is unanimous.

Mr. BINGHAM. I have the statement from the Commercial Exchange of my own city to the effect that they were not aware of this legislation until the committee had made a favorable report. Therefore they had no opportunity to be heard.

Mr. WARNER. If I may be permitted I would like to say that from the city of New York, from those who are interested in the welfare of the sailor as deeply and sincerely as any men in existence, from organizations that are looking after the welfare of the sailor, and also from the business community interested in the shipping entering and leaving that port, there has come a strong, and I may say a practically unanimous opposition to this bill.

Mr. MAGUIRE. To this particular bill?

Mr. WARNER. To this particular bill. Now, permit me to say that these people, in their memorials to me, have not so fully set out the reasons of their objection that, with my lack of the personal knowledge which my friend from Brooklyn [Mr. COOMBS] possesses, I should feel at liberty to oppose strenuously the bill at this time. But with the utmost predisposition to regard favorably any legislation pushed by a gentleman whose aims and information we know to be such as those of the gentleman from California, we feel that before those of us from New York who have been memorialized on this question can properly consent to any action on this bill, we should have the fullest possible explanation from those who advocate the measure. I hope therefore that the gentleman will take time enough to make his statements on this matter thorough and complete.

I make the suggestion, of course, knowing that in one sense it may be regarded as an obstruction, but assuring the gentleman that the interests of New York, philanthropic as well as mercantile, are disposed to look carefully, calmly, and considerately at all the grounds he may urge in behalf of the measure, and if the result is not to promote immediate action upon such a measure, a full explanation will simplify the way to the desired legislation, if it ever can be had, in the future. For that reason I suggest to the gentleman the propriety of giving as full an explanation of the measure as the time will permit.

Mr. BINGHAM. Before the gentleman from California proceeds, I desire to emphasize fully and reiterate the statement of the gentleman from New York.

The Maritime Exchange of my great commercial city use this language, resolutions having been filed by myself under the date of April 30 with the Committee on Merchant Marine and Fisheries of the House, submitting this statement in connection with the protest:

The shipowners were kept in ignorance of it—

That is, this proposed legislation—

until it had been favorably reported to the House.

Mr. FITHIAN. I wish to say to the gentleman that the shipowners had the same opportunity that all other people had to know exactly what bills were before the committee, and to know what bills were reported by the Committee on Merchant Marine and Fisheries.

Mr. BINGHAM. But the shipowners did not know and could not know as well as the gentleman who introduced these bills what they contained.

Mr. FITHIAN. And nothing whatever was concealed from them. They had the same opportunities that are accorded to interested parties in such cases.

Mr. BINGHAM. And further than that I desire to state that the Shipowners' Association of the Pacific Coast make a protest as to the proposed legislation.

Such legislation can only be considered, I will say to the gentleman, after the fullest, fairest, and freest discussion, and this legislation is of such a character that the discussion should be given to the House in the amplest way, so that the question may be thoroughly understood before action is taken upon it.

Mr. MAGUIRE. Mr. Speaker, let me say to the gentleman that there is no pretense that any protection or advantage of any kind was given to the sailor by the bill of 1890. Every section that was selected and made applicable to sailors in the coastwise trade by the bill was a provision imposing a penalty on the sailor, subjecting him to restrictions and penalties that practically make him a slave. There is nothing whatever for the benefit of the sailor embodied in that act.

A casual reading of the sections of the Revised Statutes made applicable to the sailors in the coastwise trade, by the bill of

1890, which we seek to repeal, will make it perfectly apparent that the sailor derives no benefit from any of its provisions, but is degraded and oppressed by every section.

As to the statement of the gentleman that the shipowners were not aware that this bill was being considered by the committee until the committee filed its report, I call attention to the fact that this bill was before the committee, and under consideration, for three months and a half before the report was made. It was generally and publicly known, for it was published throughout the United States, that all of these bills had been introduced and were being acted upon before the Committee on Merchant Marine and Fisheries.

As to the remarks of the gentleman from New York [Mr. COOMBS], not one of his criticisms applies to the bill now before the House, although they do apply remotely to some other bills that are still in the hands of the committee. Those bills do not propose to do away with the shipping commissioners act, nor with the shipping commissioners, nor to limit their functions, but propose to further improve the system that was established by the law of 1884.

As to the question of giving the shipowners and their representatives an opportunity to present their objections to the bill, those who were before the committee opposing the other bills had their attention specifically called to this bill by Mr. ROBBINS and by the chairman of the committee, and they said as to this bill that they thought it, or something like it, should apply to voyages around the Horn and to long voyages between American ports. But they had nothing to say as to why this act imposing, as it does, the penal provisions and none of the privileges or advantageous provisions of the shipping commissioners act to the coastwise sailors should be continued in force.

The report of the Committee on Merchant Marine and Fisheries is full and complete upon the subject——

Mr. COOMBS. Will the gentleman allow a question?

Mr. MAGUIRE. Certainly.

Mr. COOMBS. Why, then, does not the bill cotnain an amendment to that law, extending some of the privileges, and why is it simply directed to removing all of the penalties, if it was not inimical to that law?

Mr. MAGUIRE. Because the drastic and enslaving provisions that apply to the employment of Americans in the industry of seamanship in foreign-going vessels ought not to be extended to American laborers in any department of domestic industry where it is not absolutely necessary that it should be extended. Those penal provisions are contrary to the principles of American liberty, contrary to humanity, and contrary to our theory of universal equality among the citizens of our common country. The law which we seek to repeal is destructive of the freedom of contract that ought to exist among the citizens of this country in all of their relations. We do not want such criminal penalties to attach to the breach of purely domestic contracts. The coastwise sailors do not need or want the advantages of the shipping commissioner's act, and they should not be subjected to its pehalties. They are entitled to the freedom of contract, which should be inseparable from American citizenship.

Mr. COOMBS. Will the gentleman give us some of those drastic provisions and tell us just what they are?

Mr. MAGUIRE. I have given you an abstract of them.

Mr. COOMBS. Will the gentleman read from the statutes, please?

Mr. MAGUIRE. I have before me only the act of 1890, which specifies the sections. It would be impossible to read all of those sections within the hour allotted to the committee.

Mr. BINGHAM. Are there not some twenty-five sections affected?

Mr. MAGUIRE. There are some twenty-odd sections, yes.

Mr. BINGHAM. Some twenty-odd sections affected by this act, and you could not read those sections in an hour?

Mr. MAGUIRE. I could not. The digest which I have prepared, and to which I have referred, very fully shows what they are.

Mr. BINGHAM. I trust the gentleman will have that digest printed in his remarks, because the legislation will come up at a future time, probably, and the information will be useful.

Mr. WARNER. I ask unanimous consent that the gentleman have leave to extend such remarks as he may make, when he prints them in the RECORD.

The SPEAKER. The gentleman from New York [Mr. WARNER] asks unanimous consent that the gentleman from California [Mr. MAGUIRE] have leave to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BINGHAM. I will state to the gentleman that he might just as well understand that I propose to resist this legislation by every parliamentary procedure, so that if the committee have any other legislation that they are anxious to present, there is no necessity for wasting the remaining portion of this hour.

Mr. MAGUIRE. Do I understand that the gentleman proposes to filibuster against the bill?

Mr. BINGHAM. I propose to require a quorum of this House to reënact legislation that radically changes twenty-five sections of the statutes of the United States, and a proposition that is not understood by this House.

Mr. FITHIAN. I demand the previous question.

The SPEAKER. The gentleman from Illinois demands the previous question on the engrossment and passage of the bill.

The question was taken on ordering the previous question, and the Speaker announced that the ayes seemed to have it.

Mr. WARNER. Division.

The House divided; and there were—ayes 22, noes 32.

So the previous question was not ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM] is recognized.

Mr. BINGHAM. Mr. Speaker, I move to lay the bill on the table.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. FITHIAN and Mr. MAGUIRE demanded a division.

The House divided; and there were—ayes 36, noes 35.

Mr. FITHIAN. No quorum.

The SPEAKER appointed as tellers Mr. FITHIAN and Mr. BINGHAM.

The House again divided; and the tellers reported—ayes 54, noes 69.

Mr. WILLIAM A. STONE. No quorum.

Mr. MAGUIRE. Mr. Speaker, it is manifest that this bill can not be disposed of in the morning hour, and I ask that the chairman of the committee be permitted to withdraw it from consideration at this time. I will print my remarks in full in the RECORD, and ask members to consider them in the meantime, and we will call the bill up as soon as possible again.

The SPEAKER. Without objection, the bill will be withdrawn.

Mr. BINGHAM. I understand the gentleman when he says "as soon as possible," to refer to the next session of Congress?

Mr. MAGUIRE. I apprehend that there will be no opportunity at this session. I do not waive my right, but you understand as well as I do that it is practically impossible.

The SPEAKER. Without objection, the morning hour will be considered as having expired. There are only five minutes remaining.

There was no objection.

ARMY APPROPRIATION BILL.

Mr. OUTHWAITE. Mr. Speaker, I present the conference report on the army appropriation bill.

(For conference report see Senate proceedings of July 26.)

The SPEAKER. The Clerk will read the statement of the House conferees explaining the amendments.

The statement of the House conferees was read by the Clerk, as follows:

The undersigned conferees on the part of the House on the army appropriation bill beg leave to state that the effect of the agreement reported as the result of the conference as aforesaid is as follows:

Of the Senate amendments from which the Senate recedes:

No. 16 consisted of the words "or are ordered by army or department commanders in cases of emergency," and related to mileage to officers traveling on duty without troops, for inspections or investigations.

No. 17 consisted of the striking out by the Senate of a provision in the bill which required the Secretary of War to cause to be investigated by the Inspector-General of the Army, or otherwise, and shall report to Congress at its next regular session as to the number of civilian employés of the Army, their distribution, the necessity of their employment, etc., by the Senate of the words "cause to be inspected by the Inspection Department of the Army, or otherwise."

No. 18 consisted in the striking out of the words "as to" in this same clause reported above, so that the bill now provides for the investigation desired by the House through the Inspection Department of the Army, or otherwise.

No. 20 consisted of the insertion by the Senate of the words "members of the Hospital Corps" in that provision of the bill which related to the purchase of forage for horses, mules, and oxen of the Quartermaster's Department, including their care and protection, and for horses of the several regiments of cavalry and batteries of light artillery, and such companies of infantry and scouts as may be mounted.

No. 23 consisted by an insertion of the words "members of the Hospital Corps" in the provision of the bill for incidental expenditures required for the several regiments of cavalry and batteries of light artillery and such companies of infantry and scouts as may be mounted.

No. 28 was an amendment by the Senate increasing the appropriation for expenses of the Medical Department from $160,000 to $175,000.

The amendments in which the House recedes from its disagreement are:

No. 1, the striking out of the clause concerning general-service clerks, which is inserted as No. 11 in substance.

Nos. 2 and 3 are immaterial, being the insertion of the word "such."

No. 4 consists of the words "the Adjutant-General's, the Inspector-General's," inserted in that provision of the bill which required that appointments to fill vacancies in the lowest grade in the departments of the Army shall be made from the next lowest grade in the line of the Army.

No. 5 consists of the insertion of the word "and;" and

No. 6 in the striking out of the words "and the pay," in this same part of

the bill, so that the bill will now provide that appointments to fill vacancies in the lowest grade in all departments of the Army, except the Pay Department, shall be made from the next lowest grade in the line of the Army.

No. 8 consists in inserting the words "two hundred" before dollars in the provision as to additional pay for officers of the Quartermaster's Department for length of service, an omission of that amount having accidentally occurred in the printing of the bill.

No. 12 consists in inserting the words "at stations" in the provision for commutation of quarters to commissioned officers on duty without troops. That language had been used in appropriation bills heretofore, and was omitted by inadvertence when the House bill was drawn.

No. 13 consists in striking out the words "in disbursing this amount" and inserting the word "hereafter" in that part of the bill which provides for the maximum sum to be allowed and paid to any officers of the Army for mileage when traveling on duty without troops. This is done to make that provision permanent law.

No. 14 consists in striking out the word "an" and inserting the word "any" before the word "officer," in the same provision.

No. 15 consists in inserting the words "of the Army" after the word "officer," in the same provision.

No. 24 consists in the inserting of the words "the authorized number of officers' horses" in that part of the bill which provides for certain general expenditures required for the several regiments of cavalry and batteries of light artillery, and such companies of infantry and scouts as may be mounted.

No. 26 consists in inserting the words "one hundred thousand" before the word "dollars" in that part of the bill which provided that no more than $1,000,000 of the sum appropriated by this act shall be paid out for the services of civilian employés of the Quartermaster's Department, so that $1,100,000 may be expended for that purpose.

No. 33 consists in striking out the word "twenty" and inserting the word "fifteen" before the words "thousand dollars" in the appropriation for the purchase of machine guns, improved musket caliber, of American manufacture.

No. 35 consists in striking out the words "and twenty" in the appropriation of $120,000 for the expenses of the recruiting service.

No. 36 consists in striking out the appropriation of $11,500 and inserting in lieu thereof $17,000, for expenses of the Signal Service. This is according to the estimates.

No. 37 consists of an insertion in the bill of the provision "for constructing and operating a military telegraph line between El Paso, Tex., and New Fort Bliss, Tex., 2960." These last two amendments were recommended by the Chief of the Signal Corps and by the War Department as of great necessity.

No. 38 consists in striking out the words "Adjutant-General of the Army" and inserting the words "Secretary of War" in that part of the bill which appropriates $3,640 for contingent expenses of the military information division, to be expended under the direction of the Adjutant-General of the Army.

As to such Senate amendments as the House conferees recede from with amendments, the following statement is made:

The effect of No. 7, as agreed to with an amendment, is to provide that when the office of Chief Signal Officer shall become vacant, said vacancy of the grade of brigadier-general shall not be filled, but shall cease and determine, and thereafter the commissioned officers of the Signal Corps shall consist of one colonel, who shall be the Chief Signal Officer of the Army and selected from the corps, and one lieutenant-colonel, one major, three captains (mounted), to be appointed from the corps according to seniority, and three first lieutenants (mounted), to be appointed as now provided by law, who shall each receive the pay and allowances of like grades of the Army, and the officers of the Signal Corps shall retain the commissions held by them at the date of the next vacancy in the office of the Chief Signal Officer, unless promoted in compliance with law.

The effect of No. 9, as agreed to, is to provide that hereafter no appointments shall be made to the office of assistant surgeon until the number of assistant surgeons shall be reduced below the number of 110, and thereafter the number of officers in that grade in the medical corps shall be fixed at 110. This affects a reduction of 15 in the immediate future in the number of officers in the Medical Department.

The effect of the amendment No. 10 is to provide that officers on the retired list of the Army may be detailed to colleges under the act approved November 3, 1893, upon the pay of their rank as retired officers, and that ordnance and ordnance stores may be issued to such institutions of learning as are provided for in the act approved September 26, 1888.

The effect of amendment No. 19 as amended provides that the Secretary of War is authorized to remove to such military reservation or reservations as he may select the Indian prisoners of war now confined at Mount Vernon Barracks, Alabama, and makes an appropriation of the sum of $15,000 in addition to sums herein appropriated, to be expended under the direction of the Secretary of War, for the purpose of erecting buildings, the purchase of draft animals, stock, necessary farming tools, seeds, household utensils, and such other articles needed for such Indians. This amendment provides a method of distributing the Indian women and children and men who are not likely to be dangerous, now held as prisoners in Mount Vernon Barracks, in such a way as to give them an opportunity of becoming assimilated into other Indian tribes without any danger resulting therefrom.

Senate amendment 21 consisted of an addition to the proviso in the bill "that after advertisement all the supplies for the use of the various departments and posts of the Army shall be purchased where the same can be purchased the cheapest, quality and cost of transportation considered, except that purchases may be made in open market in the manner common among business men, when the aggregate amount required does not exceed $300," of these words, "but every such purchase shall be immediately reported to the Secretary of War for his approval." In the conference it was agreed to strike off the words "for his approval," because no purchases in an emergency such as was sought to be provided for in the original bill could be made if the officer making the purchase must first have the approval of the Secretary of War. If these purchases, made only in cases of emergency, are to be reported to the Secretary there is no likelihood that the provision will be abused.

No. 22 is a reduction of the amount provided for the capture of each deserter in the Senate amendment from $20 to $10.

No. 25 is an amendment which provided for the purchase of horses "for such members of the Hospital Corps in field campaigns as may be required to be mounted."

No. 27 is a Senate amendment to enable the Secretary of War to purchase land for a rifle range at Sackett's Harbor, near Madison Barracks, New York, at such sum and price as he may deem reasonable, not to exceed $10,000, or so much thereof as may be necessary. As agreed upon in conference, it appropriates but $8,500 for this object, that being deemed sufficient to purchase as much land as is necessary for this purpose at that point.

Amendment No. 29 was as follows:

"And the Secretary of War is hereby authorized, after due advertisement, to sell, under such conditions as he may prescribe, such quantity of surplus liquors, and such unserviceable medical and hospital stores, or other property, at the medical supply depots at New York, St. Louis, and San Francisco, or in the custody of the Medical Department, as the Secretary of War may deem proper, the proceeds of such sales, after deducting expenses thereof, to be paid into the United States Treasury."

As amended in conference, the words "quantity of surplus liquors, and such" was stricken out, and the words "exclusive of liquors" inserted after the word "property," so that the Secretary of War is authorized, after due advertisement, to sell, under such conditions as he may prescribe, such unserviceable medical hospital stores or other property, excluding liquors, etc.

No. 30: The Senate amendment provided for an expenditure of $10,000 for the library of the Surgeon-General's Office, which was an increase of $3,000 over the amount in the bill as it passed the House. The conference agreed upon $8,000 for that purpose, which necessitated also a change in amendment 31 from $15,000 to $13,000.

No. 32 is a provision for the Ordnance Department similar to that of No. 21, of the Quartermaster's Department.

No. 34 consisted of an amendment by the Senate in the appropriation for expenses of recruiting and transportation of recruits from rendezvous to depots by striking out the word "depot" and inserting the words "military posts;" as agreed upon in the conference, the words "depots and" are inserted before the words "military posts."

In conclusion, your committee state that the total estimates for 1895 were $25,342,918.52. The amount reported by your committee was $23,568,284.68. The amount in the bill as it passed the House was $23,586,924.68, and the amount as it stands in the conference report is $23,592,884.68. This is a net reduction from the estimates of $1,750,033.84. The bill as agreed upon by the conferees carries $5,960 more than the House bill and $18,500 less than the bill as amended by the Senate.

Respectfully submitted.

JOS. H. OUTHWAITE,
O. LAPHAM,
J. A. T. HULL,
Managers on the part of the House.

Mr. OUTHWAITE. I yield fifteen minutes, or so much time as the gentleman may see fit to use, to the gentleman from Oklahoma.

Mr. FLYNN. Mr. Speaker, I realize that it is next to impossible to defeat a conference report. There is a provision, however, contained in this bill which has never been considered by this House. There is a provision contained in this bill which the gentleman from Arizona [Mr. SMITH] informs me was defeated as a separate proposition many times in this House. On December 19, 1878, Governor Throckmorton, at that time a Representative from the State of Texas, introduced as an amendment to the Indian appropriation bill the following clause:

Resolved, That no Indians in Arizona or New Mexico or elsewhere outside of the Indian Territory shall be moved inside of said Territory unless authorized by Congress therein enacted.

Congress, in the Forty-fifth Congress, in 20 Statutes at Large, page 315, enacted, in a bill making provision for the support and maintenance of the various Indians, the following provision:

The President of the United States is hereby directed to prohibit the removal of any part of said tribes of Indians—

Referring to the Apaches in Arizona and New Mexico—

into the Indian Territory unless the same shall be hereafter authorized by act of Congress.

The Senate tacked an amendment on this Army appropriation bill, providing that the Apaches now confined in certain prisons in the State of Alabama, and very generally known as Geronimo's band of murderers, that the Secretary of War shall be authorized to remove them to Fort Sill, in my Territory. The Senator from Idaho [Mr. DUBOIS] offered an amendment in the Senate to strike out Fort Sill, and authorize the Secretary of War to remove these Indians to some point not prohibited by existing law. By some means unknown to me, the conferees on the part of the House have seen fit to strike out the language of the Senate, and leave the matter discretionary with the Secretary of War as to where these Indians shall be removed.

In years past, when this statute was enacted, there was no Representative upon the floor of this House from Kansas, Arkansas, Texas, or Missouri, who did not take a hand in the enactment of this prohibitory statute, prohibiting the removal of these Apaches to my Territory. Mr. Sparks, the gentleman in charge of the Indian appropriation bill in the Forty-fifth Congress, when this amendment was added and when this law was framed, stated very wisely:

This is a very grave question; one which should be considered in an independent bill, and not tacked on to an appropriation bill.

Mr. Sparks at that time, on the Indian appropriation bill, opposed the amendment to remove these Indians to the Indian Territory. He raised the point of order against it, and said that it was of so much importance that it should not be tacked on an appropriation bill. The gentleman then in the chair held that it was germane; and, as I stated before, there was not a man who was in favor of it from certain States; and if their constituents knew that the members from Arkansas, from Texas, from Missouri, or from Kansas would stand upon this floor and let the murderous Apaches be put in the Indian Territory they would be flooded with telegrams protesting against it.

The provision prohibiting sending them to the Indian Territory was introduced by Governor Throckmorton and advocated by the present Senator from Texas [Mr. MILLS]. Mr. Haskell, from Kansas, made his fight and argument in favor of the prop-

osition. Mr. Govan, from Arkansas, used the following language when he advocated the tacking on of that provision prohibiting the removal of these murderous Indians to the Indian Territory:

In addition to what the gentleman from Missouri has said in behalf of the civilized tribes, I protest against locating wild tribes within this Territory. These civilized tribes border immediately upon Arkansas. They have no representative upon this floor, and in their name I protest as well as in the name of the people of Arkansas, Texas, Missouri, and Kansas.

When this measure was up for consideration in the Senate, and I think that this alone should be sufficient to warrant this House to vote "no" in respect to this conference report, when it was originally brought up in this bill in the Senate, at the request of the Senator from Idaho [Mr. DUBOIS], it was amended so that the existing law would not be changed.

Senator BLACKBURN, who was in charge of the bill in the Senate, stated that he had no objection to the amendment of the Senator from Idaho. He said "I know that the Senator from Idaho does not want these Indians in his country, and nobody else wants them, but where shall they be turned loose?" That was a frank admission that because my Territory has no direct representative in the Senate, that we shall be used as a football, and that band of Indians, whose records are well known in every schoolhouse in the country, shall be placed upon the many feeble settlers who are now striving to eke out an existence in that new country.

I appeal to this House in fairness not to adopt this conference report. I realize that it is a hard thing and a bad thing to defeat a conference report, but there is not a man on this floor who, if he were familiar with the facts, would for one moment entertain the idea of voting for a proposition such as that to which I have called attention. Locate these Indians at Fort Sill, and if they go north they go into Kansas, if they go south they go into Texas, if they go east they go among the five tribes and into Arkansas. They are not going to stay down there.

The reason for removing them from the prisons where they now are is that they are marauding in the State of Alabama. Now, if they are marauders when confined in prison, what are they going to be when you turn them out among my settlers, scattered on tracts of a hundred and sixty acres of land.

Mr. OUTHWAITE. What authority has the gentleman for saying that the reason for removing these Indians is that they are marauding. I challenge that statement.

Mr. FLYNN. Well, I do not care to inform the gentleman just now. I dislike to give away a state secret.

Mr. OUTHWAITE. Ah! You may keep it, then.

Mr. FLYNN. I wish to say another thing, Mr. Speaker. This proposition has never been submitted to the Indian Office. The gentleman, I take it, in charge of the bill knows where he can get verification of my statement.

Mr. OUTHWAITE. No, I do not. The statement is not true, as I am informed.

Mr. FLYNN. I base my statement upon information given me by the Commissioner of Indian Affairs. They can not take care of these Indians in the prisons of Alabama, and so, without the recommendation or the knowledge of the Commissioner of Indian Affairs, an amendment is tacked on in the Senate to locate them down amongst the feeble and scattered settlers in my part of the country, and that, too, in defiance of an existing statute. The gentlemen in the Forty-fifth Congress representing the several States that I have mentioned, knew the condition of those people, and they specifically provided that the President should not remove any of the Apaches into the Indian Territory without the direct authority of Congress.

This House has never passed upon the proposition contained in this conference report. As I understand, it has been proposed several times and has always been defeated. This is an amendment tacked on in the Senate, where nobody was heard. The amendment of the Senate, however, as it passed was satisactory to me, but the conferees changed the Senate amendment again.

Mr. HENDERSON of Iowa. In what respect? What is the difference between the two propositions?

Mr. FLYNN. The original report from the Senate committee provided that the Secretary of War should remove these Indians to Fort Sill in the Indian Territory. It was amended in the Senate by striking out Fort Sill in the Indian Territory, and authorizing him to remove them to some place not prohibited by existing law. Now, they are prohibited by existing law from going into my Territory, and that was all I wanted, but when the conferees met they knocked that out and framed the provision so as to leave it optional with the Secretary of War to remove these Indians to wherever he sees fit.

Mr. CANNON of Illinois. Where are these Indians now?

Mr. FLYNN. In prison in Alabama.

Mr. LYNCH. How many of them are there?

Mr. FLYNN. I understand there are about 260.

Mr. CANNON of Illinois. Are these the Indians that were known as Geronimo's band?

Mr. FLYNN. Yes, sir.

Mr. MARSH. The Indians that killed Gen. Canby?

Mr. FLYNN. Exactly.

Mr. LYNCH. Have they any reservation where they are now?

Mr. FLYNN. No; they are in prison. The gentleman from Arizona [Mr. SMITH] described them correctly when he said that they were Ishmaelites; that their hands were raised against everybody and everything, and now comes in this conference report providing that they shall be sent down to Oklahoma, where the settlers already have all the hardships they can contend with in trying to break up and cultivate that new country.

Mr. MARSH. Is it proposed to turn them loose there?

Mr. FLYNN. Why, they are going to civilize them! [Laughter.] This bill carries an appropriation to buy farming implements and seeds for these Indians!

Mr. CANNON of Illinois. What part of the Territory are they to be sent to—Fort Sill?

Mr. FLYNN. Fort Sill.

Mr. CANNON of Illinois. How far is that from Fort Reno?

Mr. FLYNN. That is about 50 miles or a little more west of Fort Reno.

Mr. CANNON of Illinois. That is where the Cheyennes and the Arapahoes now are, is it not?

Mr. FLYNN. It is on the adjoining reservation.

Mr. CANNON of Illinois. And it is near where the Wichitas and other tribes are?

Mr. FLYNN. They are going to locate them in there with the Kiowas and the Comanches.

Mr. CANNON of Illinois. And then, just east of them are to be found the so-called Five Tribes, I understand?

Mr. FLYNN. That is correct.

Mr. CANNON of Illinois. Does my friend know whether there is any danger in turning loose these 250 Apaches among those other Indians?

Mr. FLYNN. Within the past six months the War Department has been compelled to order out troops in my Territory for the purpose of protecting the settlers against the Cheyennes and Arapahoes that are now there.

Mr. CANNON of Illinois. In this connection let me ask whether these are the same Cheyennes and Arapahoes who are about Fort Reno and on that reservation, part of them having had assigned to them lands in severalty—Indians, substantially, who were there at the time that Dull Knife broke out a few years ago, about the time of this exclusion of the Indians from the Territory, and made that famous raid, leaving a track of fire and death through Kansas and Nebraska near to the Pine Ridge country?

Mr. FLYNN. They are the same tribe exactly. And notwithstanding many of our settlers are compelled to be constantly on their guard with Winchesters always loaded in their houses, it is now proposed to locate these murderous Apaches right down there in that same country.

Mr. OUTHWAITE. That statement is not correct.

Mr. FLYNN. How is it incorrect? I am ready for a correction.

Mr. OUTHWAITE. The statement the gentleman has just made is not correct.

Mr. SMITH of Arizona. Where are they going to put these Indians?

Mr. OUTHWAITE. I will tell you when I have the floor.

Mr. HENDERSON of Iowa. As I understand, these men are in prison because of some crime?

Mr. FLYNN. These are the same men who inflicted their marauding and murdering for years upon everybody they met out there.

Mr. HENDERSON of Iowa. What I want to ascertain is this: Suppose these men had not committed these crimes, where under existing law would they lawfully be?

Mr. FLYNN. If they had committed no crime they would be peaceably settled down in Arizona and New Mexico.

Mr. HENDERSON of Iowa. They have no reservation now?

Mr. FLYNN. There are of course portions of the Apaches——

Mr. SMITH of Arizona. Let me say that these men were taken from the White Mountain Apache Reservation in Arizona. Geronimo and his party who went through that portion of the country for years, leaving a trail of death behind them, were finally captured after they had been chased some 2,000 miles into Mexico.

Mr. HENDERSON of Iowa. What I want to ascertain is where these people would belong if they had not committed these crimes?

Mr. SMITH of Arizona. In the White Mountains of Arizona.

Mr. HENDERSON of Iowa. That is what I wanted to find out.

Mr. SMITH of Arizona. And they have gone from Fort Sill to those White Mountains time and again.

Mr. FLYNN. The only argument advanced for removing those Indians from where they are and putting them in my Territory is the argument of economy. Now, the life of a settler in our Territory is worth more to us, and it ought to be worth more to every member of this House, than an appropriation of $10,000, $15,000, or $25,000 for the purpose of corralling and keeping under control certain murderous Indians. If you turn them loose upon us, as proposed in this bill, there is not one of the four States I have referred to that will not come here in most earnest protest against such a measure.

I repeat that if we had a Senator to-day in the other branch of Congress this amendment would never have been proposed. The Senator from Kentucky in charge of the bill very properly said that nobody wanted these Indians; that they must be turned loose somewhere; and in looking around they found my Territory, which is not represented, as none of the other Territories are, and they said, "We will locate these Indians down in Oklahoma, because in that we can save part of the appropriation that is now expended by the War Department in feeding them."

[Here the hammer fell.]

[Mr. FLYNN resumed his seat amid applause.]

Mr. OUTHWAITE. Mr. Speaker, that was a very eloquent speech to which we have just listened. But it was prepared for another occasion than this. It was prepared to meet an amendment which was put on this bill in the Senate providing that the Secretary of War be authorized and directed to send all these Indians to the Fort Sill military reservation. Now, to such a proposition as that there might be some objection; in opposition to it some of the arguments submitted by the gentleman from Oklahoma [Mr. FLYNN] would have some force. But he says that we got into conference and, without consulting him, changed that amendment.

Sir, the gentleman came to me and laid before me just about the same objections that he has urged here in his speech to-day. Taking his objections with me into the conference, I recommended certain amendments to that amendment of the Senate; and I also went to the Secretary of War, to whom I suggested the propriety of the amendment, stating its purposes, to all of which he assented. But before I had gone to the Secretary of War he had sent an officer of the Army to see me as chairman of the Committee on Military Affairs, suggesting that he ought not to be directed to send these Indians, but that he ought to have authority to keep them imprisoned in Alabama, at least those who had been guilty of atrocities and were actually criminals.

But what is the case he wished to meet and which the House and Senate conferees wished to meet? There were 260 of these Indians down there in prison. Perhaps thirty of them are those persons who were engaged in these atrocities and cruelties for which they were justly imprisoned. Sixty per cent of the whole mass of the people down there have been born while in prison. We are keeping in prison, therefore, over 200 people because of the offenses committed by their fathers. We are keeping them also at a very great and unnecessary expense. We are keeping them where they must become vicious, because they have no opportunities of cultivation or of entering into the struggle for life with those around them.

Now, this amendment does not send them to any particular place, to Oklahoma any more than anywhere else. In the first place, it is provided that the Secretary is authorized—not directed, but is authorized—not to send all of the Indians, but to send Indians; and it is the purpose only to send a portion of the Indians who are not dangerous; that is to say, the women and children. Where? Not on an Indian reservation, but to send them out amongst all of the military reservations in the United States; that is to say, that he may send one family to one military reservation, where they will be under the cognizance of the officers of the Army, and where they will be furnished some means to start in life.

Then another family will be sent to another military reservation—not an Indian reservation; and so on, scattering them around amongst the military reservations generally throughout the country, where they will be under the authority of army officers, thus distributing these persons who are at present suffering imprisonment because of the crimes committed by their fathers, out into the world, giving them an opportunity like human beings to make their own way and to establish themselves in life.

Mr. BROSIUS. Let me ask the gentleman if the whole matter o distribution is left to the discretion of the Secretary of War?

Mr. HULL. Entirely so.

Mr. OUTHWAITE. Just as I have stated, the Secretary of War has discretion to distribue them amongst the military reservations.

Mr. FLYNN. Is it not a fact that the amendment you propose here repeals the act prohibiting their removal into the Indian Territory?

Mr. OUTHWAITE. No; it does not repeal the act.

Mr. FLYNN. I think so. That is its effect.

Mr. OUTHWAITE. But I will meet what the gentleman says as I proceed.

If the Secretary of War shall deem it wise and proper to send one or two families to a military reservation in Oklahoma, it is admissible for him to do so, and Oklahoma is certainly no more sacred than any other part of the country.

Mr. FLYNN. Not at all. I do not claim anything of the kind. But what becomes of the gentleman's statement that the Indians are sent out there because, under this amendment, there will be a saving of money? Now, if you want them, take them in Ohio; but do not force them upon us.

Mr. OUTHWAITE. If there were a military reservation in Ohio I should be perfectly willing that they should be sent there, and can see no possible harm that would come of it.

Mr. FLYNN. Yes; but you have not a military reservation, and so you will drive them into Oklahoma, these murderous Indians, for the purpose of saving a few thousand dollars——

Mr. OUTHWAITE. Now, I am not going to wait for the gentleman to talk to his Oklahoma constituents on this question.

Mr. FLYNN. I am not talking to my Oklahoma constituents. But when I talked to the chairman of the Committee on Military Affairs, and I told him what I would like to have in reference to this matter, he said: "I will go and see what the Secretary of War wants."

Mr. OUTHWAITE. No; I did not say that. I did not say that I would see what the Secretary of War wants, but that I would consult with the Secretary.

Mr. FLYNN. Did not I make a statement to the gentleman that the Senate bill was satisfactory to me, and asked him to leave it so; and the gentleman said he would go and see if it was satisfactory to the Secretary of War?

Mr. OUTHWAITE. Oh, no; I said I would consult with him. The Secretary thought he ought to have authority to distribute them upon the military reservations.

Now, if the House thinks it proper to keep in prison a lot of women and children, who are there simply because they are the women and children of men who committed crimes many years ago, and that is the only reason they are there, then the House will vote down this conference report.

Mr. HICKS. Are the women and children in prison?

Mr. HULL. Yes.

Mr. OUTHWAITE. Yes; 60 per cent of all these persons were born in prison.

Mr. WILSON of Washington. What were they placed there for?

Mr. OUTHWAITE. Oh, that has been already discussed. They were sent there because their parents were murderers, cruel, rapacious, vicious Indians, who destroyed human life on the plains without mercy or consideration.

Mr. MARSH. Mr. Speaker, may I ask the gentleman a question?

Mr. OUTHWAITE. Certainly.

Mr. MARSH. I desire to ask the chairman of the Committee on Military Affairs how many of these Indians now living are criminals?

Mr. OUTHWAITE. I can not answer that question definitely.

Mr. MARSH. About how many?

Mr. OUTHWAITE. I suppose about sixty of them.

Mr. MARSH. About sixty of them are criminals?

Mr. OUTHWAITE. I suppose about sixty.

Mr. MARSH. Does this amendment allow those sixty Indians to be sent into Oklahoma Territory, or any other Territory, and turned loose?

Mr. OUTHWAITE. Not to be turned loose, no. They are to be sent on to a military reservation, and to be placed in charge of a military officer.

Mr. CANNON of Illinois. I suggest to the gentleman that he have the clause read.

Mr. OUTHWAITE. Well, I will read it myself. It is as follows:

That the Secretary of War is hereby authorized to remove to such military reservation as he may select, not prohibited by existing law, the Indian prisoners of war now confined at Mount Vernon Barracks, Ala., and for the purposes of the erection of buildings, purchase of draft animals, stock, necessary farming tools, seeds, household utensils, and other articles needed for said Indians and generally for their support and civilization, the sum of $15,000 is hereby appropriated, in addition to the sums herein appropriated, to be expended under the direction of the Secretary of War.

Mr. MARSH. Now, Mr. Speaker, I desire to ask the gentleman from Ohio if that does not authorize the Secretary of War to turn these Indians loose and allow them to go to farming on these military reservations, and if that does not include the sixty criminals that he speaks of, who have been for many years imprisoned in Alabama?

Mr. OUTHWAITE. Oh, the Secretary of War is not likely to take out of prison those that are criminals. I think it may be fairly left in that form.

Mr. CANNON of Illinois. Will the gentleman allow me to ask him a question?

Mr. OUTHWAITE. Certainly.

Mr. CANNON of Illinois. That discretion conferred there seems to be broad, and would include Geronimo and the thirty others actually engaged in the difficulties?

Mr. OUTHWAITE. Yes.

Mr. CANNON of Illinois. I understood the gentleman to say, however, that it was not contemplated that they should be sent West?

Mr. OUTHWAITE. It is not contemplated, and I want to have that expressed in this debate, so that the Secretary of War will see that this House so understands it, that it is a concurrent part of the adoption of this amendment, that it is the sentiment of this House that those men are not to be removed from prison.

Mr. CANNON of Illinois. Are these people, other than the thirty, actually confined in prison, or are they in what is known as prison bounds?

Mr. OUTHWAITE. They are in stockades. I think they are permitted to go out sometimes. The women and children are permitted to go out sometimes, but they are not permitted to choose their own places of residence, or to remain out over night.

Mr. CANNON of Illinois. If the thirty real offenders, the people who, in fact, took up the tomahawk and went upon the warpath, are not to be sent back, why not take these noncombatants and send them back amongst their own people in the White Mountains?

Mr. OUTHWAITE. The gentleman from Arizona [Mr. SMITH] objects to that. He is afraid of the women, and afraid the children will grow up into warriors of bad repute.

Mr. SMITH of Arizona. Yes; and gentlemen may make light of it, but the little ones are the very ones who perpetrate cruelties upon prisoners, such as cutting off the breasts of women, and their eyelids, and leaving them to die.

Mr. OUTHWAITE. How much time does the gentleman from Arizona want?

Mr. SMITH of Arizona. Ten or fifteen minutes.

Mr. OUTHWAITE. I yield fifteen minutes to the gentleman from Arizona [Mr. SMITH].

Mr. SMITH of Arizona. Mr. Speaker, in several different Congresses an effort has been made to remove the Apache Indians from a situation which is really but a very slight curtailment of their personal liberty, in Alabama, and to send them back where they will eventually reach their old haunts of murder and blood.

Every time this thing has come up as a separate proposition I have succeeded in defeating it in the committee. This proposition has never been started by the War Department that I ever heard of until this time. It was dictated by a false sentiment that the health of the Apaches is not as good in Alabama as in the mountains of Arizona. I want to say right here to this House that the fact that these Indians should not be moved west of the Mississippi has been demonstrated by Gen. Miles, than whom no greater Indian fighter has been known in modern times, who settled the Indian question by getting these Apaches from Arizona; who settled this Indian question by taking them away and sending them to Alabama, or rather the President did it under his advice.

Gen. Miles was before the Committeee on Indian Affairs when the Senate had passed in the last Congress a resolution similar to this. I had Gen. Miles subpœnaed to appear before that committee. He went before the committee and in the most earnest terms begged the committee never to think for a moment of removing these Indians or any of these Indians back beyond the Mississippi River. He gave instances of where escapes had been made very near to St. Louis. Indians had escaped in carrying them to Fort Sill. One of them who escaped found his way into the White Mountain Reservation, and was soon on the war path, and so far as I know is still on it.

You can not send these Apaches to any military reservations in the West without practically surrendering them. Any one of these Apaches, if he is 15 years old, can leave any one of the military reservations in the West, unless you put him behind the bars and lock him up, and will find his way to the White Mountains for himself. He is well acquainted with Mexico. To those gentlemen who so often declare the fact that the Indian is passing away in the sunlight of civilization I will suggest that from 1878 to 1879, when these Indians were placed where they are, 60 per cent of the 200 or over that are there have been born on that reservation.

If you want to cultivate the Indian, if you want to increase that population, keep him where he is; and in answer to the other suggestion made by the chairman of the committee, that there were no depredations committed by the Indians in Alabama, I would say that the wisdom on the part of this House would be shown in keeping them where they are when it is found that there is one place on which on God's green earth an Apache can stand the treatment of other people, of other colors, and other nationalities on earth, and continue to live under it. I say I congratulate the House and this country on the fact that it has found such a place for the Apaches, and that is the best place to keep them.

It is much better than this idea of sending them back. Then here is a provision of $15,000 to buy horses and plows, and to educate them. Now, if the experience of any man who knows the Apache can show me any of the Geronimo White Spring Apache Indians, of which these were a part, who has at any time put his hand for one hour to any work, I will surrender this argument now. I say that, send him where you please. You say you will send these children to the military reservations and teach them how to plow. I want to call the attention of the House to the fact that my people are particularly interested in this matter.

This follows the idea of civilizing this Apache tribe of Indians. If you send these children West, the next thing you may send them to Fort Huachuca or Fort Grant, in Arizona, or the Prescott military reservation. There is nothing to prevent that, if you are to send these children where they would be near their friends. All of that could be done under the sentiment that prompted this bill, and will do it. I am justified in that assertion. I tell you they would get back, as Gen. Miles said. He told the committee he never would send one of them back west of the Missouri River.

There is no provision protecting us against sending them west of the Missouri River or anything to prevent putting Geronimo there, notwithstanding the very honest statement made by the gentleman in charge of this bill, that the Secretary would not consent to that; but under the operation of that law there is no telling how soon it might be done. Secretaries of War do not live forever. You will not be able to stop it, and they will very soon return, as Gen. Miles said, and it will ultimate in a war with these Apaches again.

There are six or eight or ten of them out now who have been marauding in Mexico and in this country, headed by one of your beautiful educated Apaches by the name of "Kid," one of those Indians who has had the advantages of education, and they have left and are still leaving the corpses of settlers hundreds of miles away from the reservations, and even going on to the reservations and killing Indians that were antagonistic to them. They are out now in the mountains of Mexico and probably in Arizona.

It has been but a short time since I saw the corpses of two boys that I knew well, who had been living down on a ranch in the southeastern part of Arizona, brought back to my town mutilated beyond recognition—boys that had done nobody any harm; hard-working boys who were trying to protect their cattle, and who had been come upon and murdered by this same band. And yet these Indians are to be sent back or the power is to be given to some human being to send them back!

I protest against it in the name of the peace of this country. I protest against it in the name of the murders that they have committed. I protest against it in the name of humanity. If this provision goes through and those Indians are scattered, my word for it, they will come together and renew their depredations. A hundred miles between them amounts to nothing, with their signal lights visible everywhere from the mountain tops. The difficulty in catching them before was that they would separate and then, by their signal fires upon the mountains, would appoint a rendezvous perhaps 200 miles south. You can not keep them from going out from the reservations at any time in a country like that, where signals can be seen at least a hundred miles with the naked eye.

Tell me that they will not go back! If they have been subjected to the horrors of which the gentleman speaks, and if they require the sympathy which is at the bottom of this proposed legislation, I suggest that that sympathy had better be exercised toward the poor white people who will certainly become the victims of these murderous Indians if you allow them to go back into that country. They will go back all the more aggrieved, according to what we have heard here——

Mr. OUTHWAITE. These men are not going back at all.

Mr. SMITH of Arizona. The bill does not say that. Put it in the bill that no male Indian over the age of 16 shall be taken west of the Missouri River, and, so far as I am concerned, I will consent to that, because I think that means safety to my people. The gentleman from Oklahoma [Mr. FLYNN] has pleaded earnestly on this question, but not from the experience that I have had, and I can tell him that as sure as those Indians go on the military reservation they will renew their depredations and their murders.

Some of those Western military reservations are 10 miles square, with no fence, no inclosure, and with only two or three companies of soldiers. There is no means of confining these Indians to a reservation unless they are in a stockade, as you have them in Alabama; and I appeal to the chairman of the committee to say whether the women and the children of the Apaches there now are not going in and out there as freely as anybody?

Mr. OUTHWAITE. They are; and they have never gone back to Arizona either, or tried to go back.

Mr. SMITH of Arizona. No; I do not think the women and children would try to walk from Alabama back to Arizona, or would try to swim the rivers, but if you get them to the other side of the Missouri River they will go back and they will take their women and children with them. I have myself seen the Apache Indians on the war trail, a party of perhaps fifty men with as many women, hiding in the mountains and killing everybody that they could possibly sneak up to without danger of losing their own lives. As sure as this bill passes in its present shape these things will happen again, if not under the present Secretary of War then under some later Secretary.

This honest but mistaken sentiment of sympathy for these Indians is going to force that calamity again upon our people, and send us out again upon that beautiful crow hunt, trying to catch Apache Indians on the mountains of Sonora. In all the history of Indian warfare there never lived a more desperate, bloodthirsty, cunning villain than the Apache Indian. Geronimo's hand is imbrued in the best blood of American men, women, and children, not one of whom ever did him or his any harm.

The misfortune was that when those Indians were brought back from that celebrated raid when they were followed 2,000 miles by Gen. Miles and caught down in southern Mexico after crossing the Sierra Madre Mountains time and time again—the misfortune, I say, was that when they were captured and brought back they were not taken to the reservation and made a proper example of, as was done years ago in the case of other Indians. Every one of them ought to have been hanged as a plain warning to others that when they violated the law they should suffer the penalty as others do. But instead of that you propose to set these Indians to cultivating some rocky reservation; and you propose an appropriation for that purpose! You have no idea how that suggestion strikes a man from that portion of the country. An appropriation to put an Apache Indian to work! My conscience! One dollar put into such an undertaking is thrown away; a cent put into it is squandered.

I do trust that this House will never allow this report to go through. This proposition has been beaten heretofore, and would be beaten again if it could be met directly as an independent measure. The proposition was put on in the Senate, where we had no chance to fight it. The conferees have agreed upon a report which they bring to the House, where we have no chance to amend. Thus the matter has slipped in. I do not mean anything offensive by that; but I say that those who have been behind this measure knew very well it could not pass this House as a separate proposition, and it has been put upon this appropriation bill. I am questioning the conduct of nobody in this matter; but those interested in getting this proposition through knew that this was their safest course. They took the surest route to their end.

Mr. BOWERS of California. Why not move these Indians East?

[Here the hammer fell.]

Mr. SMITH of Arizona. Just one moment more, for a single suggestion. These Indians can be kept more cheaply, every one of them, at the Fifth Avenue Hotel in New York than you will ever keep them if they get back to the military reservation.

Mr. OUTHWAITE. They are costing twice as much now every year as the amount of this appropriation.

Mr. SMITH of Arizona. I do not care about that. If they once commence this movement toward Sonora, it will cost the military arm of the Government many millions of dollars to catch even a few of them. Why not put these Indians somewhere else? Are there not plenty of places to which they can be taken? I see before me a gentleman who represents the beautiful civilization that surrounds and resides in the great city of Boston. That philanthropic community loves the Indians.

Why not take these Indians to that portion of the country? They will educate the Boston people—will show them what an Apache Indian is. Take the Indian and put him on a little farm up there with his farming implements and see how long he will remain.

[Here the hammer fell.]

Mr. OUTHWAITE. I yield to the gentleman from Iowa [Mr. HULL] five minutes, or such time as he may desire.

Mr. HULL. Mr. Chairman, when I went into the conference on this bill I was opposed, as an original proposition, to any amendment whatever to the Senate amendment. But on consultation with other gentlemen, the proposition of the Senate to remove these Indians from Alabama seemed to me so strongly backed up by proof as to the necessity for a change, that I was willing to consent to a modification of the Senate amendment so that the Secretary of War should have such discretion as would permit him to deal with this question in the full light of whatever might be necessary to be done.

The gentleman from Oklahoma [Mr. FLYNN] and the gentleman from Arizona [Mr. SMITH] assume in their argument in the first place that these Indians must necessarily be sent to Oklahoma or Arizona; in other words they assume that the Secretary of War will in the treatment of this question do the very thing he should not do. What may be their basis for that belief is more than I can explain or understand. The Secretary of War himself has not taken primary action in the removal of these Indians because at his suggestion the Senate amendment was changed by striking out the word "directed." By that amendment as it passed the Senate the Secretary was "authorized and directed" to remove these Indians. He had no discretion as the amendment came from the Senate. He was directed to remove them. As I understand, the gentleman from Oklahoma was satisfied with the amendment as originally passed by the Senate.

Mr. FLYNN. That is correct.

Mr. HULL. Why? Because that amendment as originally passed provided that the Secretary of War should not send these Indians to any place now prohibited by law, and he is prohibited by law from sending them to Oklahoma. In other words, the gentleman from Oklahoma was willing to have that amendment passed, not only authorizing but directing the Secretary of War to remove these Indians from Alabama and to send them wherever he pleased, provided he did not send them to Oklahoma. The gentleman thus concedes the advisability of removing these Indians. Mr. Speaker, if this is true, the House will not act from very high motives if it should limit the discretion of the Secretary of War so that he may send these Indians to any place in the United States except Oklahoma.

So far as concerns the gentleman from Arizona [Mr. SMITH], I understands that he objects to removing these Indians to any place west of the Missouri River, although the Secretary of War could send them to numerous reservations west of the Missouri River not prohibited by law. So that the gentleman from Arizona goes farther on this question now than he went in his statements before the conferees.

Mr. Speaker, it seems to me that the Secretary of War, in calling attention to the fact that he does not wish to be absolutely directed by law to remove these Indians, shows that he realizes he has the entire field before him and will do what is right in the treatment of this question.

It was further shown by the evidence before the conferees that it was the intention of the Department not to send these Indians to any single military reservation, but to send them to military reservations; in other words, to break up their organization by sending certain families to one restrvation, and certain other families to other reservations, thus widely distributing them over the different reservations of the country.

As a matter of humanity I want to say to the House that the time has come when something must be done for these Indians; not the old criminal who was sent there as a punishment, but the great number of children born in captivity. I believe that under the construction the Secretary of War puts on the original amendment, and his desire for the modification, that he will send none of these criminals—the old Indian prisoners—out of the stockades and the prisons at all. Those he will send out will be only the women and children. But when 60 per cent of these people have been born in captivity, it is not right to treat them in this cruel manner by keeping them in constant captivity for the offenses of their fathers, and continue them during their entire lives in prison.

Mr. SMITH of Arizona. Will the gentleman allow me——

Mr. HULL. In a moment. Now, I detest an Indian just as much as the gentleman from Arizona does, or anybody else can. I know exactly what confidence is to be placed in them. There is nothing but the strong arm of the Government and the fear of punishment that will compel them to behave themselves. And so far as these Indians are concerned, if every buck or warrior

had been shot when they were first captured it would have been the proper solution of the difficulty.

Mr. SMITH of Arizona. That is correct.

Mr. HULL. But neither the gentleman from Arizona nor myself, nor anybody else, would advocate that sort of a solution of the difficulty now.

I yield now to the gentleman for a question.

Mr. SMITH of Arizona. I wanted to know how you got the estimate—I failed to ask the chairman of the committee—of 60 per cent of these Indians born in captivity?

Mr. HULL. The gentleman from Ohio has the figures on that point.

Mr. OUTHWAITE. I will give the gentleman some information which I did not have at hand at the time I spoke here, and I confused the number 13 with 30.

Healthy and able-bodied men, 13.

That is all there is down at this place in Alabama, including the old criminals, not 30, as I first said.

Mr. HULL. Altogether of the able-bodied men-

Mr. SMITH of Arizona. Does that include criminals?

Mr. OUTHWAITE. I suppose all who are considered as criminals, who were originally confined there as a punishment.

Women	102
Boys and girls over 12	21

The gentleman from Arizona said he would have no objection if it dealt with those under 16.

Boys and girls under 12	103

That is where I got my 60 per cent calculation. These must have been born since the imprisonment began. That makes a total of 239 under the head of "healthy and able-bodied."

Again:

Sickly and infirm, men and women	63

Mr. SMITH of Arizona. How many men are in that "sickly and infirm" list?

Mr. OUTHWAITE. I am reading all the information I have on the subject, which is a statement submitted from the Department.

Men and women	63
Boys and girls over 12	1
Boys and girls under 12	16
Total	80

Indian soldiers, 47. Grand total, 366.

Mr. SMITH of Arizona. What are the soldiers; Indians?

Mr. OUTHWAITE. It is stated here that

These 366 persons constitute about seventy families of five persons each.

Mr. BROSIUS. Will the gentleman state how these families are divided? He has said that there are thirteen men and over a hundred women and children.

Mr. OUTHWAITE. I said able-bodied men. Under the head of "sickly and infirm men and women" there are sixty-three.

Mr. SMITH of Arizona. What are the forty-seven soldiers; Indians?

Mr. OUTHWAITE. They are Indian soldiers in the Army.

Mr. SMITH of Arizona. Are they composed of the Indians who were sent down there as a punishment?

Mr. OUTHWAITE. I do not know. They are Indian soldiers. The gentleman knows that there are Indian soldiers in the Army.

Mr. SMITH of Arizona. These, I suppose, are some of the same Indians who were sent there as a punishment, and are now being used to guard the others.

Mr. OUTHWAITE. I do not know as to that.

Mr. SMITH of Arizona. How are the children divided as to sex?

Mr. OUTHWAITE. That I can not say. This is the only information I have.

Mr. CANNON of Illinois. If my friend will allow me, the motive seems to have followed the policy of sending Geronimo and his followers to prison, and of giving them the company of their wives and children, not caring to break up family ties. If this proposition is carried out, and the wives and children are scattered over the country, will not the Government be guilty of more cruelty in the separation of families than was contemplated in the original policy of sending these prisoners down into Alabama?

Mr. OUTHWAITE. It is not unusual for criminals to be separated from their families, or families to be separated from criminals all over the country. It is a common policy.

Mr. CANNON of Illinois. If this consideration, to which the gentleman now calls our attention, had been pursued at an earlier period perhaps the children would not have increased so largely.

Mr. HULL. I should like to have a few moments longer.

Mr. OUTHWAITE. I yield additional time to my colleague on the committee.

Mr. HULL. I understood that both the Delegates from Oklahoma and from Arizona were satisfied with the Senate amendment.

Mr. SMITH of Arizona. No, I never intimated it anywhere on earth.

Mr. HULL. Then, I will take that back. What I want further to emphasize to the House is that the conferees have improved that by striking out the word "directed," and have left it simply discretionary with the Secretary of War.

Mr. OUTHWAITE. That was done at the suggestion of the Secretary of War, because the Secretary of War did not want to be compelled to send these Indians out into the country.

Mr. HULL. Yes; I stated that he did not want to be compelled.

Mr. FLYNN. Is it not a fact that unless this provision had been incorporated, the Secretary of War would not have been even authorized to do this?

Mr. OUTHWAITE. I believe this is the best that can be done. I believe the time has come to take the women and children of this old Geronimo band out of captivity.

Now, I wish to say a word or two further concerning this amendment. I have stated to the House that the amendment which was offered in the Senate, and which was so very objectionable to the gentleman from Arizona [Mr. SMITH] and to the gentleman from Oklahoma [Mr. FLYNN], was suggested to the Secretary of War, and that the Secretary of War does not intend or expect, and does not want to be compelled, to distribute these men among these military reservations or to release them from prison; but that it is the purpose of the War Department to distribute the women and children among military reservations where, as it is said in the letter of the Secretary of War, they will be under the observation of military officers. There is no danger connected with distributing a family here and there, in the way that we propose.

If there were a military reservation in Ohio large enough to afford them room, I should not object to one or two or three families of five persons each going to Ohio and having an opportunity to start in life. There are ninety-five military posts and reservations. There are probably forty of these that have enough ground to accommodate some of these families, and upon which they can have the opportunities of life such as other human beings have. That is all we desire. The War Department, as is shown by the frequent efforts that have been made heretofore in previous administrations, do not wish to keep over 200 women and children in prison all their lives, because of the sins of their fathers. So far as any efforts have been made in the direction of sending them back to the neighborhood from which they came, I believe those efforts to have been ill advised.

Mr. SMITH of Arizona. If they are to be turned loose, why not turn them loose in Alabama?

Mr. BROSIUS. The family relation is maintained within the stockades, is it not?

Mr. OUTHWAITE. To a certain extent.

Mr. BROSIUS. I understand that the population is increasing?

Mr. OUTHWAITE. That is correct.

Mr. BROSIUS. How many years will the stockades contain that growing population?

Mr. OUTHWAITE. Not very long at the present rate of increase. As I said before, 60 per cent of these people were born in prison, and it is about time that the American people should give them an opportunity to live out of prison.

I move the adoption of the conference report, and upon that I demand the previous question.

The previous question was ordered.

The conference report was agreed to.

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. COX, its Clerk, announced that the Senate had further insisted upon its amendments to the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes, disagreed to by the House of Representatives; had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. VOORHEES, Mr. HARRIS, Mr. VEST, Mr. JONES of Arkansas, Mr. SHERMAN, Mr. ALLISON, and Mr. ALDRICH as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 6969) for the relief of Benjamin F. Poteet; in which the concurrence of the House was requested.

The message also announced that the Senate had passed joint resolution and bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 34) authorizing Commander Dennis W. Mullan, United States Navy, to accept a medal presented to him by the Chilean Government;

A bill (S. 103) for the relief of P. S. Corbett;
A bill (S. 346) to remove the bar of the statute of limitations and give the right of appeal in certain cases;
A bill (S. 679) to provide for the location and satisfaction of outstanding military bounty land warrants and certificates of location under section 3 of the act approved June 2, 1858;
A bill (S. 756) for the application of the accretions of the Caracas awards of 1868 to the new awards made in 1889 and 1890;
A bill (S. 864) to authorize the payment to Rear Admiral John H. Russell of the highest pay in his grade;
A bill (S. 1468) for the relief of James L. Townsend;
A bill (S. 1549) for the relief of William H. Hugo;
A bill (S. 1824) to carry out the findings of the Court of Claims and for the relief of Samuel Fitzhugh, administrator of Henry Fitzhugh;
A bill (S. 2034) authorizing the persons herein named to accept of certain decorations and testimonials from the Hawaiian Government;
A bill (S. 2118) authorizing the sale of title of the United States of a tract of land in Montgomery County, in the State of Maryland, to William H. and George Bobinger;
A bill (S. 2150) to provide an American register for the steamer Oceano, of New York, N. Y.;
A bill (S. 2151) to amend an act to authorize the construction of a steel bridge over the St. Louis River, between the States of Wisconsin and Minnesota, approved April 24, 1894;
A bill (S. 2217) to provide for the closing of a part of an alley in square 185, in the city of Washington, D. C.; and
A bill (S. 2245) to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed, without amendment, bills of the following titles:

A bill (H. R. 7734) to amend an act entitled "An act authorizthe construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa," approved March 2, 1889, as amended by acts of April 30, 1890, February 7, 1893, and March 24, 1894;
A bill (H. R. 5351) granting a pension to Celestia P. Hartt;
A bill (H. R. 5020) granting a pension to Washington Hislop;
A bill (H. R. 1686) granting a pension to Margaret English; and
A bill (H. R. 6309) for the relief of the dependent relatives of the seamen of the Netherlands steamer Amsterdam, who lost their lives in the effort to save the crew of the American schooner Maggie E. Wells, and also for the relief of the sole survivor of the rescuing party.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth 6,000 copies of the complete compilation of all the annual, special, and veto messages, proclamations, and inaugural addresses of the Presidents of the United States from 1789 to 1894, inclusive, 2,000 copies for the use of the Senate and 4,000 copies for the use of the House. The work shall be prepared under the direction of the Joint Committee on Printing.

ACCOUNT BETWEEN FLORIDA AND THE UNITED STATES GOVERNMENT.

Mr. MALLORY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of bills on the Union Calendar.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, with Mr. BAILEY in the chair.

The CHAIRMAN. The Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 102) to authorize the Secretary of the Treasury to settle the account stated between the General Government and the State of Florida by the said Secretary, under the authority of the act approved March 2, 1889, known as the deficiency act, and to pay the balance found to be due.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to settle the account stated between the United States and the State of Florida, under the authority of section 5 of the act approved March 2, 1889, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes;" and in making such settlement he is hereby authorized to set off what is found to be due by the State to the day of settlement, on account of principal and interest upon the bonds of the State, in which a portion of the Indian trust funds has been invested, against what is found to be due the State to the same date for moneys expended by her during the Indian hostilities of 1849 and 1856 and 1857, and to surrender such bonds and the coupons thereto to the governor of said State upon making such settlement. And in making the settlement the Secretary is directed to follow the statement of the account as made under the authority of said act, as found in the letter from the Secretary of the Treasury, dated December 16, 1889, published as Executive Document No. 68, House of Representatives, Fifty-first Congress, and to adopt the first mode of settlement proposed near the foot of page 3 of said document, containing the computation of interest upon the principal on both sides to the date of settlement And such sum of money is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, as is necessary to make such settlement.

Mr. MALLORY. Mr. Chairman, the object of this bill is to reimburse to the State of Florida moneys expended by her in resisting attacks of hostile Indians in the years 1856, 1857, and 1858. The bill has passed the Senate twice and has passed this body once; but never has passed both Houses during the same session. The purpose of the bill is simply to correct an omission or error that arose through no fault of the governor of the State of Florida, but through a misunderstanding at the time when the troops furnished by the State of Florida were mustered out by the State.

They were not mustered in or out of the service of the United States; and inasmuch as in order that troops under such circumstances should be paid it was required they must be mustered in and out, it was impossible for the Secretary of War at that time to pay these men. Subsequently to the time that they went out of the service, the governor of Florida called the attention of the Secretary of War to the fact that these men had been necessary, that they had rendered valid and substantial aid in resisting Indian hostilities. In response to that application of the governor of the State of Florida, the Secretary of War wrote:

WAR DEPARTMENT, *Washington, D. C., May 21, 1857.*

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, asking an approval of the services of certain volunteers called out by you, and in reply to inform you that the explanation as to the necessity of their services is satisfactory, and orders have been issued to the officer commanding in Florida to muster them in and out of the service of the United States.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

His Excellency JAMES E. BROOME,
Governor of Florida, Washington.

At the time that this order was made these volunteers of the State of Florida had returned to their homes, and it was found impracticable to bring them together again in order to be mustered in and out. The attention of the Secretary of War was called to this fact by the governor of Florida. On the 7th of July following the governor wrote the Secretary of War, stating that it had been found impracticable to muster in these troops, as directed by the Secretary, they having been long since disbanded and it being impossible to assemble them again at any one point. He received the following from the Secretary of War:

Under the circumstances the only course left for the Department is to receive as official the State rolls, duly certified by State authority, and to base upon them a recommendation for the appropriation necessary to pay the troops. This course will obviate the difficulty named by you in consequence of the disbandment of the troops.

I call attention to this correspondence, and to this status of the case at the close of the Indian war, for the purpose of showing that although these troops were not originally called for by the Government of the United States, that nevertheless the governor of Florida, in the exigency that presented itself to him at the time, when there were not enough United States troops to meet the Indians who were arrayed against them in hostility, called, on his own responsibility and upon his own judgment, upon the people of Florida to furnish volunteers for this duty; that these volunteers participated in the Indian campaigns; that they rendered valuable services in those hostilities, which services were approved by the Secretary of War, and that the Secretary of War authorized that they be mustered in and out of the service, in order that they should be paid. The only difficulty in this case arose from the fact that these men had been disbanded and had returned to their homes, and the order of the Secretary of War requiring that they be mustered in and out could not be complied with.

There was no question whatever as to their service; there was no question whatever as to the value of their service. The mere fact that they were not mustered in and out was the only reason why they were not paid at that time. This claim continued in existence for some years without action being taken on it, principally by reason of the outbreak of the late war; but subsequently the attention of Congress was called to it, and in 1881 Congress passed an act referring the matter of this claim to the Secretary of War, and requiring him to make a report thereon.

The Secretary of War considered the claim and made his report, which is contained in both the majority and the minority reports on this bill. Subsequent to that Congress again took the matter in hand and authorized the Secretary of the Treasury to examine into and consider all the claims existing on the part of the State of Florida against the United States, and also all counter claims on the part of the United States against the State of Florida. The Secretary made his report, which is con-

tained in the majority report of the committee on this bill, and to which I call attention.

Under the date of December 16, 1889, the Auditor considered the various items, rejected a number, and finally struck a balance in two forms. One balance, according to his figures, brought the United States in debt to the State of Florida in the sum of $567,954.50. The other method reduced the amount to $421,569.05. It seems that considering the claims on the part of the United States against the State of Florida, certain bonds which had been issued by the State of Florida for the purpose of raising money wherewith to pay these troops had come into the hands of the United States in the Indian trust fund, to the amount of $132,000.

It is proper to state that when these Indian hostilities began and when a detachment of United States troops under Lieut. Hartsuff were attacked near the edge of the Everglades without any warning whatever, the governor of the State of Florida, finding it necessary by reason of the small number of troops in that part of the country, to call upon volunteers, obtained permission from the Legislature to issue bonds. The Legislature authorized the governor to issue $500,000 worth of bonds for the purpose of raising money to pay and maintain the troops. Those bonds were disposed of in various ways. Some were purchased by private parties, some were purchased by banks, and some found their way into the Indian trust fund to the amount, as I have stated, of $132,000.

The State of Florida has been paying interest on those bonds at 7 per cent ever since they were issued. She paid interest into the Treasury of the United States on the $132,000 worth of bonds held by the United States up to 1873, since which time I believe the interest has been unpaid and is still due. At least it so appears from the report of Secretary Windom.

Now, Mr. Chairman, I do not know that it is necessary for me to go into the argument that is used against the validity of this claim. There is, so far as I can gather from the views of the minority, only one argument. That is that these troops or volunteers were not called for by the United States Government, and that their services were declined, although they were tendered by the governor of Florida.

It is a fact that they were not called for by the United States Government, and it is also a fact that their service was declined, but subsequent to that declination, the United States authorities found that it was necessary to have additional troops and accepted their services, not formally through the Secretary of War, but in fact through coöperation with these Florida troops. Subsequently in the correspondence that was had with the Secretary of War, he said in his letter to the governor of Florida:

I have the honor to acknowledge the receipt of your letter of the 8th instant, asking an approval of the service of certain volunteers called out by you, and in reply, to inform you that the explanation as to the necessity of their services is satisfactory, and orders have been issued to the officer commanding in Florida to muster them in and out of the service of the United States.

Now, as an answer to the position assumed by the opponents of this bill, that these troops were not tendered and accepted, we have here in the official records of the country the evidence that subsequent to the declination of their services, the Government of the United States, through an officer authorized to act for it and whose action bound the President and bound the Government, approved of that service and authorized the mustering in of these troops.

Mr. HERMANN. Previous to the declination by the United States Government of the services of these volunteers, were their services actually required by the necessity then existing in that part of the country?

Mr. MALLORY. Undoubtedly.

Mr. HERMANN. Were there any Government troops on the scene of hostilities at that time?

Mr. MALLORY. There were very few; not at all enough to cope with the Indians.

Mr. HERMANN. And the position taken by the advocates of this bill is that the troops down there were inadequate to put down the hostile Indians?

Mr. MALLORY. They were so. That is a fact of history.

Mr. HERMANN. And that therefore it was necessary to raise these volunteers?

Mr. MALLORY. Certainly. The Government of the United States called for volunteers and did enlist a number of companies; but those, with the troops then on hand, were inadequate to stop the murders and depredations that were being carried on by those Indians, who, like the Apaches referred to in the discussion which took place here awhile ago, made little of distance, and appeared at points very remote from each other in very short intervals of time, massacreing everybody that they could lay their hands upon. Thereupon the people of Florida, through their governor, finding it absolutely necessary in order to protect themselves, placed these volunteers in the field, issued bonds to raise money to pay them, paid them every dollar that the State owed them, and protected the people until the United States, through the Secretary of War, ratified that action and authorized these troops to be mustered into and out of the service.

Mr. HERMANN. Did not these volunteers coöperate in many instances, if not entirely, with the United States troops?

Mr. MALLORY. They acted side by side with them all the time. I contend, therefore, Mr. Chairman, that while it is true that the services of these men, although tendered, were declined by the United States Government, that fact ceases to have any valid force, ceases to constitute an argument, when you bear in mind the additional fact that their services subsequently were formally and officially recognized by the United States Government, and that the only step necessary to pay them for the services rendered was authorized to be taken by the Government of the United States.

That it was not taken arose from no fault of theirs, but because hostilities had ceased and the volunteers had been disbanded and sent to their homes. In fact, this bill simply proposes to do that which ought to have been done at that time—to validate the mustering in of these men in accordance with the rolls which have been filed and are set forth in these reports. The State of Florida, finding it impossible to muster in these troops through the regular officials, made muster rolls and filed them in the records of the War Department, where they are now.

This whole claim has been examined. The services of each man have been thoroughly investigated; and the claim covers only those items which were paid, as the State of Florida has shown by proof, which can not be and is not disputed. The salaries of the officers and men, and their subsistence, and the money necessary for their equipment, were all paid by the State of Florida, as has been proven by the State, and she now presents herself here, as she has done in previous Congresses, asking simply that justice be done in the premises.

I reserve the residue of my time

Mr. COUSINS. Mr. Speaker, although I filed the minority report in opposition to this bill, I do not know that I shall occupy much time upon it. There are a number of gentlemen who have given the subject some attention in previous Congresses. I believe that among these the gentleman from Kansas [Mr. DAVIS] has made some preparation upon the subject, and has data affecting the facts involved. I yield to him thirty minutes.

Mr. DAVIS. Mr. Chairman, in order to understand this old bill which has been here a great many times, all the facts and circumstances ought to be stated. It comes down to us from a period prior to the war. During the last Congress this bill passed the Senate, and was before the House upon a favorable report by the committee. In that situation, the facts being stated here by myself and two or three gentlemen in short speeches, the bill was killed.

Mr. MALLORY. The bill was not killed; but gentlemen succeeded in talking it to death.

Mr. DAVIS. Well, the bill did not go through.

Mr. Chairman, take up the history of Florida by the various authors (Sprague, Fairbanks, Bertram, Giddings, and Julian), and you will find that devoted country to have been the battle ground of American liberty. More so, perhaps, than any other spot on this continent.

As early as 1696, expeditions were organized in South Carolina against the inhabitants of Florida. Because, says Fairbanks, in his history—

Many of the settlers in the province of Carolina had lost servants, who had fled to Florida, and had been harbored and protected by the Spanish authorities, and many other of the inhabitants (of Carolinas) were quite willing to procure labor, by making an inroad upon the Spanish Indians and reducing them to a state of servitude.

The Spaniards were willing to surrender all the criminals and debtors, but they refused to surrender "the fugitive slaves." They harbored and encouraged the desertion of the negroes from the English settlements.

These early wars for slavery on the one side and liberty on the other were very bloody, destructive, and merciless. Towns were sacked and burned. Men, women, and children were butchered. None were spared but the negroes. These were dragged into bondage.

The forays of the whites of Georgia and South Carolina provoked retaliations, and there was an emulation of barbarities. It was the beginning in America of that "irrepressible conflict" of the ages known as slavery against liberty. On the side of liberty were the Indian and the negro. On the side of slavery the white man.

The Indians and negroes established places of refuge for fugitive slaves from the white settlements. The whites organized

expeditions to break up these places of refuge, and to reënslave the fugitives. So frequent and so well organized were these forays and counterforays, and so persistent were the fugitive slaves from the white settlements, that there gradually formed in Florida a distinct tribe, composed of negroes, Indians, and mixed bloods, known as "Seminoles," or runaways, as that term implies.

The Seminoles were never very numerous, but they occupied a wide extent of country. When unmolested the Seminoles were peaceable, and enjoyed life in the most primeval and contented manner, free from want and care. The traveler, Bertram, has described their peaceful and happy manners and mode of life as follows:

They have no wishes to gratify, nor wants for which they are required to provide; no enemies to fear, nor disquietudes, unless such as they may entertain from the continual progress of the white settlements. Content and tranquil, they seem as free from care as the birds of the air; like them they are light and volatile, and like them they sing and coo. The Seminole presents the picture of perfect happiness. The joy, the internal content, the tender love, and the generous friendship are imprinted on his very countenance; they show themselves in his demeanor and in his gestures; they seem to form his habitual state of existence, and to be a part of his nature, for their impress only departs from him with life.—*Fairbank's Florida*, pages 272, 273.

In 1821 Florida became a Territory of the United States. The slaveholders were in power in those days, and their first thought was to secure the safety and perpetuity of their "peculiar institution." No longer checked by the jurisdiction and power of Spain, war on the Indians and the recovery of fugitive slaves became the fixed purpose and policy of this great Government. The first step was to remove the Indians further south and to restrict them within narrower limits. The next step was to remove the Indians to a new country west of the Mississippi River, and to return to slavery such of the Seminoles as might be claimed by white men. This removal and the rendition of alleged fugitives had two features connected with it which the Seminoles considered worse than death.

(1) The rendition of fugitives involved the separation of families, and the enslavement of men, women, and children who considered themselves free, or had been born free. (2) The removal to the West placed the Seminoles in close proximity to the Creek Indians, who had preceded them, and who, being slaveholders, claimed many of the Seminoles as their property. Having nothing before them but death or slavery, these brave men preferred death. They would neither surrender nor go West peaceably.

So, after years of predatory forays, with all the horrors of chronic savage warefare, the Government finally resolved on the forcible removal of the Indians and the recovery and rendition of the fugitive slaves to their masters.

In 1835 that long-to-be-remembered Seminole or Florida war began in diabolical earnest. Brave men met in a thousand death struggles, with no truce or mercy on either side. The Indian had courage, climate, swamp, love of liberty, jungles, and justice on his side. The white man had equal courage, numbers, discipline, and insatiable rapacity on his.

No Greece nor Rome ever produced greater heroes than did that Florida war in the thirties and forties. Leonidas and his Spartans at Thermopylæ were equaled by Osceola and Coacoochee as they led their swarthy heroes against the invading whites. And Julius Cæsar, in the forests and morasses of ancient Germany or in the fastnesses of Helvetia, never made a better record for persistent courage and watchful generalship than was exhibited by Gens. Jessup, Taylor, Worth, and others.

This war of seven years, ending in 1843, was a successful war. It reduced the Indians from 3,500, with 1,400 warriors, to a number less than 300, with less than 100 warriors. Five hundred alleged slaves were returned to their alleged masters at a fearful cost of blood and treasure on both sides. The remnants of the Indian tribes were driven south into the swamps and morasses, where they would never have been heard of more had the whites refrained from molesting them. The whites, however, could not restrain their rapacious greed for human chattels. They acted on the doctrine that "every black man should be a slave and every white man a bloodhound to catch him when he runs away."

Herein, Mr. Chairman, we find the real milk of the cocoanut. Herein is the origin of the present war claim now under discussion.

Mr. Chairman, has not this nation done and suffered enough on account of chattel slavery? Why do men come in here broaching subjects and prosecuting claims which tear open old wounds, and perpetuate old memories and heartburnings which should long ago have been buried?

For each slave recovered in that seven years Florida war, three brave white men laid down their lives, and in treasure the cost to the Government was $80,000 for each alleged slave returned to his alleged master. Was not that enough? No, the rapacity of the slave traders was not satisfied, and $141,000 was paid to the masters for the children which the slaves might have had if they had remained at home. Surely that is enough. Not at all. Now comes a claim estimated at half a million dollars which it is said the masters in the forties and fifties spent trying to recover more slaves, after they had all been returned to them or paid for by the General Government.

Mr. Chairman, in making these statements I do not speak without authority. Mr. George W. Julian, in his Life of Joshua R. Giddings, says:

Mr. Giddings proceeded to read further documents sustaining his position that the Florida war had been waged by the Government to aid the slaveholders in the capture of their slaves and for the enslavement of Indians and negroes who were free. He showed that a large portion of the fugitives from Georgia who fled prior to 1802 intermarried with the Seminoles and Southern Creek Indians, and that the Government by treaty in 1821 compelled the Creeks to pay for their fugitives.

The Creeks, supposing they had thus acquired a good title to them from the United States, claimed the wives and children of the Seminoles, who, however, finally refused to move West, preferring to remain and fight the whites, rather than hazard the loss of their wives and children by becoming again incorporated with the Creeks; and that the interest of the Florida slaveholders required that the Seminoles should be compelled to emigrate, which the United States undertook to accomplish. He further proved by official documents that $141,000 which rightfully belonged to the Indians was paid to the slaveholders by the Government as compensation for the children of the fugitive slaves who would have been born to their masters if their parents had remained in servitude.—*Julian's Life of Giddings*, page 93.

Mr. Giddings, in his Exiles of Florida, places the number of Seminoles at the beginning of the war of 1835 as follows: Number of Seminoles, 1,200; number of blacks, 200; altogether, 1,400 warriors. At the close of the war, in 1843, the number still in the country who had not been transported or captured was about 98 warriors. The war was for the removal of the Indians west of the Mississippi River. They objected to going because many of them had been the slaves of the Creeks, and would be in danger of being captured and enslaved by them in the West if they were settled near their old masters.

That fact explains why they fought so desperately to prevent removal. This war for the special purpose of removing the Indians was a very bloody, destructive, and costly affair. Led by Osceola and Coacoochee, they fought with all the desperation which brave men usually exhibit when fighting for country and personal liberty. The following items will give some idea as to the terrible straits to which our Army of the United States was sometimes driven. Bloodhounds and Spaniards had been imported from Cuba as allies to the Army in tracking and capturing the enemy. Referring to that fact, Mr. Giddings says:

The animals had been obtained and authority given to our officers to employ them. The Spaniards attended them. The dogs were attached to different regiments, and fed liberally with bloody meat. Young calves were provided and driven with each scouting party to provide food for them. The Spaniards were supplied with a sufficient number of assistants to keep the dogs in their leashes. Thus provided, several parties composed of regular troops, militia, Indians, Spaniards, dogs, and calves started for the interior.

Their marches continued in some instance for days before they found even the track of the enemy; but when they found the footprints of Indians, the dogs were looked to with confidence to lead on the warlike host, while some more humble officers, following the canine leaders, Spaniards and calves, were expected to bear aloft the glorious Stars and Stripes, as they engaged in deadly conflict with the wily foe. Lo! just at that moment, when all hearts were palpitating, while hope was at its height; when the stern resolve clothed each brow with the dark scowl of battle, the dogs were blithe and frolicsome, and paid no more attention to the tracks of the Indians than those of the ponies on which they sometimes rode.

This grand experiment for closing the Florida war was now pronounced a dead failure; and the use of dogs, and calves, and Spaniards was discarded, and the whole affair served no other purpose than to bring odium on the Administration and ridicule upon the officers who proposed the employment of bloodhounds to act as allies of the American Army.—*Giddings' Exiles of Florida*, pages 272-3.

In the same history Mr. Giddings further says:

In 1843 most of the troops were withdrawn from Florida, Gen. Worth retired from the command, and the Florida war was supposed to have ended. It had been commenced with a determination to reënslave the exiles. The object was, in part, attained. More than 500 persons were seized and enslaved between the 1st of January, 1835, and the 14th of August, 1843. Probably one-half of them had been born free; the others had themselves escaped from slavery. To effect this object, forty millions of dollars were supposed to have been expended. Eighty thousand dollars was paid from the public treasury for the enslavement of each person, and the lives of at least three white men were sacrificed to ensure the enslavement of each black man.

The deterioration of our national morality was beyond estimate, and the disgrace of our nation and Government are matters incapable of computation. The suffering of the Indians and exiles amidst such prolonged persecution, with loss of lives and property, we can not estimate. The friends and families who were separated, the number of those who were made wretched for life, the broken hearts, we will not attempt to enumerate. Nearly one-half of the whole number were consigned to the moral death of slavery.

After wandering in the wilderness thrice forty years they fell under the oppression, the persecution, and the power of a mighty nation, which boasts of its justice, its honor, and love of liberty. We lament the sad fate of those who died in that struggle, but with deeper anguish, and far keener mortification, we deplore the unhappy lot of those who were doomed to drag out a miserable existence amidst chains and wretchedness, surrounded by that moral darkness which broods over the enslaved portion of our fellow beings in the Southern States.

There are yet remaining in Florida a few descendants of the pioneer exiles. They are intermarried with the bands of "Billy Bowlegs" and of "Sam Jones," sometimes called Aripeka: they are now mostly half-breeds, and are rapidly becoming amalgamated with the Indian race.

Besides these, there are a number of Spanish refugees, or colored people who fled from Spanish masters and took up their residence with those called Spanish Indians. These did not engage in the war until 1840, nor did they then engage in any of the battles with our Army; they contented themselves with plundering ships wrecked on their coast, and the forays upon Indian Key. They refused to send delegates to the council summoned by Gen. Worth, to establish terms of pacification. They live independent of the white people, subsisting mostly on fish and the natural products of the soil, holding very little intercourse with either white men or other Indians. Descendants of exile parents, they have the complexion and appearance of pure Spaniards; but they are rapidly blending with the Indians, and forming a mixed race.

These different bands, remaining in Florida and aggregating into a distinct people, have on several occasions since 1843 given evidence of implacable hostility to the whites. And at the time of writing this narrative (1857) they are engaged in open war, while the Government of the United States is endeavoring to secure peace in the same manner and upon the same terms on which Gen. Worth obtained it in 1843. Their future history may here after occupy the pen of some other historian.—*Giddings Exiles of Florida*, pages 314 to 316.

Mr. Chairman, the bill before the committee is a part of that "future history" spoken of by the historian.

In 1845 Florida was admitted as a State into this Union. The remnants of the Seminoles and a few other tribes, numbering less than one hundred warriors, were driven into the swamps and everglades of Southern Florida. There were no more dangers from the Indians among the white settlements, except as provoked by the aggression of the slaveholders, seeking for alleged fugitives from bondage.

The bill before the House is to settle a claim for services rendered by the Florida militia from 1849 to 1857. During that period the war was merely a predatory warfare by the slaveholders of that State with remnants of the Seminoles and other tribes which still remained after most of them had migrated, for the purpose of recovering alleged fugitives, and for the enslavement of men, women, and children who had been born free.

In my opinion, Mr. Chairman, that war was neither just nor necessary, nor is there sufficient evidence that it was authorized by the General Government. With this view of the matter, Mr. Chairman, the claim made in this bill is outrageously unjust, and it should not be paid. [Applause by opponents of the bill.]

Mr. MALLORY. I yield ten minutes to my colleague from Florida [Mr. COOPER.]

Mr. COOPER of Florida. Mr. Chairman, I know this House gives very little attention to a local claim of this sort; and I am going to intrude upon the attention of this body for only ten minutes. I ask the honest consideration of this House for an honest claim and the authorization for the payment of a debt that the United States ought to have paid years ago.

Mr. Chairman, I am surprised that a gentleman should get up here and undertake to prejudice a claim of this sort by raking up the stale embers of sectional discord and appealing to prejudices based upon institutions that long since ceased to exist.

This Florida war had no more to do with slavery than the recent war between Germany and France.

Mr. DAVIS. What was the date of this war?

Mr. COOPER of Florida. From 1856 to 1858.

Mr. DAVIS. When the slaveholders were in the saddle, and the catching of slaves was the principal business of the Government.

Mr. COOPER of Florida. This war began in a treacherous attack of these Seminole Indians upon a camp of United States soldiers, an officer being wounded and a number of the men being massacred. Slavery never entered in anyway whatsoever into the question. There was a remnant of the worst of the Seminole tribe who remained in the far southern portion of Florida. A detail of the United States troops went down there and encamped. They were surprised and massacred. In this emergency the governor of the State called out a considerable force of militia. The United States sent some regular troops which were not sufficient to deal with the difficulty.

Now, I want to impress upon the minds of members this fact: The President of the United States at the close of that war examined into the necessity of the employment of those State troops. You have been told that their services were not accepted. The literal fact is this: They were called out in that emergency, and at the termination of hostilities the President of the United States, upon careful examination of the matter, with all the facts before him, determining that their services were necessary to the Government, ordered them mustered in and out of the United States service, so that this bill for their expenses could be paid.

The Secretary of War issued his order to muster them in and out, so that the bills might be paid, and he sent an officer down there to perform that duty. These, however, being volunteer troops and the war having ended, the troops had disbanded, the State having mustered them out, and consequently the officer got there too late. The only thing now for Congress to do is to dispense with the technical act of mustering in and out, because the troops left before the officer got there, as I have stated.

Mr. Chairman, this matter has been before Congress frequently, and has been always acted upon favorably. The account was referred to Secretary Windom, and here is his report adjudicating the balance due the State and reporting the facts. It was referred to Secretary Lincoln, and here is his report adjudicating the balance due the State and reporting in favor of the claim. It has been reported time and again favorably in the House and Senate. It has been passed both by the House and Senate, but unfortunately there has been no simultaneous action upon it by both Houses at any one Congress.

There has never been but one report in either House against the bill, and that was the report of Senator JONES of Arkansas to the Senate, which report the minority of this committee of the House adopt and publish here. Since that time the committee of which Senator JONES is a member has twice considered and reported favorably upon this bill, and the Senator from Arkansas has not submitted a dissenting report.

Now, here is a bill which every Department of the Government, the President, the Secretary of War, the Secretary of the Treasury, and all of the officers of the Government under whose examination it has come, have reported in its favor as a legitimate, honest debt of the United States. Deducting the offsets against Florida, everything ever claimed by the Government that we owed them, we have the bill here now simply providing for paying the difference due to the State. Each House has passed it time and again, every Department has reported in its favor, and the question is simply whether you are willing to pay your honest debts or not.

You passed a bill this morning paying just the same kind of a claim to the State of Nebraska without objection—by unanimous consent. Is there any rule here that permits the payment to Nebraska and refuses it to Florida, and if so, why? You paid the same kind of a claim to Kansas. Why should Kansas be paid, and not Florida? You have paid the same kind of claim to Texas on the motion and after the advocacy of the chairman of the Committee on Appropriations, Governor SAYERS.

Mr. SAYERS. Will the gentleman allow me to state here that none of these claims were antiquated. We did not go back ten or twelve years behind the war. What was paid Texas was for moneys expended by her since the close of the war.

Mr. BUNN. That makes no difference.

Mr. SAYERS. Certainly it does. Why, when these occurrences were fresh, did not Congress make the appropriation to reimburse Florida; and why was not the claim then pressed?

Mr. BUNN. Why, the answer to that is so plain that it seems hardly necessary to suggest it. The gentleman knows what it is.

Mr. COOPER of Florida. The only answer required, if the gentleman will permit me, I will make perfectly clear to him.

The answer is simply this: The war ended out of which this claim of Florida arose in 1859. Senator Yulee introduced a bill in the next Congress, but before action could be taken on it the civil war came on. That, of course, prevented consideration of the claim; but after the war ended we came and presented the same claim, and it has been pending ever since, having been favorably reported by every committee, except as I have mentioned, and recommended by every departmental officer. It has been recognized, I repeat, by the President of the United States; it has been adjudicated by Secretaries Windom and Lincoln, and here is your admitted and honest obligation presented to you in the shape of a bill, and the question is whether you will pay us now or refuse to pay us because you have the power to delay it still further. It belongs to us. It is our due. We are not asking sympathy or charity. We are not pleading for anything. We demand only our rights, and we ask you to pay us what you owe us.

All the stuff read by the gentleman from Kansas [Mr. DAVIS] about the "old Indian" and negro troubles in Florida, under the Spanish dominion, and the old Seminole war in 1836, had nothing whatever to do with the question. This was begun in 1856 and the gentleman's citations have no more relevancy to it than the hanging of witches at Plymouth.

The question of slavery did not enter into the matter at all. There is no authority to say that anybody went there to catch a slave. It had nothing to do with it. It began in the massacre of United States troops by these Indians and the officer in command was killed.

Mr. MALLORY. If my colleague will permit me the officer was wounded seriously.

Mr. BUNN. That is correct.

Mr. COOPER of Florida. Well, the officer was seriously hurt, at all events, and some of the men were killed, and the governor called out the troops of the State in the emergency, and the President of the United States accepted their services, and ordered them to be mustered in and out, and paid. The Secretary of War ordered an officer to proceed and muster them out, but he failed to get there in time, for the reason I have stated. There are the facts of the case. We have had every report in

our favor, and only the one against us, and that by Senator JONES, whose committee has twice favorably reported on the bill since then, without any adverse report from him.

Mr. BUNN. The report of Senator JONES was a minority report.

Mr. MILLIKEN. Will the gentleman from Florida [Mr. MALLORY] allow me to ask him a question?

Mr. MALLORY. Yes.

Mr. MILLIKEN. What is the amount of this claim?

Mr. MALLORY. Something over $560,000.

Mr. MILLIKEN. I notice that the opponents of this bill are fighting it upon the same ground that they fight the payment of the French spoliation claims, namely, that the Government has owed it so long that they do not want to pay it at all?

Mr. COOPER of Florida. Yes.

Mr. SAYERS. I wish to read from the minority report, by Mr. COUSINS, who, I believe, presented the views of the minority. On page 6 this language is used:

Considering the number of the enemy and the number of troops in the Government service, there certainly was no such emergency as required the governor of Florida to call the State troops into the field, and under no other circumstances is the State entitled to pay for them.

This claim against the Government does not seem to have been much thought of in Florida at the time. In 1856 the Government appropriated $240,000 to pay Florida troops. In the spring of 1857 $92,000 was paid to Florida on account of Indian hostilities. She filed two accounts against the Government in 1857, and this is not mentioned.

I call the attention of the committee now to this especially:

And when in 1859 the governor suggested that it was the debt of the Government and asked the Legislature to instruct their delegation in Congress to take action in the matter, a resolution to that effect was introduced—

That is, introduced into the Florida Legislature—

but no notice was taken of it, not even a vote had on it, and this, too, in the very year in which the Government appropriated $413,000 to pay Florida troops.

Mr. COOPER of Florida. I am speaking by the courtesy of my colleague [Mr. MALLORY], and if the gentleman from Texas wishes to make an argument against this claim, he should do it in his own time, because my time is limited.

Mr. SAYERS. What has the gentleman to say in reference to the neglect of the Florida Legislature in 1859, when it failed to instruct its Senators and Representatives in Congress to attend to this very matter?

Mr. DALZELL. What has the gentleman from Texas been reading from?

Mr. SAYERS. From the minority report.

Mr. COOPER of Florida. I will make this reply to the gentleman, and it seems to me it is entirely sufficient: Immediately at the termination of these hostilities, as shown by the report, the governor of Florida sent a message to the Legislature claiming this amount to be due. The gentleman says that the Legislature of Florida did not pass a memorial on the subject. What has that got to do with the matter, when Senator Yulee at the very next session of Congress introduced a bill for the payment of this claim? The civil war came on and stopped it. I say that the governor claimed it to be due at the time when he sent an official message to the Legislature with reference to it, and our Senator introduced a bill for its payment.

Now, I wish to say one thing more. Some stress was laid upon the fact that there were a comparatively small number of Indians who waged what the gentleman from Kansas [Mr. DAVIS] calls a predatory warfare in the everglades and swamps of Florida. I want to ask how many Indians there were in the Modoc war? I want to ask how many Indians there were that went through the Yellowstone Park with Chief Joseph, when nearly the whole regular Army of the United States was called into service? A large part of the 25,000 men who constituted the Army of the United States were after those Indians.

How many Indians were there? Were there as many as in this Florida war? There were not. We heard the gentleman from Arizona [Mr. SMITH] this morning state upon this floor that it would take a thousand United States troops to one Indian to deal with the Apaches in their fastnesses. There were no more troops sent after these Indians in Florida than were necessary, and any man who knew the hummocks and swamps and everglades of Florida would know that the mere statement of comparative numbers would convey an entirely false impression. There were more Seminoles than there were Modocs. There were more Seminoles than there were of those Indians who went out with Chief Joseph, and you found there were enough then to keep the Army of the United States pretty busy. I want gentlemen of this House to understand that this is an honest and just debt. It has been so found by every tribunal that has ever examined it. And you can pay it or leave it alone, but give us a vote on it and give us a fair show.

Mr. DANIELS. What is the amount claimed?

Mr. COOPER of Florida. Something over $500,000.

Mr. MALLORY. Mr. Chairman, with reference to that portion of the remarks of the gentleman from Kansas [Mr. DAVIS] as to this having been a slave war, carried on for the purpose of the recapture of runaway slaves, I will simply call the attention of the House to the report of Bvt. Col. Harvey Brown, who was commanding in that section of the country at that time.

I will state that a short time previous to the outbreak of this war the first real hostility was the killing of a white boy by some Indians over on the east coast of Florida. I remember myself as a boy, living at Key West at that time, that they also killed two men down at what was called Miama, men who were engaged in making turpentine, before any outbreak had occurred. That was in 1856. Gen. Brown, in his report on the first outbreak of hostility, calls attention to an expedition sent by him under then Lieut. Hartsuff. He said:

Lieut. Hartsuff was ordered, with two noncommissioned officers and eight privates (six mounted and two on foot), with two six-mule teams, to proceed to and reconnoiter the Big Cypress swamp and its neighborhood, his whole force, including teamsters, being ten men, a number deemed by me sufficient, he having during the last winter repeatedly passed unmolested alone and with an escort of one man over the very same grounds, and the Indians never subsequently having given the slightest evidence of a hostile disposition.

Now, he sent Lieut. Hartsuff down there to the Big Cypress, which is on the west side of the Everglades, with ten men of his companies, and he found no Indians and saw no evidence of hostility at all. Lieut. Hartsuff proceeded along the route and had made up his mind to return.

Accordingly the men had at daybreak got their breakfast, struck their tents, and partly saddled and harnessed their horses and teams (Lieut. Hartsuff himself not yet having breakfasted nor had his tent struck), and were employed in preparing for their march, when they were attacked by a party of Indians, varying, in the opinions of the different men, from 25 to 40. The Indians being distant about 15 to 20 yards, and behind trees, and the soldiers in the open prairie, there is great obscurity as to the conduct of part of these men, which requires a closer investigation than I can now give it, but the probability is that the most of them fell at the first fire.

Lieut. Hartsuff, on hearing the whoop, ran immediately from his tent to the wagons, passing a soldier (Foster or Hook) with his leg broken, and found at the wagon three privates, Hanna, of Company K, Baker, of Company G, and Murtagh, of Company K. He was wounded in the arm probably in passing from his tent to the wagon. Being from his wound unable to load, he directed one of the men to load for him, and he fired two or three times with a musket and about the same number with a rifle. He was, while so engaged, and most nobly and gallantly encouraging his men, again struck in the breast, the ball striking his pistol hilt and stunning him. Whether wounded a third time seems somewhat doubtful, but he probably was, in the arm, when he told the men (they all being wounded and Murtagh killed) they could do no more, and directed them to take care of themselves, and he himself retreated to the hammock, since which he has not been seen or heard of, and it is to be feared that he has fallen.

Lieut. Hartsuff succeeded in getting into a little lily pond, and by keeping his body under water, so that he only left his head out, he managed to live; and he succeeded after two or three days in crawling back to Fort Myers, where the headquarters of the little command were. That was the first indication of hostilities in that year.

Now, I say to this House that it is unfair, even conceding that all that has been read by the gentleman from Kansas is correct, which of course I do not concede; even conceding that the white people of Florida in the Territorial days of Florida (because it was not admitted into the Union until after all these things the gentleman has read about had occurred), but conceding for the sake of argument that the white people of Florida were as atrocious and as villainous in their disposition as depicted by the gentleman who has read this account, I say what in the name of God has that to do with a war that occurred ten years afterward, and which the official records show was begun by a bold, wanton, uncalled-for attack on the part of the Indians.

The purpose for which that was introduced was to lead us from the consideration of the merits of this case and the facts of this case by an appeal to feelings which probably are more bitter in their effect in arousing hate between the sections than any other that can be appealed to in order to have our attention distracted from a calm, cool consideration of this measure. I am free to say that I do not think this House can be influenced by such an argument. There is no question in the world that this is a just claim. There is no doubt that it was admitted by the United States Government to be just; and the only difficulty is that the amount is large, and therefore there is an indisposition to see it paid at this time.

It has been pending here before Congress, Congress after Congress. If it is defeated this time it will probably come up again. Florida does not relinquish her right, which is a just one, to be paid as other States, a long list of which I have, have been paid by the United States Government under the same circumstances. Gen. Harney, who took the command, succeeding the preceding officers, immediately issued a call for additional volunteers. The troops were regular United States troops and volunteers who had been received from the State of Florida and mustered into service. They were found to be inadequate for the occasion, and he called for an additional number of troops, and these 400 or 500 troops who were not paid by the Government, and who were

paid by the State government, were out in the field and took a part in the capture and overthrow of these Indians.

Mr. Chairman, how much more time have I?

The CHAIRMAN. The gentleman from Florida has twenty minutes.

Mr. BAKER of New Hampshire. I wish to ask the gentleman a question. I find that the original claim was $261,934.31, and that this bill adds to that $295,098.10 of interest, computing the interest at the rate of 7 per cent.

Mr. MALLORY. Yes, sir.

Mr. BAKER of New Hampshire. I think the gentleman will agree with me that it has not been the policy of the Government, at least since the late war, to pay interest on claims of this kind. There have been times where the Government has paid interest to the States, but never I think since the war; and in no instance that I am aware of has it paid interest at the rate of 7 per cent, which would be obviously unjust to the Government, since it has been able to borrow money at 3 and 4 per cent.

Mr. MALLORY. I cite to the gentleman the case of the State of Massachusetts in 1870, where interest was paid.

Mr. HOPKINS of Illinois. At what rate?

Mr. MALLORY. I do not know. I have not examined the details.

Mr. BUNN. I will state that the committee have suggested an amendment to that proposition to the effect that the State of Florida shall be reimbursed only to the extent of the interest that it has actually paid on this money.

Mr. HOPKINS of Illinois. That will not do.

Mr. BUNN. That has been the unbroken custom.

Mr. COOPER of Florida. If my colleague will permit me, I will state, in answer to the gentlemon from New Hampshire, that the State of Florida borrowed money at the rate of 7 per cent to pay these expenses, and has been paying that rate of interest upon it, and paying it to the United States on a large portion of those bonds ever since. That is the reason why it is proposed to allow interest on this claim at 7 per cent.

Mr. CURTIS of Kansas. What do you propose to do with those Indian bonds?

Mr. MALLORY. We propose to retire them when we get them.

Mr. CURTIS of Kansas. To pay them off?

Mr. MALLORY. Yes, sir.

Mr. COOPER of Florida. It is provided in the bill that they are to be paid off in this settlement.

Mr. CURTIS of Kansas. I understand you to claim that you have been paying interest on these bonds at the rate of 7 per cent, and that you have paid it up to 1873? Now, do you not know that the record shows that there has been no interest paid since 1862?

Mr. MALLORY. The statement of the Secretary of the Treasury, Mr. Windom, shows that it has been paid.

Mr. CURTIS of Kansas. When the Indian appropriation bill was up sometime ago I investigated this matter, and I had a written statement from the Secretary stating that no interest had been paid on those bonds since 1862.

Mr. MALLORY. It may be that no interest was paid in money by the States, but the United States deducted the interest from other funds to which the State of Florida was entitled. You will find the matter all set forth in the report of Secretary Windom.

With reference to the question of interest, I would say that while the United States as a general rule does not pay interest, it has paid it in some instances. It is true there have not been many claims of this character arising since the late war. This case of Massachusetts which I have cited I have not investigated and I do not know the circumstances. But we have the opinions of three Attorneys-General upon the subject of the payment of interest, and one of them I think shows very clearly that under certain circumstances the Government of the United States does pay interest. Mr. Wirt said:

> The expenditure thus incurred forms a debt against the United States which they are bound to reimburse. If the expenditures made for such purpose are supplied from the treasury of the State, the United States reimburse the principal without interest; but if, being unable itself, from the conditions of its own finances, to meet the emergency, such State has been obliged to borrow money for the purpose, and thus to incur a debt on which she herself has had to pay interest, such debt is essentially a debt due by the United States, and both the principal and the interest are to be paid by the United States. (See Opinions of Attorneys-General, volume 1, page 174.)

In addition, the opinion of Attorney-General Crittenden, who says:

> "The act of 27th of February, 1851, is intended to indemnify the State against loss or damage. Reimbursing means repairing the loss or expenses by an equivalent. If the State of Florida has contracted obligations bearing interest, or has paid money with interest, for the use and benefit, in necessary and proper supplies for the troops called into service in 1849, to refund to the State of Florida the principal sum only, without the interest, would not reimburse the State, would not save the State from loss and damage, would not be an equivalent for the expense the State has incurred for the United States. There is no public policy, no saving to the public Treasury, no virtue, no laudable end consulted in order to cut down the claims of the several States in opposition to the intention of Congress and the good faith of the Government."

Also of Attorney-General Brewster, in case of the State of New York, dated July 23, 1883:

> "Undoubtedly the interest paid by the State of New York on money borrowed and applied to the objects specified in the act of July 27, 1861, forms a part of the burden borne by that State for general public defense, and constitutes a just charge against the United States, and the obligation to reimburse for payments of that kind, made under similar circumstances, has frequently been recognized by Congress, as appears by statutes above cited."

Mr. SAYERS. In the reimbursement of the different States for moneys expended for repelling Indian invasions, no interest has ever been allowed by the Government. The accounts in those cases were readjusted without the allowance of interest, and upon the basis of paying the State volunteers at the same rate that the General Government paid its soldiers.

Mr. MALLORY. Does the gentleman know whether in those cases to which he refers the States had to borrow the money and pay interest upon it?

Mr. SAYERS. I know that Texas had, and she was not allowed any interest.

Mr. MALLORY. Did she claim interest? My impression is that Texas did not claim interest.

Mr. SAYERS. She did not claim it because, according to precedent, she was not entitled to it.

Mr. MALLORY. The object of legislation of this kind is to reimburse the States. Now, if they had not the money and had to borrow and pay interest upon it, you do not reimburse them when you pay only the principal.

Mr. BUNN. Why was not there a bill introduced to pay Texas her interest?

Mr. SAYERS. The reason there was no bill introduced was that, before I was a member of this House Congress had passed a law directing the Secretary of War and the Secretary of the Treasury, through the proper officers, to examine the claims of Nebraska, California, Texas, and other States, and report the amount due them respectively to Congress, and those claims came here in the shape of estimates from the Treasury Department, and went upon a general appropriation bill.

Mr. BURROWS. Perhaps the gentleman from Florida will answer a question?

Mr. MALLORY. I reserve the residue of my time.

Mr. COUSINS obtained the floor.

Mr. SAYERS. I hope the gentleman from Florida will allow me one moment.

The CHAIRMAN. The gentleman from Florida has reserved the residue of his time, and resumed his seat. The Chair has recognized the gentleman from Iowa [Mr. COUSINS].

Mr. SAYERS. Will the gentleman from Iowa yield to me a moment?

Mr. COUSINS. Yes, sir.

Mr. SAYERS. The act under which this claim is before the House is wholly different from the acts under which the claims from Texas, Nebraska, California, and Kansas came before Congress. There are two acts relating to claims from those States, and there is but one act in reference to the Florida claim. If the act with reference to Florida be compared with the acts with regard to those other States, it will be found that they are totally different.

Mr. BUNN. If the gentleman is replying to me, I want to say in response that the Committee on Claims examined that question very fully; they also took note carefully of the motion made by the gentleman from Texas in regard to the claim of his State; they observed the success of the effort to put the claim upon an appropriation bill. The parliamentary situation of the two questions prior to that action was the same. This claim might just as well have been put upon the appropriation bill as that of the State of Texas.

Mr. SAYERS. An important difference is that in this case there has been no estimate transmitted to the House from the Secretary of the Treasury.

Mr. BUNN. You are mistaken about that. There is an estimate in reference to this Florida claim.

Mr. SAYERS. I have not seen it.

Mr. BUNN. That estimate is here, and indorsed by the Secretary of the Treasury.

Mr. SAYERS. Not at all. Will the gentleman read the estimate?

Mr. COOPER of Florida. There is a letter of the Secretary of the Treasury making report under the statute referring the matter to him.

Mr. SAYERS. That is an entirely different matter.

Mr. COUSINS. Mr. Chairman, this debate has proceeded thus far without any statement of the real fact involved in the case. The gentleman who represents the committee, and also the gentleman from Florida, have in their remarks proceeded upon their own assumption that this is a just claim, that it has been recommended by all the Departments of the Government, including the President; but they have failed to state any of the acts involved. Now it will be found that the determination of

this class of cases rests upon a very distinct and well-marked policy, which is evolved from the Constitution itself.

The Constitution of the United States provides that—

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Now, at the time of the breaking out of hostilities in Florida, the immediate occasion of which was the attack upon ten men under Lieut. Hartsuff by a band of forty or fifty Indians. The whole number of hostile Indians visible or engaged was ninety-eight, and at no time either at the beginning of the outbreak or following it did the number exceed that. At the very beginning the force of United States regular troops on hand numbered 840; and besides those 840 regulars there were 321 volunteers.

By September 1 following the outbreak, the United States Government had 1,756 regulars and 1,164 volunteers. The latter, constituting four companies, were furnished by the State of Florida herself, and were regularly enlisted by the United States and were on her pay roll. The State of Florida had also four other companies. It seems that there were a number of citizens there who had nothing in particular to do except to offer themselves to fight Indians. Four other companies were raised and were at the disposal of the Government, but their services were specifically refused by the United States; they were not allowed to enlist as a part of the force of the Government.

Now, it should be remembered that all this time the Government never had less than 840 regulars; and within a year from the beginning of the outbreak it had, as I have stated, 1,756 regulars and 1,164 volunteers to fight 98 Indians. The truth of the matter is that these Indians had to be followed over the Territory, which was a very large one; and it took some time to capture them.

But there was not, as I understand, at any time any such imminent danger there as to justify the calling out, under the provision of the Constitution, of a greater number of troops than were actually in the service of the United States at the beginning. Nevertheless, the United States did enlist 1,164 of the tendered troops. Now, the controversy turns upon the question whether or not the other four companies offered by Florida, although they were not enlisted, although their enlistment was specifically refused by the Government, should be paid, and whether or not interest from the time the expense was incurred to the present time should also be allowed. That is all there is in this controversy.

Mr. COOPER of Florida. Will the gentleman yield for a question?

Mr. COUSINS. Yes.

Mr. COOPER of Florida. Did not the President of the United States examine and determine that these men should be paid; and were they not ordered to be paid by the War Department?

Mr. COUSINS. Later on I will come to the consideration had of the matter by the different branches of the Government.

Now, the question arising on that statement of facts is whether the expense incurred by troops offered by the State of Florida should be paid by the United States, though not enlisted by the General Government, which question can be and must be determined by the facts, in view of the Constitution. Was there such an emergency? That is the test of every such claim. Was there such an emergency then and there as warranted the State in calling into the service of the State the four companies that were not enlisted in the service?

Now, Mr. Chairman, the reason I have tendered the minority report is that I believe, under that provision of the Constitution, there was no such emergency.

Mr. COOPER of Florida. Was not the President of the United States the sole judge of that?

Mr. COUSINS. Not at all.

Mr. COOPER of Florida. Did not he determine it?

Mr. COUSINS. Not at all. At the present time we are the sole judges of it.

Mr. MALLORY. But he was at that time.

Mr. COOPER of Florida. And he so determined.

Mr. COUSINS. At the present time the Congress of the United States is the judge; and every time when such a claim is presented Congress must be the judge, and the sole judge.

Now, Mr. Chairman, let us stop and think of this for a minute.

Mr. BUNN. If the gentleman will permit me, to my mind he is mistaken about the constitutional question——

Mr. COUSINS. The gentleman from Florida urges the claim on the ground that claims of like character from Kansas and Nebraska have been paid. That brings out the very point that I had in mind and desired to bring out. In those cases that have been allowed here, where payment was made for troops tendered to the Government in such emergencies, the condition of affairs—the emergency existing at the time—absolutely demanded it. It was a danger that was imminent and menacing. It was so imminent in the cases where payments have been made that it was seen at once that it was necessary to enlist the troops which were tendered by the State to the General Government, and for that reason, when the service was accepted, payment was made.

That is the history of it. Why, they were overrunning the Territory, filling it with bloodshed and death. The Indians had broken out, set fire to the dwellings of the people, murdered men, women, and children in their cabins; the air was filled with the smoke and the terror they created, and it was in such an emergency that the troops, who were on the scene of action, and whose services were needed to repell the outbreak and protect the people were paid, and the claims thus generated allowed. Therefore, I contend that we must be governed by the conditions surrounding at the time, and must consider the constitutional question to which I have referred, whether the emergency justified the use of the troops or demanded their presence.

If you allow the Florida claim to-day, what will be the result of it? If this claim is allowed in a supposed emergency, where ninety-eight hostile Indians were confronted with something like three thousand regular troops, supported by the United States Government—I say if you allow such a claim, amounting to something over a half million of dollars, you will establish a precedent which will bring forward claims of States far greater in number, I imagine, than any gentleman on the floor has supposed; States which can come and demand the allowance of a claim of the same character, and far greater in amount, and more plausible than this, and many others that have been presented and refused.

I have taken pains to correspond with some of the States that have from time to time been considered frontier States, and which have been involved in Indian warfare. I find that the State of Idaho looks in the direction of having certain claims of this character allowed. I find that the State of Kansas has claims on file here in Washington in the hands of an attorney, ready to come to the door of Congress at any time that the occasion presents itself, and demand that you shall pay their claims if you set this precedent. I find Minnesota in the days of her frontiership, in the days of real Indian warfare, in the days when Indians swept the country with fire and blood, I find Minnesota is here with a claim in the hands of attorneys waiting for the establishment of just such a precedent.

Mr. Chairman, I only point out the dangers to show what would be the result of the action sought here, and what we may expect if we grant this claim and disregard this provision of the Constitution. If you determine that on such a state of facts the emergency had arisen, that it was imminent, look what it leaves you here in the way of claims that are to come up in the future. Why, in my mind, this claim is a monstrous joke. Ninety-eight Indians facing 3,000 United States troops; and the claim now that the emergency called for four companies more! You will discover that in 1858 the claim was first taken up in Congress, when Florida sent instructions here to her Representatives to begin to look after the claim; and then as late as 1859 they had to send to Florida for the data on which to found the claim. They had to send to Florida for the very facts upon which the claim itself was based.

We find that in 1859 Florida had two claims for Indian warfare, and she was allowed two specific sums, for money that had been expended in Indian warfares, and in neither one of those accounts was this Florida claim, now up before Congress, ever mentioned. They themselves did not consider it of sufficient importance, as late as 1859, to even claim it. The trouble was, the claim did not amount to enough then. No interest had run on it. It was only the keeping of four companies for that short time that was involved. But you know through the mutations of time, interest, which has swift feet, interest which keeps running, gives a sort of justification to this claim in the eyes of the claimant, so that now it amounts to enough to be worth fighting for in Congress.

Now, so far as the justification that is claimed to have been given to this claim by the Departments of the Government is concerned, you know there is always a sort of courtesy running through the Departments. If it is claimed that Florida expended money for the suppression of Indian hostilities, the Secretary of War of course says, "Well, if they had been mustered in regularly, there is no question but what the claim could be allowed," and all that sort of thing. They came there and tried to muster them in, but it was found they had already disbanded; and listen to what the Secretary says, upon their informing him that the troops were disbanded and they could no longer muster them in. The Secretary says:

"Under the circumstances the only course left for the Department is to receive as official the State rolls, duly certified by the State authorities, and to base upon them a recommendation to Congress for the appropriation necessary to pay off the troops. This course will obviate the difficulties mentioned by you on account of the disbandment of the volunteers in question."

A committee which formerly reported upon this matter used this language:

This letter of the governor of Florida is not now amongst the papers in the case, and this committee have been unable to procure a copy of it at the War Department, but they accept as correct the statement of its contents as above; but they respectfully submit that the apparent effort of the Secretary of War to muster troops by a sort of *nunc pro tunc* proceeding into the Government service was unauthorized, especially after he had declined to accept these troops before the alleged service.

It must be remembered that at the very time this matter was brought to the attention of the Secretary of War, the fact that the troops were tendered was brought to his notice. The whole situation was before him at a time when he could judge, at a time when he was competent to determine, and he specifically declined to have them enlisted for the reason I have stated.

Mr. HUTCHESON. Will the gentleman allow me to ask him a question?

Mr. COUSINS. Yes.

Mr. HUTCHESON. I will ask the gentleman if it is not true, so far from its being the case as he states it, that the troops which were rejected by the commanding officer who preceded Gen. Harney, were accepted by Gen. Harney when he came there, and six hundred more besides. Is not that true? Just answer that one question.

Mr. COUSINS. No, not wholly so.

Mr. HUTCHESON. Is not any part of that true?

Mr. COUSINS. I can not answer that question by yes or no, because part of it is true, and part of it I think is incorrect. The situation is this: Such a number of the troops as were accepted were enlisted, as I said in the beginning, and were upon the pay roll of the United States, and were paid by the Government. They were the four companies. Then those over and above the four companies, the expense of maintaining which is the foundation of the claim which is now before us—when their claim came before the Secretary, and when it was sought to have them enlisted and put upon the pay rolls, the Secretary refused it, upon the ground, I presume, that we decide this question upon now, that there was no emergency calling for a greater number than they had already enlisted.

Mr. HUTCHESON. Let me ask the gentleman to look at page 10 of the report, and he will find—for I know he does not intend to misrepresent the facts—that the amount involved is not alone for the four companies, but there is involved a claim for every company, including the time that they were mustered in by the State, up to the time that they were received by the Government. That has never been paid to them. The gentleman will observe that not one dollar of that has been paid for the companies which were accepted.

Mr. COUSINS. I think the gentleman will find that all of the 1,164 volunteers, the four companies that were accepted by the Government, were paid. You will find that the amount in controversy is claimed for the additional troops that were over, and the interest that has accumulated in this great length of time. You must remember that this claim is older than I am. It happened before the war.

And there is another significant fact that I want to present in this connection touching Florida's position in the matter of claims for Indian warfare.

I want to read the record of what Florida was receiving in those days for helping to suppress hostile Indians. Here is a list of appropriations for payment of military services in Florida from July 1, 1849, to June 30, 1861:

Fiscal year ended June 30, 1850:	
Payment of certain military services in Florida, act March 3, 1845 (5 Statutes, 745)	$925.75
Payment of balances due the Shawnee Indians for services in the Florida war, resolution March 3, 1845 (5 Statutes, 800)	13,701.60
Fiscal year ended June 30, 1851:	
Reimbursing the State of Florida for expenses incurred, etc., act February 27, 1851 (9 Statutes, 573)	75,000.00
Preventing and suppressing Indian hostilities in Florida, act February 27, 1851 (9 Statutes, 571)	25,000.00
Payment to Delaware Indians serving in Florida war, section 3, act September 30, 1850 (9 Statutes, 559)	12,648.37
Fiscal year ended June 30, 1852:	
Payments for certain military services in Florida, act March 3, 1845 (5 Statutes, 745)	452.72
Fiscal year ended June 30, 1853:	
Pay of Florida militia on account Quartermaster's Department, act March 3, 1853 (10 Statutes, 184)	4,537.08
Arrearage pay due Florida militia under Gen. Reed, act March 3, 1853 (10 Statutes, 184)	7,241.93
Pay of Florida militia on account of subsistence, act March 3, 1853 (10 Statutes, 185)	1,039.29
Payment of the companies of Capts. Bush, Price, and Suarez for military services in Florida, act February 14, 1853 (10 Statutes, 755)	28,346.65
Amount carried over	218,993.49
Amount brought forward	$218,993.49
Pay certain military services in Florida, act March 3, 1845 (5 Statutes 745)	494.11
Payment of expenses for defense of Florida, act of May 28, 1830 (5 Statutes, 33, 34)	5,000.00
Fiscal year ended June 30, 1857:	
Pay and supplies of mounted and foot companies of Florida volunteers, act August 30, 1856 (11 Statutes, 150)	240,667.52
Settlement account, State of Florida, for advances to volunteers, section 11, act March 3, 1857 (12 Statutes, 204)	92,788.10
Fiscal year ended June 30, 1859:	
Pay of certain Florida volunteers in 1857-'58, act March 3, 1859 (11 Statutes, 429)	413,600.00
	971,553.22

Now, in that account that was allowed in 1859 there is no mention or reference to the sum incurred or claimed to have been incurred and as justly due to them for the hostilities in question. There is not a word mentioned in this last account allowed in 1859. So that it appears that at that time the State of Florida had no faith whatever in the justness of the claim which is now sought to be raised here.

Mr. MALLORY. I will state to the gentleman that those troops were mustered in. This claim is for troops that were never mustered in, and which the Secretary of War ordered to be mustered in.

Mr. COUSINS. I understand. I was just reading this summary of what Florida was receiving for this business she was doing in those times, and to show that it was a sort of crop that Florida had got into the habit of harvesting off the Government annually for the suppression of Indian hostilities; and notwithstanding the fact that they were paid for these four companies that were enlisted, 1,164 men, they were not satisfied with their regular annual allowance, but they wanted to increase it; and, as I think the record shows, they themselves had no faith whatever in the justness of the claim in 1859, the time when it should have been considered, if at all. I reserve the balance of my time.

Mr. MALLORY. Mr. Chairman, with reference to the point made by the gentleman from Iowa [Mr. COUSINS] as to the fact that the approval of the calling out of these troops by the President is not conclusive and that Congress is justified in acting upon that theory, while that may be so, I would nevertheless call the attention of the gentleman to the decision of the Supreme Court in the case of Luther *vs.* Borden, where that court in that memorable case referred to the case of Martin *vs.* Mott, in 12th Wheaton. Speaking of the power conferred upon the President of the United States in calling out troops, the double power conferred under the Constitution of calling out the militia, and the other power of calling out troops to suppress insurrections, the court said:

Whenever a statute gives discretionary power to any person to be exercised by him upon his own opinion of certain facts, it is a sound rule of construction that the statute constitutes him the sole and exclusive judge of the existence of those facts.

The President called on the governor for troops. Those troops were furnished by the State. These very troops were put in the field by the governor of Florida at once, but were declined by the War Department, and subsequently the War Department approved of them having been ordered into the field, and authorized that they be mustered in.

Mr. COUSINS. Is there any record that the President of the United States had called for these four extra companies which the governor of Florida had called for?

Mr. MALLORY. He did not call for these. He called for troops, and put them in the field, and the President, through the Secretary of War, ratified his action, and ordered them to be mustered in for the purpose of being paid.

Mr. COUSINS. But that would not be covered by the case you cited.

Mr. MALLORY. He had called for troops subsequently.

Mr. REED. But he did not accept them.

Mr. MALLORY. He afterwards did.

Mr. REED. After he had declined to accept them: and he had then passed his judgment.

Mr. MALLORY. The Secretary of War had advised the President that they should be paid.

Mr. REED. It was discretionary with the officer, according to the case that you read from. When an officer has discretion, he is supposed to have exercised his discretion rightfully, and it can not be questioned; but having exercised his discretion in refusing, and somebody else having put the troops into the field, has he then any right, under any provision of the Constitution, to pay for the men whose services he refused.

Mr. MALLORY. Let me ask the gentleman if these troops, instead of having disbanded and having gone to their homes, had been mustered in and out of the service, does the gentleman doubt that they would have been paid?

Mr. REED. By whose orders?

Mr. MALLORY. By the orders of the Secretary of War.

Mr. COUSINS. I would like the gentleman to cite any language of the President in which he refers to the action of the governor as to these four last companies.

Mr. MALLORY. It is given in Secretary Floyd's letter to the governor, and in that of Adjt. Gen. Cooper, which is quoted in the majority report. He had at first declined to allow the enrollment of these last companies, some twenty odd in number.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. MALLORY. I move that the committee rise and report this bill to the House with a favorable recommendation.

Mr. SAYERS. I make the point of order that the bill has not been read by sections.

The CHAIRMAN. The gentleman from Texas makes the point of order against the motion of the gentleman from Florida [Mr. MALLORY] that the bill must be considered by sections, which point of order the Chair thinks is well taken.

Mr. SAYERS. General debate has not been closed.

The CHAIRMAN. The motion to report a bill, when there has been no consideration by sections, would be tantamount to closing general debate; which the Chair thinks is not in order.

Mr. BARTLETT. Mr. Chairman, I would like to say a few words on this bill.

The CHAIRMAN. The gentleman from Florida [Mr. MALLORY] has moved that the committee rise.

Mr. REED. Mr. Chairman, the gentleman from Florida did not move that the committee rise. He moved that the committee rise and report, and that not being in order, the whole motion would fall to the ground.

The CHAIRMAN. But later the Chair understood the gentleman from Florida to move that the committee rise. The gentleman from Texas [Mr. SAYERS] suggested that the first motion was not in order, whereupon, as the Chair understood, the gentleman from Florida moved simply that the committee rise.

Mr. SAYERS. The gentleman from Florida did not make that motion.

The CHAIRMAN. Then the Chair is in error, and will recognize the gentleman from New York.

Mr. BARTLETT. Mr. Chairman and gentlemen, until I had read the majority and minority reports on this bill I could not imagine that such a proposition would have been seriously entertained by the House of Representatives. I could not believe that it would be seriously proposed to pay the State of Florida $261,934 by way of principal, and enough interest to swell the amount to nearly $568,000, for the services of four companies of volunteers, those services never having been accepted by the Executive of the United States, or by his representative, the Secretary of War.

This great Indian war arose, it would seem, in December, 1856, by an attack of twenty-five or fifty Indians upon a United States officer whose gallant services have been so eloquently alluded to by the gentleman from Florida [Mr. MALLORY]. Now, I can hardly conceive what the heroism of Lieut. Hartsuff, which is set forth in two or three papers in the appendix to the report, has to do with the claim of the State of Florida for payment for the services of four hundred men whose services were never accepted by the Government of the United States. If we establish this precedent the governor of any State who may yield to his imaginary fears and enlist a thousand or two thousand men, may, forty years later, saddle the expense of that operation upon the Federal Government.

It seems to me, as one not unfamiliar with the services of militia or volunteer troops, and as one who has made some study of questions of this nature, that the true test is what took place when the services of these troops were offered in December, 1856, by the governor of Florida to the Secretary of War. Had the Secretary of War at that time accepted the services of those four companies there could be no doubt whatever as to the liability of the Federal Government to reimburse the State.

Mr. BUNN. Suppose that at that time it was not deemed necessary to accept the services of these troops but that subsequent conditions showed that they were necessary, could the Secretary by any means have changed his opinion?

Mr. BARTLETT. The only Secretary of War to be considered——

Mr. BUNN. I wish the gentleman would just answer that question.

Mr. BARTLETT. The only Secretary of War to be considered is the one who was Secretary of War at the time of the inception of hostilities in December, 1856, and at the time of the tender of these Florida troops by the governor. The action of that Secretary of War decided the whole question of liability, and when Governor Broome received a definite reply from the Secretary that he would not accept the services of more than the 260 men who were enlisted and mustered into the United States service, he should not have called upon the remaining companies of volunteers to serve, and if he did call upon them the State of Florida alone was liable.

Another test is sought to be imposed, the test of mustering in. I admit that that might have been a test, and had these troops been mustered in 1857, when another Secretary of War, John B. Floyd, said that they might be mustered in and out of the United States service—had those troops been present and been mustered in at that time the United States might be liable. But they were not. Why? Because they had been already disbanded; they had gone to their homes, and there is nothing in the record here to show how long they served.

Mr. BUNN. Let me correct the gentleman. Their accounts are here, fully verified.

Mr. MALLORY. Here is a list of twenty and odd companies, instead of four, with a statement of the length of their service.

Mr. BARTLETT. Mr. Chairman, there is another reason why this enormous sum should not be paid to the State of Florida, and that is, the character of that war. Take even the glowing picture painted by Governor Broome, in his message of 1857, in which he tells us what the troops did. It appears that there was one detachment under the command of a lieutenant which overtook the enemy and succeeded in recovering the property of one citizen that had been stolen, and that in the engagement which ensued seven or eight Indians were killed.

What did the other companies do? In all it is supposed that they killed twenty Indians. In all they fought in three engagements, with a loss, it would appear, of about three men on their side. What was the total number of hostilities engaged in that war? It is shown in the report of Judge-Advocate-General Barr and in the report of Adjutant-General Cooper that the total number, as is stated by the gentleman from Iowa, who submits the views of the minority, amounted to about ninety-eight or somewhat short of one hundred.

So we find at the end of this conflict that the hostile force was decimated to the extent that out of ninety-eight Indians sixty-three were left, and for the services of the troops in those sanguinary engagements, in which, as we are told by the governor, the fighting became so intense that the men were obliged to resort to pocketknives, and that one Indian had his throat cut, for services of that character we are asked forty years later to give the State of Florida nearly $600,000. It seems to me that the proposition is monstrous.

Mr. COOPER of Florida. Let me remind the gentleman that the State of Florida borrowed that money and is paying interest upon the bonds issued for the money. Does the gentleman suppose that we borrowed that money and issued those bonds and have been paying interest upon them all these years for fun?

Mr. BARTLETT. Suppose I am ordered to take a battalion to Buffalo, a battalion consisting of about as many men as all these forces in question here; and suppose there is no liability on the part of the Government of the United States to pay for the services of my battalion. Is that any reason why forty years later some of my descendants should come to the Congress of the United States and ask half a million of dollars in payment?

Where there is no liability there should be no payment; and the test of liability here was the refusal of the Secretary of War to accept the services of these troops, together with the failure of these volunteers a year later to be present to be mustered in, and their disbandment. We have, too, the further evidence that this whole claim is an afterthought. It seems never to have occurred to the State of Florida for years after the date of the occurrences; and as has been stated by the gentleman from Texas, we find in 1857 the payment of $92,000, and in 1856 the payment of $240,000, without any reference whatever to this claim of equal magnitude.

It seems to me, gentlemen, in view of these sound and just objections, and considering the character of the warfare in question, this claim should not be allowed. It pains me to take a position against any State whose interests seem to be involved in the payment of claims; but I can not support a claim of this nature, which is based on neither law nor equity, nor on the merits of the services alleged to have been rendered.

Mr. SAYERS. Mr. Chairman, as it lacks but four minutes of the time when the House, under the rule, must take its recess, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BAILEY reported that the Committee of the Whole on the Private Calendar had had under consideration the bill (H. R. 102) to authorize the Secretary of the Treasury to settle the account stated between the General Government and the State of Florida by the said Secretary, under the authority of the act approved March 2, 1889, known as the

deficiency act, and to pay the balance found to be due, and had come to no resolution thereon.

HEIRS OF DON JUAN FILHIOL.

Mr. TERRY, by unanimous consent, reported back adversely from the Committee on the Judiciary the bill (H. R. 5160) to refer the title of the heirs of Don Juan Filhiol to certain lands in Arkansas to the Court of Claims; which was laid on the table, and the accompanying report ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 38) relating to the pay and retirement of mates in the United States Navy;

A bill (H. R. 83) authorizing the State of Montana to make selections from certain public lands;

A bill (H. R. 366) providing for the sale of the old custom-house and lot connected therewith in the city of Louisville, Ky.;

A bill (H. R. 4452) adding the towns of Manchester and Vernon, in the State of Connecticut, to the customs district of Hartford, Conn., and making the city of Rockville, Conn., a port of delivery;

A bill (H. R. 4858) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

A bill (S. 882) granting a pension to Frances Corse, widow of Gen. John M. Corse; and

A bill (S. 1209) to regulate enlistments in the Army of the United States.

The SPEAKER. The gentleman from Indiana [Mr. BROOKSHIRE] will perform the duties of the Chair at the evening session.

And then (at 5 o'clock p. m.) the House, in accordance with the rule, took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. BROOKSHIRE, as Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. MARTIN of Indiana. I move that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar under clause 3 of Rule XXVII.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. DOCKERY in the chair), and resumed the consideration of the unfinished business, being the bill (H. R. 6405) to remove the charge of desertion standing against Patrick Kelleher, late private Company C, Thirty-eighth Illinois Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to correct the military record of Patrick Kelleher, late a private of Company C, Thirty-eighth Illinois Infantry, by removing the charge of desertion standing against his name and granting him an honorable discharge from said service.

The pending amendment was read, as follows:

Add to the bill the following:

"*Provided*, That no pay, bounty, or emolument of any kind shall become due or payable by virtue of the passage of this act."

Mr. LOUD. Mr. Chairman, I have a suggestion to make in regard to this bill which I think ought to be acceptable to the House. This is a very warm night, and the spirit of compromise is on me. I wish to state that I am perfectly willing to accept as an amendment to this bill the amendment which was placed some three weeks ago upon the bill of the gentleman from Massachusetts [Mr. COGSWELL]. I therefore ask unanimous consent to add at the end of the pending amendment the words "or pension paid to this date."

Mr. TALBERT of South Carolina. As last Friday night I raised and insisted upon the point of no quorum, I wish to say that in view of the presentation of this amendment, the effect of which as I understand, is that if the bill be passed no pay or emolument in the way of pension shall thereby accrue to the beneficiary, I withdraw the point of no quorum.

Mr. JONES. I ask that the report in this case be read.

The CHAIRMAN. This proceeding is only by unanimous consent. This bill is and has been the unfinished business. The report was read at a previous Friday night session.

Mr. LOUD. The amendment which I propose is precisely the same that was assented to upon the bill of the gentleman from Massachusetts.

Mr. TALBERT of South Carolina. I have withdrawn the point upon this bill in order that it might get out of the way, hoping that others of similar nature may not be brought up, but that we may proceed to clear the Calendar of meritorious measures. I hope that this bill, with the amendment now offered, may be disposed of.

Mr. LOUD. I repeat that this is precisely the same amendment which was adopted upon the suggestion of the gentleman from Virginia [Mr. JONES] upon the bill of the gentleman from Massachusetts which was passed.

Mr. JONES. I wish to say to the gentleman that there are a great many bills here for the removal of the charge of desertion; and I never admitted that I thought all these bills, or any of them, ought to pass if amended in the form the gentleman now suggests. I think that each of these bills ought to be considered on its own merits.

That bill of Gen. Cogswell's was one of some little merit, I thought, after it had been fully explained.

Mr. LOUD. I beg to suggest to the gentleman that it is of no higher character of merit than the bill I now propose.

Mr. JONES. Well, it was reported to me by the gentleman from Massachusetts himself as one of peculiar merit and very exceptional in character.

Mr. LOUD. At the suggestion of the gentleman from South Carolina I agreed to accept that amendment——

Mr. JONES. I do not remember the circumstances of this case, and would like to have the report read.

The CHAIRMAN. By unanimous consent the report can be again read.

Mr. EVERETT. I object to the reading of the report, or rather it is not a matter of objection. The order on the bill is that the vote be taken by tellers.

The CHAIRMAN. By unanimous consent the report can be read. Does the gentleman object?

Mr. EVERETT. I withdraw the objection.

The report (by Mr. BOWERS of California) was read, as follows:

The committee to whom was referred the bill (H. R. 6405) to remove the charge of desertion standing against Patrick Kelleher, have considered the same, and report the same back with an amendment, as follows: "*Provided*, That no pay, bounty, or emolument of any kind shall become due or payable by virtue of the passage of this act;" and that so amended, the bill do pass.

The military record furnished the committee and made a part of this report shows that the soldier served faithfully for two and a half years, then reënlisted, and in 1864 received a furlough of thirty days and went to his home in Massachusetts, and remained there sick, under treatment, unable to return to his regiment until it was mustered out. The soldier was severely wounded at the battle of Murfreesboro in his right arm, shoulder, and leg; is now badly crippled, and unable to labor for his support.

Case of Patrick Kelleher, late private Company C, Thirty-eighth Illinois Infantry.

RECORD AND PENSION OFFICE, *War Department, April 4, 1894.*

The records show that Patrick Kelleher, aged 28 years, was enrolled August 4, 1861, for three years, and mustered into service as a private in Company C, Thirty-eighth Illinois Infantry, September 7, 1861. He appears to have served faithfully until December 31, 1862, when he was captured at Murfreesboro, Tenn. He was confined at Richmond, Va., January 15, 1863; paroled at City Point, Va., January 20, 1863; reported at Camp Parole, Md., January 21, 1863, and was sent to Benton Barracks, Mo. He rejoined his company May 6, 1863; enlisted as a veteran volunteer February 29, 1864, and is reported as having deserted May 12, 1864, at Mattoon, Ill., while on veteran furlough.

In an application for removal of the charge of desertion the soldier testified September 20, 1886, that in December, 1862, at the battle of Murfreesboro, Tenn., he was severely wounded in the right arm, shoulder, and right leg; that about April, 1864, he obtained a furlough for thirty days, being unfit for duty, and went home; that he became much worse and was under the medical treatment of one Dr. Page; that he remained under Dr. Page's treatment until his regiment was mustered out of service, and that he never received a certificate of discharge.

In another affidavit of the same date the applicant made a similar statement, adding that he had no intention of deserting, but was prevented from rejoining his command by physical disabilities.

Under date September 20, 1886, William G. Anderson testified that he had known the soldier for six years; that he (affiant) had been through the war as a member of Light Battery B, Fourth United States Artillery, and knew from conversations with the applicant that his statements are true, although he did not meet him on the battlefield. (Battery B, Fourth United States Artillery, was not present at the battle of Murfreesboro, Tenn.)

John J. Chapman testified in this same affidavit (dated September 20, 1886), that he had known the applicant since 1880, and identified him as the soldier in question.

The application for relief was denied February 21, 1887, and renewing the application in 1893 the soldier testified that he had served faithfully until about April 12, 1864, when he received a thirty-days' furlough and went home to Massachusetts, and that while there he was taken sick, was treated by Dr. Page, was not able to leave his bed when his furlough expired, and was sick for about a year, and could then get about only on crutches.

On November 15, 1893, the evidence on file in the Bureau of Pensions was examined and found to contain nothing additional to that already cited, except the testimony of Dr. Nomus Page, the family physician, who declared that he had treated the soldier in April and at other times in 1864 and in 1865 for chronic rheumatism and malarial poisoning, and in another affidavit that he had treated him in May, 1864, during the remainder of 1864, and also in 1865, for debility and malaria.

On November 18, 1893, the application for relief was again denied, the evidence submitted not being deemed sufficient to establish that the soldier was prevented from completing his term of enlistment by disability contracted in the service and line of duty.

The status of the case has not since been changed, either by the introduction of new testimony or by legislation.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

The SECRETARY OF WAR.

Mr. JONES. Now, I would like to ask the parliamentary status of this bill?

The CHAIRMAN. The present occupant of the chair was not in the chair when the bill was under consideration at the last meeting, but is advised by the clerks at the desk that the amendment just reported as a part of the bill had been agreed to by the committee, and the question was being taken on laying the bill aside as amended with favorable recommendation. The point of no quorum was made, and tellers had been appointed, but upon the vote by tellers a quorum failed to appear.

The gentleman from California now asks unanimous consent to modify the amendment adopted, so as to exclude the applicant from the benefit of a pension, as the Chair understands it.

Mr. JONES. If that consent is given, would it change the status of the bill before the committee? It would not change the status of the bill as to the vote, I presume.

The CHAIRMAN. The question would then be on laying aside the bill with favorable recommendation.

Mr. TALBERT of South Carolina. In view of the fact that the change was made, to the effect that this applicant could not get a pension, I agreed to withdraw the point of no quorum, thereby bringing the matter to a direct vote.

Mr. JONES. There would be a question in my mind as to whether the gentleman who made the point of no quorum on a previous evening could withdraw that point at this session.

The CHAIRMAN. It is not necessary to withdraw it. A quorum is supposed to be present, this session being on a new legislative day. The regular order would be the count by tellers, and the point of no quorum could be made thereupon if a quorum failed to appear; but, pending that, the gentleman from California asks consent to amend the bill as he has indicated.

Mr. JONES. As I understand the effect of the amendment, it is to exclude the applicant from the benefit of any pension for the past, but would not exclude him from drawing a pension hereafter.

The CHAIRMAN. The Clerk will read the amendment as modified.

The Clerk read as follows:

In line 8 after the word "service" insert: "*Provided*, That no pay or emoluments shall accrue by reason of this act or pension paid to this date."

Mr. LOUD. That is the exact language of the amendment the gentleman made to the other bill.

Mr. JONES. I understand that perfectly.

The CHAIRMAN. Is there objection to substituting this amendment for the amendment already agreed to by the committee?

Mr. LOUD. I do not know what position the gentleman proposes to occupy towards the bill, so I withdraw the amendment until after a vote can be taken, and then, if necessary, shall ask consent to offer it.

The CHAIRMAN. The tellers will take their places.

Mr. LOUD. I am satisfied with the bill in the shape that it is in now.

The CHAIRMAN. The Chair is not advised who the tellers were.

Mr. EVERETT. The gentleman from California [Mr. LOUD] and the gentleman from South Carolina [Mr. TALBERT] were tellers.

Mr. CLARK of Missouri. Did not the gentleman from South Carolina withdraw the point of no quorum?

The CHAIRMAN. It was not necessary, because this is a subsequent meeting of the committee, and a quorum is supposed to be present. But a count has been ordered by tellers. It does not follow, however, that the point of no quorum is to be raised.

Mr. CLARK of Missouri. When there is no point of a quorum pending, is it necessary to have tellers?

The CHAIRMAN. Not at all; but tellers have been heretofore ordered by the committee.

Mr. CLARK of Missouri. I ask unanimous consent that the order for tellers be vacated.

The CHAIRMAN. Without objection, that order will be made.

There was no objection.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

The committee proceeded to vote.

Mr. JONES. Mr. Chairman, when this bill was up before the committee heretofore——

Mr. PICKLER. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. PICKLER. The vote is being taken——

Mr. LOUD. I hope the gentleman will let me look after this bill myself.

Mr. PICKLER. Well, I shall insist upon the regular order. I am a member of this House and the committee, I wish the gentleman to understand.

The CHAIRMAN. There is no vote being taken.

Mr. PICKLER. The Chair had submitted the motion, and the ayes had voted. Now the status of the bill is to take the vote in opposition.

The CHAIRMAN. The Chair submitted the request of the gentleman from Missouri to vacate the vote by tellers, and the Chair was just submitting the question when the gentleman from Virginia rose for some purpose.

Mr. PICKLER. The Chair put the question, and the yeas voted. I ask if that is not the status of the case?

The CHAIRMAN. The Chair does not think that any vote was taken.

Mr. PICKLER. Does the Chair hold that this bill is now open for debate?

The CHAIRMAN. No; the Chair does not so hold. Debate is closed on this bill. The order was simply to vacate the vote by tellers.

Mr. PICKLER. Now, Mr. Chairman, I demand the regular order.

Mr. JONES. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. JONES. I rise for the purpose of making two or three remarks upon the status of this bill. I want to say, Mr. Chairman, that when I called for the reading of this report, I did not remember the facts which applied to this particular case, and I merely wanted to refresh my memory. I want to say now that since this report has been read, I do not agree at all with the chairman from California [Mr. LOUD] that this bill is equally meritorious with that which the gentleman from Massachusetts [Mr. COGSWELL] was the author of, and I remember distinctly that on previous occasions I have opposed this bill, and I have given my reasons for my opposition.

Mr. PICKLER. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. PICKLER. This bill is not open for debate, and I demand the regular order.

Mr. JONES. Mr. Chairman, I do not propose to discuss the merits of this bill.

Mr. PICKLER. Mr. Chairman, I demand the regular order, and I hope the Chair will enforce the rules of the House.

The CHAIRMAN. The Chair will endeavor to enforce the rules of the House, and the gentleman from South Dakota will conform to the rules.

Mr. PICKLER. The Chair is lamentably failing to do so at this time.

The CHAIRMAN. The Chair is willing to submit his decision to the judgment of the committee, as against that of the gentleman from South Dakota. Debate is not in order.

Mr. JONES. I am not debating the merits of the bill, Mr. Chairman, but I asked for the parliamentary status of the bill, and it was upon that question I wished to be heard for a moment.

Mr. PICKLER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. Debate is not in order at this time.

Mr. JONES. I will say, Mr. Chairman, that it was not my intention to raise the point of no quorum on this bill, but if I am not allowed to state my position, I will do so. The bill can not be forced through in this style.

Mr. PICKLER. Regular order.

The CHAIRMAN. Debate is not in order. As many as favor laying aside the bill with a favorable report will say aye.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. JONES. Division.

The committee divided; and there were—ayes 43, noes 2.

Mr. JONES. No quorum.

Mr. MARTIN of Indiana. Mr. Chairman, I ask unanimous consent that the bill be withdrawn without prejudice.

The CHAIRMAN. The gentleman from Indiana asks, pending the point of no quorum, that the bill be withdrawn without prejudice.

Mr. LOUD. I object. I have so stated, repeatedly.

The CHAIRMAN. The gentleman from California [Mr. LOUD] and the gentleman from Virginia [Mr. JONES] will take their places as tellers.

Mr. MARTIN of Indiana. I ask permission to make a statement of one minute's length.

The CHAIRMAN. The gentleman from Indiana [Mr. MAR-

TIN] asks unanimous consent to make a statement. Is there objection?

There was no objection.

Mr. MARTIN of Indiana. I desire to say that I was to-day directed by the Committee on Invalid Pensions to ask this Committee of the Whole House to-night for unanimous consent to go to the consideration of bills which had never yet been considered, there being a number of very meritorious bills upon the Calendar. I thought that this matter now pending had been arranged between the gentleman from California [Mr. LOUD] and the gentleman from South Carolina [Mr. TALBERT].

Now, in view of what I have been directed by the Committee on Invalid Pensions to do, I beg that the gentleman from California [Mr. LOUD] will not insist upon his objection, but that he will allow the Chair again to put my request on behalf of the committee for unanimous consent that we go to the consideration of bills which have never yet been considered.

The CHAIRMAN. The Chair will again put the request, in the absence of objection——

Mr. LOUD. It is perfectly unnecessary to submit the request, Mr. Chairman.

The CHAIRMAN. The gentleman from California objects. The tellers will take their places.

Mr. CURTIS of New York. I move that the committee rise.

The CHAIRMAN. That is not in order at this time, pending a count. The tellers will take their places.

The committee proceeded to divide.

Pending the count—

Mr. LOUD. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia be allowed five minutes to make a personal statement.

The CHAIRMAN. Pending the count, the gentleman from California asks unanimous consent that the gentleman from Virginia be allowed five minutes.

Mr. PICKLER. Pending that, I want to know if the gentleman from Virginia will then withdraw his point of no quorum?

The CHAIRMAN. The Chair will again submit the request of the gentleman from California, that the gentleman from Virginia be allowed to speak five minutes. Is there objection?

Mr. PICKLER. I object.

The CHAIRMAN. Objection is made. The count will proceed.

Mr. PICKLER. The gentleman knows now whether he will withdraw his point of no quorum.

The CHAIRMAN. Debate is not in order.

After further time spent in the count:

Mr. LOUD. Mr. Chairman, I will renew my request.

Mr. PICKLER. Pending the count by tellers, I ask unanimous consent that the point of no quorum be withdrawn and that the gentleman from Virginia be allowed five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota. [After a pause.] The Chair hears none.

Mr. JONES. Mr. Chairman, it is not my desire to discuss the merits of this bill. On a former occasion I gave the reasons which actuated me in opposing the passage of this measure. I want to say, moreover, that whilst I have opposed the passage of this bill, I have never yet raised the point of no quorum against it; and it was not my purpose to-night to raise that question. But whilst I frankly make that statement, I desire to make the further statement that I can not support this particular measure; because I do not believe that the evidence which accompanies the report is sufficient to justify Congress in removing the charge of desertion resting against this man.

Now, my friend from California has argued that I should withdraw my objection to this bill because I did not insist upon an objection to a bill which was considered here for a similar purpose on a former occasion to the extent of raising the question of a quorum. Mr. Chairman, I consider each one of these bills upon its individual merits. If I do not carry my objection in all cases to the extent of raising the quorum question is because there are, in my estimation, degrees of demerit—some are worse than others.

I beg to differ with the gentleman from California in one respect. I do not think this bill of his is supported by the same character of testimony that was adduced in the case to which reference has been made; and therefore I can not support this bill. I expect to vote against it; I expect to do all I can to defeat it; but I have said to the gentleman, and that was my intention when I came here, that I would not raise the question of no quorum. I want, however, to enter my solemn protest against the passage of bills of this kind. I do not think the charge of desertion resting against any man ought to be removed upon the testimony of the man alone.

I think in addition to his testimony there ought to be adduced testimony to support that which he gives himself justifying the removal of the charge of desertion. I want to emphasize the fact that because I do not insist upon a quorum in this particular case, I do not relinquish the right to do so hereafter in cases of a similar character, but worse in degree. This shall be no precedent for my future action, and I hope it will not be cited as such.

The CHAIRMAN. The question is on laying the bill aside, with a favorable recommendation.

Mr. LOUD. Mr. Chairman, I ask unanimous consent that the amendment that I offered be adopted.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from California will be agreed to, by unanimous consent, in lieu of the amendment reported by the committee. Is there objection? [After a pause.] The Chair hears none.

The bill, as amended, was ordered to be laid aside with a favorable recommendation.

ORDER OF BUSINESS.

Mr. MARTIN of Indiana. Mr. Chairman, I ask unanimous consent that we begin with Calendar No. 342, a bill which has heretofore been considered, and to which objections have heretofore been made and which are now withdrawn, the bill H. R. 4290.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to begin the business for the evening session with Calendar No. 342. Is there objection?

Mr. McRAE. Where would we be if that were not done?

Mr. MARTIN of Indiana. You would have to go back to the first.

Mr. HULL. I would like to ask what the object of the chairman of the Committee on Invalid Pensions is in that?

Mr. MARTIN of Indiana. I will very cheerfully state again what the object was. I was asked to-day by the Committee on Invalid Pensions to ask unanimous consent to-night that the Committee of the Whole should proceed to the consideration to-night of bills only which have not heretofore been considered and to which objections have been made.

As to the bill which has just been passed, the gentleman has seen that that has been adjusted and the objection withdrawn. As to the bill that I am speaking about now, it is one that was introduced by the gentleman from Illinois [Mr. POST], and I understand that the objection to it is withdrawn. Therefore, I ask that we proceed to consider that bill.

Mr. HULL. The trouble about that is that if we let all the bills be considered that the gentleman from Virginia [Mr. JONES] is willing to have considered, we shall have still fewer members left to fight for those that the gentleman from Virginia does not approve of.

Mr. MARTIN of Indiana. The gentlemen from Iowa is no more anxious than I am, after the months of labor that I have given to this matter, for the passage of all these bills, and what I ask now is not for the purpose of injuring the feelings or invading the rights of anybody, but only for the purpose of trying to get some of these bills through, many of which are so meritorious that no man will object.

Mr. HULL. If the gentleman will modify his request so as simply to ask that that bill be considered next, I will not object.

Mr. POST. I will make that request, Mr. Chairman.

The CHAIRMAN. The Chair understands the gentleman from Iowa [Mr. HULL] to object to the request of the chairman of the Committee on Invalid Pensions. The gentleman from Illinois [Mr. POST] now asks unanimous consent that House bill 4292 be next considered. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4290) for the relief of Druzilla J. Rigg, of Macomb, Ill.

DRUZILLA J. RIGG.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to cause to be paid to Druzilla J. Rigg, of Macomb, Ill., who is the daughter and only heir of James Depoy (who was second lieutenant in Company A in the Fifty-fourth Regiment of Ohio Infantry in the war of the rebellion, to whom pension certificate No. 158723 was issued, and who died previous to the receipt by him of said certificate), the amount due upon said certificate at the time of the death of said James Depoy.

The Clerk proceeded to read the report.

Mr. POST. Mr. Chairman, the report in this case was read when the bill was up before, and there is no occasion to read it again. I simply want to say that the objection arose—— [Cries of "Vote!" "Vote!"]

Mr. JONES. I hope the gentleman from Illinois will be allowed to make his statement.

The CHAIRMAN. The gentleman will be permitted, without objection, to make a brief explanation.

Mr. POST. I simply want to say that this bill was before the

House at a meeting two weeks ago, and objection was made to it by the gentleman from Virginia [Mr. JONES] until he could examine certain matters in the Pension Office. He has examined those matters, and I understand now that he is not inclined to make any objection to the bill. I therefore ask for a vote.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MARTIN of Indiana. Mr. Chairman, by direction of the Committee on Invalid Pensions, I ask unanimous consent that the committee now proceed to the consideration of bills on the Calendar of which we have jurisdiction, and which have not been heretofore considered.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [A pause.] The Chair hears none. The gentleman from Indiana [Mr. MARTIN], who is familiar with the Calendar, will please indicate the first bill for consideration under the order just made.

Mr. MARTIN of Indiana. It is House bill No. 6650, Calendar No. 382.

The Clerk proceeded to read the bill.

Mr. HULL. One moment, Mr. Chairman. I would ask the chairman of the Committee on Invalid Pensions whether Calendar No. 375 has been considered? I do not know that anybody here wants it considered; I do not; but I think it comes first on the Calendar among the bills not heretofore considered.

Mr. STRONG. I want it considered.

Mr. HULL. Then you have a right to have it considered. The Military Committee has the same rights as the Committee on Invalid Pensions, and that bill never has been considered, and it comes before the other on the Calendar.

Mr. MARTIN of Indiana. I believe I am in error, Mr. Chairman, and the gentleman from Iowa is correct.

The CHAIRMAN. The Clerk will report the bill indicated by the gentleman from Iowa.

ALEXANDER P. MAGAAN.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause the military record of Alexander P. Magaan, who enlisted as a private in Battery H, Fourth United States Artillery, on the 8th day of July, 1846, and stands charged with having deserted on the 8th day of September, 1848, to be corrected by removing said charge of desertion and granting an honorable discharge to said soldier, it appearing that he did not desert, but was absent with leave.

An amendment recommended by the Committee on Military Affairs was read as follows:

Add at the end of line 12:

Provided, That no pay, bounty, or emoluments shall become due by virtue of the passage of this act.

Mr. JONES. I ask that the report in that case be read.

Mr. DOCKERY. I hope there will be no objection to the bill.

The Clerk proceeded to read the report.

Mr. TALBERT of South Carolina. Mr. Chairman, I ask unanimous consent that this bill be passed over for to-night.

Mr. STRONG. For what reason?

The CHAIRMAN (Mr. ARNOLD). Is there objection to the request of the gentleman from South Carolina? [A pause.] The Chair hears none, and the Clerk will report the next bill.

SAMUEL BURNS.

The next pension business upon the Calendar was the bill (H. R. 6650) granting a pension to Samuel Burns.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Samuel Burns, late a soldier in the Florida Volunteers in the Florida Indian war, and allow him a pension rated at $12 per month.

An amendment recommended by the Committee on Invalid Pensions striking out the word "twelve" before "dollars" and inserting "eight," was agreed to.

Mr. JONES. I ask that the report be read.

The report (by Mr. MOSES) was read as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6650) granting a pension to Samuel Burns, have considered the same and report as follows:

The records of the Second Auditor's Office, Treasury Department, show that the claimant served from July 30, 1836, to August 16, 1836, as a private in Capt. John M. G. Hunter's company, Florida Volunteers, in the Florida Indian war.

Mr. Burns is now about 85 years old, and too feeble to do anything toward earning a support. He has an aged wife and several unmarried daughters dependent upon him for maintenance, and he has but little property or income.

The passage of the bill is recommended with an amendment striking out the word "twelve" in line 7 and inserting in lieu thereof the word "eight," so as to allow a pension rated at $8 per month.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ADALINE J. PROPS.

The next pension business upon the Private Calendar was the bill (H. R. 6228) granting a pension to Adaline J. Props.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Adaline J. Props, widow of Lewis C. Props, a soldier in the Southern or Sabine war of 1836, and allow her a pension rated at $15 per month.

An amendment recommended by the committee, striking out "fifteen" before the word "dollars" and inserting "eight," was agreed to.

The CHAIRMAN. The question is upon laying this bill aside with a favorable recommendation.

Mr. JONES. Mr. Chairman, I would like to have the report in that case read.

The report (by Mr. STALLINGS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6228) granting a pension to Adaline J. Props, have considered the same and report as follows:

The claimant is the widow of Lewis C. Props, who was enrolled August 3, 1836, in Capt. Moore's company, Arkansas Volunteers, Sabine Indian war, and was mustered out January 21, 1837.

The Sabine Indian war was, like the Creek, Cherokee, and Seminole wars, conducted under the authority of the United States, but through oversight the Sabine war was not included in the provisions of the Indian war act of July 27, 1892, and as a consequence Mrs. Props's claim at the Pension Bureau was rejected.

The service in this case is a matter of record and has been recognized by the allowance of bounty land warrants under the acts of 1852 and 1855.

Mrs. Props is now over 72 years old, very feeble, and in needy and destitute circumstances. Her husband, the soldier, died February 22, 1890, and since then she has lived alone. She married the soldier in 1838.

The facts are fully shown by the testimony filed at the Pension Bureau and by a numerously signed affidavit and petition accompanying the bill.

In view of the foregoing facts, your committee believe that this claimant should be put upon the same footing with other Indian war widows, and the passage of the bill is therefore recommended with an amendment striking out the word "fifteen" in line 7, and substituting in lieu thereof the word "eight;" so as to allow a pension of $8 per month.

Mr. JONES. Mr. Chairman, I would like to have an explanation of the bill from the author of it, or the gentleman who has it in charge.

Mr. McRAE. This bill was introduced by my colleague [Mr. TERRY], who is not present this evening. The report just read sets forth very clearly, I think, sufficient facts to support the bill. There is no question about the service, and no question about the needy condition of the widow. The only question is whether we should grant this pension for service rendered in the Sabine war, which was not covered by the bill passed two years ago providing pensions for services in the Indian wars. It is perfectly clear that this soldier rendered service for the time required by that act. I hope the bill will be passed.

Mr. JONES. In what command was this soldier?

Mr. McRAE. The report states that.

Mr. JONES. How many troops were mustered into that service?

Mr. McRAE. Enough to suppress the disturbance.

Mr. JONES. I wish to know how large the class may be to which this man belongs?

Mr. McRAE. It is not very large.

Mr. JONES. If there are these people who are entitled to the same consideration as others who were engaged in suppressing Indian difficulties, I want to know why there has not been some general legislation on the subject?

Mr. McRAE. I presume because they were overlooked or did not have friends enough to get it through. There can not be a great many of these old people. The service was rendered a long time ago—sixty-eight years.

Mr. JONES. Then the gentleman has no idea how many widows there are in the same situation as this one?

Mr. McRAE. There can not be a great many; but I have no definite information upon that point.

Mr. JONES. It does not seem to me an equitable thing to single out one widow who happens to have a Representative on this floor and pass a private bill for her benefit, while we leave all other persons of the class to which she belongs unprovided for.

Mr. McRAE. If the others of the class have not friends enough to look after their interests here, I see no reason why we should not do justice to those gallant soldiers or their widows whose claims are presented and whose needs are pressing.

Mr. JONES. It simply seems to be making a distinction where one ought not to be made.

Mr. McRAE. But we do such things every time we pass a special bill. I will state that I know there is one case of this kind from my district.

Mr. NEILL. I have one case also in my district. I introduced a bill to provide for that case; but the affidavits not being ready it has not yet been acted upon.

Mr. McRAE. There is no question about the service having been rendered in this case, as I understand.

Mr. JONES. Does the gentleman know that this service was rendered? The reports are read so rapidly I can not always catch the purport of the statements.

Mr. McRAE. Service was rendered sufficient to satisfy the

committee. I am satisfied it is a good case. The bill proposes to pension this widow at only $8 a month, which is less, I believe, than other widows generally receive.

Mr. HULL. I am very glad to find that there was one Indian war which was so very small and unimportant that Congress in raking over the subject could not find out anything about it. No doubt this bill ought to pass from a Democratic standpoint. But I would like it to appear in the RECORD, for my own information at least, how many days this soldier served. I have an idea it was about twenty days. If there was service of twenty days this widow ought certainly to be pensioned to preserve the record of this Congress, although we have repeatedly tried to get pensions for old soldiers who served three years or more during the late war, and were all shot to pieces, and yet we have failed. I think that whenever any bill so meritorious as this comes up, with twenty days' service back of it, it ought to pass without objection from the gentleman from Virginia.

Mr. McRAE. If the gentleman will permit me, I have the report here, which shows that this man volunteered and was enrolled August 3, 1836, in Capt. Moore's company, and was mustered out January 1, 1837.

Mr. HULL. Of course from August 3 to January 1 is a pretty long term of service!

The CHAIRMAN. Unless objection be made, the bill will be laid aside to be reported favorably to the House.

There was no objection.

WILLIS MANASCO.

The next business on the Calendar was the bill (H. R. 5589) to pension Willis Manasco.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Willis Manasco, of Eldridge, Howard County, Ark., who served in Captain Philpot's company of Alabama Volunteers, Mexican war, and pay him a pension of $12 per month.

The amendments reported by the committee were read as follows:

In the seventh line strike out "Mexican" and insert "Creek Indian," and in the eighth line strike out "twelve" and insert "eight."

The amendments were agreed to.

Mr. JONES. I should like to hear the report read in this case.

The report (by Mr. LUCAS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5589) granting a pension to Willis Manasco, have considered the same and respectfully report as follows:

The records of the Second Auditor's Office, Treasury Department, show that Willis Manasco is borne on the roll of Capt. Benjamin A. Philpot's company of Alabama Volunteers as having been paid for nineteen days' traveling from Somerville, Ala., to Vernon, Ala., and from Vernon to Somerville, when ordered home, a distance each way (according to the records) of 190 miles. This was in the Creek Indian war of 1836.

In a declaration for pension, filed December 4, 1891, Mr. Manasco declares that while in said service he received an injury to his left thigh by his horse (which had been shot) falling upon him, and that he has been crippled ever since.

The records, which are obviously incomplete so far as these old wars are concerned, fail to show the injury, and as the service shown is insufficient in duration to warrant allowance of pension under the general Indian war act of July 27, 1892, the claim filed at the Pension Bureau has been rejected.

Mr. Manasco resides at Eldridge, Howard County, Ark., and Messrs. Robert G. Luttrell, J. B. Luttrell, and J. E. Pannell, citizens of that county and State, testify that the claimant is 77 years old, in feeble health, and unable to perform manual labor; also that he has no income except that derived from a small farm of 15 or 16 acres, and this does not amount to more than $60 per year, which is insufficient to support him and his wife.

After careful consideration of all the facts, your committee recommend the passage of the act with the following amendments:

Strike out the word "Mexican" in line 7 and insert in lieu thereof the words "Creek Indian;" strike out the word "twelve" in line 7 and substitute in lieu thereof the word "eight;" so as to allow a rating of $8 per month.

Mr. JONES. I hope there will be some statement made in regard to this bill. As I understand, the only evidence that this man served at all is the fact that he drew mileage for about nineteen days.

Mr. PICKLER. Nineteen days is a good long service for those soldiers!

Mr. JONES. I do not agree with the gentleman. I do not think a man who served only nineteen days ought to be pensioned unless he received serious injury or incurred some disability from which he is now suffering.

Mr. McRAE. I know this old gentleman well. The records of the War Department show that he was regularly enrolled, that he remained in the service as long as there was any necessity for him to do so, and that he received payment for nineteen days. The evidence, while not sufficient to satisfy the Pension Department, is convincing to me that this old man received in that service the injury of which he now complains, and that he deserves aid.

He did all that was demanded of him to prove his courage as a soldier, by enlisting and performing the duties required as long as necessary to suppress the outbreak. He is now very old, about 78 years of age. He is as honest and as honorable an old gentleman as ever made a track. He still loves the country he fought for, and he now has need for this little pension.

I believe this Congress can not do a more creditable thing in the way of a private pension, and I do not believe it has ever before granted a more deserving service pension than is proposed by this bill for this honest, feeble old man.

I hope there will be no objection to it. I have attended these meetings almost every night for six months trying to help this good old friend, Willis Manasco. I want him to feel in his old age that he has been treated as his other comrades of Capt. Philpott's regiment, a regiment that is known to all old Alabamians, because it made a record that did them much credit for successful Indian fighting. I hope my friend from Virginia will make no further objection to this bill.

Mr. JONES. I understand from the report that the evidence submitted in this case was not sufficient to convince the Pension Department that this man actually received the disability which is spoken of in the report as the result of a fall from his horse.

Mr. McRAE. No, sir; it was not deemed sufficient in the Pension Office.

Mr. JONES. But the gentleman from Arkansas states that the evidence was sufficient to convince him. I would like to ask him where that evidence is and what it is? I think the committee ought to have the benefit of that information, since they are called upon to pass upon this bill.

Mr. McRAE. I will state to the gentleman that the only evidence required by me, knowing this man as I do, and having his character supported by his neighbors, in whom I have unbounded confidence, is his own statement as to the disability. I do not believe that for ten times this amount Willis Manasco would state a falsehood to procure a pension. He has lived for many years in the little home in the neighborhood where he is well known, and no man who knows him would undertake to charge that he would state anything that was not absolutely and unqualifiedly true in every respect.

Mr. JONES. I only wanted the House to fully understand the statements which have been made in the report as supplemented by the gentleman from Arkansas, in order that we may be able to act intelligibly.

Mr. McRAE. Why, this pension, my dear sir, is not granted for the injury; it is granted for the service. I do not ask the House to take his statement as to the injury and grant the pension upon that alone. But I do claim for him a service pension on the ground that he was a brave soldier in an Indian war who did actual service. The pension could have been granted under the general law, but it appears that the time of service was short a few days. The report states that the record of this war is incomplete in many respects. It is difficult, of course, at this late date to procure the testimony; but there is no question in my mind about his statement as to the injury being true, nor that he served more than nineteen days for which he was paid.

Mr. PICKLER. The record shows that he was in the service?

Mr. McRAE. Certainly; there is no question about that.

Mr. JONES. Mr. Chairman, I am sorry that this claim is not based on the ground of the disability which this man is alleged to have received, for I for one do not think a man ought to be pensioned who served in these wars only nineteen days, and received no injury of any kind by reason of that short service. The evidence on which this claim is based is unsatisfactory and incomplete, it being simply to the effect that the soldier having been paid for traveling a certain number of days the inference is that he served those days.

Now, if we are to begin to pension men for nineteen days' service, then there is no reason why we should not pension them for fifteen days' service, and if we fix on fifteen days' service the demand will come after awhile to pension for twelve days' service, and when that is reached it will be insisted that nine days' service ought to be sufficient, and if nine days' service is sufficient then there is no reason why one day's service should not be ample. We have got to draw the line somewhere. The general law is exceedingly liberal when it fixes the period at thirty days.

I know that there have been special bills put through the House to have people who served twenty-nine days and so many hours, or something of that sort pensioned, but I do not think where there is such a discrepancy as this, only nineteen days' service, if that much, we ought to pass the bill and establish such a bad precedent. If we pass this bill somebody will get up, perhaps before this evening is closed, and say, "I have a bill where a man served fifteen days. Now, you have already granted a pension to a man who served nineteen days, and you should not make fish of one and flesh of the other. You should treat all alike." That precedent will be held up to us, and the claim made that we ought not to discriminate against a man on account of a difference of only four days' service.

Mr. McRAE. But I hope my friend will remember that while the record shows that he was only paid for nineteen days, he was paid when he was 190 miles from home, and I assume that they came to the conclusion that 190 miles travel to get home would take the balance of the time that is required to earn a service pension under the Indian war act.

Mr. TALBERT of South Carolina. He had to walk home, I imagine. [Laughter.]

The CHAIRMAN (Mr. ARNOLD in the chair). In the absence of objection, the bill as amended will be laid aside with a favorable recommendation.

There was no objection.

JOHN MAHOLM.

The next business on the Private Calendar was the bill (H. R. 2920) for the relief of John Maholm.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the restrictions and limitations of the pension laws, the name of John Maholm, dependent father of George Maholm, late of Company B, Seventieth Regiment Indiana Volunteers.

The committee recommend the adoption of the following amendment:

Add after the word "volunteers," in line 7, the words "in the war of the rebellion," and amend the title so as to read: "A bill to pension John Maholm, dependent father."

Mr. JONES. Mr. Chairman, I move as a substitute for the committee amendment that the words "in the late civil war" be inserted where the words "in the war of the rebellion" occur.

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 3, noes 20.

So the amendment was rejected.

The amendment recommended by the committee was agreed to.

Mr. JONES. I ask that the report accompanying the bill be read.

The report (by Mr. MARTIN of Indiana) was read, as follows:

Your Committee on Invalid Pensions, having had under consideration the bill (H. R. 2929) to grant a pension to John Maholm, as dependent father of George H. Maholm, deceased, find the facts as follows, to wit:

George H. Maholm, the deceased, was the son of John and Margaret Maholm, of Shelbyville, Ind., and enlisted as a private in Company B, Seventieth Regiment of Indiana Volunteers, in the war of the rebellion, on August 1, 1862, and was duly mustered in. The records of the War Department, as reported to the Pension Office, show the foregoing, and also that he was wounded and sent to the hospital May 14, 1864; present with his command September and October, 1864; muster-out roll of the company dated June 8, 1865, reports him, George H. Maholm, killed by cars November 6, 1864, at Chattahoochee River, Georgia. The soldier's mother filed an application for pension as a dependent parent on March 15, 1869, which was rejected February 1, 1871, on the ground that the soldier's death "did not occur in the line of duty." The mother of the soldier died March 30, 1871. The soldier's parents were married January 29, 1839. The soldier left no widow or children.

After the mother's death the father applied for pension as dependent parent, but this application was rejected March 30, 1883, on identical grounds on which the mother's claim was rejected. It is established that the soldier for five years prior to his death had actually contributed to the support of his parents; that the latter were poor, depending on their labor for support; that the mother had become physically disabled by a rupture of the navel in childbirth; that the father was partially disabled from labor by reason of a gunshot wound in one of his hands, destroying and carrying away a portion of the scaphoid bone. The father is now about 73 years of age.

The circumstances of the soldier's death are as follows:

The Adjutant-General reports the soldier killed November 6, 1864.

The Surgeon-General reports the soldier killed by a railroad engine November 6, 1864.

J. A. Fitzgerald, assistant surgeon Seventieth Indiana, states that the soldier is supposed to have been intoxicated at the time. As to this supposition, it is utterly unfounded and is contradicted by the evidence following:

John C. Newton, late captain of Company B, Seventieth Indiana Volunteers, testifies that the soldier, while in the service and line of duty, near Atlanta, Ga., on or about November 6, 1864, was accidentally run over by the cars and killed. Nothing definite is known as to how the accident occurred, as none of the company were with him at the time. He was found dead in the morning by his comrades near the camp of the regiment.

Comrades Thompson and Whitcomb testify that the soldier was accidentally killed near Atlanta, Ga., under the following circumstances, viz: That said Whitcomb, as sergeant, with a squad of men had leave to visit the One hundred and fifth Illinois Volunteers, another regiment of their brigade, the said Maholm being one of the squad; that they had to cross the Chattahoochee River, in order to return to their camp, on the railroad bridge; that it being quite dark when they started to return, the said Maholm decided that he would not attempt to cross the bridge, which was dangerous, and would return to the camp they had left, that of the One hundred and fifth Illinois, and wait until morning; that he left the squad and started on his return along the track of the railroad, which ran through some deep cuts and was quite crooked, and this was the last time anyone saw him alive; that the said Maholm was found on the track the next morning, dead, near a sharp curve in the railroad; that the night was very dark and he was run over and killed by the cars while in the cut and before he could get out of the way; and that the soldier was a good soldier, and was temperate and of steady habits.

It further appears by the affidavits of Comrades Albright, Thompson, and Waggoner that the said Maholm, when he started on the visit to the other regiment, had just been relieved from picket duty, and that both of said regiments lay inside the picket line. Said Waggoner says he was a messmate of said Maholm; that the latter was a brave, good soldier, never absent from roll call, always ready for duty, and that the witness was with said Maholm when he made said visit.

Upon the foregoing facts, the Committee on Invalid Pensions feel that the ruling of the Pension Department that the said Maholm's death was not in the line of duty is harsh, if not wholly erroneous, and therefore recommend the passage of said bill, amended, however, by adding the words "in the war of the rebellion," and changing the title to read, "A bill to pension John Maholm, dependent father."

Mr. JONES. I should like to have some statement about that bill.

Mr. MARTIN of Indiana. Mr. Chairman, the facts appear so fully in the report that I can not add anything to what is there stated, and yet I know in the confusion it may not have been heard by all.

This soldier was an unmarried man, the son of these parents, and he enlisted on the 1st day of August, 1862. He served faithfully and well, was wounded in battle, was never reported absent without leave, and on the 5th or 6th of November, 1864, two years and three months after his enlistment, he, with some of his comrades who had just come off guard duty, went, with the leave of the commanding officer, to visit some friends in the One hundred and fifth Illinois, all lying within the same picket line. When they started to return they had to cross a high railroad bridge across the Chattahoochee River. They were approaching that bridge upon a railroad track which ran through deep cuts, and was very crooked.

When they came to that bridge he was afraid to trust himself upon it in the night, for fear he would fall through, and concluded he would return to the camp of the One hundred and fifth Illinois, just a short distance away. He left his comrades and started back. That was the last that was ever seen of him alive. He was run over and killed by the cars.

Mr. JONES. How about the circumstances of the beneficiary of the bill?

Mr. MARTIN of Indiana. The beneficiary of the bill is the father. The soldier never was married, and so left neither widow or children. His mother applied for a pension, and it was rejected in 1871, upon the ground that he did not die in the line of duty. There is no pretense that he deserted, no pretense that he was away without leave, but simply that he was not in the line of duty when killed, and if he had had a widow, and she had applied under the act of June 27, 1890, she could not have received a pension, because he had no honorable discharge, and because it would have been held that he did not die in the line of duty.

He served two years and three months. His mother is dead. His father is 78 years old, poor, helpless, and crippled. He has not many years to live, and this is simply to give him the benefit that he would receive if the Pension Department had held, as I really think they ought to have held, that this soldier had been killed in the line of duty.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MRS. E. S. LUKE.

The next bill on the Private Calendar was the bill (H. R. 2906) for the relief of Mrs. E. S. Luke, widow of John L. Luke, late a soldier in the Black Hawk war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Mrs. E. S. Luke, of Clarksville, Pike County, Mo., widow of John L. Luke, who served as a soldier in the Black Hawk war, and to pay her a pension of $30 per month.

Mr. CLARK of Missouri. Let the report be read, Mr. Chairman.

Mr. JONES. Let us have the report read.

The report (by Mr. CLARK of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2906) granting a pension to Elizabeth S. Luke, have considered the same and report:

The records of the War Department show that the claimant's late husband, John L. Luke, was enrolled May 19, 1832, in Capt. Enoch Duncan's company of mounted riflemen, Illinois Volunteers, Black Hawk war, and was honorably discharged June 25, 1832.

Mr. Luke had previously served as a midshipman in the naval service of the United States, and his commission as such, dated March 4, 1819, and signed by President James Monroe, is on file with the papers in the case.

It appears from the claimant's statements that she is now about 82 years old, without property of any kind, and solely dependent upon friends and relatives for support and maintenance. She resides at Clarksville, Pike County, Mo.

John O. Roberts and John M. Clifford, residents of Clarksville, Mo., and acquaintances of the claimant and her husband for many years, fully corroborate her statements as to dependence, and add that John L. Luke died in 1869.

The passage of the bill is respectfully recommended.

Mr. JONES. Mr. Chairman, I hope that some gentleman will explain this bill. The reports are read so rapidly that I find it difficult to take in just what they contain.

Mr. CLARK of Missouri. Mr. Chairman, the explanation of this is very short. The report states when this man enlisted in the Black Hawk war, and when he was mustered out. He served a longer time than the law requires to get an $8 pension, or a $12 pension, in the present condition of his widow. He also served as a midshipman in the United States Navy during Presi-

dent Monroe's administration, and while the records of the Navy Department fail to show the length of time that he served as midshipman, he always claimed that he served over three years.

This bill was introduced into Congress by my predecessor two years ago, and the lady was then 82 years old. That makes her 84 now; and if the pension is not granted now, it might as well never be granted at all.

Mr. JONES. Was this bill ever reported favorably by the Committee on Invalid Pensions?

Mr. CLARK of Missouri. It has been reported favorably, not by the Invalid Pensions Committee, but by the Committee on Pensions, of which I am a member. It was reported favorably in the last Congress, and I believe it passed the Senate in that Congress.

The bill was ordered to be laid aside, to be reported to the House with a favorable recommendation.

LOUISA C. CONWELL.

The next business on the Private Calendar was the bill (H. R. 4935) granting a pension to Louisa C. Conwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $12 per month, subject to the provisions and limitations of the pension laws, the name of Louisa C. Conwell, of Burlingame, Osage County, Kans., mother of the late James M. Conwell, late of Company E, Eleventh Regiment Kansas Volunteer Cavalry.

Mr. JONES. I hope the report will be read, Mr. Chairman.

The report (by Mr. LACEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4935) granting a pension to Louisa C. Conwell, submit the following report:

Louisa C. Conwell is the mother of James M. Conwell, who was a member of Company E, Eleventh Kansas Cavalry. She filed a claim for pension, No. 564207, which was rejected on the ground that the soldier left a widow, Belle Conwell, who had received a widow's pension. The widow remarried August 6, 1892, thereby forfeiting her pension.

The soldier served from August 19, 1862, to August 7, 1865. The soldier was a pensioner and died December 7, 1891, of disease contracted in the service. The mother is 70 years old, poor and dependent. Although the marriage of the son destroyed the pensionable status of the mother, the remarriage of the widow has relieved the Government of all legal liability under existing laws on account of the service and death of the said soldier.

Your committee think that the helpless and needy mother of a soldier who served honorably for three years in the late war ought not under these circumstances to be denied the assistance of the Government in her old age.

We therefore recommend the passage of the bill.

Mr. JONES. Mr. Chairman, I hope there will be a very full explanation of this bill. I understand from a hasty reading of the report that inasmuch as the widow of this soldier can not receive a pension because——

The CHAIRMAN (Mr. ARNOLD). The gentleman from Virginia will suspend a moment. There is a minority report. The Clerk will read that, and then the Chair will recognize the gentleman.

The views of the minority were read, as follows:

VIEWS OF THE MINORITY.

The minority of the committee submit the following statement bearing on the bill (H. R. 4935) granting a pension to Louisa C. Conwell. In this case the soldier served from August, 1862, to August, 1865, with no record of any sickness. He drew a pension at $4, $8, and finally $12 on account of rheumatism and resulting disease of heart, and died December 7, 1891. His widow drew pension from that date until August 1, 1892 (eight months), when she remarried. This bill proposes to pension now the soldier's mother at $12 per month for life.

Under the provisions of the general law no mother of a soldier who left a widow or child can be pensioned, no matter whether such widow subsequently remarry or die or not. This is a wise inhibition of the general law and applies to all alike. There are hundreds, and no doubt thousands, of persons in just exactly the same position as this petitioner, most of whom will never think of seeking such exceptional and extraordinary favors as this bill proposes to give to this individual.

Twenty-six years after the close of his army service the soldier dies, and his widow draws pension as long as she sees fit, and now it is proposed to pay this pension to another relative of the soldier. The case does not present one single exceptional or meritorious feature. If the inhibition of the general law is wrong it should be replaced and pensions given to all mothers alike when the widow remarries or dies, and this by general enactment to include the modest and the humble who never heard of pension by private act, as well as those who have been able to secure the active aid of some member of Congress or other influential friend.

The passage of such a bill as this would be personal favoritism, pure and simple, justifiable on no ground of equity and justice. There are precedents for it, no doubt; the private acts of the last four or five Congresses present precedents for every conceivable form of personal favor and individual benefaction, but which are not binding, and should have no weight with one who strives to do justly by all men.

The undersigned respectfully urge that this bill do lie on the table.

JOHN J. McDANNOLD.
M. R. BALDWIN.
C. J. ERDMAN.

Mr. CURTIS of Kansas. Mr. Chairman, I would like to have read in my time the affidavit which I send to the desk.

The Clerk read as follows:

STATE OF KANSAS, *Shawnee County:*

Louisa C. Conwell, being by me first duly sworn, deposes and says: I am in my seventy-third year of age. During the life of my son, James M. Conwell, he was my sole support, and I was entirely dependent both before he was granted his pension and after he received it. Upon the receipt of his pension he divided it with me, giving me the greater share. He supported me the same after his marriage as before.

LOUISA C. CONWELL.

Subscribed and sworn to before me this 20th day of June, 1894.

[SEAL.] SAMUEL BARNES, *Notary Public.*

Mr. CURTIS of Kansas. Mr. Chairman, I was personally acquainted with the soldier in his lifetime and am acquainted with the family. This old lady is 73 years of age, and, as she says, after the soldier returned from the war he supported her until he married his wife. I think that was in 1886. After he married his wife he continued to support his mother, and supported her until his death. After he died, and he died December 7, 1891, of disease contracted in the service, his widow drew a pension until August, 1892, when she remarried. The soldier served three years, and died from the results of disease contracted in the service, and drew a pension under the old law.

Now, there can be no hardship in pensioning this mother. Had the soldier never married she would have been entitled to a pension. The soldier did marry; but after his death the widow remarried, thereby relieving the Government from the payment of a pension, and to-day the Government is paying nothing. Here is a mother supported by her son up to the time of his death. Now the widow that he left has remarried and the mother comes in here and asks for what? For simply that which this nation, that our people, have promised to the mother of every man who gave his life to save this nation.

I hope no gentleman will object to granting a pension to this poor old mother who gave her son to defend this nation. This is not a case where a mother is asking for something she is not entitled to. She, under the law of this land, could rely and did rely upon her son for support. So long as he lived she was not disappointed in that. He divided his pension with her. He supported her. And now, after his death, and after the remarriage of his widow, I have introduced this bill in behalf of this dependent mother, and ask that she be granted a pension of $12 a month.

Now, then, there is one objection urged in the minority report, and that is that it is intended to give a pension to this dependent mother for life. To overcome this objection I will agree to an amendment that if at any time the widow should be restored to the pension roll that then the pension allowed by this Congress to the mother shall cease. I hope there will be no objection to granting this pension to this poor old mother, who gladly permitted her son to go out in defense of this country, and who by reason of the soldier contracting disease in the service lost her support.

I ask that this nation keep its promise to the ex-Union soldiers, their widows and dependent relatives. [Applause on the Republican side.]

Mr. JONES. Mr. Chairman, I do not think that it would be possible for me to add anything to the admirable views of the minority filed in this case. It seems to me that the very reading of that report should convince every gentleman upon this floor that this pension ought not to be granted.

Now, so far as I am personally concerned, I have nothing to say to the gentleman from Kansas on account of his statement, that he hopes there is nobody in this House so small as to oppose this pension. I am accustomed to hearing flings of that kind at gentlemen who dare to oppose bills that they believe possess no merit, and personally I am perfectly indifferent to them: but I wish to call attention to the fact that this report is signed by three gentlemen who are well known to the members of this body, and that the fling at those gentlemen was an exceedingly unkind and unjust one.

They have expressed their honest opinions in this report, and they have expressed them so forcibly that they must have convinced every fair-minded and just person on this floor that there is no merit in this bill. The gentleman from Kansas says, with a great deal of flourish and grandiloquence, that this soldier "gave his life to save the nation." The report of the minority states that the soldier did not die until twenty-six years after the close of the war, and that his death was not the result of his service in the Army, but resulted from rheumatism and from heart disease which was superinduced by rheumatism.

Mr. CURTIS of Kansas. He died from disease contracted in the service.

Mr. JONES. I will read from the minority report upon that subject. It shall speak for itself.

Mr. CURTIS of Kansas. I say the fact is that he died from the effects of a disease contracted in the service.

Mr. JONES. He drew a pension first at $4, then at $8, and finally at $12 a month on account of rheumatism and resulting disease of the heart, and he died in December, 1891, and there is not a word in the report about his death resulting from his service in the Army or from which any such inference can be drawn.

On the contrary, the report states that he did not die until twenty-six years after the close of the war, and it makes this general and sweeping remark: "The case does not present one single exceptional or meritorious feature." That report is signed by JOHN J. MCDANNOLD, Mr. M. R. BALDWIN, a gallant Union soldier who bears upon his body honorable wounds received in battle, and C. J. ERDMAN. These gentlemen, all Northern men, over their own signatures, after a careful investigation of all the facts and all the testimony bearing on the case, deliberately inform this House that it does not possess a single exceptional or meritorious feature.

I ask gentlemen if in the face of that statement they are willing, in their eagerness and mad zeal to pension everybody, to put this woman on the pension rolls. It is not a question as to whether the widow of this soldier remarried or not. If the soldier left a widow or infant children, the mother under no circumstances was entitled to receive a pension, and the fact that the widow remarried, or that she did not remarry, would cut no figure whatever in the case.

The fact, however, is that the widow did draw a pension on account of the soldier's services, and that she did remarry and voluntarily relinquish that pension, and there is no more reason why this mother should now be placed on the pension roll than there is why the hundreds and thousands of other mothers of dead soldiers in this land should be placed upon the roll. Are we going to pension everybody who can exert sufficient influence to secure the introduction of a bill for his or her benefit, even in the face of such a report as is presented in this case by gentlemen who have investigated it fully and are so convinced of the injustice and the lack of merit of the claim that they are compelled to file an adverse report?

I know these gentlemen, as we all do, and I know that they examine these cases very thoroughly, and are so conscientious and so anxious to avoid the possibility of injustice that they always give the claimant the benefit of the doubt where there is any doubt, and never make an adverse report until they are convinced that the case is one which absolutely requires of them as honest legislators that they shall protest against it. I know that they permit many a bill to come before this House upon what appears to be a unanimous report of the committee when they do not believe the case to be clearly meritorious, but simply because they desire to give the claimant the benefit of every possible doubt.

Mr. BRYAN. Was this widow's son married or single?

Mr. JONES. He was a married man, and he died in 1891.

Mr. BRYAN. Is his widow drawing a pension?

Mr. JONES. His widow drew a pension on account of his service, but relinquished it by remarrying, and now his mother asks that she be put upon the pension roll for that reason, when the fact of the remarriage of the widow really has nothing to do with the case, because the general law says that if the soldier left a widow, or infant children, his father or mother can not in any case receive the pension. The remarriage of the widow has nothing to do with the case, and is not an element to be considered.

Mr. CURTIS of Kansas. I should like to ask the gentleman what he thinks of the other twelve members of that committee, the majority of it?

Mr. JONES. I judge from the length of their report that they did not examine this case very carefully. At any rate, they have not given the House the benefit of any extended views about it, and I opine that as a matter of fact all of the other twelve members were not present when the case was considered. If there happened to be present on that occasion eight out of the fifteen members of the committee, they constituted a quorum, and five members could have reported the bill favorably, while three were opposed to it.

Mr. CURTIS of Kansas. I will ask the gentleman another question. Is it not a fact that there is just as much merit in this case as in the case of any mother whose son had supported her after the war? I have had an affidavit on that point read here, so as to remove all question about it. That affidavit is clear and conclusive as to the fact that this soldier did continue to support his mother up to the time of his death. I know the parties. I knew the son in his lifetime, and I know that he did support his mother before he was married and after he was married up to the time he died. That is the fact as established by the evidence in the case.

Mr. JONES. Notwithstanding that fact, the general law, broad, liberal, and comprehensive as it is, says that in a case of this sort, if the son leaves a widow or infant children his parents have no claim upon the Government on account of his services. The bare leaving of a widow cuts out the parents.

Mr. CURTIS of Kansas. But if the general law were to control all these cases coming here, there would be no necessity for these Friday night sessions. Every bill passed here to-night has been passed because the general law did not give the relief which was proper and just.

Mr. JONES. But the reason we have passed these bills is that they were exceptional cases. That, at least, was the claim made by those on your side advocating them. The gentleman will not maintain that this is an exceptional case when the report states that there are thousands of parents standing upon precisely the same footing that this mother does. This is not an exceptional case. She belongs to a large class of those dependent relatives for whom the Government does not undertake to provide.

Mr. HULL. The gentleman says the cases we have passed here to-night have been exceptional. I would like to ask him whether four of them were not exceptional by reason of the short term of service in old Indian wars for which the pensions were granted.

Mr. JONES. I will say to the gentleman that I protested against the passage of every one of those bills, and voted against them; and I will ask the gentleman whether or not he can say as much.

Mr. PICKLER. But the gentleman did not raise the point of no quorum. [Cries of "Vote!" "Vote!"]

Mr. LACEY. Mr. Chairman, having presented the report in this case on behalf of the majority of the committee, I will occupy a few moments only by way of explanation. The committee regarded this case as exceptional in this: Here was an old mother, 73 years of age; the helpless and dependent mother of a soldier who was dead. And this old woman, by reason of the peculiarities of the law, was cut out of the benefits of pension. In that respect the case was exceptional. But the widow who had intervened between her and the right of pension had married again; so that there was nothing to justify Congress in refusing to come in and grant to this old woman the benefits she would have received if there never had been a widow.

It seems to the majority of the committee that in no class of cases is there so strong an appeal to the consideration of the nation as in the cases of the mothers of soldiers—the women who gave up their sons to go to the war and who were then left in their extreme old age dependent upon charity. We thought deserving women of this class ought not to be cut out of the right of pension, at least so long as there was nobody else intervening; and the widow being in this case out of the way, we thought the circumstances were such as to justify the passage of a special act.

Mr. JONES. I move that this bill be reported to the House, with the recommendation that it lie on the table.

Mr. CURTIS of Kansas. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The motion of the gentleman from Virginia [Mr. JONES] takes precedence.

The question being taken on the motion of Mr. JONES there were on a division (called for by Mr JONES]—ayes 11, noes 27.

So the motion was rejected.

The question being then taken on the motion of Mr. CURTIS of Kansas that the bill be laid aside to be reported to the House with a favorable recommendation, there were on a division (called for by Mr. JONES)—ayes 30, noes 8.

Mr. JONES. No quorum.

Tellers were ordered; and Mr. JONES and Mr. CURTIS of Kansas were appointed.

The committee again divided; and the tellers reported—ayes 33, noes 6.

Mr. JONES. No quorum.

The CHAIRMAN. The gentleman from Virginia make the point of no quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following named members failed to answer:

Abbott,	Bland,	Causey,	Curtis, N. Y.
Adams, Ky.	Boatner,	Chickering,	Dalzell.
Adams, Pa.	Boutelle,	Childs,	Davey,
Aitken,	Bower, N. C.	Clancy,	De Forest,
Alderson,	Bowers, Cal.	Clarke, Ala.	Denson,
Aldrich,	Branch,	Cobb, Ala.	Dingley,
Alexander,	Breckinridge, Ark	Cobb, Mo.	Dinsmore,
Allen,	Breckinridge, Ky.	Cockran,	Dolliver,
Apsley,	Brickner,	Cockrell,	Donovan,
Babcock,	Brosius,	Coffeen,	Doolittle,
Bailey,	Brown,	Cogswell,	Draper,
Baldwin,	Bundy,	Conn,	Dunn,
Bankhead,	Bunn,	Coombs,	Dunphy,
Barnes,	Burnes,	Cooper, Fla.	Durborow,
Bartholdt,	Burrows,	Cooper, Ind.	Edmunds,
Bartlett,	Bynum.	Cooper, Tex.	Ellis, Ky.
Barwig,	Cabaniss,	Cooper, Wis.	Ellis, Oregon
Belden.	Cadmus,	Cornish,	English, Cal.
Bell, Colo.	Campbell,	Cousins,	English, N. J
Bell, Tex.	Cannon, Cal.	Covert,	Enloe,
Beltzhoover,	Cannon, Ill.	Crain,	Fielder,
Berry,	Capehart,	Crawford.	Fithian,
Bingham,	Caruth,	Culberson,	Fletcher,
Black, Ill.	Catchings,	Cummings.	Forman

Funk,	Izlar,	Oates,	Stallings,
Funston,	Johnson, Ind.	Ogden,	Stephenson,
Fyan,	Johnson, N. Dak.	O'Neill, Mo.	Stevens,
Gardner,	Johnson, Ohio	Outhwaite,	Stockdale,
Gear,	Kem,	Page,	Stone, W. A.
Geary,	Kiefer,	Paschal,	Stone, Ky.
Geissenhainer,	Kilgore,	Patterson,	Storer,
Gillet, N. Y.	Lapham,	Payne,	Strait,
Gillett, Mass.	Latimer,	Paynter,	Straus,
Goldzier,	Lawson,	Pence,	Sweet,
Goodnight,	Lefever,	Pendleton, Tex.	Talbott, Md.
Grady,	Lester,	Pendleton, W. Va.	Tarsney,
Graham,	Linton,	Perkins,	Tawney,
Gresham,	Livingston,	Phillips,	Taylor, Ind.
Grosvenor,	Lockwood,	Powers,	Taylor, Tenn.
Grout,	Loudenslager,	Price,	Terry,
Grow,	Lucas,	Quigg,	Thomas,
Haines,	Lynch,	Randall,	Tracey,
Hall, Minn.	Magner,	Ray,	Tucker,
Hall, Mo.	Mahon,	Rayner,	Turner, Ga.
Hammond,	Mallory,	Reed,	Turner, Va.
Hare,	Marvin, N. Y.	Reilly,	Turpin,
Harmer,	McAleer,	Reyburn,	Tyler,
Harris,	McCall,	Richardson, Tenn.	Updegraff,
Harter,	McCreary, Ky.	Robbins,	VanVoorhis, N. Y.
Hartman,	McDannold,	Robertson, La.	VanVoorhis, Ohio
Hatch,	McDearmon,	Robinson, Pa.	Wadsworth,
Haugen,	McGann,	Rusk,	Walker,
Heard,	McKaig,	Russell, Conn.	Warner,
Heiner,	McKeighan,	Russell, Ga.	Waugh,
Henderson, Ill.	McLaurin,	Sayers,	Wells,
Henderson, Iowa	McMillin,	Schermerhorn,	Wever,
Henderson, N. C.	Mercer,	Scranton,	Wheeler, Ill.
Hendrix,	Meredith,	Settle,	White,
Hepburn,	Meyer,	Shaw,	Whiting,
Hines,	Milliken,	Shell,	Williams, Ill.
Hitt,	Money,	Sherman,	Williams, Miss.
Holman,	Montgomery,	Sibley,	Wilson, Ohio
Hooker, Miss.	Moon,	Sickles,	Wilson, Wash.
Hooker, N. Y.	Morgan,	Simpson,	Wilson, W. Va.
Hopkins, Ill.	Morse,	Smith,	Wise,
Hopkins, Pa.	Moses,	Snodgrass,	Wolverton,
Houk,	Murray,	Somers,	Woodard,
Hulick,	Mutchler,	Sorg,	Woomer,
Hunter,	Newlands,	Sperry,	Wright, Mass.
Hutcheson,	Northway,	Springer,	Wright, Pa.

The committee then rose; and Mr. BROOKSHIRE having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole on the Private Calendar having found itself without a quorum, the chairman had, in accordance with the rule, directed the roll to be called and now reported the names of the absentees to the House to be entered on the Journal.

The SPEAKER *pro tempore*. The names of the absentees will be entered upon the Journal.

Seventy-one members have answered to their names. Not a quorum.

Mr. MARTIN of Indiana. Mr. Speaker, the gentleman from New York [Mr. CURTIS], who has been present this evening until a few moments ago, was obliged to leave on account of sickness. I ask that he be excused.

There being no objection, Mr. CURTIS of New York was excused.

And then, on motion of Mr. MARTIN of Indiana (at 9 o'clock and 45 minutes p. m.) the House adjourned.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. HALL of Minnesota: A bill (H. R. 7835) to authorize the registration of trade-marks and labels and to protect the same—to the Committee on Patents.

By Mr. HERMANN: A bill (H. R. 7836) pensioning soldiers who served in the Cayuse Indian war—to the Committee on Pensions.

By Mr. DURBOROW: A bill (H. R. 7837) to amend an act entitled "An act granting the right of way to the Hutchinson and Southern Railroad Company through the Indian Territory"—to the Committee on Indian Affairs.

By Mr. CAMPBELL: A resolution asking for the setting apart of a day for the consideration of bills reported by the Committee on Public Buildings and Grounds—to the Committee on Rules.

By Mr. O'NEILL of Missouri: A concurrent resolution providing for the printing of additional copies of the report on the labor laws of the various States and Territories and the District of Columbia—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HEARD: A bill (H. R. 7838) to pension Joseph Stevens—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH: Memorial of 148 members of Local Union No. 251, of the American Railway Union, of Pullman, Ill., concerning the action of the Attorney-General in the recent strike—to the Committee on the Judiciary.

By Mr. CRAWFORD: Petition of 34 citizens of Leicester Township, North Carolina, in favor of the antilottery bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CAMINETTI: Papers on the claim of Otto & Kelly, to accompany House bill 7822—to the Committee on Claims.

By Mr. LAYTON: Resolution of the Northwestern Ohio Medical Association, praying for the creation of a department of public health—to the Committee on the Judiciary.

By Mr. RICHARDSON of Michigan: Petition of John B. Greenway, D. L. Boyd, John A. Roast, and 70 others, members of Harmony Assembly, Knights of Labor, Holland, Mich., asking the House to present to the bar of the Senate the Hon. Richard Olney, Attorney-General, for impeachment—to the Committee on the Judiciary.

By Mr. RITCHIE: Resolutions of Northwestern Ohio Medical Association, favoring creation of department and secretary of public health—to the Committee on the Judiciary.

By Mr. SHAW: Memorial of P. L. Jacobson, S. L. Senstad, John Fastene, and 10 others, citizens of La Crosse, Wis., charging that the Attorney-General has been guilty of crimes and misdemeanors, subjecting him to impeachment and removal, etc., and requesting that appropriate action may be taken—to the Committee on the Judiciary.

By Mr. WILSON of Washington: Resolution of the Tacoma Chamber of Commerce, protesting against any change in the Coast and Geodetic Survey as at present organized—to the Committee on Appropriations.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 28, 1894.*

The House met at 12 o'clock m. Prayer by the Rev. W. E. PARSON, D. D.

The Journal of the proceedings of yesterday was read and approved.

BENJAMIN F. POTEET.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 6969) for the relief of Benjamin F. Poteet.

Mr. BRYAN. Mr. Speaker, I move that the House concur in the amendments of the Senate.

The SPEAKER. The amendments will be read.

The Clerk read as follows:

In line 5 strike out "seventy-five" and insert "sixty-eight;" in lines 6 and 7 strike out "not otherwise appropriated" and insert "to the credit of the Sac and Fox Indians."

Mr. SAYERS. Before consent is given I would like the gentleman to make an explanation of the amendments.

Mr. BRYAN. One amendment reduces the amount appropriated 7 cents, or from 76 cents to 68 cents. The other provides that, instead of appropriating the money out of the Treasury, it shall be taken from any money in the Treasury to the credit of the Indians.

There being no objection, the amendments of the Senate were considered and agreed to.

JAMES L. TOWNSEND.

The SPEAKER also laid before the House the bill (S. 1468) for the relief of James L. Townsend.

Mr. RUSSELL of Connecticut. I ask unanimous consent to consider that bill, a similar one having been reported from the House Committee on Military Affairs.

The SPEAKER. The bill will be read, after which the Chair will submit the request for unanimous consent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of James L. Townsend, late captain of Company B, Fourteenth Connecticut Volunteers, and to grant him an honorable discharge as of said company and regiment.

Mr. RUSSELL of Connecticut. The Committee on Military Affairs of the House have reported a similar bill, which is on the Calendar.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, and being read the third time, was passed.

On motion of Mr. RUSSELL of Connecticut, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The House bill on the same subject will be laid on the table.

CLOSE OF ALLEY, WASHINGTON, D. C.

The SPEAKER also laid before the House the bill (S. 2217) to provide for the closing of a part of an alley in square 185 in the city of Washington, D. C.

Mr. WILLIAM A. STONE. This bill provides simply for the closing of a short alley that was platted on the map but never opened, in lieu of another alley to be closed which was never closed, and of which the Commissioners of the District of Columbia report that there is no objection to closing it. I ask unanimous consent to consider it now.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are hereby authorized and instructed on the petition of the owner of all the property fronting on that portion of an alley 15 feet wide, and running north and south through lot 30, square 185, to declare said part or portion of said alley to be closed, and the title therein is hereby declared to be vested in the owner of all the property fronting on said alley.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SAYERS. Before that——

Mr. WILLIAM A. STONE. I ask to have a letter from the Commissioners read.

Mr. SAYERS. Before consent is given, I wish to ask the gentleman a question. I wish to know whether there has been a report from the Committee on the District of Columbia—the House committee—on this bill.

Mr. WILLIAM A. STONE. There has not been——

Mr. SAYERS (continuing). Or whether this is simply a Senate bill.

Mr. WILLIAM A. STONE. It is a Senate bill. But I will state to the gentleman that I submitted it to one member of the House committee at least, Mr. RICHARDSON, and there is no objection to it.

Let the letter of the Commissioners be read, which explains the whole matter. It shows this alley has been closed for many years and is of no public use; that there is another open alley near it, and this bill is simply to remove a cloud upon the title. This alley was never opened, and was to take the place of an alley that was never closed.

Mr. SAYERS. We ought to have some report from the Committee on the District of Columbia on this bill.

Mr. WILLIAM A. STONE. But if the gentleman will permit the reading of the communication from the Commissioners on this subject he will see that this alley was never opened. There is an alley within a few feet of it which was authorized to be closed, but never was closed. I ask that the communication from the Commissioners be read.

The SPEAKER. Without objection, the communication will be read.

The Clerk read as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, July 23, 1894.

DEAR SIR: The Commissioners recommend favorable action on Senate bill 2217, "To provide for the closing of part of an alley in square 185 in the city of Washington, D. C.," which was referred to them for their examination and report. The alley has been closed for many years; does not appear on the records of the surveyor of the District, and is of no public use, as there is already a 15-foot alley opening into the square a short distance from it, as appears on the accompanying plat.

GEO. TRUESDELL,
Acting President Board of Commissioners District of Columbia.

Senator ISHAM G. HARRIS,
Chairman Committee on the District of Columbia, United States Senate.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. Who will acquire the title in the event of the passage of this bill?

Mr. WILLIAM A. STONE. Mr. Riggs. He owns on both sides of the alley. There is a building partly completed on this alley——

Mr. DOCKERY. Who is the owner of it?

Mr. WILLIAM A. STONE. Senator QUAY. This is simply to remove a cloud on the title.

Mr. COOPER of Florida. Let me ask the gentleman if this has been referred to the District Committee?

Mr. WILLIAM A. STONE. It has been referred to some of the members of the committee.

Mr. COOPER of Florida. Because, as a member of that committee, I have never seen it.

Mr. KILGORE. This ought to be sent to the House Committee.

The SPEAKER. Does the gentleman from Texas object?

Mr. KILGORE. Let it go to the committee.

The SPEAKER. Objection is made, and the bill will be referred to the Committee on the District of Columbia.

W. H. HUGO.

The SPEAKER also laid before the House the bill (S. 1549) for the relief of W. H. Hugo.

Mr. JOSEPH. A similar bill has been reported by the Committee on Military Affairs, and I ask unanimous consent to consider this bill now.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read at length.

Mr. SAYERS. Let this bill be referred; I object.

The SPEAKER. The bill will be referred to the Committee on Military Affairs.

Mr. BURROWS. Mr. Speaker, I ask—and I presume it is the wish of the gentleman from New Mexico [Mr. JOSEPH]—that that bill lie on the table for the present. It is a matter I know something about.

The SPEAKER. Without objection, it will remain on the table for the present.

RIGHT OF APPEAL IN CERTAIN CASES.

The SPEAKER also laid before the House the bill (S. 1346) to remove the bar of the statute of limitations and give the right of appeal in certain cases.

Mr. MCGANN. Mr. Speaker, I ask unanimous consent for the present consideration of that bill.

The SPEAKER. The gentleman from Illinois [Mr. MCGANN] asks unanimous consent for the present consideration of this bill. The Clerk will report it.

The bill was read at length.

The SPEAKER. Is there objection to the request for the present consideration of the bill?

Mr. KILGORE. I object. This is too important a measure to be called up by unanimous consent.

The SPEAKER. The gentleman from Texas objects. The bill will be referred to the Committee on the Judiciary.

AMERICAN REGISTER FOR THE STEAMER OCEANO.

The SPEAKER also laid before the House the bill (S. 2150) to provide an American register for the steamer Oceano, of New York, N. Y.

Mr. PAGE. Mr. Speaker, I ask unanimous consent to consider this bill.

The SPEAKER. The gentleman from Rhode Island [Mr. PAGE] asks unanimous consent to consider this bill. The Clerk will report it, after which the Chair will ask if there be objection.

The bill was read at length.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. REED. I do not know what the bill is, but for the present I will object.

The SPEAKER. The bill will be printed and referred to the Committee on Merchant Marine and Fisheries.

GRACELAND CEMETERY, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (S. 2245) to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I understand that the chairman of the Committee on the District of Columbia [Mr. HEARD], whom I do not now see in his seat, desires to make some motion in reference to that bill, and I ask that it lie on the table until Monday morning.

The SPEAKER. Without objection, it will lie on the table until Monday morning.

SENATE BILLS REFERRED.

The SPEAKER laid before the House the following Senate bills; which were severally read a first and second time, ordered to be printed, and referred to the committees named below:

Joint resolution (S. R. 34) authorizing Commander Dennis W. Mullan, United States Navy, to accept a medal presented to him by the Chilean Government—to the Committee on Foreign Affairs.

A bill (S. 103) for the relief of P. S. Corbett—to the Committee on Claims.

A bill (S. 679) to provide for the location and satisfaction of outstanding military bounty land warrants and certificates of location under section 3 of the act approved June 2, 1858—to the Committee on the Public Lands.

A bill (S. 756) for the application of the accretions of the Caracas awards of 1868 to the new awards made in 1889 and 1890—to the Committee on Foreign Affairs.

A bill (S. 864) to authorize the payment to Rear-Admiral John H. Russell of the highest pay in his grade—to the Committee on Naval Affairs.

A bill (S. 1824) to carry out the findings of the Court of Claims and for the relief of Samuel Fitzhugh, administrator of Henry Fitzhugh—to the Committee on War Claims.

A bill (S. 2034) authorizing the persons herein named to accept of certain decorations and testimonials from the Hawaiian Government—to the Committee on Foreign Affairs.

A bill (S. 2118) authorizing the sale of title of the United States of a tract of land in Montgomery County, in the State of Maryland, to William H. and George Bobinger—to the Committee on the District of Columbia.

A bill (S. 2151) to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota, approved April 24, 1894—to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 94) providing for an investigation relative to the work and wages of women and children;

Joint resolution (H. Res. 32) to establish an observatory circle as a provision for guarding the delicate astronomical instruments at the United States Naval Observatory against smoke or currents of heated air in their neighborhood and undue vibrations from traffic upon the extension of public thoroughfares in the vicinity, and for other purposes;

A bill (H. R. 1196) to pension Mary E. Trickey;

A bill (H. R. 3202) donating condemned cannon to the St. Lawrence State Hospital at Ogdensburg, N. Y.;

A bill (H. R. 3487) granting an increase of pension to Eliza K. Starr;

A bill (H. R. 4328) for the relief of William B. Chapman, George W. Street, John W. Hoes, Emmet C. Tuthill, and Joseph H. Curtis;

A bill (H. R. 4561) granting a pension to Harriet T. Vosburgh;

A bill (H. R. 4806 for the relief of Andrew Gray;

A bill (H. R. 5293) concerning leases in the Yellowstone National Park;

A bill (H. R. 6111) for the disposal of the accretions of the Virginius indemnity fund; and

A bill (H. R. 7197) to provide a register for the schooner-barge Astoria.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GARRETT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 108) to fix the times and places for holding the Federal courts in the State and district of Nebraska; in which the concurrence of the House was requested.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DURBOROW, for three days, on account of sickness.

To Mr. BARWIG, for this day, on account of sickness.

TEMPORARY PROVISION FOR THE EXPENDITURES OF THE GOVERNMENT.

Mr. SAYERS. Mr. Speaker, I ask for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Joint resolution (H. Res. 208) to continue the provisions of a joint resolution approved June 29, 1894, entitled "A joint resolution to provide temporarily for the expenditures of the Government."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of a joint resolution entitled "A joint resolution to provide temporarily for the expenditures of the Government," approved June 29, 1894, be, and the same are hereby, extended and continued in full force and effect to and including the 14th day of August, 1894.

The SPEAKER. Is there objection to the request for the consideration of this resolution?

Mr. SAYERS. Mr. Speaker, I will state, for the information of the House, the condition of the appropriation bills. The Army, diplomatic and consular, fortification; legislative, judicial, and executive; Military Academy, Navy, pensions, and Post-Office appropriation bills have become laws or are in the hands of the President. The agricultural and Indian appropriation bills have been partially agreed upon in conference. The District of Columbia and river and harbor appropriation bills are in conference; and the sundry civil and general deficiency bills have not yet been reported to the Senate by the Appropriations Committee of that body.

I ask for the adoption of the resolution.

The resolution was agreed to.

On motion of Mr. SAYERS, a motion to reconsider the vote by which the resolution was passed was laid on the table.

TOWBOAT FUTURE CITY.

Mr. COBB of Missouri. I ask unanimous consent for the present consideration of the bill S. 207.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 207) granting jurisdiction and authority to the Court of Claims in the case of the towboat Future City, her barges, cargoes, etc.

Be it enacted, etc., That the claims of the legal or equitable owners or claimants of the steam towboat Future City, her barges in tow, cargoes thereon, freights and personal effects contained in them, alleged to have been sunk, lost, or greatly damaged by collision with the United States vessels of war Atlanta, Galena, and Richmond, in the Mississippi River, at the city of New Orleans, on or about the 7th day of May, 1888, be referred to the Court of Claims, with jurisdiction and authority to hear and determine the same to judgment, with the right of appeal, as in other cases: *Provided*, That no suit shall be brought under the provisions of this act after six months from the date of the passage thereof.

Mr. SAYERS. Mr. Speaker, I would ask the gentleman in charge of this bill whether or not the Navy Department ordered a board of inquiry to investigate the circumstances attending the collision?

Mr. COBB of Missouri. Not that I am aware of. I will state that a bill exactly similar to this passed the House in the Fifty-second Congress, but did not pass the Senate, owing to the want of time. It has passed the Senate this session, and has been unanimously approved by the House committee, and its passage recommended by that committee. It is simply to refer to the Court of Claims to find the damages.

Mr. COOMBS. It authorizes a judgment.

Mr. COBB of Missouri. A similar bill passed the Fifty-second Congress without any objection.

Mr. SAYERS. Mr. Speaker, I will suggest to the gentleman that he withdraw the bill until I can prepare an amendment. I am willing that the bill should pass, provided there is an amendment made to it.

Mr. COBB of Missouri. I ask that it lie on the table for the present.

The SPEAKER. The Chair will give the gentleman an opportunity to ask for its consideration.

REGISTER FOR STEAMER OCEANO.

Mr. PAGE. Mr. Speaker, I understand that the gentleman from Maine [Mr. REED] will withdraw his objection to the consideration of the bill S. 2150; and if so, I would like to have it considered.

The SPEAKER. The Clerk will report the title of that bill again.

The Clerk read as follows:

A bill (S. 2150) to provide an American register for the steamer Oceano, of New York, N. Y.

The SPEAKER. The gentleman from Rhode Island asked unanimous consent to consider this bill and the gentleman from Maine objected. The Chair understands the gentleman from Maine withdraws his objection. Is there further objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. LOUD. I think there ought to be some explanation of this bill. The report ought to be read or some explanation given as to what it is.

The SPEAKER. The Clerk will again report the bill.

The bill was again reported.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. PAGE, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN C. NUSS.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill:

The Clerk read as follows:

A bill (H. R. 6226) for the relief of John C. Nuss, private, Company C, Sixth West Virginia Cavalry.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dishonorably discharging John C. Nuss as a private in Company C, Sixth West Virginia Cavalry, and to grant him an honorable discharge as of the date of said order.

The amendment recommended by the committee was read, as follows:

Provided, That no pay or emoluments shall become due by the passage of this act.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the consideration of this bill.

Mr. JONES. I would like to ask if this bill has been considered in Committee of the Whole.

Mr. JOHNSON of Indiana. Mr. Speaker, this is the same bill

to which the gentleman from Virginia objected when it was up in the House before. It is one which can not under the rules be considered at the Friday night session, and it is not even required to be considered in Committee of the Whole. It is unanimously reported by the Committee on Military Affairs.

Mr. JONES. I object to its present consideration.

The SPEAKER. The gentleman from Virginia objects.

MARY E. HAMILTON.

Mr. COX. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6417) to pension Mary E. Hamilton, widow of David Hamilton, soldier in Indian war of 1818.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place on the pension rolls and pay a pension of $12 per month to Mrs. Mary E. Hamilton, of Williamson County, Tenn., she being the widow of David Hamilton, who served in the Indian war of 1818.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to consider this bill. Is there objection?

Mr. KILGORE. Mr. Speaker, I would like to know if this bill has been through the mill on some previous Friday night session.

Mr. COX. Mr. Speaker, I called this bill up the other day when the gentleman was present.

Mr. KILGORE. But I did not agree to its consideration.

Mr. COX. I have been at every Friday night session since Congress met, and I can not get the bill through there. I know this old lady.

Mr. KILGORE. I understand that the gentleman knows the claimant, and all that, but that does not answer my question.

Mr. COX. We never can get to it in the Committee of the Whole. I have been here at every Friday night session during this session trying to get this bill through.

Mr. KILGORE. If you were here, and all the balance of the members were here, there would never be any trouble about passing such bills as you desire.

Mr. COX. I have been here every night. Where have you been?

Mr. KILGORE. I do not think we ought to make flesh of one and fowl of another.

Mr. COX. This is the bill that you agreed with me the other day you would not object to.

Mr. KILGORE. Did I agree not to object to the bill?

Mr. COX. This old lady is my near neighbor, and I have been trying to get her this pension for two years.

Mr. KILGORE. When did I agree with you about this bill?

Mr. COX. When I called it up the other day. Do not go back on me. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Tennessee for the consideration of this bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. COX, a motion to reconsider the vote by which the bill was passed was laid on the table.

MON-SI-MOH.

Mr. HOPKINS of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

The joint resolution (H. Res. 207) was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to approve, if in his discretion he deems the same proper and advisable, and upon such terms and limitations as he may impose, that certain lease made and executed by Mon-Si-Moh (commonly called Moose Dung) to Ray W. Jones of lot 1, in section 34, in township 154 north, of range 43 west, in the county of Polk and State of Minnesota, which said lease is now on file in the Office of Indian Affairs.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. KILGORE. I wish to ask the gentleman whether the Interior Department has been consulted about this?

Mr. HOPKINS of Illinois. Yes. The Department has no authority under the law to approve or disapprove, and this joint resolution simply gives the Secretary authority, if, in his discretion, it will be for the interest of this Indian chief.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HOPKINS of Illinois, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

CAPT. ISAAC D. TOLL.

Mr. WEADOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5659) to increase the pension of Capt. Isaac D. Toll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to increase the pension of Capt. Isaac D. Toll, late of Company E, Fifteenth United States Infantry, in the war with Mexico, from $8 to $20 per month.

An amendment recommended by the Committee on Pensions was read, as follows:

Line 6, strike out "twenty," before the word "dollars," and insert "twelve."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. JONES. I will ask the gentleman whether that bill has been considered in Committee of the Whole?

Mr. WEADOCK. It has not. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. JONES. I shall have to object, Mr. Speaker.

DONATION OF CONDEMNED CANNON.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7494) disposing of four condemned cannon of the Navy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and is hereby, authorized and directed to supply the Grand Army post of Sac City, Iowa, with four condemned cannon for use in decorating the pedestal of the soldiers' monument in Sac City, Iowa.

The SPEAKER. Is there objection to the request of the gentleman from Iowa for the present consideration of this bill?

Mr. DOCKERY. Has this matter been reported favorably by a committee?

Mr. PERKINS. Yes, sir; and it is approved by the Secretary of the Navy.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

TOWBOAT FUTURE CITY.

Mr. COBB of Missouri. Mr. Speaker, the gentleman from Texas [Mr. SAYERS] withdraws his objection to the bill which I called up a while ago, and I ask that the bill be now considered.

The bill was again read as printed above.

The SPEAKER. Is there objection to the request of the gentleman from Missouri for the present consideration of this bill?

There was no objection.

Mr. SAYERS. Mr. Speaker, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

After the word "thereof," in line 14, page 2, insert: "*And provided further*, That no judgment shall be rendered against the Government unless it shall affirmatively appear from the evidence adduced that such collision was the result of negligence on the part of the officers in command of said vessel of war."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. COBB of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

C. P. GOOCH.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3334) authorizing and directing the Secretary of the Treasury to pay to C. P. Gooch certain money due him for carrying the mail.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, directed to pay to C. P. Gooch the sum of $65, being balance due him for carrying the mail on route No. 8237, in the State of Louisiana, from January 1, to March 31, 1861.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BURROWS. Mr. Speaker, there are several cases of this character, and I think I shall have to object.

Mr. COOPER of Texas. I am sure the gentleman will not object when he examines the evidence in this case.

Mr. BURROWS. I will look at it later.

Mr. COOPER of Texas (at a later stage of the proceedings). Mr. Speaker, the gentleman from Michigan withdraws his objection to the consideration of the bill which I called up a while ago.

Mr. BURROWS. I see that evidence from the Treasury Department shows that this man was not paid by the Confederate government, and as he died in 1860 he could not have been paid.

The bill was again read as above.

The SPEAKER. Is there further objection to the present consideration of this bill?

There was no objection.

Mr. COOPER of Texas. Mr. Speaker, I offer the amendment which I send to the desk. Since the introduction of the bill I

have learned of the death of the original contractor, and his death makes this amendment necessary.

The amendment was read, as follows:

Amend by inserting after the words "pay to," in the caption of the bill, the words "the heirs or legal representatives of."

Also, insert the same words after the words "pay to," in line 4.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM HENDERSHOTT.

Mr. ELLIS of Oregon. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1377) for the relief of William Hendershott, of Butteville, Oregon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed, on application of William Hendershott, of Marion County, Oregon, and on proof being made by the said Hendershott to the satisfaction of the Secretary of the Interior that the land hereinafter described was, in November, 1854, filed upon at the Oregon City land office, in the State of Oregon, as a donation land claim under the act of Congress approved September 27, 1850, by Louis Forcier; that he resided upon and cultivated the same for four consecutive years; that he proffered final proof to said land office in 1858, and that such proof was rejected for the reason that he could not establish the fact that he was a citizen of the United States; and further, that he, William Hendershott, was a purchaser in good faith of said premises by mesne conveyances from said Louis Forcier, and that he is in possession of and has made valuable improvements thereon, to issue to him, the said William Hendershott, his heirs and assigns, a patent for the following-described pieces and parcels of land, to wit: Lots 1, 2, 3, and 4, in section 21, township 4 south, of range 1 west of the Willamette meridian, containing 97 acres, in the Oregon City land district, in the County of Marion and State of Oregon.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DOCKERY. I should like to hear an explanation of the bill.

Mr. ELLIS of Oregon. The report is brief, and I ask that it be read.

The report (by Mr. SHAW) was read, as follows:

The Committee on Private Land Claims have had under consideration Senate bill 1377, and find that said bill extends to William Hendershott, of Butteville, Oregon, his heirs and assigns, the right, under the restrictions named in the bill, to receive from the Secretary of the Interior a patent to lots 1, 2, 3, and 4, in section 21, township 4 south, of range 1 west of the Willamette meridian, in the State of Oregon, and containing 97 acres.

From the information before the committee we are satisfied that in November, 1854, one Louis Forcier filed upon said land at the Oregon City land office, in the State of Oregon, as a donation land claim under the act of Congress approved September 27, 1850. That the said Louis Forcier resided upon and cultivated said land for four consecutive years as required by law. That he proffered final proof to said land office in 1858, and his proof was rejected for the reason that he could not establish the fact that he was a citizen of the United States. That William Hendershott was a purchaser in good faith of said land from said Louis Forcier, and is in possession of the same and has made valuable improvements thereon.

As no patent can issue under this bill until the foregoing has been proven to the satisfaction of the Secretary of the Interior, the committee unanimously recommended that the bill pass.

The bill was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. TRACEY. I will ask the gentleman whether the Interior Department has made any criticism of this bill.

Mr. ELLIS of Oregon. This is a Senate bill. It provides that the matter shall go to the Secretary of the Interior, and that if the facts set forth in the bill are proven, then the Secretary may issue the patent.

The bill was passed.

On motion of Mr. ELLIS of Oregon, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADALINE J. PROPS.

Mr. TERRY. I ask unanimous consent for the consideration of the bill (H. R. 6228) granting a pension to Adaline J. Props.

The bill, together with the amendment reported from the Committee of the Whole, was read.

Mr. TERRY. This bill has been considered in Committee of the Whole and its passage recommended. I hope there will be no objection.

There being no objection, the House proceeded to the consideration of the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

On motion of Mr. TERRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. There are six other pension bills which have been reported from the Committee of the Whole at Friday night sessions. If there be no objection these bills might now be submitted to the House for action.

Mr. DOCKERY. I hope that will be done.

The SPEAKER. Is there objection to disposing of these six bills which have been reported from the Committee of the Whole at Friday night sessions?

There was no objection.

PENSION BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole on the Private Calendar, were taken up, the amendments reported from the Committee of the Whole adopted, the bills as amended ordered to be engrossed and read a third time; and the bills were severally read the third time, and passed; and a motion to reconsider the votes by which they were respectively passed was laid on the table:

A bill (H. R. 6405) to remove the charge of desertion standing against Patrick Kelleher, late private Company C, Thirty-eighth Illinois Volunteers.

A bill (H. R. 4290) for the relief of Druzilla J. Rigg, of Macomb, Ill.

A bill (H. R. 6650) granting a pension to Samuel Burns.

A bill (H. R. 5589) to pension Willis Manasco.

A bill (H. R. 2920) for the relief of John Maholm.

A bill (H. R. 2996) for the relief of Mrs. E. S. Luke, widow of John L. Luke, late a soldier in the Black Hawk war.

WILLIAM E. BOND.

Mr. BUNN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6852) for the relief of William E. Bond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to William E. Bond the sum of $307.43, out of any money in the Treasury not otherwise appropriated.

Mr. REED. We should like to know something about this.

Mr. BUNN. The report, which is short, explains the matter fully. I ask that it be read.

The report (by Mr. BUNN) was read, as follows:

The Committee on Claims, to whom was referred the petition of William E. Bond, having considered the same, submit the following report:

Your committee find that William E. Bond was appointed collector of customs for the district of Albermarle, in the State of North Carolina, on the 1st of October, 1888, and served out his term.

During the continuance of his term, that is between the 1st of October, 1888, and the 19th of October, 1892, at which time he surrendered the office, he paid out for rent of building and for fuel used therein the sum of $307.43, and no part thereof has ever been paid back to him by the Government.

The committee further find that previous to his taking charge of the office, the rent and fuel account was regularly paid by the Government. Since Mr. Bond left the office, the identical building rented by him is still used and paid for by the Government and the fuel account is also paid by the Government, and the reasons given for not allowing the same to him was "insufficiency of funds."

The amount claimed by Mr. Bond is not more than has been allowed annually since 1886, with the exception of the period for which he charges, during which nothing was allowed.

The Secretary of the Treasury in a letter to the Hon. B. H. BUNN, chairman of Committee on Claims, says:

"In view of the fact that prior to and subsequent to the period that Mr. Bond was collector of customs at this port, the expenses for rent of office and fuel was paid by the Government. I can see no objection why this same expense should not be borne by the Government during the period Mr. Bond was collector."

Your committee then report the petition back to the House with the accompanying bill and recommend that said bill do pass.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BUNN, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMES & DETRICK.

Mr. LOUD. I ask unanimous consent for the present consideration of the bill (H. R. 3049) for the relief of Ames & Detrick, of San Francisco, in the State of California.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to Ames & Detrick, manufacturers of grain bags at San Francisco, or to the person or persons legally entitled to receive the same, the amounts actually collected from said firm and its predecessors, Detrick & Co., E. Detrick & Co., and E. Detrick, for alleged extra expenses incurred by customs officers in supervising the export of grain bags, with benefit of drawback over and above the 10 per cent retention provided by law.

Mr. SAYERS. We should like to have some explanation of this bill.

Mr. LOUD. Ames & Detrick were manufacturers of grain bags for export; and for two or three years the collector of customs required them to pay for the services of the inspectors at Port Costa, Cal., where these bags were exported. This firm repeatedly protested against the payment of this money, but could get no satisfaction until finally the case was carried to the United States circuit court, before Justice Sawyer, the determination of the court being that the money had been illegally exacted from these exporters.

This firm had not only been compelled to pay for one inspector

who might have been employed in looking after these bags for export, but they were compelled to pay sometimes for as many as four inspectors, who were doing other duty at the place. The court determined that this was not a proper charge on the manufacturers. The bags were properly marked in the process of manufacture, and required no duty on the part of the Government.

Mr. SAYERS. Let me ask the gentleman if this has been referred to the Secretary of the Treasury?

Mr. LOUD. It has been, and there is a short letter here from A. B. Nettleton, the Acting Secretary of the Treasury, which, if the gentleman desires, I will ask to have read.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 11, 1890.

SIR: Referring to the letter addressed to your committee by this Department, July 31, 1890, respecting House bill 6538, for the relief of Messrs. Ames & Detrick, I have the honor to inclose herewith a copy of report of the special agent of the Department at San Francisco, who was directed to make a thorough inquiry into the matter, in view of the strong presentation made under oath by one of the parties interested, a copy of which will be found herewith, that injustice had been done to them by the letter above referred to, both in the summary of facts and in the omission of any suggestions touching the equitable readjustment of their cases.

The Department believes that it should not withhold from the committee the new facts disclosed and the particular circumstances of the case, as set forth in the report of the special agent, which exhibit equitable grounds for the interference of Congress not fully appearing heretofore in the records of the Department.

I am, sir, very respectfully,

A. B. NETTLETON,
Acting Secretary.

Hon. WM. MCKINLEY,
Chairman Committee of Ways and Means, House of Representatives.

Mr. SAYERS. Mr. Speaker, I ask the gentleman to withdraw this bill for the present, so that I can make some inquiry into it. There is no recommendation from the Acting Secretary in this communication. Besides, it is an indefinite appropriation. We do not know how much the bill carries.

Mr. LOUD. It can not carry exceeding $10,000. I will state to the gentleman that it has been repeatedly reported favorably. There is no doubt in the world about the justice of the case. I refer to the chairman of the Committee on Claims, who is thoroughly conversant with the facts. Our committee have been most careful in the examination of these cases, and I will pledge my honor as to the justice and the validity of this claim.

Mr. TRACEY. Does the gentleman know the amount involved in the claim?

Mr. LOUD. It is about $10,000, as I am informed. It is a question of the salary of the inspectors at this port, which salary was charged and paid by this firm.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SAYERS. Mr. Speaker, I must object.

GEORGE ISENSTEIN.

Mr. BLACK of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3005) for the relief of George Isenstein.

Mr. KILGORE. I think we had better have the regular order now.

Mr. BLACK of Illinois. I hope the gentleman will not make that demand until after this bill is disposed of.

Mr. KILGORE. Well, I suppose this is a bill that could be considered at the Friday night sessions.

The SPEAKER. The Chair is informed that this is not the character of bill which would be in order at the Friday night sessions.

Mr. KILGORE. Very well, then; let this go on for a while longer. I withdraw the demand.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to make a record for George Isenstein, late a private in Company A, Second Regiment Missouri Volunteers, three months' service, showing his enlistment to date from the date of muster in of said company, and to grant and issue to him an honorable discharge, to be dated of the date of the mustering out of service of said company and regiment.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. DOCKERY. There ought to be, Mr. Speaker, some explanation, it seems to me, before that consent is given.

Mr. BLACK of Illinois. The report explains the matter very fully.

The SPEAKER. Without objection, the report can be read.

The report (by Mr. BLACK of Illinois) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3005) for the relief of George Isenstein, having had the same under consideration, unanimously recommend the passage of the bill.

The circumstances concerning the case are such as to convince the committee that Mr. Isenstein is entitled to the relief asked for in the bill; and inasmuch as he seeks it to simply correct and complete an honorable record, and as no charges of any description are against him, and the failure to muster him in the service of Company A, Second Regiment Missouri Volunteers, as prayed for in the bill, was an inadvertence and omission: and inasmuch as subsequently to the rendering of the services mentioned in the bill he served in the armies of the United States for four years and eight months, it is entirely improbable that any application will ever be made for pension or bounty based upon the services established by the bill.

For all these reasons, and as an act of simple justice, the committee recommend the passage of the bill.

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BLACK of Illinois, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. DOCKERY. Let us have the regular order.

The SPEAKER. The regular order is the call of the committees for reports.

BRIDGE, NEWARK BAY.

Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, reported, in lieu of House bill 7339, a bill (H. R. 7839) to bridge Newark Bay; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The original bill was laid on the table.

AMENDMENT, MINING LAWS.

Mr. IKIRT, from the Committee on Mines and Mining, reported back with favorable recommendation in lieu of the bill H. R. 4204, the bill [H. R. 7840] to amend section 2335 of the Revised Statutes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. LANE, from the Committee on the Judiciary, reported back with an adverse recommendation the bill (H. R. 7537) to incorporate the National Rapid Transit Railway Company; which was ordered to be laid on the table, and the accompanying report printed.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at ten minutes past 1 o'clock, the call resting with the Committee on Agriculture.

The Committee on Agriculture was called.

The Committee on Foreign Affairs was called.

Mr. COVERT. I ask unanimous consent to dispense with the second morning hour for to-day.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The Clerk will report the special order for to-day.

The Clerk read as follows:

Resolved, That Saturday, the 28th instant, after the second morning hour, be assigned to the consideration of business reported from the Committee on Patents.

COPYRIGHTS.

Mr. COVERT. Mr. Speaker, I call up the bill (H. R. 6835) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights. I ask unanimous consent that the original bill be not read, but that an amended bill agreed to by the committee, in the nature of a substitute, be read and considered.

The SPEAKER. The Clerk will read the substitute bill reported by the committee.

The Clerk read as follows:

Be it enacted, etc., That section 4966 of Title LX, chapter 3, of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4966. Any person publicly performing or representing any dramatic or operatic composition for which a copyright has been obtained without the consent of the proprietor of said dramatic or operatic composition, or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than $100 for the first and $50 for every subsequent performance, as to the court shall appear to be just.

SEC. 2. *And be it further enacted*, That section 4970 of chapter 3, Title LX, of the Revised Statutes, be, and the same is hereby, amended so as to read as follows:

"SEC. 4970. The circuit courts, and district courts having the jurisdiction of circuit courts, shall have power, upon bill in equity, filed by any party aggrieved, to grant injunctions to prevent the violation of any right secured by the laws respecting copyrights, according to the course and principles of courts of equity, on such terms as the courts may deem reasonable. Any writ of attachment issued in such cases from the said courts in any district against the defendant in any proceeding for contempt may run throughout the United States; and the marshal of said district, or his deputies, may execute the said writ wherever in the United States the said defendant or defendants may be found; and before issuing such writ of attachment, the court may in its discretion require a bond from the plaintiff, in such amount as to the court may seem proper, with sufficient surety or sureties, to the satisfaction of the court, conditioned to pay to the defendant or defendants the damages the said defendants may suffer from such arrest, in case the same be not founded on probable or reasonable cause."

The SPEAKER. This is a substitute. The gentleman from New York [Mr. COVERT] asks unanimous consent to substitute this for the original bill.

Mr. HOPKINS of Illinois. Are there any copies of this substitute printed, so that members can find out what it is?

The SPEAKER. The Chair does not know.

Mr. HOPKINS of Illinois. I object to the substitution of it, unless we can have copies of it.

Mr. COVERT. The substitute is not in print.

Mr. HOPKINS of Illinois. Then I think it would be better to put this to one side until we can get copies of it. I observe from the reading of it that it is far-reaching in its second section, and ought to be carefully considered before the House acts upon it.

Mr. COVERT. If the gentleman from Illinois will bear with me for a moment only I think I can satisfy him and the entire House that the amendment proposed by the committee, which has been unanimously agreed to by the committee, is of the most innocent conceivable character.

Mr. HOPKINS of Illinois. The trouble about that is, Mr. Speaker—while I have no doubt as to the ability of the gentleman from New York [Mr. COVERT] to present his side of the question as clearly and as ably as any man in this House—yet I might take a different view of the effect of that second section, and other members of the House might, and I think before we embark upon the consideration of this bill there should be copies printed, so that each member can have one before him, and can by an examination of it bring out the whole question.

Mr. TALBERT of South Carolina. Are the committee unanimous?

Mr. COVERT. The committee are entirely unanimous upon this substitute, and I am so convinced that three minutes will satisfy the gentleman from Illinois and every member on this floor that I ask the attention of the House.

Mr. TALBERT of South Carolina. Was there a full meeting of the committee when the report was made?

Mr. COVERT. Yes.

Mr. HOPKINS of Illinois. I observe that oftentimes, even when there is a unanimous report, bills which have so come into the House have been amended so that they were scarcely recognizable, and frequently they have been defeated. Now, to my mind, while of course a unanimous report is a matter that should have great weight, yet it is not, in my opinion, sufficient to override the judgment of the House. I think we should have the bill printed and on the desks of members before it is considered.

The SPEAKER. Objection being made, the Clerk will report the original bill. The gentleman from New York [Mr. COVERT] can offer the other as a substitute.

The original bill was read, as follows:

Be it enacted, etc., That section 4966 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4966. Any person publicly performing or representing any dramatic or operatic composition for which a copyright has been obtained without the consent of the proprietor of said dramatic or operatic composition, or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than $100 for the first and $50 for every subsequent performance, as to the court shall appear to be just, and in addition thereto such person or persons shall be guilty of a misdemeanor and liable to imprisonment for a period not exceeding one year. Any injunction that may be granted by any circuit court of the United States, or by a judge thereof, restraining and enjoining the performance or representation of any such dramatic or operatic composition may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative and may be enforced by proceedings to punish for contempt or otherwise by any other circuit court or judge in the United States, but the defendants in said action, or any or either of them, may make a motion in any other circuit in which he or they may be engaged in performing or representing said dramatic or operatic composition to dissolve or set aside the said injunction upon such reasonable notice to the plaintiff as the circuit or a judge before whom said motion shall be made shall deem proper, service of said motion to be made on the plaintiff in person or on his attorneys in the action. The circuit courts, or judges thereof, shall have jurisdiction to enforce said injunction and to hear and determine a motion to dissolve the same, as herein provided, as fully as if the action were pending or brought in the circuit in which said motion is made.

The SPEAKER. The gentleman from New York.

Mr. COVERT. Mr. Speaker, I offer the following as a substitute.

Mr. HOPKINS of Illinois. One moment, Mr. Speaker. Can not we have some opportunity for general debate here?

The SPEAKER. The bill is in the House. Any gentleman has the right to offer an amendment or substitute.

The substitute was read again.

Mr. HOPKINS of Illinois. Mr. Speaker, I would like to ask the gentleman from New York one or two questions.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. COVERT. Certainly.

Mr. HOPKINS of Illinois. Under the substitute that you offer, an injunction granted in New York would be as effective in San Francisco, Minneapolis, St. Paul, or Chicago as in New York, would it not?

Mr. COVERT. Yes, sir.

Mr. CANNON of Illinois. It is not so now.

Mr. COVERT. I take it, Mr. Speaker, if an injunction is issued by a court of competent jurisdiction, issued by a Federal court, it is binding upon the conscience of the party served throughout the length and breadth of the United States.

Mr. HOPKINS of Illinois. Well, you seek to ingraft by this bill another principle upon the Federal statutes relating to the granting of injunctions in Federal courts, do you not?

Mr. COVERT. Not as to the granting of injunctions, but as to the enforcement of injunction orders that are granted.

Mr. HOPKINS of Illinois. Not as to the granting of orders, but as to the enforcement.

Mr. COVERT. In this special class of cases.

Mr. HOPKINS of Illinois. Do you know of any other class of cases where a Federal judge in the State of New York, granting an injunction against certain parties living at the time in Illinois, can enforce it against them in that State?

Mr. COVERT. I can only say that there has been very grave doubt as to whether a court granting an injunction order in the State of Illinois, for instance, or in Ohio, or in the State of New York, could punish by way of contempt for disobedience of that order unless the party in contempt could be found within the circuit of the court issuing the original order.

Mr. HOPKINS of Illinois. Then the object in presenting this substitute is to give these playwrights the power to punish for contempt where a play is used in Illinois, Minnesota, or California by a judge in New York State.

Mr. COVERT. By the judge issuing the original order in whatever circuit that judge may sit.

Mr. HOPKINS of Illinois. Now, a judge in New York, if this substitute should become law, would have the right to send out his attachment and arrest a person in the city of San Francisco and take him to New York and punish him in New York.

Mr. COVERT. That is it precisely.

Mr. HOPKINS of Illinois. Now, I want to ask the gentleman again if it is not a fact that in no other legal question, it makes no difference what may be involved, is that power granted to a Federal judge?

Mr. COVERT. I am not aware, I am frank to say, that this power is granted or sought to be invoked in any other class of cases.

Mr. HOPKINS of Illinois. One other question. If I understand your substitute correctly, it provides that even after the injunction is granted, if on final hearing, or on a preliminary motion to that effect, the injunction is dissolved, no damages will accrue to the person who has been restrained by the order of the court if there was reasonable or probable cause for the granting of the injunction.

Mr. COVERT. The substitute specially provides that the court, on application, may, in the exercise of a sound discretion, compel the giving of bonds providing for damages to the party improperly arrested.

Mr. HOPKINS of Illinois. The point I am getting at is this: I may not understand your substitute correctly, but I understand from the reading, as I gathered it, that if the injunction is finally dissolved, either on a hearing on the merits of the case or on a motion to that effect—that if at the time the injunction was granted there was probable cause for so doing, there is no legal redress to the defendant in damages by reason of the granting of the injunction.

Mr. COVERT. That is not the bill at all.

Mr. HOPKINS of Illinois. The gentleman understands in all other classes of cases questions where an injunction is granted, if it is wrongly granted, it makes no difference what the question may be, the complainant must respond to the defendant in damages.

Mr. COX. In connection with that idea, suppose I should apply to a Federal judge in New York, could I under this bill restrain a company that is playing in San Francisco?

Mr. BOATNER. You can not do that.

Mr. COX. I am not talking about the fact, but about the question of power.

Mr. COVERT. I think, Mr. Speaker, I can make the provisions of the substitute so clear that it will satisfy the minds of all these gentlemen.

Mr. COX. I am done with it with one more question. You assume that a Federal judge in the State of New York can enjoin a company from playing a copyright play in San Francisco?

Mr. LAPHAM. No.

Mr. COVERT. No; this bill only seeks to provide adequate means for the punishment of those guilty of disobedience to the order of the court.

Mr. COX. Who grants the order?

Mr. COVERT. It is simply punishment for contempt.

Mr. COX. Who grants the order? Can a judge of the Federal court in New York grant it against a company which is playing in San Francisco, for instance?

Mr. COVERT. He can grant an order to be served on any

person within the jurisdiction of the court, which will be binding upon the conscience of every person within the United States.

Mr. COX. One more question——

Mr. COVERT. I must decline to yield further now. I shall try in the brief statement I propose to make to satisfy all these gentlemen.

Mr. HOPKINS of Illinois. Before you go on, there is another question I desire to ask.

Mr. COVERT. I beg the gentleman to wait until I conclude my statement, and then I will try to answer all questions that are not covered by that statement.

Mr. Speaker, the object of this bill, or of the substitute, is twofold in character. The first is merely to correct what I assume to have been an inadvertence in the passage of the original dramatic copyright law. The statute as it stands protects the holders of copyrights of dramatic productions only, and contains no reference to productions of an operatic character. The committee thought there was no reason why the same safeguards should not be thrown about the one class of literary property as around the other.

Mr. CLARK of Missouri. Is not the effect of this bill to extend immensely the powers of the United States courts?

Mr. COVERT. I do not think so, and the committee were unanimously of that opinion.

Mr. CLARK of Missouri. Another question. Is there any law anywhere on any subject which gives the United States courts as far-reaching jurisdiction as this bill proposes to give them on this subject?

Mr. COVERT. The answer to that interrogatory has already been made to a similar question by the gentleman from Illinois [Mr. HOPKINS]. I ask the gentleman to wait until I conclude my statement, and see if he is not perfectly satisfied with the substitute as it stands.

As to the other provisions of this bill. A practice has existed for a number of years past—it has increased materially within the last few years—for persons in various sections of the country to appropriate to their own use plays and operas that had been composed by American authors and duly copyrighted by them. These people have seized the privilege of representing these plays in different sections of the country without any thought of making compensation to the author or to the owner or to the manager whose property is thus feloniously taken and used. I have among the papers on my desk a list of duly and regularly copyrighted American plays advertised for sale in manuscript. They are not printed. The pirates send somebody to take stenographic notes of the dialogues and the situations.

These copies are typewritten, and are publicly advertised for sale to anybody who may want them at the nominal price of $5 for each play. Some of the most successful plays that the country has ever seen, the works of Mr. Bronson Howard, Mr. Henry Guy Carleton, Mr. David Belasco, and others—plays that have put the managers of theaters to infinite expense in production—have been thus pirated, publicly advertised for sale, and sold to whoever chose to purchase them and perform them. Now, the question of my friend from Illinois [Mr. HOPKINS] and of my friend from Missouri [Mr. CLARK] may be, Why should there be any difference made between the man who violates the copyright of a play and the man who violates the copyright of a book; why is not the civil procedure which is provided for the enforcement of literary rights just as applicable to one kind of literary property as to the other?

The answer is simply this: Everybody who violates the copyright of a book, everybody who pirates a copyrighted book and prints it, is presumably a man of some attachable means. Presumably he has some place of business, he has the implements of his business, he has a fixed habitat, and even if the party aggrieved should not be able to make the violator of his copyright of a book responsible in money damages, at all events the offender is generally within reach of the civil process of the court and can be enjoined from further wrongful acts. These conditions do not apply to the case of the play pirate.

He is generally a man without attachable means; in ninety-nine cases out of one hundred he is a man of no fixed habitat. A dramatic composition, differing in this respect from a printed book, is valuable not for the number of copies of it that may be sold—because ordinarily the successful play is not for sale—but for the rendition of it, for its performance upon the stage; and once anything is done to belittle the value of a dramatic representation, if it be garbled or improperly presented or rendered by incompetent performers, loss, and very heavy loss, is inflicted upon author and manager alike. The production loses in value by reason of these conditions or any of them. These people who thus surreptitiously obtain copies of plays and operas which have been duly copyrighted, and who thus unlawfully produce them, flit from circuit to circuit and from State to State. They ordinarily give representations of the play for one night only in one particular place, and then hasten off somewhere else. Great embarrassment has arisen in attempting to follow them up in order to serve the processes of the courts upon them. The bill as introduced, and, indeed, at one time as agreed upon by the majority of the committee, made the larceny of plays in this way a misdemeanor, and subjected the offender to the possibility of fine and imprisonment.

But a majority of the committee upon reconsideration thought that more moderate measures might perhaps be better adapted to the purpose—at all events at first; and so we have unanimously agreed upon this substitute, the only effect of which is this: To remove the embarrassments existing now as to the punishment of these people who disobey the injunctions of the courts. The process of injunction having been obtained, sometimes with great trouble and expense, and duly served upon him, at once upon receiving the injunction order the play pirate goes to some other circuit, and it has been found impossible under the existing law to punish him for the disobedience of the injunction order, because of the difficulty of effecting service upon him in the circuit of a court other than that which issued the original injunction.

The sole object of this bill is to give to the United States marshal of the circuit in which the order was originally issued by the court the power to follow these men into another circuit if necessary, and to arrest them for disobedience of that order and bring them before the home court that they may be adequately punished for the contempt. That is all there is of this bill.

Dramatic authors and managers have alike asked for a very much greater measure of relief than the committee felt at liberty to accord them; and we unanimously thought that we were meting out but a very small measure of justice to these gentlemen in reporting the substitute which has been submitted to the House.

Mr. CANNON of Illinois. Before the gentleman takes his seat allow me to ask a question. This substitute, I understand, enables a writ to be issued, for instance, from the circuit court in New York, directing the arrest of somebody in Texas for violation of the injunction granted in the New York circuit?

Mr. COVERT. That is it.

Mr. CANNON of Illinois. Now, could anybody be arrested in Texas who was not a party to the original proceeding, who had not had his day in court when the injunction was granted?

Mr. COVERT. Certainly not. That would be a physical, or at least a legal, impossibility.

Mr. CANNON of Illinois. Then A B may be enjoined in New York, having had his day in court; C D or E F, however, might present the same play without authority in Texas, or an amateur company, if you please, in Dallas, Tex., might present the play there; in which case, as I understand, they would not be subject to arrest because they had not been parties to the original suit.

Mr. COVERT. The process runs only against those who have been expressly restrained by injunction, and who have been guilty of disobedience of the injunction.

Mr. CANNON of Illinois. And who have been made parties to the original proceeding?

Mr. COVERT. Certainly.

Mr. CANNON of Illinois. If the gentleman is clear upon that point, his explanation obviates one objection I would have had to this proposed legislation. Now, one other question. Here is this uncertain kind of property; for it is uncertain and in one sense nonvaluable property, because of the ease with which parties may take this property and use it 3,000 miles away from where the play is originally produced and thus defraud the playwright or the author. And at the same time an ordinary civil suit would not avail, because the defendant would beat the plaintiff on his execution.

I recognize the hardship. But does the gentleman think it well to go as far as this legislation proposes and to establish this precedent, which might have very serious consequences hereafter? In other words, would it not be better that this uncertain and intangible kind of property should partially lose its value rather than establish a precedent that would make a writ issued in New York or any other particular circuit run into all other circuits?

Mr. COVERT. Mr. Speaker, I differ radically from my distinguished friend from Illinois——

Mr. CANNON of Illinois. I was merely asking the question——

Mr. COVERT. In the estimate to be placed upon the value of this sort of property. The gentleman refers to it as property of uncertain and vague value.

Mr. CANNON of Illinois. It seems that I failed to make myself understood. I recognize the value of this property and the propriety of protecting it. But I recognize that, like some other species of property, it is intangible; and it is a sort of property

that can very easily get away from the control of its owners. At the same time I acknowledge the value of this property. In supposing that I do not, the gentleman has misconceived my position. My only question was whether, for the sake of protecting this particular kind of property, we should establish a precedent which may prove unsafe in other matters?

Mr. COVERT. Mr. Speaker, I have sought to explain the peculiar conditions which surround this sort of property. I have tried to explain the difference in the conditions which surround literary property of this sort and the property that an author has in a book which he has composed and which has been printed. These play pirates are migratory in their habits; it is part of their business to be so.

Probably in a good many instances they could not attract anything like a full audience on the second night's performance at any one particular place; and, again, I think that they are in a hurry often to get from point to point, probably to avoid the service of court papers.

Mr. LAPHAM. Or their board bills.

Mr. COVERT. And possibly the adjustment of their obligations in many cases, as suggested.

If these people had any fixed places of residence, if they were not migratory in their habits, if experience and the hardest possible experience had not demonstrated the absolute fact that the law is insufficient as it now stands, the committee would not ask the House to give any other or further power to the courts. But this seems to be the only way in which this kind of property can be protected, and the only way in which and by which the Federal courts can protect themselves and assure obedience to the solemn and formal orders that have their issuance from the courts.

Mr. CANNON of Illinois. If the gentleman will permit me again, is it practicable to make every playwright all over the country a party to a proceeding of this kind?

Mr. COVERT. Mr. Speaker, to the credit of the dramatic profession as a rule, and to the credit of theatrical managers as a rule, this measure is not aimed at them. There is absolutely no necessity to invoke the law, so far as the very large majority of the dramatic profession is concerned. It is only to those people who are as barren of conscience as of attachable means to which the bill or the substitute could under any conditions or circumstances apply. It has no reference to the members of the dramatic profession or to the managers generally of reputable theaters.

Mr. CANNON of Illinois. In other words, then, if I understand the gentleman aright, there are people in the United States who have no property, and that to these people without property, who place their ideas or rather the ideas of the author on the boards in the shape of theatrical productions, to them and to them alone, with certain modifications, this act applies; and being worth nothing, they could defeat the plaintiff on an execution, and therefore you propose to give the exceptional remedy of issuing a writ of attachment and punishing them for contempt and putting the party in jail for violating the rights of property, because they have no property, and necessarily an execution levied against them would amount to nothing.

Mr. COVERT. The gentleman states only one part of the proposition, and he states that in a florid and unfair way, which is not natural to the gentleman from Illinois. I do not see how he can draw the conclusion, and I object to the gentleman conveying the impression, that there is any attempt to persecute or prosecute these people simply because they have no attachable means. I only stated it as one of the reasons why under existing law there was no relief given in such cases, and as an illustration to show the necessity for the adoption of the substitute recommended by the committee. But the primary reason is because of the fact that these people are of migratory habits; that they flit from circuit to circuit of the courts, and from State to State, thus preventing the service on them of the processes of the courts which could be effective in ordinary cases.

Mr. HICKS. Will the gentleman allow me to ask him a question?

Mr. COVERT. Certainly.

Mr. CANNON of Illinois. Just one moment in connection with what the gentleman has been stating.

He does not desire to misrepresent me, because at this time I have not concluded whether I shall vote for the bill or not. When a bill is presented for enactment one naturally falls into the habit of suggesting doubt and criticism to see what answer would be made, and whether there are valid objections to the measure. My object is to get information.

Mr. COVERT. I yield to the gentleman from Pennsylvania.

Mr. HICKS. Is it not the desire of the authors of the bill to punish only for disobedience of the orders of the court, instead of extorting money from these parties?

Mr. COVERT. Why, of course; that is the sole and only purpose of this proposed legislation.

Mr. HICKS. For contempt of the orders of the court?

Mr. COVERT. It is simply an attachment for disobedience of the orders of the court regularly issued and served, applicable to none others than those who violate the injunction regularly and properly issued.

[Mr. HOPKINS of Illinois withholds his remarks for revision. See Appendix.]

Mr. BLAND. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. COVERT) there were—ayes 57, noes 28.

So the motion was agreed to.

And accordingly (at 2 o'clock and 20 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MUTCHLER, from the Committee on Claims: A bill (H. R. 7685) for the relief of I. H. Hathaway & Co. (Report No. 1340.)

By Mr. LAPHAM, from the Committee on Military Affairs: A bill (H. R. 4724) for the relief of Edward Chastain. (Report No. 1341.)

By Mr. TYLER, from the Committee on War Claims: A bill (H. R. 5421) to make Commodore William P. McCann, of the Navy, a rear-admiral on the retired list. (Report No. 1342.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the following bills, and the same were referred to the Committee on War Claims, to wit:

A bill (H. R. 7801) for the relief of Julius C. Hoodenpyle, administrator of Robert Hoodenpyle, deceased, late of Sequatchie County, Tenn.

A bill (H. R. 7802) for the relief of William Pickett, administrator of Jesse Pickett, late of Sequatchie County, Tenn., as found due by the Court of Claims under the act of March 3, 1893.

A bill (H. R. 7804) for the relief of William C. Hale, administrator of Elijah M. Hale, late of Hamilton County, Tenn.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. DALZELL: A bill (H. R. 7841) for the relief of William McAdams, who survived William Marks, now deceased—to the Committee on War Claims.

By Mr. FLYNN: A bill (H. R. 7842) to provide for the payment of certain claims for compensation for publishing advertisements of lists of lands in the Territory of Oklahoma, opened to settlement by proclamation of the President April 19, 1892—to the Committee on Appropriations.

By Mr. GEAR: A bill (H. R. 7843) for the relief of Jennie Lenehan—to the Committee on Invalid Pensions.

By Mr. TURNER of Virginia: A bill (H. R. 7844) for the relief of Mrs. Isabella V. Jett—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOEN: Resolution adopted by the State convention of the People's party of Minnesota, at Minneapolis, July 10 and 11, 1894, appealing to Congress to save the liberties and rights of the people from usurpation now being practiced by the judicial and executive branches of the Government—to the Committee on the Judiciary.

By Mr. GILLETT of Massachusetts: Papers to accompany House bill 6981, for the relief of E. C. Bailey—to the Committee on Invalid Pensions.

By Mr. GRIFFIN: Petition of R. B. Clark and 43 other members of various fraternal beneficiary societies, orders, or associations, praying exemption of said societies, etc., from the provisions of the income tax—to the Committee on Ways and Means.

By Mr. HENDERSON of North Carolina: Resolutions of the New England Typographical Union, of Concord, N. H., favor-

ing Government ownership of the telegraph system—to the Committee on the Post-Office and Post-Roads.

By Mr. KIEFER: Memorial from A. O'Neil, Patrick Kelly, Peter Arend, and many other citizens of Minnesota, stating that Richard Olney, the Attorney-General, has been guilty of high crimes, etc., subjecting him to impeachment—to the Committee on the Judiciary.

By Mr. PIGOTT: Petition of Central Labor Union, of Hartford, Conn., in favor of Government ownership of the telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Michigan: Petition of William F. Lea and 22 other citizens of Grand Rapids, Mich., asking that Attorney-General Olney be impeached—to the Committee on the Judiciary.

By Mr. STORER: Memorial of Cincinnati Chamber of Commerce, asking for immediate passage of some tariff bill—to the Committee on Ways and Means.

By Mr. WILSON of Washington: Petition of the Avon Creamery Company and 60 citizens of the State of Washington, favoring House bill 5746—to the Committee on Agriculture.

Also, resolution of the Astoria Chamber of Commerce, for an increased number of fish hatcheries, and praying an appropriation therefor—to the Committee on Appropriations.

Also, resolution of James B. Steadman Post, No. 24, Grand Army of the Republic, Spokane, Wash., favoring making the birthday of Abraham Lincoln a national holiday—to the Committee on Labor.

SENATE.

MONDAY, *July 30, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

The Vice-President resumed the chair.

The Secretary proceeded to read the Journal of the proceedings of Friday last; when, on motion of Mr. CHANDLER and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of deficiency of $540 in the appropriation for rent of buildings, Department of the Interior, for the fiscal year ending June 30, 1894, as submitted by the Secretary of the Interior; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the Senate of the 26th instant, a list of judgments of the Court of Claims requiring an appropriation at the present session of Congress not already transmitted, amounting to $3,303.87; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a report of the Superintendent of Immigration, in response to a resolution of the Senate of the 17th instant calling for information as to whether immigrants who by law are excluded from entering the United States are entering the country from either European or Chinese ports by way of Canada; which, with the accompanying report, was referred to the Committee on Immigration, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, returning at the request of the Senate a resolution adopted on the 26th instant calling for full copies of all telegraphic and other correspondence which may have passed between him or his office or any of the officers, agents, or attorneys of the Chicago, Rock Island and Pacific Railway Company, etc.; which, with the accompanying papers, was ordered to lie on the table.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the First Comptroller of the Treasury, setting forth the urgent necessity for an additional appropriation of $40,000 for contingent expenses of United States consulates for the fiscal year ended June 30, 1894, and recommending that it be included in the deficiency appropriation bill now pending; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to resolutions of the Senate of July 26 and July 27, 1894, schedules of claims, amounting to $14,677.32, allowed by the several accounting officers of the Treasury Department under appropriations, the balances of which have been exhausted, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1377) for the relief of William Hendershott, of Butteville, Oregon;

A bill (S. 1468) for the relief of James L. Townsend; and

A bill (S. 2150) to provide an American register for the steamer Oceano, of New York, N. Y.

The message also announced that the House had passed the bill (S. 463) to reimburse the State of Nebraska the expenses incurred by that State in repelling a threatened invasion and raid by the Sioux in 1890 and 1891, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 387) to authorize the construction of a life-saving station at or near Rocky Point or East Marion, Long Island, N. Y.;

A bill (H. R. 650) to remove the charge of desertion standing against Oliver O'Brien;

A bill (H. R. 3512) for the relief of the legal representatives of James C. Booth;

A bill (H. R. 5979) to provide for licenses to certain officers of seagoing passenger steam vessels;

A bill (H. R. 6384) for the relief of Walter S. McLeod;

A bill (H. R. 6577) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the town of Columbia, Ala.;

A bill (H. R. 7045) to amend section 4136 of the Revised Statutes;

A bill (H. R. 7518) to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin; and

A joint resolution (H. Res. 208) to continue the provisions of a joint resolution approved June 29, 1894, entitled "A joint resolution to provide temporarily for the expenditures of the Government."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 38) relating to the pay and retirement of mates in the United States Navy;

A bill (H. R. 83) authorizing the State of Montana to make selections from certain public lands;

A bill (H. R. 366) providing for the sale of the old custom-house and lot connected therewith in the city of Louisville, Ky.;

A bill (H. R. 1196) to pension Mary E. Trickey;

A bill (H. R. 3202) donating condemned cannon to the St. Lawrence State Hospital at Ogdensburg, N. Y.;

A bill (H. R. 3487) granting an increase of pension to Eliza K. Starr;

A bill H. R. 4328) for the relief of William B. Chapman, George W. Street, John W. Hoes, Emmet C. Tuthill, and Joseph H. Curtis;

A bill (H. R. 4452) adding the towns of Manchester and Vernon, in the State of Connecticut, to the customs district of Hartford, Conn., and making the city of Rockville, Conn., a port of delivery;

A bill (H. R. 4561) granting a pension to Harriet T. Vosburgh;

A bill (H. R. 4806) for the relief of Andrew Gray;

A bill (H. R. 5293) concerning leases in the Yellowstone National Park;

A bill (H. R. 6111) for the disposal of the accretions of the Virginius indemnity fund;

A bill (H. R. 6171) to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company;

A bill (H. R. 7197) to provide a register for the schooner barge Astoria;

A joint resolution (H. Res. 32) to establish an observatory circle as a provision for guarding the delicate astronomical instruments at the United States Naval Observatory against smoke or currents of heated air in their neighborhood and undue vibrations from traffic upon the extension of public thoroughfares in the vicinity, and for other purposes; and

A joint resolution (H. Res. 94) providing for an investigation relative to the work and wages of women and children.

ST. LOUIS RIVER BRIDGE.

Mr. WASHBURN. I ask that the bill which has just come from the other House to amend the act to authorize the construc-

tion of a steel bridge over the St. Louis River may lie on the table for the present.

The VICE-PRESIDENT. Without objection, it will be so ordered.

PETITIONS AND MEMORIALS.

Mr. CULLOM. I present memorials of citizens of Blue Island, Chicago, Sandwich, Harvey, Georgetown, Streator, Barrington, Monmouth, and Peoria, all in the State of Illinois, and a memorial of sundry citizens of Sweetwater, Tenn., remonstrating against the violation of the American principle of separation of church and state, which the memorialists regard as involved in making appropriations for or contracts with agents of sectarian institutions for Indian education, etc. The memorials are signed by a very large number of citizens. I move that they be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. CULLOM presented a memorial of the Board of Trade of Chicago, Ill., remonstrating against the passage of the so-called Hatch bill, regulating the sale of certain agricultural products, defining options and futures, and imposing taxes thereon and upon dealers therein; which was referred to the Committee on Agriculture and Forestry.

Mr. SHERMAN presented a petition of the Cincinnati (Ohio) Chamber of Commerce, praying for the early settlement of the tariff question; which was ordered to lie on the table.

He also presented a memorial of 58 citizens of Chandlersville, Ohio, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

He also presented a petition of 393 citizens of Chicago, Ill., praying for the early settlement of the tariff question; which was ordered to lie on the table.

Mr. TELLER presented a petition of West Council, No. 11, Junior Order of United American Mechanics, of Denver, Colo., praying for the passage of House bill No. 5246, restricting immigration; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Denver, Colo., praying that in the passage of any law providing for the taxation of incomes the funds of mutual life insurance companies and associations be exempted from taxation; which was ordered to lie on the table.

He also presented sundry memorials of citizens of Denver, Pueblo, Leadville, Aspen, Georgetown, Colorado Springs, Cripple Creek, and Boulder, and a memorial of sundry citizens of Arapahoe County, all in the State of Colorado, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. PASCO presented the petition of G. W. Price and 21 other citizens of Columbia County, Fla., settlers on what is known as the Arredondo land grant, praying for such relief as will secure to them the homes which they have had possession of for thirty years; which was referred to the Committee on Public Lands.

Mr. COKE presented a memorial of sundry citizens of Galveston, Tex., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. PALMER presented a petition of 6,483 citizens of Chicago, Ill., praying for an early settlement of the tariff question, "as the failure to do so will work incalculable loss and irreparable injury to the financial and industrial interests of the country;" which was ordered to lie on the table.

Mr. BLANCHARD presented a petition of sundry citizens of the parishes of Richland, Franklin, and West Carroll, in the State of Louisiana, praying that an appropriation be made for the improvement of Bayou Macon, in that State; which was referred to the Committee on Commerce.

He also presented a concurrent resolution of the Legislature of Louisiana, praying for the passage of House bill No. 56, for the classification of clerks in the first and second class post-offices, and fixing their salaries; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of the parish of Caddo, La., praying that in the passage of any law providing for the taxation of incomes, the funds of mutual life insurance companies and associations be exempted from taxation; which was ordered to lie on the table.

Mr. ALLISON presented memorials of J. Neirwanger and sundry other citizens of Davenport; of Rev. L. F. Berry and sundry other citizens of Ottumwa, and of N. M. Loban and sundry other citizens of Marcus, all in the State of Iowa, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. CAREY presented sundry memorials of citizens of Pine Bluffs and Cheyenne, Wyo., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. PATTON presented the memorial of Rev. W. H. Betteys, jr., and 60 other citizens of Vassar, Mich., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (H. R. 7259) for the relief of certain settlers who have entered lands under the timber and stone act, etc., reported it without amendment.

Mr. ROACH, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 2092) to transfer the Bureau of the United States Geological Survey and the United States Commission of Fish and Fisheries to the Department of Agriculture, reported it without amendment.

Mr. COKE, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6284) to prevent interference in the collection of State, county, and municipal taxes assessed against corporations and corporate property, and for other purposes, reported it without amendment.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 4606) to amend sections 5365 and 5366 of the Revised Statutes, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. HILL, from the Committee on the Judiciary, to whom was referred the bill (S. 966) to compensate Elihu Root for services rendered by direction of the Attorney-General, reported it without amendment.

Mr. PATTON, from the Committee on Agriculture and Forestry, to whom was referred the concurrent resolution providing for the printing of 10,000 copies of the report of the Agricultural Department, entitled "The Hand Book of Experimental Station Work," asked to be discharged from its further consideration, and that it be referred to the Committee on Printing; which was agreed to.

Mr. WHITE, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 2669) making an appropriation and providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California;

A bill (H. R. 7187) to make the city of Oakland, county of Alameda, State of California, a subport of entry; and

A bill (H. R. 7796) to enable the Secretary of the Treasury to remit or mitigate fines, penalties, and forfeitures.

Mr. VILAS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 4606) to amend sections 5365 and 5366 of the Revised Statutes, reported it without amendment.

Mr. BERRY, from the Committee on Public Lands, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 6042) to authorize sale of lot 8, block 93, city of Hot Springs, by school directors thereof, and use of proceeds for school purposes; and

A bill (H. R. 7488) authorizing the Secretary of the Interior to grant leases for sites on the Hot Springs Reservation, Arkansas, for cold-water reservoirs.

ARKANSAS STATE CLAIMS.

Mr. BERRY. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 4903) to authorize a compromise and settlement with the State of Arkansas, to report it without amendment, and I am also directed by the committee to ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REIMBURSEMENT OF LEGAL COSTS AND EXPENSES.

Mr. PASCO. I am directed by the Committee on Claims, to whom was referred the joint resolution (H. Res. 121) authorizing the proper officers of the Treasury Department to examine and certify claims in favor of certain counties in Arizona, to report it without amendment, and submit a report thereon. I ask that the bill may be now considered. It has passed the House of Representatives.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. PASCO. The necessity for this action will appear in a

letter from the Treasury Department, which is annexed to the report, and which can either be read or which may be printed in the RECORD in connection with the action of the Senate without reading.

The VICE-PRESIDENT. The letter will be printed in the RECORD.

The letter is as follows:

TREASURY DEPARTMENT, OFFICE OF THE FIRST AUDITOR,
Washington, D. C., July 18, 1894.

SIR: Your communication of the 11th instant, addressed to the honorable Secretary of the Treasury, relating to House resolution 121, authorizing the proper officers of the Treasury Department to examine and certify claims in favor of certain counties in Arizona, and now pending before the Senate Committee on Claims, has been referred to me.

In reply to your inquiry why these claims were not paid according to the terms of the statute referred to in the resolution, I have the honor to state:

The act of March 3, 1889, Statutes at Large, volume 25, page 1004, provides that hereafter the cost of the trial of such cases in the courts of the several Territories for crimes mentioned in the act of March 2, 1885, shall be audited by the accounting officers of the Treasury and paid out of money for similar expenses for the trial of criminal cases in the courts of the United States.

The expenses of the trial of criminal cases in the courts of the United States are paid from the following appropriations:

Fees of district attorneys, United States courts.
Fees of clerks, United States courts.
Fees of commissioners, United States courts.
Fees and expenses of marshals, United States courts.
Fees of jurors, United States courts.
Fees of witnesses, United States courts.
Support of prisoners, United States courts.
Pay of bailiffs, etc., United States courts.
Miscellaneous expenses, United States courts.

The attorneys, clerks, sheriffs, and justices of the peace in Arizona Territory who performed services in this class of cases, should each have made out separate accounts, which accounts should have been sworn to and approved by the courts, and they would then have been paid from the proper appropriation. Fees of jurors, fees of witnesses, expenses of care of prisoners, meals for jurors, and miscellaneous expenses in these cases should have been approved by the court and presented to the marshal of Arizona Territory for payment out of the proper appropriation.

This, however, was not done; the various counties in Arizona paid the fees and expenses in the prosecution in these cases, and are now seeking to recover the sums so paid by them. The accounts can not be allowed by the accounting officers for the reason that they are not sworn to by the parties performing the services, and are not divided and separate accounts presented under each appropriation. These claims are, in my opinion, just and proper charges against the United States, and should be paid. After a consultation with the First Comptroller, I addressed a communication to the Hon. MARCUS A. SMITH, Delegate from Arizona Territory, suggesting that a resolution be passed providing for their settlement. Should the resolution mentioned above be passed the various counties that have expenses in this class of cases will be required to make out itemized accounts of the costs in each case with proof that the same have been paid. They will also be required to have such accounts sworn to and approved by the court before whom prosecutions were had.

E. B. BALDWIN, *First Auditor.*

Hon. SAMUEL PASCO,
Chairman, Committee on Claims, United States Senate.

The joint resolution was reported to the Senate without amendment.

Mr. CULLOM. Does the joint resolution come from the Committee on Territories?

Mr. PASCO. It comes from the Committee on Claims. I have just sent to the desk a letter from the Treasury Department favoring its passage. The letter will be inserted in the RECORD. It is included in the report which has been made by the committee.

Mr. CULLOM. This is important legislation, and I merely wanted to know whether any standing committee has had charge of it.

The joint resolution was ordered to a third reading, read the third time, and passed.

THE LIFE-SAVING SERVICE.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 2795) to amend section 5 of the act approved June 18, 1878, entitled "An act to organize the Life-Saving Service," to report it without amendment. It is very important that there shall be immediate action upon this bill, and I ask that it may now be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read.

Mr. COCKRELL. Let the bill be read again.

Mr. FRYE. It is a House bill, extending the Life Saving Service over the months of May and August.

Mr. COCKRELL. Let us have some information on the subject. Has the bill just come over from the other House?

Mr. FRYE. The bill came from the other House four days ago. It has been considered by the Committee on Commerce, and I was directed to report it favorably. It extends the service on the Atlantic and Gulf coasts from eight months to ten months, so as to include the months of May and August, which during the last four years have been found to be as serious months as any during the year, and the Weather Bureau now regards those two months as a period when we are liable to have very severe tornadoes.

The Senator will remember that last August we had two terrible ones, and there was heavy loss, owing to the lack of life-saving service. The other House has extended the period over the two months of May and August at the request of the Treasury Department and the Superintendent of the Life Saving Service, and has decreased the pay of the sailors from $65 a month to $60.

Mr. HAWLEY. August is really the hurricane month.

Mr. FRYE. August is really the hurricane month, as the Senator from Connecticut suggests. I am sorry the House reduced the pay. I think it was done under a misunderstanding, but the Superintendent says he does not desire to risk having any amendments made to the bill; that it is very important to have it passed now.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARINE HOSPITALS.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 4346) extending the benefits of the marine hospitals to the keepers and crews of life-saving stations, to report it favorably without amendment. The bill involves no expenditure of money, and I ask that it may be put on its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIGHT-SHIP AND RANGE LIGHTS IN BOSTON HARBOR.

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 5312) authorizing the construction of a light-ship with fog signal, to be established to the eastward of Boston Light, Massachusetts, and for the establishment of range lights in Boston Harbor, Massachusetts, to report it without amendment.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VALIDATION OF AFFIDAVITS IN LAND ENTRIES.

Mr. DUBOIS. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. 6719) to provide for the validation of affidavits made before United States commissioners in all land entries, to report it without amendment. I ask unanimous consent for the present consideration of the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. DUBOIS. The bill is accompanied by a letter from the Secretary of the Interior, which is embodied in the House report, and will explain the bill fully.

Mr. COCKRELL. Let the letter of the Secretary of the Interior be read.

The VICE-PRESIDENT. The letter will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, *Washington, April 14, 1894.*

SIR: I transmit herewith a report from the Commissioner of the General Land Office on joint resolution (H. Res. 136) "to provide for the validation of affidavits made before United States commissioners in all land entries," and joint resolution (H. Res. 137) "providing that all entries under the homestead, preëmption, and timber-culture or desert-land law made between May 26, 1890, and the date of the approval, etc., are hereby validated."

I concur in the views of the Commissioner that the relief proposed by said resolution should be granted. But I would suggest that it be so amended as to provide:

"That all entries under the homestead, preëmption, timber-culture, or desert-land law, based on affidavits made before any officer authorized to administer oaths in the State or Territory in which such entries were made, and where such affidavits were made in accordance with the regulations and decisions of the General Land Office prior to the passage of the act of May 26, 1890, are hereby validated, if no other objection exists."

This amendment would cover entries in all cases where the affidavits were made before notaries public, which was authorized prior to the passage of the act of May 26, 1890. This act provided—

"That the proof of settlement, residence, occupation, cultivation, irrigation, or reclamation, the affidavit of nonalienation, the oath of allegiance, and all other affidavits required to be made under the homestead, preëmption, timber-culture, and desert-land laws, may be made before any commissioner of the United States circuit court, or before the judge or clerk of any court of record of the county or parish in which the lands are situated."

The Land office, however, continued to permit timber-culture affidavits to be made before notaries public, until the decision of the Department in Rhodes *vs.* Crocker (15 L. D., 249), in which it was held that under the provisions of the act of May 26, 1890, the preliminary affidavit required of the timber-culture applicant can not be made before a notary public.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. T. C. MCRAE,
Chairman Committee on Public Lands, House of Representatives.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN TRANSPORTATION COMPANY.

Mr. SHERMAN. I ask unanimous consent for the present consideration of the bill (S. 1471) to provide for the adjustment and payment of the claim of the American Transportation Company for dredging done at Fairport Harbor, in the State of Ohio. I think there will be no objection to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to examine and adjust the claim of the American Transportation Company against the Government of the United States for dredging done at Fairport Harbor, Ohio, under a contract with the United States, and to certify to the proper accounting officers for payment the balance remaining unpaid; and appropriates $5,434.18 in payment thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. CALL. I submit the report of the committee of conference on the agricultural appropriation bill, and ask for its immediate consideration. I will state that the committee have agreed upon every item in the bill, with the exception of the Senate amendment appropriating money for the extermination of the Russian thistle.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6937) "making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 32, 35, 36, 37, 41, 42, 46, 47, 49, 53, 55, 57, 62, 63, 64, 72, 82, and 85.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 33, 38, 39, 43, 44, 50, 51, 52, 54, 56, 58, 59, 60, 61, 66, 67, 68, 69, 70, 71, 73, 74, 75, 76, 77, 79, 80, 81, 83, 84, 87, 88, 89, and 90, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Insert after the word "thousand" in lines 6 and 7, page 3 of the bill, the words "two hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,360;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,100;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,100;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,120;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$243,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the words "and improving;" and after the word "buildings," in line 21, page 21 of the bill, insert the following: "not including the erection of new buildings;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "or additional apartments not including the erection of new buildings;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: In line 25, page 28 of the bill, strike out the word "shall" and insert in lieu thereof the word "may;" and the Senate agree to the same.

Amendment numbered 65: On the amendment of the Senate numbered 65, the committee of conference have been unable to agree.

WILKINSON CALL,
CALVIN S. BRICE,
S. M. CULLOM,
Managers on the part of the Senate.

W. H. HATCH,
W. S. FORMAN,
DAN WAUGH,
Managers on the part of the House.

Mr. CALL. I move that the report be concurred in.

Mr. HANSBROUGH. Do I understand that this is a perfect and complete agreement on the part of the conference committee?

Mr. CALL. The conferees could not agree upon the one item as to the appropriation for the extirpation of the Russian thistle. Upon all other portions of the bill they have agreed.

Mr. HANSBROUGH. Upon that item there is a disagreement, I understand?

Mr. CALL. Yes, sir. The House conferees refused to concur in the Senate amendment. The bill is reported back to the Senate with an agreement as to all the other amendments, and as to the Russian thistle amendment without agreement. So it is open to the Senate either to recede from the amendment or to insist upon it.

Mr. HANSBROUGH. I move that the Senate insist upon its amendment as to the appropriation for the extirpation of the Russian thistle, and ask for a new conference.

Mr. CALL. The motion before the Senate is that the conference report be concurred in.

The VICE-PRESIDENT. The question will first be taken upon concurring in the report of the conference committee.

Mr. CALL. I hope the Senator from North Dakota will allow my motion to be disposed of.

Mr. MANDERSON. What is the motion on the part of the conferees?

Mr. CALL. That the conference report be concurred in.

Mr. HANSBROUGH. I did not hear the motion made by the Senator from Florida.

Mr. CALL. The motion is that the Senate concur in the conference report which embraces all items of disagreement heretofore, but excludes the amendment as to the Russian thistle.

Mr. HANSBROUGH. Very well; it is proper to take the vote on that motion first.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Florida that the Senate concur in the report of the conference committee.

The report was concurred in.

Mr. HANSBROUGH. I now move that the Senate insist upon its amendment making an appropriation for the extermination of the Russian thistle, and ask for a new conference.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from North Dakota, that the Senate insist upon its amendment and ask for a further conference.

Mr. COCKRELL obtained the floor.

Mr. MILLS. I rose to move that the Senate recede from its amendment, but I yield to the Senator from Missouri.

Mr. COCKRELL. As is well known, this amendment appropriating $1,000,000, was put on the bill in the Senate. The conferees on the part of the Senate did not feel that they would be justified in disobeying the will of the Senate, notwithstanding the fact that the conferees on the part of the House are very positive that they will not agree to the amendment.

We have, therefore, reported it back to the Senate for such instructions as may be deemed necessary. I am willing to do what I can to carry out the will of the Senate, and if the Senate insists upon the amendment and places it back in conference, we shall do the best we can with the other House; but I wish to state in all frankness and candor that I do not believe the House conferees will recede.

Mr. HANSBROUGH. I simply desire that the House of Representatives shall have an opportunity to pass upon the merits of the case. The matter has not yet been before the House so as to permit that body to pass upon it. I know of no way to get it before the House except to insist upon the amendment of the Senate and ask for a new conference. I trust that the Senator from Missouri will accept that proposition.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from North Dakota that the Senate insist upon its amendment and ask for a further conference with the House of Representatives on the disagreeing votes thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. CALL, Mr. BRICE, and Mr. CULLOM were appointed.

LAND FOR GRAVEL PIT AND RESERVOIR PURPOSES.

Mr. CAREY. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. 7451) to authorize the entry of land for gravel pits and reservoir purposes and authorizing the grant of right of way for pipe lines, to report it with amendments. I ask for its present consideration.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill.

Mr. COCKRELL. From what committee does the bill come?

Mr. CAREY. From the Committee on Public Lands.

Mr. WASHBURN. It is all right.

Mr. CAREY. I ask that the amendments be stated.

Mr. COCKRELL. Is there a written report accompanying the bill?

Mr. CAREY. There is a written House report.

Mr. COCKRELL. The practice of having bills that we can not put our hands upon, without having seen them and merely hearing them read, called up and present consideration asked for them, is a very dangerous and unsatisfactory way of legis-

lating. I hope the Senator from Wyoming will delay a few moments until I can get a copy of the bill and examine it.

Mr. CAREY. I have no objection to letting the bill go over and be printed, if the Senator from Missouri desires it. It has been very fully discussed in the other House. If the Senator will hear the bill read I am sure he will have no objection. I can explain it in a minute. It permits the Secretary of the Interior to sell for pipe line purposes and for reservoirs and gravel pits not exceeding 160 acres of land at a value to be appraised by a board of appraisers to be appointed by the Secretary. It applies only to public lands subject to entry under the land laws of the United States.

Mr. COCKRELL. There are so many amendments to the bill that I shall be glad if the Senator from Wyoming will let it go over and be printed. Let an order be made that the bill be returned immediately from the Printing Office, so that it can be taken up in the morning.

Mr. CAREY. I have no objection to that course.

The VICE-PRESIDENT. The bill will go over and be printed.

DESERT LAND ENTRIES.

Mr. DUBOIS. I report back favorably from the Committee on Public Lands the bill (H. R. 4448) for the relief of persons who have filed declarations of intention to enter desert lands. I ask unanimous consent for the present consideration of the bill.

Mr. SHERMAN. Let it be read for information.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TERRITORIAL EXPENSES OF ARIZONA.

Mr. PUGH. The Judiciary Committee authorize me to report back favorably the bill (H. R. 6754) to amend section 15 of an act approving, with amendments, the funding act of Arizona approved June 25, 1890. The importance of the bill to the Territory of Arizona induces me to ask for its present consideration.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GORDON introduced a bill (S. 2261) to further encourage the holding of a World's Exposition at Atlanta, Ga., in the year 1895; which was read twice by its title, and referred to the Committee on the Quadro-Centennial (Select).

Mr. PASCO (by request) introduced a bill (S. 2262) for the relief of John Jackson, formerly of Des Arc, Ark.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FAULKNER introduced a bill (S. 2263) to amend section 553 of the Revised Statutes of the United States, relating to the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALLEN introduced a bill (S. 2264) for the relief of the several States of the Union, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

Mr. ROACH introduced a bill (S. 2265) granting to the State of North Dakota certain portions of the abandoned Fort Abraham Lincoln military reservation, together with the buildings thereon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PALMER introduced a bill (S. 2266) for the relief of Francis P. Trumbull; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 2267) to provide a municipal government for the town of Miami, in the Indian Territory, and attach the same to the Territory of Oklahoma for judicial and other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MARTIN. The bill is accompanied by a petition of citizens of Miami praying for its passage. I move that the bill and accompanying petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. ALLISON introduced a bill (S. 2268) granting a pension to Sarah V. Lothrop; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Foreign Relations.

Mr. FRYE subsequently reported the amendment favorably from the Committee on Foreign Relations, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. ALDRICH submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. TELLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 26th instant, approved and signed the act (S. 1930) to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.

EXTENSION OF APPROPRIATIONS.

Mr. COCKRELL. I ask the Chair to lay before the Senate the House joint resolution proposing to extend the appropriations to carry on the Government.

The VICE-PRESIDENT. The Chair lays before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. Res. 208) to continue the provisions of a joint resolution approved June 29, 1894, entitled "A joint resolution to provide temporarily for the expenditures of the Government," was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of a joint resolution entitled "A joint resolution to provide temporarily for the expenditures of the Government," approved June 29, 1894, be, and the same are hereby, extended and continued in full force and effect to and including the 14th day of August, 1894.

Mr. COCKRELL. I will state that the joint resolution referred to, which extended the appropriations, will expire to-day, and it is necessary to continue the appropriations. Eight of the thirteen general appropriation bills have been agreed to in conference and have passed. I do not know whether they have been signed by the President; I presume they have been. Of the remaining five three are in conference. One, the agricultural appropriation bill, has just been agreed to except as to one item in the bill. Upon that the Senate has insisted, and it will soon be back in conference. As to another one, the Indian appropriation bill, the conferees will be ready very soon to report to the Senate an agreement upon most of the items and a disagreement upon the others, and an additional conference will be asked. No action has yet been had by the conferees on the District of Columbia appropriation bill.

There are two bills not yet reported from the Committee on Appropriations. The sundry civil appropriation bill will be reported to-day, and the Senate will be asked to consider it to-morrow. The general deficiency appropriation bill will be reported to the Senate to-morrow, and the Senate will be asked to consider it just as soon as we can; but it is necessary that this joint resolution shall be passed.

Mr. FRYE. Does the joint resolution cover the 31st day of this month?

Mr. COCKRELL. It continues the appropriations until and including the 14th day of August, which, of course, includes the 31st day of July.

Mr. FRYE. All right.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

YOUNG MEN'S CHRISTIAN ASSOCIATION.

Mr. PROCTOR. I ask unanimous consent that the bill (H. R. 7071) to exempt the property of the Young Men's Christian Association of the District of Columbia from taxation, be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause, and insert:

That all property belonging to the Young Men's Christian Association in the District of Columbia, used and occupied by that association, shall, so long as the same is so owned and occupied, be exempt from taxation, na-

tional and municipal: *Provided*, That where ground of said association is larger than is reasonably required for its use, or is not actually used for the legitimate purposes of said association, or if said ground or buildings shall be used for private gain, such portion of said ground or buildings as shall not actually be used for the purposes of said association, or from which it derives a rent or income, such portion of the same, or a sum equal in value to such portion, shall be taxed against such association.

Mr. COCKRELL. I should like to have some explanation of the force and effect of the bill.

Mr. PROCTOR. The amendment is a substitute for the bill passed by the House of Representatives. It was drawn by the attorney of the District and I think is very carefully guarded. The bill as passed by the other House proposed to exempt certain property from taxation, but the amendment confines it to property that is actually owned and occupied and shall be no larger in amount than is clearly required for the use of the association, and the exemption fails whenever any of the property is used for private purposes. The Senate committee substitute also cuts off any refunding of taxes already paid which the bill as passed by the House granted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

FOG SIGNAL AT KEWAUNEE, WIS.

Mr. WASHBURN. I report back favorably without amendment, from the Committee on Commerce, the bill (H. R. 4567) establishing a fog signal at Kewaunee, Wis., and I ask unanimous consent to have it considered at the present time.

Mr. COCKRELL. Is it a Senate bill?

Mr. WASHBURN. It is a House bill with a House report accompanying it. The bill passed the other House and is reported favorably by the Committee on Commerce.

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRANT OF LANDS TO OKLAHOMA CITY.

Mr. MARTIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6080) "granting a certain military reservation to Oklahoma City, Okla., to aid the public free schools thereof, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2, and the House agree to the same.

JNO. MARTIN,
A. J. McLAURIN,
JOSEPH M. CAREY,
Managers on the part of the Senate.

THO. C. McRAE,
D. D. HARE,
J. W. MOON,
Managers on the part of the House.

The report was concurred in.

PACIFIC STATES CLAIMS.

The VICE-PRESIDENT. The morning business is closed, and the Chair lays before the Senate the special order, being the bill (S. 1295) to reimburse the States of California, Oregon, and Nevada for moneys by them expended in the suppression of the rebellion. The Senate, as in Committee of the Whole, resumes the consideration of the bill, and the pending question is upon the amendment proposed by the Senator from California [Mr. WHITE].

Mr. MANDERSON and Mr. COCKRELL. Let the amendment be read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to insert at end of line 20, page 2, the following proviso:

Provided, That the money hereby appropriated shall be paid to the treasurers of said States, or other proper officers of said States authorized to receive and receipt for the same, on behalf of said States, respectively, and shall be converted into the treasuries of said States subject to appropriation by the Legislatures thereof.

Mr. COCKRELL. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is a report, the Chair is advised.

Mr. COCKRELL. Let it be read for information.

Mr. PERKINS. I will state to the Senator from Missouri that there can be no possible objection to the amendment proposed by my colleague.

The VICE-PRESIDENT. The question is on agreeing to the amendment. The report will be read at the request of the Senator from Missouri.

Mr. COCKRELL. I think the report should be read before the amendment is adopted. Let the amendment be read again.

The Secretary again read the amendment.

Mr. STEWART. I should like to know whether that would be fair. The Legislatures may have already taken some action and employed agents. The Legislatures, I understand, have already passed some laws in regard to obtaining assistance, and money has been expended. I hardly think that it would be fair to provide that the money shall be covered into the state treasuries. I think it should be paid to the States themselves, and let them take their own action and take care of it. I do not think the amendment should be adopted.

Mr. WHITE. The amendment referred to simply provides that the money shall be paid into the treasuries of the States. Of course if there be any claim against the State of a valid character it can not be affected by the amendment. That was not the design upon the part of those who prepared the amendment. Representing the State of California, I proposed it, and in fact the Senator from Oregon suggested the form of amendment to me, and he is also interested in the matter. I do not think there is anyone in any way interested in the bill who would object to the amendment. There is no objection to it from any source so far as I know.

The VICE-PRESIDENT. The report will be read.

Mr. MANDERSON. I call the attention of the Senator from Missouri to the fact that the report made from the Committee on Military Affairs by the Senator from Minnesota [Mr. DAVIS] is very voluminous, going into great detail in connection with this matter. Certainly every member of the Committee on Military Affairs, and I think most of the Senate, know fairly well the nature of this claim. The important consideration that there is in it is whether interest shall be paid upon these amounts. A similar bill has been frequently reported. I suggest that it would be infinitely better for the Senator from California [Mr. WHITE] or the Senator from Nevada [Mr. STEWART] to make a succinct statement of the character of the claim. If we proceed to the reading of the report it will be the end of any business other than the reading of the report to-day.

I would have no objection myself to putting in the day in making a pretense of listening to the report, but there are other matters which are important for the consideration of the Senate. I know that the Senator from Maryland [Mr. GORMAN], the chairman of the Committee on Printing, is exceedingly anxious to bring forward for the consideration of the Senate to-day if possible the general printing bill; but if we are to have the report read, that is the end of any hope in that direction.

I trust the Senator from Missouri will withdraw his request for the reading of this very full report, and be content with such statement as may be made by those who are directly interested in the bill.

Mr. COCKRELL. I appreciate the force of what the Senator from Nebraska says. This is an old matter—thirty-odd years old. We have had it time and again before the committees. I was not aware that the bill had been reported from the Committee on Military Affairs at the present session. I did not know that it was called up and set for to-day, and this is the first intimation I have had. The report is very voluminous. There have been many reports made on this claim. It is absolutely impossible for me now, without reading the report or having an extension of time, to get together the points that I want to make in the case.

Mr. WHITE. Will the Senator from Missouri allow me? Does he desire further time in the matter?

Mr. COCKRELL. What I want is simply time to run over the report. I have gone over the case, and I have somewhere a memorandum explaining exactly my view of the whole situation, but I did not know that the bill was coming up, and I have not got it here.

Mr. WHITE. A similar bill has passed the Senate twice.

Mr. COCKRELL. I understand; but the data I had then I have not before me now, and I can not place my hand upon it.

Mr. WHITE. I will state to the Senator from Missouri that there is quite an elaborate statement of data, not published as a Senate document, now in the hands of the chairman of the committee, which I gave him; and that may facilitate the inquiry. Of course, so far as I am concerned, while I called the bill up and had it made a special order for this morning, if the Senator from Missouri desires time to examine it further I shall not object.

Mr. COCKRELL. I would be very greatly obliged for further time. I appreciate how the reading of the report would be apparently a waste of time, but I must have time some way or other to get together the points in the case.

Mr. WHITE. Will the Senator suggest a time when he would be willing to set down the bill as a special order, subject of course to the appropriation bills?

Mr. COCKRELL. I suggest day after to-morrow—Wednesday.

Mr. WHITE. If there is no objection on the part of others I do not object to that course.

Mr. STEWART. Let the bill go over until Wednesday.

Mr. BATE. I will state concerning the data to which the Senator from California referred that I have not had an opportunity to look into it. It covers four or five pages. I am in the situation of the Senator from Missouri, who is also a member of the Committee on Military Affairs—I was not aware for sometime that the bill had been reported. It was ordered to be reported at a meeting of the committee, at which I was not present, and the Senator from Missouri was also absent when the bill passed the committee. I myself am opposed to the bill, but I do not want——

Mr. WHITE. If the Senator from Tennessee will excuse me, I will move that the bill go over until the close of the routine business day after to-morrow.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROCTOR. I should like to ask the Senator from California, or the Senator from Nevada, in reference to the bill which has just been made a special order for Wednesday, if it is the same matter that was several years before a special board of the War Department?

Mr. PERKINS. It is the same.

Mr. MITCHELL of Oregon. It is the same matter.

Mr. PROCTOR. I should like to ask if the special report by Maj. Swann, of the Adjutant-General's Office, is printed with the the report of the Committee on Military Affairs?

Mr. PERKINS. I think not.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. COCKRELL. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, to report it favorably, with sundry amendments. I ask that there may be a special order made for the printing and return of the bill to the Senate so that Senators may get it this evening. I make this request with a view to call up the bill to-morrow morning for consideration.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered. Meanwhile the bill will be placed on the Calendar.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 387) to authorize the construction of a life-saving station at or near Rocky Point or East Marion, Long Island, N. Y.;

A bill (H. R. 5979) to provide for licenses to certain officers of sea-going passenger vessels;

A bill (H. R. 6577) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the town of Columbia, Ala.; and

A bill (H. R. 7045) to amend section 4136 of the Revised Statutes.

The bill (H. R. 3512) for the relief of the legal representatives of James C. Booth was read twice by its title and referred to the Committee on Finance.

The bill (H. R. 6384) for the relief of Walter S. McLeod was read twice by its title, and referred to the Committee on Claims.

PRINTING AND DISTRIBUTION OF DOCUMENTS.

Mr. GORMAN. I move that the Senate proceed to the consideration of the bill (H. R. 2650) providing for the public printing and binding and the distribution of public documents.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Printing with amendments.

Mr. GORMAN. I ask that the amendments of the Committee on Printing be considered as they are reached in the reading of the bill.

The VICE-PRESIDENT. Without objection, that course will be pursued.

The Secretary proceeded to read the bill. The first amendment of the Committee on Printing was, in section 3, line 7, after the word "Denver," to strike out "Everett Washington;" so as to read:

The Joint Committee on Printing shall fix upon standards of paper for the different descriptions of public printing and binding, and the Public Printer shall, under their direction, advertise in two newspapers, published in each of the cities of Boston, New York, Philadelphia, Baltimore, Washington, Cincinnati, St. Louis, Louisville, Omaha, Denver, and Chicago, etc.

The amendment was agreed to.

The next amendment was, in section 5, line 6, after the word "accompanied," to strike out "With a bond payable to the Government in double the amount of their bid, with such surety as may be deemed sufficient by said Joint Committee on Printing or by the Secretary of the Interior," and insert "By a bond approved by a judge or clerk of a court of record in the penalty of $5,000 that the bidder or bidders, if his or their proposal is accepted, shall enter into a contract to furnish the articles proposed for;" so as to make the section read:

SEC. 5. The sealed proposals to furnish paper shall be opened in the presence of the Joint Committee on Printing, and the contracts shall be awarded by them to the lowest and best bidder for the interest of the Government; but they shall not consider any proposal which is not accompanied by a bond approved by a judge or clerk of a court of record in the penalty of $5,000 that the bidder or bidders, if his or their proposal is accepted, shall enter into a contract to furnish the articles proposed for and by satisfactory evidence that the person making it is a manufacturer of or dealer in the description of paper which he proposes to furnish.

The amendment was agreed to.

The next amendment was, in section 6, line 7, after the word "performance," to insert "The contractor shall give bond in such amount as may be fixed by, and to the approval of, the Joint Committee on Printing;" so as to make the section read:

SEC. 6. No contract for furnishing paper shall be valid until it has been approved by the Joint Committee on Printing, if made under their direction, or by the Secretary of the Interior, if made under his direction, according to the provisions of section 9 of this act. The award of each contract for furnishing paper shall designate a reasonable time for its performance. The contractor shall give bond in such amount as may be fixed by, and to the approval of, the Joint Committee on Printing.

The amendment was agreed to.

The next amendment was, in section 8, line 5, after the word "session," to insert "and the decision of said joint committee or of the Secretary of the Interior shall be final as to the Government;" so as to make the section read:

SEC. 8. In case of difference of opinion between the Public Printer and any contractor for paper respecting its quality, the matter of difference shall be determined by the Joint Committee on Printing or by the Secretary of the Interior when Congress is not in session, and the decision of said joint committee or of the Secretary of the Interior shall be final as to the Government.

Mr. MANDERSON. I suggest to my colleague on the committee that probably the word "Government" had better be stricken out and the words "United States" inserted, as that is the usual designation.

Mr. GORMAN. Very well; there is no objection to that modification.

The PRESIDING OFFICER (Mr. PASCO in the chair). The amendment of the committee will be so modified in the absence of objection.

The amendment as modified was agreed to.

The next amendment was, to insert after section 16 the following as an additional section.

SEC. 17. At any time when there is no joint committee of the two Houses of Congress the powers and duties under the law devolving upon the Joint Committee on Printing shall be exercised and performed by the committee then in existence of either House.

The amendment was agreed to.

The next amendment was, in section (20) 21, after the word "Printing," in line 2, to strike out as follows:

Shall constitute a board of condemnation, who, upon the call of the Public Printer, shall determine the condition of presses and other machinery and material used in the Government Printing Office, with a view to condemnation.

In case ruling machines, stitching machines, or other machinery or material used in the bindery shall become the subject of inquiry, with a view to condemnation, the foreman of binding shall be substituted on the board in place of the foreman of printing.

And insert:

Shall constitute a board to examine and report in writing on all paper delivered under contract, or by purchase or otherwise, at the Government Printing Office. The chief clerk, foreman of binding, and a person designated by the Joint Committee on Printing shall constitute a board to examine and report in writing on all material, except paper, for the use of the bindery. The chief clerk, the foreman of printing, and a person designated by the Joint Committee on Printing shall constitute a board of condemnation, who, upon the call of the Public Printer, shall determine the condition of presses and other machinery and material used in the Government Printing Office, with a view to condemnation.

So as to make the section read:

SEC. 21. The chief clerk, the foreman of printing, and a person designated by the Joint Committee on Printing shall constitute a board to examine and report in writing on all paper delivered under contract, or by purchase or otherwise, at the Government Printing Office. The chief clerk, foreman of binding, and a person designated by the Joint Committee on Printing shall constitute a board to examine and report in writing on all material, except paper, for the use of the bindery. The chief clerk, the foreman of printing, and a person designated by the Joint Committee on Printing shall constitute a board of condemnation, who, upon the call of the Public Printer, shall determine the condition of presses and other machinery and material used in the Government Printing Office, with a view to condemnation.

The amendment was agreed to.

The next amendment was, in section [22] 23, line 11, after the word "departments," to strike out "on" and insert "or;" so as to read:

The Public Printer shall, on the first day of each regular session, report to Congress the exact condition and the quantity and cost of all printing, binding, lithographing, and engraving, the quantity and cost of all paper purchased for the same; a detailed statement of all proposals and contracts entered into for the purchase of paper and other materials, and for lithographing and engraving; of all payments made, during the preceding year, under his direction; of the quantity of work ordered and done, with a general classification thereof, for each department, and a detailed statement of

each account with the departments or public officers; a classified detailed statement of the number of hands employed and the sums paid to each, etc.

The amendment was agreed to.

The next amendment was, in section [23] 24, line 5, after the word "designate," to insert "but such leaves of absence shall not be allowed to accumulate from year to year;" so as to read:

SEC. 24. The employés of the Government Printing Office, whether employed by the piece or otherwise, shall be allowed leaves of absence with pay to the extent of not exceeding thirty days in any one fiscal year, under such regulations and at such times as the Public Printer may designate; but such leaves of absence shall not be allowed to accumulate from year to year.

The amendment was agreed to.

The next amendment was, in section [29] 30, line 3, before the word "leather," to strike out "and;" in the same line, after the word "scraps," to insert "and for the sale of old and condemned material;" and in line 5, after the words "United States," to strike out "to the credit of the appropriation for public printing and binding, and shall be subject to his requisitions in the manner prescribed by law," and insert "and a detailed statement thereof shall be included in his annual report to Congress;" so as to make the section read:

SEC. 30. Moneys received from sales of extra copies of documents, paper shavings, imperfections, waste gold leaf, leather and book-cloth scraps, and for the sale of old and condemned material, shall be deposited by the Public Printer in the Treasury of the United States, and a detailed statement thereof shall be included in his annual report to Congress.

The amendment was agreed to.

The next amendment was, in section [31] 32, line 2, after the word "law," to strike out "except those heretofore provided for by law for special purposes;" so as to read:

SEC. 32. All printing offices in the Departments now in operation, or hereafter put in operation, by law, shall be considered a part of the Government Printing Office, and shall be under the control of the Public Printer, who shall furnish all presses, types, imposing stones, and necessary machinery and material for said offices from the general supplies of the Government Printing Office, etc.

The amendment was agreed to

The next amendment was, in section [31] 32, line 18, after the word "Department," to insert:

nor to the printing office now in operation in the Census Office; but the Public Printer, with the approval of the Joint Committee on Printing, may abolish any of these excepted offices whenever in their judgment the economy of the public service would be thereby advanced.

So as to make the proviso read:

Provided, That the terms of this act shall not apply to the office in the Weather Bureau, or to so much of the printing as is necessary to expedite the work of the Record and Pension Division of the War Department, nor to the printing office now in operation in the Census Office; but the Public Printer, etc.

The amendment was agreed to.

The next amendment was, in section [32] 33, line 3, before the words "of printing," to strike out "foreman" and insert "foremen;" so as to read:

The foremen of printing and binding shall make out estimates of the quantity and kind of material required for their respective departments, etc.

The amendment was agreed to.

The next amendment was, in section [34] 35, line 3, after the word "assistants," to strike out "nor members of the Joint Committee on Printing;" so as to read:

SEC. 35. Neither the Public Printer, chief clerk, foreman of printing, foreman of binding, nor any of their assistants shall, during their continuance in office, have any interest, direct or indirect, in the publication of any newspaper or periodical, or in any printing, binding, engraving, or lithographing of any kind, or in any contract for furnishing paper or other material connected with the public printing, binding, lithographing, or engraving, etc.

The amendment was agreed to.

The next amendment was, in section [35] 36, line 6, after the word "strain," to insert the following proviso:

Provided, That no contract for nor lease of buildings or accommodations for this purpose shall be made or entered into for a longer period than one year, and that every such contract or lease shall be first submitted to the Joint Committee on Printing for their approval and be approved by them.

The amendment was agreed to.

The next amendment was, in section [37] 38, line 4, before the word "thereof," to strike out "costs" and insert "cost;" so as to read:

It shall be lawful for the Public Printer to print and deliver, upon the order of any Senator, Representative, or Delegate extracts from the CONGRESSIONAL RECORD, the person ordering the same paying the cost thereof, etc.

The amendment was agreed to.

The next amendment was, in section [37] 38, line 9, after the word "thereof," to insert:

The Public Printer may furnish without cost to Senators, Members, and Delegates, envelopes, ready for mailing the CONGRESSIONAL RECORD or any part thereof, or speeches, or reports therein contained. Envelopes so furnished shall contain in the upper left-hand corner thereof the following words, to wit: "Senate United States (or House of Representatives, U. S.). Part of CONGRESSIONAL RECORD. Free." And in the upper right-hand corner the letters "U. S. S." or "M. C." But he shall not print any other words thereon, except at the personal expense of the Senator, Member, or Delegate ordering the same, except to affix the official title of a document.

He may also furnish without cost to Senators, Members, and Delegates blank franks for public documents. Franks so furnished shall contain in the upper left-hand corner thereof the following words, to wit: "Public document. Free. United States Senate (or House of Representatives U. S.)" and in upper right-hand corner the letters "U. S. S." or "M. C." But he shall not print any other words thereon except where it may be desirable to affix the official title of a document. All other words printed thereon shall be at the personal expense of the Senator, Member, or Delegate ordering the same.

At the request of any Congressman the Public Printer is authorized to print upon franks or envelopes used for mailing public documents or seed the facsimile stamp of said Congressman and a special request for return if not called for, and the name of the State and county and city. Said Congressman to deposit with his order the extra expense involved in printing these additional words.

All moneys accruing under this section shall be deposited by the Public Printer in the Treasury of the United States and accounted for in his annual report to Congress.

The amendment was agreed to.

The next amendment was, in section [39] 40, line 2, after the word "ems," to insert "to pressmen 50 cents per hour;" so as to read:

The Public Printer shall pay no greater price for composition than 50 cents per thousand ems, to pressmen 50 cents per hour, and 40 cents per hour for time work to printers and bookbinders, etc.

The amendment was agreed to.

The next amendment was, in section [40] 41, line 6, after the word "Treasury," to strike out "to the credit of the appropriation for public printing" and insert "and accounted for in his annual report to Congress;" so as to make the section read:

SEC. 41. The Public Printer, under the direction of the joint committee, may print for sale, at a price sufficient to reimburse the expense of such printing, the current Congressional Directory and the current numbers and bound sets of the CONGRESSIONAL RECORD. The money derived from such sales shall be paid into the Treasury and accounted for in his annual report to Congress, and no sales shall be made on credit.

The amendment was agreed to.

The next amendment was, in section [44] 45, line 2, after the words "Public Printer," to insert "with the approval of the Joint Committee on Printing;" and in line 9, after the words "per annum," to insert "the employés herein named shall be subject to removal only upon the approval of the Joint Committee on Printing;" so as to make the section read:

SEC. 45. There shall be appointed by the Public Printer, with the approval of the Joint Committee on Printing, a chief clerk, who shall be a practical printer and versed in the art of bookbinding, whose salary shall be $2,400 per annum; and a foreman of printing and a foreman of binding, who must be practically and thoroughly acquainted with their respective trades, who shall each receive a salary of $2,100 per annum. The employés herein named shall be subject to removal only upon the approval of the Joint Committee on Printing.

The amendment was agreed to.

The next amendment was, in section [47] 48, line 3, after the word "day," to strike out "during the session of Congress;" so as to make the section read:

SEC. 48. The Public Printer shall cause work to be done on the public printing in the Government Printing Office at night as well as through the day, when the exigencies of the public service require it, but the provisions of the existing eight-hour law shall apply.

The amendment was agreed to.

The next amendment was, after section [49] 50, to insert as a new section the following:

SEC. 51. The Public Printer may employ such number of apprentices, not to exceed twenty-five at any one time, as in his judgment will be consistent with the economical service of the office.

The amendment was agreed to.

The next amendment was, in section [51] 53, line 1, after the word "sell," to insert "under such regulations as the Joint Committee on Printing may prescribe;" so as to read:

SEC. 53. The Public Printer shall sell, under such regulations as the Joint Committee on Printing may prescribe, to any person or persons who may apply, additional or duplicate stereotype or electrotype plates from which any Government publication is printed, at a price not to exceed the cost of the metal and making to the Government and 10 per cent added, etc.

The amendment was agreed to.

The next amendment was, in section [53] 55, line 9, before the word "hundred," to strike out "seven" and insert "six;" so as to read:

The usual number of documents and reports shall be 1,682 copies, etc.

The amendment was agreed to.

The next amendment was, in section [53] 55, line 14, after the word "copies," to strike out "to the Clerk's document room, 100 copies;" and in line 16, after the word "copies," to strike out:

To each designated depository and State and Territorial library, 1 copy, said depository or library to designate to the Public Printer before the beginning of Congress whether they wish a bound or unbound copy.

So as to read:

Of the House documents and reports, unbound: To the Senate document room, 150 copies; to the office of the Secretary of the Senate, 10 copies; to the House document room, 420 copies; to the Clerk's office of the House, 20 copies.

The amendment was agreed to.

The next amendment was, in section [53] 55, line 24, after the word "copies," to strike out "to the Clerk's document room, twenty copies;" in line 26, after the word "copies," to strike out

"to each designated depository and State and Territorial library, one copy; said depository or library to designate to the Public Printer before the beginning of Congress whether they wish a bound or unbound copy;" and in line 32, after the word "thousand" to strike out "four hundred and forty-two" and insert "and eighty-two;" so as to make the clause read:

OF THE SENATE DOCUMENTS AND REPORTS, UNBOUND.—To the Senate document room, 220 copies; office of the Secretary of the Senate, 10 copies; to the House document room, 360 copies; to the Clerk's office of the House, 10 copies.

That of the number printed, the Public Printer shall bind 1,082 copies, which shall be distributed as follows, etc.

The amendment was agreed to.

The next amendment was, in section [53] 55, line 37, after the word "exchanges," to strike out "to the Clerk's document room, three hundred and sixty copies;" so as to make the clause read:

OF THE HOUSE DOCUMENTS AND REPORTS, BOUND.—To the Senate Library, 15 copies; to the Library of Congress, 2 copies, and 50 additional copies for foreign exchanges; to the House Library, 15 copies; to the Superintendent of documents, 500 copies, for distribution to the State and Territorial libraries and designated depositories.

The amendment was agreed to.

The next amendment was, in section [53] 55, line 45, after the word "exchanges," to strike out "to the Clerk's document room, 360 copies;" so as to read:

OF THE SENATE DOCUMENTS AND REPORTS, BOUND.—To the Senate Library, 15 copies; to the Library of Congress, 2 copies, and 50 copies additional for foreign exchanges; to House Library, 15 copies; to the superintendent of documents, 500 copies for distribution to State and Territorial libraries and designated depositories.

The amendment was agreed to.

The next amendment was, in section [53] 55, after the word "depositories," in line 51, to insert the following proviso:

Provided, That any State or Territorial library or designated depository entitled to documents that may prefer to have its documents in unbound form, may do so by notifying the superintendent of documents to that effect prior to the convening of each Congress.

The amendment was agreed to.

The next amendment was, in section [53] 55, line 64, after the word "delivered," to insert "in unbound form;" so as to make the clause read:

The remainder of said documents and reports shall be reserved by the Public Printer in unstitched form, and shall be held subject to be bound in the number provided by law, upon orders from the Vice-President, Senators, Representatives, Delegates, Secretary of the Senate, and Clerk of the House, in such binding as they shall select, except full morocco or calf; and when not called for and delivered within two years after printing shall be delivered in unbound form to the superintendent of documents for distribution. All of the "usual number" shall be printed at one time.

The amendment was agreed to.

The next amendment was in section [54] 56, line 3, before the word "copies," to strike out "fifty" and insert "twenty-five;" in line 7, after the word "copies," to strike out "to Clerk's document room, twenty-five copies. And the Public Printer shall print such additional number of copies of each Senate and House public bill, joint, concurrent, and simple resolution as will enable him to send one copy of each reported to either House, that go upon its calendar, together with the report thereon, to each State and Territorial library and to each depository of public documents which shall notify him prior to the convening of each Congress of its desire to receive them;" in line 16, before the word "copies," to strike out "sixty-five" and insert "fifty;" in line 20, after the word "copies," to strike out "to the Clerk's document room, 15 copies;" so as to read:

SEC. 56. There shall be printed of each Senate and House public bill and joint, concurrent, and simple resolution 625 copies, which shall be distributed as follows: To Senate document room, 225 copies; office of Secretary of Senate, 15 copies; House document room, 385 copies. There shall be printed of each Senate and House private bill 250 copies, which shall be distributed as follows: To Senate document room, 135 copies; to Secretary of Senate, 15 copies; House document room, 100 copies, etc.

The amendment was agreed to.

The next amendment was, in section [56] 58, line 2, before the word "copies," to strike out "one thousand one hundred and ten" and insert "seven hundred and twenty;" in line 6, before the word "copies," to strike out "fifteen" and insert "ten;" in line 7, before the words "document room," to strike out "Clerk's" and insert "House;" in line 10, after the word "documents," to strike out "500 copies" and insert "144 copies to be distributed to three libraries in each of the States and Territories to be designated by the Secretary of the Interior;" in line 13, before the word "copies," to strike out "fifty-two" and insert "twenty-five;" and in line 17, before the word "copies," to strike out "twenty-one" and insert "twenty-five," so as to make the section read:

SEC. 58. There shall be printed of the Journals of the Senate and House of Representatives 720 copies, which shall be distributed as follows: To the Senate document room, 90 copies for distribution to Senators, and 25 additional copies; to the Senate Library, 10 copies; to the House document room, 360 copies for distribution to members, and 25 additional copies; to the Department of State, 4 copies; to the superintendent of documents, 144 copies, to be distributed to three libraries in each of the States and Territories to be designated by the Secretary of the Interior; to the Library of Congress, 25 copies; to the Court of Claims, 2 copies; and to the Library of the House of Representatives, 10 copies. The remaining number of the Journals of the Senate and House of Representatives, consisting of 25 copies, shall be furnished to the Secretary of the Senate and the Clerk of the House of Representatives, respectively, as the necessities of their respective offices may require, as rapidly as signatures are completed for such distribution.

Mr. MANDERSON. I suggest to my colleague on the committee that in the amendment as to the distribution of the Journals of the Senate and House of Representatives a very great saving will be effected by not sending them to the designated depositories, which would be about 500 in number, for certainly the libraries getting the RECORD will not need the Journal. I suggest that the three libraries in each of the States mentioned to be designated to receive the Journals may be designated by the superintendent of documents rather than by the Secretary of the Interior. I think that would be much better.

Mr. GORMAN. That is a wise suggestion, and I hope the Senator will offer an amendment to that effect.

Mr. MANDERSON. I will move to amend, or rather the committee will modify the amendment, by striking out "Secretary of the Interior" and inserting "superintendent of documents."

The PRESIDING OFFICER. The amendment will be so modified in the absence of objection.

Mr. MANDERSON. Let the amendment be read as modified.

The Secretary read as follows:

One hundred and forty-four copies, to be distributed to three libraries in each of the States and Territories, to be designated by the superintendent of documents.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Printing was, in section [57] 59, line 10, after the word "removed," to strike out "and one copy to each designated depository and State and Territorial library. The custodian of said libraries to indicate to the Public Printer before the beginning of Congress whether bound or unbound copies are desired," and insert "and of all publications of the Executive Departments not intended for their especial use, but made for distribution, 500 copies shall be at once delivered to the superintendent of documents for distribution to designated depositories and State and Territorial libraries;" and after line 18 to strike out:

The Public Printer may furnish without cost to Senators, Members, and Delegates envelopes, ready for mailing the CONGRESSIONAL RECORD or any part thereof, or speeches, or reports therein contained. Envelopes so furnished shall contain in the upper left-hand corner thereof the following words, to wit: "Senate United States (or House of Representatives, U. S.). Part of CONGRESSIONAL RECORD. Free;" and in upper right-hand corner the letters U. S. S. or M. C. But he shall not print any other words thereon, except at the personal expense of the Senator, Member, or Delegate ordering the same.

He may also furnish without cost to Senators, Members, and Delegates blank franks for public documents. Franks so furnished shall contain in the upper left-hand corner thereof the following words, to wit: "Public document. Free. United States Senate (or House of Representatives, U. S.);" and in upper right-hand corner the letters U. S. S. or M. C. But he shall not print any other words thereon, except where it may be desirable to affix the official title of a document. All other words printed thereon shall be at the personal expense of the Senator, Member, or Delegate ordering the same.

At the request of any Congressman the Public Printer is authorized to print upon franks or envelopes used for mailing public documents or seed the facsimile stamp of said Congressman and a special request for return if not called for, and the name of the State and county and city. Said Congressman to deposit with his order the extra expense involved in printing these additional words.

So as to make the section read:

SEC. 59. Whenever printing not bearing a Congressional number shall be done for any Department or officer of the Government, except confidential matter, blank forms, and circular letters not of a public character, or shall be done for use of Congressional committees, not of a confidential character, two copies shall be sent, unless withheld by order of the committee, by the Public Printer to the Senate and House Libraries, respectively, and one copy each to the document rooms of the Senate and House, for reference; and these copies shall not be removed; and of all publications of the Executive Departments not intended for their especial use, but made for distribution, 500 copies shall be at once delivered to the superintendent of documents for distribution to designated depositories and State and Territorial libraries.

The amendment was agreed to.

The reading of the bill was continued to the end of section [59] 61.

Mr. MANDERSON. I suggest to the chairman of the committee the advisability of striking out the words "the closing of the Fifty-third Congress" and in lieu thereof inserting "first day of the first session of the Fifty-fourth Congress," as those employés are to be paid up to that date.

Mr. GORMAN. I accept that suggestion.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section [59] 61, after the words "until the," it is proposed to strike out "the closing of the Fifty-third Congress" and insert "first day of the first session of the Fifty-fourth Congress;" so as to read:

Provided, That this section shall not take effect until the first day of the first session of the Fifty-fourth Congress.

Mr. GORMAN. That is right.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Printing was, in section [60] 62, after the words "Sec. 62," to insert "The Joint Committee on Printing shall designate to the Public Printer a competent person, to be appointed by him, as superintendent of documents, and shall fix and regulate the compensation to be paid by the Public Printer to the person so designated and appointed;" in line 6, after the word "documents," to strike out "in the Interior Department" and insert "so designated and appointed;" in line 20, after the words "shall be," to insert "returned to the Public Printer on the first day of each month, and be by him;" in line 22, after the word "Treasury," to strike out "quarterly and placed to the credit of the general fund for public printing" and insert "monthly;" in line 26, after the word "report," to strike out "annually" and insert "monthly to the Public Printer;" and in line 28, after the word "same," to insert:

He shall have general supervision of the distribution of all public documents, and to his custody shall be committed all documents subject to distribution, excepting those printed for the special official use of the Executive Departments, which shall be delivered to said Departments, and those printed for the use of the two Houses of Congress, which shall be delivered to the folding rooms of said Houses and distributed or delivered ready for distribution to Members and Delegates upon their order by the superintendents of the folding rooms of the Senate and House of Representatives.

So as to make the section read:

SEC. 62. The Joint Committee on Printing shall designate to the Public Printer a competent person, to be appointed by him, as superintendent of documents, and shall fix and regulate the compensation to be paid by the Public Printer to the person so designated and appointed. The superintendent of documents so designated and appointed is hereby authorized to sell at cost any public document in his charge, the distribution of which is not herein specifically directed, said cost to be estimated by the Public Printer and based upon printing from stereotyped plates; but only one copy of any document shall be sold to the same person, excepting libraries or schools by which additional copies are desired for separate departments thereof, and members of Congress; and whenever any officer of the Government having in his charge documents published for sale shall desire to be relieved of the same, he is hereby authorized to turn them over to the superintendent of documents, who shall receive and sell them under the provisions of this section. All moneys received from the sale of documents shall be returned to the Public Printer on the first day of each month, and be by him covered into the Treasury monthly, and the superintendent of documents shall report annually the number of copies of each and every document sold by him, and the price of the same. He also shall report monthly to the Public Printer the number of documents received by him and the disposition made of the same. He shall have general supervision of the distribution of all public documents, etc.

The amendment was agreed to.

The next amendment was, in section [61] 63, line 4, before the word "Congress," to strike out "Fifty-second" and insert "Fifty-third;" and in line 12, after the word "character," to insert, "He shall also prepare and print in one volume a consolidated index of Congressional documents, and shall index such single volumes of documents as the Joint Committee on Printing shall direct;" so as to make the section read:

SEC. 63. The superintendent of documents shall, at the close of each regular session of Congress, prepare and publish a comprehensive index of public documents, beginning with the Fifty-third Congress, upon such plan as shall be approved by the Joint Committee on Printing; and the Public Printer shall, immediately upon its publication, deliver to him a copy of each and every document printed by the Government Printing Office; and the head of each of the Executive Departments, bureaus, and offices of the Government shall deliver to him a copy of each and every document issued or published by such Department, bureau, or office not confidential in its character. He shall also prepare and print in one volume a consolidated index of Congressional documents, and shall index such single volumes of documents as the Joint Committee on Printing shall direct.

Mr. GORMAN. At the end of the amendment which has just been read, after the word "direct," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section [61] 63, line 15, after the word "direct," it is proposed to insert:

Of the comprehensive index and of the consolidated index 2,000 copies each shall be printed and bound in addition to the usual number; 200 copies for the use of the Senate, 800 for the use of the House, and 1,000 copies for distribution by the superintendent of documents.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Printing was, in section [62] 64, line 7, after the word "libraries," to insert "and document rooms;" and in line 23, after the word "loss," to insert "and a similar invoice shall be prepared and distribution made as above provided at the convening in regular session of each successive Congress;" so as to make the section read:

SEC. 64. The Secretary and Sergeant-at-Arms of the Senate and the Clerk and Doorkeeper of the House of Representatives shall cause an invoice to be made of all public documents stored in and about the Capitol, other than those belonging to the quota of members of the present Congress, to the Library of Congress, and the Senate and House Libraries, and document rooms, and all such documents shall, by the superintendents, respectively, of the Senate and House folding rooms be put to the credit of Senators, Representatives, and Delegates of the present Congress, in quantities equal in the number of volumes and as nearly as possible in value, to each member of Congress, and said documents shall be distributed upon the orders of Senators, Representatives, and Delegates, each of whom shall be supplied by the superintendents of the folding rooms with a list of the number and character of the publications thus put to his credit: *Provided*, That before said apportionment is made copies of any of these documents desired for the use of committees of the Senate or House shall be delivered to the chairmen of such committees: *And provided further*, That 4 copies of each and all leather-bound documents shall be reserved and carefully stored, to be used hereafter in supplying deficiencies in the Senate and House Libraries caused by wear or loss, and a similar invoice shall be prepared and distribution made as above provided at the convening in regular session of each successive Congress.

The amendment was agreed to.

The next amendment was, to insert after section [62] 64, line 26, the following as a new section:

SEC. 65. Upon the appointment of the superintendent of documents, as hereinbefore provided, the office of the superintendent of documents in the Department of the Interior shall be, and is hereby, abolished, and all laws now in force providing for the delivery to the Department of the Interior of public documents for distribution, other than such as are for the use of that Department, shall be, and the same are hereby, repealed.

Mr. GORMAN. I move to amend the amendment by adding to the proposed new section what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 33, at the end of section 65, it is proposed to insert:

Provided, That the distribution of the reports of the Eleventh Census shall be continued and completed by the superintendent of documents under existing laws and regulations.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Printing was, to insert, after section 65, the following as a new section:

SEC. 66. All official correspondence of the superintendent of documents and all replies to the same shall be entitled to free transmission by mail; and he shall be entitled to frank public documents: *Provided*, That in the transmission of such mail matter envelopes, labels, or postal cards are used on which the name of the office and the penalty clause are printed.

The amendment was agreed to.

The next amendment was, after section 66, to insert as a new section the following:

SEC. 67. The Public Printer is hereby authorized and directed, upon the requisition of the superintendent of documents, to appoint such assistants as may be necessary, and furnish such blanks and to do such printing and binding as are required by his office, the cost of the same to be charged against the appropriation for printing and binding for Congress, and the Public Printer shall provide convenient office, storage, and distributing rooms for the use of the superintendent of documents.

The amendment was agreed to.

The next amendment was, in section [63] 68, line 8, after the word "sale," to strike out "It shall be the duty of the superintendent of documents, within thirty days after the approval of this act, to prepare a catalogue of the hundreds of thousands of volumes now held in reserve and unavailable for distribution, and which catalogue shall be made accessible to all Senators, Representatives, and Delegates, and he shall apportion each and every sort of book and document equally among Senators, Representatives, and Delegates;" so as to make the section read:

SEC. 68. All documents at present remaining in charge of the several Executive Departments, bureaus, and offices of the Government not required for official use shall be delivered to the superintendent of documents, and hereafter all public documents accumulating in said Departments, bureaus, and offices not needed for official use shall be annually turned over to the superintendent of documents for distribution or sale.

The amendment was agreed to.

The next amendment was, to strike out section 64, in the following words:

SEC. 64. Where, in the division among Senators, Representatives, and Delegates of extra copies of documents printed for the use of Congress, there shall be a remainder beyond the number of 25 to each House of Congress, the surplus beyond 25 shall be turned over by the superintendents of the folding rooms to the superintendent of documents for distribution and sale by him under the provisions of this law. All documents delivered to the superintendent of documents under the provisions of this section shall be divided and placed subject to the orders of the Senators and Members of the House of Representatives as follows: One-third of each kind of document shall be set apart for the use of Senators and two-thirds for the use of Members of the House. Each kind of document so set apart shall be divided as nearly as may be equally among the respective members of each House, and the remainders, if any there be, shall be combined with other similar remainders, and from time to time the combination of remainders shall be again divided equitably as nearly as may be among the members of the Senate and the House respectively.

The amendment was agreed to.

The next amendment was, on page 35, after line 20, to insert as a new section the following:

SEC. 69. Whenever in the division among Senators, Representatives, and Delegates of documents printed for the use of Congress there shall be an apportionment to each or either House in round numbers, the Public Printer shall not deliver the full number so accredited at the respective folding rooms, but only the largest multiple of the number constituting the full membership of each or either House, including the Secretary and Sergeant-at-Arms of the Senate and Clerk and Doorkeeper of the House, which shall be contained in the round numbers thus accredited to each or either House, so that the number delivered shall divide evenly and without remainder among the members of the House to which they are delivered; and the remainder of all documents thus resulting shall be turned over to the superintendent of documents, to be distributed by him, first, to public and school libraries for the purpose of completing broken sets; second, to public and school libraries that have not been supplied with any portion of such sets; and, lastly, by sale to other persons; said libraries to be named to him by

Senators, Representatives, and Delegates in Congress; and in this distribution, the superintendent of documents shall see that as far as practicable an equal allowance is made to each Senator, Representative, and Delegate.

The amendment was agreed to.

The next amendment was, in section [65] 70, line 3, after the word "which," to strike out "shall be printed in the Official Gazette of the Patent Office, and during sessions of Congress also in the CONGRESSIONAL RECORD, and;" in line 6, before the word "month," to insert "preceding;" in line 7, after the word "thereof," to strike out "on the 1st day of July of each year he shall prepare and print in pamphlet form for distribution and sale 2,000 copies of a catalogue of Government publications issued during the year, giving the price of each and where purchasable," and insert "2,000 copies of such catalogue shall be printed in pamphlet form for distribution;" so as to make the section read:

SEC. 70. A catalogue of Government publications shall be prepared by the superintendent of documents on the first day of each month, which shall show the documents printed during the preceding month, where obtainable, and the price thereof. Two thousand copies of such catalogue shall be printed in phamplet form for distribution.

The amendment was agreed to.

Mr. COCKRELL. I do not see any provision for bringing up the list of Government publications from 1881, since the publication of the descriptive catalogue.

Mr. GORMAN. I think the Senator from Missouri will find it in section [65] 70, if I am not mistaken.

Mr. MANDERSON. I think it is on page 32.

Mr. COCKRELL. In what section?

Mr. MANDERSON. At the end of section 63. The superintendent of documents is charged with that duty.

Mr. COCKRELL. That is the index. I do not see any provision made for the list of publications between 1881 and the beginning of operations under the pending bill. There will be a hiatus, a lapse of time.

Mr. GORMAN. I will look at that in a moment, and we can go back to it before we get through with the bill.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment of the Committee on Printing was to strike out section 66, in the following words:

SEC. 66. When extra numbers in excess of 5,000 of any document shall be ordered by Congress, there shall be delivered to the superintendent of documents 500 copies, to be taken ratably from the two Houses of Congress; and where less than 5,000 extra numbers are ordered, the superintendent shall receive 10 per cent of the number. Said copies shall be distributed by the superintendent of documents to designated depositories, preference being given to those named by Senators, Representatives, and Delegates.

The amendment was agreed to.

The next amendment was, in section [67] 71, line 5, after the word "below," to strike out "500" and insert "1,000;" so as to make the section read:

SEC. 71. The superintendent of documents shall thoroughly investigate the condition of all libraries that are now designated depositories, and whenever he shall ascertain that the number of books in any such library, other than college libraries, is below 1,000, other than Government publications, or it has ceased to be maintained as a public library, he shall strike the same from the list, and the Senator, Representative, or Delegate shall designate another depository that shall meet the conditions herein required.

The amendment was agreed to.

The next amendment was, in section [69] 73, line 3, after the word "same," to strike out "within nine months after his term has expired" and insert "prior to the convening of the next succeeding Congress;" so as to make the section read:

SEC. 73. Any Senator, Representative, or Delegate having public documents to his credit at the expiration of his term of office shall take the same prior to the convening of the next succeeding Congress, and if he shall not do so within such period he shall forfeit them to his successor in office.

The amendment was agreed to.

The next amendment was, in section [70] 74, after line 5, to strike out:

Of the Agricultural Report, 500,000 copies; of which 110,000 shall be for the Senate, 360,000 for the House, and 30,000 for distribution by the Agricultural Department: *Provided*, That 75,000 copies of the Government work known as "Diseases of the Horse" be printed, 50,000 for the use of the House and 25,000 for the use of the Senate.

And insert:

The annual report of the Secretary of Agriculture shall hereafter be submitted and printed in two parts, as follows: Part 1, which shall contain purely business and executive matter which it is necessary for the Secretary to submit to the President and Congress; part 2, which shall contain such reports from the different bureaus and divisions, and such papers prepared by their special agents, accompanied by suitable illustrations as shall, in the opinion of the Secretary, be specially suited to interest and instruct the farmers of the country, and to include a general report of the operations of the department for their information. There shall be printed of part 1, 1,000 copies for the Senate, 2,000 for the House, and 3,000 copies for the Department of Agriculture; and of part 2, 100,000 copies for the use of the Senate, 200,000 copies for the use of the House of Representatives, and 30,000 for the use of the Department of Agriculture, the illustrations for the same to be executed under the supervision of the Public Printer, in accordance with directions of the Joint Committee on Printing, said illustrations to be subject to the approval of the Secretary of Agriculture; and the title of each of the said parts shall be such as to show that such part is complete in itself.

Mr. COCKRELL. It is proposed to strike out the House provision as to the Agricultural Report in the following words:

Of the Agricultural Report, 500,000 copies; of which 110,000 shall be for the Senate, 360,000 for the House, and 30,000 for distribution by the Agricultural Department: *Provided*, That 75,000 copies of the Government work known as "Diseases of the Horse" be printed, 50,000 copies for the use of the House and 25,000 for the use of the Senate.

The amendment proposed by the committee is a long provision.

Mr. GORMAN. It provides that the Agricultural Report shall be printed in two parts.

Mr. COCKRELL. What is the object of that? What does the Secretary of Agriculture say about it?

Mr. GORMAN. The provision for the publication of the Agricultural Report in two parts is inserted at the request of the Secretary. It will save a great amount of printing. Of the first part, which is to contain purely business and executive matter, necessary for the Secretary to submit to the President and Congress, a small number is to be printed, while of the second part, which is for general distribution, the edition is to be larger. It is done at the suggestion of the Department; and after careful consideration by the committee they thought it a wise provision.

The House has already practically passed the same provision. The only change is as to the number of copies of the reports. It is reduced very largely. The House sent the bill here with a provision for 500,000 copies. We have cut down the number to 100,000 copies of the second part for the Senate and 200,000 copies for the House.

Mr. COCKRELL. This change will throw the matter into conference, I believe. I do not see a solitary member of the important Committee on Agriculture and Forestry here for the protection of the agricultural interest, but——

Mr. MANDERSON. So far as I am concerned I feel that the bill as it is proposed to be amended by the Senate committee will so commend itself to the other House that the chances are the amendments of the Senate will be agreed to. One embarrassment in the road of that conclusion is the cutting down of the number of Agricultural Reports. Personally I should be pleased to see some increase of the number, hoping that it might have the effect of which I speak, having the bill accepted by the House without a conference. So, if it is agreeable to my colleague on the committee, I think that on a little consultation with the gentleman who sits by his side we can probably reach a number which will be agreeable to both.

Mr. GORMAN. What number does the Senator from Nebraska suggest?

Mr. MANDERSON. I would suggest that of part 2, which will be the popular edition, we should increase the number to 400,000 copies.

Mr. COCKRELL. Put in the number provided in the bill as it passed the other House.

Mr. MANDERSON. That is 500,000 copies; a rather large number.

Mr. GORMAN. The provision as it came from the other House is 110,000 copies for the Senate and 360,000 copies for the House. That has been the rule. Does the Senator from Missouri desire that there shall be 110,000 copies for the Senate and 360,000 copies for the House?

Mr. COCKRELL. I think the Senator had better put the number just the way it was when the other House passed the bill. The matter will still be open in conference, as a matter of course.

Mr. MANDERSON. But if we put it as the other House had it there will be nothing in conference.

Mr. COCKRELL. It is proposed to amend the section, any way, and the number of copies will be in conference as well as anything else, so far as that is concerned.

Mr. GORMAN. I move to amend the amendment of the committee by inserting in line 28, after the word "hundred," the words "and ten," and in line 29, after the word "Senate," by striking out "two hundred" and inserting "three hundred and sixty;" so as to read:

And of part 2, 110,000 copies for the use of the Senate, 360,000 copies for the use of the House of Representatives.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Printing was, in section [70] 74, line 38, after the word "Industry," to strike out "fifty" and insert "thirty;" in line 39, before the word "thousand," to strike out "thirteen" and insert "seven;" in line 40, before the word "thousand," to strike out "twenty-seven" and insert "fourteen," and in line 41, before the word "thousand," strike out "ten" and insert "nine;" so as to make the paragraph read:

Of the report of the Bureau of Animal Industry, 30,000 copies, of which 7,000 shall be for the Senate, 14,000 for the House, and 9,000 for distribution by the Agricultural Department.

The amendment was agreed to.

The next amendment was, in section [70] 74, line 44, before the word "copies," to strike out "5,500" and insert "4,000;" and in line 46, before the word "copies," to strike out "2,500" and insert "1,000;" so as to make the paragraph read:

Of the annual report of the Chief of the Weather Bureau, 4,000 copies; 1,000 copies for the Senate, 2,000 copies for the House, and 1,000 copies for the Bureau.

The amendment was agreed to.

The next amendment was, in section [70] 74, line 50, after the word "distribution," to insert "or sale;" in line 52, after the word "Congress," to insert "and the usual number;" in line 53, after the words "for the," to strike out "public service" and insert "Navy Department," and in line 54, after the word "following" to insert:

The Secretary of the Navy is also authorized to cause additional copies of the Ephemeris, and of the Nautical Almanac extracted therefrom, to be printed for the public service and for sale to navigators and others: *Provided*, That all moneys received from sales of the Ephemeris and of the Nautical Almanac shall be deposited in the Treasury and placed to the credit of the general fund for public printing.

So as to make the paragraph read:

Of the Ephemeris and Nautical Almanac and of the papers supplementary thereto, 1,500 copies; 100 copies for the Senate, 400 for the House, and 1,000 for distribution or sale by the Navy Department. The 500 copies printed for Congress and the usual number shall be for the calendar year next following, and those for the Navy Department for the third year following. The Secretary of the Navy is also authorized to cause additional copies of the Ephemeris, etc.

The amendment was agreed to.

The next amendment was, in section [70] 74, line 83, after the word "copies," to strike out "2,000" and insert "1,500;" in line 84, after the word "Senate," to strike out "five" and insert "three;" and in line 85, before the words "for distribution," strike out "1,000" and insert "3,500;" so as to make the paragraph read:

Of the report of the Bureau of Ethnology, 8,000 copies, 1,500 for the Senate, 3,000 for the House, and 3,500 for distribution by the Bureau of Ethnology.

The amendment was agreed to.

The next amendment was, in section [70] 74, line 107, after the word "Survey," to strike out "twelve" and insert "uniform with the preceding reports, ten;" in line 109, before the word "thousand," to strike out "eight" and insert "four," and in line 110, before the word "thousand," to strike out "two" and insert "four;" so as to make the paragraph read:

Of the report of the Geological Survey, uniform with the preceding reports, 10,000 copies; 2,000 for the Senate, 4,000 for the House, 4,000 for distribution by the Geological Survey.

The amendment was agreed to.

The next amendment was, in section [70] 74, line 112, before the word "thousand," to strike out "thirty-five" and insert "twenty;" in the same line, before the word "thousand," to strike out "eight" and insert "five;" in line 113, before the word "thousand," to strike out "sixteen" and insert "ten;" and in line 114, before the word "thousand," to strike out "eleven" and insert "five;" so as to make the paragraph read:

Of the report of the Commissioner of Labor, 20,000 copies; 5,000 for the Senate, 10,000 for the House, and 5,000 for distribution by the Commissioner of Labor.

The amendment was agreed to.

The next amendment was, in section [70] 74, line 115, before the word "report," to insert "annual;" in line 116, before the word "thousand," to strike out "five" and insert "three;" in line 117, after the words "House, and" strike out "two thousand;" in line 118, after the word "commission," to insert—

there may be printed such number of said report and other documents incident to interstate commerce for distribution by them as they may deem expedient.

And after line 120, to strike out:

Of the reports and decisions of the Interstate Commerce Commission provided for in the act of March 2, 1889, 3,000 copies; 500 for the Senate, 1,000 for the House, and 1,500 for distribution by the Commission.

So as to read:

Of the annual report of the Interstate Commerce Commission, 3,000 copies; 1,000 for the Senate, 2,000 for the House, and for the use of the Commission there may be printed such number of said report and other documents incident to interstate commerce for distribution by them as they may deem expedient.

Mr. COCKRELL. I see no provision here for printing the decisions of the Interstate Commerce Commission, the Commissioner of Pensions, and the Commissioner of the General Land Office. Here we have bureaus and departments rendering important decisions, and we are legislating without knowing what those decisions are, or having any conception of them. I believe, although I am not sure of it, that the Interstate Commerce Commission has courteously furnished Senators with a copy of its decisions. We ought to have a provision here, and I call upon the Committee on Printing to see that it goes in the bill, requiring the Commission to send each Senator and Representative one copy of its decisions as a matter of justice and right.

Mr. GORMAN. The bill as it came from the other House, as the Senator from Missouri will see if he will look at the third paragraph on page 43, contained a provision for printing the reports and decisions of the Interstate Commerce Commission, provided for in the act of March 2, 1893; 3,000 copies, 500 for the Senate, 1,000 for the House, and 1,500 for distribution by the Commission.

Mr. MANDERSON. If the Senator from Maryland will allow me, I will state to the Senator from Missouri that the provision as to the decisions of the Interstate Commerce Commission was stricken from the bill on the suggestion of the Interstate Commerce Commission because their decisions are printed in the same manner as the decisions of the Supreme Court of the United States, by some method of contract, as provided by law.

I think every member of Congress is usually supplied with one copy of these decisions by the Interstate Commerce Commission out of their supply. It was because of that fact that the House provision was stricken out. We have in the committee room, I know, a letter from the Interstate Commerce Commission which explains the matter quite fully. They gave such abundant reasons for striking it out that we did not hesitate to comply with their suggestion. Before the bill is disposed of we will get the letter to which I refer.

Mr. COCKRELL. I have no objection to striking out the paragraph; but I do not want the Interstate Commerce Commission to understand from the fact that it is stricken out that Senators do not desire a copy of its decision. That is the point.

Mr. MANDERSON. I do not think they will so understand.

Mr. COCKRELL. I think there ought also to be some provision in the bill for copies of the decisions of the Commissioner of the General Land Office and the Commissioner of Pensions.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Printing.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Printing was, in section [70] 74, line 241, to strike out "Treasury" and insert "Treasurer;" so as to read, "the report of the Treasurer."

The amendment was agreed to.

The next amendment was, in section [70] 74, after line 253, to insert:

Of the report of the American Historical Association, 3,000 copies: 500 for the Senate, 1,000 for the House, and 1,500 for distribution by the association and the Smithsonian Institution.

The amendment was agreed to.

The next amendment was, in section [70] 74, line 279, after the word "House," to insert "in addition to those published as part of the departmental report;" so as to make the paragraph read:

Of the finance report of the Secretary of the Treasury, the report on commerce and navigation, on internal commerce, of the Director of the Mint on the production of precious metals, and of Mineral Resources of the United States, there shall be printed 1,000 copies of each for the Senate and 2,000 for the House in addition to those published as part of the departmental report.

The amendment was agreed to.

The next amendment was, in section [70] 74, line 297, after the word "number," to strike out "2,000 copies" and insert "50 copies bound in full morocco, with gilt edges, shall be delivered to the family of the deceased, and 1,950 copies in cloth binding;" and in line 302, after the word "thousand," to insert "also in cloth binding;" so as to read:

There shall be printed of eulogies of deceased Senators, Representatives, and Delegates 8,000 copies, of which number 50 copies, bound in full morocco, with gilt edges, shall be delivered to the family of the deceased, and 1,950 copies in cloth binding shall be delivered to the Senators, Representatives, or Delegates of the State or Territory represented by the deceased. The remaining number, also in cloth binding, shall be distributed in the proportion of 2,000 to the Senate and 4,000 to the House.

The amendment was agreed to.

The next amendment was, in section [70] 74, line 341, after the word "follows," to insert "and shall furnish gratuitiously no others in addition thereto;" so as to read:

The Public Printer shall furnish the CONGRESSIONAL RECORD as follows, and shall furnish gratuitiously no others in addition thereto.

The amendment was agreed to.

The next amendment was, in section [70] 74, line 345, before the word "copies," to strike out "twenty-five" and insert "twenty;" in the same line, after the word "copies," to insert "and to the Secretary for office use, 5 copies;" in line 347, after the word "sent," to insert "by the superintendent of documents;" in line 349, after the word "libraries," to insert "other than designated depositories;" in line 351, after the word "Congress," to strike out "in addition to this number, 14 copies of the extraordinary session of the Fifty-third Congress shall be furnished each Representative and Delegate;" in line 354, before the word "clerk," to insert "the;" in the same line, after the

word "Doorkeeper," to strike out "for use;" in line 355, before the word "copies," to strike out "twenty-five" and insert "twenty;" and after the word "copies," in the same line, to insert "and to the Clerk, for office use, 5 copies;" so as to make the paragraph read:

To the Vice-President and each Senator, 44 copies; and to the Secretary and Sergeant-at-Arms of the Senate, each 20 copies; and to the Secretary for office use, 5 copies; to each Representative and Delegate, 20 copies, of which number 8 copies shall be sent by the superintendent of documents one each to such public or school libraries other than designated depositories as shall be designated for this purpose by each Representative and Delegate in Congress; and to the Clerk and Doorkeeper of the House, each 20 copies; and to the Clerk, for office use, 5 copies; to be supplied daily as originally published or in the revised and permanent form bound only in half Russia, or part in form as each may elect.

The amendment was agreed to.

The next amendment was, in section [70] 74, in the items for the distribution of the CONGRESSIONAL RECORD, to strike out lines 365 and 366 in the following words:

To the Vice-President, one copy of the daily and one bound copy.

The amendment was agreed to.

The next amendment was, in section [70] 74, line 376, after the word "the," to strike out "elective officers of the Senate and House, and to the;" so as to make the paragraph read:

To the superintendent of the Senate and House document rooms, each one copy of the daily and one bound copy.

The amendment was agreed to.

The next amendment was, in section [70] 74, line 404, after the word "war," to strike out:

Is hereby directed to ascertain what number of copies of the first five volumes of the Rebellion Record is required to complete sets of this series in the possession of libraries or persons supplied with subsequent volumes under existing provision of law, whether such distribution has been through the War Department or otherwise; and the Public Printer is authorized and directed to furnish, upon the requisition of the Secretary of War, the number of copies of each volume required for this purpose, which shall be used exclusively by the Secretary of War for completing such sets. And the Public Printer is further authorized and directed to furnish a complete set of the Rebellion Record to each Senator and Member of the present Congress not already by law entitled to receive the same.

And insert:

Is hereby authorized and directed to furnish a complete set of the Official Records of the Union and Confederate Armies to each Senator and Member of the present Congress not already entitled by law to receive the same; and he is further authorized to use for this purpose such incomplete sets as remain on hand uncalled for by beneficiaries designated to receive them under the authority contained in the acts approved August 7, 1882, and March 10, 1888; and the Secretary of War will call upon the Public Printer to print and bind such volumes or parts of volumes as will enable him to fill out the incomplete sets hereinbefore referred to;

So as to make the paragraph read:

The Secretary of War is hereby authorized and directed to furnish a complete set of the Official Records of the Union and Confederate Armies to each Senator and Member of the present Congress not already entitled by law to receive the same, etc.

Mr. COCKRELL. In line 422, after the words "such incomplete sets," I move to insert "not including any to the credit of Senators."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Printing was, in section [70] 74, line 434, after the word "Office," to insert "not exceeding five of each;" so as to make the paragraph read:

There shall be printed of the annual report of the Public Printer 1,000 copies, to be distributed under his direction, and he may retain out of all documents, bills, and resolutions printed the number of copies absolutely needed for the official use of the Government Printing Office, not exceeding five of each.

The amendment was agreed to.

The next amendment was, in section [70] 74, line 454, after the words "State or," to strike out "county" and insert "country;" so as to make the paragraph read:

Said list shall exhibit the salary, compensation, and emoluments allowed to each of said officers, agents, clerks, and other employés, the State or country in which he was born, the State or Territory and Congressional district and county of which he is a resident and from which he was appointed to office, and where employed.

The amendment was agreed to.

The next amendment was, in section [70] 74, line 470, after "the," to strike out "superintendent of documents in" and insert "chief clerk;" so as to make the paragraph read:

The Secretary of the Interior shall cause the Official Register to be edited, indexed, and published by the chief clerk of the Interior Department, on the 1st day of December following the 1st day of July above mentioned.

The amendment was agreed to.

The next amendment of the Committee on Printing was, in section [70] 74, line 538, after the word "him," to insert "if needed;" so as to make the parapraph read:

Fourth. The report of the Commissioner of Patents for the fiscal year, not exceeding 500 in number, for distribution by him; the Annual Report of the Commissioner of Patents to Congress, without the list of patents, not exceeding 1,500 in number, for distribution by him; and of the Annual Report of the Commissioner of Patents to Congress, with the list of patents, 500 copies for sale by him, if needed, and in addition thereto the usual number only shall be printed.

The amendment was agreed to.

The next amendment was, in section [70] 74, after the word "prescribe," in line 577, to insert the following proviso:

Provided, That the entire work may be done at the Government Printing Office whenever in the judgment of the Joint Committee on Printing the same would be to the interest of the Government.

So as to make the paragraph read:

All printing for the Patent Office making use of lithography or photo-lithography, together with the plates for the same, shall be contracted for and performed under the direction of the Commissioner of Patents, under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe, and all other printing for the Patent Office shall be done by the Public Printer under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe: *Provided*, That the entire work may be done at the Government Printing Office whenever in the judgment of the Joint Committee on Printing the same would be to the interest of the Government.

The amendment was agreed to.

The next amendment was, in section [70) 74, line 585, after the word "sent," to insert "except that notice that it has been sent, with a request for an acknowledgement of its receipt, may be given;" so as to make the paragraph read:

No report, document, or publication of any kind distributed by or from an Executive Department or bureau of the Government shall contain any notice that same is sent with "the compliments" of an officer of the Government, or with any special notice that it is so sent, except that notice that it has been sent, with a request for an acknowledgment of its receipt, may be given.

The amendment was agreed to.

The reading of the bill was continued to the end of section [78] 82, on page 65.

Mr. COCKRELL. On page 65, section 82, I wish to call attention to the following paragraph, beginning with line 7:

The executive and miscellaneous documents and the reports of each House of Congress shall be designated as "House documents," "Senate documents," "House reports," "Senate reports," thus making two classes for each House.

There ought to be some better designation than that. These reports are to be edited by somebody, and there ought to be some system and method in their publication. Certain reports ought to be bound together and certain others bound together, and then the volume ought to be entitled, "Reports of Committee on Claims," "Reports of Committee on Military Affairs," "Reports of Committee on War Claims," "Report of Committee on Pensions," and so on, and not mix them up so that we shall not know anything at all about them. There never has been such an admixture of publications any place in the world as in our public documents. There is nothing on earth on the back of the reports to tell you what is in the volume, and you do not know whether it is the Committee on Woman's Suffrage or the Committee on Finance, or the Committee on Claims when you see the word "Report" on the back of the document. It is very little trouble to put on just a few words more so as to indicate on the back of the book what the documents are.

Mr. GORMAN. In answer to the Senator from Missouri, I will state that the very object of this provision is to cure that defect. It will cover the very trouble the Senator complains of.

Mr. COCKRELL. How can that be the case if this direction is followed: "Senate Documents," "House Documents?"

Mr. GORMAN. The title will indicate precisely what the document is.

Mr. COCKRELL. Then why put in a provision as to "Senate documents," "House documents," "Senate reports," and "House reports?"

Mr. MANDERSON. I think I can relieve the mind of the Senator from Missouri by making a suggestion. The object of this particular provision is simply to get rid of that which is in vogue at the present time and which is certainly very confusing. We have, for instance, in bound form Senate Executive documents, Senate Miscellaneous documents, House Executive documents, and House miscellaneous documents, and besides these Senate reports and House reports, making six different sets of books that go to make what we call the usual number which we receive at the expiration of each Congress. The purpose of this paragraph was to simplify that as much as possible and make as to the documents which pertain to the Senate but two kinds, Senate documents, which would include both the miscellaneous and the Executive, and Senate reports; and the same distinction is to apply as to the other House.

I realize the importance of having placed upon the back of every book the subject-matter that is within its lids. The difficulty, however, is that as to the House and Senate reports they are upon such numerous subjects that it is impossible to make that distinction.

Mr. COCKRELL. There are not so many committees.

Mr. MANDERSON. It is certainly impossible as to House and Senate documents. Many different documents on different

subjects as they come in and are published will necessarily go to make one volume. Now, we have attempted to reach the difficulty by this provision.

Mr. COCKRELL. Allow me to interrupt the Senator from Nebraska.

Mr. MANDERSON. Certainly.

Mr. COCKRELL. As to the Senate reports, all that is necessary is to have the words "Committee on Claims," "Committee on Military Affairs," "Committee on Finance," etc., designating the committees. The publication would include all the reports of the session, and that would be a very great improvement. When it comes to executive documents and miscellaneous documents, they ought to be put together and some designation put upon the volumes. If they are Senate Executive documents the words "Interior," "War," "Navy," and so on, should be put on the back—just a few words that way, to designate the volumes.

Mr. MANDERSON. There is no doubt of that; and I think we have reached it by the preceding paragraph.

Every public document—

That means everything; there can not be a more general term than that—

Every public document of sufficient size on any one subject shall be bound separately, and receive the title suggested by the subject of the volume, which shall be the chief title, and the classification of the volume shall be placed on the back at the bottom, as simply indicating its classification and not as a part of the title.

Mr. COCKRELL. But does not the next provision limit that, and make the chief title, "House documents," "Senate documents," "House reports" and "Senate reports?"

Mr. MANDERSON. I do not think it limits it. I think it enlarges it.

Mr. COCKRELL. It says, "The executive and miscellaneous documents and the reports of each House of Congress shall be designated as 'House documents,' 'Senate documents,' 'House reports,' 'Senate reports.'"

Mr. MANDERSON. "Thus making two classes for each House;" but they will come under the rule which obtains as to every public document. That is provided for immediately before in the bill, and will "receive the title suggested by the subject of the volume."

Mr. COCKRELL. If they come under that provision and it is properly carried out it will be sufficient.

Mr. MANDERSON. I think it does.

Mr. COCKRELL. But I fear when the Public Printer comes to take it up you will find the publications entitled "House reports," "Senate reports," and "House documents" and "Senate documents," and you will have no more idea of what is inside of the volumes than you have of what is going on in the moon.

Mr. MANDERSON. We had in contemplation the very reform the Senator desires, and if there can be any question about the wording I should be very glad if the Senator would suggest an amendment that would make it clear. It might be well to add after the word "House," in line 10, "and each volume thereof shall designate the subject treated upon," or words to that effect.

The PRESIDING OFFICER. Is that amendment suggested?

Mr. MANDERSON. I suggest language which I think will make it clear beyond a doubt. It reads:

The executive and miscellaneous documents and the reports of each House of Congress shall be designated as "House documents," "Senate documents," "House reports," "Senate reports," thus making two classes for each House.

I move to add, after the word "House:"

And each volume shall receive the title suggested by its subject-matter, clearly placed upon its back.

Mr. COCKRELL. That would be more comprehensive than what I was going to suggest. I was going to suggest "House Reports, naming the committees," and "Senate Reports, naming the committees." When you know what the committee is and know its jurisdiction you have some idea of what the reports coming from that committee contain. But the amendment suggested by the Senator from Nebraska I think will be satisfactory.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "House," in line 10, page 65, insert "each volume shall receive the title suggested by its subject-matter, clearly placed upon its back."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Printing was in section [86] 90, line 25, after the word "board," to insert "and the Secretary of the Navy may authorize the printing of the charts, maps, notices to mariners, tide tables, light lists, sailing directions, bulletins, and other special publications of the Hydrographic Office;" so as to make the additional proviso read:

Provided further, That the Secretary of the Treasury may authorize the printing of the notices to mariners, tide tables, coast pilots, bulletins, and other special publications of the Coast and Geodetic Survey and of the Light-House Board, and the Secretary of the Navy may authorize the printing of the charts, maps, notices to mariners, tide tables, light lists, sailing directions, bulletins, and other special publications of the Hydrographic Office in such editions as the interests of the Government and of the public may require.

The amendment was agreed to.

The next amendment was, in section [87] 91, line 13, after the word "resolutions," to insert, "except the State Department, to which shall be sent ten copies of bills and resolutions;" and in line 16, after the word "resolutions," to strike out "except State Department, to which shall be sent ten copies of bills and resolutions;" so as to make the section read:

SEC. 91. The heads of Executive Departments, and such executive officers as are not connected with the Departments, respectively, shall cause daily examination of the CONGRESSIONAL RECORD for the purpose of noting documents, reports, and other publications of interest to their Departments, and shall cause an immediate order to be sent to the Public Printer for the number of copies of such publications required for official use, not to exceed, however, the number of bureaus in the Department and divisions in the office of the head thereof. The Public Printer shall send to each Executive Department and to each executive office not connected with the Departments, as soon as printed, five copies of all bills and resolutions, except the State Department, to which shall be sent ten copies of bills and resolutions. When the head of a Department desires a greater number of any class of bills or resolutions for official use, they shall be furnished by the Public Printer on requisition promptly made.

The amendment was agreed to.

The next amendment was, in section [90] 94, line 8, after the word "the," to strike out "Chief Justice" and insert "clerk;" so as to make the section read:

SEC. 94. When any Department, the Supreme Court, the Court of Claims, or the Library of Congress shall require printing or binding to be done, it shall be on certificate that such work be necessary for the public service; whereupon the Public Printer shall furnish an estimate of the cost by the principal items for such printing or binding so called for, after which requisitions shall be made upon him therefor by the head of such Department, the clerk of the Supreme Court, Chief Justice of the Court of Claims, or the Librarian of Congress; and the Public Printer shall place the cost thereof to the debit of such Department in its annual appropriation for printing and binding.

The amendment was agreed to.

The next amendment was, in section [93] 97, line 6, after the word "therefore," to insert the following proviso:

Provided, That no envelope furnished by the Government shall contain any business address or advertisement.

So as to make the section read:

SEC. 97. The Postmaster-General shall contract for all envelopes, stamped or otherwise, designed for sale to the public, or for use by his own or other Departments, and may contract for them to be plain or with such printed matter as may be prescribed by the Department making requisition therefor: *Provided*, That no envelope furnished by the Government shall contain any business address or advertisement.

The amendment was agreed to.

The next amendment was, in section [96] 100, line 3, after the word "work," to insert "incident to stationery or blank books;" in line 9, before the word "*Provided*," to insert "respectively," and in line 12, after the word "entitled," to strike out "on" and insert "an;" so as to read:

SEC. 100. All future orders or requisitions for printing or binding shall be governed by the provisions of this act; and all printing, binding, and other work incident to stationery or blank books required for the Senate and House of Representatives, or the committees and officers thereof, together with the material necessary to such work, shall be furnished by the Public Printer on requisition of the Secretary of the Senate and the Clerk of the House of Representatives, respectively: *Provided*, That each Senator and Representative shall be entitled to the binding in half morocco, or material no more expensive, of but one copy of each public document to which he may be entitled, an account of which, with each Senator and Representative, shall be kept by the Secretary and Clerk, respectively.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. GORMAN. On page 43, line 112, after the word "twenty," I move to insert "five," and at the end of line 113, to strike out "five" and insert "ten."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section [70] 74, on page 43, line 112, after the word "twenty," it is proposed to insert "five," and in line 113, before the word "thousand," to strike out "five" and insert "ten;" so as to make the clause read:

Of the Report of the Commissioner of Labor, 25,000 copies; 5,000 for the Senate, 10,000 for the House, and 10,000 for distribution by the Commissioner of Labor.

The amendment was agreed to.

Mr. GORMAN. On page 40, at the end of line 37, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section [70] 74, page 40, line 37, it is proposed to insert:

Provided, That one edition of 75,000 copies of the Special Report on Diseases of the Horse be printed; of which 50,000 copies shall be for the use of the House of Representatives, and 25,000 copies for the use of the Senate.

The amendment was agreed to.

Mr. GORMAN. On page 41, line 82, after the word "Ethnology," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section [70] 74, on page 41, line 82, after the word "Ethnology," it is proposed to insert "uniform with the preceding volumes of the series;" so as to read:

Of the Report of the Bureau of Ethnology, uniform with the preceding volumes of the series, 8,000 copies, etc.

The amendment was agreed to.

Mr. PERKINS. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 3, line 7, page 2, after the word "Denver," it is proposed to insert "San Francisco;" so as to read:

The Joint Committee on Printing shall fix upon standards of paper for the different descriptions of public printing and binding, and the Public Printer shall, under their direction, advertise in two newspapers, published in each of the cities of Boston, New York, Philadelphia, Baltimore, Washington, Cincinnati, St. Louis, Louisville, Omaha, Denver, San Francisco, and Chicago, for sealed proposals to furnish the Government with paper, etc.

The amendment was agreed to.

Mr. PEFFER. On page 22, line 5, after the words "cost of," I move to strike out "the metal and making to the Government," and insert "composition."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section [51] 53, on page 22, line 5, after the words "cost of," it is proposed to strike out "the metal and making to the Government" and insert "composition;" so as to read:

SEC. 53. The Public Printer shall sell, under such regulations as the Joint Committee on Printing may prescribe, to any person or persons who may apply, additional or duplicate stereotype or electrotype plates from which any Government publication is printed, at a price not to exceed the cost of composition and 10 per cent added.

Mr. MANDERSON. There is no composition on these plates. Let me explain to the Senator that they are electrotype plates, which are taken from the type; these are duplicates of such plates; and I do not see how composition can enter into their cost.

Mr. PEFFER. I so understand, but the organized printers complain that this is taking away part of the work which they would be entitled to if the matter was set up again fresh. These plates are the stereotyped plates of matter which has once been set up by the printers in the Government Printing Office. There are publishers in other parts of the country who are anxious to procure these old plates simply because they can be had cheaply, and they are used in the reprinting of the same kind of work. The printers object to that. They say if other publishers desire to have the benefit of this matter, they ought to pay the printers for resetting it. That is the object, and the only object of the amendment.

Mr. MANDERSON. The printers would not be paid. It simply would be to increase the amount that the private party would pay the Government for the electrotype plates; it would put no money in the pocket of any printer. If it had that result, I might feel in accord with the Senator.

The only purpose of this provision is where the Government has published all that it may desire for that gratuitous distribution which is our system, and some private party desires some of these plates to illustrate any work he may be printing, the Public Printer may be allowed to sell to him at the cost of the metal and the making of the duplicate electrotype plate. Of course we never part with the original, and no copyright can be obtained by the use of that plate by a private party. But I do not see exactly how we could get at the cost of the composition of an electrotype plate. There is no composition in it.

Mr. PEFFER. I understand that very well, but I do not think the Senator from Nebraska quite catches the point that is made by the printers, for whom I am speaking. There is a certain amount of printed matter set up by the printers in the Government Printing Office for the printing of certain Government works—I do not mean engravings, but printed matter.

Take, for example, say a column or a page of the CONGRESSIONAL RECORD. That matter has all been set up once by the printers in the Government Printing Office, using the types one at a time, the spaces, quads, etc. The printers insist, after this matter has been stereotyped so that no further composition is required, if that matter is desired by private publishers, who want to sell the same matter again to the people, that in some way or other what the composition of the original matter cost ought to be taken out of the publishers, so that in one form or another the cost of the recomposition will be added in some department of the Government: that is to say, after the printers have once set up a certain amount of matter, that ought not to be sold to people on the outside at a less rate than it has cost the Government to set it up.

Having said this much, I have presented the views of the printers, and that is, of course, all I care about.

Mr. MANDERSON. I will state that this section, which was in a bill similar to this which passed the Senate two years ago, came as a suggestion from the Public Printing Office, and the Public Printer, Mr. Palmer, was particular to express his desire—and he certainly would not act in contravention of the rights and privileges of any printer in this country—that the price of this matter should be "the cost of the metal and making to the Government." I do not see exactly how we could estimate the cost of the composition, for that is more than the cost of the plate.

Mr. PEFFER. I can explain that to the Senator quite readily. I do not know what the printers here are receiving for composition, but out in the part of the country where I live printers are receiving in the neighborhood of 40 cents per thousand ems. That perhaps is a fair average in daily newspaper offices. The number of ems that would be upon a page of matter would be paid for according to the thousand. Say there are 20,000 ems in a column—I do not know how much there is, but, to illustrate, say there are 20,000 ems in a column of printed matter in the CONGRESSIONAL RECORD, and say that it costs 50 cents a thousand. The composition of that column, then, would cost $10. What the printer wants is, when these plates that would cover 20,000 ems are sold, the Government should receive $10 for them, instead of merely the cost of the metal, which would perhaps be about 25 cents. That is the point.

I see very well how the Government can afford to sell this metal, because it is type metal, and it is not at all a troublesome matter. To make the stereotype plate costs but little labor, and after it has been once made and the Government has had the benefit of all the impressions that are required, then some outside person wants to make a profit by printing and distributing this matter again to the people. The printer wants to keep up the wages of labor, the wages of composition. That is the point he makes, and nobody loses anything except the publisher, and he can afford it, and certainly the Government would make by the plan proposed.

Mr. MANDERSON. I do not particularly object to the amendment, but I want to say in regard to one suggestion made by the Senator, that nowhere in the country are printers paid so well as they are in the Public Printing Office, where they are paid by provision of law; for in this bill we simply reënact the present law. They are paid 50 cents per thousand ems; in addition to that they get thirty days' leave with pay, which is equivalent perhaps to 10 per cent additional to their pay; of course they receive their pay on all legal holidays, and they get 20 per cent extra for night work. So that, so far as printers in the Public Printing Office are concerned, they are making no particular complaint about anything that is being done by Congress. I do not know of any operatives anywhere who are so well cared for as the printers in the Public Printing Office. I wish in all private establishments they were so well cared for.

Mr. PEFFER. It is not the printers in the Public Printing Office who are complaining, but it is the printers on the outside. I have a card here from a gentleman representing Typographical Union No. 101. It is well known among Senators and Members of the House of Representatives that we can procure the printing of our speeches, or of any document of which we may want to have more numbers than we are entitled to receive under the orders of the committee, in private establishments much cheaper than we can at the Government Printing Office.

Mr. GORMAN. Will the Senator permit me to interrupt him?

Mr. PEFFER. Certainly.

Mr. GORMAN. I understand the Senator proposes to strike out, in lines 5 and 6, on page 22, the words "the metal and making to the Government" and to insert "composition." The Senator can accomplish all he wants by inserting the word "composition;" so as to read, "not to exceed the cost of composition, the metal, and making to the Government."

Mr. PEFFER. The composition has already been paid for once.

Mr. GORMAN. No.

Mr. PEFFER. Then I have no objection to it.

Mr. GORMAN. Let it read "not to exceed the cost of composition, the metal, and making to the Government."

Mr. PEFFER. Yes. Then there is another point to which I desire to call the attention of the committee.

The PRESIDING OFFICER. The amendment will first be stated.

The SECRETARY. After the words "cost of," in line 5, of section [51] 53, it is proposed to insert "composition;" so as to read:

Not to exceed the cost of composition, the metal, and making to the Government.

Mr. PEFFER. That is satisfactory.

The amendment was agreed to.

Mr. PEFFER. Section 51 is a new section, and while I am not satisfied at all in my own mind as to striking out the section, yet by request of Typographical Union No. 101 I shall suggest an amendment.

Mr. GORMAN. I suggest to the Senator that if he desires to amend that section it can be done after the bill is reported to the Senate.

Mr. PEFFER. Very well.

The bill was reported to the Senate as amended.

Mr. GORMAN. Now, I understand the Senator wishes to except the amendment to which he refers.

The PRESIDING OFFICER. The amendment referred to will be excepted, in the absence of objection. If there be no other exceptions, the vote will be taken in gross on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. The question now is on concurring in the amendment reserved by the Senator from Kansas, which will be stated.

The SECRETARY. The Senate, as in Committee of the Whole, inserted the following as a new section:

SEC. 51. The Public Printer may employ such number of apprentices, not to exceed twenty-five at any one time, as in his judgment will be consistent with the economical service of the office.

Mr. MANDERSON. I understand the Senator from Kansas to desire to amend the amendment made as in Committee of the Whole.

Mr. PEFFER. I do not desire to amend the amendment made as in Committee of the Whole, but I wish to have it stricken out.

The PRESIDING OFFICER. The question is on concurring in the amendment.

Mr. PEFFER. Then I move to strike out that section.

The PRESIDING OFFICER. The Senator from Kansas can reach the same point by voting to nonconcur in the amendment. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. PEFFER. I wish to suggest in opposition to the adoption of the amendment that the typographical unions throughout the country have regulations of their own in respect to the number of apprentices who ought to be employed. Of course Senators understand very well that in the present condition of labor all of the trades are organized in their own interest and for their own protection. They have but two objects in view. One is social and the other is business, or fiscal. Saying nothing about the social feature, the other object covers but one special point, the keeping up and maintaining of the rate of wages.

The old system of apprenticing boys and girls to trades, which was once so common and so proper and in every way so acceptable, has almost entirely passed away. It is very unusual now to hear of a boy or a girl being apprenticed to any kind of trade. There has been so much done in the way of massing labor that the unions have undertaken to regulate, as far as possible and as far as proper in their own interest, the number of apprentices who may be properly employed in the different trades. They object, as I understand, to Government offices taking any apprentices at all, or, at any rate, they maintain that the number shall be so small as not to in any way seriously affect the price of labor.

As suggested by the Senator from Nebraska [Mr. MANDERSON], the printers in the Government establishment are receiving better wages than in any other printing establishment in the country. I think that is unquestionably true. The printers who are on the outside and who are not paid so well desire to have the section of this bill authorizing the employment of apprentices and leaving it largely within the discretion of the Public Printer stricken out, contending that it should not be a part of the law, and leaving that for private parties outside to look after.

While I have not studied the subject carefully, and while I do not base my opposition on principle, nor is it of my own motion, yet at the same time I feel authorized to present the view of the printers to oppose the adoption of the amendment.

Mr. MANDERSON. Mr. President, years ago, because of the custom which obtained in all trades rather than by virtue of any permit of law, apprentices were to be found in the Government Printing Office. There was opposition of the character stated by the Senator from Kansas to the presence of apprentices in the Government Printing Office, and there being no direct warrant in the law for their employment, these young fellows, some of whom had partially learned the trade that they were seeking to obtain for themselves, were put out of office. Every Public Printer whom I have known—Mr. Rounds, Mr. Palmer, and Mr. Benedict—has felt that it would be not only advantageous to the office itself, but unquestionably of great benefit to the youth of the country if apprentices could be taken in the Government Printing Office. They are taken at the navy-yards. At the Washington navy-yard apprentices are employed. They are taken in all the arsenals of the country, and no better mechanics, no better artisans, no more inventive geniuses have been developed anywhere than in these Government shops where guns and implements of war are made.

I am aware, Mr. President, of the desire of the trades unions of the country to dictate the number of apprentices who may be taken in the different vocations. I think it is objectionable. I doubt whether the Senator from Kansas, if he had a son of special adaptability to a particular trade, would feel at all comfortable if by the order of some union that boy was not permitted to learn the trade for which nature had seemed to have made him. It is a species of tyranny which is to me of the most objectionable character. The result of it has been that many an American youth born in this country has been unable to obtain a calling or a trade for which he was specially adapted by nature, and has been driven into some other vocation, with failure certainly at the end of his efforts.

I think the Government Printing Office, which should be a model of its kind and the best in the country, if not in the world, can well afford, with its 2,500 or 3,000 employés, to take 25 boys and let them learn in that excellent place the business of printers and bookbinders. I do not see how any man will be injured by it, and I can realize that all the time perhaps 25 American boys are being greatly benefited by it. I agree with the Public Printers I have named that it is of advantage to the public service, and no man can deny the advantage to the youths themselves in the passage of this provision.

Mr. PEFFER. Mr. President, a word or two more. The Senator from Nebraska has touched a tender spot, and so far as the principle which is down at the bottom of this proceeding is concerned he and I are in accord; but while that is true, and while as an abstract proposition I should not present the objections which I am now presenting to this section, yet while we are on the passageway from the old to the new régime, we find every day, and it is becoming more and more apparent continually, that the working people of the country are driven to extremes in order to protect themselves and maintain a fair standard of wages.

I believe in Government establishments, not only to employ the aged, to employ journeymen, to employ skilled workmen, but also to teach the youth; but, Mr. President, here we allow twenty-five persons to be selected by the Government Printer. How will these twenty-five boys be selected? They will be selected upon the recommendation of Senators, of Cabinet officers, or Members of the House of Representatives. It does not afford a chance for a boy out in the country who has no friend at court.

I will say to the Senator that five of my own boys were trained to print in my own office, and there was not one of them when he was 14 years old who could not have made his own living at the case anywhere; but when we are permitted to send out boys to the country offices, away from the influence of eminent and distinguished gentlemen, then the poor boys, the country boys, the apt boys—and there are more than twenty-five apt boys in this country—have an opportunity to get ahead. But here we make a place for twenty-five boys.

I tried two years ago to get a place for a poor boy—not my own; I have never asked a place in the Government employ for one of my own children—but a boy who carried papers for me when he was a little fellow, hardly big enough to carry twenty-five papers at one time: a little fellow whom I love as I do one of my own children. I wanted a place for him. He was a pretty good printer. He began his work in my own office, and completed his education with one of my sons. I wanted to get a place for that boy, and if my application for it was ever considered I have not known of it. There are a number of cases like that which I could mention.

During this formative process, this change from the old to the new, there is a constant conflict between employer and employé. And I will say to my distinguished neighbor from Nebraska that the lesson I am now learning from him is one more push on my back, pushing me toward free trade. Every time that a question of this kind comes up when a poor man raises his hand in order to protect his wages, we are told that the right of a man to work, the right of a boy to go into an office, is a sacred right, and I believe it is, and no man will go further than I to aid him. But what are we going to do in the mean time? Men say to us that this doctrine, true though it be, is lowering the level of their wages.

Mr. PALMER. Mr. President, the diffusion of knowledge is one of the highest duties of Government. I do not mean by that mere literature, mere art, reading and writing, but the diffusion of valuable knowledge, that which enables a man to earn his own

bread by his own efforts, is one of the highest possible duties of Government. I am astonished to see a Senator, distinguished for his liberality, with his high regard for popular rights, seeking to deprive the Printing Office of the right to educate twenty-five men in a useful pursuit. I know that there are conflicts and controversies in labor circles, and that the labor organizations are attempting to limit the number of educated employés, so that wages may be maintained, but surely it can not be the mission of Government to make men ignorant in order that the intelligent may earn more than they would if the whole mass were enlightened.

Mr. PEFFER. Will the Senator from Illinois permit me a question at that point?

Mr. PALMER. With pleasure.

Mr. PEFFER. It will perhaps assist us in arriving at a correct conclusion. Does the Senator from Illinois believe that it is any part of the Government's duty to educate men to be printers or mechanics or men who wish to engage in any other line of work?

Mr. PALMER. I have no more doubt that it is the duty of Government, whenever a proper occasion presents itself, to give to men a mechanical education than I have of the right to establish and maintain common schools.

Mr. PEFFER. I agree with the Senator from Illinois.

Mr. PALMER. Now, what is this proposition? It is that the Public Printer shall allow twenty-five boys to be educated in the art preservative of all arts. It is said that that is opposed by those who are now in possession of that art; that they desire to limit the number of those who are to be thus educated. Can that be consistent with public policy? Can it be desirable that the number of educated men shall be reduced everywhere, that the number of printers, the number of mechanics, in all the various arts shall be reduced in pursuance of a policy of the Government until the number becomes so small that those who understand those arts may receive adequate wages for their services? Can that be a proper public policy?

Mr. PEFFER. I will say to the Senator from Illinois, in answer to his question, that if he will join me in asking to have all customs legislation abolished so that there will be no protective tariffs, or anything of the kind to assist in keeping up prices, I will unite with him in asking that in every public office in the country apprentices shall be employed.

Mr. PALMER. I would find no difficulty in joining with the Senator as to the first branch of the proposition, because I believe that protection is one of the veriest and most shameful of all humbugs. It never did any good to anybody, except capitalists who may have been able to avail themselves of it.

I can join him there, but I want to go beyond that. The boys of this country are objects of universal interest at least. I see boys on the street here, and I should not think of denying a little beggar boy, healthy, industrious, as honest as his opportunities will allow, intelligent and bright-eyed, a chance, or even twenty-five chances, to learn a trade.

Mr. PEFFER. Will the Senator from Illinois allow me to interrupt him? I know what a good heart the Senator has, and how kind he is. I submit to him this simple proposition, that out of one thousand of the class of boys he sees in the city of Washington he can not get one into the Government Printing Office.

Mr. PALMER. I was told by a theologian not long ago that only about one human soul out of a million would be saved, but I always thought I should like to be that one out of the million.

Mr. PEFFER. The Senator does not believe it, does he?

Mr. PALMER. Suppose you can give but twenty-five boys an opportunity to learn a trade; that is better than nothing.

Mr. PEFFER. It will not be the poor boys, though.

Mr. PALMER. Perhaps not. I know I went personally to Mr. Johnson, the Superintendent of the Bureau of Engraving and Printing, and told him of a boy as good as there is in the city, an industrious, upright, hard-working boy, who wanted to be an apprentice. That boy is an apprentice now in the Bureau of Engraving and Printing. I do not suppose all children can get such chances, but twenty-five of them will; and God bless the twenty-five. It is that much done for the improvement and elevation of humanity. Twenty-five boys can be taught a trade, and it is that much to help the mass to progress. My friend, the Senator from Kansas, and I differ so widely on this point, although we agree upon very many subjects, that I must express my astonishment that he should stand up here and ask to strike out of the bill an opportunity for twenty-five boys to learn a trade. He has some boys, and so have I, and, as I say, I am astonished that he should seek to deprive twenty-five boys of the chance to learn to be good printers. I hope my friend, the Senator from Kansas, will apologize, and that he will support the proposition.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. MANDERSON. I move to amend the bill by inserting in line 5, section 47, after the words "Memorial Day," the words "Labor's Holiday." I use the language which I find in a law that passed Congress and was approved June 28, 1894, which provides "that the first Monday of September in each year, being the day celebrated and known as Labor's Holiday, is hereby made a legal holiday."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

Mr. GALLINGER. I wish simply to make an inquiry. I presume there is some good reason for a provision found in section 45. In that section a provision has been inserted by the Senate concerning the chief clerk, the foreman of printing, and the foreman of binding, making the appointment of those officers subject to the approval of the Joint Committee on Printing, and likewise providing that they shall not be removed except upon the approval of the Joint Committee on Printing. That goes further than the civil-service law even, in a department of the Government which is not under the civil-service law at all.

The Public Printer, appointed by the President and confirmed by the Senate, can not, under the proposed law, appoint his chief clerk, his foreman of printing, or his foreman of binding unless the Joint Committee on Printing permit him to do so; and a new Public Printer can not remove them, however obnoxious they may be, without the consent of the committee. It strikes me that is a departure which is so widely different from the former custom as to the Printing Office, as I have before said even going beyond any provision of the civil-service law, that I should like to know what abuse has existed or what reason there is, if there is any good reason, for putting this very extraordinary provision in the bill.

Mr. MANDERSON. I can state the motive which prompted one member of the committee to take such action. I really would have been very glad to have seen the chief clerk, the foreman of printing, and the foreman of binding appointed by the usual appointing power and confirmed by the Senate of the United States. They are very important officials in the Public Printing Office. It was thought best, however, not to do that, but to make at least that little check, which would count, by causing the appointment of these men to be approved by the Joint Committee on Printing.

As the Senator from New Hampshire is well aware, there is in the Government Printing Office as the foreman of printing a man who has had very great experience and has rendered very many years of the most acceptable service in that capacity. I have no idea that any Public Printer would, for mere political reasons, attempt to remove that very competent official, so long as he would be willing to stay, but still it is well enough to guard against any such action.

The chief clerk of the Printing Office by the proposed act will for the first time be charged with the duties of Public Printer in the event of the absence or sickness of the Public Printer. As the law is now, if the Public Printer should be taken sick or incapacitated in any way there would be no one to perform the duties of his office, and yet there must come from him, for the running of that office, his official approval of many things and his signature to many papers. It was thought well that the chief clerk should be charged with the duties of the Public Printer when the Public Printer is sick, incapacitated, or away.

So the bill provides that in the event of the death, resignation, absence, or sickness of the Public Printer the chief clerk shall perform the duties of that office until a successor is appointed or such absence or sickness ceases. The President may, however, direct any other officer of the Government, whose appointment is vested in him, by and with the advice and consent of the Senate, to perform those duties until a successor is appointed, or the sickness or absence of the Public Printer ceases. But a vacancy occasioned by death or resignation must not be temporarily so filled for a longer period than ten days, and no temporary appointment or assignment of another officer to perform the duties of Public Printer is to be made except to fill a vacancy happening during a recess of the Senate.

With this new and important function added to the duties of chief clerk, the Joint Committee on Printing thought it well to have his original appointment and his retention subject to its approval. I have no doubt that no matter how the Joint Committee on Printing may be composed as to its politics, the appointment of the person named for chief clerk by the Public Printer, upon a showing by him that he is a practical printer and versed in the art of bookbinding, will be approved by the

Joint Committee on Printing. It is simply legislation in the way of an additional safeguard to the original appointment and subsequent retention in office of proper and competent men.

Mr. GALLINGER. It strikes me that the Senator from Nebraska in the statement just made, that the joint committee would always agree to the appointment of the chief clerk desired by the Public Printer, gives away the necessity for the proposed change in the law. I am not going to be captious about it. I understand the amendment has been adopted. I was absent when it was adopted, and I simply rose to make an inquiry, because it seems to me it is an innovation or a change in a very remarkable direction. Under the civil-service law men are appointed through the instrumentality of the Civil Service Commission, but they are dismissed without asking anybody's consent.

The Cabinet officers have their chief clerks, and they dismiss them when they get ready to dismiss them and appoint others, which I think they ought to have a right to do. It strikes me as a very extraordinary provision that when the Public Printer, a man holding that very high office, one almost equal to a Cabinet office, certainly charged with greater responsibility than some Cabinet officers, appointed by the President and confirmed by the Senate, comes to appoint a chief clerk he must come to Congress and ask the consent of the Joint Committee on Printing to his appointment.

Mr. MANDERSON. I think my friend overlooks the fact that the Public Printing Office is really different from any Executive Department of the Government. Its former name was the Congressional Printing Office, and while its title has been changed to the Public Printing Office, it has ever continued to be the creature of Congress. We dictate as to what shall be the extent of its appropriations; we dictate by concurrent resolutions of Congress, which do not receive the sanction of the President of the United States, as to what printing shall be done, and from the beginning Congress has insisted that the Government Printing Office shall be held as much as possible directly under its hands. So it occupies a very different position from that of any of the Executive Departments. It is almost as much a part of the running of the Government by Congressional action as is the folding room or the document room. It is our creature; and I think that in itself is one of the reasons why the Congress of the United States, either as a body or through one of its trusted committees, should have the exercise of this power.

I can assure the Senator from New Hampshire that there is no desire on the part of any member of the Joint Committee on Printing to enlarge its responsibilities and its powers. We have simply thought that this would be a desirable thing to do, not for the purpose of helping any particular man, but for the purpose of keeping the Public Printing Office where it should be, directly under the supervision and control of the Congress of the United States.

Mr. GALLINGER. I think I have served my purpose in calling attention to this matter. I believe it is bad legislation, and I trust it will be stricken out in conference. I think we could much more properly protect the Public Printer by providing that he shall not be removed without the consent of the confirming power than to take subordinate officers and so legislate as to them that they can not be removed except with the concurrence of a committee of Congress. As I said before, it is most extraordinary legislation. I venture to say that there can be found no similar instance on the statute books of the United States, but if the Senate or Congress wishes to so legislate, I have no objection.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GORMAN. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. GORMAN, Mr. RANSOM, and Mr. MANDERSON were appointed.

Mr. GORMAN. Mr. President, I wish to add only a word. The bill which the Senate has just passed is, in my judgment, one of the most important bills that has passed Congress at any time. It is the work principally of the distinguished Senator from Nebraska [Mr. MANDERSON], the former chairman of the Committee on Printing, and the chairman of the Committee on Printing of the other House, who have spent the better part of two years in the preparation of this measure and the study of the whole question. It is the culmination of the laws regulating this department, which spends three or four million dollars a year, and I look forward to it as a means of great relief to the Treasury and of great benefit generally. It will stop many of the abuses which have grown up. While I have reported it, being now chairman of the Committee on Printing of the Senate, I desire here publicly to give those two gentlemen special credit for the preparation of the measure.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6080) granting a certain military reservation to Oklahoma City, Okla., to aid the public free schools thereof, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 108) to fix the times and places for holding the Federal courts in the State and district of Nebraska; and

A bill (H. R. 6969) for the relief of Benjamin F. Poteet.

The message further announced that the House had passed the following bills:

A bill (S. 320) authorizing the Purcell Bridge and Transfer Company to construct and maintain a bridge over South Canadian River, at or within 1 mile of the town of Lexington, county of Cleveland, Territory of Oklahoma;

A bill (S. 1999) for the relief of Charles T. Russell; and

A bill (S. 2245) to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia.

The message also announced that the House had passed the bill (S. 207) granting jurisdiction and authority to the Court of Claims in the case of the towboat Future City, her barges, cargoes, and so forth, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 2920) to pension John Maholm, dependent father;

A bill (H. R. 2996) for the relief of Mrs. E. S. Luke, widow of John L. Luke, late a soldier in the Black Hawk war;

A bill (H. R. 3005) for the relief of George Isenstein;

A bill (H. R. 3334) authorizing and directing the Secretary of the Treasury to pay to the heirs or legal representatives of C. P. Gooch certain money due him for carrying the mail;

A bill (H. R. 4290) for the relief of Druzilla J. Riggs, of Macomb, Ill.;

A bill (H. R. 5589) to pension Willis Manasco;

A bill (H. R. 6228) granting a pension to Adaline J. Props;

A bill (H. R. 6405) to remove the charge of desertion standing against Patrick Kelleher, late private Company C, Thirty-eighth Illinois Volunteers;

A bill (H. R. 6417) to pension Mary E. Hamilton, widow of David Hamilton, soldier in Indian war of 1818;

A bill (H. R. 6650) granting a pension to Samuel Burns;

A bill (H. R. 6852) for the relief of William E. Bond;

A bill (H. R. 7494) disposing of four condemned cannon of the Navy; and

A joint resolution (H. Res. 207) authorizing the Secretary of the Interior to approve a certain lease made in Polk County, Minn.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 882) granting a pension to Frances M. Corse, widow of Gen. John M. Corse;

A bill (S. 1209) to regulate enlistments in the Army of the United States;

A bill (S. 1426) to provide a register for the steamer Goldsworthy;

A bill (H. R. 6373) making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes; and

A joint resolution (H. Res. 208) to continue the provisions of a joint resolution approved June 29, 1894, entitled "A joint resolution to provide temporarily for the expenditures of the Government."

APPROVAL OF LEASE BY SECRETARY OF THE INTERIOR.

Mr. WASHBURN. I ask leave to call up House joint resolution 207, which is a very short one, and which has just come from the other House.

By unanimous consent, the joint resolution (H. Res. 207) authorizing the Secretary of the Interior to approve a certain lease made in Polk County, Minn., was read twice, and considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TOWBOAT FUTURE CITY.

Mr. COCKRELL. I ask the Chair to lay before the Senate

the amendment of the House of Representatives to Senate bill 207.

The PRESIDING OFFICER (Mr. PASCO) laid before the Senate the amendment of the House of Representatives to the bill (S. 207) granting jurisdiction and authority to the Court of Claims in the case of towboat Future City, her barges, cargoes, etc.

The amendment was, in line 14, after the word "thereof," to insert the following additional proviso:

And provided further, That no judgment shall be rendered against the Government unless it shall affirmatively appear from the evidence adduced that such collision was the result of negligence on the part of the officers in command of said vessel of war.

Mr. COCKRELL. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 2920) to pension John Maholm, dependent father;

A bill (H. R. 2996) for the relief of Mrs. E. S. Luke, widow of John L. Luke, late a soldier in the Black Hawk war;

A bill (H. R. 4290) for the relief of Druzilla J. Rigg, of Macomb, Ill.;

A bill (H. R. 5589) to pension Willis Manasco;

A bill (H. R. 6228) granting a pension to Adaline J. Props;

A bill (H. R. 6417) to pension Mary E. Hamilton, widow of David Hamilton, soldier in the Indian war of 1818; and

A bill (H. R. 6650) granting a pension to Samuel Burns.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 3005) for the relief of George Isenstein; and

A bill (H. R. 6445) to remove the charge of desertion standing against Patrick Kelleher, late private Company C, Thirty-eighth Illinois Volunteers.

The bill (H. R. 6852) for the relief of William E. Bond was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 3334) authorizing and directing the Secretary of the Treasury to pay to the heirs or legal representatives of C. P. Gooch certain money due him for carrying the mail was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 7494) disposing of four condemned cannon of the Navy was read twice by its title, and referred to the Committee on Naval Affairs.

WASHINGTON AND GREAT FALLS RAILWAY.

Mr. MCMILLAN. There is a bill here of very great importance to the District which I should like to have passed. It is House bill 6777, to amend the charter of the Washington and Great Falls Electric Railway. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6777) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway," which had been reported from the Committee on the District of Columbia with amendments.

The first amendment of the Committee on the District of Columbia was, in section 1, line 9, after the words "with the," to strike out the words "word 'boundary,'" and insert the words "words 'is to run,'" and in line 10, after the word "line," to strike out "fifty-five," and insert "forty-nine;" so as to read:

That the act of Congress entitled "An act to incorporate the Washington and Great Falls Electric Railway Company," approved July 23, A. D. 1892, be, and the same is hereby, amended by striking out all that part of the first section of said act commencing with the word "beginning," in line 17, and ending with the words "is to run," in line 49, and inserting in lieu thereof the following.

The amendment was agreed to.

The next amendment was, in section 1 to strike out from line 10 to line 74, inclusive, in the following words:

First. Beginning at a point on Prospect street, between Thirty-fourth and Thirty-sixth streets; thence westerly along Prospect street to or near Thirty-eighth street northwest; thence westerly and northerly, on land to be acquired, except on street crossings, by said company to and across Foxhall road; thence to and across the New Cut road; thence westerly along and adjacent to the Conduit road to and across V street northwest, on "Palisades of the Potomac" subdivision; thence westerly over and at right angles across the Conduit road strip of land to Cottrell Place.

Second. Said company is hereby authorized and required to construct and operate a branch line to the proposed union passenger station near and east of the north end of the Aqueduct Bridge, whenever legislation shall authorize the establishment of such a union station.

Third. And after the word "road," in line 85 of said section 1, insert the following: "except as herein provided."

Fourth. And after the word "company," in line 90 of said section 1, insert the words "and the company's provision for crossing its railway over the valley above culvert numbered 20 of the Washington Aqueduct shall be such as never to impair or obstruct the water way to and of said culvert, and the plans of said crossing and the plan for crossing the road over the Conduit road shall, before construction, be submitted to the Secretary of War and have his approval in writing.

Fifth. And after the word "State," in line 124 of said section 1, strike out "and the said Washington and Great Falls Electric Railway may cross the projection of the United States land at a point on the south side of the Conduit road just west of the distributing reservoir."

Sixth. And after the word "Columbia," in line 145 of said section 1, insert the following: "or across the Conduit road;" and after the word "any," in said line, strike out the word "other."

Seventh. And after the word "Aqueduct," in line 186 of said section 1, insert the following: "and the crossing of the road over the Conduit road shall be made to conform to all changes of grade of this road."

Eighth. And after the word "road," in line 197 of said section 1, insert the following words: "and if the Secretary of War shall deem it necessary, and shall so direct, every car shall, before crossing, be brought to a complete stop."

Ninth. And after the word "earnings," in line 13 of section 7, insert the words "within said District."

Tenth. The said company shall furnish and maintain passenger houses as required by the Commissioners of the District of Columbia, and shall place first-class cars on said railway, with all modern improvements, for the convenience, comfort, and safety of passengers, and shall run cars as often as public convenience may require. The time-table shall be approved by the Commissioners of the District of Columbia, and said Commissioners may make such regulations as to rate of speed, mode of use of tracks, and removal of ice and snow from off the tracks in the public streets as in their judgment the interest and convenience of the public may require. Should the said company, its servants or agents, willfully or negligently violate such ordinances or regulations, said company shall be liable to the District of Columbia for a fine not exceeding $50, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of said District.

And insert:

Beginning at a passenger station to be erected and maintained on the square bounded by Prospect, Thirty-fifth, M, and Thirty-sixth streets, northwest, as hereinafter provided for; thence westerly along Prospect street to or near Thirty-eighth street northwest; thence westerly and northerly on land to be acquired, except at street crossings, by said company to and across the Foxhall road; thence.

The amendment was agreed to.

The next amendment was, in section 1, after line 81, to strike out "Eleventh," and insert "Sec. 2;" in line 3 of the section, before the word "said," to strike out "work on;" in the same line after the word "road," to strike out "shall commence within three months and;" in line 4, after the word "be," to strike out "complete," and insert "completed;" in line 5, after the word "thereon," to insert "regularly," and in line 6, after the word "within," to strike out "six" and insert "twelve," and in line 8, page 5, after the word "otherwise," to strike out "said charter," and insert "this act;" so as to make the section read:

SEC. 2. That section 6 of said charter be, and the same is hereby, repealed: *Provided, however*, That the said road shall be completed to the boundary of the District of Columbia and have cars running thereon regularly for the accommodation of the public within twelve months and to Cabin John Creek within eighteen months after the passage of this act; otherwise this act shall be null and void.

The amendment was agreed to.

The next amendment was to insert as an additional section the following:

SEC. 3. That in order to accommodate the street railway traffic that may converge at or near the Aqueduct Bridge, under authority granted or to be granted by Congress, a passenger station is hereby authorized. Such station shall have ample provision for the safe, convenient, and comfortable transfer of passengers to and from the cars of the street railways using the same. All plans for such station and its necessary approaches shall be subject to the written approval of the Commissioners of the District of Columbia. The said Commissioners shall have the power to settle any differences which may arise between the companies using the said station as to compensation or rentals or as to the necessary regulations for the control of said station. The said passenger station shall be constructed and maintained as a union passenger station, for the use of street railways only, by the Washington and Georgetown Railway Company. Said station shall be located on land already owned or hereafter to be acquired by the aforesaid company, which land shall be bounded on the north by Prospect street, on the east by a line drawn not less than 120 feet west of the west line of Thirty-fifth street, on the south by M street, and on the west by Thirty-sixth street northwest. Within one year from the approval of this act the said Washington and Georgetown Railway Company shall complete the said station, and shall extend its tracks on M street northwest to a point not less than 120 feet west of Thirty-fifth street, and thence into said station; and thereafter the said company shall cease entirely to switch cars on M street northwest.

The amendment was agreed to.

The next amendment was to insert as an additional section the following:

SEC. 4. That the street railway companies mentioned in this act, and hereafter all street railway companies in the District of Columbia, respectively, shall bear all the expenses that may be incurred by the United States in making and inspecting such changes to the water mains, fixtures, or apparatus of the Washington Aqueduct as may be rendered necessary by the construction or extension of such several roads; and the Secretary of War is hereby authorized and directed to make all regulations to carry into effect the provisions of this section.

The amendment was agreed to.

The next amendment was to insert an additional section in the following words:

SEC. 5. That Congress reserves the right at any time to alter, amend, or repeal this act.

The amendment was agreed to.

Mr. MCMILLAN. I move to change the number of the section just agreed to to section 6, and to insert as section 5 what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 10, page 6, insert the following as section 5:

SEC. 5. That the act to amend the charter of the Eckington and Soldiers' Home Railway Company, approved July 5, 1894, is hereby amended by striking out the words "thence southwesterly on Louisiana avenue to a point to be located by the Commissioners of the District of Columbia, east of Seventh street northwest, returning by the same route to said point of beginning," therein, and inserting in place thereof the following: "beginning at the intersection of Fifth street and Louisiana avenue; thence by single track along Louisiana avenue to Sixth street west; thence south on Sixth street to B street northwest; thence west on B street north to Ninth street west; thence north on Ninth street to D street northwest; thence east on D street to the point of beginning, at the intersection of Fifth street and Louisiana avenue; also on Delaware avenue a branch line over the tracks of the Metropolitan Railway Company to the terminus on the Capitol grounds, which extension shall be in lieu of the extension already authorized on New Jersey avenue south of C street."

Whenever the foregoing route or routes may coincide with the duly authorized route or routes of any other duly incorporated street railway company in the District of Columbia, both companies shall use the same tracks upon such fair and equitable terms as may be agreed upon by said companies; and in the event said companies shall fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall hear and determine summarily the matter in due form of law and adjudge to the proper party the amount of compensation to be paid therefor. The occupation of the terminal facilities on the Capitol grounds shall at all times be subject to the direction and control of the Architect of the Capitol.

That said company is authorized to increase its capital stock $50,000 for the purpose of enabling it to extend and equip its lines as provided in this act; that the time for completing the building of the extension herein provided for shall be extended three months from July 5, 1894.

The PRESIDING OFFICER. Where does the Senator desire his amendment to come in?

Mr. MCMILLAN. After section 4. This is to be section 5, and the next section will be numbered 6.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MCMILLAN. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. MCMILLAN, Mr. HARRIS, and Mr. FAULKNER were appointed.

ESTATE OF JOHN C. HOWE.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I desire to call up a bill which it will only take a minute or two to pass, but I will not interfere if the Senator from Missouri desires an executive session.

Mr. COCKRELL. What is the bill?

Mr. HOAR. It is Senate bill 1154. Order of business 496. A similar bill has passed the Senate several times. It is to carry out a judgment.

Mr. COCKRELL. I will withdraw my motion for a few minutes. I promised the Senator from Wisconsin [Mr. VILAS] that I would yield to him and I will yield to two or three other Senators; but we must have an executive session.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1154) for the relief of the legal representatives of John C. Howe, deceased. It proposes to pay to the legal representatives of John C. Howe, deceased, $66,907, the same being compensation in full for the use by the United States, to wit, in 66,907,313 cup anvil cartridges, of the invention secured to John C. Howe and his assigns by letters patent of the United States, issued to him August 16, 1864.

Mr. COCKRELL. I should like to have some explanation of the bill.

Mr. HOAR. This is a bill for the payment to the legal representatives of John C. Howe, for the use of cartridges by the United States during the entire term of the letters patent of the invention. The owner of the patent in the first place sued the United States in the circuit court in Connecticut and got judgment to this amount. Then the matter was sent to the Court of Claims by the Senate, and the Court of Claims have made a report which finds the full amount due. A similar bill has passed the Senate two or three times before and there is a favorable report upon it in the other House.

The bill was reported without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTUS G. CARY.

Mr. VILAS. From the Committee on Pensions I beg to make a favorable report on the bill (S. 1948) granting a pension to Augustus G. Cary, and I ask for the present consideration of the bill. A similar bill was passed by the Senate in the last Congress.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Augustus G. Cary, late first lieutenant, United States Revenue Marine, and to pay him a pension out of the naval pension fund.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN INDIAN TERRITORY.

Mr. TELLER. I ask the Senate to take up Senate bill 2173, a bill reported from the Committee on the Judiciary. I will state to the Senator from Missouri that if the bill brings out any debate, of course I shall not press it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2173) to amend an act entitled "An act to establish a United States court in the Indian Territory, and for other purposes," approved March 1, 1889, and an act entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May 2, 1890; to provide for the redistricting of the Indian Territory for judicial purposes, for an additional judge and more United States commissioners, and to prescribe the jurisdiction, duties, and authority of such judges and commissioners, and for other purposes.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, line 26, after the word "reserve," to strike out "east of the said range two west of the Indian meridian" and insert "not included in the first division;" so as to make the paragraph read:

The second division shall consist of all that part of the Chickasaw Indian Reserve, not included in the first division, and the place of holding court therein shall be at Ardmore.

The amendment was agreed to.

Mr. TELLER. In line 79, section 1, after the word "parties," I move to strike out "except as hereinafter provided;" so as to make the proviso read:

Provided, however, That the judicial tribunals of the Indian nations shall retain jurisdiction in civil and criminal cases arising in the country in which members of the nation by nativity or adoption shall be the only parties, and as to all such cases the law of the State of Arkansas extended over and put in force in said Indian Territory by said acts shall not apply.

The amendment was agreed to.

The next amendment of the Committee on the Judiciary was, to strike out section 8, in the following words:

SEC. 8. That any Indian who may be indicted or put on trial in the Indian courts of the Indian Territory, may, on the filing of his affidavit with the clerk of such court stating that he fears he will not receive a fair and impartial trial in said court, have such indictment transferred to the United States court nearest to the Indian court in which such indictment was found, and on the filing of such affidavit the court or judge thereof in which such indictment was found or shall be prosecuted, shall, without delay, and without further proceedings in such case, transmit the said indictment and a record of all proceedings thereon to the United States court herein designated, and on the filing of such indictment the court finding such indictment shall have no further jurisdiction of such indictment or of the person of the defendant, and such indictment or prosecution shall be tried and finally disposed of in the said United States courts, and all judgments rendered in such case and all penalties imposed shall be executed by the authorities of the United States.

The amendment was agreed to.

The next amendment was, to strike out section 9, in the following words:

SEC. 9. That in any suit or proceedings in the Indian courts of the Indian Territory between Indians involving a sum of $500 or upward, or involving the title, right of possession, or occupation of real estate, either party to such suit may, on filing an affidavit that he fears he will not receive a fair and impartial trial in said court, have the case transferred to the United States court nearest to the Indian court in which such case is pending, and the court or the judge where said case is pending shall, on the filing of such affidavit, without delay and without further proceedings in such case, transmit the pleadings in said cause together with a transcript of all the proceedings therein to the United States court as heretofore indicated, and the jurisdiction of said Indian court shall cease with the filing of such affidavit, and such cause shall be tried and disposed of in said United States court.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAMING OF MINOR STREETS AND ALLEYS.

Mr. PROCTOR. I ask unanimous consent for the present consideration of the bill (S. 2131) to secure uniformity in the names of minor streets of the cities of Washington and Georgetown.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Commissioners of the District of Columbia, in order to secure uniformity in the names of the minor streets and alleys of the cities of Washington and Georgetown, to change the name of any minor street or alley.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

METHODS OF ACCOUNTING IN TREASURY DEPARTMENT.

Mr. PROCTOR. I move that the bill (H. R. 6948) to improve the methods of accounting in the Department of the Treasury, and for other purposes, be indefinitely postponed, the provisions of that bill having been incorporated in the legislative, etc., appropriation bill.

The motion was agreed to.

CONSIDERATION OF PENSION BILLS.

Mr. PALMER. I had desired to inquire of the Senator from Missouri [Mr. COCKRELL], who seems to have charge of the appropriation bills, whether it would be convenient that the Senate should to-morrow, after the morning hour, devote a half hour to the disposition of pension bills favorably reported; but, as he is not present at this moment, I give notice that at the conclusion of the morning hour to-morrow I shall ask the Senate to consider uncontested pension bills.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After sixteen minutes spent in executive session, the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 31, 1894, at 12 o'clock.

NOMINATIONS.

Executive nominations received by the Senate July 30, 1894.

UNITED STATES DISTRICT ATTORNEYS.

Gibson Clark, of Wyoming, to be attorney of the United States for the District of Wyoming, vice Benjamin F. Fowler, whose time will expire September 22, 1894.

Owen J. H. Summers, of Florida, confirmed as attorney of the United States for the northern district of Florida on August 25, 1893, to be attorney of the United States for the southern district of Florida, as constituted by act approved July 23, 1894; by which last-named act he is made a resident of said southern district. The term of G. Browne Patterson, as attorney for said southern district as constituted prior to July 23, 1894, expired April 3, 1894.

J. Emmet Wolfe, of Florida, to be attorney of the United States for the northern district of Florida, as constituted by act approved July 23, 1894, vice Owen J. Summers, nominated to be attorney of the United States for the southern district of Florida.

UNITED STATES MARSHALS.

James I. Crutcher, of Idaho, to be marshal of the United States for the district of Idaho, vice Joseph Pinkham, resigned.

John A. McDermott, of Wyoming, to be marshal of the United States for the district of Wyoming, vice Joseph P. Rankin, whose term will expire September 22, 1894.

James McKay, of Florida, to be marshal of the United States for the southern district of Florida as constituted by act approved July 23, 1894, the term of Peter A. Williams as marshal for said district as constituted prior to July 23, 1894, having expired March 13, 1894.

Richard C. Morris, of Connecticut, to be marshal of the United States for the district of Connecticut, vice Emory F. Strong, whose term will expire August 2, 1894.

JUDGES OF PROBATE.

Thomas J. Brandon, of Utah Territory, to be judge of probate in the county of Davis, in the Territory of Utah, vice Hector W. Haight, whose term will expire September 26, 1894.

James L. Bunting, of Utah Territory, to be judge of probate in the county of Kane, in the Territory of Utah, vice John Rider, whose term will expire August 5, 1894.

J. M. Grant, of Utah Territory, to be judge of probate in the county of Rich, in the Territory of Utah, vice Stephen V. Frazier, whose term will expire September 26, 1894.

John C. De La Mare, of Utah Territory, to be judge of probate in the county of Tooele, in the Territory of Utah, vice Charles A. Herman, to be removed.

Achilles Perrin, of Utah Territory, to be judge of probate in in the county of Weber, in the Territory of Utah, vice Alexander C. Bishop, to be removed.

Noble Warrum, jr., of Utah Territory, to be judge of probate in the county of Cache, in the Territory of Utah, vice William Goodwin, whose term will expire September 26, 1894.

William S. Willes, of Utah Territory, to be judge of probate in the county of Wasatch, in the Territory of Utah, vice Thomas S. Watson, whose term will expire September 26, 1894.

ASSAYER.

John W. Pack, of California, to be assayer of the mint of the United States at San Francisco, Cal., to succeed Henry H. Lawrence, removed.

SURVEYOR OF CUSTOMS.

Edward S. Havens, of New York, to be surveyor of customs for the port of Greenport, in the State of New York, to succeed John A. Bassarear, removed.

POSTMASTERS.

Edward P. Jones, to be postmaster at Del Norte, in the county of Rio Grande and State of Colorado, in the place of Samuel A Thomas, whose commission will expire August 13, 1894.

Wilbur B. Foster, to be postmaster at Rockville, in the county of Tolland and State of Connecticut, in the place of George W. Randall, whose commission expired July 9, 1894.

George C. Columbia, to be postmaster at Lawrenceburg, in the county of Dearborn and State of Indiana, in the place of Thomas J. Lucas, whose commission expired July 24, 1894.

Peter Geschwind, to be postmaster at Sleepy Eye, in the county of Brown and State of Minnesota, in the place of Charles H. Schoregge, whose commission will expire August 7, 1894.

C. Rudolph Brand, to be postmaster at Toledo, in the county of Lucas and State of Ohio, in the place of James M. Brown, whose commission expired July 9, 1894.

Joshua G. Galloway, to be postmaster at National Military Home, in the county of Montgomery and State of Ohio, in the place of Isaac N. Eveleth, removed.

Henry L. Romey, to be postmaster at Bluffton, in the county of Allen and State of Ohio, in the place of William P. Bentley, whose commission will expire August 7, 1894.

Charles F. Wilkins, to be postmaster at Urichsville, in the county of Tuscarawas and State of Ohio, in the place of Finley Johnston, whose commission will expire July 29, 1894.

James E. Dougherty, to be postmaster at Haverford, in the county of Montgomery and State of Pennsylvania, in the place of Ralph N. Warner, whose commission will expire August 13, 1894.

Gilbert F. Myer, to be postmaster at McKeesport, in the county of Allegheny and State of Pennsylvania, in the place of Elmer M. Soles, whose commission expired July 9, 1894.

George H. Islaub, to be postmaster at Ogden, in the county of Weber and Territory of Utah, in the place of Nathan Kimball, whose commission expired December 20, 1893.

Stephen W. Poe, to be postmaster at Grafton, in the county of Taylor and State of West Virginia, in the place of James W. Holt, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 30, 1894.

CONSULS.

Archibald H. Grimke, of Massachusetts, to be consul of the United States at Santo Domingo.

Hiram H. Lott, of Louisiana, to be consul of the United States at Managua, Nicaragua.

CONSUL-GENERAL.

Charles de Kay, of New York, to be consul-general of the United States at Berlin, Germany.

TERRITORIAL ASSOCIATE JUSTICE.

William H. King, of Utah Territory, to be associate justice of the supreme court of the Territory of Utah.

COLLECTORS OF CUSTOMS.

George L. Baltzell, of Florida, to be collector of customs for the district of Fernandina, in the State of Florida.

Richard T. Rundlett, of Maine, to be collector of customs for the district of Wiscasset, in the State of Maine.

ASSISTANT COLLECTOR OF CUSTOMS.

David B. Peterson, of New Jersey, to be assistant collector of customs for the port of Camden, N. J.

PENSION AGENT.

Charles H. Robinson, of Knoxville, Iowa, to be pension agent at Des Moines, Iowa.

UNITED STATES ATTORNEYS.

Owen J. H. Summers, of Florida, confirmed as attorney of the United States for the northern district of Florida on August 25, 1893, to be attorney of the United States for the southern district of Florida, as constituted by act approved July 23, 1894.

J. Emmet Wolfe, of Florida, to be attorney of the United States for the northern district of Florida, as constituted by act approved July 23, 1893.

UNITED STATES MARSHAL.

James McKay, of Florida, to be marshal of the United States for the southern district of Florida, as constituted by act approved July 23, 1894.

POSTMASTERS.

J. J. McCrum, to be postmaster at Titusville, in the county of Crawford and State of Pennsylvania.

John T. Ives, to be postmaster at Thurlow, in the county of Delaware and State of Pennsylvania.

John H. Grady, to be postmaster at Kane, in the county of McKean and State of Pennsylvania.

Michael J. Derick, to be postmaster at Duncannon, in the county of Perry and State of Pennsylvania.

Frederick A. Seitz, to be postmaster at Freeport, in the county of Armstrong and State of Pennsylvania.

Moses M. Shaw, to be postmaster at Braddock, in the county of Allegheny and State of Pennsylvania.

John Nealon, to be postmaster at Carbondale, in the county of Lackawanna and State of Pennsylvania.

John F. Sherman, to be postmaster at Wahoo, in the county of Saunders and State of Nebraska.

John Westerman, to be postmaster at Columbia, in the county of Lancaster and State of Pennsylvania.

J. S. Sloan, to be postmaster at New Bethlehem, in the county of Clarion and State of Pennsylvania.

Frederick E. Phillips, to be postmaster at Central Falls, in the county of Providence and State of Rhode Island.

John Hoberg, to be postmaster at South Kaukauna, in the county of Outagamie and State of Wisconsin.

Charles L. Shipton, to be postmaster at Marengo, in the county of Iowa and State of Iowa.

W. H. Korns, to be postmaster at Tekamah, in the county of Burt and State of Nebraska.

Ward H. Tilton, to be postmaster at Floral Park, in the county of Queens and State of New York.

David C. Fassett, to be postmaster at Cambridge, in the county of Washington and State of New York.

REJECTION.

Executive nomination rejected by the Senate July 30, 1894.

COLLECTOR OF CUSTOMS.

Edward J. Taylor, of New York, to be collector of customs for the district of Niagara, in the State of New York.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 30, 1894.*

The House met at 12 o'clock m. Prayer by the Rev. W. E. PARSON, D. D.

The Journal of the proceedings of Saturday was read and approved.

ORDER OF BUSINESS.

Mr. TALBERT of South Carolina. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TALBERT of South Carolina. About a week ago I introduced a resolution, in view of the fact that both Houses seemed to be hitched on the settlement of the tariff question, asking the Committee on Coinage, Weights, and Measures to report a bill providing for the free coinage of silver at the ratio of 16 to 1; and also a resolution, which was referred to the Committee on Banking and Currency, directing that committee to report some one or all of the measures before them looking to a change in the present financial system of the nation. I have heard nothing from either of these bills, and I ask now if it is not in order to move that the Committee on Coinage, Weights, and Measures be requested to report at once that resolution in order that something may be done, or that we may begin the work at least of lightening the burdens and complying with the demands of the people so often made to Congress.

The SPEAKER. No question of privilege is presented by the gentleman.

Mr. TALBERT of South Carolina. I am not stating a question of privilege, but am making a parliamentary inquiry. Is it not within the province of the House to direct this committee to make this report, or is it in the power of the committee to pigeonhole such matters at their own will, so that matters of interest to the masses may be smothered?

The SPEAKER. No question of privilege is presented. The gentleman will be in order.

Mr. TALBERT of South Carolina. I only submit the parliamentary inquiry and not privilege whether it is right for the committee to pigeonhole such matters.

The SPEAKER. The rules of the House inform the gentleman.

Mr. TALBERT of South Carolina. I have read the rules, and can find no guidance on this subject, but suppose that the people's demands are always out of order in the House.

FEDERAL COURTS, NEBRASKA.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 108) to fix the times and places for holding the Federal courts in the State and district of Nebraska.

Mr. CULBERSON. Mr. Speaker, I yield to the gentleman from Nebraska to submit a motion in reference to these amendments.

Mr. BRYAN. Mr. Speaker, I ask that the House concur in the Senate amendments.

The SPEAKER. The amendments will be read.

The Clerk read as follows:

On page 1, line 10, strike out "third" and insert "first;" in the same line strike out "September" and insert "October;" so that it will read: "At the city of Lincoln on the third Monday of January and the first Monday in October in each year."

Mr. BRYAN. At the request of the chairman of the Committee on the Judiciary I will make a brief statement in regard to this matter.

This bill was introduced by my colleague [Mr. MERCER] and refers merely to the time of holding the court in our State. In the House an amendment was added to the bill giving a second term of the court at Lincoln, Nebr., and fixing the date at the third Monday in September. In the Senate this was amended by making it the first Monday in October, which amendment is agreed to by my colleague [Mr. MERCER] and myself, and I now move that the House concur in the Senate amendments.

The motion was agreed to.

GRACELAND CEMETERY.

The SPEAKER laid before the House the bill (S. 2245) to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia.

Mr. HEARD. Mr. Speaker, I ask unanimous consent to take that bill up and put it upon its passage, stating that its exact counterpart has been reported to the House by the Committee on the District of Columbia, and is upon the Calendar. There has not been a murmur of opposition to the bill by the people anywhere in the District, and the trustees representing the cemetery, as well as the people, desire this legislation.

The SPEAKER. The gentleman asks unanimous consent to consider this bill. The Clerk will report it, after which the Chair will ask if there be objection to its its consideration.

The bill was read, as follows:

Be it enacted, etc., That from and after the date of the passage of this act the charter of the Graceland Cemetery Association of the District of Columbia shall cease and determine except as to the members of the board of officers of said association, who, and their successors in office, are hereby continued as such corporation for the purposes hereinafter stated, with power, by unanimous vote, to fill any vacancies in said board until the distribution hereinafter directed shall have been effected; and after the said date of passage it shall be unlawful to inter any bodies in the cemetery known as the Graceland Cemetery, in the District of Columbia; and any person or persons violating this act, or aiding or abetting its violation, shall be subject to a fine of not less than $100 nor more than $500, to be collected as other fines are collected in the District of Columbia.

SEC. 2. That the said board of officers of the Graceland Cemetery Association of the District of Columbia be, and they are hereby, authorized, empowered, and directed, under such regulations as the Commissioners of the District of Columbia may prescribe, to transfer the bodies interred in said cemetery to some other suitable public cemetery or cemeteries within the District of Columbia at the expense of said Graceland Cemetery Association. And said board of officers be, and they are hereby, authorized and empowered to subdivide, sell, and convey in fee simple the whole or any part of the tract of land known as Graceland Cemetery and the buildings thereon, and apply the proceeds of such sales, together with all other moneys and assets of said association, as hereinafter directed. After paying all obligations and liabilities of said association, including a compensation to said board of officers of 5 per cent of the gross amount aforesaid, together with reasonable attorneys' fees and other necessary expenses in the discharge of the duties imposed upon them by this act, the said board of officers shall distribute the remainder of such amount among the owners of lots in said burial ground, as such ownership may be evidenced by certificates of ownership of record on the books of said association. Said distribution shall be pro rata according as the certificate value of each lot is to the total certificate value of all the lots in said cemetery. In cases where said board of officers shall be in doubt as to the ownership of any lot or of any claim against said association, they shall pay into the registry of the supreme court of the District of Columbia, for distribution, the amount to which the owner or owners of such lot shall be entitled to as aforesaid, or the amount of such claim, as the case may be. When all the net proceeds as aforesaid shall have been distributed as hereinbefore prescribed, the said board of officers shall file an affidavit to that effect, with their accounts and vouchers, in the office of the clerk of the supreme court of the District of Columbia.

Mr. HEARD. Mr. Speaker, unless there is a desire for some further explanation, I will ask for a vote. There is no opposition to the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. HEARD] to consider this bill?

There was no objection.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. HEARD, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WHEELER of Alabama, until August 7.

HENRY W. LEE.

Mr. BARNES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5363) for the relief of Henry W. Lee.

The SPEAKER. The gentleman from Wisconsin [Mr. BARNES] asks unanimous consent for the present consideration of the bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to inquire into and determine what services were rendered by Henry W. Lee, now of Stevens Point, in the State of Wisconsin, to the Winnebago Indians, or to any bands or families thereof; whether such services were rendered at the request of or under any agreement with or acceptance of such Indians; whether such services were of utility and value to such Indians and deserving of compensation, and to fix upon the proper measure of the value of the same, not exceeding $10,000 and over and above any sums of money which may have been paid to the said Lee on account thereof; and if he shall determine that the said Lee is justly and equitably entitled to any such sum or compensation as he shall so fix, then to deduct the same from the accounts to be paid and distributed to the stray bands of Winnebagoes in Wisconsin, or to such of them as he shall find were justly answerable, in such yearly installments or portions as he shall think fit, and to pay the same to said Lee, in full discharge of all his claims, notwithstanding that a formal contract was never made in accordance with the statute in such cases made and provided: *Provided*, That said stray bands, or a majority of the heads of families thereof, shall give their consent to such payment in such manner as the Secretary shall direct.

The SPEAKER. Is there objection to the request of the gentleman?

Mr. REED. I should like to inquire what the bill is about?

Mr. BARNES. Mr. Speaker, Mr. Lee is an attorney living at Stevens Point, Wis. Some years ago he was engaged by the Winnebago Indians, a stray band of Indians in that State, to protect their interests here at Washington, and also at Madison in Wisconsin. The Commissioner of Indian Affairs and the then Secretary of the Interior [Mr. TELLER] recognized that Mr. Lee had performed and was performing valuable services, but there was no authority of law to pay him for those services.

Now, this bill provides that the Secretary of the Interior shall ascertain what if anything is due to Mr. Lee for those services, and shall state and ascertain his account; that it shall not be paid unless the Indians themselves consent to it, under such rules as the Secretary shall prescribe, and that then it shall only be paid out of the Indians' funds, and not out of the funds of the General Government. It seems to me that this is a very fair and proper bill, and that the rights of the Indians, of the Government, and of Mr. Lee, and of all parties are amply protected.

Mr. COOMBS. By what committee is this reported?

Mr. BARNES. The Committee on Indian Affairs.

Mr. COOMBS. Is there a unanimous report?

Mr. BARNES. Yes.

Mr. COOMBS. How much does it involve?

Mr. BARNES. Not to exceed $10,000. The account shall be stated by the Secretary of the Interior and be ascertained, but it can not exceed $10,000.

Mr. COOMBS. Over and above what has already been paid, as I understand?

Mr. BARNES. Yes.

Mr. PAYNE. I judge from the reading of the bill that something has been paid heretofore?

Mr. BARNES. I believe so.

Mr. PAYNE. How was that obtained?

Mr. BARNES. I can not state that. My colleague [Mr. LYNCH] has some information about that, I think.

Mr. LYNCH. The money was paid voluntarily by the Indians from time to time. This bill passed the Senate in the last Congress. It was reported unanimously by the Committee on Indian Affairs in this Congress. Its passage was simply prevented by want of consideration.

The SPEAKER. Is there objection to the request for unanimous consent for consideration of this bill?

Mr. HAUGEN. Mr. Speaker, I have just come in and I should like to know what tribe of Indians is referred to.

Mr. BARNES. A stray band of Winnebagoes, located near Stevens Point, Wis.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. BARNES, a motion to reconsider the last vote was laid on the table.

INTERSTATE FAIR AT TACOMA, WASH.

Mr. MCMILLIN. Mr. Speaker, I desire to submit a privileged report from the Committee on Ways and Means.

The Clerk read as follows:

A bill (H. R. 7753) to exempt the articles of foreign exhibitors at the interstate fair at Tacoma, Wash., from the payment of duties.

The SPEAKER. This bill will be referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill.

The SPEAKER. The gentleman from Washington asks unanimous consent for the present consideration of this bill. The Clerk will report the bill, after which the Chair will ask if there be objection.

The bill was read, as follows:

A bill to exempt the articles of foreign exhibitors at the interstate fair at Tacoma, Wash., from the payment of duties.

Whereas there will be held in the city of Tacoma and county of Pierce, State of Washington, from and after ——, 1894, an exposition to be known as the Interstate Fair, in which foreign nations and foreign exhibitors have been invited and have agreed to participate: Therefore,

Be it enacted, etc., That all articles which shall be imported from foreign nations for the sole purpose of exhibition at said exposition, upon which there shall be a tariff or custom duty, shall be admitted free of assessment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; and all articles which have been imported from foreign countries and which have been on exhibition at the World's Columbian Exposition at Chicago, or which are now on exhibition at the California Midwinter International Exposition at San Francisco, upon which there is a tariff or customs duty and which have been heretofore admitted free of the payment of duty, customs fees, or charges, may, under regulations prescribed by the Secretary of the Treasury, be removed to the city of Tacoma, in the State of Washington, for the sole purpose of exhibition at said interstate fair.

SEC. 2. That it shall be lawful at any time during such exposition to sell for delivery at the close of the exposition any of the goods or property imported for and actually on exhibition in the exposition buildings or on its grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles when sold or withdrawn for consumption in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of importation; and all penalties prescribed by law shall be enforced and applied against such articles and against the persons who may be guilty of any illegal sale or withdrawal thereof.

SEC. 3. That all of the provisions of public resolution No. 30, entitled "Joint resolution authorizing foreign exhibitors at the World's Columbian Exposition to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits," approved August 5, 1892, are hereby extended to and made applicable to said interstate fair, to the same extent as if said interstate fair was therein specifically named.

Mr. DOOLITTLE. There are amendments recommended, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the amendments.

The amendments recommended by the committee were read, as follows:

In the preamble insert, after the word "after" "August 1."
In line 3 strike out "nations" and insert "countries."
In line 6 strike out "assessment" and insert "payment."
In line 10, after the word "how" insert "or have been."
In line 10, section 2, strike out the word "importation" and insert "sale."

The amendments recommended by the committee were agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DOOLITTLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS PERDIDO RIVER, FLORIDA.

Mr. MALLORY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7827) to authorize a bridge across the Perdido River, between the States of Florida and Alabama.

The bill was read, as follows:

Be it enacted, etc., That the county authorities of the counties of Escambia, Fla., and Baldwin, Ala., be, and are hereby, authorized to construct, in accordance with plans to be approved by the Secretary of War, an iron or wooden bridge for free use by the public at or near Holman's ferry, across the Perdido River, between the States of Alabama and Florida, and to jointly maintain and regulate the same under such rules and regulations as may be agreed upon between the said counties.

The amendment recommended by the committee was read, as follows:

After line 10 add the following:
"SEC. 2. That said bridge shall be begun within one year and completed within three years from the date of the approval of this act."

The SPEAKER. Is there objection to the request of the gentleman from Florida to consider this bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MALLORY, a motion to reconsider the vote by which the bill was passed was laid on the table.

E. DOUGLASS.

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (S. 1319) for the relief of E. Douglass, late Indian agent at White Earth Indian Agency.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ebenezer Douglass, late Indian agent at White Earth Indian Agency, in the State of Minnesota, out of any moneys in the Treasury not otherwise appropriated, the sum of $566.66, for money paid out and services performed by said Douglass, at the request of the Commissioner of Indian Affairs, in closing the accounts with said agency.

Mr. DOCKERY. Let the report be read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ALLEN. I would like to hear the report on that bill, Mr. Speaker.

The SPEAKER. There are a great number of letters accompanying the report.

Mr. FLETCHER. I would say to the House that the bill has been passed by the Senate and carefully considered by the Committee on Claims. It has also been looked over thoroughly by members of the Committee on Appropriations, and I think there is no objection to its passage. It has been considered in the House and in the Senate, and was unanimously agreed to by the House committee. I would ask the gentleman from New York [Mr. COOMBS], who has examined the bill, to make a statement in regard to it.

Mr. COOMBS. Well, I have read the report through. I wish to say that I had objections to the bill when it came up the other day. Having read the report through very carefully, I can not press those objections now. I think it is a just claim and ought to be paid.

Mr. ALLEN. Was this man an Indian agent when he did this work?

Mr. COOMBS. He was the Indian agent, and was discharged suddenly, and then the Commissioner of Indian Affairs directed him to go on and settle up the books, which he did, employing a clerk; and this is for his services at the regular rate that he used to receive as an employé, and for the clerk hire.

Mr. FLETCHER. After he had been removed.

Mr. COOMBS. And also his clerk at the same as he had been receiving, for two months and a half.

Mr. DOCKERY. For settling up his own books?

Mr. COOMBS. He was discharged suddenly.

Mr. SAYERS. Do you think that is right?

Mr. COOMBS. I do.

Mr. LYNCH. When was that?

Mr. FLETCHER. In 1877.

Mr. LYNCH. You say he was two months and a half in settling up his own books?

Mr. FLETCHER. He was ordered by the Commissioner of Indian Affairs and the Secretary of the Interior to do the work.

Mr. LYNCH. And you say it took him two and a half months to settle up his books, which he should have been able to settle at any day.

Mr. FLETCHER. He had to do a great deal of traveling.

The SPEAKER. Is there objection to the request?

Mr. LYNCH. I object.

Mr. FLETCHER. I am very much obliged to you.

The SPEAKER. The gentleman from Wisconsin objects.

REFUND OF FINES TO SOUTH CAROLINA.

Mr. LATIMER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6502) to refund certain fines to the State of South Carolina.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the treasurer of the State of South Carolina, the sum of $1,500, the same being the amount of the fines imposed upon W. W. Riser, sheriff of Newberry County, State of South Carolina; M. B. Gains, sheriff of Anderson County, S. C., and M. S. Tyler, late sheriff of Aiken County, in said State of South Carolina, in the case of *Ex parte* D. H. Chamberlain in the circuit court of the United States for the district of South Carolina, and which said sum was paid out of moneys belonging to the State of South Carolina.

The SPEAKER. Is there objection to the request for the consideration of this bill?

Mr. BURROWS. Is this a bill to refund fines imposed upon some people in South Carolina?

Mr. LATIMER. I ask that the report be read.

Mr. BURROWS. There is no use in wasting time upon such a bill as that. I object.

HEIRS OF A. LAWRENCE FOSTER.

Mr. CHARLES W. STONE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3619) for the relief of the heirs of A. Lawrence Foster, deceased.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to try and determine, according to law, the case of the estate of A. Lawrence Foster, deceased, late of the county of Fairfax, in the State of Virginia, against the United States, for the sum of $28,840, for the use and occupancy of the farm and lands belonging to the decedent, in the county of Fairfax, State of Virginia, by the armies of the United States during the war of the rebellion, and also as reimbursement for property used and destroyed upon and taken from said farm and lands by the military forces of the United States during the said war of the rebellion, during the years from 1861 to 1865 inclusive: *Provided*, That upon said trial the plea of the statute of limitations shall not be available to the United States against the claim of said estate.

Mr. CHARLES W. STONE. Mr. Speaker, I ask unanimous consent to make a brief statement in explanation of the bill; or if it is preferred, I will have the report read.

Mr. DOCKERY. Mr. Speaker, this is too important a bill to be considered in this way, and I hope the gentleman will let it go over until members can have a chance to examine it.

The SPEAKER. Does the gentleman from Missouri object to the request for the consideration of the bill?

Mr. DOCKERY. I ask the gentleman from Pennsylvania to let it go over until it can be examined. The bill carries $28,000.

Mr. CHARLES W. STONE. Mr. Speaker, the effect of this bill is simply to remove the statute of limitations which has run against the claim, the illness of the claimant, softening of the brain, having rendered him mentally incapable of prosecuting it. All that is sought by this bill is to remove the statute of limitation and let the case go to the Court of Claims just as it would have gone if the man had been competent mentally to prosecute it. The claim was filed with the Secretary of War, but, by some inadvertence, it was not submitted to the proper tribunal, and all that this bill proposes is to let it go to the court with the same effect as if mental incapacity had not prevented its prosecution.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania to the present consideration of this bill?

Mr. KILGORE. I object.

JAMES FAY.

Mr. COOMBS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7683) to remove the charge of desertion against James Fay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the record of James Fay, late a landsman and fireman on board the United States steamship Shamrock, of the North Atlantic Squadron, and grant him an honorable discharge to date from August 16, 1865: *Provided*, That no pension, back pay, bounty, or any other allowance shall be paid to said Fay by virtue of this act.

Mr. COOMBS. Mr. Speaker, I ask unanimous consent to amend the bill. It appears that there never has been a charge of desertion entered against this man, and I wish to amend the bill so as to conform to the fact. The case is very simple, and I do not think anyone can object to the bill. This man was put on the naval records as "not reporting." The vessel Shamrock at the end of the war went to Philadelphia and was out of commission. The crew were given leave to report at any naval station they chose. This young man chose Brooklyn. He had two weeks' leave of absence, and at the end of that time he reported at the Brooklyn navy-yard, but there was no order there for him. In further explanation of the case, I ask the Clerk to read the brief statement in small print at the bottom of the first page of the report.

The Clerk proceeded to read the statement.

Mr. KILGORE. Mr. Speaker, I think we had better have the regular order.

Mr. COOMBS. I hope the gentleman will allow me to make a statement.

Mr. KILGORE. I object to that bill, but I will withdraw the demand for the regular order for a few minutes.

The SPEAKER. The gentleman from Texas objects.

CHARLES T. RUSSELL.

Mr. REED. Mr. Speaker, I ask unanimous consent for the passage of the Senate bill which I send to the desk, an act (S. 1999) for the relief of Charles T. Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and instructed to pay, out of any moneys in the Treasury not otherwise appropriated, to Charles T. Russell, of Connecticut, late consul at

Liverpool, England, $3,100, being the sum actually and necessarily expended by him in the shipping department of that office.

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed to apply the amount named in this bill to cancel and offset any claim, or so much thereof as the United States may have against the said Charles T. Russell, for any indebtedness due from him upon an unsettled account while consul as aforesaid.

The SPEAKER. Is there objection to the request of the gentleman from Maine for the present consideration of this bill?

Mr. SAYERS. I should like to hear some explanation of the bill.

Mr. REED. I will state to the chairman of the Committee on Appropriations that Mr. Russell was consul at Liverpool for four years. Prior to his becoming consul there was always an allowance made of $2,000 per annum for the purpose for which he made this expenditure, but at that time Congress had ceased to make appropriation for that purpose, which purpose was the discharge and shipment of American seamen in the port of Liverpool. Since the expiration of Mr. Russell's term of office the consul has been furnished with a clerk at $2,000 a year, who performs that work. Mr. Russell is now settling his accounts, and as he has made actual expenditure of $3,100, he desires to be reimbursed by the United States.

Mr. SAYERS. That expenditure was for the employment of a clerk?

Mr. REED. For the employment of a clerk and for the expenses of shipment and discharge of American seamen.

Mr. COX. I desire to ask the gentleman from Maine what committee has passed upon this case?

Mr. REED. The Committee on Claims have passed on it, and the bill has been passed by the Senate. It was reported favorably at the last meeting of the Committee on Claims. It is a case that comes to me through the hands of the counsel of the bondsmen, and both the parties concerned are Democratic brethren, to whom I desire to be just and charitable.

Mr. COX. I would like to see the report in this case.

Mr. LOUD. I will state to the gentleman that this case came before our committee sometime ago, and I raised objection to its consideration until evidence could be secured from the State Department setting forth the facts. Such a letter came from that Department some ten days ago, and on last Friday week the bill was reported.

Mr. COX. As I remember the matter now, the claim was held up in our committee until a statement could be obtained from the State Department——

Mr. LOUD. It was held up on my suggestion.

Mr. COX. And my colleague on the committee [Mr. LOUD] obtained that statement, and then the claim was favorably reported. Am I correct as to that?

Mr. LOUD. Yes, sir.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. REED, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIGHTS ON FISHING VESSELS.

Mr. TRACEY. I ask unanimous consent for the present consideration of the bill (H. R. 7383) relating to lights on fishing vessels.

The bill was read, as follows:

Be it enacted, etc., That article 10 of the act approved March 3, 1885, entitled "An act to adopt the revised international regulations for preventing collisions at sea," so far as said article relates to lights for fishing vessels, is hereby reënacted and continued in force, anything in the act approved May 28, 1894, entitled "An act to amend an act approved August 19, 1890, entitled 'An act to adopt regulations for preventing collisions at sea,'" to the contrary notwithstanding.

Mr. TRACEY. I ask for the reading of the report.

The report (by Mr. ROBBINS) was read, as follows:

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H. R. 7383) regulating lights on fishing vessels, have had the same under consideration, and beg leave to submit the following report:

This bill merely continues in force the provisions of existing law relating to lights on fishing vessels, as established by the act of March 3, 1885, which enacted international rules to prevent collisions at sea. During the present session of Congress a bill was passed, and has been approved by the President, preliminary to the promulgation by the maritime nations of the revised international rules of the road, prepared by the Washington International Marine Conference.

While enacting the revised international rules relating to collisions generally, it is not desirable to change the law in regard to lights on fishing vessels, and it was understood that the provisions of article 10, act of March 3, 1885, in regard to fishing vessels, should remain in force; yet, as the question was raised during the discussion of the bill relating to collisions at sea, and the fear expressed that the passage of the act of May 28, 1894, would repeal article 10 of the act of March 3, 1885, an understanding was reached to the effect that a separate act should be reported simply continuing in force the provisions of article 10, act of March 3, 1885, relating to fishing vessels.

This bill will remove any doubt on this point which might possibly be raised in judicial interpretation of the rules of the road. It provides that the law relating to fishing vessels shall remain as it is at present after the new regulations go into effect. Therefore, your committee recommend its passage by the House.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. TRACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE OVER SOUTH CANADIAN RIVER, OKLAHOMA.

Mr. FLYNN. I ask unanimous consent for the present consideration of the bill (S. 320) authorizing the Purcell Bridge and Transfer Company to construct and maintain a bridge over the South Canadian River at or within 1 mile of the town of Lexington, county of Cleveland, Territory of Oklahoma.

The bill was read.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. MCDOWELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

REPRINT OF A REPORT.

On motion of Mr. BOATNER, by unanimous consent, it was ordered that Report No. 181, on the bill (H. R. 4563) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof, be reprinted.

Mr. SAYERS. I call for the regular order.

LAND DONATION FOR FREE SCHOOLS IN OKLAHOMA.

Mr. MCRAE presented the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6080) granting a certain military reservation to Oklahoma City, Okla., to aid the public free schools thereof, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2; and the House agree to the same.

THO. C. MCRAE,
D. D. HARE,
J. W. MOON,
Conferees on the part of the House.

JNO. MARTIN,
A. J. MCLAURIN,
JOSEPH M. CAREY,
Conferees on the part of the Senate.

The statement of the House conferees was read, as follows:

The reservation which by this bill is proposed to be granted to Oklahoma City, in trust for the use and benefit of its public free schools, was established by Executive order of April 20, 1889, for use of Fort Reno. This was two days before the opening of Oklahoma to settlement. The reservation was relinquished by the War Department September 23, 1892, by virtue of Executive order of that date, and placed under control of the Interior Department for disposal under the act of July 5, 1884 (23 United States Statute, 103), or as may be otherwise provided by law.

The War Department disposed of all the public buildings and improvements on the land. The following applications to make entry of the tract were presented at the Oklahoma City land office and rejected for the reason that said land was not open to settlement, being a military reservation and not subject to homestead entry: No. 1270, of Benjamin S. Miller, October 14, 1892; No. 1271, of John A. Blackburn, October 15, 1892; No. 1274, of Henry W. Scott, October 17, 1892; No. 1279, of John A. Blackburn, October 24, 1892; No. 1282, of John Carson, October 25, 1892; ——, of C. R. Jones, December 13, 1892. Appeals have been taken from the rejection of the application of Miller, Jones, and Blackburn.

On the 12th of April, 1893, the mayor of Oklahoma City made application to enter said tract for cemetery and park purposes under the act of September 30, 1890 (26 Stats., 502), which was rejected.

The Interior Department by letters have repeatedly held, in communications to committees of the House, that no vested rights attached by reason of these applications, and the land is public and subject to disposal by Congress.

The Senate recedes from its amendments, and if this report is adopted it will pass the bill as originally passed by the House.

THOS. C. MCRAE.
D. D. HARE.
J. W. MOON.

The question being taken, the report of the committee of conference was agreed to.

On motion of Mr. MCRAE, a motion to reconsider the vote by which the report was agreed to was laid on the table.

ORDER OF BUSINESS.

Mr. COOMBS. I ask the gentleman from Texas [Mr. SAYERS] to withdraw the call for the regular order until I can again present the bill which I hold in my hand.

Mr. SAYERS. I withdraw the call for that purpose.

The SPEAKER. The demand for the regular order can not be withdrawn in favor of a particular individual.

Mr. SAYERS. Very well, then; I do not withdraw it.

The Clerk proceeded to call the committees for reports.

ARBITRATION BETWEEN EMPLOYÉS AND EMPLOYERS.

Mr. ERDMAN, from the Committee on Labor, reported back with amendments the bill (H. R. 7727) to create a national board for the arbitration of controversies between employés and their employers; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

The call of committees for reports was concluded, no further reports being presented.

RECOGNITION OF REPUBLIC OF HAWAII.

Mr. BOUTELLE. Mr. Speaker, I send up to the desk a resolution for which I desire to ask present consideration.

The SPEAKER. The regular order has been demanded.

Mr. BOUTELLE. I think this involves a matter of privilege.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved by the Senate and House of Representatives in Congress assembled:

1. That the United States of America congratulates the people of the Hawaiian Islands on their just and peaceful assumption of the powers, duties, and responsibilities of self-government as indicated by their recent adoption of a republican form of government.

2. That the Republic of Hawaii is entitled to exercise and enjoy international comity and the benefits of all rights, privileges, and advantages under existing treaties that were concluded between the United States of America and the late Kingdom of Hawaii.

3. That the Republic of Hawaii is hereby recognized by the United States of America as a free, sovereign, and independent republic, and the President of the United States shall give proper notice of the recognition to the President of the Republic of Hawaii.

Mr. DOCKERY. I make the point that this resolution should go the Committee on Foreign Affairs.

The SPEAKER. The gentleman from Missouri makes the point that this is not a privileged resolution.

Mr. BOUTELLE. I desire to state that this resolution, with the exception of a single word, is a verbatim copy of a resolution introduced by the gentleman from Kentucky [Mr. McCREARY], the distinguished chairman of the Committee on Foreign Affairs. The resolution is his production, with the exception that a single word has been substituted, the word "Hawaii."

Mr. McCREARY of Kentucky. What resolution does the gentleman from Maine refer to?

Mr. BOUTELLE. It is the text of the resolution introduced by the gentleman from Kentucky himself, on the 27th day of January, 1890, asking the House to pass a resolution recognizing the Republic of Brazil.

It seems to me, Mr. Speaker, that under the peculiar circumstances in which we find ourselves as related to the Government and people of Hawaii, this resolution should involve a question of privilege. I believe from all that has gone before, from information embodied in executive communications to this body and to the Senate, and from the resolutions adopted by the Senate and in this House, that the general public understanding is, and has been, that for some time past the question of our relations to the Hawaiian people and their Government has been referred to the action of Congress. So far as I am informed the position most recently assumed by the Executive Department is that of deference to the initiative of the House of Representatives and the Senate in regard to this important subject.

Mr. Speaker, it is a matter of common knowledge that the people of Hawaii established and proclaimed a republican form of government on the 4th day of July, instant; that in doing so this great act of the assumption of republican sovereignty was accompanied by every possible manifestation of regard for and sympathy with the people and Government of the United States, and that from the beginning a most earnest desire has been manifested for the most intimate and cordial relations between the two Governments.

I understand further, Mr. Speaker, that it has been the uniform policy of the United States to be prompt and earnest in encouraging and recognizing all movements tending towards the establishment of free republican governments, in whatever parts of the world they may be. I understand this to have been the settled policy of the United States from the foundation of this Republic. I need not enforce upon the mind of the House the fact, it seems to me, that the establishment of a republic in the Hawaiian Islands is an event that under all the circumstances appeals to the sympathy of the people of the United States with the most peculiar and extraordinary strength.

I desire, however, to call attention to the fact that during last winter, at the time that the provisional government of Hawaii celebrated the anniversary of the deposition of monarchical rule in that country, there was a most remarkable and to my mind a lamentable neglect of international courtesy on the part of the representatives of the Government of the United States, neither our minister nor our naval representative at that point manifesting the customary cordial sympathy and interest in an event which could not have been otherwise than most important, and of the deepest interest to the people and Government of the United States. And the very fact that our representatives on that occasion failed to manifest any sympathy on the part of this Government with the tentative and successful movement of that people for a freer form of government, seems to me to add to the force of our present obligation to welcome the new republic to a place amongst the national republican systems of the world.

We have been informed through the public press that there is on the way from Hawaii to Washington a delegation claiming to be representative of the defunct monarchy, who were originally reported to propose making certain claims before this Government for restoration of the throne; but the latest public report we have is that even these adherents of the deposed Queen have so far recognized the logic of events and the manifest destiny of that people, that they have changed their purpose from demanding further recognition of the Queen and her government to a purpose to appeal to the President and the Government of the United States in behalf of the annexation of the Hawaiian Islands to this Government. While I confidently hope to see that result accomplished in the future, in view of these facts and reasons, Mr. Speaker, for the adoption of the resolution I have presented, and as it is known to everybody, and to none more fully than our own people, that the Hawaiian Government has been proclaimed as a republic; that it has joined the great galaxy of the free-governing nations of the world; that its new government has been inaugurated under American auspices, and that this whole movement is but the culmination of beneficent American influence in the direction of the great interests which this country must necessarily feel in American control of that commanding outpost of the Pacific Ocean, so valuable to our future prosperity, it is a matter of high and grave import that the House of Representatives of the United States, voicing the universal sentiment of the American people—for there is no dissent, so far as I am able to ascertain, from one end of the country to the other—should promptly express the sympathy of all the people by adopting this resolution so admirably constructed by the gentleman from Kentucky to suit the case of Brazil a few years ago, and use the same form now to welcome the government of the Republic at Hawaii, by a full recognition on the part of the great representative republican government of the world, the United States of America.

The SPEAKER. The Chair does not think the resolution presents a question of privilege. It will be referred to the Committee on Foreign Affairs.

Mr. BOUTELLE. The Chair does not regard the resolution as presenting a question of privilege?

The SPEAKER. The Chair does not.

Mr. BOUTELLE. Then I trust it will meet with prompt and favorable action at the hands of its distinguished author, the chairman of the Committee on Foreign Affairs, who prepared the resolution, of which it is a copy.

Mr. McCREARY. Has the gentleman from Maine any reason to doubt that the committee will act promptly and report to the House on any matter presented to it?

Mr. BOUTELLE. Well, Mr. Speaker, in answer to that amiable inquiry, I will say simply that I do not want to throw any possible shadow over my fervent hopes for the immediate future by alluding to any of the deferred hopes concerning the action of the committee in the past.

The SPEAKER. This matter has passed from the consideration of the House. The morning hour begins at seven minutes past 1 o'clock.

The Committee on Military Affairs was called.

HOUSE BILLS LAID ON THE TABLE.

Mr. OUTHWAITE. I am directed by the Committee on Military Affairs to ask that several House bills be laid on the table, the bill H. R. 5447, because a Senate bill of similar import has passed the House; the bill H. R. 2371, because another bill relating to the same subject and of the same general character has passed the House; and also the bill H. R. 6037, because the matter in this bill was incorporated in the appropriation bill.

The SPEAKER. The Clerk will report the numbers of these bills, and then, without objection, they will lie upon the table, as requested by the gentleman from Ohio.

The Clerk read as follows:

A bill H. R. 6037, a bill H. R. 2371, a bill H. R. 5447.

The SPEAKER. The Committee on Military Affairs recommend that these bills lie upon the table. Without objection, that order will be made.

There was no objection.

GEORGE B. COSBY.

Mr. OUTHWAITE. Mr. Speaker, I am directed by the Committee on Military Affairs to call up the bill (H. R. 6921) for the relief of George B. Cosby.

The SPEAKER. This bill is in Committee of the Whole on the Private Calendar.

Mr. SAYERS. Mr. Speaker, I suggest that that bill should be considered in Committee of the Whole.

Mr. OUTHWAITE. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole, and I will state that if the explanation I make is not satisfactory, I shall not press the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio that this bill be considered in the House as in Committee of the Whole?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury, in settling the accounts of George B. Cosby, late a first lieutenant in the Second Cavalry, United States Army, are hereby authorized and directed to credit him with the sum of $1,358, being the amount of his official draft in favor of John T. Shaaf, late a lieutenant in the United States Army, upon the assistant treasurer of the United States at New Orleans, La., on or about March 31, 1860, said check not having been honored or paid for the want of funds, occasioned by payment of forged checks by said assistant treasurer, for which said George B. Cosby was in no way responsible.

Mr. OUTHWAITE. Lieut. Cosby was appointed quartermaster at Fort Mason, Texas, in 1860. When he took possession of that office he found as the clerk there a detailed enlisted man named Pirola. Very soon after Lieut. Cosby took charge in 1860 Pirola, the clerk, forged the name of Lieut. Cosby to two checks. These checks were written by Pirola, and he did not even attempt to imitate the handwriting of Lieut. Cosby, but signed his name. These checks went into the subtreasury and were paid. Shortly after that Lieut. Cosby's attention was called to the fact, and he proved conclusively in the district or circuit court—I am not sure which—that he was in nowise to blame, that this was a forgery, and so clumsy a forgery that the officer in the United States Treasury who had been receiving some of the checks signed by Lieut. Cosby ought to have known that it was not Cosby's signature.

The pay of Lieut. Cosby was not retained, but this matter still hangs over him, and of course, as such a case is never barred by the statute, he desires to be relieved from this responsibility.

Mr. SAYERS. I wish to see a copy of the bill.

Mr. OUTHWAITE. The number of the bill is 6921, and the number of the report is 1268.

Mr. SAYERS. Was this before the war?

Mr. OUTHWAITE. It was before the war. Here are letters from Gen. J. E. Johnston, Quartermaster-General, exonerating Lieut. Cosby entirely. I will read one letter:

I have the honor to acknowledge the receipt of your letter of the 8th instant. Your statement shows clearly that you were in no degree responsible for the assistant treasurer's refusal to pay your check to Lieut. Shaaf.

That was a check that was drawn by Lieut. Cosby afterwards, he knowing that there ought to be money enough in the subtreasury to his credit to pay it, which check was refused payment because of these two forged checks having been paid, by which means the money was drawn out:

I must acknowledge that you have a right to take exception to the second paragraph of my letter of the 21st ultimo It does not, however, as you interpret it, charge you with intentional wrong, but carelessness. Nevertheless, it was improper.

That is, it was improper to charge him even with carelessness:

It is my duty to apologize for it, and express my regret that it was written.

J. E. JOHNSTON,
Quartermaster-General.

Mr. SAYERS. Mr. Speaker, I will ask the gentleman if any suit has been instituted upon this?

Mr. OUTHWAITE. I do not know of any suit having been instituted.

Mr. CAMINETTI. There is a suit pending now, and the fact that he has to go back to 1860 to get the evidence makes it a hard matter for him to meet.

Mr. OUTHWAITE. I had no information through the regular channels that a suit was pending. This man Pirola afterwards deserted, stealing a lot of property, besides forging these checks. The property which he stole was not charged up against the commissary officer in charge at that time, and neither should these checks be charged against Lieut. Cosby, who did not appoint this man, and who was not responsible for him at all. He was in the service as an enlisted man, and employed as a clerk in the quartermaster's office when Lieut. Cosby took possession of it. I trust my explanation is satisfactory to the gentleman.

Mr. TALBERT of South Carolina. What was the amount; and what do you say the object of the bill is?

Mr. OUTHWAITE. This gentleman is just seeking to be relieved from a charge that stands against him in the books, that someone forged and drew from the Treasury Department, the amount being $1,358.

Mr. Speaker, I ask for the previous question on the passage of the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the vote by which the bill was passed was laid on the table.

MEDAL OF HONOR.

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent to call up House Resolution No. 199, relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863. I make this request because it has not yet been reported. It involves no appropriation, and would take but a moment to consider.

The SPEAKER *pro tempore*. The gentleman from Ohio asks unanimous consent for the present consideration of a joint resolution which the Clerk will report, after which the Chair will ask if there be objection.

The Clerk read as follows:

A joint resolution (H. Res. 199) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863.

Resolved, etc., That any person who has been, or may hereafter be, awarded the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863, respectively, may wear, in lieu of said medal, a bowknot of ribbon of a pattern and under regulations to be prescribed by the President of the United States.

Resolved, That the wearing of said medal or ribbon by any other than the persons above specified shall be deemed a misdemeanor and subject, on conviction, to a penalty of $100.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

MILITARY ROAD FROM EL PASO TO FORT BLISS, TEX.

Mr. OUTHWAITE. Mr. Speaker, I call up the bill (H. R. 7419) for the construction of a military road from the city of El Paso to Fort Bliss, Tex.

The bill was read, as follows:

Be it enacted, etc., That when the military reservation known as "Old Fort Bliss" shall have been sold by virtue of an act approved March 1, 1890, so much of the receipts therefrom as may be necessary, not to exceed $4,000, are hereby appropriated to the construction of a military road between the city of El Paso, Tex., and New Fort Bliss, Tex., said money to be expended under the direction of the Secretary of War.

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent to consider this bill as in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. The gentleman from Ohio asks unanimous consider this bill in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. SAYERS. I would like to ask the gentleman, as I could not catch the reading of the bill, if there is a provision in that bill that this road is to be completed out of the proceeds of the sale of the old fort?

Mr. OUTHWAITE. That is exactly the provision of the bill. It makes provision to build a military road, which is absolutely necessary, and in which there is no real estate speculation. It is to build a road from the city of El Paso to new Fort Bliss, and the money to do this work is to come out of the proceeds of the sale of the old fort, which has been ordered by Congress heretofore.

Mr. Speaker, I ask for the previous question on the passage of the bill.

Mr. KILGORE. I understood the gentleman to say there was no real estate speculation in this bill.

Mr. OUTHWAITE. Yes.

Mr. KILGORE. Then it is a unique claim you set up for the bill?

Mr. OUTHWAITE. It is unique, because of the location; and because——

Mr. KILGORE. I suppose the land is too poor to speculate in.

Mr. OUTHWAITE. I do not want to say anything against your State, or any part of it.

Mr. KILGORE. If this is one of those cases in which there is no real estate speculation, then it is *sui generis*, there is no other like it.

Mr. BRECKINRIDGE of Kentucky. It seems to furnish a precedent which ought not to be established, then.

Mr. OUTHWAITE. I demand the previous question.

The previous question was ordered and under the operation thereof, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by

Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On July 24, 1894:

An act (H. R. 3978) for the relief of John M. Rice.

On July 26, 1894:

An act (H. R. 6748) making appropriations for the naval service for the fiscal year ending June 30, 1895, and for other purposes.

An act (H. R. 4209) for the relief of the securities of John S. Bradford;

An act (H. R. 69) prescribing limitations of time for completion of title to certain lands disposed of under the act of Congress approved September 27, 1850, and the acts amendatory and supplemental thereto, and commonly known as the "Donation act," and for the protection of purchasers and occupants on said lands;

An act (H. R. 3458) extending the time for final proof and payment on lands claimed under the public land laws of the United States;

An act (H. R. 236) to amend section 4837 of the Revised Statutes of the United States, as to soldiers' homes;

An act (H. R. 5894) making appropriations for the Military Academy for the fiscal year ending June 30, 1895; and

An act (H. R. 6108) making appropriations for the Diplomatic and Consular Service of the United States for the fiscal year ending June 30, 1895.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendments joint resolutions and bills of the following titles:

Joint resolution (H. Res. 208) to continue the provisions of a joint resolution approved June 29, 1894, entitled "A joint resolution to provide temporarily for the expenditures of the Government;"

Joint resolution (H. Res. 121) authorizing proper officers of the Treasury Department to examine and certify claims in favor of certain counties in Arizona;

A bill (H. R. 2795) to amend section 5 of the act approved June 18, 1878, entitled "An act to organize the Life-Saving Service;"

A bill (H. R. 4346) extending the benefits of the marine hospitals to the keepers and crews of life-saving stations;

A bill (H. R. 4448) for the relief of persons who have filed declarations of intention to enter desert lands;

A bill (H. R. 4567) establishing a fog signal at Kewaunee, Wis.;

A bill (H. R. 4903) to authorize a compromise and settlement with the State of Arkansas;

A bill (H. R. 5312) authorizing the construction of light-ship with fog signal to be established to the eastward of Boston light, Massachusetts, and for the establishment of range lights in Boston Harbor, Massachusetts;

A bill (H. R. 6719) to provide for validation of affidavits made before United States commissioners in all land entries; and

A bill (H. R. 6752) to amend section 15 of an act approving with amendments the funding act of Arizona, approved June 25, 1890.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 100) referring to the Treasury Department the claims of sundry persons for examination, adjustment, and report to Congress;

A bill (S. 471) to relieve John Friedlin from the charge of desertion;

A bill (S. 653) to open certain parts of the Fort Jupiter military reservation in the State of Florida to entry under the homestead laws;

A bill (S. 1454) authorizing the Secretary of the Navy to transfer the reproductions of caravels of Columbus to the Columbian Museum of Chicago;

A bill (S. 1535) to correct the naval history of John C. Dull;

A bill (S. 1539) granting a pension to Josephine Foote Fairfax;

A bill (S. 1841) to provide that all persons employing female help in stores, shops, offices, or manufactories shall provide seats for the same when not actively employed.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

A bill (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895;

A bill (H. R. 6080) granting a certain military reservation to Oklahoma City, Okla., to aid the public free schools thereof, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 6171) to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company;

A bill (S. 1426) to provide a register for the steamer Goldsworthy;

Joint resolution (H. Res. 208) to continue the provisions of a joint resolution approved June 29, 1894, entitled a "Joint resolution to provide temporarily for the expenditures of the Government;" and

A bill (H. R. 6373) making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes.

VIEWS OF THE MINORITY.

Mr. BOATNER submitted the views of the minority on the bill (H. R. 7793) to amend Pacific Railroad funding acts; which were ordered to be printed with the views of the majority.

NEW MEXICO MOUNTED VOLUNTEERS.

Mr. OUTHWAITE. I now call up the bill (H. R. 962) for the relief of Capt. Ceran St. Vrain's company of New Mexico Mounted Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the officers and enlisted men of the company of New Mexico Mounted Volunteers which served under Capt. Ceran St. Vrain, and was present at the battles of La Cañada, January 24, 1847, El Embudo, January 29, 1847, and Taos, February 4, 1847, in the Territory of New Mexico, shall be placed on the same footing in regard to pay, allowances, emoluments, bounty, and pension, as volunteers regularly mustered into the United States service.

SEC. 2. That in auditing and paying the foregoing accounts, the copy of muster roll of said company now on file in the War Department, dated Santa Fe, N. Mex., February 20, 1847, which shows the company organized at Santa Fe, N. Mex., January 23, 1847, and discharged at that place February 20, 1847, and which bears the indorsement of the secretary of the Territory of New Mexico, dated October 10, 1857, certifying that it is a true copy of the original roll of said company, shall be the data to guide the accounting officers; and said claims shall, when audited, be paid by the Secretary of the Treasury out of any moneys not otherwise appropriated.

The SPEAKER *pro tempore*. This bill is in Committee of the Whole.

Mr. OUTHWAITE. I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

Mr. SAYERS. I object.

Mr. OUTHWAITE. I move that the House resolve itself into Committee of the Whole to consider this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCCREARY of Kentucky in the chair.

The CHAIRMAN. The House is in Committee of the Whole to consider a bill, the title of which the Clerk will report.

The title was again reported.

Mr. OUTHWAITE. I ask that the bill be read again.

The bill was again read.

Mr. OUTHWAITE. I ask the Clerk to read the first part of the report as part of my remarks.

The Clerk read as follows:

The Committee on Military Affairs to whom was referred the bill (H. R. 962) for the relief of Capt. Ceran St. Vrain's Company of New Mexico Mounted Volunteers, having had the same under consideration, report as follows:

The records of the War Department show that this company was organized by Capt. Ceran St. Vrain, of Santa Fe, N. Mex., on January 23, 1847, and remained in service until February 20, 1847. It was organized under the authority of the colonel commanding the United States forces in New Mexico. At this time Gen. Kearney had taken possession of New Mexico in the name of the United States, but an insurrection against the authority of the United States occurred in the Taos district. The governor of the Territory and a large number of the inhabitants of the town of Taos who sympathized with the United States were killed. The colonel then in command of the army at Santa Fe proceeded with all his available men to suppress this insurrection.

As an aid in this object, he authorized the organization of a company of volunteers by Capt. Ceran St. Vrain, and they performed valuable service in suppressing the outbreak. They were never recognized by the War Department as in the United States service, on account of want of authority in the then commanding colonel to order their organization and muster. The necessity for their organization existed and he could not have obtained authority from the War Department in time to make them available in the suppression of said insurrection.

The meritorious character of their services is fully set forth in the annexed report of the War Department. As they rendered service of great value under the only possible authority they should be recognized as in the United States service. The Secretary of War recommends the granting of relief. The report of the War Department is appended, with a roster of the company.

The committee therefore recommend the passage of the bill.

Mr. OUTHWAITE. Mr. Speaker, unless some gentleman wishes a further explanation than is contained in the report——

Mr. GROSVENOR. I would like to know one or two things about this claim. Why was not this claim paid twenty-five, thirty, or forty years ago?

Mr. OUTHWAITE. I will yield to the gentleman from New Mexico to explain the bill.

Mr. GROSVENOR. I wish to ask another thing. When in the history of this Government did we put men on the pension roll who were nominally in the service twenty days?

Mr. OUTHWAITE. It does not put them on the pension roll. It simply provides pay for the time they served.

Mr. GROSVENOR. I do not so understand it. I have sent for a copy of the bill.

Mr. OUTHWAITE. It puts them on the same footing with other men who were in the same service for twenty days.

Mr. LOUD. If they were in the service twenty days they ought to have a pension.

Mr. JOSEPH. Mr. Speaker, these men were mustered into the service of the United States Goverment on the 23d of January, 1847, during the Mexican war. They served in the Territory of New Mexico for about twenty-eight days.

In that time they were engaged in five or six bloody contests, in which six members of the company were killed and twenty-two wounded. There are only three surviving members of the company in New Mexico and Arizona, and this organization having done such valiant service not only for New Mexico but for the Government of the United States, I think it is only just that Congress should give relief to the few surviving members of it. The original muster roll was forwarded to the War Department in 1847, but at that time much of the vast region between this capital and New Mexico was occupied not only by hostile Indians but in some parts by Mexican troops engaged in war against the United States, and the muster roll was lost in transit and never reached the Department. A certified copy of it, however, has been forwarded and is now in possession of the War Department, and this bill provides that that certified copy shall be recognized as the basis of the payments to be made to those and the heirs of those who rendered this service.

Mr. LOUD. The gentleman stated awhile ago that there were only three survivors of this company, and now he states also that their heirs will come in under this bill. Why is that?

Mr. JOSEPH. Well, I recognize that they have some claim for pensions.

Mr. LOUD. There could not be over $10 apiece coming to these men, and if there are only three of them surviving, it seems to me that this is rather a meager claim to bring before Congress.

Mr. GROSVENOR. Mr. Chairman, I offer the amendment which I send to the desk. I confess I am very much surprised at the presentation of such a claim as this, and, unless this amendment be adopted, I do not think the bill ought to pass.

The amendment was read, as follows:

Line 10, insert after the word "pay," the word "and."
Also in lines 10 and 11 strike out "emoluments, bounty and pension."

Mr. GROSVENOR. Mr. Chairman, the effect of that amendment will be to leave these soldiers to receive any pay or allowances that may be due to them under the army regulations, and certainly the advocates of the bill ought not to desire to go beyond that.

Mr. SAYERS. Mr. Chairman, let the bill be read as it would stand if the amendment were adopted.

The Clerk read the first section of the bill with the proposed amendment.

Mr. OUTHWAITE. Mr. Chairman, I yield further time to the gentleman from New Mexico [Mr. JOSEPH].

Mr. JOSEPH. Mr. Chairman, it seems to me that it is a great injustice to deprive these few surviving veterans of the Mexican war of the pensions to which I think they are entitled. There are only three of them living now in New Mexico and Arizona, and I feel confident that there are not more than six altogether who would be beneficiaries of this bill.

Mr. CANNON of Illinois. Why are they not pensioned under the general law?

Mr. JOSEPH. Because they served only twenty-eight days.

Mr. CANNON of Illinois. Then, instead of making this exception, why not amend the general law in this respect so as to apply generally?

Mr. GROSVENOR. Why put these men on a better footing than men who volunteered from the States, without the special incentive of protecting their own territory, and served fifty-nine days and yet do not receive pensions?

Mr. JOSEPH. Because, as the commander of the Army reports, this company did specially meritorious service.

Mr. GROSVENOR. Oh, they all did meritorious service.

Mr. JOSEPH. This company was in six bloody engagements, lost six killed outright, and had twenty-two wounded.

Mr. DOCKERY. That seems to be a good reason for making an exception.

Mr. LOUD. Mr. Chairman, this House on last Friday evening passed a bill allowing a pension to a man who had served sixteen days in some imaginary Indian war, and another allowing a pension to a man who had served, or imagined he had served, eighteen days, and I think this is as meritorious as those bills were.

Mr. OUTHWAITE. I desire to call the attention of the gentleman from Ohio to the fact that the language of the bill does not give these men any advantage over other soldiers of that war. It proposes to put them "on the same footing in regard to pay allowances, emoluments, bounty, and pension as volunteers regularly mustered into the United States service." Certainly that does not give them any advantage over others.

Mr. GROSVENOR. In answer to the gentleman, I will say that the bill as it stands contains an element of uncertainty. Why mention bounty at all if they are not entitled to bounty? Why mention pensions at all if they are not entitled to pensions? Why talk about allowances—allowances to a soldier who was mustered in for a few days only and then mustered out? I do not think this bill ought to pass at all; but if it is amended as it ought to be, I will make no further objection to it.

Mr. JOSEPH. Let me say for the information of the gentleman from Ohio [Mr. GROSVENOR], that the United States Government so far recognized the services of these Mexican veterans, as to allow them land grants under the law passed in March, 1854—the land grants allowed to other Mexican soldiers.

Mr. GROSVENOR. Then they have been getting along pretty well for so short a service.

Mr. JOSEPH. But the Secretary of War has thought that they are entitled to even more than that for the valiant and meritorious services rendered by them during that war.

Mr. SMITH of Arizona. Mr. Chairman, there are only a few of these survivors, as my friend from New Mexico [Mr. JOSEPH] has stated.

Mr. JOSEPH. About three, to my certain knowledge.

Mr. SMITH of Arizona. There are but very few of them. One of them—I believe a very worthy old man—lives in my Territory. Opposition to a bill of this kind certainly does not come with a good grace from those who are so swift ordinarily to recognize services given in defense of the country and who pass here claim after claim for the benefit of men who never saw a battle line; and I am not denouncing those bills, because those men would have seen battle probably if they had had an opportunity. Here, however, are men who went into the service as soldiers, but on account of difficulties, which have been explained by the gentleman from New Mexico, were prevented from appearing regularly on the list of Mexican volunteers, as I understand.

Mr. JOSEPH. That is correct.

Mr. SMITH of Arizona. And in that time these soldiers fought four or five battles—fought as gallantly, with as great a loss in killed and wounded, as any body of men of similar numbers who were ever engaged in any war; yet it is urged that these men, because they did not serve sixty days, should not receive pensions now in their old age, when they have but few years to live. I hope that my friend from Ohio [Mr. GROSVENOR], who is always so generous in these matters—who is so generous always for the right—will withdraw his objection to this measure.

Mr. JOSEPH. In addition to what has been said, allow me to state that each of these three surviving veterans is now over 75 years of age.

Mr. SMITH of Arizona. They are very old men—every one of them.

Mr. GROSVENOR. Let the gentlemen who want to extend this favor to three surviving soldiers bring in a pension for these three men by name and I will vote for it, if the circumstances are as stated here. But I have become just a little tired of having bill after bill of a most meritorious character for the relief of the soldiers of the war of the rebellion defeated constantly upon the point of a quorum, while it seems as if the wit of man was being exhausted in hunting about for somebody who was not engaged in that war to be made the recipient of pensions. Why pass a general law in this case that will lead to the introduction of all sorts of names and controversies in the War Department? If it is only three men whom you really intend to provide for, why not introduce a private bill for those three, and see if it will not pass without any opposition?

Mr. BARTLETT. Mr. Chairman, on Friday last we rejected virtually the claim of the State of Florida for $568,000 based on substantially the same condition of facts as that revealed in the application now before the House. We are asked to give this company of volunteers or the survivors of them, and the next of kin of those who are dead, pay, bounty, pension, and allowances for twenty-eight days' service in the year 1847. And it is claimed that these men should be paid because they are now old men and worthy citizens. If we once adopt that theory as the basis of allowing claims of this sort, we shall have claims presented here on no more substantial grounds from every Territory and very many of the States of the Union.

One principle alone should be applied to all these cases; that is the test of mustering in. When the soldiers who may have formed any organization of volunteers have been mustered into

the service of the United States, then their claim should be recognized as valid, but not otherwise. It seems to me, Mr. Chairman, that volunteers in any State or Territory of the Union ought to be willing to serve for twenty-eight days at the request of the governor without any pay except what they may receive from the Territory or State. They should not come to the Federal Congress thirty or forty years later for bounty and pension and allowances.

I am unable to see how any man can vote for this bill and then vote against the claim of the State of Florida which was pending before this House on Friday last. The amount involved makes no difference. That this bill should involve merely the pay of these three men for thirty days is, of course, impossible. There is something back of this proposition. It involves the pay, pension, bounty, and allowances, not only of these three men, but of forty, fifty, or one hundred men—all those who formed this company in the year 1847—and their next of kin. The report fails to disclose the number of men interested in this claim or the amount of money which we shall be called upon to pay. And it seems to me that is one objection to the bill.

Mr. JOSEPH. Here is a list of the members contained in the report, which I hand the gentleman.

Mr. BARTLETT. Now, Mr. Chairman, according to this list it seems to me that there are forty or fifty persons involved in this claim; that is to say, the three survivors, and the legal representatives of those who are dead. That being the number you can well imagine to how many dollars it will amount, when the events date back to 1847, and we have a criterion in the case of Florida, where we found the names of 400 men, aggregating a claim against the Government at this time of something over $550,000. In the same proportion it is fair to assume that this claim will eventually reach fifty, sixty, or seventy thousand dollars.

I submit, Mr. Chairman, that no logical distinction can be made in regard to this character of claims. If we pay one, we must pay all. But they should not be paid. The true test of the acceptance of the service by the Government and the Secretary of War should be applied in all cases; and bear in mind that in this instance the report of the majority of the committee shows that they were never mustered into the service of the United States. I do not see how it can be supported and passed by this House.

Mr. OUTHWAITE. Mr. Chairman, the question, I believe, is on the amendment of the gentleman from Ohio [Mr. GROSVENOR]. Does the gentleman insist on that provision?

Mr. GROSVENOR. I do.

Mr. OUTHWAITE. Then I will state that the committee will accept the amendment, and let the vote be taken on it at once.

Mr. PICKLER. I would like to have the amendment reported.

The amendment was again read.

The amendment was adopted.

Mr. OUTHWAITE. Now, Mr. Chairman, there are no other amendments, and I move that the bill be reported to the House with favorable recommendation.

Mr. SAYERS. Before that I desire to call the attention of the gentleman to the concluding paragraph of the bill:

> And said claims shall, when audited, be paid by the Secretary of the Treasury, out of any moneys not otherwise appropriated.

Now, there is no appropriation——

Mr. OUTHWAITE. I am willing to strike out that provision if the gentleman thinks proper.

Mr. SAYERS. Let it be stricken out, and whatever money is due will be appropriated.

Mr. JOSEPH. I accept that.

Mr. SAYERS. I move to strike out in the second section of the bill all after the word "officers," in the twelfth line.

Mr. OUTHWAITE. The committee accept that amendment.

Mr. PICKLER. What is the amendment?

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> Strike out in line 12, section 2, after the word "officers," the following words: "And said claim shall, when audited, be paid by the Secretary of the Treasury, out of any moneys not otherwise appropriated."

The amendment was agreed to.

Mr. OUTHWAITE. I now move that the committee rise and report the bill to the House with favorable recommendation.

The motion was agreed to.

The committee accordingly arose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. MCCREARY of Kentucky reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 962, had directed him to report same to the House with sundry amendments and that as amended the bill do pass.

Mr. OUTHWAITE. I demand the previous question on the bill and amendments.

The previous question was ordered; under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

THORWALD OLSEN.

Mr. OUTHWAITE. I call up House bill 4012, for the relief of Thorwald Olsen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke the discharge from the military service of Commissary-Sergeant Thorwald Olsen, dated October 12, 1891, and to cancel the enlistment of the said Olsen, dated January 18, 1892; and the said Olsen shall be considered now to be, and to have been, continuously in the service under his enlistment of July 16, 1890, as if said discharge of October 12, 1891, and enlistment of January 18, 1892, had never taken place; and the accounting officers of the Treasury are hereby authorized and directed to adjust and pay the accounts for pay and allowances of the said Olsen in accordance with the object and intent of this act.

Mr. OUTHWAITE. I ask for the reading of the report.

This bill, I will state, should be considered in Committee of the Whole, but I think when the report is read that question can be disposed of without difficulty.

The report (by Mr. OUTHWAITE) was read, as follows:

> The Committee on Military Affairs, to whom was referred the bill (H. R. 4012) for the relief of Thorwald Olsen, have had the same under consideration, and submit the following report in support of the recommendation that the bill do pass:
>
> This soldier entered the United States service in 1867 as a private, and in 1877 was promoted to commissary-sergeant. He performed the duties to the entire satisfaction of the Department until 1891, when, by reason of a chain of depressing circumstances, he was dismissed the service on the ground that he was mentally deranged. He was serving in the department of Texas, and was ordered to St. Francis Barracks, Fla., where he reported June 5, 1891.
>
> He was not in good health at the time of this transfer, and the change of climate, together with the necessary use of sulphur water, made matters worse, yet knowing and appreciating what military orders meant, in spite of his sickness and physical exhaustion, he continued to perform the duties imposed in a hot, ill-ventilated office, often working late into the night. To cure this physical exhaustion he took large doses of quinine, from the effects of which he became delirious and while in that condition he wounded himself with an ice pick. When he recovered from the wound he learned that he was ordered to the Government Asylum for Insane at Washington, D. C. He entered this institution on September 30, 1891, and was discharged therefrom on December 2, 1891, being confined in the asylum in all sixty-two days. During this period, to wit, on the 12th of October, 1891, he was discharged from the service by reason of mental disability.
>
> By permission from proper authority and after repeated critical medical examination he was reenlisted January 18, 1892, appointed sergeant the same day, and was reappointed commissary sergeant on February 25, 1892, but as this was a new enlistment under the law, he was deprived of his $5 per month enlistment service pay. He is at present performing the duties of commissary sergeant, and your committee believe that he is entitled to the recognition set out in the bill for his relief. On October 14, 1893, the Secretary of War transmitted a letter to the Speaker of the House of Representatives calling the attention to the injustice worked upon this unfortunate officer and recommended that a bill be passed granting this relief.

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Ohio [Mr. OUTHWAITE] asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. OUTHWAITE. I do not think the bill needs any further explanation, after the reading of this report. [After a pause.] There seems to be no objection to it, and I ask that it be put upon its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

JAMES T. PEALE.

Mr. OUTHWAITE. By direction of the Committee on Military Affairs, I call up the bill (H. R. 6672) to place James T. Peale on the retired list of the United States Army.

The SPEAKER. This bill is in Committee of the Whole.

Mr. SAYERS. That bill should be considered in Committee of the Whole.

Mr. OUTHWAITE. I move that the House resolve itself into the Committee of the Whole for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole for the consideration of the bill, with Mr. COOMBS in the chair.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That, in view of his long and faithful services as major and brevet lieutenant-colonel in the Fourth Pennsylvania Cavalry during the late war, and captain Second United States Cavalry on the frontier since the war, and because of disease incurred in the service and line of his duty, the President be, and he is hereby, authorized to nominate, and, by and with the advice and consent of the Senate, to appoint James T. Peale

to the position of captain (mounted) in the Army of the United States, and to place him on the retired list of the Army as of that grade, the retired list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are hereby suspended for this purpose only.

Mr. OUTHWAITE. I yield to the gentleman from Illinois [Mr. BLACK].

Mr. BLACK of Illinois. Mr. Chairman, I ask for the reading of the report.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6672) to place James T. Peale on the retired list of the United States Army, having considered the same, respectfully report:

Your committee agree with the reports made by the Senate and House Committees on Military Affairs in the Fifty-first Congress, which report is herewith submitted, and recommend the passage of the bill.

* * * * * * * *

James T. Peale entered the volunteer service of the United States March 12, 1862, as second lieutenant of Company D, Fourth Regiment Pennsylvania Cavalry; was promoted captain same company and regiment June 5, 1863; promoted major same regiment September 9, 1864; and brevetted lieutenant-colonel United States Volunteers March 13, 1865, "for gallant and meritorious services during the war, and particularly in the engagement at Wyatt's farm;" he was taken prisoner September 29, 1864, in action; confined in "Libby," "Salisbury," and "Danville" prisons until February 22, 1865. He was honorably mustered out and discharged the service July 1, 1865.

He entered the regular service February 23, 1866, as second lieutenant in the Second United States Cavalry; was commissioned a first lieutenant July 28, 1866, and a captain of the same regiment March 3, 1875, and was dismissed from the service by sentence of a general court-martial December 20, 1880. His active service in the Army of the United States extended over a period of nearly eighteen years.

Mr. BLACK of Illinois. Mr. Chairman, that is all of the report that I care to have read now. This officer was dismissed by sentence of court-martial in 1880. The charges were preferred by Col. Miles. The court-martial was convened and its sentence rendered. Gen. Miles has in the last paragraph of that report stated his present conviction and judgment. I ask the Clerk to read the last paragraph of the report.

The Clerk read as follows:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., October 7, 1885.

DEAR SIR: James T. Peale, of Pennsylvania, late a captain Second Cavalry, United States Army, having been dismissed from the service December 20, 1880, on charges preferred by me, involving an undue use of intoxicating liquors, is desirous of being restored to the Army. I would beg to say, in his behalf, that I am in possession of satisfactory evidence that since his dismissal from the service his conduct and habits as to sobriety have been above reproach. Capt. Peale, while in the service, aside from the fault named, had a good record during the civil war and on the frontier, proving himself a gallant, efficient, and meritorious officer.

In view of all these facts, should the President deem this a case where clemency could be properly exercised, there are several ways in which the effect of a dishonorable dismissal from the Army could be overcome or discontinued. He could be appointed a second lieutenant in the Army; he could, by special act of Congress, be restored to the rank of captain, and assigned to the first vacancy; or he could, by special act, be placed upon the retired list of the Army, with the rank of captain.

I recommend him to favorable consideration.

I am, sir, very respectfully, your obedient servant,
NELSON A. MILES,
Brigadier-General, United States Army.

The CHAIRMAN. But three minutes of the morning hour remain.

Mr. OUTHWAITE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COOMBS, Chairman of the Committee of the Whole, reported that that committee had had under consideration the bill (H. R. 6672) to place James T. Peale on the retired list of the United States Army, and had come to no resolution thereon.

The SPEAKER. The morning hour has expired.

ORDER OF BUSINESS.

Mr. OUTHWAITE. Mr. Speaker, I offer the following report from the Committee on Rules for immediate consideration:

The Clerk read as follows:

Resolved, That immediately after the adoption of this order the House proceed to the consideration of House bill 119, to protect public forest reservations; that said bill be considered in the House as in Committee of the Whole; that at the hour of 4 o'clock this day (unless sooner disposed of) the previous question be considered as ordered on pending amendments and on said bill to its final passage, when, without delay or other motion, the vote be taken on said bill.

Mr. OUTHWAITE. Mr. Speaker, I move the adoption of the resolution.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. PICKLER. Division.

The House divided; and there were—ayes 63, noes 23.

Mr. LOUD, Mr. BOEN, and Mr. PICKLER made the point of no quorum.

Mr. OUTHWAITE. Let us have the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Chair will appoint as tellers the gentleman from Ohio [Mr. OUTHWAITE] and the gentleman from California [Mr. LOUD].

Mr. OUTHWAITE. Mr. Speaker, I ask that the Chair appoint the gentleman from Arkansas [Mr. MCRAE] to be one of the tellers in my place.

The SPEAKER. The Chair, at the request of the gentleman from Ohio [Mr. OUTHWAITE], will appoint the gentleman from Arkansas [Mr. MCRAE] as one of the tellers.

The question was taken on agreeing to the resolution; and there were—yeas 117, nays 54, answered "present" 7, reported present by the tellers 4, not voting 169; as follows:

YEAS—117.

Abbott,	Davey,	Lapham,	Pendleton, Tex.
Alderson,	De Armond,	Latimer,	Pickler,
Alexander,	De Forest,	Layton,	Pigott,
Allen,	Dinsmore,	Lester,	Price,
Arnold,	Dockery,	Livingston,	Reilly,
Bailey,	English, Cal.	Lockwood,	Richards, Ohio
Barnes,	English, N. J.	Lynch,	Richardson, Mich.
Bartlett,	Enloe,	Maddox,	Ritchie,
Barwig,	Epes,	Martin, Ind.	Russell, Ga.
Black, Ga.	Erdman,	McCreary, Ky.	Sayers,
Black, Ill.	Everett,	McCulloch,	Schermerhorn,
Bland,	Fielder,	McDearmon,	Snodgrass,
Branch,	Fithian,	McEttrick,	Somers,
Brickner,	Fyan,	McGann,	Sorg,
Brown,	Geary,	McKaig	Springer,
Bynum,	Geissenhainer,	McLaurin,	Stevens,
Cadmus,	Goldzier,	McMillin,	Strait,
Caminetti,	Gorman,	McNagny,	Talbert, S. C.
Cannon, Cal.	Grady,	McRae,	Talbott, Md.
Catchings,	Graham,	Meyer,	Tarsney,
Causey,	Hall, Mo.	Money,	Tate,
Clark, Mo.	Hammond,	Moon,	Taylor, Ind.
Cobb, Mo.	Henderson, N. C.	Neill,	Terry,
Cockrell,	Hutcheson,	O'Neil, Mass.	Tucker,
Coombs,	Ikirt,	O'Neill, Mo.	Warner,
Cooper, Fla.	Johnson, Ohio	Outhwaite,	Wolverton,
Cooper, Tex.	Jones,	Page,	Woodard.
Covert,	Kribbs,	Paschal,	
Crawford,	Kyle,	Patterson,	
Culberson,	Lacey,	Pearson,	

NAYS—54.

Baker, Kans.	Daniels,	Kem,	Russell, Conn.
Baldwin,	Davis,	Lane,	Shell,
Bartholdt,	Donovan,	Lefever,	Stephenson,
Boen,	Grosvenor,	Linton,	Storer,
Boutelle,	Harris,	Loud,	Strong,
Bowers, Cal.	Haugen,	Marsh,	Taylor, Tenn.
Bretz,	Henderson, Iowa	Marshall,	Van Voorhis, Ohio.
Brookshire,	Hicks,	Marvin, N. Y.	Wells,
Brosius,	Hitt,	McCall,	Williams, Miss.
Bundy,	Holman,	McCleary, Minn.	Wilson, Ohio
Coffeen,	Houk,	Murray,	Wilson, Wash.
Cooper, Wis.	Hudson,	Ogden,	Wright, Mass
Cousins,	Hulick,	Perkins,	
Curtis, Kans.	Hunter,	Post,	

ANSWERED "PRESENT"—7.

Blair,	Dolliver,	Heard,	Montgomery.
Broderick,	Gear,	Kilgore,	

REPORTED PRESENT BY THE TELLERS—4.

Cannon, Ill.	Cogswell,	Ellis, Ky.	Funston.

NOT VOTING—194

Adams, Ky.	Doolittle,	Lawson,	Sherman,
Adams, Pa.	Draper,	Loudenslager,	Sibley,
Aitken,	Dunn,	Lucas,	Sickles,
Aldrich,	Dunphy,	Magner,	Simpson,
Apsley,	Durborow,	Maguire,	Sipe,
Avery,	Edmunds,	Mahon,	Smith,
Babcock,	Ellis, Oregon	Mallory,	Sperry,
Baker, N. H.	Fletcher,	McAleer,	Stallings,
Bankhead,	Forman,	McDannold,	Stockdale,
Belden,	Funk,	McDowell,	Stone, C. W.
Bell, Colo.	Gardner,	McKeighan,	Stone, W. A.
Bell, Tex.	Gillet, N. Y.	Meiklejohn,	Stone, Ky.
Beltzhoover,	Gillett, Mass.	Mercer,	Straus,
Berry,	Goodnight,	Meredith,	Swanson,
Bingham,	Gresham,	Milliken,	Sweet,
Boatner,	Griffin,	Morgan,	Tawney,
Bower, N. C.	Grout,	Morse,	Thomas,
Breckinridge, Ark.	Grow,	Moses,	Tracey,
Breckinridge, Ky.	Hager,	Mutchler,	Turner, Ga.
Bryan,	Hainer,	Newlands,	Turner, Va.
Bunn,	Haines,	Northway,	Turpin,
Burnes,	Hall, Minn.	Oates,	Tyler,
Burrows,	Hare,	Payne,	Updegraff,
Cabaniss,	Harmer,	Paynter,	Van Voorhis, N. Y.
Campbell,	Harter,	Pence,	Wadsworth,
Capehart,	Hartman,	Pendleton, W. Va.	Walker,
Caruth,	Hatch,	Phillips,	Wanger,
Chickering,	Hayes,	Powers,	Washington,
Childs,	Heiner,	Quigg,	Waugh,
Clancy,	Henderson, Ill.	Randall,	Weadock,
Clarke, Ala.	Hendrix,	Ray,	Wever,
Cobb, Ala.	Hepburn,	Rayner,	Wheeler, Ala.
Cockran,	Hermann,	Reed,	Wheeler, Ill.
Conn,	Hines,	Reyburn,	White,
Cooper, Ind.	Hooker, Miss.	Richardson, Tenn.	Whiting,
Cornish,	Hooker, N. Y.	Robbins,	Williams, Ill.
Cox,	Hopkins, Ill.	Robertson, La.	Wilson, W. Va.
Crain,	Hopkins, Pa.	Robinson, Pa.	Wise,
Cummings,	Hull,	Rusk,	Woomer,
Curtis, N. Y.	Izlar,	Ryan,	Wright, Pa.
Dalzell,	Johnson, Ind.	Scranton,	
Denson,	Johnson, N. Dak.	Settle,	
Dingley,	Kiefer,	Shaw,	

The following pairs were announced:

Until further notice:

Mr. OATES with Mr. MORSE.

Mr. WILSON of West Virginia with Mr. DINGLEY.
Mr. COBB of Alabama with Mr. APSLEY.
Mr. GRESHAM with Mr. MAHON.
Mr. ROBBINS with Mr. SHERMAN.
Mr. LOCKWOOD with Mr. VAN VOORHIS of New York.
Mr. STEVENS with Mr. DRAPER.
Mr. CONN with Mr. HOOKER of New York.
Mr. TURNER of Virginia with Mr. HEINER of Pennsylvania.
Mr. STOCKDALE with Mr. BRODERICK.
Mr. HOOKER of Mississippi with Mr. CHICKERING.
Mr. STALLINGS with Mr. SCRANTON.
Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.
Mr. BANKHEAD with Mr. MILLIKEN.
Mr. DENSON with Mr. RANDALL.
Mr. LAWSON with Mr. WHITE.
Mr. STONE of Kentucky with Mr. GEAR.
Mr. GOODNIGHT with Mr. WALKER.
Mr. CAPEHART with Mr. BELDEN.
Mr. MUTCHLER with Mr. RAY.
Mr. MONTGOMERY with Mr. TAWNEY.
Mr. EDMUNDS with Mr. WEVER.
Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.
Mr. TURPIN with Mr. GILLETT of Massachusetts.
Mr. MORGAN with Mr. SMITH of Illinois.
Mr. CRAIN with Mr. SETTLE.
For this day:
Mr. HATCH with Mr. HARMER.
Mr. BERRY with Mr. SHAW.
Mr. DURBOROW with Mr. WHEELER of Illinois.
Mr. CARUTH with Mr. MERCER.
Mr. WASHINGTON with Mr. UPDEGRAFF.
Mr. CATCHINGS with Mr. GARDNER.
Mr. MOSES with Mr. WRIGHT of Pennsylvania.
Mr. WEADOCK with Mr. ADAMS of Kentucky.
Mr. TURNER of Georgia with Mr. GILLET of New York.
Mr. CABANISS with Mr. WADSWORTH.

Mr. MONTGOMERY. Mr. Speaker, I am paired, and I want to be put down as "present" in order to make a quorum.

Mr. PICKLER. Mr. Speaker, I desire to change my vote from nay to yea. I also ask that my colleague, Mr. LUCAS, be excused on account of sickness.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore* (Mr. EVERETT). The Clerk will report the names of those noted by the tellers as present and not voting.

The Clerk read as follows:

Mr. BRODERICK, Mr. CANNON of Illinois, Mr. COGSWELL, Mr. ELLIS of Kentucky, Mr. FUNSTON.

Mr. BURROWS. Mr. Speaker, let us have the roll recapitulated.

The vote was recapitulated.

Mr. BRODERICK. Mr. Speaker, I desire to call attention to a mistake. I notice I am recorded as voting in the affirmative. I am paired with the gentleman from Mississippi, Mr. STOCKDALE, and did not vote.

The SPEAKER *pro tempore*. The gentleman will be recorded as "present."

Mr. LOUD. I will state, Mr. Speaker, that the tellers reported Mr. BRODERICK as "present," and he made up one of the seven that were first reported.

The SPEAKER *pro tempore*. On this question the yeas are 116; the nays 52; answered "present," 6; reported as present by the tellers, 4. A quorum is present, and the motion is carried.

Mr. PICKLER. I move to reconsider the vote by which the rule was adopted.

Mr. OUTHWAITE. I make the point of order that that is not in order. In the first place, what does the record show as to how the gentleman voted?

Mr. PICKLER. I voted in the affirmative.

Mr. OUTHWAITE. I move to lay the motion to reconsider on the table.

Mr. PICKLER. I move that the House take a recess until 4 o'clock.

Mr. OUTHWAITE. I make the point that that motion is not in order.

The SPEAKER *pro tempore*. That motion is not in order.

Mr. PICKLER. Why is it not in order?

Mr. OUTHWAITE. Because this is a motion on a resolution reported from the Committee on Rules.

Mr. PICKLER. But your rule is not adopted.

Mr. OUTHWAITE. The rule is pending.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Ohio, to lay the motion to reconsider on the table.

The question was taken, and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. PICKLER. I demand a division.

The House divided; and there were—ayes 49, noes 6.

Mr. PICKLER. No quorum has voted.

The SPEAKER *pro tempore*. The gentleman makes the point that no quorum has voted. The Chair will appoint as tellers the gentleman from South Dakota [Mr. PICKLER] and the gentleman from Ohio [Mr. OUTHWAITE].

Mr. OUTHWAITE. I ask for the yeas and nays.

Mr. PICKLER. Pending that, I move that the House adjourn.

Mr. OUTHWAITE. That motion is not in order.

Mr. WILSON of Washington. I would like to have the Chair make the ruling. The gentleman from Ohio has not the right to make a statement as to whether any business is in order or not. If the Chair is going to make any ruling he will do so, but not the gentleman from Ohio. If the gentleman from Ohio will take the chair he can make the ruling.

Mr. OUTHWAITE. The gentleman from Washington is not authorized to state what my rights and privileges are. I make the point that the motion is not in order.

Mr. WILSON of Washington. The point I make is, that when you make that point of order you can not also make the ruling for the Chair.

The SPEAKER *pro tempore*. The Chair will rule that one motion to adjourn is in order.

The question was taken on the motion to adjourn, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. WILSON of Washington and Mr. PICKLER. Division.

The House divided; and there were—ayes 50, noes 53.

Mr. PICKLER. I demand tellers.

Mr. WILLIAM A. STONE. The yeas and nays.

The yeas and nays were ordered.

Mr. WILSON of Washington. Mr. Speaker, this shows how much more important it is to have a decision from the Chair than it is to have a decision by the gentleman from Ohio. [Laughter.]

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Ohio [Mr. OUTHWAITE] and the gentleman from Washington [Mr. WILSON].

The question was taken; and there were—yeas 78, nays 120, not voting 153; as follows:

YEAS—78.

Aitken,	Doolittle,	Hull,	Post,
Avery,	Draper,	Johnson, N. Dak.	Quigg,
Baker, Kans.	Ellis, Oregon	Kem,	Reed,
Baker, N. H.	Fletcher,	Kiefer,	Russell, Conn.
Baldwin,	Funston,	Lefever,	Sperry,
Barnes,	Gorman,	Linton,	Stephenson,
Bartholdt,	Grosvenor,	Loud,	Stone, C. W.
Blair,	Hager,	Loudenslager,	Stone, W. A.
Boen,	Hainer,	Lynch,	Storer,
Boutelle,	Harris,	Marsh,	Strong,
Bowers, Cal.	Hartman,	Marvin, N. Y.	Sweet,
Brosius,	Haugen,	McCall,	Taylor, Tenn.
Bundy,	Hepburn,	McCleary, Minn.	Wadsworth,
Cannon, Ill.	Hermann,	McDowell,	Wells,
Coffeen,	Hicks,	Milliken,	Wilson, Ohio
Cooper, Wis.	Hitt,	Murray,	Wilson, Wash.
Cousins,	Hopkins, Ill.	Northway,	Wright, Mass.
Curtis, Kans.	Hopkins, Pa.	Payne,	Wright, Pa.
Dalzell,	Hudson,	Perkins,	
Davis,	Hulick,	Pickler,	

NAYS—120.

Abbott,	Culberson,	Ikirt,	Patterson,
Alderson,	Curtis, N. Y.	Johnson, Ohio	Pearson,
Alexander,	Daniels,	Jones,	Pendleton, Tex.
Arnold,	Davey,	Kribbs,	Pendleton, W. Va.
Bailey,	De Armond,	Kyle,	Pigott,
Bartlett,	De Forest,	Lacey,	Price,
Barwig,	Dinsmore,	Lane,	Reilly,
Bell, Tex.	Dockery,	Lapham,	Richards, Ohio
Black, Ga.	Donovan,	Latimer,	Richardson, Mich.
Black, Ill.	Ellis, Ky.	Layton,	Ritchie,
Branch,	English, Cal.	Livingston,	Russell, Ga.
Bretz,	English, N. J.	Maddox,	Sayers,
Brickner,	Epes,	Mallory,	Schermerhorn,
Brookshire,	Erdman,	Marshall,	Shell,
Bryan,	Everett,	Martin, Ind.	Snodgrass,
Bynum,	Fithian,	McCreary, Ky.	Somers,
Cadmus,	Fyan,	McCulloch,	Sorg,
Caminetti,	Geary,	McDearmon,	Strait,
Cannon, Cal.	Geissenhainer,	McEttrick,	Straus,
Causey,	Goldzier,	McGann,	Talbert, S. C.
Clark, Mo.	Grady,	McKaig,	Tarsney,
Cobb, Mo.	Graham,	McLaurin,	Tate,
Cockrell,	Hall, Mo.	McMillin,	Taylor, Ind.
Coombs,	Hammond,	McRae,	Terry,
Cooper, Fla.	Heard,	Money,	Tracey,
Cooper, Ind.	Henderson, N. C.	Neill,	Tucker,
Cooper, Tex.	Hines,	O'Neil, Mass.	Wanger,
Covert,	Holman,	O'Neill, Mo.	Warner,
Cox,	Hunter,	Outhwaite,	Williams, Miss.
Crawford.	Hutcheson,	Page,	Wolverton,

NOT VOTING—153.

Adams, Ky.	Bankhead,	Bland,	Brown,
Adams, Pa.	Belden,	Boatner,	Bunn,
Aldrich,	Bell, Colo.	Bower, N. C.	Burnes,
Allen,	Beltzhoover,	Breckinridge, Ark.	Burrows,
Apsley,	Berry,	Breckinridge, Ky.	Cabaniss,
Babcock,	Bingham,	Broderick,	Campbell,

Capehart,	Grow,	Montgomery,	Springer,
Caruth,	Haines,	Moon,	Stallings,
Catchings,	Hall, Minn.	Morgan,	Stevens,
Chickering,	Hare,	Morse,	Stockdale,
Childs,	Harmer,	Moses,	Stone, Ky.
Clancy,	Harter,	Mutchler,	Swanson,
Clarke, Ala.	Hatch,	Newlands,	Talbott, Md.
Cobb, Ala.	Hayes,	Oates,	Tawney,
Cockran,	Heiner,	Ogden,	Thomas,
Cogswell,	Henderson, Ill.	Paschal,	Turner, Ga.
Conn,	Henderson, Iowa	Paynter,	Turner, Va.
Cornish,	Hendrix,	Pence,	Turpin,
Crain,	Hooker, Miss.	Phillips,	Tyler,
Cummings,	Hooker, N. Y.	Powers,	Updegraff,
Denson,	Houk,	Randall,	Van Voorhis, N. Y.
Dingley,	Izlar,	Ray,	Van Voorhis, Ohio
Dolliver,	Johnson, Ind.	Rayner,	Walker,
Dunn,	Kilgore,	Reyburn,	Washington,
Dunphy,	Lawson,	Richardson, Tenn.	Waugh,
Durborow,	Lester,	Robbins,	Weadock,
Edmunds,	Lockwood,	Robertson, La.	Wever,
Enloe,	Lucas,	Robinson, Pa.	Wheeler, Ala.
Fielder,	Magner,	Rusk,	Wheeler, Ill.
Forman,	Maguire,	Ryan,	White,
Funk,	Mahon,	Scranton,	Whiting,
Gardner,	McAleer,	Settle,	Williams, Ill.
Gear,	McDannold,	Shaw,	Wilson, W. Va.
Gillet, N. Y.	McKeighan,	Sherman,	Wise,
Gillett, Mass.	McNagny,	Sibley,	Woodard,
Goodnight,	Meiklejohn,	Sickles,	Woomer.
Gresham,	Mercer,	Simpson,	
Griffin,	Meredith,	Sipe,	
Grout,	Meyer,	Smith,	

Mr. PICKLER (during the roll call). Mr. Speaker, I call attention to the fact that there are no tellers at the desk.

The SPEAKER *pro tempore* (Mr. EVERETT). On a motion to adjourn a quorum is not required, so tellers are unnecessary.

Mr. PICKLER. I beg the Chair's pardon, but the rule makes no exception. It requires that when the yeas and nays are taken tellers shall be appointed.

The SPEAKER *pro tempore*. The Chair overrules the point made by the gentleman from South Dakota.

Mr. PICKLER. Well, I call the Chair's attention to the matter.

The SPEAKER *pro tempore*. The Chair had already called his own attention to it. [Laughter.]

The result of the vote was then announced as above recorded.

The following additional pairs were announced for the rest of this day:

Mr. WILLIAMS of Illinois with Mr. PHILLIPS.

Mr. WISE with Mr. ROBINSON of Pennsylvania.

The SPEAKER *pro tempore*. The question now is on the motion of the gentleman from Ohio [Mr. OUTHWAITE] to lay on the table the motion of the gentleman from South Dakota [Mr. PICKLER] to reconsider the vote by which the order reported from the Committee on Rules was adopted. Upon this question the yeas and nays have been demanded.

The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 18, answered "present" 4, not voting 218; as follows:

YEAS—111.

Alderson,	Dinsmore,	Marshall,	Reilly,
Alexander,	Donovan,	Martin, Ind.	Richards, Ohio
Allen,	English, N. J.	McCreary, Ky.	Richardson, Mich.
Arnold,	Epes,	McCulloch,	Ritchie,
Bailey,	Erdman,	McDearmon,	Russell, Ga.
Barnes,	Everett,	McEttrick,	Sayers,
Bartlett,	Fyan,	McGann,	Schermerhorn,
Barwig,	Geissenhainer,	McKaig,	Shell,
Bell, Tex.	Gorman,	McLaurin,	Snodgrass,
Black, Ga.	Grady,	McMillin,	Somers,
Bland,	Graham,	McRae,	Sorg,
Branch,	Hall, Mo.	Meredith,	Springer,
Bretz,	Heard,	Money,	Stevens,
Brookshire,	Henderson, N. C.	Mutchler,	Strait,
Bynum,	Hines,	Neill,	Straus,
Cadmus,	Holman,	Oates,	Talbert, S. C.
Caminetti,	Hunter,	O'Neil, Mass.	Talbott, Md.
Cannon, Cal.	Ikirt,	O'Neill, Mo.	Tate,
Clark, Mo.	Jones,	Outhwaite,	Taylor, Ind.
Cobb, Mo.	Kribbs,	Page,	Terry,
Cockrell,	Kyle,	Paschal,	Tracey,
Cooper, Ind.	Lacey,	Patterson,	Tucker,
Cooper, Tex.	Lane,	Paynter,	Tyler,
Covert,	Latimer,	Pearson,	Warner,
Cox,	Layton,	Pendleton, Tex.	Williams, Miss.
Culberson,	Livingston,	Pendleton, W. Va.	Wolverton,
Davey,	Maddox,	Pigott,	Woodard.
De Armond,	Mallory,	Price,	

NAYS—18.

Abbott,	Bryan,	Hudson,	Wells,
Baker, Kans.	Bundy,	Kem,	Wilson, Ohio.
Baldwin,	Cooper, Wis.	Lynch,	Wright, Pa.
Blair,	Crawford,	Pickler,	
Brickner,	Geary,	Sperry,	

ANSWERED "PRESENT"—4.

Causey,	Daniels,	Goldzier,	Kilgore.

NOT VOTING—218.

Adams, Ky.	Babcock,	Beltzhoover,	Boutelle,
Adams, Pa.	Baker, N. H.	Berry,	Bower, N. C.
Aitken,	Bankhead,	Bingham,	Bowers, Cal.
Aldrich,	Barthold,	Black, Ill.	Breckinridge, Ark.
Apsley,	Belden,	Boatner,	Breckinridge, Ky.
Avery,	Bell, Colo.	Boen,	Broderick,
Brosius,	Funk,	Lester,	Ryan,
Brown,	Funston,	Linton,	Scranton,
Bunn,	Gardner,	Lockwood,	Settle,
Burnes,	Gear,	Loud,	Shaw,
Burrows,	Gillet, N. Y.	Loudenslager,	Sherman,
Cabaniss,	Gillett, Mass.	Lucas,	Sibley,
Campbell,	Goodnight,	Magner,	Sickles,
Cannon, Ill.	Gresham,	Maguire,	Simpson,
Capehart,	Griffin,	Mahon,	Sipe,
Caruth,	Grosvenor,	Marsh,	Smith,
Catchings,	Grout,	Marvin, N. Y.	Stallings,
Chickering,	Grow,	McAleer,	Stephenson,
Childs,	Hager,	McCall,	Stockdale,
Clancy,	Hainer,	McCleary, Minn.	Stone, C. W.
Clarke, Ala.	Haines,	McDannold,	Stone, W. A.
Cobb, Ala.	Hall, Minn.	McDowell,	Stone, Ky.
Cockran,	Hammond,	McKeighan,	Storer,
Coffeen,	Hare,	McNagny,	Strong,
Cogswell,	Harmer,	Meiklejohn,	Swanson,
Conn,	Harris,	Mercer,	Sweet,
Coombs,	Harter,	Meyer,	Tarsney,
Cooper, Fla.	Hartman,	Milliken,	Tawney,
Cornish,	Hatch,	Montgomery,	Taylor, Tenn.
Cousins,	Haugen,	Moon,	Thomas,
Crain,	Hayes,	Morgan,	Turner, Ga.
Cummings,	Heiner,	Morse,	Turner, Va.
Curtis, Kans.	Henderson, Ill.	Moses,	Turpin,
Curtis, N. Y.	Henderson, Iowa	Murray,	Updegraff,
Dalzell,	Hendrix,	Newlands,	Van Voorhis, N. Y.
Davis,	Hepburn,	Northway,	Van Voorhis, Ohio
DeForest,	Hermann,	Ogden,	Wadsworth,
Denson,	Hicks,	Payne,	Walker,
Dingley,	Hitt,	Pence,	Wanger,
Dockery,	Hooker, Miss.	Perkins,	Washington,
Dolliver,	Hooker, N. Y.	Phillips,	Waugh,
Doolittle,	Hopkins, Ill.	Post,	Weadock,
Draper,	Hopkins, Pa.	Powers,	Wever,
Dunn,	Houk,	Quigg,	Wheeler, Ala.
Dunphy,	Bulick,	Randall,	Wheeler, Ill.
Durborow,	Hull,	Ray,	White,
Edmunds,	Hutcheson,	Rayner,	Whiting,
Ellis, Ky.	Izlar,	Reed,	Williams, Ill.
Ellis, Oregon	Johnson, Ind.	Reyburn,	Wilson, Wash.
English, Cal.	Johnson, N. Dak.	Richardson, Tenn.	Wilson, W. Va.
Enloe,	Johnson, Ohio	Robbins,	Wise,
Fielder,	Kiefer,	Robertson, La.	Woomer,
Fithian,	Lapham,	Robinson, Pa.	Wright, Mass.
Fletcher,	Lawson,	Rusk,	
Forman,	Lefever,	Russell, Conn.	

The result of the vote was then announced as above recorded.

Mr. WELLS. Mr. Speaker, I move that the House do now adjourn.

Mr. OUTHWAITE. One moment, Mr. Speaker——

The SPEAKER *pro tempore*. The fact of no quorum having been developed, no motion is in order except a motion to adjourn or a motion for a call of the House.

Mr. OUTHWAITE. I have no objection to the motion of the gentleman from Missouri.

The motion of Mr. WELLS was adopted, and the House accordingly (at 3 o'clock and 45 minutes) adjourned.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. CULBERSON: A bill (H. R. 7845) prescribing the conditions under which cases at law or in equity which have been before the Supreme Court and are afterwards proceeding in a circuit court may be again appealed to the Supreme Court—to the Committee on the Judiciary.

By Mr. BOEN: A bill (H. R. 7846) to abolish and prevent alien ownership of land, and for other purposes—to the Committee on the Judiciary.

By Mr. KEM: A bill (H. R. 7847) for the relief of the several States of the Union, and for other purposes—to the Committee on Ways and Means.

By Mr. HINES: A joint resolution (H. Res. 209) authorizing the Secretary of War to deliver condemned cannon to Asher Gaylord Post, Grand Army of the Republic, of Plymouth, Pa., and to Eckley B. Coxe Post, Grand Army of the Republic, of Freeland, Pa.—to the Committee on Military Affairs.

By Mr. BOUTELLE: A joint resolution (H. Res. 210) congratulating the people of the Hawaiian Islands on their peaceable assumption of the powers of self-government and recognizing that Republic as free, sovereign, and independent—to the Committee on Foreign Affairs.

By Mr. HUTCHESON: A joint resolution (H. Res. 211) proposing an amendment to the Constitution declaring trusts and monopolies illegal, and giving to Congress power to pass laws regulating the same—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. TAYLOR of Indiana: A bill (H. R. 7848) for the relief of Calvin Jones, of Rockport, Ind.—to the Committee on Claims.

By Mr. MARTIN of Indiana (by request): A bill (H. R. 7849) to pension Charles T. Day—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELTZHOOVER: Petition of citizens of Hanover, Pa., in favor of amending the Gorman bill so as to exclude fraternal beneficial associations from the provisions of the income tax—to the Committee on Ways and Means.

By Mr. FITHIAN: Evidence to accompany bill granting increase of pension to Lemuel J. Essex—to the Committee on Invalid Pensions.

By Mr. HENDERSON of Iowa: Petition from the Letter Carriers' Association of New York, asking favorable action on bill increasing salaries of letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL: Petition of W. J. Gordon and 14 other citizens of Des Moines, Iowa, asking the impeachment of Richard Olney, Attorney-General of the United States—to the Committee on the Judiciary.

By Mr. LUCAS: Two petitions of divers citizens of South Dakota, praying for the impeachment of the Attorney-General of the United States for high crimes and misdemeanors—to the Committee on the Judiciary.

SENATE.

TUESDAY, *July 31, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

On motion of Mr. FAULKNER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

REPORT ON SLUMS OF CITIES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Education and Labor, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the Seventh Special Report of the Commissioner of Labor. This report relates to what is generally known as the slums of cities, and has been prepared in accordance with a joint resolution approved July 20, 1892.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, D. C., July 27, 1894.

[The manuscript of the Seventh Special Report of the Commissioner of Labor is in the hands of the Speaker of the House of Representatives.]

HAWAIIAN AFFAIRS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Congress:

I herewith transmit a communication from the Secretary of State, covering two dispatches from the United States minister at Honolulu.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, July 20, 1894.*

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, recommending that an appropriation of $35,000 be made to meet the expenses during the current fiscal year for which no provision was made in the act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service, approved March 15, 1893; which was referred to the Committee on Appropriations, and ordered to be printed.

ST. LOUIS RIVER BRIDGE.

The bill (H. R. 7518) to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin was read twice by its title.

Mr. WASHBURN. I ask for the present consideration of the bill. I will state that exactly the same bill with a very slight modification passed the Senate a few days ago. I think the shortest way to close up the matter is to pass the House bill, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WASHBURN. I move that the Senate request the return from the House of Representatives of the bill (S. 2151) to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota, approved April 24, 1894.

The motion was agreed to.

NEBRASKA STATE CLAIM.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 463) to reimburse the State of Nebraska the expenses incurred by that State in repelling a threatened invasion and raid by the Sioux in 1891.

The amendments of the House of Representative were on page 1, line 5, to strike out "pay" and insert in lieu thereof the words "report to Congress."

On pages 1 and 2, lines 14, 15, 16, 17, and 18, to strike out "and that the sum of $42,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to carry out the provisions of this act."

And to amend the title by striking out "reimburse" and inserting "audit for."

Mr. MANDERSON. I move that the Senate nonconcur in the amendments of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. MANDERSON, Mr. DAVIS, and Mr. PALMER were appointed.

COURTS IN INDIAN TERRITORY.

Mr. TELLER. Yesterday the Senate passed Senate bill 2173, relating to courts in the Indian Territory. The Senator from Missouri [Mr. VEST] was not present. He desires to offer some amendments to the bill, which I was not aware of at the time. Therefore I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. TELLER. Let the bill lie on the table for the present.

The VICE-PRESIDENT. It will be so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 5363) for the relief of Henry W. Lee, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 1686) granting a pension to Margaret English;

A bill (H. R. 5020) granting a pension to Washington Hislop;

A bill (H. R. 5351) granting a pension to Celestia P. Hartt;

A bill (H. R. 6309) for the relief of the dependent relatives of the seamen of the Netherlands steamer Amsterdam who lost their lives in the effort to save the crew of the American schooner Maggie E. Wells, and also for the relief of the survivor of the rescuing party;

A bill (H. R. 6893) to regulate water-main assessments in the District of Columbia;

A bill (H. R. 6969) for the relief of Benjamin F. Poteet;

A bill (H. R. 7335) to grant to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes; and

A bill (H. R. 7734) to amend an act entitled "An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa," approved March 2, 1889, as amended by acts of April 30, 1890, February 7, 1893, and March 24, 1894.

PETITIONS AND MEMORIALS.

Mr. QUAY presented memorials of 62 citizens of Osceola Mills; of 101 citizens of Irvona; of 42 citizens of West Pennsylvania; of 105 citizens of Du Bois; of 71 citizens of Porter; of 55 citizens of Cameron; of 128 citizens of Marysville; of 61 citizens of Channeysville; of 31 citizens of Monroe; of 332 citizens of Jonestown; of 117 citizens of Pottstown; of 81 citizens of Pennsylvania; of 57 citizens of Friedensburg; of 94 citizens of Pennsylvania; of 33 citizens of Shellsburg; of 46 citizens of Cumberland Valley; of 104 citizens of Tionesta; of 38 citizens of Hegins; of 67 citizens of Onset; of 50 citizens of Eldred; of 55 citizens of Port Carbon; of 59 citizens of Lewistown; of 55 citizens of Port Carbon; of 80 citizens of Schuylkill Haven; of 54 citizens of Mifflinville; of 36 citizens of Pennsylvania; of 148 citizens of West Castle; of 58 citizens of Bellewood; of 75 citizens of Bloomingdale; of 67 citizens of Springdale; of 42 citizens of Pennsylvania; of 262 citizens of South Fork; of 53 citizens of Leesport; of 91 citizens of Emporium; of 98 citizens of Summit Hill; of 50 citizens of Latta Grove; of 92 citizens of Mapleton Depot; of 21 citizens of Pennsylvania; of 53 citizens of Llewellyn; of 57 citizens of Lebanon; of 43 citizens of Scranton; of 100 citizens of Pen Argyl; of 46 citizens of Pennsylvania; and of 51 citizens of Brisbin, all in the State of Pennsylvania, remonstrating

against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. PERKINS presented a memorial of sundry citizens of California, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry financiers, merchants, and manufacturers of San Francisco, Cal., praying that appropriate steps be taken by Congress for a convention of the financiers and business men of the American Republics to form a Pan-American financial union; which was referred to the Committee on Finance.

Mr. HOAR presented the petition of George H. Perry and 69 other citizens of Massachusetts, praying that in the passage of any law providing for the taxation of incomes the funds of mutual life-insurance companies and associations be exempted from taxation; which was ordered to lie on the table.

He also presented a petition of 10 citizens of Groton, Mass., and the petition of William E. Payson and 65 other citizens of Massachusetts, praying that fraternal beneficiary societies, orders, or associations be exempted from the proposed income-tax provision of the pending tariff bill; which were ordered to lie on the table.

He also presented memorials of 482 citizens of Holyoke; of 20 citizens of Hadley Falls; of 27 citizens of Franklin; of 44 citizens of Milton; of 88 citizens of Quincy; of 43 citizens of Hollis-ton; of 471 citizens of Fitchburg; of 45 citizens of Athol; of 93 citizens of Westfield; of 138 citizens of Winchendon; of 120 citizens of East Boston; of 336 citizens of Brockton, and of 39 citizens of Brookline, all in the State of Massachusetts, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.: which were referred to the Committee on Indian Affairs.

Mr. PALMER presented a memorial of 580 citizens of Illinois, remonstrating against the violation of the American principle involved in making appropriations for or contracts with agents of sectarian institutions for Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. VILAS presented memorials of G. W. Merriman and sundry other citizens of Eauclaire, Wis.; of H. J. Witherbee and sundry other citizens of Wisconsin; of E. E. Brown and sundry other citizens of Plover, Wis.; and of W. A. Besserdick and sundry other citizens of Wisconsin, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. LODGE presented the memorial of A. C. Dixon and 170 other citizens of Boston, Mass., and the memorial of E. S. Horton and 92 other citizens of Salem, Mass., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. WALSH presented a petition of the Chamber of Commerce of Charleston, S. C., praying for the early completion of the Nicaraguan Canal; which was ordered to lie on the table.

He also presented a petition of 30 colored citizens of Charleston, S. C., praying that favorable action be taken by Congress on the bill authorizing the National Government to take part in the Cotton States and International Exposition to be held at Atlanta, Ga., in the fall of 1895; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. GEORGE. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 4609) to establish a uniform system of bankruptcy, to report it with sundry amendments. I give notice that I shall call up the bill and ask the Senate to consider it next Monday.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. COCKRELL. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes, to report it with amendments. I ask that it may be printed and placed upon the Calendar. I will furnish a report to be printed with it.

The VICE-PRESIDENT. Under the rule the bill will be printed as proposed to be amended, and it will go to the Calendar.

Mr. COCKRELL. I present a letter from the Attorney-General, dated July 10, 1894, addressed to me, which I ask may be printed as a miscellaneous document and ordered to be sent back immediately, as it is necessary to use it in connection with the bill I have just reported.

The VICE-PRESIDENT. That order will be made.

Mr. PASCO, from the Committee on Military Affairs, to whom was referred the bill (S. 1657) to remove the charge of desertion from the military record of Henry C. Smith, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 5374) granting a pension to Sarah Oddy, reported it without amendment, and submitted a report thereon.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6542) to change the lines between the eastern and western judicial districts of North Carolina and fixing time for holding courts in said eastern district, reported it with amendments.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 502) for the relief of John A. Lynch, reported it without amendment.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6902) granting an increase of pension to Mrs. Susie Conway;

A bill (H. R. 3992) to increase the pension of Julia Bews;

A bill (H. R. 1717) granting a pension to Eliza Holmes; and

A bill (H. R. 856) granting an increase of pension to John Stockwell.

Mr. VEST, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed by Mr. CAMERON to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 2269) providing for reconveyance by the District Commissioners of certain lands to Andrew J. Curtis and Mary E. Curtis; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DUBOIS introduced a bill (S. 2270) to enable the Secretary of the Interior to pay John T. Heard for professional services rendered the "Old Settlers," or Western Cherokee Indians, out of the funds of said Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HARRIS (by request of the Commissioners of the District of Columbia) introduced a joint resolution (S. R. 99) to compile and publish the laws relating to street railway franchises in the District of Columbia; which was read twice by its title, and, with the accompanying letter from the Commissioners of the District of Columbia, referred to the Committee on Printing.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. KYLE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

GROWTH OF PINE ON SAND HILLS.

Mr. MANDERSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of Agriculture be instructed to inform the Senate whether investigation or experiment has been made, under the direction of the Government or by private parties within the knowledge of the Department of Agriculture, in the planting of native pine seed for the growth of the native pine in what are known as the Sand Hills of the Northwest, and if such experiment has been made, the extent of it, and the results; also to report whether it is advisable for the Government to make such experiment with a view to the growth of the pine, the extent of the area of cultivation, and the increase of rainfall in that section.

INVESTIGATION BY POST-OFFICE COMMITTEE.

Mr. LODGE submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads.

Resolved, That the Committee on Post-Offices and Post-Roads be, and they are hereby, authorized and directed at their earliest convenience, and previous to the regular meeting of Congress in December next, to make a thorough personal examination and investigation of the present letter-box contract, and also of the removal of M. J. Donahue, an inventor, from the classified civil service at Boston. In pursuing their investigation, said committee are hereby authorized, by subcommittee or otherwise, to sit during the recess or sessions of the Senate at Boston, Mass., or such other place as they may deem most advisable; and they shall have power to send for persons, papers, and records, to administer the necessary oaths, and to employ a stenographer and such other clerical assistance as they may deem necessary. Said committee shall have authority to cause its proceedings and testimony taken to be printed, and such expense as may result from said investigation shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the said committee and by the Committee to Audit and Control the Contingent Expenses of the Senate.

Any subcommittee appointed by the committee shall have all the powers of the full committee.

HOUSE BILL REFERRED.

The bill (H. R. 5363) for the relief of Henry W. Lee was read twice by its title, and referred to the Committee on Indian Affairs.

GRANT AND HOOKER COUNTIES, NEBR.

Mr. ALLEN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6720) "providing for the resurvey of Grant and HookerC ounties, in the State of Nebraska," having met, after ful' and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment and agree to the same with the following amendment:

Strike out the following language: "And that the sum of $15,000, or so much thereof as is necessary to carry into effect the provisions of this act, is hereby appropriated out of any money in the Treasury not otherwise appropriated;" and that the Senate agree to the same.

FRED T. DUBOIS,
WM. V. ALLEN,
S. PASCO,
Managers on the part of the Senate.

THO. C. McRAE,
G. D. MEIKLEJOHN,
Managers on the part of the House.

The report was concurred in.

COLLECTION OF TAXES AGAINST CORPORATIONS.

Mr. COKE. I wish to call up for present consideration the bill (H. R. 6284) to prevent interference in the collection of State, county, and municipal taxes assessed against corporations and corporate property, and for other purposes.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill.

Mr. PALMER. That bill is a very important one, and I should be glad to have it read again so that I may understand it.

The Secretary again read the bill.

Mr. LODGE. That seems to be a very important bill, and I should like to hear some explanation of it.

Mr. COKE. The object of the bill is simply to allow the States to collect their taxes on property which is placed in the hands of a receiver by the Federal courts. When property is placed in the hands of a receiver by the Federal courts it is held to be withdrawn from any power whatever on the part of the State to levy taxes on it or to collect those already assessed. The purpose of the bill is to give the States the power to collect the taxes which have been assessed upon such property.

The great number of railroad and other corporations whose property is now being placed in the hands of receivers makes such a bill as this absolutely necessary in order that the revenues of the States may suffer no diminution on that account. The bill was considered by the Judiciary Committee and unanimously agreed to and directed to be reported.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. MITCHELL of Oregon. I was in the committee yesterday when a report was authorized to be made upon the bill, but I desire to look at it further, and I should like to have it go over until to-morrow.

Mr. COKE. Does the Senator object to the present consideration of the bill?

Mr. MITCHELL of Oregon. I do.

The VICE-PRESIDENT. Objection being made, the bill will be passed over.

Mr. HOAR subsequently said: I desire to ask the senior Senator from Texas [Mr. COKE] to consent that the bill for which he asked consideration just now, in regard to interference with the collection of State taxes, may be recommitted to the Committee on the Judiciary. There is no doubt that course will save time in the passage of the bill, and save the time of the Senate, as I understand several members of the committee have not considered the bill.

Mr. COKE. I will consent to the recommittal of the bill provided it can be acted upon within a reasonable time.

Mr. HOAR. I consent to that. I am in favor of the object of the bill, and I think the Senator from Texas will see that it requires an amendment, which probably can be better made in committee than on the floor of the Senate.

Mr. COKE. The committee has given the matter very full examination heretofore, but I will consent that the bill may be recommitted.

The VICE-PRESIDENT. The bill will be recommitted to the Committee on the Judiciary, if there be no objection. The Chair hears none, and it is so ordered.

DISTRICT 3 PER CENT GREENBACK CERTIFICATES.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (S. 1896) to provide for the payment of the 3 per cent greenback certificates of the District of Columbia, and for other purposes.

Mr. SHERMAN. I should like to have a statement of the amount of these securities which are proposed to be paid by the Government.

Mr. MARTIN. I understand they amount to about $19,000.

Mr. SHERMAN. Is that all?

Mr. MARTIN. I think that is all. This bill was thoroughly considered by the Committee on the District of Columbia. It is an old matter which ought to have been closed up long since. There can be no objection to the bill, and the Commissioners of the District of Columbia unanimously reported in favor of its passage in order to dispose of the matter as a finality.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, in section 2, line 5, after the word "bonds," to strike out "from their date to the approval of this act and shall be computed as if evidenced by coupons," and insert "from the date of issue to the date of maturity thereof and with interest at the rate of 6 per cent per annum from the date of their maturity to the date of the approval of this act;" so as to make the section read:

SEC. 2. That the Treasurer of the United States is hereby directed to redeem and pay all the remaining outstanding bonds of the District of Columbia, known as the "greenback 3 per cent bonds," with interest, as specified in said bonds, from the date of issue to the date of maturity thereof and with interest at the rate of 6 per cent per annum from the date of their maturity to the date of the approval of this act. The Treasurer of the United States is hereby directed to sell sufficient amount of the unissued 3.65 bonds of the District of Columbia to cover the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND FOR GRAVEL PIT AND RESERVOIR PURPOSES.

Mr. CAREY. I ask unanimous consent for the present consideration of the bill (H. R. 7451) to authorize the entry of land for gravel pits and reservoir purposes and authorizing the grant of right of way for pipe lines; which was laid aside temporarily yesterday in order that it might be printed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 10, after the word "land," to insert "not occupied and which is subject to entry under the land laws of the United States;" and in line 17, after the word "Secretary," to strike out "*Provided further*, That the land or right of way shall not be within the limits of any park, forest, military, or Indian reservation, or the District of Columbia;" so as to make the section read:

That whenever the Secretary of the Interior shall, in his discretion, find it necessary for the use of any railway company, whose line is located and operated through the public domain, that said company should acquire title to some part of such public lands for gravel pits or the construction of reservoirs and the right of way for pipe lines to connect the same with such railway, the said Secretary is hereby authorized and empowered to sell to said company a sufficient area of such land not occupied and which is subject to entry under the land laws of the United States not exceeding 160 acres in any one tract and to issue patents therefor, and to issue permits for such pipe lines: *Provided*, That such company shall pay therefor not less than the appraised value of such lands, the appraisers thereof, three in number, to be appointed by the Secretary.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 2. That any citizen of the United States, or any association of citizens of the United States, or any ditch or water company, under rules and regulations prescribed by the Secretary of the Interior, shall have the right to purchase lands suitable for reservoir purposes, not to exceed one quarter section of unoccupied public lands not reserved for public use, at such price as the Secretary of the Interior shall prescribe, not less than $2 per acre: *Provided*, That when lands so purchased are within a mining district such lands shall be considered mineral lands, and the patent to such lands shall not authorize the purchaser to extract mineral therefrom, but all such mineral shall be reserved to the United States, which reservation shall be inserted in such patent.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 3. That the Secretary of the Interior shall insert in the patent a provision that unless the land so sold shall, within three years from the date of entry, be utilized for reservoir or water-storage purposes, that such land shall revert to the United States. That the privilege herein granted shall not be construed to interfere with the control of the water for irrigation or other purposes under authority of the respective States or Territories, and this provision shall be inserted in the patent.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CAREY. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to

appoint the conferees on the part of the Senate, and Mr. CAREY, Mr. PASCO, and Mr. MCLAURIN were appointed.

STATE TAXATION OF NATIONAL CURRENCY.

Mr. GEORGE. I ask unanimous consent for the present consideration of the bill (H. R. 4326) to subject to State taxation national-bank notes and United States Treasury notes, which is a bill that has heretofore passed this body.

Mr. SHERMAN. From what committee does the bill come?

Mr. GEORGE. From the Committee on the Judiciary. It was formerly reported from that committee when Mr. Edmunds, of Vermont, was chairman, and the bill was framed to a large extent by him.

Mr. SHERMAN. I have a general impression that United States notes are taxable under existing laws. I would rather that the bill should go over until to-morrow, so as to have an opportunity to look at it.

Mr. GEORGE. Very well.

Mr. SHERMAN. I think in the State of Ohio they are already taxed.

Mr. GEORGE. I give notice, then, that I shall call up the bill to-morrow morning.

The VICE-PRESIDENT. The bill will be passed over.

PAUL M'CORMICK.

Mr. POWER. I ask unanimous consent for the present consideration of the bill (S. 1262) for the relief of Paul McCormick.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Claims with an amendment, in line 12, after the words "sum of," to strike out "one thousand six," and insert "three;" so as to make the bill read:

Be it enacted, etc., That the proper accounting officers of the Treasury Department be, and they are hereby, directed to audit and allow Paul McCormick, of Montana, out of any money in the Treasury not otherwise appropriated, such sum as to them shall seem just and reasonable, for the loss sustained by said McCormick by reason of the change made by the officers of the United States as to the place of delivering the wood after the contract of August 3, 1870, was made and entered into by said McCormick, not to exceed the sum of $300, the same to be in full satisfaction of all claims or demands on account of loss.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLIVER O'BRIEN.

Mr. HALE. I ask the Chair to lay before the Senate House bill 650, which is on the table of the Vice-President.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 650) to remove charge of desertion standing against Oliver O'Brien: which was read twice by its title.

Mr. HALE. I ask unanimous consent that the bill be considered and put on its passage. The Committee on Military Affairs have examined it, and it is all right.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BARRATRY ON THE HIGH SEAS.

Mr. VILAS. I ask unanimous consent for the present consideration of the bill (H. R. 4606) to amend sections 5360 and 5366 of the Revised Statutes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HOAR. I make no objection to the bill, but I wish to call the attention of the Senator from Wisconsin to the question whether some provision should not be inserted that the bill shall not apply to offenses heretofore committed. Otherwise it would be an *ex post facto* law. Punishment by imprisonment is different from punishment by death. I suppose we could hardly provide that all persons who have heretofore committed an offense punishable by death shall be punished by imprisonment for life. Undoubtedly it could be so provided as to offenses committed after the passage of the bill. The bill commutes all sentences for the crimes specified from death to imprisonment. I think there should be a provision to the effect that the proposed act shall not apply to offenses heretofore committed.

Mr. VILAS. I have no objection to the amendment, but it strikes me it is rather unnecessary. If the proposed act increased the degree of punishment, such an amendment would undoubtedly be necessary.

Mr. HOAR. It is a different punishment in substance, and I suppose there are human beings, of whom I am one, who think it would increase the punishment. I should rather be executed at once than be imprisoned for life.

Mr. VILAS. I have no objection to the amendment if the Senator from Massachusetts desires that it shall be made.

Mr. HOAR. I move to amend the bill by adding at the end the words:

This act shall apply only to offenses hereafter committed.

Mr. VILAS. "And shall not affect pending prosecutions."

Mr. HOAR. Very well; that may be added, although the other clause would cover it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts, which will be stated.

The SECRETARY. Add at the end of the bill the words:

This act shall apply only to offenses hereafter committed, and shall not affect pending prosecutions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CHANDLER. I ask the Senator from Wisconsin whether, as an amendment has been made, he proposes to have the title amended by adding "relative to crimes upon the high seas," or some such expression, so that the title will indicate the character of the bill?

Mr. VILAS. The title of the bill is to amend two sections of the Revised Statutes designated, which relate to barratry on the high seas.

Mr. CHANDLER. I suggest to the Senator from Wisconsin that he add those words to the title.

Mr. VILAS. I have no objection to the amendment to add to the title the words, "relating to barratry on the high seas."

The VICE-PRESIDENT. Without objection the title will be amended as indicated. The Chair hears none.

ANDREW L. GRUGETT.

Mr. MANDERSON. I ask unanimous consent that the Senate consider House bill 1461, to remove the charge of desertion from the record of Andrew L. Grugett.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1461) to remove the charge of desertion from the record of Andrew L. Grugett as a former member of Company E, Sixth Tennessee Cavalry, in the war of the rebellion, and to grant him an honorable discharge therefrom.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

The VICE-PRESIDENT. The Calendar under Rule VIII is in order.

Mr. MANDERSON. The Senator from Illinois [Mr. PALMER] yesterday gave notice that to-day after the routine morning business he would ask the Senate to consider pension bills on the Calendar. I hope he may do so, and that he will add to it bills granting relief reported by the Military Affairs Committee. As a rule, they are akin to pension cases, simply straightening the record of soldiers, and I hope the Senator may include those bills in his request.

RESERVOIRS ON HOT SPRINGS RESERVATION.

Mr. WASHBURN. Preceding that order, I ask unanimous consent for the consideration of House bill 7488, in relation to leases for sites on the Hot Springs Reservation in the State of Arkansas for cold water-reservoirs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7488) authorizing the Secretary of the Interior to grant leases for sites on the Hot Springs Reservation, Arkansas, for cold-water reservoirs.

Mr. WASHBURN. I offer an amendment, to come in at the end of the bill.

The SECRETARY. Add at the end of the bill the following proviso:

Provided, That on the termination of any lease granted under authority of this act, the Secretary of the Interior shall have like power and authority in his discretion to extend or renew the same for additional periods of not exceeding twenty years.

The amendment was agreed to.

Mr. WASHBURN. In line 14, I move to strike out the word "three" and insert "one;" so as to read: "an annual rental of $100."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BERRY. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. BERRY, Mr. MCLAURIN, and Mr. CAREY were appointed.

INDIAN APPROPRIATION BILL.

Mr. COCKRELL. The Senator from Florida [Mr. CALL], in charge of the Indian appropriation bill, being necessarily detained from the Chamber for a few minutes, I submit the report of the conference committee on that bill. We report an agreement upon sundry amendments and a disagreement on others. I ask that the agreements may be concurred in, and that the Senate insist upon its amendments disagreed to by the other House, and ask for a further conference.

The VICE-PRESIDENT. The conference report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6913) "Making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 37, 42, 53, 65, 70, 71, 74.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, 36, 41, 44, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 61, 67, 68, 72, 76, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 117, 118, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "And hereafter the annual salares of the several Indian agents shall be as provided for in this act;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the words, "five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out in line 4 of said amendment the word "five" and insert in lieu thereof the following: "To supervise the purchase of Indian supplies, four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "To enable the Secretary of the Interior to purchase land for homes for the Digger Indians, Central California, and for the erection of suitable houses thereon, and to aid them in agricultural pursuits, $10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "*Provided*, That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may deem proper and necessary to protect the interests of the Indians and of the United States, to sell or otherwise dispose of a quantity of timber not exceeding $20,000 in value on the Jicarilla Apache Indian Reservation, the proceeds to be used by him in the purchase of sheep and goats for the benefit of the Indians belonging thereto as will best tend to promote their welfare and advance them in civilization;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "*Provided*, That the right of appeal shall be allowed to either party as in other cases;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$45,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "of which amount $20,000 shall be expended in South Dakota, and $10,000 on the Colville Reservation in the State of Washington;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$3,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert after the word "dollars," in line 16, page 55, of the bill the following: "Of which sum $1,000, or so much thereof as may be necessary, may be used to procure a permanent water supply for the school;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66; and agree to the same with an amendment, as follows: Insert after the word "building," in line 1 of said amendment, the following: "Now owned by the United States, and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows: Strike out in line 24, page 59, of the bill the words "one thousand" and insert in lieu thereof the words "five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: Insert after the word "That," in line 1 of said amendment, the word "hereafter;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows: Restore the matter proposed to be stricken out by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment, insert the following:

"SEC. 11. That no Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child, if either of them are living, and if neither of them are living, without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. And it shall be unlawful for any Indian agent, or other employé of the Government, to induce, or seek to induce, by withholding rations, or by other improper means, the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any reservation."

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 21, 47, 62, 63, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 119, and 120.

WILKINSON CALL,
F. M. COCKRELL,
H. M. TELLER,
Managers on the part of the Senate.

W. S. HOLMAN,
JOHN M. ALLEN,
JOHN L. WILSON,
Managers on the part of the House.

Mr. HOAR. I should like the attention of the Senator from Missouri who has charge of the bill. Perhaps I heard imperfectly the agreement of the conference committee, but is it true that the bill as it is now left provides that no Indian child shall be sent to school out of the reservation or district without the consent of the next of kin, if there be no parents? Is that what the bill means? Perhaps I heard it incorrectly, but suppose the parents of Indian children die and there are no next of kin to the eldest child except a baby a year old or younger children under the age of consent, are they given authority to override the judgment of the representative of the United States?

Mr. COCKRELL. The amendment as agreed to, is as follows:

That no Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child, if either of them are living, and if neither of them are living, without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, etc.

Mr. HOAR. Suppose the next of kin be a child of tender years, a baby, or a person ten degrees off with no interest in the child?

Mr. COCKRELL. I suppose the consent would be sufficient under the law.

Mr. TELLER. I should like to state to the Senator from Massachusetts that the provision with the objectionable attachment came over in the bill from the other House and that we succeeded in striking out the objectionable attachment, and it leaves that part just as it came from the House.

Mr. HOAR. The Senator sees the point I make?

Mr. TELLER. I do not approve of it, but it seems to be necessary.

Mr. CHANDLER. Mr. President, I rise to a question of order.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from New Hampshire rises to a question of order.

Mr. CHANDLER. It is absolutely impossible for Senators in this wing of the Chamber to hear one word of the colloquy that is going on between the two distinguished members of the Judiciary Committee who are now both occupying the floor.

Mr. HOAR. I understand that the Senator from New Hampshire was occupying the floor when he made his speech. If he was not doing so he was clearly out of order. I suppose this matter can be corrected in another year if it is important enough to make a correction necessary, and therefore I shall not interpose an objection.

Mr. COCKRELL. I do not think anything will be necessary.

Mr. HOAR. Of course, the other House in framing the bill clearly made an oversight in this particular. Very likely there will not any cases arise in a year. I shall not make any point on the provision except to call attention to it.

The PRESIDING OFFICER. The question is on concurring in the report of the committee on conference.

The report was concurred in.

Mr. COCKRELL. I move that the Senate further insist upon its amendments disagreed to by the House of Representatives, and ask a further conference with the House on the disagreeing votes thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. CALL, Mr. COCKRELL, and Mr. TELLER were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 962) for the relief of Capt. Ceran Saint Vrain's company of New Mexico Mounted Volunteers;

A bill (H. R. 4012) for the relief of Thorwald Olsen;

A bill (H. R. 6921) for the relief of George B. Cosby;

A bill (H. R. 7383) relating to lights on fishing vessels;

A bill (H. R. 7419) for the construction of a military road from the city of El Paso to Fort Bliss, Tex.

A bill (H. R. 7753) to exempt the articles of foreign exhibitors at the interstate fair at Tacoma, Wash., from the payment of duties;

A bill (H. R. 7827) to authorize a bridge across the Perdido River between the States of Florida and Alabama; and

A joint resolution (H. Res. 199) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President.

A bill (S. 1377) for the relief of William Hendershott, of Butteville, Oregon;

A bill (S. 1468) for the relief of James L. Townsend; and

A bill (S. 2150) to provide an American register for the steamer Oceano, of New York, N. Y.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. COCKRELL. I move that the Senate proceed to the consideration of House bill 5575, being the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes; which had been reported from the Committee on Appropriations with amendments.

Mr. COCKRELL. I ask unanimous consent that the Senate committee amendments may be acted upon as they are reached in the reading of the bill, and that other amendments be deferred until after the consideration of the committee amendments.

The PRESIDING OFFICER. Is there objection to the course suggested by the Senator from Missouri? The Chair hears none. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, after line 2, to insert:

For public building Clarksville, Tenn.: The limit of cost of site and building is hereby extended $15,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 5, to insert:

For public building at Davenport, Iowa: To enable the Secretary of the Treasury to construct all portions of the public building so as to make the same fireproof, and also make all portions of said building two stories high, $25,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 10, to insert:

For post-office at Fort Worth, Tex.: The limit of cost of site and building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches complete, is hereby extended $40,000.

Mr. QUAY. I desire to amend the Senate amendment by inserting a provision for the building of the Philadelphia post-office.

Mr. COCKRELL. I hope the Senator from Pennsylvania will let us get through with the committee amendments, and then recur to it afterwards. The agreement was just made that the committee amendments shall be first considered.

Mr. QUAY. If the Senator prefers that course I will wait.

Mr. COCKRELL. The bill will be open to amendment just the same after we have acted on committee amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 2, line 23, after the word "Nebraska," to insert "and;" and in line 24, after the word "Minnesota," to strike out "and the court-house, post-office, and custom-house at Sioux City, Iowa;" so as to make the clause read:

That the Secretary of the Treasury may authorize a contract or contracts to be entered into for the construction of any portion or the whole of the post-office at Buffalo, N. Y.; post-office and court-house at Kansas City, Mo.; the court-house, custom-house, and post-office at Omaha, Nebr.; and the post-office, court-house, and custom-house at St. Paul, Minn., within the respective limits of cost prescribed by law for said buildings and subject to appropriations to be made therefor by Congress.

The amendment was agreed to.

The next amendment was, on page 3, after line 6, to insert:

For public building at Sioux City, Iowa: To enable the Secretary of the Treasury to complete public building in accordance with the original plan for said building, $25,000, this being in excess of the original limit and made necessary by increased cost of foundation, and the Secretary of the Treasury may authorize a contract or contracts to be entered into for the construction of any portion or the whole of said building, and subject to appropriations to be made therefor by Congress.

The amendment was agreed to.

The next amendment was, on page 3, after line 15, to insert:

For public building at Topeka, Kans.: For the construction of an elevator, including a new steam boiler and incidental repairs in connection therewith, $10,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 18, to insert:

For post-office at Worcester, Mass.: For continuing building under present limit, $50,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 20, to insert:

To enable the Secretary of the Treasury to select, designate, and procure, by purchase or otherwise, suitable sites for public buildings in the city of Spokane, Wash.; in the city of Cheyenne, Wyo.; in Boise City, Idaho, and in the city of Helena, Mont., upon the best terms possible for the Government, $100,000. Each of said sites shall contain at least 12,000 square feet of ground and shall have an open space around the building to be erected thereon of at least 40 feet, so as to protect said building from fire; and neither of said sites shall cost in excess of $25,000.

Mr. SQUIRE. I intended to offer an amendment to this paragraph of the bill. I introduced it yesterday. I now request that this item be passed over.

Mr. COCKRELL. We will disagree to the whole provision if the Senator does not want to have it inserted.

Mr. SQUIRE. No, sir; I do not agree to that, but I should like very much to have the item passed over until we may have an opportunity to consult a little as to whether it is best to present the amendment.

Mr. COCKRELL. Let it be passed over for the present.

The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 4, line 14, after the word "buildings," to insert "and the grounds belonging thereto," and in line 16, after the word "hundred," to insert "and ten;" so as to make the clause read:

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, post-offices, marine hospitals, quarantine stations, and other public buildings, and the grounds belonging thereto, under control of the Treasury Department, $210,000; of which amount the sum of $30,000 to be used for the marine hospitals and quarantine stations.

The amendment was agreed to.

The next amendment was, on page 5, after line 16, to insert:

The Secretary of the Treasury shall hereafter submit to Congress estimates in detail for all Government employés required in connection with the superintendence and construction of all public buildings under the Treasury Department, specifying the employés and amounts required for each public building.

The amendment was agreed to.

The next amendment was, on page 5, after line 23, to insert:

LIGHT-HOUSES, BEACONS, AND FOG SIGNALS.

Boston Harbor light-ship, Massachusetts: For constructing, equipping, and outfitting, complete for service, a first-class steam light-vessel with a steam fog signal, $70,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 10, to insert:

Baltimore light and fog-signal station, Maryland: For establishing a light and fog-signal station at or near the junction of new Cut-Off Channel and Craighill Channel, Baltimore Harbor, Maryland, $60,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 14, to insert:

Lower Cedar Point, Maryland: For reestablishing the Lower Cedar Point, Potomac River, Maryland, light, and providing a fog-signal therefor at a new location, $75,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 24, to insert:

North Manitou Island light station, Michigan: For establishing a light on North Manitou Island, Lake Michigan, Michigan, at a point to be designated by the Light-House Board, $20,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 3, to insert:

Grassy Island range lights, Michigan: For completing the range lights above Grassy Island, Detroit River, Michigan, $1,500.

The amendment was agreed to.

The next amendment was, on page 7, after line 15, to insert:

South Boston range lights, Massachusetts: Establishing range lights at or near Marine Park pier and City Point, Boston Harbor, $1,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 18, to insert:

South Pass light-vessel: Authority is hereby given for the establishment of a light-vessel off the South Pass of the Mississippi River in the Gulf of Mexico: *Provided*, That the light-vessel now established off Trinity Shoal, Gulf of Mexico, be first discontinued.

The amendment was agreed to.

The next amendment was, on page 7, after line 23, to insert:

Tampa Bay, Florida, additional aids to navigation: For the establishment of additional aids to navigation in Tampa Bay, Florida, in addition to the sum of $6,000 appropriated by the act approved July 27, 1892, $1,670.81.

The amendment was agreed to.

The next amendment was, on page 8, after line 12, to insert:

Absecon, Absecon Inlet, New Jersey: For the completion of the buoy depot, $1,200 in addition to the sum of $1,500 appropriated by the act approved August 2, 1888.

The amendment was agreed to.

The next amendment was, on page 8, after line 17, to insert:

Cape May, N. J.: For the completion of the boat-house for light-ships' boats at that place, $500 in addition to the $750 appropriated by the act approved October 2, 1888.

The amendment was agreed to.

The next amendment was, on page 9, line 3, before the word "thousand," to strike out "forty" and insert "sixty;" so as to make the clause read:

Mobile ship-channel lights, Alabama: For establishing additional lights in the Mobile ship channel, Alabama, $60,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 3, to insert:

Chandeleur light station, Louisiana: For the reëstablishment upon a safer site near by, the Chandeleur (Louisiana) light station, which was wrecked on October 1, 1893, by a hurricane, $35,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 8, to insert:

Sandusky Bay range light station, Ohio: For moving and rebuilding range lights and building keeper's dwelling, Sandusky Bay, Ohio, $25,000.

The amendment was agreed to.

The next amendment was, on page 9, line 16, after the word "dollars," to insert:

And the Light-House Board is hereby authorized to lease the necessary land for the sites of needed lights herein provided for, and for the sites of the lights in St. Marys River, Michigan, provided for by the act of March 3, 1891, pending the acquisition of the titles in accordance with sections 335 and 4661, United States Revised Statutes, or where such lights are for temporary use or are used to point out changeable channels.

So as to make the clause read:

For lighting Hay Lake Channel, St. Marys River, $43,550; and the Light-House Board is hereby authorized to lease the necessary land for the sites of needed lights herein provided for, etc.

The amendment was agreed to.

The next amendment was, on page 10, after line 17, to insert:

Devils Island light station, Wisconsin: To enable full payment to be made of the amount of the award, taxed costs, and clerk's fees in the matter of obtaining title by proceedings in condemnation to Devils Island, Apostle Group, Lake Superior, Wisconsin, required as a site for said light station, $283.94.

The amendment was agreed to.

The next amendment was, on page 11, line 8, before the word "thousand," to strike out "thirty" and insert "fifty;" so as to make the clause read:

North Head light station, Washington: Toward establishing a first-order light on North Head, Cape Disappointment, seacoast of Washington, $50,000.

The amendment was agreed to.

The next amendment was, at the top of page 14 to insert:

That it shall be the duty of the Secretary of the Treasury to apply the money herein appropriated for the Light-House Establishment, other than for surveys, estimates, and sites, by contract or otherwise, as may be most economical and advantageous to the Government.

The amendment was agreed to.

The next amendment was, on page 14, after line 5, to insert:

That the act approved March 2, 1889, appropriating $200,000 for the establishment of a light-house on Outer Diamond Shoal, off Cape Hatteras, North Carolina, with the proviso that the contract for the construction of the same may be let for the entire structure at a total cost not exceeding $500,000, is hereby so amended as to permit the construction of said light station to be effected by contract, or otherwise, at the discretion of the Secretary of the Treasury.

Mr. CHANDLER. I shall wish to ask some questions in connection with the amendment when the senior Senator from North Carolina [Mr. RANSOM] is present, but I have no objection to the adoption of the amendment at this time.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 16, line 2, after the word "refuge," to insert "including the old Chicago station;" so as to make the clause read:

For salaries of two hundred and fifty-three keepers of life-saving and life-boat stations and of houses of refuge, including the old Chicago station, $220,500.

The amendment was agreed to.

The next amendment was, on page 16, line 6, after the word "stations," to insert "including the old Chicago station;" so as to make the clause read:

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, during the period of actual employment; compensation of volunteers at life-saving and lifeboat stations, for actual and deserving service rendered upon any occasion of disaster, or in any effort to save persons from drowning, at such rate, not to exceed $10 for each volunteer, as the Secretary of the Treasury may determine, etc.

The amendment was agreed to.

The next amendment was, on page 17, line 10, after the word "cadets," to insert "hereafter appointed;" so as to make the clause read:

For expenses of the Revenue Cutter Service: For pay of captains, lieutenants, engineers, cadets, and pilots employed, and for rations for the same: *Provided*, That on and after the passage of this act the pay of cadets hereafter appointed in the Revenue Cutter Service shall be $500 per annum and one ration per day, in lieu of the rates at present authorized by law, chapter 246, paragraph 4, act July 31, 1876, etc.

The amendment was agreed to.

The next amendment was, on page 19, line 20, after the word "Treasury," to insert the following proviso:

Provided, That no part of the appropriation herein for engraving and printing shall be held to be contingent expenses under sections 240 and 3683 of the Revised Statutes.

So as to make the clause read:

For engravers', printers', and other materials, except distinctive paper, and for miscellaneous expenses, $181,000, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of the appropriation herein for engraving and printing, etc.

The amendment was agreed to.

The next amendment was, on page 22, line 22, before the word "hundred," to strike out "nine thousand seven" and insert "eleven thousand three;" so as to make the clause read:

For continuing the researches in physical hydrography relating to harbors and bars, including computations and plottings, and for continuing tidal and current observations on the Atlantic, Gulf, and Pacific coasts, $11,300.

The amendment was agreed to.

The next amendment was, on page 23, line 4, after the word "thousand," to insert "five hundred and fifty;" so as to make the clause read:

To continue magnetic observations, including the maintenance of the Magnetic Observatory, $2,550.

The amendment was agreed to.

The next amendment was, on page 23, line 21, before the word "hundred," to strike out "twelve thousand three" and insert "fourteen thousand eight;" so as to make the clause read:

For furnishing points to State surveys, to be applied as far as practicable in States where points have not been furnished; and for surveying and distinctly marking with permanent monuments that portion of the eastern boundary of the State of California commencing at and running southeastward from the intersection of the thirty-ninth degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, $14,800.

The amendment was agreed to.

The next amendment was, on page 24, line 15, before the word "dollars," to strike out "four thousand seven hundred" and insert "five thousand;" so as to make the clause read:

For objects not hereinbefore named that may be deemed urgent, including the actual necessary expenses of officers of the field force temporarily ordered to the office at Washington for consultation with the Superintendent, to be paid as directed by the Superintendent, in accordance with the Treasury regulations, $5,000.

The amendment was agreed to.

The next amendment was, on page 24, line 25, after the word "named," to insert "and 20 per centum of the foregoing amounts shall be available interchangeably for expenditure on the objects named;" so as to make the clause read:

For contribution to the International Geodetic Association for the Measurement of the Earth, $550, or so much thereof as may be necessary, to be expended through the office of the American legation at Berlin; and for expenses of the attendance of the American delegate at the general conference of said association, $570, or so much thereof as may be necessary: *Provided*, That such contribution and expenses of attendance shall be payable out of the item "for objects not hereinbefore named;" and 20 per centum of the foregoing amounts shall be available interchangeably for expenditure on the objects named.

The amendment was agreed to.

The next amendment was, on page 25, line 4, before the word "dollars," to strike out "five thousand eight hundred" and insert "ten thousand seven hundred and fifty;" so as to make the clause read:

In all, for field expenses, $110,750.

The amendment was agreed to.

The next amendment was, in the items for the Coast and Geodetic Survey, on page 25, line 9, before the word "thousand," to strike out "five" and insert "six;" so as to make the clause read:

Pay of field officers: For superintendent, $6,000.

The amendment was agreed to.

The next amendment was, on page 25, to strike out line 12 to line 21, inclusive, in the following words:

For four assistants, at $3,000 each.
For four assistants, at $2,500 each.
For sixteen assistants, at $2,000 each.
For nine assistants, at $1,500 each.
For two assistants, at $1,400 each.
For two assistants, at $1,200 each.

And to insert:

For one assistant, $3,200.
For three assistants, at $3,000 each.
For two assistants, at $2,800 each.
For two assistants, at $2,600 each.

For five assistants, at $2,400 each.
For six assistants, at $2,200 each.
For eight assistants, at $2,000 each.
For five assistants, at $1,800 each.
For four assistants, at $1,600 each.
For two assistants, at $1,400 each.
For four assistants, at $1,200 each.

The amendment was agreed to.

The next amendment was, on page 26, line 18, before the word "hundred," to strike out "three thousand six" and insert "four thousand five;" and in line 19, before the word "hundred," to strike out "ninety-two thousand eight" and insert "one hundred and nine thousand three;" so as to make the clause read:

For aids temporarily employed at a salary not greater than $900 per annum each, $4,500; in all, $109,300.

The amendment was agreed to.

The next amendment was, in the items for the Coast and Geodetic Survey, on page 29, line 17, before the word "dollars," to strike out "twenty-five thousand" and insert "forty-three thousand one hundred and thirty;" and in the same line, after the word "dollars," to strike out:

And the Secretary of the Treasury shall reduce the number or compensation, or both, of said office force; so as to make the whole of said compensation equal to the sum of $125,000 for the fiscal year 1895: *Provided*, That nothing herein shall be construed to affect the civil-service rules in so far as now applicable to the Coast and Geodetic Survey; and he shall submit estimates in detail for the said office force, as reorganized hereunder, in his annual estimates to Congress for the fiscal year 1896.

And insert:

And the Secretary of the Treasury shall examine and report to the next Congress, at its first session, what reduction can be made in the number and salaries of the employés of the Coast and Geodetic Survey without serious detriment to the service.

So as to make the clause read:

For two at $365 each; in all, for pay of office force, not exceeding $143,130.
And the Secretary of the Treasury shall examine and report to the next Congress, at its first session, what reduction can be made in the number and salaries of the employés of the Coast and Geodetic Survey without serious detriment to the service.

The amendment was agreed to.

The next amendment was, on page 31, after line 2, to insert:

That hereafter the Secretary of the Treasury be, and he is hereby, authorized and directed to furnish precise copies of standard weights and measures bearing the seal of the office of construction of standard weights and measures of the United States, and accompanied by a suitable certificate, to any State, Territory, or institution heretofore furnished with the same, upon application in writing by the governor in the case of a State or Territory, or by the official head in the case of an institution, setting forth that the copies of standards applied for are to replace similar ones heretofore furnished, in accordance with law, by the office of construction of standard weights and measures of the United States, which have been lost or destroyed: *Provided*, That the applicant shall, before the said standards are delivered, first deposit with the Secretary of the Treasury the amount of money necessary to defray all expenses incurred by the office of construction of standard weights and measures in furnishing the same, which amount shall be covered into the Treasury of the United States to the credit of miscellaneous receipts, as soon as the weights or measures are delivered for transportation into the hands of such persons as are designated by the officers ordering the same.

The amendment was agreed to.

The next amendment was, on page 33, after line 2, to insert:

For rent for workshops for the National Museum, $600.

The amendment was agreed to.

The next amendment was, in the items for the Fish Commission, on page 34, line 13, before the word "hundred," to strike out "two" and insert "eight;" in line 14, before the word "hundred," to strike out "two" and insert "five," and in line 23, before the word "hundred," to strike out "twenty-four thousand eight" and insert "twenty-five thousand seven;" so as to make the clause read:

Office of Commissioner: For compensation of the Commissioner, $5,000; chief clerk, $2,400; stenographer to Commissioner, $1,800; librarian, $1,500; one clerk of class 4; two clerks of class 3; one clerk at $1,000; two clerks at $900 each; one clerk, $600; one engineer, $1,080; three fireman, at $540 each; two watchmen, at $720 each; three janitors and messengers, at $600 each; one janitress, $480; one messenger, $240; in all, $25,760.

The amendment was agreed to.

The next amendment was, on page 34, line 25, before the word "hundred," to strike out "two" and insert "four;" and on page 35, line 4, before the word "hundred," to strike out "two" and insert "four;" so as to make the clause read:

Office of accounts: Disbursing agent, $2,400; examiner of accounts, $1,600; property clerk, $1,600; bookkeeper, $1,080; clerk, $720; in all, $7,400.

The amendment was agreed to.

The next amendment was, on page 35, line 11, before the word "hundred," to strike out "five" and insert "seven;" and in line 15, before the word "hundred," to strike out "four" and insert "six;" so as to make the clause read:

Division of fish culture: Office—Assistant in charge, $2,700; superintendent of car and messenger service, $1,600; one clerk of class 3; one clerk of class 1; two clerks, at $900 each; one copyist, $720; in all, $9,620.

The amendment was agreed to.

The next amendment was, on page 35, line 19, before the word "hundred," to strike out "five" and insert "eight;" and in line 22, before the word "hundred," to strike out "six" and insert "nine;" so as to make the clause read:

Division of fish culture, station employés: Central station, Washington, D. C.: Superintendent, $1,800; one clerk, $900; one skilled laborer, $720; one laborer, at $180; in all, $3,900.

The amendment was agreed to.

The next amendment was, on page 36, line 2, before the word "hundred," to strike out "five" and insert "eight;" and in line 4, before the word "hundred," to strike out "six" and insert "nine;" so as to make the clause read:

Fish ponds, Washington, D. C.: Superintendent, $1,800; foreman, $840; two laborers, at $660 each; in all, $3,960.

The amendment was agreed to.

The next amendment was, on page 36, line 12, before the word "dollars," to strike out "one thousand five hundred" and insert "two thousand;" and in line 14, before the word "hundred," to strike out "two thousand seven" and insert "three thousand two," so as to make the clause read:

Craigs Brook (Maine) station: Superintendent, $2,000; foreman, $720; one laborer, at $540; in all, $3,260.

The amendment was agreed to.

The next amendment was, on page 37, line 15, before the word "dollars," to strike out "one thousand five hundred" and insert "two thousand;" and in line 19, before the word "hundred," to strike out "four thousand nine" and insert "five thousand four;" so as to make the clause read:

Northville (Mich.) station: Superintendent, $2,000; foreman, $960; fish culturist, $600; skilled laborer, $480; three laborers, at $480 each; in all, $5,480.

The amendment was agreed to.

The next amendment was, on page 37, line 24, before the word "hundred," to strike out "five" and insert "eight;" and on page 38, line 1, before the word "hundred," to strike out "four" and insert "seven;" so as to make the clause read:

Duluth (Minn.) station: Superintendent, $1,800; foreman, $900; machinist, $840; two laborers, at $600 each; in all, $4,740.

The amendment was agreed to.

The next amendment was, on page 38, line 4, before the word "hundred," to strike out "five" and insert "eight;" and in line 6, before the word "hundred," to strike out "two thousand eight" and insert "three thousand one;" so as to make the clause read:

Neosko (Mo.) station: Superintendent, $1,800; foreman, $720; one laborer, at $600; in all, $3,120.

The amendment was agreed to.

The next amendment was, on page 38, line 8, before the word "hundred," to strike out "five" and insert "eight;" and in line 11, before the word "hundred," to strike out "four thousand nine" and insert "five thousand two;" so as to make the clause read:

Leadville (Colo.) station: Superintendent, $1,800; foreman, $1,200; two fish culturists, at $900 each; cook, $480; in all, $5,280.

The amendment was agreed to.

The next amendment was, on page 38, line 13, before the word "dollars," to strike out "one thousand five hundred" and insert "two thousand;" and in line 15, before the word "hundred," to strike out "four" and insert "nine;" so as to make the clause read:

Baird (Cal.) and Fort Gaston (Cal.) stations: Superintendent, $2,000; foreman, $1,080; foreman, $900; in all, $3,980.

The amendment was agreed to.

The next amendment was, on page 39, line 21, before the word "hundred," to strike out "five" and insert "seven;" and on page 40, line 4, before the word "hundred," to strike out "fourteen thousand nine" and insert "fifteen thousand one;" so as to make the clause read:

Division of statistics and methods of the fisheries: Assistant in charge, $2,760; one clerk, class 4; one clerk, class 1; two clerks, at $1,000 each; one clerk, at $900; two clerks, at $720 each; statistical agent, at $1,200; three statistical agents, at $1,000 each; one local agent at Boston, Mass., $300; one local agent at Gloucester, Mass., $900; in all, $15,140.

The amendment was agreed to.

The next amendment was, on page 41, line 22, before the word "preparation," to insert "and."

The amendment was agreed to.

The next amendment was, on page 42, after line 10, to insert:

Fish hatchery, Tennessee: For the establishment of a fish-cultural station in the State of Tennessee at some suitable point to be selected by the United States Commissioner of Fish and Fisheries, including purchase of site, construction of buildings and ponds, and its equipment, $12,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 42, after line 16, to insert:

Fish hatchery, Lake County, Colo.: For the completion of the United States fish-cultural station in Lake County, Colo., authorized by act approved March 2, 1889, $6,500.

The amendment was agreed to.

The next amendment was, on page 42, after line 21, to insert:

Fish hatchery, New York: For the completion of the United States fish-

cultural station on or near the St. Lawrence River, New York, authorized by the act approved March 3, 1891, $7,000.

The amendment was agreed to.

The next amendment was, at the end of the items for the Fish Commission, at the top of page 43, to insert:

And 10 per cent of the foregoing amounts for the miscellaneous expenses of the work of the Commission shall be available interchangeably for expenditure on the objects named.

The amendment was agreed to.

The next amendment was, under the heading "Interstate Commerce Commission," on page 43, line 10, after the word "expenditures," to strike out "including expenses in employment of counsel;" and in line 12, after the words "effect to," to strike out "execute, and to enforce;" so as to make the clause read:

For all other necessary expenditures, to enable the Commission to give effect to the provisions of the "Act to regulate commerce," and all acts and amendments supplementary thereto, $184,000.

Mr. CHANDLER. I should like to ask the Senator from Missouri what the object is in depriving the Interstate Commerce Commission of the right to employ counsel in the conduct of its affairs.

Mr. COCKRELL. We do not take away from them the right that they already have. This provision, as amended, simply leaves the law as it has been for years. As it stands, it would be practically an express direction to the Interstate Commerce Commission to employ attorneys. We did not think it was best to build up an Attorneys-General office in that bureau for the present.

Mr. CHANDLER. The Senator from Missouri knows very well that all the business of the Interstate Commerce Commission is very important, and certainly the Commission ought not to be limited in its powers. I suppose that the House inserted these words because they believed there was some doubt of the right of the Commission to employ counsel in appropriate cases.

Mr. COCKRELL. I do not think there is any doubt about their general jurisdiction. We leave the law just as it has been for years. They have been getting along remarkably well, and we did not think it was best to make any change.

Mr. CULLOM. I should like to ask the attention of the chairman of the Committee on Appropriations to this item for a moment. I will state to begin with that the secretary of the Commission has always acted as disbursing officer of the Commission. Whether the provision that we have made cutting off men from holding two offices would interfere with that I do not know.

Mr. COCKRELL. I do not think it would.

Mr. CULLOM. I am inclined to think that if the words "who shall act as disbursing agent or clerk in addition to his duties as secretary" were added it might make it certain.

Mr. COCKRELL. There is no such office as a disbursing office. The clerk does the disbursing, and has been doing it all the time.

Mr. CULLOM. There is no question about the salary involved. It is merely a question of whether he will have the right to act, in view of the other amendment.

Mr. COCKRELL. There is no difficulty about a man performing the duties of two or three offices if he does not get any additional pay for the other offices.

Mr. CULLOM. I shall not offer any amendment.

The PRESIDING OFFICER. The question is on the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 43, after line 18, to insert:

World's Columbian Exposition: To enable the President to reimburse the Republic of France and French exhibitors for losses sustained by them by fire on the night of January 8 and 9, 1894, in the Building of Manufactures and Liberal Arts of the World's Columbian Exposition at Chicago, $70,000, or so much thereof as may be necessary; and the President shall cause proofs to be taken, satisfactory to himself, and shall determine the amount to be awarded to the French Government and to the several exhibitors, respectively, in full for all said losses.

Mr. COCKRELL. It will be necessary to change the amount in that item. As I understand, the loss was greater than the amount which has been inserted by the committee. Let the amendment be adopted for the present, and we can change the sum in the Senate. I expected to get some information in relation to the subject this morning, but have not yet received it. I understand the amount should be $91,000 instead of $70,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 44, after line 4, to insert:

The President of the United States is hereby authorized, in such form and manner as he shall deem most suitable, to signify to the governments of the several countries duly represented at the World's Columbian Exposition, and to their leading official representatives thereat, the grateful appreciation of the Government and people of the United States of America for their valued contributions to the success of said exposition, and for their friendly participation in the commemoration of one of the most important events in human history; and the sum of $2,500, or so much thereof as may be necessary, is hereby appropriated for this purpose, to be paid upon the order of the President.

The amendment was agreed to.

The next amendment was, on page 45, after line 5, to insert:

Reimbursement of Briscoe B. Bouldin: For reimbursement for actual expenses incurred by Briscoe B. Bouldin, a deputy collector of internal revenue, on account of wounds received in the discharge of his official duties, $205.15, or so much thereof as may be found by the Commissioner of Internal Revenue to have been expended by said Bouldin on account of his said wounds.

The amendment was agreed to.

The next amendment was, on page 45, line 22, after the word "dollars," to strike out "to be immediately available;" so as to make the clause read:

Transportation of silver coin: For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, $40,000, etc.

The amendment was agreed to.

The next amendment was, on page 46, line 22, after the word "superintendent," to strike out "sixty thousand" and insert "seventy-two thousand and seventy;" so as to make the clause read:

Distinctive paper for United States securities: For paper, including transportation, salaries of register, two counters, five watchmen, one laborer, and expenses of officer detailed from the Treasury as superintendent, $72,070.

The amendment was agreed to.

The next amendment was, on page 48, line 3, after the words "District of Columbia," to strike out "seven hundred and twenty-five" and insert "eight hundred;" so as to make the clause read:

Pay of assistant custodians and janitors: For pay of assistant custodians and janitors, including all personal services in connection with all public buildings under control of the Treasury Department outside of the District of Columbia, $800,000; and the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

The amendment was agreed to.

The next amendment was, on page 48, line 25, after the word "light," to strike out "and power;" so as to read:

Fuel, lights, and water for public buildings: For fuel, lights, water, electric current for light purposes, electric-light plants, including repairs thereto, in such buildings as may be designated by the Secretary of the Treasury for electric-light wiring, and miscellaneous items required by the janitors, firemen, or engineers in the proper care of the buildings, furniture, and heating apparatus, exclusive of personal services, for all public buildings, marine hospitals included, under the control of the Treasury Department, inclusive of new buildings, $850,000.

The amendment was agreed to.

The next amendment was, on page 50, line 10, after the words "Revised Statutes," to strike out "and $5,000 for the necessary investigation of violations of section 5209 of the Revised Statutes;" so as to read:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction, dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including $4,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes, and for no other purpose whatever, $60,000.

The amendment was agreed to.

The next amendment was, on page 50, line 21, after the words "United States," to insert "the examination of titles, recording of deeds, advertising, and auctioneer's fees;" and in line 23, before the word "hundred," to strike out "five" and insert "four;" so as to make the clause read:

Lands and other property of the United States: For custody, care, and protection of lands and other property belonging to the United States, the examination of titles, recording of deeds, advertising, and auctioneer's fees, $400.

The amendment was agreed to.

The next amendment was, on page 51, line 19, after the word "territory," to strike out "ninety" and insert "one hundred;" so as to make the clause read:

Enforcement of alien contract-labor laws: For the enforcement of the alien contract-labor laws and to prevent the immigration of convicts, lunatics, idiots, and persons liable to become a public charge, from foreign contiguous territory, $100,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 5, to insert:

Bureau of Immigration: The head money from alien passengers on and after the 1st day of October next, collected under the act of August 3, 1882, to regulate immigration, shall be $1 in lieu of the 50 cents as provided in said act, and such head money and all other receipts which shall be collected on and after July 1, 1895, in connection with immigration shall be covered into the Treasury; and the Secretary of the Treasury shall report to the next

regular session of Congress a plan for the organization of the service in connection with immigration and make detailed estimates of the employés necessary for such service, and their compensation and all other expenses.

The amendment was agreed to.

The next amendment was, on page 52, after line 18, to insert:

That section 3687 of the Revised Statutes is hereby amended by adding thereto the following: "And to pay the salaries of watchmen and night watchmen in custom-houses, who may be designated by the Secretary of the Treasury to act as inspectors of customs."

The amendment was agreed to.

The next amendment was, on page 53, line 11, after the word "dollars," to insert:

And of the portion of said sum to be distributed to the inhabitants of St. Paul Island, $3,325 shall be paid to the bishop of the Greek Church, San Francisco, Cal., in full satisfaction of that amount contributed by members of said church of said island and placed in the hands of the agent of the North American Commercial Company for delivery to the bishop of said church, and afterwards, under instructions of the Treasury Department, expended in furnishing the natives of said island necessary supplies to prevent suffering and starvation, a pro rata amount being allowed each of the families on said island; and the Secretary of the Treasury is hereby required to fix a reasonable price to be paid the natives of said island for blue fox skins secured by them.

So as to make the clause read:

To enable the Secretary of the Treasury to furnish food, fuel, and clothing to the native inhabitants on the islands of St. Paul and St. George, Alaska, $19,500, and of the portion of said sum to be distributed to the inhabitants of St. Paul Island, $3,325 shall be paid to the bishop of the Greek Church, San Francisco, Cal., in full satisfaction of that amount contributed by members of said church of said island and placed in the hands of the agent of the North American Commercial Company for delivery to the bishop of said church, and afterwards, under instructions of the Treasury Department, expended in furnishing the natives of said island necessary supplies to prevent suffering and starvation, a pro rata amount being allowed each of the families on said island; and the Secretary of the Treasury is hereby required to fix a reasonable price to be paid the natives of said island for blue fox skins secured by them.

The amendment was agreed to.

The next amendment was, on page 54, before line 3, to insert:

For two coal houses on the islands of St. Paul and St. George, Alaska, $800.

The amendment was agreed to.

The next amendment was, on page 54, after line 11, to insert:

To enable the Secretary of the Treasury to pay necessary expenses of enforcing the conditions of section 4 of the act approved April 6, 1894, giving effect to the award rendered by the Tribunal of Arbitration at Paris, 1893, $1,500.

The amendment was agreed to.

The next amendment was, on page 54, after line 17, to insert:

Payments on account of Ford Theater disaster: For payment to the heirs and legal representatives of those who were killed at the falling of the Ford Theater building, on the 9th day of June, 1893, $105,000, of which sum there shall be paid to the heirs and legal representatives of each of the following persons the sum of $5,000: George Q. Allen, George Michael Arnold, Samuel P. Barnes, John Bussius, John E. Chapin, Jeremiah Daly, Joseph R. Fagan, Joseph Barker Gage, David Clark Jordan, Justus Boyd Jones, Frederick B. Loftus, Jay Hirst McFall, Otto F. W. Meder, Howard S. Miller, Benjamin Franklin Miller, Burrows Nelson, Emanuel G. Shull, Frank M. Williams, Alfred L. Ames, Arthur Napoleon Girault, and Michael T. Mulledey.

The amendment was agreed to.

The next amendment was, on page 55, after line 7, to insert:

Report upon explosives: To enable the Secretary of the Treasury to investigate and report upon the importation, use, transportation, and manufacture of high and low explosives, with the view of securing by legislation greater security to life and property, $5,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 12, to insert:

That there shall be appointed in the district of Baltimore, State of Maryland, one assistant appraiser of merchandise, at an annual salary of $2,500, who shall reside at the port of Baltimore.

The amendment was agreed to.

The next amendment was, on page 55, line 20, after the words "Cape Charles," to insert "and supplemental stations;" and in line 23, after the words "Port Townsend," to strike out "seventy-five," and insert "ninety;" so as to make the clause read:

QUARANTINE SERVICE.

For the maintenance and ordinary expenses, including pay of officers and employés of quarantine stations at Delaware Breakwater, Reedy Island, Cape Charles and supplemental stations, South Atlantic Station (Sapelo Sound), Brunswick, Key West, Gulf, San Diego, San Francisco, and Port Townsend, $90,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 23, to insert:

For ballast scows, small hospital, repairs to buildings, and boat landings, for the Gulf quarantine station, Ship Island, Mississippi (transferred from Chandeleur Island), $5,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 2, to insert:

For establishing a quarantine station, and maintenance of same, at or near Southport, N. C., $25,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 56, after line 21, to insert:

For a new copper roof for the Pension Office building, $28,560.

The amendment was agreed to.

The next amendment was, on page 57, after line 2, to insert:

For repairs and improvements to the steam-heating apparatus, including elevators and machinery, of the Senate wing of the Capitol, to be expended under the direction of the Architect of the Capitol, $2,575.

The amendment was agreed to.

The next amendment was, on page 57, after line 7, to insert:

For removal of the ranges, steamers, and apparatus of the Senate restaurant, the work to be done under the supervision of the Architect of the Capitol extension, $1,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 57, after line 11, to insert:

For purchase of the electric lighting plant in the Senate wing, $10,000.

For repairs and extension of the same, to meet the present requirements of the service, $10,000.

For construction of an elevator leading to the Supreme Court rooms, to be expended under the direction of the Architect of the Capitol, $2,300.

To provide flags for the east and west fronts of the center of the Capitol, to be hoisted daily under the direction of the Capitol Police board, $100, or so much thereof as may be necessary.

For the repair of paintings in the Capitol, including repairs to the frames of the same, to be expended under the direction of the Joint Committee on the Library, $1,000.

The amendment was agreed to.

The next amendment was, on page 58, line 16, after the word "lighting," to strike out "for use of electric lighting plants in Senate and House wings at not exceeding $200 per month during the sessions of Congress;" so as to make the clause read:

Lighting the Capitol and grounds: For lighting the Capitol and grounds about the same, including the Botanic Garden, and the Senate and House stables; for gas and electric lighting; pay of superintendent of meters, lamplighters, gas-fitters, and for materials and labor for gas and electric lighting, and for general repairs, $24,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 21, to insert:

The Architect of the Capitol, with the approval of the Committee on Rules of the Senate and House of Representatives, is hereby authorized to arrange, for not exceeding one year, with any existing electric lighting company in the city of Washington to furnish electric current for the Capitol building at a rate not to exceed one-half a cent per hour of burning of a nominal 16-candle power incandescent lamp or an equivalent thereof; and the Architect of the Capitol is also authorized to grant permission to said electric lighting company to lay an underground conduit through the Capitol grounds in order to connect its supply mains with the Capitol building with a view to furnishing current to the electric lights in said building, no expense to be chargeable to the Government for laying such conduit or mains; any injury to the grounds or appurtenances caused thereby to be repaired by the said company.

The amendment was agreed to.

The next amendment was, on page 59, after line 19, to strike out:

And it shall be the duty of the Secretary of the Interior to consolidate the district land offices so as to bring their total compensation for the fiscal year 1895 within this appropriation.

The amendment was agreed to.

The next amendment was, on page 60, line 13, after the word "lands," to strike out "eighty-five" and insert "sixty;" and in line 19, after the word "transportation," to insert "and the Secretary of the Interior shall so apportion the foregoing appropriation as to prevent a deficiency therein;" so as to make the clause read:

Depredations on public timber, protecting public lands, and settlement of claims for swamp lands and swamp-land indemnity: To meet the expenses of protecting timber on the public lands and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, $60,000: *Provided*, That agents and others employed under this appropriation shall be allowed per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence at a rate not exceeding $3 per day each and actual necessary expenses for transportation; and the Secretary of the Interior shall so apportion the foregoing appropriation as to prevent a deficiency therein.

The amendment was agreed to.

The next amendment was, on page 61, line 14, after the word "surveys," to strike out "and resurveys;" in the same line, after the word "lands," to strike out "one" and insert "two;" and on page 62, line 7, after the word "surveys," to strike out "and resurveys;" so as to read:

For surveys of public lands, $275,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines: *Provided*, That in expending this appropriation preference shall be given in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States by the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890, and other surveys shall be confined to lands adapted to agriculture, and lines of reservations, except that the Commissioner of the General Land Office may allow, for the survey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $13 per linear mile for standard and meander lines, $11 for township, and $7 for section lines, and in cases of exceptional difficulties in the surveys, when the work can not be contracted for at these rates, compensation for surveys may be made by the said Commissioner, with the approval of the Secretary of the Interior, at rates not exceeding $18 per linear mile for standard and meander lines, $15 for township, and $12 for section lines.

The amendment was agreed to.

The next amendment was, on page 62, line 18, after the word "lines," to strike out:

Provided further, That it shall be lawful for the governor of the State of Washington to apply to the surveyor-general for the surveying district of Washington for the survey of any township or townships of public land then remaining unsurveyed in his surveying district, with a view to satisfy the public land

grants made to that State by the act of Congress of February 22, 1889, to the extent of the full quantity of land called for thereby; and on his doing so the surveyor-general shall proceed to have the survey or surveys so applied for made as in other cases of the survey of public lands, and the lands that may be found to fall within the limits of such township or townships as ascertained by the survey, shall be reserved after the filing of the application for survey from any adverse appropriation by settlement or otherwise except under rights that may be found to exist of prior inception, for a period to extend from such application for survey until the expiration of sixty days from the date of the filing of the township plat of survey in the proper district land office, during which period of sixty days the State may select any of such lands not embraced in any valid adverse claim, for the satisfaction of such grants, with the condition, however, that the governor of the State, within thirty days from the date of such filing of the application for survey, shall cause a notice to be published, which publication, shall be continued for thirty days from the first publication in some newspaper of general circulation in the vicinity of the lands likely to be embraced in such township or townships, giving notice to all parties interested of the fact of such application for survey and the exclusive right of selection by the State for the aforesaid period of sixty days as herein provided for, and after the expiration of such period of sixty days, any lands which may remain unselected by the State, and not otherwise appropriated according to law, shall be subject to disposal under general laws as other public lands.

The amendment was agreed to.

The next amendment was, on page 64, after line 13, to insert:

That it shall be lawful for the governors of the States of Washington, Idaho, Montana, North Dakota, South Dakota, and Wyoming to apply to the Commissioner of the General Land Office for the survey of any township or townships of public land then remaining unsurveyed in any of the several surveying districts, with a view to satisfy the public land grants made by the several acts admitting the said States into the Union to the extent of the full quantity of land called for thereby; and upon the application of said governors the Commissioner of the General Land Office shall proceed to immediately notify the surveyor-general of the application made by the governor of any of the said States of the application made for the withdrawal of said lands, and the surveyor-general shall proceed to have the survey or surveys so applied for made, as in the cases of surveys of public lands; and the lands that may be found to fall within the limits of such township or townships, as ascertained by the survey, shall be reserved upon the filing of the application for survey from any adverse appropriation by settlement or otherwise except under rights that may be found to exist of prior inception, for a period to extend from such application for survey until the expiration of sixty days from the date of the filing of the township plat of survey in the proper district land office, during which period of sixty days the State may select any of such lands not embraced in any valid adverse claim, for the satisfaction of such grants, with the condition, however, that the governor of the State, within thirty days from the date of such filing of the application for survey, shall cause a notice to be published, which publication shall be continued for thirty days from the first publication, in some newspaper of general circulation in the vicinity of the lands likely to be embraced in such township or townships, giving notice to all parties interested of the fact of such application for survey and the exclusive right of selection by the State for the aforesaid period of sixty days as herein provided for; and after the expiration of such period of sixty days any lands which may remain unselected by the State, and not otherwise appropriated according to law, shall be subject to disposal under general laws as other public lands: *And provided further*, That the Commissioner of the General Land Office shall give notice immediately of the reservation of any township or townships to the local land office in which the land is situate of the withdrawal of such township or townships, for the purpose hereinbefore provided: *And provided further*, That the governors of the several States herein named are authorized to advance money from time to time for the survey of the townships withdrawn at such United States depository as may be designated by the Commissioner of the General Land Office, and the moneys so advanced, shall be reimbursable. The foregoing provisions shall be applicable to Utah when admitted as a State into the Union and a governor is duly inaugurated and acting.

For the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, and the selection therein of such lands as are granted therefor, to enable the Secretary of the Interior to carry out the provisions of section 1 of the act of March 3, 1887, entitled "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes," being chapter 376 of volume 24 of the Statutes at Large, page 556, the sum of $125,000, which was appropriated therefor by the act approved August 5, 1892, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1893, and for other purposes," is hereby appropriated and continued, and any money which shall have been expended of such appropriation and reimbursed and paid into the Treasury is hereby reappropriated, and the said sum shall remain a continuing appropriation, and so often as any part of the same shall, after being expended, be reimbursed by any railroad company as hereinafter provided, the same shall be again available for the purposes aforesaid: *Provided*, That any portion of said sum expended for surveying such lands shall be reimbursed by the respective companies or parties in interest for whose benefit the lands are granted, according to the provisions of the act of July 15, 1870, chapter 292, volume 16, pages 305 and 306, and act of July 31, 1876, chapter 246 of volume 19, page 121, of the Statutes at Large, requiring "that before any lands granted to any railroad company shall be conveyed to such company or any person entitled thereto under any of the acts incorporating or relating to said company, unless said company is excepted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same, by the said company or persons in interest:" *Provided*, That no part of the foregoing moneys shall be used for any land embraced in any grant to the State of Florida.

The amendment was agreed to.

The next amendment was, on page 69, after line 2, to insert:

For the retracement of so much of the boundary line between the States of Louisiana and Arkansas and of the boundary line between said States and the State of Texas, and the lines of public land surveys closing thereon, as will enable the surveyor-general of Louisiana to construct a proper plat of certain lands in township 23 north, range 16 west, in the State of Louisiana, over which, owing to discrepancies in existing surveys, neither Arkansas nor Louisiana now claims jurisdiction, and to enable the United States land officers to admit entries of said lands, $500, or so much thereof as may be necessary for the purpose.

The amendment was agreed to.

The next amendment was, on page 69, after line 20, to insert:

Port Angeles town-site, Washington: That suburban blocks numbered 87, 88, 89, 90, 91, 92, 93, and 94, within the limits of the Government town-site reserve of Port Angeles, in the State of Washington, shall be, and are each hereby, granted and confirmed to the town or city of Port Angeles, Wash., for use as a burial ground or cemetery; and upon application therefor by the proper municipal authorities of said town or city to the Secretary of the Interior, patent shall be issued for said blocks, respectively, to said authorities and for the purpose herein expressed.

The amendment was agreed to.

The next amendment was, on page 70, after line 6, to insert:

Des Moines River lands settlers: To adjust the claims of settlers on the so-called Des Moines River lands, in the State of Iowa, $200,000, or so much thereof as may be necessary, to be expended by the Secretary of the Interior, in the following manner: The Secretary of the Interior shall appoint a special commissioner to investigate, hear, and determine the claims of all persons, their heirs and assigns, holding patents or other written evidence of title to the lands in the so-called Des Moines River land grant, whose title thereto from the United States has failed. Said commissioner shall find the reasonable sum due, if anything, to the respective claimants, and the measure of damages of said claimants shall be the amount heretofore expended by them to purchase the paramount title to said lands, or in case they have not heretofore purchased the outstanding paramount title, the measure of their damages shall be the reasonable value of such paramount title, if they are still in possession, or the reasonable value of same at time of eviction, in cases of eviction. Said commissioner, in making such examination, shall find and determine:

First. The amount of the just claims of persons, their heirs or assigns, holding patents or other written evidences of title from the United States, who are now and who have been in continuous possession thereunder.

Second. The claims of persons, their heirs or assigns, holding written evidences of title from the United States, who have been evicted from said lands by process of court at the suit of the Des Moines River Navigation Company or its assigns.

Third. The claims of persons, their heirs or their assigns, for a valuable consideration, whose chain of title runs back to the person making the original entry of said lands, and who have heretofore purchased the paramount title: *Provided*, That if the amount herein appropriated is not sufficient to settle all the claims hereinbefore described and included in Schedule E of special report submitted to Congress by the Secretary of the Interior May 15, 1894, being Senate Executive Document No. 97, present session, those remaining unpaid shall be submitted to Congress by the Secretary of the Interior, giving the amount of each claim, and such payments shall not include any claim of any preëmptor or homesteader who had actual notice of the adverse claim of the Des Moines River Navigation Company at the time of making such preëmption or homestead claim and only paid the necessary fees to the land officers, and who made no valuable improvements on the lands so preëmpted or homesteaded. All such claims shall be reported to Congress, and all the facts in regard to any claim of preëmption and homestead entry, in such cases, shall be reported to Congress: *Provided further*, That said claims, except those hereinbefore indicated, shall be paid in the order of their approval by the Secretary of the Interior, and no money shall be paid hereunder, in any case, until the findings of the commissioner, in such case, are approved by the Secretary of the Interior, who shall have full authority to control all proceedings authorized by this paragraph. To pay the expenses arising under the preceding paragraph, in addition to the appropriation to pay said claims, $12,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "United States Geological Survey," on page 73, line 15, after the words "United States," to strike out "two hundred" and insert "one hundred and fifty;" in line 16, before the word "thousand," to strike out "sixty" and insert "thirty-five;" and in line 19, after the word "least," to strike out "one-half" and insert "one-third;" so as to make the clause read:

For topographic surveys in various portions of the United States, $150,000; $35,000 of which shall be expended west of the ninety-seventh meridian in the States of North Dakota, South Dakota, Nebraska, Kansas, Texas, and the Territory of Oklahoma, and at least one-third of the remainder shall be expended west of the one hundred and third meridian.

The amendment was agreed to.

The next amendment was, on page 73, line 23, to increase the appropriation "for geological surveys in the various portions of the United States," from "$70,000" to "$100,000."

The amendment was agreed to.

The next amendment was, on page 74, line 2, to increase the appropriation "for chemical and physical researches relating to the geology of the United States," from "$5,000" to "$7,000."

The amendment was agreed to.

The next amendment was, on page 74, line 6, to increase the appropriation "for the preparation of the report of the mineral resources of the United States," from "$12,000" to "$15,000."

The amendment was agreed to.

The next amendment was, on page 74, line 11, to increase the appropriation "for engraving and printing the geological maps of the United States," from "$55,000" to "$65,000."

The amendment was agreed to.

The next amendment was, on page 74, after line 11, to insert:

For gauging the streams and determining the water supply of the United States, $5,000.

The amendment was agreed to.

The next amendment was, on page 74, line 16, after the word "all," to insert "for the United States Geological Survey;" so as to make the clause read:

In all, for the United States Geological Survey, $414,100.

The amendment was agreed to.

The next amendment was, in the appropriations for "Howard University," on page 76, after line 19, to insert:

For books for the library of the law department, $1,000.

The amendment was agreed to.

The next amendment was, on page 77, line 1, to increase the total amount of the appropriations for "Howard University," from "$28,500" to "$29,500."

The amendment was agreed to.

The next amendment was, under the head of "Under the War Department," in the appropriations for "armories and arsenals," on page 77, line 17, to increase the appropriation "for machinery and shop fixtures and renewal of steam plant," at the Rock Island Arsenal, from "$10,000" to "$15,000."

The amendment was agreed to.

The next amendment was, on page 77, line 23, after the word "power," to insert "$40,000;" on page 78, line 1, before the word "dollars," to strike out "thirty thousand," and insert "twenty-seven thousand five hundred;" and after the word "dollars," at the end of line 1, to insert "in all $67,500;" so as to make the clause read:

For extraordinary repairs of the dikes and dams of the Rock Island water power, $40,000, and for repairing Moline dam wall and counterports and foundations, $27,500; in all $67,500.

The amendment was agreed to.

The next amendment was, on page 78, after line 22, to insert:

For constructing a new fence along the west side of the arsenal on Hanna street, $5,759.

The amendment was agreed to.

The next amendment was, on page 81, line 10, after the word "nursery," to insert "trees and stock for nursery to be purchased by contract or otherwise, as the Secretary of War may determine;" so as to make the clause read:

For trees, tree and plant stakes, labels, lime, whitewashing, and stock for nursery, trees and stock for nursery to be purchased by contract or otherwise, as the Secretary of War may determine, $2,000.

The amendment was agreed to.

The next amendment was, on page 83, line 11, before the word "dollars," to strike out "twenty" and insert "twenty-one;" so as to read:

Lighting the Executive Mansion and public grounds: For gas, pay of lamplighters, gas-fitters, and laborers; purchase, erection, and repair of lamps and lamp-posts; purchase of matches, and for repairs of all kinds; fuel and lights for office, office stables, watchmen's lodges, and for the greenhouses at the nursery, $14,000: *Provided*, That for each six-foot burner not connected with a meter in the lamps on the public grounds no more than $21.50 shall be paid per lamp for gas, including lighting, cleaning, and keeping in repair the lamps, under any expenditure provided for in this act, etc.

The amendment was agreed to.

The next amendment, on page 83, line 25, before the word "cents," to strike out "thirty" and insert "forty;" and on page 84, line 1, after the word "night," to strike out "$766.50" and insert "$1,022," so as to make the clause read:

For electric lights for three-hundred and sixty-five nights from seven posts, at 40 cents per light per night, $1,022.

The amendment was agreed to.

The next amendment was, in the appropriations for "military posts," on page 85, line 14, after the word "necessary," to strike out "two hundred" and insert "three hundred and fifty;" and in line 15, after the word "dollars," to insert: "And the limit of expenditure for the construction of Fort Crook, Nebr., is hereby increased to $700,000;" so as to make the clause read:

For the construction of buildings at, and the enlargement of such military posts as, in the judgment of the Secretary of War, may be necessary, $350,000. And the limit of expenditure for the construction of Fort Crook, Nebr., is hereby increased to $700,000.

The amendment was agreed to.

The next amendment was on page 85, after line 17, to insert:

Fort Ethan Allen military reservation: To enable the Secretary of War to acquire the title, for military purposes, to additional lands, not exceeding 160 acres, required to extend the military reservation of Fort Ethan Allen, near Essex Junction, Vt., to the Winooski River, subject to the right of way through said lands of the Winooski and Essex highway and the right of way of the Central Vermont Railway, $7,000: *Provided*, That in acquiring the land for the purpose the Secretary of War is authorized to proceed in accordance with the act approved March 3, 1891, making appropriations for sundry civil expenses, under title "Chickamauga and Chattanooga National Park."

Mr. COCKRELL. In line 21 the words "one hundred and sixty acres," should be "one hundred and ninety acres."

The PRESIDING OFFICER. The amendment will be so modified, in the absence of objection. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 86, line 8, after the word "expended," to strike out "by the acting superintendent of the Yellowstone Park, and;" so as to make the clause read:

Improvement of the Yellowstone National Park: For the improvement of the Yellowstone National Park, to be expended under the direction of the Secretary of War, $30,000.

The amendment was agreed to.

The next amendment was, on page 86, after line 10, to insert:

For salary of commissioner provided for in the act to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, approved May 7, 1894, $1,000.

The amendment was agreed to.

The next amendment was, on page 86, line 14, after the word "clerical," to insert "and other;" and in line 25, after the word "dollars," to strike out—

And the Secretary of War is hereby authorized to employ, at such compensation as he shall deem reasonable, from among the veterans who served in the battle of Chattanooga, a person who is recognized as well informed in its history, as a representative of the Army of the Tennessee, to assist, in such way as the Secretary of War may direct, in preparing the historical tablets of that army for the National Military Park.

So as to make the clause read:

Chickamauga and Chattanooga National Park: To enable the Secretary of War to complete the establishment of the Chickamauga and Chattanooga National Military Park in accordance with the terms of existing laws, including road construction, maps, tablets, surveys, continuing the restoration of the field, foundations for State monuments, the purchase of the north end of Missionary Ridge, and monument sites in the vicinity of Glass's Mill, compensation of two civilian commissioners and their assistant in historical work, labor, clerical and other assistance, and office expenses; in all, $75,000.

The amendment was agreed to.

The next amendment was, on page 87, after line 7, to insert:

WAR DEPARTMENT.

The Secretary of War be, and he is hereby, authorized and directed to pay, out of any unexpended balance of the appropriation for salaries of the War Department for the fiscal year 1894, to those persons who have been discharged as clerks of the War Department since June 1, 1894, because of the reduction of employés in such Department, their salaries for such period of leave of absence, at the rate of two and one-half days' leave for each month of service from January 1, 1894, to the date of their discharge, as may have been allowable to and unused by said clerks at the date of their discharge.

That the military records, such as muster and pay rolls, discharges, and reports relating to the field operations of the Army, of the Revolutionary war and of the war of 1812 now in any of the Executive Departments shall be transferred to the Secretary of War to be preserved, indexed, and properly prepared for convenient reference and use.

The amendment was agreed to.

The next amendment was, on page 88, line 10, after the word "improvement," to strike out "five" and insert "six;" and in the same line, after the word "dollars," to insert "$100,000 of which may be expended for dredging, under the direction of the Secretary of War, by contract or otherwise, as may be most economical and advantageous to the United States;" so as to make the clause read:

For improving harbor at Galveston, Tex.: Continuing improvement, $600,000, $100,000 of which may be expended for dredging, under the direction of the Secretary of War, by contract or otherwise, as may be most economical and advantageous to the United States.

The amendment was agreed to.

The next amendment was, on page 92, line 6, after the word "same," to insert "and for the purchase, at private sale or by condemnation, of such parcels of land as the Secretary of War may deem necessary for the sites of tablets, and for the construction of the said avenues;" so as to make the clause read:

Gettysburg battlefield: For continuing the work of surveying, locating, and preserving the lines of battle at Gettysburg, Pa., and for purchasing, opening, constructing, and improving avenues along the portions occupied by the various commands of the armies of the Potomac and Northern Virginia on that field, and for fencing the same; and for the purchase, at private sale or by condemnation, of such parcels of land as the Secretary of War may deem necessary for the sites of tablets, and for the construction of the said avenues; for determining the leading tactical positions and properly marking the same with tablets of batteries, regiments, brigades, divisions, corps, and other organizations with reference to the study and correct understanding of the battle, each tablet bearing a brief historical legend, compiled without praise and without censure; $50,000, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 93, line 12, after the word "disabilities," to insert "to be disbursed under the direction of the Secretary of War;" so as to make the clause read:

Appliances for disabled soldiers: For furnishing surgical appliances to persons disabled in the military or naval service of the United States, and not entitled to artificial limbs or trusses for the same disabilities, to be disbursed under the direction of the Secretary of War, $2,000.

The amendment was agreed to.

The next amendment was to increase the appropriation for the Garfield Memorial Hospital from $15,000 to $19,000.

The amendment was agreed to.

The next amendment was in the appropriation for New York Harbor to insert on page 95, after line 15:

For purchase or construction of two steam tugs, $90,000.

The amendment was agreed to.

The next amendment was, on page 95, after line 17, to insert:

For pay of crew and maintenance of two steam tugs, to be purchased or constructed, $15,000.

The amendment was agreed to.

The next amendment was, on page 95, line 20, to increase the total of the appropriation for New York Harbor from $31,000 to $136,000.

The amendment was agreed to.

The next amendment was, on page 95, line 21, to insert:

Arming and equipping the militia: The permanent annual appropriation made by the act of April 23, 1808, designated as section 1661 of the Revised Statutes, and which was increased to $400,000 by the act of February 12, 1887, being for the procurement of ordnance and ordnance stores and quartermaster's stores and camp equipage for the use of the militia of the country, shall

not lapse with the end of any fiscal year nor be turned into the surplus fund, but shall remain a permanent appropriation and be available for the several States and Territories and District of Columbia until expended as provided in said acts, or otherwise disposed of by Congress.

The amendment was agreed to.

The next amendment was, on page 100, line 8, before the word "food," to insert the word "fuel;" and in the same line, after the word "preparation," to insert the word "cooking;" so as to read:

Of all articles of fuel, food, their freight, preparation, cooking, and serving.

The amendment was agreed to.

The next amendment was, on page 100, line 21, to increase the appropriation for household expenditures for the National Home for Disabled Volunteer Soldiers, at Dayton, Ohio, from $85,000 to $90,600.

The amendment was agreed to.

Mr. HAWLEY. I wish to call attention to the word "heat," in line 15. It is an amendment, but it is not printed in italics. It should be agreed to by the Senate. I call the attention of the Senator from Missouri to the matter.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "fuel," in line 15, page 100, insert the word "heat."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the appropriation for the Soldiers' Home at Dayton, Ohio, on page 101, line 11, before the word "dollars," to strike out "five thousand" and insert "two thousand five hundred;" so as to read:

For transportation of members of the home, $2,500.

The amendment was agreed to.

The next amendment was, on page 101, line 12, after the word "construction," to insert "and repairs;" so as to read:

For construction and repairs, namely: Pay of chief engineer, etc.

The amendment was agreed to.

The next amendment was, on page 102, line 4, to increase the total of the appropriations for the Soldiers' Home at Dayton, Ohio, from $549,400 to $552,500.

The amendment was agreed to.

The next amendment was in the appropriation for the Soldiers' Home at Milwaukee, Wis., on page 102, line 18, before the word "dollars," to strike out "sixty thousand" and insert "sixty-one thousand nine hundred and fifty-two;" so as to make the clause read:

For household, including the same objects specified under this head for the Central Branch, $61,952.

The amendment was agreed to.

The next amendment was, on page 102, line 24, after the word "construction," to insert "and repairs;" so as to make the clause read:

For construction and repairs, including the same objects specified under this head for the Central Branch, $24,000.

The amendment was agreed to.

The next amendment was, on page 103, after line 8, to insert:

For perfecting a system of sewerage, $6,000.

The amendment was agreed to.

The next amendment was, on page 103, line 16, to increase the total of the appropriations for the Soldiers' Home at Milwaukee, Wis., from $293,953 to $301,902.

The amendment was agreed to.

The next amendment was, in the items for the Soldiers' Home at Togus, Me., on page 104, line 5, before the word "dollars," to strike out "fifty-two thousand" and insert "fifty-five thousand one hundred;" so as to make the clause read:

For household, including the same objects specified under this head for the Central Branch, $55,100.

The amendment was agreed to.

The next amendment was, on page 104, line 10, before the word "thousand," to strike out "three" and insert "two;" so as to make the clause read:

For transportation of members of the home $2,000.

The amendment was agreed to.

The next amendment was, on page 104, line 11, after the word "construction," to insert "and repairs;" so as to make the clause read:

For construction and repairs, including the same objects specified under this head for the Central Branch, $24,000.

The amendment was agreed to.

The next amendment was, on page 104, line 18, before the word "hundred," to strike out "thirty-seven thousand one" and insert "thirty-nine thousand two;" so as to make the clause read:

In all, $239,200.

The amendment was agreed to.

The next amendment was, in the items for the Soldiers' Home at Hampton, Va., on page 105, line 7, before the word "thousand," to strike out "forty-seven" and insert "fifty-six;" so as to make the clause read:

For household, including the same objects specified under this head for the Central Branch, $76,000.

The amendment was agreed to.

The next amendment was, on page 105, line 14, after the word "construction," to insert "and repairs;" so as to make the clause read:

For construction and repairs, including the same objects specified under this head for the Central Branch, $25,000.

The amendment was agreed to.

The next amendment was, on page 105, line 19, before the word "thousand," to strike out "fourteen" and insert "twenty-three;" so as to make the clause read:

In all, $323,950.

The amendment was agreed to.

The next amendment was in the items for the Soldiers' Home at Leavenworth, Kans., on page 106, line 12, before the word "thousand," to strike out "thirty-three" and insert "thirty;" so as to make the clause read:

For hospital, including the same objects specified under this head for the Central Branch, $30,450.

The amendment was agreed to.

The next amendment was, on page 106, line 16, after the word "construction," to insert "and repairs;" so as to make the clause read:

For construction and repairs, including the same objects specified under this head for the Central Branch, $24,000.

The amendment was agreed to.

The next amendment was, on page 106, line 22, before the word "thousand," to strike out "eighty-two" and insert "seventy-nine;" so as to make the clause read:

In all, $279,550.

The amendment was agreed to.

The next amendment was, in the item for the Soldiers' Home at Santa Monica, Cal., on page 107, line 11, before the word "thousand," to strike out "twenty-three" and insert "thirty;" so as to make the clause read:

For household, including the same objects specified under this head for the Central Branch, $30,000.

The amendment was agreed to.

The next amendment was, on page 107, line 17, after the word "construction," to insert "and repairs;" so as to make the clause read:

For construction and repairs, including the same objects specified under this head for the Central Branch, $30,000.

The amendment was agreed to.

The next amendment was, on page 107, line 22, before the word "thousand," to strike out "seventy-nine" and insert "ninety-one;" so as to make the clause read:

In all, $191,125.

The amendment was agreed to.

Mr. WHITE. I desire to inquire whether a Senator who desires to offer an amendment which has the approval of a committee shall offer it now or hereafter?

The PRESIDING OFFICER. The Chair will state that the amendments of the Committee on Appropriations are first being acted upon. After the committee amendments are disposed of other amendments will be in order.

Mr. HOAR. I have been absent from the Chamber for a few minutes, and I desire to raise a question as to the committee amendment on page 87 in regard to military records. I should like unanimous consent to have the amendment considered as being open.

Mr. COCKRELL. To which amendment does the Senator from Massachusetts refer?

Mr. HOAR. The amendment which transfers all the military records to the War Department. I wish to offer an amendment to it. If the Senate understands that the matter is open I will wait until the remaining committee amendments are disposed of.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts, that the vote by which the amendment on page 87 in relation to the military records was agreed to be reconsidered?

Mr. COCKRELL. Let it be considered as open.

Mr. HOAR. That is what I ask.

The PRESIDING OFFICER. The vote by which the amendment was agreed to has to be reconsidered before the amendment can be regarded as open.

Mr. COCKRELL. Let it be reconsidered, then.

The PRESIDING OFFICER. If there be no objection it will be so ordered, and the amendment will be passed over. The Chair hears none.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the items for the Soldiers' Home at Marion, Ind., on page 108, line 8, before the word "thousand," to strike out "seventy-six" and insert "eighty;" so as to make the clause read:

For subsistence, including the same objects specified under this head for the Central Branch, $80,000.

The amendment was agreed to.

The next amendment was, on page 108, line 16, before the word "dollars," to strike out "one thousand five hundred" and insert "two thousand;" so as to make the clause read:

For transportation, including the same objects specified under this head for the Central Branch, $2,000.

The amendment was agreed to.

The next amendment was, on page 108, line 17, after the word "construction," to insert "and repairs;" so as to make the clause read:

For construction and repairs, including the same objects specified under this head for the Central Branch, $20,000.

The amendment was agreed to.

The next amendment was, on page 108, line 25, before the word "hundred," to strike out "seventy-six thousand eight" and insert "eighty-one thousand three;" and in the same line, after the word "dollars," to insert:

And 10 per cent of the amounts herein appropriated for each branch of the National Home shall be available interchangeably for expenditure on the objects named for such branch.;"

So as to make the clause read:

In all, $181,300; and ten per cent of the amounts herein appropriated for each branch of the National Home shall be available interchangeably for expenditure on the objects named for such branch.

The amendment was agreed to.

The next amendment was, on page 109, line 9, after the word "hundred," to strike out "and forty;" so as to make the clause read:

For clothing for all of the branches, namely: Expenditures for clothing, underclothing, hats, caps, boots, shoes, socks, and overalls; also all sums expended for labor, materials, machines, tools, and appliances employed in the tailor shops, knitting shops, and shoe shops, or other home shops in which any kind of clothing is made or repaired, $200,000.

The amendment was agreed to.

The next amendment was, on page 109, line 12, after the word "Managers," to strike out "now authorized;" so as to make the clause read:

For salaries of officers and employés of the Board of Managers, and for outdoor relief and incidental expenses, namely.

The amendment was agreed to.

The next amendment was, on page 109, after line 13, to strike out:

For president of the Board of Managers, not exceeding $2,500; secretary of the Board of Managers, not exceeding $2,000; one treasurer, who shall not be a member of the Board of Managers, $2,000; one inspector-general, $2,500; one assistant inspector-general, $2,000; one clerk to the president, $900; two clerks to the treasurer, $1,600; messenger service for president's office, $144; messenger service for secretary's office, $52; three clerks for managers, $1,160; four agents, $2,400; for travel expenses of Board of Managers and their officers, $7,000; for outdoor relief, $1,750; for rent, stationery, telegrams, and other incidental expenses, $994; in all, $27,000.

And insert:

For president of the Board of Managers, who shall also be acting treasurer, not exceeding $2,500; secretary of the Board of Managers, not exceeding $2,000; one inspector-general, $2,500; two assistant inspectors-general, at $2,000 each, $4,000; clerical service for president's office, $4,500; messenger service for president's office, $144; messenger service for secretary's office, $52; clerical service for managers, $1,500; agents, $2,400; for travel expenses of the Board of Managers, their officers and employés, $7,500; for outdoor relief, $1,750; for rent, medical examinations, stationery, telegrams, and other incidental expenses, $1,500; in all, $29,346.

Mr. MITCHELL of Wisconsin. Is an amendment in order?

The PRESIDING OFFICER. An amendment modifying an amendment of the committee would be in order under the unanimous-consent agreement, but not an original amendment. The question is on agreeing to the amendment of the committee.

Mr. HAWLEY. I understood the Senator from Wisconsin to propose an amendment?

Mr. MITCHELL of Wisconsin. I intended to propose an amendment, but the Chair advised me that amendments are not in order just now.

Mr. HAWLEY. It is an amendment to the amendment. We desire to amend the committee amendment.

Mr. COCKRELL. It is understood that the committee amendments will still be open to amendment just the same as ever after we have run through them.

The PRESIDING OFFICER. The Chair does not so understand.

Mr. COCKRELL. Let the amendment be offered if the Chair thinks otherwise.

Mr. MITCHELL of Wisconsin. I wish to offer two amendments.

Mr. HAWLEY. I understand from the Chair that, being amendments to a committee amendment, this is the time to offer them.

Mr. MITCHELL of Wisconsin. On page 110, line 18, I move to amend the committee amendment by striking out "seven" and inserting "eleven;" so as to read:

Their officers and employés, $11,500.

The law makes it necessary for the Board of Managers to visit and inspect the different branch homes once a year, and the amount allowed for that purpose by the Appropriations Committee, $7,500, is not sufficient. I read a part of a letter from Gen. Franklin on this subject:

The amount estimated for traveling expenses of the Board and its officers and employés is $11,500. Of this amount $1,500 is for inspection of the State homes. The remainder is to pay for the actual traveling expenses of the managers and for the inspection of the seven branches of the home by its own officers.

I trust the Senate will allow this slight increase in the appropriation.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. MITCHELL] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. MITCHELL of Wisconsin. On page 110, line 21, I move to further amend the committee amendment by striking out "one thousand five hundred" and inserting "three thousand;" so that it will read: "Telegrams and other incidental expenses, $3,000."

I move this increase on the strength of a communication which I have received from Gen. Franklin. He states that $3,000 for rent, medical examinations, etc., is absolutely necessary. The amount which the Appropriations Committee have allowed, $1,500, would not cover the rent.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. MITCHELL] to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The total in line 14 will be changed in accordance with the amendments which have been agreed to.

The SECRETARY. In line 22 strike out "twenty-nine thousand three hundred and forty-six" and insert "thirty-four thousand eight hundred and forty-six dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 110, line 24, after the word "million," to strike out "three hundred thousand eight hundred and seventy-five," and insert "two hundred and ninety-eight thousand eight hundred and seventy-five dollars;" so as to read: "$2,298,873."

Mr. COCKRELL. That has to be changed, too.

Mr. MITCHELL of Wisconsin. The total will have to be changed to correspond with the amendments which have been adopted in the preceding paragraph.

The SECRETARY. It is proposed to amend the amendment of the committee by striking out "$298,875," and inserting "$304,373;" so as to read: "In all, $304,373."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 111, line 1, after the word "*Provided*," to strike out:

That all amounts disbursed from the appropriations of a branch home shall be disbursed and accounted for by the treasurer of that branch and in conformity with sections 3678 and 3679, Revised Statutes.

And insert:

That all amounts disbursed from the appropriation of a branch home shall be disbursed by the treasurer of that branch, except such expenditures for services, stationery, tableware, clothing, and bedding as may be required by the Board of Managers to be legally made by the president and acting treasurer; and all disbursements shall be made in conformity with sections 3678 and 3679, Revised Statutes.

The amendment was agreed to.

The next amendment was, on page 112, line 17, after the word "pay," to insert "and allowance;" and in line 20, after the word "whatever," to insert "except upon written authority of the Board of Managers;" so as to make the clause read:

That the Board of Managers shall classify all the officers and employés of the National Home for Disabled Volunteer Soldiers and establish a rate of pay and allowance for each class, and the rate so established shall not be increased by fees, perquisites, allowances, or advantages under any pretense whatever, except upon written authority of the Board of Managers; and no employé shall be borne on more than one pay roll or voucher.

The amendment was agreed to.

The next amendment was, on page 114, line 2, before the word "thousand," to strike out "seventy-five" and insert "seventy;" so as to make the clause read:

State or Territorial homes: For continuing aid to State or Territorial

homes for the support of disabled volunteer soldiers in conformity with the act approved August 27, 1888, $570,000.

The amendment was agreed to.

Mr. HAWLEY. Before we pass from the subject of the soldiers' homes, I wish to state that I am exceedingly glad to find that the Committee on Appropriations have accepted very nearly all the amendments recommended by the Committee on Military Affairs. As the bill came from the other House, those of us who know the great value and the merit of these homes and the supreme excellence with which they are managed felt a good deal of apprehension that something unkind or unfavorable might result from a feeling of hostility against the homes.

I simply desire to put on record my opinion of the homes and their management. I have naturally been very much interested in them ever since they were established in 1867. I have visited many of the homes. I have frequently gone with the Board. I individually, not in connection with any official visit whatever, have again and again gone to the home at Hampton especially. The management of the homes in general, that is to say, the head of the management, under Gen. Franklin, is in my own town of Hartford. The general, who is president of the whole concern, is my neighbor and personal friend. That gives me additional means of becoming acquainted with the matter, for it is a frequent topic of conversation between us.

I know many of the men who in the last twenty-seven years have been connected with the management of these most beneficent institutions. I think I speak with some knowledge when I say that I know of nothing under the purview of the whole Federal Government that is better managed than the soldiers' homes. There is a Board composed of eleven men, I think, who as a rule, although I think there have been two or three exceptions, were soldiers in the late war. The corporation is, in a measure, distinct from any department of the Government.

These veteran officers have been looking out for the interests of from fifteen to twenty-five thousand old soldiers a year. They are welcomed to the homes on every occasion. The inmates feel that the managers are their friends, their guardians, that they come to see them and look out for them.

I know of no work done with a better combination of gentleness, patriotism, and fidelity to duty to the Federal Government. I know of no disbursements that are better managed, no contracts for clothing of all descriptions and for supplies of all description better than those made by these men.

The board consists of Gen. William B. Franklin, of Connecticut; Gen. William J. Sewell, of New Jersey; Gen. JOHN C. BLACK, of Illinois; Gen. Martin T. McMahon, of New York; Col. JOHN L. MITCHELL, of Milwaukee, our colleague in the Senate; Maj. E. N. Morrill, of Kansas; Gen. A. L. Pearson, of Pennsylvania; Gen. James Barnett, of Cleveland, Ohio; Gen. Francis Fessenden, of Maine; Col. George W. Steele, of Marion, Ind., and Maj. A. W. Barrett, of Los Angeles, Cal.

There is in a certain sense competition, you may say, for places on the board; that is to say, the members are chosen with regard to their locality, and the members of Congress who are influential in naming a new man have always been anxious to suggest a man of high character and high business qualifications. A new member has been put upon the board, Col. Sidney G. Cooke, of Kansas, a man who by his record and his character as a gentleman is eminently fit to go on the board.

Mr. MITCHELL of Wisconsin. I will state, if the Senator from Connecticut will permit me, that Gen. Barnett was retired from the board at the last election, and his place has been taken by Gen. Anderson.

Mr. HAWLEY. I simply wish to say that I am grateful to the Committee on Appropriations for having listened to our amendments, and I beg Senators to remember always that this institution is one of the best managed of the whole Government.

Mr. HALE. I merely wish to say, what I hope is apropos to the eulogium which the Senator from Connecticut has given us upon the management of the homes, that it would be a very ungrateful return on the part of the management of the soldiers' homes if they did not conduct things upon a good, fair business basis. They have always been the pets of Congress, and there is no institution and no part of the Government to which Congress appropriates money so freely and so lavishly as to these homes. There is no claim made by the managers which is not attended to by Congress. There is no undue attempt to restrict or restrain them, but money is poured forth to the homes as free as water. If the gentlemen who constitute the board which managed the institutions did not in turn see to it that everything was right in return for the generosity of Congress, things would certainly be in a bad way.

Mr. HAWLEY. I agree partly with the Senator from Maine, but I think there has been nothing which can properly be called the lavishing of money on these homes. They are conducted with as much severity as to economy as a cotton manufactory or an iron foundry. For example, the cost of maintenance of these old soldiers is $141 a year. There are eleemosynary institutions and penal institutions where men are kept for a little less than that, but nobody wants to put these old soldiers upon the basis of inmates of an almshouse or a State prison.

That very figure, $141, is evidence of the economy of the gentlemen in the management of the homes, and there is evidence coming from the silence in regard to it that the managers are not governed by any selfish desire. They generously give their services. They get not one farthing of pay, with the exception of Gen. Franklin, whose whole time is practically devoted to the board. Gen. Franklin had for a time $4,000 a year. He is cut down in the pending bill to $2,500 a year.

He is a gentleman whose salary in private business, as I happen to know, was $10,000 a year not long ago. This service requires his whole time. He begged his friends to say nothing about the reduction in his salary if Congress would only give the board in other respects what the homes need.

Mr. PEFFER. I wish to ask the Senator from Connecticut a question before he resumes his seat. The Senator, in referring to the cost of maintaining the soldiers, stated that the amount is $141 per capita. I wish to inquire whether that simply covers the expense of keeping the soldiers, or whether it is the average of the entire expense of maintaining the homes.

Mr. HAWLEY. I suppose it is the average expense, except that of construction, which has been going on. Additional buildings of various kinds have been needed. The homes have grown. It is practically what is called maintenance. I do not think it includes the 10 per cent for wastage which is ordinarily estimated upon buildings.

Mr. PEFFER. It is the average current expense?

Mr. HAWLEY. Yes, sir.

Mr. MITCHELL of Wisconsin. I could not hear the explanation of the Senator from Connecticut, but the cost is $140.93 per capita per annum.

Mr. HAWLEY. I called it $141.

Mr. MITCHELL of Wisconsin. That includes everything except construction.

Mr. HAWLEY. I suppose so. The Senator from Wisconsin is one of the board, and he says it covers everything but general construction.

Mr. MANDERSON. Mr. President, before passing from this subject I merely desire to supplement the suggestions made by the Senator from Connecticut, which perhaps fully cover the subject-matter, by the statement that I myself have felt a very great interest in the management and direction of these soldier homes. I have frequently visited them, and I believe they are models not only in the manner of their conduct by the managers, but in affording, as they do, a place of refuge and rest for the veteran soldiers who are so greatly disabled as not to be able to make their own way in the world.

I should very greatly regret to see any decided or material change in their management. The Soldiers' Home in this city, which is supported in part by the contributions from the regular Army, is very properly under the direction of the officers of the regular service, but I hope the method by which these volunteer homes have thus far been kept under the management of volunteer soldiers will continue. I think it would be a disastrous thing if there should be any decided change in that direction or any attempt to place them more immediately under the care of the officers of the regular Army. So long as there are eminent and well qualified men who had service in the volunteer army ready to give their time and best exertions for the benefit of the homes, I think we should continue the present system. I am glad to see that the Committee on Appropriations have so determined.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to insert, beginning at line 1, page 115:

UNDER NAVY DEPARTMENT.

Naval Academy: That the provision in the act making appropriations for the naval service for the fiscal year ending June 30, 1895, and for other purposes, approved on the 26th day of July, 1894, and reading as follows: "That every Member or Delegate of Congress whose district or Territory is now unrepresented at the Naval Academy by a cadet who is not an actual resident of the district shall be permitted on or before the 1st day of September, 1894, to recommend a candidate for appointment as a cadet at the Naval Academy, and the Secretary of the Navy shall nominate such candidate for appointment to the Academy, subject to qualifications now prescribed by law," is hereby amended so as to read as follows: That every Member or Delegate in Congress whose district or Territory is not represented at the Naval Academy by a cadet who was at the time of his appointment an actual resident of such district shall be permitted on or before the 1st day of September, 1894, to recommend a candidate for appointment as cadet at the Naval Academy.

Mr. ALLEN. I desire to call the attention of the chairman of the Committee on Appropriations to that portion of the pro-

vision which provides that an appointee to the Naval Academy shall be an actual resident of the district to which his appointment is credited, and to say that in the naval appropriation bill a few days ago an amendment was offered by myself and agreed to which required the appointee to have been an actual bona fide constant resident of the State or Territory to which his nomination was credited for at least two years before his appointment. I am inclined to believe that unless this paragraph is amended it may be construed to be a repeal of the naval appropriation bill in that respect, it being the last expression of the legislative will on the subject; and I ask the chairman of the committee to insert the same words here.

Mr. COCKRELL. The provision in the pending bill reads:

That the provision in the act making appropriations for the naval service for the fiscal year ending June 30, 1895, and for other purposes, approved on the 26th day of July, 1894, and reading as follows:

Then follows the amendment that was inserted in the naval appropriation bill, on the motion of the Senator from Nebraska.

Mr. ALLEN. No; the amendment I added to the naval appropriation bill is not here, and I think it should be inserted. It is a provision that the appointee "shall have been for at least two years immediately preceding the date of his appointment an actual and bona fide resident of the district in which the vacancy exists."

Mr. COCKRELL. The Senator will see that this simply authorizes an appointment to be made under the provision in the law of July 26, 1894, which is the naval appropriation bill.

Mr. ALLEN. The language quoted in the amendment is taken literally from the naval appropriation bill. To that I offered an amendment which required that the appointee should be an actual bona fide resident of the State or Territory from which his appointment was credited for two years preceding the date of his appointment.

Mr. COCKRELL. This amendment does not change that provision at all.

Mr. HALE. Mr. President, what are the Senators talking about? We can not hear a word on this side.

Mr. ALLEN. I will state what I was talking about. When the Senator from Maryland [Mr. GORMAN] had charge of the naval appropriation bill some weeks ago, the language which is quoted in the pending amendment was amended on my motion so as to require the appointee to the Naval Academy to have been for two years an actual bona fide resident of the State or Territory to which his appointment was credited, and I ask that the same amendment be included in this paragraph of the bill.

Mr. GORMAN. The Senator from Nebraska is mistaken. His amendment did not apply to the special appointments to be made hereafter; the six or eight appointments which are to be made by gentlemen who have not made appointments heretofore. We had to surrender that part of the provision; but hereafter the appointment will be made from the bona fide residents of the district.

Mr. ALLEN. The question with me is whether the pending amendment, if agreed to as here proposed, will not have the effect of repealing the provision that was put on the naval appropriation bill some days ago.

Mr. HALE. It is limited by its terms, and it is simply to correct a mistake. There were two negatives by a blunder in the naval appropriation bill in reference to the appointment in the districts where the appointments had been made of nonresidents, but the general phrase that the member representing that district may now make an appointment from his district is governed by the law of the naval appropriation bill and all law upon that subject except what is corrected in terms. The Senator need have no doubt about that.

Mr. ALLEN. If the construction the Senator from Maine puts upon the law is to be followed by the Department I have no objection to the amendment, but in the naval appropriation bill this language occurs:

That every Member or Delegate of Congress whose district or Territory is now unrepresented at the Naval Academy by a cadet who is not an actual resident of the district shall be permitted on or before the 1st day of September, 1894, to recommend a candidate for appointment as a cadet at the Naval Academy.

In the naval appropriation bill that was so amended as to require the appointee to have been two years preceding the date of his appointment an actual bona fide resident of the State or Territory to which his appointment was credited. I am under the impression that if the amendment is adopted exactly as it is drawn here it will have the effect to repeal that provision of the naval appropriation bill.

Mr. HALE. Why does not the Senator put in the words "subject to the qualification now prescribed by law?"

Mr. ALLEN. I will accept of any amendment which will preserve that provision in the naval appropriation bill.

Mr. HALE. That will take care of all possible question.

Mr. ALLEN. That will be acceptable.

Mr. HALE. Put in those words at the end of line 22. I think there is something in the point which the Senator from Nebraska makes.

The PRESIDING OFFICER. The amendment of the Senator from Maine to the amendment of the committee will be stated.

The SECRETARY. Add at the end of line 22, page 115:

Subject to the qualifications prescribed by law.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriation was, on page 115, after line 22, to insert:

Dry dock at Puget Sound, Washington: To continue the construction of the dry dock at the Puget Sound United States naval station, Port Orchard, Kitsap County, Wash., and for erecting office buildings and other necessary structures, approaches to dry dock, quarters for civil engineer and inspector, pay of superintendents, inspectors, and draftsmen, necessary dredging, cleaning, and clearing up station, incidental expenses, unforeseen emergencies, and contingent expenses, $66,000.

The amendment was agreed to.

The next amendment was, on page 116, after line 11, to insert:

Opinions of the Attorneys-General: To enable the Attorney-General to employ a competent person or persons to edit and prepare for publication and superintend the printing of the twentieth volume of the Opinions of the Attorneys-General, $500; and the Attorney-General is hereby authorized to expend that sum in such manner as will, in his judgment, best accomplish the work of editing and preparing for publication and superintending the printing of the volume above mentioned.

The amendment was agreed to.

The next amendment was, on page 118, line 17, after the word "judge," to insert "clerk;" so as to make the clause read:

Traveling expenses, Territory of Alaska: For the actual and necessary expenses of the judge, clerk, marshal, and attorney, when traveling in the discharge of their official duties, $500.

The amendment was agreed to.

The next amendment was, on page 118, line 23, before the word "thousand," to strike out "one" and insert "three;" so as to make the clause read:

Rent and incidental expenses, Territory of Alaska: For rent of offices for the marshal, district attorney, and commissioners; furniture, fuel, books, stationery, and other incidental expenses, $3,000.

The amendment was agreed to.

The next amendment was, on page 119, after line 24, to insert:

Penitentiary building, North Dakota: That the Secretary of the Treasury be, and he is hereby, directed to pay to the treasurer of the State of North Dakota the unexpended balance of $30,000 appropriated by "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1890, and for prior years, and for other purposes," approved September 30, 1890, for the construction, under the direction and supervision of the Secretary of the Interior, of a penitentiary building in the State of North Dakota, upon such tract or parcel of land, at or near the city of Grafton, in the county of Walsh, as should be designated by the Secretary of the Interior, said unexpended balance to be used by said State of North Dakota for the erection of an institution for the feeble-minded upon the tract or parcel of land designated and secured by the Secretary of the Interior for the site of the penitentiary building provided for in said act. And when said sum so to be paid to the treasurer of the State of North Dakota shall have been expended by said State in the erection of an institution for the feeble-minded, the Secretary of the Interior is hereby directed to release and convey to said State of North Dakota the title of the United States in and to the parcel of land upon which said building shall have been erected, including all interest in said building; and the money so paid to the treasurer of the State of North Dakota shall be in full settlement of all claims of said State under section 15 of the act approved February 22, 1889, entitled "An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States."

The amendment was agreed to.

The next amendment was, on page 121, line 20, after the words "laws of the United States," to strike out "and of the enforcement of the provisions of Title XXVI of the Revised Statutes, or any acts amendatory thereof or supplementary thereto;" so as to make the clause read:

Expenses of the United States courts: For defraying the expenses of the Supreme Court; of the circuit and district courts of the United States; of the supreme court of the District of Columbia; of the district court of Alaska; of the court of the Indian Territory; of the circuit court of appeals; of the Court of Private Land Claims; of suits and preparations for or in defense of suits in which the United States is interested; of the prosecution of offenses committed against the United States, and in the enforcement of the laws of the United States; specifically the expenses stated under the following appropriations, namely:

The amendment was agreed to.

The next amendment was, on page 122, line 16, after the word "deputy," to strike out "and actual traveling expenses paid for each;" and in line 19, after the word "deputy," to strike out:

And no fee shall be paid to any marshal for the execution of any warrant from a United States commissioner unless the same shall have been executed within sixty days after the warrant was issued.

So as to make the additional proviso read:

Provided further, That hereafter no marshal or deputy marshal be allowed more than one mileage for each mile actually and necessarily traveled, irrespective of the number of writs he may execute in making such travel; nor shall any marshal or deputy marshal be allowed any additional mileage incident to the execution or return of any writ of arrest, commitment, or removal other than the 10 cents a mile now allowed by law for each deputy

and guard; and no mileage shall be allowed upon any writ not executed or when the travel was without cost to marshal or deputy.

The amendment was agreed to.

The next amendment was, on page 122, after line 22, to insert:

For defraying expenses incurred by marshals in executing orders, warrants, and processes of United States courts for the protection of property in the hands of receivers of such courts, and for the arrest and detention until trial of persons arrested for violating such orders and resisting the execution of such warrants and processes, to be audited and allowed by the Attorney-General, $404,000, and said sum shall also be available for expenses incurred during the fiscal year 1894.

The amendment was agreed to.

The next amendment was, on page 123, line 10, after the word "dollars," to insert the following proviso:

Provided, That hereafter the United States district attorney shall be allowed one mileage actually traveled to and from the place of hearing for his attendance in person, or by his assistant, before a United States commissioner or other committing magistrate, in each case, and no more.

So as to make the clause read:

For payment of United States district attorneys, the same being in payment of the regular fees provided by law for official services, $250,000: *Provided*, That hereafter the United States district attorney, etc.

The amendment was agreed to.

The next amendment was, on page 124, line 25, before the word "commissioner," to strike out "circuit court;" and in the same line, after the word "or," to strike out "the nearest;" so as to make the proviso read:

Provided, That it shall be the duty of the marshal, his deputy, or other officer, who may arrest a person charged with any crime or offense, to take the defendant before the nearest commissioner or judicial officer having jurisdiction under existing laws for a hearing, commitment, or taking bail for trial, and the officer or magistrate issuing the warrant shall attach thereto a certified copy of the complaint, and upon the arrest of the accused, the return of the warrant, with a copy of the complaint attached, shall confer jurisdiction upon such officer as fully as if the complaint had originally been made before him, and no mileage shall be allowed any officer violating the provisions hereof.

The amendment was agreed to.

The next amendment was, on page 125, line 15, after the word "conviction," to insert "a place of bona fide residence in the United States;" and in line 17, after the word "imprisonment," to insert "as well before as after conviction;" so as to make the clause read:

For support of United States prisoners, including necessary clothing and medical aid and transportation to place of conviction, or place of bona fide residence in the United States, and including support of prisoners becoming insane during imprisonment, as well before as after conviction, and continuing insane after expiration of sentence, who have no friends to whom they can be sent, $300,000.

The amendment was agreed to.

The next amendment was, on page 126, line 7, after the word "cases," to insert "and of bailiffs in attendance upon the same;" so as to make the clause read:

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York; of expenses of district judges directed to hold court outside of their districts, and judges of the circuit courts of appeals; of meals and lodgings for jurors in United States cases and of bailiffs in attendance upon the same, when ordered by court; and of compensation for jury commissioners, $1 per day, not exceeding three days for any one term of court, $150,000.

The amendment was agreed to.

The next amendment was, on page 126, after line 17, to insert:

For salary of the additional circuit judge for the eighth judicial district, authorized by the act of July 23, 1894, $6,000.

The amendment was agreed to.

The next amendment was, on page 126, after line 20, to insert:

To enable the Attorney-General to represent and protect the interests of the United States in matters and suits affecting the Pacific railroads, and for expenses in connection therewith, $30,000.

The amendment was agreed to.

The next amendment was, on page 126, after line 24, to insert:

To pay the supervisors of election at Lynchburg, Va., for their services on the election held November 5, 1890, in the sum of $50 to each of the following supervisors, namely: R. E. Latham, John T. Edwards, Robert Cox, W. L. Lewis, M. B. Hancock, Thomas Y. Mosby, Robert L. Dudley, R. B. Dameron, James M. Harris, W. C. Leftwich, $500.

The amendment was agreed to.

The next amendment was, on page 127, after line 6, to insert:

UNDER DEPARTMENT OF STATE.

That the appropriation of $5,000 made by the sundry civil appropriation act for the fiscal year 1894 for the United States moiety of the cost of marking the boundary line between the United States and Canada in Passamaquoddy Bay, opposite and adjacent to Eastport, Me., and for the expenses of a commissioner on the part of the United States, as provided for by the convention of July 22, 1892, with Great Britain, be, and the same is hereby, continued and made available until the completion of the work.

The amendment was agreed to.

Mr. COCKRELL. After line 17, on page 127, is the appropriate place for the amendment of the Senator from Texas [Mr. MILLS] about publishing some state documents.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Add after line 17, page 127:

To enable the Secretary of State to publish the Revolutionary archives now deposited in the Department of State, $10,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, to add after the preceding amendment, on page 127, after line 17:

International Prison Congress: To pay the expenses of the delegates appointed by the National Prison Congress at St. Paul, on the 16th day of June, 1894, to attend the International Prison Congress at Paris, in June, 1895, $5,000, or so much thereof as may be necessary.

Mr. COCKRELL. After the words "to pay the expenses of the delegates," in line 19, I move to insert "to be;" in the same line, after the words "by the," I move to strike out the words "National Prison Congress, at St. Paul, on the 16th day of June, 1894;" and to insert in lieu thereof, "President;" so as to read:

International Prison Congress: To pay the expenses of the delegates to be appointed by the President, to attend the International Prison Congress at Paris, in June, 1895, $5,000, or so much thereof as may be necessary.

Those delegates are to be appointed by the President to attend the Congress.

Mr. HOAR. I should like to ask the Senator from Missouri whether, as he moves to amend the amendment, it would not imply an appointment to be made hereafter. Is there an existing law authorizing that appointment by the President?

Mr. COCKRELL. There is.

Mr. HOAR. Very well; then that covers it.

Mr. COCKRELL. The law authorizes the President to appoint them. There was a prison congress which met at St. Paul in June, and they recommended certain persons, but we can not afford to appoint those persons when the law gives the President the power to select them.

Mr. HOAR. My question was whether there is an existing law to that effect?

Mr. COCKRELL. There is.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 128, after line 10, to insert:

Index to Congressional documents: To pay for the work done in preparing and completing the document index of the Fifty-second Congress, by Alonzo W. Church, $1,000: *Provided*, That the preparation of said index for other Congresses shall not be done.

Mr. HOAR. I should like to ask the Senator from Missouri what is the meaning of the proviso in lines 14 and 15:

Provided, That the preparation of said index for other Congresses shall not be done.

Mr. COCKRELL. It is simply to stop the work. It ought to have read, "the preparation of said index for subsequent Congresses." There is a large number of volumes, and Congress has not yet seen fit to print them. We do not see any necessity of going on and having work done if it is not going to be printed. That is the only object in view.

Mr. HOAR. It is rather an awkward phrase. I did not exactly understand what it meant.

Mr. COCKRELL. Before the word "Congresses," I move to strike out "other" and insert "subsequent."

Mr. HOAR. It would be a better phrase, I think, to say that "there shall be no further work upon it," instead of "shall not be done."

Mr. PALMER. I should like to inquire of the Senator from Massachusetts what is the use of the proviso at all?

Mr. HOAR. I do not know about that.

Mr. PALMER. What is the use of the proviso?

Mr. HALE. It is very difficult to stop this man who is going on with the work. He will not stop unless in terms he is directed to stop.

Mr. PALMER. That is rather a fault I am disposed to commend. If he is directed to do a particular work I do not see how we could stop it.

Mr. HALE. After the word "Provided" I move to strike out the words "that the preparation of said index for other Congresses shall not be done," and insert:

That no work upon the index of any other Congress shall be done.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maine to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 128, after line 15, to insert:

To enable the Secretary of the Senate to pay to the officers and employés of the Senate who were borne on the rolls of the Senate August 1, 1893, and who were not borne on said rolls November 3, 1893, at the close of the first session of the Fifty-third Congress, a sum equal to one month's pay at the compensation paid them according to law, $11,000, or so much thereof as may be necessary: *Provided*, That no payment shall be made hereunder to any officer or employé who was reëmployed in the service of the Senate within the period named.

The amendment was agreed to.

The next amendment was, on page 129, after line 2, to insert:

For heating apparatus and repairs of Maltby Building, $4,000.

The amendment was agreed to.

The next amendment was, on page 129, after line 4, to insert:

For the rent of warehouse for storage of public documents, formerly in the Maltby Building, $945.

The amendment was agreed to.

The next amendment was, on page 129, after line 7, to insert:

To pay Charles H. Evans extra compensation for preparing statistical tables and for services rendered to the Committee on Finance, $1,000.

The amendment was agreed to.

The next amendment was, on page 129, in line 16, after the word "building," to insert "not to exceed $200,000;" and in line 18, after the word "law," to insert "and the officer in charge of said building is hereby directed to report to Congress at its next session plans and estimates of cost for a tunnel, with suitable conveying apparatus for the rapid transmission of books, papers, and messages at all times between the said building and the Senate and the House wings of the Capitol;" so as to make the clause read:

For continuing the construction of the building for the Library of Congress, and for each and every purpose connected with the same, $700,000: *Provided*, That contracts may be entered into for any work or materials required for the construction of said building, not to exceed $200,000, to be paid for as appropriations may from time to time be made by law; and the officer in charge of said building is hereby directed to report to Congress, etc.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895; insisted upon its disagreement to the amendment numbered 65 to the said bill, and agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HATCH, Mr. FORMAN, and Mr. WAUGH managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

A bill (S. 1399) to promote the efficiency of the naval militia; and

A bill (S. 1438) for the relief of Louis A. Yorke.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 962) for the relief of Capt. Ceran St. Vrain's company of New Mexico Mounted Volunteers;

A bill (H. R. 4012) for the relief of Thorwald Olsen;

A bill (H. R. 6921) for the relief of George B. Cosby;

A bill (H. R. 7419) for the construction of a military road from the city of El Paso to Fort Bliss, Texas; and

A joint resolution (H. Res. 199) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863.

Mr. HOAR. Let me inquire of the Chair whether bills paying personal claims do not ordinarily go to the Committee on Claims?

The PRESIDING OFFICER. The Chair will state that they are bills for the removal of charge of desertion, and matters of that character.

Mr. HOAR. I thought they were claims for the payment of money.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 7383) relating to lights on fishing vessels; and

A bill (H. R. 7827) to authorize a bridge across the Perdido River between the States of Florida and Alabama.

The bill (H. R. 7753) to exempt the articles of foreign exhibitors at the interstate fair at Tacoma, Wash., from the payment of duties, was read twice by its title, and referred to the Committee on Finance.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5575) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 134, after line 4, to insert:

GOVERNMENT PRINTING OFFICE.

To enable the Chief of Engineers of the Army, under the direction of the Joint Committee on Printing, to repair the Government Printing Office, provide fire escapes, and put said building in a safe and secure condition, and to enable the Public Printer, under the direction of the Joint Committee on Printing, to rent, if necessary, any buildings for use of the Printing Office, $75,000.

The amendment was agreed to.

The next amendment was, on page 134, after line 12, to insert:

That the Secretary of the Treasury be, and he is hereby, empowered and instructed to purchase for and in the name of the United States, for the site of the Government Printing Office, by direct negotiation with the owners, the south half of square 673, containing about 213,815 square feet, and bounded as follows: Two hundred and seventy-three and one-fourth feet fronting on North Capitol street, along the same from the intersection of L street therewith to what is called Pierce or Babcock street; thence east extending through the said square for 782½ feet to First street; thence south along First street for 273¼ feet to L street; thence west along the same for 782½ feet to point of beginning; or, failing to secure such described property by negotiation with the owners or a satisfactory title thereto, as may be approved by the Attorney-General of the United States, he is hereby empowered and directed to secure the same by condemnation proceedings, as provided in chapter 11 of the Revised Statutes of the United States relating to the District of Columbia: *Provided*, That the said south half of square 673 shall be acquired at a cost not exceeding the amount appropriated in the sundry civil appropriation act, approved August 30, 1890, to provide accommodations for the Government Printing Office, which is hereby made immediately available for the object of this act; and the Treasurer of the United States is hereby authorized and directed, upon the requisition of the said Secretary, to pay over to the owners of the said described property such purchase price, or in the event of the condemnation of the same, into court, the condemnation price thereof, in either case not exceeding the sum of $250,000.

Mr. MANDERSON. By request of the Senator from North Dakota [Mr. ROACH], who is engaged in a conference committee, I move to strike out the paragraph just read and insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Strike out the amendment of the committee from line 13, page 134, down to line 21, page 135, inclusive, and insert:

That the Secretary of the Treasury be, and is hereby, empowered and instructed to purchase for and in the name of the United States, for the purpose of erecting thereon a building to be used as a Government Printing Office, the following-described real estate with improvements thereon: Lots 3, 4, 5, 6, 7, and 8, in square 678, in the city of Washington, being the west half of said square, containing about 170,648 square feet, or in case of failure to secure said lots by negotiations with owners, or a satisfactory title thereto, such as may be approved by the Attorney-General of the United States, he is hereby authorized and directed to secure same by condemnation proceedings in like manner provided in the act approved June 25, 1890, "to authorize the acquisition of certain parcels of real estate embraced in square No. 323, in the city of Washington, D. C., to provide an eligible site for a city post-office building:" *Provided*, That the price to be paid for the above-described property shall not exceed the sum of $243,175, the payment of which sum shall be made from the money heretofore appropriated for the purpose aforesaid, under section 2 of the act making appropriations for sundry civil expenses of the Government, approved August 30, 1890, which is hereby made immediately available therefor.

Mr. MANDERSON. This amendment to the amendment of the committee proposes to substitute for what is known as the Mahone lot that which is called the baseball lot. I do not propose to take up the time of the Senate by any extended remarks upon this subject. It would be like the threshing again of straw that has been frequently threshed.

The persistency with which the Mahone lot is attempted to be foisted upon the Government commands one's admiration and respect, not by reason of any resulting good that may come to the Government by its purchase, but one can not help admiring and respecting the persistency of those who on their friendships insist upon the purchase of this lot.

I have shown frequently and at length how unfit it is for the purpose for which it is proposed to be purchased. I have shown frequently that the price proposed to be paid for it is far beyond its value.

The amendment that is proposed by the Senator from North Dakota [Mr. ROACH] suggests the purchase of a piece of property very close to the Capitol, in every respect conveniently located, near to the present site of the Government Printing Office, and nearer than the present site to the Capitol, of sufficient dimensions, of proper foundation capability, having that square or nearly square area which is a necessity for such a building, and having proximity to a railroad that would permit the supplies for the Government Printing Office to enter, with a saving of expense to the Government, and its product to have its exit by cars, with the strong probability, aye, almost certainty, that this condition as to railroad facilities will not be interfered with in coming time.

I regret exceedingly, Mr. President, that the Committee on Appropriations has seen fit to come to this conclusion, and I regret still more that this matter is to be taken up in the absence of the Senator from Missouri [Mr. VEST], the chairman of the Committee on Public Buildings and Grounds, who, while at one time an advocate for the purchase of the Mahone site, has seen other and stronger light on this subject, and does not believe now in its purchase. He desires the extension and reconstruction of the buildings of the present Government Printing Office. I think that would be infinitely better than the purchase of the site that is reported in this bill, and yet I can see objections to such an extension, the main one, in my mind, being the very great cost of acquiring the additional land that will be needed, and the certainty that Congress will never permit railway tracks to cross North Capitol street and enter the present grounds.

Mr. President, I do not desire to go into any argument upon this subject. I am so anxious that the present deplorable condition shall be gotten out of and that we shall have a Government Printing Office in which the lives of employés will be safe, that I stand almost ready to accept anything that will give to us a proper public building; but I protest that the Government of the United States should be influenced by but the one motive, and that is to obtain the most convenient and best site that can be obtained for its Government Printing Office.

Nothing has occurred in all these years during which this unpleasant controversy has gone on to change the wisdom of the conclusion that a disinterested board came to years ago. Looking over the entire situation, charged with the duty by the Congress of the United States, that board, composed of the then Secretary of the Treasury, Mr. Windom, the Architect of the Capitol, Mr. Clark, and the then Public Printer, Mr. Palmer, all agreed and reported to Congress that of all the places in the District, all things considered, the very best was the baseball site, the purchase of which is provided for in the amendment of the Senator from North Dakota [Mr. ROACH], and I hope that this site may be selected, and speedily selected, for it certainly is by all odds the best purchase that the Government can make.

Mr. HAWLEY. I second what has been said by the Senator from Nebraska [Mr. MANDERSON], and it saves me the trouble of saying it, for he has said it so much better than I could do.

I served twelve years on the Committee on Printing and have heard a great deal of this matter, which has now been pending before Congress for a series of years.

The baseball lot is the best lot in the District for the Government Printing Office. It is a square or two nearer to the Capitol than the existing Printing Office; it is immediately adjacent to a railway, so that a side track could be run into the basement of the building, bringing in the enormous quantity of supplies of every description which are there used, and a branch post-office could be established there carrying away the enormous burden of books which the Government issues every year with the least possible trouble.

I know that it is attempted to find fault with the baseball lot, and it was said that perhaps the ground there did not have a sufficiently good foundation; but we had the best engineers there are in the District to examine it, and they said the foundation was abundantly good. Some of the men who said the foundation at that lot was not good were afterwards advocates of the location of the new city post-office; and yet it was necessary to drive piles in order to secure a reasonable foundation there for that building.

In my judgment there never was an objection to the baseball lot that could stand for a single moment before any competent board. It is one of the mysteries of Congressional life to me that there should be such a persistent, and I have no doubt such a successful, attempt to locate the Government Printing Office at least a mile away from the Capitol, not convenient to us, and not convenient for the general uses of the Government. I do not desire to have that building immediately under our eyes, where we should be troubled with the smoke, though the smoke from a building used for such a purpose, where there is no offensive material, is a small matter.

The baseball lot is a reasonable distance from the Capitol; it has a good foundation; it is close to a railroad, and in every respect the land is good enough to build a printing office upon. I never knew any reason why the special lot named in the amendment should be selected above a thousand other lots.

Mr. TELLER. Mr. President, the Senator from Nebraska [Mr. MANDERSON] and the Senator from Connecticut [Mr. HAWLEY] repeat what they have stated here before, and, to speak mildly, in a rather offensive way, as it seems to me, of the persistency of those who advocate the amendment inserted in the bill by the Committee on Appropriations.

I would suggest to the Senators who talk about the persistency of the friends of this amendment that there is quite as much persistency on their part when they press upon the Senate the taking of the baseball lot, a lot that is short by 40,000 feet of what every Public Printer has declared must be had for a proper public building for the purpose intended; a lot that has been declared by the best engineers in the city to be in many respects totally unfit as to its foundation, etc. It comes with ill grace for the Senator from Nebraska and the Senator from Connecticut to speak about the persistency of those who support this amendment.

They have been equally persistent in voting for and pressing a proposition which has been twice voted down by the Senate.

The proposition now before the Senate, which is reported by the Committee on Appropriations, has been twice approved by the Senate. If there is anything that is curious and anomalous in Congressional life which ought to astonish the Senator from Connecticut, it ought to be that after the Senate has twice declared a lot was unfit and unsuitable for the purposes of the Government Printing Office, he should still persist in insisting that the Senate should accept that lot.

The lot which is proposed to be purchased by the committee is one in the immediate neighborhood of the baseball lot, the ground of which is a little higher. It is a little further away, but not enough so to make it in the slightest degree objectionable on that account. It is in immediate connection with a railroad, and tracks can be run into the building in better shape than could be done in a building erected on the baseball lot. All the railroad advantages that could possibly be had on the baseball lot can be had on the other; it is 16 feet higher; it is a lot upon which a foundation can be had without the slightest trouble or difficulty; it is nearly 50 per cent cheaper; and just as well adapted in every respect for the purpose desired as the baseball lot can possibly be.

If there was ground enough in the baseball lot, that lot would still be objectionable; but there is not enough ground, and its advocates have never pretended that there was enough ground in it for the purpose; but they said we could take the parking and we could thus crowd out over the streets, and probably we could get enough ground in that way so that the building could be put upon it.

Mr. MANDERSON. I know the Senator from Colorado will desire to be corrected in any misstatement he may inadvertently make.

Mr. TELLER. Certainly, if I have made any.

Mr. MANDERSON. The lot referred to is not the baseball lot at all. The lot he refers to is what is known as the Johnson lot. The Johnson lot, after the loss of the baseball-lot proposition, was recommended by the Committee on Printing. That is the lot which it was claimed heretofore was too small for the purpose. The baseball lot is larger than the Mahone lot.

Mr. TELLER. Oh, no.

Mr. MANDERSON. Indeed it is.

Mr. TELLER. I think not. I think I did fall into an error in confounding the baseball lot for the moment with the Johnson lot; but the same objection which exists to the Johnson lot exists as to the baseball lot, except as to the size. Perhaps I have confounded the two for the moment, for there has been equal persistency on the part of certain Senators here in pressing the Johnson lot. I believe the Senators who have been so much in favor of the baseball lot regarded the Johnson lot as the next best thing they could get.

Mr. MANDERSON. They did.

Mr. TELLER. They did advocate the purchase of that lot, and therefore I somewhat confounded their action with the present suggestion.

Here is a piece of ground that can be bought for very much less per foot than either the Johnson lot or the baseball lot; it is very much more accessible to the railroad; it is 16 feet higher; it is solid ground, where there will be no trouble about securing good foundations; it is in a good neighborhood, and it is where the Government can take more ground, if it needs it, than it can obtain at the baseball lot or at any other place.

So far as persistency is concerned, it is a persistency born of the knowledge that this is the most suitable place. I assert here that there never has been presented to the Senate but one lot that has anything like the merits of the Mahone lot, and that was not considered by the Senate at all. That lot is in the vicinity of the Capitol, and an amendment to purchase it was presented at the last session by the Senator from Wyoming [Mr. CAREY].

That was an available and valuable piece of ground, but its purchase did not receive the sanction of the Senate.

I repeat, the Senate has twice asserted that neither the baseball lot nor the Johnson lot will answer the purpose. Twice the Senate has asserted that the Mahone lot was the proper place for the Printing Office, and the committee could not well have accepted any other ground than that which the Senate had declared itself to be in favor of.

Mr. CULLOM. Will the Senator allow me to make a suggestion?

Mr. TELLER. I am through.

Mr. CULLOM. All I desire to say is, that the amendment which is found in the bill was referred to the Committee on Appropriations by the Committee on Public Buildings and Grounds for consideration. In addition to the remarks of the Senator from Colorado, in explanation of the position of the Committee on Appropriations, I will say we were not hunting the privilege of inserting such an amendment, but it came to us from the Committee on Public Buildings and Grounds, and the Committee on Appropriations after due consideration adopted it with amendments.

I desire to repeat what has been said by the Senator from Colorado, that it does seem to me that it can not be properly

and seriously charged that the friends of the Mahone lot have been persistent; at least that they have been more so than those who have been against it, because we had the indorsement of the action of the Senate twice repeated, as has been said by the Senator from Colorado, and it seemed the natural thing for the Committee on Appropriations to do was to insert a provision in this bill authorizing the Government to purchase the Mahone lot, so that we might eventually get started on the work of a public building for the use of the Printing Office.

Everybody is agreed that that is an important thing to do. The Committee on Appropriations not only thought that we ought to start the work of securing a site, getting plans, etc., but in view of the condition of the Printing Office building as it is now, we have proposed an appropriation which should make the present building secure in the mean time, while we are securing a public building on whatever site may be selected by the Government.

It seems to me that there ought not to be very much opposition to this proposition in the Senate after the Senate has twice voted by a very decided majority that the Mahone lot, as it is called, ought to be selected as a site for the Public Printing Office.

Mr. GORMAN. Mr. President, the amendment reported by the Committee on Appropriations for the purchase of what is known as the Mahone lot did not meet with my approval. I have never voted when this question was under consideration for the purchase of that lot. I do not care to go into a discussion at this time of the relative merits of the various sites which have been offered. I myself believe that the only proper thing to do is to acquire additional property in the square in which the Government Printing Office is now located. Believing that to be the right policy, I can not vote for the amendment offered by the Senator from Nebraska.

I am very much gratified, however, that we have been able to carry through the first clause of the amendment, making an appropriation which will enable us to at least make an effort to preserve the lives and the health of the people who are employed in the H street wing of the Printing Office. It gives full authority to the Chief of Engineers and the Public Printer, under the direction of the Joint Committee on Printing, to make some temporary provision for the poor people who are now employed in that building, which is dangerous, and where a calamity is likely to occur at any time.

For the reasons I have stated I can not vote for the amendment offered by the Senator from Nebraska, nor for the one which comes from the Committee on Appropriations.

Mr. COCKRELL. The amendment as it appears in the bill was not reported to the Senate by a united committee. A majority of the Committee on Appropriations reported in favor of placing this amendment upon the bill.

I say very frankly, so far as I am concerned, that I do not think such a provision ought to be placed upon an appropriation bill; but if the Senate is determined to place the selection of a site for the Government Printing Office upon an appropriation bill, in my judgment the lots adjoining the present location of the Public Printing Office are by far the best, and are the ones that ought to be selected. I shall, therefore, oppose the amendment of the Senator from Nebraska as well as the amendment reported by the committee.

Mr. GALLINGER. Mr. President, as is well known, I have heretofore, in the discussion that has taken place on this question, advocated the enlargement of the present plant, and I see no reason whatever for changing my mind in that respect. I think it is good business judgment, that it would be a great saving to the Government, and that no other scheme that has been proposed in Congress ought to stand in the way of doing what good business judgment would dictate in this matter.

I presume, Mr. President, that an amendment would not now be in order, but I desire to have read for information an amendment that I shall offer after the amendment submitted by the Senator from Nebraska has been voted upon. If it is rejected, after the amendment I propose is read, I shall desire to occupy the attention of the Senate a single moment.

The PRESIDING OFFICER (Mr. BLANCHARD in the chair.) The amendment intended to be proposed by the Senator from New Hampshire will be read.

The SECRETARY. In lieu of the amendment reported by the committee, it is proposed to insert:

That the sum of $250,000, to provide accommodation for the Government Printing Office and the construction of the needed storage and distribution warehouses in connection therewith, in the act making appropriations for sundry civil expenses of the Government, approved August 13, 1890, and suspended by act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1892, approved March 3, 1891, is hereby made available for the purposes provided for in the above act approved August 30, 1890; and that the Secretary of the Treasury is hereby directed to pay out of this sum an amount sufficient to purchase such portion of square No. 621, contiguous to the present Government Printing Office, in the city of Washington, D. C., as the Secretary of the Treasury and the Public Printer may deem necessary for the needs of the Government Printing Office: *Provided*, That the amount shall not exceed the amount of the said $250,000.

Mr. GALLINGER. Mr. President, it will be observed that the amendment I have had read, which at the proper time I shall ask action upon, is in the line of the suggestions made by the Senator from Maryland [Mr. GORMAN], the chairman of the Committee on Printing, and by the Senator from Missouri [Mr. COCKRELL], the chairman of the Committee on Appropriations. Both of those Senators have announced that they prefer that the present plant shall be enlarged, that additional land shall be purchased, and that the money shall be expended there rather than upon the sites concerning which so much controversy has heretofore been had.

Mr. President, I shall not detain the Senate by a lengthy discussion of this question. I have heretofore endeavored to point out from a practical standpoint why I believe the appropriation should be made in the line of the amendment which I have suggested. If the present plant is enlarged, at least $300,000 will be saved to the Government in buildings that are already constructed, fireproof and safe in every way, and that are adequate for the purposes of the Government Printing Office so far as they go. That amount will be saved, not alone in the building, but in the water mains and gas mains which are already located there, and which would have to be reproduced if we select a separate lot or a lot not contiguous to the present Government Printing Office.

I am not going to make an attack upon the lot that is proposed to be purchased by the pending bill, but I am very much surprised to hear the Senator from Colorado [Mr. TELLER] and the Senator from Illinois [Mr. CULLOM] make the statement that the foundation of that lot is on solid ground. I do not think that can be so. I have the testimony of men who have lived in that section of the city for a long number of years that that is filled ground, and the statement has been made to me, perhaps not correctly——

Mr. TELLER. The Senator will allow me to state that there are no filled grounds in any portion of the lot which is proposed to be taken for a site. There is some filled ground in the property owned by these parties, but it is to the extreme east of this ground. None of the filled ground will be touched by any proposed plan for the taking of the Mahone lot.

Mr. GALLINGER. That does not correspond with the testimony which has been presented to me, statements of reputable men, who have lived in that section of the city all their lives.

Mr. MANDERSON. If the Senator from New Hampshire will permit me, I think he misunderstood the Senator from Colorado. The statement was that no part of the ground that would be used for building purposes by the plan that had been proposed would be filled ground, but that there is filled ground upon the east portion of the lot, which the Senator from Colorado thinks would not be covered by the building. That, I think, was the statement.

Mr. TELLER. It would not only not be covered by the building, but it would not be covered by the purchase. The Government would not purchase under the proposed plan any of the filled ground. I took the pains to go over this ground some time ago and examine it.

Mr. MANDERSON. A look at the surface of the ground shows the fact that there is a sewer there.

Mr. TELLER. I know where the sewer is very well.

Mr. MANDERSON. And it is proven beyond peradventure that that sewer, which is the bed of the Tiber Creek, starts in at one end of the lot, 40 feet from the corner, and makes its exit on the other side of the lot, 200 feet away.

Mr. TELLER. The Senator can find out without the least trouble, if he will, that that sewer for most of its distance is through solid ground, and not the character of ground of which he speaks. I am assured by those who ought to know that there is no question that the Government would take no part of the filled ground by this proposed purchase.

Mr. GALLINGER. I will again state that the testimony of the Senator from Colorado does not agree with the testimony which has been given to me by men not interested in this matter, who have lived in that section of the city all their lives. I will leave the matter there. I think an exploration of that lot will determine the correctness of the suggestion I make, and that the contention that that is solid ground will not hold. That is my opinion.

In advocacy of the proposition I have submitted to the Senate, I think we ought to be governed to a very considerable extent in the construction of a workshop by the testimony of practical men, men who have knowledge such as we can not possibly have in reference to a matter of this kind; and I think we ought to be somewhat swayed in our views by the fact that the late Public Printer, Mr. Palmer, that his foreman of printing, Mr. Brian,

who still holds that responsible position, and, as I understand, the present Public Printer, Mr. Benedict, have all given it as their opinion that it will be a matter of economy to the Government and of good business judgment if the present plant is preserved, additional ground purchased, and the necessary new buildings constructed.

I say those practical men, men who have to do with the affairs of the Government Printing Office, in opposition to the judgment of Senators, have given it as their opinion that the amendment which I have offered, or something looking in that direction, ought to be adopted.

A good deal of stress has been laid in former debates, and the suggestion has been made to-day, upon the necessity of having a location where railroad cars can be run into the Printing Office. I think I have heretofore pointed out—and I have done it upon the basis of some practical knowledge of the printing business—that nothing more disastrous could happen to a great establishment of this kind than the running of railroad trains and locomotives into close proximity with a printing office.

Smoke and dust would destroy more white paper than the saving to the Government possibly could be. I venture to say there is not a printing house on the face of the earth where a railroad train or a locomotive is permitted to run directly into the establishment. I do not think any Public Printer would, if his opinion were asked, allow such a thing to happen in the event of having either a new printing house or having the present plant enlarged.

A good deal of discussion has been had upon the matter of the economy to the Government resulting from having a railroad track run into the Printing House. At best this could only be the case as to one railroad, and that would be the Baltimore and Ohio Railroad. A very small percentage of the freight coming to the Government Printing Office comes over that railroad, and unless we propose to give that road a monopoly in some way of the carriage to and from the Printing Office, but a small percentage of the freight would be carried by that corporation. A large amount of the supplies of the Government Printing Office comes by water, and a still larger percentage come over the great Pennsylvania Railroad.

But as a matter of fact, and it is susceptible of the amplest demonstration and proof, if every pound of freight put into the Government Printing House could be carried over one road and delivered by a railroad running directly into the office, it would not save a dollar to the Government of the United States. Paper is bought by the pound. It is bought so closely that no saving could be made in the matter of freight, and it is idle for us to waste time in discussing the saving that would come to the Government by having a railroad track running into the Printing House.

There are many more observations which might be made on this question. It is a very important matter, and I have a good deal of feeling about it. I have no interest in any one of these lots in any way. I am glad to say that I have no friends pressing them upon my attention. Neither the Mahone lot nor the lot advocated by the Senator from Nebraska has been presented to me by any man who is urgent to sell land. Hence my judgment is not swayed by any such consideration.

I do not know how persistent the owners of these lots may be. I think they have a right to be persistent and to sell their property to the Government at a fair profit if they can get the Congress of the United States to purchase it, but in opposition to their interests and in opposition to their persistency, if it exists, I present in the amendment that I propose to offer a practical solution of this question which has the indorsement of practical men, and which, in my judgment, whether it will be or not, ought to be adopted by the Congress of the United States.

Mr. SHERMAN. Mr. President, there is probably no matter of local interest which has been so often and so fully discussed in the Senate as the question of the selection of a site for the Printing Office, but in all the discussion one thing has always been agreed to by every member of the Senate and by every person who is familiar with the subject-matter. That is, that there is an absolute necessity pressing upon us to remove the Public Printing Office from the present building whether the present site is kept or not.

The present building is totally unfit for human occupation, permanently or temporarily. It is a wreck, built in the beginning very feebly, and is not fit for the purpose. The fact that 2,000 people—men, women, and children—are working there daily in constant fear of their lives ought not to be forgotten when this matter is discussed.

Now, in respect to the sites, I have but very little care or decided opinion. I voted first for the proposition made by the Senator from Nebraska. I am perfectly familiar with both squares of ground in discussion. I trod over the land long before any of the improvements were made.

It seems to me that the same small, meandering creek passed through both pieces. It came down in the Mahone lot, from the rear or east end, fifty to two hundred feet probably from the east end, leaving in front of it, however, five or six hundred feet in depth, and 270 feet in width, I think, upon which to build the Printing House. The same creek ran through the baseball grounds, and it has been filled up. That it is not so large a piece of ground. I believed in the first place that that was the best place. The Mahone lot, I believe, was not then a competitor. I voted for it with great pleasure, and I have often expressed surprise as to how it came to be defeated. Was there any defect in the title, or what was the cause of the failure to purchase the lot?

Mr. MANDERSON. There was no defect in the title. It was simply because the Mahone lot had more friends.

Mr. SHERMAN. The Mahone lot at first was not a competitor with this lot, and I voted for it with the greatest pleasure.

Mr. MANDERSON. The Mahone lot was a competitor in prospective at that time.

Mr. SHERMAN. I did not know that. I believe the lot to which I refer is a good one. I believe a proper building could be erected upon it without any trouble. The passage of the creek through it did not materially hurt it. There is plenty of ground left upon which to erect a building.

The necessity for action by the Senate is, I think, imperative. I am utterly opposed to the adoption of the present site for either a new structure or an addition to the old building. It is too crowded. The whole square is occupied, and in order to occupy the part that is proposed the Government would have to tear down a number of buildings which are now occupied by families. It is in a crowded part of the city, on the corner of H and North Capitol streets. It is totally unfit for a Public Printing Office building, which ought to be entirely detached.

There ought to be at least from sixty to one hundred feet on every side of the Printing Office, separating it from any other building that could possibly be erected by anybody. The old building is scarcely worth tearing down. The foundations are feeble, the walls are cracked, the building is poor. I speak of the old part of the building.

I merely rose to say that I am familiar with the sites, and that I shall vote for the proposition now made by the committee. It is now placed upon the bill, and the matter can be acted upon and concluded.

If any other proposition is made it will open a wide field of controversy. If the amendment proposed by the Committee on Appropriations is agreed to by the House of Representatives we will have a certainty that in a short time we shall have a public building where the printing may be safely done and where the lives of our employés will not be constantly endangered. I shall therefore vote against any amendment to the proposition of the committee and shall vote for the committee's amendment.

Mr. MANDERSON. Mr. President, I wish to say a few words only in addition to what I have already stated, rather in reply to one or two suggestions which have been made than for any other purpose. I think the Senator from New Hampshire [Mr. GALLINGER], in whose excellent business judgment I usually repose great confidence, is entirely mistaken in his idea that it would not be advantageous to have a railway track enter the grounds of the Public Printing Office. No one has ever proposed that any railroad should run through it, with its rushing trains and noisy locomotives, to the disturbance of the employés.

The proposition is simply that between the buildings that shall be erected, the Government Printing Office on the one side and the storage houses upon the other, there shall be tracks over which cars may run for the purpose of bringing in materials and taking out the finished product.

No private manufacturing establishment anywhere in the country places its plant where railroad tracks can not reach it, if it is possible to have them reach it.

Undoubtedly, with the requirement of all contractors for paper and other material that the delivery shall be at the Public Printing Office, there would be a great saving upon that enormous amount of material—tons and tons of leather, paper, etc. Many, many, carloads must annually be delivered there either by immediate delivery from the cars or else by haul by wagon to the Public Printing Office, and if the haul by wagon can be saved by the contractors and they can deliver their materials in the car direct to the Printing Office, their bids for paper and other materials will be that much lower.

Senators should not underestimate the vast amount of money that is paid out every year for the transportation of books printed and bound for distribution to the public, the blank books and the stationery supplies which are carted by wagons from the Public Printing Office. If a railway track ran in there the mail cars could run in, and instead of the books being brought

up here to the Capitol, to fill every vacant space that can be occupied by them, instead of its being necessary for us to build warehouses adjoining the Maltby Building and running the risk of bringing that building down about our ears by the load of books, the mail cars could take out that which is for distribution and pass the books anywhere about the country.

It is absurd to say that any railroad would have a monopoly. Cars for the Government Printing Office and cars sent from the office to go over any railroad could be switched upon any of the tracks that enter the city, whether the Pennsylvania or the Baltimore and Ohio.

I do not understand that the Senator from New Hampshire [Mr. GALLINGER] is advocating in any respect the Mahone lot. His objection is to any new lot whatever, and he urges as against any new lot the lack of necessity for railroad facilities to adjoin the building. It seems to me that is a prime necessity, and it is that which is urged here in favor of a new place.

So far as concerns the Public Printer and the gentleman who has recently occupied that office, I know of my own knowledge, from conversation had with Public Printer Palmer and reports made by him and from the present Public Printer, that they would greatly prefer a new site for a building rather than the patching up of the old one; but they say, "If we can not get a new site; if that is impossible, then, for Heaven's sake, go on and better the existing condition and make the present building safe for life and limb."

Mr. GALLINGER. I do not know that I am correct in this matter, and I should like some information, which I presume the Senator from Nebraska can give me. I desire to ask the Senator if there is in existence a recent letter from the present Public Printer asking the enlargement of the existing plant?

Mr. MANDERSON. There is such a letter, advocating it; but I say that the present Public Printer would greatly prefer a properly located lot and the construction of an entirely new Public Printing Office building.

Mr. GALLINGER. Has he so stated?

Mr. MANDERSON. He does not underestimate, as does the Senator from New Hampshire, the advantage of having railroad facilities for the new plant.

Mr. President, as regards the respective merits of the two lots, the Mahone and the baseball lot, my recollection is very clear as to the history of this matter. My neighbor, the Senator from Ohio [Mr. SHERMAN], seems to have forgotten the facts. It is true that in the first instance, when the matter was first before the Senate, the Mahone lot had not made its appearance in public.

It, however, was in private view, and when the Committee on Printing, following the conclusion which had been arrived at by the commission composed of the Secretary of the Treasury, the Architect of the Capitol, and the Public Printer, made their report in favor of the baseball lot, there came from the friends of the purchase of the Mahone lot a resolution requiring the Committee on Printing to make investigation as to whether the baseball lot had sufficient foundation for the buildings required to be erected upon it. Before that committee there appeared an attorney, representing Gen. Mahone, who was permitted to cross-examine the witnesses who were brought forward, and a vigorous attack was made upon the baseball lot, because it was claimed it would not afford sufficient foundation for the public buildings.

I have here the report of the Committee on Printing made in February, 1891. Just think of it! Away back prior to that time we commenced this controversy, and for about six years we have been wrangling over the question as to which is the best lot. Of course it is every man's right to insist upon that which he thinks is the best, and I am simply availing myself of that right and that privilege. But I believe I know something of this matter. I have explored it in every way. There is no lot which has been offered that I have not personally visited. There is no witness among the hundreds of witnesses who have been examined whom I have not personally examined, and the report is here.

There can be no question as to the fact. It is exactly as the Senator from Ohio states it. Tiber Creek at one time ran through both of these lots. It does not follow that because it did so those lots will not give sufficient foundation. There was a creek running through the site of the present Pension Building. That enormous structure is built upon a foundation which had to rest upon that sort of ground. It is so stated here in the testimony of Gen. Meigs. I will state facts as to the Mahone lot. Through that lot, commencing at one side, the south side, 40 feet from the east corner, the old creek entered, and it made its exit on the north side, 200 feet from the corner.

There is no question about that. It appears fully by all the plans and plats which have been made. It was admitted by the Senator from Missouri and practically admitted by the Senator from South Carolina in a former debate upon this question, and about it there can be no controversy. It does not follow that because of that fact there could not be sufficient footing found. You can go to the necessary depth, but the obstacle in the way is that replacing the old creek through the Mahone lot there is now one of the main sewers of the city of Washington, which would have to be disturbed if this part of the lot were to be built upon.

Now, as to the baseball lot. Tiber Creek ran through a small part of the corner. It did not run across the lot, but cut diagonally across one corner of it. When the attack was made upon the foundation facilities of this lot testimony was taken, and I have here the volume containing it. No builder, no architect, no engineer gave testimony before that committee that the lot would not afford sufficient foundation for the buildings which it was proposed to erect upon it. On the contrary, Mr. Entwistle, who is inspector of buildings in the District of Columbia, not only made a personal and cursory examination of the lot, but pits were dug (my recollection is, there were some eight or ten in number) going down through that part of the lot which had been filled to the original earth. He swears that there is no trouble about the foundation for the buildings.

Q. Do you think there is anything in this block, in the character of its filling, or its situation in any regard, that would prevent its carrying in safety buildings such as described, with proper foundations?

A. In building there it would be necessary to go down to the original earth, as I stated before. If you go down to the original earth it will carry any structure.

Q. In your opinion would piling be necessary in any part?

A. Not at all. A good concrete foundation there of sufficient width would carry any structure you could put on it.

There is pretty good expert testimony. I pass over the testimony of some other practical builders and architects, and go to the testimony of Mr. Bernard R. Green, who is the constructing architect of the Library Building. He swears that he has given very thorough exploration in regard to this lot, and says:

I have had only general knowledge of the locality and its previous topography until within two or three days, when I was asked to make an examination of some test pits that had been sunk on the lot in question, with a view to getting an idea of the condition of the strata there, and its capability of supporting the foundations of a heavy building.

Then he goes on to describe in detail each one of these pits and what he found, and declares that it is a gravel foundation—

very much like the gravel strata that we find in other parts of the city. A very similar stratum was found in excavating for the Congressional Library building over here on the hill.

Q. Did you see any evidences of quicksand beds or pits in any part of this lot?

A. No, sir; I did not.

He goes on at great length here to declare that the lot is sufficient to carry any building that may be placed upon it; that practically it is as good a foundation as that which is under the great Library Building on top of the hill. But we were not content with that. We took the testimony of Edward Clark, the Architect of the Capitol, a man of great experience in matters of this sort; and he declares—I shall not take time to read any part of his testimony—that the lot is perfectly safe in that regard. We called in that noted expert Gen. Meigs, and I well remember that when that old man, but a few weeks, perhaps a few months before his death, came before the committee.

He said he had gone to examine the lot. I referred to him in debate upon this subject before, stating the fact that he was the architect and builder of the immense structure the Pension Office Building, and known in connection with other great works. I think I even went so far, at that time, as to give him the credit by mistake for having replaced the foundation under the Washington Monument. I was in error in that regard, having for the moment confounded him with that other great architect in whom we confide, and very properly confide, Gen. Casey, the Chief of Engineers of the Army of the United States. Gen. Meigs testified that he had examined the pits, and found that there was no trouble whatever about the lot.

So the statement made by the Senator from Colorado [Mr. TELLER] is not supported by the evidence which has been taken with such great care in this case. I have no question that either of these lots, with the appliances that are used as foundations by builders, would support any building that might be put upon them. My objection to the Mahone lot is because of its distance in the first place; second, because I think the price proposed to be paid for it is too large; third, because it has not the proper shape on which to place the buildings that I think should be placed upon it; and next, because we are quite likely to find it left to one side by the change of railroads that is anticipated.

Mr. TELLER. I should like to suggest to the Senator from Nebraska that he can not buy any property in that vicinity for anything like the price which it is proposed to take for this property. I have had occasion in another matter to look at the price of property in that neighborhood, and I found that no land

could be bought in that neighborhood, or still farther out, for less than $2 a foot. As to the shape, the Government can make it practically any shape it chooses.

Mr. MANDERSON. I made no personal inquiry as to the price, but I remember very well that the Johnson lot, which adjoins it and is to its east and nearer the Capitol, was offered at a very much less price per foot, and I think it could still be purchased for the same price.

I shall not detain the Senate further upon this matter. As I say, I am anxious for results. I will certainly vote against the Mahone lot whenever an opportunity affords for the abundant reasons which I have given. I hope the Senate will return to the original proposition in this regard, and that is the purchase of the baseball lot.

Mr. HALE. Mr. President, this is an old, vexed question. It has been before Congress for a half dozen years, and ought to have been settled long ago. We ought to have a good, clean, spacious, commodious, conveniently situated printing building built all running to-day, but the trouble has been that the Senate has always been for the Mahone lot, and the committees which have investigated the subject have been first for one and then for another, and nobody could tell what would be done by any committee having charge of the matter.

The reason to-day why the Senate committee have put this provision for the purchase of the Mahone lot upon the bill and hope to get it through is that the necessity for a good, large, convenient public printing building has been growing every year. The Committee on Appropriations felt that if they did not put this provision on and make the effort this Congress would slip by and nothing would be done and we would be no further on than we are now.

That is the truth of the matter, Mr. President. The persistency has not been with those who are for the Mahone lot. The persistency has been in the one committee and the other, which has first been for some lot and then for some other lot against the Mahone lot.

Otherwise the Senate would have had its way long ago. Whenever there has been a chance to vote upon the matter the Senate has been in favor of the Mahone lot. The reason why it has not been purchased is not because there is anything covert about it; it is not because there is anything in the way of the mysterious or the indefinable, or anything that should not be presented. Senators who have been out and looked at all the lots, who have considered the advantages and disadvantages, come back in favor of the Mahone lot. If to-day there are six new Senators in this body who have never seen one of these lots and never heard anything about them, and they will go out and get into carriages and drive first to one and then to another and see the size, the elevation, the convenience of access, the streets that open into them, everyone will come back in favor of the Mahone lot.

The price also is most reasonable. Taken in connection with the other lot, there is no comparison whatever. One great advantage over and above all (and I do not know that it has been alluded to) is that it is in a tract where it is convenient for the workmen who are there, and who do their work there, to live and own and lease or buy or build little cottages. That can not be said of any of the other lots. It is on the best of ground, high and healthful, with clear, broad streets opening in every direction. It is all covered by what I have said, that if any unprejudiced Senator will go and look at different lots he will come back and say that the place to put this printing-house building is right down on the Mahone lot. That is why I am for it.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The question is on agreeing to the amendment of the Senator from Nebraska to strike out the amendment of the committee and insert.

Mr. COCKRELL. I understand the pending amendment of the Senator from Nebraska is to strike out what is known as the Mahone lot and insert the Johnson lot. Did I understand the Senator from New Hampshire to propose an amendment?

Mr. MANDERSON. It is not now in order.

Mr. CULLOM. It will come in after the pending amendment to the amendment of the committee is disposed of.

Mr. GALLINGER. I will say to the Senator from Missouri that my amendment will likewise be in the nature of a substitute for the original proposition.

Mr. COCKRELL. What will your amendment be?

Mr. GALLINGER. It will be to strike out and insert likewise.

Mr. COCKRELL. But to insert what place?

Mr. GALLINGER. The present printing house site.

Mr. COCKRELL. That is what I wanted to know. I am in favor of the present site. I believe it by far the most eligible, the most economical, and the most advantageous in every respect. I shall therefore be compelled to vote against the amendment of the Senator from Nebraska as well as the amendment of the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska to the amendment of the committee.

Mr. MANDERSON. I ask for a yea-and-nay vote.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). On this question I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present I should vote "yea."

Mr. CAMDEN (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW].

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I do not know how he would vote on this question, and I therefore abstain from voting. I should vote "yea" if he were present.

Mr. MORGAN (when his name was called). On this question I am paired with the Senator from South Carolina [Mr. BUTLER]. If he were present I should vote "yea."

Mr. WASHBURN (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. If he were present I should vote "nay."

The roll call was concluded.

Mr. DUBOIS. I inquire if the junior Senator from New Jersey [Mr. SMITH] has voted.

The PRESIDING OFFICER. The junior Senator from New Jersey has not voted.

Mr. DUBOIS. I am paired with that Senator and withhold my vote.

Mr. MCMILLAN (after having voted in the negative). I inquire if the junior Senator from Louisiana [Mr. BLANCHARD] has voted.

The PRESIDING OFFICER. The junior Senator from Louisiana has not voted.

Mr. MCMILLAN. I withdraw my vote. I am paired with that Senator.

Mr. PATTON (after having voted in the negative). I inquire if the junior Senator from Maryland [Mr. GIBSON] has voted.

The PRESIDING OFFICER. The junior Senator from Maryland has not voted.

Mr. PATTON. I withdraw my vote, being paired with that Senator.

Mr. PALMER. I ask if the senior Senator from North Dakota [Mr. HANSBROUGH] has voted.

The PRESIDING OFFICER. The senior Senator from North Dakota has not voted.

Mr. PALMER. I withhold my vote, being paired with that Senator.

Mr. BERRY. I will transfer my pair with the Senator from Rhode Island [Mr. ALDRICH] to the Senator from Louisiana [Mr. BLANCHARD], and the Senator from Michigan [Mr. MCMILLAN] and myself will vote. I vote "yea."

Mr. MCMILLAN. I vote "nay."

The result was announced—yeas 13, nays 34; as follows:

YEAS—13.

Bate,	Coke,	Jarvis,	Roach.
Berry,	Faulkner,	Mills,	
Caffery,	George,	Mitchell, Wis.	
Cockrell,	Hawley,	Peffer,	

NAYS—34.

Allen.	Dolph,	Lodge,	Sherman,
Allison,	Gallinger,	McMillan,	Shoup,
Brice,	Gray,	Martin,	Stewart,
Call,	Hale,	Mitchell, Oregon	Teller,
Cameron,	Hoar,	Pasco,	Vilas,
Carey,	Hunton,	Perkins,	Walsh,
Chandler,	Jones, Nev.	Power,	White.
Cullom,	Kyle,	Pugh,	
Davis,	Lindsay,	Quay,	

NOT VOTING—38.

Aldrich,	Gordon,	Manderson,	Smith,
Blackburn,	Gorman,	Morgan,	Squire,
Blanchard,	Hansbrough,	Morrill,	Turpie,
Butler,	Harris,	Murphy,	Vest,
Camden,	Higgins,	Palmer,	Voorhees,
Daniel,	Hill,	Patton,	Washburn.
Dixon,	Irby,	Pettigrew,	Wilson,
Dubois,	Jones, Ark.	Platt,	Wolcott.
Frye,	McLaurin,	Proctor,	
Gibson,	McPherson.	Ransom,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment reported by the Committee on Appropriations.

Mr. GALLINGER. I submit an amendment which I ask to have read. I move to strike out the amendment of the committee and insert what I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. Strike out the amendment of the committee and insert:

That the sum of $250,000, to provide accommodation for the Government Printing Office and the construction of the needed storage and distribution warehouses in connection therewith, in the act making appropriations for sundry civil expenses of the Government, approved August 30, 1890, and suspended by act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1892, approved March 3, 1891, is hereby made available for the purposes provided for in the above act approved August 30, 1890; and that the Secretary of the Treasury is hereby directed to pay out of this sum an amount sufficient to purchase such portion of square numbered 624, contiguous to the present Government Printing Office, in the city of Washington, District of Columbia, as the Secretary of the Treasury and the Public Printer may deem neccessary for the needs of the Government Printing Office: *Provided*, That the amount shall not exceed the amount of the said $250,000.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire to the amendment of the committee.

Mr. CAREY. I understand the amendment of the Senator from New Hampshire [Mr. GALLINGER] proposes to buy additional land at the present site for a printing-house building.

Mr. GALLINGER. It does.

Mr. CAREY. Being upon the Committee on Public Buildings and Grounds, I visited the various places which were offered to the Government, including the present site, and anyone having a practical idea of such matters who will visit the Public Printing Office will, I think, pronounce it an unfit place for workmen, or for printers, or for anybody else. It is an unsafe building. The Government owns at that point only 58,884 feet of ground. Now, it is proposed to purchase there 52,623 feet of ground. The Public Printer reports that that additional ground will cost, anyway, $175,000.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from New Hampshire.

Mr. CAREY. Certainly.

Mr. GALLINGER. If the Senator will permit me, I will state that I understand options have been taken upon every foot of that ground at a price not to exceed in any instance $3 a foot, including improvements.

Mr. CAREY. It makes the cost one hundred and seventy-four thousand and some odd dollars. Now, it is proposed that we shall enter upon an unbusinesslike scheme and buy 52,000 feet of ground for $175,000.

Mr. GALLINGER. How can that be? Fifty-two thousand feet at $3 a foot would not cost $175,000. My mathematics do not agree with that statement.

Mr. CAREY. I did not make the calculation. The Senator made the calculation. I gave the gross amount. It will cost $175,000 to get this ground.

Mr. GALLINGER. Not for 52,000 feet.

Mr. CAREY. For 52,000 feet. The present site at the same value stripped of its buildings is worth $195,000. With the purchase of this additional ground we shall have only 111,000 feet at the present site, and the value of the site will be $370,000 before we commence to erect the additional building. To get a proper building on that ground, considering the room that is necessary, it must be anywhere from five to ten stories high, as we shall only have 111,000 feet.

We are told that there is an emergency, and that we must have the building quickly. I find there is only an emergency when somebody wants to sell a lot, and when somebody has some particular scheme to rush through this body. We discussed this question on the 21st of last February. Any business man who wants to build a factory or business house would have bought the ground and erected a suitable building for the Public Printer long since, but under a motion to reconsider, after this body had voted to purchase the Mahone lot, the question has remained dead until the Appropriations Committee have properly taken the matter up again and urged its consideration by the Senate of the United States.

Now, what is it proposed to do at the present site? It is proposed to spend $107,000 for an additional building. I ask any man in this body to just think what you will have after you spend $107,000. Will you have a building in which you are willing to risk four or five thousand men who are compelled to work in the Public Printing Office? That building may be useful for some purposes, but it will not be useful as a public printing establishment. If we take the Mahone site (and, after examining all the property offered, I do not believe the Mahone site is the best) we get 213,000 feet of ground for $250,000.

We get nearly double the ground that we would have at the present Public Printing Office, and at a cost of $250,000, when the Government needs the ground, while the 111,000 feet of ground where the Public Printing House stands at present will cost the Government $370,000, assuming that we can sell the ground we now own there at the same price we propose to buy adjacent ground.

The Mahone lot contains 213,000 square feet of ground. I think if the Appropriation Committee had done a wise thing, desiring to purchase the Mahone property, it would have reported in favor of the purchase of the entire square—not half of the lot, but the entire block. If we consider the comfort and safety of those who work in the public buildings, I do not believe we should extend the building higher than three stories.

We can buy this ground and erect upon it a building not over three stories high, and if we do not want to use all that ground, we can retain what we do not build upon for some other purposes, or for the extension of the printing house building site in the future. The block across from the Baltimore and Ohio depot will cost, on the basis that the other House has proposed to pay for the ground, $430,000 before you get grade.

As I said before, I believe, after examination, that the Duddington or Carroll site is the best site for a public printing office, leaving out of consideration the interests of the employés of the Public Printing Office. I do not deny that that is a very important consideration:

It is claimed by those who are acquainted with the Public Printing Office that many hundreds of the employés own their own homes in the vicinity of the present Printing Office, but I understand that either the Mahone site or the site that was proposed by the Senator from Nebraska would be convenient for the employés who are at present located about the Public Printing Office. The Carroll or Duddington site contains 212,000 feet, being as much ground within a thousand feet as the half block known as the Mahone lot, which it is proposed to buy. It can be purchased for $200,000, and has some valuable improvements in the way of modern houses built upon one side, there being at present sufficient ground left for the purpose of the Government so far as any demands for the present are concerned.

This block of ground fortunately has no sewer running through it. It is not made ground on any portion of it. Over 20 feet have been excavated from it. It is down on hardpan or gravel, which I understand is very suitable ground upon which to erect heavy buildings. The Mahone lot is 45 feet above tide water; the present site is 27 feet above tidewater; the Carroll square is 64 feet above tide water.

As to the distances, the Carroll property is 2,600 feet from the Capitol; the present Printing Office site is 2,400 feet from the Capitol; the Mahone lot is 4,900 feet from the Capitol; the Kurtz-Johnson lot is 5,300 feet from the Capitol; and the Baltimore and Ohio depot site is 1,000 feet from the Capitol.

This is all I desire to say about the location of the Public Printing Office.

Mr. GALLINGER. Mr. President, a word before the vote is taken. It is very refreshing to have the Senator from Wyoming, in opposition to the opinion of the late accomplished Public Printer, the present Public Printer, and the exceedingly accomplished foreman of printing, say that the present plant ought to be enlarged, and that it would be good economy for the Government to do it. I say it is very refreshing to have the opinion of the Senator from Wyoming in opposition to these practical men when he says that it is unfit for the Government Printing House in any emergency.

Mr. CAREY. I wish to ask the Senator from New Hampshire if he ever talked with Gen. Palmer on the subject? I did, and Gen. Palmer said it would be better to take the present site and fix it up if we can not get a new building elsewhere. I understand that in the report made he wanted a new site purchased. Am I not correct about that, I ask the Senator from Nebraska?

Mr. MANDERSON. That is correct.

Mr. CAREY. It is only in the event that a new site could not be obtained, being urged by the great demands for increased accommodation and for safety, that he recommended the expenditure of money immediately at the present site.

Mr. GALLINGER. The Senator's statement does not change the fact that he said the present site is unfit for a printing house. The opinion of every practical man is in opposition to the opinion of the Senator from Wyoming so far as that contention goes. There is no reason why the present site is not just as good a site. No reason has been shown why, geographically and so far as the character and soil are concerned, and so far as the healthfulness of the location is concerned, it is not just as good a site as any other that has been proposed.

I think that the Senator from Wyoming made a slight mistake in regard to the area the Government now owns. My impression is that, including an alley which will be made available without cost to the Government, the area is considerably larger than was stated by the Senator. I am sure that in regard to the cost of the purchase of 52,000 feet of additional land he has not accurate figures on that point when he says it will cost $176,000.

Both the Senator from Wyoming and the distinguished Sen-

ator from Ohio [Mr. SHERMAN] have said with a great deal of emphasis that the present printing house is not fit to be occupied, and that we ought not to consider a proposition to add to the plant. Nobody quarrels with those Senators on that point. We all know that if this appropriation is made that old building will be pulled down. Nobody is arguing that it should continue to be occupied. Hence, the contention on that point made by the Senator from Ohio and the Senator from Wyoming has no effect whatever on this controversy.

But the fact should not be lost sight of that in addition to the old building, which ought to be and will be destroyed, the Government owns to-day fireproof buildings of modern construction which are just as good as can be built at the present time, which, including other improvements that will have to be put in if we get a new site, may be properly valued at nearly $300,000, which will be saved to the Government if the amendment which I have offered shall prevail. It is not a question as to whether the old building shall be preserved; nobody expects that to be done, but it is a question whether the Government is going to throw away deliberately perhaps a quarter of a million dollars in improvements that are now made for the purpose of going two or three squares farther away to purchase a site for a printing house.

Allusion has been made to the employés who have their little homes in that part of the city. I think that is worthy of consideration, and any argument which may be made on that point has greater force as applied to the present site than to any other. Those men have bought their little homes around the present printing house. They have a value because of their contiguity to that great establishment and because of the convenience they afford to those poor men. It would be a hardship to remove the printing house a very great distance from the present site, so far as those poor men are concerned.

Mr. President, this is all I care to say. I have no disposition to prolong this controversy. There is no Senator who has a greater desire to have a printing house constructed either upon the existing site or some other site than myself. In season and out of season, covering a period of nearly four years, I have called attention to the insecure condition of the present printing house. I have said in language as emphatic as I could command that we are guilty of a crime in permitting twenty-five hundred or three thousand human beings to be employed in a structure such as the present printing house.

I want to see that old building torn down and new buildings constructed. If it can not be done on the present site I want to see it done elsewhere. I shall reserve the right to vote for or against any other proposition that may be presented to Congress if the amendment which I have offered shall not be adopted, as I trust it may be adopted.

I will close my observations with a single further remark: The Senator from Ohio tells us that if we go out and purchase the so-called Mahone lot we shall soon have a modern printing house constructed for the uses of the Government. My observation does not justify the conclusion the Senator from Ohio seems to have reached.

I have, month in and month out, year in and year out, in riding up Pennsylvania avenue, watched the progress of the new post-office building for the city of Washington. It has not come soon, and the Lord only knows when it will ever come to give relief to the people here. I believe that economy, I believe that speedy relief from the existing conditions will best be found in enlarging the present plant, and I trust that the Senate by a majority vote will agree with me on that proposition.

Mr. CAREY. I wish to call the attention of the Senator from New Hampshire to the letter of Gen. Palmer, which I hold in my hand:

In reply—

He says—

I have to state that options have been secured, covering ground facing North Capitol and G streets, which, added to that already owned by the United States on G street, will equal the area of the present Government Printing Office site. This ground, comprising about 54,000 square feet, is shown by the blue tint on the accompanying drawing, and is offered, with all the improvements thereon, for the sum of $175,000.

The Architect of the Capitol estimates that to construct on this ground, to meet immediate necessities, a five-story building, 60 by 175 feet——

Mr. GALLINGER. If the Senator will permit me, can he point out any objection to a five-story building for a printing house? Has the Senator seen the printing houses in Chicago, New York, and Boston? Can there be any objection to a five-story building?

Mr. CAREY. I do not believe in putting up a printing house in a crowded neighborhood in this city, where ground is abundant. There are reasons of health as well as reasons of safety, and there is economy in the handling of material in having a lower building.

Mr. GALLINGER. Is there any objection to a five-story printing house?

Mr. CAREY. There certainly is when you need not have one higher than three stories. High buildings are not constructed where ground is plenty and where it is cheap.

The Architect of the Capitol estimates that to construct on this ground, to meet immediate necessities, a five-story building, 60 by 175 feet, fronting on North Capitol street, will cost $107,000, and for a six-story building, having the same ground dimensions, $126,000. It seems now that they were not even satisfied that a five-story building would be sufficient to accommodate the work in that building. The Public Printer says:

I respectfully recommend that this ground be purchased, and a six-story building, 60 by 175 feet, fronting on North Capitol street, be erected. Such a building will afford floor space equal to seven-eighths of that of the H street wing of the present building. This building, it is believed, will give immediate relief, and at a future time Congress can make an appropriation to erect a building on the remainder of the ground thus purchased.

Should this purchase be made the total area of the Government Printing Office site will then be 115,246 square feet. There should be added to this 12,533 square feet, covered by two alleys, one 30 feet wide, running east and west, and the other 14 feet wide, running from the 30-foot alley south to G street.

So it is proposed to cover up two alleys in that neighborhood for the sake of getting more ground.

Mr. GALLINGER. It will not do any harm to build up higher.

Mr. CAREY. The letter of Gen. Palmer explains the proposition.

Mr. HUNTON. I am very glad that the first part of the committee amendment under consideration has been adopted. A due regard to the lives of the Government employés absolutely requires that a sufficient sum of money should be appropriated to make the present Government Printing Office safe and human life a little more endurable to those who work in it.

In regard to the second part of the amendment, I wish to say that no amendment that has been brought before the Senate meets my entire approbation. My judgment is, and my desire is, that every public building to be erected in the city of Washington should be located on the south side of Pennsylvania avenue. The land is cheap there; and unless the Government locates its public buildings on the south side of Pennsylvania avenue that portion of the city will continue to go down, and the finest avenue in the world will be destroyed.

If I had my way, Mr. President, I should locate every public building, this among them, upon the south side of Pennsylvania avenue; but my views upon this subject do not meet with the approval of many of the Senators around me, and therefore I have to select between the other sites which have been brought before the Senate by the various amendments proposed.

I do not like the committee amendment, because it will take three years at least, and a large outlay of money, to erect a Government Printing Office upon the Mahone lot or the Johnson lot, and neither of those sites would be as convenient as is the present Printing Office.

Therefore I am not in favor of purchasing either the Mahone lot or the Johnson lot for the purpose of putting a new Printing Office upon either of those lots, but if I can not get the Government Printing Office located on the south side of Pennsylvania avenue, then I desire to see the present site utilized for the purpose of making a sightly, safe, and commodious place for conducting the public printing of the Government.

While Gen. Palmer was the Public Printer I went to the Printing Office and had a long interview with him on the subject. He satisfied me that that was the most feasible plan to get a good, safe Printing Office in a short time. He said—and Senators know that the Senator from Missouri [Mr. VEST], from the Committee on Public Buildings and Grounds, reported the same thing—that in one year's time a new building could be erected on the present location of the Government Printing Office, and gradually the old buildings could be torn down and new ones take their places.

We all know that Gen. Palmer was a man of fine sense and fine judgment, a very conservative, safe man; and he satisfied me that if we had to take the old Printing Office site or the Mahone lot or the Johnson lot, it was better, in every view of the case, that we should take the present Printing Office site, because it was cheaper to the Government, and a safe public building could be erected on the present site at a cost of about $100,000 in the course of a year, while nothing could be done to house the employés in the Printing Office at a new location under three years.

I think, if we desert the south side of Pennsylvania avenue, the best thing that can be done for an early and safe housing of the employés of the Government Printing Office is to utilize the present site by enlarging it a little by condemnation or purchase, and erecting, first, a new building upon the part purchased or condemned, and then gradually replacing the old buildings by new ones; and in the course of a year we shall have a public building there that will make the Government Print-

ing Office not only safe to the employés, but a hundred fold more endurable as a place in which to do their work.

It is for these reasons, Mr. President, not being able to get my first selection on the south side of Pennsylvania avenue, that I shall vote for improving and utilizing the present lot according to the pending amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER] to the amendment of the committee.

Mr. GALLINGER. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present I should vote "yea."

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. If he were present I should vote "yea."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present I should vote "yea."

Mr. MORGAN (when his name was called). On this question I am paired with the Senator from South Carolina [Mr. BUTLER]. If he were present, I should vote "yea."

Mr. PALMER (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH], and therefore withhold my vote.

Mr. PATTON (when his name was called). I am paired with the Senator from Maryland [Mr. GIBSON].

Mr. POWER (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. WASHBURN (when his name was called). I am paired with the Senator from Missouri [Mr. VEST].

The roll call having been concluded, the result was announced—yeas 15, nays 29; as follows:

YEAS—15.

Bate,	Faulkner,	Lindsay,	Peffer,
Blanchard,	Gallinger,	Martin,	Vilas,
Cockrell,	Gorman,	Mitchell, Wis.	Walsh.
Coke,	Hunton,	Pasco,	

NAYS—29.

Allen,	Davis,	Kyle,	Sherman,
Allison,	Frye,	Lodge,	Shoup,
Brice,	Gray,	McMillan,	Stewart,
Call,	Hale,	Mitchell, Oregon	Teller,
Cameron,	Hawley,	Perkins,	White.
Carey,	Hoar,	Pugh,	
Chandler,	Jarvis,	Quay,	
Cullom,	Jones, Nev.	Roach,	

NOT VOTING—41.

Aldrich,	Gibson,	Mills,	Smith,
Berry,	Gordon,	Morgan,	Squire,
Blackburn,	Hansbrough,	Morrill,	Turpie,
Butler,	Harris,	Murphy,	Vest,
Caffery,	Higgins,	Palmer,	Voorhees,
Camden,	Hill,	Patton,	Washburn,
Daniel,	Irby,	Pettigrew,	Wilson,
Dixon,	Jones, Ark.	Platt,	Wolcott.
Dolph,	McLaurin,	Power,	
Dubois,	McPherson,	Proctor,	
George.	Manderson,	Ransom,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs upon agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

Mr. COCKRELL. I wish to make a correction in the bill. I ask the Senate to return to page 43, to the amendment in relation to the World's Columbian Exposition, which I had passed over. The amounts as reported from the State Department were: Exhibitors' claims, $10,194.50; French Government claims, $60,661.40; making a total of $70,885.90. I propose to change the $70,000 to $71,000, so that it will cover the amount of the claims.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 24, page 43, strike out "seventy" and insert "seventy-one;" so as to read "$71,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. COCKRELL. I desire to make another correction. At the foot of page 19, after the words "Revised Statutes," I move to insert the amendment which I send to the desk. It becomes necessary in consequence of the stamps being printed at the Bureau of Engraving and Printing.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 24, on page 19, it is proposed to insert:

For rental of office for the agent of the Post-Office Department to supervise the distribution of stamps by the Bureau of Engraving and Printing, $200; and the Secretary of the Treasury is hereby authorized to rent suitable rooms for such office.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 135, after line 21, to insert:

That the Joint Committee on Printing, as soon as such site shall be acquired, shall cause to be prepared the requisite plans for a Government printing establishment, fireproof all the way, which shall be fully equal to the prompt and efficient performance of the work now required by the Government, and such plans to be so arranged as to admit of progressive extensions, as the growing demand upon the establishment may, from time to time, require; and for the preparation of such plans the sum of $10,000 is hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 136, after line 11, to insert as a new section the following:

COTTON STATES AND INTERNATIONAL EXPOSITION AT ATLANTA, GA.

SEC. 3. That for the expense of the selection, purchase, preparation, transportation, care, and return of articles and materials to comprise an exhibit illustrative of the functions of the Government of the United States, to be made at the Cotton States and International Exposition, to be held in the city of Atlanta, in the State of Georgia, in the year 1895, of which not exceeding $5,000 may be expended for clerical services, $150,000, to be disbursed by the board created by section 16 of the act approved April 25, 1890, entitled "An act to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus, by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, and sea, in the city of Chicago, in the State of Illinois;" and the jurisdiction, powers, and duties of the said board are hereby extended to include the said exhibit at the Cotton States and International Exposition, under all the provisions of law which governed the Government exhibit at the World's Columbian Exposition: *Provided*, That the foregoing sum shall be apportioned among the several Departments, the Smithsonian Institution, and the Fish Commission, by the Secretary of the Treasury, and such apportionment shall be final and shall be so made by him as not to create a deficiency, and shall cover every expenditure on the part of the United States, except as hereinafter provided.

For taking down the Government main building erected for the Government exhibit at the World's Columbian Exposition, and its transportation, or so much of the material thereof as may be available, and its reërection upon the site selected for the said Cotton States and International Exposition, including the purchase of such new material as may be found necessary, $50,000, or so much thereof as may be necessary, to be disbursed by the Secretary of the Treasury: *Provided*, That if it be found impracticable to take down, transport, and reërect said building for the sum herein appropriated, then the Secretary of the Treasury shall cause a new building to be erected upon said site of the Cotton States and International Exhibition, for the Government exhibit, at a cost not to exceed $50,000, for which purpose the amount herein appropriated is hereby made available: *Provided further*, That the United States shall not be in any manner responsible for the conduct or management of said exhibition, nor shall it be liable in any manner for any sum on account of the erection of any buildings for the Cotton States and International Exposition, or for the expenses of the officers or employés thereof, or for any expenses incident to or growing out of said exposition.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. MANDERSON. Unless there are some further amendments to be proposed by the committee, in addition to those which have been acted upon, I offer the amendment which I have sent to the desk.

Mr. COCKRELL. If the Senator will allow me, I wish to offer an amendment from the Committee on Appropriations.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Missouri to an amendment passed over on page 3.

Mr. ALLISON. Before we pass from the amendment just agreed to, I think for safety that in line 15, on page 137, the words "including the return of said exhibits" should be added.

Mr. COCKRELL. That is right.

Mr. ALLISON. I move that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 137, line 15, after the words "United States," it is proposed to insert the words "including the return of said exhibits."

The amendment was agreed to.

Mr. COCKRELL. The amendment on page 3, beginning in line 19, was passed over at the instance of the Senator from Washington [Mr. SQUIRE], who informs me that he does not desire any change.

The PRESIDING OFFICER. The amendment will be agreed to, if there be no objection.

Mr. ALLISON. Before that is agreed to, I ask the Senator from Missouri, in charge of the bill, to allow what I send to the desk to be read as a substitute, limiting the cost of these buildings. I think that ought to be done.

Mr. COCKRELL. Let it be read. This, I understand, is offered as a substitute for the other amendment.

Mr. ALLISON. Yes, sir.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In lieu of the amendment reported by the committee, on page 3, after line 20, it is proposed to insert:

To enable the Secretary of the Treasury to select, designate, and procure by purchase or otherwise suitable sites, and for the commencement of the

construction of public buildings thereon, in the city of Cheyenne, the capital of Wyoming; in Boise City, the capital of Idaho; in the city of Helena, the capital of Montana, and in the city of Spokane, Wash., there is hereby appropriated, out of any moneys not otherwise appropriated, the sum of $100,000. Each of said sites shall contain at least 16,000 square feet of ground, and shall leave an open space around the buildings to be erected thereon, including streets and alleys, of at least 40 feet; and neither of said sites shall cost in excess of $25,000, and neither of said buildings, each of which shall be fireproof, shall cost, including the site, in excess of $150,000.

Mr. COCKRELL. I have no objection to that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. There is an amendment which has been passed over, to which the Chair will call the attention of the Senator from Missouri, on page 87.

Mr. HOAR. I understand the amendment on page 87 is now before the Senate.

Mr. VILAS. Will the Senator from Massachusetts allow me to make an inquiry?

Mr. HOAR. Yes, sir.

Mr. VILAS. Was the first amendment, beginning with the last line on the bottom of page 86 and on the top of page 87, formally agreeed to, so that it requires to be reserved in the Senate, or can it be considered now?

Mr. COCKRELL. Let it be reserved when we go into the Senate.

Mr. VILAS. Can not we dispose of it it as in Committee of the Whole?

The PRESIDING OFFICER. The amendment has been agreed to as in Committee of the Whole, and can not be reached except by a motion to reconsider.

Mr. VILAS. I understood it was the general statement of the distinguished chairman of the committee, that while these amendments were agreed to formally, if there were any votes which were desired to be reconsidered, they could be formally reconsidered. If that can be done in the Senate, however, I do not care to press the question now.

The PRESIDING OFFICER. The Chair stated at the time that the amendment being agreed to it could only be reached by a motion to reconsider.

Mr. HOAR. Mr. President, I have the floor and merely yielded for an inquiry.

Mr. VILAS. I am very much obliged to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to the floor.

Mr. HOAR. I move in line 21, the first line of the amendment, to strike out the words "military records such as."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 21, on page 87, after the words "that the," it is proposed to strike out "military records, such as;" so as to read:

That the muster and pay rolls, discharges, and reports relating to the field operations of the Army, of the Revolutionary war, and of the war of 1812, now in any of the Executive Departments, shall be transferred to the Secretary of War to be preserved, indexed, and properly prepared for convenient reference and use.

Mr. HOAR. Mr. President——

Mr. COCKRELL. The committee will accept that amendment.

Mr. HOAR. Very well. Then I shall say nothing about it.

The amendment was agreed to.

Mr. HOAR. I have a further amendment. I move after the word "use," in the second line on page 88, the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 88, at the end of line 2, it is proposed to insert:

Provided, That whenever the head of any Department shall deem the retention of any such records in his Department essential to the convenient transaction of the business thereof, he may direct copies of such records to be transmitted to the War Department in lieu of the originals.

Mr. COCKRELL. There is no objection to that amendment.

Mr. HOAR. I should like, notwithstanding the acceptance by the Senator from Missouri of the amendment, to state in one moment the reason for the amendment.

A great many of these military records which are in the State Department have come from the private papers of distinguished officers or other persons in public life, military or civil, during the Revolutionary war; muster rolls have come from the custody of the regimental and other officers to whom the reports were made. They are connected very often with family papers which have been purchased by the Government or given to the Government.

There is a very full and elaborate bulletin published of all these records, so that all the historical investigators of the country now go to that valuable State Department library in pursuit of such studies. A great many of them are inextricably connected with other documents and ought not to be separated. When anything is wanted for the completion of a record necessary to a military history, I do not think there ought to be any objection to sending to the War Department. I wish to say that I have received a communication of great alarm in relation to this matter from one of the most distinguished historical investigators of the country, Mr. Worthington C. Ford, who is a high officer of the Government and who understands this subject better than anybody else. It is, however, quite important that where these papers are connected with others, or are needed for the service of the different Departments, copies shall be sent and not the originals.

I put this statement on record so that if the matter comes up in conference the Senator from Missouri will have it for reference.

Mr. COCKRELL. The object is simply to have papers which are now scattered in the Pension Office, in the Treasury Department, and in the State Department, which pertain to the names, individual facts, and services of soldiers in the Revolutionary war and the war of 1812 placed in the War Department, indexed and carded, just as are the rolls of the last volunteer army, so that we can go there and get the military history of any man who was in the war of 1812 or in the Revolutionary war as readily as we can go and get the definition of a word in a dictionary. As the records are now they are utterly useless.

The amendment was agreed to.

Mr. HOAR. I move one other amendment, to add at the end of the amendment what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert at the end of the amendment just adopted:

Said records shall be open to the public under such reasonable regulations as the Secretary of War shall prescribe.

The amendment was agreed to.

Mr. CALL. On page 129, after line 10, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 129, after line 10, it is proposed to insert:

The assistant librarian in charge of the Law Library shall be paid the sum of $1,600 for his salary, and $480 for laborer's services.

The amendment was agreed to.

Mr. KYLE. I offer an amendment to come in at the end of line 7, on page 44.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. On page 44, after line 7, insert:

That James D. McBride be, and he is hereby, authorized and directed to have engraved, on stone or wood, true and fac simile copies of the seal of the Supreme Court of the United States, the seal of the United States, the seal of the Senate of the United States, the seal of the House of Representatives, and the seal of the Department of State, which have been authoritatively affixed to the following documents originating with him, and to print the same on true and fac-simile copies thereof: The Centennial memorial entitled "The Administrators of the United States Government at the beginning of Its Second Century;" also, the Columbian State paper entitled "The Administration of the United States Government at the beginning of the Four Hundredth Anniversary of the Discovery of America:" *Provided*, That nothing herein contained shall be construed as authorizing the said James D. McBride to make, or cause to be made, any die or dies, whereby a copy of the said seals could be printed with raised characters or in relief.

Mr. KYLE. I will state that the amendment carries no appropriation at all, but is merely to confirm a right which this gentleman, Mr. McBride, supposed he already had. It refers to this [exhibiting], which many of the Senators upon the floor have seen, the administrators of the Government from the year 1792, up to the time of the holding of the World's Columbian Exposition. Mr. McBride also secured from Congress the privilege of using the seals at the time of the World's Centennial Exposition in 1876. The chief value of this document consists in having the seals of the various Departments to the fact that these are the genuine signatures of the Senators, Representatives, Cabinet officers, and the President. By joint resolutions of July 18, 1892, and July 22, 1892, Congress authorized the Secretary of State, the clerk of the Supreme Court, the Secretary of the Senate, and the Clerk of the House of Representatives to affix the official seals, attesting the genuineness of the signatures.

All that this man wishes at the present time is that there shall be granted to him the privilege of taking fac-similes of these seals upon paper for use in public schools and libraries for the education of the children and otherwise; and I can not see any objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota [Mr. KYLE].

The amendment was agreed to.

Mr. KYLE. On page 58, after line 2, I move to add what I send to the desk.

The SECRETARY. After line 2, on page 58, insert:

For the purchase, by the Joint Committee on the Library, of Miss Eugenia Shankland's copy of Mr. R. Peal's original portrait of George Washington, $1,500, or as much thereof as may be necessary; and said copy, when purchased, shall be placed in the Vice-President's room in the Capitol.

Mr. COCKRELL. Is the amendment recommended by any committee?

Mr. KYLE. It has the indorsement of the Library Committee *in toto*.

Mr. COCKRELL. Where is the report?

Mr. KYLE. The amendment was reported from the Library Committee by the Senator from Indiana [Mr. VOORHEES] and was referred to the Committee on Appropriations. If the Senator from Indiana had been present here he would have offered the amendment at this time.

I will state that this is a copy, by Miss Shankland, whom many of the Senators know, of Peal's famous painting of Washington. It is the only copy of it ever made. It is now on exhibition in the room of the Committee on Foreign Relations, and is said to be a perfect copy of the original. As the original is fast cracking, perhaps, and is liable to rapidly deteriorate——

Mr. FRYE. It is a good price for a copy——

Mr. KYLE. I think it is wise that the copy should be purchased for use in the room of the Vice-President.

Mr. COCKRELL. I hope the Senate will not enter upon the purchasing of copies of paintings of anyone, however distinguished the person may be. I therefore hope the amendment will not be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota [Mr. KYLE].

The amendment was rejected.

Mr. MANDERSON. I have sent to the desk an amendment which I ask may be read.

The SECRETARY. At the end of page 114 insert:

For acquiring the title to the water power of the Great Falls of the Potomac and such contiguous land as may be needed, by negotiation or purchase, or by proceedings in condemnation, for the purpose of giving additional water supply and electric lighting to the District of Columbia, the sum of $100,000, or so much thereof as may be necessary; and whatever part of said sum may be needed for the purpose may be expended to make the necessary surveys and plans. The appropriation herein provided to be expended by the Secretary of War, who is hereby authorized to carry out the provisions hereof; all titles acquired by the United States to be approved by the Attorney-General.

Mr. MANDERSON. Mr. President, by the amendment it is proposed to reach that which I think is of very great importance and would be a matter of very great economy to the District of Columbia. I do not know that the amendment is in the form it should be, but I present it, hoping that it will not be objected to and that no point of order will be raised upon it. I trust it may be allowed to go into conference and that the conferees of the two Houses will put it in proper form and shape.

The Committee on the District of Columbia investigated the subject of the water supply of the city of Washington, and made at this session a report accompanied by a showing from experts, hydraulic engineers, etc., which is of great value. They investigated the power of the Great Falls for the purposes of water supply. They found, and they so report, that certain private corporations are reaching to obtain these falls, the power, and the adjacent land. If that is permitted, and of course it will be done unless the Government of the United States interposes by the exercise of its great power, it simply means that that which necessity will compel us to own we shall have to pay for in a very greatly increased degree from what it can be purchased for now. The committee say:

There are no improvements now at Great Falls, except the aqueduct dam, built and owned by the United States. If the Government is ever to acquire control it should be done before any outlay is made by the other owners. Such outlay must be to them a questionable investment, in view of the fact that the Government is sure to require an increased supply from time to time in the future, thus endangering the business of the power company and destroying or greatly lessening the value of their improvements, with the risk that they may not be sufficiently recompensed. Your committee are therefore of the opinion that all the water and riparian rights at Great Falls necessary for the control and use of the entire power should be acquired at this time; that it will be a wise economy to do so; that ownership in part by the United States and in part by private business corporations is a relation unwise and unsafe for the Government, and should be terminated at once; that the other owners can afford to surrender their rights now on much better terms for the Government than after they have made their improvements, and that no outlay of money can contribute more than this to the future welfare of the Capital of the country.

Early in the present session of Congress I introduced a resolution calling upon the Secretary of War to report to Congress as to the advisability of lighting the District of Columbia by electricity, the power to be furnished by the Great Falls of the Potomac. A few days ago the letter of the Secretary, transmitting a response to that resolution, came to the Senate. It has not yet been printed completely, there being certain maps and plans that are not yet ready for publication, but I have here an advance copy, which I received from the Printing Office, in which the report of these very able electrical experts is given. I confess that I have been greatly delighted with the showing that those gentlemen make.

I might say that the report of Col. Elliot, of the Engineer Corps, Capt. Knight, and their very efficient aid, Col. Reber, of the Signal Corps, has been sanctioned and approved by Gen. Casey, the Chief of Engineers, and by the Secretary of War. They report that the water power at the falls of the Potomac is ample to furnish power for all the electric lighting needed for the District of Columbia, and that it is perfectly feasible to do so. They give quite in detail the amount of water that goes over those falls which is now being wasted.

Mr. DAVIS. What is the power at the average stage of water?

Mr. MANDERSON. I can not turn to it at this moment. I will read their recommendation as to the advisability of the project.

The question—

They say—

of the advisability of using the power of the Potomac at Great Falls for the public purposes mentioned in Senator MANDERSON'S resolution depends on the present cost of lighting the public buildings and grounds and the streets of Washington, as compared with the probable cost of lighting under the proposed system, and also on the probable cost of the works required for the latter system and the probable cost of operation.

Then they go on to show that in Chicago the average cost per lamp per year is $96.64; in St. Louis it is $111.12; in Wheeling it is $62 per lamp for four hundred lamps; and in Baltimore it is $127.75. The present yearly charge in the District of Columbia is $182.50. So we are paying far more for the lighting of District lamps than is paid for the lighting of any other city in the United States, probably.

From these figures it is apparent that this city is paying far above the average charge for arc lights, and about double the cost of such lighting to cities owning and operating their own plant. The figures given are based upon the use of steam plant with its expensive coal consumption.

They give $52.33 for the cost of an arc light by the use of the falls per annum, as against $182.50, which we are now paying.

I marked several of the sections here which I desired to quote, but I shall not take the time of the Senate further, except to state the conclusion which the experts have reached and their recommendation. They say:

For the reason that there were no funds provided for the use of the board, none of the surveys required for determining the location of the power canal and power plant at Great Falls that would be required for utilizing for electrical purposes the power of the falls now wasted and the cost of these works could be made.

This cost, the cost of the necessary works in this city and of the line connecting the two systems, will be so considerable that they should not be undertaken before plans have been very carefully and elaborately worked out, and the board therefore begs to suggest that to this end there be enacted a provision of law similar to the one contained in the District appropriation act of August 6, 1890, which authorized the appointment by the President of a board of electrical, etc., experts, to consider the location, arrangement, and operation of electric wires in the District of Columbia; and the board also suggests that there be immediately appropriated the sum of $10,000 to meet the expenses of said board.

These experts show, in short, the great necessity as a matter of immediate economy that this great power should be thus utilized. We need it beyond a peradventure for the water necessities of the city of Washington, and I hope the Committee on Appropriations will permit the amendment to go into the bill, and if it is not in such shape as it should be to meet the end we desire it can be put in proper shape in conference.

Mr. GORMAN. I ask the Senator from Nebraska if the amendment has been reported by any committee?

Mr. MANDERSON. It has not. I have made the statement that I hoped it would not be subjected to the point of order. It has not been recommended by any committee owing to the fact that this report of the electrical engineers only came to my hand to-day, but I think perhaps it may be considered in order because the Committee on the District of Columbia have made a similar report.

Mr. GORMAN. For the moment I reserve the point of order, but I trust the Senator from Nebraska will not press the amendment. It would be the entering upon a very large and a very expensive scheme for lighting this city and furnishing electric power for other purposes. It would involve the expenditure of a great deal of money. It would necessitate a great lawsuit between the Government and the State of Maryland. Away back in 1784 or 1785 Gen. Washington obtained for his navigation company from the State of Maryland the exclusive right from here to Cumberland and thence to the Ohio River. The State of Maryland owns the Potomac River from low-water mark on the Virginia side, and he obtained from the Government of the United States and from the State of Virginia the exclusive right to the use of all the water in the Potomac River, except sufficient for the purposes of the few manufacturing establishments that had water rights prior to that grant.

That grant was transferred to the Chesapeake and Ohio Canal

Company, which canal was constructed by the State of Maryland, the Government of the United States, and the cities of Alexandria, Washington, and Georgetown, the controlling interest being in the State of Maryland. At the Great Falls, on the Virginia side, there was a right which had been acquired by the company that now holds it, to use the water that flowed over the dam of the canal company on the Virginia side alone. When the Government of the United States began the construction of the water works for this city so perfectly clear was the right of the State and of the navigation company that Congress not having up to that time assumed authority to go into a State and condemn lands and other property, made an appeal to the State of Maryland and to the canal company, and the State of Maryland granted the right to the Government to put its dam across the river on such conditions as the navigation company would impose.

The conditions were that the dam was to be only so many feet in height, for otherwise it would destroy all the old work, and that the Government should take from it as much water as it wanted for the use of this city. That grant the Government formally accepted. When ten years ago it became necessary to increase the water supply here, which occurred since I have been a member of this body, the Congress of the United States made an appropriation to raise the dam so as to give a greater head of water; but it was only done upon condition that the Chief of Engineers of the United States Army and the engineer of the State of Maryland should determine how high the dam should be raised, and the Government paid whatever amount was necessary for the purpose of raising the embankment.

Therefore, with all these complications outside of the main question of the Government entering upon this work of using this power for electric purposes rather than that private parties should do so, I say to the Senator from Nebraska that a measure of this sort ought not to be proposed until it is carefully guarded and the rights of the State of Maryland and of the company, as well as of the private company which owns on the Virginia shore, are looked into and gone over. I spent nearly three weeks as a member of the Committee on the District of Columbia, when I was a member of that committee in adjusting this matter.

Gen. Butler, representing the company which own water rights on the other side, came here with a great claim against the Government on account of the construction of the present dam, and it was a long time before that matter was adjusted. This proposition would reopen the whole matter. An appropriation bill, I submit, is not the proper place for it. It would require a great deal of time and very thorough discussion before such a proposition could be passed through this body. Therefore I am compelled to make the point of order that the amendment is legislation on an appropriation bill.

Mr. MANDERSON. I hope the Senator from Maryland will withdraw the point of order for the present.

Mr. GORMAN. As a matter of course, if the Senater from Nebraska desires to be heard, I withdraw it. I reserve the point of order, however.

Mr. MANDERSON. The Senator from Vermont [Mr. PROCTOR], a member of the Committee on the District of Columbia, wishes to make a few remarks, and he may modify the amendment so that it will be acceptable.

Mr. GORMAN. I withdraw the point of order for the present to enable the Senator from Vermont to be heard.

Mr. PROCTOR. Mr. President, the Committee on the District of Columbia had before them a measure involving the question of increased water supply for the city. In investigating that question we found that there were already very heavy claims for the use of water in the past to an amount larger than had been paid for. We found that the title to the land and the water rights at Great Falls were much involved, being partly owned by the Great Falls Manufacturing Company and the Chesapeake and Ohio Canal Company having some claim, and that the Government had probably raised its dam and taken more water than it had paid for, and there would be a large claim for damages. We satisfied ourselves on one point, and there is no dispute about it, that an increased water supply is immediately neccessary for the health and comfort of the city. The supply now at the higher levels is very inadequate. I will read a sentence or two from the report of the Committee on the District of Columbia:

> All the area of more than 100 feet elevation above low water at the navy-yard is now supplied by pumping, and for want of sufficient pressure all above 75 feet will probably soon require it. The line of 100 feet elevation runs in the vicinity of Florida avenue, and of 75 feet in the vicinity of Massachusetts avenue west of Eleventh street. The time can not be far distant when a large majority of the residences will be elevated above this line. The vicinity of Tennallytown has an elevation of more than 400 feet above low tide.

It seemed to us that it was economy and wisdom and to the best interest of the city that this power should be acquired entirely by the Government. Divided ownership will always be a source of embarrassment, trouble, and cost. It can be acquired now, we believe, very much cheaper than in the future. Two companies were chartered, one by Maryland and the other by Virginia, at the last sessions of their Legislatures, with a view to go on and improve this water power for private purposes. Of course, if they make their improvements it will add greatly to the cost to the Government. Bills have been and are now before Congress looking to the chartering of companies for bringing electric power here from the Great Falls. So upon a very careful consideration of the whole matter and a report from the engineers, a very full and exhaustive one, we believe it to be a matter of economy for the Government to acquire the full interest, and it seems to me a matter of fairness to all interests and of prudence for the Government that we should at this time make some declaration of our purposes, if nothing further.

The idea of asking for an appropriation in the bill was not mine, but I feel bound, as it has come up, to say that I think we ought to take some action that will show the purpose of Congress in the matter and be notice to the owners of that purpose. If the point of order is insisted upon against the appropriation, I suggest that the amendment might be modified and a reference might be made of the matter to the Secretary of War and the Attorney-General, who under existing law have the authority to appraise the damages for an additional supply of water and that they might report upon the amount of water and the needs of the District, and in that way at least it might tend to prevent a great increase of the cost to us.

I made an examination of this situation while in the War Department. Under the provisions of the old law I visited the falls with the Attorney-General and Gen. Butler and I have gone very carefully over the reports of the engineers. I do not believe that at the ordinary low stage—I will not say the extreme low stage—there is any great surplus of water and power, more than will be needed to make an ample supply for the city for aqueduct purposes, and not the power to generate electric light for public buildings and grounds and street lighting, aside from the question of lighting private houses, as we only propose to take it for public purposes.

I know that the parties in interest, the owners of the power, think that there is a greater quantity, but I can not agree with them, guided by my own observation and by the reports of the engineers. They report at a low stage of water some six thousand and odd horse power, and with an ordinary stage something over eight thousand. It certainly would not be any more than enough to generate electricity for lighting the town and furnish the water for aqueduct purposes. I think myself that it would be well to have some measure incorporated which would look to a careful survey and preparation of plans and indicate somewhat the purpose of Congress in the matter.

Mr. HOAR. I should like to ask the Senator from Vermont, in connection with the question of water supply, whether the committee has any purpose in view concerning the partially completed reservoir near the Soldiers' Home.

Mr. PROCTOR. The committee has not investigated that matter.

Mr. CHANDLER. In reference to the amendment of the Senator from Nebraska, I take occasion to say that I have had a pretty thorough knowledge of the subject. The United States has the right to take water from the Great Falls for city uses. The right to take water for manufacturing purposes—all the remaining right—belongs to the Great Falls Manufacturing Company.

The amount of water required under ordinary conditions for the domestic supply of the city of Washington is not more than one-fortieth part of the volume of water that flows in the river. Of course the United States can take the whole of this water power if it shall see fit to take it. It would be advisable to take it if it was needed for the purposes of the city, but not otherwise.

But to bring this question in here now, and undertake to assert the purpose of Congress in this particular simply because the Committee on the District of Columbia have reached a conclusion and framed a bill which is upon the Calendar of the Senate, seems to me to be unwise. I am entirely certain, from my knowledge of the subject, that neither one hundred nor two hundred nor three hundred nor five hundred thousand dollars would be adequate to totally extinguish the title of the Great Falls Manufacturing Company, even if the United States should determine to extinguish that title.

Mr. MANDERSON. May I ask the Senator what length of time this right of the Great Falls Company has existed?

Mr. CHANDLER. It has existed for fifty years.

Mr. MANDERSON. Have they ever utilized it for a single manufacturing establishment?

Mr. CHANDLER. They have not, for the reason stated by the Senator from Maryland [Mr. GORMAN]. There has been a controversy going on for fifty years about this question, and the United States never has determined how much of the water was wanted for city uses. Until that question is determined it will not be safe for any manufacturing company to undertake to use the water of the Great Falls for manufacturing purposes. So the subject is in controversy. It was before the Senator from Vermont [Mr. PROCTOR] when he was Secretary of War. He did not succeed in adjusting it.

I say to the Senator from Nebraska that I entirely agree with him that the question should be settled, and if the United States needs this water it should take the water, but to come in here on a proposition to take it, and name the sum of $100,000, "or so much thereof as may be necessary," as indicating that by any possibility the value of these private rights is $100,000 or less, is, it seems to me, a very unfair method of treating the Great Falls Company, who have had no adequate hearing before the Committee on the District of Columbia, and who value their rights there at a great many times more than $100,000, which is the value the Senator from Nebraska undertakes to put upon them.

Mr. President, I am perfectly willing that at the proper time and in the proper way the United States should say that it wants all these water rights, that it will not have the waters of the Potomac at the Great Fall used for manufacturing purposes, but it does seem to me that it is very unjust to the parties who hold these private rights to come in here with a suggestion which the Senator from Vermont says he wants to have go to the world that these rights are worth only $100,000. The Senator from Nebraska has no idea whether they are worth one hundred thousand or half a million dollars, and yet he seems to stand here as a Senator of the United States putting that value upon this property. It appears to me that we have enough to do for the remainder of the session without undertaking in this way to depreciate the property of this company which stands at the door of Congress asking for justice.

Mr. MANDERSON. Mr. President, I am charged by the Senator from New Hampshire with a very large degree of ignorance upon the subject, and I plead guilty of the charge. I do not know whether the property or the claimed ownership of the Great Falls Company is valuable or valueless. I have not attempted to sit as a board of appraisers upon the value of their property. My purpose is exactly what the amendment proposes. One hundred thousand dollars might or might not purchase the property. If it can not be negotiated for it is to be condemned and a legal board of appraisers will appraise it. They may appraise it at $5,000; they may appraise it at $500,000. If they should appraise it at $500,000, the $100,000 I have proposed to appropriate would not, of course, pay for it.

I am not attempting to fix the value of the property. I know nothing about it. I never heard of the existence of this corporation until this report came here. But about one thing there can be no question, and it seems to me the Senator from New Hampshire admits it, that this company——

Mr. CHANDLER. If the Senator will allow me, I do admit it; but when the Senator says he has not undertaken to put a value upon their property by his amendment, I say he does that thing. He proposes to send out to the world as far as we can do it that all these rights are worth $100,000.

Mr. MANDERSON. I do nothing of the kind. I propose to fix the amount to be appropriated in this bill or what may be necessary. "So much thereof as may be necessary" is perhaps the language of the amendment. If it is, I stand by it. But that does not fix the value of the property. That is to be fixed by the board of appraisers who will condemn it and not by any statement that I may place in the amendment. I am not attempting to fix any limit upon the value of the property; I am simply trying to take that first step which shall lead to what is undoubtedly a necessity, that we should control, entirely control and own this great power and this great flow of water that is absolutely needed for the health and the very existence of this capital city.

Mr. President, here is a corporation that by admission has been half a century in claimed ownership of this water power. We are told that there is contention between the corporation and some other claimed owner. If this is of value why in the world have they not settled their contention long ago in the courts. The courts have been open to them, and they should have settled it long ago. But because there is a disputed ownership we should not hesitate to take the first step toward acquiring what the absolute necessities of this city require. All of that water power is required for the water supply of this city. It demands the power itself for the proper lighting of this city; and I say a proper regard for public interests demands of us that we should take a step in this direction.

I care nothing about the wording of the amendment. I simply desire that it shall go in the bill, and that the conference may take whatever steps they please. If they will only go to the extent of requiring that an exploration shall be made as to this title and as to what it will cost, that exploration to be made by the Secretary of War and the Attorney-General, I shall be content, but we will at least have taken a move in the right direction, and that is all I desire to accomplish by the amendment.

Mr. GORMAN. I renew the point of order I made.

The PRESIDING OFFICER. The Chair is of opinion that the point of order is well taken, and that the amendment is not in order.

Mr. QUAY. Mr. President——

Mr. COCKRELL. Will the Senator from Pennsylvania yield to me to move an adjournment?

Mr. QUAY. I yield to the Senator from Missouri.

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, August 1, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 31, 1894.*

The House met at 12 o'clock m. Prayer by Rev. W. E. PARSON, D. D.

THE JOURNAL AND THE RECORD.

The Journal of yesterday's proceedings was read.

Mr. LOUD. I should like to have the Clerk read the summing up of the vote on the first roll call taken yesterday. I did not catch it as read. There seems to be a discrepancy in the RECORD on that point, and I should like to see how the Journal stands.

The Clerk read as follows:

The question being put, Will the House agree to said resolution? it was decided in the affirmative—yeas 117, nays 54, answering present 7, reported present by tellers 4, not answering 169.

Mr. LOUD. I have no suggestion to make in regard to the Journal.

The Journal was then approved.

Mr. LOUD. I would like to suggest a correction of the RECORD. On page 8008 the same summing up of the vote is given as in the Journal. On page 8009, where the Speaker *pro tempore* announced the vote, it will be found that his announcement did not correspond with the summing up as given on the previous page. The announcement of the Chair as given in the RECORD might raise a question as to whether a quorum was present in the House. By referring to the second column, page 8009, it will be found the Speaker *pro tempore* said:

On this question the yeas are 116, the nays 52, answered present 6, reported as present by the tellers 4—

Making 178.

The SPEAKER. The Chair does not apprehend exactly the gentleman's point.

Mr. LOUD. One of these statements in the RECORD, Mr. Speaker, is probably correct; the other must be wrong, because they do not correspond. One gives the total number of members voting and present as 182; by the other it will appear there were only 178.

Mr. EVERETT. Mr. Speaker——

The SPEAKER. One moment.

Mr. LOUD. There was evidently some confusion in this case, because at the end of the roll call (I was one of the tellers) the Clerk announced to me that 165 had voted, and then turned to us and asked, "How many have you?" We said "seven;" but on further investigation that seven was reduced to four. It appears, however, that when the final computation was made there were 182.

Mr. EVERETT. I think I can state with reference to this matter——

The SPEAKER. The Chair does not understand at all the point of the gentleman from California. The Journal shows a quorum. What is the point the gentleman makes?

Mr. LOUD. I think, Mr. Speaker, that these two statements should be made to correspond. The tally given immediately preceding the names of those voting shows 182 present; the announcement made by the Chair shows only 178. One statement will be found on page 8008 just before the roll call as published; the other will be found in the announcement of the Chair, second column, page 8009. I think these two statements ought to correspond.

The SPEAKER. The RECORD ought to correspond with the Journal undoubtedly in a matter of this kind.

Mr. LOUD. Perhaps the Speaker does not understand the

point I wish to make. If he will turn to page 8008, just before the names as printed, and will take the summary there given of those voting and those present and not voting, he will find that it foots 182. In one case the yeas are given as 117, the nays 54; in the other case the yeas are given as 116, the nays 52. The latter statement will be found, as I have already remarked, in the second column on page 8009, where the Speaker *pro tempore* made the announcement of the vote.

The SPEAKER. The announcement made by the Chair does not seem to be accurate.

Mr. LOUD. The two statements ought to correspond.

The SPEAKER. Does the gentleman desire to make any motion with relation to the RECORD. The Chair does not see that it is in the power of the House to change any statement made by the Chair.

Mr. LOUD. I desire to call the attention of the Speaker and the House to the two different statements contained in the RECORD, one of which must be incorrect. The first one is in accordance with the Journal and is probably correct. The second statement, I submit, ought to have been made to correspond with that.

The SPEAKER. Of course, in any question between the Journal and the RECORD, the Journal must control.

INVESTIGATION OF CITY SLUMS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith the seventh special report of the Commissioner of Labor. This report relates to what is generally known as the slums of cities, and has been prepared in accordance with the joint resolution approved July 20, 1892.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 27, 1894.*

HAWAIIAN AFFAIRS.

The SPEAKER also laid before the House the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Foreign Affairs:

To the Congress:

I herewith transmit a communication from the Secretary of State, covering two dispatches from the United States minister at Honolulu.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 30, 1894.*

PAY, BOUNTY, AND PRIZE MONEY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, pursuant to House resolution of June 27, information relative to the money now in the Treasury of the United States arising from arrears of pay, bounty, and prize money due the estates of certain deceased colored soldiers; which was referred to the Committee on Military Affairs.

REFERENCE OF SENATE BILLS.

The SPEAKER also laid before the House Senate bills of the following titles; which were severally referred as indicated, namely:

A bill (S. 100) referring to the Treasury Department the claims of sundry persons for examination, adjustment, and report to Congress—to the Committee on War Claims.

A bill (S. 471) to relieve John Friedlin from the charge of desertion—to the Committee on Military Affairs.

A bill (S. 653) to open certain parts of the Fort Jupiter military reservation in the State of Florida to entry under the homestead laws—to the Committee on the Public Lands.

A bill (S. 1454) authorizing the Secretary of the Navy to transfer the reproductions of caravels of Columbus to the Columbian Museum of Chicago—to the Committee on Naval Affairs.

A bill (S. 1535) to correct the naval history of John C. Dull—to the Committee on Naval Affairs.

A bill (S. 1841) to provide that all persons employing female help in stores, shops, offices, or manufactories shall provide seats for the same when not actively employed—to the Committee on the Judiciary.

CHANGE OF REFERENCE.

Mr. HEARD. Mr. Speaker, the bill of the Senate, No. 2118, authorizing the sale of the title of the United States to certain property in Montgomery County, Md., to William H. and George Bobinger, was referred to the District Committee on yesterday. The purpose of this bill is to direct the Secretary of War to convey a piece of property that lies in the State of Maryland—a question which is entirely outside of the jurisdiction of our committee. I move, therefore, its reference to the Committee on Military Affairs.

The SPEAKER. The Committee on the District of Columbia will be discharged from the further consideration of the bill in question, and the same will be referred to the Committee on Military Affairs.

LEAVE TO PRINT.

By unanimous consent, leave was given to Mr. AITKEN to print in the RECORD certain remarks on the tariff bill.

JAMES FAY.

Mr. COOMBS. Mr. Speaker, I ask unanimous consent to call up for consideration the bill (H. R. 7683) to remove the charge of desertion against James Fay.

The SPEAKER. This bill was called up by the gentleman from New York on yesterday and a request made for unanimous consent for its consideration, to which objection was made. The Chair is informed that the objection has now been withdrawn and the Clerk will report the bill.

The bill was read at length.

The SPEAKER. Is there further objection to the consideration of the bill?

Mr. MCNAGNY. I renew the objection.

Mr. COOMBS. Will the gentleman allow an explanation?

The SPEAKER. Objection is made.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1686) granting a pension to Margaret English;

A bill (H. R. 5020) granting a pension to Washington Hislop;

A bill (H. R. 5351) granting a pension to Celestia P. Hartt;

A bill (H. R. 6309) for the relief of the dependent relatives of the seamen of the Netherlands steamer Amsterdam, who lost their lives in the effort to save the crew of the American schooner Maggie E. Wells, and also for the sole survivor of the rescuing party;

A bill (H. R. 6893) to regulate water main assessments in the District of Columbia;

A bill (H. R. 6969) for the relief of Benjamin F. Poteet;

A bill (H. R. 7335) to grant to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes;

A bill (H. R. 7734) to amend an act entitled "An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa," approved March 2, 1889, as amended by acts of April 30, 1890, February 7, 1893, and March 24, 1894;

A bill (S. 1468) for the relief of James L. Townsend;

A bill (H. R. 1377) for the relief of William Hendershott, of Butteville, Oregon; and

A bill (S. 2150) to provide an American register for the steamer Oceano, of New York, N. Y.

HEIRS OF D. FULFORD.

Mr. LUCAS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 143) for the relief of the heirs of D. Fulford.

The SPEAKER. The bill will be read, after which the Chair will ask if there is objection.

The bill was read at length.

Mr. SAYERS. Before consent is given I would like to have the report in that case read.

The SPEAKER. Without objection the report will be read.

The report (by Mr. COX) was read at length.

Mr. SAYERS. Now, Mr. Speaker, unless the gentleman can furnish some statement that the bonds were actually the property of the intestate, and some information from the Treasury Department, I will be compelled to object. The report sets forth none of the facts upon which the bill is based.

Mr. LUCAS. I have the report that was submitted to the Senate, containing a letter from the Secretary of the Treasury covering the case.

The SPEAKER. Without objection that can be read.

The letter was read, as follows:,

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 20, 1892.

SIR: I have the honor to acknowledge receipt of your letter of the 6th instant inclosing copy of Senate bill No. 1565, for the relief of the heirs of D. Fulford, a claim for payment of one $500, one $100, and two $50 United States coupon bonds of the loan known as consols of 1867, and asking that your committee be informed whether or not bonds of this loan remain unpaid, and if the coupons of such bonds dated July 1, 1872, have been paid without the subsequent presentation of other coupons; also if a satisfactory bond of indemnity could be given to protect the United States against another claim, so that the claim could be paid.

In reply I have to inform you that upon an examination of the records of the Department it is found that there are outstanding unpaid coupon bonds of the loan known as consols of 1867 as follows: Eighty-five bonds of the denomination of $50, 167 bonds of $100, and 107 bonds of $500. There are no $50 bonds outstanding of which the last coupon bears date July 1, 1872. It is evident, therefore, that the two $50 bonds alleged to have been burned do not

belong to the loan of consols of 1867. Of the denomination of $100 and $500 there are outstanding 2 of each denomination, of which the last coupon paid is dated July 1, 1873. This Department could not undertake to say which of these bonds, if any, are the ones alleged to have been destroyed.

It is apparent from the foregoing that identification of the bonds which Mr. Fulford lost seems impossible. The description of the fire as given in a letter from Mr. Fulford on file in this Department does not show that it was accidental. The house was unoccupied that day for two or more hours just before the fire, and while it is probable that no crime was committed, it is not impossible that the house was robbed in the absence of its occupants and burned to cover that crime.

In view of all the circumstances, I am unable to say that a satisfactory bond of indemnity could be given to protect the United States against another claim.

Respectfully, yours,

CHARLES FOSTER, *Secretary.*

Hon. JOHN H. MITCHELL,
Chairman Committee on Claims, United States Senate.

Mr. SAYERS. Now, Mr. Speaker, in view of the communication that has just been read from the Secretary of the Treasury, I will have to ask the gentleman to withhold the bill until I can examine into it.

Mr. COX. If the gentleman will permit me to explain the matter from the committee that reported the bill, I think there will be no trouble about it.

Mr. SAYERS. I will have to object until it has been referred to the Secretary.

Mr. PICKLER. We would like to hear from the gentleman from Tennessee on the subject.

Mr. COX. I reported the bill and know exactly the facts on which it is based. I have no objection to making a brief statement. The report read by the Clerk is one that was made by the Senate some time back.

Mr. LUCAS. Two years ago.

Mr. COX. Several years ago. The committee acted, however, on the statement from the Treasury Department, and there were only two bonds of this class outstanding, and there was no trouble about the question except that we did not have the numbers of the bonds.

But it is evident beyond doubt that the $500 bond which was burned was one of the two. On investigation it is found that there are but two bonds of $500 of that series outstanding, and when we investigated the facts to find how the bonds were destroyed we found the following conditions of affairs: The owner of the bonds was a minister and the facts disclose that he had the bonds.

There is no doubt about the ownership of them. He had them in his little secretary, and he was called away with his wife to visit a sick member of his church. They went to see him, and the minister's wife returned, leaving him with the sick man. She says that she built a fire in the stove to prepare something to eat, and then walked out to the field where her son was at work, and while she was gone the house caught fire. Now, the banker who had control of the bonds says he turned them over to the minister just a few days before. When they discovered that the house was on fire they went back, but were unable to save the bonds. The evidence further shows that the minister had a memorandum of the numbers of the bonds, but the memorandum was burned with the bonds. There are but two outstanding bonds of that series, of $500 each.

Mr. KILGORE. I do not wish to interrupt the gentleman, but how long was this man who owned the bonds absent before the fire broke out?

Mr. COX. Only a short time. The evidence shows that he went out to see a sick member of his church and his wife went with him.

Mr. KILGORE. About how long was he gone?

Mr. COX. Probably an hour or two.

Mr. KILGORE. There are some $50 bonds mentioned. Is it not a fact that they have been presented and paid? Does not the Secretary of the Treasury say that?

Mr. COX. No, the $50 bonds referred to in that report of the Senate are evidently described under the wrong act. There was one $500 bond and there were four $50 bonds, making $700 in all.

The only trouble about the $50 bonds is that they put them under the wrong act of Congress.

Mr. SAYERS. I suggest to the gentleman to withdraw his bill for the present.

Mr. LUCAS. I withdraw the bill, at the suggestion of the gentleman from Texas.

EFFECTS OF MACHINERY ON LABOR.

Mr. McGANN. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution, after which the Chair will ask if there be objection.

The resolution was read, as follows:

Joint resolution (H. Res. 95) providing for an investigation relating to the effects of machinery on labor.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Labor be, and he is hereby, authorized and directed to investigate and report upon the effect of the use of machinery upon labor and the cost of production, the relative productive power of hand and machine labor, the cost of manual and machine power as they are used in productive industries, the effect upon wages of the use of machinery operated by women and children, and whether changes in the creative cost of products are due to a lack or to a surplus of labor or to the introduction of power machinery. To enable the Commissioner of Labor to carry out the provisions of this resolution the sum of $10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, but should not this sum be sufficient to complete the investigation called for herein the Commissioner of Labor is hereby authorized to complete it under the regular appropriations for the Department of Labor.

The SPEAKER. Is there objection to the request for the consideration of this resolution?

Mr. KILGORE. I object.

JAMES FAY.

Mr. COOMBS. Mr. Speaker, the objection which was made to the consideration of the bill which I offered has been withdrawn.

The SPEAKER. The gentleman from New York states that the objection to the bill which he wished to have considered is withdrawn. The Clerk will report the title of it.

The Clerk read as follows:

A bill (H. R. 663) to remove the charge of desertion against James Fay.

The SPEAKER. Is there further objection to the consideration of this bill?

There was no objection.

Mr. COOMBS. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

In lines 4 and 5, strike out the words "remove the charge of desertion now standing against," and insert the word "correct."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. COOMBS, the title of the bill was amended so as to read: "A bill to correct the record of James Fay."

On motion of Mr. COOMBS, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. SAYERS. Regular order, Mr. Speaker.

Mr. OUTHWAITE. I ask unanimous consent to withdraw the rule which was reported from the Committee on Rules and under consideration when the House adjourned last evening.

The SPEAKER. The gentleman from Ohio [Mr. OUTHWAITE] asks unanimous consent to withdraw the report from the Committee on Rules which was before the House last evening, and to reconsider any necessary votes to accomplish that purpose. Without objection, that order will be made.

There was no objection.

The SPEAKER. The Clerk will call the committees for reports.

CHOCTAW COAL AND RAILWAY COMPANY.

Mr. BAILEY, from the Committee on the Judiciary, reported favorably, with amendments, the bill (H. R. 7680) to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The other committees were called.

The SPEAKER. This completes the call of committees for reports.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1471) to provide for the adjustment and payment of the claim of the American Transportation Company for dredging done at Fairport Harbor, in the State of Ohio;

A bill (S. 1154) for the relief of the legal representatives of John C. Howe, deceased;

A bill (S. 1948) granting a pension to Augustus G. Carey; and

A bill (S. 2131) to secure uniformity in the names of minor streets of the cities of Washington and Georgetown.

The message also announced that the Senate had passed with amendments a bill of the following title; in which the concurrence of the House was requested:

A bill (H. R. 7071) to exempt the property of the Young Men's Christian Association of the District of Columbia from taxation.

The message also announced that the Senate had passed without amendment joint resolution and bills of the following titles:

Joint resolution (H. Res. 207) authorizing the Secretary of the Interior to approve a certain lease made in Polk County, Minn.;

A bill (H. R. 650) to remove the charge of desertion standing against Oliver O'Brien;

A bill (H. R. 1461) to remove the charge of desertion from the record of Andrew L. Grugett, as a former member of Company E, Sixth Tennessee Cavalry, in the war of the rebellion, and to grant him an honorable discharge therefrom; and

A bill (H. R. 7518) to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin.

The message also announced that the Senate had passed with amendments the bill (H. R. 6777) to amend the charter of the Washington and Great Falls Electric Railway, asked a conference with the House on the bill and amendments, and had appointed Mr. MCMILLAN, Mr. HARRIS, and Mr. FAULKNER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6720) providing for the resurvey of Grant and Hooker Counties, in the State of Nebraska.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 463) to reimburse the State of Nebraska the expenses incurred by that State in repelling a threatened invasion and raid by the Sioux in 1890 and 1891, asked a conference with the House on the bill and amendments, and had appointed Mr. MANDERSON, Mr. DAVIS, and Mr. PALMER as the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

Mr. HATCH. Mr. Speaker, I submit the following conference report on the agricultural appropriation bill.

The Clerk read as follows:

A bill (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895.

The SPEAKER. The Clerk will read the report.

Mr. HATCH. I have sent up the report. Let the Clerk read first the report and then the statement accompanying it.

[For report of committee of conference see proceedings of the Senate of July 30.]

The statement was read, as follows:

Statement to accompany the report of conferees on H. R. 6937, "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895."

The undersigned conferees on the part of the House, having met the conferees on the part of the Senate, in full and free conference upon the disagreeing votes between the two Houses upon H. R. 6937, "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895," beg to make the following statement:

Among the amendments that the conferees on the part of the House recede from in this report numbers 1, 4, 6, 8, 10, 14, 15, 17, 18, 23, 25, 27, 29, 30, 34, 36, 40, 45, 48, 58, 60, 66, 70, 79, 81, and 90 are mere verbal amendments, including those necessary to perfect totals made by more important amendments.

The first important change made by Senate amendment is found upon page 2, wherein the gross sum allowed by the House bill for the employment of firemen, watchmen, clerks, messengers, laborers, mechanics, and wharfwomen was $49,520; classifying the service, as formerly done, and leaving the gross sum $26,000. The aggregate appropriation under this paragraph is reduced by the Senate amendment $5,840, and the House conferees receded from the disagreement upon the part of the House. All amendments from Nos. 2 to 15, inclusive, refer to this change, restoring the clerical force as provided under the present law, and correcting totals.

Amendment No. 19 was receded from on the part of the House conferees, leaving the salary of the statistician $3,000 instead of $3,500 as provided in the House bill, with the concession on the part of the Senate conferees of adding $200 to the salary of the assistant statistician, who in the absence of the statistician is charged with the responsibility of preparing the monthly crop reports and other important work of the division.

Amendment No. 41 provided for a restoration of the division of illustrations. The Secretary of Agriculture had strongly recommended that this work be allowed to be done, when needed, by contract, rather than to maintain a division, which a considerable portion of the time would be unemployed. The conferees on the part of the Senate receded from this amendment, and also from Nos. 62, 63, and 64, which restored the appropriations for illustrations and engravings as recommended by the Secretary and as provided by the House bill.

Amendment 78 provided for rearranging the buildings of the Department, but the conferees on the part of the two Houses agreed that in lieu of the matter stricken out and inserted by said amendment the words "and improving" be inserted, and after the word "building," in line 21, page 24, the words "not including the erection of new buildings" be inserted. The conferees on the part of the House also receded from amendment No. 86, with an amendment inserting in lieu of the words stricken out, the words "or additional apartments not including the erection of new buildings."

The conferees on the part of the Senate receded from the amendments No. 33, restoring the salary of the pathologist to $2,500; No. 35, restoring the salary of the chief of the division of forestry to $2,500; No. 37, restoring the salary of the assistant chief of division of records and editing to $1,800; No. 42, providing a superintendent of seed room; Nos. 46 and 47, rearranging the document and folding room, leaving the section as recommended by the Secretary of Agriculture and as provided by the House bill; No. 49, a verbal change to conform to rulings made as to payments by the Treasury Department, and No 53 was a like change.

Amendments Nos. 66 to 71, inclusive, relate to the purchase and distribution of seeds, practically restoring the former mode of distributing seeds from the Department, and were agreed to by the conferees on the part of the House.

No agreement could be reached by the conferees on amendment No. 65, providing an appropriation of $1,000,000 for the destruction of Russian cactus.

The bill as it passed the House carried an appropriation of $3,215,643.06; as it passed the Senate it carried $4,225,183.06. Reductions amounting to $19,160 were made in conference, and increases were made which amounted to $13,000, leaving a net reduction of $6,160. The bill as agreed upon, exclusive of the appropriation of $1,000,000 for the extermination of Russian cactus, carries an appropriation of $3,212,863.06.

All of which is respectfully submitted.

W. H. HATCH,
W. S. FORMAN,
DAN WAUGH,
Conferees on the part of the House.

Mr. HATCH. Mr. Speaker, the statement is a full and complete explanation of the report. The report is a full and complete agreement as to every Senate amendment except that one indicated in the last paragraph of the report. It is known as the million-dollar appropriation for the extermination in the Northwestern States of what is known as the Russian cactus or Russian thistle.

Now, Mr. Speaker, as that is the only amendment in dispute between the two Houses, I move the adoption of the report; and upon that I demand the previous question. I will then ask the House to insist upon its disagreement to the amendment of the Senate appropriating that million dollars, and on that will arrange such reasonable time for debate as gentlemen on the other side will agree upon.

Mr. PICKLER. I simply desire to ask the gentleman a question: Whether the amount is retained in the bill for the distribution of seed as passed by the House?

Mr. HATCH. It is the same exactly. There is no change made. There is $160,000 appropriated, $30,000 of it being for the monthly bulletins, or farmers' bulletins and publications. The rest is exactly as it left the House.

Mr. HEPBURN. Mr. Speaker, I desire to ask the gentleman a question.

Mr. HATCH. Certainly.

Mr. HEPBURN. I notice in this report that there is reference to several restorations of salaries and of divisions. I would like to ask the gentleman in charge of this appropriation bill what would be the difference, if any, from the old condition, say of two years ago, in regard to this bill, so far as salaries are concerned. Will they not be substantially the same?

Mr. HATCH. They will be substantially the same. There was, as I remember now, three chiefs of divisions who were receiving $2,000, while all the other chiefs of divisions received $2,500. The House committee agreed, on the suggestion and strong recommendation of the Secretary of Agriculture, that all these chiefs of divisions should receive the same salaries; and he advised and strongly recommended that the chief of division of forestry and vegetable pathology should be increased to $2,500. That was done by the House, and the Senate struck them out; but the Senate receded from its amendment. There was also an increase in the salary of the statistician of $1,000. The Senate reduced that $500, and the House accepted the amendment, and receded from its position.

Mr. HEPBURN. The Chairman will remember about a year ago there were reports, emanating from the Secretary of Agriculture, of many curtailments in his office and reductions of expenditures. Whole divisions, if I recollect correctly, were disposed of and the employés dismissed by him. Now, is it not true that in this bill all these divisions are restored and provision made for all those persons, or at least an equal number of persons, to those who were dismissed under this plea of economy of a year ago?

Mr. HATCH. So far as the divisions stand, they are practically the same as in the present law. The Secretary has dismissed and discharged quite a number of employés in the different divisions that he regarded as unnecessary; and of course where that has been done no provision has been made for the salaries.

Mr. HEPBURN. For instance, in this bill there is provision for a distribution of seed. Was not there a large number of persons dismissed from that division, from the uselessness, in the opinion of the Secretary, of that provision; and are they not, under this provision of the bill to be restored?

Mr. HATCH. The only officer of the seed division that is drawing a salary under that provision of the appropriation bill and that is omitted from this is what is known as the superintendent of the seed room.

Mr. HEPBURN. I am asking not in regard to salaries, but in regard to expenditures.

Mr. HATCH. There is one left out of this bill which was in the other bill, simply because the Secretary recommended the change and said that two salaried officers in that connection were unnecessary; but substantially it is the same, and the

amount is increased as it was by the House from $130,000 to $160,000, the extra $30,000 to be devoted to the preparation, publication, and distribution of farmers' bulletins.

The conference report was adopted.

On motion of Mr. HATCH, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

Mr. HATCH. Mr. Speaker, I now move that the House insist upon its disagreement to the Senate amendment numbered 65, known as the Russian thistle amendment, and agree to a conference.

The SPEAKER. The Clerk will report the amendment.

The amendment was read, as follows:

For the destruction of the Russian cactus (technically salsoli kali tragus), $1,000,000, or so much thereof as may be necessary, to be apportioned by the Secretary of Agriculture among the several States infested by Russian cactus, said apportionment to be made in accordance with the necessities of the case, to be ascertained by the Secretary, and to be paid to the governor of each of said States upon his executing an obligation on behalf of his State that the sum so paid shall be faithfully applied in connection with any sum which may be raised for that purpose in his State for the destruction of said cactus.

The SPEAKER. The gentleman from Missouri moves that the House insist on its disagreement to this amendment and agree to the conference asked for by the Senate.

Mr. GEAR. Mr. Speaker, is it in order to move that the House agree to the Senate amendment?

The SPEAKER. It is.

Mr. GEAR. Then I move that the House recede from its disagreement to the amendment of the Senate just read.

Mr. HATCH. Mr. Speaker, I would like to come to some understanding with the gentleman from Iowa [Mr. GEAR], who has made that motion, as to what length of general debate he desires, if any?

Mr. GEAR. I simply desire to state, Mr. Speaker——

Mr. HATCH. I do not yield the floor yet.

Mr. GEAR. I will not ask for any debate if the gentleman will let me make a brief statement. I simply desire to say that this amendment is of a good deal of importance to the people in my part of the country.

It is a well-established fact, generally admitted by all who understand the subject, that this Russian thistle is the great evil which is troubling the agricultural communities of the Northwest, in the Dakotas, and Northern Iowa. The people of Iowa would like to see the Government take some steps towards extirpating it, and they believe that it is not only the right, but the duty, of the Government to take steps to extirpate this weed which threatens to overwhelm a large portion of the agricultural States of the Union. I therefore hope that the Senate amendment will be agreed to by the House.

Mr. HATCH. Mr. Speaker, I shall make only a brief statement and then will ask to have read from the Clerk's desk the report submitted by the Committee on Agriculture upon certain bills in relation to this subject. Two bills were introduced into the House, one by the gentleman from North Dakota [Mr. JOHNSON] and the other by the gentleman from Minnesota [Mr. BOEN] and referred by the Speaker, under the rules, to the Committee on Agriculture. The question was a new one and the committee gave it the most courteous and exhaustive consideration. The gentlemen who had introduced these bills, Senator HANSBROUGH of North Dakota, the governor of North Dakota, and other gentlemen, were heard patiently and as fully as they desired, and after the most complete and exhaustive consideration of the subject the gentleman from New Hampshire [Mr. BAKER] was instructed by the committee to report those bills to the House with the recommendation that they lie on the table, that being the unanimous report of the Committee on Agriculture.

I had supposed that when this amendment was put upon the bill in the Senate it was done either by inadvertence or as a matter of humor. I did not think the idea would be seriously entertained by any considerable number, either in this or in the other branch of Congress, and it is to me almost incredible that the Senate of the United States by a direct vote should have put this rider on the agricultural bill. I now ask the House to listen to the report of the Committee on Agriculture upon the bills in relation to this subject that were introduced by the gentleman from North Dakota and the gentleman from Minnesota.

The report (by Mr. BAKER of New Hampshire) was read, as follows:

The Committee on Agriculture, to whom was referred the bills H. R. 4925, H. R. 5507, and H. R. 5745, each intending to provide for the destruction and extermination of the noxious plant or weed known as Russian thistle or Russian cactus (technically *Salsoli kali tragus*), has had each of them under consideration, and begs leave to report the said several bills with the recommendation that they do not pass.

Your committee has given these bills most careful and considerate attention, and has granted hearings, extending over several days, to all persons asking to be heard.

Among those appearing before your committee in advocacy of the proposed legislation were: Governor Shortridge, of North Dakota; Senator HANSBROUGH and Representative JOHNSON of the same State, and Representative BOEN of Minnesota. Your committee sought information concerning the nature, growth, and general characteristics of this alleged noxious weed from many other persons believed to be well qualified to give unbiased information on these points.

The advocates of Congressional legislation, as proposed in these bills, not only asserted that the weed is the worst known to agriculturists, but that national aid and authority are necessary to secure its extermination. They presented statistics and evidence to show that it is rapid in growth; that each plant, through the almost unlimited quantity of seeds it matures and by the facility with which its ripened branches breaking from the main stem are driven by the wind, scattering its seeds over large areas of territory, is capable of reproducing itself with remarkable celerity, each new plant in its turn becoming a fresh source of seed supply. In this way it is claimed the thistle advances its frontiers of growth several miles each year, and it is generally believed that it is the most troublesome of all the weeds which infest the Western farms.

On the other hand, there is no doubt that the Russian thistle is an annual plant; that it dies each year and is propagated by seed only. It is evident, therefore, that if it is destroyed before its seeds ripen it can not reproduce itself.

Its extermination is certain if each farmer on his own lands will give sufficient care and attention to the destruction of these weeds before they mature, and if the State and local authorities will combine to destroy it in the same way on highways and lands not in private ownership. Several of the States have statutes providing for the destruction of the Canadian thistle and other weeds, and if those statutes are amended so as to include the Russian thistle, and if like statutes are enacted in other States, it is presumed no further legislation will be necessary.

The service required will not be exceedingly burdensome, but prompt and efficient work, and, possibly, a repetition of the means adopted to destroy the thistle will be necessary to fully eradicate it. It may be done either by turning it under with the plow or by mowing it as often as is needed to prevent its seeds from ripening.

The labor and expense necessary to rid farms of this thistle is much less than that required to clear land in many localities or to prepare rocky farms for successful cultivation in others or to exterminate the Canadian thistle where it has become firmly established.

Your committee are of the opinion that State and local authorities are fully able to eradicate this weed without national aid.

In this view they are sustained by the farmers' convention of Brown County, S. Dak. At a meeting held in March last at Aberdeen, in the locality where the weed is most troublesome, they expressed themselves as follows:

"*Resolved*, That the reports made in the East of the damage caused by the so-called Russian thistle in this region have been greatly exaggerated, to the detriment of our State, and that we, farmers of Brown County, in institute assembled, know that by thorough cultivation we will be able to successfully deal with this annual weed."

This is the voluntary statement, after due deliberation, of farmers who have had practical experience with the Russian thistle, and their opinion is sustained by many of the most capable botanists of our country, some of whom are connected with agricultural colleges and State experiment stations.

There are those who claim that the thistle is not the pest which others represent it. Some farmers assert that it affords good pasturage for cattle and when cut at the proper time makes good hay. Your committee does not attempt to reconcile the conflicting statements of those favoring and those opposing a national appropriation. Time and experience will determine how far any profitable use can be made of the weed, and how best it can be removed if it is decided to exterminate it.

Whether or not Congress can constitutionally appropriate public moneys as proposed by these bills, your committee has not thought it necessary to inquire. They are fully of the opinion that the Government has no proper authority to justify an invasion of private property for the purpose of destroying these weeds.

Those farmers who believe them to be a possible benefit would not coöperate with national agents seeking to destroy them and might oppose such action, and they and others probably would claim damages for the destruction of their wheat or other crops destroyed in the effort to exterminate the thistle.

This probability seems in itself to be a sufficient reason why Congress should not legislate as suggested, but when it is combined with the uncertainty arising from the conflicting statements in regard to the nature of the plant itself and the great doubt of the actual necessity for national aid in the premises the reasons against national interference become conclusive.

Hence your committee is of the opinion that it is inexpedient to legislate as proposed by the said bills and recommend that they lie on the table.

Mr. HATCH. Mr. Speaker, as that report was prepared by the gentleman from New Hampshire [Mr BAKER], I will now yield him five minutes if he desires to supplement it with any remarks.

Mr. BAKER of New Hampshire. Mr. Speaker, at the present session of Congress the three bills that are referred to in the report just read were referred to the Committee on Agriculture. That committee gave hearings to all who wished to be heard in regard to them. Those hearings extended over several days. The whole subject was most thoroughly discussed before the committee publicly, and subsequently by the committee, and as a result of that discussion the committee unanimously decided to report the bills adversely. They had before them not only the arguments in favor of the proposed legislation, but also an extended correspondence with botanists throughout the country, especially with those at the agricultural stations, and I think I am correct in saying that without exception there was not one of those botanists at the agricultural colleges or experimental stations who did not believe that the Russian thistle or cactus could be exterminated without national aid and that it was inadvisable to grant such aid.

This alleged pest is a peculiar plant. It possesses very many elements which are threatening to the agriculturist; but on the

other hand it is such a plant that it can very easily be exterminated. The principal point on that subject is this: This plant is an annual one; it dies with the year in which it grows, and never springs from the root. Consequently each year it must come from the seed, or there is no more thistle. This in itself, in my mind and in the minds of the committee, was sufficient to determine that the local farmers can exterminate the thistle without national aid.

These bills differed from the Senate amendment in this particular: The bills provided that the expenditure of the money should be by Government agents. The Senate amendment proposes that the expenditure of the money shall be by State agents, and that the only part which the National Government shall perform, except in finding the money, is to turn it over to the governors of the several States, to be used by them at their discretion. This element of the Senate amendment is to my mind a still further objection to the appropriation; and I think the House, in the interest of economy and the interest of the people at large, should insist upon its disagreement, and should adopt the motion offered by the gentleman from Missouri, the chairman of the Committee on Agriculture.

But in this particular the amendment of the Senate is still further objectionable: If this money is granted by the National Government upon any basis whatever, it will become the means by which claims against the Government will be brought by those whose land is invaded for the purpose of destroying the thistle. Of course, the thistle can not be destroyed while crops are growing in the same field without a destruction of a portion of the growing crop. If that growing crop is destroyed by the authority of the National Government, the owner of the crop is entitled to compensation; and this would be the beginning of thousands of claims which would pester Congress and afflict the Government for a score of years at least.

Still, again, this thistle is not, according to the best evidence which the committee could obtain, so formidable as it is represented to be. The farmers of Aberdeen County, in South Dakota, have so expressed themselves in the resolution which is incorporated in the report I had the honor to make. This plant is not so hard to extirpate as the Canadian thistle, which the farmers of many of the States have contended with for one hundred years. It is not so hard to exterminate as it is to clear the forests in many sections of the Union in order to make good farming land. It is not so hard to exterminate as it is to clear the rocks from the farms in very many portions of the country—in my own State, for example, in connection with which I myself have rendered service.

Mr. BOEN. Does the gentleman regard rocks and trees as noxious to agriculture in the same sense that this weed is?

Mr. BAKER of New Hampshire. The gentleman's question, of course, answers itself, because the rocks and trees are not so rapid in their growth as the thistle. But the rocks and the trees do not die with the end of the year, as the thistle does. And right there comes the grand distinction which I thank my friend for presenting.

Mr. BOEN. Does the gentleman regard rocks and trees as enemies or pests threatening the interests of the farming community?

Mr. BAKER of New Hampshire. Rocks are always a damage to agricultural land; and free rock which rolls with the plow or the harrow is particularly damaging; and where a country is covered with heavy forests it is impossible to make that section an agricultural community until the trees shall have been removed; and so far as it is necessary to give labor for the removal of those trees, just so far are they an obstacle to agriculture. A like expenditure of time, money, and exertion would in two years rid the entire Northwest of this Russian thistle; and for such a matter as that it seems to be mere play to ask this House to appropriate a million dollars of the public funds to aid in the destruction of something which, according to the assertion of very many, is a blessing and not a curse.

Mr. HULICK. What was proposed by any of the persons who appeared before your committee as to the manner in which the money should be expended to exterminate this thistle? What practical plan did they suggest, if any?

Mr. BAKER of New Hampshire. The plan suggested was that of most of the bills. I think the plans did not vary in that respect. I will read from one of these bills for the gentleman's enlightenment:

That the Secretary of Agriculture is hereby authorized and directed to appoint two competent agents, one at an annual salary of $1,800, the other at an annual salary of $1,600, whose duty it shall be, under instructions from the Secretary of Agriculture, to make examinations and investigations at such points as may by him be deemed necessary and report to him with respect to the extent of the noxious plant or weed commonly known as Russian thistle or Russian cactus (in technical language, Salsola kali tragus) in any of the States or Territories of the Union, and upon receipt of conclusive information through said agents that such noxious plant or weed exists and is growing and thriving upon any of the lands in any State or Territory, it shall be the duty of the Secretary of Agriculture to make a comprehensive division of the total area reported by said agents to be infested with Russian thistle or Russian cactus into suitable and convenient districts, not exceeding forty in number, and to appoint one superintendent, at a salary of $3 per diem and necessary expenses, for each of the said forty districts.

Provision is also made for the employment of subagents; and the money appropriated by the bill is to be used by them for the purpose of eradicating this thistle, which eradication can be accomplished in two ways: One by plowing and thus turning the thistle under, so that no seed will ripen; the other by mowing it with the scythe and thus destroying its capacity to yield seed from which new plants can spring.

Mr. HULICK. I would like to ask the gentleman from New Hampshire another question. Was it contemplated that any of the appropriation to be made by this bill was to be used for any other purpose than for salaries to officers to execute the law, or was it contemplated that any of it was to be appropriated to the farmers themselves, to give them employment in the destruction of this weed?

Mr. BAKER of New Hampshire. None was to be used in any other way than under the direction of the agents of the Government. Of course it would have been possible for them to have employed the farmers as assistants.

Mr. HATCH. I yield ten minutes to the gentleman from Iowa [Mr. GEAR].

Mr. HENDERSON of Iowa. Before that I wish to ask the gentleman from New Hampshire a question with his consent. This is a new matter to me practically. Will the gentleman state where this thistle is to be found principally, and whether it is increasing or spreading in extent?

Mr. BAKER of New Hampshire. It is mainly found in the two Dakotas, in Iowa and Nebraska, and it is supposed to be increasing as the seeds mature and scatter.

Mr. HENDERSON of Iowa. Then it is increasing?

Mr. BAKER of New Hampshire. That is the fact.

Mr. GEAR. Mr. Speaker, I favor this appropriation for the reason that it is a well established fact, that with the incoming to this country of a new people from Russia called the Mennonites, these seed came also and have taken root throughout the Northwest and are spreading rapidly in Northern Iowa and Nebraska, and in the Dakotas. It seems to me eminently fit and proper, in view of the facts, that the Federal Government should take charge of the matter and inaugurate prompt steps, if possible, to eradicate what is recognized by all as a growing evil. I do not care whether it is done by the governors of the States or by the Agricultural Department, but some remedy should be applied by virtue of which this plant may be exterminated.

The gentleman from Missouri expresses great surprise at the Senate proposing this amendment. Why, bless the gentleman's soul, is he not surprised every hour in the day when the conferees of the House, meeting the conferees on the part of the Senate on the amendments of that body to the pending tariff bill, report themselves unable to come to any terms?

He doubts also the constitutionality of this act. Why, it is a well-known fact that it is within the Federal power to go into every farmyard in every county and commonwealth of every one of the States, and wherever they find the evil of pleuropneumonia take charge of the infected animals and destroy them in order to eradicate the disease. Does the gentleman not know that the Government provides for the payment, if I understand it aright, of the parties who have their cattle destroyed in this way? The power of the Government is ample and undisputed in regard to matters of this kind which may affect the general welfare.

To me it seems only reasonable that this money should be appropriated. It is true the Secretary of Agriculture has proposed a remedy. His remedy is that the sheep of North Dakota, which are fond of the plant, shall eat it all up. Why, bless the Secretary of Agriculture, does not he know that under the Democratic tariff policy, if carried out, there would be no sheep in North or South Dakota, in Nebraska or Ohio, or anywhere else? [Laughter.]

Mr. NORTHWAY. We have two or three millions to sell in Ohio, cheap now.

Mr. GEAR. Yes; dog cheap. Sheep that a year or two ago would have brought $4 a head at ready sale, are slow now at 50 to 75 cents in my country, and I suppose it is so in the State represented by the gentleman from Ohio.

Mr. NORTHWAY. That is correct.

Mr. GEAR. I hope the motion to concur in the Senate amendment will be adopted. It seems to me that the evidence adduced before the Senate, and which can be and will be produced here in a few moments, affords ample ground for the concurrence in this amendment.

I yield the remainder of the time to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON of Illinois. I want only a few minutes.

Mr. HATCH. The gentleman from Iowa has yielded the remainder of the time to the gentleman from Illinois.

Mr. CANNON of Illinois. I think I shall want from five to eight minutes.

Mr. HATCH. Very well, after the gentleman has exhausted the time allowed to him by the gentleman from Iowa.

Mr. CANNON of Illinois. Mr. Speaker, I have not given this subject that careful consideration that has been given to it by the Committee on Agriculture. I can only take the reports that have been made to the Senate and the House, and the information given to us by the officials connected with the Department of Agriculture. When I take these I find—taking the report of the Senate—that this thistle in 1878 to 1880 made its first appearance; that it has already spread over 70,000 square miles in the wheat-growing region of the Northwest.

I find in North and South Dakota that two-thirds of those States are already covered, not only the private lands, but the public lands as well. I find that it has extended to Minnesota, Wisconsin, Iowa, Nebraska, and Wyoming. I find that the Department of Agriculture reports year before last the loss to agriculture from this thistle was $2,000,000, and last year the loss was $5,000,000.

I find from the report of the botanist of the Agricultural Department—long in office, and, I presume, efficient, because the Secretary still retains his services—this extract, which I will read from his report, and I beg the attention of the House while I read it:

A study of this question for the past two years by the Department of Agriculture shows conclusively that the progress of this weed can be stopped only by uniform, concerted action during the same season or seasons over the whole infested area.

A half a dozen States, with, I believe, 70,000 square miles of territory, being the area now covered.

The facts at present in hand show also that the progress of the Russian thistle is rapid, and that if any determined action is to be taken against it, it may be taken far more economically in the immediate future than after the expiration of a few years.

Listen:

It is undoubtedly true that if the progress of the weed is not stopped, the damage caused by it in future years will annually reach $25,000,000.

There is the condition. Now, if that be true, as we are assured by this high authority, is it not time for action to be taken by the Federal Government? It seems to me it is. Gentlemen say there is no constitutional power. So they said as to the stamping out of pleuro-pneumonia; but those of us who were here at the inception of that appropriation will recollect that the position was taken that under the Federal Constitution, in the presence of a great evil that spread throughout the length and breadth of the country, and which could not be reached otherwise, the Federal Constitution was broad enough and strong enough to authorize appropriations to attain the object in view. We made those appropriations and they have been successful.

One further word. It is not sufficient that North or South Dakota, or Iowa, or one county or many, should take this action alone. Concert of action is what is needed, and if this official in the Agricultural Department tells the truth, it is our duty to commence, and to commence now, in this work, especially as over half of the lands in the Dakotas are good lands. One further remark and I have done. We now have 70,000,000 people in this country. Gentlemen have been in the habit of saying that these lands in the far West and the Northwest are not of much account. No longer have we public lands where the rains fall reliably, so as to make good crops. With a population ever increasing, to be increased many times before another century elapses, it is absolutely certain and sure that all this country referred to is to be utilized, and to be of the best agricultural lands on earth, by appropriating the water from all the rivers, including the Missouri, by way of irrigation; to be reënforced many times in amount by wisely storing the storm waters, so as to irrigate these lands.

The SPEAKER. The time of the gentleman has expired.

Mr. HATCH. I yield one minute more to the gentleman.

Mr. CANNON of Illinois. In my judgment, for the present and in the near future, as that country is sparsely settled and poor, and it is not practicable for them to coöperate, I submit whether it is not our duty to make this appropriation under apt provisions, which I am willing to intrust to the Committee on Agriculture under the leadership of its able chairman, and to commence this work.

Mr. HATCH. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. BOEN].

Mr. BOEN. Mr. Speaker, when about six months ago I introduced a bill (H. R. 4925) providing for the destruction and extermination of the noxious plant or weed known as saltwort, or Russian thistle, or cactus, so little was known about this subject that it was considered an untimely move on my part, because very few people thought there were any of these thistles in our State. Now, Mr. Speaker, I send to the Clerk's desk to have read a bulletin issued by the University of Minnesota on this subject.

The Clerk proceeded to read.

Mr. BOEN. Mr. Speaker, in order not to occupy the time of the House, I ask unanimous consent to have that bulletin printed in the RECORD.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to print in the RECORD the document which he has sent to the desk. Is there objection?

There was no objection.

The bulletin is as follows:

THE RUSSIAN THISTLE, OR RUSSIAN TUMBLEWEED.

[Willet M. Hays.]

The Russian thistle, or Russian tumbleweed (*Salsola kali, var tragus*), was brought from Russia, probably with flaxseed, where it is said to be a most serious pest. From a very small start in ten or more years, it had gotten a very strong hold in one or two counties in South Dakota; and in six years more it has rapidly spread by the aid of the wind so as to thoroughly infest and cover numerous South Dakota and several North Dakota counties, and the great body of the advance is nearly to the western border of our own State. By the aid of the railroads coming eastward this pest has much more rapidly advanced upon us than its natural mode of traveling before the wind would enable it to do. It infests our State at various points, and has even passed through our own State and is causing alarm by appearing at Madison, Wis., and at other points. It has shown its ability to travel, and to thrive in a variety of conditions by migrating southward through Iowa, Nebraska, and even into more remote States.

In Nebraska it has been found in nearly thirty counties. Our railroad lines are dotted or fringed with the weed at many points, and around our stockyards and many of our large terminal elevator centers it has gotten a firm and dangerous hold. It is now so situated that it can very rapidly distribute from these many centers and from the many others sure to become infested by the further importation into our State, and if left uncontrolled it will soon become a common and pernicious weed. The great body of this weed invasion will come upon us through our western border before the winds which drive unhindered across our nearly treeless and fenceless Western prairies. Likewise from the centers infested within the State will the winds roll these weeds into our fields, scatter seeds along our wagon roads, and into every nook where a weed can thrive, will this pest find a place to center as a nuisance.

When young this tumbleweed is an innocent appearing plant and will not compete strongly with grass and other plants for a place. In the early stage of its growth it is a soft, succulent kind of herbage not ungrateful to stock. But if given a roomy nook, as on a freshly made gopher mound, ample room in a field of breaking, or plenty of air and sun room along the wheel tracks in the highway, it grows as few other weeds ever grow.

It thrives in our richest soils and does nearly as well when drought and hot winds choke most other weeds into very modest achievements. This tumbleweed is like our common prairie tumbleweed (Amarantus alba) in some of its characters, looks like it, in fact, from a distance when mature, grows in newly broken land or along roadways, and is like it in its manner of tumbling before the wind. On closer examination, the plant is found to be very different from the common tumbleweed. When ripe its stems are much tougher and stiffer, enabling it to ride longer in the wind before being torn to pieces. At this stage of growth the slender, soft leaves born during its early stages, have partly fallen off, and at each joint on the stems are several leaf-like spines, both strong and sharp. These are so rigid that horses' legs are much injured by forcing them to pass through a growth of the nearly mature weeds. In an illustration made by Dr. Otto Lugger, drawings of parts of a stem, of flowers, etc., show the botanical features of the weed.

The flower is in the axils of the leaf-like spines. The flower parts do not all fall off, but within them is developed the strange seed. This is simply a small, long, cylindrical-shaped seed or germ nearly the size of the shaft of a pin, forked at the lower or root end, and the whole coiled up into the form of a rather flat snail shell. Around this is a thin shell or covering, but no "meat" is laid up outside or around the germ as is the case in most seeds. The seed is greenish until quite ripe when it turns to a dark brownish color and changes to a fairly hard seed. But the important fact is that the seed belongs to that class which is easily penetrated by water, will germinate readily, and is not liable to live long in the soil, even if buried at some depth, as would such hard, oily seeds as mustard and clover.

Weeds large enough for good "tumblers" before the wind rarely grow among crops of small grain. They come from breaking, fallow ground, roadsides, freshly made mounds and like places where the native sod is temporarily destroyed and no strongly competing plants have as yet secured control. In fields of wheat the plants are crowded out of their natural ovoid or spreading form of growth and grow more or less erect among the grain. They rarely grow tall, but if the grain has only a poor chance to thicken its culms by "stooling," as was the case in the Dakotas during the dry June of last year, the weed grows in large numbers among the wheat, and in thin spots in the grain produces some large plants.

In seasons where the moisture enables the wheat to grow vigorously during the early part of the season most of the Russian tumbleweeds grow only very small or are crowded to death. Where they grow 1 to 2 feet high and rather thick among the wheat it is difficult to drive teams through them, the spines causing great pain to the horses' legs; and the harvester oftimes can not cut through the hard weeds, but must give way to the header, which is run above the thistles, taking only the heads of the grain. In rare cases the weeds grow as high as the wheat and even the header will not work. In cultivated crops, as potatoes and corn, the occasional weed left by the careless farmer is liable to develop into the most robust tumbleweed 2 to 5 feet in diameter, and in a crop of thin wheat the masses of the thistle grow large and thick enough so as to be massed together by the wind into approved "tumblers" of large size.

The great fact that this weed can and does travel from one farm to another; from waste or Government lands into the fields of careful husbandmen; from the corporate or public highways to adjacent or remote fields of the cleanly farmer, brings before our States and even the General Government a new condition—a sudden and imperative duty. The individual can not deal with this foe any more than he can protect himself from yellow fever let loose in the streets. The power of the Government to bring about a cooperative, enforced, systematic, and comprehensive fight must be brought into use before the pest has spread from the present comparatively small infested areas to the entire country. And if the State, possibly with aid and coöperation of the General Government, compels one man to prevent this

weed from spreading from his lands, it assumes the responsibility of compelling every other landowner to likewise keep it in check, that he who complies with the law may accomplish his purpose and not merely spend labor and money and have the weed again come on his fields from surrounding lands.

During a recent visit to the infested region in South Dakota, I found that many farmers were making heroic efforts to keep this weed out of their own lands, but as the State does not execute its law compelling others to do the same, these farmers are placed at a great disadvantage, as their fields are constantly reinfested by the weeds being blown from roadways, public lands, and from the fields of other farmers.

This weed is not going to ruin Minnesota if it does gain entrance to every farm. But it is a good business proposition to invest enough of energy to prevent its ever getting a stronghold in the State. Every dollar spent on complete eradication will save hundreds in loss of crops and in the everlasting warfare which must be hereafter kept up if this pest is not subdued. A sharp, decisive contest is better than a weary, long-drawn fight which we can only bequeath to the coming generation. A successful fight would be a great and needed lesson in weed eradication.

Three alternatives are offered. First. Take no advantage from our association in organized towns, counties, States, and nation, but allow each farmer to fight his own battles with the weeds blowing on his lands during most months of the year from surrounding fields, roads, etc. Second. Make and execute laws preventing the ripening of all weeds which grow large enough to be blown before the wind, and to prevent their being spread by such means as railroads and grain dealers. This plan would result in the weed spreading only very slowly to sections not now infested. If the law were faithfully executed it would result in the farmer who strongly desired to keep his land clean of the weed being able to do so. The presence in all infested regions of small plants among grain and in other places where they would not develop into large weeds would, however, be a constant menace and source of trouble and expense. The seeds are rather light and have something of a wing which will enable the wind to carry them across snow in winter. Third. Make State laws under which, with some aid from the General Government, the weed might, if possible, be completely eradicated. If practicable this plan would in the end be far more economical. Killing out the last plant of so widely distributed a weed would indeed be difficult. No one has yet investigated the subject enough to be warranted in saying whether or not it is practicable, or not economy, to try to eradicate this pest as was done with pleuro-pneumonia in cattle.

This whole matter should be carefully considered from a purely business standpoint, and a plan devised whereby the States affected and even the General Government could unite in enacting laws under which all individuals, corporations, and governing powers could coöperate to handle this weed in the most businesslike and practical manner. A strong commission of men should be appointed to look up all the economic, the agricultural, the business, and the legal aspects of the case and report suggestions of a general plan under which the lawmaking bodies of States and Government could intelligently act. Recent careful study of the affected territory has made me a firm believer that the necessary energy and money to control, and possibly to eradicate, this weed could be expended by the farmers, the States, and the General Government to the advantage of all.

HOW TO ERADICATE THE RUSSIAN TUMBLE WEED IN MINNESOTA AND PREVENT ITS GETTING ON OUR FARMS.

A year's experience will tell us how to meet the difficulties. No one has heretofore been able to fight this weed alone. It is an annual, however, grows from the seed each year, and the plants are easily killed by means of the hoe, cultivator, or any tool or implement which will uproot or seriously disturb them. They are easily pulled up, and when turned under with the plow they die. The individuals are easily killed. If all plants large enough to travel before the wind are kept from ripening, the weed will not be very hard to eradicate on each farm.

By preventing plants from seeding for two years the pest would disappear. That might not be possible. But it looks reasonable that the plants could so nearly all be kept down for two years that occasional sources of remaining danger points could be found and looked after, and in a few years the land be freed entirely from the pest. The essential need is, not to allow any plants to mature seeds, especially plants large enough to roll. The seeds already ripe in the land should be encouraged to germinate that they may be killed by plow, hoe, frost and other agencies. There is no easy "cure-all," no specific except eternal vigilance; brains for a plan and willing hands on the spot to do the work at the right time.

The methods enumerated below are along the line we must act—they are written before, not after, the execution of the work, and apply to the section worst infested and to the scattering patches in Minnesota. They will suggest to the ingenious farmer and to the official what he can do under his conditions.

METHODS IN CULTIVATED LANDS.

1. The green manure fallow, when large fields must be dealt with, is valuable, if rightly managed, to kill Russian thistle, and other weeds as well. Two plowings are necessary. The best way is to plow shallow in May or June and sow half a bushel per acre of millet or 2 bushels of oats, and plow under when beginning to head out. The humus gotten into the soil will amply repay the cost of the seed for the green manure, though the thistles can be as effectively treated without the crop of green manure. After the last plowing the field should be gone over, with the hoe if necessary, to destroy stray plants.

2. Early fall plowing of stubble, done as soon as the grain can possibly be stacked or threshed, will kill most of the weeds if great care is given to thoroughness and plowing before any seeds are ripe enough to grow.

3. The bare fallow in some cases is the best means to use in cultivated lands. To make it the most effective the grain shocks of the previous crop should be stacked as soon as dry, not waiting to thresh out of the shock unless it can be done at once; and the stubble immediately plowed or even disked to kill unripe weeds or to bury ripe seeds that may surely be induced to germinate. The land in most sections should the next season be twice fallow-plowed, once in June or July, and where necessary at or after harvest. As practiced at present where the land lies from one harvest through the entire season, with only once fallow-plowing in midsummer, the bare fallow often is productive of the largest "tumblers," and spreads the weeds.

4. Annual hay crops grown instead of green manure will likewise serve a good purpose, and in sections where wild hay is no longer plentiful will pay as a crop. By very early fall plowing, then plowing shallow in spring and seeding to millet, oats, oats and peas, sowed corn, or other crop for cured forage, and again fall plowing very early, the Russian thistle will not have a chance to seed for two years, and will be practically killed out if no seeds are allowed to blow into the field.

5. Cultivated crops, early fall plowing, fallowing, among which every stray plant not killed by means of the cultivator is destroyed by the hoe, is a very effective means of killing out Russian tumble weed; and these crops, especially corn and potatoes, can be much extended with profit on our wheat farms, but poorly tended they are a source of infection. A few plants allowed room and cultivation will develop into the largest and most dangerous tumble weeds. Thorough work with the cultivator supplemented by complete hoe work up to the latter part of August will surely leave no plants with age enough to mature their seeds before frost.

6. Mowing and burning the stubbles and weeds as soon as the grain crop is off and before the weed seeds are ripe is a valuable means where the weeds are thick and can not be well turned under with the plow. This plan followed by one of the methods stated above would be effective. The Russian tumble weed and grain stubble will not as a rule burn readily in the fall, at least not until many of the seeds have ripened, unless first mowed and dried. In some cases they may be burned after mowing without raking, which is an advantage, as seeds are thus destroyed which might have escaped the mower. In other cases they must be more or less raked into piles. Plants mowed before the seeds are quite ripe will probably hold their seeds more tightly.

7. Mow or hoe patches in the grain fields where a poor stand of grain has allowed them to develop into large weeds. This is necessary to avoid trouble to teams and machines at harvest time, and also to prevent the development of large "tumblers," which if allowed to ripen may be blown about, scattering the seeds. Generally the scythe will do the work. The hoe or even the horse mowing machine may at times be better.

8. Plow under poor grain crops for green manure if they promise to pay but little more than the cost of harvesting and thrashing, and are filled with a thick growth of Russian tumble weeds. It sometimes pays to be heroic in this. The plowing can be done early when there is little pressing work to do. The green crop of hay and weeds will make much humus or fertility in the soil and a chance for double profits on the crop the next season. Sometimes green manuring and summer fallowing are objectionable means in dry, wind-swept sections on account of resulting blowing or drifting of the fine surface soil.

HIGHWAYS, RAILWAYS, GRASS LANDS, COMMONS, GROVES.

Total eradication outside of cultivated fields is not so easily accomplished as in the lands used for grain and hoed crops.

9. Infested highways which have been shaped up with the elevating grader or the reverseible road machine can be easily kept clean of the weeds by one or few dressings during the summer with the reversible road machine. Plants which escape this treatment can be cut with hoe. In some cases it will pay to "break and back-set" the roadway to kill out the weeds. The farmer can use this land for crops or it can soon be seeded down to grass, timothy, Kentucky blue grass; red top and white clover being the best mixture I can recommend. Road ditches should be built of such shape or form that they are not weed strongholds. Road officers should look sharply after the weeds in all highways and see that the farmers keep them from seeding along their lands or that the roads are kept free of weeds at the expense of the township. Farmers should be encouraged to farm the land to the wheel track along infested highways.

10. Along rough highways and on the railway right of way "breaking and back-setting," possibly followed by a year of bare fallowing, then the next year seeding to grass, will sometimes be the most economical measure. Usually the hoe thoroughly applied is the best remedy. The scythe leaves low-lying branches uncut to ripen seeds. Our railway right of ways as well as our highways in all sections of country should be left in such shape, when being constructed, that they can be seeded to grasses which are easily mowed or "back fired," both to lessen the number of escaping fires and to abate the weed nuisance.

11. Pastures and meadows, whether native or wild, need attention. "Breaking and back-setting," then growing crops, and treating, as in 1 to 8 above, is safest. In grass lands left undisturbed, the hoe in the hands of careful men in August is probably the best means. A foreman on horseback following and constantly inspecting the work of a gang of a dozen men could rapidly get over the prairie or tame pasture or meadow and do the work effectively and cheaply, as in a similar way we pull mustard. Prof. Bolley, of North Dakota experiment station, says: "A comparatively small force of workmen would suffice to destroy all weeds upon road margins and the wild lands of the worst infested townships in the State." Thus could the larger weeds, which develop in gopher mounds, fire breaks, and similar places on the prairies, be destroyed, and the plants, kept small by the thick growth of grass, might thus be gradually eradicated.

12. Cities and towns in Minnesota in which this weed has obtained a hold should, in the common interest, and in justice to the farmers who patronize them, at once take measures to prevent not only all large plants from blowing about and spreading the weed, but see that no seeds are ripened in the next years. Cities and towns are strongholds for this pest which the farmers can not reach; and as towns are now centers from which the weed is spreading there is nothing improper in their taking the initiative. Every waste lot or block in every town or city should be broken and sowed to Kentucky blue grass and white clover. Aside from keeping out this and other weed pests, such a practice would make our towns look much prettier and cleaner.

13. *Prevention of spreading.*—The greatest barrier to the spreading of the Russian tumble weed is the prevention of all plants growing large enough to roll before the wind. If every township can be so organized this summer as to prevent spreading by the wind, each farmer can successfully fight his own battles, and all working together could in two or three years eradicate the weed. Railroads have helped to spread it. They should vigorously set about cleaning it off their right of way and out of their depot yards. Township road overseers and citizens should not hesitate to notify the railroad of the presence of the weeds on the right of way and in depot yards, and to see that the companies look after keeping their properties clean.

14. Fences catch the "tumblers" and keep them out of the field. Wire fences serve a good purpose, though the weeds often pile high and blow over. Three rows of Russian sunflower around a field inside the fence, rows 3 to 4 feet apart and seeds a foot or less apart in the row and well cultivated, so as to grow tall and strong, would make something of a hedge, but are only temporary and not very promising. The heads make good feed for poultry and other stock, while the stalks remain erect all winter. Willow hedges in double rows 30 feet apart, and cuttings a foot apart in the row make the best of hedges. A row or two of plums between the two rows of willows is suggested as an improvement. Hedges and timber belts, however, are the hardest place from which to rid out the last weed, because hard to cultivate.

15. Ripe seeds should be burned wherever it is possible to burn the field over or to burn piles of the weeds. Thus will it be possible to kill very many seeds in the spring or late in the fall. Wherever an opportunity offers in a strong wind in dry weather unusual efforts should be put forth to burn stubble and prairie grass. Mowing, raking, and then burning will also assist to kill many weeds. An iron drag with team hitched 12 feet away by means of a gas-pipe crosstree and chains or wires and dragged through the field of ripe thistles, with fire burning the thistles caught in the drag as it is run along the side of the field and against the wind—is often the most practical way of burning ripe Russian thistles.

GENERAL PRECAUTIONS.

Infested flax, millet, and buckwheat seeds, or seeds of other crops harvested late in the fall after the Russian thistle has ripened, cause the spread

of this weed. Farmers should carefully examine all seeds coming from a distance and discard all having seeds of this or any other noxious weed. As these seeds are rather light they can be nearly all cleaned out of most kinds of grain by using a common fanning mill with its blast and sieves properly adjusted.

Railways and individuals handling grains, stock, or other farm products from infested districts should be compelled to use care in cleaning cars at only certain places where the weeds may be destroyed and to use proper care in preventing the spread of this weed.

LAWS ARE NEEDED.

The two Dakotas have fairly good laws, and Nebraska, Minnesota, Iowa, and Wisconsin, and possibly other States, should each at the earliest possible opportunity enact laws making it obligatory for the proper officials of each township, city, and county to see that this weed is controlled. As to whether it is practicable to entirely eradicate the Russian thistle from the country, there is a diversity of reasonable opinion. But that the State and General Government owes to every farmer enough of protection that this seed may not be blown upon his fields from surrounding lands and roadways all must admit. Whether it is wise for the Government to aid the States in a trial at utter eradication is one question; the consideration of practical laws looking to preventing the ripening and blowing about of all weeds large enough to roll before the wind is another question. Any of these States refusing to do at least this much is not loyal to its own citizens nor careful of the interests of its neighbors. And the Government to be loyal to one or two of its young States and their farmers may find it wise to give material support as well as its great moral support to laws looking to the eradication of this new pest.

The individual farmer can fight his own battle if the State will provide so that he need not fight it over again the next year. It might be far cheaper in the end to entirely eradicate the weed than to continually fight it, as the farmer must be given a chance to keep his land clean if he is so disposed. With the weeds blowing upon his farm every year he must adapt his farming to the presence of this weed, and the farmers in affected districts recognize this as a very serious pest. Real-estate dealers, however, do not all recognize that this or any other disadvantage exists in their section of the country. Let the State make and execute a good law and three-fourths of our farmers, if not nearly all, would learn that total eradication on their own lands is economy. It would not be very difficult to execute a law preventing the ripening of all the large weeds. This would in the main stop the rapid spread of the weed and its entire eradication could be taken up in any section or in the entire country.

Every farmer should try to prevent the ripening of all "tumblers" on his lands and in the township and county. He should also favor and work for the making and the execution of some reasonable, comprehensive, and efficient laws. Figures 2 and 3 show Russian tumble weed at stage when nearly ready to blossom and when all stray plants should be destroyed as recommended in sections 9 to 15.

Mr. BOEN. Now, Mr. Speaker, as the representative of one of the greatest wheat-growing districts in the country, which is threatened with the destruction of its interests by the spread of this thistle, I ask that the motion of the gentleman from Iowa [Mr. GEAR] be sustained and that we stand by the action of the Senate in this matter.

Mr. SNODGRASS. If the powers of the General Government are to be abused in this way, the gentleman should include cockleburrs, and running briers, and sassafras sprouts, and sage grass, and all that.

Mr. BOEN. Very well, if you represent a district which is threatened with destruction by those things, make your motion and we will stand by you.

Mr. HATCH. I yield five minutes to the gentleman from South Dakota [Mr. PICKLER].

Mr. PICKLER. Mr. Speaker, I know the difficulty there is in the House in resisting the recommendations of the Committee on Agriculture in reference to this matter. I understand that the theory of this appropriation is not that our people are going to surrender to this Russian thistle. I know all about this weed. One trouble which we have to contend with in our Northwestern country is that we have such an abundantly rich soil that this weed, like other forms of vegetation, becomes so enlarged that it is difficult to deal with.

It grows up in that fertile ground, and I have seen plenty of these weeds when ripe from 3 to 4 feet high and at least 6 feet in diameter. We have such rich soil that we produce these weeds to a very large size. Now, the theory on which this appropriation should be granted is not so much, as I understand it, to help our individual farmer as it is that the Government should defend itself. The trouble is here. I have a quarter of section of land in my State and on two or three sides of that land is Government land. I may exterminate this thistle on my land, but next year it is reseeded from the Government land, and so it will be year after year until somebody takes possession of that land, and I will be compelled year after year to get these thistles off my land and it will be reseeded again. It is the duty of the Government, gentlemen, to take care of its own. It is its duty to keep this land so that settlers can go on to it.

Mr. FUNK. I would like to ask the gentleman to explain why there is so much Government land if it is such valuable and productive land, and why is it not taken up by settlers?

Mr. PICKLER. Well, there is a great deal of land in the West where the population of this country has been going to the cities in the last few years, but I want to tell the gentleman from Illinois that there is plenty of land out there yet that is as good or better than that in the State of Illinois, and there is no country where there are so many consecutive acres of land and none of it waste land, as in North and South Dakota, and in that I defy contradiction.

Mr. LUCAS. And it did not take forty years to settle it.

Mr. TALBOTT of Maryland. Is it not a fact that this seed will not take hold except in cultivated land?

Mr. PICKLER. Oh, no; it will grow along the roadside, where the plow has never been, or anywhere stock have been tramping about. It does not grow well on the prairie until stock has tramped it in.

Mr. TALBOTT of Maryland. The Secretary of Agriculture stated to me in a conversation the other day that the Government land was safe from it, because it would only take hold in cultivated land.

Mr. PICKLER. Oh, no; that is a mistake. It grows along the roadside, where the stock tramp, and along the creek. I know all about that, so far as that idea is concerned.

Mr. TALBOTT of Maryland. The Secretary of Agriculture certainly made that statement to me the other day in a conversation.

Mr. PICKLER. He is wrong, so far as that is concerned.

The trouble is the Government keeps this seed on its land in sufficient amount to reseed our lands from year to year. We are not a powerless people, just as the farmers of Brown County said in this meeting they had. Our farmers would ask no help so far as taking this off their own lands is concerned. We are able to do that. We are a thrifty and industrious people who are not afraid of work; we are developing that great country; but we say it is not fair that our land shall be reseeded year after year with this Russian thistle from the Government lands.

The SPEAKER. The time of the gentleman has expired.

Mr. HATCH. I yield five minutes to the gentleman from North Dakota.

Mr. JOHNSON of North Dakota. Mr. Speaker, in the great pressure for time I do not wish to attempt to touch the points that other gentlemen have covered much better than I could do; but there are two or three things I wish to have brought to the attention of the House before the vote is taken upon this question. The first two points are as to the responsibility of the General Government for this pest. One thing is sure—that a great pest is threatening the agricultural interests of this country, and that it has grown from a mere handful of seeds fifteen years ago until now it is a pest that destroys $5,000,000 worth of agricultural products annually; that the introduction of those seeds was entirely beyond the control of the will of the farmers of the West and entirely against their knowledge or consent, and, under the laws of the United States, in a way that they had no possibility of protecting themselves from.

The pest was imported in some flaxseed from Russia that came through the custom-house and was subject to the sole and exclusive inspection of the custom-house officers of the United States. They let it pass through, and we residents of the agricultural Northwest are not responsible for its existence in this country; but we are endeavoring as best we can by individual and State effort to defend ourselves, as well as those to whom it has not yet extended, against its destructive spread.

The other point I wish to make as to the responsibility of the Government is that the Government is the fee-title proprietor on whose lands much of this thistle seed that infests the land of private owners is grown. Our farmers can easily enough each destroy the seeds on their own farms, but with millions of these thistles going to seed undisturbed on the adjoining public lands, individual efforts are almost futile. This Russian thistle grows up in a spherical form, like a great "tumble" weed. When it matures and gets dry and hard in the fall of the year and the wind blows, the tap root breaks, and as the wind blows it will roll along like a bicycle, as fast as the wind. It will roll for perhaps 50 miles in a single day, spreading seed as it goes, because in those prairie countries we have no streams and no forest, no fences, nothing to stop a weed of this kind when it is blown by the wind.

In addition to that, the seed of this weed is scattered in the snow after it has been thrashed out of the weed in rolling over the ground. If a man built up a wire fence to shut out this tumbling weed he would have to build it 20 feet in order to obstruct its passage where great masses of it would accumulate. Even if he succeeds in shutting the stems and branches out that way with a tight wire fence the fine seeds will shell out and drift along in the snow. You gentlemen who have had any experience in the country between the top of the Rocky Mountains and the pineries know that the snow does not fall down perpendicularly as it does here. It falls some place, nobody hardly knows where, and it comes creeping along on the surface of the earth, and these seeds are sifted into the snow as the weeds go tumbling over the prairie, and they, the seeds, will creep along in the drifting snow for 50 miles again, perhaps, after you have stopped the tumbling of the weeds themselves. Anyone would know that with such a weed in such a country it is just as impossible for each individual farmer to protect his own land from the seeds

that drift along in the snow as it would be to build a fence which is snow-tight; and everybody knows that it is much harder to make even a roof snow-tight than it is to make it rain-tight.

Snow will come through where even rain can not come through. So much for the difficulty of shutting out this by fencing, cultivation, or any other method of individual or even neighborhood effort. This pest has already scattered over seven different States. It is as far east as Milwaukee. It is as far south as Kansas. The Government owns a very large per cent of the land in that part of the country. A million dollars is a large sum, to be sure, yet it would be less than 1 cent an acre on the 125,000,000 acres of Government lands that are situated within the infected and threatened region. In North Dakota, for example, with 45,000,000 acres of land, 21,000,000 acres still belong to the Government of the United States.

You gentlemen, the Congress of the United States, are acting to-day in the capacity of agents for the people who are the owners, the proprietors of 21,000,000 acres of land in my State, and no matter how well I may cultivate my land, no matter how well every farmer there may cultivate his land, no matter how well all the railroads and private owners may care for their lands, this infection will come to them from the lands still owned by the Government. It is true that the seeds of this weed will not catch on the solid-sodded prairie, but everywhere there are little gopher knolls, badger knolls, cattle tracks, wagon tracks; and at the least break in the sod these drifting seeds will catch and form another center of infection.

[Here the hammer fell.]

Mr. HATCH. I yield three minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER of Mississippi. Mr. Speaker, I desire to say that the proposition to appropriate a million dollars in aid of the agriculturists of certain portions of this country strikes me as one of the most marvelous propositions ever made in the Congress of the United States. You might as well propose, sir, an appropriation to extirpate the cocklebur, which is the great scourge of the cotton fields of the South, the great enemy of the cotton-planters and of the woolgrowers of the South.

The man who was perhaps the most successful woolgrower in the United States, Mr. Mark Cockrell, of Tennessee; the man who raised in the State of Mississippi, in the county adjoining that in which I live, the wool which took the premium in the world's fair in London, I was told by my old friend, Mr. RICHARDSON, would ride a mile out of his way to pull up a cocklebur. Those weeds are the great enemy of the sheep-raising industry of the South, and I think an appropriation for the extirpation of them would at least be as appropriate as this proposed appropriation of a million dollars to exterminate the Russian thistle.

The proposition that the Congress of the United States is to take the money of the people of all portions of the country and appropriate it in this way is so marvelous a departure from the original principles and objects of the Government that I am astounded that it should receive consideration for one moment on the part of members of this body.

There is another enemy of the agriculturist in the region in which I live—and, though a lawyer by profession, I myself have been an agriculturist all my life, and am still—there is another enemy of the agriculturist there that requires attention, and if the Government of the United States is to take charge of the agricultural interests of particular localities, it ought to undertake the extermination of this, which is a far more formidable weed than the Russian thistle. I refer to that extraordinary grass known as cocoa grass, which has spread over large areas in the States of Louisiana and Mississippi, until to-day many of the richest lands of Louisiana have been abandoned because of its encroachments. As well, sir, might the Government make an appropriation of a million dollars extirpate the cocoa grass, and I take it for granted that its efforts in that direction would have about the same results as the efforts of a gentleman who told me of an experiment he had made on his own plantation in Louisiana. He said that the cocoa grass first appeared in his garden and that he dug up the little nut which produced it, and dug some 20 feet and supposed that he had thoroughly extirpated it; that he then replaced the ground, and that when he got up the next morning and walked out into his garden the cocoa grass was there as thick as the hair on a dog's back. [Laughter.]

It is said that it grows absolutely through to the other side of the earth; and an old Irishman, who had received strict orders to dig it up and exterminate it, after he had done all he could in that direction, said, "Shure, it doesn't make any difference how deep I go, or whether I go clear through, it will still be there." [Laughter.] I trust, Mr. Speaker, that the Committee on Agriculture will be instructed to report an appropriation to extirpate the cocklebur and the cocoa grass if this Senate amendment is to stand.

Mr. HATCH. I yield five minutes to the gentleman from Nebraska [Mr. HAINER].

Mr. HAINER of Nebraska. Mr. Speaker, coming as I do from a State which is devoted almost exclusively to agriculture, I am naturally interested in everything which tends to the advancement of that great industry. I must confess, however, that I do not regard this amendment as in that line. Nebraska has been spoken of as one of the States infected with this Russian thistle. I wish to say that I never heard of it until after certain bills looking to the eradication of that plant had been introduced into Congress.

The proposition struck me as remarkable in every sense of the word, and I undertook to investigate the matter. I corresponded with gentlemen who stand high in scientific circles, and are well known as friends of agriculture as well as being in position to know, in order that I might ascertain what the real facts were. Allow me to read one reply which I received as a fair sample of others which I will place in the RECORD as a part of my remarks. I received this letter from Prof. J. L. Budd, professor of agriculture in Iowa. My friends from that State will recognize him, as will all who are interested in agriculture, as a man who stands in the forefront of the scientific agriculturists of the world. This is what he says:

IOWA AGRICULTURAL COLLEGE,
DEPARTMENT OF HORTICULTURE,
Ames, Iowa, March 15, 1894.

MY DEAR SIR: Your kind favor received. The clipping I inclose was written for my department of the Iowa State Register and about tells the story in regard to the Russian thistle. The many abandoned farms in Dakota furnish the exact conditions favorable for growing and ripening the plant. With fairly good farming it is quite a harmless annual weed. It does not thrive in meadows or pastures and our cereals are cut too early for it to ripen seed. In Russia I did not see one spot west of the Volga where it ripened its seeds in masses as reported on the abandoned homesteads and tree claims of Dakota.

Yours, with respect,

J. L. BUDD.

Hon. E. J. HAINER.

RUSSIAN THISTLE.

A Register reader in Polk County writes:

"Every paper I see has something to say about the Russian thistle. It appears to be a kind of fad, and Secretary Morton is violently attacked for mildly suggesting that he could see no good reason for using the Government funds in an attempt to eradicate it. You spent a summer in Russia and must know something about it, yet I have not seen a word from you in regard to it. Is it, in your opinion, as much of a nuisance as the Canadian thistle?"

East of the Volga on the dry steppes northeast of the Caspian it is a common weed. Its common name is "tumbleweed." As winter comes on the north wind piles it up in the hollows, and even in little bays of the Caspian in queer fantastic shapes. But in the thickly settled sections I heard no complaints. Properly managed it is a harmless weed. In pastures the stock will keep it down. In meadows at haying time it is yet young and tender, and after haying it does not get up into rolling or seeding size. In wheat fields and other grain fields it is kept down by plowing under the stubble as soon as possible after harvest.

In the extensive beet sugar districts this weed gives less trouble than many others, as it is one of the easiest to kill by cultivation and hoeing. It is the same in cornfields and with other cultivated crops. Yet it is a bad weed in certain ways. If not looked after it will get a hold along our highways, railways, out-town lots, and on the farms of slack cultivators, and when it has a full season for development it becomes a large, coarse, thorny, rolling contrivance that will move in our autumn winds at a lively pace. On the well-managed farm it will be easier to manage than our Foxtail, but with the slip-shod farmer it will be a rival of the Canada thistle. But this difference should be noted: I would not hesitate to buy a farm well salted with Russian thistle, as it is an annual, easy to run out or at least to manage so as to do no special harm. But the farm set to Canada thistles, as are thousands of acres north of Wheaton, Ill., I would not give much for. It may be possible to run it out, but it is a tedious and expensive process.

Mr. PICKLER. But Prof. Budd was never up where these things grow; he has never seen them.

Mr. HAINER of Nebraska. Now, let us take the testimony of Prof. Williams, from the gentleman's own State—a professor of botany in the South Dakota Agricultural College; and here is what he says:

It (the weed) is easily killed by cultivation. It is an annual and the seeds will germinate and come up even though buried very deep. Then if it is thoroughly cleared off the land one year none will appear the next unless the seed comes from other localities. The seed will not stay in the ground, as it is so poorly protected that unless it germinates the first year it rots.

Mr. PICKLER. That is just the point.

Mr. HAINER of Nebraska. I have here an extract from the Oakes (N. Dak.) Republican to the same effect. I have also a letter from Mr. Bushnell, editor of the Dakota Farmer, the leading North Dakota agricultural paper, a gentleman to whom I was referred by the representative from South Dakota [Mr. PICKLER] as the best possible authority.

[Here the hammer fell.]

Mr. HAINER of Nebraska. I would like to have a little more time.

Mr. HATCH. I yield the gentlemen two minutes more.

Mr. HAINER of Nebraska. This gentleman says over his own sign manual:

OFFICE OF DAKOTA FARMER,
Aberdeen, S. Dak., February 26, 1894.

DEAR SIR: I have your favor of the 22d, and hasten to reply.

The Russian thistle is certainly doing great damage in the two Dakotas as well as in adjoining States. I have no apology to make for it. It will be a serious drawback to wheat farming, especially in the Dakotas, and will doubtless be the immediate cause of serious losses in this direction. It is not properly named, as it really is an annual—and a "cactus." Spreads its seeds by rolling like the tumbleweed, and there is seed enough in a single weed to seed down a township. I do not believe that a million of dollars, if every cent was wisely expended, would begin to exterminate it. If a single plant were left to go to seed it would be but a few years, under favorable conditions, when this country would be as badly covered again as it is now. For this and other reasons I believe that our farmers have got to "work out their own salvation" in dealing with it. If enough money could be appropriated and every township could be organized and enlisted in a general movement, it is probable that it would receive a serious check, and this would be most welcome, but the opinion of myself and others is that under a haphazard "contract" system but little permanent good would be accomplished.

You are at liberty to use this in any reasonable way desired.

Very respectfully,

W. F. T. BUSHNELL,
Editor and Publisher.

Hon. E. J. HAINER, *Washington, D. C.*

OFFICE OF DAKOTA FARMER,
Aberdeen, S. Dak., March 26, 1894.

DEAR SIR: At a meeting Brown County Farmers' Institute, held in this city the 19th, 20th, and 21st—at the session of the 21st, in the afternoon, the attached resolution was passed.

Brown is the largest county in area in this State, and the greatest wheat-producing county in the United States. In the midst of the Russian thistle at the present time—the very heart of the "war."

Very respectfully,

W. F. T. BUSHNELL, *Publisher.*

Hon. E. J. HAINER, *Washington.*

The Russian thistle received attention at the last Brown County Farmers' Institute. Since Brown County is in the very heart of the region where the thistles have obtained a foothold, the following resolution passed at that time is significant:

"*Resolved*, That the reports made in the East of the damage caused by the so-called Russian thistle in this region has been greatly exaggerated, to the detriment of our State, and that we, farmers of Brown County in institute assembled, know that by thorough cultivation we will be able to successfully deal with this annual weed."

I desire to place in the RECORD certain other letters and extracts which I have not time to read. I ask consent that I may incorporate them in my remarks.

There was no objection.

BROWNSVILLE, NEBR., *February 26, 1894.*

MY DEAR SIR: Returning from Lincoln, I find yours February 22, and hasten to reply.

I hand you herewith Bulletin No. 31, issued by the United States experiment station for Nebraska, edited and compiled by Prof. Charles E. Bessey, botanist for the Nebraska State Board of Agriculture. It has been extensively circulated. Also a circular issued by myself, both concerning the "Russian thistle." They will explain themselves more fully and in detail than I can advise by letter, as to the character of this weed and its encroachments upon Nebraska domain.

That the Russian thistle is a terrible weed pest, and from its nature difficult to handle successfully, no one will for a moment call in question.

The article in State Journal to which you refer was published as literature on that subject, for what information it might impart.

Personally, I do not believe there can be any feasible governmental scheme for the prevention or extermination of the Russian thistle, either State or national, in the way of appropriation and expenditure of public money. The only feasible legislation in this matter I can imagine would be a law compelling the owner and tiller of land to perform a duty they owe to both themselves and their land, namely, to keep it clear of this weed. While I here speak only for myself, I am quite sure I reflect the opinion of thoughtful, intelligent men in this State. I might elaborate this line of thought, but the expression given is perhaps sufficient for your purpose.

I have not read the bill pending before Congress, and do not know its details. Therefore, with the light before me, and on general principles, I have not faith in its practicability.

We aim to render all possible aid to prevent further foothold and to stamp out as rapidly as may be this unwelcome invader.

Yours, sincerely,

ROBERT W. FURNAS.

Hon. E. J. HAINER, *Washington City, D. C.*

[Nebraska State Journal, February 19, 1894.]

THE RUSSIAN THISTLE.

It is said to be an "ill wind that blows nobody good." While the Russian thistle is just now commanding a degree of attention seldom given a weed pest, there are those who are disposed to look on the bright side in the matter. Prof. Bessey says it is most dangerous when dead, as it is then it diffuses itself.

D. Roberts, of Dakota, writes in the Dakota Farmer, from which we extract:

"It is an old saying that nothing was made in vain, and I believe it is correct. I believe this to be true of the thistles. With all this howl and cry about the damage, please tell me who has thought of turning it to account? Experience teaches that it is worth as much or more than red clover for sheep pasture. Now, if this is true, and I am confident it is, then, I ask, why should it not be worth as much as a fertilizer? In this I can only give my opinion. I believe if plowed under when in blossom, or just before it blossoms, it would be equal to a heavy crop of green clover plowed under, as a fertilizer. Farmers, try it. I believe it is just what we want here in Dakota, for it would grow when clover would die out on account of the drouth.

"The dryest time is when the thistle does the best. Then, again, I ask the farmers to try this plan: Take a piece well seeded to thistles; sow 4 to 8 quarts of millet seed per acre; pulverize and drag it down smooth, and roll. Let the thistles and millet grow. Just before the thistles blossom—when the stalk is tender and brittle, so you can take the stem between your thumb and finger and break it—just before it begins to get woody, go in with the mower and cut it down. Cure it well and put it up for hay, and my word for it, any stock on the farm will leave the best clear millet hay and eat the thistle hay. What better do you want? The dryest year you can put up 3 tons per acre on good ground, and, after taking off your hay, if you have sheep, you will have to watch them all the time to keep them off the ground you have mown. They will go at every opportunity to eat the young, tender shoots that start up. I for one am opposed to any move or appropriation being made by the Government to fight the thistle. I object to any law compelling me to destroy an article that is a benefit to me because it is a damage to other men who wish to follow a system of farming that will ruin any man and any country.

"The system I refer to is wheat-raising year after year upon the same land. I am well aware that under the present system of farming—wheat-raising—the thistle does great damage, but when you keep plenty of stock to use up the feed that is constantly going to waste, and only seed half the number of acres of wheat, sowing the land every other year and pasturing the land every alternate year, I believe we will raise more wheat, keep up the fertility of the soil, and the stock, well managed, will make us more money than wheat. Farmers, I have written this to call your earnest attention to this matter in a different light than you have been looking at it. I say we can handle this matter. I do not ask for any help from the Government or from my neighbors to handle my thistles. Think of this matter. If it is handled by the Government, what would it amount to? You would be compelled to destroy all thistles on your land. If you did not or could not, it would be done by the commissioner and charged up against you and collected in taxes in some form."

A WOMAN'S WISHES.

HILLSBORO, *January 21.*

To the Forum:

I want to tell you what a farmer's wife would like to see done in North Dakota in the year 1894.

Mr. HANSBROUGH refuted for publishing to the world news of the Russian cactus, asking a million dollars to help eradicate it, as though we were such an inert, helpless people we could not pull our own weeds.

I would like to see those wise men who went down the Southwestern to look at the cactus specimen five or six feet across, and who adjourned to go and tell their neighbors to wake up and get up a petition to the governor to call a special meeting of the Legislature to deal with the weeds.

Ask them to appoint their weed commission with full power to deal quickly with all weeds, just as our veterinary friends deal with the glanders. No waiting for red tape, but full power to plow and to pull and collect from land to pay for same. If they do not, Mr. HANSBROUGH will be asking for a million to buy leather leggins to put on the horses to cut the crop.

UNIVERSITY OF NEBRASKA, *Lincoln, Nebr., February 24, 1894.*

MY DEAR SIR: Under another cover I send you copies of my bulletin "The Russian Thistle in Nebraska," which will give you full information as to this vile pest which has come to us. Since the preparation of the bulletin I have learned of so many more localities that I am of the opinion that scarcely a county is entirely free from it. In the marked bulletin I have corrected up the map (in part at least).

It is without question one of the worst weeds which has ever made its appearance in the country. In the "Appendix" I quote from various authorities in Dakota and elsewhere, to show what other people think of it. Some of them think that the General Government ought to take hold of the matter. This I do not believe. It would, in my opinion, be unwise to make an appropriation from the public Treasury for this purpose. It is a calamity—no doubt about that—but there would be a greater one if that $1,000,000 should be poured out for its extermination. I hope you will vote against any such squandering of the public funds.

Nebraska and Nebraskans can take care of this weed without external aid, and the Dakota people ought to do likewise.

I have already written to Secretary Morton giving my views on this matter essentially as above, and I trust that you and all other Nebraskans in Congress will vote against the measure. The weed is a bad one, but we will take care of it ourselves, if the General Government will allow us.

Cordially,

CHARLES E. BESSEY.

Hon. E. J. HAINER,
Washington, D. C.

Mr. PICKLER. Will the gentleman allow me a question?

Mr. HAINER of Nebraska. Certainly.

Mr. PICKLER. Does Prof. Budd or do any of those professors take up the question of these thistles on Government land, which reseed our farms every year?

Mr. HAINER of Nebraska. No.

Mr. PICKLER. Why do you not address yourself to that question?

Mr. HAINER of Nebraska. I will do so; and I will say to the gentleman that no man has testified before our committee, and no evidence can be found there or elsewhere that this weed has any considerable foothold on Government land. In fact every witness who appeared before us testified that it could not have a foothold on sod and that it appeared only in a few scattered places wherever there might happen to be gopher mounds or something of that sort.

Mr. PICKLER. That happens very often. Of course a professor in Iowa does not know much about this question; he was never up there.

Mr. HAINER of Nebraska. These letters speak for themselves. The gentlemen writing them have a national and some of them an international reputation. Their word and good judgment will not be questioned. No sensible man would hesitate to accept their statement of fact and conclusions if it were proposed to pay for this business out of his own pocket.

Mr. Speaker, the farmers of Nebraska do not ask for this appropriation. They are interested in wise legislation protecting their industry, but they do not ask the Government to pull weeds for them.

They are willing to consent to some paternalism, though they do not like to pay for it, but they draw the line on maternalism.

Legislation of this kind always defeats its own purpose. It is impossible for the Government to carry on a systematic campaign against weeds. The thrifty individual farmer will take care of his own land, the shiftless will grow the thistle to be paid for

exterminating it if the Government embarks in that business. Pass this amendment and you will have more thistles next year than you have now. The extent of its spreading is very greatly exaggerated, and in only a few localities has it done serious damage. I challenge proof of the fact that it has destroyed the crops of a single good farmer. Not an instance of the kind has been given us. Our Western farmers will not thank these overzealous friends who advocate this sop for them to be used hereafter as a precedent to appropriate many millions for making still other places for ward heelers out of a job. You will not gain the good will of the farmers by furnishing them with salaried "weed pullers." Do something practical, gentlemen, or adjourn.

Mr. HATCH. I demand the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Iowa [Mr. GEAR] that the House recede from its disagreement to the Senate amendment, and agree to the same.

Mr. HATCH. A parliamentary inquiry: If the motion of the gentleman from Iowa should prevail, that will be a vote in favor of the appropriation of a million dollars?

The SPEAKER. That will pass the bill with the appropriation. If the motion should be voted down, it will be equivalent to nonconcurrence and the ordering of a further conference.

The question being taken—

Mr. BOEN called for a division.

Mr. HATCH. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. HATCH and Mr. GEAR were appointed to act as tellers during the yeas and nays.

The question was taken; and there were—yeas 50, nays 175, not voting 126; as follows:

YEAS—50.

Aitken,	Davey,	Hepburn,	Post,
Babcock,	Davis,	Hicks,	Quigg,
Bartholdt,	Dolliver,	Hitt,	Reed,
Bell, Colo.	Doolittle,	Hull,	Russell, Conn.
Boen,	Ellis, Oregon	Johnson, N. Dak.	Stone, C. W.
Broderick,	Fletcher,	Lacey,	Strong,
Bundy,	Funston,	Loud,	Sweet.
Burrows,	Gear,	Lucas,	Updegraff,
Cannon, Ill.	Gillet, N. Y.	Marsh,	Wanger,
Cooper, Wis.	Grout,	Marvin, N. Y.	Wilson, Wash.
Cousins,	Hager,	Moon,	Wright, Pa.
Curtis, Kans.	Hartman,	Perkins,	
Dalzell.	Henderson, Iowa	Pickler,	

NAYS—175.

Abbott,	Cummings,	Kilgore,	Pigott,
Alderson,	Daniels,	Kribbs,	Powers,
Alexander,	De Armond,	Kyle,	Reilly,
Allen,	Dinsmore,	Lane,	Richards, Ohio
Arnold,	Dockery,	Lapham,	Richardson, Tenn.
Bailey,	Dunn,	Latimer,	Robertson, La.
Baker, N. H.	Dunphy,	Layton,	Russell, Ga.
Baldwin,	Durborow,	Lefever,	Ryan,
Barnes,	Ellis, Ky.	Linton,	Sayers,
Bartlett,	English, Cal.	Loudenslager,	Schermerhorn,
Barwig,	Enloe,	Lynch,	Settle,
Bell, Tex.	Epes,	Maddox,	Shell,
Bingham,	Erdman,	Maguire,	Sherman,
Black, Ga.	Everett,	Mallory,	Sipe,
Black, Ill.	Fielder,	Marshall,	Snodgrass,
Bland,	Fithian,	Martin, Ind.	Somers,
Branch,	Forman,	McAleer,	Sorg,
Bretz,	Funk,	McCall,	Springer,
Brickner,	Fyan,	McCreary, Ky.	Stephenson,
Brookshire,	Geissenhainer,	McCulloch,	Stevens,
Brosius,	Goldzier,	McDannold,	Strait,
Brown,	Gorman,	McDearmon,	Straus,
Bryan,	Grady,	McDowell,	Swanson,
Bunn,	Graham,	McEttrick,	Talbert, S. C.
Bynum,	Grow,	McGann,	Talbott, Md.
Caminetti,	Hainer,	McKaig,	Tarsney,
Campbell,	Hall, Mo.	McLaurin,	Tate,
Cannon, Cal.	Hammond,	McRae,	Taylor, Ind.
Caruth,	Harmer,	Meiklejohn,	Taylor, Tenn.
Childs,	Harris,	Money,	Terry,
Clancy,	Hatch,	Murray,	Tracey,
Clark, Mo.	Haugen,	Mutchler,	Tucker,
Cobb, Mo.	Hayes,	Neill,	Tyler,
Cockrell,	Henderson, N. C.	Northway,	Wadsworth,
Coffeen,	Hendrix,	Ogden,	Warner,
Coombs,	Holman,	O'Neil, Mass.	Waugh,
Cooper, Fla.	Hooker, Miss.	O'Neill, Mo.	Weadock,
Cooper, Ind.	Hunter,	Page,	Wells,
Cooper, Tex.	Hutcheson,	Paschal,	Williams, Ill.
Cornish,	Ikirt,	Patterson,	Williams, Miss.
Covert,	Johnson, Ind.	Paynter,	Wolverton,
Cox,	Johnson, Ohio	Pearson,	Woodard,
Crawford,	Jones,	Pendleton, Tex.	Wright, Mass.
Culberson,	Kiefer,	Pendleton, W. Va.	

NOT VOTING—126.

Adams, Ky.	Boatner,	Causey,	Dingley,
Adams, Pa.	Boutelle,	Chickering,	Donovan,
Aldrich,	Bower, N. C.	Clarke, Ala.	Draper,
Apsley,	Bowers, Cal.	Cobb, Ala.	Edmunds,
Avery,	Breckinridge, Ark.	Cockran,	English, N. J.
Baker, Kans.	Breckinridge, Ky.	Cogswell,	Gardner,
Bankhead,	Burnes,	Conn,	Geary,
Belden,	Cabaniss,	Crain,	Gillett, Mass.
Beltzhoover,	Cadmus,	Curtis, N. Y.	Goodnight,
Berry,	Capehart,	De Forest,	Gresham,
Blair,	Catchings,	Denson,	Griffin,
Grosvenor,	Lockwood,	Price,	Storer,
Haines,	Magner,	Randall,	Tawney,
Hall, Minn.	Mahon,	Ray,	Thomas,
Hare,	McCleary, Minn.	Rayner,	Turner, Ga.
Harter,	McKeighan,	Reyburn,	Turner, Va.
Heard,	McMillin,	Richardson, Mich.	Turpin,
Heiner,	McNagny,	Ritchie,	Van Voorhis, N. Y.
Henderson, Ill.	Mercer,	Robbins,	Van Voorhis, Ohio
Hermann,	Meredith,	Robinson, Pa.	Walker,
Hines,	Meyer,	Rusk,	Washington,
Hooker, N. Y.	Milliken,	Scranton,	Wever,
Hopkins, Ill.	Montgomery,	Shaw,	Wheeler, Ala.
Hopkins, Pa.	Morgan,	Sibley,	Wheeler, Ill.
Houk,	Morse,	Sickles,	White,
Hudson,	Moses,	Simpson,	Whiting,
Hulick,	Newlands,	Smith,	Wilson, Ohio
Izlar,	Oates,	Sperry,	Wilson, W. Va.
Kem,	Outhwaite,	Stallings,	Wise,
Lawson,	Payne,	Stockdale,	Woomer.
Lester,	Pence,	Stone, W. A.	
Livingston.	Phillips,	Stone, Ky.	

So the motion to recede was rejected.

The following pairs were announced:

Until further notice:

Mr. WILSON of West Virginia with Mr. DINGLEY.

Mr. OATES with Mr. STORER.

Mr. ROBBINS with Mr. MORSE.

Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.

Mr. MCMILLIN with Mr. HOUK.

Mr. GRESHAM with Mr. MAHON.

Mr. LOCKWOOD with Mr. VAN VOORHIS of New York.

Mr. CAPEHART with Mr. BELDEN.

Mr. CONN with Mr. HOOKER of New York.

Mr. TURNER of Virginia with Mr. HEINER of Pennsylvania.

Mr. STOCKDALE with Mr. BRODERICK.

Mr. STALLINGS with Mr. SCRANTON.

Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.

Mr. BANKHEAD with Mr. MILLIKEN.

Mr. DENSON with Mr. RANDALL.

Mr. LAWSON with Mr. WHITE.

Mr. STONE of Kentucky with Mr. GEAR.

Mr. GOODNIGHT with Mr. WALKER.

Mr. MUTCHLER with Mr. RAY.

Mr. MONTGOMERY with Mr. TAWNEY.

Mr. EDMUNDS with Mr. WEVER.

Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.

Mr. CABANISS with Mr. PHILLIPS.

Mr. TURPIN with Mr. GILLETT of Massachusetts.

Mr. MORGAN with Mr. SMITH of Illinois.

Mr. CRAIN with Mr. SETTLE.

Mr. COBB of Alabama with Mr. APSLEY, except on election cases.

For this day:

Mr. BERRY with Mr. SHAW.

Mr. MOSES with Mr. CHICKERING.

Mr. ENLOE with Mr. BOUTELLE.

Mr. TURNER of Georgia with Mr. GILLET of New York.

Mr. WASHINGTON with Mr. GARDNER.

Mr. WISE with Mr. ROBINSON of Pennsylvania.

Mr. CATCHINGS with Mr. MERCER.

Mr. WHEELER of Alabama with Mr. WHEELER of Illinois.

Mr. SETTLE. I am paired with the gentleman from Texas [Mr. CRAIN] on all political questions, but on this question I have voted in the negative.

The result of the vote was then announced as above recorded.

The SPEAKER. The House insists on its disagreement, and without objection an order will be made to agree to the conference asked by the Senate on this amendment.

There was no objection.

The SPEAKER announced as conferees on the part of the House Mr. HATCH, Mr. FORMAN, and Mr. WAUGH.

On motion of Mr. HATCH, a motion to reconsider the vote by which the House refused to concur in the Senate amendment was laid on the table.

JUDICIAL DISTRICTS, GEORGIA.

Mr. WOLVERTON, by unanimous consent, submitted a report from the Committee on the Judiciary on the bill (H. R. 7461) to amend an act entitled "An act to create a new division of the northern judicial district of Georgia," etc.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JAMES T. PEALE.

The SPEAKER. The morning hour begins at twenty minutes past 2 o'clock. The call rests with the Committee on Military Affairs, which has pending a measure. The Clerk will report the bill.

Mr. BLACK of Illinois. I ask that the bill be read.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 6672) to place James T. Peale on the retired list of the Army.

The SPEAKER. This bill is in Committee of the Whole.

Mr. SAYERS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAYERS. Had not the hour expired yesterday when this bill was called? The bill was simply reported back to the House by the Committee of the Whole without recommendation, and in a few minutes afterwards the hour expired. I believe that was the status.

The SPEAKER. The Chair understands that this is the pending bill.

Mr. SAYERS. It was not acted upon at all.

The SPEAKER. It was not.

Mr. SAYERS. The committee rose a few moments before the hour expired.

Mr. BLACK of Illinois. The committee rose, however, by a sort of unanimous consent on a statement from the gentleman from Ohio that this would be the pending measure in the next hour.

Mr. SAYERS. I did not so understand. Does the RECORD show the fact?

Mr. BLACK of Illinois. I do not know; I have not examined the RECORD. Mr. OUTHWAITE made the statement, however.

The SPEAKER. This bill is in Committee of the Whole.

Mr. BLACK of Illinois. Mr. Speaker, this bill has passed the committee a number of times—various committees of the Senate and House.

Mr. SAYERS. I insist that this bill should go into the committee.

The SPEAKER. It must be considered in Committee of the Whole if the point is made.

Mr. BLACK of Illinois. I move that the House resolve itself into Committee of the Whole to consider the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. HALL of Missouri in the chair).

The CHAIRMAN. The House is in Committee of the Whole for the consideration of a bill the title of which has been read by the Clerk.

The gentleman from Illinois [Mr. BLACK] is recognized.

Mr. BLACK of Illinois. Mr. Chairman, this bill and the substantial parts of the report were read yesterday. I will make a brief statement of the merits of the case as they have been presented to the committee. This gentleman entered the service of the United States as a volunteer, served for some four years, and very shortly thereafter entered the regular service, and served continuously, with the exception of a few days, until 1880. The total service that he rendered was more than eighteen years. During that time he had more than the ordinary vicissitudes of military life. He was imprisoned, and while in prison contracted the disability from which he still suffers, namely, hemorrhoids. He commanded some very unusual military expeditions, in one of which he went through a long snow ride, while in the regular service, the result of which was to leave him almost blind.

In 1880 he had served, as I say, more than eighteen years, and during that whole time he had only eighteen days leave of absence for all causes. His particular disorder, the hemorrhoids, joined with the intensity of the sufferings which he had undergone from his snow ride and other causes, had made him very nervous and irritable, it is very probable, and had spoiled him as a social companion. He was not altogether a favorite with those who were immediately about him, but that did not detract from the fact that he had been once or twice brevetted for gallant and meritorious services, and had been steadily promoted, and won the confidence of his fellow-officers so far that they were willing to intrust him with independent command.

In his failing health he had contracted the habit of occasionally drinking. He was remonstrated with by some of his fellows, and finally entered into an agreement with one of them by which he was to become a total abstainer. It was understood at the time that he was making this agreement that, in order to enable him to attend to his private affairs after eighteen years of service, and in a degree to recover his health, he should be allowed leave of absence. This he failed to receive as promptly as he had hoped for it, and in fact it never was granted to him. Thereupon, in a somewhat despondent condition, he met the identical officer, a man greatly his superior in rank, who asked him to drink with him. He said, "But I have signed an agreement with you that I will not drink." "Well," said his superior, "you made this agreement with me, and I will let you off this time. We will go into the clubhouse and have a drink." They went into the clubhouse, and that evening at 8 o'clock he was under the influence of liquor.

Before going into the clubhouse, during the course of the day, this man had received a detail as officer of the day for the succeeding day, his tour of duty to begin at 8 o'clock. Ordinarily he would have been in perfect condition for the detail, but while he was in the house in the evening—twelve hours before his detail had been ordered to commence—he received a personal and peremptory order to immediately report for duty at 8 o'clock that evening as officer of the day. That disclosed his condition. Charges were brought against him, and he was cashiered for being intoxicated upon duty. That is the substantial charge upon which he was dismissed from the service.

The committee considered that that was not exactly a fair thing, but that there was a little of what looked like trickery and very great oppression in such an act, and so they have recommended that this act of injustice should, after this long lapse of time, be corrected, and that this man should be restored to a position, far below what he would have had if he had remained in the service, and that owing to his loss of health, arising from his service, he should be placed upon the retired list.

As shown yesterday in the reading of the concluding part of the committee, the officer who preferred the charges against him, Maj. Gen. Miles, of the United States Army, has recommended his restoration, and a great number of credentials and certificates are filed, showing his subsequent good conduct.

I have very little to add to this. I desire to emphasize the fact that the officer who preferred the charges against him, himself something of a disciplinarian, has asked for a favorable consideration of his application for restoration, and has certified to his high and honorable conduct while he was in the service and to his gallantry. This man has been punished by an absence from the Army of thirteen and a half years. He is now an old man as such things go, broken in health and impoverished. I ask for the favorable consideration of the bill.

Mr. SAYERS. Mr. Chairman, I had hoped that the gentleman from Illinois [Mr. BLACK] would withdraw this bill from further consideration until certain facts could be inquired into, and it be ascertained whether they were entirely true, as reported to me. I have been told that this officer who now seeks restoration to the Army after having been dismissed for drunkenness, was also discharged from the Pension Office for the same reason, and that this was within the last two or three years. I was also informed in the presence of the officer himself on last Sunday evening that he was in the habit of going on periodical drunks, and the gentleman did not deny the truth of what was stated to me. Now, it does occur to me that in view of these facts, if they be true, Congress should not restore him to the Army for the purpose of putting him upon the retired list. All that I ask is an opportunity to inquire into the facts.

It seems that his habits were bad in this particular before he gave the pledge. He gave the pledge and then broke it, a court martial followed, and he was dismissed from the service. Now, these are the facts as I have been told, and it does occur to me that the gentleman ought not to press the consideration of this bill upon the House at this time.

Mr. BLACK of Illinois. Mr. Chairman, I am not prepared to admit the correctness of any statement that the gentleman has made in regard to the present habits or the cause of the dismissal of this man. I have an entirely different impression in regard to it; but the statements made by the gentleman are such that if true they would probably considerably influence the judgment of the House, and inasmuch as the gentleman from Texas has made these statements, which have never been brought to the attention of the committee, and which to a certain extent rest now only on hearsay, I think that his request that I withdraw the bill is not an unreasonable one.

Mr. SAYERS. I will say to the gentleman that the facts which I have stated of course were told to me. I never saw the gentleman at all until last Sunday evening, when he came to see me, and the gentleman who accompanied him stated that he was in the habit of getting on periodical drunks. I read all the statements from ministers of the gospel and justices of the peace, etc., as printed in the report, and I inquired into his present condition in reference to the use of alcoholic stimulants, and then he himself told me of the difficulty he had in the Pension Office, and that he was discharged from the Pension Office, and that it was claimed that he was discharged on account of being drunk.

It is fair to him to say that he denied it to me. Then I began to inquire of the gentleman who was with him as to his present habits; and he said that he was in the habit of getting on periodical drunks; and the officer remarked to me that that was because he was poor, and he had been dismissed from the Army and was in trouble, but that if he were restored there would be no more of it.

Now, I desire to find out from the Pension Office whether that information be true or not; and I will submit to the gentleman from Illinois the answer I receive from the Pension Office.

Mr. BLACK of Illinois. If the gentleman establishes the cor-

rectness of that proposition, I shall not urge the bill; if, on the other hand, he fails, I take it he will not oppose the bill.

Mr. SAYERS. Well, I do not know about that. I will not oppose it on that ground. I will not make that the basis of opposition.

Mr. BLACK of Illinois. It is a pretty grave thing for a gentleman to stop the passage or consideration of a bill upon specific charges of personal unfitness and still hold another thing in reserve.

Mr. SAYERS. I informed the gentleman yesterday fully as to what had been told me.

Mr. BLACK of Illinois. The same that you told me to-day.

Mr. SAYERS. Yes, sir. I gave the gentleman fair notice.

Mr. BLACK of Illinois. We have had equal chance for investigation, and neither of us have made investigation upon that.

Mr. SAYERS. Just as soon as I told the gentleman, I walked out to my committee room and telegraphed to the Commissioner of Pensions to inform me why this man was discharged from the Pension Office. I met the Commissioner of Pensions this morning in the Interior Department and reminded him of my telegram, and asked him to send me an answer as soon as possible.

Mr. BLACK of Illinois. That you have not yet received.

Mr. SAYERS. Of course not; or I would have it here.

Mr. BLACK of Illinois. That is a square between us all three—the poor fellow that wants to be restored, and I, who represent the committee, and the gentleman from Texas who has resisted the passage of the bill; and if these allegations are found to be unfounded, they would remove his objections to the bill.

Mr. SAYERS. Certainly.

Mr. BLACK of Illinois. Then, Mr. Chairman, for the present I will withdraw the bill from the consideration of the committee.

The bill was withdrawn.

Mr. BLACK of Illinois. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HALL of Missouri, Chairman of the Committee of the Whole, reported that that committee had had under consideration the bill H. R. 6672, and that the bill had been withdrawn.

RELIEF OF MEN IN MARINE CORPS.

Mr. CUMMINGS. Mr. Speaker, on behalf of the Committee on Naval Affairs, I call up the bill (H. R. 5371) for the relief of certain enlisted men in the Marine Corps.

The bill was read, as follows:

Be it enacted, etc., That to reimburse the enlisted men of the United States Marine Corps who incurred loss of clothing by the cyclone which occurred at the naval station, Port Royal, S. C., on the night of the 27th of August, 1893, for such loss so incurred there shall be paid to each of said enlisted men the following sums, namely: To First Sergeant Michael Gallagher, $10.97; to Corporal Philip L. Heister, $10.95; to Corporal William Montoir, $18.74; to Private Joseph P. Allen, $31.39; to Private William Applestell, $5.76; to Private Charles L. Clark, $10.83; to Private John J. Cooper, $6.12; to Private Clarence S. Darden, $2.90; to Private George E. Grant, $12.80; to Private Thomas Harrison, $8.98; to Private John C. Horton, $6.08; to Private Robert McFeeters, $8.87; to Private Ulisses C. Parker, $6.89; to Private Charles Pearson, $14.18; to Private Eugene Smith, $8.82; to Private John Surman, $11.48; in all, $175.76: *Provided*, That the accounting officers of the Treasury shall in all cases require a schedule and certificate from each person making a claim under this act.

Mr. SAYERS. Mr. Speaker, I raise the point of order that that bill was not in the jurisdiction of the Committee on Naval Affairs.

Mr. CUMMINGS. I hope the gentleman will not insist upon that point. The whole sum amounts to only $175. These men lost their personal effects in endeavoring to save the property of the United States during the storm.

Mr. TALBOTT of Maryland. And they did save Government property worth a great deal more than the whole amount carried by this bill.

Mr. SAYERS. All I contend is that the different committees of this House ought to be restrained within the jurisdiction prescribed for them by the rules.

Mr. CUMMINGS. This amounts altogether to only $175. These men, as I have said, lost their personal property in endeavoring to save the Government property when this cyclone occurred. I trust the gentleman will not insist upon his point of order, especially as the House referred the bill to the Committee on Naval Affairs.

Mr. SAYERS. I will withdraw the point of order, Mr. Speaker.

Mr. CUMMINGS. I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

There was no objection, and it was so ordered.

Mr. CUMMINGS. I will make a very brief statement of the merits of the bill. Here are sixteen warrant officers and privates in the Marine Corps, who were stationed at Port Royal at the time of the cyclone there. These men, instead of trying to save their own personal property when the cyclone broke upon the naval station, endeavored to save the property of the Government and lost their clothing and other personal effects. The amounts involved range individually from $2.50 to $30, the aggregate being $175.76. It seems to me, Mr. Speaker, that with this explanation there can be no objection to the passage of the bill. I therefore demand the previous question.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CUMMINGS, a motion to reconsider the vote by which the bill was passed was laid on the table.

NAVAL MILITIA.

Mr. CUMMINGS. Mr. Speaker, I call up Senate bill S. 1399, to promote the efficiency of the naval militia.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and is hereby, authorized and empowered to loan temporarily to any State, upon the written application of the governor thereof, a vessel of the Navy, to be selected from such vessels as are not suitable or required for general service, together with such of her apparel, charts, books, and instruments of navigation as he may deem proper; said vessel to be used only by the regularly organized naval militia of the State for the purposes of drill and instruction: *Provided*, That when the organization of the naval militia of such State shall be abandoned, or when the interests of the naval service shall so require, such vessel, together with her apparel, charts, books, and instruments of navigation, shall be immediately restored to the custody of the Secretary of the Navy: *And provided further*, That when such loan is made to the governor of any State, the Secretary of the Navy is authorized to detail from the enlisted force of the Navy a sufficient number of men, not exceeding six for any vessel, as ship-keepers, the men so detailed to be additional to the number of enlisted men allowed by law for the naval establishment, and in making details for this service preference shall be given to those men who have served twenty years or more in the Navy.

Mr. CUMMINGS. Mr. Speaker, as this bill inferentially involves a small appropriation, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. SAYERS. I prefer, Mr. Speaker, that we should go into Committee of the Whole to consider this bill.

Mr. CUMMINGS. Then I move that the House resolve itself into the Committee of the Whole for its consideration.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

An act (S. 1399) to promote the efficiency of the naval militia.

Mr. SAYERS. I wish to ask the gentleman from New York a question. Under this bill if one of these vessels should need repairs while in the possession and use of the State authorities, would it not devolve upon the General Government to make the repairs?

Mr. CUMMINGS. I presume it would.

Mr. SAYERS. Another question. I understand from the reading of the bill that these enlisted seamen who are to accompany the ships when transferred to the control of the State authorities are to be in addition to the regular force of the Navy?

Mr. CUMMINGS. Yes. Let me explain. Mr. Chairman, the Secretary of the Navy has already placed vessels useless for active service at the disposal of State authorities for the use of the naval militia. A monitor down in North Carolina and the old ship New Hampshire at New York have already been set aside for the use of the naval militia. Three other States have asked for ships for the use of their naval militia. The Secretary, not being entirely satisfied as to his power under the law to grant the request, sent in this bill, which has been recommended by the Committee on Naval Affairs unanimously. As it appears before us now, it is a Senate bill which the House Committee on Naval Affairs has adopted as a substitute for the House bill already on the Calendar. The House bill provided that the enlisted men in the Navy placed upon the ships to care for them should be paid by the State authorities.

The Senate has sent us a bill with that provision stricken out, providing that the Secretary of the Navy shall send old sailors, not to exceed six in number in each case, to care for the ships. I am under the impression that no more than two will be needed for each vessel. I believe that the Secretary will not send more than two, but the Senate bill calls for a number not to exceed six. As the gentleman from Texas [Mr. SAYERS] has very properly observed, it is asked that these shall be in addition to the number of enlisted men now allowed to the Navy. As there are only three States calling for these ships at present, if two men were appointed in each case the total would be six, and if six men were appointed, the total would be eighteen.

I suppose that the number of enlisted men allowed to the Navy under the present law does not suffice to man the ships already in commission. By looking at the last report of the Secretary

of the Navy, it will be seen that they do not suffice to man all the ships placed in commission before the beginning of the coming fiscal year. Consequently, though the number here provided for is so small, it was felt to be imperatively necessary to add a provision that these men should be added to the number of enlisted men already allowed the Navy.

Mr. SAYERS. Mr. Chairman, I have no serious objection to the passage of this bill, but I desire to have its provisions so well guarded that the Government shall not be subjected to any improper or unnecessary expense. Now, let me call the attention of the gentleman to an appropriation that is made every year and which appears in the naval appropriation bill under the head of "Construction and Repairs."

Now, if I am not mistaken, the Secretary of the Navy under that appropriation may direct as much as he may deem necessary to be expended out of that item, in keeping different vessels of the Navy in repair. Now, here is a vessel which under this bill, if it should become a law, will belong temporarily to a State. What is to hinder the Secretary of the Navy, without further authorization by Congress, from expending a large portion of this general appropriation for construction and repair, in putting this old vessel in a condition to be useful to the State?

Mr. CUMMINGS. The Secretary of the Navy may either withdraw the vessel or ask the State to pay such expense.

Mr. SAYERS. When the bill was first called up I asked the gentleman whether he supposed that the expense of repairing vessels while in the possession and use of a State would be borne by the General Government; and I understood him to answer, "Yes."

Mr. CUMMINGS. If this old hulk were in ordinary, the General Government would pay the expenses of her repair. The ship is all the better for being in service. I do not suppose that the Secretary is empowered to lay out one cent beyond the appropriation of $25,000 for the naval militia for any purposes whatever in connection with the repair of such vessels. Such an expenditure, if made, would come out of that fund.

Mr. SAYERS. The gentleman is quite sure it would come out of that fund?

Mr. CUMMINGS. I do not see how it could be taken from any other fund, without authority of Congress.

Mr. SAYERS. Well, Mr. Chairman, according to my understanding the policy of the Navy Department a few years ago was to dispense with the use of these old vessels.

Mr. TALBOTT of Maryland. Except for training ships; and that is exactly the use intended in this case. It is proposed to make this a training vessel for the naval militia.

Mr. SAYERS. What I want to avoid is the expense of keeping these old ships in repair. They are almost valueless when they are repaired.

Mr. CUMMINGS. Let me say to my friend from Texas that we have had to pass in the naval bill an appropriation of $8,000 to keep the old ship Constitution in repair, and I presume if any other old ship needs repairing it would be necessary for us to put an appropriation for that purpose in a future naval appropriation bill.

Mr. TALBOTT of Maryland. The gentleman from Texas will understand that we have a good many old war vessels no longer worth anything as war vessels——

Mr. SAYERS. That is the class to which I refer.

Mr. TALBOTT of Maryland. No longer worth anything as war vessels, but worth considerable to the Government for other purposes—for transportation purposes and as training vessels and as receiving ships. Thus, for various purposes, these old vessels are worth to the Government every dollar that may be necessarily expended in their repair. These old vessels, while in the possession of the Government, require seamen and officers to take care of them, and when they are put into State service those sailors and officers can be sent somewhere else where they will be of more use to the Government. So that there may be a saving to the Government in detailing these vessels—I presume I may use that term—for use by the States.

Mr. SAYERS. Then it is the gentleman's opinion that any expenditure for the repair of such vessels would come out of the $25,000 appropriated for the naval militia?

Mr. TALBOTT of Maryland. I think so. And I wish to add that the State acquires no ownership in these vessels when thus allowed to use them.

Mr. SAYERS. I understand that.

Mr. TALBOTT of Maryland. The vessels are liable to be taken possession of by the Government whenever it may deem proper; and it is best for the vessels that they should be kept in repair. It is the duty of the Government to keep its vessels in repair.

Mr. SAYERS. My question was as to where the money would come from to repair these vessels while used by a State?

Mr. TALBOTT of Maryland. While the vessel is temporarily in use by the State, the expense of repair would come out of the naval militia fund.

Mr. CUMMINGS. If no other gentlemen desires to ask any questions, I move that the committee rise and report the bill favorably to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. MCRAE having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole on the state of the Union had had under consideration the bill (S. 1399) to promote the efficiency of the naval militia, and had directed him to report the same back with a recommendation that it pass.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. CUMMINGS, a motion to reconsider the vote by which the bill was passed was laid on the table.

LOUIS A. YORKE.

Mr. CUMMINGS. I now yield to my colleague on the committee, the gentleman from Mississippi [Mr. MONEY].

Mr. MONEY. I call up the bill (S. 1438) for the relief of Louis A. Yorke.

The SPEAKER *pro tempore*. This bill has been referred to the Committee of the Whole House.

Mr. MONEY. I move that the House resolve itself into Committee of the Whole for the consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, and proceeded to the consideration of the bill (S. 1438) for the relief of Louis A. Yorke.

The bill was read, as follows:

Be it enacted, etc., That the action of the board by which Passed Assistant Paymaster Louis A. Yorke was examined for promotion be set aside, and declared null and void; and the President is hereby authorized to appoint him to the office to which he would have been promoted but for said action, and to retire him in that grade as of the date he was wholly retired, charging him with all extra pay and allowances paid him at that time: *Provided*, That he shall not receive or be entitled to any pay, compensation, or allowance whatever prior to appointment under this act.

Mr. MONEY. I desire to make a very brief statement of the circumstances of this case as I understand them. Mr. Yorke entered the naval service at the age of 15, and served for twenty-four years. During that time he was never reprimanded, censured, or punished, but on the contrary there are now on file in the Department a great many letters covering that period, from the respective commanders of the ships in which he sailed, commending his excellent and officer-like conduct. He was an assistant paymaster in the Navy, and his accounts were absolutely straight in every particular.

From a very distinguished member of the Senate, who is also on the Committee on Naval Affairs, I get the information that he has personally investigated all of the accounts of this officer and found them to be absolutely correct in every detail. There was never at any time any charge of official misconduct against him. In course of time he came up with others, while afloat, for promotion to paymaster before a board composed of three paymasters according to the regulations. These three paymasters, without any charge, without any court-martial or court of inquiry, retired him wholly from the service. The records on file show that this action was taken without any court of inquiry, as I have stated, or without any charges of an official character against him, or charges of any character which would warrant such official action.

The truth was that there was a charge of a domestic character, if I may be permitted to allude to the matter in this connection. This gentleman had divorced his wife, and her family had gone before the board, as I am informed, and stated that this gentleman had borrowed money from his father-in-law to settle his accounts. This was not true in any particular, as far as his accounts were concerned. There was no necessity for borrowing money to settle them, because they were correct. He had borrowed from his father-in-law, who is a millionaire, at his own suggestion, to make investments while he was abroad in the service; but he had repaid the loans almost entirely, as I understand. At all events, the money was never needed in the settlement of his official accounts; and the whole thing was a piece of bitter resentment on the part of the relatives of his divorced wife.

That is the whole case as I learn it, and I get it all from a gentleman who has thoroughly well informed himself about it, the senior Senator from the State of Maine, who knows what he is talking about.

I may state that in the line of duty this officer has broken a leg, which is an additional reason why he ought to be restored.

Mr. SAYERS. Will the gentleman permit a question?

Mr. MONEY. Certainly.

Mr. SAYERS. Has this bill been referred to the Secretary of the Navy for the purpose of getting his opinion about it?

Mr. MONEY. Why, the Secretary of the Navy himself reported the bill.

Mr. SAYERS. But I mean since he has been Secretary of the Navy?

Mr. MONEY. It has not been deemed necessary. It has been passed three times, however, and has been reported from the House committee over and over again. The Senate has passed it and the House committee reported back the Senate bill. There is a House bill on the Calendar which is *ipsissima verba* in the terms of this bill that we are now considering, and it was reported unanimously from the Committee on Naval Affairs in the last Congress.

Mr. SAYERS. The Secretary of the Navy, since he has been Secretary, has not reported upon the bill?

Mr. MONEY. He has not; but formerly when he was a member of the House committee he did report it. It has been reported favorably from the House committees and Senate committees over and over again, as I said.

Mr. SAYERS. When was this action of the board taken?

Mr. MONEY. In 1884.

Mr. SAYERS. Ten years ago.

Mr. MONEY. Yes sir. I am also informed that since then one member of the board has been dismissed.

Mr. SAYERS. Well, if he deserved it, he ought to have been.

Mr. MONEY. I do not say, however, that it was on account of this matter.

But there was no evidence, absolutely, to affect this gentleman's character. The board was not examining him on any charge or inquiry of official misconduct, but simply for promotion, with a number of others. Those were *ex parte* facts that came before the board in an entirely unofficial way, and they had no right to take the action they did. This bill simply proposes to right a wrong. It is an act of justice to remove a stigma on the character of a most deserving officer.

Mr. SAYERS. The effect of the action of the examining board was to dismiss him from the service?

Mr. MONEY. They wholly retired him from the service.

Mr. SAYERS. Without pay?

Mr. MONEY. Yes. This calls, however, for no back pay, let me state.

Mr. SAYERS. He is on the retired list without pay?

Mr. MONEY. No, sir; he is absolutely out of the service. This is simply to restore him to the place for which he was examined, and to which he would have been admitted but for the action taken upon facts that ought never to have been considered by the board.

Mr. CUMMINGS. I wish to call my colleague's attention to the fact that it was not a unanimous report in the last Congress; I voted against it myself in the committee.

Mr. SAYERS. I think the chairman of the Committee on Naval Affairs ought to give us some light on this matter, if he can. We are all in the dark.

Mr. MONEY. The gentleman from Texas will please excuse me, you have light upon it now.

Mr. CUMMINGS. The "gentleman from New York" bows to the action of his committee in this regard. This matter is in full charge of Mr. MONEY.

Mr. LOUD. Will the gentleman from Mississippi allow a question?

Mr. MONEY. Certainly.

Mr. LOUD. Was not this case resubmitted for review finally, and determined upon in accordance with the first findings?

Mr. MONEY. No, sir; I think not.

Mr. LOUD. I think it would be well to have the report read.

Mr. MONEY. I have no objection to having the report read.

Mr. LOUD. I have been informed by a party who investigated the case that it was re-reviewed, and that the first decision was sustained.

Mr. MONEY. It has not been sustained, according to my information.

Mr. LOUD. I was so informed by a member of the Committee on Naval Affairs, to whom it was submitted, and he said he could never report favorably upon it.

Mr. MONEY. It was unanimously reported and favorably considered. I ask the Clerk to read the report.

The report (by Mr. GEISSENHAINER) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 1438) for the relief of Louis A. Yorke, having examined the same, find that the Senate report (No. 429) made thereon fully sets out the facts, as the committee have ascertained upon their own investigation. They therefore adopt the said report and recommend that the bill do pass.

[Senate Report No. 429, Fifty-third Congress, second session.]

The Committee on Naval Affairs, to whom was referred the bill (S. 2286) for the relief of Louis A. Yorke, have had the same under consideration and beg leave to report it back with an amendment and recommend its passage as amended.

Louis A. Yorke entered the Navy when he was 15½ years old, such entry being in February, 1862. He was commissioned an assistant paymaster in October, 1869, and promoted to be a passed assistant paymaster in 1875. He was ordered before an examining board for promotion to be a paymaster on the 4th of December, 1886, said board consisting of three paymasters, and by this board he was wholly retired from the naval service.

The records of the Navy Department, and also the records of the accounting officers of the Treasury Department, show that while Mr. Yorke was in the naval service his accounts were always promptly and correctly rendered, and the files of the Navy Department contain letters from his commanding officers extending over a period of twenty years, showing his conduct and record to have been of the highest character. During all the years of his service he was never placed under arrest, suspended, reprimanded, or punished in any way whatsoever, and your committee believes, from its careful investigation into the facts concerning this case, that the action taken by the examination board was arrived at without sufficient evidence, and, therefore, your committee thinks that this bill should pass, and thus in a measure repair the injury done Mr. Yorke.

It should also be stated that Mr. Yorke suffers from a broken leg, which injury he received directly in the line of duty, and as he seeks only to be placed upon the retired list of the Navy, with the rank which he attained after twenty odd years of faithful and meritorious service, your committee is of the unanimous opinion that his prayer should be granted and the bill enacted.

Mr. LOUD. Now, Mr. Chairman, the gentleman from Mississippi [Mr. MONEY] well knows that this board of officers had no power to retire this person, who was up for examination. They had the power to recommend; but I should like to ask the gentleman if that recommendation was not reviewed and affirmed by the Secretary of the Navy, and is it not a fact that the case came again on review before the Secretary of the Navy and he reaffirmed that first decision?

Mr. MONEY. I can not answer that question, because I do not know.

Mr. LOUD. There may be merit in this case, but it does not appear before the House. It seems to me there should be some information from the Department.

Mr. MONEY. I do not know as to the facts that the gentleman alludes to. The gentleman has asked me about matters that I do not know anything about; but I will say to him that the committees of the two Houses have repeatedly gone all over the circumstances of this case, have thoroughly investigated every paper in the Department—and there are a great many there—and they have favorably reported repeatedly. Three times it has passed the Senate, and, as I have said, the senior Senator from Maine told me that he had personally gone over every paper, and that there was not anything to justify the action of that board.

Mr. LOUD. But you are reëxamining the report of the Secretary of the Navy, are you not, and you do not present any papers to the House from the Department to sustain the position you take?

Mr. MONEY. I am supporting the action of the committee. If it is not satisfactory to the gentleman, of course I am very sorry for it.

Mr. SAYERS. I should like to ask the gentleman another question: whether or not the first report made by the Committee on Naval Affairs of the Senate was not adverse?

Mr. MONEY. I do not know. I never heard of an adverse report. I know that it has three times passed the Senate without any opposition, and of course it was done upon a favorable report. That is the whole case as far as I am acquainted with it.

Mr. LOUD. I do not care to stand in the way of the passage of this bill, although on the facts, as I understand them, I have serious doubts about it. I do not wish to be captious about it.

Mr. MONEY. As the gentleman from California withdraws his objection, I move that the committee rise and report the bill to the House favorably.

The motion was agreed to.

The committee accordingly rose; and Mr. BYNUM having taken the chair as Speaker *pro tempore*, Mr. DOCKERY, chairman of the Committee of the Whole, reported that that committee had had under consideration the bill (H. R. 1438) for the relief of Louis A. Yorke, had directed him to report the same to the House with the recommendation that it do pass.

Mr. MONEY. I demand the previous question.

The previous question was ordered.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. MONEY, a motion to reconsider the last vote was laid on the table.

FREE PUBLIC SCHOOLS ON THE NAVAL RESERVATION, PENSACOLA, FLA.

Mr. CUMMINGS. Mr. Speaker, I call up House bill 103.

Mr. HOPKINS of Illinois. I move that the House do now adjourn.

The question was taken, and the motion to adjourn was rejected.

Mr. CUMMINGS. I call up House bill 103.

The Clerk read as follows:

A bill (H. R. 103) to authorize the Secretary of the Navy to establish and cause to be maintained a free public school for children under 17 years of age at the village of Warrington, on the Naval Reservation on Pensacola Bay in the State of Florida.

The SPEAKER *pro tempore*. This bill is on the Union Calendar.

Mr. CUMMINGS. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. The gentleman from New York asks unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. SAYERS. Mr. Speaker, that bill ought to go to Committee of the Whole.

Mr. CUMMINGS. I move that the House resolve itself into Committee of the Whole to consider the bill.

The motion was agreed to.

The House accordingly resolved into Committee of the Whole House on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering a bill which the Clerk will now report.

The Clerk read as follows:

A bill (H. R. 103) to authorize the Secretary of the Navy to establish and cause to be maintained a free public school, for children under 17 years of age, at the village of Warrington, on the naval reservation on Pensacola Bay, in the State of Florida.

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to establish and cause to be maintained a free public school for children under 17 years of age of parents residing on the naval reservation, in the villages of Warrington and Woolsey, on Pensacola Bay, in the State of Florida. That the said school shall be established and maintained in the said village of Warrington at an annual expense of not exceeding $5,000, which said sum is hereby appropriated for said purpose out of any funds in the Treasury not otherwise appropriated.

Mr. CUMMINGS. Mr. Chairman, I yield so much time as he may desire to the gentleman from Florida [Mr. MALLORY].

Mr. MALLORY. Mr. Chairman, the object of this bill is to provide two schools, one for the whites and the other for the blacks, who reside on what is known as the naval reservation on Pensacola Bay. These people are differently situated, perhaps, from any other in the United States, unless they can be assimilated to the people of the District of Columbia. The naval reservation is entirely within the jurisdiction of the United States. It is not like most of our navy-yard reservations, included within the walls of the yard, but outside of the walls is a considerable territory.

The reservation is about 3 miles long with an average width of a mile and a half, and outside of the navy-yard proper have grown up two villages, one known as Warrington, named after a commodore of the Navy, and the other named Wolsey. These villages were built up a good many years ago by people who went down from the Northern States to take part in building some ships built there just prior to the war. The sloop of war Pensacola was built there in 1858, and the gunboat Seminole was also built there at that time. A large number of these people were skilled mechanics, who came from New York and Baltimore, and were engaged in the construction of these vessels. They carried their families with them, and when the war came on they had to remain there, and——

The CHAIRMAN. The morning hour has expired, and the committee will rise.

The committee accordingly rose; and Mr. BYNUM having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY, Chairman of the Committee of the Whole, reported that that committee had had under consideration the bill H. R. 103, and had come to no resolution thereon.

Mr. BLAND. Mr. Speaker, I move that the House do now adjourn.

Mr. HOLMAN. I hope the gentleman will withhold that motion for the present.

Mr. BLAND. I yield to the gentleman from Indiana.

INDIAN APPROPRIATION BILL.

Mr. HOLMAN. Mr. Speaker, the Senate has sent over to the House the Indian appropriation bill with a partial concurrence. I ask that the report of the committee of conference and the statement of the House conferees be printed in the RECORD.

The SPEAKER *pro tempore*. The gentleman from Indiana presents a report from the committee of conference on the Indian appropriation bill, and asks that the report and statement of the House conferees be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6913) "making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1890, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 37, 42, 53, 65, 70, 71, 74.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, 36, 41, 44, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 61, 67, 68, 72, 76, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 117, 118, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "And hereafter the annual salaries of the several Indian agents shall be as provided for in this act;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the words "five hundred;" and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out in line 4 of said amendment the word "five" and insert in lieu thereof the following: "To supervise the purchase of Indian supplies, four;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "To enable the Secretary of the Interior to purchase land for homes for the Digger Indians, Central California, and for the erection of suitable houses thereon and to aid them in agricultural pursuits, $10,000;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "*Provided*, That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may deem proper and necessary to protect the interests of the Indians and of the United States, to sell or otherwise dispose of a quantity of timber, not exceeding $20,000 in value, on the Jicarilla Apache Indian Reservation, the proceeds to be used by him in the purchase of sheep and goats for the benefit of the Indians belonging thereto as will best tend to promote their welfare and advance them in civilization;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$5,000;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "*Provided*, That the right of appeal shall be allowed to either party as in other cases;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$5,000;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$45,000;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Of which amount $20,000 shall be expended in South Dakota and $10,000 on the Colville Reservation in the State of Washington;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$3,500;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000;" and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, after the word "dollars" in line 16, page 55 of the bill, the following: "of which sum $1,000, or so much thereof as may be necessary, may be used to procure a permanent water supply for the school;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: Insert after the word "building," in line 1 of said amendment, the following: "Now owned by the United States and;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Strike out in line 24, page 59 of the bill, the words "one thousand" and insert in lieu thereof the words "five hundred;" and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: Insert after the word "That" in line 1 of said amendment the word "hereafter;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the matter striken out by said amendment insert the following:

"SEC. 11. That no Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child if either of them are living, and if neither of them are living without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. And it shall be unlawful for any Indian agent or other employé of the Government to induce or seek to induce by withholding rations or by other improper means the parents or next of kin of any Indian child to consent to the removal of any Indian child beyond the limits of any reservation."

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 21, 47, 62, 63, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 119, and 120.

W. S. HOLMAN,
JOHN M. ALLEN,
JNO. L. WILSON,
Managers on the part of the House.

WILKINSON CALL,
F. M. COCKRELL,
H. M. TELLER,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill (H. R. 6913) making appropriations for the Indian Department, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report on each of the Senate amendments, namely:

On amendments numbered 1, 2, and 3: Strikes out the provision proposed by the House, consolidating the Pueblo and Jicarilla Agency with the Southern Ute Agency, and provides that hereafter the salaries of the several Indian agents shall be as provided for in the bill.

On amendment numbered 4: Provides, as proposed by the Senate, that no person employed by the United States, and paid for any other service, shall be paid for interpreting.

On amendments numbered 5 and 6: Appropriates, as proposed by the Senate, $3,000 for the salary of the superintendent of Indian schools, and $1,000 for his necessary traveling expenses.

On amendments numbered 7 and 8: Appropriates $44,000, as proposed by the Senate, instead of $25,000, as proposed by the House, for buildings and repairs of buildings at agencies, and that $19,000 of the sum shall be used for the Fort Shaw Reservation and Indian school in Montana.

On amendment numbered 9: Appropriates $4,000, instead of $5,000, as proposed by the Senate, for the expenses of the commission of citizens serving without compensation to supervise the purchase of Indian supplies.

On amendments numbered 10 and 11: Makes verbal corrections in the text of the bill.

On amendments numbered 12, 13, and 14: Appropriates $6,743.90, as proposed by the Senate, instead of $4,162.60, as proposed by the House, to pay certain Pottawatomie Indians of Indiana and Michigan amounts due them, as ascertained by a judgment of the Supreme Court of the United States.

On amendment numbered 15: Inserts the provision proposed by the Senate, instead of the one proposed by the House, permitting members of the Citizen Band of Pottawatomie Indians and of the Absentee Shawnee Indians of Oklahoma to dispose of their allotted lands under certain conditions.

On amendment numbered 16: Provides, as proposed by the Senate, for the allotment of lands to the Sac and Fox of Missouri tribe of Indians within the reservation of said tribe in the States of Kansas and Nebraska.

On amendment numbered 17: In lieu of the appropriation of $5,000 proposed by the House for permanent annuities to the Shawnee Indians, provides, as proposed by the Senate, for the apportionment of $100,000 to the credit of the Cherokee Nation of Indians, transferred to them by agreement by the said Shawnee Indians.

On amendments numbered 18, 19, and 20: Authorizes the use of $12,000, as proposed by the Senate, instead of $5,000, as proposed by the House, for completing three artesian wells at Pine Ridge, Rosebud, and Standing Rock Agencies.

On amendments numbered 22, 23, 24, and 25: Makes verbal corrections in the text of the bill.

On amendments numbered 26 and 27: Inserts the provision proposed by the Senate in lieu of the one proposed by the House, concerning the Ogden Land Company and its alleged claim to any of the lands of the Seneca Indians in New York.

On amendment numbered 28: Appropriates $15,686.80, as proposed by the Senate, to purchase for, and allot lands to, the Wyandotte Indians.

On amendment numbered 29: Appropriates $110,000, as proposed by the Senate, instead of $100,000, as proposed by the House, for support and civilization of the Apaches, Kiowas, Comanches, and Witchita Indians.

On amendment numbered 30: Appropriates $10,000, as proposed by the Senate, for the purchase of lands for homes for the Digger Indians.

On amendment numbered 31: Authorizes the Secretary of the Interior to dispose of a quantity of timber, not exceeding $20,000 in value, on the Jicarilla Apache Indian Reservation, the proceeds to be used for the purchase of sheep and goats for the benefit of the Indians belonging thereto.

On amendment numbered 32: Appropriates $7,500 for pay of employés and purchase of farming implements and seed for the support and civilization of the Navajo Indians.

On amendment numbered 33: Requires, as proposed by the Senate, that one-half of the $6,000 appropriated for the Seminoles in Florida shall be expended in procuring permanent homes for them.

On amendment numbered 34: Appropriates $2,500, as proposed by the Senate, to remove and rebuild the bridge across the Big Wind River, in the Shoshone Indian Reservation in Wyoming.

On amendments numbered 35, 36, and 37: Appropriates $3,000, as proposed by the Senate, instead of $5,000, as proposed by the House for general incidental expenses, and $5,000, as proposed by the Senate, instead of $3,000, as proposed by the House, for pay of employés for the Uintah Valley and Ouray Agencies in Utah.

On amendment numbered 38: Appropriates $1,500, instead of $2,430, as proposed by the Senate, and $1,200, as proposed by the House for operating and repairing the flour mill at the Pima Agency, Arizona.

On amendment numbered 39: Appropriates $5,000, instead of $6,000, as proposed by the Senate, for the erection of a flour and saw mill at the Shoshone Agency in Wyoming.

On amendment numbered 40: Inserts the provision proposed by the Senate, allowing persons who are in whole or in part of Indian blood or decent to sue in the circuit courts of the United States on claims for allotment of lands under the laws of Congress.

On amendment numbered 41: Inserts the provision proposed by the Senate, authorizing contracts to be made for the construction of irrigating canals and securing water supply on the Fort Hall Indian Reservation in Idaho.

On amendment numbered 42: Appropriates $125,000, as proposed by the House, instead of $140,000, as proposed by the Senate, for Indian police.

On amendment numbered 43 and amendment numbered 117: Appropriates $35,000, as proposed by the House, instead of $45,000, as proposed by the Senate, for expenses of telegraphing and purchase of Indian supplies.

On amendment numbered 44: Appropriates $275,000, as proposed by the Senate, instead of $257,000, as proposed by the House, for expenses of transportation of goods, provisions, and other articles for the various tribes of Indians.

On amendments numbered 45 and 46: Appropriates $45,000, instead of $60,000, as proposed by the Senate, and $20,000, as proposed by the House, for survey and subdivision of Indian reservations, with authority to use $20,000, instead of $35,000, as proposed by the Senate, in South Dakota.

On amendment numbered 48: Appropriates $3,500, instead of $5,000, as proposed by the Senate, to negotiate through Indian inspectors with Indians for the surrender of portions of their reservations.

On amendments numbered 49 and 72: Appropriates $1,000, instead of $2,000, as proposed by the Senate, for conducting negotiations with the Shoshone and Arrapahoe Indians for the sale and relinquishment of certain portions of their reservations in Wyoming, and strikes out the provision proposed by the House for that purpose.

On amendment numbered 50: Appropriates $1,995, as proposed by the Senate, instead of $1,500, as proposed by the House, to pay John Palmier for buildings and improvements at Pine Ridge Agency.

On amendment numbered 51: Appropriates $3,000, as proposed by the Senate, for reimbursing, if found upon further examination to be entitled, those claimants among settlers on the Crow Creek and Winnebago Indian Reservation whose claims were held over for further proof or were erroneously disallowed.

On amendment numbered 52: Makes a verbal correction in the text of the bill.

On amendment numbered 53: Strikes out the appropriation of $2,430 proposed by the Senate to pay the treasurer of the Chapter of Calvary Cathedral, Sioux Falls, S. Dak., for board and tuition of Indian pupils.

On amendment numbered 54: Inserts the provision proposed by the Senate to allow Eugene E. White, of Prescott, Ariz., late a special Indian agent, certain credits in his accounts.

On amendment numbered 55: Inserts the provision proposed by the Senate authorizing the reëxamination of the accounts of James A. Cooper, late special agent of the Interior Department.

On amendment numbered 56: Appropriates $5,000, as proposed by the Senate, for the expenses of the five Commissioners appointed to take a census of the Old Settlers, Cherokees.

On amendment numbered 57: Appropriates $1,095,000, as proposed by the Senate, instead of $1,070,000, as proposed by the House, for support of Indian day and industrial schools.

On amendment numbered 58: Strikes out the provision proposed by the House, authorizing the use of $3,000 of the appropriation for Indian day and industrial schools to be expended in the construction of school buildings for the Cherokee training school, North Carolina, and the provision that so much of the appropriations made for payment of agents as shall not be required for that purpose shall be made available for educational purposes.

On amendments numbered 59, 60, and 61, relating to the Cherokee training school, North Carolina: Appropriates $1,200 for pay of the superintendent, as proposed by the Senate, instead of $1,400 as proposed by the House, and appropriates $3,000, as proposed by the Senate, for construction of school buildings.

On amendments numbered 64 and 65, relating to the Flandreau Indian school: Authorizes the use of $1,000 of the $2,000 appropriated for general repairs and erection of outhouses, to procure a permanent water supply for the school.

On amendment numbered 66: Appropriates $1,000, as proposed by the Senate, for the repair of the church and buildings owned by the United States, used for school purposes, on the San Xavier Reservation in Arizona.

On amendment numbered 67: Makes a verbal correction in the text of the bill.

On amendment numbered 68: Appropriates $3,500, as proposed by the Senate, for construction of buildings and general repairs at the Mount Pleasant, Mich., Indian school, instead of by items, as proposed by the House.

On amendments numbered 69 and 70: Appropriates $28,550, as proposed by the House, instead of $29,050, as proposed by the Senate, for the Santa Fé, N. Mex., Indian school.

On amendment numbered 71: Strikes out the appropriation of $18,750 proposed by the Senate for the education of Indian pupils at St. Joseph's Indian school at Keshena, Wis.

On amendment numbered 73: Inserts the provision proposed by the Senate that the children of Indians who have taken or may hereafter take lands in severalty shall not, by reason thereof, be excluded from the benefits of appropriations for purposes of education.

On amendments numbered 74 and 75: Places the expenditure of appropriations for school purposes under the supervision and direction of the Secretary of the Interior, as proposed by the Senate, instead of under the Commissioner of Indian Affairs, as proposed by the House, and inserts the provision proposed by the Senate, directing the Secretary of the Interior to inquire into the propriety of discontinuing contract schools.

On amendment numbered 76: Inserts the section proposed by the Senate authorizing the Secretary of the Treasury to place upon the books of the Treasury, to the credit of the several Indian tribes interested therein, the face value of certain non-paying State bonds or stocks.

On amendments numbered 77 and 78: Makes a verbal correction in the bill, and instead of providing, as proposed by the House, for the payment of the claim of W. B. Munson, directs the Secretary of the Interior to examine said claim and make a full report of his findings in December next.

On amendment numbered 79: Authorizes, as proposed by the Senate, the Secretary of the Interior in his discretion to expend in open market funds appropriated for artesian wells.

On amendments numbered 80, 81, and 82: Requires that purchase in open market shall, as far as practicable, be made from Indians, under the direction of the Secretary of the Interior; authorizes the Secretary of the Interior, for the period of thirty days after the approval of the act, to purchase in open market supplies necessary for the Indian service until contracts are executed and approved, and contractors have had time to deliver supplies to the several agencies to an amount not exceeding $10,000, as proposed by the Senate, instead of $50,000, as proposed by the House, and authorizes the Secretary of the Interior to arrange for the manufacture by Indians of shoes, clothing, leather harness, and wagons.

On amendments numbered 83 and 84: Strikes out the provision proposed by the House making the appropriations for purchase of supplies immediately available, and inserts the provision proposed by the Senate that contracts made in advance of appropriations shall be upon the basis of appropriations made for the preceding fiscal year.

On amendment numbered 85: Restores section 11 of the bill, proposed by the House, concerning the sending of Indian children from any Indian reservation to a school beyond the State or Territory in which said reservation is situated.

On amendments numbered 86 and 87: Makes verbal corrections in the text of the bill.

On amendment numbered 118: Inserts section 17, as proposed by the Senate, granting the approval of Congress of the act of the Legislature of the Chickasaw Nation to adopt the negroes of the Chickasaw Nation.

The committee of conference have been unable to agree on the following amendments of the Senate, namely:

On amendment numbered 21: Authorizing the Secretary of the Interior to erect the school buildings for Sioux Indians authorized in the bill as it passed the House, at such points as he may think best for the Indians interested;

On amendment numbered 47: For surveying lands in the Indian Territory, known as those of the Five Civilized Tribes;

On amendments numbered 62 and 63: Appropriating $1,000 additional pay to the military officer acting as superintendent of the Carlisle Indian School;

On amendments numbered 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, and 114, which provide, as proposed by the Senate, for the payment in cash for lands ceded by the Yankton Sioux Indians of Dakota, the Yakima Nation of Indians in Washington, the Cœur d'Alene Indians in Idaho, the Alsea and other Indians on the Siletz Reservation in Oregon, instead of deferring such payments until after the lands shall be disposed of by the United States;

On amendments numbered 115 and 116: Ratifying agreements with the Nez Perce Indians in Idaho and the Yuma Indians in California, for the cession of lands to the United States;

On amendment numbered 119: Extending, as proposed by the Senate, the right of commutation to all bona fide homestead settlers on certain lands in Oklahoma; and authorizing the Secretary of the Treasury to issue to the Cherokee Nation, or to its assigns, evidences of indebtedness of the United States, bearing interest at 4 per cent., for the respective amounts of the second, third, fourth and fifth installments, amounting in the aggregate to $5,640,000, specified in the Indian appropriation act for 1894; and

On amendment numbered 120: Authorizing, as proposed by the Senate, the appointment of a commission to allot in severalty to the Uncompahgre Indians, within their reservation in Utah, agricultural and grazing lands.

WM. S. HOLMAN,
JOHN M. ALLEN,
Managers on the part of the House.

Mr. BLAND. I renew my motion that the House adjourn.

The question was taken; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. McRAE. Division.

The House divided; and there were—ayes 73, noes 25.

So the motion was agreed to.

And accordingly (at 3 o'clock and 22 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HARE, from the Committee on Invalid Pensions: A bill (H. R. 862) granting a pension to Pauline M. Pooler. (Report No. 1345.)

By Mr. LACEY, from the same committee: A bill (H. R. 7543) granting a pension to Elizabeth Beesley. (Report No. 1346.)

By Mr. FIELDER, from the same committee: A bill (H. R. 4883) granting a pension to Caroline Loper, formerly Caroline Fox. (Report No. 1347.)

By Mr. LACEY, from the same committee: A bill (H. R. 6430) granting increase of pension to J. C. Pinney. (Report No. 1349.)

PUBLIC BILLS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. BOEN: A bill (H. R. 7850) to abolish national banks, and for other purposes—to the Committee on Banking and Currency.

By Mr. STEPHENSON: A bill (H. R. 7851) to amend an act of Congress approved March 3, 1835, entitled "An act granting to the borough of Michilimackinac certain grounds for public purposes"—to the Committee on Public Buildings and Grounds.

By Mr. PICKLER: A bill (H. R. 7852) to reimburse the State of South Dakota the expenses incurred in suppressing the uprising of the Sioux Indians in the years 1890 and 1891—to the Committee on Claims.

By Mr. HICKS: A bill (H. R. 7853) to amend section 4956 and section 11 following section 4967 of the Revised Statutes of the United States relating to copyrights—to the Committee on Patents.

By Mr. McRAE: A bill (H. R. 7854) to prevent the free use of timber on the public lands and to revoke all permits heretofore granted in certain States, and for other purposes—to the Committee on the Public Lands.

By Mr. FLYNN: A bill (H. R. 7855) donating 640 acres of land to Oklahoma Territory for a home for old soldiers, and for other purposes—to the Committee on the Public Lands.

By Mr. HERMANN: A bill (H. R. 7856) to authorize the Secretary of War to furnish cannon to the State of Oregon for the State Soldiers' Home at Roseburg, Oregon—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented, and referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 7857) for the relief of John Sanderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7858) for the relief of P. P. Ellis—to the Committee on Claims.

By Mr. FITHIAN: A bill (H. R. 7859) for the relief of Henry Dulgar—to the Committee on Military Affairs.

By Mr. HERMANN: A bill (H. R. 7860) to provide increase of pension of William N. Jackson for services in the late war—to the Committee on Invalid Pensions.

By Mr. HINES: A bill (H. R. 7861) for the relief of Katharine S. McCartney, widow of the late Capt. William H. McCartney—to the Committee on Pensions.

By Mr. KIEFER: A bill (H. R. 7862) for the relief of Mrs. Harriet D. Newson—to the Committee on Claims.

By Mr. MILLIKEN: A bill (H. R. 7863) for the relief of Joseph A. Greenwood—to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 7864) for the relief of the estate of John H. Peck, late of Burlington, Vt.—to the Committee on War Claims.

By Mr. SORG: A bill (H. R. 7865) to relieve Joseph G. Denius from the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 7866) to relieve William Hudson from the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 7867) to relieve Henry Halteman from the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 7868) to relieve Peter Callaghan from the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 7869) granting a pension to Maria D. Ralston—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. GEAR: Petition of J. S. Ferguson and 37 citizens of Keokuk, Iowa, opposing appropriations for Indian education at sectarian schools—to the Committee on Indian Affairs.

By Mr. HARTMAN: Petition of J. C. Evans *et al.*, of Montana, in favor of establishment of Government Indian schools—to the Committee on Indian Affairs.

By Mr. HAUGEN: Petition of Cigar Makers' Union No. 212, of West Superior, Wis., in favor of the four-dollar rate on imported cigars and the one-dollar rate on Havana and Sumatra wrappers—to the Committee on Ways and Means.

Also, petition of Cigar Makers' Union No. 212, of West Superior, Wis., in favor of House bill 5207, against the transportation from State to State of prison-made goods—to the Committee on Labor.

By Mr. HOLMAN: Petition of Emma A. Donnell, on behalf of the Young People's Christian Endeavor Society of Kingston, Ind., in favor of the antilottery bill—to the Committee on Interstate and Foreign Commerce.

By Mr. McLAURIN: Petition of various citizens, requesting the erection of a court-house and post-office at Florence, S. C.—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Michigan: Petition of E. P. Mills, H. J. Kelevorn, John H. Mooney, and 35 other citizens of Grand Rapids, Mich., praying for the impeachment of Richard Olney, Attorney-General—to the Committee on the Judiciary.

By Mr. UPDEGRAFF: Petition of S. H. Hough and 88 other citizens of Iowa, for the impeachment of the Attorney-General of the United States for alleged high crimes and misdemeanors—to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *August 1, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on motion of Mr. TURPIE, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the Senate of July 13, 1894, calling for information as to the cause of delay in adjusting accounts due deputy surveyors for contract work performed under direction of surveyor-generals, etc., a report of the Commissioner of the General Land Office, giving the desired information; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a draft of a bill to amend the quarantine act of February 15, 1893, and requesting its consideration by the Senate; which, with the accompanying papers, was referred to the Committee on Epidemic Diseases, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O.

TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate, numbered 65, to the bill (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1893.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7071) to exempt the property of the Young Men's Christian Association of the District of Columbia from taxation.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6777) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway;" agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEARD, Mr. RICHARDSON of Tennessee, and Mr. POST, managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5371) for the relief of certain enlisted men of the Marine Corps; and

A bill (H. R. 7683) to remove the charge of desertion against James Fay.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of petty officers and enlisted men of the United States Navy, praying that marines may be withdrawn from ships of the Navy; which was referred to the Committee on Naval Affairs.

Mr. MITCHELL of Wisconsin presented sundry memorials of citizens of Milwaukee, Stoughton, Black Earth, and Waupaca, all in the State of Wisconsin, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. PERKINS presented a memorial of sundry citizens of California, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. BLANCHARD presented a memorial of sundry citizens of Pollock, La., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. MANDERSON presented a petition of sundry citizens of North Platte, Nebr., praying for the entire separation of church and state, and remonstrating against Government appropriations for sectarian Indian schools; which was referred to the Committee on Indian Affairs.

Mr. BATE presented a petition of the Chamber of Commerce of Nashville, Tenn., praying for the early settlement of the tariff question; which was ordered to lie on the table.

Mr. LODGE. I present the petition of Morrison I. Swift and sundry other citizens of Boston, Mass., praying that the members of the Senate and House of Representatives resign immediately. I ask that the petition be referred to the Committee on Privileges and Elections.

Mr. HOAR. I should like to say a few words on the reference of the petition which my colleague has just presented. I have received a similar petition, which of course it is unnecessary to present, my colleague having presented the petition; but I wish to point out for the consideration of this gentleman and the persons who have joined with him in this class of petitions, that they seem to be absolutely unconscious of the existence of a body of men called the American people. They send in their petitions and make their demands upon us as if a dozen or a hundred or a thousand men had only to get together on a commons somewhere, and after five or ten minutes of turbulent conversation propose something, and that is to take the place of the Constitution and laws of this country at once.

Now, the people of the country have considered the question of the resignation of the public officers, and have demanded that resignation in a very much more peremptory manner than these gentlemen can possibly do it. They have not only demanded it, but they have fixed the time for it after great consideration, and we are all of us about to resign our offices at the time which the American people have determined. You, Mr. President, are going to resign the honorable office which you hold on the 4th day of March, 1897, and you will do it without any further prompting or goading or request.

You may be promoted to one more honorable, or at any rate one with more power; you may be continued in another term in your present office; you may be called to some other form of public service, or you may retire to private life; but like all of us you are to resign, and the people have determined the time and the occasion and the manner of doing it. The demand of these worthy gentlemen seems to have been made without having read or understood that the arrangements on the subject have already been made with the assent of almost the entire body of the American people.

The VICE-PRESIDENT. The petition will be referred to the Committee on Privileges and Elections.

Mr. LODGE presented the memorial of Charles G. Hanwood and 122 other citizens of Lynn, Mass., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. KYLE presented the petition of John H. Randall, general commander of the Chicago branch of the commonweal army; M. C. Servis, J. C. Howard, and 150 other members of the army, representing all trades, praying for the passage of Senate bill No. 1814 to provide for the free and unlimited coinage of silver; which was ordered to lie on the table.

Mr. WALSH. I present a petition of the Commercial Club of Savannah, Ga., praying for the early settlement of the tariff question. I ask that the petition lie on the table, and be printed in the RECORD.

The petition was ordered to lie on the table, and to be printed in the RECORD, as follows:

SAVANNAH, GA., *July 20, 1894.*

The Commercial Club of Savannah, at a meeting duly held and regularly called for that purpose, distinctly and emphatically records its earnest protest against the dilatory action which now marks the progress of the tariff bill pending before the Congress of the United States. This club embraces within its membership men who represent the leading commercial and industrial pursuits of this community. Its interests are not circumscribed within the limits of this city, nor within the great State of Georgia, but the objective purpose of its formation was to advance alike the material prosperity of the entire nation. It believes that it voices the sentiment of the people of the United States when it says that the uncertainty attendant upon the adjustment of that measure has caused untold financial embarrassment, restricted the use of capital, limited investment, and has had a general and most depressing effect upon all lines of material activity.

The delicate and complicated machinery of business at this time is not unlike the condition of a sick patient who has long been deprived of the sustaining forces of life; and the great financial convulsion which has recently swept over this country has left its business interests in such a condition that the immediate application of restorative remedies is imperatively required.

Any concession which would tend to effectuate the immediate passage of this bill would be infinitely preferable to delay at this crisis. It is therefore

Resolved by the Commercial Club of Savannah, That immediate action upon the tariff bill is necessary to end the existing financial depression and embarrassment, and to stimulate trade to its normal condition. It is

Further resolved, That the Representatives and Senators of the State of Georgia in Congress be, and they are hereby, requested to use every effort to bring about some speedy and definite action upon this bill. It is

Further resolved, That a copy of these resolutions be sent to each of the Representatives and Senators from the State of Georgia.

TARIFF STATEMENT.

Mr. WALSH. I ask the unanimous consent of the Senate to have printed in the RECORD a statement of the average ad valorem rates of duty of the Mills bill, the McKinley law, and the Senate bill, with per cent of reduction by Senate bill on the articles contained herein. It is a matter of information in which I think the country generally is interested.

The statement was ordered to be printed in the RECORD, as follows:

Statement of average ad valorem rates of duty of the Mills bill, McKinley law, and Senate bill, with per cent of reduction by Senate bill on the undermentioned articles.

Articles.	Mills bill (1888).	McKinley bill.	Senate bill.	Per cent of reduction by Senate bill over McKinley bill.
Camphor, refined	15.25	12.20	10	18.03
Sumac, extract of	20	23.24	10	56.97
Epsom salts	63.90	38.34	25.51	33.46
Castor oil	50.17	100.35	43.87	56.28
Cod-liver oil	25	28.65	20	30.19
Opium, prepared for smoking	141.58	169.65	84.82	50
Chromium colors	25	30.94	20.56	33.33
Ocher	19.64	19.64	16.37	16.66
Sienna	21.14	21.14	17.62	16.66
Umber	25.80	25.80	21.50	16.66
Spirit varnishes	74.56	69.56	59.56	14.38
All other varnishes	40	35	25	28.57
Whiting:				
Dry	142.48	143.48	71.24	50
Ground in oil (putty)	189.50	189.50	94.75	50
White lead	39.47	59.21	29.60	50
Nitrate of potash	21.32	21.32	10.66	50
Bicarbonate of soda	45.35	60.47	30.24	50
Bichromate of soda	45.59	20	25	45.16
Strychnia, or strychnine	117.24	98.79	79.34	25
Sulphur, sublimed	34.39	28.66	20	20.22
Sumac, ground	14.86	19.81	10	49.52
China:				
Painted, etc	30	60	35	41.67
Plain	40	55	30	45.45
Bottles:				
Empty	70.17	70.17	52.63	25
Filled	71.48	71.48	53.61	25
Demijohns, empty	37.21	37.21	28.43	45

Statement of average ad valorem rates of duty of the Mills bill, McKinley law, and Senate bill, etc.—Continued.

Articles.	Mills bill (1888).	McKinley bill.	Senate bill.	Per cent of reduction by Senate bill over McKinley bill.
Manufactures of glass	40	60	35	41.67
Cylinder glass, polished, unsilvered	17-64	20-64	13-48	25-38
Plate glass, fluted, etc	49-64	49-64	37-48	25-33
Plate glass, unsilvered, cast, etc.	98-174	98-174	88-122	10-30
Plate glass, cast, silvered, above 24 by 60	37.04	49.39	31.28	36.67
Cylinder and crown glass, silvered	32.91	43.88	27.79	36.67
Spectacle lenses	40	60	35	41.67
Stained or painted window glass	40	45	35	22.22
Roofing slate	25	25	20	20
Iron ore	23-37	26-41	15-21	40.47
Iron in pigs, etc	42.70	42.70	22.77	46.67
Scrap iron	42.70	47.83	28.47	40.48
Scrap steel	38.39	43	25.59	40.49
Bar iron	27-53	25-53	16-32	25-40
Bars of rolled iron	56.18	61.77	44.93	27.25
Boiler or other plate iron or steel	95	54	25	53.70
Rails of steel	60.67	58.24	33.99	24.47
Sheets of iron or steel, common or black	62-25	25-70	20-55	21-30
Tin plate	Free	78.44	42.32	46.05
Tin, manufactures of	40	55	35	36.36
Steel ingots, etc	22-45	29-50	20-40	20-35
Wire rods	34	34	22.67	33.33
Cast-iron vessels, etc	28.31	26.97	17.98	33.33
Malleable-iron castings	36.37	31.83	16.37	48.57
Hollow ware	29.43	35.33	23.55	33.34
Chains	39.41	47.28	30	36.55
Firearms	35	41-80	30	27-62
Nails	23-39	23-46	23-30	4-46
Railway fish plates	57.54	72.18	25	65.36
Hand, back, and other saws	20	40	25	37.50
Screws	55-133	47-111	33-67	28-40
Wheels	66.98	83.72	41.86	50
Plates, rolled, brazier's copper	30	35	20	42.86
Gold leaf	33.65	44.87	30	33.14
Silver leaf	77.78	77.78	30	61.43
Lead sheets	32.98	36.65	18.33	50
Nickel	36.65	23.77	14.26	40
Gold pens	35	30	25	16.67
Penholders and parts of	30	30	25	16.67
Pins	30	30	25	16.67
Zinc in sheets	23.35	29.19	14.59	50
Manufactures of metal	40	45	35	22.22
Shooks and boxes	30	30	20	33.33
Casks and barrels	30	30	20	33.33
Clocks, of wood	30	35	25	28.57
Rice, cleaned	111.85	111.85	83.89	25
Rice, uncleaned	64.19	64.19	41.08	20
Honey	44.83	44.83	22.42	49.99
Oranges, lemons, and limes	15-33	12-31	12-32	----------
Comfits, sweetmeats, etc	35	35	30	14.29
Nuts, not shelled (almonds)	51.34	51.34	30.80	40.01
Nuts, shelled (almonds)	42.42	42.42	28.28	33.33
Filberts, not shelled	52.90	52.90	35.32	33.35
Peanuts, unshelled	54.64	72.86	20	72.85
Extract of meat	20	17.95	15	10.87
Spirits, distilled	73-294	91-367	65-264	28
Cotton cloth:				
Not over 100 threads:				
Not bleached	40	35.17	25.05	37.39
Bleached	40	38.60	26.53	31.27
Dyed, colored, etc	40	40.80	30.54	25.15
Exceeding 100 threads:				
Not bleached	40	42.39	32.39	23.59
Bleached	40	43.27	35	18.88
Dyed, etc	40	43.84	38.84	11-40
Cables, cordage, and twine	16-25	16-31	10-20	40-17
Bagging for cotton	15.24	32.52	Free	100
Woolen yarns	40	278.66	30	89.23
Shawls, woolen, not above 40 cents per pound	40	150.30	35	76.71
Knit fabrics, not above 40 cents per pound	40	136	35	74.27
Blankets	40	80-104	35	66-71
Hats of wool	40	86-106	35	72.00
Flannels, not over 50 cents per pound	40	85-104	25-35	66-71
Silk, partially manufactured	60.50	60.50	20	66.94
Silk, webbings, gorings, etc	50	50	45	10
Silk buttons	50	50	45	10
Silk dress goods	50	50	45	10
Silk ribbons	50	50	45	10
All other silk	50	50	45	10
Writing, drawing, and other paper, n. s. p	25	25	20	20
Dolls and other toys	30	35	25	28.57
Emery	25.19	25.19	20.15	20
Firecrackers	100	147.32	50	66.06
Coal, bituminous	22.72	22.72	12.12	46.65
Slack or culm of coal	28.68	28.68	14.34	50
Coke	20	20	15	25
Matches	35	33.93	20	41.06
Haircloth, known as crinoline cloth	30	27.99	20.99	25
Haircloth, known as hair seating	23.22	23.22	15.48	33.33
Leather, bend or belting, and sole	15	10	10	----------

Statement of average ad valorem rates of duty of the Mills bill, McKinley law, and Senate bill, etc.—Continued.

Articles.	Mills bill (1888).	McKinley bill.	Senate bill.	Per cent of reduction by Senate bill over McKinley bill.
Calfskins, japanned	30	30	20	33.33
All not specially provided for	15	10	10	----------
Boots and shoes	35	25	20	20
Manufactures of India rubber	30	30	25	16.29
Umbrellas covered with silk or alpaca	50	55	45	18.18
Burrstone, manufactured	20	15	Free	100
Composition metal, copper	35	6.49	Free	100
Plates of copper, not rolled, etc	18.88	11.80	Free	100
Cider	20	18.52	Free	100
Binding-twine	15	6.47	Free	100
Paintings in oil or water colors	30	15	Free	100
Statuary	30	15	Free	100
Hatters' plush	15	10	Free	100

The most prominent reductions of duty proposed by the Senate bill are set forth below:

Articles.	Per cent of reduction.
Borax, refined	60.00
Castor oil	76.28
Peppermint	46.99
Baryta, manufactured	55.36
Whiting, dry	50.00
Paints, ground in oil	50.00
Zinc paint	42.80
Lead, red	48.99
Lead, white	56.00
All other not specially provided for	50.00
Soda (saleratus)	50.00
Soda, caustic	50.00
Sal, or soda crystals	50.00
Sponges	50.00
Cement	50.00
Lime	16.67
Clocks, china	58.33
Iron ores	46.67
Fuel, bars, blooms, etc	43.48
All other and slabs, blooms, or loops	74.31
Sheets or plates (iron or steel)	43.73
Tin plates	46.05
Wire rope made of steel wire not smaller than No. 5 wire gauge	58.40
Sheets	60.02
Chains	61.50
Penknives and pocketknives	42.50
Knives and forks	52.04
Firearms, pistols	53.15
Shotguns	55.88
Nails, wire	46.11
Spikes	76.67
Bronze metal	60.88
Silver leaf	61.00
Lead	50.00
Zinc	50.00
Sugar candy	71.00
Mules	79.00
Cattle	68.00
Beans	51.00
Castor beans or seeds	50.00
Raisins	40.00
Peanuts	75.00
Apples	15.00
Lard	50.00
Mustard	47.00
Cotton cloth	50.00
Cotton plushes	50.00
Flax	50.00
Cables, hemp, untarred	55.00
Cables, tarred	18.00
Gill netting	72.00
Shoddy	71.00
Woolen yarns	19.00
Woolen shawls	27.00
Knit fabrics	74.00
Blankets	72.00
Hats of wool	72.00
Flannels for underwear	71.00
Woolen dress goods	54.00
Woolen plushes	52.00
Carpets	61.00
Silk	67.00
Silk velvets	63.00
India rubber wearing apparel	39.00
Paper sheathing	50.00
Playing cards	63.00
Brooms	50.00
Buttons	41.00
Shoe buttons	62.00
Firecrackers	66.00
Coal, bituminous	47.00
Matches	41.00
Gun wads	71.00
Gloves	50.00
Cocoa matting and mats	72.00
Clay pipes	80.00

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Naval Affairs, to whom was referred the bill (S. 397) for the relief of Lieut. Jerome E. Morse, of the United States Navy, reported it with an amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Claims, to whom was referred the bill (S. 224) for the relief of William P. Buckmaster, reported it with an amendment, and submitted a report thereon.

Mr. PATTON, from the Committee on Claims, to whom was referred the bill (S. 817) for the relief of Jennie M. Hunt, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 1527) for the relief of the officers and crews of the United States gunboats Kineo and Chocura, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (S. 1571) for the relief of Thomas Williams, an employé of the Senate folding room, for injuries received while in the discharge of his duties in the year 1892, reported it with an amendment, and submitted a report thereon.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. MITCHELL of Oregon. I was not aware of the arrangement yesterday by which the bankruptcy bill was to be reported by the Senator from Mississippi [Mr. GEORGE] from the Committee on the Judiciary. Had I known the report was to be made I should have stated at least that as a member of the committee I dissented from that bill. I am not in favor of the bill as it stands. I am in favor of a bankruptcy bill covering both voluntary and involuntary cases, and if no other Senator shall offer the amendment when the bill comes up for consideration, I shall submit what is known as the Torrey bankruptcy bill, with some modifications, as a substitute for the bill reported by the Senator from Mississippi from the committee. The change that I propose to make is simply to strike out one of the causes of bankruptcy specified in the bill as reported. The bill proposes to make mere commercial failure at a certain time an act of bankruptcy. To that I am opposed, and I shall move to strike it out, and then, unless some other Senator submits it, I shall offer as a substitute for the pending bill, which covers merely voluntary cases of bankruptcy, the Torrey bankruptcy bill.

Mr. HOAR subsequently said: I ask unanimous consent that the bankruptcy bill, reported yesterday from the Judiciary Committee with amendments, be printed in document form for the use of the Senate. I ask that there be 5,000 copies of the bill printed.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears no objection, and it is so ordered.

OMAHA INDIAN RESERVATION LANDS.

Mr. MANDERSON. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 6814) extending the time of payment to purchasers of lands of the Omaha tribe of Indians in Nebraska, and for other purposes, to report it without amendment. I ask that the bill may be now considered. It is a House bill, and there is necessity for immediate action.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. Is that a ratification of an agreement made with those Indians? I see that the bill says something about an agreement being ratified.

Mr. MANDERSON. Yes; it is subject to the ratification or consent of the Omaha Indians. It is simply an extension of time for the payment of the balance of the purchase money. The bill is approved by the Indian Office, and is in every respect all right.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TARIFF BULLETIN.

Mr. HARRIS. On behalf of the Senator from Indiana [Mr. VOORHEES], who is detained from the Senate by illness, I report from the Committee on Finance Tariff Bulletin No. 32½, relating to the rates on sugar in various stages of the tariff bill, with the amendments relating to the same which were offered during the debate in the Senate and House of Representatives. I ask that the bulletin be printed.

The VICE-PRESIDENT. It will be so ordered in the absence of objection.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 2271) to amend an act of Congress approved March 3, 1835, entitled "An act granting to the borough of Michilimackinac certain grounds for public purposes;" which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WALSH introduced a bill (S. 2272) to increase the pension of James Longstreet; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. BLANCHARD submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. BATE, it was

Ordered, That William Markwood be authorized to withdraw from the files of the Senate, under the rules of the Senate, the papers relating to the bill in the Fifty-second Congress to grant him an honorable discharge.

REPORT ON SLUMS OF CITIES.

Mr. KYLE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth, for the use of the Commissioner of Labor, 6,000 additional copies of his seventh special report, relating to the slums of cities.

DOMINION COAL COMPANY, OF NOVA SCOTIA.

Mr. CHANDLER. I submit a resolution which I ask may be read and go over until to-morrow.

The resolution was read and ordered to lie over, as follows:

Resolved, That the special committee appointed to investigate the charges of bribery against Senators be instructed to inquire into the facts connected with the organization and history of the Dominion Coal Company, Limited, of Nova Scotia, for the purpose of ascertaining whether such company was formed or is being conducted by reason of any assurances that the tariff duty on coal shall be repealed by Congress; and if so, to ascertain who gave such assurances; and whether or not any officer of the Government or any member of Congress is or was interested in said company; and what action, if any, has been taken by any person in fulfillment of said assurances.

BRIDGES ACROSS THE HIWASSEE, TENNESSEE, AND CLINCH RIVERS.

Mr. BATE. I ask unanimous consent of the Senate for the present consideration of the bill (H. R. 4611) to amend an act approved January 26, 1893, to authorize the construction of bridges across the Hiwassee, the Tennessee, and Clinch Rivers, in the State of Tennessee. I desire to state that it is important that the bill shall be passed promptly, and I do not think it will consume any time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to extend for one year the time within which the actual construction of the bridges may be commenced.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. SUSIE CONWAY.

Mr. LINDSAY. I ask unanimous consent for the consideration at this time of House bill 6902.

Mr. COCKRELL. It will not take much longer to finish the sundry civil appropriation bill to-day, and then there will be ample time for the consideration of other bills. I shall not, however, object to the bill called up by the Senator from Kentucky, but as soon as that is concluded I shall move to take up the appropriation bill.

Mr. LINDSAY. I ask unanimous consent for the consideration of the bill (H. R. 6902) granting an increase of pension to Mrs. Susie Conway.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Susie Conway, widow of Senior Lieut. W. P. Conway, late of the United States Navy, and to pay her a pension of $35 per month, in lieu of the pension she is now allowed.

The bill was reported to; the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

Mr. COCKRELL. Before the Senator from Pennsylvania [Mr. QUAY] offers his amendment, I desire to offer an amendment from the Committee on Appropriations, to come in on page 56, line 14, after the word "same." Before submitting the

amendment, I will ask the Secretary to read the communication which I send to the desk.

The VICE-PRESIDENT. The communication will be read.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 30, 1894.

SIR: I have the honor to state that the act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service, approved February 15, 1893, provides no appropriation from which expenses incurred thereunder may be paid, and that under a recent ruling of the First Comptroller of the Treasury no expenses incurred in the execution of such act can be paid from the appropriation for preventing the spread of epidemic diseases, except only in the case of threatened or actual epidemic of cholera, yellow fever, or smallpox. I would, therefore, respectfully request that an appropriation of $35,000, or so much thereof as may be necessary to meet such expenses during the current fiscal year, may be incorporated in the sundry civil or deficiency appropriation bills now pending in the Senate.

Respectfully, yours,

J. G. CARLISLE, *Secretary.*

The PRESIDENT OF THE SENATE.

Mr. COCKRELL. Now I ask that the amendment I have proposed from the committee may be read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 56, line 14, after the word "same," it is proposed to insert:

And not exceeding $35,000 of said sum for necessary expenses in the execution of the act of February 15, 1893, granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. COCKRELL. I have one other amendment. In line 22, on the same page, in the appropriations for public buildings, by an oversight certain words were left out of the amendment which reads:

For a new copper roof for the Pension Office building $28,560.

After the word "building," in line 22, I move to insert "and a corrugated metal ceiling for the great hall." That is a part and parcel of the amendment already adopted, which was reported by the Committee on Appropriations.

The amendment was agreed to.

Mr. QUAY. I offer the amendment which I send to the desk, to come in on page 2, after line 14.

The VICE-PRESIDENT. The amendment proposed by the Senator from Pennsylvania will be stated.

The SECRETARY. On page 2, after line 14, it is proposed to insert:

That, in order to give the necessary full and free ingress and egress to the wagons carrying the United States mails into and out from the Philadelphia post-office, the Secretary of the Treasury, acting for and in behalf of the Government of the United States, is hereby authorized to acquire, by purchase or condemnation, certain lots or pieces of ground in the city of Philadelphia, State of Pennsylvania, adjoining or adjacent to the Philadelphia post-office building on the west, and more particularly described as follows, to wit:

All that certain lot or piece of ground late of John J. Ridgeway, deceased, situate on the south side of Market street, in the Ninth ward of the said city of Philadelphia, beginning at a point on the line of said Market street where the same intersects the west side of Post-Office street, containing in front on Market street 16 feet 8 inches, and extending in length or depth of that width southwardly between parallel lines at right angles with said Market street 231½ feet, to the north side of Chant street.

Also, all those three certain lots or pieces of ground, late of James Magee, deceased, situate on the north side of said Chant street, beginning at a point in the northern line of said Chant street 16 feet 8 inches westward from the west side of Post-Office street, containing in front on said Chant street 47 feet 2¾ inches, more or less, and extending in length or depth northwardly between parallel lines at right angles with said Chant street 56 feet, more or less, to land now or late of Caroline A. Magee.

Also, all that certain lot or piece of ground now or late of Caroline A. Magee immediately adjoining the said last described lot of ground on the north, beginning at a point on the westward line of the said first above described lot or piece of ground at the distance of 56 feet northward from the north side of Chant street, extending thence northward along the westerly side of said first above described lot of ground 15 feet 6 inches; thence westwardly 47 feet 2¾ inches to a point at the head of a certain alley; thence southward partly along the head of said alley and partly along the line of a certain lot or piece of ground, the property of St. Stephen's Protestant Episcopal Church, 15 feet 6 inches to a point; thence eastwardly 47 feet 2¾ inches, along the northward line of said second above described piece of ground, to the place of beginning.

Also, that rectangular-shaped lot or piece of ground belonging to St. Stephen's Protestant Episcopal Church, adjoining the properties above described, containing in front on Chant street 27 feet and 1 inch, and northerly on Boyer Place 70 feet; and a sum sufficient for the purpose, not to exceed $175,000, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. QUAY. Mr. President, the proposition which has just been read has been twice reported favorably from the Committee on Public Buildings and Grounds and referred to the Committee on Appropriations. Once it was inserted by that committee in a sundry civil appropriation bill, and passed the Senate.

The acquisition of the property described in the amendment is absolutely necessary for the proper distribution of the mails at Philadelphia. It is desirable that it shall be bought, and bought promptly, for the reason that the wagons used in distribution of the mails have not the necessary facilities of access to the post-office, so that they may be loaded and unloaded from the rear of the building. For want of these facilities the daily postal business is seriously embarrassed.

In support of the proposition I will merely lay before the Senate the resolution of the Philadelphia Board of Trade, a letter from the postmaster of Philadelphia, stating the reasons why the appropriation is necessary, and, connected therewith, the report of the chief inspector of the Post-Office Department, stating that the purchase of the property referred to is necessary, and recommending that the appropriation be made. I send the papers to the desk and ask that they may be read.

The VICE-PRESIDENT. The papers referred to by the Senator from Pennsylvania will be read, in the absence of objection.

The Secretary read as follows:

PHILADELPHIA, *January 2, 1894.*

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

At a quarterly meeting of the Philadelphia Board of Trade, held December 18, 1893, the following preamble and resolution were unanimously adopted:

"Whereas the Philadelphia Board of Trade, in a communication addressed to the Hon. John Wanamaker, Postmaster-General, under date of November 22, 1890, fully set forth the great and serious inconvenience and delay occasioned by the lack of necessary room for the movement of mail wagons in the rear of the Philadelphia post-office, and by the narrowness of the approaches to the post-office used by said wagons and vehicles in the delivery of mail matter; and,

Whereas the recommendation then made, that the Government should remedy the evil by the acquisition, through condemnation and purchase, of certain properties in the rear of the post-office, from which the buildings should be removed and the room secured thereby be utilized in facilitating the movement of all wagons engaged in the transportation of the mails, has not yet been adopted by reason of the failure of Congress to make the necessary appropriation for same; and

Whereas the Philadelphia postmaster has again called public attention to the necessity of securing more room and readier access for mail wagons and for the accommodation of the public mailing the lower grades of postal matter: Therefore,

Resolved, That the Philadelphia Board of Trade earnestly petitions the Senate and House of Representatives of the United States to appropriate an amount sufficient for the acquisition by purchase or condemnation of such properties in the rear of the Philadelphia post-office as may be needed to furnish the necessary facilities for the prompt and expeditious handling of the incoming and outgoing mails.

A true copy.

[SEAL.]

F. FRALEY,
President Philadelphia Board of Trade.

Attest:

W. R. TUCKER,
Secretary.

POST-OFFICE DEPARTMENT,
OFFICE OF CHIEF POST-OFFICE INSPECTOR,
Washington, December 13, 1893.

SIR: I have the honor to submit my report in case No. 173,307 C, "relative to additional space for the Philadelphia post-office." I have made several visits to Philadelphia in this very important case, and given the questions involved a careful and detailed study and investigation, availing myself of the expert experience of late Postmaster Harrity, Postmaster Carr, ex-Postmaster-General Wanamaker, Hon. W. M. Singerly, Hon. G. W. Childs, Inspector-in-Charge Edgarton, Superintendent of Mails Alexander, and prominent business men generally, who are the most concerned in a prompt and expeditious mail service.

It is a most remarkable fact that ample space has been provided in the inside of the Philadelphia post-office for a rapid and convenient handling of the mail, and that the means of getting the mail in and out of the office are so cramped and inconvenient as to be a positive delay and obstruction of the mail service.

This was a fact when this post-office was first occupied; and from year to year, as the bulk of mail has increased and the transportation wagons multiplied, it has come to a point where an imperative demand is made for additional space for the reception and delivery of the mail. The alleyway at the back of this great post-office where all mail is received and delivered by wagons, and where the 700 employés are obliged to gain entrance and egress, is only 10 feet at the entrance for wagons on Market street, and that space is continued for 125 feet with a sidewalk for employés 3 feet wide. Continuing further south the alley way widens to 18 feet for 99 feet to Chant street. Chant street runs west to Tenth street, and the roadway is 25 feet wide, and on either side is a 10-feet wide sidewalk. In order to give the enlarged facilities which this post-office must have for a proper and expeditious service, the Government should acquire the lot fronting on the south side of Market street adjoining the alley entrance hitherto described.

This property is known as No. 918 Market street, being 17½ feet front on Market street and extending southward in rear of post-office to Chant street, a distance of 223 feet. It is also most desirable to obtain the lot beginning at a point adjoining a church property on Chant street, a distance of 137 feet east from Tenth street, and extending northwardly a distance of 71½ feet, and thence eastwardly a distance of 46 feet, thence southwardly a distance of 71½ feet, and thence westwardly 64 feet to the place of beginning. Between this lot and the rear end of the lot first described there is a small alleyway 10 feet wide, extending north from Chant street to the rear end of the building on Market street. This property herein described, is illustrated by the blue print forwarded with this report marked Exhibit "A," the lined part being the property described.

In the investigation of this case, I have watched for hours in the busy part of the day and night the crush of mail wagons at the rear of this post-office. I find that there are 330 separate dispatches of mail by wagons each day to railway stations and subpost-offices; 314 separate mails by wagons are received from railway post-offices and substations; also an average of 175 wagons loaded with second-class matter from publishers and newsdealers. Besides, all the coal for the use of the Government building is received in this small alley, amounting to over 4,000 tons yearly.

Thirty-six mail wagons are in service for the transfer of the mails. The two-horse wagons are 23 feet long, including the whole outfit. The small wagons, with horses, are 18 feet long; consequently the alleyway herein described is just wide enough for one of the small wagons to stand across in receiving and dispatching the mail when it is backed up against the post-office building. The two-horse wagons are too long to permit them to back

square against the post-office building; consequently, while waiting for space to approach the post-office building the mail wagons are obliged to halt on Market street, the principal business street of the city, thus blocking up this great thoroughfare and impeding travel and business. This blockade would not be tolerated were those wagons not employed in the Government service. The mail wagons also block Chant street, which is the rear entrance to some of the largest and most important mercantile houses, publishing houses, and newspaper offices on Market and Chestnut streets. In fact, the mail wagons run over the scales and impede the business of the Philadelphia Record, with its immense traffic in coal, paper, as well as its delivery of newspapers.

The property described can be purchased now at a reasonable price, but in the future, when it may be improved and the price advanced, it will be more difficult and expensive to acquire.

It does not admit of doubt or discussion that the public service most urgently needs and demands this additional space for the Philadelphia post-office, and upon the testimony of the prominent gentlemen heretofore referred to, who, without exception, strongly favored the purchase of the additional property by the Government, as well as upon my own personal investigation of the situation, I feel it my duty to most earnestly recommend that the property be acquired at the earliest practicable date.

Very respectfully,

M. D. WHEELER, *Chief Inspector.*

Hon. R. A. MAXWELL,
Fourth Assistant Postmaster-General, Washington, D. C.

POST-OFFICE, PHILADELPHIA, PA., OFFICE OF POSTMASTER,
Philadelphia, March 20, 1894.

SIR; I have the honor to acknowledge the receipt of your favor of the 6th instant (W. B. F.) inclosing a copy of a bill introduced by Mr. QUAY upon February 6 last for the purchase of additional lots of ground adjoining or adjacent to the post-office building in this city, and requesting information as to the necessity for the purchase, the dimensions of the properties, and the appraised and market values.

I inclose you herewith six copies of a printed statement of facts which I had prepared on the subject, and which will give you the information you request as to the necessity for the proposed purchase. I also inclose a blue print which shows the exact location and upon which the property proposed to be purchased is marked with diagonal white lines. I also inclose a statement of the assessed values of the different properties, and I am informed by a person who has had a very wide experience in real estate in this city that the market values of the properties referred to are as follows: No. 913 Market street, marked A upon the inclosed statement, $75,000; Nos. 919 and 921 Chant street, and Nos. 10 and 11 St. Stephens place, marked B upon the inclosed statement, $25,000; total, $100,000. You will observe that this does not include the amount which would be necessary to take down and remove the present structures.

If I may be of further assistance to you in this matter, I beg you will command me.

Respectfully, yours,

WM. WILKINS CARR, *Postmaster.*

Mr. W. E. CURTIS,
Acting Secretary, Treasury Department, Washington, D. C.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Pennsylvania.

Mr. COCKRELL. Do I understand the Senator from Pennsylvania to say that this amendment has been reported from the Committee on Public Buildings and Grounds?

Mr. QUAY. Yes, sir.

Mr. COCKRELL. The Committee on Appropriations did not insert this amendment in the bill because we did not think it was best for us to undertake to insert in an appropriation bill every bill that might be recommended by some other committee. We were flooded with reports from other committees recommending what we conceived to be legislation to be inserted in the bill, and we avoided putting them in just as much as it was possible to do, and accepted only those which seemed to be absolutely necessary.

Mr. QUAY. Does not the Senator from Missouri consider the amendment I have proposed as absolutely necessary, in view of the statements of the officials of the Department?

Mr. COCKRELL. If I were a private individual and had a surplus of money and was running that post-office, I would want this ground and would buy it; but if I did not have any money with which to buy it, I do not know that I would contract for it on credit.

Mr. QUAY. I trust the Senator will accept the amendment and let it go into conference, and when we ascertain what is to become of the tariff and what we are going to have in the way of revenue, we shall know whether we are to have the money or not. I make that suggestion to the Senator.

Mr. COCKRELL. I raise no question of order on the Senator's amendment. The Senate can vote upon it.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. CHANDLER. I offer an amendment to the pending bill, to be inserted after line 5, on page 52.

The SECRETARY. On page 52, after line 5, insert:

In every case where an alien is excluded from admission into the United States under any law or treaty now existing or hereafter made, the decision of the appropriate immigration or customs officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of the Treasury.

Mr. COCKRELL. Is there any recommendation from the Department about the amendment?

Mr. CHANDLER. The amendment is offered after conference with the chairman of the Committee on Foreign Relations, who is now on the floor.

Mr. COCKRELL. Oh, yes.

Mr. CHANDLER. I ask for a vote on the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER].

The amendment was agreed to.

Mr. CHANDLER. By direction of the Committee on Immigration I now move an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 52, after line 18, insert:

The commissioners of immigration at the several ports shall be appointed by the President, by and with the advice and consent of the Senate, to hold their offices for the term of four years, unless sooner removed, and until their successors are appointed; and nominations for such offices shall be made to the Senate by the President as soon as practicable after the passage of this act.

The amendment was agreed to.

Mr. POWER. I move to insert after the word "dollars," in line 17, on page 85:

And of Fort Harrison, Mont., to $300,000.

The amendment was agreed to.

Mr. ALLEN. I move to insert after line 20, on page 69:

For the purpose of making a resurvey of the lands of Grant and Hooker Counties, in the State of Nebraska, under the direction of the Secretary of the Interior, the sum of $16,000, or so much thereof as may be necessary.

Mr. COCKRELL. What is the reason for the amendment?

Mr. ALLEN. The reason for it is the passage of a law within the last few days authorizing a resurvey of those counties.

Mr. COCKRELL. This is an appropriation for that work?

Mr. ALLEN. The amendment provides an appropriation. The bill which was passed did not carry an appropriation, and this is an appropriation to carry out the terms of the bill. I suppose it is satisfactory to the Committee on Appropriations.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. ALLEN].

The amendment was agreed to.

Mr. GALLINGER. After line 2, on page 83, I move to insert:

For the purchase, by the Joint Committee on the Library, of the oil portrait, by E. F. Andrews, of Mrs. Dolly Madison, wife of the fourth President of the United States, $3,000, or so much thereof as may be necessary; and said painting when purchased shall be placed in the Executive Mansion.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER].

The amendment was agreed to.

Mr. MARTIN. I offer an amendment, which I send to the desk, to follow line 15, on page 72.

The SECRETARY. After line 15, on page 72, insert:

That all soldiers' additional homestead certificates heretofore issued under the rules and regulations of the General Land Office under section 2306 of the Revised Statutes of the United States, or in pursuance of the decisions or instructions of the Secretary of the Interior, of date March 10, 1877, or any subsequent decisions or instructions of the Secretary of the Interior or the Commissioner of the General Land Office, shall be, and are hereby, declared to be valid, notwithstanding any attempted sale or transfer thereof; and where such certificates have been or may hereafter be sold or transferred, such sale or transfer shall not be regarded as invalidating the right, but the same shall be good and valid in the hands of bona fide purchasers for value; and all entries heretofore or hereafter made with such certificates by such purchasers shall be approved, and patent shall issue in the name of the assignees.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. MARTIN].

The amendment was agreed to.

Mr. PROCTOR. I offer an amendment, to follow line 8, on page 84.

The SECRETARY. After line 8, page 84, insert the following proviso:

Provided, That the Secretary of War and the Attorney-General are hereby instructed to report to Congress what action has been taken by them or their predecessors in office under the act of July 15, 1882, entitled "An act to increase the water supply of the city of Washington," and under previous acts, and to report the present condition of the titles to the water rights and to such land contiguous thereto as may be necessary for the improvement of the water power at Great Falls to a sufficient extent to furnish an adequate supply of water for the District of Columbia and to furnish power for lighting the public buildings and grounds by electricity, and to report, further, the amount and present condition of claims now pending against the United States growing out of its taking or use of the water at Great Falls. And the sum of $10,000 is hereby appropriated, to be expended under the direction of the Secretary of War, for carrying out the provisions of this act and for making the plans for the plant necessary for said purpose, with estimates of the cost and also of the cost of operating and maintaining the plant for electric lighting and a comparison with the present cost of lighting.

Mr. CHANDLER. I move to add at the end of the amendment:

Said Secretary of War is also hereby authorized to negotiate with the Great Falls Manufacturing Company and the other owners of land and water rights at the Great Falls with a view of settling existing claims on the part of said owners against the United States and of acquiring the title to said land and the whole of said water rights, and to report the result of his views at the next session of Congress.

Mr. PROCTOR. The amendment submitted by me I think

obviates the objections that were made to the amendment submitted yesterday by the Senator from Nebraska [Mr. MANDERSON]. It has been read to the Senator from Maryland [Mr. GORMAN] and is acceptable to him, and I think is also acceptable to the Senator from New Hampshire [Mr. CHANDLER].

It provides for gaining the necessary information to act intelligently upon this subject, which is of great importance. The appropriation of $10,000 is exactly what was recommended by the board of engineers appointed recently by the War Department for the purpose named in the amendment. That report is not yet printed, but I have had an advance copy of it. They recommend an appropriation of $10,000 to make the necessary plans and estimates before an intelligent judgment can be formed.

Mr. COCKRELL. I understand that the amendment proposed by the Senator from New Hampshire to the amendment does not commit the Government to anything.

Mr. CHANDLER. Neither amendment commits the Government to anything.

Mr. COCKRELL. It is simply proposed to direct the Secretary of War to investigate and report.

Mr. CHANDLER. And appropriates some money to submit plans. The Government is not committed to anything whatever, and the rights of all parties are preserved pending the inquiry.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 1471) to provide for the adjustment and payment of the claim of the American Transportation Company for dredging done at Fairport Harbor, in the State of Ohio.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 207) granting jurisdiction and authority to the Court of Claims in the case of the towboat Future City, her barges, cargoes, etc.;

A bill (S. 320) authorizing the Purcell Bridge and Transfer Company to construct and maintain a bridge over the South Canadian River at or within 1 mile of the town of Lexington, county of Cleveland, Territory of Oklahoma;

A bill (S. 1399) to promote the efficiency of the naval militia;

A bill (S. 1438) for the relief of Louis A. Yorke;

A bill (S. 1999) for the relief of Charles T. Russell;

A bill (S. 2245) to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia;

A bill (H. R. 108) to fix the times and places for holding the Federal courts in the State and district of Nebraska;

A bill (H. R. 650) to remove charge of desertion standing against Oliver O'Brien;

A bill (H. R. 1461) to remove the charge of desertion from the record of Andrew L. Grugett, as a former member of Company E, Sixth Tennessee Cavalry, in the war of the rebellion, and to grant him an honorable discharge therefrom;

A bill (H. R. 2795) to amend section 5 of the act approved June 18, 1878, entitled "An act to organize the Life-Saving Service;"

A bill (H. R. 4346) extending the benefits of the marine hospitals to the keepers and crews of life-saving stations;

A bill (H. R. 4448) for the relief of persons who have filed declarations of intention to enter desert lands;

A bill (H. R. 4567) establishing a fog signal at Kewaunee, Wis.;

A bill (H. R. 4903) to authorize a compromise and settlement with the State of Arkansas;

A bill (H. R. 5312) authorizing the construction of a light-ship, with fog signal, to be established to the eastward of Boston Light, Massachusetts, and for the establishment of range lights in Boston Harbor, Massachusetts.

A bill (H. R. 6719) to provide for the validation of affidavits made before United States commissioners in all land entries;

A bill (H. R. 6754) to amend section 15 of an act approving, with amendments, the funding act of Arizona approved June 25, 1890;

A bill (H. R. 6080) granting a certain military reservation to Oklahoma City, Oklahoma Territory, to aid the public free schools thereof, and for other purposes;

A bill (H. R. 7518) to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin;

A joint resolution (H. Res. 121) authorizing proper officers of the Treasury Department to examine and certify claims in favor of certain counties in Arizona; and

A joint resolution (H. Res. 207) authorizing the Secretary of the Interior to approve a certain lease made in Polk County, Minn.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 30th ultimo approved and signed the act (S. 1076) to release a certain limitation existing in an act of Congress touching the Episcopal Church at St. Augustine, Fla.

TOWN SITES IN OKLAHOMA TERRITORY.

Mr. BERRY. Mr. President, I rise for the purpose of presenting a conference report, a privileged question.

The VICE-PRESIDENT. The Chair will recognize the Senator from Arkansas to submit the report.

Mr. BERRY. I submit a conference report, which I ask may be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3806) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

They have been unable to agree.

JAMES H. BERRY,
JO. C. S. BLACKBURN,
Managers on the part of the Senate.
C. B. KILGORE,
Manager on the part of the House.

Mr. BERRY. The Senate will remember, Mr. President, that several months ago a House bill came to the Senate which required railroad trains to stop at Government town sites in Oklahoma. The bill was discussed at length, and an amendment was put upon the bill by the Senate requiring an election to be held within thirty days thereafter to determine the location of county seats. The House of Representatives refused to agree to the Senate amendment, a conference committee was appointed, and the conferees have had various meetings. There is no longer any probability of an agreement, and we have disagreed. I desire now to enter a motion that the Senate recede from the amendment, which will pass the bill as it came from the House of Representatives.

I do not propose to go over the discussion of this matter again. I will state, however, that the failure of the Senate to agree to the bill as it came from the House has caused infinite trouble in Oklahoma Territory. The Rock Island Railroad Company has still refused to furnish the depots to the two towns of South Enid and Pond Creek.

The VICE-PRESIDENT. The question is on the motion of the Senator from Arkansas.

Mr. BERRY. I wish to make a statement. This motion will be opposed, and I wish to finish my remarks.

The committee are not agreed on this subject. I make the motion that the Senate recede from the amendment requiring an election to be held.

These towns under their corporate laws passed ordinances regulating the speed of the railroad trains through the respective towns, which they had an undoubted right to do under the Territorial laws of Oklahoma. The railroad disregarded the law and disobeyed it. The company treated it with contempt and scorn. The result was that the excitement continued until certain lawless parties—not the entire citizens, because the great body of the citizens are as law-abiding and as peaceful as any citizens in the country—became so exasperated at the conduct of the railroad, the citizens having offered to pay all the expense of the erection of the depots and the road continuing to refuse, disregarding the ordinance and overriding the law, that they destroyed a large amount of railroad property—burned it.

I do not think any lives were lost, but there was great tumult and great commotion, and there is to-day. A large number of citizens were arrested. United States troops have been there, and there has been great feeling and great excitement, all of which would have been avoided but for the Senate amendment, the adoption of which the railroad forced, requiring an election within the Territory. It had no place on the bill. It is not a matter as to which the railroad had a right to dictate. In my opinion it never should have been adopted here as an amendment, although a majority of the Senate disagreed with me.

I believe now that the proper thing, in order to give peace to that community and that there may be peace and order throughout the Territory, is for the Senate to recede from the election amendment and pass the House bill, and thereby force the Rock Island Railroad to give those persons depot facilities for freight and passenger trains.

As I have before stated, the citizens are willing to pay every dollar of the cost and will promise and agree to do it. They have again and again offered to do so and are now ready to do it, but the railroad has refused all accomodations and all compromise, and absolutely refuses to stop the trains. I therefore hope that a majority of the Senate will recede from the position

of the amendment and compel the railroad to give those people the depot facilities that they require, and thereby restore peace and order to that community.

I ask to have read as a part of my remarks a letter written by the acting governor of the Territory to the president of the Rock Island Railroad.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

TERRITORY OF OKLAHOMA, SECRETARY'S OFFICE,
Guthrie, July 16, 1894.

SIR: A state of facts exists in this Territory which is calamitous to the best interests of Oklahoma and to your railway company. To accurately locate the responsibility for this state of affairs is not the purpose of this letter, but I desire to call your attention to the conditions which do exist and for which conditions you have the remedy within your power to relieve.

When the Cherokee Strip was opened to settlement, your company was operating a line of railway from Caldwell, south, through said Strip. It had located along its line a few stations which were primarily built for the convenience of the railway company, and such stations were not intended or expected to be of a permanent character, or to control the building of cities and towns along the line of your road in the Cherokee Strip.

Prior to the opening of the Strip the Secretary of the Interior, in accordance with the act of Congress opening such land to settlement, laid out two county-seat towns on your line of railway, known as Round Pond and Enid. Your company, or the managers who control the operation of your road in this Territory, refused to give to such county-seat towns depot facilities. You know the result of the attempt of these people to procure legislation from Congress to aid them in securing proper depot facilities for their towns. Of late many acts of violence have been perpetrated by irresponsible people connected with the towns of Round Pond and Enid, causing great destruction of your property, impeding United States mails and interstate commerce, and endangering life, and as acting governor of this Territory I am called upon daily for protection to your property.

This condition of affairs is lamentable in the extreme, and I wish to say to you, as president of the Rock Island Railway Company, that I believe your company to be in a great measure responsible for the destruction of property and for the lawless condition which exists, and take this occasion to say to you that I think your company has gone as far as it ought to go in withholding from the people of those county-seat towns what, I do not hesitate to say, they are clearly entitled to upon equity and fair dealing between a corporation and citizens of a town.

I wish to call your attention to the further fact that the mayors and common council at both Round Point and Enid have passed ordinances regulating the speed of railway trains through their corporate limits. That came strictly within the statute. That, I am informed, your company unhesitatingly violates those ordinances; have made no pretense whatever of obeying them, and publicly defy the lawful authorities of those cities.

As acting governor of this Territory I now respectfully call upon you to see to it that your company, by its agents, cease violating the ordinances of the cities of Round Pond and Enid, through which your trains run, and thereby set an example to the people who are disposed to injure your property of obedience to law. And I will take this occasion further to call your attention to the fact that it is commonly reported, and I believe the same to be true, that your company, for the purpose of subserving the private interests of a few of the parties who are managing and operating the line which runs through Oklahoma, have undertaken to injure, and if possible obliterate from existence the county-seat towns of Round Pond and Enid for the sole and only purpose of enriching themselves by the sale of town lots in rival towns.

I do not know whether you are a party to this scheme or not. I have always been of the opinion that the Rock Island Railway Company was a corporation primarily created for the benefit of the public and not for the benefit of the private interests of a few of its managers. Its stockholders can obtain no advantage whatever by pursuing the course which it has been pursuing in this Territory. Its best interests are unquestionably lost sight of in the further carrying out of the policy so far inaugurated and carried on.

While as acting governor of this Territory I shall do everything in my power to uphold law and order, yet I deem it my duty to say to you, as president of the Rock Island Railway Company that the action of such company toward the county-seat towns referred to, is an act of gross injustice which the company itself ought to correct and which the people of this Territory will correct as soon as the Legislature convenes, unless you, of your own motion, shall do away with the evil.

The people both at Round Pond and Enid have repeatedly offered to bear all the expenses which your company will be to in putting in depot facilities and side trackage in their cities. Those towns were laid out by the Government and the good faith of the Government pledged to those people who would settle within the limits of such towns. In most instances they went there with their all. They have built their homes and established their business with the view of spending their days in the town where they have settled. Round Pond is a place of from twelve to fifteen hundred inhabitants; Enid is a place of from two to three thousand inhabitants. Both of them are established county-seat towns; both of them have post-offices and a large trade centers at both places, and why the officers of your company should permit a few of its selfish managers to attempt to destroy such cities is beyond my comprehension and must unquestionably work disastrously to the interests of your company.

I appeal to you as president of a great corporation to do these people justice, and I demand at the hands of your company an observance of the laws of the cities through which your company run its trains.

I address this to you personally in the belief that you have not heretofore had this matter before you in such a way that you understood the gross injustice which your company was perpetrating upon these people, and in the hope that you will at once take steps to correct such injustice.

I hope to hear from you at once upon this matter.

I am, sir, very respectfully,

THOMAS J. LOWE,
Acting Governor of Oklahoma.

R. R. CABLE,
President of the Chicago and Rock Island Railway Company,
Chicago, Ill.

Mr. BLACKBURN. I ask for the reading of the conference report.

The VICE-PRESIDENT. The Secretary will again read the report.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

They have been unable to agree.

JAMES H. BERRY,
JO. C. S. BLACKBURN,
Managers on the part of the Senate.
C. B. KILGORE,
Manager on the part of the House.

Mr. BLACKBURN. I make the point of order that that is not a conference report. It is signed by but one of the conferees on the part of the other House, and by only two of the conferees of the Senate. It is not signed by a majority of the joint conference.

Mr. BERRY rose.

The VICE-PRESIDENT. Does the Senator from Arkansas desire to speak to the point of order?

Mr. BERRY. I was not aware of the fact stated by the Senator from Kentucky until the clerks told me after the report was sent to the desk. I sent it to the House conferees, and I thought two of them had signed it. If the Senator from Kentucky makes any point about it, I have sent for Mr. AVERY and I will ask to withdraw the report until I can see him.

I wish to give notice now that as soon as I get the signature, at any hour, at any time or at any moment, when I can get the floor I shall present the report. I thought the report had been properly signed until the clerks called my attention to it.

The VICE-PRESIDENT. The Chair, of course, is compelled to sustain the point of order.

Mr. BERRY. I ask unanimous consent to withdraw the report.

The VICE-PRESIDENT. It will be so ordered.

Mr. BERRY subsequently said: I now send to the desk the conference report on House bill 3606, and renew my motion that the Senate recede from its amendment.

The VICE-PRESIDENT. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

They have been unable to agree.

JAMES H. BERRY,
JO. C. S. BLACKBURN,
Managers on the part of the Senate.
C. B. KILGORE,
JNO. AVERY,
Managers on the part of the House.

Mr. BLACKBURN. I have no doubt, Mr. President, that the Senate is tired of this bill. I am sure that I am. We have had it under consideration since the early days of December last; in fact, I think, earlier than that. The title of the bill shows the purpose of it. It reads:

An act to require railroad companies operating railroads in the Territories over a right of way granted by the Government—

Not to stop trains, as stated by the Senator from Arkansas, but—

to establish stations and depots at all town sites on the lines of said roads established by the Interior Department.

The history of the disagreement between the two Houses must be too well remembered by the Senate to necessitate my going over it again. There is no longer any question in the bill that involves a railroad company. Everything that the Interior Department asks for as against the railroad company has been agreed to. The railroad question is absolutely eliminated from the bill; and that phase of the question stands precisely where it stood when the House passed its bill, which the Secretary of the Interior wanted. There is but one question left between the two Houses, and that does not at all affect the railroad company nor its requirement to establish depots and stations. The House bill fastens that, and has taken it out of this controversy.

The only question pending between the two Houses now is an amendment that the Senate put on the bill giving to the people of the two counties, the counties of O and L in the Territory of Oklahoma, the right after legal notice to hold an election, and by the votes of the qualified electors and citizens of those two counties to locate those two county seats. That is the only question left in controversy between the two Houses. Everything that was demanded against the railroads has been agreed to in the bill. They are bound to establish the depots and stations. The Interior Department has won its fight so far as its controversy with the railroads is concerned. I repeat that the only issue pending between the two Houses is as to whether the qualified voters, the bona fide citizens of these two counties, shall in conformity with the law, as provided in this bill, have the right

by popular vote to select and determine their respective county seats. You can not bring anything else into this controversy.

The Senator from Arkansas insists that they should not have this right. The Senator from Arkansas knows that it is an open question, and that the trend of legal opinion is to the conclusion that unless the amendment put on by the Senate is incorporated into the bill those people will not have the right by vote to determine their county seats for five years to come.

If there ever was a time when the Senate ought not to recede from an amendment of such a nature as this one it is now, under the present conditions existing in that Territory and along these roads. There are two railroads affected instead of one. I have any number of telegrams and letters that I will not weary the Senate by having read. It is not needed. The press of the country has advised every Senator and every citizen of what is going on in these two counties by reason of this controversy.

The railroads have suffered enough. Dynamite has been employed. Their bridges have been blown to atoms, and their rolling stock has been set on fire and burned to ashes at different stations along the lines. That spirit of anarchy which seems to have pervaded other sections of the country has not been lacking there, and all because these railroads saw fit to object to going to the expense of from ten to twenty thousand dollars at each station to build station houses and depots every time that the caprice or whim of the Interior Department should change. They have stations and they have depots at the two towns of Old Enid and Round Pond, and were required to build other stations and other depots less than three miles from these sites.

I repeat that the Senate should not recede from the amendment. It is fair to presume that the Senate put the amendment on the bill deliberately, for it was put there by a yea-and-nay vote. Afterwards an effort was made to have the Senate recede from this contest, and the Senate refused. This was as far back as the early winter months. No change of condition has occurred since then except to demonstrate to us and to the public the greater necessity than we at that time believed to exist for the action that the Senate has taken.

But the issue can not be beclouded nor disguised. Those people, according to the opinion of the best lawyers who have examined the subject, will not have the right for five years to come by a vote of their own, although it should be a unanimous vote, to choose and select their county seats. The amendment of the Senate simply proposes to give them that right, and goes on to prescribe the term of notice that the governor shall give, the conditions under which the election shall be held, the qualifications that every voter shall possess. If the Senate recedes from its amendment, it simply means to declare that it will not permit the qualified voters and legal residents of those two counties to select for themselves by popular vote their respective county seats.

Mr. TELLER. Mr. President, I can not permit the Senator from Kentucky to obscure this issue in the way he is apparently doing. The controversy here is simply whether the railroad company shall give to the people of these two towns the accommodations that they are required to give by the common law of the land.

Mr. BLACKBURN. Will the Senator from Colorado allow me to call his attention to the bill?

Mr. TELLER. Certainly.

Mr. BLACKBURN. If the Senator will just read the bill exactly as it came from the other House, including section 1 on the first page and section 2 on the second page, down to the word "pass" in the 13th line, he will find that everything which relates to the accommodations to be furnished by the railroads stands precisely as it passed the House of Representatives without a word of change.

Mr. TELLER. I thoroughly understand that. I have no hesitation in saying that the proposition for a vote to change the county seat is a device of the railroad company to secure delay and the nonpassage of this bill. The Secretary of the Interior was authorized by law to establish the county seats of these two counties. He did so, provisionally at least. Thinking afterward that an undue advantage had been taken of the knowledge the people had to acquire the land for the purpose of speculation and monopoly, he moved the county seat from where he had originally placed it to a point from two miles and a half to three miles below. I think it was unfortunate that he did so. I have no doubt the Secretary was moved by proper motives, but I think it was a mistake.

At the new place where the land office was located a town grew up very much larger than the one originally designated as the county seat. The railroad company having located at this new town and some officials of the railroad company, if I am not misinformed, having become interested in the town site, they have declined from that time to this to give a population estimated at from 3,000 to 5,000 at least the accommodations of a station. The Senator from Kentucky says they ought not to be required to go to the expense. Mr. President, the Senator from Kentucky can not be ignorant of the fact that the people of these two towns repeatedly offered to give bonds to the company that all the expense of building a depot and establishing a station would be borne by them.

Last spring, when in the Indian Territory, a committee of the citizens of one of these towns came across the country a hundred miles to see our committee and to induce the committee, if possible, to go to that place and examine this question. We declined to do so, it not being within the purview of our inquiry. Later we passed on the railroad through the towns. It had been asserted on this floor with great emphasis that the town of South Enid was so located that the railroad company could not put a track there without great expense and great trouble and great danger. Standing upon the rear of the car as we approached that town, I am prepared to say, as one having had some experience in such matters, and some acquaintance with them, that there is not a word of truth in that statement.

At either of these towns there can be put in without any great expense a station which the people are and have been for a year ready and willing to pay for if this railroad company will discharge the duty that not only the statutes of the country but the common law puts upon them to give to the community a station.

I understand by the press that there has been some disorder there, although I am informed by private letters that it has been greatly exaggerated. I do not myself wonder at it. When I saw the train going through the town on the verge of the evening at a rate that was dangerous to human life, and knew that every man who was destined for that village had to go to another station and then return over the same ground which he had traveled, because the railroad company had declined to build a station at that point or allow it to be built at the expense of others, I felt indignant myself, and I think any fair-minded man would feel indignant.

Mr. BATE. What is the population there?

Mr. TELLER. The population of the town where there is no station is variously estimated at from 3,000 to 4,000. It is undoubtedly more than 3,000, and perhaps 5,000.

Now, there is no reason why this company should not put a station there, and there is no reason why we should attempt to say there shall be a vote as to whether there shall be a county seat at one place or the other. The question of county seats is absolutely disconnected from the question the other House sent to us.

It is very well understood by the people there that the company is very strong. It is true that they will probably wait five years under existing law, under a statute passed by the Legislature of that Territory, yet if there is a desire to have the county seat changed the people can do it through the Legislature by amending the statute.

This railroad company is an all-powerful organization. It is one of the great railroads of this country. It is one of the strong institutions in the United States, reaching out from the city of Chicago to the Gulf of Mexico.

It has vast influence and vast power. The people of that town know very well that it will make no difference what their vote is on the question of the location of a county seat, the railroad company is powerful enough to change it, and I have no doubt it is powerful enough to change the legislation and give them a vote.

That is not the reason why this amendment is pressed here. It is pressed so that there shall be no legislation upon the subject; that the matter may be kept here in conference, and the company shall not be required to build a depot at that station.

Mr. President, of all the indefensible things that have been done by railroads in this country in the last twenty years, there is not a single case so indefensible as the conduct of the Rock Island Railroad Company with reference to that community, and they have no business to be here appealing to us in the interest of their pet town or for any other purpose. If there was ever an occasion in the world that required the action of the Senate in receding from an ill-conceived and ill-considered proposition, this is one.

Mr. President, I do not blame the people there for being indignant. When the town ordinance provided first that the trains should stop, and then that they should go through the town at a rate of speed such as all municipalities everywhere have required, and have been upheld in requiring, this railroad company ignored it as if it had never been passed, and they go through these towns as they go through the open prairie. I repeat, of all the outrages which have been perpetrated by railroads in this country this has been the grossest, the most unreasonable, and the least called for of all.

So far as I am concerned, I should like to take this railroad company by the throat, if it could be done, and teach them that the Senate of the United States is not to be used for the purpose of enabling them to tyrannize and to outrage communities which have the rights possessed by all communities in the United States. They have their franchises over the public land, and those communities have privileges that the company ought to be bound to live up to. On the contrary, they have denied them to these thriving and growing towns, that can not have a pound of freight delivered, that can not buy wheat this coming fall at their stations, but all the wheat must go to a neighboring station. There can not be a pound of wheat or freight of any kind shipped to this center of population.

No passenger can stop there; everyone must go to the neighboring or rival town and then return. As we came through the upper town, Pond Creek, it was raining, and I heard the passengers on the train talking. There is a stream that runs between the two stations, and the passengers said, "We shall be unable to go down to-night. We shall be compelled to stay at the station, because it will be unsafe to cross that stream to-night." Now, that might not occur often, but it occurs sometimes. There is no reason, and none can be given by the Senator from Kentucky nor anybody else, why this case should be complicated with the county-seat question. Let this railroad company build their station, and if they do not build it compel them to do it.

I repeat, for a year the community has been anxious, if the railroad company would establish a station, to bear every dollar of the expense, and yet they decline; and now the whole question as to the railroad is wiped out and the only question is whether those poor people shall have an opportunity to vote on the county-seat matter. A petition has been sent here by more than three-quarters of the people of each of those counties in favor of letting the matter rest as it is so far as the county seats are concerned. We were told by this committee of reputable gentlemen which came to us, that more than three-quarters of the people in those counties had asserted that they did not want to change the county seat.

Now, Mr. President, I do not want this confused with the county-seat question. The question is whether we are going to compel a railroad company to build the stations, or whether we shall let them escape under cover of a county-seat fight from doing the duty that is incumbent upon them.

Mr. BLACKBURN. Before the Senator from Colorado takes his seat will he allow me to ask him a question? If the Senator believed the report that was brought by that committee of gentlemen, that more than three-quarters of the people out there were opposed to any change or even to any location of the county seat, why is it that the peaceable people of that town, who use dynamite to destroy railroad bridges and burn up trains and loaded cars as they stand on the track, are afraid to let a vote be had?

Mr. TELLER. I have lived on the frontier half of my life, and I say here that there is nothing in the West which gets up bad blood like a county-seat fight. There is trouble and controversy, and frequently bloodshed, over these questions, when to an outside spectator they would appear to be apparently immaterial and inconsequential. The better portion of the people know that no contest carried on with this railroad company will be without bloodshed. We were told by the committee (and my knowledge of conditions in the West induces me to believe that they were correct) that there would be a controversy carried on to such a degree with this great railroad company, this irresponsible railroad company, this defiant railroad company on one side, that it will be unsafe for the majority on the other side to expect fair treatment, or that their voice will be potent in determining the county-seat question.

Mr. President, realizing what the condition of a new community is over the question of capital and county seats, we have in two appropriation bills inhibited the Legislature of the Territory of Oklahoma from locating the capital at any point except where Congress put it, and for the peace of this community and the peace of any new community, the county seat having been fixed by legal authority, it should remain there at least until the legislative authority of the Territory, which is competent to deal with the matter, shall act.

Mr. HARRIS. As I understand this question, the Secretary of the Interior was authorized by act of Congress to locate county seats in the Territory of Oklahoma, and under that authority he did locate certain county seats, and having so located them, many citizens invested their labor and their money in building up towns at those localities. But as the Territory was populated, rival and conflicting interests arose as to the exact point at which the county seat should be located; that is to say, the owners of real estate in localities other than those fixed by the order of the Secretary of the Interior desired the location of a county seat upon their lands or in their immediate vicinity.

It seems that the railroad company has become the partisan of these speculative individuals who desire to reverse the order legally made by the Secretary of the Interior fixing the points at which the county seats should be located, and as a means of carrying out this power it refuses to stop its trains at those towns or villages which have been built up; it refuses to give to those localities the ordinary transportation facilities which every town and every village in America located on a railroad line is entitled to expect and entitled to receive.

These railroad corporations were not organized for the purpose of controlling events such as seem now to be involved. They were organized for the sole purpose of giving to commercial communities and individuals transportation facilities; and it is no matter of theirs where the county seat of one county or another county may be located.

It is an officious, unauthorized, and improper interference upon the part of these common carriers. They ought to be compelled to give the necessary and usual facilities to the people who have built up villages or towns on their line. It is a monstrosity, in my opinion, to allow them even to be heard to make a demand that an election shall be held or anything else shall be done in respect of the location of county seats there. The people may control that matter hereafter in their own way and in a legal method, but for this corporation, for these common carriers, to undertake by force to control it is, in my judgment, an outrage.

I shall vote to recede from the amendment.

Mr. PALMER. Mr. President, there was, as I understand, no controversy in this region over the location of county seats. I understand that the county-seat controversy has been injected into this bill as a mere evasion, as a mere means of embarrassing the measure.

It will be remembered that this bill was reported to the Senate in January last. Although I have been in conference with gentlemen representing all these interests, I was surprised when it was proposed in the committee to inject a county-seat controversy into a bill which has for its purpose a very definite, clear, just, and proper object.

What were the facts then, and what are the facts now? There are two towns—there are others, perhaps, but I speak of two—which are some two and a half or three miles apart. One of them is at the station adopted by the Rock Island Railroad Company. Before the organization of the Territory the Secretary of the Interior selected a different point for the county seat. About that I care nothing. I have neither attacked, nor have I sought to defend or apologize for, the Secretary of the Interior. It was the fact at that time that there was at this town of Enid a population exceeding 2,000, claimed to exceed 3,000, who had assembled there within a short time, had acquired property, had built homes and erected public buildings. The town was an active, intelligent, industrious, thrifty community.

The railroad company refused to give them facilities which ought to be given. The committee simply found that this large number of persons, who had acquired property, formed a town, and established municipal regulations, were without the ordinary railroad facilities. It was proposed by the pending bill to compel the railroad company to perform its common law duty, its obligation, and the purpose for which the company was created, to afford reasonable facilities to communities. The railroad company refused. Various pretexts were suggested. Among them was the extraordinary cost of railroad facilities, switches, station houses, etc. I became satisfied that that was a mere pretext, which had no foundation in truth or justice.

There seemed to be no way by which this reasonable demand of these people could be resisted or thwarted, except by the introduction into this bill of a provision ordering an election for a county seat. Remember, the county seat controversy had no part in this matter until the present bill reached the Senate. It was thrown in merely to embarrass these people in their reasonable demands for railroad facilities. Now, the Senator from Kentucky [Mr. BLACKBURN] tells us that we must not mistake the issue; that the question now is whether the people there shall have the right to vote upon the question of the location of their county seats. I tell him that that is not the question. The question is, whether there shall be thrust into this controversy this extraneous consideration which has no proper place here; that is to say, clearly these two or three thousand people have a right to reasonable railroad facilities. We are answered, "Yes, you can have that right, but it must be coupled with an extraneous and altogether irrelevant consideration, the location of a county seat."

Mr. President, the right of those people of Enid to railroad facilities does not depend upon whether it is a county seat or not. There are several thousand intelligent, industrious people who would be prosperous if they were allowed to be, who would be entitled to these facilities whether that place is a county seat or not. What has that got to do with it, I beg to be informed?

Mr. BLACKBURN. If it will not interrupt my friend from Illinois, I will tell him.

Mr. PALMER. Not at all.

Mr. BLACKBURN. I do not wish to deprive these people of their railroad facilities, nor do I think it was fair when the other town of Enid, with as large or a larger population, was denied all postal facilities because the Secretary of the Interior went to the Postmaster-General and induced him to refuse to give them a post-office, and thus held it so for months and months. He admitted in the House committee room, as the Senator will remember, that he had gone to the Postmaster-General, who, at his instance, had denied a post-office to a town as big as this one, 3 miles away from it, where mail had to be hauled every day 3 miles, and those people were subjected to that inconvenience in order to get their mail.

Mr. PALMER. I have said distinctly that I neither defend nor apologize for the conduct of the Secretary of the Interior, because I deem it entirely immaterial what he did. If the Secretary of the Interior has failed to discharge his reasonable duty, he is responsible for doing so.

I alluded to the fact that this large population had settled there and acquired rights there, and if the Secretary of the Interior chooses to deny to another town their just rights, that is an irrelevant and immaterial matter; but are those people entitled to these facilities and ought the Senate see to it that they are secured to them? Is there any doubt about that?

I know in a former discussion something was said about the doctrine of local self-government. My theory of the doctrine—and I think my friend from Kansas lectured me somewhat on that ground—of local self-government, or of government, is that that government which has the power to do right, shall do right; and I am not disposed to deprive these people of a substantial right because there is no power in Oklahoma which can compel this railroad company to discharge its duty. That is the true issue.

Why shall the Senate adhere to this amendment? For what object? It is asserted that if the Senate recede, this will be the law and this company will be compelled to discharge its reasonable legal and moral duty, and that is the end of it. Why postpone it?

Mr. BLACKBURN. If the Senator will allow me, as the Senator from Arkansas [Mr. BERRY] has already taken pains to tell what occurred in the conference committee, I may be permitted to say that, if the Senate refuses to recede, this will be the law before this session ends, because a majority of the House conferees are in favor of the Senate amendment, and a majority of the Senate conferees are in favor of it. The Senator from Arkansas is to-day the only Senate conferee opposing it. The member from Alabama [Mr. WHEELER] is the only conferee of the House who is against it.

Mr. BERRY. Will the Senator yield to me?

Mr. BLACKBURN. I have the authority of the Representative from Texas, who is a conferee, for that statement.

Mr. BERRY. I do not want any misapprehension to grow out of this matter. The conferees failed to agree. If it had been as the Senator from Kentucky states, there would have been an agreement, I take it, if the majority had so voted.

Mr. BLACKBURN. There could not be, as I stated.

Mr. BERRY. If they had voted as the Senator stated, there would have been an agreement.

Mr. BLACKBURN. I did not say they had so voted. I said a member from Texas [Mr. KILGORE] notified the conference committee that whenever the matter came to a vote in the House he was going to vote to accede to the Senate amendment, and that would make a majority of the conferees.

Mr. BERRY. I do not know what Mr. KILGORE would do on the vote; but in the conference committee he stood by the House conferees against the Senate amendment, and so voted every time a vote was taken.

Mr. BLACKBURN. He did, and coupled with that the statement I have made.

Mr. PALMER. It is not at all material to me what gentleman, named or unnamed, will or will not do. I have the opportunity now, and the Senate has the opportunity, to do the right thing. Why shall we not do it? What is the use of referring us to what the House will do or what the House may have done or what individual members of the House will do? By receding from this improper amendment we give to those people their substantial, reasonable rights. Why shall we decline?

Mr. President, something has been said about the disorder in that portion of the country. My experience is that in almost every instance of popular disorder the governing powers are to blame for it. It is misgovernment which creates disorder; it is bad government.

If it had not been for this amendment, which is so useless and so disconnected with the main subject of the bill, the Senate last January would have passed the bill as it came from the House, and given to those people their rights, and there would have been no disorder. If blood has been shed, it is not difficult to find the stains of the blood marks on those who failed to do the right and proper thing on the right and proper occasion. I am no apologist for disorder, but when men are oppressed and wronged and outraged by this railroad company, whose duty was so clear and so obvious, even if they should be guilty of disorder, while I do not defend them, I think I can at least see much to excuse.

We ought to have passed this bill, we ought to have given those people their rights. If we had done so there would have been no bloodshed, no dynamite used, no disorder. Bad government and misgovernment never fail to eventuate in disorder among a high-spirited people who, knowing their rights, sometimes assert them by unlawful means. In Illinois we have statutes and we have a public opinion which compels obedience to these duties.

But think of this railroad company, created by law for certain specified purposes, which are well understood, resisting the discharge of this plain duty when requested to do so by three thousand people, and that they should have the insolence to insist that, as a condition of granting these rights, there should be an election ordered in regard to county seats, as if the right of those three thousand people was in the slightest degree dependent upon the county-seat question.

Those people are settled in their homes there; their interests are there, and they have the right to demand these facilities. If the people shall choose to locate the county seat elsewhere, their rights are just the same; they are not dependent upon political considerations at all, and when an insolent, overbearing railroad organization, which, either by itself or by its members, is engaged in land speculations in town lots, is opposing the performance of its plain duty, I wonder that anyone would hesitate a moment in giving to the people that which so clearly belongs to them.

Mr. CALL. Mr. President, when this subject was before the Senate upon the bill reported by the Senator from Arkansas [Mr. BERRY], I made some observations in regard to the obligations resting under their charter upon railroad corporations. In this case there is no ground, in my opinion, for any consideration of any other question than the obligation imposed by law upon a transportation company to comply with the obligations of its charter. It does not matter what action the Secretary of the Interior has taken, whether it was right or wrong; it does not matter what conflicting interests have arisen in regard to rival towns or locations. A large and respectable portion of the people of this Territory have presented the evidence to Congress that they have been denied the transportation facilities and rights which they are entitled to demand from this corporation. The subject has been before the Senate, and the obligation of this company to perform its duty has not been enforced by Congress. It is now for us to decide whether or not a corporation shall openly and defiantly refuse to perform the duties imposed by law and its charter obligation upon it to the people of the country.

As stated by the Senator from Tennessee [Mr. HARRIS], there can not be a doubt that a corporation is created for the convenience of the public, to be their servants, to transport them and their freight and their commercial products to and from the places which are tributary to it, and to do it upon reasonable rates, and to establish depots wherever, within reasonable limitations of distance, the conveniences of the people require that it shall be done.

These are fundamental propositions. Why should they be covered up and why evade it? Why should we hesitate for a moment to say that the dignity of the American people, represented in the two Houses of Congress, shall demand a performance of this duty by all corporations? That is the question, and the only question, in my judgment; and the duty of this body, in my opinion, is to sustain the motion of the Senator from Arkansas and recede from this amendment, which has no connection whatever with the duty and obligation imposed upon this company to consult the conveniences and the wishes of this large number of the citizens of the United States who live upon the line of its road.

Mr. PEFFER. Mr. President, I think the Senate ought to recede from its amendment. When the bill was before the Senate heretofore, I took occasion to give some reasons why I thought the amendment ought not to be incorporated in the bill, and I have had no occasion since to change my opinion upon that point.

There is a history connected with this entire transaction, Mr. President, and in some respects that history appeals more or less strongly to the sympathy of Senators, and it is very natural that it should do so. To illustrate what I mean, some years

ago under an act of Congress passed in 1887, I think it was, the Rock Island Railroad Company was given the right of way through the Indian Territory, and was permitted to establish stations, not further than ten miles apart.

Railroad men are business men; they are shrewd; they are men who can see as far forward as any other class of people, and nothing is more logical than to believe that the railroad men who laid out this route through the Indian Territory selected for their stations what, in their judgment, would in the future prove to be the best places for business. They did so. Two of these places that are concerned in this dispute were named Enid and Round Pond, some 10 miles apart.

When under the recent act of Congress, "the Strip," as it is called, was opened to settlement, the Secretary of the Interior sent an agent into the Nation, as we in Kansas call it, to locate town sites for county-seat purposes in pursuance of the act of Congress in that behalf enacted. The points that were recommended by the agent for county-seat purposes were the same places which the railroad people had designated when the route was laid out, namely, Enid and Round Pond, so far as the two counties of L and O are concerned; but for reasons which afterwards appeared satisfactory to the Secretary of the Interior, these selections were abandoned and two new selections were made, and one of them has been named, so far as the northern point is concerned, South Enid, located about three miles south of the place which the agent the Secretary of the Interior had appointed for that purpose had originally selected.

While it is not necessary for me to state what I understand to be the reasons which actuated the Secretary of the Interior, yet, perhaps, for a proper understanding on the part of those Senators who are not familiar with the subject, it may be well for me to say that by reason of certain Indians taking allotments, which they were authorized to take under the law, selecting their allotments near and within the borders of this original station, the town site of Enid, the Secretary was impressed with the belief that there was a scheme of some kind of land speculators in collusion with the railroad company to select these particular allotments near the station, and that the people for whom the county-seat locations were to be reserved would eventually be to a greater or less extent defrauded. From what the Secretary of the Interior stated in the presence of the Committee on Railroads, I am satisfied that that is a sufficient statement of what governed him in his determination to change the location.

Now, Mr. President, we come to that point where there is a disagreement between the railroad people and the persons who settled upon South Enid, the second selection, or rather the only selection, but the second point looked at by the Secretary of the Interior. The people who came into that vicinity to settle at the town, logically, very properly, and just as you and I would have done, Mr. President, instead of going to the railway station, went to South Enid, the point selected by the Secretary of the Interior, and in a little while a town grew up there of two or three or perhaps four thousand people. Now comes in the trouble between them and the railroad company. They ask the railroad company to stop there.

A bill is presented in Congress and passes the House to compel the railroad company to afford railway facilities and station facilities at the town of South Enid. That is what this bill provides. The railroad company insist—and here is where what seems an equity upon their part applies—that having located a town site under an act of Congress some years before at a proper place, and the first selection made by the agent of the Secretary of the Interior for that town site, now, before the railway company ought to be required to expend any money or to make any permanent investment at the new town site, it would be proper that the question of a permanent county seat be determined by the people at an election; and then, if so be that the people should determine in favor of South Enid, the railway company would take up their station at North Enid or Old Enid and move over to South Enid, and so on.

We all understand what there is in that. But, personally, I made a suggestion to the contending parties when this trouble first came up. My suggestion was that the people of South Enid should agree, and agree in writing in some satisfactory way, to defray the expense of erecting a temporary structure for station facilities at South Enid to give, to seize, to convey to the railway company all the necessary land for that purpose. The people of Enid agreed to that; they entered into a bond that they would do that. The railway company were not willing to accept that, unless accompanied by this proposition to hold a county-seat election and determine where the permanent county seat should be before they would act.

I have lived in Kansas a little more than twenty-four years, and I have seen a large number of local conflicts arising out of disputes about the location of county seats. I recall now one or two instances, one especially, which is vivid in my mind, which resulted finally in the dismemberment of a county and two new county seats being established, where men armed themselves, marched under arms to the opposing towns, and by force of arms took away the county books and county records, and moved them to another place. Names by the thousand were falsely and fraudulently put upon the poll-books, and the result of the election declared for one place, when honestly the result of the election was in favor of another place.

I know of a great many such instances, Mr. President. Our court records are not filled with them, but we have a great many cases which have been passed upon in the supreme court of the State adjudicating disputes of this kind. I know that a county-seat fight, as we call it out there, is the most bitter, the most offensive, the ugliest, the meanest, the most destructive local quarrel that can afflict any community, and it is because I want to avoid forcing a thing of that kind upon this new community in Oklahoma that I object to placing in the bill a proposition, first, to hold an election for county-seat purposes. I know just what the result of that will be. I can foresee bloodshed, I can foresee the destruction of property, the burning of houses, and all manner of wicked devices to destroy and to weaken the enemy. The bitterness that is engendered in contests of that kind goes down to the next generation. I know of these things personally from having seen so many of them.

In the Legislature when I was honored with a seat in the senate of the State we were compelled to dismember one county on account of this class of difficulties which had occurred among the people there. As to the responsibility of the railway company, I agree with the Senator from Illinois that we have gone to a point where the rights of the railway company ought not to be considered at all. We should consider the responsibility of the railroad company and its duties to the people. The people have rights over and above those of any corporation. Every corporation receives its rights, franchises, and privileges from the people. Wherever the people congregate in large numbers, so as to transact business and to make mail facilities and transportation facilities necessary for their comfort and their convenience, all carriers are bound under the common law to supply them with those facilities.

If they are not willing to do it without compulsory process, then it is time that the power of the law be brought to bear. I think I can safely predict that unless something of the kind is done and the railway company is forced by the power of the people to comply with the provisions of law laying down their duties, that the people themselves will take a large part of the matter in their own hands, and the destruction of property will follow. I have no doubt about it at all. I have seen things of the kind done in my own State. I have known instances where railroad tracks were torn up and buildings erected by railway companies torn down and destroyed.

Mr. CAREY. Does the Senator from Kansas believe that Congress should be at all influenced in legislation by the propositions now made, that somebody may tear up a railroad track?

Mr. PEFFER. Yes; I do believe it. I believe it is the duty of the legislator to take cognizance of existing conditions. The Senator from Wyoming has surely had experience enough with mob law in his own State to know that the passions of men are no different there from what they are in other places. I know we have a great deal of human nature in Kansas, and there are a great many Kansas men in Oklahoma Territory. We are all very much alike; we are all built very much the same way, and when it comes to matters of this kind, passions are aroused just like a prairie fire, and it seems impracticable to stop them.

In view of what there is in men, in view of what human nature has done, in view of what men may do, it is the duty of legislators to consider those things and to act accordingly. Men rarely resort to violence unless they at least believe that their rights have been trampled upon, and not in one case out of a thousand will they resort to violence until they have made up their minds that force has been unjustly applied to them. I do not defend violence, but I know what human nature is. We ought to take cognizance of that fact. I wish to avoid all the trouble which I foresee in the distance, and the only way I see to avoid it, so far as this proceeding is concerned, is for the Senate to recede from the amendment; and I hope it will do so.

Mr. PLATT. Mr. President, I think the situation of this case has not changed since it was last before the Senate, except in one respect, and that is, that the people of the town which is asking that a railroad depot be established there have taken the law in their own hands, and have attacked the railroad, have destroyed property, blown up bridges, killed railroad employés, and now insist that we should recede from the amendment which we put on in the Senate in February last. If the other House had accepted the amendment which we put on in the Senate for a county-seat election, a depot would have been

built at South Enid before this time under the act; but however much they want a depot, they will not have it upon condition that there is to be an election of the people of the county to determine where the county seat shall be. That is all there is in this case. The other House would have agreed with the Senate, but the people of the town of South Enid and Round Point insisted that it should not be done.

I do not see any reason why the Senate should change its action. The bill as it passed the Senate provides for the erection of depots by the railroad company within ninety days, I believe, after the passage of the act. If the bill had become a law in February, in concurrence with the action of the Senate, there would have been a depot there last May. The statement I have made shows what is the animus of this whole matter. The people want depot facilities at South Enid. Probably on general principles they have a right to have such facilities. I am not denying that, but they couple with it this——

Mr. TELLER. I should like to inquire of the Senator from Connecticut, whether, when he says that probably the people there ought to have those facilities, he doubts that they ought to have them.

Mr. PLATT. I do believe there will be a depot there in six months from this time, to be used and occupied, if it should happen to be determined that the county seat should be located somewhere else. The town would disappear over night.

Mr. TELLER. I should like to call the attention of the Senator to a fact which he must have noticed when he went through the town: It is in this town where the real buildings are; there is where the brick buildings are; there is where the money has gone. I assert, with as much knowledge of those things as the Senator can have, that there is no probability of ruining the town of South Enid. There is too much money there now.

Mr. PLATT. That may be, but I apprehend it would be a very small place, if it should continue to be any place at all, as it has grown up on the supposition that it was to be the county seat.

I desire to state simply one other thing about the matter, and that is that there has been no county seat located there. The Secretary of the Interior never had any authority to locate a county seat there, and there is no county seat located in the county. It is the hope that they can force the establishment of a county seat at that town by compelling the railroad company to stop its trains there which actuates the people of the place in this controversy. I do not think they ought ever to have come to Congress at all. I do not think it is a matter with which Congress ought to meddle. I do not think that even after all the discussion which we have had, all the newspaper discussions that have been had, or the telegrams that have been received here with regard to it, we understand the matter fully, and Congress never will understand it.

The Legislature of Oklahoma ought to be the body to settle the matter, and if it had not been that the Secretary of the Interior undertook to do and did do what was certainly a foolish act, an ill-considered act, and so far as he could indicated that the county seat should be at a very inconvenient place in the county, we never should have had any legislation asked for here. It was proposed to locate the county seat within 5 miles of the south line of the county, which is 30 miles across. There was an attempt to force the county seat to that place, because the Secretary of the Interior said there were some Indians who had located land near the place which his agent had told him was the proper site for county seat.

I do not wish to go into this whole controversy again. If the people of South Enid wished to have a depot they could have had it. If they had taken their hands off of their friends in the other House and let the amendment which the Senate put on the bill be agreed to, the people would have had a depot last May. They do not want a depot under such circumstances. They say, "The whole county wants the county seat in our town," but when you ask them why it is then that they object to the amendment, they have no answer to it.

The Committee on Railroads, looking the case all over, recommended as a just arrangement of the whole matter that there should be an election to determine where the county seat should be held, and the Senate adopted that plan. The other House has refused to act until this day, because the people who are demanding the depot will not have it if it is coupled with what the Senate thought was fair about the county seat election.

They say there will be bloodshed if they have a county seat election, and I think there will be, Mr. President. There has been bloodshed there already, but the bloodshed will be inaugurated by the people who are asking Congress to interfere. There will not be any bloodshed by the railroad or the officers of the railroad or anybody who is interested in the railroad, but I have not any doubt, from what has taken place there, that there will be bloodshed. It will be shed by the parties who have already commenced that business by blowing up bridges, tearing up tracks, shooting at railroad officials and employés, killing them on sight.

Yet those people come here and say we must have the depot at this place, but we will not have any county seat election. I think it is not a good time for the Senate to back out on their demand. We had better find out whether they propose to submit to law or whether they propose to take the law in their own hands. They had better answer the question why it is that they have been depriving themselves of the facilities which they ask because they will not have any county seat election.

Senators can not eliminate the county seat matter from the discussion. It was put into it not by the railroad company, but by the Secretary of the Interior, and the people who want these accommodations have kept it there ever since. The way for them to get their depot is for the Senate to insist upon its amendment. They can have the depot, under the terms of the bill, within ninety days after the approval of the act, and they could have had it last May if the bill had become a law.

Mr. TELLER. Mr. President, it is very doubtful whether, as the Senator from Connecticut says, the people of South Enid could have had a depot. The past history of this railroad company would justify any man in saying that they would have paid no attention to the edict of this or any other body. When the Senator seeks to give to the Senate the impression that this is a frontier town, which has grown up in a mushroom way, to be abandoned, he does injustice to the people who have built the town. I think the only brick buildings of any value are those in the town where there is no depot.

There are three and four story brick buildings there, and too much money has been put in the town for it to be abandoned, even if the county seat should be changed. Those people have gone there and invested their money with the understanding that it was the county seat. The Senator from Connecticut says it is not the county seat. They say it is, and practically it is. Whether it is so legally or not, it is not worth while to consider. There is where the courts are held; there is where the records are kept: there is where the United States land office was established, and it would be there whether there was or was not a court.

The Senator from Connecticut talks about violence. The violence was begotten by the misconduct of the railroad company. The violation of ordinances, the violation of statutes, the violation of the common law obligation which is put upon every railroad company, necessarily in time beget just what they have begotten in that country; and the railroad company is responsible for it. What portion of the community is responsible for those outrages? Only a few of the people. The greater and better part of the people are as clean and clear from it as the Senator from Connecticut. They are just as good people as he can find in any community in Connecticut. I do not wonder that some people, seeing lawlessness on the part of the railroad company, seeing their investments being destroyed, seeing the fall approach when they would wish to buy wheat and ship it out and not being able to do it, merchants seeing themselves ruined by the misconduct of the railroad company, assisted by the Senator from Connecticut, should forget themselves.

Mr. President, the Senator from Connecticut says you can not disconnect the county-seat question. It was thrust in here to defeat the bill. It was put here by the enemies of the bill, and nearly one-half of the Senate was opposed to compelling the railroad company to build a station at all. Every enemy of the bill voted for that provision, and they voted for it for the purpose of defeating the bill. It is kept here for the purpose of defeating it; and the Senator from Connecticut can not escape now by saying that it is in the interest of good government. It is not in the interest of good government, and the Senator knows it and everybody else knows it. Nobody will be deceived by this kind of talk.

There has been an outrage on that community unequaled, I repeat, by any other in the history of railroads in this country. If a majority of the Senate want to perpetuate and keep it up, let us have it shown by a vote. Let Senators come out and fairly and squarely state that they do not think the railroad company is under any obligations to build a station there because they have built one 10 miles away. The railroad company is not asked to build it. The people proposed to build it and offered to build it, but the railroad is asked to stop its trains there, and it says it will not. That is all there is about it. I repeat it is not a question of the location of the county seat.

It is a question whether the railroad company shall be compelled by Congress to discharge the duties it owes to the people of that country. The issue may be squarely made, and if the Senate votes that it will not recede, the people will understand that the Senate means that the railroad company shall not discharge its duty, and that the Senate votes intelligently and pur-

posely that the railroad company shall continue to defy law and decency as it has been doing for the last eighteen months.

It does not do to say that the Secretary of the Interior made a mistake or a blunder. I know that the prejudice against the Secretary had much to do with it, and that is the excuse Senators have made, that the Secretary made a mistake and a blunder.

Suppose he did; are the people to be held responsible for it? Suppose he ought to have kept the county seat where it was first suggested that it should be located and where it never was located; does that justify the railroad company, because some of its officials are holders of town lots in the new town or the proposed town, to destroy investments made at the other place, and to deny the right of the citizens of the town to that which every town in the United States is entitled, of having a railroad run through it?

Is the company to continue to do as it has been doing, violate town ordinances? It would be a pretty staid community, indeed, where such lawlessness on the part of the railroad company would not be met with just what it has been met with in that country—lawlessness on the part of the people. I do not excuse it, but I knew it would come. I knew that the people, finding themselves without remedy, finding themselves without any help from the only source from which it could come, would after awhile take the law in their own hands.

It is said the railroad company has suffered. It is entitled to no sympathy from us. If it had done its duty there would have been no outrages, no society disrupted and broken up, no outrages of any kind. There would have been peace there if the company had simply given to those people a station and let them pay for it. I do not see how any Senator can stand here and defend the railroad company, when he pretends that he is not defending it, and insist that there shall be put upon the bill that which he knows will bring greater calamities upon the people and must disrupt and destroy society there for the time, owing to the conditions which have been brought about by the railroad company primarily and for which it is responsible.

In the interest of peace in the community the bill ought to be passed, and it ought to be passed as it came from the other House. Then, if Senators want anything else done they can do it. The Legislature of the Territory will be able to settle the county-seat question. I doubt whether they are able to settle with the railroad company with its omnipotent power, as I know it exists in that section of the country, as it does in many others.

Mr. PLATT. When the Senator from Colorado gets his feelings thoroughly enlisted upon any subject he seems to make pretty strong statements of fact. In his last remarks, as well as in previous remarks, one principal cause of the grievance which he stated was that the people interested in the railroad company are speculators in town lots at the railroad town. In all the testimony I believe that has not been shown, and I think there is no evidence of it. It has been charged; it has been thrown out as a suspicion, but it has never been run down. They have never been able to show, I understand, that anybody in any way connected with the railroad company owns a lot anywhere near the railroad station town.

Mr. TELLER. The Senator from Connecticut will allow me to say that I never before heard it disputed.

Mr. PLATT. Oh, it was disputed in the last debate here, and it was disputed by the committee. It has never been proved. There has never been anybody, as I remember the case, who could put his finger upon a single individual connected with the railroad company who owns lots there.

Mr. TELLER. I do not suppose anybody has tried to do so; but no other reason can be given why the road has pursued the course it has pursued.

Mr. PLATT. That is just what I am coming to. The Senator from Colorado bases his whole argument upon the idea that somebody connected with the railroad is speculating in lots. He says there can be no other reason why the railroad has done what it has been doing.

Mr. TELLER. If the Senator from Connecticut will allow me, I will say that I do not. If it were admitted that the railroad company had no interest, the facts would be the same as to the rights of the people. I myself have not any doubt, and I do not think the Senator from Connecticut has any doubt, about the interest of the railroad people. It may not have been proved to him, but he has not any doubt about it.

Mr. PLATT. I made pretty careful inquiry with regard to that matter, both of the parties who are opposed to the station town and of persons connected with the railroad company. I was assured, on inquiry, by everybody connected with the railroad company there that no stockholder, no director, no person connected with the railroad company has any speculative holding in lots.

Now, it is very easy under the excitement of feelings to be carried away and to argue a case upon facts which do not exist. It is very easy to justify what those parties there have done. It is very easy to accuse the railroad company of desiring to speculate in city lots and to justify people who have blown up its bridges and killed its employés because the railroad company, for the purpose of speculating in city lots, has not done justice to them.

Mr. TELLER. Will the Senator from Connecticut allow me to interrupt him?

Mr. PLATT. Certainly.

Mr. TELLER. Does the Senator from Connecticut mean to insinuate, much less charge, that I did justify it.

Mr. PLATT. The Senator from Colorado did not justify it in language; he said he did not; but after all, the whole tenor of his remarks was that the people were excusable for it on account of the great wrong which had been done by the railroad company.

Mr. TELLER. The Senator from Connecticut is entirely mistaken. I never suggested that they were excusable. I said that one crime begets crime. The Senator desires intentionally to misrepresent me, I suppose.

Mr. PLATT. No, I do not; but I think every Senator who listened to the Senator from Colorado was impressed, as I was, with the idea that he was treating very leniently in his own mind and estimation the men who have been guilty of these acts of violence. It is a good deal like the people who sympathize entirely with the strikers in Chicago. There was no word of condemnation for the strikers and their acts of violence, but it was only for Mr. Pullman and the railroad companies that they had condemnation.

Mr. BERRY. I think the Senator from Connecticut is mistaken when he says any person was killed in the Territory. I do not think any person was killed. My opinion is that there was not. The Senator talks about citizens violating the law. It is stated, and not denied, that the railroad company deliberately violated the law which regulated the speed of railroad trains through the town, a matter which the town had a right to regulate. The railroad company deliberately violated the law, and it did so before anybody else violated it.

Mr. PLATT. Ergo, the people had a right to blow up the bridge! That is the style of this argument. I have heard that the town passed an ordinance that the road should not run its trains at a rate through the place above a certain number of miles per hour, a very slow rate of speed; and then when the train slowed down to that rate, the citizens came out and undertook to pull the employés off the train.

Mr. TELLER. They never slowed down.

Mr. PLATT. Oh, yes; the company complied with it for a awhile, until they found that they could not, with safety to the lives of their employés, comply with it any longer, as I understand. The Senator from Kentucky [Mr. BLACKBURN] knows more about the details than I do.

Mr. BLACKBURN. My understanding is, and I do not think I can be mistaken about it, that three employés of the road were killed outright and the whole train was ditched. The timbers were deliberately sawn in two, because according to the time schedule of the road a passenger train would be the next one to go over the bridge. However, by an accidental delay, fortunately it turned out that it was not a passenger train that came according to the schedule, but a freight train. The train was ditched and three employés of the railroad were killed. But that is not what I wish to get at.

I regret that the Senator from Colorado [Mr. TELLER] should undertake to-day to indulge himself in a very questionable practice, and that is to interpret the motives and purposes of his friends in the Chamber or of people out of it. He said that everybody who insists upon the Senate amendment is trying to kill the bill.

Mr. TELLER. No; I did not.

Mr. BLACKBURN. The Senator from Colorado is usually very clear in his statements.

Mr. TELLER. I said everybody who wanted to kill the bill is for the amendment. There is quite a difference between the two statements.

Mr. BLACKBURN. Now, let me say once more for the information of the Senator from Colorado, the bill is as sure to become a law if the Senate should refuse to recede from the amendment as it is provided it took the other course. The Senator from Arkansas [Mr. BERRY] stands here alone, the only dissenting conferee on the part of the Senate.

The House conferees by a majority will vote to accede to this Senate amendment to-day. There is but one member of the Senate conference committee who is not in favor of the amendment. There is but one member of the House portion of the conference committee who does not declare his purpose to vote to take the bill with the Senate amendment. So to insist upon keeping the amendment in not only does not kill the bill, but it

insures the passage of the bill as certainly as to recede from the amendment, and it facilitates the passage of the bill. It will be law quicker if the Senate refuses to recede from its amendment.

Further, I want to say there is not a provision in the bill that the opponents of the two railroads did not put into it. The bill stands precisely, without changing a semicolon or a comma, as the House of Representatives passed it—I will not say at the dictation, but at the request of the Interior Department. The bill as it stands to-day imposes every obligation that any anti-railroad man ever sought to impose upon the railroads. Why can not the Legislature of the Territory of Oklahoma deal with the railroad question as a whole as with this county-seat question? No, no; the friends of this bill (I mean the original House bill) insist that Congress must exercise its power, and no lawyer will claim that that is an exclusive power.

If Congress has any jurisdiction of this railroad question it is a concurrent jurisdiction, for the Legislature of the Territory confessedly holds jurisdiction of the railroad question. But these gentlemen could not wait to let the Territorial Legislature deal with the railroad. They insisted that Congress must do it, and they framed a bill and the House passed it, and we have reported it back here without crossing a "t" or dotting an "i" so far as any railroad question is concerned. If you want power to force the railroad company to build station houses and establish depots at every hundred feet along that line through the Territory you have it unquestionably here in this bill. There is not a question affecting either of the railroads that the Senate has touched at all. The Senate has simply inserted an amendment and has once refused to recede from that amendment by a yea-and-nay vote.

A majority of the House conferees tell us now that they are ready to accept that amendment in the face of all this lawlessness. Troops were sent to both Pond Creek and South Enid, these new arbitrarily established towns, and both of them were put under martial law. The law-abiding, outraged citizens for whom we hear such plaintive appeals are to-day under martial law, with Federal bayonets there trying to protect lives and persons and property—people who used dynamite to blow up a railroad bridge, who sawed the timbers of another, and ditched a freight train instead of a passenger train, as they tried and expected to do. Here are all the letters, affidavits, and telegrams supporting and sustaining the statement, and the official action of the War Department sustains it, that here in a time of profound peace are these two arbitrarily established mushroom villages bidding defiance to all law except martial law, of which they are the righteous victims to-day, with the bayonets of the Federal Army at their throats.

Those are people for whom the Senate is asked to recede from its deliberately taken action, because, forsooth, those law-abiding people in such lawful manner protest against the proposed legislation!

I repeat, Mr. President, and I will have done with it, there never has yet been a suggestion made to fasten responsibilities upon the railroad company, to put them under the arbitrary discretionary power of the Interior Department, which is not in this bill precisely as the Interior Department asked to put it there. There is nothing else in the bill except a declaration that the people of the two counties shall, not between the two towns but anywhere within the limits of the counties, have the right that all freemen have, to meet according to legal proclamation, hold a fair and honest election, and determine by a majority of the qualified voters of the counties where they will put their county seats.

I do not believe that either one of the towns will be selected as the county seat, neither Old Enid or New Enid. It would be ridiculous for either of them to be selected. There is but one issue left between the two Houses. So far as compelling the railroads to build stations and depots at every 50 feet through that Territory, if the Secretary of the Interior requires it, it is all in the bill and all agreed to. There is nothing left in dispute between the Houses except that the people of those two counties shall have the right by a popular vote of the qualified voters of the county to locate and choose their county seats and not be barred, as they are now barred by law, from selecting a county seat for five years.

That is the whole question, and on behalf of the law-abiding people of those counties, on behalf of more than four thousand of their law-abiding citizens, whose petitions I hold here asking for the privilege of selecting these county seats, I have the temerity to ask the Senate to stand by its amendment even though the lawless creatures who are now the victims of martial law in these two mushroom towns shall be disappointed and thwarted in their purposes.

Mr. BERRY. Mr. President, I shall detain the Senate but a very few moments. I want to make a plain statement of fact, and then I hope the vote will be taken.

When the Secretary of the Interior located these towns under the law there was not a human soul living in either of them. The persons who went there had no choice as to where they should be located. The law authorized the Secretary to make the location. These people were camped on the outside of the Territory. They had gone from the East, the West, and the South to seek homes in that new Territory which was to be opened by the Government; and they only had to look to the law to see who was authorized to locate the county seat, and to observe the act of the Secretary when he did locate it.

On the very day that Territory was opened those people in good faith went and settled at the point where the law authorized the Secretary to place the location. They invested the accumulations of a lifetime in building houses and improving the surroundings connected with their homes. They did it in as good faith and with purposes as innocent as ever actuated men. Now, what followed? The railroad company was interested in another town 3 miles away, and the railroad company said, "We do not propose to give you any railroad facilities at these two towns, because we desire that other towns shall be built up."

Mr. BLACKBURN. Will the Senator allow me a question?

Mr. BERRY. Please do not interrupt me now. Later I will yield to the Senator from Kentucky.

The railroad company refused, but the people continued to move in there until the towns grew, one of them to be a place of some three thousand inhabitants, and the other of eighteen hundred or two thousand inhabitants. They built dwelling houses there because the county seats had been located there by legal authority. When they found that the railroad company would not give them depot facilities, either for passengers or freight, they came to the lower House of Congress and asked that body to pass a bill compelling the railroad company to stop their trains. The railroad company sent a lobby of attorneys here, who appeared before the House committee and opposed the bill with all the power they had. The committee reported against the railroad company. The House ratified the action of the committee, and passed a bill saying "You shall give these people depot facilities." The bill then came to the Senate and was referred to the Committee on Railroads.

When the railroad company found that they were beaten, and that the Senate was going to compel them to do it, and they had no other remedy, they came in and undertook to put this amendment on the bill with no other purpose in the world except to defeat the measure which had been passed by the House. They know to-day that the bill with the Senate amendment upon it can not pass the House. They know that unless the Senate recedes from its amendment those towns will get no railroad facilities.

Now, that was the condition. Those people bore it as law-abiding people, and they are as law-abiding as any people in this Union. There were as good people located there as can be found in the States of Kentucky, Arkansas, Ohio, or any other State in the Union. They came to the Senate; they sent their petitions here from the mayor and the council and every citizen within the town.

The bill hung here for weeks. When it was likely to pass the other parties then resorted to forgery and forged telegrams to try to influence the Senate of the United States. The people, still law-abiding, waited for the action of the Senate, and when the Senate put the amendment on the bill it went to the conference committee. We met on two or three occasions in conference and we have failed to agree. The other House refused to recede and has continued to refuse. The Senator from Kentucky says that the House would now agree to the amendment. I say that it has refused, and with the same right to say what it will do in the future that the Senator has, I say it will continue to refuse; and if this amendment stays in the bill those people will get no railroad facilities. What followed?

Mr. STEWART. Will the Senator from Arkansas allow me?

Mr. BERRY. I hope the Senator from Nevada will not interrupt me now. Later on, before I take my seat, I will answer all questions.

What followed? When the tariff bill was before the Senate it was impossible for me to find time without interfering with that bill to make a report. The matter went on for weeks and months. Those people had made a bond and offered to bear every dollar of expense for the building of these depots, and yet the railroad corporation said, "No, you shall have none." Then what did they do? Those towns passed ordinances regulating the speed with which the trains should run through the towns, because the speed at which they ran endangered human life.

The railroad company defied them, paid no attention to their ordinances, and ran their trains through the town at the rate of

20 or 25 miles an hour. What followed? It followed that there were some people in that town who became exasperated. It was not all the people, but a comparatively few, because the others are law-abiding. Owing to this repeated wrong on the part of the railroad company in refusing to stop there to take on the women and children of the town, and refusing to stop to put them off when they had been away on a journey, some of those people resorted to lawless acts. I justify no man in violating the law; no word that I can utter here can be construed in that way; but I say no people ever had a greater provocation to violate the law. I do not justify it, but there is not a community throughout the United States of America where such outrageous acts would not be calculated to incite violence on the other side.

Now, this is the question that is presented to the Senate. As the Senator from Colorado [Mr. TELLER] well said, in all the history of railroad wrongs throughout this country, in all the culmination of the great railroads with all their capital, there is no case on record which shows a greater disregard for the rights and interests of a community of people than this Rock Island Railroad Company has shown for the rights and interests of the people of Enid and Pond Creek.

Will the Senate of the United States stand here talking about the county-seat question, which is under the control of the Oklahoma Legislature, when a railroad forces this amendment on with the avowed purpose of beating the bill? Will a majority of the United States Senate say that those people have no rights which we are bound to protect; that because they have no Senator upon this floor to speak for them we will let this railroad company outrage them and continue to wrong them as they have done for the last six or eight months?

Mr. President, I hope that will not be the case. If you want peace and quiet and order you must first do what is right, and then you will have peace and quiet and order. There is not a man within the sound of my voice who does not know that this railroad company have acted in the most arbitrary, tyrannical, unjustifiable, and inexcusable manner possible. I sincerely trust the Senate will recede from the amendment and accept the House bill, and then this controversy will be ended forever.

Mr. STEWART. I should like to ask the Senator from Arkansas a question.

Mr. BERRY. Certainly.

Mr. STEWART. By the House bill I observe that the railroad company are compelled to establish a station at all towns where the Secretary of the Interior establishes a town site; and that they must have a depot. I wish to inquire if a town site has been established at the new town where they are now deprived of a depot?

Mr. BERRY. The bill requires——

Mr. STEWART. No; I want to know if there is a town site there.

Mr. BERRY. Where?

Mr. STEWART. At the new town, South Enid, or whatever is the name.

Mr. BERRY. Yes; there is.

Mr. STEWART. There is a town site established there?

Mr. BERRY. Yes.

Mr. STEWART. Then, under the bill if it is passed as it now stands, the railroad company would be compelled to establish a station there?

Mr. BERRY. That is correct. That is the object.

Mr. STEWART. Then with or without the amendment they are given all that they ask for, to wit, a station. That is all they claim, is it not?

Mr. BERRY. I will say, if the Senator will permit me, that the House of Representatives will not agree to that amendment. It can not pass the other House and the railroad company know it can not pass, and it is for that reason that they insist upon the Senate standing by it, because that kills the bill.

Mr. STEWART. That is not the question.

Mr. BERRY. That can not be disguised.

Mr. STEWART. Would not the town of Enid get a station under the bill?

Mr. BERRY. If the bill becomes a law, it would.

Mr. STEWART. With or without the amendment?

Mr. BERRY. If the bill ever bacomes a law, then the railroad company will have to stop their trains there unless they defy the law.

Mr. STEWART. That is what I wanted to know.

Mr. BLACKBURN. I wish to correct two statements made by the Senator from Arkansas, and I can do it in two sentences. In the first place he spoke of his statement as a fact. Now, to be a fact it must be in proof in this record or it must be within the limits of his personal information. He said that between these two neighboring towns the railroad company refused to give one town depot facilities because the company were interested in real-estate investments in the other town.

Mr. BERRY. No, I did not say any such thing.

Mr. BLACKBURN. I will refer to the notes of the Senator's remarks.

Mr. BERRY. I will refer to the Reporter's notes.

Mr. BLACKBURN. I am speaking of the Reporter's notes of the Senator's speech.

Mr. BERRY. I shall not touch them.

Mr. BLACKBURN. Now, I will say that there is not an atom of proof in this record to the effect that any official, or any man connected with either of these railroads, ever had a dollar or a penny invested in any real estate in either of these towns; but upon the contrary this record is loaded down with affidavits, taken, sworn to, and executed before notaries public of every official of this railroad, swearing that not a man of them ever did have or now has a penny invested in any town lots in either of these towns, and those affidavits have never been controverted or attacked.

I wish to say one thing more. The Senator took occasion to state several months ago in one of his impassioned harangues upon this bill that this railroad company had sent a lobby here to lobby their interests through. I stood in my place on the floor of the Senate and saw an official of the Federal Government, borne upon the pay roll of the Government, appointed by the Secretary of the Interior, haunting that gallery. I asked him what he was here for, and he told me frankly that whilst the Secretary of the Interior had not ordered him to come back from Oklahoma, and did not know anything about it, he was here as the bearer of petitions in the interest of those who opposed the amendment which the Senate put upon the bill.

Mr. HARRIS. Will the Senator from Kentucky allow me to ask him a question?

Mr. BLACKBURN. Certainly.

Mr. HARRIS. Is it or is it not true that two villages or towns built up there the Secretary of the Interior has decided to be county-seat points?

Mr. BLACKBURN. No, sir; the Secretary of the Interior has no more authority or power to determine a county seat in a Territory than the Senator from Tennessee or myself.

Mr. HARRIS. Does the Senator from Kentucky deny that under an act of Congress the Secretary of the Interior was authorized to locate the county seats in Oklahoma?

Mr. BLACKBURN. I do; and I say that there never was such a law dreamed of on earth.

Mr. HARRIS. Very well. I have not the law before me and I have not hunted it up.

Mr. BLACKBURN. Perhaps the Senator is confounding the words "Government town sites" with "county sites."

Mr. HARRIS. Very well; no matter whether a town site or a county site.

Mr. BLACKBURN. It does matter, I beg the Senator's pardon.

Mr. HARRIS. Did the Secretary of the Interior have power to locate a town or a village under the act?

Mr. BLACKBURN. He had no power to locate a county site. He had power to locate a Government town site.

Mr. HARRIS. Then let me ask the Senator another question. Is it true as a matter of fact that two villages or towns have been built up in Oklahoma Territory at which and through which the railroad runs and at which the railroad refuses to stop and give to that community reasonable and fair transportation facilities?

Mr. BLACKBURN. Is the Senator through?

Mr. HARRIS. I want that question answered. It is an important point, to my mind.

Mr. BLACKBURN. Is the Senator through with his question?

Mr. HARRIS. I am through with that branch of it.

Mr. BLACKBURN. I have not agreed to answer more than one branch of the question.

Mr. HARRIS. Very well; let the Senator answer that.

Mr. BLACKBURN. I will answer the Senator, and I will answer him twice, so as to be sure that I satisfy him. It is true that the Secretary of the Interior sent his own private agent to the Territory of Oklahoma with private instructions to locate, not county sites, but Government town sites.

That agent selected two points, one on each of these two roads, for reasons that I doubt not were satisfactory to that agent, and so reported to the Secretary of the Interior. The Secretary of the Interior refused (which is not a usual performance) to locate a Government town site at either of the places his agent had selected, and traveled two or three miles distant, one way or the other, from each of them, and made two new selections. It is true that through those two newly selected towns, the afterthought of the agent if not of the Department, these roads ran, and that they had no stations or depots built there. It was the object of the House bill to compel the roads to build them,

and the bill as the Senate has amended it not only compels both railroads to build depots and station-houses at both these towns, but compels those railroads to build depots and stations at any and every other town where the Secretary of the Interior tells them to build one in that Territory. That is the bill as it now stands amended.

Mr. HARRIS. Now, will the Senator from Kentucky answer the other question, which I deem the most important?

Mr. BLACKBURN. I will do so.

Mr. HARRIS. Have towns been built up there along the line of that road?

Mr. BLACKBURN. I thought I said yes, at both points.

Mr. HARRIS. And do the railroads run trains that sweep through those towns without stopping at either of them?

Mr. BLACKBURN. I do not know about that.

Mr. HARRIS. Such is the allegation. If it be a fact, it is an unmitigated outrage and it ought to be controlled by legislation.

Mr. BLACKBURN. I am so fond of hearing the Senator speak, that I am always willing to let him not only ask questions, but make speeches in my time.

Mr. HARRIS. I am glad the Senator is so deferential. It is very rare that he is deferential to anybody.

Mr. BLACKBURN. I do it because it is rarely that I have the opportunity of learning so much.

Mr. HARRIS. I hope that is true.

Mr. BLACKBURN. What I say in answer is simply this: Admit that the roads run their trains through these towns at 60 miles an hour and never stop at all, what the Senator wants to do, I take it, is to compel them to stop, and to compel them to erect depots and station houses and give a full measure of traveling facilities to those people. That is precisely what I want to do. That is precisely what this bill does, exactly as it stands amended by the Senate now.

Mr. SHERMAN. I know so little about this matter that perhaps I will disclose my ignorance by asking a question. Is it true that on the line of this railroad in Oklahoma there are two towns, one containing 1,800 people and the other containing 3,000 people, within 3 miles of each other?

Mr. BLACKBURN. Yes.

Mr. SHERMAN. Then I say if a railroad in a new country will not stop at a point containing 1,800 and 3,000 inhabitants it is a very poorly managed railroad, and I think myself we ought to require the railroad, even if it becomes so important as the Pennsylvania Central Railroad, to stop at a community containing 1,800 inhabitants.

Mr. BLACKBURN. I agree with the Senator, and I beg him to read the bill as amended by the Senate, when he will see that that is precisely what the bill does.

Mr. SHERMAN. But I do not see the connection between the amendment made in the Senate and the bill itself. What has the question of town sites to do with that? Probably, as the Senator himself said a while ago, neither place would become the county seat.

Mr. BLACKBURN. Certainly both of the towns will not survive. One of them will disappear whenever the question of the county seat is determined.

Mr. SHERMAN. What is the use of blending the county-seat question with the stopping of the trains?

Mr. BLACKBURN. The two questions have no connection.

Mr. SHERMAN. Then I do not see any object in insisting on the amendment.

Mr. BLACKBURN. For the reason that I have tried to explain, but it seems that I have failed, that under the law as it stands to-day, the best legal authority that can be had tells us that unless the amendment of the Senate stays in the bill, the question of locating the county seat can not be determined for a period of five years, and all of this friction must endure and all of this trouble must be perpetuated.

Whenever a county seat is determined, we know that in a sparsely settled country like that, these two towns, within a stone's throw of each other, will not both survive; one will disappear. They are Western prairie towns; they are tent towns. You have heard about the two or three story brick house there. Of course every town of two or three thousand inhabitants out there has one, but that is not the rule. If the county seat is established at one of these towns the other town will move to it within a week. The pending proposition would keep open this friction, and it will keep it up, because the law will not allow them to determine the county seat by a vote for five years to come.

Mr. SHERMAN. There is another wonder. I am discovering things about these Western Territories that I never knew. Is there not some power vested by law in somebody to establish a county seat there—in the people themselves or in the Territory?

Mr. BERRY. Will the Senator from Ohio yield to me?

Mr. SHERMAN. Certainly, for I wish to get all the information I can upon the subject.

Mr. BERRY. There is a statute of Oklahoma which provides that when a certain number of inhabitants of any county, I think it is one-third, shall petition the county court or the proper authorities to order an election for the location of a county seat, thereupon the order shall be granted, and the people shall vote for the location.

Mr. SHERMAN. Is that provided for by law?

Mr. BERRY. That is the Oklahoma law. The statute to which the Senator from Kentucky refers, I presume, says that when a town site is once located it shall not thereafter be changed for the period of five years.

Mr. SHERMAN. Who made that law?

Mr. BERRY. The Legislative Assembly of the Territory of Oklahoma, and that is the law to-day. The Legislature of the Territory of Oklahoma can repeal that law when they meet in December, and can order a town-site election at any time. That, I think, no one denies.

Mr. SHERMAN. It does seem to me that we ought to make the railroad company stop its trains at both the towns and let the surviving town have a depot probably somewhere between the two.

Mr. BERRY. Let the Legislature of Oklahoma settle it.

Mr. SHERMAN. As to the other part of the case I see no difficulty. If the law is as stated, the people themselves can have an election as to the location of the county seat without Congress interfering with them.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on the motion of the Senator from Arkansas that the Senate recede from its amendment to the bill.

Mr. BLACKBURN. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW].

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

The roll call was concluded.

Mr. CAFFERY. I am paired with the Senator from Montana [Mr. POWER].

Mr. CULLOM (after having voted in the affirmative). I have a general pair with the senior Senator from Delaware [Mr. GRAY], but there seems to be some doubt as to how he would vote on this question.

Mr. BERRY. The Senator from Delaware voted "yea" before.

Mr. CULLOM. But I think from what I have heard I had better not vote. Under the circumstances, I withdraw my vote.

Mr. SQUIRE. I am paired with the senior Senator from Virginia [Mr. DANIEL].

Mr. WHITE (after having voted in the affirmative). When I voted I did not observe that the Senator from Idaho [Mr. SHOUP], with whom I am paired, is not present. I therefore withdraw my vote.

Mr. MANDERSON (after having voted in the negative). I have been requested to pair with the junior Senator from Kentucky [Mr. LINDSAY].

Mr. BLACKBURN. I inquire who has authority to pair the junior Senator from Kentucky?

Mr. BERRY. I have.

Mr. MANDERSON. The Senator from Arkansas [Mr. BERRY] has requested me to pair with the junior Senator from Kentucky.

Mr. BLACKBURN. That is satisfactory to me.

Mr. MANDERSON. The Senator from Arkansas has stated that the junior Senator from Kentucky would vote "yea" if present. Is there any question as to how he would vote?

Mr. BLACKBURN. I am satisfied.

Mr. MANDERSON. I withdraw my vote, understanding that the junior Senator from Kentucky would vote "yea" if present.

Mr. CAREY (after having voted in the negative). I ask consent to withdraw my vote, and announce my pair with the Senator from South Carolina [Mr. IRBY].

The PRESIDING OFFICER. The Senator's vote will be withdrawn.

Mr. MANDERSON. I desire the attention of the Senator from Arkansas [Mr. BERRY] for one moment. I am informed that the junior Senator from Michigan [Mr. PATTON] is absent, unpaired, and that if he were here he would vote "nay." I suggest, therefore, that he stand paired with the junior Senator from Kentucky [Mr. LINDSAY].

Mr. BERRY. I do not know anything about that. If the

Senator from Nebraska desires to make the transfer he can do so. I only know that the junior Senator from Kentucky told me he would vote "yea;" and he told me he would be here to vote.

Mr. MANDERSON. The arrangement I have announced will pair the junior Senator from Kentucky [Mr. LINDSAY] with the junior Senator from Michigan [Mr. PATTON]. I understand the Senator from Kentucky would vote "yea" and the Senator from Michigan would vote "nay." I vote "nay."

The PRESIDING OFFICER (after Mr. GALLINGER had voted in the affirmative). The present occupant of the chair will announce that he has voted, but he has a general pair with the junior Senator from Texas [Mr. MILLS], who has not voted, and hence the vote will be withdrawn.

The result was announced—yeas 24, nays 20; as follows:

YEAS—24.

Allen,	Coke,	Mitchell, Wis.	Quay,
Bate,	Faulkner,	Murphy,	Roach,
Berry,	Harris,	Palmer,	Sherman,
Blanchard,	Hill,	Pasco,	Teller,
Call,	Jarvis,	Peffer,	Vilas.
Chandler,	Kyle,	Perkins,	Walsh.

NAYS—20.

Allison,	Gibson,	Hunton,	Proctor,
Blackburn,	Hale,	McMillan,	Pugh,
Brice,	Hansbrough,	Manderson,	Stewart,
Cameron,	Hawley,	Mitchell, Oregon	Vest,
Cockrell,	Hoar,	Platt,	Washburn.

NOT VOTING—41.

Aldrich,	Frye,	Lodge,	Shoup,
Butler,	Gallinger,	McLaurin,	Smith,
Caffery,	George,	McPherson,	Squire,
Camden,	Gordon,	Martin,	Turpie,
Carey,	Gorman,	Mills,	Voorhees,
Cullom,	Gray,	Morgan,	White,
Daniel,	Higgins,	Morrill,	Wilson.
Davis,	Irby,	Patton,	Wolcott.
Dixon,	Jones, Ark.	Pettigrew,	
Dolph,	Jones, Nev.	Power,	
Dubois,	Lindsay,	Ransom,	

So the Senate receded from the amendment.

INTERSTATE FAIR AT TACOMA, WASH.

Mr. HARRIS. I ask the Senator from Missouri, in charge of the sundry civil appropriation bill, if he will yield to me for a few moments to report a bill from the Committee on Finance, and to ask for its present consideration? It will not, I am sure, occasion any debate.

Mr. COCKRELL. I yield for that purpose.

Mr. HARRIS. I report back from the Committee on Finance without amendment the bill (H. R. 7753) to exempt the articles of foreign exhibitors at the interstate fair at Tacoma, Wash., from the payment of duties. I ask for its immediate consideration. The fair, I understand, opens to-day.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. CALL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 65 to the bill (H. R. 6937) "making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 65.

WILKINSON CALL,
CALVIN S. BRICE,
S. M. CULLOM,
Managers on the part of the Senate.

W. H. HATCH,
W. S. FORMAN,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2896) for the relief of Henry James, residing in the original Hot Springs Reservation, in the State of Arkansas; and the bill (H. R. 6720) providing for resurvey of Grant and Hooker Counties, in the State of Nebraska.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 7753) to exempt the articles of foreign exhibitors at the interstate fair at Tacoma, Wash., from the payment of duties; and it was thereupon signed by the Vice-President.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. COCKRELL. I ask that the unfinished business may be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

Mr. CHANDLER. I ask for the consideration of the two pending amendments, the amendment proposed by the Senator from Vermont [Mr. PROCTOR] and the amendment proposed by me.

Mr. COCKRELL. Let those amendments be now acted on.

The PRESIDING OFFICER (Mr. GALLINGER). The amendments will be stated.

The Secretary read the amendment proposed by Mr. PROCTOR, which was on page 84, at the end of line 8, to insert the following proviso:

Provided, That the Secretary of War and the Attorney-General are hereby instructed to report to Congress what action has been taken by them or their predecessors in office under the act of July 15, 1882, entitled "An act to increase the water supply of the city of Washington," and under previous acts, and to report the present condition of the titles to the water rights and to such land contiguous thereto as may be necessary for the improvement of the water power at Great Falls to a sufficient extent to furnish an adequate supply of water for the District of Columbia and to furnish power for lighting the public buildings and grounds by electricity, and to report, further, the amount and present condition of claims now pending against the United States growing out of its taking or use of the water at Great Falls. And the sum of $10,000 is hereby appropriated, to be expended under the direction of the Secretary of War, for carrying out the provisions of this act and for making the plans for the plant necessary for said purpose, with estimates of the cost, and also of the cost of operating and maintaining the plant for electric lighting and a comparison with the present cost of lighting.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire [Mr. CHANDLER] to the amendment of the Senator from Vermont [Mr. PROCTOR] will now be stated.

The SECRETARY. It is proposed to add to the amendment:

Said Secretary of War is also hereby authorized to negotiate with the Great Falls Manufacturing Company and the other owners of land and water rights at the Great Falls, with a view of settling existing claims on the part of said owners against the United States and of acquiring the title to said lands and the whole of said water right, and to report the result, with his views, at the next session of Congress.

Mr. MANDERSON. Mr. President, I shall vote for both of these amendments, and at the same time I wish to say that that which commends them to the Senator from Missouri [Mr. COCKRELL] does not commend them to me. That which commends them to him is the fact that they commit the Government to nothing. I should be very glad to vote to commit the Government to something in this behalf.

The amendment which I proposed yesterday had the same purpose as these amendments; but it went a little further, and looked to the acquiring of the title of the Great Falls of the Potomac and the land adjacent, at least such as might become necessary for the water supply of the city of Washington and for its electric lighting. I am glad to see this recognition of the necessity, that all must admit, that as this city grows in population, which it is bound to do, the subject of pure water, and plenty of it, as suggested by the Senator from Michigan [Mr. MCMILLAN], will be a very important one.

Mr. CULLOM. Which we do not have now.

Mr. MANDERSON. The water supply now, as is notorious, is inadequate. This city is really in great danger in time of extended fire: that such a conflagration might destroy an immense amount of property, by the side of which the cost of improved water facilities would be a mere bagatelle.

This city will have to repeat at some time the experience of the city of Philadelphia. That city obtained its water supply from the Schuylkill River, and the evil became so great as to the contamination of the waters of that river, that that city, at enormous cost, was compelled to acquire the title to land on both sides of the river to prevent impurities from flowing into it. That will unquestionably at some time be the experience here. We shall have to see that the waters of the Potomac River are not contaminated by placing upon the banks of that stream above the point of supply manufacturing establishments, which will cause refuse to be thrown into the river to produce an impure condition of the water.

I wish we could go still further than this amendment provides; but it is a step in the right direction, and shall certainly receive my support.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from New Hampshire [Mr. CHANDLER] to the amendment submitted by the Senator from Vermont [Mr. PROCTOR].

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. HUNTON. I propose the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment submitted by the Senator from Virginia will be stated.

The SECRETARY. After line 15, on page 92, it is proposed to insert:

And the Secretary of War is hereby authorized to employ, at such compensation as he shall deem reasonable, from among those veterans who served in the battle of Gettysburg, a person who is recognized as well informed in its history, as a representative of the Army of Northern Virginia, to assist in such way as the Secretary of War may direct in preparing the historical tablets of that army for the Gettysburg battlefield.

Mr. HUNTON. That amendment carries no appropriation with it, Mr. President.

Mr. HOAR. I hope the Senator from Virginia will leave out of his amendment the limitation of the persons from whom the Secretary is to appoint.

Mr. HUNTON. I beg to say to the Senator from Massachusetts that that was put in the amendment designating the assistant commissioner as one skilled in the movement of the army of the Confederate States, because there are now two commissioners representing the armies of the Potomac.

Mr. HOAR. I do not wish to be captious about this, and there is no objection to the employment, at the discretion of the Secretary of War, of such person as will be fittest, wherever he may be found; but I, for one, object to putting into the legislation of this country as a qualification for an office that the person to be appointed to it has borne arms against the country. I do not think it is sound statesmanship that anybody on either side of the question should undertake to do that thing. Of course, we all know that there are brave veterans on both sides of this Chamber, and there are others who hold offices under all political parties; that is one thing; but the actual putting into a law as the sole qualification of appointment to an office of having borne arms against the country I think is carrying the joke a little too far.

Mr. COCKRELL. I desire to say, in connection with that amendment, that the Committee on Appropriations did not agree to it; on the contrary, in another amendment elsewhere we struck out a similar provision, because we believe that under each of these laws the Secretary of War has the authority now to employ such assistants, if he desires them, and we did not wish to place ourselves in a position of dictating to him whom he shall employ to ascertain the facts which we require him to ascertain.

Mr. HOAR. That seems to be the sensible view of the matter, and I hope the Senate will adopt it.

Mr. HUNTON. The Senator from Missouri, in charge of the bill, is mistaken, though I dislike to make the assertion that he is mistaken in regard to a bill of which he is in charge. If he will turn to page 86, to the provision in regard to the Chickamauga and Chattanooga National Park, he will find that by an amendment of the committee the very thing is provided in a general way which I ask be provided for more specifically in regard to Gettysburg. The prevision reads:

The purchase of the north end of Missionary Ridge, and monument sites in the vicinity of Glass's Mill, compensation of two civilian commissioners and their assistant in historical work, labor, clerical, and other assistance, etc.

The words "and other assistance" embrace as to the Chickamauga battlefield just what I have provided more specifically as to the battlefield of Gettysburg. For that reason I think that there ought to be an amendment in regard to the battlefield of Gettysburg which will authorize the Secretary of War to employ an assistant commissioner to help do the work which is being done to mark the historic battlefield of Gettysburg.

I beg to say that at this time there are two commissioners who represent the Army of the Potomac. An immense deal of work, as the Senator from Massachusetts well knows, has been done to mark the positions, etc., of the Union Army on that battlefield. There has recently been appointed one commissioner from the South, who is supposed to represent the Army of Northern Virginia for a like purpose; but that commissioner has just been appointed, and scarcely any work has been done to mark the battlefield and the position of troops, etc., of the Army of Northern Virginia.

I do not want to offend the sensibilities of the Senator from Massachusetts by talking about anybody who was in the Confederate States army, and therefore I am perfectly willing to amend the phraseology so as to make the appointment rest upon a man who is familiar with the movements of the Army of Northern Virginia. With that modification it seems to me the amendment can not meet with the objection of anybody on the floor of the Senate.

The PRESIDING OFFICER. Does the Senator from Virginia propose to modify the amendment?

Mr. HUNTON. If the Secretary will send me the amendment, I will change it.

Mr. VILAS. At this point I might as well make some observations, if the Senator from Missouri does not object.

Mr. COCKRELL. Certainly not.

Mr. VILAS. I wish to say a few words with reference to the other amendment which has already been pro forma adopted, and which I shall ask to have reserved in the Senate. I trust it will not be adopted by the Senate. I should like the attention of the Senator from Massachusetts to the point for just one moment.

The House of Representatives inserted in the bill with reference to the Chattanooga and Chickamauga National Park the following words, after the general appropriation for completing the park and providing for tablets, etc.:

And the Secretary of War is hereby authorized to employ—

No direction—

at such compensation as he shall deem reasonable, from among those veterans who served in the battle of Chattanooga, a person who is recognized as well informed in its history, as a representative of the Army of the Tennessee, to assist, in such way as the Secretary of War may direct, in preparing the historical tablets of that army for the National Military Park.

If the Government of the United States is to assume to place in these parks tablets locating the points of important events in the great struggles which took place on the fields of Chattanooga and Chickamaugua, and I may say the same thing of Gettysburg, the most essential and desirable thing of all in connection with it is fidelity to the fact. The Army of the Tennessee, which redeemed the national losses preceding that time in the battle at Chattanooga, bearing by far the heaviest brunt of the struggle, which fought over so many fields and traversed all but two of the States that were engaged in collision with the Federal Government, which fought many a battle and never lost one, ought to have the privilege of being represented by some accredited, trustworthy, and well-informed officer, who will see to it simply that the mere truth is preserved in these tablets.

In equal fashion and upon the same principle I am perfectly willing, I should desire, that an officer representing, if you please, or some person well instructed and informed as to the Confederate side of the controversy, should also contribute his knowledge, and such as he may collate, to the truth, in order that the tablets upon the battlefields may be what they ought to be, indicative of the facts.

Mr. HOAR. I desire to ask the Senator from Wisconsin, who is better informed than I am, if the present Secretary of War is, in his judgment, so destitute of patriotic emotion or of wisdom that he can not be trusted in this matter?

Mr. VILAS. The question can hardly be asked with seriousness by a member of this body. It would be a reproach to the Senator if he were to ask the question with serious purpose. The Secretary of War, and every Secretary of War, is and must be a patriotic citizen; but the Secretary of War can not know about all the battlefields of the country, and he may well be advised by the Congress of the United States to accept some suggestions from those societies which represent the men who put their lives in peril on those fields in that great struggle.

I do not care to revive unnecessarily recollections of this kind, but I insist that it is right as the House of Representatives have provided in the bill, and that the provision which has been made there ought not to be struck out of the bill by the Senate of the United States, which would be a very different thing from having omitted it in the first place.

Mr. PALMER. Mr. President, there is something in words after all. These battlefields ought to be memorials of facts. The position of troops on a field of battle is a matter of very great importance to those interested in the matter. The Senator from Virginia [Mr. HUNTON] has prepared a modification of the amendment, which I suppose will be entirely satisfactory.

Mr. HUNTON. I desire to ask the Senator from Massachusetts [Mr. HOAR] to withdraw his objection to the phraseology, and let the amendment go as I drew it, because we are bound, in taking up the history of these battlefields, to recognize the fact that one side was fought by the Union Army and the other side by the Confederate army.

Without desiring to revive unpleasant memories and rekindle the embers of the war, I desire to have in the amendment which I propose a representative of the Army of Northern Virginia, because that representative must know more about the sites and the position of the different parts of the Army of Northern Virginia, which participated in that fight, than anybody outside of that army. I feel a personal interest in this matter because, as is no news to many of my friends on the floor of the Senate, I was one of the participants, as a member of the Army of Northern Virginia, in the historic battle of Gettysburg. Therefore it is a matter of personal interest to me that all that was done by the Army of Northern Virginia upon that battlefield should

be marked correctly and go down to posterity as a correct history of the events of that eventful day.

Mr. HOAR. If the Senator from Virginia will pardon me, I will state that I do not think he or the Senator from Wisconsin has struck my point. I do not think there is any objection in the mind of any Senator to having this done, and properly done. I suppose the Secretary of War may be absolutely trusted to make the appointment of a person who knows the facts, and who knows the facts on that side. Nobody supposes that any Secretary of War would fail to take a man who was an active participant there, as has been done in all other cases.

My proposition is that it is not a good thing, as a method of legislation, to define as a qualification to the holding of public office that the man shall have borne arms against his country. It is a thing which has to be explained. The Senator can not doubt that if he simply said "some suitable person," if he used the phrase that he has already once consented to adopt, it will result in the appointment of a person satisfactory to him.

My whole proposition is that such a legislative precedent as is proposed should not be set. It ought to be regarded with some care. It is not a good plan to say in a statute, "Provided the person so appointed shall have borne arms against his country."

Mr. PALMER. Mr. President, I desire very much that there shall be a representative of the Confederate forces present to actually participate in the marking of the position of the Confederate army. It is something like the old-fashioned processions which we used to see in Kentucky when the surveyor was about to enter upon his work. He would carry with him a number of witnesses to see that the corners were properly established, and they attested it because they knew. These memorials must have the indorsement of the Confederate authority to make them authentic and of historic value.

The evolutions and movements of armies on a battlefield are always interesting, and I wish to have a representative of the Confederate forces present when the marks are made, so that the country can refer to the marks as settled by authorities on both sides. We are always disputing as to what were our positions. Sometimes we think we were a good deal farther in their direction than they admit, and sometimes they claim to have been much nearer to us than we confess.

I wish to have partial witnesses present. I desire that the positions shall be marked so that the country will know that they have been selected by persons representing each side. It was a mere physical struggle so far as the men were concerned. The great events and the great issues are a different matter altogether. I wish to give an illustration of that. There are Senators who know where I was on one occasion, and I know, in a general way, where they were—some distance apart. In fixing the position of the troops at Missionary Ridge, if you will, I should like to have a Senator now in my eye present, so that when the point is being fixed I should have his testimony that that was the true point. If he and I were to differ about it, we might want to call in some third person to settle the question as to which one was right.

These great historic facts ought, because of independent and patriotic considerations, to be settled by men on both sides who were present and who participated. We are all men, and we all believe we were very courageous and gallant soldiers; and when we come to settle the position of earnest men, participants on each side ought to be consulted in order to give to the marks on the battlefield authenticity, and the field may be thus preserved as a part of the history of the country.

Mr. HARRIS. Mr. President, I am thoroughly indifferent as to whether this work shall or shall not go on; I have no objection to its going on, and I think it proper enough to mark those points, so that future generations may see exactly where great events transpired; but I wish to make a single suggestion, based upon a fact which occurred some years ago. A very much more important matter, in my opinion, was the making up of the Records of the War of the Rebellion.

Several years ago, by virtue of a provision in an appropriation act, a commission was appointed by the Secretary of War to determine what I conceive to be a very grave and a very important question, as to what documents should or should not be printed as a part of the war records. It did not designate whence the members of the commission should come, and the then Secretary of War, in the exercise of his legal authority, appointed the commission, every member of which was taken from those who had been in the Union Army, and no representative of the Confederate element was to be consulted in respect to what should be or should not be printed as a part of the war records.

In that condition of affairs I drafted a letter, addressed to the Secretary of War, appealing to his sense of justice to give to the Confederate army some fit and proper representative to have at least a still small voice on the commission in determining the great and important question as to what should or should not be printed. The Secretary answered me in most courteous and polite terms, but declined. Up to this hour the commission has been composed of representatives from the Union Army, and no single man of the Confederate armies has belonged to it or has had a voice in determining the question as to what shall or shall not be printed as a part of the records of the war.

Mr. CHANDLER. May I ask the Senator from Tennessee a question?

Mr. HARRIS. The Senator from New Hampshire may.

Mr. CHANDLER. Was the Senator treated in that way by the present Secretary of War?

Mr. HARRIS. I have not renewed, as I remember, and I do not think I have, any request of the present Secretary of War upon that particular point or any other point that I now remember which involves considerations of the same character; but if the Senator desires me to say so I will state that I have great respect for the absolute fairness, justice, and propriety of conduct of the present Secretary of War. However, if I were to frame a law requiring the performance of any duty such as this, every consideration of fairness would demand, and it ought to be respected, that both sides should be heard in the matter.

Mr. HUNTON. I beg to say, in answer to the Senator from New Hampshire [Mr. CHANDLER], that I can see no difference between saying what you want done and trusting to a man to do that which you want done. If we believe that the Secretary of War will do this, then let us say that he shall do it. I can not see the difference between the two propositions.

As to the objection made by the Senator from Massachusetts [Mr. HOAR], I wish to say that you can not, to save your life, recognize the battle of Gettysburg without recognizing the Army of Northern Virginia, because there could not have been a battle without two armies, and there could not have been a battle without two contending armies.

The contending armies in that case, as a matter of history known to everybody, were the Union Army on the one side and the Army of Northern Virginia, the Confederate Army, on the other. When we know that the Union Army is represented by two commissioners in marking that historic field, I can not see how it can offend the sensibilities of any gentleman to say that a representative of the other contending army shall be there to assist in marking the prominent places in the fight occupied by it, to wit, the Army of Northern Virginia or the Confederate Army. I do not wish to bring up any unpleasant memories or to offend the sensibilities of any gentleman. I would not intentionally have drawn the amendment so as to have offended the sensibilities of even the Senator from Massachusetts.

Mr. HOAR. Does the Senator from Virginia understand that anybody has suggested that his sensibilities have been offended?

Mr. HUNTON. No, sir; but I took it for granted that the Senator's sensibilities were a little stirred up or he would not have objected to the phraseology.

Mr. HOAR. The Senator from Virginia will pardon me. I think I can differ with him as to the proper phraseology in a legislative enactment without its becoming a question of sensibility.

Mr. HUNTON. I beg the Senator from Massachusetts to withdraw his objection.

Mr. HOAR. That is the trouble with my honorable friend from Virginia. He seems to make a question of sensibility of what to other people is a question of common sense.

Mr. HUNTON. I hope the Senator from Massachusetts will withdraw his objection to the phraseology of the amendment.

Mr. CHANDLER. It seems to me there ought to be no objection to being explicit in the direction to the Secretary of War, if the Senator from Virginia wishes to be so explicit. But the Senator will bear in mind that he is making history as well as giving directions to the Secretary of War. The history of a country is sometimes read in its public statutes.

Now, the Senator will notice, if he will read the amendment, that the ingenuous youth of this country off in the distant day of our prosperity and glory reading the statute would not be able to discover what the Army of Northern Virginia was. The Senator from Virginia knows and I know, but the language does not indicate whether the Army of Northern Virginia was a part of the Union Army or the rebel army. If the Senator wishes to be precise and accurate, it seems to me it would be a good idea to state in the amendment exactly to which side the Army of Northern Virginia belonged. If the Senator will look at the amendment he will see that nobody can tell.

Mr. HUNTON. If the Senator from New Hampshire wishes to have such an amendment adopted, let him propose it.

Mr. CHANDLER. The Senator from Virginia has spoken of one side and the other, and he wishes to give directions that the Confederate side shall be recognized in this appointment.

There is no objection to it. Of course the Secretary of War will appoint a person who belonged to that side. I am inclined to think the Secretary of War has already picked out the man, perhaps recommended to him by the Senator from Virginia.

Mr. HUNTON. No, sir; I have never opened my mouth to the Secretary of War on the subject.

Mr. CHANDLER. Of course the Secretary would take the recommendation of the Senator from Virginia if this new office be created on his motion.

I suggest to the Senator for the sake of historical accuracy, as the subject has taken up a great deal of time and as we ought not to depart from its consideration without its being accurately disposed of, that he insert before the words "Army of Northern Virginia" a statement as to which side the Army of Northern Virginia was on, so that future readers of history may not be mistaken as to precisely what the Senator meant.

Mr. BATE. Mr. President, I do not intend to enter into this debate. In reading the amendment, however, it seems to me there can be no objection whatever to it. Neither do I see that there is any particular objection to the insertion of the words "Confederate," and "Union," or anything that is agreeable to those who desire it. The object, I understand, is to get at the truth of history. You can not get history from the testimony of one side alone. I understand Gettysburg is a little differently situated in its management from Chickamauga and Chattanooga or Missionary Ridge. The park is now called by the name of both, but there were two distinct battles, the battle of Chickamauga and the battle of Chattanooga or Missionary Ridge.

The ground over which those battles were fought is combined in one park now, and it is under very proper regulations. There are employed there representatives of both opposing armies, and not from one alone. History could not be made truthfully and correctly if it were so. There is a commissioner there who was upon the Union side and another who was upon the Confederate side. They are highly intelligent and cultivated ex-officers, who took part in both of these battles. They are there now, and have been for a year or two, for the purpose of laying off the ground, locating roads, gathering evidence personally and from official reports, to guide them in planting monuments wherever it is necessary in order to indicate where particular lines were; and I understand this is being done in the most harmonious and satisfactory manner.

There is an act requiring that the commissioners shall be appointed, and, as I now recollect, the management for carrying out the act is left to the commissioners themselves under certain regulations which have been adopted by the commission or board.

I am very much pleased to say, sir, having been upon the Confederate side myself, that I was most fairly and warmly met by those on the other side, some of whom were in this body and members of the Committee on Military Affairs of the Senate, and we all agreed that whatever the rights of one side were, similar rights should belong to the other; that the Confederate side and the Union side should have like privileges and like representatives. That, Mr. President, was the agreement, and the work is going on most harmoniously and efficiently.

Now, as to Gettysburg I am not informed. I understand, however, that it seems to have been conducted as a one-sided affair. There has been no one there representing the Confederate side, and they only mark the lines of the Union Army. They do not show the lines of the Confederate army which confronted the Union Army. So, in the end, when you come to look at Gettysburg from a historical standpoint it makes it ridiculous, for it takes opposing lines to make a battle. It is different at Chickamauga Park. Those historic fields—Chickamauga and Missionary Ridge—are being carefully surveyed and mapped by ex-Union and ex-Confederate officers together, who are there for that purpose and are competent to do the work. They are no doubt faithful in their work, and the marks or monuments they place will tell, as far as possible, where every single regiment or brigade, division, or army corps was; where it attacked and where it resisted assault; where it advanced, where retreated, etc. This will be a contribution to history—an object lesson for the historian.

That makes history which will be worth something. But when you have it on one side only, it seems to me there will be much embarrassment when the historian goes to record the truths drawn from facts. When the light of truth shall dispel the shadows of prejudice, the impartial writer will want to look at both sides, just as each army was when the great conflicts occurred.

Mr. HUNTON. I have agreed to modify my amendment in deference to the wishes of the Senator from Massachusetts [Mr. HOAR]. In line 2, after the word "reasonable," strike out "from among those veterans who served in the battle of Gettysburg." The amendment will then read as follows:

And the Secretary of War is hereby authorized to employ at such compensation as he shall deem reasonable, a person who is recognized as well informed in its history, as a representative of the Army of Northern Virginia, to assist in such way as the Secretary of War may direct in preparing the historical tablets of that army for the Gettysburg battlefield.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia [Mr. HUNTON].

The amendment was agreed to.

Mr. VILAS. I wish to ask the Senator from Missouri if he will not now consent to reconsider the committee amendment on page 86?

Mr. COCKRELL. Let it be reconsidered and be open for the action of the Senate.

Mr. VILAS. If that may be reconsidered and the amendment of the committee disagreed to, that ends the matter. It may as well be disposed of at once.

Mr. COCKRELL. I still think that what we did was right. The Senate can act upon it. I move to reconsider the vote by which the Senate struck out the following lines, commencing in line 25, page 86:

And the Secretary of War is hereby authorized to employ, at such compensation as he shall deem reasonable, from among those veterans who served in the battle of Chattanooga, a person who is recognized as well informed in its history, as a representative of the Army of the Tennessee, to assist, in such way as the Secretary of War may direct, in preparing the historical tablets of that Army for the National Military Park.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri, to reconsider the vote by which the amendment indicated was agreed to.

The motion to reconsider was agreed to.

Mr. VILAS. I ask that the proposed amendment be now disagreed to, and then it leaves the record right.

Mr. COCKRELL. The proposition now is on agreeing to the amendment of the Committee on Appropriations to strike out the words which I have just read. We reported to strike out those words simply because with the words "and other" in line 24, on page 86, the Secretary of War could employ the gentleman whom it is desired to have represent the Army of the Tennessee. We had an application to employ some one else representing the other side to this identical place, and we rejected both propositions.

The PRESIDING OFFICER. The words which the Committee on Appropriations proposed to have stricken out will be read.

Mr. COCKRELL. The lines are drawn through at the foot of page 86.

The Secretary of War is hereby authorized to employ, etc.

The SECRETARY. Beginning in line 25, page 86, strike out the following words:

And the Secretary of War is hereby authorized to employ, at such compensation as he shall deem reasonable, from among those veterans who served in the battle of Chattanooga, a person who is recognized as well informed in its history, as a representative of the Army of the Tennessee, to assist, in such way as the Secretary of War may direct, in preparing the historical tablets of that army for the National Military Park.

Mr. VILAS. I simply ask that the proposed amendment of the committee in striking out those words be disagreed to, and that the clause be allowed to stand as passed by the other House.

Mr. COCKRELL. Before that is done, if the Senator from Tennessee has any amendment to offer to the paragraph it is now in order.

Mr. HARRIS. The Senator from Tennessee will certainly offer an amendment when it is open to amendment.

Mr. COCKRELL. It is open now. A motion to perfect the text takes precedence of a motion to strike out.

Mr. HARRIS. I move to insert at the proper point that the Secretary of War shall appoint a person well informed—using the same language—"from both the Union and the Confederate sides of the question," in whatever proper form the words present that idea.

Mr. HOAR. Let me suggest to the Senator from Wisconsin to make the provision correspond with the amendment which has just been adopted, which is acceptable to both sides.

Mr. BATE. I will move to amend the paragraph.

Mr. HARRIS. I have not the bill before me. Let my colleague offer the amendment.

Mr. BATE. In line 5, after the word "assist," I move to insert "and also a like person as the representative of the Confederate army," so that each will have a representative.

Mr. VILAS. I wish to say in one word, believing that I thoroughly know the feeling of the Army of the Tennessee and of the Union soldiers engaged in that battle and who now survive the war, that they will heartily welcome any such contribution to the truth of history. There is not one of them now living who is not ready to extend his hand in the equal, honest, sincere fellowship of citizens of a common country, redeemed and saved, with all that should destroy it left as far as possible to oblivion; and they will be perfectly ready to accept any such contribution or aid.

The PRESIDING OFFICER. The amendment proposed by the Senator from Tennessee will be stated.

The SECRETARY. After the word "employ," in line 1, page 87, strike out—

at such compensation as he shall deem reasonable, from among those veterans who served in the battle of Chattanooga.

And insert after the word "Tennessee," in line 5—

And also a like person as a representative of the Confederate army.

Mr. BATE. I wish to insert the words "Chickamauga and" just preceding the word "Chattanooga;" so as to read "Chickamauga and Chattanooga," because both names should be included.

The PRESIDING OFFICER. The amendment of the Senator from Tennessee will be so modified.

Mr. BATE. It is part of the same park and has been purchased alike by the Government and is now under the contral of the commissioners alike, but it is known as Chickamaugo park.

Mr. VILAS. I appeal to the Senator from Tennessee to withdraw the last suggestion, for I am sure on a moment's reflection he will see that that addition is not needed. The proposal is to have a representative of the Army of the Tennessee, well instructed in its history. It is not necessary that he should have fought in both battles in order to be satisfactory. It is only that the Army of the Tennessee performed its greatest service in the battle of Chattanooga.

Mr. BATE. I will change the word "and" to "or," so as to read, "Chickamauga or Chattanooga."

Mr. VILAS. Very good; I have no objection to that modification.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee, as modified.

Mr. MANDERSON. I should like to have the paragraph read as it will stand after these numerous amendments have been inserted.

The PRESIDING OFFICER. The amendment will be read as it would read if amended on the motion of the Senator from Tennessee.

The SECRETARY. Amend the clause, beginning after the word "dollars," in line 25, page 86, so as to read:

And the Secretary of War is hereby authorized to employ, at such compensation as he shall deem reasonable, from among those veterans who served in the battle of Chattanooga or Chickamauga, a person who is recognized as well informed in its history, as a representative of the Army of the Tennessee, and also a like person as a representative of the Confederate army, to assist, in such way as the Secretary of War may direct, in preparing the historical tablets of that army for the National Military Park.

Mr. MANDERSON. Mr. President, by legislation of Congress two great national parks have been established, one in the East, at Gettysburg, and the other in the West, the battlefield of Chickamauga, taking in the ground about the city of Chattanooga, Missionary Ridge, Tunnel Hill, and Lookout Mountain. I know it is the earnest desire of those who served on both sides during the war of the rebellion that to these two great parks there should be added another. The battle of Shiloh, fought on the 6th and 7th days of April, 1862, made Pittsburg Landing and its vicinity sacred ground, and I hope that the action had as to Chickamauga and vicinity and Gettysburg will be supplemented by having the battlefield of Shiloh also made a national park.

Mr. President, none of these historic fields are of any advantage to the man who proposes to study warfare, and that is an important study, unless the lines of the two contending armies are clearly and distinctly marked, and they must be marked in this day and generation. It is extremely difficult from any of the reports made of these battlefields or from any surveys made of them to fix the exact position of the different parts of the contending armies.

It was my fortune to have been in the battle of Shiloh and also at Chattanooga. I never revisited the battlefield of Shiloh, but I did a few years ago go to Chattanooga and visit the ground in that vicinity. I went over that part of the field over which the command to which I then belonged passed. It was extremely difficult for me to fix the exact line, and yet before I left the place I was able to fix to my entire satisfaction at least the exact position held by the regiment I then commanded.

Now, there is no conflict of opinion or discordant view among those who survive these great battles and who fought on either side. They are anxious that the action which has been taken shall be supplemented. They are desirous that among any employés who may be selected both sides of this controversy shall be represented; and I am very glad to see that there is recognition here of the fact which is a necessity, that those who were on the Confederate side should help select the lines of battle of their forces.

I am not disturbed in mind about the wording of the amendment, but I think perhaps better wording, as we are apt to be a little choice in language that may at some time grate severely upon our ears, would be to say that these persons shall be the representatives of the two contending armies. In that way there would be no allusion which could offend the most sensitive and delicate ear. But I will move no such amendment. I simply desire that this action shall be taken and I hope it will be held in conference.

I know that on the battlefield about Chattanooga and at Shiloh the survivors of both the great armies have met for the purpose of interchange of views. On the 6th and 7th days of last April there met at the battlefield of Shiloh or at Pittsburg Landing prominent officers of both armies. They explored and went over the field together. It was a delightful object lesson in that harmony and unity of feeling that we all now have with reference to matters of this kind.

Those great armies have passed away except those who have grown gray and are the survivors of the conflict, and with the passing of the years the animosities that were enkindled by the war have disappeared. We who fought for the Union and were of the army of the country have ever been ready to recognize the valor and the bravery of those who fought upon the other side, believing just as earnestly and sincerely now as we believed over a quarter of a century ago that we were right and they were wrong, and the facts of history have justified very fully our conclusion in this regard.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee [Mr. BATE] to perfect the paragraph proposed to be stricken out by the Committee on Appropriations.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on striking out the paragraph as amended.

Mr. VILAS. The Senate ought to disagree to the amendment of the committee, which is to strike out the whole paragraph, which has been amended.

The amendment was rejected.

Mr. CAMERON. At the end of line 14, page 2, I move to insert:

For post-office and custom-house at Chester, Pa., in excess of present limits the sum of $20,000, for completion of said building of stone instead of brick.

The amendment was agreed to.

Mr. DUBOIS. I desire to offer an amendment. On page 61, line 14, I move to strike out the word "two."

Mr. TELLER. I ask the Senator from Idaho to yield to me for a moment.

Mr. DUBOIS. I yield to the Senator from Colorado.

Mr. TELLER. The Senator from Idaho yields to me to offer an amendment which will only take a moment, as I understand his amendment may bring out some discussion. On page 53, after the word "dollars," I move to insert:

For the protection of the salmon fisheries of Alaska, under the direction of the Secretary of the Treasury, $4,000.

I will say that there is a letter here from the Secretary of the Treasury recommending it. I think it was by some oversight that it did not get before the committee.

The PRESIDING OFFICER. The amendment submitted by the Senator from Colorado will be stated.

The SECRETARY. After the word "dollars," in line 7, page 53, insert:

For the protection of the salmon fisheries of Alaska, under the direction of the Secretary of the Treasury, $4,000.

The amendment was agreed to.

Mr. DUBOIS. I ask that my amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment of the Senator from Idaho.

The SECRETARY. On page 61, line 14, before the word "hundred," strike out "two" and insert "four," and in line 15, strike out "and seventy-five," before the word "thousand;" so as to read:

For surveys of public lands, $400,000.

Mr. DUBOIS. On the 28th of last March I introduced an amendment to increase the amount for surveys of public lands from $175,000, which was the amount appropriated by the House, to $400,000. That amendment was referred to the Committee on Public Lands, and fairly and thoroughly considered there, and reported unanimously from the committee.

The amount of $400,000 which I propose is the estimate of the Commissioner of the General Land Office. He says that he can not successfully prosecute these surveys with any less amount. We have had this discussion in the Senate for a number of years. We always have it in the other House. It is impossible to get an adequate amount of money to survey our public lands. For the last several years there has never been appropriated less than $400,000 for this purpose. That amount has to be distributed among the States which have public lands, and it leaves but a small sum for each State, which is entirely inadequate. In the State of Idaho alone it will require $32,500 this year to

survey lands which settlers on those lands occupy and who have petitioned for surveys. The amount apportioned to Idaho with an appropriation of $400,000 will not be $32,500; in other words, it will not be sufficient to survey lands which settlers have petitioned to be surveyed and upon which they now reside. I know of a number of settlers near my own town who live on improved farms which they can not get surveyed.

There is not one-third of the land in my State, for instance, which has been surveyed. This is a loss to the Government and a loss to the people. It is a damage in every direction. Whenever the lands are surveyed the settler makes his final proof and pays the Government $1.25 an acre, or whatever may be the price. The money advanced for surveys is only a temporary loan. When the surveys are made the lands are taken up; they are bought from the Government, and the money is returned to the Government.

In addition to the hardships on the actual settlers upon the lands, when the new States were admitted to the Union large donations were given them for educational and other institutions, amounting to more than 500,000 acres in each case. Those lands can not be surveyed. There is not money sufficient to survey them. In consequence of that fact those States are being deprived of that great boon which the Government intended to give them.

There is no economy in refusing to appropriate properly for a survey of these lands. Besides, it has always been the custom of the Government to survey public lands. There is not a foot of land in Indiana, Missouri, or any of those States which has not been surveyed at Government expense. We are following in the line of precedent, and there is no occasion why we should be limited and deprive our settlers of the chance to acquire title to their lands. Until these lands are surveyed no taxes are paid on them; no taxes are collected for school purposes or county or municipal purposes of any kind or description. You deprive the States of the advantage of the taxes which justly belong to them.

There are great valleys in the arid regions which can not be settled upon until canals are run. There is a provision of law now, which is proper enough, that those lands on which settlers are located shall be first surveyed. No settlers can locate upon these lands until after the water ditches are run. Therefore these lands can not be surveyed, for the settlers take precedence, and very properly so. Other Senators will discuss the amendment. I trust that the Senate will accept the amendment and give $400,000 for this purpose, which is as small an amount as has been granted for a number of years, and is entirely inadequate. I desire to submit as a part of my remarks—I will not detain the Senate by having it read—a letter from the board of land commissioners of the State of Idaho, which is quite comprehensive.

The PRESIDING OFFICER. Without objection, the letter will be inserted in the RECORD.

The letter is as follows:

STATE BOARD LAND COMMISSIONERS,
Boise City, Idaho, March 27, 1894.

DEAR SIR: The action of the honorable House of Representatives in reducing the appropriation for public surveys must certainly have been founded on very erroneous information. Forty thousand dollars would be a very small appropriation for surveys in the State of Idaho alone. At present not one-third of the area of the State is surveyed. The immense forests of magnificent timber in the northern part of the State are practically unsurveyed. For years the forests of Idaho have been a favorite poaching ground for timber depredators in the northwest. The fact that the land is unsurveyed removes it from the operation of laws whereby private individuals might secure title and virtually compels those desiring timber to become depredators and violators of the law. Where timber is taken from the public domain illegally, only the choicest portions of trees are removed, all limbs and tops are left on the ground a menace to the growing timber around them.

Every fall witnesses destructive fires in the timber region, directly traceable to the limbs, tops, and other débris left by the depredators. If these lands can be surveyed and rendered subject to the operation of laws for the disposition of the timber lands, they will rapidly pass into the hands of private owners, who will protect their own interests, and in doing so save from destruction timber remaining in possession of the Government. Very much of the land covered by timber in the north is most valuable for agricultural purposes when the timber is removed; but homestead settlers will not locate in Kootenai, Shoshone, Idaho, Nez Perce, and Latah Counties, in the timber regions, under existing conditions. Without surveys, settlers know not where the lines of their claims will run, and they can not clear the land of the growing timber prior to securing title, without exposing themselves to prosecution for violating the laws relative to timber depredations.

Thousands upon thousands of would-be settlers have passed Idaho by, trusting to securing a home in a less favored region, but one in which surveys have been made. Kootenai County, had it been fully surveyed, would have doubled its population during the past year. The lack of surveys in that region has been an embargo upon settlement. Peculiar conditions exist in the great Snake River Valley that lies entirely within the arid belt; the limited amount of water afforded by lateral streams was long ago appropriated for irrigation purposes by settlers in order to reclaim land. Now, there are hundreds of thousands of acres subject to reclamation and water must be taken from the Snake River itself and conveyed to the land to be reclaimed. This work involves very great expense and it is exceedingly difficult under the most favorable conditions to secure the construction of canals.

The laws and the regulations of the Department of the Interior now require that an individual applicant for a survey shall be a bona fide settler upon the land for the survey of which application is made. In the arid region it is impossible for settlers to subsist upon lands until such time as water for irrigation purposes shall have been conveyed upon them; in other words, the irrigation ditch must precede the settler. As a consequence of this there are no settlers in the arid belt to apply for surveys, however much they may be needed. The records of the various land offices will show very many locations of desert claims upon unsurveyed lands. These locations are made invariably in anticipation of the construction of canals; but the desert law does not require actual settlement upon the land, and hence, although the land is claimed in good faith under the desert land law, still the claimants can not make the affidavits necessary to accompany applications for survey; and so far as the Department can tell from its records, there is absolutely no need for the survey of such lands, when in fact thousands of acres are actually under location and ready to be proved up upon so soon as surveys are made.

At present the State under its various grants from Congress, is entitled to select something like four hundred thousand acres of land for various purposes. A great deal has been selected under special grants, but very much remains unselected under them. No lieu selections have yet been made for school land losses, that is, losses consequent upon settlement prior to survey on sections 16 and 36. It is to the interest of every State having unsatisfied grants to secure a speedy survey of the public domain; without surveys the State is powerless. If liberal appropriations could be made for the survey of the lands desired by the State for selection, the best interests of the various institutions intended to be benefited by the legislative grants would be secured, and the objects of Congress in making the grants would be accomplished. Official selectors have examined various sections of the State with a view to the making of selections when the land shall be surveyed.

If now appropriations were available the State could make application, the lands could be surveyed, the State take a portion in satisfaction of its grants, and a great deal of surveyed land be left subject to settlement by individuals. If anything can be done to increase the appropriation for surveys of the public lands, as the same passed the House, no effort should be spared to accomplish the object. Every State in the Northwest is interested, but Idaho most of all.

I make the above statement under and by direction of the State Board of Land Commissioners.

Very respectfully, your obedient servant,

F. A. FENN, *Chief Clerk.*

Hon. FRED T. DUBOIS,
United States Senate, Washington, D. C.

Mr. PEFFER. Mr. President, I am in most hearty accord with what the Senator from Idaho has just stated. I know that settlers in the new States are very much annoyed, and they are frequently put to a great deal of inconvenience as well as expense because the lands upon which they have settled have not been surveyed. It often happens that citizens will organize associations among themselves, and go to the nearest base line that had been established formerly by Government surveys, and as nearly as they can, with the appliances at hand, trace problematical or hypothetical lines as nearly as possible to learn how to locate their dwellings and how to arrange their home conveniences, and frequently in such cases it happens that the parties have made mistakes so great as that when the surveys actually come to be made they will find their buildings on land not belonging to the particular quarter section or half section or section that they supposed or that belonged to them, and much inconvenience and sometimes much loss is occasioned in that way.

There are other private and personal inconveniences, but there are the public inconveniences to which the Senator from Idaho referred in the matter of taxation. None of the unsurveyed lands are subject to taxation, and therefore no public revenue can be derived from them until after they have been surveyed and the ownership is identified. In all of our new States we learn very early that taxation is a great burden upon us. A county when it is organized has all of the officers which are prescribed or provided for in the law of the State, and they are paid by the day, or month, or year, as the case may be. All that is provided for, and the people who own taxable property and they alone are those out of whose pockets comes the public revenue. So one of our first aims is to get as much of our land surveyed as possible, and the owners properly located, and the titles upon the county records.

We have had in the State of Kansas a great deal of trouble with the Pacific Railway Company, who own a large amount of land under a grant from Congress, but refused to have the lands surveyed, and as long as they were not surveyed the State received no taxes from them; the counties received no taxes, the school districts received no taxes, nor the towns which were located upon those lands. So the survey of the lands becomes a very important matter.

In view of these considerations and others which might be mentioned, and to which I would refer if it were not for detaining the Senate so long, I hope that the committee having in charge the bill will consent to the amendment substantially in the form in which it is presented by the Senator from Idaho.

Mr. ALLEN. I desire to move an amendment to the amendment of the Senator from Idaho, to insert after the word "lands," on page 61, line 14, the words "and the irrigation and survey of the arid and semiarid lands of the United States," so that when amended the sentence will read:

For surveys of public lands and the irrigation and survey of the arid and semiarid lands of the United States, $400,000.

I am heartily in favor of raising the sum to the amount included in the amendment of the Senator from Idaho. I think

sound public policy requires that the Government should survey as rapidly as possible every foot of the public lands of the country. Those who live in the West understand the inconvenience of living in a country where the lands are not properly surveyed and the proper field notes of them kept. Immigration is thereby retarded to a very great extent; those who desire to go into the Western country and settle upon the public lands are prevented from doing so, while great cattle organizations and stock-raising organizations are permitted to occupy valuable public land without any compensation whatever to the Government. Much of the trouble which occurred in the State of Wyoming in 1892 grew out of the fact that a portion of the public lands in that State were not surveyed and open to settlement.

Mr. CAREY. If the Senator from Nebraska will permit me to interrupt him, I will say that while I believe in making public surveys, when the Senator says that the trouble in Wyoming grew out of neglect to survey the public lands he is mistaken.

Mr. ALLEN. I simply state what was current history at that time, which I do not personally know anything about, and that is that the contest in the State of Wyoming—and I care nothing about its merits one way or the other—arose between what were known as the cattlemen there and the rustlers, or the actual settlers. Those contests, as I am informed, were in consequence of the actual settlers going upon public lands which were occupied by the cattle companies and making settlements. I believe that to be true. I believe that was the primary cause of the unseemly and bloody struggle which occurred in that State in 1892.

Apart from that, however, and upon the amendment which I have offered, I desire to say that it seems to me that wise public policy would require on the part of this Government an irrigation survey of all the millions of arid and semiarid lands in this country which can be brought into proper cultivation with the proper distribution of water. There are millions of acres of the most fertile lands in this country which could be opened to settlement by actual settlers and cultivated to great advantage to them and to the country at large, adding much to the aggregate national wealth, if we would devise a scheme of irrigation. The only thing those sections of the country lack is a sufficient amount of water supply to produce in abundance the cereals and everything required for sustaining our people.

Nothing, so far as I understand, has been done in that line. To every appeal which has been made to Congress to introduce irrigation surveys, to ascertain by proper surveys the places for the construction of irrigation channels, and to ascertain the proper data upon which irrigation can be entered upon successfully, Congress has turned a deaf ear.

Wherever irrigation has been introduced on these arid and semiarid lands, even on a small scale, it has demonstrated to the satisfaction of the world that these lands can be cultivated with great profit. I need not stand here and contend, for the fact is too well known, that it is good, sound national policy to open every acre of public land in this country and make wise and judicious donations of it for the purpose of bringing these arid and semiarid lands under cultivation.

The loss of crops annually to the country and to the people who have gone upon these lands, and who can sometimes in consequence of a beneficent rainfall raise immense and profitable crops, but who are overtaken occasionally by an extreme drought, as was the case this year, it seems to me would almost pay for the cost of irrigation surveys and the introduction of a system of irrigation.

I believe the time is at hand when this country must take hold of this question of irrigation, and when these millions and millions of arid lands in the country must be opened up by the General Government, so that the surplus population of the country, which is congesting in our cities and threatening the safety of the nation itself, can be thrown out upon these lands to cultivate them with profit to themselves and profit to the country as well.

I think the nation can spend its money no more judiciously and no more wisely than to survey every foot of public land in this country; and not only that, but expend every dollar which is essential to make and complete the irrigation survey in the arid lands of this country, so that in the establishment of a system of irrigation we may act with some degree of intelligence.

Mr. President, I sincerely hope that the amendment of the Senator from Idaho will be adopted with the amendment which I have myself offered.

Mr. SQUIRE. Mr. President, some days ago I offered an amendment which I intended to propose to the pending bill. When the legislative, etc., appropriation bill was pending in the Senate on the 13th and 14th of July I made some remarks on the subject of surveys of lands in the States of the West, and I then submitted some tables which I have before me.

I am in favor of the amendment offered by the Senator from Idaho [Mr. DUBOIS] for the reason that the people of the State of Washington have not been able to obtain surveys of the public lands to the extent necessary and desirable to promote settlement upon the lands in that State.

In looking over the tables to which I refer, I ascertain that there were 8,523,838 acres of public lands in the State of Washington, which were occupied in the year 1893, which were unsurveyed. That one fact paints the story better than any words can tell it; the fact that more than eight and a half million acres of public land were occupied by squatters who could get no title to the lands which they were occupying and cultivating, because it was not possible to procure surveys of those lands, is serious enough to arrest the attention of the Senate and of all right thinking people. I know it to be a fact that the people of my State have been waiting for years and hoping that Congress would make an appropriation which would enable settlers to take these lands and make homes in the best and proper sense, so that they would not be mere squatters on the public domain.

I do not see why the Congress of the United States should not provide the money to make the necessary surveys. Surely there can be no object in withholding the money for this purpose. It is proper that the lands of these new States should be rapidly settled. These great areas of fertile, cereal-producing plains are capable of raising in the State of Washington alone 200,000,000 bushels of wheat per annum. There is no doubt that, rapid as has been the growth of the State of Washington in the decade between 1880 and 1890, as reported by the census, during which time the population increased about 400 per cent, the population would have increased far more rapidly, and settlements would have taken place far more speedily on farms had it been possible to obtain good titles to land.

This is also true of woodland tracts. We have a great area covered by magnificent forests. Their survey is difficult. It is necessary to pay very high rates for surveying them, much higher than for the survey of land on the plains.

The people are desirous of obtaining timber lands for the purpose of manufacturing lumber. We have a very large lumber industry there, including enormous mills scattered all over the western part of the State. Within the past two or three years there has sprung up an immense industry in connection with the manufacture of cedar shingles. The manager of the Great Northern Railway Company, a transcontinental road, which was completed to Seattle within a year or two, has told me in a letter that his company were sending fifty carloads of cedar shingles to the East every day. This alone amounts to more than the commerce of the Kingdom of Greece in currants, which is their principal export industry. The people engaged in the manufacture of lumber want to obtain possession of tracts of timber; and it is right that they shall do so; and it is right that the surveys shall be made to give them title.

I trust I shall not offend the committee having this bill in charge if I urge upon them, in view of these plain facts, that the appropriation be increased to the sum of $400,000, as named in the amendment of the Senator from Idaho.

Another thing, Mr. President, to which I desire to refer incidentally, is that many of the States in the West have had, relatively, large amounts of surveying done upon lands which are not occupied. Several of these States do not require money for surveys of the public lands to the extent that other States require this money, and there ought to be some better method for the distribution of this money. I had prepared an amendment to offer on this point, providing that the amount thus appropriated shall be distributed among the several States and Territories in proportion to the amount of occupied unsurveyed land in each State and Territory at the close of the fiscal year ending June 30, 1894.

I think it is fair that such a provision shall be adopted; but after consultation with some Senators from the States of the West, who have intimated to me that while at the present time their people are not suffering so much as ours are from a lack of these surveys, yet it will not do for them to agree to this amendment, because it might be quoted against them in the future with reference to the coming in of immigrants who would ask for surveys, I shall not insist upon offering the amendment, but I trust the committee will see fit to accept the amendment offered by the Senator from Idaho. The nation can not afford to be stingy and mean in assisting settlers to obtain homes for which the nation receives pay for the land, and taxes thereupon thereafter.

Mr. CAREY. Mr. President, we have to appeal every year to the Senate to give us money for public surveys. The House of Representatives will not, in the first instance, put into the appropriation bills the amount that is actually required in the settlement of a new country.

The money that is appropriated for public surveys is returned very quickly to the Government of the United States. I hold

in my hand a letter from the acting chief of the division of accounts in the Interior Department, addressed to the Assistant Commissioner of the General Land Office, in which he says:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 12, 1894.

SIR: In reply to your verbal request of this date, I have the honor to furnish you herewith the following statement relative to the appropriation for surveying public lands and examinations of public surveys for the fiscal years of 1886 to 1893, inclusive, viz:

SURVEYING PUBLIC LANDS.

Amount appropriated for surveying the public lands for the fiscal years of 1886 to 1893, inclusive	$1,790,000.00
Amount expended on contracts chargeable to above appropriations	818,773.94
Amount of estimated liability of contracts unsettled	640,334.23
Total expenditures and liabilities	1,459,108.17
Amount of appropriations for surveying not used	330,891.83
	1,790,000.00

EXAMINATION OF PUBLIC SURVEYS.

Amount appropriated for examination of public surveys for the fiscal years 1886 to 1893, inclusive	$300,000.00
Amount expended for examinations and chargeable to above appropriations	264,125.15
Amount of appropriation for examinations not used	35,874.85
	300,000.00

Very respectfully,

JAS. B. MANKIN,
Acting Chief, Division of Accounts.

Hon. EDW. A. BOWERS,
Assistant Commissioner, General Land Office.

The Treasury report shows that during the same time the Government has sold public lands, out of which it has realized more than $50,000,000. The most of this money has come out of the pockets of poor people who have settled on the public lands in the West. It will be noted that there has been a net gain from these lands of over $48,000,000. I am one of those who believe that every time the Government sells or disposes of a piece of its land for any purpose, whether it be for settlement or for the purpose of building upon it town lots, or making improvements of any kind, the United States is greatly benefited. The people who purchase these lands pay taxes, and the people who settle upon the lands help to support the Government.

I feel that the Committee on Appropriations ought to give us a little more money than they have allowed. The committees of this body have usually been liberal, but the year before last they gave us only $200,000, which put our surveys very much behind. In the last sundry civil appropriation act there was $375,000 appropriated.

The Secretary of the Interior did not make as large an estimate as Western men believe he should have done, but he made an estimate of $400,000 for the fiscal year which has already commenced. I hope the Committee on Appropriations will allow us this amount. I think it is absolutely necessary in that Western country. It is but a small amount when you consider the large sum the Government receives each year from the sale and the disposition of these lands, very many of which are not really worth the amount for which they are sold by the Government.

Mr. COCKRELL. I hope the amendments will not be agreed to, and I hope Senators will not insist upon their adoption. For the fiscal year 1885 we appropriated for these surveys $350,000; for the year 1886 we appropriated $300,000; for the year 1887 we appropriated $50,000; for the year 1888 we appropriated $50,000; for the year 1889 we appropriated $100,000; for the year 1890 we appropriated $200,000; for the year 1891 we appropriated $425,000; for the year 1892 we appropriated $400,000; for the year 1893, $375,000; and for the fiscal year 1894, $200,000.

The House of Representatives appropriated $175,000, and the Senate Committee on Appropriations report in favor of increasing the amount to $275,000, making an increase of $100,000. Had we done that only, and no more, the Senators might have some right to complain; but we have done more for the Western States in this bill in the legislation and other provisions which are contained in it than has ever been done in any one fiscal year, I care not what year it may have been, even when there was $425,000 appropriated.

Senators will see by the provision we have inserted on page 64 that we authorize the governors of the States to have lands surveyed, and they can have surveyed just as much land as they will advance the money to survey, whether it be $10,000 or $25,000 or $50,000 worth of land. All the governors are required to do is to designate the lands out of which they want to make selection of the lands granted to the States, and furnish the money for them to be surveyed, and the money will then be reimbursed to them by the United States.

Mr. CHANDLER. May I ask the Senator why the governors of States should furnish money to survey United States Government lands?

Mr. COCKRELL. Because it is a physical impossibility for the United States in any one year to survey all the public lands in those States, a large portion of which are now wholly uninhabitable, and it would be an absolute waste of money to do so, as every man knows who has been in that section of the country. If we should irrigate those large arid plains, it would be impossible frequently to leave monuments that could be found ten or even five years afterwards.

Mr. CHANDLER. I wish the Senator would explain it to me, an Eastern man. I can not see any reason, if Congress were now willing to expend two or three times as much money for surveying public lands this year as it did last year, why it can not be done. Why should we not go on and survey all the lands within the next two or three years?

Mr. COCKRELL. If the Senator knows nothing more about our Western lands than to think they can all be surveyed in one year, then I must decline to argue the question with him.

Mr. CHANDLER. But I have to vote on the question, and I ask for information of a man who knows all about it.

Mr. COCKRELL. Not at all.

Mr. CHANDLER. I want the Senator to tell me what is the objection to surveying the public lands two or three or four times as fast as they are now being surveyed? If he does not choose to tell me, and he says I know nothing about it, while he knows all about it, let him keep his knowledge to himself.

Mr. COCKRELL. The reason is that we had to appropriate $15,000 this morning for resurveying, because we could not find the monuments indicating the corners of the land that had been surveyed. There had not been people enough there to keep up the corners. Many portions of that country are in many respects wild country, which will have to be irrigated, and there is no water there for miles.

Mr. CHANDLER. Can not land be surveyed until you have an irrigating ditch?

Mr. COCKRELL. You can survey it if you will go to the expense.

Mr. CHANDLER. Why should you not?

Mr. COCKRELL. You might survey it by having iron posts so that you could put them 4 or 5 feet in the ground where they would remain. Then there would be no trouble about surveying the land and leaving the monuments marking the corners for anybody who wants to go there and settle.

Mr. CHANDLER. Then the reason we can not survey any faster is because we can not get posts to stay in the ground when we put them there? [Laughter.]

Mr. COCKRELL. I am devoting myself to the question as to whether we ought to appropriate more than we have allowed in this bill. I say we have done more than has ever been done heretofore.

Mr. CHANDLER. I am trying to find out why we should not appropriate three or four or five times as much as we have done heretofore.

Mr. COCKRELL. I can not satisfy the Senator from New Hampshire. I refer him to Infinite Wisdom to give him the information he seeks.

Mr. CHANDLER. Infinite Wisdom has very little to do with surveying these lands. He may survey this Senate, but He does not survey the lands of the West.

The Senator says he is arguing against the proposition to expend more money. I shall be compelled to vote against him unless he convinces me that I ought to vote the other way; and I do not see why he should not, from the full source of his abundant wisdom, try to enlighten me courteously, civilly, and fully, because I am an attentive auditor of his whenever he speaks.

Mr. COCKRELL. In answer to the Senators from Idaho, Wyoming, Nevada, and Washington in regard to these appropriations, I simply repeat what I have said in regard to the amounts that have been appropriated, and say that the Senate Committee on Appropriations has this year made more liberal appropriations for surveys than have ever been made in any one year. We have increased the amount from $175,000 to $275,000. We have also inserted a provision in the bill authorizing the governors of States, in order that each State may have an opportunity to select the best lands within its domain—to satisfy the grants made by the Government of the United States to that State for school purposes and other purposes, as we all know—to select valuable lands, and not be compelled to wait until all the lands of those States are surveyed before they can make their selections.

In order that the States may be enabled to make their selections of public lands granted to them by the General Government, we have inserted a provision in the bill that the govern-

ors of any of these States, naming them, Washington, Idaho, Montana, North Dakota, South Dakota, and Wyoming, may apply to the Commissioner of the General Land Office, designating the lands they want surveyed. The lands are then reserved, and they are surveyed, the governors depositing the money necessary to pay for the surveys; and when the lands are surveyed the State makes its selection. It is not compelled to take more than one-fortieth of an entire section or even of a township; it can take what portion it pleases, and the amount the State pays for the survey is reimbursed by the United States. The States simply lose the interest upon the money advanced.

Mr. CAREY. Will the Senator permit me to make a suggestion in reference to this subject?

Mr. COCKRELL. Certainly.

Mr. CAREY. Most of the new States which have been admitted have in their constitutions a restriction so far as indebtedness is concerned. My State can not advance money for such a purpose. We have no right under our constitution to do so.

But there is another objection with many of the States. They have a limit on the indebtedness which the State may incur to 10 mills, or 1 per cent, on the assessed value of the property in the State. They have not the money to pay for these surveys. In other words, under this provision of the bill they must levy a tax in those States for the surveying of the land of the United States. I am glad the proposition is in this bill, and I hope the Senator will keep it in the bill.

If the settlers in a State were hard pressed, they might themselves advance the money to have the lands surveyed; but I think it is a pretty hard requirement on the new States. They do not own the land; they have no control over it; and I think the United States ought to advance the money.

Mr. COCKRELL. Does the Senator want that provision of the bill stricken out?

Mr. CAREY. No; I want it to stay in. Some good may come out of it.

Mr. COCKRELL. I supposed that Senators wanted the provision in the bill or it would not have been inserted; I supposed there was some necessity for it.

Mr. CAREY. It will do no harm. We do not expect to get as much money as we ought to get by this bill, but the Senator from Missouri has always been good to us in the West, and has been inclined to be liberal. We think that $400,000 is as little as we can get on with during the next fiscal year.

Mr. COCKRELL. I have stated what we have done in the way of making the appropriation of $275,000, an increase of $100,000 over the amount appropriated by the House of Representatives, and then we have inserted the provision in regard to the surveys at the instance of the States. In addition to that we have put into this bill a provision, on page 66, which reads:

> For the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, and the selection therein of such lands as are granted therefor.

To enable the Secretary of the Interior to carry out the provisions of that act we have in this bill appropriated the sum of $125,000, which was appropriated under a former act for the survey of those lands granted to the railroads, so that patents may be issued to them and the railroads may be compelled to pay taxes upon them to the States. We have made this amount a permanent fund; we have reappropriated it, and as fast as it is expended in the surveys, and the company reimburses the fund, it is usable again, so that we have practically put $125,000 to be reimbursed by the railroad companies as fast as the lands are surveyed.

The Senator knows well that it is a great advantage to those States to have the railroad lands surveyed. You may turn the money over twice a year, and make it the equivalent of $250,000 if you can have the surveys made. We thought we had dealt very liberally with the new States; we had no disposition to injure them in any way; we wanted to be just and generous and even liberal with them. Therefore we increased the amount from $175,000 to $275,000, an increase of $100,000, and we put in it the provision in regard to the governors of the States, so that the States might select their public lands and have them surveyed. Then we put in the provision reappropriating the $125,000, making it a permanent fund, to be utilized from time to time, and just as rapidly as the railroad lands can be surveyed and the railroads pay the cost of surveying, then that sum is immediately available for another survey.

Mr. CAREY. Before the Senator from Missouri sits down will he please tell me whether the last amount, $125,000, for the survey of land grants of railroads, is appropriated on an estimate of the Commissioner of the General Land Office?

Mr. COCKRELL. Not at all. It is put in the bill in pursuance of an amendment of one of the Senators here. It is to reappropriate that sum. It was appropriated, as the Senator from Wyoming will see, by the act of March, 1887, to provide for the adjustment of land grants, etc.

Mr. DUBOIS. The needs of my State to have its lands surveyed are greater than those of any other State in the Union. As I said awhile ago, there are applications for surveys from settlers living on lands which would cost about $32,500. Of the $125,000 my State will get none, because we have no railroad land grants in it, except a very small strip on the Northern Pacific Railroad in the northern part of the State. The Oregon Short Line, a part of the Union Pacific, which runs through the entire length of my State, having a thousand or twelve hundred miles of railroad, has no land grant. Neither has the Utah and Northern. So, while that provision might benefit some of the States, it will not benefit my particular State.

Mr. SQUIRE. Before the Senator from Missouri sits down I wish to call his attention to one point, which I wish to bring to the notice of the Senate. I do not believe it is right for people to go on and occupy land in a State and not be able to get the land surveyed. I have before stated the area in the State of Washington which is occupied and unsurveyed. Now, let me state what is in the situation in other States. Montana has 6,794,197 acres. Idaho has 12,250,244 acres.

Mr. DUBOIS. Surveyed?

Mr. SQUIRE. This is unsurveyed, occupied land, according to the report of the Land Office. Oregon has 6,104,314 acres of occupied, unsurveyed land. Utah has 10,733,058, and Colorado has 792,396. All this land is occupied and unsurveyed.

Now, let me refer for a moment to the net receipts from the sale of public lands in the State of Washington. For the fiscal year ended June 30, 1892, it was $45,525, and the apportionment made to Washington from the appropriation for public surveys for the fiscal year ended June 30, 1893, was $45,000, showing more received from public lands by $525 than was paid out. Take it for the next year. The total receipts from the sale of public lands in the State of Washington for the fiscal year ended June 30, 1893, was $31,583. The apportionment made to Washington from the appropriation for public surveys for the fiscal year ended June 30, 1894, was $24,000, balance $7,583, showing that amount more received from sale of public lands than was paid out for surveys therefor.

Where is the justice in this when you can see that the Government has received more money by more than 25 per cent than the amount paid out for public surveys? Why not let these people have their lands surveyed? The Government will get the money back rapidly and at a far faster rate than it is paid out for surveys.

Where is the "giving" so much bragged about by the Senator from Missouri? There is no "giving" at all. It is a good investment for the United States and the returns are immediate and in full with a contingent interest afterwards by reason of taxes.

I do not know how these arguments will apply to some other States. I simply state the case as it relates to the State of Washington. The figures are plain and nobody can combat them. I say as a matter of justice and decency the surveys ought to be made. There is no propriety in keeping back the money and preventing the land from being occupied and improved.

I append as a part of my remarks the following letter from the Chamber of Commerce of Seattle:

> THE CHAMBER OF COMMERCE,
> *Seattle, Wash., June 29, 1894.*
>
> DEAR SIR: By a recent letter from the surveyor-general of this State, W. P. Watson, the attention of this Chamber of Commerce has been called to the urgent need of increased appropriations for the survey of public lands in our State, and the chamber has been asked to render its aid in endeavoring to secure a sufficient appropriation.
>
> It is deemed hardly necessary to explain to you at length the condition of our lands and of our settlers, as it is felt that you are well advised on these points; but we take the liberty of asking your attention to the matter when it comes before the Senate for action, to the end that the meager share to which Washington may be entitled, under the item of $175,000 provided in the House bill for the entire United States, may be measurably increased, so that the settlers who have for years been living upon and cultivating lands in this State, remote from comforts and civilization of their fellows, may be enabled to prove up upon their lands and exercise all rights and privileges of ownership.
>
> It is assured that surveys have not been made ahead of the actual needs of the settlers in this State, as 39 per cent of its vacant lands are occupied by bona fide settlers, while 76 per cent of its surveyed lands are so occupied.
>
> Such care and discretion has been exercised in the survey of our public lands that in our State very little wild and unfit lands or mountains have been surveyed. An examination of the records as to the receipts from sale of public lands and disbursements on account of surveys will show a credit of several thousand dollars in favor of the State of Washington.
>
> The large number of bona fide settlers in the western ends of Jefferson and Clallam Counties clamor for surveys as precedent to opening up roads and the ability to seek railroad building and connections. Much land in the Grays Harbor region awaits only private ownership to be amply developed.
>
> The Piedmont country of Western Washington offers untold opportunities to present and intending settlers. Of the Okanogan and Stevens Counties, in Eastern Washington, is the necessity and demand for prompt survey true, as well as of many other sections of the State.

Feeling that the demands of these honorable and thrifty and courageous workers should be met with reasonable consideration from our Government, and further that the new lands be rendered easier of occupancy and cultivation by being surveyed, thereby aiding in relieving the "congested population" of many of our cities and adding so many more home-makers and wealth-producers to our body politic, the Chamber of Commerce of Seattle has instructed its president and secretary to respectfully ask your attention to this matter and your aid in securing a large increase in the appropriations mentioned.

Very respectfully, yours,

E. O. GRAVES, *President.*
WM. H. WHITTLESEY, *Secretary.*

Hon. W. C. SQUIRE,
United States Senate, Washington, D. C.

Mr. MANDERSON. Mr. President, I have the warmest sympathy for the Senator from Missouri in charge of the bill, a warmth of sympathy which perhaps is increased by the intense heat in the Chamber this afternoon. I have a hearty admiration for the regard he has ever shown for Western interests, and I hope he will see his way, before we get through with this question, to meet the views of those who represent the new States and the far western portion of the continent. In the State of Nebraska there are no unsurveyed public lands, and yet as an old resident of that State I remember the deplorable condition which existed when there were lands that should be surveyed. Therefore, from that experience, I am in hearty accord with the Senators from the States west of Nebraska who are clamoring, and very properly clamoring, that the public lands within their borders shall be surveyed just as rapidly as a proper regard for the public expenditures will permit. I do not think the proposed increase to $400,000 for that purpose is too much.

Mr. President, I did not rise however, to address myself to that amendment so much as to the amendment proposed by my colleague. His suggestion is that the $400,000 which may be appropriated, or whatever sum may be appropriated, in addition to being used for surveys of public lands, shall also be used for an irrigation survey of the arid and semiarid lands in the United States. I do not understand that my colleague means a survey in the usual acceptation of the term as applied to public lands. It is that topographical survey and that report as to the surface of the ground, the capacity of its streams, the places for reservoirs, the places for the location of artesian wells, which will give to this now suffering country some relief.

In the semiarid lands of the West, attracted by the flaming advertisements of railroad companies that had land grants there, tempted by the propositions made by the Government of the United States, settlers have made their homes. They have been able to eke out in some years a very miserable existence. Tempted by the rains that come copiously in some years, they have hung on through years of following drought. This very spring there was enough of rainfall to tempt them to put their crops in the fields, and yet there has come a drought upon them which beggars description. Streams are dry which usually flow with water in a fairly wet season. The Platte River is almost a fit subject for irrigation. Both my colleague and I have received letters from our State which show a most deplorable condition.

As the people have been tempted upon those lands by the holding forth of these promises, it seems to me no more than fair that the Government should expend some money for their relief, especially as it will get it back a hundredfold, and far more, if those lands by irrigation can be made productive and there shall not be that uncertainty of a crop that is incident to reliance on rain. It will be to the great good of the entire country.

Early in the present session I introduced an amendment intended to be offered to the sundry civil bill, in which I proposed an appropriation for the purpose of gauging the streams and determining the water supply of the United States, including the investigation of underground currents and the boring, in arid and semiarid sections, of experimental artesian wells.

The amendment went by regular course of the Senate to the Committee on Irrigation and Reclamation of Arid Lands. There it sleeps to-day. I have been unable to submit it to the bill, because I knew that the point of order would be made upon it, because it had not received the consideration of that committee. I enter complaint here, in proper parliamentary language, against the committee for that which I think has been the neglect of a very important matter.

When I presented to the Senate the amendment to the sundry civil appropriation bill which has received this complete ignoring, I produced a letter from a gentleman high in official position in this country, connected with the Geological Survey, who has given very great study and thought to the subject of the reclamation of the arid and semiarid lands. I beg leave to quote from it:

The investigations by the Geological Survey into the water resources of the country have been carried on in the past under the general appropriations, with the ultimate object of obtaining facts similar to those collected and published regarding the mineral resources.

That is what we want. The Government of the United States, for the purpose of advancing itself and enriching itself, has made large expenditures of money for the purpose of showing the mineral resources of the country. There is far more of wealth in the streams of this country, those on the surface and those under ground, in the productive power that they will give to the fertile soil, which simply needs water, than there is in all the mineral resources of the United States, and it is a more certain supply of wealth. And should we not, when we have spent money so lavishly for the purpose of developing the mineral resources, go into this enterprise and show where reservoirs can be established, make the surface lines and surveys which will show what streams can be used, and by experiment show where these underground currents are which, being tapped by the bored well, will bring forth the copious stream that will enrich the soil? It seems to me that we should. He goes on further:

The object of the Survey has been to study certain representative streams, ascertain the fluctuations of water supply, and at the same time obtain all facts accessible concerning the underground waters, their movements and availability for use.

And there is a very important consideration.

Thus the results are valuable, not only in all considerations of water power and municipal supply, but also in the questions of irrigation development, now so pressing in the West. That the work is generally appreciated is shown by the numerous inquiries constantly reaching the Survey regarding the possibilities of the development of efficient supplies of water from various streams or deep wells.

Some of these questions it is possible to answer, while to satisfactorily solve other problems will require thorough examination. Questions concerning the feasibility of attempts to secure artesian waters are particularly difficult, and at the same time are of great importance to persons or localities demanding a full knowledge of the facts. Petitions and requests are constantly being received that actual tests be undertaken in all parts of the country, especially upon the Great Plains, and while it may be questionable whether or not such tests should be undertaken by the Government, there can be no doubt but that this Survey should be in a position to determine whether there is reasonable probability of obtaining artesian water at different points.

The study of existing artesian conditions, made for the Census Office, demonstrated that thousands of failures could have been prevented and hundreds of thousands of dollars saved in experimental drillings had full information as to the probabilities been sought before the expenditures were made. On the other hand, it is highly probable that undiscovered artesian basins can be pointed out, or at least chances of success determined, before drillings are made. This, however, can only follow upon a thorough examination of the conditions which govern the occurrence and distribution of waters.

I do not think we are asking of the Congress of the United States anything that is unreasonable or unfair. I do not think we are asking much of those who live in a land flowing with milk and honey, the Eastern land, where the rain falls in its proper season, and where the conditions of life in many regards are far more pleasant than they are in the West, when we ask of them this sum out of the abundance of the country, for this is an abundant country. It is not in an impoverished condition. There is temporary difficulty in the Treasury by reason of conditions which I think we will remove when a different party gets at the helm of the ship of state. I think we will see a return of better conditions and an overflowing Treasury when by proper financial fiscal methods we shall put ourselves on the road to prosperity.

But this country is certainly able to give to the people of the West that expenditure which is needed to show where they can properly make their effort at irrigation. No men and no number of men combined can do it. It needs a surface survey of large tracts of land; it needs the taking of elevations; it needs exploration by these scientific men, and they are very few in number who are able, from the course of streams which, because of the nature of the soil go under the earth's surface and are carried along in a lower stratum that will hold water, to find where these underground currents are and where the artesian wells can properly be bored.

I do not expect the Government of the United States to go into the actual work of digging irrigation ditches and constructing reservoirs. That will be done by private parties as soon as the surveys are made which will show what can be accomplished by such ditches. I do not expect the Government of the United States to go into very great expenditure in the way of digging artesian wells, but it certainly could make experimental borings here and there throughout the West, in the State of Kansas, in the State of Nebraska, in the Dakotas, or in the States west of that territory, to show by such actual experiment that it is possible to get the water to spout out from under the earth to do great good to the soil.

Whatever may become of the amount, whether it shall remain at $275,000, which I think is not sufficient for the purpose, or whether it shall be more, I earnestly hope that the amendment proposed by my colleague [Mr. ALLEN] will be adopted and that it will not meet with any opposition from the committee. It is certainly in the right direction.

Mr. WHITE. Mr. President, I desire to occupy the attention of the Senate for only a moment. I notice that my friend, the

Senator from Nebraska [Mr. MANDERSON], referred in somewhat severe terms to the Committee on Irrigation and Reclamation of Arid Lands, of which I have the honor to be chairman. He complained that his amendment had not been acted upon.

If the Senator from Nebraska had manifested a very small quantity of that enthusiasm which scintillated from him a little while ago, and had suggested to any member of the Irrigation Committee that he would like this particular amendment called up, I have no doubt it would have been called up, provided it would have been possible to have gotten the committee together. Certainly, the Senator should not proceed to annihilate, figuratively speaking, the committee merely because the amendment was not called up and acted upon. Indeed, he does not know but that perhaps the committee spent night after night and delighted itself during this charming weather in considering his amendment, and that it perhaps failed to report the amendment because it did not desire to report it adversely and thus wound the sensibilities of the Senator from Nebraska.

Mr. MANDERSON. Did the committee do that?

Mr. WHITE. I say that the Senator from Nebraska does not know but that the committee did so, and he is estopped——

Mr. MANDERSON. The Senator from California does know, and I ask him for information.

Mr. WHITE. The Senator from Nebraska is not in a position to ask any questions about it. He has had the amendment carefully locked up in his desk for the purpose apparently of making an attack upon the most innocent of all committees of this body, and one which has not been able during the present session to furnish a great deal of water because of lack of funds, owing, as I think, to the action of the party to which the Senator belongs.

As to the matter which is really under consideration—because after the manner of epic poets, my friend digressed into a discussion of the aridity of the lands of the West—I understand it is in reference to an appropriation for the surveys of the public lands in the United States. I do not wish to extend the debate, but being pretty familiar with the requirements of a portion of the Western country I know it is the general opinion of those well informed that the estimate made by the Commissioner of the General Land Office is not excessive.

There are in the Senate two gentlemen who have been at the head of the Interior Department, and who know that the necessities for surveys can be appreciated only by those who come in actual contact with the business of the disposition of public lands. I myself know many instances where persons have been unable to transact business, to obtain money upon their property, or to do anything with it because of the fact that they have not been able to have their land surveyed in the possession of which they have been for a long time. For that reason I think the estimate made by the Commissioner ought to be adhered to.

I cordially indorse all that has been said in regard to the action of the Committee on Appropriations. They have been more generous this year than perhaps ever before. It shows that we are approximating a thorough knowledge of the subject. Therefore in what I have said there is no reflection at all upon them, because I appreciate what they have done; but I still think that the estimates made by the Land Office ought to be followed by the Congress of the United States.

Mr. CHANDLER. Mr. President, the Senator from Missouri argued that more money than the amount which the committee has reported could not be wisely expended; that there is danger of waste in a too rapid survey of the public lands. There is no question here to-day as to any such waste of money by a too rapid survey. The motion is merely to increase the appropriation to the amount which is estimated for by the Interior Department. It would not be in order to move to appropriate a greater sum, and the question is why the $400,000 estimated for should not be appropriated.

I still venture to say that a liberal appropriation, as liberal an appropriation as estimated for, namely, $400,000, ought to be made for the survey of the public lands. I can not see why there is any objection to proceeding with the utmost possible speed in making those surveys. It would do no harm, in my judgment, with all due deference to the Senator from Missouri, to go on with the survey of lands which are not settled upon, and which are not likely to be settled upon for years to come. I can not understand why there is any objection to appropriating sufficient money to substantially survey all of the public domain now remaining undisposed of. That being my opinion, and it not having been changed by anything the Senator from Missouri has stated or refused to state, I shall vote for the motion to increase the appropriation to the sum of $400,000, as asked for by the Interior Department.

There is another consideration which influences me, and that is that I believe in these times it is wise to keep as many men in employment as can be profitably employed. It is the season of the unemployed, and instead of having the Government appropriations reduced and limited where there is work to be done, I should have those appropriations increased. I believe it would be a good time to dig certain coastwise canals and to put to work many of our unemployed citizens.

I quote, without enlarging upon this point, from the well-written words of the junior Senator from Texas [Mr. MILLS]. I have heretofore had occasion in the tariff debate to quote from the article on the Wilson bill by Hon. ROGER Q. MILLS, in the February (1894) number of the North American Review. I now read and place upon the record these words, which I commend to the careful consideration of the chairman of the Committee on Appropriations:

> In the unhappy condition of our country to-day our statesmen—

And he includes the Senator from Missouri as one of our statesmen as well as himself—

> our statesmen should bend every energy of mind and muscle to find employment for every one of our idle workmen. Public works, wherever they are to be constructed, should be entered upon now, and the most liberal appropriations should be made for their continuance; instead of discharging one person from Government employ, two should be taken on. This course should be pursued by national, State, and local authorities.

I ask the Senator from Missouri if he is willing to take this principle, thus felicitously expressed, as a guide to conduct him in the preparation of appropriation bills? I know the Senator from Florida [Mr. CALL], who I see in the Chamber behind the Senator from Missouri, is governed by that principle and is willing to accept the Senator from Texas, as he speaks in this article, as his guide; and I regret that the Senator from Missouri is not willing, as one opportunity of employing more men, of taking on more men instead of discharging men from Government employ, to make the small and reasonable appropriation, as I conceive it to be, which the Commissioner of the General Land Office and the Secretary of the Interior ask for the surveys of the public lands.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. DUBOIS].

The amendment was agreed to.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment of the Senator from Nebraska [Mr. ALLEN].

Mr. ALLEN. I should like to change my amendment, so as to insert after line 13, on page 61, what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated as modified.

The SECRETARY. Insert after line 13, page 61:

> For the purpose of making an irrigation survey of the arid and semiarid lands of the United States, to be expended under the direction of the Secretary of the Interior, the sum of $100,000, or so much thereof as may be necessary.

Mr. ALLEN. Mr. President, I have no desire to detain the Senate at any particular length on this question, although it is a very important matter to a great many of the States of the Union. It is highly important, in my judgment, to ascertain the proper data by making an irrigation or topographical survey, whatever it may be called, of the arid and semiarid lands of the country, with a view of introducing there as soon as possible a system of successful irrigation.

I am not now prepared to say whether the Government should itself enter upon the introduction of irrigation, although I am frank to say that I can see no reason why it should not, for a great many years ago, I do not know but that it was in 1820, or possibly earlier, Congress appropriated a large sum of money for the construction of a national pike, running from this city, I think, to St. Louis, Mo.

The power of the Government to appropriate money for this or any other public purpose is unquestioned and unquestionable. That this Government has actual power to appropriate money to bring these arid and semiarid lands into a state of useful cultivation, no man in my judgment can for a moment deny. The only question then to be considered is, is it advisable, is it good policy, to start now and make a beginning in this respect, and to have the Secretary of the Interior gather up the necessary data from which a system of irrigation can be introduced successfully among such lands.

This is an important matter, Mr. President; more important than one would think at a casual glance. Our country is becoming congested in certain centers of population. Men are coming to this country annually by the thousands and by the hundreds of thousands, seeking homes and seeking employment. They are congregating in our cities, so that the question of municipal control has become an important question in this country to-day, and in my judgment our liberties are as much endangered by the congestion of an irregular population in our great cities as from any other cause. It is important in that view to open up the millions of acres of arid and semiarid land, so that the surplus population of our country may be in-

duced to occupy these lands and to cultivate them with profit to themselves and with profit to the country.

Those who are not familiar with these lands and the people who have settled upon them can form no adequate idea of the condition of affairs in that part of the country to-day. There are certain seasons when upon these lands, or a great portion of them, crops can be cultivated with success, when there is sufficient rainfall for that purpose, and wheat, corn, and all of the products indigenous to the climate and soil can be produced in abundance. Then there comes a season, or perhaps two or three seasons in succession, when crops planted in the spring which bid fair to ripen into a bounteous harvest are absolutely and completely destroyed and a great portion of the population is driven from the lands back into the more thickly settled portion of the country.

The western part of my State is as rich a portion of the earth as there is in the United States when there is sufficient rainfall or when properly irrigated. It is a section of country that grows everything in ample abundance. I received but a few days ago a letter from a prominent gentleman in that portion of the State, stating that two thousand families had moved from one Congressional district in the northwestern portion of my State, and that they had gone East in consequence of the complete destruction of the crops there. I received but yesterday a letter from the judge of the district court at my own home, who said to me that, going through my town and going east from the western portion of the State and from a portion of Wyoming, there were daily wagons by the dozen carrying drought-ridden families to the eastern portion of this country for sustenance.

This condition is not peculiar to the western portion of Nebraska. It is found in Wyoming; it is found in all that portion of the country formerly known as the Great American Desert. Families by the thousands are traveling East, where the crops have not been a failure, for the purpose of obtaining subsistence during the winter.

Under such circumstances what policy should be pursued? Should we not begin now, without any unnecessary delay, and gather together the necessary data for the purpose of introducing a system of successful irrigation in that portion of our country? It will not do for the Committee on Appropriations to say that they have recommended the appropriation of all the moneys that can be appropriated at this time. One hundred thousand dollars is nothing as compared with the riches to be added by the opening up of that great portion of our country. The people who have located their homes there are entitled to this consideration. All of these lands, with the proper moisture, are of excellent producing quality. The people of this country who are seeking homes upon these public lands are entitled to this consideration, and they are entitled to it at once.

As I said a moment ago, the introduction of a successful system of irrigation of these lands will go very far toward determining the question of the surplus population of the United States. It will furnish people an opportunity to leave the overcrowded cities and villages. It will give them an opportunity to go upon these lands and occupy them and build homes, and to do so successfully.

I hope that the committee having in charge the pending appropriation bill will see the propriety and necessity of starting now upon this subject and gathering the necessary data for the introduction of a successful system of irrigation.

Mr. HARRIS. Mr. President, the amendment of the Senator from Nebraska proposes to appropriate $100,000 for a survey looking to irrigation. Another amendment or suggestion I heard made on the floor was for an appropriation to bore artesian wells in different localities to find water and bring it to the surface. Before I enter upon this broad field I would be glad to have information that I will not now ask for, but I will procure it before the next session, as to about the annual income from the sale of public lands and the expense of administering the laws in respect to the public lands.

I am strongly inclined to the opinion that it costs this Government more to administer the laws and regulations in respect to the public lands than the Government ever derives from their sale. If that be true, or approximately the case, I should be glad to donate, to give absolutely to the States in which they may lie, the public lands of the Government, and let them administer them and irrigate them and cultivate them and utilize them in any way their wisdom and their own interests may suggest.

Mr. MANDERSON. We would be very glad to accept them.

Mr. HARRIS. I want to investigate that matter, but at present I shall not vote for any one of the amendments which are suggested with a view that the Government shall expend $100,000 for this survey, or any sum for boring artesian wells to find out where water can be brought to the surface, or any sum for the purpose of establishing dams and reservoirs to store water, that it may be doled out when it may be necessary.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. ALLEN].

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 2, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August 1, 1894.*

The House met at 12 o'clock m. Prayer by Rev. W. E. PARSON, D. D.

The Journal of the proceedings of yesterday was read and approved.

YOUNG MEN'S CHRISTIAN ASSOCIATION, WASHINGTON, D. C.

The SPEAKER laid before the House a bill (H. R. 7071) to exempt the property of the Young Men's Christian Association of the District of Columbia from taxation, with an amendment of the Senate thereto.

The Senate amendment was read, as follows:

Strike out all after the enacting clause, and insert:

"That all property belonging to the Young Men's Christian Association in the District of Columbia, used and occupied by that association, shall, so long as the same is so owned and occupied, be exempt from taxation, national and municipal: *Provided*, That where ground of said association is larger than is reasonably required for its use, or is not actually used for the legitimate purposes of said association, or if said ground or buildings shall be used for private gain, such portion of said ground or buildings as shall not actually be used for the purposes of said association, or from which it derives a rent or income, such portion of the same, or a sum equal in value to such portion, shall be taxed against such association."

Mr. HEARD. Mr. Speaker, the object of the Senate amendment is simply to make more explicit the point that in case any part of the property of the Young Men's Christian Association referred to in the bill should thereafter become a source of gain, from rents or otherwise, or should in any way be used for the profit of the association, or for other purposes than those connected with the legitimate business of the association, it shall then pay taxes. That is all there is to the amendment, and I move that the House concur.

The motion was agreed to.

On motion of Mr. HEARD, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

WASHINGTON AND GREAT FALLS ELECTRIC RAILWAY.

The SPEAKER also laid before the House a bill (H. R. 6777) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company," with amendments of the Senate thereto.

Mr. HEARD. Mr. Speaker, the modifications made in the House bill are very material, and I therefore move that the House nonconcur and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER appointed as the conferees on the part of the House, Mr. HEARD, Mr. RICHARDSON of Tennessee, and Mr. POST.

AUGUSTUS C. CARY.

The SPEAKER also laid before the House the bill (S. 1948) granting a pension to Augustus C. Cary.

Mr. BARNES. Mr. Speaker, I ask unanimous consent that that bill lie on the Speaker's table for the present.

There was no objection, and it was so ordered.

AMERICAN TRANSPORTATION COMPANY.

The SPEAKER also laid before the House the bill (S. 1471) to provide for the adjustment and payment of the claim of the American Transportation Company for dredging done at Fairport Harbor, in the State of Ohio.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to examine and adjust the claim of the American Transportation Company against the Government of the United States for dredging done at Fairport Harbor, in the State of Ohio, under a contract between said American Transportation Company and the United States, and determine what amount of dredging was done thereunder, the amount paid on account thereof, and the balance remaining unpaid, which balance he shall certify to the proper accounting officers for payment in the manner prescribed by law; and for the payment of said claim the sum of $5,434.18, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the request of the gentleman from Ohio for the present consideration of this bill?

Mr. SAYERS. I will ask the gentleman from Ohio to explain the bill.

Mr. GROSVENOR. I will make a brief explanation. The contract for the dredging of 65,000 cubic yards of material inside the harbor at Fairport was let to the claimant in this case. By reason of obstructions on the outside of the bar, and by reason also of a great strike, which we all heard of, which happened among the labor organizations at that time, the work was not completed.

It was not contemplated, however, that it should be completed within the period covered by the contract, and two short extensions were given by the Engineer Department of their own motion. Finally a third extension of thirty days was asked for by the contractors, they simply sending in the consent of the bondsmen, supposing that was all that was necessary, but to their surprise Maj. Overman, then in charge of the work, canceled the contract.

Thereupon the unfinished portion of the work was relet and was bid in in the individual name of one of the contractors, and was completed within the limit of expenditure fixed by the original contract.

Mr. SAYERS. Then I understand the gentleman to state that the original parties did in fact complete this work, although they completed it under a new name?

Mr. GROSVENOR. Yes; under a new name, because of the actual cancellation of the original contract.

Mr. SAYERS. And I understand the gentleman to say also that the parties for whom relief is sought here were never paid?

Mr. GROSVENOR. They were never paid the 10 per cent reserved, or that portion of the money which came within the month at the close of their contract.

Mr. SAYERS. And the Government, I understand, has suffered no loss by the failure of the original contractors?

Mr. GROSVENOR. None whatever; and the recommendation here is that the Government shall pay simply what they would have paid under the original contract.

Mr. SAYERS. Another question: Does the gentleman know whether there are funds sufficient to the credit of this work to meet this payment?

Mr. GROSVENOR. I have no doubt of it.

Mr. SAYERS. I ask that question because I observe that the bill carries an appropriation.

Mr. GROSVENOR. There is a balance to the credit of that fund in the hands of the War Department under the river and harbor act, under which the contract was let. I yield now to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, I think I can explain in a minute to the gentleman from Texas and to everybody else how this matter stands. This harbor was one of those where continual work was required during the boating season to keep the channel open. By the original contract the work was to run until the 1st of July, but the engineer in charge agreed with the contractors that instead of doing all the work and expending all the money by the 1st of July, and then leaving the harbor to fill up so that navigation could not go on, it would be better to do the work gradually, stretching it out over the whole of the boating season.

Through some informality, however, when about three-fourths of the work was completed, the contract was annulled. Then the superintendent of this company was allowed to finish the work in his own name, and he went on and did finish it. There is this further fact which ought to be known to the House, that the company were doing this work at the actual cost of it, if not a little below cost, for the benefit of navigation and transportation, so that they never have made a cent out of it. And it was merely a misunderstanding between the Government officers there as to their authority in the premises.

Mr. BURROWS. I see this is a Senate bill. I wish to ask whether it has been considered by the House committee?

Mr. CLARK of Missouri. It has been considered by the Committee on Claims of this House and reported favorably; and a bill precisely like it is now pending in the House.

Mr. BURROWS. All right.

Mr. SAYERS. I do not object to the passage of the bill. The question which suggested itself to me was whether we might not be making a double appropriation.

Mr. GROSVENOR. I think not. This is simply an appropriation of the money on hand for this purpose.

Mr. CLARK of Missouri. The matter has been carefully looked into by the committee.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEGAL REPRESENTATIVES OF JOHN C. HOWE, DECEASED.

The SPEAKER also laid before the House the bill (S. 1154) for the relief of the legal representatives of John C. Howe, deceased.

Mr. EVERETT. I ask unanimous consent for the consideration of this bill.

The bill was read.

Mr. SAYERS. I object to the present consideration of the bill. Let it go to the Committee on Claims.

Mr. EVERETT. If the gentleman will allow me to make a statement before he presses his objection——

Mr. JONES. I shall have to object to the consideration of the bill. It has been understood that to-day was to be given to the consideration of the election case of Moore *vs.* Funston.

The bill was read twice, and referred to the Committee on Claims.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were respectively read twice, and referred as stated:

A bill (S. 2131) to secure uniformity in the names of minor streets of the cities of Washington and Georgetown—to the Committee on the District of Columbia.

A bill (S. 463) to reimburse the State of Nebraska for expenses incurred by that State in repelling a threatened invasion and raid by the Sioux in 1890 and 1891—to the Committee on Claims.

REPRINT OF BILL AND REPORT.

On motion of Mr. REILLY, by unanimous consent, it was ordered that House bill No. 7798 and report No. 1290 be reprinted, the previous print having been exhausted.

AGRICULTURAL APPROPRIATION BILL.

Mr. HATCH submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 65 to the bill (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 65.

W. H. HATCH,
W. S. FORMAN,
DAN WAUGH,
Managers on the part of the House.

WILKINSON CALL,
CALVIN S. BRICE,
S. M. CULLOM,
Managers on the part of the Senate.

The report was agreed to.

On motion of Mr. HATCH, a motion to reconsider the vote by which the report was agreed to was laid on the table.

ELECTION CONTEST—MOORE VS. FUNSTON.

Mr. PAYNTER, by unanimous consent, submitted his views dissenting from the report of the Committee on Elections upon the contested-election case of Moore *vs.* Funston, from the Second district of Kansas.

RESURVEY OF GRANT AND HOOKER COUNTIES, NEBR.

Mr. McRAE submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6720) entitled "An act providing for the resurvey of Grant and Hooker Counties, in the State of Nebraska," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment, and agree to the same with the following amendment: Strike out the following language: "And that the sum of $15,000, or so much thereof as is necessary to carry into effect the provisions of this act, is hereby appropriated out of any money in the Treasury not otherwise appropriated;" and that the Senate agree to the same.

T. C. McRAE,
O. M. HALL,
G. D. MEIKLEJOHN,
Managers on the part of the House.

FRED T. DUBOIS,
W. V. ALLEN,
S. PASCO,
Managers on the part of the Senate.

The following statement of the House conferees was read:

The effect of the Senate amendment as now amended by the conference report will be to preserve and protect the bona fide claim of any actual occupant of any of the lands to be resurveyed and to eliminate the appropriation of $15,000 proposed by the Senate. The bill as thus amended is substantially as it passed the House.

THO. C. McRAE,
O. M. HALL,
G. D. MEIKLEJOHN.

The conference report was agreed to.

On motion of Mr. McRAE, a motion to reconsider the last vote was laid on the table.

HENRY JAMES.

Mr. McRAE submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2695) for the relief of Henry

James residing in the original Hot Springs Reservation in the State of Arkansas having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: Include in the part proposed to be stricken out by the amendment of the Senate all down to the end of the bill and insert in lieu of the part proposed to be inserted the words "nine hundred dollars;" and the Senate agree to the same.

T. C. McRAE,
J. W. MOON,
Managers on the part of the House.
J. H. BERRY,
S. PASCO,
J. W. DOLPH,
Managers on the part of the Senate.

The following statement of the House conferees was read:

This bill as it passed the House authorized the sale of the lot therein described to Henry James for the sum of $1,200, the appraised value as shown by the last appraisement in 1891. The Senate amendment reduced the price to $600, the alleged value at the time Mr. James claims to have offered to purchase. The amendment agreed upon and now submitted by this report fixes the price at $900.

THO. C. McRAE.
J. W. MOON.

The conference report was agreed to.

On motion of Mr. McRAE, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. 207) granting jurisdiction and authority to the Court of Claims in the case of the towboat Future City, her barges, cargoes, etc.;

A bill (S. 320) authorizing the Purcell Bridge and Transfer Company to construct and maintain a bridge over the South Canadian River at or within 1 mile of the town of Lexington, county of Cleveland, Territory of Oklahoma;

A bill (S. 1399) to promote the efficiency of the naval militia;

A bill (S. 1438) for the relief of Louis A. Yorke;

A bill (S. 1999) for the relief of Charles T. Russell;

A bill (S. 2245) to prohibit the interment of bodies in Graceland Cemetery in the District of Columbia;

Joint resolution (H. Res. 207) authorizing the Secretary of the Interior to approve a certain lease made in Polk County, Minn.;

Joint resolution (H. Res. 121) authorizing proper officers of the Treasury Department to examine and certify claims in favor of certain counties in Arizona;

A bill (H. R. 108) to fix the times and places for holding the Federal courts in the State and district of Nebraska;

A bill (H. R. 650) to remove charge of desertion standing against Oliver O'Brien;

A bill (H. R. 1461) to remove the charge of desertion from the record of Andrew L. Grugett, as a former member of Company E, Sixth Tennessee Cavalry, in the war of the rebellion, and to grant him an honorable discharge therefrom;

A bill (H. R. 2795) to amend section 5 of the act approved June 18, 1878, entitled "An act to organize the Life-Saving Service;"

A bill (H. R. 4346) extending the benefits of the marine hospital to the keepers and crews of life-saving stations;

A bill (H. R. 4448) for the relief of persons who have filed declarations of intention to enter desert lands;

A bill (H. R. 4567) establishing a fog signal at Kewaunee, Wis.;

A bill (H. R. 4903) to authorize a compromise and settlement with the State of Arkansas;

A bill (H. R. 5312) authorizing the construction of a lightship, with fog signal, to be established to the eastward of Boston Light, Massachusetts, and for the establishment of range lights in Boston Harbor, Massachusetts;

A bill (H. R. 6080) granting a certain military reservation to Oklahoma City, Okla., to aid the public free schools thereof, and for other purposes;

A bill (H. R. 6719) to provide for the validation of affidavits made before United States commissioners in all land entries;

A bill (H. R. 6754) to amend section 15 of an act approving, with amendments, the funding act of Arizona, approved June 25, 1890;

A bill (H. R. 7518) to amend an act to authorize the construction of a steel bridge over the St. Louis River, between the States of Minnesota and Wisconsin; and

A bill (H. R. 7753) to exempt the articles of foreign exhibitors at the interstate fair at Tacoma, Wash., from the payment of duties.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendments bills of the following titles:

A bill (H. R. 4611) to amend an act approved January 26, 1893, to authorize the construction of bridges across the Hiwassee, the Tennessee, and Clinch Rivers, in the State of Tennessee;

A bill (H. R. 6814) extending the time of payment to purchasers of lands of the Omaha tribe of Indians in Nebraska, and for other purposes; and

A bill (H. R. 6902) granting an increase of pension to Mrs. Susie Conway.

The message also announced that the Senate had passed with amendments the bill (H. R. 7488) authorizing the Secretary of the Interior to grant leases for sites on the Hot Springs Reservation, Arkansas, for cold-water reservoirs, asked a conference with the House on the bill and amendments, and had appointed Mr. BERRY, Mr. McLAURIN, and Mr. CAREY as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 2650) providing for the public printing and binding and the distribution of public documents, asked a conference with the House on the bill and amendments, and had appointed Mr. GORMAN, Mr. RANSOM, and Mr. MANDERSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 7451) to authorize the entry of land for gravel pits and reservoirs purposes and authorizing the grant of right of way for pipe lines, asked a conference with the House on the bill and amendments, and had appointed Mr. CAREY, Mr. PASCO, and Mr. McLAURIN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 4606) to amend sections 5365 and 5366 of the Revised Statutes; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the bill (S. 1262) for the relief of Paul McCormick; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2151) to amend an act to authorize the construction of a steel bridge over the St. Louis River, between the States of Wisconsin and Minnesota, approved April 24, 1894.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 7753) to exempt the articles of foreign exhibitors at the interstate fair at Tacoma, Wash., from the payment of duties.

The message also announced that the Senate had receded from its amendment to the bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department.

CONTESTED ELECTION—MOORE VS. FUNSTON.

Mr. JONES. Mr. Speaker, I call up for present consideration the report of the Committee on Elections in the contested-election case of Moore *vs.* Funston from the Second district of Kansas.

The SPEAKER. The Clerk will report the resolutions of the committee.

The Clerk read as follows:

Resolved, That Edward H. Funston was not elected and is not entitled to a seat in the House of Representatives of the Fifty-third Congress as Representative from the Second district of Kansas.

Resolved, That H. L. Moore was duly elected and is entitled to a seat in the House of Representatives as the Representative from the Second district of Kansas in the Fifty-third Congress.

Mr. JONES. Mr. Speaker, there has been some conference between the majority members of the Elections Committee and some members representing the minority, as to the time which would be desired for debate in this case. An agreement has been reached by which each side, as I understand it, is to have two hours, and that a vote upon the case shall be taken this afternoon at the conclusion of that time.

I would like to hear the views of my colleague on the committee, the gentleman from Massachusetts [Mr. McCALL], as to the proposed arrangement.

Mr. BURROWS. I understand from gentlemen on this side that that arrangement will be satisfactory.

Mr. McCALL. It will be satisfactory.

The SPEAKER. The Chair would suggest that in the same connection an agreement be made as to the control of the time. If there be no objection, the debate upon this case will be limited to four hours, two hours on each side, the two hours in support of the committee report to be controlled by the gentleman from Virginia [Mr. JONES], and the two hours in opposition to be controlled by the gentleman from Massachusetts [Mr. McCALL]. Is there objection? The Chair hears none.

Mr. JONES. Mr. Speaker, the record in this case is an exceedingly voluminous one. It covers something like 1,700 pages of very closely printed matter. The questions in dispute are also very numerous, involving many intricate propositions of law as well as of fact, and therefore it is entirely impossible that a case of its magnitude and importance could be fully discussed in all of its various details in the time allotted for its consideration.

I shall not even attempt, Mr. Speaker, to go into many of the details of the case in the remarks I now propose to submit. It would be impossible for me to do so. I shall confine myself, therefore, to what I regard as the important and salient points of the case, and I shall devote most of my time to an examination and discussion of the methods employed by the managers of the Republican party in Kansas City, Kans., which is located in Wyandotte County.

This contest comes from the Second Congressional district of the State of Kansas. The returns upon their face show that E. H. Funston, the contestee, received 22,898 votes; that H. L. Moore, the contestant, received 22,817 votes, and D. W. Huston 696 votes, giving an apparent plurality of 81 to the contestee, the sitting member.

The first question which is involved and which presents itself to the consideration of the House is a question of law. It is claimed by the contestee that the notice served upon him by the contestant is not sufficiently broad and comprehensive to cover all the points in dispute, concerning which evidence has been taken. It is claimed, on the other hand, by the contestant that the answer or countercharge, a copy of which is required to be served upon the contestant, was not served within the period prescribed by law.

The law requires that the notice of contest shall be served within thirty days after the determination of the result of the election by the officer or board of canvassers authorized by law to determine the same. It also provides that a copy of the answer shall be served upon the contestant within thirty days after service of notice of contest. In this case there is no question or dispute as to the time within which the notice of contest was served. It was served within the time specified. A true copy of the notice was left with the wife of the contestee on the 26th day of December, 1892, at his residence in Allen County, Kans. Personal service was had on contestee on the 26th day of December in the city of Washington.

Mr. FUNSTON. On the 28th.

Mr. JONES. On the 28th, I should have said.

A copy of the answer to the notice of contest was delivered to the wife of the contestant at his home in Lawrence, Douglass County, in the State of Kansas, on the 27th day of January, and personal service was had on the contestant on the 28th day of January. It is not necessary, therefore, for this House to decide whether personal service of the notice of contest or of the answer is necessary, as it is obvious that the answer was not served within the thirty days prescribed by statute, whatever may be the correct rule as to the manner of service.

If service by delivering a copy at the residence is good, then the contestee is in default, because the notice in that event was served December 26, 1892, and the answer January 27, 1893, making just thirty-two days. If personal service is required, the contestee is still in default, because personal service of the notice of contest was had on him December 28, 1892, and no personal service of his answer was had until January 28, 1893, the period intervening being thirty-one days. In any event, therefore, the answer was not served within the period prescribed by the act of Congress.

The Committee on Elections was unable to discover in what manner the parties have been prejudiced, either by the default of the contestee or by the narrow scope of the notice of contest. The notice is sufficiently definite and explicit to cover all the main questions in issue, and the contestee has in no instance been taken by surprise or deprived of an opportunity to meet the evidence produced by the contestant. The Committee on Elections believed it to be right to disregard technicalities not affecting in any respect the substantial rights of the parties and to decide the case upon its merits.

Had we applied to the notice of contest the rule of pleading upon which the contestee insists and to the answer the plain requirements ot the law, the contestee would have been without any answer and entirely out of court.

The chief interest in this case centers around two of the nine counties which compose the Second Congressional district of Kansas, namely, the counties of Wyandotte and Allen.

In the County of Wyandotte, in which Kansas City, Kans., is situated, there was a serious breach in the Republican party. One of the candidates upon the regular Republican ticket was exceedingly obnoxious to a large element of the Republican party in that city. Mr. Buchan, the regular Republican candidate for the State senate, was so objectionable to an influential element of Republicans in Kansas City, that they broke into open revolt and undertook to run a separate and independent ticket, known as the anti-Buchan Republican ticket.

Early in the campaign rumors were in circulation in Kansas City to the effect that there was a well-defined plan and conspiracy on the part of the Republicans to elect the Republican ticket and defeat the Democratic ticket by registering illegal and fictitious voters by the wholesale. The chairman of the Democratic committee, having learned that fact, appointed gentlemen in whom he had confidence to make a house-to-house canvass of certain precincts in Kansas City, and Mr. Keplinger, the president of the Anti-Buchan Republican Club, also took vigorous steps to uncover the frauds which it was proposed to perpetrate upon the voters of Wyandotte County. As a result of the investigation thus set on foot by the managers of the Democratic party and the independent Republican organization it was made manifest that 1,991 votes were illegally registered in Kansas City by the heelers of the Republican party for the purpose of overthrowing the will of the people.

Mr. McCALL. I should like to ask the gentleman whether it is in evidence that those votes were illegally registered in the interest of the Republican party?

Mr. JONES. I will say to the gentleman upon that subject that when I get through with my statement I think it will be very evident to everybody who hears me that those registrations were made in the interest of the Republican party. The evidence is naturally circumstantial to a considerable extent, but it is so clear and so convincing in its character that no disinterested man, in my judgment, can come to any other conclusion than that it was done by the managers of the Republican party, and in the interest of the candidates upon the Republican ticket.

As I have already said, this investigation was instituted by the managers of the Democratic party and those of the independent Republican organization, and the result was that they became convinced that unless prompt and vigorous measures were taken the election would be nothing less than a hollow mockery. The president of the Anti-Buchan Club, himself a Republican, testified that he became convinced from evidence he could not question that the attempt was made by the managers of the regular Republican party to register at least 1,000 fraudulent votes; and James F. Getty, an intelligent lawyer, a Republican, and an unwilling witness, testified that in his own precinct, which was a residence precint, there were at least seventy of these fraudulent registrations.

Mr. Speaker, after the election was over the Democratic managers appointed gentlemen who had lived in these precincts for a great many years, some of them for twenty years, to go from house to house for the purpose of ascertaining if possible whether or not persons suspected of illegal registration and illegal voting actually resided where they registered from, or whether indeed such persons had any actual existence. These pollers have testified in this case, and it is objected by the contestee that much of their testimony is hearsay and that it was therefore not properly admissible.

It is true that they testify, in a number of instances, that they derived their information from the owners and proprietors of the houses where they inquired. They were told by the occupants of the houses that no such persons as those inquired of lived there, or had ever lived there. The Committee on Elections did not base their conclusions upon this testimony. There is in the record abundant evidence, the competency of which can not be questioned, to convince the most skeptical that a large number of persons voted upon false registration certificates; that they were registered from places that had no existence.

Some of them were registered from vacant lots, some from churches, and others were in the penitentiary, where they were supposed to have registered and voted. But whilst the committee has not taken into account the testimony which I have referred to as having been objected to as hearsay, and it is not at all necessary to do so, there are circumstances under which it would be entirely competent testimony, and it would be doing no violence to any rule of evidence, to admit it in this case. On this subject I will read from McCrary on Elections, section 356. I read:

> For the purpose of showing that nonresidents have voted, witnesses are often called to testify that persons whose names appear upon the roll as having voted are not known to them as residents of the county or voting precinct, as the case may be. This kind of evidence is admissible for what it is worth, but it is manifest that its value must depend upon circumstances. If the district or territory within which the voter must reside is large or very populous and the witness has not an intimate or extensive acquaintance with the inhabitants, the evidence will be of little value, and standing alone will avail nothing.
>
> But, on the other hand, if such district or territory is not large or populous, and if the witness shows that his acquaintance with the inhabitants is such that he could scarcely fail to know any person who may have resided therein long enough to become a voter, his evidence may be quite satisfac-

tory, especially if it further appears that soon after the election the alleged nonresident voter could not be found in the district, within the limits of which all voters must reside. Proof of this character must at least be regarded sufficient to shift the burden upon the party claiming that the vote of such alleged nonresident be counted and require him to show affirmatively that he is a bona fide resident.

Mr. BOATNER. Will the gentleman yield for a question, for information?

Mr. JONES. Certainly.

Mr. BOATNER. As I understand, this objection on the part of the contestee is raised to testimony of this character, going to show that people had voted who had been improperly or fraudulently registered.

Mr. JONES. Yes.

Mr. BOATNER. How many votes were thrown out, if any, by the committee, upon that ground?

Mr. JONES. I will say to the gentleman that it is almost impossible for me to answer that question, owing to the character of the testimony. The committee were well satisfied that there were a large number of false registrations, and that a great many illegal votes were cast by repeaters and others not entitled to vote. How many, no mortal man will ever be able accurately to say. There is absolute proof as to 68 illegal votes, and the strongest circumstantial evidence as to many more.

If the rule of evidence laid down by McCrary is to be followed, then there were at least 128 fraudulent votes cast for the contestee in Wyandotte County. If we count only the 68, the 81 plurality returned for the contestee is well-nigh wiped out by these clearly-proven fraudulent votes.

But, Mr. Speaker, the contestant did not relax his efforts to find these people whose names appeared upon the registration books, and who the poll books showed had actually been voted, when the pollers reported that they could not find one of them. He had subpœnas issued for every one of the various voters whose legality or existence was questioned. He used the means the law placed at his disposal in order to bring them before an officer and have their testimony taken.

In every single instance the officer returned that no such person could be found. Every one of them, if they ever had any existence, had misteriously disappeared. The contestee did not attempt to produce them. No reasonable man can escape the conclusion that he could not have done so.

When the Democratic managers learned of the false registration of which I have spoken they concluded to place challengers at the various polling places to frustrate, if possible, fraudulent voting. At the Third precinct in Kansas City they placed a man named J. J. Rooney, and furnished him with a list of over 300 people who were found not to have been properly registered or to have had no existence whatever.

Mr. BOATNER. Did the election list show they voted?

Mr. JONES. Yes, sir; the election list showed that many of them voted, as we contend. I shall attempt to show by the strongest circumstantial evidence that they not only voted, but that they voted the Republican ticket, or that repeaters voted that ticket in their names. At the polling place in this third precinct Rooney was stationed with the list which I have described, and when the suspected men came up to vote he challenged their votes. The law of Kansas requires that when a voter's right to vote is challenged the judge of election shall place on his ballot the number corresponding with his name on the poll book, and that the word "sworn" shall be written after his name on the book.

When this law is not complied with there is no means of discovering for whom a challenged voter has cast his ballot. Every time that the judges observed that plain requirement of the law and the ballot was afterwards identified, it was found to be a Republican ticket. In a great many instances the judges of election, the Republican judges of election, for let me remark right here that the election machinery in this county was all in the hand of the Republican party——

Mr. DANIELS. Will the gentleman permit me to ask him one question?

Mr. JONES. Certainly.

Mr. DANIELS. Does not the sworn testimony show that Mr. Craddock was a Democrat in the third district?

Mr. JONES. Yes, sir. Mr. Craddock, one of the judges at the third precinct, stated that he was a Democrat. I am speaking generally. There may have been one or more exceptions. This was possibly the result of a resignation or a removal. But almost without exception the naturalization, registration, and election machinery was in the hands of the friends of Mr. Funston.

At any rate the judge who received the ballots at the third precinct, and to whom the challenges were made, was a Republican; and in most instances he refused to recognize the challenge, saying to the challenger, "I know that man; he is all right," and then put the ballot in the box. It is in evidence that when he thus disregarded challenges he did not in some cases know the man's name, and could not read it when it was shown him.

The voters were Poles and Hungarians, who were working for the Armour Packing Company, men who could not read a word of the English language, who could not speak a word of the English language, and who could not understand a word of it when it was spoken. Yet this Republican judge, in the face of these facts, and over the protest of Democratic challengers, simply said to them, "I know that man; he is all right;" and put the ballot in the box. The law was not observed and it was therefore impossible for the Democrats to prove other than by the strongest circumstantial evidence for whom these men voted. Does any gentleman on this floor doubt for whom they voted? They were brought in herds to the polls by Republican bosses, and Republican officers refused to provide the only and the legal means of identifying their ballots.

Mr. IKIRT. How many of such men were there?

Mr. JONES. The challenger states that in this precinct there were at least 40 or 50, and two judges of election corroborate his statements throughout.

Now, I want to mention right here, for fear I may forget it, because this third precinct plays a most important part in this contest, that when the polls were opened a man named Mark Cromwell, a Republican in the employ of the Republican committee, came to the precinct, and in face of the law which provides that three and only three judges of election shall hold an election, forced himself upon the election board and sat as one of the judges throughout that day.

It is in evidence, and that evidence is uncontradicted, that Cromwell is a sleight-of-hand performer and an all-round juggler. He also passes under different names. This Republican juggler not only received ballots, but when those ballots were counted on the next morning he took them out of the box and called off the names to the man who kept the tally. More than this, it is in evidence that at this precinct one of the Republican clerks became so intoxicated that he had to be removed and another man put in his place who was not sworn and was not in any way authorized to act.

Gentlemen will see how important these matters are when I come to speak of another feature of this case. When the depositions in this case were being taken, some time in February, 1893, the clerk of the county court of Wyandotte County, a Republican, who by law is the custodian of the ballots, was placed upon the witness stand. He was asked to produce the ballots that were voted at this third precinct. He said he did not have them with him, but that he would produce them. Afterwards he came before the notary who was taking the depositions and said that he was unable to find those particular ballots.

Subsequently he testified to this remarkable story: He said that on that morning, before he had eaten his breakfast, a Republican neighbor named Carpenter came to his house and delivered to him a package, which was addressed to him in a scrawling or disguised hand, saying he had found it on that morning on his gate-post. The package was torn open on one side, and ballots were protruding therefrom. The clerk said that in his opinion those were the missing ballots.

One of the judges of election at this precinct testified that he saw at least thirty or forty scratched tickets in the box when the tickets were being counted by the Republican sleight-of-hand performer, as I have described, and another testified that in his opinion there were not less than forty or fifty.

Now, when this package of mutilated ballots, which was not found it would seem until three months after the election, and then found on top of a man's gate in the town where the clerk resided—when this package was found, its was discovered that there were only five or six scratched ballots in it.

Mr. MCCALL. Let me ask the gentleman whether those ballots that were found did not exactly agree with the count made by the election judges at the time of the election?

Mr. JONES. That is true enough, but the gentleman must remember that a Republican juggler and sleight-of-hand performer, who forced himself upon the election board and then acted as a judge, had the best of opportunities to manipulate those ballots. He read off many of the ballots, and how easy it was for such a man to read straight tickets for scratched ones. When a recount was asked for months afterward, it became very necessary to put straight tickets in the place of the scratched ones. Mr. Mark Cromwell was no longer to be permitted to do the calling off. Hence we are introduced to these gate-post ballots.

Mr. BOATNER. Where had the ballots been in the meantime?

Mr. JONES. They were delivered by Mr. Craddock, the Democratic judge, to the clerk of the county, who was by law the proper custodian of them. The clerk says that he does not remember their delivery, though he does not deny that they were

delivered, and he does admit that if the poll books had been delivered without the ballots he thinks he would have noticed the omission. He merely says he is utterly unable to account for the disappearance of the ballots, if they were ever in his office. We can only conjecture how they got out of the office.

Mr. BOATNER. The gentleman says, however, that the ballots were not found in the custody of the clerk, where they belonged?

Mr. JONES. Yes; that is what I said. I fear the gentleman from Louisiana did not hear my statement. The clerk of the court was put upon the stand in February, 1893, and asked where those ballots were. He said at first they were in his custody in the clerk's office and that he would produce them the next day. When the next day came he was unable to produce them, but afterwards he came before the notary public taking the depositions and stated that to his great surprise a neighbor of his, a Republican, had brought the ballots to him in a mutilated condition, with one side of the package containing them torn open. This neighbor said, it seems, that he found them early that morning on the top of his gate. It was found upon investigation that there was one ballot in the package with Mr. Moore's name stricken off and Mr. Funston's put on. There were three ballots with Mr. Funston's name stricken off and Mr. Moore's inserted. There were one or two where both were scratched and no name inserted. With these exceptions, the gate-post ballots were all straight. They were made straight to fit the count. At this precinct Mr. Moore received 335 and Mr. Funston 310 votes, according to the count.

The gentleman who was running on the Republican ticket for Congressman-at-Large received, I think, 314 votes and the Republican Presidential electors 312 votes; so that Mr. Funston fell only from 2 to 4 votes below the vote given his party.

And just upon that point, since my friend from Massachusetts [Mr. MCCALL] has interrupted me, I wish to read just here a line or two from a report which he himself made and which would seem to have some bearing on the point which he desires to make. His report bears out my contention that Funston ran far behind his party associates and that the few scratched ballots found in the gate-post package do not begin to represent the full extent of the scratching done at the third precinct.

Mr. Funston was not popular and no special work was being done for him individually at the third precinct. On the contrary, Moore was admittedly running ahead of his ticket. The judges who testified as to the large number of scratched ballots could not have been so greatly mistaken. But, as I have said, the views of the minority strengthen my position.

My friend says in this minority report:

> The energies of the Republican party were expended chiefly in the election of senator. There were the regular organization, with its committee, and the anti-Buchan organization. The two branches of the Republican party were engaged in fighting and watching each other. The evidence shows that one wing of the party was coöperating with the Democratic party. Two of the principal witnesses of the contestant, Geddy and Keplinger, were members of the anti-Buchan club. The polls were watched by representatives of all parties and factions, and, in addition, Federal supervisors were appointed. Mr. Funston's cause sunk into insignificance on account of the great division in his party in regard to the election of the State senator, and there was a good deal of indifference as to his fate, while his Democratic antagonist was left to pursue his plans unchecked.

The minority admit that there was the greatest indifference manifested at this precinct in regard to the fate of Mr. Funston; and yet the ballots, the gate-post ballots as they have been described, would show that Mr. Funston ran within two votes of the Republican electors. They are entitled to absolutely no weight. The evidence is clear that when the ballots were counted the contestant was grievously cheated by somebody.

Now, I want to read to the House a bit of interesting Republican testimony showing the way the Poles and Hungarians, who were voted for Funston, were registered. Whilst there is a provision in the constitution of Kansas which excludes from voting every ex-Confederate soldier, the law is so liberal toward foreigners—Poles and Hungarians—that one of that class has only to reside in the State six months, in the precinct thirty days, and to have declared his intention of becoming a citizen to be entitled to exercise the right of suffrage.

Mr. Getty, an intelligent Republican, of whom I have before spoken, thus graphically describes the manner in which ignorant foreigners were transformed into American citizens and made good Republican voters. Here is his very language:

> Of my own personal knowledge I know this: That there were a very large number of persons taken to the office of the clerk of the district court and were there given their first papers, which entitled them to vote at that election; improperly in this, that men were taken there who were unable to speak, read, or understand the English language, who signed the books containing the oath without knowing the contents of it, without making any statement of the time that they had lived in the State or county, and without having any interpreter present to interpret to them questions to them by the deputy clerk of court, or to interpret the oath or statements to them; that after they had signed the book containing the oath or declaration, that they were then led from that office to the office of the register of the commissioner of elections by subforemen, foremen, or employés of the Armour Packing Company, and presumably registered and given certificates of registration.
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> I say presumably because I saw numbers of those men taken to that latter office by these foremen and saw them come out of that office, in many instances, with paper in their hands that I know from the shape and color of the paper were registry certificates.
>
> I know in one particular instance of three men being brought into the office of the clerk of the district court who were unable to speak a single word, or understand a single word, or read a single word of the English language. They were led by a foreman or employé of the Armour Packing Company; that there was no one present at that time who could even make them, by the use of language, understand that they should hold up their right hand, or sign the book or the affidavit; that the fact they should hold up their right hand was communicated to them by a sign from the foreman who brought them in there; that the fact that they must sign the affidavit was communicated to them by the foreman taking the pen, dipping it in the ink, putting it in their hand, taking hold of the hand containing the pen, drawing it over to the book, indicating a blank line, and motioning for the person to write there; that to those three men the contents of the oath and declaration was not interpreted, but was simply read off in English, and I remarked at that time to the clerk that those men didn't know what they were doing; that is, the deputy clerk, who was present, and he answered that he knew they didn't, and that there was a very large number coming in there daily and getting their first papers who were in the same condition. I think I can give the names of the three individuals I refer to.

The clerk of the United States district court was also examined as to the manner in which these foreigners made their declarations to become citizens. He was asked:

> Q. And you issued these papers to anyone who applied, I suppose, and everyone?
> A. Yes, sir.
> Q. You made no explanation to them as to what these papers signified, or no one else did, to your knowledge, did you?
> A. No, sir.
> Q. As to whether these people could read or understand the language, you did not know?
> A. No, sir.
> Q. I suppose a large portion of these people to whom first papers were issued put in their appearance to obtain their papers only a short time before the election, did they not?
> A. Yes, sir. (Record, pages 1096, 1097.)

That is the testimony of the clerk of the United States district court. Of course he was a Republican.

Mr. DANIELS. I wish to ask the gentleman whether Mr. Towner, the clerk of the district court, did not, in speaking of a large number of those persons, give this evidence:

> Q. Was this August Anderson in your office during the month of November, 1892?
> A. Yes, sir.
> Q. What nationality is he and what tongue does he speak?
> A. Swede; speaks the Swedish language.
> Q. How long has he been there as deputy clerk?
> A. I think he came in September, 1892. I may be mistaken; he might have come a little later.
> Q. I will ask you if you have any knowledge with reference to persons applying for and taking out their naturalization papers under the hand and seal of your court?
> A. Yes, sir.
> Q. State how this was done. I mean by that, state when these persons applied for naturalization papers what was said or done by you or your deputy?
> A. Made out their papers.
> Q. In cases where they were foreigners and spoke a tongue or language which you are not familiar with, whether or not a person who could speak their tongue accompanied them to the office of the clerk of the district court as their interpreter?
> A. Yes, sir.
> Q. I will ask you if one of their countrymen, or a person who spoke their language, did not accompany them to your office when they took out their papers?
> A. Yes, sir.

I ask the gentleman whether that evidence was not given by the clerk of the district court?

Mr. JONES. Of course that testimony is in the record; the gentleman has read it from the record. It was hardly necessary for my friend to ask me if what he has just read is not in the record, and to take up my time in reading it. That testimony is in the record. I have not attempted to read all the witness said. He was a most unwilling witness for the contestant. He made the best showing he could for himself and his party. He prostituted his office to assist his party, and yet his admissions, as I have read them, prove that the foreigners who took out their first papers in his office were in absolute ignorance as to what they were being required to do. The passage read by me establishes this.

If I were to occupy the entire time from now until the close of this session I could not read all the testimony in this immense record. If my friend from New York wants to get any particular testimony before the House I hope he will use his own time for that purpose.

Mr. Speaker, I must necessarily go over this case very hurriedly. I will now refer briefly to one other precinct in Kansas City, and then I will leave Wyandotte County. But before doing so, let me make this observation in regard to the vote of the Third precinct. It seems that the majority which was given Mr. Moore in that precinct was 25. He was given 335 votes; his opponent, the contestee, 310 votes, leaving Mr. Moore a majority of 25.

The usual Democratic majority in this third precinct in a Presidential year is about 100. Mr. Moore ran ahead of his ticket,

and Mr. Funston behind his, and it is admitted that little interest was taken in Funston's election. But however that may be, the Republicans were generous enough to let Moore have 25 majority. I think I have shown that the frauds practiced in this precinct were sufficient to justify the rejection of the whole poll. But to reject the poll would be to take from Moore the small majority that has been graciously conceded him.

It is clearly not a case where justice would be subserved by the rejection of the entire precinct. If the contestant will suffer greater injury by rejecting the poll than by letting the fraud stand, the only just and legal thing to do is to correct the poll by adding the votes out of which the contestant has clearly been defrauded. To do that is to elect him without considering any other question in the case.

But, Mr. Speaker, I was about to say something in regard to the manner in which the election was conducted in the fifth precinct. At that precinct there was all manner of cheating and intimidation indulged in by the Republican managers of the election. They stationed a negro policeman in front of the voting place, a man named Pres Younger, who refused to permit men to hold scratched tickets or give them to voters, stating that such tickets were illegal and that he, as an officer of the law, would not permit them to be used by colored voters.

This is established by the testimony of Taylor, the recorder of deeds for this District, who is a resident of Kansas City, and by that of others. Colored men holding tickets with Funston's name scratched therefrom were not permitted to vote them.

Mr. LACEY. How many Democrats were intimidated by that action?

Mr. JONES. One hundred voters, colored people mostly, it is estimated, were thus prevented from voting. The colored people as a rule were not in favor of the election of Mr. Funston, as the witness Taylor and others say. But I will say for the benefit of my friend from Iowa, and others on his side of the House, that if he will read the testimony produced before this House in the Fifty-first Congress, of which Congress I believe he was a member, in the case of McDuffie against Turpin, and that of Venable against Langston, he will be reminded, if he has forgotten the fact so soon, that his party threw out hundreds and thousands of votes in those cases, thus giving seats to Republican contestants upon far less evidence of intimidation than is shown to have existed in this case, and he probably voted to unseat the Democrats on those occasions.

Now, Mr. Speaker, I want to refer very briefly to a few other facts in connection with this case. There are others who desire to speak on this side; and I will content myself with a very brief reference to the dispute over the vote of Allen County.

The law of the State of Kansas requires that the commissioners of election shall sign the election returns. In the county of Allen, Mr. Funston's own county, where he is given on the face of the returns 93 majority, not a single one of the commissioners of election signed the returns.

It is true the clerk of the board signed the name of the president of the board, which he says was by his direction and permission; but the other two commissioners of election were not even asked to sign the returns, and one of them testifies in the record and gives his reason for it, that he would not have signed the returns even if he had been requested to do so. The law bearing upon this point is so plain that it is hardly necessary to refer to it.

All the text-writers upon this question declare that where the returns are not signed by at least a majority of those who are required to sign them, in the absence of an express statutory provision providing that they need not do so, they can not be received, and the Committee on Elections in their report have quoted from the decisions of the supreme courts of various States from Maine to Florida to sustain that proposition.

So, Mr. Speaker, upon this point there can be no doubt, and even if every question of fraud, of false registration, and of false naturalization, be eliminated from this case, Mr. Moore is entitled to and must receive the seat which he claims. Mr. Funston is given 93 majority in Allen County, and if the vote of that county is rejected for the want of proper authentication, Mr. Moore is elected.

In conclusion, Mr. Speaker, I will say that Mr. Moore claims, and his attorneys have figured out, that his majority is over 1,300. The Committee on Elections is unable to find the testimony to support so large a claim, but for the reasons which I have so imperfectly and briefly given the House, we have felt justified in reporting that the contestant should be given the seat now held by the contestee. The frauds practiced by the Republican party in Kansas City were of the most flagrant and shameless character, and Mr. Funston was the beneficiary of these frauds.

My friend from Massachusetts [Mr. MCCALL] has devoted three pages of his report to the discussion of the testimony of five persons who, he says, are gamblers, and besides, residents of Missouri. He evidently proceeds upon the theory that the majority of the Committee on Elections rely somewhat upon that testimony. Such is not the case. The majority do not even refer to it, and they certainly based none of their conclusions upon it.

Mr. MCCALL. With reference to the testimony of those five gamblers produced by the contestant, I should like to ask the gentleman if that testimony tends to prove the claim of the contestant that the gambling element was working in the interest of the contestee? That is the relevancy of that.

Mr. JONES. If that is the only relevancy it has I will simply say in all kindness that I think my friend made a great mistake to devote one-third of his report to that sort of testimony.

It may not be very important, but to my mind the evidence establishes conclusively that the gambling element in Kansas City was upon the side of the Republican party. Be that as it may, however, the contestant's claim to a seat in Congress is not based upon the testimony of any gambler. For the most part it is supported by the testimony of Republicans who became disgusted with the corrupt practices of their party.

Mr. BROWN. How much time has the gentleman from Virginia [Mr. JONES] occupied?

The SPEAKER *pro tempore* (Mr. O'NEIL of Massachusetts). The gentleman has occupied fifty-five minutes.

Mr. MCCALL. Mr. Speaker, I should like to offer the resolutions which I send to the Clerk's desk as a substitute for the report of the majority at this time, and I will ask for a separate vote upon them when the vote is taken.

The SPEAKER *pro tempore*. Does the gentleman from Massachusetts wish the resolutions read now?

Mr. MCCALL. Yes.

The SPEAKER *pro tempore*. The Clerk will read the resolutions offered by the gentleman from Massachusetts.

The Clerk read as follows:

Resolved, That H. L. Moore was not elected a Representative in the Fifty-third Congress from the Second Congressional district of Kansas, and is not entitled to a seat therein.

Resolved, That Edward H. Funston was elected a Representative in the Fifty-third Congress from the Second Congressional district of Kansas, and is entitled to a seat therein.

Mr. MCCALL. Mr. Speaker, I agree with my friend from Virginia [Mr. JONES] in one statement he has made, and that is that the record in this case is very voluminous. The testimony occupies nearly 1,600 pages. In the vast extent of that record lies the contestant's safety. It is because this record is so vast, contains so much that is irrelevant, and because it is absolutely impossible during the brief time allowed for this debate for the House to get the few grains of truth in this great mass of chaff—it is because of these facts that an injustice may be done the contestee. I venture to say that if time were granted to carefully sift this testimony there is not a lawyer on the Democratic side, if he looked at it fairly and dispassionately, who could reach any other conclusion than the one reached by the distinguished gentleman from Kentucky [Mr. PAYNTER], a member of the Committee on Elections, who was honored a few days ago by a nomination as judge of the court of appeals of his State. I believe you would reach the same conclusion he has reached, and find that Mr. Funston was legally elected to this House and is entitled to retain his seat.

Mr. Speaker, I am sorry that every Democratic member of this House can not be in his seat and give some attention to the character of the testimony produced here by the contestant, and upon which he relies in his attempt to overturn this election. It is declared here that there was a great conspiracy to commit frauds on the ballot. What is the evidence? At the outset, he produces the testimony of the chairman of the Democratic committee and of the bolting Republican committee that it was proposed by the Republicans to commit great frauds. Is that claim at all novel in the conduct of an election in this country? Is it unusual for this chairman or that chairman, before an election, to claim that his antagonist proposes to commit frauds?

If these claims are to be regarded as evidence, the election that could stand in this country would be rare indeed. I assume, however, that you do not propose to unseat a member and base your verdict upon charges merely. I assume that you will say to the contestant, "If there is any fraud, you shall have the fullest latitude to prove it; we will hear your testimony, but we can not regard a charge without proof." The majority of the committee at the outset of their report, very prudently call attention to the difficulty of proving such charges. That, surely, is a wise precaution, in view of the character of the testimony. Let us consider the contestant's case on this point.

He claims, at the outset, that there were 1,991 fraudulent registrations in Kansas City. This claim shrinks somewhat when he comes to produce the proof, and he says in his brief that there were 400 names illegally registered upon which votes

were cast, and then he descends another notch in his claim, and declares that of these 400 he has "hunted down" 128.

Now, Mr. Speaker, it may be a very disagreeable, a very disreputable thing to "hunt down" men, but that is exactly what the law requires, and I assume that is exactly what this House will require. You will say to the contestant, that no matter how much he may claim, you can deduct from the contestee's vote only such votes as he shall condescend to "hunt down." Let me again call attention to the manner in which this testimony is introduced.

Complainant's claim in the last analysis is that 128 names were fraudulently registered and voted upon in the last election in Kansas City. This is something of a shrinking from its original magnificent proportions, but let us look at the character of the testimony as against these 128 names. What is it? My friend from Virginia [Mr. JONES] has quoted from McCrary on Elections the most extreme rule of evidence he has been able to find, and attempts to make it cover the contestant's testimony on this branch of the case. Extreme, however, as this rule is, it does not cover a particle of the testimony that is presented by the contestant on this point.

What is the gentleman's rule of evidence? It is that you may produce a witness living in a precinct or a locality to testify that certain voters alleged to live in that particular precinct or locality did not live there, according to the witness' knowledge. If it is a small community, or a small precinct, and the witness has lived there for a great length of time, and has had an opportunity for knowing the facts, his testimony is entitled to weight. If it is a large city, and he has resided there for only a brief time, his testimony is entitled to no weight. I agree that such testimony is relevant and may be considered for what it is worth. It is negative testimony, but it is not hearsay.

The testimony, however, produced by the contestant does not come within this rule. He could have had the residents of the precinct in question testify as to whether or not they knew of certain persons living in the precinct. They could have been cross-examined and the committee could have decided whether this negative testimony was entitled to any consideration. But what in fact has he done? He sent out a man to make inquiries in the precinct of the persons he should have called as witnesses, and has him testify as to what these persons said. He kindly saves the committee the trouble of going to the sources of the evidence and he produces only hearsay.

The contestant's witness, Rooney, can testify as to what he knows or does not know as to the existence of given persons, but he can not testify as to what third persons told him of the existence of the persons in question. If the third person's testimony is material he should be called and put under oath and cross-examined, but it is contrary to all rules of evidence to proceed as the contestant has proceeded in the cases of these 128 men, whom he claims he has "hunted down." The testimony which he produces has not only the disadvantage of being negative, but it is also purely hearsay. I assume you will not accord to this testimony any weight whatever.

But badly as the case upon this point is made out, it is met by the contestee. In a great many cases he produces evidence of a positive character, and witnesses testify that they actually knew the voter in question, and that he lived in the precinct, and in many other instances the record shows that the voter in question did not vote at all. If you had time to investigate the evidence of the contestant you would find that of the 128 men he claims were fraudulently registered, there is no legal proof as to a single individual that he was fraudulently registered; that as to a great many of them there is evidence that they did not vote at all, and that there is practically no evidence that those who did vote voted for Mr. Funston.

With these somewhat general observations on this portion of the contestant's case, I will call attention to the third precinct of Kansas City, about which the gentleman from Virginia [Mr. JONES] has argued at such length. It is claimed that in this precinct, after the ballots were counted at the time of the election, they were properly returned to the county clerk, who is made by law the custodian of the ballots, and that they were afterwards stolen and that certain Republican ballots, which had the contestee's name erased and that of the contestant inserted, were removed and straight Republican ballots substituted.

The county clerk was called by the contestant. He testified on the 2d day of March, some four months after election, and it is very significant that the person who first asked for the ballots in that particular precinct was the counsel for the contestant. He called for these ballots and the county clerk said he had them. He supposed he did have them, but upon investigation he found that they were not in his office, and then, very mysteriously on the next morning, they were found upon the gate-post of a neighbor who brought them to the county clerk and the clerk produced them before the notary.

I say there are one or two very significant things here. In the first place it would be extraordinary that the judges of elections should be able to tell four months after the election how many Republican ballots had Funston's name erased and Moore's written in except from their count made at the time of election. That count showed that Funston only ran four votes behind his ticket. It is improbable, to say the least, that they should have made such a count if the ballots as they had just passed under their eyes showed that Funston's name had been scratched upon forty tickets. In the second place the ballots as finally found and counted corresponded exactly with the count made by the contestant's witnesses on the night after the election, and at this precinct certainly there was a Democratic judge of election. In the next place consider the question who had any interest to steal those ballots.

The contestee had no reason to suppose there would be any recount. There was no recount in other portions of the district. His case rested upon the original count. These ballots, as I have said, were first called for by the contestant and were produced mysteriously at the proper moment to make a foundation for the cry of fraud, and they were brought in and an attempt made to fasten the fraud upon the contestee. If they were stolen by anyone they were stolen, in my judgment, by the man who had an interest to steal them, and not by the contestee, who had the votes as they were counted, and who relied upon the count of the election officers made on the night following the election. To him what was subsequently done with the ballots was entirely immaterial.

Time will not permit me to go into the details of the testimony, but there is one particular instance which the gentleman from Virginia has mentioned that I think should be discussed, that is as to the certificate in Allen County. The precinct officers made their return to the county commissioners. It is the office of the county commissioners, as a canvassing board for the county, to canvass the returns and an abstract of their determination is to be returned to the State canvassers. The county commissioners of that county, in accordance with a custom which had prevailed there for years, signed the certificate simply with the name of the chairman.

The chairman directed the clerk to sign the name of the chairman to the certificate, and it was done, as had been done in that county from time immemorial. The Democratic county commissioner was present. He testified that they went through the votes, and that the votes were footed up. There is no evidence that he made any objection whatever, and he admitted that during the three years that he had been a county commissioner he had never signed a return. So the whole business was evidently done in good faith.

But let us admit for a moment that there was a technical failure to comply with the requirements of the statute. Was it such a failure as should disfranchise that whole county, throw out the votes of all those people, and practically set aside an election, or was the provision of the statute purely directory in its character—mandatory upon the officers, but simply directory when the question should arise of practically depriving the people of that county of the right of suffrage?

The gentleman from Virginia has correctly stated the statute of Kansas with reference to the certificate, but there is a provision in the laws of Kansas to which he did not call attention, and which, in my judgment, conclusively disposes of the claim that the failure of the commissioners to sign the return was fatal. The people of Kansas, with a spirit worthy of their early history, when the great contest for freedom was fought upon their soil, declared in section 2388 of their election laws that—

> Whenever it shall satisfactorily appear that any person has received the highest number of votes for any office, such person shall receive the certificate of election, notwithstanding the provisions of law may not have been fully complied with in noticing and conducting the election, so that the real will of the people may not be defeated by an informality of any officer.

That provision stands in the laws of the State of Kansas today, and it is to the effect that if any election officer, or any man having a duty to perform in connection with an election, shall commit any informality in connection therewith, it shall not be lawful to set aside the will of the people on that account. Therefore I contend, Mr. Speaker, that even if the point which the gentleman from Virginia makes is a good one—though I claim that it is not sustained by authorities—the provision of the laws of Kansas which I have cited would overcome that point, would set aside the informality, and let the will of the people stand.

There is another point which the gentleman from Virginia did not allude to in relation to the county canvassing board. The duties of that board are purely ministerial. They have no right to do anything except to add up the votes and sign their names. There is a State canvassing board, composed of the

principal officers of the State, who are to take the separate returns and make up the grand return for the whole State.

The State canvassers have passed on this question, and they have found that Mr. Funston was entitled to the vote of that county as originally certified. And even going beyond that, if there were no returns at all, it would be entirely proper to go back of all returns and ascertain what the votes actually cast were, to the intent that the will of the people should not be set aside.

Mr. Speaker, unfortunately the time which I can occupy in this debate is very limited; but before closing I wish to submit one or two observations of a general character.

I believe that if you will read this testimony you will find that it is made up of extravagant claims and hearsay statements that should never receive the sanction and approval of this House for the purpose of setting aside an election. A grave injustice would not only be done in the present case, but a vicious precedent would be established for the future.

What is to be gained by turning this member from his seat? Will it help the contestant in his next canvass to go back to the people of that Commonwealth who, from the time when they were first organized to the present day, have never been denied representation in Congress, have never had a representative of theirs turned away from the doors of this Chamber—is it going to help him in his contest to go back to the people of Kansas exhibiting to them the plunder of this seat? Far from it, for this is a crime which, if perpetrated, those people will most quickly resent.

Is it necessary for the majority party in this House to forcibly and wrongfully take away this seat and add another member to their number? You already have too large a majority. It is almost impossible now for you to get a quorum. To take away this member from our side is simply to add one to a majority already uselessly large. And I think I can say to my friend from Virginia that if this House should experience the same difficulty that the majority of the committee experienced in reaching an adverse conclusion to the contestee, it would consume a good many days before a quorum would be willing to sustain this claim.

Mr. Speaker, the gentleman from Kentucky [Mr. PAYNTER], a member of the committee, who has been absent and has just returned, made a report this morning, which was put in at the Clerk's desk, and has not yet been printed. I ask that it be read as a part of my remarks.

The Clerk read as follows:

VIEWS OF T. H. PAYNTER.

I can not agree with the majority of the committee in its conclusion that H. L. Moore was, and Edward H. Funston was not, duly elected a Representative in the Fifty-third Congress from the Second district of Kansas.

I believe Edward H. Funston should retain his seat, but have not had the time to write my views giving the reason which lead me to the conclusion.

Mr. MCCALL. Mr. Speaker, there is one thing I had overlooked, and that is the statement of the gentleman from Virginia with regard to the claim that a colored policeman, one Pres Younger, intimidated 100 voters of a certain precinct. The contestant introduced evidence which tended to show that there were 100 men there, Republicans, who would have voted for the contestant if it had not been for this colored policeman telling them they should not peddle scratched tickets. In that precinct Mr. Funston got 2 out of every 3 votes; he received a plurality of 200 votes.

Mr. Harrison, the Republican candidate for President, received 215 plurality. That precinct was Republican by 2 to 1. Is it not apparent that the contestant is making altogether too broad a claim when he asserts that a precinct which was Republican by 2 to 1 would have gone for the Democratic candidate if it had not been for the terribly wicked intimidation practiced by a colored policeman? This colored policeman is shamefully overworked. This contention is a good deal in keeping with the charges made against Mr. Cromwell. It is alleged that he was a general sleight-of-hand performer. This is simply an epithet applied to him by one of the contestant's witnesses.

That same witness said that Mr. Cromwell traveled under an alias; but when he was asked to give any alias that he had used he could not do so. The fact is that Mr. Cromwell is an editor, an entirely respectable citizen; and to intimate that in some unknown and mysterious way he juggled with those votes and deceived the Democratic judge of elections; that in some way he took out 40 or 50 Republican votes claimed to have been marked for Mr. Moore and put in their places votes for Mr. Funston and had the Democratic judge count them, seems absolutely preposterous. And the contestant's whole case, with its extravagant claims, its strained conclusions, and its general absurdity, will remind you of a celebrated case reported in a great work of fiction where the burden of the argument for the plaintiff was "Chops and tomato sauce! Great heavens, gentlemen!" [Laughter.]

Mr. MCCALL. Mr. Speaker, how much time have I remaining?

The SPEAKER *pro tempore* (Mr. BROOKSHIRE). One hour and thirty minutes.

Mr. MCCALL. I yield one hour to the gentleman from Kansas [Mr. Funston], the contestee.

[Mr. FUNSTON withholds his remarks for revision. See Appendix.]

Mr. JONES. I yield twenty minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, as the Second Congressional district of Kansas lies immediately west of the district I have the honor to represent, separated from it by the State line, I naturally became more acquainted with the facts and circumstances of this contest than would have been the case if the contest had arisen in a distant part of the country. I have, therefore, looked into the case a little, and have reached very decided conclusions as to its merits. Of course I do not expect in a brief time to go into the details of the case and re-present to the House what has been so well presented by the gentleman from Virginia [Mr. JONES], who opened this discussion.

Upon the reports—the report of the majority and that of the minority—as well, I think, as upon the record itself, there are three leading questions or issues in this case. There are a large number of questions as to individual votes. In some instances individual votes cast for the contestee have been challenged successfully; in other instances individual votes cast and counted for him have been challenged, but the claim that they were fraudulent or ought not to have been counted has not been made good. The same statement is true as to individual votes cast here and there over the district for the contestant. In a general way of speaking, the evidence concerning these individual votes, these isolated votes, in the various counties other than Wyandotte, will not affect the result.

The question, then, as to who is elected is to be determined by three general, leading issues. One is as to a certain part of the vote in Wyandotte County, challenged by the contestant on the ground that those votes were cast by persons disqualified to vote, and that upon the whole case it is fair to conclude, and the evidence requires the conclusion, that they were cast for the contestee, and that his vote should be reduced by the number of these votes.

The report of the committee and the speech of the gentleman from Virginia [Mr. JONES] have made very clear the existence of a huge Republican conspiracy in Kansas City, Kans., from which contestant is a sufferer.

Now, there is in this case, in Wyandotte County especially, not a little testimony which has been denominated in the report, and in this discussion to some extent, as hearsay and inadmissible—testimoney not to be considered. Passing by that—without conceding that contestant has not made a good case against contestee as to hundreds of other votes—and coming to the votes where there is other evidence undoubtedly competent, it will be found by anyone who looks carefully into this record that about 90 votes in that county were cast for the contestee by persons not authorized to vote—in the names of fictitious persons—by persons who had not lived long enough in the State or in the precinct or who did not live at all in the precinct or State, who were too young to vote, or who had been convicted of infamous crimes, disqualifying them from voting.

There are enough of these votes to destroy the apparant plurality for the contestee and leave contestant with a plurality.

Contestant also insists that in one of the precincts—the third precinct of Kansas City—from 40 to 50 votes were counted for the contestee when they should have been counted for him.

Now, the history of the election in this precinct is chronicled in the record somewhat at length. It is shown by the testimony of Democrats and Republicans that 40 or 50 Republican tickets were scratched—the name of the contestee [Mr. Funston] scratched off and the name of the contestant [Mr. Moore] written on them, and that these tickets were voted; that in some mysterious way the ballots were afterwards purloined from the proper custody, and when they came back they came in an old envelope—opened—after being away apparently for months—came from sources friendly in a political way to the contestee; and there evidently had been a substitution of ballots by which the contestee is given 40 to 50 votes more than he is entitled to and the like number taken from the contestant. Correcting this, the apparent plurality for the contestee would upon this ground alone disappear, and the contestant would be elected.

Mr. MCCALL. Does not the gentleman understand that the ballots to which he now refers were counted before they were stolen, and that upon the count as then made the contestee relies?

Mr. DE ARMOND. Mr. Speaker, to discuss that feature of

the case will perhaps lead me to occupy more time than I desire to do. I do not wish, however, to evade it. That discussion makes necessary the consideration of the make-up of this election board and the influences that were about it. It makes necessary a general, and I hope in my case a brief, discussion of the whole evidence with relation to this particular precinct.

It transpires from the evidence and is undisputed—it can not be disputed on the record—that one of the persons who acted as judge at this precinct was never appointed as a judge; foisted himself upon the board, which had the full complement of judges without him; was the busy man in handling these ballots and in calling them off, and that this man Cromwell was an adept in what is called sleight of hand and jugglery. It is further established that one of the clerks became drunk during the progress of the count and that frequently the clerks would be four or five votes apart, and would simply get together without a recount to determine who was wrong and who right.

It further transpired in the testimony that when this clerk became so incapacitated, so weary from overwork and over-indulgence, that he had to be laid away, a man named Bigger, the only witness called by the contestee to meet the fraudulent registration testimony—Bigger, by some means or somehow, by somebody else or on his own motion, was assigned to take the place of the drunken clerk, the unsworn friend of the contestee in the count and his Samson witness in this election contest. Having taken the place of the clerk, Bigger went on with the count in his stead.

Now, in view of these facts briefly sketched, in view of the testimony of the judges—part of them admitted Republicans—that there were more ballots in this precinct scratched than appeared on the face of the returns or by the count, to be scratched; in view of the fact that it is evident from the testimony that these ballots were juggled with, and not counted correctly; that the ballots were then stolen and other ballots substituted; that a fraudulent count had been made by the Cromwells and Biggers and foisted upon the board for the purpose of gaining an unscrupulous partisan advantage—I say, in view of these facts, there can be no doubt that the contestee is not entitled to the seat that he holds.

This is a part of the history of this third precinct, and it stands practically uncontradicted. More of its history, taken from the record, is that this precinct ordinarily gave 100 Democratic majority. Moreover, we have embodied in the minority report the declaration that the Republican party in this precinct made no particular effort in behalf of Mr. Funston, while a very strong effort was made for his competitor, the contestant. So, it is is perfectly clear from the evidence and from the admitted facts in the case that in this third precinct of Kansas City, Kans., the contestant was deprived of from 40 to 50 votes which should have been honestly counted for him, and that there were counted for the contestee 40 or 50 votes which had not been cast for him at all, the correction of all which, properly made, would change the result of the election as declared and seat contestant, however any or all other issues might be determined.

It has been suggested that the contestant in this case was a Populist, and that the Democrats did not vote for him. This is a peculiar attempt, in a House largely Democratic, and in which there are few Populist members, to arouse prejudice in defiance and contradiction of the facts. I believe such appeals against a man fairly elected would not affect the judgment of this House, even with a base of fact upon which to rest. But here the fact is lacking. Col. Moore was nominated by a Democratic convention presided over by Col. Jones, of Kansas, who was the United States marshal of the Kansas district under Mr. Cleveland during his first Administration, and the national Democratic committeeman for the State.

The Populists nominated another and not Col. Moore. The Populist candidate subsequently withdrew, and I have no doubt that the Populist vote was largely cast for the contestant, Moore. More recently, within a few weeks, conventions have been held in the same district. The Republicans having, after long deliberation, concluded that a change would be well, nominated another than the contestee for Representative in Congress.

The Democratic convention, however, unanimously renominated Col. Moore, and adopted resolutions declaring it to be their firm belief that he was fairly and honestly elected in 1892 and is entitled to the seat now held by Mr. Funston. The Populist convention met and nominated a third man as their candidate. There are, therefore, at this time three tickets in the field all over Kansas, with Col. Moore on the Democratic ticket.

Now, there may be some people too good to be voted for outside their own party. Possibly the contestee from Kansas may be one—possibly the Kansas Republicans may be of that stripe, may be such excellent people, so strait-laced, and so proper in everything that they would spurn any vote cast for them if not cast by one of their own party. I do not know, as a matter of fact, whether there are such people. But when Col. Moore, the Democratic nominee—the Democratic candidate—bearing aloft the standard of his party, received also the votes of the Populists of that district cast for him, as a very sensible way of testifying to their belief and judgment that he would be a better representative than the contestee, there does not appear any reason why, when the election honestly went in his favor, Moore should be excluded and Funston retained.

I am tempted to say something about the carefully planned election iniquities in Wyandotte County. There is overwhelming testimony sufficient to satisfy any man who reads it that there was a huge Republican election conspiracy in Kansas City, Kans.; that there was much done in carrying it out; that the only reason why it did not prove thoroughly and overwhelmingly successful was that extraordinary precautions were taken and extraordinary efforts made by the Democrats and by the anti-Buchan Republicans to prevent the wholesale colonization and fraudulent registration and unlawful naturalizing of people to vote the Republican ticket.

The anti-Buchan Republicans, while supporting the Republican ticket in general, including the Congressional nominee, were yet in favor of confining the voting to those who were entitled to vote, and of excluding from the privilege of suffrage the ballot-box stuffer and the repeater. There is in this record evidence, uncontradicted and irrefutable, of some of these gentlemen showing what was done, the extraordinary pains taken, the house-to-house canvass, the careful inquiry and investigation, the stationing of challengers at the polls everywhere, the disregard of challengers by Republican judges—all tending to show that this election, despite all the precautions taken, was still far short of being an entirely fair election.

It was the common practice of the Republican judges to disregard challenges. A challenge would be made by a challenger stationed at the polls for the purpose. "I challenge that man. He is not qualified to vote."

A Republican judge would say, "Oh, I know him; he is all right," and in would go the vote immediately.

Now, under the law of Kansas there is no way of identifying ballots, except when there is a challenge, and then it becomes the imperative duty of the judges to note upon the poll book, opposite the name of the person challenged, the fact that he is challenged, and to mark upon the ticket which he votes a number which identifies it, by being identical with the number opposite the name of the voter. When that is done and A is challenged, if the challenge is made good, you know exactly how A voted, and you know from whom the vote so fraudulently cast is to be subtracted.

But in most instances these Republican judges conveniently dismissed the challenges, in violation or disregard of law, by saying, "Oh, I know him; he is all right," and shoving the ballot into the box with no possible means of identifying it.

Now, then, contestant had subpœnas issued for these challenged voters. These people charged to have fraudulently voted were searched for by an officer armed with subpœnas, charged with the process of the court, but they could not be found. Persons sent to make inquiry; people who had lived and done business for long years in the neighborhoods from which men were registered, letter-carriers who had traveled upon the routes for years, did not know them, and nobody could find them.

Now, in view of these facts, and of the further facts that the challenges were made by Democrats and were disregarded by Republicans; that the unknown and undiscoverable were registered in blocks of more than five, many times five often, by Republican heelers; that they were voted in hordes in charge of Republican bosses—these facts, taken together, justify the conclusion of fact, in the absence of any evidence upon the other side to meet or controvert them; they warrant the conclusion of the law that contestee got the fraudulent votes.

The contestee's friends were found in company with the fraudulent voters. The contestee's friends marched them to the polls. The contestee's friends had them registered. The contestee's friends guided their hands when they signed the papers necessary to be signed in making out their declarations of intention to become citizens; papers not one word or syllable of whose contents they were acquainted with; these people who could not speak the language; who could not understand a syllable of the language, to whom oaths were not explained, whose residence was not inquired about, concerning whom no inquiries were made. They were brought to the place for the issuing of papers by the Republican bosses having them in charge, and that was enough.

Contestee made not an effort to produce them, and has not a word to say upon the subject.

It is said that the testimony in regard to these fraudulently colonized and fraudulently voted Republican repeaters in Kansas

City, Kans., is fully met by evidence introduced by the contestee. The showing of the contestee upon that point consists first and last of the testimony of one Biggar, whose testimony is nine-tenths hearsay, at least one-half of the remaining tenth pure fabrication, shown by overwhelming testimony to be so, and doubtful, uncertain, and worthless as to the remainder. With this one man, the contestee seeks to overthrow the testimony of dozens. This is called meeting the case.

There is one other general head upon which it is claimed that the contestant is entitled to his seat. If the decision upon this point be in his favor, then though the other two general claims that I have briefly discussed be decided against him, he still must win. It is that the vote of Allen County was never canvassed and certified by the officers required to do that work. In that county there is a plurality counted in favor of the contestee of 93 votes, his total plurality in the district on the face of the returns being 81; so that with Allen County out, and all else remaining unchanged, Moore would go in by a plurality of 12.

The majority of the committee find that in Allen County there was no canvass by the officers required to make the canvass; that there were no papers signed or certified or deposited anywhere by the officers required to make the canvass and certify to the returns; and that therefore, not as a matter of choice, not as a mere matter of technicality, but as an absolute mandate of the law, that which is uncanvassed, that which is uncertified, that which is no evidence, that which is nothing, can not and must not be considered as full and sufficient.

Now, I can not go into every detail of testimony in regard to this Allen County. The county commissioners, as the canvassing board, are required to make a canvass and sign the returns. No solitary one of them signed the returns. They did not even make the canvass. The canvass was made by the county clerk. The name of one of them purports to be signed by the county clerk, under a general authority given to the county clerk by this officer to sign his name generally to such documents as it ought to be signed to—a very large, very liberal, and very indefinite grant of power. This man is only one of three.

It has been decided by the Kansas courts, decided by the courts everywhere, when the question has been passed upon, that where a board consists of a certain specified number, less than a majority of that number—there being no specification in the law—can not constitute the board. And that must be true. It is a matter of reason as well as of law. If a canvassing board consists of three, it stands to reason, and is universal law, I believe, that unless there be a special provision to the contrary less than two of the three can not constitute that board.

Now, at most and best in this particular case one of these men has his name signed by the county clerk. The county clerk is required to attest the signatures of the three commissioners. He does not attest any signature. It is simply signed "A, county commissioner, by B, county clerk." That is all there is of it.

That is no more than if some one had come to this House with a memorandum upon the back of an envelope, and if we, in looking over this case, had said, "We do not find any returns from one of these counties," and he had said, "That is a fact, but I was out there and made a little memorandum which I have here, and I am satisfied that this is about right."

Therefore, as a matter of absolute legal necessity, the contestee, with full and explicit warning in the notice of contest, with full and explicit knowledge of the effect of the change of the vote of this county, was either unable or unwilling to supply, as could have been done if the facts were his way, that which has not been otherwise supplied.

There is a great deal said about what is in the notice of contest, and what is before the House and what is not before the House. If the committee had rigorously enforced the law, not a solitary syllable offered by the contestee would now be before the House.

The law is absolute and imperative as to the time within which the contestee must file his answer and his countercharge, if he claims anything affirmatively. It matters not what you require, whether personal service upon the contestant and the contestee, or service by leaving copies at the residence of the contestee and the contestant. The contestee is out of time, and has no plea and no case at all. He did not file his answer until thirty-one days after notice of contest was served on him, and thirty days is the utmost limit of time allowed him within which to serve his answer and countercharge. The committee in great charity to him, casting aside the brush in the way of technicalities, determined to decide the case upon its merits.

I have no doubt, Mr. Speaker, the committee who have considered this vast volume of evidence, closely printed, a great deal of it irrelevant, a great deal contradictory, have boiled it down and expressed in their conclusion the ultimate fact that the contestant, H. L. Moore, is entitled to represent the Second district of Kansas in this House, and that the contestee, Edward H. Funston, who for seventeen months of the term has been the sitting member here, with all that that implies—all the pay, emoluments, and privileges—ought now to take his departure and leave the remaining seven months of the two years to the man who was elected by the people of that Kansas district, and who is now asking of this House a judgment in his favor on the merits of his contest.

Mr. JONES. I would like to ask the Speaker how much time is remaining on each side?

The SPEAKER *pro tempore*. The gentleman from Virginia has about thirty-five minutes, and the gentleman from Massachusetts has twenty-two minutes.

Mr. JONES. Is the gentleman from Massachusetts going to use any of his time now?

Mr. MCCALL. Mr. Speaker, I yield eleven minutes to my colleague on the committee [Mr. DANIELS].

Mr. DANIELS. Mr. Speaker, I do not expect in the very short time that is allotted here to present anything like an argument to the House as to the merits of this case; but I will say right here, in reply to the suggestion which has just been made relative to the service and the notice of contest, that the act of Congress requires the notice to be served upon the contestee. That is the language. It does not provide for serving such notice according to the local law in that respect whatever. It has used its own language, and prescribed its own terms; and that is, that the notice shall be served on the contestee. This notice was not served within thirty days, and if it had stopped there the contestant would certainly not have been in a condition to present any case upon the grounds stated in his notice.

But the contestee, after the expiration of thirty days from the time of notice, after the time the notice was personally served upon him, served an answer in this case upon the contestant; and that, I understand, dispenses entirely with the objection that the notice of the contestant was not served in time. It is because of that circumstance, and not because the notice was served in time, that this issue has been presented by these parties for the consideration of the House.

Now, in the report of the committee, as I have not time to go over the case of the county of Wyandotte, the committee by its majority conclude that they could not stand upon this contest on the face of the count in the county of Wyandotte, and they wind up their statement by this clause:

> The conclusion is, that the apparent plurality in Wyandotte County of 179 votes in favor of contestee is not his real plurality, after excluding illegal votes and counting correctly votes erroneously counted for one candidate when actually cast for the other; but that the true and legal plurality of contestee in said county over contestant is very small, if in fact anything.

So that the majority concede substantially that the sitting member did have a plurality in the county of Wyandotte, saying nothing about the various objections which have been made in reference to these 128 persons who, it is alleged, were traced out as illegally registered. As to those persons, however, from the evidence of Mr. Biggar, a grocer who resided in what is called "The Patch" in the third precinct of the First ward, and the evidence of Mr. Garas, who was employed by the contestant, and the evidence of Mr. Anderson, it appears that these witnesses went down to search for the individuals included in that list of 128 alleged illegal voters and that in their investigations they found 46 of the number.

The evidence of the clerk, too, at the time when this subject was brought up before the notary for examination, is that he had traced out from the schedule the names given to him for the purpose of identifying persons alleged to have voted illegally, and that there were only 86 instead of 128 that were known to have voted at the election; the balance of the 128 not having voted at all.

But, passing that over, I propose to call the attention of the House to the objection that is made to the votes cast in Allen County, because it is substantially conceded in this report, as well as in the argument, that unless Allen County, where the contestee had a plurality of 93 votes, can be thrown out, the case of the contestant must fail. It is therefore asserted in the report, as well as in the argument here, that because the examination which was required by the statute to be made by the county commissioners was not signed by a majority of the commissioners, therefore that vote must be thrown out.

Now, it appears by the evidence of three different persons, two of whom were commissioners and one the county clerk, that there was an actual canvass make of the vote of Allen County, and that the plurality, as it has been stated here, was given for the contestant at 93. But it is claimed that the statute has provided that the statement or return of the commissioners must be signed by them, or at least by a majority of them, and that if it is not so signed the vote of the entire county must be rejected. Now, I take issue with that statement and with the correctness of the reference that has been made to the laws upon this sub-

ject. It is stated in the report, and repeated by the gentleman from Virginia in his argument, that this was a return, and that the law required, as shown by the authorities cited, that such a return, in order to be valid, must be signed by the persons who make it, or by a majority of them, and that otherwise it is illegal and void.

I concede the effect and force of those authorities entirely, but they have nothing whatever to do with this case. The law applicable to this case did not require a return to be made by the three commissioners or by a majority of the commissioners who made the canvass of the vote. The votes of the entire county were returned to the county clerk. Then the question was brought before the county commissioners as to what the vote was and for whom it had been given, and the law of Kansas, instead of requiring that a return should be made by the commissioners, required only that they should determine and ascertain who the persons were who had the largest number of votes.

The law does not require them to make a return in any sense whatever, but simply to make a certificate and annex that certificate to an abstract of the vote, which is not required to be signed by the commissioners at all. The statute is in these words:

On the Friday next following the election the county clerk and the commissioners of the county, or a majority of said commissioners, at 10 o'clock a. m. of said day, shall meet at the office of the said county clerk, and shall proceed to open the several returns which shall have been made to that office, and said commissioners shall determine the persons who have received the greatest number of votes in the county for the several offices—

and so on, including members of Congress.

So that all the commissioners were required to do was to determine who the persons were who had received the greatest number of votes. They were not required to enter into any statement to be signed by them as to what the number of votes was. The number was fixed upon the face of the papers brought before them from the different precincts of the county, and they were only to look through those papers and determine who were elected, and who had the largest number of votes according to the canvass they then made.

Mr. TERRY. Do the precinct returns go to the secretary of state?

Mr. DANIELS. No, sir; I will come to that later. The statute further provides:

And such determination shall be reduced to writing and signed by said commissioners and attested by the clerk, and shall be annexed to the abstract of votes given for such officers respectively hereinafter provided for in section 41 [31] of this act.

That is all that the commissioners were required to do, simply to canvass the vote, and the evidence shows that they did canvass the vote at this election. They stated to the clerk the number of votes given in the different precincts, and he testifies that he put down the number correctly and stated the result. Then the statute goes on further and provides, for the purpose of tracing the number of votes given in the different precincts and in the county, taking all the precincts together, that the clerk—not the commissioners—shall make an abstract of those votes. It does not require this to be done by the commissioners. The language of the statute is:

As soon as the commissioners aforesaid shall have determined the persons who have received the highest number of votes for any office, the county clerk shall make out abstracts of the votes in the following manner.

The fourth abstract mentioned is "the abstract of votes for a Representative in Congress on one sheet."

Then it provides further:

Which abstract being certified and signed by the county clerk, shall be deposited in his office, and certified copies of abstracts numbered 1, 2, 3, 4, and 5 (when said officers have been voted for at said election), under the official seal of said clerk, shall be placed in separate envelopes indorsed and directed to the secretary of state and forwarded immediately to the seat of government by mail; and the said clerk shall respectfully indorse on the back of the envelope in which the said certified copies are inclosed: "Certified copy of the abstract of votes cast for governor, etc., member of the Legislature, etc. (as the case may be), cast at the regular election in ——— county, 18—.

That is what was to be done here in the way of returning the votes over the signatures of the commissioners. They were simply to determine who had the largest number of votes at this election in Allen County, and when they had determined this they were required to reduce the result to writing, having nothing whatever to do with the ultimate disposition of the question as to who was elected member of Congress from that district. Then it became the duty of the clerk to make out an abstract of the vote and to send this abstract signed by himself to the secretary of state in order that it might be canvassed by the State board of canvassers in determining who was elected. And here we have at pages 98, 99, and 100 of this case just such an abstract as the law required the clerk to make.

[Here the hammer fell.]

Mr. McCALL. I yield the remainder of my time to my colleague on the committee, the gentleman from Indiana [Mr. WAUGH].

The SPEAKER *pro tempore*. The gentleman from Indiana is recognized for eleven minutes.

Mr. WAUGH. Mr. Speaker, the time allotted me is entirely inadequate to allow me to enter into the details of the case. The record is very voluminous; and the majority of the committee in passing through it have formulated two or three propositions which they think have been sufficiently established by the evidence to oust the contestee from his seat in this House. If this case were being presented before a court of justice where judgment is directed by the law and the evidence, I would have no fear of the contestee's case. But before this tribunal, where our consciences are to some extent stifled by political prejudice (and this remark applies to all of us), I must admit that I approach the case with some fear.

I want to call the attention of the House to the charge of conspiracy in Wyandotte County. That entire charge is based and built upon the evidence of Mr. Strickland. He is asked such questions as, "Did you hear of a conspiracy to pad the registration?" "Did you hear of 1,991 fraudulent registrations?" On these points the evidence comes from Mr. Strickland. "Did you hear of there being about 400 fraudulent votes cast in Wyandotte County?" The only evidence we have on that subject comes from Mr. Strickland. "Did you hear the further statement made in the discussion of this case that we have hunted down 128 of the 400 by a house to house search and find that they in fact voted?" That comes from Mr. Strickland. "You have heard the statement also that there were persons sent out before the election and after it, all over that precinct, to ascertain the residence of certain persons registered?" That comes from Mr. Strickland. This whole fabric of fraudulent registration and fraudulent voting is based upon the testimony of Mr. Strickland.

Now, I want to state as a legal proposition (and I will submit it to any lawyer on the floor) that the testimony of Mr. Strickland is not before us from a legal standpoint, for the reason that he has not signed the testimony that he gave before the notary public. I desire to have the Clerk read the law on this subject.

Mr. BOATNER. Was the omission to sign intentional, or did it happen through an inadvertence?

Mr. WAUGH. He left before it was done. The gentleman will remember a letter which has been read here about Mr. Strickland abruptly leaving the State. I ask the Clerk to read.

The Clerk read as follows from the Revised Statutes of the United States:

SEC. 122. The officer shall cause the testimony of the witnesses, together with the questions proposed by the parties or their agents, to be reduced to writing in his presence, and in the presence of the parties or their agents, if attending, and to be duly attested by the witnesses respectively.

SEC. 864. Every person deposing as provided in the preceding section, shall be cautioned and sworn to testify the whole truth, and carefully examined. His testimony shall be reduced to writing by the magistrate taking the deposition, or by himself in the magistrate's presence, and by no other person, and shall, after it has been reduced to writing, be subscribed by the deponent.

Mr. WAUGH. Now, Mr. Speaker, the law is positive in requiring a witness to subscribe his testimony; otherwise it can not be received in a contested-election case. Gentlemen on the other side are arguing here for the enforcement of the very same principle I am contending for. The law says that the deponent must subscribe his name to his testimony or it can not be received. The gentleman from Virginia resorts to the statute of Kansas for the purpose of throwing out the vote of Allen County, because the board of commissioners did not sign the returns from that county. I will ask my friend from Virginia why the law of the State of Kansas requires, as he contends, that the commissioners should sign that certificate, and whether that requirement of law is any more peremptory or obligatory than the law of the United States, which requires the deponent to sign his testimony, upon which you have built your fabric of conspiracy?

Mr. Strickland's testimony not being thus signed, it is, under the law, entirely out of the case and can not be considered.

But conceding that his testimony is in, I want to discuss the question for a moment from that standpoint, and I must pass on rapidly for I have only a few minutes. It is charged that the Republicans were conspiring in Wyandotte County for the purpose of padding the registration by putting fictitious names upon it, the names of persons who had no existence; and that afterwards they carried this conspiracy into effect by having persons vote fraudulently upon those names. Now, what is the fact in the case? Why, sir, the Republicans, the Democrats, and the Populists were never more active and vigilant than they were that year in Wyandotte County to prevent illegal voting.

Why the evidence in this record shows this, if the House pleases, that it was the Republican party that suggested to the Democrats and to the Populists the necessity for preserving the purity of elections; and the Democrats and the Populists and the Republican party were all hand in hand joined to suppress fraud and a violation of the elective franchise. They pro-

posed Federal supervisors. That proposition came from the Republican party. The Democratic party and the People's party accepted the suggestion, and Federal supervisors stood at the polls, appointed in pursuance of that agreement, to see that frauds were not committed at the election.

But that is not all. Here is a conspiracy which has been perpetrated, as we are told, and yet in this one town there was an organization of 1,000, a Republican organization, to prevent fraud on the ballot in that county.

I will tell you the truth of the matter, gentlemen, and it is a fact which can not be contradicted. That man Buchan was objectionable to the Republican party and his ways were queer and devious in the political field, and this organization of a thousand Republicans acted in concert with the Democrats and Populists for the purpose of watching and preventing false registration by this man Buchan. We were told that there was false registration on the part of the Republicans by gentlemen on the other side. But I tell you that the purpose of this organization was to watch Buchan and see, as far as could be seen, that there was no opportunity for false registration by his procurement. The very suggestion of preventing the fraud came from the Republicans.

You can look at the action of the Republican party in Wyandotte County calmly and dispassionately, and no man of a judicial mind can find a semblance of fraud or conspiracy that you can charge on that party or on the Democratic party or on the Populist party in that election.

Ah, but they say there is no positive testimony as to how these persons voted. True there was none. The majority of the committee has gone to the pains to collate a large amount of authorities to establish the fact that a conspiracy may be proven by circumstantial evidence, a proposition conceded by all lawyers. But my friends will have a more difficult task to find an authority in point; they will have to find a decision which holds that a conspiracy may be established on the mere charge, without any proof.

But I want to call attention to the suggestion of intimidation that has been made in connection with this case. Press. Younger, a colored fellow, was at the polls to keep the peace; he was a supervisor or officer under the law; what did he do? They say his acts make a case of intimidation. He told some colored fellows who were peddling scratched tickets, that they were illegal, and if they persisted in peddling them around he would be compelled to arrest them. There was an issue made at once between them and Press. Younger, and they carried it to the election officers to decide the matter, and they decided that the tickets were legal, and consequently they went on and peddled them without any interference from Press. Younger or anybody else the entire day of the election.

There is a principle of law that every student twenty-four hours in the law knows, and that is, you must introduce the highest and best testimony you have of which the case is susceptible. Now, how do you prove that 100 colored voters were prevented from voting that day? Do you prove it by the voters themselves? Oh, no. They bring in one Taylor. He says that the colored people took great alarm at brass buttons and uniform worn by Press. Younger; that a police officer in uniform was a terror to them, and that Press. Younger was figuring that day in uniform and that the colored voters were therefore intimidated and did not vote.

I want to submit to any lawyer on this floor if he was going to prove a case of intimidation, as here charged, would he go to Taylor for his testimony that 100 voters were intimidated by Younger and did not vote, in his opinion, or would you bring in the parties intimidated and prove the fact by them. The evidence of the parties themselves is the just and primary evidence. No one will deny this primary evidence is not furnished by contestant, yet he asks that he be given 100 votes on the testimony of Taylor.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The gentleman from Virginia has thirty-five minutes of his time remaining.

Mr. JONES. Mr. Speaker, I wish to reply for a few moments to some of the statements made by gentlemen who have espoused the other side of this case. I shall occupy the time of the House as briefly a possible.

The contestee in this case declined to yield to a question from me when it seemed to me he was misquoting the testimony; and he afterwards challenged me to produce testimony that one single one of the one hundred and twenty-eight men who were hunted down, or "run down," as he described it, were illegal voters and had voted at his election.

Mr. FUNSTON. Oh, no; I beg pardon; I did not do any such thing.

Mr. JONES. Well, voted for you then.

Mr. FUNSTON. No; I never raised that question. I referred to the foreigners who were registered.

Mr. JONES. I am talking about the foreigners, too.

The gentleman read a letter from the chairman of the Democratic committee in Wyandotte County to the commissioner of elections, in which the former stated that the office of the latter was conducted in the most straightforward and honest manner, and upon the strength of that letter he proceeded to declare that the Democratic chairman "admits that the election in this precinct was honest and fair."

I submit to the House that this is very unfair, and that the letter read by the contestee does not justify any such statement as that made by him. Nobody claims that the commissioner of elections was guilty of any corrupt practices. But that outrageous frauds were perpetrated in this election can not be denied, and the chairman of the Democratic party has given the strongest testimony to that effect. His deposition was never signed, and for that reason we have not taken his testimony into consideration. It was not at all necessary to do so.

But the gentleman who has just taken his seat, my associate upon the Committee on Elections [Mr. WAUGH], makes the astonishing statement that every charge made by the contestant as to fraudulent registrations and illegal voting rests entirely upon the testimony of Mr. Strickland, the chairman of the Democratic committee, and that if his testimony were stricken out there would be nothing upon which the contestant could stand.

On the contrary, Mr. Speaker, the Committee on Elections expressly say in their report that they do not base one single conclusion at which they arrive, upon the testimony of Mr. Strickland. The evidence shows that when this deposition was taken it was printed out on a typewriter in the presence of Mr. Strickland, and the greater part of it read to him from time to time as he gave his testimony.

The Committee on Elections, however, disregarded Mr. Strickland's testimony entirely, simply because it was objected to. If the gentleman will read the report he will find this language:

> But excluding what was said by Strickland upon the objection of the contestee, because of his failure to sign his statement, the facts are established by other witnesses.

And yet my colleague says that we base our entire conclusions upon his testimony, and that wiping out that the contestant would have no case at all.

My colleague further says that in the consideration of election cases our consciences are "stifled by party prejudice." What party prejudice operates to stifle Democratic consciences in this case? The contestee himself declares that the contestant is not a Democrat, and that Democrats by hundreds would not vote for him, because he was known to be a Populist.

If this be true, surely there is little reason for the existence of prejudice in the minds of Democrats. You Republicans deny the Democracy of the contestant, and in order to prejudice his case, you have undertaken to show that he was a Populist. The contestee alone has attempted to excite party prejudice. He knows that the nine or ten Populists in this body can not seat Mr. Moore, and therefore he has labored hard to prove that he is a Populist and not a Democrat. The Democratic members of the Elections Committee have not inquired as to his politics; they have only asked whether or not he was elected. That is the question with which we have been concerned. If the contestant was fairly elected he is entitled to his seat, be he Populist, Republican, or Democrat.

Is there no testimony in this record, save hearsay evidence, to prove that a large number of the illegal registrations were voted for the Republican ticket? I hold in my hand a carefully prepared abstract of the testimony which shows that the evidence is full and conclusive as to sixty-eight of these fraudulent registrations. Sixty-eight votes were cast for the Republican ticket in the names of persons who either had no existence or were registered from places where they never resided, and therefore had no right to vote. This is shown by evidence the competency of which no man questions.

A Republican judge refused to recognize the challengers in nearly every case, but wherever the law upon that subject was observed the evidence shows that the challenged voter cast his ballot for Mr. Funston. It is impossible to escape the conclusion that he received the benefit of every one of these fraudulent votes. Republican bosses are not given to working for the success of Democrats.

My friend, Judge DANIELS, who is an able lawyer and a distinguished jurist, has undertaken to draw a distinction between the word "return" and the word "determination," as employed in the Kansas statute. He says that the language of the statute is that the "determination" shall be reduced to writing and signed by the commissioners and not that they shall sign the

"returns." The gentleman is perfectly right as to the language of the statute. It is:

And such determination shall be reduced to writing, signed by said commissioners, and attested by the clerk.

But call it the "determination" or call it the "return," it must be signed by the commissioners.

The commissioners met in the clerk's office on the Friday succeeding the election for the purpose of determining how the vote of the county had been cast, and they were required, every one of them, to sign their names to the determination arrived at by them, and that was to be attested by the clerk and annexed to the abstract of the votes.

I will give you the very language of the certification that was actually made, so that it may be seen how the law was complied with:

In testimony, I have hereunto set my hand and caused this abstract to be attested by the county clerk of said county, the 11th day of November, 1892.

D. D. SPICER,
Chairman Board of County Commissioners of Allen County, and ex-officio Board of County Commissioners.
By E. M. ECKLEY,
Clerk Board of Canvassers.

There is absolutely no attestation by the clerk, and it is not pretended that more than one commissioner signed the return, determination, or abstract, as you may prefer to designate the finding. There is not a State in the Union where this question has arisen that has not decided that unless a majority at least of the judges sign, the returns must be rejected in the absence of other proof establishing the verity of the imperfect return. My friend has had the honor of sitting upon the supreme bench of the great State of New York, and he will not question this well-established rule of law.

Mr. DANIELS. Will the gentleman allow me to ask a question?

Mr. JONES. One word further, and then I will yield to the gentleman.

The gentleman says, Mr. Speaker, that the majority of the Committee on Elections admitted that without rejecting the county of Allen they could not seat Mr. Moore. I want to know where any such admission as that is to be found in their report. On the contrary, I have shown from the record that there were 68 illegal votes at least cast in Wyandotte County alone for the contestee, cast by people not entitled to register, or who had no real existence, but whose names were voted upon by repeaters.

I have shown how the ballots were stolen in the Third precinct and the contestant thereby deprived of from 80 to 100 votes that had been honestly cast for him. I have also made clear, I think, that large numbers of foreigners were naturalized illegally and afterwards fraudulently voted for the contestee. The plurality of Mr. Funston was only 81, and not 83 as the report of the minority puts it, and even without the vote of Allen County, in my humble judgment, Mr. Moore was elected by a handsome majority and should be given the seat to which he is fairly and honestly entitled.

Mr. DANIELS. I simply desire to ask the gentleman one question, and that is whether the statute does not provide that the State board of canvassers, consisting of the governor, attorney-general, treasurer, and secretary, shall canvass the votes upon the certified abstract of the clerk?

Mr. JONES. Yes, sir.

Mr. DANIELS. And then, whether the law does not provide further, upon the canvass of these districts, they shall decide who is elected, including a member of Congress?

Mr. JONES. Certainly; and just there I will call the gentleman's attention to the point, that while he makes a distinction between "return" and "determination" the board of county canvassers makes no such distinction. The only certificate which was ever made reads:

In testimony, I have hereto set my hand and caused this abstract to be attested.

This is signed by the chairman, if signed at all, and not by the clerk. The State board canvasses the votes "upon the certified abstract of the clerk." In this case the clerk has certified no "abstract." He has certified nothing whatever.

Will the gentleman say to me that this is such an attestation as is required by law? Will the gentleman say that the statute upon this subject has been complied with by the clerk or by anybody else?

Mr. DANIELS. It is only a mere informality. I will ask the gentleman a further question.

Mr. JONES. A mere informality!

Mr. DANIELS. Whether the statute does not provide also—

In all elections for the choice of any officer, unless it is otherwise expressly provided, the person having the highest number of votes for any office shall be deemed to have been elected to that office; and whenever it shall satisfactory appear that any person has received the highest number of votes for any office, such person shall receive the certificate of election, notwithstanding the provisions of law which may not have been fully complied with in noticing and conducting the election, so that the real will of the people may not be defeated by any informality of any officer.

Mr. JONES. This is the second time that statute has been read. My friend from Massachusetts [Mr. McCALL] read it once before.

Mr. DANIELS. I did not hear it then.

Mr. JONES. I presume that nearly every State in the Union has some such provision as that in its laws. The difficulty with Allen County is that it has never been made to appear in the manner the law regards as "satisfactory" that Mr. Funston received the largest number of votes in that county. No returns to that effect have ever been signed by the commissioners of election.

The law which you have quoted does not cover this fundamental and radical defect.

Mr. HULICK. Will the gentleman permit a question?

Mr. JONES. Certainly.

Mr. HULICK. If these returns had been signed according to the statute as the gentleman claims, would they have been then accepted? In other words, is there a charge of fraud against the vote in the county of Allen?

Mr. JONES. There is a serious charge in connection with the vote of Iola precinct in this county. Leaving that precinct out of consideration, I know of no reason why the vote of Allen County should not be accepted except that the returns have never been signed and authenticated. The contestant was put upon his guard as to this serious defect, and he should have supplied the evidence to cure it if he could have done so.

Mr. HULICK. I presume the gentleman does not wish to make a wrong impression on the jury?

Mr. JONES. I have only ten minutes, and the gentleman is taking up my time.

Mr. HULICK. In your report nothing is said about fraud there. I will read it——

Mr. JONES. I can not yield for that, Mr. Speaker.

Mr. HULICK. There is not a word said about fraud in the notice.

Mr. JONES. I decline to let the gentleman read the report of the committee or to show what the notice of contest contained in my time. I have only a moment of time remaining. The notice of contest is not printed in the report. The report does not undertake to print the notice, but the notice is set forth *in extenso* in the printed record.

Mr. HULICK. Here is what purports to be the exact notice in regard to Allen County, on page 15.

Mr. JONES. The gentleman must not interrupt me. The report is a very short one in view of the many and intricate questions involved in this case and the voluminous record that we had to examine.

I submit, Mr. Speaker, in conclusion, that whether you throw out Allen County entirely or whether you give Mr. Funston the benefit of the vote claimed by him in that county it makes no difference as to the general result. I submit, that if you throw out the deposition of Mr. Strickland and leave it out of consideration entirely, as the Committee on Elections did, it will not affect the result in any material respect. The frauds perpetrated by the friends of the contestee in the third and in the fifth precincts of Kansas City were so gross and so extensive and have been so clearly established by competent and convincing testimony that there is no shadow of doubt upon my mind that Mr. Moore, the contestant, was fairly and honestly elected. I surrender the remainder of my time to the gentleman from Indiana, the chairman of the Committee on Elections.

The SPEAKER *pro tempore* (Mr. ONEIL of Massachusetts). The gentleman from Indiana [Mr. BROWN] is recognized for seventeen minutes.

Mr. BROWN. Mr. Speaker, I avail myself of the time yet remaining to the contestant for the discussion of this case. My colleague on the committee [Mr. JONES] and the gentleman from Missouri [Mr. DE ARMOND] have stated this case so much better than I can possibly state it, that I feel there is not the slightest necessity for protracting the discussion longer. As the gentleman from Missouri well said, there are three great controlling questions or propositions in this case. I will, if I can, call the attention of the House back to what he so ably stated respecting these three controlling questions. The first is the question of fraud and conspiracy organized by the Republicans in Kansas City, in the county of Wyandotte, Kans.

I never heard it seriously disputed during all the progress of the examination of this case until this very day, but that there was a combined effort and conspiracy to put on the registration list false, fraudulent, and fictitious names to be used at the election in question then coming on. An examination of the report prepared for the minority by the very able and courteous gentleman from Massachusetts [Mr. McCALL] will show no serious denial that such a conspiracy existed.

It is a rule of common sense—for not being a great lawyer like my colleague from Indiana [Judge WAUGH] I will apply the rules of common sense—it is, I say, a rule of common sense that where the proof establishes the creation, organization, and existence of a conspiracy to do a certain unlawful act, and the unlawful act is done, it is presumable that the act was done because of the conspiracy and according to the plans and design of the conspiracy. The record in this case discloses very clearly that the conspiracy was formed and existed. It shows that the object and design of the conspiracy was to put false and fictitious names on the registration list to perpetrate a fraud on the election. It shows that these false and fictitious names were used by repeaters at the election in question for the purpose of perpetrating a fraud and an outrage upon the ballot box.

What party did it? It was the Republican party, the party to which the contestee belonged, and still belongs. No one casts a shadow of doubt or a breath of suspicion on the statement that the Republican party was the only party which organized that conspiracy and did whatever unlawful acts were done in pursuance of it. It has been said that the proof in this case has caused an abandonment of the idea of nearly 2,000 names having been put on the registration list by reason of this unlawful conspiracy. Nothing of the kind. There is no confession, admission, or denial but that to this day there remains that number of false, fraudulent, and fictitious names on that list. But it may be said, with some semblance of fairness and truth, that the proof in the case does not show that more than 400 persons voted in the false and fictitious names which had been placed on the registration list by reason of this conspiracy.

Well, if 400 persons or 100 persons voted in the names falsely placed on this false and fraudulent registration list, that is sufficient to maintain the case here submitted upon the part of the contestant. The contestee's returned plurality is only 81. I now leave this question of conspiracy, having said so much about it only as was needed to bring the minds of members back to the words of truth and wisdom which were uttered by the distinguished gentleman from Missouri [Mr. DE ARMOND] on this subject. Next is the question respecting the third precinct of Kansas City, Kans. The contestee, speaking for himself, denies that any question affecting this precinct is in the record. I do not blame the contestee for so speaking; I do not blame him for traveling far beyond the record in this case.

I presume that I would do as he has done, were I placed in his situation. But the House should pause and consider whether it will act upon statements of his, *dehors* the record, or whether it will keep within the limits of the record. The notice of contest in this case states—

> Second, because in Wyandotte County there were large numbers of illegal votes cast for you, as follows: First precinct, 10; second precinct, 25; third precinct, 100.

There is the statement in the record that 100 illegal votes were cast in the third precinct. That is in the notice of contest. To this charge that 100 illegal votes were cast for contestee in the precinct in question, he replies in his answer, by saying:

> I deny your allegation in charge 2 of your notice to me, that a large number of illegal ballots were cast for me in Wyandotte County, as follows: * * * * third precinct, 100.

The issue is joined; and while perhaps it would have been better pleading to have set out more fully all the wrongs and outrages that took place at that precinct, yet here is enough charged to raise this question, and certainly enough is charged to raise it as against contestee's answer that has no standing here whatever, except by the grace of the committee and the grace of this House.

How is it in respect to this Third precinct? The record and discussion of this case show that there is not the slightest doubt but that the contestee was largely, severely scratched at that precinct, as he was at other precincts. The proof in this case shows that a certain negro officer used his official authority to drive away from the polls in certain precincts of that city adherents of the contestant who were handlers of his tickets at the polls because they were scratched tickets—because they had the name of Funston scratched off and the name of Moore written on. I call attention to this fact, and will make it applicable a little later on.

It is uncontradicted that the proof shows what I have stated—that there was an effort to drive from the polls the handlers of tickets with Mr. Funston's name erased and Mr. Moore's name written in the place of it. Let us look at this precinct—a precinct which as my friend has correctly said usually, if not always, gives a very large Democratic majority—more than 100—running up I believe sometimes to nearly 150. At this election after the polls had closed, and while the act of counting out the votes was taking place, as the tickets were read off, it was commented on by all the members of the board that "Old Man Funston" had been badly scratched at that precinct.

But, as has been said, there was a certain man there who kept tally of the count, who took charge of the return sheet which was to go to the county clerk. Not one of the officers of this board of election in their testimony placed the number of scratched tickets—tickets with Funston's name erased and Moore's name put in its stead—at less than 10; and some members of the board placed the number as high as from 50 to 60; others stated that the number ran along from 30 to 40. The returns, however, were made up and deposited in the clerk's office; and with a remarkable fitness of things for that locality, it was made to appear by the returns that Funston had run but 2 votes, I believe, behind the vote of the Presidential electors.

That result was accepted for a while as a correct report of the vote at that precinct. This contest came on. Inquiry was made as to whether that return was honest or fraudulent. The tickets of this precinct, whose custody by law was in the clerk's office, are called for. A Republican clerk holding that office reports that he has made search and can not find them. He goes back and makes another search, and again reports that he can not find them. Then comes a Mr. Carpenter, a Republican, closely allied with the people engaged in this monstrous and iniquitous business; he brings a package of tickets which had been broken open and lays it in the hands of this county clerk. He says that early in the morning when he rose he found it on his gate.

This package of tickets has been accurately described by my friend, Mr. DE ARMOND. A comparison of these tickets is made with the tally sheet made up by this scoundrel who went on the board of his own volition without taking an oath; and it is found that the tickets tally precisely with the tally sheet as made up by him. Why is this so? Because the truth is that scratched tickets were voted and went into the box, but when read off by this man they were read as if they were straight tickets.

To successfully carry out the intended fraud on the ballot box at this precinct the tickets in the box had to be tampered with, and enough scratched tickets had to be taken out and straight tickets substituted to make the ballots correspond with the count that this rascal had kept. This is the truth of the matter. This is the work of this rascal who imposed himself on the election board and who my friend from Virginia [Mr. JONES] says is a sleight of hand performer. I hardly know what that means. But at any rate this fellow had adroitness enough about him to steal out a lot of scratched tickets and substitute others for them.

The next matter to be considered is one that my friend, Mr. DE ARMOND, has also spoken of—the county of Allen. That county returned a majority for the contestee of 93—12 more than the plurality returned for him in the entire district. The law of the State of Kansas requires that the board of county canvassers, consisting of three members, shall meet at the county seat for the purpose of examining the precinct returns and making a canvass of them. This board of canvassers is the board of county commissioners.

It is the business and duty of this canvassing board to carefully look into the matter and see that it is all right. A tabulated statement of the correct vote should be made. The precinct returns were made to the clerk of Allen County pursuant to the law. The board of commissioners constituting the board of canvassers met pursuant to law, and that is the only lawful thing the board of commissioners did. I will call the attention of the House to the testimony of witnesses. The clerk who allowed this package of tickets to mysteriously disappear testified that the canvassing board did not personally inspect the work nor compare it with the returns as shown by the poll books. This is what he swore to. If the board did not do that what faith can be given to the returns?

Again he testified that the members of the canvassing board could not see the names and figures witness made from where they sat; that they absolutely saw nothing of these returns or what was being done with them. The witness, the county clerk, did not know whether the members of the board were present when he signed the chairman's name to the abstract of votes or not. It has been contended by some gentlemen on the other side that the name of the president of this board of county commissioners, one of the canvassing board, was properly subscribed to the abstract of votes. I will concede it, if gentlemen desire, because it does not help them in their case, although I think they are mistaken about it. The law of Kansas requires that they shall all sign the returns—not one, but all.

There was no such signing of these election returns. It is to authenticate the election return that the signatures are required. The signatures of the board are the witnesses who testify that the returns tell the truth. There is no testimony, oral or otherwise, that the returns from Allen County sent up to the capitol of the State of Kansas speak the truth, none whatever. So it must be conceded that the returns are void, absolutely so. They are not subscribed to or certified to by anybody.

This being so, shall the contestee still hold this seat in Congress? I say no.

Here is the law of Kansas on the subject of canvassing the vote:

SEC. 2687. On the Friday next following the election the county clerk and the commissioners of the county, or a majority of said commissioners, at 10 o'clock a. m. of that day, shall meet at the office of said county clerk and shall proceed to open the several returns which shall have been made to that office; and said commissioners shall determine the persons who have received the greatest number of votes in the county for the several county, district, and State offices, and members of the senate and house of representatives, Representative in Congress, and electors of President and Vice-President of the United States, * * * and such determination shall be reduced to writing, signed by said commissioners, and attested by the clerk, and shall be annexed to the abstract of votes given for such officers respectively, hereinafter provided for in section 41 [31] of this act.

E. M. Eckley testified that he was county clerk of Allen County, Kans.; that on November 11, 1892, the board of county commissioners met to canvass the vote cast at the general election of November 8, 1892; that they reduced the result to writing, but did not sign the same; that he, the witness, signed the name of the chairman of the canvassing board to the abstract of the vote; that he made out the abstract from the names and figures given him by the board; that the board did not give him any authority to sign their names; that the board did not personally inspect the work, nor compare it with the returns as shown by the poll-books; that the members of the board could not see the names and figures witness made from where they sat; that witness did not know whether the members of the board were present when he signed the chairman's name to the abstract.

Another reason why I believe these Allen County returns are unreliable and will not bear scrutinizing is this: Every man knows that where there is a failure to authenticate the returns of an election in the manner prescribed by law that other evidence may be resorted to to prove the truth of the returns. This was the contestee's home county. If these returns were all right he could have shown it by other evidence. The original precinct returns still on file in the clerk's office could have been produced and put in evidence. This was not done, and the fact that it was not done casts suspicion on the fairness of the returns made in Allen County.

The election in dispute is so permeated with fraud and dishonesty on the part of the party that contestee belongs to that no reliance——

The SPEAKER. The time fixed for the debate has expired, and the Clerk will report the resolutions offered by the committee.

The resolutions reported from the Committee on Elections were again read.

Mr. MCCALL. I offer as a substitute, Mr. Speaker, the resolutions presented by the minority of the committee.

The resolutions were read.

The SPEAKER. The question will first be taken on the substitute resolutions.

Mr. MCCALL. I ask for a division of the question.

The SPEAKER. The Clerk will report the first resolution, submitted by the gentleman from Massachusetts as a substitute for the resolutions offered by the Committee on Elections, on which a separate vote is asked.

The Clerk read as follows:

Resolved, That H. L. Moore was not elected a Representative in the Fifty-third Congress from the Second Congressional district of Kansas, and is not entitled to a seat therein.

The question was taken; and the Speaker announced that the noes seemed to prevail.

Mr. MCCALL. I ask a division.

Mr. BROWN. Let us have the yeas and nays.

The yeas and nays were ordered.

The SPEAKER announced the appointment of Mr. JONES and Mr. MCCALL as tellers at the desk.

The question was taken; and there were—yeas 90, nays 127, answered "present" 7, not voting 127; as follows:

YEAS—90.

Adams, Pa.	Curtis, N. Y.	Hermann,	Meiklejohn,
Aitken,	Dalzell,	Hicks,	Mercer,
Avery,	Daniels,	Hitt,	Moon,
Baker, N. H.	Doolittle,	Houk,	Murray,
Barnes,	Draper,	Hulick,	Northway,
Bartholdt,	Ellis, Oregon	Hull,	Payne,
Bingham,	Funk,	Johnson, Ind.	Paynter,
Blair,	Gillet, N. Y.	Johnson, N. Dak.	Pendleton, Tex.
Boutelle,	Grosvenor,	Kiefer,	Perkins,
Bowers, Cal.	Grout,	Lacey,	Pickler,
Broderick,	Grow,	Linton,	Post,
Brosius,	Hager,	Loud,	Quigg,
Bundy,	Hainer,	Loudenslager,	Randall,
Burrows,	Hall, Minn.	Lucas,	Reed,
Cannon, Ill.	Hare,	Marsh,	Reyburn,
Childs,	Harmer,	Marvin, N. Y.	Richards, Ohio
Cooper, Wis.	Haugen,	McCall,	Ritchie,
Cousins,	Henderson, Iowa	McCleary, Minn.	Robinson, Pa.
Curtis, Kans.	Hepburn,	McKeighan,	Russell, Conn.
Russell, Ga.	Sweet,	Wanger,	Wilson, Wash.
Stephenson,	Taylor, Tenn.	Waugh,	Wright, Mass.
Stone, C. W.	Updegraff,	Wheeler, Ill.	
Strong,	Van Voorhis, Ohio	Wilson, Ohio	

NAYS—127.

Alexander,	Cox,	Hooker, Miss.	Pendleton, W. Va.
Allen,	Crawford,	Hudson,	Pigott,
Arnold,	Culberson,	Hunter,	Reilly,
Bailey,	Davey,	Ikirt,	Richardson, Mich.
Baker, Kans.	Davis,	Izlar,	Richardson, Tenn.
Bartlett,	De Armond,	Johnson, Ohio	Robertson, La.
Barwig,	De Forest,	Jones,	Ryan,
Bell, Tex.	Dinsmore,	Kem,	Sayers,
Black, Ill.	Dockery,	Kilgore,	Shell,
Bland,	Donovan,	Kyle,	Sipe,
Boatner,	Edmunds,	Lane,	Snodgrass,
Branch,	Ellis, Ky.	Latimer,	Somers,
Bretz,	English, Cal.	Layton,	Sorg,
Brookshire,	English, N. J.	Lester,	Sperry,
Brown,	Epes,	Lynch,	Springer,
Bryan,	Erdman,	Maddox,	Stevens,
Bunn,	Everett,	Maguire,	Strait,
Bynum,	Fielder,	McCreary, Ky.	Straus,
Caminetti,	Fithian,	McCulloch,	Swanson,
Cannon, Cal.	Forman,	McDannold,	Talbert, S. C.
Capehart,	Fyan,	McDearmon,	Tarsney,
Caruth,	Geary,	McEttrick,	Tate,
Catchings,	Geissenhainer,	McGann,	Terry,
Causey,	Gorman,	McRae,	Turner, Va.
Clancy,	Grady,	Mutchler,	Tyler,
Clark, Mo.	Hall, Mo.	Neill,	Warner,
Cobb, Mo.	Harris,	Ogden,	Washington,
Cockrell,	Hayes,	Outhwaite,	Williams, Ill.
Coffeen,	Heard,	Page,	Williams, Miss.
Cooper, Fla.	Henderson, N. C.	Paschal,	Wolverton,
Cooper, Tex.	Hendrix,	Patterson,	Woodard.
Cornish,	Hines,	Pearson,	

ANSWERED "PRESENT"—7.

Black, Ga.	Haines,	McLaurin,	Pence.
Gear,	Hatch,	O'Neil, Mass.	

NOT VOTING—127.

Abbott,	Denson,	Magner,	Sherman,
Adams, Ky.	Dingley,	Mahon,	Sibley,
Alderson,	Dolliver,	Mallory,	Sickles,
Aldrich,	Dunn,	Marshall,	Simpson,
Apsley,	Dunphy,	Martin, Ind.	Smith,
Babcock,	Durborow,	McAleer,	Stallings,
Baldwin,	Enloe,	McDowell,	Stockdale,
Bankhead,	Fletcher,	McKaig,	Stone, W. A.
Belden,	Funston,	McMillin,	Stone, Ky.
Bell, Colo.	Gardner,	McNagny,	Storer,
Beltzhoover,	Gillett, Mass.	Meredith,	Talbott, Md.
Berry,	Goldzier,	Meyer,	Tawney,
Boen,	Goodnight,	Milliken,	Taylor, Ind.
Bower, N. C.	Graham,	Money,	Thomas,
Breckinridge, Ark.	Gresham,	Montgomery,	Tracey,
Breckinridge, Ky.	Griffin,	Morgan,	Tucker,
Brickner,	Hammond,	Morse,	Turner, Ga.
Burnes,	Harter,	Moses,	Turpin,
Cabaniss,	Hartman,	Newlands,	Van Voorhis, N. Y.
Cadmus,	Heiner,	Oates,	Wadsworth,
Campbell,	Henderson, Ill.	O'Neill, Mo.	Walker,
Chickering,	Holman,	Phillips,	Weadock,
Clarke, Ala.	Hooker, N. Y.	Powers,	Wells,
Cobb, Ala.	Hopkins, Ill.	Price,	Wever,
Cockran,	Hopkins, Pa.	Ray,	Wheeler, Ala.
Cogswell,	Hutcheson,	Rayner,	White,
Conn,	Kribbs,	Robbins,	Whiting,
Coombs,	Lapham,	Rusk,	Wilson, W. Va.
Cooper, Ind.	Lawson,	Schermerhorn,	Wise,
Covert,	Lefever,	Scranton,	Woomer,
Crain,	Livingston,	Settle,	Wright, Pa.
Cummings,	Lockwood,	Shaw,	

So the first resolution was rejected.

The following pairs were announced:

Until further notice:

Mr. WILSON of West Virginia with Mr. DINGLEY.

Mr. BANKHEAD with Mr. MILLIKEN.

Mr. LAWSON with Mr. WHITE.

Mr. STONE of Kentucky with Mr. GEAR.

Mr. GOODNIGHT with Mr. WALKER.

Mr. OATES with Mr. STORER.

Mr. MONTGOMERY with Mr. TAWNEY.

Mr. WISE with Mr. FLETCHER.

Mr. MONEY with Mr. RAY.

Mr. CUMMINGS with Mr. WADSWORTH.

Mr. TALBOTT of Maryland with Mr. DOLLIVER.

Mr. COBB of Alabama with Mr. SHAW.

Mr. DENSON with Mr. THOMAS.

Mr. ROBBINS with Mr. MORSE.

Mr. MCMILLIN with Mr. HOUK.

Mr. GRESHAM with Mr. MAHON.

Mr. LOCKWOOD with Mr. VAN VOORHIS of New York.

Mr. CONN with Mr. HOOKER of New York.

Mr. STOCKDALE with Mr. BRODERICK.

Mr. STALLINGS with Mr. SCRANTON.

Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.

Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.

Mr. CABANISS with Mr. PHILLIPS.

Mr. TURPIN with Mr. GILLETT of Massachusetts.

Mr. MORGAN with Mr. SMITH of Illinois.
Mr. CRAIN with Mr. SETTLE.
For this day:
Mr. TURNER of Georgia with Mr. CHICKERING.
Mr. WHEELER of Alabama with Mr. GARDNER.
Mr. MALLORY with Mr. WEVER.
Mr. DURBOROW with Mr. SHERMAN.
Mr. HOLMAN with Mr. BELDEN.
Mr. COVERT with Mr. HEINER of Pennsylvania.
On the Moore-Funston election case:
Mr. BAILEY with Mr. APSLEY.
Mr. O'NEIL of Massachusetts with Mr. COGSWELL.
Mr. ABBOTT with Mr. TRACEY.
Mr. BLACK of Georgia with Mr. POWERS.
Mr. WELLS with Mr. BABCOCK.
Mr. TUCKER with Mr. WOOMER.
Mr. MEREDITH with Mr. HARTMAN.
Mr. MEYER with Mr. WRIGHT of Pennsylvania.

Mr. BRETZ. I ask that my colleague, Mr. TAYLOR of Indiana, be excused on account of sickness.

There was no objection.

Mr. MCCALL. I ask a recapitulation of the vote.

The vote was recapitulated.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the second resolution of the substitute, which the Clerk will report.

The Clerk read as follows:

Resolved, That Edward H. Funston was elected a Representative in the Fifty-third Congress from the Second Congressional district of Kansas, and is entitled to a seat therein.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. MCCALL demanded a division.

Pending the division,

Mr. JONES demanded the yeas and nays.

The yeas and nays were ordered.

The Speaker appointed as tellers Mr. JONES and Mr. MCCALL.

The question was taken; and there were—yeas 31, nays 126, answered "present" 12, recorded present by the tellers 13, not voting 170; as follows:

YEAS—31.

Barnes,	Grout,	McKeighan,	Reyburn,
Blair	Grow,	Payne,	Ritchie,
Boutelle,	Hall, Minn.	Paynter.	Russell, Conn.
Brosius,	Hare,	Pendleton, Tex.	Russell, Ga.
Cannon, Ill.	Henderson, Iowa	Pickler,	Waugh.
Cousins,	Lucas,	Quigg,	Wheeler, Ill.
Curtis, N. Y.	Marvin, N. Y.	Randall,	Wilson, Ohio.
Daniels,	McCall,	Reed,	

NAYS—126.

Alexander,	Crawford,	Hunter,	Pendleton, W. Va.
Allen,	Culberson,	Ikirt,	Pigott,
Arnold,	Davey,	Johnson, Ind.	Price,
Bailey,	Davis,	Johnson, Ohio	Reilly,
Baker, Kans.	De Armond,	Jones,	Richardson, Mich.
Bartlett,	De Forest,	Kem,	Richardson, Tenn.
Barwig,	Dinsmore,	Kilgore,	Robertson, La.
Bell, Tex.	Dockery,	Kribbs,	Sayers,
Black, Ill.	Donovan,	Kyle,	Shell.
Bland,	Edmunds,	Lane,	Sipe,
Boatner,	Ellis, Ky.	Lapham,	Snodgrass,
Branch,	English, Cal.	Latimer,	Somers,
Bretz,	English, N. J.	Layton,	Sorg,
Brookshire,	Epes,	Lester,	Springer,
Brown,	Erdman,	Livingston,	Stevens,
Bryan,	Everett,	Lynch,	Strait,
Bunn,	Fithian,	Maddox,	Straus,
Bynum,	Forman,	Maguire,	Swanson,
Caminetti,	Fyan,	McCreary, Ky.	Talbert, S. C.
Cannon, Cal.	Geary,	McCulloch,	Tarsney,
Capehart,	Geissenhainer.	McDannold,	Tate,
Caruth,	Gorman,	McDearmon,	Terry,
Catchings,	Grady,	McEttrick,	Turner, Va.
Causey,	Hall, Mo.	McGann,	Tyler,
Clancy,	Harris,	McRae,	Warner,
Clark, Mo.	Hayes,	Mutchler,	Washington,
Cobb, Mo.	Heard,	Neill,	Williams, Ill.
Cockrell,	Henderson, N. C.	Ogden,	Williams, Miss.
Cooper, Tex.	Hendrix,	Page,	Wolverton,
Cornish,	Hines,	Paschal,	Woodard.
Covert,	Hooker, Miss.	Patterson,	
Cox.	Hudson,	Pearson,	

ANSWERED "PRESENT"—12.

Black, Ga.	Haines,	Meyer,	Pence,
Boen,	Hatch,	O'Neil, Mass.	Richards, Ohio
Griffin,	McMillin,	Outhwaite,	Ryan.

REPORTED PRESENT BY TELLERS—13.

Breckinridge, Ky.	Harmer,	Milliken,	The Speaker.
Coffeen,	Johnson, N. Dak.	Moon,	
Dunn,	Kiefer,	Meiklejohn,	
Grosvenor,	McCleary, Minn.	Wilson, Wash.	

NOT VOTING—170.

Abbott,	Dalzell,	Lacey,	Sherman,
Adams, Ky.	Denson,	Lawson,	Sibley,
Adams, Pa.	Dingley,	Lefevre,	Sickles,
Aitken,	Dolliver,	Linton,	Simpson,
Alderson,	Doolittle,	Lockwood,	Smith,
Aldrich,	Draper,	Loud,	Sperry,
Apsley,	Dunphy,	Loudenslager,	Stallings,
Avery,	Durborow,	Magner,	Stephenson,
Babcock,	Ellis, Oregon	Mahon,	Stockdale,
Baker, N. H.	Enloe,	Mallory,	Stone, C. W.
Baldwin,	Fielder,	Marsh,	Stone, W. A.
Bankhead,	Fletcher,	Marshall,	Stone, Ky.
Bartholdt,	Funk,	Martin, Ind.	Storer,
Belden,	Funston,	McAleer,	Strong,
Bell, Colo.	Gardner,	McDowell,	Sweet,
Beltzhoover,	Gear,	McKaig,	Talbott, Md.
Berry,	Gillet, N. Y.	McLaurin,	Tawney,
Bingham,	Gillett, Mass.	McNagny,	Taylor, Ind.
Bower, N. C.	Goldzier,	Mercer,	Taylor, Tenn.
Bowers, Cal.	Goodnight,	Meredith,	Thomas,
Breckinridge, Ark.	Graham,	Money,	Tracey,
Brickner,	Gresham,	Montgomery,	Tucker,
Broderick,	Hager,	Morgan,	Turner, Ga.
Bundy,	Hainer,	Morse,	Turpin,
Burnes,	Hammond,	Moses,	Updegraff,
Burrows,	Harter,	Murray,	Van Voorhis, N. Y.
Cabaniss,	Hartman,	Newlands,	Van Voorhis, Ohio
Cadmus,	Haugen,	Northway,	Wadsworth,
Campbell,	Heiner,	Oates,	Walker,
Chickering,	Henderson, Ill.	O'Neill, Mo.	Wanger,
Childs,	Hepburn,	Perkins,	Weadock,
Clarke, Ala.	Hermann,	Phillips,	Wells,
Cobb, Ala.	Hicks,	Post,	Wever,
Cockran,	Hitt,	Powers,	Wheeler, Ala.
Cogswell,	Holman,	Ray,	White,
Conn.	Hooker, N. Y.	Rayner,	Whiting,
Coombs,	Hopkins, Ill.	Robbins,	Wilson, W. Va.
Cooper, Fla.	Hopkins, Pa.	Robinson, Pa.	Wise,
Cooper, Ind.	Houk,	Rusk,	Woomer,
Cooper, Wis.	Hulick,	Schermerhorn,	Wright, Mass.
Crain,	Hull,	Scranton,	Wright, Pa.
Cummings,	Hutcheson,	Settle,	
Curtis, Kans.	Ikiar,	Shaw,	

So the resolution was rejected.

Mr. MCMILLIN. Mr. Speaker I am paired with my colleague, Mr. HOUK, and hence have answered present to make a quorum, instead of voting.

The SPEAKER. The Clerk will call the names of those entered by the tellers as present and not voting.

The Clerk called the names.

The result of the vote was then announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOLMAN, for this day, on account of sickness.

To Mr. SCHERMERHORN, indefinitely, on account of sickness.

To Mr. THOMAS, indefinitely.

An then, on motion of Mr. BROWN (at 5 o'clock and 35 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. COUSINS, from the Committee on Claims: A bill (H. R. 2579) for the relief of William Crooks and James Crooks. (Report No. 1351.)

By Mr. LUCAS, from the Committee on Pensions: A bill (H. R. 3332) for the relief of Sharp Nose, Indian scout. (Report No. 1352.)

By Mr. RICHARDS, from the Committee on Claims: A bill (H. R. 4162) for the relief of John W. Kennedy. (Report No. 1353.)

By Mr. CLARK of Missouri, from the Committee on Claims: A bill (H. R. 7874) to enable the Secretary of the Interior to pay John T. Heard for professional services rendered the Old Settlers, or Western Cherokee Indians, out of the funds of said Indians. (Report No. 1354.)

By Mr. CLARK of Missouri, from the Committee on Pensions: A bill (H. R. 7422) for the relief of Harriet Clayton. (Report No. 1356.)

By Mr. COX, from the Committee on Claims: A bill (H. R. 1331) for the relief of Joseph H. Thompson. (Report No. 1357.)

By Mr. RICHARDS, from the Committee on Claims: A bill (H. R. 5056) to authorize the Postmaster-General to credit account of James A. Sexton with amount of funds stolen. (Report No. 1358.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, private bills were adversely reported and laid on the table, as follows:

By Mr. PENDLETON of West Virginia, from the Committee

on Private Land Claims: A bill (H. R. 6470) for the relief of the heirs of Phillip Francis Renaut. (Report No. 1350.)

By Mr. RICHARDS, from the Committee on Claims: A bill (H. R. 6820) for the relief of Francis Merriman Newton. (Report No. 1355.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the following bills, and the same were referred to the Committee on Invalid Pensions, to wit:

A bill (H. R. 7829) directing the Secretary of the Interior to pay to Andrew Bemis Read, administrator of the estate of Phineas W. Read, deceased, the accrued pension on certificate No. 183178;

A bill (S. 1656) granting an increase of pension to Mary A. L. Eastman; and

A bill (S. 1833) granting a pension to Hannah Howard.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. JOSEPH: A bill (H. R. 7870) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891—to the Committee on the Judiciary.

By Mr. HAINES: A bill (H. R. 7871) to appropriate the sum of $30,000 to complete the Government post-office building in the city of Troy, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. CAMINETTI: A bill (H. R. 7872) authorizing, in certain cases, the Secretary of the Interior, with the approval of the President, to alter the boundaries of the Yosemite National Park, a forest reservation in California—to the Committee on the Public Lands.

By Mr. GORMAN: A bill (H. R. 7873) disposing of two condemned cannon—to the Committee on Military Affairs.

By Mr. RICHARDSON of Tennessee: A concurrent resolution providing for the printing of additional copies of the seventh special report of the Commissioner of Labor—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. FITHIAN: A bill (H. R. 7875) for the relief of Charles M. Brown—to the Committee on Military Affairs.

By Mr. McCULLOCH: A bill (H. R. 7876) to place the name of Little Berry Sullivan on the pension roll—to the Committee on Pensions.

Also, a bill (H. R. 7877) for the relief of Thomas Y. Huddleston—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Memorial of citizens of Coal Creek, Colo., asking the impeachment of Attorney-General Richard Olney—to the Committee on the Judiciary.

By Mr. BLACK of Illinois: Petition from many cities, for legislation to prevent lottery matter from entering the United States—to the Committee on the Judiciary.

By Mr. HITT: Petition of John G. Farwell, of Chicago, Ill., and 130 others, for legislation to prevent lottery matter entering United States territory—to the Committee on the Judiciary.

By Mr. LOUDENSLAGER: Petition of Aaron Hand and 116 others, of Camden, N. J., against the passage of House bill 6913 in its present form, and against the appropriation of public funds for the use and under the control of sectarian schools or organizations—to the Committee on Indian Affairs.

By Mr. MAGUIRE: Petition of citizens of California, for the repeal of the Yosemite National Park law—to the Committee on the Public Lands.

By Mr. SORG: Papers to accompany House bill 7866, for the removal of the charge of desertion against William Hudson—to the Committee on Military Affairs.

By Mr. WARNER: Petition of Rev. Lyman Abbott and other citizens of the United States, in favor of vigorous Federal action against the business of lotteries—to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *August 2, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

On motion of Mr. HILL, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, for the consideration of Congress, an estimate of appropriation, submitted by the Secretary of the Interior, for the relief of the Navajo Indians in New Mexico; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the Senate of July 31, 1894, calling for information concerning the planting of native pine seed for growth of the native pine in what are known as the Sand Hills of the Northwest, reports of the Chief of the Foresty Division of the United States Department of Agriculture for the years 1889, 1891, and 1892; which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Treasurer of the United States, recommending an appropriation of $300,000 for the recoinage of uncurrent fractional silver coins; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

HENRY JAMES.

Mr. BERRY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2896) "for the relief of Henry James, residing on the original Hot Springs Reservation, in the State of Arkansas," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

Include in the part proposed to be stricken out by the amendment of the Senate all down to the end of the bill, and insert in lieu of the part proposed to be inserted the words "nine hundred dollars;" and the Senate agree to the same.

J. H. BERRY,
S. PASCO,
J. N. DOLPH,
Managers on the part of the Senate
THO. C. McRAE,
J. W. MOON,
Managers on the part of the House.

The report was concurred in.

PETITIONS AND MEMORIALS.

Mr. PEFFER. I present the petition of Lewis C. Frye, of Los Angeles, Cal., and others, representing the United States Industrial Army now encamped near Washington City, praying for legislation in the interest of people who are unable to find employment at the hands of private citizens. In connection with the petition there is the draft of a bill which the petitioners ask to have enacted into law. The petition is very brief, and with the permission of the Senate I will read it so that all may have a clear understanding of what the petitioners want and why they ask for relief. It is addressed to the Senate and House of Representatives, and is as follows:

The United States Industrial Army is composed of many thousands of unemployed American citizens, and represents, by general consent, millions of unemployed or partly employed and underpaid workingmen. They have naught but their ability to labor to provide for themselves and families, and the average wealth possessed by them would not purchase a decent coffin.

A portion of this army is now encamped near Washington, thousands more are on the way, and thousands now languish in jail who, from hunger, were driven to trespass on railroad property. For years they have peacefully and hopefully awaited for private and public enterprise to give them work, and their condition is now such that their loyalty to the laws of the land is being put to a very severe test, as witness the violent outbreaks that are becoming so alarmingly frequent, and are so ominous of catastrophe to the nation. Political liberty is a mockery where economic slavery exists.

This army is organized in the interests of peace, and apart from the borrowing of transportation in an emergency, it has been, and will continue to be, law-abiding, half-starved, and ragged as it is, thus showing to the world an example of patient endurance and determination that is unparalleled in history.

Had we had the time and facilities, we could have brought a ton's weight of petitions from the poverty-stricken masses.

They ask for immediate employment on public works at fair wages or else national assistance to supply their own wants by coöperative industry.

To have our leading industries nationalized, and the product of service to be furnished at cost.

Free coinage of silver and a legal-tender currency issued direct to the people.

To have the immigration of foreign laborers stopped until there is a demand for their labor, or until the serfdom of the wage-earner is abolished.

Therefore, as the hour of adjournment approaches and our needs are urgent, we, the undersigned, at the request of the army and the millions it represents, do respectfully petition your honorable body to pass the bill

hereunto attached, or failing that, to pass some measure of immediate and temporary relief.

The petition is signed as follows:

LEWIS C. FRYE, *Los Angeles, Cal.*,
ARTHUR VINETTE, *Los Angeles, Cal.*,
THOS. GALVIN, *Los Angeles, Cal.*,
FRANK CANTWELL, *Seattle, Wash.*,
CHAS. L. KELLEY, *San Francisco, Cal.*,
GEO. HOWARD, *San Francisco, Cal.*,
S. H. THOMAS, *Cincinnati, Ohio*,
CHAS. CLARK, *Minneapolis, Minn.*,
ALLEN JENNINGS, *Indianapolis, Ind.*,
Advisory Board United States Industrial Army.

Here is their bill, and while it is not drawn in such form as a lawyer or a skilled statesman would draw it, yet it expresses what these people want. I move that the petition and bill be referred to the Committee on Education and Labor, and that they be printed as a document.

The motion was agreed to.

Mr. PASCO. I present a petition of the Board of Trade of St. Augustine, Fla., praying for the speedy settlement of the claims to lands upon Anastasia Island and the establishment on that island of a military post and artillery practice grounds. I move that the petition be referred to the Committee on Private Land Claims, and that it be printed as a document.

The motion was agreed to.

Mr. CAMERON presented a memorial of the committee on philanthropic labor, Yearly Meeting of Friends, of Philadelphia, and sundry memorials of citizens of York, Gibson, Ansonville, Altoona, New Germantown, Annville, Oil City, Adamstown, Shrewsburg, Fredericksburg, Maiden Creek, Fishing Creek, Pottstown, and Saltillo, and a memorial of sundry citizens of Columbia County, all in the State of Pennsylvania, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

He also presented sundry petitions of citizens of Allegheny, Altoona, and Muncy, all in the State of Pennsylvania, praying that fraternal beneficial societies, orders, or associations, be exempted from the proposed income tax provision of the pending tariff bill; which were ordered to lie on the table.

He also presented petitions of the Knights of Labor; of the United Labor League; of Lodge No. 431, International Association of Machinists, all of Philadelphia, Pa., praying for the passage of the resolution introduced by the Senator from South Dakota [Mr. KYLE] in relation to railroad strikes; which were referred to the Committee on Education and Labor.

He also presented a petition of the State Council of Pennsylvania, Junior Order of United American Mechanics, of Pittsburg, Pa., and a petition of sundry citizens of Lebanon, Pa., praying for the passage of House bill No. 5246, restricting immigration; which were referred to the Committee on Immigration.

He also presented a petition of the Commercial Exchange of Philadelphia, Pa., praying for the passage of House bill No. 7273, regulating commerce; which was referred to the Committee on Commerce.

He also presented a memorial of the Maritime Exchange of Philadelphia, Pa., remonstrating against the passage of House bill No. 7295 to remove certain burdens on the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the passage of House bill No. 7273, amending the interstate commerce laws of 1887, so as to legalize pooling; which was referred to the Committee on Interstate Commerce.

He also presented the memorial of Norman Cole, of Mifflin Crossroads, Pa., remonstrating against an increase of the present internal-revenue tax on whisky, and also against an extension of the present bonded period; which was ordered to lie on the table.

He also presented a petition of the Catholic Total Abstinence Union, of Scranton, Pa., praying for the enactment of legislation relieving the present unsettled condition of the country; which was referred to the Committee on Education and Labor.

Mr. CHANDLER presented the petition of George W. Bodwell and 13 other citizens of Nashua, N. H., praying that fraternal beneficiary societies, orders, or associations be exempted from the proposed income-tax provision of the pending tariff bill; which was ordered to lie on the table.

Mr. PATTON presented the memorial of D. J. Evans and 45 other citizens of Stockbridge, Mich., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. CULLOM presented a memorial of sundry citizens of Rock Island, Ill., and a memorial of sundry citizens of Springfield, Ill., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. PALMER. I present a petition of 208 citizens of Peoria, Ill., praying for an early settlement of the tariff question, as the failure to do so will work incalculable loss and irreparable injury to the financial and industrial interests of the country. I ask that the petition may lie on the table, and I beg permission of the Senate to make the statement that I cordially and earnestly sympathize with the views of the petitioners.

The VICE-PRESIDENT. The petition will lie on the table.

Mr. ALLISON presented a memorial of the Iowa District of the Synod for the Norwegian Evangelical Lutheran Church of America, remonstrating against the adoption of a proposed amendment of the preamble of the Constitution of the United States, recognizing the Deity; which was referred to the Committee on the Judiciary.

He also presented memorials of G. B. Adams and sundry other citizens of Centerville; of Rev. J. C. Coughlan and sundry other citizens of Eddyville; of S. W. Heath and sundry other citizens of Brooklyn, and of David Flatters and sundry other citizens of Downey, all in the State of Iowa, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. MITCHELL of Wisconsin presented memorials of sundry citizens of Bay View, Milwaukee, and Oxford, all in the State of Wisconsin, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. SHERMAN presented a petition of 45 citizens of Chicago, Ill., and a petition of 90 citizens of Chicago, Ill., praying for an early settlement of the tariff question; which were ordered to lie on the table.

He also presented a petition of the Northwestern Ohio Medical Association, praying for the passage of the bill creating a department and secretary of health; which was referred to the Committee on Education and Labor.

Mr. MCMILLAN presented a memorial of sundry citizens of Watrousville, Mich., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6405) to remove the charge of desertion standing against Patrick Kelleher, late private Company C, Thirty-eighth Illinois Volunteers, reported it without amendment, and submitted a report thereon.

Mr. WASHBURN, from the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 7007) regulating the sale of certain agricultural products, defining "options" and "futures," and imposing taxes thereon and upon dealers therein, reported it with amendments.

Mr. GEORGE. I wish to state that I dissented in committee from that report. I desire, furthermore, to state that after a very full and thorough investigation by the Committee on Agriculture and Forestry, under the order of the Senate, of the question of dealing in options and futures, I have been confirmed in my opposition to that system of dealing, and in my opinion there ought to be legislation for the suppression of such dealing. My dissent is based solely upon what I regard as the inadequacy of the present bill to effect the reform intended.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 1189) for the relief of Capt. Henry C. Seaman, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1675) to remove the charge of a dishonorable dismissal, after the battle of Stone River, standing against the name of L. S. Woodworth, to correct the record and issue him an honorable discharge, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 19) authorizing the Secretary of War to correct the military record of Capt. Edward Wheeler, Fifty-sixth New York Volunteers, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5816) granting a pension to Mary Ann Donoghue; and

A bill (H. R. 6213) to pension Harriet R. Tate.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 1009) for the relief of telegraph operators during the war of the rebellion, reported it with an amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2108) to perfect the military record of Warren Alonzo Alden, reported it without amendment, and submitted a report thereon.

Mr. WALSH, from the Committee on the Quadro-Centennial (Select), to whom was referred the bill (S. 1453), for the transfer of a portion of the exhibit of the Department of State at the World's Columbian Exposition to the Columbian Museum of Chicago, reported it without amendment.

Mr. WHITE, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1706) to provide registers for the steamers Claribel and Athos; and

A bill (H. R. 7383) relating to lights on fishing vessels.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 7827) to authorize a bridge across the Perdido River, between the States of Florida and Alabama, reported it with an amendment.

PAYMENT FOR ALLEY CONDEMNED.

Mr. FAULKNER. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 213) to pay for an alley condemned in square No. 493, in the city of Washington, D. C., to report it favorably without amendment. The bill is very short, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEWERAGE OF THE DISTRICT OF COLUMBIA.

Mr. GORMAN. I am directed by the Committee on Printing, to whom was referred the resolution submitted by the Senator from Vermont [Mr. PROCTOR] on the 25th ultimo, to report it with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

Resolved, That 500 copies of Executive Document No. 445, first session of Fifty-first Congress, it being a report of a board of sanitary engineers upon the sewerage of the District of Columbia, be printed for the use of the Senate.

The amendment of the Committee on Printing was, in line 1, before the word "Executive," to insert the word "House."

The amendment was agreed to.

The resolution as amended was agreed to.

LAWS RELATING TO COURT OFFICIALS.

Mr. GORMAN. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 91) to provide for the printing of a digest of the laws and decisions relating to the appointment, salary, and compensation of officials of the United States courts, to report it favorably without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that there shall be printed the usual number of copies of a digest of the laws and decisions relating to the appointment, salary, and compensation of the officials of the United States courts, and in addition to the usual number there shall be printed and bound in sheep 250 copies for the use of the Treasury Department, and 1,750 for the use of the Attorney-General, the digest to be printed under the editorial supervision of Robert M. Cousar, and the editing to be paid for out of any moneys in the Treasury not otherwise appropriated, on the direction of the Attorney-General, at a price not to exceed $2,000, which sum is hereby appropriated, and is to be in full payment for said work, except the cost of printing and binding the same.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT APPROPRIATION BILL.

Mr. GORMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5481) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1895, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 8, 13, 15, 16, 19, 23, 45, 46, 47, 48, 50, 57, 62, 63, 64, 65, 68, 72, 73, 83, 87, 91, 92, 94, 96, 97, 103, 105, 106, 109, 115, 116, 118, 119, 121, 141, 142, and 143.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 12, 17, 18, 20, 21, 22, 25, 33, 36, 37, 38, 39, 40, 41, 42, 43, 44, 53, 55, 61, 66, 67, 71, 74, 75, 76, 77, 78, 79, 80, 81, 83, 84, 85, 89, 90, 95, 98, 100, 101, 102, 104, 107, 108, 110, 111, 112, 113, 117, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 144, 145, and 146, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,700;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Messenger to the superintendent, $840; in all, $3,840;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum named in line 2 of said amendment insert "$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Strike out all of lines 2, 3, 4, 5, and down to and including the word "streets" in line 6 of said amendment, and insert in lieu thereof the following:

"For assessment and permit work, $165,000; and a sufficient amount of this appropriation may be applied to and expended for the immediate removal of the parking, except trees, and paving the space in the center of New York avenue between Ninth and Tenth streets, and one-half of the cost thereof shall be assessed against the abutting property and collected as herein provided for assessment and permit work."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$145,750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$57,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$19,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Add after the word "dollars," in line 2 of said amendment, the following: "to be paid wholly from the revenues of the District of Columbia;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Add after the word "dollars," in line 2 of said amendment, the following: "to be paid wholly from the revenues of the District of Columbia and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "to be paid wholly from the revenues of the District of Columbia;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$77,590;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$137,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$142,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out the word "twenty-one," and insert in lieu thereof the word "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum named in line 4 of said amendment insert "$47,600;" and strike out in line 5 of said amendment the word "fifty" and insert in lieu thereof the word "forty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$53,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "at a cost not to exceed $90,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert "$26,130;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$71,700;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided further*, That said Commissioners shall make a special investigation as respects the best methods of collecting and disposing of garbage and dead animals in the District of Columbia, and may receive proposals for disposal of same under the different methods presented, if more than one, and report specially the result of such investigation at the next session of Congress;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lines 22 and 23, page 35 of the bill, strike out the words "six hundred" and insert in lieu thereof the words "four hundred and eighty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the words "one night watchman, $365;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,425;" and the Senate agree to the same.

A. P. GORMAN,
F. M. COCKRELL,
W. B. ALLISON,
Managers on the part of the Senate.

ALEX. M. DOCKERY,
J. R. WILLIAMS,
D. B. HENDERSON,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on concurring in the report of the conference committee.

Mr. PEFFER. Before the report is acted upon, I wish to have the attention of the Senator from Maryland [Mr. GORMAN]. I did not understand, from the reading of the report, whether any agreement had been reached upon the application of the van-drivers and persons connected with the Metropolitan police, who had asked to have their wages increased.

Mr. GORMAN. I answer the Senator no. That matter was not open to the conference. There was no amendment made to the House bill by the Senate, and therefore that question could not be considered in the conference.

I will state to the Senator that when the bill was under consideration in the Senate that was a subject which we agreed to take up carefully in the preparation of the next District appropriation bill. I think there is a universal belief that injustice is being done to those persons, and we shall endeavor to correct it in the next District of Columbia appropriation bill. It is impossible to reach it now.

Mr. PEFFER. Is the Senator of opinion that anything can be done or will be done at this session?

Mr. GORMAN. I trust at the next session we shall be able to do what the Senator desires. At all events, I shall make an effort in that direction.

Mr. PEFFER. I proposed an amendment, which was ruled out on a point of order, very properly undoubtedly. Afterwards an amendment was proposed and referred to the Committee on the District of Columbia, and that committee reported it favorably. While it was perhaps a little out of order, yet the amendment when reported was referred to the committee of conference. I had great hope that the committee would see fit to incorporate it in their report.

Mr. GORMAN. I will state to the Senator that it was impossible under the rules for the committee of conference to consider that subject, it not having been passed upon by either House.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

The report was concurred in.

SENATORIAL INVESTIGATING COMMITTEE.

Mr. GRAY. I rise to a question of privilege.

The VICE-PRESIDENT. The Chair recognizes the Senator from Delaware.

Mr. GRAY. Mr. President, I am instructed by the special committee appointed by order of the Senate on May 20, to make a unanimous report, and with the report to lay before the Senate all the evidence that has been taken by the committee.

I am also instructed by the committee to say in reference to the resolution of June 11 of this year, passed by the Senate, instructing the committee to make an investigation of certain charges against members of both Houses in regard to the construction of certain railways and charter privileges in the city of Washington, that no evidence, testimony, or any communication has been made to the committee upon the subject of that resolution. The committee, therefore, on this statement, ask to be discharged from further duty under the resolution of May 20.

I ask that the report may be printed.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

Mr. ALLEN. In view of the fact that the committee has made a report, in which I concur, but which does not cover all the features of investigation I think it should cover, I present an additional report, which I send to the desk.

The VICE-PRESIDENT. In the absence of objection, the additional report submitted by the Senator from Nebraska will be printed in connection with the report submitted by the Senator from Delaware.

Mr. LODGE. I desire on behalf of the Senator from Minnesota [Mr. DAVIS] and myself, members of the special investigating committee, to file an additional report.

The VICE-PRESIDENT. In the absence of objection, the additional report filed by the Senator from Massachusetts will be printed to accompany the report of the committee.

Mr. CHANDLER. I understood the Senator from Delaware [Mr. GRAY] to ask that the committee be discharged from the further consideration of the subject.

The VICE-PRESIDENT. That is the pending question.

Mr. CHANDLER. Did I understand the request to be that the committee be discharged from any further consideration of the resolution of investigation?

Mr. GRAY. That was the request.

Mr. CHANDLER. I object for the present. After the Senator from Delaware made the request, additional reports were presented by three members of the committee. I think before the committee is discharged from the further consideration of the resolution the Senate ought to have an opportunity to read the three reports. If the Senator from Delaware makes no objection, I ask that action on his request may go over for the present.

The VICE-PRESIDENT. Without objection, it will be so ordered.

JAMES WILLIAM ABERT.

Mr. MANDERSON. I am directed by the Committee on Military Affairs to report favorably and without amendment the bill (H. R. 2582) to authorize the appointment of James William Abert to the retired list of the Army.

Mr. BLACKBURN. I ask unanimous consent for the present consideration of the bill reported by the Senator from Nebraska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President, by and with the advice and consent of the Senate, to appoint James William Abert to the Army of the United States, and to place him on the retired list thereof with the rank of major of engineers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MANDERSON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2048) to authorize the appointment of James William Abert to the retired list of the Army, to report it adversely, and move that it be indefinitely postponed, as a similar bill has just been reported to and passed by the Senate.

The motion was agreed to.

CHARLES B. STIVERS.

Mr. MANDERSON. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 868) for the relief of Charles B. Stivers, to report it favorably and without amendment. I call the attention of the Senator from Virginia [Mr. HUNTON] to the bill, who, I understand, desires action upon it.

Mr. HUNTON. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Nebraska. A similar bill has twice passed the Senate.

The VICE-PRESIDENT. The Senator from Virginia asks for the present consideration of the bill. It will be read for information.

The Secretary read the bill, as follows:

Whereas Charles B. Stivers, late captain in the Seventh United States Infantry, was summarily and erroneously dismissed the service on the 15th day of July, 1863, by Special Orders, No. 313, by order of the then Secretary of War, which order of dismissal, upon proof being made to the War Department that an injustice had been inadvertently done the said officer, was revoked by order of the Secretary of War on August 11, 1863, by Special Orders, No. 356, whereupon said Capt. Stivers was restored to his rank in the Army and continued in honorable and faithful service therein until December 30, 1864, when, by a proper order from the War Department, after

due examination, on account of long and faithful service and physical disability, he was placed upon the retired list of the Army; and

Whereas the said Charles B. Stivers was continued upon said retired list from the said date of his retirement until June 1, 1890, when he was dropped from the same in pursuance of an order of the War Department made by reason of the decision of the Supreme Court of the United States (114 U. S. R., 619) to the effect that the revocation by the President by an order of dismissal of an officer of the Army did not restore him to his former position in the service, but that such restoration could only legally be effected by an act of Congress: Therefore,

Be it enacted, etc., That the provisions of law regulating appointments in the Army by promotion in the line are hereby suspended for the purpose of this act only, and only so far as they affect Charles B. Stivers; and the President of the United States is hereby authorized, in the exercise of his discretion and judgment, to nominate and, by and with the advice and consent of the Senate to appoint said Charles B. Stivers, late a captain in the Seventh United States Infantry Regiment, to the same grade and rank of captain in the Army of the United States in the infantry service, and to place him on the retired list of the Army as of the date of December 30, 1864, the retired list being thereby increased in number to that extent, with the pay of his grade and rank from said date the same as if he had never been considered out of the service since his original entrance therein; such retired pay, however, having been heretofore duly and continuously received by said Charles B. Stivers up to the 1st day of June, 1890, the same shall only be due and payable to him hereafter from the date of the passage of this act.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. CHANDLER. I do not expect to prevent the passage of bills for the appointment of officers of the Government by act of Congress, but I do take occasion to say that, in my opinion, they are clearly unconstitutional. I make that remark about the pending bill in which the Senator from Virginia is interested and the bill which last passed the Senate.

It is, in my opinion, an absolute invasion of the powers of the Executive, of the power of appointment by the President of the United States, for Congress to undertake to make by statute officers of the United States. I think it is clear beyond all possibility of doubt, and at some time I hope that the passage of unconstitutional acts of this kind by the American Congress will cease.

Mr. MANDERSON. This bill and the one passed a few minutes ago by the Senate are certainly not open to the objection made by the Senator from New Hampshire. The bill is in the exact form in which such bills have been presented from the Committee on Military Affairs of the Senate for many years.

It is no direction to the President of the United States. It is no effort on the part of Congress to usurp executive power. It is not the exercise of any power of appointment, which, of course, does not vest in Congress. The language of such bills and the language of the pending measure is that the President is hereby authorized, in the exercise of his discretion and judgment, to nominate, and, by and with the advice and consent of the Senate, to appoint such a man as captain or whatever the office may be. It seems to me that very conclusively answers the objection made by the Senator from New Hampshire.

Now, as to this particular bill I desire to say that I am as much opposed as a man can be to any inflation of the retired list of the Army of the United States. It is already heavy, and no man should go upon it unless his case is one of very great merit. This case is like others reported from the Committee on Military Affairs; and let me say in passing that the committee weighs the evidence in all these cases with very great care. I do not believe there is a committee of this body which gives more attention to the details of cases of this character than the Committee on Military Affairs.

The facts in regard to this particular man are, that being in the service of the United States during the war as a captain of the Seventh United States Infantry, by misapprehension of facts—indeed, I think it was a mistake as to the personality of the man—he was summarily dismissed the service. A very short time afterwards, I think within a few days, the blunder of the department was called to the attention of the War Department and of President Abraham Lincoln, and immediately, by order of the President, and almost apologetically, reciting the mistake of facts, Capt. Stivers was restored to the Army. He continued in the service during the war, and in the regular Army after the war, until he was regularly retired by reason of disability.

Mr. HUNTON. He was wounded in the service.

Mr. MANDERSON. He was wounded in the service, I believe, also; but that is a mere incident which may happen to any soldier and does not affect his merit.

The fact is that in 1890, because of a decision of the Supreme Court of the United States, which declared that the President did not have the power thus to restore even where a mistake had occurred, but that he must nominate and the party be confirmed by the Senate, Capt. Stivers was dropped from the retired list of the Army.

There is no question about it but that it is a case of very exceptional merit. He is now aged and feeble, as the result of exposure and wounds received, and this is simply an effort on the part of Congress to give authorization to the President of the United States, if in his discretion he sees fit so to do, to nominate him, and, if confirmed by the Senate, to appoint him.

Mr. HAWLEY. That is to say, it endeavors to do what President Lincoln earnestly desired to do and thought he had done.

Mr. CHANDLER. No doubt this is a meritorious case, but we simply violate the Constitution in order to do justice to this man. An act of Congress which creates an office and names a private citizen in the act to be appointed to that office is an unconstitutional invasion of the executive function. It makes no difference, I take occasion to say to the Senator from Nebraska, whether the language is that the President is authorized to do it, or empowered to do it, or invested with discretion to do it, or whether it says he shall do it. The invasion stands upon the face of the act open, palpable, and inexcusable.

I do not propose to occupy the time of the Senate at this late day in arguing this proposition of law, which can be found laid down in various discussions of the subject in times past. I simply wish to put myself upon record briefly as protesting against a construction of the right of Congress to so legislate as to create an office, name a private citizen for the office, and virtually compel the President of the United States to appoint that private citizen to the office. It can not be done constitutionally, notwithstanding the Senator from Connecticut [Mr. HAWLEY] and the Senator from Nebraska [Mr. MANDERSON] are both upon the floor at the same time to insist that it can be done.

Mr. MANDERSON. I was on the floor simply for the purpose of interrupting the Senator from New Hampshire to correct a misapprehension that he is under. These bills, being approved by the President of the United States, become a law. As I say they merely give authorization. They give discretionary power to the President, and the fact is that the President of the United States in one instance at least, and I think in others, has declined to make the appointment.

Mr. HAWLEY. Oh, he has declined to do so several times.

Mr. MANDERSON. Perhaps several times. One instance I remember particularly where President Harrison, notwithstanding the authorization by Congress, said he did not believe the case was one of merit, and declined to appoint the officer whom he was permitted to appoint. It is not the creation of an office. By act of Congress of the United States the retired list of the Army is limited to 400. Bills of this character simply say that it shall be increased by one for the purpose of the act if the President sees fit to make the increase. That is all there is of it.

Mr. CHANDLER. And that the increase shall be limited to A B, a private citizen of the United States.

Mr. MANDERSON. If the President sees fit.

Mr. CHANDLER. The vice is right there, and the fact that Presidents have, in particular cases, wanted private individuals to be put into these offices, makes the custom which has grown up none the less a vicious one. A blow was struck at the custom at one time and I thought it had ceased; but it seems it is now in full blast and that we are to go on hereafter passing acts of Congress to create particular individual officers of the Federal Government under the President's power of appointment which, I respectfully continue to submit, can not be constitutionally done.

Mr. HUNTON. I congratulate the Senator from New Hampshire upon his zeal in defense of the Constitution, but it is a little singular to my mind that he should raise a constitutional point just here when he opposes the action of the Senate and House of Representatives for the last twenty years, and the action of four or five different Presidents of the United States. Whatever confidence I may have in the constitutional learning of the Senator from New Hampshire, I prefer to take the combined wisdom of the two Houses of Congress and four or five Presidents of the United States.

In regard to the point the Senator makes, I will state that this is not in any sense of the word a law appointing Charles B. Stivers to the Army and putting him on the retired list. The only object of the proposed law is to increase the retired list by one, and that one is to be Charles B. Stivers. That is not, so far, interfering with the power of appointment at all.

Mr. PALMER. If the President determines to appoint him, he will be appointed.

Mr. HUNTON. Yes, sir. That is not controlling the President in his action at all. But the law, having limited the retired list to 400, Charles B. Stivers can not be appointed by the President, no matter how much he might wish to appoint him unless the retired list shall be increased by the number of one.

And the Congress of the United States, by the passage of the bill, decides that the retired list shall be increased by one, provided the President in his discretion shall see proper to appoint to the position in the Army and place upon the retired list Mr. Charles B. Stivers. A similar bill has passed the Senate twice; it has passed the Military Affairs Committee certainly as often as twice, and nobody has ever seen a constitutional objection in the case except the strict constructionist from New Hampshire.

Mr. HAWLEY. Mr. President, this is not a new case. What we propose in the pending bill has been done many times by Congress before and since the famous Fitz John Porter case. The argument made by the Senator from New Hampshire was then made by many Senators with very great vigor. I confess that I myself sustained it; but I find that before and since that time Congress has asserted its right to enlarge the powers of the President, for that is what is proposed to be done in this case. It is no restriction, no interference, no embarrassment. Here is a man who can not be assured in the place in the Army which he held for twenty or thirty years without an act of Congress. It is very extraordinary if the Federal Government may commit an act of the grossest and most cruel injustice, and the Congress of the United States and the executive department together can find no possible way to remedy it.

The record of this gentleman is entirely honorable. There is no fault to be found with his service. He was out of the Army by an error of judgment. Mr. Lincoln, as he did in one or two other cases, where we had provided acts of Congress to cure the defect, endeavored to restore him by revoking the order of dismissal or discharge. The President was convinced that there was something wrong about it and endeavored to restore Capt. Stivers to the Army, and he supposed he had done so.

The person in question went back into the service, stayed there many years, was for a long time upon the retired list, and then a judgment of the Supreme Court of the United States declared that when an officer was once legally out of the service it was quite impossible for the President to restore him by revoking the order which discharged him; that it was an act completed, and he could not be restored except by new authority from Congress. So Congress says that the President may, in his discretion, nominate and appoint so and so to a certain position. It says that he may, in his discretion, do it. It removes the bar that stands in the way of doing justice.

The Fitz-John Porter case was fought out to the bitter end, and the power of Congress to pass such a law was affirmed by a large majority of both Houses, and I have quit fighting it. I have taken advantage of it to assist in some acts of obvious justice and mercy, and I shall adhere to the doctrine that we have a right to enlarge the powers of the President and that he may do just as seems to him best. It does not point out a person whom he shall appoint, but it enlarges the list of persons whom he may appoint.

Mr. MANDERSON. A bill for the relief of Capt. Charles B. Stivers passed Congress in 1890. It declared that the finding of a retiring board in his case was a legal and valid retirement, and that therefore he was entitled to his pay as a retired officer. The bill went to President Harrison, and he vetoed it, because he said it was the exercise of judicial power.

Mr. HUNTON. I think the Senator from Nebraska is mistaken in saying that it was a bill. It was a joint resolution.

Mr. MANDERSON. It may have been a joint resolution, but it is immaterial whether it was a bill or a joint resolution. The President vetoed it because he said it was a usurpation of judicial power by the President of the United States which he could not approve. That very excellent lawyer, standing almost at the head of the bar of the United States when he went into the Presidential office, concludes his veto message in this language:

> The relief should have taken the form usual in such cases, which is to authorize the appointment of the officer to a place made for him on the retired list.

I submit that to the Senator from New Hampshire as very excellent authority upon the constitutional question which he has raised in this case.

Mr. COCKRELL. I hope we shall now have a vote on the passage of the bill.

The VICE-PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

The preamble was agreed to.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 2119) for the relief of Charles B. Stivers, reported adversely thereon, and the bill was postponed indefinitely.

NORTH CAROLINA JUDICIAL DISTRICTS.

Mr. JARVIS. I ask unanimous consent for the present consideration of House bill 6542, a local bill, changing the line between the eastern and western judicial districts of North Carolina.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment of the Committee on the Judiciary was, in section 1, line 8, before the word "said," to insert "either of;" and after the word "said" to strike out "western district, in" and insert "counties for;" so as to read:

> That the counties of Person, Durham, Chatham, and Moore, and Richmond, now constituting a part of the western judicial district of North Carolina, shall be, and are hereby, transferred to and made part of the eastern judicial district of North Carolina; but all crimes and offenses heretofore committed in either of said counties for which the defendants have been bound over, shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

The amendment was agreed to.

The next amendment was, in section 2, line 2, after the words "North Carolina," to insert "as herein constituted;" and in line 5, after the words "each year," to insert:

> and at the city of Wilmington on the first Monday after the fourth Monday in April and October of each year; and at the city of Newbern on the fourth Monday in April and October of each year; and at Elizabeth City on the third Monday in April and October of each year

So as to make the section read:

> SEC. 2. That the sessions of the district courts of the United States for the eastern district of North Carolina as herein constituted shall begin and be held at the city of Raleigh on the fourth Monday of May and first Monday of December of each year, and at the city of Wilmington on the first Monday after the fourth Monday in April and October of each year; and at the city of Newbern on the fourth Monday in April and October of each year; and at Elizabeth City on the third Monday in April and October of each year.

The amendment was agreed to.

The next amendment was, in section 3, line 4, after the word "fourth," to strike out "Sunday" and insert "Monday;" so as to make the section read:

> SEC. 3. That the regular terms of the circuit court shall be held at Raleigh on the fourth Monday in May and first Monday in December in each year, and at Wilmington on the first Monday after the fourth Monday in April and October of each year.

The amendment was agreed to.

The next amendment was to add a new section in the following words:

> SEC. 4. That this act shall take effect on and after October 15, 1894.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time. The bill was read the third time, and passed.

MRS. ELIZA B. PEIRCE.

Mr. GALLINGER. I am authorized by the Committee on Pensions, to whom was referred the bill (H. R. 3858) to pension Mrs. Eliza B. Peirce, widow of Charles Peirce, of New Bedford, Mass., to report it favorably without amendment. As the bill proposes to pension a very aged and destitute woman, and it will take but a moment to consider it, I ask unanimous consent for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension rolls the name of Eliza B. Peirce, widow of Charles Peirce, late of the ship Edward, Mexican war, and allow her a pension at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RESTRICTION OF IMMIGRATION.

Mr. HILL. I am directed by the Committee on Immigration, to whom was referred the bill (H. R. 5246) providing for the inspection of immigrants by United States consuls, to report it with an amendment in the nature of a substitute.

At the same time I present to the Senate a communication from the Department of State upon the subject of this proposed legislation and also a communication from the Secretary of the Treasury. I ask that the bill and substitute, together with the two communications, be printed as a document.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. CHANDLER. I desire to say that the bill as reported by the committee as a substitute was drawn at the Treasury Department. It contains very severe provisions against the coming of anarchists to this country. I consented pro forma to the report of that bill as a substitute for the bill which came from the House of Representatives and which requires consular certificates for persons intending to immigrate to this country, in order that the whole subject might be brought before the Senate upon the consideration of the House bill, but reserving to myself the right to oppose the substitute and to advocate the passage at this time of the original House bill. I think that at the very earliest opportunity at the present session the Senator

from New York, who is chairman of the committee, should call up the House bill and the proposed substitute with a view to securing legislation on the subject before the adjournment of Congress.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

GEORGE B. COSBY.

Mr. MITCHELL of Wisconsin. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 6921) for the relief of George B. Cosby, to report it without amendment. The bill passed the House of Representatives without opposition. There is considerable urgency in having action upon it by the Senate, as the applicant is threatened with a suit at law by the Government. I therefore ask that the bill be considered at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to credit George B. Cosby, late a first lieutenant in the Second Cavalry, United States Army, with $1,358, being the amount of his official draft in favor of John T. Shaaf, late a lieutenant in the United States Army, upon the assistant treasurer of the United States at New Orleans, La., on or about March 31, 1860, the check not having been honored or paid for the want of funds, occasioned by payment of forged checks by the assistant treasurer, for which Cosby was in no way responsible.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DECORATION OF SOLDIERS' MONUMENT.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 7494) disposing of four condemned cannon of the Navy, to report it without amendment. It will only take a minute to pass the bill, and I ask that it be considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Navy to supply the Grand Army post of Sac City, Iowa, with four condemned cannon for use in decorating the pedestal of the soldiers' monument in Sac City, Iowa.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILITARY ROAD IN TEXAS.

Mr. BATE. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 7419) for the construction of a military road from the city of El Paso to Fort Bliss, Tex., to report it without amendment. I call the attention of the Senator from Texas [Mr. MILLS] to the bill.

Mr. MILLS. I ask unanimous consent to call up the bill for consideration now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate, when the military reservation known as "Old Fort Bliss" shall have been sold by virtue of an act approved March 1, 1890, so much of the receipts therefrom as may be necessary, not to exceed $4,000, to the construction of a military road between the city of El Paso, Tex., and New Fort Bliss, Tex.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE and others addressed the Chair.

Mr. COCKRELL. I give notice that I shall be compelled to object to the consideration of any more bills upon reports made this morning.

Mr. FRYE. I wish the Senator would withdraw his objection for about two minutes.

Mr. COCKRELL. I shall not be able to withdraw it to-day.

Mr. FRYE. Then I will not make the report until to-morrow morning.

Mr. TELLER. If the morning business is through, I ask unanimous consent——

Mr. COCKRELL. I insist upon only routine morning business being transacted.

The VICE-PRESIDENT. The introduction of bills and joint resolutions is next in order.

BILLS INTRODUCED.

Mr. CAREY introduced a bill (S. 2273) to provide for the payment of certain claims for compensation for publishing advertisements of lists of lands in the Territory of Oklahoma, opened to settlement by proclamation of the President April 19, 1892; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALLEN introduced a bill (S. 2274) to regulate the military and naval forces of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TURPIE introduced a bill (S. 2275) granting a pension to Elizabeth New, widow of Jethrow New; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BRICE introduced a bill (S. 2276) for the relief of John C. Seltzer, late postmaster, Shenandoah, Pa.; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

STATISTICS OF WAGES OF LABOR.

Mr. PEFFER. I wish to offer a resolution. I think there will be no objection to its immediate consideration, and in view of that fact I wish to state what it is. It is a resolution to ask the Committee on the Census to inquire and report whether there is any good reason for doubting the accuracy of the published statements of the Superintendent of the Census in relation to the wages of labor. I am informed and believe from a very cursory examination that the figures as given by the Superintendent for 1890 show such a state of wages as compared with those of 1880 that the increase is out of all proper proportion; and in order that the matter may be looked into, I ask that the resolution I offer may be adopted.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on the Census be, and it is hereby, instructed to inquire and report whether there is reasonable ground for doubt concerning the accuracy of the conclusions of the Superintendent of the Census, in relation to the average wages of persons employed in the mechanical and manufacturing industries as published in the second volume of the Compendium of the Eleventh Census.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the following acts:

An act (S. 1209) to regulate enlistments in the Army of the United States;

An act (S. 1426) to provide a register for the steamer Goldsworthy; and

An act (S. 79) to authorize a corrected patent to be issued for the donation land claim of Wheelock Simmons and wife.

BILLS BECOME LAWS.

The message also announced that the following acts having been presented to the President July 20, 1894, for his approval, and not having been returned by him to the house of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

An act (S. 104) for the relief of Gen. Napoleon J. T. Dana;

An act (S. 1513) for the relief of Maj. Gen. George S. Greene; and

An act (S. 322) to place Dunbar R. Ransom on the retired list of the Army.

DOMINION COAL COMPANY, OF NOVA SCOTIA.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day.

The Secretary read the resolution submitted yesterday by Mr. CHANDLER, as follows:

Resolved, That the special committee appointed to investigate the charges of bribery against Senators be instructed to inquire into the facts connected with the organization and history of the Dominion Coal Company, Limited, of Nova Scotia, for the purpose of ascertaining whether such company was formed or is being conducted by reason of any assurances that the tariff duty on coal shall be repealed by Congress; and if so, to ascertain who gave such assurances; and whether or not any officer of the Government or any member of Congress is or was interested in said company; and what action, if any, has been taken by any person in fulfillment of said assurances.

Mr. CHANDLER. Mr. President, the facts which have come to my knowledge, which justify and seem to require the passage of this resolution of investigation, are mainly contained in the prospectus of the Dominion Coal Company, Limited, of Nova Scotia, a copy of which I hold in my hand.

My proposition is that there is sufficient to justify an investigation contained in the prospectus itself. It was issued by Kidder, Peabody & Co., of Boston, and appears to have been dated in February, 1893. The outstanding capitalization of the company is stated as follows:

Capitalization of the company outstanding:	
Bonds	$1,500,000
Preferred stock	1,500,000
Common stock	15,000,000

Then the following statement is made:

One million five hundred thousand additional bonds and $1,500,000 additional preferred stock are reserved in the Treasury for the future needs of the company.

So we have a corporation of $21,000,000 formed in February, 1893, or exploited in February, 1893, for the development of Nova Scotia coal mines. I have been informed, and have no

doubt, that the options upon the mining properties which were to constitute the property of this Dominion Coal Company were bargained for in 1892, previous to the Presidential election, but that the final arrangements were concluded after the Presidential election, and the prospectus of February, 1893, then issued.

The officers of the company are Henry M. Whitney, of Boston, president; John S. McLennan, of Montreal, treasurer; F. S. Pearson, of Boston, chief engineer; David McKeen, of Glace Bay, Cape Breton, resident manager.

The directors are Henry F. Dimock, of New York; Hugh McLennan, of Montreal; F. S. Pearson, of Boston; W. B. Ross, Q. C., of Halifax; Sir Donald A. Smith, K. C. M. G., of Montreal; W. C. Van Horne, of Montreal; Henry M. Whitney, of Boston; Alfred Winsor, of Boston; and Robert Winsor, of Boston.

The trustees and transfer agents of the bonds are the New England Trust Company; the transfer agents of the stocks are the American Loan and Trust Company, and here is the date of the prospectus, "Boston, February 18, 1893."

There is in the New York World of Monday, July 30, a special to the World from Boston, Mass., of July 29, which gives the officers of the Dominion Coal Company substantially as I have stated them, and states that "the principal mines at and near Sydney acquired by the Dominion Coal Company, Limited, were the Glace Bay Company, in which Frank Jones held some stock," etc. Then the World proceeds to enumerate the other properties. I find that the prospectus recites that Mr. Schneider examined the books of the Little Glace Bay, Gowrie, Caledonia, and International Companies.

So it seems that a distinguished citizen of my own State, well known in political and social circles, Mr. Frank Jones, is a member of the syndicate which was projected prior to the Presidential election, and which entered into the full performance of its functions after the Presidential election, issuing its prospectus in February, 1893, for the sale of a portion of its stock.

It appears that nearly all the common stock is to be what is called watered stock. The company, wishing to sell four and a half million dollars of its securities, offers for $1,050 to give $500 of bonds, $500 of preferred stock, and $500 of common stock; that is to say, the bonds and the preferred stock at par, and the $500 common stock at $50, or $10 a share. So the common stock of $15,000,000 would be watered stock, so to speak, up to the amount of $13,500,000. It appears by the prospectus that all the stock is regarded as paid up and nonassessable under the laws of Nova Scotia.

I find in the World that—

> Of this stock President Whitney took 30,000 shares, for which he paid $10 a share. The other directors also got in on the ground tier.

There remains, of course, the $13,500,000 to be disposed of at $10 a share or placed in the course of the business of the projectors wherever it will do the most good to the company.

I now come to the peculiarity of this prospectus which led me to offer the resolution of investigation. This is evidently a scheme which is to go forward only in case of legislation of a certain character by the Congress of the United States. The whole gist and gravamen of this company's plan is the condition that by reason of the success of tariff reform in this country, or the success of some other idea, or the election to office of some President or some Congress, the duty on coal of 75 cents a ton is to be removed, so that this coal company can make money.

I have also been furnished, by the kindness of the Senator from Connecticut [Mr. PLATT], with the prospectus of the Broad Cove Coal Company, Limited, who propose to exploit mines at Cape Breton, in Nova Scotia, the Dominion of Canada. This is either a rival organization or a fellow organization of the Dominion Coal Company, and it proceeds upon the same fundamental condition, that success is to be given to the commercial venture by the removal by the Congress of the United States of the existing duty of 75 cents per ton upon coal. In the prospectus of the Broad Cove Company I find the following statement:

> Thus it will be seen that Broad Cove coal can be delivered alongside in Boston for $1.48 per ton less than coal from Newport News, Va., United States, and 61 cents less than for any other mine in Nova Scotia, with the duty on. Which tariff will be reduced if not removed entirely.

The prospectus has a blue hand printed so as to call the special attention of persons who desire to invest in the stock of this company to this paragraph, "which tariff will be reduced if not removed entirely."

The paragraph in the Dominion Coal Company's prospectus which gives character to the whole proceeding and shows the motive of the organization of this company, is as follows:

> Should the United States duty of 75 cents per ton be removed, it seems evident that this company will find a large market on the New England seaboard, for which its position at tide water would enable it to compete on advantageous terms.

Now, here is beyond all doubt, without going outside of the prospectus, the basis upon which this company was organized. It is the idea upon which this company is being managed today. It is a corporation organized with $15,000,000 of common stock, which it is apparent is only to be paid for, if paid for at all, to the extent of a million and a half dollars, which stock is subject to be distributed in all directions for any purpose which the managers of the company may conclude to be a wise one.

Mr. President, I repeat that this company ought to be investigated upon the facts which I have stated. If the Congress of the United States has before it a tariff bill, and a great $21,000,000 corporation is organized and bases the work of its organization, the function of its organization, the prosperity of its organization upon the removal of a duty by the passage of that tariff bill, I say this is a company which the Congress of the United States engaged in considering the tariff bill can afford to watch.

Mr. President, we can not avoid looking to see what any company is doing, whether it is the Dominion Coal Company or the Broad Cove Coal Company, that holds its securities ready by the million to hand out to persons to whom it chooses to assign them in order to influence the action of the Congress of the United States in removing the duty upon coal.

Mr. HILL. Mr. President——

Mr. CHANDLER. I am not surprised that the Senator from New York rises.

Mr. HILL. I understood the suggestion of the Senator to be that he wanted to watch this coal company. There is no objection to that, I suppose, on the part of anybody; but his resolution seems to intimate something further, namely, that we should investigate its affairs.

Mr. CHANDLER. The Senator will see, as I proceed, exactly to what extent I propose to impute motives to the advocates of free coal. I shall not say that every advocate of free coal has been influenced by the Dominion Coal Company.

Mr. GRAY. You had better not.

Mr. CHANDLER. Far be it from me to say that; but I say that when you have a coal company with $21,000,000 of stock organized upon the fundamental proposition that the duty on coal shall be removed, it is time for Congress to see what that coal company is doing, and to protect the Senator from New York [Mr. HILL] when he argues for free coal in this Chamber from having any seductive or improper influences put around him for the purpose of influencing his action in this Chamber. [Laughter.] And if any officer of the Government, be he high or low, great or small, is in danger of being influenced in his public action by this $21,000,000 of stock and bonds conveniently at hand, I say the Congress should investigate, not for the purpose of doing injury to any human being, but for the purpose of removing all good men from suspicion, and of exposing the bad men, if there are any in this city with any of this stock and bonds in their hands, and of driving them from the Capitol, as we ought to drive all men who are engaged with money in their hands in attempting to influence the legislation of this pure and upright Senate.

Mr. GRAY. Mr. President, I notice that the resolution of the Senator from New Hampshire—I was not in the Senate yesterday when it was offered—directs that the special committee appointed to investigate the charges of bribery against Senators, be instructed to inquire into the facts connected with the matter of which he has been speaking. I should feel perhaps some hesitation in saying and doing anything about that.

Mr. CHANDLER. Did the Senator understand that I had finished my remarks.

Mr. GRAY. I beg the Senator's pardon. I thought he took his seat.

Mr. CHANDLER. Oh, no; I have only begun.

Mr. GRAY. The Senator acted as if he had closed. I am sorry I misunderstood him.

Mr. CHANDLER. I beg pardon of the Senator. I always finish my sentences separately, or endeavor to do so.

Mr. GRAY. I say the Senator acted as if he had closed, and I beg his pardon for interrupting him.

Mr. CHANDLER. I may have so acted by finishing one sentence; but I have not yet attained the happy faculty, which was possessed in such an eminent degree by the former Senator from New York, Mr. Evarts, and is possessed by some Senators I now see, of getting all of my ideas in one sentence. [Laughter.]

Mr. GRAY. We all wish you could.

Mr. CHANDLER. If I could do that, I would; but I am obliged to give the Senate my views upon this resolution in installments, and I shall now proceed to the second installment.

Mr. President, while I hold the Senate ought to investigate the Dominion Coal Company, Limited, by reason of the facts appearing upon the face of the prospectus, it is useless to disguise the fact or to omit to notice that there have been suggested

scandals in connection with this company, and that the names of public officials have been bruited about in connection with this company; yet, Mr. President, I do not intend to use any names of public officials, because if the Senate will pass this resolution and make this investigation all the facts will be made apparent, and if no public official holds stock or bonds of this company, and if no member of Congress holds stock or bonds of this company or has any interest therein, no injustice will be done to anyone; while if names are now mentioned in the Senate injustice may be done.

Mr. GRAY. May I ask the Senator from New Hampshire a question?

Mr. CHANDLER. Certainly.

Mr. GRAY. I ask the Senator whether he does not think that if he has these grounds of suspicion, which would authorize him in offering and pressing a resolution like this, as to certain Government officials, he ought to mention their names; because, if he will allow me, that is a matter which has been bruited in the press of the country for sometime by those who are endeavoring to defeat tariff legislation in the Senate, and has come to the attention of the parties whose names have been mentioned in one way or another, and thus has drawn from those parties—I do not know that it has drawn from members of the Government—specific denials of the truth of many things which have been stated about this coal company.

I think if the Senator desires an investigation, he ought to mention the names of any officers of the Government to whom he thinks suspicion is directed.

Mr. CHANDLER. Mr. President, I prefer to make my speech myself.

Mr. GRAY. I ask the Senator a question, whether he does not think he owes it to the Senate and to the country to mention the names?

Mr. CHANDLER. I am perfectly willing that the Senator from Delaware shall mention any names he chooses to bring into this debate. I say that I have no knowledge, but I have a suspicion.

Mr. GRAY. The Senator from New Hampshire says he is perfectly willing the Senator from Delaware should mention names. Whenever I mention that there is suspicion against any public officer or Senator I shall mention the name.

Mr. CHANDLER. The Senator has his own way of doing things.

Mr. GRAY. I make no innuendoes.

Mr. CHANDLER. The Delaware way is not always the New Hampshire way.

Mr. GRAY. The Delaware way is a pretty good way, and I prefer the Delaware way.

Mr. CHANDLER. I beg pardon of the Senator. I will make this proposition to him, if he wants to introduce names into this debate. The New York World article of July 30, in its special from Boston of July 29, states that a thorough investigation has been made by the World correspondent into the Dominion Coal Company, and thereupon the World exempts from any connection with this company two high officials of the United States and one eminent citizen who is not now an official of the United States.

If the Senator wants to bring names into the debate, let him send for the World of July 30 and read the acquittal by this Democratic organ of those two officials and one distinguished citizen from any connection with the Dominion Coal Company. For myself, I have little reason to believe that they are connected with it, except what grows out of my suspicions of every conclusion to which the New York World ever comes.

Mr. GRAY. The Senator from New Hampshire has made a proposition. I merely want to say that the Senator from Delaware does not care to take refuge behind an article in the New York World or any other newspaper. If he thinks an article is sufficient to ground an imputation of suspicion against any officer or any Senator, he will say so, and that, I think, the Senator has characterized as the Delaware way, which I believe to be a pretty good way.

Mr. CHANDLER. Does the Senator suspect that any official of the United States is connected with this coal company?

Mr. GRAY. When I do, I will say so, and not stand here and talk about it.

Mr. CHANDLER. Does the Senator suspect anybody?

Mr. GRAY. I have answered the Senator. If he is not satisfied with that answer, he will have to go without one.

Mr. CHANDLER. The Senator does not suspect any one?

Mr. GRAY. No; I do not suspect anyone.

Mr. CHANDLER. The Senator says when he does suspect anyone, he will mention the name.

Mr. GRAY. That means I do not suspect anyone.

Mr. CHANDLER. The Senator is unsuspicious, while I am suspicious, and I will take the liberty of conducting myself as a suspicious man, and not as the unsuspicious Senator from Delaware conducts himself.

Mr. President, there is one name in connection with this Dominion Coal Company which I will mention, and that is the name of Mr. John E. Russell, of Massachusetts. I do not know whether he is Governor Russell or not. I mix up these Russells. There is John E. Russell and William E. Russell, and one of them has been governor of Massachusetts, I forget which, but this is John E. Russell. Is he the governor of Massachusetts?

Mr. LODGE. He is the one who ran for governor and was defeated.

Mr. CHANDLER. Yes; I had forgotten. William E. Russell is the one who ran for governor and was elected?

Mr. LODGE. Yes.

Mr. CHANDLER. In order that no injustice may be done to an ex-governor of Massachusetts, let it be borne in mind that it is Mr. John E. Russell, who, as I understand, avows connection with this Dominion Coal Company; who is an avowed participant in the prospective profits of the Dominion Coal Company, which is to make the great fortunes set out in this prospectus from the removal of the tariff duty of 75 cents a ton on coal.

A few days ago a New York paper—I think it was the Sun—if it was not the Sun, it was some other paper; and if I have the name of the paper wrong the Senator from Delaware, who reads all the papers, will correct me and name the right paper—stated that Mr. John E. Russell came to Washington to give counsel and advice to President Cleveland. The President had written a letter without addressing it to anybody in particular.

He had dated it July 2, and he had kept it as a sort of stock in trade of dynamite; held in hand, ready to be thrown at some convenient opportunity. Thereupon the President, about a week or ten days after this date, found himself in company with Mr. John E. Russell, with Mr. Don M. Dickinson, of Michigan, and with some other kitchen-cabinet adviser—I do not now remember the name—and at the consultation this letter was submitted, and the question was discussed whether it should be made public or should not be made public; and it was then decided, so the story went, that the letter should be addressed to the chairman of the Ways and Means Committee of the House of Representatives, Mr. WILSON. It was so addressed; it met the approval of this little conclave which gathered around the President, was sent to Mr. WILSON, and in due course of time, after an agonizing birth of some sort—who was the accoucheur we do not know—it saw the light one day, to the consternation of the world, the surprise of the House of Representatives, and to the dismay of every Senator in the Chamber, and particularly the Senator from Maryland [Mr. GORMAN] and the Senator from Tennessee [Mr. HARRIS].

Mr. President, I understand that Mr. John E. Russell, the representative of the Dominion Coal Company in that conference and about the hotels of this city and on the cars coming here and on the cars going away from here, was loud in his declaration that the President ought to plant himself impregnably upon the doctrine of the Democratic party, that we must have free coal for New England.

Far be it from me to say that Mr. Russell was not honest and sincere in his proposed advocacy of the great political principle of free raw material of the Democratic party to which he belongs. He undoubtedly thought that it was good policy for the President then and there to strike a blow for free coal, to protect the grand principle of free raw material for the Democratic party, and to carry out the expectations of the Dominion Coal Company, of which Mr. Russell was a representative and in the profits of which he was to be a participant.

But notwithstanding all this, it seems to me that Mr. John E. Russell, as an adviser of the President in reference to the removal of the duty on coal, will bear watching and investigating, and I respectfully submit to the Senate that the facts which I have already stated not only justify, but require an investigation such as the resolution proposes.

Mr. President, there have been scandals enough in connection with this Congress to require that the Senate of the United States shall set about removing them. We have had a committee for the purpose of removing any scandal which surrounds the Senate in connection with the sugar trust. The Senator from Delaware, the unsuspicious and confiding and trusting Senator from Delaware, who believes in the integrity of all men until the contrary is proved by overwhelming evidence, was put in charge of the committee to vindicate the integrity of the Senate and to assist in repelling, if the proof would permit, the sugar-trust scandals resting upon the Senate.

I submit that we should go further, and that we should investigate every organization made for money profits which it may be claimed by anybody has been surrounding this Capitol and filling this city with lobby agents to influence tariff legislation.

Consider, Mr. President, for a moment the question of the one-eighth differential, the one-eighth donation to the sugar trust, the president of which, Mr. Havemeyer, has admitted that the company pours out its money like water in order to influence political parties.

This sugar trust has been able so far to secure the retention in the tariff bill of the differential duty of one-eighth of 1 per cent upon refined sugar. All attempts to strike it out have failed, all motions to get it out have been voted down. There it is in the bill, and, if current rumors are correct, the Senate conferees say that there it shall remain, no matter how overwhelmingly the House of Representatives may demand that it shall be excluded and notwithstanding thirty-two members of the Senate, being half of those voting, have voted that it ought to go out, and notwithstanding, I regret to say, the thirty-second vote against striking it out was given by the Senator from Wisconsin [Mr. VILAS], who, after the most scathing denunciation of the sugar trust which has been uttered in this Chamber or elsewhere, meekly bowed in submission to the decree of the Democratic sugar caucus, and gave a vote against an instruction to the conferees to recede from the differential, which instruction only three days before he had introduced into the Senate and had made an eloquent and forcible speech in its favor.

Mr. President, when such conditions as this exist, when we see that this one-eighth differential, against which the House of Representatives is almost unanimous, and against which there is at least 1 majority in the Senate, if the Senators vote as they feel, and against which I believe there is 10 majority in the Senate—when we see this differential in behalf of Mr. Henry O. Havemeyer and his associates fastened upon the tariff legislation, so that there is to be no tariff legislation at this Congress unless the sugar trust have this advantage, I say it is time to investigate the sugar trust in earnest, and it is time to exhibit to the full light of day all the testimony which has been taken by the committee appointed to investigate the subject, and it is also time for us to investigate the Dominion Coal Company and the Broad Cove Coal Company and the National Lead Company. All of them, I think, should be investigated, including every one of those companies who, with their millions of watered stock ready to give away, are surrounding Congress and pressing home their iniquitous plans upon the representatives of the people of the United States.

Mr. President, I have spoken somewhat vehemently on this subject, but I hope that I am influenced by the proper spirit. I trust that Senators will believe that a due regard for the permanent dignity and honor of the Senate requires this investigation. I recur naturally and frequently to the language of President Cleveland.

When one is tired and weary and hard worn—as we now are, having been in session nearly one whole year, brought here a year ago on the 7th day of this month by the distinguished President—he longs to seize hold, if he can, of some principle, of some great idea for his guidance.

Some great writer, I do not remember who, but such a one as the senior Senator from Ohio [Mr. SHERMAN] or the senior Senator from Massachusetts [Mr. HOAR] is in the habit of quoting to us, says: "Give me a great thought that I may refresh myself therewith." So I turn for a great thought to the President of the United States, who says in his message of December 4, 1893:

> In my great desire for the success of this measure I can not restrain the suggestion that its success can only be attained by means of unselfish counsel on the part of the friends of tariff reform and as a result of their willingness to subordinate personal desires and ambitions to the general good.

Upon this noble idea, Mr. President, we may take our stand, and brush aside all these vampires which arise from the purlieus of the sugar trust and of the Dominion Coal Company. We may rest secure in our rectitude and our greatness, as reflected from that magnificent man in the White House, who always stands upon principle, who sacrifices himself upon every occasion when duty calls him, and who always subordinates personal ambitions to the public good. [Laughter.]

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from New Hampshire.

Mr. HILL. Mr. President, unless some Senator desires to debate the resolution further I move to lay it on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from New York.

Mr. CHANDLER. I ask the Senator to withdraw his motion for a moment so that I may make an amendment of the resolution, and then he can renew his motion.

Mr. HILL. I think my motion had better be passed upon now.

Mr. CHANDLER. I will say to the Senator that I desire, instead of keeping the present committee any longer in tribulation, to substitute a special committee for the committee to investigate the bribery of Senators.

Mr. HILL. There is no objection to that.

Mr. GRAY. Let the resolution provide for "a special committee" instead of "the special committee."

Mr. CHANDLER. I will modify the resolution so that it will read:

Resolved, That a committee of five Senators be appointed to inquire into the facts, etc.

The VICE-PRESIDENT. If there be no objection, the resolution will be modified as suggested by the Senator from New Hampshire.

Mr. CHANDLER. Now, I hope the Senator from New York will not renew his motion.

Mr. HARRIS. Let the resolution be read as modified.

The VICE-PRESIDENT. The resolution as modified will be read.

The Secretary read as follows:

Resolved, That a committee of five Senators be appointed to inquire into the facts connected with the organization and history of the Dominion Coal Company, Limited, of Nova Scotia, for the purpose of ascertaining whether such company was formed or is being conducted by reason of any assurances that the tariff duty on coal shall be repealed by Congress; and, if so, to ascertain who gave such assurances; and whether or not any officer of the Government or any member of Congress is or was interested in said company; and what action, if any, has been taken by any person in fulfillment of such assurances.

Mr. HILL. Mr. President, as no one seems inclined to debate this question further, I shall in a moment renew my motion.

I simply desire to say that nothing definite has been stated here which would justify entering seriously upon any investigation such as is proposed. There is no charge of any kind or character made against any official of the Government, any member of Congress, or anyone else in any tangible form or shape; and I think we have enough on our hands here, on the 2d day of August, without entering upon any such investigation. For that reason, I renew my motion to lay the resolution on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from New York [Mr. HILL] that the resolution be laid upon the table. [Putting the question.] The "ayes" appear to have it.

Mr. LODGE. I call for the yeas and nays.

The VICE-PRESIDENT. Is the demand for the yeas and nays seconded? [A pause.] Not a sufficient number of Senators have seconded the demand, and the yeas and nays are not ordered. The question is on the motion of the Senator from New York to lay the resolution on the table. [Putting the question.] The ayes appear to have it. The ayes have it, and the motion is agreed to.

Mr. PALMER. I now ask unanimous consent, in accordance with the notice I gave a day or two ago, that the Senate proceed to the consideration of unopposed bills reported by the Committee on Pensions and the Committee on Military Affairs.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Illinois? The Chair hears none.

Mr. COCKRELL. I did not understand the request.

Mr. MANDERSON. I inquire what has become of the motion of the Senator from New York to lay on the table the resolution of the Senator from New Hampshire? Was there not a yea-and-nay vote ordered?

The VICE-PRESIDENT. Not a sufficient number of Senators seconded the call, as the Chair stated at the time, and the yeas and nays were not ordered.

Mr. CHANDLER. The statement of the Chair was not heard. During this very hot weather it is very difficult to speak loud enough to be heard, and none of the Senators on this side of the Chamber understood the declaration of the Chair.

The VICE-PRESIDENT. The Chair stated distinctly that not a sufficient number of Senators had seconded the demand for the yeas and nays.

Mr. CHANDLER. I ask unanimous consent that the vote be taken over again.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. FAULKNER. What is the request?

Mr. CHANDLER. That the vote on the motion to lay my resolution on the table may be taken over again.

The VICE-PRESIDENT. The Senator states that he did not hear the announcement made by the Chair.

Mr. WHITE. I suppose the Senator from New Hampshire has heard the announcement now made, and that meets his case. Therefore I object.

Mr. CHANDLER. That would meet my case if the Senator from California were the Presiding Officer of the Senate, but he does not happen to be in the chair.

Mr. MANDERSON. I move to reconsider the vote by which the resolution was ordered to lie on the table.

Mr. CHANDLER. I ask unanimous consent that the vote be again taken.

The VICE-PRESIDENT. Is there objection?

Mr. PALMER. I object, upon the ground that the Senate has entered upon another order of business. Consent was given to take up bills on the Calendar reported by the Committees on Pensions and Military Affairs.

Mr. MANDERSON. I desire to say for myself that when I made the request of the Chair to know what had become of the resolution, I was certainly under the impression that a yea-and-nay vote had been ordered, and I thought that prior to calling the roll some formal matter upon the President's desk was being disposed of. I certainly heard no motion put, and I did not hear the declaration of the Chair that not a sufficient number of Senators had seconded the call for the yeas and nays.

It is a very unsafe precedent for us to enter upon here, one that has never obtained heretofore, that when a vote has been put in this manner, there shall be no opportunity for Senators to vote who did not hear the question put.

Mr. WHITE. So far as I am concerned, if the Senator states he did not hear the question put, I withdraw my objection.

Mr. MANDERSON. I did not. I supposed the yeas and nays were to be called. I was under that impression.

The VICE-PRESIDENT. The Chair desires to state——

Mr. MANDERSON. I am not blaming the Chair at all. I, perhaps, was not paying sufficient attention.

The VICE-PRESIDENT. When some Senator upon the left of the Chair called for the yeas and nays the Chair submitted the question to the Senate distinctly, and not more than three or four Senators raised their hands. The Chair thereupon said that the demand for the yeas and nays was not seconded. That was the announcement of the Chair, and the Chair did not suppose there was any misapprehension about it.

Mr. PALMER. I withdraw any objection I may have made.

The VICE-PRESIDENT. The Senator from Illinois withdraws his objection. Is there objection to the request of the Senator from New Hampshire?

Mr. GRAY. What is the request of the Senator from New Hampshire? I did not hear it.

Mr. MANDERSON. That the vote shall again be taken.

The VICE-PRESIDENT. That the vote be again taken on the motion to lay the resolution on the table. Is there objection? The Chair hears none. The question is on agreeing to the motion of the Senator from New York [Mr. HILL] to lay on the table the resolution of the Senator from New Hampshire [Mr. CHANDLER].

Mr. LODGE. I ask for the yeas and nays on the motion to lay the resolution on the table.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the senior Senator from South Dakota [Mr. PETTIGREW].

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. HALE (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM].

Mr. McMILLAN (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD].

Mr. PATTON (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON]. If he were present I should vote "nay."

Mr. SQUIRE (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL], and therefore withhold my vote.

The roll call was concluded.

Mr. BLANCHARD. I inquire if the senior Senator from Michigan [Mr. McMILLAN] has voted?

The VICE-PRESIDENT. He has not voted, the Chair will state.

Mr. BLANCHARD. I am paired with the senior Senator from Michigan [Mr. McMILLAN], and therefore withhold my vote.

Mr. CAFFERY. I am paired with the Senator from Montana [Mr. POWER].

Mr. CAMERON. I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. DAVIS. I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. DOLPH. I was out of the Chamber when the name of the senior Senator from Mississippi [Mr. GEORGE] was called. I understand he announced his pair with me. As he is not now in the Chamber I shall not vote. If I were at liberty to vote I should vote "nay."

Mr. McLAURIN. I inquire whether the junior Senator from Rhode Island [Mr. DIXON] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. McLAURIN. I am paired with the junior Senator from Rhode Island. If he were present I should vote "yea."

The result was announced—yeas 16, nays 30; as follows:

YEAS—16.

Berry,	Gray,	Mitchell, Wis.	Vest,
Blackburn,	Hill,	Palmer,	Vilas,
Brice,	Hunton,	Pasco,	Walsh,
Call,	Mills,	Roach,	White.

NAYS—30.

Allen.	Frye,	Lodge,	Pugh,
Allison,	Gallinger,	Manderson,	Sherman,
Bate,	Gorman,	Martin,	Shoup,
Carey,	Hansbrough,	Mitchell, Oregon	Stewart,
Chandler,	Harris,	Peffer,	Teller,
Cockrell,	Hoar,	Perkins,	Washburn.
Coke,	Jones, Nev.	Platt,	
CuHom,	Kyle,	Proctor,	

NOT VOTING—39.

Aldrich,	Dubois,	Jones, Ark.	Power,
Blanchard,	Faulkner,	Lindsay,	Quay,
Butler,	George,	McLaurin,	Ransom,
Caffery,	Gibson,	McMillan,	Smith,
Camden,	Gordon,	McPherson,	Squire,
Cameron,	Hale,	Morgan,	Turpie,
Daniel,	Hawley,	Morrill,	Voorhees,
Davis,	Higgins,	Murphy,	Wilson,
Dixon,	Irby,	Patton,	Wolcott.
Dolph,	Jarvis,	Pettigrew,	

So the Senate refused to lay the resolution on the table.

Mr. MILLS. I offer an amendment to come in at the end of the resolution.

The VICE-PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5481) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1895, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7451) to authorize the entry of land for gravel pits and reservoir purposes and authorizing the grant of right of way for pipe purposes, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. McRAE, Mr. NEILL and Mr. LACEY managers at the conference on the part of the House.

The message further announced that the House had passed the bill (S. 829) granting an honorable discharge to Cyrus Payne.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4606) to amend sections 5365 and 5366 of the Revised Statutes, and the bill (H. R. 7488) authorizing the Secretary of the Interior to grant leases for sites on the Hot Springs Reservation, Arkansas, for cold-water reservoirs.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 1471) to provide for the adjustment and payment of the claim of the American Transportation Company for dredging done at Fairport Harbor, in the State of Ohio; and it was thereupon signed by the Vice-President.

SUNDRY CIVIL APPROPRIATION BILL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, the pending question being on the amendment submitted by Mr. ALLEN.

Mr. COCKRELL. I ask the Senator from Nebraska to permit me to have some amendments acted upon which are necessary. On page 129, after line 10, I move to insert:

To pay to Bessie A. Stockbridge, widow of the Hon. Francis B. Stockbridge, deceased, late a Senator from the State of Michigan, $5,000.

The amendment was agreed to.

Mr. COCKRELL. I also offer another amendment to come in immediately after the amendment just agreed to. On page 129, after the amendment just adopted, I move to insert:

To pay to Florence S. Vance, widow of the Hon. Zebulon B. Vance, deceased, late a Senator from the State of North Carolina, $5,000.

The amendment was agreed to.

Mr. COCKRELL. I offer an amendment which the Senator from Alabama [Mr. MORGAN] says is necessary. He has reported it from the Committee on Foreign Relations.

The SECRETARY. On page 127, at the end of line 23, insert:

For the execution of the obligations of the United States and the protection of the interests and property of the United States in the Samoan Islands, under any existing treaty with the Government of said islands and with the Governments of Germany and Great Britain, the sum of $6,000, to be immediately available and to be expended under the direction of the President.

Mr. MORGAN. Perhaps I had better make some explanation of the amendment.

Mr. COCKRELL. I hope there will be no objection to it.

Mr. MORGAN. I will refrain from submitting any remarks, as it seems to be the desire to save time.

The VICE-PRESIDENT. The question is on aggreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. COCKRELL. On page 44, after line 17, I move to insert:

To enable the committee on final report to arrange the reports of the various Departments and prepare a synopsis of the same, $3,500, or so much as may be necessary, to be expended in the discretion of the committee.

The amendment was agreed to.

Mr. ALLEN. I desire to withdraw the amendment which I offered yesterday. I move to amend the bill by inserting in line 13, page 74, after the words "United States" the word "twenty;" so that the clause will read:

For gauging the streams and determining the water supply of the United States, $25,000.

I desire to say briefly that I have consulted with those in charge of this work, and have ascertained that a very satisfactory test as to the water supply of the United States for irrigation and other purposes can be made for the sum of $25,000. The work will be under the charge of the Geological Survey. I am assured that the money will be judiciously and properly expended, and I am led to believe that the amendment will not meet with any opposition on the part of the committee.

Mr. MANDERSON. Mr. President, I am in accord with the amendment of my colleague for an increase of the appropriation, but I suggest to him and to the chairman of the Committee on Appropriations that this will hardly reach the full extent of the demand. There are many sections of the country called semiarid where it is impossible to irrigate by the use of streams. There are parts of the State of Nebraska which could be placed under ditch, but the ditches could not be filled by the diversion of any of the water courses. The Department of Agriculture has made some exploration in the matter of artesian wells, and in the State of South Dakota several artesian wells were bored in localities designated by the experts as probably good ground for the purpose.

The most wonderful people in matters of irrigation are the people of the far East. In the old countries there are evidences of very wise irrigation. In China they have carried it to a very great extreme, and the Chinaman has brought into this country, with great profit, some of the irrigation ideas of his country. Very frequently where streams are not available, those people, by boring into the earth, obtain an undercurrent of water and bring it up by different processes, sometimes by hand and sometimes by the use of animals working pumps. It seems to me that we should include also, and I call my colleague's attention to it in the hope that he may adopt the idea in his amendment, some investigation of the matter of artesian wells. I should like to see the Government go to the extent of boring some experimental wells, but I do not ask for that. What I should like to see, however, is such a form of proposition as I will state; and I call the particular attention of the Senator from Missouri to the language. I do not think he will find it objectionable in any degree.

For gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semiarid sections, $25,000.

Mr. KYLE. Will the Senator from Nebraska allow me to say just a word?

Mr. MANDERSON. With very great pleasure.

Mr. KYLE. I will state that I this morning conferred with the experts, and they expect to include in their investigation the artesian-well supply. It might be well, however, to include those words in the amendment.

Mr. MANDERSON. I think it would be well to do so, because I doubt very much whether the language used, "for gauging the streams and determining the water supply of the United States," would include that investigation of underground currents which would prompt the boring by private parties of artesian wells in the semiarid sections.

Mr. KYLE. I think it would be well to insert those words.

Mr. MANDERSON. It seems to me there can be no possible objection to enlarging the amendment to that extent.

Mr. KYLE. We shall make no opposition to the amendment of the Senator from Nebraska.

Mr. MANDERSON. I move to amend the amendment by inserting, after the words "United States," the words, "including the investigation of underground currents and artesian wells in arid and semiarid sections." The amendment will then read:

For gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semiarid sections, $25,000.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on agreeing to the amendment of the senior Senator from Nebraska [Mr. MANDERSON] to the amendment of the junior Senator from Nebraska [Mr. ALLEN].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. COCKRELL. In consequence of the amendment just adopted the total, in line 16, must be changed from $414,100 to $434,100. I move that amendment.

The amendment was agreed to.

Mr. COCKRELL. On page 45, after line 19, I move to insert:

For salaries of special agents, independent treasury, $2,500.

I ask that a letter of the Secretary of the Treasury of to-day may be read in connection with the amendment.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 2, 1894.

SIR: I have the honor to state that the examination and transfer of the office of the assistant treasurer of the United States at San Francisco, Cal., expected to have been commenced in June, was delayed until after July 1, 1894, making it necessary to pay the expenses thereof, which are greater than for any other office, from appropriation for present fiscal year. The sum of $5,000 is included in the Book of Estimates, page 35, for salaries special agents independent treasury, 1895, but $3,000 only is appropriated in the legislative act, approved July 31, 1894, which is not sufficient to pay the expenses of the examinations to be made during this fiscal year owing to the several changes in the subtreasury offices. It is, therefore, necessary to provide for an additional sum of $2,500, and I suggest that the following item be included in the deficiency bill, viz: "Salaries special agents independent treasury, 1895, $2,500."

Respectfully, yours,

J. G. CARLISLE, *Secretary.*

The PRESIDENT OF THE UNITED STATES SENATE.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. WHITE. I desire to offer an amendment which has been approved by the Committee on Military Affairs. On page 107, after line 19, I move to insert:

For construction of quarters for governor of home, $2,000; for fire protection, including pumps, pipes, hydrants, and placing and locating same, $8,100.

I desire to state certain facts in connection with the amendment. At the Soldiers' Home in Santa Monica, Cal., to which the amendment has reference, there was a residence for the governor and his family constructed at the time when the main buildings were erected. Last February, or in the early part of March, that edifice was destroyed by fire. The treasurer has been acting as governor of the home until lately, but at a recent meeting of the Board of Managers a governor was selected. There is no place for him to reside within the grounds.

The Santa Monica Home, as the Senate will remember, is a new institution. The buildings, which are quite costly, are erected upon grounds donated by the Senator from Nevada [Mr. JONES] and his coöwners in the ranch upon which the buildings are situated. The second portion of the amendment, proposing to appropriate $8,100, is offered because the Board of Managers have determined that in no other way can the buildings be protected from the danger of fire. Indeed, they prepared amendments and asked the presentation of the same, appropriating as much as fifty-odd thousand dollars for that purpose, but it is essential that the fire protection contemplated by the amendment shall be accorded if the property, estimated to be worth nearly a half million dollars, is to be protected.

For these reasons I submit that the amendment should be agreed to. I have no doubt that if I had been able to place the matter fully before the committee it would not have been necessary to have offered the suggestions which I have made. I have eliminated everything save those two items, which I know personally, from my knowledge of the locality, are essential.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California [Mr. WHITE].

The amendment was agreed to.

Mr. COCKRELL. On page 107, line 22, $17,100 having been added, the total should be changed so as to read "$208,225."

The SECRETARY. On page 107, line 22, strike out "$191,125" and insert "208,225."

The amendment was agreed to.

Mr. COCKRELL. On page 110, line 25, the total should be changed so that it will be "$2,315,973."

The PRESIDING OFFICER. The change will be made if there be no objection. The Chair hears none.

Mr. CAMDEN. I wish to offer an amendment. On page 129, after line 2, I move to insert:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employés of the Senate and the House borne on the annual and session rolls at the close of the second session of the Fifty-third Congress, including the Capitol police, for extra service during the second session of the Fifty-third Congress, a sum equal to one month's pay at the compensation then paid by law, the same to be immediately available.

Mr. COCKRELL. Does that come from any committee? Has it been passed upon by a standing committee of the Senate?

Mr. CAMDEN. It comes from the Committee to Audit and Control the Contingent Expenses of the Senate, with a favorable report.

Mr. COCKRELL. There is no use to include the words "the same to be immediately available."

Mr. GORMAN. Let that clause be stricken out.

Mr. CAMDEN. Very well.

The PRESIDING OFFICER. The amendment will be so modified if there be no objection.

Mr. ROACH. I move to amend the proposed amendment by inserting, after the word "Congress," in line 4, "and those whose service terminated during such session."

Mr. CAMDEN. I have no objection to that amendment.

The PRESIDING OFFICER. The Senator from West Virginia accepts the amendment to the amendment.

Mr. COCKRELL. What is the object of that amendment? I do not understand it.

Mr. CAMDEN. It is to include two or three who were dropped from the rolls during the session.

Mr. COCKRELL. I hope the amendment to the amendment will not be agreed to. I am opposed to the whole proposition, but I hope the amendment of the Senator from North Dakota will not be agreed to. It is extending it beyond any precedent we have ever had.

The PRESIDING OFFICER. The Chair understood the Senator from West Virginia to accept the amendment to his amendment.

Mr. CAMDEN. I will not accept it if there is objection. Being objected to, I will adhere to the amendment as I offered it, striking out the last clause, on the suggestion of the Senator from Missouri.

The PRESIDING OFFICER. The Senator from West Virginia does not accept the amendment to the amendment, and the question is on agreeing to the same.

Mr. ROACH. I desire to say in reference to my amendment that I understand it simply includes three persons who will be shut out if it is not adopted.

Mr. GORMAN. Why?

Mr. ROACH. Because it proposes to include three persons not now in the service of the Senate.

Mr. COCKRELL. That would be establishing a precedent that whenever we undertook to make some compensation to those who had rendered nine, ten, or eleven months' service, those who had been discharged at the beginning of the session should fare the same way with them. The only ground on which a proposition such as the amendment of the Senator from West Virginia is based is continuous service and prolonged service.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota [Mr. ROACH] to the amendment of the Senator from West Virginia [Mr. CAMDEN].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment of the Senator from West Virginia.

The amendment was agreed to.

Mr. CHANDLER. I offer an amendment reported by the present occupant of the chair [Mr. FRYE] from the Committee on Foreign Relations. On page 127, after line 17, I move to insert:

For the Bureau of American Republics: For preparing, printing, and circulating publications, $16,000.

The amendment was agreed to.

Mr. CHANDLER. I ask that the letter of the Director of the Bureau to the Senator from Missouri [Mr. COCKRELL], the chairman of the Committee on Appropriations, be printed in the RECORD for the benefit of the conferees.

Mr. COCKRELL. It is the same as the letter I have in my hand?

Mr. CHANDLER. It is the same letter.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

BUREAU OF THE AMERICAN REPUBLICS,
No. 2 LAFAYETTE SQUARE,
Washington, July 26, 1894.

DEAR SIR: In the estimate made in my annual report last December it was stated that $25,000 would be required for the operations of the Bureau of the American Republics for the ensuing fiscal year. There was also reference to a desire to make the Bureau, so far as possible, self-supporting. This was supplemented by conversation with members of both Houses by a statement that I believe this could be accomplished within a short time if the appropriation is made. Perhaps in a degree misled by this statement, the appropriation asked for was cut down to $10,000. I desire the additional $16,000 added to the deficiency bill in order that the operations of the Bureau may be conducted on the lines laid out.

It will readily be perceived that while it might be possible to make the Bureau self-sustaining with the funds in hand for printing and circulating, though sale, documents already in a large degree prepared, this will be impossible under the rules governing a Government officer if we are obliged to restrict the operations of the Bureau because of a too limited appropriation. It will be readily understood that with a smaller sum the director would not be allowed to enter into contracts, or even to carry out those already made, as in good faith he would be forced to extend the expenditure of the appropriation over the whole fiscal year and to limit the operations of the Bureau to such an extent as to materially interfere with the chances of making it self-supporting. For these reasons I would ask that $16,000 be added in the deficiency bill to the appropriation for this Bureau, to be expended in printing and circulating its documents.

Yours very truly,

CLINTON FURBISH, *Director.*

Hon. F. M. COCKRELL,
United States Senate, Washington, D. C.

Mr. KYLE. At the end of line 2, page 58, I move to insert:

For the purchase, by the Joint Committee on the Library and with their approval, of Miss Eugenia Shankland's copy of Mr. R. Peale's original portrait of George Washington, $1,000, or so much thereof as may be necessary; and the Librarian of Congress shall cause said copy to be placed in some suitable part of the new Library building.

Mr. President, I can see no objection to the amendment in the form in which I have now presented it to the Senate. I find in looking over the list that there have been a great number of paintings of this character purchased by order of the Senate and House of Representatives. It is the usual way of obtaining them. I do not wish to take time to read the list. I think that the sum that is asked for the picture is not exorbitant. It should be placed by the Librarian of Congress in the new Library building in some suitable place. Senators who have examined this picture have pronounced it almost perfect. It is the only copy that has been made of Peale's portrait of Washington, which was purchased by order of this body, I believe, in 1832. I hope there will be no objection to the amendment.

The amendment was agreed to.

Mr. KYLE. I offer another amendment. On page 76, after line 14, I move to strike out "$23,500" and insert "$28,000, $8,000 of which shall be used for the law department."

This amendment proposes a slight increase in the amount of money allowed for the law department of Howard University. During two different Congresses we have had considerable discussion in the Committee on Education and Labor, to which these subjects have been referred; and I believe it is a matter of general regret on the part of the committee and of many other members of the Senate that the law department of this university has been so poorly taken care of.

During the past eight or ten years it has been the earnest desire of such Senators as the late Senator Edmunds, the late Senator Evarts of New York, the Senator from Massachusetts [Mr. HOAR], now a member of this body, and a great many others that this appropriation should be increased from $3,500 to $8,000. I wish to refer to page 28 of the report of the Committee on Education and Labor; and I will state that this amendment is submitted upon the recommendation of the Committee on Education and Labor. The expenses for the law department during the year as a whole are $7,960. For three professors, at $1,680 each, $5,040. That sum is not exorbitant for this purpose. For two lecturers, at $880 each per annum, $1,760. For one secretary, $500; for one janitor, $300; for fuel, light, furniture, and stationery, $400; making a total of $7,960.

It has been the custom for three or four Congresses I know to allow $3,500 for the law department. It is not enough. The total granted to the whole institution—and it is all granted in a lump sum—is $23,500. Twenty thousand dollars of that sum has been consumed in the other departments of the institution. When there was to be any curtailment in the way of expenses or the cutting down of anyone's salary it has always been taken from the law department of the university. I submit that is not fair. We have the spectacle before us of the professors in this institution, men of ability, men of learning, occupying positions under the Government elsewhere in order to eke out their meager salary and get enough for their support.

I believe if we are going to take care of this institution we should take care of it in a proper manner. The other departments of Howard University are pretty well taken care of. The theological department receives quite an amount of its funds from the donations of charitably disposed people, but the law department is left to shift for itself. I think this additional appropriation is nothing more than fair and right, because this institution receives students from about fifteen Southern States and a number of Northern States in addition to the number of students received from the District of Columbia. It is a na-

tional institution in a certain sense, as well as a District institution. It is also a fact that colored students are not admitted to the law schools of the District of Columbia and the surrounding States.

There is in this report an interesting correspondence between a professor in a law school here and another gentleman, relative to this point, as to whether colored students are admitted to the law schools of the District of Columbia, and the substance of it all is that they are not admitted. The only place where we can take care of those students is in the Howard University law school. I think there should be an ample allowance made for this institution. As anybody knows, $7,960 is a very meager allowance indeed. I hope there will be no objection to the amendment.

Mr. COCKRELL. Has the amendment been acted upon by any committee?

Mr. KYLE. I will state that it was the unanimous report of the Committee on Education and Labor, and was referred to the Committee on Appropriations.

Mr. COCKRELL. The clause to which the Senator refers in the bill appropriates $23,500. Howard University had an appropriation for the same purpose in 1887 of $18,500; in 1888, $18,500; in 1889, $18,500; in 1890, $18,500; in 1891, $20,300; in 1892, $24,300; in 1893, $23,500; in 1894, $23,500. That is all that was estimated.

The committee has already made an addition here of $1,000 for books for the library of the law department, which we thought at the beginning was a very liberal allowance. I protest against the proposed increase of this appropriation. We have no evidence before us from the proper department in regard to it. We have the estimate, which is $23,500. I had hoped that the friends would be satisfied with the $1,000 that we have given for law books to be furnished.

I have some doubt as to whether the amendment is in order; but having been reported by a standing committee of the Senate, I suppose probably it may be in order. I hope the Senate will vote down the amendment.

Mr. KYLE. We are very thankful indeed for the $1,000 given to the law library. Heretofore the institution has had no library whatever. The students have had to depend upon the Supreme Court library here, getting in around the tables, and they have been very frequently deprived of the use of the library because the room was occupied by other people. We all know that it is the appropriate thing for the students to have their own library in their own building; but the $1,000 for that purpose does not go to taking care of the professors, the teachers, the secretary, the janitor, and pay the expenses of fuel, lights, etc. Heretofore during all these years but $3,500 has been given for running the law department of the university. Twenty thousand dollars of the appropriation has been regularly consumed by the other departments of Howard university.

Mr. COCKRELL. The managers of the institution can distribute the appropriation just as they please.

Mr. KYLE. That has been the regular way of dividing the expenses.

Mr. COCKRELL. The managers of the university are responsible for it.

Mr. KYLE. They have always used the law department as a butt, so to speak. If any cutting was to be done it was done on the law department.

Mr. COCKRELL. The matter ought to be investigated if there has been any waste of money there.

Mr. KYLE. The law department has been cut down because they say there is not enough money to run the other departments of the university.

Mr. BERRY. I wish to ask the Senator from South Dakota how it comes that the Government furnishes this institution with money? Is there any other college in the United States to which money is appropriated by the Government? Is there any reason why a college should be established here and supported out of the general fund that does not apply to the various other colleges? Why does it not come out of the District fund, and why is it not provided for in the District appropriation bill rather than in the sundry civil appropriation bill? I should like to have some information about what kind of a claim these people have to come to the Government and say that it shall run the college for the benefit of the professors or anybody else.

Mr. KYLE. Howard University was chartered in 1867 by act of Congress, and since that time it has been the custom of Congress to make appropriations for the University.

Mr. BERRY. There are a number of other institutions here, the Catholic University, and divers institutions of a public character. All District institutions which receive Government aid are appropriated for in the District appropriation bill, one-half of the money coming from the funds of the District. This seems to be a mere gratuity given by Congress, and yet the Senator from South Dakota is complaining because we have not given more. As far as I am concerned I do not see by what authority we give a dollar for the support of this institution.

Mr. KYLE. The students there from the Senator's own State receive the benefit of this appropriation.

Mr. BERRY. But that is not the question. I do not know by what authority the Government establishes an institution of that character and appropriates money for it.

Mr. KYLE. It has been the custom since 1867 for the Government to take care of this institution. It grew out of the establishment of the Freedman's Bureau.

Mr. ALLEN. Mr. President, I desire to say simply a few words upon the amendment of the Senator from South Dakota. I am satisfied from what the Senator from South Dakota says that the amendment ought to prevail, not perhaps because there is any particular legal obligation on the part of the Government to appropriate money for the support of Howard University, but the university was the outgrowth of the war, so to speak, the liberation of those people from bondage, and the Government at the time felt under at least a moral obligation to furnish them the means of education. I think that Congress can properly look upon those people who have so recently come out of bondage and slavery as wards of the nation to a very great extent; and if they are deprived of educational privileges in the other institutions of the District, or in those adjacent to the city of Washington, I see no reason why Congress should not make a reasonable appropriation to enable them to educate their people in medicine, law, theology, and every department that is essential to well-educated citizens.

Mr. President, I have some sympathy with this class of our people, knowing as we all do their history in this country, knowing that they have been recipients of cuffs and kicks, and that they have never been given a free and full opportunity to educate themselves and to occupy responsible stations in life. I feel that a great Government like this, with almost exhaustless resources, can not afford to deal smally with this class of our people, and that a sound public policy and a due regard for the safety and elevation of our nation require that we shall use some of our money in properly educating them, so that they can become useful citizens of the Republic.

It goes without saying that an appropriation of $3,500 for the purpose of paying salaries to professors and conducting the expenses of the law department of the university is entirely inadequate. It strikes me that the sum of $8,000 is inadequate. If there is any attempt on the part of the Government to sustain a law department in the university, a sufficient amount of money ought to be appropriated and promptly paid to furnish them an ample library for elementary education and to furnish them all the instructors and educators essential to make that feature of the university successful.

I can not help but be impressed with the thought that we are under a moral if not a legal obligation to this class of our citizens to furnish them every possible opportunity to become useful men and women in our country, and the mere pittance of a few thousand dollars asked by the Senator from South Dakota ought not to be rejected by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. KYLE].

Mr. KYLE. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. Mr. President, I hope that the amendment moved by the honorable Senator from South Dakota will receive the attention of Senators on both sides of the Chamber. If Senators will examine the question I feel quite sure that it will have the hearty support of the Senate.

This law school is the only institution until you get far to the North where colored youth can be educated as lawyers. The colored people are a people of 8,000,000 in this country. Of course many of their educated youth will seek the legal profession. They are a nation of themselves. In accordance with the usages to which both races have consented (I will not now discuss the question whether they are wise or unwise), the education of the two races in institutions of this class is separate. It is very important indeed that instruction in the institutions and laws of the nation and of the several States shall be given to those young men by suitable and able teachers before they begin life.

This law school has an equipment of such teachers, and it has been able to command the assistance of eminent instructors who are not members of its own faculty. One of the most eminent law professors of Harvard gave gratuitously an admirable course of lectures there last winter. But the school is almost wholly without endowment. There are seventy or eighty pupils there—a larger number than there were at the Harvard law school in my time. They have no library to speak of; they have no apparatus to speak of. Those young men depend on the appropri-

ation made by Congress for the scanty and meager salary of the instructors.

If we give a sum in gross to Howard University, the authorities of that university, although they are wise, devoted, and in every way excellent men, will apply the amount given to maintaining the existing force in the university; they will not branch out in new expenditures for the law school. There are other universities in the South; there is Lincoln University in Pennsylvania, and I believe there are some others in the North, intended for the colored people; but this is, I think, the only law school which they have in the country. This little sum of $8,000 would do more good, in my opinion, in the way of educating that people than almost ten times that amount expended in any other way.

I hope that my just and wise friend at the head of the Committee on Appropriations and all the members of that committee will be willing to make this little allowance. I think it would tend to stimulate private contributions very considerably. A former member of this body, our friend Mr. Evarts, whom we all so highly esteem, gave to that institution a hall, I believe, for its lectures and to contain its library. At any rate he made a very large part of the contribution which was raised to construct what is known as Evarts Hall. It is a modest building on Fifth street, which Senators pass in the street cars on their way to the Capitol. I mention this fact to show the very deep sense of that accomplished gentleman of the need of this provision. I hope that no question will be made about the appropriation of this very slight amount in addition to the sum fixed in the bill.

Mr. PALMER. Mr. President, I may as well state at this point that I am not sure about the policy of the United States Government in engaging to furnish special education to any class of our citizens, but I am quite sure that where the Government undertakes to perform a duty of that kind it ought to be done with such a degree of wise liberality as will produce the best results. I take it upon myself to say that without the assistance proposed by this amendment that institution in this particular department will halt, hesitate, and be substantially inefficient. The money is necessary to the efficiency of the institution, and I should regret very much that from any consideration of mere economy Congress should fail to do that which the actual state of affairs demands should be done.

I should not favor any mere spontaneous suggestion coming from any member of this body of an appropriation for this purpose. As I understand, this subject has been considered by the proper committee; the committee has taken into consideration all the circumstances and the necessities of this institution; and it may be accepted by the Senate as the matured conclusion of one of the committees of this body that the thing proposed to be done ought to be done. It is not a mere result of sentiment. It is the deliberate conclusion of the proper committee. I believe if the United States assumes, as it has assumed, the patronage of this institution, that which the committee suggests would be the proper thing to do, and it ought to be satisfactory to the members of the Senate. We ought to do that which the committee has, after consideration, determined ought to be done.

Believing as I do, however, that every effort of the Government in the direction of the diffusion of either special or general knowledge promotes the welfare of mankind, and believing that in this District over which Congress has complete jurisdiction, the Government ought to demonstrate the effective usefulness of all the institutions of learning which it proposes to patronize, therefore I think this sum of money is needed, it is required, and, if it is not appropriated, the Government will be placed in the condition of a reluctant, grudging assistant to an institution, without having acted with that degree of judicious liberality which always produces the very best results.

Mr. KYLE. Just a word more, Mr. President. I wish to say that the only difference between the two parties upon this question is as to the appropriation of $4,500. They now have about $3,500, and we wish to give them $8,000; in other words, if we are going to assume the duty of caring for this institution, I believe we ought to do it in a proper way, and do it in a way that is becoming the statesmanship of this body.

To begin with, I do not believe this is the way to support this institution; but we have been doing it in this way for a long number of years. From the report I read these words:

> Howard University, with the exception of its theological department, has been and still is regarded as the charge of Congress at the seat of government, to which it must look for resources to carry forward its work, designed only to promote the public good and the national welfare.
>
> Accordingly, after the Freedmen's Bureau expired by limitation and the university lost the help derived from its situation in the buildings of the institution, the resources of the university became so reduced and so precarious as to seriously cripple and retard its work.
>
> Congress then came forward and made such provision for the normal, preparatory, collegiate, and industrial departments as enabled these to continue the important, useful, and rapidly growing work appropriate to each of them; but there is a disposition on the part of Congress each year to reduce this allowance, thus making it necessary to curtail the work each year by reducing both the number and compensation of the professors, so that, if the professors were not consecrated to the work, men of first-rate abilities could not be kept by the university.

Then, the report goes on to state that the theological department of the university has been cared for by private beneficence, and that the medical department has derived some advantages of a very helpful nature from the facilities afforded by the Freedmen's Hospital, which is located upon the property of the university.

In the year 1870 there was in the United States Treasury as bounty due 30,000 colored soldiers, $1,256,991.25. Some of that has since been appropriated, and I believe there is a bill now pending before the other House of Congress to appropriate two hundred or three hundred thousand dollars more for charitable institutions. There is now, I believe, remaining in the Treasury to the credit of these colored people in the neighborhood of six or seven hundred thousand dollars.

The proper thing for Congress to do about the Howard University is to take this money belonging to those colored people out of the Treasury of the United States and endow this institution in a liberal way in all its departments and cease henceforth to grant them any gratuity whatever. That is the way it should be done; but this year it can not be done. We have assumed the control, we have taken the guardianship, and given funds to this institution. Let us, therefore, do it in a liberal way, and not put the professors in the institution upon beggarly salaries for their subsistence.

Mr. CHANDLER. I trust that the call for the yeas and nays upon the amendment may be withdrawn, and that the amendment may be unanimously agreed to.

Mr. COCKRELL. Let the call for the yeas and nays be withdrawn, and let another *viva voce* vote be taken.

Mr. KYLE. I withdraw the call for the yeas and nays, and I ask that we may have another *viva voce* vote.

The PRESIDING OFFICER. If there be no objection, the order for the yeas and nays will be withdrawn. The Chair hears no objection.

Mr. CHANDLER. Before the vote is taken, with the permission of the Chair I wish to submit a suggestion.

The late Mr. Justice Miller in a very eloquent address emphasized the disposition of the American people to be governed by law. Of all the peoples of the earth, he said, the American people are more disposed to be governed by law than those of any other nation. Here are 8,000,000 colored citizens, and I say to the Senator from Missouri, the chairman of the Committee on Appropriations, that we can not spend too much money in educating the young men of that race and the young women of that race. They are here; they are increasing in number; they are not going to be deported to any other country; and the one thing they need is education.

Therefore, I want to thank the Senator from South Dakota [Mr. KYLE], the chairman of the Committee on Education and Labor, for the investigation the committee have made into this subject; and I also want to thank the Senator for reporting this amendment. I also wish to thank the junior Senator from Illinois [Mr. PALMER] for the words he has spoken in behalf of the amendment.

I am glad that those two Senators have undertaken to champion this small increase of the appropriation so that Howard University may have a department of law. And I turn from the junior Senator from Illinois to the senior Senator from Illinois [Mr. CULLOM], who is a member of the Committee on Appropriations, and I ask him whether he is as willing as is his colleague that this little sum of money shall be granted by the American Congress for the purpose of educating in the principles of constitutional and municipal law the colored young men of the Afro-American race in this country?

Mr. CULLOM. The Senator from New Hampshire has called upon me to answer whether I am in favor of the proposed amendment. I will say that I usually stay with the committee of which I am a member in what we determine when in session in that committee, but I wish to say further, in all frankness, that I have had more than ordinary interest in Howard University ever since I have been a member of the Senate. My attention has been called to it from year to year by persons of color who are seeking an education in the institution, and who are poor and unable to attend the schools unless they can at the same time obtain employment in the service of the Government. If I have been active in any one direction in trying to find places for persons who come here for the purpose of getting employment, it has been for those persons of color who come from my own State and from other States seeking an opportunity to get some position where they may earn something and at the same time secure an education.

I have had a little more than ordinary interest in this institution in another way. I had the honor only two years ago of be-

ing invited by a class of its graduates to address them on their commencement day, and never in my life have I felt more interested in a class of young men who were starting out in the world to make their living, and to make their way through it, than I did upon the occasion when I talked to the young men connected with that university.

Therefore I venture, believing that the chairman of the Committee on Appropriations will not regard me as going outside of the line of propriety in doing so, to say that I hope the amendment offered to the bill, increasing the amount of this appropriation, will be adopted by the Senate.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Dakota [Mr. KYLE].

The amendment was agreed to.

Mr. DOLPH. I offer an amendment, which I send to the desk, to which I call the attention of the Senator from Iowa [Mr. ALLISON]. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert the following:

For payment of assessments made by the city of Portland, in the State of Oregon, for the improvement of the public streets around and adjoining the block in said city owned by the United States, upon which Government building is situated, $1,219.23.

Mr. DOLPH. Mr. President, in the city of Portland the public streets are improved by the adjacent lot-owners. The law requires every lot-owner to improve the street adjacent to his property, and provides a method of assessing the cost against the property. The city of Portland has improved some of the streets passing by the public buildings, and improved them under the method provided in the charter of the city for the improvement of the streets. All the property-owners have paid the warrants issued against their property for such improvements, but of course there can be no legal proceedings against the property of the United States, and the warrants due to the contractors for the property belonging to the Government on which the city buildings stand are unpaid.

I understand there has been some question as to whether Congress should pay such assessments. I am entirely familiar with the requirement in all cases of public buildings that the State shall cede jurisdiction to the General Government over the site for a public building of the United States, which will exempt such property from taxation, but this is not in the strict sense of the word "taxation;" it is more in the nature of an improvement of the property or approaches to the property.

I know that shortly after I came here, eight or nine or ten years ago, there was a similar case where other streets had been improved adjacent to such property, and I offered an amendment similar to this one, which the Committee on Appropriations kindly put on the bill, and the United States paid for the street assessment. I am told by the chairman of the committee that a different rule has been adopted; but how general it is, or how long it has prevailed, or whether there are exceptions to it, I do not know; and I offer the amendment (thinking it is a just amendment, and that the appropriation should be made to pay the assessment) for the purpose of drawing out the chairman of the committee and getting an accurate statement, which shall go into the RECORD, as to the present attitude of Congress upon this subject.

Mr. COCKRELL. Mr. President, what the Senator from Oregon says in regard to an appropriation such as he now proposes having once been made is true. Probably ten or twelve years ago on one appropriation bill provision was made for paying for a part of the street pavement around two or three public buildings assessed in the way of which the Senator speaks. One of them was in the city of St. Louis, in the State of Missouri, around the large custom-house there. Provision was made for such pavements on one side of it.

Mr. DOLPH. This appropriation is for one side only.

Mr. COCKRELL. I understand. Those amendments were put on in the Senate and the House agreed to them. At the next session we put on the other part of the streets around the public building at St. Louis and a number of others. The House of Representatives refused to accede to the amendments, and the Senate had to recede. At the next session of Congress, probably, those amendments were put on again. Then it was that their insertion was positively refused. Since that time there has been no amendment of that kind put on any appropriation bill in the Senate or in the House of Representatives, and it has been adopted as a rule that appropriations will not be made for the paving of the streets around a public building. We pay for the sidewalks, which the Government puts down and keeps in repair, but not for the paving of the streets.

I hope the amendment will not be agreed to. It would be useless to have it agreed to, as the House would not sanction it, the rule to which I refer having been adopted and acquiesced in so long.

Mr. MITCHELL of Oregon. Does the Senator know of any good reason for the rule? I confess I see no good reason for it, and I am surprised at what the Senator has stated.

Mr. COCKRELL. There are different points of view from which this subject may be considered. The erection of a public building, costing hundreds of thousands of dollars, in any neighborhood is undoubtedly an enormous enhancement of the value of the property fronting on it, and that would be a sufficient answer, I think.

Mr. MITCHELL of Oregon. I do not think so.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Oregon [Mr. DOLPH].

The amendment was rejected.

Mr. DOLPH. I will state in regard to the amendment which has just been acted upon, that I had a talk with the chairman of the committee in relation to it, and while, of course, I believe it is a just and proper amendment, if that rule has been adopted and acquiesced in for years, I could hardly hope for the adoption of the amendment. My object was to have put in the RECORD the objections to it and the reasons why the amendment is not adopted.

I now offer an amendment for the appropriation of a very small amount for a very important object. A bill on the same subject has already been recommended by the Committee on Commerce and has passed the Senate, providing for a fog signal at Cape Arago.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, after line 11, it is proposed to insert:

For the erection of a first-class fog signal at or near Cape Arago light station, $5,000.

Mr. DOLPH. I send to the desk a letter from the Acting Secretary of the Treasury on the subject, which I ask may be read.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

TREASURY DEPARTMENT, *September 8, 1893.*

SIR: I have the honor to acknowledge the receipt of a letter from your committee of September 5, 1893, inclosing Senate bill No. 757, appropriating $5,000 for the erection of a first-class fog signal at or near Cape Arago (Oregon) light station.

This bill with your letter was referred to the Light-House Board, which returned them with the statement that commerce and navigation would be greatly benefited by the establishment of this fog signal, and that it can be done for the amount named in the bill.

Recommendation is therefore made that the bill be passed.

A copy of this Senate bill, 757, is inclosed.

Respectfully, yours,

CHARLES S. HAMLIN,
Acting Secretary.

The CHAIRMAN *of the Committee on Commerce of the Senate, Washington, D. C.*

Mr. COCKRELL. This amendment is not estimated for by the Department.

Mr. DOLPH. It is recommended.

Mr. COCKRELL. A bill was recommended to be passed by Congress, which is independent legislation. The amendment is not appropriate on this bill.

Mr. DOLPH. It was recommended by the Committee on Commerce, and it is in order, if that is what the Senator means.

Mr. COCKRELL. Has the Committee on Commerce reported this proposition as an amendment, or simply reported in favor of the passage of a bill to the same effect?

Mr. DOLPH. The committee has reported this as an amendment to the pending bill.

Mr. COCKRELL. We thought we were very liberal in allowing for these matters. This was not one of the things that was estimated for. I suppose there are twenty or thirty other places where, if the Committee on Commerce was to send to the Light-House Board or to the Secretary of the Treasury a bill proposing to establish a light or a fog signal, the Light-House Board would recommend it and the Secretary of the Treasury would approve it. We must make some discrimination; we must select the most important points, because all can not be provided for at once.

This proposed appropriation was not recommended in the regular estimates; but when a bill was introduced and sent to the Department, the Department did not oppose it, but simply recommended it, as any other bill would have been recommended.

Mr. DOLPH. This place is very important. I see there are a number of Senate amendments providing for lights and fog signals in this bill.

Mr. COCKRELL. That is true. The subcommittee of the Committee on Appropriations examined the question very carefully and we gave just as liberally as we thought we could give to those that were the most urgently recommended by the Light-House Board. Some of these were recommended as indispen-

sable, and others were recommended as important, but not indispensable.

I have no doubt, the Senator having called attention to this matter, and it having been considered, that probably at the coming session this will be classed, after the others have been provided for, as one among those which are indispensable, the Department having to select four or five or six; but I do not think the amendment ought to be inserted in this bill now.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Oregon.

The amendment was rejected.

Mr. DOLPH. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 5, on page 56, it is proposed to insert:

For purchase of a site, erection of buildings, pier, disinfecting apparatus, launch, and small boats for a quarantine hospital at or near the mouth of the Columbia River, and maintenance of same for the fiscal year ending June 30, 1896, $40,000.

Mr. DOLPH. This is no local matter, and no proposition for a local appropriation or a local improvement. I offer this amendment in the interest of the seventy million people of the United States; I offer it for the purpose of providing protection for the people of Astoria, of Portland, and of all the cities upon the Columbia River; for the protection of all the people of Oregon; for the protection of the Pacific coast; and, as I say, for the protection of the seventy million people of the United States, or, as the Senator from Illinois [Mr. CULLOM] suggests, the sixty-five million people. Sixty-five million is enough to serve my present purpose.

My attention being called to this matter, I offered the resolution in the Senate calling upon the Secretary of the Treasury to report as to the urgency of the establishment of a quarantine hospital at or near the mouth of the Columbia River, and inquiring whether any Congressional action is necessary concerning the same. I desire to state that there is not on the Columbia River even a marine hospital. At Portland contracts are made with private hospitals for the care of sick sailors. At Astoria it is the same. These hospitals are located right in the midst of the most populous portions of those cities. There is not only no marine hospital, no Government hospital on the Columbia River, although there is at almost every other point in the United States, and at far less important points than that, but there is no contagious diseases hospital, the nearest one being at Port Townsend, 275 miles distant.

The Secretary of the Treasury referred the resolution to which I have called attention to the Supervising Surgeon-General of the Marine Hospital Service, and he reported to the Secretary of the Treasury as follows:

It is believed that a proper quarantine establishment is a necessity at the mouth of the Columbia, and the inclosed report of Dr. Stoner shows a large and increasing number of arrivals of vessels from foreign ports. A station in this locality is necessary not only for the port of Astoria, but for the city of Portland and other towns on the Columbia and Willamette Rivers, and would answer for all ports on the Pacific coast of Oregon and part of Washington.

I believe the "urgency" is sufficiently indicated by the above-mentioned facts; but the existence of the plague in virulent form in China warrants a degree of apprehension, and is an additional reason for making provision as soon as possible.

Pending the selection of a site, it is believed that an old naval vessel may be turned over to the Treasury Department by the Navy Department for temporary use.

He considered the urgency so great as to recommend that—

The necessary equipment of a quarantine establishment consists of a pier, with warehouse, steam disinfecting chamber, sulphur fumigating furnace, tanks for holding disinfecting solutions, apparatus for discharge of ballast, small hospital, officers and men's quarters, boathouse, and boarding vessel.

The Secretary of the Treasury says in reference to this letter—and I call the attention of the chairman of the committee, who did not evidently in his haste in examining the papers last evening, get the real point to what the Secretary says:

From the papers inclosed it will be observed that while a careful inspection is maintained at the port of Astoria, there is no provision there for the removal of the sick from an infected vessel, nor for the vessel's disinfection. An infected vessel, under the circumstances, would necessarily be sent to the national quarantine station near Port Townsend, some 275 miles distant.

Necessitating a trip again out of the mouth of the Columbia River and over the bar 200 miles up to the Straits of Juan de Fuca, and 75 miles up the Straits of Juan de Fuca to Port Townsend.

If, in view of the increasing commerce of the port of Astoria, as well as its present commercial importance and the great distance from the nearest disinfection station, it is deemed necessary to establish this station, a Congressional appropriation, not to exceed $40,000, should be made for the purchase of site, erection of buildings, pier, disinfecting apparatus, launch and small boats, and maintenance for the fiscal year ending June 30, 1895.

I read from Dr. Stoner's report, showing the number of arrivals and the character of them:

The number of vessels arriving at this port during the preceding calendar year, by months, was as follows: January, 63; February, 39; March, 49; April, 42; May, 48; June, 43; July, 41; August, 37; September, 55; October, 39; November, 63; December, 35.

Now, I read the part of the report which the very able, painstaking, and industrious chairman of the Committee on Appropriations—and I take this occasion to say that the country and the Senate are under lasting obligations for the vigilance and industry of the Senator from Missouri—saw in hastily examining this paper last evening. It is paragraph 14:

As an inspection station, the quarantine facilities are sufficient to care for the shipping, with perhaps one exception, viz, a single boatman with a small boat is an insufficient service for boarding purposes at this station. The waters are often so turbulent that it is impossible to reach vessels in this way, and the necessity for a steam launch is very plain to anyone having knowledge of the facts.

I admit that the arrangement of the State inspection system is all that is needed; but when you have inspected a vessel and found a case of the Chinese plague there or find one-half of the crew down with some contagious disease, what are you going to do with the seamen or passengers and the vessel? It is not the inspection I am talking about. I speak of the facilities for taking care of the patients and fumigating the vessel. What does Dr. Stoner say in regard to that?

No facilities for disinfection, etc.

In his last report to his excellency the governor of Oregon the State health officer stated the "necessity for the establishment of a quarantine station, with the proper buildings and modern appliances, for the treatment of vessels, and to be located at or near Smiths Point."

It should be lower down than that. It should not be so near the city of Astoria.

He further stated that "another serious defect in the State law is the fact that no penalty is attached to it, and that any master might disobey the orders of the health officer, and thus introduce diseases into the State without being subject to any penalty whatever."

I admit that the urgency of the matter largely arises from the existence of the Chinese plague in Hongkong and other ports from which vessels sail directly to the Columbia River. The Government should possess not only a marine hospital on the Columbia River, at Portland or Astoria, or at both places, but there should be a contagious disease hospital, there should be a quarantine station, there should be some place to which a person coming in on a ship infected with a contagious disease might be taken and a wharf to which the vessel might be taken and disinfected. There is nothing of the sort there. If such a vessel comes to the mouth of the Columbia River the only thing to do is to send her 275 miles north into Puget Sound.

I do not propose to take up the time of the Senate in discussing this proposition. As I said, it is not made solely in the interest of the people of Oregon. It is not made solely for the protection of the people of Astoria and Portland and other cities on the Columbia River and Puget Sound. It is made for the purpose of protecting the health and the lives of 65,000,000 people. I hold in my hand a recent newspaper article referring to this plague. It brings the history of the disease down to 1845, showing the ravages and the prevalence of the plague. It is not a long article, and I ask that it may appear in the RECORD. I do not care to stop to read it.

The PRESIDING OFFICER. The article will be printed, if there be no objection. The Chair hears none.

The article is as follows:

THE BLACK DEATH—AUTHENTIC AND INTERESTING HISTORY OF THE PLAGUE—IT IS NOW DEVASTATING SOUTHERN CHINA—UNDISPUTED FACTS THAT ALMOST STAGGER HUMAN CREDULITY—IT IS PERIODIC AND PREVAILED BEFORE THE CHRISTIAN ERA.

The plague that is now ravaging China is the veritable "black death" that appeared in Asia in 1345—the most appalling, distressing scourge the world has ever known—spreading over Egypt, Syria, Greece, Turkey, and the whole of Europe. Twenty-five millions of people perished on the European continent, and thirty-six millions perished in Asia. It is recorded that half the human race perished by it in the eight years that it prevailed.

In the year of Rome 388 commenced a most desolating plague of three years' duration. This was in a time of profound peace, says the historian. It seemed to be the destiny of Rome never to be exempt from fear and dangers, for when war and sedition ceased pestilence arose.

In this horrible plague, Livy tells us, perished the great Camillus, and asserts that 10,000 citizens died in a day. On this occasion recourse was had to the ceremony of the Lectisterium. This ceremony consisted in placing the statutes of Apollo, Latona, Diana, Hercules, Mercury, and Neptune on three beds, and serving them with magnificent repasts for eight days, and a nail was driven in the wall of Jupiter's Temple. This was done under the law.

The time of year when the law required that this ceremony should be performed, the ides of September, indicates the period when the pestilence began in Rome, just the time when the malarial districts of this country, in hot, dry seasons, begin to develop their evil results. The historians of that time attributed this great outburst of disease, as they did all other plagues, to earthquakes and eruptions of volcanoes, the appearance of a comet, or planetary disturbance. In reality it was occasioned by the malaria that arose from the Pontine marshes by which Rome was surrounded. Blue pills and quinine would have proved more beneficial in this case than the Lectisterium.

A terrible malady, attacking men and cattle, manifested itself in the year of Rome 576, of which Livy says: "The pestilence which had affected cattle only in previous years now turned to a disease of man. Those who were seized with it never survived beyond the seventh day; those who did survive were for a long time affected with quartan ague. The disease made its most fatal ravages among the slaves, whose dead bodies lay unburied along the highways, as it was impossible to bury the bodies of free citizens; their corpses lay unburied, untouched by dogs or vultures, and wasted away by corruption. Carnivorous animals would not touch the bodies of the dead."

Historians relate that an appalling pestilence in the year of Rome 628 arose in Africa from dead locusts. These animals were brought toward Nu-

midia and Utica by a strong east wind in such multitudes that they devoured every green thing, not sparing even the bark of trees. They were driven by the south wind into the Mediterranean, and being washed on shore in the hot season, they putrefied and caused a most deadly plague. It is recorded that 800,000 persons perished in Numidia alone, 200,000 on the coast of Carthage and Utica, and 50,000 of the Roman troops.

A. D. 66, in the reign of Nero, occurred a horrible pestilence. Tacitus, in speaking of it, says: "In that year occurred a most violent tempest in Campania, which destroyed villages, forests, and grain; also occurred a destructive earthquake. The ravages of this plague swept 300,000 of the population of the city of Rome, which at that time contained not to exceed 1,000,000 inhabitants. Houses were filled with the dead and the streets with funerals. Slaves, plebeians, all classes, were suddenly taken off, amid the lamentations of their wives and children, who, while they assisted sick or mourned over the dead, were seized with the disease, and, perishing, were burnt on the same funeral pile."

A. D. 167 appeared in Rome a general fatal pestilence, which originated in Asia a few years before and was brought to Rome by a soldier. A. Marcelinus relates that "this horrid pestilence originated from the foul air of a small box which a soldier had opened in search of plunder after the taking of Selencia. From this little box was generated a universal pestilence, which spread from Persia to Gaul, and from thence over the whole earth. Famine followed, and myriads of caterpillars and other pestiferous insects overran the earth devouring all vegetation." The pestilence referred to no doubt, was the cholera.

Various historians tell us that in the year 1345 a destructive pestilence appeared in Asia. Says Villaui, it was the most appalling, distressing scourge the world had ever known. It spread over Egypt, Syria, Greece, Turkey, and the whole of Europe, where it continued its ravages for five years. The disease baffled all medical skill. It was called the "black death." Among the symptoms were a black tongue, a raging fever, vomiting or spitting of blood. It destroyed life in half the time the bilious plague did. It is recorded that half the human family perished in about eight years; in many cities nine died out of ten, and some places were entirely depopulated. In London 50,000 dead bodies were buried in one graveyard; in Norwich died about the same number; in Venice died 100,000; in Lubec, 90,000; in Florence, 90,000; in the East perished 20,000,000 in one year. In Spain the disease raged three years and carried off two-thirds of the people.

About the year 1500, in England, appeared a new pestilence called the sweating plague. The mortality from it was appalling. Sir Thomas More, in a letter to Erasmus, declares this disease more dangerous than a battle. In London it carried off upwards of 30,000 of the population. Says Maitland's History of London: "It is a current opinion that the disease was imported into Europe by the first adventurers to America with Columbus."

Mr. DOLPH. I have now discharged my duty. If the appropriation is not made, if some provision is not made for quarantining a vessel which may arrive at the mouth of the Columbia River upon which there is a case of the plague coming from Chinese ports, I have discharged my duty. I submitted a resolution in the Senate calling for information, and I have the information with the recommendation of the Supervising Surgeon-General of the Marine Hospital Service and the Secretary of the Treasury for the appropriation. I hope the chairman of the Committee on Appropriations will at least consent that the amendment may go into the bill, and give it further consideration in conference.

If the amendment is not adopted and this provision is not made, as I say, I have done my duty, and I let the committee take their share of the responsibility. I believe, as I have now stated the matter, that the Senator from Missouri will thank me for calling attention to the proposition as fully as I have and that he will take it under further advisement.

Mr. COCKRELL. The laws of Oregon in regard to quarantine seem to be very efficient, and there is a very efficient officer there. So far as the inspection, etc., is concerned, I have no doubt that it is very efficiently and acceptably done.

The State, as it pays the expense of this inspection, etc., can very readily provide some place for and manner of disinfection. The United States has not yet assumed entire jurisdiction of the inspection and disinfection of contagious diseases in every part of the country. We have in the pending bill a provision to the effect that—

The President of the United States is hereby authorized in case of threatened or actual epidemic of cholera, yellow fever, or smallpox, to use the unexpended balance of the sums appropriated and reappropriated by the sundry civil appropriation act approved March 3, 1893, or so much thereof as may be necessary, in aid of State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same; and in such emergency in the execution of any quarantine laws which may be then in force.

That covers about $600,000 which could be utilized.

Mr. DOLPH. Oh, no. The provision specifies cholera, yellow fever, and smallpox. It would not at all cover the disease of which we are apprehensive. It does not cover the Chinese plague. I do not think a dollar of the appropriation made has been expended on the Pacific coast. There has not been a dollar expended in Oregon, on the Columbia River. There has never been a marine hospital there. The Government makes a contract with private hospitals right in the midst of the city of Portland and right in the center of Astoria to take care of sailors who come in there suffering from disease. The Government never has expended a dollar there, and there would not be a dollar expended now.

Considering the fact that 100,000 people have died in a short period of time in Shanghai, from which port vessels came to the Columbia River, I believe that it is our duty to make this provision. If that is too much, give something for a temporary provision, so that in case a vessel comes in there infected with disease it may be properly taken care of.

Mr. COCKRELL. I desire to include in the provision the disease of which the Senator from Oregon speaks.

Mr. DOLPH. It is the Chinese plague or black death.

Mr. COCKRELL. That disease ought to be included if there is any danger of its infesting the Senator's coast through the medium of vessels plying between the coast and Chinese ports. That disease ought to be inserted in this provision anyway, independent of the other matter.

Mr. DOLPH. That ought to be done. Let me say to the Senator from Missouri that the President might have the money to expend, but how will it help us when a vessel comes in there with half her crew down and some contagious disease on board. You can not erect a hospital in a few days. It can not be improvised. You have to build one. There have to be appliances for disinfecting a vessel and facilities for taking care of the patients. I do not think that I am asking this provision in the interest of Oregon. I do not care a bagatelle for the money. I am asking it in the interest and for the preservation of the health and lives of the people of the United States. I think the Senator from Missouri had better let the amendment go in anyway and consider the matter further in conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. DOLPH].

The amendment was agreed to.

Mr. COCKRELL. If the Senator from Oregon will give me the proper name of the disease to which he has referred I will move to insert it in the provision on page 53. It ought to go in the clause anyway.

Mr. MITCHELL of Oregon. The Chinese plague.

Mr. DOLPH. It is called the Chinese plague.

Mr. COCKRELL. On page 56, line 9, I move to strike out the word "or," and after the word "smallpox" to insert "or Chinese plague."

Mr. DOLPH. The Senator from North Dakota tells me it is called the black death.

Mr. COCKRELL. I move to insert the words "or Chinese plague or black death."

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. On page 56, line 9, before the word "smallpox," strike out "or," and after the word "smallpox" insert "or Chinese plague or black death;" so as to read:

The President of the United States is hereby authorized in case of threatened or actual epidemic of cholera, yellow fever, smallpox, or Chinese plague or black death, to use the unexpended balance of the sums appropriated and reappropriated by the sundry civil appropriation act approved March 3, 1893, etc.

Mr. PERKINS. I suggest to the Senator from Missouri to insert the words "and other contagious diseases." There are many diseases which are equally as contagious as yellow fever or smallpox. Vessels are frequently placed in quarantine to guard against the infection of those diseases. Therefore I think the provision should be comprehensive in its terms and should embrace other contagious diseases.

Mr. COCKRELL. We can not extend it to measles, whooping cough, mumps, and all such diseases.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. MITCHELL of Oregon. I offer an amendment to come in after line 20, on page 126.

The SECRETARY. After line 20, on page 126, insert:

For assistant or deputy clerk of the court of appeals of the District of Columbia, not exceeding $2,000, in the discretion of the court. For necessary expenditures in the conduct of the office of the clerk of the court of appeals of the District of Columbia, $500; and the clause in the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," making an appropriation of $2,000 for clerical assistance and necessary expenditures in the conduct of such clerk's office, be and the same is hereby repealed.

Mr. MITCHELL of Oregon. I will state in a word the reason for the amendment. In the act creating the court of appeals for the District of Columbia it was provided that there should be a clerk, whose salary should be $3,000. There was no provision for a deputy clerk. It was provided, however, that there should be an allowance to the clerk of $2,000 for clerical and extraordinary services in the office. When the legislative appropriation bill of the present session was passed appropriations were made on page 124 of that bill in accordance with the then existing law. Since then a provision has been inserted in House bill 5860, that has been signed by the President, and has become a law, which changes the law in reference to the office of the clerk of the court of appeals.

It permits the clerk to stand as heretofore at a salary of $3,000, but it provides for a deputy or assistant clerk at $2,000, and then makes an allowance of $500 for extraordinary services. The purpose of my amendment is to correct the appropriation so as to meet the law as it stands to-day. That is all there is to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. MITCHELL].

The amendment was agreed to.

Mr. MITCHELL of Oregon. I have one other little amendment which I desire to offer, to be inserted after line 5, on page 11.

The SECRETARY. Insert after line 5, on page 11:

That $15,500 of the remaining balance of the sum appropriated by the act approved March 3, 1891, for the establishment of a light and fog signal at the mouth of the Coquille River, Oregon, to be used in the erection of light-keeper's dwellings and a fog signal at the Cape Arago light station.

Mr. MITCHELL of Oregon. I will state to the chairman of the committee that the amendment simply transfers a balance of $15,500, appropriated by the act of March 3, 1891, for the establishment of a lighthouse at the mouth of the Coquille River, Oregon, so that it can be utilized in erecting lightkeeper's dwellings and fog signal at Cape Arago. I hold in my hand a bill for that purpose which has already passed the Senate.

Mr. COCKRELL. At the present session?

Mr. MITCHELL of Oregon. At the present session.

Mr. COCKRELL. Is it estimated for by the Department?

Mr. MITCHELL of Oregon. No.

Mr. DOLPH. It is not an additional appropriation at all?

Mr. MITCHELL of Oregon. It is not an additional appropriation. It is simply a transfer of the amount.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. MITCHELL].

The amendment was agreed to.

Mr. ALLEN. In line 13, on page 60 of the bill, I move to strike out the word "sixty" and insert the words "one hundred and twenty;" so that it will read "$120,000."

This part of the bill has to do with caring for the timber of the country. The bill provides an appropriation—

To meet the expenses of protecting timber on the public lands and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands.

It then provides:

That agents and others employed under this appropriation shall be allowed per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence at a rate not exceeding $3 per day each and actual necessary expenses for transportation.

For the purpose of showing the necessity for the amendment, I will read a letter which was addressed to me by the Commissioner of the General Land Office on the 19th of July last:

In reply to your communication of the 18th instant, calling my attention to the sundry civil bill, page 46, line 16, relative to the appropriation for special agents of this office for the fiscal year 1895, and asking what reasons there are, if any, for an increase of the appropriations over the sum stated therein—

The sum then stated in the bill was $85,000—

I have the honor to reply as follows:

The amount specified on page 46, line 16, of the said bill, viz: $85,000—

The paging of the bill has been changed since then—

is entirely inadequate to accomplish the purposes contemplated in the act, and a limitation of the appropriation to that amount will seriously interfere with the public land service. I may also add that the service during the past fiscal year (1894) was greatly crippled owing to the insufficient appropriation of $85,000 for the employment of agents, as the amount of said appropriation only admitted of the constant employment of about twenty-eight special agents to protect the Government's interest during the year, which is included in the vast domain covered by the twenty-seven public land States and Territories.

The amounts appropriated for this service, including deficiencies, have for the past six years prior to the fiscal year of 1894 been as follows: 1888, $136,000; 1889, $195,000; 1890, $232,462.15; 1891, $260,000; 1892, $240,000; 1893, $120,000; during said years the average number of agents employed under the above appropriations was sixty-nine, and in order to protect the Government's interest, the said number of agents were kept constantly employed in the field.

To properly investigate and report upon cases of unlawful cutting and removal of the public timber (in some of the States and Territories amounting to many millions of feet each year), to investigate and report upon applications for permits to cut public timber under the act of March 3, 1891 (26 Stats., 1093), and to examine the timber areas with a view to the selection of such tracts as may seem desirable and necessary to embrace in forest reservations, provided for in section 24 of the act of March 3, 1891 (26 Stats., 1095); also to investigate and report upon attempted fraudulent and illegal acquisition of public lands, and to make personal examination and report as to the character of lands selected by the public-land States as swamp, or appropriated alleged swamp lands for which the States apply for other public lands as indemnity, the following force of agents is absolutely necessary for the purpose, viz:

On timber depredations, and applications for timber permits	12
On forest reservations	15
On fraudulent land entries, etc	20
On swamp lands	3
Total	50

In conclusion I will state that the average amount necessary for the pay and expenses of each agent is $3,000 per annum.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

Now, it will be seen from the letter that it is strictly essential that the number of agents be increased from twenty-eight to fifty in order to protect in the slightest degree the interests of the Government in the preservation of the forest reservations and other timber that is situated upon the public lands.

I think it is evident to all Senators that the timber of this country is being rapidly absorbed, and each year the question of the preservation of our forests and forest reservations becomes greater and more important to us. We who are familiar with that part of the country where the great bulk of the timber is to be found understand full well the depredations which are committed upon the forest reservations of the United States and on timber lands by irresponsible persons. We know the necessity of having faithful agents to preserve the timber against depredations and thefts, to say nothing about the duties which the agents are required to perform by the Commissioner of the General Land Office.

The Commissioner makes it manifest that "to properly investigate and report upon cases of unlawful cutting and removal of the public timber (in some of the States and Territories amounting to many millions of feet each year), to investigate and report upon applications for permits to cut public timber under the act of March 3, 1891, and to examine the timber areas with a view to the selection of such tracts as may seem desirable and necessary to embrace in forest reservations, provided for in section 24 of the act of March 3, 1891; also to investigate and report upon attempted fraudulent and illegal acquisition of public lands, and to make personal examination and report as to the character of lands selected," an increase of the force of agents is absolutely necessary.

Mr. GRAY. I ask the indulgence of the Senator from Nebraska for a few moments while I submit a report from the special committee.

Mr. ALLEN. Certainly.

RECUSANT WITNESSES.

Mr. GRAY. I submit a report from the special investigating committee in regard to the recusancy of a witness. It is a unanimous report, except that it is accompanied by an additional recommendation from one member of the committee, the Senator from Nebraska [Mr. ALLEN].

The PRESIDING OFFICER. What action does the Senator from Delaware desire?

Mr. GRAY. I ask that the report be printed and lie on the table.

The PRESIDING OFFICER. It will be so ordered without objection.

Mr. DOLPH. I ask that the recommendation of the Senator from Nebraska [Mr. ALLEN] in the matter be read. If there is a resolution reported I should like to have the resolution read. I merely want to ascertain the status of the resolutions on the subject.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

ADDITIONAL REPORT OF MR. ALLEN, OF THE COMMITTEE.

In addition to the above recommendation of the committee regarding the witness, Allen Lewis Seymour, I have to say that I think he ought to be brought to the bar of the Senate and be required to there purge himself of the contempt of which he is guilty, or be summarily punished for refusing to do so.

I, therefore, recommend the adoption of the following resolution by the Senate:

"Whereas Allen Lewis Seymour, a witness, was heretofore duly summoned by a select committee of the Senate, and, being lawfully required to testify before said committee, has, as appears by the report of said committee, refused to answer pertinent and material questions propounded to him by said committee: Therefore,

Resolved, That the President of the Senate issue his warrant in due form under his hand and the seal of the Senate, directed to the Sergeant-at-Arms of the Senate, commanding him forthwith to arrest and bring to the bar of the Senate the body of said Allen Lewis Seymour, to show cause why he should not be punished for contempt, and in the meantime to keep the said Seymour in custody to await the further order of the Senate."

Respectfully submitted,

WM. V. ALLEN.

Mr. DOLPH. I desire to make an inquiry. When the first report of this committee was made as to two witnesses who had refused to answer the questions propounded to them, in order to test the sense of the Senate upon the matter I submitted a resolution requiring one of the witnesses to be brought before the bar of the Senate. My resolution went upon the Calendar. I did not embrace the two witnesses, because one would test the question. When the next report was made, the Senator from Nebraska [Mr. ALLEN] recommended the adoption of a similar resolution. I see that my resolution is upon the Calendar, but the resolution of the Senator from Nebraska never has appeared upon the Calendar.

I should like to ask as a parliamentary question if the resolution now presented and the previous one should not go to the Calendar as a resolution offered by the minority of the committee for the consideration of the Senate? I should prefer to take up this resolution or the previous resolution of the Senator from Nebraska to the one offered by myself, not because I think that the correspondents of newspapers are any more exempt from answering questions than other persons, but when we come to test that question before the Senate I should like to eliminate from it the question as to the rights of a correspondent. If the resolution does not go upon the Calendar otherwise, I should like to ask the Senator from Nebraska to move its adoption so that it may go upon the Calendar and be taken up instead of the resolution offered by me.

Mr. GRAY. There is already a resolution on the Calendar, as the Senator from Oregon has stated, which will do to test the sense of the Senate in regard to the proper way to deal with these witnesses, and there are two previous reports accompanied by recommendations on the part of the Senator from Nebraska in regard to witnesses who were not correspondents.

Mr. DOLPH. Do not those resolutions go to the Calendar?

Mr. COCKRELL. Let the matter be printed and go over.

Mr. CHANDLER. If the Senator from Missouri will allow me, I should like to ask the Senator from Delaware what portion of the duties of the committee he desired this morning that the committee might be discharged from the further consideration of?

Mr. GRAY. This morning upon making a report from the committee, which was a final report, I also stated that there was a resolution of July 11, ordering the committee to investigate certain allegations in regard to the conduct of railroad companies in this city, and some allegations against Senators in connection therewith; that no proffer of testimony, no communication, or other source of evidence had ever been communicated to the committee, and I asked to be discharged from the further consideration of that resolution.

Mr. CHANDLER. I objected to that request, not fully understanding what the Senator desired. I make no objection to it; and if the Senator from Delaware desires it, so far as I am concerned, he can have that order made.

Mr. GRAY. I renew my request.

Mr. COCKRELL. Let it be granted and let the appropriation bill be proceeded with.

The PRESIDING OFFICER. Without objection, the committee will be discharged from the further consideration of the matter referred to.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

Mr. ALLEN. Mr. President, I desire to call attention for a few moments to the pending amendment.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Nebraska that the amendment which he proposes is not in order. It is an amendment to an amendment already made as in Committee of the Whole. It will be in order when the bill is in the Senate.

Mr. COCKRELL. Let it be settled now.

Mr. GORMAN. It can be done by unanimous consent.

The PRESIDING OFFICER. Very well.

Mr. ALLEN. I do not suppose there will be any objection to the amendment whatever. I desire to suggest also that the appropriations in the last six years have been largely in excess, being $50,000 or more in excess of the present appropriation. In 1893 the appropriation was $120,000, a difference of $55,000 between the appropriation of that year and the appropriation proposed by the committee this year.

I do not believe it is the part of wisdom to turn over the public lands and forests of this country to the keeping of timber thieves and the class of men who rob our forests when they are left without the slightest degree of protection. I can understand quite well that an appropriation of this kind if it was in excess of what it ought to be might be used as a means of giving some person or persons employment, so that they might get their hands in the public crib. But I do believe that among the millions of acres (and I think there are something like 13,000,000 acres of forest reservations alone in this country, to say nothing about the vast tracts of public lands that are timbered), a force of twenty-eight men is not sufficient for the purpose of keeping track of the depredations and performing all the duties required of agents of this kind by the present statute.

I am myself not at all in favor of exorbitant appropriations. I want to see this Government, like an economic business man, save dollars wherever it is possible to save them, but I do not believe in that niggardly policy where we save a few thousand dollars in an appropriation of this kind and possibly lose millions of dollars in consequence of the depredations committed upon our timber lands. I am informed that these agents within the last twelve or fourteen months have been able to save the Government ten or twelve times the amount of the appropriations that have been made for the preservation of the forests.

Mr. TELLER. Mr. President, since the act of 1891 providing for the sale of the timber on these lands under certain restrictions and under rules and regulations to be prescribed by the Interior Department, there is but little necessity for these agents. There were a great many depredations upon the public timber because the people could not get the timber except by depredating on the lands. Since the Government has adopted a system which we provided for by law, by which a man can cut the timber and pay for it, having it appraised and the amount he is to pay determined beforehand, there has been no complaint that I know of in the West of depredations on the timber. It is cheaper and better for a man to go and pay for it than to steal it. It is true that some time ago there was a good deal of that done, and the Government brought suits and recovered damages; but the matters the Senator speaks of are old occurrences.

As to the depredations on public land, since we provided that every settler should remain upon the land fourteen months all attempts, I think I may say, to get public lands in any other way except in an honest way have ceased. Under the old system, when a man could date back his residence and then immediately prove up, there was a great deal of fraud. That is all done away with by the fact that a man must now remain, after he has filed on his land, fourteen months before he can prove up. So there are no frauds of that kind going on, and this $60,000 is infinitely more for the purpose for which it is required than the large amounts we appropriated in former times. It is a great deal better to use money for other purposes in the West, like surveys of public land, or something of that kind, than for this purpose. I am satisfied that even less than the committee have given will be ample to protect the public land and the timber on the public land.

Mr. GORMAN. Mr. President, I trust this amendment will not be adopted, for the reason so clearly stated by the distinguished Senator from Colorado [Mr. TELLER], and the reasons furnished the Senate two years ago by nearly every Senator who resided in the States where there are public lands, when by an overwhelming vote of the Senate the appropriation then recommended by the Committee on Appropriations was cut down to $40,000, which was abundant for the service. The Department, however (and there was some excuse for it, because the gentlemen coming in were new, and representations were made to them about frauds, and so on), exceeded the appropriation. They deliberately went to work and appointed agents to go out and allowed them expenses, so that the expenses ran up to $85,000 instead of the $40,000 that was appropriated, and came here asking for a deficiency appropriation of $45,000.

The Committee on Appropriations, after looking at the matter carefully, were convinced that the facts were such as stated by the Senator from Colorado a moment ago, and that money ought to be saved on this particular item. I believe we have given $20,000 more than there is any necessity for appropriating. We should apply what we save in this item, as has been done in the pending bill, to the survey of the public lands, so that people may get homes, and reimburse the States for whatever amount they may have paid for this purpose. Therefore I move to lay the amendment of the Senator from Nebraska on the table.

Mr. ALLEN. Mr. President——

Mr. GORMAN. I withdraw the motion, of course, if the Senator from Nebraska wants to be heard.

Mr. ALLEN. I simply desire to say that I can not see how the statement of the Senator from Maryland or the statement of the Senator from Colorado in regard to this matter can be strictly in accordance with the facts. It is well known that we have a great many millions of acres of public lands. It is a well-known fact that we have something like 13,000,000, I think almost 14,000,000, acres of forest reservation, all of which must be cared for in some form. I know of no provision of law which is being enforced for the preservation of these forest reservations.

I do not know of any police force there that is exercising control over these forest reservations, or that is looking after the interests of the Government in the preservation of its timber. Certainly we know in a general way (for that has been the history of the country for the last thirty years, at any rate) that extensive depredations are committed upon the public lands, and timber that is very valuable is cut off and hauled away not only by settlers, but by those who job in timber, furnishing it for mercantile purposes. To say that a band of twenty-eight men (and that is the number employed last year, I understand) can

look after the interests of this Government effectually, and preserve our forest reservations and our public lands from the depredations of those who seek to denude them of their forests, it seems to me is simply idle.

Whenever we abandon this branch of the public service and abandon the thought of placing a sufficient number of men in charge of our forest reservations and our public timber lands to effectually preserve them, the Government practically turns over every tree that it owns to the ravages of those who destroy our forests, and we shall lose in consequence of it many millions of dollars. We can take no more effectual way to assist the timber thieves of this country, and there are plenty of them, than to abandon the preservation of the timber lands in this form.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. ALLEN].

The amendment was rejected.

Mr. CAREY. I move to insert as section 4 of the bill——

Mr. COCKRELL. Before the Senator from Wyoming offers his amendment allow me to submit an amendment.

Mr. CAREY. Certainly.

Mr. COCKRELL. On page 46, after line 18, I move to insert:

Recoinage of uncurrent fractional silver coin: For the recoinage of the uncurrent fractional silver coin in the Treasury, to be expended under the direction of the Secretary of the Treasury, $300,000.

I ask that the letter of the Secretary of the Treasury recommending this amendment and that of the Treasurer of the United States may be printed as an executive document to accompany this amendment.

The PRESIDING OFFICER. Without objection, the request to print will be agreed to. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. CAREY. I move to add, as section 4, the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The Secretary read as follows:

SEC. 4. That to encourage the reclamation of arid lands, and the cultivation and sale thereof in small tracts to actual settlers, there is hereby reserved for the purposes and upon the conditions provided in this section in each of the States to which the desert-land law of the United States is applicable, and to each of the States of Nebraska and Kansas, and to each of the States that may be formed out the Territories of Arizona, New Mexico, Oklahoma, and Utah, 1,000,000 acres of the surveyed public arid lands in said States, respectively, to be selected by each of said States within ten years after the passage of this act, and such reservation to take effect from the date of such selection and approval and be thereafter withhheld from other disposal, except as hereinafter provided: *Provided*, That any lands so reserved which shall not be reclaimed within five years from the date of their selection and approval as aforesaid, or as to which the State has not expended or caused to be expended the sum of $3 per acre in works intended for the reclamation of such lands, as now required by the United States desert-land law from claimants thereunder, shall be released from such reservation and become subject to disposal as other public lands of the United States after proclamation by the President so declaring.

That any State accepting the conditions of this section is hereby authorized to make all necessary regulations governing the manner or extent of the reclamation, and to make all contracts to cause said lands to be so reclaimed and settled and cultivated by actual settlers in accordance with such regulations; and as rapidly as the State may furnish competent proof that any of said lands are reclaimed and occupied by actual settlers, in accordance with its said regulations, patents shall issue to the State or its assigns for said lands so reclaimed and settled: *Provided*, That said States shall not sell or dispose of more than 160 acres of said lands to any one person, and the net proceeds derived by each State from the sale of said lands shall be held and expended as a separate fund to aid the work of reclaiming the lands so reserved by this section, and the surplus, if any, shall be devoted by the State to reclaiming other arid lands in said State.

That all lands, exclusive of timber lands and mineral lands, which will not, without irrigation, produce some agricultural crop, shall be deemed arid lands within the meaning of this section, which fact shall be ascertained by affidavit of two or more credible witnesses, filed in the land office of the district in which such land may be situated at the time of the selection thereof, as herein provided: *Provided*, That this section shall not be construed to authorize the leasing of the lands selected or the disposal or use of them by the States, respectively, in any way whatever except to secure their reclamation, cultivation, and settlement; and the Commissioner of the General Land Office shall, subject to the approval of the Secretary of the Interior, make all rules and regulations necessary to carry out the provisions of this section and to enable the Secretary of the Interior to examine any of the lands that may be selected under the provisions of this section, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, $1,000.

Mr. CAREY. Mr. President, the provisions of this amendment passed the Senate unanimously reported by the Public Lands Committee of the Senate, and I understand a favorable report has been agreed upon by the Committee on Irrigation in the House of Representatives. The Commissioner of the General Land Office has approved the measure very highly. I would not ask for its incorporation on this bill were it not for the fact that the Legislatures of all the States to which it applies will be in session next winter, and it will require legislation upon their part to carry the provisions of the act into effect.

I will state that all the land possible to be reserved under the amendment will not be more than two-thirds of the amount that some States received under the swamp-land act.

I will state further that the title of not an acre of land passes out of the Government until its reclamation, and then upon the actual payment and the actual disposal of the land to the settler. There must be something done in the arid-land States and Territories. I do not believe the Treasury of the United States will be in a condition for some years to come where the Government would be willing to appropriate money for the reclamation of lands in the arid States and Territories. It is such a big question that one who is not acquainted with it can scarcely comprehend the amount of labor and the expenditure of money required for the reclamation of arid lands.

I have no doubt that in the State where I live, before all the moisture that is precipitated can be utilized for the reclamation of these lands, it will require from three to four hundred million dollars. As the Commissioner of the General Land Office says in reference to this measure, it is well guarded, and it will be an experiment. No one can lose anything. There can not possibly be any job in it. For these reasons I beg the chairman of the Committee on Appropriations to allow the provision to go on the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming [Mr. CAREY].

The amendment was agreed to.

Mr. CHANDLER. On page 56, at the end of line 16, I move to add:

And the further sum of $376,000 is hereby appropriated and added to said unexpended balance, to be used by the President only in case of such emergency.

I ask the attention of the chairman of the committee, and also of the Senator from Tennessee, the chairman of the Committee on Epidemic Diseases, to this amendment. I have ascertained that the unexpended balance of the old appropriation on the 1st of July was $624,000.

The additional sum which I propose will put at the service of the President for any threatened or actual epidemic of cholera, yellow fever, or smallpox, $1,000,000 in a round sum. It is not put at the disposal of the head of the Treasury Department in the ordinary way, but it is an emergency fund to be expended only by the personal direction of the President of the United States.

Mr. President, Congress will be absent from this city, I hope, during August, September, October, and November—four months. The cholera has already broken out in various places in Europe. It seems to me that we ought to be willing, as Democrats, as Republicans, to trust the President of the United States with this sum of $1,000,000, so that in case the cholera does penetrate this country, he may not find it necessary to call Congress together in order to ask for a further appropriation.

Mr. HARRIS. Mr. President, for quite a number of years there have been similar appropriations made of varying amounts. I think I am perfectly warranted in saying that there has never been a dollar of such appropriations expended that was not absolutely necessary. I believe I am warranted in saying that the maximum amount of the appropriation has never been reached, but from year to year a large proportion of the appropriations have remained in the Treasury and have not been used. If the emergency shall come it is a matter of supreme importance that there should be a fund within the discretion of the President or some other official of the Government.

Therefore we have left it invariably to the discretion of the President, and I think it proper so to leave it. If such emergency shall come it is vitally important that we should have an ample fund to meet it as best the science and skill of the country can meet it.

Mr. COCKRELL. Is not $624,000 ample to meet it at least until the 4th of next March?

Mr. HARRIS. That is a question which no living man can anticipate or answer for the future. But if you shall appropriate $1,000,000, not a dollar of it will be used unless it is absolutely necessary to meet an emergency of the highest character. Otherwise every dollar of it will remain in the Treasury. The fund of the Treasury will not be impaired except by the expenditures in such an emergency. There can be no danger in making this appropriation. No harm can come to the country. An emergency may arise which will make it immensely important that the fund should be subject to the order and in the discretion of some official, and I think the President is the proper person.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. CHANDLER].

The amendment was agreed to.

Mr. CHANDLER. On page 130, after line 4, I move to add:

Massachusetts avenue: For grading Massachusetts avenue as extended around the Naval Observatory circle, $10,000.

Mr. COCKRELL. I hope that amendment will not be put on the bill, and I hope the Senator from New Hampshire will not insist on it. It belongs to the District of Columbia appropri-

ation bill, and the provision was made on that bill, if I am not mistaken.

Mr. CHANDLER. No, the Senator will remember that the bill for defining Massachusetts avenue around the Observatory circle was only signed by the President day before yesterday, and the estimate of $10,000 was left out of the District of Columbia appropriation bill for that reason. There is a unanimous agreement among the conferees on the District of Columbia appropriation bill that this appropriation shall go upon this bill.

Mr. COCKRELL. Being one of the conferees, I never heard of a unanimous agreement to that effect.

Mr. CHANDLER. All the members of the committee said yes, except the Senator from Missouri, and he looked very good-natured when the suggestion was made.

I have moved the amendment by the request of the chairman of the House committee. If the Senator will let it go on the bill it will go out of course in conference if he thinks it ought to go out. I do not wish to be unreasonable with the Senator.

Mr. COCKRELL. That is all right. Let the amendment be inserted, page 55, at the end of line 16.

The PRESIDING OFFICER. Without objection, it will be inserted at that point. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. CHANDLER].

The amendment was agreed to.

Mr. GALLINGER. I am in search of information, and I wish before the bill is finally passed upon to ask the chairman of the Committee on Appropriations for some information concerning one matter that I find in the bill. On page 93 there are two paragraphs which read as follows:

Support and medical treatment of destitute patients: For the support and medical treatment of ninety-five medical and surgical patients who are destitute, in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, $19,000.

Garfield Memorial Hospital: For maintenance, to enable it to provide medical and surgical treatment to persons unable to pay therefor, $19,000.

Mr. President, what I want to know is this: On the District appropriation bill there were certain appropriations made for hospitals named in the city of Washington. The Providence Hospital and the Garfield Memorial Hospital, I think, are not in that list, but the appropriations made in the District bill are paid one-half from the revenues of the District of Columbia and the other half from the revenues of the General Government.

I am at a loss to understand why these two hospitals should be given an appropriation of $19,000 each, as provided in this bill, and the entire amount be paid from the revenues of the General Government. There is probably some reason for it, but I do not understand it.

Mr. COCKRELL. I do not think there is any special reason, except that the House of Representatives sent us the bill in that form, and we have to take it as it is or have a wrangle over it. I think myself it ought to be changed so that the District should pay one-half, but others do not think so.

Mr. GALLINGER. There is another matter in connection with this. The appropriation for the Providence Hospital specifies that they shall have 95 patients, for which they shall receive $19,000, or $200 per patient. That strikes me as being a very remarkable provision. I do not know how long patients are sick in hospitals in the city of Washington, but it seems to me they do not average an expense of $200 each, yet this lump amount is given to this hospital, and there are to be 95 patients, and no more, and the hospital is to get this compensation for that purpose.

Mr. COCKRELL. That is under some agreement or understanding that the authorities have had for years.

Mr. GALLINGER. I think that the appropriations for those two hospitals as made in this bill are all wrong. I know of no reason why the General Government should be supporting one or more hospitals in the city of Washington. I will take as an illustration the Providence Hospital. My investigation, made very hurriedly, it is true, because I simply noticed this yesterday, shows that the Government has been making appropriations for Providence Hospital since the year 1864. It has been suggested somewhere that an amount aggregating more than half a million dollars has been paid to this hospital by the Government of the United States. I do know that for the last ten years—because I looked it up yesterday—the aggregate appropriations amounted to $176,000. I see no remedy for this condition of things this year. I was inclined to move an amendment striking out these two paragraphs and inserting:

For the support and medical treatment of destitute medical and surgical patients in the city of Washington, under a contract to be made with the different hospitals by the Surgeon-General, $38,000, one-half to be paid from the revenues of the District of Columbia, and one-half from the revenues of the General Government.

There may be objections to that. I am not very well informed on the subject, and I shall not move the amendment, but I will make this suggestion in closing my observations, that I propose between now and the time when another sundry civil appropriation bill comes before the Senate, to endeavor to get additional light on the subject of the appropriation for hospitals in the District of Columbia, to the end that we may do justice to all the hospitals, and that we may do justice to the General Government in the matter of appropriating money for purposes of this kind.

Mr. COCKRELL. I hope the Senator will give us his assistance in that way. Being himself a physician, he knows more about the subject than we do, and I hope he will give us his aid. We shall be very thankful to him for any suggestions he may make.

Mr. MORGAN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 16, on page 55, it is proposed to insert:

For constructing an elevator in the Home for Incurables, in West Washington, and for providing the necessary power to operate the same, $2,600, to be paid to and expended under the direction of the board of directors of said institution.

Mr. MORGAN. Mr. President, I wish to say just a word in explanation of that amendment.

This beautiful charity was instituted in Washington by the ladies, and has been sustained by them from the beginning by their own personal exertions. I am informed that they have about forty patients, and they sustain them in a very comfortable way in a home which has been built on purpose for them out of moneys that they have received by contributions from different persons, and upon a lot that was donated to them by some benevolent lady, whose name I do not know, and I believe nobody else knows it outside of the board.

Those ladies have built this comfortable house for incurables. They have, as I remarked, about forty patients from the different races. They are persons who are totally unable to assist themselves, and there is no hope of their ever being cured. That constitutes, in my mind, the great beauty of the charity. In building this house they have made a shaft for an elevator, but they have not had the money as yet to build it or to get the machinery or the power necessary to work it. Of course, these poor people have to be lifted up and down the stairways by help, and that is a very great tax upon the income of the home.

I am informed, Mr. President, that that home is about as well conducted as any could be, and that the advantages of benefaction which have been derived from it are very singularly excellent and beautiful.

The Commissioners of the District of Columbia recommended this appropriation, and I had that recommendation sent before the Committee on the District of Columbia. They, as I am informed, united in the recommendation, and it went to the Committee on Appropriations. So the amendment is entirely in order. Because this institution has never before, however, been recognized as one of those which the law would provide for, the committee did not think that it was proper, perhaps, on this occasion or on this bill to insert it, but I hope that hereafter it is an institution which will be provided for. There is nothing that more earnestly demands our attention as benevolent people than to provide for the comfort and the well-being of those who are incurable and absolutely unable to help themselves.

I happen to know personally two or three of the patients who are in that hospital, and they are people who heretofore were persons of wealth and entirely able to take care of themselves, but, through the vicissitudes of fortune, they have been brought to poverty and utter disability.

I hope the Senate will agree to the amendment, and that the House of Representatives will concur in it.

Mr. GALLINGER. Mr. President, my attention was diverted when the amendment now under consideration was read. I ask the Senator from Alabama if that is the amendment providing an appropriation for an elevator in the Home for Incurables?

Mr. MORGAN. It is.

Mr. GALLINGER. I will simply say that I hope the amendment will be adopted. The same objection which I urged to the appropriations for two of the hospitals would apply to this, that one-half should come out of the funds of the District, but I shall not urge that point.

I am acquainted with the Home for Incurables in this city. It is one of the best charities which has ever been established anywhere; it is delightfully situated, the attendance is as good as can possibly be secured, and the patients going there to die never make any complaint so far as the attention they receive is concerned.

In regard to this matter of an elevator, a few months ago a

very dear friend of mine was carried to that home, a man who was laid away this afternoon. He was given the most comfortable room which could be secured for him in the building, but was compelled to leave that institution and go to his own humble home in the city of Washington for the reason that he could not get out on the grounds; he had not the strength to travel up and down stairs, and had to leave the institution, where he had probably better care than he could get at home. He said to me that he did not understand why Congress did not appropriate a little money to put an elevator in that institution.

I hope, Mr. President, the amendment will be adopted.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

The amendment was agreed to.

Mr. CHANDLER. By direction of the Committee on Immigration I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 52, before line 19, it is proposed to add:

The chief of the Bureau of Immigration shall hereafter be designated as the Commissioner-General of Immigration.

Mr. COCKRELL. I hope that amendment will not be agreed to. It changes existing law, and we can get along for the present under the existing law.

Mr. CHANDLER. It is a mere verbal change.

Mr. COCKRELL. It nevertheless changes the existing law.

Mr. CHANDLER. I was unanimously instructed to report the amendment by direction of the committee of which the Senator from Missouri is a member, and I assure him that all the conclusions of that committee, whether he be present or absent, are very carefully and deliberately reached and entered upon. I hope he will not object to the amendment now, for he can strike it out in conference; but I do not like him to discredit a committee of which he himself is a member.

Mr. ALLISON. I make the point of order on that amendment.

The PRESIDING OFFICER. What is the point of order?

Mr. ALLISON. That it is new legislation and changes existing law.

The PRESIDING OFFICER. The Chair sustains the point of order.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. I move that the Senate ask for a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. COCKRELL, Mr. GORMAN, and Mr. ALLISON were appointed.

DEFICIENCY APPROPRIATION BILL.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes.

The motion was agreed to.

Mr. PASCO. I ask the Senator from Missouri to yield to me for the consideration of a bill which will take but a few moments.

Mr. COCKRELL. I yield to the Senator from Florida.

PERDIDO RIVER BRIDGE BETWEEN FLORIDA AND ALABAMA.

Mr. PASCO. I ask unanimous consent that the bill (H. R. 7827) to authorize a bridge across the Perdido River between the States of Florida and Alabama be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with an amendment, to insert at the end of the bill the following:

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved whenever Congress may consider it necessary.

Mr. PLATT. I should think that amendment had better have some words stricken from the end of it. I think we had better reserve the right to amend now, than to reserve the right to amend whenever Congress thinks it necessary, as is stated in the latter part of the amendment. I move to strike out those words.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. After the word "reserved," it is proposed to strike out "whenever Congress may consider it necessary."

Mr. PASCO. How will the amendment then read?

The PRESIDING OFFICER. The amendment as proposed to be amended will read.

The Secretary read as follows:

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. PASCO. There is no objection to that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

COURT IN THE INDIAN TERRITORY.

Mr. TELLER. I ask unanimous consent for the present consideration of Senate bill 2173, known as the Indian Territory court bill, which was passed the other day and reconsidered for the purpose of allowing the Senator from Missouri [Mr. VEST], who is not present, to offer some amendments, which I shall offer for him.

There being no objection, the Senate proceeded to consider the bill (S. 2173) to amend an act entitled "An act to establish a United States court in the Indian Territory, and for other purposes," approved March 1, 1889, and an act entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May 2, 1890; to provide for the redistricting of the Indian Territory for judicial purposes, for an additional judge and more United States commissioners, and to prescribe the jurisdiction, duties, and authority of such judges and commissioners, and for other purposes.

Mr. COCKRELL. Will the Senator from Colorado state what the bill is?

Mr. TELLER. It is the Indian court bill. I have some amendments to offer which were prepared by the Senator's colleague. I will say that I have submitted the amendments to the committee, and the committee agreed to them. I think they improve the bill.

On page 3, section 1, I move to strike out lines 32, 33, and 34, and insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 3, it is proposed to strike out from line 32 to line 34, inclusive, as follows:

That the Attorney-General of the United States may, if in his judgment it shall be necessary, appoint an additional assistant attorney for said district.

And in lieu thereof to insert:

That the Attorney-General of the United States shall appoint three assistant attorneys for said districts who shall perform the duties to which they may be assigned by the United States district attorney for the Indian Territory, and who shall receive such compensation as is now allowed by law to the assistant United States attorneys for the western district of Arkansas, together with actual traveling expenses when upon Government business.

It shall be the duty of the United States attorney for the Indian Territory, in addition to his present duties, to supervise and conduct all prosecutions before the commissioners provided for by this act in person or by his deputies, and he shall receive for his services one-half the fees now allowed him by law in such cases when instituted in the United States court of said Territory.

The amendment was agreed to.

Mr. TELLER. I move, on page 8, line 44, after the word "jury," to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 3, on page 8, line 44, after the word "jury," it is proposed to insert "said amount to be taxed as costs and repaid to the defendant if acquitted of the charge made against him."

The amendment was agreed to.

Mr. TELLER. On page 10, at the end of section 3, I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of section 3 it is proposed to insert:

The fees of such commissioners and constables shall be those allowed the justices of the peace and constables by the statutes of Arkansas in like cases, but the aggregate amount of fees received in any one year by each of said commissioners and constables shall not exceed $2,000, the excess of fees collected by them above said amount to be accounted for and paid over by such commissioners and constables to the clerk of the United States court of the Indian Territory, who shall pay the same to the proper accounting officers of the United States Treasury.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES FAY.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 7683) to remove the charge of desertion against James Fay was read twice by its title.

Mr. MCMILLAN. I am authorized by the Committee on Naval Affairs to report that bill favorably, and I ask that it be acted upon now. It will only take a moment.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HAWLEY. Has that bill been reported by any committee?

Mr. MCMILLAN. It has been reported by the Naval Committee.

Mr. HOAR. I move that the Senate adjourn.

Mr. ALLISON. I hope the Senator from Massachusetts will withdraw that motion in order that we may have a brief executive session.

Mr. MCMILLAN. I hope the Senator will withdraw that motion in order that the bill which has been laid before the Senate may be passed.

Mr. HOAR. I withdraw the motion to accommodate the Senator from Michigan and the Senator from Iowa.

The PRESIDING OFFICER. The motion to adjourn is withdrawn. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7683) to remove the charge of desertion against James Fay.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MCMILLAN. I move to amend the title to conform with the body of the bill, so as to read "A bill to correct the naval record of James Fay and grant him an honorable discharge."

The amendment was agreed to.

SURVEYS OF PUBLIC LANDS.

Mr. WHITE. I ask unanimous consent for the present consideration of the bill (H. R. 7803) to amend sections 2401 and 2403 of the Revised Statutes. It is in a different form, but precisely to the same effect, as a bill which has already passed the Senate. The bill is very short, and I do not think there can be any objection to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend sections 2401 and 2403 of the Revised Statutes, so as to make them read:

SEC. 2401. When the settlers in any township, not mineral or reserved by the Government, or persons and associations lawfully possessed of coal lands and otherwise qualified to make entry thereof, or when the owners or grantees of public lands of the United States, under any law thereof, desire a survey made of the same under the authority of the surveyor-general and shall file an application therefor in writing, and shall deposit in a proper United States depository to the credit of the United States, a sum sufficient to pay for such survey, together with all expenditures incident thereto, without cost or claim for indemnity on the United States, it shall be lawful for the surveyor-general, under such instructions as may be given him by the Commissioner of the General Land Office, and in accordance with law, to survey such township or such public lands owned by said grantees of the Government, and make return therefor to the general and proper local land office: *Provided*, That no application shall be granted unless the township so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases for township and subdivisional surveys.

SEC. 2403. Where settlers or owners or grantees of public lands make deposits in accordance with the provisions of section 2401, as hereby amended, certificates shall be issued for such deposits which may be used by settlers in part payment for the lands settled upon by them, the survey of which is paid for out of such deposits, or said certificates may be assigned by indorsement and may be received by the Government in payment for any public lands of the United States entered or to be entered under the laws thereof.

Mr. ALLISON. I desire to call the attention of the Senator from Oregon [Mr. DOLPH] to the fact that some years ago the provisions of law allowing the certificates to be assigned were repealed. I do not think that is the law now.

Mr. DOLPH. I will read to the Senator from the communication of the Commissioner of the General Land Office, which was read in the debate in the House of Representatives on this bill. He said:

The triplicate certificates issued for such deposits prior to March 3, 1879, can be used only by the settlers in the purchase of lands in the township the surveying of which was paid for out of such deposits;

The triplicate certificates issued subsequent to March 3, 1879, and prior to August 7, 1882, may be assigned by indorsement and used in payment for lands entered under the homestead and preëmption laws in any land district; and

Triplicate certificates issued on and after August 7, 1882, can be received in payment for lands only at the land office in which the lands surveyed for which the deposit was made are subject to entry, and not elsewhere.

Mr. ALLISON. I hope the Senator will move to amend that provision so that the certificates assigned shall not be used in distant States to enter lands. The complaint was made, and that was the reason for the change—I have forgotten the exact facts—that these surveys were made in California and other States and then the certificates were used in taking up lands in the Dakotas and in Nebraska, and it came to be a very great abuse, which was corrected in this way. I do not know the precise provisions of this bill.

Mr. DOLPH. After the words "United States," in line 12 of section 2, I move to insert the words "in the States where the surveys were made."

Mr. ALLISON. That amendment will be satisfactory to me.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The amendment will be stated.

The SECRETARY. In section 2, line 12, after the words "United States," it is proposed to insert "in the States where the surveys were made;" so as to read:

Said certificates may be assigned by indorsement, and may be received by the Government in payment for any public lands of the United States in the States where the surveys were made, entered, or to be entered under the laws thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DOLPH. I move that the Senate ask for a conference with the House of Representatives on the bill and amendment, which only inserts a few words.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. PASCO, Mr. MARTIN, and Mr. DOLPH were appointed.

SALE OF LOT IN HOT SPRINGS, ARK.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. BERRY. I hope the Senator will withdraw that motion for a moment.

Mr. ALLISON. I will withdraw it for any purpose which will not take time.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (H. R. 6042) to authorize sale of lot 8, block 93, city of Hot Springs, by school directors thereof, and use of proceeds for school purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. ALLISON. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and at (5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 3, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate August 2, 1894.

REGISTER OF THE LAND OFFICE.

Peregrine J. Dempster, of Holyoke, Colo., to be register of the land office at Sterling, Colo., vice Herbert C. Tedmon, term expired.

POSTMASTERS.

Frank E. Abbott, to be postmaster at Riverside, in the county of Riverside and State of California, in the place of Fred M. Dunbar, whose commission expired December 21, 1893.

George W. Hill, to be postmaster at Pomona, in the county of Los Angeles and State of California, in the place of Edwin B. Smith, whose commission expired March 29, 1894.

John N. Scarborough, to be postmaster at Americus, in the county of Sumter and State of Georgia, in the place of Joseph C. Roney, resigned.

D. W. Hamilton, to be postmaster at Sigourney, in the county of Keokuk and State of Iowa, in the place of Andrew Stranahan, whose commission expires August 22, 1894.

W. D. Gerard, to be postmaster at Osborne, in the county of Osborne and State of Kansas, in the place of John J. Hays, whose commission expired July 1, 1894.

Eli Mead, to be postmaster at Hutchinson, in the county of Reno and State of Kansas, in the place of Wilson McCandless, whose commission expired May 14, 1894.

John McMillan, to be postmaster at South Omaha, in the county of Douglas and State of Nebraska, in the place of John M. Glasgow, whose commission will expire August 13, 1894.

Woodbury A. Ham, to be postmaster at Everett, in the county Middlesex and State of Massachusettes, in the place of Charles Manser, whose commission expired May 10, 1894.

Eugene J. O'Neil, to be postmaster at Chicopee Falls, in the county of Hampden and State of Massachusetts, in the place of Fred E. Patterson, whose commission expired July 12, 1894.

George Wallwork, to be postmaster at White Sulphur Springs, in the county of Meagher and State of Montana, in the place of Samuel M. Allebaugh, whose commission will expire August 22, 1894.

George K. Otis, to be postmaster at Hicksville, in the county of Defiance and State of Ohio, in the place of John Berger, whose commission will expire August 7, 1894.

Martin E. Conlan, to be postmaster at Alexandria, in the county of Hanson and State of South Dakota, in the place of Robert Dolt, whose commission expired May 27, 1894.

Jerome W. Pierce, to be postmaster at Springfield, in the county of Windsor and State of Vermont, in the place of Granville S. Derby, whose commission expired July 24, 1894.

Andrew J. Sibley, to be postmaster at Montpelier, in the county of Washington and State of Vermont, in the place of J. Eli Goodenough, removed.

PROMOTIONS IN THE NAVY.

Lieut. Commander William W. Reisinger, to be a commander in the Navy, from July 21, 1894, vice Commander Arent S. Crowninshield, promoted (subject to the examinations required by law).

Lieut. Albion V. Wadhams, to be a lieutenant-commander in the Navy, from July 21, 1894, vice Lieut. Commander William W. Reisinger, promoted (subject to the examinations required by law).

Lieut. (junior grade) John H. L. Holcombe, to be a lieutenant in the Navy, from July 10, 1894, vice Lieut. Edwin K. Moore, promoted.

Lieut. (junior grade) William L. Burdick, to be a lieutenant in the Navy, from July 21, 1894, vice Lieut. Albion V. Wadhams, promoted (subject to the examinations required by law).

Ensign Joseph L. Jayne, to be a lieutenant (junior grade) in the Navy, from July 10, 1894, vice Lieut. (junior grade) John H. L. Holcombe, promoted.

Ensign James G. Dayle, to be a lieutenant (junior grade) in the Navy, from July 21, 1894, vice Lieut. (junior grade) William L. Burdick, promoted.

Commodore Henry Erben, to be a rear-admiral in the Navy from July 31, 1894, vice Rear-Admiral Oscar F. Stanton, retired (subject to the examinations required by law).

Capt. Charles S. Norton, to be a commodore in the Navy from July 31, 1894, vice Commodore Henry Erben, promoted.

Commander Frank Wildes, to be a captain in the Navy from July 31, 1894, vice Capt. Charles S. Norton, promoted (subject to the examinations required by law).

PROMOTIONS IN THE ARMY.

Napoleon J. T. Dana, late assistant quartermaster, United States Army, to be assistant quartermaster with the rank of captain, to date from August 2, 1894, with a view to his name being placed on the retired list of the Army.

George S. Greene, late first lieutenant Third Artillery, to be first lieutenant of artillery, to date from August 2, 1894, with a view to his name being placed on the retired list of the Army.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 2, 1894.

UNITED STATES ATTORNEY.

James L. Bennett, of New York, to be attorney of the United States for the eastern district of New York.

REGISTER OF LAND OFFICE.

Eugene J. Trippel, of Yuma, Ariz., to be register of the land office at Tucson, Ariz.

COINER OF THE MINT.

Albert T. Spotts, of California, to be coiner of the mint of the United States at San Francisco, Cal.

RECEIVER OF PUBLIC MONEYS.

Albert G. Neal, of Sprague, Wash., to be receiver of public moneys at Waterville, Wash.

POSTMASTERS.

Edward L. Nesselrond, to be postmaster at Guthrie Center, in the county of Guthrie and State of Iowa.

Nora Webber, to be postmaster at Virginia City, in the county of Storey and State of Nevada.

James R. Lewis, to be postmaster at Grinnell, in the county of Poweshiek and State of Iowa.

Frank G. Letters, to be postmaster at Putnam, in the county of Windham and State of Connecticut.

John J. Oberlin, to be postmaster ot Butler, in the county of Dekalb and State of Indiana.

Charles C. Rogers, to be postmaster at Plainwell, in the county of Allegan and State of Michigan.

Frederick E. Pierce, to be postmaster at Greenfield, in the county of Franklin and State of Massachusetts.

William Buttrick, to be postmaster at Concord, in the county of Middlesex and State of Massachusetts.

James F. Shea, to be postmaster at Indian Orchard, in the county of Hampden and State of Massachusetts.

Martin Hickey, to be postmaster at Grafton, in the county of Worcester and State of Massachusetts.

John F. Dwyer, to be postmaster at Weymouth, in the county of Norfolk and State of Massachusetts.

Rollin M. Rood, to be postmaster at South Manchester, in the county of Hartford and State of Connecticut.

Marshall Wiseheart, to be postmaster at Shawneetown, in the county of Gallatin and State of Illinois.

James P. Weatherstone, to be postmaster at La Grange, in the county of Cook and State of Illinois.

Frank R. Moore, to be postmaster at Medfield, in the county of Norfolk and State of Massachusetts.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August 2, 1894.*

The House met at 12 o'clock m. Prayer by the Rev. W. E. PARSON, D. D.

The Journal of yesterday's proceedings was read and approved.

ENTRY OF LAND FOR GRAVEL PITS.

The SPEAKER laid before the House the bill (H. R. 7451) to authorize the entry of land for gravel pits and reservoir purposes and authorizing the grant of right of way for pipe lines, with Senate amendments.

The SPEAKER. This is a House bill with Senate amendments, and the Senate requests a conference on the disagreeing votes of the two Houses.

Mr. McRAE. I move that the House nonconcur in the Senate amendments, and agree to the conference requested.

The SPEAKER. If there be no objection, that order will be made.

There was no objection, and it was so ordered.

The SPEAKER. The Chair will announce the appointment as conferees on the part of the House of the gentleman from Arkansas, Mr. McRAE, the gentleman from Arkansas, Mr. NEILL, and the gentleman from Iowa, Mr. LACEY.

SECTIONS 5365 AND 5366 OF REVISED STATUTES.

The SPEAKER laid before the House the bill (H. R. 4605) to amend sections 5365 and 5366 of the Revised Statutes, with Senate amendment.

The SPEAKER. This is the House bill with Senate amendment. The Clerk will report the amendment.

The amendment was reported.

Mr. CULBERSON. Mr. Speaker, I move that the House concur in the Senate amendment. This is really no amendment to the bill.

The Senate amendment was agreed to.

The SPEAKER. The title will be amended in accordance with the amendment of the Senate, if there be no objection. [After a pause.] The Chair hears none, and it is so ordered.

AMENDMENT OF QUARANTINE ACT.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, submitting a draft of a bill to amend the quarantine act of February 15, 1893; which was referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

PAUL M'CORMICK.

The SPEAKER laid before the House the bill (S. 1262) for the relief of Paul McCormick; which was referred to the Committee on Claims.

RETURN OF BILL TO SENATE.

The SPEAKER laid before the House the following Senate resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2151) to amend an act to authorize the construction of a steel bridge over the St. Louis River, between the States of Wisconsin and Minnesota, approved April 24, 1894.

The SPEAKER. Without objection, this request of the Senate will be complied with, and the Clerk will be directed to return the bill indicated to the Senate.

There was no objection, and it was so ordered.

REPRINT OF REPORT.

At the request of Mr. WOODARD, by unanimous consent, a reprint of Report 337, part 2, was ordered.

CORRECTION.

Mr. CUMMINGS. Mr. Speaker, I desire to correct the RECORD. In the RECORD of day before yesterday, when the Yorke bill was before the House, in reply to a question of the gentleman from Texas [Mr. SAYERS], I am reported as saying: "The gentleman from New York voices the action of his committee in this regard." What I really said was: "The gentleman from New York bows to the action of his committee in this regard." I desire now to say that I opposed the bill in committee and voted against it in the House.

CHOCTAW COAL AND RAILWAY COMPANY.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent for the consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 7680) to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company.

Whereas the Choctaw Coal and Railway Company, a corporation created under and by virtue of the laws of the State of Minnesota, and now doing business in the Indian Territory and Oklahoma Territory under and by virtue of certain acts of Congress empowering it so to do, is insolvent, and in order to enable the creditors and stockholders of the same to reorganize said company in such a way as to secure the completion of the railroad authorized to be constructed by said company, a sale of its property and franchises is necessary: Therefore,

Be it enacted, etc., That the persons for or on whose account the rights of way, railroads, mines, coal leasehold estates, and other property, and the franchises of the said Choctaw Coal and Railway Company shall be purchased and acquired under and by virtue of any sale of the same made under any process or decree of any court having jurisdiction thereof, shall be, and are hereby, constituted a corporation, and shall be vested with all the right, title, interest, property, possession, claim, and demand in law and equity, of, in, and to such rights of way, railroads, mines, coal leasehold estates, and property of the said Choctaw Coal and Railway Company, and with all the rights, powers, immunities, privileges, and franchises which have been heretofore granted to or conferred upon said company by any act or acts of Congress or of the State of Minnesota, or which it possesses by virtue of its charter under the laws of said State, with the same force and effect as if the provisions of said acts were herein fully reënacted and made applicable to such new corporation.

SEC. 2. That the persons for or on whose account the hereinbefore-mentioned property of the said Choctaw Coal and Railway Company may have been purchased shall meet within thirty days after the conveyance thereof shall have been delivered, and organize such new corporation by electing a president and board of nine directors (to continue in office until the second Monday of January succeeding such meeting, when, and annually thereafter, on the said day, a like election for a president and nine directors shall be held to serve for one year), and shall adopt a corporate name and common seal, determine the amount of capital stock thereof, and shall have power and authority to make and issue certificates therefor to the purchasers aforesaid, to the amount of their respective interests therein, in shares of $50 each, and may then, or at any time thereafter, create and issue preferred stock to such an amount and on such terms as they may deem necessary, and from time to time to issue bonds, and to secure the same by one or more mortgages upon the real and personal property and corporate rights and franchises, or either or any part or parts thereof.

SEC. 3. That it shall be the duty of such new corporation, within one calendar month after its organization, to make a certificate thereof under its common seal, attested by the signature of its president, specifying the date of such organization, the name so adopted, the amount of capital stock, and the names of its president and directors, and transmit the said certificate to the Secretary of the Interior, to be filed in his office, and there remain of record; and a certified copy of such certificate so filed shall be evidence of the corporate existence of said new corporation. And such new corporation shall also, within the said thirty days, cause to be filed in the office of the Secretary of the Interior a copy certified to as correct by the clerk of the court under whose orders or decrees said sale shall have been made, of any conveyance made to it under or by virtue of said sale of the rights of way, railroads, mines, coal leasehold estates, and other property of the said Choctaw Coal and Railway Company, and this act shall be construed and treated as an assent upon the part of the United States to the acquisition and holding by such new corporation of the estates and premises thereby conveyed: *Provided, however*, That as to all coal leasehold estates or leases of rights to mine coal in the Choctaw Nation, such assent shall be upon condition that the said new corporation shall conform to all the provisions, conditions, and limitations contained in the act approved October 1, 1890, entitled "An act giving, upon conditions and limitations therein contained, the assent of the United States to certain leases of right to mine coal in the Choctaw Nation."

SEC. 4. That it shall and may be lawful for such new corporation to construct and operate branches from its said railroad and for such purpose to take and use rights of way not exceeding 100 feet in width upon making compensation therefor as provided in the case of taking land for its main line, and to lease its railroads and mines and other property to any company owning or operating a railroad connecting with the railroad of said new corporation on such terms and conditions as may be agreed upon.

SEC. 5. That the said corporation, when organized as hereinbefore provided, shall have and possess perpetual succession and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and shall have power to ordain, establish, and put in execution such by-laws and regulations as shall be proper, necessary, or convenient for the government of the said corporation, not being contrary to the Constitution and laws of the United States, and generally to do all and singular the matters and things which shall be necessary or convenient to enable the said company to maintain, use, and operate their railroads and mines in conformity with the provisions of the acts of Congress relating to or affecting the Choctaw Coal and Railway Company.

SEC. 6. That the stockholders of the company shall meet on the second Monday in January in every year at such place as may be fixed on by the by-laws, notice of which meeting shall be given in the manner that may be designated by the by-laws, and choose, by a majority of the voters present, a president and nine directors for the ensuing year, who shall continue in office until the next annual election and until others are chosen; at which annual meeting the said stockholders shall have full power and authority to make, order, or repeal, by a majority of votes given, any or all such by-laws, rules, orders, and regulations as aforesaid, and to do and perform every other corporate act authorized by their charter; the stockholders may meet at such other times and places as they may be summoned by the president and directors, in such manner and form and giving such notice as may be prescribed by the by-laws. At all meetings stockholders may be represented and vote by proxy.

SEC. 7. That the election for president and directors provided for in this act shall be conducted as follows: The directors for the time being shall appoint three stockholders to be judges of the said election and to hold the same; the persons so appointed shall not be eligible to an election as president or director at said election and shall, respectively, take and subscribe an oath or affirmation before a notary public or other officer qualified to administer oaths well and truly and according to law to conduct such election to the best of their knowledge and ability; and the said judges shall decide upon the qualifications of voters and when the election is closed shall count the votes and declare who have been elected; and if at any time it shall happen that an election of directors shall not be made at the time specified, the corporation shall not for that reason be dissolved, but it shall be lawful to hold and make such election of directors on any day within three months thereafter by giving at least ten days previous notice of the time and place of holding said election in the manner aforesaid, and the directors of the preceding year shall in that case continue in office, and be invested with all powers belonging to them as such until others are elected in their stead. In case of the death or resignation of a director, or a failure to elect in case of a tie vote, the vacancy may be filled by the board of directors. At all general meetings or elections by the stockholders, each share of stock shall entitle the holder thereof to one vote, and each ballot shall have indorsed thereon the number of shares represented; but no share or shares transferred within sixty days next preceding any election or general meeting of the stockholders shall entitle the holder or holders thereof to vote at any such election or general meeting, nor shall any proxy be received or entitle the holder to vote unless the same shall bear date and have been duly executed within the three months next preceding such election or general meeting.

The amendments recommended by the committee are as follows:

1. In line 3 of section 1, after the word "the," strike out the words "persons for or on whose account" and insert in lieu thereof the words "purchasers of."
2. In line 6 of section 1, after the word "company," strike out the words "shall be purchased and acquired" and insert in lieu thereof "at any sale made."
3. In line 6 of section 1, after the word "under," strike out the word "and" and insert in lieu thereof the word "or."
4. In line 7 of section 1, after the word "of," strike out the words "any sale of the same made under."
5. In line 1 of section 2 strike out the words "persons for or on whose account" and insert in lieu thereof the words "said purchasers of."
6. In line 3 of section 2, strike out the words "may have been purchased," and in line 5, after the word "delivered," insert the words "to them."
7. In line 11 of section 2 strike out the word "thereof" and insert in lieu thereof "and bonds to be issued to the persons for or on this account said property may have been purchased."
8. In line 12 of section 2, after the word "certificates," strike out the word "therefore" and insert the words "for the said capital stock."
9. Strike out the whole of line 13 of section 2, and the words "interest therein" in line 14 of section 2.
10. After the word "each," in line 14 of section 2, add the words "and bonds."
11. In line 17 of section 2, after the word "time," strike out the word "to" and insert the word "may."
12. In line 17 of section 2, after the word "and," strike out the word "to" and insert the word "may."
13. Strike out the last word of line 17 and the first word of line 18 of section 2, and insert the words "all bonds."
14. After the word "thereof," in line 20 of section 2, add the following: "*Provided*, That the capital stock shall not be fixed at an amount in excess of the capital of the said Choctaw Coal and Railway Company and that no bonds shall be issued except for value received in cash or property."
15. In line 11 of section 3, after the word "said," strike out the words "thirty days" and insert in lieu thereof "calendar month."
16. In line 21 of section 3, after the word "conveyed," add the following: "Subject to the rights of said corporation to thereafter acquire and hold such additional property as it may lawfully do by virtue hereof."
17. In line 22 of section 3, after the word "of," strike out the words "rights to mine."
18. After the word "coal," in line 22 of section 3, insert the words "claims or rights to mine coal."
19. In line 12, section 5, after the word "mines," insert the words "which it may become possessed of by virtue hereof."
20. In line 6 of section 6, after the word "present," insert the words "or represented."
21. Add at the end of the bill the following:

"SEC. 8. Congress may any time amend, alter, or repeal this act."

The SPEAKER. Is there objection to the request of the gentleman from Texas.

Mr. HOLMAN. Mr. Speaker, I hope there will be some explanation of this bill, so that it may be understood.

The SPEAKER. Without objection, the gentleman from Texas will make an explanation.

Mr. HOLMAN. This seems to affect the Choctaw Nation, and I do not know in what particular.

Mr. BAILEY. Mr. Speaker, in response to the gentleman from Indiana I will say that the Choctaw Coal and Railway Company is a corporation chartered under the general laws of Minnesota, and operating a railroad and coal mines in the Choctaw Nation in the Indian Territory and in the Territory of Oklahoma. The railroad undertook the construction of this line, beginning at both ends, and built in the Choctaw Nation from Wister Junction, on the St. Louis and San Francisco Railroad, to South McAlester, on the Missouri, Kansas and Texas Railroad, a distance of something like 65 miles, and on the west they built from Fort Reno to Oklahoma City, a distance of about 31 miles, making about 96 miles and possibly 97 miles of road which have been constructed, leaving a gap of 120 miles unbuilt.

The road is now insolvent, and has been in the hands of a re-

ceiver for something like three years. The judge of the court has ordered a sale of the property, to take place on the 8th of September; and in view of this sale the creditors and a majority of the stockholders have perfected a plan of reorganization, and they desire to reorganize under a law of Congress. It is clearly within the power of Congress to grant a charter in a Territory, and there is a special reason why Congress should act in the Indian Territory. The gentlemen who are to furnish the money to rehabilitate this enterprise and to construct the gap are not willing to furnish it under a charter which enables them to go there as a mere matter of sufferance.

I say to the gentleman from Indiana, who is chairman of the Committee on Indian Affairs, that the Indians themselves are very anxious to have the road completed. It strikes me that there can be no possible objection to this measure; and I will say to him that the committee has authorized me to report several amendments making further safeguards, and also an amendment providing that "Congress may at any time amend, alter, or repeal the charter."

Mr. HOLMAN. This bill comes from the Judiciary Committee?

Mr. BAILEY. Yes, sir.

The SPEAKER. Is there objection to the request for the present consideration of this bill?

Mr. HOLMAN. I do not wish to object, Mr. Speaker, but this measure in some form is before the Committee on Indian Affairs, and that committee would seem to have jurisdiction of it in the first instance.

Mr. BAILEY. No; because this bill creates a corporation, and all bills of that character go to the Committee on the Judiciary.

Mr. HOLMAN. Where a bill confers any rights affecting the Indians, of course the subject should properly go to the Committee on Indian Affairs. I do not remember at this moment what member of that committee has charge of the measure on this subject that is pending before it, but this is quite an important matter, and there has been a good deal of correspondence in regard to it, and I hardly know what to say.

Mr. BAILEY. I assume that there can hardly have been any correspondence about this, because there is no objection to it.

Mr. HOLMAN. Oh, yes. The subject has been up in various forms.

Mr. ALLEN of Mississippi. This matter was before our committee. The right to build this road was granted several years ago, and last fall—nearly a year ago now—we had up for consideration the question of extending the time within which the road should be built, and we recommended the extension; so I infer that, so far as the rights of the Indians are concerned, they have been already acted upon by the Indian Committee, and, so far as that feature of the case is concerned, this bill simply authorizes this company to do what the Committee on Indian Affairs had recommended that they be authorized to do.

Mr. BAILEY. I will state to the gentleman from Indiana that one reason why it is necessary to pass this bill now is that the sale is to take place on the 8th of September. These people have more than $2,000,000 invested there in good faith, and it seems entirely proper that they should be permitted to organize under a law giving them the right to be there, instead of being there, as they are now, merely on sufferance.

Mr. HOLMAN. I have not been able to give the matter any personal attention, but a subcommittee of the Committee on Indian Affairs have had it in charge, and, as I said before, there has been a good deal of correspondence about it one way and another. However, inasmuch as this measure would fairly go to the Judiciary Committee as well as to the Committee on Indian Affairs, I hardly feel justified in interposing an objection to the consideration of the bill. This, I understand, is a House bill.

Mr. BAILEY. Yes.

The SPEAKER. Is there objection to the request for the present consideration of this bill?

There was no objection.

Mr. BAILEY. Mr. Speaker, there is an error in the print of the amendment, in lines 21 and 22, on page 4. As printed, it reads: "Subject to the rights of said corporation to be thereafter acquired," etc. It should be made to read: "Subject to the right of said corporation to thereafter acquire."

The amendment was agreed to.

The amendments recommended by the Committee on the Judiciary were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BAILEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

SUPPRESSION OF LOTTERY TRAFFIC.

Mr. BRODERICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, being an act (S. 1620) for the suppression of lottery traffic through national and interstate commerce and the postal service subject to the jurisdiction and laws of the United States.

The bill was read in full.

The SPEAKER. Is there objection to the request for the present consideration of this bill?

Mr. DAVEY. I object.

CYRUS PAYNE.

Mr. PENCE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 829) granting an honorable discharge to Cyrus Payne.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and is, authorized to cause to be revoked and set aside so much of "Special Orders, numbered 398, War Department, Adjutant-General's Office, November 15, 1864," as confirms so much of "Special Orders, numbered 296, Headquarters Department of the Gulf, New Orleans, November 1, 1864," as dismissed Lieut. Cyrus Payne, Eighteenth Regiment New York Cavalry, for perpetrating frauds upon the Government, and then to cause to be revoked and set aside so much of "Special Orders, numbered 296, Headquarters Department of the Gulf, New Orleans, November 1, 1864," as dismissed said First Lieut. Payne, Eighteenth New York Cavalry, and to cause to be issued to said Lieut. Payne a certificate of honorable muster out of the service as of the date of the 27th day of May, 1865. And said Cyrus Payne shall not, by reason of this act, be entitled to any pay or allowance subsequent to said last-named date.

The SPEAKER. Is there objection to the request for the present consideration of this bill?

Mr. KILGORE. I wish to make an inquiry. I would like to know why it is that we are asked to consider this bill at this time; why it is regarded as meritorious enough to have the right of way this morning?

Mr. PENCE. I can answer that question if I am permitted.

The SPEAKER. Without objection, the gentleman may make a brief explanation.

Mr. PENCE. Mr. Speaker, this is a Senate bill, unanimously reported by the Senate Committee on Military Affairs and passed by the Senate. It came to this House, was considered by the Committee on Military Affairs, and was unanimously reported by that committee.

Mr. KILGORE. Is this a bill to remove the charge of desertion?

Mr. PENCE. No; it is a bill to remove a record of dishonorable dismissal. Briefly, the facts of the case are these: Mr. Payne, while a prisoner in the hands of some Texas Confederate regiment, I do not know whether it was my friend's regiment or not——

Mr. KILGORE. If he came down there, we caught him. [Laughter.]

Mr. PENCE. Well, you did catch him, and while you held him prisoner he was tried upon the charge of having made money out of the bounties of certain colored cooks. Later he escaped, or you let him go; at all events he got away from his Texas captors and reëntered the service, and continued to serve for some months, and never until long afterwards discovered that there had been an order made dismissing him. The chairman of the Committee on Military Affairs will bear me out in this statement of the case.

Mr. OUTHWAITE. The gentleman from Colorado has not made it clear that Lieut. Payne was tried and convicted in his absence, and then was permitted to return to the service and serve a considerable period of time before he became aware of the action taken in his absence, while he was a prisoner.

Mr. KILGORE. Do I understand that he was tried and convicted while he was held a prisoner by the Confederates?

Mr. OUTHWAITE. Yes, sir.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. PENCE, a motion to reconsider the vote by which the bill was passed was laid on the table.

MILITARY TRIAL OF PRIVATE CEDARQUIST.

Mr. GROSVENOR rose.

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] rises to a privileged question. The House will please be in order.

Mr. GROSVENOR. Mr. Speaker, I desire the attention of the chairman of the Committee on Military Affairs. On the 20th of July last I introduced in this House a resolution, a copy of which I hold in my hand and which is familiar to members who have paid attention to the Journal of our proceedings. It

recites the publication in the New York World and divers other newspapers, of a statement that a certain soldier by the name of Cedarquist belonging to the regular Army had been punished very severely by the judgment of a court-martial because he had refused to obey the orders of a superior officer directing him to engage in target shooting on the Sabbath day; and that the sentence had been approved by a general of the regular Army, and the punishment as commuted was being inflicted.

I want to say at this point that I never heard of this soldier before I read the newspaper article; later Hon. DAVID MERCER of Nebraska called my attention to it; and my action in this matter has been purely voluntary—possibly intrusive upon the business of others. The resolution called for a report from the War Department in answer to this inquiry. By reason of some failure in the Clerk's office of the House, the resolution did not reach the Committee on Military Affairs in time to have proper action taken under the rules. However, Mr. Speaker, the War Department was furnished with a copy of the resolution by the chairman, I believe, of the Military Committee; and the report of the court-martial which tried the soldier has been furnished. I have a copy of it in my hand, and will embody it in my remarks.

It appears by the record of the court-martial that on the day in question some officer of the United States Army ordered the company of troops to which Cedarquist belonged to go upon a rifle range somewhere in the neighborhood of Omaha and engage in the business of firing at target. It appears by the record that the soldier respectfully declined to go, stating at the time that it was improper and unlawful to make such a requirement, and that he was conscientiously opposed to doing that duty on the Sabbath day. He was, however, tried, and was sentenced to be imprisoned for six months and to forfeit $10 a month of his monthly pay during the whole of that time.

The commanding officer, to whom the record went in due course according to the regulations of the Army, approved the finding of the court-martial, but, as I observe, remitted without any comment all of the penalty except two months of imprisonment and the forfeiture of pay, I believe, during that time.

The War Department has furnished from the office of the Judge-Advocate-General a record of the trial; and it appears that the young man is a conscientious member of the church. The testimony of his pastor is that he is orderly, well-behaved, and conscientious; and the testimony of others is that his action was not insubordinate in form, but was simply a protest against the order of his superior officer—the protest of an honest man against a violation of law.

The report made by the Judge-Advocate-General, or rather the Acting Judge-Advocate-General, is a matter on which I wish to comment very briefly. That officer has no sort of doubt as to the propriety of all that was done; and he calls attention to the fact that it is not for a soldier to raise the question of the legality of the order of his superior officer—on which point I wish to say I quite agree with that gentleman; and it is the only thing that he has uttered with which I do agree. And yet this position is subject to certain modifications. No superior officer can command, lawfully, his inferior to violate the law.

But the real question here was not as to the right of the soldier to refuse to obey his superior officer. The question that I wanted to make was, What sort of a condition is there in the Army when such a judgment and finding of a court-martial can be approved and executed? Because, after we leave the simple garrison court-martial and begin to ascend the ladder, we come directly to a brigadier-general; and that brigadier-general in this case seems to have been inflated with the notion that somehow or other all the laws of the country, all the laws of God and man, and all the orders of his superior officers, were wholly unimportant when weighed in the balance against the judgment of that court-martial.

I undertake to say in very few words that the action of this brigadier-general was either the outgrowth, the complete and successful development, of the most stolid and inconceivable ignorance, or else a total disregard of all that is proper, just, and right.

Then we come to the action of a bureau of this Government which is attached to the War Department; and we find a person there who undertakes to justify the action of this court-martial.

I undertake to say, Mr. Speaker, that the order of the superior officer, who ordered this private soldier to go out shooting on Sunday, was in plain violation of the orders of the President of the United States. It was also in direct violation of the statute of Nebraska; but that was unimportant, possibly, as compared with the fact that it was in direct violation of the order issued by President Lincoln, which is to-day the law of the Army of the United States, and which has been reiterated by every successive President whenever it was important to do so.

So this officer of the War Department sends an official communication which finally comes to Congress and will finally go into the records of Congress, showing that there was an "exigency," and that all these orders and all these rules of conduct and all these rights of man and this duty to God may be set aside whenever there is an "exigency." And what do you think that "exigency" was?

Why, there was a company of soldiers that was lacking a little in the full achievement, the full complement, of their target practice; and there was danger that they might be called out in a few days to shoot rioters somewhere along the line of the railroad! And thus the exigency arose requiring that they have one more day of target practice before they were called on to shoot rioters. And that, he says, is a sufficient exigency to overcome the law of the country, the law of Nebraska, the law of the people of the United States of America, and the law of God.

That is all I desire to say, except that it is a great misfortune to find that a great bureau of the Government of the United States should have to depend for its legal action, where the rights of a man, or where a man's liberty is at stake, upon the knowledge or lack of knowledge of a man thus shown to be utterly ignorant of every principle of law, utterly oblivious of all the rights of his fellow-citizens, and utterly unable to comprehend the lines of demarcation that justify resistance to oppression.

I ought to say, and will add simply this, and then I will yield to the chairman of the Committee on Military Affairs: That I congratulate the people of this country that there is a source of power in the country greater than the Judge-Advocate-General's Office; and that upon his own motion, whether suggested by this resolution or not, I know not and do not care, the President of the United States called for this record of infamy, as I denominate it, but of injustice at least, and has issued an order voicing the intelligent judgment of all the patriotic citizens of this country, executing the will of a great people, recognizing the law of the country, the law both written and unwritten, and the law of Christianity, and the law of God, and has directed that this soldier be released at once from imprisonment, that the unpaid penalty shall be remitted; and he has gone even further than that, and I honor his courage and honor his integrity; he has ordered that this officer who ordered a private soldier to go on duty on the Sabbath, and when he resisted preferred charges against him, because in his conscience and sense of duty he could not comply with the order—he has ordered the officer to be arrested, tried, and punished for disobedience of the orders of the President of the United States, and that the remainder of the penalty be remitted and the soldier restored to duty. And so my mission is ended; possibly it need not have begun. [Applause.]

The papers referred to by Mr. GROSVENOR in the foregoing remarks are as follows:

CASES TRIED AT FORT OMAHA, NEBR.

* * * * * * *

PARAGRAPH 2.

Private Charles O. Cedarquist, Company A, Second Infantry.

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebr., July 13, 1894.

[General Court-martial Orders No. 45.]

* * * * * * *

II. Before a general court-martial which convened at Fort Omaha, Nebr., pursuant to paragraph 2, Special Orders No. 58, and paragraph 3, Special Orders No. 59, current series, from these headquarters, of which Capt. James Ulio, Second Infantry, is president, and Second Lieut. John L. Hines, Second Infantry, is judge-advocate, was arraigned and tried:

Private Charles O. Cedarquist, Company A, Second Infantry.

Charge.—"Disobedience of orders, in violation of the twenty-first article of war."

Specification.—"That Private Charles O. Cedarquist, Company A, Second Infantry, having been ordered by his superior officer, Second Lieut. Edwin V. Bookmiller, Second Infantry, in the execution of his office, to take a rifle and proceed at once with his target practice, did refuse to obey and did disobey said order. This at Bellevue Rifle Range, Bellevue, Nebr., June 17, 1894."

Pleas.—"In bar of trial." Not sustained by the court. The accused then pleaded "Not guilty."

Findings.—"Guilty."

Sentence.—"To be confined at hard labor under charge of the guard for the period of six months, and to forfeit to the United States $10 per month of his pay for the same period."

In the foregoing case of Private Charles O. Cedarquist, Company A, Second Infantry, the defense was practically limited to the contention that the order in respect of which disobedience was charged was an unlawful one in that, first, it enjoined a duty to be performed on Sunday in violation of orders and regulations limiting Sunday labor in the Army to the measure of strict necessity; and second, that the act required to be done would have been a violation of section 241 of the criminal code of Nebraska.

That a commanding officer has a discretion under existing orders to require target practice by his command on Sunday in a case of necessity, is undoubted. The evidence in this case fails to fix upon the commanding officer of Bellevue rifle range, Nebraska, any abuse of discretion in the issue of the order complained of by the accused. The legality of that order and the obligation of the accused to obey it when duly transmitted to him can not, in the opinion of the reviewing authority, be questioned. It was not for him to judge the necessity for the issue of the order. That discretion per-

tained to his commanding officer, and once exercised, whether erroneously or not, it was the duty of the accused to obey.

The further point repeatedly urged upon the attention of the court that compliance by the accused with the order given him would have rendered him liable to the penalties prescribed in section 241 of the criminal code of Nebraska, is thought to be equally untenable with the first. It is conceded that soldiers stationed at Bellevue rifle range, Nebraska, who, as individuals, engage in hunting and shooting on Sunday would be within the provisions of the section referred to and liable to its penalties; but, after careful consideration, the reviewing authority is of the opinion that the State could not make it, nor has it, by this section or any other legislation to which his attention has been called, attempted to make the performance on Sunday of target practice or any other duty pertaining to the instruction and discipline of the Army, a criminal offense.

The occasion is deemed opportune for inviting attention of the department to the fact that the obligations of the military service will never permit a soldier to refuse obedience to an order because, in his judgment, it is an unnecessary one. The justification of an order will generally depend upon circumstances of which he can not be fully advised. His duty is to accord all orders not palpably illegal on their face a most unhesitating obedience, and court-martial will be uniformly upheld in the rigorous application of this principle in the administration of military justice in this department.

The sentence is approved, but in view of the peculiar circumstances attending the commission of the offense, is mitigated to confinement at hard labor for two months at the station of his company. It is desired, however, that it shall be understood that, in view of the warning held out in this order, offenses of the character charged in this case will not in the future be regarded as fitting ones for the exercise of clemency.

By command of Brig. Gen. Brooke:

THEO. SCHWAN,
Assistant Adjutant-General.

Official.

_____,
Second Lieutenant Third Infantry, Aide-de-Camp.

[Fifty-third Congress, second session.]

CONGRESS OF THE UNITED STATES,
In the House of Representatives, July 20, 1894.

Mr. GROSVENOR submitted the following, which was referred to the Committee on Military Affairs:

"Whereas the following statement is being widely published in the press of the country:

"'CEDARQUIST HAD SCRUPLES—WOULDN'T DO TARGET PRACTICE ON SUNDAY AND MUST GO TO PRISON.

"'OMAHA, NEBR., *July 14.*

"'Charles O. Cedarquist, private, Company A, Second Infantry, has been court-martialed and sentenced to imprisonment at hard labor for six months, with forfeiture of $10 per month of his pay for the same period.

"'Cedarquist refused to go to target practice on Sunday on the grounds that his religious scruples would not allow him to violate the Sabbath day by discharging fire arms. The defense contended that the order was unlawful, in that it enjoined a duty in violation of orders and regulations limiting Sunday labor in the Army to the measure of strict necessity, and that the act required to be done would have been a violation of the law of Nebraska.

"'Brig. Gen. Brooke affirmed the finding, but ordered, in view of the peculiar circumstances attending the offense, that the sentence be reduced to two months' imprisonment; therefore

"*Resolved*, That the Honorable Secretary of War be requested to inform the House of Representatives whether the said publication contains a truthful statement of the facts in the case described, and if so to report whether such a conviction and such punishment is authorized by any law of Congress, or practice, orders, or regulations of the War Department."

Attest:

JAMES KERR, *Clerk.*

WAR DEPARTMENT,
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,
Washington, July 27, 1894.

SIR: Private Charles O. Cedarquist, Company A, Second Infantry, was arraigned before general court-martial at Fort Omaha, Nebr., on July 2, 1894, upon a charge of disobedience of orders in violation of the twenty-first article of war, the specification alleging that having been ordered by his superior officer, Lieut. Bookmiller, Second Infantry, at Bellevue rifle range, Bellevue, Nebr., June 17, 1894 (Sunday), to take a rifle and proceed at once with his target practice, he did refuse to obey and did disobey said order.

He pleaded in bar of trial that the order was evidently illegal, being in violation of the criminal laws of Nebraska forbidding shooting and common labor, work of necessity and charity only excepted, and also being opposed to orders and circulars from the War Department relating to the proper observance of the Sabbath. On this plea being overruled, he pleaded not guilty. He was found guilty as charged, and sentenced to confinement at hard labor for six months and forfeiture of $10 per month for the same period.

The reviewing authority approved the sentence, but mitigated it to two months' confinement at hard labor.

The evidence is substantially as follows:

Maj. Worth, Second Infantry, testifies: He was in command of the First Battalion of the Second Infantry in camp at Belleview rifle range, and directed the adjutant (Lieut. Bookmiller) to have the men who came down from Fort Omaha to shoot at target practice on Sunday, June 17, 1894, his object being to take advantage of the pleasant day and try to clear up some scores. This order was given on June 16. Cedarquist came to officers' quarters to see the adjutant, who was absent. Witness called him and asked him what he wanted, and he replied that the first sergeant had informed him that he would have to shoot some scores to-morrow, and that he did not want to shoot. Witness replied that he did not know whether he would be called upon or not, but if he received the order from the sergeant or from anyone else in authority to obey it.

Lieut. Bookmiller testifies: On June 17, 1894 (Sunday), he ordered Cedarquist, at Bellevue rifle range, to take a rifle and proceed with his target practice; that he refused to obey the order, and that Cedarquist told him before he gave him the order that he would not obey it, and after witness gave the order he again refused to obey it. Witness further says:

"He was very positive in his refusal to obey it. He talked a great deal, informing me several times before I ordered him to shoot that he would not do it."

Being asked, "Was his manner respectful?" witness says, "Out on the range it was. Before that in camp it was not."

First Sergt. Lockaberry, of Cedarquist's company, testifies that Lieut. Bookmiller ordered Cedarquist to shoot on June 17, 1894, and that he deliberately refused to obey the order. Being asked, "What was the form of the order?" Witness says: "To the best of my recollection he (Lieut. Bookmiller) asked Cedarquist to shoot. Cedarquist said, 'No, sir.' He says, 'Do you refuse to shoot?' 'Yes, sir, I do; this is Sunday.' That is about the exact words."

Being asked, "Was not the manner of accused firm, but perfectly respectful, as though he was backed by a principle he believed absolutely correct, and he could not violate it?" Witness replies: "Yes, sir, it was respectful, all right; and I believe that he was backed up by some principle."

As to the military necessity of the order, the evidence is substantially as follows:

Col. Bates, Second Infantry, in command of Fort Omaha, Nebr., says:

"There is a strong reason why it was very desirable why target practice should be completed early, as I was ordered to have four companies of the command at this post ready to move on very short notice, and it seemed probable that these companies would go out. For that reason it was desirable that the battalion at the rifle range should return to this post at an early date."

Maj. Worth, Second Infantry, being asked, "In view of the grave condition relative to the strikers was it not desirable to finish the shooting in order to take the field if called on, as it was probable?" said: "They were held in readiness to go where they were wanted; and I knew that if one battalion was called out the other would have to go too; I mean go into the field."

Cedarquist's commanding officer and the first sergeant of his company testify that his character while in the company has been very good; that he was always obedient.

The pastor of Emanuel Baptist Church, of Omaha, Nebr., testifies:

"I have known Mr. Cedarquist a year and a half. His character has been good. I have had a fairly large opportunity to know him; carefully watching young men who are members of my church, as Mr. Cedarquist is a member."

The twenty-first article of war makes it an offense to disobey any lawful command of a superior officer. The article was copied by us from the English code at the time of the Revolution, and both in England and in this country the meaning of the term "lawful command" has been often considered. It is, however, unnecessary to go into a lengthy discussion of it here.

Target practice on Sunday is not in violation of any statute of the United States. The laws of Nebraska do make it an offense to be found on Sunday "sporting, rioting, quarreling, hunting, fishing, or shooting," but it is evident that this provision does not cover an act which might be required of a soldier as a military duty; and, if it did, it would to that extent be inoperative, because the Army is part of the constitutional machinery of the Federal Government, and its legitimate operation can not be interfered with by State legislation.

As a matter of fact target practice on Sunday is not *eo nomine* forbidden at all, but it is covered by the order of President Lincoln, repeated by President Harrison in June, 1889, as follows:

"In November, 1862, President Lincoln quoted the words of Washington to sustain his own views, and announced in a general order that—

"'The President, Commander-in-Chief of the Army and Navy, desires and enjoins the orderly observance of the Sabbath by the officers and men in the military and naval service. The importance for man and beast of the prescribed weekly rest, the sacred rights of Christian soldiers and sailors, a becoming deference to the best sentiment of the Christian people, and a due regard for the Divine will demand that Sunday labor in the Army and Navy be reduced to the measures of strict necessity.'

"The truth so concisely stated can not be too faithfully regarded, and the pressure to ignore it is far less now than in the midst of the war. To recall the kindly and considerate spirit of the orders issued by these great men in the most trying times of our history, and to promote contentment and efficiency, the President directs that Sunday morning inspection will be merely of the dress and general appearance, without arms; and the more complete inspection under arms, with all men present, as required in paragraph 950, Army Regulations, 1889, will take place on Saturday."

Under this order the propriety or impropriety of target practice on Sunday depends on its strict necessity. If it should in any case be strictly necessary it will be authorized, otherwise not. But it is evident that the soldier can not be the judge of the necessity of a military duty which he is required to perform. Were that allowed, military subordination and good order could not be maintained, and the troops would become a menace to the peace of the community in which they were stationed, instead of being a protection to it. The necessity must be determined, in the first instance, by the officer giving the command, and if he errs he is responsible for his error.

There could be no more dangerous principle in the government of the Army than that each soldier should determine for himself whether an order requiring a military duty to be performed is necessary or in accordance with orders, regulations, decision circulars, or custom, and may disobey the order if, in his judgment (taking, of course, all risks in case his judgment should be erroneous), it should not be necessary, or should be at variance with orders, regulations, decision circulars, or custom. It is his duty to obey such order first, and, if he is aggrieved thereby, to obtain redress afterwards. There are certain duties which are performed regularly on Sundays, and there may be others called forth by emergencies. It is impossible that the soldier should be made the judge of their necessity.

Very respectfully,

G. NORMAN LIEBER,
Acting Judge-Advocate-General.

To the SECRETARY OF WAR.

The letter of the Secretary of War and the telegram which was sent by the Adjutant-General under the direction of the Secretary of War are as follows:

WAR DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 1, 1894.

DEAR MR. OUTHWAITE: The papers in the Cedarquist matter did not reach me until this morning.

I beg to inclose copy of dispatch covering my action in the case.

Very truly, yours,

DANIEL S. LAMONT.

Hon. JOSEPH H. OUTHWAITE,
House of Representatives.

[Telegram.]

ADJUTANT GENERAL'S OFFICE, *Washington, August 1, 1894.*

COMMANDING GENERAL, *Department Platte, Omaha, Nebr.:*

The unexecuted portion of the sentence awarded Private Cedarquist, promulgated in General Court-martial Orders No. 45, current series, from your headquarters, is this day remitted by the President, and you will cause the

man to be released at once. This action, however, is not in any manner to be regarded as a justification of the disobedience of orders on the part of the soldier. The officer who ordered target practice on Sunday, in violation of the order of President Lincoln, given in November, 1862, must be brought to trial for his disobedience of orders.

By order of the Secretary of War.

GEO. D. RUGGLES, *Adjutant-General.*

Mr. OUTHWAITE. Mr. Speaker, the resolution called up by the gentleman from Ohio came to the Committee on Military Affairs of the House on the 25th day of July. It was immediately by myself, as chairman of the committee, referred to the War Department, with written request for a reply to the inquiries and statements contained in the resolution; which letter I wish to incorporate in my remarks, as well as the indorsements thereupon, and also the report from the Judge-Advocate-General's Office.

The letter is as follows:

COMMITTEE ON MILITARY AFFAIRS,
HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., July 25, 1894.

SIR: I have the honor to transmit herewith a resolution introduced in the House of Representatives on July 20, 1894, by the Hon. CHARLES H. GROSVENOR, relating to the imprisonment of a certain soldier for his refusal to do target practice on Sunday, etc., and respectfully request that your Department reply to the inquiries and statements contained in said resolution to the Committee on Military Affairs as soon as practicable. Return resolution with reply.

I have the honor to be, very respectfully,

JOS. H. OUTHWAITE,
Chairman Committee on Military Affairs.

To the Hon. SECRETARY OF WAR,
Washington, D. C.

The indorsements are as follows:

WAR DEPARTMENT, *July 26, 1894.*

Respectfully referred to the Acting Judge-Advocate-General for synopsis of evidence produced at the trial, and remark.

By order of the Acting Secretary of War.

JOHN TWEEDALE, *Chief Clerk.*

[Second indorsement.]

WAR DEPARTMENT,
JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, D. C., July 27, 1894.

Respectfully returned to the Secretary of War, with the accompanying synopsis of evidence and statement of the views of this Office.

G. NORMAN LIEBER,
Acting Judge-Advocate-General.

[Third indorsement.]

WAR DEPARTMENT, *July 28, 1894.*

Respectfully returned to the chairman of the Committee on Military Affairs, House of Representatives, inviting attention to the statement of the Acting Judge-Advocate-General and the views of Brig. Gen. Brooke, which are concurred in.

JOSEPH B. DOE,
Acting Secretary of War.

The report from the Judge-Advocate-General's Office is as follows:

WAR DEPARTMENT,
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,
Washington, July 27, 1894.

SIR: Private Charles O. Cedarquist, Company A, Second Infantry, was arraigned before a general court-martial at Fort Omaha, Nebr., on July 2, 1894, upon a charge of disobedience of orders in violation of the twenty-first article of war, the specification alleging that having been ordered by his superior officer, Lieut. Bookmiller, Second Infantry, at Bellevue rifle range, Bellevue, Nebr., June 17, 1894 (Sunday), to take a rifle and proceed at once with his target practice, he did refuse to obey and did disobey said order.

He pleaded in bar of trial that the order was evidently illegal, being in violation of the criminal laws of Nebraska forbidding shooting and common labor, work of necessity and charity only excepted, and also being opposed to orders and circulars from the War Department relating to the proper observance of the Sabbath. On this plea being overruled he pleaded "Not guilty." He was found guilty as charged, and was sentenced to confinement at hard labor for six months, and forfeiture of $10 per month for the same period.

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As to the military necessity of the order, the evidence is substantially as follows:

Col. Bates, Second Infantry, in command of Fort Omaha, Nebr., says:

"There was a strong reason why it was very desirable why target practice should be completed early, as I was ordered to have four companies of the command at this post ready to move on very short notice, and it seemed probable that those companies would go out. For that reason it was desirable that the battalion at the rifle range should return to this post at an early date."

Maj. Worth, Second Infantry, being asked, "In view of the grave condition relative to the strikes was it not desirable to finish the shooting in order to take the field if called on, as is and was probable?" says: "They were held in readiness to go where they were wanted; and I knew that if one battalion was called out the other would have to go too, I mean go into the field."

Cedarquist's commanding officer and the first sergeant of his company testify that his character while in the company has been very good; that he was always obedient.

The pastor of Emanuel Baptist Church, of Omaha, Nebr., testifies:

"I have known Mr. Cedarquist a year and a half. His character has been good, I have had a fairly large opportunity to know him; carefully watching young men who are members of my church, as Mr. Cedarquist is a member."

The twenty-first article of war makes it an offense to disobey any lawful command of a superior officer. The article was copied by us from the English code at the time of the Revolution, and both in England and in this country the meaning of the term "lawful command" has been often considered.

It is, however, unnecessary to go into a lengthy discussion of it here. Target practice on Sunday is not in violation of any statute of the United States. The laws of Nebraska do make it an offense to be found on Sunday "sporting, rioting, quarreling, hunting, fishing, or shooting," but it is evident that this provision does not cover an act which might be required of a soldier as a military duty; and, if it did, it would to that extent be inoperative, because the Army is part of the constitutional machinery of the Federal Government, and its legitimate operations can not be interfered with by State legislation.

As a matter of fact target practice on Sunday is not *eo nomine* forbidden at all, but it is covered by the order of President Lincoln, repeated by President Harrison in June, 1889, as follows:

"In November, 1862, President Lincoln quoted the words of Washington to sustain his own views, and announced in a general order that—

"'The President, Commander-in-Chief of the Army and Navy, desires and enjoins the orderly observance of the Sabbath by the officers and men in the military and naval service. The importance for man and beast of the prescribed weekly rest, the sacred rights of Christian soldiers and sailors, a becoming deference to the best sentiment of a Christian people, and a due regard for the Divine will demand that Sunday labor in the Army and Navy be reduced to the measure of strict necessity.'

"The truth so concisely stated can not be too faithfully regarded, and the pressure to ignore it is far less now than in the midst of war. To recall the kindly and considerate spirit of the orders issued by these great men in the most trying times of our history, and to promote contentment and efficiency, the President directs that Sunday morning inspection will be merely of the dress and general appearance, without arms; and the more complete inspection under arms, with all men present, as required in paragraph 950, Army Regulations, 1889, will take place on Saturday."

Under this order the propriety or impropriety of target practice on Sunday depends on its strict necessity. If it should in any case be strictly necessary it will be authorized, otherwise not. But it is evident that the soldier can not be the judge of the necessity of a military duty which he is required to perform. Were that allowed, military subordination and good order could not be maintained, and the troops would become a menace to the peace of the community in which they are stationed, instead of being a protection to it. The necessity must be determined, in the first instance, by the officer giving the command, and if he errs he is responsible for his error.

There could be no more dangerous principle in the government of the Army than that each soldier should determine for himself whether an order requiring a military duty to be performed is necessary, or in accordance with orders, regulations, decision circulars, or custom, and may disobey the order if, in his judgment (taking, of course, all risk in case his judgment should be erroneous), it should not be necessary, or should be at variance with orders, regulations, decision circulars, or custom. It is his duty to obey such order first, and, if he is aggrieved thereby, to obtain redress afterwards. There are certain duties which are performed regularly on Sundays, and there may be others called forth by emergencies. It is impossible that the soldier should be made the judge of their necessity.

Very respectfully,

G. NORMAN LIEBER,
Acting Judge-Advocate-General.

To the SECRETARY OF WAR.

The reason why the committee did not report on the resolution was that there was no meeting of the committee on its regular meeting day. I have received this morning from the Secretary of War a note which states that—

The papers in the Cedarquist matter did not reach me until this morning. I beg to inclose a copy of dispatch covering my action in the case.

Very truly, yours,

DANIEL S. LAMONT.

The telegram which was sent by the Adjutant-General under the direction of the Secretary of War is as follows:

ADJUTANT-GENERAL'S OFFICE, *Washington, August 1, 1894.*

COMMANDING GENERAL, *Department Platte, Omaha, Nebr.:*

The unexecuted portion of the sentence awarded Private Cedarquist, promulgated in General Court-Martial Orders No. 45, current series, from your headquarters, is this day remitted by the President, and you will cause the man to be released at once. This action, however, is not in any manner to be regarded as a justification of the disobedience of orders on the part of the soldier. The officer who ordered target practice on Sunday, in violation of

the order of President Lincoln, given in November, 1862, must be brought to trial for his disobedience of orders.

By order of the Secretary of War:

GEO. D. RUGGLES, *Adjutant-General.*

That is all I desire to submit upon this question.

The SPEAKER. Without objection, the papers referred to by the gentleman from Ohio, Mr. GROSVENOR, and the gentleman from Ohio, Mr. OUTHWAITE, will be appended as indicated to their remarks respectively.

There was no objection.

The papers are printed above.

HOT SPRINGS LEASES.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 7488) to authorize the Secretary of the Interior to grant leases for sites on the Hot Springs Reservation, Arkansas, for cold-water reservoirs.

Mr. BRECKINRIDGE of Arkansas. Mr. Speaker, I move that the House concur in the Senate amendments.

The Senate amendments were read and concurred in.

On motion of Mr. BRECKINRIDGE of Arkansas, a motion to reconsider the last vote was laid on the table.

COINAGE OF GOLD AND SILVER.

Mr. MCRAE. Mr. Speaker, I ask unanimous consent to have published in the RECORD for general information the accompanying statement from the Director of the Mint, showing the amount and denomination of the gold and silver coined during the month of July last.

The SPEAKER. In the absence of objection, the statement referred to by the gentleman from Arkansas will be printed in the RECORD.

There was no objection.

The statement is as follows:

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, D. C., August 1, 1894.

Coinage executed at the mints of the United States during the month of July, 1894.

Denomination.	Pieces.	Value.
Half-eagles	178,500	$892,500
Total gold	178,500	892,500
Standard dollars	423,000	423,000
Half-dollars	240,000	120,000
Total silver	663,000	543,000
Total coinage	841,500	1,435,500

R. E. PRESTON,
Director of the Mint.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

A bill (H. R. 2896) for the relief of Henry James, residing in the original Hot Springs Reservation in the State of Arkansas;

A bill (H. R. 5481) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1895, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 65 to the bill (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895.

The message also announced that the Senate had passed without amendment the bill (H. R. 213) to pay for alley condemned in square numbered 493, in the city of Washington, D. C.

The message also announced that the Senate had passed the bill (S. 1896) to provide for the payment of the 8 per cent greenback certificates of the District of Columbia, and for other purposes; in which the concurrence of the House was requested.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1471) to provide for the adjustment and payment of the claim of the American Transportation Company for dredging done at Fairport Harbor, in the State of Ohio;

A bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department;

A bill (H. R. 4611) to amend an act approved January 25, 1893, to authorize the construction of bridges across the Hiwassee, the Tennessee, and Clinch Rivers in the State of Tennessee;

A bill (H. R. 6814) extending the time of payment to purchasers of lands of the Omaha tribe of Indians in Nebraska, and for other purposes;

A bill (H. R. 6902) granting an increase of pension to Mrs. Susie Conway; and

A bill (H. R. 7071) to exempt the property of the Young Men's Christian Association of the District of Columbia from taxation.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. DOCKERY. Mr. Speaker, I desire to present a conference report on the bill (H. R. 5481) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1895, and for other purposes.

[For conference report see Senate proceedings.]

The SPEAKER. The Clerk will read the statement of the House conferees.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 5481, making appropriations for the expenses of the government of the District of Columbia, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report on each of the Senate amendments, namely:

On amendments numbered 1, 2, 3, and 4: Appropriates for a stenographer and typewriter at $720, as proposed by the Senate, in lieu of a messenger at $480, as proposed by the House, and for a deputy property clerk at $1,000, as proposed by the Senate, in lieu of a clerk at $900, as proposed by the House, in the Executive Office; and inserts the provision proposed by the Senate concerning the settlement of the accounts of certain late Commissioners of the District of Columbia.

On amendments numbered 5 and 6: Strikes out the appropriation of $1,800 proposed by the Senate for a deputy collector.

On amendments numbered 7, 8, and 9: Appropriates for one clerk at $1,000, as proposed by the Senate, in the Auditor's Office, and for a disbursing clerk at $1,500, as proposed by the House, instead of $1,625, as proposed by the Senate.

On amendments numbered 10 and 11: Appropriates for one special assistant attorney at $1,600, instead of $1,200, as proposed by the House, and $1,800, as proposed by the Senate.

On amendment numbered 12: Authorizes, as proposed by the Senate, the detail of one additional engineer officer as assistant to the Engineer Commissioner of the District.

On amendment numbered 13: Strikes out the appropriation of $200 each, proposed by the Senate for compensation of five members of the plumbing board.

On amendment numbered 14: Appropriates $840 for a messenger, instead of $900 for a clerk, as proposed by the Senate, to the superintendent of charities.

On amendment numbered 15: Appropriates $22,500, as proposed by the House, instead of $24,000, as proposed by the Senate, for contingent expenses of the District of Columbia.

On amendment numbered 16: Appropriates $5,500, as proposed by the House instead of $6,000, as proposed by the Senate, for contingent expenses of stables of the Engineer Department.

On amendment numbered 17: Makes a verbal correction in the text of the bill.

On amendment numbered 18: Appropriates $1,000, as proposed by the Senate, instead of $850, as proposed by the House, for horse hire and other expenses of the Coroner's office.

On amendment numbered 19: Appropriates $1,900, as proposed by the House, instead of $3,000, as proposed by the Senate, for expenses of general advertising.

On amendment numbered 20: Appropriates $12,000, as proposed by the Senate, instead of $10,000, as proposed by the House, for advertising notice of taxes in arrears July 1, 1894.

On amendment numbered 21: Appropriates $2,000, as proposed by the Senate, instead of $1,000, as proposed by the House, to continue account of arrears of taxes on real property.

On amendments numbered 22 and 23: Makes a verbal correction in the text of the bill, and strikes out the appropriation of $3,170 proposed by the Senate for repairs to the Western market-house.

On amendment numbered 24: Authorizes the use of $3,000 instead of $5,000, as proposed by the Senate, of the appropriation for extension of highways, to be expended for the preparation of sketch plans and report by Frederick Law Olmstead on the extension of streets and avenues of the District.

On amendments numbered 25 and 26: Appropriates $165,000 instead of $200,000, as proposed by the Senate, for assessment and permit work, and inserts the provisions proposed by the Senate regulating assessment and permit work.

On amendments numbered 27, 28, 29, 30, 31, 32, and 33: Appropriates $145,750 instead of $200,000, as proposed by the Senate, and $100,000, as proposed by the House, for work on streets and avenues, and $8,500, as proposed by the Senate, for paving streets on the north side of Lincoln Square, between Eleventh and Thirteenth streets.

On amendment numbered 34: Appropriates $65,000, instead of $75,000, as proposed by the Senate, and $40,000, as proposed by the House, for relief sewers and replacing obstructed sewers.

On amendment numbered 35: Appropriates $90,000, instead of $120,000, as proposed by the Senate, and $75,000, as proposed by the House, for main and pipe sewers.

On amendments numbered 36 and 37: Makes a verbal correction in the text of the bill, appropriates $20,000, as proposed by the Senate, for the construction of the Rock Creek intercepting sewer, and authorizes a contract to be entered into for said work at a cost not to exceed $80,000.

On amendment numbered 38: Strikes from the bill the provision proposed by the House concerning the paving of streets between the rails and tracks of street railways.

On amendment numbered 39: Inserts the provision proposed by the Senate concerning fenders on street-railway cars for the protection of lives and limbs of persons within the District of Columbia.

On amendment numbered 40: Inserts the provision proposed by the Senate, in lieu of the one proposed by the House, concerning the assessment of one-half the cost of sidewalks and curbing on streets, alleys, and roads being improved or repaired

On amendments numbered 41, 42, and 43: Makes verbal corrections in the text of the bill, and provides for the grading and graveling of Twelfth street extended from University Heights to Rhode Island avenue, instead of to Austin street.

On the amendments numbered 44 and 53: Appropriates $6,000, as proposed by the Senate, for widening Fourteenth street extended, and $12,000 for improving Eighteenth street extended, as proposed by the Senate.

On amendments numbered 45, 46, 47, 49, and 50: Strikes out the following appropriations proposed by the Senate, namely: For grading and graveling Roanoke and Irving streets, $8,000; for paving First street, extended, $18,000; for paving Harrison street, $8,000; for paving R street, $3,000; and for extending Clifton street, $5,000.

On amendments numbered 49, 51, and 52: Appropriates $9,000 for grading and graveling Albemarle street, $5,000 for macadamizing the road extending from Broad Branch road to Chevy Chase Circle, and $2,500 for opening entrance into the Zoölogical Park, as proposed by the Senate, except that the several amounts are required to be paid wholly from the revenues of the District of Columbia.

On amendment numbered 54: Corrects a total stated in the bill.

On amendment numbered 55: Inserts the provision proposed by the Senate concerning the condemnation of lands through the Prospect Hill Cemetery for the extension of North Capitol street

On amendments numbered 56 and 57: Appropriates $137,500, instead of $125,000, as proposed by the House, and $150,000, as proposed by the Senate, for sweeping, sprinkling, and cleaning streets, and strikes out the provision proposed by the Senate that $5,000 of said sum shall be used outside of the cities of Washington and Georgetown.

On amendments numbered 58, 59, and 60: Appropriates for gas and electric lighting $190,000, as proposed by the House, instead of $205,500, as proposed by the Senate, fixes the price per lamp for gas lighting at $20.50 per annum, instead of $18, as proposed by the House, and $21.50, as proposed by the Senate, and the prices for electric lighting at 40 cents per night per lamp, instead of 35 cents, as proposed by the House, and 50 cents, as proposed by the Senate.

On amendment numbered 61: Appropriates $1,000, as proposed by the Senate, for the bathing beach.

On amendment numbered 62; Appropriates $4,000, as proposed by the House, instead of $5,000, as proposed by the Senate, for public pumps.

On amendments numbered 63, 64 and 65: Appropriates $15,000, as proposed by the House, instead of $18,000 as proposed by the Senate, for care of bridges.

On amendment numbered 66: Limits the provision proposed by the House imposing one-half the cost of maintenance and repair of bridges on street railway companies to those bridges across Rock Creek.

On amendment numbered 67: Appropriates $51,070 for repair of the Aqueduct Bridge.

On amendment numbered 68: Strikes out the appropriation of $1,000 proposed by the Senate for care of Rock Creek Park.

On amendments numbered 69 and 70: Appropriates $52,500 instead of $45,000, as proposed by the House, and $90,000, as proposed by the Senate, for the improvement of the receiving reservoir of the Washington Aqueduct, and requires the work to be completed within the fiscal year 1895, at a cost not exceeding $90,000.

On amendment numbered 71: Appropriates $5,000, as proposed by the Senate, for protecting the conduit at wastewelr No. 1, near Great Falls.

On amendment numbered 72: Appropriates $9,000, as proposed by the House, instead of $10,000, as proposed by the Senate, for rent of school buildings.

On amendment numbered 73: Appropriates $26,000, as proposed by the House, instead of $30,000, as proposed by the Senate, for repairs and improvements to school buildings and grounds.

On amendments numbered 74 and 75: Makes a verbal correction in the text of the bill, and strikes from the bill, as proposed by the Senate, the provision prohibiting the admission, free of charge, in the public schools, of pupils who do not reside in the District, or whose parents do not reside or are not engaged in business or public duties therein.

On amendments numbered 76, 77, and 78: Appropriates, as proposed by the Senate, $29,000 for a new school building in Mt. Pleasant, $2,500 for new steam-heating boilers in the Sumner school building, and $9,000 for fire-proof stairways in the Curtis, Seaton, and Abbott school buildings.

On amendments numbered 79, 80, 81, and 82: Appropriates for fifteen additional policemen and for one additional driver of patrol-wagon, as proposed by the Senate.

On amendment numbered 83: Appropriates $1,900 for fuel for the police department, as proposed by the House, instead of $2,000, as proposed by the Senate.

On amendments numbered 84, 85, and 86: Appropriates $20,000, as proposed by the Senate, instead of $16,500, as proposed by the House, for miscellaneous and contingent expenses of the police department.

On amendments numbered 87, 91, and 92: Strikes out the provisions proposed by the Senate for a new steam fire-engine company, for a new steam fire-engine, and for a new hose carriage.

On amendment numbered 88: Appropriates $7,000 instead of $8,000, as proposed by the Senate, and $6,000, as proposed by the House, for forage for the fire department.

On amendments numbered 89, 90, and 93: Strikes out the appropriation of $12,000 proposed by the House for a new engine house for No. 2 fire company, and appropriates $23,200, as proposed by the Senate, for a new engine house in the northeastern section of Washington.

On amendment numbered 94: Appropriates $2,000, as proposed by the House, instead of $2,550, as proposed by the Senate, for general supplies for the telegraph and telephone service.

On amendment numbered 95: Inserts the provision proposed by the Senate authorizing the erection and use of telephone poles in the public alleys of Washington.

On amendments numbered 96 and 97: Strikes out the appropriation of $900, proposed by the Senate, for an assistant chemist in the Health Department.

On amendment numbered 98: Appropriates $250, as proposed by the Senate, for chemicals for the laboratory of the Health Department.

On amendment numbered 99: Strikes out the additional appropriation of $60,000 proposed by the Senate for the collection of garbage, and inserts in lieu thereof a provision requiring the Commissioners to specially investigate the best methods of collecting and disposing of garbage, and to receive proposals under such methods and report the result at the next session of Congress.

On amendment numbered 100: Inserts the provision proposed by the Senate legalizing the ordinances of the late Board of Health of the District of Columbia.

On amendments numbered 101 and 102: Appropriates $900, as proposed by the Senate, instead of $600, as proposed by the House, for repairs of the police court building.

On amendment numbered 103: Strikes out the appropriation of $6,000 proposed by the Senate for the compilation of District laws.

On amendment numbered 104: Appropriates $35,000, as proposed by the Senate, instead of $5,000, as proposed by the House, for the emergency fund.

On amendment numbered 105: Appropriates $25,000, as proposed by the House, instead of $30,000, as proposed by the Senate, for the support of convicts.

On amendment numbered 106: Appropriates $3,500, as proposed by the House, instead of $4,000, as proposed by the Senate, for transportation of paupers and prisoners.

On amendments numbered 107, 108, and 109, relating to the Reform School for Boys: Strikes out the appropriation of $1,710 proposed by the House for employés for new family building, and strikes out the provision proposed by the Senate, transferring the management and control of said Reform School to the Commissioners of the District.

On amendments numbered 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, and 138, relating to the charities of the District of Columbia: Appropriates $12,000, as proposed by the Senate, instead of $10,000, as proposed by the House, for the Central Dispensary and Emergency Hospital; $10,000, as proposed by the Senate, for an addition to the Columbia Hospital for Women and Lying-in Asylum; $8,000, instead of $7,000, as proposed by the House, and $9,000 as proposed by the Senate, for the National Homeopathic Hospital; strikes out the provision proposed by the Senate, placing the management and control of the Freedmen's Hospital under the board of incorporators of said institution; appropriates $9,425 for employés and other expenses of the Girls' Reform School, instead of $15,610, as proposed by the House, and $8,340, as proposed by the Senate; and appropriates $56,500, as proposed by the Senate, for the child-caring institutions of the District, and for the Board of Children's Guardians, instead of $52,750, as proposed by the House.

On amendments numbered 139 and 140, relating to the militia: Appropriates $800, as proposed by the Senate, instead of $700, as proposed by the House, for expenses of rifle practice and matches, and $7,000 as proposed by the Senate for expenses of camp of instruction.

On amendments numbered 141, 142, 143, and 144, relating to the water department: Strikes out the provisions proposed by the Senate, providing for one civil engineer at $1,500, and increasing the compensation of one timekeeper from $900 to $900.

On amendments numbered 145 and 146: Appropriates, as proposed by the Senate, such indefinite additional amounts as may be necessary to meet the interest and sinking-fund charges on account of the increase of the water supply, and requires that not exceeding $300,000 of the surplus general revenues of the District on the 1st day of July, 1894, be applied to the payment of the principal of the debt incurred for increasing the water supply.

The bill as agreed upon appropriates $5,544,593.57, being $338,120 more than as it passed the House, $342,495 less than as it passed the Senate, and $131,369.66 more than the law for the last year.

ALEX. M. DOCKERY,
J. R. WILLIAMS,
D. B. HENDERSON,
Managers on the part of the House.

Mr. DOCKERY. Mr. Speaker, the Commissioners of the District of Columbia estimated that $6,701,079.23 would be necessary for the fiscal year ending June 30, 1895, for the support of the government of the District of Columbia. This bill as agreed upon carries $5,544,593.57, being $1,156,485.66 less than the estimates, and $131,369.66 more than the law of last year.

If no gentleman desires any further information on the subject, I demand the previous question.

The previous question was ordered.

The conference report was agreed to.

On motion of Mr. DOCKERY, a motion to reconsider the last vote was laid on the table.

CONTESTED-ELECTION CASE—MOORE VS. FUNSTON.

Mr. BROWN. Mr. Speaker, I call up the contested-election case of Moore *vs.* Funston, Second district of Kansas, which was under consideration when the House adjourned on yesterday.

The SPEAKER. The Clerk will report the pending resolutions.

The Clerk read as follows:

Resolved, That Edward H. Funston was not elected and is not entitled to a seat in the House of Representatives of the Fifty-third Congress as Representative from the Second district of Kansas.

Resolved, That H. L. Moore was duly elected and is entitled to a seat in the House of Representatives as the Representative from the Second district of Kansas in the Fifty-third Congress.

The SPEAKER. The question is upon agreeing to these resolutions.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MCCALL. Division.

Mr. BROWN. I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER appointed as tellers Mr. MCCALL and Mr. JONES.

Mr. BURROWS. Mr. Speaker, I understand that there has been no demand for a division of the resolutions.

The SPEAKER. There has been no such demand.

Mr. BURROWS. And the vote will be taken on both resolutions together?

The SPEAKER. On both resolutions together.

The question was taken; and there were—yeas 147, nays 86, answered "present" 10, not voting 108; as follows:

YEAS—147.

Alexander,	Berry,	Bryan,	Catchings,
Allen,	Black, Ga.	Bunn,	Causey,
Arnold,	Black, Ill.	Bynum,	Clancy,
Baker, Kans.	Bland,	Cadmus,	Clark, Mo.
Baldwin,	Branch.	Caminetti,	Cobb, Mo.
Bankhead,	Breckinridge, Ky.	Campbell,	Cockrell,
Bartlett,	Breta,	Cannon, Cal.	Cooper, Fla.
Barwig,	Brookshire,	Capehart,	Cooper, Ind.
Bell, Tex.	Brown,	Caruth,	Cooper, Tex.

Cornish,	Haines,	Maddox,	Reilly,
Cox,	Hall, Mo.	Maguire,	Richardson, Tenn
Crawford,	Hammond,	Mallory,	Robertson, La.
Culberson,	Harris,	Martin, Ind.	Sayers,
Davey,	Hatch,	McCreary, Ky.	Sheil,
Davis,	Heard,	McCulloch,	Snodgrass,
De Armond,	Henderson, N. C.	McDannold,	Somers,
De Forest,	Hendrix,	McDearmon,	Sorg,
Dinsmore,	Hines.	McEttrick,	Sperry,
Dockery,	Holman,	McGann,	Springer,
Donovan,	Hooker, Miss.	McKaig,	Stevens,
Dunn,	Hudson,	McLaurin,	Strait,
Durborow,	Hunter,	McRae,	Talbert, S. C.
Edmunds,	Ikirt,	Meredith,	Talbott, Md.
Ellis, Ky.	Izlar,	Meyer,	Tarsney,
English, Cal.	Johnson, Ind.	Money,	Tate,
Enloe,	Johnson, Ohio	Mutchler,	Terry,
Epes,	Jones,	Neill,	Turner, Ga.
Erdman,	Kilgore,	Ogden,	Turner, Va.
Everett,	Kribbs,	O'Neil, Mass.	Tyler,
Fielder,	Kyle,	O'Neill, Mo.	Warner,
Fithian,	Lane,	Page,	Washington,
Forman,	Latimer,	Paschal,	Weadock,
Fyan,	Lawson,	Patterson,	Williams, Ill.
Geary,	Layton,	Pearson,	Williams, Miss.
Geissenhainer,	Lester,	Pendleton, W. Va.	Wolverton,
Gorman,	Livingston,	Pigott,	Woodard.
Grady,	Lynch,	Price,	

NAYS—80.

Adams, Pa.	Doolittle,	Hull,	Pickler,
Aitken,	Ellis, Oregon	Kiefer,	Post,
Aldrich,	Funk,	Lacey,	Powers,
Avery,	Gillet, N. Y.	Lefever,	Quigg,
Baker, N. H.	Griffin,	Linton,	Randall,
Barnes,	Grosvenor,	Loud,	Reed,
Bingham,	Grout,	Loudenslager,	Reyburn,
Blair,	Grow,	Lucas,	Russell, Conn.
Bowers, Cal.	Hager,	Marsh,	Stephenson,
Broderick,	Hainer,	McCall,	Stone, W. A.
Brosius,	Hall, Minn.	McCleary, Minn.	Strong,
Bundy,	Harter,	McDowell,	Sweet.
Burrows,	Hartman,	Meiklejohn,	Updegraff,
Cannon, Ill.	Haugen,	Mercer,	Van Voorhis, Ohio
Childs,	Heiner,	Milliken,	Waugh,
Cogswell,	Henderson, Iowa	Moon,	Wheeler, Ill.
Cooper, Wis.	Hepburn,	Murray,	Wilson, Ohio
Cousins,	Hermann,	Northway,	Wilson, Wash.
Curtis, Kans.	Hicks,	Payne,	Wright, Mass.
Dalzell,	Hitt,	Paynter,	Wright, Pa.
Daniels,	Houk,	Pendleton, Tex.	
Dolliver,	Hulick	Perkins,	

ANSWERED "PRESENT"—10.

Covert,	Hutcheson,	Pence,	Wells.
Dunphy,	McNagny,	Richards, Ohio	
Gear,	Outhwaite,	Ryan.	

NOT VOTING—108.

Abbott,	Curtis, N. Y.	Marvin, N. Y.	Sipe,
Adams, Ky.	Denson,	McAleer,	Smith,
Alderson,	Dingley,	McKeighan,	Stallings,
Apsley,	Draper,	McMillin,	Stockdale,
Babcock,	English, N. J.	Montgomery,	Stone, C. W.
Bailey,	Fletcher,	Morgan,	Stone, Ky.
Bartholdt,	Funston,	Morse,	Storer,
Belden,	Gardner,	Moses,	Straus,
Bell, Colo.	Gillett, Mass.	Newlands,	Swanson,
Beltzhoover,	Goldzier,	Oates,	Tawney,
Boatner,	Goodnight,	Phillips,	Taylor, Ind.
Boen,	Graham,	Ray,	Taylor, Tenn.
Boutelle,	Gresham,	Rayner,	Thomas,
Bower, N. C.	Hare,	Richardson, Mich.	Tracey,
Breckinridge, Ark.	Harmer,	Ritchie,	Tucker,
Brickner,	Hayes,	Robbins,	Turpin,
Burnes,	Henderson, Ill.	Robinson, Pa.	Van Voorhis, N. Y.
Cabaniss,	Hooker, N. Y.	Rusk,	Wadsworth,
Chickering,	Hopkins, Ill.	Russell, Ga.	Walker,
Clarke, Ala.	Hopkins, Pa.	Schermerhorn,	Wanger,
Cobb, Ala.	Johnson, N. Dak	Scranton,	Wever,
Cockran,	Kem,	Settle,	Wheeler, Ala.
Coffeen,	Lapham,	Shaw,	White,
Conn,	Lockwood,	Sherman,	Whiting,
Coombs,	Magner,	Sibley,	Wilson, W. Va.
Crain,	Mahon,	Sickles,	Wise,
Cummings,	Marshall,	Simpson,	Woomer.

So the resolutions were agreed to.

Mr. BAILEY. Mr. Speaker, I desire to withdraw my vote. I am paired with the gentleman from Massachusetts [Mr. APSLEY.] I desire this statement to apply to the votes taken on yesterday also. I voted then inadvertently, as the fact that I was paired escaped my memory.

The SPEAKER. Without objection, the gentleman's vote will be withdrawn.

There was no objection.

Mr. McCALL. Mr. Speaker, I ask for a recapitulation of the vote.

The vote was recapitulated.

The following pairs were announced:

Until further notice:

Mr. WILSON of West Virginia with Mr. DINGLEY.

Mr. STONE of Kentucky with Mr. GEAR.

Mr. GOODNIGHT with Mr. WALKER.

Mr. OATES with Mr. STORER.

Mr. MONTGOMERY with Mr. TAWNEY.

Mr. WISE with Mr. FLETCHER.

Mr. COBB of Alabama with Mr. SHAW.

Mr. DENSON with Mr. THOMAS.

Mr. SCHERMERHORN with Mr. TAYLOR of Tennessee.

Mr. RUSK with Mr. SHERMAN.

Mr. ROBBINS with Mr. MORSE.

Mr. MCMILLIN with Mr. HOUK.

Mr. GRESHAM with Mr. MAHON.

Mr. CONN with Mr. HOOKER of New York.

Mr. MOSES with Mr. WADSWORTH.

Mr. WHITING with Mr. WHITE.

Mr. ALDERSON with Mr. RAY.

Mr. STOCKDALE with Mr. BRODERICK.

Mr. STALLINGS with Mr. SCRANTON.

Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.

Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.

Mr. CABANISS with Mr. PHILLIPS.

Mr. TURPIN with Mr. GILLETT of Massachusetts.

Mr. MORGAN with Mr. SMITH of Illinois.

Mr. LOCKWOOD with Mr. WEVER.

Mr. CRAIN with Mr. SETTLE.

For this day:

Mr. WHEELER of Alabama with Mr. GARDNER.

Mr. CATCHINGS with Mr. BELDEN.

On this question:

Mr. CUMMINGS with Mr. BOUTELLE.

Mr. TUCKER with Mr. WOOMER.

Mr. WELLS with Mr. BABCOCK.

Mr. BLACK of Georgia with Mr. POWERS.

Mr. ABBOTT with Mr. TRACEY.

Mr. O'NEIL of Massachusetts with Mr. COGSWELL.

Mr. BAILEY with Mr. APSLEY.

On this vote:

Mr. MAGNER with Mr. HARMER.

The result of the vote was then announced as above recorded.

On motion of Mr. JONES, a motion to reconsider the vote by which the resolutions were agreed to was laid on the table.

Mr. JONES. Mr. Speaker, I now ask that Mr. Moore be sworn in.

The SPEAKER. The gentleman will come forward and be sworn.

Mr. Moore then appeared at the bar of the House and took the oath required by law. [Applause on the Democratic side.]

CONTESTED-ELECTION CASE OF WILLIAMS AGAINST SETTLE.

Mr. PAYNTER. Mr. Speaker, I desire to give notice that on Monday next I will call up for consideration the contested-election case of Williams against Settle.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RUSK for this day, on account of sickness.

INDIAN APPROPRIATION BILL.

Mr. HOLMAN. Mr. Speaker, I call up the conference report on the Indian appropriation bill. I also ask, a matter of convenience, that the statement of the House conferees may be read from the CONGRESSIONAL RECORD.

(For report of committee of conference and statement of House conferees see House proceedings of July 31.)

The statement of the House conferees was read.

Mr. HOLMAN. Mr. Speaker, the name of Mr. JOHN L. WILSON of Washington was signed to the report, and it appears to have been omitted by the printer.

Mr. WILSON of Washington. It is of no material import, but I signed the report.

The SPEAKER. This is a partial agreement, as the Chair understands.

Mr. HOLMAN. Yes, sir.

The SPEAKER. The question, then, is on agreeing to the report.

Mr. HOLMAN. I had wished to occupy the attention of the House for a short time on this report, but I find that I shall not be able to do so this morning; but inasmuch as the subject will be before the House again, I will have the opportunity later on. I will at this time only make a brief statement of the effect of this report. It has already been concurred in by the Senate and a request for a further conference made on the matters of disagreement. I will state the figures as the result.

The bill as it passed the House appropriated $6,735,518.90; as it passed the Senate it appropriated $9,404,248.49, the increase of the Senate being $2,668,729.59. In the conference the House conferees have yielded to the Senate on its amendments to the amount of $153,363.10, and the Senate has yielded to the House in conference to the amount of $68,600. So that the figures stand thus: Concessions made by the House, $153,363.10; concessions made by the Senate, $68,600. Yielded by the House in excess of the amount yielded by the Senate, $84,763.10. The larger portion of the $152,363.10 yielded by the House is in the

provision for furnishing Indians with supplies, agencies, transportation, and the like. No large amount for supplies, for the House had been more than liberal in that respect.

I must further state that the subjects upon which no conclusion has been reached involve $2,447,766.49. There are only a few items involved, largely the appropriation of money for lands purchased from the Nez Perce Indians of Idaho and lands purchased from the Yankton Sioux in South Dakota, and lands purchased from the Siletz Indians of Oregon.

Those are the principal items in the sum of $2,447,766.49 as to which no agreement has been reached. I ask the House to accept this report to the extent that agreements have been reached and to consent to the conference asked by the Senate on the remaining disagreements between the two Houses.

It is proposed by the Senate, in all of its amendments in relation to the purchase of Indian lands, that the United States shall pay 5 per cent per annum on the deferred payments. The House conferees insist that as the Government can borrow money at 3 per cent, and as the Government is now paying the Indians from $1.25 to $3 per acre for their lands instead of 40 or 50 cents in former years, this rate of interest is excessive. However, in any event, we must provide for these Indians; yet an admitted large obligation on the part of the Government, as to charges on the public Treasury for these tribes, in the opinion of the House conferees, would not be beneficial to tribes interested. No one can deny that the United States should deal justly and liberally with the Indian tribes, but we ought not to leave in their minds the idea that the Government must support them.

One other matter I wish to refer to is that frequently spoken of as "sectarian Indian schools," the appropriation of public money for denominational purposes. So far as I know no member of Congress favors the appropriation of public money for the benefit of any religious denomination. When Gen. Grant became President he inaugurated what he justly called a "peace policy" with the Indians. He proposed to feed them, clothe them, and educate them instead of fighting them.

This was certainly a humane policy. His policy was to leave them under the influence of the various religious orders which had before influenced or controlled the various tribes. Schools for the Indians were organized on this basis under President Grant's policy, and that order of things was continued until the administration of President Harrison began. Gen. Morgan, Commissioner of Indian Affairs under President Harrison, declined to recognize the various religious denominations which had formerly controlled the Indian schools, and made contracts directly with the superintendents of the schools, ignoring the religious organizations and missionary boards. That policy has been pursued by the present Administration.

No contract for the teaching of Indian children has been made with any denomination or with any organized board of any denomination or religious organization under this Administration, but only with the persons who had charge of the Indian schools. Where can gentlemen find any ground of complaint? So it will be readily seen that President Grant's policy controlled our legislation as to Indian schools until the beginning of President Harrison's Administration, and that the policy of that Administration as to Indian schools has continued up to this time.

The Catholic Church first entered the missionary field among the North American Indians, and of course under President Grant's policy had the larger field of missionary enterprise opened to them and greater advantages in the establishment of Indian schools. The only denomination of Christian people, so far as I am informed, that under all circumstances and conditions has refused to request or receive any recognition or aid from Government in any shape or form or to tolerate any relation between church and state is the Baptist Church. As an humble adherent to the doctrine of that church from boyhood and a devout believer in the principles on which it is founded, I protest against the charge of the public press that the House Committee on Indian Affairs is willing to appropriate public money to a sectarian use. Congress has no right or power to do that. But in view of the policy of President Grant of 1869, continued through all Administrations until now, what are we to do? If you abolish these contract schools which originated under the President Grant policy you turn from 8,000 to 10,000 Indian children out of school. Can you afford, gentlemen, to do that?

Under the circumstances the best that can be done is the adoption of the following provision suggested by the Senate:

Provided, That the Secretary of the Interior is hereby directed to inquire into and investigate the propriety of discontinuing contract schools, and whether, in his judgment, the same can be done without detriment to the education of the Indian children; and that he submit to Congress at the next session the result of such investigation, including an estimate of the additional cost, if any, of substituting Government schools for contract schools, together with such recommendations as he may deem proper.

The conferees on the part of the House have promptly agreed to this provision, anxious to avoid the possibility that intolerance in creeds and beliefs should interfere in any degree with the advancement of the Indian race. The best sentiment of our people demands the civilization and advancement of the condition of our Indian people without regard to their theology or belief.

The SPEAKER. The question is on agreeing to the conference report.

Mr. PICKLER. Mr. Speaker, I desire to inquire in regard to one of the agreements, as I do not understand it. I call attention to Senate amendment numbered 75, the amendment in regard to an inquiry into Indian sectarian schools. The report is: "That the House recede from its disagreement to the amendment of the Senate numbered 75 and agree to the same with an amendment as follows, restoring the matter proposed to be stricken out by said amendment." Now, I do not find that there is any matter proposed to be stricken out by that amendment.

Mr. HOLMAN. The provision incorporated in the bill by the Senate in regard to an inquiry into sectarian schools was accepted by the House conferees, and is a part of the agreement. It is agreed upon just as it stands in the Senate bill.

Mr. PICKLER. Then what is the meaning of this about "restoring the matter proposed to be stricken out by the amendment?"

Mr. HOLMAN. That is evidently a slip of the pen. I had already noticed it.

Mr. PICKLER. I am very glad the House conferees agreed to that amendment of the Senate.

Mr. HOLMAN. Oh, there was no controversy about that at all. It was a very proper provision.

Mr. BLAIR. Mr. Speaker, I ask leave to print in the RECORD some remarks in connection with the subject just alluded to, Indian schools.

There was no objection.

The conference report was adopted.

The SPEAKER. The question now is on the motion of the gentleman from Indiana [Mr. HOLMAN] that the House further insist upon its disagreement to certain of the amendments of the Senate and consent to a further conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. HOLMAN, Mr. ALLEN, and Mr. WILSON of Washington.

Mr. HOLMAN. Mr. Speaker, I ask permission to extend my remarks in the RECORD.

There was no objection.

ORDER OF BUSINESS.

Mr. CULBERSON. Let us have the regular order, Mr. Speaker?

The SPEAKER. The regular order is demanded. The morning hour begins at five minutes past 2 o'clock. The call rests with the Committee on Naval Affairs. That committee has a bill pending, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 103) to authorize the Secretary of the Navy to establish and cause to be maintained a free public school for children under 17 years of age at the village of Warrington, on the naval reservation on Pensacola Bay, in the State of Florida.

Mr. CUMMINGS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the further consideration of that bill.

The question being taken on the motion of Mr. CUMMINGS, the Speaker declared that the ayes seemed to have it.

Mr. SAYERS. I ask for a division.

The House divided, and the motion was agreed to—ayes 50, noes 14.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of further considering the bill the title of which the Clerk will report.

The Clerk again read the title as above.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to establish and cause to be maintained a free public school for children under 17 years of age, of parents residing on the naval reservation, in the villages of Warrington and Woolsey, on Pensacola Bay, in the State of Florida. That the said school shall be established and maintained in the said village of Warrington at an annual expense of not exceeding $5,000, which said sum is hereby appropriated for said purpose, out of any funds in the Treasury not otherwise appropriated.

Mr. CUMMINGS. I yield to the gentleman from Florida [Mr. MALLORY] such time as he desires.

Mr. MALLORY. Mr. Chairman, the other day, when this bill was under consideration, I was proceeding to explain to the House the status and situation of the people who live on this

naval reservation and to state the reasons why this bill, which is exceptional in its character, should be favorably considered by the House. As I then stated, this reservation is situated differently from any other in the United States, and the people on it are differently situated from the people residing on any other territory of the United States, unless it be this District of Columbia.

Ordinarily our navy-yards are surrounded by walls, and the territory within the walls is all that is within the exclusive jurisdiction of the United States. This navy-yard, however, is on a reservation about 3 miles long and with an average width of about a mile and a half. The navy-yard proper covers only a portion of the reservation. There are walls around the yard proper, but outside the walls are two villages known as Woolsey and Warrington, in which there are from twelve to fifteen hundred people.

Now, by reason of the fact that when the United States Government established that yard and purchased the reservation, the State of Florida ceded to the United States exclusive control of the reservation and reserved to itself only the right to serve civil and criminal process there, the people residing within that territory are entirely exempt from the obligations of citizens of Florida and they partake of none of the advantages of such citizens.

The great bulk of these people came down there before the war for the purpose of assisting in building two vessels which were being constructed by the Government at the Pensacola navy-yard and which were completed about 1858—the gunboat Seminole and the sloop of war Pensacola.

These people were skilled mechanics who came there from Baltimore, New York, and other places in the North, bringing their families with them; and under the impression that shipbuilding would be continued, they settled there. When the war came on they were left in a very lamentable condition; and since the war, the navy-yard having been to a great extent dismantled, work having been suspended, they have been left without the means of livelihood.

Now, owing to the peculiar position in which they are placed, they are not allowed to avail themselves of the advantages of the public schools of the State of Florida. There are public schools in the immediate vicinity of this reservation; but in order that a child may avail himself of the benefit of such a school he must, under the laws of the State, live within the district in which the school is situated. Hence the children of persons living on this reservation can not avail themselves of these school advantages.

The result is that, poor as these people are, dependent for a livelihood entirely upon fishing or upon such occupations as they may possibly obtain in the navy-yard in its present dismantled condition, they are too poor to pay for the education of their children. Consequently the United States Government has on that reservation some three or four hundred children who are growing up in ignorance and whose parents are utterly unable to provide for their education even in the most rudimentary form.

The State of Florida has no jurisdiction whatever over this territory. The people living on it are not permitted to serve as jurors in the courts of the State or in the courts of the United States, because they are not citizens of the State. They pay no taxes to the State. They do not even own the land on which they reside, as every lot upon which houses are built is leased to them by the commandant of the navy-yard.

This officer has autocratic power over all the residents there; and within my experience I know of an instance in which one of the commandants, finding an individual who was troublesome, who subjected the watch to considerable annoyance by misbehavior, summarily put him off the reservation, separated him from his family, and forbade his return on the penalty of being imprisoned. It was only after months and months spent in an effort to obtain the interference of the Navy Department that he was permitted to return to that reservation.

Mr. HUNTER. Would not this whole difficulty be obviated by passing an act of Congress giving the State of Florida the right to extend its school districts over this reservation, so that those people might be assessed and taxed for school purposes as the citizens of Florida are?

Mr. MALLORY. The State of Florida might do that; but I do not know that it would. These people are not citizens of the State; the State can exact no obligations or duties—such as militia duty or jury duty—from any of the inhabitants of this reservation. They are as absolutely separate and distinct from the State of Florida as the people of the District of Columbia are from the State of Maryland. The State of Florida has no more jurisdiction, except for the purpose of serving process civil and criminal, over that territory than the State of Maryland has over the District of Columbia.

Mr. HULICK. Are not the persons residing on that reservation liable to the criminal statutes of the State of Florida?

Mr. MALLORY. No, sir. If an offense is committed in that territory, it is tried before the United States court.

Mr. CLARK of Missouri. Do those people down there vote?

Mr. MALLORY. No; they do not.

Mr. CLARK of Missouri. Why not?

Mr. MALLORY. Because they are not citizens of the State of Florida. In order to vote they must have resided in some precinct of some county of the State; without this they can not register and can not vote.

Mr. CLARK of Missouri. How long have they lived there?

Mr. MALLORY. They have lived there, some of them, a lifetime.

In response to the inquiry of the gentleman from Ohio [Mr. HULICK], I will state that when a murder was committed there some years ago the individual charged with the offense was brought to Pensacola, in the State of Florida, and tried and convicted there before the United States court. He was then taken down to the reservation in order to be executed, as he could not be executed within the territory of the State of Florida.

Mr. CLARK of Missouri. What is the reason the Government does not cede to the State of Florida all that reservation except the portion included within the walls of the navy-yard?

Mr. MALLORY. I do not know why. This territory outside is not a very valuable piece of property; it is not much sought after except in the immediate vicinity of the navy-yard. It is sandy, and produces very little in the way of vegetation. I think the State of Florida does not care particularly about owning it.

These people, Mr. Chairman, are in a situation which I think is anomalous. I do not know of any people in the country who are in an identical position. The situation of the people of the District of Columbia is probably more analogous to the situation of those people down there than that of any other people of the United States.

You provide here to a certain extent for the education of the children of the District of Columbia, who are in a far better situation in every way than the children of these people to whom I refer, their parents being better able to provide for their instruction than these unfortunate people, who, by the force of circumstances, have been placed in this location on this naval reservation.

I do not think that there is any precedent for it, but at the same time we are confronted with the fact that there are some three hundred children here, both black and white, who can not obtain any assistance in educational matters from the State of Florida. They are about evenly divided in color, I think, and they are growing up in utter ignorance, not citizens of the State, owing no allegiance to the State, being simply, if we can use the term, citizens of the United States without being citizens of any Territory or State.

Now, Mr. Chairman, I do not care to consume the time of the House in presenting this matter any longer. If there is any other gentleman who wants further light upon the subject, I will be glad to furnish it in so far as I can.

Mr. HUNTER. I would like to ask the gentleman one other question. You say there are about fifteen hundred people there, and about one hundred and fifty children?

Mr. MALLORY. There are twelve to fifteen hundred people. The number of children is about three hundred.

Mr. HUNTER. Do the people make any effort on their own part to provide for the education of their own children?

Mr. MALLORY. I will say this to the gentleman: These men were skilled mechanics who went there anterior to the war, and were usually men of first-class ability. They went there, of course, expecting this navy-yard to be continued in operation. Since the war they have had but very little to do in the line of their skill. Most of them are now old men.

If the navy-yard had been carried on as it was previous to the war, the young men who grew up there would have learned their trades in the machine shops and carpenter shops in the navy-yard and would have taken the places formerly filled by their fathers. But there was no work of this kind for them to do. They have been unable to learn any trade and are too poor to go away. Those of them who were able to go off, a number of the younger men, went up to Pensacola, where they pursued their avocations, and gradually withdrew their families from the naval reservation.

But this applied to only a very limited number. About all the property they have in the world is limited to the houses which they own on this land. The houses belong to these people, who built them, but the land itself belongs to the United States. They have received a lease which is revocable at the will of the commandant of the yard.

Mr. DOLLIVER. How much land do they occupy?

Mr. MALLORY. Well, they have villages with streets; their lots are probably a half acre or more.

Mr. DOLLIVER. Is it a necessary part of the naval reservation there?

Mr. MALLORY. It is on the naval reservation.

Mr. DOLLIVER. But is it a necessary part of the naval reservation?

Mr. MALLORY. Well, I suppose it is not.

Mr. DOLLIVER. Would it not be better to cede to the State of Florida this territory, and let these people be under the jurisdiction of that State and subject to its school laws and other laws, than to retain it as it is?

Mr. MALLORY. That might be if you could get the State of Florida to consent to receive this land. But I do not know that it would. The Legislature of Florida meets biennially, and there may be a question as to whether it would be willing to accept any part of the reservation.

Mr. DOLLIVER. The State appears, however, to be perfectly willing to put the education of these children on the Government of the United States.

Mr. MALLORY. The State of Florida is not in any sense of the word responsible in this matter. These people came there and settled on United States territory. They knew it was such. The United States Government invited them to come. The State of Florida had nothing whatever to do with it. The State assumed no obligation to look after the people who went upon this property. But they are there now, their homes are there, and they, like ourselves, are human. There are a lot of children there of these men who were leading men in their avocations, and it is a matter of charity to do something for them.

Mr. DOLLIVER. What do they do for a living?

Mr. MALLORY. Well, some of them have minor places in the yard as watchmen and laborers. Some of them fish for a living, and some of them act as pilots on Pensacola Bar. This village is located but a short distance from the mouth of the bay, about 8 miles from the city of Pensacola by land and about 5 miles by water. Some few of these people obtain their living in that way. There is an army post at Fort Barrancas, on the military reservation adjoining this naval reservation, where there are a number of troops stationed, and some of these people keep stores and supply the troops with what they choose to buy. There are generally from three to five companies stationed there. Aside from this, however, these people have no means of living. They can not go out into the world for their only property consists in the houses in which they live. Some of these are fairly good houses, frame houses, but they can not sell them. They are all anxious to go away and would do so if they could dispose of their houses, but they can not manage to get rid of them.

Mr. MARSH. Will the gentleman allow a question?

Mr. MALLORY. Certainly.

Mr. MARSH. What proportion of this population is colored?

Mr. MALLORY. About one-half, I think.

Mr. MARSH. Where did they come from?

Mr. MALLORY. I do not know; from Florida and Alabama originally, I suppose. But these children are the descendants of people who came there many years ago. There has been no immigration of late years at all.

Mr. WASHINGTON. By what right do these people occupy this reservation now? Are they tenants of the United States Government?

Mr. MALLORY. Yes.

Mr. WASHINGTON. Does the Government charge them rent?

Mr. MALLORY. No; the Government charges them no rent. They take a regular lease from the commandant of the navy-yard. That lease is revocable at will. The commandant has absolutely autocratic control over the yard. He can remove any individual from the reservation when he chooses, and as I have stated, he has done so.

Mr. WASHINGTON. They pay no rent.

Mr. MALLORY. They pay no rent.

Mr. WASHINGTON. Does the Government keep the houses in repair?

Mr. MALLORY. No, these people lease the land and own the houses on the land, but they can not move the houses away when they leave. It is impossible to do that.

Mr. WASHINGTON. The houses have been built by occupants who preceded the present ones?

Mr. MALLORY. In more prosperous days, yes.

Mr. DOLLIVER. Why would it not be better to make an appropriation to enable these people to move away from so undesirable a spot?

Mr. MALLORY. It seems to me an appropriation of $6,000, one-half to be devoted to the education of the white children and one-half to the education of the black children on that reservation, is a better plan than that suggested by the gentleman.

Mr. DOLLIVER. I quite agree that something ought to be done.

Mr. GEISSENHAINER. What are the reasons which keep these people on the reservation, if they have no schools there, no right to vote, and no other rights.

Mr. MALLORY. They stay there simply because they are unable to get away. If a man has a house there he can not sell the house for anything. There is no immigration there and no demand for this property any more, and the people can not leave.

Mr. WASHINGTON. A man could not convey title anyway, could he?

Mr. MALLORY. He could convey title to the house.

Mr. WASHINGTON. Of occupancy only?

Mr. MALLORY. No; he can convey the title to the house. It is regarded as personalty, and can be conveyed as fully as a man can convey a horse. Such a conveyance is recognized by the commandant.

Mr. WASHINGTON. But you say a man could not move a house away.

Mr. MALLORY. It is rather difficult, I should judge, to remove a house. A man would have to move it at least eight or nine miles.

Mr. WASHINGTON. I want to get at the facts. The gentleman says the commandant could eject an occupant at any time, and that these people are there as leaseholders, subject to the caprice of the commandant.

Mr. MALLORY. Not his caprice.

Mr. WASHINGTON. Subject to his will?

Mr. MALLORY. Yes, but not to his caprice. There is a discretion, which must be a sound one, and the commandant would not dare to exercise his discretion unjustly.

Mr. WASHINGTON. Could not we convey to the State of Florida the part of the reservation on which these people are residing, and let the State educate them?

Mr. MALLORY. Congress could do it.

Mr. WASHINGTON. I think it would be better to do that, and let Florida educate her own people.

Mr. MALLORY. I do not think the State of Florida would accept the gift.

Mr. WASHINGTON. I think she ought to be willing to.

Mr. CUMMINGS. Why do not you return to the Indians the lands you have taken from them? You are educating them.

Mr. WILLIAMS of Mississippi. Is there any provision in the bill for the separate education of the races?

Mr. MALLORY. Yes; it specifies that $3,000, or one-half, shall be expended for the education of the whites, and one-half for the education of the colored children.

Mr. GEISSENHAINER. When these people desire to become naturalized, where do they go?

Mr. MALLORY. They do not go anywhere. If they move into the State of Florida, they are recognized as citizens of the State, after they have resided there the requisite length of time.

Mr. GEISSENHAINER. As long as they remain on this reservation they are citizens of nowhere.

Mr. MALLORY. Citizens of nowhere, except the broad United States.

Mr. HULICK. I will ask the gentleman if there are no schools there now?

Mr. MALLORY. The Sisters of Charity established a school there under the auspices of the Catholic Church, but it failed for want of patronage. They could not make a living at it. That was some years ago.

Mr. HULICK. And there are no schools at all now in the villages?

Mr. MALLORY. I do not know that there are any schools there. There may be some people who are giving private lessons. I do not mean to say that everyone on this reservation is a pauper. I do not want to be so understood; but how I do wish to be understood is that the majority of the people are too poor to maintain their children while being educated. Now, it is the policy of the United States Government in the District of Columbia to assist children in obtaining an education. This community is situated far less advantageously than the District of Columbia, and it seems to me that, by a parity of reasoning, we can at least donate $6,000 a year for this purpose until it is found to be no further necessary.

Mr. WILLIAMS of Mississippi. If the gentleman will permit me, I asked him if there is any provision for the education of the different races in this bill? I understood the gentleman to say "Yes; that the fund was divided, $3,000 for the education of the colored and $3,000 for the education of the white children." I find no such provision in this bill.

Mr. MALLORY. That was my impression.

Mr. OUTHWAITE. Will the gentleman yield to me for a question?

Mr. MALLORY. Certainly.

Mr. WILLIAMS of Mississippi. I would ask the gentleman from Ohio to wait a minute.

Mr. MALLORY (after looking at the bill). My impression was that it said two public schools instead of free public schools.

Mr. WILLIAMS of Mississippi. Then, as a matter of fact, there is no provision for two schools?

Mr. GEISSENHAINER. If I remember correctly, when this bill was reported in the committee, there was an amendment adopted to that effect.

Mr. WASHINGTON. The amended bill says "schools."

Mr. OUTHWAITE. Does the committee propose that there shall be a continual appropriation each year?

Mr. MALLORY. Yes, sir.

Mr. OUTHWAITE. Does this bill fix the amount at $6,000 each year?

Mr. MALLORY. The annual expense is not to exceed $6,000.

Now, Mr. Chairman, I have nothing more to say about this. I believe the committee understands the situation; that these people are absolutely devoid of the means of educating their children; that they are citizens of the United States and not citizens of any State at all; that their position is an anomalous one; and if the majority of the committee think that this is too long a step to take in this direction, why I am perfectly willing to have any reasonable amendment offered that would at least tend to carry out the purpose that is manifested in this bill.

Mr. WASHINGTON. Will the gentleman yield to me for a question?

Mr. MALLORY. Certainly.

Mr. WASHINGTON. If this bill is passed, and we appropriate $6,000 for keeping up schools on the Pensacola naval reservation, would it not be a virtual committal to the policy that the United States shall keep up schools on all navy-yards, as for instance, in the navy-yard in the District, the navy-yard in Brooklyn, at Mare Island, and everywhere where there is a population resident on the reservation. There is the great danger I see in the bill of my friend.

Mr. MALLORY. If the gentleman thinks it best to strike out annual it can be done.

Mr. WASHINGTON. If you make an appropriation of $6,000 now they will build the schools and then they will come back and ask for an appropriation to keep up the schools and to keep the teachers; and if you do it for one year there will be applications to do it for other years, and we will be asked to pass a bill for that purpose.

Mr. MALLORY. These people are very differently situated from the people on the other naval reservations. There is no yard situated as this one. There is no other yard that has a population to any extent outside the yard itself. Here is a population from 1,200 to 1,500 people outside the walls of the yard. One of these villages is situated on the east and one on the west.

Mr. BYNUM. Why do not they get up private schools?

Mr. MALLORY. Simply because they have not the means to do it. Why do not they get up private schools in the city of Washington? This House is appropriating every year for the maintenance of schools in the city of Washington, and the people in this community are far better off than those people in the territory to which I have referred.

Mr. WILLIAMS of Mississippi. Will the gentleman permit me to ask him another question?

Mr. WASHINGTON. The people of the District contribute one-half of the expenses of the government of the District.

Mr. MALLORY. But the people of the District are not in a condition comparable to that of the people down there.

Mr. WASHINGTON. But the gentleman knows personally that the Government has a great deal of taxable property here; and instead of having its property assessed and taxed at so much on the hundred or so much on the thousand dollars, Congress has agreed to contribute one-half the amount necessary for the expense of the District government.

Mr. MALLORY. But the Government down there owns every foot of the ground, and is not a taxpayer.

Mr. WASHINGTON. The Government of the United States is certainly under no obligation to pay for the education of those who reside on these reservations.

Mr. MALLORY. I do not think it is, there or elsewhere. I do not wish to be understood as contending that it is the duty of the Government to provide schools at these places; but I do think that under the circumstances, when you bear in mind the fact that these people are absolutely poverty-stricken, and are unable to provide schools for themselves, the Government should provide schools on this reservation.

This thing was recommended by Secretary Tracy; and the present Secretary, when he was chairman of the Committee on Naval Affairs, favored the bill, and every officer who has been down there, either as commandant or in a subordinate position, has been impressed with the necessity of the United States Government doing something to provide these unfortunate people with an education.

Mr. WASHINGTON. I admit that this is an exceptional case in many respects, and a peculiar one, and I am very sorry, of course, to oppose a measure which my friend advocates and which comes as near to him as this does, but I do it entirely from a sense of public duty, because I consider that this would be a very dangerous precedent for us to establish. I think it is opening a door to a kind of legislation that will give us a great deal of trouble hereafter.

Mr. CUMMINGS. The gentleman from Florida [Mr. MALLORY] has referred to the anomalous condition of the people living on this naval reservation in his State. I want to refer to the anomalous condition of legislation in this House with regard to the education of children. We have passed an Indian appropriation bill carrying thousands upon thousands of dollars to educate Indian children.

A MEMBER. Because they are our wards. [Laughter.]

Mr. CUMMINGS. I will come to the ward question in a moment. We send United States troops out into the mountains of Arizona and other Territories to capture the children of the Apaches, Comanches, Kiowas, and other Indians whose main amusement has been the building of fires upon the bellies of American citizens.

We send those captured children to an Indian school at Carlisle, Pa., because, forsooth, gentlemen say they are the wards of the United States! The whole country is taxed to educate them. They are wards, are they? Well, what are these poor white and black children living upon this naval reservation and holding out their hands to the Government of this country, begging for education—what are they, if not wards of the United States? They are certainly not the wards of the people of Florida. They are children of nowhere.

A MEMBER. They can get away from there if they want to.

Mr. CUMMINGS. Yes; and so can the Indian children get away, if you will let them; but when they do get away you run after them, recapture them, and send them back to school, and you tax the poor people of my district and of other Congressional districts to pay for their education.

Now, I say that this country is great enough and broad enough to make no distinction between the children of the white man, of the black man, and the children of the red man. Above all, they can not afford to discriminate in favor of the children of the red man and against the children of the black man and of the white man. In this case they are certainly poorer than the Indian children, and they are calling aloud for an education.

Mr. HUNTER. Is not the gentleman from New York aware of the fact that the education of the Indian children is paid for out of the Indian fund, out of money that belongs to the Indians, the proceeds of their lands which we have bought, and that this Government does not expend a cent of money out of the public Treasury for that purpose?

Mr. CUMMINGS. No; I am not. It may be done in some cases; but who pays the expenses of running down the Indian children and capturing them and jugging them in your school at Carlisle? [Laughter.] Do the Indians? The Government does it, and you know it. These poor children on this reservation in Florida have no opportunity to get an education unless through the aid of the Government of the United States.

Mr. CANNON of Illinois. I understand that these children on this reservation are not under the jurisdiction of the State of Florida?

Mr. CUMMINGS. They are not.

Mr. CANNON of Illinois. They have no schools?

Mr. CUMMINGS. They have no schools.

Mr. CANNON of Illinois. And they are there on a Government reservation?

Mr. CUMMINGS. They are there on a Government reservation, a legacy of the war, and they have no schools.

Mr. CANNON of Illinois. And if they are not educated by the action of the Government they will not be educated at all.

Mr. CUMMINGS. That is the fact, and, Mr. Chairman, I hold that these children deserve an education, and are entitled to it just as much as the meanest papoose strung to the back of any squaw who tramps the plains of Nevada. [Laughter.]

Mr. BLAND. I wish to ask the gentleman a question. By whose permission do those people reside on that reservation, and how do they make their living?

Mr. CUMMINGS. That question has been answered three times already on this floor by the gentleman from Florida. I will repeat his words if it will be any gratification to the gentleman from Missouri [Mr. BLAND], but the morning hour is

slipping away and it seems to me to be a mighty infinitesimal way of defeating a bill to keep asking questions about it which have been already repeatedly answered.

Mr. BLAND. I am only trying to get some information about the matter.

Mr. CUMMINGS. Mr. Chairman, I ask unanimous consent that general debate be considered as closed.

There was no objection, and it was so ordered.

The CHAIRMAN. The Clerk will report the bill by paragraphs for amendment.

Mr. CUMMINGS. Mr. Chairman, I move the adoption of the amendments recommended by the committee.

The committee amendments were read, as follows:

In line 5, strike out "school" and insert "schools."
In line 8, strike out "school" and insert "schools."
In line 10, strike out "five" and insert "six" before the word "thousand."

The amendments were agreed to.

Mr. SNODGRASS. Now, Mr. Chairman, I move that this bill be reported to the House with the recommendation that the enacting clause be stricken out.

The question being taken, there were—ayes 24, noes 64.

Mr. SNODGRASS. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint to act as tellers the gentleman from Tennessee [Mr. SNODGRASS] and the gentleman from Florida [Mr. MALLORY].

The committee again divided; and the tellers reported—ayes 2, noes 66.

The CHAIRMAN. Upon this question the ayes are 2 and the noes are 66. No quorum has voted. The Chair understands that the gentleman from Tennessee does not withdraw the point of no quorum.

Mr. SNODGRASS. I have not withdrawn it.

The CHAIRMAN. Under the rule the Chair will be compelled to order a call of the roll——

Mr. SNODGRASS. Mr. Chairman, I move that the committee rise.

The CHAIRMAN. That motion is not in order unless by unanimous consent, but the Chair will entertain it if there be no objection.

Mr. MALLORY. Mr. Chairman, as there are less than ten minutes of the morning hour remaining, I ask unanimous consent that the hour be considered as having expired and that the committee now rise.

There was no objection, and it was so ordered.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. DOCKERY, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 103) to authorize the Secretary of the Navy to establish and cause to be maintained a free public school, for children under 17 years of age, at the village of Warrington, on the naval reservation on Pensacola Bay, in the State of Florida; pending which the morning hour had expired.

ORDER OF BUSINESS.

The SPEAKER. When the regular order was called this morning, the Chair neglected to call the committees for reports, and will do so now.

CARACAS AWARDS.

Mr. GEARY, from the Committee on Foreign Affairs, reported back favorably the bill (S. 756) for the application of the accretions of the Caracas awards of 1868 to the new awards made in 1889 and 1890; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

CLOSING OF AN ALLEY IN DISTRICT OF COLUMBIA.

Mr. COOPER of Indiana, from the Committee on the District of Columbia, reported back favorably the bill (S. 2217) to provide for the closing of a part of an alley in square 185 in the city of Washington, D. C.; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

REGISTER FOR STEAMER S. OTERI.

Mr. BERRY, from the Committee on Interestate and Foreign Commerce, reported back favorably the bill (S. 1852) to provide an American register for the steamer S. Oteri; which was referred to the House Calendar, and the accompanying report ordered to be printed.

LIEUT. COL. FORWOOD AND DR. PENROSE.

Mr. MCCREARY of Kentucky, from the Committee on Foreign Affairs, reported back favorably the bill (H. R. 7474) authorizing Lieut. Col. Forwood and Dr. George H. Penrose to accept certain testimonials from the Argentine Government; which was referred to the House Calendar, and the accompanying report ordered to be printed.

WITHDRAWAL OF PAPERS.

Mr. HOLMAN, by unanimous consent, obtained leave to withdraw from the files of the House of the Fifty-second Congress, without leaving copies, papers in the case of Mary Stewart Losseles; there having been no adverse report.

An then on motion of Mr. SAYERS (at 3 o'clock p. m.) the House adjourned.

REPORT OF COMMITTEE ON PRIVATE BILL.

Under clause 2 of Rule XIII, Mr. COX, from the Committee on Claims reported the bill (S. 1949) for the relief of James E. North (Report No. 1359); which was referred to the Committee of the Whole House.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. BOATNER (by request): A bill (H. R. 7878) to facilitate and expedite legal proceedings by the United States and other creditors against Government-aided railroad companies, their officers, stockholders, and the trustees of their mortgages—to the Committee on the Pacific Railroads.

By Mr. HEARD (by request): A joint resolution (H. Res. 212) to complete and publish the laws relating to street railway franchises in the District of Columbia—to the Committee on Printing.

By Mr. COVERT: A joint resolution (H. Res. 213) to correct abuses under the patent system, and for other purposes—to the Committee on Patents.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of New Hampshire: A bill (H. R. 7879) to remove the charge of desertion now standing against James H. Waters—to the Committee on Military Affairs.

By Mr. HOUK: A bill (H. R. 7880) for the relief of Charles Morgan, M. C. Mordaci, C. B. Payne, and the Southern Steamship Company—to the Committee on Claims.

By Mr. MEIKLEJOHN: A bill (H. R. 7881) to authorize the Secretary of the Treasury to pay the cost of paving about the public building in Fremont, Nebr.—to the Committee on Claims.

By Mr. PAGE: A bill (H. R. 7882) for the relief of Maj. Samuel T. Cushing—to the Committee on Claims.

By Mr. SHERMAN: A bill (H. R. 7883) for the relief of Ellis H. Roberts—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOATNER (by request): Memorial to Congress from the Kansas Pacific consolidated bondholders committee, for passage of bill to facilitate and expedite legal proceedings by the United States and other creditors against Government aided railroad companies, their officers, stockholders, and trustees of their mortgages—to the Committee on Pacific Railroads.

By Mr. HOPKINS of Pennsylvania: Petition of 111 citizens of Sixteenth district of Pennsylvania, against appropriation of any money for support of sectarian schools—to the Committee on Indian Affairs.

By Mr. KIEFER: Memorial of M. Swering, S. J. Turner, John Schorr, and many other citizens of St. Paul, Minn., charging that Attorney-General Richard Olney is guilty of high crimes, etc., and subjecting him to impeachment—to the Committee on the Judiciary.

By Mr. RICHARDSON of Michigan: Petition of William Kirkpatrick, Charles A. Bissonette, Wallace B. Watson, and 25 others, citizens of Grand Rapids, and members of Knights of Labor, Assembly No. 3526, Grand Rapids, Mich., for the impeachment of Richard Olney, Attorney-General of the United States—to the Committee on the Judiciary.

By Mr. WRIGHT of Pennsylvania: Petition of G. N. Atwood and 44 other citizens of Camptown, Bradford County, Pa., against appropriations for sectarian schools as provided in the Indian appropriation bill—to the Committee on Indian Affairs.

SENATE.

FRIDAY, *August 3, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

On motion of Mr. FAULKNER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

LOSSES BY CYCLONE AT PORT ROYAL, S. C.

The VICE-PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 5371) for the relief of certain enlisted men of the Marine Corps was read twice by its title.

Mr. MCMILLAN. A similar bill is on the Calendar, and I ask that the House bill be put on its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MCMILLAN. I move that the bill (S. 1464) for the relief of certain enlisted men of the Marine Corps be indefinitely postponed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes, insisted upon its disagreement to certain other of the amendments of the Senate further insisted upon by the Senate, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLMAN, Mr. ALLEN, and Mr. WILSON of Washington managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department;

A bill (H. R. 4611) to amend an act approved January 26, 1893, to authorize the construction of bridges across the Hiwassee, the Tennessee, and Clinch Rivers, in the State of Tennessee;

A bill (H. R. 6814) extending the time for payment to purchasers of lands of the Omaha tribe of Indians in Nebraska, and for other purposes;

A bill (H. R. 6902) granting an increase of pension to Mrs. Susie Conway; and

A bill (H. R. 7071) to exempt the property of the Young Men's Christian Association of the District of Columbia from taxation.

PETITIONS AND MEMORIALS.

Mr. FRYE. I present a memorial of sundry cotton manufacturers of Boston, Mass., remonstrating against the passage of the so-called Hatch antioption bill. The bill having been reported by the Committee on Agriculture and Forestry, I move that the memorial lie on the table.

The motion was agreed to.

Mr. CULLOM presented a memorial of sundry citizens of Cordova, Ill., and a memorial of sundry citizens of Augusta, Ill., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. PATTON presented memorials of M. W. Seymour and 48 other citizens of Kalamazoo, Mich.; of F. W. Slater and sundry other citizens of Michigan, and of John E. Bradley and 48 other citizens of Michigan, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. LODGE presented the memorial of Clinton G. Stickney and 210 citizens of Massachusetts, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2056) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1692) granting a pension to William J. Murray, reported it without amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on Territories, to whom was referred the bill (H. R. 353) to enable the people of New Mexico to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States, reported it with amendments, and submitted a report thereon.

Mr. FAULKNER, from the Committee on Territories, to whom was referred the bill (H. R. 4393) to provide for the admission of the State of Arizona into the Union, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7006) to authorize the Washington, Alexandria and Mount Vernon Electric Railway Company to extend its line of road into and within the District of Columbia, and for other purposes, reported it with amendments.

Mr. HUNTON, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 6415) to provide an immediate revision and equalization of real-estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year 1896 and every third year thereafter, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 2263) to amend section 553 of the Revised Statutes of the United States, relating to the District of Columbia, reported it without amendment.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2133) to correct the military record of Capt. E. M. Ives, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally adversely, and they were postponed indefinitely:

A bill (S. 1690) for the relief of Peter M. V. Underwood; and

A bill (S. 1555) to remove the charge of desertion from the military record of Louis F. Folger.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (H. R. 6384) for the relief of Walter S. McLeod, reported it with an amendment, and submitted a report thereon.

Mr. WALSH, from the Committee on the Quadro-Centennial (Select), to whom was referred the bill (S. 2261) to further encourage the holding of a World's Exposition at Atlanta, Ga., in the year 1895, reported it without amendment.

Mr. CAFFERY, from the Committee on Claims, to whom was referred the bill (S. 1945) for the relief of Holmes & Leathers, reported it without amendment, and submitted a report thereon.

MRS. E. S. LUKE.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 2996) for the relief of Mrs. E. S. Luke, widow of John L. Luke, late a soldier in the Black Hawk war, to report it favorably without amendment. As the bill proposes to pension a very aged woman, I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Mrs. E. S. Luke, of Clarksville, Pike County, Mo., widow of John L. Luke, who served as a soldier in the Black Hawk war, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECONVEYANCE OF LANDS.

Mr. MARTIN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 2269) providing for reconveyance by the District Commissioners of certain lands to Andrew J. Curtis and Mary E. Curtis, to report it with amendments; and I ask for its present consideration.

Mr. COCKRELL. Will it lead to any discussion? If it does, I must object.

Mr. MARTIN. It will not take three minutes to pass the bill. In this connection I ask the Secretary to read a letter from the Commissioners of the District of Columbia, recommending the passage of the bill.

The VICE-PRESIDENT. Is there objection to its present consideration?

Mr. ALLISON. I wish to hear the bill read.

Mr. COCKRELL. Let us see what it is first.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill; and by unanimous consent the

Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. MARTIN. I ask that the letter of the Commissioners of the District be read, and that will be a sufficient explanation of the whole bill.

The VICE-PRESIDENT. The letter will be read if there be no objection.

The Secretary read as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, Aug. 1, 1894.

DEAR SIR: The Commissioners recommend favorable action on Senate bill 2269, "providing for reconveyance by District Commissioners of certain lands to Andrew J. Curtis and Mary E. Curtis," which was referred to them at your instance for their examination and report. The topography indicates that the street in question is not located so as to be advantageously improved. It is three and one-half miles east of the Capitol, has never been improved, and only serves at present to relieve the grantor from paying taxes upon it.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners, District of Columbia.

Senator ISHAM G. HARRIS,
Chairman Senate Committee on District of Columbia.

Mr. SHERMAN. According to that statement, the conveyance was made to the Commissioners in order to avoid taxes. If that is the case, the bill ought not to pass.

Mr. MARTIN. I can not hear what the Senator from Ohio says.

Mr. SHERMAN. I should like to have the letter read again.

The Secretary again read the letter.

Mr. SHERMAN. The bill is all right then. Evidently it was the conveyance of a street to the District of Columbia.

Mr. MARTIN. The land was originally granted to the District of Columbia, without any compensation whatever, for a specific purpose, and that purpose has failed.

The VICE-PRESIDENT. The first amendment of the Committee on the District of Columbia will be stated.

The SECRETARY. The committee report to strike out the second section of the bill in the following words:

SEC. 2. That this act shall take effect from its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The committee report as a further amendment to strike out the preamble.

The amendment was agreed to.

INSPECTION OF BOILERS.

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 4475) to amend section 4434 of Title LII of the Revised Statutes of the United States, to report it without amendment. I had an interview with Inspector-General Dumont yesterday, and he satisfied me as to the imperative necessity of the bill and the importance of its immediate passage. It is required by reason of a change in the test of the tensile strength of iron and steel.

The Secretary read the bill.

Mr. ALLISON. I ask the Senator from Maine if it is the intention that the bill shall have immediate effect when it becomes a law? If so, what will be the effect upon vessels which now have the character of boilers which the bill prohibits? It seems to me the law ought to take effect at some day in the future.

Mr. FRYE. There is no difficulty about that, from the fact that the inspector-general explains to me that the only difficulty which can arise from this is that it changes the thickness of the iron and steel for boilers, and the result will be to reduce very largely the amount of the pressure of steam the vessels may be permitted to carry. Therefore this bill becoming a law will not make any difference; it simply allows the vessels to continue the pressure which they have now.

Mr. HOAR. I ask the Senator from Maine to consent to an amendment of the title, so that it will state the object of the bill.

Mr. FRYE. I do not wish to do that, because it is a House bill, and that will necessitate its return.

Mr. HOAR. All manner of inconvenient and bad legislation gets through because some Senator will say, "This is a House bill; let it go through as it is, or it will have to be sent back." The amendment I propose can be acted upon in the House of Representatives in five minutes.

Mr. FRYE. I do not know about that.

Mr. HOAR. I object to the bill being passed without an amendment of the title.

Mr. FRYE. The Senator may object, and he will cause very serious trouble by his objection.

Mr. HOAR. I move to amend the title by inserting the words "relating to steam boilers."

The VICE-PRESIDENT. It is not in order to amend the title, the bill not having yet been passed.

Mr. FRYE. I should like to withdraw the report.

The VICE-PRESIDENT. Without objection, the report will be withdrawn.

Mr. HOAR. We have adopted a rule requiring that the title of a bill shall state its object, and I object to departing from that practice.

Mr. FRYE. The object is recited in the section. The bill is perfectly safe as it stands, and there will not be the least trouble about it to anyone, except in the imagination of the Senator from Massachusetts.

Mr. HOAR. The Senator must know that the rules are just to the contrary. This is in violation of the rule.

The VICE-PRESIDENT. The Chair understands the report has been withdrawn.

Mr. FRYE subsequently said: I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 4475) to amend section 4434 of title LII of the Revised Statutes of the United States, to report it without amendment.

ARREDONDO GRANT.

Mr. PASCO. I am directed by the Committee on Public Lands, to whom was referred a concurrent resolution offered by my colleague [Mr. CALL], to report it with an amendment in the nature of a substitute, and I ask for its immediate consideration.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. It is not a good way of doing business to have reports from committees acted upon as soon as they are made.

The VICE-PRESIDENT. The resolution can only be considered by unanimous consent.

Mr. COCKRELL. Is there any absolute necessity for the immediate passage of the concurrent resolution?

Mr. PASCO. There is, or I should not ask it. I understand and appreciate the urgency of the Senator from Missouri with reference to the appropriation bill. I ask that the concurrent resolution may be now acted upon. It will not cause any long delay.

By unanimous consent, the Senate proceeded to consider the concurrent resolution which had been reported from the Committee on Public Lands, with an amendment to strike out all after the resolving clause and insert:

That the Secretary of the Interior be, and he is hereby, directed to suspend the opening of the lands in the Arredondo grant of 20,000 acres in Columbia County, Fla., to entry under the land laws of the United States until the close of the present Congress, unless there is further legislation with reference thereto before that time.

Mr. PASCO. My colleague introduced the resolution, and I have received a petition from a number of respectable citizens, among them some of the most prominent men in Columbia County, with reference to the same matter, which was referred to the Committee on Public Lands, where the resolution has been considered. The petition reads as follows:

We, the undersigned citizens of Columbia County, Fla., respectfully ask you to interest yourself in effecting an equitable settlement of the "Arredondo land grant" question, so as to secure to our people who have been in actual possession of lands embraced within said grant for upwards of thirty years their homes without further trouble and expense.

There were two grants of this name. This is the smaller one. It was claimed under the statutes providing for the establishment and settlement of the Spanish land grants in Florida and other States; it was confirmed after appeal to the United States Supreme Court, but the lands included in the grant were not set off to the grantees at the time in consequence of troubles in the county, the actual settlers on the land objecting to it and resisting it. It was not until 1882 that the rights of the grantees were fully recognized and protected. The grantees were then, under a decree of the United States district court for the northern district of Florida, given scrip instead of the lands, which they have since located, and the lands included in the grant then became a part of the public domain. Subsequently they were claimed by the Pensacola and Georgia Railroad Company, which was built through that section of country under the grant of 1856; but the Department has decided that the lands did not pass by the granting act, because they were not a part of the public domain when the granting act was passed.

Under these different conditions conflicting claims have arisen and are likely to arise in increased numbers, and as set forth in this petition which has been read, persons who have been living upon some of these lands for thirty years are threatened with the loss of their homes.

A part of this grant covered a portion of Lake City, and many citizens had built their homes and made improvements there. The two-sixteenths of land extending into the city have recently

been entered under a decision of the Land Office by the mayor of Lake City for the benefit of the occupants, but no sufficient relief can be secured for those living outside of the city without legislation.

It has been considered best by my colleague and myself, in talking the matter over, that a bill should be deliberately prepared to cover all of these cases, and that in the mean time these entries be suspended, so that there may be no confusion of titles, as has arisen in the State of Iowa and other States in like cases.

Mr. COCKRELL. There is no objection to the resolution.

Mr. PASCO. I ask that the resolution may be passed, and as part of my remarks I ask to have inserted a communication from the Attorney-General, which sets forth the main facts in the case.

The VICE-PRESIDENT. It will be so ordered in the absence of objection.

The communication referred to is as follows:

DEPARTMENT OF JUSTICE, *Washington, March 28, 1884.*

SIR: In reply to the resolution of the Senate of the 25th ultimo, in relation to the case of the Heirs of Arredondo *vs.* The United States, I herewith inclose a communication received to-day from the United States attorney for Northern Florida, dated March 25, 1884, together with a previous one from his predecessor, dated May 15, 1882. As upon the perusal of the former it seemed to me that the resolution had asked for a more specific statement of the proceedings and evidence in the case to which it referred, I have this day directed that a copy of what, besides the decree, was done under the motion of 1881 shall be transmitted. When it shall have been received I will forward it to you.

Very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

The PRESIDENT OF THE SENATE.

OFFICE UNITED STATES ATTORNEY,
NORTHERN DISTRICT OF FLORIDA,
Jacksonville, March 24, 1884.

SIR: In compliance with instructions contained in your communication of the 29th ultimo, I herewith report all the information within my power relative to the suit of the heirs of Arredondo against the United States, relating to lands in Columbia County, Fla.

The resolution of the Senate calling for this information, a copy of which you forwarded to me, is as follows:

"IN THE SENATE OF THE UNITED STATES, *February 25, 1884.*

"*Resolved*, That the Attorney-General be, and he is hereby, directed to furnish the Senate with information as to the suit of the heirs of Arredondo against the United States, for the circuit court of the United States for the northern district of Florida, relating to land in Columbia County, Fla., and of the proceedings in said cause, and the time when the same was commenced, and as to the claimants or heirs in said cause and the evidence therein, and all other material facts relating to the same, and the validity and justice of said claim.

"Attest:

"ANSON G. McCOOK, *Secretary.*"

The suit referred to was instituted and prosecuted in the district court (and not the circuit court) for the northern district of Florida.

The history of the claim and the proceedings therein, as they appear from the records, are as follows:

In May, 1829, Benjamin Chaires *et al.* filed their petition in the superior court of East Florida asking for the confirmation of a Spanish grant of 20,000 acres in Columbia County, made to José de la Maza Arredondo. A decree confirming the grant was made November 24, 1834, and an appeal was then taken to the Supreme Court of the United States. The Supreme Court, at its January term, 1836, held that the title of Arredondo was valid to all the land contained in these surveys (referring to the Spanish survey by Burgevin), affirmed the judgment of the lower court (see 10 Peters, 308), and issued its mandate directing the lower court to take such further proceedings as in right and justice ought to be had, etc. (See copy of mandate hereto attached marked Exhibit A.) A petition for a rehearing was filed May 21, 1844, and this petition was dismissed. (See 3 Howard, 611.)

The grant was located under the decree by the surveyor-general in T. 3 and 4 S., R. 16 and 17 E.

At the date of the confirmation many persons were residing upon the lands contained in the grant, and the surveyor-general was forcibly prevented by these residents from locating the claim by a survey, and thereby segregating it from the mass of the public domain.

In 1861, the claimants, alleging that a large proportion of the lands covered by the grant (about 13,000 acres) had been sold or otherwise disposed of by the United States, and claiming that the grant had never been located and surveyed, instituted proceedings in the United States district court for the northern district of Florida to obtain the benefit of the second section of the act of May 26, 1824, usually called the "Missouri act," extended to Florida by the act of May 23, 1828.

A hearing on this application was had in April, 1882, the United States being represented by J. B. Stickney, esq., the then district attorney, when the court being satisfied from the evidence and a report from the surveyor-general as to the facts, entered a decree granting to the claimants the benefits of the said second section of the act of May 26, 1824. (See copy of decree hereto annexed, Exhibit B.) On the rendition of the decree Mr. Stickney gave notice of an appeal, but never took any steps to prosecute the same, so far as I could ascertain.

Mr. Stickney died in November, 1882, and I was appointed district attorney in December of the same year. On taking possession of the office I found no record of the case, and it did not appear on the docket. My attention was first called to it sometime last year by Mr. Fairbanks, counsel for the claimants, who informed me that the matter would be settled by the General Land Office if the appeal was withdrawn, and that Mr. Stickney before his death had about concluded to withdraw the appeal.

It was also brought to my attention by prominent citizens of Lake City and officers of the State government, who represented that the interests of that whole community were suffering by the delay in a settlement. On making an investigation of the claim I found from the records of the court that the proceedings had been regular to the date of the last decree made by the district court, and from all the information I could obtain it appeared that the only question in the mind of my predecessor, Mr. Stickney, was whether the claimants should have land floats for the entire 20,000 acres, or whether they should have floats for only 13,000 acres (the amount disposed of), and 7,000 acres of the lands included in the survey and still undisposed of.

I found, further, that Mr. Stickney had reported the case in full to the Attorney-General, and that by your letter to him dated May 25, 1882, you informed him that whether an appeal should be taken or not was a question for him to decide, thus leaving the matter entirely to his judgment. Mr. Stickney under this license gave notice of an appeal, but proceeded no further.

After a thorough examination of the case I could find no grounds for an appeal from the decree of the district court; and being satisfied, first, that the grant was a valid one; second, that the claimants were entitled to the benefits of the second section of the act of May 26, 1824; third, that there was no error in the decree of the district court: and, lastly, that while the interests of the Government could suffer no injury, the interests of the people of Lake City, in Columbia County, and the interests of the State would be best subserved by a speedy settlement of the question, I, assuming that the same discretion given to my predecessor by your letter heretofore referred to was also given to me, concluded to withdraw the appeal, and accordingly entered into a stipulation to that effect.

I have the honor to be, yours, very respectfully,

ED. M. CHENEY,
United States Attorney.

Hon. B. H. BREWSTER,
United States Attorney-General, Washington, D. C.

EXHIBIT A.

Mandate of the Supreme Court of the United States of America, ss:

The President of the United States of America to the honorable the judge of the superior court of the United States for the district of East Florida, greeting:

Whereas lately, in the superior court for the eastern district of Florida, before you, in a cause wherein Benjamin Chaires, Peter Mirando, and Gad Humphreys were petitioners against the United States, the decree of the said superior court was in the following words, viz: "The court doth order, adjudge, and decree that this claim is valid, and that in accordance with the laws and customs of Spain, and under and by virtue of the late treaty of amity, settlement, and limits the United States of America and the King of Spain, ratified by the United States of America 22d February, 1821, and under and by virtue of the laws of nations and of the United States, it is hereby confirmed, adjudged, and decreed unto the said claimants to the extent, for the number of acres, and at the place as in the grant for the said land to Don José de la Maza Arredondo, and as in the plat and certificate of survey of the same made by Don Andres Burgevin, and dated the 16th of September, 1819, and filed herein, is set forth, to wit: A piece of land which contains 20,000 acres of land, situated on to the margin of a creek known as Alligator Creek. Said land commences at a little above the head of said creek, and embraces an Indian town, distant about 80 miles from the post at Buena Vista and about 40 to the northwest of Paynes Town. The first line runs north 20° west 357 chains; begins at a pine marked (X), and ends at another marked (═══). The second line runs south 70° west 560 chains, and ends at a stake. The third line runs south 20° east 357 chains, and ends at a pine marked (II); and the fourth line runs north 70° east 460 chains; as by the inspection of the transcript of the record of the said superior court, which was brought into the Supreme Court of the United States by virtue of an appeal, agreeably to the act of Congress in such case made and provided, fully and at large appears. And whereas, in the present term of January, in the year of our Lord 1836, the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: On consideration thereof it is decreed and ordered that the decree of the said superior court in this cause be and the same is hereby affirmed, February 6.

You, therefore, are hereby commanded that such further proceedings be had in said cause as according to right and justice and the laws of the United States ought to be had, the said appeal notwithstanding.

Witness the honorable Joseph Story, associate justice of said Supreme Court, the 2d Monday of January, in the year of our Lord 1836.

WM. THOS. CARROLL,
Clerk of the Supreme Court of the United States.

EXHIBIT B.

In the district court of the United States, northern district of Florida.

BENJAMIN CHAIRES ET AL. VS. THE UNITED STATES.

This case coming on to be further heard, on the 10th day of April, 1882, before the Hon. Thomas Settle, judge of the United States district court for the northern district of Florida, and after hearing the proof and allegations of the parties and of their respective counsel, to wit, G. R. Fairbanks, esq., for claimants, and John B. Stickney, esq., on behalf of the United States, and it appearing to the court that a survey of said lands mentioned in said grant can be made so as to give the parties legally entitled thereto the benefit of the said concession;

And it further appearing to the court by the evidence herein filed as well as from the record in this cause, and from the report of the surveyor-general also herein filed, that the said grant has never been located and surveyed by the United States and that a large portion of the lands covered by said grant have been heretofore sold or otherwise disposed of by the United States, and the parties claiming title under said grant having applied to this court for the privileges guaranteed by the second section of the act of 26th May, 1824, entitled "An act enabling claimants to land within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," extended and applied to Florida by an act for that purpose approved 23d May, 1828, as is claimed by the claimants' counsel, and the applicability of the act of 1824 aforesaid to this case not being contested before this court:

Therefore, on motion of said claimants' counsel, it is hereby further ordered, adjudged, and decreed, that the person or persons legally entitled to the said 20,000 acres, and to the benefit of said decree, are also entitled to the benefits of the provisions of the aforesaid second section of the act of Congress of 26th May, 1824; and that in virtue thereof they have the right to enter in any land office in the State of Florida, after the same shall have been offered at public sale, the like quantity of land equal to the whole area of said grant, to wit, 20,000 acres, in parcels conformable to sectional divisions and subdivisions in lieu of and in full satisfaction of said grant to the said Joseph M. Arredondo, in conformity of the provisions of the said second section of the act above referred to; and the lands heretofore sold or otherwise disposed of by the United States, which are covered by said grant, are hereby confirmed to the parties having title to said lands from the United States, and the residue of the lands covered by the said grant shall hereafter be held and taken as a part of the public lands of the United States, subject to the same disposition as any other public lands in same district.

THOMAS SETTLE, *Judge.*

JACKSONVILLE, *April 10, 1882.*

The VICE-PRESIDENT. The question is on agreeing to the amendment to the resolution reported by the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

HEIRS OF HENRY E. SIZER.

Mr. MCLAURIN, from the Committee on Claims, to whom was referred the bill (S. 1406) for the relief of Eliza H. Yerger and Mary Virginia Rawlins, both born Sizer, daughters and only heirs at law of Henry E. Sizer, deceased, late of Jackson, State of Mississippi, submitted a report thereon, accompanied by the following resolution; which was read and ordered to be placed on the Calendar:

Resolved, That the claim of Eliza H. Yerger and Mary Virginia Rawlins, daughters and only heirs at law of H. E. Sizer, deceased, late of Jackson, State of Mississippi, represented by Senate bill No. 1406, with all the papers relating thereto, be, and the same is hereby, referred to the Court of Claims to find the facts, proceeding under existing laws, whether, barring all statutes of limitation, the said claim mentioned in the said Senate bill, or any part thereof, and, if so, what part, is under the laws of the United States a valid and subsisting claim against the United States.

BILLS INTRODUCED.

Mr. DAVIS (by request) introduced a bill (S. 2277) defining options and futures and imposing special taxes on dealers therein, and for other purposes; which was read the first time by its title.

The VICE-PRESIDENT. A bill on the same subject having been reported, the bill introduced by the Senator from Minnesota will lie on the table in the absence of objection.

Mr. WASHBURN. I move that the bill be referred to the Committee on Agriculture and Forestry.

Mr. HARRIS. Is not that a bill imposing taxes? Let the title be again read.

The VICE-PRESIDENT. The title will be again stated.

The SECRETARY. A bill (S. 2277) defining options and futures and imposing special taxes on dealers therein, and for other purposes.

Mr. HARRIS. That bill ought to go to the Finance Committee, where all tax bills go.

The VICE-PRESIDENT. Does the Senator enter a motion to that effect?

Mr. HARRIS. I move that the bill be referred to the Committee on Finance.

Mr. COCKRELL. Has not a similar bill been considered by the Committee on Agriculture and Forestry and been reported by that committee?

Mr. WASHBURN. I do not know what are the provisions of this bill, but a bill for the same purpose has been considered and reported by the Committee on Agriculture and Forestry. All such bills in the House of Representatives have been sent to the Committee on Agriculture, and there is where they properly belong. The whole question of dealing in options or gambling in grain and food products should be considered by that committee. I think the idea of the Senator from Tennessee in asking that the bill be referred to the Committee on Finance is an entire mistake.

Mr. HARRIS. If it is the object of the Senate to prostitute the taxing power to a wholly illegitimate purpose in order to take jurisdiction of a subject-matter over which Congress has no jurisdiction under the Constitution, then the argument of the Senator from Minnesota [Mr. WASHBURN] is legitimate, logical, and true; but unless such be the object and purpose, if this bill be what it purports to be, a bill levying taxes, it should go to the Finance Committee, the only committee which deals with such questions.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee, to refer the bill to the Committee on Finance.

Mr. GEORGE. If the bill introduced into the Senate is to raise money by taxation, I raise the point of order that it ought to be introduced in the House of Representatives. It can not be introduced here. By the Constitution it has to originate in the House of Representatives.

Mr. HARRIS. The Senator is quite right.

Mr. COCKRELL. I object to the second reading of the bill. Let it lie over until to-morrow.

The VICE-PRESIDENT. Objection being made to the second reading of the bill, it will lie over until to-morrow, when the Chair will determine the point of order.

Mr. SHERMAN introduced a bill (S. 2278) granting a pension to Matthew C. Read; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PEFFER introduced a bill (S. 2279) to provide means for gathering and storing rainwater in semiarid regions of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. GEORGE submitted an amendment intended to be proposed by him to the bill (H. R. 4609) to establish a uniform system of bankruptcy; which was referred to the Committee on the Judiciary, and ordered to be printed.

PROPOSED ISSUE OF TREASURY NOTES.

Mr. ALLEN. I offer a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Finance be, and the same is hereby, discharged from the further consideration of the bill (S. 2264) for the relief of the several States of the Union, and for other purposes, and that said bill be placed on the Calendar for present consideration by the Senate.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HARRIS. Let that resolution be printed and go over.

The VICE-PRESIDENT. It will be so ordered.

PERSONAL EXPLANATION.

Mr. HUNTON. Mr. President, I rise to a personal explanation.

I notice in the Washington Post of this morning, in regard to the debate of yesterday, that when the resolution of the Senator from New Hampshire [Mr. CHANDLER] was under discussion, the Senator from Texas [Mr. MILLS] is made to say that in the amendment he proposed to offer to the resolution he was aiming only at Democrats, and he named a certain number of Democrats, among them my colleague [Mr. DANIEL] and myself. I desire to ask the Senator from Texas if he meant to refer to my colleague and myself in the remarks he made yesterday?

Mr. MILLS. I did not make any remarks. I simply offered an amendment. I will say to the Senator that the statement to which he refers is wholly unauthorized. I never opened my mouth to anybody on the subject, and I never dreamed of the Senator or his colleague when I offered the amendment. Knowing both of them so long as I have known them, it never entered my mind that either of them was capable of a dishonorable action; on the contrary, they are both honorable gentlemen and friends of mine, and have been ever since we have been in public life.

Mr. HUNTON. I felt assured before I appealed to the Senator from Texas that he would reply to my interrogatory as he has done.

I desire to say for my colleague and myself that we are not interested in any coal or iron mine or in any railroad which transports coal or iron.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the following acts:

An act (S. 207) granting jurisdiction and authority to the Court of Claims in the case of the towboat Future City, her barges, cargoes, etc.;

An act (S. 1399) to promote the efficiency of the naval militia; and

An act (S. 2245) to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia.

DEFICIENCY APPROPRIATION BILL.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes.

The motion was agreed to.

MATERIAL AND LABOR ON PUBLIC WORKS.

Mr. VEST. In view of the fact that I am necessarily called away from the Senate on public business, I ask unanimous consent for the present consideration of the bill (H. R. 86) for the protection of persons furnishing materials and labor for the construction of public works.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HOAR. I suggest to the Senator that if any one of 500 persons is authorized to bring a separate suit against a contractor in the name of the United States, there ought to be a provision like that which is made in the probate jurisdiction of the various States, that there shall be a responsible indorser upon the writ. Of course it is not intended to make the United States liable for the costs.

Mr. VEST. No; that is expressly provided for.

Mr. HOAR. There should be a responsible indorser upon the writ, who shall be liable for costs, otherwise the contractors may be harassed by countless suits, and, the suits being in the name of the United States, the plaintiffs would have no obligation for costs.

Mr. VEST. Would not the party under the United States practice be compelled to give a bond for costs?

Mr. HOAR. I do not think there is any law to that effect now. I have looked to see, but I have no knowledge of any such law.

Mr. VEST. My impression is that the Federal courts in all cases require that a bond shall be given.

Mr. HOAR. Will the Senator from Missouri allow me to have added to the bill an additional proviso which I can dictate? I move to add:

Provided further, That the court in which such case shall be brought is authorized to require proper security for costs in case judgment shall be for the defendant.

Mr. VEST. That is all right.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. Add as an additional proviso:

Provided further, That the court in which such case shall be brought is authorized to require proper security for costs in case judgment shall be for the defendant.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

The VICE-PRESIDENT. The amendments reported by the Committee on Public Buildings and Grounds will be stated.

The first amendment of the Committee on Public Buildings and Grounds was, in line 6, before the word "repairs," to strike out "extensive;" so as to read:

That hereafter any person or persons entering into a formal contract with the United States for the construction of any public building, or the prosecution and completion of any public work or for repairs upon any public building or public work.

The amendment was agreed to.

The next amendment was, in line 21, after the words "United States," to insert "for his or their use and benefit;" so as to read:

And shall be authorized to bring suit in the name of the United States for his or their use and benefit against said contractor and sureties and to prosecute the same to final judgment and execution.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

STATE TAXATION OF NATIONAL CURRENCY.

Mr. GEORGE. I ask unanimous consent that the Senate take up and consider the bill (H. R. 4326) to subject to State taxation national-bank notes and United States Treasury notes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

Mr. SHERMAN. Mr. President, I wish the Senate to know what the bill is. The purpose of the bill is to enable the States to tax the greenbacks and United States notes. As a rule, I believe that that would be right; that money in any form should be treated like other property, and be subject to taxation. Yet it is perfectly clear that under the language of the law it would be a violation of the public faith, pledged in the acts providing for the issue of United States notes. In the acts authorizing the issue of United States notes of every form and every form of obligation there is an express exemption from all State, national, or local taxation.

I call the attention of the Senator from Mississippi to a clause I find in the act of 1864, one of the leading acts providing for the issue of a large amount of bonds and Treasury notes, which declares:

And all bonds, Treasury notes, and other obligations of the United States shall be exempt from taxation by or under State or municipal authority.

So under another act, passed at the same session, providing for an increase of the amount of United States notes, it is provided:

And such notes shall be exempt from taxation by or under State or municipal authority.

The same provision is contained in the act of 1865, as follows:

And all bonds or other obligations issued under this act shall be exempt from taxation by or under State or municipal authority.

A similar provision is carried into what is called the refunding act of 1870, which provides that—

All of which said several classes of bonds and the interest thereon shall be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.

That provision does not apply to United States notes, but all the other acts providing for the issue of United States notes do forbid all kinds of taxation, State, municipal, or national.

Now, whether under the present circumstances, the notes being redeemable at the pleasure of the holder since the resumption of specie payments, there is any reason for that prohibition, is a question for Congress to determine. Still, there is a prohibition contained in all these laws against the taxation of the national securities. If Congress should repeal that provision of the act as to the bonds, it would be a clear violation of the public faith, because the bonds are continuing obligations, issued under exising law, some of them running for a period of thirty or forty years. Therefore, any change of the contract, during the term of the contract, would be an express violation of the public faith.

Whether that rule would apply to a note, which is presentable at pleasure and redeemable in coin, I have some doubt. I see no reason in equity why greenbacks or United States notes, which are legal-tender money, should not be treated like all other property and taxed by municipal, by State, and by general authority. I therefore do not see any injustice in it.

All property ought to be taxed alike, and money held by a person at any time is property in the same sense that real estate or any other property is held as property. Therefore in nearly all the States there are laws levying duties on bank notes, on various forms of securities, on money——

Mr. PLATT. Money on hand.

Mr. SHERMAN. Money on hand, which includes gold and silver.

The Senator from Mississippi, when I called his attention to the language of the law, said he would strike out the word "property." I ask to have read the clause in regard to taxing notes like other property. I think it is the last clause of section 1.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Provided, That any such taxation shall be exercised in the same manner and at the same rate that any such State or Territory shall tax other property, money or currency circulating as money within its jurisdiction.

Mr. SHERMAN. At my suggestion the Senator from Mississippi agreed to strike out the word "property" and say that no tax shall be levied upon United States notes, except such taxes are also levied upon all other forms of money. Gold and silver money on hand is liable to taxation by the laws of the State of Ohio and by the laws of most of the States, I suppose. Whether United States notes shall be exempt any longer, after the notes are redeemable at pleasure, on demand, is a question for the Senate to decide. Clearly such a provision extended to bonds would be a violation of public faith.

I do not wish to interfere with the bill, except to have the Senate understand distinctly that this provision is in express violation of the law under which the notes were issued. Whether the circumstances are so changed as to justify the taxing of this money is for the Senate to determine.

Mr. GEORGE. Does the Senator from Ohio desire to be understood as saying that if the amendment suggested by him, striking out the word "property" is made, he will interpose no further objection to the bill?

Mr. SHERMAN. I see no further objection. I merely wished to state the fact that when the notes were issued it was expressly provided that they should not be taxable by State or municipal authority. But as the notes are now, under the existing law, redeemable at pleasure, I do not see why any distinction should be made between property in United States notes and property in gold and silver coin. That is a question for the Senate to determine.

Mr. GEORGE. Understanding that the Senator from Ohio will interpose no further objection to the passage of the bill if the word "property" in line 10, section 1, is stricken out, I move that that word be stricken out.

The VICE-PRESIDENT. The amendment proposed by the Senator from Mississippi will be stated.

The SECRETARY. In line 10, section 1, before the word "money," strike out the word "property;" so as to make the proviso read:

Provided, That any such taxation shall be exercised in the same manner and at the same rate that any such State or Territory shall tax other money or currency circulating as money within its jurisdiction.

The amendment was agreed to.

Mr. GEORGE. I ask that the amendments reported by the Committee on the Judiciary be now acted upon.

The first amendment of the Committee on the Judiciary was, in section 1, line 3, before the word "circulating," to strike out "all;" in line 4, before the words "United States," to strike out "all;" in the same line before the word "other" to strike out all;" in line 6, after the word "circulating," to insert "or intended to circulate," and in the same line after the word "shall," to strike out "be subject to," and insert "not be exempt from;" so as to make the section read:

That circulating notes of national banking associations and United States

legal-tender notes and other notes and certificates of the United States payable on demand and circulating or intended to circulate as currency shall not be exempt from taxation under the laws of any State or Territory: *Provided*, That any such taxation shall be exercised in the same manner and at the same rate that any such State or Territory shall tax other money or currency circulating as money within its jurisdiction.

The amendment was agreed to.

Mr. CHANDLER. If all the committee amendments have been acted on I should like to have the bill read as amended.

The VICE-PRESIDENT. The Senator from New Hampshire asks for the reading of the bill as amended. The Secretary will read as requested.

The Secretary read as follows:

Be it enacted, etc., That circulating notes of national banking associations and United States legal-tender notes and other notes and certificates of the United States payable on demand and circulating or intended to circulate as currency shall not be exempt from taxation under the laws of any State or Territory: *Provided*, That any such taxation shall be exercised in the same manner and at the same rate that any such State or Territory shall tax other money or currency circulating as money within its jurisdiction.

SEC. 2. That the provisions of this act shall not be deemed or held to change existing laws in respect of the taxation of national banking associations.

Mr. HAWLEY. Does the bill come from the Committee on Finance?

Mr. SHERMAN. No.

Mr. HAWLEY. From what committee does it come?

Mr. GEORGE. From the Committee on the Judiciary. I will state that a similar bill was passed by a unanimous vote by the Committee on the Judiciary several years ago, when Judge Edmunds was chairman, and it was unanimously passed by the Senate after debate.

Mr. CHANDLER. I desire to move to amend the bill by adding after the word "taxation," in line 7, the words "as money on hand."

Mr. GRAY. I suppose that is all that could have been meant. If that is not meant by the original bill, I agree with the Senator from New Hampshire that those words should be inserted. Could it be supposed that national-bank notes are to be taxed otherwise than as money on hand?

Mr. CHANDLER. That is the explanation of the meaning of the bill, but inasmuch as the States tax money on hand, and it is the intention of the Senator from Mississippi only to provide for the taxation of United States notes when they are money on hand——

Mr. GRAY. That is to provide for their nonexemption.

Mr. CHANDLER. Like gold or silver, it seems to me the expression "money on hand" should be inserted in the proposed act.

Mr. GRAY. I think so.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. After the word "taxation," in line 7, insert "as money on hand;" so as to read:

Shall not be exempt from taxation, as money on hand, under the laws of any State or Territory.

Mr. GEORGE. I do not object to the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER].

Mr. TURPIE. I offer an amendment to the amendment, to insert after the words "as money on hand," the words "or on deposit."

The VICE-PRESIDENT. The amendment of the Senator from Indiana to the amendment of the Senator from New Hampshire will be stated.

The SECRETARY. Add, at the end of the amendment, the words "or on deposit."

Mr. COCKRELL (to Mr. CHANDLER). Accept it.

Mr. CHANDLER. I accept the amendment, and I understood the Senator from Mississippi to accept my amendment.

Mr. GEORGE. I do not object to it, so far as I am concerned.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire as modified.

The amendment as modified was agreed to.

Mr. HOAR. I should like to move an amendment. I move to insert "gold and silver, or other coin," so that the provision will apply equally to Treasury notes and gold and silver coin of the United States. I do not suppose such an amendment is necessary, but——

Mr. GEORGE. Not at all, because the word "money" is used, which embraces gold and silver. I will read the provision:

Provided, That any such taxation shall be exercised in the same manner and at the same rate that any such State or Territory shall tax other money—

Mr. HOAR. That is another point.

Mr. GEORGE—

or currency circulating as money within its jurisdiction.

Mr. HOAR. I understand; but it is not there that I propose my amendment. I propose my amendment in the authority to tax. I do not want to have it appear that there is any distinction. Of course every Senator is familiar with the maxim *expressio unius est exclusio alterius*, and if we pass a law authorizing the taxation of United States notes as money, that is the only statute on the subject. It might be claimed that a man with a thousand or a million dollars' worth of gold coin or silver coin in a vault would get off. So I want to have inserted after the word "currency" the words "all gold, silver, or other coin," putting all money on the same footing. I suppose there will be no objection to the amendment.

Mr. TURPIE. I submit that there is no utility in the amendment offered by the Senator from Massachusetts. The only reason why we are passing any act at all on the subject is because the particular paper credit—that is, Treasury notes and others—mentioned in the proposed act are exempt by law from taxation by and under State authority. Gold and silver coin of the United States has never been so exempt. Consequently it need not now be included in the bill.

Mr. HOAR. I entirely agree with the Senator from Indiana. He is quite right. The amendment is not necessary, but it can do no possible harm, and I think it will avoid any misunderstanding; that is all. I should like to have the amendment made.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. Add after the word "currency," in line 6:

And all gold, silver, or other coin.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. TURPIE. I hope the amendment will not be inserted in the bill. The only effect it will have will be to cast serious doubt upon the construction of the language now used. I am not mistaken as to what that is. Doubts originate soon enough and readily enough without being assisted by suggestion here. But there is no necessity for the amendment. That is admitted. The Senator from Massachusetts admits it. I think it is better that words not necessary should form no part of the enactment.

Mr. PALMER. This bill comes from the Committee on the Judiciary, and so far as I can understand it I may say that I favor the bill. Whatever language may be adopted in regard to determining the taxability of these notes satisfies me. However, I am impressed by one fact, and that is the reason why I make the inquiry I rose to make. Why is it that in the past history of the country no such law has before been enacted by Congress?

That leads me to ask the further question, Has not this subject some financial aspects? May it not in some way affect the use, the acceptability of Treasury notes and other paper issued by the Government for the purpose of circulation? Will it, in other words, affect the Treasury in the slightest degree? I am not on terms with the Treasury; I am not supposed to feel any interest in the Treasury, and hence what I say will not be likely to startle or frighten anybody. Still I recognize the fact that the Treasury just now is in a situation at least which requires attention.

Will this affect the Treasury in any manner whatever? Will it be likely to lead to the presentation at the Treasury of this class of paper? In consequence of making this class of paper subject to taxation will the Treasury be likely to be called upon for its redemption? Will this amendment affect that question in any way? I am led to doubt on that point from the fact that more than thirty years have passed since the Government commenced to issue redeemable paper, and yet that paper has never been subjected to taxation.

Now, is there any danger that this may disturb the operations of the Treasury or affect the use and acceptability of any paper described in this bill? If there is no such danger, I am then led to inquire why thirty years have elapsed and more during which such a bill has never been passed. I repeat, I will vote for the bill; but I desire to say that I am not quite sure of the wisdom of legislating in respect to paper which depends for its value upon the ability of the Treasury to redeem it upon presentation.

Mr. STEWART. Mr. President——

Mr. HALE. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Maine will state his point of order.

Mr. HALE. Has the deficiency appropriation bill been taken up by the Senate?

The VICE-PRESIDENT. It has.

Mr. HALE. Then I call for the regular order.

The VICE-PRESIDENT. The Senate has been considering the present bill by unanimous consent.

Mr. GEORGE. I hope the Senator from Maine will not inter-

pose. We are very nearly through with the bill. It is a very important measure. I have the consent of the chairman of the committee for its consideration.

Mr. HALE. The bill will open the whole volume of discussion on the great question of finance. I have no doubt that the Senator from Nevada, who is on the floor at the present moment seeking recognition of the Chair, has an amendment involving the free coinage of silver.

Mr. STEWART. There is no doubt about it.

Mr. GEORGE. I hope the Senator from Nevada will not present such an amendment.

Mr. HALE. I guessed right.

Mr. STEWART. The Senator was correct.

Mr. HALE. Therefore, when the Senator from Mississippi, with that in view, says that this bill can be disposed of in ten or fifteen minutes, or ten or fifteen hours, or ten or fifteen days, he is stating an absurdity; and I insist that the Senate shall go on with the regular order, which is the deficiency appropriation bill. I hope the Senator from Missouri will not be led into yielding for the consideration of such little bills that involve free silver and everything else.

Mr. STEWART. Will the Senator from Maine yield until my amendment can be offered?

The VICE-PRESIDENT. The amendment of the Senator from Nevada will be stated.

Mr. STEWART. Let the amendment be read.

Mr. GEORGE. I hope the Senator from Nevada will not introduce that amendment. It will not amount to anything. Let us get through with the bill.

Mr. STEWART. It is in order, is it not?

The VICE-PRESIDENT. The Senator from Nevada asks that his amendment may be read for information.

Mr. HALE. Let it be printed.

Mr. STEWART. It consists of only two short sections.

Mr. COCKRELL. Let it be read.

Mr. HALE. Read it, then.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Add at the end of the bill the following additional sections:

SEC. 3. That the silver coins of the United States shall be composed of standard silver. That of the silver coins the dollar shall be of the weight of 412½ grains; the half-dollar of the weight of 206¼ grains; the quarter-dollar of the weight of 103¼ grains; and the dime, or tenth part of a dollar, of the weight of 41½ grains. And that dollars, half-dollars, quarter-dollars, and dimes shall be legal tenders of payment, according to their nominal value, for any sum whatever.

SEC. 4. That silver bullion brought to any mint of the United States for coinage shall be received and coined by the proper officers for the benefit of the depositor: *Provided*, That it shall be lawful to refuse, at the mint, any deposit of less value than $100 and any bullion so base as to be unsuitable for the operations of the mint.

Mr. STEWART. I will state that that is the act of 1837.

The VICE-PRESIDENT. The pending question is on the amendment of the Senator from Massachusetts.

Mr. COCKRELL. I did not object when the Senator from Mississippi asked unanimous consent for the consideration of the bill, because I was assured, and he doubtless fully believed it, that the bill would be passed inside of twenty minutes.

Mr. GEORGE. It could have been passed in one minute.

Mr. COCKRELL. It was upon that assurance that I did not make an objection, but I am compelled now to ask for the consideration of the regular order, the deficiency appropriation bill.

The VICE-PRESIDENT. There is objection to the further consideration of the bill.

Mr. TURPIE. I move to take up the bill notwithstanding the objection.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana.

Mr. TURPIE. On that I ask for the yeas and nays.

Mr. COCKRELL. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. PEFFER. What is the motion?

The VICE-PRESIDENT. The Chair will state that the pending question is on the motion of the Senator from Indiana to proceed with the consideration of the bill which has been before the Senate.

Mr. COCKRELL. It is a motion to displace the deficiency appropriation bill.

Mr. GEORGE. I think the bill can be passed in five minutes.

Mr. FAULKNER. I do not understand that it displaces the appropriation bill. It is not yet 2 o'clock.

Mr. HOAR. The appropriation bill was taken up by a vote of the Senate.

Mr. HALE. It has already been taken up.

Mr. COCKRELL. The appropriation bill is pending before the Senate, having been taken up on my motion. As a matter of course, if the motion of the Senator from Indiana prevails it displaces the appropriation bill. That is all there is about it.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the motion of the Senator from Indiana [Mr. TURPIE].

The Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. MITCHELL of Oregon. I am paired with the senior Senator from Wisconsin [Mr. VILAS].

Mr. PATTON (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. WASHBURN (when his name was called). I am paired with the Senator from Missouri [Mr. VEST], but I am at liberty to vote on this question. I vote "nay."

The roll call was concluded.

Mr. CAMDEN. I wish to announce my pair with the senior Senator from South Dakota [Mr. PETTIGREW].

The result was announced—yeas 17, nays 33; as follows:

YEAS—17.

Allen,	Coke,	Mitchell, Wis.	Walsh,
Bate,	George,	Peffer,	White.
Berry,	Hansbrough,	Pugh,	
Blackburn,	Jarvis,	Roach,	
Blanchard,	Kyle,	Turpie,	

NAYS—33.

Aldrich,	Dolph,	Hunton,	Platt,
Allison,	Faulkner,	Lodge,	Power,
Brice,	Frye,	McMillan,	Sherman,
Caffery,	Gallinger,	Manderson,	Stewart.
Carey.	Gray,	Martin,	Teller,
Chandler,	Hale,	Mills,	Washburn.
Cockrell,	Hawley,	Palmer,	
Cullom,	Hill,	Pasco,	
Davis,	Hoar,	Perkins,	

NOT VOTING—35.

Butler,	Gorman,	Mitchell, Oregon	Shoup,
Call,	Harris,	Morgan,	Smith,
Camden,	Higgins,	Morrill,	Squire,
Cameron,	Irby,	Murphy,	Vest,
Daniel,	Jones, Ark.	Patton,	Vilas,
Dixon,	Jones, Nev.	Pettigrew,	Voorhees,
Dubois,	Lindsay,	Proctor,	Wilson,
Gibson,	McLaurin,	Quay,	Wolcott.
Gordon,	McPherson,	Ransom,	

So the motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAYERS, Mr. O'NEIL of Massachusetts, and Mr. COGSWELL, managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2650) providing for the public printing and binding and the distribution of public documents; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon and had appointed Mr. RICHARDSON of Tennessee, Mr. MCKAIG, and Mr. BRODERICK, managers at the conference on the part of the House.

DEFICIENCY APPROPRIATION BILL.

The VICE-PRESIDENT. The deficiency appropriation bill will be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes; which had been reported from the Committee on Appropriations with amendments.

Mr. COCKRELL. I hope there will be no further requests for the consideration of bills. We will finish this bill in a very short time. I ask that the amendments of the Committee on Appropriations may be acted upon as they are reached in the reading of the bill.

The VICE-PRESIDENT. Without objection, that course will be pursued.

Mr. CHANDLER. I have been upon the floor for sometime desiring to ask for the consideration of the resolution that I submitted, and which was under consideration yesterday, proposing an investigation of the Dominion Coal Company. In view of the admonitions of the Senator from Maine and the Senator from Missouri, I shall not make that request now, but I give notice that after the deficiency appropriation bill is disposed of I

shall press the consideration of that resolution. I now ask that the amendment of the Senator from Texas [Mr. MILLS] offered to the resolution may be perfected and printed, if I can have the attention of the Senator from Texas.

Mr. COCKRELL. That can be done when the resolution is called up.

The VICE-PRESIDENT. If there be no objection, it will be so ordered. The reading of the bill will be proceeded with.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, line 5, after the word "incurred," to strike out "$12,000," and insert:

Ten thousand six hundred and forty-three dollars and twenty-two cents each, $31,929.66.

So as to make the clause read:

Intercontinental Railway Commission: To pay the salaries of the three United States commissioners of the Intercontinental Railway Commission in full for all services heretofore rendered or that may hereafter be rendered, and to reimburse them for expenses incurred or to be incurred, $10,643.22 each, $31,929.66.

The amendment was agreed to.

The next amendment was, on page 3, after line 5, to insert:

Bering Sea Arbitration: To enable the Secretary of State to pay E. J. Phelps and James C. Carter for their services as counsel before the Bering Sea Tribunal of Arbitration the sum of $15,000 each, $30,000.

The amendment was agreed to.

The next amendment was, on page 3, line 16, before the word "cents," to strike out "eight hundred and fifty-three dollars and ninety-six" and insert "nine hundred and fifty-six dollars and ninety-eight;" so as to make the clause read:

Salaries, chargés d'affaires ad interim: To pay amounts found due by the accounting officers on account of salaries, chargés d'affaires ad interim, for the fiscal year 1893, $8,956.98.

The amendment was agreed to.

The next amendment was, on page 4, line 2, before the word "cents," to strike out "two hundred and forty-nine dollars and nine" and insert "seven hundred and sixty-four dollars and eighty-five," and in line 4, before the word "cents," to strike out "twenty-four thousand six hundred and sixty-six dollars and thirty-eight" and insert "twenty-five thousand one hundred and eighty-two dollars and fourteen;" so as to make the clause read:

To pay amounts found due by the accounting officers on account of contingent expenses foreign missions, being a deficiency for the fiscal year 1893, $24,764.85; in all, $25,182.14.

The amendment was agreed to.

The next amendment was, on page 4, after line 5, to insert:

For contingent expenses United States consulates, $40,000.

The amendment was agreed to.

The next amendment was, on page 4, line 13, before the word "cents," to strike out "forty-six thousand four hundred and thirty-seven dollars and four" and insert "forty-seven thousand three hundred and eighty-three dollars and eighty-eight;" so as to make the clause read:

To pay amounts found due by the accounting officers on account of contingent expenses, United States consulates, for the fiscal year 1893, $47,383.88.

The amendment was agreed to.

The next amendment was, on page 4, after line 17, to insert:

That the accounting officers of the Treasury are hereby authorized and directed to settle the accounts of Emory H. Taunt, late United States commercial agent at Boma, in the Lower Congo Basin, for salary and expenses, by crediting him with the following sums, namely, $3,996 for the fiscal year 1890 and $4,800 for the fiscal year 1891, being the sums advanced to said Emory H. Taunt on account of said fiscal years, respectively, and for which no vouchers for the portion of the same used for his expenses can be obtained by reason of his death and the loss of his papers.

The amendment was agreed to.

The next amendment was, on page 5, after line 10, to insert:

To pay amounts found due by the accounting officers of the Treasury for books, $18.

The amendment was agreed to.

The next amendment was, on page 5, after line 18, to insert:

For horses and wagons: To pay amounts found due by the accounting officers of the Treasury for services rendered from July to November, 1892, fiscal year 1893, $83.17.

The amendment was agreed to.

The next amendment was, on page 5, after line 23, to insert:

To pay amounts found due by the accounting officers of the Treasury Department for advertising, fiscal year 1893, $2.87.

The amendment was agreed to.

The next amendment was, on page 6, line 23, after the word "hundred," to insert "and two;" so as to make the clause read:

Lands and other property of the United States: For care, custody, and protection of lands and other property of the United States, $102.

The amendment was agreed to.

The next amendment was, on page 7, after line 15, to insert:

To pay the North American Commercial Company the sum of $459, and Messrs. S. Foster & Co. the sum of $15.55; in all $474.55, for transportation and clothing furnished nine men belonging to the crew of the wrecked bark James Allen, rescued by the Bear June 12, 1894.

The amendment was agreed to.

The next amendment was, on page 8, after line 7, to insert:

Payment to Donald Macmaster: To pay Donald Macmaster, attorney at law, Montreal, Canada, for services and expenses incurred in defending Deputy Collector of Customs E. H. Twohey and Special Agent C. J. Smith, arrested and tried in that city for alleged conspiracy, $1,532.98.

The amendment was agreed to.

The next amendment was, on page 8, after line 22, to insert:

Payment to J. G. McCoy: To reimburse Chinese inspector J. G. McCoy amount paid for counsel to represent the interests of the United States in the case of Charles Bodman, $30.

The amendment was agreed to.

The next amendment was, on page 9, after line 2, to insert:

Customs officers: That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to all officers of the customs whose terms of office have expired, or shall expire, before the appointment and qualification of their successors, and who have been performing, or shall perform, the duties of their respective offices after the date of such expiration, the salaries, compensation, fees, or emoluments authorized or provided by law, in each case, for the respective incumbents of the offices: *Provided*, That no such payment shall be made for any services rendered by any such officer wrongfully holding after the appointment and qualification of his successor.

The amendment was agreed to.

The next amendment was, on page 9, after line 23, to insert:

REVENUE-CUTTER SERVICE.

To pay the Alaska Commercial Company for coal furnished United States revenue steamer Corwin in July, 1892, being for the service of the fiscal year 1892, $375.

The amendment was agreed to.

The next amendment was, on page 10, after line 22, to insert.

To pay amounts set forth in Senate executive document No. 148 of this session, for expenses of buoyage, fiscal years 1889, 1892, and 1893, $948.80.

The amendment was agreed to.

The next amendment was, on page 11, after line 3, to insert:

Supplies of light-houses: To pay the Chicago, Rock Island and Pacific Railway Company for transportation furnished in January and March, 1893, being for the service of the fiscal year 1893, $1,585.62.

The amendment was agreed to.

The next amendment was, on page 12, after line 10, to insert:

San Luis Obispo light-station, California: To pay the Western Union Telegraph Company for telegrams sent for the officers of the Light-House Establishment, fiscal year 1890, 47 cents.

The amendment was agreed to.

The next amendment was, at the top of page 13 to insert:

Payment to Thomas G. Hayes: To enable the Secretary of the Treasury to pay to Thomas G. Hayes, late United States attorney for the district of Maryland, $600, the amount approved by the Attorney-General for legal services rendered, under direction of the Attorney-General, in defending the Government's title to the site of Hawkins Point light-house, Maryland.

The amendment was agreed to.

The next amendment was, on page 13, after line 18, to insert:

For appraisers' stores at Chicago, Ill.: For liquidation of outstanding contract liabilities, $189.78.

The amendment was agreed to.

The next amendment was, on page 14, after line 2, to insert:

For court-house and post-office at Helena, Ark.: For approaches and completion of building, $10,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 6, to insert:

Mint at Philadelphia: For incidental and contingent expenses, $16,969.37.

The amendment was agreed to.

The next amendment was, on page 16, after line 20, to insert:

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, $5,503.85.

The amendment was agreed to.

The next amendment was, on page 17, after line 6, to insert:

For contingent expenses, Territory of Oklahoma, to be expended by the governor, $2,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 19, to insert:

For repairs to the Holt mansion to make the same suitable for occupancy, and for office furniture, including the items set forth hereunder in House Executive Document No. 103 of this session, $426.57.

The amendment was agreed to.

The next amendment was, on page 18, after line 24, to insert:

To reimburse the Smithsonian fund for assuming the expenses of labor and materials for repairs urgently necessary for the preservation of the Holt mansion, including the items set forth hereunder in House Executive Document No. 103 of this session, $499.45.

The amendment was agreed to.

The next amendment was, on page 20, line 11, after the word "commerce," to strike out "including expenses in the employment of counsel," and in line 13, after the word "to," to strike out "execute and enforce;" so as to make the clause read:

That the unexpended balances of the appropriations for the Interstate Commerce Commission for 1892 and 1893 are hereby reappropriated and made available for expenditure during the fiscal years 1894 and 1895, to enable the

Commission to properly carry out the objects of the "Act to regulate commerce," to give effect to the provisions of said act and all acts and amendments supplementary thereto.

The amendment was agreed to.

The next amendment was, on page 29, after line 3, to insert:

State and Territorial homes: For continuing aid to State and Territorial homes for the support of disabled volunteer soldiers, in conformity with the act of August 27, 1888, $50,000.

The amendment was agreed to.

The next amendment was, at the top of page 32 to insert:

To pay amounts found due by the accounting officers on account of transportation of officers traveling under orders under the appropriation "Pay, miscellaneous," being for the service of the fiscal year 1893, $1,008.76.

The amendment was agreed to.

The next amendment was, on page 32, after line 5, to insert:

To pay amounts found due by the accounting officers on account of transportation of officers traveling under orders under the appropriation "Pay, miscellaneous," being for the service of the fiscal year 1892, $685.12.

The amendment was agreed to.

The next amendment was, at the top of page 34 to insert:

To pay amounts found due by the accounting officers on account of freight, under the appropriation "Contingent, Marine Corps," being for the service of the fiscal year 1894, $278.04.

The amendment was agreed to.

The next amendment was, on page 34, after line 5, to insert:

To pay amounts found due by the accounting officers on account of freight and traveling expenses under the appropriation "Contingent, Marine Corps," being for the service of the fiscal year 1893, $92.11.

The amendment was agreed to.

The next amendment was, on page 34, after line 10, to insert:

To pay amounts found due by the accounting officers on account of traveling expenses under the appropriation "Contingent, Marine Corps," being for the service of the fiscal year 1892, $17.50.

The amendment was agreed to.

The next amendment was, on page 35, after line 17, to insert:

To pay amounts found due by the accounting officers on account of freight under the appropriation, "Contingent, Bureau of Ordnance," being for the service of the fiscal year 1893, $82.29.

The amendment was agreed to.

The next amendment was, on page 36, line 3, before the word "cents," to strike out "$70.50," and insert "$91.25;" so as to make the clause read:

To pay amounts found due by the accounting officers on account of medicines and medical attendance, under the appropriation "Medical Department, Bureau of Medicine and Surgery," being for the service of the fiscal year 1893, $91.25.

The amendment was agreed to.

The next amendment was, on page 36, after line 9, to insert:

To pay amounts found due by the accounting officers on account of freight and traveling expenses under the appropriation "Contingent, Bureau of Medicine and Surgery," being for the service of the fiscal year 1893, $346.18.

The amendment was agreed to.

The next amendment was, on page 37, line 2, before the word "cents," to strike out "six hundred and fifty-five dollars and forty-two" and insert "two thousand two hundred and forty-two dollars and thirty-four;" so as to make the clause read:

Contingent: To pay amounts found due by the accounting officers on account of freight, under the appropriation "Contingent, Bureau of Supplies and Accounts" (except for service over Pacific railroads), being for the service of the fiscal year 1893, $2,242.34.

The amendment was agreed to.

The next amendment was, on page 38, after line 5, to insert:

Payment on account of the Amphitrite: To pay to the Harlan and Hollingsworth Company, of Wilmington, Del., for work done and materials furnished in connection with the rebuilding of the double-turreted monitor Amphitrite, $4,891.73.

The amendment was agreed to.

The next amendment was, on page 38, after line 11, to insert:

Payment to Theodore D. Wilson: For payment to Naval Constructor Theodore D. Wilson, United States Navy, for services as acting chief constructor, $1,018.63, being the difference in his pay as a naval constructor and that of chief constructor from March 4 to December 14, 1885, inclusive.

The amendment was agreed to.

The next amendment was, on page 38, after line 18, to insert:

Accounts of T. T. Caswell: The accounting officers of the Treasury are hereby authorized and directed to pass the following vouchers under the respective appropriations from which paid by Pay-Inspector T. T. Caswell, United States Navy, Navy Pay Office, Washington, D. C., namely: Charles P. Calvert, $190, appropriation "Naval War College and Torpedo School, 1892," paid October 26, 1892; C. P. Calvert, $65, appropriation "Naval War College and Torpedo School, 1893," paid November 14, 1892, and F. R. Hanna, $40.50, appropriation "Pay, miscellaneous, 1893," paid February 9, 1893.

The amendment was agreed to.

The next amendment was, on page 39, after line 7, to insert:

Remission of penalties on the Bennington: That the Secretary of the Navy is hereby authorized and required to remit to N. F. Palmer, jr., & Co., of New York City, the time penalties exacted by the Navy Department under the contracts with said company for the construction of gunboat numbered 3, known as the Concord, and gunboat numbered 4, known as the Bennington, the United States having suffered no damage by the delay in the construction of the said gunboats, and the sum of $8,000 is hereby appropriated for the purpose.

Mr. PLATT. I move to amend the amendment by inserting before the word "Bennington," on page 39, in line 8, the words "Concord and;" so as to read:

Remission of penalties on the Concord and Bennington.

Mr. COCKRELL. That is right.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 40, after line 5, to insert:

For rent of stables, for use of the Interior Department, for part of fiscal year ending June 30, 1894, $540.

The amendment was agreed to.

The next amendment was, on page 40, line 16, after the word "repairs," to strike out "$11,000" and insert "$10,882.74;" so as to make clause read:

Lighting the Capitol and grounds: For lighting the Capitol and grounds about the same, including the Botanic Garden, and the Senate and House stables; for gas and electric lighting; for use of electric-lighting plants in Senate and House wings at not exceeding $200 per month during the sessions of Congress; pay of superintendent of meters, lamplighters, gasfitters, and for materials and labor for gas and electric lighting, and for general repairs, $10,882.74.

The amendment was agreed to.

The next amendment was, on page 41, after line 11, to insert:

To reimburse B. F. Allen, special agent of the Land Office, for services and expenses incurred as such agent from August 26 to September 23, 1893, inclusive, under direction of the United States district attorney of the southern district of California, $160.50.

The amendment was agreed to.

The next amendment was, on page 41, after line 17, to insert:

GEOLOGICAL SURVEY.

To pay amounts found due by the accounting officers of the Treasury for pasturing public animals in June, 1893, being for the service of the fiscal year 1893, $77.

The amendment was agreed to.

The next amendment was, on page 43, after line 20, to insert:

Instead of the Digest of the Eleventh Census, provided in "An act to provide for the publication of the Eleventh Census," approved February 23, 1893, there shall be prepared and printed from existing plates, so far as practicable, and not to exceed 300 octavo pages, a second edition of the Abstract of the Eleventh Census, as provided in "An act to provide for further deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes," approved April 21, 1894. The number of copies and distribution of such abstract shall be as provided for the Digest of the Eleventh Census.

The amendment was agreed to.

The next amendment was, on page 44, after line 24, to insert:

For stationery, fiscal year 1894, $67.27.

The amendment was agreed to.

The next amendment was, on page 45, after line 11, to insert:

For miscellaneous expenditures as set forth in Senate Executive Document No. 155, of this session, as follows:

For 1894, $484.16.
For 1893, $39.47.
For 1892 and prior years, $31.67.
For transportation, 1894, $382.13.
For purchase of books for department library, $855.55.
For reimbursement of Cecil Clay for actual expenses incurred under the direction of the Attorney-General in the matter of the sale of certain land near Fort Mifflin, Pa., under act January 6, 1893, $17.20.

The amendment was agreed to.

The next amendment was, on page 46, line 21, after the word "out," to strike out "of the appropriation for maintenance and keeping prisoners" and insert "any money in the Treasury not otherwise appropriated;" and in line 25, after the word "territorial," to strike out "prisons" and insert "penitentiary;" so as to make the clause read:

Territory of Arizona: That the Attorney-General shall pay out of any money in the Treasury not otherwise appropriated, such sums as may be found equitably due upon examination, to the Territory of Alaska for maintenance of Indian convicts in Territorial penitentiary.

Mr. COCKRELL. I move to strike out the entire clause. The committee proposed to amend it, but after reporting the amendment we find it is better to put the whole clause in conference. Therefore I ask that the amendment which has been stated be disagreed to, and that the whole clause be stricken out.

The PRESIDING OFFICER (Mr. WHITE in the chair). The question will first be on the amendment to the clause which has been read.

The amendment was rejected.

Mr. COCKRELL. Now I move to strike out the entire clause.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 50, line 6, after the word "settlement," to insert:

And to pay John F. Stone, an assistant to the United States attorney for said Territory, for services and expenses in making investigation of the claim of said W. C. Jones to ascertain what portion thereof was properly payable by the United States, the sum of $46.60.

So as to make the clause read:

Deputy marshals in Oklahoma: The Attorney-General is hereby authorized to pay the claims of certain deputy marshals named in House Execu-

tive Document No. 107 of this session, amounting to $1,542, for services at the opening of the Iowa and the Sac and Fox Indian agencies in Oklahoma and the claims of W. C. Jones, late United States marshal for the district of Kansas, amounting to $830, and of Edward P. Kelly and Jesse J. Graham, amounting to $642 each, for services and expenses in preparing for and in the opening of Oklahoma Territory to settlement, and to pay John F. Stone, an assistant to the United States attorney for said Territory, for services and expenses in making investigation of the claim of said W. C. Jones to ascertain what portion thereof was properly payable by the United States, the sum of $46.60, from the unexpended balance of the appropriation of $20,000, made by the deficiency act of July 28, 1892, for "deputy marshals in Oklahoma."

The amendment was agreed to.

The next amendment was, on page 50, after line 19, to insert:

For expenses of the judge of the United States court in the Indian Territory, $500.

The amendment was agreed to.

The next amendment was, on page 50, line 23, after the word "marshals," to strike out "for fees and expenses of marshals, United States courts, $50,000," and insert:

For defraying expenses incurred by marshals in executing orders, warrants, and processes of United States courts for the protection of property in the hands of receivers of such courts, and for the arrest and detention until trial of persons arrested for violating such orders, and resisting the execution of such warrants and processes, to be audited and allowed by the Attorney-General, $125,000.

The amendment was agreed to.

The next amendment was, on page 53, line 7, before the word "cents," to strike out "two hundred and five dollars and fifty-two," and insert "three hundred and eighty-four dollars and twelve;" so as to make the clause read:

For 1893, $20,384.12.

The amendment was agreed to.

The next amendment was, on page 53, line 19, before the word "cents," to strike out "sixty dollars and sixty," and insert "ninety-two dollars and thirty-five;" so as to make the clause read:

For 1893, $16,492.35.

The amendment was agreed to.

The next amendment was, on page 53, line 22, before the word "cents," to strike out "forty-eight dollars and sixty" and insert "three hundred and forty-three dollars and ten;" so as to make the clause read:

For 1891, $343.10.

The amendment was agreed to.

The next amendment was, on page 53, line 24, before the word "cents," to strike out "ninety-five dollars and ten" and insert "three hundred and seventy dollars and forty;" so as to make the clause read:

For 1890, $370.40.

The amendment was agreed to.

The next amendment was, on page 54, line 2, before the word "cents," to strike out "two hundred and nineteen dollars and forty-five," and insert "eight hundred and seventy-four dollars and forty;" so as to make the clause read:

For 1889, $874.40.

The amendment was agreed to.

The next amendment was, on page 54, after line 2, to insert:

For 1888, $645.60.

The amendment was agreed to.

The next amendment was, on page 54, after line 4, to insert:

For 1887, $235.80.

The amendment was agreed to.

The next amendment was, on page 54, after line 6, to insert:

For 1886, $253.35.

The amendment was agreed to.

The next amendment was, on page 54, after line 8, to insert:

For 1885, $44.70.

The amendment was agreed to.

The next amendment was, on page 54, after line 17, to insert:

For 1894, $65,000.

The amendment was agreed to.

The next amendment was, on page 54, line 22, before the word "dollars," to strike out "thirty-five thousand one hundred and twenty-eight" and insert "forty thousand eight hundred and thirty-four;" so as to make the clase read:

For 1893, $140,834.37.

The amendment was agreed to.

The next amendment was, on page 54, after line 23, to insert:

For 1892, $43.

The amendment was agreed to.

The next amendment was, on page 55, line 7, before the word "cents," to strike out "seventy-five dollars and sixty" and insert "one hundred and fifty-nine dollars and seventy-nine;" so as to make the clause read:

For 1889, $159.79.

The amendment was agreed to.

The next amendment was, on page 56, line 2, before the word "thousand," to strike out "fifteen" and insert "twenty;" so as to make the clause read:

For 1894, $20,000.

The amendment was agreed to.

The next amendment was, on page 56, line 7, before the word "dollars," to strike out "ninety-nine" and insert "one hundred and fourteen;" so as to make the clause read:

For 1888, $114.50.

The amendment was agreed to.

The next amendment was, on page 56, line 8, before the word "dollars," to strike out "fifteen" and insert "sixty;" so as to make the clause read:

For 1887, $60.

The amendment was agreed to.

The next amendment was, on page 56, line 18, before the word "thousand," to strike out "ten," and insert "twenty;" so as to make the clause read:

For 1894, $20,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 12, to insert:

To pay the amounts reported in House Executive Document No. 184 of the present session, for pay of special assistant attorneys, $2,082.

Mr. COCKRELL. I ask that the amendment may be disagreed to, as that amount has been paid.

The amendment was rejected.

The next amendment was, on page 57, after line 16, to insert:

For payment to Edwin Walker, special assistant United States attorney, for services in the suit of Ephraim Sells and another against the province of New South Wales, in the superior court of Cook County, Ill., November, 1893, $500.

Mr. COCKRELL. I offer the amendment which I send to the desk, to come in immediately after the amendment which has just been adopted.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the amendment just adopted it is proposed to insert:

For payment to Patrick H. Winston for legal services rendered the United States in 1893, as reported in House Executive Document No. 92, Fifty-third Congress, second session, $600.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 58, after line 21, to insert:

To pay amounts set forth in Senate Executive Documents Nos. 148 and 165, of the present session, for inland mail transportation by railroad routes, exclusive of Pacific railroads, being a deficiency for the fiscal year 1893, $42,756.61.

The amendment was agreed to.

The next amendment was, on page 59, after line 8, to insert:

To pay amounts set forth in Senate Executive Document No. 148, of the present session, for mail depredations and post-office inspectors, being deficiencies, as follows:
For 1893, $8.
For 1892, $2,500.

The amendment was agreed to.

The next amendment was, on page 59, after line 22, to insert:

To pay amounts set forth in Senate Executive Document No. 148, of the present session, for advertising, being deficiencies, as follows:
For 1893, $140.75.
For 1892, $432.90.
For advertising, fiscal year 1894, $5,000.

The amendment was agreed to.

The next amendment was, on page 60, after line 6, to insert:

Rent, fuel, and light: For rent, fuel, and lights for first-class post-offices, fiscal year, 1893, $2,149.66.

The amendment was agreed to.

The next amendment was, on page 60, after line 15, to insert:

To pay amounts set forth in Senate Executive Document No. 148, of the present session, for mail messenger service, being a deficiency for the fiscal year 1893, $311.40.

The amendment was agreed to.

The next amendment was, on page 61, after line 6, to insert:

Railway post-office clerks: To pay amounts set forth in Senate Executive Documents Nos. 148 and 165, of the present session, for railway post-office clerks, being a deficiency for the fiscal year 1893, $482.61.

The amendment was agreed to.

The next amendment was, on page 61, line 17, after the word "three," to insert "and Senate Executive Document No. 165, of the present session;" so as to make the clause read:

Compensation of postmasters: For amounts to reimburse the postal revenues, being the amount retained by postmasters in excess of the appropriations, including the amounts set forth in House Executive Document No. 103 and Senate Executive Document No. 165, of the present session, for the fiscal years as follows:

The amendment was agreed to.

The next amendment was, on page 61, line 20, after the word

"and," to strike out "$35,792.87" and insert "$36,027.77;" so as to make the clause read:

For 1893, $36,027.77.

The amendment was agreed to.

The next amendment was, on page 61, after line 25, to insert:

Compensation of postmasters: To pay amounts set forth in Senate Executive Document No. 148, of the present session, for compensation of postmasters, being deficiencies as follows:
For 1893, $9,018.53.
For 1892, $2,293.44.

The amendment was agreed to.

The next amendment was, on page 62, after line 7, to insert:

To reimburse H. A. W. Tabor, late postmaster at Leadville, Colo., for expenditures incurred by him for rent, light, fuel, and for clerk hire from April 1, 1878, to February 4, 1879, $3,860.94.

The amendment was agreed to.

The next amendment was, on page 62, after line 13, to insert:

To reimburse William M. Keightley, late postmaster at Durango, Colo., for clerk hire paid by him from January 4, 1881, to March 31, 1882, $1,350.

The amendment was agreed to.

The next amendment was, on page 62, after line 18, to insert:

To reimburse the legal representatives of Royal M. Hubbard, late postmaster at Longmont, Colo., for rent of office paid by him from April 1, 1881, to June 30, 1883, $600.

The amendment was agreed to.

The next amendment was, on page 62, after line 23, to insert:

DEPARTMENT OF LABOR.

For contingent expenses, namely: For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, telephone service, expressage, storage for documents, not to exceed $500; repairs of cases and furniture, fuel and lights, soap, brushes, brooms, mats, oils, and other absolutely necessary expenses, $141.66.

The amendment was agreed to.

The next amendment was, on page 63, after line 16, to insert:

SENATE.

For expenses of maintaining and equipping horses and mail wagons for carrying the mails, fiscal year 1893, $579.50.

The amendment was agreed to.

The next amendment was, on page 63, after line 21, to insert:

For purchase of furniture, fiscal year 1893, $161.25.

The amendment was agreed to.

The next amendment was, on page 63, after line 24, to insert:

To pay P. Hanson Hiss Manufacturing Company for carpeting, decorating, and furnishings in rooms 63 and 65, Maltby Building, $220.31.

The amendment was agreed to.

The next amendment was, on page 64, after line 3, to insert:

For materials for furniture and repairs of same, exclusive of labor, fiscal year 1893, $21.02.

The amendment was agreed to.

The next amendment was, on page 64, after line 6, to insert:

For fuel, oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, fiscal year 1893, $41.45.

The amendment was agreed to.

The next amendment was, on page 64, after line 10, to insert:

For packing boxes, $55.44.

Mr. PEFFER. I should like to have an explanation from the Senator in charge of the bill as to the amendment which has just been read in relation to packing boxes. What are they for?

Mr. COCKRELL. Senators are allowed one or two boxes a year to be used by them in sending away bulbs and plants from the Botanical Gardens, or for other such purposes.

Mr. PEFFER. Then, Mr. President, I move to strike the amendment out.

Mr. COCKRELL. The question is on agreeing to the amendment.

The PRESIDING OFFICER. The Chair will state to the Senator that the item referred to is an amendment reported by the committee, and the object of the Senator can be attained by voting down the amendment.

Mr. COCKRELL. This is to pay for a deficiency in the appropriation for packing boxes, which have already been furnished, and the Senator has had his share of them.

Mr. PEFFER. I was mistaken as to the rule of order, but I think I recognize that the furnishing of packing boxes for Senators is not a proper item of charge against the people of the United States. If I understand it correctly, they are mere private conveniences for the personal comfort of Senators, not provided for in the law, except specially from year to year in appropriation bills; and I think such an item ought not to be incorporated in an appropriation bill.

Mr. COCKRELL. Does the Senator want to cut off the packing boxes, or does he want to deprive the persons who furnished the material of their pay for what Senators have already had? This appropriation is for the past year, and the expense has already been incurred.

Mr. PEFFER. It does not matter. Senators are able to pay for their packing boxes, and I think it is an improper item either for the past or for the future.

Mr. COCKRELL. I did not understand what the Senator said, but it is a strange way of reforming to begin to repudiate an honest debt, simply because the debt ought not to have been contracted in advance. I hope the amendment will be agreed to.

The VICE-PRESIDENT. The question is on the amendment which has been read.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 64, after line 11, to insert:

For the rent of warehouse for the storage of public documents formerly in the Maltby Building, from June 17 to 30, 1894, $73.50.

The amendment was agreed to.

The next amendment was, on page 64, after line 15, to insert:

For services rendered and expenses incurred in protecting the building and property of the Senate of the United States from April 25 to May 10, 1894, $169.

The amendment was agreed to.

The next amendment was, on page 64, after line 19, to insert:

For miscellaneous items, exclusive of labor, $11,000.

The amendment was agreed to.

The next amendment was, on page 64, after line 21, to insert:

To reimburse Official Reporter of the Senate for moneys paid by him during the first and second sessions of the Fifty-third Congress for clerical hire and extra clerical expenses, $7,750.

The amendment was agreed to.

The next amendment was, at the top of page 65, to insert:

To pay to Florence S. Vance, widow of the Hon. Zebulon B. Vance, deceased, late a Senator from the State of North Carolina, $5,000.

Mr. COCKRELL. That amendment may be disagreed to as a similar amendment was inserted in the sundry civil appropriation bill, and has already passed the Senate.

The amendment was rejected.

The next amendment was, on page 65, after line 3, to insert:

To pay W. F. Wright, for services rendered as messenger of the Senate from September 1 to September 27, 1893, inclusive, $108.60.

The amendment was agreed to.

Mr. GORMAN. I offer the amendment which I send to the desk, to come in after line 7, on page 65.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 65, after line 7, it is proposed to insert:

To pay Watson Boyle for services rendered and expenses incurred in furnishing copy and superintending the publication and editing volumes of memorial addresses on deceased Senators, $600.

The amendment was agreed to.

Mr. COCKRELL. I offer, at the instance of the chairman of the Committee on Finance, the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the amendment just adopted, on page 67, it is proposed to insert:

To pay Benjamin Durfee for extra services for preparing, under the direction of the Committee on Finance, four editions of the Coinage Laws and Statistics Relating Thereto, $2,500.

The amendment was agreed to.

Mr. HALE. I ask the Senator in charge of the bill to be allowed to go back to page 52, as I was necessarily called from the Chamber for a few moments, in order that I may offer an amendment. It is to perfect a committee amendment which was inserted in the legislative, etc., appropriation bill.

Mr. COCKRELL. I have no objection to that.

The PRESIDING OFFICER. If there be no objection, the amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 52, after line 17, it is proposed to insert:

And clerks of the United States courts may act as United States commissioners without receiving additional compensation for their services from the United States.

Mr. HALE. That is to settle all question about the amendment I have referred to.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 65, line 12, before the word "dollars," to strike out "three thousand five hundred" and insert "eleven thousand two hundred and fifty;" so as to make the clause read:

For miscellaneous items and expenses of special and select committees, $11,250.

The amendment was agreed to.

The next amendment was, on page 68, after line 20, to insert:

To reimburse T. O. Towles, Chief Clerk of the House of Representatives, for cab hire and other expenses incurred in the service of the House, $200.

The amendment was agreed to.

The next amendment was, on page 69, after line 9, to insert:

To pay James M. Hall, for services in the document room, $40.

The amendment was agreed to.

The next amendment was, on page 69, after line 11, to insert:

To reimburse Spencer Greene for expenses incurred from January 1, 1893, to September 30, 1893, for assistant laborer in caring for building rented for use of the folding room, House of Representatives, $135.

The amendment was agreed to.

The next amendment was, on page 74, line 25, after the word "cents," to insert:

And the Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart by the said Indians for the prosecution of their claim as is necessary for him to discharge the expenses justly payable on account of said prosecution.

So as to make the clause read:

The "Old Settlers" or Western Cherokee Indians, by Joel M. Bryan, William Wilson, and William H. Hendricks, commissioners, and Joel M. Bryan, treasurer, etc., $800,386.31; and the Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart by the said Indians for the prosecution of their claim as is necessary for him to discharge the expenses justly payable on account of said prosecution.

The amendment was agreed to.

The next amendment was, in the appropriations to pay judgments of the Court of Claims, on page 78, after line 18, to insert:

To John F. Appleton, $412.94; to Anthony Baines, $53.81; to Sidney D. Baker, $51.39; to Frank Barnett, $162.80; to Frank J. Beattie, $48.46; to William H. Berjew, $51.29; to John J. Bettinger, $53.81; to Benjamin Bolton, $63.44; to Cornelius V. Bowles, $350.36; to Fred. A. Brockmeier, $53.81; to William H. Brown, $28.86; to Edward Burkhart, $87.06; to Edward J. Burns, $633.32; to Henry J. Butler, $51.92; to Jacob C. Campbell, $53.81; to Frank P. Carniaux, $271.75; to Thomas F. Clarke, $59.80; to Alexander M. Cochran, $168.37; to Benjamin Cohen, $53.81; to Thomas W. Collins, $227.42; to Thomas A. Colwell, $250.10; to James J. Conklin, $163.09; to William Coombs, $511.37; to James Cosgrove, $23.03; to Abraham L. Cox, $36.35; to Charles Crawford, No. 1, $53.81; to Charles Crawford, No. 2, $87.39; to James Crosby, $53.81; to Andrew N. Crow, $78.36; to Silas D. Davis, $189.38; to William Deale, $299.73; to Charles H. De La Montaigne, $262.48; to Charles Dever, $48.46; to Solomon Devries, $189.86; to William J. Donovan, $53.81; to Maurice Downing, $511.37; to John R. Dunne, $337.40; to George E. L. Eginton, administrator of Henry Z. Eginton, deceased, $56.12; to Daniel E. Farmer, $149.24; to Abram F. Ferdon, $278.81; to William J. Finn, $111.53; to John E. Fitzpatrick, $970.68; to Dennis J. Flanagan, $38.28; to Michael Flanagan, $53.81; to Eugene Fliedner, $53.81; to Michael J. Gaffney, $52.87; to Louis Gates, $400.67; to John W. Goodwin, $53.81; to William H. Gordan, $935.19; to James F. Graham, $481.76; to John L. Graham, $262.88; to Charles F. Hague, $53.81; to John Hanley, $65.47; to Arthur W. Hanna, $992.05; to Michael J. Harney $25.33; to Oswald R. Hartwig, $300.76; to Frederick Hatfield, $87.81; to Gustav P. Helfrich, $30.05; to A. H. Hendrickson, $141.93; to Theodore C. Hennings, $53.81; to Martin L. Henry, $672.06; to James E. Hernon, $273.70; to William F. Hickey, $134.48; to Leslie Horan, $241.70; to William C. Hull, $510.69; to Aaron Jacobs, $200.59; to Bernard J. Kane, $67.15; to Constant Katz, $35.87; to Timothy Keefe, $63.44; to Robert N. Kiernan, $53.81; to Theodore F. Klentzin, $110.21; to William H. Koehler, $97; to George C. Koerber, $511.37; to Vincent Kozaak, $482.03; to George S. Lamarche, $604.25; to Henry J. Lautemann, $53.81; to William M. Lawlor, $752.39; to Herman Lewin, $392.57; to Richard H. Lewis, $298.96; to James Lynn, $56.46; to James E. Locktuin, $53.81; to John F. Loonie, $800.91; to John W. McCort, $53.81; to Thomas J. McDermott, $53.81; to Thomas E. McEneaney, $824.52; to Patrick J. McMahon, $63.44; to Daniel J. McNamara, $325.83; to William Marx, $511.37; to George S. Maison, $180.25; to Peter H. Mauborgne, $810.70; to Peter Mauch, $421.53; to Oscar J. Mendel, $127.81; to Thomas J. Merchant, $24.20; to Frank B. Merritt, $110.16; to Prospect H. Mignard, $393.97; to Charles E. Miller, $140.76; to John Miller, $272.75; to James H. Montgomery, $53.81; to Hugh Morris, $511.37; to David Mullan, $53.81; to William W. Munroe, $636.37; to John J. Murphy, No. 1, $551.22; to Thomas J. Newman, $299.49; to John F. O'Brien, $412.93; to William G. Osmond, $53.81; to Benjamin W. Pitcher, $400.67; to Walter Pitt, $511.37; to George Price, $511.37; to Jeremiah F. Quill, $336.19; to John Quinn, $342.47; to Wesley J. Randolph, $193.37; to Owen J. Reilly, $443.45; to Frederick H. Reynolds, $829.28; to Louis Reynolds, $997.92; to Jacob Rosenthal, $195.15; to Robert E. Sasserath, $235.82; to Christian Schilling, $53.81; to August Schulz, $442.53; to Benjamin F. Seckerson, $153.69; to Charles H. Sedgwick, $232.32; to Owen Seery, $752.39; to Julius Simmons, $35.56; to Henry Spalding, $119.34; to Leopold Stern, $53.81; to John H. Stark, $200.32; to Frank Start, $210.76; to Edwin P. Sutton, $511.37; to John F. Tancil, $46.41; to William F. Taylor, $142.93; to Edward H. Thieling, $58.46; to Charles R. Tice, $723.05; to Thomas W. Vought, $53.81; to Thomas J. Walker, $186.65; to Stephen D. Walsh, $226.33; to Edward Wellenkamp, $53.81; to George W. Whitney, $1,003.22; to William J. Willett, $159.80; to John Wobbe, $43.29; to Adolph J. Xylander, $54.58; to John T. Abrams, $600.83; to George W. Ackerly, $237.72; to William H. Ackerman, $48.07; to Frank T. Allen, $262.15; to Frederick W. Althisar, $51.77; to Frederick W. Althisar, $86.98; to John D. Anderson, $206.55; to Robert H. Arents, $79.91; to Robert H. Arents, $137.49; to Charles H. Ashton, $393.11; to James M. Ball, $142.61; to Edwin F. Barker, $60.42; to George J. Barrett, $261.29; to Thomas Barrett, $86.12; to William S. Baulsir, $408.01; to Fannie H. Beck and William Jackson, administrators of George E. Beck, deceased, $237.59; to Henry V. Becker, $622.32; to Andrew Beckwith, $454.23; to Thomas P. Bergin, $343.06; to George A. Blackmer, $76.90; to Catharine A. Blatchford, administratrix of Thomas A. Blatchford, deceased, $181.61; to Charles Boyle, $132.64; to Charles Boyle, $64.32; to Henry A. Boyle, $84.33; to John T. Brady, $96.60; to Dulton L. Breed, $210.77; to William H. Brice, $33.94; to Jacob Brock, $68.25; to Patrick F. Broden, $703.63; to William W. Brodie, $34.12; to John Brosnan, $425.04; to Charles F. Brower, $72,34; to Thomas Brown, $193.21; to Erastus E. Bryant, $413.19; to Hannah M. Burtis, administratrix of Benjamin G. Burtis, deceased, $76.90; to Thomas B. Butler, $76.90; to Frederick Byrd, $314.32; to Bernard J. Byrne, $76; to William P. Byrne, $306.25; to Cyrus W. Cabbie, $364.89; to John L. Cain, $76.90; to Frederick K. Calnan, $121.54; to Frederick K. Calnan, $254.23; to John L. Callanan, $32.99; to Joseph J. Campbell, $500.56; to Thomas Campbell, $54.93; to Edward J. Cantwell, $91.83; to John F. Carey, $162.24; to Peter Cleary, $111.89; to Richard J. Coad, $76.90; to James Coll, $193.21; to Michael Collins, $506.75; to John F. Connelly, $23.33; to John F. Connolly, $93.14; to John W. Cooke, $547.27; to John F. Corcoran, $27.84; to John F. Corcoran, $217.08; to Reuben L. Cornell, $307.79; to Jeremiah Costello, $297.74; to Edward J. Cross, $316.14; to Samuel R. Cross, $163.78; to Edwin M. Crysler, $531.57; to William J. Davidson, $230.61; to William J. Davidson, $8.65; to Susan Davis, administratrix of Solomon G. Davis, deceased, $319.29; to James F. Dempsey, $171.66; to Nicholas T. Devlin, $521.80; to Christopher J. Donohue, $44.64; to Joseph I. Donahue, $506.75; to Dennis Donlan, $32.99; to Mesach F. Dorsey, $131.77; to Joseph Dowd, $142.69; to Joseph H. Downing, $54.93; to John J. Duffy, $233.04; to William W. Dunbar, $545.15; to Thomas J. Easop, $84.98; to Thomas J. Easop, $125.43; to James J. Eggo, $60.08; to James J. Eggo, $61.87; to Charles F. Embleton, $84.48; to George A. Fales, $41.86; to William A. Ferris, $57.33; to Richard S. Fischer, $44.19; to Thomas Flanagan, $95.49; to James Fletcher, jr., $41.86; to John F. Fletcher, $54.93; to William K. Fletcher, $552.42; to John S. Folk, $31.40; to Karl R. Forsberg, $30.13; to Edward Fowler, $163.77; to Edgar I. Francis, $54.93; to John Freelan, $43.94; to William H. Galloway, $126.33; to John S. Gaynor, $293.81; to Charles J. Graham, $506.75; to James H. Graham, $191.63; to James H. Graham, $167.89; to Harry B. Gray, $540.00; to William H. O. Green, $104.49; to Delbert Greene, $615.60; to William A. Greisch, $190.90; to William A. Greisch, $115.73; to Charles H. Hahn, $260.16; to William H. Hall, $507.27; to Emery J. Hampton, $613.88; to Thomas J. Hanan, $490.76; to George E. Handy, $525.61; to Joseph A. Haven, $414.41; to Joseph H. Heath, 155.18; to H. A. Hendrickson, $304.31; to Thomas D. Henry, $311.05; to William J. Heydinger, $513.80; to Henry L. Hilbert, $45.42; to Robert Hill, $341.01; to William F. Hill, $210.76; to Joseph A. Hirsch, $507.27; to James S. Hodnett, $20.93; to Alfred S. Hooper, $432.49; to John S. Hovell, $242.05; to Johnson C. Hull, $147.12; to Frederick A. Hunt, $202.14; to George W. Hutcheck, $664.69; to Manuel A. Ireland, $143.57; to John E. Irvine, $42.31; to Ralph Jacobs, $254.54; to William H. Jennings, $73.47; to Frank Johnson, $386.44; to Martin Kaufman, $407.36; to Robert M. Keleher, $218.70; to Charles Keller, $75.07; to Charles Keller, $46.19; to August G. Kellerman, $297.74; to John Kelly, $200.37; to Thomas A. Kelly, $76.90; to John W. King, $294.96; to Robert F. King, $371.15; to Matthew Kinn, $302.66; to Francis J. Knapp, $69.09; to Francis J. Knapp, $103.78; to John H. Kollock, jr., $211.07; to Frank F. Krey, $187.03; to Joseph Lahancka, $56.38; to Alonzo Lake, $477.15; to Joseph T. Lakeman, $54.93; to William R. Lame, $664.69; to Henry B. Lamy, $661.60; to John Lane, $309.70; to Daniel Lang, $270.04; to Charles J. Latour, $188.96; to Charles J. Latour, $141.79; to Alexander B. Lawrence, $380.31; to John Leask, $54.93; to John J. Leddy, $525.53; to Harry C. Lee, $76.90; to August Lehnert, $552.42; to James Lockwood, $507.09; to Frank P. Loder, $638.32; to Thomas P. Lougking, $54.93; o William H. Lynch $507.41; to Hiram S. Lyon, $43.26; to Hiram S. Lyon, $27.64; to E. W. McFadden, $329.03; to William F. McIntyre, $54.93; to Joseph McKenna, $214.36; to J. H. McLaughlin, $352.88; to James A. McLeer, $76.90; to Joseph H. McMullan, $16.72; to James E. J. McNally, $32.99; to James T. McNally, $50.55; to J. H. McPhilliamy, $19.45; to William A. Mackenzie, $290.80; to Dermott M. Madden, $111.92; to John J. Maher, $251.77; to John J. Maher, $55.80; to Frank M. Manson, $543.79; to Charles Marks, $362.48; to John Marston, $96.82; to Edward P. Martin, $222.65; to George W. Matthews, $94.74; to John J. Meehan, $431.91; to Percy P. Middleton, $481.35; to Edward J. Milde, $46.18; to Christian H. Moller, $554.82; to Francis A. Morris, $264.61; to William F. Morris, $126.09; to William J. Morrison, $176.81; to David J. Mott, $526.80; to Theodore F. Munn, $552.42; to Patrick J. Murphey, $54.93; to Bernard Murrin, $73.47; to Frederick W. Nash, $54.93; to Sylvester J. Nash, $147.68; to William Nathan, $530.10; to George W. Naylor, $506.75; to Joseph F. Newman, $421.53; to John J. Nolan, $96.30; to John J. Nolan, $242.05; to Hasseli Nutt, $294.58; to Charles A. O'Brien, $149.75; to Patrick F. O'Brien, $462.37; to John D. O'Connell, $54.93; to William O'Donnell, $276.57; to John O'Grady, $498.52; to John O'Keefe, $367.16; to Frank L. Ohle, $394.63; to William J. Palmer, $396.92; to Thomas W. Peck, $64.93; to George W. Pettey, $288.26; to George P. Phelps, $76.90; to John M. Powers, $552.42; to Ralph E. Price, $218.76; to James Pringle, $367.73; to Robert H. Quayle, $216.73; to Patrick H. Quinn, $392.25; to Thomas J. Quinn, $239.74; to Peter F. Ralph, $32.99; to William D. Reiber, $434.65; to Thomas F. Reil, $117.48; to Francis H. Reilly, $307.97; to Francis H. Reilly, $49.44; to Francis H. Reilly, as substitute, $26.61; to Thomas Reilly, $344.60; to Thomas E. Reilly, $288.11; to Albert Rigall, $278.78; to Joseph H. Rode, $37.64; to Frederick A. Rose, $42.31; to Thomas C. Rothwell, $229.14; to John H. Rugen, $786.74; to Michael J. Rutledge, $267.39; to Joseph A. Ryan, $54.93; to Lewis D. Ryno, $72.34; to Francis E. Savage, $300.92; to William Schermerhorn, $387.80; to Peter W. Schneider, $552.42; to William J. Scott, $104.37; to Henry W. Selmer, $180.18; to William H. Shaw, $389.89; to John W. Sheppard, jr., $44.65; to James Shields, $310.07; to Abraham L. Skelton, $137.33; to Samuel F. Skelton, $56.65; to Samuel F. Skelton, $483.41; to George H. Slater, $274.65; to William W. Slocum, $187.67; to George W. Smith, $628.72; to John M. Smith, $664.69; to Samuel E. Smith, $198.13; to Samuel E. Smith, $80.32; to Thomas C. Smith, $305.56; to Augustus F. Soer, $287.30; to George W. Sparrow, $564.65; to Arthur W. Spooner, $341.18; to Nora J. Spooner, administratrix of Edward Spooner, deceased, $103; to George C. Stadtler, $72.34; to George Stanton, $540.06; to John C. Steinmann, $241.78; to William Stevens, $218.87; to Harry Stout, $54.93; to August T. Struller, $44.19; to Peter J. Sullivan, $552.68; to William A. Swinson, $291.38; to Edward Thomas, $72.34; to Wiley C. Thomas, $54.93; to William E. Thomas, $63.17; to Charles A. Thompson, $44.19; to Charles L. Tiemann, $568.88; to Henry Toelke, $46.84; to Albert E. Triquet, $138.38; to Ernest H. Trumpler, $526.80; to John C. Tully, $410.96; to Thomas S. Turner, $54.93; to Paul D. Vail, $54.93; to James R. Valentine, $198.96; to James R. Valentine, $76.39; to Abraham Van Alst, $791.89; to Albert Van Wynen, $175.21; to William H. Wall, $54.93; to Walter J. Walsh, $54.93; to John E. Walworth, $137.33; to John E. Walworth, $56.99; to John E. Walworth, $125.82; to Thomas H. Ward, $42.31; to Holly D. Waterbury, $413.28; to Louis A. Webber, $190.19; to William G. Wehr, $490.99; to James S. Weir, $523.35; to Charles H. Wetherel, jr., $42.31; to John J. Whelan, $54.93; to John S. Whistance, $179.90; to Augustus White, $282.73; to Frederick F. White, $159.43; to Adam P. Wick, $547.27; to George E. Wildey, $477.34; to Harry A. Wille, $235.63; to Howard Wilson, $162.81; to Thomas F. Wilson, $498.80; to Charles R. Young, $306.82; to George J. Young, $313.97; to Henry C. Young, $54.93; to Louis F. Zehner, $416.63; to Alexander Zundt, $42.31; to Charles S. Bagley, $33.49; to George W. Bessant, $129.60; to John Concannon, $125.83; to Edward E. Earl, $55.02; to John A. MacDonald, $52.55; to Peter J. Murray, $170.81; to Edwin A. Odell, $306.12; to Charles Patterson, $170; to Gustavus Pierrez, $311.28; to John J. Quinn, $55.39; to John J. Ryan, $77.56; to Sylvester A. Ryan, $39.86; to Leonhard Schroeder, $98.60; to Leonhard Schroeder, administrator of George C. Schroeder, deceased, $95.98; to Patrick A. Sullivan, $93.87; to George H. Von Dreele, $125.93; to John V. Williams, $142.96; to John W. Carkhuff, $206.87; to Theresa Connolly, administratrix of William Connolly, deceased, $247.87; to Franklin N. Lockman, $55.06; to William Mann, $338.68; to Cornelius B. Mettler, $388.68; to Thomas Reilly, $338.68; to James M. Ryan, $338.68; to Frederick J. Schmidt, $198.22; to Susan S. Sill, administratrix of Charles H. Sill, deceased, $324.39; to Charles H. Westendorf, $338.68; to Joseph Ackroyd, $642.90; to William C. Anderson, $352.46; to George H. Armstrong, $556.84; to Charles Asmus, $268.79; to Louis M. Augustine, $675.02; to Isaac Bonsall, $539.91; to Oscar M. Bradbury, $654.91; to Michael Bradley, $63.17; to Robert Cassidy, $382.31; to John Chase, $440.33; to Frank Clinger, $391.68; to Edward F. Connor, $266.16; to Nicholas B. Coogan, $639.91; to John W. Curran, $609.68; to Joseph H. Curtis, $120; to William Dale, $669.33; to Edwin C. Davis, $446.67; to William J. Donnelly, $515.56; to James J. Drew, $351.21; to William B. Dugan, $402.17; to Levi S. Erney, $350.65; to Joseph B. Evans, $612.85; to John Feaster, $437.39; to William E. Fetters, jr., $321.86; to George P. Fitzpatrick, $428.20; to Joseph Gifford, $428.65; to James L. Gihon, jr., $589,95; to Edward F. Gorman, $460.21; to John J. Griffin, $379.70; to John Hasson, $689.76; to Harvey P. Hinkel, $391.49; to Henry Holl, $641.59; to Godfrey Kraus, $109

to Edward M. Lane, $572.52; to Henry F. Lilly, $678.94; to Edward Little, $123.77; to William F. Madden, $403.27; to Louis J. Martin, $309.41; to James A. McGowan, $355; to Harding J. Morrel, $330.46; to Frank A. Mutter, $322.18; to Michael Naugton, $415.52; to John D. Orr, $418.40; to Christopher C. Purcell, $325.27; to Richard F. Quinn, $607.82; to Charles H. Higby, $526.18; to Alfred E. Rumske, $412.91; to James A. Shay, $396.22; to William Slavin, $303.13; to Frank E. Trout, $624.83; to William J. Turner, $664.52; to Charles A. Urian, $443.21; to Charles G. Wilfong, $548.06; to Milton L. Williams, $367.14; to Charles C. Young, $291.62; o John Barry, $671.13; to James P. Bracken, $676.36; to Hugh B. Carberry, $345.69; to Maurice P. Carroll, $604.45; to John E. Connolly, $285.48; to Edward J. Daily, $77.35; to Thomas A. Dames, $77.35; to Dennis J. Driscoll, $412.76; to Benedict J. Federal, $77.35; to Michael F. Fitzgerald, $593.94; to James W. Ford, $77.35; to James C. Glacken, $77.35; to Harry P. Hinkle, $200.50; to H. P. M. Horn, $67.88; to Arthur H. Jordan, $688.04; to James V. Loughran, $702.82; to A. A. McHugh, jr., $604.63; to Thomas McKeever, $96.13; to Daniel E. McMonagle, $594.73; to Edmund B. Maxwell, $325.59; to C. H. Morley, $357.05; to John J. Nathans, $77.35; to Francis X. Ryan, $6.76; to Samuel B. Trout, $686.83; to Carson J. Tully, $392.36; to Leonard W. Atwood, $62.29; to William T. Bradley, $62.29; to Arthur M. Cooke, $144.27; to George W. Dawley, $138.12; to Joseph J. Edwards, administrator of George E. Edwards, $66.21; to E. W. Halstead, $177.15; to William J. Hudgins, $216.85; to James T. Marshall, $202.63; to Max Morris, $178.64; to William H. Mosley, $126.27; to William G. Pettis, $145.46; to John R. Ross, $166.79; to Walter Ruddick, $119.62; to Cornelius F. Rudolph, $173.50; to William R. Russell, $122.94; to Samuel B. Seymour, $39.50; to R. Pollard Walker, $137.98; to Maurice D. Cannon, $170.21; to Joseph F. Bihl, $13.08; to Peter Boyle, $32.49; to Andrew M. Clemons, $32.52; to O. Edward Collins, $32.54; to Thomas F. Daly, $32.52; to George A. Daugherty, $34.85; to Henry C. Dwight, $34.85; to John Gallaher, $34.85; to Edward Halpin, $24.60; to Frank E. Healey, $27.24; to Stephen J. Hughes, $31.34; to Timothy Kelley, $34.83; to Edward B. Laugel, $34.80; to Valentine H. Lohner, $34.80; to Charles McBrien, $29.36; to Peter J. Mattimore, $34.83; to Charles R. Mayne, $24.60; to Otto E. Meissner, $32.54; to Margaret Memminger, administratrix of Adolph Memminger, deceased, $34.85; to William H. Schoonmaker, $34.17; to Spencer Stewart, $27.90; to William R. Taft, $24.60; to Cleveland B. Taylor, $19.71; to John H. Tripp, $34.85; to William M. Wagner, $6.82; to Frank P. Weiss, $25.51; to Emory P. Willey, $37.11. to John B. Willoh, $32.52; to Louis A. Berg, $250.63; to Thomas J. Brown, $250.63; to William Collister, $206.65; to Charles Colstad, $250.63. to M. A. Concannon, $182.22; to Martin S. Cunningham, $220.08; to Daniel Curran, $258.26; to Harry A. Duncan, $250.63; to George H. Foster, $250.63; to Luke Gaffey, $164.91; to Thomas Galbraith, $250.63; to David D. Geary, $250.63; to Edwin F. Gibbs, $358.09; to John J. Hanrahan, $250.63; to Thomas M. Heaney, $250.63; to William H. Hogan, $250.63; to Charles Holther, $227.58; to Peter B. Klein, $250.63; to Theodore Kramer, $197.07; to John Kuelzow, $250.63; to August Leeseberg, $250.63; to Michael H. Lyons, $334.06; to Frank McGirr, $51.56; to John F. McGrew, $322.04; to Albert C. Melhorn, $250.63; to Henry C. Moran, $250.63; to Edward O'Connell, $226.94; to Peter J. O'Connor, $131.50; to Thomas O'Neill, $334.06; to Matthew Rankin, $468.09; to Robert R. Sampson, $250.63; to William Schaefer, $250.63; to Valentine Steele, $250.63; to Henry Sumner, $250.63; to Maurice D. Sweig, $322.04; to Walter Tallman, $250.63; to W. H. Thompson, $221.52; to Maurice J. Wallace, $183.53; to William Weber, $215.41; to William H. Wiley, $22.72; to William H. Wilson, $250.63; to Rudolph R. Albrecht, $58.37; to Michael Baldwin, $210.81; to Henry C. Barlow, $281.19; to Henry P. Barnum, $97.16; to George Bartlett, $204.04; to Melvin R. Beard, $165.16; to Michael J. Bellamy, $118.16; to Charles Boland, $243.92; to George W. Bormann, $279.13; to Henry D. Buechel, $250.63; to James Burke, $250.63; to Terrence Cairns, $239.62; to Stephen Carmody, $250.63; to James Carney, $18.77; to James F. Caulfield, $231.46; to Abram C. Christian, $131.15; to William T. Clayton, $108.53; to Charles A. Closson, $236.38; to Hartwig Goetz, $346.08; to La Fayette Collins, $250.63; to George W. Cook, $281,19; to John H. Coughlan, $250.63; to John T. Croke, $236.17; to Nils J. Crona, $246.86; to William F. Culloton, $258.97; to Bryan F. Daly, $268.49; to Edward Devereaux, $246.88; to Harry F. DeWolf, $117.14; to Charles E. Doyle, $250.63; to Henry Ebert, jr., $182.15; to Joseph B. Field, $250.63; to August C. Fischer, $268.49; to Edward C. Fluegge, $61.05; to Oliver P. Ford, $265.83; to Charles H. Foley, $250.63; to Frank Foley, $180.45; to James Foley, $250.63; to Thomas J. Foley, $250.63; to Thomas J. Furlong, $236.17; to John D. Gallivan, $196.05; to Albert E. Garnett, $338.08; to John J. Gavigan, $250.63; to Patrick J. Gerrity, $185.07; to Frank F. Gilbert, $322.04; to Conrad Grau, $268.83; to John Hale, $118.50; to Wesley A. Hammond, $250.63; to Herman Harms, $153.29; to Frank E. Hartney, $241.96; to Richard A. Haussner, $118.16; to Joseph L. Hazen, $250.63; to Edwin C. Hearn, $160.50; to Thomas Hennegan, $250.63; to Berent J. Hermanson, $311.80; to John Heron, $104.98; to Henry Hildebrecht, $250.63; to Justin B. Hodge, $202.23; to James M. Hopper, $268.83; to John B. Hubbard, $250.63; to John Jacobson, $250.63; to James D. Jenson, $250.63; to Abraham D. Jones, $250.63; to Joseph Kaiser, $59.81; to Francis Kearney, $267.82; to John Kearney, $118.16; to Thomas F. Kierman, $155.74; to Conrad Klein, $298.35; to Nicholas C. Knerr, $170.19; to Herman Koschmieder, $250.63; to William Krelle, $268.49; to Gustave A. Kuehn, $185.40; to Louis N. Kurt, $346.08; to Alexius Lampe, $237.52; to August E. Larsen, $57.75; to John F. Lavin, $219.59; to John J. Lee, $215.43; to James Lynch, $250.63; to Timothy M. Lynch, $364.59; to Francis J. McDonnell, $239.79; to James H. McGee, $216.21; to Peter McGlinn, $314.12; to Stephen McGrath, $322.04; to John B. Manning, $250.63; to Thomas J. Maroney, $214,56; to Robert A. Matthews, $124.89; to George C. Miller, $250.63; to John O. Mingo, $207.95; to John H. Mitchell, $118.81; to Richard J. Moran, $217.32; to John E. Mullin, $70.33; to Herman A. Naper, $224.19; to Frances J. Nelligan, $250.63; to Nick L. Neudorf, $186.80; to Peter E. Neuses, jr., $118.16; to James E. Nolan, $250.63; to James F. Nolan, $236.17; to Frank J. O'Brien, $118.16; to Peter O'Brien, $254.09; to Patrick O'Kane, $218.15; to Charles A. Olander, $250.63; to William G. Peters, $304.65; to Conrad A. Peterson, $250.63; to Joseph B. Petrie, $173,38; to Peter J. Pinter, $214.44; to James V. A. Proudfoot, $357.72; to Herman F. Putz, $204.60; to James B. Raymond, $250.63; to Thomas Reath, $217.33; to Thomas Roney, $250.63; to Joseph J. Ryan, $250.63; to Thomas J. Ryan, $235.86; to Michael J. Scanlan, $118.16; to Charles Schlieckert, $250.63; to Charles Schoenthaler, $250.63; to Philip Schmitt, $263.12; to Herman Schumann, $572.34; to Moritz Sohweim, $246.17; to August Seefurth, $250.63; to Joseph J. Simmons, $250.63; to Albert Stockman, $31.14; to Charles H. Swift, $250.63; to Fred. Tabeling, $224.26; to Charles L. Tantow, $182.22; to Jeremiah Tierney, $174.22; to Swan Turrell, $250.63; to Ernst Von Danden, $250.63; to John T. Wallace, $177.91; to Philip J. Walsh, $223.51; to Edward Ward, $25.16; to Swan A. Warn, $188.36; to John M. William, $214.58; to John G. Witt, $118.16; to Charles Woodward, $198.41; to Theodore Zech, $268.49; to James H. Burbige, $216.16; to Thomas J. Fitzsimmons, $334.79; to Frank Gerwe, $121.69; to Charles A. Hallam, $199.81; to William F. Hengelbrok, $484.27; to J. Frederick Knarr, $502.53; to Frank X. Roll, $420.57; to John J. Stretch, $378.98; to Fred Blandin, $111.67; to Charles W. Bull, $36; to George H. Covert, $740; to Gust Felgenhauer, $130.25; to Elias W. Fisher, $306.65; to Frank Friauf, $349.95; to James W. Greeley, $748.73; to Wancy Haman, $612.16; to Max W. Heck, $209.80; to Jens Johnson, $601.13; to Lucius R. Lewis, $740; to James W. Mason, $231.57; to Nicholas Murray, $568.97; to Louis P. Nelson, $79.61; to John T. Price, $105; to Charles J. Skow, $105.40; to James F. Smollen, $659.99; to William Weinecke, $748.73; to Daniel Shea, $4,087; interest on this judgment from January 7, 1891, to May 26, 1894, $552.70; to Annie M. La Tourrette, executrix of James A. M. La Tourrette, deceased, $333.75; interest on this judgment from December 27, 1893, to March 9, 1894, $2.63; to James M. Patterson and Jonathan N. Wise, executors of Alpha Wright, deceased, $450; to Robert S. Shields, $1,719.50; to Gilbert H. Ferris, $30); to Alexander B. Cooper, $383.20; to Miles B. McMahan, $126.50; to Florida Central and Peninsular Railroad Company, $2,114.71; to Frank J. Holt, executor of Parley C. Holt, deceased, $369.20: *Provided*, That this judgment shall not be paid until the Government shall be reimbursed for the amount wrongfully paid the widow of said Holt by the Post-Office Department November 5, 1885, on account of the claim covered by said judgment; to Elbert Wallace, $345; to N. M. E. Slaughter, $254.25; to Hyleman A. Lockwood, $77.50; to Ashland T. Patrick, $63.10; to Thomas W. Campbell, $36.45; to James W. Parker, $6,964.77; to Benjamin Z. Herndon, $36.90; to Abner Hazeltine, $774.95; to H. H. King, $135; to William H. Faucett, $164.45; to Benjamin R. Grymes, William Jackson, and Robert Jackson, $180; to Morris Wickersham, $90; to Charles C. Godwin, $512.60; to William W. Gilbert, $64.05; to William Zabriskie, $62.05; to Edward W. Turner, $256; to Archibald B. Calvert, $1,793.65; to McLain Jones, $372.90; to Charles H. Gorham, $146.05; to J. A. Thorn, $259.55; to Elbert Wallace, $111.50: to Charles C. Waters, $315; to Frank M. Hunter, $382.60; to William M. Van Dyke, $900; to the Boston Ice Company, $2,300; to John T. Green, $510.75; to William P. Dryden $153.47; to Thomas W. Hotchkiss, $3,054.50; to P. W. Magruder, executor of Henry C. Allen, deceased, $248.80; to William M. Van Dyke, $1,106.55; to John A. Sigler, $5.70; to Henry K. White, administrator of Samuel Thompson, deceased, $165.53; to William Nelson, $1,127.60; to George W. Ackerly, $41.43; to Patrick F. Doherty, $378.23; to Charles H. Hahn, $116.57; to John W. Hunter, $55.62; to Robert M. Kelleher, $24.13; to Percy P. Middleton $56.65; to Charles W. Morton, $434.66; to John F. Pool, $54.93; to Daniel J. Reardon, $396.32; to John Sharkey, $190.58; to Solomon Styler, 240.37; to William E. Thomas, $339.73; to David L. Van Houten, $345.56; to Frederick H. Webber, $311.74; to James H. Woodward, $44.29; to Thomas C. McMahon, $231.06; to Morris Kirkpatrick, $82.

Mr. COCKRELL. Some of the names in the list of these judgments of the Court of Claims have been misprinted. In line 17, on page 82, the name "Gordan" should be "Gordon;" on page 93, line 24, the name "Connelly" should be "Connolly;" on page 95, in line 11, the name "Mesach" should be "Meshach:" so as to read "Meshach F. Dorsey;" on page 104, line 19, the name "Murphey" should be "Murphy;" on page 111, line 12, the name "Vail" should be "Vaill;" on page 118, line 13, "Harvey P. Hinkle" should be "Harry P. Hinkle;" on page 124, line 8, the name "Daugherty" should be "Dougherty;" on page 124, line 24, in the name "Valentine H. Lohner" the "H" should be stricken out; on page 130, line 23, the name "Coetz" should be "Goetz;" on page 134, line 9, the name "Jenson" should be "Jensen;" in line 18, on page 134, the name "Kierman" should be "Kiernan;" on page 136, line 21, the name "Frances" should be "Francis;" so as to read "Francis J. Nelligan;" and on page 137, line 21, in the name "Peter J. Pinter" the "J" should be stricken out and the letter "G" inserted.

The PRESIDING OFFICER. The amendment will be modified as indicated, if there be no objection. The Chair hears none. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 147, line 12, before the words "in all," to insert:

To Southern Pacific Company, $1,809,539.70.

And in line 15, before the word "cents," to strike out "one million thirty-eight thousand six hundred and ninety-eight dollars and twelve" and insert "three million eighty-three thousand seven hundred and eighty-five dollars and eighty-five;" so as to make the clause read:

To Southern Pacific Company, $1,809,539.70; in all, $3,083,785.85. *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Mr. WHITE. I desire to ask the Senator from Missouri a question in reference to this item. For the information of the Senate I ask on what account the appropriation is proposed to be made?

Mr. COCKRELL. It is to pay a judgment of the Court of Claims rendered in favor of the Southern Pacific Company, and it does not include anything that is in controversy between the Government and the company.

Mr. WHITE. I ask the Senator whether all judgments of the Court of Claims which have become final are included in the bill? Is it the design of the Senate Committee on Appropriations to pay all judgments against the United States rendered by the Court of Claims?

Mr. COCKRELL. All final judgments except those in relation to the bonded railroads.

Mr. WHITE. I have personally had some doubt as to whether this appropriation ought to be made, because of the unsettled condition of the Government's claims, not only against the railroads, but against the persons who own the stock in those roads. The matter being unadjusted, the question arises whether it would not be better to permit the matter to remain unsettled until the Government claims can be fully adjusted as between all those parties and the Government. I suppose, however, that the committee have investigated the matter very fully.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 148, line 1, after the word "forty-two" to insert "and Senate Executive Document No. 149," and in line 5, before the word "cents," to strike out "forty-seven thousand one hundred and thirty dollars and fifty-two" and insert "forty-nine thousand and sixty dollars and eighteen;" so as to make the clause read:

JUDGMENTS, UNITED STATES COURTS.

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General in House Executive Documents Nos. 59 and 242, and Senate Executive Document No. 149, and which have not been appealed, $49,060.18, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made.

Mr. COCKRELL. I move to amend the amendment by striking out the word "Document" and inserting "Documents," and after the number 149, to insert "and 169," so that it will read, "and Senate Executive Documents Nos. 149 and 169."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 148, line 14, after the word "Executive," to strike out "Document" and insert "Documents;" in line 15, after the word "seven," to strike out "of this session;" in the same line, after the word "two," to insert "numbered 82 and 128, and Senate Miscellaneous Document numbered — of the present session;" and in line 19, before the word "thousand," to strike out "one hundred" and insert "two hundred and fifty;" so as to make the clause read:

JUDGMENTS IN INDIAN DEPREDATION CLAIMS.

For payment of judgments of the Court of Claims in Indian depredation cases in the order in which they are certified to Congress in Senate Executive Documents No. 7, parts 1 and 2, Nos. 82 and 128 and Senate Miscellaneous Document No. —, of the present session, $250,000, etc.

Mr. COCKRELL. I move to amend the amendment by inserting in the blank the number 249.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 150, after line 11, to insert:

Fox and Wisconsin River improvement: To pay the judgments and awards rendered against the United States for flowage damages caused by the improvement of the Fox and Wisconsin Rivers, Wisconsin, under the act of March 3, 1875, as reported to Congress by the Attorney-General and set forth in Senate Executive Document No. 90, of the present session, $6,260.64.

The amendment was agreed to.

The next amendment was, on page 158, after line 9, to insert:

For barracks and quarters, $4,332.53.

The amendment was agreed to.

The next amendment was, on page 159, line 9, after the word "service," to strike out "except the claim of the Security Insurance Company, for $4,000, ten," and insert "fourteen;" so as to make the clause read:

For horses and other property lost in the military service, $14,052.11.

The amendment was agreed to.

The next amendment was, on page 162, after line 10, to insert as a new section:

SEC. 3. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1892, and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Executive Document No. 152, Fifty-third Congress, second session, there is appropriated as follows:

CLAIMS ALLOWED BY THE FIRST COMPTROLLER.

STATE DEPARTMENT.

Foreign intercourse: For salaries, consular service, $298.18.
For pay of consular officers for services to American vessels and seamen, $109.50.

TREASURY DEPARTMENT.

Internal revenue: For salaries and expenses of agents and subordinate officers of internal revenue, $52.75.
For refunding taxes illegally collected, $233.67.
Independent Treasury: For contingent expenses Independent Treasury, $5.14.
Under Smithsonian Institution: For preservation of collections, National Museum, $26.67.
Miscellaneous: For suppressing counterfeiting and other crimes, $5.
For fuel, lights, and water for public buildings, $9.50
For furniture and repairs of same for public buildings, 75 cents.
For salaries, governor, etc., Territory of Washington, $195.62.
For salaries of district marshals, $250.

WAR DEPARTMENT.

For lighting, etc., Executive Mansion, etc., $24.75

INTERIOR DEPARTMENT.

For stationery, Department of the Interior, $12.
For investigation of pension cases, Pension Office, $10.02.
Public land service: For Geological Survey (except for service over Pacific railroads), $547.12.
For surveying the public lands, $2,233.34.
For contingent expenses of land offices, $1.20.
For reimbursement to receivers of public moneys for excess of deposits, $553.

DEPARTMENT OF AGRICULTURE.

For vegetable pathological investigations and experiments (except for service over Pacific railroads), $33.85.

DEPARTMENT OF JUSTICE.

For fees of commissioners, United States courts, $1,242.70.
For rent and incidental expenses, Territory of Alaska, $107.50.
For rent of court rooms, United States courts, $350.
For fees of district attorneys, United States courts, $2,035.
For pay of special assistant attorneys, United States courts, $15,000.
For fees of clerks, United States courts, $37.20.
For fees of supervisors of elections, $3,365.
For excess of deposits, $120.00.
For fees and expenses of marshals, United States courts, $713.76.
For fees of witnesses, United States courts, $197.70.
For support of prisoners, United States courts, $1,617.20.
For pay of bailiffs, etc., United States courts, $100.
For miscellaneous expenses, United States courts, $345.53.

CLAIMS ALLOWED BY THE FIRST AUDITOR AND COMMISSIONER OF CUSTOMS.

For repayment to importers excess of deposits, customs, $137.81.
For expenses of Revenue Cutter Service, $147.98.
For Life Saving Service, $28.09.
For collecting the revenue from customs, $53.
For repairs and incidental expenses of light-houses, $10.24.

WAR DEPARTMENT CLAIMS CERTIFIED BY THE SECOND AUDITOR AND SECOND COMPTROLLER.

For pay, etc., of the Army (except for service over Pacific railroads), $9,317.94.
For contingencies of the Army, $62.89.
For medical and hospital department, $12.25.
For publication of official records, war of the rebellion, $3.22.

INDIAN CLAIMS REPORTED BY THE SECOND AUDITOR AND THE SECOND COMPTROLLER.

For incidentals in California, including support and civilization, $5.
For incidentals in South Dakota, $30.50.
For incidentals in Washington, including employés, support, and civilization, $215.55.
For buildings at agencies and repairs, $12.98.
For transportation of Indian supplies, $2,226.43.
For Indian schools, support, $5.
For Indian school, Phœnix, Ariz., $3,896.11.
For support of Pawnees, schools, $43.21.
For fulfilling treaties with Delawares, proceeds of lands, $6,010.50.
For fulfilling treaties with Iowas, proceeds of lands, $58.24.
For fulfilling treaties with Kaskaskias, Peorias, Weas, and Piankeshaws proceeds of lands, $1,287.
For support of Navajoes, $40.06.
For support of Sioux of different tribes, subsistence and civilization, $1.
For pay of Indian agents, $585.87.
For telegraphing and purchase of Indian supplies (except for service over Pacific railroads), $1,074.34.

INTERIOR DEPARTMENT CLAIMS REPORTED BY THE THIRD AUDITOR AND SECOND COMPTROLLER.

For fees of examining surgeons, Army pensions, $224.50.
For Army pensions, $824.10.

WAR DEPARTMENT CLAIMS ALLOWED BY THE THIRD AUDITOR AND SECOND COMPTROLLER.

For subsistence of the Army, $260.01.
For transportation of the Army and its supplies (except for service over Pacific railroads), $249.41.
For regular supplies, Quartermaster's Department, $3,827.68.
For incidental expenses, Quartermaster's Department, $251.85.
For barracks and quarters, $5,296.11.
For horses for cavalry and artillery, $375.
For 50 per cent of arrears of Army transportation due certain land-grant railroads, $33.18.
For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, $21.63.
For transportation of officers and their baggage, $154.20.
For horses and other property lost in the military service, $20,462.14.
For improving Little River, Missouri, 13 cents.
For improving Little Red River, Missouri and Arkansas, $1.05.
For improving Little Red River, Arkansas, $4.09.
For improving Grass River, New York, 30 cents.
For Signal Service, pay, etc., $222.26.

CLAIMS ALLOWED BY THE FOURTH AUDITOR AND SECOND COMPTROLLER.

For pay of the Navy, $8,539.10.
For pay, miscellaneous, $893.41.
For pay, Marine Corps, $36.20.
For construction and repair, Bureau of Construction and Repair, $138.95.
For steam machinery, Bureau of Steam Engineering, $12.
For provisions, Navy, Bureau of Supplies and Accounts, $21.34.
For medical department, Bureau of Medicine and Surgery, $54.78.
For enlistment bounties to seamen, $366.67.
For bounty for the destruction of enemies' vessels, $3.
For destruction of clothing and bedding for sanitary reasons, $1,130.16.
For indemnity for lost clothing, $1,018.34.
For gratuity to seamen, $100.
For mileage, Navy, Graham decision: For the payment of claims for difference between actual expenses and mileage allowed under the decision of the United States Supreme Court in the case of Graham *vs.* The United States, $9,637.01.
For Navy pensions, $27.

CLAIMS ALLOWED BY THE SIXTH AUDITOR.

For deficiency in the postal revenue, as follows:
For canceling machines, $14,093.72.
For rent, light, and fuel, $2,115.24.
For clerk hire, $1,274.31.
For compensation of postmasters, $1,843.80.
For special-delivery service, $2.

For mail bags and catchers, 25 cents.
For railway post-office clerks, $73.36.
For inland mail transportation, railroads, $475.50.
For advertising, $41.40.
For inland mail transportation, star routes, $388.84.

The amendment was agreed to.

The next amendment was, on page 172, after line 11, to insert:

SEC. 4. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1892, and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Executive Document No. 164, Fifty-third Congress, second session, there is appropriated as follows:

CLAIMS ALLOWED BY THE FIRST COMPTROLLER.

STATE DEPARTMENT.

Foreign intercourse: For salaries, consular service, $1,149.45.
For International Exposition at Paris in 1889, $4.66.

TREASURY DEPARTMENT.

Mints and assay offices; For contingent expenses, assay office at New York, $49.33.

INTERIOR DEPARTMENT.

Public lands service: For surveying the public lands, $4,763.73

DEPARTMENT OF JUSTICE.

Judicial: For fees and expenses of marshals, United States courts, $2,132.35.
For pay of special assistant attorneys, United States courts, $250.
For fees of commissioners, United States courts, $14.90.
For fees of jurors, United States courts, $431.90.
For support of prisoners, United States courts, $220.66.
For pay of bailiffs, etc., United States courts, $154.
For miscellaneous expenses, United States courts, $10.50.

CLAIMS ALLOWED BY FIRST AUDITOR AND COMMISSIONER OF CUSTOMS.

For supplies of light-houses, 1890, 69 cents.
For expenses of buoyage, 1890, 80 cents.
For Life-Saving Service, 1892, $164.52.

CLAIMS ALLOWED BY SECOND AUDITOR AND SECOND COMPTROLLER.

WAR DEPARTMENT.

For pay, etc., of the Army, $895.07.

INTERIOR DEPARTMENT.

For telegraphing and purchase of Indian supplies, 1894, $1,013,74.

WAR DEPARTMENT CLAIMS ALLOWED BY THE THIRD AUDITOR AND SECOND COMPTROLLER.

For transportation of the Army and its supplies, $96.50.
For regular supplies, Quartermaster's Department, $17.30.
For barracks and quarters, $10.

NAVY DEPARTMENT CLAIMS ALLOWED BY THE FOURTH AUDITOR AND SECOND COMPTROLLER.

For pay of the Navy, $313.04.
For bounty for the destruction of enemies' vessels, $2.92.
For mileage, Navy, Graham decision, for the payment of claims for the difference between actual expenses and mileage, allowed under the decision of the United States Supreme Court in the case of Graham *vs.* The United States, $437.67.
For Navy pensions, $60.

CLAIMS ALLOWED BY THE SIXTH AUDITOR.

For rent, light, and fuel, $18.
For mail bags and catchers, 10 cents.
For clerk hire, $23.32.
For star service, $2,247.16;
For railroad transportation, $1.17;
For compensation of postmasters, $138.87;
For canceling machines, $32.97.

The amendment was agreed to.

The next amendment was, on page 176, after line 8, to insert:

SEC. 5. For payment of the claims reëxamined and certified to Congress in Senate Executive Document No. 98, Fifty-third Congress, second session, $39,791.67.

The amendment was agreed to.

Mr. COCKRELL. I offer an amendment to follow immediately after the amendment just adopted. It is for the payment of claims which have been certified since the bill was reported.

The SECRETARY. Insert after line 13, on page 176:

For payment of the claims reëxamined and certified to Congress in Senate Executive Document No. 133, Fifty-third Congress, second session, $18,651.67.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, at the end of the bill:

For payment to the Annapolis and Elk Ridge Railroad Company amount of certified claim heretofore reported to Congress, and reëxamined and reported in Senate Executive Document No. 118, Fifty-third Congress, second session, $9,720.

For payment of the following claims on account of horses lost in the military service heretofore certified to Congress, namely: To the Globe Mutual Insurance Company of St. Louis, Mo., $4,000.

To the St. Louis Floating Dock Insurance Company, $4,000.

To pay William H. Moore amount certified to be due for mail service, fiscal year 1861, in House Executive Document No. 32, page 52, Fiftieth Congress, first session, $93.25.

That the sum appropriated in the act of March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes," to be paid to John A. Brimmer, jr., administrator of John Gilliat, deceased, to be paid instead to the administrator of Thomas Gilliat, deceased, the original sufferer.

Mr. COCKRELL. I move to amend the amendment by striking out the word "to," in line 12, on page 177, and inserting "shall;" so as to read "shall be paid."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. COCKRELL. I offer an amendment to come in on page 43, after line 7.

The SECRETARY. On page 48, after line 7, insert:

To pay for supplies furnished the Indian Service in 1873 and 1874, and reported to Congress in Senate Miscellaneous Document No. 165, Fifty-first Congress, first session, to-wit:
To Edward N. Fish & Co., $1,800.
To Edward N. Fish & Co., assignees of W. B. Hugus, $2,400.20.
To Bowers and Richards, assignees of James M. Burney, $3,534.76.
To Sutro & Co., assignees of William B. Hooper & Co., $3,479.32.

The amendment was agreed to.

Mr. COCKRELL. On page 5, after line 4, I move to insert what I send to the desk.

The SECRETARY. On page 5, after line 4, insert:

The accounting officers of the Treasury are hereby authorized and directed to examine the accounts of A. G. Studer, late consul at Singapore, and allow him credit for unofficial fees received by him for notarial and unofficial services performed by him during the period of his said consulship at Singapore, and by mistake paid by him into the Treasury.

The amendment was agreed to.

Mr. MANDERSON. I offer an amendment. On page 28, after line 17, I move to insert:

Pay for rent of rifle range: For rent of rifle range at Bellevue, near Omaha, Nebr., to Henry T. Clarke, rent being from July 1, 1891, to July 1, 1894, $1,800, to be received in full of all claims for said rifle range to the last-named date.

This rifle range is at the little town of Bellevue, 3 or 4 miles from the city of Omaha. It was rented by the Quartermaster's Department in 1886 and has been used continuously for the competitive shooting of the Department of the Platte from that time to this. I have myself visited it frequently, and I have personal knowledge of the fact that every year the troops go into encampment there during most of the summer and use this range. They have improved it in the way of putting up rifle butts to stop the balls and so on. The rent was paid up to the 1st of July, 1891. Since that time it has not been paid.

There was a little question of disputed ownership, some parties claiming that as the ground had been laid out in town lots at one time they were entitled to pay for the streets and alleys which had been dedicated to public use. That was probably the occasion of the difficulty. Since July 1, 1891, the rent has not been paid. The amount agreed upon by the Government was $600 a year for the use of this large tract of land. I have here a communication from the chief quartermaster of the Department of the Platte to the Quartermaster-General of the Army, as follows:

All papers returned with statements of Mr. H. T. Clarke, and maps showing the lands used as a rifle range and described in indorsement of inspector of small arms practice, Department of the Platte. The lands in question were leased from H. T. Clarke in 1886, and have been occupied and used continuously by the United States from that date up to the present time, and rent was paid to him up to the close of the fiscal year ending June 30, 1891, and no other parties have made any claim for rent, or the use of the land, until this made by Messrs. Nolan and Martin, as citizens of the village of Bellevue—they representing that the village of Bellevue owned about 42 acres of the land in question, and were entitled to one-third of the amount appropriated by the act of Congress approved March 3, 1893.

This claim is understood to be based upon the streets and alleys laid out in the plat of the village; but that they are not used as such is evident from the fact that the ground has been used as a rifle range for several months in each year since the land was first leased by the Department. The question also arises whether under any circumstances the village authorities would have a legal right to claim or accept rent for the use of streets and alleys that have been dedicated to the public. When the land was first leased from Mr. Clarke, he went to considerable expense in clearing and leveling the ground, cutting out underbrush, sinking wells, etc., in order to make the place suitable for the purposes required, and rent has been paid to him only, and to no one else, by the United States, for the use of the land, the last payment being for rent to July 30, 1891, at the rate of $600 per annum.

Attention is respectfully invited to the third paragraph of Mr. Clarke's letter of May 23, 1894.

I have personal knowledge of this matter and know that it is a just claim for the amount named. I hope there will be no opposition to the insertion of the item in the appropriation bill. I have telephoned to the War Department, and I will obtain and hand to the committee before the bill goes into conference the report of the Quartermaster-General himself ratifying this letter of the chief quartermaster of the department.

The PRESIDING OFFICER (Mr. MARTIN in the chair). The question is on agreeing to the amendment of the Senator from Nebraska [Mr. MANDERSON].

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed

to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6518) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had passed the bill (S. 1896) to provide for the payment of 8 per cent greenback certificates of the District of Columbia, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 829) granting an honorable discharge to Cyrus Payne, and it was thereupon signed by the Vice-President.

APPROPRIATION FOR PROVIDENCE HOSPITAL.

Mr. SHERMAN. Mr. President, the Sisters of Charity who have charge of the Providence Hospital feel very much hurt at a remark made by a Senator upon the floor yesterday, which I will read. I have been hoping he would come in. They wish me to make a correction. The Senator from New Hampshire [Mr. GALLINGER] said:

The appropriation for the Providence Hospital specifies that they shall have 95 patients, for which they shall receive $19,000, or $200 per patient. That strikes me as being a very remarkable provision. I do not know how long patients are sick in hospitals in the city of Washington, but it seems to me they do not average an expense of $200 each, yet this lump amount is given to this hospital, and there are to be 95 patients, and no more, and the hospital is to get this compensation for that purpose.

This statement conveys the idea that these sisters only take care of ninety-five patients in the course of a year. Instead of that they take care of several hundred patients in the course of a year. Under the arrangement made with the Government, a contract which has been of long standing, they get about $200 for a bed. They have ninety-five beds always occupied by persons designated by the District Commissioners and other authorities of the city. So instead of ninety-five patients they have several hundred patients in the course of the year. A patient may go there and stay a day or two, but there are always ninety-five places reserved—reserved for patients who are under the care of these sisters. They get $200 a year, and the authorities here are to take care to keep the beds occupied during the whole year. Therefore the beds are constantly filled. The impression that they get only ninety-five patients is a great mistake, and they feel that great injustice has been done them by this statement.

I take pleasure in saying that my attention was very early called to this hospital. Thaddeus Stevens took the greatest personal interest in Providence Hospital before the war, and during the war my attention was called to it very often, and I have watched its work. I have been there several times to see persons who have been there lying sick in bed. I know it is the case that instead of entertaining ninety-five patients they entertain five or six hundred. A patient may go there overnight sick and he may stay only a day or two. His bed is vacant when he recovers and is in fit condition to go out, and some one else fills the place.

The sisters are paid only $200 a year for the bed and for the care and sustenance and nurture of those who may occupy the 95 beds, and they are almost constantly occupied.

I look upon Providence Hospital and Garfield Hospital as two of the most valuable charitable institutions of this city, and I take great pleasure in making this correction of the error the Senator from New Hampshire fell into. I make the correction for the benefit of the sisters there and at their request.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes.

Mr. HUNTON. I wish to offer an amendment. On page 163, at the end of line 12, I move to insert as a separate paragraph:

To enable the Secretary of the Treasury to pay to Silas Q. Howe, surviving partner of W. T. Pate & Co., the sum of $19,662.19, being the sum audited under section 3220, Revised Statutes, and set forth in Senate Executive Document No. 46, Fiftieth Congress, second session, being the sum paid by said firm as taxes on distilled spirits in excess of the quantity withdrawn by said firm from bonded warehouse.

Mr. COCKRELL. That amendment can not come at that place, if at all. That is where the claims allowed by the First Comptroller are provided for. There is a specific class of claims stated there. It would disarrange the whole bill.

Mr. HUNTON. Then I ask that my amendment may come in on page 9, at the end of line 23.

Mr. COCKRELL. Mr. President, this claim is an old stager. It has been before the Senate for nearly twenty years, I think.

Mr. HUNTON. Oh, no.

Mr. COCKRELL. I beg the Senator's pardon. I have been here nearly twenty years and it was one of the first claims presented to the Committee on Claims after I came here. I am speaking by the record. I can give the Senator the history of the claim.

Mr. HALE. It is older than any of us.

Mr. COCKRELL. It is even older than the Senator's service in the Senate and in the House. It has been before the Finance Committee, and it has been before the Committee on Claims. It is an old matter. At the urgent solicitation of the friends of these gentlemen, or those who represent them, the claim was put on the deficiency appropriation bill once or twice, but it has always been rejected by the other House. It is a claim pure and simple. It arises upon a distillery that was seized by a revenue collector years and years ago. I should like to see the document the Senator refers to about its being audited. Has the Senator that document?

Mr. HUNTON. No; I have it not here. This was in the bill before.

Mr. COCKRELL. It has been put in the deficiency appropriation bill once or twice; but unless it can be shown that it is an audited claim, it is just the kind of claims pending before all of the committees here, which have been pending for years and years. That is my recollection of the matter. Unless there is an estimate for it and a report from the Treasury Department, I make the point of order that it is a claim, and that under clause 4, Rule XVI, it is not in order.

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Mr. HUNTON. I suppose the first question to be decided is the point of order. I beg leave to say in regard to that, that while there has been no estimate made for the claim in the Book of Estimates for this session of Congress, it was estimated for in the last Congress. Whether that will bring the case within the point of order or not I am not parliamentarian enough to determine. But there is another matter which meets the point of order, and which my friend, I think, will agree meets it when I shall mention it to him. I beg the Senator's attention to what I am about to say. The rule, as I understand it, does not make this amendment amenable to the point of order. The rule is in the following language:

All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

The rule does not make an amendment amenable to a point of order where it is a treaty stipulation, or act, or resolution previously passed by the Senate during that session. I hold in my hand a bill passed for the relief of this very party at the present session of Congress. It was passed by the Senate May 19, 1894. So if there was no other mode of meeting the point of order that would be quite sufficient, and my friend, I suppose, will admit it.

Mr. COCKRELL. No, Mr. President, I can not admit that under such a construction of the rule it has ever been held by this body that because the Committee on Claims considered a bill and passed it, therefore it was in order to offer it as an amendment to an appropriation bill. It has never been so held. We have now, I suppose——

Mr. HUNTON. If the Senator will allow me, he misunderstood me. I did not say the Committee on Claims had reported it, but I said——

Mr. COCKRELL. Did not the Committee on Claims report it?

Mr. HUNTON. The Committee on Claims reported it, and the Senate passed it.

Mr. COCKRELL. So I am saying. I say it has never been held, when the Committee on Claims or any other committee of the Senate considering a claim has reported in favor of it and the Senate has passed it and sent it to the House and no action has been taken, that such claims were in order. I have constituents, a dozen of them, whose bills have been passed year by year, and upon this identical bill I refused to put a claim that was insisted upon by the attorney. The bill has passed the Senate three different times and the money is lying in the Treasury, and it is only a question as to the identity of the individual to enable him to draw it.

As I said, this is a claim pure and simple, notwithstanding the Committee on Claims has reported in favor of it and the bill has passed the Senate. The Committee on Public Lands reports claims to refund moneys to officers and matters of that kind, and they pass here. We do not put them on this bill. If you establish that precedent you simply compel the Committee on Appropriations to do all the business of all the committees of the Senate. Senators are complaining that the Committee

on Appropriations absorbs jurisdiction. On the contrary, we have done all that we possibly could to prevent the assumption of anything that did not legitimately come before us. We read this rule:

No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill.

We adhere to that rule that you made for our guidance. The amendment of the Senator from Virginia is a private claim. It makes no difference what construction the Senator may put upon the first clause of the rule, here is a sweeping clause at the end of it which says that:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or treaty stipulation, which shall be cited on the face of the amendment.

Mr. HUNTON. It is not often, sir, that I would dare to undertake to enlighten the Senator from Missouri upon a point of order. He has stated with a great deal of confidence that the ruling of the Chair was never had sustaining an amendment of this sort, because it was embodied in an act which had passed the Senate. That is the position taken by the Senator from Missouri. I ask what is the meaning of the word "act" in the rule? It does not mean a law. It says an act that has passed the Senate.

Mr. HALE. Mr. President——

Mr. HUNTON. I have not yielded the floor.

Mr. HALE. I was going to ask the Senator a question.

Mr. HUNTON. I will hear the Senator with pleasure.

Mr. HALE. We have had this up a good many times, and the Senator from Ohio [Mr. SHERMAN] has ruled upon it as President *pro tempore*, as also the former Senator from Vermont, Mr. Edmunds, I remember. Their interpretation was that that is not an act or resolution passed by the Senate, but it is to conform to some existing law or treaty stipulation or act, which is a completed act, or resolution previously passed by the Senate during that session. The Senate can, by a resolution upon a distinctive matter, make it in order. It may take a subject-matter and declare that it shall be in order upon an appropriation bill. But I have never known it held—if it has been done it was exceptional—that the word "act" there simply refers to a bill reported by a committee and passed through this body, which does not make it an act.

Mr. HUNTON. I should like to know from the Senator from Maine and the Senator from Missouri what the word "act" in the phrase "act passed by the Senate" means. It does not mean a law passed by both Houses of Congress. It says, "an act, or resolution passed by the Senate at that session."

Mr. HALE. The Senator does not get the point. It does not say "act, or resolution passed by the Senate," because if it did there would be no comma there. It makes distinctions. It says, "or treaty stipulation, or act," then a comma, "or resolution previously passed by the Senate during that session." It is not an act that is passed by the Senate.

Mr. HUNTON. I have it here and it reads, "or act, or resolution."

Mr. HALE. Does not the Senator notice that there is a comma there? If says "or act," then it reads "or resolution previously passed by the Senate." Both Houses have the right to make provisions in order.

Mr. HUNTON. I beg the Senator to let me conclude my remarks.

Mr. HALE. Certainly; I do not want to interrupt the Senator.

Mr. HUNTON. I am sure the Senator does not.

Mr. HALE. But he loses the point.

Mr. HUNTON. If it is an act passed by the Senate, then it is a bill which has proceeded that far to become a law and has not become a complete law because the other House has not acted upon it and the President has not signed it, but it is an act or resolution which has passed the Senate at this session. I maintain, and I maintain with a great deal of confidence, that wherever that is the case, if it has passed the Senate at this session in the shape of a bill or resolution, although it may not have reached the other House or the President, it is in order to offer it as an amendment to an appropriation bill.

The Senator from Maine and the Senator from Missouri have stated with a great deal of confidence that there has never been such a ruling as this; that, on the contrary, all the rulings have been the other way. I am not familiar with the precedents of the Senate, but I have before me a copy of the CONGRESSIONAL RECORD which contains a case identically in point, in which the Presiding Officer ruled that an act passed by the Senate was within the meaning of the exception of the rule in regard to offering amendments to appropriation bills. I can not read it all. The Presiding Officer—I think the Senator from Tennessee [Mr. HARRIS] was in the chair at the time—said:

The Senator need not, so far as the enlightenment of the Chair is concerned, argue as to what the word "act" in the rule means.

Mr. PASCO. I was arguing for the benefit of the Senator from Maine.

For the Senator from Maine seems to have made this same point at that time.

The PRESIDING OFFICER. The Chair holds the word "act" in that rule means a bill passed either House, even though it has not passed the two Houses and become a law.

Mr. HOAR. I should like to ask the Senator from Virginia a question, if he will allow me.

The PRESIDING OFFICER (Mr. MARTIN in the chair). Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. HUNTON. I would prefer to finish, but if the Senator insists upon it I will yield.

Mr. HOAR. No, I do not insist if the Senator prefers to go on; but I wanted simply to ask him about this language.

Mr. HUNTON. Well, sir; go on.

Mr. HOAR. If the Senate passed a number of claims at the first session of a Congress, does anybody suppose that it would not be in order to put them on an appropriation bill and at the same time it would be in order to put on an appropriation bill claims passed at the second session?

Mr. HUNTON. I am not called upon to decide that question.

Mr. HOAR. In other words, what force, according to the Senator's argument, is there in the limitation of the rule to resolutions passed during that session?

Mr. HUNTON. I beg to show the Senator that this bill has been passed at this very session. It was passed on the 14th of July, 1894, so that it is an act passed by the Senate at this identical session. But I was going on to show the ruling of the Chair (the Senator from Tennessee [Mr. HARRIS] in the chair) upon this identical question when the point of order was raised on an amendment offered by the Senator from Florida [Mr. PASCO]:

The PRESIDING OFFICER. The Senator need not, so far as the enlightenment of the Chair is concerned, argue as to what the word "act" in the rule means.

Mr. PASCO. I was arguing for the benefit of the Senator from Maine.

The PRESIDING OFFICER. The Chair holds the word "act" in that rule means a bill passed by either House, even though it has not passed the two Houses and become a law.

Now, there is a ruling of the Chair in which he expressly maintained and expressly decided that where a bill had passed the Senate during the present session making a provision for the payment of a claim, it was in order under that rule to offer an amendment to an appropriation bill to pay the claim. The debate went on further between the Chair and several members of the Senate, when the Chair overruled the point of order and stated that the amendment was not amenable to that point of order, and it was finally passed upon by a vote of the Senate.

The PRESIDING OFFICER. May the Chair inquire of the Senator from Virginia when that ruling of the Chair was made?

Mr. HUNTON. I hold in my hand a copy of the CONGRESSIONAL RECORD bearing date March 4, 1893, and it is a report of the proceedings of the previous day; so that I have here the last decision on the subject. There is no pretense that there has been any decision since. It is the last decision made upon this subject, in which the occupant of the chair, one of the best parliamentarians connected with the Senate, ruled that such an amendment was not subject to this point of order.

The PRESIDING OFFICER. May the Chair further inquire of the Senator from Virginia what was the nature of the amendment offered upon which that ruling was made?

Mr. HUNTON. I will read it.

On page 22, line 17, I move to insert—

Says the Senator from Florida [Mr. PASCO]—

That the Secretary of the Treasury be, and he is hereby, authorized to settle the account stated between the United States and the State of Florida, under the authority of section 55 of the act approved March 2, 1889, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes;" and in making such settlement he is hereby authorized to set off what is found to be due by the State to the day of settlement on account of principal and interest upon the bonds of the State, in which a portion of the Indian trust funds have been invested, against what is found to be due the State to the same date for moneys expended by her during the Indian hostilities of 1849, and 1856, and 1857, and to surrender such bonds and the coupons thereto to the governor of said State upon making such settlement. And in making the settlement the Secretary is directed to follow the statement of the account as made under the authority of said act, as found in the letter from the Secretary of the Treasury dated December 16, 1889, published as Executive Document No. 68, House of Representatives, Fifty-first Congress, and to adopt the first mode of settlement," etc.

There was a claim of the State of Florida, which was put upon an appropriation bill. I say that that case and the present are identical. It is the same case in principle as the one now before the Senate, and it was ruled to be in order, because the Senate at that session had passed a bill, which had not gone through the other House, making provision for the payment of this identical claim. That amendment was decided by one of the best parliamentarians on the floor of the Senate to be in order. If that was in order, and it was decided to be and a final vote taken upon the merits of the case, why is not the amendment I

propose in order, because it is to pay a claim that the Senate at this very session has passed a bill appropriating a sum of money to pay?

The Senate has passed this claim not only at this session, but on four different occasions. The accounting officers of the Treasury refuse to pay it, not because they do not believe it is a just claim, not because they would not pay it if it was a new question, but they decline to take it up and pass upon it, because a predecessor of the present Secretary of the Treasury, and his predecessor, had without consideration decided against the claim, and they claim that they can not upturn the decisions of their predecessors. The present Secretary of the Treasury and the Secretary under the last Administration would have taken up this case and paid this claim if it had not been for the fact that a preceding Secretary of the Treasury, before the law was settled, had decided that he had no right to refund this money.

This case is of this nature. This firm were distillers. They put into a warehouse a large quantity of whisky, and by evaporation and leakage a large amount of it was wasted. When that whisky was withdrawn from bonded warehouse, the Government required this firm to pay a tax not only upon what they withdrew from the warehouse, but also upon what they put into the warehouse, part of which was wasted by evaporation and leakage. When the Secretary of the Treasury first took up this question he decided under the law that he had no right to refund that money which the firm was obliged to pay in order to get the whisky out of the warehouse.

Subsequently, however, other cases coming before the Secretary of the Treasury, the question was elaborately argued and carefully considered, and the Treasury Department came to the opinion under the law that a party was not bound to pay taxes except for the whisky which was withdrawn from the bonded warehouse. Under that ruling of the Treasury Department thousands and thousands of dollars were refunded to distillers, and only three cases were left which have not been settled in that way. Those three cases were not settled because they were the first decided, and decided adversely to the applicants; and the Treasury Department said that they had no right to reopen their decision.

Mr. President, this is somewhat upon the merits of the case, but upon the point of order which is now pending before the Chair, I submit that when I show to the Chair that a bill to pay this very claim was passed at this session of Congress, under the ruling of the Senator from Tennessee [Mr. HARRIS], when formerly in the chair, it is in order for me to offer the amendment to this appropriation bill.

Mr. COCKRELL. I spoke of this claim being an old stager. It is just thirty years old. It originated in August, 1864. The firm of W. T. Pate & Co. deposited a quantity of whisky in their own barrels in a Government warehouse in August, 1864; they took it out in December, 1864, and a controversy arose between them and the Internal Revenue Department in regard to the amount of whisky which was in the warehouse. They claimed that there had been evaporation, and so on.

We all know that the law only allows a certain amount for evaporation. If there was any leakage, it is not the fault of the Government officers, because the whisky was placed in the barrels which the distillers themselves had provided, and the officers of the Government had ample power to adjust the claim. Under section 3220 of the Revised Statutes—

The Commissioner of Interal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized, on appeal to him made, to remit, refund, and pay back all taxes erroneously or illegally assessed or collected.

This firm had ample remedy. The officers of the Government refused to pay them, and the matter has been pending in Congress ever since. Since it came into Congress—I do not know when it was first presented to Congress—it has been before the Committee on Claims, it has been before the Committee on Finance. It is a claim pure and simple, and comes within the meaning of the fourth clause of Rule XVI, which provides:

4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provision of an existing law—

Not the provisions of a bill passed by the Senate at this session, or any other—

Or a treaty stipulation, which shall be cited on the face of the amendment.

Mr. HUNTON. I should like to ask the Senator from Missouri what is the use of introducing an amendment to an appropriation bill to put upon that appropriation bill a claim already provided for by existing law? If a bill has passed both Houses and has been signed by the President, it becomes a law, and the first clause of the rule says "or act or resolution previously passed by the Senate during that session."

I ask the Chair for a ruling on the question.

The PRESIDING OFFICER. In the judgment of the Chair, the point of order made by the Senator from Missouri is well taken. It seems that in the case to which the Senator from Virginia made reference, the exact point was not raised. It seems quite manifest, from a reading of the clauses which have been referred to by the Senator from Missouri and the Senator from Virginia, that clause 4 of Rule XVI was intended to be a limitation to apply exclusively to private claims, and to that extent an absolute limitation upon the power mentioned in clause No. 1. The Chair holds that the amendment is not in order.

Mr. KYLE. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. On page 28, after line 17, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph Redfern and Eliza J. Redfern, of the District of Columbia, out of any moneys in the Treasury not otherwise appropriated, the sum of $2,738.40, being the sum stated to be due by the War Department for injuries to and rent of buildings numbered 1719 and 1721 G street northwest, in the city of Washington, District of Columbia.

Mr. KYLE. I present this claim because it is a just one. There is no question in regard to its justness. The War Department hired the buildings 1719 and 1721 G street, in Washington, D. C., for Signal Service purposes. It occupied those buildings and was held to the rent according to law. There is no question upon the part of the War Department as to the justness of the claim. They have certified to the correctness of the statement made in the report by the Senator from Oregon [Mr. MITCHELL]; they certified the claim to the Treasury Department for payment, but the report came back from the Treasury Department that there was no money available under the appropriation for the legislative, executive, and judicial expenses of the Government out of which this claim could be paid, and therefore it was recommended to Congress that it be paid by special appropriation.

There is no way in which it can be paid, according to the decision of the Treasury Department, except by a special appropriation by Congress. A bill was introduced here during the present session and passed by the Senate, upon the recommendation of the Committee on Claims; it went to the House of Representatives, has been favorably reported by the committee there, and is now upon the Calendar in that body. Therefore I think the claim is in order on this bill. It is a new claim, but one of the kind which has been pending since 1889, and these parties are still waiting for their money. I think there can be no objection to putting the claim on this bill.

Mr. COCKRELL. It is exceedingly painful for me to be compelled to make the point of order in defense of the Committee on Appropriations in the course it has pursued, to be impartial and just in these matters. The greater part of this claim ought to be paid; the Senator is correct in that; but the parties say it is a claim, and they had a bill introduced to pay their claim. It was referred to the Committee on Claims, the only committee which has jurisdiction of claims. It has been reported favorably, has passed the Senate, and is pending in the House of Representatives. I hope the bill will pass that body, for I have had occasion to examine into the facts of the case.

The Treasury Department deny that they have any authority to pay it—and therefore they did not audit it—because a part of the claim was for damages to the house which was occupied, and they claim they have no jurisdiction over such matters.

Mr. KYLE. The claim is for repairs.

Mr. COCKRELL. And for damages also. The accounting officers of the Treasury Department, as the Senator will see by the report of the Committee on Claims on the bill, held:

That the section of the act of July 7, 1884, did not give the accounting officers of the Department any further authority to pass claims than was given to them by the act of June 14, 1878, and that inasmuch as Congress never made an appropriation for the payment of damages of the character included in this claim as part thereof, the claim did not, therefore, arise under any appropriation which has either been exhausted or carried to the surplus fund, and that therefore the accounting officers had no authority to pass upon the claim and report it to Congress.

Mr. PROCTOR. The case was this: The premises were used for several years. In the lease there was a stipulation that as changes were required to adapt the premises to the use of the Signal Office they should be restored, when the premises were given up, to their original condition. That was the only question of damages. It was the stipulation in the lease to restore the property to its original condition, and the cost of that was carefully ascertained. I supposed until this winter, when I saw the bill before the Committee on Claims, that the claim had been paid long ago.

I have nothing further to say about it, except that I know it to be a just and honest claim, and that the amount has been very carefully ascertained. It was stipulated in the lease that rent should be paid until these repairs were concluded, amount-

ing to something over $600, I think. That sum was cut down one-half, and the estimated cost of restoring the buildings to their original condition was carefully appraised, and I think was appraised very low.

What I wanted to call attention to was that this is not an ordinary claim for damages, but results from a stipulation in the lease. As the house had to be altered to make it useful to the War Department, the lease provided that it should simply be restored to the original condition fitted for a private house.

Mr. KYLE. Mr. President, the facts are these: The Government owes this debt, and every Senator on the floor recognizes and acknowledges the fact. We have not paid that debt. We have been owing it since 1889, and these people are in need of their money. Is it not right and just that the Senate of the United States should pass this amendment and pay the debt? I sometimes pity the men and women who have to appear in the corridors of this Capitol day after day and year after year for the purpose of trying to collect their honest claims against the Government of the United States. Simply because we are a great big government and have power in our hands to refuse the payment of these claims, we refuse to pay them.

If this claim is not passed upon this appropriation bill, it will go over another year. I have ascertained to-day that the Senate bill providing for the payment of this claim will not pass the House of Representatives during this session, therefore it will go over until the next session; and then, perhaps, it will go over another year, and then another year, and by and by, in ten years, because it will then be an old claim, it will not be paid at all. That is the history of all of these claims.

I hope the point of order will not be made against the amendment.

Mr. COCKRELL. I have said before that it is as painful to me to make the point of order as it is to the Senator to have it made, but the Senators see how the Committee on Appropriations is situated. The Senator from Virginia offers a $19,000 claim; the Senator from Oregon offers another claim, which was passed by the Committee on Claims, and the Committee on Appropriations would be compelled to take up and consider private claims. The Committee on Appropriations is not adapted to that character of work; it is not our business, and we are not responsible because the Government does not comply with its contracts which are made outside and not adjusted by the officers of the Government.

I think a great mistake has been made by the claimant in this case or by his counsel in not having the claim properly acted upon by the officers of the Department and certified to Congress, so that it would have been taken out of the category of claims. It ought to have been done in that way; and had it been done in that way, it would have been passed without any question. But we can not let it come in as a claim, when the party says it is a claim and when he went before the Committee on Claims and had that committee consider and report in favor of it, pass it, and send it to us. I can not make the point of order against one Senator and not make it against another.

The PRESIDING OFFICER. The Senator from Missouri makes the point of order that the amendment proposed is obnoxious to clause 4 of Rule XVI. In the judgment of the Chair the point of order is well taken.

Mr. KYLE. I have another amendment or two to offer before I am through. I do not know whether the Senator from Missouri will consider this a new claim or an old claim or what sort of a claim he may regard it. On page 69, after line 19, I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 69, after line 19, it is proposed to insert:

To pay Mr. J. E. Johnson for services as stenographer on special hearings before the Committee on Education and Labor, $37.50.

Mr. COCKRELL. That is a matter which the Senator from South Dakota ought to know properly belongs to the Committee on Contingent Expenses of the Senate, and not to the Committee on Appropriations. Had the Senator introduced the amendment and referred it to the Committee on Contingent Expenses of the Senate, and had it been reported favorably, the Committee on Appropriations would have placed it on this bill.

Mr. KYLE. I will say that it has been referred to the Committee to Audit and Control the Contingent Expenses of the Senate, but that committee held that they had no jurisdiction of the matter. In other words, the Committee on Education and Labor did not offer in the first place a resolution authorizing them to employ a stenographer for this special service, and, therefore, payment was not allowable under the rules of the committee. On going to the disbursing officer in the Secretary's office of the Senate, he said to me the only way in which the amount could be paid was by placing an amendment upon the deficiency bill, and therefore it is offered in this form.

Mr. COCKRELL. What was the character of the service?

Mr. KYLE. It was special work done for the Committee on Education and Labor.

Mr. COCKRELL. By order of the committee?

Mr. KYLE. Yes; by order of the committee, and the committee recommend the amendment.

Mr. COCKRELL. Very well, then, I make no question of order about the amendment. It is a matter for the Senate to decide.

The PRESIDING OFFICER. The point of order being withdrawn, the question is on the amendment proposed by the Senator from South Dakota.

The amendment was agreed to.

Mr. KYLE. I offer for the Senator from Kentucky [Mr. LINDSAY], from the Committee on Indian Depredations, the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 149, in line 22, after the word "judgments," it is proposed to insert:

Provided further, That any and all judgments included in said Executive document which the present Attorney-General has already examined, and any and all judgments rendered during his term of office and which he shall be willing to certify under the provisions of this act, may be certified notwithstanding the order of payment herein specified.

Mr. KYLE. I can explain the amendment in a word. The provision in the bill as it now stands is that Indian depredation claims shall be paid in the order of their examination, beginning with the first and running on down through the list, but there are some of the last ones which have already been examined by the present Attorney-General, and this provision will allow those to be paid without a reëxamination according to that order.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Dakota.

The amendment was agreed to.

Mr. CHANDLER. I offer an amendment to come in under the head of "Judgments in Indian depredation claims," which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 149, in line 17, after the words "United States," it is proposed to insert "or whether exorbitant sums have been allowed:" so as to read:

Provided, That no one of the said judgments shall be paid until the Attorney-General shall have certified to the Secretary of the Treasury that he has caused to be examined the evidence heretofore presented to the Court of Claims in support of said judgment and such other pertinent evidence as he shall be able to procure as to whether fraud, wrong, or injustice has been done to the United States, or whether exorbitant sums have been allowed, and finds upon such evidence no grounds sufficient in his opinion to support a new trial of said case.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

Mr. CALL. I offer the amendment which I send to the desk, to come in at the end of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to insert:

That the unexpended balances of appropriations made in the deficiency appropriation act approved March 2, 1889, for pay of the Navy, under the head "Navy Department claims allowed by the Fourth Auditor and Second Comptroller," be, and the same are hereby, made available to pay amounts due to naval officers, or their legal representatives, before July 16, 1890, in accordance with the decisions of the Supreme Court of the United States in the cases of United States *vs.* Strong (125 United States Reports, 656), United States *vs.* Bishop (120 United States Reports, 51), and United States *vs.* Symonds (120 United States Reports, 46).

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Florida.

Mr. CALL. Mr. President, I wish to have this amendment fully understood by the Senate before voting upon it. It is an amendment which will enable the surviving sailors and the widows and orphans of those who served in the Navy in the war of 1860 to 1865 and the years immediately subsequent to obtain the benefits of an unexpended appropriation, already made under the authority of a decision of the Supreme Court of the United States in several cases, deciding that the men who were performing sea duty upon vessels in port liable to be sent out immediately, and constantly required to be on board the ship, were in the sense and meaning of the law performing sea service and entitled to sea pay.

In 1893, after this appropriation had been made and the money had been largely expended, a provision was inserted in an appropriation bill, prior to the filing of the petition in the case decided by the Supreme Court, imposing a limitation of six years and prohibiting the payment of all antecedent claims coming within the purview of the provisions of that decision of the Supreme Court of the United States, which had been audited and certified and recommended to Congress for payment

That limitation excluded only—I will not say "only," because there were perhaps some other cases—but it excluded chiefly and largely (I have before me the list of certified cases from the present Secretary of the Treasury) the survivors and the widows and children of the men who served in the war. They are the men who are stricken down by this limitation, and all the others then were and now are being paid this money. These persons appeal to Congress that this injustice shall not be done to them, and they claim, and I think rightfully claim, that under the provisions of the amendment to the Constitution, which secures the validity of the public debt, including pensions and bounties, the provision excluding them from receiving the benefits of the debt declared by the supreme judicial tribunal to be due them, certified and allowed by the Treasury Department and recommended to Congress, is absolutely void, and has no proper place upon the statute books of the country.

It is a most extraordinary proposition that a limitation of this character should be applied affecting this class of people. That there may be no doubt about it, I refer here to the report made by the Secretary of the Treasury, Mr. Carlisle, on the 19th of July, 1894, showing in 1860, in twenty-five or thirty cases, and running through to 1870, 1875, and 1876, the service rendered by these men and the amount of sea pay due to them. All the others having been paid, even men not in the war, and their widows and children to-day being paid, why this limitation against these persons? Why strike at the constitutional amendment; for the war debt, including pensions and bounties, is a part of the public debt, and if sea pay is not included in terms, the spirit and purpose and effect of the constitutional amendment does include it.

To go further, this is the only class of claims audited, allowed, and certified and decided by the Supreme Court to which this limitation is applied. Here is the document, referred to Congress and recommended by the Secretary, in which post-office claims, and all other claims dating back to 1840 and 1854, are allowed, audited, certified, and recommended; and yet alone to this class of cases, where all have been paid except the men who served in the sixties, the limitation is being applied.

In the last session of Congress the distinguished Senator from Missouri, now the chairman of the Committee on Appropriations, and the distinguished Senator from Maine [Mr. HALE] allowed a similar amendment to be put upon the deficiency bill. I have it here on page 2409 of the CONGRESSIONAL RECORD:

Mr. VOORHEES. I offer an amendment to come in on page 79, in line 5, after the word "cents." I move to insert the following proviso:

"*Provided*, That the unexpended balances of appropriations made in the deficiency appropriation act approved March 2, 1889, for pay of the Navy, under the head 'Navy Department claims allowed by the Fourth Auditor and Second Comptroller,' be, and the same are hereby, made available to pay amounts due to naval officers, or their legal representatives, before July 16, 1880, in accordance with the decisions of the Supreme Court of the United States in the cases of United States *vs.* Strong (125 U. S. R., 656), United States *vs.* Bishop (120 U. S. R., 51), and United States *vs.* Symonds (120 U. S. R., 46)."

That is this amendment in words. I am urging the amendment at the request of the Senator from Tennessee [Mr. HARRIS], now absent, who brought to me a note from the Senator from Indiana [Mr. VOORHEES] and others and because of my own people, widows and orphans of officers of the Navy, who are interested in this just and righteous claim which has been allowed and recommended by the Department.

I read further from the RECORD:

The amendment was agreed to.

Mr. COCKRELL. I do not think the attention of the Senator in charge of the bill could possibly have been called to the last amendment.

The PRESIDING OFFICER. The Senator from Missouri invites the attention of the Senator from Maine.

Mr. HALE. The Senator from Maine is watching the bill very closely.

Mr. VOORHEES. The Senator from Missouri is entirely mistaken. The Senator from Maine had his attention called to this amendment, if not really now, some hours past. It is susceptible of the fullest possible explanation.

So the Senate at that time affirmed the correctness of this proposition and put the amendment upon the bill, thus repealing the limitation in the act of 1866 and acknowledging the invalidity of that act and the justice and rightfulness of the claim for compensation on the part of those who served in the Navy during the sixties.

I wish to say that this is a great outrage, which I think no terms can describe. It is not for me to be the special advocate or defender of that great and gallant class of men; yet I do it cheerfully, and I urge the rights of their widows and their children, who are their survivors. I insist that they should not be discriminated against, being protected by the Constitution and its guarantees as to the validity of the public debt.

All the others have been paid without litigation. This very report of the present Secretary of the Treasury, sending these claims to us, shows that in all the other Departments he certifies, audits, and recommends the payment of the claims running back to 1840 and 1854, and yet this one class of meritorious people are selected for what? To be stricken down, while all others receive the pay.

The amount is appropriated and is in the Treasury unexpended. It is suspended by this void and unrighteous limitation. The amendment being perfectly in order, I ask that it may be placed on the bill.

Mr. COCKRELL. I do not think the amendment ought to be adopted. In 1892 we provided:

That no part of this sum shall be used for the payment of any claim for sea pay on receiving, training, or practice ships, or for the payment of any claim which may have been allowed under the decisions of the Supreme Court which have been adopted by the accounting officers as a basis for the allowance of said claims which accrued prior to July 16, 1880.

That hereafter the accounting officers of the Treasury shall not receive, examine, consider, or allow any claim against the United States for sea pay or commutation of rations which has been or may be presented by officers of the Navy, their heirs or legal representatives, under the decisions of the Supreme Court, which have heretofore been adopted as a basis for the allowance of such claims, which accrued prior to July 16, 1880.

That was a very decided declaration against these claims, although they were audited under the interpretation of the decision of the Supreme Court. I hope the Senate will not agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida [Mr. CALL].

Mr. CALL. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CALL. Before the roll is called I wish to say that I do not see how any Senator can vote to exclude this class of people from the benefits of the appropriation already made. Why discriminate against the men who served in the Navy in the years from 1860 to 1865? They are the men stricken down by this limitation. Why pay all others? Upon what ground of justice or propriety can that be done? The money has been appropriated.

Mr. GALLINGER. With the consent of the Senator from Florida, as I am seeking light on this matter, I should like to propound one or two interrogatories to him.

Mr. CALL. I shall be very glad to answer the Senator from New Hampshire.

Mr. GALLINGER. I tried to follow the argument of the Senator from Florida, and am impressed with the feeling that these claims ought to be allowed. I wish to ask the Senator from Florida whether I am correct in understanding him to say that under the decisions of the Supreme Court these claims are valid.

Mr. CALL. Unquestionably so.

Mr. GALLINGER. And that their payment has been denied simply because the statute of limitations has run against them.

Mr. CALL. Because there was put upon an appropriation act a limitation that none of these claims, which accrued six years before the filing of the petition in the Strong case, should be allowed and paid by the Department.

Mr. GALLINGER. I understood the Senator to say that certain claims, identical in character to those for which he is now arguing, have been allowed and paid. Am I correct?

Mr. CALL. The Senator is correct. I so stated.

Mr. GALLINGER. I think it is a pretty clear case that these claims ought to be paid, and I know of no better place to put them than on the pending bill.

Mr. CALL. The money has been appropriated and is in the Treasury unexpended. It can not be applied to anything else. The money was appropriated in pursuance to a decision of the Supreme Court that all officers serving upon vessels in port, but performing certain classes of duty similar to those on board ship, liable at any moment to be sent out of port and upon the open sea, were in the sense of law entitled to sea pay, and that it was a debt of the Government of the United States due to them. In three several cases quoted in this report such a decision was made.

Now, under that decision the men who served in that kind of service from 1860 to 1865 and 1866, who were officers of the Navy in the war, were entitled under the law, as a public debt of the United States, to be paid this class of pay. This is the report of the pay that was due them, certified and allowed under the decision of the Supreme Court and recommended to be paid.

In 1892, after this decision of the Supreme Court of the United States declaring that this is a public debt, and being a public debt for the war and during the period of the war, it is in terms as in substance the debt referred to in the Constitution, upon a deficiency act a limitation was imposed which strikes these people and these alone, chiefly.

All others have been paid and are now receiving pay of this class, but these men and the widows and orphans of those who lost their lives in the war, to whom the Government is indebted, the debt being guaranteed by the Constitution, are stricken down by this limitation of six years. The last Congress, with the consent of the Senators then in charge of the bill and without the opposition of the present chairman of the Committee on

Appropriations, expressed its judgment and affirmed the rightfulness of this claim by putting it on the deficiency bill.

Mr. HALE. Mr. President, no one has struck what is at the bottom of these claims. They do not rest on the merits of old sailors and good officers, men who imperiled their lives in the war. They were originally nothing but a set of undiscovered and unrecognized claims. Claim agents in the business dug them out.

There was not one of those officers, when he got a favorite berth in a ship which lay in the harbor alongside of some town and avoided going to sea, who had the slightest thought that he was ever going to get sea pay. He expected to get shore pay. He lay in still water. He was within sight and within boat-reach of a town and its advantages, its churches, its schools for his children, and its hops and balls for the entertainment of his family. They were favorite posts. Nobody wanted to go to sea. Everybody wished to take such places, and the officers expected to get less pay.

Some day or other some bright, ingenious, sharp, shrewd, nosing claim agent here in Washington took it into his head that he could make on a single case some court or other determine that because the ships lay in salt water the men ought to get the highest pay in the Navy; that they should get just as much as the men who went out to sea and traversed all the waters of the globe, encountered all the furies and terrors of the storm, breasted storms and weathered gales, and did sea service. He got one claim in, and the court, not understanding fully the distinctions involved in the case and the merits of it, decided that this one case was a good case and that the man was entitled to sea pay.

Forthwith the claim agents sent out their circulars by the hundreds and thousands, and hunted up every case, clear back for thirty years, where they could find anybody who had performed such service and had not received sea pay. Many of the officers were dead; their children were gone, but the grandchildren were hunted up. They were told that they could get 50 per cent of these claims, or 25 per cent, or whatever it was, if they put them into the hands of the claim agent. The Treasury began to be thronged and overborne by these claims, and before we got hold of it in Congress the Treasury Department had paid on the strength of this decision some hundreds of thousands of dollars in these cases.

Then Congress, on full debate and consideration here, declared that hereafter the accounting officers of the Treasury should not certify and audit any claim based on the decisions which had been rendered. That was a part of the statute. That was the most we could do. We were protecting the Treasury; we were trying to see if we could not shut off the claim agents.

The claims are referred to by the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Florida [Mr. CALL] as just and righteous, and we are told that there are crying widows and orphans. There is no widow and there is no orphan crying in these cases. It is the claim agents, the lawyers, who are importuning the Senator from Florida and everybody else, and have done so in season and out of season. The Senate ought to know that in paying these claims it is saying in terms that the man who gets an easy berth in a ship which lies at the wharf in a harbor anywhere must have the same pay as the man who goes abroad and traverses all the seas of the globe.

Mr. WHITE. Will the Senator from Maine allow me to ask him a question?

Mr. HALE. Certainly.

Mr. WHITE. I am not familiar with the facts in the matter, and my inquiry is directed at their ascertainment. Is it true that these claims have been found to be valid by any judicial tribunal?

Mr. COCKRELL. By only one.

Mr. HALE. No; as I say they got in one case and got a decision of the court. Then the claim agents, on the basis of that decision, flocked to the Treasury, and after a half million dollars had been paid Congress put down this barrier.

Mr. WHITE. Are the other claims, those upon which the present solicitation is based, analogous in all respects to that which the court held was a valid claim?

Mr. HALE. It is precisely the same class of claims. The court ruled upon a technicality that sea pay was due for this kind of service, and then Congress put the barrier down and enacted the statute to which I have referred.

Mr. COCKRELL. The decision was in direct conflict with the rulings of the Department and the usage which the officers had accepted for nearly a generation.

Mr. HALE. Invariably. I have stated these things in order that the Senate will not be deceived, and will not think that here is a discrimination against a meritorious class of men, who have really earned this pay. Not one of them ever earned a dollar of it, and none of them ever expected to get it. There was not an officer who went on board ship in this way who ever dreamed of sea pay.

Mr. COCKRELL. He accepted the pay which the Department decided he was entitled to, and was only too glad to get that.

Mr. HALE. That is right. There ought to be the distinction which exists between leave pay, shore pay, and sea pay; and the man on board a ship which lies at a wharf ought not to have the sea pay like the man who goes to sea.

Mr. GALLINGER obtained the floor.

Mr. CALL. I wish the Senator from New Hampshire would allow me to correct a mistake. Have I the consent of the Senator from New Hampshire?

Mr. GALLINGER. Certainly.

Mr. CALL. I am surprised at the statement of the Senator from Maine [Mr. HALE]. I know he does not intend to misrepresent the case. The decision of the Supreme Court was not upon a technical point, and there was not merely one decision. There are a half dozen decisions quoted in this report.

Mr. HALE. I said two or three decisions.

There are three decisions. The Senator from Maine said it is a technical decision. It is not. As to the meaning of the law, it is a full and exhaustive decision. Here it is; but I shall not take the time of the Senate to read it. It goes into the condition of the vessel, where she was, stationary, but liable to be sent out at any moment, and the officers required to be personally present in the performance of their duty, ready at any time to be sent to sea. In these cases the Supreme Court decided that wherever that was the case, where the officers were ready and required to be ready to perform sea duty, they were performing sea duty, and in the terms of the law entitled to that pay. Who shall deny it?

The question is, does the decision of the Supreme Court, declaring that to be the definition of the law, create a public debt of the United States. It is not whether there are or not claim agents. I do not know any claim agents. I am one of the men whom they do not solicit. I have never had any kind of acquaintance with them, but I do know several meritorious women and children, the survivors of these officers, who think they have a just claim upon the Government; and they have. That is the case which the Supreme Court decided. What matters it whether the claim agents hunted up the claimants?

But the Senator from Maine is upon the Committee on Appropriations. Why is he now recommending and why has he been recommending all the time that this same pay be given to men who did not serve from 1860 to 1865? Let that question be answered. Why has he recommended that for those men to-day and yet denies similar treatment to the men and the children and widows of those who served from 1860 to 1865?

I have here the report of the Secretary of the Treasury. He says:

> In compliance with the resolution of the Senate of the 11th instant, calling for certain information relative to naval officers' claims for sea pay in accordance with the decision of the Supreme Court in the case of The United States *vs.* Strong, I have the honor to transmit herewith the report of the Fourth Auditor upon the subject of the 14th instant.

That is the case I have referred to here, which is full and exhaustive as to the right of those people, not upon a technical point, but upon the meaning of the law. The Auditor says:

> I have the honor to return herewith a copy of the resolution of the United States Senate of the 11th instant in regard to claims certified to Congress in accordance with the decision of the Supreme Court in the case of Strong, referred to this office for report, and have to state:
>
> 1. The total sum of $389,071.90, exclusive of payments from current appropriations, has been reported to Congress for sea pay under the above decision.
> 2. Of the above-given sum $136,818.62 has been paid.
> 3. Of the sum paid, $40,230.25 was paid without regard to the date when the services were rendered.
> 4. Of the sums appropriated, as shown above, about $96,000 remains unexpended.

It has been appropriated and is unexpended, and can be applied to no other use.

That is the condition of the case, and I repeat that by the very terms of the statement of the Secretary of the Treasury, this limitation, if not in terms applicable to the sailors and naval officers who served during the war, is in fact applicable, because six years before the time fixed in the statute excludes all of them, and the widows and children, and to-day includes the men who were not in the service during the war.

Suppose the statement of the Senator from Maine is true that these gallant officers, upon a vessel in port, ready and prepared to go to sea, did have a respite from the severe service of the sea, from battle and storm, shall their widows and their children be deprived of the benefit of this just debt, adjudicated by the Supreme Court of the United States, because the husband or father had a respite and easier duty. Why not strike down the others? Why make this limitation applicable to them and them alone? The Senator who objects to the amendment, the chair-

man of the Committee on Appropriations, has had charge of these appropriations all the time. Why did he not make the limitation so as to except from it the sailors and those who performed this meritorious service? Mr. President, there is no argument on the other side of this question.

Mr. GALLINGER. Mr. President——

Mr. PALMER. I have no disposition to prolong the debate, but I should like to ask the Senator from Maine a question. Will the Senator from New Hampshire yield to me for a moment? It is for a question only.

Mr. GALLINGER. Certainly.

Mr. PALMER. I understand there is a distinction between sea pay and shore pay. I understand, furthermore, that the persons who are intended to be provided for by the amendment did not go to sea. If they did not go to sea, upon what ground is it proposed to give them sea pay?

Mr. HALE. This is the ground. For years there has been one rule observed in the Navy, and it is a rule made in obedience to good sense and fairness. There is a distinction created by law, as the Senator from Illinois has said, between sea pay and shore pay. But I will begin with leave pay. That is the smallest pay, being for an officer on leave.

Then comes shore pay, and the next is sea pay. For years there had been but one rule, and that was that officers who were ordered, for instance, to receiving ships, to training ships, ships that lie about harbors and never go anywhere else, should receive shore pay. It is not such a case as the Senator from Florida refers to—the court did not understand it—where the men were liable to be ordered to sea at any time. It was a ship that did not go to sea; the men occupied smooth and comfortable berths, and nobody ever expected that they would receive sea pay. Some of them did get it, however, and so Congress put in this statute of limitations to prevent all of them from getting it.

The court disregarded the interpretation that the Navy Department had always put upon sea pay, and decided that if a man was on a ship, no matter where it was, if he was not at sea, if he was inside of a harbor on a ship in salt water, lying at the wharf, as the receiving ships always do, that still he should have sea pay; that the men who did not earn sea pay should get it. They got up one or two or three cases, as I say, got their decision through, and ran the thing into the Treasury before we found it out.

The Senator from Florida wishes to know why we pay some of these men and do not pay the others. As soon as we found out the situation we put in this provision, that no claims which occurred more than six years prior to the time of the decision, giving them the benefit which the law generally gives of six years limitation, should be audited or paid. We paid the others, because we could not help it.

Mr. HOAR. I should like to ask the Senator from Maine a question. Do I understand the Senator to say that the Supreme Court of the United States has decided that these debts are due by the law of the land, and——

Mr. HALE. Let me answer the question. The Senator from Massachusetts is a very good lawyer.

Mr. HOAR. That does not answer the question.

Mr. HALE. Yes; it does. I am going to answer it.

Mr. ALLISON. That is a good beginning.

Mr. HALE. They did not decide that all these claims were due. A court decides a case as it comes to it. The court decided one case, A B; it decided another one case, C D; it decided another case, E F. That is all it decided. It laid down the principle. Then Congress, in order to shut off all these old claims up to within six years, said, "Notwithstanding this decision it shall only apply to cases within the six years." We put the bar down because we did not believe in the decision. I never believed in it; it is not a correct decision.

Mr. COCKRELL. The limitation the Senator from Maine speaks of is the bar of the law in the Court of Claims against all other claims.

Mr. HALE. Yes; that is the bar.

Mr. HOAR. I understand the proposition then is this: The Supreme Court has decided that the law of the land makes these claims due. It is true they did not decide on these cases that are before us. If they had, there would have been a judgment. But they interpreted and decided the law, and under that interpretation and decision of the law the party was entitled to go into the Department and get his pay, as a hundred or a thousand of them did. Then Congress came in and undertook to set up a statute of limitation, *ex post facto*, which did not exist in regard to this class of cases, because the committee under whose guidance Congress acted thought the decision of the Supreme Court of the United States was wrong.

Now, just reverse this case. Suppose these men had got their sea pay and the Supreme Court of the United States had decided that they were not entiled to it, that it was shore duty and not sea duty, although the man had to keep his mess and wear his uniform and be ready to go to sea all the time, under the practice of this Government the Department would have pursued those widows and children, those estates, for forty years, without admitting for a moment the thought of a statute of limitations or of a legislative bar or a legislative act.

I can not for one see the justice of asking the Government of the United States to make statutes of limitations in its own favor which it will not permit to be made against it. It does not make any difference whether it is an officer, or a widow, or an orphan, or anybody else, it is a man, or a woman, or a child, to whom the United States owes this money, and it is just as much the legal property of that person which we are keeping in our Treasury as if we had entered upon the widow's cottage and taken possession of it without form or right of law.

Mr. HALE. I take issue with the Senator on that point.

Mr. HOAR. Now the Senator——

Mr. HALE. The Senator has been interrupting me.

Mr. HOAR. I did not so understand.

Mr. HALE. I had not yielded the floor.

Mr. HOAR. I thought the Senator had yielded. I will finish my sentence and then yield.

Mr. HALE. I have not finished. The Senator from New Hampshire——

The PRESIDING OFFICER. The Chair reminds the Senators that the Senator from New Hampshire is entitled to the floor.

Mr. HOAR. The Senator from New Hampshire yielded to me. I thought the Senator from Maine was through.

Mr. HALE. I had not answered the Senator from Illinois [Mr. PALMER].

Mr. GALLINGER. I am delighted to yield to both Senators for a reasonable time.

Mr. HOAR. Let me finish the sentence, and then I will stop. I say again, it is as much the property of this widow as her cottage, and the United States is doing an unjustifiable act if it comes in and says, "If the thing was just reversed I would pursue you for forty years, but that I would get the shilling or the hundred dollars or the thousand dollars that you got by mistake; and when the mistake is in my favor merely because the Government can not be sued, you shall not have it set right."

Mr. HALE. The Senator has it all wrong. He is very vehement, very decided, and very animated in favor of this conjectural widow whom he has brought up, and to whom he says the Government owes these claims.

Mr. President, the decision that was got out of the court in these two or three cases did not say that the Government owed all these parties. It only established that in the three cases the Government had to pay. But the provision we enacted in order to prevent these cases from being audited beyond a certain date was the fundamental law of the court through which all the claims had to go.

We did not make the statute of limitations. When the three cases which were put into the Court of Claims under the statute of limitations, which is part of the law of the land, were decided and carried up to the Supreme Court and the decision rendered, the court did not pretend to say that persons whose claims were more than six years old, under the general law applicable to that case, not a party to that action, were entitled to an allowance of their claims.

The law says otherwise. The law says "none of you who did not put in your claims here within six years have a particle of claim upon the Government; not the widows or children or anybody else." All that we did was to put into the bill a provision recognizing the six years' limitation, and declaring that the auditing officer should not audit any of these claims beyond six years. The Senator from Massachusetts is too good a lawyer to claim that because one case is decided it goes back beyond a statute of limitation that is a part of the fundamental law of the land.

Mr. SQUIRE. May I ask the Senator a question for information?

Mr. HALE. Certainly.

Mr. SQUIRE. I have learned some facts about this matter, and I should like to ask one question, which I think is in point right here. I understand there was a case decided which was considered a test case; that the six years spoken of commenced to run back from that time, and that the test case was tried in the year 1886, so that the application of the six years commenced about the year 1880. Now, I wish to ask what point there was in establishing this bar, if that was not a test case? Why was it provided that the six years should commence to run preceding the decision of 1886, unless it was so considered?

Mr. HALE. The provision was put in because the moment the decision was made all the claim agents began to rush in their claims and to claim that by force of that decision the Gov-

ernment should pay them all. There was no test case. The lawyers considered it a test case, but nobody else did. The Government never considered it a test case.

Mr. MITCHELL of Oregon. Allow me to ask a question right there. Did not the Department itself, both the Secretary of the Treasury and the First or Second Comptroller, whoever it was, in applying the decision of the Supreme Court of the United States made in one case to all the other cases make all the other cases payable?

Mr. HALE. That is just what they did. I say the moment the one, two, or three cases were decided, the claims then began to be rushed in and payment was demanded on the basis of that decision. You could not find any fault with Congress in providing that the claims before the six years limitation, which we did not create, which was then the law, should not be audited. They were rushing them all in. They were claiming an audit beyond the six years limitations because this decision decided in a particular case of A B C D or E F, that this was sea pay. They were rushing in the claims beyond the decision, beyond the limitation that was already fixed by law. We said: "You shall not audit any claims that are beyond that decision." That is all there is of it.

Mr. PASCO. I wish to ask the Senator from Maine if he can inform me whether the same law with reference to sea pay that was in existence when the decisions of the Supreme Court were made is still in force, or whether it has been since modified or changed?

Mr. HALE. That I do not know.

Mr. GALLINGER. Mr. President, I was very glad to yield for the colloquy which has taken place, because we all want light on this very interesting question. I do not claim to know as much about these matters as the Senator from Maine in a general way, he having been for a long time a member of the Committee on Naval Affairs, but to my untrained mind in legal matters and in technicalities there are certain facts which seem to be so plain that I am surprised there should be any difference of opinion concerning them. It seems to be established that all the money to pay these claims is ready to be appropriated and is now lying idle in the Treasury of the United States.

Mr. COCKRELL. I dispute that fact distinctly, and will show that it is not the case.

Mr. GALLINGER. This is the first time I have heard it disputed, and it has been stated several times in the discussion.

Mr. CALL. What is the statement?

Mr. GALLINGER. That the money is appropriated, which the chairman of the Committee on Appropriations denies.

Mr. CALL. It is so stated by the Secretary of the Treasury.

Mr. COCKRELL. I do not care what the Secretary says. Here is the law. I will read it, so that all can understand it. I do not want any misunderstanding in regard to this matter.

Mr. HALE. Does anybody claim that the money is already appropriated?

Mr. COCKRELL. Let me read the law:

> For pay of the Navy, $256,948.65: *Provided*, That no part of any one of the claims to which this appropriation is applicable shall be paid therefrom which accrued more than six years prior to the date of the filing of the petition in the Court of Claims upon which the judgment was rendered, which, being affirmed by the Supreme Court, has been adopted by the accounting officers as the basis for the allowance of said claim.

The very moment Congress knew that the accounting officers were making application of a principle which had never been decided by the Supreme Court of the United States and applied for money we then refused to appropriate a dollar, or to allow them to expend a dollar. It never has been appropriated.

Mr. GALLINGER. I presume that statute——

Mr. CALL. Will the Senator from New Hampshire allow me a moment?

Mr. GALLINGER. No: allow me to make a statement.

The PRESIDING OFFICER. The Senator from New Hampshire declines to yield.

Mr. GALLINGER. I presume the statute which has been read is the provision inserted on an appropriation bill, but the fact is that the proper accounting officers of the Treasury Department did find money appropriated to pay these claims, and until Congress intervened, and by this provision on an appropriation bill denied them that right, they had no difficulty in discovering this money which must in some way have been in the Treasury for this purpose.

Mr. President, one other point seems to have been established. A part of these claims have been paid, absolutely paid, by the proper accounting officers of the Government. Then Congress stepped in and by a provision on an appropriation bill, which is vicious legislation, and always has been vicious legislation, and always will be, stopped the proper accounting officers from performing what they conceived to be their duty under the laws of the United States.

One other fact is, I think, not disputed. The Supreme Court has in a number of cases affirmed the principle upon which all these cases rest. Let us take the syllabus, for instance, in one case in which the opinion was delivered by Justice Strong, and see what his language is:

> A lieutenant commander in the United States Navy, performing duty as executive officer on board a receiving ship at Boston, under an order designating his employment as "shore duty," is entitled to receive pay for sea service.

That must have decided not one case, but it must have decided a line of cases. For the Senator from Maine to contend that these have been individual and isolated cases which have been decided by the Supreme Court I think will hardly hold in this discussion. It is a well-known fact that in all classes of cases there are test cases, and that when one case is decided it not only decides that case, but it decides all other cases which are on all fours with that case. There are, I take it, a large number of cases——

Mr. GEORGE. I should like to ask the Senator from New Hampshire a question.

Mr. GALLINGER. Certainly.

Mr. GEORGE. What is the date of the first decision of the Supreme Court allowing these claims?

Mr. COCKRELL. Eighteen hundred and eighty-seven.

Mr. GALLINGER. In 1887, I think.

Mr. HALE. Eighteen hundred and eighty-six.

Mr. GALLINGER. Eighteen hundred and eighty-six or 1887.

Mr. GEORGE. I wish to ask another question. What was the date of service to which the decision of the Supreme Court applied?

Mr. GALLINGER. Perhaps the Senator from Florida is informed on that point. I have not looked up this matter.

Mr. GEORGE. Was Symonds *vs.* The United States the first case?

Mr. COCKRELL. It dated back to 1862, I understand.

Mr. GALLINGER. Now, I will continue for a moment, and then the Senator from Mississippi may have the floor, because I do not propose to make a lengthy argument on this subject. Possibly I am not sufficiently well informed to discuss it at all, except that these plain principles, which do not require a trained legal mind to determine, which honest men can determine for themselves between man and man, or between the Government and the citizen, have impressed themselves upon my mind as being worthy of a word from me and my vote in support of this proposition.

I say that after the Supreme Court had decided the principle involved in these cases, and a large number of them had been paid by virtue of those repeated decisions, Congress stepped in and on an appropriation bill invoked the statute of limitations and stopped their further payment.

The decisions were not made, as the Senator from Maine has suggested, upon technicalities. The Supreme Court does not decide questions upon technicalities. The Supreme Court decides such questions upon the broad principles of law. If there are any technicalities in this case the technicalities belong to the Government, not to the court or to the citizen who has a right under the law to ask that he shall be given whatever money is honestly due him according to the decisions of the highest tribunal in the land.

The Senator from Maine invokes that old bogy of claim agents in connection with this matter. Mr. President, I know nothing about claim agents in connection with these claims, but I take it for granted that in these as in all other claims, the citizen deprived by the Government of his rights, has had to call upon claim agents to do what they could to protect him in his rights.

I said a few months ago, in discussing a claim in the Senate Chamber, that if the Government of the United States could be dealt with as a private citizen in its dealings with people of the United States it would be in jail all the time for larceny; and that is true. The Government of the United States does not propose to pay any claim that a citizen holds against it if it can possibly avoid it. A citizen is compelled to appeal to lawyers, to claim agents, if you please, to protect him in his rights before the law.

One further observation and I am done. This matter has been discussed here and elsewhere. I have given it some little attention. I believe those claims ought to be allowed. I quite agree with two distinguished men in another body, one of whom in discussing this question declared that he had "never heard the plea of the statute of limitations was an honest plea between citizen and citizen against the payment of an honest debt," and the other, one of the oldest men in the service of the United States, who has had long experience in governmental affairs, declared as follows:

> This money is due by virtue of a decision of the Supreme Court of the United States. * * * Whether it be $1 or $1,000,000, we owe this money under the ruling of the highest judicial tribunal in this land.

Mr. President, I believe that to be true, and believing it to be true, laying aside all technicalities, standing here appealing for the rights of the citizen, for the widow and for the orphan, for citizens of this Republic who have claims against this Government, whose claims have been affirmed by the Supreme Court, which decision has not been reversed except by an act of Congress upon an appropriation bill, I am glad of an opportunity to say that I think the Congress of the United States owes it to itself, to its integrity, and to its honor, to see that these claims are paid at the earliest possible moment.

Mr. GEORGE. Mr. President, I have listened to this debate and I am anxious to find out what is exactly right to be done in this case. As I understand the facts, they are about as I shall state them. During the war, between 1861, or including 1861, and the end of the war, under a ruling of the Department, when certain officers and seamen who were doing duty upon a ship or ships inside of a harbor and not going to sea came to settle with the Department they received shore pay instead of sea pay, the sea pay being the larger sum.

Everybody understood that that was the right ruling of the Department. Those officers accepted the pay and gave their acquittance upon the United States, as it was shore duty. Then, after many of the officers were dead, twenty years afterwards, when everybody had supposed that there had been a full and final settlement on the part of the United States with those officers, a suit was instituted, I believe in 1886 or 1887, upon a state of facts arising but recently anterior to that time.

Mr. HOAR. May I put the Senator a question right there?

Mr. GEORGE. No; I want to state the case first, and then I will hear the Senator.

Mr. HOAR. It is in reference to the Senator's last sentence.

Mr. GEORGE. Never mind, unless the Senator wants to correct the statement I have made.

Mr. HOAR. I want to correct the Senator and to put a question to him.

The PRESIDING OFFICER (Mr. WHITE in the chair). Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. GEORGE. I yield.

Mr. HOAR. The Senator says there was a full and final agreement with the parties. The question I wish to put is, whether that is not precisely what the United States says shall not be done, and that none of the settlements were full and final settlements? The Government says they may be opened at the expiration of half a century.

Mr. GEORGE. At any rate, the accounts of the officers were made out and settled on the basis of shore pay, and everybody supposing that to be the law at that time, no complaint was made. Many of those officers died, they passed out of existence, under the supposition that they had been fully paid.

Now, this was for service during the war, when, I suppose I may be allowed to say, it was a little safer, a little more convenient, and a little more agreeable to be doing duty on a vessel in a harbor than going out in the sea and meeting the enemy.

Twenty years after that time, upon a state of fact arising in time of peace, some lieutenant—I think it was Lieut. Symonds—believed that he was entitled to sea pay instead of shore pay and he entered suit. The Supreme Court of the United States decided that service on a vessel in the harbor was sea service and that he was entitled to sea pay.

Then, after all those men were dead and had gone out of existence, a lot of claim agents in the city of Washington, who are always looking around in the Departments for the opportunity to get up claims against the Government of the United States, discovered that the settlements which were made twenty years anterior to that time were all wrong. Thereupon they write all over the country, or advertise, and get these claims and present them here.

Now, what did Congress do? This matter has been settled, and settled by a tribunal which had a right to settle it. When Congress discovered this state of facts and that nothing could be final as to the settlement which had been made and accepted in good faith by the officers of the Government, by the fiscal officers of the Government as well as the naval officers of the Government, Congress passed a law, which it had a right to do, providing that the old settlements made twenty years before, which had been accepted in good faith by everybody, should not be reopened unless suit was brought within six years anterior to the date of that statute.

Mr. HALE. That is it exactly.

Mr. CALL. I beg pardon.

Mr. GEORGE. That is the exact state of facts, I understand.

Mr. CALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Florida?

Mr. GEORGE. Of course I will yield if I have made a misstatement.

Mr. CALL. Congress did not do anything of the kind.

Mr. GEORGE. Where is the statute read by the Senator from Missouri?

Mr. COCKRELL. On the contrary, Congress said that the claims which had accrued prior to six years before the filing of the petition in that case should be barred. That is what it said.

Mr. GEORGE. It makes no difference; Congress passed the law which I have in my hand, and which I will read to the Senate, so that they may see what it is.

For pay of the Navy, $256,948.65: *Provided*, That no part of any one of the claims to which this appropriation is applicable shall be paid therefrom which accrued more than six years prior to the date of the filing of the petition in the Court of Claims upon which the judgment was rendered.

Congress had a right to pass that law, and I believe it was the duty of Congress to pass it. There ought to be an end of claims against the United States, especially of claims which have been presented to the accounting officers of the Government and regularly passed to the satisfaction of everybody. It was not so intended, but it appears to me after a very careful and patient listening to the arguments in this case that it is nothing more than a proviso for the benefit of the claim agents who have thus stirred up these old settled claims against the Government.

Mr. CALL. Mr. President, the Senator from Mississippi is usually very accurate and he states his propositions very clearly, but in this case he has not done so. There is no evidence of any claim agents before this body. There is no evidence that the Congress of the United States has ever adopted a statute of limitations upon accounting officers. The statute passed in reference to these claims, which includes this meritorious class of service rendered in the war, is the only one. To-day the chairman of the Committee on Appropriations and the Senator from Mississippi are voting money to pay claims far beyond these in amount, and claims which have none of the merit of this class of claims.

Mr. PALMER. Will the Senator from Florida allow me to ask him a question?

Mr. CALL. Certainly.

Mr. PALMER. Does the Senator admit that these claims are within the statute of limitations?

Mr. CALL. I do not. They are within the provisions of the enactment in that appropriation act, relating to that appropriation only, to that specific amount of money. Before that time Congress had appropriated (under the decision of the Supreme Court which fixed the liability of the Government) $300,000 to these men, of which $140,000 has been paid.

Mr. PALMER. Will the Senator allow me to make one further remark? I understand the Senator to maintain that that limitation has reference simply to that appropriation.

Mr. CALL. Beyond a question. It says "that no part of this amount." There is no question about it. It is only applicable to that appropriation. It says "that hereafter none of the money appropriated in this appropriation act." Beyond a doubt, it is not a general law.

Now, let us see whether it is a general law or has any application to the accounting officers of the Treasury. Let us see whether Congress passed any law saying that claims going back to a certain date against the Government shall not be presented. There is a statute of limitations limiting the jurisdiction of the Court of Claims, but there is none upon the accounting officers of the Treasury. I have here——

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. CALL. I will yield in a few minutes.

Mr. CHANDLER. Right at this point I wish to ask the Senator from Florida a question, if he will allow me.

The PRESIDING OFFICER. Does the Senator from Florida yield?

Mr. CALL. I always yield to the Senator from New Hampshire with pleasure; but I prefer to go on with this point.

Mr. CHANDLER. Then I will not interrupt the Senator now.

The PRESIDING OFFICER. The Senator from Florida declines to yield.

Mr. CALL. I will yield presently. I say there is no statute of limitations. What does the Court of Claims say in Smith *vs.* The United States, in the fourteenth volume of Reports, 118?

Accounts in the Treasury are never adjusted. In neither the legal nor the mercantile sense of the term is an account between the Government and one of its officers ever finally adjusted.

Now, let us see whether that is true or not. Let us go on and see. I hold in my hand a list of claims allowed by accounting

officers reported here within the last few days and referred to the Appropriations Committee, upon which the distinguished chairman of the Committee on Appropriations has been acting in this very bill. Now, let us see what he does:

For the payment of claims, for difference between actual expenses, and mileage allowed under the decision of the United States Supreme Court in the case of Graham *vs.* The United States (certified claims), 1854-'62, $101.82.

That goes back to 1854, years before the claims of these sailors to whom the Senator from Mississippi denies the respite of a few months' duty in a home port, in uniform, subject to martial law all the time, on duty ready to be called out at any moment, the Supreme Court declaring it to be sea duty. He votes to pay this mileage which accrued in 1854, due to these officers upon this decision of the Supreme Court that the claims were never adjusted.

So of the Post-Office Department, so of the War Department, and so of every other Department of the Government, wherever the law fixed the amount due the officer and the court declares that it is a public debt. Yet the Senator undertakes to come here and takes this case out of the category of such claims when the decision of the court is that even in time of peace an officer on board a receiving ship, performing the same duties as at sea, shall receive sea pay.

What does the Secretary of the Navy, Mr. Tracy, say in his letter to Senator BUTLER upon this very class of claims? I have it here in my hand. The Secretary says:

NAVY DEPARTMENT, *Washington, July 11, 1892.*

SIR: Replying to your letter of the 6th instant, referring to certain provisions in the deficiency appropriation bill as it passed the House, I have to state that under existing law, as construed by the Court of Claims and Supreme Court, sea pay has been and is allowed to officers serving on board of training, receiving, and practice ships "when not cruising."

Officers, except the commanding officer, performing duty on ships of this character, have ordinarily the same extra expenses with respect to mess bills, uniforms, etc., as those on duty on ships attached to home or foreign squadrons.

So we have the decision of the court to that effect; but that is not all. The Supreme Court has fixed the obligation of the Government to pay. The fact that it becomes the private property of the officer, just as much as the land of the Senator from Mississippi [Mr. GEORGE], or the house of the Senator from Missouri [Mr. COCKRELL] is his property, has been adjudicated a thousand times; it is to-day the practice of the Government, and it has been recognized by the chairman of the committee and the Senator from Maine [Mr. HALE], and is recognized in this bill as the law of the land. There is no statute of limitation whatever upon the subject.

A signal instance of this policy is found in the "customs inspectors' cases." The old law gave them "not exceeding" $3 per day. By a blunder the words "not exceeding" were left out of the Revised Statutes. After receiving pay for some years at the old rates, generally less than $3, the inspectors claimed the difference, and Congress has appropriated over $750,000 to meet these claims.

The chairman of the Committee on Appropriations recommended and that very committee has appropriated $750,000 to pay the customs inspectors the difference between the amount allowed them and $3 a day.

Mr. CHANDLER. From what document is the Senator reading?

Mr. CALL. I am reading from a résumé of the case.

Mr. COCKRELL. A lawyer's argument.

Mr. CALL. It is as good as yours or mine. The Senator is nothing but a lawyer and I am nothing but a lawyer. What argument is there in saying that the document from which I am reading is a lawyer's argument? The question is, is the claim right and just? Is it true? Do you deny it?

Mr. CHANDLER. In the customs inspectors' cases, to which the Senator alludes, the statute of limitations had not run. The Senator does not mean to convey the idea that those cases were within the statute of limitations?

Mr. CALL. Of course not. There is no statute of limitations as to any of them, but there is as to the widows and orphans of those who served in the war. They are the persons who are to be selected to be stricken down.

Mr. CHANDLER. That is what I wanted to ask the Senator about, but he would not allow me.

Mr. CALL. Then I will tell the Senator they are the persons selected to be stricken down by the statute of limitations, while these customs inspectors receive $750,000, and you deny to the widows and orphans of those men who fought from 1860 to 1865, whom in every form of legislation you could have lauded, and rightfully lauded, for their gallant courage, and now, after the Supreme Court has decided that it was their private property, a private debt, you come here and put into an appropriation bill a provision that the inspectors of customs shall receive $750,000 for the difference between $2 and $3 per day, when you have here right before your eyes, and I have read it, the report of the Secretary, showing that in the Post-Office Department and in the War Department payment has been made in cases of mileage, going back to 1840, and you refuse to appropriate money to pay what has been adjudged to be due by the Supreme Court upon a correct interpretation of the law. I ask, how can you justify yourselves in it?

There is no use to talk about any statute of limitations, and that being the law of the land. It was the law for the two years that that appropriation act lasted, and it was the law no longer. The act of Congress requires the Secretary of the Treasury every year to report to the Congress of the United States. Under the decision of the Supreme Court the accounts of an officer of the Government are never adjusted, but are always open to adjustment.

Mr. CHANDLER. Will the Senator allow me to ask him a question?

Mr. CALL. Certainly.

Mr. CHANDLER. I ask whether the Senator from Florida, who is a member of the Committee on Appropriations, which has very large powers as this Government is administered, is in favor of never interposing a statute of limitations in the case of a claim against the Government?

Mr. CALL. I am in favor of never imposing the statute of limitations upon a judgment of the Supreme Court of the United States as to a debt due to an individual.

Mr. CHANDLER. Very good, but——

Mr. CALL. When the judgment has been rendered, I am in favor of paying it, and not by a statute of limitations saying that I decide that the Supreme Court is wrong.

Mr. CHANDLER. I want to ask the Senator another question. I ask whether any one of these claims, the payment of which he now advocates, can be taken into the Court of Claims, and then, upon judgment being rendered there, taken to the Supreme Court of the United States, and a judgment there obtained in favor of the claimant? Can any one of these claims which the Senator proposes to pay be put into a judgment of the Court of Claims or of the Supreme Court of the United States?

Mr. CALL. Suppose they can or suppose they can not, what has that to do with the case?

Mr. CHANDLER. Why not? The Senator says he wants to pay every judgment of the Supreme Court of the United States.

Mr. CALL. Yes.

Mr. CHANDLER. Now, if these claimants choose to do so, and have a right to be paid, they can bring their suits in the Court of Claims and go to the Supreme Court of the United States, if necessary, and then get their pay.

Mr. CALL. I am not in favor of any such administration of the Treasury Department.

Mr. CHANDLER. Then, the Senator is simply in favor of paying these men just as if they had a judgment of the Supreme Court of the United States, when, under the existing statute law, they can not get into court. Therefore, the Senator is in favor of removing the statute of limitations in every one of these cases.

Mr. CALL. The Senator from New Hampshire is generally very forcible in his logic, but I do not think his logic on this occasion reaches the case. The Supreme Court of the United States have decided a principle.

Mr. CHANDLER. A precedent?

Mr. CALL. A principle; and it is the business of every officer of this Government to apply that to the cases coming before him which are of like character. It would certainly be the height of injustice to compel every man to whom the United States owes anything to bring suit for it. It would be practical repudiation. Such a state of things never occurred.

Mr. CHANDLER. Then the Senator is in favor of removing the statute of limitations entirely from the accounting officers of the Treasury?

Mr. CALL. There is no statute of limitations upon the accounting officers of the Treasury. The Senator knows there is no such pretense.

Mr. CHANDLER. The Senator is himself applying a statute of limitations on the accounting officers of the Treasury.

Mr. CALL. The Senator from Florida is in favor of paying all cases which come within the principle of the decision of the Supreme Court of the United States. That is what he is in favor of doing.

Mr. CHANDLER. No matter how old it is?

Mr. CALL. No matter what else. That is the law, and that should govern the Treasury Department. There is no statute of limitations, as I have read here to-day, except that which you have applied to these meritorious officers, who served on board ship in port declared by the court to have the right to sea pay.

Those alone are the people you have stricken down in your laws, and I have proven it to you by the report of the Treasury Department certifying claims away back to 1840 in the War Department, and appropriations in this very bill to pay them.

It is only that class of people who have rendered these conspicuous services during the war to whom you have applied this statute of limitations.

Mr. CHANDLER. I did not intend to be drawn into this discussion, and I do not now intend to cover the whole subject which has been brought into the debate, but I wish to call the attention of the Senate to the fact that here is a statute of limitations applicable to the Court of Claims and to suits therein. It reads:

SEC. 1069. Every claim against the United States, cognizable by the Court of Claims, shall be forever barred unless the petition setting forth a statement thereof is filed in the court, or transmitted to it by the Secretary of the Senate or the Clerk of the House of Representatives as provided by law, within six years after the claim first accrues.

Mr. President, that is a wise statute; it is the universal rule in the Court of Claims, and now, that being the policy of the Government with reference to suits in the Court of Claims, why should it not apply to the accounting officers of the Treasury Department?

Mr. CALL. I will tell the Senator why it should not apply. By the universal rule of law continuous accounts between individuals are never subject as to any of their items to the statute of limitations. Once proved that an account is continuous between two parties and unadjusted, it remains outside the statute of limitations.

Mr. CHANDLER. That is an absurd application of a ridiculous doctrine. The rule that is applied to suits in the Court of Claims should be applied to the same class of claims when suit is not brought in the Court of Claims, and all that the Congress of the United States has done has been to take this provision as to the Court of Claims, providing a statute of limitations, and applying it to the accounting officers of the Treasury.

There is not one of those claimants who, if his claim was as just as those which have been already paid, could not go into the Court of Claims and get his judgment if it were not for the statute of limitations, which the Senate and the House of Representatives have very wisely applied to the accounting officers of the Treasury Department.

There is no reason for paying these claims unless the Senate is prepared to repeal all statutes of limitation in the cases of all claims against the United States; and I was surprised to hear the Senator from Massachusetts [Mr. HOAR] make the statement that he did, that whenever a Senator votes to enforce the statute of limitation in the case of a claim against the United States, he is engaged in business equivalent to that of robbing a poor widow of her cottage.

That is the doctrine of the Senator from Massachusetts, if he means anything—that when a person has a claim against the United States, no matter how old it is, no matter how stale it is, no matter how much it may be barred by the statute of limitation, if you vote in this body to enforce the statute of limitation you are taking away from a poor widow that which is hers by just as sacred a right as that by which she possesses the cottage in which she lives.

Rhetoric of that kind, it seems to me, finds no place in the discussion of a question of this kind. Either the statute of limitations which is applied to the Court of Claims is a wise limitation on the accounting officers of the Treasury Department, or else let us remove it entirely and never set up in behalf of the Government of the United States the pretense that a claim is stale and never apply the statute of limitations to any claim whatever against the United States.

The Supreme Court of the United States decided that an officer of the Navy who was assigned to duty upon a receiving ship, tied up at a dock in a harbor, which never moved, which never was intended to move, which could not by any possibility be moved, was at sea.

Mr. President, the decision does not commend itself to my judgment. I do not intend to vote to pay claims of that kind, unless suit is brought upon them in the Court of Claims and judgment recovered according to law. In other words, all claims based upon the proposition that an officer who is on board of an old hulk, tied up at a wharf, which can not move, is at sea, ought not to be paid, provided they are barred by the reasonable statute of limitations which we apply to every suit that is ever brought in the Court of Claims.

Mr. MANDERSON. I shall vote for this amendment, and I want to give very briefly my reasons for that vote. I do not pretend to be a sea lawyer, but it seems to me in this debate that some of the lawyers of the body are at sea. [Laughter.]

I do not like to criticise naval legislation, yet I feel tempted to do so; perhaps I ought not to; I hardly know a marline spike from a boat hook; but I know that in the Army of the United States there is no distinction of duty.

The officer who has a soft place, a very nice billet here in the city of Washington, being on duty receives the pay of his rank just the same as though he might be on duty in the West at some disagreeable frontier post engaged, perhaps, in Indian warfare. There is no distinction. If he is on duty his pay is the same.

Mr. HALE. There ought to be a distinction.

Mr. MANDERSON. I do not think there ought to be a distinction. The officer of the Army or of the Navy who is on duty should receive the pay of his rank.

Mr. CHANDLER. Will the Senator allow me right there?

Mr. MANDERSON. Yes.

Mr. CHANDLER. Does not the Senator see that in most cases an army officer wherever he is on duty, can have his family with him; but when a naval officer goes to sea he can not take his family with him, but must leave them at home. So it is just and right in the case of naval officers, although it may not be in the case of army officers, to have two kinds of pay, one shore-duty pay and the other sea-duty pay.

Mr. MANDERSON. I can not see that, because I know very many cases where army officers can not have their families with them.

Mr. CHANDLER. I say in most cases army officers can have their families with them.

Mr. MANDERSON. That may be true as a general proposition; but I can not see why in the case of an officer on shore or on sea duty there should be any distinction in his pay.

Mr. PALMER. Will the Senator from Nebraska allow me to make a remark?

Mr. MANDERSON. Certainly.

Mr. PALMER. By the usage of the sea service the distinction is made that shore pay is at one rate and sea pay is at another.

Mr. MANDERSON. I understand that that is the law.

Mr. PALMER. It is not so with the Army.

Mr. MANDERSON. I know.

Mr. PALMER. Those who are on shore duty get one rate of pay and those on sea duty another.

Mr. HOAR. These men were on salt water.

Mr. PALMER. Yes; they were on salt water. I suppose it would have been just the same if they were on fresh water. I suppose they were not at sea.

All I wanted to do was to call the attention of the Senator from Nebraska to the point that in the naval service the distinction between sea and shore pay is made by law and regulations, while in the Army there is no difference in pay whether the officer has a soft place or a hard place.

Mr. MANDERSON. I understand that. My understanding of the law is that there is a distinction between the pay of the army officer and the pay of the navy officer; but we have got to take the law as we find it. There is that distinction. While the wrangle has been going on between my brother lawyers here I have been trying to get my mind into a judicial condition, so that I could decide whether the Supreme Court was right or whether the lawyers in this body who oppose the decision of the Supreme Court are right.

It seems that until 1843—I make that assertion because of the recital in the opinion of the court, delivered by Mr. Justice Matthews—officers of the Navy who were engaged on duty on receiving ships received sea pay. In 1843 the Navy Department issued an executive order declaring that the receiving ships at the several stations were not to be considered vessels in commission, in sea service from that time, and until these suits were brought naval officers who were upon receiving ships did not receive sea pay.

On training ships, which are another class of ships that do not seem to go to sea, they received sea-duty pay until 1882, when, by an executive order issued by the then able able Secretary of the Navy—and my impression is that he is the gentleman who sits very near me [Mr. CHANDLER]—training ships were declared to be not at sea, but that the men who were upon such ships were entitled to shore-duty pay.

The Supreme Court of the United States in the cases I have before me overruled these respective and respectable Secretaries of the Navy. They said that an officer on a receiving ship or on a training ship was at sea within the meaning of the law, and was entitled to sea pay.

Can there be any question that that law is the law of the land, and that it is a judicial overturning of the executive orders of the Navy Department? There can be no doubt of it.

Mr. President, I understand from the statements which have been made that under these test cases—for such they were, and they all involved the same principle, it was not necessary that the United States should be sued by every naval officer who had such a claim, and the Department was right in applying the principle fixed by the Supreme Court in these decisions to the cases that were presented to it.

Before Congress could overrule the Supreme Court and put on the check of a statute of limitations, we understand that

several hundred thousand dollars have been paid in these cases, and that here is a remainder of less than $100,000.

Mr. COCKRELL. Over $200,000.

Mr. MANDERSON. A remainder, perhaps, of over $200,000 that should be paid. Upon what principle can it be contended that it should not be paid. We are told that the statute of limitations should prevent its payment.

I never have had very much respect for a statute of limitations between individuals, and I have still less respect for it when the Government of the United States proposes to apply it to its servants and to its officers; but, as suggested by the Senator from Massachusetts in the remarks made by him a short time ago, I would not apply such a statute of limitations.

This statute of limitations is now proposed to be applied in a case where there has been an erroneous ruling by the executive officers of the Government in the Department. It looks to me as though the United States was proposing to take advantage of its own wrong in dealing with these people.

I do not care, for the purposes of this discussion and for the purposes of the conclusion to which I shall come, whether these persons are widows, or whether they are orphans, or whether they are living men, who, in former times, performed the service, or whether the claim agents have a fee here. That should not guide the Senate of the United States in the determination of a matter of this sort. We should not lose sight of the fact that in matters of this kind, representing as we do one of the parties to the contract, we are bound by the high court that the Constitution of the country has established.

We should follow it, and we have no right to overrule it. I can see no principle upon which these persons should not receive that which the Supreme Court of the United States has said they are entitled to, notwithstanding the fact that Secretaries of the Navy have heretofore said they were not entitled to it.

I shall vote for the amendment.

Mr. CHANDLER. Mr. President——

Mr. COCKRELL. Will the Senator from New Hampshire allow me to make a very brief statement before he proceeds?

Mr. CHANDLER. I merely want to quote the statute to the Senator from Nebraska, and I want the Senator from Nebraska to listen to this statute:

SEC. 1571. No service shall be regarded as sea service except such as shall be performed at sea, under the orders of a Department and in vessels employed by authority of law.

Does the Senator believe that an officer serving on an old hulk with a house built over it, tied up to a wharf, never intended to move, and which can not move, is performing service at sea within the meaning of that statute?

Mr. MANDERSON. Well, Mr. President, I have more reverence, I think, for authority than the irreverent Senator from New Hampshire. The Supreme Court has said that that old hulk, tied up at the wharf and unable to go out, is at sea.

Mr. COCKRELL. No; I beg the Senator's pardon. The court has not said any such thing.

Mr. MANDERSON. I beg your pardon. It so says.

Mr. CHANDLER. The only difference between us is this: I would not pay claims of that sort unless I was obliged to pay them in pursuance of a judgment of the Court of Claims, and these men can not get into the Court of Claims because of the statute of limitations. I would apply the statute of limitations to these claims, not feeling that I was depriving the widow of her cottage, as the Senator from Massachusetts seems to think we are doing in the votes we are giving here against these claims.

Mr. MANDERSON. I wish the Senator would not lug "the widow's cottage" into the debate in my time, for I have had nothing to do with "the widow's cottage" in my argument. I have simply suggested that in preference to the opinion of the Senator from New Hampshire or my own as to whether an old hulk, lying at a wharf, unfit to go to sea, is at sea or not at sea, I would accept the decision of the Supreme Court of the United States.

Mr. CHANDLER. Not for my guidance.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska has the floor. Does he yield to the Senator from Maine?

Mr. MANDERSON. Certainly.

Mr. HALE. The Senator invokes as the rule to govern us the Supreme Court decision that that old hulk tied up at a wharf is at sea. Is that any more a part of the law of the land to govern us than the statutes as they exist, that not one of these claimants should receive pay unless he came within the six years' limitation?

Mr. COCKRELL. Will the Senator from Maine allow me to make one remark?

Mr. HALE. In a moment. I would not have any hesitation in the case of any such decision as that in invoking the law of the land, including the statute of limitations.

Mr. COCKRELL. If the Senator will permit me, I wish to state what has been decided by the Supreme Court.

On June 30, 1881, the Secretary of the Navy placed a commanding officer in charge of the training ship New Hampshire, then at Norfolk, and authorized him to enlist a crew such as were allowed for a vessel with her complement of officers. The order declared that her officers would be considered as attached to a vessel commissioned for sea service, the same as other apprentice training vessels.

On the 1st day of April, 1882, Symonds—this is the first decision—took charge as executive officer. He was paid sea pay up to a certain date, and that was the date of the order of the Secretary of the Navy simply stopping sea pay, without at all changing the kind of service. The vessel had been fitted for sea and was cruising there in the waters ready to go to sea, intended for the sea, and he had sea pay up to a certain day. Then the Secretary said that after a certain day he should only have shore pay, and the Supreme Court decided that on that vessel, in that condition, and under that order the officer was entitled to sea pay. That was in the case of Symonds.

The next case which went to the Supreme Court was that of Bishop. Bishop was in New York, and the vessel was cruising ready for sea. In the Bishop case the court simply referred to the Symonds case and confirmed the decision in that case.

Then the next case, and these are the only cases, was the case of Strong. The court simply referred to the case of Symonds as covering the Strong case, and said that under that state of facts the officer was entitled to sea pay for a short time. The Supreme Court never said he was entitled to sea pay from 1843 up to that date. The claimant sued for pay due him within six years of the date of the suit. That is all he could sue for in the Court of Claims.

Now, after the Court of Claims had made that decision, the accounting officers of the Treasury turned around and said, "We will go back to 1843, and we will allow sea pay to every officer who was on a training ship," ships which the Senator from New Hampshire [Mr. CHANDLER] has described as hulks on the water that could not go to sea. As soon as that was reported to Congress we passed the provision which I have read in the deficiency act of 1889. Not a solitary one of those claims was ever paid by authority of Congress or with the knowledge of Congress.

Mr. MANDERSON. Mr. President——

Mr. COCKRELL. Wait one moment.

Mr. MANDERSON. I wish to correct a statement——

Mr. COCKRELL. They went to work and paid some of them out of the regular pay, and exhausted it. That brought the question to the Senate, and then it was that we passed a law that no more money should be paid on these claims.

Mr. MANDERSON. I wish to call the attention of the Senator from Missouri to one point——

Mr. COCKRELL. Just one moment, and I will be through. Here is one officer, William B. Fitzhugh, and the sum stated is $7,000. There are others at $3,000. They would get $1,000, $2,000, and so on apiece, going back to 1843, not that the court ever decided that anybody was entitled to any such pay, for in the three cases, which are entirely different from nine-tenths of the cases, the court decided that it was sea pay the officers were entitled to.

Then the Treasury officials applied it to all training-ship service. Look down here at the navy-yard; see the vessel there?

Mr. MANDERSON. I simply wish to call the attention of the Senator from Missouri to the Symonds case and his statement as to the New Hampshire, on which ship Symonds was executive officer. If he will look at the foot of page 50 of 120 Supreme Court Report he will find this statement of facts:

It is of no consequence in this case that the New Hampshire was not, during the period in question, in such condition that she could be safely taken out to sea beyond the mainland. She was a training-ship, anchored in Narragansett Bay, during the whole time covered by the claim of the appellee, and was subject to such regulations as would have been enforced had she been put in order and used for purposes of cruising.

So she was unable to go to sea. Now, let us look at the other case. The receiving ship Wabash was covered by a roof, we are told:

She was capable of being taken out to sea under steam, her machinery and boilers being sufficient for that purpose; she could have been taken out to sea under sail, but in the condition of her boilers and machinery and her sailing apparatus, without repairs, it would not have been in either case advisable or safe.

Mr. HALE. Was there a roof over the Wabash?

Mr. MANDERSON. Yes, sir.

Mr. HALE. Yet the court says she could have gone to sea.

Mr. MANDERSON. There was a roof over the deck.

Mr. CHANDLER. It was a house-boat.

Mr. MANDERSON. I am simply following the Supreme Court. That should be a good guide.

Mr. HALE. Which judge decided the case?

Mr. MANDERSON. Mr. Justice Matthews. The other opinion was delivered by Mr. Justice Harlan; both pretty good lawyers.

Mr. HALE. They could not have been good sea judges.

Mr. COCKRELL. I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri to lay the amendment of the Senator from Florida on the table.

Mr. GALLINGER. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The motion to lay the amendment on the table was agreed to.

Mr. CALL. The yeas and nays were ordered before.

Mr. CULLOM. No; they were not. The motion has just been made.

Mr. CALL. I am not mistaken. The yeas and nays were ordered.

Mr. COCKRELL. The yeas and nays were not ordered on the motion to lay the amendment on the table.

Mr. CALL. They were ordered on the question of agreeing to the amendment.

The PRESIDING OFFICER. The Chair will state to the Senator from Florida that the motion which has just been passed upon was a motion to lay the amendment on the table, upon which the yeas and nays were not ordered.

Mr. CALL. The yeas and nays were ordered, and I insist——

The PRESIDING OFFICER. It is a past amendment. Are there further amendments as in Committee of the Whole?

Mr. CAREY. I offer an amendment to be inserted after line 11, on page 41.

The SECRETARY. After line 11, on page 41, insert:

To pay salaries of custodians of abandoned military reservations for the fiscal year ending June 30, 1894, and prior years at the rate of $480 each per annum, $21,636.30: *Provided*, That salaries shall only be paid to those who accepted the appointments subject to the future action of Congress in making provision for their compensation, and not to those who expressly accepted appointment on condition that they should not receive compensation.

Mr. COCKEELL. I hope the Senator from Wyoming will not insist upon the amendment. I make the point of order that it is not in order. It is not in pursuance of any law, and it is not estimated for by any Department.

Mr. CAREY. Mr. President——

The PRESIDING OFFICER. The Chair desires to ascertain the fact, and hopes that the Senator from Wyoming will address himself to the point of order made by the Senator from Missouri. The Chair is not advised as to whether a recommendation has or has not been made.

Mr. CAREY. I wish to make a statement in reference to the amendment; then it is within the discretion of the chairman of the committee whether he will allow the amendment to be considered.

It has been the habit of Congress to pay the salaries of the men who take care of these reservations. I wrote a letter to the Secretary and asked him to certify the amount due to one John Fields and one W. W. Thompson, who were appointed to take care of two reservations in my State.

They entered upon their appointments. In the letter of appointment, which I have here, the Secretary of the Interior said to them, "There is no appropriation to pay your compensation, but if you will accept the appointment subject to the action of Congress hereafter, go ahead." They accepted it. Congress went on afterwards and paid these men in part, paid them up to a certain time, allowing them $40 a month. The men said the amount agreed upon was $60 a month. The Secretary, after holding my letter from April 11 up to a week or two ago, answers it, and in his reply he says he has sent down a full list of those appointments, but he does not recommend the payment of the men, because of the large amount of money it would take and the condition of the Treasury.

In the case of the two men with which I am familiar, one of them went 100 miles from his home so take charge of the reservation, and the other went nearly 300 miles from the place where he lived to take charge of the reservation. They took charge of the reservations. I have in my hand letters sent to them from the Interior Department, telling them to make a statement of their account. Here are the letters. [Exhibiting.] Here is the letter in which the appointment was transmitted. I believe this is the first appropriation bill for a number of years from which there has been entirely omitted an item for the compensation of the custodians of these posts.

I have a list of those whom the Secretary said were appointed in the particular way in which I have stated. There is another list where the persons agreed to take care of the posts on condition that they were permitted to occupy certain buildings there. But in reference to this list, which calls for $21,636, I may say it is just that the men should be paid. They are just as much entitled to their salaries as are the Senators who occupy seats upon this floor entitled to theirs.

I do not think it is a good excuse for not making the appropriation this year, when Congress has made such appropriations heretofore, to say that because of the condition of the Treasury the Secretary does not advise this large expenditure at this time. The two items of men in my State amount to only $700, but I did not think it was proper to ask that they be paid and to leave the others out. I wish to call the attention of the chairman of the Committee on Appropriations to a letter I have here. I have the original letter of appointment in this case.

Mr. COCKRELL. We are just wasting time. The committee can not consent to the amendment. The Senator knows that if it were legitimate and we could accept it we would, but it is out of order. It is not a case where we can choose. We must have it submitted to the Department and the estimate of the Department.

Mr. CAREY. Here is a printed submission of the matter to the Appropriations Committee by the Secretary of the Interior.

The PRESIDING OFFICER. The Chair desires to know whether the Senator from Missouri insists upon his point of order.

Mr. COCKRELL. I insist upon the point of order.

The PRESIDING OFFICER. The point of order is sustained.

Mr. DOLPH. I offer an amendment and ask to have it read. I will state that I suppose it is technically a claim, but it is for money paid into the Treasury by mistake, which the officers of the Treasury would have paid back long ago if they had possessed the authority. Bills have passed the Senate in five or six different Congresses to pay the money back, but they never could get consideration in the other House. Let the amendment be read to show what it is. Of course if the Senator from Missouri makes the point of order——

Mr. COCKRELL. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read for information.

The Secretary read as follows:

To pay to Thomas Guinean, of Oregon, the assignee of Bradley S. Hoyt, deceased, of California, the sum of $160, paid the United States by said Hoyt on account of land entry at Shasta, Cal., and which entry was subsequently canceled.

To pay to Chester B. Sweet, of California, the sum of $198.66' the same being the amount of the double minimum excess erroneously paid by him to the receiver of the United States land office as double minimum excess on preëmption cash certificate numbered 1298, Shasta, Cal., for lots 1, 2, and 3, and northeast quarter of southwest quarter of section numbered 7, in township numbered 40 north, range numbered 7 west, Mount Diablo base and meridian, made at Shasta, Cal., March 17, 1886.

Mr. DOLPH. The money has been in the Treasury for a number of years, and is properly payable to these gentlemen. There is no question about the facts. The claimants do no. know any other way to get the money out of the Treasury. It is a small matter and a just matter. I hope the Senator from Missouri will let the amendment go in.

Mr. COCKRELL. I am compelled to make the point of order. It is a pure claim.

The PRESIDING OFFICER. The point of order is sustained.

Mr. DUBOIS. I offer the amendment which I send to the desk.

The SECRETARY. On page 52, line 8, strike out "$500" and insert "$1,000," and in line 13 strike out "one" and insert "two;" so as to read:

To pay Richard W. Young and C. S. Varian $1,000 each, in full for services rendered in the matter of the indictment of Lieut. B. D. Buck, Sergt. Frederick Linse, and Private Edward C. Sheffield, charged with homicide, at the Fort Douglas military reservation, of J. W. Leonard, $2,000.

Mr. DUBOIS. I can not understand why the Appropriations Committee have cut down the amount.

Mr. COCKRELL. That is the provision in the bill as it came from the other House. The Senate did not change it.

Mr. DUBOIS. Allow me to explain it. I think it ought to be put back to $1,000. Mr. Young and Mr. Varian, attorneys in Salt Lake City, were appointed by the Attorney-General to act in the case, these men having been charged with murder. They conducted the business for the Government at the request of the Government, and presented their bill. There is a letter from the Secretary of the Treasury asking that $1,000 be allowed each of these gentlemen, and there is also a letter from the Attorney-General, in which he says:

In my judgment the services rendered by the counsel are reasonably worth $1,000 each.

In the bill it is proposed to pay these men $500 each in full for the services rendered. It seems to me that $1,000 each is a just

compensation. But I do not care to delay the Senate, and I am willing that the vote shall be taken.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. DUBOIS].

The amendment was agreed to.

Mr. BLANCHARD. On page 59, after the word "cents," in line 3, I move to insert:

To pay T. C. Holmes and T. P. Leathers, late mail contractors, for amount of service on route 8165, Louisiana, from April 1 to May 31, 1861, $6,703.30.

Mr. COCKRELL. I move to lay the amendment on the table.

Mr. BLANCHARD. The Senator from Missouri will hardly take me off my feet.

Mr. COCKRELL. I withdraw the motion. I did not know that the Senator wished to say anything. I waited for him, and he did not address the Chair.

Mr. BLANCHARD. I was waiting for the Senator from Missouri to make the point of order against the amendment, if he desired. I should prefer to discuss the point of order if one is to be made, but inasmuch as the Senator from Missouri does not make the point of order against it, I will assume that he has none to make, and will therefore address myself to the merits of the amendment.

Mr. COCKRELL. I do not want the Senator from Louisiana to labor under any hallucination. I shall certainly make a point of order upon the amendment.

Mr. BLANCHARD. I trust, then, the Senator from Missouri will do it now.

Mr. COCKRELL. Then I make the point of order, and will reserve the motion to lay the amendment on the table.

Mr. BLANCHARD. What is the point of order?

Mr. COCKRELL. The point of order is that it is an old claim, an antebellum claim, which has been rejected by the Senate from time immemorial. It is a claim pure and simple, and comes under the rule which I have heretofore quoted.

Mr. BLANCHARD. I do not think this claim has ever been before the Senate in this shape, and I am sure the Senator from Missouri can not point to any instance of its ever having been before the Senate in any other shape at any time. If the Senator from Missouri makes the point of order against the amendment under Rule XVI of the standing rules of the Senate, then the point of order is not good.

I presume it is under clause 4 of Rule XVI that the Senator makes the point of order, though he did not so state.

Mr. President, I call your attention to that clause. It declares that—

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation.

Mr. BLANCHARD. The amendment I have sent up is to carry out "the provisions of an existing law." I hold in my hand the estimate of the Treasury Department, made in 1886, where this very claim, after having been audited by the Auditor of the Treasury for the Post-Office Department, was transmitted to the Secretary of the Treasury, and by him sent up as an estimate for an appropriation in that year. It was never appropriated for.

I refer to House Executive Documents, first session Forty-ninth Congress, volume 30, and will read for the information of the Presiding Officer, the item covering this claim:

T. C. Holmes and T. P. Leathers, late mail contractors, for amount of service on route 8165, Louisiana, from April 1 to May 31, 1861, $6,703.30.

That is the language of the amendment I have offered. There, I repeat, is the estimate of the Treasury Department made in 1886, for this very claim, after the same had been duly audited, and no appropriation has heretofore been made to pay it.

I have here two letters, dated May 7 and May 25, 1894, from the present Auditor of the Treasury for the Post-Office Department. I will read one of them. It will be seen that the amendment I offer covers only about one-half of the amount which the Auditor states in his letter of May 7, 1894, to be due the contractors.

The reason why I sent up an amendment covering a smaller sum was because in the estimate which I have read, submitted in 1886, only one of the claims was included, to wit, the one on the mail contract in Louisiana. There were two of these mail contracts, one in Mississippi, being route No. 7402, and the other in Louisiana, being route No. 8165. The Treasury Department only included one of the claims in its estimate in 1886, and that was on the Louisiana route.

I confined the amendment to the amount due under the service rendered on the Louisiana route because it was the only one included in the estimate, and because if confined to that amount only the amendment would not be subject to the point of order. If I had included in the amendment the full amount due the parties the point of order would have been good, because it has never come up before Congress in the shape of an estimate from the Treasury Department. Confining it to the Louisiana route, however, I point to the estimate of the Treasury Department based upon the audit of the accounting officers of the Treasury for the Post-Office Department, and submit confidently that the point of order does not lie.

The existing law is well known and need not be cited; it is the general postal route law, which authorizes the Postmaster-General to enter into contracts for the carriage of the United States mails. I take it that the particular statute authorizing this does not need to be referred to. It has been the law ever since the Government had its inception that the Postmaster-General could award contracts for the carriage of the mails, and under that law contracts have been awarded for the last hundred years in this country.

I submit, therefore, that when I refer to the general postal law authorizing the Postmaster-General to make contracts for the carriage of the United States mail, it is sufficient. I need not enumerate all the statutes enacted from time to time referring to this subject, and authorizing the letting of mail contracts.

Mr. President, Capt. Leathers is an old and worthy citizen of my State. For many years he was captain of some of the finest steamboats on the Mississippi River, dating as far back as the early thirties. He is now old and impoverished and this money is justly his due.

It is a claim based upon existing law and having been stated and audited by the accounting officers of the Treasury for the Post-Office Department, it comes before the Senate in proper shape for its action.

Mr. President, on the 7th day of May the present Auditor of the Treasury for the Post-Office Department wrote this letter:

Your letter of the 30th ultimo, addressed to the honorable Postmaster-General, relative to the claim of Messrs. Holmes and Leathers, for carrying the mails in Mississippi and Louisiana in 1861, has been forwarded to this office. In reply, I have the honor to inform you that the records of this office show that T. C. Holmes and T. P. Leathers, under the firm name of "Holmes & Leathers," were contractors on route No. 7402, Mississippi, and No. 8165, Louisiana; that payment on the former route was made in full to December 31, 1860, and on the latter route to March 31, 1861, and that there is standing to their credit for service from January 1 to May 31, 1861, on route No. 7402, the sum of $6,207.05, and for service from April 1 to May 31, 1861, on route No. 8165, the sum of $6,703.30, a total of $12,910.25.

It is the last of these amounts, to wit, the sum of $6,703.30 that the amendment covers, and not the other. The former is purposely left out because it was not included in the estimates in 1886. The amount which the amendment covers was included in the estimates submitted in 1886 for appropriation. The letter goes on to say:

In 1882 a part of this claim was taken before the Court of Claims—

That was for the Mississippi route—

and in 1886 a part was reported to Congress for an appropriation.

That was for the Louisiana route. The letter goes on to state:

No provision, however, was made by Congress for its payment, and if any action was taken by the Court of Claims in the case, this office has not been advised.

Within the past year this office has been put in possession of a register of payments made to mail contractors, under contracts with the United States and others, by the Confederate States government, a careful examination of which fails to disclose any payments to Holmes & Leathers on account of their contracts with the United States.

This, then, is a claim growing out of the carriage of the mails just about the time the war broke out in 1861. Here is a statement of the Auditor of the Treasury for the Post-Office Department to the effect that the Confederate register of payments made to mail contractors of that period discloses no payment made to Holmes & Leathers.

The letter of the Auditor of the Treasury which I hold in my hand shows that the United States Government has never paid Holmes & Leathers. It is therefore a just claim against the Government, audited by the Treasury, reported in the estimates of the Treasury for 1886, and referred to now by the Auditor of the Treasury for the Post-Office Department as being a just claim due by the Government.

More than that, Mr. President, I hold in my hand a report made by Mr. COX of Tennessee during the present session of Congress to the House of Representatives, dated May 8, 1894, sustaining this claim, and reporting the bill for the relief of these parties favorably. This report was made from the Committee on Claims of the House. Here is the whole report, which includes letters from the former Auditors, Mr. McConville and Mr. T. B. Coulter, both stating this account to be just and due, and one that ought to be paid by the Government.

More than that, the Committee on Claims of the Senate, during the present session of Congress, have reported this claim favorably. I introduced the amendment and had it printed and referred to the Committee on Appropriations. Now, what more is there to be said? It seems to me that this is a just claim and ought to be paid. It also appears clear that the point of order made against the amendment is not good.

The PRESIDING OFFICER (Mr. JARVIS in the chair). Does the Senator from Missouri insist on the point of order?

Mr. COCKRELL. I insist upon my point of order; and the Senator from Louisiana has proved that the point of order is correct.

The PRESIDING OFFICER. The Chair is of opinion that the point of order is well taken.

Mr. BLANCHARD. The Chair gave no reasons for sustaining the point of order, and I respectfully appeal from the decision of the Chair, pending which I move that the Senate adjourn.

Mr. COCKRELL. I hope the Senate will not adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Louisiana that the Senate do now adjourn.

The motion was not agreed to.

Mr. BLANCHARD. Mr. President, I suggest the want of a quorum.

Mr. COCKRELL. Let the roll be called.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Dolph,	Jones, Ark.	Power,
Allison,	Dubois,	Kyle,	Proctor,
Bate,	Frye,	Lindsay,	Pugh,
Berry,	Gallinger,	McLaurin,	Roach,
Blackburn,	George,	McMillan,	Sheup,
Blanchard,	Gibson,	Manderson,	Squire,
Brice,	Gorman,	Mitchell, Oregon	Stewart,
Carey,	Hale,	Palmer,	Teller,
Chandler,	Harris,	Pasco,	Turpie,
Cockrell,	Hawley,	Patton,	Vilas,
Coke,	Hill,	Peffer,	Washburn,
Cullom,	Hoar,	Perkins,	White.
Davis,	Jarvis,	Platt,	

The PRESIDING OFFICER. The Secretary reports fifty-one Senators as answering to their names. A quorum of the Senate is present. Does the Senator from Louisiana insist upon his appeal?

Mr. BLANCHARD. I do.

The PRESIDING OFFICER. The Senator from Louisiana appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. ALLEN. I do not know that I understand the objection of the Senator from Missouri, and I should like to have the Reporter read the objection as made by that Senator.

Mr. COCKRELL. The objection was that "no amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment;" and the Senator from Louisiana read the report of the Committee on Claims of the Senate and the report of the Committee on Claims in the House; and the claimants themselves insisted that it was a claim, and took it to the Court of Claims.

Mr. ALLEN. I should like to have the Reporter read the objection as made by the Senator from Missouri at the time the Chair ruled on this question.

Mr. HALE. But the Chair has stated the ruling.

The PRESIDING OFFICER. The Chair will state that the Senator from Louisiana offers an amendment to pay a private claim, which the Chair is of opinion, under section 4 of Rule XVI, is not in order. The question of order having been raised, the Secretary will read the rule.

Mr. ALLEN. That is not the request that I made.

The PRESIDING OFFICER. The Chair will state the question. The Secretary will read the rule.

The Secretary read the fourth clause of Rule XVI, as follows:

4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

The PRESIDING OFFICER. Under this section of the rule the Chair sustains the point of order raised by the Senator from Missouri, and from that decision the Senator from Louisiana appeals. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HALE. I move to lay the appeal on the table.

The PRESIDING OFFICER. The Senator from Maine moves——

Mr. ALLEN. I should like to know how the Senator from Maine can get the floor when I have it. I have the floor. I was recognized by the Chair.

Mr. HALE. I do not want to interfere with the Senator. I thought he was through.

The PRESIDING OFFICER. The Chair will hear the Senator from Nebraska.

Mr. HALE. When the Senator from Nebraska is through I shall ask leave to make the motion I have indicated.

Mr. ALLEN. The request I made of the Chair was that the objection as stated by the Senator from Missouri, as it existed at the time the Chair made the ruling, be read—not what the Senator from Missouri says now, but what he said before. What objection did he make before? I should like to have read for information that objection as it was stated by him. I am quite well satisfied that the Senator from Missouri did not make the objection he now makes. What he said at that time was that it was an antebellum claim, and that was the only objection he did make.

Mr. COCKRELL. Yes; that it is a claim; and that is exactly what I said subsequently.

The PRESIDING OFFICER. The ruling of the Chair was not based upon whether it was an antebellum claim or not. It was based merely on the fact that in the opinion of the Chair it is a private claim.

Mr. ALLEN. Is it possible to get the objection of the Senator from Missouri read as he made it at the time the Chair ruled the amendment to be out of order?

The PRESIDING OFFICER. The Chair can not order it read because it is not in writing. The Senator from Missouri can restate it if he will.

Mr. ALLEN. The objection of the Senator from Missouri is in writing. The Reporter has it. It has been the custom since I have been here when a request was made to have a statement of a Senator read to read it.

Mr. HALE. Of course if the Senator will allow me, he will gain nothing by any language which the Senator from Missouri may have used. The point of order is open at any time, to be made by any member of the Senate, and the rule is so clear and plain, as read by direction of the Chair, that nobody can mistake as to what it is.

Mr. ALLEN. That may be true, but that is not germane to the question. I have no interest whatever in the amendment of the Senator from Louisiana. I never heard of the matter before. But having been myself the victim on one or two occasions of snap judgment and a misconstruction of the rules of the Senate, I do feel an interest in it. A very few months ago I offered an amendment which was perfectly germane to the subject-matter of the bill, which was an appropriation itself, and which the Chair ruled was general legislation, when there was not a solitary feature of general legislation about it.

I insist that the Senate is obliged to follow some kind of a guide for the interpretation of the Senate rules precisely as we are obliged to follow the ordinary rules for the construction of a statute. It is not within the power of the Presiding Officer to say that a given rule is violated in offering an amendment when, under the ordinary construction of the rule, it can not be construed to fall within the objection.

It has been the practice for the last year to my certain knowledge to have such a request as I have made complied with. If the Chair insists that it shall not be done I have no power to require it, but it has been the rule in the Senate within the last year to my certain knowledge that whenever a Senator has requested the reading of an objection or the statement of another Senator upon any disputed question the Chair has promptly ordered the reading of such statement.

Mr. COCKRELL. Will the Senator allow me to make one statement?

Mr. ALLEN. Certainly.

Mr. COCKRELL. Certainly the Senator was not present when the amendment was first offered. I first rose and moved to lay it on the table.

Mr. ALLEN. I was right here at the time.

Mr. COCKRELL. Then the Senator from Louisiana stated that he had supposed I would make the point of order.

Mr. ALLEN. I heard the Senator.

Mr. COCKRELL. Thereupon I made the point of order and referred to this identical clause of the rule.

Mr. ALLEN. I heard the whole proceeding. There was no rule referred to at that time. The Senator from Missouri, sitting in his chair and without rising, said that he made the objection that it was an antebellum claim; that it had been considered here and rejected by the Senate on several occasions. That was the only definite language used by him. There was not a solitary rule of the Senate pointed out which the amendment of the Senator from Louisiana violated—not one.

Mr. TELLER. If the Senator from Nebraska will allow me, I should like to suggest that a Senator who raises a point of order does not have to cite any rule. A bare statement that the point of order is made has been the practice of the Senate. Any Senator raises a question of order on that statement. He never cites the rule unless somebody asks for it, and it is immaterial what reasons he gives. He can not argue. It is not a debatable question. All he does is to say that he raises the point of order. That is the practice of the Senate.

Mr. CULLOM. And then it is the duty of the Chair to decide the point of order.

Mr. ALLEN. I presume that is true, but I do not see that that is germane to the question. Does the Senator from Colorado know of any rule of the Senate which prohibits the allowance of a claim because it is an antebellum claim?

Mr. TELLER. It does not make any difference what reason the Senator gives for raising the point of order. He may give any reason when he raises the point of order. It is for the Chair to determine under the rules whether the amendment is in order or not. He might give a reason entirely futile and useless; but the Chair applies the rule. So the Senator's objections are simply trifling.

Mr. ALLEN. I have not the slightest doubt that the statement of the Senator from Colorado is correct, but what I claim is that the Senator from Missouri did not raise any point of order. He did not make a solitary objection that is covered by a rule of the Senate unless there is a rule of the Senate to the effect that a claim can not be allowed when it is an antebellum claim. That was his language, and the only language he used in making the objection. If there is a rule of that kind I suppose it is properly enforced by the ruling of the Chair; but I insist that when a Senator raises a point of order he must be able to point to some rule which covers the point he raises.

Mr. HALE. If the Senator will allow me, I will state that he is clearly wrong. The rules of the body are presumed to be known to all, and the Chair represents the knowledge of the body upon the rules. A Senator raises a point of order. If the Chair inquires of the Senator raising the point of order upon what clause in the rule he bases the point of order, then the Senator will naturally state it; but without such an inquiry, it is not necessary to state anything.

Mr. ALLEN. I presume that is true; I do not doubt it at all; but my contention is that the Senator from Missouri did not raise any point of order that is covered by a solitary rule of this body.

Mr. HALE. That is for the Chair to decide.

Mr. ALLEN. Not necessarily so.

Mr. HALE. It is for the Chair to decide. If the Chair says that no point of order has been presented and directs that the proceeding shall go on, that is the end of it, unless an appeal is taken from his decision.

Mr. ALLEN. It is surprising——

The PRESIDING OFFICER. The Chair will state, if the Senator from Nebraska will permit, that the Chair is distinctly of the impression that when the Senator from Missouri raised the question of order he stated that he raised it under paragraph 4 of Rule XVI.

Mr. ALLEN. If the Senator from Missouri made that statement, and the RECORD will show it, I will withdraw every particle of objection I have made. He made no statement of that kind, as I recollect.

Mr. HILL. I do not desire to interfere in this discussion, but it seems to me that we are wasting time.

The PRESIDING OFFICER. Does the Senator from Nebraska yield the floor?

Mr. ALLEN. I do not yield the floor, but I will yield to the Senator from New York for a question.

Mr. HILL. I simply suggest, in the interest of harmony, that the usual course be pursued, and that the stenographer shall read just what the Senator from Missouri said when he first made the point of order.

Mr ALLEN. That will doubtless cover it. That is exactly what I have been asking the Chair for nearly half an hour to have done, to have read the language which the Senator from Missouri used in stating his objection to the amendment before the Chair ruled upon this question—not his language since that time.

The PRESIDING OFFICER. The Senator from Nebraska will suspend for a moment, so that the Reporter may read the language used by the Senator from Missouri. The Reporter will read his notes.

The Reporter read as follows:

Mr. COCKRELL. The point of order is that it is an old claim, an antebellum claim, which has been rejected by the Senate from time immemorial. It is a claim pure and simple, and comes under the rule which I have heretofore quoted.

Mr. TELLER. That ought to be satisfactory to the Senator from Nebraska.

Mr. HALE. Now, I move to lay the appeal on the table.

The PRESIDING OFFICER. The Senator from Maine moves to lay the appeal from the decision of the Chair on the table.

The motion to lay the appeal on the table was agreed to.

Mr. CHANDLER. On page 66, after line 6, I move to insert:

To W. Jasper Blackburn balance due him as member of the Fortieth Congress from Louisiana, $5,597.23.

To the representatives of Nathaniel Boyden balance due him as member of the Fortieth Congress from North Carolina, $5,652.78.

Mr. COCKRELL. I make the point of order on those cases.

Mr. CHANDLER. If the Senator will allow me, I hope he will not do that.

Mr. COCKRELL. I will withdraw the point of order for the present.

Mr. CHANDLER. I was requested to move this amendment by a member of the House of Representatives. These two gentlemen, one living and the other dead, were members of the Fortieth Congress. They were not paid the full amount they were entitled to receive, and under precedents that have been set in the case of members of the House and members of the Senate, they are entitled to the amount proposed in the amendment.

I have here a report of the House of Representatives—Report No. 769—which sets out the justice of these payments and the certificates from the accounting officers of the Treasury showing the amount proposed in the amendment to be the correct sum. I was urged by members of the House to move this amendment at a time when the frame of mind of the Senator from Missouri would be such that he would generously allow these just claims to be adopted and would not make the point of order upon this meritorious amendment.

Mr. COCKRELL. It may be very meritorious, but the Senate is not the body to pass upon this class of claims. It is a claim pure and simple, not for a salary now, but an old matter which belongs to the House of Representatives. We never interfere with the other House in such matters. We never interfere with what they pay their members.

Mr. CHANDLER. Do I understand the Senator from Missouri to insist on his point of order?

Mr. COCKRELL. I do insist upon it.

Mr. CHANDLER. I am very much surprised that the Senator insists on the point of order against these very meritorious claims.

The PRESIDING OFFICER. The Chair is obliged to sustain the point of order raised by the Senator from Missouri.

Mr. SQUIRE. On page 52, after line 13, I move to insert:

For payment to Alexander M. Winston for services as attorney in defending certain pauper defendants in the United States Court at Spokane, Wash., in September, 1893, by appointment of Judge C. H. Hanford, $115.

Mr. COCKRELL. I make the point of order against the amendment.

Mr. SQUIRE. Mr. President, this is a case that I suppose is not subject to a point of order, because I have here a letter from the Acting Secretary of the Treasury certifying the account. He says:

TREASURY DEPARTMENT, *March 30, 1894.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Attorney-General of the 27th instant submitting, for an appropriation, the account of Alexander M. Winston, $115, for services rendered in defending certain pauper defendants under the order of the judge of the United States court for the district of Washington, the same to be considered in connection with similar accounts contained in House Executive Document No. 92, present session.

Respectfully, yours,

W. E. CURTIS, *Acting Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Then follows a letter from the Department of Justice addressed to the Secretary of the Treasury, which is as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., March 27, 1894.

SIR: Inclosed is a copy of an account of Alexander M. Winston, Spokane, Wash., approved in the sum of $115, for services rendered in defending certain pauper defendants, upon appointment by the presiding judge, Hon. Cornelius H. Hanford; said services being directed by the judge and performed by Mr. Winston under the act of July 20, 1892 (27 statutes, 252).

You are respectfully requested to forward the claim to Congress for an appropriation in the amount stated, the claim of Mr. Winston, for legal services rendered to the United States to be considered in connection with similar accounts forwarded by the Department on January 26, 1894, found in Executive Document No. 92, Fifty-third Congress, second session.

Very respectfully,

RICHARD OLNEY, *Attorney-General.*

The SECRETARY OF THE TREASURY.

Then here is a letter from Judge C. H. Hanford, stating that $115 is the exact sum due. There were four cases. One case was tried and the charge was $40, and in the three other cases the charges were $25 each. In two cases conviction was secured, and in two others the accused were found not guilty. It seems to me that a small matter of this kind ought to be agreed to promptly without any argument. I have nothing further to say. I have been told by some experienced members of the Committee on Appropriations, and I believe, that the amendment is not subject to a point of order.

Mr. COCKRELL. I make the point of order against the amendment. In the first place, it is not an estimate. It is simply a transmittal of the man's claim. It was presented to the

Department of Justice and referred to the Treasury Department and reported to Congress. It is the claim of an attorney for defending a criminal when he was assigned by the court to defend the criminal. Will the Senate of the United States establish a precedent that every lawyer who is appointed by a judge to defend a criminal in a United States court shall be paid any fee the Attorney-General or anyone else may allow him? There is no law for it; none in the world. In every State court in the Union lawyers are assigned to defend criminals by the trial judge.

Mr. TELLER. And in the Federal courts, too.

Mr. COCKRELL. It has been the universal practice. The point of order is well taken that this is not a claim authorized by law. It is not estimated by the head of any Department, but is simply transmitted here for the information of Congress, for Congress to do what it pleases with it.

Mr. SQUIRE. With the approval of the Treasury Department and the Attorney-General.

Mr. CHANDLER. I ask the Senator from Missouri why in cases like this, of just claims, the accounting officers do not allow them and report them regularly to Congress?

Mr. COCKRELL. Because they have no authority to allow them. There is no law for it. They can not allow them.

Mr. CHANDLER. Is it not a debt of the United States?

Mr. TELLER. It is not a debt against the United States.

Mr. FRYE. It ought not to be.

Mr. TELLER. It ought not to be.

The PRESIDING OFFICER. The Chair holds that the point of order raised by the Senator from Missouri is well taken.

Mr. MITCHELL of Oregon. I move to insert after the last paragraph in the bill:

SEC. 6. That the sum appropriated to be paid to William Milligan, administrator of George Wattles, deceased, in the act of March 3, 1891, entitled, "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes," be paid instead to William Milligan, administrator of George Wattles, deceased, but the amount thus appropriated shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the personal representative on whose behalf the award is made represents the next of kin, or in the event the court shall find there were no next of kin, and that there was a widow, then that said sum be paid to the executor, personal representative, or next of kin of such widow.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

Mr. MITCHELL of Oregon. I will explain what the amendment means.

The Court of Claims under the spoliation act found a judgment of twenty thousand and some odd dollars in favor of one Mr. Milligan, and the appropriation act of 1891 made an appropriation of that amount.

Mr. COCKRELL. This is only a question of identity.

Mr. MITCHELL of Oregon. That is all.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Oregon.

The amendment was agreed to.

Mr. HALE. I hope we may be able to get through with this bill this evening, so that the Senator from Missouri will consent to our taking a recess over to-morrow.

Mr. COCKRELL. If we can get through with the bill, we shall adjourn over.

Mr. ALLISON. There is no amendment pending.

Mr. BLANCHARD. I offer the amendment which I send to the desk, to come in after the word "cents," on line 21, page 58.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 58, after the word "cents," in line 21, it is proposed to insert:

To pay T. C. Holmes and T. P. Leathers, late mail contractors, for amount of service on route 8165, Louisiana, from April 1 to May 31, 1861, $6,703.30, said Holmes & Leathers having been awarded said contract under the provisions of the acts making appropriations for the support of the postal service, passed in 1856, 1857, 1858, 1859, and 1860.

Mr. COCKRELL. I make the same point of order on that amendment which I made when it was previously offered.

Mr. GEORGE. The Chair gave no grounds upon which he based his former ruling; but it strikes me that the Senator from Louisiana has complied with the rule in his amendment as now offered. The rule provides:

No amendment, the object of which is to provide for a private claim—

The object of this amendment is to provide for a private claim. We admit that—

shall be received to any general appropriation bill—

We admit that this is a general appropriation bill—

unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited upon the face of the amendment.

The first amendment was defective in not complying with this rule, in not reciting the statute under which the claim was made. I submit to the Chair if now, when the general law under which this contract was made is referred to and cited in the amendment, the rule has not been complied with?

Certainly, Mr. President, the rule meant this and no more: That a claim must not be a general claim arising out of some equity which the party may have supposed he had against the Government of the United States, but must be a claim arising under a statute or a treaty. The Senator from Louisiana, in his second amendment, has brought this claim literally and strictly within the rule. I hope, therefore, when the attention of the Chair is called to it, that the amendment will not be ruled out of order.

Mr. BLANCHARD. Mr. President, the only clause in the rule which is invoked by the Senator from Missouri is the one referred to by the Senator from Mississippi, and I can but repeat and emphasize his statement of the argument, that, even if this be a private claim, which is admitted, it is still not subject to the point of order, provided it be to carry out the provisions of existing law, and provided this fact is stated on the face of the amendment.

The PRESIDING OFFICER. Does the Senator from Louisiana hold that the laws cited in the amendment are now in existence?

Mr. BLANCHARD. They have never been repealed. The acts of 1856, 1857, 1858, 1859, and 1860 making appropriations for the support of the postal service for those years are still in existence. The Presiding Officer, I submit, can not take the position that they are no longer in existence because they have been executed. There were legislative provisions in those acts besides the clauses appropriating money. Are they not existing law, and are they not just as much a part of the law as the sums appropriated in the acts for the support of the postal service?

We point to the laws passed in those years as having authorized the Postmaster-General to make these contracts. He did make them, and the letters of the Auditor, which I have read, show it. This executive document, making an estimate for an appropriation to cover this very claim, shows it; and there has been, I submit to the Chair, in the form in which this amendment is last presented, a substantial and full compliance with every part of clause 4 of Rule XVI.

Mr. GEORGE. Will the Senator allow me?

Mr. BLANCHARD. Certainly.

Mr. GEORGE. I beg leave to suggest to the Chair that when a statute is passed which authorizes a contract to be made, and in pursuance of that statute the contract is made, unless we hold that there shall be a repudiation of the obligation of the Government, the statute is existent always and existing until the contract is complied with.

Mr. COCKRELL. I shall not consume the time of the Senate in this matter. This is purely a claim, and it is not authorized by the provisions of any existing law.

Mr. BLANCHARD. Mr. President, how can the Senator from Missouri, the chairman of the Committee on Appropriations, say that this not authorized by an existing law when the amendment cites the law which authorizes it? If it be not true, let the Senator produce the acts and show it.

There is a full compliance with the rule when we ask the payment of this claim pursuant to the provisions of existing law and name the law. If the law be not so written, that would be an argument against the amendment on its merits; but when the amendment cites the law upon which the claim is based and by which the incurring of the debt was authorized, the point of order can have no force. It would certainly be doing violence to the parliamentary law which governs this body to hold—

Mr. COCKRELL. Why not get out a mandamus to compel its payment if the law authorizes it?

Mr. GEORGE. There is no appropriation from which it can be paid.

Mr. BLANCHARD. There is no appropriation from which it can be paid, as suggested by the Senator from Mississippi. We point to the laws which authorize the contract, and we prove abundantly by authentic documents from the Treasury Department and the Post-Office Department that the contract was made and this money earned under it, and the same has never been paid.

Mr. ALLEN. I should like to ask the Senator from Louisiana a question. I ask if that contract was authorized by any statute whether it would be possible for this Government to repeal the law so as to affect this contract after it was once accepted and its performance entered into?

Mr. BLANCHARD. It would not be. The answer is obvious; when the contract was made under existing law between the Government of the United States and this mail contractor, his rights under that contract became vested rights, and the law upon which the contract was based could not even be repealed to his prejudice.

Mr. ALLEN. The law authorizing the contract never has been repealed, as I understand?

Mr. BLANCHARD. In point of fact it never has been repealed. It is on the statute books to-day.

Mr. President, I submit that unless clause 4 of Rule XVI is a perpetual bar against any amendment, the amendment I offer is in order. If the Chair is going to put such a construction on the rule as will prevent the introduction of any amendment under it, then the point of order made by the Senator from Missouri under this rule is good.

But I submit that if the semblance of a reasonable construction be placed upon clause 4 of Rule XVI, it will admit this amendment, even if we construe the language of the rule *stricti juris*. The Chair must see that every part of the clause of the rule has been met by this amendment. The amendment cites the existing law under which the debt was contracted, and names the time when the act which authorized the making of this contract was passed.

It seems to me too clear for further argument that the amendment is within the purview and scope of clause 4 of Rule XVI.

Mr. GEORGE. I wish to make just one other suggestion, Mr. President. I know this claimant is an honest man and I know this is an honest claim, and I want to suggest to the Chair that when a criminal statute is repealed all prosecutions under that statute fall with it. When a statute of a civil nature in relation to personal rights is repealed, every single right which accrues under that statute remains and the statute remains for the purpose of enforcing such rights.

There has been no attempt to show that there has been any express repeal of these laws, and I want the Chair to understane it and the Senate to understand it. So that a rule of the Senate intended to cut off any sort of private claim which people might set up is used for the purpose of defeating a solemn contract made by the Government of the United States under a law passed by Congress, which law has not been and can never be repealed so far as this contract is concerned. I think if there is anything in human reason upon which we can stand secure, it is that this amendment is not within the scope and purview of the rule cited.

The PRESIDING OFFICER. The Senator from Louisiana has offered an amendment, which has been read. The Senator from Missouri raises a question of order under paragraph 4 of Rule XVI that the amendment is not in order. The Chair has no difficulty in deciding the question. If the Chair makes a mistake it can be corrected by appeal. The Chair is of opinion that the point of order is well taken, and therefore sustains it.

The bill was reported to the Senate as amended.

Mr. PASCO. I wish to have the last amendment made as in Committee of the Whole reserved, so that I may offer a substitute for it.

The PRESIDING OFFICER. The amendment indicated by the Senator from Florida will be reserved. The question is on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. PASCO. I offer a substitute for the last amendment referring to the claim of John A. Brimmer, jr., administrator of John Gilliat, which I ask may be read. It is on page 177, beginning in line 6.

The PRESIDING OFFICER. The amendment proposed to be reserved will be read.

The SECRETARY. On page 77, beginning with line 6, the Senate, as in Committee of the Whole, inserted:

That the sum appropriated in the act of March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes," to be paid to John A. Brimmer, jr., administrator of John Gilliat, deceased, to be paid instead to the administrator of Thomas Gilliat, deceased, the original sufferer.

Mr. PASCO. I offer a substitute for that amendment.

Mr. COCKRELL. I have examined the substitute, and will accept it.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida to the amendment which has been read will be stated.

The Secretary read as follows:

That the sum of $35,840.44 appropriated to be paid to John A. Brimmer, jr., administrator of John Gilliat, deceased, in the act of March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes," be paid to the person or persons entitled to recover and receive the same, to be ascertained by the Court of Claims upon sufficient evidence, and certified to the Secretary of the Treasury.

Mr. PASCO. This is a French spoliation claim. It became my duty as a member of the Committee on Claims to examine this matter at the last session of Congress, and this was the form in which it was deemed best by the committee that the item should be placed upon the bill. It is for that reason I have offered the substitute.

Mr. COCKRELL. It is accepted.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RIVER AND HARBOR BILL.

Mr. DOLPH. I rise to a question of privilege. I present the conference report on the river and harbor bill.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report, but was interrupted by——

Mr. WHITE. I desire to inquire whether the Senator from Oregon expects to press the consideration of this conference report to-night? I will say that there are certain matters in the report which I desire to examine. I have not been able to see the report, and I desire to make some objection to certain matters which I understand are contained in it.

Mr. HARRIS. I suggest to the Senator to let the report be read, and the question then will be whether we shall proceed to consider it or not.

Mr. WHITE. I rose for the purpose of ascertaining whether it was desired to act upon the report to-night.

Mr. BLANCHARD. I desire to make the same statement in reference to this conference report as has been made by the Senator from California. I do not think it is well to press the adoption of the conference report to-night. The report has just been made to the Senate. We have not had time yet to examine it, and I think it ought to be printed and lie over until the next legislative day.

Mr. BERRY. The report should be read first, Mr. President.

Mr. DOLPH. I desire to make a statement before the report is acted upon.

The PRESIDING OFFICER. The report will be read.

Mr. CHANDLER. Before the Secretary proceeds with the reading, I desire to suggest that if the report is not to be acted on to-night, the reading by unanimous consent be omitted, and then the Senate can adjourn. Let the report be printed.

Mr. HALE. Yes; it ought to be printed.

Mr. DOLPH. I desire to say that it is thought by members of the committee very important that this report should either be acted upon to-night or be acted upon to-morrow. The Senator from Maryland [Mr. GORMAN], who precedes me on the committee of conference, has been here all the afternoon intending to present the report, but not desiring to interfere with the Senator from Missouri in the consideration of the bill which has been before the Senate, when he left he said to me that, if the report was not acted upon to-night, he desired that the Senate should meet to-morrow for its consideration.

If it is understood that we shall meet to-morrow and consider the report, I shall have no objection whatever to its being printed in the RECORD, and then going over until to-morrow; but if the proposition is to adjourn over to-morrow, then I ask that the report be acted upon to-night. If it is considered to-night or to-morrow when the Senate meets, it can be engrossed and prepared for the signatures of the officers of the Senate and House of Representatives on Monday.

If that can not be done, then there would be a loss of at least one further day, and they could not be prepared and signed by the officers of the two Houses before Tuesday. It is considered important to place it before the President, as many members are anxious to adjourn at the very earliest possible moment. If the tariff bill should be disposed of in any reasonable time both branches of Congress will be desirous of adjourning.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire that the reading of the report be dispensed with?

Mr. DOLPH. If the report is to be considered to-night, it should be read; if not, I make the request that the Senate meet to-morrow.

Mr. BERRY. We shall have a session to-morrow.

Mr. DOLPH. If that be so, I have no objection to the report being printed in the RECORD and going over until to-morrow.

Mr. HARRIS. Let us understand this matter. I ask unanimous consent that the report be printed in the RECORD, and that the Senate meet at the usual hour to-morrow for the purpose of considering it immediately after the reading of the Journal.

Mr. CHANDLER. Will the Senator from Tennessee kindly allow me, as he substituted his request for mine, to now join in his?

Mr. HARRIS. I beg leave to retire if the Senator has made the request before, because I was not aware of it.

Mr. CHANDLER. I concur cordially in the Senator's request, and I hope it will be unanimously adopted.

The PRESIDING OFFICER. Is there objection to the request?

Mr. HOAR. What is the request?

The PRESIDING OFFICER. That the reading of the conference report be suspended; that the report be printed in the RECORD, and be taken up to-morrow immediately after the reading of the Journal. Is there objection?

Mr. HOAR. Why not have the report read and let it go over until to-morrow in the usual way? The Senate can then take it up.

Mr. HARRIS. I think the understanding is that we meet to-morrow especially to consider this matter. When it is considered, then the Senate can determine what further order it will make.

Mr. HOAR. I shall not interpose.

The PRESIDING OFFICER. Is there objection to the order being made? The Chair hears none, and it is so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6518) "making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 20, 23, 28, 32, 33, 35, 39, 62, 84, 113, 122, 125, 133, 135, 150, 151, 155, 185, and 229.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 18, 21, 22, 26, 34, 37, 38, 40, 42, 43, 44, 45, 46, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81, 82, 83, 85, 88, 89, 90, 91, 92, 93, 94, 96, 99, 101, 103, 104, 105, 106, 108, 109, 110, 111, 112, 114, 115, 116, 117, 118, 119, 120, 124, 125, 127, 128, 130, 131, 132, 136, 139, 141, 144, 146, 147, 148, 149, 154, 156, 157, 158, 159, 160, 162, 163, 164, 165, 166, 167, 169, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 222, 223, 224, 226, 227, and 228, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of sum proposed insert "$200,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: After the word "improvement," in line 24, page 4, add as a separate paragraph the following:

"Merrimac River, Massachusetts: The Secretary of War is directed out of the appropriation on hand to make a resurvey of said river with a view of obtaining a depth up to Haverhill equal to that over the bar at Newburyport."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment in the nature of a substitute, as follows: Strike out all of amendment numbered 19, and insert in lieu thereof the following:

"Improving Bay Ridge and Red Hook Channels, New York Harbor, New York: Continuing improvement of Bay Ridge Channel by dredging out and opening the same from a point at its junction with the Gowanus Creek Channel (near Twenty-eighth street), southerly therefrom, along and in front of Gowanus Bay and Bay Ridge to a point where the said Bay Ridge Channel so to be opened, encounters a 26-foot contour or depth of water, so that the channel, so to be opened, shall be of a uniform depth of 26 feet and a width of 800 feet at low water, and continuing improvement of Red Hook Channel from its junction with the Bay Ridge Channel to its connection with the Buttermilk Channel, to obtain a depth of 26 feet at mean low water and a width of 400 feet, $150,000: *Provided*, That the Secretary of War may, in his discretion, expend $20,000 of said appropriation in improving Gowanus Creek Channel under the project to obtain 21 feet depth of water."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted and insert in lieu thereof the following:

"Improving Niagara River from Tonawanda to Port Day with a view to obtaining a channel of 12 feet depth to Schlosser's Dock by cutting through the shoal at the head of Conners Island as indicated in the report of the Chief of Engineers for 1893, page 3113, $10,000; and the unexpended balance of the appropriation heretofore made in the river and harbor act of July 13, 1892, for the improvement of the Niagara River from Tonawanda to Port Day is hereby reappropriated for this purpose."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out the language proposed to be inserted by the Senate, and insert after line 17, page 66, the following as a new paragraph:

"Baltimore Harbor: To widen the ship channel to 1,000 feet."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$110,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: On page 14, line 8, strike out the word "twenty-six" and insert in lieu thereof "twenty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$80,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$275,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$70,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Strike out the following item as contained in lines 22 and 23, page 24: "Improving harbor at Wilmington, Cal.: Continuing improvement, $40,000;" the same having been inserted in the bill by mistake, the improvement having heretofore been completed; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows: In lieu of sum proposed insert "$170,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with amendments, as follows: Restore the matter proposed to be stricken out; strike out all after the word "separately," in line 22, page 30, down to and including the word "company" in line 1, page 31; strike out all after the word "river" in line 3, page 31, down to and including the word "subject" in line 5, same page; and strike out the remainder of the paragraph, beginning with the word "And" in line 8, same page; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of sum proposed, insert "$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of sum proposed, insert "$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$14,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: Strike out the proviso, as contained in lines 9, 10, 11, 12, 13, 14, and 15, page 36; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$7,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: After the word "hundred" in line 17, page 44, insert "and ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: Strike out the sum proposed and insert in lieu thereof the following: "$135,000, of which $10,000 shall be used in improving Rough River, Kentucky;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment, as follows: At the end of the paragraph proposed to be inserted strike out the period and insert a colon and the following proviso: "*Provided*, That nothing herein shall be construed to commit the Government to proceed with the construction of said improvement;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment, as follows: In lieu of sum proposed insert "$51,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with amendments as follows: After the word "Minneapolis," in line 25, page 57, strike out the period and insert in lieu thereof a comma; strike out all of line 1, page 58, and insert in lieu thereof the following: "Fifty-one thousand dollars, which together with;" in line 3, same page, strike out the words "to further improvement," and insert in lieu thereof the words "shall be expended;" in line 3, same page, after the word "ninety-four," strike out the period, insert a comma, and the following words: "by the construction of lock and dam numbered 2 in the same project;" strike out the remainder of the paragraph beginning with the word "and," in line 8, same page; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$110,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: After the word "dollars," in line 2, page 59, strike out the period and insert a comma, and the following words: "Of which $10,000 may be used in dredging at the mouth of Wolf River, in the discretion of the Secretary of War;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows: After the word "Avoyelles," in line 20, page 59, strike out the period, insert

in lieu thereof a comma, and at the end of the paragraph add the following: "And the said Commission is directed to report to Congress, in their next regular report, their views on the advisability of effecting a separation between the Mississippi and Red Rivers, at the present junction thereof and maintaining navigation between the same through Bayou Plaquemine or by means of a canal;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: Strike out the entire paragraph proposed to be inserted and insert in lieu thereof the following:

"Missouri River, from its mouth to the lower limits of Sioux City, Iowa: The Missouri River Commission is authorized and directed to expend from the appropriations for the improvement of said river $75,000 in the rectification of the river at Omaha, Nebr.; $35,000 at Atchison, Kans.; and $50,000 at St. Joseph and other localities on the river in the State of Missouri where the Commission may deem such improvement necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In line 22, page 60, strike out the word "fifty-five" and insert in lieu thereof the word "ten;" on page 61 strike out all of lines 1, 2, and 3, and the words "and Bismarck," in line 4, and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In line 22, page 64, strike out the words "two hundred and fifty," and insert in lieu thereof the words "one hundred;" strike out all after the word "*Provided*," in line 22, page 64, down to and including the word "*further*," in line 5, page 65; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of Senate numbered 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, and 181, and agree to the same with an amendment as follows: Strike out all of section 2 of the bill, and insert in lieu thereof the following:

"SEC. 2. It shall be unlawful for any person or persons to engage in fishing or dredging for shell fish in any of the channels leading to or from the harbor of New York, or to interfere in any way with the safe navigation of those channels by ocean steamships and ships of deep draft.

"Any person or persons violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, or both, such fine to be not more than $250 nor less than $50, and the imprisonment to be not more than six months nor less than thirty days, either or both united, as the judge before whom conviction is obtained shall decide.

"It shall be the duty of the United States supervisor of the harbor to enforce this act, and the deputy inspectors of the said supervisor shall have authority to arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by this act: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of the supervisor or his inspector or deputy inspectors, or either of them: *And provided further*, That whenever any such arrest is made the person or persons so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: Strike out all of line 4, page 86, and the period at the end of line 11, page 96, and insert after the word "channel," in line 11, page 95, a comma and the following words: "And Sasanoa River, from Bath to Boothbay;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: Strike out all of line 11, page 99, and insert in line 20, page 45, after the word "improvement," the following: "Including survey from Magnolia to the city of Dallas;" and the Senate agree to the same.

M. W. RANSOM,
A. P. GORMAN,
J. N. DOLPH,
Managers on the part of the Senate.

T. C. CATCHINGS,
RUFUS E. LESTER,
THOS. J. HENDERSON,
Managers on the part of the House.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Saturday, August 4, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate August 3, 1894.

SECRETARY OF LEGATION AND CONSUL-GENERAL.

Ellis Mills, of Virginia, now consul-general at Honolulu, Hawaiian Islands, to be secretary of legation and consul-general of the United States at that place.

POSTMASTERS.

John M. Griffin, to be postmaster at Madera, in the county of Madera and State of California, in the place of Lewis O. Sharp, whose commission expired July 12, 1894.

John M. Martin, to be postmaster at Ocala, in the county of Marion and State of Florida, in the place of George K. Robinson, whose commission expired April 16, 1894.

W. A. Hopkins, to be postmaster at Eminence, in the county of Henry and State of Kentucky, in the place of Henry S. Adams, removed.

Thomas Hickey, to be postmaster at Wakefield, in the county of Middlesex and State of Massachusetts, in the place of Charles B. Bowman, whose commission expired February 12, 1894.

John Huxtable, to be postmaster at Wareham, in the county of Plymouth and State of Massachusetts, in the place of John Huxtable, whose commission expired April 11, 1894.

Patrick Mahan, to be postmaster at Natick, in the county of Middlesex and State of Massachusetts, in the place of George L. Bartlett, whose commission will expire August 7, 1894.

Leonard J. Presson, to be postmaster at Gloucester, in the county of Essex and State of Massachusetts, in the place of James H. Mansfield, whose commission expired January 28, 1894.

William W. Sampson, to be postmaster at Malden, in the county of Middlesex and State of Massachusetts, whose commission expired February 28, 1894.

John Stallman, to be postmaster at Lee, in the county of Berkshire and State of Massachusetts, in the place of Frederick Gillmor, whose commission expired July 11, 1894.

George A. Sweeney, to be postmaster at Attleboro, in the county of Bristol and State of Massachusetts, in the place of Loring W. Barnes, whose commission expired June 2, 1894.

Josiah Woodbury, to be postmaster at Beverly, in the county of Essex and State of Massachusetts, in the place of Charles H. Odell, whose commission expired July 11, 1894.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 3, 1894.

PROMOTION IN THE ARMY.

Infantry arm.

Second Lieut. Marcus D. Cronin, Twentieth Infantry, to be first lieutenant.

PROMOTIONS IN THE NAVY.

Passed Assistant Engineer Albert F. Dixon, to be a chief engineer.

Assistant Engineer Albert Moritz, to be a passed assistant engineer.

Paymaster Leonard A. Frailey, to be a pay inspector.

Passed Assistant Paymaster Eustace B. Rogers, to be a paymaster.

Assistant Paymaster Henry E. Jewett, to be a passed assistant.

Lieut. Charles T. Forse, to be a lieutenant-commander.

Lieut. Edwin K. Moore, to be a lieutenant-commander.

Lieut. (junior grade) Charles N. Atwater, to be a lieutenant.

Ensign William B. Whittelsey, to be a lieutenant (junior grade).

Surg. Hosea J. Babin, to be a medical inspector.

Passed Assistant Surg. Emlyn H. Marsteller, to be a surgeon.

Passed Assistant Surg. George P. Lumsden, to be a surgeon.

Passed Assistant Paymaster Mitchell C. McDonald, to be a paymaster.

Assistant Paymaster Thomas H. Hicks, to be a passed assistant paymaster.

POSTMASTERS.

William S. Sparks, to be postmaster at Delaware, in the county of Delaware and State of Ohio.

J. H. Weber, to be postmaster at Bellevue, in the county of Huron and State of Ohio.

Joshua G. Galloway, to be postmaster at National Military Home, in the county of Montgomery and State of Ohio.

C. Rudolph Brand, to be postmaster at Toledo, in the county of Lucas and State of Ohio.

George C. Columbia, to be postmaster at Lawrenceburg, in the county of Dearborn and State of Indiana.

Edward P. Jones, to be postmaster at Del Norte, in the county of Rio Grande and State of Colorado.

Charles F. Wilkins, to be postmaster at Urichsville, in the county of Tuscarawas and State of Ohio.

Henry L. Romey, to be postmaster at Bluffton, in the county of Allen and State of Ohio.

Clement R. Leonard, to be postmaster at Easton, in the county of Talbot and State of Maryland.

Wilber B. Foster, to be postmaster at Rockville, in the county of Tolland and State of Connecticut.

Stephen W. Poe, to be postmaster at Grafton, in the county of Taylor and State of West Virginia.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August 3, 1894.*

The House met at 12 o'clock m. Prayer by Rev. W. E. PARSON, D. D.

The Journal of yesterday's proceedings was read and approved.

PRINTING OF A BILL.

Mr. BRODERICK. Mr. Speaker, yesterday morning I asked unanimous consent for the consideration of the antilottery bill from the Senate, which I sent to the Clerk's desk, and which was read. I observe that the bill is not printed in full in the RECORD. I do not know the rule or the practice in reference to such matters, but if, under the circumstances, the full text of the bill is not necessarily entitled to appear in the RECORD, I ask unanimous consent that it may appear there.

The SPEAKER. The Chair is informed it is not customary to print in the RECORD bills for which unanimous consent is asked and to which objection is made.

Mr. BRODERICK. I ask unanimous consent that the bill be printed in the RECORD for information.

There was no objection, and it was ordered accordingly.

The bill as amended by the Committee on the Judiciary of the House is as follows:

A bill (S. 1520) for the suppression of lottery traffic through national and interstate commerce and the postal service subject to the jurisdiction and laws of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall cause to be brought within the United States from abroad for the purpose of disposing of the same, or deposited in or carried by the mails of the United States, or carried from one State to another in the United States, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, so-called gift concert, or similar enterprise, offering prizes dependent upon lot or chance, or shall cause any advertisement of such lottery, so-called gift concert, or similar enterprise, offering prizes dependent upon lot or chance, to be brought into the United States, or deposited in or carried by the mails of the United States, or transferred from one State to another in the same, shall be punishable in the first offense by imprisonment for not more than two years or by a fine of not more than $1,000, or both, and in the second and after offenses by such imprisonment only.

SEC. 2. That the provisions of sections 3929 and 4041 of the United States Revised Statutes as amended, respectively, and the provisions of sections 2491 and 2492 of the United States Revised Statutes, and of sections 11, 12, and 13 of the act of Congress of October 1, 1890, entitled, "Chapter 1244. An act to reduce the revenue and equalize duties on imports, and for other purposes," and all other provisions of law for the suppression of traffic in or circulation of any such tickets, chances, shares, or interests in or other matter relating to lotteries, or for the suppression of traffic in or circulation of obscene books or articles of any kind, shall apply in support, aid, and furtherance of the enforcement of this act.

SEC. 3. That nothing herein contained shall be deemed to repeal by implication sections 3894, 3929, or 4041 of the United States Revised Statutes, or any part thereof, nor any provisions of the act of Congress of April 29, 1878, entitled "An act to prevent the sale of policy or lottery tickets in the District of Columbia," nor any provisions of the act of Congress of September 19, 1890, entitled "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes," nor any provision of the laws whatsoever against the establishment of lotteries, or games, or other schemes, or prizes, or chances, or the traffic in or circulation of tickets and other such papers or instruments, or the publication of advertisements or notices in anywise relating thereto.

SEC. 4. That the powers conferred upon the Postmaster-General by the statute of 1890, chapter 908, section 2, are hereby extended and made applicable to all letters or other matter sent by mail.

PUBLIC PRINTING AND BINDING.

The bill (H. R. 2650), providing for the public printing and binding and the distribution of public documents, was laid before the House.

The SPEAKER. This bill has been returned from the Senate with amendments.

Mr. RICHARDSON of Tennessee. I move to concur in the amendments of the Senate.

Mr. HOPKINS of Illinois. Before that is done I would like to have some explanation.

Mr. BURROWS. What are the amendments?

Mr. RICHARDSON of Tennessee. This is the general bill with reference to public printing which passed this House at the extraordinary session. The Senate has made quite a number of amendments, which relate mainly to the administrative features of the bill. Some of them provide for a further reduction in the number of documents printed—in no case for an increase. Among these various amendments there are some to which I would not be inclined to agree; but they are so unimportant as compared with the magnitude of this measure that I do not feel willing to occupy further time, or delay further the passage of this bill, by raising any question in regard to them.

Mr. HOPKINS of Illinois. Well, that may be the gentleman's opinion, but——

Mr. RICHARDSON of Tennessee. Let me complete my statement. I will yield to the gentleman after a while.

I say they have made some amendments which the Committee on Printing would not and do not favor, but they are unimportant amendments as compared with the great measure which looks to a complete reformation in the system of Government printing, and reduces the cost of the public printing so largely, that it is variously estimated to be a reduction of from two hundred to three hundred thousand dollars.

This is a bill which systematizes, methodizes, and harmonizes all the printing laws of the Government, and it is therefore, in the judgment of the committee, such a great and needed reform in the printing and distribution of public documents that it was deemed advisable, in view of the fact that these amendments were not material, to accept them, so as not to delay further the enactment of the bill into law.

This bill provides for the distribution at once of about a half a million or more of copies of public documents which are now stored in the basement of the Capitol, and provides a remedy which will prevent the accumulation hereafter of such documents, and accomplishes so many reforms, that I do not feel that we would be justified in delaying the consideration of the bill further by opposing these amendments, which, as I have said, we do not regard as material. They are mainly amendments which amount only to changes in the phraseology and verbiage of the bill; and the committee, therefore, recommend concurrence in the Senate amendments.

Mr. BRECKINRIDGE of Kentucky. What committee?

Mr. RICHARDSON of Tennessee. The Committee on Printing.

Mr. HOPKINS of Illinois. Mr. Speaker, when this bill was before the House it met with very much opposition from various members of this body. There is a large minority in the House who believe that the bill itself is an unwise proposition. Now, I am not advised as to the correctness——

Mr. RICHARDSON of Tennessee. How much time does the gentleman from Illinois want?

Mr. HOPKINS of Illinois. Well, I have taken the floor in my own right, and will occupy such time as I deem necessary.

Mr. RICHARDSON of Tennessee. I have not yielded the floor to the gentleman.

Mr. HOPKINS of Illinois. But I have the floor.

Mr. RICHARDSON of Tennessee. The gentleman said he wanted to ask a question.

Mr. HOPKINS of Illinois. The gentleman from Tennessee is mistaken.

Mr. RICHARDSON of Tennessee. I gave way to the gentleman from Illinois under the assumption that he wanted to ask a question. The gentleman rose and, as I understood him, asked a question, and I said I would yield to him as soon as I had concluded my statement.

Mr. HOPKINS of Illinois. I did not ask the gentleman a question, and did not rise for that purpose.

Mr. RICHARDSON of Tennessee. Then I decline to yield to the gentleman, as I had not concluded what I wished to say.

Mr. HOPKINS of Illinois. Very well, if the gentleman has the floor.

The SPEAKER. The Chair will recognize the gentleman from Illinois afterward.

Mr. RICHARDSON of Tennessee. I had not completed my statement. I wish to say in this connection that this bill provides for the public printing of every kind and of all classes of public documents for the use of the Government. It provides also for printing an extra edition of the report on the Diseases of the Horse—70,000 copies—for which there is a very great demand, as gentleman are aware. There is no provision made by the amendments of the Senate for any change in the printing of Government publications, except in one or two instances, where they reduce the number of copies to be printed.

Mr. BRYAN. Will the gentleman allow me to ask him a question?

Mr. COOMBS. Do these amendments deal with the question of the distribution of these documents?

Mr. RICHARDSON of Tennessee. That is already fixed by the bill as it passed the House. That arrangement is not disturbed. When it passed the House in October last it passed almost unanimously. There was, it is true, two or three days' debate on various amendments, and the bill was finally so amended as to meet the demands of the members of the House, and passed almost without dissent. The amendments of the Senate make, as I have said, no material changes in the bill as we passed it.

Mr. KILGORE. Will the gentleman allow a question right there?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. KILGORE. Is it not a fact that the bill as it passed the House was amended so as to be acceptable to the House before it could pass at all?

Mr. RICHARDSON of Tennessee. The bill was amended and was acceptable to the House, because, as I have said, it passed almost unanimously.

Mr. KILGORE. Is it not true, then, that the important amend-

ments provided by the House in the bill have been stricken from it by the Senate?

Mr. RICHARDSON of Tennessee. No, sir; not one solitary one of them. If the gentleman will mention one——

Mr. KILGORE. I am not familiar with the Senate amendments.

Mr. RICHARDSON of Tennessee. It does not interfere with any amendment which was discussed in the House and adopted by it.

Mr. KILGORE. Is this a conference report?

Mr. RICHARDSON of Tennessee. No, sir; simply a motion on the part of the Committee on Printing to concur in the Senate amendments to the bill.

Mr. KILGORE. Well, would that motion be in order?

Mr. RICHARDSON of Tennessee. That can not be questioned now, for I have debated it for five or ten minutes already without objection.

Mr. KILGORE. I think, if the gentleman from Tennessee will allow me——

Mr. RICHARDSON of Tennessee. Certainly.

Mr. KILGORE. That the important amendments to the bill ought to be printed in the RECORD and called up for consideration to-morrow, or at some other time to be fixed. There is no necessity for a great deal of unnecessary haste in pushing it through the House. We ought to be able to understand what it does and what it means. It is a voluminous measure, covers a great many changes in the matter of printing and the distribution of public documents.

Mr. RICHARDSON of Tennessee. If the gentleman will allow me, there is no Senate amendment that changes that matter. It is just as we passed it in the House.

Mr. KILGORE. Did not the Senate take off some of the amendments that were put on by the House?

Mr. RICHARDSON of Tennessee. No, sir. The only changes made in that matter are in respect to the language of the bill in a few places. Certain of the amendments, for instance, provided for a Clerk's document room, but the House itself abolished that, and at my request the Senate struck out the amendments that the House had put on in anticipation that there would be a Clerk's document room, because, manifestly, they were not properly on the bill after the House had stricken out the provision. That was the main feature of change.

Mr. KILGORE. Have the conference committee taken out that amendment?

Mr. RICHARDSON of Tennessee. There has been no conference upon the bill. This is a motion to concur in the Senate amendments. Mr. Speaker, I will yield to any gentleman who wishes to ask me a question.

Mr. KILGORE. If we are going to consider this bill this morning, it ought to be considered in the Committee of the Whole.

Mr. RICHARDSON of Tennessee. Ah, but, Mr. Speaker, we have debated it now for ten minutes. Now, Mr. Speaker, I will yield for any question that any gentleman wants to ask.

Mr. BRYAN. Mr. Speaker, I want to ask the gentleman a question.

Mr. RICHARDSON of Tennessee. I yield to the gentleman from Nebraska.

Mr. BRYAN. Does this bill make any provision as to the distribution of employés in the Printing Office, so that they shall be appointed from the various districts of the country?

Mr. RICHARDSON of Tennessee. There is no such provision either in the House or Senate bill.

Mr. BRYAN. Is there any provision compelling the Public Printer to make a fair distribution of the employés from districts throughout the country, so that they shall be appointed from the various parts of the country in fair proportion?

Mr. RICHARDSON of Tennessee. There is no such provision.

Mr. BRYAN. Would it be proper to put an amendment on the bill that would make provision for such a fair distribution, so that the States and districts distant from this capital would receive a fair proportion of appointments?

Mr. RICHARDSON of Tennessee. It could not be put in now, because the bill has passed both Houses. Such an amendment would not be in order.

Mr. KILGORE. Will the gentleman allow me?

Mr. RICHARDSON of Tennessee. Yes.

Mr. KILGORE. The bill, when first considered in the House, provided for the appointment of a superintendent of documents. Is that provision still in the bill?

Mr. RICHARDSON of Tennessee. There is no such provision as that. That provision was stricken out by the House. It has not been put back by the Senate; but this bill provides that the office of superintendent of documents in the Interior Department shall be abolished, and it provides that there shall be a superintendent of documents appointed by the Public Printer, who will discharge the duties of that bureau there, and be paid out of the funds provided for the public printing.

Mr. KILGORE. Do not the Public Printer and the Joint Committee on Printing have the naming of that officer?

Mr. RICHARDSON of Tennessee. The Public Printer, with the approval of the joint committee.

Mr. KILGORE. When that measure was before the House that proposition was antagonized by the House, as I remember.

Mr. RICHARDSON of Tennessee. The original proposition was stricken out and is not put back.

Mr. KILGORE. But you have got some such provision as that in here.

Mr. RICHARDSON of Tennessee. Not at all. It just provides that the work now done by the superintendent of documents in the Interior Department shall be done in the Printing Office, so that these publications can be sent out without being shipped around from one building to another.

Mr. KILGORE. And this is to be done by a man named by the Public Printer and the Joint Committee on Printing?

Mr. RICHARDSON of Tennessee. Named by the Public Printer, with our approval.

Mr. KILGORE. That is the same thing.

Mr. RICHARDSON of Tennessee. The same thing, if you say so; but the gentleman will remember——

Mr. TRACEY. The gentleman does not want to make an incorrect statement——

Mr. RICHARDSON of Tennessee. The gentleman will remember that the Public Printer was for years known as the Congressional Printer. He was appointed by the two Houses of Congress; but the Printing Office became so important that he was made an appointee of the President. It was taken away from Congress. This simply provides that the officer who discharges that duty with reference to these documents in the Interior Department shall now be changed, and that he shall be put where he can be made more the servant of Congress. That is that provision. Now what is the suggestion of the gentleman from New York [Mr. TRACEY]?

Mr. TRACEY. I understood the gentleman from Tennessee to say that the Public Printer had the appointment of a superintendent of documents. Now the amendment adopted by the Senate says that the Joint Committee on Printing shall designate to the PublicPrinter a competent person, and so forth. The Public Printer has nothing to do with it.

Mr. RICHARDSON of Tennessee. The language there used is the same as that used with reference to an index clerk. The index clerk is named by the Committee on Printing to the Public Printer, and he appoints him. So in this case, this man will be named by the Committee on Printing, and he will be appointed, because he is supposed to be the immediate representative of Congress.

Mr. TALBERT of South Carolina. Will the gentleman yield to me for a question?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. TALBERT of South Carolina. Does this bill, in the changes that have been made, dislodge the appointing power from the Public Printer and put it in the Committee on Printing?

Mr. RICHARDSON of Tennessee. It only provides in respect to three officers. The Senate attached an amendment which provides that in respect to the chief clerk and the two foremen, one of printing and the other of binding, that the Public Printer shall have the approval of the Joint Committee on Printing in making their removal.

Mr. TALBERT of South Carolina. Does not, then, the appointing power go to the Committee on Printing?

Mr. RICHARDSON of Tennessee. It does not.

Mr. TALBERT of South Carolina. Does your bill afford a means by which those documents which are now in the basement will be distributed?

Mr. RICHARDSON of Tennessee. It does. The officers of the two Houses are empowered to distribute all the documents now in the basement to the present members of Congress.

Mr. Speaker, it occurs to me that this bill is as nearly the bill the House wants as it is possible to get one. I would agree to no changes from the House bill that are very material. The amendments of the Senate are in nearly every case immaterial amendments.

A MEMBER. Does this interfere with the distribution of the Rebellion Records to members?

Mr. RICHARDSON of Tennessee. I will state to the gentleman who has asked me if this interferes with the distribution of the Rebellion Records, that the Rebellion Records are left in the bill with the provision exactly as it was put in there by the House,

and it gives a copy of the Rebellion Records to every member of the present Congress who was not a member of a former Congress.

Mr. WARNER. Will the gentleman permit me to ask him a question?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. WARNER. This is a very voluminous bill. May I ask him, with respect to the amendments which have been referred to, if there is any objection to let them be printed, in order that the House may have time to consider them and know what they are? I differ entirely with the gentleman as to whether these amendments are material or not. I do not care to see put in the hands of the Senate committee such an amount of power and such an opportunity to bluff the civil service of this Government as in this bill, as I read it, is proposed to be given. It seems to me that this matter might lie over and might wait until members have time to consider it.

A matter of this importance, which has been before this House so many times, and in which each time there has been so much question, should not be passed upon in this summary way. [Loud applause.]

Mr. RICHARDSON of Tennessee. Now, Mr. Speaker, to show the utter unreasonableness of the gentleman's statement, I have but to say that every solitary amendment in this bill has been printed for three days in the RECORD, and the gentleman has not looked at them.

Mr. WARNER. No attention has been called to it until this morning; and I venture to say that there are not ten members on the floor of this House outside of the gentleman himself who know what these amendments are. [Loud applause.]

Mr. RICHARDSON of Tennessee. I do not know what the gentleman's remark was that provoked applause.

Mr. WARNER. I would be very glad to repeat it.

Mr. RICHARDSON of Tennessee. But the gentleman asked——

Mr. HAYES. It was not what he said, but what you said.

Mr. RICHARDSON of Tennessee. I want to say to the gentleman from New York that these amendments were every one of them printed, are now in the RECORD, and have been there for three days; and I venture to say that if they were ordered to be printed in the RECORD this morning they will not be read by the gentleman from New York who now challenges them. They were printed as the Senate passed them, and they are now in print. I did not bring it up the day before yesterday. I did not bring it up yesterday, and I only brought it up this morning after those amendments have had three days' consideration.

Mr. WARNER. And the gentleman forgot to give notice that he was going to bring it up; and the reason why "the gentleman from New York" opposes concurrence is not because he has not read the amendments, but because he has read them.

Mr. RICHARDSON of Tennessee. I beg the gentleman's pardon. I did not forget to do anything of the kind. It is not my business or duty to call the attention of the gentleman to what is printed in the RECORD. These amendments were printed, as I have said, and I state again that they do not materially change the provisions of the bill as passed by the House. They are there, and gentlemen can get rid of them by voting against them. I simply want, if the House wants to put them out, to send the bill to a conference. If the House desires to do that, it can vote down the motion to concur and put it in conference.

Mr. TRACEY. That is where it ought to go.

Mr. RICHARDSON of Tennessee. Therefore I have moved to concur in the amendments; and I move the previous question on the motion to concur.

Mr. BYNUM. The gentleman certainly does not intend to move the previous question.

Mr. RICHARDSON of Tennessee. I certainly intend to get rid of it; and if gentlemen do not want to vote for it, they can vote it down, and that is a nonconcurrence.

Mr. HOPKINS of Illinois. Mr. Speaker——

Mr. RICHARDSON of Tennessee. I will yield to the gentleman from Illinois any time that he desires.

Mr. HOPKINS of Illinois. I claim to be recognized in my own right.

Mr. RICHARDSON of Tennessee. Then, Mr. Speaker, I move the previous question.

Mr. HOPKINS of Illinois. I have been recognized in my own right.

Mr. RICHARDSON of Tennessee. Well, I move the previous question, Mr. Speaker, and I would like to know what right the gentleman has to take me off the floor?

The SPEAKER. There is some misapprehension about this matter. The gentleman from Tennessee demands the previous question, and says that he has not yielded the floor, and the Chair can not recognize the gentleman from Illinois pending the demand for the previous question. If the previous question is voted down the Chair will recognize the gentleman.

Mr. RICHARDSON of Tennessee. I rise to make a statement——

Mr. HOPKINS of Illinois. I desire to say to the gentleman from Tennessee now——

Mr. RICHARDSON of Tennessee. I have not yielded the floor, Mr. Speaker, and I will not yield it unless the gentleman will accept time. I am willing to give him time.

Mr. HOPKINS of Illinois. Then I want five minutes to indicate the objections to this bill. Mr. Speaker, this is not a bill to be railroaded through the House in this manner. This is a measure that ordinarily ought to be considered in Committee of the Whole, and the gentleman who brought it up commenced debating it in order to cut off the House from discussion——

Mr. RICHARDSON of Tennessee. Mr. Speaker, I call the gentleman to order. I have done nothing of the kind. I demand the previous question.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] demands the previous question.

Mr. HOPKINS of Illinois. Then I trust the House will vote it down. This bill is being railroaded——

The SPEAKER. The House will be in order.

Mr. RICHARDSON of Tennessee. Mr. Speaker, a number of gentlemen near me——

Mr. PAYNE. Mr. Speaker, is it in order for the gentleman from Tennessee to debate this matter after he has moved the previous question?

Mr. RICHARDSON of Tennessee. I have withdrawn the demand for the previous question.

The SPEAKER. The gentleman from Tennessee states that he withdraws the demand for the previous question.

Mr. PAYNE. But he has not done it.

The SPEAKER. The Chair understands his debating it to be a withdrawal of the demand for the previous question.

Mr. RICHARDSON of Tennessee. I withdraw the demand for the purpose of making this statement. Gentlemen on this side of the House say that the only amendment which they have read to which there is any objection is the one which gives the Printing Committee the right to pass upon the appointment of three employés specified in the amendment on page 18, line 21. Now, I am opposed to that amendment and was opposed to it when the Senate put it in. The measure is better without it. But, Mr. Speaker, that amendment is so utterly unimportant as compared with the great provisions of this bill that I was willing to take the bill with that provision in it. However, inasmuch as gentlemen here in whom I have confidence state that they do not like that provision, I now amend my motion by moving to concur, with the amendment which I send to the desk.

The amendment was read, as follows:

Page 18, line 21, strike out the words "the employés herein named shall be subject to removal only upon the approval of the Joint Committee on Printing."

Mr. RICHARDSON of Tennessee. Striking out that obviates the only objection that I have heard to the bill; and as I am and have been opposed to that provision all the time, I am willing to take the bill without it. I demand the previous question upon the motion to concur, with that amendment.

Mr. WARNER. Now that the gentleman from Tennessee has let the cat out of the meal bag, will he not give us a reasonable time to look up the kittens? [Laughter and applause.]

Mr. CUMMINGS. There is more than one cat in this meal. [Laughter.]

Mr. HOPKINS of Illinois. Mr. Speaker——

The SPEAKER. The Chair must submit the motion of the gentleman from Tennessee. It is in the power of the House to vote it down if it desires.

Mr. BURROWS. Mr. Speaker, I rise to a parliamentary inquiry. If the motion for the previous question should be voted down, will it then be in order to move to refer the bill?

The SPEAKER. The bill will be before the House for such disposition as the House chooses to make of it. The gentleman from Tennessee demands the previous question upon his motion to concur in the Senate amendments, with the amendment indicated by him.

The question being taken, the Speaker declared that the noes seemed to have it.

Mr. RICHARDSON of Tennessee. I ask for a division.

The House again divided; and there were—ayes 43, noes 116.

Mr. RICHARDSON of Tennessee. No quorum, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee makes the point that no quorum has voted, and the Chair will appoint to act as tellers the gentleman from Tennessee, Mr. RICHARDSON, and the gentleman from Illinois, Mr. HOPKINS.

Mr. DOCKERY (pending the count by tellers). Mr. Speaker,

as this is an important matter, I ask unanimous consent that it go over until Monday next.

Mr. HOPKINS of Illinois. I will agree to that, if it is understood that the previous question is voted down, so that the matter will be open.

Mr. SAYERS. Mr. Speaker, I would amend that request by adding a provision that the Senate amendments shall be printed in connection with a reprint of the bill.

The tellers continued the count, and finally reported—ayes 67, noes 113.

So the previous question was not ordered.

Mr. BURROWS. I now move to nonconcur in the Senate amendments, and on that——

The SPEAKER. The Chair had promised to recognize the gentleman from Illinois [Mr. HOPKINS].

Mr. BURROWS. Very well.

Mr. HOPKINS of Illinois. Before that motion is made, I desire to call the attention of the House to one additional amendment that has been made to this bill. The reason I opposed the motion made by the gentleman in charge of the bill for the previous question is, that, as I undertook to state some time ago, when this bill was before the House——

Mr. TRACEY. I would like to ask what question is before the House?

Mr. HOPKINS of Illinois. The gentleman will learn if he listens.

The SPEAKER. The question is on the motion of the gentleman from Tennessee.

Mr. TRACEY. I understood that was voted down.

The SPEAKER. The motion for the previous question was voted down, but the question now recurs on the motion of the gentleman from Tennessee to concur in the Senate amendments.

Mr. HOPKINS of Illinois. And I have taken the floor in my own right.

When this bill was before the House a large minority of members were opposed to it. Now, this is a bill affecting every member with reference to the question of public documents, as to which it provides, as I understand, a different method of distribution from that authorized under existing law.

Mr. RICHARDSON of Tennessee. The gentleman is utterly mistaken. There is no such provision in the bill.

Mr. HOPKINS of Illinois. One moment. I respect the gentleman from Tennessee highly, but not enough to let him make my speech.

The bill met the favorable consideration of a majority of members and passed the House. Since it went to the Senate a large number of amendments have been added which the gentleman from Tennessee has stated are immaterial amendments. One of these amendments makes section 45 of the bill read as follows:

SEC. [44] 45. There shall be appointed by the Public Printer, with the approval of the Joint Committee on Printing, a chief clerk, who shall be a practical printer and versed in the art of bookbinding, whose salary shall be $2,400 per annum; and a foreman of printing and a foreman of binding, who must be practically and thoroughly acquainted with their respective trades, who shall each receive a salary of $2,100 per annum. The employés herein named shall be subject to removal only upon the approval of the Joint Committee on Printing.

Another of these innocent amendments is found on page 30 of the bill, and reads as follows:

The Joint Committee on Printing shall designate to the Public Printer a competent person, to be appointed by him, as superintendent of documents, and shall fix and regulate the compensation to be paid by the Public Printer to the person so designated and appointed.

Now, here are two of the innocent amendments which the gentleman from Tennessee says are purely formal. These amendments give to the Committee on Printing absolute power. They take from the President of the United States, if the office were high enough, or from the Secretary of the Interior, or from the Public Printer the power of appointing these officers in the printing department and give it to this Committee on Printing.

Now, I say that if we are to consider and vote upon these amendments, every member of this House should have the bill with the amendments before him, and should have opportunity to examine so as to determine whether he concurs in the recommendation of the Senate, that these autocratic powers be conveyed to this Committee on Printing or not. For that reason, Mr. Speaker, I am in favor of the motion proposed by the gentleman from Michigan; and I trust that the consideration of this bill will go over until Monday next, and that enough copies of the bill will be printed to give every member of the House an opportunity to examine the bill as amended. Then, if it is the consensus of opinion that these amendments are proper and just, I have no further objection to the passage of the bill.

Mr. Speaker, I now yield to the gentleman from New Jersey [Mr. DUNN] such time as he may desire.

Mr. DUNN. Mr. Speaker, there are two features in this bill which I think every man who understands the principles of our Government ought to oppose. The President of the United States under the law appoints a Public Printer after due deliberation, no doubt, who is endowed with certain executive powers to discharge the duties and obligations of the office to which he is appointed. It must be presumed that he is fully competent—indeed there is the best evidence that he is. The passage of this bill as amended by the Senate strikes at the judgment of the President in making the appointment of Mr. Benedict. I am not caring so much about that, because the President has given us the best of evidence that he is able to take care of himself [laughter], but it strikes at his judgment in this, that it practically declares that he did not select a competent man for the position of Public Printer, or that he has selected a man incompetent to perform the duties of the office; and therefore this joint committee must come in with advisory powers, to tell the Public Printer what his duties are, and how to perform them, thus interfering, legislatively, with what is purely an executive function.

Mr. Speaker, I understand that it is unnecessary for me to discuss this question further now; but at another time I intend to express my views more fully in proof that this measure should not pass in its present shape, and will vote at once for a disagreement and reference to conference.

Mr. BURROWS. Mr. Speaker, I understand that the gentleman from Tennessee is willing to withdraw the motion to concur in the Senate amendments.

Mr. RICHARDSON of Tennessee. I withdraw the motion to concur, and yield to the gentleman from Michigan.

Mr. BURROWS. Now, Mr. Speaker, I have no desire to delay this matter by reference to a committee, but rather to hasten its consideration. I move, therefore, that the House nonconcur in the amendments of the Senate.

Mr. RICHARDSON of Tennessee. One word upon that motion. Of course I understand that if the House should vote down the motion to concur, it would be equivalent to a vote in favor of the motion of the gentleman from Michigan to nonconcur. But in order to save time I withdraw the motion to concur, and renew the call for the previous question upon the motion made by the gentleman from Michigan to nonconcur.

Mr. HOPKINS of Illinois. I want to call the attention of the gentleman from Tennessee——

Mr. RICHARDSON of Tennessee. I withdraw the motion I have made.

Mr. HOPKINS of Illinois. But there is a provision here that I want to call the gentleman's attention to in connection with what has already been said—regarding section 45 of the bill, where provision is made in the amendment of the Senate that there shall be appointed by the Public Printer—

With the approval of the Joint Committee on Printing—

the employés named in the rest of the section. That is only one-half of the matter to which I wish to call the gentleman's attention particularly. The concluding portion of the section provides that these parties shall be appointed "only by the advice and consent of the Joint Committee on Printing." I trust the gentleman from Tennessee will include that in the consideration he gives to the matter before the conference committee.

Mr. RICHARDSON of Tennessee. I said that I was opposed to this provision. I am opposed to it because some gentlemen seem to think the Committee on Printing wants to increase its own power. I have never wanted that sort of power.

But there are reasons why these officers should be somewhat subject to the Committee on Printing. The House will remember that this officer is called the "Congressional Printer," and is so named in the Revised Statutes. The object of the law is to bring him as nearly as possible under the control of Congress; and that, I apprehend, is the only reason why this provision has taken the form in which we find it. But I think the committee of the Senate made a mistake in recommending that particular phraseology.

Mr. HOPKINS of Illinois. I only ask that the gentleman will look into the matter in connection with the first part of the section to which objection was made.

Mr. BURROWS. Now, Mr. Speaker, I demand the previous question upon the motion.

Mr. PICKLER. I desire to ask a question of the gentleman from Tennessee, the chairman of the Committee on Printing.

The SPEAKER. It is not in order, the previous question having been demanded.

The question was taken; and on a division (demanded by Mr. PICKLER) there were—ayes 162, noes 10.

Mr. PICKLER. No quorum.

The SPEAKER. The point of no quorum being made, the Chair will order tellers.

Mr. PICKLER and Mr. BURROWS were appointed tellers.

Mr. PICKLER. Pending the point of no quorum, if I can be

permitted to ask a couple of questions of the chairman of the committee, which I wanted to ask before and could not get an opportunity to do, I will withdraw the point of no quorum.

The SPEAKER. But the previous question has been demanded. The gentleman, of course, can not control the business of the House when a majority is against him.

Mr. PICKLER. Then I ask unanimous consent, pending the point of no quorum, to be allowed to ask one or two questions of the chairman of the committee.

Mr. LOUD. Regular order.

Mr. OUTHWAITE. Mr. Speaker, I object.

The SPEAKER. The tellers will resume the count.

The question was taken; and the tellers reported—ayes 181, noes 0.

So the previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Michigan, that the House nonconcur in the Senate amendments.

Mr. PICKLER. Now, Mr. Speaker, I desire to ask the chairman of the Committee on Printing a couple of questions.

The SPEAKER. It is not in order now without unanimous consent. The previous question has been ordered, which cuts off all debate.

Mr. PICKLER. But is not the question now on the motion of the gentleman from Michigan?

The SPEAKER. It is; and on that motion the previous question has been ordered.

Mr. PICKLER. I ask consent to submit one or two questions to the gentleman from Tennessee.

Mr. BOUTELLE. Is there not thirty minutes' debate, under the rule, after the previous question is ordered?

The SPEAKER. But there has already been debate.

Mr. OUTHWAITE. Let the gentleman walk out into the corridor and ask his questions.

Mr. PICKLER. The gentleman from Ohio need not trouble himself about the course I shall pursue.

Mr. BURROWS. Mr. Speaker, let us have the regular order.

The question was taken; and on a division (demanded by Mr. PICKLER) there were—ayes 181, noes 2.

So the motion was agreed to.

Mr. RICHARDSON of Tennessee. Now, Mr. Speaker, the Senate has already asked for a conference on this bill. I move that the request of the Senate be acceded to, and that the conferees be appointed on the part of the House.

The SPEAKER. If there be no objection, the request for a conference on the part of the Senate will be granted.

There was no objection.

The SPEAKER announced the appointment of Mr. RICHARDSON of Tennessee, Mr. MCKAIG, and Mr. BRODERICK as conferees on the part of the House.

PAYMENT OF CERTAIN CERTIFICATES, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (S. 1896) to provide for the payment of the 8 per cent greenback certificates of the District of Columbia, and for other purposes.

Mr. COGSWELL. Mr. Speaker, I ask unanimous consent that this bill be put upon its passage. There is a similar bill, identical in its terms, reported from the District Committee.

Mr. DOCKERY. Let the bill be read.

The SPEAKER. The bill will be read, after which the Chair will ask if there be objection to the request.

The bill was read, as follows:

Be it enacted, etc., That the Treasurer of the United States is hereby directed to pay to the owners, holders, or assignees of all board of audit certificates redeemed by him under the act approved June 16, 1880, the residue of 2.35 per cent per annum of unpaid legal-rate interest due upon said certificates from their date up to the date of approval of said act providing for their redemption.

SEC. 2. That the Treasurer of the United States is hereby directed to redeem and pay all the remaining outstanding bonds of the District of Columbia known as the "greenback 8 per cent bonds," with interest, as specified in said bonds, from the date of issue to the date of maturity thereof, and with interest at the rate of 6 per cent per annum from the date of their maturity to the date of the approval of this act. The Treasurer of the United States is hereby directed to sell a sufficient amount of the unissued 3.65 bonds of the District of Columbia to cover the provisions of this act.

Mr. BRYAN. I would like to ask the gentleman from Massachusetts a question.

Mr. COGSWELL. Certainly.

Mr. BRYAN. When were these bonds issued?

Mr. COGSWELL. Certain of these bonds were issued following 1876.

I will state to the gentleman that when the District assumed its present form of government a board of audit was appointed to take up and adjust the floating indebtedness of the District; and the law provided that certificates of indebtedness might be issued by the board, which were convertible into 3.65 District bonds. There were a certain number of certificate holders who did not get their certificates converted in time; that is, before they were all issued Congress came in and repealed the act, and some certificates were left out.

Finding its mistake, Congress in 1880 restored the provisions of the old law, and allowed the certificate holders to convert the certificates into bonds. By a clerical error, however, while all of the other certificate holders have been paid 6 per cent from the time of issuing the certificates—by a clerical error, as shown in the report accompanying the bill reported from the District Committee—it was omitted to provide that these certificate holders who had been left out should also be paid 6 per cent on their certificates from the time of issuing the same.

So that they took the 3.65 bonds under protest, and this bill is to allow them the difference between the 3.65's and the 6 per cent, which puts them on all fours with the other certificate holders.

Mr. BRYAN. What is the amount?

Mr. COGSWELL. About $40,000. There will be no expense to the Treasury, because these bonds are ready to be issued.

Mr. COX. What committee reported the bill?

Mr. COGSWELL. The Committee on the District of Columbia. It has been reported three times and has received the favorable consideration of committees in both Houses.

Mr. BRYAN. Does this come out of the general funds of the Government or out of the District funds?

Mr. COGSWELL. It comes out of these bonds, $200,000 of which have not been issued at all. It does not take any money out of the Treasury. It comes out of these bonds that have already been provided for.

Mr. KILGORE. Will the gentleman allow me to ask him a question?

Mr. COGSWELL. Certainly.

Mr. KILGORE. Do I understand that by the passage of this bill you impose no additional charge upon the Treasury?

Mr. COGSWELL. No additional charge upon the Treasury.

Mr. KILGORE. And that whatever money is to be disbursed under this measure must be paid out of the revenues of the District of Columbia exclusively?

Mr. COGSWELL. Paid out of bonds which are already provided for, but not issued.

Mr. KILGORE. By the District of Columbia?

Mr. COGSWELL. Yes. District bonds.

Mr. BRYAN. Then it will be paid by the issue of new bonds?

Mr. COGSWELL. By the issue of bonds already provided for.

Mr. BRYAN. But not issued.

Mr. COGSWELL. But not issued. It is a balance left over of bonds not issued.

Mr. BOWERS of California. Authorized?

Mr. COGSWELL. Authorized by Congress.

Mr. BRYAN. Then it will simply be paying it out of the bonds now, and paying the bonds hereafter.

Mr. COGSWELL. Yes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. COGSWELL, a motion to reconsider the last vote was laid on the table.

By unanimous consent, the bill H. R. 6167, on the same subject, was ordered to lie on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2582) to authorize the appointment of James William Abert to the retired list of the Army;

A bill (H. R. 868) for the relief of Charles B. Stivers;

A bill (H. R. 3858) to pension Mrs. Ella B. Peirce, widow of Charles Peirce, of New Bedford, Mass.;

A bill (H. R. 6921) for the relief of George B. Crosby;

A bill (H. R. 7494) disposing of four condemned cannon of the Navy;

A bill (H. R. 7419) for the construction of a military road from the city of El Paso to Fort Bliss, Tex;

A bill (H. R. 6042) to authorize sale of lot 8, block 93, city of Hot Springs, by school directors thereof and use of proceeds for school purposes;

A bill (H. R. 5371) for the relief of certain enlisted men of the Marine Corps; and

A bill (H. R. 2996) for the relief of Mrs. E. S. Luke, widow of John L. Luke, late a soldier in the Black Hawk war.

The message also announced that the Senate had passed joint resolution (S. R. 91) to provide for the printing of a digest of the laws and decisions relating to the appointment, salary, and

compensation of officials of the United States courts; in which the concurrence of the House was requested.

The message also announced that the Senate had passed, with amendments, the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, asked a conference with the House on the bill and amendments, and had appointed Mr. COCKRELL, Mr. GORMAN, and Mr. ALLISON as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 213) to pay for alley condemned in square No. 493, in the city of Washington, D. C.;

A bill (H. R. 4606) to amend sections 5365 and 5366 of the Revised Statutes relating to barratry on the high seas;

A bill (H. R. 6720) providing for the resurvey of Grant and Hooker Counties, in the State of Nebraska; and

A bill (H. R. 7488) authorizing the Secretary of the Interior to grant leases for sites on the Hot Springs Reservation, Arkansas, for cold-water reservoirs.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the sundry civil appropriation bill and agree to the conference, and that the amendments be printed, together with the bill.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

The SPEAKER. The gentleman from Texas [Mr. SAYERS] asks unanimous consent to make an order that the House nonconcur in the Senate amendments to the sundry civil bill, and agree to the conference asked by the Senate, and that the bill and amendments be printed. Is there objection?

Mr. KILGORE. Now, Mr. Speaker, there are a number of amendments put on that bill by the Senate which, on a point of order, would have to be considered in the Committee of the Whole, and I think they ought to be so considered.

Mr. SAYERS. I will say to the gentleman from Texas that it is important that this bill should go into conference, because several items will have to be brought back for the consideration of the House, and they may delay the session of Congress——

Mr. KILGORE. But no amendment can be considered to the same advantage after it comes back from conference as it could now. For instance, there is an appropriation in the bill to buy the Mahone property for a Government Printing Office site.

Mr. SAYERS. I will state to the gentleman that that amendment will be brought back to the House, free and untrammeled, so that it may be considered separately and on its merits.

Mr. KILGORE. And other amendments like that?

Mr. SAYERS. Any amendment upon which we think that ought to be done.

Mr. KILGORE. I make no objection then.

The SPEAKER. Is there objection to making the order asked for?

There was no objection.

Accordingly the House nonconcurred in the amendments to the sundry civil bill, and agreed to the conference asked by the Senate, and the bill and amendments were ordered to be printed.

The SPEAKER announced as conferees on the part of the House Mr. SAYERS, Mr. O'NEIL of Massachusetts, and Mr. COGSWELL.

JOHN T. HEARD.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of a bill which the Clerk will report, after which the Chair will ask if there be objection to its consideration.

The Clerk read as follows:

A bill (H. R. 7874) to enable the Secretary of the Interior to pay JOHN T. HEARD for professional services rendered the "Old Settlers," or Western Cherokee Indians, out of the funds of said Indians.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to JOHN T. HEARD, for professional services rendered, out of any moneys appropriated or to be appropriated by Congress for the "Old Settlers," or Western Cherokee Indians, by reason of a judgment rendered June 6, 1893, by the Court of Claims, in favor of the "Old Settlers," or Western Cherokee Indians, in case No. 16599, for certain moneys and lands due, arising from or growing out of certain treaty stipulations or acts of Congress, amounting to $800,386.31, in compliance with the mandate of the Supreme Court of the United States, the sum of $10,000, or such part thereof, if any, as shall remain of the 35 per cent set apart by resolution in various councils of said "Old Settlers," or Western Cherokee Indians, for the expense of the prosecution of said claim, after the ascertainment and determination of the amount of such fees and charges and other claims as are properly chargeable against said 35 per cent: *Provided*, That the Secretary of the Interior shall first determine that the said professional services were rendered to said "Old Settlers," or Western Cherokee Indians, and were contracted for in good faith by persons authorized to represent said Indians.

The SPEAKER. Is there objection?

Mr. KILGORE. Mr. Speaker, I desire to ask the gentleman one or two questions which, if properly explained, would satisfy me. I understand this amount is for services rendered to the Cherokee Indians many years ago?

Mr. CLARK of Missouri. Yes.

Mr. KILGORE. By Mr. HEARD; and before he was a member of Congress?

Mr. CLARK of Missouri. Yes, sir.

Mr. KILGORE. Now, another question. I understand that the appropriation provided for upon that bill must be satisfied out of the funds of these Indians?

Mr. CLARK of Missouri. Yes, sir.

Mr. KILGORE. And that they are willing to do it?

Mr. CLARK of Missouri. Yes.

Mr. Speaker, I will state this: Mr. HEARD was employed by these Indians in 1882; and assisted other counsel in getting the case referred to the Court of Claims, under the "Bowman act," for a finding of facts, and in the preparation of the same for trial. In November, 1884, Mr. HEARD was elected a Representative in Congress, and the cause being then ready for hearing, it was advanced on the docket by the court in order that it might be argued by Mr. HEARD before his Congressional term began, and it was so argued by him, and a finding of facts made by said court favorable to the claimants.

He terminated his connection with the case after said finding of facts was reported to Congress, and made a contract with his clients by the terms of which he was to receive a fee of $22,500, upon the payment of the money to claimants, if the amount indicated by said findings should be recovered; but that the amount paid him should be less or more than that sum, according as the amount of the final collection might vary from said sum. Therefore the amount which Mr. HEARD would be entitled to receive could not be known definitely until the basis of settlement between the claimants and the Government should have been fixed by Congress or the courts.

Congress rereferred the case to the Court of Claims, with directions to try it and find a judgment according to the points of law and equity involved, with the right of appeal to the Supreme Court of the United States.

Other attorneys had to be employed to complete the work which Mr. HEARD had begun; and in view of that fact, when the final judgment was rendered in favor of claimants, Mr. HEARD made his final contract with his clients, and reduced his fee to $10,000. This contract was duly made and authenticated according to law, and its terms approved by the Indians as shown by resolutions unanimously adopted in their annual council on June 28, 1893. Said contract was duly presented by Mr. HEARD to the Commissioner of Indian Affairs for approval; but owing to an opinion of the Attorney-General of the United States, referring to such cases (although made nearly a year after Mr. HEARD had concluded his services), the Commissioner could not approve the same, or withhold from the funds of the Indians the money to pay the fee provided for therein, because the contract did not antedate the rendition of the services.

The Commissioner of Indian Affairs, however, recommended to the Secretary of the Interior that since the claim of Mr. HEARD was so obviously just, that a bill should be sent to Congress for enactment which would enable the Department to carry out in good faith the contract which the Indians had made, and which they expressed their desire to live up to. The Secretary adopted said recommendation, and this is the bill he sent here, and exactly in the form in which he prepared it. The Department recommends its passage and the payment of the contract money. The Indians want to pay it, and Mr. HEARD does not object to its being paid. [Laughter and applause.]

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BOWERS of California. Wait a moment. Is this to be paid from the Treasury or from the Indians' money?

Mr. CLARK of Missouri. It is to be paid from the Indians' money; and I ask for the reading of a letter from the agent of these Indians, who lives among them, and who originally employed Mr. HEARD and knows what his services have been worth to the claimants, written on yesterday, and addressed to the gentleman from Indiana, Judge HOLMAN, Chairman of the Committee on Indian Affairs in this House, and by him handed to me this morning, stating that the Indians desire the passage of the bill. [General cries of "Vote!"]

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CLARK of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent that the letter to Judge HOLMAN be printed as a part of my remarks.

The SPEAKER. Without objection that can be done.

There was no objection.

The letter is as follows:

AUGUST 1, 1894.

DEAR SIR: The passage of House bill No. 7374, recommended to Congress by the Secretary of the Interior, to enable him to pay Hon. JOHN T. HEARD for professional services rendered to the Old Settlers or Western Cherokee Indians, out of funds belonging to them, is not objected to by said Indians, and ought to pass. It will enable them to carry out in good faith their contract made with Mr. HEARD.

The services rendered by him before the committees of Congress and in the Court of Claims were very valuable, and the contract made with him, by me, as the representative of said Indians, has been fully ratified by them, as is shown by a resolution of their council, on file in the office of the Commissioner of Indian Affairs; and they desire Congress to authorize the Secretary of the Interior to settle with Mr. HEARD according to the terms of said agreement.

J. M. BRYAN,
Old Settler, Cherokee Commissioner, and Treasurer.

Hon. WILLIAM S. HOLMAN,
Chairman Committee on Indian Affairs, House of Representatives.

UNLAWFUL VIOLENCE ON ACCOUNT OF CRIME.

Mr. BLAIR. Mr. Speaker, I desire to send to the desk a joint resolution, which I shall ask to have read, and then will ask unanimous consent of the House for its present consideration.

The Clerk read as follows:

Joint resolution, providing for the investigation of acts of unlawful violence throughout the country, alleged to have been inflicted on account of crimes.

Resolved by the Senate and House of Representatives in Congress assembled, That the Commissioner of Labor be instructed to investigate, ascertain, and report the number, date, location, and attendant facts and circumstances of all alleged assaults by males upon females throughout the country during the ten years last preceding the passage of this joint resolution, for or on account of which organized but unlawful violence has been inflicted or attempted to be inflicted upon those charged with making such assaults.

Also, to ascertain and report all acts of organized but unlawful violence to the person, with the attendant facts and circumstances, which have been inflicted upon accused persons or persons alleged to have been guilty of crimes punishable by due process of law which have taken place in any part of the country within the ten years last preceding the passage of this resolution, whether such acts of organized but unlawful violence were inflicted by whipping, lynching, or otherwise, on account of offenses or alleged offenses against the laws and punishable by due process thereof.

Such investigation shall be made by the usual methods and agencies of the Department of Labor, and report made to Congress as soon as the work can be satisfactorily done; and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. COX. I object.

Mr. BLAIR. I ask that the resolution, then, be referred to the Committee on Labor.

Mr. DUNPHY. Regular order.

The SPEAKER. By unanimous consent it can be referred to the Committee on Labor. Is there objection?

Mr. WILLIAMS of Mississippi and Mr. COX. I object.

The SPEAKER. As objection is made, the Chair will look at it and refer the resolution under the rule.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CAMPBELL, until Wednesday, on account of sickness in his family.

To Mr. GRAHAM, indefinitely, on account of sickness.

To Mr. HALL of Missouri, to-day, on account of sickness.

To Mr. HATCH, for three days, on account of sickness.

To Mr. TAYLOR of Indiana, indefinitely, on account of illness.

Mr. OUTHWAITE. Mr. Speaker, I submit a report from the Committee on Rules, for immediate consideration.

The report was read, as follows:

Resolved, That to-day after the second morning hour and until 5 o'clock, be assigned to the consideration of bills reported and called up by the Committee on the Post-Office and Post-Roads; this order not to interfere with revenue or appropriation bills, conference reports, or reports from the Committee on Rules.

Mr. BUNN. Mr. Speaker, to-day being Friday, the day set apart by the rules for the consideration of business on the Private Calendar, I really think, in view of the fact that so little time is given to the consideration of private bills, that the House, in the interest of the Private Calendar, ought to vote down this proposed rule. Representing, as I do, the Committee on Claims, I insist that that committee should be given an opportunity to present its business for the consideration of the House.

In view of the fact that only a short time remains until this Congress will adjourn I think we ought to have at least the day which is set apart in the rules for the consideration of our reports. If this thing goes on I do not know where it will end. We are expected by members of the House to sit in our committee room day after day and consider bills of a private nature, and I hardly ever come into this Hall without being approached by some member urging that the committee shall give consideration to some bill in which he is interested. The members of the committee over which I have the honor to preside have met regularly and transacted their business faithfully, and we have begged the House of Representatives to give us time to have our reports considered, but during this entire session of Congress—yes, more than that, sir—during both the sessions of the Fifty-third Congress, taking the two sessions together, we have had but one-half day for the consideration of business reported from our committee. And this, too, although every Friday is set apart by the rules for the consideration of business on the Private Calendar.

It seems to me, Mr. Speaker, that it is time the House should adhere to that rule. It seems to me all the more reasonable to insist on this now, because the Committee on the Post-Office and Post-Roads is, I understand, the next committee to be called in the second morning hour, and that will give an opportunity for it to present bills for the consideration of the House. I do not think that the Committee on Claims ought to be set aside by the House in this way and no consideration given to its business unless what can be obtained by unanimous consent.

The House, to be sure, has been very liberal in unanimous consents, but there are certain bills upon the Calendar reported from our committee which are absolutely just, against which nobody can reasonably raise a voice, and we ask for time to have those bills considered by the House. I move, Mr. Speaker, to lay this rule upon the table. [After a pause.] I withdraw that motion.

Mr. OUTHWAITE. Mr. Speaker, it is not altogether the fault of the House of Representatives that the Committee on Claims has not had time for the consideration of its business, or that it has not succeeded in passing its bills. I remember a day not long ago when that committee was called when they brought up no bills, although under the call they would have had two hours. I do not propose to charge any neglect upon the committee, but I understand that they have got through a great number of bills by unanimous consent.

When this pending rule was first prepared, it contained a provision assigning yesterday to the Committee on Claims, but other business of the House pressed forward and the time was occupied to such an extent that the gentleman in charge of the business of that committee did not care to use the hour or two that remained.

Mr. CLARK of Missouri. Does not the gentleman from Ohio know that four or five weeks ago there was a tacit understanding that if our committee would give way, so as to let the House proceed with other business, a day should be set apart later for the business of the Committee on Claims?

Mr. OUTHWAITE. Certainly; and in compliance with that understanding this rule was originally prepared, assigning yesterday to that committee.

Mr. WILSON of Washington. Mr. Speaker, I make the point that a motion to lay on the table is not debatable.

Mr. PICKLER. Mr. Speaker, I rise to a point of order. The gentleman from Ohio [Mr. OUTHWAITE] has presented a report from the Committee on Rules, and the gentleman from North Carolina has moved to lay it on the table.

Mr. BUNN. I withdrew that motion.

Mr. PICKLER. There was no consent given for the gentleman to withdraw it.

The SPEAKER. No consent was required. Any gentleman can withdraw any motion he makes unless the House has taken some action upon it.

Mr. PICKLER. Not without getting the floor to do so, and the gentleman from North Carolina [Mr. BUNN] did not have the floor. He moved to lay the rule on the table, and so the matter stands, and the gentleman from Ohio [Mr. OUTHWAITE] is out of order.

The SPEAKER. The gentleman from Ohio, the Chair understands, is demanding the previous question upon the adoption of the report.

Mr. BUNN. Mr. Speaker, I ask the gentleman from Ohio, before he makes that demand, to yield to me for one question.

The SPEAKER. Does the gentleman from Ohio withdraw the demand for the previous question?

Mr. OUTHWAITE. I wish to yield to gentlemen for questions or for any propositions that are pertinent——

Mr. PICKLER. Mr. Speaker, I object. The previous question is ordered, as I understand it.

The SPEAKER. It rests with the gentleman from Ohio to demand the previous question or not.

Mr. OUTHWAITE. I have not yet demanded the previous question.

Mr. PICKLER. I think the gentleman did.

Mr. OUTHWAITE. Oh, well; you are mistaken. The record will show that I am correct. Now, I want to yield for a question from the gentleman from North Carolina [Mr. BUNN].

Mr. BUNN. I want to ask the gentleman whether, in withholding from us a day yesterday, it was the purpose of the Committee on Rules to take from us to-day also?

Mr. OUTHWAITE. Oh, no; not at all.

Mr. BUNN. Then, why was not the rule so shaped as to give us back the day, unless you meant to take it from us?

Mr. OUTHWAITE. There was no purpose of that kind.

Mr. BUNN. Is not that the effect?

Mr. OUTHWAITE. I move the previous question.

Mr. ENLOE. I would like to ask the gentleman from Ohio a question.

Mr. OUTHWAITE. I will yield to the gentleman for a question.

Mr. ENLOE. I should like to find out if I can the character of business from the Post-Office Committee which is so urgent as to justify bringing in this order and how much money it is proposed to appropriate if the committee can have its way.

Mr. OUTHWAITE. That is a matter that can be discussed later on, if the House should decide to give the day to the Post-Office Committee.

Mr. WILSON of Washington. Mr. Speaker, is not the previous question operating?

The SPEAKER. The call for the previous question has been withdrawn, as the Chair understands.

Mr. WILSON of Washington. It has been demanded twice.

Mr. OUTHWAITE. The previous question has not been demanded once.

Mr. PICKLER. Yes, sir; it was demanded just now by you and then you yielded.

Mr. WILSON of Washington. The gentleman from Ohio has made the demand twice for the previous question.

The SPEAKER. It is not uncommon for a gentleman to demand the previous question, and then withdraw it upon the request of some member.

Mr. WILSON of Washington. Certainly; but we have not heard the gentleman withdraw it. If he does so, all right.

The SPEAKER. The Chair understood the gentleman to withdraw it. There is so much confusion it is difficult to understand what is taking place.

Mr. OUTHWAITE. I stated that I would withdraw the call for the previous question for the purpose of yielding to the gentleman from Tennessee. I yielded for that gentleman's question and am now answering it. And now these other gentlemen begin to talk at random.

Mr. WILSON of Washington. Oh, no.

Mr. PICKLER. The gentleman withdraws the previous question to let somebody in.

Mr. OUTHWAITE. I am entitled to hold the floor for an hour, yielding to anyone that I may choose.

Mr. ENLOE. I desired to know what business of the Post-Office Committee was to be brought up. I begin to suspect from the interruptions which have occurred and from the failure to get the information I asked for, that gentlemen do not want the House to know what business it is that is to come from that committee.

Mr. OUTHWAITE. I will simply say it is the business of that committee on the Calendar. Whatever business the chairman of the committee may be directed by his committee to bring up can be brought up under this order.

Mr. ENLOE. I have understood the committee wanted to bring up a bill to increase the compensation of clerks in the post-offices throughout the country.

Mr. COX. Will the gentleman from Ohio yield to me for a moment?

Mr. OUTHWAITE. For a question?

Mr. COX. Yes, sir.

Mr. OUTHWAITE. Certainly I will yield.

Mr. COX. Do you think it right to let in the Committee on the Post-Office and Post-Roads, to the exclusion of the Committee on Claims, when the latter committee has not had a day for its business during this Congress? Does the gentleman think that is right?

Mr. OUTHWAITE. It seems to me that on last Friday the Committee on Claims lost its day with the acquiescence of its chairman.

Mr. COX. Now, come right down to the gist of the matter: Do you think you are treating us right?

Mr. OUTHWAITE. I certainly think there is nothing wrong in this proposed rule, or I should not advocate it.

Mr. COX. Do you think you are dealing squarely with us?

Mr. OUTHWAITE. Certainly; with you and your committee. Mr. Speaker, I move the previous question on the adoption of this proposed rule.

The question being taken; there were on a division—ayes 94, noes 29.

Mr. PICKLER. No quorum.

Mr. OUTHWAITE. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. OUTHWAITE and Mr. BUNN were appointed to act as tellers during the call of the yeas and nays.

The question was taken; and there were—yeas 174, nays 54, answered "present" 1, not voting 122; as follows:

YEAS—174.

Abbott,	Covert,	Hermann,	Outhwaite,
Adams, Pa.	Crawford,	Hicks,	Page,
Aitken,	Culberson,	Hines,	Paschal,
Alderson,	Cummings,	Hitt,	Pearson,
Aldrich,	Curtis, Kans.	Hooker, N. Y.	Pence,
Arnold,	Curtis, N. Y.	Houk,	Perkins,
Avery,	Daniels,	Hudson,	Phillips,
Babcock,	Davey,	Johnson, Ind.	Pigott,
Bailey,	Davis,	Johnson, N. Dak.	Post,
Baker, Kans.	De Forest,	Kem,	Powers,
Baker, N. H.	Dinsmore,	Kiefer,	Price,
Baldwin,	Dolliver,	Kyle,	Quigg,
Barnes,	Doolittle,	Lane,	Randall,
Bartlett,	Draper,	Lapham,	Rayner,
Barwig,	Dunn,	Lawson,	Reed,
Bell, Colo.	Dunphy,	Layton,	Re lly,
Bell, Tex.	Durborow,	Lester,	Reyburn,
Bingham,	Edmunds,	Loud,	Russell, Conn.
Black, Ill.	Ellis, Ky.	Loudenslager,	Sayers,
Blair,	Ellis, Oregon	Lucas,	Stephenson,
Boatner,	English, N. J.	Lynch,	Straus,
Boutelle,	Epes,	Maddox,	Strong,
Bowers, Cal.	Fielder,	Maguire,	Sweet,
Bretz,	Fithian,	Mahon,	Talbott, Md.
Broderick,	Fletcher,	Marsh,	Tarsney,
Brookshire,	Funk,	Marshall,	Terry,
Brosius,	Gardner,	Marvin, N. Y.	Tracey,
Bryan,	Geary,	McCall,	Tucker,
Bundy,	Geissenhainer,	McCleary, Minn.	Turner, Va.
Burrows,	Goldzier,	McCreary, Ky.	Tyler,
Bynum,	Gorman,	McDannold,	Updegraff,
Cadmus,	Grosvenor,	McDowell,	Van Voorhis, N. Y.
Caminetti,	Hainer,	McEttrick,	Wanger,
Campbell,	Hall, Minn.	McGann,	Warner,
Cannon, Cal.	Hammond,	McKeighan,	Washington,
Cannon, Ill.	Hartman,	McRae,	Waugh,
Catchings,	Haugen,	Metcalfe,	Weadock,
Childs,	Hayes,	Mercer,	Wells,
Cobb, Mo.	Heard,	Meyer,	Wheeler, Ill.
Cogswell,	Heiner,	Milliken,	Wilson, Ohio
Coombs,	Henderson, Iowa	Moon,	Wilson, Wash.
Cooper, Fla.	Henderson, N. C.	Northway,	Wright, Mass.
Cooper, Wis.	Hendrix,	Ogden,	
Cousins,	Hepburn,	O'Neil, Mass.	

NAYS—54.

Alexander,	Enloe,	Latimer,	Richardson, Tenn.
Allen,	Everett,	Livingston,	Ritchie,
Berry,	Fyan,	Mallory,	Shell,
Black, Ga.	Grady,	Martin, Ind.	Snodgrass,
Branch,	Grow,	McCulloch,	Springer,
Brickner,	Hare,	McDearmon,	Strait,
Bunn,	Hulick,	McKaig,	Talbert, S. C.
Capehart,	Hunter,	McLaurin,	Tate,
Clark, Mo.	Hutcheson,	Money,	Williams, Ill.
Cockrell,	Ikirt,	Moore,	Williams, Miss.
Cox,	Izlar,	Mutchler,	Wolverton,
De Armond,	Jones,	Neill,	Woodard.
Donovan,	Kilgore,	Pendleton, Tex.	
English, Cal.	Kribbs,	Richards, Ohio	

ANSWERED "PRESENT"—1.

Pickler.

NOT VOTING—122.

Adams, Ky.	Erdman,	McNagny,	Smith,
Apsley,	Forman,	Meredith,	Somers,
Bankhead,	Gear,	Montgomery,	Sorg,
Bartholdt,	Gillet, N. Y.	Morgan,	Sperry,
Belden,	Gillett, Mass.	Morse,	Stallings,
Beltzhoover,	Goodnight,	Moses,	Stevens,
Bland,	Graham,	Murray,	Stockdale,
Boen,	Gresham,	Newlands,	Stone, C. W.
Bower, N. C.	Griffin,	Oates,	Stone, W. A.
Breckinridge, Ark.	Grout,	O'Neill, Mo.	Stone, Ky.
Breckinridge, Ky.	Hager,	Patterson,	Storer,
Brown,	Haines,	Payne,	Swanson,
Burnes,	Hall, Mo.	Paynter,	Tawney,
Cabaniss,	Harmer,	Pendleton, W. Va.	Taylor, Ind.
Caruth,	Harris,	Ray,	Taylor, Tenn.
Causey,	Harter,	Richardson, Mich.	Thomas,
Chickering,	Hatch,	Robbins,	Turner, Ga.
Clancy,	Henderson, Ill.	Robertson, La.	Turpin,
Clarke, Ala.	Holman,	Robinson, Pa.	Van Voorhis, Ohio
Cobb, Ala.	Hooker, Miss.	Rusk,	Wadsworth,
Cockran,	Hopkins, Ill.	Russell, Ga.	Walker,
Coffeen,	Hopkins, Pa.	Ryan,	Wever,
Conn,	Hull,	Schermerhorn,	Wheeler, Ala.
Cooper, Ind.	Johnson, Ohio	Scranton,	White,
Cooper, Tex.	Lacey,	Settle,	Whiting,
Cornish,	Lefever,	Shaw,	Wilson, W. Va.
Crain,	Linton,	Sherman,	Wise,
Dalzell,	Lockwood,	Sibley,	Woomer,
Denson,	Magner,	Sickles,	Wright, Pa.
Dingley,	McAleer,	Simpson,	
Dockery,	McMillin,	Sipe,	

So the previous question was ordered.

The following pairs were announced:
Until further notice:
Mr. WILSON of West Virginia with Mr. DINGLEY.
Mr. HATCH with Mr. HARMER.
Mr. OATES with Mr. STORER.
Mr. STONE of Kentucky with Mr. GEAR.
Mr. GOODNIGHT with Mr. WALKER.
Mr. TAYLOR of Indiana with Mr. BELDEN.
Mr. MONTGOMERY with Mr. TAWNEY.
Mr. WISE with Mr. FLETCHER.
Mr. COBB of Alabama with Mr. SHAW.
Mr. DENSON with Mr. THOMAS.
Mr. RUSK with Mr. SHERMAN.
Mr. ROBBINS with Mr. MORSE.
Mr. SCHERMERHORN with Mr. TAYLOR of Tennessee.
Mr. MCMILLIN with Mr. HOUK.
Mr. GRESHAM with Mr. MAHON.
Mr. CONN with Mr. HOOKER of New York.
Mr. WHEELER of Alabama with Mr. WRIGHT of Pennsylvania.
Mr. MOSES with Mr. WADSWORTH.
Mr. WHITING with Mr. WHITE.
Mr. STOCKDALE with Mr. BRODERICK.
Mr. STALLINGS with Mr. SCRANTON.
Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.
Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.
Mr. CABANISS with Mr. PHILLIPS.
Mr. TURPIN with Mr. GILLETT of Massachusetts.
Mr. LOCKWOOD with Mr. WEVER.
Mr. CRAIN with Mr. SETTLE.
For this day:
Mr. PAYNTER with Mr. VAN VOORHIS of Ohio.
Mr. SIPE with Mr. RAY.
Mr. ALDERSON with Mr. APSLEY.
Mr. CARUTH with Mr. SMITH of Illinois.
Mr. TURNER of Georgia with Mr. CHICKERING.

The result of the vote was then announced as above recorded.

Mr. BYNUM. I move to reconsider the vote by which the previous question was ordered.

Mr. DUNPHY. I move to lay that motion on the table.

The question was taken; and on a division (demanded by Mr. BYNUM) there were—ayes 93, noes 2.

Mr. BYNUM. No quorum.

The SPEAKER announced the appointment of Mr. BYNUM and Mr. OUTHWAITE as tellers.

Mr. DUNPHY. I ask the yeas and nays.

The yeas and nays were ordered.

The SPEAKER appointed Mr. DUNPHY and Mr. BYNUM as tellers at the desk.

The question was taken; and there were—yeas 172, nays 41, answered "present" 1, not voting 137; as follows:

YEAS—172.

Abbott,	Cooper, Wis.	Hicks,	Murray,
Adams, Pa.	Covert,	Hooker, N. Y.	Mutchler,
Aitken,	Crawford,	Ikirt,	Northway,
Alderson,	Culberson,	Johnson, Ind.	Ogden,
Aldrich,	Cummings,	Johnson, N. Dak.	O'Neill, Mass.
Alexander,	Curtis, Kans.	Kem,	Outhwaite,
Arnold,	Curtis, N. Y.	Kiefer,	Paschal,
Avery,	Dalzell,	Kribbs,	Payne,
Baker, Kans.	Daniels,	Kyle,	Pearson,
Baker, N. H.	Davey,	Lacey,	Pendleton, W. Va.
Baldwin,	Davis,	Lane,	Perkins,
Bankhead,	De Armond,	Lapham,	Phillips,
Barnes,	Dockery,	Latimer,	Pigott,
Bartlett,	Dolliver,	Lawson,	Powers,
Barwig,	Doolittle,	Layton,	Price,
Bell, Colo.	Draper,	Loud,	Quigg,
Bingham,	Dunn,	Loudenslager,	Reyburn,
Black, Ill.	Dunphy,	Lucas,	Richardson, Mich.
Blair,	Durborow,	Lynch,	Robertson, La.
Bland,	Ellis, Oregon	Magner,	Ryan,
Boatner,	Fielder,	Maguire,	Sorg,
Boutelle,	Funk,	Mahon,	Sperry,
Bowers, Cal.	Fyan,	Mallory,	Stevens,
Branch,	Gardner,	Marsh,	Stockdale,
Brets,	Geary,	Marshall,	Stone, C. W.
Broderick,	Geissenhainer,	Martin, Ind.	Stone, W. A.
Brookshire,	Goldzier,	Marvin, N. Y.	Strong,
Brosius,	Grady,	McCall,	Sweet,
Brown,	Grosvenor,	McCleary, Minn.	Talbott, Md.
Bryan,	Grow,	McCreary, Ky.	Tarsney,
Bundy,	Hager,	McDannold,	Terry,
Cadmus,	Hainer,	McDearmon,	Tracey,
Caminetti,	Haines,	McDowell,	Turner, Va.
Campbell,	Hall, Minn.	McEttrick,	Tyler,
Cannon, Cal.	Hall, Mo.	McLaurin,	Updegraff,
Cannon, Ill.	Hammond,	McNagny,	Van Voorhis, N. Y.
Catchings,	Hartman,	McRae,	Warner,
Childs,	Haugen,	Meiklejohn,	Washington,
Cobb, Mo.	Hayes,	Mercer,	Waugh,
Cockrell,	Henderson, Iowa	Meredith,	Weadock,
Cogswell,	Henderson, N. C.	Meyer,	Wells,
Coombs,	Hendrix,	Milliken,	Wheeler, Ill.
Cooper, Fla.	Hermann,	Moon,	Wright, Mass.

NAYS—41.

Allen,	Everett,	Maddox,	Strait,
Bell, Tex.	Fithian,	McCulloch,	Swanson,
Berry,	Grout,	McKaig,	Talbert, S. C.
Black, Ga.	Hare,	Moore,	Tate,
Bunn,	Hunter,	Morgan,	Williams, Ill.
Bynum,	Hutcheson,	Neill,	Williams, Miss.
Clark, Mo.	Izlar,	Pendleton, Tex.	Wolverton,
Cox,	Jones,	Richards, Ohio	Woodard.
Donovan,	Kilgore,	Ritchie,	
English, Cal.	Lester,	Shell,	
Enloe,	Livingston,	Snodgrass,	

ANSWERED "PRESENT"—1.

Pickler.

NOT VOTING—137.

Adams, Ky.	Ellis, Ky.	Lockwood,	Sickles,
Apsley,	English, N. J.	McAleer,	Simpson,
Babcock,	Epes,	McGann,	Sipe,
Bailey,	Erdman,	McKeighan,	Smith,
Bartholdt,	Fletcher,	McMillin,	Somers,
Belden,	Forman,	Money,	Springer,
Beltzhoover,	Gear,	Montgomery,	Stallings,
Boen,	Gillet, N. Y.	Morse,	Stephenson,
Bower, N. C.	Gillett, Mass.	Moses,	Stone, Ky.
Breckinridge, Ark.	Goodnight,	Newlands,	Storer,
Breckinridge, Ky.	Gorman,	Oates,	Straus,
Brickner,	Graham,	O'Neill, Mo.	Tawney,
Burnes,	Gresham,	Page,	Taylor, Ind.
Burrows,	Griffin,	Patterson,	Taylor, Tenn.
Cabaniss,	Harmer,	Paynter,	Thomas,
Capehart,	Harris,	Pence,	Tucker,
Caruth,	Harter,	Post,	Turner, Ga.
Causey,	Hatch,	Randall,	Turpin,
Chickering,	Heard,	Ray,	Van Voorhis, Ohio
Clancy,	Heiner,	Rayner,	Wadsworth,
Clarke, Ala.	Henderson, Ill.	Reed,	Walker,
Cobb, Ala.	Hepburn,	Reilly,	Wanger,
Cockran,	Hines,	Richardson, Tenn.	Wever,
Coffeen,	Hitt,	Robbins,	Wheeler, Ala.
Conn,	Holman,	Robinson, Pa.	White,
Cooper, Ind.	Hooker, Miss.	Rusk,	Whiting,
Cooper, Tex.	Hopkins, Ill.	Russell, Conn.	Wilson, Ohio
Cornish,	Hopkins, Pa.	Russell, Ga.	Wilson, Wash.
Cousins,	Houk,	Sayers,	Wilson, W. Va.
Crain,	Hudson,	Schermerhorn,	Wise,
De Forest,	Hulick,	Scranton,	Woomer,
Denson,	Hull,	Settle,	Wright, Pa.
Dingley,	Johnson, Ohio	Shaw,	
Dinsmore,	Lefever,	Sherman,	
Edmunds,	Linton,	Sibley,	

So the motion to reconsider was laid upon the table.

Mr. PAGE. I was not in the Hall of the House when my name was called, but desire to be recorded as present.

The SPEAKER. The Chair can not entertain the request.

The result of the vote was then announced as above recorded.

The question recurring on the adoption of the resolution, on a division (demanded by Mr. BYNUM) there were—ayes 95, noes 10.

Mr. BYNUM. No quorum.

Mr. OUTHWAITE. I demand the yeas and nays.

Mr. PICKLER. I move that the House do now adjourn.

Mr. KILGORE. And pending that, I move that when the House adjourns to-day it be to meet at 12 o'clock on Monday next.

The SPEAKER. That motion is not in order. But one motion to adjourn can be entertained, pending the consideration of the report of the Committee on Rules.

The question being taken on the motion of Mr. PICKLER, it was rejected.

The SPEAKER. The gentleman from Ohio demands the yeas and nays on the adoption of the resolution.

The yeas and nays were ordered.

The SPEAKER appointed Mr. DUNPHY and Mr. BYNUM as tellers at the desk.

The question was taken; and there were—yeas 177, nays 40, answered "present" 2, not voting 132; as follows:

YEAS—177.

Abbott,	Broderick,	Cummings,	Haines,
Adams, Pa.	Brookshire,	Curtis, N. Y.	Hall, Minn.
Aitken,	Brosius,	Dalzell,	Hammond,
Alderson,	Brown,	Daniels,	Hare,
Aldrich,	Bryan,	Davis,	Hartman,
Alexander,	Bundy,	De Forest,	Haugen,
Arnold,	Cabaniss,	Dinsmore,	Hayes,
Avery,	Cadmus,	Doolittle,	Henderson, Iowa
Baker, Kans.	Caminetti,	Draper,	Henderson, N. C.
Baker, N. H.	Campbell,	Dunn,	Hendrix,
Baldwin,	Cannon, Cal.	Dunphy,	Hermann,
Bankhead,	Cannon, Ill.	Durborow,	Hines,
Barnes,	Catchings,	Ellis, Oregon	Hitt,
Bartlett,	Clancy,	Fielder,	Hooker, N. Y.
Barwig,	Cobb, Mo.	Fletcher,	Hulick,
Bell, Colo.	Coffeen,	Funk,	Johnson, Ind.
Bingham,	Coombs,	Fyan,	Johnson, N. Dak.
Black, Ill.	Cooper, Fla.	Gardner,	Kem,
Blair,	Cooper, Tex.	Geary,	Kiefer,
Boatner,	Cooper, Wis.	Geissenhainer,	Kyle,
Boen,	Cousins,	Goldzier,	Lacey,
Boutelle,	Covert,	Grosvenor,	Lane,
Bowers, Cal.	Crawford,	Hager,	Lapham,
Brickner,	Culberson,	Hainer,	Lawson,

Layton.	McNagny,	Pence,	Stone, W. A.
Livingston,	McRae,	Pendleton, W. Va.	Straus,
Loud,	Meiklejohn,	Perkins,	Strong,
Loudenslager,	Mercer,	Phillips,	Sweet,
Lucas,	Money,	Pickler,	Talbott, Md.
Lynch,	Moon,	Pigott,	Tarsney,
Maddox,	Moore,	Post.	Terry,
Maguire,	Morgan,	Powers,	Tracey,
Mahon,	Murray,	Price.	Tyler,
Marsh,	Mutchler,	Quigg,	Updegraff,
Martin, Ind.	Neill,	Randall,	Van Voorhis, N.Y.
Marvin, N.Y.	Northway,	Rayner,	Wanger,
McCall,	Ogden,	Reyburn,	Warner,
McCleary, Minn.	O'Neill, Mass.	Richardson, Mich.	Washington,
McCreary, Ky.	O'Neill, Mo.	Robertson, La.	Waugh,
McDannold,	Outhwaite,	Russell, Conn.	Weadock,
McDowell,	Page,	Sayers,	Wheeler, Ill.
McEttrick,	Paschal,	Sorg.	Wilson, Wash.
McGann,	Patterson,	Sperry,	
McKaig,	Payne,	Stephenson,	
McKeighan,	Pearson,	Stone, C. W.	

NAYS—40.

Allen,	De Armond,	Ikirt,	Ritchie,
Bell, Tex.	Dockery,	Izlar,	Shell,
Black, Ga.	English, Cal.	Kilgore,	Strait,
Bland,	Everett,	Kribbs,	Talbert, S. C.
Branch,	Fithian,	Latimer,	Tate,
Bunn,	Gorman,	McCulloch,	Tucker,
Capehart,	Grady,	McDearmon,	Williams, Ill.
Clark, Mo.	Heiner,	McLaurin,	Williams, Miss.
Cockrell,	Hunter,	Pendleton, Tex.	Wolverton,
Cox,	Hutcheson,	Richards, Ohio	Woodard.

ANSWERED "PRESENT"—2.

Bretz,	Cooper, Ind.

NOT VOTING—132.

Adams, Ky.	English, N. J.	Lester,	Simpson,
Apsley,	Enloe,	Linton,	Sipe,
Babcock,	Epes,	Lockwood,	Smith,
Bailey,	Erdman,	Magner,	Snodgrass,
Barthoidt,	Forman,	Mallory,	Somers,
Belden,	Gear,	Marshall,	Springer,
Beltzhoover,	Gillet, N. Y.	McAleer,	Stallings,
Berry,	Gillett, Mass.	McMillin,	Stevens,
Bower, N. C.	Goodnight,	Meredith,	Stockdale,
Breckinridge, Ark.	Graham,	Meyer,	Stone, Ky.
Breckinridge, Ky.	Gresham,	Milliken,	Storer,
Burnes,	Griffin,	Montgomery,	Swanson,
Burrows,	Grout,	Morse,	Tawney,
Bynum,	Grow,	Moses,	Taylor, Ind.
Caruth,	Hall, Mo.	Newlands,	Taylor, Tenn.
Causey,	Harmer,	Oates,	Thomas,
Chickering,	Harris,	Paynter,	Turner, Ga.
Childs,	Harter,	Ray,	Turner, Va.
Clarke, Ala.	Hatch,	Reed.	Turpin,
Cobb, Ala.	Heard,	Reilly,	Van Voorhis, Ohio
Cockran,	Henderson, Ill.	Richardson, Tenn.	Wadsworth,
Cogswell,	Hepburn,	Robbins,	Walker,
Conn,	Hicks,	Robinson, Pa.	Wells,
Cornish,	Holman,	Rusk.	Wever,
Crain,	Hooker, Miss.	Russell, Ga.	Wheeler, Ala.
Curtis, Kans.	Hopkins, Ill.	Ryan,	White,
Davey,	Hopkins, Pa.	Schermerhorn,	Whiting,
Denson,	Houk,	Scranton,	Wilson, Ohio
Dingley,	Hudson,	Settle,	Wilson, W. Va.
Dolliver,	Hull,	Shaw,	Wise,
Donovan,	Johnson, Ohio	Sherman,	Woomer,
Edmunds,	Jones,	Sibley.	Wright, Mass.
Ellis, Ky.	Lefever,	Sickles,	Wright, Pa.

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. SPRINGER with Mr. REED.

For the rest of this day:

Mr. HOLMAN with Mr. LEFEVER.

The result of the vote was then announced as above recorded.

ADJOURNMENT UNTIL MONDAY NEXT.

Mr. OUTHWAITE. Mr. Speaker, I move that when the House adjourns to-day, it be to meet on Monday next.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. CATCHINGS. Mr. Speaker, I present the conference report on the river and harbor appropriation bill.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 6518) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

(For conference report see Senate proceedings.)

The SPEAKER. The Clerk will report the statement of the House conferees.

The Clerk read as follows:

When the bill passed the House it carried $9,538,689.56. The Senate Committee on Commerce increased the same $3,087,490.44. When the bill was up for consideration in the Senate it was still further increased $164,500, making the total amount as it passed the Senate, $12,790,680. The House conferees succeeded in reducing the Senate bill $1,302,500. The bill as now recommended by the conferees carries $11,488,180.

Mr. CATCHINGS. Mr. Speaker, unless some gentleman desires further information, I will move the previous question on the adoption of the report.

Mr. DALZELL. Does this bill as reported by the conferees contain an appropriation of $20,000 for surveys of canals between Lake Erie and the Ohio River?

Mr. CATCHINGS. It does. I move the previous question.

The previous question was ordered.

The conference report was agreed to.

On motion of Mr. CATCHINGS, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted:

To Mr. HOLMAN, for this day, on account of sickness.

COMMITTEE REPORTS.

The SPEAKER. The Clerk will call the committees for reports.

SCHOOL ON OMAHA INDIAN RESERVATION.

Mr. LYNCH, from the Committee on Indian Affairs, reported favorably, with amendments, the bill (S. 870) authorizing the issue of a patent to the Presbyterian Board of Home Missions for certain lands on the Omaha Indian Reservation for school purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, NORFOLK, VA.

Mr. McKAIG, from the Committee on Public Buildings and Grounds, reported a bill (H. R. 6776) to amend "An act to provide for the erection of a public building in the city of Norfolk, in the State of Virginia," approved January 2, 1891; which was read a first and second time, and, with the accompanying report, ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDINGS OF THE UNITED STATES.

Mr. McKAIG also, from the Committee on Public Buildings and Grounds, also reported a bill (H. R. 7470) to provide for the securing of plans and for the erection of the public buildings of the United States; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompany report, ordered to be printed.

MORNING HOUR.

The SPEAKER. This completes the call of committees for reports. The morning hour begins at five minutes before 3 o'clock, and the call rests with the Committee on Post-Offices and Post-Roads.

Mr. HENDERSON of North Carolina. I ask unanimous consent to pass the Committee on Post-Offices and Post-Roads, with the understanding that it may be recurred to hereafter without prejudice.

Mr. BUNN. I shall have to object to that, Mr. Speaker.

The SPEAKER. Objection is made. The call rests on the Committee on the Post-Office and Post-Roads.

SALARIES OF RAILWAY POSTAL CLERKS.

Mr. HENDERSON of North Carolina. By direction of the Committee on the Post-Office and Post-Roads I call up the bill S. 544.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 544) to reclassify and prescribe the salaries of railway postal clerks.

Ths SPEAKER. This bill is in Committee of the Whole.

Mr. HENDERSON of North Carolina. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in the Committee of the Whole. It does not require any appropriation.

The SPEAKER. But it provides for a charge against the Treasury?

Mr. HENDERSON of North Carolina. Yes, I know that——

Mr. DOCKERY. I think it would be better to consider that bill in Committee of the Whole.

Mr. HENDERSON of North Carolina. I will move, then, that the House resolve itself into the Committee of the Whole to consider this bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole on the state of the Union for the consideration of the bill, with Mr. O'NEIL of Massachusetts in the chair.

The CHAIRMAN. The Clerk will report the bill called up by the Committee on the Post-Office and Post-Roads.

The bill was read, as follows:

A bill (S. 544) to reclassify and prescribe the salaries of railway postal clerks.

Be it enacted, etc., That persons in the Railway Mail Service, known as railway postal clerks, shall, on and after the passage of this act, be divided into seven classes, whose salaries shall not exceed the following rates per annum: First class, not exceeding $800; second class, not exceeding $1,000; third class, not exceeding $1,200; fourth class, not exceeding $1,300; fifth class, not exceeding $1,500; sixth class, not exceeding $1,600; seventh

class, not exceeding $1,800: *Provided*, That the Postmaster-General, in fixing the salaries of clerks in the different classes, may fix the salaries of clerks of the same class, according to the amount of work done, the number of hours on duty, and the responsibility incurred by each, but shall not in any case allow a higher salary to any clerk of any class than the maximum fixed by this act for the class to which such clerk belongs.

SEC. 2. That such railway postal clerks of class 7 as shall be detailed as chief clerks of divisions, and such clerks of class 6 as may be detailed chief clerks of two or more lines, shall, while traveling on the business of the Department, be paid from the appropriation for the transportation of mails on railroads their actual and necessary expenses, but not exceeding $5 per diem.

SEC. 3. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

SEC. 4. That this act take effect from and after its passage.

Mr. HENDERSON of North Carolina. Mr. Speaker, I ask that the Clerk read the formal report and then the report by the gentleman from Mississippi [Mr. KYLE], a member of the Committee on the Post-Office and Post-Roads.

The reports were read, as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (S. 544) to reclassify and prescribe the salaries of railway postal clerks, have considered the same and recommend its passage.

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 5064) to reclassify and prescribe the salaries of railway postal clerks, having considered the same, direct me to report it back to the House with the recommendation that it do pass.

And as a bill (S. 544) similar in all respects to this one has been introduced in the Senate and favorably reported by the proper committee of that body, we take the following, bearing upon the subject in hand, from said report and present it as part of this report:

"The great advances which have been made during recent years in the handling of the mails have been due most largely to the increased efficiency of the Railway Mail Service, and particularly to the increased skill and ability of the railway mail clerks. There is no other class of public servants which is subjected to a like amount of competition. The eagerness of business men to receive their letters with the least possible delay; the desire on the part of the railroads to attract patronage by increasing the speed of trains; the pressure upon the Post-Office Department to keep abreast of the times in furnishing mail facilities—all these things have so developed the railway mail clerk of to-day that he has become one of the most skilled of laborers, while at the same time the mental wear and tear of his work has increased in full proportion to the increase in his efficiency. While these increased demands have been made on the railway mail clerks, their pay, so far from having been increased, on the contrary, has even been diminished.

"The bill under consideration permits an increase in the maximum to $1,800, a truly modest advance. The clerks who would comprise the new seventh grade, thirteen in all, are known as assistant superintendents of divisions, while the seventy-two clerks to be benefited by the proposed sixth grade are chief clerks. These men are located at the important railroad centers, and have the immediate charge of about one hundred men each. They have been promoted from the ranks and selected for the positions because of their superior executive ability, knowledge of the service and of the postal laws and regulations. In any other Department these men would be as chiefs of division and draw a salary of $2,000 or more.

"The following statement shows the rates of compensation under existing law and the proposed changes as provided in this bill:

"*Compensation per annum.*

	Existing law.	This bill.
First class	$800	$800
Second class	900	1,000
Third class	1,000	1,200
Fourth class	1,200	1,300
Fifth class	1,400	1,500
Sixth class		1,600
Seventh class		1,800

"The bill adds a sixth and seventh class at a compensation, respectively, of $1,600 and $1,800, and provides that the Postmaster-General, in fixing the salaries of clerks in different classes, may grade the salaries of the same class with due regard to the amount of work, the number of hours employed, and the responsibility incurred. It also provides that clerks of class 7 may be detailed as chiefs of divisions, and clerks of class 6 may be detailed chief clerks of two or more lines under prescribed restrictions."

"The bill carries no appropriation. It simply authorizes the Postmaster-General to reclassify the railway postal clerks, and allows him to fill the higher classes as the appropriations at his disposal will allow. The bill is identical with one which passed the Senate in the Fifty-second Congress. Should the reclassifications be made at once the increase would amount to about $350,000; but the rapidity of the change would depend on the annual appropriation."

"OFFICE OF THE POSTMASTER-GENERAL,
"*Washington, D. C., February 1, 1894.*

"SIR: I have the honor to submit the following in response to yours of the 23d ultimo, relating to Senate bill 544, which provides for a reclassification of the Railway Mail Service.

"Senate bill 544, I understand, is practically the same as that which was favorably passed upon by the committees on Post-Offices and Post-Roads of the Fifty-second Congress.

"Since my connection with the Post-Office Department I have become much impressed with the importance and usefulness of the railway mail mail branch of the general service of mail transportation, and I therefore appreciate the importance of making provision for the enlargement of the organization from time to time, so as to enable the Postmaster-General to properly care for the growth and changed conditions of the mails which are distributed in railway post-offices.

"It is this branch of the postal service which is quickest to place the rural districts upon a parity with the cities.

"I do not understand that the proposed measure is intended to make it obligatory on the part of the Postmaster-General to instantly apply to the entire service a complete change in its organization. It would, if enacted into law, place the Department in a position to enlarge its organization as the actual necessities of the service and the appropriations would admit of.

"As emphasizing the necessity for legislation admitting of the enlargement of the Railway Mail Service it is not improper to mention that the present organization of that service provides for but five classes, and was authorized when the railway post-office lines covered less than 100,000 miles and the number of clerks was but 3,500.

"To-day, however, the length of railroads over which the mails are carried approaches closely to 170,000 miles, and the yearly increase is estimated at 4,000 miles, while the number of clerks within the coming year will exceed 7,000. Ten years ago the present organization was doubtless sufficient, but its continuance, without changes, acts as a check upon the acquiring of the maximum extent of satisfactory mail service that would result from granting to the Postmaster-General authority to adapt the organization to the growing necessities of the country.

"Yours, respectfully,

"W. S. BISSELL,
"*Postmaster-General.*

"Hon. A. H. COLQUITT,
"*Chairman Committee on Post-Offices and Post-Roads,*
"*United States Senate, Washington, D. C.*"

Mr. HENDERSON of North Carolina. Mr. Chairman, this bill has passed the Senate, and the object of it is to reclassify the railway postal clerks. Under the present system there are five classes of these clerks. Under this bill if it passes there will be seven classes. As the law now stands the lowest class can not receive more than $800 a year, the second class not exceeding $900, the third class not exceeding $1,000, the fourth class not exceeding $1,200, and the fifth class not exceeding $1,400 per annum.

If this bill passes, and there is a new classification, the first class may have $800 a year, the second class $1,000, the third class $1,200, the fourth class $1,300, the fifth-class $1,500, the sixth class $1,600 and the seventh class $1,800; that is to say, that is the utmost that can be allowed to any of these clerks. The salaries as fixed here are not certain salaries, but not exceeding the amount specified; so that the whole matter rests within the discretion of the Postmaster-General.

The bill carries no appropriation, but the Postmaster-General says that if the reclassifications are all to be made at once the increase would amount to about $350,000. He also says that the rapidity of the change would depend upon the annual appropriations; so that if this bill passes there can not possibly be any greater expense than $350,000 a year; and not that unless the amount is appropriated by Congress.

Mr. WILSON of Washington. Will the gentleman permit me to interrupt him with a question?

Mr. HENDERSON of North Carolina. Yes, sir.

Mr. WILSON of Washington. I understand that the object of this bill is to give to those who have had long and meritorious service some opportunity for honorable promotion?

Mr. HENDERSON of North Carolina. Yes, sir; that is one of the objects of the bill; and the bill is very much desired by the Post-Office Department.

Mr. DUNPHY. I want to ask the gentleman a question.

Mr. HENDERSON of North Carolina. I yield to the gentleman for a question.

Mr. DUNPHY. These are postal railway clerks?

Mr. HENDERSON of North Carolina. These are postal railway clerks.

Mr. DUNPHY. They already have their salaries fixed by law.

Mr. HENDERSON of North Carolina. They already have their salaries fixed by law, except that they are not fixed certainly. They are allowed not exceeding a certain sum. It is entirely within the discretion of the Postmaster-General as to how much he will pay each grade. It depends upon the annual appropriation.

Mr. DUNPHY. And I understand the difference between the postal railway clerks and the postal clerks is that while the postal railway clerks have their salaries fixed by law, the postal clerks have not their salaries fixed by law at all.

Mr. HOPKINS of Illinois. There is no connection between the two services. The passage of this bill would not interfere with the salaries of the postal clerks.

Mr. DUNPHY. But this is a salary bill.

Mr. HENDERSON of North Carolina. Not necessarily.

Mr. HOPKINS of Illinois. It is a bill for the reclassification of the railway mail clerks.

Mr. DUNPHY. By raising their salaries.

Mr. HENDERSON of North Carolina. It may not raise any salary except there will be two new grades of clerks. The only way salaries will certainly be raised under this bill is that there will be two new additional grades of clerks, and of course those clerks will be entitled to something more than the fifth-class clerk is now receiving; but the whole of the amount of salaries depends upon the discretion of the Postmaster-General, within the appropriation that is made by Congress.

Now, Mr. Chairman, I retain the floor, and will yield time to such gentlemen as desire.

Mr. HOPKINS of Illinois. Yield to me five minutes.

Mr. WILSON of Washington. I desire to ask the gentleman what is the maximum salary under the classification now existing?

Mr. HENDERSON of North Carolina. Fourteen hundred dollars.

Mr. WILSON of Washington. Now, that is the highest salary that a postal railway clerk may receive.

Mr. HENDERSON of North Carolina. That is the highest salary he may receive under the present act.

Mr. COOMBS. What is the lowest?

Mr. HENDERSON of North Carolina. The lowest is $800. I now yield five minutes to the gentleman from Illinois [Mr. HOPKINS].

Mr. HOPKINS of Illinois. Mr. Chairman, I do not know that I desire to take the time allotted me, because I think this is a bill where action should be taken rather than to have the time expended in debate. I simply desire to call attention of members of the committee to the fact that this bill does not necessarily raise the salary of these clerks at all, it depending upon the appropriations. The reason and the necessity for this reclassification is that there has been no change in the law for nearly twenty-five years. When the railway postal clerks were last classified, they were in number less than 3,500, and operated on less than 100,000 miles of road.

Since that time the Railway Mail Service has extended over 170,000 miles of railroad, and the number of clerks has increased to over 7,000. This classification simply increases the number by two. We have five classes now, and if this bill becomes a law we shall have seven. The seventh class will cover only thirteen persons, and the sixth class only seventy-two. So gentlemen can see that this is not a wholesale raid upon the Treasury of the United States, but is simply a measure for facilitating the business of this great Department of the Government.

The positions of the seventy-two clerks in the sixth class are similar to those of chiefs of bureaus, and in the other Departments of the Government no chief is now receiving a salary of less than $2,000. Under this classification the highest amount that could be allowed to any one of these seventy-two would be $1,600. That is the maximum, and if the appropriation is not sufficient to pay that amount the Postmaster-General, under the law, will have the power of reducing the salary one hundred or two hundred dollars, as the case may be.

Now, Mr. Chairman, in my judgment there is no branch of the public service so deserving as this Railway Postal Service. The clerks in that service are intelligent, skilled men. No man of mediocre intelligence can hold permanently a position there. From the nature of the work they are compelled to become experts. In addition to this intelligence they are required to have great physical endurance, for they are exposed to much hardship, and also to constant danger from railway accidents. Even if there was nothing but that consideration to urge in their favor, I take it that there is no member on this floor who would not heartily, readily, freely, and cheerfully give his support to this bill.

But, Mr. Chairman, there is another consideration to be taken into account in connection with this bill. The compensation of the employés in this service has been degraded during the last few years, while the compensation of those in the other great Departments has been increased. Back in 1873 the average salary of these postal clerks was $1,033.

[Here the hammer fell.]

Mr. HOPKINS of Illinois. Will the gentleman give me five minutes more?

Mr. HENDERSON of North Carolina. I yield five minutes more.

Mr. HOPKINS of Illinois. In 1873, I say, the average pay of these postal clerks was $1,033, while the average to-day is only $993. This decrease has been made by the Postmaster-General, under the law which gives him the power to regulate the salaries of these clerks with reference to the amount of money that is actually appropriated by the Government; and, to show the injustice that is done to these employés in that respect, I desire to call attention to the report of the Postmaster-General where he speaks of the increased efficiency in this branch of the service. The Postmaster-General in his report for 1893 says that in the five years from 1888 to 1893 the number of pieces of ordinary mail handled increased 48.69 per cent, while the number of clerks to do that business increased only 13.86 per cent. It will be seen, therefore, that, notwithstanding a decreased compensation, the exigencies of the service have been such that each of these clerks has been compelled to do an extra amount of work. Any gentleman here who is familiar with this branch of the service knows that when these clerks are employed they often work not less than fourteen hours a day.

Mr. MERCER. Then they do not get the benefit of the eight-hour law?

Mr. HOPKINS of Illinois. They do not. They can not. They work as many as fourteen hours a day while in actual service.

Mr. HERMANN. If the gentleman will permit me, I will state, in line with his argument, that in my own State and California the postal clerks have recently had a continuous run of 740 miles.

Mr. BOATNER. How can they be compelled to work fourteen hours a day when the statute expressly provides that no Federal employé shall work more than eight hours?

Mr. HOPKINS of Illinois. I will tell the gentleman; and it is another illustration of the injustice that is done to the employés in this Department of the public service. Take, for instance, a route from Chicago, where the mail is made up for Omaha and points farther west, the clerk is required to appear at the place designated, say, at 3 o'clock in the morning. The train may not be ready to start until 7 o'clock a. m. but, in order to arrange the mail the clerk is required to be on hand three or four hours prior to that time, and to work with a diligence and intelligence that are not paralleled elsewhere in the Government service. Then he has to run from there to Burlington, Iowa, or to Omaha, Nebr., or farther on so that from the time he starts to work until he gets through his work is often not less than fourteen hours in continuous service.

It is true that there is a provision in the law that clerks shall work one week on and one week off, so as to divide up the time and get down the average to eight hours per day if possible, but so complicated is this service and so expert the character of the work required from these clerks that they are required to work from one to three hours a day on the maps and in practicing their duties on days when they are off duty. This is required of them in order that they may be efficient on the days when they are on duty.

Any gentleman here who has been on the mail cars and has observed the work that is done by these clerks will verify the statements I have made. So high is the grade of work that is required in this service that if, in the distribution of the mails contained in the various sacks in the mail car, a certain percentage of mistakes appears the clerk loses his position. It will be seen, therefore, that instead of taking the time he is off duty for rest and recuperation, the railway postal clerk is required to practice his work in order to be prepared to work efficiently when he is on duty.

Now, under the old law, before there was any reduction in the salaries in classes 4 and 5, the clerks received $200 a year more in each of those classes than they are receiving at the present time.

Without multiplying words, Mr. Chairman, and without occupying further time to explain this bill, I am satisfied that from the experience and knowledge of members of the House there can be no fair and just opposition to the passage of this bill. It was favored by Gen. Don M. Dickinson when he was Postmaster-General; it was favored by Mr. John Wanamaker when he was Postmaster-General; and it is favored by the present chief of that great Department. There is no man, be he Democrat or Republican, who has carefully investigated the merits of this bill, and understands the requirements and exactions which must be met by this class of public servants, who will not concede the merit, the justice, the equity of this bill. I hope and trust that none of the economists upon either side of the House, for the sake of insuring that the appropriations of the Government shall not exceed a certain limit, will feel it incumbent upon them to strike a blow at this worthy class of public servants by opposing this bill.

[Here the hammer fell.]

Mr. HENDERSON of North Carolina. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. DOCKERY. That motion is not yet in order. General debate has not been closed.

Mr. HENDERSON of North Carolina. Does the gentleman wish to occupy some time?

Mr. DOCKERY. I would like to be recognized in my own right.

Mr. HENDERSON of North Carolina. I will give the gentleman five minutes.

Mr. DOCKERY. I want more time than that. This is a proposition to increase the salary list of the Government $350,000 a year, and is entitled to full consideration.

Mr. HENDERSON of North Carolina. I will give the gentleman ten minutes.

Mr. SAYERS. On this bill we will take what time we please.

Mr. DOCKERY. I would be glad to have the floor in my own right.

The CHAIRMAN. As the gentleman from North Carolina is now on the floor, the gentleman from Missouri [Mr. DOCKERY] can not occupy the floor except with his consent.

Mr. DOCKERY. The Chair is correct. How much time does the gentleman from North Carolina consent to yield to me?

The CHAIRMAN. Ten minutes.

Mr. DOCKERY. Mr. Chairman, there is no Representative

on this floor more ready than I am to concede the efficiency of the railway postal clerks. That arm of the postal service is peculiarly efficient, and as such is entitled to the most generous consideration at the hands of the Government. This proposition was well stated a moment ago by the gentleman from New York [Mr. DUNPHY], in answer to a statement of the chairman of the committee, to be a proposition to increase salaries; and as appears by the report of the Postmaster-General it involves an additional annual tax upon the people of the United States to the extent of $350,000.

Mr. Chairman, this House has heretofore expressed itself in an indirect way upon the proposition to increase the salaries of railway postal clerks. In the last Congress an amendment was agreed to in Committee of the Whole on the Post-Office appropriation bill providing a fund, amounting, as I remember, to $120,000, which would enable the Postmaster-General to allow the clerks the maximum compensation authorized by law. The law now allows a certain class of clerks $1,200; the Postmaster-General, in his discretion, allows to clerks of that class only $1,150. To another class, as I remember, the existing law permits the Postmaster-General to pay $1,400; yet he only allows clerks of that class $1,300.

Now, as I was saying, an amendment was adopted in the last Congress in the Committee of the Whole appropriating $120,000 so as to enable the Postmaster-General to pay the additional amount not heretofore allowed. When that amendment came before the House for its consideration, the House promptly disagreed to the recommendation of the Committee of the Whole.

Mr. Chairman, this proposition to increase the salaries of this very worthy class is not a new proposition. When the Treasury of the United States had $100,000,000 of surplus, the Fifty-first Congress denied this bill consideration. When the vaults of our Treasury were overflowing with surplus revenue, the Fifty-first Congress denied this bill a hearing. Yet, to-day, with an impending deficit—with $50,000,000 of Government bonds already issued—this measure "bobs up serenely" to add $350,000 annually to the taxes of the American people.

Mr. Chairman, I shall not stop to discuss the merits or the demerits of this bill. Under favorable circumstances I might support it. If our revenues were abundant, I might support it. If we had money flowing into the Treasury so as to meet all the obligations of the Government and leave a surplus, I might support it. But confronted with the existing condition—and that a condition of $50,000,000 already added to the interest-bearing debt of the Government—I shall oppose this increase of salaries.

I appeal to gentlemen on both sides of this Chamber to stay their hands and not add further to the burdens of the people at a time when hundreds and thousands of citizens of this country are out of employment. Postpone the consideration of this measure until prosperous times return; and then it is possible I may unite with the gentleman from Illinois [Mr. HOPKINS] in advocating the proposition. Mr. Chairman, I trust the House will not give this measure favorable consideration.

Mr. HOPKINS of Illinois. I want to ask if the gentleman voted in favor of the report of the conference committee on the river and harbor bill to-day?

Mr. DOCKERY. I did not.

Mr. HOPKINS of Illinois. The gentleman did not vote for that?

Mr. DOCKERY. The "gentleman" never voted for it. I think, if I remember aright, I voted for the river and harbor bill in the Forty-eighth Congress, since which time I have never supported the measure.

Mr. HOPKINS of Illinois. This House voted $2,000,000 without a quiver to that.

Mr. DOCKERY. For what?

Mr. HOPKINS of Illinois. Two additional millions for river and harbor improvements all over the country, over and above what was already in the House bill. Here is a proposition that affects the entire United States, and does not take a dollar out of the Treasury.

Mr. DOCKERY. Oh, the gentleman will hardly claim that. He must admit that the reclassification will involve an expenditure of $350,000.

Mr. HOPKINS of Illinois. But the Postmaster-General says that the reclassification will improve the efficiency of the service, even if you do not make an appropriation to pay the additional salaries, letting them remain just as they are.

Mr. DOCKERY. Well, my observation has been that when you authorize an increase of salary the increase usually follows. This is the purpose of the bill to increase salaries. If that is not the intention and purpose, will the gentleman admit amendments that will forbid the increase of appropriations to carry out the reorganization or reclassification? If such a provision is incorporated I do not know that I would object to the bill.

Mr. HOPKINS of Illinois. The gentleman knows that the purpose is to improve the efficiency of that branch of the service. The Postmaster-General says he would rather have it without the appropriation, so as to permit the reclassification, than to let the law remain as it is.

Mr. DOCKERY. It gives me pleasure in this connection to say that there is no more efficient branch of the public service than the Railway Postal Service.

Mr. HOPKINS of Illinois. Then do it justice and let us pass this bill.

Mr. DOCKERY. Certainly I will do it justice; but the gentleman should remember that these people are getting salaries now ranging from $800 to $1,400, a great deal more on the average than people are earning in ordinary business pursuits. Not one of these gentlemen desires to resign. They are generally considered good salaries, and hence under the present condition of affairs I must oppose this increase. We have been doing justice to them.

Mr. HOPKINS of Illinois. Now, if the gentleman will allow me——

The CHAIRMAN. The gentleman from Missouri has the floor.

Mr. HOPKINS of Illinois. But the gentleman has yielded to me.

The CHAIRMAN. The gentleman should first address the Chair and get consent to ask a question.

Mr. HOPKINS of Illinois. There is no necessity for the Chair getting excited.

The CHAIRMAN. The gentleman from Missouri has the floor.

Mr. DOCKERY. I yield to the gentleman.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOCKERY. I should like to have five minutes more for the purpose of answering the gentleman's question.

Mr. HOPKINS of Illinois. It does not matter. I shall not insist upon it.

Mr. HENDERSON of North Carolina. Mr. Chairman, this is not a bill to increase salaries. The gentleman from Missouri has not stated the case properly. The object of the bill and the only object is to increase the efficiency of the Railway Postal Service.

Mr. BROSIUS. If agreeable to the gentleman from North Carolina, I would like to ask a question here.

Mr. HENDERSON of North Carolina. Certainly.

Mr. BROSIUS. What number of clerks will be affected by this legislation? I have not been able to ascertain.

Mr. HENDERSON of North Carolina. Well, of course all the clerks will be more or less affected—the entire postal service. There are now five classes, and there will be seven after the passage of this bill.

Mr. BROSIUS. Is the gentleman able to give approximately the number of clerks who will be affected?

Mr. HENDERSON of North Carolina. I do not remember exactly. The gentleman's colleague from Pennsylvania [Mr. BINGHAM] can inform him.

Mr. BINGHAM. It will be about 6,100.

Mr. HENDERSON of North Carolina. That is my recollection of it.

Mr. BROSIUS. Now, about what amount of money, in addition to that already expended under existing law, will be required to give effect to the bill?

Mr. HENDERSON of North Carolina. The utmost amount that can be expended if the bill becomes a law is $350,000 a year. It does not necessarily follow, however, that half or a third of this amount will be expended, because the Postmaster-General states positively that he is going to move slowly in the matter, and what he wants is an opportunity to improve the efficiency of the service.

Mr. BROSIUS. That is the amount in excess of the amount now expended in the service?

Mr. HENDERSON of North Carolina. Yes, sir.

Now, if no one else wishes to discuss the question, I would like to come to a vote.

Mr. CLARK of Missouri. Mr. Chairman, I want either to be recognized in my own right or to ask time from the gentleman from North Carolina.

Mr. HENDERSON of North Carolina. How much time does the gentleman want?

Mr. CLARK of Missouri. I would prefer to be recognized in my own time. I always quit when I get done speaking.

Mr. HENDERSON of North Carolina. There is no time except what I have.

Mr. CLARK of Missouri. How can that be? I thought there were two sides to all questions.

Mr. HENDERSON of North Carolina. Well, in the morning hour it is necessary to have a different rule. But I will be willing to yield to the gentleman.

Mr. CLARK of Missouri. How much will you give me?

Mr. HENDERSON of North Carolina. Five minutes.

Mr. CLARK of Missouri. That will not do; I will not accept that.

Mr. HENDERSON of North Carolina. I have only twenty minutes, and I will give the gentleman ten.

Mr. BINGHAM. The gentleman certainly would not ask more than half of that time.

Mr. CLARK of Missouri. Well, all right; I will accept that.

Now, Mr. Chairman, I want to say this to begin with: I have no suggestion whatever to make to the Republican side of the House on questions of economy. They are hardened in their sins and set in their ways. [Laughter.] Nobody commissioned me to be their legal or spiritual adviser. But I do want to give a word or two of advice to gentlemen on the Democratic side of the Chamber, and that is, that we came into possession of every branch of this Government at the last election on a platform of economy. We made the welkin ring from California to Maine, and from the St. Lawrence River to the Rio Grande, with the proposition that the Republican party was an extravagant party, and that if we came into possession of the Government we proposed to cut down expenses.

Mr. WILSON of Washington. The people did not believe you.

Mr. CLARK of Missouri. Yes, they did. They believed us sufficiently to give us possession of this Government. I believed that proposition then and I believe it now. I also believe in keeping faith with the people. I do not propose to stultify myself and the people who sent me hither by going into the game of "raising" the Republicans [laughter], if you know what that means [laughter], in the matter of extravagance. Mr. Chairman, of all the times since I have been old enough to take cognizance of what is happening in the world, this is the most inopportune season to raise people's salaries.

Mr. ALLEN. It is all we can do to raise revenue.

Mr. CLARK of Missouri. Yes. That is true. We can not raise revenue enough now, under the laws which Republicans put upon the statute books, to run the Government even when it is economically administered. Hundreds of thousands of people are out of employment, begging for work, who can not get it; and now this committee comes in here and asks this Democratic House to put up the salaries of these men. They may be very deserving. No doubt they are. I have not a word to say against them. But it is proposed, in the face of existing distress, in the face of the hard times, in the face of a bankrupt Treasury, in the face of the protests of the masses of the people, to add $350,000 a year to the burdens of the taxpayer of this country.

I want to say to gentlemen on this side of the Chamber that the people will not have it. [Applause.]

Now, my friend from Illinois, who generally speaks very entertainingly if not intelligently [laughter], laid down the proposition here that these men work fourteen hours a day; and yet it is stated right on the face of this report that they lay off one-half of the time. That makes seven hours a day. The gentleman who wrote this report, Senator MCMILLAN, urges Congress to pass this law because the railway mail clerks are compelled to work more hours a day than the clerks over here in the Departments. That is certainly a strange reason. I can suggest a better method of equalizing things among them. That is to make these clerks in the Departments work more hours in the day. [Laughter.] It will have a tendency to keep them out of mischief.

A MEMBER. Why not give them less pay, too.

Mr. CLARK of Missouri. Nobody ever proposes more work and less pay. It is always more pay and less work. These railway postal clerks may not be paid exorbitant salaries. I do not suppose they are. But they are this day drawing bigger salaries, a good deal, than the majority of laborers in the United States of equal intelligence.

A MEMBER. Are any of them going to resign?

Mr. CLARK of Missouri. Not as anybody has heard of. Thomas Jefferson said that Federal officeholders seldom died and never resigned. He was correct in that as in everything else. There is no imminent danger of their resigning, and if they did there are plenty just as competent to take their places. Every member on the Democratic side, and many Republicans, have among their papers, or on file in the Post-Office Department divers and sundry applications of men who want these identical places at the present pay, and it will not do for the gentleman from Illinois, or for gentlemen from anywhere else, to say that these men who hold these places are more intelligent and better fitted for the places than other people who want the positions.

Mr. KILGORE. Did we not pass a bill the other day to compel the Government to employ, under certain circumstances, three or four thousand of those postal clerks who were "fired" by the preceding Administration?

Mr. CLARK of Missouri. Yes; we passed a bill through this House to put back upon the rolls of the Post-Office Department some 3,000 or 3,500 competent Democratic railway clerks——

Mr. KILGORE. Under the present salary?

Mr. CLARK of Missouri. At the present salary, clerks who were bounced by President Harrison for no other reason than that they had the courage, the patriotism, and the good sense to vote the Democratic ticket in 1888. [Applause on the Democratic side.] What will be the fate of that bill in the House of the Ancients I do not know. [Laughter.]

Now, my Democratic friends, I want to inform you what this bill is. I might as well tell the whole truth and be through with it. It is a proposition to raise the salaries of five or six or seven Republicans where you raise the salary of one Democrat. [Laughter and applause.]

Mr. BOUTELLE. I am glad the gentleman has got down to good Democratic argument. [Laughter on the Republican side.]

Mr. CLARK of Missouri. Yes; I have got down to argument. I do not very much blame a Republican for voting for this kind of a bill—it is entirely consistent with their record of extravagance—but I should like to see the color of the man's hair and the cut of his eyes on the Democratic side of this House who can vote for this bill and tell the truth about it when he gets home and satisfy his Democratic constituents that he did right.

Mr. KILGORE. "It can not be did." [Laughter.]

Mr. CLARK of Missouri. No; it can not be "did." I am amazed, Mr. Chairman, that such a proposition as this should ever come from a Democratic committee. [Applause on Democratic side.]

I do not desire to consume the time of this House, and do not intend to unnecessarily; but I want to give gentlemen fair warning right here and now that they are not going to get this bill passed, and the two other bills that are back of this, until every method of obstruction is exhausted that is left to us under the new rules of this House. Just one sentence more. If I had as much parliamentary rope as the gentleman from Texas [Mr. KILGORE] used to have in the halcyon days of the filibuster, they never would pass. [Laughter.]

Mr. HENDERSON of North Carolina. I yield five minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Chairman, I believe the people are always willing to give good compensation to the subordinate force of the Post-Office Department, for there is not a service of this Government wherein they receive a larger measure of convenience, benefit, and reward than in a capable and wise administration of this great Government work. This large body of men, I believe the statement will not be questioned, stand the severest examination as to clerical requirements and ability of any of the subordinate employés of this Department. Their compensations are limited, their labors are severe, and with the growth of the Post-Office service their requirements are growing continually greater and greater.

With every increase in this service the standards as to ability are becoming higher. The schedules to-day that are handled on the great trunk lines carrying postal cars are multiplied five times to what they were ten years ago. It is to be remembered these men are all in the classified service, and are required to pass a severe examination. The gentleman who has just spoken submits that these men are off a number of days in each month. It is well to understand that the allowance of time off occurs in order that they may study their schedules, pass their examinations, and be qualified continually for the constantly growing work, as well as the necessary physical relief. No man can do continuous work upon railroads—mental and physical. There is, however, in connection with this service, one condition not thus far adverted to. It is the only work in the Post-Office Department where there is an average possibility of loss of life and serious injury. In the last fiscal year 10 men were killed, 68 men were seriously injured, and 115 men were qualifiedly injured. The families of the deceased, of the men who were killed in the service, received no allowance from the Government; and yet in one of the bills that will pass this House there is an allowance of $5,000 each for the families of the deceased, of every one who lost life, in the recent Ford's Theater disaster. Every year in this service men go to death with no compensation to their family following; men receiving life injuries with no compensation from the Government following. It is a most dangerous service as well as labor requiring the highest line of ability.

In connection with the broadening of this service in recent years there has been established in the great cities subpost-offices; and these men, taking my own city as an illustration, where twenty-odd post-offices or substations are established—

these men on the cars, in addition to their schedule route, must be so familiar with the territorial division of great cities that distribution must be made the same as the clerks now make in the local offices.

Mr. VAN VOORHIS of New York. I will ask the gentleman if there are not more mail trains robbed in the State of Missouri than anywhere else, and is not that the place where the most of these people are killed that you have spoken of?

Mr. BINGHAM. I will not say, but I will let my friend from Missouri [Mr. DOCKERY] answer that question in his time.

The $350,000 estimated by the Department will not of necessity be expended. It will be within the discretion of the Postmaster-General; this bill simply authorizes the Postmaster-General to reclassify postal clerks—a Postmaster-General who came into power with the same party as the gentleman from Missouri. The Postmaster-General says it will increase the efficiency of the service, a readjustment and realignment of an army of men, upwards of 6,000, covering an appropriation of $7,186,000, giving better administration, a service more useful to the people than if continued upon the present law. I submit I would rather accept and follow the statement and recommendation of the Postmaster-General supervising this special function of the Government than the suggestions of the gentleman from Missouri.

Mr. HENDERSON of North Carolina. Unless some one else wishes to discuss this matter, I move that the bill be reported to the House with a favorable recommendation.

Mr. DOCKERY. General debate has not been closed, and the bill has not been considered by sections.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that general debate be now closed.

Mr. KILGORE. I object.

Mr. HENDERSON of North Carolina. Then I make the motion that general debate be now closed.

Mr. DOCKERY. That can only be done in the House.

The CHAIRMAN. That request was submitted, and the gentleman from Texas objected.

Mr. HENDERSON of North Carolina. I move that the committee rise and report the bill to the House with a favorable recommendation.

Mr. DOCKERY. Oh, no. General debate has not been closed.

Mr. HENDERSON of North Carolina. I move that the committee do now rise.

The CHAIRMAN. That motion is not in order.

Mr. HOPKINS of Illinois. Why not, Mr. Chairman? The gentleman from North Carolina has charge of this bill.

The CHAIRMAN. The gentleman from North Carolina moves that the committee do now rise.

Mr. HOPKINS of Illinois. I understood the gentleman to couple with that a motion that when the committee rise the bill be reported to the House with a favorable recommendation.

The CHAIRMAN. He withdrew that. His last motion was that the committee do now rise.

Mr. HOPKINS of Illinois. Well, Mr. Chairman, I move to amend that motion by adding, that the bill be reported to the House with the recommendation that it do pass.

Mr. DOCKERY. I make the point that that is not in order, Mr. Chairman, until general debate is closed.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOPKINS of Illinois. I would like to know why it is not in order?

The CHAIRMAN. The Chair is not obliged to give reasons, but the gentleman knows well enough that in the Committee of the Whole a bill must first be open to general debate, that after general debate is closed the bill must then be read by paragraphs, and only after that has been done is it in order to move to report it to the House.

Mr. HOPKINS of Illinois. The bill has been read and debated generally.

The CHAIRMAN. It has not been read by paragraphs, nor has general debate been closed. The question is on the motion of the gentleman from North Carolina that the committee do now rise.

The question being taken, the Chairman declared that the ayes seemed to have it.

Mr. DOCKERY. I ask for a division.

The committee divided.

The CHAIRMAN (pending the division). The morning hour has expired and the committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. O'NEIL of Massachusetts, from the Committee of the Whole, reported that they had under consideration a bill (S. 544) "to reclassify and prescribe the salaries of railway postal clerks," and had come to no resolution thereon.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That to-day, after the second morning hour and until 5 o'clock, be assigned to the consideration of bills reported and called up by the Committee on the Post-Office and Post-Roads; this order not to interfere with revenue or appropriation bills, conference reports, or reports from the Committee on Rules.

The SPEAKER. The gentleman from North Carolina [Mr. HENDERSON] is recognized.

Mr. KILGORE. Mr. Speaker, I move that the House take a recess until 8 o'clock.

Mr. QUIGG. I make the point of order that the motion is not in order in view of the rule which the House has adopted to-day.

Mr. HENDERSON of North Carolina. Mr. Speaker, I believe I have been recognized by the Chair, and I make the point that the motion of the gentleman from Texas [Mr. KILGORE] is not in order under the rule adopted awhile ago.

Mr. QUIGG. Mr. Speaker, may we have the special order reported again?

The Clerk again reported the special order as above.

Mr. QUIGG. I make the point of order that the motion of the gentleman from Texas is not in order under that rule.

Mr. HENDERSON of North Carolina. I think I have the floor, Mr. Speaker.

The SPEAKER. A point of order is made which the Chair is called upon to decide. The special order assigns to the Committee on the Post-Office and Post-Roads this day up to 5 o'clock, but the Chair supposes it is competent for the House to adjourn or to dispose otherwise of the time. There is nothing in the order which restricts it, although the order is an assignment of this day up to 5 o'clock to that committee. The Chair thinks the motion of the gentleman from Texas is in order, if it is insisted upon. The gentleman moves that the House take a recess until 8 o'clock this evening.

The question being taken, the Speaker declared that the noes seemed to have it.

Mr. KILGORE. I ask for a division.

The House divided; and there were—ayes 48, noes 85.

Mr. KILGORE. No quorum has voted.

The SPEAKER. The point of no quorum being made, the Chair will appoint to act as tellers the gentleman from Texas, Mr. KILGORE, and the gentleman from New York, Mr. DUNPHY.

Mr. KILGORE called for the yeas and nays, but immediately withdrew the demand, and then, pending the count by tellers, withdrew the point of no quorum.

The SPEAKER. Will the gentleman from North Carolina indicate the bill which he desires to call up under the special order?

Mr. HENDERSON of North Carolina. I desire to call up the bill (H. R. 56) for the classification of clerks in first and second class post-offices and fixing the salaries of the same, and I move that the House resolve itself into Committee of the Whole for the consideration of that bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. O'NEIL of Massachusetts in the Chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill which will be read.

Mr. DUNPHY. I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. BYNUM, Mr. KILGORE and others objected.

The Clerk read as follows:

A bill (H. R. 56) for the classification of clerks in first and second class post-offices and for fixing the salaries of the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General be, and he is hereby, authorized to classify and fix the salaries of the clerks and employés attached to the first-class post-offices from and after July 1, 1892, as hereinafter provided:

The assistant postmaster shall receive 50 per cent of the salary of the postmaster, as provided by act of March 3, 1883, except at New York, N. Y., where the salary of the assistant postmaster shall be fixed at $3,500 per annum, and that of the second assistant postmaster at $2,000 per annum.

The secretary and stenographer to postmaster at offices where authorized, five classes, salary shall be graded in even hundreds of dollars., at $1,200, $1,300, $1,400, $1,500, and not exceeding $1,600 per annum, to be classified according to the salary of the postmaster.

Cashiers, six classes, salary shall be graded in even hundreds of dollars, at $1,800, $2,000, $2,200, $2,400, $2,600, and not exceeding $2,800 per annum, to be classified according to the salary of the postmaster.

Assistant cashiers, five classes, salary shall be graded in even hundreds of dollars, at $1,200, $1,300, $1,400, $1,500, and not exceeding $1,600 per annum, to be classified according to the salary of the postmaster.

Finance clerks, bookkeepers, and superintendents of stamp divisions shall receive 35 per cent of the salary of the postmaster.

Stamp agents, as now compensated, shall receive $24 per annum.

Superintendents of mails shall receive 45 per cent of the salary of the postmaster, except at New York, N. Y., where the salary of the superintendent of mails shall be fixed at $3,500 per annum.

The assistant superintendent of mails shall receive 30 per cent of the salary of the postmaster, except at Washington, D. C., at which office the assistant superintendent of mails shall receive $1,800 per annum. In no case shall assistant superintendents of mails receive less than $1,200 per annum.

Superintendents of delivery shall receive 45 per cent of the salary of the

postmaster, except at New York, N. Y., where the salary of the superintendent of delivery shall be fixed at $3,500 per annum.

Assistant superintendents of delivery shall receive 20 per cent of the salary of the postmaster, except at Washington, D. C., at which office he shall receive $1,800 per annum. In no case shall assistant superintendents of delivery receive a less salary than $1,200 per annum.

Superintendents of registry divisions shall receive 40 per cent of the salary of the postmaster.

Assistant superintendents of registry shall receive 30 per cent of the salary of the postmaster, except at New York, N. Y., where the salary of the first and second assistant superintendents of registry shall be fixed at $2,400 and $1,800 per annum, respectively.

Superintendents of money-order divisions shall receive 40 per cent of the salary of the postmaster, except at New York, N. Y., where the salary of the superintendent of the money-order division shall be fixed at $3,500 per annum.

Assistant superintendents of money-order divisions shall receive 30 per cent of the salary of the postmaster, except at New York, N. Y., where the salary of the first and second assistant superintendents of money-order division and the chief bookkeeper of money-order division shall be fixed at $2,400, $1,800, and $1,800, respectively.

Superintendents of stations shall receive a salary from $1,100 per annum to not exceeding $2,000 per annum, graded in even hundreds of dollars, except at New York, N. Y., where the salaries of the superintendents of stations A and D shall be fixed at $2,500 each per annum, and superintendents E and F shall be fixed at $2,200 each per annum.

Clerks in charge of stations shall be graded in even hundreds of dollars, from one hundred to one thousand dollars per annum.

General foremen or chief clerks shall receive a salary of $1,500 per annum.

Clerks in charge of package stations, stations for registry, and money-order business and sale of stamps shall receive a salary of from $100 to $900 per annum.

Stampers and mail messengers, three classes, salary shall be graded in even hundreds of dollars, from $600 to not exceeding $800 per annum.

Printers, four classes, salary shall be graded in even hundreds of dollars, from $900 to not exceeding $1,200 per annum.

Pressmen, messengers, watchmen, laborers, janitors, porters, firemen, carpenters, waste-paper examiners, and general utility clerks, four classes, salary shall be graded in even hundreds of dollars, from $600 to $900 per annum.

The auditor and draftsman at New York, N. Y., shall receive $3,000 and $1,200 per annum, respectively.

The employés of each post-office, except those hereinbefore named, shall be divided by the postmaster, subject to the approval of the Postmaster-General, into two classes, to be known as first-class clerks and second-class clerks. Fifty per cent of the number shall be designated as first-class and 50 per cent as second-class clerks, who shall be rated according to the length of time in the service. First-class clerks shall be divided into five classes, as follows:

One-fifth shall receive $1,400 per annum; one-fifth shall receive $1,300 per annum; one-fifth shall receive $1,200 per annum; one-fifth shall receive $1,100 per annum; one-fifth shall receive $1,000 per annum.

Second-class clerks shall hereafter enter the service at $600 per annum and shall receive an annual increase of $100 until the maximum salary shall amount to $900 per annum. All appointments to the service shall be made to the grade of second-class clerks, and no appointment to the first-class grade shall be made except by promotion from the second-class grade; such promotions to be governed by length of time in the service. No clerk shall receive a less salary after the passage of this act than he was receiving prior thereto. No clerk shall be reduced from a higher to a lower grade after his assignment thereto, unless unable to perform the duties connected with such higher grade.

SECOND-CLASS OFFICES.

That the Postmaster-General be, and he is hereby, authorized to classify and fix the salaries of the clerks and employés attached to the second-class post-offices from and after July 1, 1892, as hereinafter provided:

Assistant postmasters shall receive 50 per cent of the salary of the postmaster.

Clerks in second-class post-offices shall enter the service at $600 per annum, and shall receive an annual increase of $100 until they attain an annual salary of $900, except the chief clerk, who shall receive $1,000 per annum. This class shall include mailing clerks, letter distributers, dispatchers, registry clerks, stamp clerks, money-order clerks, separators, assorters, paper distributers, and general-delivery clerks.

Stampers, messengers, porters, watchmen, and laborers shall be graded in three classes, with salary of five hundred, six hundred, and seven hundred dollars per annum: *Provided*, That when the salaries hereinbefore named, for both first and second class offices, are adjusted and fixed, no clerk or employé shall be promoted or advanced in grade or salary without the approval of the Postmaster-General; and hereafter postmasters at offices of the first and second class shall submit rosters of the clerks attached to their respective offices to the Postmaster-General, to take effect from the first day of the fiscal year, July 1, and no roster shall be considered in effect until approved by the Postmaster-General. That all clerks and employés hereinbefore named who are in the classified list under the civil-service act shall be selected after competitive examination, as required by said act.

SEC. 2. That there be, and there is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, such sum as may be necessary to carry into effect the provisions of this act, and that such appropriation be deemed an annual appropriation.

SEC. 3. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

Mr. DUNPHY. Mr. Chairman, this bill is a bill to classify the clerks in first and second class post-offices, and to fix their salaries.

There are now 151 first and 674 second class post-offices. In these 825 offices there are employed 10,750 clerks, styled assistant postmasters, superintendents, assistant superintendents, foremen, chief clerks, clerks, printers, pressmen, etc., but all known to the law as clerks.

Many members of the House will be surprised to learn that the salaries of these clerks are not fixed by law; that from year to year they go up and down, seesaw-like; that they are left to the uncertainties that surround appropriation bills, and that, besides, they are dependent upon the variable allowances made from year to year to postmasters for keeping their offices in running order.

The carriers are classified, and have their salaries, inadequate and small as they are, fixed to a certainty by law.

The railway mail clerks are classified and have their salaries fixed to a certainty by law.

But this army of 10,750 clerks have no proper classification, and they are the only employés of the Government who, having entered the service after competition, have no fixed salaries.

Prior to March, 1889, there was practically no legislation on this subject, except the statute authorizing allowances to postmasters for expenditures for the necessary cost of clerical services.

The Pendleton act prescribed that within sixty days it shall be the duty of the Postmaster-General, under general conformity to section 163, to separately arrange in classes the employés of the Post-Office Department, but that section has been construed as referring only to Department clerks, and no practical scheme for classifying and compensating post-office clerks was ever prepared or put into effect until March 2, 1889, and that scheme was contained in an appropriation bill, and is still in operation.

Under it estimates, or, as Postmaster-General Vilas styled them, "guesses," as to the probable cost of clerk hire, are submitted to Congress. Sometimes the full amount of these estimates or guesses has been allowed, and sometimes it has been somewhat reduced.

The amount for clerk hire for all the post-offices is, however, appropriated in bulk. Then the chief of salary and allowance division allots a certain amount to each post-office where clerks are employed.

I do not mean to reflect at all on the present chief of that great division. I am commenting on a system tolerated by Congress by which a chief of a bureau, without any proper legal restriction, is permitted to parcel out millions upon millions of dollars. By the last Post-Office appropriation bill $9,700,000 were appropriated for clerk hire. That sum will, without any instructions framed into law, be parceled out by the chief of the division of salaries and allowances.

Here is a system, or want of system, that no well-managed business concern would tolerate. Here is a system, or want of a system, grossly inconsistent with the proper administration of even any small department of the Government. Here is a condition of affairs that concentrates in one man, a chief of a bureau, a power that no other official in the land possesses; a power which, if used arbitrarily, would lead to the most serious complications.

After the chief of the salary and allowance division makes to the various post-offices the allotments I have described, the postmasters assign clerks to salaries.

To me it is astounding that this plan, from which necessarily so much unfairness and inequality in the matter of salaries results, has not long since been corrected.

Under the present plan clerks have no certain fixed salaries. A clerk receiving $900 this year may be cut to $700 next year. His work being exactly the same, he never knows whether he will get a cut in his salary.

Mr. LOUD. He knows it will not be raised.

Mr. DUNPHY. Of course he does. His salary depends, as I have said, first, on the amount appropriated by Congress; then on the sum allotted to his postmaster by the chief of the salary and allowance division, and finally on the whim or caprice of the postmaster of his office.

Mr. BOATNER. Right there, if the gentleman will permit me: Is he not aware that in the Departments at Washington, and throughout the country generally, it frequently occurs that a clerk will be receiving a salary of $1,600, $1,400 or $1,200 a year for doing work which requires less capacity and less knowledge than that done by another clerk who receives but $900 or $1,000 a year.

Mr. DUNPHY. I do not think you can get any chief of a Department who will admit that such a condition as that exists, and I am not familiar, I will state to the gentleman, with that condition of affairs.

Mr. BOATNER. And is it not true that promotion here means simply, as a rule, an increase of salary without changing the character or the amount of work to be done?

Mr. DUNPHY. I do not know as to that. I think not.

Mr. BOWERS of California. Will the gentleman allow me to ask him a question?

Mr. DUNPHY. Certainly.

Mr. BOWERS of California. We understand, do we not, that under the present system one official in the Post-Office Department fixes arbitrarily the amount which shall be applied to the various post-offices which are entitled to clerks, and fixes their compensation and changes it from year to year and time to time to suit his own whim and convenience?

Mr. DUNPHY. Congress appropriates in bulk the amounts to be used for clerk hire in the various post-offices throughout the country, and then when it comes to the Post-Office Depart-

ment, the chief of the salary and allowance division allots to each post-office entitled to a clerk the sum he thinks sufficient for compensation. The postmaster at the office selects the clerk and fits the salary to him.

Mr. QUIGG. Will my colleague allow me an interruption?

Mr. DUNPHY. Certainly.

Mr. QUIGG. In other words, Congress gives to the chief of the salary and allowance division the tremendous sum of $20,000,000, which he at his own will distributes all over the country according as he sees fit, without any rule of distribution fixed by Congress.

Mr. DUNPHY. About half of that sum.

Mr. QUIGG. Yes; $10,000,000.

Mr. DUNPHY. Yes, sir.

Mr. QUIGG. And is it not a fact that that is the situation this bill seeks to cure?

Mr. DUNPHY. That is one of the evils the bill is intended to correct.

Mr. DOCKERY. But the gentleman applies a heroic remedy which involves an additional charge on the people of this country of $2,140,000 a year. I have a letter from the Postmaster-General in that connection which I will submit presently.

Mr. DUNPHY. There is no question, and it is not pretended that this will not increase to some extent the amount allowed for clerk hire. But I wish the gentleman to understand that the real object of the bill was not to increase salaries, but to classify the clerical force in the post-offices throughout the country. It seems to be a necessary result of a classification which is regarded as important, that the appropriations should be somewhat increased.

A clerk now doing a certain kind of work in one first-class office receives but one-half the salary of a clerk discharging similar duties in another first-class office.

Many instances exist where two clerks work side by side in the same office; do exactly the same kind of work, and yet one receives twice the compensation of the other, who, in many cases, is the better clerk of the two. Many instances exist where one clerk performs a higher grade of work than another, and still receives a smaller compensation than that man working in the same room with him.

These inequalities and this unfairness exist all over the country. They existed prior to March 2, 1889, and the act of that date was intended to correct them. It has, however, totally failed. The most that can be claimed as having flowed from that act are, first, the reduction of the pay of some high-salaried employés, and secondly, the grading of salaries in even hundreds of dollars. The act never, however, corrected the evils it was aimed at. The system is just the same now as it always has been. Uncertainty, injustice, are still the essentials of its operation.

When the postal service was small and young the evils of this system may have been few, but now it is one of the greatest business concerns in the world. It has outgrown the ancient system. Now that more than ten thousand men are engaged as clerks in it, its indefiniteness, uncertainty, and unfairness are, to say the least, deplorable, and we should not hesitate to remedy them. Congress has regulated the pay of all other clerks, of all other employés. It has fixed not only the salary, but in a number of instances has fixed the hours of labor. Why should this army of clerks be denied equal fair treatment? Are they less intelligent? Is less skill required of them? Is their work so easy? Are their hours so short?

The records of the Post-Office Department will show that but twenty persons apply for appointment as clerks to every one hundred that apply for appointment as carriers. This proportion exists to all other employés of the Post-Office Department, except the railway mail clerks. And why is it so? Because all the others have a regular salary fixed by law; their hours of labor are regulated by law; they work eight hours a day for six days in the week, and are entitled to pay for overtime.

But how is it with the clerk? He works seven days in the week. He works from twelve to sixteen hours a day in many instances. Never less than twelve hours and very frequently as many as sixteen hours. His work is indoors, in crowded, poorly lighted, badly ventilated rooms, and at times in cellars; and then, it is only an intelligent, well-informed, active, healthy man that can do the work at all.

When the late Hon. S. S. Cox said of the post-office clerks that "they receive less pay, work more hours, and perform more onerous and indispensible duties than perhaps any other officials in the Government service," he said what, in my judgment, is absolutely correct. And notwithstanding all these things, they are as to their salaries, still left to the mere chances of an antiquated system.

The railway mail clerks are paid a definite salary, graded by law, running from $800 to $1,400 per annum. They are eligible for higher positions in the service, and they are given frequent periods of rest. The letter-carriers have their salaries, inadequate as they are, graded by law, have an eight-hour law, and a leave-of-absence law.

The clerks have none of these. Their pay, their tenure of office, their hours of work, are all dependent on the whims of the Department, regulated by a system at least half a century out of date.

The bill now before the House proposes to correct these evils, these inequalities, this uncertainty, and this unfairness. It proposes to put the clerks in classes, to fix their salaries, to regulate entrance into and promotion in the service. It is true, it will necessitate increased expenditures for clerk hire. It will increase the appropriations for the pay of clerks about $1,650,000, but no person believes that in post-office matters our sole aim should be to make that Department a self-sustaining Department.

Mr. DOCKERY. I quite agree with the gentleman in that proposition.

Mr. DUNPHY. Every citizen in the land wants to see the post-office business brought as near to perfection as possible. Every-fair minded citizen wants all Government employés treated with equal fairness.

Many citizens do complain about increased appropriations for maintaining a great standing Army.

Many citizens do complain about large appropriations for an increase of our Navy.

Many complain about large appropriations for coast defenses and such other things.

The money that pays for these is raised by taxation.

But no man in the land will complain when increased appropriations, intended to cure defects in and to extend the efficiency of the Post-Office Department, are made.

The money that pays for that is not raised by taxation upon the people. It comes as a direct result of the service.

There is not only no complaint from any section against this measure, but it is everywhere commended, and the people, who know the evils that it is aimed at, are surprised that Congress should not long ago have corrected them.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to ask him a question?

Mr. DUNPHY. Certainly.

Mr. WILLIAMS of Mississippi. Does the Postmaster-General recommend the passage of this bill now?

Mr. DUNPHY. The Postmaster-General recommends the passage of this bill now.

Mr. BINGHAM. In the most unqualified terms.

Mr. QUIGG. Right away.

Mr. DUNPHY. And the last six Postmasters-General have been importuning Congress to pass such a bill.

Mr. WILLIAMS of Mississippi. I understood that he recommended that it should go into effect on the 1st of July, 1895.

Mr. DUNPHY. He recommends that the bill be passed now, to go into effect at that time.

Mr. WILLIAMS of Mississippi. Well, we will wait until July, 1895, to pass it.

Mr. MONEY. Why does the gentleman want that done?

Mr. DUNPHY. The Postmaster-General has recommended it to the committee, and we have adopted his suggestion, because he knew there was no likelihood of this bill passing through this House at an early date, that it could scarcely pass through the Senate before the next session, and he wanted the time between its passage and the 1st of July to prepare the classification.

Mr. MONEY. What I wanted to know was why the Postmaster-General wanted this bill to take effect in 1895 instead of immediately.

Mr. DUNPHY. In order, as I have already stated to you, to enable him to arrange the classification.

Mr. MONEY. Did he not state in a letter you have there that it would increase the expenditures of the Government $2,140,000, and that on account of the hard times and the condition of the Treasury he would like to postpone it?

Mr. DUNPHY. The bill I had the honor of introducing on this subject was submitted to the Postmaster-General for the purpose of obtaining his views on it and getting from the then chief of the division of salaries and allowances the estimated cost of the same. The Postmaster-General sent back his letter, recommending certain amendments, and they have been incorporated in the bill. When the bill was changed in accordance with his recommendation, the amount, which at first was calculated at $2,140,000, was cut down to about $1,640,000.

That is the amount of the increase that will be necessary. There is no attempt to make it less than it actually is, but the figures mentioned by the gentleman were based upon the old bill. This bill that is now before the House will necessitate an increased appropriation of about $1,650,000.

Mr. QUIGG. And that appropriation will not occur within this Congress?

Mr. DUNPHY. Not within this Congress.

Mr. STRAUS. Not within this fiscal year?

Mr. DUNPHY. Not within this fiscal year, or this Congress. Now, I should like to have the House understand where this increase will go to. Between the postmaster of every city and the real clerks there are a number of high officials. There is the assistant postmaster, the superintendent of the money order division, the superintendent of mails, the superintendent of delivery, and there are others. There are about one thousand six hundred and thirty-eight of these high officials between the postmasters and the real clerks.

There was no attempt to increase the salaries of these 1,638 officials, but there was an attempt, and it has been a successful attempt, I think, to fix their salaries evenly, to give the even salaries to the same grades. That has brought about an average increase in the salary of each one of these 1,638 employés, of about $1.61 a month. Now, if we were after a bill to increase salaries, do you think we would have kept the increase down to $1.61 a month? There was no intention to increase the salaries. The intention of the bill was to make a proper classification.

The money called for in the increased appropriation made necessary by this bill will go to clerks who are now getting $300 and $400 and $500 a year, clerks who are working twelve hours a day and getting starvation wages, clerks who are working sixteen hours a day, in cellars, and who are paid by this Government for their services at the rate of $25 a month.

Mr. KILGORE. Will the gentleman allow me?

Mr. DUNPHY. Just wait a moment. This bill proposes to let such clerks enter the service at higher salaries—at $600 a a year, or $50 a month. It gives them the second year $700, and gradually increases their salaries to $800 and $900, and that is the highest limit to clerks in the second class. Then, after years of service, after years of intelligent efforts which have made them efficient, they will go into the first class and their salaries begin at $1,000 and will go to the highest point, $1,400, which is the present limit.

This classification bill is not intended to raise the higher salaries. An effect of it will be to raise the small salaries, giving a clerk who now receives $300 a year an opportunity to earn a fair living, to support himself, and to maintain and educate his family.

Mr. QUIGG. May I ask the gentleman another question?

Mr. DUNPHY. Yes. I will yield to the gentleman in a moment. The gentleman from Texas [Mr. KILGORE] desires to ask me a question, and I should like to yield to him first.

Mr. KILGORE. I should like to have the gentleman give the name of some office in which any clerk is performing duty at a salary of $300 a year.

Mr. DUNPHY. New York, Philadelphia, Boston, Pittsburg, Chicago, Cincinnati, Brooklyn——

Mr. KILGORE. That is not the case in the smaller offices down in our country.

Mr. DUNPHY. There are no clerks in the fourth-class post-offices.

Mr. KILGORE. In the third-class post-offices?

Mr. DUNPHY. There are no clerks in the third-class post-offices, except where there are distributing centers, where lines of railways connect or cross each other.

Mr. KILGORE. There are clerks in all of them.

Mr. DUNPHY. No, only separating clerks at railway crossings. The clerks I speak of are real post-office clerks, who do the work and do not get proper pay for it.

Mr. HERMANN. How does this bill affect the clerks in the separating offices?

Mr. DUNPHY. It affects their salaries in this way: The least they get now is $400 a year. This makes them enter the service at $600 a year, and they can go up to $900.

Mr. HERMANN. Then that affects even fourth-class post-offices?

Mr. DUNPHY. There are no clerks in fourth-class post-offices. This bill does not touch any offices except first and second-class offices.

Mr. QUIGG. Will my friend allow me to interrupt him?

Mr. DUNPHY. Yes.

Mr. QUIGG. The gentleman has explained that this bill is not intended to raise salaries. Now, is it not a fact that the increased expenditure which will result from the passage of this bill, of a little more than a million and a half of dollars, is because the clerks do not now actually receive the money which under the allowance of the chief of the allowance division they are theoretically to receive?

Mr. DUNPHY. That is correct. Now, suppose, for example, in a post-office there is a clerk at $1,200 a year, or $100 a month. Something happens, and he is compelled to resign or is removed. The clerk at $1,100 a year, who is next to him, has a right to expect that he will be promoted. There will be no such promotion, however. That $1,200 place is taken and split into three, and three men are employed at $400 a year There is no system at all in the matter. These clerks never know what their salary will be.

Mr. KILGORE. Who fixes up the salaries of these subordinates?

Mr. DUNPHY. I have told you twice.

Mr. KILGORE. Is it not done in the post-office itself? Does not somebody in the post-office regulate the pay these clerks shall receive?

Mr. DUNPHY. The postmasters are obliged to submit to the Postmaster-General rosters——

Mr. KILGORE. I understand that.

Mr. DUNPHY. A list of the clerks and the salaries recommended. The roster of New York comes on, with its 1,100 or 1,200 clerks' names on it, the salary they are getting, and the salary that the postmaster recommends. Of course he never recommends a reduction.

Mr. KILGORE. Does not the postmaster control that matter in a majority of instances?

Mr. DUNPHY. No. The roster comes on here and is submitted to the Postmaster-General. He submits it to the chief of the division of salaries and allowances. You go to the chief of the division of salaries and allowances and say that Cincinnati has got to have more clerks, and he agrees with you and gives them to you. Then how does it affect Brooklyn, Pittsburg, and other places? Either they do away with clerks or cut down some salaries.

Mr. KILGORE. But that does not answer the question I have submitted, that the pay of these clerks holding the lower positions is controlled by the postmaster himself. He recommends that they shall have $300 or $400 a year.

Mr. DUNPHY. He has nothing to do with determining what they shall receive.

Mr. KILGORE. He is the man who makes the recommendation.

Mr. DUNPHY. Yes; he may recommend, but the pay, the salary actually given, depends upon the appropriation.

Mr. KILGORE. And if the appropriation is not sufficient to cover all, then he scales it pro rata.

Mr. DUNPHY. There is no pro rata about it. It is scaled.

Mr. KILGORE. He scales it.

Mr. DUNPHY. He may scale it in one place and not touch any other place.

Mr. KILGORE. And the man who is recommended for $400 may get $300.

Mr. DUNPHY. He may, and often does.

Mr. KILGORE. If the postmasters in each of these offices would recommend a little more for the clerks who get the lowest salaries and a little less for those who receive the higher compensation they might get it to fit all around.

Mr. QUIGG. That is what we want to correct in this bill.

Mr. DUNPHY. We want to make a system by which every clerk in the post-office, right from the postmaster down to the messenger, including every official in the business, will have his salary regulated by law, and a fair salary.

Mr. DOCKERY. Will the gentleman allow me to ask him a question?

Mr. DUNPHY. Certainly.

Mr. DOCKERY. Is it not true that Congress, without a single exception, or substantially without an exception, has granted the Post-Office Department the full amount of their estimates for clerk hire for the last ten or twelve years?

Mr. DUNPHY. No, sir; I think you are mistaken about that.

Mr. DOCKERY. I know we did in this Congress.

Mr. DUNPHY. Yes; it was done in this Congress, but this is the first time in my experience here.

Mr. BINGHAM. I will ask the gentleman to state, as a matter of previous examination of this immediate question, if it is not true that the post-office clerks are the lowest paid of any subordinate force of the Government, and that the average compensation for the 10,000 clerks in the post-offices is $700 a year; that is, taking the high salaries and the low salaries, they are the poorest-paid force of this Government?

Mr. CAMPBELL. The gentleman ought to know from his experience as postmaster in Philadelphia.

Mr. BINGHAM. I want to make another statement, and that is, that these men receive no leave of absence with pay the same as is paid to the letter-carriers and the clerks in the Departments, the employés in the Printing Office, and in the Bureau of Printing and Engraving, nor do they receive any allowance for sickness.

Mr. DUNPHY. That is right, sir.

Mr. KILGORE. Will you allow me to ask you a question in that connection?

Mr. WILLIAMS of Mississippi. May I ask the gentleman a question?

Mr. DUNPHY. I want to show the inequalities that are allowed to exist between these employés and all other employés in the Post-Office and other Departments.

Mr. KILGORE. But here is the infirmity of your whole statement——

Mr. DUNPHY. Just wait a moment. I do not think that it is correct to say that the carriers do more work than these clerks do. The carriers work six days in the week for eight hours in the day.

Mr. MERCER. They work seven days. They work on Sunday.

A MEMBER. One hour on Sundays.

Mr. DUNPHY. They work six days in the week substantially. When they work more than eight hours a day they get paid for overtime; and they have a leave-of-absence law.

That is all right. I am not finding any fault with that. I approve of it, and I believe that they ought to have a considerably increased salary. The postal railway clerks and the carriers have their salaries fixed by law. The postal railway clerks do not work thirteen or fourteen hours a day, as stated by the gentleman from Illinois [Mr. HOPKINS]; their average work is only about eight hours a day, including days that they are off and days that they are on. They get frequent periods of rest, and besides that, they are eligible for higher positions in the service.

These clerks, on the contrary, work seven days in the week from twelve to sixteen hours a day, in crowded buildings, with artificial light, with the thermometer sometimes as high as 106, as it has been in New York recently; they have no leave-of-absence law, they have no tenure-of-office law, they have no salaries fixed by law; they have none of the advantages that the other employés of the Department have.

This bill proposes to fix their salaries. It proposes to regulate entrance into and promotion in that service. It will take away from the division of salaries and allowances the arbitrary power which it now has of disbursing every year, without legal restriction, some $10,000,000 of the people's money, and, generally, will correct evils in the Department and promote the efficiency of the post-office system.

Mr. KILGORE. I understand the gentleman from New York to say that there are, connected with these large offices, many higher officials who get big salaries——

Mr. DUNPHY. I did not say that they got big salaries.

Mr. KILGORE. They work, I suppose, about three hours a day.

Mr. DUNPHY. No, sir. They work more hours than even the clerks do.

Mr. KILGORE. Well, they get well paid for it. Now, there is no proposition here, I understand, to classify their salaries down in order that the pay of these clerks may be increased?

Mr. DUNPHY. Will the gentleman from Texas permit me to ask him a question?

Mr. KILGORE. Yes, sir.

Mr. DUNPHY. Will you help me to get a vote on this bill to-day? [Laughter.]

Mr. KILGORE. No, sir; because I think it is an unjust bill all along the line. And besides, we have not got votes enough here just now.

Mr. WILLIAMS of Mississippi. Will the gentleman from New York tell us whether there is any difficulty in getting clerks to take these places now?

Mr. DUNPHY. In reply to that I will say that for every one hundred applicants for the positions as carriers there are only twenty for these clerical positions.

Mr. WILLIAMS of Mississippi. But still, there are plenty applying for them.

Mr. DUNPHY. Oh, yes; there are applicants enough.

Mr. STRAUS. Many of whom, probably, could not fill the places if they got them.

Mr. WILLIAMS of Mississippi. So that the Government pays enough now for the service.

Mr. DUNPHY. This bill will fix positively the salaries of all the clerks from the postmaster down.

As to the principal employés, the change will necessitate a small increase in the salary of some of them. There was no idea, however, of increasing any salary. Where, amongst these principal employés, a salary is increased to some slight extent it is the result of an attempt to establish a uniform system—a system based on exact equality among the same grade and class of employés.

When you come to the clerks in the first-class post-offices, the bill intends that they shall be divided into two classes. The 50 per cent of clerks are put in a class called the first class, and the rest in a class called the second class. In the first class there will be five grades. One-fifth of the clerks will be in the first grade, with salaries at $1,400; one-fifth in the second grade, with salaries at $1,300; one-fifth in the third grade, with salaries at $1,200; one-fifth in the fourth grade, with salaries at $1,100; one-fifth in the fifth-grade, with salaries at $1,000. There will be about 2,750 of these first-class clerks.

The second-class clerks in the first-class post-offices will hereafter enter the service at $600, and shall receive an annual increase until $900 is reached. All appointments to the first class are to be made from the second class.

There are about 2,750 of these second-class clerks. The estimated increase for these 5,500 clerks under this proposed classification will be $1,040,050.

In the first-class post-offices there will be and there are 1,638 employés classified as clerks, but designated as assistant postmasters, superintendents, assistant superintendents, auditors, foremen, and chief clerks. The increase in the salaries of these 1,638 persons under this proposed classification will be $334,370, an increase for each person of about $1.61 a month.

In the second-class post-offices there is practically no change.

Originally, the bill provided for the creation of an assistant postmaster in second-class post-offices, but upon the recommendation of the Postmaster-General this provision has been stricken out.

Let me say that this bill meets with the most hearty approval of Postmaster-General Bissell. Of all the bills intended to better the service of his great Department, this one seems to him to be the most important and is filled, as he has expressed to me, with merit.

Let me say in conclusion that every one of the last six Postmasters-General have strongly recommended favorable action by Congress in such a measure as this. Every one of them has protested against the antiquated system now in force, and every one of them has claimed that substantial, great benefits to the post-office system would certainly follow the enactment of such a measure as this.

Mr. DUNPHY. I yield now to the gentleman from California [Mr. LOUD].

Mr. LOUD. Mr. Chairman, I recognize the fact—otherwise I should not attempt at this late hour to say a word upon this question—that there is a power in this House which has determined that this bill shall not pass. I regret to see that there are honorable members of this body who have not sought to investigate the justice and equity contained in this bill, but have thrown themselves back upon the proposition that the bill carries a large amount of money and therefore it should not pass. I am one of those who believe in justice and equity in the various Government Departments as well as elsewhere.

A letter-carrier now enters the service at a salary of $600 for the first year. The second year he receives $800, and the third year $1,000. That is the salary fixed by law. I will not attempt to discuss the question whether it is too much or too little: it is the salary fixed by law. Now, I think it requires quite as high a degree of intelligence and capacity to perform the duties of a post-office clerk. I have served myself as clerk in a post office, and know something about the duties. A clerk may enter the service to day at $300, and there will be hardly any reasonable chance for him ever to receive more than $600. Some gentleman has asked whether there are not plenty of applicants for these places.

I suppose there would be plenty applicants if the salary were not more than $200 a year, but I believe that we, as legislators, ought to look at this question from a higher, more just, and more equitable standpoint than that. The gentleman from Texas [Mr. KILGORE] asks whether the postmasters fix the salaries of the clerks. I answer, yes: the postmaster in every post-office in this country substantially fixes the salaries of the post-office clerks.

Mr. KILGORE. Now, why could not we take a little off the salaries of those higher officials to supplement the low salaries of the lower officials and bring them up to what the gentleman thinks the proper level?

Mr. LOUD. I will consider that question in a moment. Let us take as an illustration the post-office in my own city of San Francisco. The salary and allowance division of the Department allows so much money to that office for clerk hire. There is so much work to be done, and the postmaster has to employ enough men to do that work. The gentleman from Texas suggests that we might take enough off the higher salaries to raise the salaries of the clerks.

Let us for a moment consider that proposition. In any first-class office, with, perhaps, two hundred clerks, there are a few higher officials, the postmaster, whose salary is fixed by law;

the assistant postmaster, who receives a reasonable salary; the superintendent of mails, and the superintendent of the money-order office. There is also the superintendent of carriers, but his pay comes out of the appropriation for the carrier service. There you have four persons in that office who receive reasonable salaries. The superintendents of mails receive, on an average, perhaps about $2,000, even in such large offices as of San Francisco.

Now, I do not see that there is much room for scaling the salaries of four men who to-day are receiving only a reasonable compensation and bringing up the salaries of 150 or 200 clerks to what is reasonable.

I want to give the gentleman from Texas and other gentlemen some figures showing what these post-office clerks are receiving. The statistics to which I refer were collected a year ago. There are in the service something over 10,000 clerks; 4,666 of these are receiving $900 or less per annum.

In the Boston post-office, for instance, there are 42 clerks receiving $600 a year who have served one year, 37 two years, 22 three years, 15 four years, 2 five years, 4 six years, 11 eight years. You will find a similar state of affairs throughout the whole United States. Instead of there being the possibility of an increase of salary for any clerk in our post-offices to-day there is no possibility of it whatever. I will take the office in my own city as an illustration. There the maximum salary allowed by law for clerks is $1,400. There is not to-day a single clerk in that office receiving $1,400.

Mr. KILGORE. Are there any clerks in post-offices receiving as small a salary as $300?

Mr. LOUD. I do not think so.

Mr. KILGORE. Such figures as that have been paraded here a good deal by the advocates of this bill.

Mr. LOUD. There are 32 clerks in the Chicago office receiving $400 a year; there are quite a number in different offices receiving $500. I do not know of any $300 clerks.

Mr. KILGORE. These clerks occupying subordinate places—are they men or women?

Mr. LOUD. Most of them are men. There are very few women employed in the post-offices of the country. Out of, say, 200 clerks there would not be more than 10 or 12 ladies employed.

In my own city at the beginning of the last fiscal year clerks who had been receiving $1,200 a year (and many of them had been in the service a great number of years) were reduced to $1,100; clerks who had been receiving $1,100 were reduced to $1,000. And so on through the whole office. Such is the condition generally throughout the whole United States.

While I am aware that certain gentlemen have determined that this bill shall not pass, I want to say to members of the House that it proposes but a simple act of justice to specify by law what salaries the clerks in these post-offices shall receive. Under this bill but a very small number of these clerks can by any possibility ever attain the salary of $1,200. The passage of this bill is an act of justice which ought to be consummated to-day, although it may cost a million and a half dollars or more.

I yield back the floor to the gentleman from New York.

Mr. DUNPHY. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Chairman, a moment ago I asked the gentleman in charge of this bill whether it was not the habit of Congress to appropriate the full amount of the estimates for clerk hire in post-offices. I find that for the fiscal year 1891 the estimate was $7,590,000, the appropriation $7,390,000; for the fiscal year 1892 the estimate was $8,249,000, the appropriation $8,060,000; for 1893 the estimate was $8,460,000, the appropriation $8,060,000; for 1894 the estimate was $8,860,000, the appropriation the same; for 1895 the estimate was $9,700,000, and the appropriation the same. It thus appears that for the fiscal years 1891, 1892, and 1893 the appropriations fell slightly below the estimate; but for the fiscal years 1894 and 1895 the appropriations were up to the maximum of the estimate.

Mr. Chairman, I desire to place in the RECORD, without reading it in full, a letter from the Postmaster-General relating to this measure. It is dated February 14, 1894, and refers to the bill originally introduced by the gentleman from New York [Mr. DUNPHY], which, as he states, has been amended by the committee. I will read but a single paragraph of this letter:

In view of the excessive falling off in receipts for the present fiscal year, and the large deficiency that will necessarily follow, and in view of the fact that the enactment of this bill into a law would probably increase the salaries for clerks about $2,140,000, I deem it wise to postpone the time when this bill shall go into effect to not earlier than July 1, 1895.

The gentleman from New York states that this bill has been amended so that instead of involving an increase of $2,140,000 it involves an increase of but $1,640,000 or $1,650,000. So that this bill as amended carries more than a million and a half additional compensation, whereas it appears from the figures I have just read that Congress has never in any year of the last five years reduced the appropriation for clerk hire as much as $400,000 below the estimates.

I incorporate in my remarks the letter to which I have referred:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 14, 1894.

SIR: I have the honor to acknowledge your esteemed favor of recent date, inclosing for my consideration H. R. bill 56, and asking for my views on the same. In reply I beg leave to say that I believe a bill for the reclassification of clerks in first and second-class post-offices, and fixing the salaries of the same, should be passed by Congress and become a law; and H. R. 56 seems to meet more fully the approval of the post-office clerks, as expressed through their National Association and officers, and the approval of postmasters throughout the country to a greater degree than any other bill on the same subject that has been presented to me for consideration.

In view of the excessive falling off in receipts for the present fiscal year, and the large deficiency that will necessarily follow, and in view of the fact that the enactment of this bill into a law would probably increase the salaries for clerks about $2,140,000, I deem it wise to postpone the time when this bill shall go into effect to not earlier than July 1, 1895.

I respectfully suggest the following amendments: Strike out the word "two," page 1, line 6, and insert in lieu thereof the word "five."

Strike out the word "six," in line 20, page 2, and insert in lieu thereof the word "five." Strike out in line 23, page 2, the words "twenty-six hundred dollars;" and in line 24, page 2, strike out the word "eight" and insert in lieu thereof the word "six." Strike out on page 2, line 32, the words "finance clerks, bookkeepers, and."

Amend by striking on page 4, the words beginning with the word "except," in line 84, and ending with the word "annum" in line 88. This amendment I deem necessary from the fact that a commission appointed by the Post-Office Department, is now considering the redistricting of the city of New York, and what are now stations "A" and "D," "E" and "F" may not be the limits of the same under the action of this commission. If the committee deem it necessary to cover this point on the line suggested by the words stricken out, I suggest that the words "two thousand," in line 83, be stricken out, and the words "two thousand five hundred" be inserted in lieu thereof.

Amend page 5, line 92, by striking out the words "or chief clerks" and inserting in lieu thereof the words "of crews." I would suggest that if the committee think that the foreman of crews in one office of the first class might be entitled to more salary than the foreman of crews in another office of the same class, they could arrange the salaries to run from $1,000 to $1,500 Strike out, on page 5, lines 94, 95, 96, 97, 98, 99, and 100. On page 5, line 101, strike out the word "four" and insert in lieu thereof the word "six;" and in line 103, page 5, strike out the word "twelve" and insert in lieu thereof the word "fourteen." Insert in line 105, page 5, after the word "carpenters," and before the words "waste paper," the word "and." Strike out on page 5, line 105, the word "and," after the word "examiner," and in line 106, page 5, the words "general utility clerks, four," and insert in lieu thereof the word "three."

Strike out in line 107, page 5, the word "nine" and insert in lieu thereof the word "eight." Amend by inserting after the word "annum" in line 108, page 5, the following words: "And general utility employés may be allowed by the Department at a salary not exceeding $40 each, who, after six months' continuous service, may be promoted to the minimum grade of second-class clerks at a salary of $600."

On page 6, line 119, strike out the word "classes" and insert in lieu thereof the word "grades." After the word "annum" in line 129, page 6, insert the following words: "except general utility employés as herein provided." Strike out on page 6, lines 129, (beginning with the word "all,") 130, 131, 132, 133, 134, 135, 136, 137, and 138, and insert in lieu thereof the following words: "All appointments to the service shall be made to clerkships of the second class, and no appointment to the first class shall be made except by promotion from the second class. All promotions from the second to the first class, and all promotions within the first class, shall be made from the next lower grade upon a basis of efficiency and length of service, under such rules as the Postmaster-General may prescribe. No clerk shall receive a less salary after the passage of this act than he was receiving prior thereto, and no clerk shall be reduced from a higher to a lower grade after his assignment thereto, unless properly reduced by reason of his inefficiency or inability to perform the duties connected with such higher grade."

Amend by striking out in line 143, page 7, the words "ninety-two" and insert in lieu thereof "ninety-five." On page 7 strike out lines 145 and 146, and insert in lieu thereof "chief clerk, six classes, graded, in even hundreds of dollars, from $1,000 to $1,500, according to the salary of the postmaster."

Amend by striking out the words, beginning with the word "except," line 150, page 7, and ending with the word "annum," line 151, page 7. Strike out the word "stampers" in line 155, page 7. Amend by inserting after the word "annum," line 157, page 7, the following: "And general utility employés may be allowed by the Post-Office Department at a salary not exceeding $300, who, after six months' continuous service, may be promoted to $400 per annum, and after twelve months' continuous service from original employment may receive the minimum salary of second class clerks, namely, $600 per annum."

Very respectfully,

W. S. BISSELL,
Postmaster-General.

Hon. JOHN S. HENDERSON,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives, Washington, D. C.

Mr. DUNPHY. I would like to say to the gentleman from Missouri that when, in 1889, they passed the so-called classification bill, the one that is now in operation, it was contained in an appropriation bill; and by the very bill in which was the classification there were $350,000 less appropriated than was necessary to put it into effect; and it has been that way from that time until this. They never got to what was intended by the act of 1889.

Mr. CAMPBELL. That is to say, they passed the law and did not appropriate the money to carry it into effect.

Mr. DUNPHY. That is the exact condition.

Mr. DOCKERY. But for the last two years the amount has been appropriated in full.

Mr. MERCER. I would like to ask the gentleman from New York a question, with his consent; if he can inform the House how much money is paid into the United States Treasury as

profit by the several post-offices in the United States in large cities? For instance, in Omaha I think the net profit is over $200,000. In New York about four millions——

Mr. CAMPBELL. Yes, sir.

Mr. MERCER. In Chicago about two and a half millions; in Philadelphia three millions, and so on. Why, then, quibble about money in a question of this kind, when these offices return such enormous results to the Government?

Mr. DUNPHY. Well, there are 825 of these offices out of, I do not know how many thousands——

Mr. QUIGG. About 68,000.

Mr. DUNPHY. Which produces 66¾ per cent of the entire revenues of the Department.

Mr. LUCAS. Offices where the work is done.

Mr. DUNPHY. Yes, sir; and the work done here, it must be remembered, is work of which the small offices get the benefit, because the big offices prepare the mail and send it to the little offices, and all the officials there have to do is simply to untie the bundles and put the mail in the boxes.

Mr. MERCER. The gentleman, of course, will understand that I favor the bill.

Mr. DUNPHY. Certainly. I now ask unanimous consent that the time be extended to a quarter past 5 to-day, to enable gentlemen to make some remarks on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. KILGORE. I object.

The CHAIRMAN. The gentleman from Texas objects.

Mr. KILGORE. We are to have a night session, and I do not think that we ought to force this additional work upon the employés here.

Mr. BINGHAM. Mr. Chairman, if it were possible for the Post-Office Department to receive revenue under statute for the work that it does, even to-day, with a deficit staring it in the face of upwards of $15,000,000, it would pay its entire expenses and turn a surplus into the Treasury. It is the vast amount of matter going through the mails under the frank of the Government which so largely brings the Post-Office Department into deficiency; and continually, as a consequence, we are confronted with the statement that we should not do this or should not do that, in connection with the administration of the Department, because we are in deficiency. I repeat, if the Government would pay for what it carries under its frank through the mails, the Post-Office Department would meet its obligations and pay a surplus into the Treasury.

Mr. KILGORE. Will the gentleman allow me just there?

Mr. BINGHAM. I have only a few moments.

Mr. Chairman, that which I have just stated is correct as a general proposition, the deficit in the revenues of the Department comes from the carriage of free mail matter.

Mr. KILGORE. I am willing to surrender my franking privilege; are you?

Mr. BINGHAM. That is only incidental to the Government.

The post-office clerks are the only body of men employed in the Post-Office service not classified. The specific purpose of the bill under consideration is to do that which you do with the postal clerks and the letter carriers, indicate a specific line of work to be performed, work so many hours, and receive so much compensation, increasing with each additional year until you reach the maximum under the statute.

It is legislation for the purpose of improving and promoting the service, thereby rendering it more efficient. Under the present law and regulations the amount of the appropriation is $9,700,000 for the next fiscal year—an appropriation in bulk—and a division will be made under rules fixed by the Department.

We do not thus legislate in this way with reference to the other Departments of the Government. You do not so provide in the War, the Treasury, the Post-Office, the Agricultural, Interior, and the Navy Departments of the Government for clerical force employed here in Washington. It is not a great lump sum, but your appropriation bills read so many clerks of class 1, so many of class 2, and so on to the end. You have classified the service, and the legislation is wise.

Your own Postmaster-General simply asks that you may classify these men so that a certain line of work, under a law the same as the carriers and postal clerks are classified, shall receive a fixed, specific, well-defined compensation for the work performed, with gradual promotion.

Now, one word more in connection with this bill. As I have stated, these clerks are the poorest paid in the service. They get no leave of absence with salary allowances; they are allowed no leave of absence on account of sickness; they get nothing but limited, poor compensation—an average of less than $700 per annum. They are under the civil service rules and must be qualified for their work.

Your legislation in the Post-Office appropriation bill has increased the item for clerks over $900,000 for the next fiscal year. I submit for the work the Department will do—the great decrease in view of business stagnation—it can be done within the present appropriation for the fiscal year ending June 30, 1894. There has been no percentage of increase in 1894. There will be but a limited growth in the next year. This large increase the Department now enjoys—upwards of $900,000—will almost enable the Postmaster-General to carry out the classification paragraphs contained in the Dunphy bill. In fact, I am sure $400,000 additional would be all-sufficient. The bill enacted into law, going into operation June 30, 1895, would require no additional appropriation at this time. The clerks desire it; the Postmaster-General asks for it; it requires no money; good administration will be the result, and the people enjoy a better postal service. They have this right, for they who use the mails directly pay the expenses.

Mr. DUNPHY. Mr. Chairman, I move that the committee rise.

The CHAIRMAN. The hour for a recess having arrived, the committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. O'NEIL of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 56 and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LACEY, from to-day, for four days next week, on account of business of a public nature.

LEAVE TO PRINT.

Mr. DUNPHY. I ask unanimous consent that gentlemen who have submitted remarks on the pending bill in committee may have permission to print.

Mr. WILLIAMS of Mississippi. I move to amend that by proposing that all members be allowed to print remarks upon the bill.

Mr. DUNPHY. I have no objection to that.

The SPEAKER. The Chair will suggest that it might be better to limit the time within which this can be done.

Mr. DUNPHY. Say within ten days.

The SPEAKER. The gentleman from New York [Mr. DUNPHY] asks unanimous consent that leave to print upon the bill which has just been under consideration be granted for ten days. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois [Mr. WILLIAMS] will perform the duties of the Chair at the evening session. The House will now, under the rule, take a recess until 8 o'clock.

Accordingly (at 5 o'clock p. m.) the House took a recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. WILLIAMS of Illinois, as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The House is in session under clause 3, Rule XXVI.

Mr. MARTIN of Indiana. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar under clause 3, Rule XXVI.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole under the special order.

ORDER OF BUSINESS.

Mr. MARTIN of Indiana. Mr. Chairman, I am directed by the Committee on Invalid Pensions to ask unanimous consent that we begin with House bill 6041, Calendar number 390, and consider only bills which have never yet been considered and bills of a character that have not been opposed at these evening sessions.

Mr. WILLIAMS of Illinois. What are those?

Mr. MARTIN of Indiana. The cases of widows remarried, divorced women, and things of that kind.

Mr. CURTIS of New York. And desertions.

The CHAIRMAN. The gentleman had better fix the last clause of his request more specifically.

Mr. MARTIN of Indiana. Mr. Chairman, I ask unanimous consent that we begin with the bill specified and go through then down the Calendar.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana.

Mr. MARSH. I desire to ask the gentleman from Indiana a question. Is your object to consider only pension bills?

Mr. MARTIN of Indiana. No, sir; I have no right to ask that.

Mr. MARSH. Is your object to consider bills to which there is no objection?

Mr. MARTIN of Indiana. Bills that have never been considered before.

The CHAIRMAN. Is there objection?

Mr. STRONG. Yes, I object.

The CHAIRMAN. The Clerk will report the first bill on the Calendar.

LOUISA C. CONWAY.

The Clerk read as follows:

A bill (H. R. 4935) to pension Louisa C. Conway.

Mr. MARTIN of Indiana. Mr. Chairman, I ask unanimous consent that this bill, being one upon which the point of no quorum was made a week ago to-night, be passed over without prejudice.

The CHAIRMAN. Without objection that order will be made. [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. MARTIN of Indiana. Now, Mr. Chairman, I ask unanimous consent that we begin with Calendar number 371, the one indicated to me by the gentleman from Ohio.

The CHAIRMAN. That order will be made, without any objection. [After a pause.] The Chair hears none, and it is so ordered.

ALEXANDER P. MAGAAN.

The first business called up was the bill (H. R. 4686) to correct the military record of Alexander P. Magaan, of Battery H, Fourth United States Artillery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause the military record of Alexander P. Magaan, who enlisted as a private in Battery H, Fourth United States Artillery, on the 8th day of July, 1846, and stands charged with having deserted on the 8th day of September, 1848, to be corrected by removing said charge of desertion and granting an honorable discharge to said soldier, it appearing that he did not desert, but was absent with leave, sick, and was prevented from returning on account of sickness.

The amendment recommended by the committee was read, as follows:

Provided, That no pay, bounty, or emolument shall become due by virtue of the passage of this act.

Mr. TALBERT of South Carolina. I would ask that that bill be passed over to-night without prejudice.

The CHAIRMAN. That order will be made, without objection.

Mr. STRONG. I object.

Mr. KILGORE. Let the report be read.

Mr. STRONG. I ask that the report be read.

The CHAIRMAN. The report will be read in the time of the gentleman from Texas.

The report (by Mr. WOOMER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4686) to correct the military record of Alexander P. Magaan, of Battery H, Fourth United States Artillery, have had the same under consideration and report the same back with the following amendment:

"*Provided*, That no pay, bounty, or emolument shall become due by virtue of the passage of this act."

It appears from the record that this soldier enlisted July 8, 1846, at Staunton, Va., for five years in the regular Army, and was assigned to Battery C, Fourth Regiment, United States Artillery, and subsequently transferred to Battery H of the same regiment. At the time of his enlistment he was about 20 years of age. Soon after his enlistment his battery was ordered to proceed to Mexico, and while there his command was engaged in the battles of Vera Cruz, Cerro Gordo, Contreras, Molino Del Rey, and City of Mexico, in which battles he participated.

After the close of the Mexican war he, with his battery, returned to Fort Monroe, Va., and in September, 1848, while at Fort Monroe, affidavits before the committee show that he became sick, received a furlough, and went home. He never returned to his command. There were other affidavits before the committee showing that at the time he returned home he had been an invalid, and so remained long after the expiration of his term of enlistment.

Your committee believe that as this young man enlisted simply to serve through the Mexican war, and having so served faithfully until after the war closed, that he should be relieved of the charge of desertion, and therefore recommend the passage of the bill as amended.

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee.

Mr. KILGORE. Mr. Chairman, I would like to make some inquiry and have some further explanation than we get in the report of the status of this party named in this bill. It seems they rely upon a number of affidavits to establish the fact that he was away on furlough or on sick leave. Now, the records ought to show whether or not he was absent with sick leave. The records in the War Department would show that.

Mr. HOOKER of New York. Probably the gentleman in charge of the bill can tell you about it.

Mr. KILGORE. That is one thing I would like to be enlightened upon. These affidavits state that he was away and remained away sick, and never returned to his command; and was therefore put down as a deserter. Now, I think there ought to be some record in the War Department. I do not think that affidavits taken fifty years after a thing took place, on a subject of this kind, ought to be worth much unless supported by some record in the War Office; and if the events took place as stated in that report there must be some record of the fact of his having a sick furlough.

I do not see how the affidavits of these parties can make known if he left on sick leave. I do not see how he can prove the fact that he remained away sick long enough to be reported as a deserter. The whole report looks unsatisfactory. I do not know who wrote the report, and I do not like to charge anybody with shenanigan, but it looks as if it was written with special reference to suppressing the facts. I think an explanation is due the committee from the gentleman who seems to be championing this bill.

Mr. CURTIS of New York. Will the gentleman yield to me for a moment? I recognize the qualities of my friend from Texas, and I am sure he would not make such an unkind remark with respect to any gentleman who is absent. This report was made by the gentleman from Pennsylvania, who is a member of the Committee on Military Affairs, who is not here, and I think that the gentleman would hardly like his remarks taken down in the manner in which they have been made in the absence of this gentleman.

Mr. KILGORE. I do not know. If I was going to say anything about a man, perhaps I would rather that he was not here. Of course, I do not charge anybody with any intention to deceive the House; but the report, it strikes me, is not such a report as ought to be made in a case of that kind for the purpose of putting the House in possession of the facts.

Mr. STRONG. Mr. Chairman, Aleck Magaan in 1846 was a young man, 20 years old, living in Virginia. The Mexican war was in progress. A call was made for troops and he enlisted, was mustered in, and was assigned to a battery in the service of the United States. He went with that battery to Mexico, where he remained till the close of the war, taking part, as is shown by the report, in a large number of engagements. When the war closed he returned with his command to Fortress Monroe. He was sick and he got a leave of absence and went to his home.

The war being over, and there being no further use for the troops at that time, he did not return to his command, and he was dropped as a deserter. I want to say to the gentleman from Texas that this man was not only sick at the time he left his command, but he has remained an invalid ever since. Forty-six years have passed, and they have been forty-six years of poverty and sickness to Aleck Magaan. He comes here now to ask you, the representatives of the people of the great Republic whose battles he fought, to relieve him in his old age and distress from this charge of desertion. He is now nearly 68 years old.

Mr. KILGORE. Mr. Chairman, of course I am not discrediting anything that the gentleman states; but I should like to know how these facts came out. How is it known that this man left his command on sick leave and remained away long enough to be marked as a deserter?

Mr. STRONG. The facts are made known to the committee by a large number of affidavits. I am not certain whether the records of the War Department disclose the fact about which the gentleman inquires or not, but I want to say that this man stands in as good a position relatively as many and many a man who went into that service and was charged with desertion who has been relieved.

Mr. KILGORE. I am not disputing that; but I claim that before this Committee of the Whole is called upon to pass a bill of this kind the facts, well authenticated, ought to be before us. The report in this case, as I have already said, is unsatisfactory. I think, Mr. Chairman, that this bill is a very good one to withdraw and let soak awhile. [Laughter.]

Mr. STRONG. If the gentleman from Texas could only know this man as I know him, a poor old skeleton, he would not oppose this act of justice.

Mr. KILGORE. Was he able to be in the last war?

Mr. STRONG. He was not able to be in the last war, and he is now a poor, feeble old man.

Mr. TALBERT of South Carolina. Is it the object of the bill to give him a pension?

Mr. STRONG. I will be frank about that. I expect that if this charge of desertion is removed he will be able to get a pension of $8 or $12 a month, whatever is allowed to soldiers of the Mexican war.

Mr. TALBERT of South Carolina. Then what is the effect of the amendment recommended by the committee?

Mr. STRONG. To provide that he shall have no back pay or emoluments.

Mr. CURTIS of New York. Mr. Chairman, I am a member of the committee that reported this bill and I have a distinct recollection of some of the facts that were brought before us in connection with it. The gentleman from Pennsylvania [Mr. WOOMER], the member of the committee who drew the report, is not present this evening, so I venture to state my recollection of the case. It was under discussion in the committee and many facts were brought out in the affidavits produced there which would have answered satisfactorily, I am quite sure, the objections of my friend from Texas.

I recollect that there was a discussion in the committee upon this bill, and that the evidence was very complete and satisfactory, not merely the man's own statement, but the testimony of other well-informed persons, showing that he went home, as stated in the report, an invalid, remained there an invalid, and has been substantially an invalid ever since. He was a man not very well informed as to these matters, and he has continued all these years under a charge which it was never his intention to bring upon himself. While in health he did his duty faithfully as a soldier, and he had no intention of deserting.

If the case were fully known to my friend from Texas I am sure that it would appeal to him with such force that his heart would bleed with compassion, and, knowing now what he wanted to know about the case, I believe that he will not further oppose the passage of this bill. I ask that it be laid aside to be reported to the House with the recommendation that it do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ISAAC D. TOLL.

Mr. WEADOCK. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (H. R. 6659) to increase the pension of Capt. Isaac D. Toll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to increase the pension of Capt. Isaac D. Toll, late of Company E, Fifteenth United States Infantry, in the war with Mexico, from $8 to $30 per month.

The CHAIRMAN. Is there objection to the request for the present consideration of this bill?

Mr. DOLLIVER. Mr. Chairman, without objecting, I want to inquire whether this bill is taken up out of its order on the Calendar?

The CHAIRMAN. It is; on a request for unanimous consent.

Mr. DOLLIVER. I have no disposition to object.

Mr. BAKER of New Hampshire. I object.

ORDER OF BUSINESS.

Mr. MARTIN of Indiana. I ask unanimous consent that we now begin with the bill No. 390 on the Calendar and proceed regularly.

The CHAIRMAN. Without objection, that order will be made.

There was no objection.

MARY DANAHAY.

The first business in order was the bill (H. R. 6941) granting a pension to Mary Danahay, mother of Daniel Danahay, late a private of Company H, Eighteenth New York Cavalry.

Mr. MARTIN of Indiana. I ask that this bill be laid aside to be reported to the House with the recommendation that it lie on the table.

There being no objection, it was ordered accordingly.

HENRY C. FIELD.

The next business in order was the bill (H. R. 4490) granting a pension to Henry C. Field.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension roll the name of Henry C. Field, dependent father of Daniel Field, late a private of Company H, Twenty-ninth Maine Regiment, and pay him a pension of $12 per month.

The report (by Mr. APSLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4490) granting a pension to Henry C. Field, submit the following report:

The beneficiary of this bill is the father of Daniel Field, who served in Company H, Twenty-ninth Maine Infantry. The soldier enlisted November 20, 1863, and was discharged May 17, 1864, on account of disability from chronic diarrhea and disease of heart. He was paid in full to discharge and allowed transportation from New Orleans to the place of his enlistment.

On June 1, 1864, while on board the United States steamer Pocahontas, en route from New Orleans to New York, that vessel collided with another and was sunk and the soldier was drowned. These facts are shown in a satisfactory manner by the records of the War Department and Pension Bureau. The claim of the mother, and subsequently of the father, was rejected by the Pension Bureau on the ground that the soldier's death was not directly chargeable to his military service, he having been discharged prior to the accident which caused his death.

The mother of the soldier died April 11, 1890. The father, the beneficiary of this bill, is now 80 years of age. The soldier left neither widow nor child surviving him.

Lewis Carville and Jordan G. Carville, of Lewiston, Me., testify that the petitioner is the owner of a small farm and a little live stock worth $800 or $900; that he is 80 years of age and in feeble health; the income of his property is not sufficient to support him and an invalid daughter who lives with him, and the deficiency is supplied by relatives not bound for his support; that the soldier lived with his father and aided in his support.

The only point involved in this case is the question whether soldier's death was properly chargeable to his military service. The decision of the Pension Bureau gives unquestionably the proper construction of the general law, but, on the other hand, the soldier was being transported to his home on a Government vessel as a part of his contract with the Government; he was still in a very important sense in the public service, and the Government was clearly responsible for his safe delivery at the point of enlistment. Through no fault of his the vessel was sunk and he was drowned. The facts combine to present one of those exceptional and anomalous cases which private acts are especially designed to relieve.

Your committee therefore recommend that the bill do pass.

Mr. KILGORE. Mr. Chairman, if I have understood correctly this bill and the report, the purpose of the bill is to pension the father of a man who was drowned, and who at the time of losing his life was not a soldier.

Mr. MAHON. He lost his life while being transported to his home by the Government on a Government vessel.

Mr. KILGORE. Had he not already been discharged?

Mr. MAHON. But the Government was bound to transport him to his home.

Mr. KILGORE. Suppose he had been traveling in a vessel which was not a Government vessel; would that have made any difference?

Mr. MAHON. Yes; if he was traveling by means of conveyance of his own selection.

Mr. CURTIS of New York. He was not to be regarded as discharged until he reached his home.

Mr. KILGORE. The Government was simply giving him transportation.

Mr. CURTIS of New York. The Government was returning him to his home under its contract to return him to the place where he had enlisted.

Mr. KILGORE. I think it is going a good ways to undertake to pension the father of a man who at the time of his death was not a soldier at all—was in private life, having been discharged from the military service. The only ground upon which this claim can be based is that the soldier was on his way home on a Government transport. Now, suppose he had been paying his own expenses, would that have made any difference? It was simply as a matter of accommodation to him that the Government was transporting him.

Mr. HAYES. Not as a matter of accommodation, but as a matter of right.

Mr. KILGORE. But suppose transportation had been furnished to him upon a railroad or by any other means of transportation.

Mr. VAN VOORHIS of New York. It was the business of the Government to send him home on a safe vessel.

Mr. KILGORE. I am a little inclined to antagonize this bill.

Several MEMBERS. Oh, no.

Mr. MARTIN of Indiana. If the gentleman will yield to me I wish to say that the theory the committee had in its mind in recommending the passage of the bill was this: The Government of course took this man away from his home, which was in Maine. He was discharged at New Orleans. The Government furnished him transportation back to his home. On that return trip the transport sank and the man lost his life. His father, who was dependent on him and is now over 80 years of age, has asked for a pension.

Mr. KILGORE. There is not in the report any statement to the effect that his father was dependent on him or would have been now.

Mr. MARTIN of Indiana. Yes, sir; there is.

Mr. KILGORE. What does the report say on that subject?

Mr. MARTIN of Indiana. The report states that "the soldier lived with his father and aided in his support."

Mr. KILGORE. Well, he could not have been expected to be living with his father all this time, even if he had survived. Was the soldier a single man?

Mr. MARTIN of Indiana. He was. Mr. Chairman, permit me to say that this is one of those cases in which, I submit, there ought not to be an insistance on any technical ground of this kind in opposition to the granting of the pension. It was not the fault of the soldier that he was away from home, and it was not his fault that he was drowned while returning.

Mr. KILGORE. Well, he was simply performing a patriotic duty when he enlisted.

Mr. MARTIN of Indiana. Yes; that is true.

Mr. KILGORE. When was he discharged?

Mr. MARTIN of Indiana. On May 17, 1864.

Mr. KILGORE. And he enlisted in November, 1863?

Mr. MARTIN of Indiana. Yes, sir.
Mr. KILGORE. Why was he discharged?
Mr. MARTIN of Indiana. He was discharged on account of chronic diarrhea and disease of the heart.
Mr. KILGORE. I do not see how his father could depend on him very much in that condition.
Mr. MARTIN of Indiana. Well, if he had not been discharged until he put his foot on the shore, back in his home, his father, under the present law, would be entitled to a pension.
Mr. KILGORE. Under the law of 1890?
Mr. MARTIN of Indiana. Yes, sir.
Mr. KILGORE. Very well; let it go.
The CHAIRMAN. Without objection, this bill will be laid aside with favorable recommendation.
There was no objection, and it was so ordered.

JOHANNA GLEASON.

The next busines on the Calendar was the bill (H. R. 5703) for the relief of Johanna Gleason.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Johanna Gleason, widow of Thomas Gleason, of Company A, Thirty-fifth New York Volunteers, on the pension roll, and pay her a pension subject to the provisions and limitations of the general pension laws.

The committee recommend the adoption of the following amendment:

Strike out in lines 7 and 8 the words "general pension laws" and insert "act approved June 27, 1890."

Mr. KILGORE. Let the report be read.
The report (by Mr. RYAN) was read, as follows:

The Committee on Invalid Pensions, having had under consideration House bill No. 5703, makes the following report:
Thomas Gleason enlisted in Company G, Thirty-fifth New York Volunteer Infantry, and served from June 11, 1861, to April 19, 1863, when he died from pistol wound received that day in barroom fight, the weapon having exploded while in his own hand. A claim for pension was filed by his widow, Johanna Gleason, uner the act of July 14, 1862. It was rejected January 19, 1866, on the ground that the soldier was killed in an affray, not in line of duty.
A claim was also filed July 3, 1893, under the act of June 27, 1890. This was rejected October 21, 1893, on the ground of no title, the soldier having died in the service, not honorably discharged as required by said act, and under the present laws and practice the latter claim can not be reopened.
The evidence shows that the widow has no property or income.
There is a letter on file from Capt. John A. Haddock, of the soldier's company, dated just prior to soldier's death and addressed to this claimant, which tends to show that the affray was not of the soldier's seeking; that he was sober, was assaulted, and wrenched the pistol from the hands of his assailant. This is a case where a pension can not be granted because of technical grounds, and is one of that class of cases where special acts of Congress are necessary. Your committee, therefore, do recommend that the bill pass after being amended by striking out the words "general pension laws" in lnies 7 and 8 and inserting the words, "act approved June 27, 1890."

Mr. TALBERT of South Carolina. Mr. Chairman, is the gentleman in charge of this bill present to-night?
Mr. MARTIN of Indiana. That bill was introduced by the gentleman from New York [Mr. SHERMAN].
Mr. TALBERT of South Carolina. He is not present?
Mr. MARTIN of Indiana. No, sir.
Mr. TALBERT of South Carolina. Who reported the bill?
Mr. MARTIN of Indiana. It was reported by Mr. RYAN.
Mr. TALBERT of South Carolina. I would like to have some explanation other than that covered by the report.
Mr. MARTIN of Indiana. I desire to say, Mr. Chairman, that the case is simply this: Had this man been killed under the same circumstances, after his discharge, his wife would have been entitled to a pension. He served nearly two years and then lost his life; but did not lose it in the line of duty. That is the only point.
Mr. TALBERT of South Carolina. He lost his life in a personal difficulty, if I understand it?
Mr. MARTIN of Indiana. Yes, sir.
Mr. TALBERT of South Carolina. But he was in the service at the time?
Mr. MARTIN of Indiana. Yes.
Mr. TALBERT of South Carolina. And his widow can not get a pension under the general law?
Mr. MARTIN of Indiana. His wife can not get a pension under the new law because he had not been discharged from the service. The claim was rejected because it was held that the soldier had not been killed in the line of duty; and the widow can not get a pension under the general act passed on Wednesday of last week.
The CHAIRMAN. Without objection the amendments recommended by the committee will be agreed to.
There was no objection.
Mr. KILGORE. Mr. Chairman, I do not understand from the reading of the report in this case when this killing took place.
Mr. MARTIN of Indiana. On the 19th day of April, 1863.
Mr. KILGORE. Where?
Mr. MARTIN of Indiana. Well, the report does not state.
Mr. KILGORE. Was he in the Army at the front, or was he somewhere in the rear, on leave of absence?
Mr. MARTIN of Indiana. Well, I can not tell. I may as well be entirely frank about it. My understanding is that he was at the front.
Mr. KILGORE. And his wife now seeks a pension?
Mr. MARTIN of Indiana. Yes, sir.
Mr. KILGORE. What has the Bureau to say about it?
Mr. MARTIN of Indiana. He did not die in the line of duty, and therefore the widow can not draw a pension under the old law. He did not have an honorable discharge from the service, and hence she can not get a pension under the new law. The Pension Bureau, therefore, was compelled to reject the claim.
Mr. KILGORE. I understand he met his death while in the service and before he was discharged?
Mr. MARTIN of Indiana. That is correct. He had not been discharged, and he was in the service when he met his death.
Mr. KILGORE. The question is whether he was in the line of duty when he was killed. How was he killed?
Mr. MARTIN of Indiana. In a personal difficulty with a comrade.
Mr. KILGORE. How would it be to let this case lie over a little, so that we can look into it a little further?
Mr. VAN VOORHIS of New York. Oh, this is Mr. SHERMAN'S case. He is not here. Let it go through.
Mr. KILGORE. Well, he had just as well be here as the rest of us.
Mr. MARTIN of Indiana. This would come clearly under the general law which we passed, so far as the House is concerned, on the day that we had assigned to us for business from the Committee on Invalid Pensions.
Mr. KILGORE. When was this bill reported?
Mr. MARTIN of Indiana. On the 11th of May.
Mr. KILGORE. Is it a unanimous report?
Mr. MARTIN of Indiana. Unanimous.
Mr. KILGORE. Was there not some objection in the committee?
Mr. MARTIN of Indiana. No, sir; none whatever that I know of.
The fact is this: He died in 1863, over thirty-one years ago. This woman has lived as his widow ever since. The man was in the service while she was at home doing the best she could, and the committee felt that the wife, or widow now, ought to be entitled to some consideration, and so we granted the pension of $8 a month which she would receive under the general law if the circumstances had been different.
Mr. KILGORE. There appears no evidence except a written statement by some one that the soldier himself was not the aggressor.
Mr. MARTIN of Indiana. Yes; that is true.
Mr. KILGORE. That is a written statement, but it is not evidence that would be very satisfactory. Was this letter written by some gentleman who was present and knew about the facts?
Mr. MARTIN of Indiana. By Capt. John A. Haddock, the captain of the soldier's company, and the letter is dated just prior to the soldier's death, and addressed to the claimant. It tends to show that the controversy was not of the soldier's seeking——
Mr. KILGORE. Was not what?
Mr. MARTIN of Indiana. Was not of the soldier's seeking, and that he was sober, was assaulted, and wrenched the pistol from the hands of his assailant. It was not his own pistol.
The amendment recommended by the committee was agreed to.
The bill as amended was ordered to be laid aside, to be reported to the House with the recommendation that it do pass.

ELIZABETH MOORE ENGLISH.

The next business on the Private Calendar was the bill (H. R. 6585) granting a pension to Elizabeth Moore English.
The bill was read at length.
The Clerk proceeded to read the report.
During the reading of the report,
Mr MARTIN of Indiana said: Mr. Chairman, I ask unanimous consent that that bill be passed over without prejudice.
There was no objection.

GRACE HARRINGTON.

The next business on the Private Calendar was the bill (H. R. 6403) to increase the pension of Grace Harrington.
The bill was read at length.
Mr. MARTIN of Indiana. Mr. Chairman, I desire to ask if the gentleman who introduced this bill is present?
The CHAIRMAN. The bill was introduced by the gentleman from New York [Mr. DUNPHY], and he does not seem to be here.

Mr. MARTIN of Indiana. I ask unanimous consent, then, that it be passed over, since it is a bill to increase a pension.

There was no objection.

MATTHEW T. LEWIS.

The next business on the Private Calendar was the bill (H. R. 6923) for the relief of Matthew T. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to grant an honorable discharge to Matthew T. Lewis, late of Company K, Third Michigan Cavalry.

The Committee on Military Affairs recommended the following amendment:

Add to the bill the following words:

"*Provided*, That no pay, bounty, or emolument shall become due by virtue of the passage of this act."

Mr. TALBERT of South Carolina. Mr. Chairman, I ask that that bill be passed over.

The CHAIRMAN. The gentleman from South Carolina asks that the bill be passed over.

Mr. GORMAN. I hope the gentleman from South Carolina will not insist on this bill going over until he hears a statement of the merits of the bill.

Mr. TALBERT of South Carolina. I have no objection to the gentleman making a statement.

Mr. GORMAN. I will say, Mr. Chairman, that this is one of the class of bills that the Committee on Military Affairs consider with favor. The claimant comes before Congress asking for relief because of long and meritorious services, and because the desertion was in a measure justifiable.

This soldier enlisted in 1861. He served faithfully and gallantly until January or February, 1864, never being absent a day from his command. He reënlisted and was allowed thirty days' furlough, the first time that he had been home or absent from his command since his enlistment. About a month after he returned to his command at Benton Barracks, in St. Louis, Mo., his wife telegraphed him that if he wanted to see his daughter, his only child, before she died, he had better come home at once.

He asked for leave, which was denied him on the ground that he had just had thirty days' leave, and that the regiment would soon be ordered to Arkansas. He talked with some of his comrades, notably one of the officers, the orderly-sergeant, Mr. Hartman, who makes an affidavit to the facts here. Mr. Lewis said to him, "What shall I do?" He replied, "If I were in your place I know what I should do." Lewis went home. His daughter died either the day he arrived home or the day after. He himself was taken sick and was not able to get out of the house for over a year, and was not able to move away from his home for two years.

So the affidavits and proof presented before the Committee on Military Affairs show. I sincerely think this is a case that has merit in it, on account of his faithful service, and on account of the circumstances attending the desertion.

Mr. TALBERT of South Carolina. Is it the object of the bill to grant him a pension afterward, or just to have the stigma of desertion removed.

Mr. GORMAN. That is the object, and if he can get a pension afterward, that is his own lookout. It depends upon the merits of his claim.

Mr. TALBERT of South Carolina. Does he come under the pension law? Is he disabled?

Mr. GORMAN. That I do not know. He is an honorable, honest, and worthy old citizen, and a resident of my district, and he asks that the stigma of desertion be removed. He feels that he has been sufficiently punished for thirty years to condone his leaving without authority. That is what the bill is for.

I believe it the duty of this great Government to do justice to this old soldier, who left his command under apparently justifiable reasons, by at this late date giving him an honorable discharge in consideration of the valuable services rendered in time of need.

Mr. TALBERT of South Carolina. Is there a proviso?

Mr. GORMAN. There is a proviso that no pay, bounty, or emolument shall be allowed.

The CHAIRMAN. The Clerk will report the amendment.

The amendment recommended by the Committee on Military Affairs was again read.

Mr. TALBERT of South Carolina. In view of the fact that possibly this bill might create opposition, and as there may be some more meritorious bills that we might pass, it seems to me it would be very well to pass this bill over for to-night. Possibly, if it was insisted upon, it might break up the meeting. [Laughter.]

Mr. GORMAN. I will say to the gentleman that this is the only bill I have on the Calendar, while many have asked me to introduce bills for them. This, however, is the one that I thought there was the most merit in.

Mr. TALBERT of South Carolina. I make no further objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GRACE HARRINGTON.

The next business on the Private Calendar was the bill (H. R. 6403) to increase the pension of Grace Harrington.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that we pass over the bills which have been introduced by members who are not present, and that we consider the bills introduced by gentlemen who are present.

The CHAIRMAN. The Chair understands that the gentleman who introduced this bill is not present.

Mr. PICKLER. I object.

Mr. MAHON. Let them come here.

The CHAIRMAN. The Clerk informs the Chair that he read the wrong bill. He will now report the bill which is regularly in order.

HENRY HALTEMAN.

The next business on the Private Calendar was the bill (S. 1526) for the relief of Henry Halteman.

The bill was read.

Mr. MARTIN of Indiana. Mr. Chairman, I ask unanimous consent that that bill be passed without prejudice.

The CHAIRMAN. Without objection that order will be made. [After a pause.] The Chair hears no objection, and it is so ordered.

GEORGE W. HARBAUGH.

The next business on the Private Calendar was the bill (H. R. 6633) for the relief of George W. Harbaugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to remove from all the records in his Department the several charges of desertion appearing on the rolls and hospital record of George W. Harbaugh, as a late private in Company G of the Sixth Regiment of Wisconsin Volunteer Infantry, and as a late private in the Sixth Independent Battery, Ohio Light Artillery, and in Battery M, Fourth United States Artillery, and grant to said George W. Harbaugh an honorable discharge of date October 30, 1863, from Company G, Sixth Regiment of Wisconsin Volunteer Infantry, and also grant to said George W. Harbaugh an honorable discharge of date June 24, 1865, from the Sixth Independent Battery, Ohio Light Artillery.

Mr. MARTIN of Indiana. Mr. Chairman, if there be no gentleman present interested in the passage of that bill, I ask that it be passed over without prejudice.

Mr. PICKLER. Mr. Chairman, there is; and I so informed the chairman of the Committee on Invalid Pensions just now.

Mr. MARTIN of Indiana. I beg the gentleman's pardon. I did not understand what he said.

Mr. PICKLER. Mr. Chairman, I represent that bill. The gentleman from Missouri [Mr. MORGAN] introduced the bill, and he is not here to-night. He wants it, however, to be considered; and, moreover, the soldier has been here for weeks and weeks trying to get his bill passed; and he is a worthy old man.

Mr. KILGORE. Mr. Chairman, what disposition is proposed to be made of that bill? Let us have the report read.

The report (by Mr. MORGAN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6633) for the relief of George W. Harbaugh, having considered the same, respectfully submit the following report:

George W. Harbaugh was enrolled June 15, 1861, as a private in Company G, Sixth Wisconsin Infantry Volunteers, and mustered into service July 16, 1861, to serve three years. The hospital records show him admitted to Seminary General Hospital in Georgetown, D. C., October 3, 1861, with remittent fever; transferred and admitted to Camden Street Hospital in Baltimore, Md., October 10, 1861, same diagnosis, and returned to duty November 16, 1861.

The company muster roll for November and December, 1861, and subsequent rolls to include May and June, 1862, report him present. The roll for July and August, 1862, reports him "absent without leave since August 29, 1862;" and roll for September and October, 1862, "deserted August 29, 1862." His name does not appear on subsequent rolls of the company.

This charge of desertion was disproved by the following hospital record, showing that his absence was due to the honorable cause of a gunshot wound in battle the 29th of August, 1862, at Bull Run.

The hospital records show him admitted to Cliffburn Hospital, District of Columbia, September 1, 1862, diagnosis not stated; admitted to Race Street General Hospital at Philadelphia, Pa., September 4, 1862, with gunshot wound, and returned to duty October 4, 1862; readmitted to the same hospital October 14, 1862, with catarrhal fever, and returned to duty November 3, 1862; again admitted December 18, 1862, with "hypertrophy cardis," and deserted March 15, 1863; admitted to McClellan General Hospital in Philadelphia, Pa., April 3, 1863 (date or manner of return from the reported desertion of March 15, 1863, not shown), with debility, and returned to duty July 9, 1863.

George W. Harbaugh was enrolled January 28, 1864, at Wooster, Ohio, as a recruit, for three years, in the Sixth Independent Battery, Ohio Light Artillery, and joined the battery March 5, 1864. The hospital records show him treated in various hospitals, for diarrhea, from July 27, 1864, to September 5, 1864, and for intermittent fever from September 5, 1864, to October 6, 1864, when he was returned to duty.

The muster roll of the Sixth Independent Battery, Ohio Light Infantry, for November and December, 1864, reports him on detached service with Battery M, Fourth United States Artillery, and the muster roll for January and February, 1865, and the muster-out roll of the battery, dated September 1, 1865, and the records of Battery M, Fourth United States Artillery (to which he was attached sometime in November or December, 1864), show him to have deserted from Battery M, Fourth United States Artillery, December 24, 1864, at Columbia, Tenn.

On the 17th of June, 1871, the soldier applied for an honorable discharge as of the Sixth Ohio Battery, declaring under oath that he remained with the battery up to the latter part of December, 1864, when he was detailed in Hospital No. 15, Nashville, Tenn., by the medical director, and was assigned to duty as a clerk; that he remained there until June 9, 1865, when he received a furlough for thirty days, and went to his home in Wisconsin; that before his furlough expired the battery was mustered out of service at Columbus, Ohio, and, as he was to report to the battery, and not return to the hospital, he could not reach his command, and was, therefore, not discharged. No record of this alleged furlough has been discovered.

In reference to the above furlough, George W. Grubb, age and place of residence not stated, under date of October 2, 1883, swears that he was a member of the Sixth Ohio Independent Battery, and was personally acquainted with claimant from January, 1864, to June 10, 1865; that claimant participated in all the engagements of the Georgia campaign; that he was detached with Battery M, Fourth United States Artillery, about December 10, 1864, and was in hospital at Nashville, Tenn., from February 1 to June 10, 1865, when claimant and he were furloughed and traveled together as far as Mansfield, Ohio; that he knows that the claimant did not desert in December, 1864, or at any other time, and that he had a "proper furlough signed by the respective departments."

It appears from the evidence that the soldier was but 15 years of age when he entered the service; that he was a good soldier and fought with his regiment, the Sixth Wisconsin, a part of the Iron Brigade; that he was also in all the battles of the Atlanta campaign, under Sherman, and with Gen. Thomas at battles of Franklin and Nashville, having served three years nine months and eleven days, and was not a deserter, but was absent with leave of the hospital authorities on what he supposed a regular furlough and in company with his noncommissioned officer.

He never intended to desert, and was only absent from his command on account of sickness or wounds, and this after the last hostile gun was fired and the war was really over in the West.

In view of the facts, and that this was an error made in his case reporting him absent without leave when he was absent on account of wounds received in battle, and in view of his extreme youth, he being only a boy of 15 when he enlisted in the Army, the committee reports back the bill with a recommendation that it do pass.

The supplemental report (by Mr. MORGAN) was read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6633) for the relief of George W. Harbaugh, having considered the same, respectfully submit the following report:

George W. Harbaugh was enrolled June 15, 1861, as a private in Company G, Sixth Wisconsin Infantry Volunteers, and mustered into service July 16, 1861, to serve three years.

The hospital records show him admitted to Seminary General Hospital, in Georgetown, D. C., October 3, 1861, with remittent fever; transferred and admitted to Camden Street Hospital, in Baltimore, Md., October 10, 1861, same diagnosis, and returned to duty November 16, 1861. The company muster roll for November and December, 1861, and subsequent rolls to include May and June, 1862, report him present. The roll for July and August, 1862, reports him "absent without leave since August 29, 1862;" and roll for September and October, 1862, "deserted August 29, 1862." His name does not appear on subsequent rolls of the company.

The records show that his regiment was in action August 29, 1862.

This charge of desertion was disproved by the following hospital record, showing that his absence was due to the honorable cause of a gunshot wound in battle the 29th of August, 1862, at Bull Run.

The hospital records show him admitted to Cliffburn Hospital, District of Columbia, September 1, 1862, diagnosis not stated; admitted to Race Street General Hospital at Philadelphia, Pa., September 4, 1862, with gunshot wound, and returned to duty October 4, 1862; readmitted to the same hospital October 14, 1862, with catarrhal fever, and returned to duty November 3, 1862; again admitted December 18, 1862, with "hypertrophy cardis," and deserted March 15, 1863: admitted to McClellan General Hospital in Philadelphia, Pa., April 3, 1863 (date or manner of return from the reported desertion of March 15, 1863, not shown), with debility, and returned to duty July 9, 1863.

The following record disproves any desertion March 15, 1862: The register of men sent to and received from hospitals at Philadelphia, Pa., bears this man's name and shows him sent from Race and Crown Streets Hospital on January 16 (the register covers the years 1862 and 1863) to Race Street General Hospital. The remark "a deserter" appears in pencil thereon against him. The same register also reports him sent to McClellan General Hospital at Nicetown, Philadelphia, Pa., April 3, 1863.

His name appears on the muster rolls of the provost guard on duty at Philadelphia, Pa. (as belonging to Company G, Sixth Wisconsin Infantry), as follows: May and June, 1863; July and August, 1863, on detached service at Wood and Twenty-second streets; September and to include October 30, 1863, after which date all record of him ceased, as a member of Company G, Sixth Wisconsin Volunteer Infantry.

George W. Harbaugh, was enrolled January 28, 1864, at Wooster, Ohio, as a recruit, for three years, in the Sixth Independent Battery, Ohio Light Artillery, and joined the battery March 5, 1864. The hospital records show him treated in various hospitals, for diarrhea, from July 27, 1864, to September 5, 1864, and for intermittent fever from September 5, 1864, to October 6, 1864, when he was returned to duty.

The muster roll of the Sixth Independent Battery Ohio Light Artillery for November and December, 1864, reports him on detached service with Battery M, Fourth United States Artillery, and the muster roll for January and February, 1865, and the muster-out roll of the battery, dated September 1, 1865, and the records of Battery M, Fourth United States Artillery (to which he was attached sometime in November or December, 1864), show him to have deserted from Battery M, Fourth United States Artillery, December 24, 1864, at Columbia, Tenn.

This soldier appears, from the records of the hospital at Nashville, Tenn., and other evidence on file, to have been treated at Columbia, Tenn., from December 24, 1864, to February 1, 1865, for chills and fever, when he was ordered to report to the medical director of Nashville, Tenn. He was admitted to Hospital No. 14, Nashville, Tenn., February 26, 1865, and he is borne upon the hospital records of Nashville, Tenn., until June 24, 1865, when they show him transferred, where to not stated.

On the 17th of June, 1871, the soldier applied for an honorable discharge as of the Sixth Ohio Battery, declaring, under oath, that he remained with the battery up to the latter part of December, 1864, when he was detailed in Hospital No. 15, Nashville, Tenn., by the medical director, and was assigned to duty as a clerk; that he remained there until June 9, 1865, when he received a furlough for thirty days and went to his home in Wisconsin; that before his furlough expired the battery mustered out of service at Columbus, Ohio, and as he was to report to the battery, and not to return to the hospital, he could not reach his command, and was, therefore, not discharged. No record of this alleged furlough has been discovered.

In reference to the above furlough, George W. Grubb, age and place of residence not stated, under date of October 2, 1883, swears that he was a member of the Sixth Ohio Independent Battery, and was personally acquainted with claimant from January, 1864, to June 10, 1865; that claimant participated in all the engagements of the Georgia campaign; that he was detached with Battery M, Fourth United States Artillery, about December 10, 1864, and was in hospital at Nashville, Tenn., from February 1 to June 10, 1865, when claimant and he were furloughed and traveled together as far as Mansfield, Ohio; that he knows that the claimant did not desert in December, 1864, or at any other time, and that he had a "proper furlough signed by the respective departments."

As disproving the charge of desertion of December 24, 1865, the following evidence has been submitted:

L. K. Force, a resident of Akron, Ohio (post-office address, Middleberry, Ohio), age not stated, under date of September 24, 1883, swears that claimant and he were members of the Sixth Ohio Battery, detached with Battery M, Fourth United States Artillery; that on or about December 17, 1864, while on the march, said claimant was taken sick with chills and fever, and affiant accompanied him to a house in Columbia, Tenn., where they stayed all night; that on the following morning the claimant, being quite sick, had to be left at Columbia for medical treatment while affiant went on with the command; that he next met claimant about the last of April, 1865, in hospital at Nashville, Tenn., to which place he had been brought from Columbia, and that when affiant left Nashville, about May 8, 1865, the claimant was left in hospital there doing clerical duty.

Aaron P. Baldwin, aged 55 years, of Akron, Ohio, late captain of the Sixth Ohio Independent Battery, under date and seal of November 9, 1893, says:

"I was an officer in the Sixth Ohio Light Veteran Volunteer Battery and was on duty with the battery during the years of 1864 and 1865; that while the battery was camped at Chattanooga, Tenn., preparing for the Atlanta campaign, during the month of March, George W. Harbaugh reported to the battery as a recruit. He served through the Atlanta campaign, performing every duty in a faithful and soldierly manner. During the month of November he was placed on detached service with Battery M, Fourth United States Artillery.

"He was reported a deserter from Battery M on the pursuit of Hood, and so recorded on battery muster rolls. Other men of the Sixth Ohio Battery, living in Akron at this time, saw him in hospital at Columbus, Tenn., also in hospital, Nashville, Tenn., in June, 1865, from which he went home on furlough. I am satisfied he never deserted the service and is entitled to an honorable discharge, and would recommend such action by the War Department, believing he is entitled to the same as one who performed his duty, when health permitted, in a loyal and honorable manner."

It appears from the evidence that the soldier was but 15 years of age when he entered the service; that he was a good soldier and fought with his regiment, the Sixth Wisconsin, a part of the Iron Brigade; that he was also in all the battles of the Atlanta campaign under Sherman, and with Gen. Thomas at battles of Franklin and Nashville, having served three years nine months and eleven days, and was not a deserter, but was absent with leave of the hospital authorities on what he supposed a regular furlough and in company with his noncommissioned officer.

He never intended to desert, and was only absent from his command on account of sickness or wounds, and this after the last hostile gun was fired and the war really over in the West.

In view of the facts, and that this was an error made in his case, reporting him absent without leave when he was absent on account of wounds received in battle, and in view of his extreme youth, he being only a boy of 15 when he enlisted in the Army, the committee reports back the bill with a recommendation that it do pass.

The CHAIRMAN. The question is on laying aside this bill with a favorable recommendation.

Mr. PICKLER. Mr. Chairman, I simply desire to say in regard to this bill that it is not my bill. I know very little about it except what the report says. I know that this is a bill introduced by the gentleman from Missouri [Mr. MORGAN], and I understand that the soldier lives in his district. I became somewhat interested from knowing that the soldier was here, and having seen him week after week trying to have his bill passed, and that is the reason I insist on it now being considered.

It is true that this man did desert twice; but it is also true that the record shows that he was shot at the first battle of Bull Run, and that while he was suffering from that wound he was reported as a deserter. It is further conclusively shown that when he made application to go back to his regiment they would not restore him except on some condition, and that he was advised not to go back; and he did not go back, but enlisted in another regiment.

Mr. KILGORE. Will the gentleman allow me to ask him a question?

Mr. PICKLER. Yes, sir.

Mr. KILGORE. I can not understand how a man who is wounded in battle, and thus necessarily fell into the hands of the infirmary corps, could be reported as a deserter after being taken to the hospital.

Mr. PICKLER. That is just the facts in the case.

Mr. KILGORE. That does not look reasonable.

Mr. PICKLER. The report shows how that was.

Mr. LOUD. I would like to ask the gentleman a question.

Mr. TALBERT of South Carolina. Was he not reported dead after the second battle of Bull Run?

Mr. PICKLER. I do not know as to that.

Mr. TALBERT of South Carolina. I did not catch the reading of the report exactly, but it seems to me that that is the way it read.

Mr. LOUD. Will the gentleman allow me to ask him a question?

Mr. PICKLER. In a moment. I have just a few words to say in addition. I have never talked with this man about that; but, as I understand the case, on this first desertion he was reported as dead, probably in the first engagement. He did not go back to that regiment, because when he was sufficiently able to go back he found that he had been reported as a deserter, and for some reason or other they insisted on some conditions, such as taking his pay, or something of the kind, I do not understand what. He did not comply with the conditions, but reënlisted in another regiment. He was in the hospital from that regiment, and was reported as a deserter while in hospital. Now, he at neither time was an actual deserter. One time he was shot and the other time he was sick in hospital; and that is the way his record stands.

It seems that fate follows some men. I confess that it is against this man that there should be two charges of desertion against him; yet both cases admit of full explanation and are fully explained. The man himself has been here, and I have talked with him. That is the only way I know anything about this case, for, as I have said, he is not from my district. I asked him, "How much bounty did you get the second time?" He stated positively that he got only the first installment of the bounty, and that he did not reënlist for a bounty, and I believe he tells the truth.

Mr. LOUD. The gentleman has stated that this applicant is around the halls of Congress pressing this bill. I ask him if he thinks it at all strange that this man should follow up this case so persistently when he so persistently enlisted and reënlisted at a time when large bounties were given?

Mr. PICKLER. Oh, well, I hope the gentleman will not do injustice to himself by raising technical questions in a case of this kind. I do not know how the fact was. I have only the man's own assertion that he did not receive the bounty.

Mr. LOUD. Still, you know that he must have received two large bounties if he enlisted twice in 1864.

Mr. PICKLER. I know he says he did not receive them, and I do not know why the gentleman from California should say that he did. The man is here without friends, and the House can vote down this bill if it chooses and let this stigma rest upon him, but I think these charges of desertion ought to be removed from this man before he dies. As I have said, he does not belong to my district. I have simply met him here and talked with him about his case.

Mr. KILGORE. About how many times does the report say that this man deserted?

Mr. PICKLER. Twice.

Mr. KILGORE. And you say that in one case he was shot in battle and sent to the hospital, and another time he was in the hospital sick.

Mr. PICKLER. Yes, sir.

Mr. KILGORE. Well, those two coincidences are altogether too remarkable. That a man should be twice charged with desertion, once because of being wounded and in hospital, and the other time when he was sick in hospital is so remarkable that it needs to be very clearly explained.

Mr. PICKLER. I submit to the gentleman that such a thing might very easily happen. Of course, it did not happen in many cases, but I think both these charges of desertion are very fully explained in the report. The man is a stranger to me; I never saw him till I saw him here and talked with him about his case, but I believe that he states it correctly.

Mr. KILGORE. I have no doubt that his story excited your sympathies, but the question is whether these charges of desertion ought to be removed and whether the evidence in the case would justify such action on the part of the House.

Mr. PICKLER. Has the gentleman any further questions to ask?

Mr. KILGORE. I am pretty well satisfied about this case.

The question being taken upon laying the bill aside to be reported to the House with a favorable recommendation, the Chairman declared that the ayes seemed to have it.

Mr. KILGORE. I ask for a division.

The committee again divided; and there were—ayes 18, noes 12.

Mr. KILGORE. No quorum has voted, Mr. Chairman.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint to act as tellers the gentleman from South Dakota [Mr. PICKLER] and the gentleman from Texas [Mr. KILGORE].

Mr. PICKLER (pending the count by tellers). Mr. Chairman, as the gentleman from Missouri [Mr. MORGAN], whose bill this is, is not present this evening, I ask unanimous consent that it be passed over without prejudice, retaining its place upon the Calendar.

There was no objection, and it was so ordered.

JULIA E. LOCK.

The next pension business on the Private Calendar was an act (S. 828) granting a pension to Julia E. Lock, formerly widow of the late Gen. Daniel McCook.

Mr. MARTIN of Indiana. Mr. Chairman, I ask unanimous consent that that bill be passed over without prejudice.

There was no objection, and it was so ordered.

NETTIE N. SEAVER.

The next pension business on the Private Calendar was an act (S. 16) granting a pension to Nettie N. Seaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nettie N. Seaver, widow of Henry T. Seaver, late a private in Company K, Fourth Regiment Vermont Volunteer Infantry.

The report (by Mr. APSLEY) was read as follows:

The Committee on Invalid Pensions have considered the bill (S. 16) to pension Nettie N. Seaver and submit the following report:

A similar bill passed the Senate and was also favorably reported in the House in the Fifty-second Congress. This bill passed the Senate March 5, 1894.

The facts appearing are as follows:

Henry T. Seaver was a private in Company K, Fourth Regiment Vermont Volunteer Infantry. He enlisted September 21, 1861, and was discharged July 13, 1865, making his term of service almost four years. The records show that he was a brave and faithful soldier. At the battle of the Wilderness he received a gunshot wound, for which he was pensioned, and a large number of affidavits go to prove that he contracted rheumatism, diarrhea, and malarial poisoning. Soldier lived until 1872, when he died of a complication of diseases, apparently involving the stomach, spleen, and kidneys. The widow applied for a pension, and after a long time it was rejected on the ground that the fatal disease was not clearly shown to be due to Army service.

The matter was placed in the hands of two special examiners, both of whom, after an exhaustive examination, reported in favor of the claim.

Special Examiner Frank E. Marlee closed his report as follows:

"From a careful review of the testimony I am of the opinion that the claim is meritorious, and I recommend its admission."

Special Examiner Charles Fairbanks, who stands deservedly high in the service, says:

"I am of the opinion that in the absence of medical testimony and the obscurity of the disease of kidneys, further examination is useless. I recommend admission."

An autopsy showed ulceration of the kidneys, and the Pension Bureau ruled that that disease was the cause of death, and hence the widow was not entitled to pension.

When the special examinations were made all the physicians who had knowledge of the case were dead, but a general mass of testimony was taken from neighbors, which conclusively shows that soldier had been continuously sick from date of discharge to death, and all agreed in the opinion that death was the result of diseases contracted in the service.

The widow is poor and sick, being without property and unable, a portion of the time, to earn a living, as shown by affidavits quoted in the Senate report. No doubt she is entitled to a pension of $8 under the act of June 27, 1890, but it appears that she has never filed a claim under that act.

The facts appearing from the records of the Pension Office and records of the War Department, more fully stated, are as follows:

The soldier was enrolled August 24, 1861; was captured at James River June 30, 1862; confined at Richmond, July 13, 1862; admitted to hospital at Savage Station, Va.,—date not shown—with rheumatism; paroled September 13, 1862; sent to Washington September 28, 1862, and forwarded to Army of Potomac February 24, 1863; mustered out with company July 13 1865. He was pensioned $2.66½ per month (one third rate) on account of gunshot wound of arm, and died January 31, 1872.

It appears that he was treated in the service for rheumatism and for diarrhea, but that his death was caused by disease of kidneys.

In view of the fact that soldier is shown to have been ill from discharge and the obscurity of his diseases, and the presumption that these and his fatal disease of kidneys were related, and that all played a part in causing his death, your committee recommend that the bill do pass.

Mr. BAKER of New Hampshire. I move that that bill be laid aside, to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. Without objection, it will be so ordered.

Mr. KILGORE. I suppose, Mr. Chairman, that we must have that bill and report read over again, as there is so much confusion in the Hall that we can not hear anything out here.

The CHAIRMAN. The bill has been laid aside.

Mr. KILGORE. Well, I object to its being laid aside without having an opportunity to know something about it.

The CHAIRMAN. If the gentleman states that he rose in time to object, the Chair will accept his statement.

Mr. KILGORE. The Chair did not make the announcement so that I could hear it.

The CHAIRMAN. The Chair will accept the gentleman's statement.

Mr. KILGORE. From what I did hear of the report I assume that the beneficiary of this bill could get a pension under the act of 1890. I think the report so states. It certainly states facts sufficient to warrant the granting of a pension under the act of 1890, and that being the case, I do not see why we should pass this bill. I would like to have a statement from somebody who has some knowledge on the subject.

The CHAIRMAN. The Chair has no information about this bill. I should like to hear from the gentleman from Indiana [Mr. MARTIN], or from some other gentleman who may know the particulars of this case, some statement on that subject.

Mr. MARTIN of Indiana. In this case the soldier enlisted

September 21, 1861, and was discharged July 30, 1865, after nearly four years' service——

Mr. KILGORE. Mr. Chairman, I move that the committee rise. We can not hear anything that is said.

The question being put on the motion that the committee rise—

The CHAIRMAN. The noes seem to have it.

Mr. KILGORE. I call for a division.

The question being again taken, there were—ayes 4, noes 41.

So the motion that the committee rise was rejected.

Mr. KILGORE. Now, if the attention of the House can be given to this case, I should like to hear some explanation from the gentleman from Indiana. If we can not have order so that we can hear what is said, we may as well stop business.

Mr. MARTIN of Indiana. Mr. Chairman, the report of the committee states this case quite fully. I will try to state the matter in brief by saying that this soldier was a private in Company K, Fourth Regiment Vermont Volunteer Infantry. He enlisted September 21, 1861, and was discharged July 30, 1865, having served three years and ten months. He died in 1872. As I gather from the reading of the report (having no personal knowledge of the case), this applicant was the wife of the soldier during the war. He died of a complication of diseases, involving, apparently, stomach, spleen, and kidneys.

Now, this widow could obtain a pension under the act of June 27, 1890, which, as will be remembered, grants pension to the widow of any soldier who served ninety days or more and was honorably discharged. But in this case the committee concluded (as they did in another case recently considered favorably by the Committee of the Whole) that in view of the report made by two different special examiners, who went into the field, and summoned witnesses, and reported to the Department that, in their judgment, the claim was admissible under the old law, it would be no injustice to the Treasury, and would be a clear act of justice to this widow to recommend that she be pensioned at $12 instead of $8 a month.

As I have stated, her husband died in 1872. Possibly he might have obtained a pension had he himself applied. The record does not enable us to determine that matter. There has never been, as I understand, any pension paid in this case. But the soldier served three years and ten months. This lady is still a widow. These special examiners who went into the field and summoned witnesses in the case, reported that the claim ought to be admitted under the general law. Therefore the committee felt that it would not be going beyond what was right to recommend that she be pensioned under the general law at $12 a month rather than under the act of June 27, 1890, at $8 a month.

This, Mr. Chairman and gentlemen, is in brief the case presented to you for your action to-night.

Mr. KILGORE. Now, Mr. Chairman, I am not denying anything stated by the report or by the gentleman from Indiana. I am not denying the merits of this case. I am perfectly willing to admit that it is meritorious. From the statement which has been given to the House, I believe it is a meritorious case, and that no action on the part of Congress is necessary to enable this woman to obtain a pension.

That is my objection to the passage of this act. I believe that neither the House nor the Senate ought to pass measures in behalf of claimants for pension when those claimants have a right of way at the Pension Bureau. We ought not to trespass upon the authority and duties and jurisdiction of the Pension Bureau.

Mr. McNAGNY. Would not the fact that this old lady has remained a widow for twenty years since the death of her husband, and has been totally without relief from the Government, modify your opinion to some extent as to the equity of this case?

Mr. KILGORE. Well, that may be so. But many of them were in the same position up to the date of the passage of the act of June, 1890. All of them, in fact, who were situated as this woman, were without a pension up to the date of the passage of that act.

Mr. McNAGNY. She makes a very strong case under the old law.

Mr. KILGORE. What would she get under the old law?

Mr. McNAGNY. Twelve dollars a month.

Mr. BRETZ. Oh, let the poor old woman have it.

Mr. KILGORE. Very well.

Mr. MARTIN of Indiana. Mr. Chairman, I wish to make a correction in my statement. I made the observation a few moments ago that probably this man might have obtained a pension himself. I find, however, that he was wounded in the battle of the Wilderness and was actually pensioned. There are a large number of affidavits going to show that he had contracted rheumatism, diarrhea, and malarial poisoning in the service.

Mr. HUNTER. How much pension did he draw?

Mr. MARTIN of Indiana. Well, this report was drawn up by my colleague on the committee, Mr. APSLEY, who is not present, and I can not answer the question.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with favorable recommendation.

The motion was agreed to.

OTIS SMITH.

The next business on the Calendar was the bill (S. 1640) granting a pension to Otis Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Otis Smith, of North Cambridge, Mass., late a private in Company D, Twentieth Regiment Maine Volunteer Infantry, and that he receive a pension of $30 per month in lieu of that which he now receives.

The report (by Mr. APSLEY) was read, as follows:

The Committee on Invalid Pensions have considered the bill (S. 1640) to increase the pension of Otis Smith, which passed the Senate April 11, 1894, and submit the following report:

The facts stated in the report of the Senate committee are as follows:

"The claimant under this bill was a private in Company D, Twentieth Regiment, Maine Volunteer Infantry, and after an honorable service of six months received a painful injury in the line of duty, which resulted in a double inguinal hernia and other disabilities, which have proved permanent. Soldier also contracted intermittent fever in the service, from which he still suffers. He now draws a pension at the rate of $17 per month, and an application for increase has been rejected. It is admitted on all hands that soldier is in a most deplorable physical condition.

"On one side the hernia can not be retained by a truss, and soldier suffers constant, severe pain; his mind is almost completely gone, and he is utterly unable to do any work whatever. Claimant is 84 years old, in extreme poverty, and can not possibly long survive.

"The last medical examination by a board of pension examiners recommended, for the combined disabilities, a rate of $54 per month, and other medical examinations have recommended a higher rate than is proposed in the pending bill."

The records of the Pension Bureau show that this soldier is pensioned at $17 on account of double inguinal hernia, malarial poisoning, and injury to back. He served from July 1 to December 9, 1862, when discharged because of age and injury, having been absent in hospital since October 29, 1862. Medical examination at Boston, Mass., in May, 1893, rates him $14 for double hernia and $4 for lumbago, but states that there are no external evidences of injury to back.

The board also reports him 83 years of age and rates him second grade ($30) for senility (old age) and results, but not for malarial poisoning. A previous examination in August, 1891, at Boston, rated $8, for hernia; $8 for malarial poisoning, and $8 for lumbago, and second grade for old age. In May, 1890, he was rated $12 for hernia, $2 for injury to back, and $4 for chills and fever.

In view of the general helplessness of this man from all causes, your committee recommend that the bill do pass.

The CHAIRMAN. The question is on laying aside the bill with favorable recommendation.

The question was taken; and on a division (demanded by Mr. KILGORE) there were—ayes 37, noes 1.

Mr. KILGORE. No quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. KILGORE and Mr. MARTIN of Indiana were appointed tellers.

The committee again divided; and the tellers reported—ayes 28, noes 1.

Mr. KILGORE. A quorum has not voted.

Mr. MARTIN of Indiana. I ask unanimous consent that that bill be passed over without prejudice.

Mr. PICKLER. I object.

Mr. MARTIN of Indiana. I hope the gentleman will not do that.

Mr. PICKLER. There is no better bill on the Calendar, or a more deserving one than this. I object.

Mr. KILGORE. I withdraw the point of no quorum. [Applause.]

So, no further count being demanded, the bill was laid aside to be reported to the House with the recommendation that it do pass.

REBECCA H. CHAMBERS.

The next business on the Calendar was the bill (S. 876) granting a pension to Rebecca H. Chambers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca H. Chambers, she being the only sister of Archer S. Harmon, late of Company B, Ninety-third Regiment of Indiana Volunteer Infantry, who died unmarried in said service.

Mr. KILGORE. Let the report be read.

The CHAIRMAN. The report in this case is somewhat lengthy.

Mr. KILGORE. Well, that is no objection.

The CHAIRMAN. The report will be read.

Mr. MARTIN of Indiana. Mr. Chairman, I ask unanimous consent that I may be allowed to make a short explanation in place of the reading of the report.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MARTIN of Indiana. This claimant, Rebecca H. Chambers, is a single woman, a widow, who resides at Butlersville, Indiana, in Jennings County; her maiden name was Rebecca H.

Harman. She was married to the soldier on the 18th of March, 1886, and her husband died on March 6, 1892. She is now unmarried and in reduced circumstances.

Mr. KILGORE. When was she married?

Mr. MARTIN of Indiana. On the 18th of March, 1886.

Mr. KILGORE. She was not the wife of the soldier at the time he performed the service?

Mr. MARTIN of Indiana. No; this is a sister. I want to say to the Committee of the Whole that this lady was the sister of five brothers who enlisted in the service; that when four of them had gone, the last one, living with her and her mother, hired some one to stay in his place to take care of the mother and the sister. The soldier died in the service. This woman subsequently took care of her mother until her mother's death. She finally had to have one of her limbs amputated. She is now a one-legged woman, without anyone in the world to depend upon, with no property, with five brothers who died in the service, and this brother of whom I have just spoken, having hired a person to stay in his place and take care of the mother and sister for awhile. The effect of this bill would place her on the pension roll at $12 a month. She is in absolute poverty and in nearly as pitiable a condition as it is possible to be.

Mr. TALBERT of South Carolina. Is there any precedent for sisters being pensioned?

Mr. MARTIN of Indiana. Yes.

Mr. TALBERT of South Carolina. Such bills have been passed heretofore?

Mr. MARTIN of Indiana. Yes, in this Congress. You see, under the law, dependent brothers and sisters were pensionable, and in extreme cases like this and cases not so strong as this, Congress has felt that where a dependent brother or sister might be entitled to a pension, as in this case, where the woman had become of age, the act might be extended that far.

Mr. TALBERT of South Carolina. There is no general legislation that would cover this case?

Mr. MARTIN of Indiana. No, sir; none at all, and I suppose that no general legislation could be made that would cover this class of cases.

Mr. TALBERT of South Carolina. Is there no provision in that part of the country whereby people who can not take care of themselves can be sent to the almshouse or be cared for by the county?

Mr. MARTIN of Indiana. I suppose so, but——

Mr. RYAN. I hope that the sister of five brothers who died in the Army will not be permitted to go to the poorhouse.

Mr. TALBERT of South Carolina. I should like to know what the precedents are for this action?

Mr. MARTIN of Indiana. I wish I could call the name of the case. The gentleman questioned me about it one night here, within the last two months. It was a bill introduced by the gentleman from Illinois [Mr. WILLIAMS], I think, and reported by the gentleman from Illinois [Mr. MCDANNOLD]. That was a case where the woman was then or had been in the poorhouse.

Mr. KILGORE. Was this lady ever married?

Mr. MARTIN of Indiana. Yes; and her husband has been dead for several years.

Mr. KILGORE. Were these brothers who were lost in the war, and this one who survived the war, any of them married?

Mr. MARTIN of Indiana. I think probably they were, except this one. These young men, one after another, all enlisted in the Union Army, Samuel Harman in the Eighty-second Regiment Indiana Volunteers; John Harman in Company B, One Hundred and Fortieth Regiment Indiana Volunteers, who died while in the service in the hospital at Louisville, Ky.; James Harman in Company F, Twenty-second Regiment Indiana Volunteers; Michael Harman in the Third Regiment Indiana Volunteer Cavalry; Archer S. Harman in Company B, Ninety-third Regiment Indiana Volunteers, who died in the hospital in St. Louis, Mo., while in the service.

Mr. KILGORE. Now, if they had wives surviving them, their wives drew pensions on account of their service and death?

Mr. MARTIN of Indiana. Yes, their widows would be pensioned, but this one I speak of did not have any wife.

Mr. KILGORE. When was this lady married?

Mr. MARTIN of Indiana. She was married in 1886. Her husband died March 6, 1892.

Mr. KILGORE. I think this is going a long way to allow a pension in such a case as this.

Mr. RYAN. This is a very meritorious case.

Mr. KILGORE. Oh, it is a meritorious case, so far as charity is concerned, but it is stretching the law a long way, according to my notion, to put this lady on the pension roll.

Mr. MARTIN of Indiana. The mother in this case——

Mr. KILGORE. Mr. Chairman, as I can not hear what is going on from the conversation that is taking place, I may insist on closing up this business if we can not have order in this committee.

The CHAIRMAN. The Chair would suggest that the order is a little better than usual.

Mr. MARTIN of Indiana. I desire to say, further, Mr. Chairman, the mother of this claimant applied for a pension on account of the death of the soldier, who died unmarried, but that pension was not allowed until after the death of the mother, which occurred September 25, 1885. The accrued portion of this pension, being the proportional share for three months, was paid the claimant, to reimburse her, although a very small reimbursement, for the expenses during the last sickness and death of her mother.

Mr. KILGORE. I do not think that sort of a bill ought to pass.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN C. NUSS.

The next business on the Private Calendar was the bill (H. R. 6926) for the relief of John C. Nuss.

The bill was read.

The CHAIRMAN. The bill does not seem to be in order under the rule.

Mr. MAHON. Who has charge of that bill? Is there anyone present who has charge of that bill?

The CHAIRMAN. From the reading of the bill it does not seem to be in order under the rule. Perhaps some gentleman can explain the bill.

Mr. MAHON. Mr. Chairman, I ask that the bill be laid aside without prejudice.

The CHAIRMAN. The gentleman from Pennsylvania asks that the bill be laid aside without prejudice. Without objection, that order will be made.

There was no objection, and it was so ordered.

ELLEN G. HEINER.

The next business on the Private Calendar was the bill (S. 1427) granting an increase of pension to Mrs. Helen G. Heiner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase and pay a pension of $40 per month, in lieu of the pension now received, to Mrs. Helen G. Heiner, widow of the late Capt. Robert G. Heiner, now deceased, of Company A, First United States Regular Infantry, and who was formerly first lieutenant of Company K, Fifty-seventh Pennsylvania Volunteers, to be subject to the provisions and limitations of the pension laws, from and after the passage of this act.

The report (by Mr. STRAUS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1427) granting an increase of pension to Mrs. Helen G. Heiner, have considered the same and report as follows:

This bill is accompanied by Senate Report No. 185, this session, and the same, containing a full statement of the facts, is adopted by your committee as their report, and the bill is returned to the House with the recommendation that it do pass.

[Senate Report No. 185, Fifty-third Congress, second session.]

The Committee on Pensions, to whom was referred the bill (S. 1427) granting an increase of pension to Mrs. Helen G. Heiner, have considered the same and report as follows:

A similar bill having unanimously passed the Senate during the last Congress, amended so as to allow an increase to $40 instead of $50 per month, your committee adopt the report made thereon, hereto appended, and recommend the passage of the bill as it formerly passed the Senate.

[Senate Report No. 962, Fifty-second Congress, first session.]

Robert G. Heiner was mustered into service as a second lieutenant, Twenty-second United States Colored Troops, December 26, 1863; promoted to be first lieutenant January 25, 1865, and was honorably mustered out of service October 16, 1865. He accepted appointment of second lieutenant, Eleventh United States Infantry, April 27, 1866; was transferred to Twenty-ninth Infantry, September 21, 1866; promoted to be first lieutenant July 28, 1866, and captain September 29, 1879, serving continuously until November 27, 1890, when he died at Columbus (Ohio) barracks. Cause of death, apoplexy, following chronic Bright's disease.

Capt. Heiner, left no property or other means of support for his family except a small house in Western Pennsylvania, which rents for $12 per month.

The widow who asks for the increase contemplated by this bill has three children, two being dependent, one a daughter of about 17 years, in delicate health, and a son about 15 years old. Her mother, aged 72 years, is also dependent upon her.

In view of all the circumstances and facts your committee recommend the passage of the bill with the following amendment: In line 4 strike out the word "fifty" and insert "forty."

The CHAIRMAN. The Clerk will read the views of the minority.

Mr. MARTIN of Indiana. Mr. Chairman, I desire to make an inquiry. If there be no gentleman present who will object to my request, I will ask that that bill be passed over, in view of the fact that there is a minority report.

Mr. CLARK of Missouri. Mr. Chairman, the gentleman from Alabama [Mr. BANKHEAD] introduced that bill and the gentleman from New York [Mr. STRAUS] reported it.

The CHAIRMAN. Is there objection to passing this bill over without prejudice?

Mr. KILGORE. I object.

The CHAIRMAN. The Clerk will read the views of the minority.

The views of the minority were read, as follows:

VIEWS OF THE MINORITY.

The majority of the Committee on Pensions having favorably reported the Senate bill No. 1476, granting an increase of pension to Mrs. Helen G. Heiner, the undersigned, a member of the committee, desires to submit the following reasons why, in his judgment, the bill should not pass.

Mrs. Heiner is now receiving a pension rated at $20 per month, and in addition to this she receives $12 per month from rented property and $70 per month salary as a clerk in the Treasury Department. Her total annual income is over $1,200. Her children are all past the age of 16 years, and in the natural order of things will soon become self-sustaining. In fact one son, as the undersigned is reliably informed, is now in the United States Army with the rank and pay of a lieutenant.

There is nothing shown in the soldier's record or in any of the papers submitted to the committee to warrant Congress in favoring this widow above widows of other soldiers of similar rank, and it certainly can not be claimed that the increase of pension asked for is necessary to the comfortable support of herself and family. She does not need the additional pension, and, in the light of the facts above stated, there is no reason whatever for granting it to her unless an equal increase is made by general enactment in all cases of the same class.

There has not been, so far as I have heard, a single valid argument advanced in support of this bill, and, in my opinion, it would be a gross perversion of the powers of Congress to make an exception of a case so utterly devoid of merit.

Mr. KILGORE. Mr. Chairman, I move that this bill be laid aside with the recommendation that it lie on the table.

The motion was agreed to.

WEAR CRAWFORD.

The next business on the Private Calendar was the bill (H. R. 6928) a bill to remove the charge of desertion from the military record of Wear Crawford.

The bill was read.

Mr. TALBERT of South Carolina. Mr. Chairman, I ask that that bill be passed over without prejudice.

The CHAIRMAN. Without objection, that order will be made.

There was no objection, and it was so ordered.

ROSANNA COBB.

The next business on the Private Calendar was the bill (H. R. 5994) granting a pension to Rosanna Cobb, widow of Edmond Cobb, deceased, late of Black Hawk war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosanna Cobb, of Pike County, Ill., widow of the late Edmond Cobb, deceased, who was a private in McDow's regiment of Illinois Volunteers in the Black Hawk war, and allow her a pension of $8 per month.

The amendments recommended by the committee were read, as follows:

Strike out the word "eight," in line 9, and insert in lieu thereof the word "twelve," so as to fix the rate of pension at $12 per month; and strike out the words "Black Hawk," in line 8, and substituting therefore the words "Sac and Fox."

Mr. MAHON. Mr. Chairman, I ask whether the member having charge of that bill is present? If not, I move that it be laid aside.

Mr. McDANNOLD. Mr. Chairman, I introduced that bill and would like to have the report read.

Mr. MAHON. That is all right.

The report (by Mr. STALLINGS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5994) granting a pension to Rosanna Cobb, have considered the same, and report as follows:

The claimant is the widow of Edmund Cobb, who served from June 4 to July 2, 1831, as a private in Capt. McDow's Company of Illinois Volunteers in the Sac and Fox Indian war.

The soldier's service was recognized by the allowance of a bounty land-warrant under the act of 1855, but the widow's claim for pension under the Indian war act of July 27, 1892, was rejected because the service was rendered prior to 1832 and the act referred to includes only the Indian wars from 1832 to 1842.

It appears from her application on file at the Pension Office that Mrs. Cobb is now nearly 80 years old. The soldier died November 10, 1856. The following letter contains a full statement of the merits of the case:

WASHINGTON, D. C., *May 15, 1894.*

MY DEAR SIR: Having been informed that you have introduced a bill for the pension of Mrs. Rosanna Cobb, of Perry, Ill., and wish to know something of her pecuniary condition, I make the following statement:

I was born and lived in Perry twenty-three years. I have known her from my earliest recollection, and all that time she has supported herself by her own labor—doing washing, housecleaning, etc. She did the heavy work at my own home for years, and I know her to be an honest, worthy woman. Now that she is too old to work, her daughter has done plain sewing for the support of both. She has no sons nor any daughter who is able to give her much aid. I would respectfully urge a speedy action in this case, as I understand she is now bedridden and may live but a few months. I am,

Very respectfully, yours,

MRS. WILLIAM J. BRYAN.

Hon. JOHN J. McDANNOLD,
House of Representatives.

After full consideration of all the facts your committee are of the opinion that the bill is a deserving one, and its passage is respectfully recommended, with an amendment striking out the word "eight," in line 9, and inserting in lieu thereof the word "twelve," so as to fix the rate of pension at $12 per month; and an amendment striking out the words "Black Hawk," in line 8, and substituting therefor the words "Sac and Fox."

The CHAIRMAN. Without objection, the amendments will be agreed to, and the bill as amended will be ordered to be laid aside with a favorable recommendation.

There was no objection, and it was so ordered.

JOHN F. FOSTER.

The next business on the Private Calendar was the bill (H. R. 5405) for the relief of John F. Foster, late Company C, Eighth Iowa Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to put upon the pension roll, at the rate of $12 per month, the name of John F. Foster, late of Company C, Eighth Iowa Cavalry.

The amendments recommended by the committee were read, as follows:

Strike out the words "at the rate of $12 per month" and insert in lieu thereof the words "subject to the provisions and limitations of the act approved June 27, 1890.

Also that the title be amended so as to read: "A bill to pension John F. Foster."

The CHAIRMAN. The Clerk will read the report of the majority and the views of the minority. There is a minority report in this case.

The report (by Mr. LACEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5405) granting a pension to John F. Foster, submit the following report:

John F. Foster enlisted July 1, 1863, in Company C, Eighth Iowa Cavalry Volunteers. He went into Camp Henderson at Davenport, Iowa, where he took sick about September 20, 1863, with chronic diarrhea and rheumatism, and was not mustered into the service because of said disabilities. He filed a claim for pension (No. 751605), which claim has not been allowed because the soldier was not mustered into the service.

He is now 70 years of age, and is disabled by rheumatism, has lost the use of his left hand and sight of left eye.

Richard L. McKenzie testifies to the present disability of the soldier.

William C. Cullum testifies as to the enlistment and contracting of disability in the United States service in camp at Davenport; that he was a sound man at enlistment, and that his disability still continues. Said Cullum was a member of the Eighth Iowa Cavalry.

John P. Campbell also testifies as to the soldier's enlistment, and that he was sound and healthy at time of enlistment, and that on his return home was suffering from chronic diarrhea and rheumatism; that he is still suffering from said diseases.

From the evidence filed with your committee, it appears that the soldier properly enlisted and contracted the said diseases in the service before muster, and that by reason of such illness was not mustered into the United States service, and the failure to muster him prevents him from having a pensionable status.

Your committee think that he should be pensioned for said diseases at such rate as his disability would entitle him to.

Your committee recommend the amendment of the bill by striking out the words "at the rate of $12 per month" and by inserting in lieu thereof the words "subject to the provisions and limitations of the act approved June 27, 1890."

Also that the title be amended so as to read: "A bill to pension John F. Foster."

And that as so amended the bill do pass.

The views of the minority were read, as follows:

The salient point in this case is this:

The petitioner was never in the military service of the United States so far as appears from the records of the War Department. As against this want of record the petitioner alleges that he enlisted about July 1, 1863, in Company C, Eighth Iowa Cavalry, went into camp at Davenport, Iowa; was taken sick about September 20, 1863, with diarrhea and rheumatism, and finally lost the use of left hand and sight of left eye; he does not state when or how he left the service, or when or why his eye became affected.

William C. Cullom states, not in his own handwriting, that he knew of Foster's enlistment in the Eighth Iowa Cavalry, often met him in camp at Davenport, knew of his being taken sick with diarrhea and rheumatism, and has seen him suffering since with rheumatism of left hand, arm, and side, and believes he was free from these diseases July 1, 1863.

John P. Campbell testifies in almost the same words as Mr. Cullum. Whether these men were themselves, in fact, in the Eighth Iowa Cavalry is not shown.

Richard L. McKenzie testifies that he has known Mr. Foster for thirteen years, and knows that he has rheumatism in left side, and appears to have lost sight of the left eye and use of left hand.

Aside from this the committee has no evidence before it.

Now, the sole question in this case is, was this man a soldier of the United States? Is it possible that he could have enlisted and remained with his regiment for near three months and yet the rolls of that regiment show no trace of him? Whether he was such soldier seems to the undersigned to be clearly a matter within the jurisdiction of the Committee on Military Affairs to consider. If a bill should be passed directing the Secretary of War to place his name on the rolls of that regiment, he could then prosecute his claim for pension under the general law.

In recommending the passage of this bill the committee is unfairly impinging upon the jurisdiction of the Committee on Military Affairs, and is, in effect (upon what the undersigned consider entirely insufficient evidence), declaring, in contravention of the records of the War Department, that this man did serve for ninety days or more as a soldier in Company C, Eighth Iowa Cavalry.

For these reasons the undersigned recommend that the bill do lie on the table.

M. R. BALDWIN.
C. J. ERDMAN.

Mr. LACEY. Mr. Chairman, I move that this bill be laid aside with a favorable recommendation.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. LACEY. Division.

The committee divided; and there were—ayes 23, noes 6.

Mr. TALBERT of South Carolina. No quorum.

The CHAIRMAN. The gentleman from South Carolina makes the point that no quorum has voted. The Chair will appoint as tellers the gentleman from Iowa [Mr. LACEY] and the gentleman from South Carolina [Mr. TALBERT].

Mr. LACEY (pending the count). Mr. Speaker, I ask unanimous consent that the bill be laid aside without prejudice.

Mr. KILGORE. I ob ect.

The CHAIRMAN. The gentleman from Texas objects. The tellers will resume their places.

The committee again divided; and the tellers reported—ayes 15, noes 4

Mr. KILGORE. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair, under the rule, will cause the roll to be called.

The Clerk proceeded to call the roll.

Mr. MARTIN of Indiana (pending the call). Mr. Chairman, I ask unanimous consent that the gentleman from Texas withdraw his point of no quorum, and that the bill be laid aside without prejudice. If that is agreed to, I will make a motion that the committee rise, so that we may pass some of these bills that have already been disposed of in committee.

Mr. KILGORE. I object.

The Clerk resumed the call of the roll.

Mr. KILGORE (during the call). Mr. Chairman, if I understand the proposition of the gentleman from Indiana it is that he will move that the committee rise. In that case I am willing to withdraw the point of no quorum.

The CHAIRMAN. The gentleman from Indiana [Mr. MARTIN] asks unanimous consent to vacate the order for the call of the roll, that the point of no quorum be withdrawn, and that this bill retain its place on the Calendar without prejudice.

There was no objection, and it was so ordered.

Mr. MARTIN of Indiana. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. WILLIAMS of Illinois having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY, from the Committee of the Whole, reported that they had had under consideration sundry bills and had directed him to report the same to the House with various recommendations.

Mr. MARTIN of Indiana. Mr. Speaker, if there be no objection, and if it be in order, I would like to put the bills that have been favorably reported upon their passage.

Mr. KILGORE. I object.

Mr. MARTIN of Indiana. I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 9 o'clock and 55 minutes p. m.) adjourned until Monday next at 12 o'clock m.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HUTCHESON, from the Committee on Claims: A bill (H. R. 5732) for the relief of Charles W. Russey. (Report No. 1364).

By Mr. MARTIN, from the Committee on Invalid Pensions: A bill (H. R. 7359) to pension Samuel F. Tenant. (Report No. 1365).

By Mr. HARE, from the Committee on Invalid Pensions: A bill (H. R. 5551) for the relief of Emily A. Mann. (Report No. 1366).

By Mr. McDANNOLD, from the Committee on Invalid Pensions: A bill (H. R. 3343) for the relief of Mrs. Cinna Rickards, widow of John D. Rickards. (Report No. 1367).

By Mr. POST, from the Committee on the District of Columbia: A bill (H. R. 7582) providing for reconveyance by District Commissioners of certain lands to Andrew J. and Mary E. Curtis. (Report No. 1368.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolution, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. BELL of Colorado: A bill (H. R. 7886) to prevent monopolization of patented inventions—to the Committee on Patents.

By Mr. CURTIS of New York: A bill (H. R. 7884) to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service—to the Committee on Interstate and Foreign Commerce.

By Mr. HEARD (by request): A bill (H. R. 7885) to regulate fares and transfers on certain street-car lines in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BAKER of Kansas: A bill (H. R. 7887) to provide means for gathering and storing rainwater in semiarid regions of the United States, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. DAVIS: A bill (H. R. 7896) to authorize the control of water for agricultural purposes—to the Committee on Ways and Means.

By Mr. BLAIR: A joint resolution (H. Res. 214) providing for the investigation of acts of unlawful violence thro ghout the country alleged to have been inflicted on account of crime—to the Committee on Labor.

By Mr. BLAND: A resolution directing the Committee on Ways and Means to report a bill for an income tax that will produce $100,000,000 of revenue annually, and to place all grades of sugar on the free list—to the Committee on Ways and Means.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 7888) for the relief of H. K. Edwards—to the Committee on Invalid Pensions.

By Mr. FITHIAN: A bill (H. R. 7889) for the relief of Thomas Riley—to the Committee on Military Affairs.

By Mr. HERMANN: A bill (H. R. 7890) for the relief of Henry Bateman—to the Committee on Claims.

By Mr. IKIRT: A bill (H. R. 7891) to authorize payment of commutation to David Jones—to the Committee on Military Affairs.

By Mr. MAGUIRE: A bill (H. R. 7892) for the relief of Albrecht Nest, late of the United States Navy—to the Committee on Claims.

By Mr. NEILL: A bill (H. R. 7893) to grant a pension to Armstead Rawlings, of Arkansas—to the Committee on Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 7894) removing the charge of desertion from the record of James H. Andrews—to the Committee on Military Affairs.

By Mr. BRETZ: A bill (H. R. 7895) granting a pension to Buford W. Patterson—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER of New Hampshire: Papers to accompany House bill 7879, to remove the charge of desertion now standing against James H. Waters—to the Committee on Military Affairs.

By Mr. BLAIR: Remonstrance of fraternal orders against the income tax—to the Committee on Ways and Means.

By Mr. BUNDY: Petition of F. E. Dougherty and 126 other citizens of Pike County, Ohio, for the survey and estimates for a ship canal from the lakes to the Ohio River by way of Sandusky and Scioto Rivers—to the Committee on the Judiciary.

By Mr. DAVIS of Kansas: Petition of 250 citizens of Chicago, Ill., praying for the impeachment of Richard Olney, Attorney-General of the United States, for misuse of his official position by the prostitution of Federal courts—to the Committee on the Judiciary.

By Mr. FITHIAN: Papers to accompany House bill for relief of Thomas Riley—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: Petition of the officials of First Baptist Church of Camden, N. J., against the passage of House bill 6913, appropriating Government moneys to sectarian schools and undertakings—to the Committee on Indian Affairs.

Also, petition of George S. Hains and 525 others, of Camden, N. J., and the vicinity, protesting against the passage of House bill 6913, appropriating public money to sectarian institutions or schools—to the Committee on Indian Affairs.

Also, petition of the officers of the board of the Third Methodist Episcopal Church, of Camden, N. J., representing a membership of 750, against the passage of House bill 6913, appropriating public moneys to sectarian schools and undertakings—to the Committee on Indian Affairs.

Also, petition of Broadway Methodist Episcopal Church, of Camden, N. J., official board, representing 1,200 members, against the passage of House bill 6913, appropriating public moneys to sectarian schools or undertakings—to the Committee on Indian Affairs.

Also, petition of the officials of the Centenary Methodist Episcopal Church, of Camden, N. J., authorized by their members, numbering 350, against the passage of House bill 6913, appropriating Government moneys for sectarian schools and undertakings—to the Committee on Indian Affairs.

Also, petition of the Eighth Street Methodist Episcopal Church, of Camden, N. J., against the passage of House bill 6913, appropriating Government moneys to sectarian schools and undertakings—to the Committee on Indian Affairs.

Also, petition of Rev. M. E. Snyder, pastor of the Slate Street Methodist Episcopal Church, of Camden, N. J., numbering 200 members, by unanimous request of the members, against the passage of the House bill 6913, appropriating Government moneys to sectarian schools and undertakings—to the Committee on Indain Affairs.

By Mr. WEADOCK: Petition of Max A. Dormer, Henry Koch, Theo. Mackinson, of Evangelical Lutheran Zion's Church, Beaver, Mich, against the amendment of preamble of the Constitution—to the Committee on the Judiciary.

Also, petition of Rev. J. H. P. Partenfelder, Max Boen, Mike Kamm, of Emanuel Lutheran Church of Bay City, Mich., against amendment to preamble of Constitution—to the Committee on the Judiciary.

Also, petition of H. C. Kuechle, pastor of Emanuel Lutheran Church of Alpena, Mich , against amendment of preamble to the Constitution—to the Committee on the Judiciary.

Also, petition of T. Hartman, pastor; E. O. Summerfeld, and U. Miller, trustees of St. Paul Lutheran Church of Posen, Mich., against amendment of preamble of the Constitution—to the Committee on the Judiciary.

Also, petition of Ferdinand Sievers and others, of Bay County, Mich., against the adoption of an amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of Rev. George Brenthal, pastor; Christian Hildner and George Ortner, trustees, Michael Lutheran Church, Richville, Mich., against amendment to the preamble of the Constitution—to the Committee on the Judiciary.

Also, petition of Rev. Emil Durr, pastor; John Graf and August Worth, elders, St. Paul Lutheran Church, Unionville, Mich., against amendment to the preamble of the Constitution—to the Committee on the Judiciary.

SENATE.

SATURDAY, *August 4, 1894.*

On motion of Mr. GALLINGER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 213) to pay for alley condemned in square No. 493, in the city of Washington, D. C.;

A bill (H. R. 4606) to amend sections 5365 and 5366 of the Revised Statutes, relating to barratry on the high seas;

A bill (H. R. 6720) providing for the resurvey of Grant and Hooker Counties, in the State of Nebraska; and

A bill (H. R. 7488) authorizing the Secretary of the Interior to grant leases for sites on the Hot Springs Reservation, Arkansas, for cold-water reservoirs.

PETITIONS AND MEMORIALS.

Mr. PERKINS. I present a telegram from the Board of Trade of San Francisco, Cal., an organization representing several hundred of the leading business men of that city, remonstrating against the passage of the so-called Bailey bankruptcy bill, which is now upon our Calendar. I move that the memorial lie on the table.

The motion was agreed to.

Mr. PERKINS presented a memorial of sundry citizens of Los Angeles, Cal., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education; which was referred to the Committee on Indian Affairs.

Mr. McMILLAN presented the petition of R. B. Clark and sundry other citizens of Detroit, Mich., praying that in the passage of any law providing for the taxation of incomes the funds of fraternal beneficiary societies, orders, or associations be exempted from taxation; which was ordered to lie on the table.

He also presented memorials of Rev. Frank Blomfield and sundry other citizens of Dexter; of Jacob C. Winning and sundry other citizens of Adrian; of Rev. Thomas Middlemes and sundry other citizens of Alpena; of W. S. Hazelton and sundry other citizens of Leonard; of James H. Gaglier and sundry other citizens of Detroit; of William J. Hatton and sundry other citizens of Escanaba, and of William P. Warren and sundry other citizens of Saginaw, all in the State of Michigan, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. SQUIRE presented a petition of sundry members of the bar of Yakima County, Wash., praying for the establishment of a district and circuit court term for the courts of the United States at North Yakima, to embrace the counties of Yakima, Kittitas, and Klickitat, in the State of Washington; which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Astoria, Oregon, praying that an appropriation of $30,000 be made for the establishment and maintenance of one or more fish hatcheries upon the waters of the Columbia River, in that State; which was referred to the Committee on Fisheries.

He also presented sundry petitions of citizens of Seattle, Wash., praying for the passage of Senate bill No. 2115, to provide for the regulated free coinage of silver bullion into standard dollars of the United States, and for the preservation of the parity of value of the various kinds of coined money of the United States; which were referred to the Committee on Finance.

He also presented sundry memorials of citizens of Spokane, Tacoma, Reardan, Seattle, Ballard, Castle Rock, Bellingham Bay, Davenport, Ellensburg, Kalama, Sumner, Shelton, Medical Lake, Port Angeles, and Puyallup, all in the State of Washington, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. LODGE presented the memorial of Samuel H. Tuttle and 27 other citizens of Concord, Mass., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education; which was referred to the Committee on Indian Affairs.

Mr. VILAS presented the memorial of P. A. Colby and sundry other citizens of Waupaca, Wis., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. SHERMAN presented a memorial of 150 citizens of Cincinnati, Ohio, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. CULLOM presented a memorial of sundry citizens of Chicago, Ill., and a memorial of sundry citizens of Rockford, Ill., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. PATTON, from the Committee on Indian Affairs, to whom was referred the bill (S. 2107) granting to the Northern Mississippi Railroad Company right of way through certain Indian reservations in Minnesota, reported it with amendments.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2275) granting a pension to Elizabeth New, widow of Jethrow New; and

A bill (H. R. 4811) to pension Mary Trimble.

MARINE HOSPITAL SERVICE.

Mr. GALLINGER. I am directed by the Committee on Epidemic Diseases, to whom was referred a letter from the Secretary of the Treasury under date of August 4, 1894, and the draft of a bill for the amendment of the act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service, to report a bill, and, as there is an emergency in this case, to ask for its immediate consideration.

The bill (S. 2280) to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," was read the first time by its title.

By unanimous consent, the bill was read the second time at length and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," is hereby amended by adding to the end of said section the following:

"The provisions of this act shall not apply to vessels plying between foreign ports on or near the frontiers of the United States and ports of the United States adjacent thereto; but the Secretary of the Treasury is hereby authorized, when, in his discretion, it is expedient for the preservation of the public health, to establish regulations governing such vessels."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OCALA, FLA., A PORT OF ENTRY.

Mr. RANSOM. I am instructed by the Committee on Commerce to report back favorably, with an amendment, the bill (S. 1885) to extend the privileges of the transportation of dutiable merchandise without appraisement to the city of Ocala, in the State of Florida.

Mr. CALL. I ask unanimous consent that the bill may be put on its passage. There can be no objection to it, and it is a matter of necessity.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, after the word "Florida," in line 7, to insert "and the said city of Ocala is hereby constituted a port of entry;" so as to make the bill read:

Be it enacted, etc., That the privileges of the seventh section of the act approved June 10, 1880, governing the transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the city of Ocala, in the State of Florida, and the said city of Ocala is hereby constituted a port of entry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. CULLOM introduced a bill (S. 2281) to authorize the Postmaster-General to credit account of James A. Sexton with amount of funds stolen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

MINNESOTA SCHOOL AND TIMBER LANDS.

Mr. DAVIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate copies of all correspondence between such Department (or any office thereof) and the officers of the Territory or State of Minnesota, or any Delegate, from such Territory, or Senator, or Representative of such State, respecting the claim or rights of Minnesota to the sections 16 and 36 as school lands, in cases where such sections are or have been situate in any Indian or military reservation or in any unceded lands. Also, copies of all rulings or decisions by such Department or by any officer thereof touching said rights or claims of Minnesota.

The Secretary of the Interior is also directed to inform the Senate how many acres (and in what sections and townships) have been examined and appraised as to the pine timber existing thereon, under the provisions of the act approved January 14, 1889, and other legislation on that subject. Also, to inform the Senate by stating what Government subdivisions have thus been examined and appraised, and by stating the quantity of pine reported to be on each of such subdivisions.

ELIHU ROOT.

Mr. HILL. I ask unanimous consent for the present consideration of the bill (S. 966) to compensate Elihu Root for services rendered by direction of the Attorney-General.

Mr. DOLPH. Will the bill take any time?

Mr. HILL. No, sir.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, $2,000, the amount approved by the Attorney-General, to compensate Elihu Root, United States attorney, southern district of New York, for services rendered as the attorney for the defendant in the suit of the Yale Lock Manufacturing Company *vs.* Thomas L. James, in March, 1894, by direction of the Attorney-General.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIVER AND HARBOR BILL.

Mr. DOLPH. I ask leave to withdraw from the further consideration of the Senate the conference report made last evening upon the river and harbor bill. It has been discovered that when the report was made up the clerks of the conference committee used the House print of the bill as received in the House after it had passed the Senate and not the official engrossed copy, which is now printed on blue paper instead of being engrossed by hand as heretofore. According to the rule now adopted in the House, the House print of the bill with the Senate amendments numbered was not the one to be referred to. The Clerk of the House informs us that the House Committee on Enrolled Bills will not report that the bill is properly enrolled unless the clerical changes are made in the conference report so that the references will conform to the numbers in the blue print, which is the official copy.

Therefore I ask leave to withdraw the report, in order that the House, when it meets at 12 o'clock on Monday, may recall the conference report and submit a correct report, correcting the clerical errors caused by referring to page and line in the last print made in the House of the bill with the Senate amendments rather than the official print which is made for the use of the clerks.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Oregon?

Mr. WHITE. I interpose no objection to the request of the Senator from Oregon, but I wish to call attention to one item in the conference report before the report is withdrawn, as a correction ought to be made with reference to it. I know that it is not in order to make the correction now, but at the same time I wish to make a statement.

Mr. DOLPH. I have no objection to hearing what the Senator from California has to say, but I do not understand that an objection would lie to my request. I suppose that as a matter of course the report can be withdrawn. I do not understand that it is subject to an objection.

The VICE-PRESIDENT. The report is withdrawn by the Senator from Oregon.

Mr. WHITE. If the Chair will permit me——

The VICE-PRESIDENT. The Chair recognizes the Senator from California for the purpose of making a statement on the subject.

Mr. WHITE. I desire to interpose simply for the purpose of offering a suggestion, to which I understand the Senator from Oregon has no objection.

On page 19 of the bill as it was before the Committee on Commerce of the Senate there was the following item:

Improving harbor at Wilmington, Cal.: Continuing improvement, $40,000.

This provision was inserted by the House, and it came to the Senate in the bill. The Senate made no amendment whatever so far as this item is concerned, and it went to the committee of conference without any change whatsoever. In the conference report which is about to be withdrawn we find that this item is entirely eliminated, and the elimination is sought to be accomplished by making it an amendment to another provision, thus securing the result.

On page 259 of Jefferson's Manual, which according to the rules of the Senate is authority here, I understand that that can not be done; the item not having been amended by the Senate it is without the jurisdiction of the conference committee. I make the suggestion so that when the matter goes back to conference, as it must if the report is withdrawn from the Senate, the error which I have stated in the report may be corrected; for I understand that only the disagreeing votes of the two Houses are submitted to the conference. The Senate itself made no amendment in the item and there has been no opportunity for its consideration by the conference.

Mr. BLANCHARD. I desire to inquire of the Senator from Oregon whether the effect of the withdrawal of the report and of a reconsideration by the other House after the adoption of the conference report there will be to send the bill back to conference?

Mr. DOLPH. That is it. Is the report withdrawn?

The VICE-PRESIDENT. The request of the Senator from Oregon for the withdrawal of the report is granted.

STATE TAXATION OF NATIONAL CURRENCY.

Mr. TURPIE. I ask unanimous consent to call up the bill (H. R. 4326) to subject to State taxation national-bank notes and United States Treasury notes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR], which will be stated.

The SECRETARY. After the word "currency," in section 1, line 6, insert "and gold, silver, or other coin."

Mr. HOAR. Mr. President, I do not think my amendment is necessary. I agree with the Senator from Indiana [Mr. TURPIE] that it would not change the legal effect of the bill. But I thought it was better as a precaution against somebody raising the question that as you made an expression of the legislative will in regard to notes and said nothing about silver or gold coin, they would of course be included. However, I do not think any court would come to that conclusion, and if the gentlemen who are managing the bill on the other side think that they do not want the amendment I shall not press it. I leave it to the Senator from Mississippi [Mr. GEORGE]. If he thinks it should not go in the bill I will withdraw it, and if he would like to have it kept in the bill I will insist on it.

Mr. GEORGE. We agreed on consultation to accept the amendment.

Mr. TURPIE. The amendment is certainly nugatory and harmless.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. PLATT. Now I desire to have the bill read as amended, and I would be obliged to Senators if they will refrain from conversation, so that I may be able to hear the reading of the bill.

The VICE-PRESIDENT. The bill will be read. The Chair requests the attention of Senators to the reading of the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That circulating notes of national banking associations and United States legal-tender notes and other notes and certificates of the United States payable on demand and circulating or intended to circulate as currency, and gold, silver, or other coin shall not be exempt from taxation as money on hand or on deposit, under the laws of any State or Territory: *Provided*, That any such taxation shall be exercised in the same manner and at the same rate that any such State or Territory shall tax other money or currency circulating as money within its jurisdiction.

SEC. 2. That the provisions of this act shall not be deemed or held to change existing laws in respect of the taxation of national banking associations

Mr. SHERMAN. Mr. President, the amendment inserted on the motion of the Senator from Massachusetts in my judgment tends to confuse the matter. I suppose it has never been provided by law that coin money on hand can not be taxable. Gold and silver when on hand at the time of making up the tax list is always subject to taxation like any other property. I do not therefore think it is wise to put in the bill those words. The Senator from Massachusetts himself admits that there is no necessity for the clause, and I think it had better be omitted.

Money on hand, whether it be in the form of United States notes or gold or silver coin, or State bank notes, has always been taxable; and I think in every State money is regarded as property, to be taxed like other property. Therefore the principle is right. An exception, however, was made during the war in favor of United States notes; and that was the only exception I know of. The reason for that exception, however, has passed away, as I stated yesterday.

Now that the notes are redeemable in gold or silver coin on demand of the holder, there is no reason why they should be exempt from taxation. They should be treated as other property. During the war, when they were constantly declining day by day, owing to the exigencies of the war, it was deemed necessary, as a matter of favor to the United States notes then circulating, that they should be exempted from taxation, and they were so exempted.

I think, therefore, that the bill as it stood had better be passed, so that the States may be restored to their right to levy taxes upon money in any form, or property in any form, provided no discrimination is made against United States notes.

Mr. TURPIE. I entirely concur with what has been said by the honorable Senator from Ohio [Mr. SHERMAN] in respect to the confusion which would be produced by the amendment of the Senator from Massachusetts [Mr. HOAR]. We can, however, remove that confusion, I think, by striking out the word "other," in the tenth line. That will reduce the clause to a state, at least, of intelligibility, and I think will reproduce the original meaning of the section.

The exemption from taxation of any property in the United States is a very high privilege. It is only justifiable from extreme reasons and in the last emergency—the one referred to by the honorable Senator from Ohio, a state of war—and the necessity for the maintenance of the national credit during that condition. But I do not think it was ever contemplated by Congress, even during the war—that having relation only to the original amount of Treasury notes issued—there now being in circulation $346,000,000, that such a large amount of property should be perpetually exempted from taxation. It is equivalent to exempting three hundred and forty-six persons worth a million dollars each from all State and municipal taxation. It is an unjust and unfair immunity.

There are no words in the contract from which perpetuity of exemption can be implied. The words are simply that these notes and other currency of the United States shall not be taxable by or under State or municipal authority. If the contract said "shall not be taxable" there would have been permanent, absolute, and perpetual immunity; but when it is said all through "under State authority" it is a clear reservation of the power of Congress by the authority of Congress to tax these notes when they are money on hand or when they constitute money deposited, the same as any other property.

One very good reason for the passage of this bill is the fraudulent use which is made of the immunity existing under the terms of the original enactment. Honest men go to work and habitually accumulate greenbacks for the purpose when the day of assessment comes of having greenback Treasury notes as a surplus and reporting no money on hand for taxation; and dishonest men make use of the same amount of Treasury notes repeatedly, so that the same sum of money in greenbacks, deposited at a bank or some other place of safety, I have no doubt serves the purpose of shielding one, two, three, four, and sometimes ten different persons from taxation by reason of the rapidity of access, by reason of the felicity and facility of transfer.

Again, there is another reason, and a very high and sound monetary reason, why these notes should be subject to taxation. So long as they are the beneficiary of this immunity, so long as any portion of the funds circulating as money are privileged from taxation, these notes will be hoarded and be taken out of the bulk of the currency; they will not circulate as money, although they are used as such; they are hoarded by banks, by individuals, by corporations, for the simple reason that they are not subject to taxation. The passage of the pending bill will destroy this propensity to hoarding, because it will destroy the reason, the profit, and the advantage of such hoarding.

This bill passed the Senate *nem. con.*, without division, unanimously in September, 1890, and no reason has accrued since why the same unanimity should not prevail as to its passage now.

Mr. HAWLEY. Mr. President, so far as I can understand this bill—I hold the official copy in my hand, but it is so covered and scratched with marks indicating amendments that it is somewhat difficult to understand what it does mean—I understand it to say that a State shall not exempt from taxation any currency or moneys of any description. It is commanding the States to tax.

Mr. GEORGE. Oh, no; it is that the notes shall not be exempt from taxation on account of Federal law.

Mr. HAWLEY. I understand; but why not say "may be taxed." Suppose a State chooses to exempt deposits from taxation——

Mr. GEORGE. It amounts to the same thing. As the bill has been fixed in that way there is no use of amending it.

Mr. HAWLEY. I think there is a point to be made there. There is a command on the States to tax all these obligations of all descriptions. I do not say but that the States and Territories will be very glad to avail themselves of this permission, perhaps they will, but I affirm that it has never been customary in Federal legislation to command taxation by a State.

Mr. GEORGE. The bill does not do that.

Mr. HAWLEY. I do not see why it does not do it. It reads "shall not be exempt from taxation as money on hand or on deposit under the laws of any State or Territory."

Mr. GEORGE. That was the language of the bill which passed the Senate at the time referred to by the Senator from Indiana [Mr. TURPIE].

Mr. HAWLEY. I am not speaking of what has been done here or elsewhere at any time. I am speaking of what is here in this bill. I think myself it ought to be amended so as to say "may be taxable." Then the States will take care of the right to tax all sorts of property.

Mr. WHITE. Will the Senator permit me to make a suggestion?

Mr. HAWLEY. Certainly.

Mr. WHITE. Does not the bill simply say that the notes shall not be exempt? Does not that merely mean that their status is that they shall be taxable?

Mr. HAWLEY. I do not think it does. I do not think a State could exempt them from taxation under this bill. How could it? The language here is: "Shall not be exempt under the laws of any State or Territory."

Mr. WHITE. I will suggest to the Senator from Connecticut that the State may not tax, but the Federal Government has the power to grant the permission. Then the Federal Government says that they shall not be exempt. Of course the Federal Government can not enter within the State and make a State levy. That is obvious. Therefore, the Federal Government, it appears to me, merely removes the restriction which was formerly placed upon this kind of property, and permits the State to tax. I think that would be the construction.

Mr. HAWLEY. The Senator and I do not disagree as to what is the purpose of the bill. He wishes to have the National Government say that these obligations need not be exempted.

Mr. WHITE. Yes, sir.

Mr. HAWLEY. But you say now they shall not be exempted. I think there is a difference.

Mr. GEORGE. Will the Senator from Connecticut allow me?

Mr. HAWLEY. Yes.

Mr. GEORGE. As the bill passed the House of Representatives it read: "Shall be subject to taxation under the laws of any State or Territory." That language was perfectly satisfactory to me.

Mr. HAWLEY. Very well.

Mr. GEORGE. But the Committee on the Judiciary struck out those words.

Mr. HAWLEY. That would be satisfactory.

Mr. GEORGE. Let me get through. On consideration by

the Judiciary Committee, not on my motion, it was deemed better to use the language as at present stated in the bill. I hope the Senator, therefore, will allow it to go, especially as this is the exact language used in the bill on a former occasion when it passed the Senate.

Mr. HAWLEY. I do not know whether a motion to amend is now in order or not. I do not know but it is closed, as the amendment has been already adopted.

Mr. SHERMAN. I wish, while the Senator has the floor, to call his attention to just the thing we want to correct, which is this: The present law provides that United States notes shall be exempt from taxation by or under State or municipal authority. All that is intended in this bill is to declare that such notes shall not be exempt from taxation while under State or municipal authority. That simply repeals the clauses in the several acts providing for issuing United States notes. It seems to me that makes the bill very simple and avoids all this verbal criticism.

Mr. HOAR. If I can have the attention of the Senator from Mississippi [Mr. GEORGE] for a moment, I shall be much obliged to him. I do not myself think that any practical difficulty would arise from the point suggested by the Senator from Connecticut [Mr. HAWLEY].

Mr. GEORGE. Nor do I.

Mr. HOAR. But as some Senators think it might be well, instead of saying "shall not be exempt from taxation," to say "shall be liable to taxation"——

Mr. HAWLEY. Certainly.

Mr. GEORGE. Or "subject to taxation." Let us take the language of the House bill, and disagree to the amendment, as that satisfies the Senator from Connecticut.

Mr. HAWLEY. Certainly.

Mr. GEORGE. Then I move that the vote by which the amendment of the committee was agreed to, in lines 6 and 7 of section 1, be reconsidered, and that the words "be subject to" shall be restored, and the words "not be exempt from" stricken out.

Mr. HAWLEY. If I understand the Senator, that will leave the House expression "shall be subject to taxation" in the bill?

Mr. GEORGE. Yes, sir.

Mr. HAWLEY. That is right. That is just what I wanted to do.

The VICE-PRESIDENT. The question is on the motion of the Senator from Mississippi that the vote by which the amendment referred to by him was agreed to be reconsidered.

The motion was agreed to.

The VICE-PRESIDENT. The question now recurs on agreeing to the amendment of the committee, which will be stated.

The SECRETARY. In section 1, line 6, after the word "shall," strike out "be subject to" and insert "not be exempt from."

The amendment was rejected.

Mr. TURPIE. I move to strike out the word "other" in line 10. Owing to an amendment which has been made I think it is necessary to strike out that word.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Indiana, which will be stated.

The SECRETARY. In section 1, line 10, after the word "tax," it is proposed to strike out the word "other."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CAPT. EDWARD WHEELER.

Mr. SQUIRE. I ask unanimous consent for the present consideration of the joint resolution (S. R. 19) authorizing the Secretary of War to correct the military record of Capt. Edward Wheeler, Fifty-sixth New York Volunteers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. SQUIRE. I have here the favorable report submitted in the case by the Committee on Military Affairs, which can be read if desired by any Senator.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN O'KEANE.

Mr. SQUIRE. I ask unanimous consent for the consideration at this time of the bill (S. 646) for the relief of John O'Keane, of the State of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John O'Keane, of the State of Washington, $125, as salary due him for services as a farmer in charge of Tulalip Indian Agency, Washington Territory, for the month of October, 1882.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARREDONDO GRANT.

Mr. PASCO. Mr. President, there was a concurrent resolution passed yesterday in relation to the Arredondo grant in the State of Florida, the language of which should be changed by the substitution of a word. I ask unanimous consent that it may be reconsidered, corrected, and again passed.

The VICE-PRESIDENT. Is there objection to the reconsideration of the vote by which the concurrent resolution was passed? The Chair hears none, and the concurrent resolution is before the Senate.

Mr. PASCO. I move to amend the resolution by striking out the word "directed" and inserting the word "requested."

The amendment was agreed to.

The resolution as amended was concurred in.

MISSISSIPPI RIVER BRIDGE AT ST. LOUIS, MO.

Mr. MILLS. I move that the Senate do now adjourn.

The VICE-PRESIDENT. The question is on the motion of the Senator from Texas.

Mr. CHANDLER. Will the Senator allow me to make a suggestion to him?

Mr. MILLS. I withdraw the motion.

Mr. PALMER. I ask unanimous consent of the Senate to proceed to the consideration at this time of House bill 5645.

The VICE-PRESIDENT. The Senator from Illinois asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 5645) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Is there objection to the present consideration of the bill?

Mr. CULLOM. I will state to my colleague that yesterday I talked with the Representative from the district in which the bridge is proposed to be built, and I told him what I wish to say to my colleague. I desire to ask that the bill be laid over until I can hear from a gentleman from whom I received a letter a few days ago stating that the bill ought not to be passed. I immediately wrote the gentleman to know what reason he had to urge why the bill should not be passed, and I should like to hear from him before action is taken. I have no doubt I shall hear from him within a day or two.

Mr. PALMER. If the present consideration of the bill is objected to, of course I can not help it.

The PRESIDING OFFICER. The Chair will again inquire as to whether there is objection to the present consideration of the bill.

Mr. CULLOM. I simply desire to have the bill go over until I can hear from the gentleman to whom I have referred, which will be in a day or two.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

ORDER OF BUSINESS.

Mr. CULLOM. I ask leave to call up House bill 3309, a pension bill.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 3309) to pension Ambrose Giseburt.

Mr. MANDERSON. I suggest to the Senator from Illinois and to his colleague, the chairman of the Committee on Pensions, that this would be a very opportune time to take up the pension bills in their order on the Calendar. I should be very glad to have that course pursued, and that would dispose of the case for which the Senator from Illinois [Mr. CULLOM] asks present consideration.

Mr. CULLOM. Let us dispose of this case, and then the Senate can proceed with the order indicated by the Senator from Nebraska.

Mr. MANDERSON. I shall not object to the Senator's bill.

Mr. PALMER. I ask the Senate to proceed to the consideration of the private pension bills on the Calendar.

Mr. CULLOM. I should like to have the bill considered that I have called up. It is a pension bill.

Mr. GORMAN. I understand, and I have been informed by Senators who were here when the Senate adjourned last night, that at the suggestion of the Senator from Tennessee [Mr. HAR-

RIS], the Senate adjourned to meet to-day for the purpose of considering the conference report on the river and harbor bill, with the understanding on the part of quite a number of Senators that no other business should be transacted to-day. I suggest that there is no objection to the consideration of the pension bills, and that unanimous consent be given to go through with those on the Calendar, and that then the Senate should adjourn.

Mr. CULLOM. If there is any opposition to the bill I desire to have considered, of course I will withdraw the request.

Mr. CHANDLER. I wish to make a suggestion to the Senator from Maryland. The senior Senator from New York [Mr. HILL] intends to move that the Senate take up a bill submitted by the Secretary of the Treasury excluding anarchists from admission to this country, which has been under consideration by the Committee on Immigration. I can not conceive that any absent Senator would object to the consideration of that bill, and I trust that the attempt will not be made to limit the proceedings of to-day's session.

As the Senator from Maryland is aware, we have been here a very long time, and it is desirable, as we are detained here in this hot weather, that if there is any public business to be done, it shall be transacted. I hope the Senator from Maryland will not, as one of the leaders of the majority in the Senate, undertake to prevent the Senate from proceeding to do all the business upon the transaction of which other leaders on his side are inclined to enter.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill called up by the Senator from Illinois [Mr. CULLOM]?

Mr. SHERMAN. I have no objection to the bill, but I think it is fairer and better to take up the pension cases reported and on the Calendar. It can not be subject to objection. The Senator from Illinois calls up one bill, when there are a great many pension cases before it on the Calendar, just as meritorious. I hope the Senator from Illinois will assent to that agreement.

Mr. GORMAN. I trust the Senator from Illinois will agree to that course and let us take up all the pension cases on the Calendar.

Mr. CULLOM. I have no objection, if the Senate will go through the list.

Mr. SHERMAN. We can do it in a half hour.

Mr. GORMAN. I ask unanimous consent that the Senate proceed to the consideration of the pension bills on the Calendar.

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent that the Senate proceed to the consideration of unobjected pension cases on the Calendar.

Mr. HILL. I ask how many pension cases there are?

Mr. SHERMAN. If the Senate will devote an hour or three-quarters of an hour to their consideration they will all be out of the way.

Mr. HILL. I have no objection that an hour be given for that purpose. I wish then to move to take up the bill to which the Senator from New Hampshire has referred.

Mr. HOAR. What bill is that?

Mr. HILL. It is a bill in relation to anarchists, reported from the Committee on Immigration.

Mr. PALMER. I desire to enlarge my motion so as to include bills reported from the Committee on Military Affairs to correct military records. It will not take an hour, I am sure, to dispose of all the pension bills and these private military bills on the Calendar.

Mr. MANDERSON. The latter are practically bills of the same character.

The PRESIDING OFFICER. Is there objection to the request as modified by the Senator from Illinois?

Mr. HILL. What is the request?

The PRESIDING OFFICER. The request of the Senator from Illinois is that unobjected pension bills on the Calendar and bills to correct military records be taken up for present consideration.

Mr. HILL. I have no objection to the next hour being given to that purpose, if it be limited to that length of time.

Mr. GORMAN. Until 2 o'clock.

Mr. HILL. All right.

Mr. ALLEN. I desire to ask whether the morning business has been concluded. I have not heard the call for the consideration of resolutions coming over from a previous day.

The PRESIDING OFFICER. The present occupant of the chair is scarcely able to answer the question of the Senator from Nebraska, having been invited to the chair after other than routine business had been transacted.

Mr. ALLEN. My recollection is that after the order of introduction of bills and resolutions was reached various bills were called up and considered, and that the regular morning business has not been concluded. While I do not desire to interfere with the consideration of pension bills I should like to have the routine business concluded.

The PRESIDING OFFICER. In answer to the interrogatory of the Senator from Nebraska, the present occupant of the chair will state that he is informed that morning business has not closed.

Mr. ALLEN. Then I shall object to the order suggested for a sufficient length of time to have the morning business concluded.

Mr. HOAR. There was a very general disposition in the Senate last night to adjourn until Monday, and I think that motion would undoubtedly have been carried but for the unanimous-consent agreement that the Senate should meet to-day for the purpose of considering the conference report on the river and harbor bill. Consent was given that that should be taken up immediately after the reading of the Journal, to the exclusion of the morning business and all other matters. I understand that for some good reason the conference report has been withdrawn, but I do not think the Senate ought, after that unanimous-consent agreement, to spend the entire day here on all sorts of miscellaneous business. I have no objection to taking up the pension measures, of which I am in favor, and I have no objection to the Senate taking up the measure which the Senator from New York has in charge, but after that business is disposed of I think the Senate ought to carry out the understanding and adjourn.

Mr. GORMAN. That is right.

Mr. HOAR. I shall move an adjournment after the Senator from New York gets through, if nobody else does.

Mr. GORMAN. That is right.

Mr. CHANDLER. The Senator from Massachusetts will allow me to say that I think he is mistaken in assuming that there was any such understanding. The language of the Senator from Tennessee [Mr. HARRIS] which governs this case was as follows:

> I think the understanding is that we meet to-morrow especially to consider this matter. When it is considered, then the Senate can determine what further order it will make.

This excludes the idea that there was any understanding that no other business would be transacted to-day.

Mr. HOAR. I will use the phrase "general expectation." I for one should not have assented to the proposition that the conference report on the river and harbor bill should be taken up immediately after the reading of the Journal if I had not expected that when it was over the Senate would adjourn. I do not wish to interfere with any Senator's desire——

Mr. HILL. If I had supposed that that was all the business to be done to-day, I certainly should have objected. I carefully noted the fact that other business could be done if the Senate wanted to do it. I am disposed to stay here; we have nothing else to do; it is the most pleasant day we have had in the week, and if we are going to adjourn finally sometime during the summer or fall we must get through with business. As we are here to-day, let us go ahead and dispose of unobjectionable bills.

Mr. HOAR. I will say to the Senator from New York that all I have given notice of is that I shall move that the Senate adjourn after the bill he has in charge has been disposed of.

Mr. CULLOM. If we could proceed with the pension bills we would get them out of the way in the time that is being consumed by this talk. I move that the Senate proceed to the consideration of unobjected pension cases.

The VICE-PRESIDENT. The Chair desires to know whether any Senator has interposed an objection to that course.

Mr. MANDERSON. Unanimous consent has been asked that pension bills and bills removing charges of desertion or correcting military records may be taken up in their order on the Calendar.

The VICE-PRESIDENT. Is there objection?

Mr. HILL. I desire to limit it to the next hour.

Mr. MANDERSON. All right; for one hour.

Mr. HILL. With that limitation I make no objection.

Mr. PALMER. I accept the modification.

The VICE-PRESIDENT. As modified, the Chair hears no objection to the request.

Mr. GEORGE. What is the request?

Mr. PUGH. One hour for pension bills.

Mr. GEORGE. I have a little bill on the Calendar which I should like to have taken up. I know the Senate will pass it as soon as it is read.

The VICE-PRESIDENT. The Senator from Mississippi asks unanimous consent for the present consideration of a bill which will be read for information.

Mr. SHERMAN. I hope that the hour rule will be adhered to, and that the pension cases will be proceeded with.

Mr. PALMER. Allow me to say to the Senator from Mississippi that in an hour we can get through with these bills.

Mr. GEORGE. The bill for which I ask present considera-

tion is the bill (H. R. 3130) to repeal in part and to limit section 3480 of the Revised Statutes of the United States.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Mississippi?

Mr. SHERMAN. I understand the Senate has already agreed to devote one hour to pension bills and to private bills from the Committee on Military Affairs.

Mr. GEORGE. Let me get this bill through first, and then we can go on with the others.

Mr. SHERMAN. Oh, no; let it come afterwards. I do not think the Senator should stand in the way of matters in which we are all interested.

Mr. GEORGE. This is a pension matter in a sense. It relates to bounty land warrants.

Mr. SHERMAN. Then it will be reached in its order. I insist upon proceeding regularly.

The VICE-PRESIDENT. There is objection to the request of the Senator from Mississippi.

Mr. ALLEN. I rose for the purpose of objecting to any other business until the morning business is closed.

Mr. PALMER. May I ask the Senator from Nebraska a question? Do I understand that there is objection to my request that an hour shall be devoted to the consideration of these bills?

Mr. ALLEN. Not at all, but I think the morning business can be concluded in twenty minutes, and then all the rest of the morning hour can be devoted to the consideration of the pension bills.

Mr. PALMER. Of course if there is objection, I can say no more.

The VICE-PRESIDENT. Does the Chair understand the Senator from Nebraska to object to the request to proceed with the pension bills?

Mr. ALLEN. I do, until the morning business is concluded.

The VICE-PRESIDENT. There is objection.

Mr. ALLEN. Now, let my resolution, which comes over as a part of the morning business, be laid before the Senate.

PROPOSED ISSUE OF TREASURY NOTES.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from Nebraska [Mr. ALLEN], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution proposing to discharge the Committee on Finance from the further consideration of the bill (S. 2264) for the relief of the several States of the Union, and for other purposes.

Mr. ALLEN. A few days ago I introduced Senate bill 2264, which was referred to the Committee on Finance. Assuming that the committee has had no opportunity——

Mr. GORMAN. Will the Senator from Nebraska permit me to interrupt him?

Mr. ALLEN. Certainly.

Mr. GORMAN. As stated by the Senator from Massachusetts [Mr. HOAR], and as I stated also, the understanding of quite a number of Senators was that no business should be transacted to-day except to consider the conference report on the river and harbor bill. Under the circumstances, in view of the important public matter that is in conference, no member of the Finance Committee from this side of the Chamber can be here to-day, I ask the Senator from Nebraska to permit the resolution to go over with the understanding that it shall come up in its regular order on Monday.

Mr. ALLEN. That will be satisfactory. Any course will be satisfactory so that the resolution does not lose its place.

Mr. GORMAN. Let the resolution go over, with the understanding that it shall not be placed on the Calendar but shall come up on Monday.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

CONSIDERATION OF PRIVATE BILLS.

Mr. GORMAN. I trust the pension bills and those from the Committee on Military Affairs may be considered for an hour, and after the Senator from New York [Mr. HILL] calls up the bill to which he has referred I shall move that the Senate adjourn, because I know that Senators on this side are compelled to be away from the Chamber.

Mr. MANDERSON. That is right; now let us proceed.

Mr. PALMER. I renew my request.

The VICE-PRESIDENT. The Senator from Illinois asks unanimous consent that for one hour the Senate shall consider pension bills and bills to correct military records which are not objected to. Is there objection? The Chair hears none, and the first bill on the Calendar under the order will be proceeded with.

ELIZABETH VOSS.

The bill (H. R. 855) to amend an act granting a pension to Elizabeth Voss was announced as the first pension bill on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the act approved March 3, 1883, entitled "An act granting a pension to Elizabeth Voss," so as to read:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Voss, formerly the widow of Jacob Mann, late of Company A, Sixteenth Regiment Iowa Infantry, to take effect from date of said former act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M'CONNELL.

The bill (S. 857) to correct the military record of James McConnell was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments: In line 3, after the words "Secretary of," to strike out "the Interior" and insert "War;" and in line 7, after the word "discharge," to insert the following proviso:

Provided, That no pay, bounty, or emolument shall become due or pension granted by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of James McConnell, late private in Company B, Fifth Regiment Connecticut Infantry, and grant him an honorable discharge: *Provided*, That no pay, bounty, or emolument shall become due or pension granted by virtue of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to remove the charge of desertion from the military record of James McConnell, late private in Company B, Fifth Regiment Connecticut Infantry."

HENRY LANE.

The bill (S. 1233) for the relief of Henry Lane was considered as in Committee of the Whole. It proposes to set aside the special orders of the War Department dismissing from the service Henry Lane, late first lieutenant Company F, Thirtieth Regiment New Jersey Volunteers, to date March 1, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT LOCKE, ALIAS SHIPLEY.

The bill (S. 837) for the relief of Albert Locke, alias Shipley, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment in line 8, after the word "service" to insert "as of date November 15, 1862;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion now standing against Albert Locke, alias Shipley, late of Company D, Nineteenth Massachusetts Infantry, on the records and rolls of the War Department, and to grant and issue to said Locke, alias Shipley, an honorable discharge from said service, as of date November 15, 1862.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. BARNES.

The bill (S. 1857) granting an honorable discharge to William B. Barnes was considered as in Committee of the Whole. It proposes to issue an honorable discharge to William B. Barnes, late major of the Eleventh New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JEREMIAH L. DALY.

The bill (S. 473) to remove the charge of desertion from the military record of Jeremiah L. Daly was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "by," to strike out "removing the charge of desertion standing against his name and," and to insert:

Notwithstanding the sentence of the court-martial promulgated November 5, 1863, said discharge to bear the date of November 5, 1863.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to correct the military record of Jeremiah L. Daly, late private of Company E, Ninth Connecticut Regiment, United States Volunteers, by granting him an honorable discharge from his said service, notwithstanding the sentence of the court-martial promulgated November 5, 1863, said discharge to bear the date of November 5, 1863.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to grant an honorable discharge to Jeremiah L. Daly."

MARY DOUBLEDAY.

The bill (S. 1956) granting an increase of pension to Mary Doubleday, widow of Bvt. Maj. Gen. Abner Doubleday, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Doubleday, widow of Maj. Gen. Abner Doubleday, and to pay her a pension of $100 per month in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JEREMIAH F. BROWN.

The bill (S. 1375) to remove the charge of desertion from the military record of Jeremiah F. Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments: In line 5, after the word "Brown," to insert "named upon the rolls as Franklin Brown;" and in line 8, after the word "discharge," to insert "to date October 3, 1862;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against the military record of Jeremiah F. Brown, named upon the rolls as Franklin Brown, late of Company F, Fifty-eighth Indiana Infantry, and grant to said Jeremiah F. Brown an honorable discharge, to date October 3, 1862.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to remove the charge of desertion from the military record of Jeremiah F. Brown, alias Franklin Brown."

GEORGE L. FRYMIRE.

The bill (H. R. 3076) granting a pension to George L. Frymire was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George L. Frymire, a permanently helpless son of William C. Frymire, late a member of Company B, Fifty-sixth Regiment Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. JACK.

The bill (H. R. 3032) to remove the charge of desertion from the record of John A. Jack was considered as in Committee of the Whole. It proposes to remove from the record of John A. Jack, late of Company I, One hundred and twenty-eighth Regiment Illinois Volunteers, any charge of desertion that may exist against him as a private in that company, and issue to him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. MADISON CUTTS.

The bill (S. 399) for the relief of Bvt. Lieut. Col. J. Madison Cutts was read.

Mr. HAWLEY. I am more or less familiar with this case. Was Col. Cutts a captain in the regular Army?

Mr. PALMER. I think he was.

Mr. HAWLEY. The rule adopted by the committee in restoring men, as the Senator from Illinois is well aware, has been to restore them to the precise rank they held when they left the Army.

Mr. PALMER. I will consent that the bill may be passed over for the present.

Mr. HAWLEY. I am not objecting to the bill, but I want to keep up the custom, which was adopted on mature consideration by the Committee on Military Affairs.

Mr. PALMER. I hope to get the attention of the Senate to the bill, when I shall be prepared to explain it more fully.

The VICE-PRESIDENT. The bill will be passed over at the request of the Senator from Illinois.

ELIZABETH ELLERY.

The bill (S. 1935) granting a pension to Elizabeth Ellery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Ellery, widow of Frank Ellery, late commodore United States Navy, at the rate of $20 per month, in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN ECKLAND.

The bill (S. 1584) granting a pension to John Eckland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "roll," to strike out "subject to the provisions and limitations of the pension laws," and insert "at the rate of $30 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $30 per month, the name of John Eckland, late a Government laborer in the quartermaster's department of the army of Gen. Thomas, who has become totally blind from an injury received while unloading a Government vessel with supplies, said injury being due to the unsafe and slippery condition of the gangway.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. LUCINDA C. WHEELER.

The bill (H. R. 1463) granting a pension to Mrs. Lucinda C. Wheeler, widow of John H. Wheeler, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Lucinda C. Wheeler, widow of John H. Wheeler, late private in Company L, Seventh Regiment Tennessee Cavalry, in the war of 1861, and to grant her a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES LANE.

The bill (H. R. 3065) to increase the pension of James Lane was considered as in Committee of the Whole. It proposes to increase the pension of James Lane, late a member of Company I, Third Regiment of Illinois Volunteers, in the war of the United States with Mexico, from $12 to $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMANDA J. LANE.

The bill (H. R. 3033) granting a pension to Amanda J. Lane was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "roll," to strike out "subject to the provisions and limitation of the pension laws" and insert "at the rate of $10 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, at the rate of $10 per month, the name of Amanda J. Lane, dependent and permanently helpless sister of John M. Lane, late a member of Company F, One hundred and thirty-first Regiment Illinois Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN SCOTT.

The bill (H. R. 1313) to increase the pension of John Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Scott, late a sergeant in Company A, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension at the rate of $50 per month for total disability (amputation) of left leg and gunshot wound of right leg, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE WHITTAKER.

The bill (S. 1229) to correct the military record of George Whittaker, late a private of Company C, Twelfth New Jersey Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY P. BROUGHTON.

The bill (H. R. 953) to increase the pension of Mary P. Broughton was considered as in Committee of the Whole. It proposes to increase the pension of Mary P. Broughton by allowing her a rate of $2 per month in addition to her present rate as widow of Wilbur F. Broughton, late of Company I, One hundred and twelfth Illinois Infantry, the increase being on account of Allie Dill Broughton, the permanently helpless daughter of the above-named soldier.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMBROSE GISEBURT.

The bill (H. R. 3309) to pension Ambrose Giseburt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ambrose Giseburt, of Company K, Thirty-third Regiment of Enrolled Missouri Militia, at a rate proportionate to the degree of disability from injury to right hip and right shoulder, the injury to be shown to the satisfaction of the Pension Bureau to have been incurred in an engagement with armed enemies of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. F. NEELY.

The bill (H. R. 6206) granting a pension to A. F. Neely was considered as in Committee of the Whole. It proposes to place on the pension roll the name of A. F. Neely, late private Company B, Second Kansas Militia, who was wounded in the right thigh at the battle of the Blue, to be paid a pension proportionate to the degree of his disability from gunshot wounds of right thigh, incurred in that engagement, and disabilities resulting therefrom.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOEL A. WALTERS.

The bill (H. R. 3840) to pension Joel A. Walters was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Joel A. Walters, of unsound mind, and son of James E. Walters, late a private in Company C, Fifty-ninth Regiment Indiana Volunteers, the pension to be paid his lawfully appointed guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH ODDY.

The bill (H. R. 5374) granting a pension to Sarah Oddy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Oddy, of Eldorado, Butler County, Kans., widow of William Oddy, deceased, late of First Battery Colorado Volunteer Light Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA BEWS.

The bill (H. R. 3992) to increase the pension of Julia Bews was considered as in Committee of the Whole. It proposes to increase the pension of Julia Bews by allowing a rate of $2 per month in addition to her present rate as widow of Alexander Bews, late of Company A, Sixteenth Regiment New York Volunteers, and Company H, Eighty-third Regiment New York Volunteers, the increase being on account of Margaret Bews, the permanently helpless daughter of the above-named soldier.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA HOLMES.

The bill (H. R. 1717) granting a pension to Eliza Holmes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza Holmes, widow of John Holmes, deceased, late of Company A, Seventy-ninth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN STOCKWELL.

The bill (H. R. 856) granting an increase of pension to John Stockwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Stockwell, late of Company K, of the Seventy-sixth Illinois Volunteer Infantry, at the rate of $36 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK KELLEHER

The bill (H. R. 6405) to remove the charge of desertion standing against Patrick Kelleher, late private Company C, Thirty-eighth Illinois Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY C. SEAMAN.

The bill (S. 1189) for the relief of Capt. Henry C. Seaman was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to add the following proviso:

Provided, That no pay or emoluments shall be due said soldier by reason of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and is hereby, directed to remove the charge of absence without leave and desertion standing on the rolls of the Adjutant-General's Office against Capt. Henry C. Seaman, late of Company D, Fifth Kansas Cavalry Volunteers, and set aside the order of dismissal and accept his resignation as of the date of July 7, 1863, and issue to him an honorable discharge of that date: *Provided*, That no pay or emoluments shall be due said soldier by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

L. S. WOODWORTH.

The bill (S. 1675) to remove the charge of a dishonorable dismissal, after the battle of Stone River, standing against the name of L. S. Woodworth, to correct the record and issue him an honorable discharge, was considered as in Committee of the Whole.

Mr. PALMER. I move to correct the name in line 6, so as to read "Seth L. Woodworth."

The amendment was agreed to.

Mr. PALMER. I move to further amend the bill by adding at the end the following proviso:

Provided, That no pay or emoluments shall be due said soldier by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to remove the charge of a dishonorable dismissal, after the battle of Stone River, standing against the name of Seth S. Woodworth, to correct the record and issue him an honorable discharge."

HARRIET R. TATE.

The bill (H. R. 6213) to pension Harriet R. Tate was considered as in Committee of the Whole. It proposes to place on the pension roll at $12 per month the name of Harriet R. Tate, widow of William S. Tate, late a private in Company L, Thirteenth Regiment Indiana Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ANN DONOGHUE.

The bill (H. R. 5816) granting a pension to Mary Ann Donoghue was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Ann Donoghue, widow of Timothy Donoghue, late of Company F, Fourth Regiment United States Infantry, and allow her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WARREN ALONZO ALDEN.

The bill (H. R. 2108) to perfect the military record of Warren Alonzo Alden was considered as in Committee of the Whole. It proposes to enter the name of Warren Alonzo Alden upon the roll of Company H, of the Ninety-second Ohio Volunteer Infantry, with a statement of the fact that he faithfully served the United States in that organization, commencing August 15, 1862, and continuing until January 5, 1863.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADA J. SCHWATKA.

The bill (S. 2056) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka, was considered as in Committee of the Whole.

The bill was reporetd from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Ada J. Schwatka, widow of the late Frederick Schwatka, late first lieutenant, Third Cavalry, United States Army, at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. MURRAY.

The bill (S. 1692) granting a pension to William J. Murray was considered as in Committee of the Whole. It proposes to

place on the pension roll the name of William J. Murray, who served in the Department of the Gulf in the telegraph department in 1862 and in the Red River campaign in 1864, and to pay him a pension of $25 per month, he having become totally blind by reason of said service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. E. M. IVES.

The bill (H. R. 2133) to correct the military record of Capt. E. M. Ives was considered as in Committee of the Whole. It proposes to amend the record of Capt. Ed. M. Ives, late of Company A, Forty-second United States Colored Infantry, so as to state that his resignation was accepted January 1, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH NEW.

Mr. GALLINGER. I reported favorably two pensions bills this morning, and as there will be no objection to them, I ask that they be now considered.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

The bill (S. 2275) granting a pension to Elizabeth New, widow of Jethrow New, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth New, widow of Jethrow New, late captain of Company D, Twenty-ninth Indiana.

Mr. TURPIE. After the word "Indiana," at the end of line 7, I move to insert the words "Volunteer Infantry, of the war of 1861."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY TRIMBLE.

The bill (H. R. 4811) to pension Mary Trimble was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Mary Trimble, the permanently helpless daughter of Benjamin Trimble, jr., late a private in Nevins' Independent Battery, Light Artillery, Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUBPORT OF ENTRY AT OAKLAND, CAL.

Mr. PERKINS. The hour set apart for the consideration of pension bills not being exhausted, I ask unanimous consent for the present consideration of the bill (H. R. 7187) to make the city of Oakland, county of Alameda, State of California, a subport of entry.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF WALTER S. M'LEOD.

Mr. WASHBURN. I ask unanimous consent for the present consideration of the bill (H. R. 6384) for the relief of Walter S. McLeod.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to adjust and audit the account of Walter S. McLeod, late farmer and special disbursing agent of the Medawakanton band of Sioux in Minnesota, and remove the suspensions in his account, by the Second Comptroller of the Treasury, on account of expenditures made by him, not to exceed $1,556.66, disbursed subsequent to June 30, 1887, when the money appropriated by act of Congress May 15, 1886, was no longer legally disbursable, provided it shall appear to the satisfaction of the Secretary of the Treasury that the money was expended in purchasing goods for the Indians, and that they received the benefits thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the estate of Walter S. McLeod."

GEORGE H. PLANT.

Mr. PASCO. I ask unanimous consent for the present consideration of the bill (S. 429) for the relief of George H. Plant, of the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "six" and insert "five;" in the same line after the word "thousand," to strike out "seven" and insert "two;" and at the end of line 11, after the words "Potomac River" to insert "and to be received by him in full satisfaction of all claims and demands in consequence of the said collision;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to George H. Plant, of the District of Columbia, out of any money in the Treasury not otherwise appropriated, the sum of $5,216.85, the same being the amount found to be due to him by the Court of Claims for losses and damages sustained by him by reason of a collision between the United States steamship Gettysburg and the steamboat Lady of the Lake, on the Potomac River, and to be received by him in full satisfaction of all claims and demands in consequence of the said collision.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN ALFORD.

Mr. PASCO. There is a small bill on the Calendar, which comes from the House of Representatives, the consideration of which will take but a minute. I ask that it may be now considered. It is the bill (H. R. 522) for the relief of Benjamin Alford.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Benjamin Alford $79.20.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. D. MACK.

Mr. MANDERSON. I ask the unanimous consent of the Senate for the present consideration of the joint resolution (S. R. 68) for the relief of W. D. Mack, a clerk in the Record and Pension Division of the War Department.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to exempt William D. Mack, a clerk in the Record and Pension Office, and a veteran of the late war, who lost both feet in a railroad accident while returning from the anniversary ceremonies of the battle of Gettysburg, on July 4 last, from the operation of so much of the act approved March 3, 1893, making appropriations for legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1894, as limits the amount of sick leave with pay that may be granted by heads of Departments, and authorizes the Secretary of War to pay him such portion of his salary as has been withheld from September 11 to October 14 (thirty-four days) on account of injuries so received.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RESTRICTION OF IMMIGRATION.

Mr. HILL. I ask unanimous consent for the present consideration of the bill (H. R. 5246) providing for the inspection of immigrants by United States consuls.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Immigration, with an amendment to strike out all after the enacting clause and insert:

That no alien anarchist shall hereafter be permitted to land at any port of the United States, or be admitted into the United States, but this shall not be construed as to political refugees or political offenders.

SEC. 2. That at the hearing of aliens charged with being anarchists the board of special inquiry shall diligently inquire of the accused, by pertinent questions, as to his antecedents, political opinions, whether he belongs to any society or association of known anarchistic tendencies, and he may examine the person for marks indicative of such membership; he may accept evidence of the immigrant's common reputation as an anarchist, and the orders, degrees, or judgments of foreign governments and police notifications as prima facie evidence, which shall be sufficient, unless successfully controverted, to sustain an order of deportation. The Secretary of the Treasury is hereby authorized, in case he shall be satisfied that an alien has been allowed to land, or has come into the United States, contrary to the immigration laws, to issue a warrant and cause such alien to be taken into custody and returned to the country whence he came, at the expense of the importing vessel, or if he entered from an adjoining country, of which he is not a citizen, then to the country of his nativity, at the expense of the United States. In such cases the Secretary may authorize any immigration official to summon witnesses, administer oaths, and take testimony, to be submitted to him, and inspectors of immigration may execute such process and make arrests and convey to port of departure all such persons ordered deported.

SEC. 3. That in cases where, upon the trial and conviction of any foreign-born and unnaturalized person of any crime or misdemeanor in any United States court, or court of record of any State or Territory or the District of Columbia, the presiding judge shall certify that from the evidence produced at the trial he is satisfied that such alien is an anarchist, or that he is not attached to the principles of the Constitution of the United States and well disposed to the peace and good order of the same, and that his remaining in this country will be a menace to the Government, or to the peace and well being of society in general, such convict, in addition to other punishments adjudged, shall be taken before a commissioner of immigration, at a port of entry, who shall order his deportation, at the expense of the United States, to the country from which he came. Should he return to the United States he shall be arrested and sentenced to confinement in

the penitentiary for a period not exceeding four years and afterwards again deported.

SEC. 4. That the Secretary of the Treasury shall appoint at such foreign ports of departure as he may deem necessary an immigrant inspector, at a salary not exceeding $2,500 per annum, whose duty it shall be, under such rules and regulations as the Secretary of the Treasury may from time to time prescribe, to inspect passengers embarking for the United States; he shall have power to erase from the list or manifest of passengers required by section 1 of the act of 1903 the name of any immigrant who he is satisfied should not be permitted to land in this country, and may forbid the transportation of any person belonging to the excluded classes in the first or second cabin or in any part of any vessel; he shall transmit a written report of his proceedings, and give information as to all suspected persons whose landing in the United States should be specially investigated, with the reasons therefor, and shall warn and admonish the master or the officer in command of the departing vessel as to the character of any intended immigrant if objectionable or undesirable. This report shall be signed by the inspector and delivered by him, inclosed under seal, to the master or officer in command of the vessel, who shall deliver the same to the immigration officer at the port of arrival, in the same manner as said manifests or lists of alien immigrants are required to be delivered, under a penalty of $500 in case of failure of said master or officer in command so to do; and should the master or officer in command of said vessel embark any objectionable or undesirable immigrant, after notice of said inspector not to do so, he shall pay a penalty of $100 in each case, which shall be paid within twenty-four hours after arrival and be a lien on the vessel bringing said passenger. Said inspectors shall also diligently inquire and inform themselves as to the character of intended immigrants, whether criminals, anarchists, insane, paupers, or diseased persons, availing themselves of police records, decrees of expulsion, and any and every source of information useful and obtainable, so as to enable them to arrive at correct conclusions, and shall execute such other duties as the Secretary of the Treasury may impose. And for the purpose of enforcing this law and paying the salaries of these inspectors the sum of $60,000 is hereby appropriated.

SEC. 5. That the fact that an immigrant has declared his intention to become a citizen of the United States shall constitute no bar to proceedings against him under this act or under the acts to which it is an amendment.

Mr. PEFFER. Mr. President, this is an exceedingly important measure, and it appears from the preliminary matter on page 1 that it was reported to the Senate but yesterday. I did not know until a few moments ago that such a bill was pending. I think that it involves too many considerations of grave importance to be considered without the presence of a full Senate. I do not intend to suggest the absence of a quorum, but I do ask that the bill may be laid over until we can have a little more time to look into it.

Mr. CHANDLER. I suggest to the Senator, if he has no objection, that the discussion go on, if there is to be discussion of the bill, and meantime he can consider its provisions and possibly it may meet so completely his own ideas that he will wish to have it passed to-day. If not, of course the bill can go over.

Mr. PEFFER. I am satisfied that there are a number of members of this body who would like to be consulted and to be present when the bill is considered. I myself should like a little more time to consider it.

The VICE-PRESIDENT. Does the Senator from Kansas object to the present consideration of the bill?

Mr. PEFFER. I object to the present consideration of the bill if it is subject to objection.

Mr. HILL. What is the objection?

Mr. PLATT. I thought the bill had been taken up by a vote of the Senate.

Mr. LODGE. There was a unanimous agreement to take up the bill for consideration.

Mr. HILL. No objection was made to its consideration.

Mr. PLATT. I thought it had been taken up by a vote of the Senate.

Mr. HILL. Let me say to the Senator from Kansas that I do not think there will be a disposition to press a vote upon the bill to-day. I think it might as well be proceeded with and be considered for a while, and then we shall probably adjourn, leaving the bill the unfinished business.

Mr. PEFFER. I have no objection to that; but I give Senators notice that, if a vote is insisted upon, I shall call attention to the absence of a quorum.

Mr. CHANDLER. What is the question before the Senate, Mr. President?

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole, and the question is on agreeing to the amendment reported by the Committee on Immigration, which has been read.

Mr. CHANDLER. Mr. President, the situation of this bill and the proposed amendment is this: The bill on the 20th of July passed the House of Representatives. It is absolutely simple in its provisions. It requires that every alien immigrant coming to this country to make his permanent home here shall procure from the consul nearest to his place of residence a certificate showing that he is entitled to come into the United States under existing law; and it provides that regulations for the enforcement of this requirement shall be made by the Secretary of State. In other words, the bill nominally provides for a system of compulsory consular certificates. It does not, however, provide any penalty if an immigrant does not have such a certificate; it does not even say that he shall be excluded from entering and remaining in the country. If he does not procure the certificate which the law says he shall bring, then the question whether or not he can enter depends as before, upon the provisions of now existing law.

He may be admitted or he may not be admitted according to the present law. So the bill as it has come from the House is the mildest possible requirement of consular certificates from immigrants seeking to enter this country.

In nearly every bill which has been introduced into Congress during recent years there has been inserted in some form a provision for a consular certificate such as is contemplated by this bill as it comes from the House, but never until this time has such a law passed either House. I am in favor of the passage of the bill in its present form without delay.

If I could have my own way and have that done which I believe to be for the true interests of the country, I should have this bill pass the Senate to-day and sent to the President for his signature. But the Secretary of State, the Secretary of the Treasury, and the officials of the Government engaged in administering the present immigration laws, I believe without exception, oppose the passage of the bill as it comes to the Senate from the House.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, and there being no unfinished business, the Calendar under Rule IX is in order.

Mr. HILL. I move that the Senate proceed with the consideration of the bill.

The motion was agreed to.

Mr. HALE. Does the Senator from New Hampshire prefer to go on to-day?

Mr. CHANDLER. Yes; I prefer to go on to-day and make a brief statement.

A few days ago there appeared before the Senate committee in opposition to the bill representatives of the various steamship companies which bring immigrants into the United States. So we have arrayed against the passage of the House proposition the steamship companies, and we have also the Secretary of State, the Secretary of the Treasury, and the National Superintendent of Immigration. Moreover, the Secretary of the Treasury antagonizes the demand for consular certificates with a counter proposition of his own, which is section 4 of the substitute reported by the committee.

This opposition plan is a provision that the Secretary of the Treasury may appoint immigrant inspectors at such foreign ports of departure as he may deem necessary, and his scheme contemplates the examination of all the immigrants by those Treasury inspectors upon the docks of the steamship companies in the ports of departure of the immigrants, in order in each case that the inspector may form an opinion as to the right of the immigrant to enter the United States. If the immigration inspector believes that an immigrant has the right to come he may make a report to that effect. If he believes the immigrant ought not to come he can forbid the steamship company from bringing him here. Here, then, are the two conflicting plans, the one a requirement of consular certificates to be issued by our consuls abroad to persons intending to immigrate to the United States, the other a proposition for Treasury officials upon the docks of the steamship companies abroad.

Mr. President, I am not only in favor of the House bill as it stands, providing for consular certificates, but I am, as at present advised, opposed to any system of Treasury inspectors upon the steamship docks in foreign countries. I shall not now enlarge upon my reasons for opposing the appointment of Treasury inspectors to act in foreign ports. For my present purpose I simply present to the Senate the two opposing plans, which are now before us upon the report of the committee.

Mr. PLATT. I ask the Senator from New Hampshire whether we have any right to appoint an official of the Treasury Department to go abroad and perform such duty on the wharf of a steamship company? Would such an official have any right to be there if he were simply an appointee of our Treasury Department?

Mr. CHANDLER. It is entirely clear that the Treasury Department can not appoint officers to perform any such function as that contemplated by the Department bill, without the consent of the foreign governments, which they would never give unless the Treasury officials were made a part of the consular system of the United States. That difficulty could perhaps be obviated by making the officials who might be sent abroad in pursuance of this provision, if it should become a law, officers in the consular service. That is a matter of detail. But the difficulty stated by the Senator from Connecticut is one objection to the passage of this clause as it has been submitted by the Secretary of the Treasury.

There are, as I have said, other objections which I shall not now recite, but I call careful attention to the antagonism that

exists between the advocates of the House bill and all the present officials of the State and Treasury Departments.

Mr. President, under these conditions I realize that at this late period of the session it will be impossible to pass either the House bill for consular certificates or the provision for Treasury inspectors abroad, which the Secretary of the Treasury has proposed, and which by a pro forma vote of the Committee on Immigration has been reported as a substitute for the House bill. Therefore I submit to the chairman of the Committee on Immigration an important suggestion as to what I think ought to be done and may be done at this time.

Mr. PLATT. May I ask the Senator from New Hampshire one more question?

Mr. CHANDLER. Certainly.

Mr. PLATT. The Senator from New Hampshire suggested that perhaps the difficulty to which I have alluded might be removed by making the officers of the Treasury Department, who are proposed to be sent abroad to enforce the law in foreign countries, also officers of the State Department, or have them in some way connected with the consular or diplomatic service abroad. I do not exactly see how an officer of the Treasury Department can, even by law, be made a diplomatic or consular officer. It seems to me he must be one or the other. He must be a consular or diplomatic official, appointed by the State Department, or he must be a Treasury agent. I do not see how he can be both. Does the Senator from New Hampshire see how he can be both?

Mr. CHANDLER. I must confess that I see great difficulty in enabling Treasury officials to become a part of the consular service, but doubtless the Senator from New York, the chairman of the committee, who is in favor of this proposition, will be able to enlighten the Senator from Connecticut.

But even under present circumstances I make a practical proposition growing out of certain additional provisions of law which are recommended by the Secretary of the Treasury in his communication. The scheme for Treasury officials abroad is contained in section 4, but the Secretary also submits a proposed act, comprised in sections 1, 2, 3, and 5, for the exclusion from this country of anarchists and for the deportation of anarchists who have succeeded in gaining admission. I will read the first section of the bill which the Secretary of the Treasury transmits:

That no alien anarchist shall hereafter be permitted to land at any port of the United States, or be admitted into the United States; but this shall not be so construed as to apply to political refugees or political offenders.

Then follow sections 2, 3, and 5, which are designed to enforce the exclusion provided for in section 1.

These laws for the exclusion and deportation of anarchists have been drawn by the Secretary of the Treasury with great skill. I have read them with care and attention, and I believe that they are well chosen to accomplish an object which the Secretary of the Treasury, the Congress of the United States, and all the people of the United States wish to reach. I am confident there will be a unanimous assent on the part of the Senate to the adoption of these four provisions which the Secretary of the Treasury has submitted. They can be separated without difficulty from the fourth section, to which I make objection, which provides for the appointment of Treasury inspectors abroad, and they can be enacted into law, I do not doubt, by a unanimous vote of both Houses.

I think I have clearly stated the whole case now before the Senate. The Senator from New York, the chairman of the Committee on Immigration, is not prepared to assent to the passage of the House bill, and I am not willing to surrender the House bill. Certainly I am not ready to adopt in the place of the House bill the fourth section of the bill of the Secretary of the Treasury, and other Senators take the same position. So, in the present condition of Congress, neither of these provisions can become a law at this session.

I am willing, however, to advocate the passage of the four sections directed against anarchists, and I respectfully suggest to the chairman of the committee that these four sections alone be embodied in a new bill; and that this bill be now passed by the Senate and sent to the House, where I have no doubt it will be taken up without delay and enacted into a statute at the present time. Thus while we may not all agree upon a bill for consular certificates, while we may not all agree upon a bill for Treasury inspection of immigrants abroad, we all shall agree upon these carefully drawn provisions for the exclusion and deportation of anarchists, which I believe the whole people will welcome as a wise and judicious statute of Congress at this particular time.

Mr. HILL. Mr. President, I shall not reply to the Senator from New Hampshire [Mr. CHANDLER] this afternoon. I shall reserve what I have to say upon the subject until the bill shall be taken up on Monday next.

I move that the Senate proceed to the consideration of executive business.

Mr. CHANDLER. Will the Senator from New York withdraw that motion for one moment?

Mr. HILL. Certainly.

Mr. CHANDLER. I introduce a bill containing the four provisions, proposed to be enacted into law, submitted by the Secretary of the Treasury. I ask that the bill may be printed and go over until Monday, to be considered in connection with the House bill.

The bill (S. 2282) to amend the various acts relative to immigration, and to provide for the exclusion of alien anarchists, was read twice by its title.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The bill will go over, and be printed, as requested by the Senator from New Hampshire.

EXECUTIVE SESSION.

Mr. HILL. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened and (at 2 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, August 6, 1894, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 4, 1894.

POSTMASTERS.

Andrew J. Sibley, to be postmaster at Montpelier, in the county of Washington and State of Vermont.

W. A. Hopkins, to be postmaster at Eminence, in the county of Henry and State of Kentucky.

John M. Martin, to be postmaster at Ocala, in the county of Marion and State of Florida.

Jerome W. Pierce, to be postmaster at Springfield, in the county of Windsor and State of Vermont.

SENATE.

MONDAY, *August 6, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Saturday last; when, on motion of Mr. SHERMAN, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRECKINRIDGE of Kentucky, Mr. SAYERS, and Mr. CANNON of Illinois managers at the conference on the part of the House.

The message also announced that the House of Representatives requested the Senate to return to the House the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6518) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message further announced that the House of Representatives returned to the Senate, in compliance with its request, the bill (S. 2151) to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota, approved April 24, 1894.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6542) to change the lines between the eastern and western judicial districts of North Carolina and fixing time for holding courts in said eastern district.

The message further announced that the House had passed a bill (H. R. 7680) to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House

had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 868) for the relief of Charles B. Stivers;

A bill (H. R. 2582) to authorize the appointment of James William Abert to the retired list of the Army;

A bill (H. R. 2996) for the relief of Mrs. E. S. Luke, widow of John L. Luke, late a soldier in the Black Hawk war;

A bill (H. R. 3858) to pension Mrs. Eliza B. Peirce, widow of John Peirce, of New Bedford, Mass.;

A bill (H. R. 5371) for the relief of certain enlisted men of the Marine Corps;

A bill (H. R. 5481) making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1895, and for other purposes;

A bill (H. R. 6042) to authorize sale of lot 8, block 93, city of Hot Springs, by school directors thereof, and use of proceeds for school purposes;

A bill (H. R. 6921) for the relief of George B. Cosby;

A bill (H. R. 7419) for the construction of a military road from the city of El Paso to Fort Bliss, Tex.; and

A bill (H. R. 7494) disposing of four condemned cannon of the Navy.

DEFICIENCY APPROPRIATION BILL.

Mr. COCKRELL. I ask that the action of the House of Representatives on the deficiency appropriation bill be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. COCKRELL. I move that the Senate insist upon its amendments, and accede to the request of the House of Representatives for a conference thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. COCKRELL, Mr. BRICE, and Mr. HALE were appointed.

RIVER AND HARBOR BILL.

Mr. DOLPH. I move that the request of the House of Representatives for the return of the conference report on the river and harbor bill be granted.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of sundry citizens of Ohio, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. MARTIN presented a petition of sundry citizens of Miami, Ind. T., praying for the passage of the bill providing for the organization of the town of Miami, in the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented memorials of J. W. Hile and sundry other citizens of Kansas City; of W. P. White and sundry other citizens of Kansas City; of H. L. Wykoff and sundry other citizens of Axtelle; of A. J. Irwin and sundry other citizens of Hutchinson; of M. O. Webb and sundry other citizens of Ossawatomie; and of Izri Hall and sundry other citizens of Larned, all in the State of Kansas, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. DOLPH presented a memorial of sundry citizens of Portland, Oregon, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. PERKINS presented a memorial of sundry citizens of Alameda, Cal., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. PATTON presented the memorial of Rev. J. A. Johnston and 239 other citizens of Kalamazoo, Mich., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. KYLE presented a memorial of sundry citizens of Huron, S. Dak., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. CULLOM presented a memorial of sundry citizens of Chicago, Ill., and a memorial of sundry citizens of Sterling, Ill., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. TELLER presented sundry memorials of citizens of Denver, Colo., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. PASCO, from the Committee on Military Affairs, to whom was referred the bill (S. 1470) to relieve George L. Sullivan from the charge of desertion, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 4952) to amend section 2455 of the Revised Statutes of the United States, reported it without amendment, and submitted a report thereon.

Mr. ROACH, from the Committee on Indian Affairs, to whom was referred the bill (S. 2270) to enable the Secretary of the Interior to pay JOHN T. HEARD for professional services rendered the "Old Settlers," or Western Cherokee Indians, out of the funds of said Indians, reported it without amendment.

Mr. MARTIN, from the Committee on Public Lands, to whom was referred the bill (H. R. 4242) directing the Secretary of the Interior to make certain investigations concerning consolidations of land districts in California, and for other purposes, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (S. 2032) to grant a pension to Ida C. Martin, reported it without amendment, and submitted a report thereon.

Mr. RANSOM, from the Committee on Commerce, to whom was referred the bill (H. R. 6577) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the town of Columbia, Ala., reported it without amendment.

THANKFUL ROBBINS.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 4780) to pension Thankful Robbins, to report it without amendment and I ask for its immediate consideration. It will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Thankful Robbins, and to pay her a pension of $12 per month, as the foster mother of George E. Squires, late private Company C, One hundred and twelfth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPEAL OF FEDERAL ELECTION LAWS.

Mr. CAMDEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. CHANDLER March 20, 1894, reported it without amendment, and it was considered by unanimous consent and agreed to:

Resolved, That the sum of $52.92, being the expense of printing 2,000 extra copies of Senate Report No. 113, part 2, be paid from the appropriation for the contingent expenses of the Senate.

MINERAL LANDS IN MONTANA AND IDAHO.

Mr. POWER. From the Committee on Public Lands, I present two letters from the Commissioner of the General Land Office, dated August 29, 1893, and July 30, 1894, respectively, and also a letter from the Secretary of the Interior to the Commissioner of the General Land Office, dated July 9, 1894, in reference to House bill 3436, to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho, which I ask to have printed.

Mr. DOLPH. And also the letter of the Secretary of the Interior transmitting the report.

Mr. POWER. Certainly. Let that be printed also.

Mr. BERRY. Let the bill also be printed with the papers.

Mr. POWER. Very well.

The VICE-PRESIDENT. Without objection, it will be so ordered.

JOSEPH G. UTTER.

Mr. DAVIS. I should like to have the bill for the relief of Joseph G. Utter laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate a bill returned from the House of Representatives by request of the Senate.

The SECRETARY. A bill (S. 1343) to remove the charge of desertion standing against the name of Joseph G. Utter.

Mr. DAVIS. I ask for action on the motion entered by me to reconsider the vote by which the bill was passed.

The motion to reconsider was agreed to.

Mr. DAVIS. I move to indefinitely postpone the bill, a similar bill having passed both Houses.

The motion was agreed to.

DEALING IN OPTIONS AND FUTURES.

Mr. DAVIS. I desire to call attention to Senate bill 2277, in respect to options, which I introduced on Friday. The bill I introduced had indorsed upon it a notation that it should lie upon the table. Some confusion arose as to the disposition to be made of the bill, I having had to leave the Chamber. I move that the bill be read a second time and that it lie on the table.

The bill (S. 2277) defining options and futures and imposing special taxes on dealers therein, and for other purposes, was read the second time by its title, and ordered to lie on the table.

DISTRICT REAL ESTATE ASSESSMENT.

Mr. HUNTON. I ask unanimous consent to call up the bill (H. R. 6415) to provide an immediate revision and equalization of real-estate values in the District of Columbia; also, to provide an assessment of real estate in said District in the year 1896, and every third year thereafter, and for other purposes.

Mr. SHERMAN. I venture to suggest to the Senator from Virginia whether it would not be better to take up the Calendar under the eighth rule and go on with it regularly and not waste time by calling up one bill after another, which gives an unfair advantage.

Mr. HUNTON. I have no objection to that course.

Mr. SHERMAN. I hope that we shall proceed with the Calendar as soon as the morning business is concluded.

The VICE-PRESIDENT. Bills and joint resolutions are in order.

Mr. HUNTON. I desire to state to the Senator from Ohio that the bill I propose to call up is an important matter and requires speedy action, because the Commissioners are about arranging for an assessment of the valuation of land upon which taxation is based,

Mr. SHERMAN. I will interpose no objection to this bill.

Mr. HUNTON. Then I ask unanimous consent that it be put on its passage.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Virginia for the immediate consideration of the bill indicated by him?

Mr. PALMER. I desire to introduce a joint resolution.

Mr. SHERMAN. I give notice that I shall insist upon taking up the Calendar when the bill called up by the Senator from Virginia is concluded.

Mr. BATE and Mr. ALLEN addressed the Chair.

Mr. HUNTON. Without yielding the floor, I give way to any gentleman who desires to present morning business.

BILLS INTRODUCED.

Mr. BATE introduced a bill (S. 2283) for the relief of Slater and William Cowart, of Hamilton County, Tenn.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. ALLEN introduced a bill (S. 2284) to grant a pension to Mrs. Lucinda Harrington; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PALMER introduced a joint resolution (S. R. 100) to procure a marble bust of the late Gen. Joseph Holt; which was read twice by its title.

Mr. PALMER. I ask that the joint resolution may lie on the table temporarily, to be called up at some future time with the view of submitting some remarks to the Senate.

The VICE-PRESIDENT. The joint resolution will lie on the table for the present.

WITHDRAWAL OF PAPERS.

On motion of Mr. COCKRELL, it was

Ordered, That Adolph Liebschutz be permitted to withdraw from the files of the Senate, on leaving copies of the same with the Secretary, the papers relating to Senate resolution No. 45, Fifty-third Congress, "granting a medal to Byt. First Lieut. A. Liebschutz."

CHANGE OF REFERENCE.

Mr. COKE. I ask that the Committee on Post-Offices and Post-Roads be discharged from the further consideration of the bill (H. R. 3334) authorizing and directing the Secretary of the Treasury to pay to the heirs or legal representatives of C. P. Gooch certain money due him for carrying the mail, and that it be referred to the Committee on Claims. It was referred to the Committee on Post-Offices and Post-Roads by mistake. I make that motion.

The motion was agreed to.

PRINCIPLES OF TARIFF TAXATION.

Mr. MILLS submitted the following resolution; which was read:

Resolved, That in the revision of the existing system of national taxation the following principles should be observed:

First. That all taxes are burdens upon the taxpayer, and can only be rightfully imposed to raise revenue to support the Government.

Second. When taxes are imposed upon imported goods the rates should be so low as not materially to restrict the importation of the articles upon which the taxes are imposed.

Third. In selecting the articles to be taxed, only those ready for consumption should be chosen, and all articles imported for manufacture or remanufacture should be exempt from duty.

Mr. MILLS. I ask that the resolution may lie on the table for the present. I shall call it up in a few days and submit some remarks on it.

Mr. BATE. Let it be printed.

Mr. MILLS. Yes; let it be printed.

The VICE-PRESIDENT. The resolution will lie on the table, and be printed.

REPORT ON DISTRICT SEWERAGE.

Mr. PROCTOR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 500 copies of Senate Report No. 623 (without the appendix) on Senate bill No. 2066, to provide for continuing the system of trunk sewers in the District of Columbia, to provide for sewage disposal, to lay out highways, and for other purposes.

WALTER S. M'LEOD.

Mr. WASHBURN. I move to reconsider the vote by which the title of the bill (H. R. 6384) for the relief of Walter S. McLeod was amended on Saturday.

The motion to reconsider was agreed to.

Mr. WASHBURN. The title of the bill should remain as it came from the House, and I ask the Senate to disagree to the amendment by which the title was made to read: "A bill for the relief of the estate of Walter S. McLeod."

The amendment was rejected.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 3d instant approved and signed the act (S. 1999) for the relief of Charles T. Russell.

The message also announced that the President of the United States had on the 4th instant approved and signed the following acts:

An act (S. 320) authorizing the Purcell Bridge and Transfer Company to construct and maintain a bridge over the South Canadian River, at or within 1 mile of the town of Lexington, county of Cleveland, Territory of Oklahoma;

An act (S. 822) granting a pension to Frances Corse, widow of Gen. John M. Corse; and

An act (S. 1377) for the relief of William Hendershott, of Butteville, Oregon.

HOUSE BILL REFERRED.

The bill (H. R. 7680) to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company, was read twice by its title, and referred to the Committee on Indian Affairs.

ST. LOUIS RIVER BRIDGE.

The VICE-PRESIDENT laid before the Senate the bill (S. 2151) to amend an act to authorize the construction of a steel bridge over the St. Louis River, between the States of Wisconsin and Minnesota, approved April 24, 1894, which had been returned from the House of Representatives at the request of the Senate.

Mr. WASHBURN. I move to reconsider the vote by which the bill was passed.

The motion to reconsider was agreed to.

Mr. WASHBURN. I move that the bill be indefinitely postponed.

The motion was agreed to.

PROPOSED ISSUE OF TREASURY NOTES.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. ALLEN on the 3d instant, as follows:

Resolved, That the Committee on Finance be, and the same is hereby, discharged from the further consideration of the bill (S. 2264) for the relief of the several States of the Union, and for other purposes, and that said bill be placed on the Calendar for present consideration by the Senate.

Mr. ALLEN. Mr. President, on the 30th day of July I introduced a bill (S. 2264) for the relief of the several States of the

Union, and for other purposes, which was referred to the Committee on Finance. On the 3d instant I introduced a resolution to discharge the Committee on Finance from the further consideration of that bill——

Mr. SHERMAN. Mr. President, the resolution of the Senator from Nebraska and the remarks he is making relate to a bill which is before the Committee on Finance, all of the members of which, with the exception of myself, are absent from the Senate on public duty, as is known by all Senators. I hope, therefore, without displacing the resolution, that it will be continued until some other members of the committee shall be here. As I have stated, I am the only member of the committee present, and I have no knowledge about the matter to which the resolution refers.

Mr. ALLEN. The course suggested by the Senator from Ohio is satisfactory to me.

Mr. SHERMAN. I have no objection to the resolution coming up to-morrow, when the members of the committee are present.

The VICE-PRESIDENT. In the absence of objection, the resolution will be passed over, retaining its place.

ALLEYS IN THE DISTRICT OF COLUMBIA.

Mr. FAULKNER. I ask the Senate to take up for consideration the amendment of the House of Representatives to the bill (S. 971) to open, widen, and extend alleys in the District of Columbia, simply with a view to asking the Senate to nonconcur in the amendment of the House, and having a committee of conference appointed.

There being no objection, the Senate proceeded to consider the amendment of the House of Representatives.

Mr. FAULKNER. I move that the Senate nonconcur in the amendment of the House of Representatives, and ask for a conference with the House on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. FAULKNER, Mr. MARTIN, and Mr. MCMILLAN were appointed.

DISTRICT REAL ESTATE ASSESSMENT.

Mr. HUNTON. I now ask that House bill 6415 be taken up.

The VICE-PRESIDENT. The title of the bill will be stated.

The SECRETARY. A bill (H. R. 6415) to provide an immediate revision and equalization of real estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year 1896 and every third year thereafter, and for other purposes.

Mr. CHANDLER. I move to proceed to the consideration of Order of Business 622, being the resolution in relation to the Dominion Coal Company.

The VICE-PRESIDENT. The Chair has recognized the Senator from Virginia [Mr. HUNTON].

Mr. CHANDLER. I desire to supersede the bill which the Senator from Virginia has asked to have taken up by moving to proceed to the consideration of Order of Business 622.

Mr. HUNTON. I desire to state that the bill the Senate was about to proceed with is a bill to equalize the values of real estate in the District of Columbia. It is a very important bill, and it is very important that the Senate should at once pass it, so that the Commissioners of the District can enter upon the reassessment of real-estate values in the District of Columbia.

Mr. CHANDLER. The resolution I desire to have considered——

The VICE-PRESIDENT. Does the Senator from New Hampshire object to the request for unanimous consent made by the Senator from Virginia?

Mr. CHANDLER. I did not object, but I moved to proceed to the consideration of a resolution on the Calendar, if that is in order.

Mr. MITCHELL of Oregon. I rise to a question of order.

The VICE-PRESIDENT. The Senator from Oregon will state his question of order.

Mr. MITCHELL of Oregon. I submit that the Senator from New Hampshire can not make the motion to take up another subject pending the motion made by the Senator from Virginia.

Mr. CHANDLER. I supposed that it was in order to move to proceed to the consideration of a subject on the Calendar at any time.

The VICE-PRESIDENT. The Chair desires to state, in answer to the Senator from Oregon [Mr. MITCHELL], that the Senator from Virginia [Mr. HUNTON] has not made a motion. The Senator from Virginia has asked unanimous consent to proceed to the consideration of the bill indicated by him.

Mr. MITCHELL of Oregon. I understood the Senator had made a motion to proceed to the consideration of a certain bill.

Mr. CHANDLER. Pending the consideration of that, I move to proceed to the consideration of Order of Business 622 upon the Calendar.

Mr. HUNTON. I submit, after unanimous consent has been given for the consideration of House bill 6415, it is not in order to supersede that unanimous consent with the transaction of other business.

The VICE-PRESIDENT. The Chair will state that unanimous consent has not been given. The Chair announced that the Senator from Virginia asked unanimous consent for the consideration of the bill indicated, and the title of the bill was read for information. The Senator from New Hampshire, while not formally objecting, as the Chair understands, interposes a motion.

Mr. CHANDLER. That is the state of the case, Mr. President.

Mr. HUNTON. What is the Senator's motion?

Mr. CHANDLER. To proceed to the consideration of Order of Business 622, being a resolution for the investigation of the Dominion Coal Company, Limited.

Mr. HUNTON. I hope the Senate will proceed with the bill I have indicated.

The VICE-PRESIDENT. Does the Senator from New Hampshire object to the request of the Senator from Virginia?

Mr. CHANDLER. I do not; but when the bill is before the Senate I shall move to proceed to the consideration of the resolution to which I have referred.

The VICE-PRESIDENT. If there be no objection, the bill referred to by the Senator from Virginia is before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HUNTON. I ask that the amendments be agreed to which have been reported by the Committee on the District of Columbia. I beg leave to state for the information of the Senate that the bill has very carefully considered by the Senator from Vermont [Mr. PROCTOR] and myself, in conjunction with the Commissioners of the District of Columbia, and we have agreed upon the amendments which are incorporated in the printed bill. I ask that the amendments may be acted upon as they are reached in the reading of the bill.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on the District of Columbia was, in section 2, line 6, before the word "years," to strike out "three," and insert "four;" and in line 8, after the word "thousand," to strike out "five hundred;" so as to read:

SEC. 2. That the Commissioners of the District of Columbia shall appoint three discreet persons, who shall have been bona fide residents of the District of Columbia for the period of at least five years, and conversant with real estate values therein, as a permanent board of assistant assessors, who shall hold office for a term of four years, unless sooner removed by said Commissioners for cause satisfactory to them, and shall each receive a salary of $3,000 annually, and the assessor of the District of Columbia shall hereafter receive a salary of $3,500 per annum.

The amendment was agreed to.

The next amendment was, in section 2, line 41, before the word "existing," to strike out "then;" so as to make the proviso read:

Provided, That the collection of taxes on real property and improvements thereon which will become due and payable in the month of November, 1894, be, and the same is hereby, suspended until the month of May, in the year 1895, at which time said taxes shall be due and payable, and the collection thereof shall be enforced in all respects as provided under existing law for the collection of taxes on real property and improvements thereon, for the second half of the tax year ending June 30, 1895.

The amendment was agreed to.

The next amendment was, in section 2, line 44, after the date "1895," to insert the following proviso:

Provided further, That the Secretary of the Treasury is hereby authorized and directed to advance to the Commissioners of the District of Columbia, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary from time to time to meet their requisitions for the general expenses of the government of said District for the fiscal year 1895, and to reimburse the Treasury for the one-half of said advances payable by said District out of the taxes collected, as herein provided for, in the month of May, 1895.

The amendment was agreed to.

The next amendment was, in section 5, line 5, before the word "assessors," to insert "assistant;" so as to make the section read:

SEC. 5. That the Commissioners of the District of Columbia are hereby authorized and directed to make such rules and regulations touching the manner in which the real property shall be described in the assessments returned by the assistant assessors as they may deem best.

The amendment was agreed to.

The next amendment was, in section 6, line 1, after the word "shall," to strike out "acting collectively in all cases;" in line 9, after the word "lot," to strike out "and shall perform such," and insert "and said assistant assessors shall also perform such;" and in line 11, after the word "duties," to strike out

"not inconsistent with the proper discharge of the duties specially imposed by this act;" so as to make the section read:

SEC. 6. That said board of assistant assessors shall, from actual view and from the best sources of information in its reach, determine the value of each separate tract or lot of real property in the District of Columbia in lawful money, and shall separately estimate the value of all improvements on any tract or lot, and shall note the same in the proper field book, which shall be carried out as part of the value of such tract or lot, and shall also return the dimensions of each tract or lot, and said assistant assessors shall also perform such other official duties as may be required of them by the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 8, line 1, after the word "any," to strike out "one of said board of assistant assessors" and insert "person;" and in line 8, after the word "court," to insert "for each offense;" so as to make the section read:

SEC. 8. That any person who shall refuse or knowingly neglect to perform any duty enjoined on him by law, or who shall consent to or connive at any evasion of the provisions of this act shall, on conviction thereof, be liable to removal from office and to a fine not exceeding $500, or imprisonment not exceeding one year, or both, in the discretion of the court, for each offense.

The amendment was agreed to.

Mr. HUNTON. I beg leave to call the attention of the Senator from Vermont [Mr. PROCTOR] to what I am about to say. In line 7, of section 9, I think the words "third year thereafter" ought to be "fourth year thereafter." The assessment is to be made every fourth year. I move to strike out the word "third" before the word "year" and insert "fourth."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment reported by the Committee on the District of Columbia was, in section 9, line 26, after the word "thereof," to strike out:

It being the intent of this provision to require the assessment of all property to be based on the true value of the property—such value as the said property would sell for on the terms usual in sales of real property in the District of Columbia.

Mr. SHERMAN. I desire to ask the Senator from Virginia whether any other rule has been adopted in place of the matter proposed to be stricken out?

Mr. HUNTON. No, sir. We thought it best, upon consultation with the Commissioners, that the board should determine upon the value of property.

Mr. SHERMAN. I am satisfied with what is stated by the Senator from Virginia.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on the District of Columbia.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on the District of Columbia was, in section 10, line 5, after the word "complaints," to strike out "of overassessments" and insert "as to valuations;" and in line 9, after the the word "provided," to insert "and the Commissioners shall fix the rate of tax to be collected thereon, not exceeding the rate fixed by present law;" so as to make the section read:

SEC. 10. That the valuation of the real property made and equalized as aforesaid shall be completed as nearly as practicable on the first Monday of June, 1896, and of every third year thereafter, after which date no other or further complaints as to valuations shall be received, and when approved by the Commissioners shall constitute the basis of taxation for the next succeeding period of three years and until another valuation is made according to law, except as hereinafter provided, and the Commissioners shall fix the rate of tax to be collected thereon, not exceeding the rate fixed by present law.

The amendment was agreed to.

The next amendment was, in section 14, line 1, before the word "salaries," to insert "different in the;" and in line 2, before the word "board," to insert "assessors and the;" so as to read:

SEC. 14. That a sum sufficient to pay the difference in the salaries of the assessors and the board of assistant assessors and the clerk herein provided for up to and including the year ending June 30, 1895, is hereby appropriated, etc.

Mr. HUNTON. In line 2, section 14, for the purpose of making it good grammar, I move to amend the committee amendment by striking out the word "salaries" and inserting the word "salary;" and in the same line by striking out the word "assessors" and inserting the word "assessor."

The SECRETARY. In section 14, line 2, strike out "salaries" and insert "salary;" and in the same line strike out "assessors" and insert "assessor;" so as to read:

That a sum sufficient to pay the difference in the salary of the assessor and the board of assistant assessors, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on the District of Columbia was, in section 15, line 1, before the word "assessors," to insert "assistant;" so as to make it read:

SEC. 15. That said board of assistant assessors shall hereafter constitute the excise board of the District of Columbia, etc.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HUNTON. In line 7, section 9, I made a mistake in offering an amendment to strike out the word "third" and insert the word "fourth." The theory of the bill is to have an assessment every three years by assistant assessors appointed for four years. Therefore the word "third," in line 7, is correct. I move to reconsider the vote by which the amendment was adopted, and that the original text of the bill be restored.

The motion was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HUNTON. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HUNTON, Mr. FAULKNER, and Mr. PROCTOR were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6518) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

DOMINION COAL COMPANY OF NOVA SCOTIA.

Mr. CHANDLER. I move that the Senate proceed to the consideration of the resolution proposing an investigation into the facts connected with the organization and history of the Dominion Coal Company, Limited, of Nova Scotia.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. CHANDLER on the 1st instant, as modified by him August 2, as follows:

Resolved, That a committee of five Senators be appointed to inquire into the facts connected with the organization and history of the Dominion Coal Company, Limited, of Nova Scotia, for the purpose of ascertaining whether such company was formed or is being conducted by reason of any assurances that the tariff duty on coal shall be repealed by Congress; and, if so, to ascertain who gave such assurances; and whether or not any officer of the Government or any member of Congress is or was interested in said company; and what action, if any, has been taken by any person in fulfillment of such assurances.

Mr. MILLS. I offer a substitute for the resolution. Has the resolution been taken up?

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire that the Senate proceed to the consideration of the resolution.

Mr. HILL. I suggest to the Senator from New Hampshire whether the resolution might not go over until to-morrow?

Mr. CHANDLER. I will say to the Senator from New York that he has interrupted the reading of the substitute of the Senator from Texas. If the substitute can be offered and printed I shall make no objection to the discussion of the resolution and the substitute going over until to-morrow.

Mr. MILLS. I shall wait until the resolution is taken up, and then offer the substitute.

Mr. CHANDLER. Then I ask for a vote on my motion.

Mr. HILL. With that understanding I shall not object.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire that the Senate proceed to the consideration of the resolution.

The motion was agreed to.

The VICE-PRESIDENT. The resolution is before the Senate.

Mr. MILLS. I offer the substitute which I send to the desk.

The VICE-PRESIDENT. The substitute proposed by the Senator from Texas will be read.

The Secretary read as follows:

Resolved, That the special committee appointed to investigate the charges of bribery against Senators be instructed to inquire into the facts connected with the organization and history of the Dominion Coal Company, Limited, of Nova Scotia, for the purpose of determining whether such company was formed or is being conducted by reason of any assurances that the tariff duty on coal shall be repealed by Congress, and, if so, to ascertain who gave such assurances, and whether or not any officer of the Government or any member of Congress is or was interested in said company, and what action, if any, has been taken by any person in fulfillment of said assurances. And said committee is also directed to investigate and report to the Senate whether or not any officer of the Government or any member of Congress is or was interested in any corporation or company which is engaged in mining coal in any of the States or Territories of the United States or in any railroad company which is engaged in transporting coal which would come into competition with Nova Scotia or Dominion coal in any of the markets of the United States, and whether influence has been used by any of said coal or railroad companies to maintain a tariff tax on coal for their benefit; and also to report to the Senate whether the removal of the duty on coal would reduce its price to consumers of coal in any part of the United States, and, if so, what part of the United States would be so benefited.

Mr. HILL. I understood the other day that the Senator from New Hampshire modified his resolution so as to have a special committee, rather than the sugar committee, if I may use that expression.

Mr. CHANDLER. That is true. The substitute of the Senator from Texas, however, reverts to the special committee now in existence. Does the Senator from Texas prefer the old committee or a new committee?

Mr. MILLS. I thought it was better to have inquiry made by the old committee. They have been engaged in investigations, and have had some experience in this business. I have not a doubt that the result of their investigation in this case would be the same as the result of their investigation in the sugar matter.

Mr. CHANDLER. May I ask the Senator from Texas what that result is, as he understands it?

Mr. MILLS. They have not discovered anything.

Mr. CHANDLER. Is that the reason why the Senator prefers to select that committee?

Mr. MILLS. No; I mean that I think no committee, special or otherwise, will accomplish anything in investigating the private affairs of citizens of the United States.

Mr. CHANDLER. Then we had better not appoint the committee. But if we are going to appoint a committee, it seems to me we ought not in advance to put a stigma upon the committee we are to appoint. Therefore I should prefer a special committee, if it is agreeable to the Senator from Texas. However, I wish to accommodate him about all these matters so far as I can.

Mr. MILLS. I think the committee which we have is a very fair and a very able committee and that it would do justice to all sides of this question. I know it would be very flattering to the Senator from New Hampshire to be on the committee, as he would be by parliamentary law.

Mr. CHANDLER. I will waive, in behalf of the Senator from Texas, all my rights in that respect.

Mr. MILLS. No; I do not want to go upon any of these smelling committees. I have a great aversion to that sort of business in Congress, and especially when the investigations are beyond the jurisdiction of either branch of Congress, as they are, and as the courts of the country have held that they are. Such a committee, under the authority of the resolution of the Senator from New Hampshire or the one I have offered as a substitute for it, would not have the power to compel a single witness in this country to answer a single question.

The VICE-PRESIDENT. The question is on agreeing to the substitute proposed by the Senator from Texas [Mr. MILLS].

Mr. MILLS. I understand it is desired that the resolution shall go over until to-morrow, and I have no objection to that course. I like to accommodate Senators. I will withdraw my objection to the special committee if the Senator from New Hampshire or any other Senator prefers that committee: I want to accommodate the Senators who wish to have this matter deferred until to-morrow.

Mr. CHANDLER. Then I understand the Senator to modify his amendment so as to provide for a special committee of five.

Mr. MILLS. I do.

Mr. CHANDLER. I have not desired that the resolution shall go over until to-morrow. I think it would be wise to act upon it at this time and have the subject disposed of.

Mr. MILLS. I ask the Senator from New York if he desires to have the resolution to go over until to-morrow?

Mr. HILL. I think we might as well dispose of it now.

Mr. MILLS. Then I have no objection and I am willing to take a vote on the resolution. I do not care further to discuss the question. I am willing to abide by the decision of the Senate on the adoption of the substitute. I desire the yeas and nays on its adoption.

The VICE-PRESIDENT. Is the Senate ready for the question on the substitute offered by the Senator from Texas, as modified?

Mr. WHITE. Mr. President, I desire to say a word upon this subject, as explanatory of the vote I intend to give.

I am opposed to the adoption of resolution and substitute. I think that it proposes a useless expenditure of time.

Mr. GRAY. And money.

Mr. WHITE. And, as a Senator has suggested, and money. If there was any possible practical result to be reached, something that might inure to the advantage of any part of the country, I would be in favor of going on with the investigation. But there is no charge before the Senate susceptible of investigation by any respectable organized body on the face of the earth. There is no accusation which anyone is called upon to meet.

There is nothing, as the Senator from Texas has well said, which gives this body any jurisdiction in the premises. With contempt a witness, or a supposed witness, might treat any committee appointed by this body under this resolution. He would have a right to ignore the process of the committee, and the Senate would not dare to incarcerate him, because the law of the land declares that the Senate has not the power.

This is to be a committee to be appointed for the purpose of furnishing texts for amusing speeches. No one listened with more pleasure to the remarks of the Senator from New Hampshire than I did, because those remarks were exceedingly funny. He not only amused himself, but he amused us all. Still no one seriously thinks that the Senator from New Hampshire has any idea that this investigation will result in bringing any material proposition to the attention of the American people. That the Senate should appoint committees and direct them to investigate, knowing in advance that nothing can result, seems to me to be worse than a waste of time.

For these reasons I shall oppose the passage of the resolution. I would gladly vote for any proposition which would lead to placing before the Senate and the country any matter important to the decision of a question pending here; but I will not vote for the appointment of a committee to consume time uselessly. It appears to me that there are matters of grave importance demanding the immediate and sole attention of this body. Hence I shall vote against the substitute and against the original resolution.

Mr. CHANDLER. Mr. President, I am very happy to be able to amuse the Senator from California. He has been in a chronic state of being amused all winter. He has been very much amused at the condition in which his party finds itself upon the tariff question, and now when the proposition is to investigate the Dominion Coal Company, which has been formed upon the basis that the existing duty on coal shall be removed, and that investigation is to be made for the purpose of removing scandal which has been circulating in this country for the last three months, or else for the purpose of finding out what this company has been doing to influence the legislation of Congress, the Senator from California finds nothing in it except amusement.

Mr. President, there is one serious feature in the remarks of the Senator from California. He has taken occasion to advertise to the world that no witness need open his head before this committee if the investigation takes place. The Senator has seen fit to proclaim to those witnesses who may tell us about this coal company, why it was organized, how it proposes to influence Congress—he has undertaken to tell Mr. Dimock, a director in this company, who is in this city to-day, possibly with his pockets filled with certificates in this watered stock, that he is not obliged to say a single word to this committee when it is organized. I think, Mr. President, that that is something serious for the Senator from California to do. It is getting to be very much the fashion in the Senate whenever an investigation is to be made which may prove something that ought to be proved in the public interest, for Senators to get up here and say there is no use in the investigation, because no witness is obliged to testify.

Mr. President, I think when an organization of this kind is formed, with thirteen and a half million dollars of watered stock, and when there is so much scandal about the country as there is in connection with it, the Congress of the United States can afford to investigate and find out whether this town is full of certificates, whether they surround the Senators when they go to their hotels and their lodgings, whether the Senator from New York or the Senator from California may not be in danger of being approached unduly in connection with this subject, whether they should be compelled to rely upon their own virtue alone to resist temptation, and whether the Senate should not surround them by a report upon an investigation of facts so that their youthful innocence in the Senate and in the city may be properly protected and guarded.

It seems to me that this is not a matter of amusement simply. I hope to convince the Senator from California that I am in earnest about it.

Mr. MILLS. May I ask the Senator from New Hampshire, as he is very anxious to have a thorough, fair, and full investigation of both sides of this question, if he will not accept my substitute, which embraces every word of the Senator's own resolution?

Mr. CHANDLER. I shall vote for the Senator's substitute. The difference is simply this: The coal company is organized upon the basis and condition in its prospectus that the duty upon coal is to be removed. I do not suppose the Senator can produce here the prospectus of any domestic coal company or of any railroad company transporting coal which contains a condition that the company is not to be organized and to do business unless it can succeed in maintaining the duty upon coal. If the Senator can produce any such prospectus the cases will be par-

allel; but if there are undue influences exerted upon that side of the question, I propose to vote for the amendment of the Senator from Texas.

Mr. GRAY. I ask the Senator from New Hampshire what difference he perceives in morality, if it be a question of morality, between a company organized upon the condition, hope, or expectation that a tariff duty shall be taken off and one organized upon the hope, condition, or expectation that a tariff duty shall be put on?

Mr. CHANDLER. None whatever, I will say.

Mr. GRAY. I ask the Senator if he never heard in the past three or four years of any mills, factories, or other concerns being organized for the purpose of reaping the benefit of the so-called McKinley law—tin-plate mills, for instance?

Mr. CHANDLER. I will say to the Senator, first, I know of no difference whatever; and that if any company is organized the fundamental condition of which is that it shall have $13,000,000 of watered stock, and that a certain duty on the article to be produced by the company shall either have a duty imposed upon it or a duty taken off from it, I would have that company investigated by Congress to find out how it proposes to influence legislation in the Halls of Congress.

Mr. GRAY. It does not make any difference, so far as the tariff bill is concerned, what the methods of the corporation may be as to watered stock, but I merely wanted to know whether the Senator sees any difference, and the Senator says he sees none——

Mr. CHANDLER. None whatever.

Mr. GRAY. Between a corporation organized for the purpose of carrying on business to be benefited by exemption from taxation and a company organized by reason of the fact that taxation is to be placed upon the people of the United States for the benefit of that particular so-called industry. The Senator agrees that there is none. Now, I do not see any difference, nor do I see that it makes any particular difference to the people of the United States how the corporations or individuals composing such corporations are organized. We are interested, however, in what is done under the impulse and stimulus of private greed, if you please, when legislation gives an opportunity to gratify it. If a high tariff bill operates upon those ordinary motives of human nature, I suppose when a low tariff goes into operation somewhere for the first time it may operate in the same way. I see no particular immorality in that on either side of the question. I do object, however, to tariff taxes being laid which shall give an opportunity to anybody to tax the whole people of the country for his private benefit.

Mr. CHANDLER. Then I welcome the Senator from Delaware in aid of the resolution, which it appears now both the Senator from Texas and myself seek to have passed.

Mr. GRAY. No; I think that the motives of those who pass tariff bills for the sake of benefiting private interests and giving them the power to use the great tax-levying power of the United States for private benefit had better be investigated rather than the motives of people who very naturally avail themselves of the advantages which legislators give them. That is all I can say.

Mr. CHANDLER. I will simply restate the case in this way: Whenever a corporation is organized with $13,500,000 of watered stock, and the condition expressed in the prospectus of the company is that there is to be a tariff duty either imposed or taken off, that company ought to be investigated by Congress.

Mr. DOLPH. Mr. President, I shall probably vote for the resolution of the Senator from New Hampshire or the substitute of the Senator from Texas, because I do not want to put myself in the attitude of opposing an investigation. But I should like to ask the Senator from New Hampshire and the Senator from Texas what is the use of continuing this farce of investigation by the Senate? What is the use of ordering investigations when the Senate has not backbone enough to exercise the authority which every tribunal authorized to investigate a question of fact has, from a police court up to the highest legislative body or judicial tribunal in the land?

We have just had a report made from the special committee which have been investigating the sugar trust. They have reported to the Senate that a number of witnesses—I do not know the number—have refused to answer, and that they have refused to answer material questions. The majority of the committee simply propose to turn them over to the district attorney of this District, and but one or two members of the committee propose that the Senate shall exercise any authority to compel them to answer. It is not alone a question concerning correspondents of newspapers; it is a question that affects brokers, the officers of the sugar trust, and others who refused to testify. What reliance can be placed upon the report of a committee of this body that allows witnesses to refuse to answer pertinent questions and to keep from the Senate and the public information which they are supposed to possess in regard to the facts to be investigated?

I see by the newspapers (I have not read the report) it is stated that everybody is exonerated; that nobody has been improperly influenced; that the sugar trust has exercised no improper influences upon anybody; but how does that committee know, when half the witnesses before them refused to testify, when the witnesses who were supposed to know more about the case than others are the very ones who refused to testify, and there has been no attempt to compel them to testify or to punish them for contempt? I say the whole proceeding is a farce; and e very investigation that is ordered by the Senate must be a farce just so long as we refuse to compel witnesses to testify. You can not get at the facts unless you can get the testimony. You can not get at the facts if you will not compel witnesses to testify before your committees. Such an investigation must necessarily be partial and unsatisfactory, and the committee ought not to come into the Senate or before the public on a report made upon such testimony and under such disadvantages.

Mr. FAULKNER. Mr. President, I do not know how I should have voted on the original resolution proposed by the Senator from New Hampshire, but I feel under an absolute obligation to support the substitute, because it seems to imply (and I do not think it should have been offered unless there was some reason actuating and controlling the Senator from Texas in offering the latter clause) that some improper influence has been exercised by Senators who are in favor of dutiable coal, owing to private interests in that subject-matter.

Having personally advocated on the floor of the Senate and at all times a reasonable revenue duty upon coal, if there is any doubt or suspicion in the mind of any Senator or anyone else that I was influenced in my public action by reason of any private interest, I feel that that subject should be investigated. Fortunately or unfortunately for me, I do not know which, I do not own a foot of coal lands in the State of West Virginia or any other State, nor do I own a cent's worth of stock in any transportation company. Therefore, I can look at this matter, I suppose, in a very impartial manner; but, under the circumstances, I feel that it is my duty to vote for the substitute.

Mr. PALMER. Mr. President, I shall not vote for the original resolution, nor shall I vote for the substitute. I regard this proceeding and the conduct of the Senate in aspersing itself as presenting one of the most humiliating pictures I have ever witnessed. In another point of view I regard it as unfortunate. We are in the habit of speaking of this as one of the most distinguished bodies on earth. It is said that the English Parliament is a court; and yet we have condescended to apply to a court to enable us to get testimony to use in an investigation that we thought it proper to order.

The Senate has apparently parted with one of these most valuable powers. We have appealed to the courts of law. We have abdicated the right which pertains to every court to compel witnesses to testify when they were required to do so, and we have quietly asked of the courts punishment of recalcitrant witnesses. The whole thing to my mind is something worse than a farce, as the Senator from Oregon characterized it.

Now, it is proposed to begin another investigation. We are about starting again in pursuit of a shadow. The Senator from New Hampshire, who proposes to institute this investigation, has not vouched for a single fact upon his responsibility as a Senator. The loose scandals which are published in the newspapers or are repeated by those who are fond of whispers are brought here, and we are gravely asked to institute an investigation. Somebody has formed a corporation in Canada, and some American citizens are interested in that corporation. It is said that they have possibly exerted themselves either to remove the duty or to maintain the duty on coal and iron ore, as if there have not been a hundred thousand citizens who are employing all the influence they have to effect one or the other of those ends.

Mr. President, I appeal to Senators to spare the Senate this further humiliation. Let us not render ourselves more ridiculous than we are now regarded in the popular estimation. We are charged with idling away our time and the public time. We are charged with being regardless of the present condition of the country. Yet we are pursuing these mere shadows. I suggest that no term in the language is sufficient to describe the infinite littleness of the stories we are gravely advised to put our committee in pursuit of. It is proposed to start somebody out to hunt that which has no existence possibly, or which if it was found to exist would amount to nothing when we discovered it. If any Senator here thinks he needs investigation I am willing to indulge him. If, as intimated by the Senator from New Hampshire, any of us need a guard I am entirely willing that an application shall be made for guards to protect us from the improper solicitation of the wicked and seductive men——

Mr. MILLS. Will the Senator from Illinois pardon me a moment?

Mr. PALMER. I will.

Mr. MILLS. I fully and thoroughly concur in all the Senator from Illinois says, and the other day when this question came up I voted against the resolution of the Senator from New Hampshire for the reasons the Senator has given to-day. But the Senate determined that there should be an investigation, a one-sided investigation, and all I ask is that if the Senate intends to embark in this business it shall investigate both sides of the question.

Mr. PALMER. The Senator from Texas is, I think, entirely reasonable and logical. If we are to pursue these shadows in one direction why not pursue them in another? But let us get rid of the whole thing. We are simply aspersing ourselves and disgracing ourselves in leaving it to be inferred that there are some Senators here who are corrupt. If I believed that there was a Senator here who is corrupt I would vote for the investigation.

Mr. President, I have said all that I desire to say. I deprecate this waste of the public time. I deprecate this further humiliation of the Senate. I believe that it ought to be ended now.

Mr. WHITE. Mr. President, I wish to briefly respond to the Senator from New Hampshire, who objects to me because he says that I have been in chronic and incessant good humor. His proximity accounts for that condition. I do not seek any controversy with him. I remember that some time ago it was said by one of poetical impulses, whose language I apply to my friend, that—

Men fear him,
And even angels don't aspire to go too near him.

I am not especially anxious to seek for the protection offered by the distinguished Senator. My friend says that being youthful (which I will always admit, now and hereafter) I need, perhaps, the advantage of some protection. If I ever feel in such necessity I shall dislike to seek refuge with my friend from New Hampshire. Certainly he will never be able to woo me to his side for that purpose. However innocent I may be, I will not commit that error.

Now, to the merits of this matter: The resolution offered by the Senator I said presents nothing material. He objects to my remarks because he says I have thus served notice upon sundry witnesses that they need not testify. Well, let us see what his resolution is:

That a committee of five Senators be appointed to inquire into the facts connected with the organization and history of the Dominion Coal Company, Limited, of Nova Scotia—

That would be a very interesting inquiry, I have no doubt; but now the object is outlined—

for the purpose of ascertaining whether such company was formed or is being conducted by reason of any assurances that the tariff duty on coal shall be repealed by Congress.

What an investigation! To inquire whether a corporation has been constituted because of assurances that Congress will legislate in a certain definite way about a particular thing! Does the Senator imagine that that is a proper subject for investigation here—a material inquiry upon which we can afford to expend time?

Conducted by reason of any assurances that the tariff duty on coal shall be repealed by Congress, and if so, to ascertain who gave such assurances.

That is, Mr. President, the Senator from New Hampshire wishes a committee of five Senators to summon witnesses and ascertain whether it was Tom, or Bill, or Jim who gave these assurances. What an important affair! How vital it is that some one, name and rank undisclosed, went to a person interested in this Dominion Coal Company and said: "We assure you that there will be free coal when Congress passes a tariff bill."

And whether or not any officer of the Government or any member of Congress is or was interested in said company; and what action, if any, has been taken by any person in fulfillment of said assurances.

Who charges that there has been any improper action taken? Does the Senator from New Hampshire intimate that a solitary person has given an assurance that he would do a corrupt act in any contingency or that anyone else would act corruptly? Does he pretend that any person has done wrong? No; but he wishes to inquire whether some one has visited Congress and has advocated free coal. He wishes to find out whether some one interested in this matter has appeared at the Capitol and has spoken to Senators concerning free coal. Would my friend from New Hampshire think that he was personally outraged and that he had a cause for war if some one asked him whether he would or would not vote in a particular way upon a named measure, and if that person adduced arguments of a legitimate character could anyone rationally object? I do not speak of improper arguments, for I assume that such would not be offered to anyone, much less to the Senator from New Hampshire.

But my criticism of this resolution is that there being in it no charge of crime, no charge of wrong, no imputation of want of rectitude, there is nothing for the Senate to investigate. If the Senator from New Hampshire had asked for information which might bring facts regarding the economic features of the tariff before the Senate, that would be a matter proper for the Finance Committee to examine in regular order; but here is a mere effort to find out whether an unnamed individual has given assurances that the duty upon coal will be removed, and whether an officer of the Government, also unnamed, is interested in this company or corporation.

Mr. President, suppose an officer of the Government is interested in this company. I do not know whether that be so or not. I have no idea who the stockholders are, except as my friend from New Hampshire has told us publicly.

But if it be true that an officer of the Government is interested in this enterprise—and my friend has not even charged that much—it is absolutely a private affair, which we can not investigate. If I or you, Mr. President, were put upon the witness stand and asked as to the stockholders in this company we might refuse to reply, it being immaterial to any issue of importance here, and we could never be prosecuted successfully for contempt.

My friend from Texas has offered an amendment which, as he says, is equally irrelevant, but it is also equally relevant to any material matter in hand. He proposes to inquire whether officers of the Government are interested in the maintenance of a high duty equally immaterial, equally not a subject of investigation, equally a matter with which the Senate has no concern.

If the Dominion Coal Company has sent its emissaries here, if they have talked to Senators, they had a right to do so. So far as I know, so long as there were no improper propositions made, so long as there were no undue advances made, I can not see that we have any right to investigate the matter. No one charges impropriety.

If my friend from New Hampshire believes that there has been wrong attempted, why does he not ask a committee to investigate whether there was a crime committed; why does he not recite that it has been charged by somebody that a crime has been done, that a wrong has been done, that something more than legitimate argument has been utilized? Why does he not accuse some one of something? Why does he ask for an omnibus investigation, which will accomplish no more than consume time and bring about no valuable result, which will naturally make us ridiculous in the eyes of the people?

Mr. ALLISON. Mr. President, I understand the Senator from Texas [Mr. MILLS] offers a substitute for the purpose of killing not only the substitute but the original resolution. I understood him to state that neither of these investigations ought to take place.

I think there is a distinction which can fairly and properly be drawn as to the original investigation proposed and the investigation now suggested by the Senator from Texas. As I understand the statement made by the Senator from New Hampshire [Mr. CHANDLER], it is that a great corporation has been formed in the Dominion of Canada for the purpose, first, of controlling all the coal measures in Nova Scotia and Cape Breton; and, secondly, to remove the duty upon coal now existing, in order that they may secure a market in a large section of our country. The ostensible object of removing the duty on coal, as I understand from those who favor the removal of that duty, is that coal may be cheaper in the United States to those who consume it.

If it be true, as alleged, that these coal measures, existing in a limited area in a neighboring country, are now wholly under the control of one corporation, that corporation having leased all those coal lands for ninety-nine years, and having promised to pay a royalty to the Dominion Government, then it is worth while for us to inquire if the effect of this newly created monopoly in the sale of their coal to the people of the United States will reduce the price of coal, whether we have a duty on coal or no duty on coal. Therefore, I should have welcomed this inquiry early in December, and I should then have insisted that it should go to the Committee on Finance as a proper and legitimate subject of inquiry in connection with the great question of removing the duty on coal.

Mr. GRAY. Then, why not restrict the inquiry to just what the Senator says is a proper one? I agree with him about that.

Mr. ALLISON. Very well.

When we look at the distribution and production of coal, we find that in the United States we have coal measures in nearly every State in the Union. We know perfectly well that in the interior States a duty upon coal is not a duty which affects the price of coal in that region. We produced last year in the State of Iowa 5,000,000 tons of coal. I do not suppose that directly that production was influenced by the duty of 75 cents a ton on coal. It may be, and probably will be, in the future that the coal measures of Iowa may be used to a certain degree in furnishing Manitoba and the Western regions of the Dominion of Canada with coal, but it is also true that in Virginia, West Virginia, Alabama, and Pennsylvania, there are large coal measures, which

are very near the sea, but which require railway transportation before they can reach the seaboard.

If it be true that here is a monopoly in the Dominion of Canada with a capital $31,000,000, whether real or fictitious, which intend by means of the removal of the duty on coal to charge the people of the United States, as they state in their prospectus, such a price for coal as will yield them a dollar a ton profit, it is worth while to consider whether or not we shall take away the market of the United States from the people of Virginia and West Virginia and Pennsylvania who are now in competition with them in the production of coal. I put that inquiry upon a very different relation from an inquiry respecting our own people. There is no more reason for the inquiry proposed by the Senator from Texas as to the domestic production and consumption of coal than there is for making the same inquiry with reference to the other five hundred and fifty items in the tariff bill.

It is a question of great public policy about which the two sides of this Chamber differ, but do not differ so much as we supposed when we began the present session of Congress. But we, upon this side of the Chamber, suppose that these duties are levied in order to enable the people of the United States to be employed, so as to secure the development of our industries, especially in comparison with the development of industries in other countries.

What obligation are we under as a Government, or as a people, to so legislate in this Chamber and in the other as to put into the treasury of the Dominion of Canada 12½ cents a ton upon every ton of coal consumed in the United States or sold by them to us? What obligation are we under to encourage the development of a foreign corporation, with practically $31,000,000 capital, against the people of our own country who are in sharp competition with each other in the production of coal? Are there great profits to those who produce bituminous coal in the United States and transport that coal across our railways and by means of our coastwise transportation to the different portions of our country? It seems to me there is a great and wide distinction as to these two inquiries.

I am not interested as to who may be the owners of the Dominion Coal Company. I know we have an energetic and an active population in our country, men of capital, who are willing not only to go into Canada, but everywhere else, and invest their money; but are we to legislate for the benefit of such investors against our own producers?

I believe that the proposed inquiry as to the Dominion Coal Company and its relations to the people of the United States, to our own production and our own prices, is a legitimate and proper inquiry for us to make in connection with the removal of the duty on coal. For that reason I am very willing to favor such an inquiry. But for the Senator from Texas to kill the inquiry by means of enlarging the investigation so as to inquire into the production of coal in the United States and all who may be interested in it, and all the corporations who transport it, it seems to me is a futile proceeding, for it will never end.

Mr. GRAY. May I ask the Senator from Iowa how the investigation of the current gossip, which is proposed by the Senator from New Hampshire, will help along the inquiry, which he suggests is a very broad subject of policy, which I admit, and a much broader question than the one which challenges our attention?

Mr. ALLISON. That is all that is involved, I understand, in the resolution of the Senator from New Hampshire.

Mr. GRAY. Then, if there is a real personal relation, it is involved on both sides of the question.

Mr. ALLISON. I am not speaking of the gossip; I am speaking of a great question, which I understand to be involved in the resolution of the Senator from New Hampshire, and the question of who are interested in it is a mere incident to the inquiry, as I understand it.

Mr. GRAY. That is the principal thing in the inquiry. What difference does it make who is interested in it?

Mr. ALLISON. I admit that a citizen of the United States has a right, if he chooses, to invest in a foreign coal company, but I claim when we investigate this question on the broad lines laid down by the Senator from New Hampshire, we can inquire into all these questions; and especially I think it is proper to inquire whether or not this coal company was formed for the purpose of removing the duty on coal. If that is the company which is behind the effort that is being made here now to take coal from the dutiable list of the tariff bill and put it upon the free list, I say that is a legitimate inquiry.

Mr. WHITE. Will the Senator allow me to make an inquiry?

Mr. ALLISON. Certainly.

Mr. WHITE. Does the Senator think that the assurances referred to in the resolution of the Senator from New Hampshire would affect the economic question as such?

Mr. ALLISON. I shall not be hypercritical as to the phraseology of the resolution. The Senator from New Hampshire is usually very careful and very accurate in his phraseology, and I should not pretend to criticise him on that subject.

Mr. ALDRICH. Mr. President, I am surprised that there should be any opposition to the adoption of this resolution, and I am more surprised that that opposition should come from so distinguished a friend and defender of the Administration as the Senator from California [Mr. WHITE]. It is an open secret that all progress towards tariff legislation is and has been for weeks arrested by a dispute between a Democratic Administration and a Democratic Senate in regard to the duty upon coal. It has been intimated rather than alleged that this contest is really between the Dominion Coal Company and its friends, determined to have free coal on one side, and certain great transportation and coal companies who are determined to have a duty upon coal on the other. The public interests, what is best for the people of the United States, who are the consumers of coal, does not seem to have entered into this controversy at all.

If we are to believe the statements of leading Democratic newspapers we are confined to a choice of evils. We are to take the duty off coal for the benefit of the Dominion Coal Company and its friends and allies, whoever they may be and wherever they are located, or to retain it for the benefit of these transportation companies.

It is a question worthy of investigation by the American Senate whether this state of affairs exists. If it is true, as intimated by the Senator from New Hampshire [Mr. CHANDLER], who makes the statement on his responsibility as a Senator, from investigations which he has made, that attempts are being made to influence legislation in the interest of a foreign syndicate, the facts should be known and communicated to the American people.

If, on the other hand, as is intimated in Administration circles, the only reason for maintaining the duty on coal is found in the interest of certain transportation companies, that fact should also be known. I think there can be no Senators on either side of the Chamber who will in this crisis seriously object to this inquiry. It is not a question that affects alone the well-being and existence of the Democratic party. The Senate and the Administration will certainly lose the respect and confidence of the American people if we stay here for weeks, after having been in session a year, haggling over a duty upon coal simply to serve either the interest of the Dominion Coal Company or of certain transportation companies.

Mr. CHANDLER. I recognize the Senator from California [Mr. WHITE] as the permanent defender of the Administration. I recognize the Senator from New York [Mr. HILL] as only employed temporarily in its defense. [Laughter]. I find them both engaged in suppressing, or attempting to suppress, this inquiry, which, upon my responsibility as a Senator, in apt language I have proposed shall be investigated.

Mr. President, it may be that the Senators who have spoken in opposition to this resolution and it may be that the Administration of President Cleveland are not sensitive upon the subject which is taken up in the resolution, but the people of the country are sensitive, and the Senate has shown that it is sensitive upon the question of whether or not it is legislating free from improper extraneous influences.

The President of the United States, I know, is not sensitive, and I find that he is not sensitive upon the question of sugar. I read from his letter to a distinguished member of the other House dated July 2, 1894, in which he says:

> I suggest that we ought not to be driven away from Democratic principle and policy which lead to the taxation of sugar by the fear, quite likely exaggerated, that in carrying out this principle and policy we may indirectly and inordinately encourage a combination of sugar-refining interests. I know that in present conditions this is a delicate subject, and I appreciate the depth and the strength of feeling which its treatment has aroused.

Mr. President, notwithstanding all the words of admiration and commendation which I have had occasion to speak of the distinguished President of the United States during this session, there I differ with him. I believe that in legislating at this time we should be afraid of indirectly and inordinately encouraging trusts, and the Senate of the United States has agreed with me upon this subject. Early in the session it began an investigation of the sugar trust, and the Senator from Delaware [Mr. GRAY], with all his learning and acumen and ability, has been doing the best he could to remove every stain connected with the sugar trust from either the executive branch of the Government or of Congress, notwithstanding the President of the United States all the time has said that we should not be sensitive upon this subject.

I am now equally sensitive with reference to the Dominion Coal Company and this vast corporation, with its watered stock ready to place where it will help the company, basing its operations upon the avowed proposition that the duty on coal shall be

removed. I am sensitive about this company whose agents swarm the capital city, and which is supposed to have had certificates of stock by the hundreds laid away in some safe in Nova Scotia, or some safe in Boston, or some safe in New York, ready to be produced when the occasion required.

The President of the United States and his defenders upon this floor need not be sensitive unless they choose to be, and I do not understand that the President is sensitive either about the sugar trust or the Dominion Coal Company. No, Mr. President, he plants himself away up in the sky, consecrating himself always to high principles, and recommends us to protect both the sugar trust and the Dominion Coal Company, and not to be afraid of our reputations. I am not afraid of my reputation. I will not say that I am afraid of the reputation of any Senator upon this floor; but I believe that we ought to investigate upon due suggestion.

The Senator from Delaware the other day wanted me to call two or three names. I referred him to the New York World, and said that he could read the names from the New York World if he pleased. The Senator has not done so.

I say there is scandal enough on this subject, so that we should investigate, and we should have as faithful, as zealous, as penetrating, and as earnest a committee to remove the Dominion Coal Company scandal as we have had endeavoring to remove from all branches of the Government the scandal in connection with the sugar trust.

Mr. President, I shall be glad if the result be that which the Senator from Texas [Mr. MILLS] asserts it will be, the finding of everybody innocent and the finding out of nothing, which result, expected by him, he gave as a reason why he preferred the committee of which the Senator from Delaware is chairman to a new committee of five, as proposed ultimately by my resolution.

I say the Senate owes it to itself to be sensitive on this subject, whether the President of the United States is sensitive or not, or whether the Senator from New York is sensitive or not, or whether the Senator from California is sensitive or not. I say treat these two trusts alike; investigate them both. If there are improper influences surrounding this Chamber, affecting any officer of the Government, or affecting the members of the Senate of the United States, drag them to the light. If there are none, let there be a report such as the Senator from Texas hopes and looks for; but do not let the Senate of the United States show the stolid indifference to its own good name and fame which the President of the United States shows to his own name and fame and the name and fame of his Administration in connection with the sugar trust.

I ask unanimous consent to annex to my remarks a copy of the prospectus of the Dominion Coal Company, Limited.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

The prospectus referred to is as follows:

KIDDER, PEABODY & CO., BOSTON, MASS.

Offer for subscription:

$1,500,000 first mortgage 6 per cent twenty years sinking fund gold bonds,
$1,500,000 8 per cent cumulative stock, preferred as to principal and dividends,
$1,500,000 common stock

of the

DOMINION COAL COMPANY, LIMITED,

In blocks, on following terms:

$500 bonds } for $1,050.
$500 preferred stock }
$300 common stock }

Payments to be made on each block:
$50 on application.
$250 on allotment.
$250 on April 15, 1893.
$250 on August 15, 1893.
$250 on December 15, 1893.

Payment in full may be made under discount at the rate of 5 per cent per annum.

The subscription lists will be opened on Thursday, February 23, and will close on or before Saturday, February 25, 1893.

The right is reserved to reject or reduce the amount of any subscription.

Block certificates will be issued upon allotment.

Bonds and certificates of stock will be issued upon fully-paid blocks as soon as received from the engraving company.

Capitalization of the company outstanding:
$1,500,000 bonds.
$1,500,000 preferred stock.
$15,000,000 common stock.

One million five hundred thousand dollars additional bonds and $1,500,000 additional preferred stock are reserved in the treasury for the future needs of the company.

The issue of bonds is limited to $3,000,000. The issue of preferred stock is limited to $3,000,000.

The bonds, dated March 1, 1893, and due March 1, 1913, are issued in coupon form. Principal may be registered, if desired, or registered certificates will be issued, holders of which will receive their interst by mail. Interest payable March 1 and September 1. Principal and interest payable in gold coin of the United States, of the present standard of weight and fineness, secured by a first mortgage upon all the company's property, real and personal; and secured also by a sinking fund, which buys at not over 110 and interest, and if it can not buy, draws at 110 and interest.

The preferred stock has priority over the common stock as to principal in case of liquidation, and is entitled in priority over the common stock to cumulative dividends, at the rate of 8 per cent per annum, payable semi-annually on the first days of January and July, in each year. The first semi-annual dividend will be due July 1, 1893, and will amount to 3 per cent.

After all the outstanding bonds shall have been called, the sinking fund will apply to the purchase and retirement of the preferred stock at 115 and accrued dividends.

Immediate application will be made to have these securities listed on the Boston Exchange.

Owners (and their friends) of some of the properties which are united in this company have taken one-third of this subscription, and that amount will be allotted to them.

The company is organized under the laws of Nova Scotia, both its preferred and common stocks full paid and nonassessable.

The company has been formed to carry on the business of mining, transporting, and selling bituminous coal from the county of Cape Breton, Nova Scotia. It has a charter from the government of the Province, and will operate under a lease which gives it a tenure of its mining property of ninety-nine years, the royalty for the whole period being fixed at a maximum of 12½ cents per ton, with a minimum gross amount for each year to be paid on at least as many tons as were, in the year 1891, sold by all the mines included in the new company.

Mr. Irving A. Stearns, manager of the coal companies of the Pennsylvania Railroad Company, visited Cape Breton, and made an examination of the properties, rendering his report on September 20, 1892.

Mr. Stearns stated in his report:

"The developments made show that the different seams are remarkably uniform in thickness and quality, and unusually free from faults and disturbances of any kind; and are also very free from gas and water, both of which are very important factors in the cost of mining.

"As all of the coal is shipped in vessels, and navigation is closed for several months during the year these mines are compelled to suspend operations during that time or to stock whatever coal is mined. This, of course, adds largely to the cost, and materially increases the amount of slack coal when it is put in stock.

"If the mines were working steadily the average cost of mining of all the collieries referred to, exclusive of royalty and new improvements, should not exceed 80 cents per ton, and by the use of coal-cutting machinery could be still further reduced.

"The different mines and colliery plants are, as a whole, in good condition.

"If the different operations were consolidated considerable saving could be effected in various ways.

"It might be found expedient to abandon some of the shafts or slopes for hoisting purposes, and take the coal through other openings in close proximity, thereby increasing the output and reducing the fixed charges. At present each of the operations have shops for doing the colliery work, which could be consolidated at convenient points, and the cost of this department very much reduced.

"A very important advantage in such a consolidation would be in opening new collieries, which could be located with a view to mining the greatest amount of coal with the smallest expenditure of money, thereby enabling one plant to do the work which, with different interests as at present, would require two or more.

"While there is no doubt that the consolidation of the different interests in the Cape Breton coal field would result in decreased cost of operation and a corresponding increase in the profits at present realized, these profits could be further increased by reducing the cost of mining, if steady work prevailed throughout the year instead of about one-half the year as at present, as there are certain fixed charges that have to be met whether the mines are idle or working. To do this would necessitate a shipping point open at all times and a more extended and constant market."

E. Gilpin, jr., inspector of mines of Nova Scotia, states the amount of available coal on these various properties as over 750,000,000 tons.

Mr. Stearns suggested in his report that an examination of the books of some of the companies be made by an expert coal accountant, and recommended Mr. Frederick Schneider, formerly and for many years chief accountant of the Lehigh Valley Coal Company, who examined the last five years' accounts of four of the principal companies, and made a report under date December 31, 1892. Mr. Schneider examined the books of the "Little Glace Bay," "Gowrie," "Caledonia," and "International" companies; and his report shows that they have been making during the last five years an average profit of about 40 cents per ton on their output.

These mines are at present operated for only about six or seven months of each year, as their harbors are usually impeded by ice during the winter. About 500,000 tons are sent to ports on the St. Lawrence, the balance going to the various ports of Nova Scotia, New Brunswick, and Newfoundland.

The interruption to work has had a serious effect on the economies of the companies now operating these mines; and, as it is, no one of them has had sufficient business, even if it were prepared to make the outlay, to justify the application of those modern methods of mining, shipping, and transporting coal, which, when used on a sufficient scale, so materially reduce the cost of these operations.

The administration of some ten individual companies has necessarily been expensive, and competition among themselves has probably increased to some extent the cost of operating, and most certainly has reduced the net returns of their product.

It has been arranged to unite and consolidate all these companies, except perhaps one, on which the company holds an option and which can be acquired if thought desirable, under the title of the Dominion Coal Company (Limited), and all of them are now owned by or under refusal to it. The cost of these properties, of the Black Diamond Steamship Company (whose steamers transport coal up the St. Lawrence River), and of the railroad spoken of below, will be considerably in excess of the amount of bonds and preferred stock issued; and the company will have in its treasury a large amount of money to be devoted to improvements.

Under the new organization, which proposes to immediately construct a railroad of about 27 miles to Louisburg, equipping it in the most substantial manner for the carriage of the heaviest freight (its cost, including equipment, being estimated by Mr. Thomas C. Clarke, of New York, to be about $750,000), the mines will be worked throughout the whole year, as this port is open and easily accessible all winter. The new company by concentration will be enabled to employ the most modern appliances for mining, handling, and shipping its product, and to do the work at an economy in time and labor which should reduce the cost materially below that reached by any of the present organizations.

It will be able to introduce large savings by furnishing adequate terminal facilities at principal ports and by supplying cheaper water transportation, the greater part of which is at present handled by small vessels under charter and unfitted to do the work economically. So, too, the concentration of the administration of the company will prevent the internal competition between these different companies, and will enable Cape Breton coal to meet that of other districts in the markets on its merits.

Should the United States duty of 75 cents per ton be removed, it seems evi-

dent that this company will find a large market on the New England seaboard, for which its position at tide-water would enable it to compete on advantageous terms.

It is estimated that it could put coal f. o. b. vessel at Louisburg for about $1 a ton, probably cheaper than coal is shipped at any port in the world.

The accountant's statement shows that the companies whose books he examined have been making during the past five years an average profit of about 40 cents per ton on their output, not including various sources of revenue, such as profits of the company stores, revenue from railroads outside of coal traffic, and profits of the steamship company. This profit per ton should be considerably increased by consolidation, but even this as a basis shows an annual profit, for the combined present output (about 825,000 tons) of all the mines except the one above mentioned, operated individually, of about $330,000

The annual interest on the present issue of bonds is	$90,000	
The annual dividends on the present issue of preferred stock are	120,000	
The sinking fund, estimated on basis of the present output of coal will be: First year, at 2 cents per ton, about.....	15,000	
		225,000

The sinking fund will receive 3 cents per ton the second year, 4 cents per ton the third year, and 5 cents per ton thereafter.

The formation and organization of this company, the legal validity of its issues of securities, the title of the properties to be taken over, the company's franchises and privileges, have been passed upon by counsel, who have rendered us the following opinion:

"BOSTON, *February 17, 1893.*

"Messrs. KIDDER, PEABODY & Co.:

"GENTLEMEN: We are of the opinion that the Dominion Coal Company, Limited, is legally organized; that the proceedings of the company, authorizing the issue of its preferred and common stock and of its bonds, and the mortgage securing the same, are legal and valid; and that the titles of the vendors to the various mining properties to be taken over by the company are good and valid.

"We are also of opinion that the concessions and franchises conferred upon the company by its act of incorporation, and the act of the Legislature of Nova Scotia of the year 1893, entitled 'An act for the further encouragement of coal mining,' are legally and effectively vested in and assured to the company, according to the terms expressed in said acts.

"Yours, respectfully,

"HUGH McD. HENRY, Q. C.
"WILLIAM B. ROSS, Q. C.
"GASTON & SNOW."

Officers of the company: President, Henry M. Whitney, of Boston; treasurer, John S. McLennan, of Montreal; chief engineer, F. S. Pearson, of Boston; resident manager, David McKeen, of Glace Bay, Cape Breton.

Directors: Henry F. Dimock, of New York; Sir Donald A. Smith, K. C. M. G., of Montreal; Hugh McLennan, of Montreal; W. C. Van Horne, of Montreal; F. S. Pearson, of Boston; Henry M. Whitney, of Boston; W. B. Ross, Q. C., of Halifax; Alfred Winsor, of Boston; Robert Winsor, of Boston.

Trustees and transfer agents of the bonds: New England Trust Company.

Transfer agents of the stocks: American Loan and Trust Company.

BOSTON, *February 18, 1893.*

Mr. GRAY. The difficulty seems to be, Mr. President, that the Senator from New Hampshire [Mr. CHANDLER] has come to take himself seriously in these later days of the summer, and I think the people of the United States were inclined to take him seriously the other day—whether he intended them to take him seriously or not is another question—but I am sure they took him seriously when he spoke of—

That magnificent man in the White House, who always stands upon principle, who sacrifices himself upon every occasion when duty calls him, and who always subordinates personal ambitions to the public good.

I think the public and the Senator from New Hampshire are at one there; I think he will find a very ready response to that eulogium of the President of the United States, and that he will in this respect bask in the sunshine of popular favor as he has, perhaps, even in his successful life, never basked before.

But, Mr. President, whether the Senator from New Hampshire takes himself seriously or no, there is one thing that is very apparent to everybody else, that the Senator's enthusiasm and zeal are never manifested and exploited except when he thinks he can defeat a low tariff bill or help to defeat a low tariff bill by such exploitation. The Senator's eloquent voice, his invective, and his cutting sarcasm were never heard in 1890 when these corridors and committee rooms were thronged with the representatives of every syndicate and trust in this country that expected benefit from high tariff legislation; yet the Senator from New Hampshire here to-day says that he is so sensitive and the public is so sensitive on this matter of trusts that we ought to investigate every trust which is endeavoring to get the best bargain it can and the best result it can out of tariff legislation now as it did in 1890, and the Senator says this bill ought to be defeated, and has said over and over again that he will vote against it if he has an opportunity, when he knows there is nothing that can go to the sugar trust that will be so grateful and so beneficial and will secure to them so large an opportunity of plundering the people of this country as the McKinley law, which would be left in force if the pending tariff bill were defeated.

It is pretty hard to follow the Senator from New Hampshire in all this matter; and while I am disposed to admire him and give him the meed of my praise for his eloquence and his ingenuity in managing, to a large degree, the opposition to this bill, I am at a loss now to reconcile his different positions in this regard. I think he will have some difficulty in persuading the people of this country to understand how he can be so zealous, as he seems to be, and doubtless he is, in regard to the sugar trust, when he is quite willing the sugar trust should enjoy the largest measure of protection they ever can hope to enjoy under any legislation that is possible from the Congress of the United States.

Mr. RANSOM. I beg leave to submit at this time the report of the committee of conference on the river and harbor bill, and I ask that it may be now acted upon.

Mr. GRAY. Mr. President——

The VICE-PRESIDENT. The Senator will suspend for a moment. The Senator from North Carolina has submitted a privileged question, the report of a committee of conference, which will be read.

Mr. RANSOM. I shall wait until the Senator from Delaware concludes. I give notice that I shall not give way after that.

Mr. GRAY. My friend from New Hampshire and myself differ entirely on this question of protection, as to what ought to be the policy of this country in regard to tariff taxation; but I feel and I believe, and I think that the people of this country will believe, that the question of morality lies back of any of the matters or things suggested by the Senator's resolution. It lies back at the very basis of this question which divides the two sides of this Chamber. I believe, and I think the majority of this country believe, that we can never have decency, we can never have high public morality in legislation on these matters, until we get rid of the notion that all the business interests of the country must depend upon legislation for their support.

I do not believe, Mr. President, that it is possible that we should go on indefinitely and keep this Government in partnership with the great trusts and business enterprises of this country and not seriously injure the moral tone of the Government itself. I do not think it is possible that we should give the opportunity for self-interest, for human greed, if you please, to get benefit by legislation and not have constantly these grounds for suggesting scandals in legislation. That is one of the great reasons why I believe that the Government should divorce itself entirely from legislation which brings the Government into partnership with the business of the country.

If it is a scandal, as I said awhile ago, and there is any public immorality in a syndicate or a corporation or an individual being affected by taking taxes off, equally so are all these things attached to those who are benefited by taxes being kept upon the commodities of commerce. There can not be a scandal one way unless there is a scandal the other; and if the people of this country are not to be allowed to buy where their necessities dictate they should buy and to spend the dollar that they earn as they choose to spend it, then it seems to me we might as well investigate both sides of this question.

Mr. HOAR. Mr. President——

Mr. GRAY. If the constituents of the Senator from Massachusetts [Mr. HOAR] are not allowed to buy coal in Nova Scotia, where Providence has placed it right within arms' length of them, where they can put out their hands and touch it, for the benefit of the favored owners of coal mines in the United States, or transportation companies whose lines lead from those mines to New England, we had better know it. If this tribute must be paid by New England, so be it.

Mr. HOAR. I wanted to ask the Senator a question before he sat down with reference to the point he made a minute or two ago. He said that in 1890 (drawing a parallel with the present condition of things with regard to this great Nova Scotia coal company) the great manufacturing interests of the country were here thronging the corridors for the purpose of pressing their desires upon legislation. I wish to ask the Senator if he does not think that there is a great difference between the two cases in one respect. In 1890 these representatives were here in the face of day to be heard by the legislative power, coming at its invitation, and the two sides of any question meeting and encountering each other in the committee room, subject to cross-examination and rigid scrutiny by hostile Senators as well as by hostile manufacturers and persons in interest in regard to their methods of procedure. Can the Senator put his finger on a manufacturing establishment or a manufacturing interest which was summoned here by the Committee on Finance in 1890 that was not exposed to the most rigid scrutiny and examination in regard to all its business methods, if any whisper of wrongful interest was suggested? Is not that the difference?

Mr. GRAY. Mr. President——

The VICE-PRESIDENT. The Senator from Delaware will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (H. R. 5246) providing for the inspection of immigrants by United States consuls.

Mr. RANSOM. I rose to insist upon the consideration of the conference report upon the river and harbor bill, but at the request of the Senator from Delaware [Mr. GRAY] I give way to him to reply to the question of the Senator from Massachusetts [Mr. HOAR].

Mr. GRAY. The Senator from Massachusetts certainly did

not understand me aright if he understood me to cast any serious reflections on the representatives of the interests who were affected by the tariff bill of 1890. My criticism is directed not at the individuals, not at the Senator from Massachusetts, who thinks that is right because he starts from different premises, but to the policy which invites those people here and makes the industries of the country dependent upon the legislation of the country. I say that is a high public immorality. Of course, the Senator from Massachusetts does not understand that there is any imputation on any Senator who differs with me.

Mr. HOAR. I understood the Senator to say, if he will pardon me, that a parallel case to that stated by the Senator from New Hampshire was when representatives of the industries of the country affected by that legislation were here in 1890 thronging the corridors.

Mr. GRAY. Certainly they were.

Mr. HOAR. That is what I pointed out. Do I now understand the Senator from Delaware to say that he thinks legislation can be conducted without reference to its effect upon the industries of the country?

Mr. GRAY. I say that legislation ought not to be so conducted that it will be to the interest of those industries to come to the Capitol and besiege committees and members of the House and the Senate in order to procure special advantages, at the expense of the mass of the people. That is what I say.

Mr. HOAR. That is where I differ with the Senator from Delaware.

Mr. GRAY. I said that we differed there; but I should like to ask the Senator if there is any immorality in citizens of the United States, if they be such, owning stock in a Nova Scotia coal company? I do not know whether they are citizens of the United States.

Mr. HOAR. Does the Senator from Delaware ask me that question?

Mr. GRAY. Yes.

Mr. HOAR. I have not undertaken to deal with that question at all. The Senator from New Hampshire introduced that subject. I do not think there is a great deal of patriotism, not to say immorality——

Mr. GRAY. I wish the Senator from Massachusetts would answer my question.

Mr. HOAR. I do not know whether the Senator from Delaware considers lack of patriotism immorality. I must therefore state my answer in my own way. I do not think there is much patriotism in a lot of wealthy American men going into partnership with the Canadian Government to get a monopoly and to break down certain United States interests. Whether that is immorality or not the Senator from Delaware may state.

Mr. GRAY. The Senator from Massachusetts apparently was not able to answer a very simple question, and I do not think he has answered it. I do not think the Senator will say that there is any immorality, patriotic or otherwise, in any citizen of his State or in any member of this body owning an interest in an industry which is located across the border. I know he will not say it is immoral. I think he has covered up the answer that I should have had by an ingenious evasion of the question, if he will allow me to say so.

Of course, there is no difference, and if they be affected, or if such an interest be affected by the lowering of taxes, there is no more reason why they should not say they are interested, and speak of their interest, if they be citizens of the United States, than that those who are interested in keeping up taxes should be heard. So I agree with the Senator from California [Mr. WHITE] that it is an entirely immaterial question. I do not know that any Senator of the United States, or any member of the House, or anyone connected with the Government is interested in such a company.

I do not believe they are, but this Government can stand, and it is strong enough to stand, a refusal on the part of its friends to enter upon any such futile and insincere attempt at investigation as is proposed by the resolution of the Senator from New Hampshire. I am strong enough to do it. I do not want to be investigated about such an impertinent and absolutely irrelevant matter as whether I own or do not own stock in a foreign corporation. I am able to stand up and say so and to defy any criticism by reason of my opposing it and refusing to investigate myself or investigate my fellow-Senators upon a matter of this kind, which is absolutely irrelevant.

Mr. RANSOM rose.

Mr. HOAR. Will the Senator from North Carolina pardon me for one second?

Mr. RANSOM. I will pardon the Senator for one second, but no more. I can not yield further.

Mr. HILL. I rise to a parliamentary inquiry.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from New York will state his parliamentary inquiry.

Mr. HILL. At 2 o'clock, as I understood, the unfinished business, being the immigration bill, was laid before the Senate. I wish to know how that bill was sidetracked.

Mr. RANSOM. I will tell the Senator from New York.

The PRESIDING OFFICER. The Chair will state that the immigration bill is before the Senate.

Mr. RANSOM. I called up the conference report on the river and harbor bill, which is a privileged matter.

The PRESIDING OFFICER. The Chair will state that according to the understanding of the Chair the bill to which the Senator from New York refers is still before the Senate.

Mr. HOAR. I thought I had the consent of the Senator from North Carolina to proceed?

RIVER AND HARBOR BILL.

Mr. RANSOM. I moved immediately before the unfinished business was laid before the Senate that we proceed to the consideration of the conference report upon the river and harbor bill; but I gave way to the Senator from Delaware. I afterward asked when the hour of 2 o'clock arrived that we should proceed to its consideration.

The PRESIDING OFFICER. The Chair will state that he did not understand the motion of the Senator from North Carolina as being put and carried by the Senate.

Mr. RANSOM. It is a privileged motion.

The PRESIDING OFFICER. It is a privileged motion, but the Chair understood the Senator from North Carolina to withdraw the motion in order to allow the Senator from Delaware to submit some remarks.

Mr. RANSOM. I took the floor and yielded to the Senator from Delaware, who stated that he had it with my consent. I move that the Senate proceed to the consideration of the conference report on the river and harbor bill. I can not give way further.

The PRESIDING OFFICER. The Senator from North Carolina moves that the Senate proceed to the consideration of the conference report on the river and harbor bill.

The motion was agreed to.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6518) "making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 20, 23, 28, 32, 33, 35, 39, 84, 113, 122, 126, 133, 135, 150, 155, 185, and 229.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 18, 21, 22, 26, 34, 37, 38, 39, 40, 42, 43, 44, 45, 46, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81, 82, 83, 85, 88, 89, 90, 91, 92, 93, 94, 96, 99, 101, 103, 104, 105, 108, 109, 110, 111, 112, 114, 115, 116, 117, 118, 119, 120, 124, 125, 127, 128, 130, 131, 132, 136, 139, 141, 144, 146, 147, 148, 149, 154, 156, 157, 158, 159, 160, 162, 163, 164, 165, 166, 167, 169, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 222, 223, 224, 226, 227, and 228, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$200,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: After the matter proposed to be inserted by the Senate insert the following as a new item:

"Merrimac River, Massachusetts: The Secretary of War is directed out of the appropriation on hand to make a resurvey of said river with a view of obtaining a depth up to Haverhill equal to that over the bar at Newburyport."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment in the nature of a substitute, as follows: Strike out all of amendment numbered 19, and insert in lieu thereof the following:

"Improving Bay Ridge and Red Hook Channels, New York Harbor, New York: Continuing improvement of Bay Ridge Channel by dredging out and opening the same from a point at its junction with the Gowanus Creek Channel (near Twenty-eighth street), southerly therefrom, along and in front of Gowanus Bay and Bay Ridge to a point where the said Bay Ridge Channel so to be opened, encounters a 26-foot contour or depth of water, so that the channel, so to be opened, shall be of a uniform depth of 26 feet and a width of 800 feet at low water, and continuing improvement of Red Hook Channel from its junction with the Bay Ridge Channel to its connection with the Buttermilk Channel, to obtain a depth of 26 feet at mean low water and a width of 400 feet, $150,000: *Provided*, That the Secretary of War may, in his discretion, expend $20,000 of said appropriation in improving Gowanus Creek Channel under the project to obtain 21 feet depth of water."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted and insert in lieu thereof the following:

"Improving Niagara River from Tonawanda to Port Day with a view to

obtaining a channel of 12 feet depth to Schlosser's Dock by cutting through the shoal at the head of Conners Island as indicated in the report of the Chief of Engineers for 1893, page 313, $10,000; and the unexpended balance of the appropriation heretofore made in the river and harbor act of July 13, 1892, for the improvement of the Niagara River from Tonawanda to Port Day is hereby reappropriated for this purpose."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by the Senate, and insert on page 77, after line 7, the following as a new item:

"Baltimore Harbor: To widen the ship channel to 1,000 feet."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate insert the following:

"Improving the outer bar of Brunswick, Ga., $30,000, the whole of which shall be paid to C. P. Goodyear for depth of water heretofore obtained over said outer bar. And the Secretary of War is hereby authorized to pay to said C. P. Goodyear, his heirs or assigns, upon procurement by the said Goodyear, his heirs or assigns, of a practical channel over said outer bar at Brunswick at least 100 feet in width and of a minimum depth of 23 feet at ordinary mean high tide on or before November 1, 1895, the sum of $30,000; upon the procurement as aforesaid, on or before the 1st day of January, 1897, of a depth of water in said channel over said outer bar of a minimum depth at ordinary mean high tide of 24 feet, and of said width, $40,000, to be paid in manner aforesaid; upon the procurement as aforesaid, on or before January 1, 1898, of a depth of water in said channel of a minimum depth at ordinary mean high tide of 25 feet, and of said width, $50,000, to be paid in manner aforesaid. And should the depth of 25 feet at ordinary mean high tide in said channel over said outer bar be procured as aforesaid and maintained for two years thereafter for the width above named, $25,000 in addition shall be paid in manner aforesaid. The said C. P. Goodyear, his heirs and assigns, shall procure said work on said outer bar by the explosion of dynamite on the bottom of said channel or sunk beneath the bottom thereof, in his or their discretion, and not otherwise, and shall use the necessary auxiliary means for smoothing the bottom of the bar. The money necessary to carry out the provisions of this item is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That no payments except the first, of $30,000, shall be made except upon a certificate of a majority of a board of officers, two of whom shall be officers of the Engineer Corps, detailed for that purpose by the Secretary of War, and the third shall be the Chief of the Coast and Geodetic Survey, that the said C. P. Goodyear, his heirs and assigns, have complied with all the conditions as to any of the depths and widths named or as to the maintenance of a depth of 25 feet accomplished in accordance with the provisions of this item."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$275,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$70,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Strike out the following item as contained in lines 10 and 11, page 19: "Improving harbor at Wilmington, Cal.: Continuing improvement, $40,000;" the same having been inserted in the bill by mistake, the improvement having been heretofore completed; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agreed to the same with an amendment as follows: In lieu of sum proposed insert "$170,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by the Senate; strike out the period at end of line 12, page 24, and insert in lieu thereof a semicolon; and in lieu of the matter proposed to be inserted by the Senate insert the following: "And also to take testimony as to the value of said improvements, and the commercial importance of free navigation of said river, and the Secretary of War shall report thereon to Congress at its next succeeding session, to the end that Congress may determine as to the expediency of making the navigation of said river free from tolls;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by the Senate and insert in lieu thereof the following: "For the survey of the water ways through the sounds of North Carolina and for the survey of the Dismal Swamp Canal, Virginia and North Carolina, with a view of obtaining a depth of 9 feet and the necessary width of a ship canal, and for the survey of the rivers and water connections connecting said canal with the sounds of North Carolina, $5,000, or so much thereof as is necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of sum proposed, insert "$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of sum proposed, insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$14,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate insert the following:

"Improving Cape Fear River, North Carolina, from Wilmington to its mouth: Continuing improvement, $200,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$7,000;" and the Senate agree to the same

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: On page 35, line 8, after the word "hundred," insert "and ten."

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$40,000;", and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: Strike out the sum proposed and insert in lieu thereof the following: "$135,000, of which $10,000 shall be used in improving Rough River, Kentucky;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: At the end of the paragraph proposed to be inserted strike out the period and insert a colon and the following proviso: "*Provided*, That nothing herein shall be construed to commit the Government to proceed with the construction of said improvement;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$51,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following: "Improving the Mississippi River between the Chicago, St. Paul, Minneapolis and Omaha Railroad bridge at St. Paul to the Washington avenue bridge at Minneapolis, $51,000, which, together with the unexpended balance standing to the credit of this improvement, shall be expended under the project or plan to extend navigation from St. Paul to the flour mills at Minneapolis, estimated for by Maj. A. McKenzie, as appears by his report made to Gen. Thomas L. Casey, Chief of Engineers, United States Army, under date of March 1, 1894, by the construction of a lock and dam numbered 2 in the same project;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$110,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: After the word "dollars," in line 15, page 46, strike out the period and insert a comma and the following words: "of which $10,000 may be used in dredging the mouth of the Wolf River, in the discretion of the Secretary of War;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: At the end of the paragraph proposed to be inserted by the Senate strike out the period and insert in lieu thereof a comma, and add the following: "and the said Commission is directed to report to Congress, in their next regular report, their views on the advisability of effecting a separation between the Mississippi and Red Rivers at the present junction thereof and maintaining navigation between the same through Bayou Plaquemine or by means of a canal;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate insert the following: "to be expended by the Missouri Commission;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: Strike out the entire paragraph proposed to be inserted and insert in lieu thereof the following:

"Missouri River, from its mouth to the lower limits of Sioux City, Iowa: The Missouri River Commission is authorized and directed to expend from the appropriations for the improvement of said river $75,000 in the rectification of the river at Omaha, Nebr.; $35,000 at Atchison, Kans.; and $50,000 at St. Joseph and other localities on the river in the State of Missouri where the Commission may deem such improvement necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate insert the following:

"Upper Missouri River between Stubbs Ferry, in Montana, and the lower limits of Sioux City, Iowa, $110,000, of which $10,000 may be expended in the protection and completion of the works at Sioux City; $40,000 are to be expended in the rectification of the river at Pierre and Fort Pierre; $40,000, in the discretion of the Secretary of War, may be used for the protection of Bismark Harbor and the rectification of the river by works to prevent the river from eroding the banks, and cutting a new channel at or near that point; $20,000 shall be expended between the Great Falls of said river, in Montana, and Stubbs Ferry, in Montana."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows:

In lieu of the paragraph proposed to be inserted by the Senate insert the following:

"Improving Columbia River, Oregon and Washington, at Three-mile Rapids, and the construction and equipment of a boat railway from the foot of The Dalles Rapids to the head of Celilo Falls, said boat railway to be provided at each terminus with hydraulic lifts, and other necessary appliances, for the purpose of raising and lowering the boats on suitable cars to and from its tracks, the whole to be located, constructed, and equipped for the passage of eight boats of 600 tons each in each direction in twelve hours, on the south

side of the Columbia River, substantially in accordance with the location and plans submitted by the board of engineers, appointed by the President in pursuance of the provision of the act of Congress approved July 13, 1892, and entitled 'Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' with their report, which is contained in Senate Executive Document No. 7, Fifty-third Congress, first session, $100,000: *Provided*, That the Secretary of War is hereby authorized and directed to proceed to acquire without necessary delay by purchase or condemnation, in the manner and according to the conditions now prescribed by law, the necessary right of way for said boat railway and the right to the use of lands required for terminal and other facilities for said boat railway, and to expend so much of the amount hereby appropriated as may be necessary for that purpose."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, and 181, and agree to the same with an amendment as follows: Strike out all of section 2 of the bill, and insert in lieu thereof the following:

"SEC. 2. It shall be unlawful for any person or persons to engage in fishing or dredging for shellfish in any of the channels leading to or from the harbor of New York, or to interfere in any way with the safe navigation of those channels by ocean steamships and ships of deep draft.

"Any person or persons violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, or both, such fine to be not more than $250 nor less than $50, and the imprisonment to be not more than six months nor less than thirty days, either or both united, as the judge before whom conviction is obtained shall decide.

"It shall be the duty of the United States supervisor of the harbor to enforce this act, and the deputy inspectors of the said supervisor shall have authority to arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by this act: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of the supervisor or his inspector or deputy inspectors, or either of them: *And provided further*, That whenever any such arrest is made the person or persons so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: Strike out all of line 3, page 68; after the matter proposed to be inserted by the Senate strike out the period and insert in lieu thereof a comma and the following: "And Sasanos River, from Bath to Boothbay;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by the Senate and insert in line 6, page 93, after the word "improvement," the following: "including survey from Magnolia to the city of Dallas;" and the Senate agree to the same.

M. W. RANSOM,
A. P. GORMAN,
J. N. DOLPH,
Managers on the part of the Senate.

T. C. CATCHINGS,
RUFUS E. LESTER,
THOS. J. HENDERSON,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

Mr. WHITE. Mr. President, I rise for the purpose of making a remark with reference to one item contained in the report. I ask to have read the action of the conference committee on amendment numbered 69.

The Secretary read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Strike out the following item as contained in lines 10 and 11, page 19: "Improving harbor at Wilmington, Cal.: Continuing improvement, $40,000," the same having been inserted in the bill by mistake, the improvement having heretofore been completed; and the Senate agree to the same.

Mr. WHITE. The item proposed to be stricken out is correctly cited as being on page 19, lines 10 and 11:

Improving harbor at Wilmington, Cal.: Continuing improvement, $40,000.

This was found in the bill as it came from the other House. It came to the Senate in that condition, and it was sent to the Senate Committee on Commerce in that state. It left the Senate Committee on Commerce and the bill was passed upon by the Senate without any change whatsoever in this item, and it was received by the conference committee without the slightest variation from the bill as it came from the House of Representatives. On page 259 of Jefferson's Manual I find the following:

So the Commons resolved that it is unparliamentary to strike out at a conference anything in a bill which hath been agreed and passed by both Houses.

Mr. REED, in his collection of rules applicable to Congressional legislation, says:

The conference may report any agreement on amendments, but may not change any item already agreed to by both Houses.

That is exactly the condition in which this item stands. The Senate will observe that the item is proposed to be stricken out on the ostensible ground that it was inserted by reason of a mistake, but I suggest that it is unwise and dangerous to adopt any rule which will permit a committee of conference to determine that which is or is not included by a mistake. The report to the Senate, and the action of the Senate upon the bill, the bill having come from the other House with the language therein found, are conclusive negations of the assertion made in the report. In other words, the testimony furnished by the bill itself is conclusive as to whether it was or was not a mistake. If the matter had been before the Senate, or before the Committee on Commerce, I believe I could have given reasons why it ought to have been retained, notwithstanding the reasons which actuated the committee, but that opportunity, of course, was not afforded, as it was never discussed on the floor of the Senate.

I cite this so that hereafter, if a question shall arise as to the power of a committee of conference to strike out an item contained in a bill which was not altered by the House to which it was transmitted by the other, we may have something of record as the judgment of the Senate justifying such action. The rule seems to me plain enough, and I call attention to it so that, as I have said, this may not be considered a precedent. It is incorporated as an amendment to another item. The next item in the bill is as follows:

Improving harbor at San Diego, Cal.: Continuing improvement, $40,000.

It is attempted to style the striking out of lines 10 and 11 an amendment to another and wholly distinct item found at lines 12 and 13. The one is the improvement of the harbor at San Diego, the other is the improvement of the harbor at Wilmington, a hundred miles away. The two items have no connection whatever, either in the bill or elsewhere.

I do not criticise the committee of conference or the Senate members of the committee. I know the circumstances surrounding the matter and the importance of having a river and harbor bill passed, the necessity of its passage being paramount to any item regarding which any Senator might or might not be interested. For that reason I do not urge that the Senate shall take any action that would prevent the adoption of the report. The river and harbor bill is a measure too important to permit any individual interest to intervene.

Mr. RANSOM. The committee of conference on the part of the Senate was extremely anxious to consult the wishes of the Senator from California in every respect, for the true reason that those conferees appreciated his ability and zeal in securing proper appropriations for his State. This question arose in the conference, if I may speak of it, in the way he has stated, and the conference committee settled it in the way stated. I may say with great respect to my friend from California that at last his amendments made in the Senate have given his State an increase of $39,000. The increases reached $179,000 in the Senate, and I think I am not going outside of propriety when I say that I do not know anyone else who could have had such large additions to the appropriations proposed.

As chairman of the committee, I want to thank him for his proper and good course to-day in throwing no obstruction in the way of the adoption of the report and the final enactment of the bill into a law.

Mr. WHITE. I simply desire to say, as I before stated, casting not the slightest criticism upon my associates in the committee, that while it is true there were appropriations to the amount of $179,000 added to the Senate appropriations by the committee as far as California was concerned, there was a deduction of $140,000; that the average amount of the Senate addition yielded in the conference was 40 per cent, and in that particular State it was 80 per cent. That was due, nevertheless, to the circumstances to which I referred, and over which the committee had no control.

The PRESIDING OFFICER. The question is on concurring in the report.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6777) to amend an act entitled, "An act to incorporate the Washington and Great Falls Electric Railway."

The message also announced that the House had passed the following bills:

A bill (S. 16) granting a pension to Nettie Seaver;

A bill (S. 470) for the relief of George H. Jewett, of Arlington, Washington County, Nebr.;

A bill (S. 876) granting a pension to Rebecca H. Chambers;

A bill (S. 1640) granting a pension to Otis Smith; and

A bill (S. 2217) to provide for the closing of a part of an alley in square 185 in the city of Washington, D. C.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1836) to provide for the payment of the 8 per cent greenback certificates of the District of Columbia, and for other purposes; and it was thereupon signed by the Vice-President.

RESTRICTION OF IMMIGRATION.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5246) providing for the inspection of immigrants by United States consuls.

The PRESIDING OFFICER. The question is on agreeing to the substitute reported by the Committee on Immigration.

Mr. HILL. Does the Senator from Kansas [Mr. PEFFER] desire to be heard on the bill?

Mr. PEFFER. I do.

Mr. HILL. If the Senator is ready to proceed he will have an opportunity now.

Mr. PEFFER. I should like to know what amendment has been made.

The PRESIDING OFFICER. The amendment pending before the Senate is to strike out the original bill and insert the amendment reported by the Committee on Immigration, which was read at the time the bill was first taken up.

Mr. PEFFER. Mr. President, all I care to say is that I think the bill is lame in its failure to describe particularly the character of persons at whom the prohibitive features of the bill are aimed. I understand that, while the bill has a somewhat general application, it is aimed specially at a class of men known as anarchists, and I think the bill is lame in the particular that it does not define, nor does it provide for any means of ascertaining prior to arrest, who shall be declared an anarchist.

I understand that when an educated anarchist is permitted himself to define what he believes or what he understands to be meant by the word anarchist in his definition he will describe about the highest type of human development. There is nothing destructive, nothing violent, nothing denunciatory or derogatory to human happiness or human government in such a definition as a man of that kind would give, and yet he calls himself an anarchist.

We are accustomed in this country, and I suppose in English-speaking countries generally, to regard an anarchist as one who stirs up violence and discord and strife in a community. With that understanding, if it be only properly described in the bill, I should not object to it. I shall not propose any amendment, because I have not had time to give sufficient thought to it, yet I want to put the thought upon record in connection with the passage of the bill, if it is passed, that it would be well now or soon hereafter to more particularly define not only the class of persons at whom the bill is aimed, but to define more in accord with American institutions the kind of tribunal which shall determine who is and who is not an anarchist.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. PEFFER. Certainly.

Mr. GALLINGER. I rose to ask the Senator if the definition in section 3 of the committee amendment, "that such alien is an anarchist, or that he is not attached to the principles of the Constitution of the United States, and well disposed to the peace and good order of the same," is not a pretty good definition. Does he think it would be an easy matter to better the definition, that it is a man who is not attached to the principles of the Constitution of the United States, and is not well disposed to the peace and good order of our Government? It strikes me that that is a very good definition.

Mr. PEFFER. I think persons of that character ought not to be permitted to land on our shores for any purpose. The first bill I believe that I had the honor to introduce when I first became a member of the Senate was a bill including language somewhat similar to that just read by the Senator from New Hampshire, and that bill was aimed largely at the class of persons at whom this bill is aimed. That bill provided that the consuls representing the United States in foreign countries should be clothed with power to examine all persons applying for permission to come to this country for any purpose, and unless the consuls were satisfied upon careful examination that such persons did not come within the purview of our prohibitive law they should not grant a certificate, and without a consular certificate no such person should be permitted to land upon American shores anywhere for any purpose.

It seems to me upon a cursory examination that there is no provision that will require such a careful examination of persons immigrating to the United States as they are entitled to receive before being denied the privilege of coming here.

I merely want to call attention to that feature of the bill. I think it is lame in that respect. I will go as far as any Senator, and it has already been demonstrated repeatedly that I will go a good deal further than most Senators in keeping out of the country all such persons as will endanger the peace and safety and happiness of the people of the United States; for I think a nation is just like a family and has the same right to protect itself against intruders.

I appreciate as well as anyone the abstract rights of men and believe that any well-behaved person has a right to go anywhere he pleases up and down the earth and settle upon land that has not already been occupied properly by some other person. I do not think that those rights depend upon the nativity of men and women or their color or on anything connected with them beyond their rights as men and women. All that I ask in legislation of this kind is that human rights shall be guarded, the rights of men, the rights of women, which we as Americans here are very careful to guard in our own interests. That is all I ask.

Mr. HILL. Mr. President, I propose to speak in the first instance in relation to the provisions of the bill which apply to the anarchists, so called. Those provisions are new. There is no authority under the existing laws of the United States to prevent the landing of persons who are commonly known as anarchists. They are the only additional class of persons now deemed necessary to provide against. Our laws in regard to immigration seemed to be remarkably well framed, and if honestly and vigorously carried out will do much towards preventing what is known as undesirable immigration.

I do not propose to call the attention of the Senate to the classes who are now excluded, and unless a property qualification should be added, which is not deemed wise, every other improper class is excluded by existing laws except the persons who may be called anarchists. The necessity for this portion of the bill arises not only from what is patent to everyone who understands the existing situation, but also from the fact that nearly all the principal European countries are now legislating against this class of people, and if they are not excluded from the United States this country will soon be the dumping ground of the anarchists of the world. Hence the necessity for the proposed legislation at this time.

Mr. President, it is not proposed by this measure to make belief in anarchy a crime. Therefore it is not necessary by the express terms of the bill to define what anarchy is. No provision is made for an indictment; no provision is made for punishment; but provision is made that such a person known as an anarchist shall not land in this country, and if he does land, by certain proceedings to be taken by or through the Secretary of the Treasury that person may be deported.

The first section of the substitute provides—

That no alien anarchist shall hereafter be permitted to land at any port of the United States or be admitted into the United States; but this shall not be so construed as to apply to political refugees or political offenders.

That last clause was deemed necessary so as to avoid all question in regard to persons in other countries who are engaged in some proceeding to overturn one government in order to replace it with another.

An anarchist, according to all well-defined definitions, does not believe in any civil government whatever. He can not be a political refugee within the meaning of the statutes upon that subject. He believes in no form of civil or social government. He is a disturber of the peace of society. He believes in social chaos. He believes in having no government whatever with which to guide humanity. That provision which I have read is the first section of the bill.

Under laws passed heretofore a board of special inquiry is appointed by the Secretary of the Treasury. At the port of landing this board makes inquiry and inspection of all immigrants who land. It is made the duty of this board by the second section of the bill to propound "pertinent questions" to the party charged with being an anarchist whose landing is objected to because of his being an anarchist. What we mean by "charged" is not a crime, the charge of being an anarchist having been made against him simply as a ground why he should not land. This board proceeds by "pertinent questions" to inquire of his "antecedents, political opinions," etc. The bill will have to be amended; there are some misprints, which I will propose to correct later—"whether he belongs to any society or association of known anarchistic tendencies," and the board may "examine the person for marks indicative of such membership."

The object of that provision is because in Europe it has been shown by the trials had that certain of these societies have stamped upon their persons certain marks by which they are known. Owing to that well-known fact in other countries it is deemed wise to place this provision in the bill.

It is also provided that the board of special inquiry "may accept evidence of the immigrant's common reputation as an anarchist." That is proper in such a proceeding. Of course I would not sanction such a provision if it was upon a trial where a person was charged with a crime, but on the question of the protection of the United States from undesirable immigrants it is proper to accept evidence of the "immigrant's common rep-

utation." In almost any trial in this country a man's general reputation can be admitted in evidence.

We have the spectacle now presented of a well-known English anarchist, well understood to be such in England, who comes to this country, lands here—there is no provision for stopping him—and he is actually attempting to deliver addresses in the cities of New York and Brooklyn in favor of the principles of anarchy—if we can speak of the doctrine of anarchy as principles—and there is no way to deport him or send him back, although he is now prevented by the police authorities of those cities from speaking in behalf of his doctrine.

Also, it is provided that "the orders, decrees, or judgments of foreign governments and police notifications" may be received "as prima facie evidence, which shall be sufficient, unless successfully controverted, to sustain an order of deportation." The Secretary of the Treasury, when he is satisfied "that an alien has been allowed to land, or has come into the United States contrary to the immigration laws, may issue a warrant and cause such alien immigrant to be taken into custody and returned to the country whence he came." He "may authorize any immigration official to summon witnesses," etc.

Now, there is no difficulty about this provision, I will say to the Senator from Kansas. The rights of these alien immigrants are well protected. It is a summary inquiry, of course. It must necessarily be so. If the person is well disposed he can satisfy these officials of that fact. It is proper that he should be bound by his general reputation. In other words, the question as to whether the person should be allowed to remain here is a matter for the wise discretion of our Government officials and there it must be left, and we must give our officials broad discretion in such cases.

The bill provides further, in the third section, where there is in this country a "trial and conviction of any foreign-born and unnaturalized person of any crime or misdemeanor in any United States court," if it shall appear "from the evidence produced at the trial that such alien is an anarchist or that he is not attached to the principles of the Constitution of the United States, and well disposed to the peace and good order of the same, and that his remaining in this country will be a menace to the Government or to the peace and well-being of society in general, such convict, in addition to other punishments adjudged, shall be taken before a commissioner of immigration at a port of entry, who shall order his deportation at the expense of the United States, to the country from which he came."

Mr. GRAY. May I ask the Senator from New York a question?

Mr. HILL. Certainly.

Mr. GRAY. Do I understand the provision means that where the person upon trial has been convicted and shall appear to the judge to be a person who is not well-disposed towards the peace and good order of the United States he may be ordered to be deported in lieu of other punishment.

Mr. HILL. No; "in addition to other punishments."

Mr. GRAY. Suppose he is an anarchist to be imprisoned——

Mr. HILL. At the expiration of the term of imprisonment.

Mr. GRAY. Ought not the bill to say so?

Mr. HILL. I think that is implied. I think possibly it might be well enough to add that clause. It reads:

> Such convict, in addition to other punishment adjudged, shall be taken before a commissioner of immigration.

I think perhaps it may be well to add, after the word "convict," the words "after the expiration of any term of imprisonment." I will move that amendment after I finish my remarks, Mr. President.

That, Mr. President, is the theory of this bill so far as anarchists are concerned. It deals with them summarily, and necessarily so.

Mr. SHERMAN. I am very much in sympathy with the objects of this bill, and I wish to make a suggestion to the Senator from New York. In the naturalization laws, which have stood upon the statute books ever since the formation of the Government, the language of the old mandate has always been preserved. The language at the bottom of page 3 of the bill is partially copied from the naturalization laws. The bill reads:

> The presiding judge shall certify that from the evidence produced at the trial he is satisfied that such alien is an anarchist, or that he is not attached to the principles of the Constitution of the United States and well disposed to the peace and good order of the same.

The bill follows the language that has been on the statute books, I believe, ever since the formation of the Government, except that in the statutes the words "and happiness of the same" are used instead of "the peace and good order of the same." I think the language of the statute is a little better and fuller than that contained in the bill.

Mr. HILL. I think "well disposed to the peace and good order of the same" is a little better phrase than "well disposed to the good order and happiness of the same."

Mr. SHERMAN. I will read the language of the naturalization laws:

> And that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

I would insert those words, and that would cover the whole case. The alien has to prove the affirmative of this when he is attempting to get his naturalization papers. We know ordinarily that that can not be enforced against aliens.

Mr. HILL. If the Senator from Ohio will put the amendment in form and propose it at the proper place, I think it will be satisfactory.

Mr. SHERMAN. Very well.

Mr. HILL. So far as this bill is concerned and so far as it relates to anarchists, there was no question whatever in the Committee on Immigration. All the members were in favor of it. The Senator from New Hampshire, I regret to say, differs from the majority of the committee in regard to one provision of the bill. He favors what is known as consular inspection abroad.

A word as to the history of this bill. The bill as first introduced in the House of Representatives by a gentleman from Pennsylvania [Mr. STONE]—it was the first section of this bill which is now eliminated—provided for the inspection of immigrants by consuls abroad, and that was all the bill contemplated. It was referred to the Committee on Immigration of the House of Representatives.

Mr. CHANDLER. I desire to say to the Senator from New York that, as I understand, it is not in order to refer to the parliamentary history of a bill in the House of Representatives. The bill comes here from the House of Representatives. There is probably nowhere in the United States such a complete master of parliamentary law as the Senator from New York, and therefore I confidently appeal to him not to make statements in this Chamber in reference to the history of this bill in the House of Representatives that, if he were occupying the chair of the Senate, he would be obliged to rule out of order.

Mr. HILL. Mr. President, if there is anything in the rules of the Senate which provides that we can not speak of the history of a bill in the House of Representatives, that is only an additional argument why the rules of the Senate should be amended. I am not casting any reflection upon the House of Representatives, but I submit to the good sense of the present occupant of the chair that the history of a bill, and simply a statement of its procedure through the House of Representatives, is not a violation of any rule of this body or of any other body, and unless the Chair rules—I do not understand the Senator from New Hampshire to make any point of order——

Mr. CHANDLER. I made it in advance, knowing something of what I thought the Senator intended to say, so that by way of caution he might refrain from making any unparliamentary reference to proceedings in the other House.

Mr. HILL. I was not making any unparliamentary reference. I was proceeding to give the history of this bill; and I think that is perfectly proper. The bill, as I said, was introduced by a Representative from Pennsylvania, and simply provided for the inspection of immigrants. That was all there was of it, in one section. The bill was referred to the Committee on Immigration.

The Committee on Immigration was about to take up the bill and proceed to the consideration of it when a motion was made by Mr. STONE to discharge the committee from its further consideration, which was agreed to, and it was then referred to the Committee on the Judiciary, of which he was a member. Subsequently, when bills of this character were being called up in the House of Representatives and when the House was depleted, when, as I understand, a large number of its members were here in the Senate Chamber——

Mr. CHANDLER. I rise to a question of order, Mr. President.

The PRESIDING OFFICER. The Senator from New Hampshire will state his point of order.

Mr. CHANDLER. The point of order is that it is not competent for the Senator to state what he is about to state with reference to the passage of this bill through the House of Representatives. For instance, the Senator is proceeding to say that the bill was taken up when a large number of the members of the House were out of the House, attending in this Chamber, perhaps listening to a speech by the Senator himself.

Mr. President, it is entirely incompetent for the Senator to say anything in connection with the passage of this bill through the House of Representatives that is in derogation of the text of the bill as it comes to us with the certificate of the Clerk of the House that it has passed the House of Representatives.

Mr. HILL. Possibly what I have to say may be in commendation of the bill.

The PRESIDING OFFICER. The Chair understands the Senator from New Hampshire makes the point of order as to what

the Senator from New York was about to say. It is utterly impossible for the Chair to rule upon a question of that kind.

Mr. CHANDLER. The Chair will allow me to say that I make the point of order as to what the Senator has already said.

Mr. HALE. What is the Senator's authority? I wish we could have his authority for the point of order.

Mr. CHANDLER. The Senator from New York proceeded to state that when this bill was taken up in the House of Representatives a large number of the members of the House were absent from the House. I suppose he is about to criticise——

Mr. HILL. I was about to say there was no rule——

Mr. CHANDLER. I infer from what the Senator has said that he was about to criticise the bill because it passed in a thin House.

Mr. HILL. That is no reflection upon the bill.

Mr. CHANDLER. That is in derogation of the bill, and it is not within the rules.

Mr. HALE. What is the Senator's authority when he says that no remark shall be made in derogation of a bill? What is there in the rule, and where is it found, which forbids comment upon the proceedings of one House of Congress by a member of the other?

Mr. CHANDLER. Of course I am not so familiar with parliamentary law as the Senator from Maine [Mr. HALE], but I understand, not that there is a specific rule, but that under the general rule of parliamentary law it is not competent to refer to proceedings at the same session in the House of Representatives, except to the formal acts of that House.

Mr. HALE. My recollection about it is—I am not very familiar with the rules upon this subject—that this has been invoked many times heretofore during my service here, but rather as a matter of courtesy between the two Houses, which should be observed by members of either House, than in any express provision. I do not know of anything in our rules which forbids such a reference.

If it has ever had any force as a part of the body of parliamentary law between the two Houses, it is to prevent unseemly and improper comment in one House upon the proceedings of the other; but it has always seemed to me that that must rest largely in the discretion of the Senator or Member of the House of Representatives himself. I do not remember that a Presiding Officer has ever arrested such a reference. The old Senator from Vermont [Mr. EDMUNDS], whom we all know, invoked the point, as I remember, and possibly while in the chair may have so ruled, though I am not certain about that; but generally pretty large liberty has been permitted and it has been left to the discretion of the Senator who is upon the floor.

Mr. GRAY. I think, if the Senator will allow me, there has been a ruling at this session by the Chair on that matter.

The PRESIDING OFFICER. The Chair will have read for the information of the Senate the general parliamentary law and its limitations as found on page 216 of Jefferson's Manual.

Mr. HALE. Not in the Senate rules?

The PRESIDING OFFICER. No, the general parliamentary law.

The Secretary read as follows:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.—*6 Grey*, 22.

Mr. HOAR. It is very well known, I suppose, that Jefferson's Manual was prepared by Mr. Jefferson for his own government and for the information of the Senate when he became its Presiding Officer. So that in point of fact Jefferson's Manual, though not adopted in terms into our rules, as far as I now remember, is an authoritative statement of the rule of order.

It is very well settled, I suppose, that it is out of order to refer to the votes or proceedings in the House of Representatives, to what has been said there, or to the particular votes or majority there; but that rule is taken from the English rule, and the authority for it is Grey's Precedents, in the passage which the Chair has just caused to be read; but it is absolutely as well settled as the other that that is a rule of form and not of substance, and that it is in order to speak of the House as "another place," or as "a body whose proceedings are reported in a document placed on our tables known as the RECORD," or any other mode of getting out the thing except by actually naming it.

It is done every day here, and I suppose frequently in the British Parliament. It is just like the rule which prohibits the naming of a member of the Senate. It is not in order to speak of what was said by Mr. GRAY, of Delaware, but it is in order to speak of what was said by the senior Senator from Delaware, which is exactly the same thing. I suppose that there is nothing better settled in parliamentary procedure, both in this country and in England, than that there is a perfect right to use the substance of that thing, simply avoiding the little formality of the name.

Mr. HALE. Has it not been very common, in the observation of the Senator, that Senators upon the floor quote in terms from speeches made in the House of Representatives? They say "in another place," and in that way everything is brought up which is done in the other body.

Mr. GRAY. Mr. President——

Mr. HOAR. I wish to make one other suggestion before the Senator proceeds.

Mr. GRAY. I am not going on. I merely wished to ask the Senator a single question.

Mr. HOAR. The fact that at large expense everything which is said and done in the other House is laid upon our tables every morning, and that at equally large expense everything we say and do is laid on their tables, would make it seem exceedingly preposterous that we should not avail ourselves of the information thus obtained.

Mr. GRAY. This question is an interesting one, though I have no interest in it, except to see administered the well-established rules of procedure; but after the interesting statement which the Senator has given of what this rule means, which I am not at all prepared to take issue with him about, I ask how he interprets that part of Jefferson's Manual which gives the reason for the rule by saying that it is in order to preserve the independency of the two Houses as to each other? If that be the object of the rule, how is that object attained if we may by circumlocution destroy it?

Mr. HOAR. It is not.

Mr. GRAY. I merely wished to ask the Senator that question for information.

Mr. HOAR. It is not. It is a rule which was established, and that reason was assigned for it; but the same parliamentary custom which established it has departed from it.

Mr. GRAY. That reason, then, would not be consistent with the interpretation the Senator from Massachusetts puts on it as a rule of form and not of substance, would it?

Mr. HOAR. Not wholly. I do not suppose any man would now seriously contend that each House ought to be left to its own independency and not be influenced by the proceedings of the other. It would be an absurd position for either branch to take. You might as well say that each member of the Senate ought to be left to his own independency and not be influenced by the reasons or authority of another Senator.

Mr. GRAY. The Senator from Maine [Mr. HALE] spoke of it as being an unusual thing to call a Senator to order for the transgression of that rule. I recollect, at this session, not a great while ago, the Senator from Oregon [Mr. DOLPH] was called to order for reading extracts from a speech made in the House of Representatives, and the point of order was sustained by the occupant of the chair; I forget whether it was the Vice-President or someone else.

Mr. HOAR. If the Senator from Oregon had said "an interesting speech has been made in another place by a member of a body whose proceedings we have laid on our tables every morning" he would have been perfectly in order, and the point of order could not have been sustained. Of course, it is a distinction without a difference.

But to complete the illustration—and I think every Senator who hears me will agree with me—it is the well-established custom of these two bodies, while the rule prohibits me from speaking of the Senator from Delaware by his name, I may otherwise refer to him and speak of him as "the handsome Senator from Delaware."

The PRESIDING OFFICER. This discussion is proceeding, of course, by unanimous consent.

Mr. HALE. Only a word, Mr. President. The truth is the rule, and the reasons which have been given for it, have become absolutely obsolete.

Mr. GRAY. That may be.

Mr. HALE. They are of no account. The conditions which are presupposed in the reading from Jefferson's Manual do not exist. It is not expected that either House will be in any way influenced by the action of the other any more than, as suggested by the Senator from Massachusetts, any one member shall not be influenced by the action or the argument of another, and it never has been thought worth while to incorporate any part of this old, obsolete rule, based upon obsolete reasons, in the rules of the Senate.

The PRESIDING OFFICER. The Chair will state that this question has been frequently ruled upon since the present occupant of the chair has been a member of the Senate, and very frequently by the former Senator from Kansas, Mr. Ingalls, who was so long the President *pro tempore* of the Senate. That Senator always held that the provision of Jefferson's Manual which

has been read should govern the Senate, and the chair is of opinion that that ruling has been fully sustained by the Senate on an appeal at the present session.

In the case alluded to by the Senator from Delaware when the point of order was made as to a quotation from a speech delivered by a member of the other branch of Congress, which was referred to by the Senator from Oregon, and commented upon by him, when the point of order was made, the Vice-President decided that during the same Congress no speech made by a member of the other branch of Congress could be read or criticised during such Congress. An appeal was taken from that decision, and the Chair was sustained by a vote of 42 to 2.

The Chair will, therefore, simply ask the Senator from New York [Mr. HILL] to be governed by the limitation provided in the parliamentary rule which has been read from the desk.

Mr. PLATT. Mr. President, if the Senator from New York will allow me, I have never known the point of order to be made more than two or three times during my experience in the Senate that it was improper to refer to what had been said in debate in the other House. Two or three times that point of order has been raised, and, as stated by the Chair, under the excitement of a political tariff debate, the point of order was raised against the Senator from Oregon [Mr. DOLPH], when he was reading from a speech which had been delivered in the House of Representatives: and it was decided that it was improper to read from a speech which had been delivered there.

I think there was something said about it having been delivered at this session; but since that decision was made by the Senate, I venture to say that I have known the same thing done in the Senate twenty times without any point of order being made upon it.

Mr. DOLPH. The Senator from Wisconsin [Mr. VILAS] read elaborately the other day, without being called to order, from a speech made in the House of Representatives.

Mr. PLATT. It is frequently done, and done without the interposition of any point of order. The last time that I remember to have heard the matter discussed in the Senate and a point of order made was when the then Senator from Kansas, Mr. Ingalls, was in the chair. Speaking merely from recollection, though I think I am not mistaken, he said that, strictly speaking, it was not in order to refer to anything which had been said in the other House, but that the practice of the Senate was such that that rule and the strictness of that rule was avoided day by day by referring to what had been done in another place, which he did not think was any violation whatever of that rule. That is the last time I remember to have heard the matter discussed before the case which has been alluded to here.

I do not want even this decision to pass so that it shall stand as a rule of the Senate that under no circumstances can anything which has been done or said in the House of Representatives be alluded to here, without some protest on my part. I do not wish to take up further time now in discussing it, but at some future time I shall be glad to discuss the question more fully.

Mr. HILL. Mr. President, then I suppose I am at liberty to state that at another place, which I shall not mention, there was no roll call, that a Committee on Immigration did not report this bill, and that, finally, this bill came to this Senate?

Mr. CHANDLER. I rise to a question of order.

The PRESIDING OFFICER. The Senator from New Hampshire will state his point of order.

Mr. HILL. That is all I am going to say.

Mr. CHANDLER. I make the point of order that the statement of the Senator ought not to have been made.

I should like to have closed the discussion of the question of the point of order; but inasmuch as it was discussed by such learned parliamentarians as I see before me, I waited in the hope that I should be allowed to say a few words before the final decision. I do not read what I am about to read in order to convince——

Mr. HOAR. I desire to ask that the words excepted to be taken down, under the rule, before the Senator proceeds.

Mr. CHANDLER. I wait for the action of the Chair upon the point made by the Senator from Massachusetts.

The PRESIDING OFFICER. The Chair understands that the request of the Senator from Massachusetts only refers to a personal question.

Mr. HOAR. If the Chair will have the rule read, it will be seen that when a Senator is called to order for words in debate the words excepted to must be taken down. That is the rule.

The PRESIDING OFFICER. The Chair will have the rule read upon the question made by the Senator from New Hampshire [Mr. CHANDLER], but as the Senator from New Hampshire made the question of order, the Chair thought it proper to allow him to present the authority to which he was referring.

Mr. HOAR. I object to it, Mr. President. I desire to have the point understood that there is objection. I hope the Chair will take that course.

The PRESIDING OFFICER. The Senator from New Hampshire will designate the language which he considers to be out of order.

Mr. CHANDLER. I designate the language out of order which the Senator from New York [Mr. HILL] has just uttered; and, following the example of a great lawyer in another place, I only want to show, not that the Chair is wrong—because the ruling of the Chair as to matters spoken in debate or as to reading a speech made in the other House is correct—but as to the remarks of the Senator from Maine [Mr. HALE] and the Senator from Massachusetts [Mr. HOAR], I want to show how utterly ignorant of parliamentary law Mr. Luther Stearns Cushing was; and it seems to me I ought to be allowed to do that, if the Chair will permit me.

The PRESIDING OFFICER. The Chair will require the language of the Senator from New York to be read if the Senator from Massachusetts insists upon it.

Mr. HOAR. I insist upon it.

The PRESIDING OFFICER. The Reporter will read the remark of the Senator from New York referred to.

Mr. HILL. I could refer to what took place in the hearing before the Senate committee, but I might be met with another objection, that I have no right to disclose what took place before the Senate committee which reported the bill.

The PRESIDING OFFICER. The Senator from New York will suspend until the stenographer reads the language of the Senator from New York to which the Senator from New Hampshire took exception.

Mr. HILL. I withdraw the remark, if that will satisfy the Senator from New Hampshire.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. CHANDLER. My feelings are not wounded. I merely want the same right to speak to the question of order that the Senator from New York has had.

The PRESIDING OFFICER. The Chair understands that by unanimous consent the remark of the Senator from New York is withdrawn.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from New Hampshire?

Mr. HILL. For what purpose?

Mr. CHANDLER. In order that I may show how little Luther Stearns Cushing knew of parliamentary law.

Mr. HILL. That will be conceded.

Mr. HALE. There is no use of spending time on that.

Mr. PLATT. I suggest that there is no quorum present.

The PRESIDING OFFICER. The Senator from Connecticut suggests the lack of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dolph,	Jarvis,	Perkins,
Allison,	Faulkner,	Jones, Nev.	Platt,
Bate,	Frye,	Kyle,	Power,
Berry,	Gallinger,	Lindsay,	Proctor,
Blackburn,	George,	Lodge,	Pugh,
Blanchard,	Gibson,	McMillan,	Roach,
Brice,	Gorman,	Manderson,	Sherman,
Call,	Gray,	Mills,	Stewart,
Camden,	Hale,	Mitchell, Oregon	Teller,
Chandler,	Hawley,	Palmer,	Turpie,
Cockrell,	Higgins,	Pasco,	Washburn,
Coke,	Hill,	Patton,	White.
Davis,	Hoar,	Peffer,	

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum of the Senate is present. The Senator from New York [Mr. HILL] is entitled to the floor.

Mr. CHANDLER. What has become of the request of the Senator from Massachusetts [Mr. HOAR], that the words of the Senator from New York be taken down?

The PRESIDING OFFICER. The Senator from New York asked unanimous consent that the words be withdrawn, which was granted.

Mr. CHANDLER. I was on the floor endeavoring to speak at that time.

The PRESIDING OFFICER. The Chair stated the request for unanimous consent deliberately, and announced that there being no objection, the remarks were withdrawn.

Mr. CHANDLER. I now ask unanimous consent to be allowed to say a few words in reference to the point of order. The Senator from New York went on after the Chair had ruled on the point of order.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from New Hampshire?

Mr. HILL. Certainly.

Mr. CHANDLER. Mr. Cushing says:

In order to the preservation of these essential privileges of equality and independence it is important that neither branch should encroach upon the

other by undertaking any matter of business which the Constitution has confided exclusively to such other branch or interfere in any matter depending before us so as to preclude, or even influence, that freedom of debate or of action which is essential to a free council, or claim and much less undertake to exercise any control or authority over the persons of the members or officers of the other.

Hence it is a general rule that neither of the two Houses can properly take notice of any bill or other matter depending in, or of votes given, or of speeches made, by the members of the other until the same are communicated or otherwise promulgated in the usual parliamentary manner.

The first two quotations are from sections 1702 and 1703; but in section 1705 it says:

In consequence of this regular publication of the debates, there is a strong temptation constantly presented to members to disregard the rule. The same questions are discussed by persons belonging to the same parties in both Houses, and speeches are constantly referred to by members which this rule would exclude from their notice. The rule has been so frequently enforced that most members, in both Houses, have learned a dexterous mode of evading it by transparent ambiguities of speech; and, although there are few orders more important than this for the conduct of debate, and for observing courtesy between the two Houses, none, perhaps, are more generally transgressed. An ingenious orator—

Doubtless Mr. Cushing had reference then to the senior Senator from Massachusetts [Mr. HOAR]—

may break through any rules, in spirit, and yet observe them to the letter. In order to render the rule, as above stated, fully intelligible in its practical application, it will be necessary to consider it in a threefold point of view.

Then the author proceeds:

Second, as forbidding all reference to or introduction of the proceedings or debates of the other House, for the purpose of commenting on them, either by way of answer, explanation, commendation, discussion, or animadversion.

Section 1710 says:

It is irregular also to refer to or introduce the proceedings or debates of the other house, though there is no question pending at the time, for the purpose of making them the subject of comment, whether in the way of answer, explanation, commendation, discussion, or animadversion, and whenever any such allusion is made in any form in which it can be brought within the control of the house as disorderly, it is immediately checked by the Speaker; though, perhaps, the matter itself might with strict regularity be introduced into the debate, were it not for the impropriety of referring for it to the other house.

The following are instances, taken at random, in which references of this kind have been checked as irregular: Where a member said he was astonished to hear that a particular clause in a bill was the production of a noble lord; where a member said "he thought it likely that this day would not pass without a motion being made by a noble lord in another place;" where a member said "he had read the argument of a noble earl in another place on this subject," etc.; making the clauses of a bill in progress through the other house the subject of discussion; where a member "congratulated the house and the country on the patriotic, open, and manly declaration made last night by an individual, a most illustrious member of the upper house;" where a member attempted to read the minister's speech, in the lords, from a newspaper, beginning with the words "my lords;" where a member said that he "saw in a publication of that morning expressions attributed to a noble lord which he believed and hoped he had never made use of—the marquis of Londonderry was reported to have stated in a public place," etc.; where a member said "that a certain individual had stood up in his place in another house to stigmatize the people of Ireland," referring to the majority by which a bill had passed in the other house, and commenting on the constitution of that majority; where a member said "that a noble lord in another place had thought proper to make the interests of a mighty people and the captivity of Don Carlos the subject of merriment."

I submit that the remarks made by the Senator from New York, which he withdrew after making them, were absolutely out of order as a reference to the proceedings in the other House of Congress.

Mr. HALE. Will the Senator from New York yield to me for a moment?

Mr. HILL. Certainly.

Mr. HALE. I merely wish to read a half dozen lines from the Journal of the Senate, showing how this matter has been considered here and as being of some practical force contrasted with anything which is found in Cushing's Manual. I may say here that I do not know of any more dreary, unsatisfactory reading in any book upon any subject than is found in Cushing's Manual:

FEBRUARY 28, 1883.

* * * * * * * *

On motion of Mr. Garland, that the Senate reconsider its vote agreeing to the committee of conference asked by the House of Representatives on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5538) to reduce internal-revenue taxation,

Mr. Garland asked to have read an extract from the CONGRESSIONAL RECORD of the 27th instant of the proceedings of the House of Representatives relating thereto.

Mr. Ingalls raised a question of order, viz, that it was not in order to refer to any action had in the House of Representatives upon any question not officially communicated to the Senate.

The President *pro tempore* sustained the question of order.

From the decision of the Chair Mr. Garland appealed to the Senate.

On motion of Mr. MORRILL to lay the appeal on the table,

It was determined in the negative, { Yeas ..... 24 / Nays 26

Reversing the ruling of the Chair and deciding that the allusion could be made, then the point of order was withdrawn. That is the practical result, and I will set it against Cushing's Manual any day or any hour.

Mr. HILL. Mr. President, in the place of the House bill, which contains simply one section providing for consular inspection abroad, the Immigration Committee of the Senate substituted the bill which relates to anarchists, to which there is no objection on the part of the Senator from New Hampshire, and also add a provision for inspection by certain Treasury agents to be appointed by the Secretary of the Treasury. The real and only point of difference between the Senator from New Hampshire and myself in regard to the bill is this: Shall there be the consular inspection, which was provided in the House bill, or shall there be certain Treasury agents to be appointed by the Secretary of the Treasury? That is the entire point involved here.

I regret that the Senator from New Hampshire sees fit to antagonize the substitute. It is known that for many years he has been in favor of consular inspection. He has given this subject great study, and I am here to acknowledge that the Senate and the country are indebted to him for much valuable service rendered in the perfection of our immigration laws. He has prepared, and mainly and largely through his efforts many good laws relating to the subject have been put upon the statute books. He is entitled to a large share of the credit for what good has been accomplished by those laws, and certainly much good has been accomplished during the past few years.

I regret to differ with him upon the subject. I entered upon the consideration of the pending bill without any prejudices whatever. I did not know but that I might be in favor of this provision which he favors. The first thing I was met with against consular inspection was that during the administration of President Harrison there was a commission appointed under the Treasury Department to go abroad to investigate among other things consular inspection. The commission consisted of Hon. J. B. Weber, then commissioner of immigration of the port of New York and formerly a member of Congress from the county of Erie in New York State; Capt. Judson N. Cross, Mr. Walter Kempter, Mr. Joseph Powderly, and Mr. H. J. Schulteis. All but Mr. Weber were immigrant inspectors.

The commission, consisting of five persons, went abroad to investigate the whole subject of consular inspection with others. I hold in my hand the report transmitted to Congress in 1892, wherein four out of five of these gentlemen, having given the subject their personal investigation, find that it is inexpedient to have this inspection abroad. Thereupon a law was passed, in the enactment of which I think the Senator from New Hampshire largely participated, whereby a system of inspection was provided for here at home. Having read this report I was convinced that the majority, four out of five of the commission, consisting of Mr. Weber and the others, were right in opposition to this form of inspection.

Mr. FRYE. Did the commission report against consular inspection?

Mr. HILL. Exactly. Here is an elaborate report made upon that subject, but unless some one desires it I shall not have it read. Having read that report I, for one, having no preconceived opinions upon the subject whatever, thought such inspection unwise. The execution of the immigration laws is now in the hands of the Secretary of the Treasury and his subordinate bureaus. The matter is directly in the hands of the Superintendent of Immigration, who is the head of a bureau in the Treasury Department.

It is deemed wise by those who have given this subject much investigation, and in that respect I say that I regret to differ from the Senator from New Hampshire, not to have two Departments of the Government meddling with the same subject, but that it is best that to the Treasury Department, which is invested under existing laws with the carrying out of the immigration system, should be given whatever authority is to be given, and that the Department of State, which has charge of the consular service, should have nothing to do with it. Now, that strikes me as right and proper.

In addition I mailed a copy of the House bill to the Secretary of State and the Secretary of the Treasury, asking them to give their opinions in regard to the propriety of the bill as it came to the Senate, and we have before us a copy of their replies. I hold in my hand the report of the Secretary of State, in which he sees practical objections to the proposed House bill.

The Secretary of the Treasury also replies in an elaborate communication, in which he thinks it unwise to proceed in that way. He suggests that the administration of our immigration laws should be left where they are now, in charge of the Secretary of the Treasury and the Treasury Department, and he says that he ought to have authority for the appointment of some inspectors to go abroad, to be stationed at some of the principal ports, and there to conduct an inspection; and he gives his reasons for it in the communication.

The committee therefore reported in favor of the proposition. The substitute, as it comes here, was prepared at the Treasury Department and submitted to the Immigration Committee, and the committee concluded to report the bill.

Mr. FRYE. Does the Secretary of the Treasury suggest how many inspectors will be required?

Mr. ALLISON. As many as may be deemed necessary.

Mr. HILL. That is it.

Mr. FRYE. Does the Secretary make any suggestion as to what number he may deem necessary?

Mr. HILL. He does not; but of course the number will always be limited by the appropriation. The substitute reads:

At such foreign ports of departure as he may deem necessary.

There are supposed to be about nine principal ports from which immigrants come. We provide simply that that salary of each inspector shall be $2,500, and it is proposed to appropriate for the whole carrying out of the proposed law the sum of $60,000, which was regarded by the full committee as a proper sum.

Mr. President, there is no politics in the bill. I am not here pleading that any additional patronage, as such, be given to the Secretary of the Treasury. I am under no obligations to that official, as the Senate well knows. In the original appointment of the commissioner of immigration for the port of New York neither my colleague nor I was consulted in regard to the appointment, although I was chairman of the Committee on Immigration. I favor the bill not because I desire to give any additional patronage to the Secretary of the Treasury, but because, in my judgment as a Senator, it, under all the circumstances, is the proper thing to do.

Whether wisely or unwisely, these gentlemen are to be in charge of public affairs for the next two years. Both the Secretary of the Treasury and the Secretary of State being opposed to consular inspection, it seems to me it would be unwise for the committee, and they took that view, or for the Senate or Congress to impose those duties upon the consuls. It is better under all the circumstances to take the bill as the Secretary of the Treasury has presented it to us here, and see what satisfactory results may be brought about by its honest enforcement.

It was said Saturday that the inspectors would have no authority as officials abroad. They would not come in contact with the Governments. It is not necessary that they should be attached to the consular service. They are simply there to inspect, to report, and to send forward their reports with each vessel. They would have no authority, of course, to control the vessel. The vessels may bring such people here, if the company insist upon it, but the reports come with the vessel, and are an additional precaution. Besides, the inspectors stationed at these various ports will make inquiries.

That is to be their sole business, to make inquiries in all places from which immigrants come, for the purpose of ascertaining the true character of those immigrants. The consuls scattered throughout foreign countries are not adapted for this service, I am free to say. Some of them who have been appointed and confirmed here I do not think are adapted for that sort of business. Besides, I say it is not necessary for the purpose of discharging these duties that they should be in any manner connected with the Department of State. The Treasury Department now has Treasury agents abroad to look after matters of revenue.

The Secretary now has four or five different Treasury agents stationed abroad, who are discharging duties relating to commerce. They have nothing to do with the Department of State, and if they can discharge their duties, so can the inspectors proposed to be appointed for this purpose. Therefore, the point that the Treasury officials should have something to do with the Department of State is not well taken.

The bill does not interfere with the inspection which is to be had at the port of arrival. Our board of inquiry authorized under the act of 1893 is still in force, and inspection is had here by that board. This simply is an additional inspection abroad under charge of the Treasury officials.

This is an important subject. The $60,000 proposed to be appropriated by the bill is a mere pittance compared with the great subject of immigration.

I think it is best under all the circumstances to take the bill as the Secretary of the Treasury recommends it. In the light of his opposition, in the light of the opposition of the Secretary of State, and in the light of the report made by Mr. Weber and others who went abroad expressly to investigate this subject, it strikes me that it is the wise and proper thing to do to have Treasury agents abroad for this purpose instead of consular inspection.

Mr. President, it is not our object, while desiring to prevent improper immigration, to place unreasonable obstacles in the path of honest emigrants. The emigrants are situated in the interior. They desire to come to this country. How can our consuls at one of those ports know anything about the circumstances, the history, or the character of the man? He is hundreds of miles away from the place where the consul is. Before the emigrant knows whether he is coming, he must travel to find the consul. The consul is not in a situation to make proper inquiries. It would be a useless and unnecessary expense to the emigrant.

It puts him to unreasonable trouble, and it would only operate to the inconvenience of the honest emigrant. I do not know that it is a proper argument to urge here, but I simply say that all the German papers in the United States, without regard to party, are against a provision for consular certificates. They do not desire to have such a system adopted. They do not object to this bill; they do not object to any strict regulation; but they think consular certificates would be an unreasonable obstacle put in the way of and would cause unnecessary inconvenience and unnecessary travel to all those people. Therefore I think that under all these circumstances we had better adopt the suggestion of the Secretary of the Treasury and provide for inspection abroad by Treasury agents.

That is all there is of this question. The Senator from New Hampshire, as I said, seems to adhere with a tenacity worthy of a better cause to the system of consular inspection abroad. If it had been tried years ago it might have proved a success. I do not say that it would not prove a success, but I think under the circumstances it is not good policy for us to try it now. I desire to say right here that under existing laws, and the Senator from New Hampshire is entitled to large credit for their enactment, our immigration has fallen off one-half.

Twenty-three hundred undesirable immigrants were returned from the port of New York last year at the expense of the steamship companies. A better class of people are coming in now. There was a reduction of over one-half in the amount of immigration to this country during the past year as compared with the preceding year. As I say, our existing laws are working well. It is desirable that there should be this additional precaution, namely, the nine Treasury agents sent abroad, whose sole business it shall be to make inquiries and to report with every vessel.

The theory is that they will look over the manifest and the list, make inquiries as to who the passengers are, get all the facts concerning them, and if an emigrant is undesirable protest against his being sent. They can not prevent his coming, if the master of the steamship desires to take him, but the inspector gives to the master a protest. The master is required to submit the protest at New York, and there it goes as additional evidence before this board.

I have thus briefly and concisely stated the points of difference involved in the measure.

There is no dispute between the Senator from New Hampshire and myself or any other member of the committee in regard to the provisions of the bill which relate to anarchists. All are agreed upon that. The only point of difference is that the Senator from New Hampshire desires inspection by the consuls who are abroad, and I think it wiser, under the circumstances, not to impose this additional duty upon them, and that we shall appoint these additional Treasury agents who are to have charge of this business exclusively.

Mr. WASHBURN. I should like to inquire of the Senator from New York whether he understands that the inspectors to be appointed by the Secretary of the Treasury would have the same powers and the same scope of action as consuls in performing the same kind of an investigation?

Mr. HILL. Their scope of action would be greater, because the consuls of course in the discharge of their other duties must remain more or less at the port where they are stationed, whereas the agents, having other duties to discharge, can go into the country and can make inquires. I am inclined to think that it is far better that they should be entrusted with this power.

The laws are working satisfactorily. Our present Superintendent of Immigration seems to be a vigilant officer, and is doing the best he can. The results show well, and if the Treasury officials in their wisdom think this is a proper thing to do, I think it is wise upon the part of Congress to pass the bill. Those are the reasons and I think the only reasons why the committee reported the present bill as a substitute for the House bill.

Mr. LODGE. Mr. President, both the bill as it came from the other House and the substitute proposed by the committee seem to me inadequate for the subject of immigration, but I recognize fully that in dealing with the question of immigration it is necessary to deal with it slowly and to take up one subject at a time. The bill as it came from the House put no additional restrictions on immigration. It simply provided for a method of enforcing the laws of the United States by consular inspection

abroad in addition to the inspection of the Treasury officials here which now exists. That has seemed to me a valuable measure. I greatly regret that the committee would not agree to adopt it.

But the moment that measure was passed the Administration, which had hitherto taken no apparent interest in the question of immigration, appeared by the Commissioner of Immigration and by letters from the Secretary of the Treasury and the Department of State in opposition to that bill and with a bill of their own. The bill of their own is that which is reported by the Senator from New York [Mr. HILL] as a substitute passed by the House. It divides itself into two parts. There are certain clauses relating to the exclusion of anarchists. As to the wisdom of those provisions the committee is absolutely agreed. We all of us think that those clauses ought to become law, and to become law without delay; and I shall not enter into any discussion of those provisions.

The fourth section provides for Treasury agents, designed, I understand, to take the place of the consular inspection proposed in the bill as passed by the House. I have not the least objection to the Treasury agents. I am in favor of establishing every possible means of properly sifting the immigration now coming to this country, and there is no doubt that the present period is peculiarly favorable for such action, because the immigration has fallen off very largely. There is no need to go into the reasons for it now, but the fact is that the immigration has fallen off one-half on the figures, and if we take the statements of the Immigration Commissioners about returning immigrants, it will be found that there has practically been no addition to the population of the country this year in the grand total by immigration. Therefore it is a peculiarly fortunate time to make any changes or additions to the law.

The difficulty with Treasury agents is that they have no powers at all on the other side of the water. The Senator from New York says they will examine the manifests; that they will go on the ships and examine the immigrants. That is purely a permissive right. They go there if the owner of the ship allows them to go and look at the manifest. They are clothed with no authority whatever. I do not mean to say they would not do some good and effective work. I think they would. I think also that they would probably in practice be allowed to inspect the immigrants and to send out a great deal of valuable information such as the Senator from New York has described; but I think it is distinctly an inferior method to that proposed in the bill as passed by the other House.

I should like very much to see that bill become a law. I recognize that the opposition of the Administration to consular inspection has rendered the passing of the House provision in any form very difficult, but I think that it is at least due to the House which passed the bill by a unanimous vote that a portion of the bill should go back at least into conference, so that the other House should have an opportunity of deciding further with us upon the fate of its own measure.

Mr. HILL. Will the Senator allow me? Of course that would be done. We simply propose to amend the House bill.

Mr. LODGE. The proposition I make to the Senator from New York would be that the clauses relating to anarchists and Treasury agents, which comprise the whole of the substitute, should be sent back, not as a substitute, but as amendments to the bill. Perhaps it would go back in any event——

Mr. HILL. That is the effect of it.

Mr. LODGE. What I desire is simply to carry back the consular inspection clause to the conference committee. Very properly moving as a substitute the amendment of the committee would have the same effect, but the proposition I make is that we should not make it a substitute, but simply add it as an amendment to the text of the House bill and then send the whole bill back.

Mr. HILL. I think calling it a substitute does not add anything to it. It is in fact an amendment to the bill, and when it shall go back to the House, if the House does not concur in the amendment they can strike out any portion and reinstate clauses, or insist upon reinstating their bill. There is no practical difficulty about it if the House desires to do it.

Mr. LODGE. What is the Senator's objection to adding the committee amendment instead of substituting it?

Mr. HILL. The first section of the House bill provides for consular inspection. We strike that out, of course.

Mr. LODGE. The Senator thinks, then, he would be estopped from striking out in conference the first part if we simply add the committee amendment to the text?

Mr. HILL. Oh, no; but we do not want to pass the provision for consular inspection and also a Treasury inspection provision. The conferees may take either, as the Senator from Oregon [Mr. MITCHELL] suggests.

Mr. LODGE. I do not see that there is the least inconsistency between consular inspection and inspection by Treasury agents. I should be very glad to have them both, for I do not think that we can make too strong a provision for the enforcement of the existing laws on immigration.

Mr. HILL. We must strike out the first section, because if we leave that alone and simply add to it and pass it there would be nothing in conflict between the two Houses.

Mr. LODGE. That is the point on which I ask the Senator. Of course the majority of the committee do not desire the passage of the House provision, and if we simply add to it and agree to it that prevents further dealing with it in conference. I see that that would, of course, prevent the majority of the committee from carrying out their views. But I do not want to get the whole measure into conference, and as I understand the Senator from New York he expects to take it all back into conference and discuss all the features of the bill with the House conferees.

Mr. FRYE. Every line of the bill will undoubtedly be in conference.

Mr. LODGE. I understand every line will be in conference as agreed upon now if the bill is amended as proposed by the committee. To that of course I should not think of offering any objection. I am most anxious to see any proper legislation for the restriction of immigration, no matter how trifling it may be in amount. I am anxious to expedite it and see it passed. I think the anachist clauses drawn by the Secretary of the Treasury are particularly valuable at this time. Therefore, so far as I am concerned, I propose to give my support to the bill as proposed by the Department.

Mr. CHANDLER. Mr. President, in view of the suggestions of the Senator from Massachusetts [Mr. LODGE], and on account of the very great importance of some legislation at this session, I will waive my objection to the substitution of the Treasury provision for the House provision, so that the whole subject may go into conference. After the Senate has considered certain amendments which the Senator from Vermont [Mr. PROCTOR] and the Senator from Kansas [Mr. PEFFER] wish to propose, I think there need be no difficulty in passing this afternoon the bill as reported by the Senator from New York. Though I am not willing to give up the idea of consular certificates I will not take the responsibility of preventing the action proposed by the committee if the bill can be passed and a conference requested this afternoon.

Mr. PALMER. Mr. President, I address myself to the substitute reported by the committee that I may get at its real meaning. I find by the third section—

That in cases where, upon the trial and conviction of any foreign-born and unnaturalized person of any crime or misdemeanor in any United States court, or court of record of any State or Territory or the District of Columbia, the presiding judge shall certify that from the evidence produced at the trial he is satisfied that such alien is an anarchist, or that he is not attached to the principles of the Constitution of the United States, etc.

And that the judge may order his deportation.

In addition to other punishments adjudged, shall be taken before a commissioner of immigration, at a port of entry, who shall order his deportation.

I wish to know whether that will apply to immigrants who are now in the United States or whether it is intended to apply to such as may hereafter come to the United States.

Mr. HILL. I think the bill would be held to apply to any objectionable alien immigrant who is in the United States now.

Mr. PALMER. That, then, I accept as the true construction of the proposed act. I find by the fifth section of the proposed act—

That the fact that an immigrant has declared his intention to become a citizen of the United States shall constitute no bar to proceedings against him under this act or under the acts to which it is an amendment.

I infer, then, that an alien who has come to the United States and may have declared his intention to become a citizen is still an unnaturalized alien, and that is he would be probably liable under this proposed act to trial and conviction of any crime. I desire to understand the provision. I read again from the third section—

That in cases where, upon the trial and conviction of any foreign-born and unnaturalized person of any crime.

I assume that an unnaturalized person who has declared his intention to become a citizen would not be protected by that declaration.

SEC. 3. That in cases where, upon the trial and conviction of any foreign-born and unnaturalized person of any crime or misdemeanor in any United States court, or court of record of any State or Territory or the District of Columbia, the presiding judge shall certify that from the evidence produced at the trial he is satisfied that such alien is an anarchist, or that he is not attached to the principles of the Constitution of the United States and well-disposed to the peace and good order of the same, and that his remaining in this country will be a menace to the Government, or to the peace and well-

being of society in general, such convict, in addition to other punishments adjudged, shall be taken before a commissioner of immigration, at a port of entry, who shall order his deportation.

To put a case to illustrate what I apprehend would be the proper interpretation of this act: An alien comes into the United States and makes a declaration of his intention to become a citizen. If he is tried and convicted of any crime or any misdemeanor (it will be observed that the term misdemeanor comprehends almost every offense that is merely an act prohibited, not a felony at common law), then that person, at the discretion of a judge, becomes liable to deportation.

I do not see that any appeal is allowed, and according to the views of the judge as to whether the party was or was not a good citizen, not well disposed to the peace and order of the country, I suppose the judge might order the alien to be transported to any one of the ports of entry of the United States and there be deported. I submit that that is pretty severe.

Now, I turn again to the third section of the amendment, which is not a wise one, it strikes me. I am aware of the prejudice against anarchists. They are odious, and they are deservedly odious, but there are indefinite shades between anarchy as avowed by some and that sentimental anarchism which produces socialism. I do not know where the line of separation is.

Man may entertain merely speculative notions in regard to anarchy; it may be nothing more perhaps than a mere sentiment, and personally he may be one of the most innocent men in the country. I know such men, who teach many great follies, and if their teachings were concrete rather than abstract they would be very bad men. I should dislike to see a simple issue made upon the question whether a man entertained anarchistic beliefs, and I should dislike to see him tried upon the rules prescribed in the second section of this proposed act.

SEC. 2. That at the hearing of aliens charged with being anarchists the board of special inquiry shall diligently inquire of the accused, by pertinent questions, as to his antecedents, political opinions, whether he belongs to any society or association of known anarchistic tendencies, and he may examine the person for marks indicative of such membership; he may accept evidence of the immigrant's common reputation as an anarchist, and the orders, degrees, or judgments of foreign Governments and police notifications as prima facie evidence, which shall be sufficient, unless successfully controverted, to sustain an order of deportation.

There are other provisions of the substitute which seem to me excessively severe. I believe in the right of every human being to change his residence at his pleasure, according to his inclinations or convenience.

Mr. FRYE. A Chinaman?

Mr. PALMER. That is God's law, but we are wiser than the Almighty, it seems, and have determined otherwise.

I am willing to restrict it. It was the custom once to limit it to white men. I believe we have so modified our institutions that the black man, but not the man whose color lies between black and white is allowed to come here. However, I do not believe that mere abstract beliefs about the powers of government or the claims of individuals on society should furnish a cause to inhibit immigration. I think there ought to be an overt act; there ought to be something tangible.

I saw the other day that somebody in Chicago, where almost all unbeliefs find a home, a Baptist preacher, said that Christ was an anarchist. That would be the abstract belief of many men. So I do not like the idea of a conviction based upon mere abstract beliefs when there is no overt act, when the man does nothing except to think foolishly and perhaps speak foolishly. Unless he speaks dangerously, unless he menaces the welfare, the peace and order of society, I should not like to see him punished; and if he is a meritorious man and is guilty of no crime I should not like to see him prohibited from entering this country.

I suggest, therefore, that this measure is in the spirit of our fears rather than in the exercise of wise political judgment. We are agreed to punish anarchists; but it must be remembered that in our eagerness to punish the guilty we ought not to subject the innocent to danger.

I do not like the mode of evidence prescribed. The general rules of evidence have been found adequate for the administration of justice. I do not want to legalize police reports. Decrees and judgments of foreign courts when properly certified would be admissible at common law. I do not like to make any allowance for irregularities or imperfections, and especially do I object to the personal examinations provided for and the weight given to reports of mere irresponsible police authority. I think this is a very dangerous measure, not because it punishes anarchists, but because it may result in inflicting punishment upon the innocent. It is for the innocent that I desire to have protection. The guilty will always find means to take care of themselves.

Mr. HILL. Mr. President, the provision contained in section 5 is inserted for the purpose of preventing some of these anarchists from coming to this country and, having neither the fear of God nor man before their eyes, going to the nearest clerk's office and filing an affidavit or certificate of an intention to become a citizen. Foreigners have no abstract right to come into this country. The whole question is, of course, subject to the wise judgment of this country and the people who own the country and have built up its Government.

Aliens who have simply filed a certificate of intention to become citizens are to a certain extent the wards of the Government, under the control of the Government, under the inspection of the Government. The provision is a necessary and proper one, or else a person like Mr. Mowbray, who is now here trying to propagate his sentiments throughout the country, could go to the clerk's office in the city of New York and file his certificate, and of course he would by that means evade the terms of the bill. Therefore it is proper that this provision should be in it. Although an alien has filed a certificate of intention to become a citizen, he is nevertheless an alien all the while until he passes the requisite time and the requisite examination and becomes a full-fledged citizen. The provision is necessary for the purpose of perfecting the bill.

Mr. President, we must legislate pretty severely at this particular time. I hold in my hand the act passed by the British Parliament recently. The English do not attempt to say that an anarchist shall not stay in their country. They give to their authorities absolute authority to remove from the realm any alien when in their judgment it is expedient that he should be removed. It is a very strong act, and it seems to be made necessary by the recent events which have occurred abroad. In other words, her Majesty's officers can deport any alien from the realm whenever it is deemed expedient that it shall be done. I do not advocate that here. We propose to provide, first, that he shall be an alien; and second, that under the wise discretion of our officials the person may be deported. What shall be received as evidence? Is there any question that the young man who killed Carnot showed the other day upon his own statement upon the examination that he was an anarchist of well-known anarchistic tendencies?

I have explained why it is necessary to have a provision for an examination of the person, because there are certain societies which have the mark of their membership placed upon the person in indelible ink. That is well known to be the case in other countries, and it seems to me this alien immigrant must be bound by his common reputation as every citizen in this country is bound by his general reputation.

The orders, decrees, or judgments.

Suppose a well-known anarchist is ordered out of France tomorrow under the severe laws they have just enacted there. He comes to this country. Are we to shut our eyes to what that man has been? Of course we may do the man injustice, but it strikes me that in carrying out a great beneficial law of this character we must make stringent provisions.

It is not conclusive. These "orders, decrees, or judgments" may be accepted as conclusive; and so of the notifications of the police authorities. They are officials of the Government. If the person is ordered out of a city we have a right simply to take that into consideration and, in view of all the other matters disclosed, the party may be ordered out of the country. It appears to me that if we are going to have a law which will be effective, it needs to be strict and it needs to be capable of enforcement.

I agree with all the Senator from Illinois says about the abstract rights of citizens, but I have no sympathy whatever with these people, because they owe no allegiance to God, nor man, nor any government. They strike at everybody.

They strike not only at Government officials and heads of Government, but they strike at their next-door neighbor. They aim to strike down society, and I would slay them as quickly as I would strike a wild beast that came into my track to attack me. To some extent the Government must participate in that spirit for the protection of our Government. We are not troubled except with these people. The honest Irish immigrant gives us no trouble, the German immigrant, the Norwegian, and lots of other people who come here give us no trouble. It is simply a special class that we are aiming at.

It seems to me that the bill proposed as a substitute is in that particular fairly well drawn. Let us try it, and if we discover in its enforcement that any injustice is done to any honest class of people, it can of course be remedied. I think we are obliged to do something like this, or we shall soon witness the scenes that other countries have witnessed.

I propose to offer several amendments to perfect the substitute. Perhaps I may as well do it now as at any other time. In section 2, line 4, after the word "opinions," I move to insert the word "and."

The amendment to the amendment was agreed to.

Mr. HILL. In line 5, of the same section, before the word "may," I move to strike out the word "he" and insert "it;" so

as to read, "And it may examine the person for marks," etc., referring to the board.

The amendment to the amendment was agreed to.

Mr. HILL. In the same section, on page 3, line 6, before the word "may," I move to strike out "he" and insert "it."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 2, line 6, before the word "may," it is proposed to strike out "he," and insert "it;" so as to read:

It may accept evidence of the immigrant's common reputation as an anarchist, etc.

Mr. HILL. That was a misprint.

Mr. CHANDLER. It has reference to the board.

Mr. HILL. It should read "and it may accept evidence," referring to the board.

The amendment to the amendment was agreed to.

Mr. HILL. In line 6, of section 3, after the word "or," I move to insert "that he is not a man of good character or."

The VICE-PRESIDENT. The amendment proposed by the Senator from New York to the amendment of the committee will be stated.

The SECRETARY. In section 3, line 6, after the word "or," it is proposed to insert "that he is not a man of good character or;" so as to read:

If such alien is an anarchist, or that he is not a man of good character, or that he is not attached to the principles of the Constitution of the United States.

The amendment to the amendment was agreed to.

Mr. HILL. In line 8, of the same section, on page 4, I move to strike out the word "and" where it first occurs and insert the words "or is not."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In section 3, line 8, after the words "United States," it is proposed to strike out the word "and" and insert "or is not;" so as to read, "attached to the principles of the Constitution of the United States or is not well disposed to the peace and good order of the same."

The amendment to the amendment was agreed to.

Mr. HILL. In the same line, I move to strike out the words "peace and," and insert the word "happiness." I will state that these are amendments which were suggested by the Senator from Ohio [Mr. SHERMAN].

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 9, of section 3, after the word "order," it is proposed to insert "and happiness."

The amendment to the amendment was agreed to.

Mr. HILL. In the same section, line 12, after the word "shall," I move to insert "after the term of his imprisonment shall have expired."

Mr. CHANDLER. I suggest to the Senator that there may be some other punishment inflicted besides imprisonment, and therefore it would be better to say "in addition to other punishments adjudged and suffered."

Mr. HILL. I think that would be an improvement. Then, instead of the amendment I have proposed, I will move, in section 3, line 12, after the word "adjudged," to insert the words "and suffered."

The amendment to the amendment was agreed to.

Mr. MITCHELL of Oregon. I call the attention of the Senator from New York to the language in the bill in line 9, of section 4, "required by section 1 of the act of 1893," I suggest to the Senator that he should there insert the date of the act referred to, which is the act of March 3, 1893.

Mr. HILL. In section 4, line 9, after the words "act of," I move to insert "March 3;" so as to read, "the act of March 3, 1893."

The amendment to the amendment was agreed to.

Mr. HILL. The Senator from Vermont [Mr. PROCTOR] has an amendment he desires to offer.

Mr. PROCTOR. I am in favor of the whole of what is known as the Treasury bill. I also think there are some excellent provisions in the bill as it came from the House of Representatives and some that are very unwise. If they both go into the conference the good may be saved and the unwise rejected.

It has been objected to the fourth section of the Treasury bill that it would tend to do away with the inspection now required under the very excellent bill formulated by the Senator from New Hampshire [Mr. CHANDLER], and known as the act of March 3, 1893. I think, therefore, it would be well to make some declaration expressing the purpose of this bill, and I offer an amendment to that effect.

The VICE-PRESIDENT. The amendment of the Senator from Vermont will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following as a new section:

SEC. 6. The inspection at the port of departure authorized by this act shall not in any manner take the place of, limit, or modify the inspection required at the port of arrival by the act of March 3, 1893, but shall be preliminary and auxiliary thereto.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Vermont to the amendment of the committee.

Mr. FAULKNER. I suggest to the Senator whether he had not better also make that declaration cover the inspection by the officers of the steamship companies. We do not want to do anything to relieve the steamship companies from their obligations in this matter. It seems this only refers to inspection by the officers at the ports in this country.

Mr. CHANDLER. I will say to the Senator from West Virginia that I do not think that is necessary. We do not require specific inspections by the steamship companies, but we require, as he will remember, lists or manifests, and the word "inspections" is not properly applicable to those.

Mr. FAULKNER. It is not exactly applicable, I will say to the Senator from New Hampshire; but yet, in order to make those lists, the steamship companies have to make a very thorough examination of immigrants.

Mr. CHANDLER. The Senator ought to say "nor to relieve any steamship company from responsibility under existing law." There would be no objection to that.

Mr. FAULKNER. That is what I desire the Senator from Vermont to insert in the proper place in his amendment.

Mr. PROCTOR. If the Senator will prepare the amendment I will accept it.

Mr. FAULKNER. I will send the amendment to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to modify the amendment of the Senator from Vermont by adding:

Nor shall be construed to relieve the steamship company from any duties or responsibilities under existing law.

Mr. PROCTOR. I will accept that.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Vermont, as modified, to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. HILL. The Senator from Massachusetts [Mr. HOAR] calls my attention to a misprint in line 8 of section 2, on page 3, where the word "degrees" is used instead of "decrees." It should read "orders, decrees, or judgments of foreign governments." I move that amendment to the committee amendment.

The amendment to the amendment was agreed to.

Mr. PEFFER. I offer the amendment which I send to the desk, to be added as a separate section.

The VICE-PRESIDENT. The amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. It is proposed to add the following as a new section:

SEC. 7. That on and after the 1st day of January, 1895, there shall be collected from each and every alien person coming into the United States a poll tax of $10, under such rules and regulations as the Secretary of the Treasury shall prescribe, and the moneys so collected shall be covered into the Treasury.

Mr. HILL. I wish the Senator from Kansas would not press that amendment now. This bill does not touch any of the questions involved in the point of charging head money. I am disposed to concede that the time may come when it will be desirable to increase that amount. We have not amended those sections of the Revised Statutes, nor have we considered that subject. I should prefer to let it go over until December, and in the meantime, after consultation with our officials, if it be deemed desirable to increase the amount of head money I shall be one to propose the increase; but I wish the Senator would not press the amendment at this time.

Mr. PEFFER. This is one of those ideas that I think it well to keep before the public, and on every appropriate occasion I feel it my duty to present it.

I appreciate the situation as presented by the Senator from New York, and it is not my purpose to make any particular noise about the matter; but it is a very simple process to vote down the amendment if the Senators present do not want to incorporate it in the bill.

I suggest, however, that the bill will probably go into conference, inasmuch as the Senate has materially amended the bill as it came from the House; and, in view of that fact, this additional amendment might as well be called to the attention of the conference committee, and let the members of that committee dispose of it.

Mr. CHANDLER. I desire to call the attention of the Senator from Kansas to the fact that the head money has been already

increased at the present session by the sundry civil appropriation bill now in conference from 50 cents to $1. While that is not a sufficient increase so far as the Senator is concerned, it is a provision which will probably be ample for paying the expenses of administering the immigration laws.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Kansas to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on the amendment reported by the committee as amended.

Mr. KYLE. Before the bill passes, I should like to have the Senator from New York define what he means by the word "anarchist." I do not wish to quibble upon this matter, but I think its definition very important in connection with this bill. The Senator from Illinois [Mr. PALMER] a few moments ago spoke about how the word "anarchist" is sometimes used interchangeably with the word "socialist."

Mr. HILL. It was not deemed advisable in this bill to attempt a definition of what constitutes an anarchist. We can refer to the dictionary for that. An anarchist is one who is opposed to all forms of civil government; an anarchist is also defined as a man who is opposed to all social order, and in various forms the word is described in that sort of way.

We provide, first, that no anarchist shall be admitted into this country. That leaves, of course, a broad discretion, but not so broad as is left in England, where the officers have a right to keep out or to deport any person whose presence is not deemed desirable who is an alien—it refers to no one else, of course—and then there is a sort of limitation afterwards; "but this shall not be so construed as to apply to political refugees or political offenders."

Political offenders, in the ordinary sense of the term, believe in overturning one government, perhaps, for the establishment of another; but an anarchist does not believe in any government. He does not believe it is unlawful to kill, to stab, to rob, or to do anything he desires to do. There is no question about that.

Mr. KYLE. I beg the Senator's pardon upon that point. The theory of anarchism does not extend to any such thing as that. There are anarchists in the city of Boston to-day, men who are professors, who hold to the theoretical view that people can attain to such a high state of perfection where they believe they can live without any law at all, except that one man shall treat another fairly and that men shall live one with another.

Mr. HILL. If there is such a class of people in Boston or anywhere in the world, we do not want any more of them here.

Mr. KYLE. They discountenance every sort of violence, as I discountenance every sort of violence. We do not want anybody in this country who carries the torch and the bomb and who intends to destroy human life or human liberty. That is certain. But it seems to me this term ought to be defined in some way so that the inspectors can get at these people and ascertain those who are bent upon violence.

Mr. HOAR. The Senator from South Dakota will allow me to inquire of him of what those gentlemen in Boston are professors?

Mr. KYLE. I have read articles from certain men in Boston—I do not propose to give their names—who hold to the theoretical view that people can arrive at such a high state of society that they can live without law.

Mr. HOAR. The Senator speaks of them as professors, which would imply that they were professors in colleges or schools.

Mr. KYLE. I do not mean to intimate that they are professors in public institutions.

Mr. HOAR. Of what are they professors?

Several SENATORS. Of anarchy.

Mr. HOAR. What evidence has the Senator from South Dakota that there is anybody described as a professor in the city of Boston or other place who holds such views? I do not think there are any in Boston.

Mr. KYLE. I read an article very recently, written by a gentleman in Boston, a man of culture and of letters, who held to that view.

Really, according to the definition of anarchism, it is anarchy—there is no question about that—because it is living without law. What do we mean by "anarchists"? Do we mean those who believe that people can live together in a state of society without law, treating mankind as their brethren, or do we mean those who are going to use the torch and the bomb for the purpose of killing others, and who are trying to override every form of good government that we have in our country?

Mr. HILL. If persons who do not believe in any law go further and want to overturn all law and all government, they are just as bad as the man who stabs another in the back or who applies the torch to a house; but if they content themselves with their theories, if they stop right there and do not endeavor to put those theories into effect, of course they are harmless creatures, if they obey the law; but if they go further, and think they have the right to carry out their views and bring them to perfection by violence or any other means, they are just as bad as any others.

Mr. KYLE. That is just what I want to define in this bill.

Mr. HILL. You will define the law away. That is the difficulty about it. Something must be left to the good sense of the American people, our officials, and our magistrates.

The Senator from South Dakota would not want the class of people referred to to be countenanced, and I do not want them to be. I think there will be no practical difficulty about the enforcement of this bill should it become a law.

Mr. KYLE. I assure the Senator that we entirely agree upon that matter; but I wish to say that if the board do not know anything more about anarchy or about socialism and some other isms that we have heard upon this floor sometimes in discussions, we shall get into a great deal of difficulty very soon.

Mr. HILL. As a general proposition the world-over an anarchist is a bad person, and should be deported from any civilized society. That, as a general proposition, is true, is it not?

Mr. KYLE. Of a violent anarchist, yes.

Mr. HILL. Of "a violent anarchist"?

Mr. KYLE. If a man wants to hold such a theory as that of a high state of society where people can live without law, let him hold his theory, but I do not believe in anarchy.

Mr. HILL. I have no objection to his belief in his theory, but he must hold it in some other country than ours.

Mr. KYLE. There is another point which strikes me. In section 2, line 5, the Senator from New York has changed the word "he" to "it." That is correct so far, but the word "may" is then used; "It may examine the person for marks indicative of such membership." Why not make it "shall"?

Again, on the first line of page 3, in section 2, the bill reads, "it may accept evidence of the immigrant's common reputation as an anarchist," etc. Why not say "it shall accept," and make the language mandatory all the way through?

Again, in line 22 of the same section, the word "may" is used, instead of "shall."

Mr. CHANDLER. I suggest to the Senator from South Dakota that a man may be charged with being an anarchist, and the board of inquiry may be satisfied, without examining him, that he is not. We do not want to enact a law which shall compel the board to examine the person of every one who happens to be charged with being an anarchist.

Mr. KYLE. I suggest these amendments, because without them I fear the bill will be absolutely inefficient.

Mr. CHANDLER. In one breath the Senator is for treating the anarchists very tenderly, and now he is for treating them more severely than are any of the rest of us.

Mr. KYLE. I wish the Senator from New Hampshire to understand that I do not want an anarchist, in my interpretation of that word, to come into this country. I am not an anarchist myself, though I have frequently been charged with being one by the newspapers of the country; but when we find an anarchist seeking to come here for the purpose of subverting our institutions, taking human life, and destroying property, I want him kept out of our country by a "shall," by a mandate, and not by a "may."

Mr. CHANDLER. He is kept out by a mandate, but there is a discretion given to the board of inquiry as to how they shall ascertain the facts.

Now, I want to call the attention of the Senator from South Dakota to a fact. Various bills have been introduced into Congress hitherto excluding anarchists and socialists, but none of them have become laws. It was felt that it would be very difficult to exclude the socialist, because a socialist may be a very harmless person, notwithstanding the opinions he holds that all property should be held in common. Very estimable people, as a matter of theory, may be socialists, and here we now do not exclude socialists in attempting to deal with anarchists. An anarchist is a man who seeks destruction. He is not a man who has a theory that all property should be owned in common; he is a destroyer.

We have reached the point now in the exclusion of immigrants where we are prepared, the people are prepared, and the Senator from South Dakota himself is prepared, to say that a man who is an anarchist, that is to say, a man who believes in the destruction of everything in order to build up nothing upon it, ought to be kept out of this country. As the Senator from New York says, the question must finally be determined as to whether he shall be admitted by the inspection officers and the Secretary of the Treasury. After he gets in, the question whether he shall be deported is to depend upon the judgment of a court upon proof submitted to it. I do not see how we can any more carefully or wisely guard all persons desiring to come to this country and all persons who have come.

The Senator from Massachusetts [Mr. HOAR] just now asked me about the board of inquiry. I will say it is a board of four inspectors. Before the strict provisions of this law can be applied to a man charged with anarchy, he must be excluded by three of the inspection board, and the fourth inspector can take the case upon appeal to the Secretary of the Treasury.

It seems to me that the provisions of the existing law and of this bill are so carefully guarded that Senators need not be afraid that even anarchists will be unjustly treated by the great nation to which we belong.

Mr. HOAR. I suggest to the Senator from New York to add at the end of the first section the words "other than such anarchists." The phraseology literally is that if a person be a political refugee or a political offender he is not included in the inhibition, even if he be an anarchist. Probably nobody will construe it so, but I think the language should be amended so as to remove all doubt.

Mr. HILL. The object of that language is to make it correspond to the provisions of our treaties so as to be sure that we do not violate them as to political offenders.

Mr. HOAR. That is all right, but if an anarchist has committed a political offense abroad, is still an anarchist, and avows himself such, you would let him come into the country. For instance, suppose the man who has just murdered the French President had made his escape and was trying to enter this country, we would not want to let him enter the country, although as a political offender he would be admitted within the provisions of a treaty.

Mr. HILL. I think it will make the bill meet the popular judgment better to allow it to remain as it is.

Mr. HOAR. The provision of the bill is that no anarchist shall be permitted to enter this country, but this shall not apply to any political offender or any political refugee. The literal meaning of that is that, although he is an anarchist, if he is a political offender or refugee he may come in. I thought if the words were added, "other than such anarchists," it would make the meaning clear; but I shall not press the amendment if the Senator from New York does not like it.

Mr. HILL. This was subjected to the criticism of the Secretary of State, Mr. Gresham, and he thought this was the proper phraseology.

Mr. HOAR. I would rather have the opinion of the Senator from New York than that of Secretary Gresham on this subject.

Mr. HILL. I prefer to leave the language as it stands.

Mr. TELLER. I do not think there can be any doubt as the language stands but that it will admit an anarchist if he can prove that he is a political offender.

Mr. HOAR. So it reads.

Mr. TELLER. If the Senator from New York does not intend to permit that, he ought to change the phraseology.

Mr. HILL. What is the precise suggestion?

Mr. HOAR. To insert "other than such anarchists."

Mr. TELLER. Or "not anarchists."

Mr. HILL. I will accept the amendment suggested by the Senator from Massachusetts if he will offer it in that form.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts to the amendment of the committee will be stated.

The SECRETARY. After the words "political offenders," at the end of section 1, in line 6, it is proposed to insert "other than such anarchists."

The amendment to the amendment was agreed to.

Mr. HOAR. If the Senator from New York will give me his attention, I desire to ask what is to be the limit of the power and duty of the inspectors provided for in section 4. The only power that is given is "to erase from the list or manifest of passengers the name of any immigrant who he is satisfied should not be permitted to land in this country." No matter who the person may be, the inspector has absolute discretion. I do not want somebody with whom I have a quarrel or some person who is indiscreet in speech or anything else to have such a power over me.

Mr. HILL. The inspector can not stop such persons if the shipowners desire to take them, but his statement is forwarded by the master of the vessel to be delivered to the officer at the port of landing.

Mr. HOAR. He "may forbid the transportation of any person belonging to the excluded classes in the first or second cabin or in any part of any vessel."

Mr. HILL. The steamship companies bring them at their peril.

Mr. HOAR. So nothing happens if he forbids the bringing over of a person, except that his action in so forbidding the companies to bring persons here is brought to the knowledge of the officers here.

Mr. HILL. That is all.

Mr. HOAR. Very well, then; I understand it.

Mr. HILL. That is the theory of the bill.

Mr. HOAR. The third section provides "that upon the trial and conviction of any foreign-born and unnaturalized person," who is described as a person who "is not attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same"——

Mr. HILL. I have moved an amendment to that, which has been agreed to, so as to comply with the suggestion of the Senator from Ohio as to the test put when a foreignor is naturalized.

Mr. HOAR. "And that his remaining in this country will be a menace to the Government," and so on, he is to be deported. Is there any provision in this bill by which a person of that class, not an anarchist, can be excluded from coming in: that is, is there any provision in the bill under which a person not a criminal, not found to be an anarchist, can still be excluded if he be found to be not attached to the principles of the Constitution, etc.?

Mr. HILL. No.

Mr. HOAR. That is the way the bill reads. I want it made clear.

Mr. HILL. The bill so provides.

Mr. HOAR. Very well.

Mr. HILL. If a man stays here and behaves himself, although not attached to the principles of the Constitution, if he does not come in conflict with the authorities in any way, he is permitted to remain.

Mr. HOAR. He is permitted to land?

Mr. HILL. Yes.

Mr. HOAR. Mr. President, I do not propose to object to this bill in whichever of its two forms it shall pass the Senate. In the first place, it deals with an admitted evil, a very great and growing evil. It deals with a terror to all civilized nations, all governments, all property, and all social order.

After a great deal of consideration and reflection, and after various propositions which have failed, it is the best that the committee having charge of the subject has been able to agree upon and propose. It has the great authority of the Senator from New Hampshire [Mr. CHANDLER], who has been studying the subject for years, and of my colleague [Mr. LODGE], who has been studying the matter very carefully since his entrance into public life, and I do not therefore wish, in a matter so grave and serious, to put my individual scruple and reluctance against the judgment of these gentlemen who have given so much honest and unbiased study to the question. If it were an ordinary evil, if it were a criminal law, if it were an ordinary matter of regulation, in a matter of consequence but still not vital, I should resist the bill, because there is a very serious objection to it in principle. It is a principle which, if it is adopted, will return to plague us, and one which I hope that hereafter the legislative bodies of the United States, after trying this measure a little while, will find a means of improving.

It strikes at the serious and valuable human right of expatriation, a right which the United States has asserted and vindicated for mankind, and which the diplomacy of President Grant and the new power and authority with which the United States was clothed after the rebellion had been put down, extorted from the unwilling nations of Europe one by one. It is one of the chief glories of that great Administration, as it is one of the chief glories of the Republic itself, that we compelled all mankind to agree to the proposition that a human being anywhere might lay down one nationality and take upon himself another, and that so long as he behaves himself as a good citizen and as a good member of society he might go wherever in the world he pleased and there find a home.

The pending bill says that when a majority of the board, three nonjudicial officers belonging to the board of special inquiry, determine, not that a man has done anything, not even that he has said anything, but that he is a character defined by the vague, indeterminate word "anarchist," which the Senator from New York with great ingenuity and with great wisdom thinks it is better not to attempt to define in the debate, he shall be excluded and sent back to the country whence he came.

I think the Senator from New York manifested his consummate wisdom when, I think for the first time in our legislative history, the author and defender of a bill of this kind thought it was better that it should be passed without stating what it meant.

Mr. MITCHELL of Oregon. May I ask the Senator from Massachusetts a question?

Mr. HOAR. If the Senator from Oregon please, I should like to finish this point first. Then I will listen to the Senator's question.

Mr. MITCHELL of Oregon. All right.

Mr. HOAR. If we were talking about ordinary matters, if

we were dealing with American citizens and American citizenship, I think these reasons would compel me, and I believe they would compel the majority of the Senate, to deny their assent to the bill. But I agree that we have the absolute right to exclude persons of other countries from coming here, and we have a right to put upon them the burden of showing their fitness, not merely in the light of their past conduct, but their fitness, judging them by their purposes, judging them by their opinions, judging them by the nature of their pursuits and thoughts, and the burden of showing that they come with safety and benefit to the country to which they come.

Mr. President, I repeat that I think the objections to the bill in principle ought to be stated, so that this nebulous method of legislation shall not get into our general legislative precedents in reference to dealing with our own citizens, so that it shall not be extended, and so that the wit of committees, of members of legislative bodies, and of the American people may hereafter set itself to devising a substitute which may be better. But having stated these objections and confessing the great weight they have with me, I still say that if the committee come to us saying this is the best they can do, I am prepared to concur with them in passing the bill as a means of meeting the present evil and the present condition.

Mr. MITCHELL of Oregon. I think the distinguished Senator from Massachusetts has substantially answered the question which I rose to ask. Is it not a fact that the doctrine of the right of expatriation, to which the Senator referred as being one of the glories of the Administration of President Grant and of the Republic, has always been considered in the light of the other doctrine, that each government has a right to determine whether the presence of a particular person or any particular class of persons in a country would be pernicious to the government itself, and that it may exclude such persons?

Mr. HOAR. The Senator from Oregon asks me in substance whether I think the doctrine which has been our glory and pride has been fearfully demoralized in the matter of Chinese legislation, that has been thrust upon us by the representatives of the Pacific coast. I think it has.

Mr. TELLER. I should like to suggest to the Senator from Massachusetts that these rights are absolutely distinct. The one is a right of the government and resides in the government. The other is a right of the man. The right to get up and leave a country and go to another is one which resides in the individual.

Mr. HOAR. I said all that, although the Senator from Colorado said it a great deal better than I did, as he always does.

Mr. TELLER. But the Senator from Massachusetts insists that the right to say who shall come and reside in a country is a violation of the first principle which I mentioned. The right of a man to leave the neighborhood where he was born and to throw off the allegiance of the government under which he was born is a right upon which we have insisted. There is no line in our history anywhere in favor of abrogating or abandoning the universal right of every nation to say who shall come within its borders. But the two are so distinct that in my judgment there can be no possible connection between them.

Mr. HOAR. The affirmation of that right, made in the Burlingame treaty, in the legislation which followed it, and in the constitution of the State of California, goes very much further than does the Senator's statement.

Mr. TELLER. I am not talking about that. Everybody in the United States believes in the right of expatriation, and we have brought the world to believe in it at last. It is denied nowhere that I know of to-day among the nations of the earth. That is one doctrine. It is not inconsistent, I repeat, with the doctrine that the United States shall say that while a man in Germany has a right to emigrate, if he sees fit, we have a right to say he shall not come here if his coming is obnoxious to us.

Mr. HOAR. That is only saying, if the Senator from Colorado will pardon me, that every bird has a right to fly when it chooses, but that it may only alight when it finds a place.

Mr. TELLER. The right of expatriation was never anywhere tortured into the idea that a man had a right to go where he was not wanted. He can only go where the people say they will have him. That is a principle of international law which was established after tribulation and trial, until I think I may say, it is international law now.

Mr. President, the evil of promiscuous and unrestricted immigration is a very great one, I admit. I think we are suffering very severely in this country from it now, but it is not so great, in my opinion, that we should violate a fundamental principle of free government without at least an effort being made to correct the bill if it does violate it.

The Senator from Massachusetts seems to think the bill does violate it. Yet he says that if the committee say they can not do any better he will accept the bill. I am not willing to do that. I will take a hand at fixing it. I think the Senate might do that, and that that is the first thing for us to do. If the committee have brought here a bill which we do not think is a proper bill, there ought to be enough wisdom in the Senate, if there is not in the committee, to frame a bill which will be within the principles of free government.

With all due deference to the committee, it seems to me the bill has been hastily drawn. It seems to me that the committee is in a hurry, and I think the bill ought to go back to the committee. I wish to make a few suggestions, however, as to what I conceive to be the objectionable features of the bill.

Mr. HOAR. Before the Senator from Colorado passes to that part of the argument, will he allow me to make a suggestion?

Mr. TELLER. Certainly.

Mr. HOAR. I should like to read a part of the statute, still in the Revised Statutes of the United States, passed in 1868, when this country was all aglow with the Burlingame treaty:

> Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship

And so on.

When that language was enacted into law, it was substantially the universal belief of the American people not merely that a well-meaning citizen had a right to sever his connection with his old government, but that he had a right to go wherever on the face of the earth he chose, behaving himself properly and decently, and attach himself to the new government at his choice, and that the right of any government to reject him was a right to reject him for cause and for unfitness. The government is to be the judge of that, to be sure, but if he were a fit and suitable man he had the right to be received. That was the doctrine of the State of California in those days. Their Chinese experience led them very largely to change their minds.

Mr. TELLER. The Senator from Massachusetts and I do not particularly differ. I am speaking of the right of a nation to prohibit those whom it does not desire, and of that the nation must be the judge. Nobody else can judge of it. If the nation says that a red-haired man or a black-skinned man must not come here, that settles it. It may be all wrong——

Mr. HOAR. Will the Senator from Colorado allow me one other sentence, and then I shall sit down?

Mr. TELLER. Certainly.

Mr. HOAR. That is a good illustration. If, in 1868 this nation had said we will not admit red-haired men, or if the Congress had proposed such a provision of law, it would have been received with abhorrence by the entire people as a violation of the inherent natural rights of manhood. That is precisely what I say.

Mr. TELLER. I think it would be rather straining it to say that a man shall be excluded simply because his hair is red; but if there had been no black men on this continent the American Congress might have said that the citizens of Africa should not land in this country, because they were a people who never could become harmonious or homogeneous with our own people. That is a right which I claim the nation has, and that is all I do claim. Of course if the nation saw great danger in red-haired men they might keep them away as they would any others.

I do not wish to waste any time over that question, but I wish to say a word or two about the measure, as there seems to be a determination to pass it to-night. The substitute begins, it seems to me, in rather a roundabout way. The fourth section ought to be the first section instead of the last section or next to the last section, because it begins with the appointment of somebody to supervise the departure of the emigrant from the foreign country. That seems to be a logical way to begin, and that is the way the measure ought to begin. Instead of that we have in the first section—

> That no alien anarchist shall hereafter be permitted to land at any port of the United States.

That does not mean very much.

Mr. CHANDLER. Will the Senator from Colorado allow me to state that every bill relating to immigration which has ever been passed has first defined the persons who should be excluded and then has gone and furnished the machinery for excluding them?

Mr. TELLER. That might be better, but is it not a matter of taste?

Mr. CHANDLER. Yet the Senator says he would not provide the machinery until he had provided for the exclusion.

Mr. TELLER. I will take section 2:

> That at the hearing of aliens charged with being anarchists the board of special inquiry shall diligently inquire.

I inquire of the Senator from New York what the board of special inquiry is, and of whom it consists?

Mr. HILL. The board of special inquiry consists of four officials in the city of New York, who are designated by the Secretary of the Treasury in writing to act as inspectors.

Mr. TELLER. It is a sort of a semicourt, I suppose, although not a court.

Mr. HILL. They examine the manifests, etc.

Mr. TELLER. It is a tribunal of some kind for determining the facts.

Mr. HILL. Yes; they determine every other question as to exclusion, whether the person is insane, whether he is a pauper, whether, so far as they can find, he has ever been convicted of any crime, or has any disease.

Mr. TELLER. This inquiry, I understand, is made before the parties have landed.

Mr. HILL. They have landed on Ellis Island.

Mr. TELLER. I so understand.

Mr. HILL. Before they make a legal landing.

Mr. TELLER. I wish to call the attention of the Senate to this provision:

The board of special inquiry shall diligently inquire of the accused by pertinent questions as to his antecedents, political opinions, whether he belongs to any society or association of known anarchistic tendencies, and he may examine——

Mr. HILL. "It may examine;" the board.

Mr. TELLER. That has been changed?

Mr. HILL. Yes, sir.

Mr. TELLER.

It may examine the person for marks indicative of such membership.

I do not know whether that means his arms or the body.

Mr. HILL. His person.

Mr. WHITE. For marks and brands.

Mr. TELLER.

It may accept evidence of the immigrant's common reputation as an anarchist, and orders, decrees, or judgments of foreign governments and police notifications as prima facie evidence, which shall be sufficient, unless successfully controverted, to sustain an order of deportation.

That is, if it is absolutely necessary to violate one of the fundamental principles of free government, and provide that the accused shall be compelled to convict himself, I suppose that may be done.

Mr. HILL. The immigrant is not charged with a crime.

Mr. TELLER. But it deprives him of what he claims as a privilege and a right.

Mr. HILL. Will the Senator from Colorado allow me?

Mr. TELLER. Certainly.

Mr. HILL. There is another provision which applies. The proposed law and all United States laws in regard to immigration are posted up at every port in Europe and in all places where immigrants congregate. It is made the duty of the officials to do that, and the steamship companies have to do it at every place where tickets are sold. So the person coming to this country knows what he must submit to.

Mr. TELLER. I understand all that, and what is proposed may perhaps be done without violating the provisions of the Constitution of the United States in letter, although I think it does violate it in spirit.

Mr. HILL. The party is not charged with any crime. It is a mere question of governmental policy, is it not, as to whether he shall be admitted?

Mr. TELLER. You deprive him of a right which he insists is his.

Mr. HILL. He owes no allegiance to us.

Mr. TELLER. No.

Mr. MILLS. I wish to ask the Senator from New York, in charge of the bill, if he will not let us have an executive session? I do not think we can get through with the immigration bill to-night. We have struck some hard places.

Mr. HILL. It depends upon the Senator from Colorado.

Mr. TELLER. I shall take but a few minutes more. I wish to make a few suggestions. I do not want to antagonize the bill but I do not like it.

Now, here is an anomaly:

The Secretary of the Treasury is hereby authorized, in case he shall be satisfied that an alien has been allowed to land, or has come into the United States contrary to the immigration laws—

There are two classes, one where a man has been allowed to land and has already come in without objection, and the other is where he has entered in violation of the law.

Mr. HILL. He might have come in without permission to land.

Mr. TELLER. "Contrary to the immigration laws."

Mr. HILL. Through Canada or in some other way.

Mr. TELLER.

To issue a warrant and cause such alien to be taken into custody and returned to the country whence he came, at the expense of the importing vessel, or if he entered from an adjoining country, of which he is not a citizen, then to the country of his nativity, at the expense of the United States.

I do not see how under this provision you will return such a person to Canada if he has walked over the bridge or has come over the river.

Mr. HILL. It has to be done at the expense of the Government, if he did not come in a ship.

Mr. FAULKNER. There is the same provision in the general law now and it limits the time in which an immigrant can be sent back to one year after landing.

Mr. TELLER. That may be, but the substitute does not seem to limit it to any time whatever. The Secretary of the Treasury may seize any man who is an alien and deport him.

Mr. FAULKNER. On proof.

Mr. TELLER. He need not have any proof.

Mr. FAULKNER. Oh, yes.

Mr. TELLER. "In case he shall be satisfied," is what the provision says.

Mr. HILL. If the Senator from Colorado will allow me, I will state that that is precisely the provision of the law which has just been passed in England.

Mr. TELLER. I do not care anything about that. I am stating my objections to the pending bill. I think the committee could make the bill better by changing the phraseology. Then the substitute provides that—

In such cases the Secretary may authorize any immigration official to summon witnesses, administer oaths, etc.

Now, I think that is a loose provision.

Mr. HILL. It says "to be submitted to him."

Mr. TELLER. The truth is that after people who come here have landed they have certain rights which we are bound to respect. We are not to treat them as citizens, perhaps; they are not citizens, but they have the rights of personal protection, indemnity from improper arrest and seizure, etc.

Now, if it is necessary that we should be harsh with these people (as may be the case, and I believe it is), I think the committee should define some system by which the usual rules of evidence shall be applied. That is all I complain of. I am willing that an alien shall be brought before a tribunal, carefully guarded, to determine the question whether he is of the character that we say we will put out, and if he is not of that character, we say he shall stay here. If he is not a bad man, he has a right to come under the laws and to stay. It is only when he is among the prohibited classes that we say we will put him out. What I complain of as to the entire substitute is that it is loose in its whole tenor. It does not provide with the care which ought to be observed for the preservation of the rights of the person brought in question.

Mr. HILL. The Senator from Colorado would not advocate that they should be tried by jury?

Mr. TELLER. I would not try them by jury, but I would try them by a board that would observe the rules of evidence, and I would not let hearsay testimony send a man across the water. Because somebody said he was an anarchist I would not send him home.

Mr. HILL. No; and we do not do that.

Mr. TELLER. That is what you do here.

Mr. HILL. No, sir; except by common reputation.

Mr. TELLER. Common reputation as an anarchist. I suppose Mr. Mowbray and perhaps Herr Most——

Mr. HILL. I think Mowbray would be glad to hear the Senator from Colorado discuss this subject.

Mr. TELLER. I do not think the committee have taken the care in framing the proposed law that they ought to have taken. That is all I desire to say. I am in full accord with them in desiring to keep out this kind of immigration. My own opinion is that the place to make the examination is abroad and not here. A careful examination should be made on foreign soil; and if the emigrants escape and come here, as some would, then let us resort to the ordinary methods by which we determine facts in a country of law and not leave it arbitrarily to the Secretary of the Treasury or any official who may be appointed by him. Let us give these people an opportunity to be heard.

Mr. FAULKNER. If the Senator from Colorado will permit me, we do that by the inspectors, who are provided for and who perform the work that is done in addition to that which is entailed, and is really an obligation imposed upon the agents of the steamship companies. I will state to the Senator that we have been so guarded in the pending bill that this is the only bill which has been passed designating an excepted class who can not come into this country in which we have limited the board of inquiry as to the character of evidence that they must take before they can exclude an immigrant. As to every other excepted class, it is absolutely in the discretion of the board; but here we have tried to limit it as much as possible, so as not in any way to affect the rights of these parties.

Mr. TELLER. I am very certain that the bill could be improved with fifteen or twenty minutes' work on the part of the committee, and a great deal better bill drawn. But if the committee say they have exhausted the whole subject, I may possibly be willing, like the Senator from Massachusetts, to rely upon the committee.

Mr. HILL. The Senator from Colorado is aware that this is a difficult subject to handle.

Mr. TELLER. I know it is a difficult subject to handle.

Mr. CHANDLER. Will the Senator from Colorado allow me to say a word?

Mr. TELLER. I am going to yield the floor. I have stated my objections to the measure.

Mr. CHANDLER. I wish to say a word before the Senator concludes.

Mr. MILLS. I hope the Senator from Colorado will yield for a motion to proceed to the consideration of executive business.

Mr. CHANDLER. Will the Senator from Texas allow me? The session is, we hope, nearing a close. The pending measure is what is called an Administration bill. It was prepared at the Treasury Department and has only had a few days consideration by the committee. I hold that the writ of habeas corpus could always be resorted to in the case stated in section 2, and I would suggest to the Senator——

Mr. TELLER. Does the Senator from New Hampshire say it can not now be resorted to?

Mr. CHANDLER. I think it can be, as the measure stands.

Mr. TELLER. I presume it can be.

Mr. CHANDLER. I suggest to the Senator and to the Senate that the bill will undoubtedly go into conference, and that it be allowed to pass at this time. When the bill goes into conference the conferees will undoubtedly give the suggestions of the Senator from Massachusetts and the Senator from Colorado careful consideration, and make such amendments as justice seems to require. But I am afraid that if the bill is not passed now it will not become a law at the present session.

I have waived my objection to the report of the committee in order that we may this afternoon get the bill through, and I hope that Senators will treat it as of sufficient importance to stay here and finish it to-night.

Mr. TELLER. I should like to say that I did not rise to antagonize the bill. I had no idea of doing that.

Mr. HILL I know the Senator did not.

Mr. TELLER. I thought the committee might make some improvements in the bill. If it is admitted that the bill can not be improved, if neither the Senate nor the committee can improve it, and it must be taken as it comes from that source of all wisdom, the Treasury Department, I do not know that I care to say anything further.

Mr. CULLOM. Let us vote.

Mr. CHANDLER. I ask for a vote

Mr. TELLER. I will say before I sit down, if the Senator from New Hampshire will allow me, that the bill does not commend itself to me at all because it came from the executive department of the Government. I think the idea that the executive department of the Government is to be called upon on every occasion to draft bills for the legislative body is a pernicious one. It is a growing evil, and one which, as far as I am concerned, I do not intend to encourage.

Mr. CHANDLER. I hope we may now have a vote on the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. HILL, the title was amended so as to read: "A bill to amend the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor."

Mr. CHANDLER. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HILL, Mr. FAULKNER, and Mr. CHANDLER were appointed.

EXECUTIVE SESSION.

Mr. MILLS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, August 7, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate August 6, 1894.

UNITED STATES CIRCUIT JUDGE.

Amos M. Thayer, of Missouri, to be United States circuit judge for the eighth judicial circuit, as provided for by act approved July 23, 1894.

UNITED STATES DISTRICT JUDGES.

Henry S. Priest, of Missouri, to be United States district judge for the eastern district of Missouri, upon the confirmation as circuit judge of the eighth judicial circuit of Amos M. Thayer, this day nominated as such circuit judge.

James D. Porter, of Tennessee, to be United States district judge for the eastern and middle districts of Tennessee, vice D. M. Key, resigned.

POSTMASTERS.

John W. Hamerly, to be postmaster at Colton, in the county of San Bernardino and State of California, in the place of William Henry Wright, whose commission expired June 14, 1894.

Luther M. Embry, to be postmaster at Shelbyville, in the county of Shelby and State of Illinois, in the place of Ambrose M. Chaddick, resigned.

C. E. Smith, to be postmaster at Correctionville, in the county of Woodbury and State of Iowa, in the place of Willis W. Overholser, resigned.

B. W. Hero, to be postmaster at Westboro, in the county of Worcester and State of Massachusetts, in the place of Frank W. Bullard, whose commission expired March 7, 1894.

PROMOTIONS IN THE ARMY.

Infantry arm.

First Lieut. Edward E. Hardin, Seventh Infantry, to be captain July 31, 1894, vice Burnett, Seventh Infantry, retired from active service.

First Lieut. Richard H. Wilson, adjutant, Eighth Infantry, to be captain July 31, 1894, vice Hutton, Eighth Infantry, dismissed.

Second Lieut. Charles S. Farnsworth, Twenty-fifth Infantry, to be first lieutenant July 31, 1894, vice Hardin, Seventh Infantry, promoted.

Second Lieut. Charles Gerhardt, Twentieth Infantry, to be first lieutenant August 1, 1894, vice Terrett, Eighth Infantry, appointed regimental adjutant.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 6, 1894.

PROMOTIONS IN THE NAVY.

Commodore Henry Erben, to be a rear-admiral.
Capt. Charles S. Norton, to be a commodore.
Commander Frank Wildes, to be a captain.
Lieut.-Commander William W. Reisinger, to be a commander.
Lieut. Albion V. Wadhams, to be a lieutenant-commander.
Lieut. (junior grade) John H. L. Holcombe, to be a lieutenant.
Lieut. (junior grade) William L. Burdick, to be a lieutenant.
Ensign Joseph L. Jayne, to be a lieutenant (junior grade).
Ensign James G. Dayle, to be a lieutenant (junior grade).

SURVEYOR-GENERAL.

Clayton Belknap, of Virginia City, Nev., to be surveyor-general of Nevada.

COLLECTOR OF CUSTOMS.

Francis L. O'Reilly, of Rhode Island, to be collector of customs for the district of Providence, in the State of Rhode Island.

RECEIVERS OF PUBLIC MONEYS.

John A. Ely, of Towner, N. Dak., to be receiver of public moneys at Minot, N. Dak.

William H. McDonald, of North Platte, Nebr., to be receiver of public moneys at North Platte, Nebr.

REGISTERS OF THE LAND OFFICE.

Michael J. Barrett, of Jamestown, N. Dak., to be register of the land office at Minot, N. Dak.

John F. Hinman, of North Platte, Nebr., to be register of the land office at North Platte, Nebr.

INDIAN AGENT.

Louis F. Pearson, of Medicine Lodge, Kans., to be agent for the Indians of the Pottawatomie and Great Nemaha Agency in Kansas.

POSTMASTERS.

Peter Geschwind, to be postmaster at Sleepy Eye, in the county of Brown and State of Minnesota.

C. F. Buck, to be postmaster at Winona, in the county of Winona and State of Minnesota.

Eugene J. O'Neil, to be postmaster at Chicopee Falls, in the county of Hampden and State of Massachusetts.

Woodbury A. Ham, to be postmaster at Everett, in the county of Middlesex and State of Massachusetts.

Frank Q. Mitchell, be postmaster at Mound City, in the county of Holt and State of Missouri.

George Wallwork, to be postmaster at White Sulphur Springs, in the county of Meagher and State of Montana.

Mrtin E. Conlan, to be postmaster at Alexandria, in the county of Hanson and State of South Dakota.

HOUSE OF REPRESENTATIVES.

MONDAY, *August 6, 1894.*

The House met at 12 o'clock m. Prayer by the Rev. WILLIAM E. PARSON, D. D.

The Journal of the proceedings of Friday was read and approved.

JUDICIAL DISTRICTS, NORTH CAROLINA.

The SPEAKER laid before the House the bill (H. R. 6542) to change the lines between the eastern and western judicial districts of North Carolina, and fixing the time for holding courts in said eastern district, with amendments of the Senate thereto.

The Senate amendments were read.

Mr. WOODARD. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. BURROWS. Mr. Speaker, I judge from the amendments as read that most of them are merely verbal. There appears, however, to be one in relation to the meeting of the terms of court.

Mr. WOODARD. The only substantial change made by the Senate is one postponing until the 15th of October the time when the bill shall go into effect. The other amendments are merely verbal.

The amendments of the Senate were concurred in.

COMPENSATION OF OFFICIALS OF UNITED STATES COURTS.

The SPEAKER also laid before the House a joint resolution (S. R. 91) providing for the printing of a digest of the laws and decisions relating to the appointment, salaries, and compensation of officials in United States courts; which was referred to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MOON, indefinitely, on account of sickness.

To Mr. CORNISH, indefinitely, on account of sickness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 2269) providing for reconveyance by the District Commissioners of certain lands to Andrew J. Curtis and Mary E. Curtis;

A bill (S. 2173) to amend an act entitled "An act to establish a United States court in the Indian Territory, and for other purposes," approved March 1, 1889, and an act entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May 2, 1890; to provide for the redistricting of the Indian Territory for judicial purposes, for an additional judge and more United States commissioners, and to prescribe the jurisdiction, duties, and authority of such judges and commissioners, and for other purposes; and

Joint resolution (S. R. 91) to provide for the printing of a digest of the laws and decisions relating to the appointment, salary, and compensation of officials of the United States courts.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of the Interior be, and he is hereby, requested to suspend the opening of the land in the Arredondo grant of 2,000 acres in Columbia County, Fla., to entry under the land laws of the United States until the close of the present Congress, unless there is further consideration with reference thereto before that time.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 86) for the protection of persons furnishing materials and labor for the construction of public works;

A bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, for prior years, and for other purposes;

A bill (H. R. 7683) to remove the charge of desertion against James Fay; and

A bill (H. R. 7827) to authorize a bridge across the Perdido River between the States of Florida and Alabama.

The message also announced that the Senate had passed, with amendment, the bill (H. R. 7803) to amend sections 2401 and 2403 of the Revised Statutes, asked a conference with the House on the bill and amendments, and had appointed Mr. PASCO, Mr. MARTIN, and Mr. DOLPH as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendments bills of the following titles:

A bill (H. R. 855) to amend an act granting a pension to Elizabeth Voss;

A bill (H. R. 3076) granting a pension to George L. Frymire;

A bill (H. R. 3032) to remove the charge of desertion from the record of John A. Jack;

A bill (H. R. 1463) granting a pension to Mrs. Lucinda C. Wheeler, widow of John H. Wheeler;

A bill (H. R. 3065) to increase the pension of James Lane;

A bill (H. R. 1313) to increase the pension of John Scott;

A bill (H. R. 953) to increase the pension of Mary P. Broughton;

A bill (H. R. 3309) to pension Ambrose Giseburt;

A bill (H. R. 6206) granting a pension to A. F. Neely;

A bill (H. R. 3840) to pension Julia A. Walters;

A bill (H. R. 5374) granting a pension to Sarah Oddy;

A bill (H. R. 3992) to increase the pension of Julia Bews;

A bill (H. R. 1717) granting a pension to Eliza Holmes;

A bill (H. R. 856) granting an increase of pension to John Stockwell;

A bill (H. R. 6405) to remove the charge of desertion standing against Patrick Kelleher, late private Company C, Thirty-eighth Illinois Volunteers;

A bill (H. R. 6213) to pension Hariet R. Tate;

A bill (H. R. 5816) granting a pension to Mary Ann Donoghue;

A bill (H. R. 2108) to perfect the military record of Warren Alonzo Alden;

A bill (H. R. 2133) to correct the military record of Capt. E. M. Ives;

A bill (H. R. 4811) to pension Mary Trimble;

A bill (H. R. 7187) to make the city of Oakland, county of Alameda, State of California, a subport of entry; and

A bill (H. R. 522) for the relief of Benjamin Alford.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 868) for the relief of Charles B. Stivers;

A bill (S. 1896) to provide for the payment of the 8 per cent greenback certificates of the District of Columbia, and for other purposes;

A bill (H. R. 2996) for the relief of Mrs. E. S. Luke, widow of John L. Luke, late a soldier in the Black Hawk war;

A bill (H. R. 3858) to pension Mrs. Eliza B. Peirce, widow of Charles Peirce, of New Bedford, Mass.;

A bill (H. R. 5371) for the relief of certain enlisted men of the Marine Corps;

A bill (5481) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1895, and for other purposes;

A bill (H. R. 6042) to authorize sale of lot 8, block 93, city of Hot Springs, by school directors thereof, and use of proceeds for school purposes;

A bill (H. R. 6921) for the relief of George B. Cosby;

A bill (H. R. 7494) disposing of four condemned cannon of the Navy; and

A bill (H. R. 2582) to authorize the appointment of James William Abert to the retired list of the Army.

GENERAL DEFICIENCY BILL.

Mr. SAYERS. Mr. Speaker, I move that the House nonconcur in the amendments of the Senate to House bill 7477, the general deficiency bill, and ask for a conference on the disagreeing votes of the two Houses; also that the bill be printed with the Senate amendments.

There was no objection, and it was so ordered.

The SPEAKER appointed as conferees on the part of the

House Mr. BRECKINRIDGE of Kentucky, Mr. SAYERS, and Mr. CANNON of Illinois.

KANSAS CITY, OKLAHOMA AND PACIFIC RAILWAY COMPANY.

Mr. COCKRELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6122) authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Kansas City, Oklahoma and Pacific Railway Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, authorized and invested and empowered with the right of locating, constructing, owning, equipping, and operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point to be selected by said railway company at or near the town of Coffeyville, in the county of Montgomery, State of Kansas, and running thence in a south and west direction over the most practicable route, through the Indian Territory to a point at or near Pawhuska, and also Guthrie and Kingfisher, in the Territory of Oklahoma, and thence to the east line of Wheeler County, State of Texas, thence to the east line of the Territory of New Mexico, and through the Territory of New Mexico to the city of Albuquerque, in the Territory of New Mexico, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to their interests to construct along and upon the right of way and depot grounds herein provided for.

SEC. 2. That the said corporation is authorized to take and use, for all purposes of a railway and for no other purpose, a right of way 100 feet in width through said Indian Territory, and to take and use a strip of land 200 feet in width, with a length of 3,000 feet in addition to right of way, for stations for every 5 miles of road, with right to use such additional grounds where there are heavy cuts or fills as may be necessary for the construction and maintenance of said right of way, or as much thereof as may be included in said cuts or fills: *Provided*, That no more of said addition of land shall be taken for any one station: *Provided further*, That no part of said lands herein authorized to be taken shall be leased or sold by the company; and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants, according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damages done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant such compensation shall be determined by the appraisement of three disinterested persons or referees to be appointed, one, who shall act as chairman, by the President, one by the chief of the nation to which said occupant belongs, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of the district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member after due notice; and upon the failure of either party to make such appointment within thirty days after the appointment made by the President the vacancy shall be filled by the district judge of the court held at Wichita, Kans., upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which the occupant belongs. Each of said referees shall receive for his services the sum of $4 per day for each and every day they are engaged in the trial of any case submitted to them under this act, with mileage of 5 cents per mile. Witnesses shall be allowed the usual fees allowed by the courts of said nation. The costs, including the compensation of the referees, shall be made a part of the award, and to be paid by said railway company. In case the referees can not agree, then two of them are authorized to make the award. Either party being dissatisfied with the findings of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Wichita, Kans., which court shall have jurisdiction to hear and determine the subject-matter of said petition according to the laws of the State of Kansas providing for the determining of damages when property is taken for railway purposes. If, upon the hearing of said appeal, the judgment of the court shall be for a larger sum than the awards of the referees, the costs of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railway.

SEC. 4. That the said railway company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Kansas for services or transportation of the same kind: *Provided*, That the passenger rate shall not exceed 3 cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and of messages on said telegraph and telephone lines, until a State government is formed and shall exist in said Territory, within the limits of which said railway, or a part thereof, shall be located, and then such State government, or governments, shall be authorized to fix and regulate the cost of transportation of persons and freight within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate expressed: *Provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of $20, in addition to the compensation provided for in this act for property taken and damage done to individual occupants by the construction of the railway, for each mile of railway constructed in said Territory, said payments to be made in installments of $200 as each 10 miles of road is finished and in operation: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located, as shall, within four months after the filing of maps of definite locations, as set forth in section 6 of this act, dissent from the allowance provided for in this section, and certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nations or tribes under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupants of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements, as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provisions. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of $15 per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior, under the provisions of this act, shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations or tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations or tribes, to impose such additional taxes upon said railroads as it may deem just and proper for their benefit. And any Territory or State hereinafter formed, through which said railway shall have been established, may exercise the like power as to such part of said railway as may be within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

SEC. 6. That said railway company shall cause maps, showing the route of its located line through said Territory, to be filed in the office of the Secretary of the Interior; and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and, after the filing of said maps, no claims for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed, as herein provided for, said company shall commence grading said located line within six months thereafter or such location shall be void. And such locations shall be approved by the Secretary of the Interior in sections of 25 miles before the construction of any such section shall be begun.

SEC. 7. That the United States circuit and district courts for the district of Kansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Kansas City, Oklahoma and Pacific Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said court shall have like jurisdiction, without reference to the amounts in controversy, over all controversies arising between the inhabitants of the said nations or tribes and said railway company; and the civil judisdiction of such courts is hereby extended within the limits of said Indian Territory without distinction as to citizenship of the parties so far as may be necessary to carry out the provisions of this act.

SEC. 8. That the officers, servants, and employés of said company, necessary to the construction and management of said road, shall be allowed to reside, while so engaged, upon said right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior, in accordance with said intercourse laws.

SEC. 9. That said railway company shall build at least 50 miles of its railway within said Territory within four years after the passage of this act or the rights herein granted shall be forfeited as to that portion not built. That said railway company shall construct and maintain continually all fences, road and highway crossings, and necessary bridges over said railway wherever said roads or highways do now or may hereafter cross said railway's right of way, or may be, by the proper authorities, laid out across the same.

SEC. 10. That the Kansas City, Oklahoma and Pacific Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations or tribes any further grant of lands, or its occupancy, than is hereinbefore provided for: *Provided*, That any violations of the conditions mentioned in this section shall operate as a forfeiture of all rights and privileges of said railway company under this act.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railway, with its franchises, that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 12. That Congress may at any time alter, amend, or add to this act.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. HUDSON. Mr. Speaker, I think the bill ought to be carefully considered, and I object to its consideration now.

ALLEY IN SQUARE 185, WASHINGTON, D. C.

Mr. CHARLES W. STONE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

Mr. CATCHINGS. Mr. Speaker, I desire to offer a resolution.

The SPEAKER. Will the gentleman withhold the resolution for one moment? The gentleman from Pennsylvania [Mr. CHARLES W. STONE] asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

An act (S. 2217) to provide for the closing of a part of an alley in square 185 in the city of Washington, D. C.

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and instructed on the petition of the owner of all the property fronting on that part or portion of an alley 15 feet wide, and running north and south through lot 30, square 185, to declare said part or portion of said alley to be closed, and the title therein is hereby declared to be vested in the owner of all the property fronting on said alley.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. CHARLES W. STONE]?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. CHARLES W. STONE, a motion to reconsider the last vote was laid on the table.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. CATCHINGS. Mr. Speaker——

The SPEAKER. The gentleman from Mississippi [Mr. CATCHINGS] presents a privileged matter, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Clerk be directed to request the Senate to return to the House of Representatives the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to House bill 6518, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

Mr. CATCHINGS. Mr. Speaker, I desire to say a few words in explanation of that resolution. I wish to say that one of the amendments which was agreed to by the Senate and House conferees was lost by the inexcusable carelessness or negligence of somebody. Hence the report as printed in the CONGRESSIONAL RECORD, and as it now stands, is not the report which was made by the conferees.

The enrolling clerk says this amendment was not lost in that office.

Mr. Speaker, if it was not lost in that office it was lost by me. Now, I desire to make a simple statement to the House, and it can then form its own judgment as to what the probabilities are on this question.

The report of the conferees was first prepared in the room of the Committee on Commerce of the Senate by the clerk of the Senate Committee on Commerce. It was then taken and carefully copied by the clerk of the Committee on Rivers and Harbors. After that had been done, I sat down myself and took one copy in my hand and the clerk took the other in his hand, and we made a careful and accurate comparison, and found it to be entirely correct. But lest there might have been some error, these two reports were again carefully compared on the next morning by the clerk of the Committee on Rivers and Harbors of the House and the clerk of the Senate Committee on Commerce. The comparison was again found to be absolutely correct.

These amendments, as gentlemen know, are on separate sheets of paper. They were then taken and put carefully together and a rubber band put around them, and brought straight from the Senate Committee on Commerce, and handed in by me, from my seat here. Now gentlemen can form some sort of an opinion as to whether there was any possibility of that sheet, containing one of the amendments, being lost by me under the circumstances.

As soon as the House had agreed to the conference report I said to one of the young gentlemen standing at the Speaker's desk that I wished it to be carried at once to the Senate, so that they could act upon it that afternoon, and I myself saw him go out with it in his hand. Some considerable time after that the gentleman from Oregon [Mr. HERMANN] came to me and said that the bill had not gone to the Senate, but that it was then out in the clerk's office and being fumbled over and handled and hauled about by a number of gentlemen. I went out myself, and saw eight or ten gentlemen standing there pulling and hauling over the conference report.

Mr. GROSVENOR. Were they members of Congress?

Mr. CATCHINGS. No, they were not.

Mr. KILGORE. How would it do to name them?

Mr. CATCHINGS. I do not know their names. I then complained to the Clerk that I had given directions for the report to go straight to the Senate. Maj. TOWLES had just come in, and he said he was not aware of that condition of things, and that he had just reprimanded the enrolling clerk for permitting this thing to be done. The report was then sent to the Senate. Now, one of the sheets was lost. The House can form its own opinion as to whether I lost it or whether it was lost in the Clerk's office. I have no sort of doubt myself that it was lost in the Clerk's office.

Mr. DALZELL. What was contained in the sheet which was lost?

Mr. CATCHINGS. An amendment reducing the appropriation for Boston Harbor. I do not mean to say that it was done intentionally. It was simply a piece of carelessness. Nobody could have had an object in misplacing it. I have not the slightest doubt in my own mind that it was lost in this confusion which took place in the Clerk's office.

Now, Mr. Speaker, I desire to say another thing. A mare's nest was also discovered by the enrolling clerk.

The conference report was prepared, Mr. Speaker, precisely as the conference report on the last river and harbor bill was prepared; that is to say, wherever it became necessary in indicating to the House an amendment to a Senate amendment to make some reference to pages and lines in order to give a more accurate description of the amendment, the reference was made to the print of the bill containing the Senate amendments, instead of the original bill as passed by the House. That was done in the Fifty-second Congress; and the matter passed the scrutiny of the enrolling clerks and the Committee on Enrolled Bills; the bill was enrolled correctly from that conference report and became a law. The conference report in this instance was, as I have said, prepared under the direction of the conferees in exact accordance with that precedent. But when it came here it was discovered by some man's eagle eye and massive brain that that was a thing which could not be done; that a conference report was absolutely a nullity which did not in such cases refer to the original bill.

Why, Mr. Speaker, the sole requisite of a conference report is that it shall give such suitable descriptions and illustrations as will enable the clerk to enroll the bill so as to represent what the two Houses intend shall become the law. You may refer to anything you choose; you may use any sort of language, formal or informal, artificial or otherwise; and so long as it furnishes to the clerk the evidence of what the two Houses mean to be the act of Congress, he can enroll from it, and it is absolutely legal.

I will state, however, that standing in great awe of the gentleman referred to, we have, for the purpose of avoiding any further controversy, had the clerks of the two Houses, in the half a dozen or more instances in which reference was made to pages and lines, change the report so as to conform to the high and mighty views of this gentleman.

Mr. Speaker, I now ask a vote on the resolution.

Mr. REED. What is the resolution?

Mr. CATCHINGS. It is a resolution recalling the conference report so that we may put in another with the lost amendment in it.

Mr. REED. Does the gentleman from Mississippi propose any action with regard to this mismanagement of the bill?

Mr. CATCHINGS. Oh, none at all; it was a mere piece of carelessness.

Mr. REED. But it seems to me it was a piece of carelessness calculated to shake public confidence in the operations of the office the business of which was to attend to this matter, and that for our own protection we ought to make a decided impression upon somebody's mind on this subject, because if we are liable to have such things as this occur merely by accident, it leaves open a tremendous chance to do something of the same sort by design.

Mr. CATCHINGS. Oh, there is no question that this was a purely accidental loss—none in the world.

Mr. REED. I have no reason to differ with the gentleman on that point; but it seems to me this is an instance of carelessness which is pretty nearly criminal——

Mr. CATCHINGS. I quite agree that there was gross carelessness somewhere.

Mr. REED. And of a sort that ought to be repressed so as to prevent completed bills from being pawed over by gentlemen who are not even members of Congress.

Mr. CATCHINGS. I agree with the gentleman absolutely about that.

Mr. REED. I respectfully suggest to the gentleman from Mississippi that he really ought to take some action on this matter.

Mr. DUNN. That can come afterwards.

Mr. WILSON of Washington. I want to ask the gentleman from Mississippi, for information, whether this is the only instance among the clerks of various committees of the House of Representatives where errors of this kind have been committed? Is it not worth while that we should have a complete investigation of the efficiency of the clerical service in reference to the House and its committees.

Mr. CATCHINGS. This is the only case of the kind that ever came under my personal observation.

Mr. WILSON of Washington. I thought it might be well if we should examine into this whole question.

Mr. OUTHWAITE. Errors of this kind have occurred frequently. One occurred in connection with the McKinley bill, which was corrected afterwards by legislation.

Mr. WILSON of Washington. I asked my question not in any partisan view at all, but with reference merely to the betterment of the service.

The question being taken, the resolution offered by Mr. CATCHINGS was adopted.

GEORGE H. JEWETT.

Mr. HUNTER. Mr. Speaker, I ask unanimous consent for the

present consideration of the bill (S. 470) for the relief of George H. Jewett, of Arlington, Washington County, Nebr.

The SPEAKER. The bill will be read subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to George H. Jewett the sum of $734, being the amount due him for material furnished and work done by him by an order from the military authorities at Fort Duchesne, Utah, in 1889.

Mr. COOMBS. We would like to have the report read in that case.

Mr. BURROWS. Let the report be read.

The report (by Mr. RICHARDS) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 470) for the relief of George H. Jewett, of Arlington, Nebr., report as follows:

Jewett entered into a contract with the chief quartermaster of the Department of the Platte, at Omaha, Nebr., to construct at Fort Duchesne, Utah, two sets of officers' quarters, and as these buildings approached completion a controversy arose about the work to be done in the houses. Jewett was ordered by the chief quartermaster to put in certain water connections which did not form a part of his original contract, and he notified the quartermaster in writing that if he performed the work he should do it under protest and ask compensation therefor.

The quartermaster insisted upon the performance of this extra work against the protest of Jewett, and an account therefor was afterwards approved by him, as also by the post commander of the post and by the Quartermaster-General of the Army, who ordered the vouchers made up and forwarded to Washington for settlement; but this work not being embraced in the original contract, the account therefor was disallowed on December 12, 1890.

Jewett did not voluntarily perform this extra work, but did so in order to save controversy, and because he was ordered peremptorily to do so. It seems further that the work was proper and necessary.

Your committee think that under the circumstances he should be paid therefor, and recommend that the bill do pass.

There being no objection, the bill was considered, ordered to a third reading, and being read the third time, was passed.

On motion of Mr. HUNTER, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. SMITH of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1465) for the relief of the city of Cairo, in the State of Illinois.

Mr. KILGORE. Mr. Speaker, I think now would be a good time to follow the regular order for a while. I demand the regular order.

Mr. SMITH of Illinois. I hope the gentleman will yield to me for a moment.

Mr. KILGORE. Oh, no. We are even now on each side.

The SPEAKER. The regular order is demanded, which cuts off all recognitions for unanimous consent.

This being Monday, there is no call of committees. The gentleman from Indiana [Mr. HOLMAN] desires to submit a report on the Indian bill.

CONTESTED-ELECTION CASE, WILLIAMS VS. SETTLE.

Mr. PAYNTER. Mr. Speaker, pending that, I desire to make an announcement to the House. A few days ago I stated that on to-day I would call up for consideration the contested-election case of Williams *vs.* Settle. The gentleman from North Carolina [Mr. WOODARD], however, who presented the minority report, has received a telegram informing him of the serious illness of a member of his family, which necessitated his leaving the city, and we agreed to let this case stand over until December. I ask unanimous consent that it be postponed until then.

The SPEAKER. The case will go over; and the gentleman from Kentucky gives notice that it will not be called up during this session.

Mr. GROSVENOR. I could not understand the announcement of the gentleman from Kentucky.

The SPEAKER. The gentleman from Kentucky stated that this case by agreement would not be called up during this session.

Mr. MCCALL. I would like to say, Mr. Speaker, that there is a substantial agreement among all parties in interest that the case will not be called up by anybody. In other words, that no attempt will be made by anybody to get it up during this session.

Mr. BUNN. That is correct. It was agreed to by all parties.

The SPEAKER. That is the understanding, as the Chair is informed, that it has been agreed to that the case shall go over until the next session.

ORDER OF BUSINESS.

Mr. COOPER of Indiana. Mr. Speaker, I would like to ask unanimous consent for the consideration of a matter.

The SPEAKER. The regular order has been demanded by the gentleman from Texas.

Mr. COOPER of Indiana. Can it not be withdrawn for a little while?

The SPEAKER. The gentleman has not done so. The Chair had recognized the gentleman from Illinios [Mr. SMITH].

Mr. KILGORE. The House does not seem to be doing anything in particular now, and I am willing to withdraw the demand for a few moments.

The SPEAKER. Then the Chair will submit the request of the gentleman from Illinois for unanimous consent to consider the bill (H. R. 1465) for the relief of the city of Cairo, in the State of Illinois.

Mr. BUNN. I would like to inquire, Mr. Speaker, how that bill comes up?

The SPEAKER. The gentleman asks unanimous consent for its consideration.

Mr. BUNN. I object, and wish to state the reason I do so. The Committee on Claims have instructed me about that class of bills; and I can not consent to let that one come up to the exclusion of the others.

Mr. SMITH of Illinois. You object to this bill?

Mr. BUNN. Yes; by instruction of the committee I am directed to report a general bill as a substitute for all bills of this character, and let the one question be raised upon that bill.

Mr. SMITH of Illinois. This has been reported favorably by the committee.

Mr. BUNN. I understand that; but I am acting by instruction of the committee.

The SPEAKER. The gentleman from North Carolina objects.

Mr. BALDWIN. I ask unanimous consent, Mr. Speaker, for the present consideration of the bill (S. 1458) granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian Reservations in the State of Minnesota.

The SPEAKER. The bill will be read.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SMITH of Illinois. I object.

GREAT FALLS RAILWAY BILL.

Mr. HEARD. Mr. Speaker, I desire to submit a conference report.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 6777) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railroad."

Mr. HEARD. I ask that the statement of the conferees be read.

The statement was read, as follows:

After the Great Falls bill passed the House certain residents on Prospect street, in Georgetown, objected to the use of the eastern portion of that street for railway purposes; and in order to meet every objection the Senate amended the bill so that all property owners are satisfied. The merchants of Georgetown complained about the blockade caused in M street by switching cable cars in that narrow thoroughfare. The bill now provides for a union passenger station for both the Great Falls and the Washington and Georgetown roads, and for doing away with the switching nuisance. Following out the legislation already enacted to prevent the duplication of tracks, the amendment provides that the Eckington road shall be allowed to reach the Baltimore and Potomac Railroad station and the Central Market. These changes the managers on the part of the House agree to.

Mr. HEARD. Mr. Speaker, as the statement sets out, after the Great Falls bill had passed the House, one of the property owners in the block between M and Prospects streets, and Thirty-fifth and Thirty-sixth streets, objected to the tracks of the road terminating on the street, and insisted that they should go on the private property in the block, which the Commissioners had suggested to be used as a central union station. The Senate amended the bill so as to compel the road to run into the station on said block, when constructed, and which the bill provides for being constructed by the Washington and Georgetown road.

The amendment also contains the substance of the bill which was before the House and the Senate, authorizing the extension of the Georgetown and Washington road to this point; and it provides, further, for the construction of a central station there as recommended by the Commissioners, and provided for in said bills. The objection to the bill when it was considered here, was that it gave the right of condemnation, and one of the property owners in the block, the one to which I have referred, objected, because she did not want to part with her property. This bill omits the provision for condemnation, as the company has already bought the ground it needs. The bill now provides for the junction of these two roads, under conditions acceptable to said roads and to the public, and it is acceptable to the Commissioners and to the committees of the two Houses.

The additional amendment, Mr. Speaker, relating to the Eckington road, provides that the charter of that road shall be changed in this particular. It now authorizes the road to run from Judiciary Square down Louisiana avenue to a point on the east side of Seventh street. The District Commissioners have

recommended to Congress a draft of a bill, that has been introduced in the House but has not yet been considered, for the creation of a central station, a union passenger station, between Sixth and Seventh streets on B street, which point is west of the Baltimore and Potomac depot, and between that place and Center Market

This amendment of the Senate provides that the road, instead of proceeding down Louisana avenue to Seventh street, shall proceed down Louisiana avenue to Sixth street, and cross the avenue on Sixth street to B street, where it makes an intersection with the roads already there, and the one which is provided for by the bill that passed the House, and which is to come from Alexandria and Mount Vernon, called the Washington, Alexandria and Mount Vernon road, and over whose tracks the Falls City and Washington road is also to come into the city.

Mr. TALBERT of South Carolina. Is this the bill that passed the House last Tuesday?

Mr. HEARD. No; it passed two months ago.

Mr. COOMBS. Then there are two bills?

Mr. HEARD. Yes, sir.

Mr. COOMBS. I would ask the gentleman, also, with his permission, whether it is not a part of the policy outlined in the bill passed last Tuesday, that there should be no more roads built north and south, but that they should come down over existing roads?

Mr. HEARD. As far as practicable.

Mr. COOMBS. Is not this practicable so far as the Eckington road is concerned?

Mr. HEARD. This only makes provision for new tracks for a little more than one block.

Mr. COOMBS. Where is that?

Mr. HEARD. From Louisiana avenue along Sixth street to reach B street.

Mr. COOMBS. It adds no more roads running down from the north to the south?

Mr. HEARD. It is just about one block, and it enables this system to connect with the four or five other systems at that point, which is a focal point in street railway travel.

Mr. COOMBS. What are those systems?

Mr. HEARD. The Metropolitan, Anacostia, the Washington and Georgetown, the Alexandria and Washington, which we passed a bill to bring in, and which is pending in the Senate, and the Falls City road, which is to come in over the tracks of the last named company. There are at least four that will connect at that point with the Eckington when they are all completed as now contemplated.

Mr. COOMBS. Are all of those under that provision that there shall be an exchange and transfer?

Mr. HEARD. That provision is general, and applies to every road in the city and all that shall be built hereafter. It is in pursuance of the policy we have entered upon, of providing arrangements for trackage and transfer, and will be in favor of this company and all the companies with which it connects, and of great value to the public. The House committee believes it is a wise provision, and it is in the line of the policy which has been adopted by the House and Senate in the bill which they passed the other day.

Mr. COOMBS. It does not change their power?

Mr. HEARD. Not at all.

Mr. HEPBURN. I would like to ask the gentleman a question.

Mr. HEARD. Certainly.

Mr. HEPBURN. Was this provision that you have been speaking of last in the bill prior to the appointment of the committees of conference?

Mr. HEARD. This provision was inserted in the bill by the Senate. It is a bill in the form of an amendment which the Senate put on this Great Falls bill.

Mr. RICHARDSON of Tennessee. If my colleague will allow me to explain, I think he does not understand the question that the gentleman from Iowa [Mr. HEPBURN] asked him. He asked if this had been put on in the conference committee. It was a Senate amendment, and the conference committee had jurisdiction of it.

Mr. HEARD. That is what I said. I have explained as fully as I am able to do the purport of the bill.

Mr. COOMBS. It does not authorize any more roads running north and south.

Mr. HEARD. No; except that it authorizes this Eckington road to run in that direction, as I have stated, for about one block.

Mr. HEPBURN. What is to be the motive power on that part of the road that you have been speaking of.

Mr. HEARD. It is not mentioned at all in the bill; and the motive power now being used by that company is horse power. It is a part of the Eckington system.

Mr. HEPBURN. Is it not the intention to operate this horse-power road on a portion of the roads whose cars are moved by other power?

Mr. RICHARDSON of Tennessee. It does not touch any other road.

Mr. HEPBURN. Not this extension?

Mr. RICHARDSON of Tennessee. It keeps the road on to B street.

Mr. HEARD. It will come in on that line.

Mr. RICHARDSON of Tennessee. It runs on that track.

Mr. HEPBURN. Is it intended to enter on a different track?

Mr. HEARD. If directed by the Commissioners. It leaves that to the Commissioners. Mr. Speaker, I move the previous question on the report.

The previous question was ordered.

The conference report was adopted.

On motion of Mr. HEARD, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

PROPOSED IMPEACHMENT OF JUDGE RICKS.

Mr. JOHNSON of Ohio. Mr. Speaker, I send to the Clerk's desk and ask to have read a memorial of the Central Labor Union, of Cleveland, Ohio, presenting charges against Augustus J. Ricks, judge of the district court for the northern district of Ohio.

The memorial was read, as follows:

To the honorable House of Representatives of the United States:

Your memorialists, the Central Labor Union of the city of Cleveland, Ohio, respectfully represent to your honorable body and charge:

First. That Augustus J. Ricks, judge of the district court for the northern district of Ohio, while holding and administering his office as such judge, did unlawfully, willfully, fraudulently, and corruptly on various dates between September 19, 1889, and December 27, 1891, cheat and defraud the United States out of various sums of money, ranging from $12 to $43 in each instance, and aggregating $1,558.75, which had been paid into the circuit court of the United States for said district in certain cases in said court, and did unlawfully, willfully, fraudulently, and corruptly convert the same to his own individual use; and Schedule A, hereto attached and made a part hereof, shows the amount in each instance and the number of the case; and Schedule B, hereto attached and made a part hereof, shows the dates of the receipt thereof by said Augustus J. Ricks in each instance and the number of the case; and Schedule C, hereto attached and made a part hereof, shows the number of the cases, the amount in each of costs due Augustus J. Ricks as a former clerk of said circuit court, footed upon the appearance docket of said court at the time his term of office as such ended, and the amounts to which they were increased on the judgment docket of said court; and Exhibit D, hereto attached and made a part hereof, is a copy of the entries made in one of said cases on the appearance docket of said court, and Exhibit E, hereto attached and made a part hereof, is a copy of the entries made in the same case on the judgment docket of said court; and Exhibit F, hereto attached and made a part hereof, contains a copy from the appearance docket in each of said cases of the entries made therein of the amount due said Augustus J. Ricks as a former clerk of said circuit court, as footed thereon at the expiration of his term as such, and of the subsequent entries therein, showing amount of clerks' costs subsequently earned by his successor and taxed, and the date of the final disposition of the cases by the court; and Exhibit G, hereto attached and made a part hereof, shows the amounts to which the costs due said Augustus J. Ricks as entered upon the appearance docket were increased on the judgment docket and the amounts due his successor as entered upon the appearance docket were decreased upon the judgment docket, and the record of the receipt of the money by said Augustus J. Ricks; and Exhibit H, hereto attached and made a part hereof, is a copy of said Augustus J. Ricks's report as clerk of said circuit court to the Attorney-General from January 1, 1889, to June 30, 1889, of his fees and emoluments as such during said period; and Exhibit I, hereto attached and made a part hereof, is an abstract of the report of said Augustus J. Ricks as clerk of said court to the Attorney-General from July 1 to July 30, 1889 (when his term as such ended), showing his fees and emoluments during said period; and Exhibit J, hereto attached and made a part hereof, is copied from the report of Martin W. Sanders, clerk of said court, to the Attorney-General showing the fees and emoluments of said office from July 31, 1889, to December 31, 1889 (said $1,558.75 earned subsequent to August 1, 1889, and prior to December 31, 1889, being omitted therefrom); and Exhibit K, hereto attached, are copies of those sections of the statutes of the United States that bear upon the subject; and Exhibit L, hereto attached, contains the names and addresses of witnesses and the reference to the documentary evidence to prove the above facts.

Second. Your memorialists further respectfully represent and charge that said Augustus J. Ricks, judge for the district court for the northern district of Ohio, on or about the 10th day of January, 1890, willfully and corruptly counseled, advised, persuaded, and induced Martin W. Sanders, then clerk of the circuit court of the United States for the northern district of Ohio, as such clerk to omit from his report to the Attorney-General of the United States, of the fees and emoluments of said clerk as such, from July 1, 1889, to December 31, 1889, various fees and sums of money earned by him as such, aggregating $1,558.75, as shown more specifically and in detail in the exhibits hereto attached and made a part hereof, referred to in the first specification of this memorial.

Third. Your memorialists further respectfully represent and charge that said Augustus J. Ricks, judge of the district court of the United States for the northern district of Ohio, did on or about the 10th day of January, 1890, willfully and corruptly as such judge, certify to the correctness of said report of Martin W. Sanders, clerk of the circuit court of the United States for the northern district of Ohio, referred to in the second specification of this memorial, he at the time well knowing that the same was false and untrue, and that there was omitted therefrom fees and sums of money earned by him as such clerk, aggregating $1,558.75 as hereinbefore stated.

Your memorialists further respectfully represent and charge that by reason of the facts above stated said Augustus J. Ricks has shown himself to be a person wholly unfitted to properly perform the duties and maintain the dignity and character of such judicial office, and that he is an unsafe and dangerous person to be intrusted with the performance of the important duties thereof, and that the public welfare requires that he be removed.

Wherefore, your memorialists pray that your honorable body take proper

and necessary steps and action to impeach said Augustus J. Ricks, judge of the district court for the northern district of Ohio, for the crimes, offenses, misdemeanors, and corruption aforesaid, and duly present the articles thereof to the Senate of the United States and secure his removal by that body from said position.

The Central Labor Union of the city of Cleveland, Ohio, by Robert Bandlow and Robert Barthels, committee.

THE STATE OF OHIO, *Cuyahoga County, ss:*

——— ———, ——— ———, being duly sworn, say that they are members of the Central Labor Union of the city of Cleveland, Ohio, duly authorized to act in the premises, and that the facts and allegations set forth in the foregoing memorial are true, as they verily believe.

ROBERT BANDLOW.
ROBERT BARTHELS.

Sworn to before me by said Robert Bandlow and Robert Barthels, and by them subscribed to in my presence this 2d day of August, 1894.

[SEAL.] KARL A. RAEDER, *Notary Public.*

Mr. JOHNSON of Ohio. I move that this memorial be referred to the Committee on the Judiciary.

Mr. GROSVENOR. Mr. Speaker, it seems to me that upon a matter of such importance as this, going to the country on the action of this House, it ought to be stated at least on behalf of Judge Ricks that he has had knowledge of the statements contained in that memorial and claims to be able to show that the memorialists are laboring under an entire misapprehension and that there is no foundation whatever for these charges; further, that a special agent of the Department of Justice has been sent some days ago, upon the request, as I understand, of my colleague [Mr. JOHNSON], and is now engaged in making an investigation of the subject-matter of this memorial.

I only want to add that, while I know nothing about the facts and have no disposition to interfere with a full investigation from any source whatever, it will be a matter of profound surprise to the bar of Ohio, regardless of party affiliations, if it should be found that there is any stain upon the judicial ermine of Judge Ricks. That is all I care to say.

Mr. JOHNSON of Ohio. I ask that the memorial be referred to the Committee on the Judiciary.

The motion of Mr. JOHNSON of Ohio was agreed to; and the memorial was referred to the Committee on the Judiciary.

ORDER OF BUSINESS.

Mr. MARTIN of Indiana. I ask unanimous consent to take up——

The SPEAKER. The gentleman from Illinois [Mr. SMITH] demanded the regular order.

Mr. DOCKERY. He is now absent from the Hall.

Mr. MARTIN of Indiana. Mr. Speaker, I rise to a parliamentary inquiry. When a demand has been made for the regular order and the gentleman who makes the demand leaves the Hall, does that demand operate indefinitely?

The SPEAKER. Any member has the right to demand the regular order.

Mr. DOCKERY. But the gentleman from Illinois evidently intends by his absence to withdraw the demand.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 4780) to pension Thankful Robbins; and
A bill (H. R. 6384) for the relief of Walter S. McLeod.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and prior years, and for other purposes, disagreed to by the House of Representatives, and had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. COCKRELL, Mr. BRICE, and Mr. HALE as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives in compliance with its request, the bill (H. R. 6518) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. CATCHINGS. Mr. Speaker, I desire to move that the conference report on the river and harbor bill be recommitted to the committee of conference.

The SPEAKER. It would be best to reconsider the action of the House.

Mr. CATCHINGS. I meant to have that done.

The SPEAKER. The gentleman from Mississippi asks that the vote of the House on agreeing to the conference report on the river and harbor bill be reconsidered so that the conferees may be again in possession of the papers.

There was no objection; and it was ordered accordingly.

KANSAS CITY, OKLAHOMA AND PACIFIC RAILWAY COMPANY.

Mr. COCKRELL. Mr. Speaker, the objection has been withdrawn to the request I made awhile ago.

The SPEAKER. But the gentleman from Illinois [Mr. SMITH] demanded the regular order.

Mr. COCKRELL. I have looked for the gentleman and have sent three pages hunting for him; we can not find him. If he desires the regular order he ought to have stayed here.

The SPEAKER. The gentleman from Illinois [Mr. SMITH] did not object to the bill of the gentleman from Texas; he called the regular order on the bill of the gentleman from Minnesota. Who objected to the bill of the gentleman from Texas?

Mr. HUDSON. I objected; and I wish to say that having examined the bill and the report, I withdraw my objection.

The SPEAKER. The Chair will again submit the request for unanimous consent for the present consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 6122) authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Mr. DOCKERY. I wish to ask the gentleman from Texas [Mr. COCKRELL] what is the width of the right of way granted by this bill?

Mr. COCKRELL. The amendment provides for 100 feet.

Mr. DOCKERY. All right.

Mr. HUDSON. The report of the committee explains the matter, I think, satisfactorily.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. COCKRELL, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. MARTIN of Indiana. I ask unanimous consent that the bills reported last Friday evening from the Committee of the Whole House may be now taken up and acted on.

There was no objection.

PENSION BILLS, ETC., PASSED.

House bills of the following titles were severally taken up, the amendments (if any reported) agreed to, the bills ordered to be engrossed, read the third time, and passed; and motions to reconsider the votes by which the bills were respectively passed were laid on the table:

A bill (H. R. 4686) to correct the military record of Alexander Magaan, of Battery H, Fourth United States Artillery;
A bill (H. R. 4490) granting a pension to Henry C. Field;
A bill (H. R. 5703) for the relief of Johanna Gleason;
A bill (H. R. 6923) for the relief of Matthew T. Lewis; and
A bill (H. R. 5994) granting a pension to Rosanna Cobb, widow of Edmond Cobb, deceased, late of the Black Hawk war (title amended by striking out "Black Hawk" and inserting "Sac and Fox").

Senate bills of the following titles were severally taken up, order to a third reading, read the third time, and passed; and motions to reconsider the votes by which the bills were respectively passed were laid on the table:

A bill (S. 16) granting a pension to Nettie N. Seaver;
A bill (S. 1690) granting a pension to Otis Smith; and
A bill (S. 876) granting a pension to Rebecca H. Chambers.

PENSION BILLS LAID ON TABLE, ETC.

The bill (H. R. 6941) granting a pension to Mary Danahay, mother of Daniel Danahay, late a private Company H, Eighteenth New York Cavalry, was taken up and, in accordance with the recommendation of the Committee of the Whole House, laid on the table.

The bill (S. 1427) granting an increase of pension to Mrs. Helen G. Heiner was taken up and, in accordance with the recommendation of the Committee of the Whole House, indefinitely postponed.

EDWARD CHASTINE.

Mr. WILLIAMS of Illinois. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 4724) for the relief of Edward Chastine.

The SPEAKER. The bill will be read, after which the Chair will ask if there be objections.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to recognize Edward Chastine as a private of Company C, Eighty-seventh Regiment Illinois Volunteers, and to place his name on the rolls of that organization as having been enrolled August 2, A. D. 1862, and discharged the service of the United States February 10, 1863.

The committee recommend the adoption of the following amendments:

In line 7 strike out the words "August second," and insert the words "September twenty-second."

In line 9 strike out the words "February tenth," and insert in lieu thereof "March twelfth."

There being no objection, the bill was considered, the amendments agreed to, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WILLIAMS of Illinois, a motion to reconsider the last vote was laid on the table.

RIVER AND HARBOR BILL.

Mr. CATCHINGS. Mr. Speaker, I desire to submit a conference report on the river and harbor bill.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 6518) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The SPEAKER. The Clerk will read the statement furnished by the House conferees.

The Clerk read as follows:

The bill as it passed the House carried appropriations amounting to $9,538,689.56.

It was increased by the Commerce Committee of the Senate $3,087,490.44, and amendments carrying appropriations amounting to $184,500 were made in the Senate.

As the bill passed the Senate it carried $12,790,680.

It has been reduced in conference $1,292,500, and as reported by the conferees it carries $11,478,180.

Mr. CATCHINGS. I demand the previous question on the adoption of the report.

The previous question was ordered, under the operation of which the report was adopted.

ORDER OF BUSINESS.

Mr. MERCER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 475) for the relief of John Little and Hobart Williams, of Omaha, Nebr.

The SPEAKER. The bill will be read subject to the right of objection.

The bill was read at length.

The SPEAKER. Is there objection to the request of the gentleman?

Mr. DOCKERY. I hope this bill will go over until to-morrow.

Mr. MERCER. This bill has been amended by the House committee, and I hope the gentleman will not object.

Mr. KILGORE. I demand the regular order.

The SPEAKER. The demand for the regular order is equivalent to an objection.

INDIAN APPROPRIATION BILL.

Mr. HOLMAN. Mr. Speaker, on behalf of the conferees on the part of the House, I desire to submit a partial agreement on the Indian appropriation bill for the fiscal year 1895. I ask that the report of the conferees as well as the accompanying statement be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 63.

That the House recede from its disagreement to the amendments of the Senate numbered 47 and 116, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows:

Strike out the matter inserted by said amendment, and strike out on page 34 of the bill all after the word "dollars," in line 13, down to and including the word "buildings," in line 19; and on page 47 of the bill, after the word "dollars," in line 3, insert the following:

"*Provided*, That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability any allottee of Indian lands, under this or former acts of Congress, can not personally and with benefit to himself occupy or improve his allotment or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years for farming and grazing purposes, or ten years for mining or business purposes: *Provided further*, That the surplus lands of any tribe may be leased for farming purposes by the council of such tribe under the same rules and regulations and for the same term of years as is now allowed in the case of leases for grazing purposes;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$105,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows:

Add at the end of said amendment the following: "Of March 3, 1893, and this provision shall not be construed to extend the time nor to increase the amount of the liability of the Government as provided in section 19 of the said act of March 3, 1893;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows:

In lines 31 and 32 of said amendment, strike out the words "except lands containing asphaltum, gilsonite, or other like substances, which are hereby reserved from sale;" and after the word "States," in line 35 of said amendment, insert the following: "Provided that no person shall be entitled to locate more than two claims, neither to exceed 10 acres, on any lands containing asphaltum, gilsonite, or like substances; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, and 115.

W. S. HOLMAN,
JOHN M. ALLEN,
JOHN L. WILSON,
Managers on the part of the House.
WILKINSON CALL,
F. M. COCKRELL,
H. M. TELLER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the remaining disagreeing votes of the two Houses on the Senate amendments to the bill (H. R. 6913) making appropriations for the Indian Department, submit the following statement in explanation of the effect of the action recommended in the accompanying conference report:

The conferees have been able to agree on all of the disagreeing votes of the two Houses except Senate amendments numbered 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, and 115.

The House conferees have agreed to Senate amendment numbered 120, with an amendment, as set forth in the conference report, to which special attention is called.

The House recedes from its disagreement to Senate amendment numbered 62, with an amendment fixing the amount of the appropriation for the Carlisle Indian School, Pennsylvania, at $105,000.

The House has agreed to the Senate amendment appropriating $5,000 for the survey of Indian lands.

The Senate amendments upon which no agreements have been reached are those in relation to the agreements with the Siletz Indians in California, the Yankton Sioux of South Dakota, and the Nez Perce Indians. These agreements involve something over $2,440,000. These provisions are still open. Reference is made to the former statement of the House conferees as a more complete statement of the points in disagreement between the two Houses.

WM. S. HOLMAN,
JOHN M. ALLEN,
JNO. L. WILSON,
Managers on the part of the House.

Mr. HERMANN. Will the gentleman from Indiana [Mr. HOLMAN] allow me to call his attention to the fact that in the conference report, as read, there is a clerical error placing the Siletz Indian Reservation in the State of California?

Mr. HOLMAN. It should be Oregon. The gentleman from Oregon calls my attention to a clerical error. The Siletz Indian Reservation is in Oregon, instead of California, as stated in the reading.

Mr. HERMANN. And I understand that item is still open as between the conferees?

Mr. HOLMAN. Yes, it is still open. Mr. Speaker, I believe some gentlemen desire to be heard for a short time on this bill. I will make a very brief statement, and then I hope that reasonable time may be allowed for discussion on the part of gentlemen who desire to speak.

Mr. BRYAN. May I ask the gentleman a question?

Mr. HOLMAN. Certainly.

Mr. BRYAN. On page 49 of the bill, as it was reported to the Senate, is a provision that all persons who are in whole or in part of Indian blood or descent, etc., may try their cases before the courts as citizens?

Mr. HOLMAN. Yes.

Mr. BRYAN. Is that retained in the bill as agreed upon?

Mr. HOLMAN. Yes, except as to the civilized tribes. It does not apply to them.

Mr. BRYAN. Does not apply to those who are holding lands in severalty?

Mr. HOLMAN. Does not apply to the civilized tribes. It does apply to all other Indians claiming citizenship, as I understand the provision.

Mr. BRYAN. The reason why I inquire is, that somewhere in the bill, I am informed—I have not been able to find it—there is a provision in regard to allotment which affects a question now pending before the Secretary of the Interior. There are some Indian descendants named Murphy, living in the northeast corner of Kansas and the southeast corner of Nebraska, and they now have a claim pending before the Secretary of the Interior for the right to take land as Indians. I understand that there is some provision in this bill which affects them, but that they are protected by this provision which I have referred to.

Mr. HOLMAN. Suppose you read that provision.

Mr. BRYAN. The provision here is:

That all persons who are in whole or in part of Indian blood or descent who are entitled to an allotment of land upon any Indian reservation under any law of Congress, or who claim to be so entitled to land under any allotment act or under any grant made by Congress, or who claim to have been unlawfully denied or excluded from any allotment or any parcel of land to which he, she, or they claim to be lawfully entitled by virtue of any act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto in the same manner as may be done by citizens of the United States.

Now, does this clause remain in the bill as agreed upon in the conference, as it is now?

Mr. HOLMAN. Yes; except that it does not apply to the civilized tribes.

Mr. BRYAN. To the five civilized tribes? That, as I understand, is a technical name applied to certain tribes?

Mr. HOLMAN. The civilized tribes of the Indian Territory.

Mr. WILSON of Washington. The five civilized tribes of the Indian Territory.

Mr. HOLMAN. Mr. Speaker, I wish to call attention to only a very few matters, and I will refer to them very briefly. The report which was made some days ago, and which the House concurred in, and also the Senate, covered most of the matters of disagreement, except in relation to the agreements by which certain Indian tribes ceded lands to the United States.

The matters to which I wish to call attention are, first, in regard to the appropriation of $5,000 in this bill for the survey of lands in the Indian Territory; second, in regard to the asphalt lands in Utah; third, in relation to the indebtedness of the United States growing out of the purchase of the Cherokee Outlet; and, fourth, the subject of three agreements with certain Indian tribes for the cession of land. These are all the matters that I think can be fairly regarded as now remaining open.

I wish to say incidentally, however, in relation to the Carlisle school, which has been a subject of some discussion heretofore in the House, that the conferees of the two Houses recommend that no additional appropriation be made for the superintendent of that school, who is a captain in the regular Army. One reason for this action was this. He has heretofore been allowed $1,000 additional; but during the last Congress we provided for the detailing of officers of the Army to Indian agencies wherever, in the judgment of the President of the United States, the public interest would be promoted.

The result of that is that there are twenty-three officers of the regular Army serving as Indian agents, and if Congress thought proper to pay the superintendent of the school at Carlisle, Pa., $1,000 in addition to his salary and perquisites as an officer of the Army, why, then, the argument for paying twenty-three agents would be equally as forcible. I might say these gentlemen are all well provided for. They all, superintendents as well as agents, have good residences; I might say sumptuous residences. They have a large number of perquisites as regular army officers, so that their compensation is exceedingly liberal, away beyond what we pay civil employés as superintendents of schools or agents at the Indian agencies.

The Senate receded from its amendment, and that item is not recommended. In regard to surveying Indian lands, the Senate amendment appropriated $5,000 for the survey of the Indian lands; and also provided that the appropriation of $25,000, made by the last Congress for the survey of Indian lands, under certain conditions, may be made available. That $25,000 is to be expended whenever the Indians themselves desire to have their lands surveyed. Now, as a matter of fact, we surveyed some of these lands in former years. The lands of the Choctaws were surveyed partly or in whole, and some of the Creek lands. In the progress of time, as a matter of course, the Indian lands will all be surveyed. They have a right under the old treaty of 1835 to have their lands surveyed and taken in severalty.

That is the right they have; but up to this time they have never exercised it. The effect of this provision is, we are to make $30,000 available for the survey of these lands, and we have agreed to this, and consent to agree to the appropriation of that money. For one, I am not willing that a false interpretation shall be put upon this appropriation, and if there had been ample time, I think the conferees on the part of the House would have gone into some details in this matter; but the opportunity did not occur.

We can not afford, gentlemen, to threaten these Indians. We can not afford, as the Congress of the United States, to resort to any interpretation that would compel, or seemingly compel, these Indians to accept their land in severalty. I think two ends can be accomplished now. First, a division of the land among themselves, just as the Quapaws have done. They divided the whole of their land, leaving nothing to be disposed of. I think the five civilized tribes would be willing to divide their lands up among themselves. In some of the tribes the individual Indians would receive a very large amount of land. In others, for instance, the Seminoles, the amount of land would be comparatively small.

We have taken a large amount of the Creek land, and therefore there would not be much land to divide there. The same is true about the Choctaws; and still I do not think Congress should enact anything which would possibly be interpreted as a threat that we will violate the solemn enactment our fathers made with these tribes away back in the last generation. I have before me the last of those most important treaties, the one of 1835, in which this provision, which has often been read to the House, occurs:

ARTICLE 5. The United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory. But they shall secure to the Cherokee Nation the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them.

Now, that is the provision in effect. It has been enacted and reënacted over and over again, and nothing should be done in the way of a threat that the Government of the United States will override this solemn engagement if these Indians will not take their lands in severalty and permit the rest of it to be sold. It would be unbecoming, I think, to the dignity and integrity of our Government; so that I will consent to the appropriation of this $5,000 in addition to the $25,000 being made available for the survey of this land, when it is done in an ordinary way, not by way of intimidation, not of intimation that the Government will override its solemn treaties, but simply because it is desirable that sooner or later this land should be surveyed.

Mr. COX. What is the object of the survey?

Mr. HOLMAN. The object of the survey is this. Sooner or later they will wish to take their lands in some form or other in severalty. They are willing now, as I remarked before, to take them and divide them among themselves as the Quapaws have done. That is not what our people want to do. Our people want to get a portion of these lands, and we can not get a portion of the land.

Mr. CANNON of Illinois. This is a provision to survey the lands of the five civilized tribes, the Cherokees, the Choctaws, and so on?

Mr. HOLMAN. Yes, sir.

Mr. CANNON of Illinois. And it is proposed to go into the reservation and survey these lands?

Mr. HOLMAN. Yes, sir; and it has been intimated to the country——

Mr. CANNON of Illinois. Has it been asked for by the Indians?

Mr. HOLMAN. It is not asked for by the Indians.

Mr. CANNON of Illinois. It is proposed to survey it anyway.

Mr. HOLMAN. It is asked for very earnestly by our commission, now negotiating with these tribes, the Hon. Henry L. Dawes being chairman of that commission.

Mr. HUNTER. Is it not true that some few of the Indians desire to take their lands in severalty?

Mr. HOLMAN. The report is that very few of them have any such desire. They believe their present condition is the best for them, and when I had the honor of visiting that region some years ago in company with my friend from Illinois [Mr. CANNON], we found that to be substantially the universal sentiment among them. They claimed that they were in a better condition holding their lands in common than they would be in if they held them in severalty. The idea is to assign a quarter section for each head of a family and a smaller quantity of land for each of the other members of the family, and then to sell the balance.

Now, the effect of that would be to violate the engagement entered into by our fathers with their fathers more than a generation ago, and it is against any possible misinterpretation of this appropriation in that way, against this being construed as even in the slightest degree intended to intimidate those Indians or control their action, that I enter my protest. Whenever they wish to dispose of their lands the United States will be prepared to meet them, but we ought not to force them to do it against their own desire.

Mr. WILSON of Washington. Is it not your judgment that the chairman of that committee, ex-Senator Dawes, would decline to recommend anything that he did not believe to be for the best interest of the Indians?

Mr. HOLMAN. Undoubtedly; but Mr. Dawes is the author of the act of 1887 known as the allotment law, the design of which was to break up the Indian tribes, and he has been very much complimented upon it. Now, the only prominent instance of Indians holding their lands in common is that of the five civilized tribes. In almost every other case either negotiations are pending or surveys have been ordered looking to the breaking up of the tribal relations, and in view of the arbitrary character of the management of these reservations, the absolute despotism of the Indian agents, I have slowly reached the conclusion that it would be better for the Indians to be relieved from that despotism, which is backed up by the Indian police, even at the risk of being subjected to temptations and vices of our race from which they have been heretofore in a large measure exempted.

Mr. COCKRELL. Is it not a fact, known of all men, that scarcely a train passes through that country that is not robbed or attempted to be robbed; that almost every day there occur outrages upon the persons and property of citizens traveling through that region? Now, what remedy does the gentleman propose? Does he propose to let that Territory remain as the stamping ground of outlaws and cutthroats?

Mr. HOLMAN. Does not my friend know that almost all those railroads to which he refers run through portions of the country west of the five civilized tribes?

Mr. COCKRELL. These outrages occur all through that country, and the fact is known to all men who live near it or who know what is going on there.

Mr. HOLMAN. My friend says that these outrages occur all over that country, but I think the experience of gentlemen who have visited the Indian Territory of late years is that it is about as safe as any other part of the country, that property is as safe, and that individual rights are as well protected there as anywhere in this country.

We have underestimated the five civilized tribes, gentlemen. There are a great many able men among them. Keokuk, the chief of the Sac and Fox Indians, though he does not speak a word of English, is a man of commanding ability, and there are many instances of able men all through that country. The fact is we have underestimated the Indian character. The future of the Indian race in this country is far more promising than anything that our ancestors could have anticipated. From the development that is going on from year to year their progress is well assured; not so much through your schools, gentlemen, as through the teaching of experience.

One other fact in regard to the five civilized tribes. They are not only willing to divide up their lands, but they are also willing to organize a better territorial government. Those tribes constitute now, as gentlemen are aware, a confederacy, and they hold, at irregular intervals, a meeting where all the leading men of the tribes come together. They are willing to organize a better territorial government, substantially on the plan on which our Territorial governments have been organized in the past and are still, and to send a Delegate to Congress.

The Cherokees now have that right under the treaty, but they have never exercised it. They will send a Delegate to Congress as soon as their government is more systematically organized, and these two ends are about all that can be accomplished at the present time, leading on, I should indulge the hope, in the course of a few years to the formation of an Indian State, which would be very nearly as large as the State of Indiana.

Taking the five civilized tribes, together with the Quapaws and small fragments of tribes located in the northeastern portion of the Indian Territory, you would have a region of country substantially equal in area to the State of Indiana. And, gentlemen, it seems to me it would be a pleasant thing for this generation of men to carry out the humane and benevolent scheme of the men who established that Territory. They were largely Southern men.

In the writings of Jefferson, and later on of President Jackson and John C. Calhoun, more will be found urging a high policy in regard to the Indian tribes than from the men of our Northern or Northwestern section. They indulged the hope that that Indian Territory, embracing as it originally did 42,000,000 acres, would become the home of the Indians, especially their home, forming a great State of the Union where the remnants of those once powerful tribes would display the beneficent fruits of civilization in becoming a great, prosperous, and powerful State. And, gentlemen, this would have been accomplished if it had not been for the fact that the great States all around that Territory, except on the west, found those 42,000,000 acres in their way; they wanted to get the land; and therefore as far back as 1879 or 1880 we extinguished the power which the President had exercised in the days of Jackson of settling friendly Indians in the Indian Territory. And from that day to the present the progress of population in the Indian Territory has been very slow.

The next subject, Mr. Speaker, to which I wish to invite attention for a moment, is in regard to the Cherokee bonds—amendment 119, I believe; and I ask that the amendment may be read; for I wish to call special attention to that provision, as it will be, I apprehend, the subject of some comment hereafter. I am especially anxious, as are my colleagues on the committee, that this subject should be perfectly understood.

Mr. COCKRELL. Before that amendment is read, will the gentleman permit me to make one statement?

Mr. HOLMAN. Very well; I yield.

Mr. COCKRELL. The gentleman from Indiana made the statement just now that on three sides of those five tribes were great States that wanted to gobble up the Indian Territory.

Mr. HOLMAN. Oh, no; I did not say that; I would not use such a term as that with reference to great States.

Mr. COCKRELL. Well, you virtually said that they were disposed to do so.

Mr. HOLMAN. That country did lie in the path of the business of those States, as everybody knows.

Mr. COCKRELL. Exactly. Now, I want to say to the gentleman that so far as concerns the people on one side of that Territory, we are friends to those people and always have been. We are on the very friendliest terms with them. We admit the fact—read and known of all men—that there are in that Territory men of intelligence, of standing, of character; men competent in every way to govern themselves and manage the affairs of that nation. But there is one fact that ought not to be forgotten, that that is a sparsely settled country. And that it is infested by thieves, robbers, and cutthroats, no one can deny. This is not the fault of those Indians.

Mr. WILSON of Washington. May I interrupt the gentleman, in the time of the gentleman from Indiana [Mr. HOLMAN], to ask him this question, as he has had a varied experience in connection with this subject: Is it not a fact, within the gentleman's knowledge, that those persons who have resided nearest the Indians, and have lived adjacent to the Indian reservations, have been better friends to the Indians and more disposed to treat them well and to see that they have their rights than those people living far remote who are continually airing their humantarian ideas with reference to the Indians?

Mr. COCKRELL. I do not want to impeach the motives of my friend from Indiana or anybody else who may live remote from the Indian country. But there has always been a false sympathy manifested toward the Indians. The men living upon the border of the Indian country in Arkansas, Missouri, and Kansas are perfectly familiar with those people. No one in these communities wants to rob the Indians or take any advantage of them. But there is in that Indian nation a condition of affairs that must be cured by some means or other. This condition of things is not the fault of the Indians, for as a rule they are law abiding. But, as I have said, that country is sparsely settled. When a gang of outlaws goes in and demands that these Indians feed them, they are bound to do so, for a refusal would subject them possibly to the harshest kind of treatment.

Now, under existing circumstances, gentlemen who read the newspapers, especially those who come from that portion of the country, know that almost daily we hear that some parties who make that Indian country their stamping ground have robbed a bank in Arkansas, or Texas, or it may be up in Wisconsin. When these men are trailed back it is almost always found that they take refuge in the western part of that Territory, in the region of the Kiowas and Comanches. Recently there have been a number of robberies and murders. The other day a man whom I have tried three times, with a number of others, was killed in an attempt to arrest him. There were nine men who broke jail, men some of whom were under sentence for robbery and other crimes in my court, and they have never been captured. We have never been able to get them; and they live in that sparsely settled country, and live off of that people——

Mr. HOLMAN. Now, my friend has made a very good speech and a very interesting statement, if he will just let me conclude my remarks.

Mr. COCKRELL. Oh, I know; you do not want to hear it. [Laughter.]

Mr. HOLMAN. My experience is simply that when you want to reach a given object of high public interest you can make the newspapers bristle in its behalf if you choose. My friend before me, the gentleman from Illinois [Mr. CANNON], and myself passed through that region of the country not many years ago, and it was just as sparsely settled as now, and we had not the slightest apprehension of danger, or any reason to feel that we were not secure.

Mr. COCKRELL. Oh, you and CANNON had not anything to be robbed of. [Laughter.]

Mr. HOLMAN. On the contrary, they treated us with distinguished consideration.

And that reminds me, Mr. Speaker, of a little incident that occurred. I was present and heard the discussion the other day on some provision in the army appropriation bill, in relation to what are called the Apache Indians, the Cherokee Apaches. There is an interesting history there, gentlemen, in connection with this people.

These Indians for generations were living peaceably and prosperously in New Mexico. In the midst of their harvest they were driven away. They lived in the region known as the Warm Springs region. They were taken from New Mexico and settled among the Mescalero Apaches, and afterwards went to the White Mountains among the Apaches there in Northern Arizona.

Gen. Crook told us, and he had a perfect idea of the Indian character, and we did not meet in all our travels with a single Indian that did not recognize his name as soon as spoken—a humane, kind-hearted man, always truthful, of a larger experience of Indian affairs than any person of our generation—he told us all about the wrongs which had been inflicted on these people, which in his judgment had driven them to desperation. He did not believe that one crime out of fifty attributed to these Indians had really been committed by them.

Why, Mr. Speaker, if I remember correctly all these years, the number of Apaches at the San Carlos Agency at that time, according to Gen. Crook, was but 27 men, headed by Geronimo, and 7 boys and 92 women, and all of the outrages which had been committed during that period was the outgrowth of the desire on the part of these people, according to Gen. Crook, to be permitted to go down into New Mexico amongst their own kin again. My blood rose when I went there and heard of the facts, the outrages which had been perpetrated by the Apaches, but when the facts were made known by Gen. Crook, it seemed different, and I wish to refresh the memory of my friend from Illinois, who I saw listening to that discussion, but not participating in it the other day, that when we reached the little village called Wilcox—there were three or four of us in the party—on the Southern Pacific Railroad nearly south of Fort Grant, that we got there about noon.

It would take us about half a day to reach Fort Grant from that point, and we were admonished, almost with tears in the eyes of our fellow-citizens, that to go 15 miles from that village without a military escort, was a foolhardy act that nobody would consent to perform who had any information or knowledge of the Indian character. But we drove to Fort Grant that afternoon, I suppose 30 or 40 miles distant. During that journey we passed one ranch I believe, but saw no Indians. We stayed at Fort Grant that night and drove to Camp Thomas the next day, and not a single Indian in sight nor a solitary human habitation except one, I believe.

The next morning, when moving down the Gila River to the San Carlos Agency, through the cactus bushes, the first indication of a war character that we saw hove in view through the thick cactus bushes. And what do you think that military demonstration was—the only one we saw? It was six wagon loads of barley driven by six Indians, and they informed our guide that they were going up with their barley, which had been raised on the Gila and San Carlos Rivers, that they were taking it up to Camp Thomas to get a dollar a bushel for it. They were well-conducted drivers. That was all we saw that was warlike.

We got down to San Carlos, and there the only signs of white inhabitants were a military man acting as agent, and his clerk, and two Indian traders, one with a wife, and the other with a wife and two children. The captain—I think it was Capt. Greene—told us it was the safest place in the United States. And yet there were four or five thousand Indians right around us. I have no doubt my friend slept in his little cottage there near Capt. Greene's headquarters, without even thinking of bolting his door. I know I did. So gentlemen, these things are sometimes magnified.

I know they are not magnified by my friend here, for he knows a great deal more about the matter than I do, because I have had comparatively little experience. My friend has spoken so well from his standpoint that I hope he will not ask me another question.

Mr. COCKRELL. When you get through I shall have something to say in my own time.

Mr. HOLMAN. And we shall be glad to hear our friend. I shall, at any rate.

Now, gentlemen, there is an item here to which I wish to call very especial attention. In fact, there are two. I ask the Clerk to read the last clause on page 145 of the bill, beginning with line 18. This is a Senate amendment.

The Clerk read as follows:

And the Secretary of the Treasury is hereby authorized to issue to the Cherokee Nation or to its assigns evidences of indebtedness of the United States of America, bearing interest at the rate of 4 per cent per annum, payable annually on the 4th day of March of each year, in amounts of $1,000 and $10,000, respectively, for the respective amounts of the second, third, fourth, and fifth installments, maturing respectively on the 4th day of March, 1896, the 4th day of March, 1897, the 4th day of March, 1898, and the 4th day of March, 1899, and amounting in the aggregate to $6,640,000, as specified in said act.

Mr. HOLMAN. Mr. Speaker, I ask the Clerk to read the passage which I have marked in the Indian appropriation act of the last session, in regard to that indebtedness of the United States to the Cherokee Indians.

The Clerk read as follows:

And the provisions of said agreements so amended shall be fully performed and carried out on the part of the United States: *Provided*, That the money hereby appropriated shall be immediately available and the remaining sum of $2,300,000, or so much thereof as is required to carry out the provisions of said agreement as amended and according to this act, to be payable in five equal annual installments, commencing on the 4th day of March, 1895, and ending on the 4th day of March, 1899, said deferred payments to bear interest at the rate of 4 per cent per annum, to be paid annually, and the amount required for the payment of interest as aforesaid is hereby appropriated.

Mr. HOLMAN. Mr. Speaker, I hope that gentlemen will see the exact effect of this proposition. The Senate amendment which has been agreed to with an amendment is this: I have not the exact words before me, but added to this provision is a clause that nothing in this provision shall be construed as in any way enlarging the liability of the United States, or extending the time for the payment of this money. The effect of it, therefore, if we understand matters correctly, is this: The Secretary of the Treasury has issued no certificate under the provisions of this act, a passage from which has been read by the Clerk, but a certificate has been issued by the Secretary of the Interior to the Cherokee Indians, for $6,460,000.

That is one certificate. It was stated to the conferees that the Cherokee Nation had transferred this certificate over to a gentleman by the name of Wilson, of New York, and that this proposition was a change of the original agreement only in this, that instead of one certificate, issued by the Secretary of the Interior for $6,460,000, which was perhaps not negotiable—although I do not know as to that—that the Secretary of the Treasury is authorized by this provision to issue bonds or certificates—I believe they are called certificates—of $1,000 or $10,000 each, in lieu of that outstanding certificate for $6,460,000. That seems to be the difference.

The Secretary of the Treasury at one time seemed to understand that the effect of this provision was to increase the duration of these bonds, and that of course would add to their value. But I have had the statute read for the purpose of showing that the time is exactly the same, and that the interest is exactly the same, beginning from the same date, so that the only change is that this sum of $6,460,000 is authorized to be divided up into smaller securities. The question is, Is it the policy of the Government to do that?

Mr. CANNON of Illinois. May I ask the gentleman a question?

Mr. HOLMAN. Yes.

Mr. CANNON of Illinois. We owed the Cherokees, under treaty, or rather under agreement, for these lands, $6,000,000 and over?

Mr. HOLMAN. Yes.

Mr. CANNON of Illinois. Payable according to the agreement?

Mr. HOLMAN. In five years.

Mr. CANNON of Illinois. If I understand the gentleman aright, the Cherokees have sold this claim against the Government.

Mr. ALLEN. To the extent of this claim of $6,460,000.

Mr. CANNON of Illinois. And sold it for some price satisfactory to them.

Mr. WILSON of Washington. At a premium.

Mr. CANNON of Illinois. Of how much?

Mr. WILSON of Washington. Something over $100,000.

Mr. CANNON of Illinois. Something over $100,000. Now, practically, the purchaser of that claim or indebtedness comes in and wants you to give him bonds of the United States.

Mr. HOLMAN. That is the practical result.

Mr. CANNON of Illinois. Now, does the Government make anything by that?

Mr. HOLMAN. It does not take in anything.

Mr. CANNON of Illinois. Now, wherein does the owner of this claim take anything?

Mr. ALLEN. This gives him his certificates in a more convenient form.

Mr. CANNON of Illinois. How much more are they worth in that form than the claim in the present form. Let me add this, as it has now passed out of the Indians' hands: Can we not borrow the money at 2½ or 3 per cent, and negotiate with the man who holds this claim against the United States to take the money instead of giving him 4 per cent bonds?

Mr. ALLEN. Our contract is to give him 4 per cent.

Mr. CANNON of Illinois. Well, I understand; but he comes in now, having this claim by virtue of that treaty, which he has bought in substance, and says to the Government of the United States, "I want you to change that and give me bonds at 4 per cent." Now, while we are "dickering" with him, as we are not taking anything, why not borrow the money at 2½ or 3 per cent and pay off the debt and make the difference of 1½ per cent?

Mr. HOLMAN. It was to be paid in five installments, extending over a period of five years.

Mr. CANNON of Illinois. Certainly.

Mr. HOLMAN. And it was very obvious that Congress could

not enter into a new contract and change that contract so as to make a heavier burden upon the people. I am acquiescing in this matter. Other gentlemen have studied it very thoroughly, and I was anxious that the House should know what is proposed to be done.

Mr. CANNON of Illinois. I do not know very much about it; but I do know from the gentleman's statement that this indebtedness was to be paid in five installments at 4 per cent interest. Now, the Indians sold that claim against the Government, according to the gentleman's statement. It has gone into the hands of a third party. The third party comes in and says to the United States, "Now, I would be glad if you would execute me in lieu of the indebtedness"——

Mr. ALLEN. A new certificate in lieu of one of six million.

Mr. CANNON of Illinois (continuing). Bonds of the United States bearing 4 per cent interest. Now, I want to make——

Mr. HOLMAN. The term "bond" is not used.

Mr. CANNON of Illinois. It is the same thing. Would not he be glad to get his money; and can not we afford to borrow it at 2½ per cent instead of giving him the 4 per cent?

Mr. ALLEN. The statement was just made that the man who purchased the claim paid a premium of $100,000 for it. He would not be glad to pay out $100,000 for a contract and then take that back in money.

Mr. CANNON of Illinois. Why interfere? Why not let the man alone, without any request on the Government.

Mr. ALLEN. We can let him alone, but if we can do a favor to somebody without hurting the Government, if we can give him these securities in a more convenient form, I do not see exactly with the gentleman, that because we are not "beating" a man out of the amount, that we ought not to do anything for him.

Mr. CANNON of Illinois. How much are these bonds worth—this present Indian indebtedness?

Mr. ALLEN. They would not be worth a dollar more, except that they would be in a more convenient shape to him.

Mr. PICKLER. This is not to cost the Government a cent.

Mr. ALLEN. It does not cost the Government a single cent.

Mr. CANNON of Illinois. The only object I have is this, if they were worth more, that the Indians probably ought to get the benefit of the increased value.

Mr. ALLEN. They are worth more probably to him, being in more convenient shape, but they do not cost us any more and the liability of the Government is not increased a solitary cent.

Mr. HOLMAN. Mr. Speaker, I was exceedingly anxious that this matter should be understood, and I hope it is now well understood. I concede that nothing in this contract is beneficial to the United States; but, on the other hand, there is nothing in it detrimental to the United States. The Government suffers no injury. I yielded on this point with reluctance. The Senate was very anxious for it, and, with the amendment to which I have referred, the proposition was finally agreed to.

Up to this point I have spoken altogether of matters upon which an agreement has been reached. It is no easy matter to reach agreements upon a bill like this, which is the most difficult of all the great appropriation bills. One hundred and twenty amendments have been put upon the bill. There are three propositions to which I now desire to ask the attention of the House for a few moments. They are the matters as to which the conferees on the part of the House recommend that the House insist that a further conference be asked for. They cover the contracts with the Siletz Indians of Oregon, the Yankton Sioux of South Dakota, and the Nez Perces of Idaho.

The amount involved is something near two million and a half of dollars. The proposition of the House was that, inasmuch as we held those lands simply in trust for the Indians, we should not appropriate the money directly out of the Treasury for the purpose of paying for them, but that, as the Government received the money from time to time, it should place it to the credit of the Indians on the books of the Treasury. That would seem to be an act of justice to the Government of the United States, as well as to the Indian tribes. For that reason the House did not make any appropriation of the money. The Senate, however, insists on an appropriation direct in all three instances, one case involving over a million dollars.

But that is not the worst feature. When the rate of interest in this country was 8 and even 10 per cent, and when you were paying the Indian tribes 30 and 40 cents an acre for their lands, you paid 5 per cent interest on their money that you held in the Treasury. When you began to pay for these Indian lands something approaching their real value, as in the case of the Cherokee Outlet, where you paid, I believe, $1.25 or about that amount, perhaps $1.40, then you put the rate of interest down to 4 per cent.

The three agreements made with the three tribes that I have mentioned contained provisions that the interest should be allowed on deferred payments at the rate of 5 per cent. You agreed to pay them for their lands from $1.25 to $3 an acre, the latter price in the case of the Nez Perces. I understand that a large portion of that land is not very good, but we agreed to pay $3 an acre for it, and now, in addition to paying for it at that rate, the Senate insists that we shall pay interest at the rate of 5 per cent. There is a case where my friend can see the injustice that is done to the Government. You can borrow money at 2½ per cent, but it is proposed to pay these Indians 5 per cent, and yet you are at the same time paying them a larger price for their lands than you ever paid before.

Mr. MARSH. Did we agree in the treaty to pay them 5 per cent?

Mr. HOLMAN. The men who negotiated these agreements, which had, of course, to be ratified by Congress——

Mr. PICKLER. They agreed to give the Indians 5 per cent, did they not?

Mr. HOLMAN. They agreed to give the Indians 5 per cent.

Mr. PICKLER. Under the direction of the Secretary of the Interior?

Mr. HOLMAN. I do not know under whose direction, but I should think not. I do not think that the Secretary of the Interior or any other officer of this Government would have ventured to give such instructions.

Mr. PICKLER. I suppose he limited them to some rate. He probably did not instruct them to allow 5 per cent, but it is not likely that he would send them out without any limitation.

Mr. HOLMAN. Was there not an example right before him in the case of the Cherokee Outlet, where we paid $1.40 an acre for the land and allowed 4 per cent interest on the money?

Mr. PICKLER. That was $6,000,000, while this is only $500,000.

Mr. HOLMAN. The case in your State is, but in the case of the Nez Perces to which I was referring, the amount is over a million dollars, and upon that it is proposed to pay 5 per cent interest.

Mr. PICKLER. It has always been the practice, I believe, to pay the Indians 5 per cent.

Mr. HOLMAN. Not uniformly.

Mr. PICKLER. It has been nearly universal, has it not?

Mr. HOLMAN. I will not undertake to say how many of the later agreements have been at the rate of 4 per cent, but I call attention to the very prominent instances that I have mentioned.

Now, all I wish to say in conclusion is that the conferees upon the part of the House ask the House to accept our agreements as far as we have been able to agree and to decline to recede from the disagreement to the amendments of the Senate in regard to these three contracts. I am in favor of ratifying the contracts, placing the money to the credit of these Indians and paying 4 per cent upon it, but I do not think Congress ought to go beyond that. Three per cent would be liberal, 4 per cent is very liberal, but 5 per cent is going beyond reason when you are paying the Indians twice as much for their lands as you ever paid before. I believe I have nothing further to add, Mr. Speaker. I am only anxious that there shall be a distinct understanding of what has been agreed upon and what has not been agreed upon.

Mr. WILSON of Washington. Mr. Speaker, I am as anxious as the gentleman from Indiana [Mr. HOLMAN] can possibly be that there shall be a distinct understanding relative to the ratification of these treaties. While it is true that my colleague [Mr. ALLEN] and I have signed this report, I think he will bear testimony that we were in favor of the ratification of the treaties and were disposed to move when we came back here that the House recede. That was our understanding so far as these agreements were concerned.

Of course, Mr. Chairman, I am more interested in the ratification of the Nez Perce treaty which the gentleman from Indiana has spoken of than any other of the treaties named in this bill, because that treaty virtually affects the immediate section of the country in which I reside. I am more interested in it because it affects my neighbors. The area of country involved is as large as the State of Maryland; and while I do not wish in the slightest degree to criticise the gentleman from Indiana, I do not think he has been entirely fair in the statement he has made to the House.

His main opposition to the ratification of this treaty appears to be based on the rate of interest; but unfortunately perhaps for the Government, the commissioners (one of them a trusted officer of the Interior Department) who made this treaty could not secure from these Indians any lower rate of interest than 5 per cent. Moreover, the statement made that a large portion of this land is not very valuable is not be borne out by the men who reside close to that reservation. I have here the statement of Mr. Robert Schleicher, who has resided upon the borders of this reservation a lifetime, and who was one of the commissioners that made this treaty.

Let me read from his statement; but before doing so I want to say that I know of my own knowledge that there is no more valuable land in the country between the Bitter Root and the Cascade Mountains than the Nez Perces Reservation. It contains 350,000 acres of fine agricultural land, and Mr. Schleicher, who is well acquainted with the land, estimates these 350,000 acres at $3.75 per acre. This is the estimate of a conservative man, who has resided for a lifetime on the borders of the reservation. For the information of the House, I embody the report of the committee in my remarks:

On the 1st of May, 1893, Robert Schleicher, James F. Allen, and Cyrus Beede concluded an agreement with the Nez Perces Indians, of Idaho, by which agreement the said Indians released to the United States about 556,207 acres of land, to be opened to settlement under the provisions of the homestead, town site, timber, and stone and mineral laws of the United States. The bill reported by the committee provides that persons entering these lands shall pay $3.75 per acre for agricultural lands, and $5 per acre for timber and stone and mineral lands.

It is believed that the money received from the sale of these lands at the prices fixed in the bill will fully reimburse the Government for all expenditures made in connection with the purchase of the land or negotiation of the treaty, and all incidental expenses in any manner connected therewith. It is believed that the first payment made under the treaty will be returned to the Treasury as quickly as settlers can make the payments required under the bill. In support of this proposition, two statements are submitted, estimating, each independently of the other, the classes of land and the acreage thereunder, thrown open to settlement by the terms of the treaty referred to.

Robert Schleicher, chairman of the commission which negotiated this treaty, submits the following estimate:

	Acres.
Prairie agricultural land	350,000
Timber agricultural land	70,000
Mineral land	20,000
Timber and stone land	70,000
Mountainous land not estimated	46,207½
Total number of acres under this estimate	556,207½

The estimate thus made at the prices fixed by the bill would bring to the Government the following sum:

350,000 acres agricultural land, at $3.75 per acre	$1,312,500
70,000 acres timber agricultural land, at $3.75 per acre	262,500
20,000 acres mineral land, at $5 per acre	100,000
70,000 acres timber and stone, at $5 per acre	350,000
Total	2,025,000

It further appears that Mr. Schleicher has resided near this reservation, and in the county in which it is situated many years. He is familiar with the resources of that country, a conservative man in all things, and his judgment good with reference to the matter upon which he has expressed an opinion.

Hon. Frank A. Fenn furnishes another estimate covering the same ground. Mr. Fenn was born in the county in which this reservation is situated, has lived there all of his life, and since the organization of a State government for Idaho has been connected with the public lands department of the State. He is as well informed concerning the resources of any section of Idaho, and the resources of the section of land proposed to be ceded by this bill in particular, as any man in the United States. His estimate is as follows:

Agricultural land, 336,207 acres, at $3.75 per acre	$1,260,776.25
Timber agricultural land, 40,00 acres, at $3.75 per acre	150,000.00
50,000 acres timber and stone land, at $5 per acre	250,000.00
30,000 acres mineral land, at $5 per acre	150,000.00
100,000 acres mountainous grazing land, at 50 cents per acre	50,000.00
Total	1,860,776.25

The surplus to the Government at the price paid and at the price sold under the Schleicher estimate, would be $356,378.

The surplus under the Fenn estimate would be $192,154.

Mr. Fenn did not, of course, fix the price per acre of any of this land. The 100,000 acres is estimated at 50 cents per acre for the purpose of showing what the Government ought ultimately to realize out of it, assuming that the estimate is correct. It would not, of course, cut any immediate figure in reimbursing the Treasury.

There are about 1,500 of these Indians. They have taken land in severalty, are well advanced in civilization, and are desirous of becoming citizens of the United States.

A copy of the agreement is included in the substitute. The Indians look upon the sale of this land as being accomplished, and are now anxiously awaiting the consummation of the agreement as signed by them and the commissioners on the part of the United States.

Attention is called to S. Ex. Doc. 31, Fifty-third Congress, second session, which contains the report of the commission, and all of the proceedings under which the treaty was negotiated, and a copy of the agreement and the letters of the Secretary of the Interior and Commissioner of Indian Affairs relative thereto.

Finally, the treaty and its ratification are in line with well-established policy of the Government.

Now, how do we appropriate this money? Some gentlemen have said to me that we had better make an appropriation now for the first installment, next year for the next installment, and so on until the whole is paid. But, gentlemen, that would be a violation of the treaty which we have entered into with these Indians; and certainly the obligations of the Government with the Nez Perce Indians should be as honorably and as sacredly observed as its obligations with the civilized tribes of whom the gentleman from Indiana has spoken so eloquently. Now, the appropriation which we make in this bill is as follows:

In consideration for the lands ceded, sold, relinquished, and conveyed as aforesaid the United States stipulates and agrees to pay to the said Nez Perce Indians the sum of $1,626,222, of which amount the sum of $26,222 shall be paid to said Indians per capita as soon as practicable after the ratification of this agreement. The remainder of said sum of $1,626,222 shall be deposited in the Treasury of the United States to the credit of the "Nez Perce Indians, of Idaho," and shall bear interest at the rate of 5 per cent per annum, which principal and interest shall be paid to said Indians per capita as follows, to wit: At the expiration of one year from the date of the ratification of this agreement the sum of $50,000, and semiannually thereafter the sum of $150,000 with the interest on the unexpended portion of the fund of $1,000,000 until the entire amount shall have been paid, and no part of the funds to be derived from the cession of lands by this agreement made shall be diverted or withheld from the disposition made by this article on account of any depredation or other act committed by any Nez Perce Indian, prior to the execution of this agreement, but the same shall be actually paid to the Indians in cash, in the manner and at the times as herein stipulated.

Mr. CANNON of Illinois. That is according to the treaty.

Mr. WILSON of Washington. That is exactly according to the treaty.

Mr. CANNON of Illinois. What is the contention of the gentleman from Indiana?

Mr. WILSON of Washington. The gentleman's contention is that we should not pay the 5 per cent interest and that we should not make this appropriation. Now, if we are going to pay no interest and appropriate no money we shall have no Indian bill, because that is the whole subject of controversy.

Mr. CANNON of Illinois. You mean we shall have no treaty.

Mr. WILSON of Washington. Yes, we shall have no treaty.

Mr. MADDOX. I wish the gentleman would state to us precisely what the conferees have agreed on.

Mr. WILSON of Washington. I will do so as soon as I can; but I want to get through with this statement.

Now, if we do not pay this interest of 5 per cent, what will be the result? We shall have to send commissioners again to treat with these Indians; and the cost of such a commission will in my judgment be equal to the difference between 4 and 5 per cent. Moreover, if we send another commission to make a treaty with the Nez Perces it is doubtful whether we can secure a bargain as good as that we have already secured in this treaty.

The Nez Perces Indians are pretty highly civilized; they know the value of their lands, and they are going to realize that value before ceding them to their white neighbors.

We are requiring here that whenever an acre of this land is taken up as a homestead there shall be paid for it $3.75. I believe, knowing something of the conditions that surround this case, that before the Treasury will be called upon to pay the $650,000 that the entire amount of money would be in the Treasury from the sale of the lands on this reservation.

All over the West, all over my State, all over Idaho, as well as other portions of the country, they have been writing to me constantly letters to know when this reservation will be open to settlement. It is exceedingly valuable and fertile land, and will give an opportunity to build up a great agricultural community there.

Now, Mr. Speaker, we have the opportunity here to do it offered to us; and yet we are quibbling whether we shall pay 4 per cent or 5 per cent, a difference of only 1 per cent, or whether we will send another commission to treat with these Indians, the expenses of which will amount to as much money as it will take to ratify the treaty. So that a mere question of interest, which runs only for five or six years, is a mere nothing in the ratification of the treaty and as compared to the importance of the subject.

I can very well see how gentlemen might dissent from the amount of money appropriated or disagree on such an item as that. But I can not bring my mind to discuss the question that involves only 1 per cent running through a period of three or four years, and take the alternative, that we may be compelled to send another commission to treat with these Indians.

Mr. CANNON of Illinois. Do I understand the gentleman to maintain that the question is one of ratification or no ratification of this treaty?

Mr. WILSON of Washington. That is it exactly.

Mr. CANNON of Illinois. The bill which the Senate proposes, and which you advocate, I understand, ratifies the treaty, and the provision which the gentleman from Indiana advocates sets it aside.

Mr. WILSON of Washington. That is it.

Mr. PICKLER. All three of the treaties.

Mr. WILSON of Washington. The gentleman has stated it in a nutshell. All three treaties are involved—the treaty of my friend from Oregon [Mr. HERMANN], the treaty of my friend from South Dakota [Mr. PICKLER], and the other treaty, all of which were passed upon in the committee. The Committee on Indian Affairs of the House, of which you, sir (referring to Mr. MADDOX), have the honor to be a member, discussed this matter, considered it in all of its details, passed upon it, recommend it to this House, and to-day we are back here with a conference report quibbling over a rate of 1 per cent on the amount as to whether the Government of the United States will carry out its sacred obligations made with a semibarbarous tribe of people, or whether the Government will refuse positively to ratify the agreement made by its own sanction through its own commissioners.

Now, the Indian is peculiar; you know that better than I do.

After he has entered into a treaty with what he pleases to term the Great Father, he is ready to carry it out. He proposes to do it himself. He stands ready to comply with his agreement. Will the Government of the United States be less honorable, or the Congress of the United States less honorable in regard to its contract with a semibarbarous tribe than these people have been or propose to be with the Government?

Mr. Speaker, it is our duty to comply with our agreement with this people. We must maintain the integrity of our dealings with them. This country is greatly interested in the result. We are gradually closing up our reservations; we are gradually getting them settled by the white people. We are gradually educating the Indians—I think myself they ought to be educated on the reservations—but all the same the Indian problem is rapidly passing away, and will soon become a thing of the past.

Only a few more questions remain to be dealt with. But if we are to be continually pressed back here, it is useless to go there, expend labor, time, and trouble and get the treaties into shape, and after they have been properly ratified and agreed to and the sacred obligation entered into, to find the Congress of the United States unwilling to carry out the promises.

It was understood, sir, when we came back with this report, that while we signed the report as conferees to a disagreement, and while my honorable friend, Mr. HOLMAN—and while I am often compelled to dissent from him, he knows as I do that I respect him and honor him and love him for the services he has rendered to the Republic of the United States—yet I must dissent from him, knowing the surroundings and the conditions that exist in the section of country that I have the honor in part to represent; and I can not—I can not agree to again send these treaties back for ratification, again appropriate money for a commission that can go there and undertake to make a new agreement and go over the same ground that has been already covered by the former commission.

Mr. HOLMAN. The gentleman must remember that this involves a big appropriation of money.

Mr. WILSON of Washington. I said, while my friend was out, that there might be a disagreement upon the appropriation; and I called the attention of the House and the committee to the appropriation as it exists in the Indian bill. I think those around me will bear testimony that I stated it correctly and as it exists. So I hope, in the interest of the settlers, in the interest of the people of the State of Idaho, in the interest of the people of the State I have the honor in part to represent, and in the interests of all the people of the West who are building up a great empire upon the other side of the Rocky Mountains, that when a motion is made to recede from the disagreement, as it will be made, the House will promptly sustain us.

It is right, it is just, it is fair, it is honorable, and why not carry it out? Now, my friend from Georgia [Mr. MADDOX] wishes to know what we had agreed to.

Mr. HOLMAN. It is fully stated in the conference report.

Mr. WILSON of Washington. In the last report the Senate receded from its amendment of a thousand dollars for additional pay of the officer of the United States Army in charge of the Carlisle school. The gentleman from Indiana has stated that, and as he has also stated, we have twenty-three army officers now in charge of various Indian agencies throughout the country. If we make an appropriation for one army officer, it probably would be just and equitable that we make a similar appropriation for all army officers.

Personally I am opposed now, as I always intend to be, to the Government of the United States detailing any military officer to act as an Indian agent in the West. I am opposed now, as I always intend to be, to the appointment of any Indian agent from any State or Territory other than the State or Territory in which the Indian agency to which he is appointed is located.

I do not believe that the appointment, either of these army officers, or of these outsiders, and the sending of them in our country is a good thing for the Indian service. When I offered my amendment, when this bill was first being considered, I stated upon the floor of the House the reason why I opposed the appointment of my fellow-citizens from other sections of the country to be sent into our country to hold these offices.

The Democratic party as it exists in my State has met me in times gone by in honorable and fair battle. The members of that party have upheld it in that section against an overwhelming majority opposed to them, and when that party came into full and absolute power, it was entitled to the benefit of whatever offices there might be in our midst to which members of that party could be appointed.

Now, they have not received such appointment. The Democratic party of the State which I have the honor in part to represent have no representative upon this floor, and I hope it will be many years before they do have one; but in their name I protest against the honorable Secretary of the Interior sending his men from his section into our midst, in these times of distress among our people, to take that which lawfully and legitimately belongs to them.

I had not intended, Mr. Speaker, to discuss this branch of the question.

Mr. HENDERSON of Iowa. I should like to ask the gentleman from Washington if there are any differences between the two Houses besides this 1 per cent?

Mr. HOLMAN. And the appropriation.

Mr. WILSON of Washington. The gentleman from Indiana says, "And the appropriation." Of course that is always the difference.

Mr. LUCAS. What other difference is there?

Mr. WILSON of Washington. There is no other difference than the 1 per cent and the appropriation of the money. That means in the usual able, artful manner of the gentleman from Indiana, who hopes for the defeat of the treaty, and that is what he is seeking to accomplish. That is all there is in that. If he can defeat the 1 per cent he can send the treaty back, send the commissioners back for another treaty, and thereby obviate the appropriation of the money, and in that way cut down, as he hopes to do, the appropriation of money in this direction. That is all there is in that.

Now, I want to say that we shall probably be met with defeat. The Senate in my judgment will not recede from these amendments. The House of Representatives might just as well recede first as last.

Mr. HENDERSON of Iowa. Ought they to?

Mr. WILSON of Washington. I think they ought to recede, and the majority of the conferees think so. Speaking with all respect, we stand 5 to 1 for the ratification of these treaties.

Mr. COCKRELL. Why do not you so report, then?

Mr. WILSON of Washington. The gentleman from Texas [Mr. COCKRELL] asks me why we do not so report.

Mr. GROSVENOR. I should like to ask the gentleman a question.

Mr. WILSON of Washington. I should like to reply to the gentleman from Texas.

Mr. GROSVENOR. There are so many of these conferees, representing so many different bodies, that perhaps the gentleman from Washington has not heard from all of them.

Mr. WILSON of Washington. Well, the conferees on the Indian bill, unlike the conferees on the tariff bill, had no letter from the President of the United States.

Mr. GROSVENOR. What about the conferees on the part of the sugar-refining interest?

Mr. WILSON of Washington. Well, they have a letter.

Mr. GROSVENOR. What about the conferees on the part of the sugar-growers, and what about the conferees on the part of the people; that is, the Republicans, who have not been called in yet?

Mr. WILSON of Washington. Well, if the gentleman wants to go off on that line, I will say to him in my own time that it is my judgment that when the tariff conferees agree it will be to the Senate bill, the same as when the conferees agree upon the Indian bill, on the differences now remaining; I think it will be upon the Senate bill. When the report on the tariff bill comes in the Democrats shall vociferate a good deal, of course, and gesticulate and talk about the people.

Mr. MAHON. And the farmers.

Mr. WILSON of Washington. And the farmers; but all the same I will say to the gentleman from Ohio that if any tariff bill is passed at this session of Congress, in my opinion it will be the Senate bill.

Mr. HENDERSON of Iowa. You had better stick to your Indian bill.

Mr. WILSON of Washington. I think so myself, and would have done so if it had not been for the interruptions. I have all I want to do on this one conference report.

Mr. HULL. I understood the gentleman from Washington to say that five of the conferees were in favor of the House bill, and only one in favor of the Senate. That being so, why does the gentleman say we must agree to the Senate amendment?

Mr. PICKLER. The gentleman stated just the reverse.

Mr. WILSON of Washington. What I intended to say was that five of us were for the Senate amendment.

Mr. HULL. I understood you to say the House bill.

Mr. WILSON of Washington. Five of us are for the Senate amendments to the House bill, for the ratification of the treaty.

Mr. HERMANN. May I make an inquiry of the gentleman?

Mr. WILSON of Washington. Yes, sir.

Mr. HERMANN. From the answer given by you to the gentleman from Iowa [Mr. HULL] the understanding would seem to be that there was but one main disagreement, and that was as to the 1 per cent interest agreed to be paid to the Indians according to

the treaty. I would ask you, then, what is the status of the other disagreement, as to the ratification of the agreement upon the three different reservations?

Mr. WILSON of Washington. The same condition of affairs. The same trouble exists upon the treaty that you are interested in; the same trouble exists with the treaty that the gentleman from South Dakota [Mr. PICKLER] is interested in as exists relative to the Nez Perces. Around the Nez Perces revolves all the ratifications of these treaties.

Mr. HERMANN. So that there are more than one disagreement.

Mr. WILSON of Washington. There are three disagreements, involving the same central point. Yours provides for 5 per cent interest and the money appropriated. Now, the gentleman from Georgia [Mr. MADDOX] says I cut him off. Has the gentleman any other questions to ask?

Mr. MADDOX. No.

Mr. OGDEN. What amount is involved in the disagreements?

Mr. WILSON of Washington. About $2,000,000; and while it is all appropriated at one time, I wish to be entirely fair and state it does not come out of the Treasury except in installments.

Mr. LUCAS. In five years.

Mr. WILSON of Washington. In five years, and that the first installment is paid as soon as practicable. Now, we people who reside around the Nez Perce Reservation think that the money will be paid in before the Government will have to pay it out. This question of the treaty with the Nez Perces has been battled over since 1887. We have had commission after commission. It has been next to impossible to get the Indians to treat. They know they have valuable lands; and now that we have succeeded, after seven years' work, in securing a treaty—now that we have got it on an Indian appropriation bill, it seems to me that the Congress of the United States can at least afford to ratify this treaty, not only in justice to the commissioners and in justice to the Indians, but also in justice to all those people who wish to develop that country and make it a profitable and rich portion of our section. [Applause.]

Mr. PICKLER. Will the gentleman allow me to ask him a question right there?

Mr. WILSON of Washington. Certainly.

Mr. PICKLER. Is it not right in line with the general policy we have been pursuing in making treaties with the Indians, and is it not a fact that there is nothing new about this treaty?

Mr. WILSON of Washington. There is nothing new about the treaty except that the Committee on Indian Affairs of the House have adopted the rate of 4 per cent interest.

Mr. BLAIR. Mr. Speaker, I never listen to one of these annual debates upon the appropriation of money, not from the immense accumulations of the Indian funds for the education of their own children, but from the Treasury of the United States, that I am not filled with astonishment at the lamentable inconsistency, not to say folly and wicked negligence of which we are guilty toward our own people in contrast with the broad and philanthropic sentiments which dictate our policy toward the children of 250,000 savages, comprising an educable population of not more than 100,000 children and probably not more than three-fourths of that number, many of whom are provided for in schools of their own.

I do not object to the appropriation of the public money to the education of the Indian child; on the contrary, I demand it. I demand the appropriation thereof for the support of purely public and nonsectarian schools, although it must be admitted that the heathen savage must receive from the education of civilization that inculcation of moral sentiments and of religious ideas and beliefs which the child of a Christianized people acquires mainly from other sources than the schools.

So that the teaching of a nonsectarian Christianity and morality as well as mere intellectual training is almost indispensable in an Indian school; and a public school among the Indians must give much of a broad, moral, and religious as well as intellectual instruction: and to my mind something of this is essential even in the public schools of the country at large, since one-third of the children receive nothing or little of this, either in the family or the church, and without a character built upon the great nonsectarian ideas of morality and Christianty it is impossible to create a competent republican citizenship and give stability to free institutions.

There never yet was a nation that amounted to anything without an affirmative religion and definite moral precepts which were the foundation of its activities, its customs, and laws. In these the child must be instructed at some time by somebody, and if not in the church nor family, then the state, for its own preservation, must perform this great nonsectarian work in the public school.

The education of the Indian child must go on. The sectarian schools among them are entitled to support until we give them something better; that is to say, the nonsectarian school such as I have described. I am, sir, in favor of increasing the appropriations and opening the public school to every Indian child.

The existing schools, school buildings, teachers, and all facilities may well be utilized, but upon condition that all sectarian features be eliminated, if it be found possible; but if not, then the public school, pure and simple, should receive support from the Treasury of the country at large. I would add, however, that I think that means should be taken to train the Indian child in the arts of civilized industry on the spot where he lives as even more important than mere knowledge of reading and writing alone. Men must live, even if they do not read and write.

I think that the people are dissatisfied with the working of the system of denominational schools among the Indians, and we should proceed at once to the elimination of the public revenues from their support, while increasing the public school proper until it becomes adequate to the wants of the entire Indian childhood of the country not otherwise provided for. But, sir, my purpose was

TO CONTRAST OUR SENSITIVENESS

to the intellectual and moral and religious wants of these few Indian children with the stupid and brutal treatment we are guilty of toward our own.

Why, sir, the last census, the census of 1890, demonstrated that the public school system is upon the decline in this country; that the children of the American people are not so well provided with the means of primary education now as ten years ago, or as shown by the census of 1880. In the great State of New York and in many other Northern States the superintendents of public instruction, the press, and the watchful citizens have noted and commented upon this alarming fact with well-founded anxiety for the future.

While there has been some improvement at the South in some localities, yet ignorance has increased in the body politic during the decade just over, in which we fondly supposed we were rapidly improving.

The New York World recently showed that seventeen thousand more seats were called for in the public schools than could be supplied in the metropolis alone. There can not be less than 50,000 children of school age uninstructed at all in that city, for ignorance and poverty are seldom heard demanding seats in the schoolhouse unless hunted out and compelled to come in. And here I state a fact which is demonstrable from the school data given us by the last census which I have taken special care to verify.

In the State of Louisiana there are more than 100,000 children of school age unprovided with any school education whatever. This is more than twice the whole number of Indian children throughout the country requiring aid, over whom we are billing and cooing year after year, while our own rising citizens, the progenitors of the Republic or of the despotism that is to be the America of the future, are crying out unto God against their unnatural countrymen because they are deprived of the light of knowledge and of the opportunity to learn now, in the days of their youth, their duty toward man and God.

WENDELL PHILLIPS

once said that "there is no true statesmanship which does not devote itself primarily to education."

The education of the children of the Republic is that without which there is not anything. While endeavoring to neglect nothing else, I have devoted many years of my public life to this cause, for until ample provision is made for the education of our children and our children's children forever, the destruction of our people and of our institutions is sure.

And now while we are providing for the red child let us not forget that we have thirty-six times more black children and two hundred and forty times more white children of our own citizens to educate than of these wild unfortunates, who will many of them roam life away even after we have done for them our best. The schools, public and private and parochial, do not reach efficiently two-thirds of our children, and we have twenty-five millions of them to-day. But we can stick our heads in the sand like the ostrich.

The problem of the education of the children of America is not yet solved. We have the means. We have an efficient system, but it does not yet perform its perfect work. Ignorance is growing faster than knowledge in the land. More and more it is impossible to submit the great issues of self-government to an intelligent constituency. A general election throughout the country is not the verdict of competent sovereignty deciding upon its own weal and woe. And until we have begun at the beginning and made the voter intelligent, more and more rapidly will the elements of ignorance, incompetency, misrule, violence, and disorder increase. Sooner or later, and it should

be no later, the country must take up this question of the universal education of all the children of the Republic. It should be constantly agitated in Territories and States, in Congress and the country everywhere.

TO AGITATE IS TO EDUCATE.

The great struggle for the educational bill gave no money to the public schools from the Treasury; but, sir, the agitation of the ten years between 1880 and 1890 wrought much good. But for it the great progress in schools at the South would never have been and the retrograde condition of the whole country would have been deplorable.

I have been furnished with an article meant for the Bureau of Education by the most competent and extensive personal observer and writer upon the origin, progress, and condition of the public schools in this country, and especially throughout the South, within my knowledge. I refer to Dr. A. D. Mayo, of Boston, so widely known for his able, unceasing, unselfish, and fruitful labors for the common school, and in fact for all institutions of learning throughout our country, during the last twenty years.

There are some too flattering personal allusions in Dr. Mayo's article, but as it is prepared as a public document and is of great historic value, and especially pertinent as bearing upon the great corrective importance of a continual agitation of the evils that threaten the country, particularly upon the education of the people, which I am trying to enforce, I beg leave herewith to incorporate the article of Dr. Mayo with these remarks.

If we were gaining upon ignorance we could sit down, trusting that, as we were moving in the right direction, the time would come, even if it were delayed for ages, when we should reach the happy fields of which we dream. But we are on the downward course. The great trouble in our land, tempest-tossed, bewildered, plunging like a wounded animal in her distress, now is that there is no intelligent constituency to which reason can appeal. What better is an appeal to the people than an appeal to the dice? Witness the last Presidential election. Will another be any better? If so, it will be the correction of calamity and not of intelligence.

Knowledge and logical conviction are subverted by ignorance and false influence. Truth is nullified by error, and the national problems remain unsolved in the minds of the people.

There is a remedy for all this, but we have yet to apply it. The sunshine is more powerful than the storm, and

EDUCATION BILLS ARE THE ONLY FORCE BILLS

which can do any good in this country. Either by general discussion and agitation throughout the country must the people everywhere be stimulated to self-preservation by local effort which shall properly educate every child who is to be a citizen, or the father or mother of a citizen, or the nation, *as a nation*, for the defense and preservation of itself and of the States and of all the people of all the States, must light and feed the torch of knowledge and virtue in the soul of every child of the Republic and keep it burning there for all time until the flag floats in millennial glory.

THE RESULTS OF THE DISCUSSIONS IN CONGRESS CONCERNING NATIONAL AID TO EDUCATION, ESPECIALLY OF THE BLAIR BILL, FROM 1880 TO 1890; UPON THE DEVELOPMENT OF THE COMMON SCHOOL IN THE SOUTHERN STATES.

By Rev. A. D. Mayo, M. A.

The educational public of the United States is now sufficiently removed from the notable discussions, in and out of Congress, connected with the movement for national aid to education subsequent to the civil war, to calmly review that interesting episode in public affairs and form a rational opinion in respect to the direct and indirect results of the movement as a whole.

In the present essay, omitting the action of Congress and the National Government in support of education in the South during the war and the period of reconstruction, in several States extending through ten years, I propose to call attention to the remarkable interest awakened by the debates and action in the Senate of the United States on the bill upon national aid to education, of which the author and most efficient supporter was Senator HENRY W. BLAIR of New Hampshire.

In connection therewith I incidentially consider the passage of the law of 1862, for the establishment of colleges of agriculture and the mechanic arts, by the gift of public lands to all the States; and the subsequent enlargement of this plan in 1890, by the grants for experiment stations in agriculture and the further endowment of the forty-one colleges then established; both under the leadership of Hon. JUSTIN MORRILL, of Vermont. Also the project of a measure for the establishment of a national fund for the support of common and normal schools, by the sale of public lands and the appropriation of patent office fees; under the leadership of Hon. GEORGE F. HOAR, of Massachusetts, in the House of Representatives; and a similar bill in the Senate, engineered by Senator MORRILL. These and other similar movements were only the symptoms of a general awakening of interest to the educational needs, especially in the Southern States, in Congress during the thirty years from 1862 to 1892.

The object of this essay is not the discussion of the special merits of either or all these measures; certainly not to revive the excitements and recriminations amid which the so called Blair bill came to an end through its arrest for several years in the House of Representatives by the refusal of the appropriate committees to report it after its passage three times by the Senate and its repulse in 1890. It is rather concerning the results of the entire movement, beginning in Congress and extending in widening circles through the entire Union, that I now write.

There is a class of topics brought before our American State and National Legislatures which often accomplish their ultimate purpose rather by discussion and popular agitation in and out of halls of legislation than if crystallized into statute laws of doubtful enforcement. They concern especially those departments of American life in which it is difficult and often practically impossible to obtain the effective enforcement even of just and righteous laws; while their consideration in the highest realms of public life often awakens an interest among the people which practically accomplishes the end in view.

Having for the past fifteen years been in a position to observe the results of this Congressional handling of educational matters, I am moved to put on record what seems to me a just tribute to the author of this beneficent movement in behalf of American children and youth, with a statement of the widespread and profound results of the discussions, especially of the Blair bill for national aid to education, through the entire decade from 1880 to 1890.

No better text could be found for this essay than a passage from a speech of Senator BLAIR, on December 17, 1880, in the discussion called up by the Morrill bill for the establishment of a national common school fund from the sale of public lands and other sources, to be invested in Government bonds and the income distributed among all the States and Territories, for the aid of common schools, a portion to be given to the agricultural and mechanical colleges, with provision for the education of teachers. It was confessed by the authors of these bills, in both Houses, that the immediate aid would be very small, as far as the actual support of universal education was concerned.

These measures were supported with the hope that the provision would form a nucleus around which, as the years went on, a competent fund could be gathered. Mr. BLAIR said: "Among the good results of this law will be the fact that public attention will necessarily be drawn to the support of education by the imperative requirement that there shall be reports from every school, distinctly showing the status of every child in the country, and leading to discussions among those who are interested in the subject-matter of the education of the people; so that the people of all sections will learn their own wants and seek to relieve them." From this point of view the larger and far more profound and intense discussions awakened by the bill introduced by the Senator one year later takes on a permanent historical interest.

In 1880 the agitation of the educational question in the Congress of the United States had reached one practical result, the establishment of colleges for

INSTRUCTION IN AGRICULTURE AND THE MECHANIC ARTS

in forty-one States of the Union, with an attendance of 6,671 students under the charge of 461 professors; including an expenditure of nearly $1,000,000. This law, first enacted in 1858 only to fall under the veto of President Buchanan, was one of the first fruits of the conflict for the Union; passed in 1862 and approved by Abraham Lincoln; an act of sublime confidence in the perpetuity of the Union and grand good will toward the eleven States then in arms for their own unalterable separation from the Republic. Meanwhile, bills for the establishment of a permanent national fund for the support of the common schools had been passed by both Houses of Congress, though failing to secure concurrent action; and another, in charge of Senator MORRILL of Vermont, was under consideration.

It was at this juncture that Senator BLAIR of New Hampshire, one of the younger members of that body, on his appointment to the chairmanship of the Committee on Education and Labor, and who had delivered a widely circulated speech entitled,

"OUR PUBLIC SCHOOLS—ARE THEY IN DANGER,"

while a member of the House in 1876, which had excited great attention, conceived a comprehensive scheme, including the bill already under consideration and a new act for the immediate relief of the terrible illiteracy under which especially the Southern States were suffering and the encouragement and national aid of the great Southern movement for the establishment of

common schools for the whole people, inaugurated at the close of the war.

Both these measures were contemplated in the motion presented to the Senate in December, 1881, authorizing the Committee on Education and Labor "to inquire into the condition of common school education in the United States and report thereon, and what measures, in the opinion of the committee, Congress can lawfully and properly enact in aid of such education."

It did not require a prolonged examination to show that in the United States in 1880 a larger number of people were unable to read and write than the entire population of the Republic under the Presidency of Washington—4,204,363—equally divided between the two races, and that 2,000,000 of absolutely illiterate and other millions of grossly ignorant voters actually held in their hands the destiny of the country.

In January, 1882, the chairman of the Committee on Education and Labor in the Senate introduced the bill for national aid to education, generally known by his name, and supported it in the first of that remarkable series of Congressional speeches which, if collected in more than one stout volume, would form the most important contribution to the literature of the relation of common-school education to American life since the days of Horace Mann.

The Blair bill as first drafted proposed a gift aggregating in ten years a total of $105,000,000 to all the States and Territories for the common schooling of all children, with provision for the instruction of teachers continued through ten years. The first year's appropriation was to be $15,000,000, with an annual decrease of $1,000,000, the last to be $6,000,000. It was believed that at the end of ten years the permanent national fund would have become sufficiently productive to supply the future needs of all the States, so far as national aid would be found necessary. Every State during the first five years of the distribution was required to raise by public levy one-third, and during the last five years an equal sum to that received from the General Government. The Blair bill did not propose to establish a national system of schools, or even a national supervision of American education, but simply a temporary grant for national aid to education in all, but especially in the Southern States.

All the details of the measure were dominated by this idea. The money was to be distributed through the Department of the Interior, under the agency of the United States Commissioner of Education. An agent of the Government was to act conjointly with the State superintendent of education in every Commonwealth in matters concerned with the distribution of the fund. The money was to be given to the States for the sole purpose of unsectarian common schooling, according to the relative illiteracy of the people over 10 years of age, chiefly for elementary instruction, according to the general methods in operation in all the States.

It was believed by the author of the bill that if fairly applied and economically used, this munificent gift would add three months to the term of the average Southern common school, which, with the three months already enjoyed, would give to the vast majority of children in the open country practically a six-months good common school—about as much as the condition of the people and the state of the country would permit. It would also stimulate the villages and cities to establish systems of graded schools from eight to nine months in the year, and greatly aid in the support of normal schools and institutes for the training of teachers.

It would also enable the

NONFAVORED STATES OF THE NORTH

to originate reforms in their schools hitherto not practicable. And it is not to be doubted that this statesman, even then so well informed on the coming conflict between capital and labor, looked to his bill as a national safeguard against the gross ignorance of millions of immigrant laborers concentrated in the great cities and manufacturing districts of the North, and relied on it as a powerful factor in the effort to lift the multitudes of children of this class from their perilous condition.

The grand discussion of this bill came between its introduction and first passage in the Senate, in 1882-1884. It was then passed by the Senate only to encounter the obstinate and calculated resistance of every committee in the House of Representatives by which it could be reported. For, although there is little doubt that, if fairly treated, it would have passed the House by an ample majority and received Executive approval, yet it was thus interrupted and delayed through three Congresses, and at the fourth trial in the Senate in 1890 was defeated by a small majority, which would probably have been overcome if the motion to reconsider could have been acted upon, but this was prevented by the deadlock in the Senate upon the Federal elections bill in the same Congress.

In its first passage the bill was somewhat modified, the entire sum reduced to $70,000,000, with the first distribution limited to $7,000,000; the States required to appropriate an equal sum to that received from the nation; and the provision for the double supervision stricken out and left entirely to the States. Of the 22 Senators from eleven ex-Confederate States 17 at this time voted "aye" and 5 "no," the 2 from Texas asserting what was true, that their State had an abundant land endowment for a generous system of education. Two of the remaining three were on record as opposed to the public schooling of the negro; the remaining Senator responsible for the wrecking of one of the largest Southern State educational funds at the beginning of the war.

The most determined opposition was from the Senators of the border States of Delaware, Maryland, Kentucky, and Missouri, only one vote in favor of the bill being cast in these States. There was also developed a violent opposition in several of the new Northwestern States beyond the Mississippi that had shared most abundantly in the national land grants for education. With the passage of the years an inroad was made on the vote of the ex-Confederate Commonwealths, although a decided and influential majority persisted in their approval. There was also an evident coldness displayed by some of the most influential Senators from the great States between the Atlantic and the Mississippi.

The fall of the Blair bill carried down the measure for the establishment of a permanent national school fund. But immediately after the defeat of the two came the movement for the larger endowment of the agricultural and mechanical colleges, while during the discussion the act for the formation of the agricultural experiment stations was passed, beside several generous gifts of land and public property to the States of Arkansas, Louisiana, South Carolina, and Alabama, with a continuation of the appropriations for the education of negro and Indian youth at Hampton and Carlisle schools and Howard University, and an annual appropriation of $1,000,000 for education among the Indian tribes, largely under the direction of the different religious denominations.

As this discussion continued in Congress, a determined and singularly violent opposition was developed in the great educational centers of the nation; a combination of ecclesiastical, political, sectional, and social influences, including the considerable party radically hostile not only to this special measure but to the

ENTIRE AMERICAN SYSTEM OF COMMON SCHOOLS.

As a result the defeat of the measure was hailed with triumphant satisfaction by this combination, which hastened to give the Blair bill a disgraceful burial and to overwhelm its author with the odium always cast upon the unsuccessful leader of a prominent reform.

But while we may reasonably deplore the outcome of the movement, and believe that the passage and thorough enforcement of this law would have been a great aid to that good common schooling which underlies all practical schemes for the uplift of the Southern States of the Republic, yet there was a result not fully anticipated by the friends and studiously ignored by the opponents of the measure, perhaps more widely extended and profound than could have been predicted by anybody. It may be that, in view of the Providence that guards the foundations and shapes the ongoings of the national life, it was best that this thirty years agitation in the National Congress on the educational question should be left to work its way into the mental and moral convictions of the masses, to reappear as a mighty reserve force in that greater conflict, in which the final destiny of the American system of common schooling for republican citizenship shall be confirmed by its incorporation in the very life principle of the national existence.

1. In considering the final result of this remarkable educational movement which centered in Congress and was especially directed toward the Southern States, I first notice the prodigious impression thereby made upon the people of the South in favor of the American common school. It is not so well understood as it should be that from their earliest settlement a growing public in all the Southern Atlantic States had strongly favored a system of public instruction for the masses of the white population. From the earliest period a determined body of influential public men had foreseen the danger from the prevailing illiteracy which so largely involved the lower orders of their own race and even invaded the realms of social respectability. No treatise on popular education would be more interesting and profitable than a volume containing the deliverances of many of the

MOST EMINENT SOUTHERN LEADERS

in professional and public life, anticipating the standard arguments of to-day, in defense of popular education.

These efforts during the one hundred and fifty years before the Revolution culminated at the organization of the Commonwealth of Virginia, in the scheme of Thomas Jefferson in behalf of universal education. Jefferson's plan, as originally outlined, involved the emancipation and industrial training of the negroes for whatever future might await them; a free elementary school for the whites, with an expansion through the public academy or college, crowned by the University of Virginia, organized on a broader foundation than any existing institution of the higher education then in the country. His views were shared by the majority of the Southern fathers of the Republic—Washington, Cabell, Madison, and numerous others, in all the Southern States then organized.

This noble scheme failed; partly from the indifference of the people most in need of it, but largely from the jealousy of the clergy and the great planter aristocracy; both wedded to the British system of private and church secondary and higher education for the superior class, with such inefficient and spasmodic provision for the masses as might be forced upon the upper strata of society by the demands from below.

Before 1860 every Southern State had made more than one effort to put on the ground a system of public elementary instruction for the mass of the white people. The subject had been largely discussed; laws passed; money spent, often for the time, in a generous way. But from various causes, especially the local jealousy of central State control, there had been no satisfactory result. The State of North Carolina had made the nearest approach to a working system in the old Southern Atlantic States. Something valuable had been done in the trans-Alleghany border States and several of the larger cities of the section had adopted a public-school system. The close of the was, in 1865, left the entire system of the secondary and higher education in the majority of these States greatly depressed.

Few of the old institutions were in a condition to meet the demand from the class that had hitherto depended upon them. The universal poverty yawned like an impassable gulf between even the better sort of families and the schools to which they had been accustomed. During

THE BRIEF ERA OF RECONSTRUCTION

attempts were made in all the ex-Confederate States to put in operation the Northern system of common schools. Of course, the people were in no proper mood to receive this gift, especially as it included the education of the freedmen at the public expense. But during the years before 1870 there was a good deal of public schooling in these States, and, for the first time, the humbler classes beheld an open door through which their children could go in even to a scanty feast of knowledge.

Partly by reason of this pressure from below; largely from the inability of the leading class to educate its own children at private tuition schools; but far more than has been understood, as the outcome of a long cherished and steadily growing desire of the Southern educational public; every Southern State had been brought to the acceptance and legal establishment of the American common school system before 1880. The movement in Virginia, under the superintendency of Dr. W. H. Ruffner; the admirable work of Hon. John Eaton as military superintendent of the education of the negroes during the war, and State commissioner of education for Tennessee, and the organization of the State system, under Dr. Newell, in Maryland, were the most conspicuous instances up to this period.

At the time of my own earliest visit to the South—extending from Virginia to Texas, in 1880—every Southern State had placed on its statute book a common school law which only needed behind it the force of an intelligent and resolute public opinion and sufficient pecuniary ability in State and district to educate the entire population. All the Southern States, save three, included the freedmen in the full advantages of the new system, and even these had made preliminary arrangements, and afterwards adopted the policy of the majority.

But I found, even in the older and most intelligent of these States, that the common school was still a new-come visitor, not yet quite domesticated. The system was working uphill, against a formidable resistance of ecclesiastical, social, race, and political prejudice. In 1880 no Southern State had an effective provision for even a three months' school for

THE NINE-TENTHS OF ITS CHILDREN

that lived in the open country. Even Texas, with its immense land fund, had not half a dozen graded schools in all its cities. There were not a dozen effective graded public schools in the larger towns either of North Carolina, South Carolina, or Virginia.

The Gulf States, outside a few of their chief cities, were even less favored. The common school had evidently "come to stay;" but the decisive question, "What shall it be?" was not answered. Should it be a reflection of the New English system of lower class elementary instruction, only partially favored by the middle and repudiated by the upper class, or a genuine extension of the American common school for American citizenship, reaching from the plantation primary to the State university, accepted by "all orders and conditions of people" as the permanent and most effective method of educating the new generation?

Nobody save one who, like myself, has been living among the Southern people since the year 1880, in the most intimate intercourse with the common school public of every grade and both races, can realize the

PRODIGIOUS UPLIFT IN PUBLIC SENTIMENT

that came in as the result of the first great discussion of the Blair bill in the Senate of the United States in 1882-'84. From the first the Southern folks have been emphatically a political people; far more under the influence of great public leaders than the masses in the other portions of the country.

To the multitudes of parents, anxious for the schooling of their children, but almost despairing of the meagre common schools, which were their only reliance; to the abler and more earnest class of their teachers, working on a pittance, often discouraged by the lack of appreciation from the superior families, which is so powerful an element in our American public school life; to the resolute advocates of popular education in the State, city, and county legislatures, confronting a solid wall of indifference or hostility; to the more thoughtful and progressive element of the superior class, who looked to universal education as the soul of all future success in their section, was suddenly revealed a startling spectacle in the Senate of the United States, always the most dignified and influential department of the National Government.

The younger Senator from New Hampshire—the birth State of Daniel Webster—had appeared, "bearing gifts," in a spirit so generous and patriotic, so devoid of sectional and partisan prejudice, that as by common consent almost the entire body of Senators from the ex-Confederate States gave him hearty welcome, and with the uttermost force of their great public influence came to the front in the most earnest support of the measure. With the exception of Senator BLAIR, for ten years the head and front of this movement, himself a walking library of information, better informed on the relations of universal education to American civilization than any public man in the country, the "weight of the meeting" in this early debate was undeniably with the Senators from the ex-Confederate States.

Gibson and Jonas, of Louisiana; Jackson, of Tennessee; Colquitt and Brown, of Georgia; Hampton, of South Carolina; RANSOM and Vance, of North Carolina; PUGH, of Alabama; Jones and CALL, of Florida; Lamar and GEORGE, of Mississippi; Mahone and Riddleberger, of Virginia; Garland and Walker, of Arkansas; seventeen of the twenty-two Senatorial representatives of the States most in need of national aid, rose to the occasion. With only the exception of an occasional discordant note the educational speeches of the majority of the Senators who participated in the debate ranged through a higher altitude of patriotism with a greater display of general information and practical ability and a broader appreciation of the future destiny of the Republic than any series of Congressional discourses heard in that body during the thirty years since the close of the civil war.

Of course this remarkable development from the body of men most eminent for political position in this group of States could have but one result. It came to all people in the South, and longing for the dawn of the children's great day of the Lord,

LIKE THE OUTBURST OF SPRING

from a Northern winter. At once there was a visible lifting up—a notable revival of courage, hope, and great expectation through the entire common-school public.

An examination of the CONGRESSIONAL RECORD of the period containing the list of petitions to Congress during those years; the hearings before the Congressional committees from the most influential public school officials of the South, State Superintendents Newell and Orr, Mayor Courtney, of Charleston, S. C., Dr. J. L. M. Curry, Presidents William Preston Johnson and Gilman, with the faculties of Tulane and Johns Hopkins Universities; the votes of confidence from hundreds of local, State, and the national associations of teachers; petitions from Southern State Legislatures, the pathetic appeals of all the great missionary associations engaged in the superior education of the freedmen; perhaps more significant than all—the devoted labors of the leading women educators and reformers of the whole country, testify to the profound and widespread influence of this new departure.

The assertion that this movement for national aid to education was local, insincere, and unpopular, especially repugnant to the best mind and heart of the South, is absolutely without foundation. There was violent opposition from the characteristic

quarters that can always be relied upon to antagonize any national movement toward popular education. Gen. Grant in the White House said: "There is too much reading and writing now for a good many men up in the Capitol." But no movement of similar import has ever been placed before the educational public of the South that has met with a response so enthusiastic, and from which so much was expected in so many ways.

INDEED THIS WAS THE FIRST TIME

that the subject of universal education had really been discussed in a commanding way in the Congress of the United States. The original policy of the magnificent national gift of school lands to the new States was a bequest from the Congress of the old Confederation, and adopted almost without debate in the new Congress of the United States. The educational action of the National Government during the civil war was chiefly in the interest of the negro, and so obscured by the rush of great events that it never attracted general public attention. The subsequent discussion connected with the grant of public lands for the establishment of the agricultural and mechanical colleges and a permanent national school fund had been rather a scattering fire, in no large manner arousing a national interest.

But here, at last, the Senate of the United States had boldly faced the radical problem of the new century—the education of the whole American people, in common schools, by the

COÖPERATION

of State and nation. This discussion, with the emphatic vote of the Senate on the first passage of the Blair bill, gave a new aspect to the whole subject of popular education such as never had been felt in all the Southern States. The provision that the national bounty would be proportioned to local effort at once turned the attention, through the whole South, of the influential classes to the subject of local taxation for education. During these ten years, while the subject was really before the public, there was a notable and most gratifying progress through all these States in matters relating to the schooling of the whole people; marked even in the least able and most indifferent of these Commonwealths.

And this spirit, once aroused, could never be suppressed. Although the disappointment of the final defeat was great, yet the new energy developed had already "got in its work." It was realized in all quarters that more could be done by local effort than had been supposed. The people of many of the smaller cities and larger villages had been persuaded to embark in the experiment of the graded school, and after even a brief experiment of its merit could not recede. For it is the most notable characteristic of the educational spirit that, once aroused, it allies itself with all that is noblest and most refined in personal character, and progressive and cosmopolitan in public life.

The movement of hundreds of little neighborhoods for the election of school officials and the supervision of a district school was in itself an education in practical "civics" more important than all the theoretical instruction of the universities. It may still be a subject of honest doubt whether the South in 1880 was sufficiently prepared for the reception of a sum of money so large and its economical use in the working of a public-school system. I have never doubted that, far beyond inevitable mistakes and occasional abuses, the result would have been so decisive as to convert the whole people to a permanent policy of national encouragement of that universal education which is the nation's hope through all the generations to come.

But there can be no intelligent doubt of the fact that the great discussion in the Congress of the United States and the corresponding movement through the entire Union in behalf of national aid to education through the memorable decade of 1880-1890 was one of the most potent agencies in generating that wonderful activity of the whole Southern people in behalf of popular education,

OF WHICH OUR CHILDREN WILL SPEAK

as one of the most remarkable and hopeful events in the history of the modern world.

2. But the influence of this great movement in Congress was also a powerful agency in bringing together the foremost educators and the common school public of all sections of the country. For the first time, in any large way, these discussions brought face to face the educational public of North and South. There had, in fact, been less of estrangement at any period between the educators than in any body of superior people in the Republic.

The appearance of Dr. Barnas Sears in the South as the agent of the Peabody education fund, and of Dr. Eben Stearns as the chancellor of the revived University of Nashville, Tenn., and the principal of the Peabody Normal School, had been hailed by the limited circle that came in range of the influence of these eminent representatives of Northern interest in Southern education. The beneficent work of the Northern churches and Christian people in behalf of the freedmen had not yet sufficiently disentangled itself from its inevitable environment of social, sectarian, sectional, and race prejudice to be commended to the calm consideration even of the majority of influential Southern educators. Even in Northern educational circles there was almost nothing known concerning the development of the common school through the South.

At my own first educational tour through several of the Southern States, in 1880, I was amazed at the progress already made in the upbuilding of the common school. My own statements concerning these matters, on my return to the North, were at first received with a large discount, as the personal estimate of a susceptible visitor proved a grateful appreciation of a kindly reception. But now, for the first time in the history of the Republic, the leading educators of the North and South were brought face to face by the startling revelations of these years.

The National Bureau of Education coöperated in the most energetic way under the leadership of United States Commissioner of Education, Hon. John Eaton, himself the most distinguished pioneer of the new education in Tennessee and the Southwest, and one of the most conspicuous figures in the educational history of the country. The mass of educational statistics launched upon the public, for the first time skillfully arrayed and presented in the most impressive shape in the Senatorial speeches, especially in the voluminous Senatoria treatises of Senator BLAIR, condensed and explained in the educational press, which then first assumed the form of the Educational Weekly, and to a considerable extent presented in the leading journals and magazines of the country, brought the education of the people into that fraternal relation which now grows with the passing years.

And no man who, like myself, has lived for the past fifteen years among the Southern children and youth, their teachers and young parents, their progressive clergy and the more enlightened circles of every class, can underrate this peculiar influence, so potent for the general reconciliation of the better sort of people in both sections; the steady advance of a genuine patriotism and the gradual wearing away of State, sectional and local provincialism. It is to this silent but irresistable growth of a patriotic and fraternal spirit in the educational public that we must look for the most decisive and permanent contributions to peace and good will, mutual appreciation and mutual helpfulness.

With all due respect to other classes of influential people—the clergy, the leaders of political opinion and national industry, the festive mingling of "blue and gray," the social reciprocations of Northern summer and Southern winter—I am convinced there is no influence now at work so profound, so irresistible, so transforming, so sure to tell in the future development of a high national spirit through the Union, as

THIS MUTUAL UNDERSTANDING

of the friends of the common school in all sections. And no one cause of this state of feeling was more marked than the Congressional agitation of national aid to education from 1880 to 1890. This is an influence so powerful that no changes in national politics, no ups and downs in our disturbed industrial affairs, can disturb its permanent and beneficent influence upon the national life.

3. And this fraternal spirit among the educators of the country, shared by the educational common school public in all sections, is the soul of the higher spirit of mutual appreciation and respect, especially of the habit of looking at the past history of the Republic with the all-round survey which alone can bring in a final just estimate of what has been and a rational expectation of what is to come in national affairs.

When we reflect that the people of these sixteen great American Southern Commonwealths in the first twenty-five years since the overthrow of the system of slave society, involved in the ruin, sorrow, and discouragement of an unsuccessful revolution, have shaken themselves clear of the old time environment and taken to heart the most radical institution of American life, the common school for the training of a common American citizenship, doing a greater work in the establishment of universal education than was ever achieved in any land under conditions in any way similar, we can realize the intense and tenacious hold of the American idea of self-help for a republican civilization among all classes and conditions of our people.

For there is this in the very genius of the American common school that a people which has once put its hand to this great national subsoil plow can never look backward for its Kingdom of Heaven. Hereafter its life must, in all ways, be molded by the training of all children together for the common weal. Such a Republic will grow, year by year, into a cosmopolitan and truly democratic civilization, and almost unconsciously to itself will, in God's time, become a model people—the normal school of the nations.

Our American public life, as represented in the national capital, is now dominated by the imperious, industrial, financial, and socialistic questions which concern the material development of the Republic as one of the most powerful and wealthy of the nations.

BUT IN THE INEVITABLE REACTION

from this fearful absorption in the concerns of the passing hour there will come, perhaps before we know it, a demand that the National Congress shall again concern itself with the higher interests of the people. The three coming questions to be faced, and in some decisive way settled by this Republic early in the second century of its existence are, first, the reorganization of labor under the conditions and demands of modern life; second, the obligation of the nation to aid, in all constitutional and practical ways, in the educational training of all American children for intelligent, moral, and effective American citizenship; third, the right and obligation of the American State and nation to legislate in the interest of public morality for the extirpation of social unrighteousness that is the eternal enemy of liberty.

And of all statesmen who have appeared as the immediate successors of the great men who carried us through the flood of war to the great salvation of the Union, no man has so thoroughly studied these three questions—especially the radical problem of the relations of universal education to the national welfare—as the author of the defeated bill that bears his name.

But here, in fact, there has been no permanent defeat. Already has the great principle incorporated in this bill and so amply vindicated by the debates of ten years in Congress; the obligation of the nation to stand by and in all constitutional ways aid the American common school in the training of American citizenship, with the corresponding duty and right of every Commonwealth to use the national bounty, not as a dependence, but as a stimulant to the greatest possible effort at the local support of free education for the whole people; both State and nation

STANDING LIKE A ROCK

against the ecclesiastical demand for a division of the common school fund; been so wrought into the mind and heart of the educational public that much has been accomplished which the friends of this measure anticipated from its passage.

Happily for the people he represents, and for the whole country, this wise and farseeing public servant is still in the maturity of his powers and, whether in public or private station, can be relied on to be faithful unto death to the cause he so honored by the splendid advocacy of his earlier public career. Meanwhile, during the long months, perhaps years, in which the sober second thought of the American people is gathering itself for the inevitable Appomattox of the noisy popular rebellion against all the established facts and proofs of a sound industrial and financial policy, no service to the great educational interest of the nation would be more valuable than a thorough history of this movement for national aid to education, with the republication of the most important of the Congressional discussions connected therewith.

For "now is the accepted time" to fire the magazines with the ammunition of accurate statistics, historical records, and able and eloquent deliverance by tongue and pen against the day when the unpatriotic and unholy revolt against the American common school shall be overwhelmed in complete oblivion and the new education become the perpetual heritage of the children through generations to come.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 6518) making appropriations for the construction and repair and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, with amendments; in which the concurrence of the House was requested:

A bill (H. R. 3033) granting a pension to Amanda J. Lane; and

A bill (H. R. 4326) to subject to State taxation national-bank notes and United States Treasury notes.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 971) to open, widen, and extend alleys in the District of Columbia; asked a conference with the House on the bill and amendment, and had appointed Mr. FAULKNER, Mr. MARTIN, and Mr. MCMILLAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House was requested:

A bill (S. 1885) to extend the privileges of the transportation of dutiable merchandise without appraisement to the city of Ocala, in the State of Florida;

A bill (S. 966) to compensate Elihu Root for services rendered by direction of the Attorney-General;

A bill (S. 1956) granting an increase of pension to Mary Doubleday, widow of Bvt. Maj. Gen. Abner Doubleday;

A bill (S. 1375) to remove the charge of desertion from the military record of Jeremiah F. Brown;

A bill (S. 1935) granting a pension to Elizabeth Ellery;

A bill (S. 1584) granting a pension to John Eckland;

A bill (S. 1229) to correct the military record of George Whittaker, late a private of Company C, Twelfth New Jersey Volunteers;

A bill (S. 1189) for the relief of Capt. Henry C. Seaman;

A bill (S. 1675) to remove the charge of a dishonorable dismissal after the battle of Stone River standing against the name of L. S. Woodworth, to correct the record and issue him an honorable discharge;

A bill (S. 2056) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka;

A bill (S. 1692) granting a pension to William J. Murray;

A bill (S. 2275) granting a pension to Elizabeth New, widow of Jethrow New;

A bill (S. 429) for the relief of George H. Plant, of the District of Columbia;

Joint resolution (S. R. 68) for the relief of W. D. Mack, a clerk in the Record and Pension Division of the War Department.

Joint resolution (S. R. 19) authorizing the Secretary of War to correct the military record of Capt. Edward Wheeler, Forty-sixth New York Volunteers;

A bill (S. 646) for the relief of John O'Keane, of the State of Washington;

A bill (S. 857) to correct the military record of James McConnell;

A bill (S. 1233) for the relief of Henry Lane;

A bill (S. 837) for the relief of Albert Locke, alias Shipley;

A bill (S. 1857) granting an honorable discharge to William B. Barnes, late major of the Eleventh New York Heavy Artillery;

A bill (S. 473) to remove the charge of desertion from the record of Jeremiah L. Daly; and

A bill (S. 2280) to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service.

INDIAN APPROPRIATION BILL.

Mr. LYNCH. Mr. Speaker, as I understand the question pending, it consists of two propositions, first, to adopt the report of the conferees in so far as the conferees of both Houses have agreed, and next that the House instruct the conferees upon the disagreeing items which they have reported back. Now, if it is in order, and no further debate or opposition be made to the report of the conferees as filed, I would ask that the report be adopted by the House, and then I would offer a motion to further insist on disagreement to the amendment of the Senate, which would be in order and the question pending.

Mr. WILSON of Washington. Let us take the first proposition—that the House agree to the amendments.

Mr. LYNCH. That the House agree to the report of the conferees on the agreements already reported. I would, therefore, ask that that question be taken.

The SPEAKER *pro tempore* (Mr. SWANSON.) The question is on agreeing to the report of the conference committee. After that motion is disposed of, a motion would be in order to recede from the disagreement and agree to the amendment of the Senate, or to insist on the disagreement and agree to a further conference. The vote will first be taken on the question of agreeing to the conference report.

Mr. LYNCH. That is the way I put it. That the Speaker first put to the House the motion to agree to the report of the conference committee as filed.

The SPEAKER *pro tempore*. That is the motion made by the gentleman from Indiana.

Mr. WILSON of Washington. Let us understand this distinctly, because I do not wish to get complicated.

As I understand it, the motion of the gentleman from Indiana at the time he took his seat was, and the motion now made by the gentleman from Wisconsin is, that the House agree to the report of the conferees in so far as an agreement has been reached, and then, after that question has been put, if it is carried there will be a motion to disagree and ask for a further conference. Then I or some other gentleman, will make a motion to recede from the disagreement, and upon that we will ask for a vote of the House. That motion will be first in order.

The SPEAKER *pro tempore*. The Chair understands that the

gentleman from Indiana [Mr. HOLMAN] moves that the report of the conference committee be adopted, and that is the pending question.

Mr. WILSON of Washington. Now, Mr. Speaker, I make a motion——

The SPEAKER *pro tempore*. The question on the motion of the gentleman from Indiana that the report of the committee of conference be adopted has not yet been submitted.

Mr. HOLMAN. Mr. Speaker, I wish to occupy a minute or two to explain a matter to which I ask the attention of the House.

Mr. LYNCH. Why not dispose of the pending motion to agree to the conference report as made?

Mr. HOLMAN. There is no objection to that, but before it is done I wish to occupy a minute or two.

Mr. WILSON of Washington. Now, Mr. Speaker, I move that we agree to the conference report as submitted.

Mr. LYNCH. I do not yield the floor, Mr. Speaker, for any gentleman to make a motion.

The SPEAKER *pro tempore*. The gentleman from Wisconsin refuses to yield. If the motion of the gentleman from Indiana [Mr. HOLMAN] prevails it simply ratifies the agreement reached by the conferees. After that has been disposed of, it will be in order to move that the House insist upon its disagreement on the other points and ask for a further conference. Then it will be in order to make a motion to recede from the disagreement, and the vote will be first taken upon the motion to recede.

Mr. MADDOX. After those two questions are voted upon, will the other one be open for discussion?

Mr. WILSON of Washington. Mr. Speaker, my motion has precedence over the second motion, as stated by the Chair.

Mr. HOLMAN. The motions come in this order. First, the motion on the adoption of the report itself——

The SPEAKER *pro tempore*. As the Chair understands, no motion has been submitted to the House except a motion to agree to the report of the committee of conference.

Mr. HOLMAN. Mr. Speaker, I overlooked a matter to which I wish to call the attention of the House, and I should feel very much mortified if, by an oversight on my part——

Mr. PICKLER. Who has the floor, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. LYNCH] has the floor.

Mr. HOLMAN. The gentleman from Wisconsin yields to me.

Mr. LYNCH. I yield the gentleman from Indiana five minutes to make some remarks on the part of the report already agreed to.

Mr. HOLMAN. The matter to which I wish to call attention is a matter of much moment——

Mr. WILSON of Washington. Mr. Speaker, I understand that the chairman of the committee of conference is entitled to the floor.

Mr. LYNCH. I yield five minutes to the gentleman from Indiana.

The SPEAKER *pro tempore*. The motion of the gentleman from Wisconsin [Mr. LYNCH] will not be in order until after the motion of the gentleman from Indiana [Mr. HOLMAN] has been voted upon. After that, the gentleman from Wisconsin will be recognized.

Mr. HOLMAN. Mr. Speaker, of course there can be no difficulty as to the order in which the votes shall be taken upon the several motions. First comes up for consideration the question of the adoption of the report of the committee of conference. After that two other motions are in order; one, that the House insist on its disagreement and ask for a further conference, and the other, that the House recede, and the latter question must be first put.

Now, the matter to which I wish to ask attention is this, and I especially ask the attention of the members of the Committee on Indian Affairs. It will be remembered that when the subject of these asphalt lands in Utah was under consideration a provision was inserted in the House bill fixing the minimum price at $50 per acre. The Senate adopted an amendment, which will be found on page 147 of the printed bill, which reads as follows:

SEC. 20. That the remainder of the lands on said reservation, except lands containing asphaltum, gilsonite, or other like substances, which are hereby reserved from sale.

The House proposition was to sell, and we fixed the minimum price at $50 per acre. It was supposed that these asphalt lands would be of very great value, and accordingly the House fixed that price. The Senate, on the other hand, determined to withhold the lands from sale, but finally they submitted a proposition to strike out the words "except lands containing asphaltum, gilsonite, or other like substances, which are hereby reserved from sale," which words they had themselves inserted, and then to provide for the disposal of the remaining lands under the homestead and mineral land laws of the United States. At the last meeting of the conferees the Senate abandoned that; but insisted upon these words:

That these lands shall be disposed of under the homestead and mineral laws of the United States.

The mineral laws being applicable to land containing asphalt and like substances. Now, the House conferees have receded from the disagreement on that point; so that the bill as it now stands authorizes the entry of those asphalt lands under the mineral land laws, it being, however, provided at the instance of the House conferees that no one person shall be permitted to make more than two entries of 10 acres each.

Mr. LYNCH. There is no controversy over that provision.

Mr. HOLMAN. The House therefore understands that in adopting this report it adopts the provision authorizing the entry of these mineral lands under the mineral land laws, with this qualification, that instead of allowing 40 acres to be entered no one person can make more than two entries of 10 acres each, or 20 acres in all. This is all I wish to say.

Mr. LYNCH. I now ask a vote on adopting the report of the conferees so far as they have agreed.

The question being taken, the report of the committee of conference was adopted.

Mr. HOLMAN and Mr. LYNCH claimed the floor.

Mr. HOLMAN. The gentleman from Wisconsin [Mr. LYNCH] of course yielded the floor when he made his motion.

Mr. LYNCH. I yielded five minutes of my time to the gentleman from Indiana.

Mr. HOLMAN. If the gentleman wishes to be heard I will, of course, yield to him.

Mr. LYNCH. I decline to yield further at this time.

Mr. WILSON of Washington. The gentleman from Wisconsin lost the floor when the motion which he made was submitted.

The SPEAKER *pro tempore*. The motion indicated by the gentleman from Wisconsin [Mr. LYNCH] was that the House further insist on its disagreement on the remaining amendments and ask for a further conference with the Senate.

Mr. LYNCH. That is my motion.

The SPEAKER *protempore*. On that motion the gentleman from Wisconsin is recognized.

Mr. WILSON of Washington. I rise to a parliamentary inquiry. The gentleman from Wisconsin made a motion which was put to the House and adopted. Under those circumstances did not the gentleman lose the floor?

Mr. LYNCH. I beg the gentleman's pardon.

Mr. WILSON of Washington. Wait a moment. The Chair will decide this question.

Mr. LYNCH. I decline to yield further.

The SPEAKER *pro tempore*. It was upon the motion of the gentleman from Indiana [Mr. HOLMAN] that the conference report was agreed to. Before that question was submitted, the gentleman from Wisconsin [Mr. LYNCH] rose to a parliamentary inquiry as to whether a motion to insist upon the disagreement to the remaining amendments and ask for a further conference would be in order. The Chair stated it would be, but that the report must be first disposed of. Having agreed to recognize the gentleman from Wisconsin to make that motion, he is now recognized for that purpose.

Mr. LYNCH. Mr. Speaker, during this session there have been submitted to both Houses of Congress seven or eight propositions to treat with the Indians. The Committee on Indian Affairs of the House has considered each of the treaties submitted to it and has agreed to three of those treaties. Having examined the provisions of each treaty separately, it has recommended the ratification of these three treaties with certain amendments proposed by the House committee. In each of these treaties we have changed the rate of interest from 5 per cent to 4 per cent, believing that at this time the Government ought not to be required to pay over 4 per cent interest.

We have applied the same rule to all those treaties, inserting this express provision in each, and providing that in each case the treaty be submitted to the Indians for a ratification of the changes made.

Mr. PICKLER. Right there, allow me to ask whether the proposition of the House committee does not remit all these treaties back to another agreement with the Indians?

Mr. LYNCH. It is provided that the treaties shall be submitted again to the Indians for the ratification only of the amendments made by Congress.

Mr. PICKLER. And three new commissioners are to be appointed.

Mr. LYNCH. Oh, no; that is stating the matter entirely wrong.

Mr. PICKLER. That will be the result.

Mr. LYNCH. Not at all. The treaties as passed here will

be sent back to the agent in charge of the Indians to procure their consent to the change, if possible; if not, then the treaties will fail.

Mr. PICKLER. That is just the point. We do not want the treaties to fail.

Mr. LYNCH. The question is simply whether Congress shall deal directly with the Indians or follow implicitly the action of the commisssioners.

Mr. PICKLER. The question is whether Congress will in good faith carry out its agreements with the Indians or will go back on the contract of the Government.

Mr. LYNCH. Congress should not be subject to the whims or freaks of two or three commissioners.

Mr. PICKLER. Your Secretary of the Interior, one of the highest officers of the Government, sent out these commissioners to make these treaties.

Mr. LYNCH. It was his predecessor who sent them out, as I understand it. We have had instances in the past where commissioners went out and gave to the chiefs of tribes $300 or $500 or some other sum in the nature of a bribe. We have had that happen repeatedly. That is the way our commissioners have acted in certain cases. Now, I do not feel that we are bound at all by the action of the commissioners, but that what they do is subject to our ratification.

Mr. PICKLER. Does the gentleman say that any of these commissioners bribed any of the chiefs?

Mr. LYNCH. Let the gentleman remember the Yankton-Sioux treaty and what was done in connection with it—a twenty dollar gold piece given to each head of a family as an inducement, or a bribe, to sign the treaty,

Mr. PICKLER. But does the gentleman assert that there was anything improper in the conduct of the commissioners in these cases?

Mr. LYNCH, I do not assert any such thing. I have only asserted what has taken place in the past within the knowledge of many of the older members of the House.

I claim that this House ought not to be bound for one minute by such action on the part of commissioners.

Mr. PICKLER. Then why did you send them out there?

Mr. LYNCH. Well, they go and they are very anxious to do something, and they do many things that they have no right to do, and make agreements by which they try to bind the Government when they ought not to do it.

Mr. PICKLER. Certainly these commissioners have general instructions from the Secretary of the Interior to do what they do. He lays down the rules and regulations to guide them, and fixes the general scope of their duties. The commissioners are understood to be acting within the rules laid down by the Department.

Mr. LYNCH. But there is very much left to their discretion, and they always make out to secure some kind of a treaty.

Mr. PICKLER. Well then, it is 5 per cent you oppose, is it?

Mr. LYNCH. I will tell you after a while.

Mr. Speaker, there are three of these treaties—one with the Siletz Indians, of Oregon; the Yankton Indians, of South Dako a; and the Yuma Indians, in which treaties the amount involved is small.

Mr. HOLMAN. The Yanktons is over $600,000.

Mr. LYNCH. Well, the land is worth it. The committee went carefully over the bills, and particularly guarded everything connected with the treaties. Three of these treaties were put on the bill by the House, but when it went to the Senate that body put on another treaty with the Nez Perces Indians, in Idaho, and it is to that particular treaty that I wish to address myself a short time.

Mr. HOLMAN. We do not call it a "treaty;" it is simply an agreement or understanding.

Mr. LYNCH. Certainly it is a misnomer to call it a treaty; it is, in its present stage, only an agreement.

Mr. PICKLER. The same kind of a treaty we have always made.

Mr. LYNCH. The Nez Perces Indians, according to the last census, have a population of 1,838. They already have 1,900 allotments. You will notice, therefore, that there are more allotments of land than there are Indians. The total amount of land in the reservation was 756,968 acres. There has been divided or allotted 182,234 acres to the Indians of the reservation and 32,660 additional reserved, leaving a balance of about 542,074 acres to be sold under this treaty. The price agreed to be paid is $3 an acre for the whole 542,000 acres, amounting to $1,662,000 and some odd dollars.

Mr. HAUGEN. How is that land, good or bad; and what are the proportions of each kind?

Mr. LYNCH. I am coming to that in a moment.

This treaty was made——

Mr. HOLMAN. This agreement.

Mr. LYNCH (continuing). By two men. One is Mr. Fenn, who was born in the county and lived there all his life; and the other is Mr. Sleicher, who has resided near the reservation for many years and is familiar with the country and its resources. The report says he is a "conservative man, a man of good judgment, as we are informed." Now, let us see how these two men differ as to the quality of this land and its value. Mr. Sleicher says that there are 350,000 acres of agricultural land worth $3.75 an acre. That is the value put by himself upon it. He further says that there are 70,000 acres of timber and agricultural land worth also $3.75 an acre. The other commissioner values that timber and agricultural land at $5 an acre. Mr. Sleicher says, 70,000 acres of mineral land at $5 an acre, and the other fellow, only 30,000 acres at $5 an acre.

Mr. WILSON of Washington. Well, that is the price of all mineral land.

Mr. LYNCH. Mr. Sleicher says that there is some mountainous land on it which is of very little value; and Mr. Fenn says that there is a hundred thousand acres of mountainous land of nominal value—50 cents an acre. And yet we are asked here to pay $3 an acre for every acre of that land! That is the injustice of the proposition. Three dollars an acre for the good and the bad land alike. And we are asked to sell the agricultural land for $3.75 an acre, and the mineral and timber lands at an estimate of $5 put on two qualities of land, leaving us, of course, all of the bad lands on our hands for all time, because we will never be able to get rid of them.

Mr. PICKLER. May I ask the gentleman a question?

Mr. LYNCH. Certainly.

Mr. PICKLER. Does the gentleman suppose we will ever be able to buy these lands for less than $3 an acre? I can only tell the gentleman that when you go again you will find that you will have to pay $4 an acre for them.

Mr. CURTIS of Kansas. Will the gentleman yield for a question?

Mr. LYNCH. Certainly.

Mr. CURTIS of Kansas. If that reservation is sold, and the bad land is left entirely out, does it not still leave a surplus to the Government?

Mr. LYNCH. Why, if you could sell all of the other lands at the estimates it would perhaps even up. But who believes, when these two commissioners differ so much in their estimates, one estimating that there is but a small quantity of mountainous land, and the other a hundred thousand acres of land of this character, and when they are so wide in their estimate of the value of the land, who believes that we can rely upon such an estimate as that?

Mr. CURTIS of Kansas. Is it not a fact that one of the commissioners failed to estimate the hundred thousand acres, and that was put in by the committee at 50 cents an acre? The whole amount of land is accounted for by each, but differently classified and appraised.

Mr. LYNCH. He gives the whole of it here on the bottom of the first page.

Mountainous lands, not estimated, about 46,000 acres.

That is the way one of them puts it.

Mr. CURTIS of Kansas. The other failed to estimate 100,000 acres, and the committee put it in at 50 cents an acre.

Mr. LYNCH. One of them estimates it at 46,000 acres and the other at 100,000 acres. But the point I make is that these commissioners agreed to pay altogether too much for that land, and that the Government will eventually lose a million of dollars if it approves of this treaty in its present form. The idea of buying a chunk of land out there in Idaho, 542,000 acres, and paying $3 an acre for every acre of it, when the commissioners admit that from one-third to one-half is of little or no value!

Mr. PICKLER. There is no necessity to sell the lands until the Government can get that price for it, is there?

Mr. LYNCH. There is no guaranty that we will ever get that price or any other price for all the land.

Mr. PICKLER. Then we can hold the land?

Mr. LYNCH. Yes, and pay 4 or 5 per cent interest on it. That is not a very profitable transaction for the Government.

Mr. HAUGEN. If you remit this treaty back to the Indian agent, do you put a limit on the authority given to the agent as to price?

Mr. LYNCH. I certainly would.

Mr. HAUGEN. Do you do that now, in this proposed amendment?

Mr. LYNCH. No; there is no such proposed amendment; but if I did, I would sell every foot of that land to the highest bidder, and give the Indians every dollar there is in it, and not let the Government make a dollar. I would give the Indians the whole benefit of it.

Mr. HAUGEN. When this treaty is remitted back to the In-

dian agent to treat anew with the Indians, how is it proposed to limit his authority?

Mr. LYNCH. By proper instructions from the Interior Department.

Mr. LYNCH. No amendments have been prepared to obviate the objections I have made.

Mr. HAUGEN. Are you going to prepare any? What I wish to know is, what it is proposed to do here?

Mr. LYNCH. To reject the treaty, for the present, and by proper amendments protect the interest of the Indians and the Government.

Mr. PICKLER. And then when a new treaty is made there will be a proposition to reject that?

Mr. LYNCH. Not if it gives the Indians all that belongs to them and the Government a fair deal. I think a treaty ought to be made by which the surplus lands there would be thrown open to settlement; but I am opposed to the Government paying what seems to me a clean million of dollars more for this tract of land than it will ever get for it.

Mr. HERMANN. This treaty has been made on the part of the Indians and on the part of the commissioners. That is, the two parties, the Indians and the commissioners, have agreed together. Now, if this treaty should be repudiated by us and sent back to them the same proceeding must be had over again.

Mr. LYNCH. As to the amendments only.

Mr. HERMANN. Now, does the gentleman believe that these Indians will agree to dispose of this land for a less sum than they have already done?

Mr. LYNCH. I suppose they will, and if they do not I would do the other thing, and I think the Government will come to the other plan in a very short time. That is, to sell all of these surplus lands under the sealed bid process; and if these lands are worth more than the price mentioned here, give it to the Indians. I want them to get every cent there is in it. This is a wealthy, prosperous tribe of Indians. They are now cultivating over 30,000 acres of land. They have 75,000 acres under fence. There are 1,900 allotments already made, and they are pretty well able to take care of themselves.

Mr. LUCAS. What is the aggregate price that it is proposed, under this treaty, to pay the Indians for the lands purchased?

Mr. LYNCH. Three dollars an acre for the whole reservation.

Mr. LUCAS. To pay the Indians that?

Mr. LYNCH. Yes, and to pay them right off, whether the Government sells any of the land or not. We have got to pay them that amount of money, or put it out at interest at 5 per cent.

Mr. LUCAS. That is the Nez Perce Reservation?

Mr. LYNCH. That is the Nez Perce Reservation. Now, in regard to the quality of the land, I want gentlemen who disagree with me about this to pay special attention to what the commissioners say. They say:

> Much of the land, however, is fine agricultural land, worth perhaps eight or ten dollars an acre, while from one-third to one-half of it is of little value.

"Of little value" is the language they themselves use.

That is the judgment of the commission and in their report they say so—

> That while some of it is worth from $8 to $10, that one-third or one-half of it is of little value.

That is undoubtedly true; and that is the point I make—that we are paying too much when we pay $3 all around.

There is another thing. In the first place the Indians are allowed to take their allotments before anything is done. They have selected the very choicest pieces of land on that reservation. The commissioners practically say so. They have gone all over it and picked all the land that has water or that can be watered, and they have got the cream of the whole reservation. Now, they want to sell the balance of that great tract of land to the United States for $3 an acre and commence to draw their interest on it immediately whether the Government sells any of it or not.

Mr. PICKLER. Now, I want to ask the gentleman if that has not been the universal practice of the Government, and if we have not bought Indian lands during a period of time immemorial? Have we not also sold the lands to settlers? Is there anything new in that?

Mr. LYNCH. There is nothing particularly new about it; and it is all right where all the land is good.

Mr. PICKLER. The Government will have the land until it is paid for.

Mr. LYNCH. Yes; by paying interest on it. It is to a great extent not worth $3 an acre.

Mr. PICKLER. The Government ought to stand by its agreement.

Mr. LYNCH. The Government did not make any agreement.

Mr. PICKLER. You are asking the Government to repudiate its agreement.

Mr. LYNCH. There is no agreement to repudiate.

I want to say that there are 1,900 selections or allotments made already, every one of them a choice piece of land. You gentlemen who have traveled through the Western country, on the borders of these mountains, have some idea of how broken the land is; and you know, after they have taken so many good allotments out of an area of twenty-three townships, nearly one hundred choice allotments in a township, the general character of the land left, for which $3 an acre in cash is to be paid, can not be otherwise than a losing job to the Government. As to the quality of the land, the agent in his report in 1892, in speaking of the Indians as farmers and the quality of lands, says:

> Owing to the many years of successive failure in raising crops the Indians have become heartily discouraged, and the progress or advancement made by them in this industry has been very slow. Nothing more could be expected of them when from year to year they have been compelled to contend with the many failures in raising their crops. This year is included with the preceding years of failure.
>
> The hay yield this year would not average more than a half ton to the acre, and the yield of wheat and oats averaged not more than 7 or 8 bushels to the acre. This small amount of hay, wheat, and oats raised they were compelled to feed to their stock during the cold and severe months of last winter. They were compelled to buy the seed oats and wheat which they planted this spring.
>
> From a tract of land of about 10 acres, which I sowed to hay for the purposes of subsistence for the agency horses, I was able to cut the insignificant amount of about 1 ton. These successive years of failure in raising crops is due to the hot scorching winds with which this section of the country is invariably visited each summer.
>
> While the Indians have made no great showing in the way of advancement or progress in this great industry, nevertheless it can be noticed, in some instances, that many steps forward have been taken by them. Consideration must be given the fact that they do not till or farm any large tract of land, but confine themselves mostly to the valleys and low lands, where only small tracts can be found that are tillable. When they have each received their allotment, and have placed such improvements as will enable them to live upon and cultivate the same, then, and not till then, will rapid and progressive strides be made by them in this industry, their chief revenue of support.

This is the report of the agent himself; but one objection to this treaty, taking the judgment of the men who made it, is the commissioners did not classify the lands, by putting a fair value on the good lands and a lower value on poor lands. My short experience on the Committee on Indian Affairs has taught me that in every instance the Government has lost in its deal by buying these lands of the Indians.

Mr. WILSON of Washington. Will the gentleman be kind enough to state a singe case?

Mr. LYNCH. Why, in all of them. The highest price we ever paid was a dollar until the treaty with the Yankton Sioux Reservation came up; and even on that we shall lose. I am satisfied that about all of it is good land and will sell so that the Government will get out of it whole. But when you go out to the State of Idaho and pay $3 an acre for that immense body of land of which the commissioners in their report say "one-third or half of it is of little or no value," I can not see how you are doing justice to the Government when you do it.

Mr. HARTMAN. Will the gentleman allow me to ask him a question?

Mr. LYNCH. Certainly.

Mr. HARTMAN. If one-half of it is worth nothing and the other one-half of it is worth $8 or $10 an acre, how can the Government, purchasing it at $3, lose anything by it?

Mr. LYNCH. Then let the Government confine itself——

Mr. HARTMAN. If one-half of it is worth nothing and the other half is worth $8 or $10, how can the Government lose anything by buying it at $3 an acre?

Mr. LYNCH. If the Government could sell the lands worth $8 to $10 per acre it would lose nothing; but that is not the provisions of the bill. The Government is paying $3 an acre for all of it and paying interest on the whole amount, with scarcely a hope of ever selling more than half.

Mr. HARTMAN. That is evading the question.

Mr. LYNCH. It is not evading the question. There is no proposition in the bill to sell the good lands for double what was paid for them. If there was, the question of the gentleman would be pertinent.

Mr. McRAE. The bill only fixes $3 as the price to be paid for the land, and only land which is worth that will be taken at all, and it will be taken at that price.

Mr. WILSON of Washington. The gentleman is mistaken. Three dollars and seventy-five cents is the price for agricultural lands.

Mr. McRAE. Very well. The other portion of the land will be left on the Government's hands, so that we shall lose the value of all those lands which will not bring $3.75 an acre.

Mr. LYNCH. That is, the Government will lose very nearly half the amount that it pays for these lands.

Mr. HARTMAN. I speak from the testimony that is printed and laid before the House.

Mr. LYNCH. I speak from that, too.

Mr. McRAE. If there was a provision, as the gentleman from Wisconsin [Mr. LYNCH] suggests, authorizing these lands to be disposed of for their full value, I suppose the Government might realize out of the part of them which it could sell the cost of the whole, but you can not sell half these lands for $3.75 an acre and have the other half left on your hands without losing money.

Mr. HARTMAN. The statement is that about half of these lands is worth from eight to ten dollars an acre.

Mr. LYNCH. Oh, no; they do not say that. They say that much of the land is worth that.

Mr. HARTMAN. They say virtually that from one-third to one-half is worth that.

Mr. LYNCH. Not at all. You can not sell half those lands for $3.75 and have the Government come out whole.

Mr. HARTMAN. One thing is certain, that if you put up the lands at public auction you will not get much for them.

Mr. LYNCH. That again shows the injustice to the Government. That is all the more reason why the Government should not approve this treaty at all. It is to this unfair feature of the treaty that I am opposed.

I am willing that we should buy this land upon any reasonable basis which will bring the Government out whole. I submit that the Government is under no obligation to pay such a price for this tract of land that it can not come out whole. You can amend this bill—and I will raise no objection to that—so as to provide for selling these lands to the highest bidder under the sealed bid system recommended by the Interior Department.

Mr. HARTMAN. That is for the benefit of the speculators.

Mr. LYNCH. No; for the benefit of the Government.

Mr. HARTMAN. The settlers will not get any benefit out of it.

Mr. LYNCH. Well, the Government ought to protect itself first. Speculators usually take care of themselves.

Mr. COOMBS. Is not the Government in this case becoming a speculator with the certainty of loss?

Mr. LYNCH. With a dead certainty of loss. Mr. Speaker, this whole system of buying lands must soon come to an end. It is not the proper method. Some of the land in these reservations is valuable, and it ought to be sold to the highest bidder, and the Indians ought to get every dollar it brings, but much of this land is not worth a cent. It will lie there for centuries and nobody will pay the taxes on it.

Mr. TALBERT of South Carolina. What is the date of the treaty in this case?

Mr. LYNCH. It has been made within the past year.

Mr. TALBERT of South Carolina. Was it not made subject to ratification by Congress?

Mr. LYNCH. Certainly.

Mr. TALBERT of South Carolina. Then if Congress does not ratify it, I do not see how that can be called breaking a treaty.

Mr. LYNCH. It is not breaking a treaty. This is simply a proposition submitted by the Indians for us to act upon. Mr. Speaker, I reserve the balance of my time.

Mr. PICKLER. Mr. Speaker, I desire to call the attention of the House very briefly to the provision in this bill in relation to the treaty for the Yankton Sioux Reservation; and what can be said of that treaty can, in general terms, be said of the others. The proposition that is before the House to-day is very simple. We are needing more lands for settlement. By an act of Congress we provided for sending out a commission to treat with the Yankton Sioux Indians for their reservation. That commission was organized by the Secretary of the Interior and was sent out with general instructions.

The commission called together the chief men of the tribe. They were about a year, as I now remember, getting up this treaty, and finally they agreed with the Indians to buy the lands upon certain terms, to pay them a certain amount for their lands, and they further agreed that on the deferred payments we were to allow them 5 per cent interest. That agreement comes here for ratification, and the proposition now is to abandon it and to go back to those Indians and say to them: "You got the best of us in that agreement, so we do not propose to stand by it; but we want to make a new treaty with you."

Mr. COOMBS. Were those commissioners authorized to bind the Government in any way?

Mr. PICKLER. Yes, sir.

Mr. COOMBS. Were they not merely authorized to see what could be done?

Mr. PICKLER. Now I hope the gentleman will not evade the matter in that way.

Mr. COOMBS. I do not evade anything.

Mr. PICKLER. If you are going to split hairs with these Indians when you treat with them, let me tell you it is not acting in good faith. The commissioners were sent out there under an act of Congress, and under instructions from the Secretary of the Interior. They called the Indians together and said to them, "We want to make an agreement with you." Of course it was understood that the agreement would come back to Congress for ratification, and the Indians were so told; but now we are complaining here that the Indians got the best of the bargain, and saying that we will not stand by it.

It seems to me Congress will occupy a humiliating position if it should say "We do not want to pay what we agreed to pay in dollars and cents."

Mr. COOMBS. But the commissioners had no right to make such an agreement.

Mr. PICKLER. They had the right; they were authorized by the Government.

Mr. COOMBS. They were authorized to go and treat——

Mr. PICKLER. The gentleman from New York [Mr. COOMBS], if he desires to do so, can join in voting these treaties down; he can join in breaking faith with the Indians. We have the power as a great Government to badger these Indians, to tell them that they must consent to whatever we say. That is the position which the question of the gentleman from New York would seem to indicate he desires to take. But there is no reason why these agreements should not be ratified. These commissioners went out in good faith; the Secretary of the Interior gave them their instructions; they kept within their instructions; they have made an agreement for these lands; and now Congress ought to live up to the agreement.

What will you tell these Indians when you send the matter back to them? What faith will they have in the Government under such circumstances? How will another agreement be arrived at? If the present agreement be sent back, then why may not a new agreement be sent back, and so continue to agree with the Indians and repudiate the agreements indefinitely?

Mr. TALBERT of South Carolina. If the action of these commissioners was final, if they had a perfect right to make an absolute bargain, why should it be necessary to bring these treaties back to Congress for ratification?

Mr. PICKLER. The commissioners had not the power to make an appropriation for the payments under these treaties; and therefore the matter must come back to Congress for final action.

Mr. TALBERT of South Carolina. It comes back, then, not for ratification, but for appropriation.

Mr. PICKLER. I will ask the House to observe that if we agree to the Senate proposition, a reasonable proposition, to which five out of the six conferees have agreed, we simply procure these lands in the same way we have always procured lands from the Indians. We make no departure from our past policy; we are following in the same line.

Now, a word as concerns the economy of this transaction. Upon the reservation now in question there is a deferred payment of $500,000, upon which the gentleman from Indiana and the gentlemen supporting him think we ought to pay but 4 per cent interest instead of 5, as has been agreed upon. Now, there are about 1,750 of these Indians. They are poor. They have only this fund of $500,000, which, at 5 per cent, will yield them only $25,000 a year, which will not support them; and when their own means of support are exhausted the Government must support them. There is nothing, then, to be made by sending these treaties back. We will have to pay for their support in addition to this interest. Aside from the question of breaking faith with the Indians, aside from the humiliating position which we assume in declining to stand by the agreement of our own commissioners, there is no economy to the Government in any such line of conduct.

There is another very bad proposition in this bill as it passed the House, to which I am glad to see the Senate has declined to agree. Heretofore in all similar treaties within my knowledge, without any exception, the Government has always said, "We will pay the Indians so much money, and on the deferred payments we will pay a certain rate of interest;" and then the Government has taken the lands and disposed of them to the settlers. In other words, the Government has closed the contract with the Indians at the time of purchasing their lands.

But the gentleman from Indiana and others now propose, in the bill as passed by the House, to say to these Indians (they will never agree to it, however, I fear): "When we sell 100 acres or 1,000 acres, or 10,000 acres, we will pay you the money for that proportion of the land." In other words, it is proposed to open up a system of bookkeeping with the Indians; and if we do not sell the lands to settlers, then we are never to pay the Indians!

That is the position which the House took in the bill which it passed. But, gentlemen, that is not the correct way of doing business. You could not do business with white men in that

way, much less can you do business in that way with the Indians. It has been the policy of the Government always in these treaties to close up the contract with the Indians and then to step in and dispose of the lands to settlers as it may deem proper.

So far as the Yankton treaty is concerned, there is no economy in such a policy as is now proposed. We shall in any event have to insure to these Indians a support, and the money derived from this treaty will not support them. There are about 1,750 of these Indians; and, as I have said, the interest at 5 cent on the $500,000 which they are to receive would be only $25,000 annually.

Mr. COOMBS. What becomes of the remainder of the money—that portion in addition to the $500,000?

Mr. HOLMAN. That is paid at once.

Mr. COOMBS. But what do they do with this money paid at once?

Mr. PICKLER. The Government is to pay them $100,000, to be divided among them. Let me remind the gentleman from New York what is the uniform policy of the Government in these matters. The Government does not want to speculate off of settlers; so it buys lands from the Indians as fairly and as cheaply as it can, and then disposes of the lands to the settlers at such prices as will reimburse it for the money paid to the Indians. The aim always is simply to get back from the settlers the amount we pay to the Indians.

That is the policy pursued in all these cases. And until very recently the Government purchased the lands of the Indians and disposed of them to the settlers free, but lately it is charging the settler what it paid the Indians.

And while I am not so much concerned about the Nez Perces agreement, I want to say that if the settlers do not take these lands at once the Government will have them on hand. They are valuable lands, and it will be only a very short time before they will be disposed of.

In regard to the Yankton lands which are situated along the Missouri River, in the southern part of my State, splendid lands, these will be taken up at once. They are as good farming lands as can be found anywhere. The Government will have the settlers' money coming into the Treasury at once from their sale.

Now, the proposition of the gentleman from Indiana—and I admire the gentleman as a financier, and as keeping down the appropriations of the Government—the gentleman from Indiana brings up the other proposition. He says that we must let this matter go back. He does not want to pay the Indians for the lands except as they are sold; and here is the whole point, and he will tell you so himself. He wants the bill to show no increase in appropriations.

That was the argument before the Indian Committee, when we were almost compelled to agree to it; so if you say in the bill that we will pay the Indians as we get pay from the settlers for the lands, then of course we make no appropriation in the bill, and it shows no increase. But the Senate has said in an honest and a businesslike way, as we have always said in our dealings with the Indians, and in our treaties heretofore, we will pay you so much for the land; we will close the contract and have done with you, and then deal with the settlers.

Mr. WILSON of Washington. Will the gentleman yield for a question?

Mr. PICKLER. Certainly.

Mr. WILSON of Washington. Supposing, now, we ratify the treaty to-day, is that binding on the Indians?

Mr. MAHON. Of course.

Mr. WILSON of Washington. Will that bind the Indian tribes?

Mr. PICKLER. Undoubtedly, if we ratify it.

Mr. WILSON of Washington. Then, is it not equally binding on the Government?

Mr. HUNTER. Of course, if we ratify it.

Mr. TALBERT of South Carolina. But suppose we do not ratify it.

Mr. PICKLER. The question of the gentleman from Washington is well put. We have gone out there with our machinery of the Government, and the Indians understood that they represented the Government. They were allowed to believe that such was the case.

It was the Indians who were hard to get into the agreement; and they understood that when they agreed with the Commissioners there would be no difficulty about the ratification of the matter by Congress. They were led to believe that such was the case. There has never been such an attempt heretofore to defeat an agreement of that character. It was a fair agreement, and these representations were made to the Indians as the basis of the agreement. If we were paying twice what we are paying the Indians in this bill, we could not afford to break faith with them and repudiate the contract and agreement as we are doing if we deny these contracts and refuse to ratify them now.

We could not afford to do it for three times the amount involved in the bill. We must act with them in good faith. The Indians understood that the commissioners were empowered to deal with them. Let us, then, stand by our agents and by the agreement our agents made. They made a good contract; and let me say to you, gentlemen, that if you defeat these treaties (and these are treaties, just as all other cessions of land have been), then you may appoint all the agents you want and send them out there, but they will never make an agreement again as fair to the United States as this one is.

You can not buy these lands cheaper than the commissioners have agreed with the Indians to pay for them, and the probability is that you will pay a great deal more if you do not take advantage of this opportunity. We have been dragging along for two years out in our country trying to settle the matter; the people want the land, and therefore let us end the trouble now by receding from the disagreement to the Senate amendments. Let us settle with the Indians at once and give the settlers all over this country who want homes an opportunity to secure them.

Let us agree with the Senate conferees. It is no difference in the end to the Government. The only question is whether we will settle up with the Indians now or keep books with them and pay them hereafter as the lands are sold, supposing they would so agree. You will never agree to such a proposition, I trust, as that which has been suggested by gentlemen who oppose these treaties.

I hope the House will recede from its disagreement.

Mr. MADDOX. Mr. Speaker, when I first went into the Indian Committee room and heard these agreements discussed I thought they were something binding on the Government, but I soon found to the contrary and that that impression was not true.

Now, as a matter of fact, as I understand the functions of these commissioners or agents sent out amongst the Indians, it is simply to find out a basis of agreement; in other words, negotiate a trade with the Indians and then the matter is referred to Congress, whether we will accept the terms proposed or not. We are not bound, as I understand the gentleman from South Dakota to maintain, by any obligation, legal or otherwise, to carry out such an agreement. It is simply a proposition made to us for legislative action.

Mr. HOLMAN. Undoubtedly. Why, what did we do in the Cherokee Outlet case?

Mr. MADDOX. And as the distinguished gentleman from Indiana [Mr. HOLMAN] tells me, there has been scarcely a treaty made with the Indians which has not been amended in some way by Congress before its ratification.

Mr. PICKLER. The gentleman, I think, is mistaken. The exceptions are largely the other way.

Mr. COCKRELL. Will the gentleman allow a question?

Mr. MADDOX. Certainly.

Mr. COCKRELL. Are the Indians bound by this treaty?

Mr. MAHON. That is the question. Are the Indians bound by it now?

Mr. MADDOX. They are bound by it if we do not change it and accept it.

Mr. COCKRELL. Suppose we do not ratify it—can they get away from it?

Mr. MAHON. I hope the gentleman will answer that question. Can the Indians get away from it whether we ratify it or not?

Mr. COCKRELL. That settles the question.

Mr. MADDOX. We are not bound to accept or ratify the treaty at all. We are not compelled to do it by any means. The gentleman from South Dakota maintains that the House itself is in honor bound to do it; that the Government itself is in honor bound. But if that be so why is it here? Why are we discussing it at all?

Mr. PICKLER. Does the gentleman say it is not in honor bound? Are we playing with these Indians? Were we playing with them when we sent the commissioners out there?

Mr. MADDOX. No; we are not playing with these Indians. We are simply trading with them; and if the trade does not suit us, we are not bound to accept it. That is the common English of it. Now, what are we asked to do? The House committee adopted a principle which we are insisting upon here.

We did not think this Government was in a condition to appropriate money to buy these public lands to be sold at mere haphazard. We did not think that was proper, and we provided that these lands should be sold, and that as fast as they were sold and the money received from the sales it should go to the credit of the Indians. That was the principle which governed the Committee on Indian Affairs of the House.

Mr. TALBERT of South Carolina. And they to get interest in the mean time?

Mr. MADDOX. Oh, yes; at 4 per cent.

Mr. PICKLER. Does the gentleman think that would be a satisfactory way of doing? Suppose some of these lands were not sold for twenty-five years. We should have to keep an account with these Indians for twenty-five years.

Mr. MADDOX. Very likely, and we have accounts with them now, which have been running that long, and longer yet. But we have been told by gentlemen advocating the ratification of these treaties—and we are told in this House to-day—that these lands will be taken up at once.

I think the gentleman from Wisconsin [Mr. LYNCH], my colleage on the committee, has demonstrated the fact to this House that they will not be taken, and that the Government will lose largely in this transaction. Now, the question that presents itself to the common sense of this House, and especially to this side of the House, is whether we can appropriate $2,500,000 to buy a lot of Indian lands that we have no present use for, when at the same time we are borrowing money and selling bonds in order to run this Government? That is the question that I want you to consider. That is the question that presents itself to our minds; whether you are ready to do that or not.

Now, we are not obliged to accept this contract. We are not obliged to open up this land. The truth of the matter is this: We have now got a bill before this House and before our committee asking the Government of the United States to pay taxes upon the Indian lands in those States and counties where they have been allotted—actually to bear the burden of local taxation, and yet you want to open more, adding an additional burden to the Government.

Mr. PICKLER. That is where lands are allotted to the Indians.

Mr. MADDOX. I understand that. And now you want the lands allotted here.

Mr. PICKLER. Oh, no.

Mr. MADDOX. You want these lands allotted.

Mr. WILSON of Washington. They are already allotted.

Mr. LUCAS. They have been allotted.

Mr. MADDOX. And as soon as they are opened up to settlement you will come in and ask to have the taxes paid, just exactly as you have done in other locations of the same character, where you are now absolutely asking the Government to pay the taxes on the Indian lands to help support the counties. That is the next thing to follow.

Now, Mr. Speaker, it is unnecessary for me to go into details in regard to our objections to this matter, because they have been so ably presented by the gentleman from Wisconsin [Mr. LYNCH] that I am satisfied that the members of this House understand this question and that they will not recede, but that they will insist that if these treaties are to be ratified at all, they shall be ratified in accordance with the terms laid down by the House committee, which is that as fast as these lands are sold and paid for the Indians shall be given credit for the moneys so paid. Or if that is not acceptable to them, why, they need not accept it. That is my position and my proposition. We are not obliged to accept this agreement. We are in no condition to accept it.

Mr. PICKLER. Oh, we have the brute force to go back on the Indians, of course, if we want to.

Mr. MADDOX. We are not going back on the Indians.

Mr. PICKLER. That is exactly what we are doing.

Mr. MADDOX. If we do not accept the contract, if we do not buy the land, the Indians will still have the land. They will still have title to it.

Mr. TALBERT of South Carolina. It will not take anything away from them.

Mr. PICKLER What are we doing, then? Is this boy's play?

Mr. MADDOX. The lands will remain in the same condition in which they now are. The Indians never have done anything with them yet, and it will not disturb them at all; and from the argument made by the gentleman and those who agree with him, it is said that we have got to support them anyway. The question is whether we are willing to advance this money—to appropriate $2,500,000, when, as I have said, we are already borrowing money to run the Government? Ought we to make this appropriation for something that is unnecessary?

Mr. PICKLER. Will the gentleman allow me a question right there?

Mr. MADDOX. Yes.

Mr. PICKLER. Does not the gentleman know that it is only of very late years that the Government has taken money from the settlers at all for public lands? Does not the gentleman know that heretofore we have bought the lands of the Indians and given the lands to settlers? Now we are buying land from the Indians and selling it to the settlers, and in that way getting our money back. It is only within the last few years that we have done this, but now we are making ourselves whole by selling the lands to the settlers for all that we pay the Indians for it.

Mr. MADDOX. But I say we have come to that period in our history when we should change our policy again, and that is, that Congress ought not to buy any more of these lands from the Indians and sell to the settlers, but let the settlers deal directly with the Indians.

Mr. PICKLER. That is impossible.

Mr. MADDOX. I do not think so.

Mr. PICKLER. The settler can not deal with the Indians.

Mr. MADDOX. It will not be but a few years when we will have but little of the public domain left. There are three or four other treaties to follow; and under this precedent you are about to set it is not only a question of $2,500,000. It will not stop at $8,000,000 when we get to the other treaties to be ratified and the money to be paid under them. When you are talking about this question of interest you will remember that; and when you are talking about appropriations for advancing the money, you will remember that others are to follow.

Mr. WILSON of Washington. Will the gentleman allow me to ask him a question?

Mr. MADDOX. Certainly.

Mr. WILSON of Washington. In the last Congress a very important matter came up from your section of the country.

Mr. MADDOX. Mine?

Mr. WILSON of Washington. Yes, sir; to your whole section of country. I think every member upon this side of the question, with the exception of the gentleman from Mississippi, was in favor of the purchase of what is known as the Cherokee Outlet at an expense of $8,000,000. Now, your people were greatly interested in that.

Mr. MADDOX. My people!

Mr. WILSON of Washington. Your whole section.

Mr. MADDOX. I did not know that my people were interested in that.

Mr. WILSON of Washington. Maybe not directly, but indirectly. It will be of great advantage to you in the future. You were interested in that the same as I am interested in this. You received about all the Western votes, because it was right and proper and just for the benefit of the settlers of your section; and we think to-day that your people should meet us half way in the development of our section of the country.

Mr. MADDOX. Now, as the gentleman has raised that question I will state that we had no interest in it. We have got none of it and did not have any interest in it so far as that is concerned. Now, there is about 6,000,000 more acres to be opened up, and this House will remember that we went forward and made a treaty with the Cheyennes and Arapahoes and paid them for their lands according to the treaty and acts of Congress. We paid $2,900,000 to the Choctaws and the Chickasaws for the same land. That is another proposition that I want to call your attention to. Two million nine hundred thousand dollars we paid to get a title to that property.

Mr. HUNTER. And have not got the title yet.

Mr. MADDOX. And we have not got the title yet. We have two treaties. We have the treaties with the Comanches, the Kiowas, and the Wichita and affiliated bands, which will probably cover about 4,000,000 acres of land; and they have the same interest in this land that they had to the Cheyennes and Arapahoes Reservation; and if we are asked to ratify these treaties, according to the gentleman from South Dakota and the gentleman from Washington, we are bound to do so when we have a precedent before us that the Government had paid twice for this land and will be called upon to do the same thing again unless the question of title be settled before we indorse the action of our commissioners.

Mr. WILSON of Washington. When was that treaty first made with the Arapahoes and Cheyennes?

Mr. MADDOX. I think it was four or six years ago.

Mr. WILSON of Washington. That was the first. When was the one made previous to that?

Mr. MADDOX. I do not remember; away back.

Mr. WILSON of Washington. Away back.

Mr. HUNTER. In 1820.

Mr. MADDOX. The treaty was made with these Choctaws and Chickasaws in 1820, and the Cheyennes and Arapahoes claimed title under Executive order and by right of possession, and the Choctaws and Chickasaws claimed that they only ceded these lands in trust to the Government to locate friendly Indians on, and when open for settlement to the whites that the title reverted to them.

Mr. WILSON of Washington. I will not interrupt the gentleman further with questions at this point, as I see that it disturbs him; but I desire to reply to some things that he has said before the debate closes.

Mr. MADDOX. So you will see that there is another question which opens itself up for the consideration of this House; and behind that is the proposition that the Government is bound to accept this treaty or agreement. It is no longer a treaty, as the Supreme Court says it is not a treaty, but an agreement, and that the consent of this House and of the Senate is required in order to ratify that agreement and make it a contract. It is not a contract and binding upon this Government until we do consent, and the question is whether you will consent to ratify it or not. If you do not do it, it is not a contract with the Indians.

Now, even if that side of the House or this side of the House, as the case may be, does believe that this agreement ought to be ratified, I ask you gentlemen again, Is this the acceptable time to do it? Is this Government in a condition to do it? That is the question for you to consider. I claim that we are not in a condition to do it at this time.

Mr. HERMANN. Will my friend, who is, I believe, a member of the Committee on Indian Affairs, permit me to make a suggestion? Take the case of a reservation that has not been enlarged upon by any member on the floor to-day, one which lies within my own State, the reservation of the Siletz Indians. I wish to point out to the gentleman the injustice that will be done to those Indians if we do not recede from our disagreement to the Senate amendment.

Those Indians agreed to receive $142,000 for their surplus lands. The Government, through its agents, agreed to pay them that amount. The money was to be paid out of the Treasury of the United States, $100,000 of it to be deposited at 5 per cent interest for an indefinite length of time, and $42,000 to be paid to the Indians individually as they came of age, $75 per capita. Now, those Indians have had their lands allotted to them. They are there assuming that they have title to the lands which they have received by allotment. The House proposes that the Indians shall receive their pay out of the sale of those lands at the rate of $1.50 cents per acre.

The fact is that the Indians have selected the best lands in that reservation and the balance is compartively refuse land, so that very few people will pay anything for it at this time, for the reason that it consists largely of mountain ranges which at some time or other have been burned over, so that the land is not valuable either for timber or for agricultural purposes. It is utterly impossible, therefore, within any reasonable length of time to realize out of the sale of those lands even a small per cent of the amount of money that we have agreed to pay the Indians. Now, the gentleman will see that if this agreement is not ratified at the present time and is again submitted to the Indians for reconsideration, they never will agree to any better terms than they have agreed to already, because they will know that if the money is to come out of the sale of the lands it will not be realized within the present generation.

The bill was submitted to the House over a month ago. I have heard from the Indians, and I have taken some pains to ascertain public opinion as to the value of these lands. Many people have gone upon them for the purpose of taking appropriate locations to be homesteaded, but they have declined to take the lands and have given their opinion that they are worthless for homestead purposes.

Now, I submit that a refusal to recede from our disagreement to the Senate amendment will render it utterly impossible for us to treat with those Indians hereafter for those lands. And see the position that we shall leave them in. They have their allotments upon which they are living, believing themselves to be entitled to them, and the surplus lands are left upon their hands with this condition attaching to them.

Mr. COOMBS. Is not the gentleman's own statement an admission that by this treaty the United States is buying worthless lands from these Indians, after allowing them to take up the best part of the reservation by allotment? Upon what principle can the gentleman justify such legislation?

Mr. HERMANN. I desire to say that that is the consideration that is being paid to these Indians for the excess lands.

Mr. COOMBS. But, according to the gentleman's own statement, those lands are worth nothing. He has just told us that settlers have gone upon them and have declined to take them.

Mr. HERMANN. Ultimately those lands will be valuable; but I say that at the present time and for many years to come we can not realize the money that we are to pay Indians from selling the land at $1.50 an acre. Now, in the meanwhile, how are those Indians to be paid the consideration which has been promised to them? That is the question.

Mr. MADDOX. It seems to me that the question, or rather the speech of the gentleman from Oregon shows clearly that my position in this matter is correct. It appears that we have sent agents out there to negotiate for lands which, according to the gentleman's own admission, are absolutely worthless. As to the position of the Indians, if we refuse to ratify this agreement the Indians have got just what they had before; they have got their entire reservation; we have not hurt them in any way. According to the gentleman's own statement, these lands are worthless at the present time.

Mr. HERMANN. No. What I say is that at the present time, and in the present financial condition of the country, you can not sell such a large body of land as that and realize the amount that is to be paid to the Indians. Ultimately the lands will undoubtedly be disposed of at a good price.

Mr. COOMBS. But did you not say a while ago that settlers had gone upon those lands and had declined to take them as worthless?

Mr. HERMANN. I say that large bodies of people will not settle upon those lands at the present time. Ultimately I believe those lands will be disposed of, but it will take a considerable time, and meanwhile the Indians desire some assurance that they are to receive the money that has been promised them.

Mr. LYNCH. Does the gentleman think it is fair or proper that the Government should pay $3 per acre for such lands and pay 5 per cent interest on the deferred payments when, according to his own statement, the lands will not sell for $1.50 an acre?

Mr. HERMANN. The Government is not paying these people $7 an acre, but only 89 cents an acre; and the Secretary of the Interior certifies to Congress that the Government is making the difference between 89 cents and $1.29 an acre, amounting to something over $20,000. That is so much to the credit of the Government of the United States.

Mr. MADDOX. I think, from what the gentleman from Oregon [Mr. HERMANN] has said, that we have negotiated a very bad trade with the Indians; and the question is whether this House should ratify that trade. According to the admissions made here, a considerable portion of this land can not be disposed of at the present time. Now, we should take into consideration the financial condition of the Government. Is it in a condition to purchase land on credit and pay interest on the purchase money?

Mr. PICKLER. This will bring to the Government more money than it pays out.

Mr. HERMANN. Allow me to ask the gentleman from Georgia [Mr. MADDOX] whether there is any reservation in the United States where all the surplus land could be disposed of immediately at a good purchase price?

Mr. MADDOX. Is there any portion of this that may be disposed of at once?

Mr. HERMANN. There is.

Mr. MADDOX. After the allotment?

Mr. HERMANN. I am speaking entirely of the surplus after the allotments have been made. A considerable portion of these lands which have not been disturbed by fire contain timber, and can be readily disposed of. But I was speaking of the possibility or probability of realizing $142,000 at once to pay these Indians. I say it can not be done in the present condition of affairs.

Mr. COOMBS. Why should we want to do it?

Mr. HERMANN. In order to settle the title of these allottees who have taken land in good faith, and in order to settle titles generally.

Mr. PICKLER. Some things which have been said here would leave the impression that this transaction is actually going to take money out of the Treasury. I say it will bring more money in than it will take out.

Mr. HERMANN. Ultimately it will.

Mr. PICKLER. No, now. We pay only a small amount of money down, and give bonds for the balance. Then the applicants for these lands pay into the Treasury three times as much as we take out.

Mr. MADDOX. But I protest against the policy of issuing bonds to put money into the Treasury.

Now, I think it has been clearly demonstrated that this is a bad trade for the Government. The question is whether we shall ratify it or not. The agreement is not binding upon the Government until we do ratify it. In the present condition of the Treasury should we now go forward and ratify this trade, appropriating for the purpose $2,400,000? I think not.

Mr. WILSON of Washington. Will the gentleman from Georgia [Mr. MADDOX] yield to me for five minutes?

Mr. MADDOX. Yes, sir. I yield five minutes to the gentleman from Washington, and reserve the residue of my time.

Mr. WILSON of Washington. Mr. Speaker, I express my thanks to the gentleman from Georgia for kindly yielding to me at this time. I desire only to call attention to one or two things stated by the gentleman from Wisconsin [Mr. LYNCH] in the course of his argument.

Of course, Mr. Speaker, the ratification of these treaties is of the greatest importance to our section of the country. I have seen this reservation; I think I know something about this matter, and it is my judgment that the Government of the United

States, notwithstanding the statement of the gentleman from Wisconsin, has made an exceedingly good bargain with reference to these lands. I know of my own knowledge that within thirty-six hours a company could be formed to pay $3 or $3.75 for every acre of this land if the Government would permit that arrangement to be carried out.

The gentleman talks about half of this land being of no value. That statement is not correct as a matter of fact. As shown by the report of the committee, the agricultural lands are estimated to embrace 350,000 acres, amounting, at $3.75 an acre, to considerably more than $1,000,000. The timber land, which has been stated to be worthless, is in my judgment the most valuable portion of this reservation, because in that section of the country timber is exceedingly scarce; and whenever you can secure a tract of timber land it sells promptly.

Such land would quickly bring the price estimated here. The mineral lands would sell, of course, under the mineral land law at $5 an acre. Here you have in this reservation 350,000 acres of valuable agricultural land, which the Commissioner has estimated to be worth from $8 to $10 an acre.

Consequently, it is my judgment that the Government, taking these lands and selling them as provided for in the treaty and in the bill, at $3.75 an acre, will recoup itself every dollar of all of the expenses attending the transaction. I believe that every acre of the agricultural land will be taken up within thirty days after the reservation is opened.

All over the State of Idaho—and the gentleman from Wisconsin [Mr. LYNCH], speaking of the land as being in Idaho, would seem to be trying to establish the idea that the lands of Idaho were of no value—all over Idaho are valuable lands. Why, Mr. Speaker, in the Pan Handle district of Idaho, which is as large as the entire State of Maryland, there are over over 10,000,000 acres of valuable timber lands.

There are in the Pan Handle counties that produce more wheat to the acre than any land on the habitable globe. There are mines also which have produced wealth in the last five years enormous in amount. And this reservation is standing as a block in the way of the development and progress of the country. That is one reason why it is so important that action, and prompt action, should be taken upon this treaty.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. WILSON of Washington. I hope the gentleman will yield to me a few moments longer.

Mr. MADDOX. I will yield five minutes more.

Mr. WILSON of Washington. Now, I think, Mr. Speaker, that it is exceedingly unfair, it is exceedingly unjust to this people out there, that Representatives on this floor should come in here and state to people who do not know anything about the facts that these lands have no value, and that the Government will lose a million dollars or more by the transaction proposed.

Why, both of the commissioners who made this agreement with the Indians, taking the highest and the lowest estimate they have made, show that the Government will receive according to the highest estimate $2,025,000, and the lowest $1,860,776. Is it fair then, in view of these facts, to say that these lands are of no value? Is it fair to take the judgment of these men residing there who know the value of the lands, who know their quantity and who give us these figures as the result of the transaction? I think it is fair. I think we ought to take it. I think they were competent to make the estimates.

Will the Government lose anything when we get an estimate of $1,800,000 from the lowest estimate, and over $2,000,000 from the highest? Where is the ground for the assertion? The whole basis of the argument of the gentleman from Wisconsin; the whole argument of gentlemen who have discussed in opposition to the ratification of these treaties, is an argument which is designed for the purpose and the sole purpose of defeating their ratification. They say, or that is the inference to be gathered from their remarks, whether we will make anything or not, "we do not propose to ratify the treaty." Mr. Speaker, that is no way to deal with such a question.

I spoke awhile ago of the opening of the Cherokee Outlet. In the course of business in the last Congress it was my good fortune to be a conferee on the bill which provides for the ratification of that treaty and which was talked over fully in conference. It was talked over in the House, and it was contended that we were paying $8,000,000 on the ratification of that treaty, and so in order to obviate the adding of that amount to the bill we agreed that they might sell the land or the certificates, and that the Government would hereafter appropriate for it.

Yet to-day we have come here and ratified an agreement whereby the purchaser of that certificate might receive a bond from the Treasury of the United States in payment for it. That was all done simply "to beat the devil around the stump," that is all. But we opened the Outlet: and the opening of that section of the country I voted for. I am glad to vote for anything in Oklahoma or Texas or Alabama or Georgia that will advance the prosperity of that people.

I hope in return that they may be as generous to the people of the West, and help us to develop that empire, and throw open the reservations of the Government, giving the Indians their allotments, teaching them how to sow and reap and raise crops, and throwing open the lands to the settlement of the whites, letting them get homes, and in this manner shedding the blessings of civilization upon our Western country.

Why should you retard the growth of that section? There is not an Indian reservation in my State that I have not had to stand here and plead and plead for a bill to get the right of way for a railroad or canal or something across it. They stand in the path of progress. They stand right in the highway of the growth and development of the country. When we want to get a railroad over one of these reservations we have got to come to Congress, and the people have the inconvenience that comes from such a condition. I have already referred to a condition of affairs that exists there.

A great reservation is located at Tacoma. Fifty thousand people have built a great city there, but they can not get a railroad without the consent of Congress. The Indians are in the way. They can not use the land themselves and we can not get the restrictions removed—which, it is true, last but eight years longer—because when an effort of that kind is made we are met by the point of order. We are stopped all the time. We are completely at the mercy of the conditions that surround us, and we have no aid from Congress. Why should there be this opposition to the development of our Western country?

[Mr. ALLEN addressed the House. See Appendix.]

Mr. ALLEN. Now, Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment with reference to the treaties and agree to the same; and on that I move the previous question.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. LYNCH] moves that the House insist upon its disagreement and ask for a further conference; the gentleman from Mississippi moves that the House recede from its disagreement to the amendment of the Senate and agree to the same; and upon that he demands the previous question. That motion takes precedence of the motion of the gentleman from Wisconsin.

The question was taken and the previous question was ordered.

Mr. ALLEN. My motion now is to recede from the disagreement to the amendment of the Senate and agree to the Senate amendment.

The SPEAKER *pro tempore*. The question is, Shall the House recede from its disagreement to the amendment of the Senate and agree to the same?

The question was taken, and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. MADDOX. Division, Mr. Speaker.

Mr. REED. "All up." This is what we will have to do all along the line, and you may as well practice it.

The House divided; and there were—ayes 73; noes 40.

Mr. MADDOX. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Georgia, Mr. MADDOX, and the gentleman from Mississippi, Mr. ALLEN.

Mr. MADDOX. I call for the yeas and nays. [After a pause.] I withdraw the demand for the yeas and nays, and insist upon the point of no quorum.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Georgia and the gentleman from Mississippi.

Mr. PICKLER. I rise to a point of order. After the yeas and nays are demanded and refused, what right has the gentleman to make the point of no quorum?

The SPEAKER *pro tempore*. The gentleman made the point of no quorum.

Mr. PICKLER. But the yeas and nays were demanded and refused. [Cries of "Oh, no!"]

The SPEAKER *pro tempore*. The yeas and nays were not refused. The Chair was taking the count when the demand was withdrawn.

Mr. PICKLER. I demand the yeas and nays, Mr. Speaker.

The question was taken; and the yeas and nays were ordered.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Georgia [Mr. MADDOX] and the gentleman from Mississippi [Mr. ALLEN].

Mr. MADDOX. Pending that motion, I move that the House adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, private bills were adversely reported and laid on the table, as follows:

By Mr. LOUD, from the Committee on Claims: A bill (H. R. 4703) for the relief of Capt. George A. Johnson. (Report No. 1372.)

By Mr. CURTIS of Kansas, from the Committee on Indian Affairs: A bill (H. R. 3552) to carry into effect the order of the Secretary of the Interior, etc. (Report No. 1373.)

By Mr. RICHARDS, from the Committee on Claims:

A bill (H. R. 1712) for the relief of D. G. Griffith. (Report No. 1374.)

A bill (H. R. 4207) for the relief of the heirs or assigns of Joshua Shaw. (Report No. 1375.)

PUBLIC BILLS AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a memorial of the following titles were introduced, and severally referred as follows:

By Mr. GEISSENHAINER: A bill (H. R. 7897) to amend as amended the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor—to the Committee on Immigration and Naturalization.

By Mr. RICHARDS: A bill (H. R. 7907) making it unlawful for committees and subcommittees of the Senate and House of Representatives to transact business in secret—to the Committee on Rules.

By Mr. BOEN: A bill (H. R. 7908) to provide for internal improvements, an additional volume of currency, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. BOATNER: Joint resolution of the General Assembly of Louisiana, asking an appropriation for improvement of Macon and Boeuf Rivers—to the Committee on Rivers and Harbors.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CURTIS of Kansas: A bill (H. R. 7898) granting increase of Pension to Dr. T. M. Coleman, of Newton, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8899) granting an increase of pension to Joseph B. Williams, of Osage City, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7900) granting a pension to Hannah B. Glaze, of Baxter Springs, Kans., and for other purposes—to the Committee on Invalid Pensions.

By Mr. DINSMORE: A bill (H. R. 7901) granting a pension to Isom Gibson, of Newton County, Ark.—to the Committee on Pensions.

Also, a bill (H. R. 7902) granting a pension to Lavina Smith, widow of Pry Amos Smith—to the Committee on Pensions.

By Mr. MEREDITH: A bill (H. R. 7903) for the relief of William J. Maddox, administrator of Laura E. Maddox—to the Committee on War Claims.

By Mr. PAGE: A bill (H. R. 7904) granting an increased pension to Sally Rodman, widow of Gen. Isaac P. Rodman, of Rhode Island—to the Committee on Invalid Pensions.

By Mr. WASHINGTON: A bill (H. R. 7905) for the relief of A. W. Wills, administrator—to the Committee on Military Affairs.

By Mr. WISE: A bill (H. R. 7906) for the relief of Charles S. Mills—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Resolutions of Plymouth Council, No. 4, Junior Order United American Mechanics, of Denver, Colo., favoring passage of House bill 5242, known as the Stone bill, which provides restriction of foreign immigration—to the Committee on Immigration and Naturalization.

By Mr. FLETCHER: Petition of citizens of Minnetonka, State of Minnesota, protesting against appropriations for sectarian schools in the education of Indians—to the Committee on Indian Affairs.

By Mr. HARTMAN: Petition of J. H. Calderhead, Benjamin W. Downey, and others, of Montana, asking the impeachment of the Attorney-General—to the Committee on the Judiciary.

Also, petition of Samuel M. Nye and 53 other citizens of Montana, concerning education of Indians at sectarian schools—to the Committee on Indian Affairs.

By Mr. IKIRT: Papers to accompany House bill 7891, claim of David Jones, Company C, One hundred and first Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. JOHNSON of Ohio: Memorial of the Central Labor Union of Cleveland, Ohio, to the House of Representatives of the United States, preferring charges against Augustus J. Rieks, judge of the district court of the United States for the northern district of Ohio, and asking that he be impeached—to the Committee on the Judiciary.

By Mr. LACEY: Petition of Perry Engle and sundry other citizens of Newton, Iowa, representing that the Attorney-General of the United States for high crimes and misdemeanors—to the Committee on the Judiciary.

Also, memorial of Perry Engle and sundry citizens of Newton, Iowa, representing that the Attorney-General of the United Staies has been guilty of high crimes and misdemeanors, and asking that appropriate action be taken—to the Committee on the Judiciary.

SENATE.

TUESDAY, *August 7, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

THE JOURNAL.

Mr. CHANDLER. I ask unanimous consent that the reading of the Journal of yesterday's proceedings be dispensed with.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. MANDERSON. I feel constrained to object to the request for the reason I shall state. The rule imperatively requires that the Journal shall be read. Of course the reading can be dispensed with by unanimous consent.

Frequently on the reading of the Journal before it is approved it has been found that corrections must be made. This ignoring of the reading of the Journal every morning is a new departure for the Senate which I do not think ought to be permitted. Besides, the reading of the Journal gives Senators who are belated an opportunity to get to their seats in time for the transaction of routine business. I therefore feel constrained to object.

Mr. CHANDLER. Of course the objection ends the matter; but if I may be allowed I take occasion to say that I do not agree as to the advisability of reading the Journal merely to allow belated Senators to make an excuse for their absence, as the Senator from Nebraska states.

Mr. MANDERSON. That is merely a collateral consideration.

Mr. CHANDLER. Moreover, it is not of frequent occurrence that the Journal is corrected after it has been read. It is one year ago to-day since we assembled in this Chamber to do the business of the country, and I hope that within a very few days we may depart. It was in order to expedite what business remains to be done that I ventured to incur the disapprobation of the Senator from Nebraska by asking unanimous consent that the reading of the Journal shall be dispensed with.

The VICE-PRESIDENT. The Journal will be read.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 2896) for the relief of Henry James, residing in the original Hot Springs Reservation, in the State of Arkansas;

A bill (H. R. 6518) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; and

A bill (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895.

LEAVE OF ABSENCE.

Mr. HUNTON. I ask an indefinite leave of absence for my colleague [Mr. DANIEL], who is detained at home by family affliction of a serious character.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and leave of absence is granted.

PETITIONS AND MEMORIALS.

Mr. MCMILLAN presented a petition of the Michigan State Millers' Association, praying for the enactment of legislation to secure the decrease of the present excessive duties on American flour over American wheat imposed by France and Germany; which was ordered to lie on the table.

Mr. POWER presented the memorial of Charles Watson and

12 other citizens of Anaconda, Mont., and the memorial of G. W. Kessler and 22 other citizens of Anaconda, Mont., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. BRICE presented a petition of the Chamber of Commerce of Cincinnati, Ohio, praying for an early settlement of the pending tariff question; which was ordered to lie on the table.

He also presented the petition of Mrs. R. S. Rust, of Cincinnati, Ohio, corresponding secretary of the Woman's Home Missionary Society of the Methodist Episcopal Church, in behalf of 65,000 members of that organization, praying for the enactment of legislation to secure the better preservation of the Sabbath in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of the Northwestern Ohio Medical Association, of Sandusky, Ohio, praying for the enactment of legislation providing for the creation of a department and secretary of public health; which was referred to the Committee on Education and Labor.

He also presented a memorial of 151 citizens of Cincinnati, Ohio, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. PALMER. I present the petition of Cissna, Wilder & Co. and 4,300 other citizens of Chicago, Ill., praying for the early settlement of the tariff question, alleging that the failure to dispose of this question will work incalculable loss and irreparable injury to the financial and industrial interests of the country. I move that the petition lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 2920) to pension John Maholm, dependent father, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1214) granting a pension to Hannah Welch; and

A bill (H. R. 7294) empowering fourth-class postmasters to administer oaths to pensioners.

Mr. HILL, from the Committee on the Judiciary, to whom was referred the bill (H. R. 4954) relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon, reported it without amendment.

Mr. PEFFER. I am permitted by the Committee on Pensions to report the bill (S. 1173) to grant service pensions to soldiers and sailors of the war of the rebellion without recommendation, but with certain amendments.

The VICE-PRESIDENT. The bill will be placed upon the Calendar.

Mr. PEFFER. In connection with that bill, I am also directed by the same committee to report unfavorably a bill of the same purport, being the bill (S. 1938) to grant pensions for service in the Army, Navy, or Marine Corps of the United States. I ask that this bill may be indefinitely postponed, for the reason that its provisions are substantially incorporated in the bill which I have reported without recommendation.

The VICE-PRESIDENT. The bill will be indefinitely postponed, in the absence of objection.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (S. 1175) to require payment of pension money to wives in cases where male pensioners desert or abandon their families or are habitual drunkards, or for any reason fail and neglect to support their families, reported it with amendments, and submitted a report thereon.

Mr. VILAS, from the Committee on Pensions, to whom was referred the bill (S. 1969) granting a pension to Harrison C. Hobart, late brevet brigadier-general of volunteers, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Public Lands, to whom was referred the bill (H. R. 4667) to provide for the opening of certain abandoned military reservations, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 1012) to correct the muster roll of J. Seymour Taylor, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

STATE, COUNTY, AND MUNICIPAL CORPORATE TAXES.

Mr. COKE. I am directed by the Committee on the Judiciary to report with an amendment, in the nature of a substitute, the bill (H. R. 6284) to prevent interference in the collection of State, county, and municipal taxes assessed against corporations and corporate property, and for other purposes, and to ask for its present consideration.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SHERMAN. Let the amendment be stated.

Mr. CHANDLER. May I ask whether the bill has been reported from any committee?

Mr. COKE. I have been directed to report the bill by the Committee on the Judiciary with a substitute for it as it came from the House. I was also requested by the committee to ask for its present consideration, and I ask unanimous consent that the Senate may now consider it.

Mr. HOAR. Let the substitute which was agreed to unanimously by the committee be read. I think Senators will find that there is no objection to it.

The VICE-PRESIDENT. The substitute will be read.

The SECRETARY. The committee report to strike out all after the enacting clause of the bill and insert:

Whenever there shall be due any State, county, or municipal tax, which tax shall constitute a lien or claim upon property in the hands of a receiver appointed by a court of the United States, or any part thereof, it shall be the duty of the court to take order that such tax shall be paid promptly from said property, and no consumption or disposition of such property shall be permitted by said court until said tax shall be paid, except for the purpose of raising money to pay the same, without the consent of the officer whose duty it shall be to collect such tax, or except for the purpose of paying taxes due the United States.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on the Judiciary, which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read "A bill to provide for the collection of State, county, and municipal taxes, assessed against corporations and corporate property in the hands of receivers, and for other purposes."

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. GEORGE. The Committee on the Judiciary direct me to report sundry amendments to the bankruptcy bill, and to ask that the bill as proposed to be amended by the amendments be printed. I ask for that order.

The VICE-PRESIDENT. Without objection it will be so ordered.

Mr. HOAR. The minority of the Judiciary Committee, consisting of the Senator from Connecticut [Mr. PLATT], the Senator from Oregon [Mr. MITCHELL], and myself, and I have no doubt the absent Senator from Iowa [Mr. WILSON], from what I know of his opinion on the general subject, dissent from the report of the committee in favor of the bill, whether as originally reported or as proposed to be amended.

I am also authorized to propose an amendment to the bill, providing, in the case of express and actual fraud, a system of involuntary bankruptcy where the debtor has committed the acts which by this bill would prevent his discharge. I ask leave to have the amendments which are proposed printed with the bill.

The VICE-PRESIDENT. In the absence of objection, that order will be made.

Mr. PLATT. What was the order which was asked for by the Senator from Mississippi, [Mr. GEORGE] in reporting the amendments? Did he desire them printed separately as amendments or as a part of the bill as proposed to be amended? I did not understand the request.

The VICE-PRESIDENT. It is that the bill be printed with the amendments of the Committee on the Judiciary. In the absence of objection it is so ordered.

SUSAN E. CUNNINGHAM.

Mr. GALLINGER. I am directed by the Committee on Pensions to report favorably and without amendment the bill (S. 1018) granting a pension to Susan E. Cunningham. As this bill was mislaid and should have been reported months ago, and as it will take but a moment to consider it, I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with amendments, after the word "roll," in line 4, to strike out the words "subject to the provisions and limitations of the pension laws;" after the word "Cunningham," in line 6, where it occurs the first time, to insert "totally and permanently blind;" and at

the end of the bill, after the word "Artillery," to insert "at the rate of $12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Susan E. Cunningham, totally and permanently blind daughter of Thomas Cunningham, late private Company F, Fourth Regiment New York Heavy Artillery, at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INSTRUCTIONS FOR SURVEYING PUBLIC LANDS.

Mr. VILAS. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 2234) to further amend section 2399 of the Revised Statutes of the United States, to report it without amendment, and to ask for its immediate consideration. The bill simply provides for substituting in the Revised Statutes the recently prepared manual of instructions for surveying in place of that formerly used.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES A. SEXTON.

Mr. VILAS. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2281) to authorize the Postmaster-General to credit account of James A. Sexton with amount of funds stolen, to report it without amendment, and to ask its present consideration.

I desire to say in reference to the bill that it simply proposes an allowance by Congress to the credit of a postmaster of an amount of loss sustained by him without his fault, through a robbery, and which would have been allowed by the Postmaster-General himself but for the fact that the general law vesting him with jurisdiction to consider such cases requires him to report sums above $2,000 in amount to Congress for its action.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Postmaster-General to credit the account of James A. Sexton, postmaster at Chicago, Ill., $3,757.05 for postal funds stolen from his office December 12, 1893.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN PRISONERS IN CUBA.

Mr. GRAY. I am instructed by the Committee on Foreign Relations, to whom was referred the resolution submitted by the Senator from Florida [Mr. CALL], to report it with an amendment. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution (submitted by Mr. CALL July 23, 1894), as follows:

Resolved, That the President of the United States be, and is hereby, requested to institute negotiations for the release of citizens of the United States now held in confinement by the Government of Spain, in the Island of Cuba, upon charges of complicity with or aid to the rebellion in the Island of Cuba or resistance to the authorities in all cases where such persons are held upon suspicion merely; and in cases where there is evidence against them, that they be brought to a speedy trial, and also that the President be requested to instruct the consul-general of the United States to make arrangements for the defense of such citizens where they are unable to procure the means to employ counsel and procure witnesses.

The amendment of the Committee on Foreign Relations was, after the word "held," in line 7, to insert the words "without trial;" so as to read:

Where such persons are held without trial upon suspicion merely.

The amendment was agreed to.

Mr. HOAR. I should like to inquire of the Senator reporting the resolution whether the holding of citizens of the United States without trial and upon suspicion only be not a violation of the laws of nations, in regard to which the term "negotiations" is rather a mild one, and whether instituting negotiations on such a subject does not imply abnegation of the rights of citizenship?

Mr. GRAY. I am not the author of the resolution. The Senator from Florida [Mr. CALL] offered the resolution. Perhaps the word "negotiations" is a word that might be supplanted by a better; but I think "negotiation" includes inquiry and investigation. Whether indeed there be any reason for making the demand, I do not know.

Mr. HOAR. I think the phrase ought to be, if the Senator will permit the suggestion, in regard to persons who are held n suspicion without trial, "to take measures to secure their release." That is an entirely courteous phrase.

Mr. GRAY. I should think the phraseology "to make inquiry as to the facts and take measures to secure their release," would be preferable. The matter ought to be inquired about, as it is an allegation without proof.

Mr. HOAR. Very well. If the Senator will modify the resolution to that extent that will be acceptable.

Mr. GRAY. I accept the modification suggested by the Senator from Massachusetts, and will move to insert the words "to make inquiry as to the facts and to take measures to secure their release."

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. BRICE introduced a bill (S. 2285) to provide for the securing of plans and for the erection of the public buildings of the United States; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HIGGINS introduced a bill (S. 2286) granting jurisdiction and authority to the Court of Claims in the case of the steamer Pocahontas; which was read twice by its title, and referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 2287) in relation to trials by juries in United States courts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ALLEN introduced a bill (S. 2288) providing for the erection of public buildings at the cities of Norfolk and Hastings, Nebr.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GALLINGER introduced a bill (S. 2289) for the relief of pensioners permanently disabled in the line of duty; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 2290) to amend an act entitled "An act to amend an act entitled 'An act granting the right of way to the Hutchison and Southern Railroad Company through the Indian Territory;'" which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

DETAIL OF PENSION OFFICE EMPLOYÉS.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate at the earliest practicable time of the number and grade of all employés borne upon the rolls of the Pension Bureau who are detailed for duty in other bureaus or offices of the Interior Department, not including those detailed for duty with boards of pension appeals in the office of the Secretary, the necessity for such detail, and the nature of the work upon which such employés are engaged outside of the Pension Bureau.

GOVERNMENT PRINTING AND BINDING.

Mr. GRAY. I submit a resolution, which I ask may be printed and lie over.

The resolution was read, and ordered to lie over and to be printed, as follows:

Resolved, That the Committee on Printing be instructed to consider and report as to the advisability of having Government printing and binding done under the contract system by private concerns, and to inquire as to the difference in cost between private and public work of the same class.

HOLMES & LEATHERS.

Mr. BLANCHARD. I ask unanimous consent that the Senate take up at this time for consideration the bill (S. 1945) for the relief of Holmes & Leathers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay Holmes & Leathers $13,361.64 for transporting the United States mail on route numbered 7402, Mississippi, and on route numbered 8165, Louisiana, for the months of April and May, 1861.

Mr. MANDERSON. I should like to have some explanation of the reason why this claim, which is now 33 years old, has not been acted upon heretofore, and why it should now be paid.

Mr. BLANCHARD. The bill has been reported favorably to the Senate by the Committee on Claims at the present session. It was reported favorably to the other House by its Committee on Claims at the present session, and it also received a favorable report in the Fifty-second Congress at the hands of the House Committee on Claims.

The bill proposes to pay Holmes & Leathers for transporting the United States mails for the months of April and May, 1861. In the report of the Senate Committee on Claims, which I hold in my hand, I find a letter from T. B. Coulter, Auditor, dated February 3, 1892, addressed to Hon. C. H. Mansur, House of Representatives, from which I read the following extract:

SIR: In reply to your letter of the 29th ultimo, inclosing H. R. 1238, Fifty-second Congress, first session, "for the relief of Holmes & Leathers," and requesting that your committee be informed whether or not the records in this office show the amounts now due them to May 31, 1861, I have the honor to inform you that the records of this office show that T. C. Holmes and T. P. Leathers were contractors in Mississippi, route No. 7402, and in Louisiana, route No. 8165, and that a balance for service to May 31, 1861, the date when service was discontinued, stands to their credit, amounting to $12,910.35.

I also find in the report a letter from D. McConville, Auditor, dated June 6, 1888, addressed to Hon. I. H. Maynard, Assistant Secretary of the Treasury, from which I read the following extract:

In reply to your reference of the petition of T. P. Leathers, of New Orleans, La., herewith returned, relative to his claim as surviving partner of the firm of Holmes & Leathers, mail contractors in the States of Mississippi and Louisiana in 1861, routes Nos. 7402 and 8165, I have the honor to inform you that the records of this office show that service on the two routes named was certified to May 31, 1861, and that payment on the former route was made in full to December 31, 1860, and on the latter route to March 31, 1861.

There stands to the credit of Holmes & Leathers for service from January 1 to May 31, 1861, on route No. 7402, the sum of $6,207.05, and for service from April 1 to May 31, 1861, on route No. 8165, the sum of $6,703.30, a total of $12,910.35.

The report goes on to state:

Numerous claims similar to this have been reported favorably to the House, and always upon the statement in writing of the Auditor of the Treasury for the Post-Office Department that the amount so reported stands upon the books of the Department to the credit of the claimant.

The Auditor of the Post-Office Department, in a letter addressed to the Hon. I. H. Maynard, Assistant Secretary of the Treasury, of date June 6, 1888, reported as due Holmes & Leathers for the months claimed in the bill, April and May, 1861, $12,910.35.

In the letter first referred to, addressed to Mr. Mansur, on February 3, 1892, the Auditor proffers the opinion that all, or nearly all, of the mail service performed in the Southern States prior to June 1, 1861, has been paid for, and suggests that it would be unsafe to make any further payments.

In this case Mr. T. P. Leathers, a citizen of almost national reputation and standing, the surviving partner of the firm of Holmes & Leathers, to whom the money is due, makes affidavit that this claim or no part of it has ever been paid, and that he performed this service, carrying the mail under the United States flag upon his own boat at great peril both to himself and to his property, the said boat.

As Capt. Leathers has been kept out of the payment of this money for over thirty years, during all of which time the sum has stood to his credit upon the books of the Government, and makes affidavit that he has never been paid, to meet the objection suggested or proffered by the Auditor, your committee have no hesitancy in reporting this bill to the House for its favorable action and recommend that the same do pass.

I now call the attention of the Senator from Nebraska to the following affidavit, which is also found in the report:

STATE OF LOUISIANA, *parish of Orleans, city of New Orleans:*

Personally appeared before me, the undersigned notary public in and for the parish of Orleans, duly commissioned and qualified, Thomas P. Leathers, who, being first duly sworn, deposes and says that he is the partner surviving the late firm of Holmes & Leathers; that he is the Leathers referred to in claim No. 1238, House of Representatives of the United States; that his said partner is now deceased; that said firm were the contractors for carrying the United States mails on routes No. 7402, Mississippi, and No. 8165, Louisiana, and that there is due said firm for transporting said United States mails over said routes and under said contracts, for the months of April and May, 1861, the sum of $13,361.61, which said amount is still unpaid and due to the present time.

That said T. P. Leathers further avers that he was the commander and master of said steamboat which carried said mail, and that neither he nor his partner has ever received any pay or remuneration from the so-called Confederate States, and that said mail was carried under the United States flag and no other on said boat until service was discontinued by order of the honorable Postmaster-General of the United States on May 31, 1861, at great peril both to himself and his property.

T. P. LEATHERS.

R. PRUYNE.
F. D. OGDEN.

Sworn to and subscribed before me this 23d day of January, A. D. 1892, at the city of New Orleans, State of Louisiana.

[SEAL.] H. B. HOWARD,
Notary Public for the Parish of Orleans.

It will be recollected that in one of the letters to which I have referred a statement is made by the Auditor of the Treasury for the Post-Office Department that perhaps the claim may have been paid by the Confederate government. In order to dissipate any doubt upon that point, I will read a letter from the present Auditor of the Treasury for the Post-Office Department, dated the 7th day of May of the present year. He says:

Your letter of the 30th ultimo, addressed to the honorable Postmaster-General, relative to the claim of Messrs. Holmes and Leathers, for carrying the mails in Mississippi and Louisiana in 1861, has been forwarded to this office. In reply, I have the honor to inform you that the records of this office show that T. C. Holmes and T. P. Leathers, under the firm name of "Holmes & Leathers," were contractors on route No. 7402, Mississippi, and No. 8165, Louisiana; that payment on the former route was made in full to December 31, 1860, and on the latter route to March 31, 1861, and that there is standing to their credit for service from January 1 to May 31, 1861, on route No. 7402, the sum of $6,207.05, and for service from April 1 to May 31, 1861, on route No. 8165, the sum of $6,703.30, a total of $12,910.35.

That much of the letter refers to what the books of the Treasury show in reference to the pending claim.

The succeeding portion of the letter refers to payments made by the Confederate government for mail service during the late war. On that point the present Auditor of the Treasury for the Post-Office Department says:

Within the past year this office has been put in possession of a register of payments made to mail contractors, under contracts with the United States and others, by the Confederate States government, a careful examination of which fails to disclose any payments to Holmes & Leathers on account of their contracts with the United States.

In addition to that there is the affidavit of Capt. Leathers to the effect that neither he nor his partner at any time received a cent on account of these contracts, either from the United States Government or from the Confederate States government.

Mr. President, I repeat that the bill has the favorable report of the Senate Committee on Claims, and has been twice reported favorably to the House of Representatives by the House Committee on Claims. It would thus seem to be a meritorious claim.

Mr. MANDERSON. I see by the letter of the Auditor of the Treasury dated June 6, 1888, that in 1882 the claim of these parties went to the Court of Claims, and that there was found due them for services on both the routes named, for the months of April and May, 1861, only (pay for the quarter ended March 31, 1861, having been omitted) the sum of $9,191. Does the Senator from Louisiana know why the entire claim was not sued in the Court of Claims, or what was the action in the court at that time?

Mr. BLANCHARD. It seems that the claims of these parties for the transportation of the mails on route No. 7402, in the State of Mississippi, amounting to six thousand two hundred and seven dollars and some cents, was referred to the Court of Claims. The other claim, the one based upon the transportation of the mails on the Louisiana route, No. 8165, was not referred to the Court of Claims, but was reported in one of the estimates of the Treasury Department in 1882 for an appropriation to pay it. Since that time we have the letters of three Auditors of the Treasury for the Post-Office Department, including the present Auditor, all of which letters state that the claim has never been paid in any part and that this sum of money is standing on the books of the Treasury Department to the credit of the contractors.

Mr. MANDERSON. I observe that all of the service rendered was after the ordinance of secession was passed by the State of Louisiana. The committee, of course, fully investigated the fact as to whether there was any pay from the Confederate government for any part of the contract.

Mr. MITCHELL of Oregon. The letter of the Auditor shows that there was not.

Mr. BLANCHARD. I have just read, and I will read again for the information of the Senator from Nebraska, a portion of the letter written by the Auditor of the Treasury for the Post-Office Department relative to that very matter.

Mr. MANDERSON. The letter is not in the report?

Mr. BLANCHARD. No, sir; it is of later date. The Auditor says:

Within the past year this office has been put in possession of a register of payments made to mail contractors under contract with the United States and others by the Confederate States government, a careful examination of which fails to disclose any payments to Holmes & Leathers on account of their contracts with the United States.

And, in addition to that, I will state to the Senator from Nebraska, in the report of the committee which he holds in his hand, on the last page of the report, he will find an affidavit of Capt. Leathers, personally known to me and many gentleman on this floor to be a reputable citizen, stating that he never did receive a cent on account of the transportation of mails on either of these routes either from the Confederate States government or the United States Government, and that when he carried the mails during the time for which this claim is made his boat floated the flag of the United States.

Mr. MANDERSON. I am fully aware that the Committee on Claims usually examines claims of this character with very great scrutiny. The only matter which has prompted me to this inquiry was that all the facts might appear of record. The claim is of ancient date, going back to 1861, and it seems strange that Congress in all this time has not taken some action, especially in view of a judgment for a part of the claim had in the Court of Claims.

I will ask only one further question. Does the Senator from Louisiana know whether either of these claimants was in the Confederate army.

Mr. BLANCHARD. No, sir; I do not know whether either of them was in the Confederate States army. I know that this service was rendered before actual war raged in that section of country. The mail was carried under the flag of the United States, and it was carried until an order of discontinuance was made by the Post-Office Department here.

Mr. MITCHELL of Oregon. In addition to what has been said by the Senator from Louisiana, I wish to state to the Senator from Nebraska that some years ago there were a number of claims of this character before the Committee on Claims, and some of them before the Committee on Post-Offices and Post-Roads. It cropped out that a portion of them had been paid by the Confederate government, and a halt was then called at once in reference to all the claims as far as the Senate Committee on Claims is concerned.

Finally Congress made an appropriation, I think of $10,000, or $12,000 perhaps, for the purchase of certain Confederate archives supposed to show all that took place in regard to these payments, and the papers were purchased for the use of the Post-Office Department. Those archives showed that some of the claims which had been presented here had been paid; but, as shown by the letter from the Auditor, they failed to show that any payment had been made on this particular claim. In

view of all the facts, as this service was rendered by Capt. Leathers and his partner by boats carrying the United States flag, although perhaps for a short time after the ordinance of secession had been adopted in that State, as the service was recognized by the Government, judgment rendered, and all that, we thought it was no more than right that the claim should be paid.

Mr. ALLISON. May I ask the Senator from Oregon whether this claim does not stand relatively in the same position which the large number of claims for similar service in the Southern States occupy, and, if paid, whether it will not form a precedent for the payment of all such claims; at least those that were not paid by the Confederate government, so-called, as shown by the archives to which the Senator refers? Why should this claim be segregated from the others and paid now?

Mr. MITCHELL of Oregon. I do not know how many such claims there are. I do not think there is a very large amount of claims of this character, and even if there were, if the service was rendered before the war for the Government of the United States, and accepted by the Government, I do not see any reason why the Government should not pay them. In this case a judgment was rendered, I believe, in the Court of Claims, showing a recognition of the claim by the court representing the Government.

Mr. HIGGINS. Mr. President, I ask the Senator from Louisiana what is the reason for the amount of the claim named in the bill being $13,361.64? House Report No. 1701, of the Fifty-second Congress, first session, which is made the basis of the present Senate report, suggests the following amendment:

Strike out, in lines 6 and 7, "$13,361.64" and insert in lieu thereof "$12,910.35, being the amount reported by the Auditor as standing to the credit of Holmes & Leathers upon the books of the United States."

Mr. BLANCHARD. I will state to the Senator from Delaware that he is entirely correct in that respect, and I had intended before the bill was put upon its passage to amend it in that particular. When the bill was reported recently from the Senate Committee on Claims an error was made in not amending it so as to reduce the amount to $12,910.35, but I intended to offer the amendment before the bill was placed on its passage.

Mr. HIGGINS. I will further ask the Senator what possibly he said in answer to the Senator from Nebraska a few moments ago, but I did not quite understand him, how it is that there can be justly a claim made for a larger sum than that awarded by the Court of Claims?

The Court of Claims allowed on these two routes as due the contractors the sum of $9,191.60, and I should suppose that the judgment of the Court of Claims would be decisive of the amount to be paid unless it was sent back to the Court of Claims for correction.

Mr. BLANCHARD. I will state to the Senator from Delaware that one of these claims was never sent to the Court of Claims, so I understand at least. The claim based upon the Louisiana route was reported in the estimates in 1882 for appropriations by Congress to pay it. I have the estimate here.

Mr. HIGGINS. I believe there are only two routes involved in the claim. I ask the Senator from Louisiana whether there are more than two routes?

Mr. BLANCHARD. There are only two routes.

Mr. HIGGINS. In the letter of Mr. McConville, the Auditor, dated June 6, 1888, he says:

An examination of the letter books in this office discloses the fact that this claim was taken before the Court of Claims in 1882, and that the balance then reported as due the contractors, namely, $9,191.60, was for service on both the routes named for the months of April and May, 1861, only, the pay for the quarter ended March 31, 1861, on route No. 7402, amounting to $3,718.75, having been omitted.

Mr. BLANCHARD. The $3,718.75 added to $9,191.60 makes this sum of $12,910.35.

Mr. HIGGINS. But the court gave judgment for the smaller sum. It presumably had all the facts before it. I can not see any reason given in this report why Congress should pay a larger amount than the judgment thus ascertained. Of course if the claim is just it ought all to be paid, but that is apparently the way it is left here on the face of the report.

Mr. MANDERSON. I think it fair to say that it is evident the part which went to the Court of Claims, while it included both routes, was not for all the time. That is to say, the claimants brought their action on both the routes for the service during the months of April and May, 1861, but they omitted to bring an action on route 7402 for the quarter ending March 31, 1861.

Mr. BLANCHARD. That is correct.

Mr. MANDERSON. That seems to have been the fact.

Mr. HIGGINS. Now, I should like to have some explanation as to why, if the case went before the Court of Claims, the whole of it did not go there, and why there should be thus a judgment as to a part, when properly the whole seems to be a single entity.

Mr. BLANCHARD. The explanation pointed out by the Senator from Nebraska from this report seems to cover the point made by the Senator from Delaware. It appears that part of the claim was not passed upon by the Court of Claims.

Mr. MANDERSON. That is correct.

Mr. BLANCHARD. It will be seen from the report that the court did pass upon a portion of the claim arising from the transportation of the mails upon both these routes. I was then in error in stating that no part of the claim based upon one of the routes, to wit, the Louisiana route, had ever gone to the Court of Claims for adjudication.

It seems from the statement which the Senator from Delaware read that the two claims did go before the Court of Claims, but that the court did not pass upon that part for the quarter ending March 31, 1861, on route 7402 in the State of Mississippi, amounting to $3,718.85. Now, that sum added to the other will make the $12,910.35 due.

On this point I further call the attention of the Senator from Delaware to the more recent letter from the Auditor of the Treasury for the Post-Office Department, which I have in my hand. The Auditor states that in 1882 a part of this claim—not all of it but a part of this claim—was taken before the Court of Claims, and in 1886 a part was reported to Congress for an appropriation.

It therefore appears that the Court of Claims has never sat in judgment upon all of this claim. It sat in judgment upon part only, and awarded a judgment of $9,191.60. The reports from the Committee on Claims of the Senate and the Committee on Claims of the House show that in addition to the amount found due by the Court of Claims, $3,718.85 for the quarter ending March 31, 1861, is also due. This part of the claim does not appear to have been before the court.

Mr. HIGGINS. Now, I should like to ask the Senator if he knows—I do not—under what act, general or special, this claim originally went before the Court of Claims by which that court took jurisdiction?

Mr. BLANCHARD. I have not the information.

Mr. HIGGINS. The reason why I ask the question is because, if it is a subject-matter which under the laws of the United States was required to go before that court, and as we are called on to pass upon a judgment of that court as to one of the parts, and the larger part of the claim, it seems fair that the remainder of it should pass before that court also, unless there be some good reason shown to the contrary.

I do not wish to be considered as antagonizing this claim, but upon the face of the case it appears to be a proper subject of inquiry—possibly some member of the committee may explain it—that here is a judgment for a part, showing that the court had jurisdiction of the question, and yet the court did not pass on the other part.

Mr. BLANCHARD. It seems to me an answer to that difficulty is this: Admitting that the Court of Claims did pass upon a portion of this claim, then the claim is strengthened to that extent, because sanctioned by a judgment for $9,191.60 rendered by that tribunal. Then, for the remaining $3,718.85 necessary to make up the $12,910.35, we have the judgment of three Committees of Claims of Congress, two during the present Congress and one during the last Congress, which state that, besides the $9,191.60 found to be due by the Court of Claims, there is also due the further sum of $3,718.85, making in the aggregate the $12,910.35.

Mr. PASCO. Mr. President, this claim has been very carefully considered by the Committee on Claims, as already stated by the Senator from Oregon [Mr. MITCHELL], who for years was the able chairman of that committee. It is not a new matter at all; and the case has undergone careful examination again during the present session of Congress. The amount actually due is fully established by the report from the Auditor's office dated June 6, 1888. That report states that—

There stands to the credit of Homes & Leathers, for service from January 1 to May 31, 1861, on route No. 7402, the sum of $6,207.05, and for service from April 1 to May 31, 1861, on route No. 8165, the sum of $6,703.30, a total of $12,910.35.

And the committee have recommended that that amount be placed in the bill instead of the amount which was in the bill when it was originally introduced.

The question was asked, why was not this money paid years ago? The history of the claims for services rendered the Post-Office Department just prior to the war is well known, and most of those claims, it seems, have been paid at one time and another.

The letter from Mr. Coulter, which is also in the report of the committee, says:

I am clearly of the opinion that nearly if not all of the mail service performed in the Southern States prior to June 1, 1861, has been paid for once, and some of it twice, and that in the absence of a complete record of payments made for said service by the Confederate States government it would be unsafe to make further payments.

The payments were arrested for this reason. The Confederate records were obtained; they were searched, and they have been the guide of Congress in allowing claims of this kind since that time. The Confederate records have been searched in vain for any proof that this amount was paid to Capt. Leathers and his partner, and it must be manifest that in the absence of any proof upon the record, with the positive evidence of Capt. Leathers and other evidence before the committee showing that this amount has never been paid and it is a just claim due him, it should be paid, unless the policy of the Government is opposed to it. The Senator from Iowa [Mr. ALLISON] this morning asked whether it was proper that this class of payments should be made.

I understand that the policy was settled many years ago when there was a gross amount appropriated for the payment of all these claims. I tried to find the statute, but not expecting this discussion to come up, I have not had time to find it; but I am told by those who are acquainted with legislation that there was a general gross appropriation made in 1879 to pay this very class of cases.

Mr. HIGGINS. I should like to ask my friend from Florida if that is the explanation of the fact that this claim and other like claims have been before the Court of Claims? Was it taken there in order to get the benefit of that general appropriation? I do not know whether that is the case, and I ask for information.

Mr. PASCO. I do not think so. I think it has been the result of some individual efforts on the part of some of the claimants to get their cases through under the the Bowman act, and very probably they have gone there from the House of Representatives. Cases are very frequently sent from the House of Representatives simply to get information when they find that no final action can be taken. The Senator from Delaware has had large experience upon the Committee on Claims of the Senate. He knows that a different policy has been pursued here, and that no cases have been sent to the Court of Claims when the information was already in the possession of the Senate or could be obtained from some of the Departments.

All this information being in the Department, certified to by the Auditor, there can be no possible reason why this claim should be dependent upon any partial hearing of the case before the Court of Claims. The record information of the Department is worth more than any finding that might come from a partial investigation of the case in the Court of Claims made by referring one of these claims (if there are two of them aggregated in this amount) or a part of the whole claim to the Court of Claims.

Mr. HIGGINS. Will the Senator from Florida allow me a moment?

Mr. PASCO. Certainly.

Mr. HIGGINS. I will say to the Senator that I entirely approve of the policy of paying these claims. I think that it is simply the payment of an honest debt. I say so because I had occasion to look into one of them that was of a similar character, though concerning other parties entirely, which was before the Senate heretofore, growing out of the post-office work done by the Mississippi Central Railroad Company. But I simply wanted the explanation made as to how there was jurisdiction taken by the Court of Claims and that they gave judgment for only a part of the claim. If that was the case, it seemed to me to give some reason to require that the whole claim should be scrutinized by them. I only ask for information.

Mr. PASCO. I have understood from our previous association upon the Committee on Claims that the Senator from Delaware feels as I do, that this class of claims ought to be paid. I am glad to observe the Senator from Iowa [Mr. ALLISON] is in his seat again. I was speaking a while ago in reference to the policy of the Government as to paying this class of claims. The Committee on Claims understands that was settled in 1879, or about that time, when a gross sum was appropriated by Congress to meet such claims. The measure as proposed by Congress at that time was not fully carried out. It is not worth while to go into all the circumstances here, and I do not suppose I could give them as accurately as the Senator from Iowa himself, but that act established the policy of the Government in reference to this class of claims, a policy the Senator from Delaware says he agrees in.

From time to time the larger part of these claims have been paid, and probably very few of them are now left. I can not speak with any degree of certainty as to that point; but the policy being settled, and the amount being settled by the books of the Government as by the letter from Mr. McConville, dated June 6, 1888, that this amount of $12,910.35 stands there to the credit of this party, that must be better than any finding of the Court of Claims. Whether the Court of Claims had the whole or a part of the matter before it I do not know; but the committee felt perfectly safe in recommending the payment of that amount, which is the amount we propose to put in the bill when the amendment suggested by the committee is offered, as already stated by the Senator from Louisiana.

The claim has been well and maturely considered by the committee. It has been carefully examined by the senior Senator from Louisiana. It was passed upon by the full committee unanimously; and it being the policy of the Government to pay these claims, there can be no doubt that the bill should give this amount, and that it should be passed when it is amended so as to include the amount in it.

Mr. SHERMAN. Mr. President, when this claim was called up for the consideration of the Senate I did not at first recall the fact that this class of claims was once very fully and very carefully considered by the Treasury Department, when I also participated in that examination as the Secretary of the Treasury. Congress in 1877, as near as I can remember, passed an appropriation mainly upon the recommendation and statement of the Senator from Texas, Mr. Reagan, who was then, I think, a member of the other House, and not of the Senate, that these claims made by postmasters had not been paid by the Confederate government.

A large appropriation, I think, amounting to $800,000, was made directing the Secretary of the Treasury to examine and ascertain whether they had been paid, or whether they are just claims against the Government of the United States, and a very thorough examination was made. The claims amounted, as I said, to nearly a million dollars. The reports of the Treasury Department were to the effect that in almost every case the existing contracts for the carrying of the mail were assumed by the Confederate government, and that that government paid back sums due the contractors, and also the amount of the current earnings under those contracts. That report was made to Congress and that was the end of it. It seems to me that the claims were dropped, and considered as having been practically disposed of.

As to this particular claim I can not speak, but unless there is some showing to distinguish it from the other claims that were made in such a large amount, I do not think it would be just or right for the Government of the United States now to pay any of the claims. The Confederate government had control of the country covered by these routes. This was a route to New Orleans, and in the early part of the war the whole of the country embraced by the route was unquestionably in the hands of the Confederate government, a government hostile to the Government of the United States. There can be no existing contract that could fairly compel the Government of the United States to pay for the postal service in a country that was under the control of a hostile and foreign government.

That was the ground taken by the Treasury Department and the ground which I believe was afterwards sustained by Congress. If these contractors had earned anything before the establishment of the Confederate government there might be some claim for it, but it was shown in those cases that the contractors came forward and practically surrendered their contracts with the United States and the Confederate government assumed the contracts and agreed to pay not only the future, but the past earnings under the contracts. If that be the case, whether the Confederate government performed its part of the contract or not, it would be very improper to call upon the Government of the United States to pay these claims.

I sent for the document I referred to. I have received one, but it is not the document I desired, though covering the same subject-matter. It is in regard to another class of claims. I have not yet been able to procure the document that will give proper and full information upon this subject, and which will probably state whether this is one of the claims that was covered by that appropriation. If so, it ought not to be paid. Therefore I hope the Senator from Louisiana will be willing to let the bill go over. I do not want to interfere with a just claim against the Government of the United States, and if the Senator will allow the bill to go over until to-morrow, I will look into the matter a little further. I think the Senator from North Carolina [Mr. RANSOM] had something to do with this matter.

Mr. BLANCHARD. Will the Senator from Ohio allow me?

Mr. SHERMAN. Certainly.

Mr. BLANCHARD. Perhaps the Senator from Ohio was not present when a letter was read from the present Auditor of the Treasury for the Post-Office Department?

Mr. SHERMAN. I have it here.

Mr. BLANCHARD. No; it is not in the report you hold. It is a later letter, in which the Auditor states that the Post-Office Department has acquired and now holds the register of payments made by the Confederate government for the transporta-

tion of mails, and that no mention of the pending claim is to be found upon it. In other words, it shows that this claim was neither paid nor assumed by the Confederate government.

Mr. SHERMAN. At any rate it is very certain that upon a statement made by Mr. Reagan that these claims had not been paid by the Confederate government that appropriation was made, and it turned out that he was mistaken, for the records of the Confederate government, then in the hands of our Government, actually showed that money had been paid to the extent of $500,000, and there the claims were dropped. I think, therefore, it would not be right to press this claim until that matter can be known, and it ought to be ascertained from the report made by the Treasury Department to which I refer.

Mr. BLANCHARD. Of course, if the Senator from Ohio desires the bill to go over until to-morrow, I shall make no objection to it; but if he will allow me a moment, on page 2 of the report he holds in his hand is a communication from the former Auditor of the Treasury, T. B. Coulter, in which he says:

> There is a register of individual payments made to contractors and others by the Confederate States government for service performed prior to June 1, 1861, in the hands of private parties, and in the Post-Office appropriation bill for 1892, approved March 3, 1891, the Postmaster-General was authorized to expend a sum not to exceed $10,000 for its purchase.
>
> When the United States is placed in possession of this register it will aid greatly in determining what claims have been or have not been paid.

Since that letter was written the Postmaster-General has purchased the register referred to, and they have it now at the Post-Office Department, and in a letter of May 7, of the present year, the present Auditor for the Post-Office Department states that an examination of the register, now the property of the Post-Office Department, shows no payment or assumption of this debt by the Confederate government.

Mr. SHERMAN. I would not rely at all upon a private paper in the hands of private parties to show whether money had been paid or not; but if I remember correctly, at the time the examination was made in the Treasury Department we had the official records of the Confederate government itself. I will read the first part of the letter of the Auditor of the Treasury from which the Senator from Louisana has read.

The Auditor says:

> SIR: In reply to your letter of the 29th ultimo, inclosing H. R. 1238, Fifty-second Congress, first session, "for the relief of Holmes & Leathers," and requesting that your committee be informed whether or not the records in this office show the amounts now due them to May 31, 1861, I have the honor to inform you that the records of this office show that T. C. Holmes and T. P. Leathers were contractors in Mississippi, route No. 7402, and in Louisiana, route No. 8165, and that a balance for service to May 31, 1861, the date when service was discontinued, stands to their credit, amounting to $12,910.35.

There is no doubt about that. You have, therefore, the basis for the claim that at that time there might have been that amount due, although in May, 1861, the Confederate government was in full force in the Southern section of the country. Then the letter says:

> The inclosed copy of a letter from this office, addressed to Hon. I. H. Maynard, Assistant Secretary of the Treasury, June 6, 1888, relative to this claim, is furnished for your information.
>
> I am clearly of the opinion that nearly if not all of the mail service performed in the Southern States prior to June 1, 1861, has been paid for once, and some of it twice, and that in the absence of a complete record of payments made for said service by the Confederate States government it would be unsafe to make further payments.

Mr. BLANCHARD. If the Senator from Ohio will allow me, the Auditor goes on to state that the register of these payments by the Confederate government was in the hands of private individuals, but so important was it deemed that the United States Government should get possession of it, that in an act approved March 3, 1891, the sum of $10,000 was appropriated for the purpose of purchasing the register. It was purchased, and is now the property of the United States, in possession of the Post-Office Department, and an examination of it discloses that this claim was not one of those paid by the Confederate government.

In addition to that, here is the affidavit of Capt. Leathers, well known as a reputable citizen and business man, to be found on the last page of the report of the committee, in which he says he never received a cent from the Confederate government or the Federal Government.

Mr. SHERMAN. Still, it is unsafe to pay money under these circumstances. It is clear to every Senator, without regard to the issues of the war, that after the 1st day of April, 1861, the United States Government had been practically superseded by a *de facto* government, and a government of great power and force. That government assumed all the contracts then existing with the Government of the United States for carrying the mails all over that section of the country.

Among the first acts of the Confederate government—I do not remember the date—they assumed, as is shown by the public records, not only to pay for the future but for the past, not, however, going back beyond the 1st of July, 1860. When this matter was examined it was found that such claims had been paid. True, the payments may not have resulted to the advantage of these claimants; but still there was no reason why the Government of the United States, when its power over that territory had been suspended, should pay for carrying the mails through that country. That would be unreasonable. That such claims were assumed and paid by the Confederate government is a historical fact, which I think will be shown by the records to which I refer, when I can obtain them.

Mr. PASCO. Mr. President, I think it is very proper, after what the Senator from Ohio has said, that this bill should go over, so that the further examination which the Senator suggests may be made; but before the bill goes over, I should like to add a little to what I have already said.

The Senator suggests that the territory where at that time this service was rendered was under the control of the Confederate government, but the facts show differently. In the report it will be seen that service on these routes was certified, and the Government of the United States paid to May 31, 1861, which shows that the Government of the United States had full control of this postal route up to the time named, and recognized the service as being rendered to the United States Government.

Mr. SHERMAN. What was the date of the Confederate order assuming the control of the mails?

Mr. PASCO. I can not give that, but it is well known that the power of the Confederacy did not extend all over that territory.

Mr. SHERMAN. This, I understand, was some Southern route, to New Orleans, I think.

Mr. PASCO. That was a Louisiana route.

Mr. BLANCHARD. It was down the Mississippi River.

Mr. SHERMAN. From what point?

Mr. BLANCHARD. The mail was carried on steamboats. Capt. Leathers was a prominent steamboat man for a period of fifty years, and these mails were carried upon his steamboats. There were two routes, one in Louisiana, and one in Mississippi. The route on the Mississippi River was from New Orleans to Vicksburg. The other was on the Yazoo River.

Mr. PASCO. But the service was accepted by the United States Government as rendered in its own territory and certified, and everything indicates that the whole matter was within the control of the United States Government up to the time when this certification took place. We have these payments. The committee, before passing upon the claim, understood that the Confederate records themselves had been examined to ascertain whether Capt. Leathers had ever been paid.

The result of that examination, according to these letters and statements, was that he never had been paid; but if the Senator from Ohio has access to other records, it certainly is most desirable that they shall be searched, and if there is anything that was not before the committee, it is most desirable that they should have it, and the chairman of the committee will regard it as a favor if the Senator from Ohio will let him know of the existence of this document and obtain a copy of it if possible.

Mr. SHERMAN. I have sent for it, and I ought to be able to obtain it.

I will ask the Senator from Louisiana another question. Was this postal service continued by this contractor after the 31st of May, 1861?

Mr. BLANCHARD. I can not tell about that; but I call the Senator's attention to this clause in Capt. Leathers's affidavit.

Mr. SHERMAN. I am inclined to think they will probably be found to have surrendered their contract and made a new one.

Mr. BLANCHARD. As to whether or not Leathers & Holmes continued to carry the mails after May 31, 1861, I do not know; but I call the Senator's attention to the paragraph in Capt. Leathers's affidavit in this case, in which he says:

> That said T. P. Leathers further avers that he was the commander and master of said steamboat which carried said mail, and that neither he nor his partner has ever received any pay or remuneration from the so-called Confederate States, and that said mail was carried under the United States flag and no other on said boat until service was discontinued by order of the honorable Postmaster-General of the United States on May 31, 1861, at great peril both to himself and his property.

It would seem from this that Capt. Leathers continued to carry the mail under the flag of the Union until he received an order from the Postmaster-General at Washington to discontinue it, and that was on the 31st day of May, 1861.

Mr. SHERMAN. Then the other question comes up, whether he did not continue the contract beyond that, and receive pay from the Confederate government.

Mr. BLANCHARD. If he did, that was under another contract with which we are not dealing. As to whether he did or not, I do not know; but he did carry the mail under the United States contract until he was ordered by the Postmaster-General to discontinue the service, which was on the 31st day of May,

1861; whereupon the Treasury Department at once entered upon its books a statement of his account, showing this amount of twelve thousand nine hundred and ten dollars and some cents to be due.

Mr. MANDERSON. Mr. President, some years ago I was a member of the Committee on Claims, and there was something about the name of Capt. Leathers which seemed familiar to me. Did he have any other claim against the Government? Was there not a claim for a steamboat taken for the use of the United States forces? Is the Senator from Louisiana aware of any such claim?

Mr. BLANCHARD. I have no knowledge of such a claim.

Mr. MANDERSON. I am not sure that this is the name.

Mr. BLANCHARD. It seems to me that I heard of something about a steamboat—I do not know that it was Capt. Leathers, but perhaps it was—when I was a member of the House of Representatives. I do not think it was Leathers. It was some other steamboat captain, and perhaps Capt. Leathers may have been interested in it. I only know this, I will say to the Senator from Nebraska, that I have an indistinct recollection of some claim about steamboats, and in that connection some recollection of Capt. Leathers's name. What it is I do not know.

Mr. MANDERSON. That is indistinctly in my own mind. While this debate has been going on I have been trying to ransack my memory to ascertain what I did know about Capt. Leathers. I know that years ago the name was familiar to me in connection with some claim. It may be that this very claim was before the Committee on Claims at the time I was a member of of that committee.

Mr. PASCO. I do not remember that any such claim has been passed upon by the committee during the years I have been connected with it, though there may have been other bills in behalf of Capt. Leathers. I do not recollect that any such claim has come up for action.

Mr. MANDERSON. This was eight or ten years ago, and, of of course, my memory is very indistinct in regard to it.

Mr. PASCO. I came on the Committee on Claims shortly after the Senator from Nebraska retired, and I do not recollect any other claim of Capt. Leathers, though there may have been others referred to the committee which have not yet been considered.

Mr. MANDERSON. This was certainly ten years ago, for I think it is that length of time since I was a member of the Committee on Claims.

This claim was of such ancient date that I felt that some explanation was due the Senate and due to those who are championing the passage of this bill. I have looked with a great deal of care over the report and have listened very attentively to the letters of the officers of the Treasury; and to my mind there is but one question remaining, and that is, whether the records which have been purchased from the Confederate government, or whoever was the custodian of those archives, will show that there was a payment or an assumption of payment of this debt by the Confederate government.

Mr. President, of course we all understand that it is not entirely condemnatory of a bill that it is based upon a claim which is old, because it is notorious that the United States—and to the shame of the Government be it said—is not only a very slow debtor in the payment of its claims, but is frequently delinquent, not to say dishonest, in its treatment of creditors. We all know of cases where men have grown gray and died and left claims against the Government which were legitimate and honest, and should have been paid, yet year after year goes by without action of the two Houses of Congress for their payment.

So far as the payment of this claim is concerned, my exploration has satisfied me that as against the Government the best possible proof is the statement by the accounting officers of the Treasury that the amount of $12,910.35 is to the credit of these contractors upon the books. That, it seems to me, ought to estop the Government, and the only matter upon which light should be thrown is the question corroborative of the statement of Capt. Leathers, whether or not this debt was paid or assumed in whole or in part by the Confederate government. That can very easily be ascertained by a reference to the register to which the Senator from Louisiana has referred, and to the document referred to by the Senator from Ohio. I think if the bill can go over until to-morrow morning and that examination can be made, there will be no question about its passage.

Mr. BLANCHARD. The Senator from Ohio and the Senator from Nebraska desire this claim, which has been before the Senate for the last hour and a half, to go over until to-morrow, and I ask that an order be made by the Senate that the further consideration of the bill be resumed immediately after the morning hour to-morrow.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 86) for the protection of persons furnishing materials and labor for the construction of public works;

A bill (H. R. 4326) to subject to State taxation national-bank notes and United States Treasury notes;

A bill (H. R. 7683) to remove the charge of desertion against James Fay;

A bill (H. R. 7803) to amend sections 2401 and 2403 of the Revised Statutes; and

A bill (H. R. 7827) to authorize a bridge across the Perdido River, between the States of Florida and Alabama.

The message also announced that the House had passed the following bills:

A bill (S. 901) for the relief of the owners of the schooner Henry R. Tilton and of personal effects thereon;

A bill (S. 1949) for the relief of James E. North; and

A bill (S. 2280) to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service."

The message further announced that the House had agreed to the concurrent resolution of the Senate requesting the Secretary of the Interior to suspend the opening of the lands in the Arredondo grant, Columbia County, Fla.

The message also announced that the House had passed a bill (H. R. 7874) to enable the Secretary of the Interior to pay John T. Heard for professional services rendered the "Old Settlers" or Western Cherokee Indians out of the funds of said Indians, in which it requested the concurrence of the Senate.

WASHINGTON AND GREAT FALLS ELECTRIC RAILWAY.

Mr. McMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6777) entitled "An act to amend an act entitled 'An act to incorporate the Washington and Great Falls Electric Railway'" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, and 7, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same; amended so as to read as follows:

At the end of section 1 add: Every car shall be brought to a full stop before crossing the Foxhall road. It shall be the duty of the Commissioners of the District of Columbia to inspect, or to cause to be inspected, from time to time, the cars operated on said road, and to require of the said company that all cars and stations shall be of the first class, and shall be maintained in good condition, and that cars shall be run according to schedules which shall accomodate the public; the said Commissioners shall also have the power to make such regulations as to the rate of speed, the use of tracks, the removal of ice and snow from off the tracks, as the public interests may require; failure to comply with any such requirement or regulation, or failure to stop cars before crossing the Foxhall road, shall subject the company to a fine of $50 for each such failure, which fine may be recovered in any court of competent jurisdiction; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same, amended to read as follows:

That the act to amend the charter of the Eckington and Soldiers' Home Railway Company, approved July 5, 1892, is hereby amended by striking out in section 1 beginning in line 6, with the word "beginning at the intersection of," to and including the words "point of beginning," in line 29, and inserting in place thereof the following:

Beginning at the intersection of Fifth and G streets northwest, esta along G street to New Jersey avenue and First street; thence south along First street northwest to C street northwest; thence east along C street around the south side of Stanton Square, by single track to Fifteenth street northeast; thence north on Fifteenth street to D street northeast; thence west on D street to Fourth street northeast; thence south on Fourth street to C street northeast; thence west on C street to New Jersey avenue; thence north on New Jersey avenue to D street northwest; thence west on D street to First street, and to the point of beginning; also, beginning at the intersection of G street northwest and New Jersey avenue; thence across New Jersey avenue to and along G street to North Capitol street; thence north on North Capitol street to New York avenue, connecting with the main line and the North Capitol street branch; also beginning at the intersection of G and Fifth streets northwest; thence south on Fifth street to Louisiana avenue; thence along Louisiana avenue to Sixth street west; thence south along Sixth street to B street northwest; thence west on B street (over its own tracks, for such a distance as the Commissioners of the District of Columbia shall determine) to a point to be located by the said District Commissioners near the east curb line of Seventh street northwest, and returning by the same route to Fifth street northwest.

Also by inserting in section 2, after the word "hundred," the words "and fifty."

Also by inserting in section 3 as amended, after the words "two years," the words "and three months;" and that the Senate agree to the same.

JAMES McMILLAN,
ISHAM G. HARRIS,
CHARLES J. FAULKNER,
Managers on the part of the Senate.
JNO. T. HEARD,
JAMES D. RICHARDSON,
P. S. POST.
Managers on the part of the House.

The report was concurred in.

A. W. WILLS.

Mr. BATE. I ask for the present consideration of the bill (S. 528) for the relief of A. W. Wills, administrator. There is no controversy about it, and its consideration will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to refer to the Court of Claims the claim of A. W. Wills, administrator of the late Alvan C. Gillem, who served as captain, assistant quartermaster United States Army, and brigadier-general of volunteers in the United States Army in the late war of the rebellion, for a balance of wages earned by him in the suppression of the rebellion, and during his entire time of service in the Army as a volunteer or regular, and not paid to him or to anyone for him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHTS ON FISHING VESSELS.

Mr. WHITE. I ask unanimous consent for the present consideration of House bill 7383. It is a bill relating to lights on fishing vessels, which was suggested by the Treasury Department, and has had the unanimous concurrence of the Committee on Commerce. All parties interested are desirous that it should pass. It is a general measure, and very short.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7383) relating to lights on fishing vessels.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAYMENT OF ACCRUED PENSIONS.

Mr. PEFFER. I ask unanimous consent for the present consideration of the bill (S. 1876) to provide for the payment of accrued pensions in certain cases.

Mr. COCKRELL. Let the bill be read for information.

The PRESIDING OFFICER. The bill will be read for information, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That from and after the 28th day of September, 1892, the accrued pension to the date of the death of any pensioner, or of any person entitled to a pension having an application therefore pending, and whether a certificate therefore shall issue prior or subsequent to the death of such person, shall, in the case of a person pensioned, or applying for pension, on account of his disabilities or service, be paid, first, to his widow; second, if there is no widow, to his child or children under the age of 16 years at his death; third, in case of a widow, to her minor children under the age of 16 years at her death. Such accrued pension shall not be considered a part of the assets of the estate of such deceased person, nor be liable for the payment of the debts of said estate in any case whatsoever, but shall inure to the sole and exclusive benefit of the widow or children. And if no widow or child survive such pensioner, and in the case of his last surviving child who was such minor at his death, and in case of dependent mother, father, sister, or brother, no payment whatsoever of their accrued pension shall be made or allowed except so much as may be necessary to reimburse the person who bore the expense of their last sickness and burial, if they did not leave sufficient assets to meet such expense. And the mailing of a pension check, drawn by a pension agent in payment of a pension due, to the address of a pensioner, shall constitute payment in the event of the death of a pensioner subsequent to the execution of the voucher therefor. And all prior laws relating to the payment of accrued pension are hereby repealed.

Mr. COCKRELL. I reserve the right to object until I can hear some explanation of what changes the bill proposes to make in existing law.

Mr. PEFFER. I will state for the information of the Senator from Missouri and others that there has been some conflict of decisions in the Pension Office in cases of pensions which have accrued; but which the pensioner had not received at the time of his death as to how they ought to be disposed of. On account of these differences, the Pension Bureau have recommended the passage of this bill. I am informed that there are a number of cases now awaiting the action of Congress upon this bill, so that those cases may be determined in accordance with the provisions of the bill. The object of the bill is to settle ambiguities.

Mr. COCKRELL. Why is the date fixed "from and after the 28th of September, 1892," instead of the date of the passage of the act?

Mr. PEFFER. It is some time since I have examined the bill. I drew the report and copied one or two letters from the Commissioner of Pensions and also one from the Secretary of the Interior, if I remember correctly, in reference to the bill. The report shows that; and I will say to the Senator all that I can state with much clearness now is that the Pension Bureau and the Interior Department both favor the bill.

Mr. COCKRELL. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report submitted by Mr. PEFFER from the Committee on Pensions, April 10, 1894.

Mr. COCKRELL. I ask that merely the letter of the Secretary of the Interior be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 29, 1894.

SIR: I have the honor to transmit herewith a draft of a bill which has been prepared as a substitute for the laws now in force disposing of accrued pensions, and to commend the same to the consideration of Congress for enactment into law.

The laws at present on the statute books relating to the disposition of unpaid pension that accrued prior to the death of a pensioner, or that might accrue upon the grant of a pension to a person who had a claim therefor pending in the Pension Office at the date of his death, are found in section 4718 Revised Statutes United States, the act of March 1, 1889, and the third and fourth provisos of the pension appropriation act of June 30, 1890.

The provisions of the laws referred to are more or less ambiguous and uncertain in terms, and admit of several constructions which have given rise to a contrariety of decisions as to their meaning and application and to great difficulty and confusion in their execution, the practice of the Pension Office in the adjudication of such claims having been radically changed more than once.

In the draft of the bill herewith submitted I have endeavored to avoid the difficulties and incongruities which practical experience in their execution has shown to exist in the present laws on the subject of accrued pensions, and also to eliminate such provisions as have resulted in unecessary hardship and injustice.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. JOHN M. PALMER,
Chairman Committee on Pensions, United States Senate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF H. E. SIZER.

Mr. McLAURIN. I ask unanimous consent for the consideration of the resolution reported from the Committee on Claims in relation to the heirs of H. E. Sizer. It will call forth no discussion.

There being no objection, the Senate proceeded to consider the resolution reported from the Committee on Claims by Mr. McLAURIN on the 3d instant, which was read, as follows:

Resolved, That the claim of Eliza H. Gerger and Mary Virginia Roulins, daughters and only heirs at law of H. E. Sizer, deceased, late of Jackson, State of Mississippi, represented by Senate bill No. 1406, with all the papers relating thereto, be, and the same is hereby, referred to the Court of Claims to find the facts, proceeding under existing laws, whether, barring all statutes of limitation, the said claim mentioned in the said Senate bill, or any part thereof, and if so, what part, is, under the laws of the United States, a valid and subsisting claim against the United States.

The resolution was agreed to.

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, August 8, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August 7, 1894.*

The House met at 12 o'clock m. Prayer by Rev. W. E. PARSON, D. D.

The Journal of the proceedings of yesterday was read and approved.

INDIAN APPROPRIATION BILL.

Mr. PICKLER. Mr. Speaker, I desire also to enter a motion to reconsider the vote by which the yeas and nays were ordered on the question before the House at the adjournment last evening, and to have it remain pending until the Indian appropriation bill comes up to-day. I further desire to enter a motion to reconsider the vote by which the House, on the motion of the gentleman from Wisconsin [Mr. LYNCH], agreed to the conference report.

The SPEAKER. What is the number of the bill?

Mr. PICKLER. It is the Indian appropriation bill.

The SPEAKER. The motions will be entered and regarded as pending when the bill is reached.

Mr. MADDOX. Mr. Speaker, I did not hear what the gentleman from South Dakota said.

The SPEAKER. The gentleman from South Dakota entered a motion to reconsider the vote ordering the yeas and nays, and also a motion to reconsider the vote by which the conference report on the Indian appropriation bill was agreed to.

Mr. PICKLER. Mr. Speaker, perhaps we might dispose of one matter now. I ask unanimous consent that the order by which the yeas and nays were ordered be vacated.

Mr. MADDOX. I suggest that the gentleman withhold that request until the chairman of the committee is present.

TAXATION ON NATIONAL-BANK NOTES, ETC.

The SPEAKER laid before the House an act (H. R. 4326) "to

subject to State taxation national-bank notes and United States Treasury notes," with amendments of the Senate thereto.

Mr. COOPER of Indiana. Mr. Speaker, the Senate amendments are all formal; none of them go to the substance of the bill; and I move that the House concur.

The SPEAKER. The amendments will be read.

The amendments of the Senate were read.

Mr. COX. Mr. Speaker, I ask that the bill be read as amended by the Senate.

The Clerk read the bill as amended.

Mr. COOPER of Indiana. Mr. Speaker, I move that the House concur in the amendments of the Senate, and upon that I demand the previous question.

The previous question was ordered. The motion to concur was agreed to.

On motion of Mr. COOPER of Indiana, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

SECTIONS 2401 AND 2403, REVISED STATUTES.

The SPEAKER also laid before the House an act (H. R. 7803) to amend sections 2401 and 2403 of the Revised Statutes with an amendment by the Senate thereto.

The amendment of the Senate was read, as follows:

Page 2, section 2, line 12, after "United States," insert "in the States where the surveys were made."

Mr. McRAE. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. McRAE, a motion to reconsider the vote by which the amendment was concurred in was laid on the table.

BRIDGE ACROSS THE PERDIDO.

The SPEAKER also laid before the House an act (H. R. 7827) to authorize a bridge across the Perdido River between the States of Florida and Alabama with an amendment of the Senate thereto.

Mr. MALLORY. Mr. Speaker, I ask that the Senate amendment be read.

The amendment was read, as follows:

At the end of the bill insert:
"SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. MALLORY. I move that the House concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. MALLORY, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

AMANDA J. LANE.

The SPEAKER also laid before the House an act (H. R. 3033) granting a pension to Amanda J. Lane with an amendment of the Senate thereto.

Mr. MARTIN of Indiana. Mr. Speaker, I rise to a parliamentary inquiry. Can that bill be allowed to lie on the table and have the right of way to be called up in the future?

The SPEAKER. Only by unanimous consent.

Mr. MARTIN of Indiana. I ask unanimous consent that the bill lie on the table for the present with the right to be called up hereafter.

The SPEAKER. Without objection, that order will be made.

JAMES FAY.

The SPEAKER also laid before the House an act (H. R. 7683) to remove the charge of desertion against James Fay with an amendment of the Senate thereto.

Mr. COOMBS. I move that the Senate amendment, which is merely an amendment of the title, be concurred in.

The Senate amendment changing the title to "An act to correct the naval record of James Fay and grant him an honorable discharge," was concurred in.

MATERIALS AND LABOR FOR PUBLIC WORKS.

The SPEAKER laid before the House the bill (H. R. 86) for the protection of persons furnishing materials and labor for the construction of public works.

The SPEAKER. This bill has been returned from the Senate with amendments, which will be read.

The amendments were read.

Mr. HEARD. Mr. Speaker, I have examined these amendments; and in my judgment they tend to perfect the bill. They have also been examined by the gentleman from Texas [Mr. CULBERSON], the chairman of the Committee on the Judiciary, by which committee the bill was reported, and they have his approval. I therefore move that the amendments be concurred in.

The amendments were concurred in.

LANDS IN ARREDONDO GRANT, COLUMBIA COUNTY, FLA.

The SPEAKER laid before the House the following concurrent resolution of the Senate:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Interior be, and he is hereby, requested to suspend the opening of the lands in the Arredondo grant of 20,000 acres in Columbia County, Fla., to entry under the land laws of the United States until the close of the present Congress, unless there is further legislation with reference thereto before that time.

Mr. COOPER of Florida. I ask unanimous consent that this resolution be considered and passed.

Mr. COOMBS. I should like to hear some explanation of the resolution.

Mr. COOPER of Florida. This resolution simply proposes to suspend any disposition of the lands referred to until Congress can consider the question. This section of our State has been settled by a farming community, and is covered with their homes. It was settled long before I was born. There has been a recent decision of the Interior Department affecting the titles of these lands; and we simply wish to withhold the lands from entry under the public land laws until Congress can consider what may be proper legislation to be adopted with reference to the subject.

Mr. McRAE. I hope the resolution will be considered and adopted.

There being no objection, the House proceeded to consider the resolution; and it was concurred in.

On motion of Mr. COOPER of Florida, a motion to reconsider the last vote was laid on the table.

SENATE BILLS REFERRED.

Senate bills of the following titles were laid before the House, read twice, and referred as stated:

A bill (S. 966) to compensate Elihu Root for services rendered by direction of the Attorney-General—to the Committee on Claims.

A bill (S. 1956) granting an increase of pension to Mary Doubleday, widow of Bvt. Maj. Gen. Abner Doubleday—to the Committee on Invalid Pensions.

A bill (S. 1375) to remove the charge of desertion from the military record of Jeremiah F. Brown—to the Committee on Military Affairs.

A bill (S. 1935) granting a pension to Elizabeth Ellery—to the Committee on Invalid Pensions.

A bill (S. 1584) granting a pension to John Eckland—to the Committee on Invalid Pensions.

A bill (S. 1229) to correct the military record of George Whittaker, late a private of Company C, Twelfth New Jersey Volunteers—to the Committee on Military Affairs.

A bill (S. 1189) for the relief of Capt. Henry C. Seaman—to the Committee on Military Affairs.

A bill (S. 1675) to remove the charge of a dishonorable dismissal after the battle of Stone River standing against the name of L. S. Woodworth, to correct the record and issue him an honorable discharge—to the Committee on Military Affairs.

A bill (S. 2056) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka—to the Committee on Invalid Pensions.

A bill (S. 1692) granting a pension to William J. Murray—to the Committee on Invalid Pensions.

A bill (S. 2275) granting a pension to Elizabeth New, widow of Jethrow New—to the Committee on Invalid Pensions.

A bill (S. 429) for the relief of George H. Plant, of the District of Columbia—to the Committee on Claims.

Joint resolution (S. R. 68) for the relief of W. D. Mack, a clerk in the Record and Pension Division of the War Department—to the Committee on Claims.

Joint resolution (S. R. 19) authorizing the Secretary of War to correct the military record of Capt. Edward Wheeler, Forty-sixth New York Volunteers—to the Committee on Military Affairs.

A bill (S. 646) for the relief of John O'Keane, of the State of Washington—to the Committee on Claims.

A bill (S. 857) to remove the charge of desertion from the military record of James McConnell, late private in Company B, Fifth Regiment Connecticut Infantry—to the Committee on Military Affairs.

A bill (S. 1233) for the relief of Henry Lane—to the Committee on Military Affairs.

A bill (S. 837) for the relief of Albert Locke, alias Shipley—to the Committee on Military Affairs.

A bill (S. 1857) granting an honorable discharge to William B. Barnes, late major of the Eleventh New York Heavy Artillery—to the Committee on Military Affairs.

A bill (S. 473) to remove the charge of desertion from the record of Jeremiah L. Daly—to the Committee on Military Affairs.

A bill (S. 2173) to amend an act entitled "An act to establish a United States court in the Indian Territory, and for other purposes," approved March 1, 1889, and an act entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May 2, 1890; to provide for the redistricting of the Indian Territory for judicial purposes, for an additional judge and more United States commissioners, and to prescribe the jurisdiction, duties, and authority of such judges and commissioners, and for other purposes—to the Committee on the Judiciary.

A bill (S. 1885) to extend the privileges of the transportation of dutiable merchandise without appraisement to the city of Ocala, in the State of Florida—to the Committee on Commerce.

MARY DOUBLEDAY.

When the bill (S. 1956) granting an increase of pension to Mary Doubleday, widow of Bvt. Maj. Gen. Abner Doubleday, was laid before the House—

Mr. RYAN. I ask unanimous consent for the present consideration of this bill.

Mr. KILGORE called for the regular order; and the bill was referred as above stated.

MARINE HOSPITAL SERVICE.

The SPEAKER also laid before the House the bill (S. 2280) to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties on the Marine Hospital Service."

Mr. DANIELS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill.

The SPEAKER. The bill will be read, after which the Chair will ask if there be objection to the request.

The bill was read, as follows:

Be it enacted, etc., That section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," is hereby amended by adding to the end of said section the following:

"The provisions of this act shall not apply to vessels plying between foreign ports on or near the frontiers of the United States and ports of the United States adjacent thereto; but the Secretary of the Treasury is hereby authorized, when, in his discretion, it is expedient for the preservation of the public health, to establish regulations governing such vessels."

Mr. DANIELS. May I explain the object of the bill?

The SPEAKER. Without objection the gentleman from New York will be permitted to make a brief explanation.

Mr. DANIELS. The object of this bill, Mr. Speaker, is simply to relieve the ferryboats and excursion boats on the northern frontier from the force and effect of the quarantine law which was passed in 1893, as it now stands, and to leave them hereafter subject to the control of the Secretary of the Treasury under any rules and regulations he may make for the purpose of securing the observance of the health laws of the United States.

Along this northern frontier there are upwards of a thousand miles of coast where ferryboats are plying every day from one side of the rivers to the other, and excursion boats are coming and going from the large cities for 10 or 15 miles along the shores of the lakes and returning the same day with passengers and excursionists; and it is the purpose of this act to relieve them from the observance of the requirements of the act of 1893, by which a consular certificate of health is required to be obtained every time they leave the foreign country for our shores, and subject them hereafter to the control of the Secretary of the Treasury, under such regulations as he may regard as necessary to preserve the health laws of the United States.

Mr. OUTHWAITE. I do not think there is any objection to the bill.

Mr. COOMBS. None whatever.

Mr. DANIELS. The Secretary of the Treasury recommends its passage as shown by the report.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection the bill was considered, was ordered to a third reading, and being read the third time, was passed.

On motion of Mr. DANIELS, a motion to reconsider the last vote was laid on the table.

REFERENCE OF SENATE BILL.

The SPEAKER also laid before the House the bill (S. 2269) providing for the reconveyance by the District Commissioners of certain lands to Andrew J. Curtis and Mary E. Curtis; which was referred to the Committee on the District of Columbia.

AMANDA J. LANE.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 3033) granting a pension to Amanda J. Lane.

Mr. WILLIAMS of Illinois. Mr. Speaker, I ask that the House concur in the Senate amendment.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

In lines 4 and 5 strike out the words "subject to the provisions and limitation of the pension laws," and insert "at the rate of $10 per month."

The SPEAKER. The gentleman from Illinois moves to concur in the Senate amendment.

The motion was agreed to.

VETO MESSAGE, EUGENE WELLS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying bill, referred to the Committee on Military Affairs:

The House of Representatives:

I herewith return without approval House bill No. 2637, entitled "An act for the relief of Eugene Wells, late captain Twelfth Infantry and second lieutenant First Artillery, United States Army."

This bill authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint the beneficiary therein named a second lieutenant of artillery in the Army of the United States; and it directs that when so appointed he shall be placed upon the retired list, on account of disability, thus dispensing with the usual examination and finding by a retiring board and all other ordinary prerequisites of retirement.

Appointments to the Army under the authority of special legislation which names the proposed appointee, and the purpose of which is the immediate retirement of the appointee, are open to serious objections, though I confess I have been persuaded through sympathy and sentiment, on a number of occasions, to approve such legislation. When, however, it is proposed to make the retirement compulsory and without reference to age or previous examination a most objectionable feature is introduced.

The cases covered by the special enactments referred to are usually such as should, if worthy of any consideration, be provided for under general or private pension laws, leaving the retired list of the Army to serve the legitimate purpose for which it was established.

A recent discussion in the House of Representatives upon a bill similar to the one now before me drew from a member of the House Committee on Military Affairs the declaration that hundreds of such bills were before that committee, and that there were fifty precedents for the passage of the particular one then under discussion.

It seems to me that this condition suggests such an encroachment upon the retired list of the Army as should lead to the virtual abandonment of the legislation referred to.

In addition to the objections to such legislation, based upon sound policy and good administration, there are facts connected with the case covered by the bill now before me which in my judgment forbids its favorable consideration.

The beneficiary named in this bill entered the military service as first lieutenant in 1861. In September or October, 1870, then being a captain, a charge of conduct unbecoming an officer and a gentleman was preferred against him with a view to his trial on said charge before a court-martial.

The Articles of War provide that any officer convicted of this offense shall be dismissed the service.

The first specification under this charge alleged that Capt. Wells did violently and without just cause or provocation assault First Lieut. P. H. Breslin, "by furiously striking and hitting him (Lieut. Breslin) upon the head with a hickory stick, the butt end of a billiard cue, and did continue the assault (upon Lieut. Breslin) until forced to desist therefrom by First Lieut. Carl Veltenhimer, Fourth United States Infantry, thereby endangering the life of Lieut Breslin and disgracing himself (Capt. Wells) as an officer of the United States Army."

The second specification alleged that Capt. Wells "did become so much under the influence of intoxicating liquor as to behave himself in a scandalous manner by violently attacking the person of First Lieut. P. H. Breslin, Fourth United States Infantry."

These offenses were charged to have been committed on the 3d day of September, 1870, at Fort Fetterman, in Wyoming Territory.

On the 15th day of July, 1870, a law was passed, among other things, to bring about a reduction of the Army, which law provided that the President should, before the 1st day of July, 1871, reduce the number of enlisted men in the Army to 30,000, and authorized him in his discretion to honorably discharge from the service of the United States officers of the Army who might apply therefor, on or before January 1, 1871.

Before the trial by court-martial upon the charge then pending against him, Capt. Wells applied for his discharge under the provision of the law above recited, whereupon the charge against him was withdrawn and canceled, and on the 27th day of October, 1870, his application for a discharge was granted.

On the 6th day of July, 1885, he was again appointed to the Army as second lieutenant in the artillery, against which a remonstrance was made by certain officers in the Army.

In August, 1877, Second Lieut. Wells was charged with being "drunk on duty, in violation of the thirty-eighth article of war."

He was also charged with "conduct to the prejudice of good order and military discipline."

The first specification under the latter charge alleged that the accused did "engage in an affray with First Lieut. E. Van A. Andruss, First Artillery." The second specification under said charge alleged that the accused addressed his superior officer in a defiant and disrespectful manner, and neglected and hesitated to promptly obey the order of said superior officers.

All these offences were alleged to have been committed at Reading, Pa., on the 2d day of August, 1877.

Soon after these charges were preferred, a court-martial was convened for the trial of the accused thereon. He pleaded not guilty to the charges and specifications, but was convicted of them all, and sentenced "to be dismissed the service of the United States."

On the 6th day of October the proceedings, findings, and sentence of the court-martial were approved by the President, who ordered the sentence to be executed; and on the 13th day of October, 1877, in pursuance thereof, Lieut. Eugene Wells was dismissed from the service.

Since that time repeated efforts have been made to vacate this judgment and restore the dismissed officer to the service. While a number of committees in Congress have made reports favorable to such action, at least two committees have recommended a denial of legislative relief. Both of these reports were made on behalf of House Committees on Military Affairs, by distinguished soldiers who, after patient examination and with an inclination to be not only just but generous to a fellow-soldier, were constrained to recommend a refusal of the application for restoration. One of these reports was made to the Forty-seventh and the other to the Forty-ninth Congress.

I am impressed with the belief that legislation of the kind proposed is of

extremely doubtful expediency in any save very exceptional cases; and I am thoroughly convinced by the facts now before me that the discipline and efficiency of our Army, as well as justice to its meritorious members, does not permit my approval, on any ground, of the bill herewith returned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 7, 1894.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CURTIS of New York, indefinitely, on account of sickness.

To Mr. COFFEEN, indefinitely, on account of sickness.

TITLE TO CERTAIN INDIAN LANDS.

Mr. MADDOX. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 7810.

The SPEAKER. The bill will be read, after which the Chair will ask if there be objection.

The bill was read, as follows:

Whereas certain commissioners appointed and authorized on the part of the United States, have entered into an agreement with the Wichita and affiliated bands of Indians whereby said Indians agree to cede a certain part of their reservation in what is known as the leased district; and

Whereas the commissioners duly appointed and authorized on the part of the United States, have entered into an agreement with the Comanche, Kiowa, and Apache tribes of Indians, whereby said tribes of Indians agree to cede a certain part of their reservation in what is known as the leased district; and

Whereas the said lands agreed to be ceded by the aforesaid tribes of Indians are located between the ninety-eighth and one hundredth degree of west longitude, in Oklahoma Territory, and are located within the territory leased from the Choctaw and Chickasaw tribes in the year 1855 and ceded in 1866; and

Whereas it is claimed by the said Choctaw and Chickasaw tribes that they only ceded said land in trust for the purpose of locating friendly Indians thereon, and that when said land is opened for settlement to other than friendly Indians that the title in said land reverts to them, and that they are entitled to pay for the same; and

Whereas it is claimed by the tribes, that is to say, the Wichita and affiliated bands of Indians, the Comanche, Kiowa, and Apache tribes, that they are the absolute owners of said lands, and deny that the Choctaw and Chickasaw tribes have any right, title, or interest, either legal or equitable, in the same, but, on the contrary, claim that said Choctaw and Chickasaw tribes ceded all their right, title, and interest in the said leased districts to the United States, and that the United States thereby became the absolute owner thereof, and that they, the Wichitas, and affiliated bands, and the Comanche, Kiowa, and Apache tribes, are now the owners of said land; and

Whereas Congress is called upon to ratify said agreement, with a view of opening said lands for settlement; and

Whereas it appears from the claims and contentions of said Indians that the title to the aforesaid lands is unsettled and undetermined, to the end that the Congress of the United States may know the interest, either legal or equitable, of the different parties claiming title thereto, and that the same may be adjudicated and finally settled: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney-General of the United States be, and is hereby, authorized and directed to at once bring suit in the supreme court of claims of the District of Columbia, for the purpose of determining the right, title, and interest, either legal or equitable, of the aforesaid tribes of Indians in the lands above mentioned, and that he be authorized and directed to make all of said tribes, or any others that may have any claim or interest therein to said lands, parties defendant to said suit.

SEC. 2. That the Attorney-General cause to be served upon said tribes, through their proper agents or representatives, copies of the original proceedings in the suit so brought sixty days before the hearing thereof, according to the usual method of procedure in said court, and that said tribe or tribes shall be allowed to file their pleas and answer to said suit, and to defend the same in as full and as complete a manner and according to the same rules and methods as now allowed parties litigant in said court.

SEC. 3. That it shall be the duty of the court to hear and determine all the issues arising in said suit, and that the court shall decide fully the right, title, and interest, either legal or equitable, that the aforesaid tribes have in said lands, if any, according to the interpretation of Indian treaties by the Supreme Court of the United States, and shall specify the character and the amount of said interest, if any.

SEC. 4. That any of the parties at interest in said suit shall have the right to appeal direct to the supreme court of appeals of the District of Columbia, and that said courts shall give precedence to this case, and shall hear and determine all the points at issue as early as practicable.

SEC. 5. That the courts shall have full power to assess the costs in this case against the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. McRAE. Mr. Speaker, I move to amend the bill.

The SPEAKER. The Clerk will read the amendment proposed by the gentleman from Arkansas.

The Clerk read as follows:

In line 5, section 1, page 3 of the bill, strike out the words "Supreme court of the District of Columbia" and insert in lieu thereof the words "the Court of Claims." Also in lines 2 and 3, of section 4, page 4, strike out the words "court of appeals of the District of Columbia," and insert in lieu thereof "the Supreme Court of the United States."

Mr. CANNON of Illinois. What is this all about? I wish you would please tell us.

Mr. MADDOX. The objection to the amendment is simply this: This bill was offered by the direction of the Committee on Indian Affairs, and the Supreme Court of the United States can not entertain jurisdiction because it has been so determined in a decision of the court in the case of Gordon *vs.* United States, decided by Chief Justice Taney himself, the decision being to the effect that the court will not entertain jurisdiction of any case where it had to depend upon an act of Congress to enforce its judgment. When this case is determined that court can not enforce judgment without the aid of Congress, and that being true, the Supreme Court, under its own decision, can not entertain jurisdiction. We tried to get it there; it was our purpose to get it there, and was advised by the Assistant Attorney-General, but we found that this could not be done.

Mr. McRAE. Mr. Speaker, I am not familiar with the case to which the gentleman refers. It seems to me, however, that, as this is a bill to confer jurisdiction, we can select the court we want. It is very questionable to my mind whether there ought to be any reference of this matter to the courts at all; but if we can pass a bill conferring jurisdiction on the supreme court of the District of Columbia, we can upon the Court of Claims. If there is any necessity for litigation, let us have such litigation as the country will respect, and as the Indians will be bound by. Let us submit it to the Court of Claims with the right of appeal to the Supreme Court of the United States, if we are to have it done at all. Congress can confer the jurisdiction, I think, and if it can, I hope it will be done, as my amendment provides.

Mr. MADDOX. In face of the decision of the Assistant Attorney-General and Supreme Court that can not be done. We wanted the bill that way, and were perfectly willing that the bill should be so drawn. We tried to get it to the Supreme Court of the United States, but could not.

Mr. Speaker, so far as the necessity for the suit is concerned, if I can get the attention of the House, I think I can show that in a very few minutes. It will be remembered by the older members of this House, at least those who served two years ago, that the Government entered into a treaty with the Cheyennes and Arapahoes in what is now known as Oklahoma Territory, by which we agreed to pay them a certain sum for their reservation and to locate them, or in other words let them take allotments in that land, and when that was done the Choctaws and Chickasaws came before this body and made a claim for $2,900,000, which was advocated by the gentleman from Arkansas [Mr. Peel] at that time; and they not only advocated, but succeeded in passing a bill through this body authorizing this Government to pay it, and we did pay for it; and now they claim a reversionary interest in this land.

Now, we have two treaties—one between the Comanches and Kiowas, and the Wichita and affiliated bands, and these Chickasaws and Choctaws have the very same claim to this land that they had to the Cheyenne and Arapaho Reservations. Now, before we ratify these treaties it was the opinion of the Committee on Indian Affairs that we ought to have a decision of some competent court of this country to determine the fact as to whether these people had title or not.

It will be remembered that President Harrison decided they had no title to this property and he refused to sign a bill on that ground, because they did not have that title. He was supported in that decision by Secretary Noble, and he is now supported in the same decision by the present Secretary of the Interior.

The Choctaws and Chickasaws claim that they have a remainder interest in this land, and on that they have a precedent in the action of this House, by a large majority, saying that they have got it. So it was the opinion of the Committee on Indian Affairs that this question should be submitted to the courts of this country and let that questson be determined, and if they have a remainder interest, as they claim to have, let us treat with them before we go so far that we can not well retract. That is the purpose of the legislation. It was the purpose of our committee to have that case decided in the Supreme Court, if possible; but we found that we could not do that, as there were two decisions of the court which precluded our doing so.

Mr. HOLMAN. And if we could do that there would be a great deal of delay.

Mr. MADDOX. Yes; and there would be a great deal of delay if we could; but notwithstanding that, we wanted to do it that way. It was our purpose to have it go there, and we found that we could not do it on account of two decisions that had been rendered.

Mr. CANNON of Illinois. Will the gentleman yield to me for five minutes?

Mr. MADDOX. Yes, sir; I will.

I want to say, further, that the Committee on Indian Affairs have no desire to evade the Supreme Court of the United States, because it was our purpose to go there; but we found we could not do that, as there were two different decisions of the Supreme Court to that effect. We had the decision of the Assistant Attorney-General of the Interior Department himself, who gave that opinion, which I have here.

Mr. HOLMAN. And he framed this bill.

Mr. MADDOX. We amended it according to his decision, and brought it in according to his recommendation. The bill as originally framed by the gentleman from Kansas [Mr. CURTIS] and myself set out with the determination to bring the case ex-

actly as the gentleman from Arkansas [Mr. McRAE] wants it to be brought now, but we found that we could not do it, and we had to take this direction under the law. That is the reason why we propose to bring it in the district court now, with the right to appeal to the court of appeals of the District.

Mr. FLYNN. In the event that you ratify the treaty pending before you, to which this legislation refers, and open up those lands to settlement, the claims of these people, if they have any, will not be interfered with a particle, will they?

Mr. MADDOX. Not at all.

Mr. FLYNN. Then there has been nothing to hinder the ratification of those treaties and a favorable report from your committee except the view of the committee that they wanted this kind of legislation.

Mr. MADDOX. We simply wanted to have the question of title settled before we went into this business. We did not want to have to pay for this land twice.

Mr. FLYNN. I have no desire to see the land paid for twice. All I desire is the land. The committee decided that this was the only bill they would report, and as it seems to me the nearest way to accomplish the purpose, I think the bill ought to pass. But I do not want it to go to any court where it will hang fire for eight or ten years.

Mr. MADDOX. I think you are right about that. Mr. Speaker, I retain the balance of my time, yielding five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON of Illinois. Mr. Speaker, I ask the attention of the House for a few moments. I am in harmony with this bill, and I ask this side of the House to give it support for the following reasons: In the Fifty-first Congress a bill was passed, in connection with the Indian appropriation bills, under the leadership of the gentleman from Arkansas, who is not now in Congress [Mr. Peel], giving, as I recollect, over $2,000,000 to these Indians——

Mr. HOLMAN. Two million nine hundred thousand dollars.

Mr. CANNON of Illinois. The gentleman from Indiana suggests $2,900,000. A bill was passed giving that amount to the Choctaws and Chickasaws for an alleged claim that they had in certain lands, the Government having by treaty compensated them for those lands and having paid the Arapahoes for them also. I recollect that fight very well. It was on a Senate amendment to the Indian appropriation bill, the second session Fifty-first Congress, in the last hours of the session, and could not be vetoed by the President without vetoing the whole appropriation bill; this being one of the items of the appropriation bill, was approved by the President, he stating that he would not pay the money without further action of Congress, which action was had by the Fifty-second Congress. And this action was had in the teeth of the statement of both the Secretary of the Interior and the President that these Indians had no interest in the land. I well recollect the vote by which the bill was carried here, the House almost evenly divided, with substantially a solid Democratic vote for the bill with a sprinkling of Republicans——

Mr. HOLMAN. Oh, no.

Mr. CANNON of Illinois. Oh, yes; the gentleman from Indiana, however, voted against it.

Now, then, with a House strongly Democratic, you gentlemen come here and confess your error; and this side of the House, not following the example of the Democrats on that occasion, will, I hope, cooperate with you to pass this bill, and let the rights of these Indians in these lands, if they have any, be settled. That is the only proper and, in my judgment, the only honest thing to do. Therefore I shall vote for the bill.

Mr. McRAE. Mr. Speaker, I have stated that I do not know whether there is any necessity for this bill or not. I have very serious doubt as to whether it ought to pass, but I have not seen fit to object to its consideration. I believe the treaty with these Indians ought to be ratified and the lands opened to settlement, and I regret very much that the Committee on Indian Affairs have struck this legal difficulty, which will of course delay the matter. But as it appears to be the deliberate judgment of the committee and of the Interior Department that the legal question should be submitted to the courts, I have not objected, and stand ready to aid in bringing about a speedy decision. I am, therefore, in favor of the bill, but I want it so amended that Congress and the people of the country will have respect for the decision of the court which passes upon it, and so that we can afford to legislate upon it. The bill as it stands confers upon the supreme court of the District of Columbia jurisdiction to pass upon the questions involved in Indian treaties and Indian contracts, and to settle questions arising between two tribes of Indians.

That is a matter entirely foreign to the purposes for which these courts were organized, and is unusual and unprecedented. We have never undertaken to confer such jurisdiction upon them before. All matters of this kind have heretofore gone to the Court of Claims, with the right of appeal from the Court of Claims to the Supreme Court of the United States. The questions involved in the French spoliation claims and like matters have taken that course, and I believe that this matter ought to take that course, unless it is perfectly clear that we can not give them jurisdiction. I do not understand why we have not the same power over the Court of Claims as over the District courts.

Mr. MADDOX. Mr. Speaker, I hope the amendment will not be adopted, because the effect of it would be simply to kill the bill, if I understand the decision of the Supreme Court, and if the Assistant Attorney-General understands it. We would have no objection to this matter taking the course suggested by the gentleman from Arkansas if the Court of Claims had jurisdiction, or if there could be an appeal from that tribunal to the Supreme Court, but that court itself has held that it can not and will not take jurisdiction of such questions. This is not in any sense a claim, and it is not within the jurisdiction of that court. I repeat, therefore, that I hope the amendment will not be adopted. I now demand the previous question on the amendment and on the bill to its passage.

The previous question was ordered.

The amendment of Mr. McRAE was again read.

Mr. FLYNN. Does that retain the provision that the court shall give the matter immediate consideration?

The SPEAKER. The previous question having been ordered, debate is not in order.

Mr. FLYNN. I was merely asking a question for information as to what the bill contained.

The SPEAKER. That is in the nature of debate.

The amendment of Mr. McRAE was rejected.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MADDOX, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills and joint resolutions of the following titles:

On August 3, 1894:

An act (H. R. 650) to remove the charge of desertion standing against Oliver O'Brien;

An act (H. R. 6754) to amend section 15 of an act approving, with amendments, the funding act of Arizona, approved June 25, 1890;

An act (H. R. 7753) to exempt the articles of foreign exhibitors at the interstate fair at Tacoma, Wash., from the payment of duties; and

An act (H. R. 2795) to amend section 5 of the act approved June 18, 1878, entitled "An act to organize the Life-Saving Service."

On August 4, 1894:

An act (H. R. 4561) granting a pension to Harriet T. Vosburgh;

An act (H. R. 3487) granting an increase of pension to Eliza K. Starr;

An act (H. R. 1196) to pension Mary E. Trickey;

An act (H. R. 5351) granting a pension to Celestia P. Hartt;

An act (H. R. 5020) granting a pension to Washington Hislop;

An act (H. R. 1686) granting a pension to Margaret English;

An act (H. R. 4567) establishing a fog signal at Kewaunee, Wis.;

An act (H. R. 366) providing for the sale of the old custom-house and lot connected therewith in the city of Louisville, Ky.;

An act (H. R. 5312) authorizing the construction of a light-ship, with fog signal, to be established to the eastward of Boston light, Massachusetts, and for the establishment of range-lights in Boston Harbor, Massachusetts;

An act (H. R. 7518) to amend an act to authorize the construction of a steel bridge over the St. Louis River, between the States of Minnesota and Wisconsin;

An act (H. R. 6969) for the relief of Benjamin F. Poteet;

An act (H. R. 6719) to provide for the validation of affidavits made before the United States commissioners in all land entries;

An act (H. R. 4448) for the relief of persons who have filed declarations of intention to enter desert lands;

An act (H. R. 7335) to grant to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes;

Joint resolution (H. Res. 207) authorizing the Secretary of the Interior to approve a certain lease made in Polk County, Minn.;

An act (H. R. 1461) to remove the charge of desertion from the record of Andrew L. Grugett as a former member of Com-

pany E, Sixth Tennessee Cavalry, in the war of the rebellion, and to grant him an honorable discharge therefrom;

An act (H. R. 4346) extending the benefits of the marine hospitals to the keepers and crews of life-saving stations;

An act (H. R. 4903) to authorize a compromise and settlement with the State of Arkansas.

On August 6, 1894:

An act (H. R. 6373) making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes;

An act (H. R. 4606) to amend sections 5365 and 5366 of the Revised Statutes relating to barratry on the high seas;

An act (H. R. 7071) to exempt the property of the Young Men's Christian Association of the District of Columbia from taxation;

An act (H. R. 213) to pay for alley condemned in square No. 493, in the city of Washington, D. C.; and

Joint resolution (H. Res. 121) authorizing proper officers of the Treasury Department to examine and certify claims in favor of certain counties in Arizona.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 5246) providing for the inspection of immigrants by United States consuls, asked a conference with the House on the bill and amendments, and had appointed Mr. HILL, Mr. FAULKNER, and Mr. CHANDLER as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 6415) to provide an immediate revision and equalization of real-estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year 1896, and every third year thereafter, asked a conference with the House on the bill and amendments, and had appointed Mr. HUNTON, Mr. FAULKNER, and Mr. PROCTOR as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 2896) for the relief of Henry James, residing in the original Hot Springs Reservation, in the State of Arkansas;

A bill (H. R. 6518) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes;

A bill (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895;

A bill (H. R. 522) for the relief of Benjamin Alford;

A bill (H. R. 855) to amend an act granting a pension to Elizabeth Voss;

A bill (H. R. 856) granting an increase of pension to John Stockwell;

A bill (H. R. 953) to increase the pension of Mary P. Broughton;

A bill (H. R. 1313) to increase the pension of John Scott;

A bill (H. R. 1463) granting a pension to Mrs. Lucinda C. Wheeler, widow of John H. Wheeler;

A bill H. R. 1717) granting a pension to Eliza Holmes;

A bill (H. H. 2108) to perfect the military record of Warren Alonzo Alden;

A bill (H. R. 2133) to correct the military record of Capt. E. M. Ives;

A bill (H. R. 3076) granting a pension to George L. Frymire;

A bill (H. R. 3032) to remove the charge of desertion from the record of John A. Jack;

A bill (H. R. 3065) to increase the pension of James Lane;

A bill (H. R. 3309) to pension Ambrose Giseburt;

A bill (H. R. 3840) to pension Joel A. Walters;

A bill (H. R. 3992) to increase the pension of Julia Bews;

A bill (H. R. 4780) to pension Thankful Robbins;

A bill (H. R. 4811) to pension Mary Trimble;

A bill (H. R. 5374) granting a pension to Sarah Oddy;

A bill (H. R. 5816) granting a pension to Mary Ann Donoghue;

A bill (H. R. 6206) granting a pension to A. F. Neely;

A bill (H. R. 6213) to pension Harriet R. Tate;

A bill (H. R. 6384) for the relief of Walter S. McLeod;

A bill (H. R. 6405) to remove the charge of desertion standing against Patrick Kelleher, late private Company C, Thirty-eighth Illinois Volunteers;

A bill (H. R. 6542) to change the lines between the eastern and western judicial districts of North Carolina, and fixing time for holding courts in said eastern district; and

A bill (H. R. 7187) to make the city of Oakland, county of Alameda, State of California, a subport of entry.

A bill (S. 876) granting a pension to Rebecca H. Chambers;

A bill (S. 470) for the relief of George H. Jewett, of Arlington, Washington County, Nebr.;

A bill (S. 1640) granting a pension to Otis Smith;

A bill (S. 2217) to provide for the closing of a part of an alley in square 185, in the city of Washington, District of Columbia; and

A bill (S. 16) granting a pension to Nettie N. Seaver.

JAMES E. NORTH.

Mr. HAINER of Nebraska. I ask unanimous consent for the present consideration of the bill (S. 1949) for the relief of James E. North.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to James E. North, of the State of Nebraska, out of any money in the Treasury not otherwise appropriated, the sum of $489.11, due him from the United States for services as collector of internal revenue for the district of Nebraska, from the 4th day of November to the 13th day of December, 1893, inclusive.

Mr. OUTHWAITE. Let us hear some explanation of this.

Mr. HAINER of Nebraska. In the report there is a letter from Hon. Joseph S. Miller, Commissioner of Internal Revenue. I ask that the letter be read.

The Clerk read as follows:

WASHINGTON, D. C., *April 19, 1894.*

SIR: In reply to your letter of the 6th instant asking information in regard to the course of procedure necessary to be taken in the matter of recovering the $489.11, personal salary, disallowed for the period from November 4 to December 13, 1893, you are advised that as you failed to renew the oath of office November 4 (the day after the adjournment of the extra session of Congress), as directed in the telegram from this office of that date, until December 13, the only course that now appears to be left is for you to apply to Congress for relief, as is the practice in similar cases.

Your accounts for the period from October 1 to November 3 and from November 4 to December 31, 1893, were rendered strictly in accordance with the instructions in the letter from this office of December 6, 1893, and had the oath been taken (see section 1769, Revised Statutes, as to the termination of temporary appointments) the difference would have been obviated, but it is thought that no difficulty is in the way of getting the required relief; application for which should be made without unnecessary delay.

Respectfully,

JOS. S. MILLER, *Commissioner.*

J. E. NORTH, Esq.,
Collector Internal Revenue, Omaha, Nebr.

Mr. HAINER of Nebraska. This bill has been considered by the Committee on Claims of this House, and a unanimous report in favor of its passage has been made by the gentleman from Tennessee [Mr. COX], to whom I will gladly yield for further explanation if any be needed.

Mr. COX. As the gentleman asks me to make a statement in regard to this matter, I will say that this bill has been favorably considered by the Committee on Claims. The circumstances are these: The claimant was appointed a revenue collector under the law, but before he was confirmed the extra session of the Senate adjourned. He was notified to take an additional oath, but he failed to do this in pursuance of the telegram sent to him. He, however, entered upon the duties of the office and discharged them continuously.

Afterward he was duly confirmed. This bill proposes to pay him compensation for services actually performed by him before confirmation, and when he had not taken the oath required. He had already taken one oath; and he thought that obviated the necessity for taking an additional oath. The amount is $489, and the Commissioner of Internal Revenue recognizes the claim as absolutely just.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. HAINER of Nebraska, a motion to reconsider the last vote was laid on the table.

OWNERS OF SCHOONER HENRY R. TILTON, ETC.

Mr. FIELDER. I ask unanimous consent for the consideration of the bill (H. R. 3275) for the relief of the owners of the schooner Henry R. Tilton and of personal effects thereon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to ascertain, as soon as practicable, what was the reasonable value of the schooner Henry R. Tilton and the proportion thereof belonging to each of her several owners at the time she was sunk by a deflected projectile from a gun on the United States proving grounds at Sandy Hook, on or about the 9th day of July, 1892; and he shall, in like manner, ascertain what was the reasonable value of the personal effects of each of the several officers and sailors on the said schooner at the time of her sinking as aforesaid; and he shall report to the Secretary of the Treasury the several amounts so ascertained; and the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the owners of the said schooner the value thereof so ascertained and reported as herein prescribed: *Provided*, That the aggregate amount so reported as the value of said schooner does not exceed $10,000, less the amount of the net proceeds of the sale of the schooner; and he shall pay to the officers and crew of said schooner the several sums so ascertained to have been the value of their personal effects lost: *Provided*, That the aggregate of said several sums shall not exceed $1,000: *Provided further*, That all and each of said several amounts shall be received by the persons herein described in full satisfaction of all their claims against the United States on account of the loss of the said schooner Henry R. Tilton.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. KILGORE. It seems to me this is a bill of too much importance to be called up for consideration by unanimous consent. I demand the regular order.

Mr. LOUD. I hope the gentleman will withdraw that demand for a moment. This is one of the clearest and plainest cases that ever came before Congress.

Mr. DOCKERY. I think there is merit in this claim, but it seems to me the bill ought to be amended. As now drawn, it gives the Secretary of the Treasury authority to pay these claims without further action of Congress. It seems to me he should simply be authorized to ascertain the amounts which appear to be due and report the matter to Congress for its action.

Mr. LOUD. It seems to me we can trust the Secretary of the Treasury to ascertain what ought to be paid these parties, and to settle with them.

Mr. KILGORE. That is not, however, the common practice. It is usually left to Congress to take final action with regard to payments.

Mr. LOUD. I hope the gentleman from Texas [Mr. KILGORE] will allow me two or three moments to explain this case. I have some interest in it because I objected to it when an effort was made heretofore to call it up. I objected then on the ground that the bill had not come from the Committee on Claims.

The SPEAKER. Without objection, the gentleman from California [Mr. LOUD] will be permitted to make a brief explanation.

There was no objection.

Mr. LOUD. This schooner was sunk about two years ago by a shell from the proving grounds at Sandy Hook. Probably most of the members of the House recollect the circumstance. The officer who was in charge of the practice going on at the time stated in his evidence that before firing he scanned the horizon and that there was not a vessel within a mile. They were then firing into the sand on the beach. This shell, in its course of 5 miles, deflected a mile out of the direct line, struck this schooner on the side next the port about six or eight feet above the water line, and went through the vessel, coming out on the other side below the water line, thus sinking her.

Mr. KILGORE. Now, I understand that the court reported that this shell, in order to have struck the vessel, must have deviated from any ordinary line known to physics or philosophy in order to get there.

Mr. LOUD. The report of the officer shows that this vessel was sunk by a shot fired from a Government gun during target practice.

Mr. COOMBS. There is no doubt about that.

Mr. LOUD. It is a fact that this man was sailing his vessel in the harbor of New York attending to his own business, and a shell from the United States gun sunk his ship.

Mr. KILGORE. Is it conclusive that the vessel was sunk by a shot fired under such circumstances?

Mr. LOUD. There is no question about it.

Mr. GORMAN. No doubt whatever.

Mr. LOUD. And a letter from the engineer officer is on file which substantiates all the facts.

Mr. OUTHWAITE. In addition to that, let me suggest that the value of this vessel has been investigated in the United States court on the question of salvage.

Mr. GORMAN. By four suits I think.

Mr. OUTHWAITE. And it has been already determined as accurately as anything can possibly be determined, or as this could be by any further investigation, as to what the value of the vessel is. The discretion lodged in the Secretary of War is that he shall investigate as to the rights, and determine the question of ownership of the vessel, so that nothing more is paid than the party is entitled to receive. It is as just a bill as was ever before this or any other Congress.

Mr. BUNN. And the amount is not to exceed that mentioned in the bill.

Mr. KILGORE. Is it a rule that the Government shall be held responsible for the negligence of Government officials, or the agents of the Government?

Mr. LOUD. I think it should be held liable in a case of this character.

Mr. FIELDER. Undoubtedly it ought to be.

Mr. KILGORE. The rule is the other way. If you establish that rule here, by such action as this bill proposes, there is no knowing where it is going to end.

Mr. BUNN. This officer was in the line of duty, and following the direction given him by his superior officers to pursue a system of target practice, when this vessel was sunk.

Mr. KILGORE. Then it was an accident?

Mr. BUNN. Certainly.

Mr. KILGORE. The Government ought not to be held liable for an accident merely.

Mr. COOMBS. It certainly should be in such a case as this.

Mr. KILGORE. Very well, I will not insist upon the demand for the regular order if gentlemen want to consider the bill.

Mr. FIELDER. The Senate committee have reported favorably, and the bill passed the Senate.

The SPEAKER. Is there objection to the present consideration of the bill? Does the Chair understand the gentleman from Texas to withdraw the demand for the regular order?

Mr. KILGORE. I withdraw it.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time.

Mr. LOUD. There is a Senate bill, Mr. Speaker, which has been reported from the committee.

The SPEAKER. The gentleman from New Jersey did not send up the Senate bill

Mr. LOUD. It is on the Calendar.

Mr. FIELDER. I move to substitute the Senate bill for the House bill.

The SPEAKER. Is it identical with the House bill?

Mr. FIELDER. Yes, sir.

Mr. LOUD. Identical in all respects.

The SPEAKER. Then the action of the House will be reconsidered, if there be no objection, on this bill, and the question will be on the third reading of the Senate bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (S. 201) for the relief of the owners of the schooner Henry R. Tilton and of personal effects thereon.

The bill was ordered to a third reading, and being read the third time, was passed.

On motion of Mr. FIELDER, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The House bill will be laid on the table.

MACK SACKRIDER.

Mr. WEADOCK. Mr. Speaker, I desire to ask consent for the present consideration of the resolution I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be directed to pay out of the contingent fund of the House to the mother of Mack Sackrider, deceased, late a page in the House of Representatives, a sum equal to his salary for six months; and that the Clerk be directed to pay out of the contingent fund of the House the expenses of the late illness and funeral of the said Mack Sackrider; said expenses not to exceed $250.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

On motion of Mr. WEADOCK, a motion to reconsider the last vote was laid on the table.

INDIAN APPROPRIATION BILL.

Mr. KILGORE. I demand the regular order.

The SPEAKER. The previous question was ordered on a conference report which comes over, and is the regular order.

The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes.

The SPEAKER. The yeas and nays were ordered upon a motion of the gentleman from Mississippi [Mr. ALLEN] to concur in the Senate amendments. The gentleman from South Dakota [Mr. PICKLER] entered a motion this morning to reconsider the vote by which the yeas and nays were ordered.

Mr. PICKLER. I ask consent to withdraw that motion.

The SPEAKER. The gentleman withdraws that motion. The gentleman also entered a motion to reconsider the vote by which the partial report of the committee of conference was agreed to.

Mr. PICKLER. Would not that come up after the other motion was disposed of?

The SPEAKER. No; the House can not pass upon the question of concurrence or otherwise until that matter has been disposed of.

Mr. PICKLER. I withdraw that.

The SPEAKER. The gentleman withdraws that. So that the question, then, would recur upon the motion of the gentleman from Mississippi [Mr. ALLEN] that the House recede from its disagreement to the amendments of the Senate and agree to the same.

Mr. HOLMAN. Mr. Speaker, I rise to make the privileged motion to reconsider the vote by which the report of the committee of conference was agreed to, and also to move that that motion lie on the table.

The SPEAKER. Without objection, that order willbe made.

Mr. PICKLER. I object to that.

The SPEAKER. Then the question will be on the motion to lay on the table.

Mr. PICKLER. I will withdraw my objection.

The SPEAKER. The question now is, then, on the motion of the gentleman from Mississippi that the House recede from its disagreement to the Senate amendments and agree to the same. Perhaps the Clerk had better report the amendments. [After a pause.] If gentlemen do not desire it the amendments will not be reported.

Mr. TRACEY. Let them be reported.

Mr. PICKLER. They are lengthy treaties.

The SPEAKER. Unless demanded the amendments will not be reported.

There was no further demand.

The SPEAKER. The gentleman from Georgia, Mr. MADDOX, and the gentleman from Mississippi, Mr. ALLEN, will please act as tellers, and on this question the yeas and nays have been ordered.

Mr. MADDOX. I ask that the gentleman from Wisconsin, Mr. LYNCH, act as teller in my place.

There was no objection, and it was so ordered.

Mr. PICKLER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PICKLER. To vote "yea" recedes from the disagreement and agrees to the Senate amendments, as I understand it.

The SPEAKER. That is right.

Mr. HOLMAN. I hope the motions will be again stated. One is that the House insist on, and the other is that the House recede from, its disagreement on the Senate amendments.

The SPEAKER. There is but one motion.

Mr. HOLMAN. Well, practically there are really two.

The SPEAKER. The motion of the gentleman from Mississippi is that the House recede from its disagreement. The vote can only be taken on one motion. If the House agrees to the motion of the gentleman from Mississippi, that passes the bill. If the House disagrees to it, then that is a further insistence on the part of the House. A negative vote on the motion to recede amounts to an affirmative vote on the motion to nonconcur.

Mr. PICKLER. Regular order.

The question was taken; and there were—yeas 133, nays 103; not voting 115; as follows:

YEAS—133.

Adams, Pa.	Dalzell,	Hermann,	Post,
Aitken,	Daniels,	Hitt,	Powers,
Alderson,	Davey,	Hopkins, Pa.	Price,
Aldrich,	Davis,	Houk,	Quigg,
Allen,	Dolliver,	Hulick,	Randall,
Apsley,	Doolittle,	Hull,	Ray,
Avery,	Draper,	Izlar,	Reed,
Babcock,	Dunn,	Johnson, Ind.	Reyburn,
Baker, Kans.	Durborow,	Johnson, N. Dak.	Ritchie,
Baker, N. H.	Ellis, Oregon	Kem,	Robinson, Pa.
Barthoidt,	English, Cal.	Kiefer,	Russell, Conn.
Bartlett,	Everett,	Kyle,	Ryan,
Beltzhoover,	Fielder,	Layton,	Scranton,
Bingham,	Fletcher,	Lefever,	Settle,
Blair,	Funk,	Loud,	Smith,
Boen,	Fyan,	Loudenslager,	Springer,
Boutelle,	Geary,	Lucas,	Stephenson,
Bowers, Cal.	Geissenhainer,	Mallory,	Stone, C. W.
Broderick,	Gillet, N. Y.	Marsh,	Straus,
Brosius,	Griffin,	Marvin, N. Y.	Strong,
Bryan,	Grout,	McCall,	Tawney,
Bundy,	Grow,	McCleary, Minn.	Van Voorhis, N.Y.
Burrows,	Hager,	McKeighan,	Wanger,
Cannon, Cal.	Hainer,	Mercer,	Warner,
Cannon, Ill.	Hall, Minn.	Meyer,	Waugh,
Caruth	Hall, Mo.	Money,	Wheeler, Ill.
Catchings,	Harmer,	Murray,	Williams, Miss.
Childs,	Harris,	Mutchler,	Wilson, Wash.
Clancy,	Hartman,	Northway,	Woomer,
Cockrell,	Haugen,	Payne,	Wright, Mass.
Cogswell,	Heard,	Pence,	Wright, Pa.
Cooper, Wis.	Heiner,	Perkins,	
Culberson,	Henderson, Iowa	Phillips,	
Curtis, Kans.	Hepburn,	Pickler,	

NAYS—103.

Alexander,	Bynum,	Dockery,	Hatch,
Arnold,	Cabaniss,	Donovan,	Henderson, N. C.
Baldwin,	Cadmus,	Ellis, Ky.	Holman,
Barnes,	Caminetti,	Enloe,	Hudson,
Barwig,	Capehart,	Epes,	Hunter,
Bell, Tex.	Clark, Mo.	Fithian,	Hutcheson,
Berry,	Coombs,	Forman,	Johnson, Ohio
Black, Ga.	Cooper, Ind.	Goldzier,	Jones,
Branch,	Cox,	Gorman,	Kilgore,
Bretz,	Crawford,	Grady,	Lane,
Brickner,	Cummings,	Haines,	Lawson,
Brookshire,	De Armond,	Hammond,	Lester,
Brown,	De Forest,	Hare,	Livingston,
Lynch,	Moore,	Richardson, Tenn.	Terry,
Maddox,	Morgan,	Robbins,	Tracey,
Maguire,	Neill,	Robertson, La.	Tucker,
Martin, Ind.	O'Neill, Mass.	Sayers,	Turner, Va.
McCreary, Ky.	Outhwaite,	Shell,	Tyler,
McCulloch,	Page,	Snodgrass,	Washington,
McDannold,	Paschal,	Sperry,	Weadock,
McDearmon,	Patterson,	Strait,	Wells,
McEttrick,	Paynter,	Swanson,	Williams, Ill.
McKaig,	Pearson,	Talbert, S. C.	Wise,
McLaurin,	Pendleton, Tex.	Talbott, Md.	Wolverton,
McNagny,	Pigott,	Tarsney,	Woodard.
McRae,	Richards, Ohio	Teat,	

NOT VOTING—115.

Abbott,	Curtis, N. Y.	Linton,	Sibley,
Adams, Ky.	Denson,	Lockwood,	Sickles,
Bailey,	Dingley,	Magner,	Simpson,
Bankhead,	Dinsmore,	Mahon,	Sipe,
Belden,	Dunphy,	Marshall,	Somers,
Bell, Colo.	Edmunds,	McAleer,	Sorg,
Black, Ill.	English, N. J.	McDowell,	Stallings,
Bland,	Erdman,	McGann,	Stevens,
Boatner,	Gardner,	McMillin	Stockdale,
Bower, N. C.	Gear,	Meiklejohn,	Stone, W. A.
Breckinridge, Ark.	Gillett, Mass.	Meredith,	Stone, Ky.
Breckinridge, Ky.	Goodnight,	Milliken,	Storer,
Bunn,	Graham,	Montgomery,	Sweet,
Burnes,	Gresham,	Moon,	Taylor, Ind.
Campbell,	Grosvenor,	Morse,	Taylor, Tenn.
Causey,	Harter,	Moses,	Thomas,
Chickering,	Hayes,	Newlands,	Turner, Ga.
Clarke, Ala.	Henderson, Ill.	Oates,	Turpin,
Cobb Ala.	Hendrix,	Ogden,	Updegraff,
Cobb, Mo.	Hicks,	O'Neill, Mo.	Van Voorhis, Ohio
Cockran,	Hines,	Pendleton, W. Va.	Wadsworth,
Coffeen,	Hooker, Miss.	Rayner,	Walker,
Conn,	Hooker, N. Y.	Reilly,	Wever,
Cooper, Fla.	Hopkins, Ill.	Richardson, Mich.	Wheeler, Ala.
Cooper, Tex.	Ikirt,	Rusk,	White,
Cornish,	Kribbs,	Russell, Ga.	Whiting,
Cousins,	Lacey,	Schermerhorn,	Wilson, Ohio.
Covert,	Lapham,	Shaw,	Wilson, W. Va.
Crain,	Latimer,	Sherman,	

The following pairs were announced:

Until further notice:

Mr. OATES with Mr. STORER.

Mr. WILSON of West Virginia with Mr. DINGLEY.

Mr. RUSSELL of Georgia with Mr. MOON.

Mr. CRAIN with Mr. SHERMAN.

Mr. MCALEER with Mr. WANGER.

Mr. SORG with Mr. HICKS.

Mr. MONTGOMERY with Mr. MORSE.

Mr. BLACK of Illinois with Mr. CURTIS of New York.

Mr. BLACK of Georgia with Mr. HOOKER of New York.

Mr. TAYLOR of Indiana with Mr. BELDEN.

Mr. COBB of Alabama with Mr. SHAW.

Mr. DENSON with Mr. THOMAS.

Mr. SCHERMERHORN with Mr. TAYLOR of Tennessee.

Mr. MCMILLIN with Mr. HOUK.

Mr. GRESHAM with Mr. MAHON.

Mr. WHEELER of Alabama with Mr. WRIGHT of Pennsylvania.

Mr. MOSES with Mr. WADSWORTH.

Mr. WHITING with Mr. WHITE.

Mr. STONE of Kentucky with Mr. GEAR.

Mr. GOODNIGHT with Mr. WALKER.

Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.

Mr. STOCKDALE with Mr. BRODERICK.

Mr. STALLINGS with Mr. SCRANTON.

Mr. TURPIN with Mr. GILLETT of Massachusetts.

Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.

Mr. LOCKWOOD with Mr. WEVER.

Mr. COFFIN with Mr. LACEY.

For this day:

Mr. TURNER of Georgia with Mr. CHICKERING.

Mr. CAMPBELL with Mr. MEIKLEJOHN.

Mr. CONN with Mr. MCDOWELL.

Mr. BLAND with Mr. APSLEY.

Mr. COVERT with Mr. SMITH of Illinois.

Mr. CORNISH with Mr. GROSVENOR.

The result of the vote was then announced as above recorded.

On motion of Mr. ALLEN, a motion to reconsider the vote by which the House receded from the disagreement to the Senate amendments and agreed to the same was laid on the table. [Applause.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RUSSELL of Georgia, indefinitely.

To Mr. STEVENS, indefinitely.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will call the committees for reports.

INDIAN DEPREDATION CLAIMS.

Mr. TERRY, from the Committee on the Judiciary, reported

back with a favorable recommendation a bill (H. R. 7690) to amend sections 4 and 5 of an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations, approved March 3, 1891;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NATURALIZATION OF JAPANESE.

Mr. LANE, from the Committee on the Judiciary, reported back adversely a bill (H. R. 7630) to enable persons of Japanese descent to become citizens of the United States; which was laid on the table, and the accompanying report ordered to be printed.

SETTLERS IN SEQUOIA AND YOSEMITE PARKS.

On motion of Mr. McRAE, the Committee on the Public Lands was discharged from further consideration of the bill (H. R. 5747) authorizing the Secretary of the Interior to ascertain damages resulting to any person who made entry upon lands within the present limits of the Sequoia and Yosemite National Parks, in the State of California, prior to October 1, 1890, and the bill was referred to the Committee on Claims.

ADVERSE REPORTS.

Mr. McRAE, from the Committee on the Public Lands, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5187) granting to the Fort Jesup Masonic College, Louisiana, for school purposes, the lands remaining unsold in the abandoned military reservation at Fort Jesup, Sabine Parish, La.

A bill (H. R. 6414) to amend section 1 of the act of May 14, 1890, so as to harmonize the town-site acts and settle the question of jurisdiction.

A bill (H. R. 5652) setting aside section 13, township 27 north, range 2 east, of Indian meridian, for university purposes.

A bill (H. R. 6106) to extend the mineral-land laws of the United States to lands embraced within reservations created by Presidential proclamations, and for other purposes.

A bill (H. R. 6379) authorizing settlers on the Cherokee Outlet to commute their homestead entries, and for other purposes.

WILLAMETTE VALLEY AND CASCADE MOUNTAIN W. R. COMPANY.

Mr. McRAE, also from the same committee, reported back adversely an act S. 1649; which was indefinitely postponed.

FORT LYON MILITARY RESERVATION.

Mr. HARE, from the Committee on the Public Lands, reported back with amendments a bill (H. R. 6168) to authorize the Secretary of the Interior to grant a part of the Fort Lyon military reservation to the State of Colorado for a soldiers' home and other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HARE, also from the same committee, reported back adversely a bill (H. R. 5066) to encourage and establish better facilities for travel to, from, into, and through, the Yellowstone National Park, and for other purposes; which was laid on the table, and, with the accompanying report, ordered to be printed.

Mr. LACEY, from the Committee on the Public Lands, reported back adversely a bill (H. R. 59) to authorize the construction and operation of an electric railroad in the Yellowstone National Park; which was laid on the table, and, with the accompanying report, ordered to be printed.

PREEMPTION OF PUBLIC LANDS.

Mr. NEILL, from the Committee on the Public Lands, reported back adversely a bill (H. R. 1964) to restore the right of preemption of public lands; which was laid on the table, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, STOCKTON, CAL.

Mr. ABBOTT, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation a bill (H. R. 6989) to increase the appropriation for the erection of a public building at Stockton, Cal.; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, ST. PAUL, MINN.

Mr. BERRY, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation a bill (H. R. 220) to increase the appropriation for the erection of a public building at St. Paul, Minn.

Mr. BRETZ. Mr. Speaker, I desire to object to that report, and, in doing so, I wish to make a parliamentary inquiry. That bill is pending now before the Committee on Public Buildings and Grounds on a motion to reconsider the vote by which the report was ordered, and my inquiry is whether the bill can be reported under such circumstances?

The SPEAKER. The gentleman from Kentucky [Mr. BERRY] will please give his attention. The gentleman from Indiana states that this report is not authorized, because there is pending in the committee a motion to reconsider the vote by which the report was ordered.

Mr. BERRY. I understand that the gentleman from Indiana so claims, but there was action of the committee in his absence directing me to report the bill.

Mr. BRETZ. Mr. Speaker, at the meeting of the committee this morning I entered a motion to reconsider, and that motion was in time under the rules, and it is now pending.

Mr. BERRY. But the committee had directed the other day that the bill be reported.

Mr. BRETZ. Yes, sir; that is true, but the minutes of the committee meeting this morning show that the motion to reconsider is pending.

Mr. KIEFER. There was no quorum there.

Mr. BRETZ. How do you know?

Mr. KIEFER. I am so informed.

Mr. BRETZ. Mr. Speaker, I object to this report being made under the circumstances.

The SPEAKER. If the point is good at all it can go along with the bill. The Chair will not interrupt the call.

Mr. BRETZ. In order to save all necessary points, I desire also to state that, if the Chair holds that it is proper to report this bill under the existing circumstances I desire to file a minority report, to accompany the report of the committee.

Mr. WRIGHT of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman have the privilege of filing a minority report.

Mr. BRETZ. Unanimous consent is not necessary. I will take my right as a member of the House.

The SPEAKER. The gentleman having made his objection, he waives nothing. The Clerk will proceed with the call.

The Clerk resumed and completed the call of committees for reports.

ORDER OF BUSINESS.

The SPEAKER. The second morning hour begins at five minutes of 2 o'clock. The Committee on the Post-Office and Post-Roads has a measure pending.

Mr. HENDERSON of North Carolina. Mr. Speaker, I ask unanimous consent that that matter be passed over without prejudice, retaining its existing status.

There was no objection, and it was so ordered.

PORT ANGELES, WASH.

Mr. McRAE (when the Committee on Public Lands was called). Mr. Speaker, I call up the bill (H. R. 7499) to grant to the city of Port Angeles, State of Washington, certain lands within the town site of Port Angeles, Wash., for cemetery purposes.

The SPEAKER. That bill is on the Union Calendar.

Mr. McRAE. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

Objection was made.

Mr. McRAE. Then, Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BRETZ in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of a bill which the Clerk will read.

The bill was read, as follows:

Be it enacted, etc., That suburban blocks numbered 87, 88, 89, 90, 91, 92, 93, and 94, within the limits of the Government town-site reserve of Port Angeles, in the State of Washington, shall be, and are each hereby, granted and confirmed to the town or city of Port Angeles, Wash., for use as a burial ground or cemetery; and upon application therefor by the proper municipal authorities of said town or city to the Secretary of the Interior, patent shall be issued for said blocks, respectively, to said authorities and for the purpose herein expressed.

Mr. McRAE. I ask that the report be read. I think that will give the committee all the information required with reference to this bill.

The report (by Mr. McRAE) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 7499) to grant to the city of Port Angeles, State of Washington, certain lands within the town site of Port Angeles, Wash., for cemetery purposes, have had the same under consideration, and report the same back with the recommendation that it pass.

DEPARTMENT OF THE INTERIOR, *Washington, July 24, 1894.*

SIR: I transmit herewith a report from the Commissioner of the General Land Office on House bill No. 7499, "To grant to the city of Port Angeles, State of Washington, certain lands within the town site of Port Angeles, Wash., for cemetery purposes."

I concur in the recommendation of the Commissioner that the bill should become a law.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. THOMAS C. MCRAE,
Chairman Committee on the Public Lands, House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 16, 1894.

SIR: I have the honor to acknowledge the receipt, by reference of the honorable Assistant Secretary of the Interior for report thereon in duplicate, of House bill No. 7499, present session, entitled "A bill to grant to the city of Port Angeles, State of Washington, certain lands within the town site of Port Angeles, Wash., for cemetery purposes," which bill was transmitted to you by the honorable the chairman of the Committee on the Public Lands, House of Representatives, with a request for a report thereon by you.

The legislation proposed by the said bill (H. R. 7499) is approved of by me.

By the general deficiency act of March 3, 1891 (26 Stat., 879), authority was given the Department for a public sale of lots in the Port Angeles town-site reserve, and by act of Congress, August 5, 1892 (27 Stat., 369), certain privileges were granted those who had established residence upon and improved lots in said town site, etc.

Under date of July 17, 1893, by letter G of this office, instructions and orders were given the register and receiver at Seattle, Wash., for the sale of lots in Port Angeles under the acts aforesaid. It being properly represented to this office that as to certain described lots in said town site, those named in the bill before me, it was desired by the inhabitants that the said land might be secured to them as a burial ground, and on which many of their dead are now buried, the sale of said squares was suspended temporarily pending any application to Congress for relief in the premises by the people of Port Angeles.

In the case of the city of Kingfisher, Okla., Congress, by special act (27 Stat., 612-631), permitted said city to purchase sufficient land in section 16, reserved for school purposes, for a cemetery, and on which section the people of the city, by necessity, had already buried their dead.

The bill should, in my opinion, become law, and the papers transmitted are herewith returned.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR,
Washington, D. C.

Mr. MCRAE. I move that the committee rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BRETZ reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 7499) to grant to the city of Port Angeles, State of Washington, certain lands within the town site of Port Angeles, Wash., for cemetery purposes, and had directed him to report the same back with a recommendation that it pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MCRAE, a motion to reconsider the last vote was laid on the table.

RIGHT OF WAY FOR TRAMROADS, CANALS, ETC.

Mr. MCRAE. I now call up the bill (H. R. 7828) to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes.

The SPEAKER. This bill is on the Union Calendar.

Mr. MCRAE. I ask unanimous consent that the bill be considered in the House.

Mr. REED. I object.

Mr. MCRAE. I move that the House resolve itself into Committee of the Whole for the consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. COOMBS in the chair) and proceeded to the consideration of the bill (H. R. 7828) to permit the use of the right of way through the public lands for tramroads, canals, reservoirs, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of the right of way through the public lands of the United States, not within the limits of any park, forest, military, or Indian reservation, for tramroads, canals or reservoirs to the extent of the ground occupied by the water of the canals and reservoirs and 50 feet on each side of the marginal limits therof; or 50 feet on each side of the center line of the tramroad, by any citizen or any association of citizens of the United States engaged in the business of cutting timber and manufacturing lumber.

Mr. HERMANN. I wish to ask the gentleman from Arkansas [Mr. MCRAE] in what respect this bill differs from the existing law? As I understand, there is now a law providing for right of way for just such purposes as this bill contemplates.

Mr. MCRAE. The gentleman is mistaken in assuming that there is existing law on this subject. There is a law granting the right of way to railroads; and there is also another statute authorizing the granting of right of way for canals for irrigation purposes. But there is no law permitting the right of way over the public lands for the purposes named in this bill. Instead of making the railroad right of way act applicable to this class of cases and allowing the use of timber, this bill simply permits the Secretary of the Interior to issue permits, with no privileges in respect to timber or stone; and it vests no rights that can not be revoked by the Department. It simply permits the use of the right of way through the public lands for these temporary purposes. There is quite a demand for some such a measure in certain sections of the country, and we have a number of petitions asking for it.

Mr. PICKLER. To what companies or organizations will this privilege be granted, and for what purposes?

Mr. MCRAE. For tramroads, canals, and reservoirs connected with the manufacture of lumber. The object is to allow the construction of tramroads and canals over the public lands when necessary.

Mr. PICKLER. How wide is this right of way to be?

Mr. MCRAE. It is 50 feet on each side of the marginal limits of canals or reservoirs, and 50 feet on each side of the center line of any tramroad.

Mr. PICKLER. Is there any specification as to how much lumber parties must manufacture before they can be entitled to this grant of right of way?

Mr. MCRAE. Oh, no.

Mr. HERMANN. Does this provision apply to the transportation of lumber alone?

Mr. MCRAE. Of course, on these tramroads the owners could transport anything they wanted.

Mr. HERMANN. How as to the canal right? Is that for the general purposes of traffic and transportation?

Mr. MCRAE. For the purpose of logging and in the transportation of lumber by those engaged in the business of cutting timber and manufacturing lumber.

Mr. HERMANN. Entirely for that purpose?

Mr. MCRAE. Yes, sir.

Mr. HERMANN. The purpose of the bill, as I understand, is to authorize these tramways and canals, not for general transportation purposes, but in the interest of lumbering?

Mr. MCRAE. Yes, sir. The granting of right of way for other purposes is, as I understand, already provided for. The law already allows right of way to railroads and for irrigation purposes.

Mr. HERMANN. It was for that reason that I asked the gentleman in what respect this bill differs from the general law now existing.

Mr. LOUD. These tramways when constructed can be used for any purpose.

Mr. MCRAE. Certainly.

Mr. LOUD. Under this bill the right of way can be granted for any purpose whatever.

Mr. MCRAE. Oh, no; it is to be granted only to people engaged in cutting timber and manufacturing lumber.

Mr. LOUD. I think the bill is not strictly enough drawn to confine it to that purpose. Under this bill, it seems to me, a company might obtain authority to extend a street railroad over Government land.

Mr. HERMANN. The language seems to be rather general than specific.

Mr. MCRAE. Why, I do not see how the gentleman can say that. It says explicitly:

And 50 feet on each side of the marginal limits thereof; or 50 feet on each side of the center line of the tramroad, by any citizen or any association of citizens of the United States engaged in the business of cutting and manufacturing lumber.

Mr. LOUD. But what is the effect of the other portions of the bill?

Mr. MCRAE. Nothing to alter that. There is but one section of the bill. It is all to be done under the regulations of the Department. It simply empowers the Secretary of the Interior, under general regulations to be fixed by him, to permit the use of the right of way through public lands for such purposes. At present, parties engaged in such business are unable to secure the right of way across the public lands to get logs to and lumber from their mills.

Mr. HENDERSON of Illinois. The grant, when made by the Secretary of the Interior under the regulations the bill authorizes, can be used only for the purposes indicated by the bill?

Mr. MCRAE. Certainly; that is all.

Mr. DOOLITTLE. Will it empower the Secretary to grant rights of way across national parks?

Mr. MCRAE. No; that is expressly prohibited in the bill.

Mr. PICKLER. As I understand it, it would permit a man owning a small sawmill and manufacturing only a few thousand feet of lumber each year to have a right of way 50 feet wide on each side of his tramway for any distance through the public lands, even 10 miles or more.

Mr. MCRAE. A concern carrying on a business of manufacturing only a few thousand feet would hardly go to the expense of building a tramway for 10 miles. It would hardly pay to do that.

Mr. PICKLER. But he might want it for the very purpose of cutting out the lumber of some other man who was engaged in the same business.

Mr. McRAE. Well, Mr. Chairman, I do not care to discuss a supposition of that kind. If a lumber manufacturer has a tramway 10 miles long it is a pretty good evidence of the fact that he is carrying on a very considerable business and ought not to be hindered in these efforts to extend.

Mr. PICKLER. But suppose he can get somebody else out of the way and thereby reach valuable timber?

Mr. McRAE. But there is no timber granted by this bill.

Mr. PICKLER. How is he to manufacture lumber without timber?

Mr. McRAE. If he owns the land on which the timber is situated, or the timber, and it is necessary for him to go through the public lands in order to get at his timber, then he can get the right under the operation of this bill, and build his tramway across the public lands.

Mr. PICKLER. But does not he get the timber on the 50 feet on each side of the tramway?

Mr. McRAE. Well, he would probably have to cut some of the timber on the right of way for his tramroad. But the Department can regulate how much, and what shall be done with it. This bill grants no timber whatever.

Mr. PICKLER. He will demand the timber on the line, of course. Now, it seems to me, these manufacturers who claim such a right of way ought to manufacture a reasonable amount of lumber before this privilege should be extended. It might be a very serious injustice to a great many who are engaged in this business.

Mr. McRAE. Why, any man who wants it, and can show that fact to the Department, could get the permit under the operation of this bill, and I think should have it.

Mr. PICKLER. But the right of way across the public land may involve in many cases a great deal of very valuable timber.

Mr. McRAE. Mr. Chairman, people do not build tramways through the country for the mere purpose of getting the privilege of cutting off the right of way. They do not build them unless they have something to haul over them. Congress has granted to the railroads a hundred feet on each side of the road, and has given them the right to take timber and stone from all the adjacent lands. No such privilege is granted here. The railroad grants also give, every 10 miles, 20 acres for stations; the most unreasonable grants have been made to them. But these manufacturing concerns, if they have to cross the public lands, are absolutely unable now to get the right of way by purchase or condemnation. This is unfair and unjust. They can not under the present law purchase the land for the right of way, for the Government does not want to sell it. Shall we stand in the way of great enterprises by refusing so simple a privilege?

The objection seems to me to be drawing the line rather fine, in view of the fact that all through the section of country from which these gentlemen come they have legislative grants with all the protection of the law, and can go on and build their railroads and secure the rights of way for irrigation. Why, we do not seek to make a grant for a right of way a perpetual grant, but only a permit that is temporary and can be rescinded at any time by the Department.

Mr. HERMANN. As to that point, is there a limitation as to the time when this privilege shall be ended?

Mr. McRAE. Certainly.

Mr. HERMANN. Then it is to be used only temporarily for the purpose indicated?

Mr. McRAE. Certainly; and the permission does not carry the title to the land.

Mr. DOOLITTLE. It can be reclaimed at any time.

Mr. McRAE. Of course. If the necessity for a tramroad across a piece of land has disappeared, then you do not want the right of way any longer. It is only to be used so long as necessary to get the timber to the mill and from it, and for no other purpose.

Mr. HERMANN. I think it can serve a useful purpose.

Mr. BLACK of Illinois. How many acres of land would this give in running a mile?

Mr. McRAE. It gives only 100 feet; that is to say, 50 feet on each side.

Mr. BLACK of Illinois. But how many acres would that be?

Mr. DOOLITTLE. Only about 5 or 6 acres in a mile.

Mr. BLACK of Illinois. Then what is the grant? Does the Government reserve the timber?

Mr. McRAE. It only grants the right of way to parties who are engaged in the milling business to build tramroads or canals, if necessary, across the public land.

Mr. BLACK of Illinois. And the Government retains the timber upon the lands?

Mr. McRAE. This bill has nothing to do with the timber, and does not grant it or authorize its use.

Mr. DOOLITTLE. The effect of the bill would be that the Government would retain the timber.

Mr. PICKLER. Mr. Chairman, of course I suppose the gentleman thinks the bill well guarded, and it may be; but suppose a man should have a mill and have his timber 5 miles from it and Government land intervened, he will control this 100 feet and the timber on it.

Mr. McRAE. He can not without the consent of the Department.

Mr. PICKLER. How will he put his tramway there?

Mr. McRAE. The Department can stipulate how he shall build his tramway. If the Secretary of the Interior thinks the timber is worth anything let him sell it or make the concern pay for it. There is nothing in the bill here to give the timber to the manufacturer who gets the right of way on it.

Mr. PICKLER. If he should take a circuitous route he might find a great deal of valuable timber on that route.

Mr. McRAE. The gentleman certainly does not think that any concern would build a tramway in a circle in order to get timber on the right of way?

Mr. PICKLER. What will the tramway cost?

Mr. McRAE. Did you ever build one?

Mr. PICKLER. No; but I could build one very cheaply if you gave me the opportunity.

Mr. BARTLETT. Do I understand the gentleman that this is a proposition to grant this franchise and license without any compensation?

Mr. McRAE. Certainly; but it is hardly a franchise. It simply authorizes the Secretary of the Interior to permit the use of this right of way.

Mr. BARTLETT. Is not a right of way a franchise?

Mr. McRAE. I will not discuss that question with the gentleman. This is a permit for a right of way to go over the public land for certain purposes.

Mr. BARTLETT. It is with the right of condemnation.

Mr. McRAE. It is an authority, a permit, the use of the right of way over the public lands, and you may call it what you please.

Mr. BARTLETT. For a tramroad.

Mr. McRAE. Yes, sir.

Mr. BLACK of Illinois. On the statement that you make, that the timber is not granted, and that the right of way is granted with this reservation to the Government, and with the Secretary of the Interior to control that matter, I shall favor the bill.

Mr. McRAE. There is no question but that we have undertaken to guard and intended to prevent the use of the timber upon that land or upon adjacent lands. All we want to do is to enable the Secretary of the Interior, upon a showing by any manufacturer, to allow tramroads and canals to go over the public lands. There is no grant of the timber or stone, and as it is not granted it is reserved of course. I move that the committee rise and report the bill favorably to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. RICHARDSON of Tennessee having assumed the chair as Speaker *pro tempore*, Mr. COOMBS, Chairman of Committee of the Whole, reported that that committee had had under consideration the bill H. R. 7828, and had directed him to report the same to the House with the recommendation that it do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McRAE, a motion to reconsider the vote by which the bill was passed was laid on the table.

PURCHASERS AND OWNERS OF CERTAIN LAND IN CALIFORNIA.

Mr. McRAE. Mr. Speaker, I now call up the bill (H. R. 7834) for the relief of the bona fide purchasers of land in section 36, township 1 north, range 9 west (San Bernardino meridian), in the State of California.

The title of the bill was read.

The SPEAKER *pro tempore*. This bill is on the Union Calendar.

Mr. McRAE. I yield to my colleague [Mr. NEILL], who reported the bill.

Mr. NEILL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. COOMBS in the chair.

The CHAIRMAN. The House is in Committee of the Whole

for the purpose of considering the bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That all the right, title, and interest of the Government of the United States had, or may have had, in and to section 36, in township 1 north and range 9 west (San Bernardino meridian), in the State of California, prior to or after the 1st day of March, A. D. 1877, be, and the same is hereby, released, relinquished, and forever quitclaimed to the bona fide purchasers of the same holding under Richard Eads or John J. Bodkin, who purchased the same from the State of California as school lands, and to the heirs and assigns of such purchasers, and that upon payment to the United States of the sum of $1.25 per acre by each of them for the lands so owned by them, respectively, such purchasers and holders shall be entitled to receive patents therefor.

Mr. NEILL. Mr. Chairman, there is a report accompanying this bill, and I ask that it be read.

The report (by Mr. NEILL) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 6136) for the relief of the bona fide purchasers and owners of the land in section 36, in T. 1 N., R. 9 W., S. B. M., have had the same under consideration, and report the accompanying substitute therefor, and recommend its passage. The facts are as follows:

By act of Congress all sections numbered 16 and 36 of the public lands in California were granted to that State for school purposes.

The act approved July 23, 1866, authorized the State to make selections of other public lands in lieu of such sections 16 and 36 (or portions thereof) as were found to be included in any private Mexican or Spanish grant, upon final survey of such grants.

The plat of survey of the southern part of T. 1 N., R. 9 W., S. B. M., was approved by the surveyor-general of California July 22, 1865, and section 36 was shown to be public land in place. By the approval of that survey the title to said section vested in the State of California at that date, provided there had been no settlement upon it prior to said survey.

At that date the claimed limits of the Rancho San Jose addition under the survey made by Deputy Surveyor Hancock in 1858, and approved by the surveyor-general in January, 1860, did not include said section.

Application was made by the San Jose grant claimant for a resurvey of this claim, which was refused, and the surveyor-general, on May 6, 1868, was directed to make publication of the Hancock survey, as required by the act of July 1, 1864. Instead of proceeding under the Hancock survey, a new survey was made by Deputy Surveyor Thompson, under orders of the surveyor-general, in August, 1868, and forwarded to the Commissioner of the General Land Office for his action. On May 6, 1869, the Commissioner rejected the Thompson survey. Finally a new survey of the grant was made by order of the Secretary of the Interior by his decision of September 20, 1872. Under this decision the final survey of the grant was made and approved by the surveyor-general May 22, 1874, which survey also excluded the thirty-sixth section in question, and under this survey patent issued to the San Jose grant claimant for its land.

The disapproved survey by Deputy Surveyor Thompson having included within its limits the aforesaid section 36, the State of California made indemnity school selections of the E. ½ of sec. 21 and W. ½ of sec. 23, T. 2 N., R. 4 W., S. B. M., in lieu of the E. ½, the SW. ¼, the S. ½ of NW. ¼, and NE. ¼ of NW. ¼, sec. 36, T. 1 N., R. 9 W., S. B. M. (the land in question), alleging that said section 36 was within the limits of a Mexican grant, and said selections were approved by the Secretary July 1, 1870.

By reference to the act of Congress approved July 23, 1866, entitled "An act to quiet land titles in California," it will be seen that the selection by the State and the subsequent approval by the Secretary were clearly unauthorized by that portion of the act which authorized selections to be made in lieu of sections 16 and 36 covered by Mexican grants. Section 6 of said act gives the State of California the right to select for school purposes other lands in lieu of such sixteenth and thirty-sixth sections as were covered by grants made under Spanish or Mexican authority, or where such sections would be so covered if the lines of the public surveys were extended over such lands, which shall be determined in case of Spanish or Mexican grants when the final survey of such grants shall have been made.

It will be observed that at the time the State made the foregoing indemnity selections the final survey had not been made; the selections were, therefore, clearly illegal in their inception, and the act of the secretary in approving them was also contrary to law, and his approval consequently void. The further fact that when the final survey of the San Jose grant was made said section 36 was not covered by it, made the selections illegal beyond controversy.

After the final survey of the Rancho San Jose addition had been made, a plat of survey of T. 1 N., R. 9 W., S. B. M., was filed in the United States land office at Los Angeles, Cal., viz, on September 23, 1875, and no claim having been presented by anyone claiming to be a settler before survey on said section 36, within three months after the filing of said township plat, the title to said section 36 was shown to be vested in the State of California, and such fact was duly certified to the State surveyor-general by the register of the United States land office at Los Angeles, Cal. (See Exhibits A and D.)

This section, 36, was then sold by the State of California as school land.

On October 5, 1875, Richard Eads made application to the State of California to purchase the east half of said section 36. His application was approved by the surveyor-general on January 5, 1876, and the payment required by law having been made by him, certificate of purchase No. 6878 was issued to him on March 20, 1876, and, upon final payment, patent was issued to him January 27, 1883. (See Exhibits A, B, and C.)

On December 26, 1876, John J. Bodkin made application to purchase the west half of said section 36; his application was approved by the surveyor-general, March 10, 1877, certificate of purchase No. 7219 was issued to him April 16, 1877, and patent on July 25, 1878. (See Exhibits D, E, and F.)

Since the sale of said section 36 by the State, the section has been subdivided by various sales into small holdings of from 5 to 100 acres in extent to various owners, who have improved the land, established homes thereon, and planted orange groves, orchards, and vineyards, and no one suspected any flaw in the title until about four years ago when several parties made application to enter said land as public lands of the United States.

There are at present a large number of owners and settlers upon this section who have acquired title to the lands they occupy, in good faith, through these grantees of the State. The improvements made by them are very valuable, and many of them have their all invested in their homes, and would be reduced to poverty if they lost them.

The State having made many similar illegal selections, the purchasers from the State of these illegal selections applied to Congress for relief.

On March 1, 1877, Congress passed an act to confirm the invalid and defective selections, made prior to the passage of said act.

In 1889, Michael J. Nolan, and other speculators residing in the city of Los Angeles, through their attorney, J. H. Call, made application to enter this section, 36, on the ground that by virtue of said act of March 1, 1877, the title to the indemnity selections, made in lieu of said section 36, had been confirmed to the State, and that the title to the said section 36 had been reinvested in the United States, and consequently that it was public land of the United States subject to entry under the homestead and other land laws.

The controversy was carried up to the Secretary of the Interior, who, by his decision dated November 19, 1892, held that it was his duty to dispose of this section as public land of the United States.

His decision can be found in the case of Nolan *vs.* State of California, volume 16, page 477, decisions of the Department of the Interior, published by the Interior Department.

The Secretary in his said decision November 19, 1892, says:

"The acceptance by the State of the provisions and benefits of the act completely divested it of the title to the school section and reinvested the title in the United States."

The State of California, though nominal defendant, was not a party in interest in the case, and the Secretary of the Interior was probably misled by overlooking that fact. The Legislature of the State of California has never passed any act accepting the provisions of said act of March 1, 1877, providing for the reinvesting of the title to such sections in the United States, and even if such an act had been passed, it would not be possible for the State to reconvey to the United States lands which it had sold or contracted to sell prior to March 1, 1877, and which sales and contracts had subsequently ripened into patents issued by the State.

While we are strongly of the opinion that Eads and Bodkin, the purchasers from the State, each of whom inaugurated proceedings for purchase by filing his application to purchase and performing other conditions required by law prior to March 1, 1877, acquired legal or equitable rights that were good and might be enforced in a court of equity, still we think the circumstances are such as to not only give Congress jurisdiction, but also to make it an urgent duty for that body to hasten to exercise its full power to protect these innocent owners in their titles and possessions.

Your committee think it the duty of Congress as far as possible to aid honest settlers in perfecting their land titles against the claims of mere speculators, whose rights are founded wholly upon technical grounds, and to that end think Congress should pass a bill for the relief of these settlers.

The committee submit the accompanying substitute and recommend its speedy passage.

Mr. NEILL. There is no necessity for reading all the exhibits. If there be no objection, I move that the committee rise and report this bill favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COOMBS, Chairman of the Committee of the Whole, reported that that committee had had under consideration the bill H. R. 7834, and had directed him to report the same to the House with a favorable recommendation.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. NEILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

TIMBER LANDS IN CALIFORNIA, OREGON, NEVADA, AND WASHINGTON.

Mr. McRAE. Mr. Speaker, I call up the bill (H. R. 5714) to amend an act entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and Washington." This bill has already been considered, and the previous question considered as ordered.

Mr. HERMANN. What is the status of that bill, Mr. Speaker?

The SPEAKER. The previous question has been ordered on the bill by unanimous consent, as the Chair understands.

Mr. COOMBS. When?

The SPEAKER. On July 24. The previous question to be considered as ordered, and thirty minutes to be allowed for debate when the bill is called up. That is the order which was made, as the Chair supposes, by unanimous consent.

Mr. HERMANN. I desire to inquire further, whether amendments to the bill are precluded?

The SPEAKER. Of course, the previous question being ordered, no amendments can be in order.

Mr. HERMANN. I understood the original motion to be that the previous question should be ordered on the bill and the pending amendments.

The SPEAKER. If any amendments were pending when the previous question was ordered, of course it would apply to them.

Mr. HERMANN. I understand that there was only one, an amendment that was recommended by the committee. If that is so, and amendments are precluded, very great injustice will be done to this House, because there are many amendments which we desire to offer in order to cure what we believe to be very great defects in the bill.

The SPEAKER. The Chair is informed that no amendments are pending; that the amendments that were offered were agreed to.

Mr. BURROWS. Mr. Speaker, is this the forestry bill that was under consideration here a few days ago? The title seems to be a little misleading.

Mr. McRAE. This bill was considered by the House in July.

Mr. BURROWS. Can the question of consideration be raised against it, Mr. Speaker?

Mr. McRAE. This is not the forest reservation bill, if that is what the gentleman refers to.

Mr. HERMANN. That is what we want to know.

Mr. McRAE. Oh, no. This is the Minnesota bill, introduced by the gentleman from Minnesota [Mr. BALDWIN]. An amendment was offered by the gentleman from Washington [Mr. WILSON] and agreed to; the previous question was considered as ordered, and the bill went over.

Mr. HAUGEN. The gentleman says this is "the Minnesota bill." Does this bill relate at all to any lands in Minnesota?

Mr. McRAE. I think not; though it may.

Mr. HAUGEN. I do not think it touches Minnesota at all.

Mr. McRAE. I called it the Minnesota bill because it was introduced by the gentleman from Minnesota [Mr. BALDWIN].

Mr. HAUGEN. I understand that the gentleman from Minnesota introduced it by request, and that he disclaims all responsibility for it.

Mr. McRAE. Mr. Speaker, this is a bill that ought to pass, and I think there is no objection to it.

Mr. HERMANN. Mr. Speaker, let the bill be reported with the amendments, so that we may understand just what it is.

The bill as amended was read.

Mr. BARNES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 2 o'clock and 45 minutes p. m.) adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committtees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PENDLETON of West Virginia, from the Committee on Military Affairs: A bill (H. R. 6244) to remove the charge of desertion from the military record of Jacob Eckert. (Report No. 1376.)

By Mr. MEYER, from the Committee on Naval Affairs: A bill (H. R. 3784) to promote Commodore Louis C. Sartori, now on the retired list of the Navy, to be a rear-admiral on said list, in accordance with his original position on the Navy Register. (Report No. 1377.)

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. OUTHWAITE: A bill (H. R. 7909) to facilitate and expedite legal proceedings by the United States and other creditors against Government-aided railroad companies, their officers, stockholders, and the trustees of their mortgages—to the Committee on Pacific Railroads.

By Mr. HATCH: A bill (H. R. 7910) to amend "An act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof, which are the subjects of interstate commerce, and for other purposes"—to the Committee on Agriculture.

By Mr. CUMMINGS: Joint resolution (H. Res. 215) defining the intent and meaning of the act of June 30, 1886, and the act amendatory thereto of August 1, 1888, entitled "An act to extend the leave of absence of employés in the Government Printing Office to thirty days per annum"—to the Committee on Appropriations.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HOUK: A bill (H. R. 7911) for the relief of John F. Frank, of Memphis, Tenn.—to the Committee on War Claims.

By Mr. HUDSON: A bill (H. R. 7912) granting a pension to Lida L. Overly—to the Committee on Invalid Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 7913) granting jurisdiction and authority to the Court of Claims in the case of the steamer Pocahontas—to the Committee on Claims.

By Mr. WAUGH: A bill (H. R. 7914) granting a pension to Malvina Linsday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7915) granting a pension to Andrew J. Helmick—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BUNDY: The petition of Lyman Abbott, D. D., and 106 doctors of divinity and doctors of law, and 46 citizens of the United States, praying that the Government of the United States make the antilottery laws effective—to the Committee on the Judiciary.

By Mr. CHILDS: Memorial in opposition to the proposed amendment of section 4887, Revised Statutes—to the Committee on Patents.

By Mr. COBB of Missouri: Petition of 70 merchants and manufacturers of St. Louis, Mo., requesting prompt action on tariff bill—to the Committee on Ways and Means.

By Mr. MARTIN of Indiana: Petition of Encampment No. 1 Union Veteran Legion, Pittsburg; of Encampment No. 4, Union Veteran Legion, Beaver Falls, Pa.; of Encampment No. 12, Union Veteran Legion, of Oil City, Pa.; of Encampment No. 18, Union Veteran Legion, of Allentown, Pa.; Encampment No. 19, Union Veteran Legion, of Pottsville, Pa.; Encampment No. 27, Union Veteran Legion, of Hazelton, Pa., for passage of House bill 7025, a per diem service pension bill—to the Committee on Invalid Pensions.

Also, petitions of Encampment No. 28, Athens, Pa.; Encampment No. 32, Bloomburg, Pa.; Encampment No. 36, Union Veteran Legion, for the passage of House bill 7025, a per diem service pension bill—to the Committee on Invalid Pensions.

Also, petition of Encampment No. 42, Union Veteran Legion, of Warren, Pa.; Encampment No. 43, Union Veteran Legion, of Reading, Pa.; Encampment No. 45, Union Veteran Legion, of Butler, Pa.; Encampment No. 49, Union Veteran Legion, of Norristown, Pa.; Encampment No. 58, Union Veteran Legion, of Sharon, Pa.; Encampment No. 59, Union Veteran Legion, of Bellefonte, Pa.; Encampment No. 68, Union Veteran Legion, of York, Pa., for passage of House bill 7025, a per diem service pension bill—to the Committee on Invalid Pensions.

Also, petition of Encampment No. 67, Union Veteran Legion, of Harrisburg, Pa.; Encampment No. 71, Union Veteran Legion, of Lock Haven, Pa., for the passage of House bill 7025, a per diem service pension bill—to the Committee on Invalid Pensions.

Also, petition of Encampment No. 92, Union Veteran Legion, of Huntington, Pa.; Encampment No. 104, Union Veteran Legion, of Philipsburg, Center County, Pa.; Encampment No. 120, Union Veteran Legion, of Punxsutawney, Pa., for the passage of House bill 7025—to the Committee on Invalid Pensions.

Also, petition of Encampment No. 10, Union Veteran Legion, of New Bedford, Mass.; Encampment No. 83, Union Veteran Legion, of Worcester, Mass., for the passage of a per diem service pension bill—to the Committee on Invalid Pensions.

Also, petition of Encampment No. 16, Union Veteran Legion, of Steubenville, Ohio; Encampment No. 35, Union Veteran Legion, of Mount Vernon, Ohio; Encampment No. 41, Union Veteran Legion, of Cincinnati, Ohio; Encampment No. 64, Union Veteran Legion, New Lisbon, Ohio; Encampment No. 66, Union Veteran Legion, Bucyrus, Ohio; Encampment No. 82, Union Veteran Legion, Dayton, Ohio; Encampment No. 112, Union Veteran Legion, Lancaster, Ohio; Encampment No. 118, Union Veteran Legion, Zanesville, Ohio, and Encampment No. 123, Union Veteran Legion, Cincinnati, Ohio, for passage of a per diem service pension bill—to the Committee on Invalid Pensions.

Also, petition of Encampment No. 100, Union Veteran Legion, Newark, N. J., for passage of per diem service pension bill—to the Committee on Invalid Pensions.

Also, petition of Encampment No. 113, Union Veteran Legion, Bridgeton, N. J., for passage of per diem service pension bill—to the Committee on Invalid Pensions.

Also, petition of Encampment No. 80, Union Veteran Legion, Indianapolis, Ind., for passage of per diem service pension bill—to the Committee on Invalid Pensions.

Also, petition of Encampment No. 15, Union Veteran Legion, St. Louis, Mo., for passage of per diem service pension bill—to the Committee on Invalid Pensions.

Also, petition of Encampment No. 75, Union Veteran Legion, Louisville, Ky., for passage of per diem service pension bill—to the Committee on Invalid Pensions.

Also, petition of Encampment No. 24, Union Veteran Legion, Salina, Kans., for passage of per diem service pension bill—to the Committee on Invalid Pensions.

Also, petition of Encampment No. 106, Union Veteran Legion, Lewiston, Me., for the passage of per diem service pension bill—to the Committee on Invalid Pensions.

Also, petition of Encampment No. 38, Union Veteran Legion, New York City, for passage of per diem pension bill—to the Committee on Invalid Pensions.

Also, petition of Encampment No. 91, National Soldiers' Home, Virginia, for passage of per diem service pension bill—to the Committee on Invalid Pensions.

Also, petition of Encampment No. 116, Union Veteran Legion, Galena, Ill., for passage of per diem service pension bill—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *August 8, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

Mr. CHANDLER. In behalf of the senior Senator from Kansas [Mr. PEFFER] I ask that he be granted leave of absence until Friday.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and leave of absence is granted.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented resolutions adopted by the Chicago Freight Bureau, favoring certain proposed amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented sundry memorials of citizens of Chicago, Roseland, and Oconee, in the State of Illinois, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. GALLINGER. A few days ago I introduced a bill (S. 2258) to remove the charge of desertion from the military record of Patrick Larkin. I now present the sworn statement of the soldier, with a medical certificate. As this case has been before Congress for a good while, I move that the statement and medical certificate be printed as a document, and that they be referred to the Committee on Pensions.

The motion was agreed to.

MINERAL LANDS IN MONTANA AND IDAHO.

Mr. POWER. On the 6th of this month I offered, by direction of the Committee on Public Lands, some correspondence pertaining to the classification of mineral lands in the States of Montana and Idaho to be printed. I wish to add to those papers some additional correspondence with the Interior Department since that date. I ask that they be printed.

The VICE-PRESIDENT. It will be so ordered.

REPORTS OF COMMITTEES.

Mr. PLATT. On the 6th of August the bill (H. R. 7680) to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company, was referred to the Committee on Indian Affairs. A similar bill has been under consideration by the Judiciary Committee, and the Judiciary Committee have been practically ready to report upon the House bill and would be ready to report now upon it. I report the bill back from the Committee on Indian Affairs, and ask that that committee be discharged from its further consideration, and that it be referred to the Committee on the Judiciary.

The report was agreed to.

Mr. GIBSON, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7095) to provide for the erection of a national home for aged and infirm colored persons and for the maintenance of the inmates thereof, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1314) for the relief of Mathew S. Priest, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. LINDSAY, from the Committee on the Judiciary, to whom was referred the bill (H. R. 1589) for the relief of Louis Pelham, reported it without amendment.

E. H. NEBEKER.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 5901) to reimburse E. H. Nebeker, late Treasurer of the United States, to report it favorably without amendment, and at the request of the chairman of the committee [Mr. VOORHEES], who is sick in bed, I ask the indulgence of the Senate to put the bill upon its passage.

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to E. H. Nebeker, late Treasurer of the United States, $1,000, to reimburse him for the payment of that sum to the chief of the redemption division of the Treasury, May 26, 1893, to make good a shortage of that amount in the cash of the redemption division of the Treasurer's office, caused by the loss of one one-thousand-dollar Treasury note belonging to a remittance of $87,000 from the assistant treasurer of the United States at New York, which was counted, assorted, and reported correct by Mrs. C. V. Millar, counter, on the 28th of March, 1893, but found to be short as aforesaid when recounted in the offices of the Secretary and Register.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 2291) to prevent professional lobbying, and for other purposes; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. BLACKBURN introduced a bill (S. 2292) for the relief of William J. Landram; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 2293) to provide for the improvement of the building and grounds of the United States court and post-office at Little Rock, Ark.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

DISTRICT HOSPITALS AND CHARITABLE INSTITUTIONS.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the District of Columbia be, and are hereby, instructed to investigate and report to the Senate information with regard to the several hospitals and charitable institutions of this city that are supported in whole or in part by appropriations made by Congress, with a view of ascertaining—

First. Whether the grounds and buildings of such institutions belong to the local or General Government.

Second. Whether these institutions are managed or controlled by the Commissioners of the District or by boards of incorporators.

Third. Whether there is a uniform rule or law governing the management of such institutions, or whether any of them have been discriminated against by recent legislation to the embarrassment and injury of said institution or institutions.

Fourth. They will make such recommendations as in their judgment are necessary to placing all the eleemosynary institutions of the District of Columbia receiving Government aid upon the same basis, subject to the same rules and regulations.

GETTYSBURG BATTLEFIELD COMMISSION.

Mr. RANSOM. Mr. President, I will thank the Senate to indulge me a few moments while I make a statement on a subject which is of some interest to me.

I was absent from the Senate on last Wednesday when the distinguished Senator from Virginia [Mr. HUNTON] offered to the sundry civil appropriation bill an amendment, to which I wish to call the attention of the Senate and of that Senator. I ask the Secretary to read the amendment, as stated in the copy of the RECORD which I send to the desk.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

And the Secretary of War is hereby authorized to employ, at such compensation as he shall deem reasonable, from among those veterans who served in the battle of Gettysburg, a person who is recognized as well informed in its history, as a representative of the Army of Northern Virginia, to assist in such way as the Secretary of War may direct in preparing the historical tablets of that army for the Gettysburg battlefield.

Mr. RANSOM. Mr. President, knowing as I do how just and thoughtful a man, if I may be permitted in his presence to say so, the Senator from Virginia is, I can not believe, and do not believe, that he intended the inference which I think is naturally drawn from that amendment. Any stranger in reading it would conclude at once that upon the commission appointed by the Secretary of War to fix the lines and establish the historic tablets at Gettysburg there was no veteran of the Army of Northern Virginia; that there was no recognized representative of Southern soldiers upon it.

I beg leave to remind the Senator from Virginia that the late Gen. William H. Forney, of Alabama, major-general in the Confederate army, and for nearly twenty years a Representative of his State in the other House of Congress, was, until his death, the Southern representative upon that distinguished commission. In this presence I need not say who Gen. Forney was. He is known over the country for his high character, great ability, and usefulness, and for his eminent services in civil and in military life.

After Gen. Forney's death the Secretary of War, with extreme care and after the fullest consideration, appointed upon that commission a gentleman from the South, and I can say no more of him than that he is the peer of Gen. Forney. I refer to Maj. William M. Robbins, of North Carolina, major of the famous Fourth Alabama Regiment, and at one time professor of history and literature and at another time professor of mathematics in the University of Alabama.

Maj. Robbins, though a native of North Carolina, entered the Southern army with one of the first companies from Alabama, and served throughout the war in the Army of Northern Virginia in the regiment which I have named. He entered the army as a private and rose to the rank of major, and was frequently in command of his regiment. Maj. Robbins has often

represented his county in both houses of the North Carolina Legislature. He was a member of the other House of Congress for six years, and a very distinguished member.

He is—and I speak with all deliberation when I say so—a scholar; he is a student; he is a soldier. He pursues the truth as but few men in this or any other country pursue it. He is an able lawyer, with distinguished attainments in his profession. He is a man of very large acquirements in the field of science and of literature. He is a man of general knowledge. He is a man of uncommonly fair disposition and temper.

He is a fair, just, conscientious man, with a mind and a judgment and a disposition as superior to prejudice as any man I ever met. He has been a constant student of politics, of history, and of scientific matters all his life, and is to-day one. There can not be found in the United States a man who will perform the duty of laying off the lines and establishing the historic tablets at Gettysburg with more intelligence and more fidelity than Maj. Robbins.

I had the pleasure some weeks since of reading an address which he made on the Fourth of July to the people of Gettysburg, and if I were called upon to designate a speech in which the just sentiments of the Southern people towards the Union have been more correctly and properly and gracefully represented, I would say that it is the speech of Maj. Robbins at Gettysburg—a speech just to Southern history and memory, but faithful to the Union, full of candor, full of spirit, but full of absolute reconciliation and restoration in every sense.

Mr. President, permit me to say that I can well understand the deep interest and the high sensibility which the Senator from Virginia feels, and justly feels, in all which concerns Gettysburg. I did not have a part in the honors or perils of that grand battle; but I know that he led one of the bravest of brigades in that fearful charge up the bloody heights of Cemetery Hill, and helped to make the immortalities of Gettysburg; and I can think, sir, with what thrilling emotions he remembers the sublime action of the soldiers of his State upon that bloody and glorious field.

I would not take one leaf from the laurels upon Virginia's brow; if I could possibly find a place, I would put another jewel in her great crown, but I say nothing to the disparagement of the Senator himself, nothing to the injustice of Virginia, the great mother of statesmen and soldiers, when I declare that no State, not one of her Southern sisters, has a better right or a higher claim to recognition in all which concerns the distinction and the excellence of conduct at Gettysburg than the State of North Carolina, modest and unpretentious as that State has always been.

All the world knows—I shall attempt no eulogy upon my State—that North Carolina sustained the heaviest loss of any of her Southern sisters upon that field. It is history, sir, that she left 764 dead soldiers scattered over those shotted hills, and many of them lying right under the guns and upon the very works of the Union Army. She left 3,264 wounded and bleeding soldiers on the field and 666 missing, and many of them now known to have been killed. The largest regimental loss in that battle was sustained by the Twenty-sixth North Carolina Regiment, commanded by gallant Harry Burgwyn. That regiment went into the engagement on the 1st day of July with over 800 men, according to the report of its officers, and on the 4th day of July it mustered but 80 for duty.

This is part of her record. North Carolina offered upon the altars of Gettsburg the flower of her soldiers, and the god of battle in those days of fire reaped his richest and his proudest harvest from her ranks.

I shall not pursue this subject further. I simply wish to repeat that Maj. Robbins was a soldier, a veteran soldier in that great battle, dutiful, faithful, devoted; an actual observer, an intelligent actor, and a real part of its greatest scenes. He was in almost every engagement of the Army of Northern Virginia with the Army of the Potomac for four years, and with one brother, the Hon. Frank C. Robbins, of Lexington, N. C., laid down his arms with his flag together with my friend from Virginia and Lee's army at Appomattox.

Sir, those two brothers were the survivors of six sons of their father, four of whom were left dead upon the battlefield, and one of them now represented in the other House of Congress by his son, Mr. GASTON ROBBINS, a distinguished Representative from Alabama.

North Carolina, sir, as does Virginia, loves and cherishes the character and the lives and services of these men; and Maj. Robbins will be faithful to the truth; he will be faithful to history; he will be faithful to Virginia; he will be faithful to North Carolina; he will be faithful to the North and to every true soldier in that great struggle.

Mr. President, I have given this brief touch of his life. There is his record; there are his four brothers left upon the battlefield, but two survivors of six sons who fought in that great struggle. This is the record, and these are the hostages which he presents to the country for a faithful performance of the sacred duty of laying out the lines, establishing the historic tablets, and preserving the truth of history about the great battle of Gettysburg.

I thank the Senate for having indulged me in this statement.

Mr. HUNTON. Mr. President, I can not understand how my distinguished friend, the Senator from North Carolina, could imagine that the amendment which I offered, and which was finally engrafted into the sundry civil appropriation bill, could be tortured into a disrespect or a reflection upon Col. William M. Robbins, of North Carolina. I call the attention of the Senate to the amendment, which reads:

And the Secretary of War is hereby authorized to employ at such compensation as he shall deem reasonable, from among those veterans who served in the battle of Gettysburg, a person who is recognized as well informed in its history, as a representative of the Army of Northern Virginia, to assist in such way as the Secretary of War may direct in preparing the historical tablets of that army for the Gettysburg battlefield.

I knew when I offered the amendment that Col. William M. Robbins, of North Carolina, was the commissioner. The object of the amendment was to make an assistant to Col. Robbins, and the thought was far from my mind of reflecting upon that good and gallant man, Col. Robbins, of North Carolina. I served with him in the army; I served with him in the House of Representatives; and he left both positions in the army and in the councils of the Government with my entire respect and regard; and it could not be that I could in an amendment which I offered to the sundry civil bill be guilty of casting a reflection upon Col. Robbins.

It is due to candor to say that Col. Robbins did put the construction upon the amendment which my friend from North Carolina says might be placed upon it, and wrote me a letter to that effect. I replied to him, as I have remarked now, sir, that it was farthest from my mind to reflect upon him, and I received a letter from him in reply, in which he stated that he was entirely satisfied, and that he was sure that no disrespect or reflection was intended by my amendment.

The object of the amendment was to put two men to work where only one was at work before; and as Col. Robbins is the commissioner, the new appointee will be the assistant, and I so stated in my remarks when I offered the amendment.

I acknowledge the gallantry of Col. Robbins, as I do the gallantry of the North Carolina soldiers headed by my distinguished friend who sits behind me [Mr. RANSOM], and I take great pleasure in saying in return for the high compliment he has paid to me, that the Army of Virginia had few, if any, nobler, better, and more gallant soldiers than that distinguished soldier from North Carolina. There is nothing between him and me, and I beg to disclaim upon the floor of the Senate, what I have disclaimed already in a letter to Col. Robbins, which should be perfectly satisfactory to him, any design or intention, however remote, of reflecting upon Col. Robbins, but my object was merely to give him an assistant in the arduous duties he is about to perform.

Mr. RANSOM. I thank the Senator from Virginia. I knew this would be his course; I knew that he could take no other course; I knew he would do what was right in the matter.

Mr. DAVIS. I should like to ask the Senator from Virginia if it is perfectly clear that both these gentlemen will be employed?

Mr. HUNTON. I can not say; I suppose so. The amendment gives authority to the Secretary of War to appoint an assistant commissioner, and I understood when I offered the amendment that an assistant commissioner was necessary.

NORTHERN MISSISSIPPI RAILROAD COMPANY.

Mr. WASHBURN. I ask unanimous consent for the present consideration of the bill (S. 2107) granting to the Northern Mississippi Railroad Company right of way through certain Indian reservations in Minnesota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment of the Committee on Indian Affairs was, in section 1, line 3, after the word "Mississippi," to strike out "Railroad" and insert "Railway;" in line 13, after the word "adjacent," to strike out "for" and insert "to;" in line 15, after the word "amount," to strike out "three" and insert "two;" in line 17, before the word "miles," to strike out "six" and insert "ten;" and in line 18, after the word "reservations," to insert the following proviso:

Provided, That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction and convenient operation of said railroad line, and when any portion thereof shall cease to be used such portion shall revert to the nation or tribe of Indians from which the same shall be taken.

So as to make the section read:

That there is hereby granted to the Northern Mississipi Railway Company, a corporation organized and existing under the laws of the State of Minnesota, and its assigns, the right of way for the extension of its railroad through the Leech Lake Indian, Chippewa Indian, and Winnebagoshish Indian Reservations, in the State of Minnesota; such right of way to be 50 feet in width on each side of the center line of said railroad: and said company shall also have the right to take from the land adjacent to the line of said road materials, stone, and earth necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount 200 feet in width and 3,000 feet in length for each station, to the extent of one station for every 10 miles of road constructed within the limits of said reservations: *Provided*, That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction and convenient operation of said railroad line, and when any portion thereof shall cease to be used such portion shall revert to the nation or tribe of Indians from which the same shall be taken.

The amendment was agreed to.

The next amendment was, in section 2, line 2, before the word "compensation," to strike out "and" and insert "of;" so as to read:

That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid to the Indians for such right of way and provide the time and manner for the payments thereof.

The amendment was agreed to.

The next amendment was, in section 3, before the word "years," to strike out "ten" and insert "three;" so as to make the section read:

SEC. 3. That the rights herein granted shall be forfeited by said company unless the road is constructed through said reservation within three years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting to the Northern Mississippi Railway Company right of way through certain Indian reservations in Minnesota."

CHOCTAW COAL AND RAILWAY COMPANY.

Mr. PLATT. From the Committee on the Judiciary I report back favorably with certain amendments the bill (H. R. 7680) to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company. As it is necessary that the bill, if passed at all, should be passed at the present session, I am instructed to ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The amendments of the Committee on the Judiciary will be stated in their order.

The first amendment of the Committee on the Judiciary was, in section 2, line 15, after the word "Congress," to strike out "or of the State of Minnesota;" in line 16, after the words "laws of," to strike out "said State" and insert "Minnesota;" so as to read:

That the purchasers of the rights of way, railroads, mines, coal leasehold estates, and other property, and the franchises of the said Choctaw Coal and Railway Company at any sale made under or by virtue of any process or decree of any court having jurisdiction thereof, shall be, and are hereby, constituted a corporation and shall be vested with all the right, title, interest, property, possession, claim, and demand in law and equity, of, in, and to such rights of way, railroads, mines, coal leasehold estates, and property of the said Choctaw Coal and Railway Company, and with all the rights, powers, immunities, privileges, and franchises which have been heretofore granted to or conferred upon said company by any act or acts of Congress, or which it possesses by virtue of its charter under the laws of Minnesota.

The amendment was agreed to.

The next amendment was to strike out the last clause of section 1, beginning with line 17, in the following words:

Said State, with the same force and effect as if the provisions of said acts were herein fully reënacted and made applicable to such new corporation.

And to insert the following proviso:

Provided, That such new corporation shall not have the right to acquire and hold any houses or buildings in South McAlester situate off the right of way and depot grounds of said Choctaw Coal and Railway Company.

The amendment was agreed to.

The next amendment was, in section 2, line 11, after the word "on" to strike out "this" and insert "whose;" so as to read:

And shall adopt a corporate name and common seal, determine the amount of capital stock and bonds to be issued to the persons for or on whose account said property may have been purchased, and shall have power and authority to make and issue certificates for the said capital stock in shares of $50 each and bonds.

The amendment was agreed to.

The next amendment was, in section 3, line 21, after the word "corporation," to insert the word "to," and in line 22, after the word "thereafter," to strike out "acquired" and insert "acquire;" so as to read:

And this act shall be construed and treated as an assent upon the part of the United States to the acquisition and holding by such new corporation of the estates and premises thereby conveyed, subject to the right of said corporation to thereafter acquire and hold such additional property as it may lawfully do by virtue hereof.

The amendment was agreed to.

The next amendment was to add at the end of section 4 the following proviso:

Provided, That the right to construct branches conferred by this section shall exist and be exercised in the Indian Territory only for the purpose of developing and working the leases mentioned in the act of Congress of October 1, 1890.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLATT. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. PUGH, Mr. VILAS, and Mr. PLATT were appointed.

JOHN T. HEARD.

Mr. ROACH. I ask the Chair to lay before the Senate a bill from the House of Representatives which is on the table.

The bill (H. R. 7874) to enable the Secretary of the Interior to pay JOHN T. HEARD for professional services rendered the "Old Settler" or Western Cherokee Indians out of the funds of said Indians was read twice by its title.

Mr. ROACH. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ROACH. I move to indefinitely postpone the bill (S. 2270) to enable the Secretary of the Interior to pay JOHN T. HEARD for professional services rendered the Old Settlers or Western Cherokee Indians out of the funds of said Indians.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the second report of the committee of conference, on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6913) making appropriations for the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1895, and for other purposes; receded from its disagreement to the residue amendments of the Senate to the said bill upon which the committee were unable to agree, and agreed to the same.

The message also announced that the House insisted upon its amendment to the bill (S. 971) to open, widen, and extend alleys in the District of Columbia; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON of Tennessee, Mr. RUSK, and Mr. HARMER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5246) providing for the inspection of immigrants by United States consuls; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BOATNER, Mr. TERRY, and Mr. WILLIAM A. STONE, managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6415) to provide an immediate revision and equalization of real-estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year 1896 and every third year thereafter, and for other purposes.

The message further announced that the House had passed a concurrent resolution granting permission to the Citizens' Committee, Knights of Pythias encampment, to illuminate the Dome of the Capitol on the nights of August 27, 28, 29, and 30, 1894, under the control and direction of the Architect of the Capitol; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4490) granting a pension to Henry C. Field;

A bill (H. R. 4686) to correct the military record of Alexander P. Magaan, of Battery H, Fourth United States Artillery;

A bill (H. R. 4724) for the relief of Edward Chastain;

A bill (H. R. 5703) for the relief of Johanna Gleason;

A bill (H. R. 5994) granting a pension to Rosanna Cobb, widow of Edmond Cobb, deceased, late of Sac and Fox war;

A bill (H. R. 6122) authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; and

A bill (H. R. 6923) for the relief of Matthew T. Lewis.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following bills; and they were thereupon signed by the Vice-President:

A bill (S. 16) granting a pension to Nettie N. Seaver;

A bill (S. 470) for the relief of George H. Jewett, of Arlington, Washington County, Nebr.;

A bill (S. 876) granting a pension to Rebecca H. Chambers;

A bill (S. 1640) granting a pension to Otis Smith;

A bill (S. 2217) to provide for the closing of a part of an alley in square 185, in the city of Washington, D. C.;

A bill (H. R. 522) for the relief of Benjamin Alford;

A bill (H. R. 855) to amend an act granting a pension to Elizabeth Voss;

A bill (H. R. 856) granting an increase of pension to John Stockwell;

A bill (H. R. 953) to increase the pension of Mary P. Broughton;

A bill (H. R. 1313) to increase the pension of John Scott.

A bill (H. R. 1463) granting a pension to Mrs. Lucinda C. Wheeler, widow of John H. Wheeler;

A bill (H. R. 1717) granting a pension to Eliza Holmes;

A bill (H. R. 2108) to perfect the military record of Warren Alonzo Alden;

A bill (H. R. 2133) to correct the military record of Capt. E. M. Ives;

A bill (H. R. 3032) to remove the charge of desertion from the record of John A. Jack;

A bill (H. R. 3065) to increase the pension of James Lane;

A bill (H. R. 3076) granting a pension to George L. Frymire;

A bill (H. R. 3309) to pension Ambrose Gisebert;

A bill (H. R. 3840) to pension Joel A. Walters;

A bill (H. R. 3992) to increase the pension of Julia Bews;

A bill (H. R. 4780) to pension Thankful Robbins;

A bill (H. R. 4811) to pension Mary Trimble;

A bill (H. R. 5374) granting a pension to Sarah Oddy;

A bill (H. R. 5816) granting a pension to Mary Ann Donoghue;

A bill (H. R. 6206) granting a pension to A. F. Neely;

A bill (H. R. 6213) to pension Harriet R. Tate;

A bill (H. R. 6384) for the relief of Walter S. McLeod;

A bill (H. R. 6405) to remove the charge of desertion standing against Patrick Kelleher, late private Company C, Thirty-eighth Illinois Volunteers;

A bill (H. R. 6542) to change the lines between the eastern and western judicial districts of North Carolina and fixing time for holding courts in said eastern district;

A bill (H. R. 7187) to make the city of Oakland, county of Alameda, State of California, a subport of entry; and

A bill (H. R. 7803) to amend sections 2401 and 2403 of the Revised Statutes.

COLUMBIA RIVER BRIDGE.

Mr. DOLPH. I ask unanimous consent for the present consideration of the bill (S. 1772) extending the time for the completion of a railroad bridge over the Columbia River at or near Vancouver, in the State of Washington.

The preamble is long, and the Committee on Commerce have reported to strike it out. I think the preamble need not be read.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in line 3, after the word "the," to strike out "said;" and in line 5, after the word "the," to strike out "said;" so as to read:

Be it enacted, etc., That the time for the completion of the bridge across the Columbia River at or near Vancouver, in the State of Washington, under the act of Congress approved August 29, 1890, entitled "An act to authorize the construction of a bridge across the Columbia River by the Oregon Railway Extensions Company," be, and the same is hereby, extended until the ——day of ——, 18—.

The amendment was agreed to.

The next amendment was, to fill the blanks in line 9 by inserting "fifteenth" and "April," and in line 10 by inserting "ninety-seven;" so as to read:

The same is hereby extended until the 15th day of April, 1897.

Mr. DOLPH. I have the consent of the committee to move as an amendment to the amendment to make the date "1898," extending the time a year longer.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The committee report to strike out the preamble.

The amendment striking out the preamble was agreed to.

INDIAN APPROPRIATION BILL.

Mr. CALL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 63.

That the House recede from its disagreement to the amendments of the Senate numbered 47 and 116, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with amendments as follows: Strike out the matter inserted by said amendment, and strike out, on page 34 of the bill, all after the word "dollars," in line 13, down to and including the word "buildings," in line 19, and on page 47 of the bill, after the word "dollars," in line 3, insert the following: "*Provided*, That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability, any allottee of Indian lands under this or former acts of Congress can not personally and with benefit to himself occupy or improve his allotment, or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years for farming and grazing purposes, or ten years for mining or business purposes: *Provided further*, That the surplus lands of any tribe may be leased for farming purposes by the council of such tribes under the same rules and regulations and for the same term of years as is now allowed in the case of leases for grazing purposes;" and that the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "One hundred and five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "Of March 3, 1893; and this provision shall not be construed to extend the time nor to increase the amount of the liability of the Government as provided in section 10 of the said act of March 3, 1893;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lines 31 and 32 of said amendment strike out the words "except lands containing asphaltum, gilsonite, or other like substances, which are hereby reserved from sale," and after the word "States," in line 35 of said amendment, insert the following:

"*Provided*, That no person shall be entitled to locate more than two claims, neither to exceed 10 acres, on any land containing asphaltum, gilsonite, or like substances."

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, and 115

WILKINSON CALL,
F. M. COCKRELL,
H. M. TELLER,
Managers on the part of the Senate.

W. S. HOLMAN,
JOHN M. ALLEN,
JNO. L. WILSON,
Managers on the part of the House.

The report was concurred in.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 4686) to correct the military record of Alexander P. Magaan, of Battery H, Fourth United States Artillery;

A bill (H. R. 4724) for the relief of Edward Chastani; and

A bill (H. R. 6923) for the relief of Matthew T. Lewis.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 4490) granting a pension to Henry C. Field;

A bill (H. R. 5703) for the relief of Johanna Gleason; and

A bill (H. R. 5994) granting a pension to Rosanna Cobb, widow of Edward Cobb, deceased, late of Sac and Fox war.

The bill (H. R. 6122) authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

CHATTAHOOCHEE RIVER BRIDGE.

Mr. PUGH. I ask unanimous consent for the present consideration of the bill (H. R. 6577) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the town of Columbia, Ala.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOLMES & LEATHERS.

Mr. BLANCHARD. Yesterday the Senate made an order that after the morning hour to-day the consideration of the

bill (S. 1945) for the relief of Holmes & Leathers should be resumed. I ask unanimous consent that the consideration of the bill may be postponed until 1 o'clock to-morrow.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it will be so ordered.

GUARANTEE COMPANIES.

Mr. HILL. I ask the Senate to proceed to the consideration of the bill (H. R. 4954) relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill called up by the Senator from New York?

Mr. PALMER. Mr. President, the bill is a most remarkable one. I think it deserves greater consideration than it can receive in the morning hour. I have no disposition to object to its present consideration, but it will certainly cause debate, because debate is necessary before the bill can be passed.

Mr. HILL. This bill has passed the House of Representatives, and there can be no objection to its consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HILL. Pending the discussion of the bill the Senator from Iowa [Mr. ALLISON] would like to have a private bill passed, and I consent.

ENOCH DAVIS.

Mr. ALLISON. The Senator from New York yields to me for a moment, as I desire to have the bill (S. 1688) for the relief of Enoch Davis put on its passage at this time. I assure the Senator from New York it will lead to no debate.

By unanimous consent, the bill (S. 1688) for the relief of Enoch Davis was considered as in Committee of the Whole. It directs the proper accounting officers of the Government to liquidate and settle the claim of Enoch Davis, late a member of Company G of the Sixth Regiment of Iowa Volunteer Infantry, for pay and bounty; and appropriates $300 for the payment of the amount that may be awarded to him on account of the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MOUNT VERNON ELECTRIC RAILWAY COMPANY.

Mr. FAULKNER. I ask unanimous consent for the present consideration of the bill (H. R. 7006) to authorize the Washington, Alexandria and Mount Vernon Electric Railway Company to extend its line of road into and within the District of Columbia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FAULKNER. I ask that the amendments reported by the Committee on the District of Columbia be considered as they are reached in the reading of the bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on the District of Columbia was to strike out section 1, as follows:

That the Washington, Alexandria and Mount Vernon Electric Railway Company, a body incorporated under the laws of the State of Virginia, be, and it is hereby, authorized to construct and lay down a street railway with the necessary switches, turn-outs, and other mechanical devices, in the District of Columbia, through and along the following routes:

A main line commencing on B street between Sixth and Seventh streets northwest, at a point to be designated by the Commissioners of the District of Columbia, thence westward along B street to Seventeenth street, thence northward on Seventeenth street to E street, and thence westward on E street to the Potomac River, thence across the Potomac River by a suitable steam ferry or transfer barge to Analostan Island, thence across said island to that part of the arm of the Potomac River known as Little River, and thence across said Little River by a suitable trestle or bridge to the dividing line between the District of Columbia and the State of Virginia.

Also a branch from the intersection of B and Fifteenth streets northwest along Fifteenth street to its intersection with Pennsylvania avenue.

Also a branch from the intersection of B street and Fourteenth street northwest along Fourteenth street to the Long bridge.

And the said company is hereby authorized and empowered to construct and maintain at the foot of E street and New Hampshire avenue, and on Analostan Island, the necessary landings and slips for the operation of a ferryboat or transfer steamer, said landings and slips to be constructed on plans approved by the Secretary of War. The necessary land at the foot of New Hampshire avenue and E street for ferry slip and landing may be leased to said company by the Commissioners of the District of Columbia at such rental and on such terms as said Commissioners may agree upon with said company. The said company is also authorized and empowered to construct, maintain, and operate, subject to the approval of the Commissioners of the District of Columbia, a double-end steamboat or transfer barge for the transfer of its cars. These routes may be modified or extended at the will of Congress, and the said railway company shall comply with such modifications or extensions.

And in lieu thereof to insert:

That the Washington, Alexandria and Mount Vernon Electric Railway Company, a body incorporated under the laws of the State of Virginia, be, and is hereby, authorized to construct and lay down a double track street railway, except as hereinafter provided, with the necessary switches, turn-outs, and other mechanical devices, the number and location of which shall be approved by the Commissioners of the District of Columbia, said street railway to be constructed and laid down through and along the following routes:

Commencing on B street, between Sixth and Seventh streets northwest, at a point to be designated by the Commissioners of the District of Columbia, thence westward along B street to Thirteen-and-a-half street, thence northward on Thirteen-and-a-half street to E street by single track, thence westward on E street to Fourteenth street, on a single track, thence southward on Fourteenth street, using the tracks of the Belt Line Street Railway, to the Potomac River, thence across the Potomac River by a suitable ferry or transfer barge to the Virginia shore, with the privilege of a double track on B street from Thirteen-and-a-half street, connecting with the Belt Line Street Railway tracks at Fourteenth street.

And said company is authorized to construct its road across the tracks of the Pennsylvania Railroad at or near the Long Bridge, under such regulations as may be prescribed by the Commissioners of the District of Columbia.

And the said Washington, Alexandria and Mount Vernon Electric Railway Company is hereby authorized and empowered to construct and maintain, after acquiring title to the same, at the foot of Fourteenth street, a necessary landing and slip for the operation of a ferryboat or transfer steamer, said landing and slip to be constructed on plans approved by the Secretary of War, and to use an overhead wire for a distance of not exceeding 400 feet, commencing at the extreme southern end of the slip.

And said company is also authorized and empowered to construct, maintain, and operate, subject to the approval of the Commissioners of the District of Columbia, a double-end steamboat or transfer barge for the transfer of its cars, with all the modern improvements for the safety and protection of its passengers: *Provided*, That the said company be authorized to condemn for its use for said landing and slip, as provided for in this act, a space not exceeding 150 by 200 feet.

Mr. MCMILLAN. I have one or two slight amendments to offer to the bill, and I desire to inquire whether I shall offer them as the reading proceeds or wait until the reading is concluded?

Mr. FAULKNER. I think the Senator had better propose his amendments as the reading proceeds, while we are acting upon the amendments reported by the committee.

Mr. MCMILLAN. On page 3, in line 12, section 1, where the amendment reads "commencing on B street, between Sixth and Seventh streets northwest," I move to amend by striking out "Sixth and Seventh," and inserting "Seventh and Eighth." Seventh street is very narrow at that point, and it will answer the purpose if the railway company brings the railroad to that point. I move to amend the amendment of the committee in that way.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment reported by the committee, in section 1, line 12, page 3, after the word "between," by striking out "Sixth and Seventh," and inserting "Seventh and Eighth."

Mr. FAULKNER. That is right.

The amendment to the amendment was agreed to.

Mr. MCMILLAN. In line 38 of the same amendment, I move to strike out the word "approval" and insert "supervision."

Mr. FAULKNER. There is no objection to that.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 38 of the amendment, after the words "subject to the," it is proposed to strike out "approval" and insert "supervision;" so as to read:

And said company is also authorized and empowered to construct, maintain, and operate, subject to the supervision of the Commissioners of the District of Columbia, etc.

The amendment to the amendment was agreed to.

Mr. HALE. I ask that that part of the bill which has just been read touching overhead wires be again read.

The PRESIDING OFFICER (Mr. PASCO in the chair). The Secretary will read as requested.

The Secretary read as follows:

Said landing and slip to be constructed on plans approved by the Secretary of War, and to use an overhead wire for a distance of not exceeding 400 feet, commencing at the extreme southern end of the slip.

Mr. HALE. On which side of the river will this be?

Mr. FAULKNER. On the Washington side, at the southern end of the street, the extreme limit of the slip extending out into the river, which does not bring the overhead wires at all into the city's streets, but on private property.

Mr. HALE. What is the necessity of this intrusion of overhead wires when we can do without them?

Mr. FAULKNER. The reason for it is that this line of railway runs by overhead wires on the Virginia shore and by an underground cable on the Washington side, but in order to get the cars off the ferryboat overhead wires have to be used to a certain limited extent on private property, which the company will have to purchase to bring the cars from the boat to connect with the underground cable.

Mr. HALE. Do the overhead wires cross any street?

Mr. FAULKNER. Oh, no. The wires are merely from the end of the slip, so as to connect with the underground line.

Mr. HALE. They cross no street?

Mr. FAULKNER. No.

Mr. HOAR. Would it not be safe, I suggest to the Senator from Maine, as there is objection to overhead wires on the public streets, to provide that they shall only be placed on private property?

Mr. HALE. I think that is a good suggestion.

Mr. FAULKNER. I think with the limitation of 400 feet the provision as it stands is perfectly safe, certainly with reference to any of the public interests. I do not know what amount of land in width the company could acquire there, and whether it might not be necessary, in order to connect with the underground system, to go somewhat on the public road, but certainly at that point in the city it could do no harm under any circumstances. This point is right at the banks of the river, where, as I understand, it is only a distance of 400 feet from the extreme southern end of the slip, which is the end running into the river.

The Senator from Michigan [Mr. MCMILLAN] and I were very careful in drawing this bill, and we tried to guard it in every way. I am satisfied that no public interest and no policy of the Senate will be affected by any of its provisions.

Mr. HALE. The committee ought to jealously scrutinize every proposition to place overhead wires in this city.

Mr. FAULKNER. I fully concur with the Senator in that, and I agree with him in that policy. I think the Senator will find that we have examined this subject with great care and inserted every limitation he would himself suggest if he had examined it.

Mr. HALE. I would insert the words "for the purpose of connection," so as to show that the overhead wires are to be used only for that purpose.

Mr. FAULKNER. I have no objection to that.

Mr. HALE. After the word "and," in line 34, I move to insert "for the purpose of connection;" so as to read:

And for the purpose of connection to use an overhead wire for a distance of not exceeding 400 feet.

Mr. FAULKNER. I think that is exactly the meaning of the language as it stands.

Mr. HALE. I desire to have it clearly defined and stated that it is to be for that one purpose. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 34 of the amendment to section 1, after the word "and," it is proposed to insert "for the purpose of connection."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on the District of Columbia was, in section 4, line 4, after the word "pattern," to insert "and subject to the approval of the District Commissioners;" so as to make the section read:

SEC. 4. That the said railway shall be constructed in a substantial and durable manner; and all rails, electrical and mechanical appliances, conduits, stations, etc., shall be of approved pattern, and subject to the approval of the District Commissioners.

The amendment was agreed to.

The next amendment was, in section 5, line 15, after the word "be," to insert "used or;" in the same line, after the word "constructed," to strike out "or," and insert "nor steam power;" and in line 16, after the word "Washington," to insert the following proviso:

Provided, That the tracks of said road shall not be used for the transportation of any cars other than those used for the transportation of passengers on street railways.

So as to make the section read:

SEC. 5. That the said corporation shall at all times keep the space between its tracks and rails, and 2 feet exterior thereto, in such condition as the Commissioners of the District of Columbia or their successors may direct, and whenever any street occupied by said railway is paved or repaired, or otherwise improved, the said corporation shall bear all the expense of improving the spaces above described. Should the said corporation fail to comply with the orders of the Commissioners, the work shall be done by the proper officials of the District of Columbia, and the amounts due from said corporation shall be collected as provided by section 5 of the act entitled "An act providing a permanent form of government for the District of Columbia, approved June 11, 1878." But no overhead wires shall be used or constructed, nor steam power used within the limits of the city of Washington: *Provided*, That the tracks of said road shall not be used for the transportation of any cars other than those used for the transportation of passengers on street railways.

Mr. MCMILLAN. In line 15, section 5, after the word "constructed," I move to insert "except as hereinbefore provided."

Mr. FAULKNER. I was just going to offer that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 5, line 15, after the word "constructed," it is proposed to insert "except as hereinbefore provided;" so as to read:

But no overhead wires shall be used or constructed except as hereinbefore provided.

The amendment to the amendment was agreed to.

Mr. MCMILLAN. In connection with the amendment just adopted, after the word "nor," in line 15, I move to insert the word "shall," and in line 16, before the word "used," to insert the word "be;" so as to read:

Nor shall steam power be used within the limits of the city of Washington.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. Now I ask that the entire provision be read as it stands, beginning in line 14, after the date "1878."

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

But no overhead wires shall be used or constructed, except as hereinbefore provided, nor shall steam power be used within the limits of the city of Washington: *Provided*, That the tracks of said road shall not be used for the transportation of any cars other than those used for the transportation of passengers on street railways.

Mr. HALE. That is right.

The reading of the bill was resumed. The next amendment reported by the Committee on the District of Columbia was, in section 9, line 8, after the words "operation of a," to strike out "cable motor, electric, pneumatic, or other railroad," and insert "street railway;" so as to make the section read:

SEC. 9. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, upon private grounds, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and all other buildings necessary for the successful operation of a street railway.

The amendment was agreed to.

The next amendment was, in section 10, line 1, before the word "said," to strike out "main line of the," and in line 3, after the word "act," to strike out "and the branches of the same shall be completed within two years from the passage of this act;" so as to make the section read:

SEC. 10. That the said railway company shall be commenced within one year and completed within two years from the passage of this act.

Mr. HUNTON. I call the attention of the Senator from West Virginia to line 1, of section 10, which reads:

That the said railway company shall be commenced within one year.

It ought to be "the said railroad."

Mr. FAULKNER. Yes. I move, after the word "said," in section 10, line 1, to strike out the words "railway company," and insert the word "railroad;" so as to read:

That the said railroad shall be commenced within one year and completed within two years from the passage of this act.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on the District of Columbia was, in section 11, line 1, after the word "run," to strike out "public carriages" and insert "street railway cars;" in line 2, before the word "cable," to insert "underground;" after the word "cable," in the same line, to insert "or;" in line 3, after the word "electric," to strike out "or other mechanical;" in the same line, after the word "power," to strike out "but nothing in this act shall allow the use of steam power in locomotives;" and in line 5, after the word "*Provided*," to strike out "*further*;" so as to read:

SEC. 11. That the said company may run street railway cars propelled by underground cable or electric power: *Provided*, That for the purpose of making a continuous connection over the route hereinbefore described and designated the said company shall have the right to cross all streets, avenues, and highways that may be along the designated route.

Mr. MCMILLAN. In section 11, line 1, after the word "company," I move to strike out the word "may" and insert the word "shall."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 11, line 1, after the word "company," it is proposed to strike out "may" and insert "shall;" so as to read:

That the said company shall run street railway cars, etc.

Mr. FAULKNER. There is no objection to that.

The amendment to the amendment was agreed to.

Mr. HALE. I ask the Secretary to read the provision in section 11 as it will read if amended as proposed.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

That the said company shall run street railway cars propelled by underground cable or electric power.

Mr. HALE. I think it should read "underground cable or

underground electric power." I move to insert the word "underground" after the word "or," in line 3, and before the word "electric."

Mr. FAULKNER. There is no objection to that, though I think it is covered by the language which is used.

Mr. HALE. As it is left, it very clearly will be a debatable question whether the electric power shall be overhead or underground.

The PRESIDING OFFICER. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee in line 3, after the word "or," by inserting "underground;" so as to read:

That the said company shall run street railway cars propelled by underground cable or underground electric power.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on the District of Columbia was, in section 12, line 10, after the word "dollars," to insert "for each day said failure occurs;" so as to make the section read:

SEC. 12. That the said company shall furnish and maintain passenger houses as required by the Commissioners of the District of Columbia and shall place first-class cars on said railway with all the modern improvements for the convenience, comfort, and safety of passengers, and shall run cars as often as the public convenience may require in accordance with a time table approved by the Commissioners of the District of Columbia. Every failure to comply with the conditions of this section shall render the said corporation liable to a fine of $50 for each day said failure occurs, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of said District.

The amendment was agreed to.

Mr. HALE. In section 12, line 2, after the word "houses," I move to insert the words "and transfer stations."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 12, line 3, after the word "houses," it is proposed to insert "and transfer stations;" so as to read:

That the said company shall furnish and maintain passenger houses and transfer stations as required by the Commissioners of the District of Columbia.

The amendment was agreed to.

Mr. HALE. In line 3, after the words "District of Columbia," I move to insert the words "but no such passenger house or transfer station shall be built upon the public streets or sidewalks or upon public property." I want to save the public reservations. If the railroad company erect houses or stations they should put them on private property and pay for it.

Mr. FAULKNER. There is no objection to the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 12, line 3, after the word "Columbia," it is proposed to insert "but no such passenger house or transfer station shall be built upon the public streets or sidewalks or upon public property."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on the District of Columbia was, in section 15, line 6, after the word "expenditures," to insert "within the District of Columbia;" and in line 12, after the word "made," to strike out "at the specified time or;" so as to read:

SEC. 15. That said company shall, on or before the 15th of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures within the District of Columbia, from whatever source and on whatever account, for the preceding year ending December 31, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by the affidavit of the president and secretary of said comdany, and, if said report is not made within ten days thereafter, such failure shall of itself operate as a forfeiture of the privileges and rights hereby granted to said company, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor, etc.

The amendment was agreed to.

The next amendment was, in section 16, line 2, after the word "passenger," to insert "including transportation to the Virginia shore;" so as to make the section read;

SEC. 16. That said company shall receive a rate of fare not exceeding 5 cents per passenger, including transportation to the Virginia shore; and the said company may make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its road: *Provided*, That within the limits of the District of Columbia six tickets shall be sold for 25 cents.

The amendment was agreed to.

The next amendment was, in section 17, line 12, after the word "dollars," to strike out "to said company;" so as to read:

The person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, etc.

The amendment was agreed to.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair announces that the morning hour is closed, and the Calendar of General Orders under Rule IX is in order.

Mr. FAULKNER. I ask that the Senate proceed with the consideration of the pending bill. The reading is almost through. There are but two pages remaining.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment of the Committee on the District of Columbia was, in section 18, line 4, after the word "construct" to insert "at its own cost;" and in line 5, after the word "railways," to insert "under the supervision and control of the Commissioners of the District of Columbia"; so as to make the section read:

SEC. 18. That the said company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct, at its own cost, its said road across such other railways, under the supervision and control of the Commissioners of the District of Columbia: *Provided* That it shall not interrupt the travel of such other railways in such construction.

The amendment was agreed to.

The next amendment was, in section 20, line 6, after the word "exceeding," to strike out "one hundred and;" and in line 7, after the word "instituted," to strike out "in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes," and insert "under the provisions of chapter 11, Revised Statutes, relating to the District of Columbia;" so as to make the section read:

SEC. 20. That in the event the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located or pass, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding 50 feet in width, may be instituted under the provisions of chapter 11, Revised Statutes, relating to the District of Columbia: *Provided*, That any property owner shall have the right of trial by jury in any such issue.

The amendment was agreed to.

Mr. FAULKNER. I will state that section 21 was inadvertently left in, I suppose by the printer. It applies to a route which was stricken out by the committee and is not in the bill. I therefore move that section 21 be stricken out.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia to strike out section 21.

The amendment was agreed to.

Mr. FAULKNER. Section 22 should be changed so as to be section 21.

The PRESIDING OFFICER. The clerks will make the necessary changes in the numbering of the sections.

The reading of the bill was resumed. The next amendment of the Committee on the District of Columbia was to strike out section 23, in the following words:

SEC. 23. That said company shall have the right to carry parcels, farm and dairy products on its lines in the city, and nothing in this act shall be considered as prohibiting the transportation of other freights between points in the State of Virginia and its landing at the foot of E street and New Hampshire avenue.

The amendment was agreed to.

The reading the bill was continued to the end of section [23] 22.

Mr. HALE. How does this provision, in what is now section 22, accord with the proviso put on as in Committee of the Whole, at the end of section 5, on page 6:

Provided, That the tracks of said road shall not be used for the transportation of any cars other than those used for the transportation of passengers on street railways.

Mr. FAULKNER. It accords with it exactly. The Falls Church Railroad is a street railway. It comes in just to the south of the Arlington grounds, and strikes this road just about at the point where it will have a branch up to Arlington. We wish for the convenience of the people there to bring in that street railway over this same track, with all the limitations and conditions, as the Senator will see, which we impose upon this road.

Mr. HALE. The reading of the bill, to anyone not informed, would convey the idea that the Falls Church and Potomac Railway Company is a general railway company.

Mr. FAULKNER. Oh, no; it is not.

Mr. HALE. It is a street railway?

Mr. FAULKNER. A street railway.

Mr. HALE. But it is not so entitled.

Mr. FAULKNER. It is not so entitled. This is its corporate name.

Mr. HALE. If the Senator from West Virginia is certain about that, I shall make no point on it.

Mr. FAULKNER. I am certain about it.

Mr. HALE. The provision, then, grants nothing but a desirable connection with another street railway company?

Mr. FAULKNER. The Senator from Maine will see that the latter clause of this section applies to that road all of the limitations, conditions, and restrictions, after it gets to the District of Columbia, that we put upon this road.

Mr. HALE. I perceive that that is done by the proviso in the latter part of the section.

Mr. MCMILLAN. I will state to the Senator from Maine that the object of the committee has been to bring in all of these suburban lines over one track where it can be done, and to avoid a multiplication of the number of tracks on the streets.

Mr. HALE. I think that is right.

The reading of the bill was resumed. The next amendment of the Committee on the District of Columbia was, at the end of section [23] 22 to insert as a new section:

SEC. 23. That should the Washington, Alexandria and Mount Vernon Electric Railway Company fail or refuse to construct a double-track street railway on the Virginia side of the Potomac River to the Arlington Reservation and provide accommodations for the necessary travel from the city of Washington to Arlington within one year from the approval of this act, then all the rights, powers, privileges, and franchises conferred upon said company by this act within the jurisdiction of the District of Columbia shall be, and the same are hereby, forfeited.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. I ask the Senator from West Virginia to go back with me to section 1, line 12, whether the route that the road is to follow in the city is given.

Commencing on B street, between Sixth and Seventh streets northwest.

Mr. FAULKNER. Between Seventh and Eighth streets northwest. We changed that.

Mr. HALE. Between Seventh and Eighth streets northwest. Where is that with relation to the present station of the Pennsylvania Railroad?

Mr. FAULKNER. The station is on Sixth street, and this is the very wide cobblestone street just back of the market. The object and purpose of this line is to get to the market.

Mr. HALE. Then it does not go so far easterly as the Pennsylvania Railroad station?

Mr. FAULKNER. It commences a block from the Pennsylvania station, just back of the market.

Mr. HALE. —

Thence westward along B street—

That is the cobblestone street.

Mr. FAULKNER. Yes, sir.

Mr. HALE. —

to Thirteen-and-a-half street.

Mr. FAULKNER. That is a very inferior street, if the Senator knows it. It is one we could not hurt by putting anything on it.

Mr. HALE. It is a street between Thirteenth and Fourteenth streets.

Mr. FAULKNER. Between Thirteenth and Fourteenth streets.

Mr. MCMILLAN. It is Thirteen-and-a-half street.

Mr. FAULKNER. Yes. The road is to come up that street with a single track.

Mr. HALE. It is between the two streets, Thirteenth and Fourteenth streets.

Thence northward on Thirteen-and-a-half street to E street, by a single track.

How near to Pennsylvania avenue is the point where Thirteen-and-a-half street reaches E street?

Mr. FAULKNER. It can not be said that it is a block, because, as the Senator will remember, the reservation commences on the east side of Fourteenth street right at the avenue. Just that reservation separates it from the avenue. We contemplate, in the ultimate arrangement of these street railways, as I dare say the Senator from Maine has heard, that the route of the Fourteenth street cable road shall be changed, so that it will run up Fourteenth street from Pennsylvania avenue. There we propose to have the transfer station, so as to relieve the congested condition of Fifteenth street. The proposed road will then run along E street, which is south of the little reservation, to Fourteenth street, where the Belt line runs, after having come across Pennsylvania avenue from E street, north of the avenue.

Mr. HALE. But it is all below Pennsylvania avenue.

Mr. FAULKNER. It is all below Pennsylvania avenue. Then it uses the tracks of the Belt line down to the Potomac.

Mr. HALE. I should think, from my recollection of the location, that coming up E street anywhere westerly of Thirteenth would bring the road pretty near the avenue.

Mr. FAULKNER. That little reservation merely separates it.

Mr. HALE. That is all?

Mr. FAULKNER. Yes, sir.

Mr. MCMILLAN. I will state to the Senator from Maine that the power house of the Washington and Georgetown Railroad Company is right at the corner of Thirteen-and-a-half and E streets. Thirteen-and-a-half is an old-fashioned little street, and is not used much except for the trucks of the Washington and Georgetown Railway. In fact, it is hardly used at all. It does not come to the avenue. There is a very wide space there.

Mr. HALE. All below the avenue?

Mr. FAULKNER. All below the avenue.

Mr. MCMILLAN. The company wanted to come up Thirteenth street and touch the avenue, and we declined to grant permission to do that.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FAULKNER. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. FAULKNER, Mr. HARRIS, and Mr. MCMILLAN were appointed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 3d instant, approved and signed the act (S. 2150) to provide an American register for the steamer Oceano, of New York, N. Y.

The message also announced that the President of the United States had, on the 6th instant, approved and signed the act (S. 1468) for the relief of James L. Townsend.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. GEORGE. I ask unanimous consent that the Senate take up the bill (H. R. 4609) to establish a uniform system of bankruptcy.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

Mr. PLATT. I object.

The PRESIDING OFFICER. Objection is made.

Mr. GEORGE. I move that the Senate proceed to the consideration of the bill, notwithstanding the objection.

Mr. PLATT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Connecticut suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Faulkner,	Jones, Ark.	Patton,
Bate,	Frye,	Kyle,	Perkins,
Berry,	Gallinger,	Lindsay,	Platt,
Blackburn,	George,	Lodge,	Power,
Brice,	Gordon,	McLaurin,	Proctor,
Camden,	Hale,	McMillan,	Roach,
Chandler,	Harris,	Manderson,	Sherman,
Cockrell,	Hawley,	Martin,	Shoup,
Coke,	Higgins,	Mills,	Teller,
Cullom,	Hill,	Mitchell, Wis.	Vest,
Davis,	Hoar,	Murphy,	Walsh,
Dixon,	Hunton,	Palmer,	Washburn,
Dubois,	Jarvis,	Pasco,	White.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum is present. The question recurs on agreeing to the motion of the Senator from Mississippi that the Senate proceed to the consideration of the bankruptcy bill. (Putting the question.) The ayes appear to have it.

Mr. HOAR and Mr. HIGGINS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. If he were present I should vote "yea."

Mr. GORDON (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from Wyoming [Mr. CAREY]. If he were present I should vote "yea."

Mr. PALMER (when his name was called). The Senator from North Dakota [Mr. HANSBROUGH], with whom I am paired, is absent from the city. I therefore withhold my vote.

Mr. PATTON (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL]. If he were in the Chamber I should vote "yea."

The roll call was concluded.

Mr. BLACKBURN. I inquire if the senior Senator from Nebraska [Mr. MANDERSON] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. BLACKBURN. I do not know how the senior Senator from Nebraska would vote, and therefore withhold my vote. If he were present I should vote "yea."

Mr. MCMILLAN (after having voted in the affirmative). I

inquire if the Senator from Louisiana [Mr. BLANCHARD] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. McMILLAN. Then I withdraw my vote, being paired with that Senator.

The Secretary recapitulated the vote.

Mr. MANDERSON. I desire to know whether the senior Senator from Kentucky [Mr. BLACKBURN] has voted upon this question?

The PRESIDING OFFICER. He has not voted.

Mr. MANDERSON. I am paired with the senior Senator from Kentucky.

The result was announced—yeas 27, nays 14; as follows:

YEAS—27.

Bate,	Gray,	McLaurin,	Sherman,
Call,	Harris,	Martin,	Shoup.
Coke,	Hill,	Murphy,	Teller,
Cullom,	Hunton,	Pasco,	Walsh.
Davis.	Jarvis,	Pugh,	Washburn,
Dubois,	Kyle,	Ransom,	White.
Faulkner,	Lindsay,	Roach,	

NAYS—14.

Dixon,	Hawley,	Perkins,	Turpie,
Frye,	Higgins,	Platt,	Vest.
Gallinger,	Hoar,	Power,	
Hale.	Mills,	Proctor,	

NOT VOTING—44.

Aldrich,	Carey,	Jones, Ark.	Patton,
Allen,	Chandler,	Jones, Nev.	Peffer,
Allison,	Cockrell,	Lodge,	Pettigrew,
Berry,	Daniel,	McMillan,	Quay,
Blackburn,	Dolph,	McPherson,	Smith.
Blanchard,	George,	Manderson,	Squire.
Brice,	Gibson,	Mitchell, Oregon	Stewart,
Butler,	Gordon,	Mitchell, Wis.	Vilas,
Caffery,	Gorman,	Morgan,	Voorhees,
Camden,	Hansbrough,	Morrill,	Wilson,
Cameron,	Irby,	Palmer.	Wolcott.

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Gallinger,	Lindsay,	Roach,
Bate,	George,	McLaurin,	Sherman,
Berry,	Gordon,	Manderson,	Shoup,
Blackburn,	Harris,	Martin,	Smith,
Caffery,	Hawley,	Mitchell, Wis.	Teller,
Call,	Higgins,	Murphy,	Turpie,
Coke,	Hill,	Palmer,	Vilas,
Cullom,	Hoar,	Pasco,	Walsh,
Davis,	Hunton,	Patton,	Washburn,
Dixon,	Jarvis,	Perkins,	White.
Faulkner,	Jones, Ark.	Proctor,	
Frye,	Kyle,	Ransom,	

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is a quorum present. The Secretary will again call the roll on agreeing to the motion of the Senator from Mississippi to proceed to the consideration of House bill 4609.

The Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH], but I have a right to vote to make a quorum. I vote "yea."

Mr. McMILLAN (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD].

Mr. MITCHELL of Wisconsin (when his name was called). I wish to announce for the day my pair with the Senator from Wyoming [Mr. CAREY].

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL]. I announce the pair for the day.

The roll call was concluded.

Mr. CAFFERY. I am paired with the Senator from Montana [Mr. POWER]. I am not aware how he would vote on this question, and I therefore withhold my vote.

Mr. PALMER. When my name was called I failed to announce my pair with the Senator from North Dakota [Mr. HANSBROUGH]. I withhold my vote.

Mr. CULLOM. I am paired with the Senator from Delaware [Mr. GRAY].

The result was announced—yeas 27, nays 11; as follows:

YEAS—27.

Allen,	Davis,	Jones, Ark.	Roach,
Allison,	Faulkner,	Kyle,	Sherman,
Bate,	George,	Lindsay,	Shoup,
Blackburn,	Gray,	McLaurin,	Teller,
Call,	Hill,	Manderson,	Walsh,
Cockrell,	Hunton,	Martin,	Washburn.
Coke,	Jarvis,	Pasco,	

NAYS—11.

Berry,	Gallinger,	Perkins,	Turpie,
Dixon,	Hawley,	Platt,	White.
Frye,	Hoar,	Proctor,	

NOT VOTING—47.

Aldrich,	Dubois,	McPherson,	Pugh,
Blanchard,	Gibson,	Mills,	Quay,
Brice,	Gordon,	Mitchell, Oregon	Ransom,
Butler,	Gorman,	Mitchell, Wis.	Smith,
Caffery,	Hale,	Morgan,	Squire,
Camden,	Hansbrough,	Morrill,	Stewart,
Cameron,	Harris,	Murphy,	Vest,
Carey,	Higgins,	Palmer,	Vilas,
Chandler,	Irby,	Patton,	Voorhees,
Cullom,	Jones, Nev.	Peffer,	Wilson,
Daniel,	Lodge,	Pettigrew,	Wolcott.
Dolph,	McMillan,	Power,	

The PRESIDING OFFICER. There is no quorum voting. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dixon.	Jones, Ark.	Proctor,
Allen,	Faulkner,	Kyle,	Pugh,
Allison,	Frye,	Lindsay,	Ransom,
Bate,	Gallinger,	Lodge,	Roach,
Berry,	George,	McLaurin,	Sherman,
Blackburn,	Gordon,	McMillan,	Smith,
Brice,	Gray,	Manderson,	Teller,
Call,	Hawley,	Martin,	Turpie,
Carey,	Higgins,	Mitchell, Wis.	Vilas,
Cockrell,	Hill,	Murphy,	Walsh,
Coke,	Hoar,	Pasco,	Washburn,
Cullom,	Hunton,	Patton,	White.
Davis,	Jarvis,	Perkins,	

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present.

Mr. GEORGE. I see there is no voting quorum present. The Senate may be able to transact some business for which the presence of a voting quorum will not be required. I therefore ask leave to withdraw my motion to proceed to the consideration of the bankruptcy bill, with the understanding that I will renew it to-morrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the motion is withdrawn.

GUARANTEE COMPANIES.

Mr. HILL. Now, I should like to have the Senate proceed with House bill 4954, which was displaced by another measure.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4954) relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon.

Mr. HILL. The bill has already been read through. The Senator from Illinois [Mr. PALMER] wanted to state some objections to the bill. I have sent for him to have him come to the front.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment. If there are no amendments as in Committee of the Whole the bill will be reported to the Senate.

Mr. HILL. Mr. President, I have discharged my duty. I think I will let the bill go through. If the Senator from Illinois wants to reconsider it afterwards he can make the motion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRISON C. HOBART.

Mr. VILAS. I ask unanimous consent to call up the bill (S. 1969) granting a pension to Harrison C. Hobart, brevet brigadier-general of volunteers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension rolls the name of Harrison C. Hobart, late brevet brigadier-general of volunteers, and to pay him a pension at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABANDONED MILITARY RESERVATIONS.

Mr. CAREY. I ask unanimous consent to call up the bill (H. R. 4667) to provide for the opening of certain abandoned military reservations, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 4, after "heretofore," to strike out "or hereafter;" in line 7, after "1884," to insert "the disposal of which has not been provided for by a subsequent act of Congress;" in line 11, after the word "now," to insert "or may be;" in line 14, after the word "of," to strike out "ninety days" and insert "six months;" in line 18, after the word "of," to strike out "ninety days" and insert "six months;" in line 22, after the word "the," to strike out "appraised;" in the same line, after the word "value," to insert "heretofore or hereafter determined by appraisement;" in line 24, after the

word "entry," to insert "and such payment may, at the option of the purchaser, be made;" in line 25, after the word "times," to insert "and at rates of interest;" and in line 27, after the word "Interior," to strike out "in general regulations to be fixed by him;" so as to make the section read:

That all lands not already disposed of included within the limits of any abandoned military reservation heretofore placed under the control of the Secretary of the Interior for disposition under the act approved July 5, 1884, the disposal of which has not been provided for by a subsequent act of Congress, where the area exceeds 5,000 acres, except such legal subdivisions as have Government improvements thereon, and except also such other parts as are now or may be reserved for some public use, or hereby opened to settlement under the public-land laws of the United States, and a preference right of entry for a period of six months from the date of this act shall be given all bona fide settlers who are qualified to enter under the homestead law and have made improvements and are now residing upon any agricultural lands in said reservations, and for a period of six months from the date of settlement when that shall occur after the date of this act: *Provided*, That persons who enter under the homestead law shall pay for such lands not less than the value heretofore or hereafter determined by appraisement nor less than the price of the land at the time of the entry, and such payment may, at the option of the purchaser, be made in five equal installments, at times and at rates of interest to be fixed by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "lands," to strike out "not entered under the public-land laws prior to the day of sale" and insert "included in abandoned military reservations hereafter placed under the control of the Secretary of the Interior for disposal;" so as to make the section read:

SEC. 2. That nothing contained in this act shall be construed to suspend or to interfere with the operation of the said act approved July 5, 1884, as to all lands included in abandoned military reservations hereafter placed under the control of the Secretary of the Interior for disposal, and all appraisements required by the first section of this act shall be in accordance with the provisions of said act of July 5, 1884.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CAREY. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. PASCO, Mr. MCLAURIN, and Mr. CAREY were appointed.

STEAMERS CLARIBEL AND ATHOS.

Mr. WHITE. I desire to call up the bill (S. 1706) to provide registers for the steamers Claribel and Athos. The bill was unanimously reported from the Committee on Commerce, and is very brief.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamers Claribel and Athos, purchased and owned by a corporation created under the laws of New Jersey, and repaired in American ports, to be registered as vessels of the United States.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to cause the inspection of said vessels, steam boilers, steam pipes, and their appurtenances, and cause to be granted the usual certificate issued to steam vessels of the merchant marine, without reference to the fact that said steam boilers, steam pipes, and appurtenances were not constructed pursuant to the laws of the United States and were not constructed of iron stamped pursuant to said laws; and the tests in the inspection of said boilers, steam pipes, and appurtenances shall be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSTRUCTION OF REVENUE CUTTER.

Mr. PERKINS. I ask unanimous consent to call up the bill (H. R. 2669) making an appropriation and providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $50,000 to have constructed a revenue cutter for service in the harbor of San Francisco, State of California.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KNIGHTS OF PYTHIAS ENCAMPMENT.

Mr. GALLINGER. There is a concurrent resolution of the House of Representatives on the table which I ask to have laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a concurrent resolution from the House of Representatives which will be read.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives of the United States (the Senate concurring), That permission be, and is hereby, given to the citizens committee, Knights of Pythias encampment, of which Chapin Brown is chairman, to illuminate the Dome of the Capitol on the nights of August 27, 28, 29, and 30, 1894, under the control and direction of the Architect of the Capitol.

Mr. GALLINGER. I ask the Senate to concur in the resolution.

The concurrent resolution was considered by unanimous consent, and agreed to.

WORLD'S EXPOSITION AT ATLANTA, GA.

Mr. WALSH. I ask unanimous consent to call up the bill (S. 2261) to further encourage the holding of a world's exposition at Atlanta, Ga., in the year 1895.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition, upon which there shall be a tariff or customs duty, shall be admitted free of payment of duty, customs fees, or charges, under such regulation as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell, for delivery at the close of the exposition, any goods or property imported for and actually on exhibition in the exposition buildings or on its grounds, subject to such regulation for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption in the United States, shall be subject to the duty, if any, imposed upon such article by the revenue laws in force at the date of importation, and all penalties prescribed by law shall be applied and enforced against such articles and against the persons who may be guilty of any illegal sale or withdrawal.

SEC. 2. That medals with appropriate devices, emblems, and inscriptions commemorative of said Cotton States and International Exposition, and of the awards to be made to exhibitors thereat, be prepared at some mint of the United States for the board of directors thereof, subject to the provisions of the fifty-second section of the coinage act of 1873, upon the payment of a sum not less than the cost thereof; and all the provisions, whether penal or otherwise, of said coinage act against the counterfeiting or imitating of coins of the United States shall apply to the medals struck and issued under this act.

SEC. 3. That the United States shall not in any manner nor under any circumstances be liable for any of the acts, doings, proceedings, or representations of the said corporation organized under the laws of the State of Georgia, its officers, agents, servants, or employés, or any of them, or for the service, salaries, labor, or wages of said officers, agents, servants, or employés, or any of them, or for any subscriptions to the capital stock, or for any certificates of stock, bonds, mortgages, or obligation of any kind issued by said corporation, or for any debts, liabilities, or expenses incidental to the exposition.

SEC. 4. That the President is hereby authorized and requested to detail not exceeding one company of troops or marines, to report to the chairman of the board of management of the Government exhibit, for the purpose of guarding Government property on exhibition.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to, as follows:

Whereas the Cotton States and International Exposition Company, a corporation under the laws of the State of Georgia, has undertaken to hold an exposition at Atlanta, Ga., to open in the month of September, in the year 1895, and to close on the 31st day of December of said year, for the display of arts, industries, manufactures, and the products of the soil, mine, and sea; and

Whereas the Congress of the United States has given aid and encouragement to said exposition by providing, first, that the General Government shall become an exhibitor of articles and materials illustrative of its functions; and, second, by providing space in its own building for an exhibit of the arts, industries, manufactures, and products of the colored race of the United States, illustrative of their progress and development during the thirty years of their freedom and citizenship; and

Whereas said exposition is to be national and international in its character, in which the governments and people of Mexico, the Central and South American States, and the other nations of the world are invited to participate with a view to the establishment of more intimate trade relations.

EXECUTIVE SESSION.

Mr. COKE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 3 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 9, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate August 8, 1894.

SECRETARY OF EMBASSY.

Larz Anderson, of Ohio, to be secretary of embassay of the United States at Rome, Italy, vice H. Remsen Whitehouse, resigned.

APPRAISER OF MERCHANDISE.

Louis D. Voltz, of New York, to be appraiser of merchandise in the district of Buffalo Creek, in the State of New York, to succeed George Bingham, resigned.

SUPERVISING INSPECTORS OF STEAM VESSELS.

John H. Galwey, of Michigan, to be supervising inspector of

steam vessels for the eighth district, to succeed Charles H. Westcott, removed.

Michael J. Galvin, of New York, to be supervising inspector of steam vessels for the ninth district, to succeed Alexander McMaster, removed.

George Winans, of Wisconsin, to be supervising inspector of steam vessels for the fifth district, to succeed John D. Sloane, removed.

RECEIVER OF PUBLIC MONEYS.

Dixon Buchanan, of Sterling, Colo., to be receiver of public moneys at Sterling, Colo., vice Norman H. Meldrum, term expired.

POSTMASTER.

John H. Harrison, to be postmaster at Waco, in the county of McLennan and State of Texas, in the place of Helen A. Conger, whose commission will expire September 27, 1894.

PROMOTION IN ARMY.

Quartermaster's Department.

Capt. Charles A. H. McCauley, assistant quartermaster, to be quartermaster with the rank of major, August 8, 1894, vice Kirk, retired from active service.

PROMOTIONS IN THE NAVY.

Lieut. Commander John C. Rich, to be a commander in the Navy, from July 31, 1894, vice Commander Frank Wildes, promoted (subject to the examinations required by law).

Lieut. George W. Tyler, to be a lieutenant-commander in the Navy, from July 31, 1894, vice Lieut. Commander John C. Rich, promoted (subject to the examinations required by law).

Lieut. (junior grade) Harry Kimmell, to be a lieutenant in the Navy, from July 31, 1894, vice Lieut. George W. Tyler, promoted.

Ensign John J. Blandin, to be a lieutenant (junior grade) in the Navy, from July 31, 1894, vice Lieut. (junior grade) Harry Kimmell, promoted (subject to the examinations required by law).

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 8, 1894.

SECRETARY OF EMBASSY.

Larz Anderson, to be secretary of embassy at Rome, Italy.

SECRETARY OF LEGATION AND CONSUL-GENERAL.

Ellis Mills, of Virginia, now consul-general at Honolulu, Hawaiian Islands, to be secretary of legation and consul-general of the United States at that place.

TERRITORIAL PROBATE JUDGES.

John C. De La Mare, of Utah Territory, to be judge of probate in the county of Tooele, in the Territory of Utah.

J. M. Grant, of Utah Territory, to be judge of probate in the county of Rich, in the Territory of Utah.

James L. Bunting, of Utah Territory, to be judge of probate in the county of Kane, in the Territory of Utah.

Thomas J. Brandon, of Utah Territory, to be judge of probate in the county of Davis, in the Territory of Utah.

William S. Willes, of Utah Territory, to be judge of probate in the county of Wasatch, in the Territory of Utah.

Noble Warrum, jr., of Utah Territory, to be judge of probate in the county of Cache, in the Territory of Utah.

Achilles Perrin, of Utah Territory, to be judge of probate in the county of Weber, in the Territory of Utah.

REGISTER OF THE LAND OFFICE.

Peregrine J. Dempster, of Holyoke, Colo., to be register of the land office at Sterling, Colo.

UNITED STATES ATTORNEY.

Gibson Clark, of Wyoming, to be attorney of the United States for the district of Wyoming.

MARSHALS.

Richard C. Morris, of Connecticut, to be marshal of the United States for the district of Connecticut.

John A. McDermott, of Wyoming, to be marshal of the United States for the district of Wyoming.

James I. Crutcher, of Idaho, to be marshal of the United States for the district of Idaho.

POSTMASTERS.

John Huxtable, to be postmaster at Wareham, in the county of Plymouth and State of Massachusetts.

John M. Griffin, to be postmaster at Madera, in the county of Madera and State of California.

Robert B. Evans, to be postmaster at Blairsville, in the county of Indiana and State of Pennsylvania.

George A. Sweeney, to be postmaster at Attleboro, in the county of Bristol and State of Massachusetts.

John Stallman, to be postmaster at Lee, in the county of Berkshire and State of Massachusetts.

Leonard J. Presson, to be postmaster at Gloucester, in the county of Essex and State of Massachusetts.

William E. Smith, to be postmaster at Millbrook, in the county of Dutchess and State of New York.

Charles A. Hall, to be postmaster at Binghamton, in the county of Broome and State of New York.

Josiah Woodbury, to be postmaster at Beverly, in the county of Essex and State of Massachusetts.

Lewis W. Terwilliger, to be postmaster at Hancock, in the county of Delaware and State of New York.

Hudson Ausley, to be postmaster at Salamanca, in the county of Cattaraugus and State of New York.

Patrick Mahan, to be postmaster at Natick, in the county of Middlesex and State of Massachusetts.

William H. Stickle, to be postmaster at Weedsport, in the county of Cayuga and State of New York.

James P. O'Brien, to be postmaster at Holley, in the county of Orleans and State of New York.

Charles H. Kavanaugh, to be postmaster at Waterford, in the county of Saratoga and State of New York.

John H. Harrison, to be postmaster at Waco, in the county of McLennan and State of Texas.

REJECTIONS.

Executive nominations rejected by the Senate August 8, 1894.

POSTMASTERS.

George F. Van Dam, to be postmaster at Tompkinsville, in the county of Richmond and State of New York.

Jonas Shays, to be postmaster at Owego, in the county of Tioga and State of New York.

Treadwell B. Kellum, to be postmaster at Babylon, in the county of Suffolk and State of New York.

Thomas H. Manion, to be postmaster at Herkimer, in the county of Herkimer and State of New York.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August 8, 1894.*

The House met at 12 o'clock m. Prayer by Rev. G. N. LUCCOCK, of Washington.

The Journal of the proceedings of yesterday was read and approved.

ALLEYS IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House a bill (S. 971) to open and extend alleys in the District of Columbia.

The SPEAKER. This is a Senate bill with a House amendment. The Senate nonconcur in the amendment and ask for a conference.

Mr. HEARD. I move that the House agree to the conference asked for by the Senate.

The motion was agreed to.

The Speaker appointed as conferees on the part of the House Mr. RICHARDSON of Tennessee, Mr. RUSK, and Mr. HARMER.

ASSESSMENT OF REAL ESTATE IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House a bill (H. R. 6415) to provide an immediate revision and equalization of real estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year 1896 and every third year thereafter, and for other purposes.

Mr. RICHARDSON of Tennessee. Mr. Speaker, this is the House bill providing for an assessment of real estate in the District of Columbia, which was passed a few days ago. The Senate has made some amendments which are not important, being mainly changes of verbiage. The District Commissioners have examined the amendments and recommend concurrence. I therefore move that the House concur in the amendments of the Senate.

The Senate amendments were read.

Mr. BURROWS. Mr. Speaker, the mere reading of those amendments disconnected from the body of the bill conveys no idea as to the scope of the changes proposed, and I should like to have some explanation of the amendments.

Mr. RICHARDSON of Tennessee. I will have read a letter the assessor transmitted through the District Commissioners, who have examined these amendments.

Mr. BURROWS. I notice that in one place there is an amendment striking out $500. I think there are also other material

amendments, and I would like to know the significance of them.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I ask the Clerk to read the letter received from the Commissioners.

The letter was read, as follows:

OFFICE OF THE ASSESSOR, DISTRICT OF COLUMBIA,
Washington, August 6, 1894.

DEAR SIR: Referring to our conversation of a few days ago, I beg to invite your attention to the urgent importance of speedy attention to the bill (H. R. 6415) providing for the assessment of real estate in this District.

The bill passed the House of Representatives under date of July 9 and the Senate to-day with a few amendments.

The amendment fixing the annual salaries of the assistant assessors at $3,000 each is in conformity with the action of the House, and is simply the correction of a typographical error. The other amendments are substantially in line with the bill as reported and advocated by your committee, and are in full accord with the views of the Commissioners and of this office.

Having had reasonable hope of the passage of this bill, the commencement of the preparation of the tax ledgers for the current fiscal year has been delayed beyond the usual time, and hence the failure of its passage at this session might seriously embarrass the semiannual collection of taxes in November next, as provided for under existing law.

I therefore suggest that you ask, at the earliest opportunity, a concurrence on the part of the House with the Senate amendments.

This letter receives the approval of the Commissioners.

Very respectfully,

MATTHEW TRIMBLE,
Assessor District of Columbia.

Hon. JOHN T. HEARD,
Chairman Committee on District of Columbia,
House of Representatives.

Mr. RICHARDSON of Tennessee. The five hundred dollar amendment about which the gentleman from Michigan inquires is an amendment to correct a typographical error. The bill as it passed fixed the salaries of the assistant assessors at $3,000, but as engrossed and sent to the Senate it provided for $3,500, and the amendment simply strikes out the "five hundred," which was improperly inserted.

Mr. BURROWS. Do the Senate amendments make any change in salaries, or any increase in the amount carried by the bill?

Mr. RICHARDSON of Tennessee. Not at all.

Mr. KILGORE. Mr. Speaker, I understand that the Senate has put on a proposition authorizing the Treasury Department to advance money to the District of Columbia to pay current expenses. That, I think, is rather an important provision, which ought to be fully understood by the House.

Mr. RICHARDSON of Tennessee. The bill simply authorizes the Secretary to advance to the Commissioners, upon their requisition, such sums as may be necessary to meet the expenses of the District where money has been appropriated for that purpose by Congress.

Mr. KILGORE. This is an advance of money belonging to the District of Columbia?

Mr. RICHARDSON of Tennessee. Yes; money that has been appropriated by Congress for that purpose. The Secretary of the Treasury is authorized, upon requisition of the Commissioners, to draw that portion of the money which the District is authorized to expend.

Mr. KILGORE. One other inquiry. The bill as passed by the House provided for a board of assessment to be appointed by the Commissioners. Has the Senate made any change in that regard?

Mr. RICHARDSON of Tennessee. No, sir.

Mr. KILGORE. Then this board will be appointed by the Commissioners?

Mr. RICHARDSON of Tennessee. They will be appointed just as provided in the House bill.

Mr. KILGORE. I think that ought not to be.

Mr. DOCKERY. I hope the gentleman from Tennessee will explain the necessity for authorizing this advance to be made to the Commissioners. I do not understand the purpose.

Mr. RICHARDSON of Tennessee. The necessity, as I understand, grows out of the provision in section 2 of the bill:

That the collection of taxes on real property and improvements thereon which will become due and payable in the month of November, 1894, be, and the same is hereby, suspended until the month of May in the year 1895, at which time said taxes shall be due and payable, and the collection thereof shall be enforced in all respects as provided under existing law for the collection of taxes on real property and improvements thereon for the second half of the tax year ending June 30, 1895.

Members will understand that under this bill the payment of the semiannual tax which would be due next November is extended until May; and this bill authorizes the Secretary of the Treasury, upon request of the Commissioners, to advance money to cover the deficiency thus temporarily created in the District resources.

Mr. DOCKERY. Then this is a loan of money to the District, rendered necessary by a change of the time of the collection of taxes?

Mr. RICHARDSON of Tennessee. That is the way I understand it.

Mr. KILGORE. Why is that necessary?

Mr. RICHARDSON of Tennessee. For this reason: As the gentleman will remember, this bill postpones until May next the payment of taxes which would otherwise be paid next November. Taxes are paid here in two semiannual payments—in May and November. Under this bill the payment which would be made in November is postponed until next May.

Mr. KILGORE. And the object of the provision referred to is that the money which the District would receive from such payments may be anticipated by a payment from the Treasury?

Mr. RICHARDSON of Tennessee. That is all; the bill makes no change at all except in the respect I have named. I move to concur in the amendments of the Senate.

The amendments were concurred in.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the last vote was laid on the table.

INSPECTION OF IMMIGRANTS.

The SPEAKER laid before the House the bill (H. R. 5246) providing for the inspection of immigrants by United States consuls.

The SPEAKER. This bill has been returned from the Senate with amendments and with a request for a conference.

Mr. CULBERSON. I move that the House nonconcur in the amendments of the Senate and agree to the conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. BOATNER, Mr. TERRY, and Mr. WILLIAM A. STONE as conferees on the part of the House.

LEAVE OF ABSENCE.

Mr. MCKEIGHAN, by unanimous consent, obtained leave of absence for to-day, on account of sickness.

B. D. GREENE.

Mr. LESTER. I ask unanimous consent for the present consideration of the bill (H. R. 859) for the relief of B. D. Greene.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is directed to pay, out of any money in the Treasury not otherwise appropriated, to B. D. Greene, bondsman of George E. Ward, who shall file the proper vouchers for money advanced or labor and materials furnished in and about the work of improvement on the Rappahannock River during the year 1889, the sum of $1,916.97, being the amount due George E. Ward by the Government, which said sum shall be paid to the said B. D. Greene.

Mr. DOCKERY. Let us have the report read.

The report (by Mr. COX) was read, as follows:

The Committee on Claims, to whom was referred House bill 859, having carefully considered the same beg leave to submit the following report:

The evidence in this case conclusively shows that upon the failure of Ward to complete his contract with the Government his bondsman, Greene, undertook and did complete the contract in accordance with the specifications. The bill is to authorize the Secretary of the Treasury to pay to Greene the amount that would be coming to the original contractor.

Your committee therefore recommend that the bill do pass.

Mr. DOCKERY. I hope the gentleman from Georgia [Mr. LESTER] will make some explanation of this matter.

Mr. LESTER. It appears that George E. Ward contracted with the Government to do some work on the Rappahannock River, Virginia, in 1889. B. D. Greene, the person named in the bill, was surety on the bond of Ward for the performance of this contract. Greene also made advances to Ward of money for labor and materials for the prosecution of the work. Subsequently Ward absconded, leaving the work unfinished, very little having been done. Mr. Greene, the bondsman, undertook to finish the work and did complete it.

The amounts, however, were credited up to Ward, as the contract was in his name. Greene subsequently did the work, and advanced much more money than is specified as the balance left in the Treasury to the credit of Ward. Besides he has gone on and finished the work.

Now, the amount in the Treasury credited up to Ward on this account is nineteen hundred and some odd dollars. It does not begin to cover the amount expended by Greene on account of Ward. That sum of money, however, remained on the books of the Treasury to the credit of Ward; and Greene having performed the work the Committee on Claims thought that in justice and in equity it ought to be paid to Greene. Ward absconded about five years ago and can not be found. Greene paid the debts and performed the work in the meantime.

Mr. DOCKERY. I understand from the gentleman's statement that this does not involve any direct appropriation of money from the Treasury?

Mr. LESTER. None whatever.

Mr. DOCKERY. But simply takes the balance that was due on this work and transfers it from Ward to his surety?

Mr. LESTER. That is it exactly, the surety having performed the work and paid the expenses of it.

Mr. COX. If the gentleman will allow me, in addition to that I would state that when Ward absconded, and failed to comply with the contract, Greene assumed the obligation and did the work by consent of the Government.

Mr. LESTER. He had to finish it or make the bond good.

Mr. DOCKERY. And the money is on the books of the Treasury to the credit of Ward?

Mr. LESTER. Yes, sir.

Mr. DINGLEY. I would like to ask the gentleman from Georgia if there is any communication from the Chief of Engineers of the War Department showing that this amount is due to the original claimant?

Mr. LESTER. Yes, sir. I hold in my hand the documents which establish that fact.

Mr. DINGLEY. They have not been read. Perhaps they had better be read.

Mr. LESTER. Here is a statement from the United States Engineer's Office giving the items, and a statement from the Chief Engineer's Office with the indorsement of the Secretary of War, which specify clearly the condition of the account.

Mr. DOCKERY. Let both of them be read.

Mr. LESTER. I will quote some extracts from these which show exactly the condition of the account.

UNITED STATES ENGINEER'S OFFICE,
Washington, D. C., March 21, 1890.

GENERAL: In obedience to your order of March 20, 1890, I have the honor to report that the sum earned by George E. Ward, under his contract for dikes and mats in Rappahannock River, Virginia, and remaining unpaid, is $2,215.78.

The following items of expense were incurred and paid by the United States because of the failure of Ward to complete his contract on the 3d of September, 1889.

Then follows a list of items embracing the "services of an inspector" at various times, "traveling expenses," and various other expenses, making a total of $298.81, and leaving a balance of $1,916.97 remaining due to Ward on the books of the engineer's office.

Mr. DOCKERY. Who sends that communication?

Mr. LESTER. This is signed "S. T. Abert, United States agent."

Mr. DOCKERY. Does he recommend the payment of this amount?

Mr. LESTER. He does not say anything about the payment. He simply states the facts in connection with the account, and shows the balance due.

On the 11th day of May, 1894, a communication was addressed to the Secretary of War by the chairman of the Committee on Claims of the House, with a request that he furnish all the papers, statements, and accounts showing the amount due George E. Ward for work done on the Rappahannock River, and also the contract and bond under which the work was done, and a statement as to the completion of the work, on which is the following indorsement:

WAR DEPARTMENT, *May 19, 1894.*

Respectfully returned to the chairman of the Committee on Claims of the House of Representatives, inviting attention to the preceding indorsement of the Acting Chief of Engineers and the papers therein referred to.

This indorsement of the Chief of Engineers is as follows:

There is also, with the previous indorsement, a copy of the succeeding contract with B. D. Greene, for the uncompleted portion of the work, by which it will be seen that the prices are the same as in the orignal contract with Ward. There is herewith a report dated March 21, 1890, from Mr. S. T. Abert, United States agent, in charge of the work, by which it will be seen that the amount earned by Ward and remaining unpaid is $2,215.78. Deducting the expenses incurred by the United States because of the failure of Ward to complete the contract in the time designated in the contract ($298.81), there will remain the sum of $1,916.97, the same as the amount named in House bill No. 859.

H. M. ADAMS,
Acting Chief of Engineers.

Mr. DOCKERY. Is this a unanimous report from the Committee on Claims?

Mr. LESTER. It is.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LESTER, a motion to reconsider the last vote was laid on the table.

NEWBERRY COLLEGE.

Mr. LATIMER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2714) for the relief of the Newberry College.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. DOCKERY. Mr. Speaker, inasmuch as this bill involves a considerable amount, about $15,000, I hope the gentleman will let it go over.

Mr. BURROWS. I was about to ask the amount of the bill.

Mr. LATIMER. Fifteen thousand dollars.

Mr. DOCKERY. Let it go over.

Mr. BURROWS. I think this is a matter that ought to be considered when these questions can come regularly before the House on Friday.

The SPEAKER. Objection is made.

WILLIAM R. STEINMETZ.

Mr. GORMAN. Mr. Speaker, I ask unanimous consent for the consideration of the bill (S. 812) for the relief of William R. Steinmetz.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Capt. William R. Steinmetz, United States Army, retired, a major on the retired list of the Army, with the rank and pay of that grade from February 26, 1891, under the provisions of sections 3 of "An act to provide for the examination of certain officers of the Army, and to regulate promotions therein," approved October 1, 1890.

Mr. DOCKERY. I hope the gentleman will consent to let this go over. It is open to the objection that it is a bill to increase the retired list.

Mr. OUTHWAITE. This is not a bill to increase the retired list, but to make a correction.

Mr. GORMAN. This officer is now on the retired list.

Mr. DOCKERY. If I have misapprehended the bill, I would be glad to have the report read.

Mr. GORMAN. The report is quite lengthy; but I could make a short explanation.

The SPEAKER. Without objection, the gentleman can make a brief explanation.

Mr. GORMAN. I will say, Mr. Speaker, that Capt. Steinmetz entered the volunteer service as a private early in 1861. He served continuously, excepting the time he was on sick leave, until 1891. There were three captains, Capt. De Hanne, Capt. Elbery, and Capt. Steinmetz, on sick leave. Capt. Elbery, as the report says, "by some curiously involved procedure, as well as ingenious, was put on the retired list over Capt. De Hanne," who, I understand, is now deceased, "as major." Capt. Steinmetz was then entitled to be retired under the law of 1891, and to be examined by volunteer officers. He asked for it. Instead of that they retired him on a law of 1862, which was repealed by the act of 1891, which says:

And no act now in force shall be so construed as to limit or restrict the retirement of officers as herein provided for.

He was retired under an examination that "was curiously involved as well as ingenious," and the Department has not been able to explain the reason for its action in this matter.

Mr. HOLMAN. Will the gentleman read that portion of the act again?

Mr. GORMAN. It is:

And no act in force shall be so construed as to limit or restrict the retirement of officers as herein provided for.

Mr. HOLMAN. How provided?

Mr. GORMAN. Here is how they are provided:

That should the officer fail in his physical examination, and be found incapacitated for service by reason of physical disability contracted in line of duty, he shall be retired with the rank to which his seniority entitles him to be promoted.

His seniority entitled him to be retired as a major. He took the examination, but he should have been examined by officers from the volunteer service. Instead of that, he was examined by an examining board, that made a report in 1875, every one of whom was in the regular service. I say that the old German doctor has been grossly abused.

Mr. COOMBS. When was he retired?

Mr. GORMAN. After the act of 1891.

Mr. DOCKERY. What is the effect of the bill?

Mr. GORMAN. It is simply to give him his legal right, and retire him as a major.

Mr. DOCKERY. What is the additional charge involved?

Mr. GORMAN. The difference between the pay of a captain on the retired list and a major.

Mr. DOCKERY. How much is that?

Mr. HUNTER. About $18 or $20 a month.

Mr. BARTLETT. I ask the gentleman to let it go over or I shall have to object.

Mr. GORMAN. I hope the gentleman will not do that, as the matter has been up twice before, and is too meritorious, I think, to be put off in that way.

Mr. BARTLETT. We had evidence yesterday of the danger of these bills.

Mr. OUTHWAITE. This is not to put a man on the retired list, but simply to give him the status on the retired list that he is entitled to under the law.

Mr. GORMAN. There can be no question about that.

Mr. GROSVENOR. This is an assumption that the War Department has violated the law of the land and done a gross injustice to a member of the Army.

Mr. GORMAN. That is the Senate report, which Senator DAVIS makes.

Mr. GROSVENOR. This is an indirect way of pensioning a retired officer. That is all.

Mr. GORMAN. Oh, no. The law is as plain as it can be, and by right this man was entitled to be retired by a retiring board composed of volunteer officers.

Mr. GROSVENOR. Then the War Department has entire power to do justice.

Mr. GORMAN. Not at all; because his vacancy has been filled and it can not reinstate him; nor can the President reinstate him.

Mr. BARTLETT. I shall insist on my objection that it go over until to-morrow. I desire to have an opportunity to examine it.

Mr. GORMAN. I hope the gentleman will not do that.

The SPEAKER. Is there objection?

Mr. BARTLETT. I object.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. CATCHINGS. Mr. Speaker, I present a report from the Committee on Rules.

The Clerk read as follows:

Resolved, That this calendar day, after the second morning hour, be assigned to the consideration of bills reported from the Committee on Public Buildings and Grounds, in the order indicated by said committee.

That Thursday, the 9th instant, after the second morning hour, be assigned to the consideration of bills reported from the Committee on Claims, in the order indicated by said committee.

Mr. CATCHINGS. I demand the previous question.

The previous question was ordered; and under the operation thereof the resolution was agreed to.

CHANGE OF REFERENCE.

On motion of Mr. OUTHWAITE, by unanimous consent, the Committee on Pacific Railroads was discharged from the further consideration of the bill (H. R. 7909) to facilitate and expedite legal proceedings by the United States and other creditors against Government-aided railroad companies, etc., and it was referred to the Committee on the Judiciary.

JUDGE RICKS.

Mr. BAILEY. Mr. Speaker, I present a privileged report from the Committee on the Judiciary.

The report was read, as follows:

Your Committee on the Judiciary, having had under consideration a memorial of the Central Labor Union of Cleveland, Ohio, preferring charges of official misconduct and dishonesty against Hon. Augustus J. Ricks, judge of the United States court for the northern district of Ohio, beg leave to report the following resolutions, and recommend their adoption:

Resolved, That the Committee on the Judiciary be, and it is hereby, instructed to investigate the said charges against the Hon. Augustus J. Ricks, judge of the United States court for the northern district of Ohio, and report to this House what action, if any, ought to be taken in reference to such charges.

Resolved further, That, for the purpose of this investigation, the said Committee on the Judiciary is hereby authorized and empowered to sit at such time and place as it may determine, to send for persons and papers, to administer oaths, to take testimony, to employ a stenographer, and to appoint a subcommittee, which subcommittee, if appointed, shall have the same powers as the full committee.

Resolved further, That the Sergeant-at-Arms is hereby directed to attend the sessions of the committee or subcommittee in person or by deputy, to serve such process as may be issued, and to execute its orders; and the sum of $500, or so much thereof as may be necessary, is hereby appropriated out of the contingent fund of the House to defray the expenses of this investigation.

And the Clerk of the House is directed to pay said sum to the chairman of the committee or of any subcommittee of the Committee on the Judiciary that may be appointed to conduct said investigation, on voucher or vouchers to be approved by the Committee on Accounts.

Mr. GROSVENOR. Mr. Speaker——

Mr. BAILEY. Mr. Speaker, I suppose there will be no objection to these resolutions, and if not, I will ask for the previous question. I observe, however, that the gentleman from Ohio [Mr. GROSVENOR] is on his feet, and if he desires to debate the matter I will withhold the demand for the present.

Mr. GROSVENOR. Mr. Speaker, I think this matter has been hurried with indecent haste. I compliment the Judiciary Committee upon the fact that occasionally it is capable of producing a result with such spontaneous combustion as is manifested in this case. Here is a judge of the district court of the United States who, as the House knows, has had no notice whatever of the pendency of this matter, and now this resolution is launched upon him for an investigation to proceed without any notice whatever to him, a sort of star-chamber, *ex parte* performance.

Now, I want to put myself exactly right upon this question. If the Judiciary Committee have any evidence whatever which justifies them in supposing that this investigation ought to be made, I have not the slightest objection to it; but I submit that a judge of one of the great courts of this country ought to be treated with at least as much respect as a defendant on a charge of "drunk and disorderly" in a police court. He at least ought to have a copy of the charges furnished to him and an opportunity to come here from the distant point where he now is, and be heard by counsel or in some way before this committee.

To launch this matter upon him on twenty-four hours' notice and provide in this way for a junketing expedition out into Ohio is, in my judgment, rather premature, and, to say the least of it, is a very hurried performance. I have no knowledge about this question. I know nothing about the truth of these charges; but I submit again, that decent respect ought to be shown to the dignity of the office held by this gentleman, in providing for an examination of so high a character as one which involves the possible impeachment of a judge of one of the courts of the United States.

Mr. BAILEY. Mr. Speaker, the only possible excuse for the intemperate language of the gentleman from Ohio is that he confesses that he knows absolutely nothing about the matters involved in this resolution. I say to him now that if he is a friend to Judge Ricks he should want these charges investigated immediately, because an honest man would not want to sleep a single night under the imputations which are contained in the sworn charges which are presented in this memorial.

Since the gentleman has seen fit to characterize this proceeding as one of indecent haste, I will say to him that an agent of the Judiciary Department was at one time instructed to proceed to Ohio to investigate these charges, but Judge Ricks is now off upon his summer vacation, and the investigation was therefore postponed. It does seem to me that a man who rests under charges of this kind would rather go home and face his accusers than be taking his ease at the seashore.

Mr. GROSVENOR. Can the gentleman state that Judge Ricks has any knowledge whatever that this memorial has been presented in this House?

Mr. BAILEY. I have no knowledge as to whether he has or not; but I say to the gentleman from Ohio that this is merely an effort to put the committee in a position to give Judge Ricks an opportunity to refute the charges. This implies no censure upon him. It only implies that charges have been made of such a grave character as to justify an investigation. I understood the gentleman from Ohio himself to say the other day, when this memorial was presented by his colleague, Mr. JOHNSON, that he would be glad to have an investigation. I say to him now, without disclosing the secrets of the committee room, that there was not a Republican on the Judiciary Committee who asked for delay or suggested that delay was proper. They all spoke like men and lawyers, and said that the judiciary ought to be above reproach. If there is a taint of suspicion upon a judge, it ought to be removed from him or else he ought to be removed from the bench.

Mr. GROSVENOR. Does the gentleman propose to inaugurate a drumhead court-martial of a United States judge at this stage of the session, and carry it over to the Senate and try it in twenty-four hours, and make a vacancy? Is that the purpose?

Mr. BAILEY. This gentleman can not answer that question. That is a question to be determined by the Judiciary Committee after action by the House on this resolution.

Mr. GROSVENOR. They seem to have determined almost everything already. They have proceeded to inaugurate a court, to fix the terms of the trial, and to appropriate money for the expenses of it, without giving any notice to the accused that he is accused.

Mr. BAILEY. But he will have ample notice before the committee proceeds to the investigation.

Mr. GROSVENOR. The gentleman speaks of Judge Ricks as being my friend. I do not know him by sight; I never spoke to him in my life, except upon one occasion, when I was introduced to him. The only object I have in the world with reference to this matter is simply to have the ordinary proceedings of a respectable tribunal carried on in this case. I have no confidence in the fairness and justice of the Judiciary Committee in this matter.

Mr. BAILEY. The committee feels complimented to know that it does not enjoy the confidence of the gentleman from Ohio.

Mr. GROSVENOR. Very well.

Mr. BAILEY. I demand the previous question.

The previous question was ordered; and under the operation thereof the resolution was adopted.

On motion of Mr. BAILEY, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

KNIGHTS OF PYTHIAS ENCAMPMENT.

Mr. WARNER. I ask consent for the immediate consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives of the United States of America (the Senate concurring), That permission be, and is hereby, given to the citizens' committee, Knights of Pythias Encampment, of which Chapin Brown is chairman, to illuminate the Dome of the Capitol on the nights of August 27, 28, 29, and 30, 1894, under the control and direction of the Architect of the Capitol.

A MEMBER. What is this?

Mr. WARNER. It is a resolution which involves no expense

to the Government. It simply provides that on four evenings designated the Dome of the Capitol may be illuminated, under the control and supervision of the Architect of the Capitol, at the expense of the citizens' committee of the Knights of Pythias.

Mr. TALBERT of South Carolina. Is there any provision that these people shall "keep off the grass" in the Capitol grounds, or is there anything to prevent them from speaking from the Capitol steps? [Laughter.]

Mr. WARNER. There is no provision of that kind. This organization has already been granted the use of the "White Lot," so that no provision of the sort referred to is necessary.

There being no objection, the resolution was considered and adopted.

JOSIAH B. ORBISON.

Mr. PHILLIPS. I ask unanimous consent for the present consideration of the bill (H. R. 1279) for the relief of Josiah B. Orbison.

The bill was read.

Mr. DOCKERY. If I remember aright this bill has already been objected to once. I think it had better go over.

Mr. PHILLIPS. I ask that the report be read.

Mr. DOCKERY. Let it be read subject to objection.

The report was read.

Mr. PHILLIPS. By request of the gentleman from Missouri [Mr. DOCKERY] I ask that the bill go over until to-morrow.

The SPEAKER. The bill is not before the House. The gentleman can withdraw his request, and he will be recognized to-morrow to renew it, if he will remind the Chair of the matter.

WILLIAM R. STEINMETZ.

Mr. GORMAN. Mr. Speaker, the gentleman from New York has withdrawn his objection to the bill (S. 812) for the relief of William R. Steinmetz, on the condition that an amendment be inserted, providing for the usual examination and finding by a retiring board.

The SPEAKER. The gentleman from Michigan [Mr. GORMAN] states that the objection made to the consideration of the bill (S. 812) for the relief of William R. Steinmetz has been withdrawn. Is there further objection?

Mr. DINGLEY. Let the bill be read again.

The bill was read.

Mr. GORMAN. I ask that the amendments which I propose to offer to the bill be also read.

The Clerk read as follows:

After the word "army," in line 7, insert "subject to examination and finding by a retiring board."

The SPEAKER. Is there further objection to the consideration of this bill?

Mr. BYNUM. Perhaps I did not catch fully the purport of the bill; but I believe it is a bill to place some one on the retired list. I think I must object.

JUDICIAL DISTRICT IN GEORGIA.

Mr. WOLVERTON. I ask unanimous consent for the present consideration of the bill (H. R. 7461) to amend an act entitled "An act to create a new division of the northern judicial district of Georgia," approved March 3, 1891.

The bill was read, as follows:

Be it enacted, etc., That the terms of the circuit and district courts for the western division of the northern judicial district of Georgia, held at Columbus, shall convene on the first Monday in May and the first Monday in December, instead of the first Monday in June and the first Monday in January, as now provided by law. And each of said terms shall continue as long as the presiding judge may deem necessary.

SEC. 2. That all laws and parts of laws conflicting with this act are hereby repealed.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

On motion of Mr. WOLVERTON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. BRODERICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6531) to pension Nancy Gabrilla Anderson.

The SPEAKER. The bill will be read, after which the Chair will ask if there be objection.

The bill was read at length.

Mr. JONES. I would like to inquire whether this bill has been considered by the Committee of the Whole?

Mr. BRODERICK. It has not been. It has been reported favorably from the Committee on Pensions, is on the Calendar, and there is no minority report against it.

Mr. JONES. I object to the consideration of the bill.

Mr. HOPKINS of Illinois. I call for the regular order.

Mr. BRYAN. I ask the gentleman to withdraw that a moment until I can present a petition.

Mr. HOPKINS of Illinois. I think we had better have the regular order.

Mr. LOUD. Petitions can go through the box anyway.

The SPEAKER. The regular order is the call of committees for reports.

The committees were called for reports.

OCALA, FLA., PORT OF DELIVERY.

Mr. MALLORY, from the Committee on Interstate and Foreign Commerce, reported back with a favorable recommendation the bill (S. 1885) extending the privileges of transportation of dutiable merchandise for appraisement to the city of Ocala, in the State of Florida; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at three minutes past 1 o'clock. The Committee on the Public Lands had a bill before the House which the Chair is informed the committee do not desire to consider in this hour.

Mr. McRAE. No; the bill has reached the stage where it is privileged, and I do not care to use the morning hour for that purpose.

The SPEAKER. Then the Chair will direct the call of the other committees.

MINERAL LANDS.

Mr. WEADOCK (when the Committee on Mines and Mining was called). Mr. Speaker, by direction of the Committee on Mines and Mining, I call up for consideration the bill (H. R. 7840) to amend section 2335 of the Revised Statutes.

The bill was read, as follows:

Be it enacted, etc., That section twenty-three hundred and thirty-five of the Revised Statutes be amended to read as follows:

"SEC. 2335. All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths in any State or Territory of the United States or in the District of Columbia having an official seal, and all testimony and proofs may be taken before any such officer, and when duly certified by the officer taking the same, attested by his seal of office, shall have the same force and effect as if taken before the register and receiver of the land office. In cases of contest as to the mineral or agricultural character of land the testimony and proofs may be taken, under such regulations and notice as the Commissioner of the General Land Office may prescribe: *Provided*, That the presence of rock in place, or of deposits, bearing gold, silver, cinnabar, or other valuable mineral, shall be regarded as prima facie evidence that the land containing the same is mineral in character: *Provided further*, That in investigating the character of land, with a view to ascertaining whether it is more valuable for mineral than agricultural purposes, evidence may be taken of the mineral discovered or developed adjacent to such land, proof of which shall be corroborative evidence that the land in question is mineral in character: *And provided further*, That, except in Utah, wherever land is proven to be within a well-defined mineral belt, it shall be deemed prima facie evidence of the mineral character of said land."

Mr. DINGLEY. I desire to make an inquiry as to whether there is anything in this bill which would require its consideration in Committee of the Whole. It seems to be a bill which covers a good deal of ground.

Mr. WEADOCK. There is nothing in the bill that would require its consideration in committee.

Mr. DINGLEY. Does it indirectly grant any public property?

Mr. WEADOCK. No, sir.

The SPEAKER. On what Calendar is it?

Mr. WEADOCK. On the House Calendar.

The SPEAKER. It is on the House Calendar.

Mr. WEADOCK. Mr. Speaker, this bill proposes to amend the statute named (section 2335, Revised Statutes), relating to mineral lands, in three particulars: The first is, that whereas affidavits are now required to be sworn to before any officer authorized to administer oaths within the land district, they may be sworn to under the proposed amendment to the law before any officer authorized to administer oaths in any State or Territory of the United States, or the District of Columbia, having an official seal.

This change will save both time and expense to those who have located land, and of course costs the Government nothing. Whenever legal proceedings can be made cheaper with safety to the public, the change in that direction should be made.

A bill (S. 1515) has already passed the Senate, and has been favorably considered by the House Committee on Mines and Mining, which amends various sections of the statutes relating to mining, among others section 2335, the one we now propose to amend. This section in the Senate bill is as follows:

SEC. 2335. All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths in any State or Territory of the United States or in the District of Columbia having an official seal, and all testimony and proofs may be taken before any such officer, and when duly certified by the officer taking the same, attested by his seal of office, shall have the same force and effect as if taken before the register and receiver of the land office. In cases of contest as to the mineral or agricultural character of land the testimony and proofs may be taken, under such regulations and notice as the Commissioner of the General Land Office may prescribe: *Provided*, That the presence of rock in place bearing gold, silver, cinnabar, petroleum, or other valuable mineral shall be re-

garded as prima facie evidence that the land containing the same is mineral in character: *And provided further*, That in investigating the character of land with a view to ascertain whether it is more valuable for mineral than agriculture, evidence may be taken of the mineral discovered or developed adjacent to such land.

The second change the bill makes over the old law is one in practice in the land offices. At present testimony is to be taken on personal notice of at least ten days, and if the person can not be found, then by notice published once a week for thirty days in a newspaper to be designated by the receiver, etc., in cases of contest. The bill before the House proposes to leave that matter within the discretion of the Commissioner of the General Land Office, and the testimony shall be taken under such rules and regulations as that officer may prescribe.

The third change is putting, perhaps, into the statute what is now a rule of evidence. That is, that in cases of contest as to the agricultural or mineral character of the land between agricultural claimants, who can take up 160 acres of land, and mineral claimants, who can take up only a small portion of the public lands, when a question arises before the officers of the Land Office, as the case may be, and the testimony shows that the land is within a certain well-defined mineral belt, where we find rock in place carrying ore in the immediate vicinity, that fact shall be regarded as prima facie evidence that the land itself is mineral in character. That is, in other words, if a piece of land that is claimed to be mineral land, and also claimed to be agricultural land, is surrounded by other portions of land, all of which are mineral in character, the evidence of that fact shall be regarded as prima facie evidence that the land in question is mineral and not agricultural.

The prospective State of Utah is excepted from the bill on account of the peculiar geological formation of mineral lands there, being very different from other mining localities.

I desire now to yield five minutes, or such further time as he wishes, to the gentleman from California, who is the author of the bill.

Mr. CAMINETTI. I think it is not necessary to occupy the time of the committee after the statement the gentleman has made.

Mr. WEADOCK. Mr. Speaker, if no other gentleman desires to be heard on the bill, or to ask a question in regard to it, I shall ask the previous question on the bill.

Mr. HERMANN. Before that, not having had the pleasure of hearing the gentleman's statement, I would like to ask if this bill is merely to define the character of mineral land?

Mr. WEADOCK. That is one of the objects sought; but the purpose of the bill is rather to define the rule of evidence which shall be applied in contests relating to the mineral or agricultural nature of the land in question.

Mr. HERMANN. In mineral contests.

Mr. WEADOCK. In contests as to whether land is mineral or agricultural; that is, when the contest is between persons claiming the land for agricultural or mineral purposes, I have just stated that when the surrounding land is shown to be mineral land, that fact shall be regarded as prima facie evidence that the land which is in controversy is mineral in character. This fixes a rule of evidence that has been followed in the General Land Office. The Commissioner of the General Land Office and the Secretary of the Interior both approve of the measure which has been incorporated in the bill for the purpose stated.

I will here refer briefly to the statements of these officers: The Commissioner of the General Land Office, in a letter to the Secretary of the Interior bearing date July 9, 1894, says of the first proposition in the bill:

> I am aware of no objection to the amendment, but on the other hand am strongly of the opinion that it would result in much greater convenience to mineral claimants.

The Secretary of the Interior, in a communication to the chairman of this committee, dated July 16, 1894, suggests a substitute for the second proposition contained in the original bill in the following language:

> I concur generally in the views of the Commissioner, with the modifications and amendments recommended in his report, but I would suggest that the proviso in the nineteenth line, on page 5, be amended so as to read as follows:
> *Provided*, That the presence of rock in place, bearing gold, silver, cinnabar, or other valuable deposit of minerals, shall be regarded as prima facie evidence that the land containing the same is and always has been mineral in character: *Provided further*, That in investigating the character of land, with a view to ascertaining whether it is more valuable for mineral than agricultural purposes, evidence may be taken of the mineral discovered or developed adjacent to such land, proof of which shall be corroborative evidence that the land in question is mineral in character: *And provided further*, That wherever land is proven to be within a well-defined mineral belt it shall be prima facie evidence of the mineral character of such land until the contrary is proved.

Mr. HERMANN. As the gentlemans knows, under the rules for adjustment of mineral land titles, if the major portion of the last legal subdivision shall be adjudged as mineral, that determines its quality as distinguished between agricultural and mineral lands. If it be mineral it carries the character of mineral as to the remainder.

Mr. HOLMAN. How is that?

Mr. HERMANN. If the major portion of the last legal subdivision is mineral in character, that makes the entire legal subdivision mineral. That is the rule.

Mr. PICKLER. I desire to ask the gentleman one question.

Mr. WEADOCK. I yield to the gentleman from South Dakota for a question.

Mr. PICKLER. I understand that this changes the rule of evidence to some extent?

Mr. WEADOCK. It does not change the rule of evidence, but makes the rule of evidence which ought to prevail, the law upon the subject.

Mr. PICKLER. It ought not to interfere with contests that already exist.

Mr. WEADOCK. It can not do that.

Mr. PICKLER. They may construe it over in the Interior Department differently from what the gentleman supposes. We have had a great deal of trouble over a law which passed in 1891. The contest should be determined on what the law was heretofore.

Mr. WEADOCK. That would seem to be so. The law is not intended to be retroactive.

Mr. PICKLER. I hope the gentleman will express in terms in his bill that it shall not be retroactive.

Mr. WEADOCK. It is not necessary; as we can not make a law retroactive, except it be done in express terms in the law when it is passed.

Mr. PICKLER. I know that it is what all you lawyers claim; but all we who have had experience on the Committee on Public Lands know we have had a great deal of trouble over the law which was passed in 1891, and they construed that as being retroactive in regard to contests. I ask the gentleman to accept an amendment that it shall not change the rule of evidence as to pending contests.

Mr. WEADOCK. I have no objection to that. I should say it was that way now.

Mr. PICKLER. I move to amend the bill by inserting:

> *Provided*, That nothing herein contained shall change the rule of evidence as to pending contests.

The SPEAKER *pro tempore*. The Clerk will report the amendment of the gentleman from South Dakota.

The Clerk read as follows:

> *Provided*, That nothing herein contained shall change the rule of evidence as to pending contests.

Mr. WEADOCK. I accept that amendment. I demand the previous question on the bill and amendment.

The previous question was ordered, and under the operation thereof the amendment was agreed to, the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WEADOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

EFFECT OF MACHINERY ON LABOR.

Mr. McGANN (when the Committee on Labor was called): Mr. Speaker, I call up the House joint resolution (H. Res. 95) providing for an investigation relating to the effect of machinery on labor.

The joint resolution was read, as follows:

> *Resolved, etc.*, That the Commissioner of Labor be, and he is hereby, authorized and directed to investigate and report upon the effect of the use of machinery upon labor and the cost of production, the relative productive power of hand and machine labor, the cost of manual and machine power as they are used in productive industries, the effect upon wages of the use of machinery operated by women and children, and whether changes in the creative cost of products are due to a lack or to a surplus of labor or to the introduction of power machinery. To enable the Commissioner of Labor to carry out the provisions of this resolution the sum of $10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, but should not this sum be sufficient to complete the investigation called for herein, the Commissioner of Labor is hereby authorized to complete it under the regular appropriations for the Department of Labor.

The SPEAKER *pro tempore*. This bill is on the Union Calendar.

Mr. McGANN. I ask unanimous consent to consider this bill in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. The gentleman from Illinois asks unanimous consent to consider this bill in the House as in Committee of the Whole.

Mr. BARTLETT. I object.

The SPEAKER *pro tempore*. Objection is made.

Mr. McGANN. I move that the House resolve itself into Committee of the Whol, to consider this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COOMBS in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill which the Clerk will now report.

The resolution was again read.

Mr. McGANN. I move that the committee rise and report the joint resolution to the House with a favorable recommendation.

Mr. CANNON of Illinois. I would like to ask a single question before that motion is put. It seems to me to be a wise resolution; but I would be glad to ask if this resolution has been placed in form after consultation with the Commissioner of Labor?

Mr. McGANN. Yes, sir.

Mr. CANNON of Illinois. And it meets with his approval?

Mr. McGANN. It meets his approval; and the statement is made by him that he can not furnish the information which is asked of his Bureau in that regard. It is information which is desirable not only to the members of the House of Representatives, but to students of political economy and business men throughout the country; and he says that this is a most opportune time to get that information.

Mr. CANNON of Illinois. And he thinks it is practical to make the investigation? Is the sum, $10,000, large enough?

Mr. McGANN. The sum was suggested by himself.

Mr. CANNON of Illinois. It seems to me that it is a well-timed resolution.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having resumed the chair as Speaker *pro tempore*, Mr. COOMBS, Chairman of the Committee of the Whole, reported that that committee had had under consideration the joint resolution H. Res. 95 and had directed him to report the same to the House with a favorable recommendation.

Mr. McGANN. I demand the previous question on the adoption of the resolution.

The previous question was ordered, and under the operation thereof the joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McGANN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

EFFICIENCY OF THE MILITIA.

Mr. MEYER (when the Committee on the Militia was called). Mr. Speaker, I call up for consideration the bill H. R. 7819. I would state that the bill which I present——

The SPEAKER *pro tempore*. The Clerk has not the Calendar print, and the Chair is advised that this bill has never been reported.

Mr. MEYER. The bill has been slightly amended and a reprint of the original bill and amendment ordered by the committee and approved by the committee; and therefore I ask unanimous consent that the bill H. R. 7819, which I send to the desk, be substituted for the bill H. R. 5039, and the report which has been made to accompany it.

The SPEAKER *pro tempore*. Has the committee reported any bill?

Mr. MEYER. Yes, sir. The committee has reported the bill H. R. 5039, for which it is proposed to substitute this bill.

The SPEAKER *pro tempore*. The gentleman calls up the bill H. R. 5039.

Mr. FITHIAN. That bill has not been reported.

The SPEAKER *pro tempore*. The bill H. R. 5039?

Mr. FITHIAN. I think not.

The SPEAKER *pro tempore*. That has been reported, the Chair is advised.

Mr. MEYER. I have the report in my hand, Mr. Speaker.

The title of the bill was read, as follows:

A bill (H. R. 5039) to promote the efficiency of the militia.

The SPEAKER *pro tempore*. The gentleman from Louisiana, the Chair understands, asks unanimous consent to substitute the bill H. R. 7819, as amended by the committee, for bill H. R. 5039.

Mr. HOLMAN. The bill had better be read.

The SPEAKER *pro tempore*. The bill H. R. 5039 will be read.

The bill was read, as follows:

Be it enacted, etc., That the militia shall consist of every able-bodied male citizen who is of the age of 18 and under the age of 45 years, and shall be divided into two classes, the organized to be known as the National Guard, the unorganized to be known as the reserve militia. That the National Guard shall consist of such regularly enlisted troops as are or may be organized in the several States and Territories and the District of Columbia in pursuance of their respective laws, not in conflict with the provisions of this act, and the organization shall conform as closely as possible to that prescribed for the Army.

SEC. 2. That the reserve militia shall not be subject or liable to any military duty to the United States, except when called into service by act of Congress passed for that purpose; that the National Guard shall not be subject or liable to any military duty to the United States, except when called into service by act of Congress passed for that purpose or by the President of the United States, as hereinafter provided; and every officer and enlisted man of the National Guard called into service of the United States who shall refuse to obey such call shall be punished as a court-martial may direct.

SEC. 3. That the Vice-President of the United States; the officers, judicial and executive, of the Government of the United States; the members of both Houses of Congress, and their respective officers; all custom-house officers, with their clerks; all postmasters and persons employed in the transportation of the mail; all ferrymen employed at any ferry on post-roads; all inspectors of exports; all artificers and workmen employed in the armories and arsenals of the United States; all pilots; all mariners actually employed in the sea service of any citizen or merchant within the United States; all persons in the Army and Navy of the United States, and all persons who now are exempted by the laws of the respective States, shall be exempted from militia duty, notwithstanding their being above the age of 18 and under the age of 45 years.

SEC. 4. That the adjutant-general of each State and Territory shall, under the direction of the governor thereof, make returns and reports to the Secretary of War at such times and in such form as he shall from time to time prescribe.

SEC. 5. That the Secretary of War shall, in his annual report each year, transmit to Congress an abstract of the returns and reports of the adjutants-general of the States and Territories, with such observations thereon as he may deem necessary for the information of Congress.

SEC. 6. That the national guard shall be instructed in the same system of drill and tactics that may from time to time be prescribed for the Army.

SEC. 7. That whenever the United States are invaded or are in imminent danger of invasion from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it shall be lawful for the President to call forth such number of the national guard of the State or States most convenient to the place of danger or scene of action as he may deem necessary to repel such invasion or to suppress such rebellion, and to issue his orders for that purpose to the governor or governors thereof for such number of the national guard as he may think proper; and he may, in time of peace, accept from the governor of each State and Territory, respectively, as he may think proper, each number of the national guard as may be offered for the purpose of united instruction and discipline, when the state of the appropriation will permit.

SEC. 8. That when the national guard of more than one State is called into the actual service of the United States by the President he may, in his discretion, apportion them among such States according to representative population.

SEC. 9. That the national guard and militia, when called into the actual service of the United States for the suppression of the rebellion against and resistance to the laws of the United States, shall be subject to the same rules and articles of war as the regular troops of the United States.

SEC. 10. That whenever the President calls forth the national guard of the States, to be employed in the service of the United States, he may specify in his call the period for which such service will be required, not exceeding nine months, and the national guard so called shall be mustered in and continue to serve during the terms so specified, unless sooner discharged by command of the President.

SEC. 11. That the reserve militia and national guard, when called into the actual service of the United States, or accepted by the President, shall, during their time of service, be entitled to the same pay and allowances as may be provided by law for the Army of the United States.

SEC. 12. That whenever the militia or national guard is called into the actual service of the United States their pay shall be deemed to commence from the day of their appearing at the place of rendezvous of the forces called out.

SEC. 13. That the expenses incurred by marching the militia or national guard of any State or Territory to their place of rendezvous, in pursuance of a requisition of the President or of a call made by the authority of any State or Territory and approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such places of rendezvous, on the requisition of the President; but this provision does not authorize any species of expenditure previous to arriving at the place of rendezvous which is not provided by existing laws to be paid for after their arrival at such place of rendezvous.

SEC. 14. That courts-martial for the trial of the militia or national guard shall be composed of militia or national-guard officers only.

SEC. 15. That the sum of $600,000 is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, signal stores, engineer stores, subsistence stores, medical stores, quartermaster stores, and camp equipage for issue to the national guard.

SEC. 16. That said appropriation shall be apportioned among the several States and Territories, under the direction of the Secretary of War, according to the number of Senators and Representatives to which each State, respectively, is entitled in the Congress of the United States and to the Territories and District of Columbia, in such proportion and under such regulations as the President may prescribe: *Provided, however*, That no State shall be entitled to the benefits of the appropriation apportioned to it unless the number of its regularly enlisted, organized, and uniformed active national guard shall be at least one hundred men for each Senator and Representative to which such State is entitled in the Congress of the United States. And the amount of said appropriation which is thus determined not to be available shall be covered back into the Treasury.

SEC. 17. That the purchase or manufacture of arms, ordnance stores, signal stores, engineer stores, subsistence stores, medical stores, quartermaster's stores, and camp equipage for the national guard, under the provisions of this act, shall be made under the direction of the Secretary of War, as such arms, ordnance, signal, engineer, subsistence, medical, and quartermaster's stores and camp equipage are now manufactured or otherwise provided for the use of the regular Army, and they shall be receipted for and shall remain the property of the United States and be annually accounted for, for which purpose the Secretary of War shall prescribe and supply the necessary blanks and make such regulations as he may deem necessary to protect the interests of the United States.

SEC. 18. That all arms, equipments, ordnance, or other military stores, or tents which may become unserviceable or unsuitable, shall be examined by a board of officers of the national guard, and its report shall be forwarded by the governor of the State or Territory direct to the Secretary of War, who shall cause such stores to be inspected by an inspector-general or such other officer or officers of the Army as he may appoint for that purpose, and shall then direct what disposition, by sale or otherwise, shall be made of them, and if sold, the proceeds of such sale shall be covered into the Treasury of the United States.

SEC. 19. That any State or Territory may, in addition to the stores and supplies issued under the provisions of this act, purchase for use of its national guard or militia, at regulation prices for cash at place of sale, such stores and supplies from any department of the Army as in the opinion of the Secretary of War can be spared, and funds received from such sales shall not be covered into the Treasury, but shall be used for the purchase of supplies by the department making the sale.

SEC. 20. That when any State, Territory, or the District of Columbia turns into the War Department arms, equipments, or other military supplies obsolete or unserviceable, under instructions from the Secretary of War, which

have been issued by said Department under the law for arming and equipping the national guard or militia, the Secretary of War will cause such old and unserviceable or obsolete material to be sold, and will report the amount received therefor from time to time to the Secretary of the Treasury, who is directed to then credit to the appropriation for arming and equipping the national guard the amounts so reported to him by the Secretary of War. The Secretary of War, on receiving notification from the Secretary of the Treasury that the amounts have been carried to the appropriation aforesaid, will credit the respective States, Territories, or District of Columbia, as the case may be, with the amounts to which each shall be entitled.

SEC. 21. That each State and Territory furnished with stores and supplies under the provisions of this act shall require every organization in its national guard, not excused by the governor of such State or Territory, to go into camp of instruction or to be quartered at a United States fort for instruction in heavy artillery at least seven consecutive days in each year, and to assemble for drill and instruction not less than twelve times in each year, and shall also require an annual inspection of each organization in its national guard, and that the Secretary of War shall, in his annual report each year, transmit to Congress an abstract of the returns and reports of these inspections, with such observations thereon as he may deem necessary for the information of Congress.

SEC. 22. That upon the application of the governor of any State or Territory furnished with stores or supplies under the provisions of this act, the Secretary of War may, in his discretion, detail one or more officers of the Army to attend any encampment of the national guard of such State or Territory, and may direct that such officer or officers as he may appoint for that purpose shall visit such camps and make reports to the Secretary of War, who shall cause the reports to be consolidated and prepared for publication in the office of the Adjutant-General, and copies thereof to be furnished to the governors of the States and Territories.

SEC. 23. That upon the application of the governor of any State or Territory furnished with stores and supplies under the provisions of this act the Secretary of War may, in his discretion, detail one or more officers of the Army to report to the governor of such State or Territory for duty in connection with the national guard. The governor may, in his discretion, commission such officer in the national guard during said detail with such rank as he may deem proper, and the acceptance of such an appointment by an officer so detailed shall not be considered a violation of section 1222 of the Revised Statutes of the United States. An officer so assigned shall receive no pay or emoluments from the United States, except those of his rank in the Army. All such assignments shall be revoked at the request of the governor of the State or Territory or at the pleasure of the Secretary of War.

SEC. 24. That this act is to take effect at the beginning of the fiscal year after its passage.

The SPEAKER *pro tempore*. The Chair will call the attention of the gentleman from Louisiana to the fact that this is on the Union Calendar.

Mr. HOLMAN. Let it be considered in Committee of the Whole.

Mr. MEYER. I move that the House resolve itself into Committee of the Whole for the purpose of considering this bill.

The question was taken; and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. MEYER. Division.

Pending the count, Mr. MEYER rose.

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. MEYER. Mr. Speaker, I ask unanimous consent that this bill be withdrawn till to-morrow, without losing its privilege.

Mr. FITHIAN. I have no objection to the gentleman withdrawing the bill, but I do object to his committee having the hour to-morrow.

The SPEAKER *pro tempore*. The Chair understands the gentleman to withdraw the bill; which he has a right to do.

Mr. MEYER. I desire to withdraw the bill, reserving whatever privilege we may have for its consideration in the morning hour to-morrow.

The SPEAKER *pro tempore*. It can have no privilege to-morrow except by unanimous consent.

Mr. FITHIAN. I object to the Committee on the Militia having the morning hour to-morrow.

Mr. MEYER. Mr. Speaker, I ask that the vote be announced.

The SPEAKER *pro tempore*. The gentleman from Louisiana, then, withdraws his request, and the Chair will announce the vote on the motion to go into Committee of the Whole to consider the bill. Upon this question the ayes are 36 and the noes are 28. The ayes have it, and the motion is agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. OUTHWAITE in the chair.

The CHAIRMAN. The House is in the Committee of the Whole for the consideration of a bill (H. R. 5039) to promote the efficiency of the militia.

The bill was read, as follows:

Be it enacted, etc., That the militia shall consist of every able-bodied male citizen who is of the age of 18 and under the age of 45 years, and shall be divided into two classes, the organized to be known as the national guard, the unorganized to be known as the reserve militia. That the national guard shall consist of such regularly enlisted troops as are or may be organized in the several States and Territories and the District of Columbia in pursuance of their respective laws, not in conflict with the provisions of this act, and the organization shall conform as closely as possible to that prescribed for the Army.

SEC. 2. That the reserve militia shall not be subject or liable to any military duty to the United States, except when called into service by act of Congress passed for that purpose; that the national guard shall not be subject or liable to any military duty to the United States, except when called into service by act of Congress passed for that purpose or by the President of the United States, as is hereinafter provided; and every officer and enlisted man of the national guard called into service of the United States who shall refuse to obey such call shall be punished as a court-martial may direct.

SEC. 3. That the Vice-President of the United States; the officers, judicial and executive, of the Government of the United States; the members of both Houses of Congress, and their respective officers; all custom-house officers, with their clerks; all postmasters and persons employed in the transportation of the mail; all ferrymen employed at any ferry on post-roads; all inspectors of exports; all artificers and workmen employed in the armories and arsenals of the United States; all pilots; all mariners actually employed in the sea service of any citizen or merchant within the United States; all persons in the Army and Navy of the United States, and all persons who now are exempted by the laws of the respective States, shall be exempted from militia duty, notwithstanding their being above the age of 18 and under the age of 45 years.

SEC. 4. That the adjutant-general of each State and Territory shall, under the direction of the governor thereof, make returns and reports to the Secretary of War at such times and in such form as he shall from time to time prescribe.

SEC. 5. That the Secretary of War shall, in his annual report each year, transmit to Congress an abstract of the returns and reports of the adjutants-general of the States and Territories, with such observations thereon as he may deem necessary for the information of Congress.

SEC. 6. That the national guard shall be instructed in the same system of drill and tactics that may from time to time be prescribed for the Army.

SEC. 7. That whenever the United States are invaded or are in imminent danger of invasion from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it shall be lawful for the President to call forth such number of the national guard of the State or States most convenient to the place of danger or scene of action as he may deem necessary to repel such invasion or to suppress such rebellion, and to issue his orders for that purpose to the governor or governors thereof for such number of the national guard as he may think proper; and he may, in time of peace, accept from the governor of each State and Territory respectively, as he may think proper, such number of the national guard as may be offered for the purpose of united instruction and discipline, when the state of the appropriation will permit.

SEC. 8. That when the national guard of more than one State is called into the actual service of the United States by the President he may, in his discretion, apportion them among such States according to representative population.

SEC. 9. That the national guard and militia, when called into the actual service of the United States for the suppression of the rebellion against and resistance to the laws of the United States, shall be subject to the same rules and articles of war as the regular troops of the United States.

SEC. 10. That whenever the President calls forth the national guard of the States to be employed in the service of the United States he may specify in his call the period for which such service will be required, not exceeding nine months, and the national guard so called shall be mustered in and continue to serve during the terms so specified, unless sooner discharged by command of the President.

SEC. 11. That the reserve militia and national guard when called into the actual service of the United States, or accepted by the President, shall during their time of service be entitled to the same pay and allowances as may be provided by law for the Army of the United States.

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SEC. 13. That the expenses incurred by marching the militia or national guard of any State or Territory to their place of rendezvous, in pursuance of a requisition of the President or of a call made by the authority of any State or Territory and approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such places of rendezvous, on the requisition of the President; but this provision does not authorize any species of expenditure previous to arriving at the place of rendezvous which is not provided by existing laws to be paid for after their arrival at such place of rendezvous.

SEC. 14. That courts-martial for the trial of the militia or national guard shall be composed of militia or national guard officers only.

SEC. 15. That the sum of $600,000 is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, signal stores, engineer stores, subsistence stores, medical stores, quartermaster stores, and camp equipage for issue to the national guard.

SEC. 16. That said appropriation shall be apportioned among the several States and Territories, under the direction of the Secretary of War, according to the number of Senators and Representatives to which each State, respectively, is entitled in the Congress of the United States, and to the Territories and District of Columbia in such proportion and under such regulations as the President may prescribe: *Provided, however*, That no State shall be entitled to the benefits of the appropriation apportioned to it unless the number of its regularly enlisted, organized, and uniformed active national guard shall be at least one hundred men for each Senator and Representative to which such State is entitled in the Congress of the United States. And the amount of said appropriation which is thus determined not to be available shall be covered back into the Treasury.

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SEC. 18. That all arms, equipments, ordnance, or other military stores, or tents which may become unserviceable or unsuitable, shall be examined by a board of officers of the national guard, and its report shall be forwarded by the governor of the State or Territory direct to the Secretary of War, who shall cause such stores to be inspected by an inspector-general or such other officer or officers of the Army as he may appoint for that purpose, and shall then direct what disposition, by sale or otherwise, shall be made of them, and if sold, the proceeds of such sale shall be covered into the Treasury of the United States.

SEC. 19. That any State or Territory may, in addition to the stores and supplies issued under the provisions of this act, purchase for use of its national guard or militia, at regulation prices for cash at place of sale, such stores and supplies from any department of the Army as in the opinion of the Secretary of War can be spared; and funds received from such sales shall not be covered into the Treasury, but shall be used for the purchase of supplies by the department making the sale.

SEC. 20. That when any State, Territory, or the District of Columbia turns into the War Department arms, equipments, or other military supplies obsolete or unserviceable, under instructions from the Secretary of War,

which have been issued by said Department under the law for arming and equipping the national guard or militia, the Secretary of War will cause such old and unserviceable or obsolete material to be sold, and will report the amount received therefor from time to time to the Secretary of the Treasury, who is directed to then credit to the appropriation for arming and equipping the national guard the amounts so reported to him by the Secretary of War. The Secretary of War, on receiving notification from the Secretary of the Treasury that the amounts have been carried to the appropriation aforesaid, will credit the respective States, Territories, or District of Columbia, as the case may be, with the amounts to which each shall be entitled.

SEC. 21. That each State and Territory furnished with stores and supplies under the provisions of this act shall require every organization in its national guard, not excused by the governor of such State or Territory, to go into camp of instruction or to be quartered at a United States fort for instruction in heavy artillery at least seven consecutive days in each year, and to assemble for drill and instruction not less than twelve times in each year, and shall also require an annual inspection of each organization in its national guard, and that the Secretary of War shall, in his annual report each year, transmit to Congress an abstract of the returns and reports of these inspections, with such observations thereon as he may deem necessary for the information of Congress.

SEC. 22. That upon the application of the governor of any State or Territory furnished with stores or supplies under the provisions of this act, the Secretary of War may, in his discretion, detail one or more officers of the Army to attend any encampment of the national guard of such State or Territory, and may direct that such officer or officers as he may appoint for that purpose shall visit such camps and make reports to the Secretary of War, who shall cause the reports to be consolidated and prepared for publication in the office of the Adjutant-General, and copies thereof to be furnished to the governors of the States and Territories.

SEC. 23. That upon the application of the governor of any State or Territory furnished with stores and supplies under the provisions of this act the Secretary of War may, in his discretion, detail one or more officers of the Army to report to the governor of such State or Territory for duty in connection with the national guard. The governor may, in his discretion, commission such officer in the national guard during said detail with such rank as he may deem proper, and the acceptance of such an appointment by an officer so detailed shall not be considered a violation of section 1222 of the Revised Statutes of the United States. An officer so assigned shall receive no pay or emoluments from the United States, except those of his rank in the Army. All such assignments shall be revoked at the request of the governor of the State or Territory or at the pleasure of the Secretary of War.

SEC. 24. That this act is to take effect at the beginning of the fiscal year after its passage.

Mr. HOLMAN. That is the original bill, I believe. I hope the amendments will be read.

Mr. DOCKERY. Amendments are not in order until after general debate.

The CHAIRMAN. General debate is now in order. If there is no objection, general debate will be considered as closed.

Mr. DUNN. Mr. Chairman, I desire to speak on this subject.

Mr. HOLMAN. There is no substitute pending, I believe?

The CHAIRMAN. No substitute has been offered. It would not be in order at this time. The gentleman from Louisiana [Mr. MEYER], in charge of the bill, is recognized for general debate.

Mr. MEYER. Mr. Chairman, in considering this bill "to promote the efficiency of the militia," it is proper to review our constitutional powers, our past policy, and our present exigencies. The bill is in accordance with our undoubted powers, and involves no change in the general policy of the Government; but it does provide some slight modifications of existing laws on the subject of the militia, which are calculated to make the system more adequate to our present needs and requirements.

The Constitution, in Article I, section 8, declares that—

Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

To make rules for the government and regulation of the land and naval forces.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

In Article IV, section 4, it is further provided:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the Legislature can not be convened), against domestic violence.

Again in Article II, section 2, it says:

The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States.

Article II of the amendments declares that—

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

The slightest consideration of these elaborate provisions will disclose the great importance attached by the framers of the Constitution to this feature of our policy. The powers given to Congress and to the President in regard to the militia are great indeed. They were conferred at a time when the spirit of personal freedom and regard for State rights were universal and stronger even than now, but these very sentiments only served to quicken the purpose to provide for the national defense. Only a few years before this country had established its independence, after a long and painful struggle with England, in which it was assisted by the generous and powerful hand of France. The experience of history, the dangers to free institutions from large standing armies, warned our ancestors against the creation of a large regular army in our midst. The young Republic wisely adopted the policy of maintaining only a small regular army, and though we suffered some from this lack of a standing force during the war of 1812, the gallantry of our people made partial amends for the deficiency of regular troops and finally gave us the signal victory of New Orleans.

But with the adoption of this scheme of having only a small standing army, well equipped and officered as a nucleus for defense, Congress felt the increased necessity of promptly invoking its ample powers under the Constitution for organizing and arming the militia of the Union. The report which accompanies this bill gives a recital of the laws passed so repeatedly by Congress for this purpose. They are republished in that report. The existing law on this subject for the organization, equipment, and governing of the militia is found in sections of the Revised Statutes 1625 to 1662, inclusive, and section 1667, and chapter 172 of the laws of 1882, which provides for supplying heavy guns and mortars to the militia for practice at seacoast ports. Chapter 129 of the laws of 1887 provides for the annual appropriation of $400,000 for the militia, and chapter 372 of the laws of 1889 relates to the purchasing of arms for the militia.

The first law directing the organization of the militia was passed by Congress May 8, 1792. It was a very thorough and comprehensive statute. This act was reënacted by that of 28th February, 1795, and was amended by the act of 18th April, 1814.

In these several statutes, sir, you find an interpretation by the men who made the Constitution, and by their contemporaries, of the powers of Congress over the subject of organizing and disciplining the militia. The necessities of that period may have been greater or less than now, but the measure of power then exercised can fairly be claimed now, if our present or future exigencies, in the discretion of Congress, shall require us to exercise them.

In addition, sir, I may say that these statutes of May, 1892, February, 1795, and April 18, 1814, have each and all been the subject of the most careful judicial review by the Supreme Court of the United States, in the case of Houston *vs.* Moore, 5 Wheaton. This case grew out of a Pennsylvania State law, passed March 28, 1814, providing that officers and privates of the militia of that State neglecting or refusing to serve when called into actual service, in pursuance of any order or requisition of the President of the United States, shall be liable to the penalties defined in the act of Congress, approved February 28, 1795, and also to such as Congress might subsequently impose.

After reviewing these three Federal statutes the court says that "the whole ground of Congressional legislation is covered by the laws referred to;" the manner in which the militia is to be organized, armed, and governed, and provision made for calling out the quota, and that these laws amount to a full execution of the powers conferred upon Congress by the Constitution.

The court says that the President's orders calling out the militia may be "given to the chief executive magistrate of the State, or any militia officer he may think proper."

In every word of this full, careful, and elaborate opinion the constitutionality and validity of these laws are upheld. In the dissent of Mr. Justice Story, who denied the validity of the Pennsylvania statute, he said:

No doubt has been breathed of the constitutionality of the provisions of the act of 1795, and they are believed to be in all respects within the legitimate authority of Congress.

In the case of Martin *vs.* Mott, reported in 12 Wheaton, 19, the court again expressly says that the act of 1795 is within the constitutional authority of Congress over the militia. The court further says that "the distinction between a requisition and an order is untenable."

Such is the reasoning and the decision of the United States Supreme Court in respect to these statutes. They stand on our statute book as respects power and validity wholly unassailed, and the only point of difficulty is that in some provision for armament and for organization the progress of the military art requires changes and modifications.

Mr. FITHIAN. What is to be the annual amount of appropriation under this bill?

Mr. MEYER. This bill fixes the annual amount of appropriation the same as under existing law, namely, $400,000 a year.

Mr. FITHIAN. Under this bill there may be organized, as I observe, 100 militiamen for each Representative and Senator in Congress, making about 45,000 soldiers. The bill also in another section provides that the President may authorize the organization in the different Territories and in the District of Columbia of as many companies of militia as he may see fit. There is absolutely no limit fixed in the bill to the number of men that

may be thus organized in the District of Columbia and in the different Territories.

Mr. MEYER. I will say to the gentleman that although this bill, under the construction which he places upon it, authorizes a force of 45,000, we have now over 100,000 organized militia called the National Guard of the respective States; and as I shall proceed further with my remarks the gentleman will find, I trust, a satisfactory explanation with regard to that matter.

Mr. FITHIAN. The different organizations of State militia are not, however, a charge upon the General Government.

Mr. MEYER. Nor is it proposed that the organizations under this bill shall be, as I shall presently explain.

Mr. FITHIAN. Oh, yes; these militia must be paid.

Mr. MEYER. But the money goes to the respective States.

Mr. FITHIAN. Let me call the attention of the gentleman to the fact that this appropriation is only for arms, ordnance, signal stores, engineer stores, subsistence, etc. I read from the bill:

That the sum of $400,000 is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, signal stores, engineer stores, subsistence stores, medical stores, quartermaster stores, and camp equipage for issue to the National Guard.

Now, none of that money would be appropriated for the payment of these militiamen; and whenever the Government nationalizes them, then the expense of keeping them up becomes a charge upon the General Government.

Mr. MEYER. But the only condition under which the Government can nationalize these troops—the only condition under which the President is authorized by the provisions of existing law, or by the provisions of this bill, to call out the troops, is in case of such emergency as is contemplated and provided for by law that has stood on our statute books for over one hundred years, and under which Presidents have in every emergency exercised their powers.

Mr. CANNON of Illinois. How much does this bill increase the appropriation over the present law?

Mr. MEYER. Not one dollar.

Mr. TALBERT of South Carolina. I would like to ask whether the appropriation asked for in this bill is covered in the general appropriation bill that has been passed?

Mr. MEYER. Yes, sir.

Mr. TALBERT of South Carolina. Then this does not make any new appropriation?

Mr. FITHIAN. It will be found that there are expenses for inspectors and a great many other expenses covered in this bill which are to be charged against the General Government.

Mr. MEYER. If the gentleman will allow me, I will continue my remarks, in the course of which he will perhaps find some of his suggestions answered. Not a dollar is authorized to be expended for inspectors or any purpose under the provisions of this bill, except for arms, stores, etc., as specified in the section quoted by the gentleman from Illinois.

No greater powers are desired or necessary than these laws contain. I ask that the pending bill may be compared with these early statutes of Congress, and it will be seen that they merely codify these laws, retrenching surplusage, repealing the obsolete, and making slight additions to existing arrangements for organization. The powers and rights of the States are left as they were placed and defined by the provisions of the Federal Constitution and by the early statutes of Congress. I proceed, sir, to examine and explain this bill before us now as briefly as may be.

Section 1 follows the act of 1892 in declaring that the militia shall consist of every able-bodied male citizen who is of the age of 18 and under 45 years. It goes on to divide this force into the organized and the unorganized, the latter to be known as the reserve militia. The first, or organized, are to consist of such regularly enlisted troops as are or may be organized in the States and Territories or the District of Columbia. There can be no objection, I conceive, to this distinction. The title of "National Guard" applied to the organized militia may be objected to by some, but is one of form and not of substance; hence authority is given that these may be known as the National Guard of the State, or such other designation as the respective States may prescribe. It might be changed so as to read the "active militia," but the matter is one of mere unimportant detail.

Mr. TALBERT of South Carolina. I wish to call the gentleman's attention to the fact that when we mobilize the militia of the several States and put them under the control of the Federal authorities we thereby destroy their present efficiency as State troops.

Mr. MEYER. Not in any degree when they are called forth for objects especially authorized by the law.

Mr. TALBERT of South Carolina. If this bill does not affect the present law in that respect, what is its object?

Mr. MEYER. In the present law there are many things which have become obsolete, useless, and inappropriate, in view of the progress of military science and the use of improved fire arms and ordnance. The object of this bill is to codify all the existing laws and to make such changes as will render those laws intelligible and reasonable, capable of being understood by anyone who may look into them, and without rendering it necessary to search throughout the entire field of legislation for one hundred years past.

Mr. TALBERT of South Carolina. Does not this bill give the President the right to call out the militia, and transfer them from one State to another when he chooses?

Mr. MEYER. He is already invested with such authority in case of war or insurrection. That power was given to the President under the act of 1792, and has never been changed.

Mr. TALBERT of South Carolina. As the President has always been recognized as the commander-in-chief of the militia when called into actual service of the United States, what is the necessity of inserting such a provision in this bill?

Mr. MEYER. It is desirable to embody in precise form all the laws relating to the militia, with such changes as the modern system of warfare and tactics may make necessary.

Mr. TALBERT of South Carolina. I am only calling the gentleman's attention to these points; I have not had time to examine the bill.

Mr. MEYER. Section 2 declares that the reserve militia shall not be subject to military duties to the United States unless called out by Congress. The organized militia may be called out by Congress or by the President in certain contingencies defined in section 7. That section is simply a reaffirmation of the Constitution and of the act of February 28, 1795, judicially declared to be valid. Section 3 repeats the exemptions from militia duty provided for by existing laws: All persons actually needed to maintain and manage the postal and military service of the United States, and all persons who now are or may hereafter be exempted by the laws of the respective States, and all locomotive engineers on post roads, and other persons employed in the management of roads used for the postal or military service of the United States, shall be exempted, etc. All persons now exempted by the laws of their respective States are exempted by this law.

Section 4 follows the law of March 2, 1843, in requiring returns and reports from the adjutant-general of each State and Territory. Without such reports the President can not frame an intelligent call for service.

Section 5 directs the Secretary of War to make report and abstracts to Congress of these returns with such observations as he may deem necessary. Congress is clearly entitled to this information.

Section 6 says that the organized militia shall be instructed in the same system of drill and tactics that may be prescribed from time to time for the Army. This follows the act of May 12, 1823, and the terms of the Constitution, giving power to discipline the militia.

Section 7 has already been cited. It follows the Constitution and existing law on the subject.

Section 8 declares that when the militia of more than one State is called into actual service of the United States by the President he may in his discretion apportion them among the States according to representative population. This merely repeats the law of July 27, 1862, now in force.

Section 9 declares that when the militia shall be called into actual service of the United States to suppress rebellion against the laws of the United States, they shall be subject to the same rules and articles of war as the regular troops. This repeats the laws of 1795, and July 29, 1861. Possibly this provision should be extended to all occasions when actual service by the militia to the United States is required.

Section 10 follows the existing law of July 7, 1862, in declaring that whenever the President calls forth the militia of the States to be employed in the service of the United States, he may specify in his call the period for which such service will be required, not exceeding nine months, and the militia so called forth shall serve during the term specified, unless sooner discharged.

Section 11 follows the laws of March 19, 1836, and July 29, 1861, in giving the militia when in actual service the same pay and allowances as may be provided by law for the Army of the United States.

Section 12 declares that the pay of the militia shall be deemed to begin from the day of their appearing at the place of rendezvous. This follows the law of January, 1795, now in force.

Section 13 reënacts the laws of 1795 and April 20, 1818, relative to reimbursing expenses of marching the militia to their places of rendezvous.

Section 14 declares that courts-martial for the trial of the militia shall be composed of militia officers only. This follows the law of 1798 now in force.

Section 15 appropriates the sum of $400,000 for providing arms, ordnance stores, and other stores and military supplies for issue to the militia. This follows the existing law of February 12, 1887, and is certainly not a large appropriation or excessive in comparison with the important objects desired to be obtained.

Section 16 declares that this appropriation shall be apportioned according to the number of Senators and Representatives to which each State is entitled, but each State before receiving its quota must have an active enlisted force of at least 100 men for each Senator and Representative it is entitled to in Congress. This last provision is clearly just, in order to prevent any State from receiving the benefit of the appropriation without having a fair body of organized troops, and in general the section follows the line of existing laws.

Mr. FITHIAN. Then the bill requires each State to have an organized force of not less than 100 for each Representative and Senator, before it can be entitled to any part of this appropriation?

Mr. MEYER. Yes, sir.

Mr. FITHIAN. That means that it shall have its full quota.

Mr. BARTLETT. Under the existing law is not the money divided upon a different method?

Mr. MEYER. The method is somewhat different. Each State receives its quota in proportion to the available force of militia, whether organized or not. Certainly, for common safety, every State should be encouraged, even required, to maintain some organization, that it may contribute to the national defense when occasion requires.

Sections 17 to 20, inclusive, of the reported bill relate to the purchase and distribution of arms, stores, and supplies for the militia, their care and the method of accounting for the same, the disposition of those that may become unserviceable and obsolete, and other matters of detail, to which no objection can be made, and adds a provision "that the Secretary of War may, at the request of any State or Territory, exchange any arms for such later or improved patterns as may be on hand in any United States arsenal, and the apportionment shall be made in the same ratio as provided in section 16 of this act."

Section 21 of the bill enacts that each State and Territory receiving stores and supplies under this act shall require every organization in its active forces, not excused by the governor of such State or Territory, to go into camp of instruction or be quartered at a United States fort for instruction on heavy artillery at least seven consecutive days in each year, and to assemble for drill and instruction not less than twelve times in each year, also to be annually inspected. The object of this provision is that the militia shall learn how to use the arms they receive at the hands of the Federal Government and be able when called into actual service to perform proper and efficient military duty. There can be no hardship in the State requiring this much of the organizations whose armament is supplied in whole or in part by the National Government; and even here the organizations may be excused by the governor of the State or Territory in his discretion. The control of this provision for discipline remains entirely with the States.

Section 22 allows the Secretary of War, upon the request of the governor of the State or Territory furnished with stores and supplies, to detail one or more officers to attend the encampment of the organized militia of such State and make report to the Secretary of War.

Section 23 goes farther and allows the Secretary of War upon application of the governor of the State or Territory receiving stores and supplies, to detail one or more officers of the Army to report to the governor of such State or Territory for duty in connection with the militia. The governor may commission such officer with such rank as he may deem proper, but the officer is to receive no additional pay or emoluments from the United States. These assignments may be revoked at the request of the governor or at the pleasure of the Secretary of War.

I need not point out the value to the State and the service whose efficiency we desire to improve of having the advantage of the presence and instruction of trained officers of the regular Army. For the time being they are in the service of the State. The tendency of such arrangements is to secure a far better force than now, and one that in event of war may be able to act in concert with the regular Army for the national defense and safety.

Such is the bill now proposed for adoption. It conforms to the language of the Constitution, is clearly within the scope of its powers, trenches on no rights reserved to the States of the Union, and in the main is a reënactment of old and well-known laws.

Mr. BARTLETT. I would like to have that stated.

The CHAIRMAN. The morning hour has expired and the committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OUTHWAITE, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 5039) to promote the efficiency of the militia, and had come to no resolution thereon.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That this calendar day, after the second morning hour, be assigned to the consideration of bills reported from the Committee on Public Buildings and Grounds in the order indicated by said committee.

The SPEAKER. The bills referred to in the special order are all in Committee of the Whole.

Mr. BANKHEAD. I move that the House resolve itself into Committee of the Whole for consideration of business under the special order.

The motion was agreed to; the House accordingly resolved itself into Committee of the Whole, Mr. MCCREARY of Kentucky in the chair.

PUBLIC BUILDING, NEWPORT, KY.

Mr. BANKHEAD. Mr. Speaker, I call up the bill (H. R. 2337) for the erection of a public building at Newport, Ky.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, or otherwise provide a site for, and cause to be erected thereon a suitable building, with a fireproof vault therein, for the accommodation of the post-office at the city of Newport, Ky. The plans, specifications, and full estimates of said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 50 feet, including streets and alleys; and for the purpose herein mentioned the sum of $100,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided further*, That no part of said sum shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Kentucky shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. WASHINGTON. Is there a report in this case?

Mr. BANKHEAD. Yes, sir.

Mr. WASHINGTON. I ask to have it read.

The report (by Mr. BERRY) was read, as follows:

The Committee on Public Buildings and Grounds to whom was referred the bill (H. R. 2337) for the erection of a public building at Newport, Ky., submit the following report:

The city of Newport, Campbell County, Ky., is one of the oldest cities in the State and the third in population and importance. The population is now about 35,000, with several small towns and a thickly settled population about her dependent upon it for its postal accommodations, including Fort Thomas, a military post of the United States, making in all 50,000 people who receive their mail at this point.

The Government has never had a public building here, but has rented from time to time such building as might be offered. The Government is now occupying an old store which is totally unsuited for the purpose, being dark and incommodious. The rental paid therefore is $1,400 per annum.

The Newport post-office handles not less than 8,000 pieces of mail per day, and the number is still increasing. It will pay a net revenue this year to the Post-Office Department of over $10,000. The location of Newport being directly opposite Cincinnati, Ohio, and connected by two bridges and an admirable system of electric street railroads, causes a large amount of the mailing receipts to go to the Cincinnati office, which lessens the receipts of the Newport post-office. It will be a measure of economy for the Government to own its own building and thus have a suitable home for its post-office.

Your committee, therefore, report the bill favorably, and recommend its passage.

[Cries of "Vote!" "Vote!"]

Mr. HUTCHESON. Mr. Chairman, I would like to hear some explanation of this bill.

Mr. SICKLES. The explanation is in the report.

Mr. HUTCHESON. I would like to hear a statement from the gentleman from Kentucky.

Mr. BERRY. Mr. Chairman, the gentleman from Texas desires me to make a statement in regard to the necessity for this public building. The city of Newport is part of a center of population of half a million, including the three cities of Cincinnati, on the one side, and Newport and Covington on the opposite side of the river, but all three really constitute a homogeneous population. Newport is the third city in the Commonwealth, and is in a very prosperous and growing condition, with large manufactories. The postal receipts are about $50,000 a year.

And I wish to say to this body that nearly every city in the State of Kentucky of any importance has now a public building; smaller towns than this being so supplied—such towns as Paducah, Owensboro, Richmond, Frankfort, Lexington, Covington, and towns of that kind.

This town of Newport has shown itself to be a very prosperous and growing city. Its population is increasing rapidly; it has all modern appliances in the way of pavements and electric roads,

and so on; and we ask only $100,000 for the purchase of the ground and the erection of the building. It will be a measure of economy for the Government to make this appropriation, because to secure the proper facilities now, with sixteen or eighteen carriers, requires the annual payment of a rental that is largely in excess of the interest upon the amount of the investment which would be required for the construction of the building.

In all respects this measure, it seems to me, should commend itself to the consideration of the House. The proximity of the city of Newport to Cincinnati, its growing importance, and the amount of mail business done there, both for the city and the adjacent towns, warrant the town of Newport and its Representative on this floor, in asking this appropriation.

Mr. HUTCHESON. Let me ask the gentleman this question: What is the population of that town?

Mr. BERRY. It is about 35,000 at this time.

Mr. HUTCHESON. What did the census show?

Mr. BERRY. The last census showed a population of twenty-six or twenty-seven thousand. But that does not embrace the adjacent villages which are a part of the town of Newport. Belleview and Dayton are adjacent, there being no water course or other natural boundary to divide them from Newport; and they were simply incorporated as separate towns to prevent taxation from the central portion—Belleview having a population of about 6,000, and Dayton of about 8,000 more, a legitimate population, all of which belong geographically and properly to the town of Newport.

This town is connected by three excellent bridges with the city of Cincinnati. We have a rapid transit bridge there across the river which cost about $1,000,000. We have lines of electric railroad which extend and operate all through the post-office district, extending up to Fort Thomas and the cemetery and to the adjacent towns of Dayton and Belleview, carrying fifteen to twenty thousand people daily from Newport to Cincinnati; and the receipts from the post-office there, let me state in this connection, would be very much larger except for the fact that the business men doing business in Cincinnati, and living in Newport, purchase their postage stamps largely on that side of the river, which increases the business of the Cincinnati post-office and lessens that which properly belongs to Newport.

Mr. VAN VOORHIS of New York. What courts are held there?

Mr. BERRY. We do not have any courts there. We do not ask the construction of a court-house; we ask only a plain brick building, with limestone trimmings, and a place for the post-office.

Mr. Chairman, I am aware of the fact that there is a spirit of economy pervading this body that might prevent it from acting on measures of this kind and doing what is fair and proper in connection with such matters as this.

This is the first bill making an appropriation for a public building that has been presented for the consideration of this House during this session, and I dislike, as a Democrat, to be compelled to acknowledge that we, in charge of the Government, are not able to do what is absolutely necessary for its support. While I believe in frugal living and economy in public matters as well as in private, I am not willing to say that in this matter the Democratic party can not make such appropriations as are necessary for the public service; and for that reason I have no hesitancy in asking you to support this bill.

Mr. WASHINGTON. May I ask the gentleman a question?

Mr. BERRY. Yes, sir.

Mr. WASHINGTON. What rent is the Government paying now?

Mr. BERRY. Fifteen hundred dollars a year, and we have fifteen or eighteen mail-carriers and the system is rapidly extending, while our post-office facilities are so bad that you have to pass through between these carriers to get to the post-office at all.

Mr. WASHINGTON. This will take a hundred thousand dollars, I believe?

Mr. BERRY. Yes, sir.

Mr. WASHINGTON. And yet you have no court?

Mr. BERRY. No court.

Mr. WASHINGTON. Are there any other Federal offices there?

Mr. BERRY. Yes; there is a board of examiners in pension cases, and things of that kind.

Mr. WASHINGTON. The Government never furnishes pension examiners with a room in a public building.

Mr. BERRY. Oh, yes; they do in Covington, opposite us.

Mr. WASHINGTON. Well, they do not in my district.

Mr. BERRY. And let me say further in this connection that we have a right to ask this thing. The State of Kentucky paid into the Treasury of the United States, as revenue, $26,700,000 on tobacco and whisky last year, about one-fifth of the entire revenue collections.

Mr. BURROWS. I understand you have no United States court.

Mr. BERRY. No, sir; not at Newport. There is at Covington, just opposite, where the Government paid $225,000 for the building.

Mr. BURROWS. Could not you erect a suitable post-office building for less than $100,000?

Mr. BERRY. Well, I do not think so, if the proper site is secured for it. I think it would cost about $40,000 to secure the site, and we could put up a suitable building for $60,000 more.

Mr. BURROWS. In my city, where we have a post-office building, $75,000 erected a suitable and very substantial building for the purpose, and also obtained the ground.

Mr. BERRY. Well, I would rather take $75,000 than to fail altogether.

I do not want to ask anything unreasonable, but it seems to me that the amount this bill proposes is quite small in comparison with the necessities of the case. It must be remembered that we live under the shadow of the Queen City of the West, the strongest and most powerful city in Ohio; and we have to live up in some extent to the character of people we associate with. Our streets are graded, sewered, and paved with brick; we have the most magnificent system of electric railroads anywhere in the country, and living as we do near Cincinnati, we have to keep up somewhat with the conditions that surround us.

Mr. BURROWS. Well, I will say to the gentleman that my locality is quite favorably situated, and we have kept abreast with the civilization of the times.

Mr. WASHINGTON. Have you to put on style to keep up with Cincinnati?

Mr. BERRY. We have to keep up with Cincinnati, or people will not come on our side of the river. [Cries of "Vote!"]

Mr. HUTCHESON. I would like to ask the gentleman one question.

Mr. BERRY. Certainly.

Mr. HUTCHESON. I would like to state to the House that I do not propose to oppose any reasonable and just appropriation, but I have in mind my own town, when the same matter was under consideration, and the action of this House the RECORD will show as to what was done. We were compelled to contribute the land upon which the post-office was built; and I offer an amendment, Mr. Chairman, to this bill, that the sum appropriated shall not exceed $60,000, and that the ground shall be furnished by the city. That is exactly what we had to do. We have a commerce to-day, as shown by our clearing house, of $3,700,000 a week.

There are but ten cities in the United States that excel us. We had to give the ground. Ours is a city of 60,000 population, and we only got $75,000 for the erection of the public building. Now, Mr. Chairman, it seems to me to be fair, and that is all I want, and I hope the gentleman will not ask anything else but what is fair.

Mr. WASHINGTON. What were the postal receipts in your town?

Mr. HUTCHESON. They were four times the amount at this place.

A MEMBER. What is the name of your city?

Mr. HUTCHESON. Houston, Tex. That is the distributing point for nearly 300 miles square.

Mr. HOPKINS of Illinois. Why should you make the city contribute the ground on which to erect a public building? This is a Government building, and I see no equity in requiring the city to furnish the ground.

Mr. HUTCHESON. That is exactly what was required of us. We were required to contribute the ground in order to get the building.

Mr. HOPKINS of Illinois. But if an injustice was done you, that is no reason why you should do an injustice to another city.

Mr. HUTCHESON. I would like to ask the gentleman if he has a bill to follow which might be an inducement for him to support this bill?

Mr. HOPKINS of Illinois. I might ask the gentleman if he wanted to be discourteous.

Mr. HUTCHESON. I do not want to be discourteous.

Mr. POST. I desire to ask the gentleman a question.

Mr. HUTCHESON. I will send up my amendment. I move to strike out "one hundred" and insert "sixty," and that the city shall contribute the ground.

Mr. BERRY. Mr. Chairman, I can not accept that amendment.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Texas.

Mr. HUTCHESON. I ask for a division of the question.

First, on the question of appropriating $60,000, and then on the question as to the city contributing the ground.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Texas.

The Clerk read as follows:

In line 15, strike out "hundred" and insert "sixty."

Mr. ROBINSON of Pennsylvania. Mr. Chairman, I am opposed to the amendment of the gentleman from Texas [cries of "Vote!"], and in favor of the bill of the gentleman from Kentucky. In regard to the appropriations for public buildings, I am myself interested in a matter in the sundry civil bill, a Senate amendment which has been approved by the Supervising Architect, for an item of $20,000 additional to complete the public building at Chester of stone instead of brick. Chester is a city through which all you gentlemen pass on your way to the metropolis of New York or the metropolis of our own State, Philadelphia.

We have received, through a bill passed in the Fifty-first Congress, $80,000 for the Chester public building, secured through the efforts of my predecessor, and we are asking for an additional $20,000. The amendment has passed the Senate and is now in conference. I have made a comparison of statistics and population upon this subject, and it is my judgment, in view of what has been done in the past, that when a city can come before this body with claims such as the city of Newport has, with about 35,000 inhabitants, and a postal distribution such as the gentleman has told you of, that an appropriation of $100,000 is not too much. It is what we ask for Chester, a larger city, with greater interests and population. I will not trespass upon the patience of the House by reading this comparative statement which I have prepared.

Mr. WASHINGTON. Will not the gentleman read a part of it so that we may have the benefit of it?

Mr. ROBINSON of Pennsylvania. I am going to have it printed in my remarks.

Mr. WASHINGTON. But we can not get that until to-morrow.

Mr. ROBINSON of Pennsylvania. I will read some of it; and I think it comes with a little bad grace from my friend from Texas to say anything against public buildings, because the State of Texas has been most liberally treated by the United States Government.

I do not know whether his town has received any appropriation. The Supervising Architect's report will show that any town which has such claims as Newport or Chester, when they ask for $100,000 for the construction of a public building, it ought to be granted by this Congress, no matter what the result would be elsewhere. From the Supervising Architect's report I see there are towns like Asheville, N. C., with a population of 10,235, where there has been an appropriation of $100,000; and so I could go on down the list. Here is Bay City, Mich., with a population of 27,839 and an appropriation of $200,000. Here is Fort Worth, Tex.—and I ask the attention of the gentleman from Texas—with a population of 23,076 and an appropriation of $175,000. Here is Dallas, Tex., with a population of 38,067 and an appropriation of $291,000; El Paso, population 10,338, appropriation $200,000.

Now, gentlemen, these comparisons are, of course, odious, but at the same time they serve to throw light upon the reasonableness and the justice of appropriations for this purpose. I am in favor of the pending appropriation, and I am in favor of an appropriation of $100,000 for a public buildihg for every town in the United States that can show, as Newport shows, and as the city of Chester shows, that it has a mail distribution, letter-carrier service, population and business environment sufficient to warrant the expenditure of so much money. I might say that my case is a little stronger than that of Newport, as the Architect favors it, although I am not appealing to the jury before whom my case will be heard, except indirectly by these remarks and statistics.

Mr. WASHINGTON. How many of the buildings on the gentleman's list are used for post-offices only, no courts being held in them?

Mr. ROBINSON of Pennsylvania. The gentleman knows very well that it takes just the same size of building to conduct the postal business as it does to accommodate the judicial business, because the judicial business occupies most generally the second story of these buildings and the postal facilities the ground floors.

Mr. WASHINGTON. Oh, no; it takes twice as much space.

Mr. ROBINSON of Pennsylvania. Not at all. Now, Mr. Chairman, I ask leave to submit with my remarks and have printed in the RECORD this list of cities, with the population and the appropriation in each case, for the information of the House and of the public generally, the list including cities of the same or smaller population as Chester, Pa.

There was no objection.

The list is as follows:

Cities.	Population.	Amount.
Asheville, N. C	10,235	$100,000
Ashland, Wis	9,956	100,000
Atchison, Kans	13,963	100,000
Aurora, Ill	19,688	100,000
Baton Rouge, La	10,478	100,000
Bay City, Mich	27,839	200,000
Birmingham, Ala	26,178	335,000
Canton, Ohio	26,189	100,000
Carson City, Nev	3,950	146,000
Cedar Rapids, Iowa	18,020	130,000
Charleston, S. C., wharf	54,955	223,000
Charleston, S. C., post-office		400,000
Charleston, W. Va	21,287	142,853
Chattanooga, Tenn	29,100	275,000
Columbia, Ga	17,303	100,000
Dallas, Tex	38,067	291,000
Danville, Ill	11,491	100,000
Davenport, Iowa	26,872	$25,000; 100,000
Eastport, Me	4,908	117,971
El Paso, Tex	10,338	200,000
Erie, Pa	40,634	231,000
Fargo, N. Dak	5,664	$40,000; 100,000
Fort Worth, Tex	23,076	175,000
Frankfort, Ky	7,892	136,429
Galveston, Tex	29,084	280,581
Greenville, S. C	8,607	102,000
Jackson, Mich	20,798	105,000
Jacksonville, Fla	17,201	275,000
Kansas City, Mo	133,716	750,000
Lancaster, Pa	32,011	100,000
Lansing, Mich	13,102	125,000
Los Angeles, Cal	50,395	153,000
Lynn, Mass	55,727	125,000
Mankato, Minn	8,838	100,000
New Bedford, Mass	40,733	150,000
Newburg, N. Y	23,087	100,000
Norfolk, Va	34,871	90,000
Paris, Tex	8,254	100,000
Port Townsend, Wash	4,558	240,000
Pueblo, Colo	24,558	100,000
Racine, Wis	21,014	100,000
Rockford, Ill	23,584	100,000
Saginaw, Mich	46,322	100,000
St. Albans, Vt	7,771	95,000
San Jose, Cal	18,060	200,000
Savannah, Ga	43,189	200,000
Sioux City, Iowa	37,806	$25,000; 165,000
Sioux Falls, S. Dak	10,177	150,000
Springfield, Mo	21,850	150,000
Texarkana, Tex	2,852	110,000
Vicksburg, Miss	13,373	109,500
Williamsport, Pa	27,133	225,000
Wilmington, Del	61,431	250,000
Wilmington, N. C	20,056	200,000
Worcester, Mass	84,655	300,000
For sites and buildings at Cheyenne, Wyo	11,690	
Boise City, Idaho	2,311	100,000
Helena, Mont	13,834	
Spokane, Wash	19,922	*150,000

*Not to exceed.

Mr. ROBINSON of Pennsylvania. The side figures for Davenport, Fargo, and Sioux City are being asked for in the sundry civil bill additional, and the last four cities, Cheyenne, Boise, Helena, and Spokane, are asking for $100,000 in all in same bill. I do not antagonize any of these items, and merely allude to them that the comparison may be before the public.

Mr. BERRY. Mr. Chairman, I am willing to accept $75,000 and to have the bill so amended.

Mr. HUTCHESON. I offer that amendment.

The question was taken on the motion of Mr. HUTCHESON to amend the bill in line 15, by striking out "one hundred thousand," and inserting "seventy-five thousand" before the word "dollars;" and it was agreed to.

The CHAIRMAN. The Chair is informed by the Clerk that the words "one hundred thousand" occur in another part of the bill. If there be no objection the amendment will be made there also, so as to conform to the one just adopted.

There was no objection, and it was so ordered.

Mr. PIGOTT. Mr. Chairman, I wish to ask the gentleman from Kentucky a question.

Mr. BANKHEAD. Mr. Chairman, I move that the bill as amended be laid aside to be reported to the House with the recommendation that it do pass.

Mr. PIGOTT. Mr. Chairman, I thought I had been recognized for the purpose of asking a question.

Mr. BERRY. What is the gentleman's question?

Mr. PIGOTT. I understand the gentleman to say that the profit of the Government from the post-office at Newport is about $10,000?

Mr. BERRY. A little over $10,000.

Mr. PIGOTT. If that is so, do you think it is good policy for the Government to erect public buildings in towns where the profits are only $10,000, while refusing to erect them where the profits are $30,000 and $40,000?

Mr. BERRY. No, sir; I do not. I suggested, however, in

the remarks I made a while ago thatfrom the peculiar location of the city of Newport a large portion of its postal receipts naturally went to Cincinnati.

Mr. PIGOTT. Another question: Do you think this is a good time to go into the erection of public buildings, in view of the present condition of the Treasury?

Mr. BERRY. I think it is, if the Government needs them.

A MEMBER. You can build them cheaper now than in more prosperous times.

The question was taken on the motion of Mr. BANKHEAD; and there were—ayes 113, noes 11.

Mr. PIGOTT. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint to act as tellers the gentleman from Connecticut, Mr. PIGOTT, and the gentleman from Alabama, Mr. BANKHEAD.

The committee divided by tellers.

Mr. PIGOTT (pending the announcement of the vote). Mr. Chairman, I withdraw the point of no quorum.

The motion of Mr. BANKHEAD was then agreed to, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

PUBLIC BUILDING, BROCKTON, MASS.

Mr. BANKHEAD. I call up the bill (H. R. 116) for the erection of a public building at Brockton, Mass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase a site for a suitable building, with fireproof vaults therein, for the accommodation of the post-office and other Government offices at the city of Brockton, Mass., and cause such building to be erected thereon. The plans, specifications, and full estimates of said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of $75,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Massachusetts shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. BANKHEAD. The gentleman from Massachusetts [Mr. MORSE] who introduced this bill is absent at this time, and I move that it be passed over without prejudice.

Mr. BURROWS. Oh, no; let us pass the bill.

Mr. DINGLEY. What was the request of the gentleman from Alabama?

Mr. BANKHEAD. This bill was introduced by the gentleman from Massachusetts [Mr. MORSE], who is absent, and I thought that in justice to him it had better be passed over for the present without prejudice.

Mr. BURROWS. There will be no trouble about the bill. Let the report be read.

Mr. DINGLEY. Brockton is a city of 30,000 population, a much larger place than Newport, Ky., for which we have just passed a bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama that this bill be passed over without prejudice?

Mr. BURROWS. I object.

Mr. BANKHEAD. I merely made the suggestion because of the absence of the gentleman from Massachusetts. [Cries of "Vote!" "Vote!"]

Mr. DOCKERY. Let us have the report read and some explanation of the necessity for the bill.

The report (by Mr. MORSE) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 116) providing for the erection of a public building at Brockton, Mass., having had the same under consideration, respectfully report:

The city of Brockton is a most prosperous and rapidly growing manufacturing town of some 30,000 inhabitants, having increased to that number from 13,600 in 1880. The post-office receipts have increased from $14,189 in 1881 to above $32,000 in 1891, to $40,271.29 for year ending June 30, 1892, and to $44,796.31 for year ending June 30, 1893; and the convenience of the Federal business demands, and its extent justifies, the erection of a public building for the purpose.

After a careful investigation, your committee believes that an appropriate site can be secured and a suitable building erected thereon at a total cost not to exceed $75,000.

It is therefore recommended that the bill do pass.

Mr. BANKHEAD. Mr. Chairman, I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The question being taken on the motion of Mr. BANKHEAD, the Chairman declared that the ayes seemed to have it.

Mr. DOCKERY. I ask for a division.

The committee divided; and there were—ayes 102, noes 7.

Mr. CABANISS. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia makes the point of no quorum, and the Chair will appoint to act as tellers the gentleman from Georgia, Mr. CABANISS, and the gentleman from Alabama, Mr. BANKHEAD.

The committee again proceeded to divide; but before the tellers had made a report—

Mr. CABANISS withdrew the point of no quorum.

So the bill was laid aside to be reported favorably to the House.

PUBLIC BUILDING AT PATERSON, N. J.

The CHAIRMAN. The Clerk will report the next public building bill in order on the Calendar.

The Clerk read as follows:

A bill (H. R. 27) to increase the appropriation for the erection of a public building at Paterson, N. J.

Be it enacted, etc., That the amount heretofore fixed as the limit of cost for the erection of a public building, by the United States Government, at Paterson, N. J., be, and the same is hereby, increased to $250,000, and that the same is hereby fixed as the limit of cost for the purchase of a site and the erection thereon of said building; and said additional sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act.

SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are required to be governed by the limitation hereby prescribed in making the plans and contracts for the erection of said building.

Mr. DOCKERY. Mr. Chairman, I desire to make a point of order against so much of this bill as makes an appropriation of money.

Mr. BANKHEAD. I observe that this bill carries an appropriation. The committee did not intend so to report it. I move that the clause making the appropriation be struck out.

The CHAIRMAN. The Clerk will read the clause which the gentleman from Alabama [Mr. BANKHEAD] moves to strike out.

The Clerk read as follows:

And said additional sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act.

The amendment of Mr. BANKHEAD was agreed to.

Mr. DOCKERY. Now, Mr. Chairman, I would be glad to have the report read in this case.

The report (by Mr. CADMUS) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred House bill 27, respectfully report:

The question in this case is not whether a building shall be constructed, but as to whether the building to be constructed is adequate to the necessities of the Federal business of Paterson, N. J. A building was authorized by act of Congress approved June, 1888, limiting the cost of site and building to $80,000, which amount was appropriated. It was soon ascertained that this sum was entirely inadequate; the proposed site alone would cost $50,000. This site is now secured at a cost to the Government of $23,000, the balance having been subscribed by the city of Paterson, leaving the amount of only $57,000 available for the erection of the building. This amount is altogether inadequate for the wants of the city of Paterson, even at the present time, regardless of its rapid prospective growth.

The population of Paterson in 1883 was 58,000; in 1893, 97,000; estimated increase in the next ten years, 60 per cent. These figures are exclusive of a large and rapidly increasing suburban population.

The postal receipts for the year 1883 were $35,054; in 1893, $63,157; estimated increase in the next ten years, 75 to 100 per cent.

The industries of Paterson have kept pace with the increase of population. It has 599 establishments, employing 24,232 hands. The silk industry of Paterson alone ranks first of all the States in the Union, amounting to $14,350,000, being 28 per cent of the total value of this industry in the whole country, the total wages paid being $5,000,000 per annum.

Nearly the entire amount of raw silk which is used in the industry comes to Paterson by way of San Francisco, thus passing through the city on its way to the custom-house in New York City, and causing increased expense and much delay by reason of extra carting, storing, and reshipping back to Paterson, all of which could be avoided by having custom-house facilities in the proposed new Federal building.

This claim will appear reasonable when it is considered that of the 121 ports of entry situated at different points throughout the United States there are only 7 where the value of merchandise passing through is greater than the amount which would pass through a custom-house located at Paterson with the silk industry alone.

A plain building, two stories high, about 86 feet by 80 feet in dimensions, of fireproof construction, suitable for the necessities of the Government, can not be provided for less than the amount named below. No immediate appropriation is necessary, as the amount already appropriated will be sufficient to start and carry on the work for the next fiscal year.

In view of the facts stated the committee recommend that the limit of cost for site and building be increased to $250,000, and recommend that the bill do pass.

Mr. WASHINGTON. I move to amend the bill by striking out, in line 6, "$250,000" and inserting "$200,000" as the limit of cost.

The amendment was agreed to.

Mr. DOCKERY. Mr. Chairman, with the amendment just agreed to, I do not know that I shall offer any further objection to this bill. I realize that it is a most ungracious thing to interpose any sort of opposition to the passage of these bills; yet I realize also the influences which are at work to-day on this floor to impose upon the Treasury of the United States an enormous additional burden.

Now, Mr. Chairman, I do not appeal so much to the gentlemen on the other side of this Chamber as I do to the gentlemen who sit around me, gentlemen who were chosen to these places upon the demand of the country for economy in public expenditures.

I am not prepared to discuss this question fully and thoroughly as it ought to be discussed to-day; but if I am not misinformed this Government is already liable to the extent of millions of dollars, for which we have no money in the Treasury, to meet

the requirements of public-building bills. I appeal to gentlemen on this side of the House not to allow their personal interests to dominate the general interest and impose additional taxes upon the people.

Since I came into this Hall a few moments ago Representatives—most excellent gentlemen, for whom I have the highest respect—have come to me and said: "I must get my bill through, because it is essential to my interest in my district." I have heard the same plea from the other side. I appeal again to Democrats on this side. With a depleted Treasury, with the gold reserve down to $50,000,000, with the gold reserve and the current revenues of the Government aggregating less than $100,000,000, I appeal to you, in this condition of the Treasury, to postpone these demands upon the people of the United States.

I do not intend, Mr. Chairman, to interpose factious opposition against these measures. It is possible that I may feel constrained to make the point of "no quorum" against some bill which I consider peculiarly unmeritorious. But I prefer not to take that course. I believe that the majority ought to control. The object of the appeal which I now make is simply that Democrats around me may not press these demands upon the Treasury at a time when millions of our people are out of employment.

Gentlemen, these bills that you propose to pass will do you no good in your campaigns for reëlection. Those gentlemen on the other side of the Chamber—adroit, shrewd, and able—will parade these figures in the campaign as an evidence of the profligacy of a Democratic House and a Democratic Congress in times of great financial stringency.

In view, therefore, of the Treasury condition, with $50,000,000 already added to the interest-bearing debt of the country, I again ask Democrats to be true to their pledges and withhold their demands upon the Treasury until prosperous times shall return.

Mr. GROSVENOR rose.

Mr. DOCKERY. I yield to the gentleman a moment.

Mr. GROSVENOR. I wish to suggest to the gentleman that there is about an equal amount of danger that these bad men over here will parade the fact that the Democratic party is incapable of carrying on the ordinary incidental business of Government.

Mr. DOCKERY. I do not know what those "bad men"—and that expression, let it be remarked, is the gentleman's own language and not mine—may say. But if the "bad men," to whom the gentleman refers, indulge in that comment, I feel warranted in the assertion that they would be departing from a maxim of a great leader of the Democratic party, when he said on a certain occasion: "Tell the truth." [Laughter.]

Mr. BOUTELLE. What was the truth he wanted told?

Mr. DOCKERY. Oh, well, he wanted the truth told. That is sufficient.

I think, Mr. Chairman, when we reach the end of this session, the legislation of the Fifty-third Congress will be a sufficient answer to the suggestion of the gentleman from Ohio.

Mr. SICKLES. Well, let us come to a vote now. We have agreed on a tariff bill.

Mr. DOCKERY. I am very glad to hear it and hope the rumor is correct.

Mr. ROBINSON of Pennsylvania. I would like to ask the gentleman from Missouri a question. I advocated one of the bills, and voted for several of them, for the erection of public buildings here, and I do not think that that action is such as would justify the charge, or warrant the assertion, that I was indulging in profligacy or extravagance in voting away the public money. Is it not a fact, however, that the appropriation for the erection of these buildings will not come out of the present Treasury fund, but that it will be carried forward into the future, to be paid for out of appropriations hereafter?

Mr. DOCKERY. That is true.

Mr. ROBINSON of Pennsylvania. Yet you speak of the workingman being out of employment. Is it not true that the erection of these buildings in every city where there is a necessity for a public building will give thousands of the unemployed work?

Mr. DOCKERY. Well, the gentleman's own statement answers itself. In one breath he tells us that these bills make no present charge upon the Treasury, but that the amount is to be carried forward to be paid hereafter, and in the next breath he tells us that the working people are to derive employment from the erection of these buildings. How are they to be employed or to be paid when there is no appropriation?

Mr. ROBINSON of Pennsylvania. I say that the appropriation is carried forward into the future. It is not made in the bills.

Mr. DOCKERY. Does the gentleman consider it a wise business policy to pursue such a course as that at a time when the Treasury is nearly empty? Is that a policy that the gentleman himself would pursue in the ordinary course of his own private affairs? The gentleman knows that we have borrowed money to pay the ordinary running expenses of the Government.

Mr. ROBINSON of Pennsylvania. No, sir; I would not consider it good policy; but I think the Government of the United States is big enough, strong enough, and able enough to appropriate all the money that is needed for such a purpose as this, and that there will be little or no trouble in securing all of the money that is necessary to carry on the affairs of the Government.

Mr. BANKHEAD. I move that the bill be laid aside with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. DOCKERY) there were—ayes 115, noes 16.

Mr. BLACK of Georgia. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will order tellers.

Mr. BLACK of Georgia and Mr. BANKHEAD were appointed tellers.

The committee again divided; and the tellers reported—ayes 136, noes 26.

Mr. BLACK of Georgia. Mr. Chairman, I withdraw the point of no quorum.

So (no further count being demanded) the motion was agreed to, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 528) for the relief of A. W. Wells, administrator;

A bill (S. 1018) granting a pension to Susan E. Cunningham;

A bill (S. 1876) to provide for the payment of accrued pensions in certain cases;

A bill (S. 2234) to further amend section 2399 of the Revised Statutes of the United States; and

A bill (S. 2281) to authorize the Postmaster-General to credit account of James A. Sexton with amount of funds stolen.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 5901) to reimburse E. H. Nebeker, late Treasurer of the United States;

A bill (H. R. 6577) to authorize the construction of a wagon and foot bridge across the Chattahoochee River, at or near the town of Columbia, Ala.;

A bill (H. R. 7874) to enable the Secretary of the Interior to pay JOHN T. HEARD for professional services rendered the "Old Settlers" or Western Cherokee Indians out of the funds of said Indians.

A bill (H. R. 7383) relating to lights of fishing vessels.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 6284) to prevent interference in the collection of State, county, and municipal taxes assessed against corporations and corporate property, and for other purposes.

The message also announced that the Senate had agreed to the reports of committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

A bill (H. R. 6777) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway; and

A bill (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That permission be and is hereby given to the citizens' committee of Knights of Pythias encampment, of which Chapin Brown is chairman, of illuminating the Dome of the Capitol on the nights of August 27, 28, 29, and 30, 1894, under the control and direction of the Architect of the Capitol.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 4954) relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon;

A bill (H. R. 2669) making an appropriation and providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California.

ENROLLED BILL SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, re-

ported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7803) to amend sections 2401 and 2403 of the Revised Statutes;

A bill (H. R. 7827) to authorize a bridge across the Perdido River between the States of Florida and Alabama;

A bill (H. R. 7683) to correct the naval record of James Fay and grant him an honorable discharge;

A bill (H. R. 4326) to subject to State taxation national-bank notes and United States Treasury notes;

A bill (H. R. 3033) granting a pension to Amanda J. Lane;

A bill (H. R. 86) for the protection of persons furnishing materials and labor for the construction of public works.

A bill (S. 901) for the relief of the owners of the schooner Henry R. Tilton, and of personal effects thereon;

A bill (S. 2280) to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine power, and imposing additional duties upon the Marine Hospital Service; and

A bill (S. 1949) for the relief of James E. North.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills and joint resolutions of the following titles:

On July 30, 1894:

An act (H. R. 4322) granting the use of certain land to the town of Castine, Me., for a public park;

An act (H. R. 5735) to remove the political disabilities of Caleb Huse; and

An act (H. R. 5860) to amend sections 4, 6, and 10 of the act of February 9, 1893, entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes."

On July 31, 1894:

An act (H. R. 7097) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

An act (H. R. 2586) granting certain property to the city of Newport, Ky.

Joint resolution (H. Res. 208) to continue the provisions of a joint resolution approved June 29, 1894, entitled a "Joint resolution to provide temporarily for the expenditures of the Government."

On August 1, 1894:

An act (H. R. 3202) donating condemned cannon to the St. Lawrence State Hospital, at Ogdensburg, N. Y.

An act (H. R. 4858) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

An act (H. R. 38) relating to the pay and retirement of mates in the United States Navy.

An act (H. R. 6309) for the relief of the dependent relatives of the seamen of the Netherlands steamer Amsterdam who lost their lives in the effort to save the crew of the American schooner Maggie E. Wells, and also for the relief of the sole survivor of the rescuing party.

Joint resolution (H. Res. 94) providing for an investigation relative to the work and wages of women and children.

Joint resolution (H. Res. 32) to establish an observatory circle as a provision for guarding the delicate astronomical instruments at the United States Naval Observatory against smoke or currents of heated air in their neighborhood and undue vibrations from traffic upon the extension of public thoroughfares in the vicinity, and for other purposes.

An act (H. R. 4328) for the relief of William B. Chapman, George W. Street, John W. Hoes, Emmet C. Tuthill, and Joseph H. Curtis.

An act (H. R. 5459) to pension the minor children of Alfred Phipps.

An act (H. R. 7197) to provide a register for the schooner barge Astoria.

On August 2, 1894:

An act (H. R. 6171) to authorize the Metropolitan Railroad to change its motive power for the propulsion of the cars of said company.

On August 3, 1894:

An act (H. R. 6111) for the disposal of the accretions of the Virginius indemnity fund;

An act (H. R. 4452) adding the towns of Manchester and Vernon, in the State of Connecticut, to the customs district of Hartford, Conn., and making the city of Rockville, Conn., a port of delivery;

An act (H. R. 83) authorizing the State of Montana to make selections from certain public lands;

An act (H. R. 5293) concerning leases in the Yellowstone National Park;

An act (H. R. 4806) for the relief of Andrew Gray;

An act (H. R. 7734) to amend an act entitled "An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa," approved March 2, 1889, as amended by acts of April 30, 1890, February 7, 1893, and March 24, 1894; and

An act (H. R. 108) to fix the times and places for holding the Federal courts in the State and district of Nebraska.

PUBLIC BUILDING, SOUTH OMAHA, NEBR.

Mr. BANKHEAD. Mr. Chairman, I now call up the bill (H. R. 109) to provide for the purchase of a site and the erection of a public building thereon at South Omaha, in the State of Nebraska.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and to cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of South Omaha and State of Nebraska, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $200,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Nebraska shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The committee recommend the adoption of the following amendment:

In line 12, page 2, strike out "and fifty;" so that it will read $200,000.

Mr. BANKHEAD. I move the adoption of the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read the report.

[Cries of "Vote." "Vote."]

Mr. SNODGRASS. Let the report be read.

The report (by Mr. MERCER) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 109) to provide for the erection of a public building at South Omaha, Nebr., submit the following report:

South Omaha is the third largest city in Nebraska. Ten years ago not a town lot in sight; to-day 15,000 people enjoy the privileges of its protection and throng its busy thoroughfares.

South Omaha is the third largest stock market in the world. The packing houses employ 5,000 persons, paying them in one year almost $3,000,000. Over 1,000,000 hogs and 500,000 cattle killed in 1893.

The stock yards cover an area of 75 acres.

South Omaha continually grows; her industries are varied and prospects great.

Mr. SNODGRASS. I would like to hear the remainder of that report read.

The CHAIRMAN. The Chair is informed that the entire report has been read.

Mr. SNODGRASS. I would like to have some explanation, then, of this bill.

Mr. HAINER of Nebraska. The report explains it.

Mr. SNODGRASS. There is very little explanation contained in the report.

Mr. MERCER. The report is very full, if the gentleman will examine it.

Mr. DOCKERY. There are certain letters accompanying the report that have not been read.

Mr. SNODGRASS. They form a part of the report. I move, Mr. Chairman, that the committee rise.

The question was taken, and the Chairman announced that by the sound the noes seemed to have it.

Mr. SNODGRASS. I ask a division.

The committee divided; and there were—ayes 0, noes 120.

Mr. SNODGRASS. I call for tellers on the vote.

Tellers were refused, there being nine members only voting in favor thereof.

Mr. SNODGRASS. Would a motion be in order that the House now adjourn?

The CHAIRMAN. That motion could not be made in Committee of the Whole.

Mr. BANKHEAD. I move that this bill be laid aside with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. BLAND) there were—ayes 106, noes 6.

Mr. SNODGRASS. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. SNODGRASS and Mr. BANKHEAD were appointed tellers.

The committee again divided; and tellers reported—ayes 166, noes 13.

So the bill was ordered to be laid aside with a favorable recommendation. [Applause.]

The CHAIRMAN. The Clerk will report the next bill.

Mr. WILSON of Washington. A parliamentary inquiry.

The CHAIRMAN. The gentleman from Washington.

Mr. WILSON of Washington. At the present rate of procedure it would take a very long time to get through the Calendar. Would it be in order to move to lay aside fifty bills, so that we can all get in?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. WILSON of Washington. At this rate we can never reach my State at all. I move that the committee rise.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. SNODGRASS. Division.

Pending the count—

Mr. SNODGRASS. I withdraw the demand for a division.

Mr. BANKHEAD. Mr. Chairman, I ask that the bill S. 22 be passed by.

The CHAIRMAN. Without objection, that request will be granted.

There was no objection.

PUBLIC BUILDING AT POTTSVILLE, PA.

Mr. BANKHEAD. The next bill on the Calendar is the bill (H. R. 155) to erect a public building at Pottsville, Pa. I call that up.

The CHAIRMAN. The Clerk will report the bill called up by the chairman of the Committee on Public Buildings and Grounds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, acquire by condemnation, or otherwise provide a site, and cause to be erected thereon a suitable, commodious, and substantial building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office, internal-revenue office, commissioners' office, and other Government offices, in the borough of Pottsville and State of Pennsylvania. The cost of the site and the building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $100,000, which said sum of $100,000 is hereby appropriated for said purpose out of any moneys in the United States Treasury not otherwise appropriated, upon the following provisions, namely:

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city for at least fourteen days prior to the date specified in the advertisement for opening the proposals. The proposals made in response to said public advertisement at the time named in the advertisement, or within ten days subsequent thereto, shall be received, opened, and considered by a commission of three persons, who shall be appointed by the Secretary of the Treasury, and it shall be the duty of said commissioners to forward to the Secretary of the Treasury, within forty days from the date named in the advertisement for opening the proposals, a written report, with the original proposals, maps, and so forth, and the oaths prescribed by act of Congress approved June 23, 1874, and to definitely state in said report the site selected by them, and their selection of the site shall be final, and each commissioner shall be allowed a compensation for his services of an amount within the discretion of the Secretary of the Treasury, said compensation not to exceed $200 and actual traveling expenses to each commissioner. So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, compensation, and actual traveling expenses of the commissioners, and other expenses incident to the selection of the site, shall be immediately available; so much of said appropriation as may be necessary for the preparation of sketch plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the receipt of the report of the commissioners selecting the site; so much of said appropriation as may be necessary to make payment for the site shall be available upon the receipt of the written opinion of the Attorney-General in favor of the validity of title to the site selected, and when the State of Pennsylvania shall have ceded to the United States jurisdiction over the site selected, during the time that the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein, or so much of said appropriation as may be necessary to acquire title to the site by condemnation shall be immediately available; and after the site shall have been paid for and the sketch plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches.

The CHAIRMAN. The Clerk will now report the amendments recommended by the committee.

The amendments recommended by the committee were read, as follows:

Amend by substituting "sixty" instead of "one hundred" in line 14; by striking out the appropriation clause in lines 14, 15, 16, and 17, and by striking out all of the bill including and following the word "so," in line 38.

Mr. BANKHEAD. Mr. Chairman, I move that the amendments be adopted.

The amendments recommended by the committee were agreed to.

Mr. DOCKERY. I desire the reading of the report, or some explanation. This is a proposition to appropriate $100,000.

Mr. BANKHEAD. It is $60,000, now that the amendments of the committee have been adopted.

Mr. REILLY. I will be very glad to make a statement or to have the report read. The report is not lengthy.

Mr. DOCKERY. Let the report be read.

The report (by Mr. WRIGHT of Pennsylvania) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 155) for the erection of a public building at Pottsville, Pa., having had the same under consideration, submit the following report:

A similar bill was introduced in the Fifty-first and Fifty-second Congresses and favorably reported by the Committee on Public Buildings and Grounds.

The population of Pottsville is about 16,000, to which is to be added the boroughs of Yorkville, Mount Carbon, and Palo Alto, contiguous to it and included in the delivery from the Pottsville post-office, which, with the other settlements surrounding the town, all accommodated with postal facilities at the same office, make altogether a population of over 20,000.

The town is prosperous and growing, and the postal business very large. The gross receipts of this post-office for the year ending June 30, 1893, were $22,768.67, and the net revenue $9,934.43. The money-order business, both domestic and international, is extensive, aggregating over $100,000 annually.

The number of registered letters at this office is also very large, averaging about 20,000 per year. Pottsville is besides a distributing center, five railroads having terminals there, and nearly 100 passenger trains moving in and out of the town daily. There are 9 letter-carriers at this office, and the accommodations and facilities are totally inadequate for the volume of business done at this place.

The Government is also at present obliged to rent rooms for its internal-revenue business at Pottsville, which is considerable and fast increasing.

The extent of the public business at this place justifies and the public interests and convenience require a public building. The committee believes that a suitable site can be secured and a building erected thereon such as will accomodate for many years to come all Federal business at Pottsville at a total cost not to exceed $60,000.

Your committee, therefore, recommend that the bill in question be amended by substituting "sixty" instead of "one hundred" in line 14; by striking out the appropriating clause in lines 14, 15, 16, and 17, and by striking out all of the bill including and following the word "so," in line 38.

And that so amended the bill do pass.

Mr. WASHINGTON. I would like to ask the gentleman from Pennsylvania if there is a Federal court held in Pottsville.

Mr. REILLY. No, sir.

Mr. WASHINGTON. Have you any other Federal officials there except the postmaster?

Mr. REILLY. Yes, sir; we have an internal-revenue collector, for whose office the Government now pays rent, as well as for the post-office. We also have a United States commissioner.

Mr. WASHINGTON. How much rent is paid for the present post-office?

Mr. REILLY. For the internal-revenue office and the post-office it is, I think, about $1,000 a year; I do not know the exact figures. I will say to the gentleman from Tennessee and to the House that this post-office has not only always been self-sustaining, but that it has yielded a net revenue to the Government, and now yields a net revenue of $10,000 a year; so that in six years we will be able to pay back this money to the Government, if any gentleman has scruples as to the propriety and justice of this investment.

Mr. WASHINGTON. The rent is a good deal less than the interest on $60,000.

Mr. REILLY. That is true; but the facilities at this office have been and now especially are utterly inadequate, and we have been endeavoring to secure improved facilities, but in view of the possibility of some action of this kind no definite arrangements have yet been made. Inspectors of the Department have repeatedly reported as to the inadequacy of the present quarters and the necessity for better accommodations to transact the public business at this place. This is a very important office. Besides the office force proper, there are ten letter-carriers and ten railway mail clerks sign out from that place; so that the gentleman can see that it is a great distributing point. In addition to the large local business, there are nearly a hundred passenger trains, many of which carry mail, in and out every day, and there is a very large amount of mail matter handled at this office. In the Fifty-first Congress, when a majority of the committee was of the opposite political party, a similar bill was reported, and twice since, and every time it has been

reported unanimously; and I think that is very fair evidence of the merits of the proposed bill.

Mr. WASHINGTON. Does not my friend think that they can rent sufficient accommodation there for a while longer?

Mr. REILLY. Oh, of course that could be done; but I do not think there is a place in the country, considering the revenues that this office has yielded in the past, and the volume of business transacted, in which action of this kind can more properly be taken, or which is so much entitled to have a public building, both in the interest of the Government and of the public. Moreover, as a matter of public policy, I think it wiser to erect necessary public buildings than to pay out annually large sums for rent.

Mr. HERMANN. Mr. Chairman, I desire to say this in reference to this particular bill: I believe it is a worthy measure and one which should receive the approval of this House. But I wish to say—and I ask the ear of the chairman of the committee to this proposition—that one building in a State should be considered at a time, and then another building in another State should be considered. There should be some equality in this matter. I discover by looking at the Calendar that there are several public buildings in this particular State. Possibly the rest of them are not as deserving as this one which we are considering.

But what I particularly desire to call the attention of the House to is this: that from the way in which these bills are placed on the Calendar there is some injustice done to other States in the Union. I particularly call attention of the Committee on Public Buildings and Grounds to the condition of my own State. The capital of that State, which I have the honor in part to represent, is without a public building of any kind or character; and in the district which I also have the honor to represent, you will find an area equal to the entire State of Pennsylvania, and I desire to call the attention of the Committee on Public Buildings and Grounds to this great injustice that seems to be shown on the Calendar in placing two or three bills for the erection of public buildings in one State, while other States have none placed on the Calendar at all.

Mr. REILLY. This is the first bill of this kind called up for the State of Pennsylvania in this Congress.

Mr. HERMANN. I am in favor of this bill. I am simply calling the attention of the Committee on Public Buildings and Grounds to the injustice of giving two or three public buildings to one State, while other States are neglected. That is the case with Pennsylvania, as shown by the Calendar, and some other States are in the same favored position; and that, I say, is an injustice to the States that are entirely left out.

Mr. BANKHEAD. Mr. Chairman, I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The question being taken on the motion of Mr. BANKHEAD, the Chairman declared that the ayes seemed to have it.

Mr. HALL of Missouri. I ask for a division.

The committee divided; and there were—ayes 113, noes 8.

Mr. HALL of Missouri. No quorum.

Mr. HALL of Missouri and Mr. BANKHEAD were appointed tellers.

Mr. HALL of Missouri (pending the count by tellers). I withdraw the point of no quorum, Mr. Chairman.

The motion of Mr. BANKHEAD was then agreed to, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

PUBLIC BUILDING, CUMBERLAND, MD.

Mr. BANKHEAD. Mr. Chairman, I call up the bill (H. R. 4283) to provide for the purchase of a site and the erection of a public building thereon at Cumberland, Md.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States court-house, post-office, and other Government offices in the city of Cumberland and State of Maryland, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $75,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof, shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Maryland shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for, and the sketch plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

Mr. BANKHEAD. I wish to occupy just about a minute in making a statement with reference to this bill. It provides for the erection of a public building at Cumberland, Md., the site and building to cost not exceeding $75,000. There is a United States court held there, there is also an internal-revenue office, and the post-office receipts are about $20,000. I regard this as one of the most meritorious bills on the Calendar. It was reported last year, but was not reached for consideration. I hope that it will now be favorably reported by this committee and passed.

Mr. DOCKERY. I ask that the report be read.

The report (by Mr. MCKAIG) was read, as follows:

Mr. MCKAIG, from the Committee on Public Buildings and Grounds, submitted the following report (to accompany H. R. 4283):

The Committee on Public Buildings and Grounds have had under consideration the bill (H. R. 4283) to provide for the purchase of a site and the erection of a public building thereon at Cumberland, in the State of Maryland, and report the same back with recommendation that it be adopted.

The committee further report the following facts in relation to said city of Cumberland to sustain their favorable report:

Cumberland is the second city in size in the State of Maryland; it is the county seat of Allegany County, which is one of the largest and richest counties in the State. The taxable basis of the city is $6,500,000, whilst the taxable basis of city and county is $18,500,000.

The buildings generally are of a substantial rather than a showy character, though many of them, such as the city hall, court-house, academy, banks, and churches, are pleasing specimens of architectural beauty.

The city is lighted by both gas and electricity, Edison and arc lights.

The city is well supplied with schools and churches. Of the former there are seven public schools and of the latter there are eighteen.

The population of 1870 was 8,056, in 1880 it was 10,693, in 1890 it was 12,729. Since taking the last census the number of inhabitants has largely increased, making the present actual population not less than 14,000.

The moving of the Baltimore and Ohio Railroad Company's division shops to the city will bring a permanent addition of 1,000 mechanics and other high-grade workingmen and cause an increase of from 4,000 to 5,000 in the population of the city, and that will add largely to the receipts of its post-office. The Baltimore and Ohio Railroad Company are now engaged in putting down 53 tracks, each a mile long, a part of which is in the city limits, as now constituted, to provide a magnificent yard for the use of the termini of the second and third divisions of the Baltimore and Ohio Railroad Company and the first division of the Pittsburg and Connellsville Railroad Company, which are to be located at the city of Cumberland.

The city is the center of the great coal and lumber region of the Alleghenies and is the source of supply for all the towns along the the seven railroads that enter the same, thus making it an important railroad center and constituting it a distributing point in a radius of country over 150 miles in extent, in which there are no large towns. The nearest cities are Pittsburg, 149 miles to the northwest; Baltimore, 192 miles to the east; Washington, 152 miles southeast; Wheeling, 204 miles to the west, and Harrisburg, 239 miles to the northeast. This vast country is filled with building material of every kind, and light and fuel in the shape of coal and gas coal, besides a grade of coal that is used and is dependent upon said city for its supply.

The Georges Creek soft-coal region is annually discharging from 1,200,000 to 1,400,000 tons of the finest steaming coal in the world, which is transported to the markets of the Eastern and Western cities via Cumberland, over the seven railroads radiating therefrom.

The city has 15 miles of paved streets, 30 miles of water pipes, 5 miles of electric street railway, and 32 manufacturing plants, employing many mechanics and laboring men and manufacturing products that are shipped all over the country.

It also possesses three national banks, each with a capital stock of $100,000, and an aggregate deposit of $1,500,000.

Cumberland is an important deputy station of the internal-revenue office of the State of Maryland. The receipts from the internal revenue for the year 1889 were $19,231.40; for 1890 were $33,672.49, and for the year 1891 $42,097.90. January receipts in 1892 were $4,146.55, making a grand total in three years and one month of $99,158.44. Receipts of February, 1891, were $2,053.70, while

from February 1 to the 10th day of said month, 1892, they were $2,144. Annual rental of said deputy office, $200.

The area of territory covered by distribution of mail matter from the Cumberland post-office reaches an average radius of 5 miles beyond the city limits, covering now the 14,000 people residing in the corporate limits under the free-delivery system of distribution, and the whole distribution from said office covering the city and country delivery would not be overestimated when placed as a population of 17,000 souls. Amount of business transacted by the post-office, including gross receipts, fiscal year ending June 30, 1881, was $10,200.68, whilst the postal receipts for the fiscal year ending June 30, 1891, were $16,750.62, showing a net increase of $6,549.94 in ten years. Annual receipts from box rents, $734.

Receipts from all sources, June 30, 1891, $17,489.43, whilst the receipts from all sources, June 30, 1890, were $14,946.67, showing an increase of $2,542.76, being 17 per cent of an increase for the fiscal year ending June 30, 1891.

The classification and postal standing of said city are shown by the following extract from the Postmaster-General's report for the year 1891:

Cumberland, class 2:	
Gross receipts	$17,481.91
Salary	2,400.00
Clerk hire	2,100.00
Rent, light, and fuel	700.00
Incidental expenses	143.19
Free delivery	3,328.77
Total expenditures	8,671.96
Net revenue	8,809.95
Per cent	50

The Government agent, when the releasing took place this year, owing to the crowded condition of the office and great want of space, undertook to rent at several other points in said city; but failing to procure a suitable place for less than $1,200, was forced to re-lease the same building, showing that, while the present post-office is conveniently located on the principal street of the city, yet the Government agent considers it entirely inadequate for the accomodation of the constantly increasing volume of business now being transacted by the said office.

To provide a suitable lot for the site of a post-office building with the required space of 40 feet upon all sides of said building, thus providing that it shall be unexposed from fire (the said 40 feet including streets and alleys), would necessitate the purchase of land which at present has valuable buildings upon it; 40 feet of said buildings would have to be cleared entirely off of said lot to give the required space upon each side of said post-office building where said building faces upon two streets and a 40-foot alley.

The city of Cumberland, being located in a valley of small dimensions, surrounded by large mountains upon the west, northwest, and south, and large hills on the east and southeast, and a portion of said territory being taken up by the water space formed by the intersection of the Potomac River and Wills Creek at a point within the corporate limits, necessarily makes a limited area for the accommodation of over 14,000 people, thereby enhancing largely cost of building lots, making property by the square foot or otherwise very expensive.

Large sums of money are kept in the post-office after banking hours, in a safe that is not at all burglar-proof, and the building is so located and of such a character that burglars could easily break into it and rifle the contents of the post-office.

Mr. JONES. Mr. Chairman, I hope the gentleman from Maryland [Mr. McKAIG] will make an explanation with reference to this bill.

Mr. McKAIG. Mr. Chairman, I do not think it is necessary for me to make a speech on this subject. The report, I admit, is longer than it ought to be. All I have to add is that Cumberland is a city over a hundred years old; being old Fort Cumberland, from which Braddock marched upon Fort Du Quesne.

It has a population of from twelve to fifteen thousand. The United States courts are to be held there, and there is also a deputy internal revenue office. It is the second city in Maryland in population, and I believe that State has only two United States public buildings. There may be a small one at Annapolis, but the two to which I refer are in the city of Baltimore, and one is over eighty years old; so it can not be charged that Maryland has asked too much in the way of public buildings.

Mr. HITT. What are the gross receipts of the post-office at Cumberland?

Mr. McKAIG. Twenty-one thousand dollars.

Mr. HERMANN. Mr. Chairman, I desire to supplement what my friend from Maryland has just said, and I take great pleasure in availing myself of this opportunity to say a word in behalf of the old city in which I formerly had the pleasure to reside. Cumberland occupies a very important position in the commerce of that portion of the State of Maryland. It has considerable manufactures, and there are great coal mines all around it, and it is a very important business center. Then, too, as my friend [Mr. McKAIG] says, it is one of the oldest cities in the State, and it is in every way entitled to have such a public building as this bill provides for.

Mr. McKAIG. Mr. Chairman, I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The question being taken on the motion of Mr. McKAIG, the Chairman declared that the ayes seemed to have it.

Mr. TALBERT of South Carolina asked for a division, but subsequently withdrew the demand.

The motion was then agreed to, and the bill was laid aside to be reported to the House with a favorable recommendation.

Mr. DOCKERY. Now, Mr. Chairman, I ask the gentleman in charge of these bills [Mr. BANKHEAD] to move that the committee rise. We have reached almost the usual hour of adjournment and have disposed of six bills.

Mr. BANKHEAD. Mr. Chairman, there are two other bills on the Calendar that ought to be considered and acted upon. One of them is a bill authorizing the erection of a new post-office building in the city of Chicago. That is a very important measure, a new building being absolutely necessary there in the near future. The present post-office building is in a dangerous condition and is entirely inadequate for the business. It has been inspected and condemned as dangerous.

Then, there is a bill on the Calendar providing for an additional appropriation for the Appraiser's warehouse in the city of New York. That, also, is an exceedingly important matter, New York being, as we all know, the city where three-fourths of the revenue of the Government is collected. There are, also, four or five other bills that ought to be passed upon, and I am somewhat at a loss to know just what to do. If we should go on and undertake to consider the two bills I have specified, we should then be unable to dispose of those bills which we have disposed of in Committee of the Whole, and if we fail to consider them now we may not have another opportunity at this session. I ask unanimous consent that the gentleman from Illinois [Mr. BLACK] be permitted to make a brief statement.

There was no objection.

PUBLIC BUILDING AT CHICAGO.

The CHAIRMAN. If there be no objection, the gentleman from Illinois [Mr. BLACK] will be allowed to make a statement on the bill indicated by the gentleman from Alabama as the one he proposes to call up next. The Chair hears no objection.

Mr. CAMPBELL. I hope that, in conjunction with this permission to the gentleman from Illinois, my colleague from New York, Gen. SICKLES, may also be permitted to make a short statement in regard to the public building at New York. That is perfectly fair.

Mr. SICKLES. I should like to be heard, Mr. Chairman. I have been waiting here all day, against the protest of my physician, upon an assurance that the New York public building bill would be called up early.

Mr. BLACK of Illinois. Mr. Chairman, I am not enough versed in parliamentary methods to determine exactly what ought to be done to carry out the purpose I have in view. I believe a majority of the members of this House would favor the measures which we propose to present, if they could have an opportunity of hearing them stated and of passing upon their merits. What I want to do is by some parliamentary process to get an hour's time. If there is any motion that can be suggested by some parliamentarian——

Mr. CAMPBELL. Extend the session until 6 o'clock.

Mr. SICKLES. There is no reason why the Committee of the Whole should not go right on with its business. Let us vote down any motion to rise. No motion for the extension of the session is necessary.

The CHAIRMAN. It is in the power of the committee to determine when it will rise.

Mr. BLACK of Illinois. I desire to make a statement as to the merits of House bill No. 397, which I desire to have taken up and considered now.

Mr. CAMPBELL. In connection with this proposition I hope it will be agreed that the New York public building bill shall also be taken up. The Committee on Public Buildings and Grounds adopted a resolution that this New York bill should be one of the first considered. I am in favor of the Chicago bill; but if that bill is to be considered, I want the New York bill considered at the same time or immediately afterward. [Applause.]

Several MEMBERS. That is all right.

Mr. BANKHEAD. I call up the bill (H. R. 397) to provide for the erection of a Government building at Chicago, Ill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to cause to be erected upon the present post-office site in the city of Chicago, in the State of Illinois, which site is bounded by Adams, Jackson, Clark, and Dearborn streets, a commodious and sufficiently fire-proof building for the use of the post-office, United States courts, United States subtreasury, United States collectors, and other necessary officers of the Government not otherwise provided for; the building to be so constructed as to occupy all the available area of the present site to the street lines on all sides, and all of the old material to be used in the new building as far as may be practicable and consistent with permanent work; and the Secretary of the Treasury is hereby further authorized and directed to have prepared by the Supervising Architect full and complete plans, specifications, and detailed drawings within ninety days after the approval of this act, the said plans to be first approved by the Secretary of the Treasury, the Postmaster-General, and the Attorney-General of the United States, after which the work shall be publicly advertised according to law for not less than one month, and the work let to the lowest responsible bidder or bidders.

SEC. 2. That the Secretary of the Treasury is hereby further authorized and directed, in the specifications for the erection of the building, to require that the entire work of constructing the building shall be finished and the building ready for occupancy within eighteen months after the approval of contract. And for the erection of the said building the sum of $1,000,000 is hereby appropriated, out of any money in the United States Treasury not otherwise appropriated, the said sum to be available immediately after the passage of this present act.

Mr. BLACK of Illinois obtained the floor.

Mr. DOCKERY. I make a point of order against the appropriation carried in this bill.

The CHAIRMAN. The gentleman from Missouri [Mr. DOCKERY] reserves a point of order.

Mr. BLACK of Illinois. I move to amend the bill by striking out that part which relates to the appropriation.

The CHAIRMAN. The Clerk will read the part of the bill which the gentleman from Illinois [Mr. BLACK] moves to strike out.

The Clerk read as follows:

And for the erection of said building the sum of $4,000,000 is hereby appropriated, out of any money in the United States Treasury not otherwise appropriated, the said sum to be available immediately after the passage of this present act.

Mr. CANNON of Illinois. If it is the desire of the Committee of the Whole to strike out this appropriation, I do not object, but it is not subject to a point of order. I will ask my colleague [Mr. BLACK] whether he intends to follow up this motion, if adopted, by an authorization to place the building under contract, to be paid for as appropriations may hereafter be made?

Mr. BLACK of Illinois. Of course it is understood that the necessary steps will be taken to complete the building as rapidly as practicable.

The amendment of Mr. BLACK of Illinois was agreed to.

Mr. BLACK of Illinois. I move that the bill as amended be laid aside to be reported favorably to the House.

The question being taken—

The CHAIRMAN. The ayes seem to have it.

Mr. HUTCHESON. I call for a division.

The question being again taken, there were—ayes 140, noes 8.

Mr. JONES. No quorum.

Tellers were ordered; and Mr. BLACK of Illinois and Mr. JONES were appointed.

The committee again divided; and the tellers reported—ayes 141, noes 2.

Mr. JONES. No quorum.

The CHAIRMAN. There being no quorum, the Clerk will call the roll.

The roll was called, when the following members failed to answer to their names:

Abbott,	Curtis, N. Y.	Kilgore,	Ray,
Adams, Ky.	Denson,	Lacey,	Rayner,
Adams, Pa.	Donovan,	Layton,	Richardson, Mich.
Aitken,	Draper,	Lefever,	Ritchie,
Alderson,	Dunphy,	Linton,	Robertson, La.
Allen,	Edmunds,	Lockwood,	Russell, Ga.
Arnold,	Ellis, Ky.	Loud,	Ryan,
Babcock,	Ellis, Oregon	Loudenslager,	Sayers,
Bailey,	Epes,	Lynch,	Schermerhorn,
Baker, N. H.	Everett,	Magner,	Shaw,
Baldwin,	Fielder,	Maguire,	Sherman,
Barnes,	Fyan,	Marshall,	Sibley,
Belden,	Gardner,	Marvin, N. Y.	Simpson,
Bell, Colo.	Gear,	McAleer,	Snodgrass,
Bell, Tex.	Gillet, N. Y.	McCall,	Sorg,
Beltzhoover,	Gillett, Mass.	McDowell,	Sperry,
Bower, N. C.	Goldzier,	McKeighan,	Stallings,
Bowers, Cal.	Goodnight,	McLaurin,	Stephenson,
Branch,	Gorman,	McMillin,	Stevens,
Breckinridge, Ark.	Graham,	McNagny,	Stockdale,
Breckinridge, Ky.	Gresham,	Meiklejohn,	Strong,
Brickner,	Grow,	Meredith,	Swanson,
Broderick,	Hager,	Milliken,	Sweet,
Burnes,	Haines,	Montgomery,	Talbott, Md.
Cabaniss,	Hall, Minn.	Moon,	Tarsney,
Cadmus,	Hare,	Moore,	Taylor, Ind.
Causey,	Harmer,	Morse,	Taylor, Tenn.
Chickering,	Harter,	Moses,	Thomas,
Childs,	Haugen,	Murray,	Tucker,
Clark, Mo.	Hayes,	Mutchler,	Turner, Ga.
Clarke, Ala.	Heard,	Newlands,	Turner, Va.
Cobb, Mo.	Heiner,	Northway,	Turpin,
Cockran,	Henderson, Iowa	Oates,	Wadsworth,
Cockrell,	Hines,	O'Neil, Mass.	Walker,
Coffeen,	Holman,	Outhwaite,	Waugh,
Cogswell,	Hooker, Miss.	Payne,	Weadock,
Conn,	Hooker, N. Y.	Paynter,	Wever,
Cooper, Fla.	Hopkins, Pa.	Pence,	White,
Cooper, Ind.	Houk,	Pendleton, Tex.	Whiting,
Cornish,	Hudson,	Pendleton, W. Va.	Wilson, W. Va.
Cousins,	Hulick,	Pigott,	Wolverton,
Crain,	Hull,	Powers,	Woodard,
Culberson,	Johnson, Ind.	Price,	Wright, Mass.
Curtis, Kans.	Johnson, Ohio	Randall,	

The CHAIRMAN. The committee will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCCREARY of Kentucky reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 174), had found itself without a quorum, whereupon he had directed the roll to be called, and now reported the names of the absentees to the House.

The SPEAKER. The names of the absentees will be entered upon the Journal. One hundred and seventy-five members have answered to their names; not a quorum.

Mr. HOPKINS of Illinois. I ask unanimous consent that the House now take a recess until 11 o'clock to-morrow.

Mr. MADDOX. I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 66, noes 54.

Mr. SICKLES. Tellers.

Tellers were ordered.

Mr. BANKHEAD and Mr. MADDOX were appointed tellers.

The House again divided; and the tellers reported—ayes 48, noes 59.

Mr. MADDOX. I ask for the yeas and nays.

The yeas and nays were ordered.

The Speaker announced the appointment of Mr. MADDOX and Mr. BANKHEAD as tellers at the desk.

The question was taken; and there were—yeas 48, nays 76, not voting 227; as follows:

YEAS—48.

Bartholdt,	Crawford,	Lapham,	Richards, Ohio
Black, Ga.	De Armond,	Lawson,	Richardson, Tenn.
Bland,	Dockery,	Maddox,	Russell, Conn.
Brookshire,	Doolittle,	Mahon,	Scranton,
Bynum,	Enloe,	Mallory,	Sipe,
Capehart,	Erdman,	McDearmon,	Swanson,
Catchings,	Geary,	Meyer,	Talbert, S. C.
Cobb, Ala.	Griffin,	Money,	Tate,
Cooper, Ind.	Hendrix,	Neill,	Washington,
Cooper, Tex.	Jones,	Page,	Wilson, Ohio
Cox,	Kribbs,	Paschal,	Wise,
Crain,	Kyle,	Price,	Woomer.

NAYS—76.

Aldrich,	Cooper, Wis.	Hunter,	Richardson, Mich.
Apsley,	Covert,	Kiefer,	Robbins,
Bankhead,	Cummings,	Lane,	Sickles,
Bartlett,	Daniels,	Livingston,	Smith,
Barwig,	Davey,	Marsh,	Somers,
Berry,	Dunn,	Martin, Ind.	Springer,
Black, Ill.	Durborow,	McCreary, Ky.	Stone, C. W.
Boatner,	English, Cal.	McDannold,	Stone, Ky.
Boutelle,	Forman,	McEttrick,	Straus,
Bretz,	Geiss nhainer,	McGann,	Tawney,
Bryan,	Goldzier,	McKaig,	Terry,
Bunn,	Grady,	McRae,	Tracey,
Cadmus,	Hainer,	Mercer,	Updegraff,
Campbell,	Hatch,	Morgan,	Van Voorhis, N. Y.
Cannon, Ill.	Henderson, Ill.	O'Neill, Mo.	Van Voorhis, Ohio
Caruth,	Hepburn,	Post,	Wanger,
Clancy,	Hicks,	Quigg,	Warner,
Cockran,	Hitt,	Reed,	Williams, Ill.
Coombs,	Hopkins, Ill.	Reilly,	Wright, Pa.

NOT VOTING—227.

Abbott,	Dingley,	Johnson, Ind.	Randall,
Adams, Pa.	Dinsmore,	Johnson, N. Dak.	Ray,
Adams, Ky.	Dolliver,	Johnson, Ohio	Rayner,
Aitken,	Donovan,	Kem,	Rayburn,
Alderson,	Draper,	Kilgore,	Ritchie,
Alexander,	Dunphy,	Lacey,	Robertson, La.
Allen,	Edmunds,	Latimer,	Robinson, Pa.
Arnold,	Ellis, Ky.	Layton,	Rusk,
Avery,	Ellis, Oregon	Lefever,	Russell, Ga.
Babcock,	English, N. J.	Lester,	Ryan,
Bailey,	Epes,	Linton,	Sayers,
Baker, Kans.	Everett,	Lockwood,	Schermerhorn,
Baker, N. H.	Fielder,	Loud,	Settle,
Baldwin,	Fithian,	Loudenslager,	Shaw,
Barnes,	Fletcher,	Lucas,	Shell,
Belden,	Funk,	Lynch,	Sherman,
Bell, Colo.	Fyan,	Magner,	Sibley,
Bell, Tex.	Gardner,	Maguire,	Simpson,
Beltzhoover,	Gear,	Marshall,	Snodgrass,
Bingham,	Gillet, N. Y.	Marvin, N. Y.	Sorg,
Blair,	Gillett, Mass.	McAleer,	Sperry,
Boen,	Goodnight,	McCall,	Stallings,
Bower, N. C.	Gorman,	McCleary, Minn.	Stephenson,
Bowers, Cal.	Graham,	McCulloch,	Stevens,
Branch,	Gresham,	McDowell,	Stockdale,
Breckinridge, Ark.	Grosvenor,	McKeighan,	Stone, W. A.
Breckinridge, Ky.	Grout,	McLaurin,	Storer,
Brickner,	Grow,	McMillin,	Strait,
Broderick,	Hagar,	McNagny,	Strong,
Brosius,	Haines,	Meiklejohn,	Sweet,
Brown,	Hall, Minn.	Meredith,	Talbott, Md.
Bundy,	Hall, Mo.	Milliken,	Tarsney,
Burnes,	Hammond,	Montgomery,	Taylor, Ind.
Burrows,	Hare,	Moon,	Taylor, Tenn.
Cabaniss,	Harmer,	Moore,	Thomas,
Caminetti,	Harris,	Morse,	Tucker,
Cannon, Cal.	Harter,	Moses,	Turner, Ga.
Causey,	Hartman,	Murray,	Turner, Va.
Chickering,	Haugen,	Mutchler,	Turpin,
Childs,	Hayes,	Newlands,	Tyler,
Clark, Mo.	Heard,	Northway,	Wadsworth,
Clarke, Ala.	Heiner,	Oates,	Walker,
Cobb, Mo.	Henderson, Iowa	Ogden,	Waugh,
Cockrell,	Henderson, N. C.	O'Neil, Mass.	Weadock,
Coffeen,	Hermann,	Outhwaite,	Wells,
Cogswell,	Hines,	Patterson,	Wever,
Conn,	Holman,	Payne,	Wheeler, Ala.
Cooper, Fla.	Hooker, Miss.	Paynter,	Wheeler, Ill.
Cornish,	Hooker, N. Y.	Pearson,	White,
Cousins,	Hopkins, Pa.	Pence,	Whiting,
Culberson,	Houk,	Pendleton, Tex.	Williams, Miss.
Curtis, Kans.	Hudson,	Pendleton, W. Va.	Wilson, Wash.
Curtis, N. Y.	Hulick,	Perkins,	Wilson, W. Va.
Dalzell,	Hull,	Phillips,	Wolverton,
Davis,	Hutcheson,	Pickler,	Woodard,
De Forest,	Ikirt,	Pigott,	Wright, Mass.
Denson,	Izlar,	Powers,	

So the House refused to adjourn.

During the roll call the following proceedings took place:

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent that

the roll call be suspended, and that the House do now stand adjourned.

Mr. TRACEY. Regular order.

Mr. DOCKERY. I ask unanimous consent to reconsider the vote by which the yeas and nays were ordered.

Mr. CAMPBELL. I object.

The roll call was then resumed and concluded, as above.

Mr. HOPKINS of Illinois. Mr. Speaker, I desire to ask unanimous consent that the point of no quorum be withdrawn on the bill and that we take a recess until to-morrow——

The SPEAKER. But a call has developed a record of no quorum.

Mr. HOPKINS of Illinois. That is so.

The call of the roll was resumed and concluded.

The following pairs were announced:

Until further notice:

Mr. OATES with Mr. STORER.

Mr. ABBOTT with Mr. THOMAS.

Mr. RUSSELL of Georgia with Mr. MOON.

Mr. BRICKNER with Mr. MCDOWELL.

Mr. MONTGOMERY with Mr. MORSE.

Mr. BLACK of Illinois with Mr. CURTIS of New York.

Mr. TAYLOR of Indiana with Mr. BELDEN.

Mr. SCHERMERHORN with Mr. TAYLOR of Tennessee.

Mr. MCMILLIN with Mr. HOUK.

Mr. GRESHAM with Mr. MAHON.

Mr. MOSES with Mr. WADSWORTH.

Mr. WHITING with Mr. WHITE.

Mr. GOODNIGHT with Mr. WALKER.

Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.

Mr. STOCKDALE with Mr. BRODERICK.

Mr. TURPIN with Mr. GILLETT of Massachusetts.

Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.

Mr. LOCKWOOD with Mr. WEVER.

Mr. COFFEEN with Mr. LACEY.

For this day:

Mr. TURNER of Georgia with Mr. CHICKERING.

Mr. PAYNTER with Mr. SHAW.

Mr. HENDERSON of North Carolina with Mr. SHERMAN.

Mr. CORNISH with Mr. HOOKER of New York.

Mr. STALLINGS with Mr. HENDERSON of Iowa.

Mr. SORG with Mr. MEIKLEJOHN.

Mr. ALDERSON with Mr. ROBINSON of Pennsylvania.

Mr. BARNES with Mr. MCCLEARY of Minnesota.

Mr. WHEELER of Alabama. Mr. Speaker, I would like to vote on this call.

The SPEAKER *pro tempore*. Was the gentleman in the Hall of the House and failed to hear his name called?

Mr. WHEELER of Alabama. I would have been had not the door been locked in the passage which connects the basement committee rooms with the House. I had been attending the numerous votes in the House, and went to my committee room for a few moments. I returned in ample time to vote, but found the door locked, and I had to walk clear around. [Laughter.]

The SPEAKER *pro tempore*. The Chair can not entertain the request on the statement of the gentleman.

Mr. WHEELER of Alabama. I did not expect to be allowed to vote, and it is not essential that I should have voted upon the pending motion, but I wished to call attention to the inconvenience to which members are subjected by locking this door while the House is in session.

The result of the vote was then announced as above recorded.

Mr. BANKHEAD. I move a call of the House.

The question was taken; and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. BANKHEAD. Division.

The committee divided; and there were—yeas 43, noes 25.

So a call of the House was ordered.

Mr. JONES. Tellers. [Cries of "Too late!"]

Mr. MADDOX. I move that the House do now adjourn.

The question was taken; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. WHEELER of Alabama and others. Division.

The House divided; and there were—ayes 38, noes 47.

Mr. MADDOX. Mr. Speaker——

Mr. JONES. Tellers.

Mr. MADDOX. I demand the yeas and nays.

Mr. SICKLES. Regular order. I ask that the call of the House be proceeded with.

Mr. BERRY. A point of order.

Mr. SICKLES. A call of the House has been ordered, and I demand that it proceed.

The question was taken on ordering the yeas and nays.

The SPEAKER *pro tempore*. Seventeen gentlemen have risen in support of the demand—not a sufficient number—and the yeas and nays are refused. The Clerk will proceed to call the roll.

The Clerk proceeded to call the roll.

Several MEMBERS. What is the question?

The SPEAKER *pro tempore*. This is a call of the House that has been ordered.

Mr. SICKLES. That is all right. That is what I understand.

The roll was called, when the following-named members failed to respond:

Abbott,	Davis,	Ikirt,	Pigott,
Adams, Ky.	De Forrest,	Izlar,	Powers,
Adams, Pa.	Denson,	Johnson, Ind	Randall,
Aitken,	Dingley,	Johnson, N. Dak.	Ray,
Alderson,	Dinsmore,	Johnson, Ohio.	Rayner,
Alexander,	Dolliver,	Kem,	Reyburn,
Allen,	Donovan,	Kilgore,	Richardson, Tenn.
Arnold,	Draper,	Kyle,	Ritchie,
Avery,	Dunphy,	Lacey,	Robertson, La.
Babcock,	Edmunds,	Layton,	Robinson, Pa.
Bailey,	Ellis, Ky.	Lefever,	Rusk,
Baker, Kans.	Ellis, Oregon	Lester,	Russell, Ga.
Baker, N. H.	English, N. J.	Linton,	Ryan,
Baldwin,	Epes,	Lockwood,	Schermerhorn,
Barnes,	Everett,	Loud,	Shaw,
Belden,	Fielder,	Loudenslager,	Shell,
Bell, Colo.	Fithian,	Lucas,	Sherman,
Bell, Tex.	Funk,	Lynch,	Sibley,
Beltzhoover,	Fyan,	Magner,	Simpson,
Bingham,	Gardner,	Maguire,	Snodgrass,
Blair,	Gear,	Marshall,	Sorg,
Bland,	Geary,	Marvin, N. Y.	Sperry,
Boen,	Gillet, N. Y.	McAleer,	Stallings,
Bower, Cal.	Gillett, Mass.	McCall,	Stephenson,
Branch,	Goodnight,	McCleary, Minn.	Stevens,
Breckinridge, Ark.	Gorman,	McCulloch,	Stockdale,
Breckinridge, Ky.	Graham,	McDowell,	Stone, Ky.
Bretz,	Gresham,	McKeighan,	Storer,
Brickner,	Griffin,	McLaurin,	Strait,
Broderick,	Grosvenor,	McMillin,	Straus,
Brosius,	Grout.	McNagny,	Strong,
Brown,	Grow,	Meiklejohn,	Swanson,
Bundy,	Hager,	Meredith,	Sweet,
Burnes,	Haines,	Milliken,	Talbott, Md.
Burrows,	Hall, Minn.	Money,	Tarsney,
Bynum,	Hall, Mo.	Montgomery,	Taylor, Ind.
Cabaniss,	Hare,	Moon,	Taylor, Tenn.
Caminetti,	Harmer,	Moore,	Thomas,
Cannon, Cal.	Harris,	Morgan,	Tucker,
Cannon, Ill.	Harter,	Morse,	Turner, Ga.
Capehart,	Hartman,	Moses.	Turner, Va.
Causey,	Haugen,	Murray,	Turpin,
Chickering,	Hayes,	Mutchler,	Tyler,
Childs,	Heard,	Newlands,	Updegraff,
Clark, Mo.	Heiner,	Northway,	Wadsworth,
Clarke, Ala.	Henderson, Iowa	Oates,	Walker,
Cobb, Mo.	Henderson, N. C.	Ogden,	Waugh,
Cockran,	Hepburn,	Outhwaite,	Weadock,
Cockrell,	Hermann,	Page,	Wells
Coffeen,	Hicks,	Paschal,	Wever,
Conn,	Hines,	Patterson,	Wheeler, Ill.
Cooper, Fla.	Holman,	Payne,	White,
Cooper, Ind.	Hooker, Miss.	Paynter,	Whiting,
Cooper, Texas	Hooker, N. Y.	Pearson,	Williams, Miss.
Cornish,	Hopkins, Pa.	Pence,	Wilson, Wash.
Cousins,	Houk,	Pendleton, Tex.	Wilson, W. Va.
Culberson,	Hudson,	Pendleton, W. Va	Wolverton,
Curtis, Kans.	Hulick,	Perkins,	Woodard,
Curtis, N. Y.	Hull.	Phillips,	Wright, Mass.
Dalzell,	Hutcheson,	Pickler,	

The SPEAKER. The doors will now be closed and the Clerk will call the names of those who failed to respond on the first roll call.

The roll was called the second time.

The SPEAKER. One hundred and twelve gentlemen have answered to their names.

Mr. JONES. I move to dispense with further proceedings under the call.

Mr. DOCKERY. I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Virginia and the gentleman from Missouri move to dispense with further proceedings under the call.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. DOCKERY and Mr. JONES. Division.

The House divided; and there were—ayes 27, noes 43.

Mr. DOCKERY. The yeas and nays.

The yeas and nays were ordered.

Mr. BOATNER. I move that the House do now adjourn.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. CAMPBELL and others. Division.

The House divided; and there were—ayes 30, noes 39.

Mr. BOATNER. The yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 43, nays 36, not voting 272; as follows:

YEAS—43.

Bankhead,	Davey,	McCreary, Ky.	Stone, C. W.
Barwig,	De Armond,	McEttrick,	Stone, Ky.
Black, Ga.	Dockery,	Meyer,	Strait,
Boatner,	Enloe,	Neill,	Talbert, S. C.
Bower, N. C.	Erdman,	Paschal,	Tate.
Cobb, Ala.	Grady,	Price,	Terry,
Cogswell	Hunter,	Richards, Ohio	Warner,
Coombs,	Jones,	Richardson, Tenn.	Washington,
Cooper, Tex.	Kribbs,	Robertson, La.	Woomer,
Cox,	Maddox,	Sickles,	Wright, Pa.
Crawford,	Martin, Ind.	Sipe,	

NAYS—36.

Aldrich,	Covert,	Hopkins, Ill.	Reilly,
Apsley,	Cummings,	Kiefer,	Robbins,
Bartholdt,	Daniels,	Livingston,	Smith,
Black, Ill.	Dunn,	Marsh,	Somers,
Boutelle,	Durborow,	McGann	Tawney,
Bryan,	English, Cal.	McKaig,	Tracey,
Cadmus,	Geissenhainer,	Mercer,	VanVoorhis, N. Y.
Campbell,	Hainer,	O'Neill, Mo.	Wever,
Cooper, Wis.	Hitt,	Quigg,	Wheeler, Ala.

NOT VOTING—272.

Abbott,	De Forest,	Izlar,	Pigott,
Adams, Ky.	Denson,	Johnson, Ind.	Post,
Adams, Pa.	Dingley,	Johnson, N. Dak.	Powers,
Aitken,	Dinsmore,	Johnson, Ohio	Randall,
Alderson,	Dolliver,	Kem,	Ray,
Alexander,	Donovan,	Kilgore,	Rayner,
Allen,	Doolittle,	Kyle,	Reed,
Arnold,	Draper,	Lacey,	Reyburn,
Avery,	Dunphy,	Lane,	Richardson, Mich.
Babcock,	Edmunds,	Lapham,	Ritchie,
Bailey,	Ellis, Ky.	Latimer,	Robinson, Pa.
Baker, Kans.	Ellis, Oregon	Lawson,	Rusk,
Baker, N. H.	English, N. J.	Layton,	Russell, Conn.
Baldwin,	Epes,	Lefever,	Russell, Ga.
Barnes,	Everett,	Lester,	Ryan,
Bartlett,	Fielder,	Linton,	Sayers,
Belden,	Fithian,	Lockwood,	Schermerhorn,
Bell, Colo.	Fletcher,	Loud,	Scranton,
Bell, Tex.	Forman,	Loudenslager,	Settle,
Beltzhoover,	Funk,	Lucas,	Shaw,
Berry,	Fyan,	Lynch,	Sheil,
Bingham,	Gardner,	Magner,	Sherman,
Blair,	Gear,	Maguire,	Sibley,
Bland,	Geary,	Mahon,	Simpson,
Boen,	Gillet, N. Y.	Mallory,	Snodgrass,
Bowers, Cal.	Gillett, Mass.	Marshall,	Sorg,
Branch,	Goldzier,	Marvin, N. Y.	Sperry,
Breckinridge, Ark.	Goodnight,	McAleer,	Springer,
Breckinridge, Ky.	Gorman,	McCall,	Stallings,
Bretz,	Graham,	McCleary, Minn.	Stephenson,
Brickner,	Gresham,	McCulloch,	Stevens,
Broderick,	Griffin,	McDannold,	Stockdale
Brookshire,	Grosvenor,	McDearmon,	Stone, W. A.
Brosius,	Grout,	McDowell,	Storer,
Brown,	Grow,	McKeighan,	Straus,
Bundy,	Hager,	McLaurin,	Strong,
Bunn,	Haines,	McMillin,	Swanson,
Burnes,	Hall, Minn.	McNagny,	Sweet,
Burrows,	Hall, Mo.	McRae,	Talbott, Md.
Bynum	Hammond,	Meiklejohn,	Tarsney,
Cabaniss,	Hare,	Meredith,	Taylor, Ind.
Caminetti,	Harmer,	Milliken,	Taylor, Tenn.
Cannon, Cal.	Harris,	Money,	Thomas,
Cannon, Ill.	Harter,	Montgomery,	Tucker,
Capehart,	Hartman,	Moon,	Turner, Ga.
Caruth,	Hatch,	Moore,	Turner, Va.
Catchings,	Haugen,	Morgan,	Turpin,
Causey,	Hayes,	Morse,	Tyler,
Chickering,	Heard,	Moses,	Updegraff,
Childs,	Heiner,	Murray,	VanVoorhis, Ohio
Clancy,	Henderson, Ill.	Mutchler,	Wadsworth,
Clark, Mo.	Henderson, Iowa	Newlands,	Walker,
Clarke, Ala.	Henderson, N. C.	Northway,	Wanger,
Cobb, Mo.	Hendrix,	Oates,	Waugh,
Cockran,	Hepburn,	Ogden,	Weadock,
Cockrell,	Hermann,	O'Neil, Mass.	Wells,
Coffeen,	Hicks,	Outhwaite,	Wheeler, Ill.
Conn,	Hines,	Page,	White,
Cooper, Fla.	Holman,	Patterson,	Whiting,
Cooper, Ind.	Hooker, Miss.	Payne,	Williams, Ill.
Cornish,	Hooker, N. Y.	Paynter,	Williams, Miss.
Cousins,	Hopkins, Pa.	Pearson,	Wilson, Ohio
Crain,	Houk,	Pence,	Wilson, Wash.
Culberson,	Hudson,	Pendleton, Tex.	Wilson, W. Va.
Curtis, Kans.	Hulick,	Pendleton, W. Va.	Wise,
Curtis, N. Y.	Hull,	Perkins,	Wolverton,
Dalzell,	Hutcheson,	Phillips,	Woodard,
Davis,	Ikirt,	Pickler,	Wright, Mass.

Mr. BOUTELLE. Mr. Speaker, is it not practicable for the Committee on Rules to bring in a special rule to extricate us from this difficulty and enable us to pass upon this legislation? [Laughter.]

The SPEAKER. This is a question of no quorum.

Mr. BOUTELLE. I supposed that the Committee on Rules could accomplish almost anything.

The SPEAKER. They can not make a quorum. [Laughter.]

Mr. BANKHEAD (during the call). Mr. Speaker, I ask unanimous consent that this roll call be suspended, my purpose being to make a motion to adjourn.

The SPEAKER *pro tempore*. Without objection, that may be done.

Mr. HOPKINS of Illinois. I object.

The Clerk resumed and completed the call.

Mr. BANKHEAD. Mr. Speaker, I am entirely satisfied we can not bring a quorum here to-night——

Mr. HOPKINS of Illinois. Regular order.

Mr. BANKHEAD. I therefore change my vote from no to aye.

Mr. BLACK of Illinois. Mr. Speaker, I ask unanimous consent to print in the RECORD, in connection with the remarks I made this afternoon, certain documents for the information of the House and its further consideration.

The SPEAKER *pro tempore* [Mr. TATE]. The only trouble is that the record shows there is no quorum present.

Mr. BLACK of Illinois. Well, if nobody makes objection——

Mr. TALBERT of South Carolina objected, but immediately withdrew the objection.

Mr. BLACK of Illinois. Now, Mr. Speaker, there being no objection, I ask unanimous consent——

The SPEAKER *pro tempore*. The record shows by a yea-and-nay vote that there is no quorum present.

Mr. LIVINGSTON. Mr. Speaker, I make the point that if no gentleman objects or raises the point it is not a question for the Chair.

The SPEAKER *pro tempore*. Without objection, the request of the gentleman from Illinois will be granted.

There was no objection.

The documents are as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., January 16, 1894.

To the Committee on Public Buildings and Grounds, House of Representatives, United States, and to the said House of Representatives:

The undersigned, your memorialists, members of this House and Representatives therein from Chicago and the State of Illinois, respectfully present:

That on the 23d day of September, A. D. 1893, House bill No. 397, a copy of which is here inserted, was presented to the House, referred to your honorable committee, and still remains under consideration thereby:

"A bill (H. R. 397) to provide for the erection of a Government building at Chicago, Ill.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is hereby authorized and directed to cause to be erected upon the present post-office site in the city of Chicago, in the State of Illinois, which site is bounded by Adams, Jackson, Clark, and Dearborn streets, a commodious and sufficiently fireproof building for the use of the post-office, United States courts, United States subtreasury, United States collectors, and other necessary officers of the Government not otherwise provided for; the building to be so constructed as to occupy all the available area of the present site to the street lines on all sides, and all of the old material to be used in the new building as far as may be practicable and consistent with permanent work; and the Secretary of the Treasury is hereby further authorized and directed to have prepared by the Supervising Architect full and complete plans, specifications, and detailed drawings within ninety days after the approval of this act, the said plans to be first approved by the Secretary of the Treasury, the Postmaster-General, and the Attorney-General of the United States, after which the work shall be publicly advertised according to law for not less than one month, and the work let to the lowest responsible bidder or bidders.

"SEC. 2. That the Secretary of the Treasury is hereby further authorized and directed, in the specifications for the erection of the building, to require that the entire work of constructing the building shall be finished and the building ready for occupancy within eighteen months after the approval of contract. And for the erection of the said building the sum of $4,000,000 is hereby appropriated, out of any money in the United States Treasury not otherwise appropriated, the said sum to be available immediately after the passage of this present act."

Your memorialists further state that it is matter of public notoriety, here officially declared by us to the House and the committee, that the public building in the city of Chicago mentioned as the "old building" in said bill, and situate between Adams, Jackson, Clark, and Dearborn streets, is by reason of faulty construction, bad workmanship, defective material, and imperfect foundation work, unfitted for continued use, perilous to life and property, and in danger of falling at any time, all of which matters will later appear in the course of this memorial; that so great and apparent are this peril and danger that the said building has, in a formal and official manner, been abandoned and vacated by the United States court of appeals, as appears by the following order, duly entered of record in said court on the 12th of October, 1893:

"THURSDAY, *October 12, 1893.*

"Present: Hon. William A. Woods, circuit judge; Hon. James G. Jenkins, circuit judge.

"General order.

"The court being satisfied that the rooms in the Federal building in the city of Chicago, provided for the use of the court, are not proper rooms, the building having been declared by the official inspector to be unsafe, and being believed by the court to be unsafe and dangerous, the marshal of the court is directed to communicate this order of the court to the Attorney-General of the United States, and to ask his approval for the leasing of such rooms in the city of Chicago as may be necessary for the use of the court.

"It is further ordered that upon the conclusion of the argument of cases assigned for hearing on the 20th of October, instant, the court will adjourn to meet at the city of Milwaukee on the 2d day of November, proximo, and resume the call of the calendar."

"United States circuit court of appeals for the seventh circuit.

"I, Oliver T. Morton, clerk of the United States circuit court of appeals for the seventh circuit, do hereby certify that the foregoing written pages, numbered from 1 to 2, inclusive, contain a true copy of the general order of the United States circuit court of appeals for the seventh circuit, made and entered on the 12th day of October, A. D. 1893, October term, 1893, as the same remains upon the files and records of said United States circuit court of appeals for the seventh circuit.

"In testimony whereof I hereunto subscribe my name and affix the seal of said United States circuit court of appeals for the seventh circuit, at the city of Chicago, this 21st day of October, A. D. 1893.

[SEAL.] "OLIVER T. MORTON,

"*Clerk of the United States Circuit Court of Appeals for the Seventh Circuit.*"

Your memorialists further show that the work upon this building was begun under an act passed December 21, 1871, two and one-half months after the great Chicago fire, which act made an appropriation of $2,000,000 for the construction of said building. The attention of the Secretary of the Treasury at an early day was called to alleged defects in said building, its foundation and superstructure; thereupon he appointed a commission of three gentlemen, eminent civil engineers, namely, Gen. William Sooy Smith (who will appear later as a witness in this memorial), Mr. George B. Post, and Mr. O. W. Norcross, who reported that the foundation was too weak to sustain the building and dangerous settlements would occur, rendering very large expenditures of time and money necessary to secure the foundation; that the construction stone of the building was unfit for the purpose, and that the building, if completed, owing to defects in construction and material, would not deserve to stand.

The report of the commission to which we refer is found at page 650 of the Finance Report of 1875, and some of its startling statements and prophecies have been since fully verified and affirmed.

We quote a few of them: "The borings and sections show the presence of two mud deposits under the building, the first extending along nearly the entire Jackson street front and one-half the Clark street front of the building; the second underlies the northwest corner. * * *

"The worst movements of the walls have taken place over these mud deposits, and it seems wonderful that the walls, even with their present weight, stand at all upon such insecure foundations.

"The foundation of the building * * * is a bed of concrete varying in width with the thickness of the walls, about 2 feet wider than the footing courses, and of varying thicknesses from 2 feet 6 inches to 4 feet. As the angle of fracture of good concrete under pressure of a wall is 45 degrees, it should project beyond the footing courses on each side a distance equal to its thickness, or in this case from 2 feet 6 inches to 4 feet. But it does actually project beyond the footing courses only about 1 foot. This error is not material, as it appears impracticable to spread the bearings sufficiently with concrete to provide the necessary resistance to sustain the weight of the completed structure. The quality of the concrete is good, but it was carelessly left without adequate protection from the effect of freezing last winter, from which cause, in combination with unequal settlement, the cracks in the concrete and walls have occured."

The Secretary of the Treasury thereupon, and upon the 24th of August, 1875, appointed another and greater commission, composed of seven of the most eminent civil engineers in the United States, drawn from civil and military life, asking them to examine with uttermost care the building and its foundations. This last commission proceeded to the performance of their duty in apparently the most thorough, accurate, and painstaking manner, and on the 23d of September, 1875, this commission reported substantially that the foundation had not been carried to the requisite depth, where it might have been made perfectly secure; that the foundation of the building was not on firm ground; that the stone was not that which should have been selected for such a building. They recommended that a portion of the building should be taken down and rebuilt; that a part of the stonework should be removed, a part of it entirely omitted; and they commended the suspension of the work on account of the apparently dangerous crack in the wall and the general appearance of the building after its winter exposure.

And your memorialists refer to said reports, as found in said Financial Report of 1875, on page 650 aforesaid, and request their careful consideration by your honorable bodies. Yet they show that despite the various reports aforesaid, the last of which was acted upon by the Secretary of the Treasury by ordering compliance therewith, such was the situation that the said building was completed as at present it is. These defects, early pointed out, were not remedied. The walls have settled and cracked; the whole superstructure threatens at any time to fall into a ruinous mass.

Certain of these developments became very startling, and such of your memorialists as are members from the city of Chicago, being particularly acquainted with such developments, conceived it their duty to present facts in the case to the Treasury Department, whereupon the Secretary of the Treasury directed the Supervising Architect to proceed to Chicago and examine and report on the condition of the building. This he did, filing his report on the 31st of August, 1893, and as it presents an admirable résumé of the building operations, failures, and existing dangerous condition, we here incorporate it wholly in this report.

It is shown therein that the prophecies of evil found in the early reports had been fulfilled, and we call particular attention to parts of the statement underscored by us:

"TREASURY DEPARTMENT,
"OFFICE OF THE SUPERVISING ARCHITECT,
"*Washington, D. C., August 31, 1893.*

"SIR: Various reports relative to the condition of the United States custom-house and post-office in the city of Chicago culminated about the 1st of July last in letters from the Hon. Judge Grosscup and Mr. H. J. Toolin, inspector of public buildings, Chicago (referred to this office), urgently calling attention to the alleged dangerous condition of said building, in consequence of which, and with your approval, I visited Chicago, leaving this city on July 28, accompanied by Mr. Adolph Cluss, chief inspector of public buildings, attached to this office, made a thorough inspection of said building, and have the honor to report, as follows:

"The condition of the building as regarding order and cleanliness I found to be discreditable throughout, and in places filthy and dangerous to the health of the occupants, betraying gross negligence or incompetence, or both, on the part of the custodian and superintendent, and calling imperatively for the appointment of an active, competent, and conscientious person to fill this important and responsible position.

"For a clear understanding, from a structural point of view, of the condition of the building in question, it is necessary to give in due sequence a short résumé of its record from the beginning.

"The excavations for the building were made and the concrete foundations put in place in the seasons of 1872–'73. In the spring of 1875 the walls of the first story and part of those of the second story were erected.

"At this early stage of the work settlements were perceptible, and charges were made that there were serious defects in the foundations and in the stone used for the superstructure of the building, in consequence of which charges, Hon. B. H. Bristow, then Secretary of the Treasury, appointed W. S. Smith, civil engineer, of Chicago, George B. Post, architect, of New York, and O. W. Norcross, builder, of Massachusetts (three men eminent in their callings), as a commission for the purpose of examining the condition of the building.

"On the 15th of June, 1875, this commission reported that the clay under the foundations contained dangerous mudholes, and was too weak to sustain the weight of the proposed building; that the sandstone used in the building was totally unfit for the purpose; that much inferior labor was incorporated in the building, and that it would be a waste of time and money to proceed further with the construction. Upon receipt of this report, on June 24, the Secretary of the Treasury ordered work upon the building to be suspended until Congress had taken action in the case.

"This stoppage of the work and the prospect of delay in the completion of the building alarmed the municipal authorities of Chicago, and the mayor, acting under instructions from the city council, appointed a commission of seven local architects for the purpose of reporting whether the building could be safely completed upon its then foundation. John M. Van Osdel acted as chairman. This commission, "in an evil hour," reported that the structure was strong and stable; that the cut stone used was durable, and that with minor changes in the foundation of some of the piers, at a moderate cost, the work could be resumed and carried to completion.

"Since these conclusions differed radically from those of the Government commission, the Secretary of the Treasury appointed another commission consisting of three architects, two civil-engineers, and two builders, Gen. W. B. Franklin being selected as chairman, for the purpose of reviewing the conflicting reports, and to make a new inspection of the building.

"This commission reported on the 23d of September, 1875, that the whole building was underlaid with a compressible mixture of clay, sand, and water, in thickness from 24 to 25 feet, below which there is a hard blue clay, down to which hard blue clay the foundation should have been carried, and had this course been adopted there would never have been any question concerning the safety of the building.

"They pronounced the cut stone of the building inferior; but in view of the fact of the large amount of money that had already been expended in the cutting of the stone and delivering it on the ground, they did not recommend a change in that item.

"They recommended that certain defects in the foundations should be remedied; that a radical reduction of the weight of the building should be made, observing the principle of equalizing the pressure on the footing stones; that certain defective piers should be rebuilt; that all stone work above the main cornice should be omitted, and then, notwithstanding the first report and their own tests and observations, unwisely recommended that the work be resumed.

"On the 25th of September, 1875, the Secretary of the Treasury, Hon. B. H. Bristow, unfortunately approved this report; instructed the then Supervising Architect to resume operations, and to be guided by its recommendations.

"On the resumption of operations little attention seems to have been paid to the recommendation of this report by the persons having the construction of the building in charge, and on May 13, 1878, William H. Smith, collector of customs, and H. W. Thompson, assistant district attorney, of Chicago, brought grave charges of alleged fraud, abuses, and neglect of duty on the part of officers, employés, and contractors connected with the construction of the building.

"These were reported upon on June 8, by H. F. French, Assistant Secretary of the Treasury, and on June 10 Hon. John Sherman, Secretary of the Treasury, approved the report as to frauds, abuses, and neglect by the Superintendent, contractors, and chief subordinates, deeming it best to employ other officials. French's report being turned over to the Attorney-General, a number of the officials were subsequently indicted; and there the matter seems to have ended.

"In May, 1880, the building was taken possession of by the postal service, although yet unfinished, and requiring another year for completion.

"Continued settlements were noticeable all through the period of construction, and the years 1881 to 1887 the record of the settlements of the building were kept by exact levels and measurements. Extensive repairs had to be repeatedly resorted to, and a complicated system of heavy iron tie rods were introduced—to hold the walls in position—which extend on the second and third floors, transversely and longitudinally over the whole area of the building, and which, it is almost needless to say, do not accomplish the object intended.

"In February and October, 1890, exhaustive reports, based upon exact instrumental determinations, and tests from foundations to roofs, were made by Mr. Adolph Cluss, an experienced expert of this office. In November following these were personally revised in all branches by Mr. James H. Windrim, then Supervising Architect, who indorsed and reported them in December, 1890, to Mr. Windom, the then Secretary of the Treasury.

"Observations and tests made at my recent inspection and during the three months last past prove that since the year 1875 the greatest settlement of the building has occurred at the corner of Jackson and Clark streets, and amounts to 11¼ inches below the original level; the settlement at the corner of Adams and Clark streets amounts to 8¼ inches, while the settlement in the center between these two points is but 6 inches.

"The interior walls and columns have settled very irregularly, and less than the heavy exterior walls. These unequal settlements have caused the present alleged unsafe condition of the building, and are shown by the cracks and fissures in the walls throughout, particularly at the junction of the exterior and interior walls; bulges and cracks in the walls surrounding the court yard and numerous humps and wavy surfaces in the floors of the offices and corridors throughout the entire building.

"The observations prove further that during the last three years the settlements have been going on at the same slow and steady rate of the earlier periods, and that the settlements are still largest and most pronounced at the points where originally the least reliable soil was built upon. Many old cracks repaired in 1891 indicate by fresh fissures that the movement has not stopped, but continues to the present date, and is likely to continue.

"The roof construction is in an equally deplorable condition with the other parts, and, as a whole, I have never been called upon to examine a building which shows so many plain and convincing evidences of grossly corrupt administration and wasteful and defective construction as this, with perhaps the single exception of the recently erected immigrant buildings on Ellis Island, New York Harbor.

"Taking it as a whole, I am inclined to say that there is no cause to fear an immediate collapse of the structure; but this is the best that I feel warranted in saying in its favor. In a building, however, which is unquestionably in movement pieces of heavy plastering and stucco cornices in the rooms and corridors, and of iron moldings, or even detached bricks, may occasionally, and are likely, to fall at any moment, to the imminent danger of life and limb, if not anticipated and prevented by the watchful care of a vigilant, alert, and conscientious superintendent.

"*It is evident that unless the defects in the foundations are cured, there is no telling when a tragedy may occur. A radical cure would require a complete system of underpinning of the exterior walls with steel beams and concrete, thus extending the area of pressure upon the weak soil beneath. This underpinning, including the regulating and relaying of floors, rebuilding of walls, repairs to roofs, drainage and mechanical appliances, renewal of decorations, etc., would involve an enormous expenditure, which I estimate at from $500,000 to $750,000, and would interfere for a length of time with the occupation of the building by the postal and other services, and in the end result in an unsightly patched-up structure.*

"I therefore hesitate to make any recommendation, further than the expenditure of the minimum amount of money necessary for the safety and convenience of the occupants, until the case is brought to the attention of Congress.

"The cost of the building has been as follows:

For the site	$1,259,285.65
For the construction	4,615,121.35
Total	5,874,507.00

"To this must be added $100,000 appropriated last winter for the annex, not yet ready for occupation, and intended for the accommodation of the increased business resulting from the World's Fair.

"To this, also, must be added the appropriation for repairs for March, 1885 to date, aggregating $419,000, of which a sum of $43,427 was unexpended on the 1st day of August, and which is now being drawn upon daily and heavily for the necessary repairs and preservation of the building.

"Respectfully, yours,

"JEREMIAH O'ROURKE,
"*Supervising Architect.*

"Hon. JOHN G. CARLISLE,
"*Secretary of the Treasury.*"

Upon the receipt, by the courtesy of the Secretary of the Treasury, of said

report of the Supervising Architect, certain of your memorialists addressed a communication to the Secretary of the Treasury, a copy of which we here insert as best embodying our views of the situation at that time, and which have been intensified by recent events:

"HOUSE OF REPRESENTATIVES, UNITED STATES,
"*Washington, D. C., September 16, 1893.*

"DEAR SIR: The undersigned members of Congress from the State of Illinois representing, some of us, the State at large, and others particularly the interests of the people of the city of Chicago, respectfully suggest that we have, by your courtesy, had opportunity to and have examined carefully the report of Mr. Jeremiah O'Rourke, Supervising Architect of the Treasury, submitted to you by that official on the 31st of August ultimo, touching the condition of the Federal building in the city of Chicago, commonly known as the post-office building, and in which are located various Government offices, the post-office, the collector's office, the United States marshal's office, the United States circuit and district courts for the northern district of Illinois, and the appellate courts, etc. We respectfully invite your attention to certain prominent features of that report.

"It shows that since the beginning of the post-office building in the city of Chicago there have been a number of careful examinations made of said buildings by commissions duly authorized thereto and by officials detailed for that purpose.

"Each and every one of said examinations has resulted in the exposure of gross faults of construction and serious defects in the materials employed in said building and they have exhibited a constantly increasing condition of danger and threatened ruin of said building.

"The report of the Supervising Architect of the 31st of August shows that one side of this building has sunk on varying lines from 8¼ inches to 11¼ inches; that the sinkings are irregular, and that the results of such irregularities are plainly visible in the breaking of the superstructure now partially held together by a system of iron rods passing at different heights from side to side and from end to end of the building for the purpose of holding the walls in position. But the Supervising Architect declares substantially that the purpose for which these rods have been used has not been accomplished.

"The Supervising Architect declares that a tragedy may occur at any time in this building. His language is: 'It is evident that unless the defects in the foundation are cured there is no telling when a tragedy may occur.'

"The curing of these defects, he states further, would involve an enormous expense; would interfere with the occupation of the building during its progress, and when completed leave the building an unsightly and patched-up structure. He further states that, with possibly a single exception, 'no building he has ever been called upon to examine shows so many plain and convincing evidences of careless and corrupt administration, and wasteful, defective construction as this.' He states that the building is unquestionably in movement, and that fragments of it are likely to fall at any moment to the imminent danger of life and limb, and that constant vigilance and watchfulness are necessary to prevent recurring minor tragedies. He states that the settling of the building is going on now, as it did at the first; that the walls are bulged and cracked and the floors of offices and corridors humped and wavy.

"The nation, Mr. Secretary, was recently shocked by the falling of a public building in Washington where a few score men were employed. In the Government building at Chicago thousands of citizens enter and depart every day, except Sunday, and probably one thousand post-office employés come and go at all times, including the carriers who receive and dispatch mail matter, the clerks, the wagon men, and the various attachés of the post-office proper, in addition to which the courts are thronged with judges, attorneys, clients, and spectators. In short, it is a greatly frequented building, and the dimensions of a disaster, in the event of the tragedy occuring, which the Supervising Architect's report refers to, would be measured in its loss of human life only by the occupancy at the unforeknown hour at which it may occur.

"We are aware that the condition of the public Treasury is such that no unnecessary expenditure should be incurred, but the warning in this case is so plain, the information officially given is so explicit, and the possible disaster so grave that we do not feel that any ordinary financial consideration should weigh in determining the course to be pursued.

"In view of all the facts recited in the report to which we respectfully but earnestly invite your attention, we suggest and urge that you will direct the proper steps to be taken for the immediate vacation of the Federal building at Chicago and for securing other quarters for the transaction of the postal and other governmental services at that point.

"This course would be insisted upon by the municipal authorities of Chicago in case a private building was in the condition of the Federal building which the Supervising Architect alleges to exist. We furthermore request that you will cause said Supervising Architect's report to be communicated to the Congress of the United States to the end that legislation may be had looking to the erection of new and safe quarters for the transaction of the business of the Government in its postal services and in its various revenue offices and in its courts and other attachments.

"We beg further to suggest that the completion of this building, after the report first made to the Secretary of the Treasury, Hon. B. H. Bristow, would not have been allowed but for the circumstances which surrounded the inception of its construction. The preparations made for its building were made partly because the city had been devastated by fire of unparalleled magnitude and it was deemed expedient to afford relief to its workers, and so the ordinary prudent investigations and restrictions surrounding so large a structure were neglected, evaded, or disregarded. The amount expended upon the building is prodigious, but nevertheless it stands to-day a veritable deadfall, the hour of whose crumbling into ruin can not be foreseen nor averted without other enormous and unsatisfactory expenditures.

"We are aware, Mr. Secretary, that this unsightly pile may endure for a period. We are certain that there will be a speedy end to that period. We feel that we must, in justice to our fellow-citizens and constituents, make the request of you that we have made. We urge this, in no sensational or alarmist spirit, but because men of eminence as engineers and the Government officials thereto, appointed, qualified, and delegated, have each and all declared that this structure is insecure, threatening, and dangerous. A failure upon the part of those responsible would be attended with consequences to be remembered and regretted while the city has a history.

"We earnestly ask your cooperation in every just and practicable measure which may be taken to avert the disaster foreseen and foretold by the scientists and experts, and to aid us in securing fitting accommodations for the great services of the Government at Chicago.

"Very respectfully, yours,
"JOHN C. BLACK, M. C., *Illinois.*
"A. J. HUNTER, M. C., *Illinois.*
"J. FRANK ALDRICH, M. C., *First Illinois.*
"L. E. McGANN, M. C., *Second Illinois.*
"ALLAN C. DURBOROW, JR., M. C., *Third Illinois.*
"JULIUS GOLDZIER, M. C., *Fourth Illinois.*

"Hon. JOHN G. CARLISLE,
"*Secretary of the Treasury, Washington, D. C.*"

In replying to our said communication the Secretary, on the 4th of October, 1893, addressed to us the following letter, in which he said the power to comply with our requests contained in our communication to him was not in him, but in the Congress, adding:

"I concur, however, with the conclusion reached by the Supervising Architect, that it will be necessary to provide at a reasonably early day for the erection of a new and larger public building at Chicago."

We here add a copy of the Secretary's letter:

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
"*Washington, D. C., October 4, 1893.*

"GENTLEMEN: I have the honor to acknowledge the receipt of your communication of the 16th ultimo, in which, after reviewing the report recently made by the Supervising Architect upon the condition of the public building at Chicago, you say:

"'In view of all the facts recited in the report, to which we respectfully rbut earnestly invite your attention, we suggest and urge that you will direct the proper steps to be taken for the immediate vacation of the Federal building at Chicago and for securing other quarters for the transaction of the postal and other Governmental services at that point.'

"This communication has been referred to the Supervising Architect of the Treasury Department, with instructions to reëxamine the subject and submit such suggestions and recommendations as he might consider proper in view of the situation, and a copy of his response is herewith transmitted.

"It is scarcely necessary for me to call your attention to the fact that in the existing state of legislation upon the subject the Secretary of the Treasury has no power to vacate the building now occupied by the public officers at Chicago or to secure by rental or otherwise other buildings at that place for the transaction of the public business. Congress alone has the power to determine what shall be done with the present building, and whether or not a new one shall be erected or necessary accommodation secured for the public officers by renting suitable quarters.

"I concur, however, with the conclusion reached by the Supervising Architect that it will be necessary to provide at a reasonably early day for the erection of a new and larger public building at Chicago; but whether it shall be located on the present site or at some other place in that city is a question upon which I prefer not to express an opinion at this time.

"I also inclose herewith a copy of your communication above referred to.

"Yours, respectfully,
"J. G. CARLISLE, *Secretary.*

"To Hon. JOHN C. BLACK, Hon. A. J. HUNTER, Hon. J. FRANK ALDRICH, Hon. L. E. McGANN, Hon. ALLAN C. DURBOROW, Hon. JULIUS GOLDZIER, *House of Representatives.*"

Your memorialists respectfully submit that the unbroken testimony of a line of architects, commissions, and officials, covering the entire life of the building, show it to be, as we affirm, unsafe, discreditable, and dangerous to human life and Government property, and that for these reasons it should be replaced at the earliest possible day by suitable governmental structures.

2.

But for other than mere reasons of humanity, heretofore urged, and because that, if it was perfectly safe, the said public building in Chicago has become outgrown and unfitted for the discharge of the work required to be done in it, because that it is antiquated in its structure, having none of the modern facilities for the doing of the immense business centering in Chicago, bearing no more relation to the building that should succeed it than a freight caboose bears to a vestibuled palace car, we urge the passage of the bill.

And we submit for your consideration the following statements:

Chicago is to-day easily the second great postal point in the Union. The mails of 25,000,000 people are distributed through its limits, the city itself having a population of a million and a half, and all of this done with facilities prepared twenty years ago, in a town with a population of 400,000. We have not need to convince the Post-Office Department in this particular, for in his able report of last year the Postmaster-General declared as follows:

"The greatest concentration of the Railway Mail Service of the country is at Chicago, hence its importance as a receiving and distributing point is greatly out of proportion to its postal revenues or the number of local patrons. It needs further special attention also, by reason of its great expansion of territory. * * * There should be no hesitancy, therefore, to make such direct and needful appropriations as will admit of bringing these offices (Chicago and New York) up to the highest standard of efficiency."

We commend the further recitals of the report, found on pages 36 and 37, wherein these two great cities are designated as collectors and distributors of the world's through mail, and that all emphasis may be given to the declaration of the Postmaster-General, that the importance of the office is over proportionate to its revenue, we find him stating (page 620) that the gross revenues of this office are $4,672,018.12; that its net revenues are $3,025,698.70. Give us the net revenue for eighteen months and we will build the fairest building in the postal service of the Union.

So earnest was the Postmaster-General in this matter that he urged what we repectfully ask at your hands—separate action.

We have already quoted the declaration of the Secretary of the Treasury as to the pressing need for adequate buildings in place of the present inadequate one.

Because, therefore, of the facts herein recited; because of the possible grave consequences to citizen and Government which may occur, and to prevent which does not lie within the power of the citizen, save by quitting the service of the Government; because that the buildings now in use have become outgrown, antiquated, and unsuitable, we respectfully ask that the committee will report the bill No. 397 to the House with such amendments, if any, as the committee in its wisdom may desire to make, and that action may be taken at an early day.

With great regard, we are your fellow-members and memorialists,

JOHN C. BLACK, M. C., *Illinois.*	JOHN J. McDANNOLD.
ALLAN C. DURBOROW, JR.	WM. M. SPRINGER.
A. J. HUNTER.	GEO. W. SMITH.
L. E. McGANN.	P. S. POST.
JULIUS GOLDZIER.	B. F. FUNK.
J. FRANK ALDRICH.	T. J. HENDERSON.
W. S. FORMAN.	EDWARD LANE.
GEO. W. FITHIAN.	R. A. CHILDS.
A. J. HOPKINS.	J. R. WILLIAMS.
	H. K. WHEELER.

"I have not had time to inform myself as to statements contained in foregoing memorial, but from the reputation of the custom-house and post-office at Chicago, and from examination of same, I am satisfied that a new building should be constructed upon the site of the old, and will cheerfully coöperate to that end.

J. G. CANNON.
R. R. HITT.
B. F. MARSH.

JANUARY 17, 1894.

MEMORANDA.

We add that the building site is ample for the public needs, being 321 feet by 396 feet between the building lines; that it is in the heart of the city, whose whole postal life has become accommodated to its present location; that it can be made as secure as a rock foundation by proper and exhaustive use of piles and cement, as shown in Government Engineer Board report of September, 1875, and as further shown by the stability of buildings on either side much greater in dimensions than the Government building, and which are stable and secure.

Also, part of letter from Gen. Smith, recently received, casting light on the "corrupt methods of construction" spoken of by architects:

"SEPTEMBER 21, 1893.

"There is a very important fact that, I think, was not stated in our report years ago, viz: While the plans showed the concrete underlying the footing courses spread at angle of 45°, it was actually cut under by the contractor to save material, giving it the form of a wedge with the point cut off.

"Even if the concrete had been put in as planned the load per square foot on the underlying soil would have been largely in excess of its sustaining power; but the weakness of the foundations was aggravated by this rascally diminution of area.

"The prediction I made in my testimony before the second Government board, that 'if the building was completed according to the plans (it was in course of construction when the investigation was in progress) it would be a first-class wreck inside of twenty years,' was absolutely fulfilled; and it needed no prophet to make it, nor does it now require divine inspiration to foretell the absolute collapse of the building within another twenty years, and probably very much sooner."

TREASURY DEPARTMENT, OFFICE SUPERVISING ARCHITECT,
Washington, D. C., September 28, 1893.

SIR: In compliance with your verbal instructions, that I supplement, with practical suggestions and recommendations, my recent report on the post-office and custom-house building in the City of Chicago, dated August 12, 1893, in connection with the recent communication addressed to you by Hon. JOHN C. BLACK and other members of Congress from Illinois, dated 16th instant, I have the honor to do so, as follows:

While I must repeat and even emphasize the statement in my report as to the unsafe condition of the building in question, I desire to say that those statements were not intended to be understood in the extreme sense which the honorable members from Illinois seem to have taken them, as expressed in their very able communication to you on the subject.

I have been and, after mature reflection, I am still satisfied that the building is in no danger of an immediate collapse, and that, if so desired, it can be safely maintained and used for its present purposes for some years, or during the time required for the erection of a more suitable and permanent building: provided, however, that it is placed and kept under watchful care and receives the constant attention of a thoroughly competent and vigilant superintendent, with a suitable contingent force of alert and intelligent workmen at his command.

I have no hesitation in suggesting and recommending the erection of a new and larger building, in keeping with the growing wants of the city of Chicago, to be erected on the Lake front or on any suitable location that may be selected, other than the present site. This recommendation I make in the interest of economy as regards the Federal Government and eventual satisfaction to the citizens of Chicago.

The recent erection of the post-office annex at a cost of nearly $100,000 makes this by far the most convenient and suitable building in the city for present requirements. To tear this annex down immediately after its erection would be a cause of just criticism and scandal. Its use for post-office purposes, etc., pending the erection of a new building would be far more convenient for the people of Chicago, would save the Government the very large expenditure required for the renting and fitting up of suitable buildings, even if such could be found in the city of Chicago, which is very doubtful.

In case it is decided to sell the present building and site, and use the receipts for the erection of a new Federal building on the Lake front, or elsewhere, I would recommend in the strongest manner, that the parties purchasing shall be bound strictly and without evasion to tear the present building down to the foundation, for to allow it to be "busheled up" or repaired by a private purchaser would be, in my opinion, to court inevitable disaster in the future.

I return herewith my report of August 31, and the communication of September 16, and have the honor to be,

Respectfully, yours,

JEREMIAH O'ROURKE,
Supervising Architect.

Hon. JOHN G. CARLISLE,
Secretary of the Treasury, Washington, D. C.

CHICAGO, *January 22, 1894.*

Hon. W. HESING, *Postmaster:*

SIR: Referring to your request for sanitary investigation of the post-office building in this city, I have the honor to inform you that I caused officers of this Department to investigate the same, and make a chemical examination of the air in certain rooms specified in the reports.

I herewith transmit them as a part of this report, and it will be seen that the present situation is such as to jeopardize the health and lives of the employés. In my opinion the present building should be either thoroughly overhauled or vacated. The renovation necessary to place it in proper sanitary condition would necessarily include new plumbing and painting, and a proper system of ventilation. This opinion is shared by the representative of the Marine Hospital Service, Dr. Hamilton, whose office is in the building, and with whom I have consulted.

I am, sir, very respectfully, yours,

ARTHUR R. REYNOLDS,
Commissioner of Health.

I have read the foregoing report and transmitted papers, and respectfully concur therein.

JOHN B. HAMILTON,
Surgeon, United States Marine Hospital Service.

CHICAGO, *January 19, 1894.*

DEAR SIR: We desire to make report regarding the investigation of the air in the Government building. The building was visited in the forenoon, at which time the fewest number of employés are present. The conditions, therefore, are unusually good at this time. After remaining in the rooms for a short time we noticed the fullness in the head which is due to an excess of carbon dioxide in the air. The amount of dust was marked. The air of the building was examined in four places: No. 1, basement; No. 2, bag room; No. 3, carriers' room; No. 4, west gallery of carriers' room.

In the basement the amount of dust was most marked, and Petri dishes four inches in diameter that were exposed here for three minutes showed 350 bacteria to have fallen upon them. The amount of carbon dioxide estimated in parts per 10,000 was 12.28 parts. In the washroom in the basement the presence of hydrogen sulphide was shown to be marked by using lead papers.

The bag room had been ventilated during the forenoon and was said to be in unusually good condition. The amount of carbon dioxide here was shown to be 12.24 parts per 10,000, and the number of bacteria that fell upon the exposed Petri dishes in three minutes was 410.

The amount of carbon dioxide in the carriers' room was shown to be 21.25 parts per 10,000, and the number of bacteria that fell upon the plates exposed as before was 178.

The air taken from the west gallery showed 16.33 parts of carbon dioxide, but the conditions were unusually good, as a number of the transoms were open at the time. The number of bacteria that fell upon the plates exposed in the gallery was 154.

The examination of the air in the building shows that the ventilation in the building is bad, as the amount of carbon dioxide should never be over 5 or 8 parts per 10,000 and the amount of dust would be much less. When the carbon dioxide is over 8 parts the sensation of headache and giddiness from which the men complain occurs, and when it is over 18 parts no mental work can be carried out satisfactorily.

Very respectfully submitted.

ADOLPH GEHRMANN, M. D.
CASS L. KENNICOTT.

DR. A. R. REYNOLDS,
Commissioner of Health.

REPORT AS TO SANITARY CONDITION OF POST-OFFICE.

DEAR SIR: In compliance with your request to make a thorough examination of the sanitary condition of the Chicago post-office, I respectfully submit the following report:

The building was visited in the forenoon, at which time the fewest number of employés were present. At this time the chemical examination was made. The sanitary examination extended through a period of four days.

The basement, in which about two hundred men are constantly employed, is dark, grimy, and unventilated. Upon application of the peppermint test we found the sewerage defective, catch-basins full and even with the floor surface. Found water-closet connections connecting with catch-basins and human excretion floating on the surface, especially in room called the weighing room.

The water-closets and wash room in southeast corner of building, containing fourteen water-closets, several urinals and wash bowls, we found in a decidedly unsanitary condition. The fixtures themselves are covered with filth from constant use, soaked and impregnated, while underneath the fixtures water constantly stands. The air of this room is decidedly bad. During the peppermint test, peppermint was plainly discernible in and about fixtures, showing defects in sewerage system. The same general conditions apply to toilet rooms wherever found in basement or on the main floor.

Upon removing the covers of catch-basins in different parts of the basement the odor of peppermint was plainly discernible. As a properly constructed basin is supposed to be trapped against the main sewer or connection, it is plain to be seen that they are deficient in the most important requisite looking to safe or perfect sewerage.

No provision seems to have been made for a supply of fresh air to basement, while the building of the annex has darkened and decreased any chance for ventilation on that side of the building. In conversation with employés we found many of them complaining bitterly of the conditions with which they are surrounded. Sickness among employés is the rule rather than the exception.

On the main floor, in carriers' room and gallery, the air is exceedingly close and stifling. Here the employés complain of lassitude, headaches, etc. As at times there are from four hundred to five hundred working on this main floor their condition without ventilation may be imagined. (See chemical test).

The postmaster's room, northeast corner of building, is deficient in ventilation, being closed in from outer air by reason of the annex part of building, the supply of fresh air in this room being very deficient.

The offices occupied by officials of the Government in the upper part of building are fairly well off as regards light and air, but the plumbing work in general is radically wrong.

Returning to the carriers' room, the fresh-air supply is presumably taken from the corridor. The only supply the corridor receives is from the opening of the doors leading thereto. This is irregular and inefficient. Although transoms are provided over doors and windows, there is no indication of their ever having been opened of late years, as their appliances for opening are rusted and out of order. I failed to find an official or employé of the building who knew of their having been opened at any time.

The carriers' room is inclosed by skylight, no ventilation on same. At the time of our visit daylight was hardly discernible through it on account of the dirt upon it.

I can only say in regard to this building, it is utterly deficient in every requisite as regards drainage, light, and ventilation. Seven hundred employés in basement and carriers' room upon whom the sun can not shine during their employment in the building. The conditions are inexcusably bad, and would not be allowed in any mercantile establishment in the city of Chicago without action, prompt and vigorous, by this Department.

Very respectfully,

ANDREW YOUNG, *Chief Inspector.*

ARTHUR R. REYNOLDS, M. D.,
Commissioner of Health.

TREASURY DEPARTMENT, OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., September 28, 1893.

SIR: In compliance with your verbal instructions that I supplement, with practical suggestions and recommendations, my recent report on the post-office and custom-house building in the city of Chicago, dated August 12, 1893, in connection with the recent communication addressed to you by Hon. JOHN C. BLACK and other members of Congress from Illinois, dated 16th instant, I have the honor to do so, as follows:

While I must repeat, and even emphasize, the statement in my report as to the unsafe and dangerous condition of the building in question, I desire to say that these statements were not intended to be understood in the extreme sense which the honorable members from Illinois seem to have taken them, as expressed in their very able communication to you on the subject.

I have been and, after mature reflection, I am still satisfied that the building is in no danger of an immediate collapse, and that if so desired it can be safely maintained and used for its present purposes for some years, or during the time required for the erection of a more suitable and permanent building, provided, however, that it is placed and kept under the watchful care and receives the constant attention of a thoroughly competent and vigilant superintendent, with a suitable contingent force of alert and intelligent workmen at his command.

I have no hesitation in suggesting and recommending the erection of a new and larger building, in keeping with the growing wants of the city of

Chicago, to be erected on the Lake front, or on any suitable location that may be selected other than the present site. This recommendation I make in the interest of economy as regards the Federal Government and eventual satisfaction to the citizens of Chicago.

The recent erection of the post-office annex, at a cost of nearly $100,000, makes this by far the most convenient and suitable building in the city for present requirements. To tear this annex down immediately after its erection would be a cause of just criticism and scandal. Its use for post-office purposes, etc., pending the erection of a new building, would be far more convenient for the people of Chicago, and would save the Government the very large expenditure required for the renting and fitting up of suitable buildings, even if such could be found in the city of Chicago, which is very doubtful.

In case it is decided to sell the present building and site, and use the receipts for the erection of a new Federal building on the Lake front or elsewhere, I would recommend in the strongest manner, that the parties purchasing shall be bound strictly and without evasion to tear the present building down to the foundations, for to allow it to be "busheled up" or repaired by a private purchaser would be, in my opinion, to court inevitable disaster in the future.

I return herewith my report of August 31, and the communication of September 16, and have the honor to be

Respectfully, yours,

JEREMIAH O'ROURKE,
Supervising Architect.

Hon. JOHN G. CARLISLE,
Secretary of the Treasury, Washington, D. C.

[From Chicago Herald, October 13, 1893.]

OUT OF THE OLD RUIN—JUDGES WILL NOT RISK THEIR LIVES—UNSAFE CONDITION OF THE FEDERAL BUILDING CAUSES THE REMOVAL OF THE COURT OF APPEALS TO MILWAUKEE—NEW QUARTERS MUST BE SECURED.

An order entered by the judges in the United States circuit court of appeals yesterday will do more to draw attention to the need of a safe Federal building in Chicago than all the opinions expressed during the last few years. Judges Woods and Jenkins have decided that it is unsafe longer to hold court in the building. In the order yesterday next Friday is the last day in which the court will occupy its room in the Chicago ruin. The judges will reopen the court November 2 at Milwaukee. There is good accommodation to be had in the Federal building there without the probability of several pounds of plaster cornice cutting short the attendance of judges or counsel in a suit. The order in its entirety reads:

The court being satisfied that the rooms in the Federal building in the city of Chicago provided for the use of the court are not proper rooms, the building having been declared by the official inspector to be unsafe and being believed by the court to be unsafe and dangerous, the marshal of the court is directed to communicate this order of the court to the Attorney-General of the United States, and to ask his approval for the leasing of such rooms in the city of Chicago as may be necessary for the use of the court.

It is further ordered that upon the conclusion of the argument of cases assigned for hearing on the 20th of October, the court will adjourn to meet at the city of Milwaukee on the 2d day of November and resume the call of the calendar.

WHY THE ORDER WAS ISSUED.

Speaking of the intended removal of the court Judge Woods said after court had adjourned yesterday:

"We have had the matter under consideration for some months, and in view of the nature of the recent reports upon the building the order was made. It is not the intention to give the court a nugatory character, but even if we personally had no fears of the safety of the building it would not be right to compel others to come into it during the sitting of court. I believe myself that there is no danger of a general collapse, but there is every likelihood that some section of it may come down at any moment. It is not necessary that the entire building should fall to accomplish the destruction of perhaps half a dozen persons. A small-sized section of stone work could easily do that. Chicago is centrally located and the most convenient place in the circuit to hold court, but, of course, if we can not find a court-room here we must go elsewhere."

Judge Woods then referred to the narrow escape from injury which some attorneys had recently in the building. After leaving the court-room they were assembled at the elevator door when a large section of plaster fell from the ceiling and smashed into fragments at their feet.

OFFICE OF SUPERINTENDENT OF CONSTRUCTION,
UNITED STATES CUSTOM-HOUSE, ETC.,
Chicago, Ill., December 4, 1893.

DEAR SIR: In reply to your favor of the 27th ultimo, I beg to inform you that the square of ground on which the post-office stands measures on property line 321 feet on Adams street and Jackson street, and 396 feet on Clark and Dearborn streets, making 127,116 square feet in the square.

Respectfully, yours,

M. B. BAILEY, *Superintendent.*

Hon. JOHN C. BLACK, M. C.,
Washington, D. C.

The following is from the report of the Committee on Public Buildings and Grounds:

Your committee is of the opinion that the needs of Chicago are immediate; that the Government, as a matter of justice to itself and in justice to its employés now engaged in the old building, can not afford to wait until the lake front title is adjudicated, if it ever can be.

In conclusion, your committee submits the following facts:

1. The site now owned and occupied by the Government is more desirable from a practical point of view, and we believe a more suitable location for the business of the Government than the lake front.

2. The needs of Chicago are immediate, and we believe an effort to secure the lake front equivalent to an indefinite postponement of action.

3. As the Government now owns ample ground in the very business center of the city, it is in the interests of convenience and economy to concentrate on that spot all of the business of the Government.

4. The lake front was dedicated to the people, and should be preserved for their use and benefit. It affords the only breathing place convenient to the densely populated business center of this great city, and is the only place within easy reach of those who are without the time or the means, when their work is over, to visit suburban parks and resorts.

No building would be thought of if it were not that the pressing needs of the Government actually demand it. There is scarcely a city in the United States which furnishes the National Treasury with more revenue than Chicago. This revenue arises from business transacted by the Government upon its own land and in its own building in that city. No reason can be given why the Government should call upon Chicago to purchase or donate this land. To call upon Chicago as a matter of business for this donation is unreasonable, and to call upon her as a matter of charity is unnecessary.

It is recommended that the bill do pass.

The following statement is given as showing the business done, the cost of doing the same, and the service performed in the five cities of Chicago, New York, Philadelphia, Boston, and Brooklyn:

Cities.	Streets.	Population.	Number of carriers.	Cost of carriage.
	Miles.			
Chicago	2,900	1,500,000	941	$1.11
New York	600	1,900,000	1,225	1.38
Philadelphia	1,300	1,200,000	782	1.13
Boston	583	450,000	524	2.34
Brooklyn	609	1,000,000	482	

The State of Illinois pays of internal revenue $31,000,000, or one-fifth collected in the United States. The district of Chicago pays $9,000,000 which will be collected in the Government buildings under advisement, and is one-seventeenth of all that is collected in the United States. (See report collector of internal revenue dated July 26, 1894, page 8.)

Mr. CAMPBELL. Mr. Speaker, I desire to make a similar request to that made by the gentleman from Illinois [Mr. BLACK]. I ask to be permitted to print certain documents in connection with the remarks which I made to-day on the bill providing for the erection of an appraiser's warehouse in the city of New York.

Pending Mr. CAMPBELL'S request, the result of the vote was announced as above recorded; and the House accordingly (at 6 o'clock and 40 minutes p. m.) adjourned.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the following bills; which were referred to the Committee on Pensions, to wit:

A bill (S. 1935) granting a pension to Elizabeth Ellery;

A bill (S. 2056) granting a pension to Ada J. Schwatka, widow of the late Lieut. Fredrich Schwatka.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. MADDOX: A bill (H. R. 7916) authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes—to the Committee on Indian Affairs.

By Mr. ELLIS of Oregon: A bill (H. R. 7917) extending the time for the completion of a railroad bridge over the Columbia River at or near Vancouver, in the State of Washington—to the Committee on Interstate and Foreign Commerce.

By Mr. HOUK: A bill (H. R. 7918) authorizing bona fide settlers on public lands to cut timber therefrom, and for other purposes—to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CURTIS of Kansas: A bill (H. R. 7919) for the relief of J. J. Hitt—to the Committee on Claims.

By Mr. ENGLISH of New Jersey: A bill (H. R. 7920) granting an honorable discharge to Patrick Kelly, late a landsman, United States steamship Ohio—to the Committee on Naval Affairs.

By Mr. PEARSON: A bill (H. R. 7921) granting a pension to Samuel D. Worral—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7922) for the relief of J. Stephen Wilcoxen—to the Committee on War Claims.

By Mr. PENCE (by request): A bill (H. R. 7923) for the relief of Charles M. Larsh, of Denver, Colo.—to the Committee on the Public Lands.

Also (by request), a bill (H. R. 7924) for the relief of Mrs. Emma D. Larsh, of Denver, Colo.—to the Committee on the Public Lands.

By Mr. SPRINGER: A bill (H. R. 7925) to pension Hanna B. Munson—to the Committee on Invalid Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 7926) for the relief of Thomas J. Benson—to the Committee on War Claims.

Also, a bill (H. R. 7927) for the relief of Barney Moore—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ABBOTT: Petition of Sarah Cassendra Newport, for relief—to the Committee on War Claims.

By Mr. FITHIAN: Papers to accompany bill for the relief of Charles M. Brown—to the Committee on Military Affairs.

By Mr. FLETCHER: Petition of citizens of West Minneapolis, Minn., protesting against appropriations to sectarian schools for the education of Indians—to the Committee on Indian Affairs.

By Mr. MEYER: Petition of Robert M. White, of New Orleans, La., asking for the restitution of a tract of land donated to the United States under certain conditions and known as the "Jump revenue station," in the parish of Plaquemines, La.—to the Committee on the Public Lands.

Also, resolution of the Chamber of Commerce of the city of New Orleans, La., in favor of the completion and control of the Nicaragua Canal by the United States Government—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the New Orleans (La.) Post-Office Clerks' Association, in favor of the passage of the bill (H. R. 56) for the classification of postal clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of certain manufacturers of alcohol in the State of Louisiana, in favor of the alcohol industry of said State—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of the General Assembly of the State of Louisiana, in favor of appropriations for the streams known as River Bœuf and Bayou Macon—to the Committee on Rivers and Harbors.

Also, resolution of the Board of Trade of New Orleans, La., in favor of maintaining rice schedule in the pending Wilson tariff bill as the same passed the House of Representatives—to the Committee on Ways and Means.

By Mr. SCRANTON: Petition of J. W. Howarth, M. A. Goodwin, and others, of Scranton, Pa., against taxing incomes of fraternal beneficiary societies—to the Committee on Ways and Means.

By Mr. TERRY: Memorial of a meeting of colored people of Little Rock, Ark., approving the appropriation for the Cotton States and Industrial Exposition at Atlanta, Ga.—to the Committee on Appropriations.

SENATE.

THURSDAY, *August 9, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on motion of Mr. TURPIE, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. PATTON presented the memorial of J. H. Van Coeverd and 47 other citizens of Detroit, Mich., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. MARTIN presented a petition of sundry citizens of Miami, Ind. T., praying for the passage of Senate bill No. 2267, to incorporate the town of Miami, in the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented the memorial of H. Brown, W. F. Peters, Frank Smith, and sundry other citizens of Kansas City, Kans., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education; which was referred to the Committee on Indian Affairs.

Mr. BLANCHARD presented a petition of the General Assembly of the State of Louisiana, praying that an adequate appropriation be made for the improvement of the Bœuf and Macon Rivers, in that State; which was referred to the Committee on Commerce.

Mr. BATE presented a memorial of the Chamber of Commerce, of Nashville, Tenn., remonstrating against the rejection by the conferees on the river and harbor appropriation bill of the additional appropriation for the improvement of the Cumberland River below Nashville, Tenn.; and also against the rejection of that portion of the Senate amendment which appropriates $15,000 for a dam near the mouth of the Harpeth River, in the State of Tennessee; which was referred to the Committee on Commerce.

Mr. LODGE presented the memorial of A. Z. Conrad and 130 other citizens of Worcester, Mass., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 2143) for the relief of Rufus Betz, reported it with amendments, and submitted a report thereon.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (S. 2255) for the relief of Capt. William Fletcher, United States Army, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Military Affairs, to whom was referred the bill (S. 1451) for the relief of George B. Cosby, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 1578) authorizing the Secretary of War to recognize Frank D. Baldwin as lieutenant-colonel of the Nineteenth Michigan Infantry Volunteers from the 15th day of May, 1865, reported adversely thereon, and the bill was postponed indefinitely.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3005) for the relief of George Isenstein, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 361) for the relief of C. M. Shaffer, reported it with amendments, and submitted a report thereon.

MARIA HALL.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 253) granting a pension to Maria Hall, widow of Joseph E. Doak, deceased, to report it favorably without amendment. As the bill has been mislaid for several months and proposes to pension a woman 90 years of age, I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Maria Hall, widow of Joseph E. Doak, deceased, late a private in Capt. Renshaw's company of Tennessee militia from December 6, 1812, to April 20, 1813, and from September 26, 1813, to December 10, 1813.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GUARANTEE COMPANIES.

Mr. PALMER. If in order, I move to reconsider the vote by which the Senate yesterday passed the bill (H. R. 4954) relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon.

Mr. HILL. I suppose that motion would more properly be made when we reach the Calendar.

The VICE-PRESIDENT. The motion of the Senator from Illinois can be entered at this time.

Mr. PALMER. Very well. I enter the motion.

The VICE-PRESIDENT. The motion is entered, and will be considered hereafter.

BILLS INTRODUCED.

Mr. BLANCHARD (by request) introduced a bill (S. 2294) for the relief of Caroline V. English, widow of the late Lieut. Col. Thomas C. English, Second United States Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2295) authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DOLPH introduced a bill (S. 2296) granting increase of pension to Caroline V. English; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 2297) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases; which was read twice by its title, and referred to the Committee on Military Affairs.

LOUIS PELHAM.

Mr. TURPIE. I ask unanimous consent for the present consideration of the bill (H. R. 1589) for the relief of Louis Pelham.

The Secretary read the bill.

Mr. PALMER. I dislike to object to the bill, but I shall be obliged to the Senator from Indiana if he will explain it.

Mr. TURPIE. The beneficiary of this bill was a man named Pelham, who resided in Indiana. He was a debtor. The creditor resided in Kentucky. The Kentucky creditor, also named Pelham, sympathized and took part with the Confederate States. Proceedings were instituted to confiscate a note in the district court of the State of Indiana because it was due to a person who sympathized with the Confederate States. Under the usual garnishee process, proceedings went on to the extent of a sale by the marshal, when the Indiana beneficiary of the bill bid at public sale $3,000 for the note.

After the war the creditor, the Kentucky person having his disabilities removed, brought suit to have the proceedings of the district court of Indiana set aside, and the case finally terminated here when the Supreme Court of the United States decided that the district court of Indiana, not having possession of the *res*, that is the note in controversy, and there being no personal service upon the party interested, the proceeding was totally void, and the person had paid $3,000 for a title which was utterly worthless and void *ab initio*.

It was upon that decision of the Supreme Court and the circumstances and history of the case as I have stated it that the other House passed the bill for the relief of Louis Pelham, the bidder of the $3,000 and the payer of the $3,000 for this worthless title.

Mr. PALMER. I think I understand the Senator from Indiana. This note was condemned, seized, and sold, and the party to whom the money is to be paid by the bill was the purchaser of the judicial order.

Mr. TURPIE. Yes.

Mr. PALMER. And it is desired to refund the money from the Treasury of the United States.

Mr. TURPIE. Yes.

Mr. PALMER. The bill ought to pass.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARYLAND AND WASHINGTON RAILWAY.

Mr. MCMILLAN. A few days since I called up the joint resolution (S. R. 96) to extend the charter of the Maryland and Washington Railway Company. The joint resolution was read, but was not passed on account of an objection made by the Senator from Indiana [Mr. TURPIE]. He has no further objection to the joint resolution, and I ask that it be put on its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOUNTY LAND WARRANTS—REMOVAL OF BAR OF DISLOYALTY.

Mr. GEORGE. I ask unanimous consent for the consideration of the bill (H. R. 3130) to repeal in part and to limit section 3480 of the Revised Statutes of the United States.

Mr. HOAR. I wish to know to what the bill relates.

The VICE-PRESIDENT. The bill will be read at length.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 3480 of the Revised Statutes of the United States be, and the same is hereby, so far and no farther, modified and repealed as to dispense with proof of loyalty during the late war of the rebellion as a prerequisite in an application for bounty land where the proof otherwise shows that the applicant is entitled thereto.

Mr. HOAR. The title of the bill is not in accordance with the rules of the Senate.

Mr. GEORGE. What does the Senator from Massachusetts say?

Mr. HOAR. I desire to object to it, and to all such bills.

If I may be permitted to make a statement which has been made a hundred times, I will say that it is of vast importance to the country that the country should know what legislation is proposed in Congress. The most vigilant Senator can not undertake to read every bill which is upon the Calendar, still less can the whole body of the Senate. The Senate has passed a rule requiring that the subject-matter of a bill shall be stated in the title, and that rule is not complied with by merely stating that a certain section of the Revised Statutes is to be amended. I feel constrained to object.

The VICE-PRESIDENT. There is objection to the present consideration of the bill.

Mr. GEORGE. I move to take up the bill. If the Senator from Massachusetts and the Senate will allow me, I will make a statement. I thought it was out of order to do so or I would have made the statement before. May I have unanimous consent to make a statement in regard to the bill?

The VICE-PRESIDENT. Is there objection to the request of the Senator from Mississippi?

Mr. HALE. What is the Senator's request?

The VICE-PRESIDENT. The Senator from Mississippi asks permission to make a statement in regard to the bill moved by him.

Mr. GEORGE. May I proceed, Mr. President?

The VICE-PRESIDENT. The Chair hears no objection, and the Senator from Mississippi will proceed.

Mr. GEORGE. Section 3480 of the Revised Statutes reads as follows:

It shall be unlawful for any officer to pay any account, claim, or demand against the United States which accrued or existed prior to the 13th day of April, 1861, in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who during such rebellion was not known to be opposed thereto, and distinctly in favor of its suppression; and no pardon heretofore granted, or hereafter to be granted, shall authorize the payment of such account, claim, or demand, until this section is modified or repealed. But this section shall not be construed to prohibit the payment of claims founded upon contracts made by any of the Departments, where such claims were assigned or contracted to be assigned prior to the 1st day of April, 1861, to the creditors of such contractors, loyal citizens of loyal States, in payment of debts incurred prior to the 1st day of March, 1861.

By virtue of the statute which I have read the accounting officers of the Government have declined to issue in pursuance of law bounty land warrants to soldiers who had served in the United States Army prior to the rebellion, unless proof of loyalty could be made. The object of the bill is to remove that impediment to the issuance of land warrants.

Inasmuch as the very parties who have made claim under this statute for bounty land warrants have been relieved of their disabilities on account of participation in the rebellion so far as to give them pensions, I supposed that there would be no objection to extending the law to the very few persons—I know of but one, and I learn there are only a few others—who served in the Mexican war and are entitled to a bounty land warrant for 160 acres according to the time they served. I supposed that there would be no objection to removing that impediment and allowing them to receive bounty land warrants.

Mr. DOLPH. I want to ask the Senator a question or two; but before doing so I will say that I think, from some questions he asked me about it, the Senator from Connecticut [Mr. PLATT], who is not in the Chamber, takes some interest in the bill.

Do I understand a law was passed by Congress which required a soldier in the Mexican war applying for a bounty land warrant to make proof of loyalty during the rebellion?

Mr. GEORGE. I have read the statute to that effect.

Mr. DOLPH. And if he can not do that, he is not to receive the warrant? The Senator proposes to repeal that prohibition.

Mr. GEORGE. That only.

Mr. DOLPH. I have not had time to look it up since I had a few words on the subject with the Senator from Connecticut, and I should like to ascertain from the Senator from Mississippi if he knows how these bounty land warrants may be used, and for what purpose? I am not certain whether they can only be used in the payment of preëmption or commuted homestead claims and for other public lands of the United States, or whether they may be located upon land, and the land entered by them without residence? If the latter, they would be now worth a very large amount, from $75 to $100 an acre, and would be equivalent to scrip, which may be located anywhere for the purpose of taking up town sites or other valuable tracts. They cover, I believe, 160 acres of land. If they can only be used in the payment for lands subject to private entry or located under the homestead and preëmption laws, they would be worth now no more than they were worth originally, which was a dollar and a quarter an acre.

At the time the law was passed granting bounty land warrant they were worth no more in the market than $1.25 an acre. There were then ample public lands, and in every State lands subject to private entry, and that was the maximum price for public lands when they had been offered at public sale and became subject to private entry. But if they may be used for the purpose of locating and entering land without residence, they are very valuable. They would be fifty times as valuable as they were originally, when the law was passed authorizing them to be issued.

Mr. PUGH. Will the Senator say where there are any public lands subject to entry worth $75 an acre or any sum approaching that?

Mr. DOLPH. The different kinds of scrip which may be located upon public land and the land secured without residence, are worth to-day about $75 an acre, because they may be located for the purposes of a town site; they may be located where it is important to get title to the land without delay. That is the reason why the scrip is so valuable.

I never had any experience with bounty land warrants. As I have said, I have not had time to look the matter up since it was

called to my attention. Therefore I have asked the Senator from Mississippi, if he has examined the subject, to state how these bounty land warrants may be used.

Mr. GEORGE. I am unable, never having given the slightest attention to the question submitted by the Senator from Oregon, to answer it. I have made my statement, and I hope the Senate will allow the bill to be tried upon its merits, and when it comes to its merits I have no doubt the Senator from Oregon, as well as nearly every other Senator in this body, will see the absolute propriety and the absolute justice, as suggested by a Senator near me, of passing the bill. I hope, without my going any further into the discussion of the bill, that the Senate will allow it to be considered, and then I shall proceed further.

Mr. CAREY. Will the Senator permit me to ask him a question?

Mr. GEORGE. If the Senator from Wyoming will allow the bill to come before the Senate for proper consideration, then I shall answer any question. We are talking now out of order. I ask the Senator from Wyoming to allow the bill to be placed before the Senate, and then every Senator can discuss it, and every one can vote against it who proposes to do so. That is all I ask.

Mr. CAREY. The question I wish to ask will probably help the bill.

Mr. GEORGE. Very well.

Mr. CAREY. I wanted to ask the Senator if he knew how much scrip representing how many acres of land will have to be issued if this bill passes and applications are made for the scrip?

Mr. GEORGE. I am unable to answer the Senator. I was not aware until about six weeks ago that there was a single case to which the existing law would apply. I had a letter from a Mississippian, stating that his application for a land warrant had been rejected. That is the only case of which I know. As the bill originated in the House of Representatives, I presume that there are some cases elsewhere. I do not think there are two dozen, but I can not say positively. I had supposed that every single bounty land warrant had been issued and located many years ago until I received the letter to which I have referred.

Mr. CAREY. If the Senator will permit me in his time, as he has unanimous consent to proceed, I should like to make a statement in reference to this scrip.

Mr. GEORGE. If the Senator will allow the bill to be taken up, then he can make his statement.

Mr. CAREY. I have no objection to its consideration.

The VICE-PRESIDENT. The question is on the motion of the Senator from Mississippi to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GEORGE. Now the Senator from Wyoming may proceed.

Mr. CAREY. Mr. President, bounty land warrant scrip has been used in the payment of land entered at private entry at $1.25 an acre. By the passage of a resolution, I think in 1888, we withdrew all the land of the United States from private entry, except that in the State of Missouri. To-day Missouri is the only place where bounty land warrants can be used for the payment of land. Congress on different occasions provided for what purpose this scrip might be used. So they extended the right of this scrip, and permitted it to be used in the payment of land taken up under the preëmption law and to the commutation of homesteads.

There is now pending in the House of Representatives a bill which passed this body, which authorizes the receipt of this scrip not only in the payment of the outstanding preëmption claims which are not yet sold, the preëmption law having been repealed, and the commutation of homesteads, but in the payment of lands sold in abandoned military reservations restored to the public domain, also for timber and stone lands on the basis of $1.25 an acre. The scrip to-day is only worth, as represented before the Public Lands Committee of the Senate, about 30 or 40 cents an acre, because of the limited area where it can be used. If that bill, which has already passed the Senate, becomes a law this scrip will be worth $200, or a dollar and a quarter an acre, because there will be apt to be a slight discount, for there will be no advantage in a person purchasing it, unless it can be bought at a discount below a dollar and a quarter an acre.

Mr. HOAR. I understand that the Senator from Connecticut [Mr. PLATT], who is temporarily absent from his seat, has taken an interest in this subject and desires to be heard upon it.

Mr. GEORGE. Does the Senator address his remarks to me?

Mr. HOAR. No; I am addressing the Chair. It is not supposed to be in order for me to address the Senator from Mississippi.

Mr. GEORGE. I meant to inquire if the Senator desired me to answer him. I could not hear him.

Mr. HOAR. Yes, I did. I understand the Senator from Connecticut, who is now absent, has investigated this subject and has taken some interest in it, and I should not like to have the bill come to a final vote until that Senator comes in.

Mr. GEORGE. I dislike to refuse any reasonable request made by any Senator, but this bill is so manifestly just, not a single suggestion being made or capable of being made against it; and as it is now at the close of the session, I must decline the request and ask the Senate to pass the bill as it came from the House of Representatives.

Mr. HOAR. Then, Mr. President, I shall be obliged to ask for the yeas and nays.

Mr. PLATT entered the Chamber.

Mr. HOAR. The Senator from Connecticut is now here.

Mr. PLATT. Let the bill be read.

The VICE-PRESIDENT. The bill will be again read.

The Secretary read the bill.

Mr. PLATT. What is the parliamentary condition of the bill?

The VICE-PRESIDENT. The bill was taken up on motion of the Senator from Mississippi [Mr. GEORGE], and is before the Senate as in Committee of the Whole, and open to amendment.

Mr. PLATT. I should like to make some observations on the bill.

Mr. GEORGE. I should like to hear them.

Mr. PLATT. I do not think the bill ought to be considered now, unless the Senator who reports it is able to tell us what it means and how far-reaching it is.

I have heard the statement made that the bill affects only a very few persons. I have been endeavoring to obtain through the Pension Office some statement or indication as to the amount of money involved in the bill—for that is what is involved in it; not bounty land, but money.

If I understand correctly, there is only one place in the United States where bounty land warrants can be located, and that is somewhere in the State of Missouri, and that bounty land warrants can be used for location only on a small tract in the southeastern part of that State, or in paying for land which homesteaders or preëmptionists have to pay for when making final entry and proof.

I believe, Mr. President, that this bill involves the issuing not of a few or a few hundred bounty land warrants, but that it involves the issuing of many thousand bounty land warrants, very few of which can be located under our laws. I will appeal to some Senator who is more familiar with the land laws of the United States than I am as to whether there is any other place in the United States where bounty land warrants can be located except in Missouri. That is my understanding of it.

As for the others, which are to be issued under this proposed law, they are simply to be used to make payment by locators of lands elsewhere in the United States: in other words, it is not a gift of land, but a gift of money to these soldiers; and it is not a few of them still lingering on the stage, but it is thousands of them and of their heirs, whoever their heirs may be.

In a letter addressed to Assistant Secretary of the Interior Bussey by the Commissioner of Pensions, when this matter was once before under consideration by Congress, he attempted approximately to indicate the number of persons who would be entitled to have bounty land warrants issued to them if an act similar to this should be passed. To ascertain that fact he said it would be necessary to look at all the rejected applications for bounty lands pending in the Pension Office, and to find what portion of them had been rejected, which would be taken up if this bill should pass, a matter which the office had not the time to examine; but he said it would be, in his judgment, several thousand. Every rejected bounty land application is still pending in the office, and the heirs of any Mexican soldier, who for any reason has had his bounty land application rejected, would be entitled to bring it forward and prosecute it.

I have said this much about it, which, I agree, is but a very partial and superficial statement with regard to the matter. As I said before, I have endeavored to get more direct information through the Pension Office and through officials in the Pension Office, and persons whom I supposed to be as well qualified to give facts and data as anybody can be. I have been unable as yet to get that information. I am quite sure that I make no mistake in saying that instead of there being, as is represented, perhaps 100 old soldiers of the Mexican war who are to be benefited by this provision, it will inure to the benefit of thousands, and I have the authority of the Commissioner of Pensions in a former Administration for that statement, which I could get if I had time.

Mr. President, I do not think we should enter upon legislation of this kind at a time like this, when nobody is giving attention to matters of ordinary legislation, when the minds of Senators are concentrated upon one issue, and where legislation of this sort is so apt to be taken up and passed upon without the Sen-

ate knowing anything about what is involved in the measure. I confess my surprise that on such a matter as the pending bill, on a matter like the bankruptcy bill, which was desired to be taken up yesterday, there should be an apparent haste and determination to rush the bills through now in what we hope at least may be the closing hours of the session, under circumstances where every Senator knows that no proper consideration can be given to any matter or bill which ought to be discussed and thoroughly investigated.

I wish that the bill might lie over until the next session. I think we ought to understand just what we are doing.

With regard to the merits of the case, I think we have treated the soldiers of the Mexican war pretty well. We have removed any disability to their getting pensions, and every soldier in the Mexican war who was sixty days in service from the time of his muster in, although he never saw a battle and scarcely reached the scene of action, and although he subsequently went into the Confederate army and fought against the United States, has been granted a service pension or the opportunity to get such a pension. I regard it somewhat in the light of magnanimity, and I think it ought to be so received and considered by the soldiers and pensioners of the Mexican war.

A Union soldier in the last war gets no bounty land; he gets no service pension, and I do not see any reason why we should now make what seems to me is somewhat of an invidious distinction by the passage of the pending bill. I think a soldier of the Mexican war gets a service pension of $8 per month, not depending at all, as I said, upon whether he saw a battle; and I believe there is a proposition before Congress to increase it to $12.

There seems to be an idea that we are doing too much for the soldiers, that we have overloaded and overdone the pension business. If that be so, let us make it applicable to the soldier of the Mexican war as well as to the volunteer soldier of the late war. If we have overdone it, do not let us overdo it further by now giving to the soldiers of the Mexican war, who already receive pensions, the opportunity to sell a bounty warrant and to get $200 more in cash, for that is what it amounts to. The warrants are not to be located on land. They are to be sold to people who can use them for the purpose of paying for land upon which they have located. I shall move that the further consideration of the bill be postponed until the first Monday in December next.

Mr. GEORGE. Mr. President, I wish the Senate to understand the case exactly as it exists. In the first place there is not in the bill any grant of bounty land. The bill merely removes an impediment, growing out of the applicant's relations to the late war, to his getting what the law already grants him. I desire that the Senate shall understand, too, that every man who served in the Mexican war and who was not engaged on the Confederate side in the late civil war, can go and get his bounty land to-day. If, as suggested by the Senator from Connecticut [Mr. PLATT], there be a large number of persons who are or would be entitled to bounty land under the act of Congress, I venture to say that they are not of the kind who would be benefited by the passage of the pending bill.

I wish to call the attention of the Senate to the exact situation. The section of the statute proposed to be modified refers only to debts due by the United States, and it is applied to the bounty land claims upon the ground, and let the Senate understand that point, that they constitute a debt due by the United States to the applicants. I will read the statute to show that that is correct:

> It shall be unlawful for any officer to pay any account, claim, or demand against the United States which accrued, etc.

It is simply because the United States owe the claim, the demand, or the debt and there is an obstacle in the way of paying it, and that obstacle is merely that the claimant, the creditor, served in the Confederate army. I desire the Senate to understand that if they refuse to pass the pending bill they put themselves on record in favor of the proposition that although the claim or debt is a just one, and valid under the laws of the United States, yet the United States refuse to pay the debt, refuse to recognize the claim, simply upon the ground that the claimant, or creditor, was on the Confederate side in the late war; and that is all there is in it. It is not within the power of human ingenuity to make anything more or less out of it. These men (I do not know how many there are; I know of but one) under the laws of the United States have a right to demand from the United States bounty for their services in the Mexican war. That part of the claim is not interfered with by the bill.

Mr. HILL. Will the Senator from Mississippi allow me for a moment? I understand that the measure which the Senator desires to have enacted into law proposes to remove a legislative punishment on a few old veterans of the Mexican war.

Mr. GEORGE. I am obliged to the Senator from New York for asking that question, because he states the situation exactly right.

Mr. HILL. In order to enable those people to have what is due them from the Government every other disability except this has been removed, has it not?

Mr. GEORGE. Every disability except this one has been removed.

Mr. HILL. And the pending bill is intended to remove the last vestige of that punishment?

Mr. GEORGE. The last one. I am very much obliged to the Senator from New York for putting those questions to me in that very pungent way, so that every one may understand the case as it is.

Now, I wish to submit to the Senate the question whether they are prepared at this day to repudiate a debt due by the United States to one of their citizens, because and because only that citizen happened to be on the Confederate side during the late war? That is all there is in it.

It is said that there are a great many claims; that there are thousands of these persons. What is the difference? Are the United States in the condition of paupers? Are we ready to take the bankrupt law because there are more claims than we are willing to recognize or pay? Are we to say that because there are numerous persons who will get, not a bounty from the Government, not a new grant, but the privilege of securing what is already due them, we will not allow them to set up their claim on account of their service in the Mexican war simply because they were in the civil war on the Confederate side?

Now, one other word and I shall be through. There is a consideration which ought to have some weight. The valor of these men secured to the United States millions of acres of land in New Mexico, millions of acres of land in Arizona, millions of acres of land in California, millions of acres of land in Utah and Nevada, and about one-half of the State of Colorado. Their valor gained to the country this immense body of land, and the United States, recognizing the value of their services, said, "You shall have a part of the land." Now, the question is whether, they standing in that attitude, we are willing to say because they were on the Confederate side in the late civil war we will not pay the claim, when we are paying claims of that sort every day?

Mr. PLATT. If the Senator from Wyoming [Mr. CAREY] is here I wish he would state—perhaps he stated before I came in—where, at the present time, bounty land warrants can be located under the laws of the United States.

Mr. CAREY. I before stated that land warrants can be used only to locate land in the State of Missouri, land in all the other States having been withdrawn from private entry and sale.

Mr. PLATT. What amount of land is there now subject to such location?

Mr. CAREY. Probably the Senator from Missouri [Mr. COCKRELL] can state. Bounty land warrants can be used in cases of commuted homesteads, in the payment of preëmption claims, where there are any preëmption claims left, the preëmption law having been repealed. Under a bill which has passed this body at the present session Congress proposes to further extend the use of these land warrants so that they may be applied in payment for desert lands and land sold in abandoned military reservations, on the basis always of $1.25 an acre for those lands.

Now, the scrip, because of the withdrawal of the land from sale by the resolution passed in 1888, has become of very little value. I understand it sells on the basis of 30 or 40 cents an acre, but it is a just claim against the Government of the United States. The proposition in the bill passed by the Senate and pending in the House of Representatives is to give the scrip the value of $1.25 an acre in payment for commuted homesteads, desert lands, and timber and stone lands, still retaining the right of the holder to locate land in the State of Missouri.

Mr. PLATT. I have sent for the RECORD, and I will read from a letter addressed by the Commissioner of Pensions to Hon. Cyrus Bussey, Assistant Secretary of the Interior, dated March 26, 1892. From it I read this extract:

> There are more than 193,000 rejected claims for bounty land in the Bureau. The only means of ascertaining the ground of rejection of any one of them is an examination of the papers or, in many cases, the perusal of a letter recorded in a book which is referred to by an indorsement on the jacket of the claim. The vast majority of these claims were not formally rejected, and were not briefed. The number rejected on the ground of disloyalty or inability to prove loyalty is doubtless comparatively small. The number rejected on other grounds in which evidence of loyalty would be required if reopened is probably larger. As any one of the very large number of rejected claims in the files might belong to one or the other of these two classes, the ascertainment of the number belonging to them would be impracticable.
>
> If the right to complete these claims was confined to the soldier or such of his heirs as can make claim in their own right, the number would be limited; but as the legal representatives of a deceased claimant whose claim was filed prior to his death, may file the proofs necessary to perfect such claim, the failure to complete any claim susceptible of proof can not be predicted.

While it appears to be impossible to make any reliable estimate of the number of bounty land claims whose allowance is conditioned on the passage of this bill, it is not believed that the number is likely to exceed a very few thousands.

It is regretted that the difficulty experienced in securing satisfactory data has caused the delay in making this report.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Mr. President, the Senator from Mississippi [Mr. GEORGE] tries to raise the issue that there is a debt due to somebody, and that if we refuse to pass the bill we put ourselves in the attitude of saying that we will not pay it because the person happened to serve in the Confederate army. I made no such issue. What I said about it was that there is neither the proper opportunity to consider the bill now as it ought to be considered, nor is there the data at hand upon which the Senate ought to act in such matters. It will be seen from the extract which I have read from the letter of Commissioner Raum, that not only the living soldier who has had his claim rejected, in which it was necessary that he should prove his loyalty, would have a right to prosecute his claim if the bill passes, but his heirs at law and legal representatives would have a right to prosecute such a claim.

This brings me to a matter which I omitted to state when I was on my feet before. The experience of the Pension Office shows that these claims for Mexican bounty lands were in great numbers presented by people to whom they had been assigned. The truth is that almost whole regiments of soldiers of the Mexican war assigned their claims for bounty lands when they were paid off; that they assigned them at the pay table. This is not a bill solely for the benefit of surviving soldiers of the Mexican war, to whom, as the Senator from Mississippi says, we owe a debt, which we do not want to pay because they served in the Confederate army, but it is for the benefit of their heirs, and not exclusively their legal descendants but any collateral descendants, and any assignees of the original claims of the soldiers of the Mexican war are to receive the benefits of this proposed act.

There is a good deal more involved in this measure which I am unable to state with positiveness, because I have not been able as yet to collect the necessary data upon which I may ground my statements and my remarks; but there has not been a bill passed in the Senate with reference to pensions that is so much for the benefit of the claim agent and the assignee as the one pending.

Now, Mr. President, suppose we did owe a debt?

Mr. HUNTON. Will the Senator from Connecticut allow me to ask him a question?

Mr. PLATT. Yes.

Mr. HUNTON. I understand one of the main objections the Senator makes to the passage of the bill is because the bounty land will not go to the original soldier, but to his heirs, his widow, or his assignee. I want to know if that is not true to-day of soldiers of the Mexican war who did not serve in the Confederate army; and if he excludes the heirs, the widows, representatives, and assignees of the Confederate soldiers while those very same representatives of the Union soldiers come in and get the bounty, I ask him if that is not an exclusion directed to these people because of their service in the Confederate army?

Mr. PLATT. What does the Senator from Virginia mean by Union soldiers coming in and getting bounty?

Mr. HUNTON. I refer to anyone who was not in the Confederate army, whether he was a Union soldier or not. If the representatives of Confederate soldiers are excluded because they are the representatives of Confederate soldiers, and the representative of every other person who was not a Confederate soldier is allowed to come in, then is not the exclusion now directed to people who in all human probability had nothing to do with the late war, but are excluded because the dead soldiers whom they represent were on the Confederate side?

I desire to ask the Senator another question, that he may answer both at once. One of his main objections to the bill is on account of the number of persons who would come in as claimants if this bar should be removed. I ask the Senator from Connecticut why these people are still entitled to bounty land and would receive it but for the bar of the statute? Is it not because they have not been allowed to apply for it? If the number be great or small, that number exists to-day not from any fault of theirs, not from any laggardness in making claim for the bounty given to the soldier for his valiant services on the battlefields of Mexico, but because the Federal Government has said to these people, "You must not apply now, because the soldier was afterwards in the Confederate army." If there be a number of claimants now it is because, owing to this very bar, they could not get the bounty at the time the others got it.

Another Senator has objected to the bill because in the meantime the price of the land has risen. Whose fault is that? They would have had these claims through and the bounty lands located long ago but for the bar of the statute, and if the land in the meantime has risen in value, about which I know nothing, it is not because these people are speculating upon the public lands of the country, but because they were not allowed to make the claims on account of the bar of the statute. I desire the Senator to answer the questions that I have propounded.

Mr. PLATT. The questions have so spun out into the nature of an argument that I do not know whether I can remember them.

The first question which I understand the Senator from Virginia to propound is, admitting that the majority of these claims are for legal and collateral heirs and assignees and the heirs of assignees, would not those parties, who never fought, and some of whom bought the right of the soldiers, be entitled to it except for the fact that the soldier went into the Confederate army? Very probably that is true. I do not propose to evade that issue. But I say that I will be ready, and I am ready now, to pass a bill enacting a statute of limitations against legal and collateral heirs of soldiers and assignees of soldiers' rights and the heirs of the assignees of soldiers' rights to prevent them from making application for bounty warrants now, after a period of from forty-seven to fifty years.

Mr. GRAY. May I ask the Senator from Connecticut a question right there?

Mr. PLATT. I have answered but one question of the Senator from Virginia.

Mr. GRAY. It has an important bearing upon the point the Senator is discussing.

Mr. PLATT. If it will recall to my mind the other question the Senator from Virginia asked I will yield.

Mr. GRAY. It will do so in one regard. I recollect to have read a case in the Supreme Court recently which arose out of the attempted assignment of one of these bounty land warrants, and the assignment was declared void because the statute providing for the issue of such warrants forbade any assignment. I ask the Senator from Connecticut whether that law is not in existence, and if it does not entirely dispose of that part of the objection which refers to the claims on behalf of assignees?

Mr. PLATT. That just shows upon what inaccurate information, or want of information, we are proposing to act in a matter of this sort. I insist——

Mr. HUNTON. Right there——

Mr. PLATT. Wait a moment. Let me answer the question. I insist that the parties who are asking for this legislation ought to tell us what is involved in it from beginning to end. I will not speak very positively in reference to this point, but my understanding is that the law providing for the Mexican war land warrants has some clause in it by which they can be issued to assignees. If there has been any decision of the Supreme Court (of course I have not had an opportunity to look at it, and I may be mistaken) of the character suggested by the Senator from Delaware, I imagine that it applies to the bounty warrants issued under some other law, and not under the law issuing bounty warrants to soldiers of the Mexican war.

I confess I do not know much about it; but I insist that when a bill of this sort is brought here the parties bringing it and responsible for it should be able to tell us what is involved in it.

Mr. HUNTON. I desire to ask a single question of the Senator from Connecticut in the line of the Senator's answer to me.

Mr. PLATT. There is one unanswered question yet.

Mr. HUNTON. I now understand the Senator to say that he for one would be willing to pass an act of limitation to bar these claimants for bounty lands because of the lapse of time since the Mexican war or the lapse of time from the passage of the original law. Now, the Senator from Connecticut is a fair and candid man; I hope so and believe so.

I ask him if he is willing to assume the position that is clearly deducible from his line of remarks, that this great Government shall say to these claimants, "You shall not make this claim now, because the time has elapsed in which you ought to have made the claim, and not having made it, I will bar you for the future," when at the very time the Federal Government has said to these same men, "You shall not make the claim"? While the Federal Government has been excluding these men from making the claim, does the Senator say that that very exclusion of the Federal Government ought to be used by the Federal Government to bar them forever from making the claim? I take it for granted that the Senator from Connecticut is not willing to put himself in that position.

Mr. HOAR (at 1 o'clock and 10 minutes p. m.). Mr. President, I wish to know whether there is a special order for this morning?

Mr. BLANCHARD. There was a special order for 1 o'clock, but having charge of the special order, at the request of the Senator from Mississippi [Mr. GEORGE], who brought up the pending bill, I agreed that it should run along, giving a little time for the pending bill to be gotten out of the way.

Mr. HOAR. I object to that proceeding, and I rise to a

question of order. That can only be done by an order of the Senate.

Mr. BLANCHARD. The Senator from Massachusetts has a right to object, and I take it one objection will lay aside the pending bill.

The VICE-PRESIDENT. Is there objection?

Mr. HOAR. I object.

The VICE-PRESIDENT. There is objection.

Mr. BLANCHARD. I call for the regular order.

The VICE-PRESIDENT. The Chair lays before the Senate the regular order, which is the bill (S. 1945) for the relief of Holmes & Leathers.

Mr. PLATT. Let me make a single suggestion. In the course of a day or two I will have more accurate information. I have endeavored to state nothing this morning except what I thought was accurate, but in the course of a day or two I shall have a great deal of information on the subject which we have been discussing.

EXECUTIVE SESSION.

Mr. GRAY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session the doors were reopened, and (at 1 o'clock and 37 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 10, 1894, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 9, 1894.

CIRCUIT JUDGE.

Amos M. Thayer, of Missouri, to be United States circuit judge for the eighth judicial circuit.

DISTRICT JUDGE.

Henry S. Priest, of Missouri, to be United States district judge for the eastern district of Missouri.

POSTMASTER.

Luther M. Embry, to be postmaster at Shelbyville, in the county of Shelby and State of Illinois.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August 9, 1894.*

The House met at 12 o'clock m. Prayer by the Rev. G. N. LUCCOCK, of Washington.

The Journal of the proceedings of yesterday was read and approved.

CORRECTION.

Mr. BRYAN. Mr. Speaker, on yesterday afternoon I presented a petition signed by about ten thousand citizens of the United States, residing in thirty-eight States, some of them in the State of Nebraska, which I have the honor in part to represent, asking for an investigation of the conduct of Attorney-General Olney, and I find that it does not appear in the RECORD this morning. I simply make the statement now that it may be known that it was presented yesterday. I have just learned that it got in so late as not to appear in the RECORD of to-day, but will appear to-morrow. I will say also that I appended to the petition a statement that it was introduced by request, and that I, not having any knowledge of the facts upon which the petition was based, expressed no opinion as to its merits, but presented it, because I believe in the sacredness of the right of petition.

The SPEAKER. The Chair understands that the petition came in late and was omitted from the RECORD of to-day, but that it will appear to-morrow.

COLLECTION OF TAXES AGAINST CORPORATIONS, ETC.

The SPEAKER laid before the House a bill (H. R. 6284) to prevent interference in the collection of State, county, and municipal taxes assessed against corporations and corporate property, and for other purposes, with an amendment of the Senate thereto.

Mr. CULBERSON. Mr. Speaker, I move that the House nonconcur in the amendment, and ask for a conference.

Mr. DINGLEY. Let the amendment be read.

The Senate amendment was read, as follows:

Whenever there shall be due any State, county, or municipal tax, which tax shall constitute a lien or claim upon property in the hands of a receiver appointed by a court of the United States, or any part thereof, it shall be the duty of the court to take order that such tax shall be paid promptly from said property, and no consumption or disposition of such property shall be permitted by said court until said tax shall be paid, except for the purpose of raising money to pay the same, without the consent of the officer whose duty it shall be to collect such tax, or except for the purpose of paying taxes due the United States.

Mr. DINGLEY. This seems to be an entirely new bill.

Mr. BURROWS (to Mr. CULBERSON). Why do you ask to nonconcur?

Mr. REED. I would like to hear what the original bill was.

The original bill (H. R. 6284) was read, as follows:

Be it enacted, etc., That taxes heretofore or hereafter assessed by State, county, or municipal authority against any corporation or corporate property shall not be classed as debts to be passed upon in the first instance by any court of the United States, but shall be collectible by the proper authorities of such State, county, or municipality according to the assessment, whether such corporation be in the hands of a receiver or not; and no judge or court of the United States shall have any other or greater authority or power to enjoin, restrain, or in any way interfere with the collection of such taxes against any corporation or corporate property in the hands or under the management of a receiver than if no such receivership existed; and the seizure as well as the sale of any property for the collection of any such taxes shall divest the receiver and the court of all control over the same: *Provided*, That any and all property taken out of the hands of the receiver and from under the control of the court and not sold for such taxes shall be returned to the receiver, and shall again be under the control of the court: *And provided further*, That a corporation or receiver of a corporation shall have the same right that a citizen of such State, county, or municipality may have, under the laws of such State, to apply for the abatement of any tax, or to sue or defend on account of any alleged overassessment or improper or illegal assessment in any court having jurisdiction.

SEC. 2. That all acts and parts of acts, in so far as the same are repugnant to or inconsistent with the provisions of this act, are hereby repealed.

Mr. REED. Did we pass such an act as that?

Mr. CULBERSON. Certainly we did, and it is good law; it has been so decided by the courts since the bill was passed.

Mr. REED. Then what are you passing the bill for?

Mr. CULBERSON. We want to make all the courts conform to it.

Mr. JOHNSON of Indiana. You want to make the courts of the United States inferior to the State courts. That is what you want to do.

Mr. CULBERSON. I move that the House nonconcur, and on that I demand the previous question.

Mr. REED. I think this ought to be referred to the Judiciary Committee. The amendment is a totally different bill.

The previous question was ordered.

The motion of Mr. CULBERSON was then agreed to. The Speaker appointed as conferees on the part of the House Mr. DE ARMOND, Mr. WOLVERTON, and Mr. POWERS.

SURVEYS OF PUBLIC LANDS.

The SPEAKER proceeded to lay before the House Senate bills for reference. The bill (S. 2234) to further amend section 2399 of the Revised Statutes of the United States was laid before the House.

Mr. McRAE. At the request of the Acting Commissioner of the General Land Office I ask unanimous consent for the immediate consideration of this bill.

The bill was read, as follows.

Be it enacted, etc., That section 2399 of the Revised Statutes of the United States, as amended by act of Congress of October 1, 1890, Statutes at Large, volume 26, page 650, be further amended so as to read as follows, namely:

"SEC. 2399. The printed manual of surveying instructions for the survey of the public lands of the United States and private land claims, prepared at the General Land Office, and bearing date June 30, 1894, the instructions of the Commissioner of the General Land Office, and the special instructions of the surveyor-general, when not in conflict with said printed manual or the instructions of said Commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands of the United States and private land claims."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COOMBS. Let us have some explanation.

Mr. McRAE. The bill, it seems to me, explains itself. The only point in it is that it makes the manual of surveying instructions a part of all contracts for public surveys, and this is desirable and entirely proper.

Mr. COOMBS. Has this bill been referred to the Committee on Public Lands of the House?

Mr. McRAE. It has not. This is a Senate bill which I have asked to take from the Speaker's table and pass it, upon the request of the Acting Commissioner of the General Land Office.

Mr. COOMBS. It seems to me it would be best that it should be considered by the committee of this House.

Mr. McRAE. Then it may not be reported back this session, as there is difficulty in getting a quorum of the committee now. It is important to pass it at once, so that it may apply to the new contracts for surveying.

Mr. COOMBS. Has the gentleman a request from the Secretary of the Interior that the bill be passed?

Mr. McRAE. I have a telegram from the Acting Commissioner of the Land Office, Mr. Bowers, received a few moments ago, requesting me to ask the immediate consideration of the bill, and I have done so. I know that it is important, or he would not ask such action.

Mr. COOMBS. And the Secretary of the Interior, you think, approves the measure?

Mr. McRAE. I imagine that he does. I am certain that the Acting Commissioner of the General Land Office would not ask legislation that the Secretary does not want.

Mr. COOMBS. It seems to me that this is a rather important question to be disposed of by the House without reference to a committee.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the House proceeded to the consideration of the bill, which was read three times, and passed.

On motion of Mr. McRAE, a motion to reconsider the last vote was laid on the table.

SENATE BILLS REFERRED.

Senate bills of the following titles were laid before the House, read twice, and referred as respectively stated:

A bill (S. 528) for the relief of A. W. Wells, administrator—to the Committee on War Claims.

A bill (S. 1018) granting a pension to Susan E. Cunningham—to the Committee on Invalid Pensions.

A bill (S. 1876) to provide for the payment of accrued pensions in certain cases—to the Committee on Invalid Pensions.

A bill (S. 2281) to authorize the Postmaster-General to credit account of James A. Sexton with amount of funds stolen—to the Committee on Claims.

LEAVE OF ABSENCE.

Mr. BRICKNER, by unanimous consent, obtained leave of absence indefinitely, on account of sickness.

LEAVE TO PRINT.

Unanimous consent (by request of Mr. TATE) was given to Mr. CAMPBELL to print remarks in the RECORD on the New York public building bill.

AMERICAN REGISTER FOR STEAMER S. OTERI.

Mr. MEYER. I ask unanimous consent for the present consideration of the bill (S. 1852) to provide an American register for the steamer S. Oteri.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer S. Oteri, owned by Salvador Oteri, a citizen of the United States, residing at New Orleans, La., and repaired in United States ports, to be registered as a vessel of the United States.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to cause the inspection of said vessel, steam boilers, steam pipes, and their appurtenances, and cause to be granted the usual certificate issued to steam vessels of the merchant marine, without reference to the fact that said steam boilers, steam pipes, and appurtenances were not constructed pursuant to the laws of the United States and were not constructed of iron stamped pursuant to said laws; and the tests in the inspection of said boilers, steam pipes, and appurtenances shall be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes.

Mr. PAYNE. I hope the report in this case will be read.

Mr. DINGLEY. Let the report be read, reserving the right to object.

The report (by Mr. BERRY) was read as follows:

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (S. 1852) to provide an American register for the steamer S. Oteri, submit the following report:

Your committee, having carefully considered said bill, adopt the Senate Report No. 459, hereto annexed, and recommend the passage of the bill.

[Senate Report No. 459, Fifty-third Congress, second session.]

The Committee on Commerce, to whom was referred the bill (S. 1852) to provide an American register for the steamer S. Oteri, having duly considered the same, report as follows:

The steamer S. Oteri was built in England in 1881, and has a tonnage of 542 tons net register. She has been engaged in the fruit trade between New Orleans and Honduras. She was wrecked in March, 1885, in the Gulf of Mexico, outside of American waters, when a shaft was broken and other injuries sustained, rendering her unseaworthy. She was towed into New Orleans and repaired at an expense of $9,373.55.

The steamship was again wrecked in August, 1887, in the Caribbean Sea, off the coast of Yucatan. Her machinery broke down, her cabins were swept overboard, together with nearly all her rigging, besides very serious damage being done to her hull and engines. She was again towed to New Orleans and docked in the shipyard of O. P. Valette, where she was thoroughly repaired at an aggregate cost of $22,021.75. Since this last wreck general repairs have been made aggregating $23,900.16.

A recent appraisement of the vessel, according to a valuation, under oath, by the president of the board of harbormasters and other officials at the port of New Orleans, is $25,000.

The statute requires that the repairs to a wrecked vessel must equal three-fourths of the value of the vessel after having been so repaired, and that this sum must have been expended in American ports to American labor.

The evidence shows an expenditure for repairs in American ports considerably in excess of the required three-fourths of her value, but having been wrecked outside of American waters, a special act of Congress is required to give the vessel an American register. As she is owned by an American citizen and has been substantially rebuilt in the United States, it is believed by your committee that she is justly entitled to this privilege.

A bill granting an American register to this vessel was favorably reported from the House Committee on Merchant Marine and Fisheries in the Fifty-first Congress, but was not acted on for want of time.

Your committee recommend the passage of the bill.

Mr. MEYER. Mr. Speaker, the report that has just been read states explicitly the facts in connection with this bill. I have in my hand, sir, for examination all necessary evidence to sustain these statements.

First. The affidavit of the owner giving history of the vessel and of the disasters and repairs.

Second. Affidavits of the owner of the dry dock at New Orleans where she was repaired.

Third. The appraisement of the vessel after being repaired.

A favorable report was made by the House Committee on Merchant Marine and Fisheries on this steamer February 12, 1891. This report was not acted on for want of time during that Congress. Mr. Oteri is an old, well-known, and highly respected citizen of New Orleans. He has four steamships in his line, all flying the American flag, and he desires greatly to have this one also under the banner of his country.

The Oteri has been practically rebuilt in the United States. She is now a good, substantial, and seaworthy vessel, made so by American labor in American shipyards. Many bills of this nature have passed. His case is in all respects similar to that of the Foxhall, which was granted a register by special act of the Fifty-second Congress, and also in all respects to that of the steamship El Callao, owned by B. F. Clyde, of Philadelphia, which has been registered by special act of the present Congress, and that of the steamship Goldsworthy, which was favorably acted upon by this House but a few days since.

At the time Mr. Oteri built this vessel, in 1881, he could not have one constructed in the United States within the time required, and was compelled to have it done in England.

Had she been built in this country of course an American register would have been granted him.

Now, that it is shown that he had substantially rebuilt her here, I trust that no objection will be made to the provisions of the bill, although a "child of misfortune," as the distinguished gentleman from Maine [Mr. REED] termed her, she is now staunch and strong, and under our American standard will redeem herself and prove a valuable addition to our commerce with our southern neighbors.

Mr. PAYNE. Could not this vessel get a new register under the amendatory act which we passed the other day?

Mr. MEYER. She could if that bill were a law; but it is not a law.

Mr. PAYNE. It has passed the House.

Mr. MEYER. But it may linger in the Senate; and inasmuch as the present bill has been passed by the Senate and approved by our committee, I can not see why this special act should not be passed.

Mr. DINGLEY. As I understand, the only reason this vessel can not be registered by the Secretary of the Treasury under existing law is that she was wrecked outside of American waters?

Mr. MEYER. That is the only reason.

Mr. DINGLEY. The vessel is appraised at $25,000, and the cost of repairs is $23,000.

Mr. MEYER. Yes, sir; such are the facts.

Mr. DINGLEY. Are those statements sustained by affidavits?

Mr. MEYER. As I have stated they are sustained by affidavits in my possession; and the evidence has passed the scrutiny of the committees of both the Senate and the House.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. MEYER, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOSIAH B. ORBISON.

Mr. PHILLIPS. I ask unanimous consent for the present consideration of the bill (H. R. 1279) for the relief of Josiah B. Orbison.

The bill was read.

Mr. COOMBS. I believe this bill was up before. I should like to hear the report.

Mr. PHILLIPS. I ask that the report be read.

The report (by Mr. MAHON) was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. KILGORE. I should like to know of what nationality this claimant was.

Mr. PHILLIPS. He was colored.

Mr. KILGORE. A colored man?

Mr. PHILLIPS. Yes; but not a citizen of the United States.

Mr. KILGORE. Why was he not at that time?

Mr. PHILLIPS. He could not be.

Mr. KILGORE. Where was he born?

Mr. PHILLIPS. I do not know; probably somewhere in the South.

Mr. KILGORE. Did not he owe something to the country in which he was born?

Mr. PHILLIPS. Well, however that may be, it was illegal to draft him.

Mr. KILGORE. Oh, I can not agree to that, Mr. Speaker. I object.

The SPEAKER. Objection is made.

CLERK TO COMMITTEE ON IRRIGATION, ETC.

Mr. COOPER of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution I send to the desk.

The Clerk read as follows:

Resolved, That the clerk to the Committee on Irrigation of Arid Lands be continued upon the rolls of the House until the end of the present session; and that he be paid at the rate of $2,000 per annum from and including July 31, 1894, until the end of the session, the same to be paid out of the contingent fund of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. WILSON of Washington. I would like to offer an amendment if I can, providing that the clerks of the members be continued.

The SPEAKER. The first question is whether there is objection to the request?

Mr. KILGORE. I do not understand this proposition.

Mr. OUTHWAITE. I would like an explanation of it by the gentleman from Indiana.

Mr. COOPER of Indiana. I will make an explanation.

This resolution provides that the clerk to this committee shall be continued until the end of the session. He was an annual clerk under existing law, or under the previous appropriation bill. The present legislative appropriation bill discontinued him as an annual clerk, and provided for putting him on the session roll. It was evidently the intention of the law, however, to put him on the session rolls, commencing at the time he was discontinued as an annual clerk; but the Comptroller thinks that as he is discontinued as an annual clerk, and being placed on the session rolls, the new arrangement will only apply to the next session. He is therefore working now without any compensation.

Mr. KILGORE. When did the change occur?

Mr. COOPER of Indiana. On the 31st of July of this year.

Mr. KILGORE. I would be willing to see any injustice done to this man corrected by a bill for that special purpose; but I do not see why we should discriminate in this particular case against all others who may be similarly situated.

Mr. COOPER of Indiana. This is the only case of the kind that will be found upon the roll.

Mr. KILGORE. I would be willing to see it corrected, but I do not propose to go further and put him on as an annual clerk.

Mr. COOPER of Indiana. This only provides that he shall be paid until the end of the present session of Congress. It does not put him on any permanent roll.

Mr. KILGORE. I understood it provided "at the rate of $2,000 per annum."

Mr. COOPER of Indiana. He has been an annual clerk, and this only provides that he shall be paid until the end of the session. We agree that he shall be transferred to the list of session clerks.

Mr. KILGORE. That is all there is of it?

Mr. COOPER of Indiana. That is all the resolution does.

Mr. COX. What compensation does this give him?

Mr. COOPER of Indiana. Only the compensation which he was entitled to. It was the evident intention of the legislative bill to put these clerks on the session roll during the next session.

Mr. COX. The compensation is just the same, then, that he has been receiving?

Mr. COOPER of Indiana. That is all.

Mr. DOCKERY. That was undoubtedly the intention—to continue the clerk until the end of this session.

There being no objection, the resolution was considered and agreed to.

MARIA DAVIS.

Mr. MAHON. I ask unanimous consent for the present consideration of the bill (H. R. 6186) for the relief of Maria Davis.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KILGORE. Let us have some explanation.

Mr. JONES. I will ask for the reading of the report.

Mr. BARTLETT. I object.

JOHN W. KENNEDY.

Mr. PENDLETON of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4162) for the relief of John W. Kennedy.

The bill was read at length.

Mr. COOMBS. Let the report in that case be read.

The report was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FITHIAN. I desire to ask the gentleman a question. By what authority was this attorney employed?

Mr. PENDLETON of West Virginia. By the district attorney, with the assent of the Attorney-General of the United States. The district attorney lived 350 miles from where the case was to be tried and where the testimony and local management was to be had.

Mr. FITHIAN. There is nothing in the record which indicates that the Attorney-General directed the district attorney to employ outside counsel.

Mr. PENDLETON of West Virginia. But there are letters on file with the evidence in the case——

Mr. FITHIAN. They are not contained in the report.

Mr. PENDLETON of West Virginia. I know; but the report shows that this was done with the assent of the Attorney-General. That is all contained in the report.

Mr. FITHIAN. The law requires that this service shall be performed by the district attorney in such cases; and it is proper that he should take charge of the case of litigation in which the United States is concerned. I do not think the Government ought to be subject to the payment of extra counsel fees in a case of this character.

Mr. PENDLETON of West Virginia. Do not object to it now.

Mr. FITHIAN. I do object.

The SPEAKER. Objection is made.

Mr. DOCKERY. Regular order.

PERSONAL PRIVILEGE.

Mr. BOUTELLE. I rise to a personal statement, Mr. Speaker.

The SPEAKER. The Chair did not hear the statement of the gentleman.

Mr. BOUTELLE. I rise to a question of personal privilege.

The SPEAKER. The gentleman states that he rises to a question of personal privilege.

Mr. BOUTELLE. On the 30th day of July, Mr. Speaker, I introduced publicly in the House and asked the immediate consideration of a series of resolutions embodying a cordial recognition of the Republic of Hawaii. They were decided by the Speaker not to be privileged resolutions, and were referred to the Committee on Foreign Affairs. At a meeting of that committee, held subsequently, it was reported in the public press that those resolutions were considered.

Mr. McCREARY of Kentucky. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. McCREARY of Kentucky. I fail to find a question of personal privilege in the gentleman's statement.

Mr. BOUTELLE. I am endeavoring to enable the Speaker to find a question of privilege in my statement, which is very much more important than that the gentleman from Kentucky should ascertain it. In order to convince him I might be compelled to take more of the time of the House than I would care to occupy. [Laughter.]

In the public reports of the proceedings alleged to have taken place before that committee, which were unusually detailed, although, of course, I am unable to state with what accuracy they were given, the gentleman from California, my esteemed friend Mr. GEARY, was reported to have said—and I read from the Washington Star—that—

Mr. GEARY furnished the most interesting passages of the discussion to-day, as he did at the first meeting. He informed his Democratic colleagues frankly that Mr. BOUTELLE had introduced the resolution hoping and expecting that the Democrats would reject it. For one he did not propose to help to fulfill Mr. BOUTELLE's desire and furnish the Republicans with campaign material.

Now, Mr. Speaker, I have no idea that the gentleman from California used that language. I do not believe that he imputed to me any lack of faith in my action as a Representative upon this floor. That report has gone to the public, nevertheless; and I desire here and now absolutely to repudiate and denounce any imputation, from any source, or in any language or degree, that I introduced those resolutions with any other motive than that of absolute good faith; that from the beginning until now I have had any desire or have used any influence to accomplish any other purpose than a prompt and cordial passage of those resolutions by the House of Representatives as expressive of the practically universal sentiment of the American people on this subject.

And in confirmation of that statement, Mr. Speaker, I desire to say that I have conversed and pleaded with numerous Democratic members of the Committee on Foreign Affairs not to delay or obstruct the passage of these resolutions; that instead of seeking to obtain any Republican advantage through the failure of Democrats to rise to their plain duty in this case, I have urged upon those gentlemen repeatedly the importance, from a na-

tional and patriotic point of view, of a prompt and favorable consideration and report of those resolutions.

Among those members I may cite the chairman of the committee himself; and the gentleman must certainly confirm my statement, that I have not only once, but repeatedly, urged upon him my belief that this question had reached a point when partisanship should be laid aside, that the mistakes of the past should be ignored, and that the dignity and traditions of the House of Representatives, and the honor of our country among the nations of the world should be vindicated by extending a cordial welcome to the new Republic.

Now, Mr. Speaker, I take up a leading Democratic paper, the New York World, this morning, and the information that it conspicuously proclaims seems to demonstrate that instead of my acting in a partisan manner, instead of my attempting to use this great subject for the purpose of making political capital, this paper states that the Executive Administration of the United States Government has been so using it for the purpose of discrediting the action of a Republican Representative upon this floor—myself—and of anticipating and preventing a proper and independent expression of the House of Representatives upon an important public matter.

A special dispatch in this morning's New York World, headed "Recognition for Hawaii," states that—

The Republic of Hawaii has been formally recognized by the United States, through the President and Secretary of State, etc.

And then it goes on to say:

Secretary Gresham visited the Capitol to-day and informed Senator GRAY, of the Senate Foreign Relations Committee, and Chairman MCCREARY, of the House Committee on Foreign Affairs, that the President had formally recognized the Hawaiian Republic. No official announcement of the action taken was given out for publication to-day, and for this reason neither Senator GRAY nor Mr. MCCREARY would discuss the subject.

So far as the House was concerned, secrecy was observed for the purpose of springing a surprise on the Republicans to-morrow.

Then, a little further on, it proceeds to say:

The Boutelle resolution will be considered again at to-morrow's meeting of the committee, when Chairman MCCREARY *expects to surprise the Republicans* by announcing that no object could be served by reporting the resolution, as the Government has already recognized the Hawaiian Republic.

This, Mr. Speaker, in spite of the oft-repeated official assurances given this House by the Executive that the disposition of the Hawaiian matter had been transferred to Congress and that in dealing with it the Executive Department of the Government desired to take into its confidence in the fullest manner the House of Representatives and the Senate of the United States. Mr. Speaker, I am willing that this Administration and the chairman of the Committee on Foreign Affairs shall take to themselves all of the credit, all of the honor, and all of the glory they may be able to obtain by "getting ahead" of Mr. BOUTELLE and "springing this surprise upon the House of Representatives."

But, Mr. Speaker, I desire to call the attention of this House, and the attention of the Committee on Foreign Affairs, to the fact that this subject can not rest here; that if the Secretary of State of the great American Republic, instead of dealing with this grave international matter in the broad, open, and dignified manner befitting its importance, sees fit to sneak up into the lobby of the House and privately inform the chairman of the Committee on Foreign Affairs that certain great international transactions have occurred, but which were to be kept secret from the House "for the purpose of springing a surprise on the Republicans" next day——

Mr. OUTHWAITE. I call the gentleman to order.

Mr. BOUTELLE. I desire, Mr. Speaker, to say that the duty rests upon this House as imperatively——

The SPEAKER. The gentleman from Maine will suspend. The gentleman from Ohio calls the gentleman to order.

Mr. BOUTELLE. Oh, I did not know that the gentleman from Ohio had appeared!

Mr. OUTHWAITE. The gentleman from Maine rose ostensibly to a question of privilege. To that no objection could be made. He has taken the opportunity to use disrespectful language of a member of the Cabinet, and I submit that that is not in order.

The SPEAKER. The gentleman from Maine will please confine himself to his personal explanation.

Mr. BOUTELLE. Mr. Speaker, I desire to proceed absolutely in order, and if the Speaker will rule that my remark transgresses in the slightest degree the parliamentary privileges of this floor I will withdraw it. I ask for a ruling by the Chair.

The SPEAKER. The Chair rules that the gentleman rose to a question of personal privilege, and under the guise of that has discussed another subject. He has no right to go beyond the question of personal privilege.

Mr. BOUTELLE. I will keep directly to the question.

The SPEAKER. That is all the Chair desires.

Mr. BOUTELLE. Mr. Speaker, it is a question not only of my own personal privilege, but of the privilege of this House which is thus raised, and when we are informed by a public newspaper which is regarded as a semiofficial organ of the Administration, that it has been deliberately determined to take such a furtive course in regard to a great public matter as to elude and evade an expression of the sentiment of the House of Representatives; to take advantage of the House; to prevent the House from exercising those functions of sympathy which it never has failed to exercise on such occasions, it seems to me, Mr. Speaker, that we have presented a question of very high and important privilege.

I desire to say to the Foreign Affairs Committee, concerning which it is rumored—I have no right to know what has transpired in the committee—concerning which it is rumored that by a majority and partisan vote it has substantially taken the ground that the Executive Department having recognized the Republic of Hawaii, it is therefore unnecessary for this House to have anything to say about it—I desire to inform that committee that if they adhere to that course they will traverse the undeviating precedents and traditions of this Republic and of this body, and we shall have, for the first time in the history of the United States, the advent of a new republic among the galaxy of free nations without an expression of cordial welcome and congratulation from the Congress of the greatest republic of all, the United States of America. [Applause on the Republican side.]

Mr. Speaker, the mere formal performance of a duty on the part of the Executive which ought to have been performed long ago, long before the emmissaries of a defunct monarchy were allowed to find a side-door entrance to the anterooms of power—the fact that the Administration has performed this duty reluctantly, haltingly, grudgingly, and secretively—for to-day this great body, representing the people and expected to speak for the people, is officially unaware of the great public transaction, notification of which has been peddled out to some partisan members of this body. I say, the fact that the Administration has in such a manner, at this late day, performed that duty, does not relieve us from our responsibility or our duty.

Mr. Speaker, it would be gross disrespect to a great commercial product of several States in this Union for me to denounce the course pursued by the Administration in this whole transaction as "peanut politics." [Laughter.] The outrage upon every principle of public honor that has characterized the so-called "Hawaiian policy" from the beginning has been carried fittingly to the end, and while, in the outset, every principle of international probity, every idea of national dignity, every sentiment of public honesty, and every impulse of American manhood have been trampled under foot by this Administration, we have to-day another attempt to violate the unbroken precedents and traditions of the House of Representatives of the United States.

In the name of the people, in the name of the people's representatives, in the name of popular government, in the name of freedom for mankind, in the name of that sentiment which recognizes struggles for liberty wherever they exist or succeed, I ask this House to repudiate this mass of tergiversation, to come back to the bedrock of the first principles of the Republic in its better days, and to join heartily in doing what ought to have been done long ago, namely, to express our cordial congratulations to the Republic of Hawaii. [Applause on the Republican side.]

And, Mr. Speaker, with that view and to place the responsibility exactly where it may belong——

Mr. COOMBS. I call the gentleman to order.

The SPEAKER. The gentleman from New York calls the gentleman from Maine to order.

Mr. BOUTELLE. I will proceed in order.

The SPEAKER. The gentleman has gone away beyond the question of personal privilege.

Mr. BOUTELLE (holding up a paper). Mr. Speaker, to place the responsibility where it may belong, I ask unanimous consent for the passage of the resolutions of congratulation——

The SPEAKER. The gentleman from Maine has been called to order.

Mr. BOUTELLE. Let any man, be he whom he may, take the responsibility of objecting——

The SPEAKER. The gentleman from Maine will come to order. He has transgressed the rules of the House. He has gone beyond the question to which he referred——

Mr. BOUTELLE. I rise to a question of order.

The SPEAKER (a messenger from the Senate having appeared at the bar of the House). The House will receive a message from the Senate.

Mr. BOUTELLE. I rise to a question of order.

Mr. OUTHWAITE. The gentleman has been called to order.

The SPEAKER. The gentleman from Maine will be seated.

Mr. BOUTELLE. I ask unanimous consent for the passage of this resolution——

The SPEAKER. The gentleman from Maine will be seated. The rules of the House can not be continuously and persistently disregarded by the gentleman from Maine.

Mr. BOUTELLE. Will the Chair kindly inform me in what particular I have violated the rules?

The SPEAKER. The gentleman rose, as he stated, to a question of personal privilege in regard to some matter referring to himself in the public prints, but he has discussed a question entirely foreign to that; and the gentleman must know from his long experience here that he has violated the rules of the House.

Mr. BOUTELLE. I desire to say that I immediately informed the Speaker that my question of personal privilege involved also a question of the privileges of this House.

The SPEAKER. That is another question.

Mr. BOUTELLE. That is exactly what I stated.

The SPEAKER. The gentleman was recognized to present a question of personal privilege, and he read from a public print something that he said reflected upon his motives, and the Chair thought that was a question of personal privilege. But the gentleman has gone away beyond that——

Mr. BOUTELLE. Does the Speaker rule that what I have stated does not constitute a question of the privileges of the House?

The SPEAKER. The Chair rules that when a gentleman is called to order, he is not in order in continuing to occupy the floor and to address the Chair.

Mr. BOUTELLE. I insist upon a ruling on the question of the privileges of the House which I have presented.

The SPEAKER. The gentleman from Maine will take his seat.

Mr. BOUTELLE. I ask a ruling on the question of privilege.

The SPEAKER. The gentleman from Maine will conform to the rules of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1688) for the relief of Enoch Davis;

A bill (S. 1706) to provide registers for the steamers Claribel and Athos;

A bill (S. 1772) extending the time for the completion of a railroad bridge over the Columbia River at or near Vancouver, in the State of Washington;

A bill (S. 1969) granting a pension to Harrison C. Hobart, brevet brigadier-general of volunteers;

A bill (S. 2107) granting to the Northern Mississippi Railway Company right of way through certain Indian reservations in Minnesota; and

A bill (S. 2261) to further encourage the holding of a world's exposition at Atlanta, Ga., in the year 1895.

The message also announced that the Senate had passed without amendment the bill (H. R. 1589) for the relief of Louis Pelham.

The message also announced that the Senate had passed with amendments the bill (H. R. 7380) to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company, asked a conference with the House on the bill and amendments, and had appointed Mr. PUGH, Mr. VILAS, and Mr. PLATT as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 4667) to provide for the opening of certain abandoned military reservations, and for other purposes, asked a conference with the House on the bill and amendments, and had appointed Mr. PASCO, Mr. MCLAURIN, and Mr. CAREY as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 7006) to authorize the Washington, Alexandria and Mount Vernon Electric Railway Company to extend its line of road into and within the District of Columbia, and for other purposes, asked a conference with the House on the bill and amendments, and had appointed Mr. FAULKNER, Mr. HARRIS, and Mr. MCMILLAN as the conferees on the part of the Senate.

QUESTION OF PRIVILEGE.

Mr. MCCREARY of Kentucky. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MCCREARY of Kentucky. I rise to a question of privilege.

The SPEAKER. The gentleman from Kentucky states that he rises to a question of privilege. The House will be in order.

Mr. MCCREARY of Kentucky. Mr. Speaker, the gentleman from Maine [Mr. BOUTELLE], who never loses an opportunity to parade before this House his views on Hawaiian affairs, has referred to the Committee on Foreign Affairs, and I desire to respond to him briefly.

The Committee on Foreign Affairs has used all proper dispatch, and has in accordance with every precedent taken proper action with regard to the resolution offered by the gentleman from Maine on the 30th day of last month.

The gentleman from Maine, before any information had been officially communicated to the House of Representatives that the Republic of Hawaii had been established and proclaimed, offered in this House resolutions recognizing that Republic and congratulating the people on their self-government, which were referred to the Committee on Foreign Affairs. Those resolutions, the gentleman from Maine [Mr. BOUTELLE] said, were in a form similar to resolutions offered by me when Brazil threw off the monarchy and proclaimed the republic.

I did offer resolutions similar to those; but the Republicans in this House at that time refused to allow them to be considered; and when they were referred to the Committee on Foreign Affairs that committee, then having a majority of Republican members, refused to consider them. After awhile, however, in accordance with the precedents, the President of the United States, Mr. Harrison, recognized the Republic of Brazil.

The Committee on Foreign Affairs have given proper consideration to the resolutions offered by the gentleman from Maine [Mr. BOUTELLE]. There is no necessity for demagogy. There is no necessity for any criticism of the Committee on Foreign Affairs. That committee has acted with more promptness and courtesy than was extended when resolutions were offered with regard to the recognition of the Republic of Brazil in 1890.

Mr. BOUTELLE. Will the gentleman allow me?

Mr. MCCREARY of Kentucky. I decline to be interrupted.

Mr. BOUTELLE. Does the gentleman desire to answer a question just there in that connection?

Mr. MCCREARY of Kentucky. Unless the gentleman has a question directly in point——

Mr. BOUTELLE. Oh, a very brief question. I simply want to ask if the committee is favorable or otherwise to the resolution?

Mr. MCCREARY of Kentucky. I will state, Mr. Speaker, that the members of the Committee on Foreign Affairs in connection with this matter have done their full duty. When similar resolutions recognizing the Republic of Brazil were offered by myself and referred to the Committee on Foreign Affairs they were not only not considered by the committee, but they were referred to a subcommittee, which never reported. It was then claimed that as the President had recognized the Republic of Brazil pending the consideration of the resolutions it was not necessary to adopt them.

Mr. BOUTELLE. Does not the gentleman know——

Mr. MCCREARY of Kentucky. I decline to be interrupted.

I desire to say to him and to this House that we followed the precedents of the past. It has been an unbroken rule for many years in the United States when a monarchical form of government has been overthrown and a republican form of government established in any foreign country for the President of the United States in a reasonable time to recognize the republic.

Mr. FITHIAN. Mr. Speaker, I rise to a question of order. I make the point of order that the gentleman from Kentucky is not stating any question of privilege. We have had about enough of this Hawaiian matter, and I think we had better put a stop to it right here and now.

Mr. MCCREARY of Kentucky. I am answering the statement of the gentleman from Maine, in which he criticised the Committee on Foreign Affairs.

Mr. FITHIAN. Well, we have had enough of Hawaii; let us put an end to it now.

Mr. MCCREARY of Kentucky. I will finish in a moment.

Mr. FITHIAN. I insist upon the point of order.

The SPEAKER. The Chair will state to the gentleman from Kentucky that the discussion of the Hawaiian question does not constitute a question of privilege. Neither does the question of the action of the Committee on Foreign Affairs constitute a question of privilege. The gentleman from Maine read an extract from a newspaper and stated that it imputed to him improper motives, and thereupon proceeded to discuss the Hawaiian question——

Mr. MCCREARY of Kentucky. But, Mr. Speaker, the gentleman from Maine charged improper motives on the Committee on Foreign Affairs.

Mr. BOUTELLE. I charged absolute inaction, and charge it now.

Mr. MCCREARY of Kentucky. To that charge I wish to respond.

The SPEAKER. What does the gentleman understand as constituting a question of privilege; the term "inaction" of the committee?

Mr. McCREARY of Kentucky. The gentleman charged improper motives to the committee in not reporting a resolution in one week which is not privileged, and which, I think, if reported would have been discourteous and an infringement of the rights of the President.

The SPEAKER. But this is no question of privilege. There is no reflection on the gentleman. If there was, it would authorize him to rise to a question of privilege. But the mere inaction of the committee, if that is the charge of the gentleman from Maine, can not constitute a question of privilege.

Of course the Chair would recognize the gentleman if the question, in the judgment of the Chair, involved one of privilege; but the mere question of the action of the Committee on Foreign Affairs, or the inaction of the committee, or any other committee, in relation to the measures brought before it, the Chair does not think constitutes a question of privilege. If that were so, why, of course, we might discuss everything that was discussed before any of the committees of the House.

Mr. McCREARY of Kentucky. But the gentleman from Maine has, as I have said, charged improper motives on the part of the committee, and that makes a question of privilege. A charge of improper conduct on the part of a committee, or of any member of the House, constitutes a question of privilege; for one of the rules of the House declares that questions of privilege are those affecting the rights, reputation, or conduct of members individually in their representative capacity.

Now, Mr. Speaker, in answer to the gentleman——

Mr. FITHIAN. Mr. Speaker, is there not a regular order for to-day?

The SPEAKER. There is.

Mr. FITHIAN. Then let us have it.

The SPEAKER. The gentleman demands the regular order.

Mr. McCREARY of Kentucky. Mr. Speaker, the Committee on Foreign Affairs has followed an unbroken precedent——

The SPEAKER. Will the gentleman state his question of privilege?

Mr. McCREARY of Kentucky. I understand the gentleman from Maine to say that the Committee on Foreign Affairs, of which I am a member, was prompted by improper motives in making no report on his resolution. Now, any question affecting the conduct of any member of the House, or the action or the integrity of a committee of the House, is a question of privilege, and to that question I wish to address myself.

The SPEAKER. What does the gentleman understand by "improper" motives? There must be something reflecting either upon the committee or the gentleman himself, to warrant the assertion that he presents a question of privilege.

Mr. McCREARY of Kentucky. The manner of the gentleman from Maine and the words used by him indicate it.

Mr. BOUTELLE. I withdraw the "manner." [Laughter.]

Mr. McCREARY of Kentucky. I desire to close the discussion which, if not in order now I think it was not in order when it first began, with a few words.

Mr. BOUTELLE. The gentleman from Kentucky has manner enough for both of us.

Mr. McCREARY of Kentucky. I wish only to say in conclusion that the committee followed the unbroken line of precedents in their action in regard to the resolution of the gentleman from Maine. It has been the custom of the House for many years, and was the custom when the Republican party had control of the House, for the recognition of a republican form of government, established on the ruins of a monarchical system, to be first made by the President of the United States.

When the empire of France was overthrown and the republic proclaimed the President of the United States recognized the republic. When the republic of Brazil was declared it was recognized in due time by the President of the United States. When the Argentine Republic and the republics of Chili and Peru and Mexico and Guatamala were severally proclaimed, they were in a few months recognized by the President of the United States. In some instances, afterwards Congress passed congratulatory resolutions. The gentlemen from Maine desired that there should be a recognition of the Hawaiian Republic by the Congress of the United States before the President had time to take any action upon the subject.

Mr. FITHIAN. I renew my point of order. I am getting tired of hearing this entire discussion.

The SPEAKER. The gentleman makes the point that no question of privilege is presented.

Mr. McCREARY of Kentucky. I can only state in conclusion——

Mr. FITHIAN. I demand the regular order.

Mr. McCREARY of Kentucky (continuing). That the committee has followed the unbroken line of precedents.

The SPEAKER. The regular order is the call of committees for reports.

Mr. BOUTELLE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BOUTELLE. My inquiry is whether it would be in order at this stage to ask unanimous consent for the immediate consideration of these resolutions?

The SPEAKER. The regular order has just been demanded.

Mr. BOUTELLE. I ask unanimous consent that the Committee on Foreign Affairs be discharged from the further consideration of the resolutions, and that they be considered now in the House.

The SPEAKER. The demand for the regular order cuts off all requests for unanimous consent.

Mr. BOUTELLE. When will it be in order?

The SPEAKER. When the regular order is demanded, it is never in order, of course, to ask unanimous consent. The regular order is the call of committees for reports.

SILK CULTURE.

Mr. ALEXANDER, from the Committee on Agriculture, reported favorably the bill (S. 115) for the development and encouragement of silk culture in the United States under the supervision of the Secretary of Agriculture; which was referred to the Committee of the Whole House on the State of the Union, and, with the accompanying report, ordered to be printed.

ADULTERATION AND MISBRANDING OF FOODS AND DRUGS.

Mr. HATCH, from the Committee on Agriculture, reported favorably the bill (H. R. 4863) to prevent the adulteration and misbranding of foods and drugs, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADDITIONAL COMPENSATION TO ASSISTANT COMMISSIONERS TO INDUSTRIAL EXPOSITION AT MELBOURNE.

Mr. TUCKER, from the Committee on Foreign Affairs, reported favorably the bill (S. 2024) authorizing additional compensation to the assistant commissioners to the Industrial Exhibition held at Melbourne, Australia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

OLEOMARGARINE AND IMITATIONS OF DAIRY PRODUCTS.

Mr. FORMAN, from the Committee on Agriculture, reported favorably the bill (H. R. 7125) to make oleomargarine and all other imitation dairy products subject to the laws of the State or Territories into which they are transported; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PREVENTING FREE USE OF TIMBER ON PUBLIC LANDS.

Mr. McRAE, from the Committee on the Public Lands, reported back with amendment the bill (H. R. 7854) to prevent the free use of timber on the public lands and to revoke all permits heretofore granted in certain States, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. McRAE, from the Committee on Public Lands, asked that that committee be discharged from the further consideration of the bill (H. R. 7855) donating 640 acres of land to Oklahoma Territory for a home for old soldiers, and for other purposes, and that the same be referred to the Committee on Military Affairs.

The SPEAKER. The Committee on Public Lands will be discharged from the further consideration of this bill, and it will be referred to the Committee on Military Affairs.

PUBLIC LANDS IN CHEROKEE STRIP FOR CEMETERY PURPOSES.

Mr. LATIMER, from the Committee on the Public Lands, reported adversely the bill (H. R. 5470) to authorize legally organized cities and towns in the Cherokee Strip, Oklahoma Territory, to purchase public lands for cemetery purposes; which was ordered to lie on the table.

RIGHT OF WAY THROUGH YAKIMA INDIAN RESERVATION.

Mr. CURTIS of Kansas, from the Committee on Indian Affairs, reported favorably the bill (H. R. 6854) to grant the Tacoma and Yakima Land Company a right of way through the Yakima Indian Reservation; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CLERKS TO MEMBERS.

Mr. RUSK, from the Committee on Accounts, reported favorably the resolution relative to clerk hire to Members and Delegates during the period from adjournment of the present session until the assembling of the next regular session; which was re-

ferred to the Union Calendar, and, with accompanying report and views of the minority (filed by Mr. TATE), ordered to be printed.

The SPEAKER. This completes the call of committees for reports.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DRAPER, indefinitely, on account of sickness.

The SPEAKER. The morning hour begins at fifteen minutes past 1 o'clock, and the Committee on the Militia has a bill before the House. The bill is in Committee of the Whole. The Clerk will report the title of the bill.

EFFICIENCY OF THE MILITIA.

The Clerk read as follows:

A bill (H. R. 5039) to promote the efficiency of the militia.

Mr. MEYER. I move that the House resolve itself into Committee of the Whole for the further consideration of the pending bill.

The question being taken, the Speaker declared that the ayes seemed to have it.

Mr. FITHIAN. I ask for a division.

The House divided; and there were—ayes 60, noes 20.

Mr. FITHIAN. Let us have the yeas and nays, Mr. Speaker.

The question being taken on ordering the yeas and nays, they were refused; only 6 members voting in favor thereof.

The motion of Mr. MEYER was then agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. OUTHWAITE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for further consideration of the bill (H. R. 5039) to promote the efficiency of the militia.

Mr. MEYER. Mr. Chairman, I doubt very much indeed whether it will be practicable within the short time allotted for the consideration of this bill to pass it to-day, but even if it must be postponed, I believe that much will have been gained by the brief discussion of yesterday and to-day. There is a great deal of ignorance, a great want of knowledge of the laws governing the militia of this country. In the bill which we have before us there is very little that is altogether new. As I stated yesterday, it proposes to remodel and adapt to modern conditions the laws which have been in existence for a hundred years.

And now, sir, let us look at our present force as it stands, and our possible necessities for the future.

The last annual message of the President states the strength of the regular Army on the 30th day of September last at 25,778 enlisted men and 2,144 officers. The expense of this military establishment, exclusive of fortifications, was about thirty millions of dollars per annum.

The President says that the total enrollment of the militia of the several States was on the 31st of October last, 112,597 officers and enlisted men.

The officers of the Army detailed for the inspection and instruction of this reserve of our military force report that increased interest and marked progress are apparent in the discipline and efficiency of the organization.

The report of the Adjutant-General of the Army, giving an abstract of the militia force by States and Territories, with specifications of each branch of the organized force, accompanies House Report No. 619, presented with the pending bill.

Sir, there is no example on earth of so small a regular army for a country so vast as our own, and having such a large population and wealth to be defended, with such an enormous frontier line and seacoast, and so many points of attack by foreign foes.

Mr. FITHIAN. If it is necessary to have a larger standing Army, would it not be better that the General Government should increase the regular Army?

Mr. MEYER. I will say to the gentleman from Illinois that I am no advocate of an increase of the regular Army. On the contrary, I should oppose such a proposal, and this bill does not contemplate anything in that direction.

Mr. FITHIAN. It nationalizes the militia of every State and Territory, and of the District of Columbia.

Mr. MEYER. I think that on a careful reading of the bill the gentleman will find there is nothing in it whatever that looks in the remotest degree towards nationalizing the militia of the States.

Mr. FITHIAN. Does it not provide that inspectors are to be appointed by the Federal Government to inspect the militia of the different States and Territories?

Mr. BAKER of New Hampshire. That is already the law.

Mr. FITHIAN. That inspectors shall be appointed to inspect the militia of the States?

Mr. BAKER of New Hampshire. Yes, sir; to visit every encampment every year.

Mr. MEYER. I will state to the gentleman that the War Department sends an officer to any State encampment whenever application is made by the State authorities, for the purpose of inspecting the militia and making a report under the direction of the State commander; and the only provision in this bill looking in that direction is that it proposes to authorize the Secretary of War, upon the application of the governor of any State, to assign an officer of the regular Army to that State to serve under the governor and to give instruction to the organized militia of the State.

And the gentleman will remember that this is to be done only in the event that the governor of the State should apply for it. Furthermore, if at any time the State government should request the Secretary of War to recall such officer, he must be recalled, under the provisions of this bill, and, on the other hand, the Secretary of War has authority to recall such officer at his discretion. Beyond that there is nothing in this bill which looks to any Federal supervision, and I think the gentleman will admit that that is not Federal supervision, in any objectionable sense.

Mr. Chairman, it is true that there is now little fear of Indian wars on any large scale, such as we have had up to a very recent date in our history; but while this danger is greatly diminished by the construction of the transcontinental railroads and the advance of civilization and population in all the States and Territories, the risk of trouble from this quarter is not wholly removed. It would be an act of great unwisdom to assume that we can treat all the Indian tribes as no longer to be distinguished from the other citizens of the country, and as requiring no military guard or control. To do so would be to invite aggressions upon them from bad white men and conflicts among themselves, or disorders by their young braves.

But, sir, there is to be defended, the long seacoast of the Pacific and the Atlantic Oceans, our many fortifications, arsenals, our mints and depositaries of treasure in the great cities, our public records and departments at the national capital, and last, not least, our long line of northern frontier where we see the flag of a great nation with which we have had two fierce wars in our history, and have had repeated international questions which have led us to the very verge of war. It may be happily true that between the people of England and the people of the United States there is now a greater feeling of amity than at any time in the past and a more intimate and a larger commercial intercourse; but, sir, we must remember that England has her own policy and interests to pursue and they often infringe upon our own. Whenever these two may conflict the British Government will not be sentimental, but eminently practical.

Moreover, sir, she will be ready for war. She is ready. Her fleet is more than ten times our own in effective strength, her regular force far outnumbers our own, and is easily mobilized. The Atlantic Ocean, once so great an obstacle to her attacks upon us, is now an absolute convenience and facility—a highroad which, with her war steamers and commercial marine, would enable her to hurl 50,000 troops upon an exposed point of our coast in twelve or fourteen days. Out of our small regular Army how many could be spared for a special point of service? In the past few days there were reasons which, in the judgment of the President, required a concentration of United States troops at Chicago, Sacramento, and some other points in order to enforce Federal authority and laws.

Mr. FITHIAN. Does the gentleman claim that at the time when Federal troops were sent into Illinois the governor and the State authorities were not able to maintain the peace of the State?

Mr. MEYER. I do not propose, Mr. Chairman, to discuss that question, as the time at my command is so limited, nor do I think that it pertains especially to this subject.

Mr. HEPBURN. You might answer that, whether the governor was able or not, he was not doing it.

Mr. CANNON of Illinois. I hope the gentleman from Louisiana will make the answer that the governor of the State of Illinois was not maintaining the peace, and that, on the contrary, he protested when the President exercised his power under the Constitution for that purpose.

Mr. FITHIAN. I want to say to my colleague that I differ with him entirely in that regard. The fact is that the governor of the State of Illinois at the time the Federal troops were sent there had not been called upon by either the mayor of the city of Chicago or the Republican sheriff of Cook County to send a single company of State militia into Cook County. As soon as the demand was made upon the governor, he did send the militia. There is a sufficient organized militia force in the State of Illinois to protect the peace of the State, and the present governor of the State, whenever the demand is made by the constituted authorities, can and will protect the peace without the interference of any Federal authority.

Mr. MEYER. Since my friend from Illinois [Mr. FITHIAN]

desires an answer to his question, I will cheerfully give it, although I did not propose to enter into that subject at all.

I do believe—I believed at the time, and in the light of the experience of the past month I am confirmed in that belief—that the exigency had arrived when it was necessary for the President to call for troops of the United States to maintain peace and order in the city of Chicago; nor need his action be necessarily construed as a reflection upon the governor of Illinois. The conditions required prompt action.

Mr. FITHIAN. You believe, then, that it is the duty of the President to invade a State with Federal troops before he is requested to do so by the governor or the Legislature of a State?

Mr. MEYER. Allow me to say——

Mr. FITHIAN. Answer that question. Is that your belief?

Mr. MEYER. I will answer the gentleman's question. It is not my belief that it is the duty of the President to invade a State under the conditions suggested by the gentleman from Illinois, unless the situation is so critical that, in his judgment, urgency demands it.

Mr. FITHIAN. That was not the condition in the State of Illinois.

Mr. MEYER. But I do assert that under the Constitution of the United States, and in accordance with every law that has been recorded on the statute book for the last hundred years, the President has the right which he exercised in that case. I do believe that had he not exercised it at the time he did we would have had greater riots and greater destruction, and possibly civil war, in the city of Chicago and the State of Illinois. I think, sir, that the history of the past——

Mr. FITHIAN. In other words, you believe that the State of Illinois is not capable of self-government. The fact is that when troops were sent into Cook County the governor had not been called upon by the sheriff of that county or by the mayor of Chicago to send a single company of militia there.

Mr. MEYER. I do not think that my language is capable of such an interpretation.

Mr. HEPBURN. Did he not know the condition?

Mr. FITHIAN. He knew what was in the newspapers, the same as everybody else did. The fact of the matter is that at the time Federal troops were sent into Cook County the mayor of Chicago and the sheriff of Cook County were keeping the peace there; and if matters had reached a point where the militia of the State of Illinois under the command of the governor was not sufficient to cope with the rioters, then the governor would have called upon the President of the United States to send Federal troops there. I claim that it is a Democratic doctrine that the President has no right to send troops into a State until he is requested to do so by the governor or the Legislature of a State. And I want to say that any gentleman who takes the contrary position on the floor of this House is flying in the face of Democratic doctrine that has been adhered to ever since the organization of the Democratic party.

Mr. MEYER. Mr. Chairman——

Mr. CANNON of Illinois. Will my friend from Illinois yield to me five minutes in order that I may reply to my colleague [Mr. FITHIAN]?

Mr. MEYER. I will yield a little later.

Mr. CANNON of Illinois. I desire to answer him right now. Mr. Chairman——

The CHAIRMAN. The gentleman from Louisiana [Mr. MEYER] is entitled to the floor.

Mr. CANNON of Illinois. I believe the gentleman yields to me five minutes.

Mr. MEYER. I prefer to go on with my remarks.

The CHAIRMAN. The gentleman from Louisiana declines to yield.

Mr. CANNON of Illinois. As my colleague [Mr. FITHIAN] has spoken of the condition of affairs in Illinois—his State and mine—I appeal to the gentleman from Louisiana that he allow me, just at this point while the matter is fresh, to state what I understand the fact to be.

Mr. PICKLER and others. That is right.

Mr. MEYER. I shall be very glad to yield to the gentleman from Illinois a little later; I shall finish my remarks in a few minutes.

Mr. CANNON of Illinois. The right time to speak about a matter is when it is "on;" and the House, I am sure, will extend the gentleman's time.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] must understand that the gentleman from Louisiana declines to yield, and is entitled to proceed without interruption.

Mr. CANNON of Illinois. Let me put it in this way——

The CHAIRMAN. The gentleman from Illinois is not in order.

Mr. CANNON of Illinois. I merely ask unanimous consent——

Mr. MEYER. I yield to the gentleman from Illinois for a question.

Mr. CANNON of Illinois. The gentleman from Louisiana is so fair that under the guise of a question, I would not impose upon him by making even a brief speech.

The CHAIRMAN. Does the gentleman from Louisiana yield?

Mr. MEYER. No, sir; I regret that I can not yield at this moment; I will when I shall have finished my remarks.

Mr. CANNON of Illinois. How much time is to be had on this matter?

The CHAIRMAN. The gentleman from Louisiana is entitled to twenty minutes more.

Mr. CANNON of Illinois. Well, I ask unanimous consent that his time be extended ten minutes.

Mr. FITHIAN. I object to any extension of time.

Mr. CANNON of Illinois. My friend makes his charges, and then seeks to avoid an answer.

Mr. FITHIAN. No, sir; not at all. But we are proceeding in the morning hour, and it expires at fifteen minutes after 2 o'clock.

Mr. MEYER. Mr. Chairman, I decline to yield, and ask for order.

The CHAIRMAN. The committee will be in order. The gentleman from Louisiana is entitled to the floor.

Mr. MEYER. Mr. Chairman, there is no member of the House who has a higher admiration or a higher regard for the patriotism and integrity of the State of Illinois than I have.

Mr. MORGAN. And the governor. [Laughter.]

Mr. MEYER. In all of the conditions in which she has been placed the people of that State have been true to every duty that can be required of patriotic and free citizens. But I take occasion to refer to the remark of the gentleman from Illinois [Mr. FITHIAN], and say in response, that whether true or not—and, in my judgment, it is true—there prevails a well-founded belief in the minds of many people here and in this country that the governor of Illinois did not rise equal to the occasion or the emergency which confronted him and his State. [Applause.] And for that reason, and also because he was exercising an undoubted constitutional right, the country ratified and approved the act of the President of the United States in maintaining order and in acting in conformity with the Constitution and the laws of the country as they had been engrafted on our statute books in the past. [Applause.]

Mr. FITHIAN. There is no ground for any such belief; no ground for entertaining any such belief as that.

Mr. MEYER. But, Mr. Chairman, to continue, it took some days to put even so small a body as 2,000 men at Chicago, while 1,000 men were all that could be spared for Sacramento. These examples teach us that, with our vast distances to overcome and numerous points necessary to be guarded, we might be in great danger of being overwhelmed at a given point by such a power as Great Britain, Germany, or France. Our seacoast is menaced by such powerful fortresses and bases of operation for fleets and armies as Vancouver, Halifax, and Bermuda. They have been well compared to a man pointing a pistol at our breast. It is obvious, sir, that our regular force would not be sufficient for such an emergency as war. If a serious question were to arise with a great naval and military power like Great Britain, the American people would have to submit to unjust demands and dishonoring aggressions, or to embrace the alternative of a war for which we would be unprepared. It is idle to shut our eyes to this truth, painful as it may be. The money that might have gone to building up a powerful navy and other means of national defense has been devoted to other objects.

The wonderful exhibition of American prowess on a large scale in the late civil war has led many to believe that the work of putting an army in the field sufficient for all purposes would be an easy task. It is thus that a feeling of security has been imparted to our people which is not warranted by the actual facts of our situation. The time was when a million of seasoned troops, disbanded in 1865, were still available for national defense, but long years have passed since then and the soldiers of the civil war are rapidly passing away. Other are advanced in life, with impaired health and unable to stand the hardships of the camp. Few indeed comparatively would now be available for actual service. Other reasoners have rashly concluded that the civil war demonstrated that good troops could be improvised, and that what was done then can be done again. Sir, that war demonstrated just the contrary, as all wars have done.

The American, like the Frenchman, is quick in learning the profession of arms, but both and all classes of soldiers require time, instruction, and something of actual service to make reliable troops. If we are to supplement our regulars by an organized militia, that militia must be well drilled and disciplined and accustomed to camp life and to act in bodies, or the force will be to us in the hour of trial a broken reed. Give them arms, instruction, camp life, and the march, and they will be efficient for the great and necessary purpose of national defense.

Again, sir, there are many persons who, not stopping to note the lessons of history, imagine that before war can come upon

us, there will be some preliminary warning and fair time given us in order to get ready. Vain expectation! History is full of contrary examples. Many of the bloodiest wars of modern times have been sprung suddenly. The example of the Franco-Prussian war is fresh in our recollection. Every nation with an organized and powerful force, whether land or naval, is always on the alert to strike the first blow, if war must come. It is a word and a blow, and very often the blow precedes the word. Thus we witness the painful endeavors of the nation thus taken at a disadvantage to catch up with its adversary in military preparation and supply, but it is very hard to make up for lost time and deficient preparation in war. There is not a great soldier, living or dead, whose teaching does not confirm this statement.

But, sir, recent events have demonstrated that there are other occasions, and very numerous ones, in which the presence of a citizen soldiery is indispensable to preserve law and order. In the case of mobs and outbreaks against Federal or State authority, or both, it is of the highest importance to have a steady and firm citizen soldiery to support the constituted authorities and restore order. In the late unfortunate conflict the great transportation system of the country, so important to its business, happiness, and safety, was interrupted in a number of States and Territories, extending from Ohio, Indiana, and Illinois to the Pacific coast, and embracing a large number of trunk lines of railroad and large cities with many great interests. It is much to be preferred that these civil disorders should be quelled by State troops and by the State militia acting under State authority. The valuable services rendered by State troops in this and in former emergencies must not be forgotten.

It is on this force, so often tried and employed of late years, that the State and local authorities must depend in the main for the maintenance of the law and order which are the rightful inheritance of all the people of the land. In a great number of instances all over the Union the citizen soldiers have responded promptly to the call of the proper authority, to aid in maintaining the law. In an excellent speech delivered by Mr. Cutting in the House on the 12th of January, 1893, there is appended a most valuable table, showing the active service performed by the State militia from 1870 to the present time. The showing is a most striking one, and deserves to be studied. It embraces nearly all the States and Territories of the Union.

In the same carefully prepared speech there is an account of the many wars begun in modern times without any declaration of hostilities. It appears from this interesting recital that, while there were ten wars preceded by a declaration of war, there were one hundred and seven in which this formality was dispensed with. These modern wars, it is well said, are short and sharp. The Franco-German war occupied only forty-nine days up to the decisive victory of Sedan, after which France lay at the mercy of the conqueror. The war of 1866 between Austria and Germany occupied just seventeen days prior to the decisive struggle at Sadowa. And this is what we may expect as a rule hereafter. In any event, by timely preparation for defense, we shall be able to escape great calamities and much suffering at the outset if unfortunately we shall be involved in war.

And now, sir, it is obvious that we have before us the alternatives of going on with wholly inadequate preparation for foreign war, necessitating submission on our part to injustice and aggression from strong governments or an appeal to arms, with the certain knowledge that our adversary is prepared for war and that we are not prepared. If this is satisfactory to gentlemen who profess to have the national honor and interests at heart, then it may be, in their minds, some excuse or palliation for doing nothing. But our plan is to take now a moderate and gradual step in the nature of greater preparation for the dread contingency which has happened in the past, and which may happen again any day when we least expect it. I feel assured, sir, that the sentiment of the country will, regardless of party divisions, indorse and demand the policy embodied in the proposed bill.

We have enough soldiers in our regular Army—supplemented, as it is, by the national guard of the respective States, whose numbers, over 100,000 men embracing all arms of the service—infantry, cavalry, and artillery—form an ample reserve for emergencies. There is much State and national pride in their standing and efficiency; they are well drilled, disciplined, and equipped. Besides these, the reserve militia would afford nearly 10,000,000 men liable to military duty, who would be ready for any patriotic call. The strong military spirit of our people needs but little stimulus to maintain the efficiency for prompt service. With the States amply prepared, we need no costly standing armies as in Europe, drawing, like an octopus, upon the substance and the fruits of the labor of our toiling masses.

It is our duty to aid by legislation this most important element in our State and national life. Our young men are enthusiastic everywhere in the preparation for any peril likely to arise. True, no war is imminent; we are at peace with all the world; the horizon is again clear, but it is needless to insist upon the duty to prepare for all possible conflict. It is only by maintaining efficient organizations that we can achieve the degree of security essential to the happiness of our communities.

The national guard of our various States affords the security and safeguard we require.

Well do I remember a spectacle, scarce more than five years since, which illustrated its capabilities. Within less than forty-eight hours there were concentrated in the great metropolis of our country, more than fifty thousand men, a magnificent array that came from nearly all the States of our Union, from the North and the South, the East and the West, to commemorate the centennial anniversary of our Government's founding. As they marched in soldierly tread, their helmets glistening in the noonday sun, amidst the cheers and plaudits of the throng that lined the broad avenues for miles, our hearts swelled with pride and emotion under the inspiration of the scene.

To some this gala parade may have seemed a mere holiday service or "Sunday soldiering," but to the more thoughtful it had a deeper, grander significance. Here were gathered the soldiers of the national guard of the sovereign States, showing by its force its great possibilities, the embodiment of the nation's patriotism, to whom, when in danger, the Government must turn for protection against domestic strife or foreign foe. The cheers that greeted them were not so much for their gallant array on that joyous march, as because all felt that the hearts that melted under the influence of the bright eyes that shot them their glances at every step would become as hearts of oak and their pliant sinews as of steel whenever their country's safety should require their willing services.

Such a body, so noble a phalanx, should not be denied its encouragements. They are our walls, our casements, and our fortresses in times of danger, for they constitute a State—

Men, high-minded men * * *
* * * * * * *
Men who their duties know,
But know their rights, and knowing dare maintain.
* * * * * * *
These constitute a State * * *

[Applause.]

I append a table, giving an abstract of the militia of the United States.

APPENDIX.

Abstract of the militia force of the United States according to the latest returns received at the office of the Adjutant-General, United States Army, for the year 1893.

States and Territories.	Organized strength.										Number of men available for military duty (unorganized).
	Commissioned officers.					Enlisted men.					
	General's.	General staff.	Regimental, field, and staff.	Company.	Total.	Noncommissioned officers.	Musicians.	Privates.	Total.	Aggregate.	
STATES.											
Alabama:											
Generals and general staff	9	95	.....	.....	104	.....	.....	.....	.....	104	.....
Cavalry	.....	.....	.....	12	12	27	.....	143	170	182	.....
Light batteries	.....	.....	.....	15	15	27	.....	170	197	212	.....
Infantry	.....	.....	27	139	166	342	.....	1,954	2,296	2,462	.....
Total	9	95	27	166	297	396	.....	2,267	2,663	2,960	160,000

Abstract of the militia force of the United States, etc., for the year 1893—Continued.

States and Territories.	Organized strength.									Number of men available for military duty (unorganized).
	Commissioned officers.					Enlisted men.			Aggregate.	
	Generals.	General staff.	Regimental, field, and staff.	Company.	Total.	Noncommissioned officers.	Musicians.	Privates.	Total.	
STATES—continued.										
Arkansas:										
General staff		13			13				13	
Cavalry				4	4	8	1	31	40	44
Light battery				3	3	5	1	14	20	23
Infantry			8	51	59	112	21	709	842	901
Total		13	8	58	79	125	23	754	902	981	213,734
California:										
Generals and general staff	7	111			118	12			12	130
Cavalry				4	4	14		46	60	64
Artillery			12	21	33	101	19	305	425	458
Light batteries				10	10	28		84	112	122
Infantry			93	180	273	857	141	2,814	3,812	4,085
Signal corps				5	5	15		65	80	85
Total	7	111	105	220	443	1,027	160	3,314	4,501	4,944	179,558
Colorado:										
General and general staff	1	38			39					39
Cavalry				6	6	17		71	88	94
Light battery				3	3	10		34	44	47
Infantry			26	30	56	104		458	562	618
Signal corps				2	2	14		13	27	29
Total	1	38	26	41	106	145		576	721	827	80,000
Connecticut:										
General and general staff	1	9			10	4	1		5	15
Light batteries				9	9	28	3	73	104	113
Infantry			50	113	163	527	197	1,657	2,381	2,544
Signal corps				4	4	11		23	34	38
Naval militia				4	4			37	37	41
Total	1	9	50	130	190	570	201	1,790	2,561	2,751	[illegible]
Delaware:										
Generals and general staff	3	11			14					14
Cavalry			3	3	6	17	2	29	48	54
Infantry			10	20	30	65	15	152	232	262
Total	3	11	13	23	50	82	17	181	280	330	28,080
Florida:										
Generals and general staff	2	9			11					11
Light batteries				4	4	16	2	42	60	64
Infantry			20	60	80	170	48	638	856	936
Total	2	9	20	64	95	186	50	680	916	1,011	(*)
Georgia:										
General staff		49			49					49
Cavalry			14	48	62	127	3	404	534	596
Light batteries				8	8	25	2	75	102	110
Infantry			62	195	257	577	44	1,902	2,523	2,780
Total		49	76	251	376	729	49	2,381	3,159	3,535	264,021
Idaho:										
General staff		8			8					8
Infantry			3	13	16	26	10	172	208	224
Total		8	3	13	24	26	10	172	208	232	13,932
Illinois:										
Generals and general staff	5	51			56	4			4	60
Cavalry				6	6	18		81	99	105
Light batteries				8	8	22		90	122	130
Infantry			68	209	277	722	96	3,387	4,205	4,482
Total	5	51	68	223	347	767	96	3,567	4,430	4,777	650,000
Indiana:										
General and general staff	1	9			10					10
Light batteries			4	10	14	34	22	127	183	197
Infantry			44	185	179	398	123	1,726	2,247	2,426
Total	1	9	48	145	203	432	145	1,853	2,430	2,633	481,192
Iowa:										
Generals and general staff	2	40			42	1		2	3	45
Infantry			55	133	188	413	143	1,526	2,082	2,270
Total	2	40	55	133	230	414	143	1,528	2,085	2,315	202,799
Kansas:										
Generals and general staff	4	14			18					18
Infantry			25	80	105	324	85	1,134	1,543	1,648
Total	4	14	25	80	123	324	85	1,134	1,543	1,666	120,000
Kentucky:										
General and general staff	1	16			17					17
Infantry			36	73	109	220	86	899	1,205	1,314
Total	1	16	36	73	126	220	86	899	1,205	1,331	495,000

* Not reported.

Abstract of the militia force of the United States, etc., for the year 1893—Continued.

States and Territories.	Organized strength.									Number of men available for military duty (unorganized).
	Commissioned officers.					Enlisted men.				
	Generals.	General staff.	Regimental, field, and staff.	Company.	Total.	Noncommissioned officers.	Musicians.	Privates.	Total.	Aggregate.
STATES—continued.										
Louisiana:										
Generals and general staff	2	12			14					14
Cavalry				2	2	8		44	52	54
Light batteries			11	24	35	67	2	298	367	402
Infantry			13	56	69	149	6	555	710	779
Total	2	12	24	82	120	224	8	897	1,129	1,249
138,439										
Maine:										
General staff		12			12	3		12	15	27
Infantry			19	57	76	189	55	717	961	1,037
Total		12	19	57	88	192	55	729	976	1,064
98,972										
Maryland:										
General and general staff	1	9			10					10
Infantry			40	120	160	459	24	1,465	1,948	2,108
Total	1	9	40	120	170	459	24	1,465	1,948	2,118
(*)										
Massachusetts:										
Generals and general staff	2	19			21	14	2		16	37
Cavalry			10	9	19	52	6	179	237	256
Light batteries			7	15	22	58	6	235	299	321
Infantry			72	212	284	678	166	3,055	3,899	4,183
Signal corps				2	2	10		36	46	48
Hospital and ambulance corps				2	2	14		21	35	37
Cadet corps			17	24	41	78	10	213	301	342
Naval brigade			12	40	52	46	10	234	290	342
Total	2	19	118	304	443	950	200	3,973	5,123	5,566
391,323										
Michigan:										
Generals and general staff	4	26			30					30
Infantry			45	113	158	528	145	1,940	2,613	2,771
Total	4	26	45	113	188	528	145	1,940	2,613	2,801
250,000										
Minnesota:										
General and general staff	1	27			28					28
Light batteries			5	6	11	24	4	60	88	99
Infantry			27	68	95	292	111	1,176	1,579	1,674
Total	1	27	32	74	134	316	115	1,236	1,667	1,801
150,000										
Mississippi:										
Generals and general staff	3	25			28					28
Cavalry			1	6	7	16	2	75	93	100
Artillery (heavy)			3	18	21	48	9	210	267	288
Infantry			11	61	72	216	36	945	1,197	1,289
Total	3	25	15	105	148	280	47	1,230	1,557	1,705
(*)										
Missouri:										
General and general staff	1	8			9	5			5	14
Light batteries			2	7	9	27		117	144	153
Infantry			38	94	132	331	86	1,560	1,977	2,109
University cadets			3	10	13	24	16	86	126	139
Total	1	8	43	111	163	387	102	1,763	2,252	2,415
350,000										
Montana:										
General staff		11			11					11
Light battery				3	3	10		25	35	38
Infantry			6	29	35	80	20	342	442	477
Total		11	6	32	49	90	20	367	477	526
25,000										
Nebraska:										
General and general staff	1	17			18					18
Cavalry				3	3	9	2	27	38	41
Light battery				3	3	7	2	40	49	52
Infantry			12	63	75	191	68	641	900	975
Total	1	17	12	69	99	207	72	708	987	1,086
125,000										
Nevada:										
Generals and general staff	2	16			18	1			1	19
Light battery				3	3	8	1	49	58	61
Infantry			7	26	33	71	1	308	380	413
Total	2	16	7	29	54	80	2	357	439	493
(*)										
New Hampshire:										
General and general staff	1	9			10	5			5	15
Cavalry				3	3	9	2	44	55	58
Light battery				4	4	14	2	52	68	72
Infantry			30	67	97	216	102	695	1,013	1,110
Total	1	9	30	74	114	244	106	791	1,141	1,255
(*)										
New Jersey:										
Generals and general staff	3	48			51	6			6	57
Cavalry				3	3	10		42	52	55
Light battery				4	4	10	2	56	68	72
Infantry			82	149	231	502	86	2,912	3,500	3,731
Total	3	48	82	156	289	528	88	3,010	3,626	3,915
284,887										

*Not reported.

Abstract of the militia force of the United States, etc., for the year 1893—Continued.

States and Territories.	Organized strength.										Number of men available for military duty (unorganized).
	Commissioned officers.					Enlisted men.					
	Generals.	General staff.	Regimental, field, and staff.	Company.	Total.	Noncommissioned officers.	Musicians.	Privates.	Total.	Aggregate.	
STATES—continued.											
New York:											
Generals and general staff	5	73			78					78	
Cavalry				6	6	15	1	89	105	111	
Light batteries				22	22	73	8	287	367	389	
Infantry			206	420	626	2,055	305	9,157	11,517	12,143	
Signal corps				5	5	25		59	84	89	
Total	5	73	206	453	737	2,167	314	9,592	12,073	12,810	650,000
North Carolina:											
Generals and general staff	2	28			30					30	
Cavalry				3	3				37	40	
Infantry			48	90	138				1,403	1,541	
Naval battalion			2	11	13				158	171	
Total	2	28	50	104	184	(†)	(†)	(†)	1,598	1,782	235,000
North Dakota:											
General staff		3			3					3	
Cavalry			4	6	10	18	2	42	62	72	
Light battery				4	4	8	1	42	50	54	
Infantry			9	24	33	72	11	234	317	350	
Total		3	13	34	50	98	14	317	429	479	40,500
Ohio:											
General and general staff	1	17			18					18	
Cavalry				9	9	20	4	57	81	90	
Light batteries			16	29	45	104	33	346	483	528	
Infantry			117	241	358	932	363	3,722	5,017	5,375	
Hospital and ambulance corps								114	114	114	
Total	1	17	133	279	430	1,056	400	4,239	5,695	6,125	600,000
Oregon:											
General and general staff	1	13			14					14	
Cavalry				6	6	23	4	73	100	106	
Light battery				4	4	11	2	29	42	46	
Infantry			29	67	96	241	56	1,016	1,313	1,409	
Total	1	13	29	77	120	275	62	1,118	1,455	1,575	44,444
Pennsylvania:											
Generals and general staff	5	59			64	28	95		123	187	
Cavalry			7	8	15	42	6	130	178	193	
Light batteries			6	12	18	42	5	183	230	248	
Infantry			190	374	564	1,732	266	5,225	7,223	7,787	
Naval battalion			5	14	19	29	1	150	180	199	
Total	5	59	208	408	680	1,873	373	5,688	7,934	8,614	790,451
Rhode Island:											
Generals and general staff	5	20			25	1		4	5	30	
Cavalry			7	6	13	22	2	66	90	103	
Artillery (heavy)			41	12	53	77	19	196	292	345	
Light batteries				6	6	24	3	63	90	96	
Infantry			23	45	68	187	37	500	724	792	
Naval reserve				5	5	18	1	86	105	110	
Total	5	20	71	74	170	329	62	915	1,306	1,476	130,566
South Carolina:											
Generals and general staff	7	80			87					87	
Cavalry			33	136	169	306	34	1,035	1,375	1,544	
Light battery				4	4	9		418	427	431	
Infantry			55	276	331	621		2,426	3,047	3,378	
Total	7	80	88	416	591	936	34	3,879	4,849	5,440	(*)
South Dakota:											
General and general staff	1	22			23					23	
Light battery				3	3	9		34	43	46	
Infantry			25	42	67	187	33	423	643	710	
Total	1	22	25	45	93	196	33	457	686	779	32,189
Tennessee:											
General staff		16			16					16	
Light batteries			1	6	7	12	2	90	104	111	
Infantry			23	44	67	120	17	892	1,029	1,096	
Military cadets			6	36	42	96	24	409	529	571	
Total		16	30	86	132	228	43	1,391	1,662	1,794	169,000
Texas:											
Generals and general staff	3	36			39	6			6	45	
Cavalry			9	28	37	84		299	383	420	
Light battery			4	12	16	30		98	128	144	
Infantry			53	132	185	412	81	1,497	1,990	2,175	
Total	3	36	66	172	277	532	81	1,894	2,507	2,784	300,000
Vermont:											
General and general staff	1	19			20	2			2	22	
Artillery (heavy)				3	3	7	1	38	46	49	
Light battery				8	8	13	1	57	72	80	
Infantry			12	36	48	104	25	456	585	633	
Total	1	19	12	47	79	126	28	551	705	784	44,164

* Not reported.

† Not classified.

Abstract of the militia force of the United States, etc., for the year 1893—Continued.

States and Territories.	Organized strength.									Number of men available for military duty (unorganized).
	Commissioned officers.					Enlisted men.			Aggregate.	
	Generals.	General staff.	Regimental, field, and staff.	Company.	Total.	Noncommissioned officers.	Musicians.	Privates.	Total.	
TERRITORIES—continued.										
Virginia:										
General and general staff	1	9			10				10	
Cavalry			13	19	32	74	4	216	294	326
Light battery			6	12	20	53	3	140	196	216
Infantry			50	135	185	456	120	1,899	2,484	2,669
Total	1	9	71	166	247	583	136	2,255	2,974	3,221	220,000
Washington:										
Generals and general staff	2	32			34				34	
Cavalry			5	12	17	60	8	180	248	265
Infantry			18	63	81	270	86	966	1,322	1,403
Total	2	32	23	75	132	330	94	1,146	1,570	1,702	86,156
West Virginia:										
General and general staff	1	10			11				11	
Infantry			18	51	69	167	59	594	820	889
Total	1	10	18	51	80	167	59	594	820	900	(*)
Wisconsin:										
General staff		17			17				17	
Cavalry			1	3	4			58	58	62
Light battery			1	4	5			56	56	61
Infantry			47	122	169	18	96	2,298	2,412	2,581
Total		17	49	129	195	18	96	2,412	2,526	2,721	(*)
Wyoming:										
General staff		10			10				10	
Infantry			9	27	36	38	23	308	369	405
Total		10	9	27	46	38	23	308	369	415	12,000
Aggregate State militia	92	1,175	2,134	5,589	8,991	18,880	3,901	76,318	100,697	109,688	8,124,397
TERRITORIES.										
Alaska†										
Arizona:										
General staff		8			8				8	
Infantry			15	81	96	76	33	257	366	462
Total		8	15	81	104	76	33	257	366	470	7,600
New Mexico:										
General staff		16			16				16	
Infantry			8	24	32	74	19	328	421	453
Total		16	8	24	48	74	19	328	421	469	25,000
Oklahoma*										
Utah*										25,000
Aggregate Territories		24	23	105	152	150	52	585	787	939	57,600
District of Columbia:										
General and general staff	1	12			13	6			6	19
Engineers				1	1	22		76	98	99
Cavalry				2	2	9	1	29	39	41
Light battery				3	3	9	1	31	41	44
Infantry			45	70	115	240	13	964	1,217	1,332
Hospital and ambulance corps				1	1	4		23	27	28
Total	1	12	45	77	135	290	15	1,123	1,428	1,563	42,000
Grand aggregate	93	1,212	2,202	5,771	9,278	19,330	3,968	78,026	102,912	112,190	8,223,997

* Not reported.

† No organized militia.

GEO. D. RUGGLES, *Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *Washington, D. C., February 2, 1894.*

Mr. DUNN was recognized.

Mr. CANNON of Illinois. How much time has the gentleman from Louisiana remaining?

The CHAIRMAN. The gentleman has seven minutes of his time remaining.

Mr. CANNON of Illinois. I ask the gentleman to yield me that time.

Mr. MEYER. Certainly. I will yield five minutes of the time to the gentleman from Illinois [Mr. CANNON].

Mr. FITHIAN. Has not the gentleman from Louisiana exhausted the hour?

The CHAIRMAN. He has not. The gentleman has seven minutes remaining.

Mr. DUNN. I thought the time had expired.

Mr. CANNON of Illinois. Mr. Chairman, in the five minutes yielded to me by the gentleman from Louisiana I can not undertake to discuss the provisions of this bill. I understand it to be a codification, substantially, of existing law, and therefore I believe it to be wise and shall vote for it. I would not have said anything were it not that my colleague from Illinois [Mr. FITHIAN], speaking of the late troubles in the State of Illinois and the city of Chicago, did not put the action of the President of the United States, in my opinion, upon the true ground. He takes the position that the governor of the State of Illinois had power to enforce the law, and that having that power he had the will to exercise it, and was enforcing the law; that the President of the United States was an interloper in the teeth of the law when he sent the Federal troops into that State.

I will say, in reply to the gentleman from Illinois, that in the enforcement of a State law the governor has plenary power, and the President can not interfere except on the request of the governor or of the State Legislature. But in the case in Illinois the process of the Federal courts was openly and notoriously defied: the civil officers of the United States were powerless to

enforce the laws of the United States; commerce among the States ceased—was prevented by mob force; arson and mob force ruled supreme in the county of Cook, and the laws of the United States were nullified and as powerless as if they did not exist. The President of the United States, having jurisdiction to enforce the laws of the United States anywhere in our boundaries, reached out and performed his sworn duty; and in the performance of that duty it was not in the power of the mayor of the city of Chicago or the governor of the State of Illinois to stand in the way, and he kept his oath when he enforced the laws of the United States, as it was his duty to do.

Republican as I am, Mr. Chairman, I indorse the action of the President in the premises. Republican Presidents in former administrations have enforced the laws of the United States, and the people of this country took it as a matter of course. And when this Democratic President, keeping his oath, against the protest of the Democratic governor of the State of Illinois, enforced the laws of the United States, he but did his duty, and secured the cordial indorsement of the great mass of the people of the United States of all parties. However we may differ as to party politics, "the enforcement of the laws" should be the shibboleth for all the people.

And let me say to my colleague from the State of Illinois, this coming fall, if he wants to make the question in our State of sustaining the action or nonaction of the governor of the State and the mayor of Chicago at the crucial period a party question, well and good. He can do it, and he will find me and he will find the Republican party indorsing the action of the President of the United States in the performance of his sworn duty and condemning the unpatriotic course of the governor of the State of Illinois. [Applause on the Republican side.]

Mr. FITHIAN. Mr. Chairman——

The CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. DUNN. Mr. Chairman, that the gentleman from Illinois [Mr. CANNON] should take advantage of the time yielded to him by the gentleman from Louisiana to make a political speech I am not at all surprised, but that the gentleman from Louisiana [Mr. MEYER] should support a measure of this kind is more than a surprise to me. I am aware that almost every service of the United States has its organization, floating somewhere around the corridors, looking after some advantage that they may gain out of the public Treasury.

I know that the military organization of this city, which is back of this measure, means to saddle one of its members upon each State in this Union at the expense of the Government; and I know that they want to furnish from the General Government the arms by which the militia are to be armed; and I know that once the General Government arms the militia of a State, it becomes a servant of the central power, that which was never intended by the framers of the Constitution.

Mr. BAKER of New Hampshire. Will the gentleman allow me to ask him a question?

Mr. DUNN. Yes.

Mr. BAKER of New Hampshire. Are you not aware that the United States Government furnishes these things to the entire extent required by this bill—that it pays $400,000 for the purpose of furnishing arms to the militia?

Mr. DUNN. I am fully aware of that, as I am aware also that the United States Government has protected certain industries to the injury of other industries, thereby violating the Constitution. [Loud applause.] I do not care what your precedent is; I am only telling you it is wrong; that the General Government is undertaking to grasp a power reserved to the States and carrying it to the Federal power. I want members of this House to look at what this bill means.

It means this, if it means anything—that each State in the Union and each Territory shall have a military officer of the United States quartered upon it with not only such pay as now allowed to the rank of that officer, but it authorizes the inference that in the State on which that officer shall be saddled he shall have an allowance of quarters and everything else that is now supplied by the General Government supplied to him by the State. My State spends $100,000 a year for its militia, and when the war was declared upon this Union there was not a State in it that responded more faithfully and more numerously in proportion to its population than did the State of New Jersey. We do not want any Federal officers for the training of our militia. We only want the United States to have what the Constitution gives it—that is the right to regulate the militia when in the service of the United States Government.

Mr. BARTLETT. Will the gentleman allow me to ask him one question?

Mr. DUNN. Certainly.

Mr. BARTLETT. Why does your State, then, take $8,626.23 from the Federal Government for the use of its militia?

Mr. DUNN. I do not care what New Jersey does. I do not know what it does. If it is wrong I will not indorse it. It is not right to do it. I know that every lame duck that wants some benevolence, whether it is a State, a Territory, or an individual, comes down here to Congress for it; and it seems to be a hospital for lame ducks generally, judging by the number of pension claims that is passed by this body. [Laughter and applause.] Every fellow who thinks he wants something simply comes down here and is backed up by some power behind the throne to rob the General Government.

There is, as I said before, hardly any service of the Government, or that has not an office here, which is not engaged in this business; and now to advance private interests, because New Jersey receives $6,000 or $600,000 under a provision of law enacted clearly outside of the intents and purposes of the Constitution, is no reason why we should go still further and impose upon the General Government an expenditure of $400,000, which will only be a drop in the bucket compared to what we will have to pay if this bill is enacted.

Besides that, Mr. Chairman, I want to read you what the Constitution says upon that particular subject. I suppose you are familiar with it, and it is not necessary to call attention to it; but it is evident that there are some members whose knowledge of that instrument is rather musty.

Mr. HEPBURN. Before the gentleman enters upon that, will he allow me to ask him one question?

Mr. DUNN. Yes, sir.

Mr. HEPBURN. You have spoken of the participation of the militia of New Jersey in the war of the rebellion. Was there a single organization of the militia of New Jersey that as such participated in the war of the rebellion?

Mr. DUNN. Why, my dear friend, what age have you been living in? The First and Second New Jersey Militia participated.

Mr. HEPBURN. I assert that the contributions of the New Jersey militia to the Army that put down the rebellion were absolutely inconsiderable—that it was the volunteers and other such organizations that participated.

Mr. DUNN. Mr. Chairman, I can not yield to the gentleman to make a political speech. The man who says that New Jersey did not do its part and much more than its part as compared with other States is utopian.

I say at the time the Constitution was framed we were under a Federal system. The people were jealous of the power they granted at that time in the Constitution. They surrounded that instrument with every safeguard known to the great minds who framed it, and what did they say when they formed the Constitution, in relation to the militia?

Paragraph 16, section 8, says:

To provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States.

And while in the service of the United States might be added to put contention outside of dispute, though that is the clear meaning of the word.

And again it repeats:

The President shall be commander-in-chief of the Army and Navy of the United States, and of the militia of the several States when called into actual service of the United States.

Now, here was the point at which the safeguards were thrown around the States and their militia. Nowhere is the General Government allowed to interfere with the militia of the States except for the purpose of giving such instructions, and arming them when in the service of the United States. There is no pretense anywhere that the Constitution ever gave the right to this Congress to arm the militia of the States within the States in time of peace at the expense of the General Government, or to send representatives of the General Government into the States to train their militia; and whenever you enact such a law you depart from the clear principles of the Constitution; and as one of the lovers of my country and of its institutions I must lift my voice in protest whenever any attempt of that kind is made.

It may be said that this is only a little infringement of the Constitution, but St. Paul says: He that contemneth small things shall fall by little and by little; and by little and by little you and I, gentlemen, have seen Federal laws enacted to interfere with the rights of the States in their elections. We were all pledged to repeal those Federal laws because they were an interference with the rights of the people in the States, and the man who attempts now to fasten upon the States such a measure as this goes even a step further, because he makes the militia of the State the servants of the General Government, so that whenever a tyrant gets into the Presidential chair and the militia of the States are organized with an officer of the General Government as their trainer in each State, it will be an easy matter for him to transfer the power of the State into an engine of oppression and tyranny, or upon which he could ride to a throne.

Now, let me go a step further. I am satisfied that even my friend from Illinois [Mr. CANNON], if he had read this bill, would have manifested as violent opposition to it as I have done; that is, if he has any regard for the Constitution.

In this bill there is a grant of $400,000 from the General Government to be divided among the States. I fail to find that a single State has asked for this. The sum of $6,000, or $50,000, the portion which you say New Jersey might get under this bill, would be only a drop in the bucket compared with what we spend to maintain as good a militia as there is in any State in the Union. And New Jersey is too proud to ask that wrong may be done that it might become a beneficiary in crime.

It would not amount to a drop in the bucket in the State of New York, which spends more than a million to maintain as good a militia as there is anywhere. No, gentlemen, we must not depart from the landmarks of the fathers.

Mr. BINGHAM. Will the gentleman allow an interruption?

Mr. DUNN. Yes, sir.

Mr. BINGHAM. Is not the gentleman aware that from 1808 until 1887 the National Government appropriated annually for this purpose $200,000? In 1887 the appropriation was increased to $400,000, and for the next fiscal year $400,000 has been appropriated.

Mr. DUNN. I am fully aware of that.

Mr. BINGHAM. Then there is nothing novel in that phase of this bill.

Mr. DUNN. There is nothing particularly novel except the fact that you furnish the several States with arms, and furnish an officer to take control of those arms in the hands of the State militia, and only one step further is necessary in order to build up a tyrant in the White House, a man who, having the opportunity and the desire, will have at his hand the power to command your State militia to crush your liberties.

Mr. REED. Do you think he will command them as thoroughly as he does the House conferees on the tariff bill? [Laughter.]

Mr. DUNN. I make no allusion to him. He is able to take care of himself.

Mr. REED. And of you fellows too. [Laughter.]

Mr. DUNN. Yes; and of you, too. By and by he will show you what he can do. I had no reference to the honorable gentleman who now occupies the White House. He is too much of an American, too much of a gentleman, too much of a statesman to ever pass beyond the barrier of constitutional restriction; but if he ever should attempt to go beyond that boundary as it was established by the fathers, you will find no man to assail him more bitterly than I will for the attempt.

Mr. Chairman, since I have been a member of this House I have discovered that there is a disposition to make our Treasury a hospital for lame ducks of every kind and character; the lame and the lazy of every class of public servants are aiming for that end; every pretense is urged by the applicants for public benevolence.

This Government is not a benevolent institution to take care of such characters, though action is sometimes taken that would indicate that view of it. There is hardly a service under the Government that has not its organization the first purpose of which is to overreach the people through their representatives for the benefit of their own particular service.

The military service is evidently no exception to this rule, as this bill abundantly proves. Its meaning is to find soft "snaps" for about fifty military men to be distributed among the States and Territories under the alluring pretense of training the militia of the States and Territories.

I am a friend of the military in their places. They are a body of men of whom the country should feel proud, but I am a still greater friend of the Constitution of my country and am opposed to its infringement even in the slightest degree. By little and by little is liberty stolen.

The people of the States should be allowed to do for themselves that which is clearly within their province, and there is no more clearly guarded right than that of training their own militia.

How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has ten minutes.

Mr. DUNN. I yield the remainder of my time to the gentleman from Illinois [Mr. FITHIAN].

Mr. FITHIAN. Mr. Chairman, I am not surprised at all at the attitude which my colleague [Mr. CANNON] has taken in regard to sending Federal troops into the State of Illinois during the Chicago strike. He is only defending what has been Republican policy and Republican doctrine ever since the Republican party was organized, and in doing so he is opposing the express doctrine of the Democratic party, the doctrine which the Democratic party has always maintained, the idea of local self-government.

Mr. HEPBURN. Will the gentleman permit a question?

Mr. FITHIAN. I have not time.

Mr. HEPBURN. Only a single question. I wanted simply to ask the gentleman——

Mr. FITHIAN. I have no time to yield; I have only ten minutes.

Mr. HEPBURN. The gentleman will not yield. Well, that is wise.

Mr. FITHIAN. Mr. Chairman, in the last national Democratic convention we declared that—

> The need of a return to those fundamental principles of free popular government, based on home rule and individual liberty, was never more urgent than now, when the tendency to centralize all power at the Federal capital has become a menace to the reserved rights of the States, and strikes at the very roots of our Government under the Constitution as framed by the fathers of the Republic.

So that I am glad to know that when it becomes necessary to defend the President of the United States against Democratic doctrine, that defense has to come from the other side of the House.

The gentleman says that the governor of the State of Illinois made no attempt to maintain the peace of the State. I want to call his attention to the fact that from the first governor of the State of Illinois to the last there was never a precedent set of a governor sending troops into a community without first being called upon by the sheriff of the county or the mayor of the city at the seat of trouble.

Governor Altgeld was only following the precedents that had been established by every governor, both Democratic and Republican; and up to the time Federal troops were ordered by the President into the State of Illinois neither the mayor of Chicago nor the sheriff of Cook County had called upon the governor for a single soldier to assist in keeping the peace. And as soon as that demand was made upon the governor of Illinois troops were sent immediately by his order.

I want to say to the House that the great State of Illinois is capable of taking care of itself. We have an organized State militia large enough to cope with any riot that may occur within the State. I want to say further that the governor of Illinois, as the commander of the State militia, stands ready and willing, whenever the necessity demands and whenever called upon by the constituted authorities, to send the militia of the State to the seat of trouble to suppress all riot and insurrection within the State.

Sir, if the organized companies of militia at any time were found to be insufficient, on the request of the governor of Illinois for volunteers, if necessary a hundred thousand—yea, two hundred thousand—patriotic citizens of Illinois would respond to his call to protect the peace and maintain the dignity of that great State. [Applause on the Democratic side.] I love peace and good order as well as any man, but I love the Constitution and the laws of my country, and I deprecate the violation of the Constitution and the laws by the President, or by anybody else.

Sir, this charge so repeatedly unjustly made and made, too, without any foundation, that the governor of the State of Illinois had been derelict in the discharge of his duty is an untruth, uttered with malice and uttered with a total disregard of the truth. Sir, at the time of the coal strike companies of militia were sent at once into every county in which there was trouble, upon the request of the sheriff of the county or the mayor of the city where the trouble existed. Where it was not deemed necessary by the local authorities that troops should be sent, arms and munitions were sent to the sheriffs for the purpose of aiding in keeping the peace and protecting property.

I desire to say that from the foundation of this Government to the present time no Democratic President ever flew in the face of the Constitution and in defiance of Democratic doctrine by invading a State with Federal troops without the request and demand of the constituted authorities of the State and over the protest of the governor of the State.

It may be said that this is not good Democratic doctrine now. It was good Democratic doctrine in 1892 when the Chicago convention made the platform upon which President Cleveland was elected, and upon which a large majority of the membership of this House was elected. [Applause on the Democratic side.]

The CHAIRMAN. The morning hour has expired. The Committee of the Whole will now rise.

The committee accordingly rose; and Mr. RICHARDSON of Tennessee having taken the chair as Speaker *pro tempore*, Mr. OUTHWAITE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 5039) to promote the efficiency of the militia, and had come to no resolution thereon.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The morning hour has expired, and the Clerk will report the special order which now operates

The Clerk read as follows:

That Thursday, the 9th instant, after the morning hour, be assigned to the consideration of bills reported from the Committee on Claims in the order indicated by said committee.

Mr. BUNN. I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar under the special rule.

The question being taken, there were, on a division (called for by Mr. KILGORE)—ayes 104, noes 2.

Mr. KILGORE. No quorum.

Tellers were ordered; and Mr. KILGORE and Mr. BUNN were appointed.

The House again divided; and the tellers reported—ayes 142, noes 3.

So the motion of Mr. BUNN was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. BAILEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering bills on the Private Calendar, under the special order, which the Clerk will report.

The Clerk again read the special rule.

MERRILL DENHAM.

Mr. BUNN. I call up for present consideration, under the order for to-day, the bill (H. R. 1075) for the relief of Merrill Denham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Merrill Denham, of Madison County, Ky., out of any money in the Treasury not otherwise appropriated, the sum of $68, for seventeen days' service as storekeeper in the internal-revenue service, beginning January 21, 1889, under order of the collector of internal revenue of the eighth district of Kentucky.

Mr. BUNN. I desire to say only that this bill is to pay this party for seventeen days' work that he performed for the Government before he could take the oath of office. Afterwards he took the oath of office and performed the duties regularly for a year or more, and the Department suggests that he should be paid the sum which is properly due him for the time that he acted before taking the oath, which can not be allowed by the Department.

Mr. BYNUM. How long did this man serve as an officer of the Government?

Mr. BUNN. He served a long time after this date for which payment is now asked to be made, and until the distillery was discontinued, a year or so. He was appointed, but for seventeen days after his appointment, although he performed the duties of his position, he did not qualify. This is recommended by the Department.

Mr. BYNUM. Do I understand the gentleman to say that he performed the duties before he qualified?

Mr. BUNN. Yes; absolutely. He was on duty all the time. I yield to the gentleman from Kentucky [Mr. MCCREARY].

Mr. MCCREARY of Kentucky. Mr. Chairman, it became necessary at the distillery of W. S. Hume & Co., in Madison County, Ky., to employ extra revenue officials in the month of January, 1889, and the collector of internal revenue required the service of an additional storekeeper. He recommended the appointment of Merrill Denham for the position of storekeeper; and as he was needing the services of a storekeeper at the time, Mr. Denham was immediately assigned to duty. It took seventeen days to get the commission from Washington; but in the meantime he was discharging the duties of storekeeper all the time, and he is entitled to pay for the seventeen days he thus served. As he had not secured the commission, however, he was not able to secure payment from the Department.

The collector of internal revenue recommends that he be paid, and the Commissioner of Internal Revenue was willing that he should be paid, but he had no authority to pay him under the circumstances.

He discharged the duties faithfully as a $4 storekeeper before the commission arrived, and for more than a year afterwards. He is clearly entitled to the compensation.

Mr. KILGORE. I would like to propound an interrogatory to the gentleman from Kentucky.

Mr. MCCREARY of Kentucky. Certainly.

Mr. KILGORE. I did not understand the name of the beneficiary of this bill.

Mr. MCCREARY of Kentucky. Merrill Denham.

Mr. KILGORE. I thought it was some lady. Well, when was the service rendered?

Mr. MCCREARY of Kentucky. In the month of January, 1889.

Mr. KILGORE. This party actually discharged the duty and received no compensation for it?

Mr. MCCREARY of Kentucky. He actually discharged the duty, being placed on duty by the collector of internal revenue before the time he received the commission for seventeen days, and he could not be paid because he had not received his commission.

Mr. KILGORE. Well, you are paying him $17 a day?

Mr. MCCREARY of Kentucky. No; $4 a day for seventeen days. Under the law Merrill Denham was not entitled to draw pay until he had regularly executed a bond and been assigned to duty, but the collector of internal revenue had to stop the distillery and thereby cause heavy loss to the distillers and the Government or place Merrill Denham on duty immediately. The collector of internal revenue states that Denham performed his duties faithfully and efficiently, not only for seventeen days before his commission was received and for which he has not been paid, but for many months thereafter. He is entitled to his pay, but the Commissioner could not pay him. Out of the abundance which our Government has he should be paid this just claim without delay. He has been kept out of it long enough because the bill could not be reached. Now that we have at last reached it, I hope it will pass unanimously.

Mr. KILGORE. I think the House might reject this claim on the general principle of law, *de minimis non curat lex*—the law takes no cognizance of small matters. I do not think we ought to bring in that sort of a bill here, and put the whole machinery of Government in operation. I would rather pay it myself—if I had the money. [Laughter.]

Mr. BUNN. I move that the bill be laid aside with favorable recommendation.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

H. W. M'CONNELL.

Mr. BUNN. I now call up the bill (H. R. 5368) for the relief of H. W. McConnell.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized to settle with and pay to H. W. McConnell the sum of $428 on account of his claim for that amount, growing out of the robbery of the mails between Jacksboro, Tex., and Dallas, Tex.; and to enable the Postmaster-General to carry this into effect the sum of $428 is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. BUNN. Mr. Chairman, I ask that the report be read. It is very short and states the facts concisely.

The report (by Mr. HUTCHESON) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5368) for the relief of H. W. McConnell, having considered the same, report as follows:

That McConnell was postmaster at Jacksboro, Tex., in 1883; that he mailed a registered package of surplus funds of $350 on September 6, 1883, to Dallas, Tex., the stage containing which was robbed and the package lost. But the committee find that he allowed $4 accumulations of funds, against the requirements of the postal law, and that of the $350 only $94 was received during the day of transmittal, and that, therefore, he was guilty of negligence as to the loss of all except the $94. We recommend that the sum of $95 be refunded to him.

They further find that on the 22d of September, 1883, he transmitted $120, which was likewise stolen by highwaymen; but that, as before, he had permitted accumulations, and only $42 of the $120 were received by him on the day of transmittal, and for the loss of all of the balance of said sum he was clearly responsible for negligence and violation of law.

Your committee therefore recommend that the words "four hundred and twenty-eight," in lines 4 and 5, be stricken out, and that the words "one hundred and thirty-six" be substituted therefor, and that as so amended the bill do pass.

Mr. BUNN. I notice that there is a misprint in the report. It reads "$4 accumulations." I should be four days' accumulations of funds.

The CHAIRMAN. This is only an error in the report; not in the bill.

Mr. BUNN. That is all.

Mr. COOMBS. I would like to ask the gentleman from North Carolina if this postmaster made the loss good to the Department?

Mr. BUNN. Yes, sir.

Mr. COOMBS. Have you any communication from the Department to that effect?

Mr. BUNN. Oh, yes; and he asked to be reimbursed.

Mr. COOMBS. That does not appear in the report.

Mr. BUNN. We did not print all of the evidence, as it was quite full and cumulative, but the proof was that he paid the whole loss himself, and we relieve him now only to the extent of the loss that he was bound to send by that day's mail. The other accumulations, which were laid over and not sent in time, we do not allow compensation for.

Mr. COOMBS. As a matter of law is the Government responsible for the loss of funds transmitted through the mail?

Mr. BUNN. Certainly, when they are transmitted in accordance with the regulations.

Mr. KILGORE. I would like to inquire of the gentleman from North Carolina—I could not hear the report or the bill read here, there is so much confusion—is this a loss sustained by a postmaster?

Mr. BUNN. Yes, sir.

Mr. KILGORE. And for a burglary?

Mr. BUNN. It was the robbery of a mail after it was made up and went from his office.

Mr. KILGORE. The claim is $400, and the committee recommend a reduction?

Mr. BUNN. Yes; in accordance with the statement I have made.

Mr. KILGORE. The committee charge that he was guilty of negligence as to a portion of the loss?

Mr. BUNN. Yes, sir.

Mr. KILGORE. Now, if he was guilty of no negligence, can not the Department afford him relief?

Mr. BUNN. They think not.

Mr. KILGORE. The law is that way, I think.

Mr. BUNN. We think his relief can only be given by Congress; and we were so advised by the Department; and we naturally would take their word.

Mr. KILGORE. Did you submit this matter to the Department?

Mr. BUNN. Yes, sir.

Mr. KILGORE. Is it not a fact that the law provides that where the loss is less than $2,000 the Department can settle it with the postmaster; but if loss arises from his neligence then there is no hardship in the matter?

Mr. BUNN. The gentleman is speaking of a case where the post-office was burglarized. The gentleman has not kept up with the law.

Mr. KILGORE. How much do you allow him at last?

Mr. BUNN. One hundred and twenty-nine dollars.

Mr. KILGORE. Then the loss of that $129 was not caused by his neglect at all?

Mr. BUNN. We thought not; possibly we were mistaken.

Mr. KILGORE. I think you likely were; you are generally mistaken.

Mr. BUNN. I am glad to say that the House has found otherwise.

Mr. BYNUM. Mr. Chairman, we are not at all well-advised as to how this loss occurred. I would like to hear the gentleman explain how the money was lost, and how the money was transmitted, and what evidence there is that it was transmitted and lost.

Mr. BUNN. The evidence as to the carrying of the money and its loss was conclusive.

Mr. BYNUM. It may have been conclusive to the gentleman; but what I would like would be for him to give that evidence to the House.

Mr. BUNN. We did not print the evidence in the report because it would cost more to print it than it would to pay this sum.

Mr. BYNUM. The gentleman can state the substance of it.

Mr. BUNN. I have stated the facts in the matter, but will repeat them. The mail was made up in this office to be sent in accordance with the law. The stage that carried it was robbed and the funds were stolen.

Mr. BYNUM. Was this money transmitted simply through the mails?

Mr. BUNN. Why, certainly it was. It was in the regular course of transmission of these postal funds, by order of the Department. It was the only way he could do it. He followed his instructions.

Mr. BYNUM. Is there anyone other than the postmaster himself who testifies that this money was transmitted?

Mr. BUNN. It was proven by all the parties.

Mr. BYNUM. I do not understand how that could be.

Mr. BUNN. I will yield to the gentleman who made the report.

Mr. HUTCHESON. The Postmaster-General and the Sixth Auditor had this investigated, and I have their report; but we did not print it, because it would be more expensive to do so than to pay this sum; but there is no question about the loss. The only thing about the whole case which is not in favor of the claimant is that there was a portion of the money that he had kept too long by two or three days.

Mr. COCKRELL. I will state for the benefit of the gentleman from Indiana that this matter occurred in my district, and I am perfectly familiar with it. The point of deposit was at Dallas. The mail had to pass 65 miles from Jacksboro to the railroad, and the mail was robbed twice during this time when the funds were in the office. There is no question about it at all.

The CHAIRMAN. The question is on the amendments proposed by the committee.

The amendments were agreed to.

Mr. BUNN. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

JOSEPH HAXTHAUSEN.

Mr. BUNN: Mr. Chairman, I now call up the bill (H. R. 526) for the relief of Joseph Haxthausen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any moneys in the Treasury not otherwise appropriated, to pay to Joseph Haxthausen, of Louisville, Ky., the sum of $110, being the amount of special taxes overpaid by him in the year 1873.

Mr. BUNN. Mr. Chairman, the report in this matter is a little lengthy, and I desire to make a brief statement of the facts. In the fiscal year commencing with the 30th day of April, 1872, and ending with the 1st day of May, 1873, the firm of Ropke & Haxthausen paid a special tax amounting to $320, license for the entire year.

Mr. COOMBS. On what?

Mr. BUNN. As rectifiers of spirits. That was the amount that the law required them to pay. During that year Mr. Ropke died, and the Department called upon Mr. Haxthausen to pay this additional license tax, as he could not continue the business under the old firm name. So he paid for January, February, March, and April up to the 31st, amounting to $110, it having been covered by the refiners' license which had already been paid for by his firm. The Revenue Department certified to that fact and addressed Mr. Haxthausen a note stating that he would be entitled to a refund but for the fact that he did not make his application in time; and therefore this amount could not be paid back to him. That is the statement of facts; and I would like to answer any questions gentlemen may desire to ask.

Mr. COOMBS. It has been standing, then, for twenty-one years?

Mr. BUNN. Yes, sir.

Mr. COOMBS. Has it been brought up in Congress before?

Mr. BUNN. Yes, sir; it has been here ever since I have been here, and years and years before.

Mr. COOMBS. Has it ever been acted upon?

Mr. BUNN. It has been reported, but never called up for consideration.

Mr. COOMBS. It seems to me that this is a rather large lapse of time.

Mr. BUNN. It was no laches on the part of the man. He has been trying his best the whole time to get his bill through.

Mr. COOMBS. It must be admitted that under the law the man was not entitled to this refund.

Mr. BUNN. He was, if he had made it in time. I will read this letter of the Department to the gentleman:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, February 23, 1881.

SIR: Your letter of the 20th instant has been received, in which you ask, on behalf of the Committee on Ways and Means, to be informed whether certain special taxes, amounting to $110, paid by Joseph Haxthausen upon the dissolution of the firm of Ropke & Haxthausen, as surviving partner of said firm, for the period commencing January 1, 1873, have ever been refunded.

I reply I have the honor to state that a claim for refunding $110, paid as above stated, was filed in this office by Mr. Haxthausen in September, 1879, and was rejected, not having been presented within three years from the date of the purchase of the stamps.

There is no record of any allowance by this office to Mr. Haxthausen on account of the special taxes above mentioned.

Respectfully,

WALTER EVANS, *Commissioner.*

Hon. ALBERT S. WILLIS,
House of Representatives.

So it will be seen from the report of the Commissioner that the only reason in the world why this money was not paid to this man before was, that he did not demand it within three years, and it was barred by the statute of limitations.

Mr. COOMBS. But do you think the Government ought to reopen matters of this kind now?

Mr. BUNN. I think so. This was a double tax. He paid the tax twice, and the Department says that they would have refunded it to him if he had asked it. I see no reason why it should not be paid now. Time and again we have passed bills in cases of this kind.

Mr. COOMBS. The amount involved in this case is very small, but it may serve as a precedent.

Mr. BUNN. I assert that the precedent has been embodied in every such bill that has come before this Congress, and no point of that kind has ever been made. It seems to me there can be no doubt as to the justice and propriety of this bill. I move that it be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

GEORGE C. TANNER.

Mr. BUNN. I call up the bill (H. R. 2842) to reimburse Geo. C. Tanner, late consul, etc., the sum of $200 paid by him for rent of room.

The bill was read, as follows:

Be it enacted, etc., That the sum of $200 be, and the same is hereby, appro-

priated, out of any money in the Treasury not otherwise appropriated, and that the same be paid to George C. Tanner, late consul at Verviers and Liege, for rent of rooms paid by him.

SEC. 2. That this act shall be in force from its passage.

Mr. COOMBS. Let the report be read.

The report (by Mr. RICHARDS) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2342) to relieve George C. Tanner, having duly considered the same, submit the following report:

This is a bill to reimburse George C. Tanner, late consul of the United States at Verviers and Liege, Belgium, the sum of $200 paid by him for rent of rooms for use of the consulate.

It appears from the evidence that while Mr. Tanner was absent on leave the term of lease of the consulate expired and the vice-consul renewed the lease for another year. On Mr. Tanner's return, he being ignorant of the renewal of the lease at Verviers by the vice-consul, removed the consulate to Liege.

Suit was then brought against him by the owner of the building at Verviers which had been vacated, for the unexpired term, and he was compelled to pay a sum amounting to $200 with costs, the receipts for which are on file at the State Department.

The maximum amount allowed for rent of the consulate was necessarily expended for the quarters actually occupied at Liege and there remained no fund from which the $200 could be paid by the State Department.

Mr. Tanner was without fault in the premises. He should be reimbursed, and your committee recommend that the bill do pass.

Mr. BUNN. Mr. Chairman, the report in this case is very brief. It was made by the gentleman from Ohio, Mr. RICHARDS, who investigated the case. He says he finds, as a matter of fact, from the evidence before him, that Mr. Tanner, who was our consul at the point named in the bill——

Mr. COOMBS. At what time?

Mr. BUNN. In 1885, I believe, though I am not quite certain of that, for I have not the evidence before me. It appears, I say, from the evidence that the vice-consul in the absence of the consul rented these premises——

Mr. KILGORE. Do I understand that some one connected with the consulate contracted for the renting of these rooms in the absence of the consul and without his authority?

Mr. BUNN. Yes, sir; the vice-consul, who was acting consul in his absence, did make the arrangement. The vice-consul, as a matter of course, had charge of the office until the consul arrived.

Mr. KILGORE. Was there any necessity for these rooms?

Mr. BUNN. There was an absolute necessity at that time.

Mr. KILGORE. Does the Department say anything about it?

Mr. BUNN. The Department says that he paid the money and that it should be refunded. The consul at first refused to pay the amount, but he was sued and a judgment was recovered against him for $200. He paid the judgment, and this bill simply provides that he be reimbursed the $200.

Mr. KILGORE. Was it the Democratic consul or the Republican vice-consul that made this arrangement? [Laughter.]

Mr. MEREDITH (to Mr. BUNN). Is this the case of my friend from Loudoun?

Mr. BUNN. Yes, sir.

Mr. MEREDITH. Well, he is a good man, and the bill ought to pass.

Mr. BUNN. As to the question of the gentleman from Texas, I can not answer it, because the question of politics has not entered into the examination of these cases in the Committee on Claims. Mr. Chairman, I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. BYNUM. I wish to ask the gentleman a question.

Mr. BUNN. I yield to the gentleman from Virginia [Mr. MEREDITH], who introduced the bill, and the gentleman from Indiana can address his questions to him.

Mr. BYNUM. I understand that this consulate was in a certain building?

Mr. MEREDITH. Yes, sir.

Mr. BYNUM. And the consul took a leave of absence?

Mr. MEREDITH. By proper authority.

Mr. BYNUM. But without making any arrangements for the continuation of the lease or the continuation of the occupancy of the building after the lease should expire. Then while he was away the vice-consul, who was in charge, renewed the lease for one year. The consul returned and took the consulate out of the building before the time had expired——

Mr. MEREDITH. Yes, sir; but, as the report states, he was ignorant of the fact that a lease had been made by the vice-consul, and the parties sued him and he was compelled to pay this amount.

Mr. BYNUM. He must have been a very ignorant consul if he was ignorant of the fact that he was occupying premises which he had no right to occupy, or if he went away without making provision for the retention of the consulate in the building.

Mr. MEREDITH. The records show that he was a very efficient consul, and this is a very small matter for the Government of the United States to kick against. It is only $200.

Mr. BYNUM. The Government of the United States ought not to pay $200 for his negligence or carelessness.

Mr. MEREDITH. I deny that this happened because of his negligence or carelessness.

Mr. BYNUM. I think it did.

Mr. COOMBS. I will ask the chairman of the Committee on Claims whether the Department recommends the payment of this claim?

Mr. BUNN. Yes, sir.

Mr. COOMBS. Then I have nothing more to say.

Mr. CANNON of Illinois. Just a word, Mr. Chairman. I suppose this matter is all right, because the committee have investigated and reported it, but it seems to me that this consul ought not to rest under the stigma of being ignorant and inefficient. He is one of our Virginia constituents, is he not?

Mr. MEREDITH. Yes, sir; and a good man, and he made a good consul.

Mr. BUNN'S motion was agreed to, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES DEAL.

Mr. BUNN. I call up the bill (H. R. 7603) for the relief of Charles Deal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Charles Deal, late a deputy collector of customs at Champlain, N. Y., the sum of $240.04, for expenses incurred by him in the case of Hugh O'Hara against said Deal, out of any money in the Treasury not otherwise appropriated.

Mr. BUNN. I ask that the report, which sets forth the facts very clearly, be read.

The report (by Mr. BUNN) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 7603) for the relief of Charles Deal, having had the same under consideration, report it back to the House with the recommendation that it do pass.

As a part of this report we print House Executive Document No. 135, second session Fifty-third Congress, which fully explains this bill and contains the reasons given for our action.

(House Executive Document No. 135, Fifty-third Congress, second session.)

TREASURY DEPARTMENT, *April 7, 1894.*

SIR: I have the honor to transmit herewith copy of a communication from the Commissioner of Customs of the 4th instant, submitting the account of Charles Deal, late deputy collector of customs at Champlain, N. Y., for reimbursement of expenses incurred by him in the case of Hugh O'Hara *vs.* said Deal, $240.04.

This account grows out of a suit brought by Hugh O'Hara to recover the value of certain goods seized and sold by said Charles Deal, deputy collector, in which suit the jury, in January, 1892, returned a verdict of no cause of action, and the fees of witnesses and other expenses to the suit, amounting to $240.04, as per sworn account submitted to the Department, were paid by the said Charles Deal.

The provision of law for the payment by the United States of costs in suits against officers of the revenue is that made by section 989 of the Revised Statutes. That provision is restricted to cases in which a recovery is had against such officer of the revenue upon conditions prescribed by statute. There having been no recovery against the deputy collector in the case against Mr. Deal, there is no authority of law for paying the costs therein.

The amount accruing to the United States by the sale of the goods referred to was $350.06.

As these facts constitute equitable ground for relief, I have to recommend that the appropriation of $240.04 asked for be granted.

Respectfully, yours,

S. WIKE, *Acting Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D. C., April 4, 1894.

SIR: Referring to the claim of Charles Deal, late deputy collector of customs at Champlain, N. Y., for reimbursement of expenses incurred by him in the case of Hugh O'Hara *vs.* Charles Deal, etc., which was reported to you by me on the 16th of January last, I have now to further report that he has furnished vouchers in support of said claim amounting to $240.04, being the whole amount of said claim, with the exception of the item charged by him for interest, which, in my judgment, should not be allowed. Each voucher contains a statement that the amount thereof has been paid to the person receipting therefor by Charles Deal, and is attested under oath.

This proof removes my previous objection to the recommendation of this claim to Congress for an appropriation.

The vouchers referred to are herewith transmitted.

Respectfully, yours,

WM. H. PUGH,
Commissioner of Customs.

The SECRETARY OF THE TREASURY.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., March 29, 1894.

SIR: I have the honor to inclose herewith papers in the matter of claim of Charles Deal, late a deputy collector, against the United States, to which papers I ask your kind attention.

Yours, respectfully,

JOHN M. WEVER, M. C.

Hon. J. G. CARLISLE,
Secretary of the Treasury, Washington, D. C.

CHAMPLAIN, N. Y., *March 20, 1894.*

SIR: Herewith find statement, with vouchers, for full amount of claim, as requested.

In reference to the item of interest will say, as the Government has had $350.06, net receipts from seizure since October, 1890, and it was in the execution of my duty, sustained by the court, that this money was paid, is it not but just that I should be allowed the interest thereon?

Respectfully, yours,

CHARLES DEAL.

Hon. WM. H. PUGH,
Commissioner of Customs, Washington, D. C.

Mr. BUNN. Mr. Chairman, as will be seen from this report, Charles Deal, being a deputy collector, seized goods of Hugh O'Hara which he, as the deputy collector, thought were subject to seizure under the statute. O'Hara thought differently, and brought suit against the deputy collector for damages on account of the seizure. The judgment of the court was in favor of Deal, thus sustaining the legality of the seizure; but, notwithstanding this fact, under the law as it now exists, the deputy collector was obliged to pay his own costs, the party bringing the suit against him proving to be insolvent.

Mr. CANNON of Illinois. If the judgment was in favor of the defendant in this case, did not that carry costs?

Mr. BUNN. Undoubtedly; but, as I have here stated, the plaintiff proved to be utterly insolvent.

Mr. CANNON of Illinois. I did not hear that statement.

Mr. BUNN. The vouchers have been duly certified and transmitted and the Department, after examination, has recommended to Congress the payment of this claim. I move that the bill be laid aside to be favorably reported to the House.

The motion was agreed to.

J. E. MERRIAM.

Mr. BUNN. I call up the bill (H. R. 507) for the relief of J. E. Merriam.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. E. Merriam the sum of $240, out of any money in the Treasury not otherwise appropriated, for services as custodian of the Northwest Point, Royal Shoal light-house, fifth United States light-house district.

An amendment reported by the Committee on Claims, striking out "$240" and inserting "$120," was read.

Mr. BUNN. I will ask that the report be read.

Mr. COOMBS. Let the gentleman make an explanation.

Mr. BUNN. Very well. As requested by the gentleman from New York, I will explain this matter without occupying time in having the report read.

Mr. Merriam, the beneficiary named in this bill, was appointed keeper of the Northwest Point Royal Shoals light station, and at the same time he was given the care and custody of the Government property at Southwest Point Royal Shoals light station, both on the North Carolina coast. He held the position of keeper of the Northwest Point Royal Shoals light-house until May 31, 1885, when he resigned the same, but he continued to care for the property of the Government at Southwest Point Royal Shoals light station for two years after his said resignation. Mr. Merriam has never been paid anything for this service.

The committee fully examined the proof and found that, though living 10 miles away from the place where this Government property was, he had gone across in his boat twice a week, opened and aired the building, and looked after the property of the Government. For this service we thought he was entitled to $120, one-half the amount claimed.

Mr. COOMBS. Is this recommended by the Light-House Board?

Mr. BUNN. Yes, sir; it is recommended by the light-house authorities adjacent to this station. The amount recommended to be paid was $240; but we thought that, according to the proof, the services were not worth that much, so we have made the reduction named in the amendment.

The question being taken, the amendment was agreed to.

Mr. BUNN. I move that the bill as amended be laid aside, to be reported favorably to the House.

The motion was agreed to.

MARTIN MADDUX.

Mr. BUNN. I call up the bill (H. R. 2845) for the relief of Martin Maddux.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay Martin Maddux, of Culpeper, Va., $972 for services rendered and performed as clerk in United States land office, Tucson, Pima County, Ariz., between the years 1888 and 1889.

Mr. COOMBS. I would like to hear the report read; and I hope we shall have order, so that we may hear it.

The CHAIRMAN. Before the report is read, the Chair desires to call the attention of the gentleman from North Carolina [Mr. BUNN] to the fact that by the report the bill appears to have been reported with an amendment, but the amendment does not appear in the printed bill.

Mr. BUNN. I will ask, then, that the bill be amended in accordance with the report of the committee.

The CHAIRMAN. Without objection, that will be done.

The report (by Mr. BUNN) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2825) for the relief of Martin Maddux, report that they carefully examined the same and recommend that the bill be amended by striking out the words "nine hundred and seventy-two," in line 6, and inserting in lieu thereof the words "four hundred and forty," and as so amended it do pass.

We present herewith as a part of our report copies of letters on file in the General Land Office, together with a statement of the amount claimed by the claimant; also, a letter dated June 8, 1892, from Hon. William M. Stone, Acting Commissioner of the General Land Office.

By reference to this letter it will appear that he fixes the balance due to Mr. Maddux at $440. This is done by calculating his wages at $3 per day.

The evidence before your committee justifies us in the conclusion that he made a special contract to perform this work at $4 per day. We have therefore added $1 per day for 280 days to the $440, making the aggregate $720.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 8, 1892.

SIR: I have the honor to acknowledge receipt of your communication of the 31st ultimo, with certain inclosures, and, in reply to your request for further information respecting the claim of Mr. Martin Maddux for compensation for clerical services in the Tucson (Ariz.) land office, I have to state as follows:

As appears by the above-mentioned inclosures, Mr. Maddux was employed chiefly as a contest clerk in that office for the time stated, and would probably have been paid for such services had not the receiver, Fred. W. Smith absconded.

The period during which Mr. Maddux claims service is from November 1, 1888, to November 30, 1889, less Sundays and 16 days' absence sick, computed as 343 days, at $4 per day; total, $1,372. He allows a credit of $400, which he acknowledges to have received of Mr. Smith, the ex-receiver and disbursing agent.

The total number of days embraced in the period designated is 395; deducting Sundays, 56 days, and time absent sick, 16 days, total 72 days, and there remains 323 days.

The receiver was absent from the office, under an application for leave of absence, for fifty days, from October 9 to November 27, 1889, and under the rules was required to employ a clerk to take his place in the office at his own expense. It is believed Mr. Smith employed Mr. Maddux, and that during the time last mentioned the former alone is responsible for the latter's compensation. Therefore, deducting 50 days, less 7 Sundays, namely, 43 days, from 323, leaves 280 days for which compensation remains due if service was rendered as claimed, and paid for only in the amount of $400 as stated.

The usual rate of pay to contest clerks is $3 per day, instead of $4, as charged by claimant; two hundred and eighty days at $3 per day amounts to $840. Deducting the $400 acknowledged to have been received by Mr. Maddux there remains $440 apparently yet due him upon this claim.

The returns from the Tucson land office were so incomplete and unsatisfactory for the period in question as to render further report in the case impracticable.

No oath was ever filed in this office by Mr. Maddux, as required by all employés in local land offices.

Your inclosures are herewith returned.

Very respectfully,

W. M. STONE, *Acting Commissioner.*

Hon. B. H. BUNN,
Chairman Committee on Claims, House of Representatives.

UNITED STATES LAND OFFICE,
Las Cruces, N. Mex., December 11, 1889.

SIR: At the request of Martin Maddux, of Tucson, Ariz., I inclose herewith his bill against the Government for services rendered as "contest clerk" in the Tucson land office, Arizona.

I was unable to find any letter authorizing the appointment of Mr. Maddux as "contest clerk," and he was unable to refer to the precise date of his appointment; but from his conduct I am satisfied he thought he was a regularly appointed contest clerk by the late officers.

I find that in June, 1889, he was paid $256 as "contest clerk," but the books of the receiver show no other payment to him since November 16 last to 1st instant. Mr. Maddux, to my knowledge, has been working every day in the office at Tucson, Ariz., and he informed me that he was the "contest clerk," and when I arrived at Tucson he was working on the contest docket.

Respectfully,

W. D. HARLAN, *Inspector.*

The COMMISSIONER OF THE GENERAL LAND OFFICE,
Washington, D. C.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December —, 1889.

GENTLEMEN: W. D. Harlan, inspector, submits bill of one Martin Maddux, of Tucson, who was a contest clerk in said office during the time from November 1, 1888, to December 1, 1889. This office can take no action in the matter, as said clerk hire is paid from fees received by receiver. You can report to this office all the facts in the case and notify Mr. Maddux that he must look to the late register and receiver for his pay.

Very respectfully,

W. M. STONE,
Assistant Commissioner.

REGISTER AND RECEIVER, *Tucson, Ariz.*

The United States of America to Martin Maddux, Dr.

To services rendered in the United States land office at Tucson, Ariz., as contest clerk, by virtue of an appointment as such clerk by A. D. Duff, then register, and by Maj. Fred. W. Smith, who was then and during the entire period of employment herein referred to continued to be receiver of public moneys at said land office at Tucson, Ariz.

Said appointment was made on the 1st day of November, 1888, and said services were rendered continuously (Sundays excepted) from said 1st day of November, 1888, up to and including the 1st day of December, 1889, except sixteen days, during which said Martin Maddux was sick and unable to work.

The services consisted in reducing the testimony of witnesses in contested land cases to writing, and preparing papers for such contest cases, and doing such general clerical work in the offices of the said register and the said receiver as there was to be done; and, at the request of the receiver, performing contest and general clerical work in the register's office during the illness of A. D. Duff, whilst said Duff was register of said land office at said

Tucson, until and since the appointment of Herbert Brown as such register, and up to said 1st day of December, 1889, at $4 per day:

343 days, at $4 per day	$1,372.00
By cash received from Receiver F. W. Smith	400.00
To balance due from United States of America	972.00

Exhibits 1, 2, and 3, are hereto annexed, referred to, and made a part of this demand.

TERRITORY OF ARIZONA, COUNTY OF PIMA,
District of Arizona, ss:

Martin Maddux, being first duly sworn, deposes and says that he has rendered the foregoing services as stated in the foregoing demand, and that the same are true and just, and were necessarily rendered, and that the compensation asked therefor is reasonable.

MARTIN MADDUX.

Subscribed and sworn to before me this 10th day of December, 1889.
[SEAL.]
Notary Public, Pima County, Ariz.

TUCSON, ARIZ., *December 10, 1889.*

I hereby approve the foregoing account or demand and certify that the services therein mentioned were actually and necessarily rendered in discharging the business of the office of register and of receiver of the United States land office at Tucson, Ariz.; and that said services were rendered by said Martin Maddux.

FRED. W. SMITH.

EXHIBIT 1.

UNITED STATES LAND OFFICE,
Tucson, Ariz., December 10, 1889.

SIR: I have the honor to report that Mr. Martin Maddux has since July 16, 1889, acted as contest clerk in this office and attended to such business in that department as properly came before him. He was officiating in that capacity when I assumed the duties of register and continued so to act until the 1st instant.

Very respectfully,

HERBERT BROWN, *Register.*

The COMMISSIONER OF THE GENERAL LAND OFFICE,
Washington, D. C.

EXHIBIT 2.

UNITED STATES LAND OFFICE,
Tucson, Ariz., December 10, 1889.

Martin Maddux, of Tucson, Ariz., has been performing the duties of contest clerk in this office, to my own personal knowledge, since August 1, 1889, and the records show his work prior to that date.

He has performed said duties, so far as I know, to the perfect satisfaction of all concerned, and has been of great service to the special agent of the General Land Office in giving the correct data of contest cases now pending. I respectfully recommend that he be fully compensated for his services.

Very respectfully,

D. A. BOWMAN,
Special Agent, General Land Office.

I, M. R. Slater, do hereby certify that I was a special agent of the General Land Office from May, 1888, to April, 1889, and that Martin Maddux was employed as a contest clerk in the Tucson land office (in which office I had my headquarters) from November, 1888, until a few days ago, except at one period he was absent for a few days, probably not more than ten days or two weeks; that as special agent I had several hearings on behalf of the Government, and that I always found said Maddux efficient, courteous, and competent, and common justice demands that he should receive remuneration for his services as such contest clerk.

M. R. SLATER,
Late Special Agent, General Land Office

Subscribed and sworn to before me this 19th day of December, A. D. 1889.
[SEAL.]
THOS. A. BORTON,
Notary Public, Pima County, Ariz.

Mr. BUNN. Mr. Chairman, the report accompanying the bill is very full and complete. I think it covers all of the points involved, explains thoroughly the basis of the bill, and I therefore move that it be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The question will be first on the amendment recommended by the committee.

Mr. MCNAGNY. Before the question is submitted I would like to get some information from the gentleman from North Carolina. Under the law are not these clerks regularly paid by the Government on accounts sent in and audited?

Mr. MEREDITH. The register or the receiver in this case ran away.

Mr. MCNAGNY. The gentleman from Virginia informs me that in this instance the register or receiver ran away from the office.

Mr. BUNN. Yes, sir; that is correct. Mr. F. W. Smith, who was the receiver at the land office, absconded.

Mr. MCNAGNY. Is it possible, or is it in evidence that this man would have been continued in that place, unless he was acting in the absence of his principal, and no inquiry was made about it?

Mr. BUNN. It does seem, I admit, to be a very strange case. But the Commissioner of the General Land Office, Mr. W. M. Stone, in a letter addressed to me, explains the fact and states that this man performed the duties, and he recommends the payment.

Mr. MCNAGNY. Is it not probable, let me ask the gentleman, that this man was acting as the deputy of the receiver, and in his place; and that the Government is not at all liable for the compensation; in other words, that this party must look to the receiver?

Mr. BUNN. I think not, from the evidence accompanying the claim.

Mr. MCNAGNY. Is it not more probable that he ought to have looked to the receiver for payment?

Mr. BUNN. I think not. The receiver was an officer of the Government——

Mr. MCNAGNY. Is it not a very remarkable case that a man would have continued in the employment so long a time without any compensation whatever? It seems to me, Mr. Chairman, that this case is surrounded by such peculiarities as require a further investigation of it. I hope the gentleman will not press it.

Mr. MEREDITH. If the gentleman from North Carolina will yield to me for a moment, I would like to state that if there is anything harder than for a "camel to pass through the eye of a needle," it is to get a claim, although a just one, through the Claims Committee of this House.

Now, the evidence in this case shows that this man Maddux performed the services for which the claim is made against the Government for payment, and that according to the testimony this service was necessary to be performed, and that it has been of large benefit to the Government. Every day that he was sick, every Sunday and every day on which he was not employed, has been deducted from the claim, and he has been allowed but $3 a day for the time actually in the service and performing duty.

Mr. MCNAGNY. Will the gentleman pardon a further suggestion?

Mr. MEREDITH. Certainly.

Mr. MCNAGNY. If this man was acting for the receiver, who had absconded, and discharged his duties all of this time, is it not a fact that the Government was very likely liable to the receiver for the service performed? There is no proof here that the Government has not paid already for the services to the receiver, not only the amount covered in the claim, but largely in excess of the amount in the shape of fees.

Mr. BUNN. Not at all. Here is a letter from the Acting Commissioner of the General Land Office showing that the man has not been paid.

Mr. COOMBS. What is the date of that letter?

Mr. BUNN. June, 1892.

Mr. MEREDITH. The letter is dated since the services were rendered and since the bill has been before the committee.

Mr. BYNUM. Will the gentleman have that letter read again?

Mr. BUNN. Well, it has been read already from the desk. It it quite a long letter.

Mr. BYNUM. That part of it to which the gentleman now refers.

Mr. BUNN. Certainly; I will read that part of it for the gentleman. The Commissioner says:

> The usual rate of pay to contest clerks is $4 per day instead of $4 as charged by claimant. Two hundred and eighty days, at $3 per day, amounts to $840. Deducting the amount acknowledged to have been received by Mr. Maddux, there remains $440 apparently yet due him upon this claim.

Mr. BYNUM. "Apparently." That does not cover the facts in controversy.

Mr. BUNN. It covers the fact that the office has not paid him.

Mr. MCNAGNY. But it does not say the receiver had not been paid for that identical service.

Mr. BUNN. Why, undoubtedly. The receiver reported to the land office——

Mr. MCNAGNY. But the gentleman does not get my point. My point is that the receiver absconded, and that this man under some arrangement was discharging the duties, but there is nothing to show, no proof submitted here, that the receiver had not already been paid in full.

Mr. BUNN. The receiver has been paid in full. He received the money——

Mr. MCNAGNY. Certainly.

Mr. BUNN. And it was his duty to disburse the money?

Mr. MCNAGNY. Certainly.

Mr. BUNN. And if he did receive the money and did not disburse it, why our committee thought that the Government was liable. The evidence they act upon is very clear in that respect.

Mr. MCNAGNY. But my point is that there is an entire absence of proof that the Government has not already paid this receiver for the services that would have been rendered by him if this man had not rendered the services here claimed for.

Mr. MEREDITH. Does not he make an affidavit to the fact that he has not been paid.

Mr. MCNAGNY. No, sir; there is not a particle of proof that the Government has not paid for this service.

Mr. MEREDITH. The Government ordered that it be paid out of the receipts of the land office.

Mr. McNAGNY. Certainly.

Mr. MEREDITH. And that man certainly was the agent of the Government.

Mr. McNAGNY. This man discharged his duties during his absence.

Mr. MEREDITH. Yes, sir.

Mr. McNAGNY. And now what evidence is there that this man's employer has not paid him for his services and taxed the Government with it?

Mr. BUNN. The Government could not have paid Martin Maddux, having put it in the hands of the receiver. The receiver was an officer of the Government, and the receiver held it as the property of the Government until he discharged the duty, and then it comes against the Government.

Mr. MEREDITH. The Government was responsible for the act of its agent.

Mr. BUNN. Undoubtedly. That has been held for a considerable period. We all have some recollection of the holding in the Silcott case here.

Mr. BYNUM. You will have to get a quorum before you can pass this bill.

Mr. BUNN. I move that the bill be laid aside with a favorable recommendation.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. BYNUM. Division, Mr. Chairman.

Mr. BUNN. I withdraw this bill from consideration.

There was no objection, and it was so ordered.

WILLIAM H. QUINN.

Mr. BUNN. I now call up the bill (H. R. 3605) for the relief of William H. Quinn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William H. Quinn, of the District of Columbia, the sum of $4,000, for services rendered by him in addition to his duties as draw-keeper at Anacostia or Navy Yard Bridge, in exercising supervision over said bridge, and also over Bennings Bridge; in making all estimates for repairs for both of said bridges and purchasing material for same from 1869 to 1878; and also for services as inspector for the Government of all mechanical work of the said Navy Yard Bridge, and supervising the construction of same, in 1874 and 1875.

Mr. KILGORE. Mr. Chairman, I would like to hear a good deal of explanation about that.

Mr. BUNN. You shall have it.

The amendment recommended by the committee was read, as follows:

In line 6, strike out the words "four thousand" and insert "nine hundred and forty."

Mr. BUNN. Mr. Chairman, I desire to state that this is a perfectly plain bill. The claim has been before the Court of Claims and that court has rendered its judgment. On the 25th day of January, 1888, the account was rendered, and I will ask, if any one desires information, that the findings of the Court of Claims be read.

Mr. COOMBS. Let them be read.

Mr. PICKLER. How much did the court give?

Mr. BUNN. Nine hundred and forty dollars, instead of $4,000; and that is all my committee recommends.

Mr. KILGORE. Send that up and let it be read.

Mr. BUNN. I have no interest in the case, except that this is a poor Irishman in the city whom I never saw before. Let the report be read.

The report [by Mr. BUNN] was read as follows:

The Committee on Claims, to whom was referred the bill (H. R. 3605) for the relief of William H. Quinn, submit the following report:

That the facts upon which this claim is based sufficiently appear in the findings of fact by the Court of Claims in William H. Quinn *vs.* The United States, which are below given in full and made a part of this report.

Your committee are of opinion that the claim is a just one, and do therefore report the bill back with the recommendation that the words "four thousand," in line 6, be stricken out, and the words "nine hundred and forty" be inserted in their stead, and as so amended that the bill do pass.

[Court of Claims. Congressional case No. 295. William H. Quinn *vs.* The United States.]

FINDINGS OF FACT.

At a Court of Claims held in the city of Washington on the 19th day of December, A. D. 1887, the court filed the following findings of fact, to wit:

The claim in the above-entitled case was transmitted to the court by the Committee on Claims of the House of Representatives on the 10th day of February, 1885.

James H. Embry, esq., appeared for claimant, and the Attorney-General, by F. P. Dewees, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The case having been brought to a hearing on its merits on the 6th day of December, 1887, the court, upon the evidence and after considering the briefs and arguments of counsel on both sides, finds the facts to be as follows:

I. The claimant was appointed a drawkeeper at the Anacostia or navy-yard bridge over the Eastern Branch of the Potomac in October, 1869, and continued in said capacity until May, 1878, and received compensation as drawkeeper at the rate of $720 per annum. He was without an assistant until July 1, 1874.

The following letter defined his duties at the time of his appointment:

OFFICE OF PUBLIC BUILDINGS, GROUNDS, AND WORKS,
Washington, D. C., October, 1869.

SIR: You are hereby directed to take charge of the Navy-Yard Bridge. It will be your duty to keep the floor of the same in good condition, free from breaks and holes, to keep it at all times clean, and for this purpose it will be swept at least once a day, to prevent fast driving over the bridge, to prevent all accidents or damage, as far as is possible, and in general to keep a strict watch over it at all times, and for this purpose you had better live somewhere in the immediate vicinity of the bridge.

Very respectfully,

TIMOTHY LUBERRY,
Superintendent in charge of Bridges.

Mr. WM. C. QUINN, *Bridge-keeper.*

II. While so employed, in pursuance of instructions, he exercised constant supervision over the Anacostia bridge, and also over Bennings bridge, 2 miles above, and in the discharge of these duties he made all estimates for the constant repairs of both bridges, purchased and inspected all material, employed all mechanics and laborers and kept their time, supervised their work, and witnessed their payment.

III. When the new Anacostia Bridge was built under contract, in 1874 and 1875, the claimant represented the Government as inspector in seeing that all the requirements of the contract were complied with, both in the materials used and in the construction of the bridge, from the driving of the piles to the completion thereof. His time was fully occupied, and in many instances he was required to be on duty at night when the work was going on. For all of the services enumerated on the two bridges he has never received compensation beyond his salary as drawkeeper.

IV. The condition of the two bridges, during claimant's term as drawkeeper, was such that his time was largely occupied in the work of supervision and inspection and in the purchase of materials and employment of mechanics and laborers. The draw at the Navy-yard Bridge required only occasional service, and Bennings was not a drawbridge.

V. The services of claimant were necessary and useful, and if he had not been so employed some other superintendent and inspector would have been indispensable to the proper care and necessary repairs of the two bridges.

VI. In 1870 his additional service did not begin till December. For the years 1871, 1872, and 1873 the additional service was reasonably worth $100 per year, at the same time taking into consideration the fact that he was in the Government employment and not fully occupied. For the years 1874 and 1875, when the new Anacostia Bridge was building, and the claimant acted as inspector both as to work and materials, and superintended the driving of the piles, being frequently on duty at night, the additional service was reasonably worth $200 a year. For the years 1876 and 1877, and until May, 1878, the additional service in supervising both bridges was reasonably worth $100 a year, amounting in all to $940.

VII. The claimant applied to Gen. Babcock, while he was Commissioner of Public Buildings, for additional compensation, and was informed that it would be approved by him, but would require the action of Congress. He subsequently applied to the present Commissioner of Public Buildings (Col. Casey), who decided, with the approval of the War Department, that the claim was barred by the provision of the Revised Statutes, section 1765.

BY THE COURT.

Filed December 19, 1887.

A true copy.

Test, this 25th day of January, A. D. 1888.

[SEAL.] JOHN RANDOLPH,
Assistant Clerk, Court of Claims.

Mr. KILGORE. Mr. Chairman, I understand from the reading of that report that the party named in that bill received as drawkeeper something over $700 a year, and that when he was put in charge of that bridge and his duties were multiplied or enlarged he received the same pay that he did before.

Mr. BUNN. Yes, sir.

Mr. KILGORE. Now, the purpose of this bill is to give him an increase in his pay during that time that he was on duty as an inspector, etc., is it not?

Mr. BUNN. It is to increase his pay for the extra work.

Mr. McNAGNY. If the gentleman will pardon an interruption, he will find that the claim is absolutely barred by the statute of limitations.

Mr. KILGORE. When it went to the Court of Claims did not the House, when it referred it to the Court of Claims, remove the bar?

Mr. McNAGNY. It could not.

Mr. KILGORE. How much did the Court of Claims find that this man would be entitled to at a reasonable rate of compensation, and how does it happen that there is such a great discrepancy between the amount found by the court and the amount originally claimed? I would be willing to hear an explanation of that from the gentleman from North Carolina or any other gentleman who knows anything about this case.

Mr. BUNN. In response to the gentleman from Texas, I will say that I do not know why this man claimed $4,000.

Mr. KILGORE. I would like to inquire if he claimed any extra compensation by reason of these extra duties?

Mr. BUNN. Undoubtedly he did at the time.

Mr. KILGORE. Have you proof to that effect?

Mr. BUNN. Yes. The evidence was before the committee.

Mr. KILGORE. Written proof?

Mr. BUNN. Yes, sir. Our committee has rarely taken testimony in any other form.

Mr. KILGORE. I do not mean the man's own affidavit, but testimony from other sources.

Mr. GROSVENOR. The gentleman from Texas evidently did not hear the report read.

Mr. KILGORE. I could not hear it; there was so much confusion around me.

Mr. GROSVENOR. One of the findings of the court is that the claimant "applied to the Commissioner of Public Buildings for additional compensation and was informed that it would be

approved by him, but would require the action of Congress; that he subsequently applied to the present Commissioner of Public Buildings, Col. Casey [that was back in 1887], and that he, with the approval of the War Department, decided that the claim was barred by the statute of limitations."

Mr. KILGORE. Had not this man been drawing a salary or compensation from some other source while he was performing the duties for which he claims pay now?

Mr. GROSVENOR. It does not so appear, and I do not see why the gentleman should assume that.

Mr. BYNUM. He was getting a salary of $700 from the Government all the time.

Mr. KILGORE. I understand that, and I understand that it is the difference between that amount and the amount it is supposed he ought to have that is claimed under this bill; but my inquiry is whether he was not drawing some other compensation—a pension, or something of that kind—from some other source.

Mr. BUNN. He was not drawing a pension.

Mr. KILGORE. Was not he a Union soldier, and had not he been shot all full of holes? [Laughter.]

Mr. BUNN. Well, sir; I did not examine into that.

Mr. KILGORE. Well, that is what I understand to be the case; and if so, he ought to have a pension.

Mr. GROSVENOR. I have not seen the old gentleman, but I understand that he is in a helpless condition and that he has been prosecuting this claim for a great many years.

Mr. BUNN. The gentleman from Indiana says that this claim was found by the court to be barred by the statute of limitations. There is not a word in the report which justifies that statement. The report says that "he subsequently applied to the present Commissioner of Public Buildings and Grounds, Col. Casey, who decided, with the approval of the War Department, that his claim was barred by the statute of limitations."

Mr. BYNUM. When did he apply?

Mr. BUNN. I do not know just when. The statement here is that he "subsequently" applied. There is not a word to the effect that the court decided that the claim was barred.

Mr. PICKLER. What services did he render that he was not obliged to perform under his contract?

Mr. BUNN. The report answers that question. It states the conditions of the service. He was first employed to keep the Anacostia bridge and then he was sent to Bennings, an entirely different bridge, which did not come under the contract.

Mr. PICKLER. And the Court of Claims found that this overwork was reasonably worth $900?

Mr. BUNN. Yes, sir; and the finding sets forth definitely what the work was.

Mr. BAKER of New Hampshire. He also acted as inspector of materials for the repair of the bridge?

Mr. BUNN. Certainly. It seemed to the committee that there was no doubt about the propriety of this claim, and I may add that it has been reported upon favorably in every Congress since the Court of Claims passed upon it.

The CHAIRMAN. The question is on the amendment reported by the committee.

Mr. BYNUM. I suggest to the gentleman that he withdraw this bill. I do not think it ought to pass, and I shall antagonize it. So if the gentleman wishes to save time he will do well to withdraw it.

Mr. BUNN. Well, if it is the gentleman's idea to antagonize everything, of course he has a right to do so.

Mr. BYNUM. I am not antagonizing everything, but I am going to antagonize this bill; and if the gentleman wishes to proceed with this business let him call up another bill.

Mr. BUNN. Well, I will endeavor to find something that will please the gentleman from Indiana. I withdraw the bill, Mr. Chairman.

Mr. BYNUM. The gentleman must not be too pert about it, or he may find that I can not be pleased with anything. [Laughter.]

Mr. BUNN. Well, I will try to please the gentleman from Indiana. I call up the bill (H. R. 3315) for the relief of James Hooper.

The bill was read, as follows:

Be it enacted, etc., That the sum of $23,150.20, with interest thereon from July 10, 1864, be, and the same is hereby, appropriated, out of any moneys not otherwise appropriated, to be paid to James Hooper, of Baltimore City, in the State of Maryland, for the difference between the value of the bark General Berry, owned by him, $41,650.20, and the net amount received from the Government as a war risk, $16,000, less $2,500 costs of collection; and the Secretary of the Treasury is hereby authorized and directed to pay to James Hooper, or to his order, said sum of $23,150.20, with interest thereon at the rate of 4 per cent from July 10, 1864, out of any moneys in his hands, or which shall come to his hands, not otherwise appropriated.

Amendments recommended by the committee were read, as follows:

Page 1, lines 4 and 5, strike out "July 10, 1864," and insert "September 9, 1873."

Page 2, lines 17 and 18, make the same amendment.

Mr. BUNN. Mr. Chairman, I have called up this bill at the request of the gentleman from Tennessee [Mr. COX], and I yield to him.

Mr. COX. Mr. Chairman, if I can have the attention of the committee a few minutes I think I can make this question plainer than it would be made by the rapid reading of the report from the Clerk's desk.

I do not hesitate to say at the outstart that a more meritorious and absolutely upright claim was never presented against this Government. It is based upon these facts: In 1864 Mr. Hooper was the owner of a vessel known as the General Berry, which was chartered by the Government to transport freights from New York to Fortress Monroe. There were no other freights on the vessel except such as belonged to the quartermaster's department of the Government. During the transit from New York to Fortress Monroe, the Florida, a Confederate cruiser, took the Berry and one or two other vessels, and destroyed the cargoes and the vessels.

When the arrangement was made between the United States and Great Britain as to the awarding of damages for the destruction of vessels under circumstances of this kind, the vessels destroyed by the cruiser Florida, except this one, entered into the consideration of the Geneva arbitrators and were paid for. On the first consideration of the matter this vessel, the General Berry, was omitted upon some technical ground; and the claim for this vessel was not adjusted.

Mr. DINGLEY. Can the gentleman state what was that "technical ground"?

Mr. COX. Yes, sir. The technical ground, as alleged by the claimant, was that his attorneys failed to prosecute the claim. But that is all obviated, as will be seen in a moment when I make a further statement of the facts. Afterward the abitrators selected to adjust these claims and make awards considered the claim in reference to the General Berry, and decided that the claimant was entitled to a certain amount of money, which was paid by Great Britain in discharge of the claim of Mr. Hooper and passed into the Treasury of the United States for the purpose of being paid to him as the owner of this vessel.

Now, the present claim is based upon the recovery of that money by our Government from Great Britain for the destruction of this very vessel. That is the whole case. In the examination as to the value of the vessel, she was valued, I believe, at $40,737. I am speaking from memory.

Mr. BUNN. That is the amount which was paid in.

Mr. COX. That is the amount paid into the Treasury of the United States by Great Britain.

Now, the United States Government, when it took charge of the vessel to transport these supplies, took what is called a "war risk" of $16,000. This amount was paid to Mr. Hooper. He set up a claim of two thousand and some hundred dollars as expenses in the collection of this $16,000. The committee decided that he was entitled to receive from the Government of the United States the forty-odd thousand dollars which the papers show to have been the value of the vessel, less the $16,000 which the Government paid him; and the committee further decided that he was not entitled to receive anything as compensation for expenses incurred in the collection of that sum of $16,000.

Now the whole case is summed up in this statement: The Government of the United States has received from Great Britain in payment for the destruction of this identical vessel; and the committee has allowed Mr. Hooper the amount paid by Great Britain less the $16,000 paid to him by the United States—all expenses of collection to fall upon Mr. Hooper. Consequently the amount of this claim is the balance (after deducting the $16,000) of the money awarded by the Geneva arbitrators and paid into the Treasury of the United States by Great Britain to compensate the owner for the loss of this vessel.

This money was paid into the Treasury of the United States in September, 1873; and as it was paid over by Great Britain for the purpose of meeting this claim, the committee thought it right to allow the claimant interest on the amount. This is the whole case.

Mr. KILGORE. When this man received the $16,000 did he execute any receipt?

Mr. COX. Oh, yes. There is no question about the payment of the $16,000.

Mr. KILGORE. Did he accept that as a full payment of all claim against the Government?

Mr. COX. No.

Mr. KILGORE. Have you seen a copy of the receipt?

Mr. COX. Oh, yes. This claim has been investigated in every Congress of the last six or eight.

Mr. KILGORE. Was this award of $40,000 made specifically by the Geneva arbitrators to this man or for his vessel?

Mr. COX. Precisely.

Mr. KILGORE. Then why was it not paid like all other awards?

Mr. COX. I have been trying to explain that this man did not get his claim through upon the first award; but on a reëxamination of the matter his claim was allowed; and the Government of Great Britain paid over the money.

Mr. KILGORE. That is no reason why the Government of the United States should pay it now.

Mr. COX. I think it is a reason why it should be paid now.

Mr. KILGORE. If it could have been paid under the law, it seems that it would have been paid unless something was wrong about it. It could have been paid without a special act of Congress.

Mr. COX. I wish he had been paid; this bill would not have been here.

Mr. HUNTER. Let me ask the gentleman whether he presented his entire claim to the award in the first instance, and why any part of it was deducted and not the whole?

Mr. COX. Well, only a part was paid in the shape I think my friend has in mind. I will explain, though. The vessel was valued at forty thousand seven hundred and some odd dollars. That valuation was finally allowed by the board of arbitration. But the Government of the United States in taking charge of the vessel in the first instance assumed a war risk of $16,000. Now, the Government of the United States had paid the $16,000 before they got the money from Great Britain, but the vessel was valued at forty thousand and over, as I have said, and the remainder of the money which has not been paid is still in the Treasury.

Mr. HUNTER. I do not understand what you mean by the term "war risk."

Mr. COX. Why, the Government of the United States, in transporting supplies, assumed the war risk; that is, to the extent of $16,000 in case the vessel was destroyed. It is a kind of insurance.

Mr. HUNTER. Then the Government was in the insurance business at that time?

Mr. COX. Yes, to a certain extent.

Mr. BAKER of New Hampshire. Mr. Chairman, this bill is a very peculiar one——

Mr. COX. Does the gentleman desire to ask a question?

Mr. BAKER of New Hampshire. No; I want to take the floor in my own time.

Mr. COX. I have yielded only for a question, not for a speech.

Mr. BAKER of New Hampshire. Then I propose to take the floor to make a speech before this bill passes.

Mr. COX. Well, you may make as many as you desire, but I have the floor at present. This claim is nothing to me, Mr. Chairman, except that it is to do an old man an act of justice.

Mr. BAKER of New Hampshire. The case has not been one-half presented to the House. There are some important matters to which the attention of the House should be called before action is taken upon it.

Mr. COX. Then I wish you would call my attention to them.

Mr. BAKER of New Hampshire. I will, in my own time.

Mr. COX. I do not propose to yield the floor to the gentleman.

Mr. BAKER of New Hampshire. Very well; that may be, but I can assure the gentleman that this bill will not pass until I have had an opportunity of being heard at least.

Mr. COX. Oh, well; I have heard that kind of talk all my life. You will not get the floor now until my time is up.

Mr. BAKER of New Hampshire. Very well.

Mr. HICKS. Will the gentleman admit a question?

Mr. COX. If you will come to the point I will answer any question.

Mr. HICKS. The question is this: What is the exact amount of this claim?

Mr. COX. The exact amount paid into the Treasury of the United States was forty thousand seven hundred and odd dollars.

Mr. HICKS. What do you claim?

Mr. COX. Well, the Government paid under the war risk $16,000, which left a balance of about $24,000.

Mr. HICKS. Why was not that balance paid along with the rest of the claim?

Mr. COX. Why, I have just explained. When the money was first paid over by Great Britain this claim had not been considered, but was considered afterwards. Afterwards Great Britain paid the money into the Treasury on the award, and this money is still there. Now, it belongs either to the Government of Great Britain or old man Hooker——

Mr. BAKER of New Hampshire. That is not the question at all.

Mr. PICKLER. Does it require an act of Congress to get any of that money out of the Treasury that was paid subsequently?

Mr. COX. Precisely.

Mr. PICKLER. Why has it been kept all these years in the Treasury?

Mr. COX. Why, this old man has been knocking here ever since the award was made, and has been working all the time, as he is working now, to get this claim allowed.

Mr. TALBOTT of Maryland. It was passed in the Forty-eighth Congress.

Mr. REED. Will the gentleman permit a question?

Mr. COX. Yes, sir.

Mr. REED. In the first place, can the gentleman be right in saying that this money is now in the Treasury?

Mr. COX. There is no doubt about it.

Mr. REED. But the whole Geneva award has been distributed.

Mr. BAKER of New Hampshire. Every dollar of it.

Mr. COX. No, sir; this money has not been paid.

Mr. REED. I had something to do with the last distribution made of the Geneva award, and if my recollection serves me right, and I think it does, although I have not kept all the details of the subject in my mind—but if my recollection serves me, the remainder of the Geneva award was distributed pro rata among the war premium men. Consequently there can not be any of the Geneva award still left in the Treasury. That is the first place.

In the second place, Mr. Hooper had an opportunity to appear before the first Geneva award commission, which was in 1874, or thereabouts.

Mr. COX. Eighteen hundred and seventy-three, I think.

Mr. REED (continuing). And he did not receive a favorable report, the case being decided against him by the commission. Subsequently, I find by the report, Congress permitted the claimant to present his claim a second time. So he has had two opportunities to have a hearing on the claim.

As to the ultimate justness of it I know nothing. Only these three facts: First, that there is no Geneva award now remaining in the Treasury, consequently this money will have to be paid, if paid at all, out of the United States Treasury; second, that there has been one adjudication on the case brought directly before the Alabama claims commission; and the third fact is that he has had a second opportunity.

Now I think that these two last things ought to be explained to the satisfaction of the committee, or else he ought not to recover.

Mr. COX. Now, I will ask the gentleman to listen to me for one moment and see if I do not make it satisfactory to him.

Mr. LIVINGSTON. May I suggest to the gentleman from Tennessee——

Mr. COX. After I answer the gentleman. When the first arbitrators passed upon this question the claim of this old man was presented, but it was not passed upon. Afterwards——

Mr. REED. It was passed upon.

Mr. COX. It was not allowed or disallowed.

Mr. REED. It was disallowed. You can not say that it was not passed upon.

Mr. COX. After that he presented his case again for a second examination. The gentleman from Maine will remember that on that cruise the Florida destroyed other vessels than the General Berry, and under the same circumstances as his claim was based they were allowed. Now, the first award was distributed, but this, being for the destruction of the General Berry by the Florida, has never been distributed; and there is no other claim there as to this fund, as we are informed by the Department, except for the General Berry, which belonged to this gentleman.

Mr. REED. Does the gentleman mean to say that this sum of forty-odd thousand dollars has been retained in the Treasury?

Mr. COX. No, sir; I mean there has been forty-odd thousand dollars received by the Treasurer of the United States. The Government of the United States had paid the old gentleman $16,000 (I speak in round numbers) on the war risk which he had assumed, which is in the nature of insurance, and left $24,000, which was paid by Great Britain, in the Treasury of the United States. Now, my point is this, if I am not mistaken, that of the forty thousand paid by Great Britain into the Treasury the Government has the right to retain $16,000, which it paid itself, and that left $24,000 there. Now, whose money is that?

Mr. REED. But the trouble is that the $24,000 was not left there. The United States distributed that under the second Geneva award bill, which came from the committee of which I was at that time chairman, the Committee on the Judiciary.

Mr. COX. I would not upon a question of fact set myself up against the gentleman from Maine, but that matter was investigated by the committee, and we had no trouble in arriving at the fact that $24,000 remained in the Treasury paid by Great Britain for this vessel.

Mr. TALBOTT of Maryland. Will the gentleman allow me to ask the gentleman a question?

Mr. KILGORE. I would like to have the statement of the gentleman from Maine in regard to the matter which has just been referred to.

Mr. COX. I would not know this old man, Mr. Hooper, if I met him in the road. All I care for is to present the facts as I understand them.

Mr. REED. I have no doubt the gentleman has stated the facts as he understands them, but I think that he has been misled in the matter. I do not mean improperly misled.

Mr. COX. Oh, no.

Mr. REED. Or that anybody has improperly misled him. I do not mean that; I only mean that there is an error as to facts.

Mr. COX. You think the $24,000 has been paid out?

Mr. REED. It has been paid out.

Mr. TALBOTT of Maryland. To somebody else.

Mr. REED. Paid out generally. Now, I have no desire to cloud this question the least bit in the world. I make no opposition to it. I only want the committee to know upon what basis it is proceeding. I do not know whether it is a just claim or not. I do not pass any opinion upon that. But, as I understand, the situation is this: The arbitrators did not give any specified sum in any specified case. They gave the sum of $15,000,000 in lump to cover the differences between the United States and Great Britain, whatever they might be; and that was given to the United States.

Mr. COX. Pardon me one moment. That was the first award.

Mr. REED. It was the only award.

Mr. COX. No, sir; there was another award.

Mr. REED. There was but one award of $15,000,000 given for the purpose of satisfying claims, not of individuals, but of the United States; and the United States was to dispose of that entire sum to suit itself. Accordingly a bill was passed by which the damages inflicted by certain specified vessels to our shipping was paid for, and then the sums paid out by insurance companies on damages because of these particular vessels. That left something like $7,000,000, not counting the interest (and I do not pretend to be exact as to the amount), which was to be disposed of. In the Forty-seventh Congress it was disposed of on this plan. We paid on a certain class of vessels outside of those considered by the commission, because, in our judgment, the United States ought to protect the owners of those ships. Then there were one or two other claims paid, and then the rest of the sum was given to the war-premium men.

Gentlemen will recollect that during the war, owing to the attacks of Confederate cruisers, heavy premiums were assessed on marine risks. Premiums went up to a very high point; and so high a point, and so entirely loud were they, that not only did they pay what the insurance companies paid, but the insurance companies made an immense amount of money besides. Therefore we concluded that the more just course would be to distribute this amount among the people who had paid war premiums on account of the fright occasioned by the Confederate cruisers; and accordingly a commission was appointed to take proof on which a distribution should be made, and that distribution was made.

Now, inasmuch as there was not enough money to pay the whole of that and only a percentage was paid, it would seem to follow as an inevitable result that that entire fund was exhausted, and consequently that there can not be $48,000 of it in the United States Treasury.

Mr. TALBOTT of Maryland. Twenty-four thousand dollars.

Mr. COX. The whole amount was some $40,000, which was paid by Great Britain on this account. Now, the insurance companies had no claim whatever on that fund.

Mr. REED. The gentleman is in error.

Mr. COX. No; wait a moment. The Government of the United States assumed the war risk, and paid this claimant $16,000 out of that money——

Mr. REED. That was the first distribution.

Mr. COX. Well, that was the result of it, $16,000.

Mr. REED. The fundamental error which the gentleman is committing is this. He is assuming that Great Britain paid for this vessel *eo nomine* a certain sum of money, $40,000, and that the Government paid $16,000 of that to the man and that he is entitled to the balance.

Mr. COX. That is all right, except that the Government paid it before it got the $40,000.

Mr. REED. Now that is an entirely erroneous idea. Great Britain never paid any sum of money whatever to the Government of the United States for this vessel. Great Britain paid $15,000,000 in a lump sum as an indemnity to cover the whole subject to be disposed of by the United States as they saw fit, and the United States have disposed of that sum in the way I have stated, and in disposing of it have they not necessarily passed upon this case?

Mr. TALBOTT of Maryland. No, sir. They have not.

Mr. REED. There are two proofs of that. First, the fact that this claim was before the first commission, and, if the statement of it be correct, it was under the term of the first commission and should have been allowed; but the first commission, hearing the case, disallowed the claim. Thereupon Congress gave the claimant permission to present himself again before the commission, and your report says that his attorney, for some unknown reason, failed to docket the action.

Mr. COX. That was the first commission.

Mr. REED. It may have been the first commission, but it was the second presentation of the case under a special act of Congress.

Mr. COX. Yes, sir.

Mr. REED. So that the claimant has had two days in court. I do not say that that is enough; I say nothing about that; only I want——

Mr. COX. I agree with the gentleman from Maine, and he will have no trouble with me, for I am trying to get at the facts. Of course, if the Government of the United States got this money for this vessel under any sort of award, the money does not belong to the United States.

Mr. REED. But I have been trying to show the gentleman that the Government did not get the money for this vessel.

Mr. COX. Well, if the Government never got it, that is a different matter.

Mr. GROSVENOR. What evidence has the gentleman from Tennessee to show that this vessel figured at $40,000 in the gross award?

Mr. COX. This vessel did not pass under the general award, but it was afterwards examined and the value found to be something over $40,000, and that money was paid by Great Britain into the Treasury of the United States.

Mr. GROSVENOR. Where is the evidence of that?

Mr. COX. The evidence is here in the record. Then the Government of the United States appropriated $16,000 of that money——

Mr. GROSVENOR. But the gentleman who was chairman of the committee states here, apparently with full knowledge, that there never was anything paid.

Mr. COX. Well, that is important if it is a fact, for we are trying to get at the facts.

Mr. TALBOTT of Maryland. I want to say just a word in reply to the gentleman from Maine. I do not know much about the facts of this case, but I know this claimant very well and I know him to be a very worthy man.

Mr. REED. I have not a doubt of it.

Mr. TALBOTT of Maryland. I know him to be one of our best citizens, a man who has been impoverished by this transaction. Congress allowed him to go to the Court of Claims a second time, because his attorney failed to go there within the time fixed. That is why the claimant has to come here. That is a reflection upon the attorney, but I believe he is dead now—for I think I know who he was.

The only point that I want to call attention to is that before the assembling of the board of arbitration at Geneva, the Government advertised for persons who had suffered loss in this way, and Mr. Hooper came in and proved his claim and it was filed among the other claims and presented at Geneva, so that it was one of the claims that went to make up the total sum awarded.

Mr. REED. Was it?

Mr. TALBOTT of Maryland. That must have been because the claim was found to be due, for the claimant proved his claim; and if he received this first allowance of $16,000, then the only reason why he did not get the balance must have been that his attorney did not file his claim for the full amount.

Mr. REED. Oh, no. The gentleman from Maryland has not read the report in this case.

Mr. TALBOTT of Maryland. I am frank to say I have not read it very carefully.

Mr. REED. Now, let us see whether the section I am about to read does not cover the claim, if the facts are correctly stated by the gentleman:

> No claim shall be admissible or allowed by said court for any loss or damage or in respect to which the party injured, his assignees or legal representatives, shall have received compensation or indemnity from any insurance company, insurer, or otherwise; but if such compensation or indemnity so received shall not have been equal to the loss or damage so actually suffered, allowance may be made for the difference.

That section covers what the gentleman is claiming here, does it not?

Mr. TALBOTT of Maryland. If there were any doubt about the claim that would settle it; that would remove all doubt.

Mr. REED. Now, here was the action of a tribunal that had this claim before it. The report goes on to state:

> Under this section the claimant brought suit before that court, and the

value of the vessel (less the amount originally paid), the $28,150.20, was disallowed.

Mr. TALBOTT of Maryland. Now, read further. The report goes on to say:

Shortly afterwards allowance was made for the bark Greenland, destroyed under precisely similar circumstances, and for which a similar part payment had been made by the United States.

These two vessels were captured the same night by the same cruiser; and the court decided that the owner of the General Berry was not entitled to compensation and that the owner of the Greenland was.

Mr. REED. Why did the court so decide?

Mr. TALBOTT of Maryland. That I do not know.

Mr. REED. There is the mystery about it. If it should be shown satisfactorily to this House by evidence that another case involving the same question was subsequently decided by the court a different way, then one of two things must necessarily follow, either the United States ought to pay this money out of its own Treasury, or else this man was to blame for not having brought the case subsequently before the court in order to have the correction made.

Mr. TALBOTT of Maryland. Previous Congresses did not take that view.

Mr. REED. I am not speaking of previous Congresses. I am speaking of the action of this commission. Let us understand this case. It is admitted that the claim was disallowed; but it is asseverated that a similar claim was allowed right afterwards. Now, if that was so, either the United States ought to pay the money, or else it ought to be able to show that this man was negligent in not calling the attention of the commission to this different method of treating the two cases. If he failed to do this when he had opportunity, then, having had his day in court, having suffered by his own laches, he must take the consequences.

Mr. TALBOTT of Maryland. Congress gave this old man this relief and allowed him——

Mr. REED. No, Congress did not give him relief.

Mr. TALBOTT of Maryland. Not the relief called for by this bill; but Congress gave him relief by authorizing him to go back to the tribunal that had this special matter within its jurisdiction.

Mr. REED. No.

Mr. TALBOTT of Maryland. Oh, yes.

Mr. REED. Congress never gave him any relief.

Mr. TALBOTT of Maryland. Congress gave him the right to go back to this court; and he did go there. He is not personally to blame for the laches of his attorney. He is simply asking that the Government pay him the amount that it received from the British Government for the purpose of satisfying this claim; for it is not disputed that the claim was presented to the Geneva arbitrators and allowed by them.

Mr. REED. The fact is that this claimant had his trial in court; and the court allowed part of the claim and refused the balance.

Mr. COX. All that I desired in the explanation I made was to put this case before the House on its merits. If the Government of the United States had not received this money in some shape from England I do not think this would be a just claim against our Government. But I am so thoroughly satisfied that when the facts are understood there can be no trouble in securing the passage of this bill (because the Government of the United States received the money for this claim), that I ask permission that the claim be withdrawn for the present in order that the facts may be further looked into by members.

Mr. BAKER of New Hampshire. I object.

Mr. BUNN. I had risen for the purpose of withdrawing the claim.

Mr. BAKER of New Hampshire. I object.

Mr. BYNUM. I object, Mr. Chairman, until the gentleman from New Hampshire is heard. I would like to get all the facts in this case that are accessible.

The CHAIRMAN. The gentleman from New Hampshire objects to the request of the gentleman from North Carolina.

Mr. REED. I wish to make one correction in my former statement. If this report be correct the $16,000 was allowed by a direct act of Congress and not by the first commission, as I suggested before.

Mr. COX. The gentleman is absolutely correct in that. The Government got the money——

Mr. BAKER of New Hampshire. Mr. Chairman——

Mr. BUNN. Mr. Chairman, what has become of the request I submitted?

The CHAIRMAN. Objection was made to that.

Mr. BUNN. Then I raise the question as to whether I have not the right to withdraw the bill. There has been no amendment offered to it; no action taken in reference to it, merely a matter of discussion. I ask if have not a right to withdraw the bill?

The CHAIRMAN. The Chair is perfectly certain that it would be competent for the gentleman to withdraw a proposition before an amendment had been adopted or the previous question ordered in the House; and the Chair thinks that the rule prevailing in the Committee of the Whole is the same.

But the gentleman asked unanimous consent to withdraw the bill. The Chair submitted the request, and the gentleman from New Hampshire objected.

Now the Chair understands the gentleman from North Carolina proposes to withdraw the bill as a matter of right.

Mr. BAKER of New Hampshire. Pending that, Mr. Chairman, I had been recognized as entitled to the floor, and desire to proceed with my remarks.

The CHAIRMAN. The gentleman has not been recognized except to make the objection. The Chair will recognize the gentleman if he desires to be heard as to the right of the gentleman from North Carolina to withdraw the bill.

Mr. BAKER of New Hampshire. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BAKER of New Hampshire. I think the Chair is mistaken as to the facts. I had objected to the withdrawal of the bill. The Chair had stated that without objection it would be withdrawn. I objected. I then addressed the Chair for the purpose of debating the merits of the bill, and was recognized——

The CHAIRMAN. But the gentleman had only stated the objection, and the Chair recognized the gentleman to make the objection; or, subsequently, as stated by the Chair, to discuss the right of the gentleman from North Carolina to withdraw the bill.

Mr. BAKER of New Hampshire. But I had been recognized to discuss the bill upon the merits; and while I was on the floor the gentleman from North Carolina rose and insisted upon his right to withdraw the bill.

The CHAIRMAN. The gentleman from New Hampshire misapprehended the action of the Chair. The truth of the matter is, that after the gentleman from North Carolina had asked unanimous consent to withdraw the bill, and the gentleman from New Hampshire objected, a member who was standing by the Speaker's table asked if it required unanimous consent; the Chair replied that it did not, but in responding to this inquiry did not observe that the gentleman from New Hampshire was still attempting to obtain recognition; and when the Chair again gave his attention to the proceedings in the committee, the gentleman from North Carolina addressed the Chair, was recognized, and proposed as a matter of right to withdraw the bill, and the Chair has decided that the gentleman, as a matter of right, may withdraw the bill.

Mr. BAKER of New Hampshire. From that I appeal.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. BAKER of New Hampshire. No quorum.

The CHAIRMAN. No vote has been taken by which the absence or presence of a quorum can be determined.

The ayes have it, and the decision of the Chair stands as the judgment of the committee.

Mr. BAKER of New Hampshire. I demand a division.

Mr. WILLIAMS of Mississippi. Against that I make the point of order. The gentleman did not ask a division until too late. He made the point of no quorum when there had been no vote to determine the fact, and after the Chair had announced the result of the vote, he made the demand for a division.

The CHAIRMAN. The gentleman made the point of no quorum, but there had been no vote upon which the presence or absence of a quorum could be determined.

Mr. BYNUM. But, Mr. Chairman, the gentleman from New Hampshire might make the suggestion of the absence of a quorum whether there is a vote or not.

The CHAIRMAN. That is not the practice of the House, the Chair will state to the gentleman from Indiana. It is the practice in the Senate, but has never been in the House.

Mr. BYNUM. It has been the practice of the House since I have been here.

The CHAIRMAN. The Chair thinks only in the morning, before the approval of the Journal; and that practice obtains because the rule of the House provides that the Speaker of the House shall assume the chair, "and on the appearance of a quorum" cause the Journal to be read. Under that rule any gentleman may suggest the absence of a quorum, in which case the Chair orders a call of the roll to determine the fact. But the Chair thinks it has never been the practice of the House to merely suggest the absence of a quorum: the only time when that question can be raised is when there is a vote, which of itself discloses the fact.

Mr. BYNUM. In the interest of a correct ruling upon this subject, I beg leave to differ with the Chair and suggest that

any member has the right, at any time during the proceeding before the House, to suggest that a quorum is not present, whereupon it is the duty of the Chair to cause a count to be made and if there is no quorum then a call of the House must be had or an adjournment.

The CHAIRMAN. The Chair will suggest to the gentleman from Indiana that while he may have some reason to believe that to be the practice of the House, the opinion of the Chair is positive that such is not the custom.

The Chair will make the further suggestion that if the gentleman from New Hampshire had first demanded a division, and on a count no quorum had voted, then his point of no quorum could have been made. But he did not do that. He undertook to make the point of no quorum when the point could not lie. The gentleman therefore lost his opportunity, and the Chair announced that on the vote the decision of the Chair had been sustained as the judgment of the committee.

Mr. BUNN. I ask unanimous consent to say to the gentleman from New Hampshire that I have no sort of objection to his being heard, and if I can get an opportunity I will bring up the bill at another time, so that he can be heard. But inasmuch as to-day is set apart for a special purpose, I am instructed by the committee that if any claim is seriously fought to withdraw it. The gentleman from Maine and the gentleman from New Hampshire will have an opportunity hereafter.

Mr. REED. I want it distinctly understood that I am not in any way fighting or opposing the bill, but only as a matter of duty stating the facts within my knowledge. It may be that Congress, upon examination, may think the court did such an injustice that it ought to right it.

Mr. BAKER of New Hampshire. I move that the committee now rise.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BAKER of New Hampshire. Division.

The committee divided; and there were—ayes 26, noes 40.

So the motion was rejected.

HENRY HERRMAN.

Mr. BUNN. Mr. Chairman, I call up the bill (H. R. 6236) for the relief of Henry Herrman.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the lawful heirs of Henry Herrman, late a citizen of the State of New York, out of any moneys in the Treasury not otherwise appropriated, the sum of $2,451.54, with interest thereon from May 18, 1867, the same to be received by them in full settlement for custom duties claimed to have been illegally exacted and paid into the Treasury of the United States.

Mr. BUNN. Mr. Chairman, at the request of my colleague on the committee [Mr. CAMPBELL] I call up this bill, and I yield to him.

Mr. CAMPBELL. The report of the committee speaks for itself.

The report (by Mr. BUNN) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 6236) for the relief of Henry Herrman, have considered the same, and find the fact clearly stated in the report of the Committee on Ways and Means in the Forty-seventh Congress.

Your committee therefore adopt the said report and recommend the passage of the bill.

[House Report No. 1634, Forty-seventh Congress, first session.]

The accompanying bill proposes to refund to Henry Herrman, of the city of New York, the sum of $2,451.54, that being the amount paid by him for duties erroneously assessed and collected on woolen goods imported by the firm of Herrman & Co., of which firm Henry Herrman was the senior partner, in April, 1867. The facts on which this claim for refund is based are these:

Messrs. Herrman & Co. imported into the port of New York a certain lot of woolen goods per steamer Manhattan, which arrived at that port on Saturday, March 2, 1867. An entry of these goods was made at the custom-house March 4, 1867 (Monday), and the rate of duties stated in such entry was that imposed by the act of June 30, 1864, on such class of goods; but the entry was liquidated April 9, 1867, at the increased rates imposed by the act of March 2, 1867, entitled "An act to provide increased revenue from imported wool, and for other purposes."

Under date of May 23, 1867, Messrs. Herrman & Co., by their attorneys, filed a protest against the exaction of duties under the act of March 2, 1867, on the ground that that act was not in force at the time the importation was made and until after the importers had duly entered and paid duties on their goods under the act of June 30, 1864. Due notice of the liquidation of the entry at the advanced rates was given the parties, but the protest not having been filed within ten days after liquidation of the entry, as required by section 15 of the act of June 30, 1864, the Treasury Department declined to entertain the appeal. The foregoing statement of facts in this case is taken from a letter of the Secretary of the Treasury, dated March 30, 1880.

The act of March 2, 1867, under which the increased duties were exacted, although purporting to have received executive approval on March 2, was in fact approved on Monday, March 4, as the records of Congress show, the legislative day beginning Saturday, March 2, having been extended to noon of Monday, March 4, when the Congress expired by limitation. The Secretary of the Treasury, in a letter reviewing this case, dated March 30, 1880, says:

"The following facts may be considered as established:

"First, that the importation was complete on March 2, 1867.

"Second, that the act bearing date March 2, 1867, was not approved until March 4, 1867, and therefore was not a law until that day; and,

"Third, that therefore, as a matter of law, the goods in question were subject to duty under the act of June 30, 1864."

While there is no dispute as to the legal right of the goods to entry and liquidation under the lower rate of duties imposed by the act of June 30, 1864, it appears that, in consequence of the failure of Messrs. Herrman & Co. to file protest in due time, the exaction of additional duties under the act of March 2, 1867, was insisted upon, and the amount of additional duties ($2,451 54) was paid by them. Your committee are of opinion that the mere failure to enter protest within the time prescribed by law should not exclude these parties to the refund of excessive duties paid by them, particularly as it is admitted by the Secretary of the Treasury that the Government had no legal claim to exact the increased duties imposed by the act of March 2, 1867.

In reference to the failure to enter protest within the prescribed period, it appears that the business partner of Henry Herrman, Jules B. de Mesquito, who attended to the custom-house business of the firm of Henry Herrman & Co., was suffering from mental derangement when the importation in question was made, although this fact was not apparent to his business partner and friends at that time. Shortly thereafter De Mesquito committed suicide. These facts, in the opinion of your committee, should remove any technical obstacle that may exist touching the failure to enter protest within the period prescribed by the statute.

Mr. BAKER of New Hampshire. I understood from the reading of the report that this claimant did not protest and appeal as required by law. It has been the universal practice of Congress, so far as I know, to refuse favorable action on bills where that protest and appeal are lacking; and, therefore, I move that the bill lie on the table.

Mr. CAMPBELL. I hope that motion will not prevail, so that the friends of the bill may have an opportunity to explain it.

The CHAIRMAN. The gentleman from New Hampshire moves that the bill be laid on the table——

Mr. REED. The Committee of the Whole has no table.

The CHAIRMAN. The Chair was going to suggest that the Chair presumed that the intent of the gentleman was to move that the bill be reported to the House with the recommendation that it lie on the table.

Mr. BAKER of New Hampshire. I move that the bill be reported to the House with the recommendation that it lie on the table.

Mr. BUNN. I suppose that is debatable.

The CHAIRMAN. Certainly.

Mr. CAMPBELL. I desire to be heard.

The CHAIRMAN. The Chair had recognized the gentleman, and he expressed the hope that the motion would not prevail, and concluded. The Chair did not intend to defeat the gentleman's opportunity to be heard.

Mr. CAMPBELL. Mr. Chairman, in answer to the gentleman from New Hampshire, I would state that I do not think his argument is sound on the question under consideration. The facts are simply these: We were living under a tariff law that existed from 1864 until 1867. A law had passed both branches of Congress on the 2d of March, 1867, but had not received the President's signature, and therefore it was not the law until the 4th of the month. In the mean time the collector of the port, or the people who had charge of that branch of the business, insisted that this party should pay excessive duties under a law which had not yet been signed by the President. He demurred to that at the time, and in the mean time the gentleman in the firm who had charge of the custom house branch of the business——

Mr. KILGORE. I can not hear what the gentleman says.

Mr. CAMPBELL. Oh, yes, you can. A partner of the firm committed suicide, and during the unfortunate troubles of the firm they failed to comply with this requirement within sixty days.

Mr. GROSVENOR. Ten days.

Mr. CAMPBELL. And the result was that this party had to pay this duty; and the only way in which he can be reimbursed is to obtain an enabling act from Congress. That is all there is of it.

Mr. GROSVENOR. I should like to ask the gentleman from New York if in his belief the excessive duty upon these goods caused the suicide of this man's partner?

Mr. CAMPBELL. I would not be surprised; but I can not tell. I was not there at the time, general.

Mr. BAKER of New Hampshire. I would like to ask the gentleman a question, if he will yield to me?

Mr. CAMPBELL. Certainly.

Mr. BAKER of New Hampshire. Can the gentleman give the committee any precedents where Congress has relieved a claimant under circumstances where a protest was not made or an appeal taken?

Mr. CAMPBELL. I can not at this time, but I know that there are cases, and there are equitable cases of that kind pending. I think it is only right that equal justice should be dealt out to all people on that basis.

Mr. BAKER of New Hampshire. With the understanding that the gentleman from New York will cite to the House these precedents at some future time, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. It does not require unanimous consent. [Cries of "Vote!"]

Mr. CAMPBELL. The gentleman from North Carolina, the chairman of the committee, has charge of this bill; but as I have been making an explanation, I move that the bill be laid aside with a favorable recommendation.

Mr. KILGORE. Before the motion is put I would like to understand what is meant there by paying this amount to the legal heirs of a particular individual?

Mr. CAMPBELL. I think I have fully explained the matter. One of these people committed suicide.

Mr. KILGORE. I could not hear a word of what was said, or the report when it was read; and I would not be inclined to let this claim go through this evening with the meager information that the committee possesses. If the committee votes against it, I would have no objection. [Laughter.]

Mr. CAMPBELL. Mr. Chairman, if the gentleman was serious in his remarks I would make further explanation. The bill has received the unanimous approval of the Committee on Claims in former Congresses. It has been thoroughly investigated by our committee, and has its unanimous favorable recommendation.

Mr. KILGORE. I want to inquire of somebody I can hear [laughter] whether or not this claim——

Mr. CAMPBELL. If the gentleman will not get angry, I will buy a speaking trumpet for him.

Mr. KILGORE (continuing): Whether or not this claimant has not forfeited his right by his own laches, by failing to make a protest, or by paying the duties under protest. If he had paid them under protest he could go to the Treasury Department and they would have the matter investigated, and if they found the facts as they have been stated, the Treasury Department would have refunded his money without any occasion for this party to come to Congress.

Mr. BUNN. I want to say to the gentleman that the proof in the case shows that the partner of this gentleman, whose duty it was to attend to these matters, was insane. It was not found out until afterwards.

Mr. KILGORE. But it was as much the duty of the one to do it as it was of the other to do it.

Mr. BUNN. I am just speaking now about the custom. This protest was not made in time, but the Department has recommended the payment of this claim, and it is absolutely just.

Mr. KILGORE. Who recommends the payment?

Mr. BUNN. I do not remember now.

Mr. KILGORE. Is it in the RECORD?

Mr. BUNN. No; it is not printed there, because the RECORD is very voluminous, but it is in the files room.

Mr. KILGORE. Is there any reference in the report to the fact that the Department has recommended it?

Mr. BUNN. No, sir; but I state it as a fact.

Mr. CAMPBELL. Now, if the gentleman from Texas will just keep quiet! He has my best wishes in his convention to-day, and I hope he will be renominated. [Laughter.]

Mr. BYNUM. Mr. Chairman, this claim is similar to a much more meritorious one which was presented by the gentleman from Pennsylvania [Mr. MAHON] and was rejected. There was no protest in this case under the law, and therefore there is no legal right. The gentleman who favors this claim [Mr. CAMPBELL] belongs to a party which believes that every importer who pays a duty adds that duty to the price of the goods. Now these importers, if they paid a high duty, added it to the price of their goods and collected it from the consumer, so that they have been long since reimbursed, and it is ridiculous for them to come in now thirty years afterwards with this claim. [Laughter.]

Mr. CAMPBELL. That is nonsense.

Mr. KILGORE. Mr. Chairman, following up the suggestion made by the gentleman from Indiana, I want to say that on this side of the House our Republican friends believe that the foreigner pays the duty. Therefore this man is out nothing, and therefore he is not entitled to any reimbursement. [Laughter.]

The question being taken on the motion of Mr. CAMPBELL, that the bill be laid aside to be reported favorably to the House, the Chairman declared that the ayes seemed to have it.

Mr. BYNUM. I ask for a division.

The House divided; and there were—ayes 52, noes 37.

Mr. BAKER of New Hampshire. No quorum.

Mr. BUNN. Mr. Chairman, I ask unanimous consent to withdraw this bill, and then I will move that the committee rise and report to the House the bills that we have passed upon favorably.

There was no objection.

The bill was accordingly withdrawn.

Mr. BUNN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BAILEY, from the Committee of the Whole, reported that they had had under consideration various bills, and had directed him to report the same back to the House with sundry amendments.

BILLS PASSED.

House bills of the following titles, reported favorably from the Committee of the Whole House, were severally taken up, the amendments (if any) concurred in, the bills ordered to be engrossed for a third reading, read the third time, and passed; and motions to reconsider the several votes by which the bills were passed were respectively laid on the table:

A bill (H. R. 1075) for the relief of Merril Denham;

A bill (H. R. 5368) for the relief of H. W. McConnell;

A bill (H. R. 526) for the relief of Joseph Haxthausen;

A bill (H. R. 2842) to reimburse George C. Tanner, late consul, etc.;

A bill (H. R. 7603) for the relief of Charles Deal; and

A bill (H. R. 507) for the relief of J. E. Merriam.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HOPKINS of Pennsylvania, for this day, on account of sickness.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2669) making an appropriation and providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California;

A bill (H. R. 4954) relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon;

A bill (H. R. 5901) to reimburse E. H. Nebeker, late Treasurer of the United States;

A bill (H. R. 6415) to provide an immediate revision and equalization of real-estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year 1896 and every third year thereafter, and for other purposes;

A bill (H. R. 6577) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the town of Columbia, Ala.;

A bill (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes;

A bill (H. R. 7383) relating to lights on fishing vessels; and

A bill (H. R. 7874) to enable the Secretary of the Interior to pay John T. Heard for professional services rendered the "Old Settlers" or Western Cherokee Indians out of the funds of said Indians.

CHANGE OF REFERENCE.

Mr. BOATNER. Mr. Speaker, I am instructed by the Committee on Pacific Railroads to ask that that committee be discharged from further consideration of the bill (H. R. 7878) to facilitate and expedite legal proceedings by the United States and other creditors against Government-aided railroad companies, their officers, stockholders, and the trustees of their mortgages; and that the bill be referred to the Committee on the Judiciary.

There was no objection, and it was so ordered.

The House then, on motion of Mr. BUNN (at 4 o'clock and 50 minutes p. m.), adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. McRAE, from the Committee on the Public Lands: A bill (S. 447) to authorize the Secretary of the Interior to issue a duplicate of a certain land warrant to Emma A. Ripley. (Report No. 1394.)

By Mr. PICKLER, from the Committee on Indian Affairs: A bill (H. R. 7645) for the relief of Kate Eberle, an Indian woman. (Report No. 1395.)

By Mr. TAWNEY, from the Committee on Pensions:

A bill (H. R. 7129) granting a pension to Henry Schnetberg, of Indiana, Pa. (Report No. 1404.)

A bill (H. R. 7468) for the relief of William T. Holman. (Report No. 1405.)

By Mr. MORGAN, from the Committee on Military Affairs: A bill (H. R. 7937) granting an honorable discharge to Adam Hand, in lieu of a bill (H. R. 955) of the same title. (Report No. 1406.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills and joint resolution; which were referred as follows:

Joint resolution (S. R. 68) for the relief W. D. Mack, a clerk in the Record and Pension Division of the War Department—the Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 7923) for the relief Charles M. Larsh, of Denver, Colo.—the Committee on the Public Lands discharged, and referred to the Committee on Claims.

A bill (H. R. 7924) for the relief of Mrs. Emma D. Larsh, of Denver, Colo.—the Committee on the Public Lands discharged, and referred to the Committee on Claims.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. DOOLITTLE: A bill (H. R. 7928) to amend section 1 of the act of August 4, 1892, entitled "An act to authorize the entry of lands chiefly valuable for building stone under the placer mining laws"—to the Committee on the Public Lands.

By Mr. JONES: A bill (H. R. 7929) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and city for military purposes during the war of 1812—to the Committee on War Claims.

By Mr. DAVIS: A bill (H. R. 7930) to authorize and enable the Commissioner in charge of the census to procure certain information of public value not derivable from any existing reports—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CATCHINGS: A bill (H. R. 7931) for the relief of the estate of A. Bowie, deceased, late of Warren County, Miss.—to the Committee on War Claims.

By Mr. DOOLITTLE: A bill (H. R. 7932) to remove the charge of desertion from the record of William McCutcheon—to the Committee on Military Affairs.

Also, a bill (H. R. 7933) for the relief of Peter Runquist—to the Committee on the Public Lands.

By Mr. PRICE: A bill (H. R. 7934) for the relief of the estate of Onezeine Leleu, deceased, late of Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 7935) for the relief of the estate of Desiri Le Blanc, deceased, late of Vermilion Parish, La.—to the Committee on War Claims.

By Mr. WILSON of Ohio: A bill (H. R. 7936) to remove the charge of desertion from the military record of William Wardel—to the Committee on Military Affairs.

By Mr. WHEELER of Alabama: A bill (H. R. 7938) for the relief of Bartley Harris, of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 7939) for the relief of Nathan L. Williams, administrator of Martha R. Williams, deceased, late of Madison County, Ala.—to the Committee on War Claims.

By Mr. SPRINGER: A bill (H. R. 7940) for the relief of Hannah Bailey Munson—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH: Petition of Local Union No. 356, American Railway Union, of Pullman, Ill., concerning the action of the Attorney-General of the United States in the recent strike—to the Committee on the Judiciary.

By Mr. BRYAN: Petition of about 10,000 citizens, residing in thirty-eight States, some of them residing in Nebraska, asking for an investigation of the official conduct of Attorney-General Olney during the recent Pullman strike, with the following indorsement: "Having no evidence before me by which to judge of the charges made in the petition, I express no opinion upon the merits; but believing in the sacredness of the right of petition as guaranteed by the Constitution, I present the petition to the House and ask its reference to the proper committee"—to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of the Geological Society of America, for the establishment of a national park in the State of Washington—to the Committee on the Public Lands.

Also, memorial from the Chamber of Commerce of Seattle, Wash., praying for the survey of public lands in Washington—to the Committee on the Public Lands.

Also, petition of citizens of Skagit County, Wash., praying for the improvement of the Skagit River—to the Committee on Rivers and Harbors.

By Mr. FLETCHER: Petition of citizens of Minneapolis, Minn., protesting against appropriations to sectarian schools for education of Indians—to the Committee on Indian Affairs.

By Mr. HARTMAN: Petition of W. H. Gallagher *et al.*, of Montana, favoring impeachment of Attorney-General Olney—to the Committee on the Judiciary.

Also, petition of N. B. Ringeling and other citizens of Montana, concerning appropriations for Indian education—to the Committee on Indian Affairs.

By Mr. HAUGEN: Petition of Samuel N. Griffith and 111 other citizens of Rice Lake, Wis., in favor of nationalizing the telegraph business and the interstate commerce of the United States—to the Committee on Interstate and Foreign Commerce.

Also, protest of W. J. Lawrence and 117 other citizens of Barron County, Wis., against the appropriation of public funds for sectarian instruction in Indian schools—to the Committee on Indian Affairs.

By Mr. SCRANTON: Petition of S. B. Hills and other citizens of Jermyn, Pa., against the income tax as affecting fraternal beneficiary societies—to the Committee on Ways and Means.

By Mr. SPRINGER: Papers to accompany House bill 7925—to the Committee on Invalid Pensions.

By Mr. TALBOTT of Maryland: Papers to accompany House bill 7926—to the Committee on War Claims.

Also, papers in claim of Barney Moore, to accompany House bill 7926—to the Committee on War Claims.

By Mr. WALKER: Petition for a Federal act to enable the States to enforce State laws regulating the sale of substitutes for dairy products—to the Committee on Agriculture.

SENATE.

FRIDAY, *August 10, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 8th instant approved and signed the following acts:

An act (S. 829) granting an honorable discharge to Cyrus Payne; and

An act (S. 1471) to provide for the adjustment and payment of the claim of the American Transportation Company for dredging done at Fairport Harbor, in the State of Ohio.

CALL OF THE SENATE.

Mr. HOAR. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cullom,	Hoar,	Peffer,
Allen,	Davis,	Jarvis,	Perkins,
Bate,	Dixon,	Jones, Ark.	Platt,
Berry,	Dolph,	Lindsay,	Pugh,
Blackburn,	Faulkner,	McMillan,	Sherman,
Blanchard,	Frye,	Manderson,	Teller,
Brice,	Gallinger,	Mills,	Turpie,
Call,	George,	Mitchell, Oregon	Vest,
Carey,	Gray,	Murphy,	Walsh,
Chandler,	Harris,	Palmer,	Washburn,
Coke,	Hill,	Patton,	White.

The VICE-PRESIDENT. Forty-four Senators have answered to their names. A quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6284) to prevent interference in the collection of State, county, and municipal taxes assessed against corporations and corporate property, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DE ARMOND, Mr. WOLVERTON, and Mr. POWERS managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

A bill (S. 1852) to provide an American register for the steamer S. Otori; and

A bill (S. 2234) to further amend section 2399 of the Revised Statutes of the United States.

The message further announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 859) for the relief of B. D. Greene;

A bill (H. R. 7461) to amend an act entitled "An act to create a new division of the northern judicial district of Georgia," approved March 3, 1892;

A bill (H. R. 7499) to grant to the city of Port Angeles, State of Washington, certain lands within the town site of Port Angeles, Wash., for cemetery purposes;

A bill (H. R. 7810) to authorize the Attorney-General to bring suit in the supreme court of the District of Columbia against the Wichita and affiliated bands of Indians, the Comanche, Kiowa, Apache, Choctaw, and Chickasaw tribes, to determine and settle the legal or equitable interest in said Indians in certain lands located between the ninety-eighth and one hundredth degree of west longitude, in Oklahoma Territory, and located within the territory leased from the Choctaw and Chickasaw tribes in the year 1855, and ceded in 1866, and for other purposes;

A bill (H. R. 7828) to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes;

A bill (H. R. 7834) for the relief of the bona fide purchasers of land in section 36, township 1 north, range 9 west (San Bernardino meridian), in the State of California;

A bill (H. R. 7840) to amend section 2335 of the Revised Statutes; and

A joint resolution (H. Res. 95) providing for an investigation relating to the effects of machinery on labor.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

A bill (S. 901) for the relief of the owners of the schooner Henry R. Tilton and of personal effects thereon;

A bill (S. 1949) for the relief of James E. North;

A bill (S. 2280) to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service;

A bill (H. R. 86) for the protection of persons furnishing materials and labor for the construction of public works;

A bill (H. R. 2669) making an appropriation and providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California;

A bill (H. R. 3033) granting a pension to Amanda J. Lane;

A bill (H. R. 4326) to subject to State taxation national-bank notes and United States Treasury notes;

A bill (H. R. 4954) relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon;

A bill (H. R. 5901) to reimburse E. H. Nebeker, late Treasurer of the United States;

A bill (H. R. 6415) to provide an immediate revision and equalization of real-estate values in the District in the year 1896 and every third year thereafter, and for other purposes;

A bill (H. R. 6577) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the town of Columbia, Ala.;

A bill (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes;

A bill (H. R. 7383) relating to lights on fishing vessels;

A bill (H. R. 7683) to correct the naval record of James Fay, and grant him an honorable discharge;

A bill (H. R. 7827) to authorize a bridge across the Perdido River between the States of Florida and Alabama; and

A bill (H. R. 7874) to enable the Secretary of the Interior to pay JOHN T. HEARD for professional services rendered the "Old Settlers" or Western Cherokee Indians out of the funds of said Indians.

REPORT OF A COMMITTEE.

Mr. BRICE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2293) to provide for the improvement of the building and grounds of the United States court and post-office at Little Rock, Ark., reported it without amendment, and submitted a report thereon.

INVESTIGATION BY THE COMMITTEE ON PATENTS.

Mr. CALL, from the Committee on Patents, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed:

Resolved, That the Committee on Patents have authority to sit during the recess of Congress and continue their session during said recess for the investigation of the proposed change of the patent laws, to send for persons and papers and take such evidence as they may think proper and necessary, and visit such places as they may think advantageous for gathering information upon the subject and report the same to Congress at the next session, and also authority to employ a stenographer and the necessary clerical assistance, to be paid out of the contingent fund of the Senate.

INVESTIGATION BY THE COMMITTEE ON COMMERCE.

Mr. RANSOM, from the Committee on Commerce, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Commerce be, and they are hereby, authorized and directed to sit during the recess of Congress, and to visit and examine the Pacific coast between Points Duma and Capistrano, with a view to determining the best location for the construction of a deep-water harbor. Said committee is also hereby authorized to visit and examine such other works of river and harbor improvement on the Pacific coast, existing or proposed, as in their judgment the interests of commerce may demand, and shall have power to subpœna witnesses, to administer oaths, and take testimony, to employ a stenographer, and to appoint a sergeant-at-arms from the messengers of the Senate; and that the actual necessary expenses of said committee, properly incurred, shall be paid out of the contingent fund of the Senate in the usual manner.

BILLS INTRODUCED.

Mr. TURPIE introduced a bill (S. 2298) for the relief of Michael Lynch; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PEFFER introduced a bill (S. 2299) to authorize and enable the Commissioner in charge of the Census to procure certain information of public value not derivable from present existing reports; which was read twice by its title, and referred to the Committee on the Census.

RECENT ELECTION IN ALABAMA.

Mr. CHANDLER. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Privileges and Elections be directed to inquire into the facts of the election held in the State of Alabama on the 6th of the present month of August, and to ascertain and report whether such election was full, fair, free, and honest, and resulted in the choice of a Legislature entitled to elect a United States Senator, and that said committee as a whole or by subcommittee shall have power to send for persons and papers and sit during the approaching recess of Congress.

Mr. HILL. I should like to have the resolution go over for further examination.

The VICE-PRESIDENT. The resolution will go over under the rule.

EFFECTS OF MACHINERY ON LABOR.

Mr. BATE. If the morning business is closed I ask the Chair to lay before the Senate House joint resolution No. 95, which has just come from the other House, with a view to its present consideration.

The joint resolution (H. Res. 95) providing for an investigation relating to the effects of machinery on labor, was read twice by its title.

Mr. BATE. I ask for the present consideration of the joint resolution.

By unanimous consent, the joint resolution was read at length and considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 7499) to grant to the city of Port Angeles, State of Washington, certain lands within the town site of Port Angeles, Wash., for cemetery purposes;

A bill (H. R. 7828) to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes;

A bill (H. R. 7834) for the relief of the bona fide purchasers of land in section 36, township 1 north, range 9 west (San Bernardino meridian), in the State of California; and

A bill (H. R. 7840) to amend section 2335 of the Revised Statutes.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 7461) to amend an act entitled "An act to create a new division of the northern judicial district of Georgia," approved March 3, 1892; and

A bill (H. R. 7810) to authorize the Attorney-General to bring suit in the supreme court of the District of Columbia against the Wichita and affiliated bands of Indians, the Comanche, Kiowa, Apache, Choctaw, and Chickasaw tribes, to determine and settle the legal or equitable interest of said Indians in certain lands located between the ninety-eighth and one-hundredth degree of

west longitude, in Oklahoma Territory, and located within the territory leased from the Choctaw and Chickasaw tribes in the year 1835, and ceded in 1866, and for other purposes.

The bill (H. R. 859) for the relief of B. D. Greene was read twice by its title, and referred to the Committee on Claims.

AVERY D. BABCOCK AND WIFE.

Mr. DOLPH. I ask unanimous consent for the consideration of the bill (S. 744) for the relief of Avery D. Babcock and wife, of Oregon, which has been reported from the Committee on Claims. It will lead to no discussion, I think.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Avery D. Babcock, of Polk County, Oregon, and to Margaret I. Babcock, his wife, $2,000, to be equally divided between them, in full payment of their claim against the Government of the United States for the use and occupation by the United States of their donation claim.

Mr. PLATT. I should like to hear some explanation of the bill.

Mr. DOLPH. Avery D. Babcock and wife, under the donation law of the 27th of September, 1850, took up a donation claim in the Willamette Valley. The wife was entitled to one-half of it, and that is the reason why she is named in the bill. In 1856, after they had occupied and improved it for several years, Gen. Hazen selected it as the site of Fort Yamhill, and it was afterwards also embraced in an Indian reservation, and they were deprived of the use of it for about ten years. Afterwards the fort was abandoned, and the lines of the reservation were limited so that this was excluded, and the land was patented to them. This is the lowest estimate of all the parties, so the committee says, for the use and occupation of the United States, and for being deprived of the use of the land for some ten or twelve years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED EXECUTIVE SESSION.

Mr. GRAY. Pursuant to notice, I now move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Delaware that the Senate proceed to the consideration of executive business.

Mr. HILL. I should like to offer a resolution, if the Senator from Delaware will allow me.

Mr. GRAY. I should like to oblige the Senator from New York, but, under the circumstances, I must insist on my motion. Several other Senators this morning have asked me to yield, and I have been compelled to decline.

Mr. HILL. Is the motion to proceed to the consideration of executive business in order at any time?

Mr. GRAY. Yes, sir.

Mr. SHERMAN. Debate on such a motion is not in order.

The VICE-PRESIDENT. Debate is not in order. The question is on the motion of the Senator from Delaware [Mr. GRAY] that the Senate proceed to the consideration of executive business.

Mr. HILL. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. HUNTON], and withhold my vote.

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN], who is not present. If he were here I should vote "nay."

The roll call was concluded.

Mr. DAVIS (after having voted in the negative). I am paired with the Senator from Indiana [Mr. TURPIE], who is not present, and withdraw my vote.

Mr. QUAY. As I stated when my name was called, I have a general pair with the Senator from Alabama [Mr. MORGAN], who is absent. The Senator from Nevada [Mr. JONES] is also absent. I transfer my pair with the Senator from Alabama to the Senator from Nevada, and vote "nay."

Mr. DIXON. I have a general pair with the junior Senator from Mississippi [Mr. MCLAURIN], and therefore withhold my vote.

Mr. CAREY (after having voted in the negative). I am paired with the junior Senator from Wisconsin [Mr. MITCHELL], and withdraw my vote.

The result was announced—yeas 21, nays 32; as follows:

YEAS—21.

Bate,	Faulkner,	Mills,	Vilas,
Berry,	George,	Pasco,	Walsh,
Blackburn,	Gray,	Ransom,	White.
Brice,	Jarvis,	Roach,	
Call,	Lindsay,	Smith,	
Cokе,	Martin,	Vest,	

NAYS—32.

Aldrich,	Frye,	Lodge,	Perkins,
Allen,	Gallinger,	McMillan,	Power,
Allison,	Gibson,	Manderson,	Proctor,
Blanchard,	Hale,	Mitchell, Oregon	Pugh,
Chandler,	Hansbrough,	Murphy,	Quay,
Cullom,	Hawley,	Palmer,	Shoup,
Dolph,	Hill,	Patton,	Teller,
Dubois,	Hoar,	Peffer,	Washburn

NOT VOTING—32.

Butler,	Dixon,	Jones, Nev.	Platt,
Caffery,	Gordon,	Kyle,	Sherman,
Camden,	Gorman,	McLaurin	Squire,
Cameron,	Harris,	McPherson,	Stewart,
Carey,	Higgins,	Mitchell, Wis.	Turpie,
Cockrell,	Hunton,	Morgan,	Voorhees,
Daniel,	Irby,	Morrill,	Wilson,
Davis,	Jones, Ark.	Pettigrew,	Wolcott.

So the motion was not agreed to.

THE REVENUE BILL.

Mr. HILL. I offer a privileged resolution. I submit the resolution which I send to the desk.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the conferees on the part of the Senate, who are now considering the differences between the two Houses on House bill 4864, being an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," be, and they are hereby, requested to report to the Senate if they are likely to come to an agreement, and, if not, to report to the Senate, and also to report the principal items of disagreement, so that the Senate may take action thereon.

The VICE-PRESIDENT. The question is upon the resolution submitted by the Senator from New York. [Putting the question.]

Mr. HARRIS. Mr. President, it is perhaps proper that I, as one of the conferees on the part of the Senate, should say that the representatives of the majority party of the two Houses have for many days conferred. We have encountered serious difficulties, and it is proper to say that up to this moment we have reached no agreement. There are serious differences of opinion in respect to at least three items in the bill. Possibly, if agreements could be reached as to those, other items might be agreed to; but the items of sugar, of coal, and of iron ore, are all three items in respect to which serious differences of opinion have been entertained and various propositions have been made pro and con, but no one of them has as yet proved quite acceptable to the conferees. We are still at variance, no agreement having been reached. This much it is perhaps due to the Senate that I should say.

Perhaps I need not refer to the various other items of difference; they are somewhat numerous; but, as I said before, I should indulge a strong hope, if the three things which I have mentioned were agreed upon, that we might reach agreements upon all other matters. But my associates on the committee know quite as well as I in regard to this subject, and I should be glad if they would make any statement they desire.

Mr. SHERMAN. I should like to ask the Senator from Tennessee, through the Chair, whether in his judgment the tariff bill is now before the Senate for such action as the Senate chooses to take?

Mr. HARRIS. Upon the contrary, in my opinion, it is most certainly not now before the Senate for the action to which the Senator refers.

Mr. SHERMAN. It does seem to me that the resolution——

Mr. HARRIS. I mean only, Mr. President, if the Senator will allow me, that I, as one of the conferees, have made a statement of facts to the Senate. The conference committee has submitted no report, nor would the conference committee undertake to submit a report until it had invited the Senator from Ohio and his associates to sit down with us and determine what report we should make.

Mr. SHERMAN. I understand the Senator to say that the tariff bill is not now before the Senate. It seems to me, therefore, that the resolution now pending is premature. Until we can have something to act upon, it is scarcely worth while for us to take up a resolution such as is proposed. I shall therefore object to the consideration of the resolution. ["No!" "No!"] I waive the suggestion for the present; but I do not wish to enter into a moot-court discussion. Let us have something before us that is tangible.

Mr. ALLISON. I do not understand clearly what the Senator from New York [Mr. HILL] proposes. If I heard aright the resolution as offered by him, it is a resolution asking the conferees on the part of the Senate to state the prospect of an agreement, the differences between the two Houses, and to report either an agreement or a disagreement. I think the resolution should be modified; and therefore I move its modification, so that the conferees be instructed to report a disagreement if they can not agree.

Mr. President, the Senator from Tennessee [Mr. HARRIS] very properly, I have no doubt, states that there are great difficul-

ties surrounding the differences, and I, as one Senator, should be glad to know the propositions which have been made and those which have been rejected on one side or the other. If the conferees had had a meeting, as is usual with conferences, it would be legitimate for me to inquire or for any Senator to inquire of the Senator from Tennessee as to the details of the differences; but inasmuch as this proceeding has been going on in an entirely informal way, and has partaken rather of the nature of secret and friendly conferences between members of the same political party, I do not feel that I have any right to inquire of the Senator from Tennessee, under the present situation, whether or not the obstacles to agreement are obstacles which present themselves through the conferees on the part of the House of Representatives or whether they are obstacles which can be removed by some intimation or suggestion from the Senate itself to the Senate conferees.

Mr. President, we, I submit, are in no condition to make an inquiry as to the real situation between the conferees, because, for myself, I should not feel that I could properly inquire whether the conferees on the part of the House of Representatives are obstinate as to the suggestions and propositions which I understand, at least from the newspapers, have been made repeatedly by our conferees to the House conferees as to these differences. Therefore, it seems to me until these differences in the conference committee are unfolded, unless the Senators who are and have been in these conferences are willing to state the difficulties, we are not in a position to inquire of them what the differences are.

The conference having now been for nearly three weeks engaged in the discussion of this question, I think we ought to exact from our conferees either that they report an agreement or that they report a disagreement, so that we may know in this Chamber what are the troubles as to this great bill now hanging between the two Houses. I should be glad if the Senator from New York would so modify his resolution or accept my suggestion of amendment that the conferees shall either report an agreement or a disagreement in order that the two Houses may have unfolded to them in all the details the differences which now exist between the two Houses upon the tariff bill.

Mr. GRAY. Mr. President——

Mr. ALLISON. I offer the amendment, and I hope the Senator from New York will accept it.

Mr. HILL. Mr. President——

Mr. GRAY. One moment, if the Senator pleases. I rise to a parliamentary inquiry. What is the present status of the resolution?

Mr. HILL. It is before the Senate.

Mr. BERRY. Subject to objection.

Mr. GRAY. I ask the Chair.

The VICE-PRESIDENT. The question is on agreeing to the resolution proposed by the Senator from New York.

Mr. HILL. Mr. President——

Mr. GRAY. Has the request for unanimous consent been put to the Senate? I object to the present consideration of the resolution.

Mr. ALDRICH. I suggest that the objection is too late. An amendment has been offered and the resolution has been discussed on both sides of the Chamber.

Mr. GRAY. The discussion has been proceeding by unanimous consent.

Mr. HILL. In the first place, I desire to suggest that that is not the case, and, in the second place, that after the resolution has been proceeded with for fifteen minutes it is too late to make the objection.

Mr. GRAY. The debate has been proceeding by unanimous consent.

Mr. BERRY. An objection will lie to the further consideration of the resolution.

The VICE-PRESIDENT. The Chair will answer the parliamentary inquiry of the Senator from Delaware. When the resolution was presented by the Senator from New York, with the request for present consideration, the Chair submitted to the Senate the question as to whether there was objection to the present consideration of the resolution.

Mr. ALLISON. I so understood.

Mr. GRAY. I did not hear it.

Mr. VILAS. That certainly was not heard here.

Mr. ALDRICH. It was heard everywhere.

Mr. GRAY. The Senator from Tennessee [Mr. HARRIS], as a member of the conference, proceeded by unanimous consent to make a statement.

Mr. HILL. That was when the Presiding Officer was putting the question on agreeing to the resolution. Then the Senator from Tennessee rose and desired to make a statement before it was carried.

Mr. MANDERSON. The "aye" vote had been taken on agreeing to the resolution.

Mr. HILL. Yes, sir; and nearly everybody said "aye."

Mr. MANDERSON. Then the Senator from Tennessee rose and was recognized.

Mr. BATE. But the noes were not called.

Mr. RANSOM. The Reporter can determine that question at once by reading his notes of what took place.

Mr. BERRY. An objection can be made at any time.

Mr. HILL. Mr. President, am I not entitled to the floor?

The VICE-PRESIDENT. The Chair has not yet answered the parliamentary inquiry raised by the Senator from Delaware [Mr. GRAY].

Mr. HILL. I submit that the proper time to raise an objection to the consideration of a resolution of this character is at the beginning. My recollection is that the Chair asked whether there was objection to the consideration of the resolution. There was none. Then the Chair proceeded to put the question on agreeing to the resolution. He called for the ayes, and was just about to call for the noes, when the Senator from Tennessee desired to make a few remarks, as he had a right to do.

Mr. HOAR. I wish to make a suggestion to the Chair. As I understand the matter, the Chair submitted the request for unanimous consent, and it was granted. Then the Chair put the question on the resolution, and the ayes answered. The ayes having answered, the Senator from Tennessee rose, as is the custom in the Senate, and addressed himself to the resolution, the noes not having been called for, and the result of the vote not having been declared. Now the Senator from New York has taken the floor.

I submit to the Chair that if that be the fact, it is altogether too late now to displace the resolution by an objection. The Senate has given consent for its present consideration, and the question on its adoption was put after that consent was given. If that be not the fact, the record of the stenographer will show.

The VICE-PRESIDENT. The Chair desires the record to be read. The recollection of the Chair is that the Chair submitted to the Senate the question as to whether there was objection to the consideration of the resolution offered by the Senator from New York. The ruling of the Chair will be deferred until the record is read.

Mr. VILAS. Will the Chair oblige me by permitting me to make one suggestion in reference to the matter?

The VICE-PRESIDENT. The Chair will hear the Senator from Wisconsin.

Mr. VILAS. If the proposition was submitted to the Senate, it certainly was not heard at my desk or by my immediate neighbors. The methods of business in the Senate have not been so exact heretofore with respect to these nice, finical compliances with technical rules that an important resolution like the one proposed by the Senator from New York should be crowded upon the Senate in haste and against the will of the members of the body who would like to consider it, as the rules provide, and especially not upon any misunderstanding.

But I was about to call attention to the fact that the rule does not particularly limit to the instant of proposal the necessity for objection. Rule XIV says:

> Whenever a bill or joint resolution shall be offered, its introduction shall, if objected to, be postponed for one day.

That is the first clause. The fifth clause is:

> All resolutions shall lie over one day for consideration—

That is, this resolution—

> unless by unanimous consent the Senate shall otherwise direct.

Mr. HILL. Will the Senator from Wisconsin allow me for a moment?

Mr. VILAS. In one moment. I am sure that if in the confusion existing in the Chamber the invitation of the President of the Senate for objection was not heard, it will not be considered as against the objection of many Senators on the floor as a foreclosure and consent on their part. There ought to be no misunderstanding, no snap judgments, no nice and finical adherence to technical rules in a body like this, and no surprises, as the Senator from North Carolina [Mr. RANSOM] well says.

Mr. HILL. Mr. President, I do not propose to beg the question, as I think the Senator from Wisconsin [Mr. VILAS] does. The resolution must be treated in the same manner as any other motion pertaining to the business of the Senate is treated. It is entitled to no more favors and no more consideration than any other resolution. The Senate ought to be permitted once in a while to do what it wants to do. If the Senate desires to pass the resolution, it ought to be entitled to the right to do it, and no finical, technical objection ought to be raised by a Senator to prevent the Senate from passing upon the resolution; and the technicality, sir, is upon the other side.

I therefore submit to the Senate that the resolution, which pertains to a most important subject pending before this body, ought to be discussed and disposed of. The Senator from Tennessee did not ask unanimous consent to make his remarks,

He assumed, and properly so, that he had a right to speak and present his sentiments. No other Senator who spoke asked for unanimous consent. It was treated as though the resolution was properly before the Senate, and it was only when I took the floor that the technical objection was raised that I should not be permitted to speak on my own resolution.

Mr. President, it strikes me that the technicality is invoked after other Senators have been permitted to discuss the resolution. The Senate is at liberty to dispose of the resolution. We are not very much pressed with business now, and we might as well spend our time in the discussion of the resolution. Otherwise the Senate simply adjourns, and we stay around the city and wait until to-morrow. The discussion can do no harm, and it may expedite the tariff bill. Therefore I think debate ought to be entertained.

In addition, no one objected to the resolution, and we proceeded to discuss it without objection on the part of anyone. Therefore I think it might properly be held that the objection comes too late now. Does the Senator from Wisconsin claim that a resolution can be read, that Senators can proceed to discuss it upon its merits, and that then, at the close of the discussion, objection can be raised? No, sir; the point——

Mr. VILAS. We do that under the rule.

Mr. HILL. I think the Senator from Wisconsin is the only Senator around this circle who would make any such point. It reminds me of a ruling I once heard by a gentleman in the New York Legislature. He was the only speaker who ever made such a ruling, and I think the Senator from Wisconsin is the only man who ever made such a point.

A member of the assembly rose and asked unanimous consent to speak. The chair asked, "Is there objection?" Nobody objected, and the gentleman proceeded with his speech. He tired the legislative body a little and was worrying the other side against which he was speaking, and finally another gentleman rose and said, "Mr. Speaker, I object to the gentleman's proceeding." The speaker actually rapped for order, and said, "The gentleman must take his seat." When he asked why, the speaker said, "The gentleman is proceeding by unanimous consent, and the moment that consent is withdrawn by anybody the gentleman must take his seat." It was ridiculous, and it was always so treated in that body.

Mr. GRAY. May I ask the Senator from New York a question about the precedent he has cited?

Mr. HILL. Certainly.

Mr. GRAY. In that case the Senator says the speaker had submitted the request for unanimous consent for the member to proceed.

Mr. HILL. That does not affect the question in the slightest degree.

Mr. GRAY. We shall see.

Mr. HILL. The Senator from Wisconsin takes the broad ground that the President of the Senate can wait until any time during the whole discussion and then can ask whether there is objection, just before the vote is taken. Is not that the Senator's point?

Mr. GRAY. The statement of the Senator from Wisconsin is that unanimous consent had not been given.

Mr. HILL. Let the Senator from Wisconsin state his own proposition. He is as competent as the Senator from Delaware.

Mr. VILAS. I will state my own proposition.

The VICE-PRESIDENT. The Chair requests Senators to address the Chair.

Mr. HILL. I do not wish to misrepresent the Senator from Wisconsin, and he knows I do not.

Mr. VILAS. Certainly the Senator from New York does not. The Senator from New York naturally recurs to the Legislature of New York for parliamentary instruction.

Mr. HILL. It is a good body to refer to.

Mr. VILAS. It has been the source of a great deal that would perhaps conflict with the methods in the Senate.

Mr. HILL. I should hope so.

Mr. VILAS. I will state what my point is, and I wish to have the attention of the Senator from New York, because he talked about the matter strictly as a proposition of parliamentary law. Fairly stated and without an attempt to be unfair, I think he will agree that my proposition is right. Here is the rule——

Mr. HILL. I ask the Senator to state precisely what the proposition is.

Mr. VILAS. Here is the rule:

All resolutions shall lie over one day for consideration unless by unanimous consent the Senate shall otherwise direct.

Is it finical to insist upon adherence to the rule? Is it finical to insist that the same fair opportunity to oppose a resolution shall be afforded to those who may wish to examine it which has been enjoyed by those who have prepared the resolution and seek to spring the discussion suddenly upon the Senate?

Now, unanimous consent was not given by the Senate for the consideration of the resolution, and I should like to ask the President of the Senate if upon inquiry he is not satisfied that that was an error.

The VICE-PRESIDENT. The Chair will hear any suggestions that Senators may desire to make, but the Chair is ready to determine the question now.

Mr. VILAS. I do not wish to discuss the question, but I desire to answer clearly the point made by the Senator from New York, and to state the point made by myself, which is that the rule compels the resolution to go over unless the Senate by unanimous consent agree to take it up to-day, and that no unanimous consent has been given, first, because it was not asked for, if we here understood correctly. I think the Chair was in error in respect to it, confounding something else with this particular matter.

But if the Chair asked whether there was objection, and in the confusion it was not heard in the Senate and no objection was made, has it reached the time when it is to be declared that unanimous consent was given while men are protesting in every direction against it?

Now, I state the proposition in this way to the Senator from New York. The rule compels the resolution to lie over unless unanimous consent is given to the contrary. Such consent has not been given.

Mr. HILL. The Senator from Wisconsin and I only differ as to the method of getting at the same point. If, when the resolution was submitted, any Senator had objected, of course the resolution would have gone over, unless it can be regarded as a privileged resolution. The moment the question was raised, I understood the Chair to say that his recollection was that he had submitted the question to the Senate and that there was no objection. The point I make is that if he did that a Senator could not afterwards raise an objection. I say further that if the Senate proceeded to discuss the resolution on its merits without objection that is a waiver of objection. Like every other point it must be raised before the Senate proceeds to discuss a bill or resolution on the merits, and a Senator can not wait until the discussion is concluded. If the question has not been submitted to the Senate even directly, then that presents a different question.

I do not know what the RECORD may show; that is a question between the Presiding Officer and the stenographer, and I am willing to accept the statement of the Presiding Officer upon that question; but I submit that whether the question was expressly submitted to the Senate every Senator here understood the full force and effect of the resolution, and could have objected to it. We proceeded to vote upon it, however, and there was a large number of ayes in its favor. The Presiding Officer started to call for the negative vote when the Senator from Tennessee rose, as he had a right to do, to speak upon the question. Is there no limit? Can a Senator make objection after we have taken a vote upon either side and before the result is declared? It violates every principle of parliamentary law. It is one of those points which must be made in some form before the Senate proceeds to discuss a bill or resolution on the merits. Usually when a resolution of this character is offered it is read for information to see whether any Senator desires to object. What is the object of reading a resolution for information? So that a Senator can make objection then and there or forever after hold his peace. That is the object of it; and the question must be determined at the outset of the proceedings and not afterwards. After there has been a discussion for two hours upon a subject, aye, would you say that even when the roll was being called, you might still object? That is the legitimate conclusion of the Senator's argument. Mr. President, I do not think that is so.

I now give way to enable the President of the Senate to decide upon this question of recollection between the Presiding Officer and the stenographer.

Mr. PALMER. I should like to ask a single question and make an explanation. The Senator from New York announced that he had a privileged resolution to offer. When it was presented I should like to know for my own information whether unanimous consent for its consideration was asked. I confess that I supposed the Senator from New York was offering the resolution in the exercise of his right as a privileged question, and I am somewhat curious to know whether the President of the Senate did ask for consent or not?

The VICE-PRESIDENT. The Chair will determine the pending question. Section 5 of Rule XIV is as follows:

All resolutions shall lie over one day for consideration unless by unanimous consent the Senate shall otherwise direct.

The resolution of the Senator from New York will lie over under the rule unless unanimous consent was given for its present consideration. It was the impression of the Chair that unanimous consent had been given; in other words, that no ob-

jection had been interposed to the present consideration of the resolution. The notes of the Reporter, however, do not sustain the Chair in that recollection. They fail to show that the question was submitted to the Senate as to whether unanimous consent would be given for the present consideration of the resolution presented by the Senator from New York.

More than that, a Senator states that he was unable to hear the request for unanimous consent submitted to the Senate. The Chair would be very reluctant to hold that a Senator had waived his right to object to suspending the rules when the Senator stated from his place that he was unable to hear the request when presented. The present occupant of the chair has in more than one instance, when a Senator has made such a statement, recognized it as an objection to a suspension of the rules. It occurs to the Chair that that is the proper and fair interpretation of the rule. For that reason, the Chair will submit to the Senate, is there objection to the present consideration of the resolution of the Senator from New York?

Mr. GRAY. I object, Mr. President.

The VICE-PRESIDENT. There is objection, and the resolution will go over under the rule.

Mr. HILL. Mr. President, just a word. I desire to submit for the consideration of the Chair the question as to whether the resolution is not of a privileged character and that it can be acted upon at any time. Allow me to suggest that the ordinary rules of the Senate to which attention has now been called do not apply to resolutions of a privileged character. The Chair will recollect the discussion which we had on the presentation of a report from the special committee to investigate in regard to bribery of Senators. It was held to be a privileged resolution. I objected to the report. It was held that it had a right to be made. I submit that the same rule applies on all matters which are themselves questions of privilege. The presentation of a conference report would be a matter of privilege.

If the conference committee should report a resolution to this body asking for further time, if their time had been limited, that would be a question of privilege. If, for instance, in appointing this committee, we had limited the time in which the committee should report, and the committee desired further time, and they presented a resolution to that effect from the committee, would it not be held that that was a privileged resolution? Are not all privileged resolutions taken out from under the rule? For example, a resolution to investigate the charge of bribery against a Senator can be brought up at any time. Will it be said that a single objection puts such a resolution over to another day. The very point in having it privileged is that it may be acted upon at any time and that it is different from other resolutions.

Mr. President, there is no question but that the resolution relates to a privileged matter. The presentation of a conference report is privileged. Anything that grows out of or pertains to that conference report, as a request to the conferees to make either a general or a special report, seems to me to carry with it the character of being privileged. Therefore, sir, in my judgment this resolution is one of a privileged character, and a single objection does not put it over until another day.

Mr. MILLS. Mr. President, I apprehend the Senator from New York does not draw the distinction that exists in parliamentary law in reference to privileges. The legislative body has certain privileges. Then there are certain privileges that pertain to the individual member of each body, distinct from the body. Then there are privileges that pertain to a committee of the body which do not belong to any distinct member of the body. Now, it is parliamentary law, I suppose as old as parliamentary bodies, that a report of a parliamentary body to be made by a conference committee is of the highest privilege. They have that privilege, but it is not a privilege of a member of the body to propose to compel or instruct the conference committee to make a report, or to take any charge of the business of the conference committee. That business has been given by the legislative body to the committee itself, and with the appointment of the committee that privilege has gone to the committee of conference. The committee of conference have the privilege to come in and make a report when they please, and displace all other business.

Mr. HILL. Will the Senator allow me?

Mr. MILLS. In a moment. I have seen in another legislative body a member taken off the floor when he was moving to adjourn in order to give way for a conference committee.

Mr. HILL. Then, has the conference committee greater power and authority over its report than the Senate has when acting in reference to that particular report?

Mr. MILLS. Yes; for the present time.

Mr. HILL. I think, of course, you are bound to make that claim.

Mr. MILLS. The Senate, as a matter of course, has absolute, paramount sovereignty over all its business.

Mr. HILL. My point is, if the Senator will allow me, that as the report itself is privileged, any resolution in reference to that report is also privileged.

Mr. MILLS. Privileged by the conference committee, but not by any other member of the body.

Mr. HILL. The Senator says it is privileged by the conference committee, but that no other Senator, nor the Senate itself, can do anything in regard to the report that is privileged. I can not comprehend that.

Mr. WHITE. Rule XXVII is in these words:

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, etc.

The statement made by the Senator from New York, it appears to me, is a misinterpretation of this rule. The rule itself limits the matter to the presentation of reports. It expressly singles out the presentation of reports from the various motions which may be made with reference to a conference. The presentation is privileged, but when the rule was adopted making that exception of course everything else was omitted.

Mr. HILL. Will the Senator allow me a moment?

Mr. WHITE. Certainly.

Mr. HILL. Would not a resolution to appoint a conference committee be regarded as privileged, and could you raise the point that such a resolution must go over to another day? I think not.

Mr. WHITE. It would not be liable to the section of the rule to which I have alluded. It is a privileged motion.

Mr. MILLS. The Senator from New York again fails to draw the distinction between the ordinary procedure of business in the body and a privilege. He says that if the conference committee alone has the privilege to report the body is powerless to act. No; it acts under its regular rules. A resolution comes in to-day, under its rules, proposing to call this committee of conference to the bar of the Senate to report or to do anything else the Senate wants them to do. The resolution goes over under its rules, made by the Constitution of the United States for the orderly transaction of its business, and it comes up to-morrow, and then the Senate acts on it.

Mr. HILL. Will the Senator allow me to repeat the question I put to the Senator from California? A motion to appoint a conference committee is nothing more nor less than a resolution of the Senate. Would a single objection throw that resolution over until another day?

Mr. MILLS. I think it would. The committee of conference is privileged to report when appointed.

Mr. HILL. That is a new proposition, if that is true.

Mr. MILLS. It is not at all new in parliamentary law.

Mr. WHITE. It is plain under the rules.

Mr. ALLISON. Before this matter passes from the consideration of the Senate to-day, I ask if my amendment has been noted. The amendment I propose is to insert the words "a disagreement" after the word "Senate," in the last line but one of the resolution of the Senator from New York.

The VICE-PRESIDENT. The Chair will determine the pending question and then recognize the Senator from Iowa.

Mr. ALLISON. I do not wish to be recognized, except to have my amendment pending when the resolution again comes up.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Insert after the word "Senate" in the last line but one, the words "a disagreement;" so as to read:

To report to the Senate a disagreement, and also to report the principal items of disagreement, so that the Senate may take action thereon.

Mr. VEST. After the Chair has decided the question raised by the Senator from New York, I ask that the resolution may be read.

The VICE-PRESIDENT. The resolution of the Senator from New York will be read by the Secretary.

The Secretary read as follows:

Resolved, That the conferees on the part of the Senate, who are now considering the differences between the two Houses on House bill 4864, being an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," be, and they are hereby, requested to report to the Senate if they are likely to come to an agreement, and if not, to report to the Senate a disagreement, and also to report the principal items of disagreement, so that the Senate may take action thereon.

Mr. HILL. Will the Senator from Iowa state his amendment?

Mr. ALLISON. My amendment has just been read by the Secretary as part of the text of the resolution.

Mr. HILL. I accept it.

The VICE-PRESIDENT. The Chair is ready to determine the question raised by the Senator from New York. The Chair holds that the resolution is not a privileged question, but comes under section 5 of Rule XIV:

All resolutions shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

A single objection carries the resolution over until to-morrow.

Mr. VEST. I asked for the reading of the resolution, because I am under the impression that until the Senate acts upon it it

will not be proper for any member of the conference committee to make a statement in regard to the status of the tariff bill at present and the points of difference between the conferees.

I simply desire to state now, without violating any of the proprieties of the occasion, that so far as I am concerned I am heartily in favor of the resolution. I desire to turn the calcium light upon the differences between the two Houses and to remove the false issue that has been made before the country. I shall take occasion when the resolution comes up to-morrow, if it should be adopted, as I hope it will be, to state for myself all that has occurred in regard to the bill and to put a stop to the infamous lies that are being circulated in regard to the Democratic conferees on the part of the Senate.

Mr. HILL. Is the Senator ready to proceed to-day. Possibly he might get unanimous consent to have the resolution taken up.

Mr. VEST. I am ready at any time.

Mr. HILL. That is right.

Mr. PALMER. I insist on the regular order.

Mr. HARRIS. Before we enter upon the regular order, whatever that may be, I want to suggest to the Senator from New York, the mover of the resolution, and the Senator from Iowa, who offers an amendment, that the language, "report," which carries with it a technical meaning, is used. If the Senate chooses to instruct its own conferees to do any given thing, to follow any given line of policy, or to give information, that is one thing. A report from a conference committee must be the agreement or disagreement of the conferees of the two Houses, and neither House has, or ought to have, the power to coerce the other to make any report. I beg that the word "report" be stricken from the resolution, and that the words "any information upon the points of difference" may be inserted. The Senate conferees can not report by themselves, in the technical language of the word "report."

Mr. HOAR. May I ask the Senator from Tennessee a question with a view of understanding his proposition?

Mr. HARRIS. I am giving my entire and undivided attention to the Senator from Massachusetts. [Laughter.]

Mr. HOAR. I rose to ask the distinguished Senator from Tennessee, in all courtesy and respect, as an eminent parliamentarian, whether he meant to be understood to say that the committee of conference of one House could not report to that House under any circumstances without the consent of the committee on the part of the other House? For instance, suppose, if it could be conceived, that the Senate committee should say, "We never will act and we never will report; we three or five men will keep a measure which both Houses want to pass forever, without any further action," does the Senator from Tennessee claim that that could be done? I supposed that either committee was responsible to its House, and it could report that the other committee refusing unreasonably to concur in anything, and inform the House which constituted it of that fact, and that would bring back the measure without further action.

Mr. HARRIS. Mr. President——

Mr. ALDRICH. Is there any question before the Senate?

Mr. HOAR. Let the Senator from Tennessee answer my question.

Mr. HARRIS. I think I have already answered the question of the Senator from Massachusetts by the statement I made. A conference committee is a joint committee. It represents the two Houses of the legislative department of the Government, and the conferees of both Houses meet with equal rights. Neither can make what may be called technically a report without the consent of the other. The Senate may instruct me as a conferee, and so far as I can I should feel bound to respect its instructions. If it demands of me information, so far as I can legitimately give it I should hold it my duty to do so. But to make what is technically and formally called a report I say the Senate conferees have no power to do. They can not do it without the concurrence of the other House.

Mr. ALDRICH. I ask that the resolution coming over from a previous day, offered by the Senator from Nebraska [Mr. ALLEN], be laid before the Senate.

Mr. PALMER and Mr. GRAY addressed the Chair.

Mr. ALDRICH. I have the floor.

The VICE-PRESIDENT. The Chair has recognized the Senator from Rhode Island.

Mr. PALMER. I ask what is now the regular order?

Mr. ALDRICH. I have called for the regular order.

Mr. PALMER. There is morning business yet to be transacted, and the morning hour has not expired.

Mr. ALDRICH. This is morning business, I will say to the Senator from Illinois.

PROPOSED ISSUE OF TREASURY NOTES.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted by Mr. ALLEN on the 3d instant, as follows:

Resolved, That the Committee on Finance be, and the same is hereby, discharged from the further consideration of the bill (S. 2264) for the relief of the several States of the Union, and for other purposes, and that said bill be placed on the Calendar for present consideration by the Senate.

Mr. ALDRICH. I move to strike out all after the word "*Resolved*" in the resolution and insert the following——

Mr. BERRY. Mr. President——

Mr. ALDRICH. I have not yielded the floor.

Mr. BERRY. I wish to make the point that we were on the Calendar and we can not pass from that and take up this resolution except by a majority vote of the Senate.

Mr. ALDRICH. It is before the Senate now.

Mr. BERRY. It is not before the Senate, because the Calendar was before the Senate, and we were acting on the Calendar.

Mr. ALDRICH. I ask that my amendment be read.

The VICE-PRESIDENT. The Chair will determine the question. The resolution of the Senator from Nebraska was entitled to be laid before the Senate and the Chair has done so.

Mr. ALDRICH. I submit an amendment to the resolution.

Mr. BERRY. I submit that the resolution was entitled this morning before we passed to the Calendar to be laid before the Senate by the Chair, but it was not done, and it is not now in order except by a majority vote of the Senate, because the Calendar now is the regular order.

The VICE-PRESIDENT. The Chair thinks that the resolution is properly laid before the Senate under the rule.

Mr. ALDRICH. I offer the amendment which I send to the desk and ask that it may be read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Strike out all after the word "*Resolved*" and insert:

That the managers on the part of the Senate in the conference now being held on the bill H. R. 4864 be directed without further delay to report the said bill and amendments back to the Senate with a disagreement.

Mr. PASCO. Mr. President, I wish to raise the question of consideration against the resolution. It was brought in on the 3d of the month, and while it was a privileged resolution on the next day it is not a privileged resolution to day.

Mr. ALLEN. I undertook to call up the resolution according to the rule the morning after it was offered, and for two successive days I undertook to call it up and have it considered; but it was passed over on the request of the senior Senator from Ohio [Mr. SHERMAN] with the distinct understanding that it would not lose its place, and would be subject to be called up at any time.

Mr. ALDRICH. That is my understanding of the situation.

Mr. GORMAN. If the Senator from Nebraska will permit me, I will state that it was done on my suggestion; that owing to the absence of every member of the Committee on Finance on this side of the Chamber, I appealed to him to let the resolution go over and not lose its place.

Mr. ALLEN. That is true as to the Senator from Maryland.

Mr. ALDRICH. That is my exact understanding of the situation. I think there is no question about it.

Mr. ALLEN. Both Senators made the appeal to me, and with the understanding that the resolution should not lose its place, it went over.

Mr. PASCO. Mr. President——

Mr. ALDRICH. I decline to yield any further.

The VICE-PRESIDENT. The Chair can not possibly hear three Senators at one time. The Senator from Nebraska has the floor.

Mr. ALLEN. I distinctly understood that at the request of the Senator from Ohio and the Senator from Maryland the resolution was passed over, retaining its place.

Mr. PASCO. The question of order has not yet been settled.

Mr. ALDRICH. I suggest that there is no such thing as raising a question of consideration in the Senate.

The VICE-PRESIDENT. The Chair will hear the point of order of the Senator from Florida.

Mr. PASCO. I make the point that the resolution was introduced on the 3d day of August; that it was a privileged question on the next day and the day after, and that if there was not unanimous consent given after that time the resolution went under the rules of the Senate to the Calendar. If there is anything different from that, in accordance with any understanding or unanimous agreement, let that consent be shown by the RECORD. Under the rules of the Senate the resolution has gone to the Calendar. If there is an exception it must be by something that is of record, and I have not been able to find it.

Mr. ALDRICH. I ask that the indorsement on the papers themselves be read. That shows that the resolution is to be laid before the Senate in the morning hour.

The VICE-PRESIDENT. The Chair will state, in reply to the Senator from Florida, that the resolution has not gone to the Calendar, but, as was stated by the Senator from Maryland [Mr. GORMAN], unanimous consent was asked, for the reason the Senator stated at the time, that the resolution should go over.

Mr. PASCO. That can be shown by the RECORD, but no one has yet produced any such record as that. My understanding and recollection is that the resolution went over one day under that consent, and that the next day it would go to the Calendar.

Mr. ALDRICH. The record which is on the table will show.

Mr. PASCO. Let me get through what I have to say.

The resolution would then go, under the rules of the Senate, to the Calendar. If there is any such record, as stated by the Senator from Maryland, which sets aside this rule by virtue of unanimous consent, it can very easily be shown, and the record can be produced. If that is the case, I have no further words to say in reference to the subject.

Mr. SHERMAN. I remember as distinctly as possible that when the resolution was called up in order, I myself appealed to the Senator from Nebraska to withdraw it, stating that I was the only member of the Committee on Finance present; that the resolution contained a direction to that committee, and that the members of the committee ought to be present when it was considered. The Senator from Nebraska acquiesced, and the resolution was by order of the Senate put over without prejudice. There is no doubt about that, and that is doubtless shown by the CONGRESSIONAL RECORD.

Mr. GALLINGER. The RECORD shows conclusively that the resolution went over, retaining its place.

The VICE-PRESIDENT. The Chair will have the RECORD read.

The Secretary read from the CONGRESSIONAL RECORD of August 7, 1894, page 9685, as follows:

PROPOSED ISSUE OF TREASURY NOTES.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read:

The Secretary read the resolution submitted by Mr. ALLEN on the 3d instant, as follows:

"*Resolved*, That the Committee on Finance be, and the same is hereby, discharged from the further consideration of the bill (S. 2264) for the relief of the several States of the Union, and for other purposes, and that said bill be placed on the Calendar for present consideration by the Senate."

Mr. ALLEN. Mr. President, on the 30th day of July I introduced a bill (S. 2264) for the relief of the several States of the Union, and for other purposes, which was referred to the Committee on Finance. On the 3d instant I introduced a resolution to discharge the Committee on Finance from the further consideration of that bill——

Mr. SHERMAN. Mr. President, the resolution of the Senator from Nebraska and the remarks he is making relate to a bill which is before the Committee on Finance, all of the members of which, with the exception of myself, are absent from the Senate on public duty, as is known by all Senators. I hope, therefore, without displacing the resolution, that it will be continued until some other members of the committee shall be here. As I have stated, I am the only member of the committee present, and I have no knowledge about the matter to which the resolution refers.

Mr. ALLEN. The course suggested by the Senator from Ohio is satisfactory to me.

Mr. SHERMAN. I have no objection to the resolution coming up to-morrow, when the members of the committee are present.

The VICE-PRESIDENT. In the absence of objection, the resolution will be passed over, retaining its place.

Mr. PASCO. That was on the 7th of August, and it will be seen from that that the resolution went over until "to-morrow."

Mr. ALDRICH and Mr. SHERMAN. "Retaining its place."

Mr. PASCO. That does not mean that the resolution retains its place indefinitely. The Senator from Ohio [Mr. SHERMAN] stated:

I have no objection to the resolution coming up to-morrow, when the members of the committee are present.

"To-morrow" came; the members of the committee were present. "To-morrow" passed and the next day passed, and the resolution was not called up. Then I insist, Mr. President, that under the rules of the Senate the resolution went to the Calendar, and can not be called up as a privileged question at any time within the morning hour. It must give way, as other business must, to the regular morning business of the Senate.

Mr. ALDRICH. The language read by the Secretary shows conclusively that the resolution retains the place it had on the 3d day of August, when it was offered, which was that it might be called up at any time.

Of course this discussion does not amount to anything, for we can very easily move to take up the resolution, and if we have a majority of the Senate with us, the motion will be carried.

Mr. BERRY. Certainly, if you have a majority.

Mr. ALDRICH. It could not pass unless a majority of the Senate were in favor of it.

I do not see any particular stress of circumstances which requires Senators on the other side to filibuster against a plain proposition of this kind. It seems to me the question which it involves is of sufficient consequence for us to meet it squarely as men. The Senator from Missouri [Mr. VEST] has expressed his desire to explain the situation of the conferees in regard to this matter; the Senator from Tennessee [Mr. HARRIS] has already explained in part; and certainly the country is anxious to hear the real status of this case, and is anxious to have this matter taken up and disposed of; and it is with very great regret that I find any Senator upon the other side resorting to such unusual parliamentary methods to filibuster this question out of sight of the country.

The VICE-PRESIDENT. The Chair is ready to determine the question raised by the Senator from Florida. The Chair thinks that the resolution retains its place under the unanimous-consent agreement given at the time.

Mr. ALDRICH. I ask that the resolution and amendment may be read, that there may be no misunderstanding as to the question.

Mr. RANSOM. Will the Senator excuse me for one moment?

Mr. ALDRICH. I can not excuse anybody and can not yield for any purpose. It is now nearly 2 o'clock, and I propose to go on as far as I can with this resolution.

The VICE-PRESIDENT. The resolution proposed by the Senator from Nebraska [Mr. ALLEN], together with the amendment proposed by the Senator from Rhode Island [Mr. ALDRICH], will be read.

The Secretary read the resolution of Mr. ALLEN and the amendment proposed by Mr. ALDRICH.

Mr. MILLS. Mr. President, I make the point of order that the amendment is not germane to the resolution before the Senate.

Mr. ALDRICH. This is not the House of Representatives.

Mr. BERRY. The amendment is, in fact, a new resolution.

The VICE-PRESIDENT. The Senator from Texas will please restate his point of order.

Mr. MILLS. My point of order is that the proposition made by the Senator from Rhode Island [Mr. ALDRICH] has no relation whatever to the proposition contained in the resolution of the Senator from Nebraska [Mr. ALLEN], and is not germane to it.

Mr. HOAR. I desire to suggest to the Chair that it is the universal rule in this body that it is not an objection to an amendment that it be not germane to the pending proposition, unless it be on an appropriation bill. A signal instance of that will be found in our RECORD, where a very dangerous bill, taking a large sum of money from the Treasury, had been passed by both Houses and signed by the President, when its true nature was discovered and it was repealed by an amendment to a private pension bill on the last night of a session.

The VICE-PRESIDENT. The Chair submits to the Senate for its decision the point of order raised by the Senator from Texas [Mr. MILLS].

Mr. HILL. What is the precise point raised, Mr. President? I did not hear it.

The VICE-PRESIDENT. The Senator from Texas raised the point of order that the amendment proposed by the Senator from Rhode Island to the resolution submitted by the Senator from Nebraska is not germane thereto. The Chair submits the point of order to the Senate.

Mr. ALDRICH. I should like to have the rule read or cited by the Senator from Texas under which he claims that the amendment is not in order.

Mr. MILLS. In response to the inquiry of the Senator from New York [Mr. HILL], I will state that my point of order is that the bill of the Senator from Nebraska, from the consideration of which he proposes by the pending resolution to have the Committee on Finance discharged, provides for the issuing of $50,000,000 to lend to the different States of the Union for certain purposes. The resolution of the Senator from Rhode Island is to require the conference committee on the tariff bill to report. I say the two things have no relation to each other; that the amendment is not germane, in parliamentary parlance, and the two can not go together. Nobody has ever proposed to ingraft a bill proposing to support the Army upon a bill to raise revenues for the support of the Government.

Mr. HILL. Will the Senator allow me a moment?

Mr. MILLS. Yes.

Mr. HILL. Is the amendment not just as proper as it is for a Senator to make a speech on the Chinese question when a tariff bill is under consideration?

Mr. MILLS. That is a question about making a speech, and this is a question about complying with the rules in making an amendment to a bill.

Mr. HILL. The only question is whether it is pertinent to the matter, and there is no rule of the Senate which prevents making an amendment upon an entirely different subject than that contained in a pending bill, any more than there is to prevent a Senator from making a speech upon a bill that relates to an entirely different matter from the one under consideration. Such are the rules of this body.

Mr. MILLS. I will state that the Senator is himself confused in not drawing the distinction. The unwritten rule of this body

is—and it is a body almost without rules except the unwritten ones—that any Senator may speak as much as he pleases on any subject he pleases, at any time he pleases, and as long as he pleases, it makes no difference what is before the Senate. That is the rule.

Mr. GRAY. May I interrupt the Senator for one moment?

Mr. MILLS. Yes.

Mr. GRAY. I would ask the Senator, as one familiar with parliamentary law, what, in his opinion, becomes of the rule which has just been authoritatively stated by the President of the Senate, that a resolution introduced must lie over for one day, if, immediately upon such a resolution being ordered to lie over for one day, it can be substituted for another, and immediately discussed and passed?

Mr. MILLS. The Senate would be simply trampling upon its own rules.

Mr. GRAY. And stultifying itself.

Mr. MILLS. Yes; and stultifying itself.

Mr. ALLISON. I should like to ask the Senator from Texas a question. I understand the original resolution to be a resolution seeking to discharge a committee of this body from the consideration of a particular subject. Now, would it not be in order to amend that resolution by adding to it that another committee shall also be discharged from another subject?

Mr. MILLS. In reply to the Senator, I will say that on the question of whether the amendment is germane to the resolution or not, would the Senator from Iowa think it would be in order to add to this resolution a bill raising $50,000,000 for the annual support of the Army of the United States?

Mr. ALLISON. If it was a measure for the general support of the Government, I should think it would be a very proper bill to add to it in the present condition of the Treasury.

Mr. MILLS. But would it be in order and germane under the resolution now pending?

Mr. ALLISON. Under the practice of the Senate I think so.

Mr. MILLS. Then we have no rules.

Mr. PLATT. Mr. President, a single word. The only reference in our rules, so far as I know, to an amendment not being germane is contained in section 3 of Rule XVI, relating to appropriation bills, and is as follows:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

My point is that one rule of the Senate relating to appropriation bills only containing the clause that an amendment must be germane to the subject-matter, that is, to the appropriation bill, conclusively proves that as to all other matters an objection to an amendment that is not germane is not to be entertained.

If all amendments must under the rules or practice of the Senate be germane to the subject-matter, why provide that as to appropriation bills no amendment not germane or relevant shall be received? When the Senate finds it necessary to make that provision with reference to a particular class of bills, it conclusively proves that such amendments would be in order and are in order as to all other bills and resolutions.

Mr. MILLS. Mr. President, the Senate in adopting that rule in reference to appropriation bills, in speaking of amendments to be offered to appropriation bills simply recited and reaffirmed the well known and never disputed proposition in any legislative assembly that any amendment to a pending proposition must be of the same nature as the proposition then pending before the body.

Mr. FAULKNER. Mr. President, I think there is a more serious point of order against the amendment submitted by the Senator from Rhode Island than the one suggested. That amendment requires the conferees on the part of the Senate to report the revenue bill with a disagreement. I am satisfied that the Senate has not the power to instruct its conferees to take a bill which is in the custody of the two Houses out of that custody and return it with a general disagreement.

The Senate might have power to recede from the conference; it might have power to instruct the conferees to act; but it has not the power to instruct conferees to take a bill which is in the joint custody of the two Houses under a conference which has been agreed to, and direct them as to the character of the report they shall make. It would be an absolute infringement upon the rights and powers of every gentleman upon that conference committee.

I am satisfied the point of order I suggest is conclusive against the amendment the Senator from Rhode Island has proposed.

Mr. ALDRICH. Mr. President, the suggestion now made by the Senator from West Virginia [Mr. FAULKNER] is certainly not pertinent to the point of order raised by the Senator from Texas [Mr. MILLS]. In my experience in the Senate no question of this kind has heretofore been raised.

Here is a resolution of instructions to the Finance Committee in regard to a certain matter. It is proposed to amend that by instructing a portion of the Finance Committee in regard to another and similar measure. If there was any rule of the Senate that amendments of this kind should be germane to a resolution, that question would not apply to my proposed amendment; but there is no such rule of the Senate.

From the time I have been a member of this body it has always been the practice both upon bills and resolutions to offer amendments and have them acted upon, without regard to the fact whether or not they were germane to the original proposition. It seems to me that the Senate certainly can not retrace its steps in a matter of this kind without violating all of its traditions.

I am certain that the parliamentarians upon the other side of the Chamber will agree with me that there is nothing in the point suggested by the Senator from Texas. It is not strange, perhaps, that that Senator, fresh from another body which has a rigid rule upon this subject, should have thought it necessary to raise the point of order; but I am sure, if he had studied the rules and practices of the Senate he would not have made this point. I hope that this question at least may be determined without a division.

The VICE-PRESIDENT. The Chair submits the question to the Senate.

Mr. HARRIS. I want to say one word.

The VICE-PRESIDENT. The Senator from Tennessee.

Mr. HARRIS. Mr. President, from the standpoint of one of the conferees, I propose to be silent as to what the Senate may do in the way of direction or may do in respect to the subject-matter under their control, but I have some interest in maintaining something like a decent respect for the principles upon which the rules of this body are based.

The reason why, upon the objection of one Senator, a resolution introduced this morning shall go over one day, is that every Senator may have an opportunity to look at it, to examine it, to see what it means, and what effect it will have. It goes over one day on the objection; and having given that day for examination and arriving at a conclusion as to what it will accomplish, the resolution comes up as a matter of right the next morning. Suppose it does, as in this case, and a resolution upon a totally different subject, having no earthly connection or relation with the subject-matter of the resolution as originally drafted, is offered as a substitute, it is in the nature of a new proposition that the Senate has had no hour, no day to investigate and determine whether the resolution is right or wrong. The same reason why the original resolution should go over one day upon the objection of a Senator would apply with exactly the same and equal force to a substitute upon a totally different subject and declaring totally different ideas.

Mr. MITCHELL of Oregon. Will the Senator from Tennessee allow me?

Mr. HARRIS. I always allow the Senator, and generally differ with him after allowing him. [Laughter.]

Mr. MITCHELL of Oregon. The Senator is generally wrong when he differs from me.

Mr. HARRIS. So the Senator would say.

Mr. MITCHELL of Oregon. I ask the distinguished Senator the question, would not the rule for which he has just contended place it in the power of any one Senator on this floor to indefinitely postpone the consideration of a resolution?

Mr. HARRIS. By no means.

Mr. MITCHELL of Oregon. Why not? By offering a substitute such as the Senator contends this is, something not pertinent, under the contention of the Senator it would have to go over each day and every time it is offered.

Mr. HARRIS. A resolution upon a totally different subject, which is to all intents and purposes a different and a distinct resolution, having no relation whatever to a pending proposition, should be treated as a new and a distinct resolution, and the Senator would have his day in court upon such a resolution.

Mr. MITCHELL of Oregon. And any other Senator might come in the next day and offer another substitute. In my opinion, the effect would be to place it in the power of any one Senator on the floor to indefinitely postpone the consideration of the original resolution.

Mr. TELLER. Mr. President, the objection made by the Senator from Texas [Mr. MILLS] is rarely made in the Senate. It has been so well understood that such an objection would not lie that I do not myself remember to have ever heard it made.

It is understood in this body that the custom prevailing in the House of Representatives by virtue of a rule, and not by virtue of general parliamentary law, does not exist in this body and never did; and the Senator is in error when he says it is the

general parliamentary law that an amendment must be germane. I will venture to say he can not find an authority on this subject which will sustain him. I have before me Jefferson's Manual, which is recognized in this country at least as authority, and speaking of the general parliamentary law it says:

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition by making it bear a sense different from what it was intended by the movers, so that they vote against it themselves. (2 Hats., 79; 4, 82, 84.) A new bill may be ingrafted, by way of amendment, on the words "Be it enacted," etc. (1 Grey, 190, 192.)

That is the rule of the British Parliament, and that is the rule here; and so strictly have they held to that rule in the British Parliament that where an amendment has been offered and adopted and another amendment offered absolutely inconsistent, it can not be held to be out of order, but must be voted down.

I may have, after some experience in the Senate, that that rule has never been adopted in this body, and it is not general parliamentary law. The general parliamentary law is as I have read. Until the Senate adopts a rule which will declare that all amendments must be germane, under the general parliamentary law amendments must be held to be in order whether germane or not. So the Senator is in error when he says that it is the general parliamentary law that amendments must be germane. If he will refer to Cushing, or to Gray, or to any parliamentary authority, he will find that that is not a correct statement.

I should dislike very much indeed to have the Chair rule differently here from what has been the practice of this body for the last one hundred years, and which, as the Senator from Oregon [Mr. MITCHELL] has aptly said, would put it in the power of any one Senator, under just such conditions as these, to indefinitely postpone the proceeding upon a resolution. Every resolution and every bill which is entitled to come before the Senate, when it is before the body for consideration may be amended by striking out everything after the resolving or the enacting clause and inserting an entirely different resolution or bill.

Mr. COCKRELL. Yes, Mr. President; but if the Senator will permit me, when a motion is made to strike out an entire resolution and substitute a new one which relates to an entirely different subject, does not that resolution necessarily lie over under the rule which I shall read?

Mr. TELLER. Oh, no; not at all. There is no rule which says it shall lie over.

Mr. CULLOM. It is in the nature of an amendment.

Mr. COCKRELL. Will the Senator permit me to call his attention to the rule?

Mr. TELLER. I have read the rule, and I have it now before me. I have, however, no objection to the Senator reading the rule.

Mr. COCKRELL. Clause 2 of Rule XXVI reads:

2. All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

The resolution of the Senator from Nebraska [Mr. ALLEN] was to discharge the Committee on Finance from the further consideration of Senate bill 2264. That was a given subject-matter. The Senator from Rhode Island [Mr. ALDRICH] offered an amendment to discharge another committee from another and entirely different subject-matter in a separate and independent bill. That makes it a new motion practically.

Mr. TELLER. I think the Senator from Missouri rather misunderstands the motion of the Senator from Rhode Island; but if the Senator were correct, if a bill were before the Senate and I should move to strike out all after the enacting clause and insert another bill, some Senator might rise and say that it was requisite that it should have a first and second reading before it could be brought before the Senate. Nobody contends that.

Mr. COCKRELL. That does not apply. Here is a resolution referring to a particular subject, Senate bill 2264. That is one independent matter. Here is a motion to substitute for that an entirely independent proposition, to discharge another committee from another and an entirely different bill. I admit much that the Senator says in regard to the latitude of amendment, but here is an entirely different bill. It is not substituting a new bill, but it is substituting a new matter, a new subject entirely.

The VICE-PRESIDENT. The Senator from Missouri will please suspend. The hour of 2 o'clock having arrived, the Calendar under Rule IX is in order. The first case on the Calendar will be stated.

Mr. COCKRELL. Mr. President——

Mr. HOAR. I hope the Senator from Colorado may have unanimous consent to finish his remarks upon the subject.

The VICE-PRESIDENT. Is there objection?

Mr. FAULKNER. I object.

Mr. TELLER. I do not know that I care to continue.

Mr. FAULKNER. I do not desire to be discourteous to the Senator from Colorado, but if the resolution goes over, as it necessarily will, I have no doubt the Senator would prefer to finish his remarks when the resolution is properly before the Senate. I therefore object.

The VICE-PRESIDENT. There is objection to the request of the Senator from Massachusetts that the Senator from Colorado may conclude his remarks.

EXECUTIVE SESSION.

Mr. COCKRELL. In view of the fact that there are exceedingly important executive matters which must be acted on, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and twenty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Saturday, August 11, 1894, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 10, 1894.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Capt. Charles A. H. McCauley, assistant quartermaster, to be quartermaster with the rank of major.

Napoleon J. T. Dana, late assistant quartermaster, United States Army, to be assistant quartermaster with the rank of captain.

George S. Greene, late first lieutenant Third Artillery, to be first lieutenant of artillery.

Infantry arm.

First Lieut. Edward E. Hardin, Seventh Infantry, to be captain.

First Lieut. Richard H. Wilson, adjutant Eighth Infantry, to be captain.

Second Lieut. Charles S. Farnsworth, Twenty-fifth Infantry, to be first lieutenant.

Second Lieut. Charles Gerhardt, Twentieth Infantry, to be first lieutenant.

SUPERVISING INSPECTOR OF STEAM VESSELS.

George Winans, of Wisconsin, to be supervising inspector of steam vessels for the Fifth district.

POSTMASTERS.

Eli Mead, to be postmaster at Hutchinson, in the county of Reno and State of Kansas.

John N. Scarborough, to be postmaster at Americus, in the county of Sumter and State of Georgia.

George K. Otis, to be postmaster at Hicksville, in the county of Defiance and State of Ohio.

Emmett H. Kennedy, to be postmaster at Scio, in the county of Harrison and State of Ohio.

Thomas J. Goodwin, to be postmaster at South Berwick, in the county of York and State of Maine.

Edward E. Carlton, to be postmaster at Farmington, in the county of Strafford and State of New Hampshire.

Charles E. Bliss, to be postmaster at Bangor, in the county of Penobscot and State of Maine.

George W. Owens, to be postmaster at Northwood, in the county of Worth and State of Iowa.

Charles E. Howard, to be postmaster at Webster City, in the county of Hamilton and State of Iowa.

George W. Hill, to be postmaster at Pomona, in the county of Los Angeles and State of California.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August 10, 1894.*

The House met at 12 o'clock m. Prayer by Rev. W. E. PARSON, D. D.

THE JOURNAL.

The Journal of yesterday was read.

The SPEAKER. If there be no objection, the Journal as read will be approved.

Mr. GROSVENOR. Before that is done I desire to make a remark. The gentleman from Maine [Mr. BOUTELLE] is not present; and as the approval of the Journal in the form in which I understood it as it was read would result in a decision by the Speaker of the House which in my judgment ought perhaps to be reconsidered, or which at least should not be accomplished inadvertently, I want to bring the matter to the attention of the

Chair and the House. I have no partisan feeling with reference to the question.

The gentleman from Maine yesterday, in addressing the House upon a question of personal privilege, made some remarks in regard to the Secretary of State which were possibly unparliamentary, if it be held that criticism of a Cabinet officer can not be made by a member of the House. The Journal shows that the gentleman from Ohio [Mr. OUTHWAITE] called the gentleman from Maine to order, and thereupon the Speaker made a ruling. I will thank him if he will give me the exact language.

The SPEAKER (reading from the Journal):

Mr. BOUTELLE addressed the House—
When, being called to order by Mr. OUTHWAITE—
The SPEAKER held that Mr. BOUTELLE must confine his remarks to the question of privilege presented.
Mr. BOUTELLE continued his remarks.

Mr. GROSVENOR. Now, if that decision only means that the attack upon the Secretary of State was a deviation from the question of personal privilege, there can be no objection to that entry upon the Journal.

The SPEAKER. Of course the Speaker did not intend to hold that the question was affected at all by the reference to a Cabinet minister. The Chair had no idea of that sort.

Mr. GROSVENOR. Then I have nothing further to suggest. I do not know what the parliamentary rule is—whether it is considered unparliamentary to assail a member of the Cabinet or not; and I do not care about having that question decided. I only want to have it appear that it was not decided.

The SPEAKER. The Chair certainly did not intend to decide any such question. If there be no objection, the Journal as read will be approved.

The Journal was approved.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON ELECTRIC RAILWAY.

The SPEAKER laid before the House the bill (H. R. 7006) to authorize the Washington, Alexandria and Mount Vernon Electric Railway Company to extend its line of road into and within the District of Columbia, and for other purposes.

The SPEAKER. This bill has been returned from the Senate with amendments.

Mr. HEARD. Mr. Speaker, it is my purpose to ask concurrence in these amendments. They are material in their character, but they tend decidedly to improve the bill. I hope the House will listen to the amendments as read, and then I shall ask that they be concurred in.

The amendments of the Senate, as appearing in the Senate proceedings (pages 9755-9758 of the RECORD) were read.

Mr. HEARD. Mr. Speaker, I will state substantially the changes proposed in this bill, which changes I am sure every member of the House will approve when he understands them. This bill, as passed by the House a short time ago, provided for a road beginning practically at the Seventh Street market, running on B street out around the White Lot, up Seventeenth street to E, and on E street to the Potomac River, it being proposed to cross the river on a ferry at the intersection of E with New Hampshire avenue. The bill also proposed the construction of a spur, beginning at the intersection of B and Fifteenth streets, running up Fifteenth street to Pennsylvania avenue, by the Randall Hotel. The bill also proposed a branch to run from the intersection of B and Fourteenth streets, down Fourteenth street over the tracks of the Belt Line Railroad, to a point near the foot of the Long Bridge.

The Senate has eliminated all that part of the route which would carry the road on B street around the White Lot, up Seventeenth street, and across the river at the upper ferriage. That has all been wiped out. The bill, as now presented with the Senate amendments, contemplates a route from the initial point near the market up B street to Thirteen-and-a-half street, thence north on Thirteen-and-a-half street to the avenue, thence west on E street, in front of the power-house of the Washington and Georgetown Railroad Company, to Fourteenth street, there intersecting the Belt Line tracks, and following those tracks south to the Long Bridge.

This route would require no new track except from Ninth street to Thirteen-and-a-half street, and on Thirteen-and-a-half street from B North to E street, at the corner of the power house of the Washington and Georgetown Railroad Company, and then one block west to the intersection with the Belt Line road. This route would be very much more direct. It would eliminate that part over which there was contention both in the committee and in the House. It would appropriate only a few squares of streets not now occupied by street-car tracks—adopting as it does the line now on B street and the Belt Line on Fourteenth street. As will be seen, this is a more direct route with smaller appropriation of new streets.

Mr. BAKER of New Hampshire. Mr. Speaker——

Mr. HEARD. Does my friend from New Hampshire rise to ask a question?

Mr. BAKER of New Hampshire. I wish to ask if it would not be entirely satisfactory to the gentleman from Missouri, as the changes made by the Senate in the House bill are very material, to have the bill as it passed the Senate printed in the usual form, and let the matter go over until to-morrow without prejudice?

Mr. HEARD. I would say to my friend from New Hampshire that I have no objection in the world to that, excepting that it is just that much further delay at a time when we can not very well afford much delay. The bill as proposed to-day is printed by the Senate. The amendments of the Senate are printed already in the bill.

Mr. COOMBS. I have been unable to find the bill with the printed amendments.

Mr. HEARD. If my friend had made inquiry at the Clerk's desk he would have found the bill there as it comes from the Senate.

Mr. COOMBS. Not the House bill with the Senate amendments printed. The Senate amendments are there.

Mr. DINGLEY. This is a very important bill, and we ought to be able to see the Senate amendments in connection with the House bill.

Mr. HEARD. Mr. Speaker, I wish to finish my statement first, and then if any gentleman wishes to insist that the bill shall go over I will make no objection.

Mr. RICHARDSON of Tennessee. These amendments have all been printed in the RECORD already.

Mr. HEARD. Certainly.

Mr. RICHARDSON of Tennessee. In yesterday morning's RECORD. The amendments are also printed by the Senate.

Mr. COOMBS. Not in a way that makes them intelligible in connection with the House bill.

Mr. HEARD. I am sure my friend from New York, if he understands the amendments, will not insist upon delay at this stage of the session, when it is very desirable to progress with the business, and since there is not a single new feature in the bill, and as the Senate amendments eliminate the part of the original course, about which there was some contention in the House, I do not think there is a single member present who would not approve of the changes proposed by the Senate bill. So believing, I therefore desire to move concurrence in the Senate amendments; but if anybody insists that the bill shall go over, with a view to examining these amendments in connection with the House bill, I shall not oppose the request.

Mr. HULL. I would like to ask the gentleman from Missouri a question.

Mr. HEARD. Certainly.

Mr. HULL. Do not the Senate amendments eliminate that portion of the House bill which prohibits freight cars to run over the road?

Mr. HEARD. They do.

Mr. HULL. Do they not also eliminate that portion of the House bill as to permitting the use of steam in the locomotives?

Mr. HEARD. Yes, sir.

I will say to my friend from Iowa perhaps I misunderstood his question. As the bill passed the House it authorized some light freight to be carried over the line of the road, but the Senate bill eliminates that provision, and confines it exclusively to passenger traffic. The further prohibition on the part of the House as to the use of steam on the road, is preserved in the bill as amended by the Senate.

Mr. HULL. It seems to me it would be better to let the bill be printed in the usual form with the Senate amendments.

Mr. RICHARDSON of Tennessee. It is already published in the RECORD of yesterday's proceedings.

Mr. BAKER of New Hampshire. I could not find it.

Mr. HULL. I think it had better go over until to-morrow.

Mr. RICHARDSON of Tennessee. The amendments will be found on page 9755 of the RECORD.

Mr. HEARD. In view of the application of my colleagues on the committee, Mr. HULL, and of other gentlemen, I will withdraw the motion to concur in the Senate amendments, and now request that the bill be permitted to remain on the table; that it be printed with the Senate amendments in italics, and I give notice that I will call it up to-morrow morning.

Mr. BAKER of New Hampshire. The request is that the bill be printed also?

Mr. HEARD. It is already printed,

Mr. DINGLEY. But it ought to be printed in bill form, with the amendments numbered.

Mr. HEARD. I will say that I am advised by the gentleman from Tennessee that it has already been printed in full in yesterday's RECORD.

Mr. DINGLEY. But not in the form that makes it available for comparison. It ought to be printed in the usual bill form with the Senate amendments numbered.

Mr. HEARD. As I have just said I have no objection to that. I ask that the bill be printed, giving in italics the amendments proposed in the Senate.

Mr. COOMBS. That is right.

Mr. RICHARDSON of Tennessee. Well, that is only a multiplication of expense. The bill has already been printed and is accessible to anybody who wishes to examine it with the amendments.

Mr. HEARD. It has already been printed in the RECORD, as I have said.

Mr. COOMBS. Has the gentleman from Tennessee any objection to having the bill printed in the usual form?

Mr. RICHARDSON of Tennessee. My only objection is the unnecessary expense it entails.

Mr. HEARD. I hope my colleauge will not object. It will only make a delay of one day.

Mr. RICHARDSON of Tennessee. I am objecting to the expense of printing.

Mr. COOMBS. Oh, that comes with very bad grace.

Mr. HEARD. I agree with my friend from Tennessee in opposing the bill as presented, but he and I have had an opportunity of examining the matter and understand these provisions. Other members may not have had the opportunity. I think there is no reasonable objection to letting the bill be printed and go over. Let it be printed with the amendments of the Senate in the usual form. I submit that request, Mr. Speaker.

The SPEAKER. The gentleman from Missouri asks unanimous consent that there be a print of this bill with the Senate amendments, as proposed, in italics, and that it lie on the table for the present, to be called up at some subsequent date. Is there objection?

There was no objection, and it was so ordered.

OPENING CERTAIN ABANDONED MILITARY RESERVATIONS.

The SPEAKER laid before the House the bill (H. R. 4667) to provide for the opening of certain abandoned military reservations, and for other purposes, with Senate amendments.

The Senate amendments were read.

Mr. MCRAE. Mr. Speaker, I move that the House concur in the Senate amendments.

The Senate amendments were concurred in.

On motion of Mr. MCRAE, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

CHOCTAW COAL AND RAILWAY COMPANY.

The SPEAKER laid before the House the bill (H. R. 7680) to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, priviliges, and fraanchises vested in that company, with Senate amendments.

The Senate amendments were read.

Mr. BAILEY. Mr. Speaker, these amendments are not material, and I ask that the House concur.

The amendments of the Senate were concurred in.

On motion of Mr. BAILEY, a motion to reconsider the vote by which the Senate amendments were concurred in, was laid on the table.

SENATE BILLS REFERRED.

The SPEAKER laid before the House the following bills of the Senate; which were severally read a first and second time, and referred as indicated below:

A bill (S. 2261) to further encourage the holding of a world's exposition at Atlanta, Ga., in the year 1895—to the Committee on Ways and Means.

A bill (S. 1706) to provide registers for the steamers, Claribel and Athos—to the Committee on Merchant Marine and Fisheries.

A bill (S. 1688) for the relief of Enoch Davis—to the Committee on Claims.

A bill (S. 1772) extending the time for the completion of a railroad bridge over the Columbia River at or near Vancouver, in the State of Washington—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1969) granting a pension to Harrison C. Hobart, brevet brigadier general of volunteers—to the Committee on Invalid Pensions.

NORTHERN MISSISSIPPI RAILWAY COMPANY.

The Speaker laid before the House the bill (S. 2107) granting to the Northern Mississippi Railway Company right of way through certain Indian reservations in Minnesota.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for the present consideration of this bill.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of this bill. The bill will be read, after which the Chair will ask if there be objection.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted to the Northern Mississippi Railway Company, a corporation organized and existing under the laws of the State of Minnesota, and its assigns, the right of way for the extension of its railroad through the Leech Lake Indian, Chippewa Indian, and Winnebagoshish Indian Reservations, in the State of Minnesota; such right of way to be 50 feet in width on each side of the center line of said railroad; and said company shall also have the right to take from the land adjacent to the line of said road materials, stone, and earth necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount 200 feet in width and 3,000 feet in length for each station, to the extent of one station for every 10 miles of road constructed within the limits of said reservations: *Provided*, That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction and convenient operation of said railroad line, and when any portion thereof shall cease to be used such portion shall revert to the nation or tribe of Indians from which the same shall be taken.

SEC. 2. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid to the Indians for such right of way and provide the time and manner for the payments thereof; and also to ascertain and fix the amount to be paid to individual members of the tribe for damages, if any, by them sustained by reason of the construction of said road. But no right of way of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the grounds for station houses, depots, machine shops, side tracks, turn-outs, and water stations, shall have been approved by the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid, and the consent of the Indians on such reservations, as to the amount of said compensation and right of way, shall have been first obtained in a manner satisfactory to the President of the United States. Said company is hereby authorized to enter upon said reservations for the purpose of surveying and locating its lines of railroad, provided that said line of railroad shall be located, constructed, and operated with due regard to the rights of the Indians, and under such rules and regulations as the Secretary of the Interior shall prescribe.

SEC. 3. That the rights herein granted shall be forfeited by said company unless the road is constructed through said reservations within three years.

SEC. 4. That Congress may at any time amend, add to, alter, or repeal this act.

The SPEAKER. Is there objection to considering this bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. TAWNEY. I move that the House bill on the same subject lie on the table.

The SPEAKER. Without objection, the House bill on the same subject will lie on the table.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HARMER, for three days, on account of sickness.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills and joint resolutions of the following titles:

On August 7, 1894:

An act (H. R. 5481) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1895, and for other purposes;

An act (H. R. 4611) to amend an act approved January 25, 1883, to authorize the construction of bridges across the Hiwassee, the Tennessee, and Clinch Rivers, in the State of Tennessee;

An act (H. R. 7488) authorizing the Secretary of the Interior to grant leases for sites on the Hot Springs Reservation, Arkansas, for cold-water reservoirs;

An act (H. R. 7494) disposing of four condemned cannon of the Navy; and

An act (H. R. 5371) for the relief of certain enlisted men of the Marine Corps.

On August 8, 1894:

An act (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895;

An act (H. R. 6080) granting a certain military reservation to Oklahoma City, Okla., to aid the public free schools thereof, and for other purposes;

An act (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines established by the Interior Department; and

An act (H. R. 868) for the relief of Charles B. Stivers.

On August 9, 1894:

An act H. R. 6542) to change the lines between the eastern and western judicial districts of North Carolina and fixing time for holding courts in said eastern district;

An act (H. R. 6042) to authorize sale of lot 8, block 93, city of Hot Springs, by school directors thereof, and use of proceeds for school purposes;

An act (H. R. 3032) to remove the charge of desertion from the record of John A. Jack;

An act (H. R. 6405) to remove the charge of desertion standing against Patrick Kelleher, late private Company C, Thirty-eighth Illinois Volunteers;

An act (H. R. 6902) granting an increase of pension to Mrs. Susie Conway;

An act (H. R. 7419) for the construction of a military road from the city of El Paso to Fort Bliss, Tex.

An act (H. R. 6921) for the relief of George B. Cosby;

An act (H. R. 6720) providing for the resurvey of Grant and Hooker Counties, in the State of Nebraska;

An act (H. R. 2996) for relief of Mrs. E. S. Luke, widow of John L. Luke, late a soldier in the Black Hawk war; and

An act (H. R. 3858) to pension Mrs. Eliza B. Pierce, widow of Charles Pierce, of New Bedford, Mass.

NOTE.—The following-named bill having been presented to the President July 27, 1894, for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval:

An act (H. R. 894) for the relief of Robert Travila for loss of carbine in late war.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1589) for the relief of Louis Pelham;

A bill (S. 1852) to provide an American register for the steamer S. Oteri; and

A bill (S. 2234) to further amend section 2399 of the Revised Statutes of the United States.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment joint resolution H. Res. 95, providing for an investigation relating to the effects of machinery on labor.

The message also announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 253) granting a pension to Maria Hall, widow of Joseph E. Doak, deceased; and

Joint resolution (S. R. 96) to extend the charter of the Maryland and Washington Railway Company.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, I present the conference report on the sundry civil appropriation bill.

Mr. ENLOE. I desire to raise the question of consideration on that.

The SPEAKER. The Clerk will report the title of the bill on which the conference report is made.

The Clerk read as follows:

A bill (H. R. 5575) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

The SPEAKER. The gentleman from Tennessee raises the question of consideration against this report. The question is, Will the House consider the conference report?

The question was taken, and the House decided to consider the conference report.

Mr. ENLOE. I think we ought to consider bills on the Private Calendar, but as nobody else seems to think so it is not worth while to press the matter.

The SPEAKER. The Clerk will read the statement.

The statement was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the sundry civil appropriation bill submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the amendments of the Senate, namely:

On amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, and 14: Extends the limit of cost of the following buildings, as proposed by the Senate: Clarksville, Tenn., $15,000; Fort Worth, Tex., $40,000, and Sioux City, Iowa, $25,000; appropriates $25,000 additional for the public building at Davenport, Iowa; strikes out the appropriation of $20,000 proposed by the Senate, for the public building at Chester, Pa.; appropriates $5,000 for an elevator and new steam boiler for the public building at Topeka, Kans., $50,000 for continuing public building at Worcester, Mass., and $210,000, as proposed by the Senate, instead of $200,000, as proposed by the House, for repairs of public buildings; strikes out the provision proposed by the Senate requiring the Secretary of the Treasury to submit estimates in detail for all employés required in connection with superintendence and construction of public buildings; and appropriates $65,000 for the purchase of additional ground for the post-office at Philadelphia, instead of $175,000, as proposed by the Senate.

On amendments numbered 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31: Makes appropriations for light-houses, beacons, and fog-signals in addition to those authorized in the bill by the House, as follows: For Boston Harbor, light-ship, $35,000, with authority to contract for the whole cost of said ship, at not exceeding $70,000; for a light and fog-signal station, Baltimore Harbor, $60,000; for completing range lights above Grassy Island, Mich., $1,500; for establishing range lights, Boston Harbor, $1,000; authorizes the establishment of a light vessel off South Pass of the Mississippi River, in the Gulf of Mexico; for additional aids to navigation, Tampa Bay, Florida, $1,670.81; for completion of Buoy Depot at Absecom, N. J., $1,200; for completion of the boat house for light-ships' boats, Cape May, N. J., $500; for establishing lights in Mobile Ship Channel, Alabama, $30,000, instead of $40,000, as proposed by the House, and $60,000, as proposed by the Senate, with authority to contract for said additional lights at a total cost not exceeding $60,000; for establishing upon a safer site, near by the Chandeleur, Louisiana, light station, wrecked in October, 1893, $35,000; for removing and rebuilding range lights, Sandusky Bay, Ohio, $25,000; for expenses of obtaining title to Devil's Island light station, Wisconsin, $283.94; for North Head light station, Washington, $25,000, instead of $30,000, as proposed by the House, and $50,000, as proposed by the Senate, with authority to contract for said light station complete at a cost not exceeding $50,000; authorizes the Light-House Board to lease land for sites for lights provided for in the bill, and authorizes the use of the unexpended balance appropriated for establishing a light and fog-signal at the mouth of Coquille River, Oregon, in the erection of a light-keeper's dwelling and a fog-signal at the Cape Arago light station.

On amendments numbered 32 and 33: Strikes out the provisions proposed by the Senate authorizing the Secretary of the Treasury to expend the appropriations for the light-house establishment other than for surveys, estimates, and sites, by contract or otherwise, and authorizing the construction of a light station at Outer Diamond Shoal, off Cape Hatteras, to be effected by contract or otherwise.

On amendments numbered 34 and 35: Makes the appropriation for the Life-Saving Service available for maintaining the old Chicago station.

On amendment numbered 36: Strikes out the appropriation proposed by the Senate making the reduction of compensation of cadets in the Revenue-Cutter Service apply only to those cadets hereafter appointed.

On amendments numbered 37 and 38: Inserts the provisions proposed by the Senate, declaring that the appropriation for materials for the Bureau of Engraving and Printing be held to be contingent expenses, under section 240 and section 3683 of the Revised Statutes, and appropriates $200 for rent of office for the agent of the Post-Office Department to supervise the distribution of stamps by the Bureau of Engraving and Printing.

On amendments numbered 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52, relating to the Coast and Geodetic Survey: Appropriates $107,800, instead of $105,800, as proposed by the House, and $110,750, as proposed by the Senate, for field expenses, and makes 10 per cent of the several appropriations for field expenses, instead of 20 per cent, as proposed by the Senate, available interchangeably, with the proviso that not more than 10 per cent shall be added to any one item of appropriation by reason of such interchange; appropriates for forty-three field officers at a total cost of $99,300, instead of forty-one, at a cost of $92,800, as proposed by the House, and forty-four, at a cost of $109,300, as proposed by the Senate: appropriates $135,000 for the office force, instead of $125,000, as proposed by the House, and $143,131, as proposed by the Senate, and restores to the bill the provision proposed to be stricken out by the Senate requiring the Secretary of the Treasury to reduce the number or compensation, or both, of said office force so as to bring the same within the amount appropriated.

On amendment numbered 53: Authorizes the Secretary of the Treasury, as proposed by the Senate, to furnish precise copies of standard weights and measures to the States and Territories.

On amendment numbered 54: Appropriates $600, as proposed by the Senate, for rent of workshops for the National Museum.

On amendments numbered 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, and 84, relating to the Fish Commission: Appropriates $1,600, instead of $1,200, as proposed by the House, and $1,800, as proposed by the Senate, for the stenographer to the Commissioner, and leaves the appropriations for the several employés of the Fish Commission and for superintendents of fish stations at the sums fixed in the bill by the House, instead of as proposed by the Senate; appropriates for fish hatcheries, as proposed by the Senate, as follows: In Tennessee, $12,000; Lake County, Colo., $6,500; on or near the St. Lawrence River, New York, $7,000; and provides that the miscellaneous expenses of the Commission may be used interchangeably, but that not more than 10 per cent shall be added to any one item.

On amendments numbered 85 and 86: Provides that not exceeding $20,000 of the appropriation for the Interstate Commerce Commission may be expended in the employment of counsel.

On amendment numbered 87: Strikes out the appropriation of $71,000, proposed by the Senate, to pay the French Government and French exhibitors at the World's Columbian Exposition for losses incurred by fire, and inserts a provision requiring the Secretary of State to investigate and report to Congress at its next session what amount of such losses was sustained by the Republic of France and by French exhibitors.

On amendment numbered 88: Appropriates $2,500, as proposed by the Senate, to enable the President to signify to the governments of the several countries represented at the World's Columbian Exposition the great appreciation of the Government and of the people of the United States for their valued contributions to the success of said Exposition.

On amendment numbered 89: Authorizes James D. McBride to have engraved on stone or wood fac-simile copies of the seals of the Supreme Court of the United States, of the Senate and House of Representatives, of the several Executive Departments, and of the Government of the United States.

On amendment numbered 90: Appropriates $3,500, as proposed by the Senate, to enable the Committee on Final Report of the World's Columbian Exposition to arrange the reports of the various departments and prepare a synopsis of the same, and limits said reports, with synopsis, including index, to not exceeding ten volumes of 1,000 pages each.

On amendment numbered 91: Strikes out the appropriation proposed by the Senate of $205.15, to reimburse Briscoe B. Bouldin on account of wounds received in the discharge of his official duties in the Internal Revenue Service.

On amendment numbered 92: Strikes out the appropriation of $2,500, proposed by the Senate, for salaries of special agents of the independent Treasury.

On amendments numbered 93 and 94: Makes verbal correction in the text of the bill, and appropriates $100,000 instead of $300,000, as proposed by the Senate, for recoinage of uncurrent fractional silver coins.

On amendment numbered 95: Appropriates $60,000, as proposed by the House, instead of $72,070, as proposed by the Senate, for distinctive paper for United States securities.

On amendment numbered 96: Appropriates $750,000, instead of $725,000, as proposed by the House, and $800,000, as proposed by the Senate, for pay of assistant custodians and janitors.

On amendment numbered 97: Makes the appropriation for fuel, lights, and water for public buildings available for procuring electric power, as proposed by the House.

On amendment numbered 98: Strikes out the authority proposed by the

House to use $5,000 of the appropriation for suppressing counterfeiting and other crimes in the necessary investigation of violations of section 5209 of the Revised Statutes.

On amendments numbered 99 and 100: Appropriates $400, as proposed by the Senate, instead of $500, as proposed by the House, for custody, care, and protection of lands and other property belonging to the United States.

On amendment numbered 101: Appropriates $100,000, as proposed by the Senate, instead of $90,000, as proposed by the House, for enforcing the alien contract labor laws.

On amendment numbered 102: Makes, as proposed by the Senate, the decision of immigration or customs officers, when adverse to the admission of aliens, final, unless reversed on appeal to the Secretary of the Treasury.

On amendment numbered 103: Increases, as proposed by the Senate, the head money from alien passengers, after October 1 next, from 50 cents to $1, and covers the receipts from all such head money, after July 1, 1895, into the Treasury, and requires the Secretary of the Treasury to report to the next session of Congress a plan for the organization of the immigration service and make detailed estimates therefor.

On amendment numbered 104: Inserts the provision proposed by the Senate requiring that commissioners of immigration at the several ports shall be appointed by the President, with the advice and consent of the Senate.

On amendment numbered 105: Authorizes, as proposed by the Senate, the payment of watchmen and night watchmen in custom-houses, who may be designated as inspectors of customs.

On amendment numbered 106: Appropriates $4,000, as proposed by the Senate, for the protection of salmon fisheries in Alaska.

On amendment numbered 107: Requires, as proposed by the Senate, that $3,325 of the appropriation for food and clothing for the inhabitants of the islands of St. Paul and St. George, Alaska, be paid to the bishop of the Greek Church, San Francisco, Cal.

On amendment numbered 108: Appropriates $800, as proposed by the Senate, for two coal houses on the islands of St. Paul and St. George, Alaska.

On amendment numbered 109: Appropriates $1,500 for necessary expenses of enforcing the conditions of section 4 of the act giving effect to the award rendered by the Tribunal of Arbitration at Paris in 1893.

On amendment numbered 111: Appropriates $4,000, instead of $5,000, as proposed by the Senate, for a report upon explosives.

On amendment numbered 112: Authorizes, as proposed by the Senate, the appointment of one assistant appraiser of merchandise at $2,500 at the port of Baltimore.

On amendment numbered 113: Appropriates $7,000, one-half to be paid out of the revenues of the District of Columbia, instead of $10,000, as proposed by the Senate, for grading Massachusetts avenue, in the District of Columbia.

On amendment numbered 114: Strikes out the appropriation of $2,600, proposed by the Senate, for an elevator in the Home for Incurables in Washington.

On amendments numbered 115, 116, and 117: Appropriates $125,000, instead of $75,000, as proposed by the House, and $90,000, as proposed by the Senate, for maintenance and expenses of quarantine stations, and $5,000, as proposed by the Senate, for repairs, buildings, etc., for the Gulf quarantine station.

On amendments numbered 120, 121, 122, and 123: Authorizes, as proposed by the Senate, the use of the epidemic fund to prevent the introduction of Chinese plague or black death, and strikes out the additional appropriation of $376,000, proposed by the Senate, for the epidemic fund.

On amendment numbered 124: Appropriates $28,560, as proposed by the Senate, for a new copper roof for the Pension Office Building.

On amendments numbered 125, 126, 129, 130, 131, and 132, relating to the Capitol building: Appropriates, as proposed by the Senate, as follows: For repairs and improvements of steam-heating apparatus, etc., of the Senate wing, $2,575; for removal of ranges, etc., of the Senate restaurant, $1,500; for construction of an elevator leading to the Supreme Court rooms, $2,300; for flags, $100; for repair of paintings, $1,000; and strikes out the appropriation of $1,000 proposed by the Senate to purchase a copy of a portrait of George Washington.

On amendment numbered 135: Strikes out, as proposed by the Senate, the provision requiring the Secretary of the Interior to consolidate the district land offices, so as to bring their total compensation for 1895 within the appropriation made in the bill.

On amendments numbered 136 and 137: Appropriates $60,000, as proposed by the Senate, instead of $85,000, as proposed by the House, for protecting timber on public lands, and for protecting public lands from illegal entry or appropriation, and requires the Secretary of the Interior to so apportion the appropriation as to prevent a deficiency therein.

On amendments numbered 138, 139, and 140: Appropriates for surveys only, as proposed by the Senate, instead of for surveys and resurveys of public lands, $250,000, instead of $175,000, as proposed by the House, and $400,000, as proposed by the Senate.

On amendment numbered 143: Reappropriates the appropriation of $125,000 made in the sundry civil act for 1893, as proposed by the Senate, for the survey of public lands lying within the limits of land grants made by Congress to aid in the construction of railroads.

On amendment numbered 144: Appropriates $500, as proposed by the Senate, for the retracement of the boundary line between the States of Louisiana, Arkansas, and Texas.

On amendment numbered 146: Grants to the city of Port Angeles, Wash., for use as a burial ground or cemetery, certain suburban blocks, as proposed by the Senate.

On amendment numbered 147: Appropriates $212,000, as proposed by the Senate, to adjust and pay the claims of settlers on the so-called Des Moines River lands.

On amendments numbered 149, 150, 151, 152, 153, 154, 155, 156, 157, and 158: Readjusts the several appropriations, as proposed by the Senate, for the Geological Survey and appropriates thereunder for gauging the streams and determining the water supply of the United States $12,500, instead of $25,000, as proposed by the Senate.

On amendments numbered 159, 160, 161, and 162: Apyropriates $23,500, as proposed by the House, instead of $28,000, including $8,000 for the law department, as proposed by the Senate, for maintenance of the Howard University, and appropriates $1,000, as proposed by the Senate, for books for the library of the law department of said university.

On amendment numbered 163: Appropriates $10,000, as proposed by the House, instead of $15,000, as proposed by the Senate, for machinery and shop fixtures for the Rock Island Arsenal.

On amendments numbered 164, 165, and 166: Appropriates $10,000, as proposed by the House, instead of $67,500, as proposed by the Senate, for extraordinary repairs of the dykes and for the repair of Moline Dam, of the Rock Island water power, and authorizes a contract for all of said works at an additional cost not exceeding $37,500.

On amendment numbered 167: Appropriates $5,759, as proposed by the Senate, for a new fence for the Indianapolis Arsenal.

On amendment numbered 168: Authorizes the Secretary of War to purchase trees and stock for the nursery for public grounds in Washington by contract or otherwise, as proposed by the Senate.

On amendment numbered 169: Strikes out the appropriation of $3,000, proposed by the Senate, to purchase the portrait of Mrs. Dolly Madison.

On amendments numbered 170, 171, and 172: Limits the price of gas in the public grounds in Washington to $20.50 per lamp, as proposed by the House, instead of $21.50, as proposed by the Senate, and the price of electric lights to 30 cents per light per night, as proposed by the House, instead of 40 cents, as proposed by the Senate.

On amendment numbered 173: Instead of the provision proposed by the Senate, relating to the water power of the Great Falls of the Potomac, inserts a provision directing the Secretary of War and the Attorney-General to make report to Congress as to the existing claims of all parties to land and water rights at Great Falls and the cost of acquiring the title or titles to such land or water rights.

On amendments numbered 174 and 175: Appropriates $200,000, as proposed by the House, instead of $350,000, as proposed by the Senate, for buildings at military posts, and, as proposed by the Senate, extends the limit of cost of Fort Crook, Nebraska, to $700,000, and of Fort Harrison, Montana, to $300,000.

On amendment numbered 176: Appropriates $7,000, as proposed by the Senate, for additional lands for Fort Ethan Allen, Vermont.

On amendments numbered 177 and 178: Strikes out, as proposed by the Senate, the provision placing the expenditures for the Yellowstone Park under the acting superintendent thereof, and appropriates $1,000, as proposed by the Senate, for the salary of the commissioner for the park.

On amendments numbered 179, 180, and 181: Strikes from the bill the provision as proposed to be amended by the Senate, authorizing the employment of a representative of the Army of the Tennessee in connection with the Chickamauga and Chattanooga National Park.

On amendments numbered 182 and 183: Makes a correction of a clerical error in the Army appropriation act for the fiscal year 1895, and authorizes, as proposed by the Senate, the payment to discharged employés of the Record and Pension Office of the War Department for leaves of absence.

On amendment numbered 184: In lieu of the provision proposed by the Senate relating to certain revolutionary archives, inserts a provision requiring that all military records of the war of 1812 be transferred to the Secretary of War, to be preserved, indexed, and prepared for publication.

On amendments numbered 185 and 186: Appropriates $600,000, as proposed by the Senate, instead of $500,000, as proposed by the House, for improving the harbor at Galveston, Tex.

On amendments numbered 187 and 188, relating to Gettysburg battlefield: Inserts the provision proposed by the Senate authorizing the acquirement of land for sites of tablets and construction of avenues; and strikes out the provision proposed by the Senate authorizing the employment of a representative of the Army of Northern Virginia to assist in preparing historical tablets of that army.

On amendment numbered 189: Requires, as proposed by the Senate, that the appropriation for appliances for disabled soldiers shall be disbursed under the direction of the Secretary of War.

On amendment numbered 190: Appropriates $19,000, as proposed by the Senate, instead of $15,000, as proposed by the House, for the Garfield Hospital.

On amendments numbered 191, 192, and 193: Appropriates $45,000 for the purchase or construction of one steam tug for use in the harbor of New York in preventing injurious deposits, instead of $90,000 as proposed by the Senate for two tugs and $15,000 for pay of crew and maintenance of said tugs.

On amendment numbered 194: Inserts the provision proposed by the Senate declaring the appropriation for arming and equipping the militia to be permanent and not subject to be covered into the surplus fund.

On amendments numbered 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, and 227, relating to the National Home for Disabled Volunteer Soldiers: Makes the appropriations for each branch home as proposed by the Senate, and inserts a provision requiring that no part of the appropriations for construction and repairs for any of the branch homes shall be used for the construction of any new buildings, and strikes out the provision proposed by the Senate authorizing the interchangeable use of 10 per cent of the amounts appropriated for each branch.

On amendments numbered 228, 229, 230, and 231: Provides for the officers and employés of the Board of Managers of the National Home for Disabled Volunteer Soldiers, as follows: For president, $4,000: secretary, $2,000: general treasurer, $3,000; one inspector-general, $2,500; one assistant inspector-general, $2,000; clerical service for offices of the president and general treasurer, $4,500; messenger service for president's office, $144; messenger service for secretary's office, $52; clerical service for managers, $1,500: agents, $2,400; traveling expenses of Board of Managers, $11,500; out-door relief, $1,750; and rent and incidental expenses, $2,500.

On amendment numbered 232: Requires that all amounts disbursed from the appropriation for a branch home shall be disbursed and accounted for monthly to the general treasurer by the treasurer of that branch, except such expenditures for services, stationery, tableware, clothing, and bedding as may be required by the Board of Managers to be legally made by the general treasurer; that such stationery, tableware, clothing, and bedding as may be required for each branch home shall be shipped directly from the place of purchase or manufacture to such branch home; and that all disbursements shall be made in conformity with sections 3678 and 3679 of the Revised Statutes; and inserts a provision requiring the general treasurer of the National Home for Disabled Volunteer Soldiers to give good and sufficient bond to the United States in the sum of not less than $100,000, as the Secretary of War may direct, and to be approved by him, and the treasurers of the several branch homes to give good and sufficient bonds to the general treasurer in such sums as he may require.

On amendments numbered 233 and 234: Authorizes the Board of Managers of the National Home for Disabled Volunteer Soldiers to establish a rate of pay and allowance for all officers and employés of the home, and strikes out the provision proposed by the Senate, authorizing such rate to be increased upon written authority of the Board of Managers.

On amendment numbered 235: Appropriates $570,000, as proposed by the Senate, instead of $575,000, as proposed by the House, for State and Territorial homes.

On amendments numbered 236 and 237: Inserts a provision proposed by the Senate to correct a clerical error in the naval appropriation act for 1895.

On amendment numbered 239: Appropriates $500, as proposed by the Senate, to publish the opinions of the Attorney-General.

On amendment numbered 240: Authorizes the payment of traveling expenses to the clerk of the court in Alaska.

On amendment numbered 241: Appropriates $2,000, instead of $1,000, as proposed by the House, and $3,000, as proposed by the Senate, for rent and incidental expenses in Alaska.

On amendment numbered 242: Inserts the provision proposed by the Senate, authorizing the use of the appropriation heretofore made for a penitentiary in the State of North Dakota, for the erection of an institution for the feeble-minded in said State.

On amendment numbered 243: Strikes from the bill, as proposed by the Senate, the provision authorizing the use of the appropriations contained in the bill for the enforcement of the provisions of Title XXVI of the Revised Statutes or any acts amendatory thereof.

On amendments numbered 244 and 245: Strikes out, as proposed by the Senate, the provision that only actual traveling expenses shall be paid for each prisoner and guard by United States marshals, and that no fee shall be paid to marshals for the execution of warrants from Commissioners un-

less the same shall have been executed within sixty days after they were issued.

On amendment numbered 246: Appropriates $250,000, instead of $404,000, as proposed by the Senate, for defraying expenses incurred by marshals in executing processes, etc., of United States courts for the protection of property in the hands of receivers.

On amendment numbered 247: Authorizes, as proposed by the Senate, the allowance of mileage to United State attorneys in certain cases.

On amendments numbered 248 and 249: Authorizes, as proposed by the House, that persons charged with crime may be taken before the nearest circuit court commissioner or the nearest judicial officer.

On amendments numbered 250 and 251: Authorizes, as proposed by the Senate, the transportation of United States prisoners to the place of bona fide residence in the United States on discharge, and the support of such prisoners becoming insane before as well as after conviction.

On amendment numbered 252: Provides, as proposed by the Senate, for meals for bailiffs in attendance upon jurors in United States cases.

On amendment numbered 253: Appropriates $6,000, as proposed by the Senate, for the salary of the additional circuit judge.

On amendments numbered 254 and 255: Appropriates, as proposed by the Senate, for an assistant or deputy clerk of the court of appeals of the District of Columbia at $2,000, and $500 for necessary expenditures in the conduct of the office of the clerk of said court.

On amendment numbered 256: Appropriates $30,000, as proposed by the Senate, to enable the Attorney-General to represent and protect the interests of the United States in suits affecting the Pacific Railroads.

On amendment numbered 257: Appropriates $500, as proposed by the Senate, for the payment of supervisors of elections at Lynchburg, Va.

On amendments numbered 258 and 259: Continues, and makes available until completion, the appropriation of $5,000 made for the fiscal year 1894 for marking the boundary line between the United States and Canada in Passamaquoddy Bay.

On amendment numbered 260: Strikes out the appropriation of $10,000 proposed by the Senate, to publish the revolutionary archives in the State Department, and inserts a provision requiring the Secretary of State to cause said archives, except military records, to be carefully examined, with a view to publication, and report the result to Congress.

On amendment numbered 262: Strikes out the appropriation of $5,000 proposed by the Senate for delegates to the international prison congress.

On amendment numbered 263: Appropriates $6,000, as proposed by the Senate, to execute the obligations of the United States and protect the interest of the United States in the Samoan Islands.

On amendment numbered 264: Appropriates $1,000, as proposed by the Senate, for an index of Congressional documents.

On amendment numbered 265: Appropriates $11,000, as proposed by the Senate, to pay certain discharged officers and employés of that body.

On amendment numbered 266: Strikes out the provision proposed by the Senate, to pay a sum equal to one month's pay to the officers and employés of the House and Senate, for extra services during the second session of the Fifty-third Congress.

On amendments numbered 267, 268, 269, 271, and 272: Appropriates, as proposed by the Senate, for certain objects relating to that body.

On amendments numbered 273 and 274: Limits, as proposed by the Senate, the contracts that may be entered into for work and materials for the Library of Congress building to not exceeding $200,000, and directs the officer in charge of said building to report to Congress at its next session plans and estimates for a tunnel with suitable conveying apparatus for the rapid transmission of books, etc., between said building and the Capitol.

On amendments numbered 275 and 276: Appropriates $75,000, as proposed by the Senate, to enable the Chief of Engineers to provide fire escapes to put the Government Printing Office in a safe and secure condition.

The committee of conference have been unable to agree upon the following amendments, namely:

On amendment numbered 11, appropriating $100,000, as proposed by the Senate, for purchase of sites and commencing construction of public buildings at Cheyenne, Wyo.; Boise City, Idaho; Helena, Mont., and Spokane, Wash.

On amendment numbered 110, appropriating, as proposed by the Senate, $105,000, for payments on account of the Ford Theater disaster.

On amendments numbered 118 and 119, appropriating, as proposed by the Senate, $25,000 for a quarantine station at Southport, N. C., and $40,000 for a quarantine station at the mouth of the Columbia River.

On amendments numbered 127, 128, 133, and 134, appropriating, as proposed by the Senate, $10,000 for the purchase of the electric lighting plant in the Senate wing of the Capitol, and $10,000 for repairs and extension thereof, and striking from the bill, as proposed by the Senate, authority to rent electric lighting plants in the Senate and House wings of the Capitol, and inserting, as proposed by the Senate, a provision authorizing any existing electric lighting company in Washington to furnish electric current for the Capitol building.

On amendments numbered 141 and 142, striking from the bill, as proposed by the Senate, the legislation inserted by the House, relating to the survey of public lands to satisfy public land grants in the State of Washington, and inserting in lieu thereof a provision applying to the States of Washington, Idaho, Montana, North and South Dakota, and Wyoming, authorizing the survey of lands to satisfy land grants in said States.

On amendment numbered 145, appropriating $16,000, as proposed by the Senate, to resurvey lands in Grant and Hooker Counties, Nebr.

On amendment numbered 148, inserting a provision, as proposed by the Senate, relating to soldiers' additional homestead certificates.

On amendment numbered 236, appropriating, as proposed by the Senate, $96,000 for dry dock at Puget Sound, Washington.

On amendment numbered 261, appropriating $16,000, as proposed by the Senate, for the Bureau of American Republics.

On amendment numbered 270, fixing the compensation of the assistant librarian in charge of the Law Library at $1,600 and allowing him $480 for laborer's services.

On amendment numbered 277, providing for the acquisition of a new site for the Government Printing Office.

On amendments numbered 278 and 279, appropriating, as proposed by the Senate, $200,000 for the Cotton States and International Exposition at Atlanta, Ga.

On amendment numbered 280, inserting a provision, as proposed by the Senate, to encourage the reclamation of arid lands and the cultivation and sale thereof in small tracts to actual settlers.

The Senate, by its amendments, added to the bill $3,707,882.40. Of this sum the conference committee recommend that the Senate recede from $1,670,310.65, and that the House agree to $1,416,491.75.

The amendments upon which the conference committee have been unable to agree involve $621,080.

JOSEPH D. SAYERS,
JOS. H. O'NEIL,
WM. COGSWELL,
Managers on the part of the House.

Mr. SAYERS. Mr. Speaker, I ask unanimous consent to dispense with the reading of the report, that it be printed in the RECORD, and I will make a statement as to the bill.

The SPEAKER. The statement has been read.

Mr. CANNON of Illinois. What is the request?

The SPEAKER. To dispense with the reading of the report and have it printed. The statement has been read. Without objection, then, the report will be printed and not read.

There was no objection, and it was so ordered.

The report of the conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5575) making appropriations for sundry civil expenses for the Government for the fiscal year ending June 30, 1895, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 12, 14, 17, 18, 32, 33, 36, 40, 42, 46, 48, 49, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 91, 92, 95, 97, 114, 122, 123, 132, 159, 160, 163, 164, 165, 169, 170, 171, 172, 174, 188, 192, 195, 196, 226, 230, 234, 248, 249, 262, and 266.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 10, 13, 16, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 34, 35, 37, 38, 45, 53, 54, 80, 81, 82, 83, 85, 88, 93, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 112, 117, 120, 121, 124, 125, 126, 129, 130, 131, 135, 136, 137, 138, 140, 143, 144, 146, 149, 150, 151, 152, 153, 154, 155, 157, 161, 162, 167, 168, 175, 176, 177, 178, 179, 183, 185, 186, 187, 189, 190, 194, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 225, 227, 228, 233, 235, 236, 237, 239, 240, 242, 243, 244, 245, 247, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 267, 268, 269, 271, 272, 273, 274, 275, and 276, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "That, in order to give the necessary full and free ingress and egress to the wagons carrying the United States mails into and out from the Philadelphia post-office, the Secretary of the Treasury, acting for and in behalf of the Government of the United States, is hereby authorized to acquire, by purchase or condemnation, a certain lot or piece of ground in the city of Philadelphia, State of Pennsylvania, adjoining or adjacent to the Philadelphia post-office building on the west, and more particularly described as follows, to wit:

"All that certain lot or piece of ground late of John J. Ridgeway, deceased, situate on the south side of Market street, in the Ninth ward of the said city of Philadelphia, beginning at a point on the line of said Market street where the same intersects the west side of Post-Office street, containing in front on Market street 16 feet 8 inches, and extending in length or depth of that width southwardly between parallel lines at right angles with said Market street 231½ feet, to the north side of Chant street, and for this purpose not exceeding the sum of $65,000 is hereby appropriated."

And the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For public building at Sioux City, Iowa: The limit of cost of site and building is hereby extended $25,000, said increase being necessary by increased cost of foundation, and the Secretary of the Treasury may authorize a contract or contracts to be entered into for the construction of any portion or the whole of said building, subject to appropriations to be made therefor by Congress;" and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For public building at Topeka, Kans.: For the construction of an elevator, including new steam boiler, $8,000;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with amendments as follows: In lieu of the sum named in said amendment insert "$35,000;" and at the end of said amendment insert the following: ", and the total cost of said steam light vessel with a steam fog signal, under a contract which is hereby authorized therefor, shall not exceed $70,000;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$30,000;" and at the end of line 19, page 5 of the bill, insert the following: ", and the total cost of establishing said additional lights, under a contract which is hereby authorized therefor, shall not exceed $60,000;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$25,000;" and at the end of line 25, page 6 of the bill, insert the following: ", and the total cost of said light station, under a contract which is hereby authorized therefor, shall not exceed $50,000;" and the Senate agree to the same

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,500;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,500;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and 10 per cent of the foregoing amounts shall be available interchangeably for expenditure on the objects named, but no more than 10 per cent shall be added to any one item of appropriation;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$107,800;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment, insert the following:

"For four assistants, at $3,000 each;
"For four assistants, at $2,500 each;
"For eight assistants, at $2,200 each;
"For eight assistants, at $2,000 each;
"For four assistants at $1,800 each;
"For four assistants, at $1,600 each;
"For three assistants, at $1,400 each;

"For four assistants, at $1,200 each."

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$99,300;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement of the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$135,000;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment amended as follows: Strike out "twenty-five" in line 15, page 23 of the bill, and insert "thirty-five;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,600;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,260;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: At the end of said amendment insert the following: ", but no more than 10 per cent shall be added to any one item of appropriation:" and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: At the end of line 15, page 35, of the bill add the following: ", of which sum not exceeding $30,000 may be expended in the employment of counsel;" and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of State is hereby authorized and directed to investigate and report to Congress at its next session what amount of losses was sustained by the Republic of France and by French exhibitors at the World's Columbian Exposition at Chicago by fire on the night of January 8 and 9, 1894, in the building of Manufactures and Liberal Arts of said Exposition; he shall cause proofs to be taken, satisfactory to himself, to determine the amount of such losses sustained by the French Government and by the several French exhibitors, and also by whose fault or negligence, if any, the losses occurred."

And the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In line 13 of the matter inserted by said amendment, after the word "America," insert the following: "; and also, to have engraved in like manner, true and fac-simile copies of the seals of the Executive Departments, and to print the same in combination with the seals before mentioned, in a group under the following title: 'The seal of the United States and seals of the executive, judicial, and legislative departments of the Government;'" and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with amendments as follows: At the end of said amendment insert the following: "; and said reports, with synopsis, including index for each volume, shall not exceed ten quarto volumes in all, of not exceeding 1,000 pages each," and insert said amendment as amended in the bill, to precede the matter inserted by amendment numbered 89; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$100,000;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$750,000;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$4,000;" and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with amendments as follows: In lieu of the sum named in said amendment insert "$7,000," and add at the end of said amendment the following: "one-half of which sum shall be paid out of the revenues of the District of Columbia;" and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "and supplemental station;" and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$125,000;" and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with amendments as follows: In lines 7, 8, and 9 of said amendment strike out the following: "persons, their heirs and assigns, holding patents or other written evidence of title to the lands in the so-called Des Moines River land grant," and in lieu thereof insert the following: "settlers, their heirs and assigns, who, being duly qualified thereunto, have, under the homestead, preemption, or other public land laws, entered or filed upon lands included in the grant made by an act entitled 'An act granting certain lands to the Territory of Iowa to aid in the improvements of the navigation of the Des Moines River, in said Territory,' approved August 8, 1846, and by the 'joint resolution to quiet title to lands in the State of Iowa,' approved March 2, 1861;" and in line 39 of said amendment, strike out the word "or" where it first occurs and insert in lieu thereof the word "of;" and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$12,500;" and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$421,600;" and the Senate agree to the same.

Amendment numbered 166: That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and the Secretary of War is authorized to contract for all of said works at an additional cost not exceeding $37,500;" and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That the Secretary of War and the Attorney-General are hereby authorized to investigate and ascertain what action has been taken by them or their predecessors in office, or by any Secretary of the Interior, under the act of July 15, 1882, entitled 'An act to increase the water supply of the city of Washington,' and under any previous acts; and also the existing claims, if any, of the State of Maryland, the Chesapeake and Ohio Canal Company, the Great Falls Manufacturing Company, and any other owner of land and water rights, or either, at the Great Falls; and also, further, the cost of acquiring the title or titles to such land and water rights, or either, as may be necessary to vest in the Government complete ownership of the water rights and necessary lands, and to make a full report of all the facts to Congress; and the sum of $4,000, or so much thereof as may be necessary, is hereby appropriated for such investigation, examination, and report;" and the Senate agree to the same.

Amendments numbered 180 and 181: That the House recede from its disagreement to the amendments of the Senate numbered 180 and 181, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendments, and on page 64 of the bill strike out all after the word "dollars," in line 14, down to and including the word "park," in line 21; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: After the matter inserted by said amendment insert, as a separate paragraph, the following:

"That the proviso in the paragraph for the Medical Department, under title 'For pay of the general staff,' in the act making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes, approved August 6, 1894, is hereby amended so as to read as follows: '*Provided*, That hereafter no appointments shall be made to the office of assistant surgeon until the number of assistant surgeons shall be reduced below 110, and thereafter the number of officers in that grade in the Medical Department shall be fixed at 110.'"

And the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "That all military records, such as muster and pay rolls, orders, and reports relating to the personnel or the operations of the armies of the Revolutionary war and of the war of 1812, now in any of the Executive Departments, shall be transferred to the Secretary of War to be preserved, indexed, and prepared for publication;" and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For purchase or construction of one steam tug, $45,000, or so much thereof as may be necessary;" and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000;" and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: Before the word inserted by said amendment insert the following: "Including fuel for cooking;" and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: On page 84 of the bill, at the end of line 3, after the word "dollars," add the following: "; *Provided*, That no part of the appropriations for construction and repairs for any of the branch homes shall be used for the construction of any new building;" and the Senate agree to the same.

Amendment numbered 229: That the House recede from its disagreement to the amendment of the Senate numbered 229, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment insert the following:

"For president of the Board of Managers, $4,000; secretary of the Board of Managers, $2,000; one general treasurer, who shall not be a member of the Board of Managers, $3,000; one inspector-general, $2,500; one assistant inspector-general, $2,000; clerical service for the offices of the president and general treasurer, $4,500; messenger service for president's office, $144; messenger service for secretary's office, $62; clerical services for managers, $1,500; agents, $2,400; for traveling expenses for the Board of Managers, their officers, and employés, $11,500; for outdoor relief, $1,750; for rent, medical examinations, stationery, telegrams, and other incidental expenses, $2,500; in all, $37,846."

And the Senate agree to the same.

Amendment numbered 231: That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,324,473;" and the Senate agree to the same.

Amendment numbered 232: That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment, insert the following: "That all amounts disbursed from the appropriation of a branch home shall be disbursed and accounted for monthly to the general treasurer by the treasurer of that branch, except such expenditures for services, stationery, tableware, clothing, and bedding as may be required by the Board of Managers to be legally made by the general treasurer, and all such stationery, tableware, clothing, and bedding as may be required for each branch home shall be shipped directly from the place of purchase or manufacture to such branch home; and all disbursements shall be made in conformity with sections 3678 and 3679, Revised Statutes;" and on page 86, after line 5 of the bill, insert as a separate paragraph the following:

"The general treasurer shall give good and sufficient bond to the United

States in a sum not less than $100,000, as the Secretary of War may direct, and to be approved by him, faithfully to account for all public moneys and property which he may receive, and the treasurers of the several branch homes shall give good and sufficient bonds to the general treasurer in such sums as he may require, and to be approved by him, faithfully to account for all public moneys and property which they may receive."

And the Senate agree to the same.

Amendment numbered 241: That the House recede from its disagreement to the amendment of the Senate numbered 241, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

Amendment numbered 246: That the House recede from its disagreement to the amendment of theSenate numbered 246, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$250,000;" and the Senate agree to the same.

Amendment numbered 260: That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amedment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "The Socretary of State is hereby directed to cause the Revolutionary archives, except the military records, now deposited in his Department, to be carefully examined, and to ascertain what portions are of sufficient importance and historical value to publish, and the number of printed volumes they would make, and the reasonable cost of their publication, and editing, and report the result to Congress, with such recommendations as he may deem proper;" and the Senate agree to the same.

Amendment numbered 263: That the House recede from its disagreement to the amendment of the Senate numbered 263, and agree to the same with amendments as follows: In lines 5 and 6 of the matter inserted by said amendment, strike out the words "the sum of" and the words "to be immediately available, and:" and the Senate agree to the same.

Amendment numbered 264: That the House recede from its disagreement to the amendment of the Senate numbered 264, and agree to the same with an amendment as follows: Strike out, of the matter inserted by said amendment, the following: "*Provided*, That no work upon the index of other Congresses shall be done;" and the Senate agree to the same.

Amendment numbered 265: That the House recede from its disagreement to the amendment of the Senate numbered 265, and agree to the same with amendments as follows: Strike out, in lines 6 and 7 of said amendment, the words: "Compensation paid them according to law," and insert in lieu thereof the words: "rate of compensation paid them at the time of their discharge;" and add at the end of said amendment the following: "*Provided*, That in case any of the employés above referred to have deceased since November 3, 1893, the amount herein provided shall be paid to the widow of such deceased employé;" and the Senate agree to the same.

The committee of conference have been unable to agree upon the amendments of the Senate numbered 11, 110, 118, 119, 127, 128, 133, 134, 141, 142, 145, 148, 238, 261, 270, 277, 278, 279, and 280.

JOSEPH D. SAYERS,
JOS. H. O'NEIL,
WM. COGSWELL,
Managers on the part of the House.

F. M. COCKRELL,
A. P. GORMAN,
W. B. ALLISON,
Managers on the part of the Senate.

Mr. SAYERS. Mr. Speaker, if the House will give me its attention I will make a brief statement as to the present status of this bill. The Senate by its amendments increased the bill $3,707,882.40. Of this sum the conference committee recommends that the Senate recede from $1,670,310.65, and that the House agree to $1,416,491.75. The amendments upon which the conference committee have been unable to agree involve $621,080. The total number of Senate amendments to the Senate on the sundry civil bill is 280. All of these have been settled by the conference report except 19. I will read them for the information of the House.

Amendment numbered 11, public buildings in new States, $100,000. Amendment 110, Ford's Theater disasater, $105,000. Amendment 111, North Carolina quarantine station, $25,000. Number 119, the Columbia River quarantine station, $40,000. Numbers 127 and 128, Senate electric light plant, $10,000 each. Numbers 133 and 134, electric light service in the Capitol. Numbers 141 and 142, selection of land in new States. Number 145, Grant and Hooker Counties surveys, $16,000. Amendment 148 is for soldier's homestead certificates. Amendment 238 is for dry dock at Puget Sound, $86,000. Amendment 261 is for Bureau of American Republics, $16,000; amendment 270, for law librarian, $2,080; amendment 277, for Government Printing Office, $10,000. Amendments 278 and 279 relate to the Atlanta Exposition and appropriate $200,000, and amendment 280 is with respect to arid lands, $1,000.

I will state for the further information of the House that the amendments 127 and 128, for Senate electric light plant, and amendments 133 and 134, electric light service in the Capitol, have only been formally disagreed to in order that the conferees may get the amendments into better shape. Amendments numbered 141 and 142, selection of lands in new States, and amendment 148, soldiers' homestead certificates, and amendment 280, arid lands, have been brought back to the House by the House conferees in order to enable gentlemen who represent States in which the arid lands are situated to consider the Senate amendments. They did not have an opportunity to do so when the bill was first reported to the House.

Mr. PICKLER. I understand there is no serious objections with the conferees.

Mr. SAYERS. There is none.

Mr. WILSON of Washington. On amendment 142 I will state that when it passed the House it passed only for the State of Washington.

Mr. SAYERS. Yes.

Mr. WILSON of Washington. But at the suggestion of the Senator from Missouri I redrafted the amendment and inserted the other new States, so that it would apply to them.

Mr. SAYERS. Very well. I intend to bring the matter before the House.

Mr. DUNN. Is this the bill that contains the provision for the purchase of the Mahone site?

Mr. SAYERS. It is.

Mr. DUNN. Did the committee agree to that?

Mr. SAYERS. They did not. Now, Mr. Speaker, before proceeding further I ask for a vote on the adoption of the report.

The SPEAKER. This is a report of a partial agreement, and the gentleman from Texas moves that it be adopted.

Mr. HAUGEN. Mr. Speaker, I wish to ask the gentleman about amendment 107. At the end of that amendment I find this language: "And the Secretary of the Treasury is hereby required to fix a reasonable price to be paid the natives of said islands for blue fox skins secured by them."

I want to know what that means, and who is going to have these fox skins?

Mr. SAYERS. The Government has been supporting those Indians ever since the United States purchased Alaska, and——

Mr. HAUGEN. I know; but have we received anything in return for that support, in the form of furs or otherwise?

Mr. SAYERS. No, sir. Ever since the treaty between Russia and the United States for the transfer of Alaska the Government has been supporting these Indians——

Mr. HAUGEN. I understand the general purport of the amendment; but what does this provision in regard to "blue fox skins" mean? What do we do with the fox skins after we receive them?

Mr. COGSWELL. We do not have anything to do with them. We do not receive them. That is only a provision to fix the price.

Mr. SAYERS. It is intended to enable the Government to prevent the Indians from being overreached by speculators and traders.

Mr. HAUGEN. Then the Government does not purchase the fox skins?

Mr. SAYERS. Not at all. This is merely to fix the price, in the interest of the Indians.

Mr. HENDERSON of Iowa. As I understand the gentleman from Texas, his proposition is, first, that we ratify the agreements thus far made by the conferees.

Mr. SAYERS. It is.

Mr. HENDERSON of Iowa. And secondly, that we adhere to our disagreement upon the other items.

Mr. SAYERS. Yes; I will make that motion later.

Mr. HENDERSON of Iowa. And also that certain matters are to be left to be discussed in the House, so as to get an expression of the sense of the House.

Mr. SAYERS. Certainly.

Mr. PICKLER. I wish to ask the gentleman about amendment 194, in regard to the militia.

Mr. SAYERS. Under the ruling of the present Comptroller of the Treasury it is thought that the permanent appropriation which has been made by Congress will lapse into the Treasury. That is to say, that an appropriation of the money would have to be made every year. This contains no new language, gives no additional authority to the militia, does not increase the appropriation, but only fixes the amount of $400,000 as it has existed for many years, I believe ever since the Forty-ninth Congress. Now, Mr. Speaker, I ask for a vote on the adoption of the conference report.

Mr. ROBINSON of Pennsylvania. Mr. Speaker, I desire to make a brief statement in regard to one item in this bill.

Mr. SAYERS. I yield five minutes to the gentleman from Pennsylvania.

Mr. ROBINSON of Pennsylvania. I desire to say, Mr. Speaker, that there is an item in this sundry civil bill which was introduced as an amendment in the Senate by the senior Senator from my State, Mr. CAMERON, appropriating an additional $20,000 for the post-office at Chester, Pa., and which passed the Senate. When the bill went into conference I took the trouble to write to the chairman of the Senate conferees, asking to be heard for ten minutes before the conference committee on the subject of this amendment. I was referred by him to the chairman of the House conferees, and he referred me back to the Senator from Missouri [Mr. COCKRELL], the chairman of the Senate conferees.

Mr. SAYERS. The gentleman ought to state further that I told him that we would meet that evening at 8 o'clock, and that,

as the chairman of the Senate conferees had control of the conference for all such purposes, I referred the gentleman to him.

Mr. ROBINSON of Pennsylvania. He referred me in writing back to you, and you referred me to him again, and the consequence was that I did not have a hearing before the conference committee in regard to this matter. I merely want to put the responsibility where it belongs, and to call attention to the fact that the recession from this amendment is on the part of the Senate, as stated by the gentleman from Texas and the other members of the committee of conference. The item embodied in the amendment was one recommended by the present Supervising Architect of the Treasury, and it went through the Senate, and I can not understand why it was not adopted in conference. The reason assigned is that the Senate by its conferees receded from its own amendment. The city of Chester, through which gentlemen pass as they go North, is a city which contains more wealth and more manufactures than are to be found in the whole district of the distinguished gentleman from Texas.

Mr. SAYERS. There is nothing in this bill for the district which I represent.

Mr. ROBINSON of Pennsylvania. No; but I make that remark to show the propriety of the Senate amendment, and I want to have it distinctly understood that I could not get a hearing before the committee of conference; indeed it was with difficulty that I could find out where they met. It was as much as I could do to find out where they met.

Mr. SAYERS. I will state to the gentleman that there is not a dime, not a penny, in this bill for my district.

Mr. ROBINSON of Pennsylvania. But the State of Texas, as I said the other day when I was on the floor, has appropriations of $175,000, $150,000, and $110,000 for towns the aggregate of whose population will not exceed the population of the city of Chester. I want merely to be on record in this matter, and to place the responsibility where it belongs.

Mr. COGSWELL. I hope the gentleman from Pennsylvania [Mr. ROBINSON] is not criticising the House conferees for persuading the Senate conferees to recede on this matter and thereby put themselves in accord with the House. I supposed that was our duty. The instructions of the House to its conferees were practically that we should, without putting the bill in peril, persuade the Senate conferees to recede from as many of these amendments as possible. The Senate has receded from this amendment.

My associate on the conference committee, the gentleman from Texas [Mr. SAYERS], does not need any word from me in answer to the unfair reflection which the gentleman from Pennsylvania has made about appropriations for Texas. This bill was made up, so far as this conference is concerned, in a way that does not invite any such unkind reflections upon the gentleman from Texas as those which have fallen from the lips of the gentleman from Pennsylvania.

Mr. ROBINSON of Pennsylvania. The gentleman from Massachusetts [Mr. COGSWELL] need not attempt to defend the gentleman from Texas from any imputation that he may suppose I have made upon that gentleman. I am not casting any imputation upon him or upon his State. I am simply making a comparison, and putting my statement on record for the purpose of placing the responsibility where it belongs for the recession from this item.

Mr. SAYERS. If it will be pleasant to the gentleman from Pennsylvania to know, I will say to him that if he will give us a few years longer, Texas will have some cities as large as Chester.

Mr. ROBINSON of Pennsylvania. Certainly; and I shall be very glad to see her have them. I am not making any imputation upon the gentleman or his State.

Mr. PICKLER. As I understand, amendment 237 in regard to naval cadets has been agreed to.

Mr. COGSWELL. Yes, sir.

Mr. PICKLER. That amendment seems to reënact the provision which we passed here a few weeks ago on the naval appropriation bill. I do not understand the object. I feel a direct interest in that item.

Mr. SAYERS. The naval bill, which has become law, provides under the ruling of the Secretary of the Navy for the appointment of more than three hundred additional cadets. The clause to which we have agreed on the pending bill was put on to correct that provision, so that it might meet the evident wish of the House. It is merely a correction of erroneous language in the naval appropriation bill.

Mr. PICKLER. We want the cadets that we are entitled to. I want that understood.

Mr. SAYERS. But you will not secure them if the clause proposed as an amendment to this bill does not pass.

Mr. Speaker, I now move the previous question on the adoption of this report.

The question being taken, the report was agreed to.

On motion of Mr. SAYERS, a motion to reconsider the last vote was laid on the table.

Mr. SAYERS. Now, Mr. Speaker, unless some gentleman desires a separate vote, I will ask that the House insist upon its disagreement to the following amendments: Amendment No. 11, in relation to public buildings in the new States; amendment No. 110, relating to the Ford's Theater disaster; amendment No. 118, with regard to the North Carolina quarantine station; amendment 119, in reference to the Columbia River quarantine station; amendments Nos. 127 and 8, in reference to the Senate electric-light plant; amendments 133 and 4, relating to the electric-light service in the Capitol; amendment 145, with regard to resurvey of Grant and Hooker Counties, Nebr.; amendment No. 238, in regard to dry dock at Puget Sound; amendment No. 261, relating to the Bureau of American Republics; amendment 270, in regard to the law librarian; amendments Nos. 278 and 9, relating to the Atlanta exposition.

Mr. CANNON of Illinois. Mr. Speaker, in reference to amendments 278 and 279, providing an appropriation for the Atlanta exposition the gentleman proposes, as I understand, that the House further insist on its disagreement.

Mr. SAYERS. Yes.

Mr. CANNON of Illinois. Before that is done, the House, in my judgment, should consider that item.

Mr. SAYERS. Very well. Then, Mr. Speaker, I except that item from the amendments to be voted on in gross, and will reserve it to be considered separately.

Mr. LIVINGSTON. I hope the gentleman from Illinois [Mr. CANNON] will not ask that.

Mr. CANNON of Illinois. I wish to say—and I should be glad if the gentleman from Texas would yield to me——

Mr. SAYERS. Certainly; how much time?

Mr. CANNON of Illinois. I desire to occupy a very little time, and only because the gentleman from Georgia [Mr. LIVINGSTON] has expressed the hope that I will not call for separate consideration and vote upon this amendment. I want to say that I am inclined to call for a separate vote, and for this reason: I was a member of the subcommittee of the Committee on Appropriations, the gentleman from Georgia being its chairman, that investigated the matter touching the Atlanta Exposition, and after two or three weeks of investigation we prepared a bill with very great care, which was reported to the House by a majority vote of the Committee on Appropriations on the 4th day of June last and went upon the Calendar, where it has slept from that date to the present time.

Now, Mr. Speaker, I am in favor of that bill. It is properly guarded, in my judgment; the rights and duties of the Government are clearly defined, and I would have been glad if it could have been called up by some special rule, or otherwise, and considered in the House. That, however, has not been done.

Mr. LIVINGSTON. Right there will the gentleman allow me to say that the very bill to which he refers is now on the Speaker's desk and ready to be taken up. The Senate saw fit simply to put a provision on the sundry civil bill making the appropriation. Then they passed a bill through the Senate, which is now on the Speaker's table, and will be laid before the House to-morrow, which contains the details to which the gentleman from Illinois refers.

Mr. CANNON of Illinois. Now, in that condition the Senate passed on these two amendments that for the first time I have read this morning. They are entirely different, I am inclined to think from my examination of the bill reported, and in my judgment these amendments should not be agreed to by the House conferees until they have been discussed and considered by the House fully; because, it seems to me, that it has either got too much or too little in it. There are many provisions left out; unless the sweeping provision that would seem to adopt the World's Fair legislation at Chicago almost in its entirety, by reference, is in it. If so it is too large; otherwise——

Mr. LIVINGSTON. It only adopts the sixteenth section of that act.

Mr. CANNON of Illinois. I think it is very much broader than that.

Mr. LIVINGSTON. It can not be; and if it did it is not, in my opinion, in many respects broad enough.

Mr. CANNON of Illinois. Now, in my judgment, good legislation and the interest behind it will be served, and correct and proper action arrived at, if the amendment is considered by the House, so that there may be, after such consideration, a proper instruction to the conferees on the part of the House. Therefore, Mr. Speaker, now, or at some proper time, before the bill goes back to the conferees for consideration, this matter should come before the House, so that instructions may be given to the conferees in regard to it.

Mr. BAKER of New Hampshire. Mr. Speaker——

Mr. SAYERS. Does the gentleman from New Hampshire desire time?

Mr. BAKER of New Hampshire. I only wish to ask a question.

Mr. SAYERS. Certainly.

Mr. BAKER of New Hampshire. I find in the list of amendments the amendment of the Senate, No. 110, relative to the payment to the victims of the Ford's Theater disaster. I would like to inquire of the gentleman from Texas what objection there is to the Senate amendment?

Mr. SAYERS. I have no hesitancy, Mr. Speaker, in saying to the gentleman from New Hampshire that I have found, on a casual examination—as one reason for the objection—that one of these men, indicated as a sufferer by the Ford's Theater disaster, if Congress should adopt the policy of insuring the lives of those in its employ, would not be entitled to relief.

Mr. VAN VOORHIS of New York. Why? Who is he?

Mr. SAYERS. So in my judgment this appropriation should not be made until the House of Representatives has had an opportunity to pass upon the measure separate and distinct from an appropriation bill.

Mr. BAKER of New Hampshire. I will suggest to the gentleman that there can be no shadow of doubt that the death of the individuals was through the fault of the Government officers.

Mr. SAYERS. Well, that is the question, Mr. Speaker.

Mr. BAKER of New Hampshire. I think, if the gentleman from Texas had been in the city as I was at the time this disaster happened, and saw the suffering of the people in consequence of it, he would have raised no objection of a technical character, and I suggest, if there is one to whom there is possible objection on the list of sufferers, that can be remedied by striking out the name.

Mr. SAYERS. When we get into conference, I will state to the gentleman, we will consider the question fully in all of its details.

Mr. COGSWELL. Let us have a vote, Mr. Speaker.

Mr. SAYERS. Mr. Speaker, I move——

Mr. CANNON of Illinois. Before the gentleman from Texas submits his motion, I understand that a separate vote will be made to consider the amendments to which I have referred; that is, with reference to the Atlanta Exposition. I do not press the consideration now, unless it is agreeable to the gentleman.

Mr. LIVINGSTON. I want to say to the gentleman, with the consent of the chairman of the Committee on Appropriations, that if he intends to press the matter he ought to do it now.

Mr. CANNON of Illinois. It was my purpose to ask a separate vote on that amendment.

Mr. SAYERS. Very well. I will not include that amendment in the motion I am going to make.

Mr. COGSWELL. Let us have a vote on the other amendments.

Mr. SAYERS. I send up the motion I wish to make.

Mr. PICKLER. These are the items on which you still desire to disagree?

Mr. SAYERS. Yes.

The SPEAKER. The motion of the gentleman from Texas will be read.

The Clerk read as follows:

Resolved, That the House insist upon its disagreement to the amendments numbered 11, 110, 118, 119, 127, 128, 133, 134, 145, 238, 261, and 270.

The SPEAKER. In the absence of objection, the vote will be taken upon all the amendments embraced in the motion.

Mr. BAKER of New Hampshire. I ask the gentleman to except No. 110.

Mr. SAYERS. I hope the gentleman will let us have a vote on that also.

Mr. BAKER of New Hampshire. Very well; I withdraw the request.

The motion of Mr. SAYERS was agreed to.

On motion of Mr. SAYERS, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next amendment.

Mr. SAYERS. I desire to call up amendments 278 and 279.

Mr. LIVINGSTON. On that, Mr. Speaker, I want to move——

The SPEAKER. The Clerk will report the amendments.

The amendment 278 was read, as follows:

COTTON STATES AND INTERNATIONAL EXPOSITION AT ATLANTA, GA.

Sec. 2. That for the expense of the selection, purchase, preparation, transportation, care, and return of articles and materials to comprise an exhibit illustrative of the functions of the Government of the United States, to be made at the Cotton States and International Exposition, to be held in the city of Atlanta, in the State of Georgia, in the year 1895, of which not exceeding $5,000 may be expended for clerical services, $150,000, to be disbursed by the board created by section 16 of the act approved April 25, 1890, entitled "An act to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus, by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, and sea, in the city of Chicago, in the State of Illinois;" and the jurisdiction, powers, and duties of the said board are hereby extended to include the said exhibit at the Cotton States and International Exposition, under all the provisions of law which governed the Government exhibit at the World's Columbian Exposition: *Provided*, That the foregoing sum shall be apportioned among the several Departments, the Smithsonian Institution, and the Fish Commission, by the Secretary of the Treasury, and such apportionment shall be final and shall be so made by him as not to create a deficiency, and shall cover every expenditure on the part of the United States, including the return of said exhibits, except as hereinafter provided.

Mr. SAYERS. Mr. Speaker, I move that the House insist upon its disagreement.

Mr. CANNON of Illinois. I will ask the gentleman from Texas if the two amendments should really not be read, so that they may be considered together?

Mr. SAYERS. I think so.

Mr. CANNON of Illinois. You have only had the first amendment read.

Mr. SAYERS. Let the next amendment also be read.

Amendment numbered 279 was read, as follows:

For taking down the Government main building erected for the Government exhibit at the World's Columbian Exposition, and its transportation, or so much of the material thereof as may be available, and its reerection upon the site selected for the said Cotton States and International Exposition, including the purchase of such new material as may be found necessary, $50,000, or so much thereof as may be necessary, to be disbursed by the Secretary of the Treasury: *Provided*, That if it be found impracticable to take down, transport, and reërect said building for the sum herein appropriated, then the Secretary of the Treasury shall cause a new building to be erected upon said site of the Cotton States and International Exposition for the Government exhibit, at a cost not to exceed $50,000, for which purpose the amount herein appropriated is hereby made available: *Provided further*, That the United States shall not be in any manner responsible for the conduct or management of said exhibition, nor shall it be liable in any manner for any sum on account of the erection of any buildings for the Cotton States and International Exposition, or for the expenses of the officers or employés thereof, or for any expenses incident to or growing out of said exposition.

The SPEAKER. The gentleman from Texas moves to further insist upon the disagreement to these amendments.

Mr. CANNON of Illinois. I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON of Illinois. I believe that the House should further insist on its disagreement; but I am desirous, if I can do so, to get the sense of the House as to what legislation should be had, if any, on this subject. My recollection is, that if the House should further vote to insist, under parliamentary usages, that then it would be in order to instruct the conferees covering the views of the House, or expressing the sense of the House upon the matter.

The SPEAKER. That would be in order.

Mr. CANNON of Illinois. That would be in order, but would not be in order until after the vote?

The SPEAKER. It would not be in order until after the vote.

Mr. CANNON of Illinois. I have no objection to the House insisting on its disagreement, and then taking the sense of the House.

Mr. SAYERS. I move that the House further insist on its disagreement.

The motion was agreed to.

Mr. CANNON of Illinois. Now, Mr. Speaker, I offer the following resolution:

That the House conferees are instructed to present to the Senate conferees the proposition to strike out Senate amendments numbered 278 and 279, and to agree in lieu thereof, in substance, to the provisions of House bill 7324, reported by the House Committee on Appropriations to the House on the 4th day of June last.

Mr. SAYERS. Will the gentleman send the bill to the Clerk?

Mr. CANNON of Illinois. I have the bill.

The Clerk read as follows:

Resolved, That the House conferees are instructed to present to the Senate conferees the proposition to strike out Senate amendments numbered 278 and 279, and to agree in lieu thereof, in substance, to the provisions of House bill 7324, reported by the House Committee on Appropriations to the House on the 4th day of June last.

Mr. CANNON of Illinois. Mr. Speaker, I desire to be heard touching this motion. I suppose it would be proper, before I submit any remarks upon it, that the bill reported from the Committee on Appropriations on the 4th of June last should be read.

Mr. SAYERS. Certainly.

Mr. LIVINGSTON. I would ask the gentleman to read the bill that passed the Senate and is pending in the House. That covers the very point that the gentleman wants.

Mr. CANNON of Illinois. I do not care to complicate the Senate bill with this.

The bill can be read later on or now. I can probably state the substance of the bill so as perchance to dispense with its reading, unless the gentleman from Texas wants it read later on; and gentlemen can send to the document room and get House bill 7324, if they desire.

Mr. SAYERS. Very well. How much time does the gentleman want?

Mr. CANNON of Illinois. I have been recognized, and will use no more time than I have to.

Mr. SAYERS. Will the gentleman yield back his time to me?

Mr. CANNON of Illinois. Some gentleman about me may want a little time; I do not know.

Mr. Speaker, on the 4th day of June last the Committee on Appropriations reported the bill (H. R. 7324) to the House, entitled "A bill to aid and encourage the holding of a cotton States and International Exposition at Atlanta, Ga., in the year 1895, and making appropriation therefor." This bill was reported as a substitute for a bill before that time introduced by the gentleman from Georgia [Mr. LIVINGSTON] and referred to that committee. The bill that the gentleman from Georgia, if I recollect properly its provisions, first introduced, provided in round numbers for an appropriation of say half a million of dollars for this purpose; and provided also that the President of the United States should invite foreign peoples to participate in the exposition.

A subcommittee was appointed to consider that bill, of which the gentleman from Georgia [Mr. LIVINGSTON] was chairman, and I had the honor to be one of the minority members. Committees from Atlanta appeared before us; hearings were had before the full committee and before the subcommittee, a portion of which are in print; and after full consideration this bill that I hold in my hand was agreed to by the majority of the subcommittee, and subsequently by the full Committee on Appropriations, and reported.

Mr. VAN VOORHIS of New York. How much money does it carry?

Mr. CANNON of Illinois. Two hundred thousand dollars.

Mr. LIVINGSTON (to Mr. CANNON of Illinois). I will accept your proposition, and let it go right through.

Mr. CANNON of Illinois. In a minute. We found that a company was organized to hold this exposition at Atlanta, that they had subscribed in good faith over $200,000 for that purpose, and after we had made full inquiry as to the estimates of receipts and expenditures, as to the grounds that they had and the improvements and the buildings thereon, we came to the conclusion that the Government might and could afford, in pursuance of its former policy, to make a Government exhibit at Atlanta.

But there we wanted to stop, so that, instead of $600,000, we recommended an appropriation of $200,000 for this purpose, and, recollecting the trouble that we had had with some expositions, notably the one at New Orleans, to which the Government had invited foreign countries and where it came in and footed the deficit because it felt in honor bound to do so, we struck out of the bill all authority on the part of the President of the United States to invite foreign nations to participate. So that the bill which I hold in my hand merely appropriates $200,000 for a Government exhibit at Atlanta, authorizes the removal of the Government building at Chicago provided it can be done for $50,000, provides that the Government shall have such portion of that building as it may desire for its exhibit, and that the remainder may be used for the exhibits at the exposition at Atlanta.

The bill provides further that all goods imported from foreign countries for the exposition may come in duty free. It expressly provides that the Government shall not be liable for one dollar above the amount appropriated, and it is carefully drawn so as to provide that the Government can not be, in honor or in any other way, bound to foot the deficit, if any deficit should result from this exposition. For some reason, I know not what, it has slept upon the Calendar from that time to this, and if we make this appropriation, I believe that the provisions so carefully guarded, reported from the Committee on Appropriations, should go in substance if not in *hæc verba*, into the sundry civil bill.

The Senate amendment—and I read it for the first time this morning, the House not having heretofore considered this matter—appropriates $200,000, and provides for the removal of the Government building in Chicago; but instead of creating a board for the Government exhibit it adopts the board that was in existence under the law for the World's Fair at Chicago. It goes further. I call attention to the language:

> And the jurisdiction, powers, and duties of the said board are hereby extended to include the said exhibit at the Cotton States and International Exposition under all the provisions of the law which governed the exhibit at the World's Columbian Exposition.

Now, just how broad that adoption of all the provisions of law that governed the exposition at Chicago is I can not tell, but I apprehend that it is tolerably broad.

At least the drawer of this amendment thought it was broad enough to let foreign imports for exhibition come in free of duty, because the Senate amendment does not provide for that, and I think it is probable that it is broad enough to authorize the President to invite foreign countries to participate in the Atlanta Exposition. If so, and those peoples should accept, it commits the Government, in good faith and in honor, to the payment of the expenses if the Atlanta corporation should fail, as the Government was committed in the case of the New Orleans Exposition. Therefore I think the House did right when it insisted further on its disagreement to that amendment of the Senate, and I believe that the instruction which I had the honor to offer, to incorporate in substance the well-considered bill reported by the Committee on Appropriations, or at least to do what the House conferees can to that end, ought to be adopted.

Now, having said that much by way of explanation, I want the attention of the House for a very few minutes to the merits of the proposed appropriation. I ask it because, since I concurred with the majority of the Committee on Appropriations in reporting favorably this bill, I have been somewhat critised in some portions of the country, and I want to answer those criticisms here and now. I do not want to embarrass this bill. I am in good faith for it; but the proper place, as it seems to me, to answer these complaints is here, upon the consideration of this question.

One gentleman criticises my favoring the appropriation, saying that the State of Georgia made no exhibit at Chicago; that she had no State building there; that Georgia and South Carolina, of all the States in the Union, were the only two that had no exhibits at Chicago, and then goes on to say—I presume correctly, although I do not know the facts—that not only was there no Georgia building, that not only was there no exhibit of the State of Georgia, but that the total individual exhibits from the State of Georgia were five in number—two from negro colleges or schools, industrial exhibits; two from nursery and fruit men, and one of watermelons. [Laughter.] He queries why I, coming from Illinois, should favor this appropriation. Another questions the right under the Constitution to appropriate.

Now, Mr. Speaker, in answer to the criticism: First, I believe that under the Constitution of the United States we have the right to make this exhibit, illustrating the progress of the United States, its wealth and resources. Many gentlemen have constitutional scruples on questions of this kind. I have not now, and never had. I had no constitutional scruples when I reported from the Committee on Appropriations the bill for the New Orleans project. I had none when I advocated the Government appropriation for Chicago; none when I voted for the exhibits (small although they were) at Louisville and at Cincinnati, and I have none now.

Whatever differences there may have been about the strict construction or liberal construction of the Constitution are behind us. In the last thirty years, on the battlefield, in the Senate, in the House, in the Executive Mansion, in every State of the Union, the Constitution of the United States has been construed; and it stands to-day an instrument adjustable according to the national necessities and bounded only by the needs of the whole nation.

Having said that much, this appropriation within that definition of our constitutional powers is justifiable——

Mr. COX. Will the gentleman yield a moment?

Mr. CANNON of Illinois. Certainly.

Mr. COX. Under the bill that the gentleman has spoken of, what is the amount which it is definitely ascertained the Government would have to pay?

Mr. CANNON of Illinois. Two hundred thousand dollars.

Mr. COX. Under this bill what would be the amount?

Mr. CANNON of Illinois. Under the proposition of the Senate?

Mr. COX. Yes, sir.

Mr. CANNON of Illinois. It is probable, while the Senate amendment appropriates in terms only $200,000, it so adopts the provisions of the Chicago World's Fair legislation that the whole world may be invited; and under such general legislation we may incur such expenses that if the Atlanta exposition should fail to pay we may have to march up and pay half a million or a million dollars, as we did, according to my recollection, for New Orleans.

Mr. COX. Then the point of difference is that under the bill reported by the committee the amount to be expended by the Government is ascertained and definite, while under the amendment from the Senate it is uncertain.

Mr. CANNON of Illinois. Yes, sir; in my judgment it is uncertain.

Mr. COX. Does not the gentleman think that in a little while it might be well to have an exposition of this kind down at Nashville, Tenn., where we can exhibit almost everything? [Laughter.]

Mr. CANNON of Illinois. If Nashville, if Tennessee and the

adjacent States get ready, as no doubt they can if they undertake it, and make as large an appropriation as Atlanta has made, and make an equally good showing, I will say that if I happen to be a member of the House when such a proposition is presented I will vote to appropriate $200,000 to enable the United States to make an exhibit at Nashville.

Mr. COX. That is very clever on the part of the gentleman. And Nashville will be there just as soon as you give her a chance.

Mr. CANNON of Illinois. Well, let Nashville first give us a chance.

Mr. VAN VOORHIS of New York. I would like to inquire whether it is the settled policy of this Government that one or two or three or four international exhibitions or fairs—so-called "international" exhibitions—shall be held every year and that Uncle Sam shall assist in footing the bills?

Mr. CANNON of Illinois. I do not think it is.

Mr. VAN VOORHIS of New York. Do you not think it is a fraud to call such an exhibition as this "international," when everybody knows that the term "international" is simply an advertisement; that the exhibition will not be in fact international, although it is so designated in the bill.

Mr. CANNON of Illinois. I will say, in reply to the gentleman from New York [Mr. VAN VOORHIS] (because his question is apt), that I do not agree in the view which he indicates. On inquiry I found that the Georgia corporation had made efforts which they reasonably expect to bear fruit, to have exhibits from many of the South American countries and from Mexico.

Mr. LIVINGSTON. Mexico has signified her intention to take part in the exhibition.

Mr. CANNON of Illinois. Yes, sir. But whether it is to be international or not, whenever a great railroad center full of an enterprising population like Atlanta goes to the trouble and expense of making the appropriation that she has made—a city with a country about her extending 500 miles in every direction except on the east, where the sea would not allow it to extend 500 miles—as rich in mineral and in other natural resources as that country is, awaiting development, awaiting information, I will, whenever any portion of the United States comes here under such circumstances, having made a similar appropriation, vote, if I am here, for an appropriation, so that the United States may participate in the exhibition by making an exhibit.

I want to say further, in justice to this Georgia corporation, that in the hearings before the full Committee on Appropriations and the subcommittee, great stress was laid upon the opportunity they were going to give (and which they asked us to assist them in giving by the means indicated) to the colored people to show what progress they have made since they were freed—on the farm, in the shop, in the school. And some as bright men, I think, as I ever saw—both white and colored—came before the committee and presented this question not only from the standpoint I have spoken of, the industrial standpoint of the whole country, but from the standpoint of giving the colored people a chance to show what they have wrought out in less than a generation since they came to rely upon themselves.

Now, one or two minutes more and I will not further take up the time of the House.

I think, Mr. Speaker, when I see about me here one of the heroes of Gettysburg (referring to Gen. SICKLES) as a member of this House; when I see before me my own colleagues from Illinois, Gen. BLACK and Col. MARSH, Gen. HENDERSON, and others, men yet full of vigor, who, with over two millions of other men in the Union Army, met that great flock of population known then as the Confederate States; and fought for four years the most desperate series of battles that the world ever saw, at the end of which the labor system of nearly one-half of the country was cut up by the roots, and men who had before worked under compulsion must work in the future from choice, or else starve or steal; when I reflect that the results of the contest were in part written in the Constitution of the United States, and nearly all of the States South, and a new public sentiment was created that is greater than constitutions; and when I see these men about me that participated in these great contests on both sides, I am filled with wonder and amazement that in less than one generation so much of the hatred and heartburnings engendered in that great civil struggle have been so soon wiped out and overcome, and that we have so nearly a reunited people in interest and in sentiment. [Applause.]

I do not believe that the annals of history anywhere show a parallel to this. Mr. Speaker, now when the late master and slave and their descendants strike hands and propose to exhibit their products at Atlanta and invite the people of the whole country and the world to come and see and bring their products with them and participate, it seems to me that the United States may well expend $200,000 in making a Government exhibit.

Mr. Speaker, that $200,000 will make a better Government exhibit than $800,000 would have made, were it not that many portions of the Government exhibit at Chicago are yet in being.

Now, having said this much, in conclusion I make a summary of the whole matter: I want us to see to it that this $200,000, with the Government building at Chicago thrown in—no more and no less—that that is the end of it; that with that aid and with that exhibit, and with a "God bless you" from the people of the United States let Atlanta and the cotton exhibition and the people contiguous to Atlanta work out their own salvation. [Applause.]

Mr. DINGLEY. Before the gentleman from Illinois takes his seat will he permit a question?

Mr. CANNON of Illinois. Certainly.

Mr. DINGLEY. I understood the gentleman from Illinois, in referring to the language of the Senate amendment, to say that the act relating to the World's Columbian Exposition had been accommodated and made in some respects to apply to this exposition; and that his judgment was that it would admit, or it had been claimed that it would admit, foreign exhibits free of duty, at least that such a construction had been given to it. Am I correct in understanding the gentleman in that way?

Mr. CANNON of Illinois. I do not know what construction may be given to it, but the Senate amendment goes very far. In my opinion it was intended to do so because it does not provide for the admission free of duty, and I am inclined to think the Senate amendment is so broad that it adopts all of the provisions of the Chicago World's Fair legislation in that regard.

Mr. DINGLEY. I was about to say if it goes as far as that, necessarily it extends all of the provisions of the World's Columbian act to this exposition. But I did not suppose the language could be construed to go so far. I supposed it was confined simply to the powers and duties to be exercised by the board that was created by that act with reference to the Government exhibit, and affected nothing else. But if it goes as far as the gentleman suggests, I do not see why the act is not completely extended to this exposition in all of its provisions.

Mr. CANNON of Illinois. It seems to me that there ought to be no question about that. And I know our committee, of of which the gentleman is a member, carefully provided for a board to consider the question from every standpoint. Therefore my instruction proposes that in substance that bill shall be proposed to the Senate conferees.

Mr. HEPBURN. I desire to ask the gentleman from Illinois a question with his consent.

Mr. CANNON of Illinois. Certainly.

Mr. HEPBURN. I understood the gentleman from Illinois to state that he had no constitutional scruples with regard to this proposition because it was so broad as to include all the Federal Union, and that as it was a measure for the general welfare, therefore he thought this appropriation was proper.

Mr. CANNON of Illinois. The gentleman has stated it better than I could.

Mr. HEPBURN. I ask him if he understands this to be a national exposition? As I understand it, it is an exhibit of the "cotton States, and international exposition," and that in order to be a participant here it is necessary that the community that may participate shall be either a cotton State or a foreign nation. Is that correct?

Mr. CANNON of Illinois. Let me reply to the gentleman, that we found on making inquiries of the Atlanta committee that appeared before us, and that has the keeping of this work, that they extended their invitation especially to the South American countries and to Mexico, and their invitation to every State and every considerable city of the whole country; and they expect, let me say to my friend further, that a considerable part of the exhibits that will make this exposition a success will come from what is known as the Northern States, on account of our greater industries.

Mr. SAYERS. I ask unanimous consent that all debate upon the proposition offered by the gentleman from Illinois be closed in twenty minutes, and the previous question considered as ordered.

The SPEAKER *pro tempore* (Mr. RICHARDSON of Tennessee). The gentleman asks unanimous consent that all debate upon the proposition of the gentleman from Illinois be closed in twenty minutes, and that at that time the previous question be considered as ordered.

Mr. DINGLEY. Before that is asked, I make the suggestion as to the motion of instructions that has been offered by the gentleman from Illinois. It does not reach the primary question as to whether it is the desire of a majority of this House to aid this exposition. Now, it seems to me that the motion should include a substitute that is to be offered or may be offered to test the sense of the House as to whether it desires to aid any exposition.

Mr. SAYERS. I will state to the gentleman that the House has already insisted upon its disagreement to this amendment.

Mr. DINGLEY. I know; but that is only formal. It does not reach the point where the conferees would consider it as an instruction. A mere formal disagreement like that is never accepted by the conferees as an instruction binding on them; and I ask whether or not a modification should not be had, which will cover any substitute, for the purpose of testing the question of whether a majority of the House desire to give any aid. I suppose this may be voted up or down, but that is only a question as to the method of doing it. It still leaves the Senate proposition, and the conferees may take the rejection of the motion to be an instruction to assent to the Senate proposition.

Mr. SAYERS. I yield to the gentleman from Maine to offer a modification.

Mr. DINGLEY. I do not desire to offer an amendment, but several gentlemen have indicated a desire to have offered a substitute that will test the question.

Mr. CANNON of Illinois. I will say to my friend, parliamentarily, it may be arrived at, as I understand it, by an amendment to the resolution which I offered, striking that resolution out and instructing the conferees to insist on the provisions going out—that it is the sense of the House that no appropriation should be made.

Mr. DINGLEY. That would reach it.

Mr. CANNON of Illinois. The House can then vote upon the amendment to the resolution; and if that be voted down, it would register the feeling of the House that it should appropriate; and if the resolution were adopted, that the House scheme was a proper one.

Mr. SAYERS. Mr. Speaker, I will accept the suggestion offered by the gentleman from Maine, and will amend my request and ask unanimous consent that all debate upon the proposition submitted by the gentleman from Illinois and any amended proposition to test the sense of the House as to the making of any appropriation whatever for this purpose be closed within twenty minutes, and that the previous question be considered as ordered on the proposition offered by the gentleman from Illinois and upon such amendment as may be offered.

The SPEAKER *pro tempore*. The gentleman from Texas asks unanimous consent that all debate upon the proposition or motion of the gentleman from Illinois and any amendment that may be offered thereto be closed in twenty minutes, and that the previous question then be considered as operating upon the motion of the gentleman from Illinois and such amendment as may be offered. Is there objection?

Mr. DURBOROW. I object.

Mr. MURRAY. I object.

The SPEAKER *pro tempore*. Objection is made by two gentlemen.

Mr. SAYERS. I move that all debate be closed on the pending amendment——

Mr. GROSVENOR. I think that if the gentleman will yield to the gentleman from South Carolina time may be saved. (To Mr. MURRAY) How much time do you want?

Mr. MURRAY. About twenty minutes.

Mr. SAYERS. How much time does the gentleman from South Carolina want?

Mr. MURRAY. Twenty minutes.

Mr. SAYERS. Mr. Speaker, I move that all debate——

The SPEAKER *pro tempore*. The gentleman can give notice when he will move the previous question.

Mr. SAYERS. The gentleman from Illinois [Mr. DURBOROW] very kindly tells me that if I will consent to an hour for debate that he will withdraw his objection.

The SPEAKER *pro tempore*. The gentleman can give notice when he will demand the previous question.

Mr. SAYERS. Then I will yield twenty minutes to the gentleman from South Carolina.

Mr. MURRAY. Mr. Speaker, I desire to submit a few remarks in favor of the amendment offered by the gentleman from Illinois. I think this presents a favorable opportunity not only to the colored people of the United States, but to the white people as well, for a demonstration of their capacity and a vindication of some of the wrongs that have been perpetrated upon the colored citizens of this country.

The colored people are in favor of this Cotton States Exposition, because they are to be allowed an opportunity to exhibit the progress that they have made within the past thirty years. Thirty or forty years ago our ability to even learn to read and write, or to learn ordinary arithmetic, was doubted. There were those who denied that we were a part of the Adamic creation, and assigned as a reason that we could not vie with the other members of the human family in producing what they produced, in making what they made, or in doing anything except the lowest order of manual labor.

We have proven in almost every line that we are capable of doing what other people can do. We have proven that we can work as much and as well as other people. We have proven that we can learn as well as other people. We have proven that we can fight as well as other people, as was demonstrated in the late war. There are still, however, traducers and slanderers of our race who claim that we are not equal to others because we have failed to produce inventors: because, as they say, we have not contributed to the progress that has been made in the invention of useful implements and machinery.

Now, sir, we feel that if we are allowed the space provided for in this amendment, and are given a fair opportunity, we will demonstrate to the satisfaction of everybody that we have made and are capable of making almost anything that other people can make or have made. I hold in my hand a statement prepared by one of the assistants in the Patent Office, showing the inventions that have been made by colored men within the past few years.

It is intended to be a complete statement, yet I consider it incomplete, because the inventors are not always classified in the office according to race, as is shown in the case of one man in my own locality whom I know to be a colored man, but who is not down on the list.

This statement shows that colored men have taken out patents upon almost everything, from a cooking stove to a locomotive. Patents have been granted to colored men for inventions and improvements in the workshop, on the farm, in the factory, on the railroad, in the mine, in almost every department of labor, and some of the most important improvements that go to make up that great motive power of modern industrial machinery, the steam engine, have been produced by colored men.

Mr. Speaker, if we are permitted to have the opportunity proposed in this amendment, we will show to the satisfaction of the world that we are capable of producing nearly everything that other people can produce, and in doing so we will in a certain sense vindicate our white fellow-citizens, by showing that in spite of all that has been done to retard his progress, in spite of all the wrongs that he has suffered, the American negro has been able to accomplish more, has made more progress on the American continent, than the members of his race in any other part of the world. [Applause.]

I trust, Mr. Speaker, that this amendment will meet the approval of every member present. The colored people all over the United States are doing everything in their power to prepare to make such an exhibit as will do credit not only to themselves but to the United States. In all the townships, in all the churches, in all the schools throughout the length and breadth of this land, they are organizing for that purpose. They have entered into the matter full of enthusiasm, determined to make their exhibit all that it can be made, determined to help their white fellow citizens to make this great exposition what they desire to make it.

Mr. Speaker, there is another consideration involved in this matter about which I wish to say a word before I take my seat. I think that this exposition, to be managed and controlled by the white and colored people of the South combined, will bring about a better state of feeling between the two races. I feel that contact with the colored man of the South, I feel that a knowledge of his ability to manage affairs which will be there demonstrated, will tend to educate the white people of that section to appreciate the fact that the colored man is entitled to a share in the government of the country.

I feel that thinking white men will begin to consider whether it is just continuously to deprive the colored man of his right to participate in the Government. Mr. Speaker, the colored people of this country want an opportunity to show that the progress, that the civilization which is now admired the world over, that the civilization which is now leading the world, that the civilization which all the nations of the world look up to and imitate—the colored people, I say, want an opportunity to show that they, too, are part and parcel of that great civilization.

We want an opportunity to prove that this country is truly a cosmopolitan country, that it is neither a white man's country nor a black man's country, but a country to the building up of which all American citizens have alike contributed, whether by effort of muscle or of brain. [Loud applause.]

Mr. Speaker, in conclusion I ask the liberty of appending to my remarks the statistics to which I referred.

There was no objection.

A PARTIAL LIST OF PATENTS GRANTED BY THE UNITED STATES FOR INVENTIONS BY AFRO-AMERICANS.

1. 3773, Joseph Hawkins, West Windsor, N. J., March 26, 1845, improved gridiron.
2. 61941, Henry Lee, Richmond, Va., February 12, 1867, animal trap.
3. 64205, W. A. Dietz, Albany, N. Y., April 30, 1867, shoe.
4. 96463, William Murray, Alexandria, Va., February 1, 1870, cornstalk harvester.

5. 110599, Hardy Spears, Snow Hill, N. C., December 27, 1870, shield for infantry and artillerymen.
6. 115153, Landrow Bell, Washington, D. C., May 23, 1871, locomotive smoke-stack.
7. 125043, T. J. Martin, Dowagiac, Mich., March 26, 1872, fire extinguisher.
8. 130395, Elijah McCoy, Ypsilanti, Mich., August 6, 1872, improvement in lubricators for steam engines.
9. 133823, Landrow Bell, Washington, D. C., December 10, 1872, dough kneader.
10. 139407, Elijah McCoy, Ypsilanti, Mich., May 27, 1873, improvement in lubricators.
11. 146697, Elijah McCoy, Ypsilanti, Mich., January 20, 1874, improvement in steam lubricators.
12. 149543, E. H. Sutton, Edenton, N. C., April 7, 1874, cotton cultivator.
13. 150876, Elijah McCoy, Ypsilanti, Mich., May 12, 1874, improvement in froning-tables.
14. 162231, David A. Fisher, jr., Washington, D. C., April 20, 1875, joiners' clamp.
15. 163962, Alex P. Ashbourne, Oakland, Cal., June 1, 1875, process for preparing cocoanut for domestic use.
16. 167519, Henry H. Nash, Baltimore, Md., October 5, 1875, life-preserving stool.
17. 170460, Alex. P. Ashbourne, Oakland, Cal., November 30, 1875, biscuit cutter.
18. 173032, Elijah McCoy, Ionia, Mich., February 1, 1876, improvement in steam-cylinder lubricators.
19. 174794, David A. Fisher, jr., Washington, D. C., March 14, 1876, furniture caster.
20. 179585, Elijah McCoy, Ionia, Mich., July 4, 1876, improvement in steam-cylinder lubricators.
21. 180323, T. A. Carrington, Baltimore, Md., July 25, 1876, range.
22. 194287, Alex. A. Ashbourne, Oakland, Cal., August 21, 1877, treating cocoanut.
23. 202838, B. H. Taylor, Rosedale, Miss., April 23, 1878, rotary engines.
24. 203517, J. R. Winters, Chambersburg, Pa., May 7, 1878, fire-escape ladder.
25. 208184, W. A. Lavalette, Washington, D. C., September 17, 1878, printing press.
26. 214224, Joseph R. Winters, Chambersburg, Pa., April 6, 1879, fire-escape ladder.
27. 218154, William Ballis, Princeton, N. J., August 5, 1879, ladder scaffold support.
28. 230518, A. P. Ashbourne, Boston, Mass., July 27, 1880, refining cocoanut oil.
29. 231305, Traverse B. Pinn, Alexandria, Va., August 17, 1880, file-holder.
30. 234059, Powell Johnson, Barton, Ala., November 2, 1880, eye protector.
31. 242091, James Wormley, Washington, D. C., May 24, 1881, life-saving apparatus.
32. 255443, Elijah McCoy, Detroit, Mich., March 28, 1882, lubricator.
33. 256010, R. W. Alexander, Galesburg, Ill., April 18, 1882, cornplanter check-row.
34. 261166, Elijah McCoy, Detroit, Mich., July 18, 1882, lubricator.
35. 270236, Elijah McCoy, Detroit, Mich., January 9, 1883, lubricator.
36. 274207, J. E. Matzeliger, Lynn, Mass. (Cuban), March 20, 1883, lasting machine for shoes.
37. 275271, H. H. Reynolds, Detroit, Mich., April 3, 1883, ventilator for railroad cars.
38. 276563, Jonas Cooper, Washington, D. C., May 1, 1883, shutter and fastening therefor.
39. 285545, Leonard C. Bailey, Washington, D. C., September 25, 1883, combined truss and bandage.
40. 290937, Lockrum Blue, Washington, D. C., May 20, 1884, hand corn-shelling device.
41. 299894, C. T. Woods, Cincinnati, Ohio, June 3, 1884, steam-boiler furnace.
42. 308256, Dodges & McCoy, Detroit, Mich., Nonember 18, 1884, lubricator.
43. 308817, G. T. Woods, Cincinnati, Ohio, December 2, 1884, telephone transmitter.
44. 309517, A. B. Blackburn, Springfield, Ohio, December 23, 1884, railroad signal.
45. 315368, G. T. Woods, Cincinnati, Ohio, April 7, 1885, apparatus for transmission of messages by electricity. Assigned to the American Bell Telephone Company, Boston, Mass.
46. 320354, Hodges & McCoy, Detroit, Mich., June 16, 1885, steam dome for locomotives.
47. 320379, Elijah McCoy, Detroit, Mich., June 16, 1885, lubricator.
48. 338731, J. Ricks, Washington, D. C., March 30, 1886 horseshoe.
49. 35.036, Henry Brown, Washington, D. C., November 2, 1886, receptacle for storing and preserving papers.
50. 357491, Elijah McCoy, Detroit, Mich., February 8, 1887, lubricators.
51. 357787, Samuel Pugsley, New Rochelle, N. Y., February 15, 1887, gate latch.
52. 361435, Elijah McCoy, Detroit, Mich., April 19, 1887, lubricator attachment.
53. 361937, Joseph Gregory, Bogansville, S. C., April 26, 1887, motor.
54. 362611, William R. Davis, New York City, N. Y., May 10, 1887, game table.
55. 363592, Elijah McCoy, Detroit, Mich., May 24, 1887, lubricator for slide valves.
56. 376362, A. B. Blackburn, Springfield, Ohio, January 10, 1888, railway signal.
57. 380420, A. B. Blackburn, Springfield, Ohio, April 3, 1888, spring seat for chairs.
58. 386289. Miss M. E. Benjamin, Washington, D. C., July 17, 1888, gong and signal chair for hotels.
59. 391577, A. B. Blackburn, Springfield, Ohio, October 23, 1888, cash-carriers.
60. 392908, J. S. Coolidge, Washington, D. C., November 13, 1888, instantaneous detachment for harness.
61. 394388, Moses Payne, Bellevue, Ky., December 11, 1888, spring horseshoe.
62. 405117, Sadgwar & Purdy, Washington, D. C., June 11, 1889, folding chair.
63. 418139, McCoy & Hodges, Detroit, Mich., December 24, 1889, lubricator.
64. 426429, H. M. Browne, Washington, D. C., April 29, 1890, device for preventing back flow of water in cellars.
65. 430118, P. B. Downing, Boston, Mass., June 17, 1890, electric switch for railroads.
66. 433306, Abram Pugsley, Jamestown, R. I., July 29, 1890, blind stop.
67. 433819, Abram Pugsley, Jamestown, R. I., August 5, 1890, shutter worker.
68. 435095, A. P. Hilyer, Washington, D. C., August 26, 1890, water evaporators for hot-air registers.
69. 437937, H. H. Reynolds, Detroit, Mich., October 7, 1890, safety gate for bridges.
70. 438139, A. F. Hilyer, Washington, D. C., October 14, 1890, water evaporators for hot-air registers.
71. 450550, W. B. Abrams, Wells, N. Y., April 14, 1891, hame attachment.
72. 451086, George Toliver, Philadelphia, Pa., April 28, 1891, propeller for vessels.
73. 451789, J. R. Watts, Springfield, Ill., May 5, 1891, drill for boring and reaming.
74. 458899, J. B. Matzeliger (deceased), Lynn, Mass. (Cuban), September 22, 1891, lasting machine.
75. 460215, Elijah McCoy, Detroit, Mich., September 29, 1891, dope-cup.
76. 465875, Elijah McCoy, Detroit, Mich., December 29, 1891, lubricator.
77. 470163, Elijah McCoy, Detroit, Mich., March 1, 1892, lubricator.
78. 471843, James Dixon, Cincinnati, Ohio, March 29, 1892, car coupling.
79. 472066, Elijah McCoy, Detroit, Mich., April 5, 1892, lubricator.
80. 493137, J. R. Watts, Springfield, Ill., March 7, 1893, bracket for miners' lamps.
81. 497747, L. W. Benjamin, Boston, Mass., May 16, 1893, broom moistener and bridle.
82. 498809, Elijah McCoy, Detroit, Mich., June 6, 1893, lubricator.
83. 517950, G. W. Murray, Sumter, S. C., April 10, 1894, combined furrow-opener and stalk-knocker.
84. 517951, G. W. Murray, Rembert, S. C., April 10, 1894, cultivator and marker.
85. 520887, G. W. Murray, Sumter, S. C., June 5, 1894, planter.
86. 520888, G. W. Murray, Rembert, S. C., June 5, 1894, cotton chopper.
87. 520889, G. W. Murray, Rembert, S. C., June 5, 1894, fertilizer distributer.
88. 520890, G. W. Murray, Rembert, S. C., June 5, 1894, planter.
89. 520891, G. W. Murray, Rembert, S. C., June 5, 1894, combined cotton-seed planter and fertilizer distributer.
90. 520892, G. W. Murray, Rembert, S. C., June 5, 1894, reaper.
91. 208378, W. R. Davis, jr., New York City, N. Y., September 24, 1878, library table.
92. 423311, Coit T. Chapman, Elliott, S. C., March 11, 1890, cotton planter and fertilizer distributer.

Mr. SAYERS. I yield ten minutes to the gentleman from New York [Mr. COOMBS].

Mr. COOMBS. Mr. Speaker, I am glad to have an opportunity to express my most hearty approval of the suggested participation on the part of Government in the Atlanta Exposition; and shall briefly state my reasons for favoring it.

It has been urged in opposition, that it is a local affair, and one in which only a limited portion of the country has an especial interest.

I do not so regard it, but look upon it as an enterprise which will have a beneficial effect upon the whole country. The interests of each section are so linked to the prosperity of all that we can not truthfully call anything that deeply effects the interest of any section a local one.

The South before the war and immediately after its conclusion had a comparatively limited field of agriculture. By limited I mean limited in variety; her commerce was, for the same reason, limited in its scope. It has only been in recent years that she has widened the field of her enterprises and discovered the richness and variety of her mineral and manufacturing resources. These are still not half understood or appreciated, and so far have not inspired the confidence that they are entitled to.

At this proposed exposition they will be able to compare their products with one another and with those of the outside world. Will be able to judge of the advances that they have made, and will, I am sure, be encouraged to undertake larger enterprises. The days of crude speculations are over, and the era of legitimate development has begun. It can not be denied that there has existed and still does exist in many sections of the South a narrow prejudice against the more commercial sections of the country. Nothing will remove these narrow views more quickly than an invasion of commerce and manufactures.

Commerce is a great educator; out of its conflicts comes a broader intelligence and a more tolerant spirit. I believe that this enterprise will largely increase the variety of the commerce and manufactures of the South and demonstrate the fact that we are not as poor as demagogues try to make us believe that we are. It will deprive agitators of half their political capital and help stamp out many of the financial and economic heresies that threaten the stability of the Government by promoting a more perfect unity of interests.

Any money spent by the Government toward accomplishing this purpose is wisely spent. If instead of the tacit antagonism toward the commercial centers that now exists, a better understanding can be reached through a community of interests the whole country will profit by it.

I do not look with any disfavor upon the possibility of some of the trade of our neighbors in the republics south of us being diverted from my own city to Southern cities. I would like to have them acquire a knowledge of and a taste for foreign commerce, to feel that they have a direct interest in its extension, and assist us in obtaining from our Government a more efficient consular service.

There is another reason, which was impressed upon me more powerfully than I ever had it impressed before, by the addresses of the two colored bishops who appeared before the Committee on Appropriations. Up to that time I had no idea of the advances which have been made by the colored race.

I had always looked upon it as almost exclusively devoted to agriculture, but found that they were largely employed in factories and were steady and reliable workmen, and that they have an ambition to improve themselves by study and practice

in technical schools. The exhibits from some of these schools will be made at the fair. If these statements are correct, and I have no reason to doubt them, they furnish grounds for the hope that the race problem which has puzzled the country is in the way of settling itself.

Instead of being a hindrance to the prosperity of the South, they will furnish a body of workmen to be drawn upon for the development of the future enterprises of that section. It is proposed, as I understand, in this Atlanta Exposition, to have the colored people coöperate with the white men. They are not to be kept separate and distinct, but the two races are to act together. Anything that will induce them to act together and come to a mutual appreciation and understanding of one another's abilities and desires must be helpful to the whole Union.

I hope, sir, that in deciding this question Congress will be governed by a broad and liberal spirit. It is true that our national finances are at a low ebb, but we are not poor. We are a rich people; none other has such magnificent resources. Any temporary expenditure that serves to develop them is true economy. Any effort in the direction of giving our people an appreciation of the magnitude of our resources should be encouraged.

Anything that tends to obliterate sectional lines and promote a greater community of interests between the various parts of the nation is well worthy of the encouragement of this House.

Mr. SAYERS. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. SICKLES].

Mr. SICKLES. Mr. Speaker, the remarks of my colleague [Mr. COOMBS] and of the distinguished gentleman from Illinois [Mr. CANNON] have covered so completely the ground that I should have occupied that I have but little to add beyond the expression of my concurrence in what they have so well said. I would like to see, on the part of this House, in some appropriate form, an expression of concurrence in this proposition; and I would advise the friends of the measure to accept the amendment proposed by the gentleman from Illinois [Mr. CANNON], because it so carefully guards the Government from any expenditure beyond the sum appropriated, while it recognizes the national obligation to promote these exhibitions of industry.

The cruel exigencies of war compelled the destruction of Atlanta and much of the adjacent country, and it is a glorious exhibition of the common fraternity of the American people now to erect on that very spot and in that center of Southern industry and enterprise temples devoted to the commemoration of the peace and prosperity of the whole country.

I shall vote for the appropriation with the greatest satisfaction.

Mr. SAYERS. I now yield five minutes to the gentleman from Massachusetts [Mr. COGSWELL], or so much time as he may desire to occupy.

Mr. COGSWELL. Mr. Speaker, I hope the House will vote that the Government of the United States shall take part in this proposed exposition at Atlanta; and if it so votes, I hope also that it will instruct its conferees on the sundry civil bill that the appropriation for the purpose may be made in the language of the bill which was reported by the Committee on Appropriations of the House, rather than in the language of the amendments proposed by the Senate.

Mr. Speaker, on the morning of the 3d day of September, 1864, as a member of the Federal Army, I marched into the city of Atlanta. It had been partially destroyed by the retreating Confederate forces under Gen. Hood. We occupied it until the 17th day of November following. At that time it had a population of but 10,000 inhabitants. During our occupancy of the city we sent north or south the people there residing, and made it a complete military post. On the 16th day of November Gen. Sherman's army withdrew from the region of country surrounding that city, and, as the commandant of the post of Atlanta, it became my duty to remain the night following with my command. The day and night following, and indeed for nearly the entire three days, ending on the morning of the 17th of November, the city was wholly destroyed for any military purposes and occupancy under the sad exigencies and necessities of war, and I left it a heap of smoldering ruins and of ashes.

Mr. Speaker, I returned to the city of Atlanta not many years ago, and I found that that city, which was then, when I last saw it, but a mound of ashes and ruins, had arisen from its fires, from its ashes, and from its sad condition, and had grown to be a magnificent city of 100,000 inhabitants, with all of the evidences of prosperity, of enterprise, of push, and of business exhibited by any other city on this continent. I found that from the narrow limits which formerly environed it, it had grown out 7 miles, and where we had surrounded the city with earthwork after earthwork, it had pushed its settlements, its dwelling houses, its factories, its workshops, and its places of business away beyond the old limits, and had so far obliterated the whole line of earthworks and the evidences war that I could hardly find one of the fields of the many where we had engaged in battle when we besieged the city.

I came back to see a typical American city, built upon the ruins and the ravages of war, in a contest in which its defenders had been defeated, and I was proud to see it capable so soon of renewing its old American spirit and putting itself in the front where the noble and enterprising citizens of Atlanta have put that beautiful "gate city" of the South.

Mr. Speaker, when the proposition came before me, as a member of the Committee on Appropriations, whether in this enterprise, which contains all of the elements of success, we should take a part and have the Government exhibits displayed and help along the great exposition, I said to that people, "If I stand alone there is one voice and one vote that will give Atlanta any reasonable assistance from the General Government;" and so all hail to her in her grand and what I believe will be successful exposition. [Loud applause.]

Mr. SAYERS. I now yield five minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS of Illinois. Mr. Speaker, I desire to offer the following substitute for the motion of my colleague from Illinois [Mr. CANNON].

The Clerk read as follows:

Resolved, That the conferees on the part of the House be instructed not to agree to Senate amendments numbered 278 and 279 or to any proposition as a substitute therefor, making an appropriation for the Cotton States and International Exposition at Atlanta, Ga.

Mr. WILLIAMS of Illinois. Mr. Speaker, I shall consume the time of the House but a few moments in discussing the pending proposition.

I fully agree with what my colleague on the committee has said with reference to the beauty and the enterprise as well as the magnificence of that great city in which it is proposed to hold this exposition. But what I wish to say is that we can not expect the United States to hold a successful great international exposition every year. Coming so soon after the World's Fair at Chicago, which was in truth an international exposition, we can not expect this to be any more than a local affair; and as a member of the majority party of this House, that party which is responsible for the appropriations of this Congress, I want to say, for one, that I am not willing to issue interest-bearing bonds for the people to pay in order that the Government should go into the show business now or hereafter. [Applause.]

I know you always find members on this floor, and especially on the other side of the House, who are always ready and willing for the Government to help forward anything that needs help. But when it is remembered that whatever help is furnished to this exposition must come from the taxes levied upon the people, if we shall but for a moment reflect upon the condition of the people's treasury at this time, I am inclined to think we will not hesitate to vote down any proposition to commit the Government to this exposition.

It is true that it is only proposed to appropriate $200,000. And I believe they claim that is all they want. But we know from sad experience, in more than one instance, that when the Government is once committed to this exposition it may expect hereafter to be called upon for additional aid.

Now, I am perfectly willing that Atlanta, if she will only wait one hundred years, may have the next international exposition. But if we grant this request to Atlanta now, next year, or in two years from now, you can not refuse the same request if made by Denver, Omaha, San Francisco, or some other great Western city, claiming, as they will, that that great section of the country has never received any aid from the National Government for such purpose.

It is simply ridiculous to compare this proposed exposition with the great World's Fair held in Chicago. You can not have these every year. As I have said, it is only a local affair, and I am opposed to this appropriation.

Mr. SAYERS. I yield one minute to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, in the one minute allowed me I desire to say that I believe in the doctrine that public money should be appropriated for public purposes; and I do not concede that this exposition comes within the purview of this wholesome doctrine. I voted against the $1,300,000 for the New Orleans Exposition; I opposed giving $2,500,000 to the Chicago Exposition; and in the balance of the minute remaining I want to say that I shall vote against this appropriation.

Mr. SAYERS. I yield five minutes to the gentleman from Nebraska [Mr. BRYAN].

Mr. BRYAN. Mr. Speaker, if this proposition embodied a plan by which we should give anything to the corporation having it in charge, as the proposition did against which the gentleman from Missouri voted—and I voted with him—I would op-

pose it. As I recollect it, the money given the New Orleans Exposition, against which he voted, was also a gift to the corporation having it in charge. I would have voted with him against it; but this proposition is not a gift. This is a proposition to make an exhibit there, just as the United States Government made an exhibit at Chicago, at an expense of more than $1,500,000. To the extent of making an exhibit I shall heartily favor this appropriation.

I believe, Mr. Speaker, that the expense of making an exhibit of the Government's work is for a public purpose when, as in this case, the exposition is national in its scope and interest. The city of Atlanta is 750 miles from Washington, and the people of that section are not able to see the Government's agencies at work. It is, I believe, the first time that any great exposition of this kind has been attempted in that city or in that section; and I think it is money well spent to show to the people who will gather there, and people who can not come here, some of the work of the Government of the United States. We have done it in other places; we have done it on many former occasions; and to the extent of exhibiting the Government work, I believe that it is a Government purpose and does good.

I am glad this exposition is to be held in the city of Atlanta. That is the city that took the lead in building up the New South; and I am glad that the people of the North are to have an opportunity to go down there and see the city and the people. I am glad they will have an opportunity to see the statue erected by admiring friends to the memory of the leader of the movement in favor of the New South, Henry W. Grady. It will do them good to read the inscription on that monument—the words of the great orator that the country's security is to be found not in her army, but in her contented and happy citizens. It will be worth something as a patriotic lesson.

I was surprised at the growth and prosperity of Atlanta. It will do our people good to mingle with the people of the Southland; to march again from "Atlanta to the sea," and note the difference that a generation has wrought and become acquainted with people who make hospitality a business. I am glad that they are going to have an opportunity to exhibit the work of the freedmen in the last thirty years. This alone would justify the exposition. It will also bring us into closer trade relations with the Southern Republics, and ought to increase our commerce with them.

As I said, if there was attached to this a proposition to give money to the corporation which has it in charge, I should vote against it. If they come on a subsequent occasion and ask, as they did for Chicago, help for a private corporation, I shall vote against the aid; but as this is a proposition confined to an exhibit of the Government at that place, I gladly vote for it. [Applause.]

Mr. SAYERS. I yield five minutes to the gentleman from Colorado [Mr. PENCE].

Mr. PENCE. Mr. Speaker, it was to be expected, I suppose, that some one would come forward to oppose this appropriation. I expected to find that, after this House had listened to the words of Gen. COGSWELL and the words of Gen. SICKLES, and the words of Mr. MURRAY of South Carolina; but I was sorry, Mr. Speaker, that the objection had to come, even after that, from a young man of my generation, and an objection, too, from a young man from Illinois. It seemed to me that if some old stickler for a strict construction of the constitutional power of Congress to vote money for any purpose had seen fit to take five minutes of our time in objecting, no one would have been amazed.

I myself was amazed, disappointed, aye, infinitely grieved, that those words had to come from a young Representative of Southern Illinois, the State in which Chicago presides as metropolis, the beneficiary of the broadest liberality and generosity of this Government during the last two or three years. He has mentioned the fact that maybe farther Western cities, Omaha or Denver, might come in, following up Atlanta as an example, and ask at some time for a donation for a similar purpose. I do not know but that may be true. It is not a fair argument if any such suggestion had ever been made. No such purpose is contemplated. One thing is true, Mr. Speaker, the cities farther west than Egypt, Ill., will not be ungrateful in any year that shall come hereafter if such a favor as this shall be given; and if perchance they should be the recipients of favor, they will not object unseemingly to any such claim or request that may come from any other section.

Mr. Speaker, if the old sectional troubles which seem to be dying out, as shown by the words here to-day of the distinguished gentleman from Illinois [Mr. CANNON], the gentleman from Massachusetts [Mr. COGSWELL], the gentleman from New York [Mr. SICKLES], and others—if those old troubles between the North and the South are really to die out entirely, the proof of it is going to be found in those of us who have come upon the stage since the conflict of the sixties. It is to me a source not only of satisfaction, but of infinite pleasure, and I undertake to say to every young Representative on this floor, except one only, to vote for an appropriation of this kind, that shall give token to the South—which has been for the last year, in the midst of all the difficulties and disturbances in the North and West, the single seat of peace and contentment—that shall give token to the South that the past is put behind us, that the future is not theirs alone, nor ours alone, but theirs and ours together; and the section of country from which I come, which has been mentioned by the gentleman from Illinois [Mr. WILLIAMS], will be found at this exposition displaying, exploiting that which in the Providence of God it has been possible for us to accomplish, hailing the day of peace that has come and the day of prosperity that is promised. I am in favor, sir, of this amendment. [Applause.]

Mr. SAYERS. I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I shall not attempt to deal in any beautiful language while I press a thought or two in favor of this appropriation with the amendment proposed by the gentleman from Illinois. I do not believe the Government of the United States will be any better off five years hence, or two years hence, or to-morrow, by proclaiming to the world its inability to make proper and suitable appropriation to demonstrate its wealth, its power, its magnanimity in all the sections of this mighty country. I wholly differ from the gentleman from Illinois [Mr. WILLIAMS] on that point. I do not believe that an exhibition of penury ever added to the wealth of anybody.

I believe that when a great government demonstrates that it is incapable of making suitable provision for matters of this kind, it paves the way for loss of credit, loss of character, and loss of self-respect. So much, Mr. Speaker, upon that branch of the question.

Now, sir, there is no place on this continent where I, as a humble representative of the great body of loyal men who went to Atlanta during the stirring times from 1861 to 1865, would rather go than to Atlanta, the "Gate City" of the New South, and see the flag of my country waving over a great exposition in which the wealth of the South, the loyalty of the South, the intelligence of the South shall be demonstrated, and the magnificence of my Government in close accord with the spirit of the exposition itself.

The gentleman from Colorado [Mr. PENCE] says, in very eloquent language, that he hopes the dead past is buried. Let me say to him that if there is any class of men in this country who, above all others, denounce and condemn sectionalism, whether it be in the form of adherence to old customs, ancient landmarks, bygone prejudices about constitutional limitations, or other heirlooms of the past misfortunes of the country, it is composed of the old soldiers. I have been in favor of having the Grand Army of the Republic go down in a solid column and meet the people of the South at Atlanta. [Applause.] We went down there once when the men of the South stood by tens of thousands in arms against us. We got along tolerably well then, and now, when they stand with outstretched arms to welcome us, surely we can get along very much better.

For my own part, I would rather go the whole way there now than to have gone half way there on the former occasion to which I have referred. [Laughter and applause.] Mr. Speaker, I had the distinguished pleasure of being present not many years ago at Crawfish Springs, Ga. The occasion was a great gathering of the men of the North, men who in 1861 did not stand on the question of constitutional power of the President to put down rebellion, and we were met by a great army of the men who had resisted the Federal Government in 1861, and it was a glorious sight to see surrounding that magnificent stand the veterans of both sides—old Rosecrans, of the North, and the distinguished leader of the chivalry of the South, now the senior Senator from Georgia. [Applause.]

If there is anything left of the old feeling which the gentleman from Colorado deprecates, and $200,000 will contribute to obliterate it, in the name of patriotism let us give the money and give it quickly. [Laughter and applause.] I want to live to see the time when I can contend with the men of the South upon legitimate political lines, without feeling either that they have any war sentiment against me or that they expect me to utter or to entertain any war sentiment against them, and when that time comes I shall be content. [Applause.]

Mr. BOUTELLE. Mr. Speaker, as we have succeeded in annexing the United States to Georgia, I think we ought to have a vote on this question. [Laughter.]

Mr. SAYERS. I yield five minutes to the gentleman from Tennessee [Mr. SNODGRASS].

Mr. SNODGRASS. Mr. Speaker, I do not expect to say anything that will stay the disposition which seems to prevail here to violate the fundamental law of the land and to waste the money collected by the taxation of an overburdened people.

I have learned long ago that when a man rises on this floor to oppose an illegal and unconstitutional appropriation of the people's money, there is a certain class of statesmen who turn up their noses at him and call him a stickler for the strict construction of the Constitution. Now, Mr. Speaker, I am proud to be denominated a stickler for the strict construction of the Constitution. I am one of the men who believe that this is a body of limited and delegated powers. I am one of those who believe that this Congress has no power to expend one dollar of the people's money except for a public purpose. And I insist that upon no construction of the Constitution can any man find a place to stand and claim that this expenditure is for such a public purpose.

Gentlemen need not be alarmed about the feeling of the South toward the people of the North. Long years ago all the bitterness, all the strife, all the turmoil of the war passed from the hearts of our people; and they have been willing, they are willing to-day, to join hands with their brethren of the North who assisted in establishing the independence of this country and to go with them shoulder to shoulder in the upbuilding of this great country. But we are unwilling—I say the sticklers for a strict construction of the Constitution are unwilling—to stultify ourselves by the usurpation of a power of this kind, although the benefit is to come to our own section. And I appeal to Democrats on this floor to stand by the Democratic doctrine of a strict construction of the Constitution and refuse on this occasion—no difference if the benefit does come to the people of the South—to set a precedent that will come back to mock us in all the years of the future. [Applause.]

Mr. SAYERS. I yield five minutes to the gentleman from Massachusetts [Mr. EVERETT].

Mr. EVERETT. Mr. Speaker, I do not ask any further constitutional warrant for this expenditure than may be found in reading the preamble of the Constitution in its first clause. As soon as the "people of the United States" are named the purpose of the Constitution is declared—"to form a more perfect union." And if this appropriation for the Government exhibit in the city of Atlanta can "form a more perfect union" and unite North and South together more thoroughly, I am content to vote for it—on that ground alone if for no other.

Mr. Speaker, this does not strike my people as a local exhibition. There is no local feeling between Massachusetts and Georgia. On the contrary, there is between them a bond of perhaps the most ancient union in this country. In the early days of the Revolution, before the Declaration of Independence, when the colony of Georgia hesitated to come into the Continental Congress, a single parish in the colony of Georgia sent a single native of Massachusetts to represent it on the floor of the Continental Congress. Lyman Hall, of Massachusetts, stood there alone to represent Georgia. In the next Congress he drew to him Button Gwinnett and George Walton; and their three signatures were appended to the Declaration, under the lead of Midway Parish and a Massachusetts man. Massachusetts remembers that to this day. As her great statesman said in that Hall, she indulges in refreshing remembrances of the past.

And it is particularly agreeable to me, Mr. Speaker, to vote an appropriation of money by which the great central light of the country shall show itself to the citizens of that noble city in that noble State—the ancient empire State of the South. The former exhibition of Atlanta delighted Massachusetts manufacturers and merchants and visitors of every class. We look forward with equal interest to the exposition now at hand; and I hope there will be no opposition from any one from the North to making this most graceful and impressive demonstration of the feeling of the whole country toward the "New South." [Applause.]

Mr. SAYERS. I yield five minutes to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, the friends of this measure have asked for no aid to Atlanta; and we ask no aid to the South. We ask for no subsidy. We are here with a proposition that the Government may help herself by making her exhibit in the South on the occasion contemplated. That is all there is in this proposition. This is simply a clean-cut exhibition to be made by the Government, the provision being hedged by every possible means to prevent any afterclap or aftermath.

The gentleman from Illinois [Mr. WILLIAMS] said this was a local exhibition. I hold in my hand petitions and resolutions from every city in the gentleman's State, and from his own town, his own home—from every city and town in the State of Texas, and all the way up to Montana, and all the way around to New York, and all the way back to Washington City.

I am proud to say here to-day to this side of the House that there is not a single city in either a Republican or a Democratic State of the North that has not responded to this movement and promised not only to send visitors and exhibitors, but to send a State exhibit if possible.

I want to say to this House and to these gentlemen who have spoken so kindly for us and our people, we thank you from the bottom of our hearts. And in closing, I will say we cheerfully accept as a substitute for the proposition in the bill the resolution of the gentleman from Illinois [Mr. CANNON].

Mr. SAYERS. I ask the previous question upon the adoption of the resolution of the gentleman from Illinois [Mr. WILLIAMS] as a substitute for the proposition of the gentleman from Illinois [Mr. CANNON].

The previous question was ordered.

The SPEAKER. The question is first upon the substitute offered by the gentleman from Illinois, Mr. WILLIAMS, for the resolution of the gentleman from Illinois, Mr. CANNON.

The resolution of Mr. CANNON was read, as follows:

That the House conferees are instructed to present to the Senate conferees the proposition to strike out Senate amendments 278 and 279 and to agree, in lieu thereof, in substance, to the provisions of House bill 7324, reported by the House Committee on Appropriations to the House on the 4th day of June last.

The SPEAKER. For the resolution just read the gentleman from Illinois [Mr. WILLIAMS] offers as a substitute the resolution which the Clerk will now read.

The Clerk read as follows:

Resolved, That the conferees on the part of the House be instructed not to agree to Senate amendments numbered 278 and 279, or to any proposition as a substitute therefor making appropriation for the Cotton States and International Exposition an Atlanta, Ga.

The SPEAKER. The question is on agreeing to the substitute just read.

The question was taken; and on a division there were—ayes 41, noes 152.

Mr. WILLIAMS of Illinois. I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER announced as tellers at the desk Mr. WILLIAMS of Illinois and Mr. LIVINGSTON.

The question was taken; and there were—yeas 49, nays 171, not voting 131; as follows:

YEAS—49.

Alderson,	De Armond,	Lane,	Pendleton, Tex.
Arnold,	Dockery,	Latimer,	Sayers,
Bailey,	Dunn,	Layton,	Snodgrass,
Bell, Tex.	Fithian,	Marvin, N. Y.	Strait,
Bland,	Forman,	McCulloch,	Talbert, S. C.
Bretz,	Fyan,	McDearmon,	Taylor, Ind.
Brookshire,	Grady,	McNagny,	Tucker,
Bynum,	Hall, Minn.	McRae,	Van Voorhis, N. Y.
Capehart,	Hudson,	Moore,	Williams, Ill.
Cockrell,	Hutcheson,	Morgan,	Williams, Miss.
Cooper, Tex.	Jones,	Neill,	
Cox,	Kilgore,	Paschal,	
Culberson,	Kyle,	Pearson,	

NAYS—171.

Adams, Ky.	Dalzell,	Johnson, Ind.	Pigott,
Alexander,	Daniels,	Johnson, N. Dak.	Post,
Avery,	Davey,	Kem,	Powers,
Babcock,	Davis,	Kiefer,	Price,
Baker, Kans.	Denson,	Kribbs,	Quigg,
Baker, N. H.	Dingley,	Lapham,	Ray,
Baldwin,	Donovan,	Lawson,	Reed,
Bankhead,	Doolittle,	Lefever,	Reilly,
Barnes,	Durborow,	Lester,	Richards, Ohio
Bartholdt,	Ellis, Oregon	Linton,	Richardson, Tenn.
Bartlett,	English, Cal.	Livingston,	Ritchie,
Barwig,	English, N. J.	Lucas,	Robbins,
Berry,	Enloe,	Lynch,	Robinson, Pa.
Bingham,	Epes,	Maddox,	Russell, Conn.
Black, Ga.	Everett,	Maguire,	Russell, Ga.
Black, Ill.	Funk,	Mallory,	Ryan,
Boen,	Gear,	Marsh,	Scranton,
Boutelle,	Geary,	Martin, Ind.	Settle,
Broslus,	Gillet, N. Y.	McCreary, Ky.	Shell,
Brown,	Goldzier,	McDannold,	Sherman,
Bryan,	Grosvenor,	McEttrick,	Sickles,
Burrows,	Grout,	McGann,	Sipe,
Cabaniss,	Grow,	McKaig,	Smith,
Cadmus,	Hager,	McLaurin,	Somers,
Caminetti,	Hainer,	Mercer,	Springer,
Campbell,	Hare,	Meredith,	Stephenson,
Cannon, Cal.	Harris,	Meyer,	Stone, C. W.
Cannon, Ill.	Hartman,	Money,	Stone, Ky.
Caruth,	Haugen,	Murray,	Straus,
Catchings,	Hayes,	Mutchler,	Talbott, Md.
Causey,	Heiner,	Northway,	Tate,
Childs,	Henderson, Iowa	Ogden,	Tawney,
Clancy,	Henderson, N. C.	O'Neil, Mass.	Tracey,
Cockran,	Hepburn,	O'Neill, Mo.	Tyler,
Cogswell,	Hermann,	Outhwaite,	Updegraff,
Coombs,	Hicks,	Page,	Wanger,
Cooper, Fla.	Hitt,	Patterson,	Warner,
Cooper, Ind.	Hooker, Miss.	Payne,	Waugh,
Cooper, Wis.	Houk,	Pence,	Weadock,
Cousins,	Hull,	Pendleton, W. Va.	Wilson, Wash.
Covert,	Hunter,	Perkins,	Wise,
Cummings,	Ikirt,	Phillips,	Wolverton.
Curtis, Kans.	Izlar,	Pickler,	

NOT VOTING—131.

Abbott,	Dinsmore,	Lacey,	Sperry,
Adams, Pa.	Dolliver,	Lockwood,	Stallings,
Aitken,	Draper,	Loud,	Stevens,
Aldrich,	Dunphy,	Loudenslager,	Stockdale,
Allen,	Edmunds,	Magner,	Stone, W. A.
Apsley,	Ellis, Ky.	Mahon,	Storer,
Belden,	Erdman,	Marshall,	Strong,
Bell, Colo.	Fielder,	McAleer,	Swanson.
Beltzhoover,	Fletcher,	McCall,	Sweet,
Blair,	Gardner,	McCleary, Minn.	Tarsney,
Boatner,	Geissenhainer,	McDowell,	Taylor, Tenn.
Bower, N. C.	Gillett, Mass.	McKeighan,	Terry,
Bowers, Cal.	Goodnight,	McMillin,	Thomas,
Branch,	Gorman,	Meiklejohn,	Turner, Ga.
Breckinridge, Ark.	Graham,	Milliken,	Turner, Va.
Breckinridge, Ky.	Gresham,	Montgomery,	Turpin,
Brickner,	Griffin,	Moon,	Van Voorhis, Ohio
Broderick,	Haines,	Morse,	Wadsworth,
Bundy,	Hall, Mo.	Moses,	Walker,
Bunn,	Hammond,	Newlands,	Washington,
Burnes,	Harmer,	Oates,	Wells,
Chickering,	Harter,	Paynter,	Wever,
Clark, Mo.	Hatch,	Randall,	Wheeler, Ala.
Clarke, Ala.	Heard,	Rayner,	Wheeler, Ill.
Cobb, Ala.	Henderson, Ill.	Reyburn,	White,
Cobb, Mo.	Hendrix,	Richardson, Mich.	Whiting,
Coffeen,	Hines,	Robertson, La.	Wilson Ohio
Conn,	Holman,	Rusk,	Wilson, W. Va.
Cornish,	Hooker, N. Y.	Schermerhorn,	Woodard,
Crain,	Hopkins, Ill.	Shaw,	Woomer,
Crawford,	Hopkins, Pa.	Sibley,	Wright, Mass.
Curtis, N. Y.	Hulick,	Simpson,	Wright, Pa.
De Forest,	Johnson, Ohio	Sorg,	

So the substitute was rejected.

The following pairs were announced:

Until further notice:

Mr. OATES with Mr. STORER.

Mr. CORNISH with Mr. SHAW.

Mr. BUNN with Mr. LOUD.

Mr. WASHINGTON with Mr. ALDRICH.

Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.

Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.

Mr. ABBOTT with Mr. THOMAS.

Mr. BRICKNER with Mr. MCDOWELL.

Mr. MONTGOMERY with Mr. MORSE.

Mr. BLACK of Illinois with Mr. CURTIS of New York.

Mr. TAYLOR of Indiana with Mr. BELDEN.

Mr. SCHERMERHORN with Mr. TAYLOR of Tennessee.

Mr. MCMILLIN with Mr. HOUK.

Mr. GRESHAM with Mr. MAHON.

Mr. MOSES with Mr. WADSWORTH.

Mr. WHITING with Mr. WHITE.

Mr. GOODNIGHT with Mr. WALKER.

Mr. HUTCHESON with Mr. DRAPER.

Mr. STOCKDALE with Mr. BRODERICK.

Mr. TURPIN with Mr. GILLETT of Massachusetts.

Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.

Mr. LOCKWOOD with Mr. WEVER.

Mr. COFFEEN with Mr. LACEY (including tariff).

For this day:

Mr. ROBERTSON of Louisiana with Mr. RANDALL.

Mr. STALLINGS with Mr. SHERMAN.

Mr. WELLS with Mr. ADAMS of Pennsylvania.

Mr. HOLMAN with Mr. WRIGHT of Massachusetts.

Mr. CRAIN with Mr. HARMER.

Mr. WOODARD with Mr. MOON.

Mr. COBB of Alabama with Mr. MCCALL.

Mr. EDMUNDS with Mr. HOPKINS of Pennsylvania.

Mr. CLARK of Missouri with Mr. HOOKER of New York.

Mr. SORG with Mr. MEIKLEJOHN.

Mr. TURNER of Georgia with Mr. CHICKERING.

Mr. DINSMORE with Mr. SWEET.

Mr. GRAHAM with Mr. FLETCHER.

Mr. HAUGEN. My colleague, Mr. SHAW, is confined to his home in Wisconsin by very serious illness, and I ask that he be indefinitely excused.

There was no objection.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the resolution of instructions proposed by the gentleman from Illinois [Mr. CANNON].

The instructions were again read.

The question was taken, and the motion of Mr. CANNON of Illinois was agreed to.

On motion of Mr. LIVINGSTON, a motion to reconsider the last vote was laid on the table.

Mr. SAYERS. Mr. Speaker, I desire now to call up amendments numbered 141 and 142.

The SPEAKER. The amendments will be read.

The Clerk read as follows:

Amendment numbered 141: Strike out all after the word "lines" in line 18, page 48 of the bill, down to and including the word "lands" in line 2, on page 50, and insert:

(142) That it shall be lawful for the governors of the States of Washington, Idaho, Montana, North Dakota, South Dakota, and Wyoming to apply to the Commissioner of the General Land Office for the survey of any township or townships of public land then remaining unsurveyed in any of the several surveying districts, with a view to satisfy the public land grants made by the several acts admitting the said States into the Union to the extent of the full quantity of land called for thereby; and upon the application of said governors the Commissioner of the General Land Office shall proceed to immediately notify the surveyor-general of the application made by the governor of any of the said States of the application made for the withdrawal of said lands, and the surveyor-general shall proceed to have the survey or surveys so applied for made, as in the cases of surveys of public lands; and the lands that may be found to fall within the limits of such township or townships, as ascertained by the survey, shall be reserved upon the filing of the application for survey from any adverse appropriation by settlement or otherwise except under rights that may be found to exist of prior inception, for a period to extend from such application for survey until the expiration of sixty days from the date of the filing of the township plat of survey in the proper district land office, during which period of sixty days the State may select any of such lands not embraced in any valid adverse claim, for the satisfaction of such grants, with the condition, however, that the governor of the State, within thirty days from the date of such filing of the application for survey, shall cause a notice to be published, which publication shall be continued for thirty days from the first publication, in some newspaper of general circulation in the vicinity of the lands likely to be embraced in such township or townships, giving notice to all parties interested of the fact of such application for survey and the exclusive right of selection by the State for the aforesaid period of sixty days as herein provided for; and after the expiration of such period of sixty days any lands which may remain unselected by the State, and not otherwise appropriated according to law, shall be subject to disposal under general laws as other public lands. *And provided further*, That the Commissioner of the General Land Office shall give notice immediately of the reservation of any township or townships to the local land office in which the land is situate of the withdrawal of such township or townships, for the purpose hereinbefore provided: *And provided further*, That the governors of the several States herein named are authorized to advance money from time to time for the survey of the townships withdrawn at such United States depository as may be designated by the Commissioner of the General Land Office, and the moneys so advanced shall be reimbursable. The foregoing provisions shall be applicable to Utah when admitted as a State into the Union and a governor is duly inaugurated and acting.

Mr. WILSON of Washington. Mr. Speaker, I move that the House recede from its disagreement to these two amendments of the Senate and agree to the same.

The motion was agreed to.

Mr. SAYERS. Mr. Speaker, this action of the House affects the two amendments 141 and 142. I desire now to have considered amendment numbered 148.

The SPEAKER *pro tempore* (Mr. RICHARDSON of Tennessee). The amendment will be read.

The Clerk read as follows:

On page 51, after line 12, insert:

(148) That all soldiers' additional homestead certificates heretofore issued under the rules and regulations of the General Land Office under section 2306 of the Revised Statutes of the United States, or in pursuance of the decisions or instructions of the Secretary of the Interior of date March 10, 1877, or any subsequent decisions or instructions of the Secretary of the Interior or the Commissioner of the General Land Office, shall be, and are hereby, declared to be valid, notwithstanding any attempted sale or transfer thereof; and where such certificates have been or may hereafter be sold or transferred, such sale or transfer shall not be regarded as invalidating the right, but the same shall be good and valid in the hands of bona fide purchasers for value; and all entries heretofore or hereafter made with such certificates by such purchasers shall be approved, and patent shall issue in the name of the assignees.

Mr. SAYERS. I ask to have printed, in connection with the motion I may make with reference to this amendment, a letter from the Commissioner of the General Land Office, dated March 23, 1894, which I will not detain the House to read.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 23, 1894.

SIR: I have had the honor to receive, by reference from the Department on March 2, 1894, for report in duplicate and return of paper, Senate bill No. 1590, "To validate outstanding soldiers' additional homestead certificates, and for other purposes," which was transmitted to the Department by Hon. JAMES H. BERRY, chairman of the Senate Committee on Public Lands, with a request for the views of your Department thereon.

The bill provides:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior is hereby authorized to allow the location of soldiers' additional certificates heretofore issued under the rules and regulations of the General Land Office, under section 2306 of the Revised Statutes of the United States, or in pursuance of the decision or instructions of the Secretary of the Interior of date February 1, 1883, where such certificates have been transferred or sold to purchasers in good faith; and all such transfers or sales shall be treated and considered as valid, and patent upon all such locations shall issue in the name of the transferee."

In reply, I have the honor to report that the practice of certifying to the soldiers' additional right under section 2306, Revised Statutes, originated in the following manner, viz:

Prior to August 5, 1874, all applications for soldiers' additional homestead entries were required to be made in person at the local offices, but, by circular of that date (1 Copp's Land Owner, page 92), applicants were relieved from going to the local offices to make entry, and it was provided that the affidavits might be made before the clerk of any court of record for the county in which the applicant resided, and transmitted, with the application and fee, by mail or through an attorney, to the proper land office. By

departmental decision of May 17, 1876 (3 Copp's Land Owner, page 22), the instructions contained in the above-mentioned circular were revoked, because it was found that said regulations led to many abuses. In accordance therewith, the circular of May 22, 1876 (3 Copp's Land Owner, page 52), was issued, requiring soldiers' additional entries to be made in person at the local offices. These regulations were made applicable to applications then pending, but on July 10, 1876 (3 Copp's Land Owner, page 52), the Department modified the before-mentioned decision so as to make the said regulations apply only to entries made subsequent to May 17, 1876.

The Department, on March 10, 1877 (4 Copp's Land Owner, page 37), further modified the circular of May 22, 1876, so as to permit entries to be made in the following cases, viz: (1) Those presented prior to March 20, 1876, which were rejected, but kept alive by appeal; (2) those in the hands of agents or attorneys at the date of the promulgation of the circular of May 22, 1876, which, under said instructions, were not recognized; (3) to allow entries to be made by the agents or attorneys of the party originally entitled to the entry, after the right shall be certified to by this office.

The practice was discontinued by the circular of February 13, 1883 (9 Copp's Land Owner, page 232), since which time parties entitled to the additional right have been required to present themselves at the local land offices and make their applications in the same manner as in cases of original entries.

It appears that the practice of certifying to the additional right originated with the decision of the Secretary of the Interior, dated March 10, 1877, not February 1, 1883, as stated in the bill. This error is corrected in the amendment herein proposed. Said practice was discontinued by the circular of February 13, 1883.

Over 5,500 of these certificates were issued, covering an estimated area of 400,000 acres. Most of them have been located, and the entries made thereunder patented, but entries made under a small number of them have been canceled for various reasons.

The lands which the outstanding certificates cover approximate about 10,000 acres.

The Department has uniformly held that the additional right is a personal right and not assignable. But under the body of the seventh section of the act of March 3, 1891 (26 Stats., 1095), the rights of bona fide purchasers, for a valuable consideration, who made such purchase after final entry and prior to March 1, 1888, are protected, and a number of entries of the class under consideration have been passed to patent under this provision of law. Also, under departmental decision of August 11, 1893, in the case of Carroll Salsberry (17 L. D., 170), entries of this class may be approved under the proviso of said section 7 of the act of March 3, 1891, where the said entries had been pending in this office for more than two years after the date of the final receipt, and no contest or protest had been filed against them.

Further legislation was had looking to the protection of the rights of transferees in entries made under the certificates of right, which is found in the act making appropriations for sundry civil expenses, approved March 3, 1893 (27 Stats., 593), and which provides:

"That where soldiers' additional homestead entries have been made or initiated, upon certificate of the Commissioner of the General Land Office of the right to make such entry; and there is no adverse claimant, and such certificate is found erroneous or invalid for any cause, the purchaser thereunder, on making proof of such purchase, may perfect his title by payment of the Government price for land; but no person shall be permitted to acquire more than 160 acres of public land through the location of any such certificate."

In some cases it has been found that certificates were erroneously issued; that at the time of the issue thereof the soldier was not entitled to enter additional land as set forth therein. In such cases, the soldier, acting directly or through an agent by power of attorney, may have entered land and disposed of his right thereto to innocent purchasers, relying on the certificates of right issued by this office; in other cases, certificates of right have been secured through the presentation of spurious and fraudulent papers, and these have passed into the hands of innocent purchasers. The provisions of the act of March 3, 1893, seem to fully cover these classes of cases, and afford relief to the purchasers thereof, such as they are equitably entitled to.

The bill under consideration proposes to allow the location of certificates of right heretofore issued by this office where such certificates have been transferred or sold to purchasers in good faith, without regard as to whether the parties in whose names they were issued are entitled to the additional right or not, or whether said certificates were issued on spurious and fraudulent papers, and also to enact that all such transfers or sales shall be treated and considered as valid, and that patent upon all such locations shall be issued in the name of the transferee.

Probably the most of the outstanding certificates are held by parties who purchased them in good faith, believing in their validity, as in all cases they bore the signature of the Commissioner of the General Land Office, and in some cases the seal also of said office.

The purpose of Congress is undoubtedly to recognize as legal and valid all assignments or sales of these certificates heretofore made and to recognize the validity of all future transfers. This is, in my opinion, strictly in accord with the rights and equities of the situation. I therefore have the honor to suggest that the bill be amended to read as follows, viz:

"That all soldiers' additional homestead certificates heretofore issued under the rules and regulations of the General Land Office, under section 2306 of the Revised Statutes of the United States, or in pursuance of the decisions or instructions of the Secretary of the Interior, of the date of March 10, 1877, or any subsequent decisions or instructions of the Secretary of the Interior or the Commissioner of the General Land Office, shall be, and are hereby, declared to be valid, notwithstanding any attempted sale or transfer thereof.

"SEC. 2. That where such certificates have been or may hereafter be sold or transferred, such sale or transfer shall not be regarded as invalidating the right, but the same shall be good and valid in the hands of bona fide purchasers for value, and all entries heretofore or hereafter made with such certificates by such purchasers shall be approved and patent shall issue in the name of the assignees."

Said bill is herewith returned.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

THE SECRETARY OF THE INTERIOR.

The SPEAKER *pro tempore.* What motion does the gentleman from Texas submit?

Mr. OUTHWAITE. I move that the House recede from its disagreement to the amendment.

Mr. WILSON of Washington. I want to ask a question of the chairman, because that is a matter, as I understand, that has been reported on once or twice by the Committee on Public Lands. I would like to ask whether the Committee on Public Lands has any objection?

Mr. McRAE. Mr. Speaker, the Committee on Public Lands has not reported in favor of this amendment. Whenever there has been any action it has been against it. From time to time, however, the Committee on Appropriations has assumed to legislate upon this subject until it has about exhausted the certificates issued. There are now outstanding certificates for only about 10,000 acres of land. I believe that the ruling of the Department referred to in the amendment, by which assignments were allowed, was an error, and that the certificates should never have been locatable by attorney. I think the present ruling of the Department, holding that the right is personal to the soldier, is correct, and I do not approve of the legislation. It can not be said that the Committee on Public Lands approves it; on the contrary, I know it has never recommended such legislation.

Mr. SAYERS. Mr. Speaker, I desire to say in behalf of the conferees on the part of the House on the pending bill that, having no personal knowledge with reference to this amendment, we concluded that it was the better plan to bring it back to the House so that gentlemen with a fuller understanding of the land system of the United States might have an opportunity to make known their objections to the legislation. The letter which I have forwarded to the Clerk's desk, and which will appear in the morning's RECORD, shows that the Commissioner of the General Land Office advises legislation word for word like that which appears in this amendment. I therefore have no objection to the House receding.

The SPEAKER *pro tempore.* The question is on the motion of the gentleman from Ohio, that the House recede from its disagreement to the Senate amendment and agree to the same.

Mr. HARTMAN. I desire to ask one question. As I understand this is a motion to recede from the disagreement to the Senate amendment and to accept it.

Mr. OUTHWAITE. It is.

Mr. HARTMAN. That is all right. I favor that.

The motion was agreed to.

Mr. SAYERS. I desire to call up amendment 280, Mr. Speaker.

The SPEAKER *pro tempore.* The Clerk will report the amendment.

The Clerk read as follows:

ARID LANDS.

SEC. 4. That to encourage the reclamation of arid lands, and the cultivation and sale thereof in small tracts to actual settlers, there is hereby reserved, for the purposes and upon the conditions provided in this section, in each of the States to which the desert-land law of the United States is applicable, and to each of the States of Nebraska and Kansas, and to each of the States that may be formed out the Territories of Arizona, New Mexico, Oklahoma, and Utah, one million acres of the surveyed public arid lands in said States, respectively, to be selected by each of said States within the ten years after the passage of this act, and such reservation to take effect from the date of such selection and approval, and be thereafter withheld from other disposal, except as hereinafter provided: *Provided*, That any lands so reserved, which shall not be reclaimed within five years from the date of their selection and approval, as aforesaid, or as to which the State has not expended or caused to be expended the sum of $3 per acre in works intended for the reclamation of such lands, as now required by the United States desert-land law from claimants thereunder, shall be released from such reservation and become subject to disposal as other public lands of the United States, after proclamation by the President so declaring.

That any State accepting the conditions of this section is hereby authorized to make all necessary regulations governing the manner or extent of the reclamation, and to make all contracts to cause said lands to be so reclaimed and settled and cultivated by actual settlers in accordance with such regulations; and as rapidly as the State may furnish competent proof that any of said lands are reclaimed and occupied by actual settlers, in accordance with its said regulations, patents shall issue to the State or its assigns for said lands so reclaimed and settled: *Provided*, That said States shall not sell or dispose of more than 160 acres of said lands to any one person, and the net proceeds derived by each State from the sale of said lands shall be held and expended as a separate fund to aid the work of reclaiming the lands so reserved by this section, and the surplus, if any, shall be devoted by the State to reclaiming other arid lands in said State.

That all lands, exclusive of timber lands and mineral lands, which will not, without irrigation, produce some agricultural crop, shall be deemed arid lands within the meaning of this section, which fact shall be ascertained by affidavit of two or more credible witnesses, filed in the land office of the district in which such land may be situated at the time of the selection thereof, as herein provided: *Provided*, That this section shall not be construed to authorize the leasing of the lands selected or the disposal or use of them by the States, respectively, in any way whatever except to secure their reclamation, cultivation, and settlement; and the Commissioner of the General Land Office shall, subject to the approval of the Secretary of the Interior, make all rules and regulations necessary to carry out the provisions of this section; and to enable the Secretary of the Interior to examine any of the lands that may be selected under the provisions of this section there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, $1,000.

Mr. PICKLER. I desire to move that the House recede from its disagreement to the Senate amendment and agree to the same.

Mr. OUTHWAITE. Before that is done, I would like to have some explanation made.

The SPEAKER *pro tempore.* The question is on the motion of the gentleman from South Dakota.

Mr. McRAE. I move as a substitute for that motion that the House conferees be instructed to strike out the Senate amendment and insert the following section——

The SPEAKER *pro tempore*. As the Chair understands it, the motion of the gentleman from South Dakota would be first in order, that the House recede; and if that motion be voted down, then the proposition of the gentleman from Arkansas can be voted upon.

Mr. McRAE. I hope the motion of the gentleman from South Dakota will not prevail.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from South Dakota.

Mr. PICKLER. I will accept this amendment in lieu of my motion.

The SPEAKER *pro tempore*. The gentleman from South Dakota desires to withdraw his motion and accept the one offered by the gentleman from Arkansas.

Mr. PICKLER. As I understand it there is a practical agreement by the Commissioner of the General Land Office and the Committee on Public Lands on the amendment proposed by the gentleman from Arkansas; and I do not wish to antagonize that. Therefore I will withdraw my motion to recede from the Senate amendment.

Mr. HERMANN. Mr. Speaker, I desire to make the suggestion that inasmuch as this amendment spoken of by the gentleman from South Dakota and the gentleman from Arkansas has not been read, and is not before the House, those interested can not agree to any other motion such as suggested by the gentleman from South Dakota.

Mr. PICKLER. Let the amendment be read.

The SPEAKER *pro tempore*. The Chair will have the amendment read, for information at least.

Mr. SAYERS. But before that amendment is read, I trust the Speaker will inform the gentleman from South Dakota and the House as to what motion shall be made in order that the amendment proposed by the gentleman from Arkansas may be adopted or rejected by the House in connection with the motion to recede.

The SPEAKER *pro tempore*. The Chair understands that the gentleman from Arkansas desires to offer an amendment which he sends up as an instruction to the House conferees, to be agreed to in lieu of and as a substitute for the Senate amendment. Is that what is offered by the gentleman from Arkansas?

Mr. CANNON of Illinois. The only way, then, that that can be reached would be for the House to insist upon its disagreement, and if the House should so do then a resolution of instruction would be in order. But if the motion of the gentleman from South Dakota prevails, why that closes the whole matter up.

The SPEAKER *pro tempore*. Unquestionably. The Chair understands the gentleman from South Dakota to be willing to withdraw the motion in order that the motion of the gentleman from Arkansas may be made.

Mr. PICKLER. I move to recede, and the gentleman moves to recede with instructions; and that motion is proper.

The SPEAKER *pro tempore*. With an amendment.

Mr. PICKLER. That motion is in order.

The SPEAKER *pro tempore*. The rules of the House provide that that motion which brings the two Houses to an agreement is first in order, as the Chair understands; and, inasmuch as the motion of the gentleman from South Dakota brings the two Houses to an immediate agreement, it is first in order.

Mr. WILSON of Washington. Can not the gentleman from South Dakota withdraw his motion, and then can not the gentleman from Arkansas move to recede with an amendment?

The SPEAKER *pro tempore*. The Chair thinks so.

Mr. WILSON of Washington. Would not that be the proper line of procedure?

Mr. PICKLER. That is the parliamentary status now.

The SPEAKER *pro tempore*. It would accomplish the purpose suggested by the gentleman from Illinois.

Mr. McRAE. I suggest, if the gentleman from South Dakota is satisfied with the amendment which I have proposed as instructions, that he make his motion to insist upon our disagreement and then to instruct our conferees to agree to the amendment; that is, that the House conferees agree to recede from our disagreement to the Senate amendment, and agree to it with this amendment.

Mr. DOOLITTLE. A great many of us would like to have that amendment read, so that we may know what it is.

The SPEAKER *pro tempore*. In order that the House may act intelligently, the Clerk will report the amendment.

The amendment was read, as follows:

SEC. 4. That to aid the public land States in the reclamation of the desert lands therein, and the settlement, cultivation, and sale thereof in small tracts to actual settlers, the Secretary of the Interior, with the approval of the President, be, and hereby is, authorized and empowered, upon proper application of the State, to contract and agree, from time to time, with each of the States in which there may be situated desert lands as defined by the act entitled "An act to provide for the sale of desert land in certain States and Territories, approved March 3, 1877," and the act amendatory thereof, approved March 3, 1891, binding the United States to donate, grant, and patent to the State free of cost for survey or price such desert lands, not exceeding 1,000,000 acres in each State, as the State may cause to be irrigated, reclaimed, and cultivated by actual settlers, within ten years next after the passage of this act, as thoroughly as is required of citizens who may enter under the said desert land law.

Before the application of any State is allowed or any contract or agreement is executed or any segregation of any of the land from the public domain is ordered by the Secretary of the Interior, the State shall file a map of the said land proposed to be irrigated, which shall exhibit a plan showing the mode of the contemplated irrigation and which plan shall be sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops, and shall also show the source of the water to be used for irrigation and reclamation; and the Secretary of the Interior may make necessary regulations for the reservation of the lands applied for by the States to date from the date of the filing of the map and plan of irrigation, but such reservation shall be of no force whatever if such map and plan of irrigation shall not be approved. That any State contracting under this section is hereby authorized to make all necessary contracts to cause the said lands to be reclaimed, and to induce their settlement and cultivation in accordance with and subject to the provisions of this section; but the State shall not be authorized to lease any of said lands or to use or dispose of the same in any way whatever, except to secure their reclamation, cultivation, and settlement.

As fast as any State may furnish satisfactory proof, according to such rules and regulations as may be prescribed by the Secretary of the Interior, that any of said lands are irrigated, reclaimed, and occupied by actual settlers, patents shall be issued to the State or its assigns for said lands so reclaimed and settled: *Provided*, That said States shall not sell or dispose of more than 160 acres of said lands to any one person, and any surplus of money derived by any State from the sale of said lands in excess of the cost of their reclamation shall be held as a trust fund for and be applied to the reclamation of other desert land in such State. That to enable the Secretary of the Interior to examine any of the lands that may be selected under the provisions of this section, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, $1,000.

Mr. PICKLER. Mr. Speaker, while I prefer the measure reported by the Senate, I do not desire to antagonize this proposition of the gentleman from Arkansas, and I withdraw my motion.

Mr. McRAE. The gentleman must not understand that this is any proposition of mine. This proposition was prepared with some care to take the place of the one in the bill. I am not advocating either one of them, but as between the two I very much prefer this to that of the Senate. But if the gentleman from South Dakota does not want it, he need not accept it. I think that we are hardly ready to legislate upon this subject, anyway.

The SPEAKER *pro tempore*. The gentleman from South Dakota [Mr. PICKLER] withdraws his motion, and moves that the House recede from its disagreement to the Senate amendment and agree to it with this substitute therefor. The question is on that motion.

Mr. SAYERS. Mr. Speaker, I send to the Clerk's desk a letter, which I desire to have read in this connection.

The letter was read, as follows.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., August 8, 1894.

SIR: In reference to the subject of the amendment proposed as a substitute for Senate amendment No. 280 to the sundry civil bill, this day submitted for an expression of my opinion in letter from the clerk of the Appropriations Committee of the Senate, I have the honor to state that the amendment proposed seems to be similar in its general purposes to the Senate bill No. 1591, "To provide for the reservation, sale, and settlement of certain lands in the several States and Territories," in regard to which the views of this office were expressed in a report of March 2, 1894, which is incorporated in the report of the Senate Committee on Public Lands of April 17, 1894, in reference to that bill.

The proposed substitute appears, on careful examination, to differ somewhat in its provisions from said bill, but as a result of such examination, I see no reason why the purposess ought to be accomplished by the bill referred to, which was favorably reported upon by this office in the report mentioned, may not be attained under the provisions of the proposed substitute, should it be adopted.

It is the opinion of this office, however, that should the proposed substitute be adopted, such amendment be made as will make it clearly and unequivocally applicable not only to existing States or the States to which existing desert land laws apply, but also to the States of Nebraska and Kansas, and to the States that may be formed out of the Territories of Arizona, New Mexico, Oklahoma, and Utah, when admitted, as provided for in fourth section of Senate bill 1591.

The draft of substitute is herewith returned.

Very respectfully,

EDW. A. BOWERS,
Acting Commissioner.

Hon. FRANCIS M. COCKRELL,
United States Senate.

Mr. SAYERS. In connection with this subject I also ask to have printed in the RECORD the report made to the Senate upon Senate bill 1591.

There was no objection, and it was so ordered.

The report (by Mr. CAREY) is as follows:

The Committee on Public Lands, to whom was referred S. 1591, a bill to provide for the reservation, sale, and settlement of certain lands in several of the States and Territories, having considered the same, report the bill favorably and recommend its passage with amendments.

The letter of the Commissioner of the General Land Office to the Secretary of the Interior, hereto annexed and made part of this report, sets forth very fully the objects and purposes of the bill.

A large number of bills have been introduced in this and previous Congresses having in view legislation which would secure or encourage the reclamation of portions of the arid lands. Many plans have been proposed,

but not one save the desert land law of 1878 has received the favorable consideration of Congress. All the bills introduced on the subject appear to have been based on either of two propositions, namely, to donate the arid lands to the States in which they are situated, on condition that the States undertake their reclamation; or that the General Government, by appropriations of money from the Treasury, should undertake the construction of canals, dikes, dams, and other necessary works to reclaim the arid lands wherever water is available, or can be made available by storage basins.

Many think the General Government can distribute the lands far better among those who seek homes in a new country than would be possible under the different systems that would be adopted by the several States, but even these stand in awe of the proposition for the Government, commencing directly the reclamation of the arid lands. It can not be denied that the undertaking would be a most formidable one, and would cost many hundred millions of dollars.

The purpose of this bill under consideration is, so far as possible, to overcome these objections. The plan contemplated by the bill will prevent the lands falling into a few hands, and if the States avail themselves of its provisions it will cause as wide a distribution of the lands as could take place under the homestead law. The arid lands belong to the General Government. Without additional legislation by Congress on the subject the States are helpless. The land laws in existence are not well adapted to the arid region, but until some other mode is adopted and found practicable it will not be wise to repeal these laws.

The States where the arid lands are situated have done all it is possible to do in the absence of Congressional legislation. They have passed good laws for the distribution of water. Some of these have provisions in their constitutions which provide that all water shall belong to the State, but that so long as water is available that no one shall be denied of its use for agricultural purposes. These States have officers to regulate the apportionment of water and to settle disputes between settlers growing out of its distribution.

All the various plans and usages of countries where irrigation is practiced have been considered and the best means to regulate the important subject have been adopted. These States have arrived at a time when Congressional action is absolutely necessary. The irrigation of arid lands under the most favorable circumstances is very costly. Before a settler can make a living upon these lands large expenditures of money must be made. The task is beyond individual effort. It will be difficult to estimate the amount of money (in the absence of reliable statistics) that has already been expended in irrigation work in the arid regions of the United States—probably not less than $200,000,000. These works may have cost double this amount; yet the beginning has scarcely been made.

When all the visible water has been utilized, then the investigation and experiments will have to be made to determine whether great storage basins are practicable for the conservation of the snow and rain precipitated during other than the growing seasons. Whether the raising of subterranean water supplies for purposes of irrigation is feasible is yet to be determined. There are many millions of acres where there is no available water supply for irrigation, but before these lands will have to be considered there are millions of acres, the irrigation of which is practicable and which would be undertaken if favorable legislation should be adopted.

The object of the bill is to permit the States, and the Territories when they shall become States, in which arid lands are situated to reserve a limited amount of such lands for reclamation, settlement, and disposal in small tracts to actual settlers.

The bill does not propose to grant any lands to the States, but only to reserve them for disposal to actual settlers after satisfactory proof has been furnished the Government that they have been reclaimed and settled upon. The title is not to pass out of the Government until the two chief conditions of the bill are fully complied with. First, that the lands shall be fully reclaimed; and second, that the lands shall be settled upon in tracts not exceeding 160 acres to each settler. There is no inducement in the bill for the States to take steps to cause any of the land to be reserved in advance of some well-formulated plan for their reclamation and settlement, for the States, under the provisions of the bill, can exercise no control over the lands reserved, except for the purpose of their reclamation and settlement.

If all the States to which the bill applies should avail themselves of the full acreage proposed to be reserved, it would amount to but a small percentage of the total acreage of the arid lands of the United States. The Government can not be injured by the experiment. If the States, or any of the States, should undertake the reclamation of any of the lands under the provisions of this bill and should fail to accomplish the purposes of the act, the lands would, by proclamation of the President, be released from such reservation and become subject to disposal as other lands of the United States.

If the States complied with the conditions of the act, the lands would be reclaimed, settled upon, and disposed of to actual settlers in small tracts, thereby accomplishing the same purpose as is contemplated by the homestead laws of the United States.

DEPARTMENT OF THE INTERIOR, *Washington, March 12, 1894.*

SIR: I am in receipt, by your reference, of a copy of Senate bill No. 1591, "To provide for the reservation, sale, and settlement of certain lands in several of the States and Territories," said lands being of the class commonly known as "desert land." I have referred the same to the Commissioner of the General Land Office, a copy of whose report I submit herewith, and concur in his favorable recommendation.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. JAMES H. BERRY,
Chairman Committee on Public Lands, United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 2, 1894.

SIR: I have the honor to receive by reference from the Department on February 15, 1894, for report in duplicate and return of papers, Senate bill No. 1591, "To provide for the reservation, sale, and settlement of certain lands in the several States and Territories," transmitted to the Department by the Hon. JAMES H. BERRY, chairman of the Senate Committee on Public Lands, with a request for the views of your Department thereon.

In reply thereto I have to report that the object of the bill is to encourage the reclamation, settlement, and disposal of lands in the arid belt of the United States, which will not produce, without artificial irrigation, agricultural crops.

The bill proposes that there may be selected and reserved, by each of the States to which the desert land law is applicable, 1,000,000 acres of the arid lands therein, with the proviso that any of the said lands selected and reserved which the State shall not reclaim or cause to be reclaimed within a period of three years, or shall fail to expend or cause to be expended in a like period in works for the reclamation of said lands at least $3 an acre, shall on the proclamation of the President to that effect, again be subject to disposal under the land laws of the United States.

The bill further provides that when competent proof is furnished by any State that any of the lands reserved are reclaimed and occupied by actual settlers, in tracts not exceeding 160 acres to each settler, patents shall issue to the State or its assignees for such lands so reclaimed and settled in tracts not exceeding 160 acres to each person, with the proviso that the proceeds derived from the sale of the lands shall become a fund in the hands of the State for the reclamation of the arid lands so reserved and other lands in such State.

The bill is clear and is guarded in its terms. It is in the interest of small settlers. The United States holds the title until the lands reserved are actually reclaimed and settled. The States will have no power over the land, except for the purpose of reclamation and individual settlement, as expressed in the bill, while it will clothe the States with authority ample to induce the reclamation and settlement of the reserved lands, especially by colonies, a system which has worked admirably in several of the States to which the bill will apply.

The bill does not propose to interfere with the existing laws of the United States affecting the disposal of lands to individuals.

The building of irrigation works has been found to be very expensive, costing from $5 to $10 an acre for land irrigated under the most favorable circumstances, and only where it has been possible to secure large bodies of land has the cost been the minimum. Consequently, the most successful settlements, notably in California and Colorado, under irrigation canals, have been where the lands could be procured in bodies, generally within Spanish and railroad grants.

Now that the lands along the water courses, as a rule, have been taken, the question arises, how can the lands difficult and expensive to irrigate be made available for settlement?

The people of the States in which the arid lands are located would like to see the United States undertake their reclamation. This is certainly impracticable now, and it is doubtful whether it will ever be otherwise. There are those who think that the arid lands should be given to the States under certain restrictions. Public sentiment would scarcely justify such legislation at this time. The experience of the United States and the several States under the swamp-land acts does not argue in favor of such disposal of the arid lands. That additional legislation to induce the reclamation and settlement of arid lands is necessary can not be denied, and since the entire acreage to be reserved under the bill, if all the States to which it is applicable should avail themselves of its provisions, would not be as great as each of the several States acquired under the swamp acts.

Congress may well try the experiment here proposed, retaining the title in the United States as the bill proposes, so that if the results are satisfactory, which I have no doubt will be the case, like comprehensive legislation may hereafter be enacted to cover other large bodies of land. The following table approximates the average of public lands vacant in the several States and Territories to which the bill, if it should become a law, would be applicable:

	Acres.
Arizona	49,000,000
California	47,000,000
Colorado	41,000,000
Idaho	37,000,000
Montana	74,000,000
New Mexico	54,000,000
North Dakota	18,000,000
Oregon	37,000,000
South Dakota	13,000,000
Utah	35,000,000
Washington	18,000,000
Wyoming	53,000,000
Total	529,000,000

Maximum amount to be reserved under this bill, 13,000,000 of the total amount of 529,000,000 acres.

The general desert-land law requires payment to the United States of $1.25 per acre, but does not require actual settlement and residence on the land. This bill proposes to both reclaim and settle the lands reserved thereunder. The State will thereby accomplish under this law what the Federal desert-land law and homestead laws separately provide. As the State is required to devote the entire proceeds of these lands to aid their reclamation the additional condition of settlement by individuals on each 160-acre tract is the full equivalent of the Federal policy of disposing of the public domain to actual settlers, and fully justifies legislation in the form proposed by the bill.

The reclamation of the arid lands can not be accomplished to any great extent through the efforts of any single individual. Home seekers are not men of means. The construction of canals and ditches to irrigate a single quarter section usually involves expenditure far beyond individual ability and far beyond the values which a reclaimed single quarter section would yield. Combined effort of many settlers to reclaim large bodies of land can not be secured, nor successful results accomplished except under such municipal superintendency as shall insure economic and safe expenditure under intelligent control, and yielding thereby the greatest measure of success.

Enterprise thus undertaken under State control, under plans subjected to scrutiny of State officers, disbursements directed by intelligent comprehension of the plan proposed and utility of the end designed and the certainty through State superintendency that the settlers will be protected in the enterprise, furnish the strongest guarantee of success which experience can suggest. The States are highly interested in the reclamation of the arid lands within their boundaries and the settlement and cultivation thereof by individual citizens. The work is too vast to be undertaken by the General Government. Local and community interest under State control will stimulate results with far greater zeal and success.

The principal proposition involved, reclamation and settlement by individuals in small holdings, meets my strong approval, and this bill seems to me to present full opportunity for the practical experiment and under proper safeguards. The United States retains title until reclamation is accomplished and the land occupied by actual settlers. This, if successful, is the great object to be attained; and if unsuccessful the United States still holds the unincumbered fee.

I suggest that the bill be amended by striking out the word "three" in line 9, in section 1, and insert in lieu thereof the word "six," as time will be required for the States to perfect legislation to carry the provisions of the proposed law into effect. After a careful examination of the bill and for the reasons stated, I recommend its passage with the amendment suggested.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Mr. SAYERS. I now yield five minutes to the gentleman from South Dakota [Mr. PICKLER].

Mr. PICKLER. Mr. Speaker, I do not care to detain the committee further than to state just what the proposition is that the Senate has placed on this bill. There are between five and six hundred million acres of Government land not yet taken, consisting largely of arid and desert lands. The question has been discussed in the House for many years past as to the best disposition to make of those lands. Now, this is simply a proposition to donate to each of the States that the desert land laws apply to, a million acres of such lands. Gentlemen will understand that we have between five hundred and six hundred million acres of the public domain left, and this simply proposes to appropriate thirteen or fourteen millions of these arid lands, giving 1,000,000 acres to each of the States named.

Mr. WILSON of Washington. A million acres of desert lands.

Mr. PICKLER. Yes; a million acres of desert lands.

Mr. MERCER. Provided there are a million acres of arid lands within the State.

Mr. PICKLER. Yes. These lands are doing nobody any good now, and they never will do anybody any good until they are irrigated. This proposition does not cost the Government anything. It simply allows each of these States to take a million acres of these desert lands and see whether or not, under the direction of the State Legislatures, they can be irrigated and reclaimed.

Mr. MERCER. Do I understand that the substitute offered by the gentleman from Arkansas [Mr. McRAE] has been framed by the Land Office?.

Mr. PICKLER. Yes, sir. The proposition that is now before the House is one that has been approved by the Commissioner of the General Land Office and I think there can be no objection to it. Gentlemen will remember how sensitive this House has shown itself from time to time in regard to making direct appropriations for the irrigation and reclamation of arid lands. Now, here is a proposition which costs the Government nothing, but simply donates these lands to the States, leaving them to bear the burden of irrigation and reclamation. Furthermore, it is provided that the title to these lands shall not pass to the States until it is shown to the satisfaction of the Secretary of the Interior that the lands have been reclaimed according to law and the money expended upon them.

That, I believe, is the whole proposition. I understand that the Commissioner of the General Land Office indorses it. I think it will lead to something practical, and will help us in that Western country to reclaim these arid lands. At all events, I repeat, it costs the Government nothing, but simply gives these States an opportunity to try this experiment upon lands which are utterly worthless as they stand to-day.

Mr. McRAE. Mr. Speaker, as I have already stated, I do not approve of legislating in this way. This is an experiment which Congress has been urged to try. The object is to encourage the irrigation of these lands by the States. The Committee on Public Lands has given this question but little attention. The Committee on Irrigation of Arid Lands has jurisdiction of the bill which passed the Senate, and which is now pending as an amendment to this bill.

At the suggestion of the conferees on the part of the House, this substitute for the Senate proposition was prepared, because they were not satisfied with that of the Senate. If anything is to be done at this time it should be carefully guarded so as to protect the United States against fraud in the proof of reclamation.

Now, Mr. Speaker, I want to state briefly what I understand to be the main difference between the two propositions. The Senate proposition makes a reservation outright for the States and will make it possible for the States to put a million of acres in each State in reservation for an indefinite period. It leaves the question of irrigation to be determined under rules and regulations to be made by the States themselves. In short, the States will decide whether they have complied with the conditions as to irrigation. The pending proposition does not make any grant, but only authorizes the Secretary of the Interior with the approval of the President to make a contract with any States in which any of these lands may be situated for the reclamation of not exceeding a million acres in each State, the question of irrigation to be finally determined by the Executive officers of this Government. No reservation or withdrawal is permitted except for temporary purposes until the plan is approved; and no title is to pass until thorough irrigation is accomplished and shown to the satisfaction of the Interior Department.

If an experiment of this sort is to be be made I desire to put around it all the conditions and limitations necessary to insure the irrigation of the land. This will give ample power to the Secretary to secure it. As the gentleman from South Dakota has said there are five or six hundred million acres of desert land—land worthless without irrigation, and very valuable with it. The United States owns the lands, but has no inclination to enter upon its reclamation. We want settlers upon all our public lands. This is simply an experiment by which it is proposed to aid the States in their efforts to reclaim the land, by remitting the price and cost of survey. We charge the individual settler $1.25 an acre for desert land when irrigated. One of the conditions of this measure is that not exceeding 160 acres shall be sold by the State to any one individual.

Mr. WILSON of Washington. And it becomes the duty of the State to provide each 160 acres with a sufficient quantity of water to irrigate those 160 acres.

Mr. McRAE. Yes: according to the test applied by the desert land law to the individual settler.

Mr. WILSON of Washington. According to the test heretofore invoked.

Mr. McRAE. And this will require the State not only to reclaim the land, to supply it with the necessary water to grow ordinary agricultural crops, but to dispose of it to settlers who will occupy it; and in consideration of this the State is exempt from the payment of the $1.25 an acre which we exact of the individual settler. That is all the aid granted or authorized.

Mr. WILSON of Washington. Has the gentleman ever examined any figures as to the cost of constructing these irrigation ditches?

Mr. McRAE. I have not. Gentlemen who are familiar with it have discussed the question with me, and from what they have said I am satisfied that it is very expensive, and will require all the aid the States and counties can give to accomplish it.

Mr. WILSON of Washington. My reason for asking the question is that I am exceedingly doubtful whether legislation of this kind can be effectual. However, we can go ahead and try the experiment. If it is a failure we shall have profited, no doubt, by the experience. But in the section of country where I reside, although there are only two counties requiring irrigation, a ditch for the irrigation of 1,000,000 acres of land would probably cost $600,000 or $700,000.

Mr. McRAE. The gentleman will understand that no State is required to irrigate a million acres. The limitation proposed is "not exceeding a million acres;" but each State may irrigate less and secure it upon proper proof.

Mr. WILSON of Washington. Of course: but in reaching the water supply it is generally necessary that these ditches should run a long distance; and therefore works of this kind are very expensive. For instance, the Sunnyside irrigation ditch in Yakima County of my State irrigates about 80,000 acres, and it cost over $400,000. Another ditch, now in course of construction, will irrigate 120,000 acres and will cost $300,000. Then there is a ditch in Kittitas County which will extend about 70 miles, and cost over $500,000. The great expense is in getting to the streams which furnish the water supply.

It is a serious question, therefore, whether this problem can be taken up and handled successfully. But I believe this is a movement in the right direction. We can at any rate try the experiment. If it should prove a failure we can of course repeal the legislation, and we shall have had the experience.

Mr. McRAE. If this substitute be adopted it will only authorize contracts which will lapse in ten years after their date. It is not a legislative grant; it does not require any action of Congress for its forfeiture. It does not even put the land in a state of reservation until a map is filed and the plan of irrigation is approved.

My friend from New Mexico [Mr. JOSEPH], who perhaps knows more about this question than any other man on this floor, suggests to me that it costs from four to five dollars an acre to reclaim desert land, but when reclaimed it is worth from $25 to $50. So, Mr. Speaker, it is possible that a proposition of this kind on the part of the Government may aid in making this arid region the richest and most fertile part of our country. This is a proposition coming from the Representatives of the States and Territories in which the arid lands are situated, and is designed to induce them to take hold of the matter and deal with it as States. The great questions of preserving our forests and the storage of the water now wasted will aid very much in reclaiming our deserts. These great questions must soon be considered by the people of this country.

As the gentleman from Washington has said, the States may not be able to secure the capital to irrigate these lands. Be that as it may, this is at least an invitation to them to undertake it, and will be the cause of much investigation as to plans and methods.

Mr. PICKLER. But many places can be irrigated by artesian wells at a very much less expense; and I think that this will lead to beneficial results in the future.

Mr. HERMANN. Let me ask the gentleman from Arkansas as to the limitation of 160 acres to which he refers. I would ask him, after all his extensive examination of the subject, whether

he thinks it would be practicable for the State to obtain the appropriation to make the large expenditure necessary to irrigate these lands if the limit is fixed at 160 acres as the maximum?

Mr. McRAE. I would not favor any proposition that would allow the sale of land in larger quantities. If there is a change at all the limit ought to be reduced. But this limit has been fixed, that is, the quantity allowed for a homestead, notwithstanding the fact that on arid lands, when it is once reclaimed, 80 acres are equal to 160 acres of ordinary agricultural lands.

Mr. HERMANN. Then the State must take its chances.

Mr. SAYERS. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON of Illinois. Mr. Speaker, it is with very much diffidence that I take the floor to say anything about the Senate amendment or the proposed substitute to this bill. Especially is that true as I do not come from a State that has arid lands in it. I want to express a doubt, however, about the wisdom of legislation of this kind upon the sundry civil or any other appropriation bill.

I will confess, at the beginning of what little I shall say, that proper legislation ought to be had that will enable the States, or compel them, if they do anything with the lands, to make such regulations and appropriations of money as will insure their reclamation by irrigation.

But I very much doubt whether the proposed provision will bear good fruit. I recollect—I do not recollect, but all of us know—that in 1850 there was a grant of swamp land to the various States—Minnesota, Illinois, Arkansas, and all of the States that had public lands of that character. The question presented then was to get rid of the water in certain sections. This is a proposition to supply the water in certain other sections.

Now, I must say that the operation of the swamp-land grant act was not satisfactory. Great lots of land were selected, for instance, in my own State of Illinois, the most valuable agricultural lands we have now, and great claims of indemnity are still pending in some of the States, so that that appropriation of land in the main was worse than wasted—not properly considered, not properly guarded.

Mr. ELLIS of Oregon. Did not the lands fall into the hands of speculators?

Mr. LUCAS. Let me ask the gentleman from Illinois this question: Does he not know that irrigation is possible in the swamp lands; that the drainage of the swamp lands is practicable? That is a matter that men can control by labor. But the matter of moisture or of rain is something that man can not control.

Mr. CANNON of Illinois. Oh, I understand that. But this is a subject that I have had just enough to do with in the Forty-ninth, Fiftieth, and Fifty-first Congresses to have dawn upon me, namely, the magnitude of the question. Why, we went to work in the Forty-ninth Congress and absolutely withdrew all lands from sale in the arid regions and made magnificent appropriations for the purpose of surveying the water sites, and went along for three or four years, and found a good many water sites; but in the meantime the people wanted to enter the lands for homesteads, or under the desert land act, and they found they could not do it. Then there came up a cry and a great contest in the Fifty-first Congress to repeal that legislation, and it was subsequently repealed, and I have no doubt a great many reservoir sites got into the hands of some people, I presume availing themselves of the work of the Government.

Now, to me this is one of the most interesting and important of questions. A great area of the most productive lands on this earth in a very large section of this country if we can get water on them will be available for agricultural purposes. But you can not get the water economically with a population of 70,000,000 of people; but when you get, within the century, twice 70,000,000 or three times 70,000,000 of people, then these lands in my judgment are to be utilized. All of the rivers are to be utilized for irrigation, the mountain streams are to be utilized, the waters of the mountains that come from the snow are to be utilized, and in my opinion a century from this time will give us the storing of storm water in all this section to be utilized, because this race of ours, given a necessity, will reach out and utilize everything that can be utilized to attain a desired result.

Now, then, when you come to enter upon this question and grant a million of acres in each one of these States and undertake to properly grant it upon an hour or two's discussion; and put it upon an appropriation bill, so that it must pass because the appropriation bill must pass, I am very much afraid that some improvident action will be taken in some of these new States, because in the recollection of all of us who have grown up in the States that were young, even where there was not arid land we know that much of improvident legislation was enacted, much of ignorant legislation, much of wasteful legislation. And what I fear is that such steps will be taken in some if not all of these States as will hang about the necks of those people in a future generation or generations like a millstone.

Mr. PICKLER. Will the gentleman allow me right there?

Mr. CANNON of Illinois. In a moment I will.

Now, then, it may be claimed by the gentleman from South Dakota and others that this is but the commencement. He may be right; but I believe this subject is important enough that one or more of the great committees of this House should investigate, discuss, and thoroughly mature legislation. It is not the land. I would be glad to give every acre of land in the arid regions to those States that would wisely and properly use it, and take care of it for the millions that are to come, and not waste it. That is not the question.

It may not follow that these lands will be given away to be used as I have indicated, but I fear that in this hasty legislation we may do great damage for want of proper consideration; and I am inclined to the view that whatever legislation is had should be had after the maturest committee work and then should stand from day to day if not from week to week under discussion and consideration in both House and Senate upon its own merits and not be dragged through upon an appropriation bill that carries $30,000,000. Now, then, I yield to my friend.

Mr. PICKLER. If I can have the floor——

Mr. CANNON of Illinois. I have nothing further to say.

Mr. SAYERS. I yield five minutes to the gentleman from South Dakota.

Mr. PICKLER. Mr. Speaker, I desire to say, in reply to the gentleman from Illinois, that for probably ten or twelve years this matter of irrigation in the arid regions has been before Congress, has been discussed, has been talked about, and we have so far failed to get any legislation in regard to the matter—an utter failure in any legislation. Now, this subject is well understood by the House of Representatives. Everybody knows that this land is lying out there. They know that it is useless; and everybody desires it reclaimed. It is a very simple proposition; and the answer to the objection of the gentleman from Illinois is this: that where this differs from the swamp-land grants is that the Government does not grant this at all. The Government only grants it and the State only receives title to it after it has made its proof that the land is reclaimed. So this does not pass to the States as the swamp land passed to the States.

Mr. CANNON of Illinois. Will my friend allow me just a single question right there?

Mr. PICKLER. Yes, sir.

Mr. CANNON of Illinois. I understand the letter of the bill imperfectly; but you take the timber-culture grants. Why, any man could take a timber-culture claim and under the letter of the law it was expected that the man should have a growth of timber, that he should have so much planted and so much cultivated; yet in former years hundreds of grants were made when men did not live upon them, in many instances where men never saw them. The forms of law were complied with and the affidavits filed, but the spirit of the law in most instances was not observed. Now, I do not know that that would be the case in this matter.

Mr. ELLIS of Oregon. The law does not require them to live on timber-culture claims.

Mr. CANNON of Illinois. I understand that.

Mr. PICKLER. There may be some instances in all public business where you will sometimes have false affidavits made; but you can not stop because some one will swear to an exaggerated statement. I submit that the objection of the gentleman from Illinois that this is similar to the swamp-land grants is not tenable. Under the swamp-land grants, grants were made of the amount stated to the States and they could go into a speculation. Under this proposition it is a mere bagatelle. Out of between 500,000,000 and 600,000,000 acres we are only asking 12,000,000 or 14,000,000; and we are not asking for that until it is improved; and why should we not have an opportunity to take it and see if we can do anything in this experiment? Who is going to be harmed?

The gentleman talks about appropriations. I want to say that it has become so that you can not get any legislation in the American Congress unless you get it on an appropriation bill.

Mr. BRETZ. Will the gentleman allow me to ask him a question?

Mr. PICKLER. Yes, sir.

Mr. BRETZ. Have you a single dollar in any State or Territory in the West with which you would be enabled to irrigate land of this character?

Mr. PICKLER. I do not know how that may be?

Mr. BRETZ. Then you propose to impose a debt on your people that they will be required to pay interest on for many years to come.

Mr. PICKLER. If we can not do it we do no harm to anybody. I think this is an advantage to the Government. It says "You take this land, if it is worth anything to you, and if you can reclaim it we charge you nothing for it;" and if we can not reclaim it we do not damage anybody.

Mr. SAYERS. I yield ten minutes to the gentleman from Nebraska [Mr. MERCER].

Mr. MERCER. Mr. Speaker, I send to the Clerk's desk to have read a telegram which appeared recently in the Nebraska Journal, published at Lincoln, Nebr.

The telegram was read, as follows:

[Special.]

O'NEIL, NEBR., *August 6.*

The big irrigation meeting advertised for O'Neil to-day has passed into history. It was a big meeting indeed, one of great importance to Northern Nebraska, and was attended by representatives from Brown, Rock, Cherry, Keyapaha, and Boyd Counties. It was composed of men of energy and determination, who came together to consider the great question of irrigation and how to get it. The big court room was literally packed at the morning and evening sessions.

The meeting was called to order at 10 o'clock by T. V. Golden, secretary of the North Nebraska Irrigation Association, who stated the object of the meeting. Capt. Whitmore, of Long Pine, was elected chairman. Mr. Golden stated to the meeting that the Niobrara Irrigation and Power Company, a corporation, had spent $2,400 in a preliminary survey, filing and holding water rights, and had succeeded in getting people interested who would construct the canal, provided certain conditions were complied with by the people of those counties interested. Said proposition was made in writing by James M. Kerr, representing a New York syndicate of unlimited capital, and it was reported that Kerr was well impressed with the feasibility of the route, with the country to be watered; and further, the company would construct said canal, flumes, reservoirs, and laterals, guaranteeing to water 105,000 acres next year, provided the people of Holt, Rock, and Brown Counties would vote $250,000 bonds, to take water rights for 100,000 acres at $10 per acre, payable ten or more years hence, and for other things of minor importance.

The meeting of the afternoon was especially participated in by many, and finally, after due deliberation, a vote taken declaring it to be the sense of the meeting that the proposition be accepted. Mr. Kerr, during the course of his remarks, said that the ditch promised the best results, and was in most respects the best scheme out of two thousand offered them by Western States. Committees were appointed for each county to present the matter to their people, after which the meeting adjourned.

Mr. MERCER. Mr. Speaker, my purpose in having this telegram read was to inform members of the House not only that some portions of Nebraska were in serious need of irrigation, but that the enterprising citizens thereof were actively engaged in any movement which would bring about some relief to those acres of the State so much in need of moisture.

I do not think the measure pending is in any sense a response to the needs and necessities of a large part of the Western country, but if it will ameliorate even in a small degree the unfortunate conditions now prevailing there, and we are assured by its sponsors that it is a step in the direction of finally reclaiming all arid lands in America, we welcome the assistance it does contain, and sincerely trust that some Congress will be wise enough, magnanimous enough, to give the arid lands of the country an equal show with rivers and harbors.

The people of the West are becoming serious over this matter of irrigation; the dream period has vanished; air-castle building has come to an end. Active, effective labor is now demanded, and something must be done by somebody to transform these arid lands into flower gardens—for such a transformation easily takes place through the means of irrigation.

Some years ago it was my good fortune to visit the State of Oregon, and I there noticed some of the benefits of irrigation. On one side of a roadway the soil was pure sand, while 10 feet away the same sand, through the merits of irrigation, was made rich in a most profusive production of vegetation. In Nebraska the same success has crowned the efforts of the enterprising farmers who have attempted irrigation. The sand lots of one year were made to produce a most remarkable yield of potatoes, while farm after farm emerged from the valueless to the valuable.

Eastern Nebraska has been fortunately blessed in nature's gifts, and does not need irrigation or other artificial methods to insure crops. I venture the assertion that this part of Nebraska is the cream of the agricultural kingdom, no matter in what part of the world competition is sought. A failure of crops has not occurred since the first settlement, and year after year this qualification of the soil increases in its usefulness.

It is the western part of Nebraska which seeks and needs irrigation, and if irrigation is given this part of Nebraska—a State which now stands second in the Union as a corn-producing State—it will soon take rank with the eastern part, and then will Nebraska be the greatest corn and wheat producing State in America.

I regret that this amendment falls so far short of the expectations of those hard-working pioneers who have had the courage to settle upon the frontier and the nerve to stay there, for of such people the best citizenship is made. They have been hoping that Congress would authorize a sum of money to be expended in the discovery and the determination of methods for the development and distribution of the water supply for irrigation purposes in the arid regions of America. Accurate field notes of surveys, maps, and other data could be made and preserved and this information might lay a foundation for the solution of systematic and successful irrigation.

In March, 1894, a most successful interstate irrigation convention was held in Omaha, and much good has already grown out of the meeting. Irrigating ditches and canals are being constructed in different parts of the State, and many more, I hope, will follow. This convention was attended by delegates from a dozen States and Territories, and after a session of several days adopted the following resolutions:

Whereas American citizens wishing to secure homes have moved on these plains, bought and paid the Government for land, and expended money in improving it; and

Whereas it has been demonstrated, by the experience of these men and by the signal stations of the Government, that the amount of rainfall at proper seasons is insufficient to make agriculture successful: Therefore be it

Resolved, That it is the sense of this convention that it is the duty of Congress to make increased appropriations to test the practicability of the following methods of irrigation for these plains:

First, That the Government should, by experiments, determine whether the underflow and artesian water is of sufficient volume and can be brought to the surface at a cost to make it available for general irrigation purposes. Second, That it should determine the extent to which reservoirs can be constructed for the purpose of storing storm water sufficient in quantity for irrigation purposes.

Resolved, That we fully indorse the following extract from the report of the special committee of the United States Senate made May 18, 1890, and that the same be made a part of the resolutions of this convention:

"If anything can be done to encourage the people of these great plains, it is important that it should be done speedily. There are over 1,000,000 people in the arid and semiarid belt, who have paid into the United States no less than $40,000,000 for public lands. The Government should demonstrate to them the practicability before they can have the courage or can command the means to prosecute the work on any considerable scale."

Resolved, That since forest culture can be made an effective agent in the reclamation of an arid region, we therefore recommend that every farmer on the prairie be urged to plant and cultivate the growth of forest trees.

Resolved, That we favor the creation of the office of State engineer in the various States, and legislation which shall encourage irrigation, construction, and development.

Resolved, That as authoritative meteorological data is of great importance to irrigation interests, it is the sense of this convention that it is to the best interests of the people of Western America that the present meteorological stations in the arid and semiarid sections of this country be maintained, and their number be increased, and we respectfully urge the Secretary of Agriculture and our representatives in Congress, to use their best efforts to that end.

Resolved, That we ask the agricultural colleges in the various States to devote a portion of the funds received from the United States Government for agricultural experiment work to experiment with and demonstrate the agricultural possibilities with and without irrigation in the plains region, and to investigate the various irrigation problems.

Resolved, That we urge the people of each county to organize county irrigation associations, and put themselves in communication with the officers of their State associations, or with this association where there are no State associations.

In conclusion, I desire to insert in the RECORD the speech of ex-United States Senator Warren, delivered before this Omaha convention, upon the subject of "The powers of Congress with reference to irrigation." Senator Warren spoke as follows:

Mr. Chairman and Gentlemen of the Convention:

I am enjoying somewhat of a "surprise party," for I had not intended to address you. Having a few hours in your city on my way from the East, I had pleasure in joining you for a little time this morning, and was called before you and introduced by my good friend Dr. Miller. Still later your chairman announced that I would address you, and now I am asked to represent, for the time being, your worthy executive, Governor Crounse, in extending the welcome of the State of Nebraska to the delegates to this convention.

I regret exceedingly, as you undoubtedly will before I have finished, the absence of the governor. It is my pleasure to know your governor, and while I can not hope to do him justice in the capacity in which I have been called upon to represent him, I yet consider it a compliment and an honor to even for a moment occupy his shoes and, standing in his place, bid you welcome.

Governor Crounse is a big, broad man—big physically; large intellectually—and a man who presides over the affairs of a State as large and as broad in advantages as any State or any nation in the world of an equal number of square miles. [Applause.]

The State of Nebraska is notable in very many ways. We remember that during the early struggles of the State, her citizens, seemingly prompted by the spirit of '76, declared that the State of Nebraska and her soil should be the home of highest human freedom. She declared that she would be a free State, that human flesh should not be dealt in and that slavery should not exist within her borders. In this respect she formed one of that notable group of which Kansas is another distinguished example. Nebraska entertained most patriotic views then, and she has always since entertained them.

The spirit of freedom possessed by her citizens then has grown and developed at every stage of the State's existence and progress. It is curious to notice that that same love of fair play has continued in all her affairs of life—in religion, in politics, and in social matters. Following in this line we observe she has been most tolerant to all those new parties and societies that spring up now and then. All have been recognized, have been given a place, and their representatives put upon trial without prejudice, but just as soon as any one of those parties or societies has undertaken to be overradical, or has shown signs of anarchy, communism, or oppression, then the idea of highest freedom has asserted itself, and such parties have been "turned down" and relegated to their proper place. Radicalism will find no place in Nebraska hereafter any more than heretofore. [Applause.]

Now we meet in this marvelous city of Omaha, in this great State of Nebraska. For Nebraska, I most heartily welcome you. As to Omaha, what shall I say of her? Certainly I can add nothing to the generous welcome that has been extended by your handsome and accomplished mayor.

We remember, nearly all of us, when Omaha was a little, struggling hamlet, and it seemed to me then and it seems to me now, that scarcely a place above or below upon this river but what a city could have been as well built as here. It has been, however, the spirit of her people, the ambition, the brain, and the will power of the citizens of Omaha that have made it what it is.

Omaha, when but a small village, took advantage of opportunities and made her supreme effort at a time when the nation declared that it would have a railroad constructed across the continent, connecting the vital life of the great East with the mighty possibilities of the boundless West. Omaha became the gateway of this transcontinental line. There has always been in Nebraska and in Omaha supreme hospitality. In this State, especially in Omaha, a spirit has always existed which said to every man seeking a home, "We welcome you. Law-abiding citizens, all come to us and make your home with us." So to this Nebraska and to this Omaha it gives me the very greatest pleasure to say on the part of and for the governor of this State, there is extended to you a hospitality which is proverbial, not only in Nebraska, but in all this Western country. I can affirm truthfully, from an experience dating back over more than a quarter of a century, that no act has ever been permitted or committed by this people that was not in line with the most hospitable hospitality. [Applause.]

Now, a word as to irrigation. You have met in convention to take up a branch of this question that I can not, perhaps, instruct you in, but one that I very much desire information upon. My thought and research heretofore has been more in the line of irrigation with reference to such localities as can be irrigated from living streams, and it has been largely my purpose and the object of my study to find some way by which we could bring about a greater development through taking the waters that now rush by drought-stricken sections of country unused and with such waters fertilize and fructify the greatest amount of soil, insuring greater production.

But it is all one subject and the branch of it that is now before you, that of development and use of the underflow, is one of importance and interest. It gives me great pleasure to be here, and it will give me still greater pleasure to hear and learn from those who have given the matter close study. I am as anxious that we obtain control of that mysterious element, the underflow, and bring it to the surface to irrigate the plains remote from streams, as I am that we shall take the flowing water from the streams and utilize it in fertilization.

Now, here we are; a nation far advanced. One, we believe, as great as any in the world, and we have not as yet, been obliged to depend very largely upon irrigation, because nature has furnished so large a proportion of our country upon which we annually receive sufficient rainfall.

But it is well to remember that irrigation is liable to soon affect us all, directly or indirectly. It is a subject as old as time; in fact agriculture itself is only coexistent with irrigation. One-half of all the world depends at the present time upon the artifical application of water for production of crops, and as we grow and extend, and increase our landed possessions and population, we must depend more and more upon the effects of irrigation. If we are to make of this nation one greater than any other, it depends, I think, very largely upon efforts such as you are here making, for substantial aid in determining the value of our arid lands.

You seek, if I mistake not, the aid of the Government in a survey of the semiarid region; you ask that the General Government shall, from its great fund, use for its own benefit a portion of its revenue in making a survey to determine where this underflow water is located, where it can be taken from, and where it can be best applied. From the two or three bills now before Congress and from conversations with some of your members, I assume this to be the work you have in hand.

You will find, of course, as you proceed with the work, many objectors—the world can not move without objectors. But they simply incite the ardor of others, who believe that the world does and should move. It is unnecessary to discuss the right and justice of the proposition for this survey. Every principle of right and justice suggests that the Government should be most liberal in its appropriations to aid you in this work. It is simply a question of how to proceed to bring about the consent of Congress and secure the approval of the Executive. I wish I could say of some one of the bills now before Congress that to obtain a vote would be to accomplish a law—but candor compels me to say that it will probably require continued and vigorous effort before you will obtain the assistance for which you pray. You have right on your side, and, in my judgment, no constitutional impediment in your pathway, but no doubt men will rise in their places in both Houses of Congress to misquote or misinterpret the Constitution—that much-abused instrument sometimes used, as an old violin, upon which to play any tune in the humor of the performer.

Time will be consumed to show that it is paternalism, and that it is unconstitutional to use the Government's money in this way, applying it to the improvement and betterment of lands which are largely in the hands of private owners, etc., yet men who make these arguments will probably vote "aye" upon a bill to appropriate $10,000,000 or $20,000,000 for the improvement of rivers and harbors, and will use revenue largely contributed by us in the interior, to uses entirely in the interest of Coast States and then deny us their vote for appropriations to care for our waters on the surface and under the surface in this section of the country.

But it seems to me that if you take this matter up right—take it up earnestly, putting it upon broad grounds to begin with—not that you desire these surveys to be upon Tom, Dick, and Harry's land, but that you ask the United States to make these surveys throughout this particular country upon the lands largely the property of the United States, located in the semiarid region, which by right should be made ready for settlers, you can hardly fail. Put it upon the grounds that the Government should always be impartial with its citizens; remind them how many thousands—yes, millions—of people have found homes upon the public domain, when the lands were fertile.

It has long been recognized as the right of every citizen to take from the public domain a homestead, and until lately a preemption claim in addition upon payment of a certain sum of money. The great mass of people who have heretofore had the advantage of homestead and preemption laws have taken land so good that it simply required the tickling of the soil with the plow or spade to bring forth in one year a crop, oftentimes sufficient in value to pay the entire expense of settlement. Such settlers have had the benefit of those good lands which to-day are worth from $10 to $50 per acre. The Government recognizes the fact that it has given to these earlier settlers nothing but their rights. Now, turn, if you please, to those who have settled later in Western Kansas and Western Nebraska, and ask the Government to consider existing conditions. Here we find cases by the score—yes, by the hundreds and thousands—where men equally deserving have settled upon lands, worth less perhaps than on the day they settled, where they are eking out a bare existence, or perhaps have even been obliged to leave their lands and get employment elsewhere to earn a living. All this on account of the great inequality between their legacies and those of their more fortunate brethren, who settled earlier outside the arid belt.

One has received land of great value, the other, equally deserving, has lands which are practically valueless. The Government can not shirk its responsibility. It put the same price and restrictions upon the acquisition of arid lands as upon the fertile lands of the Missouri and Mississippi Valleys. It is right and just that we should be put upon the same level and condition with those more fortunate settlers. The fact that we were born a year later, or that we emigrated two years later, should not take from the value of our legacy, and our rights should not be sacrificed because we remained longer East with our aged parents. We should be put as nearly as possible upon an equality.

When you ask the Government to do this, it is policy to ask it to assist itself. It is policy to ask simply the incidental benefits for settlers already located. It is a business proposition for the Government to make its own land more valuable and to provide in some way, so that settlers upon the public domain can be successful agriculturists, producing their part of the nation's wealth.

You have to deal, in securing legislation, with the people of the East and the middle West. You will have to deal with many kinds of people; with the class who always look backward; the class who never look anywhere; and with those who only look down their own chimneys and dooryards. There are those who look selfishly after their own interests only, but there are others who look forward and for the good of the whole nation. Some look in their old geographies, where all this country appears a vast waste—an unexplored desert—and they petition Congress that no money be spent within the arid regions; they wish us to do nothing further, fearing it will bring about disastrous competition for them, and because, as they put it, it will take money which they have earned and paid and appropriate it for our use.

Of course, no argument need be wasted on this class of objectors. We class such objection as rubbish—the productions of dwarfed intellects. The question at issue must be tied up and associated with that of the public lands of our Government throughout; it must be associated with the arid lands further west as well as here, and it must be connected with the general subject of irrigation in order to be successful.

Now, I believe you will find in Congress representatives of other localities ready to vote for you and with you, and ready to champion your cause, and you in turn should be willing to afford them the relief which they are asking for other arid sections.

The forests, which form practically great natural water reservoirs, should of right be protected and preserved against the havoc that is annually going on. Probably 95 per cent to 97 per cent of the consumption of the great forests goes up in smoke as a result of forest fires, the other 3 per cent to 5 per cent only being used for wood and lumber. The people are asking that the forests shall be preserved.

There are others who ask that there be some effort made to collect and detain in reservoirs the surplus water which falls in rain or snow in the higher lands, in order that it be made available and useful for irrigation in the growing season, instead of going to waste in those torrents which sometimes rush down and spread devastation in the lower southern regions at certain seasons of the year. In the region wholly arid where large streams of water are running to waste, the Government should do something to utilize the surplusage, but if any of you have been led to believe that people living in States and Territories situated higher and nearer the heads of streams are proposing to act regardless of your wishes, you have been misinformed.

We simply ask of the Government either to move on, or step aside and let us move on. You in the semiarid region ask that the Government shall make its past promises good, and that it shall do itself credit and honor by being fair and just to you in assisting to solve this problem. Let us strive to work together; to work with force; to make it a matter nonpolitical, but a matter of importance in every political party. And in every election that occurs we must insist that the men who represent us in Congress shall be pledged to the relief of this arid and semiarid region.

We have got to go farther, if you will permit me to say so, and resolve that when our delegates go to the next national convention, in whatever name they go and for whatever party, they shall not sit supinely by and let the East nominate a President who never has been west of his own bailiwick. I do not wish to be understood as inveighing against President Cleveland, the present occupant of the White House; far from it. It may be true that Grover Cleveland had never been west of Buffalo when he was nominated for President of the United States, and it may also be true that while serving as our Chief Executive for four years and in all the four years afterward, while planning for another term, it did not suit his purpose to come further west than the western bank of the Missouri River, but it is not altogether his fault; it is the fault of the people.

They knew when they nominated him that he was not conversant with the West and its interests. They knew, furthermore, when they nominated him the second time that he was not yet acquainted with our Western desires and needs. The West is sure to become, in fact has already become, an important factor in this Government, and I say to you that I believe our next Chief Executive should be chosen from some Western State, where agriculture is the leading feature of the lives and industries of the people.

I do not encroach upon party politics, parties or party lines, when I say that bills of importance now before Congress show as plainly upon their face as it is possible for written words to show that the West and her interests, and agriculture in general, are not properly protected. We want men interested in agriculture and Western interests, not only in Congress, but we want an Executive and a Cabinet made up of able men, who can sympathize equally with Eastern and Western interests, so that the products of our mines and soil shall not be considered of so little importance that they are relegated to the rear in all legislative deliberations.

We want men who deem the manufactories of the East of no more importance than the mines and the farms of the West. There is no antagonism existing between the East and the West that can not be overcome. The East looks out for its own interests, and expects us, my dear friends, to look out for ours. The time is ripe, and more than ripe, for the West to make its stand and assert its rights in that spirit of kindness which should always exist between neighbors, and so state our wants and represent our interests as to force from the East an equal consideration in the affairs of the nation.

Here is a group of States, important so far as the present is concerned, and preeminently most important in considering the future, a group of States that has never enjoyed the benefits of a dollar, not even one dollar, of all the vast sums of money appropriated by Congress for rivers and harbors, now asking for a mere pittance for water development in the West, and the amount you have asked for, for this survey, is a mere bagatelle. The nation could put in, not only $500,000, but a round million, to good advantage, and sweep aside, as unworthy of consideration, all objections urged against paternalism and unconstitutionality.

Go into court and listen to a case that is upon trial; you hear the learned counsel upon one side, and come to the conclusion that he is right; then you hear the celebrated opponent upon the opposite side; you hear him brush away the arguments opposed to his view and then he seems right. You wonder what the judge is going to do. The judge takes the case under advisement and delivers his opinion. He states that John is right in such and such points—that on some constitutional ground, perhaps, he is in the right—and then he takes up Peter's side and shows wherein he also might be right in his views of the case; but finally the judge gets down to bottom facts and puts the whole case upon the broad ground *pro bono publico*. Whatever may be the meshes and uncertainties of the law, it is for the public good,

and the ruling of the judge is made to conform to this great principle. Now, I believe that after a proper presentation of your case you will receive from the nation a favorable verdict.

When I came to Omaha twenty-six years ago it was said there was a pretty good country out as far west as 30 miles from here—that they could raise corn as far west as Fremont, but that beyond it was all a desert. Now two or three hundred miles west of here we have a corn-producing country unsurpassed by any in the world, and this brings to mind a theme.

Sometimes we meet men who claim that the natural reclamation of the arid region is simply a matter of a little time, and that further settlement will change the soil and the climatic conditions just as it has done in Eastern Kansas and Nebraska. I suggest, therefore, that you prepare your arguments with reference to this phase of the question and be able to present facts to show why the semiarid and arid region, under discussion, will not yield to cultivation without irrigation.

Oftentimes men whom you consider educated and enlightened on general topics will overlook the fact that the evaporation in our altitude renders it impossible for us to expect an extension of the rain belt further west. In addition to your other arguments, make this point as strong as possible.

In conclusion, be assured that if I know the people with whom I dwell, you will have the heartiest coöperation of those who live west of you in your efforts.

God speed you, and good luck be with your projects.

Mr. MERCER. I ask leave to supplement these remarks with data which I will not now read, but send to Clerk's desk for insertion in the RECORD.

There was no objection.

The data referred to were the resolutions of the Omaha convention and the speech of Senator Warren.

Mr. SAYERS. I now yield five minutes to the gentleman from Nebraska [Mr. KEM].

Mr. KEM. Mr. Speaker, the question that this committee is now discussing is one of the greatest questions that Congress has ever been called upon to consider. We are to day face to face with this problem, and it is one that we have got to solve whether we wish to or not, because the logic of events is driving it fast upon us.

I regret very much that we could not secure two, or three, or four days to discuss this all-important question as its importance demands. But that seems to be impossible, and I simply avail myself of this opportunity to say a few words and then will, if permitted, extend my remarks in the RECORD.

I am not opposed to the proposition before us in this appropriation bill; but I want to say that it will not solve this irrigation problem. I believe it is a step in the right direction only in so far as it brings the matter up for discussion, and to some extent educates the people of the United States.

CRYING NEED OF IMMEDIATE ACTION.

The supreme importance, the crying need of irrigation was never so keenly realized by the people of the West as it is to-day. An awful calamity has fallen on the people of the trans-Missouri corn belt. An extraordinary period of drought and hot winds has almost annihilated the great staple crop of that section.

Mr. Speaker, the people of the West are brave, hardy, and proud-spirited. Nevertheless, they are forced by the extreme necessities of the present to cry aloud for help in some form. Thousands and tens of thousands of them will be compelled to accept charity before another crop can be raised.

All these people ask, even in their hour of greatest need, is a chance to help themselves. They ask only a temporary loan of the Government's strength and resources to enable them to establish a system of irrigation that will make them independent of climatic extremes in the future. In view of the facts as they exist to day, the indifference of Congress on this subject seems astonishing and well-nigh criminal.

When the bankers and stock-gamblers of Wall street call for help to save them from the effects of their own nefarious schemes the Government responds with unseemly haste. But when millions of wealth producers in the West are brought face to face with ruin through no fault of theirs, the Government is deaf to their appeals. If this Congress were in close touch and sympathy with the toiling masses, no adjournment would occur till some plan were adopted by which the people of the West could go to work at once constructing works of irrigation, thereby earning something to tide them over, and at the same time protecting themselves against like calamities in the future.

The irrigation of arid lands is as old as history, and began with the intelligent cultivation of the soil by man. Upon it always depended the welfare and happiness of the human race. Upon it empires have been built, and the fate of dynasties hung. There was no greater factor for good in past ages, and there is none greater now. It is daily becoming more important, especially to the people of this country, and the destiny of millions of American citizens to-day rests on the proper solution of the irrigation problem in the United States. Notwithstanding this, I venture to say that there are few questions about which the people know so little or this body is more ignorant.

Recognizing the importance of this question, I have from time to time endeavored to arouse interest enough among the members of the House to secure some practical results in the way of legislation, something more than the little preliminary surveying which has been conceded in a half-hearted manner in years past as a sort of sop to Western members. Of course this work is valuable and well enough as far as it goes, but unless it is followed up by liberal and intelligent action on a broader plan, embracing the entire arid region, it will amount to nothing, neither furnish bread to the hungry nor homes to the homeless. I trust this discussion will result in something more than simply "playing horse."

The Western people will not be satisfied longer with petty appropriations of a few thousand dollars to make preliminary surveys. What we want, and what justice demands, is a practical system of irrigation. Nothing short of this will suffice, and Congress is the only power that can give us a system which will meet all the exigencies of the case.

MAGNITUDE OF THE PROBLEM.

As I have already remarked, but few have studied the matter sufficiently to comprehend the magnitude of the proposition to irrigate the arid lands of the United States. As at least a partial understanding of this is necessary in order to realize the need of Government action, I desire to call the attention of the House to the following facts:

Nearly one half the total area of the United States lies in the arid and subhumid district, all of which needs irrigation for successful agriculture. The district is composed of the following seventeen States and Territories: North Dakota, South Dakota, Nebraska, Kansas, Indian Territory, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Nevada, Arizona, Washington, Oregon, and California. Narrow strips on the eastern and western borders of this great district are well watered naturally. Contiguous to these strips are considerable tracts that are classed as subhumid. The rainfall in these tracts is often sufficient to produce good crops, but it can not be depended on year after year. This subhumid region includes about half of the Dakotas, Nebraska, Kansas, Indian Territory, and Texas.

This arid and subhumid region contains about 2,000,000 square miles of territory, or 1,280,000,000 acres, 100,000,000 acres of which may be irrigated in time. This at a fair estimate gives ample room for 1,250,000 rural homes, sheltering an agricultural population of 6,250,000. Along with these will come other millions to engage in various trades and professions. Just as irrigation spreads out over this vast region will it become populated and brought within the pale of a higher civilization.

Just as the supply of water which is daily running to waste on its way to the sea, is gathered up and utilized in irrigation, the farmers will reach out and take possession of the fertile plains and valleys, the forests that cover the mountain sides will be utilized, and the mountains will surrender the stored wealth of ages. It is estimated by high authority that the full development of this mountainous region alone would create a market equal to that of all Europe. In short, the possibilities of this country under a proper system of irrigation can not be computed by the mind of man.

This vast region offers the opportunity and the raw materials for almost every occupation known to mankind. It produces the cotton and tropical fruits of the Sunny South, the cereals, vegetables and hardy fruits of the North.

On its eastern and western slopes are great tracts of fertile plains the settlement of which has only well begun. Throughout the entire mountain region are innumerable valleys, whose soil of unsurpassed richness is unbroken by the plow of the husbandman. On the mountain sides are vast forests of valuable timber, in which the ring of the woodman's ax has not been heard. Within the strong recesses of the mountains an almost inexhaustible supply of all the principal minerals of the planet lie untouched. I believe, Mr. Speaker, I am justified in saying that nowhere on the globe is there a country, virtually unoccupied as this is, which offers such varied and abundant opportunities as that part of the United States lying west of the ninety-seventh meridian. And all these opportunities are open to man on one condition only—proper irrigation.

A PERFECT SYSTEM.

It is not difficult to see, Mr. Speaker, the importance of establishing as perfect a system as man is capable of devising, a system in which all the natural rights of the citizen shall be secure regardless of his station in life or the location of his habitation. In my opinion this can only be done by nationalizing the system and placing the distribution of the water under control of Federal law that shall apply throughout the entire arid region alike. I do not suppose for a moment that this suggestion will meet the approval of a majority of this Congress, for I have long since discovered that it is built on the way-back plan, and belongs to the ages that were.

But I have great hope that Congress may soon be modernized, when it will be able to meet the requirements of the people, by keeping abreast with civilization. Without irrigation this region can never be settled, and its civilization must and will

dwindle. Not only the welfare but the absolute existence of unborn millions rests wholly upon the success with which this irrigation problem is worked out.

NOT SECTIONAL.

Now, I desire to say, before some gentleman from New England charges this with being a sectional measure, that it is not sectional in any true sense. It should be as much the concern of the member from Maine or Massachusetts as from Nebraska or Colorado, and it will be if he is a statesman instead of a politician. There has already been too much sectional feeling displayed upon this floor for partisan purposes, and I hope for the good of our country it may cease and every member view each measure in the light of its effect upon the nation.

I think there ought to be no question about a measure being national when it affects directly millions of our citizens and reaches over seventeen different States and Territories, as this does. It affects not only our own people directly, but it affects equally, though not so directly perhaps, the people of the East, for it solves, in a measure at least, another grave problem, namely, What shall be done with the surplus of humanity which is accumulating as it never did before? Upon the proper solution of the one depends largely the solution of the other. Heretofore in all history westward the course of empire has steadily taken its way.

As the East became filled up and homes more difficult to secure, man has sought an opening in the West and never sought in vain; for there has always been an outlet for the crowded East in the great and fertile West where the man from Maine or Massachusetts might go and, with only brains and muscle as capital, build himself a home. This was comparatively an easy task in all that portion of the West embraced in the humid regions where the copious showers from heaven were distributed evenly over the earth, watering the soil without cost to the husbandman.

But suddenly we find this all changed. The outlet is closed, and the cheap homes of a few years ago are a thing of the past. Nevertheless millions of acres of just as fertile soil as any now occupied are waiting possessors ready to yield up the stored wealth of centuries. But irrigation is the only key that will unlock this storehouse of richness, which is just as necessary to the man in the East as in the West. Unless this Western outlet is kept open, where will the surplus of the East go, and what will become of them? Verily, this is a national question.

PRINCIPLE INVOLVED.

I desire before proceeding further to notice briefly the principle involved in this proposition, recognizing that, before Congress will agree to anything of the sort, it must be convinced that the principle is a true one.

I believe, Mr. Speaker, the principle of Government control to be both true and safe. I believe it is the only solution of many problems with which we are confronted at this time. The rights of one should be the concern of all. It is the duty of the National Government to step in at any time and protect the rights of the citizens as individuals, or collectively as a State.

When the rights of the citizens of one State are jeapordized by the conduct of the citizens of another State, then it becomes the duty of the General Government to act. Every great public improvement which is not confined to one State should be taken charge of and controlled by the General Government. Matters pertaining to the welfare of the citizens of two or more States and governed by the different laws of their respective States are always a fruitful source of evil in pecuniary loss by clash of interests.

One general law should govern all such interests, regardless of State lines. In short, the principle involved is this: National control of all matters which are not strictly local in their nature and effect, such as railway, telegraph, and telephone lines, finance and irrigation. The application of this principle would save to the people millions that otherwise go into the pockets of private individuals as profits on fictitious capital, commonly known as "watered stock." We should abolish the present system, by which private corporations control these great public necessities and build up colossal fortunes for a few by robbing the many. These necessities should be controlled by one gigantic corporation, composed of the whole people.

I believe, Mr. Speaker, in that sort of trust in which every one shares the profits. This method would yield the greatest benefits at the least cost. All the advantages which a large business has over a small one would accrue to the people, and the cost of service would be reduced to a minimum. Under national control employés would be paid such fair and regular wages that strikes and labor troubles would entirely cease.

The work of redeeming these arid wastes through a system of irrigation is more gigantic and fraught with greater good to humanity than any work ever undertaken in this country. It is so colossal both in size and benefits that the mind of man can scarcely comprehend it, and no power on earth can successfully grapple with it, except that of the whole people combined operating through the National Government. But this power can solve the problem successfully, cause this desert to blossom as the rose, and dot its hillsides and valleys with prosperous, happy homes.

There is no question about the Government's ability to do this, but will it? I fear not, Mr. Speaker, until Congress comprehends to a greater degree than it does now the size and necessity of the undertaking, and changes its opinion of the proper relations that should exist between the Government and the people. I trust the time is near when these views will be changed by study, or the personnel of this body may be changed by the ballot.

Mr. Speaker, this arid region, embracing seventeen different States and Territories, exists as a great whole regardless of the arbitrary lines between political divisions, and it must be treated as such.

PRIVATE ENTERPRISE.

If the work of reclaiming these arid lands is left to private enterprise it will only be accomplished in spots, here and there, where the water is most available. The vested rights of those private parties who first enter the field will interfere with the rights of those who may come after. The work will be done under seventeen different sets of laws in as many different States. As a result of this a large amount of irrigable land will remain in a wild state. Endless litigation will follow. The water supply will pass into the control of syndicates. The farmer will be robbed, as is always the case when his necessities are controlled by others. And the final outcome of the whole business will be that the husbandman will become a tenant on his own land, while he turns over to the attorney and water owner everything he makes for the privilege of eking out a miserable existence in his own home.

These may seem strong words, Mr. Speaker, but I assure you they are not idle ones. I have watched the process of home destruction from like causes as it has gone forward year after year, and I speak advisedly. This ought not to continue. This Congress has the power to take the initiative step to prevent this state of affairs and inaugurate an era in which the home builder will be the home owner. Will you do it? You can not begin the work of reclaiming these lands a moment too soon. In fact, it should have begun long since.

JUSTICE TO THE SETTLERS.

This Government owes it to the thousands it has deceived to begin the work at once, and by irrigation make that country what the settler had the right to believe it was when, fifteen or twenty years ago, he entered it under the alluring enticements of the homestead and preëmption laws, to find after years of dreadful experience that he had been deceived. What the Government had led him to believe was a country with sufficient rainfall, he learned to his sorrow can be depended upon for a crop only at intervals. I say the Government deceived these people by failing to make a proper division of the country. Millions of acres of these western lands were opened to settlement under the provisions of the homestead and preëmption laws that should have been opened under the desert land act. If this had been done no one would have been deceived, and these people would not have lost their all in a hopeless fight against fate.

Scattered all over the Eastern slope of this vast Empire are thousands of as fair women and brave men as the sun ever shone upon, whose honesty, integrity, frugality, and industry are unsurpassed the world over. Thousands of them have been bravely fighting a hopeless battle for years in their endeavor to build up homes where there is not sufficient moisture to enable them to produce crops with certainty. Many of these, after exhausting their little all, destitute and heart-sick, are drifting back to the already crowded East where they come in direct competition with the millions who now are struggling for bread, thus making the lot of both more miserable.

Common justice to these people demands that the Government take hold of this matter and, so far as possible, make this country what it said it was when these people entered it. More than $300,000,000 have the settlers of this region paid into the National Treasury for these lands. One-third of this amount will suffice to carry this work of irrigation to a point where it will be self-supporting and not cost the Government a cent. Now is the accepted time for this Congress to begin the work of rescuing this country and people from the blast of hot winds and the curse of railroad monopoly.

PRECEDENTS AND THE CONSTITUTION.

Two of the greatest enemies of reform in legislation are the precedent hunter and the constitutional objector. One can not

see to go forward because he is always looking backward for a precedent. The other can not advance because he fears he may trample on the Constitution. Therefore, knowing this measure must run the gauntlet of these two progress obstructors, I deem it proper to offer a few thoughts relative to them.

If a measure is proposed which seemingly encroaches somewhat upon old ideas, the man after precedents is sure to rise and want to know if there is a precedent for it. He at once begins to search among the musty files of past ages to learn if at any time in the dim savage past any of our barbarous ancestors did the same thing. If he finds that they did, the proposition is all right; but woe unto it if he fails to find a precedent.

Now, Mr. Speaker, it would be difficult to cite precedents for government control of irrigation from the time of the Pharaohs down to the present time. The principle is as old as government itself, but I shall not cumber the record with citations, for I do not care, neither do I believe the people care, whether a thing we propose to do now has ever been done before or not. The only question should be: Is it right, is it feasible, is it an improvement on the old? If these questions are answered affirmatively, it is our duty to push it to success.

The man who is always searching for precedents is not the man of progress. He simply stands rooted in the foot-prints of his ancestors with his face turned to the past. Progress means getting away from the past. The progressive man is the one who has stepped out of his father's footprints, and, with his face to the future, digs into its mysteries for the hidden truths always lying there awaiting to bless mankind just as soon and often as prejudices for the past can be overcome. The man who does not advance beyond where his father stood had just as well never have been born so far as any benefit he may be to humanity, for though he were to live a thousand years, he would leave the human race just where his father left it.

To think different thoughts from what our fathers thought, to do different deeds from what our fathers did, to discover truths our fathers never dreamed of—this is progress, and without it there can be no advancement.

The precedent hunter is a back number, stale and mossgrown, standing in the shade of the glory which belongs to dead ages. Afraid of the bright light of a higher civilization, he endeavors to prevent others from entering it by his persistent demands for precedents.

What is true of the individual singly is true of him collectively as a nation. Therefore let us cease this overzealous search for precedents. Let us search for the truth and act on the merits of every measure, regardless of what our ancestors may have done or thought.

If a reform measure escapes the precedent hunter, it is sure to be run down by the constitutional constructionist, who always stands ready to hurl the Constitution in the way of all progress. He has been at it from the foundation of the Government, and I presume he will keep at it till the end of time, for he seems never to learn anything.

Mr. Speaker, I have as high regard for the organic law of my country as I think should be required of any man, but I do not place an iron-clad construction upon it, as did the Jews upon their law, which visited the penalty of death upon one found gathering faggots on the Sabbath Day. The Constitution was made for man and not man for the Constitution. It is the creature of the people, made to give them greater liberties and benefits. If time has proved it not sufficiently elastic to permit the people to reach outward and upward in improvement and reform, then a little more elasticity should be injected into it, either by the construction of the courts, or by proper amendments. Nothing must stand in the way of our progress, not even the Constitution.

The fathers wisely provided the means by which this instrument could keep pace with reform ideas and principles. It ever has done so despite the objections of the strict constructionist, and it ever will, for the creator is mightier than the creature. History shows us that every step of progress made by humanity toward a higher civilization in either church or state has been made in the face of determined opposition by the precedent hunter and the strict constitutional constructionist. They are the barnacles which fasten themselves on the keel of the ship of state, from which they must occasionally be scraped to enable her to move forward at all.

To my mind, Mr. Speaker, there are no constitutional difficulties in the way of the present proposition. They have all been removed by the action of the Government itself in the construction of the national road years ago, the building of levees on the Lower Mississippi to prevent overflow of lands, and many other internal improvements. But if there be any doubts in the matter, I think this a good time to run the ship into the dry dock and give her bottom a thorough scraping. She will sail all the smoother for it in the future.

OUTLINE OF PLAN.

Mr. Speaker, I desire now to outline briefly the plan of Government irrigation which I have in mind. I shall not enter into the details of such a plan, for these can only be perfected as the work proceeds. We will undoubtedly learn a great many things by practical operation which we do not know now; but we do know enough to begin, and in this case, as in most others, a good beginning is half the work.

In my opinion this Congress should at once establish an irrigation bureau under the Agricultural Department with a competent chief at its head, whose duty it should be to have sole charge of irrigation in the United States. He should be allowed all the help necessary to push the work. This bureau should be made permanent, for it will take many years to complete the work. Then under the supervision of this bureau the army officers, in order to make first cost as light as possible, should be put to work making a systematic survey of this whole region. The bureau should (1) ascertain the amount of water available under the different plans of obtaining water in the different watersheds; (2) the cost of ditches and reservoirs for collecting and storing the water during the season when it is not needed until the season of crop growing; (3) the amount of irrigable land.

This work should begin first in the more thickly settled portions of the territory to be irrigated in order to give speedy relief to those who have been struggling against drought and hot winds for years. As fast as finished in these portions, the work should be pushed into the wilderness, preparing the way for the civilization that will follow fast in its wake.

The drainage of this country, as in all others, consists of various basins or watersheds, each of which is drained by a certain stream or streams. For instance, in my district there is a section of country drained by the Platte and its tributaries. This is one watershed.

Another section is drained by the Loup Rivers and their tributaries; another by the Elkhorn; another by the Niobrara, and so on. Each one of these basins forms a natural basis for a system of irrigation. Each basin has its own water supply. Nature has established the lines regardless of any arbitrary boundaries established by man. This fact alone shows the problem to be interstate, therefore national. Hence the entire system must be operated regardless of State lines; otherwise the laws of Wyoming or Colorado might shut off the water supply of the citizens of Nebraska, and so on throughout the whole district.

When the surveys are begun in one or more basins, as may be thought best, the work in each should be completed, ready for the work of construction to begin before the survey in a new basin is taken up. As soon as the survey in any basin is complete the work of excavating should begin, and the water of the entire basin available for irrigation or manufacturing purposes should be made applicable before the parties having the work in charge are permitted to enter a new field. In this way we shall have each system complete in itself, and, although it may lie in one or more States, the equal rights of all residents of the same basin will be secured regardless of whether they reside in one State or a half dozen States. The Government will begin to derive revenue from this source just as soon as one system is complete, thus making the work self-supporting almost from the beginning.

I want it distinctly understood, Mr. Speaker, that my people are not asking something for nothing. We simply ask that the nation shall do for us that which is so essential to our welfare, and that which is impossible for us to do in a proper manner for ourselves, and give us proper time in which to reimburse the Government for all it expends. We ask this in the belief that it is the duty of the Government to do for its citizens what they individually or in small groups can not do for themselves.

We ask for no paternal gifts of any kind from this Government. What we ask for is fraternal help to aid us in surmounting difficulties we can not surmount alone. Neither are we proposing any Pacific Railroad "confidence" or subsidy "skin games" of any sort to fleece the people of millions. We propose that the people already in this country and those to follow, shall pay for all of the direct benefits derived from this system of irrigation, and no citizen be robbed of a dollar, while all will be greatly benefited. This can be accomplished by the Government retaining control of all water rights and charging each user of water a small annual water rental no larger than just sufficient to reimburse the Government in a reasonable period, say thirty or forty years, for money expended.

The object is to make the burdens of the settler in a new country just as light as possible consistent with safety to the Government. This would be an absolutely safe undertaking for both. Not only would the Government be absolutely sure of getting back all moneys expended, but it would be the most mag-

nificent investment ever made by a government. It would not only add millions of citizens to our population, but citizens with homes, therefore contented, loyal, patriotic citizens, ready, if need be, to defend their flag and country; for in so doing they would be defending their homes.

Every home owner has a pecuniary interest in the Government. He feels that he is part and parcel of it. Each home is a tower of national defence. The more home owners we have the stronger we are. Therefore it should be the desire of every statesman to enact laws which will make it easy for the citizen to own his own home, for so long as we are a nation of home owners this Government is invincible. Make the people tenants by vicious legislation, or for want of legislation, and you have made the Government an easy prey to foes within and foes without. Therefore, I say, that a greater inheritance than millions of home-owning, self-supporting, loyal citizens, can no Government have.

STATE CONTROL.

Mr. Speaker, there seems to be a disposition on the part of some to confine this irrigation problem, so far as the Government is concerned, to Government lands. It is proposed to cede these lands to the States and allow the States to assume full control of the matter. As a representative in part of a State in which the Government has no agricultural lands left, I protest against any such arrangement for various reasons, any one of which seems to me a sufficient objection.

First. The lands owned by the Government suitable for agriculture are but a small part of the arid region, and if all were irrigated the problem would yet be unsolved. In several of these States the Government has no lands left that are fit for agriculture, either with or without irrigation.

Second. If these lands are ceded to the States, it will result in jobs and steals through State Legislatures, as so often has happened heretofore, by which the water rights will pass into the control of combines, and the agriculturist will continue to be their victim.

Third. Each State can only control a small portion of the arid district. This, as already stated, will cause a conflict of interests between the citizens of the different States, and result in endless litigation and loss.

Fourth. It is an interstate question, therefore a national one, and the Federal power is the only power capable of dealing with it successfully in a way to secure to all citizens their just rights.

PACIFIC RAILROADS.

The settlement of the Western country began in earnest with the beginning of the construction of the Pacific Railroad, and this system of irrigation should have begun with the completion of that road. It is not necessary for me to enter into the details of that colossal steal. It is sufficient to say, it was one of the most gigantic thefts of the people's wealth by corporate power that has ever been quietly submitted to by a civilized nation.

But for the enlightenment of those who are so afraid the Government will become paternalistic under the seductive influences of Populist doctrine, I desire to point out a few facts in connection therewith.

These facts were taken from a report made by the United States Railway Commission appointed by President Cleveland in 1887, in compliance with a law passed the same year. That report shows that this Government, under the control of the Republican party, gave to the Pacific corporations, ostensibly for the purpose of aiding construction, public lands and interest-bearing bonds aggregating in round numbers $447,000,000 of the people's wealth. In addition to this fabulous sum, municipalities voted millions more to aid in the construction of these roads. Yet the most inflated estimate of the actual cost of construction could not exceed $100,000,000.

In other words this Government, which is fighting so shy of paternalism, built these roads, gave them to its favorite sons, the corporations, and in addition $347,000,000 to run them with, and allowed them to charge the people twice what they ought to for transportation. This robbery has gone steadily on. We have to date been taxed $72,000,000 to pay the interest on $64,000,000 of the road's indebtedness. This $64,000,000 of original indebtedness is still unpaid. The people will continue to be taxed to pay the accumulating interest, and in the end we will have to pay the principal, for the security is not worth the paper on which it is written.

The sum total of Government donations to the Pacific Railroad Companies, as already stated, amounts to $447,000,000, besides the municipal donations of millions more, and all for the privilege of being robbed in their transportation. In the face of all this, C. P. Huntington has had the gall to lobby this Congress for the right to continue this robbery for the next hundred years. This is the paternalism I detest, and the kind the Populists are organized to exterminate.

Mr. Speaker, the average citizen learns something by experience, and so ought governments. It remains to be seen whether this Government will, in the light of all this experience, learn wisdom, or whether it will go on in its folly, sowing the wind from which it can hope to harvest nothing but whirlwind. This folly of granting to private corporations subsidies to do the work the Government ought to do should cease. We ought to face square about, inaugurate a new policy of reconstruction and reform, recognizing in that policy the rights of no monopoly composed of a less number than the whole people.

Mr. Speaker, the time to have inaugurated this policy was when these roads were constructed. What a grand opening that was for the beginning in practice of "a government by the people, of the people, and for the people," by constructing these roads and running them in the interests of the whole people!

This magnificent empire at that time was an absolute wilderness, without a foot of railroad and with scarcely an inhabitant. What a splendid opportunity to have followed this railroad building up with a system of irrigation throughout the whole region!

What a great saving to the people it would have been in money, hardship, and misery! It would not have cost the Government a cent in the end, and the people would have received an equivalent for every dollar paid out. But it is useless to weep over the mistakes and sins of the past. I only refer to them as the once hidden rocks of monopoly upon which the hopes and fortunes of so many millions of worthy citizens have been wrecked, that we may, by keeping our eyes on the beacon light of experience, avoid them in future.

PATERNALISM.

Mr. Speaker, is a word that has been in great demand ever since the organization of the Populist party. It has been hurled at us upon every occasion with a vim and energy worthy of a better cause. We are accused of seeking to establish a paternal government. Why should we seek to establish something we already have in its very worst form? Paternalism is just what we are organized to destroy.

What is paternalism in Government? It is the favoritism of the Government towards a few of its citizens by which they are given special privileges, enabling them to control the necessities of the people and rob them. The Pacific Railroad case just cited is an example. This is the Government paternalism of an unjust parent pure and simple.

But I think it should be called infernalism, for really that is its nature. No more paternal infernalism, if you please. We have already had too much of that under Republican and Democratic rule. Our motto is: "Equal rights to all and special privileges to none;" and we hope to see the day soon when the present paternal form of government, which means the Government for the few and the devil take the balance, will be changed to a fraternal form, which means the good of all.

It is a little strange, Mr. Speaker, that these people who suddenly became so frightened at this word upon the advent of the Populist party, never got scared at it before. It is not a new word. It embodies no new principle. This Government, be it said to our shame and sorrow, has been practicing paternalism for many years, as I have already shown, and these people have had, not only all of these years, but all these reasons for becoming scared before. But for some reason they never became frightened until the people began to organize to crush it out and endeavor to establish in its stead the principle of fraternalism. Then they at once saw the danger (to their own pet schemes) and began to shout "paternalism," which is simply the cry of "Stop thief." They are endeavoring to shift their own sins onto the new organization, break it down, and thereby perpetuate themselves in power and continue the very principle they pretend to dread so much.

It is very clear to me that this cry originated with the politician who was afraid of losing his job. It was taken up by the great trusts and combines, the Government's favorite children, who by this paternal discrimination in their favor have been made masters of the people as completely as ever the slave-driver was master of the black man.

As a matter of course, when any proposition is made looking to Government control of these interests, these fellows become frightened, and use "paternalism" as a catchword to fool the people with. It is taken up by the plutocratic press and heralded through the land as something dreadful, and to be avoided as a pestilence. It is echoed and reechoed by the politician and the fellow who is so full of party prejudice that he can not see a truth outside of his own party, though it be as large as a haystack.

All they say is true of the kind of paternal government which we have in this country, as we well know to our sorrow by practical experience. But the fact that they do not seem able to get through their heads is that it is their own parties that are guilty, and not the Populists. If they are so afraid of paternal-

ism, let them help place the Populist party in control of the Government, and I assure them that it will be wiped out and replaced by fraternalism, which differs from it just as much as right differs from wrong.

The paternalism referred to here is that of the parent who gives to one of his children favors and opportunities he does not give to the others.

The principle of government is inherent in man, was born in him, and first appeared in the private family as paternal government. Out of this came patriarchal government through the banding together of the several families of a community for mutual benefit and protection, which they could not have as single families. This simply means a fraternal organization, the principle of which underlies all true government, and is that which we are contending for to-day.

Our Government was constituted by organizing all of the families of this great country into one fraternal organization known as the National Government. The relation that should exist between the Government and the people is not the same which exists between the parent and his helpless infant or a doting father and a favorite son, in which the father lavishes upon the son all the good things of life, while his brothers and sisters go hungry and ragged. The true relation is that existing between the members of a fraternal organization and its officers, the members contributing to the support of the organization according to their several abilities, the officers in turn enacting and executing the laws in such a way as to give protection to all alike.

EXAMPLES OF PATERNALISM.

Mr. Speaker, we have steadily grown away from the declaration of principles on which this Government was founded, and as steadily and surely grown into the very worst form of paternalism, of which I desire to give you a few more examples.

This change began in an early day by the Government giving away large grants of the people's property, known as swamp lands, to individuals and combines on the most frivolous pretexts.

This was followed by giving away franchises of different kinds worth millions to railroad and other corporations, a flagrant example of which is seen in the Pacific railroad deal already cited.

In addition to this the Government has practiced an equally bad form of paternalism in taxing all the people, regardless of their ability to pay, for the benefit of the favored few. In the early history of this Government a small tariff tax was placed on certain articles shipped into our ports from foreign lands, in order, by raising the price of them, to induce their manufacture in this country. This was done with the distinct understanding that said tariffs should only remain in force long enough for the home manufacturer to establish his business, when it should cease.

But as the lion, when he has tasted blood and learned how good it is, thirsts for more, so from that day to this the protected manufacturer has never ceased to beat at the doors of this Capitol, clamoring for more tariff, under which he has grown fat, sleek, and strong, while the masses have paid the bills and grown poor. When, because of the magnificent proportions to which he had grown, he could no longer plead the baby act, then he hid behind the laboring man and plead for protection to American labor against the pauper labor of Europe. But he has never neglected an opportunity to bring into this country this same pauper labor by the shipload to compete with the American laborer in his own dooryard.

This favorite child of the Government succeeded in making this beautiful theory work so well that the tariffs have steadily grown higher and higher, while he has grown fatter, sleeker, and stronger, until it has culminated under the McKinley bill in the highest tariff and the richest manufacturers the world ever saw, while millions of men and women are out of employment, and thousands of the enforced idle are organized into armies marching across the country seeking relief. This is paternalism in its worst form, but you can not get one of its beneficiaries to call it by that name, oh, no!

One more sample of this miserable paternalism, and I am done with this phase of my subject.

If there is one policy of this Government more thoroughly saturated than any other with paternalism that is absolutely vicious in its nature it is its financial policy. The poverty, want, misery, and crime resulting therefrom is absolutely beyond the mind of man to compute or imagine.

All through it we can see the finger-marks of the English parent who robs all his younger children to give to the oldest, so that the one may revel in luxury, though it beggars the rest to do it.

Under this policy the right to control the volume of our currency has been placed in the hands of a few of the Government's pets. By the granting of this special privilege the happiness and welfare of the millions were placed under control of heartless corporations, whose sole motive power is avarice. It is this money combine which has the Government by the throat to-day with the power to crush it the moment it fails to do the bidding of Wall street. Under this power we have the disgusting spectacle of seeing the Executive of the Nation hopping like a jumping jack at every pull of the string, and talking of the patriotism of the fellows who compose this combine, when everyone knows or ought to know that there is not now, nor ever was, a drop of patriotic blood in their veins.

History fails to show a single instance, even in the Government's darkest hour, when these fellows came to the nation's rescue or made any display of patriotism, except under circumstances which would yield them the largest dividends in return. It was this same money power that changed the terms of the bond payment, destroyed the greenback, passed the credit-strengthening act, demonetized silver in 1873, repealed the Sherman act in 1893, vetoed the seigniorage bill, and issued a new lot of bonds. It has steadily contracted the volume of the currency to one-half the amount necessary to do a sufficient amount of business to meet the requirements of our people. This has resulted in the loss of millions of dollars and thousands of homes to the wealth-makers. It has created paupers on the one hand and millionaires on the other.

I might cite many other examples of the paternalism with which our people have been cursed, but these will suffice to show how the Government has given to a few of her favored sons special privileges by which they have the people in their power as absolutely as the highwayman has his victim, and can rob them with greater dispatch and absolute safety.

Mr. Speaker, this is the sort of paternalism that has destroyed every Government which has gone down in history, and it will destroy this one if persisted in. This seems to me to be a good time to begin to check it, and I know of no better opening than in this matter of irrigating the great West. We can not begin a day too soon to head off, not the land-grabber, but the water-grabber, for the fellow who gets control of the water supply is absolute monarch of all he surveys.

THE PRESENT SITUATION.

But, Mr. Speaker, as above stated, I have no hope of getting any relief from Congress as now constituted. It is almost impossible to get even a hearing on this matter, to say nothing of action that will accomplish the work. Thousands of dollars are appropriated for monuments to dead men, thousands for firing the sun-down gun, millions to build cannons so large that it costs hundreds of dollars to fire them once, and millions more for the general interests of the East; but not one cent for irrigation, the West's greatest interest, although we are more than willing to repay it.

In conclusion, I will say that I have endeavored to arouse the interest in this body which the importance of the proposition demands, and whether I will succeed or not, I will have the satisfaction of knowing I have done my duty.

Mr. SAYERS. I yield three minutes to the gentleman from California [Mr. CAMINETTI].

[Mr. CAMINETTI addressed the House. See Appendix.]

Mr. SAYERS. Mr. Speaker, as no other gentleman, I believe, wishes to speak on this question, and as we can not take a vote this evening, I will ask, as it is now nearly 5 o'clock, that the usual recess be now taken.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COBB of Alabama, for one day, on account of sickness.

To Mr. WOODARD, for two days, on account of sickness in his family.

To Mr. RANDALL, indefinitely, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. ELLIS of Oregon, by unanimous consent, obtained leave to withdraw from the files of the House of the Fifty-second Congress, without leaving copies, papers in the case of Alfred Rebsamin.

Mr. SAYERS. I ask unanimous consent that the recess be now taken.

The SPEAKER. If there be no objection, the House will now take its usual recess of Friday evening, without waiting until 5 o'clock.

There was no objection.

The SPEAKER. The gentleman from Indiana [Mr. BROOKSHIRE] will perform the duties of the chair at the evening session.

The House (at 4 o'clock and 58 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. BROOKSHIRE, as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The House is now in session for the consideration of business under the special rule for Friday evening sessions.

Mr. MARTIN of Indiana. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the purpose of considering bills specified in the rule.

The question was taken, and on a division (demanded by Mr. TALBERT of South Carolina) there were—ayes 20, noes 2.

Mr. KILGORE. Mr. Speaker, I do not think we have enough people to work to-night; and I will have to make the point of no quorum, at least for awhile, to see how many are here.

Mr. MARTIN of Indiana. Oh, no; I hope not. This is the first pleasant evening we have had; let us go on and do some work.

Mr. KILGORE. Oh, there are no members here yet.

The SPEAKER *pro tempore*. The point of order being made, the Chair will appoint tellers.

Mr. KILGORE and Mr. MARTIN of Indiana were appointed tellers.

The House again divided, and the tellers reported—ayes 34, noes 1.

Mr. PICKLER. Is the point of no quorum withdrawn?

The SPEAKER *pro tempore*. The Chair understands that it is not insisted upon.

So (no further count being demanded) the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole under the special rule, and the Clerk will report the unfinished business coming over from the last session.

The Clerk read as follows:

A bill (H. R. 5405)——

Mr. MARTIN of Indiana. Mr. Speaker, I ask unanimous consent that, passing over bills that have been considered and disagreed to, we begin with Calendar No. 421, page 29.

The CHAIRMAN. In the absence of objection, that order will be made.

Mr. HULL. Mr. Chairman, before that I wish to ask unanimous consent for the consideration of a bill that has been before the committee on several occasions, and to which I think there can be no possible objection. I have letters furnished me—a letter from Gen. WHEELER and from the Speaker of the House, stating that the bill will be passed whenever it is taken up. It is a very meritorious bill.

A MEMBER. What is the number of the bill?

Mr. HULL. No. 5260. My people think that I am not doing my duty by not calling it up, especially as it is near the head of the Calendar. I therefore ask unanimous consent that it be first considered, and afterwards I will make no objection to the request of the gentleman from Indiana.

The CHAIRMAN. There is one request already pending for unanimous consent. Is there objection to the request of the gentleman from Indiana?

Mr. HULL. Mr. Chairman, I shall have to object.

Mr. JOHNSON of Indiana. Mr. Chairman, I rise to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Indiana. It concerns a bill on the Calendar (Calendar No. 406) for the relief of John C. Nuss. My inquiry is whether or not this is a bill of such a character as to require consideration at a Friday night session in Committee of the Whole?

The CHAIRMAN. If the gentleman will send up the bill, the Chair will examine it.

Mr. JOHNSON of Indiana. The bill is not to remove a charge of desertion or to remove a disability, but to revoke a finding of a court-martial.

Mr. MARTIN of Indiana. I beg leave to suggest to the gentleman from Indiana that the parliamentary inquiry would hardly come up until the bill itself is called up.

Mr. JOHNSON of Indiana. I trust the gentleman will not raise that point now. I shall occupy but a moment.

This bill has been twice called up by myself in the House, and objection was there made to its consideration. The gentleman who objected asked if it had been considered, at a Friday night session in Committee of the Whole. I claim that it is not necessary that it should be so considered, and so stated at the time in the House; but I desire to ask a ruling of the Chair on that point. The object of the bill is to revoke the finding of a court-martial.

The CHAIRMAN. Does the gentleman refer to House bill No. 6926?

Mr. JOHNSON of Indiana. That is the number of the bill.

Now, Mr. Chairman, the rule under which we are operating on these Friday night sessions provides:

That the House shall, on each Friday at 5 o'clock p. m., take a recess until 8 o'clock, the evening session to be devoted to the consideration of bills reported from the Committee on Pensions—

This bill is not reported from the Committee on Pensions, but from the Committee on Military Affairs.

and the Committee on Invalid Pensions—

This bill is not reported from the Committee on Invalid Pensions.

to bills for the removal of political disabilities—

This is not a bill for the removal of political disabilities—

and bills removing charges of desertion only.

This is not a bill to remove a charge of desertion. It therefore does not come within any of the provisions of the rule. The whole purpose of the bill is to modify the finding of a court martial dishonorably discharging a soldier for alleged mutiny after the war had closed.

I desire to ask the Chair for a ruling as to whether or not it is a bill that requires to be first considered in Committee of the Whole on Friday evening sessions?

The CHAIRMAN. The gentleman from Indiana has correctly stated the rule, which limits the consideration of bills at this session to those bills which have been reported from the Committee on Pensions, on Invalid Pensions, for the removal of political disabilities, and for the removal of charges of desertion.

Mr. JOHNSON of Indiana. This bill, then, being favorably reported from the Committee on Military Affairs, is on the Calendar; and it would be in the power of the House to pass the bill without going into Committee of the Whole for that purpose?

The CHAIRMAN. The Chair thinks that this bill does not come within the provisions of the rule providing for Friday evening sessions.

Mr. JOHNSON of Indiana. That is what I desire to know, Mr. Chairman. This bill carries no appropriation whatever.

THOMAS CORIGAN.

Mr. HULL. I want to ask unanimous consent for the consideration of this bill, which is practically at the head of the list, and then we can proceed under the request for unanimous consent made by the gentleman from Indiana. I ask that the House bill 5260 be acted upon.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent for the present consideration of a bill which the Clerk will report, after which the Chair will ask if there be objection.

The Clerk read as follows:

A bill (H. R. 5260) granting an increase of pension to Thomas Corigan.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and empowered to place on the invalid pension roll of the United States the name of Thomas Corigan, late a member of Company B of the Eighty-eighth Illinois Volunteer Infantry, at the rate of $72 per month, from and after the passage of this act.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent for the present consideration of this bill. Is there objection?

Mr. WEADOCK. Mr. Chairman——

Mr. KILGORE. How is it that it should be considered out of its regular order?

Mr. HULL. It is at the head of the Calendar.

Mr. KILGORE. I have no objection myself, but I want to know how it comes up.

The CHAIRMAN. Is there objection?

Mr. WEADOCK. I desire to make a parliamentary inquiry as to whether this is the same bill that we spent nearly an evening on a while ago?

The CHAIRMAN. That is a question of fact rather than a parliamentary inquiry.

Mr. HULL. It is; but I do not think there will be any objection to it now.

Mr. WEADOCK. I am anxious to save time. I will not object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL. I move that it be laid aside with a favorable recommendation.

Mr. KILGORE. As it is now before the House, let the report be read.

The report (by Mr. LACEY) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 5260) to increase the pension of Thomas Corigan from $30 to $72 per month, and submit the following report:

Thomas Corigan was a corporal in Company B, Eighty-eighth Illinois Infantry, enlisted July 28, 1862, and was discharged on January 24, 1864.

At the battle of Chickamauga, September 20, 1863, he was severely wounded in the left hand, and is now drawing a pension of $30 per month for that injury, the arm being rendered wholly useless by the wound. At the same time he was wounded by a buckshot in the neck, and the soldier claims that this wound has affected his spine and has produced epilepsy.

The medical evidence shows that the wound in the neck produces distinct crepitus on movement of the neck. The epileptic fits have gradually increased until the soldier is totally helpless and requires constant aid and attendance and has become almost imbecile mentally.

The Pension Bureau in 1892 holds that it can not accept the "fits" as a result of the wound in the back of the neck, but no other cause is evident, and medical evidence has been furnished to show that the wound in the neck is the cause of his present condition.

The soldier's condition is helpless in the extreme, and if the wound in the neck is the cause of his injury he would be entitled to $72 per month under the general law. We are not disposed to criticise the action of the Pension Bureau in rejecting this portion of the soldier's claim, but we think that it might have very fairly decided the other way under the evidence and examination of the medical boards.

Your committee think that the soldier should be given the benefit of the doubt to the extent of being raised to the second grade or $50 a month. The committee is adverse to reporting bills changing the rate of pension as fixed by the Pension Bureau, but in a case of extreme helplessnes like the present, where the wound has been followed by such helplessness, and there is much evidence to show that the soldier's condition is due to his wound, we are inclined to relax the rule.

Your committee recommend that the bill be amended by striking out "seventy-two," in line 7, and inserting "fifty."

If the case were before us as an original question, we would probably have come to a different conclusion from that arrived at by the Pension Bureau, but in the doubt raised in the case we think that the second grade would relieve the wants of the soldier and ought to be granted, especially as the claimant was an excellent soldier, highly commended by Col. F. T. Sherman, and his severe wounds received in the battle of Chickamauga are clearly shown.

The letter of Col. Sherman is as follows:

"HEADQUARTERS FIRST BRIGADE,
"SECOND DIVISION, FOURTH ARMY CORPS,
"*Camp near Blains Cross Roads, East Tennessee, January 10, 1864.*

"*To whom it may concern:*

"This is to certify that Thomas Corigan, an enlisted man of the Eighty-eighth Regiment Infantry Illinois Volunteers and corporal of Company B, same regiment, is a soldier good and true; ever faithful in the discharge of duty, never absent without leave, brave as a lion in action, and always at his post. He won the confidence and esteem of his commanding officers by his uniform good conduct and soldierly bearing. I therefore take great pleasure and bear willing testimony to his merit, and request that his wishes may be consulted, inasmuch as he is disabled from active field service by reason of wounds received on the hard-fought and bloody field of Chickamauga on the 20th of September, 1863.

"F. T. SHERMAN,
"*Colonel Eighty-eighth Infantry, Illinois Volunteers.*"

Your committee recommend that the bill do pass after being amended by striking out the word "seventy-two," in line 7, and inserting in lieu thereof the word "fifty."

Mr. TALBERT of South Carolina. I understood the gentleman to say that he had a letter from the President.

Mr. HULL. No, sir; I did not say that.

Mr. TALBERT of South Carolina. I understood you to say that you had a letter from somebody, giving a reason why this bill should be passed.

Mr. HULL. Some parties now living in Des Moines who were in the Confederate army——

Mr. TALBERT of South Carolina. It seems that business is being done now by writing letters. [Laughter.]

Mr. HULL (continuing). Now citizens of Des Moines, and well acquainted with this gentleman, and they claim——

Mr. TALBERT of South Carolina. Have the letters read.

Mr. HULL. I want to tell you first how they came into my possession.

Mr. TALBERT of South Carolina. Have them read.

Mr. HULL. I propose to have them read. These parties live in Des Moines, and I understand from their letters that they were formerly Confederates and now live in my town. They are well acquainted with the claimant in this bill, and they believe that he should have this increase of pension, and express their astonishment that objection should be made to it. One of them claims to be a personal friend of the Speaker, and the other a personal friend of the gentleman from Alabama [Mr. WHEELER], and we all know that Gen. WHEELER was a gallant Confederate soldier, and they wrote letters to the Speaker and to Mr. WHEELER. These are their replies, and I will ask the Clerk to read them.

The Clerk read as follows:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., May 22, 1894.

DEAR SIR: Your letter is received. The bill to pension Mr. Corigan has passed the committee, and been favorably reported, and is in charge of Mr. LACEY. On some Friday night, perhaps next Friday, or the following one, Mr. LACEY will endeavor to bring it up and have a vote on it, and hopes he will be able to pass it.

Yours, very truly,

CHARLES F. CRISP.

Mr. WILLIAM BERRY,
Box 95, East Des Moines, Iowa.

HOUSE OF REPRESENTATIVES,
Washington, D. C., August 2, 1894.

MY DEAR SIR: Your letter is received, and I am sorry to know of the opposition to Mr. Corigan's bill. If Mr. LACEY will bring it up at once I think it will pass without opposition, as some of the members who opposed it are absent. I return the letter from Mr. CRISP, thinking you may wish to preserve it.

Very truly, yours,

JOS. WHEELER,
Per S.

Mr. SAMUEL JONES,
Des Moines, Iowa.

[Laughter.]

Mr. HULL. I will yield to my friend from Alabama.

Mr. WHEELER of Alabama. Like other members of Congress I try to have matters attended to well whether I am here or away. On the 2d day of August I was making speeches twice a day in the cause of the glorious Democracy of Alabama. On the 2d day of August I made a speech to a large audience at Scottsboro, Ala. That evening I went to Larkinsburg, Ala., made a speech that night to a large audience composed of the good citizens of that vicinity.

At half past 10 that night I took the cars, traveled between one and two hundred miles, and reached Florence the next morning, where I again made a speech to the good people of that city, and that night I had the pleasure of addressing the good citizens of Sheffield. It will therefore be seen that I had no time to write the letter which has been read; but in my absence my excellent clerk did the best he could in reply to that letter. [Renewed laughter.]

Now, Mr. Chairman, since my name has been brought into that matter, I want to reply to the charges made that this Congress has been derelict in its duty; and I assert in reply to those charges, made on the Republican side of the House, that no Congress has occupied this Hall for a third of a century that has done as much to relieve the people and to aid in the prosperity of our land as has been done by the Congress now in session.

Yes, Mr. Chairman, I assert that the present Congress has passed more laws for the benefit of the people, and particularly for the farmers and laboring people in general, than any Congress for a third of a century.

Mr. HULL. One minute. I hope my friend will yield the floor to me. I yielded to him for an explanation of the letter.

Mr. WHEELER of Alabama. I will not hold it long.

Mr. HULL. I think there will be no objection to the gentleman printing his remarks.

Mr. WHEELER of Alabama. But then I want to express my views to the House.

Mr. KILGORE. I submit to the gentleman from Iowa and to the gentleman from Alabama that the gentleman from Iowa might be allowed to get through with his statement, and then the gentleman from Alabama might follow and consume all the time he pleases. [Laughter.]

Mr. WHEELER of Alabama. That would be very satisfactory to me.

Mr. HULL. I do not want the gentleman to take up all my time. I want to have a vote on this bill.

Mr. WHEELER of Alabama. From the moment that the House of Representatives voted for a law which required the people of wealth to pay a tax upon their incomes the metropolitan press, and I may say the press of all the large cities of the North without distinction of party, commenced a most virulent attack upon the House of Representatives, which they extended to the Senate the moment that body sanctioned this just measure by their vote. These papers, the all-powerful agencies in controlling public opinion, have successfully sought to convince the public that this House has been derelict of duty, or, to use their expressions, "has done nothing." In reply to this very unjust charge, I assert without fear of contradiction that no Congress for a third of a century has done one-tenth as much for the people as has been done by the Congress now in session.

REPEAL OF FEDERAL ELECTION LAWS.

We passed the law repealing the Federal election laws, laws which were enacted by Republicans and which have been a constant menace to American institutions.

According to our principles of government, and according to the spirit of the Constitution, all elections were directed to be "by the people."

But, according to the Republican election laws, which we have now repealed, the supervision and conduct of this important safeguard to liberty was virtually taken from the people and placed in the hands of Federal agents, in many cases foreign in interest and feeling to the people of the States whose elections they sought to control. Sometimes these Federal agents were good men, but when Federal officials desired to suppress the will of the people, the lowest and most unscrupulous villains, who disgraced the communities where they lived, were made the instruments to supervise and control the elections of

free, honest, and patriotic Americans. Our best citizens were arrested on trumped-up charges, and outrages almost unparalleled were committed.

REPEAL OF LAW EXEMPTING GREENBACK OR NATIONAL-BANK MONEY FROM TAXATION.

Another unjust and un-American law has been repealed by this Congress. A million dollars of greenback or national-bank money might be piled up in a bank, and while it is protected by State and city authorities they were not allowed to tax the owner of this property one farthing. Policemen were employed to protect it and all the agencies of State and city governments were exercised to keep it secure and safe, and to pay this great expense other people, even including the poorest of the land, were taxed to meet these expenditures. This unjust law we have repealed, and in future the owners of this character of property will be compelled to pay taxes the same as other citizens.

Mr. TAWNEY. Will the gentleman allow me to ask him a question there?

Mr. WHEELER of Alabama. And then we passed a voluntary bankruptcy bill.

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Minnesota?

Mr. WHEELER of Alabama. I must beg the gentleman not to interrupt me.

Mr. TAWNEY. All I desire to know is how much time elapsed between the passage of the bill repealing the Federal election laws and these other bills of which you speak?

Mr. WHEELER of Alabama. On account of opposition on the part of Republicans some time elapsed.

Mr. TAWNEY. About a year.

Mr. WHEELER of Alabama. No; much less than a year.

VOLUNTARY BANKRUPT ACT.

I was making an effort to state that the House has also passed a law which authorizes any citizen who is in debt to have himself declared bankrupt, and by that means become discharged of all indebtedness.

ELECTION OF SENATORS BY THE PEOPLE.

The House has also passed a joint resolution providing for an amendment to the Constitution authorizing States to have their Senators elected directly by the people. The proposed amendment says:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, at large, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

The nearer the lawmakers are to the people the better and more beneficent will be the laws.

Mr. LOUD. Congress has not done that. It has only passed the House.

Mr. WHEELER of Alabama. I stated that the resolution had passed the House.

SAFEGUARDS TO IMMIGRATION.

We have also passed a very beneficent measure (H. R. 5246) restricting and placing very important safeguards upon immigration.

Mr. VAN VOORHIS of New York. Will the gentleman permit a question?

Mr. WHEELER of Alabama. One question.

Mr. VAN VOORHIS of New York. Do you think this bill ought to pass?

Mr. WHEELER of Alabama. I have been trying to discuss the measure, but you gentlemen on the Republican side seem to desire to prevent discussion. [Laughter.]

Mr. VAN VOORHIS of New York. If you do, why do you not let us vote on it?

Mr. WHEELER of Alabama. Then, Mr. Chairman, we passed a law reclaiming 40,000,000 acres of lands worth a thousand million dollars. [Laughter.]

AN EMPIRE RECLAIMED TO THE PEOPLE.

Yes, Mr. Chairman, the House has also passed this very important law by which it reclaims to the people 48,000,000 acres of land, which Republicans have permitted gigantic corporations to withhold and use and claim as their own, although they had no right to these lands whatever. Many of these lands contained valuable minerals, and their value has been estimated as exceeding $1,000,000,000.

ADMISSION OF UTAH, ARIZONA, AND NEW MEXICO.

I am also glad to remind the House and country that the committee of which I have the honor to be chairman has reported four bills for the admission of Territories into the sisterhood of States. Three of these bills, viz, the bills for the admission of Utah, Arizona, and New Mexico, have passed the House, and the one for the admission of Utah has already become a law. The bills for the admission of Arizona and New Mexico, after passing the House, have been favorably reported by the Senate committee, and are now on the Senate Calendar with every prospect of favorable action by that body. The fourth, a bill for the admission of Oklahoma, is now upon the House Calendar with every hope of prompt action.

BENEFICENT POSTAL LAWS.

We have also enacted laws very beneficial to the people upon our appropriation bills. On the Post-Office bill we extended the 1 cent a pound rate to—

All periodical publications issued from a known place of publication at stated intervals and as frequently as four times a year by or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having a bona fide membership of not less than 1,000 persons or by a regularly incorporated institution of learning or by or under the auspices of a trades union and all publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by State boards of health, shall be admitted to the mails as second-class matter and the postage thereon shall be the same as on other second-class matter and no more.

Then by the judicious provisions in that bill regarding the manufacture and distribution of stamps, postal cards, etc., we hope to make an annual saving of at least $200,000, and although our appropriations for the Post-Office during the coming year reached the enormous and unprecedented sum of $87,240,599.55, which became necessary on account of the extended facilities given to the people, yet by our judicious and economical provisions, we feel confident that the Department will be self-sustaining and that every dollar of this sum will be returned to the Treasury.

MANY MILLIONS TO BE ANNUALLY SAVED.

Another great evidence of Democratic economy is shown by the position of the legislative bill which I hold in my hand, by which a great many offices have been abolished and the work of the Treasury Department materially simplified. These provisions are found on pages 49–52 of the legislative act approved July 31, 1894. By the economies instituted by this legislation and the economies inaugurated by the War Department and the Government Printing Office, by which thousands of surplus employés have been dispensed with, many million dollars are saved which under Republican administration was useless expense.

But this inauguration of economy in the administration of Government affairs would of necessity extend into all branches of the Government service, and result in the reduction of annual expenditure very many million dollars.

Mr. MARTIN of Indiana. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MARTIN of Indiana. I make the point of order that the remarks of the gentleman are not germane to the subject.

Mr. WHEELER of Alabama. I insist, Mr. Chairman, that my remarks are in reply to charges which have been made by Republicans that this House has been derelict.

Mr. MARTIN of Indiana. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The gentleman will suspend. The gentleman from Indiana makes the point of order that the remarks of the gentleman from Alabama are not in order.

Mr. MARTIN of Indiana. I insist, Mr. Chairman, that it is due to this House and to the rules of the House that the remarks of members shall be confined to the question that is under consideration.

Mr. WHEELER of Alabama. Now, Mr. Chairman, on that point of order I want to say a word. A bill that has been brought up for consideration which appropriates money, and the charge has been made repeatedly, even by the gentleman from Indiana, that we are neglecting our duty here, and I want to show that we are not. That is pertinent to this bill. It applies to this bill as much as it does to all other bills. [Laughter.]

The CHAIRMAN. The rule of the House is well understood. Paragraph 1 of Rule XIV is in these words:

When any member desires to speak or deliver any matter to the House he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor, or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personalities.

Paragraph 8 of Rule XXIII provides that—

The rules of proceeding in the House shall be observed in Committees of the whole House so far as they may be applicable.

The gentleman from Alabama will observe the rule, which requires him to address himself to the question under debate. The question under debate now is a bill granting an increase of pension to Thomas Corrigan. The Chair asks the gentleman to confine himself to the question under debate.

Mr. KILGORE. Mr. Chairman, I would like to suggest that it is not possible for the Chairman, or for the gentleman from Indiana who makes the point of order, to anticipate what will be the conclusion from the argument which the gentleman from Alabama proposes to present to the committee. [Laughter.] Besides, he has a right to talk about the state of the country, and especially about the state of the finances, because money

must be provided to meet this proposed increase of pension. [Laughter.]

The CHAIRMAN. The bill under consideration is a bill to increase the pension of Thomas Corrigan. The Chair holds that the gentleman from Alabama must proceed in order under the rule.

Mr. WHEELER of Alabama. I shall endeavor to make my remarks applicable to the question, Mr. Chairman.

Mr. MARTIN of Indiana. Mr. Chairman, I renew the point of order and insist on the observance of the rule.

Mr. WHEELER of Alabama. I am coming right to the point. I do not think the gentleman ought to insist upon his point of order until he sees the applicability of my remarks. [Laughter.]

Mr. MARTIN of Indiana. Does the gentleman say he is going to discuss this bill?

Mr. WHEELER of Alabama. I am going to discuss the propriety of passing this bill.

Mr. HUDSON. May I ask the gentleman a question?

Mr. WHEELER of Alabama. One question.

Mr. HUDSON. Have you any objection to the letter which you say was prepared by your clerk?

Mr. WHEELER of Alabama. I have not seen either the bill or the report, and I never knew of that letter until it was produced by the gentleman from Iowa and read here a few moments ago.

Mr. HUDSON. But you have heard the letter read; now do you object to it?

Mr. WHEELER of Alabama. The general tendency of the letter is probably all right. My clerk, I suppose, investigated the matter fully, but I have not seen him about it, and I do not know what was the result of the investigation.

Mr. HUDSON. Well, if you think the letter is all right, why not let us vote on the bill?

Mr. WHEELER of Alabama. Then, Mr. Chairman, we passed a law to place on the free list agricultural implements, iron cotton ties, bagging for cotton, bags for grain, many agricultural seeds, cotton gins, and binding-twine. Besides this——

Mr. MARTIN of Indiana. Mr. Chairman, I insist upon the point of order.

Mr. WHEELER of Alabama. Now, I am going to show how all these illustrations of the work of this Congress will enable us to pass this bill.

The CHAIRMAN. What is the point of order?

Mr. MARTIN of Indiana. I make the point of order that the gentleman is not discussing the bill under consideration, as the rule requires him to do.

The CHAIRMAN. The Clerk will read paragraph 4 of Rule XIV.

The Clerk read as follows:

4. If any member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted on motion of another member to explain, and the House shall, if appealed to, decide on the case, without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.

Mr. WHEELER of Alabama. Mr. Chairman, I was going on in a very proper manner for the purpose of showing what appropriations had been made by this and previous Congresses——

Mr. VAN VOORHIS of New York. I rise to a point of order. The gentleman is out of order.

Mr. WHEELER of Alabama. And the economy to be exercised by the passage of this bill. But I see that the chairman of the Committee on Invalid Pensions objects to this line of remark. I hope he will allow me to go on without further objection. It will not take me long.

Mr. HUDSON. How much time does the gentleman want to occupy?

Mr. WHEELER of Alabama. I do not want more than fifteen minutes.

Mr. HUDSON. Could you not make it five?

Mr. WHEELER of Alabama. I think I ought to have fifteen minutes.

The CHAIRMAN. Does the gentleman ask unanimous consent to be allowed fifteen minutes?

Mr. WHEELER of Alabama. I do.

Several members objected.

Mr. WHEELER of Alabama. Then I ask unanimous consent that I may print these remarks.

The CHAIRMAN. Without objection, that order will be made.

Mr. LOUD. I object.

Mr. WHEELER of Alabama. Well, then, Mr. Speaker, I think I can make my remarks pertinent to this bill in a way that will satisfy even the distinguished chairman of the Committee on Pensions. But I am so unwilling that anyone should think I am transgressing the rules of the House that I renew my request that I be permitted to proceed without interruption for a period of only ten minutes.

Mr. HULL. I renew the request that the gentleman from Alabama have leave to print his remarks.

Mr. MAHON. I object.

Mr. WHEELER of Alabama. Well, Mr. Chairman, I am going to make some remarks perfectly pertinent to this question. Here is a proposition making appropriation——

Mr. VAN VOORHIS of New York. The gentleman from Alabama is too good a soldier to insist upon disobeying orders.

Mr. WHEELER of Alabama. I will not disobey orders. I will promptly comply with any suggestion from our excellent Presiding Officer. I have great respect for him.

Mr. JOHNSON of Indiana. The gentleman from Alabama is as persistent in peace as he was in war.

Mr. WHEELER of Alabama. If in what I am going to say I do not make my remarks in order on this bill, I shall sit down. I have such great respect for the Chair that I would not transgress even a suggestion from him upon any subject.

Now, the question is about the means in the Treasury in order to make these appropriations proper——

A MEMBER. Regular order.

Mr. WHEELER of Alabama. And in that line I will call attention to the fact that both the House and the Senate are Democratic, and that all Democratic Congresses have been so economical in their expenditures that we can with great propriety make the expenditure now proposed. And to prove this I will state some facts regarding appropriations.

For six years prior to the Forty-fourth Congress the average appropriations by the various Congresses—all Republican Congresses—was $181,000,000 a year. Then the Forty-fourth Congress——

Mr. BAKER of New Hampshire. I make the point of order that the gentleman is not proceeding in accordance with the ruling of the Chair, and is not in order.

The CHAIRMAN. The Chair did not catch the last remark of the gentleman from Alabama.

Mr. WHEELER of Alabama. I am proceeding to show that in the line of economy——

Mr. BAKER of New Hampshire. The gentleman from Alabama has not the consent of the House to proceed.

Mr. KILGORE. But he has the floor, and he has the right to proceed in order.

Mr. WHEELER of Alabama. Well, I can stay here an hour doing something.

The CHAIRMAN. The Chair asks the gentleman from Alabama to proceed in order. He has had long service on the floor, and is familiar with the rules.

Mr. WHEELER of Alabama. I shall certainly try to do so.

The CHAIRMAN. The Chair feels sure the gentleman from Alabama does not desire to trangress the rules of the House.

Mr. WHEELER of Alabama. I assure the Chairman, for whom I have great respect, that I am trying to keep strictly in order.

Now, the Forty-fourth Congress came in, and it economized appropriations so that the average annual appropriation was only $149,000,000.

Mr. BAKER of New Hampshire. I make the point of order that the gentleman from Alabama is not proceeding in order.

Mr. WHEELER of Alabama. I insist, Mr. Chairman, that on a bill making an appropriation of money it is proper to show the condition of the Treasury.

Mr. BAKER of New Hampshire. I call the gentleman to order.

The CHAIRMAN. The gentleman from Alabama will suspend. The Chair will again call the attention of the committee to the rule:

If any member, in speaking or otherwise, trangress the rules of the House the Speaker shall, or any member may, call him to order—

Now, in this case the gentleman has been called to order—

in which case he shall immediately sit down, unless permitted on motion of another member to explain, and the House shall, if appealed to, decide the case without debate. If the decision is in favor of the member called to order he shall be at liberty to proceed, but not otherwise.

Under the universal practice of the House when a member has been called to order for exercising liberty in debate it has been——

Mr. TATE. I move that the gentleman proceed in order.

The CHAIRMAN. Allow the Chair to conclude his statement. It has been the practice, as the Chair remembers, to allow a motion that a gentleman be permitted to proceed in order; and if the committee or the House desire him to proceed in the line of remarks he is pursuing, it is within the power of either, as the case may be, to so determine. It seems to be in the power of the House to say whether or not a gentleman may proceed in the line of remarks he is pursuing.

Mr. HUDSON. I ask unanimous consent that the gentleman may be permitted to proceed for ten minutes.

A MEMBER. What, out of order!

Mr. BAKER of New Hampshire. I object.

Mr. TATE. I move that the gentleman be allowed to proceed in the line of remarks he is pursuing, for fifteen minutes.

Mr. MAHON. That, I believe, is debatable?

The CHAIRMAN. It is not debatable, under the rules.

Mr. JOHNSON of Indiana. I rise to a parliamentary inquiry.

The CHAIRMAN. Allow the Chair first to state the pending motion. The gentleman from Georgia moves that the gentleman from Alabama be allowed to proceed for fifteen minutes in the line of remarks he has been pursuing.

Mr. JOHNSON of Indiana. Now, Mr. Chairman, I desire to ask whether or not that motion is in order under the circumstances? Is it not true that the only motion in order is that the gentleman be allowed to proceed in order or to explain under the rule?

The CHAIRMAN. The Chair is of the opinion that the practice has been to allow a gentleman to proceed in the line of remarks he is pursuing, if such be the will of the House. That was decided, as the Chair recollects, in a case that arose in the Fiftieth Congress, by Speaker Carlisle. The Chair has been trying to recall the case.

Mr. PICKLER. I move that the committee rise.

The motion was not agreed to.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Georgia.

Mr. VAN VOORHIS of New York. Is that motion debatable?

The CHAIRMAN. It is not.

Mr. BAKER of New Hampshire. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAKER of New Hampshire. Inasmuch as the gentleman from Alabama has been called to order by the Chair, is it in order to entertain any motion that he be allowed to continue in that line of remarks which have been held to be entirely out of order?

The CHAIRMAN. The Chair thinks so, under the practice of the House. It is, of course, with the committee to say whether the gentleman shall proceed in the line of remarks he is making or not. The Chair will submit the question.

The question was taken on the motion of Mr. TATE; and, on a division, there were—ayes 24, noes 31.

So the motion was rejected.

Mr. WHEELER of Alabama. Now, Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHEELER of Alabama. When a bill is before the House which appropriates money, is it proper, in discussing the bill, in the opinion of the Chair, or is it pursuing a proper line of argument to state the condition of the Treasury?

The CHAIRMAN. The Chair thinks it would be.

Mr. WHEELER of Alabama. That is what I was trying to do.

Mr. MAHON. I call the gentleman from Alabama to order.

The CHAIRMAN. The gentleman from Alabama has only asked a parliamentary question.

Mr. VAN VOORHIS of New York. I wish to make a parliamentary inquiry.

The CHAIRMAN. The gentleman from Alabama has the floor.

Mr. VAN VOORHIS of New York. I understand that the gentleman is called to order——

Mr. HEPBURN. I wish to make a parliamentary inquiry.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. VAN VOORHIS of New York. A motion was made that the gentleman be permitted to proceed, which motion was voted down. Now, can the gentleman from Alabama proceed exactly as if that motion had been voted up?

Mr. HEPBURN. That is the question I wanted to submit.

The CHAIRMAN. He can not.

Mr. VAN VOORHIS of New York. Then I raise the point of order that the gentleman is not entitled to the floor.

Mr. HEPBURN. That is the point. The gentleman has not the floor, but was taken off the floor by the direct action of the committee.

The CHAIRMAN. That is true. The gentleman from Alabama, by a vote of the committee, of course can not proceed in the line of the remarks he was pursuing.

Mr. WHEELER of Alabama. But he can proceed on the bill.

Mr. JOHNSON of Indiana. Let me make a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Indiana. I wish to ask whether or not the gentleman can be permitted to proceed at all, in view of the action of the committee?

The CHAIRMAN. The Chair thinks he can proceed in order.

Mr. JOHNSON of Indiana. I insist that he can not, Mr. Chairman.

The CHAIRMAN. He can not proceed out of order.

Mr. JOHNSON of Indiana. He can not proceed at all. The committee have so decided.

The CHAIRMAN. Certainly, if the gentleman gets the floor.

Mr. JOHNSON of Indiana. I make the point that the House having refused the gentleman permission to explain, that that takes him off his feet and he looses the floor.

The CHAIRMAN. Not at all.

Mr. JOHNSON of Indiana. And he can not proceed in violation of the action of the House.

The CHAIRMAN. Not at all. The gentleman was recognized for the purpose of debate, and can proceed under the rules, in order.

Mr. JOHNSON of Indiana. But under the rules——

Mr. VAN VOORHIS of New York. I appeal from the decision of the Chair.

Mr. JOHNSON of Indiana (continuing). When a member is called to order, after he takes his seat he may be permitted to explain, if the House votes that he be permitted to explain; but the question is whether he shall continue in debate after the House has decided against him, and I hold that he can not; otherwise the making of a point of order would be of no avail, and might just as well be waived if a member is not to be controlled by the rules in the House or in committee. I am quite sure I am right about this.

The CHAIRMAN. The Chair thinks that the gentleman has the right to proceed in order.

Mr. BAKER of New Hampshire. But the House has refused to hear him.

The CHAIRMAN. The action of the House was only taken on the motion of the gentleman from Georgia, that he be permitted to proceed in the line of remark he was pursuing.

Mr. JOHNSON of Indiana. With due respect to the Chair, I think I am right, but will not appeal.

Mr. VAN VOORHIS of New York. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VAN VOORHIS of New York. Is an appeal in order from the decision of the Chair? If so, I make that appeal.

The CHAIRMAN. Not from a parlimentary inquiry.

Mr. VAN VOORHIS of New York. No; but from the decision of the Chair. The Chair has decided that the gentleman from Alabama is entitled to the floor. From that decision I appeal.

The CHAIRMAN. The Chair can not allow an appeal upon a question of recognition. The matter of recognition is entirely with the Chair.

Mr. JOHNSON of Indiana. Will the Chair permit me just one moment?

The CHAIRMAN. Certainly.

Mr. JOHNSON of Indiana. I call the attention of the Chair to the latter clause of Rule——

The CHAIRMAN. What rule?

Mr. JOHNSON of Indiana. Section 4 of Rule XIV. The latter clause of it provides.

If the decision is in favor of the member called to order, he shall be at liberty to proceed, not otherwise.

The CHAIRMAN. The Chair does not think a proper interpretation of that rule would prevent the gentleman from proceeding in order.

Mr. VAN VOORHIS of New York. Well, it is very evident that the gentleman does not intend to proceed in order. He intends to proceed in the same line that he was going on.

Mr. WHEELER of Alabama. I abandoned the line I was on before, dropped my papers, and came back to speak on this bill. Now, the annual saving by the Forty-fourth Congress was $32,000,000——

Mr. HEPBURN. Mr. Chairman, I make the point that the gentleman is not in order. He was taken off the floor by the action of the House. He proposes now to make another speech. I submit, sir, that he is not entitled to speak until all other members who are entitled to speak have been heard.

The CHAIRMAN. But no other gentleman asked recognition. [Cries of "Oh, yes."]

Mr. VAN VOORHIS of New York. Oh, yes; half a dozen asked recognition.

Mr. PICKLER. He has occupied the floor all the time.

Mr. HEPBURN. The gentleman has attempted to occupy the floor. I make the point now that he is not in order; that

he has spoken once. That speech has been concluded by the action of the House, and under the rule he is not entitled to occupy the floor again. [Cries of "That is right!"]

Mr. WHEELER of Alabama. Mr. Chairman, shall I proceed?

Mr. BAKER of New Hampshire. Not now.

Mr. VAN VOORHIS of New York. Wait until your turn comes.

Mr. WHEELER of Alabama. I am unwilling to embarrass the committee or the Chair, and as I see there is a determination to embarrass the Chair, I yield the floor; but I ask unanimous consent to print the few remarks that I had prepared to make.

There was no objection.

BENEFICENT LAWS PASSED BY THIS CONGRESS.

Mr. WHEELER of Alabama. Mr. Chairman, I will now connectedly state some of the laws which come to my mind which have been enacted by this Congress. They are as follows:

1. The repeal of the Federal election laws, which will forever prevent any interference in elections by Federal officials.

2. The law providing for taxing greenback and national-bank money.

3. The voluntary bankrupt act.

4. A beneficent law restricting and placing safeguards upon immigration.

5. Law to amend the Constitution so that Senators may be elected by the people.

6. Law reclaiming 48,000,000 acres of land, worth $1,000,000,000, and now illegally held by corporations.

7. Laws to admit Utah, New Mexico, and Arizona into the sisterhood of States.

8. Laws extending mail facilities, reducing postal expenditures, and reducing postage upon periodical publications.

9. Removing all tax from the following articles used by farmers, by placing them on the free list, viz: Agricultural implements, iron cotton ties, bagging for cotton, bags for grain, salt, many agricultural seeds, cotton gins, binding twine.

10. Besides this the House has reduced the tax on nearly everything bought by farmers from one-half to one-fifth the tax which was imposed by Republicans.

11. Congress has also abolished thousands of offices, so as to reduce the expenses of the Government many million dollars.

12. Last, though probably most important, this Congress has passed an income-tax law, which requires people of wealth to pay their part of the burdens of Government; and all this legislation will remove hardships and lift burdens from men who work, and, in addition, the law is so framed as to increase the foreign demand, and therefore the price, of American farm products.

TEMPORARY DEPRESSION THE FIRST EFFECT OF ALL REFORMS.

The Republican press are filled with denunciations of the Democratic party, charging them day after day with the responsibility of the temporary depression which prevails throughout our land, and they grow eloquent in depicting the discontent which exists among many of our good citizens.

Mr. Speaker, it is not strange that the depression in business, reduction in prices of products, and the distress which has been attendant thereto, should have caused great discontent throughout our land. And it is not strange that the party in power should be held responsible for this condition. But, Mr. Speaker, when we look into the history of the past we find that in all great reforms the first effect has invariably been similar to our experience during the last year or more. The older members of Congress no doubt recall the great distress, bankruptcy, and ruin which followed the financial reform inaugurated by that heroic Democrat, Andrew Jackson.

This great commoner and friend of the people found it his duty to attack the powerful vampire octopus, the United States Bank, which was denounced by President Jackson in these words:

The result of the ill-advised legislation which established this great monopoly was to concentrate the moneyed power of the Union.

Gen. Jackson also said:

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes.

He also said that the—

peculiar privileges bestowed upon it enabled it to exercise despotic sway over the other banks in every part of the country. From its superior strength it could seriously injure, if not destroy, the business of any one of them.

In his address Gen. Jackson also said:

That it asserted the power to make money scarce or plenty at its pleasure at any time and in any quarter of the Union by permitting an expansion or compelling a contraction of the circulating medium according to its own will.

Gen. Jackson said the bank charter—

gave to its advocates the position they had to struggle to attain from the commencement of the Federal Government down to the present hour.

As might be expected, the beneficiaries of legislation which maintained this gigantic monopoly used every effort to retain the special privileges thus bestowed upon them, and the result was a struggle which, though it resulted in a victory for the people, brought with it unparalleled temporary distress, bankruptcy, and ruin. Cotton, which averaged 18 cents in 1835, fell as low as 12 cents in 1836 and 7 cents in 1837.

Younger members of this House will recall the general depression which followed the passage of the Walker tariff of July 30, 1846, and they will also recall how soon the country recovered, and how bounteous was the prosperity with which we were blessed soon after that law went into operation.

TEMPORARY DEPRESSION CAUSED BY REVENUE TARIFF OF 1846, FOLLOWED BY UNEXAMPLED PROSPERITY.

In a speech I had the honor to make in this Hall on May 4, 1888, I alluded to the depression which existed during the pendency and immediately following the passage of the bill, and quoted from the messages of President Polk, in which he portrayed the wonderful revival of business and unexampled prosperity which without much delay resulted from the passage of that act. President Polk said:

Its effects are visible in the great and almost unexampled prosperity which prevails in every branch of business. While the repeal of the prohibitory and restrictive duties of the act of 1842, and the substitution in their place of reasonable revenue rates levied on articles imported according to their actual value, have increased the revenue and augmented our foreign trade, all the great interests of the country have been advanced and promoted. The great and important interests of agriculture, which had been not only too much neglected but actually taxed under the protective policy for the benefit of other interests, have been relieved of the burdens which that policy imposed on them, and our farmers and planters, under a more just and liberal commercial policy, are finding new and profitable markets abroad for their augmented products. Our commerce is rapidly increasing, and is extending more widely the circle of international exchanges.

After calling attention to the fact that the reduction of taxation had been quite as advantageous to the manufacturing as to other industries, he said:

While the interests of agriculture, of commerce, and of navigation have been enlarged and invigorated, it is highly gratifying to observe that our manufactures are also in a prosperous condition. None of the ruinous effects upon this interest, which were apprehended by some as the result of the operation of the revenue system established by the act of 1846 have been experienced. On the contrary, the number of manufactories and the amount of capital invested in them are steadily and rapidly increasing.

President Polk also said:

While by the repeal of highly protective and prohibitory duties the revenue has been increased, the taxes on the people have been diminished. They have been relieved from the heavy amounts with which they were burdened under former laws in the form of increased prices or bounties paid to favored classes and pursuits.

The President then points out that experience has falsified the predictions of the high-protective theorists. On this point Mr. Polk said:

Agriculture, commerce, and navigation are prosperous, the prices of manufactured fabrics and other products are much less injuriously affected than was to have been anticipated.

From 1847 to 1861 the progress and prosperity of our country under that law far exceeded the progress of any nation at any period in the history of the world.

MR. BLAINE COMMENDS REVENUE TARIFF.

Even Mr. Blaine, in his history, joins his testimony to this indisputable fact of history. He characterizes the tariff law of 1846 as a free-trade tariff. On page 105 Mr. Blaine says:

The free-trade tariff of 1846 was passed.

And in describing the effect of that law upon the prosperity of the country Mr. Blaine says—I read from page 196:

The Whig victory of 1848 was not sufficiently decisive to warrant any attempt, even had there been desire, to change the tariff. Gen. Taylor had been elected without subscribing to a platform or pledging himself to a specific measure, and he was therefore in a position to resist and reject appeals of the ordinary partisan character. Moreover, the tariff of 1846 was yielding abundant revenue, and the business of the country was in a flourishing condition at the time his Administration was organized. Money became very abundant after the year 1849; large enterprises were undertaken, speculation was prevalent, and for a considerable period the prosperity of the country was general and apparently genuine.

After 1852 the Democrats had almost undisputed control of the Government, and had gradually become a free-trade party. The principles embodied in the tariff of 1846 seemed for the time to be so entirely vindicated and approved that resistance to it ceased not only among the people but among the protective economists, and even among the manufacturers to a large extent. So general was this acquiescence, that in 1856 a protective tariff was not suggested or even hinted by any one of the three parties which presented Presidential candidates.

I have alluded to these facts as they are a reflex of what is occurring at the present day. We are enacting a law based upon the same lines and the same principles as the Walker tariff of 1846, and there can be no doubt but what its beneficent results will be very similar to those which blessed us at that time.

It would be well for those who opposed the passage of the reform tariff bill now before the House to observe Mr. Blaine's assertion that the principles, very similar to those contained in this bill, which were embodied in the tariff law of 1846 were approved not only among the people, but also among the protective economists and manufacturers. Further, on the same page, Mr. Blaine says:

It is not surprising, therefore, that * * * the Democratic Congress, in the closing session of Pierce's Administration, enacted what has since been

known as the tariff of 1857. By this law the duties were placed lower than they had been at any time since the war of 1812. The act was well received by the people, and was indeed concurred in by a considerable proportion of the Republican party.

I desire now to call attention to the fact that among the prominent Republican Senators who spoke in favor of and voted for this extremely low tariff bill of 1857, were Senators Sumner and Wilson of Massachusetts, Senators Hamilton Fish and Seward of New York, Senator Foster of Connecticut, and Bell of New Hampshire. Senator Toucey, the Democratic Senator from Connecticut, also voted for the bill, and to use Mr. Blaine's words:

In the House the New England Representatives generally voted for the bill.

This included the Representatives of Maine, all of whom supported this extreme free-trade measure.

PANICS CAUSED BY VARIOUS BENEFICIARIES OF VICIOUS LEFISLATION IN 1836, 1846, AND 1892.

I have shown that a temporary depression is always the first effect of great reforms. The beneficiaries of special privileges given by vicious legislation use the power and money thus acquired to prevent the passage of laws which place them upon equality with other men. This was done in 1836, and again in 1846, at which time it would have been more severely felt had it not been that their efforts to depress business were in a great measure neutralized by the activity consequent to the preparations for and the carrying on of the war with Mexico; but never in the history of any country did the beneficiaries of vicious legislation use more efforts to create bankruptcy, panic, and ruin than were used by such men immediately after the inauguration of Mr. Cleveland. In my former speeches I gave extracts from newspapers and other incontrovertible evidence that in the spring of 1893 the moneyed men and manufacturers of the northeast and north combined together for the avowed purposes of withholding money from the channels of trade, refusing credits to the South and West, and by other means, bringing about depression and discontent throughout the country, the purpose being to disparage the Democratic Administration, prevent the passage of laws which interfered with their special privileges, and, if possible, secure the restoration of the Republican party to power.

REMARKABLE EVIDENCE OF DEMOCRATIC ECONOMY.

I will now, Mr. Chairman, give a comparison of appropriations by Democratic and Republican Congresses, showing the hundreds of millions of dollars that have been saved by the Democrats in the last few years. The Republican party controlled the House of Representatives from 1860 to March, 1875. The Forty-fourth Congress, with a Democratic majority, then took their seats in this Hall.

During the five years immediately preceding the Forty-fourth Congress, the average regular annual appropriations by Republicans were	$181,826,321.52
The Democrats then came into control of the House of Representatives, and immediately reduced the regular annual appropriations to	149,572,894.44
Thus making an annual saving of	32,253,427.08
The Republicans again came into control of all branches of the Government in the Forty-seventh Congress, and they immediately increased the annual average appropriations to	264,652,624.96
This was an annual average increase by Republicans in excess of Democratic appropriations of	86,034,554.04
In the Forty-eighth Congress the Democrats again had control of the House, and they immediately reduced the annual average appropriations to	212,652,935.63
Thus making an annual saving to the people of	51,999,689.33
During the six years of Democratic rule in the House of Representatives following the Forty-seventh Congress the average annual appropriations were	253,587,560.05
The Republicans then obtained control in the Fifty-first, commonly called "the Reed Congress," and immediately increased the average annual appropriations to	382,150,961.17
Which was an increase above the average annual appropriations during the preceding six years when the House was controlled by Democrats, of	128,563,401.12
For the first time in a third of a century the Democrats now have control of all branches of the Government, and notwithstanding Republican laws, which compel them to appropriate $151,581,570 for pensions, and notwithstanding many other expenses made necessary by Republican laws, they have succeeded in reducing appropriations, as they passed the House, to	380,107,455.24
A reduction below the appropriations of the "Reed Congress" of	2,043,505.93

In these calculations I have confined the figures to the annual appropriations by Congress, regarding that as the juster method of comparison. If we should include permanent appropriations, the comparison of the present Congress with the Reed Congress will be as follows:

Reed Congress, first session	463,398,510.79
Reed Congress, second session	525,018,672.55
Present Congress, second session	481,182,135.24
The appropriations this year would be much less, but the appropriations for pensions exceed that of the first session of the Reed Congress by	27,822,201.65
And the appropriation for the Post-Office by the present Congress exceeds that of the Reed Congress for the same purpose by	15,013,900.56

Most of which latter sum will be returned to the Treasury, as our eminent Postmaster-General has inaugurated many improvements in the postal system and economies in all branches of the service.

The figures which I have given for the appropriations of the present Congress are as the bills passed the House. Since preparing these figures all the bills have passed the Senate, and all have been sent to the President except the sundry civil and general deficiency bill. The appropriations as they stand to-day for this Congress are as follows:

Agriculture	$3,219,023.06
Army	23,592,384.68
Diplomatic and consular	1,563,918.76
District of Columbia	5,544,593.57
Fortifications	2,427,004.00
Indian	9,329,648.49
Legislative, etc.	21,308,295.79
Military Academy	406,523.08
Navy	25,327,126.72
Pension	151,581,570.00
Post-Office	87,236,599.55
River and harbor	11,473,180.00
Sundry civil*	32,523,393.80
Deficiencies	5,617,641.85
Miscellaneous	515,000.00
General deficiency*	5,005,632.58
	386,371,425.93

*As passed by the House.

As passed by the Senate, the sundry civil bill is $36,216,166.70, and the general deficiency bill is $7,939,551.41. Both of these bills are in conference and will be acted upon very soon. This evidence of economy on the part of the Democratic party ought to be very gratifying to every patriot of our land.

I can not express too much admiration for the good judgment and arduous labors of the Committee on Appropriations of the Senate and the House and their preëminent chairmen, Senator COCKRELL and Governor SAYERS. They are entitled to the highest commendation. [Applause.]

The CHAIRMAN. The question is on the amendment.

Mr. KILGORE. Mr. Chairman, there is a minority report in this case, which I would like to have read.

The CHAIRMAN. It can be read in the time of the gentleman from Texas.

Mr. KILGORE. I am quite willing that it shall be read in my hour. [Laughter.]

The minority report (by Mr. MCDANNOLD) was read, as follows:

The minority of the Committee on Invalid Pensions have considered the bill (H. R. 5260) to increase the pension of Thomas Corigan, and submit the following statement of their views:

The records of the War Department show that this soldier served from July 25, 1862, to January 29, 1864, in Company B, Eighty-eighth Illinois Infantry. He was discharged on account of disability from gunshot wound of hand received at Chickamauga. He has been pensioned for this wound ever since discharge, and now receives $30 per month since August 4, 1886. His application, filed February 12, 1864, alleged only this wound.

A later application, filed September 11, 1866, states that he also "suffers pain in the neck from the effects of a wound there received." In 1887 he claimed that deafness had resulted from that wound, and states that the ball was removed in the field hospital; in April, 1888, he alleged resulting impairment of vision and of hearing; in September, 1888, he refers to "buckshot wound in back of neck;" in February, 1892, he alleged affection of sight and hearing and epilepsy as a result of said wound.

In September, 1892, the Pension Bureau accepted the fact that he had received this wound in the neck, but rejected the claim for additional pension on the ground that he had suffered no ratable disability from it at any time since the war, and none of the alleged results were accepted as sequences of such wound. This action was taken after a careful special examination of the claim and was affirmed by Secretary Bussey, on appeal, January 3, 1893.

In his deposition before the special examiner in June, 1892, the pensioner stated that he received the wound of neck at Chickamauga; that the doctor who took the bullet out put a sticking plaster over the wound and it remained until it fell off.

"The first time I felt any serious disability from the wound of my neck was about fourteen years ago (1878). I was flagging at a railroad crossing * * * in Chicago. I felt a cloud come over me and I fell down right in the track. * * * It was a hot day just like this. * * * I have had convulsions for the past fourteen years, but not so much until the last eight years. I saw the shot that was extracted from my neck. I had it a long time. I lost it. It was a buckshot, and went as far as the point of my ear. The doc-

tor said to me when he extracted it, 'Pat, if the shot had gone a quarter of an inch further you would never eat any more potatoes.' * * * I was not bothered with the wound of my neck in 1873, but I knew I had been shot in the neck. In 1875 I was not suffering with the wound in my neck much."

His wife, Rosetta Corigan, corroborates his statement as to the first convulsion or fit about fourteen years previously.

An examination by medical officers of the Pension Bureau September 6, 1873, reports: "Flesh wound on the neck, not rated;" September 7, 1875, "slight flesh wound on the back of neck, not rated;" September 4, 1877, "slight wound of neck, not rated;" June 22, 1892, "wound on posterior surface of neck, size of a nickel, white in color, nonadherent, nondragging, nondepressed, the vertebræ do not seem to have been injured, but there is thickening of soft tissues beneath the integument."

From the facts stated it seems reasonably clear that the pensioner's present condition as to epilepsy is not chargeable to the slight wound of the neck, but rather originated in 1878 in the manner described by himself and wife.

Moreover, he is in receipt of a pension of $1 a day and the question involved is purely one for the determination of the Pension Office, and the committee has repeatedly refused to interfere in the individual adjudications of the Pension Bureau in matters clearly within their jurisdiction and presenting no technical hardship. To pass this bill is squarely in violation of the principle enunciated in several adverse reports on bills of this character, and the minority do earnestly recommend that the bill do lie on the table.

JOHN J. McDANNOLD,
M. R. BALDWIN,
C. J. ERDMAN.

Mr. KILGORE. Mr. Chairman, I would like to know who made the majority report in this case?

The CHAIRMAN. The Chair is advised that it was prepared by the gentleman from Iowa, Mr. LACEY.

Mr. VAN VOORHIS of New York. I would like to ask the gentleman from Texas if he thinks a man ought not to get an increase of pension because he was shot in the neck?

Mr. KILGORE. Well, a great many people get shot in the neck and sometimes they fall down in the street after being shot, but it does not always follow that they ought to be pensioned. Mr. Chairman, from the reading of the minority report I did not catch just when it was that the ball was extracted from this man's neck.

Mr. HULL. I ought to say that the man denies absolutely telling the inspector what the inspector reports him to have said. As a matter of fact, his mind is affected, and he is liable to say one thing at one time and another thing at another time.

Mr. TALBERT of South Carolina. What is his age?

Mr. HULL. He looks as if he were 90, but he is probably between 60 and 70.

Mr. KILGORE. Is it claimed in the majority report that this flesh wound in the neck created any disability at all?

Mr. HULL. It is claimed in the majority report that the flesh wound in the neck is the probable cause of all his trouble apart from the disability of his hand, for which he was pensioned. I want to say further that the majority report should have quoted more fully from the reports of the boards of examiners.

For example, in 1867, the local board found that he could not raise his arm above a certain point, and that there was some difficulty as to the rotary motion of the head. Every board of examiners in Des Moines during the past ten years, and during that time we have had both Republican and Democratic boards, have held that that was the reasonable and probable cause of his epilepsy and paralysis.

Mr. KILGORE. It was simply a flesh wound in the neck according to the report.

Mr. HULL. True; but you do not know how far the ball went in. When he moves his head there is crepitus, as you will find stated in the report. It is a case of a difference of opinion between the doctors here in the Pension Office and the doctors who have examined the man personally. If there was no doubt in the case he would be entitled to $12 a month under the law, but the committee fix $50 a month as a compromise.

Mr. KILGORE. If he is paralyzed, and if there was no doubt that the paralysis came from the gun-shot wound, the gentleman's statement would be correct; but I know something about people being shot, and the idea of a man living for fifteen or twenty years without feeling any inconvenience from a flesh wound and then all at once becoming paralyzed from it is absurd. I don't care how many doctors, or boards, or members of Congress lay down that proposition, it is absurd.

Mr. HULL. But there is no telling whether the ball ever was taken out.

Mr. KILGORE. It is within the comprehension of any man of ordinary intelligence that a flesh wound could not affect a man so as to produce any degree of paralysis. It might affect some of the muscles of his neck, and might perhaps affect the motion of his head a little, but it could only affect the muscles through which it passed. It could not produce the slightest degree of paralysis, and it is ridiculous to talk about it.

Mr. HULL. There is no evidence that the ball has ever been removed.

Mr. KILGORE. He says it was, himself.

Mr. HULL. The man says that he never did say that.

Mr. KILGORE. He says himself that the ball was extracted, and that he kept it twelve or fourteen years.

Mr. HULL. Well, he writes me about once or twice a week, and he says that he never did say that—that the statement is absolutely false.

Mr. KILGORE. Why, that is the principal testimony that the majority rely upon.

Mr. HULL. No. The testimony they rely upon consists of reports of the different local boards that have examined him personally, commencing in 1867 and running down to the present time.

The CHAIRMAN. The question is on the amendment reported by the committee.

The amendment was agreed to.

The CHAIRMAN. The question is now, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

The question being taken; there were—ayes 31, noes 25.

Mr. KILGORE. No quorum.

Tellers were ordered; and Mr. KILGORE and Mr. HULL were appointed.

The committee again divided; and the tellers reported—ayes 36, noes 26.

Mr. KILGORE. No quorum has voted.

Mr. MARTIN of Indiana. I ask unanimous consent that the committee do now rise.

Mr. MAHON. I object.

The CHAIRMAN. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Abbott,	Crawford,	Johnson, N. Dak.	Rayner,
Adams, Ky.	Culberson,	Johnson, Ohio	Reed,
Adams, Pa.	Cummings,	Jones,	Reyburn,
Aitken,	Curtis, N. Y.	Kem,	Richardson, Mich.
Alderson,	Dalzell,	Kribbs,	Richardson, Tenn.
Aldrich,	Davey,	Kyle,	Robbins,
Alexander,	De Forest,	Lacey,	Robertson, La.
Allen,	Denson,	Lapham,	Robinson, Pa.
Apsley,	Dingley,	Latimer,	Rusk,
Avery,	Doolittle,	Lawson,	Russell, Conn.
Babcock,	Draper,	Layton,	Russell, Ga.
Bailey,	Dunn,	Lefever,	Schermerhorn,
Baldwin,	Dunphy,	Lester,	Scranton,
Bankhead,	Edmunds,	Livingston,	Settle,
Barnes,	Ellis, Ky.	Lockwood,	Shaw.
Bartlett,	Ellis, Oregon	Loudenslager,	Shell,
Barwig,	English, Cal.	Lynch,	Sherman,
Belden,	English, N. J.	Magner,	Sibley,
Bell, Colo.	Enloe,	Maguire,	Sickles,
Bell, Tex.	Epes,	Mallory,	Simpson,
Beltzhoover,	Erdman,	Marshall,	Sipe,
Berry,	Fielder,	Marvin, N. Y.	Smith,
Bingham,	Fithian,	McAleer,	Snodgrass,
Black, Ill.	Fletcher,	McCall,	Somers,
Blair,	Forman,	McCleary, Minn.	Sorg.
Bland,	Funk,	McCreary, Ky.	Sperry,
Boatner,	Fyan,	McDearmon,	Springer,
Boutelle,	Gardner,	McDowell,	Stallings,
Bower, N. C.	Gear,	McGann,	Stephenson,
Bowers, Cal.	Geary,	McKeighan,	Stevens,
Branch,	Geissenhainer,	McLaurin,	Stockdale,
Breckinridge, Ark.	Gillet, N. Y.	McMillin,	Stone, W. A.
Breckinridge, Ky.	Gillett, Mass.	Mercer,	Stone, Ky.
Brickner,	Goldzier,	Meredith,	Storer,
Brosius,	Goodnight,	Meyer,	Strait,
Brown,	Grady,	Milliken,	Straus,
Bundy,	Graham,	Money,	Swanson,
Bunn,	Gresham,	Montgomery,	Sweet,
Burnes,	Grosvenor,	Moon,	Talbott, Md.
Burrows,	Grout,	Morgan,	Tarsney,
Bynum,	Grow,	Morse,	Taylor, Tenn.
Cabaniss,	Hainer,	Moses,	Terry,
Cadmus,	Haines,	Murray,	Thomas,
Campbell,	Hall, Minn.	Mutchler,	Tracey,
Cannon, Cal.	Hall, Mo.	Neill,	Tucker,
Cannon, Ill.	Hammond,	Newlands,	Turner, Ga.
Caruth,	Harmer,	Northway,	Turner, Va.
Catchings,	Harris,	Oates,	Turpin,
Causey,	Harter,	Ogden,	Updegraff,
Chickering,	Hartman,	O'Neil, Mass.	Van Voorhis, Ohio
Childs,	Hatch,	O'Neill, Mo.	Wadsworth,
Clancy,	Haugen,	Outhwaite,	Walker,
Clark, Mo.	Heard,	Paschal,	Wells,
Clarke, Ala.	Heiner,	Patterson,	Wever,
Cobb, Ala.	Henderson, Iowa,	Payne,	Wheeler, Ill.
Cobb, Mo.	Henderson, N. C.	Paynter,	White,
Cockran,	Hendrix,	Pence,	Whiting,
Cockrell,	Hines,	Pendleton, Tex.	Wilson, Ohio
Coffeen,	Hitt,	Pendleton, W. Va.	Wilson, Wash.
Conn,	Holman,	Perkins,	Wilson, W. Va.
Coombs,	Hooker, Miss.	Phillips,	Wise,
Cooper, Fla.	Hooker, N. Y.	Pigott,	Woodard,
Cooper, Tex.	Hopkins, Ill.	Post,	Woomer,
Cooper, Wis.	Hopkins, Pa.	Powers,	Wright, Mass.
Cornish,	Houk,	Price,	Wright, Pa.
Cousins,	Hulick,	Quigg,	
Covert,	Hutcheson,	Randall,	
Crain,	Islar,	Ray,	

The committee rose; and Mr. BROOKSHIRE having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House, having found itself without a quorum, the chairman had, in accordance with the rule, directed the roll to be called, and now reported the names of the absentees to the House, to be entered on the Journal.

The SPEAKER *pro tempore*. The names of the absentees will be entered on the Journal. Eighty-one members have answered to their names.

Mr. MARTIN of Indiana. I move that the House do now adjourn.

Several MEMBERS. Oh, no.

The question being put on the motion to adjourn,

The SPEAKER *pro tempore*. The ayes seem to have it.

Mr. BAKER of New Hampshire. I call for a division.

The question being again taken, there were—ayes 43, noes 19.

Mr. BAILEY. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 21, nays 50, answered "present 1," not voting 279; as follows:

YEAS—21.

Black, Ga.	Daniels,	Hunter,	Sayers,
Bretz,	De Armond,	Kilgore,	Taylor, Tenn.
Brookshire,	Dockery,	Kyle,	Waugh.
Bryan,	Everett,	Loud,	
Cogswell,	Hare,	Martin, Ind.	
Cooper, Ind.	Hayes,	McRae,	

NAYS—50.

Bailey,	Gorman,	McCulloch,	Stone, C. W.
Baker, Kans.	Hermann,	McEttrick,	Talbert, S. C.
Baker, N. H.	Hicks,	McKaig,	Tate,
Bartholdt,	Hudson,	Meiklejohn,	Tawney,
Blair,	Hull,	Neill,	Van Voorhis, N. Y.
Boen,	Ikirt,	Page,	Wanger,
Caminetti,	Johnson, Ind.	Pearson,	Washington,
Cox,	Kiefer,	Pickler,	Weadock,
Curtis, Kans.	Kribbs,	Reilly,	Williams, Ill.
Davis,	Lane,	Richards, Ohio	Williams, Miss.
Dinsmore,	Linton,	Ritchie,	Wolverton.
Donovan,	Mahon,	Ryan,	
Durborow,	Marsh,	Smith,	

ANSWERED "PRESENT"—1.

Wheeler, Ala.

NOT VOTING—279.

Abbott,	Culberson,	Hutcheson,	Randall,
Adams, Ky.	Cummings,	Izlar,	Ray,
Adams, Pa.	Curtis, N. Y.	Johnson, N. Dak.	Rayner,
Aitken,	Dalzell,	Johnson, Ohio	Reed,
Alderson,	Davey,	Jones,	Reyburn,
Aldrich,	De Forest,	Kem,	Richardson, Mich.
Alexander,	Denson,	Lacey,	Richardson, Tenn.
Allen,	Dingley,	Lapham,	Robbins,
Apsley,	Dolliver,	Latimer,	Robertson, La.
Arnold,	Doolittle,	Lawson,	Robinson, Pa.
Avery,	Draper,	Layton,	Rusk,
Babcock,	Dunn,	Lefever,	Russell, Conn.
Baldwin,	Dunphy,	Lester,	Russell, Ga.
Bankhead,	Edmunds,	Livingston,	Schermerhorn,
Barnes,	Ellis, Ky.	Lockwood,	Scranton,
Bartlett,	Ellis, Oregon	Loudenslager,	Settle,
Barwig,	English, Cal.	Lucas,	Shaw,
Belden,	English, N. J.	Lynch,	Shell,
Bell, Colo.	Enloe,	Maddox,	Sherman,
Bell, Tex.	Epes,	Magner,	Sibley,
Beltzhoover,	Erdman,	Maguire,	Sickles,
Berry,	Fielder,	Mallory,	Simpson,
Bingham,	Fithian,	Marshall,	Sipe,
Black, Ill.	Fletcher,	Marvin, N. Y.	Snodgrass,
Bland,	Forman,	McAleer,	Somers,
Boatner,	Funk,	McCall,	Sorg,
Boutelle,	Fyan,	McCleary, Minn.	Sperry,
Bower, N. C.	Gardner,	McCreary, Ky.	Springer,
Bowers, Cal.	Gear,	McDannold,	Stallings,
Branch,	Geary,	McDearmon,	Stephenson,
Breckinridge, Ark.	Geissenhainer,	McDowell,	Stevens,
Breckinridge, Ky.	Gillet, N. Y.	McGann,	Stockdale,
Brickner,	Gillett, Mass.	McKeighan,	Stone, W. A.
Broderick,	Goldzier,	McLaurin,	Stone, Ky.
Brosius,	Goodnight,	McMillin,	Storer,
Brown,	Grady,	McNagny,	Strait,
Bundy,	Graham,	Mercer,	Straus,
Bunn,	Gresham,	Meredith,	Strong.
Burnes,	Griffin,	Meyer,	Swanson,
Burrows,	Grosvenor,	Milliken,	Sweet,
Bynum,	Grout,	Money,	Talbott, Md.
Cabaniss,	Grow,	Montgomery,	Tarsney,
Cadmus,	Hager,	Moon,	Taylor, Ind.
Campbell,	Hainer,	Moore,	Terry,
Cannon, Cal.	Haines,	Morgan,	Thomas,
Cannon, Ill.	Hall, Minn.	Morse,	Tracey,
Capehart,	Hall, Mo.	Moses,	Tucker,
Caruth,	Hammond,	Murray,	Turner, Ga.
Catchings,	Harmer,	Mutchler,	Turner, Va.
Causey,	Harris,	Newlands,	Turpin,
Chickering,	Harter,	Northway,	Tyler,
Childs,	Hartman,	Oates,	Updegraff,
Clancy,	Hatch,	Ogden,	Van Voorhis, Ohio
Clark, Mo.	Haugen,	O'Neil, Mass.	Wadsworth,
Clarke, Ala.	Heard,	O'Neill, Mo.	Walker,
Cobb, Ala.	Heiner,	Outhwaite,	Warner,
Cobb, Mo.	Henderson, Ill.	Paschal,	Wells,
Cockran,	Henderson, Iowa	Patterson,	Wever,
Cockrell,	Henderson, N. C.	Payne,	Wheeler, Ill.
Coffeen,	Hendrix,	Paynter,	White,
Conn,	Hepburn,	Pence,	Whiting,
Coombs,	Hines,	Pendleton, Tex.	Wilson, Ohio
Cooper, Fla.	Hitt,	Pendleton, W. Va.	Wilson, Wash.
Cooper, Tex.	Holman,	Perkins,	Wilson, W. Va.
Cooper, Wis.	Hooker, Miss.	Phillips,	Wise,
Cornish,	Hooker, N. Y.	Pigott,	Woodard,
Cousins,	Hopkins, Ill.	Post,	Woomer,
Covert,	Hopkins, Pa.	Powers,	Wright, Mass.
Crain,	Houk,	Price,	Wright, Pa.
Crawford,	Hulick,	Quigg.	

So the House refused to adjourn.

Mr. MARTIN of Indiana. I ask that my colleague, Mr. HOLMAN, be excused on the ground that he is not able to be here.

There was no objection.

Mr. WHEELER of Alabama. I ask to be recorded as present. I have been here all evening.

The CHAIRMAN. The gentleman will be so recorded.

Mr. VAN VOORHIS of New York. I ask that my colleague, Mr. STRAUS, be excused on account of his duties on the tariff committee.

The result of the vote was then announced as above recorded.

Mr. PICKLER. I move a call of the House.

The question was taken, and there were—ayes 16, noes 29.

Mr. PICKLER. I demand tellers.

Tellers were not ordered.

Mr. MARTIN of Indiana. It is perfectly apparent that we can not get a quorum here to-night, and I appeal to the good sense of the House to sustain me in the motion I now make.

I move that the House do now adjourn.

The question was taken; and on a division, demanded by Mr. PICKLER, there were—ayes 43, noes 1.

Mr. MAHON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 25, nays 36, answered "present" 1, not voting 289; as follows:

YEAS—25.

Bailey,	Cox.	Herman 1,	Sayers,
Bell, Tex.	Daniels,	Hunter,	Talbert, S. C.
Black, Ga.	De Armond,	Kilgore,	Tate,
Brookshire.	Dinsmore,	Kribbs,	Taylor, Ind.
Bryan,	Dockery,	Martin, Ind.	
Caminetti,	Everett,	Moore,	
Capehart,	Hare,	Page,	

NAYS—36.

Baker, Kans.	Gorman,	Mahon,	Pickler,
Baker, N. H.	Hicks,	Marsh,	Reilly,
Bartholdt,	Hudson,	McCulloch,	Richards, Ohio
Blair,	Hull,	McEttrick,	Ritchie,
Boen,	Ikirt,	McKaig,	Ryan,
Curtis, Kans.	Johnson, Ind.	McRae,	Stone, C. W.
Davis,	Kiefer,	Meiklejohn,	Van Voorhis, N. Y.
Donovan,	Lane,	Neill,	Wanger,
Durborow,	Linton,	Pearson,	Williams, Miss.

ANSWERED "PRESENT"—1.

Clarke, Ala.

NOT VOTING—289.

Abbott,	Coombs,	Harter,	Meredith,
Adams, Ky.	Cooper, Fla.	Hartman,	Meyer,
Adams, Pa.	Cooper, Ind.	Hatch,	Milliken,
Aitken,	Cooper, Tex.	Haugen,	Money,
Alderson,	Cooper, Wis.	Hayes,	Montgomery,
Aldrich,	Cornish,	Heard,	Moon,
Alexander,	Cousins,	Heiner,	Morgan,
Allen,	Covert,	Henderson, Ill.	Morse,
Apsley,	Crain,	Henderson, Iowa	Moses,
Arnold,	Crawford,	Henderson, N. C.	Murray,
Avery,	Culberson,	Hendrix,	Mutchler,
Babcock,	Cummings,	Hepburn,	Newlands,
Baldwin,	Curtis, N. Y.	Hines.	Northway,
Bankhead,	Dalzell,	Hitt,	Oates,
Barnes,	Davey,	Holman,	Ogden,
Bartlett,	De Forest,	Hooker, Miss.	O'Neil, Mass.
Barwig,	Denson,	Hooker, N. Y.	O'Neill, Mo.
Belden,	Dingley,	Hopkins, Ill.	Outhwaite,
Bell, Colo.	Dolliver.	Hopkins, Pa.	Paschal,
Beltzhoover,	Doolittle,	Houk,	Patterson,
Berry,	Draper,	Hulick,	Payne,
Bingham,	Dunn,	Hutcheson,	Paynter,
Black, Ill.	Dunphy,	Izlar,	Pence,
Bland,	Edmunds,	Johnson, N. Dak.	Pendleton, Tex.
Boatner,	Ellis, Ky.	Johnson, Ohio	Pendleton, W. Va.
Boutelle,	Ellis, Oregon	Jones,	Perkins,
Bower, N. C.	English, Cal.	Kem,	Phillips,
Bowers, Cal.	English, N. J.	Kyle,	Pigott,
Branch,	Enloe,	Lacey,	Post,
Breckinridge, Ark.	Epes,	Lapham,	Powers,
Breckinridge, Ky.	Erdman,	Latimer,	Price,
Bretz,	Fielder,	Lawson,	Quigg.
Brickner,	Fithian,	Layton,	Randall,
Broderick,	Fletcher,	Lefever,	Ray,
Brosius,	Forman,	Lester,	Rayner,
Brown,	Funk,	Livingston,	Reed,
Bundy,	Fyan,	Lockwood,	Reyburn,
Bunn,	Gardner,	Loud,	Richardson, Mich
Burnes,	Gear,	Loudenslager,	Richardson, Tenn.
Burrows,	Geary,	Lucas,	Robbins,
Bynum,	Geissenhainer,	Lynch,	Robertson, La.
Cabaniss,	Gillet, N. Y.	Maddox,	Robinson, Pa.
Cadmus,	Gillett, Mass.	Magner,	Rusk,
Campbell,	Goldzier,	Maguire,	Russell, Conn.
Cannon, Cal.	Goodnight,	Mallory,	Russell, Ga.
Cannon, Ill.	Grady,	Marshall,	Schermerhorn,
Caruth,	Graham,	Marvin, N. Y.	Scranton.
Catchings,	Gresham,	McAleer,	Settle,
Causey,	Griffin,	McCall,	Shaw,
Chickering,	Grosvenor.	McCleary, Minn.	Shell,
Childs,	Grout,	McCreary, Ky.	Sherman,
Clancy,	Grow,	McDannold,	Sibley,
Clark, Mo.	Hager,	McDearmon,	Sickles,
Cobb, Ala.	Hainer,	McDowell.	Simpson,
Cobb, Mo.	Haines,	McGann,	Sipe,
Cockran,	Hall, Minn.	McKeighan,	Smith.
Cockrell,	Hall, Mo.	McLaurin,	Snodgrass,
Coffeen,	Hammond,	McMillin,	Somers,
Cogswell,	Harmer,	McNagny,	Sorg,
Conn,	Harris,	Mercer,	Sperry,

Springer,	Talbott, Md.	VanVoorhis, Ohio	Williams, Ill.
Stallings,	Tarsney,	Wadsworth,	Wilson, Ohio
Stephenson,	Tawney,	Walker,	Wilson, Wash.
Stevens,	Taylor, Tenn.	Warner,	Wilson, W. Va.
Stockdale,	Terry,	Washington,	Wise,
Stone, W. A.	Thomas,	Waugh,	Wolverton,
Stone, Ky.	Tracey,	Weadock.	Woodard,
Storer,	Tucker,	Wells,	Woomer,
Strait,	Turner, Ga.	Wever,	Wright, Mass.
Straus,	Turner, Va.	Wheeler, Ala.	Wright, Pa.
Strong,	Turpin,	Wheeler, Ill.	
Swanson,	Tyler,	White,	
Sweet,	Updegraff,	Whiting,	

So the House refused to adjourn.

Mr. BAKER of New Hampshire. Mr. Speaker, unanimous consent was given to the gentleman from Alabama [Mr. WHEELER] to-night to print remarks on the general subject of pensions. I ask that unanimous consent be given to all present to-night to do the same.

Several members objected.

Mr. BAKER of New Hampshire. Then I move that consent be granted.

The CHAIRMAN. The Chair thinks, in the absence of a quorum, such an order could not be made. [Cries of "Regular order!"]

Mr. BAKER of New Hampshire. I move a call of the House.

The question was taken; and on a division there were—ayes 18, noes 24.

Mr. MAHON. Yeas and nays.

Mr. VAN VOORHIS of New York. I make the point of order that the rule of the House provides that 15 members may have a call of the House. Here are 18 demanding it.

The SPEAKER *pro tempore*. The Chair thinks it would require a majority of the 15, if that were the total number present. Less than that number, however, could not order a call, or compel the attendance of the absent members.

The question now is on ordering the yeas and nays.

Mr. TATE. Pending that, I move that the House do now adjourn.

The House divided, and there were—ayes 26; noes none.

Mr. MAHON. The yeas and nays.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 17, nays 35, answered "present" 1, not voting 298; as follows:

YEAS—17.

Bailey,	De Armond,	Hunter,	Tate,
Black, Ga.	Dockery,	Kilgore,	Taylor, Ind.
Brookshire,	Everett,	Martin, Ind.	
Caminetti,	Gorman,	Page,	
Cox,	Hare,	Talbert, S. C.	

NAYS—35.

Baker, Kans.	Hicks,	McCulloch,	Richards, Ohio
Baker, N. H.	Hudson,	McEttrick,	Ritchie,
Bartholdt,	Hull,	McKaig,	Ryan,
Boen,	Johnson, Ind.	McRae,	Smith,
Curtis, Kans.	Kiefer,	Meiklejohn,	Stone, C. W.
Daniels,	Lane,	Neill,	Van Voorhis, N. Y.
Davis,	Linton,	Pearson,	Wanger,
Donovan,	Mahon,	Pickler,	Williams, Miss.
Durborow,	Marsh,	Reilly,	

ANSWERED "PRESENT"—1.

Clarke, Ala.

NOT VOTING—298.

Abbott,	Broderick,	Cousins,	Geissenhainer,
Adams, Ky.	Brosius,	Covert,	Gillet, N. Y.
Adams, Pa.	Brown,	Crain,	Gillett, Mass.
Aitken,	Bryan,	Crawford,	Goldzier,
Alderson,	Bundy,	Culberson,	Goodnight,
Aldrich,	Bunn,	Cummings,	Grady,
Alexander,	Burnes,	Curtis, N. Y.	Graham,
Allen,	Burrows,	Dalzell,	Gresham,
Apsley,	Bynum,	Davey,	Griffin,
Arnold,	Cabaniss,	De Forest,	Grosvenor,
Avery,	Cadmus,	Denson,	Grout,
Babcock,	Campbell,	Dingley,	Grow,
Baldwin,	Cannon, Cal.	Dinsmore,	Hager,
Bankhead,	Cannon, Ill.	Dolliver,	Hainer,
Barnes,	Capehart,	Doolittle,	Haines,
Bartlett,	Caruth,	Draper,	Hall, Minn.
Barwig,	Catchings,	Dunn,	Hall, Mo.
Belden,	Causey,	Dunphy,	Hammond,
Bell, Colo.	Chickering,	Edmunds,	Harmer,
Bell, Tex.	Childs,	Ellis, Ky.	Harris,
Beltzhoover,	Clancy,	Ellis, Oregon	Harter,
Berry,	Clark, Mo.	English, Cal.	Hartman,
Bingham,	Cobb, Ala.	English, N. J.	Hatch,
Black, Ill.	Cobb, Mo.	Enloe,	Haugen,
Blair,	Cockran,	Epes,	Hayes,
Bland,	Cockrell,	Erdman,	Heard,
Boatner,	Coffeen,	Fielder,	Heiner,
Boutelle,	Cogswell,	Fithian,	Henderson, Ill.
Bower, N. C.	Conn,	Fletcher,	Henderson, Iowa
Bowers, Cal.	Coombs,	Forman,	Henderson, N. C.
Branch,	Cooper, Fla.	Funk,	Hendrix,
Breckinridge, Ark.	Cooper, Ind.	Fyan,	Hepburn,
Breckinridge, Ky.	Cooper, Tex.	Gardner,	Hermann,
Bretz,	Cooper, Wis.	Gear,	Hines,
Brickner,	Cornish,	Geary,	Hitt,
Holman,	McDearmon,	Quigg,	Swanson,
Hooker, Miss.	McDowell,	Randall,	Sweet,
Hooker, N. Y.	McGann,	Ray,	Talbott, Md.
Hopkins, Ill.	McKeighan	Rayner,	Tarsney,
Hopkins, Pa.	McLaurin,	Reed,	Tawney,
Houk,	McMillin,	Reyburn,	Taylor, Tenn.
Hulick,	McNagny,	Richardson, Mich.	Terry,
Hutcheson,	Mercer,	Richardson, Tenn.	Thomas,
Ikirt,	Meredith,	Robbins,	Tracey,
Izlar,	Meyer,	Robertson, La.	Tucker,
Johnson, N. Dak.	Milliken,	Robinson, Pa.	Turner, Ga.
Johnson, Ohio	Money,	Rusk,	Turner, Va.
Jones,	Montgomery.	Russell, Conn.	Turpin,
Kem,	Moon,	Russell, Ga.	Tyler,
Kribbs,	Moore,	Sayers,	Updegraff,
Kyle,	Morgan,	Schermerhorn,	VanVoorhis, Ohio
Lacey,	Morse,	Scranton,	Wadsworth,
Lapham,	Moses,	Settle,	Walker,
Latimer,	Murray,	Shaw,	Warner,
Lawson,	Mutchler,	Shell,	Washington,
Layton,	Newlands,	Sherman,	Waugh,
Lefever,	Northway,	Sibley,	Weadock,
Lester,	Oates,	Sickles,	Wells,
Livingston,	Ogden,	Simpson,	Wever,
Lockwood,	O'Neil, Mass.	Sipe,	Wheeler, Ala.
Loud,	O'Neill, Mo.	Snodgrass,	Wheeler, Ill.
Loudenslager,	Outhwaite,	Somers,	White,
Lucas,	Paschal,	Sorg,	Whiting,
Lynch,	Patterson,	Sperry,	Williams, Ill.
Maddox,	Payne,	Springer,	Wilson, Ohio
Magner,	Paynter,	Stallings,	Wilson, Wash.
Maguire,	Pence,	Stephenson,	Wilson, W. Va.
Mallory,	Pendleton, Tex.	Stevens,	Wise,
Marshall,	Pendleton, W. Va.	Stockdale,	Wolverton,
Marvin, N. Y.	Perkins,	Stone, W. A.	Woodard,
McAleer,	Phillips,	Stone, Ky.	Woomer,
McCall,	Pigott,	Storer,	Wright, Mass.
McCleary, Minn.	Post,	Strait,	Wright, Pa.
McCreary, Ky.	Powers,	Straus,	
McDannold,	Price,	Strong,	

Mr. PICKLER. Mr. Speaker, I demand a recapitulation of the vote.

Mr. VAN VOORHIS of New York. Can a member demand that as a matter of right?

The SPEAKER *pro tempore*. The Chair thinks so.

The vote was recapitulated.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from New Hampshire, for a call of the House, on which the yeas and nays were demanded.

The yeas and nays were ordered.

The question was taken; and there were—yeas 32, nays 16, answered "present" 1, not voting 302; as follows:

YEAS—32.

Bailey,	Donovan,	McEttrick,	Ryan,
Baker, N. H.	Durborow,	McKaig,	Stone, C. W.
Boen,	Hicks,	McRae,	Talbert, S. C.
Cox,	Hull,	Meiklejohn,	Tate,
Curtis, Kans.	Lane,	Neill,	Van Voorhis, N. Y
Daniels,	Linton,	Pearson,	Wanger,
Davis,	Mahon,	Richards, Ohio	Wheeler, Ala.
Dolliver,	McCulloch,	Ritchie	Williams, Miss.

NAYS—16.

Baker, Kans.	Dockery,	Hunter,	Martin, Ind.
Black, Ga.	Everett,	Ikirt,	Page,
Brookshire,	Hare,	Kiefer,	Reilly,
De Armond,	Hudson,	Marsh,	Taylor, Ind.

ANSWERED "PRESENT"—1.

Clarke, Ala.

NOT VOTING—302.

Abbott,	Brickner,	Cooper, Wis.	Geary,
Adams, Ky.	Broderick,	Cornish,	Geissenhainer,
Adams, Pa.	Brosius,	Cousins,	Gillet, N. Y.
Aitken,	Brown,	Covert,	Gillett, Mass.
Alderson,	Bryan,	Crain,	Goldzier,
Aldrich,	Bundy,	Crawford,	Goodnight,
Alexander,	Bunn,	Culberson	Gorman,
Allen,	Burnes,	Cummings,	Grady,
Apsley,	Burrows,	Curtis, N. Y.	Graham,
Arnold,	Bynum,	Dalzell,	Gresham,
Avery,	Cabaniss,	Davey,	Griffin,
Babcock,	Cadmus,	De Forest,	Grosvenor,
Baldwin,	Caminetti,	Denson,	Grout,
Bankhead,	Campbell,	Dingley,	Grow,
Barnes,	Cannon, Cal.	Dinsmore,	Hager,
Bartholdt,	Cannon, Ill.	Doolittle,	Hainer,
Bartlett,	Capehart,	Draper,	Haines,
Barwig,	Caruth,	Dunn,	Hall, Minn.
Belden,	Catchings,	Dunphy,	Hall, Mo.
Bell, Colo.	Causey,	Edmunds,	Hammond,
Bell, Tex.	Chickering,	Ellis, Ky.	Harmer,
Beltzhoover,	Childs,	Ellis, Oregon	Harris,
Berry,	Clancy,	English, Cal.	Harter,
Bingham,	Clark, Mo.	English, N. J.	Hartman,
Black, Ill.	Cobb, Ala.	Enloe,	Hatch,
Blair,	Cobb, Mo.	Epes,	Haugen,
Bland,	Cockran,	Erdman,	Hayes,
Boatner,	Cockrell,	Fielder,	Heard,
Boutelle,	Coffeen,	Fithian,	Heiner,
Bower, N. C.	Cogswell,	Fletcher,	Henderson, Ill.
Bowers, Cal.	Conn,	Forman,	Henderson, Iowa
Branch,	Coombs,	Funk,	Henderson, N. C.
Breckinridge, Ark.	Cooper, Fla.	Fyan,	Hendrix,
Breckinridge, Ky.	Cooper, Ind.	Gardner,	Hepburn,
Bretz,	Cooper, Tex.	Gear,	Hermann,

Hines,	McCreary, Ky.	Powers,	Straus,
Hitt,	McDannold,	Price,	Strong,
Holman,	McDearmon,	Quigg,	Swanson,
Hooker, Miss.	McDowell,	Randall,	Sweet,
Hooker, N. Y.	McGann,	Ray,	Talbott, Md.
Hopkins, Ill.	McKeighan,	Rayner,	Tarsney,
Hopkins, Pa.	McLaurin,	Reed,	Tawney,
Houk,	McMillin,	Reyburn,	Taylor, Tenn.
Hullck,	McNagny,	Richardson, Mich.	Terry,
Hutcheson,	Mercer,	Richardson, Tenn.	Thomas,
Izlar,	Meredith,	Robbins,	Tracey,
Johnson, Ind.	Meyer,	Robertson, La.	Tucker,
Johnson, N. Dak.	Milliken,	Robinson, Pa.	Turner, Ga.
Johnson, Ohio	Money,	Rusk,	Turner, Va.
Jones,	Montgomery,	Russell, Conn.	Turpin,
Kem,	Moon,	Russell, Ga.	Tyler,
Kilgore,	Moore,	Sayers,	Updegraff,
Kribbs,	Morgan,	Schermerhorn,	Van Voorhis, Ohio
Kyle,	Morse,	Scranton,	Wadsworth,
Lacey,	Moses,	Settle,	Walker,
Lapham,	Murrray,	Shaw,	Warner,
Latimer,	Mutchler,	Shell,	Washington,
Lawson,	Newlands,	Sherman,	Waugh,
Layton,	Northway,	Sibley,	Weadock,
Lefever,	Oates,	Sickles,	Wells,
Lester,	Ogden,	Simpson,	Wever,
Livingston,	O'Neil, Mass.	Sipe,	Wheeler, Ill.
Lockwood,	O'Neill, Mo.	Smith,	White,
Loud,	Outhwaite,	Snodgrass,	Whiting,
Loudenslager,	Paschal,	Somers,	Williams, Ill.
Lucas,	Patterson,	Sorg,	Wilson, Ohio
Lynch,	Payne,	Sperry,	Wilson, Wash.
Maddox,	Paynter,	Springer,	Wilson, W. Va.
Magner,	Pence,	Stallings,	Wise,
Maguire,	Pendleton, Tex.	Stephenson,	Wolverton,
Mallory,	Pendleton, W. Va.	Stevens,	Woodard,
Marshall,	Perkins,	Stockdale,	Woomer,
Marvin, N. Y.	Phillips,	Stone, W. A.	Wright, Mass.
McAleer,	Pickler,	Stone, Ky.	Wright, Pa.
McCall,	Pigott,	Storer,	
McCleary, Minn	Post,	Strait,	

At the conclusion of the first call,

Mr. HULL said: I ask unanimous consent that the second call of the roll be dispensed with, on account of the tired condition of the Clerk, and that the House adjourn.

Mr. MAHON. I object.

The SPEAKER *pro tempore*. Objection is made.

The call was resumed and concluded.

The SPEAKER *pro tempore*. On this question the yeas are 32, the nays 16, present 1. So a call of the House is ordered. The hour of half past ten having arrived, the Chair declares the House adjourned, under clause 3 of Rule XXVI, until to-morrow at noon.

Accordingly (at 10 o'clock and 30 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HUTCHESON, from the Committee on Claims: A bill (H. R. 7405) for the relief of Juan S. Hart, administrator of Simeon Hart, deceased. (Report No. 1407.)

By Mr. PENDLETON of West Virginia, from the Committee on Military Affairs: A bill (H. R. 6243) to remove the charge of desertion from the military record of Peter R. Eddy. (Report No. 1408.)

By Mr. HULL, from the Committee on Military Affairs: A joint resolution (S. R. 68) for the relief of W. D. Mack, a clerk in the Record and Pension Division of the War Department. (Report No. 1409.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: A bill (H. R. 6831) granting a pension to Mrs. Mary E. Wyse, widow of Lieut. Col. F. O. Wyse. (Report No. 1410.)

By Mr. LAPHAM, from the Committee on Military Affairs: A bill (H. R. 6851) for the relief of James Berry Duckett. (Report No. 1411.)

By Mr. PENDLETON of West Virginia, from the Committee on Military Affairs: A bill (H. R. 3043) for the relief of Curtis P. Wise. (Report No. 1412.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. JOHNSON of North Dakota: A bill (H. R. 7941) granting to the State of North Dakota certain portions of the abandoned Fort Abraham Lincoln military reservation, together with the buildings thereon—to the Committee on the Public Lands.

By Mr. FLYNN: A bill (H. R. 7942) granting to K County, in Oklahoma Territory, authority to build a bridge across the Arkansas River—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. FLYNN: A bill (H. R. 7943) for the relief of settlers in Oklahoma Territory—to the Committee on the Public Lands.

By Mr. BARTHOLDT: A bill (H. R. 7944) for the relief of Mary A. Barry—to the Committee on Military Affairs.

By Mr. BOATNER: A bill (H. R. 7945) for the relief of Mrs. Mattie S. Holland—to the Committee on War Claims.

By Mr. DOOLITTLE: A bill (H. R. 7946) to remove the charge of desertion from the record of James Davis—to the Committee on Military Affairs.

By Mr. FITHIAN: A bill (H. R. 7947) granting an increase of pension to John M. Collison—to the Committee on Invalid Pensions.

By Mr. RITCHIE: A bill (H. R. 7948) granting a pension to Aloysius Oberle—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BALDWIN: Resolution of Chamber of Commerce of Duluth, Minn., favoring a canal from the Great Lakes to the Atlantic Ocean—to the Committee on Railways and Canals.

Also, resolution of Manitoba Central Farmers' Institute, of Brandon, favoring connecting the Great Lakes with the Atlantic Ocean by improvements of canals and the St. Lawrence River, and for a canal from Red River of the North to the Lake of the Woods—to the Committee on Railways and Canals.

Also, resolution of Chamber of Commerce of Duluth, Minn., for enlarging the old Government lock at Sault Ste. Marie—to the Committee on Railways and Canals.

By Mr. CARUTH: Petition of the druggists of Louisville, Ky., in favor of free alcohol used in arts and manufacture of medicine, etc.—to the Committee on Ways and Means.

By Mr. DOOLITTLE: Petition of J. B. Steadman Post and of J. L. Reas Post, Grand Army of the Republic, of the State of Washington, praying that the 12th day of February be made a national holiday—to the Committee on the Judiciary.

Also, petition of Commercial Club of Tacoma, Wash., praying for construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chamber of Commerce of Astoria, Oregon, praying for the establishment of fish hatcheries on the Columbia River—to the Committee on Merchant and Marine Fisheries.

Also, petition of Western Central Labor Union, of Seattle, Wash., praying for amendment to public land laws, restricting benefit of same to citizens of the United States—to the Committee on the Public Lands.

Also, petition of the citizens of Chehalis County, Wash., praying for the establishment of a harbor of refuge in Grays Harbor, Wash.—to the Committee on Rivers and Harbors.

Also, petition of the members of the bar of Yakima County, Wash., praying for the establishment of a district and circuit court term of United States courts at North Yakima, Wash.—to the Committee on the Judiciary.

Also, petition of citizens of Pierce County, Wash., praying for passage of House bill 5246—to the Committee on the Judiciary.

Also, petition of residents of Mason County, Wash., praying for passage of House bill 5746—to the Committee on Agriculture.

By Mr. GRADY: Papers to accompany the claim of David Darrock, of Cumberland County, N. C.—to the Committee on War Claims.

By Mr. HAGER: Petition of residents of Pottawattamie County, Iowa, asking the impeachment of Attorney-General Olney—to the Committee on the Judiciary.

By Mr. McRAE: Resolution of the Young Men's Democratic Club, asking action on Wilson tariff bill—to the Committee on Ways and Means.

By Mr. MEREDITH: Petition of Rev. S. P. Shipman and Rev. S. A. Ball, praying for the passage of Senate bill 1620, entitled "A bill to prevent lottery traffic," etc.—to the Committee on the Judiciary.

By Mr. PENCE: Petition relating to sending copies of CONGRESSIONAL RECORD to all post-offices for public use—to the Committee on Printing.

By Mr. SPRINGER: Papers to accompany House bill 7940—to the Committee on War Claims.

By Mr. TERRY: Resolution of Young Men's Democratic Club, of Hot Springs, Ark., in favor of passage of Wilson tariff bill, or the speedy passage of some measure as nearly in conformity thereto as possible—to the Committee on Ways and Means.

SENATE.

SATURDAY, *August 11, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. TURPIE, and by unanimous consent, the further reading was dispensed with.

DESTRUCTION OF USELESS PAPERS.

The VICE-PRESIDENT. In accordance with the provisions of the joint resolution approved February 16, 1889, relating to the destruction of certain papers in the Executive Departments, which are not needed in the transaction of public business, etc., the Chair appoints Mr. VILAS and Mr. CULLOM members of the joint committee on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 4667) to provide for the opening of certain abandoned military reservations, and for other purposes; and

A bill (H. R. 7680) to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company.

The message also announced that the House had passed the bill (S. 2107) granting to the Northern Mississippi Railway Company right of way through certain Indian reservations in Minnesota.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 507) for the relief of J. E. Merriam;

A bill (H. R. 526) for the relief of Joseph Haxthausen;

A bill (H. R. 1075) for the relief of Merril Denham;

A bill (H. R. 2842) to reimburse George C. Tanner, late consul, etc., the sum of $200, paid by him for rent of rooms;

A bill (H. R. 5368) for the relief of H. W. McConnell; and

A bill (H. R. 7603) for the relief of Charles Deal.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1852) to provide an American register for the steamer S. Oteri;

A bill (S. 2234) to further amend section 2399 of the Revised Statutes of the United States; and

A bill (H. R. 1589) for the relief of Louis Pelham.

PETITIONS AND MEMORIALS.

Mr. TURPIE presented a memorial of the Board of Trade of Indianapolis, Ind., remonstrating against the adoption of certain proposed amendments to the so-called Patterson bill amending the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. TELLER presented a petition of sundry citizens of Pagoda, Colo., praying for the reduction of the White River timber reserve in Colorado; which was referred to the Committee on Public Lands.

He also presented a memorial of sundry citizens of Denver, Colo., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. PERKINS presented a memorial of Pomona Grange, Patrons of Husbandry, of Petaluma, Cal., remonstrating against the passage of the Pacific Railroad funding bills; which was referred to the Committee on Pacific Railroads.

Mr. VILAS presented the memorial of C. F. White and sundry other citizens of Ontario, Wis., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

GOLD AND SILVER PRICES.

Mr. TELLER. I present an address delivered before the London Chamber of Commerce on the 24th of July by E. E. Isemonger, colonial treasurer and member of council of the Straits Settlement, on the "Evidence of a Crown Colony on Gold and Silver Prices." I move that the address be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PALMER. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 7515) granting the right of way through the Arlington reservation for electric railway purposes, to report it with amendments, and submit a report thereon. I ask unanimous consent for the present consideration of the bill.

Mr. HALE. The bill is a very important one, and it ought to go to the Calendar.

The VICE-PRESIDENT. There is objection to the present consideration of the bill, and it will be placed on the Calendar.

Mr. PASCO, from the Committee on Military Affairs, to whom was referred the bill (S. 1558) for the correction of the military record of Capt. Joseph H. Richards, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1858) to grant an honorable discharge to George S. Raymond, late captain Company G, Sixty-fifth Regiment New York Volunteers, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 562) for the relief of Marlin Parks, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1572) to extend the time for building a street railway on the military reservation, Fort Riley, Kansas, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the Committee on Claims, to whom was referred the bill (H. R. 3334) authorizing and directing the Secretary of the Treasury to pay to the heirs or legal representatives of C. P. Gooch certain money due him for carrying the mail, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1314) for the relief of Mathew S. Priest, reported it without amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 6050) to pension Margaret A. Woods, widow of William W. Woods, late of Company E, Sixteenth Illinois Volunteer Infantry, reported it without amendment, and submitted a report thereon.

JOHANNA GLEASON.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 5703) for the relief of Johanna Gleason, to report it without amendment. As it will take but a moment to put the bill on its passage, I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of Johanna Gleason, widow of Thomas Gleason, of Company A, Thirty-fifth New York Volunteers, on the pension roll and pay her a pension, subject to the provisions and limitations of the act approved June 27, 1890.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY C. FIELD.

Mr. PALMER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 4490) granting a pension to Henry C. Field, to report it favorably without amendment.

Mr. FRYE. This is a House bill. I know personally the beneficiary. He is 80 years of age and very feeble. I ask that he may receive the benefit proposed by the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Henry C. Field, dependent father of Daniel Field, late a private of Company H, Twenty-ninth Maine Regiment, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CAFFERY introduced a bill (S. 2300) for the relief of the heirs of Mrs. Gabriel Le Breton Deschapelles; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 2301) for the relief of Charles M. Larsh, of Denver, Colo.; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2302) for the relief of Mrs. Emma D. Larsh, of Denver, Colo.; which was read twice by its title, and referred to the Committee on Public Lands.

LOUIS A. YORKE—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I hereby return without my approval Senate bill numbered 1438, entitled "An act for the relief of Louis A. Yorke."

In the year 1886 the beneficiary named in this bill was a passed assistant paymaster in the Navy. In December of that year he appeared before a naval examining board, convened pursuant to law for the purpose of passing upon his fitness to be promoted to the grade of paymaster.

The investigation of the board was conducted fairly and thoroughly. Much of the evidence relating to the candidate's moral fitness for promotion was documentary and the examination touching his professional competency was of the usual character in such cases.

Considerable evidence was before the board showing quite a large amount of personal indebtedness owing by the candidate, and it appeared that in a few instances his accounts with the Navy Department had not been promptly settled. It was also shown that he had not at all times deposited the Government money intrusted to his care, in the places required by law and the regulations of the Navy. In connection with his personal indebtedness incidents and circumstances were brought to light which certainly indicated that he entertained very lax ideas of honest dealing and fairness, and which developed a disregard of the obligations and requirements of his position as an officer in the Navy. He was given abundant opportunity to meet and explain every damaging allegation and every adverse inference arising from the evidence, and his claim, not without foundation it appeared, that the charges against him were instigated by malice, was doubtless given full weight.

The examining board on the evidence made the following decisions and findings:

"The written examination of the candidate shows that he is deficient in his knowledge of the duties appertaining to the next higher grade; and the record evidence puts in question his moral fitness, and he has failed to establish both his professional and moral qualifications for promotion to the satisfaction of the board:

"Therefore, we hereby certify that Passed Assistant Paymaster Louis A. Yorke, United States Navy, has the mental fitness to perform efficiently all the duties both at sea and on shore of the next higher grade; but he has not the professional and moral qualifications required, and we do not recommend him for promotion."

After the board had thus disposed of the case and adjourned it was, at the request of the candidate, reconvened by order of the Secretary of the Navy, who issued for its guidance the following directions among others:

"The board will inform Passed Assistant Paymaster Yorke of its findings and of the evidence upon which it finds him to be not morally qualified for promotion and will afford him a further hearing and an opportunity to present such evidence as he may desire as to his moral fitness for promotion."

The board met pursuant to such order on the 4th day of January, 1887, when the findings of the board were read to the candidate for promotion and also the evidence upon which said findings were based, and he was informed that the board would accord him a further hearing as to his moral fitness for promotion and would afford him reasonable time in which to submit his case. Thereupon he requested the board to allow him until the 26th day of January to produce the necessary witnesses in his behalf. This request was granted, but on the day appointed, upon his representation that he was then unable to submit his defense, he was upon his request allowed another day for that purpose.

In availing himself of the opportunity thus afforded him to present evidence in defense or explanation of the matters charged against him, he examined no witnesses and contented himself with presenting his own statement, containing little more than a reiteration of statements he had already made before the board at previous meetings, supplemented by slight documentary evidence which established no new facts in his favor.

The board thereupon reviewed all the evidence and proofs which had been submitted during the entire examination, and after full consideration decided that there was nothing in the additional evidence produced to warrant a modification of the original finding, and the board therefore again certified and decided that the candidate had not the moral qualifications to perform efficiently the duties of the grade to which he sought promotion.

The Secretary of the Navy transmitted the record, proceedings, and findings of said examining board to the President, with the recommendation that the same be approved and that the candidate be discharged from the Navy with one year's pay, pursuant to a statute passed on the 5th day of August, 1882, directing a discharge from the service in such cases.

Thereupon, and on the 19th day of February, 1887, the record, proceedings, and findings of said board were approved by the President and Passed Assistant Paymaster Yorke was ordered discharged from the naval service with one year's pay.

The bill now under consideration provides that the action of the examining board above recited "be set aside and declared null and void." It also authorizes the President "to appoint the beneficiary to the office to which he would have been promoted but for said action, and to retire him in that grade as of the date he was wholly retired."

The authority attempted by the bill to be given to the President, to thus make an appointment to the office of paymaster in the Navy without the interposition of the Senate, appears to be inadmissible under the clause of the Constitution which only permits the President to appoint certain officers "by and with the advice and consent of the Senate."

The bill provides for the immediate retirement of the beneficiary. He is now but 47 years old, thus lacking fifteen years of the time when he would be entitled to retirement on account of age. There is no suggestion that he is physically incapacitated. On the contrary, when he was examined for promotion, a medical board certified that he was physically qualified to perform all his duties at sea, and the candidate himself not only certified to the same thing, but further declared that he was "free from all bodily ailments." If this condition continues, and if he should be restored to the Navy at all, he should be sent to duty on the active list instead of being retired. On the facts as presented he would seem to be out of place among those who, though still compensated by the Government, have been on account of age, long and honorable service, or disabilities incurred in the discharge of duty relieved from further activity.

A careful investigation of the facts submitted to the examining board and a consideration of all the statements made on behalf of the beneficiary named in the bill utterly fail, in my opinion, to justify the impeachment of the findings and determination of the board.

I have no doubt malicious feeling growing out of domestic difficulties entered into the affair and gave impetus to the search after inculpating evidence; but facts were nevertheless established beyond any reasonable doubt which abundantly uphold these findings.

I feel obliged to disapprove the bill herewith returned because I believe the power to appoint a paymaster in the Navy ought not, under the Constitution, be conferred upon the President alone, because if the beneficiary were restored to the Navy there would be no justice or propriety in placing him upon the retired list, and because upon the merits of the case I am of the opinion the judgment of the examining board ought not to be reversed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 11, 1894.*

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. BUTLER. I move that the message of the President of the United States, together with the bill, be printed and referred to the Committee on Naval Affairs.

The motion was agreed to.

STATE, COUNTY, AND MUNICIPAL TAXES.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6284) to prevent interference in the collection of State, county, and municipal taxes assessed against corporations and corporate property, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PUGH. I move that the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. PUGH, Mr. COKE, and Mr. HOAR were appointed.

RECENT ELECTION IN ALABAMA.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. CHANDLER, as follows:

Resolved, That the Committee on Privileges and Elections be directed to inquire into the facts of the election held in the State of Alabama on the 6th of the present month of August, and to ascertain and report whether such election was full, fair, free, and honest, and resulted in the choice of a Legislature entitled to elect a United States Senator, and that said committee as a whole or by subcommittee shall have power to send for persons and papers and sit during the approaching recess of Congress.

Mr. CHANDLER. The counting of the votes in Alabama has not yet been finished, and the senior Senator from Alabama [Mr. MORGAN] has not yet returned. I therefore propose to ask that the resolution may go over, not losing its place, until Monday, when I understand the senior Senator from Alabama will be present. I desire to say, however, that I very much hope that the resolution will pass.

History repeats itself. Twenty-two years ago, as the result of the election in Alabama, there were organized two Legislatures, and as the result of those two Legislatures two United States Senators were chosen. The two Legislatures were organized because of the wrongful change of the vote in the two counties of Barbour and Marengo, It required judicious conduct on the part of the Administration of the Government at Washington to put an end to civil commotion and two Legislatures in Alabama, and I very much fear, unless there is an immediate investigation by the Senate, that there will be two Legislatures, two governors, and two United States Senators from the State of Alabama. I believe that by a prompt investigation of the question by the committee of which the Senator from Delaware [Mr. GRAY] is chairman this great calamity to the State of Alabama will be averted.

I ask that the resolution may go over until Monday in the morning hour, not losing its place.

Mr. PUGH. Mr. President, the resolution proposes to investigate an election that took place in my State on last Monday. There has been no official report of the result of that election in any county. The returns involving the election of members of the Legislature have to be made to the State next November, and the State Legislature has the exclusive power to deal with the right of the members of the Legislature to their seats.

There is no authority in law, organic or statutory, for this investigation. It would be a naked usurpation of power by the Senate if this resolution were to pass. It would authorize an investigation into matters over which the Senate has no jurisdiction whatever. That has been decided repeatedly by the Senate. I undertake to say that if there were an investigation, and if there were any authority to make it, it would be discovered that there has been nothing whatever in that election to authorize, justify, or to support the investigation.

I am willing for the resolution to go over. The next Legislature elects a successor to my colleague [Mr. MORGAN]. He has been in the State of Alabama engaged in the canvass resulting in the election last Monday. I do not desire that any action shall be taken upon the resolution or any discussion be had upon it in his absence. I think I can say he will be present in the Senate on next Monday, and I therefore ask that the resolution go over until he is present.

Mr. GRAY. Mr. President, if I understood the Senator from New Hampshire [Mr. CHANDLER], he asked unanimous consent that the resolution might go over, reserving its place. I must object to that, if it requires unanimous consent. I do not wish to give the sanction even of withholding an objection to a proposition which seems to me so far away from any jurisdiction which the Senate can rightfully exercise, to be so long a step

in the direction of centralization, and to be without any precedent worthy of the name in the history of our country. If it requires unanimous consent that the request of the Senator from New Hampshire shall be granted, I must object.

Mr. CHANDLER. Mr. President, I ask leave to withdraw the resolution.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the resolution is withdrawn.

Mr. CHANDLER. I offer the resolution which I send to the desk and ask that it may go over until to-morrow.

The VICE-PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Privileges and Elections be directed to inquire into the facts of the election held in the State of Alabama on the 6th of the present month of August, and to ascertain and report whether such election was full, fair, free, and honest, and resulted in the choice of a Legislature entitled to elect a United States Senator, and that said committee as a whole or by subcommittee shall have power to send for persons and papers and sit during the approaching recess of Congress.

The VICE-PRESIDENT. The resolution will go over under the rule.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 507) for the relief of J. E. Merriam;

A bill (H. R. 526) for the relief of Joseph Haxthausen;

A bill (H. R. 1075) for the relief of Merril Denham;

A bill (H. R. 2842) to reimburse George C. Tanner, late consul, etc., the sum of $200 paid by him for rent of rooms;

A bill (H. R. 5368) for the relief of H. W. Connell; and

A bill (H. R. 7603) for the relief of Charles Deal.

THE REVENUE BILL.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from New York [Mr. HILL], coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. HILL, as follows:

Resolved, That the conferees on the part of the Senate who are now considering the differences between the two Houses on House bill 4864, being an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," be, and they are hereby, requested to report to the Senate if they are likely to come to an agreement; and, if not, to report to the Senate a disagreement; and also to report the principal items of disagreement, so that the Senate may take action thereon.

Mr. HILL. Mr. President, some question has arisen as to the parliamentary status of the tariff bill in case the resolution which I offered yesterday should prevail. I do not know that any doubt absolutely exists in regard to it, but there ought not to be any question upon such an important point. The status of the bill should be determined; and there is no better time to determine it than now, before any action is actually taken upon the bill, either by a favorable vote or an adverse vote. For that purpose, and in order to perfect the resolution, I offer the amendment to the resolution which I send to the desk, only adding a few words to it.

The VICE-PRESIDENT. The modification proposed by the Senator from New York will be read.

The Secretary read the resolution as modified, as follows:

Resolved, That the conferees on the part of the Senate, who are now considering the differences between the two Houses on House bill 4864, being an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," report to the Senate if they are likely to come to an agreement; and, if not, report the principal items of disagreement, delivering said bill to the Secretary of the Senate for the further action of the Senate thereon.

Mr. HILL. On that I call for the yeas and nays.

Mr. GRAY. Mr. President, I should like to hear from the Senator from New York some reason for the parliamentary position which is asserted by the amendment to the resolution. It is a very important question, as he has stated, and I think ought not to be voted upon without some discussion at least. I should like to hear from the Senator before I say anything.

Mr. HOAR. The Senator can not be heard on this side.

Mr. ALDRICH. I suggest that the Senator from New York has a right to modify his resolution in the form now suggested by him. That is not a question to be submitted to the Senate. All he has to do is to submit the modification.

Mr. GRAY. The Senator from Rhode Island quite misunderstood me. I have not objected to the right of the Senator from New York to modify his resolution. I know as well as the Senator from Rhode Island that the Senator New York has that right.

Mr. PLATT. The Senator could not be heard.

Mr. ALDRICH. The Senator was addressing his colleagues upon the other side in such a tone of voice that he could not be heard on this side.

Mr. GRAY. I beg the Senator's pardon. I was asking the Senator from New York to give some explanation of the principles embodied in the amendment which he has offered to the resolution.

Mr. HALE. It is not an amendment; it is a modification.

Mr. HILL. There is not the slightest objection to complying with the very pertinent request of the Senator from Delaware. In my judgment, under the situation in which this bill is now placed, the custody of the bill must be deemed to be in the possession of the Senate for every practical purpose of legislation. It is somewhat a new question where this bill can be said to be in a parliamentary sense. I do not know that the question will be of the slightest importance; but it is only to guard against a possible contingency and a complication between the two Houses that at least, so far as we are concerned, the Senate should assert what we believe to be its rights.

I do not propose to indulge in comment as to newspaper discussion of this question. Senators are aware of the various claims which have been made pro and con as to "where the bill is at," [laughter] and it is important that we should determine the question. The history of the bill is patent to everyone. The request for a conference came originally from the Senate. The House of Representatives acceded to it, a conference was had, and a disagreement was had. A report was made to the House of Representatives and then to the Senate, and at the request of the Senate a further conference is being had. In my judgment the bill is deemed in parliamentary law to be in the custody of the Senate at all times for every practical purpose of legislation. My object, however, is simply to have that question settled so far as the Senate can settle it. Of course if an agreement shall be reached at any time, that will end the question, but if a disagreement shall be reported, as was yesterday intimated to be quite likely, then it is important to know, pending the discussion of the question of disagreement, what the parliamentary status of the bill is.

I should judge that there can be no real objection to the first part of the resolution. I think it will throw light upon the differences between the two Houses to hear an explanation from the distinguished gentlemen who are our conferees. It can do no harm; it may do much good. It may facilitate the disposition of this measure for the Senate to know what has taken place and what is now taking place and what the real points of disagreement are other than what we simply know from rumors in the newspaper press. In view of the suggestion made yesterday that there is no objection to the resolution on the part of the conferees themselves, in whom we have confidence, I suppose there will be no substantial objection to that portion of the resolution. I have merely added the words requiring the delivery of the bill to the possession of the Secretary of the Senate. I might assume that that would be the course. I do not know that the conferees themselves would take any other position. Adding those words is, of course, no sort of reflection on them. I disclaim any such intention. But let us settle this question here and now while we can, if it needs any settlement. If any one doubts where the possession of the bill would be in law if a report of a disagreement should be made, then that question can be raised.

I do not understand the Senator from Delaware [Mr. GRAY] to take a contrary position. He has expressed no opinion upon the question. In case the resolution shall pass and a disagreement shall be reported, where is the bill? Who has its custody? Where is it in a parliamentary sense? Let us settle that question now. I therefore give way for the present to hear the views of the Senator from Delaware upon that point.

Mr. GRAY. Mr. President, the proposition as it came over from yesterday, embodied in the resolution of the Senator from New York, was one which we all understood, whatever might be thought of its parliamentary propriety. I do not care just now to discuss those matters which seem to me to affect the parliamentary propriety of the resolution as it was originally framed. I desire to say a few words about the propriety of placing upon the resolution a declaration of parliamentary law so far-reaching and important as I conceive that declaration to be.

I do not see, to use a favorite expression of the Senator from New York, why we need cross a bridge until we come to it. After the committee of conference shall have reported a disagreement, if they shall indeed report a disagreement, that question will arise. If the resolution as originally framed by the Senator from New York be adopted and the conferees feel constrained to modify their action in accordance with what they conceive to be the mandate of that resolution and make deliverance to this body that they can not agree and the cause of the disagreement, even if it be not the report of a disagreement, which I understand can come only as a conference report from all of the conferees, then there will be time to raise the question and consider it. But I do not see what purpose there can be or what good is to be accomplished by raising this question

in advance of the facts and circumstances to which alone it can apply.

There is no parliamentary situation here which demands your decision, Mr. President, or the decision of the Senate, as to who has the legal custody of the bill, because the bill is in conference. I have a very strong notion, after some consideration and reflection, that the bill is in the possession of both the House of Representatives and the Senate. Notwithstanding some of the propositions of the old text writers on parliamentary law, I do not believe that at this day and at this time the physical possession of the particular copy of House bill 4864 is to determine its parliamentary status or where it rightfully belongs. The bill was passed by the Senate and was sent to the House of Representatives and became a part of the records of that body, as it remained a part of the records of this body as to the action of the Senate upon it.

I do not believe that the House of Representatives has ever disabled itself from taking such action upon the bill as in its wisdom it may determine to take. I do not think that the bill could be stolen, for instance, and spirited away, so as to defeat tariff legislation. I do not believe that a great people, 65,000,000 in number, are to depend upon the safety of a Yale lock or the absence of temptation on the part of some thief to get manual possession of the particular print which may be used by the conference committee. I do not believe that legislation can be defeated in that way in the last decade of the nineteenth century. I do not believe that a burglar can destroy the rights of the Senate or the House as constituent members of the greatest legislative body in this country. Therefore I am of the opinion that the manual possession, as it is sometimes called, the physical possession, the manucaption of the bill can not determine the matter for either the Senate or the other House.

Mr. President, as to the more technical question raised by the amendment of the Senator from New York, the Senator says that after the bill had passed the Senate and was on its way to the other House the Senate requested a conference and appointed conferees. He says that that has something to do with determining which House alternately has possession of the bill; that if the Senate had not first requested a conference the other House would have requested a conference, and that the House which was requested to agree to a conference would have the possession of the bill, and then seesaw back and forth again.

Mr. HILL. Will the Senator from Delaware allow me?

Mr. GRAY. Certainly.

Mr. HILL. I misstated myself in one particular. The Senate unquestionably asked for the first conference, and the House of Representatives asked for the second conference.

Mr. GRAY. I did not intend to misquote the Senator from New York.

Mr. HILL. The Senator did not misquote me. I misstated myself. The second conference was asked for by the other House.

Mr. GRAY. If that is to determine it, according to precedent, as to who has the first move, so to speak, if we come down to that technicality, let us see what actually was done. The Senate passed the bill with amendments and sent it to the other House. It was in the possession of the other House. The House could have concurred in the amendments.

Mr. COCKRELL. Will the Senator from Deleware permit me to make a suggestion?

Mr. GRAY. Certainly.

Mr. COCKRELL. I do not want to interrupt the Senator's line of argument.

Mr. GRAY. I am hardly making an argument.

Mr. COCKRELL. The Senate passed the bill with amendments, and then resolved to insist upon its amendments and ask for a conference.

Mr. GRAY. I am coming to that point in a minute. The other House had possession of the bill. It could have done as it pleased with it. It could have concurred in all of the amendments, and then the bill, if it had received the signature of the President, would have become a law without any further action on the part of the Senate.

The Senate did, on the motion of some Senator on this side, ask for a conference and appoint conferees. I recollect that I was very much struck with what the Senator from Iowa [Mr. ALLISON] said upon that occasion, for I always listen to him upon those matters where his great experience is so illuminating, not having it myself and not being much of a parliamentarian. He said, and I think properly said, that that was an improper motion at that time. *Non constat* but that the other House would accept all the amendments, concur in them, and here we were anticipating a difference of which we had no suggestion from the other House. The question was discussed, and I believe the Senator from Tennessee [Mr. HARRIS] took part in the discussion.

Certainly other gentlemen on this side, who are able parliamentarians, participated in the discussion, and they all agreed with the Senator from Iowa, that there was no place in parliamentary law for such a motion; but it was said that, in order to save time, there had been a practice growing up of anticipating a request by the other House and appointing the conferees in advance; that we did not in effect take the unparliamentary course of requesting a conference when no disagreement had occurred, but merely appointed in advance the conferees who, when the other House asked for the conference, were all ready to act.

Mr. FRYE. Will the Senator from Delaware allow me?

Mr. GRAY. Certainly.

Mr. FRYE. Both the Senator from Iowa [Mr. ALLISON] and the Senator from Delaware [Mr. GRAY] have forgotten what has taken place on this question in the history of the Senate heretofore. There was a shipping bill sent over from the other House, to which the Senate made a great many amendments. I regarded it as very important to get the bill into conference without submission in the other House to the Committee of the Whole. It occurred to me that the moment the Senate amended a bill there was, in a parliamentary view at any rate, a disagreement between the two Houses, and that the Senate had a right to ask for a conference. I looked up the authorities with great care. Senator Edmunds was President of the Senate. I asked him in relation to it, and he made the declaration which the Senator from Iowa made, and which the Senator from Delaware now makes, that such a motion was not in order. I asked him to examine the authorities. He spent several hours and made a thorough examination.

The next morning the matter came up in the Senate. I made my request that the Senate insist upon its amendments and request a conference with the other House. The Senator from Ohio [Mr. SHERMAN] declared that that was entirely out of order. A discussion arose in the Senate which lasted several hours. The Presiding Officer ruled that the motion was entirely in order, and that it was justified by all of the principles of parliamentary law and by practices under it. An appeal was taken from the decision of the Chair. The Chair was sustained, and from that day to this the Senate has at any time, on amending a House bill, immediately insisted upon its amendments, requested a conference, and appointed its conferees.

Mr. GRAY. Of course the interesting precedent cited by the Senator from Maine is important; but what I was stating is that when the bill was passed by the Senate, with the amendments, the question I have discussed was raised by the Senator from Iowa. It seemed to go by common consent, repeating what I have already said, that though there was no place in parliamentary law for such a practice, it was merely the appointment of conferees in advance of a request of the House for a conference. That, precedent or no precedent, seemed to be the logical situation—the philosophy of the situation, if I may so state; and with great deference to the Senator from Maine, whose authority in parliamentary law I gladly acknowledge, I say it is the only interpretation of that action which seems to me consonant with common sense and with those rules of conduct which ought to govern the intercourse between the two Houses in respect to legislation.

Mr. President, all of this is a matter which has been thrown on the yeasty waves of debate here suddenly this morning. I admit that it is an important question, but why should we seek to determine it now? I have a very fixed notion about it; I may be wrong, but I should like to hear it discussed by those who are better able than I am to discuss matters of parliamentary law. Therefore I hope the Senator from New York will agree to disembarrass the resolution of that subject.

Mr. HILL. I will inquire of the Senator from Delaware, in order to facilitate the matter, whether the Senator is at liberty to assure me that there will be no objection to the remainder of the resolution?

Mr. GRAY. I can speak only for myself. I have had no conference with anybody about the matter, and have no authority to speak for anyone else.

Mr. HILL. Possibly this is anticipating a difficulty which may never arise. I thought that that was the best way to bring the question before the Senate. If my resolution shall pass as first proposed and the conferees shall report a disagreement, the question then will more properly arise. I am not strenuous in regard to this portion of the resolution. If the resolution is to pass and we are to make progress in the matter and I can be assured of that fact, I have no objection to withdrawing the amendment which I offered.

Mr. HALE. Let the Senator, then, take the question upon the resolution as it came over from yesterday, leaving the other question to be settled when it properly comes up. There will be no objection to that.

Mr. HILL. If I hear no objection to the other part of the resolution I assume, of course, that that course is to be taken.

Mr. GRAY. I would not want to deceive the Senator about that. We shall wait and see.

Mr. TURPIE. The Senator is not deceived at all.

Mr. FAULKNER. Mr. President, I think the Senator from New York has clearly erred in his parliamentary law as declared in the amendment he has offered this morning to the resolution submitted by him yesterday. Without discussing the question as to whether the House which accepted the conference is entitled to the papers on a disagreement, which I believe is generally considered to be the parliamentary status in case of a disagreement, the fundamental error in the resolution as amended by the Senator from New York is as to what a disagreement is. When the two Houses agree to a conference and appoint the conferees, the bill is then in the joint possession of both Houses. If there is an agreement or a disagreement between the two Houses, then under general parliamentary law the House that acceded to the conference first acts upon the report of the conference.

But, sir, what constitutes a report of a conference committee under which that law, parliamentary law at least, is applicable? To constitute a report of a conference committee it must show a majority of the conferees of both Houses concurring in the report, either of agreement or disagreement.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Maine?

Mr. FAULKNER. I yield to the Senator from Maine.

Mr. FRYE. What is the Senator's authority for asserting that the bill is in the hands of a joint committee of conference—as much in the hands of the House conferees as in the hands of the Senate conferees?

Mr. FAULKNER. Upon the common-sense proposition that when two bodies of equal privilege and dignity appoint a joint committee to act upon a given subject both Houses have equal rights over the subject-matter while it is before that joint committee.

Mr. FRYE. There is no such thing as a joint rule or a joint committee of conference. There is no rule either of the House or Senate which determines in relation to the passing of the bill. The papers were in the Senate's possession. Seven conferees were appointed on the part of the Senate. Now, a motion can be made this moment to discharge the Senate conferees from the further consideration of the bill, and if that vote passes the United States Senate, those papers resume their place in the United States Senate, and are subject to our orders to do with them whatever we please. They never have really been out of the possession of the Senate.

I call the Senator's attention to this point, so that he may answer it. We commit every bill that comes into the Senate to a committee, special or general. Now, this committee of conference on the part of the Senate is nothing but a special committee; it has no different powers from a special committee. The Senator again and again in the Senate has heard a motion made that a certain committee be discharged from the further consideration of a certain bill. Did he ever hear added to that what the Senator from New York has added to his resolution, that the bill be returned to the Senate? Never. The moment the committee is discharged the bill resumes its place, and the Senate resumes its entire jurisdiction. It would be exactly so in this case. If the committee of conference of the Senate alone was discharged from further consideration, the very moment that discharge was made those papers are on the Senate table, in the possession of the Senate, and subject to the Senate's jurisdiction.

Mr. COCKRELL. Will the Senator from West Virginia permit me to ask the Senator from Maine a question?

Mr. FAULKNER. Certainly.

Mr. COCKRELL. Does not the Senator from Maine know the fact that when the Senate agreed to the conference the tariff bill with that indorsement on the back of it was taken by one of the clerks of the Senate and bodily delivered to the House, and was in possession of the House, was taken by the House conferees to the conference committee, and will be in the possession of the House conferees legally and constitutionally until they come to a conclusion, they agree or disagree and report, and then under parliamentary law the conferees of the Senate must first make the report, and then they will bring the bill back to the Senate, and that is the only way it can get back here?

Mr. FRYE. No; I do not understand any such thing. I understand that the Senate simply sent a message to the House. On inquiry at the table four or five days ago as to where the papers in the tariff matter were, I was informed by the clerk having charge that they were in the Senate, where they properly ought to have been in my opinion, and they are still in the Senate.

Mr. COCKRELL. And I was informed that they had been bodily taken back to the House with the indorsement of the Senate upon them, that they were left with the House, and were taken by the House conferees to the conference. I understand the record shows that fact, and that the papers are there now.

Mr. RANSOM. May I ask the Senator from Maine a question? I know I may. When the tariff bill went from the Senate to the House with the proposition to have a conference, was it not competent for the House not to agree to that conference and to take the tariff bill and agree to the amendments of the Senate to it? If that is true, how could the House do that unless they had the bill in their possession?

Mr. FRYE. But if the House had the bill in possession and agreed to the conference they would send the papers back to the Senate with the agreement to the conference.

Mr. COCKRELL. And then the Senate had to send them back to the House with the announcement that they had agreed to the conference. The Senate did that, and the papers are over there. If the Senator will go over to the House he will find them there.

Mr. FRYE. I am rather inclined to think, from what the newspapers say and from rumors which are flying around the Senate this morning, that the papers may be in the possession of the House or of the chairman of the conferees on the part of the House.

Mr. COCKRELL. There is no question about it.

Mr. FRYE. It being insisted that in some way or other, properly or improperly——

Mr. COCKRELL. Properly.

Mr. FRYE. The House conferees had got possession of the bill and carried it back to the House when, as I assert, it was in the Senate, and they had no right to its possession and never had any right to its possession.

Mr. COCKRELL. The statement I made was that the Senate conferees did not take the bill to the conference; that it was bodily delivered to the House.

Mr. FRYE. I beg pardon of the Senator from West Virginia. I did not intend to get into this colloquy.

Mr. CHANDLER. I desire to ask a question of the Senator from Missouri. Is he entirely certain as to where the bill is? May it not be at the White House. [Laughter on the floor and in the galleries.]

The VICE-PRESIDENT. The Sergeant-at-Arms will see that order is preserved in the galleries and upon the floor of the Senate. The Senator from West Virginia will proceed.

Mr. FAULKNER. Mr. President, I suppose the most proper answer that could be made to the remark of the Senator from New Hampshire is to say, as I say with confidence, that if the bill has not gone to the White House it certainly will in a few days go there for the signature of the President.

Mr. CHANDLER. Will the Senator be kind enough to inform us in what form it will finally get there?

Mr. FAULKNER. It will get there in the form in which a majority of a Democratic Congress deems it proper to send it to the Executive for his signature; and with equal confidence, I may say that it will go there without the approval of the Senator from New Hampshire.

Mr. CHANDLER. I have only one other request to make of the Senator from West Virginia, in view of his assurance, and that is, to ask him to be kind enough to make as much haste with the business as he possibly can.

Mr. FAULKNER. I think the admonition of the Senator from New Hampshire comes with very bad grace after the long and weary months he has kept us here, day in and day out——

Mr. CULLOM, Mr. FRYE, and others. Oh, no.

Mr. FAULKNER. Listening to every possible objection that he could either conceive in his fertile mind or which could be brought forward by the active agency of those he represents, prepared for him and his associates.

Mr. President, the question here suggested by the Senator from Maine is simply begging the question which I was arguing. It is not only that, but it is trying to divert the attention of Senators from the real question before this body.

The question here is not as to the power and the right of the Senator from New York to move that the Senate conferees be discharged from the further consideration of the bill, and in that way exercise a power of this body, but it is to leave the conferees and the conference committee absolutely intact as it was originally appointed, and simply to suggest that upon that fact, with the power to instruct a part of the conference to report a disagreement if they could not agree, then the bill must be brought back by the conferees of the Senate. I say that principle of parliamentary law never applies except where there is an agreement or a disagreement of a conference committee.

I assert as a parliamentary principle, that will be undisputed by any parliamentarian who has studied the question, that there

can not be an agreement or a disagreement of a conference committee unless a majority of both Houses concur in that agreement or disagreement. Consequently, until that is done, they have no power under the resolution as now framed. I say to the Senator from Maine that when the question he proposes comes up there will be time enough then to enter into any discussion as to the parliamentary condition of the bill under a motion similar to the one to which he refers.

Mr. President, there is another objection I have to the resolution of the Senator from New York. "If not, to report to the Senate a disagreement." That can have but one meaning. It is a technical question. It is that the conference committee shall report to the Senate a disagreement. According to the views I have already expressed and the principles laid down by all the parliamentary writers, and even according to the view of the distinguished Senator from Maine [Mr. FRYE], who is regarded by the friends on the other side as the ablest parliamentarian here, that is an instruction to the House and the Senate conferees to disagree and report a disagreement as to the bill. What right, what privilege, what function has the Senate to assert that a majority of the free conferees of the other House shall enter into a disagreement, so that a conference report can be made back to this body reporting a disagreement on the bill? Yet, if that is not its meaning, it has no meaning whatever.

It is, then, simply an instruction that these gentlemen shall come back and state to us that they, or a majority of them, and a majority of the House conferees, have not agreed upon a report. I hold that in acting with reference to the rights and privileges of the other House, a coördinate branch of the Government, we should use no terms in the resolution that would imply that we attempted to exercise any power over the conferees of the House. For that reason, as well as the objections I have to the amendment submitted this morning, I think the resolution ought not to pass in its present form.

Mr. TURPIE. Mr. President, I understood the honorable and learned Senator from New York [Mr. HILL] to ask whether any person had any objection to the pending resolution excluding the parliamentary part of it, the close of it. I wish to state for the information of the Senator that I have some objections, objections to every part of the resolution, to the beginning, to the middle, and to the close. I have been working for some time, many days indeed, with the men in the trenches, belonging to the reserve corps of silence. I believe that the services of that corps have been as valuable to the Senate, to the people, and to the country as those of any member on this floor, notwithstanding the more ambitious and more public rôle which may have been taken by others.

Sir, on the 13th of April last I participated in this debate, refusing at that time to enter into a discussion of the comparative merits of the House and the Senate bill as peremptory; declaring also that the question was not whether the House bill should pass or the Senate bill should pass, but whether any bill, any measure of tariff reform, could be passed during the present Congress. As that was the question in April, it is the question in August; and in view of that question I have steadily voted against every sort of instruction to the conferees.

I did not deem that it was parliamentary to instruct a part of the committee without a special rule, and we have none; and I did not deem myself competent, and do not now deem myself competent, to instruct the conferees of the honorable House upon this subject or any other. I have therefore steadily voted against any instructions, direct or indirect. I voted against express instructions, not because there was no merit in those instructions. I voted against receding because receding is an instruction.

I voted against any modification of the rules, the ordinary rules of a conference committee, because such modification would have been an instruction. I vote now against every clause in the resolution offered by the Senator from New York, because I do not think that the conferees are capable of instruction by one branch, and I do not think it would be expedient to instruct, even if we had the legal capacity to do so. I am unwilling at this late stage to change the basis of negotiation. The conferees were made free; let them remain so. I do not ask for a report, and I do not want to have a report from this conference committee unless and until they have agreed. I wish to know nothing about the items of disagreement unless they see fit voluntarily to disclose them.

When we had a conference very early of the Democratic party in respect to this bill we did not attempt to settle details, but what we did settle and decide was the means of adjusting these details; and that means was the reference to a subcommittee, that by their agreement and their labor our action should be facilitated. What we have in the Senate to settle and consider is not the details of the tariff bill or disagreements between the two Houses, but to create a means by which those differences may be adjusted. We have created such means in appointing the conferees named on the part of the Senate to consider this bill.

I do not believe we have the power, nor do I believe it wise or prudent if we did have it, to compel any disclosure of the proceedings of the joint conferees upon the bill at this time, and especially am I opposed to the return of the bill to the Senate, which, with this resolution or without the resolution, would be its defeat. Legislation could then only be had in one way—by forcing the House to pass one bill pending. I am not yet prepared for this alternative.

Many bills have been longer in conference than this. A great many bills have been under consideration by committees where there was less hope of agreement than there is this morning, and yet agreement and legislation have followed. I will refer to one where agreement occurred, legislation followed, and the legislative action was a complete success.

Not only am I opposed to this resolution on account of its text, but its terms. Its terms mean the wreck of this bill. Its terms mean the destruction of tariff legislation at this session, the final termination and end of tariff legislation for this Congress. That is the meaning of this resolution. That is the effect of it.

I am not only opposed to it, sir, on account of its meaning and purpose, but I have some misgivings with respect to its source and origin. It is offered by the learned and honorable Senator from New York. Is he a friend of this bill? I am not speaking of the House bill nor of the Senate bill. I am speaking of the bill that is to be framed under the title, "A bill to raise revenue for the support of the Government and to reduce taxation," and its enacting clause.

The Senator from New York has openly, publicly, repeatedly, informed us that he was opposed to this bill; that his opposition was implacable to both bills and to all bills that contain certain provisions in them which do not receive his approval. How does it come, then, that an open enemy is to offer here a resolution for our guidance and our government, and how is such a resolution to be commended to our support?

I did very much admire, I had profound esteem for, the first sentence of the Brooklyn decree encyclical, now famous, perhaps, as those of Berlin or Milan—"I am a Democrat." But, sir, I have not the same esteem nor admiration for the revised and amended edition of the encyclical, "I am a Democrat, without the income tax." In that expression, sir, there seems to be an indescribable bathos; a marked decadence of the original.

I could say with all sincerity, because I think it is prudent, just, and, especially at this time, a wise manner of raising public revenue, that "I am a Democrat, with the income tax;" but, sir, I infinitely prefer another declaration. I am a Democrat, with or without the income tax, without condition, without limitation. No mere detail of expediency shall sever me from the action of the majority of my party.

I wish, therefore, to offer a proposition, a proposition which may be thought harsh and unkind. It is not so intended. A proposition which has a precedent well known in the legislative history of the country, a history that some of us are old enough to recollect. During that long period of expectancy while the compromise measures of 1850 were pending here the precedent I speak of was made and formed. The proposition which I make is one which I do not conceal; it is born of necessity. It springs from the dividing line, between the sharp edge of that which is possible for us and utter failure.

At this juncture, sir, although I voted against all instructions, I feel tempted to offer some myself. Perhaps I ought not seriously to call them instructions. This proposition is suggested for careful consideration. If authority were needed, I might perhaps plead the privilege of seniority. I think the record will show that I occupied a seat on this side of the body many years before any sitting member here, many years before any sitting member on the other side except the senior Senator from Ohio [Mr. SHERMAN]. I occupied a seat on this side of the Chamber when we counted just thirteen on the Democratic roll call.

There has been a good deal said here about a minority controlling the Senate. If you had seen that minority on one of its field days you would have thought it might have controlled two Senates had it been necessary. We did, after a manner and for a season. We were always beaten at the last. We were always beaten, but we were never cast down. I am not saying this with respect to any anticipated dissolution of the Democratic party. No man will see the destruction of the Democratic party in this country without witnessing at the same time the downfall of popular liberty. But I am asking Senators especially upon our side, although I enjoyed that service and the recollection of it, not to relegate this side to a minority so small again, and to consider very carefully their action here with reference to a continued representation of Democratic principles in this Chamber.

This suggestion of mine is born of necessity. It springs from

the irresistible duress of a force inevitable. It is a present necessity, a burning presence with face of flint and eyes of flame, that may not be bidden down, that will not be evaded or avoided. It is the duty of our appointees upon the committee of conference to agree. That is their office and function. They were appointed to agree, not to divide or to sever; and as they were appointed to agree, I believe it is appointed, destined, predestined, that they shall and must agree. They are as free to agree as they are to confer.

Therefore I am in favor of preserving the present status and retaining the bill in conference. What will disagreement be? It will be, sir, to court in advance defeat, disaster, and discomfiture; it will be to turn back the hands on the clock of progress and reform for the period of another generation.

Disagreement is the unpardonable political sin, not to be forgiven in this age or the next. I have not allowed myself as yet to conceive or imagine that there is to be a final disagreement in conference.

Mr. President, my proposition is one which may cost some self-sacrifice, which will call for the exercise of pure patriotism, of self-denial, of disinterestedness, but it will cost no Senator anything of political consistency or any shadow of reproach. The proposition is, sir, that the majority conferees upon this committee tender to the Senate their resignation as conferees and let the Chair appoint their successors. Similar action must follow elsewhere. No one will be appointed here who is not a friend of the bill, the bill after its enacting clause and subsequent to its title, that bill which is to be written. As to conditions and terms of unanimity no one will be appointed from this Chamber who is not in favor of legislation, legislation now, to repeal the present law and to abolish protection and its monstrous brood of trusts and monopolies.

It is a mere usage of the Senate to appoint only members of the Finance Committee upon such a committee of conference. Any Senator is just as legally competent to serve in that position as those who are now serving. Those gentlemen have served honorably, nobly; they have done the country and the Senate great service, invaluable service; they have reduced the sum of discrepancy between the two Houses to the minimum of difference, and that is a very great work. There they stand like sentinels, and why like sentinels may they not be relieved? Why should they not welcome relief from this protracted vigil of labor and endurance?

I have no doubt of the fate of an enactment reported by the conference committee formed either in this way or the present mode. I have no doubt it will become the law. It will be a measure of reform, carefully framed within the lines of Democratic purpose and policy; it will be a measure for which every Democrat in either House may vote, and it will be a measure that no Democrat anywhere in the Republic need discourage or disavow.

Mr. WHITE. Mr. President, the question before the Senate, as I understand it, arises upon the resolution offered by the Senator from New York [Mr. HILL] and the amendment proposed. I shall not attempt to inquire into the parliamentary proposition which has been debated to some extent. I prefer to let that matter rest for some little time to come. I find nothing definite regarding it in the Silurian epigrams miscalled the rules of the Senate. Whenever we are confronted with the actual question of order suggested by the Senator from New York, I shall call upon those whose long experience in the Senate enables them to tell us what the Senate has been in the habit of doing in that regard.

The resolution itself, dissevered from the amendment proposed this morning, will bear rereading in the light of the brief comment which I propose to make:

Resolved, That the conferees on the part of the Senate who are now considering the differences between the two Houses on House bill 4864, being an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," be and they are hereby requested to report to the Senate—

As I understand it, the Senator from New York designs to modify the resolution so as to make the report imperative. He has eliminated the request. Am I not right?

Mr. HILL. Yes.

Mr. WHITE. The resolution continues:

to report to the Senate if they are likely to come to an agreement.

They are ordered to report if they are likely to come to an agreement; and, if not, to report to the Senate a disagreement. They are instructed to report to the Senate if they are likely to come to an agreement; and I presume the resolution means that if, in their opinion, they are not likely to come to an agreement, then they shall report a disagreement.

In a parliamentary sense it is absolutely impossible that the gentlemen who constitute the conferees on the part of the Senate can unaided report a disagreement. They may come into this body with the declaration "we can not agree with the gentlemen who represent the House of Representatives." But our conferees can not of themselves report a disagreement. The disagreement must result from the failure to act of those who represent both Houses, and must under all parliamentary rules not only represent the opinions of both sets of conferees, but must likewise bear the signatures of those assenting to it—a majority of each committee. I presume, however, that the object of the Senator from New York is to bring about such a condition of things that the various gentlemen composing the committee of conference on the part of the Senate shall arise here, or report here in some mode, their belief as to the probability of an agreement.

Mr. President, while it is true that a majority of the committee of conference is composed of members of the Democratic party, we must not forget that there is a minority representing the other side. We were told when this resolution was introduced—and in the nature of things we know it to be a fact—that that minority has not been in continuous consultation with the majority during the consideration of all the various matters of dispute which have had the consideration of the Democratic conferees, and as has been admitted and as must necessarily be true, there was no discourtesy involved or intended in that procedure; but until the Senate conferees and the House conferees meet together, regardless of party, how can it be said that there has been any conference whatever?

The impossibility, or the impropriety rather, of suggesting a report to the Senate at this time, consists not only in the fact that the Senate conferees have no power to make such a report, but likewise because, as we were informed by a distinguished minority member of the committee, the Republican representatives have not even had official notice as to the points of threatened disagreement.

Mr. DOLPH. Will the Senator allow me to ask him a question?

Mr. WHITE. Certainly.

Mr. DOLPH. If the conferees have not yet had a meeting, is it not time they were discharged from the further consideration of the bill and new conferees appointed?

Mr. WHITE. If the Senator from Oregon will excuse me, if I said the conferees have not had a meeting, I did not intend to make such a statement. They have had many meetings, but they have not had meetings upon all the occasions when each of the various items which are the subject-matter of dispute were being considered, nor was it proper that they should, because naturally those who are responsible for the bill prefer to meet and discuss its merits before presenting it to the entire conference. There is no objection to that, I understand, upon any score or by anyone.

Again, if the members of the conference on the part of the Senate desire to be relieved or if they believe they should receive from the Senate any particular instruction upon any topic, they will come here and make the request. I do not propose to go upon record or to be anywhere regarded as manifesting any want of confidence in our conferees, in their ability, their integrity, or their desire to serve their party and their country, and I do not think that it will subserve any useful purpose to order them or to ask them in an imperative way to do a particular thing.

Our equals upon this floor, we have selected them for their peculiar qualifications, transcending that of the average Senator, to represent the entire body in this delicate and intricate work. The majority of the committee have been persistently and constantly engaged in endeavoring to effect an agreement. That we well understand. Not one word did any member of this committee utter, until this subject was introduced, to indicate that he was tired of his task or anxious that he should be relieved.

I do not agree with my able and eloquent friend from Indiana [Mr. TURPIE] that the passage of this bill or the formulation of any tariff measure would be promoted by such radical action as he desires to have taken or as he has suggested; nor do I think that an instruction such as the Senator from New York proposes will have any other effect than to breed discontent and to make an agreement less probable.

I confess, like my friend from Indiana, that I look with a doubt at the outset upon the resolution when I know that it comes from my friend from New York [Mr. HILL]. I admit that if he offers a resolution in which I find actual merit the mere fact that he may differ from me with reference to this bill can not justify the withholding of my support. But certainly when we know that the objects of our friend, so far as the bill now before the conference is concerned, are essentially destructive, we should scan with more than ordinary care and attention any resolution which he tenders concerning it, and when we find our distinguished friends upon the other side of the Chamber

likewise somewhat enthusiastic for the adoption of this resolution we must not be blamed if we are critical or suspicious.

I believe that, notwithstanding the delay, notwithstanding the manifest desire of the entire country that something shall speedily be done, it will be better that this resolution shall not be passed, and that this conference shall stand as it is now constituted for a while longer. I may be asked how long; I may be asked if the conferees have not had time enough to agree. It is easy for those who have no burdens upon their own shoulders, who are unaware of the difficulties of the conference room, who know nothing of those matters which are being considered by our committee day by day, to attack those who are intelligently doing their best and to cry for immediate action. I shall be pleased personally if they are able to evolve a tariff measure agreeable to the country, though they have to wait many days yet. The sooner the better, but it must be done.

Mr. President, the great question is, will action such as the Senator from New York suggests expedite the passage of this measure? That Senator declares that the adoption of this resolution will hasten the result. I think that in one respect he is right. I believe that the adoption of the resolution as he has written it, this instruction to the Senate conferees, will expedite the determination of this matter, because such an expression now means, in my opinion, the death of the bill and the defeat of tariff legislation at the present session. I am willing to wait a short time; I am willing to pause a moment more; I am willing to publicly take my share of responsibility for some further procrastination, rather than to take that action which, in my judgment, must bring about not only political chaos, but worse than that, the permanent injury, or the injury for many years, of the whole United States.

Mr. President, the importance of the present enactment of tariff legislation is not confined to the Democratic party; the business interests of this country are clamoring for it. The demand is for affirmative action, too, not negative action, and the mandate for the enactment of a bill is not confined to any particular section or any particular class of people. My friend concedes that. He has given this as one of his reasons for the passage of his resolution. But the means and methods which he has adopted here constitute, in my judgment, the strongest processes which human ingenuity can devise to prevent the accomplishment of the object closest to the heart of the Democratic party as well as to the business interests of the United States, namely, action upon the tariff at this session.

Mr. President, not only is business prostrated, but we have a Treasury threatened with depletion; we have a Treasury which can not be supplied because of the insufficient revenue derived from the tariff law enacted by the Republican party. We are not legislating merely to restore trade and prosperity throughout the land, but also to enable the Government to maintain itself, carry on its business, meet its obligations, and supply those deficiencies which have been created as the result of misguided antecedent Congressional policy.

Believing, therefore, that the immediate adoption of this resolution would, instead of hastening, retard the enactment of a tariff bill, I shall register my vote against it.

EXECUTIVE SESSION.

Mr. COCKRELL. Mr. President, as Congress is soon to adjourn and there is very important executive business which must be transacted, I move that the Senate now proceed to the consideration of executive business.

Mr. HILL. Upon that I call for the yeas and nays, and I hope the motion will not prevail.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON], and therefore withhold my vote. If he were present I should vote "yea."

Mr. BRICE (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. WOLCOTT], and therefore withhold my vote.

Mr. GORDON (when his name was called). On this question I am paired with the junior Senator from Iowa [Mr. WILSON]. If he were present I should vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. HUNTON], who has been called away by sickness in his family. I should vote "nay" if he were present.

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN]. If that Senator were present I should vote "nay," but in his absence I withhold my vote.

The roll call was concluded.

Mr. GORDON. I transfer my pair with the Senator from Iowa [Mr. WILSON] to the Senator from South Carolina [Mr. IRBY], and vote "yea."

Mr. HILL. I desire to know by what authority that transfer is made?

Mr. GORDON. I will state to the Senator from New York that I inquired before making that transfer, and was informed by the Senator from Arkansas [Mr. JONES] that he has some telegrams from the Senator from South Carolina [Mr. IRBY], which I hope he will now read for the information of the Senator from New York.

Mr. HILL. That will be entirely satisfactory; but I desired to know.

Mr. LINDSAY (to Mr. JONES of Arkansas). Read them.

Mr. JONES of Arkansas. I have a telegram, dated July 30, as follows:

[Telegram.]

LAURENS, S. C., *July 30, 1894.*

Senator J. K. JONES, *Washington:*

Please telegraph me every day status of tariff bill, and please arrange a pair for me in favor of it.

J. L. M. IRBY.

On a subsequent date, the 7th of August, I received this telegram:

[Telegram.]

LAURENS, S. C., *August 7, 1894.*

Senator JAMES K. JONES:

I thank you for keeping me advised. I telegraphed you several days ago to pair me in favor of the passage of some tariff bill. I hope you will attend to this, if you have not already arranged it. Please telegraph me on receipt of this.

J. L. M. IRBY.

I have another telegram, which reads as follows:

[Telegram.]

CROSSHILL, S. C., *August 10, 1894.*

Senator JAMES K. JONES:

Pair me in favor of free sugar if a proposition of that sort comes up. Send answer to Laurens.

J. L. M. IRBY.

Mr. TURPIE. I wish to announce that my colleague [Mr. VOORHEES] is detained at his residence in this city by a very serious indisposition. If he were present he would vote "yea."

Mr. BRICE. I will transfer my pair with the junior Senator from Colorado [Mr. WOLCOTT] to the senior Senator from Indiana [Mr. VOORHEES] and vote. I vote "yea."

Mr. MCPHERSON. I have a general pair with the Senator from Vermont [Mr. MORRILL]. If he were present I should vote "yea."

The result was announced—yeas 35, nays 35; as follows:

YEAS—35.

Bate,	Coke,	Jones, Ark.	Ransom,
Berry,	Faulkner,	Lindsay,	Roach,
Blackburn,	George,	McLaurin,	Smith,
Blanchard,	Gibson,	Martin,	Turpie,
Brice,	Gordon,	Mills,	Vest,
Caffery,	Gorman,	Mitchell, Wis.	Vilas,
Call,	Gray,	Palmer,	Walsh,
Camden,	Harris,	Pasco,	White.
Cockrell,	Jarvis,	Pugh,	

NAYS—35.

Aldrich,	Dubois,	Jones, Nev.	Perkins,
Allen,	Frye,	Kyle,	Pettigrew,
Allison,	Gallinger,	Lodge,	Power,
Carey,	Hale,	McMillan,	Proctor,
Chandler,	Hansbrough,	Manderson,	Sherman,
Cullom,	Hawley,	Mitchell, Oregon	Shoup,
Davis,	Higgins,	Murphy,	Teller,
Dixon,	Hill,	Patton,	Washburn.
Dolph,	Hoar,	Peffer,	

NOT VOTING—15.

Butler,	Irby,	Platt,	Voorhees,
Cameron,	McPherson,	Quay,	Wilson,
Daniel,	Morgan,	Squire,	Wolcott.
Hunton,	Morrill,	Stewart,	

The VICE-PRESIDENT. Upon the motion of the Senator from Missouri, that the Senate proceed to the consideration of executive business, the yeas are 35 and the nays are 35. As the Senate is equally divided, the Vice-President votes "yea," and the motion is agreed to. The Sergeant-at-Arms will clear the galleries and close the doors of the Senate.

The Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 2 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, August 13, 1894, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 11, 1894.

PROMOTIONS IN THE NAVY.

Lieut. Commander John C. Rich, to be a commander.
Lieut. George W. Tyler to be a lieutenant-commander.
Lieut. (junior grade) Harry Kimmell, to be a lieutenant.
Ensign John J. Blandin, to be a lieutenant (junior grade).

ASSAYER.

John W. Pack, of California, to be assayer of the mint of the United States at San Francisco, Cal.

POSTMASTERS.

John W. Hamerly, to be postmaster at Colton, in the county of San Bernardino and State of California.

Charles E. Lillpop, to be postmaster at Chehalis, in the county of Lewis and State of Washington.

Robert Johnson, to be postmaster at Corvallis, in the county of Benton and State of Oregon.

Frank E. Abbott, to be postmaster at Riverside, in the county of Riverside and State of California.

HOUSE OF REPRESENTATIVES.

SATURDAY, *August 11, 1894.*

The House met at 12 o'clock m. Prayer by the Rev. W. E. PAIRSON, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BARTHOLDT, for three days, on account of ill health.

To Mr. KEM, for ten days, on account of sickness.

To Mr. BUNN, on account of sickness in his family.

To Mr. CUMMINGS, for this day, on account of sickness.

Mr. HATCH. Mr. Speaker, I desire to ask leave of absence for the gentleman from Pennsylvania, Mr. HARMER, for three days, on account of sickness.

The SPEAKER. The Chair understands that that was granted on yesterday.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILWAY COMPANY.

Mr. HEARD. Mr. Speaker, I call up the House bill (H. R. 7006) to authorize the Washington, Alexandria and Mount Vernon Electric Railway Company to extend its lines into and within the District of Columbia, which was laid before the House on yesterday with amendments of the Senate thereto. In view of the fact that the Senate amendments were read yesterday and partially discussed, and that subsequently the bill with the amendments was printed by the order of the House, I now ask unanimous consent to dispense with the reading of the bill.

There was no objection.

Mr. HEARD. Now, Mr. Speaker, I renew my motion that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. HEARD, a motion to reconsider the vote by which the House concurred in the Senate amendments was laid on the table.

NATIONAL RAPID TRANSIT RAILWAY COMPANY.

Mr. POWERS, by unanimous consent, submitted the views of the minority of the Committee on the Judiciary on the bill (H. R. 7567) to incorporate the National Rapid Transit Railway Company; which were ordered to be printed with the views of the majority.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 6284) to prevent interference in the collection of State, county, and municipal taxes assessed against corporations and corporate property, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PUGH, Mr. COKE, and Mr. HOAR as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 5703) for the relief of Johanna Gleason; and

A bill (H. R. 4490) granting a pension to Henry C. Field.

The message also announced that the Senate had passed the bill (S. 744) for the relief of Henry D. Babcock and wife, of Oregon; in which the concurrence of the House was requested.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 95) providing for an investigation relating to the effects of machinery on labor;

A bill (H. R. 4667) to provide for the opening of certain abandoned military reservations, and for other purposes;

A bill (H. R. 6777) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway;" and

A bill (H. R. 7680) to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, I call up the conference report on the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government.

The SPEAKER. The question is on the motion of the gentleman from South Dakota [Mr. PICKLER], that the House recede from its disagreement to amendment No. 280 and agree to the same with an amendment. The Clerk will report the amendment proposed by the gentleman from South Dakota.

The Clerk again read the amendment as printed on page 8389 of the RECORD.

The SPEAKER. The question is on the amendment of the gentleman from South Dakota.

Mr. SAYERS. Mr. Speaker, I yield ten minutes to the gentleman from Nebraska [Mr. BRYAN].

Mr. BRYAN. Mr. Speaker, before submitting any remarks I ask unanimous consent that gentlemen who have spoken, or who desire to speak, on this question of the irrigation of arid lands, may have consent to extend their remarks in the RECORD.

There was no objection, and it was so ordered.

Mr. BRYAN. Mr. Speaker, it is customary with all of us, I presume, not to discuss great questions or even to consider them until they are thrust directly in our paths, and I presume that a large number of the members of this House have not given to the subject of irrigation any serious attention. I confess that until recently my own attention has not been called to the subject, and I am not now prepared to discuss it as I hope to be after I shall have taken time, as I will, to make a thorough investigation of it. But, Mr. Speaker, this question of irrigation is one which is pressing itself upon our attention more and more every day. So long as we had a large quantity of public land which could be cultivated with the natural water supply our people did not pay much attention to the question of irrigation. They took up and cultivated the good land, but now that land is nearly all taken up, and we have on hand a large quantity of land which is absolutely worthless unless water can be brought upon it by artificial means. Of course we who live in the West are more closely related to this question than those who live in the East and the South. It is a question of growing importance in my own State. Last March an irrigation convention was held in Omaha; about two months later another convention was held at McCook, and quite recently another was held at O'Neill, in our State. The people are becoming interested in the subject. They see what great improvement can be made in our arid land by the use of water brought upon it artificially, and they know how useless it is to attempt to cultivate land in the arid regions except by such means.

Mr. KILGORE. Do I understand that the proposition now before the House is to cede to the several States these arid public lands for the purpose of enabling the States to engage in the work of irrigation?

Mr. BRYAN. Yes, sir.

Mr. KILGORE. Well, I am willing that all such lands shall go to the States in which they are situated.

Mr. BRYAN. I was going to say, Mr. Speaker, that this proposition is to give to the States for this purpose land which is absolutely worthless unless water is brought upon it artificially, for there is nothing that we can conceive of that is more utterly useless than a tract of land without water. Such land is absolutely useless for cultivation. There are millions of acres which unless we can by some means bring water upon them lie there absolutely bare of vegetation.

Now, this bill proposes to let the States take not exceeding 1,000,000 acres each of these lands upon condition that they provide for their irrigation. I am not sure whether irrigation by State authority is going to settle this question or not. It is a matter about which we must experiment. But certainly no one will object to allowing these States to take these lands, useless to us as a nation, and irrigate them, make them valuable, and then sell them to citizens who will establish homes upon them. This amendment provides that these lands shall not be disposed of in greater quantities than 160 acres to one person.

It provides that the lands shall only be given to the States when they have filed their maps and plans and shown just how they are going to get water to accomplish irrigation. It provides further that every dollar received from these lands by the States over and above the cost of irrigation shall be held as a trust fund for further irrigation. It seems to me that no objection can be made to this proposition.

Mr. Speaker, I was surprised to find in reading an address of Maj. Powell that there are in Asia to-day 70,000,000 people

who are living on land irrigated by wells and that more than that number of people are living on land irrigated by the storage system—not to speak of those who have their homes upon land irrigated from living streams. It is also stated that the average value of irrigated land in the United States is about $83 per acre and the yield of such land is wonderful.

I am sure that if the members of this House will take a little time to investigate the subject of irrigation they will be glad to make this simple experiment in that direction. If it should prove a success, if the States to which these lands are to be ceded shall be able of themselves to provide a sufficient system of irrigation, it will leave the control of this business nearer home than if the General Government should attempt to do the work itself. I for one am anxious that this experiment shall be tried. I shall bid it godspeed, hoping the States themselves may be able to attend to the business efficiently and that the aid of the General Government may not have to be called in.

[Here the hammer fell.]

Mr. SAYERS. I yield the gentleman from Nebraska [Mr. BRYAN] two minutes more.

Mr. BRYAN. When we have made the experiment, we may find that this work of irrigation must be attempted on a larger scale than can be carried out by a single State. If the time should come when the General Government must take up this matter, then it will have to take it up as it takes up the improvement of the harbors and the great water ways of the country.

Mr. Speaker, I see in this movement an advantage which is, I think, of great importance to the people of our country. We see our cities crowded. The people crowded in those cities need some outlet, some means of making a living under more favorable conditions. Irrigation gives us intensified agriculture. It gives us the opportunity to spread our city population over our prairies—not as the people are spread out in cattle-grazing districts, but gathered together in villages where they can enjoy the advantages of both town and country life.

It seems to me, Mr. Speaker, that this measure gives a promise of very great good, because the more homes we can establish, the more independent citizens we can put upon our lands, the more stable is the Government under which we live, and the more general will be our prosperity. I want this experiment to be tried, and I hope that it will prove a solution of this question. If it should prove not to be a satisfactory solution, we can study the cause of failure and discover perhaps some other means of accomplishing the result. But this question is one of growing importance and must be met; and the plan here proposed is the simplest, it seems to me, that can be tried.

Mr. COOMBS. I should like to ask the gentleman from Nebraska a question.

Mr. SAYERS. I yield to the gentleman from New York [Mr. COOMBS] one minute for that purpose.

Mr. COOMBS. I wish to ask, for information, how many States could avail themselves of this measure if it be adopted?

Mr. CAMINETTI. Thirteen or fourteen.

Mr. BRYAN. I can not give the exact number. In the western parts of Nebraska and Kansas there are arid lands; also in Wyoming and Colorado and the States west and south of them.

Mr. ELLIS of Oregon. There are twelve States to which the measure would apply.

Mr. COOMBS. Then this grant would embrace about 12,000,000 acres.

Mr. BRYAN. Yes, sir; if that is the number of States included.

Mr. COOMBS. In the amendments proposed to the Senate bill what provisions are there for condemning these lands as arid lands?

Mr. BRYAN. I am not informed as to that.

Mr. SAYERS. If the gentleman will examine the RECORD of this morning he will see the precise terms of the amendment.

Mr. BRYAN. I was advocating the amendment proposed in the House, which I think is a very satisfactory one, but I shall gladly support any changes which will give additional security to the people that the ceded lands will be properly used.

Mr. SAYERS. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I am heartily in favor of the reclamation of these arid lands, but I am utterly opposed to the method that is proposed by the Senate amendment for the accomplishment of that purpose. It is proposed here to donate a strip of this arid territory, about 100 miles long and 20 miles wide in each of thirteen States, and allow these States to proceed to their selection. The grant is not a grant in place, in bulk, but the selection may be made wherever the States see proper.

Now, it is a well-known fact that there is not a sufficiency of water in the arid regions to reclaim all of the lands; and yet under the provisions of this bill the practical operation of it will be that the States owning this grant will secure all of the available water for their reclamation, and all of the lands for which there is available water, and that the other and larger areas of the land, probably through the improper use of the water or the wasteful and extravagant use of it, or to the unskillful manner in which it is supplied to the lands, will be and remain arid for all time to come.

In my judgment the proper method to be pursued in regard to this matter is that the Government should take hold of the enterprise itself, make proper surveys, ascertain the quantity of available water and the possibilities of utilizing it, and then in a comprehensive scheme reclaim the largest possible number of acres that may be brought under such conditions as to be available for the husbandman's use. I am utterly opposed to parceling out the land in this way. I believe no good will ever come of it. It will be a repetition of the old swamp and overflowed land grant to the States, which amounted practically to nothing in the way of reclamation.

I know of one State to which 10,000,000 acres of this swamp and overflowed land was granted on condition that it would reclaim the lands; and yet under various acts of Congress, passed from time to time, they secured title to all of the lands without an attempt at the reclamation of an acre. And years afterwards the owners of these lands came to Congress urging that through the scheme of Mississippi improvements, through the building of levees, the Government should accomplish that purpose for which the lands thirty years before had been granted to the various States.

Now, Mr. Speaker, I do not want that kind of "bunco" game to be played on the Government again. I have no hostility to a scheme of the reclamation of arid lands. I believe in all that the gentleman from Nebraska [Mr. BRYAN] has said about the advisability and the necessity of doing this. But when done I want it to be done properly, and that the largest possible number of acres shall be reclaimed with the available water. I want it done under some systematic plan, to be determined by scientific men after careful search for water supply and other investigation of the subject.

Mr. BRYAN. Let me ask the gentleman if it is not far more likely that the States which are immediately concerned and interested in this matter will attend to it properly than that it will be done by the Government itself when but few of the States are interested?

Mr. HEPBURN. It is far more likely the States will take all the advantage they can under the grant, and will reclaim the million of acres they receive, if it be possible to do so, even at the expense of the use of all the available water, which by a proper system of irrigation might be applied to the reclamation of a far greater area.

Mr. BRYAN. Are the States not just as much interested in the proper application of the available waters as the General Government?

Mr. HEPBURN. I think not under the provisions of this amendment. The area of lands to be irrigated by the States is limited to 1,000,000 acres. If they have the grant they will use the water on the lands belonging to them without regard to the condition of the lands belonging to the Government. Hence I think it unwise to place it in their power to accomplish such a result. I think it will amount to the use of the entire available water to the lands belonging to the States. I prefer that the Government should do it in a proper and systematic manner so as to utilize the largest possible area of these lands for agricultural purposes.

Mr. CAMINETTI. But would not this proposed action lay the foundation for the Government to do it hereafter?

Mr. HEPBURN. I think not. I believe the effect would be disastrous, because in the meantime the water supply would be exhausted.

Mr. HARTMAN. If the gentleman will permit me to make a statement?

Mr. HEPBURN. Certainly.

Mr. HARTMAN. The gentleman says the States will consume more water than would be required for the proper irrigation of the lands to which they would become entitled under the operation of this provision. Does the gentleman not know that in every State we have an act of the Legislature which makes it impossible for any more water to be used than is absolutely necessary to irrigate the lands, and in fact that the waste of water is a public offense?

Mr. BRYAN. It is to the interest of the States of course to take care of the water supply.

Mr. HEPBURN. In response to the suggestion of the gentleman——

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. HEPBURN. I should like to have a few minutes longer.

Mr. COGSWELL. I will yield additional time to the gentleman from Iowa.

Mr. HEPBURN. In response to the suggestion of the gentleman from Montana [Mr. HARTMAN], I have no doubt that after this system of canals or irrigating ditches is established—after the system has been adopted in some shape—then there will be a proper use of the water. But under the system proposed here is it not altogether likely that for the purposes of reclaiming the millions of acres which would belong to the State all of the water available for irrigation purposes will be used?

Mr. CAMINETTI. All the available water is now taken up. This provision would require the storage of water that goes off in the winter and spring without doing anybody any good. Once you store successfully that water you open the way for the reclamation of all of these arid lands. That is the advantage of the proposed system.

Mr. HEPBURN. I think it doubtful whether all the water would be profitably used. I have seen ditches 30 or 40 miles long that carried infinitely more water than would be regarded as necessary at the present time which had been dug by irrigation companies, by individuals, or communities, and if you allow this system, in my judgment it will take up all of the available water without reclaiming any very considerable area of these lands.

It is a different matter entirely, giving this grant as it is proposed, allowing selections to be made along the margins of streams, from what it would be if there were blocks of land, and only certain water could be brought to them. I assert that under this plan all of the water of any one of these arid States may be used recklessly and improvidently, perhaps, in the reclamation of the million acres granted by this amendment, leaving numberless other millions without any possibility of supply. It is not a wise thing to do in this way, in my judgment.

Mr. HARTMAN. The man who wastes the water lays himself liable criminally under the laws of the State.

Mr. HEPBURN. The bulk of the water will be secured. It may not be used, but it will be in the hands of individuals or corporations.

Mr. HARTMAN. It must be used or it can not be held.

[Here the hammer fell.]

Mr. COGSWELL. I yield five minutes to the gentleman from Indiana [Mr. BRETZ].

Mr. BRETZ. Mr. Speaker, I hope this amendment will not be adopted. It occurs to me that it is a revival of the old swamp-land régime in another form only. This amendment provides that if any State within this arid region shall expend $3 per acre in the way of irrigation, the State shall then become the owner of the real estate within its borders, or rather the million acres. Now, to my mind, the passage of this amendment will result in a system of interminable lawsuits.

It will entangle the title to every acre of this real estate in such a way that it will be worth more than the land to find where the title is. Besides, in addition to this, the question of State water rights and national water rights arises, which will further complicate the title to the real estate, and will lead to lawsuit after lawsuit between citizens of one State and citizens of another, and the same will be true with the citizens of Mexico and this country. To cede to these States this arid land is to place in the hands of the Legislatures of the several States an opportunity to increase the already burdensome debts of these States and Territories.

No State can enter upon this irrigation system without first appropriating money for that purpose. They must first expend at least $3 per acre before they are entitled to an acre of this land. Now, the first thing you do for a State or Territory is to say to it: "You must make provision for $3,000,000 before you begin this work." I believe there are fifteen of these States and Territories.

Mr. HOLMAN. Thirteen States.

Mr. BRETZ. Including the Territories there are fifteen; which means an additional expense and burden upon the people of $45,000,000. Now, I hope this House will pardon me if I call attention to the financial condition of some of the States. And in doing so I desire first to disclaim any purpose to embarrass or criticise their unfortunate condition. I asked my friend on last evening if he thought there was a State or Territory in the West that was financially able to enter upon any such scheme as this, and now I desire to call his attention to the financial condition of some of these States, and ask him, in view of these facts, if it is just to those States to place in the hands of the Legislatures—without making any imputations whatever against their honesty—to place in the hands of these syndicates and monopolies and corporations that are seeking to get possession of these arid regions for the purposes of gain—if you think it is policy to put in their hands the opportunity of manipulating the election of members of the Legislature, with a view of saddling this additional debt upon the people?

Mr. PICKLER. Will the gentleman allow me right there?

Mr. BRETZ. Certainly.

Mr. PICKLER. I do not know as to other States——

Mr. BRETZ. I have but five minutes.

Mr. PICKLER. We will give you more time, I think. As far as my State is concerned, we could not do that, because we are constitutionally limited.

Mr. WILSON of Washington. So are all the new States constitutionally limited.

Mr. PICKLER. It is not compulsory on the States anyway.

Mr. BRETZ. I will take the State of Nebraska, for instance, with a population of 1,058,910 people. It has a bonded and floating debt of $15,536,772. Her people pay an annual interest upon this debt of $925,663. It has a per capita debt of $14.67. Take the State of Nevada——

Mr. BRYAN. Do you mean to state that that is the debt of Nebraska? There is no State debt in Nebraska.

Mr. BRETZ. Yes, sir; outside of individual debt.

Mr. BRYAN. You mean the county and general indebtedness. We have no State debt in Nebraska.

Mr. BRETZ. Oh, yes you have—$253,879.

Mr. MERCER. There is no State debt in Nebraska.

Mr. BRETZ. I take these figures from the census report.

Mr. BRYAN. It is the county and other indebtedness.

Mr. BRETZ. Take the State of Nevada, with a population of 45,761.

The SPEAKER. The time of the gentleman has expired.

Mr. SAYERS. I will yield five minutes longer to the gentleman from Indiana.

Mr. BRETZ. The State of Nevada has a population of 45,761, with a bonded and floating debt of $1,337,501. Her people pay an annual interest upon this of $62,826. Its per capita indebtedness is $29.23.

Take the State of South Dakota, with a population of 328,808, with a bonded and floating debt of $6,613,707, paying an annual interest of $400,466. Its per capita indebtedness is $20.11.

Mr. PICKLER. That is on account of county indebtedness and everything. It is very small.

Mr. BRETZ. I take the statement of the debt as I find it, and I do not criticise the gentleman's State.

Mr. PICKLER. It does not begin to compare with the indebtedness of Indiana, not even in per capita.

Mr. BRYAN. I will state to the gentleman as a matter of fact that we have no State debt.

Mr. BRETZ. I will state to the gentleman from Nebraska that I am speaking from the record, and I know what I am speaking of. I take it from the record of the bonded and floating debt of that State. It is not individual debt.

Mr. BRYAN. It is not the State debt, but the county and city debts.

Mr. BRETZ. What difference does it make; it is the indebtedness of your State.

Mr. DOOLITTLE. But the State has the property on which this debt is based.

Mr. BRETZ. Now, let me call your attention to the State of North Dakota.

Mr. GEARY. What makes you think it necessary for these States to incur any debt at all for the reclamation of this land.

Mr. BRETZ. Because this amendment says you must expend $3 an acre on it before you acquire title to a single acre of it.

Mr. GEARY. Let me tell the gentleman that they will do as they do in our State, form regular land districts, selling the land and levying assessments for the amount of the improvement. That would not come out of the State.

Mr. BRETZ. In your State there is a syndicate holding the water rights to over 2,000,000 acres of this character of land.

Mr. GEARY. Oh, no.

Mr. BRETZ. They own and control over 300,000 and nearly 400,000 acres of land. You have got within the borders of your State a gentleman who has 258,000 acres of your land.

Mr. GEARY. Who is that?

Mr. BRETZ. Not an acre of which is mountain or hill—the most fertile soil in your State.

Mr. GEARY. Where is that?

Mr. BRETZ. In your State.

Mr. GEARY. What is the name of the party?

Mr. BRETZ. I do not know.

Mr. GEARY. I will give you the name. That is the Haggin and Tevis tract. That was taken up twenty-eight years ago under the desert land act.

Mr. BRETZ. Mr. Speaker, I decline to yield any further. Now, take the State of North Dakota. Yesterday evening some question was made as to its indebtedness. It was claimed that

the State of North Dakota had no debt, but statistics show a bonded and floating debt of $3,842,790, and pays an annual interest of $224,096. The per capita indebtedness is $21.03. Do you think, gentlemen, that you can afford to have your State Legislatures increase that debt?

Mr. PICKLER. We have not the power.

Mr. BRETZ. Well, then, this amendment is useless and could not be made operative. Let me call attention to Montana, which has a population of 132,159, with an indebtedness, bonded and floating, of $2,918,892.

Mr. HARTMAN. What State is that?

Mr. BRETZ. Montana. Her people pay an annual interest of $144,162, with a debt per capita of $22.09.

Mr. HARTMAN. I want to interrupt the gentleman by asking him if I do not understand that he has got that statement of debt from the abstract of the census report showing the debts of the different cities and municipalities? Is not that right?

Mr. BRETZ. Let me state to my friend that I obtained this statement of the debt from the census.

Mr. HARTMAN. The debt of which the gentleman is speaking includes the municipal indebtedness.

The SPEAKER *pro tempore* (Mr. RICHARDSON of Tennessee). The time of the gentleman has expired.

Mr. SAYERS. I yield five minutes more to the gentleman from Indiana.

Mr. BRETZ. I will say to my friend from Montana that in the Fifty-second Congress I happened to be on the Committee on Irrigation of Arid Lands. There was a great pressure then, just as there is now, for the Government to cede all of these arid lands to the several States and Territories. A bill to that effect was reported. I was opposed to it, and I then made some investigation of the subject, and this is the result of my investigation.

Mr. HARTMAN. Where did you get your information?

Mr. BRETZ. I do not remember now just where I got all of it, but I gathered it from the statistics of the country—the census abstract.

Mr. HARTMAN. I want to say to the gentleman that I am satisfied he believes those statements to be true or he would not present them to the House——

Mr. BRETZ. Absolutely so.

Mr. HARTMAN. But they are absolutely not true. They are not correct as to my State. The gentleman's figures include the municipal and county indebtedness.

Mr. BRETZ. Suppose they do. That is an indebtedness of your people.

Mr. HARTMAN. If we derive the revenue from the sale of these lands, how can this matter increase our debt?

Mr. BRETZ. But how can you derive the revenue until you have first expended at least $3 an acre upon these lands?

Mr. HARTMAN. We propose to expend the money that is necessary to reclaim the lands, and then we shall be able to sell them for more than enough to reimburse ourselves.

Mr. BRETZ. But you have got first to raise the money through your Legislatures. You have first to raise at least $3 an acre before you are entitled to an acre of these lands.

Mr. HARTMAN. Does not the gentleman think that we ought to decide that for ourselves without him?

Mr. BRETZ. I decline to yield, Mr. Speaker. Let me refer now to the State of Washington, with a population of 349,390——

Mr. HAINER of Nebraska. Will the gentleman permit an interruption?

Mr. BRETZ. I decline to yield.

Mr. HAINER of Nebraska. I am sure the gentleman does not wish to misrepresent.

Mr. BRETZ. I decline to yield. I would like to be courteous to my friend from Nebraska if I had the time but I have already trespassed upon the time of House and I must beg to be excused. Take the State of Washington, with a population of 349,390, with a bonded and floating debt of $3,145,658, on which her people pay an annual interest of $77,502; her per capita indebtedness is $9. Oregon, with a population of 313,767, and a bonded and floating indebtedness of $2,479,860, pays an annual interest of $82,140 and has a per capita indebtedness of $7.80.

Mr. HERMANN. What is that last?

Mr. BRETZ. I decline to yield. Wyoming, with a population of 60,705, with a bonded indebtedness of $1,647,381, pays an annual interest charge of $72,192, and has a per capita indebtedness of $27.14. Yet, Mr. Speaker, these gentlemen are here asking that their Legislatures shall be authorized to lay further indebtedness upon their people. Take Idaho with a population of 84,385, with a bonded and floating indebtedness of $1,504,333; she pays an annual interest of $81,236, and her capita indebtedness is $18.89. The State of Colorado, with a population of 412,192, has a bonded and floating indebtedness of $8,411,027; she pays an annual interest of $381,089 and has a per capita indebtedness of $20.41. Kansas, with a population of 1,427,096, has a bonded and floating indebtedness of $40,629,022.

Mr. CURTIS of Kansas. May I correct the gentleman?

Mr. BRETZ. I beg to be excused. Kansas pays an annual interest of $2,385,975.

Mr. WILSON of Washington. He has got all the States in his list except Indiana.

Mr. BRETZ. Yes; but Indiana is not asking for a slice of this pie. The mortgage indebtedness of Kansas this is individual indebtedness) is $243,146,826, and her per capita indedtedness is $28.47.

Mr. CURTIS of Kansas. Are you speaking of Kansas?

Mr. BRETZ. Yes, sir.

Mr. CURTIS of Kansas. Her per capita State indebtedness is not one dollar. The State indebtedness is only $1,119,658.

Mr. BRETZ. I beg to differ with the gentleman. I take the official records.

Mr. CURTIS of Kansas. You are including all municipal indebtedness. Besides, we have cash and productive assets held by the State amounting to $3,713,199.

Mr. BRETZ. I decline to yield.

The State of California has a population of 1,208,130. Her people owe a bonded and floating debt of $15,569,439, and they pay an annual interest of $1,008,684. The per capita debt is $12.89. The Territory of New Mexico has a population of 153,593. Her people owe a bonded and floating debt of $2,831,438, and pay an annual interest thereon of $171,194. Her per capita debt is $18.44. Arizona has a population of 59,620. Her people owe a bonded and floating debt of $2,937,971, upon which they pay $170,097 interest annually. Her per capita debt is $49.28. Utah, with a population of 207,905, owes a floating debt of $787,501, upon which her people pay an annual interest amounting to $33,880. Her per capita debt is but $3.69.

Now, Mr. Speaker, I ask these gentlemen who are so earnestly advocating this amendment if they think their people can stand an increase of this enormous debt? Do not you think it would be better for your people not to add $3,000,000 more burdens in each State and Territory included in this proposed amendment? A great number of irrigation congresses have met in various places in the great West in the last few years. A very noted one of these congresses was the one that met about three years ago at Salt Lake City. A very peculiar thing about that congress was that the delegates composing it were in some way connected with all the land syndicates of the West.

One of the most prominent characters in that congress was the general land agent of the Central and Southern Pacific Railroad Companies, and was also the land commissioner of the Oregon and California and the Houston and Texas Railroad Companies. This gentleman was there backed by all the power and influence of these great and powerful corporations, urging that congress to adopt memorials and resolutions to the Congress of the United States, asking it to cede to the several States and Territories all the arid lands within their borders. That convention, surrounded as it was, unanimously adopted a series of resolutions favoring the ceding of all the arid lands to the States and Territories, and accordingly sent resolutions with a lengthy memorial to the Fifty-second Congress.

Shortly after the Salt Lake City convention Governor Toole, of Montana, called a convention to meet at Helena, in that State, for the purpose of taking, as was stated in the call, the sense of the people of the State on the Utah resolutions. That convention was composed of representative men of the State from almost every locality in it. It was not packed by representatives of railroad and other land syndicates, but was composed of the best representative business men in the State. That convention, after careful consideration of the subject, resolved against the Utah plan of ceding the arid lands to the several States and Territories.

I cite these two conventions for the purpose of showing the difference of opinion in the West on this subject, and also to show that its chief promoters in the West are the men holding vast areas of land, who expect to hold still more if they can get Congress to cede the lands to the States.

I think Congress had better keep its hand on the pilot wheel a while longer. It has managed our public domain with reasonable satisfaction and justness to the home-seeker for more than a hundred years, and would do well, in my opinion, to continue to do so.

It is very strange how sensitive these gentlemen from the West are when anyone living elsewhere presumes to suggest anything concerning legislation affecting our public lands in the West. If we consult their ideas about the right of a member of Congress coming from some other section of the country, and having anything to say about legislation affecting the West, we soon learn that some of them, at least, regard it next to high

treason for anybody to interfere in legislation affecting their part of the country. They say, "We want you to help us carry out our schemes at whatever expense in land or money, but you must not oppose us."

The gentleman from Nebraska [Mr. HAINER] saw fit in his remarks to suggest I had never been farther West than Chicago, and did not know anything about their wants and needs. It is true I have never circumnavigated the earth, neither do I live under the seductive and persuasive influences of all the land-grabbers and land syndicates of the great West. I have no such environments, and can think and act independent of their influence.

The gentleman [Mr. HAINER] says I have never been West. That is true, and I am informed that before his election to Congress the gentleman had scarcely gotten beyond a day's journey from his creameries, and when it came time for Congress to meet he went to Lincoln, and was found there wandering around in an aimless sort of way looking for Congress. So that honors are about even; if any odds, slightly in his favor. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GEARY. Mr. Speaker, the argument of the gentleman from Indiana [Mr. BRETZ] would be a good one if he was speaking for his own State, but it is a very singular thing that, with all the Representatives of the Western States present and willing to assume this obligation for their people, the objection should come from a man who knows nothing about the condition of those States. Can not we be trusted to represent the wishes of our own people here better than you can? But we know more about our ability to assume debts and obligations than any man from Indiana does.

Mr. BRETZ. I do not know whether you do or not.

Mr. GEARY. The country will presume that we do.

Now, the gentleman called my attention to the fact that we had in our State two or three syndicates which have gobbled up large areas of desert land under the old desert land law. I admit the fact of their procedure. But the manner in which they reclaimed those lands and made them available for population furnishes a reason why we are here now trying to profit by their experience in applying the same system which they applied—applying it not on behalf of a syndicate, but on behalf of every man in our State who wants to buy and settle upon and cultivate 160 acres of land. We found in California, as was found in every other State holding arid lands, that no individual settler, limited to a tract of 160 or 320 acres, could perfect and carry out a system of irrigation which would make his land of any value. But when we are permitted to embrace in a reclamation district or an irrigation district 4,000, or 5,000, or 10,000, or 20,000 acres, this large area justifies the adoption of a system that may make every acre of it available.

The purpose of this measure is merely to permit a State in which the lands are situated and which presumably knows more about the wants of its people than any outside authority, to segregate from the public lands within the State any such portions as may be designated as convenient tracts to be irrigated from a common source, making all that area capable of maintaining population.

The plan which would be adopted in California under the operation of this amendment would be this: We would form an irrigation district of 20,000, 30,000, or 40,000 acres; we would require our surveyor to report upon the most convenient mode of irrigating it; we would throw that land open to settlement with a water right secured to every acre; and at the very inception of the enterprise we would levy upon that land an assessment sufficient to complete this work.

In the course of one, two, or three years we would have utilized all the water available for irrigation. We would have taken the land upon which to-day nothing will grow, and by bringing water upon it, by wedding the elements necessary for its successful occupation, we would make it capable of maintaining a grand population. Let us in California settle for ourselves what we want. We do not ask for interference from Indiana or any other State.

Mr. SAYERS. I yield five minutes to the gentleman from New York [Mr. COOMBS].

Mr. COOMBS. Mr. Speaker, I realize the fact that the subject of irrigation is one of vast importance, calling for as prompt action on the part of the Government as can possibly be given it. The efforts before this time have been directed to propositions whereby the General Government should assume the management and expense of reclaiming the desert and arid lands. The proposition contained in this amendment is that the Government shall give to each of the States in which such lands exist a quantity not exceeding 1,000,000 acres, on the condition that they reclaim it and sell it to settlers in quantities not exceeding 160 acres to each. This proposition, which may be called an experiment, for it embraces only a very small portion of our arid lands, is a very attractive one, and if it had come before the House as a bill properly introduced, referred to a committee, and by it carefully considered and reported to the House, I should have given it my hearty support, and I now say to gentlemen who have this matter in charge that if that course is pursued and the bill brought up before the next session of this Congress I shall most heartily support it.

I am afraid of legislation of such magnitude which comes before the House in the shape of amendments to appropriation bills. I am afraid of such hasty preparation of matters of large importance. Errors may be committed that will defeat the very object that we have in view. I believe that the States in which these lands are situated are more interested, have a more intelligent interest in making them valuable than can possibly be held by the General Government. The question affects their prosperity and their home life. For this reason I am very anxious that the first step in that direction shall be wisely taken, and not lead to complications that will discredit the plan. I do not believe that in the few moments which can be devoted to this discussion proper care can be taken to avoid errors.

I notice that Representatives from the various States interested in the question are not united as to the details of the proposed plan. This fact adds to my misgivings.

I wish distinctly to state, and so plainly that I may not be misunderstood, that my objection to this experiment is solely based upon the form in which it comes before us. Government will probably never undertake to reclaim these now worthless lands; the States can do so, but let great care be taken that when Government makes transfers of any of them for that purpose, that such transfer shall be surrounded by such safeguards as will insure the accomplishment of the purpose, and not discredit the plan by hasty legislation that may lead to complications.

[Here the hammer fell.]

Mr. SAYERS. I yield five minutes to the gentleman from Oregon [Mr. HERMANN].

Mr. HERMANN. Mr. Speaker, this is not the first time this great subject has been considered by Congress. Not only during this session, but in former sessions, has this question been presented; and Congress, upon ample consideration, has decided, first, in favor of reclaiming these vast desert lands; and secondly, upon apportioning them to actual settlers. How these lands should be reclaimed, and by whom they should be reclaimed, are questions resolving themselves into problems which we have endeavored heretofore, and with some success, to meet—in committing the General Government to the reclamation of these lands.

Hundreds of thousands of dollars have been appropriated and expended in that direction toward the selection of reservoirs, toward the survey of the arid and semi-arid belt, and in other ways looking toward the ultimate reclamation of these lands. We have, however, failed in securing any further material assistance from the public Treasury. Other great works have invited the attention of the Government, and it has been found impossible to give sufficient means for the great purpose we have had in view. So that the committee has come to the conclusion that we should test the capacity of the different States in which these lands are situated to meet this question—that we should permit them to try the experiment for themselves.

Now, Mr. Speaker, if there is anything that we should be cautious about in this legislation, it is in regard to the protection of the actual settlers on the lands to be reclaimed under the provisions of this amendment. With all the vast experience which some of the States of this Union have had in the past in connection with this matter, notably those States which derived lands under what is known as the "swamp land grant," or, as it might very much more properly be called, in view of subsequent events, the swamp land grab—it is natural that those of us who have seen the inconveniences and experienced the inequalities and the injustice which have resulted from such legislation, with reference to the distribution of public lands through State instrumentality under such grants, should desire to be cautious as to any future action that may be taken.

I have, Mr. Speaker, very serious misgivings as to the success of the method which is provided for in this conference report with reference to the disposition of these arid lands. I seriously question whether, under the language in which this proposed legislation is expressed, the States can adequately make the reclamation designed, and whether the States can fairly, under the machinery which they have heretofore used to apportion out State lands, justly apportion the lands which may be reclaimed under this provision to the deserving and landless of the country.

But it is the best we can do at the present time, and as an experiment—the General Government failing to take a more active part in the matter—I am willing for one to waive any objections

I may have to it, hoping in the results of the experiments to be made by the States that there will be developed such a means and such a mode for the solution of the great question that hereafter we may be able to consider it with very much more intelligence than we are now in possession of with regard to it. But I particularly caution this Congress and the members of the conference on the part of the House on this question that the safeguards to be thrown about the lands when reclaimed, and their disposal to actual settlers should be clear, explicit, and satisfactory. I ask the chairman of the managers on the part of the House to give his attention to the language of the amendment to which I wish now to call his attention.

Mr. SAYERS. If the gentleman will permit me——

Mr. HERMANN. Certainly.

Mr. SAYERS. I will give the gentleman additional time for the interruption.

When the amendments were being considered by the conference committee, the conferees on the part of the House not being familiar with our land system, disagreed to that particular amendment of the Senate for the purpose of bringing it back to the House to discover the sense of the House upon the amendment, and also to enable gentlemen who are entirely familiar with the subject to so instruct the conferees in the shape of the language to be used, that no error could be committed. And I give the gentleman fair warning that if the sense of the House should be in favor of such legislation, he and those gentlemen who are familiar with this land system must prepare amendments so as to give the conferees of the House in dealing with the subject full information, and that such amendments shall go into the conference with us.

Mr. HERMANN. In view of the remarks of the gentleman from Texas, I feel that I am entirely justified in the suggestions I have made and those which I now propose to make.

The SPEAKER *pro tempore*. The time of the gentleman from Oregon has expired.

Mr. SAYERS. Let me make one more suggestion, because it seems to me the question has been like the farmer's cow, it has been feeding on both sides of the brook in this matter. I want to know exactly what the gentleman thinks of the shape of the amendment to be offered for the consideration of the Senate conferees.

Mr. HERMANN. The "brook" is a very wide one and a very dry one, and there is not much feed on either side of it. That is just the difficulty. If the gentleman will yield to me for five minutes longer——

Mr. SAYERS. I have not that much time at my disposal, but will yield the gentleman two minutes more.

Mr. HERMANN. In order to illustrate still further what I desire to call to the attention of the House and to the House conferees, in reference to the amendment of the gentleman from Arkansas [Mr. MCRAE] now under consideration as an amendment to the section of the report of the conference committee, you will find embodied this proviso:

Provided, That said States shall not sell or dispose of more than 160 acres of said land to any one person.

This is upon the assumption that these lands when reclaimed are the most fertile and will yield abundant and lucrative harvests to the husbandman and will make profitable homes. I believe this to be true.

But it may be that before that provision can be carried out the title will have passed to the State on the reclamation of the lands, and my point is that there may still not be a sufficient safeguard as to the possible reckless squandering and wholesale disposition of the lands after the title shall be vested in the State and in violation of the spirit of this proviso. It may, therefore, be advisable to provide that no title shall vest until it is shown that the purchaser is an actual settler and on 160 acres or less of those lands. The necessity of such precaution is illustrated in the history of the swamp land grants to the States, and not only in that, but in various other grants which have been made to the States in the matter of railroad and wagon-road construction and for other purposes. I have in my mind at this time in my own district an illustration where 125,000 acres of land had been granted to the State for the purpose of the construction of a military wagon road, which grant contained several conditions embodied in the general granting act. Among the conditions it was provided that the lands should be disposed of in quantities not exceeding 160 acres and at a price not exceeding $2.50 an acre, and should be sold to actual settlers only.

But what are the facts? Every one of these conditions have been violated. The lands have been sold to individual purchasers not only in large quantities and in excess of the 160 acres fixed by the granting act, but the lands have been sold in many instances to persons who were not actual settlers and at prices far exceeding $2.50 an acre—in some instances as high as $10 an acre to my own knowledge. The title passed from the Government and it was not made conditional upon the performance of the limitations I have mentioned; and so the Departments of the Government exacted no proof as to compliance before patent issued.

The settlers have been told, "If you can not pay this price you need not take it;" but in the mean time the patent title has passed out of the United States into the State, and from the State into this particular wagon-road assignee, and now the road company say to these settlers on the lands, who are thus to be taken advantage of, "What are you going to do about it?"

For one I do not desire that such experience shall be entailed upon the future people of the reclaimed arid regions of the country. I think that in view of this experience we should so hedge in and so guard and so protect the interests of the homeless, landless people of the country, who will seek the rich empires of the West which are to be reclaimed, and they are the ones chiefly in whose interests, as I understand it, this legislation is proposed.

I think we should look into the past for the purpose of getting experience for the future. Therefore I would suggest to the House that this language may prove to be too vague, if not too loose, and if this measure is passed in its present form and the title passes to the State after the reclamation of the lands, it may be an inducement for the syndicate and the intriguer and the monopolist to go before the various legislative bodies and by deceit and misrepresentation and selfish interest secure legislation in the interests of large holdings, as has been done so often in other matters, and then, when our authority is gone, our title divested, and when it is too late, the people of the United States and Congress will be told, "What are you going to do about it?"

If I shall find the amendment insufficient to protect the interests of the actual bona fide settler I shall at the proper time submit a proper amendment or substitute. Let the bill so protected be passed, for our people will welcome it as the best we can secure, and while we are doing this it behooves us to guard every provision which otherwise may be construed adversely to the interests of the real beneficiaries for whom this legislation is had—the home-seeking and home-deserving people of the United States. Let this be the character of our heritage to the future, and we shall then have reason to feel that we have performed our duty faithfully, conscientiously, and guardedly by the whole country.

[Here the hammer fell.]

Mr. SAYERS. I yield five minutes to the gentleman from Oregon [Mr. ELLIS].

Mr. ELLIS of Oregon said. Mr. Speaker, naturally, this is a question in which I feel great interest, because the people in a large part of the district which I represent feel a deep interest in it. The gentleman from New York [Mr. COOMBS], who has just taken his seat, says to us wait until the next Congress; bring in something, and we will then give you appropriate legislation.

Mr. Speaker, we do not know whether any gentleman who is here now can promise us with any certainty as to what will be done in the next Congress. There are very few gentlemen who have a fee simple title to their seats in the next Congress. Promises may be made as to what will be done by gentlemen who, if they were here, would try to carry out their promises in good faith. But realizing as I do the uncertainty of nominations, to say nothing of elections, those of us who have a constituency that will be affected by this amendment much prefer to have action taken now, while we have men here who are entitled to act in this House, rather than take promises from men who may not be here at a session of the next Congress qualified to vote upon the question.

Mr. COOMBS. The same members will be here at the next session of Congress.

Mr. ELLIS of Oregon. The next session of Congress will be a short one, and a matter of this kind will be too important to consider at that time. There is no time like the present time in which to dispose of this question. It is not a question of robbing the public domain of vast acres, it simply permits the States which come within the provisions of this bill, provided they meet its requirements, to go forward and take such action as will add thousands and thousands of dollars to the value of these lands, and then the Government permits them to take the lands reclaimed and dispose of them, subject to the restrictions of this amendment.

The Government does not seem to care to do anything with this character of lands. That has been urged upon Congress time and again, and no action looking to any general reclamation of arid lands has been taken or favorably reported. This is simply a proposition to allow the States to do something of that kind. If they do not do anything, nothing will be lost to the Government. Until all the requirements of the pending meas-

ure are fully met the title to the lands will remain where it now is, in the Government of the United States. Gentlemen tell us what we need in the West, gentlemen who never saw the West, who never saw an acre of arid land, who do not know what it looks like.

I tell you, gentlemen, if you could see the thousands of acres of arid lands and fully know the worth of the same as they now are, and could see and understand the results that would follow irrigation; if you could see the vast improvements made by the process, I do not think there is any man who would oppose a measure that asks so little and is fraught with so much good and such great possibilities as would inure to the country by the reclamation of these lands. It is a matter of great importance, and it is a matter, while it immediately concerns the West alone, it will be of great benefit to the whole country. Those of you who live here in the East have not had to meet this great question and know nothing about it in the sense of knowing how it affects us practically.

The people of the States who could act under this bill know the wants of their States. They know the water sources and supplies, and they know how this water can best be preserved and utilized. There is no one more competent than the State itself to know in what manner this work should be done, and I assure you that under the care and guidance of the laws of the States affected, the question will be more carefully considered, more carefully looked after, and there will be less improvident use of the water, than there would if the General Government were to undertake the reclamation of the arid lands sought to be reclaimed by this measure.

It would be to the interest of a State to utilize every available gallon of water, and to make the best use of it that could be devised for the purpose of reclaiming such land as could be irrigated. It would be to the interest of the State to see that none of the water was wasted or improvidently used. Hence if it is left to the States, guarded by such careful legislation as could and would be enacted by legislators fully acquainted with the country and the people, the best results will be attained. Our own State has enacted laws relative to irrigation, and many of the other States have done the same thing. These laws have been enacted by men who are upon the ground, who understand the country and the climate, and who understand everything connected with the question.

I want also to say that certainly as far as our own State is concerned, its Legislature will, in my opinion, take such action looking to the reclamation of the lands granted that in a few years no one will doubt the action or question the wisdom of this Congress in passing this measure. This act, if passed, does not suspend the desert land act, nor prevent those who desire to take land directly from the Government from doing so, provided they comply with the law, rules, and regulations. It only enables the State to do what the individual by reason of poverty can not do, and after it has made the land fertile and the prospect of obtaining an easy living therefrom, then the man who could not accomplish the result alone may come in and purchase for himself and family a home, his success will be assured, and the State or General Government will in no sense be losers.

The Western States do not ask for a guardian in order to keep their Legislatures from bankrupting or involving them hopelessly in debt, as intimated by the gentleman from Indiana [Mr. BRETZ] would be the result should this bill pass. They will look after that for themselves; all they ask is a full and free chance to develop their own resources, and they will be fully able to go alone, even though it should be to the surprise of those gentlemen who oppose this measure to protect a State affected from becoming bankrupt should the General Government allow it to irrigate 1,000,000 acres of arid lands within its borders.

Mr. CURTIS of Kansas. Mr. Speaker, I would not have taken a moment's time of this House had not the gentleman from Indiana [Mr. BRETZ] referred to the inability of the States to take care of the arid lands should this amendment be adopted.

The citizens of Kansas are greatly interested in this question, and many conventions have been held for the purpose of adopting some policy by which these lands may be reclaimed and for irrigating lands in Western Kansas.

It would suit the people of Kansas better if Congress would appropriate a sufficient sum for making examinations and surveys in the western part of the State and for constructing reservoirs for irrigating lands in that part of the State; but if this can not be done the amendment of the gentleman from Nebraska [Mr. HAINER] should be agreed to.

I was a little surprised at the gentleman from Indiana [Mr. BRETZ] referring to the indebtedness of the various States and his including Kansas.

Of course, the citizens of Kansas are in debt; they could not have made such great developments, they could not have opened and improved so many fine farms, constructed so many comfortable dwellings, provided so many pleasant homes for their families, and they could not have made Kansas the best State in the Union without going into debt.

But the gentleman is a little mistaken about our State indebtedness; according to the report of the Eleventh Census it only amounted to $1,119,658; the population of Kansas is given as 1,427,096, which would make her per capita indebtedness less than $1.

The State debt of Indiana, by the same report, is given as $8,538,059, her population 2,192,404, which makes her per capita State debt amount to nearly $4.

Then again, the cash and productive assets held by Kansas in 1890 amounted to $6,713,199, while that of Indiana only amounted to $5,362,892.

The citizens of Kansas are perfectly willing to have a comparison made between her and other States.

In the ten years from 1880 to 1890, as is shown by the report of the Eleventh Census, it appears that the following States made an increase per cent of assessed valuation, to wit: Indiana, 16.33 per cent; Massachusetts, 35.93 per cent; New York, 42.36 per cent; Pennsylvania, 54.05; while Kansas increased 116.58.

This same report gives the true valuation of the real and personal property of the several States and Territories, and also the per capita of total true valuation, which is as follows: Indiana, $956; Pennsylvania, $1,177; Massachusetts, $1,252; while that of the State of Kansas amounted to $1,261.

Upon a former occasion I called attention to the great growth of Kansas, and located her indebtedness and called attention to the indebtedness of other States.

While Kansas had in 1890 a per capita real estate mortgage indebtedness amounting to $170, yet Massachusetts had $144, Minnesota $152, New Jersey $161, California $200, Colorado $206, the District of Columbia $226, and New York the large amount of $268.

When you compare Kansas with Eastern States so far as per cent of increase in wealth or per capita of true valuation, the citizens of Kansas may well be and are proud of the showing made by their State.

When it comes to her wonderful products, there is no producing State in this Union that desires to stand the test of comparison.

When the gentleman from Indiana recalls the fact that Kansas has within her borders over 9,000 public schoolhouses; that there are a larger number of children between the ages of 5 and 18 years enrolled in our schools than any other State in the Union according to the population; when he remembers we have over 4,500 churches; when he remembers we have great colleges and universities which our citizens are maintaining, and when he remembers that our citizens are fast reducing their indebtedness, he will not question the ability of Kansas to take care of this land should it be intrusted to her.

There is nothing in the objection urged by some of the gentlemen opposed to this measure, that it is impracticable to irrigate much of the arid lands, for it has been already demonstrated by investigation by a number of eminent and scientific gentlemen, among them Prof. Robert Hay of Kansas, and fully established in his valuable report that it is practicable to obtain water supply to reclaim the greater portion of these lands.

There is about 734,000 acres of Government land still vacant in Western Kansas; I am unable to say how much of it comes under the provision of this act, but with irrigation Western Kansas can be made one of the most productive spots in the United States.

If you include Kansas and Nebraska you need have no fears in regard to their ability to comply with the provisions of the act, and the land within their borders will be reclaimed as soon as they are in any other State.

While this provision is not what the people want, it is a step in the right direction, and I hope the amendment will be agreed to. [Applause.]

Mr. SAYERS. I yield five minutes to the gentleman from Nebraska.

Mr. HAINER of Nebraska. Mr. Speaker, strange propositions are submitted to us in the discussion of great questions; but perhaps none is more strange than the proposition submitted by the gentleman from Indiana [Mr. BRETZ], who I am reliably informed has never been west of Chicago and never even saw that metropolis until sent there as a member of a special committee within the past few months and who undertakes to oppose this measure, basing his opposition on the fact that the States of the West are very heavily in debt. Among other States which he saw fit to traduce in that manner is the State which I have the honor in part to represent. Why he has seen fit to lug in the question of State indebtedness no reasonable person can guess. In the West at least our debts, State and individual, represent actual assets in hand. We went in

debt only for property we have and need. I do not know the source of the gentleman's information. I have, however, in my hand the report from the Eleventh Census on "Wealth, Debt, and Taxation."

On page 202 I find the record of the State debt of Nebraska, and submit this as an authority to the gentleman. I find that the entire debt of the State of Nebraska, less the sinking fund, was, in 1890, $439,799.09; and at the same time its available cash assets in its treasury was $956,865.96, or more than twice the amount of its debt, and I apprehend, if his figures were tested by the real facts in the other States, they would prove him to be equally in error as to those States.

But, Mr. Speaker, on behalf of myself and colleagues [Messrs. MEIKLEJOHN and MERCER], with whom I have just had a hurried consultation, I desire to call attention to a very serious defect in the proposed amendment. We take it for granted that the purpose of this amendment is to do actual good to the Western States and the States which have arid lands—lands which may with profit be reclaimed. That is the purpose of it. But the operation of the proposed amendment, I find, is limited to the States containing within their borders desert lands. Desert lands and arid lands are two very different and distinct terms. Desert lands are not necessarily arid lands; and arid lands are not necessarily desert lands, as the term is technically used, though the term arid includes desert. By arid lands we mean such as do not in an average year, without irrigation, produce any considerable agricultural crop.

Now, take the State of Kansas and the State of Nebraska, both of which do contain within their borders arid land, but not an acre of desert land. You would not affect these States with this proposed amendment. You would not aid in the reclamation of the best lands in the West by means of this amendment. You would not have your legislation apply to those States to which it might most profitably be applied, nor would it apply to one of the Territories which you propose to admit as States.

It seems to me that this amendment ought to be further amended, and should be made to include all the States or Territories which include within their borders arid lands; and for that purpose I desire, and if this is the proper time I submit an amendment, if it is in order now, to this section by inserting after the word "of" in line 2 of the amendment, which is on the Clerk's desk, the words "the arid and," so as to make it include not only desert, but also arid lands; and after the word "States," in line 7, the following words: "of Nebraska and Kansas and to each of the States which may be formed out of the Territories of Arizona, New Mexico, Oklahoma, and Utah, and also the States."

By interpolating the words which I have used here you will include all the States and Territories which contain arid lands.

Mr. VAN VOORHIS of New York. What is the difference between arid and desert land?

Mr. HAINER of Nebraska. Desert land is that which is specifically named in the desert-land act.

Mr. PICKLER. On which no agricultural crop will grow without irrigation.

Mr. HAINER of Nebraska. They have been specifically set apart and ascertained.

Mr. VAN VOORHIS of New York. Now, what is arid land?

Mr. HAINER of Nebraska. Arid lands are those which in fact, and under the decision of the Department of the Interior, can not be profitably cultivated without irrigation, and which could be profitably cultivated with irrigation.

Mr. COOMBS. Will the gentleman permit me to ask another question?

Mr. HAINER of Nebraska. Certainly.

Mr. COOMBS. I desire to ask the gentleman if the irrigation congress that has been held out West lately passed any resolutions that would favor such a plan as this?

Mr. HAINER of Nebraska. Oh, unquestionably. The West is a unit on this proposition.

Mr. COOMBS. I understand; but as to this specific proposition and this specific plan. I want to say to the gentleman that I have no antagonism to this irrigation problem. The only point I desire to make is that it should be taken up in the proper way, so that there may be no entanglement. You have pointed out some mistakes that have been made. Do not you think that on a careful examination others might be pointed out?

Mr. HAINER of Nebraska. That may be, possibly. There is much force in the gentleman's suggestion. Doubtless there are other objections than that which I have pointed out and the gentleman from Oregon has pointed out. It is a vital question to the people of the West.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. SAYERS. When I yield to gentlemen they should not be interrupted. I have but a limited time to yield to several gentlemen.

Mr. DOOLITTLE. Have you not lands in the State of Nebraska that can be entered under the desert-land act as it exists on the statute book?

Mr. HAINER of Nebraska. Not one acre.

Mr. DOOLITTLE. Where has it been so decided?

Mr. HAINER of Nebraska. We have none that is known as desert land.

Mr. DOOLITTLE. But have not desert-land entries been made in your State?

Mr. HAINER of Nebraska. Not an acre, either in our State or in Kansas.

I desire specially to call the attention of the House to the fact that the act of March 3, 1877, to which this amendment refers and which is made a part of it, defines desert lands to be such as will not without irrigation produce any agricultural crop; and the same act in terms, by section 3, expressly limits desert lands to the States of California, Oregon, Nevada, Washington, Idaho, Montana, Wyoming, and the Dakotas, and the Territories of Utah, Arizona, and New Mexico. It does not include Nebraska, Kansas, or the Territory of Oklahoma.

In this view of the case, one which is compelled by a consideration of the act of 1877, I am reënforced by the opinion of the Acting Commissioner of the General Land Office, who on August 8, 1894, wrote the following letter:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., August 8, 1894.

SIR: In reference to the subject of the amendment proposed as a substitute for Senate amendment No. 280 to the sundry civil bill, this day submitted for an expression of my opinion in letter from the clerk of the Appropriations Committee of the Senate, I have the honor to state that the amendment proposed seems to be similar in its general purposes to the Senate bill No. 1591, "To provide for the reservation, sale, and settlement of certain lands in the several States and Territories," in regard to which the views of this office were expressed in a report of March 9, 1894, which is incorporated in the report of the Senate Committee on Public Lands of April 17, 1894, in reference to that bill.

The proposed substitute appears, on careful examination, to differ somewhat in its provisions from said bill, but as a result of such examination, I see no reason why the purposes sought to be accomplished by the bill referred to, which was favorably reported upon by this office in the report mentioned, may not be attained under the provisions of the proposed substitute, should it be adopted.

It is the opinion of this office, however, that should the proposed substitute be adopted, such amendment be made as will make it clearly and unequivocally applicable not only to existing States or the States to which existing desert land laws apply, but also to the States of Nebraska and Kansas, and to the States that may be formed out of the Territories of Arizona, New Mexico, Oklahoma, and Utah, when admitted, as provided for in fourth section of Senate bill 1591.

The draft of substitute is herewith returned.

Very respectfully,

EDW. A. BOWERS,
Acting Commissioner.

HON. FRANCIS M. COCKRELL,
United States Senate.

There is neither reason nor justice in excluding from this act the States which may derive the greatest benefit from it.

I regret exceedingly that this great question is precipitated upon the House without a fair opportunity for discussion and perfecting a bill which will effectuate the great purpose which should be accomplished. We are in the closing days of a year's continuous session without even so much as a day being given to this important matter. I recognize, however, it is a movement in the right direction. A wise conservation of the water supply will make the untold millions of acres of arid and semi-arid lands in the West fruitful as the most fertile valleys of the East, affording homes for the homeless, extending and diversifying industries, and adding immensely to the permanent wealth of the nation. I desire that Congress do the right thing. I may be obliged to see this measure pass in a form which will be of no value to the greater part of the great West, which in spite of the neglect and discrimination so fashionable to be visited upon it by this Congress, will one day be in position to demand and command a fair hearing and a fair measure of justice.

Mr. SAYERS. I yield five minutes to the gentleman from North Dakota [Mr. JOHNSON].

Mr. JOHNSON of North Dakota. Mr. Speaker, without entering upon a discussion of the merits of the question itself, I would hardly feel justified in allowing this occasion to pass without an explanation of the indebtedness of the district which I represent, the State of North Dakota, inasmuch as a statement has been made here by the gentleman from Indiana [Mr. BRETZ] which, if allowed to go without explanation, would do our people great injustice.

In the first place, let me call attention to the fact that indebtedness itself, provided you have assets, is not necessarily a matter of reproach. For instance, as to private debts, the late census of the United States shows that the State of New York has the greatest mortgage indebtedness of any State in the

Union, namely, $268 per capita. But that is not necessarily a matter of disgrace or reproach to the gallant and intelligent Representative from that State [Mr. COOMBS] who has been antagonizing us on this bill. The next greatest per capita indebtedness is right here in the District of Columbia, namely, $226; but it is not necessarily a fact which implies reproach or disgrace, or which indicates that the people of this District are not solvent or worthy of credit.

The same census shows that in the State of Arkansas the per capita mortgage indebtedness is only $13; but that is not necessarily an indication of wealth, of foresight, or of great business sagacity in the State of Arkansas. I have 6,000 constituents in my district who are entirely clear of debt; namely, the Wahpitas, the Sissetons, the Chippewas, and the Cut-head Sioux. They are entirely clear of debt, yet their credit is no better than the credit of the people of the District of Columbia with this enormous indebtedness of $226 per capita hanging over them.

In the organic law organizing our Territory, while we were in partnership with South Dakota, there was a provision, which amounted to a constitutional limitation, as to municipal and county indebtedness, fixing the limit at 5 per cent. We scrupulously and religiously adhered to that limit until we entered the Union, and then we put the same limitation upon our statute book, thus giving it the same force and effect. The maximum of those debts, seldom reached, is after all very moderate, only 5 per cent of the assessed valuation. So much for municipal and county indebtedness. Coming now to State indebtedness, at the time we dissolved partnership with South Dakota we assumed our share of the debt, which amounted to only $250,000. That did not represent an amount of money that we had fallen behind in the ordinary running expenses of the Territory. We had something to show for every dollar of it.

That debt was upon bonds that we had issued to erect our public, penal, charitable, and educational institutions. We had for it our magnificent State university at Grand Forks, our hospital for the insane at Jamestown, and our capitol and penitentiary in the city of Bismarck, worth fully the amount of the debt. The amount, $250,000, was all the indebtedness we assumed five years ago when we entered upon Statehood. Since then we have run up to the constitutional limit, which is only $500,000 more, for in our Constitution we inserted an article forbidding the State ever to incur an indebtedness more than $500,000 above what then existed. Why, sir, it is a mere bagatelle.

And, Mr. Speaker, for that $500,000, as for the $250,000, we have something to show. We have our two beautiful normal schools at Valley City and Mayville. We have our agricultural college, built with this money, at Fargo, and we have our school for deaf mutes at Devils Lake, our Soldiers' Home at Lisbon, and other institutions of charity and of education, that we are proud of and consider money well invested.

The wealth of the State is ample security for this debt, and our credit ranks with the very best.

The people I represent produce one-tenth of the entire wheat crop of the United States every year right in one Congressional district, and they do it in four months' work. Three years ago, when we produced 64,000,000 bushels of wheat which was sold at an average of over 80 cents a bushel, the people that I represented produced more wealth than any equal number of people ever produced in the same length of time in any Congressional district in the United States since Columbus discovered America, no matter whether they were engaged in banking, railroading, manufacturing, or gold mining. In the palmiest days of California's placer mining there was never a time when 180,000 people, only half of them engaged in that particular work, produced in four months $50,000,000 of value upon a single item of production.

Why, sir, in North Dakota we have $2,000,000 of school funds in our treasury now that we do not know what to do with, money which we received for only about 4 per cent of our school lands that we have up to this time placed upon the market.

[Here the hammer fell.]

Mr. SAYERS. I yield four minutes to the gentleman from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. Mr. Speaker, the arid-land question has been agitated for a great many years, not only in the western regions of our country, but in the Halls of Congress. Conventions have been held throughout the West upon this important subject, and the unanimous sentiment is now, after long discussion, that the question of the reclamation of these arid lands can be settled alone by the respective States. They have come to that conclusion, though they desired in the first place that the Government of the United States should undertake the work of reclamation and should then open the reclaimed lands to settlement.

The Government of the United States has been unwilling to do that, for the reason that it involved the selection of vast areas of land, the erection of irrigation works, reservoirs, distributing canals, etc., and the expenditure of a sum ranging from $10 to $50 per acre in the work of reclamation. The National Government is unwilling to undertake the work, though the States in the arid region desired it to do so, and thought it ought to do so.

Various measures have been introduced in Congress with reference to the granting of these arid lands to the various States. Measures looking to this end have repeatedly passed one House and failed of consideration in the other. Committees have passed upon the question in various forms. I think I am safe in saying that it is almost the unanimous sentiment of the various irrigation committees of this Congress and of past Congresses that grants of these lands should be made to the States, and that they should undertake the work of reclamation.

Mr. BOATNER. Is not the principle of this measure exactly the same as that on which the United States granted the swamp lands to the States?

Mr. NEWLANDS. Yes, the same principle.

Now, the objection is made that this proposition appears in an appropriation bill. Very well, it is here; and if it is a good thing why should it not remain in the appropriation bill?

But gentleman say there is not time for the consideration of the restrictions that should be imposed upon the grants. Now, I admit that it is a matter of the greatest importance that these restrictions should be carefully considered, and this may not be the time and place for their consideration. But I maintain that there should be no restrictions upon the grant, and that any restrictions whatever are likely to defeat the grant itself. The Congress of the United States is not able to frame restrictions upon this grant——

Mr. COOMBS. But I call the gentleman's attention to the fact that this very amendment makes restrictions.

Mr. NEWLANDS. That is true.

Mr. COOMBS. And that is one point which I think ought to be considered.

Mr. NEWLANDS. I was going to consider that. It is true that this very amendment provides restrictions. I have not time to examine them; I do not know whether those restrictions are wise or not. My position is against any restriction. But this I do say, that if the grant should be made now, and it should be found that the restrictions are unwise, we can hereafter modify the restrictions. And I would rather now avail myself of the opportunity to make the grant than trust the matter to future Congresses, with the delays attendant upon legislative action.

Mr. HERMANN. How can the restrictions be modified after the title to these lands has vested in the several States?

Mr. NEWLANDS. The only way I would modify the restrictions would be by doing away with them absolutely, so far as I am concerned. I say this matter should be intrusted to the wisdom of the various Legislatures; and though gentlemen say that the Legislatures of these States have acted unwisely in the past—a matter which I am willing to admit—I say that they have passed through a severe education in regard to such matters; and I believe the Legislature of every State to which a grant is made will act wisely in imposing restrictions upon the settlement of these lands.

Mr. VAN VOORHIS of New York. If the States should disregard the restrictions, is there any remedy?

Mr. NEWLANDS. I presume there is.

Mr. PICKLER. This amendment provides that the lands shall not be ceded to the States until they have complied with the regulations prescribed by the Secretary of the Interior.

Mr. NEWLANDS. As I understand, the grant is not to take effect until a certain amount per acre has been expended in the work of reclamation.

Mr. VAN VOORHIS of New York. But suppose that a State, instead of selling this land in 160-acre tracts, should sell the whole million acres in one body; is there any remedy?

[Here the hammer fell.]

Mr. SAYERS. I yield three minutes to the gentleman from New York [Mr. VAN VOORHIS].

Mr. VAN VOORHIS of New York. Mr. Chairman, there is in these Western States an association called the Interstate Irrigation Association. They had a great convention at Omaha on the 21st and 22d days of March last. Able men were present from all of these States, and I desire simply to present to the House the conclusions at which they arrived, showing that they make no such recommendation as this amendment contemplates.

I send to the desk to be read the resolutions adopted by them.

The Clerk read as follows:

RESOLUTIONS OF THE CONVENTION.

Whereas American citizens wishing to secure homes have moved on these plains, bought and paid the Government for land, and expended money in improving it; and

Whereas it has been demonstrated by the experience of these men and by the signal stations of the Government that the amount of rainfall at proper seasons is insufficient to make agriculture successful: Therefore

Be it resolved, That it is the sense of this convention that it is the duty of Congress to make increased appropriations to test the practicability of the following methods of irrigation for these plains:

First, that the Government should, by experiments, determine whether the underflow and artesian water is of sufficient volume and can be brought to the surface at a cost to make it available for general irrigation purposes; second, that it should determine the extent to which reservoirs can be constructed for the purpose of storing storm water sufficient in quantity for irrigation purposes.

Resolved, That we fully indorse the following extract from the report of the special committee of the United States Senate made May 18, 1890, and that the same be made a part of the resolutions of this convention:

"If anything can be done to encourage the people of these great plains, it is important that it should be done speedily. There are over 1,000,000 people in the arid and semiarid belt, who have paid into the United States no less than $40,000,000 for public lands. The Government should demonstrate to them the practicability before they can have the courage or can command the means to prosecute the work on any considerable scale."

Resolved, That since forest culture can be made an effective agent in the reclamation of an arid region, we therefore recommend that every farmer on the prairies be urged to plant and cultivate the growth of forest trees.

Resolved, That we favor the creation of the office of State engineer in the various States, and legislation which shall encourage irrigation, construction, and development.

Resolved, That as authoritative meteorological data is of great importance to irrigation interests, it is the sense of this convention that it is to the best interests of the people of Western America that the present meteorological stations in the arid and semiarid sections of this country be maintained and their number be increased, and we respectfully urge the Secretary of Agriculture and our Representatives in Congress to use their best efforts to that end.

Resolved, That we ask the agricultural colleges in the various States to devote a portion of the funds received from the United States Government for agricultural experiment work, to experiment with and demonstrate the agricultural possibilities with and without irrigation in the plains region, and to investigate the various irrigation problems.

Resolved, That we urge the people of each county to organize county irrigation associations and put themselves in communication with the officers of their State associations, or with this association where there are no State associations.

Resolved, That the executive committee of this association be instructed to coöperate with the executive committees of the various State organizations in sending able delegates from each State to Washington to urge Congress to take immediate action upon the bills now pending in behalf of the irrigation of the Great Plains.

Mr. SAYERS. I yield five minutes to the gentleman from Washington [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, it has been stated during the course of the argument upon this provision of the bill, by the gentleman from Indiana [Mr. BRETZ], that the indebtedness of the State of Washington considerably exceeded a million of dollars, I think the figures used being $1,700,000.

Now, I do not regard that statement in this discussion as being of any particular importance or consequence either one way or the other. If the indebtedness of that State should at any time amount to more than a million, or even two millions, of dollars the assets of the State of Washington are so greatly in excess of such a sum, that it certainly would cut no figure and would not lessen the credit of the people of that State or of the State itself. But I merely wish to call the attention of the House to the facts. I find that the constitution of the State of Washington provides that in no case shall the indebtedness of the State exceed $400,000, and the indebtedness of the State of Washington to-day for all purposes—the State indebtedness—is nowhere near the limit.

Now, Mr. Chairman, so far as the proposition under consideration is concerned: In the first place, I have always believed that the General Government of the United States should itself undertake a system of surveys in these States that contain arid lands with a view to their ultimate reclamation. I believe that these surveys should be made for the purpose of ascertaining where reservoirs at the base of the mountain ranges can be profitably constructed and properly situated, so that the melting snows of the winter and the winter rains may be stored up for use during the crop season on the lands that require this sort of artificial assistance or irrigation to render them adaptable for agriculture.

Mr. CAMINETTI. If the gentleman will allow me, these reservoir sites are reserved now, under the public laws, and in many instances locations have been made by the General Government.

Mr. DOOLITTLE. Yes, to some extent; but they have not been made at the base of the mountain ranges, which would seem to be the proper points for their location in my State.

Mr. CAMINETTI. Oh, yes; they have.

Mr. DOOLITTLE. Oh, no; I beg the gentleman's pardon.

Mr. CAMINETTI. Why, I can show you that they have.

Mr. DOOLITTLE. That may be the case in some localities; but there has been no such general system carried out, and the gentleman is simply mistaken. Besides, these surveys should be made for the purpose of ascertaining where artesian wells can be profitably put down in these States. In fact, the whole question should be taken up and considered by the General Government. No State can do it as thoroughly or satisfactorily as it is within the ability of the General Government to perform this necessary and exceedingly important work.

Mr. Speaker, since I have been here amendments have been offered repeatedly to bills which have been presented in Congress from time to time for the promotion of this work, but the people of this country, through their representatives, have not seemed willing to take it up.

Now, then, inasmuch as this amendment is offered, and I believe it to be a step in the right direction and that it will at least keep the minds of the masses of the people to some extent fixed on the subject, and that eventually good will come from it, I am willing to support it and am willing to take it as a step in the right direction, and as something which the people will regard in that light, and as paving the way for what may be done in the future to settle the whole question satisfactorily.

So far as the irrigation of the land conveyed to the States is concerned, I do not want the General Government, or any gentleman here if he has any apprehension on the subject, to allow his soul for a moment to be disturbed by the idea that the lands will not be properly treated and made productive, or that they will not be protected. It is in the interest of the States to do so; and to-day they have in their power, if this amendment becomes a law, the necessary means for the protection of the land, and there is no question in my mind whatever that they will be as well looked after in all respects by the States as it is possible for them to be managed by the General Government so far as honesty is concerned.

I have some misgivings, it is true, as to what will be done, whether any great good will come from the proposition. But at the same time I believe the people of the country where there are arid lands will be willing to accept this proposition and do all in their power to bring good out of it.

Mr. BOATNER. Has the Commissioner of Agriculture completed his rain-making experiments?

Mr. DOOLITTLE. Well, sir, I am unable to answer the gentleman. I have not been in partnership with him in his experiments, neither have I kept cases for the Department referred to.

[Here the hammer fell.]

Mr. SAYERS. I yield five minutes to the gentleman from Washington.

Mr. WILSON of Washington. Mr. Speaker, I can not expect to say anything to add to what has been already said by my colleague from the State of Washington. But to correct one or two figures that he made, I will say that the indebtedness permitted by our constitution limits us to $400,000, not $500,000.

I will further state in reply to the gentleman from Indiana [Mr. BRETZ], that the State indebtedness of the State of Washington is not given in the census. If the gentleman will take occasion to examine the indebtedness of States in detail, he will find that the State of Washington is not mentioned. If he will examine the municipal and county indebtedness, he will find that that indebtedness of the State of Washington, both municipal and county, is about $1,000,000. Consequently the gentleman must have made some error as far as the State indebtedness of Washington is concerned. I have made diligent search through this report, and find that the State indebtedness is not given in the record.

Now, Mr. Speaker, I am not certain, in common with some of my colleagues from the West, that this amendment will accomplish very much good. I so expressed myself in private yesterday, and it is my public opinion to-day; but what we are attempting to do is to take some step forward.

In the Fifty-first Congress a scheme was brought in appropriating a large amount of money, and including the reservation of all the lands west of the one hundredth parallel. It required a large amount of money. It was defeated because of the opposition to it coming from the West. It turned out that many of the people were occupying 160 acres of land, and they thought their water supply would be taken from them, and so they rose up, as the gentleman from South Dakota [Mr. PICKLER] will well remember, and defeated the proposition that we then attempted to inaugurate for the purpose of irrigating the Western arid lands.

I believe, Mr. Speaker, that the Government of the United States ought to donate to the several States all of the arid and desert lands within their respective geographical areas. As far as the State of Washington is concerned, this amendment does not amount to much. The two great counties of Kititas and Yakima have already, by private enterprise, constructed great irrigating ditches and brought the land under cultivation, or are rapidly doing so. There is a plateau arising above the Columbia River, upon its eastern side, to which a donation of this character might be of some benefit. Whether it will or not depends largely upon how these experiments are conducted. What we ought to try to do is to take some step forward in this matter.

Gentlemen have said that the States would fritter away their

lands. I want to say that every one of the six new States that recently came into the Union has provided by constitutional enactment for the protection of the lands granted to the State. We have provided in the constitution of the State of Washington that no school lands or lands granted to the State for the purpose of building a State house and an agricultural college shall be sold for less than $10 an acre.

Mr. PICKLER. It is the same in South Dakota.

Mr. WILSON of Washington. It is the same in South Dakota. All of these States have realized the mistakes that were committed in the State of Indiana and the other older States of the Union, and they have tried to take advantage of those errors, and so they have provided that not an acre of this land which I speak of shall be sold for less than $10 an acre.

Now, Mr. Speaker, whether our municipal debt is a million dollars, or whether our State debt is nothing, I think that the gentleman from Indiana [Mr. BRETZ] will be quite busily enough engaged if he attends to the State indebtedness of Indiana, and allows us to look after our own affairs.

Mr. BRETZ. We will attend to Indiana.

Mr. WILSON of Washington. Whatever our indebtedness is, we will pay it. You have got all you can do in Indiana to pay your own debts.

Mr. BRETZ. We will pay our honest debts.

Mr. WILSON of Washington. You never have paid your State debts, not for fifty years.

Mr. BRETZ. We keep our credit good all the same.

Mr. SAYERS. I yield two minutes to the gentleman from South Dakota [Mr. LUCAS].

Mr. LUCAS. Mr. Speaker, the amendment offered by my colleague is one of such importance to the people of the great Northwest that I beg the indulgence of the House for a brief time that I may speak to it.

Some eminent writer, commenting on American institutions, said: "What Europe is to Asia, what England is to the rest of Europe, that, and all that, the Western States and Territories are to the Atlantic States." The same writer also said: "The heat, and the bustle, and the stir of life all increase as one goes toward the setting of the sun; so he who stands on the shores of the Pacific will be about the very center of the great pulse of life."

The great and absorbing question west of the Missouri River to the valleys of California, from the line of the British Possessions to the warm waters of the Gulf, is one of sufficient moisture for agricultural purposes. The soil is the richest and most lasting there is on the continent; the climate is not surpassed for health, vigor, and crops by any other portion of the Union. The people are of the hardiest, pluckiest, most determined, and industrious of our citizenship. They do not falter in the task of conquering and reclaiming the wild lands of the plains, if they can have an open field and fair fight.

In the absence of a sufficient rainfall they are handicapped in their efforts and labor against great disadvantages. By no means are they discouraged, conquered, and driven out, for they know that sometime in the future this great body of what is now semiarid land will be reclaimed by the gradual processes of an intelligent civilization. But this means years of toil and time, and it will be the third or fourth generation who will see the country blossom like a garden and yield magnificent crops in response to the touch of the farmer's hand.

It is needless to argue that civilization acts like magic upon what is marked upon all the old maps "The Great American Desert," for thousands of cities, villages, and farms are to-day found within this scope in a prosperous condition. Indeed, the splendid city of Omaha stands upon the eastern border of this (then) desert, and west of it, stretching for hundreds of miles are found young cities, towns, and farms unsurpassed in any other section; and all reclaimed land from the "Unknown Desert," within the recollection of most of the members of this House.

One of the potent powers in this revolution was the building of the Union Pacific Railroad by a subsidy from the Congress of the United States. That body of legislators builded wiser than they thought when they provided for that line of railroad across a trackless desert; for following its line came the hardy, sturdy, and dauntless pioneer who pitched his tent or built his sod shanty upon the unpromising hot and dry prairie, and with a courage and spirit that challenges admiration begun the work of making a home. For years this class of men have battled with drought, hot winds, and short crops in summer and keen, cutting blasts in winter, until they are well nigh worn out. True, many of them have lived long enough to see their hopes fulfilled, and are fairly well provided for in their afternoon of life.

But the obstacles they have met and in part overcome were many. The one most dreaded of all was a lack of moisture. The rainfall moves west very slowly, and as it nears the base of the mountains from the east—and the same is true west of the range—goes much slower, and less precipitation is observed. Perhaps at a given distance almost a failure may always be expected because of certain atmospheric influences that are not necessary to be discussed at this time.

The scope of country that is embraced in the arid belt comprises parts of the Dakotas, Montana, Idaho, Washington, Oregon, Wyoming, Nevada, California, Nebraska, Colorado, New Mexico, Arizona, Utah, Kansas, Oklahoma, and Texas—more than 1,000 square miles in area.

I know the opposition of the majority of this House to what they are pleased to call "paternalism." But I remind them of the fact that for years and years Congress has appropriated money, and large sums of money, not to furnish water to fertilize land, but to build levees and protection to restrain floods of water from destroying the utility of [magnificent plantations that lie along the great water courses of the nation; and in this good work they are always sustained by the people of the whole country. It is a proper function of Congress to protect the property of the people in such cases as much as to protect their liberty or lives when oppressed or in danger.

It is not a consistent objection to say it is "paternalism" to aid the great West in redeeming the millions of acres of land from its arid condition and making them the most fruitful and valuable of any in the nation. We come pleading a righteous cause, asking aid to inaugurate a system by which this may be done; we ask it because the undertaking is too great for individual means or effort. The question of irrigation will not down at the bidding of men; it is before the people, and has come to stay until a response is made that is fair, just, and right.

If the answer is not given in the affirmative, this year or next, it will be at a later day, for the young giant West is growing stronger each year. With the admission of all the new Territories to statehood, as I hope to see done before this Congress adjourns, stalwart Western men will be found upon this floor in the next Congress who will know the wants and necessities of their people and will have the courage to demand recognition. This is not intended as a threat, but a bit of prophecy that is certain to be fulfilled.

The millions of acres of land now in the arid district belongs to the Government. As conditions now are they will not be settled for generations to come, but will lie unoccupied, a waste and desert in the very heart of the nation, acting as a wall between the Atlantic and Pacific. As a prudential investment the Government can not do better than to take steps to redeem this vast body of land from its aridity and make it possible and practicable to have a prosperous settler upon every quarter section of it.

It is not necessary to argue the good results of irrigation farming, for so many examples may be found in the valleys of the West that there is no doubt about it. All the experiments so far have been made by individual or corporate means, and in most cases are crude and imperfect, and with either a great waste of water or a monopoly of ownership that is detrimental to the public good. This to my mind is an unanswerable argument in favor of the Government establishing a system that shall be just and fair to all interested, and the best location is upon a reservation to demonstrate the practicability of a successful system of irrigation.

The irrigation now in use is nearly all taken from streams and carried on a natural, inclined grade. Waste follows to such an extent that only a few are benefited and a comparatively small area provided for. What must be done to redeem the valleys and plains is to establish a system of basins and reservoirs by building dams at the mouths of canyons, drains, and water ways to secure and save up the snow waters and early rains from the mountains and hills until the dry season approaches, and then utilize the same for crop purposes. Another feature presents itself while considering the storage plan, and I call the attention of the gentlemen of this body who represent the great Mississippi Valley to it.

From the mountains of the great west flow rivers and streams in great number in the spring and summer months into a common stream, the Father of Waters, and when the volume reaches the Lower Mississippi becomes a terror of destruction to the plantations and inhabitants of that great valley, often requiring the expenditure of immense sums of money to protect life and property. By a diversion of these waters into basins, reservoirs, and ditches what to your section is a menace and constant danger each year will be made a means of fruitful fertilization for millions of acres of now worthless land.

If you say it is "paternalism" for the Government to exercise its power in developing and making valuable its own lands, I answer, it is a good, safe, and business proposition, worthy of the careful attention of this House. By the way, too, were we engaged to-day in this laudable enterprise, Mr. Coxey and his

army would find plenty of work, and when the lands were redeemed they could find magnificent homes as well, and become producers instead of consumers of the people's charity.

The fact of the Government engaging in the work of providing irrigation for the people is not a new thing at all. Russia began it many long years ago; indeed, history shows that Peter the Great, the reformer and founder of that great empire, first introduced the system in his kingdom. The Emperor Alexander gave impetus to the work and established a system of engineering that facilitated the work. Alexander, the liberator, improved upon his predecessors and ordered his ministry to push forward the drainage and irrigation of the wet and barren soils of his kingdom. In that country dams, basins, and reservoirs are built of stone, concrete blocks, and clay, providing gates and sluice ways by which the stored waters are handled as safely and economically as the merchant handles vinegar or molasses in his store.

Spain provides by law an annual subsidy, which is declared to be a vested right, for all irrigation enterprises, the amount to be equal to one-half the cost of the work.

Germany goes further than Spain in its support of irrigation; while France does nearly as well. Even England lends a helping hand at this time to her subjects in this line of work. In fact, the books are full of examples where governments have taken hold of the work of irrigation to redeem their arid lands and bring them into productiveness for the benefit of the people.

To know that irrigation has been extensively practiced in the great and old kingdoms and empires that have risen and fallen in the past, and practiced successfully, argues strongly in favor of this Congress taking the initial steps toward adopting a system that will result in restoring to the public domain millions of acres of the finest agricultural land on the continent that is now and ever must be worthless and useless without moisture, beside being a menace and obstruction to the flow of commerce and civilization.

In this entire arid belt nature has provided in one way or another a sufficient amount of water, and all the necessary material for the construction of dams, basins, and reservoirs. All that remains is for man to provide plans, system, and methods for saving and distributing the necessary moisture at the times and seasons when needed.

In some portions of this territory water taken from the streams that flow through it will be sufficient. In other parts the waters that rush down from the hills and mountains in the springtime from the melting snows and heavy rains, if secured and husbanded, will be ample to irrigate the valleys and insure luxuriant crops. In other parts where there are no mountains, but wide and practically level stretches of plains of the richest soil, underneath the surface lies the great artesian water basin that will supply the entire surface if brought up through wells. In the State of South Dakota, which I in part represent on this floor, there are to-day more than one hundred wells spouting streams of water from a depth of 500 to 1,200 feet with a pressure of sufficient power to hurl a 3-inch stream more than 100 feet into the air.

All these wells have been put down by individuals or towns. Contiguous to many of them are large bodies of land belonging to the Government. I hold that it is competent, legal, and right, as well as a good business investment, for Congress to take hold of the work of reclaiming these lands and preparing them for homes for the people. It is as much the duty of Congress to assist in conquering this drought-infected section, to aid in making it habitable and productive, as has so often and liberally been done in providing against raging streams and floods to protect the adjacent country from inundation and destruction.

It is not paternalism for the strong arm of the Government to assist the people in overcoming these natural difficulties that are too momentous for individuals to do; if it is, then I favor it, no matter from what State or Territory the call comes, for I believe the Government "is for the people," as well as "of the people." The means to overcome these physical difficulties are within the reach of the people of this nation; the application and success is wholly a question of labor and money to pay for it with.

Maj. Powell estimates that there are 1,200,000,000 acres of land in the arid and semiarid districts, of which 700,000,000 has been disposed of to the five great transcontinental railway lines and private citizens, leaving still in possession of the Federal Government 500,000,000 acres. Does not this statement show that it is time the Goverment is moving in the direction of inaugurating a system or work by which these millions of acres shall be reclaimed and offered to the people for homes? The bill before us is not what the friends of irrigation prefer; they hoped to secure legislation broader and fuller in its provisions; but we are willing to accept this bill because it is a step in the right direction and is the beginning of a new era in the great Northwest and will bring about all necessary legislation in due time.

In view of the delays and uncertainties attending attempted governmental control and management of as stupendous a work as would be a national system of irrigation, I favor the present bill most heartily. I believe the several States will enter upon the work of reclaiming the arid lands within their borders with alacrity and industry that will produce beneficial results in a comparatively short time. I do not share in the fears expressed by the gentleman from Illinois [Mr. CANNON], that the States will not manage the business of reclaiming these lands economically or successfully, nor in the fears of the gentleman from Iowa [Mr. HEPBURN], that waste and loss will occur because of jobs or conniving of State Legislators.

The importance of this advance movement is so great that the people of the States will not suffer unnecessary delay or endure anything that will retard the speedy compliance with the provisions of this bill by the Legislatures. If this bill becomes a law immediate action will be taken by the several States to carry into effect its provisions. It will be hailed as a godsend to the wealth and prosperity of each Commonwealth that now is handicapped with large bodies of arid and sterile lands. Active and intelligent measures will be provided by which acres and acres will be added to the productive and valuable part of the State. It seems to me that the bill is explicit and careful in its provisions, guarding all the rights of the Federal Government. The title can not pass to the State until reclamation is secured and then must be awarded to settlers in 160-acre lots for bona fide homes.

I do not recall a bill that has been before this Congress that is of more importance and benefit to the people, the States, and the nation. This bill makes it possible for 500,000,000 acres of land to be redeemed from a condition of utter worthlessness and turned into a more reliable state of productiveness than any other acres outside of the irrigation districts.

It may sound strange to our Eastern and Southern friends to say that one-half of the area of agricultural lands in the United States is dependent in whole or in part on irrigation, leaving out Alaska. There are 1,340,000 square miles in the arid districts where irrigation is absolutely necessary.

East of the arid district line is a doubtful belt of 100 to 200 miles wide that some years needs irrigation as badly as does the positively arid districts. This section Powell calls the subhumid region. It requires from 20 to 25 inches of rainfall for the production of a crop in the dry atmosphere of the Northwest, but if the water was distributed at the right times during crop season, 9 inches is abundant to produce a luxuriant crop. In an address delivered by Governor Markham, of California, on irrigation, he argues the question so ably that I use the substance of his remarks. He said: Close and observant communion with nature is one of the most potent forces to affect thought and character. In manufactures the vast number, at least in modern times, are mere directors of, or assistants to, ingenious machines.

In trade the mind is directed almost entirely to barter, carried on in limited inclosures. In the former the great mass are subservient to the will of the master; in the latter to the will of each other, and in each the condition of dependence and subserviency to the will of others is most pronounced. These conditions naturally tend rather to pliancy than to independence of character.

The agriculturist who owns his own land, and who from its cultivation derives a reliable and competent support for himself and his family, has attained to a most important and self-reliant condition of independence, and is the most reliable citizen: among this class are never found anarchists or tramps.

Proper irrigation of lands tends to multiply their products from two to ten fold, and in a like manner develops a love of home and a patriotic and strong character, such as is found among the agriculturists all over the country. In countries where the different great leading industries have a nearly equal strength the agricultural population has been universally recognized as the most reliable and uniform friends and supporters of good morals and good government. The highest stages of civilization are only reached under some force of good government. Good government does not necessarily consist of republicanism, democracy, monarchy, aristocracy, or oligarchy, but it consists of that form of government which in each particular case is best adapted to the mass of the people under such government, and this of necessity varies with varying conditions and peoples.

The United States of America, with its vast and rapidly developing natural resources, has so far made greater progress in civilization and ethics upon a republican form of government than it would have done under any other. But this does not prove that the same form would be best adapted to every other

country, nor does it necessarily prove that it will always be best adapted to this country. But as civilization and ethics are most likely to be advanced by just and stable government, and as a self-supporting, independent, and contented agricultural population is one of the most important factors in obtaining and sustaining such government, therefore whatever tends to numerically increase that class is an important desideratum. As the irrigation of lands, where irrigation is required, multiplies its productiveness from two to ten fold, and will reclaim millions of now useless acres, it will also increase the contented population in the same proportion.

The great modern agencies of progress are the railroad, the telegraph, the press, and education. The efficiency and availability of all of these are largely dependent upon the density of population. The value of railroads to communities is almost entirely determined by their number and by the cheapness of rates of transportation. In sparsely settled countries these rates are necessarily high; in densely populated and highly productive countries these rates naturally are low. The rates required to compensate telegraph service are dependent upon the same principles. The press is dependent for its efficiency and success upon the amount of its support, and only attains its maximum efficiency in centers of dense population.

The practice of irrigation tends to vastly increase the density of the farm population, and to the increase of urban population as well. Our statistics of the great modern nations show that one farmer is the basis of support in other occupations of from five to seven persons. The education of the youth is chiefly accomplished through the agency of instruction in the common schools. In sparsely settled countries these agencies are wanting in sufficient support and of convenient access. The higher departments of education are of inestimable value to both civilization and prosperity. The high school, the seminary, the college, and the university can only be most efficient when population is sufficiently dense to afford a large attendance from their immediate localities.

It is a striking fact that advanced learning in the United States has drawn a very large proportion of its most illustrious graduates from those who were bred upon the farms. But in civilization and advancement the fine arts and literature are not to be overlooked. While their influence is widely felt, there is no system by which their influence can be measured. Their success depends upon their votaries wealth, leisure, and taste. Leisure can only come with wealth or comfortable living. In the great Northwest all the conditions for comfort and moderate wealth, except moisture, is found. To supply this one thing insures prosperity and happiness among the people and affords the chances for leisure, of wealth, and a devotion to art and literature; and other acquirements are in like manner multiplied.

In the grand constant march of all mankind from the cradle to the grave with labor, sorrow, and pain, music, painting, sculpture, and literature are great sources of the purest pleasure, the most lofty contemplation of ideals, and the solace of the realization of the beautiful. They draw the mind of man from mortality and sorrow, and refine and ennoble him.

From the basis of these suggestions and arguments, we believe we are fully justified in concluding that a duty is imposed on Congress to make available all possibilities that will lead to such results. I believe that the practice of irrigation of the arid and semiarid lands, in its results to our common country, direct and indirect, can be properly classed as one of the important factors in the progress and development of our country; and will open up wide fields of splendid lands for homes for people who are crowded in the cities of the East. To reclaim these lands will provide homes for millions of people who are now homeless and landless. This bill is a long step in the right direction, and I trust will pass the House without opposition. [Applause.]

Mr. SAYERS. I yield five minutes to the gentleman from Arkansas [Mr. McRAE].

Mr. McRAE. Mr. Speaker, I repeat what I stated yesterday—that I am opposed to legislating upon appropriation bills. This proposition ought to be considered by the proper committee of this House, and subjected to the same treatment as other measures are under our rules; but as it has been attached by the Senate to one of the most important of the great money bills of this House which must be acted upon by us, I think it should at least be fairly discussed and properly understood. The Senate amendment is in my judgment extremely dangerous, and should not be adopted.

On yesterday I pointed out some of the objections to it, but since the gentleman from South Dakota has abandoned it and is satisfied to adopt the substitute which I offered, it is not now necessary to discuss it further. I would prefer to see no legislation at this time and in this way, but if the question can not be postponed for a more careful consideration then we should proceed with all the caution and care that is possible under the circumstances, for the legislation is important and far reaching. The amendment does not appear to be understood by some who have opposed it. It has been likened to the swamp-land grant of September 28, 1850.

That was a grant *in presenti* and passed the title as of the date of the grant. This is no grant at all, but only gives authority to the Secretary of the Interior and President to make contracts binding the United States to donate the land to the States when reclaimed. That act passed the title to the whole of the swamp and overflowed lands which were unfit for cultivation and unsold at that time to the States. This grants nothing and authorizes no conveyance until reclamation.

There was no limit to the swamp land grant as to the area to be taken or the time when it should be selected. Under this bill the area to each State is limited to 1,000,000 acres and the time for reclamation ten years after contract. Under the swamp land grant the States were left free to dispose of the lands before reclamation and without any limitation as to the quantity that could be sold to one person. Under this amendment the States must reclaim the land before they get it and must provide for its settlement and occupancy by bona fide settlers, and can not sell exceeding 160 acres to any one person.

The gentleman from Nebraska [Mr. HAINER] appears to be under the impression that it would not apply to the State of Nebraska. It is intended to apply to all the public land States in which there may be desert lands. The desert land act of March 3, 1877, is by section 3 limited to certain States, but this provision is general.

Mr. MEIKLEJOHN. Will the gentleman allow me to ask him a question?

Mr. McRAE. Certainly.

Mr. MEIKLEJOHN. If your construction of the amendment is correct, why does Mr. Bowers, the acting Land Commissioner, in his letter of August 8, 1894, to Senator COCKRELL use this language?

Mr. McRAE. I understand what it is without reading it.

Mr. MEIKLEJOHN. In which he says that an amendment should be made to the amendment so as to include Kansas, Nebraska, Arizona, New Mexico, Oklahoma, and Utah.

Mr. McRAE. I can only answer you as I have answered your colleague—that I think he does not fully understand the scope of this amendment. The reference to the desert-land law in this amendment is only for the purpose of securing a legal test for determining the character of the land in question which is furnished in section 2 of the act of March 3, 1877, and I will now read it:

SEC. 2. That all lands exclusive of timber lands and mineral lands which will not without irrigation produce some agricultural crop shall be deemed desert lands within the meaning of this act, which fact shall be ascertained by proof of two or more credible witnesses under oath, whose affidavits shall be filed in the land office in which said tract of land may be situated.

If there is land of that character in the State of Nebraska or in Kansas it will be the subject of contract under this amendment, because by this we remove the limitation as to the States placed in section 3 of the act of March 3, 1877, which excluded Nebraska and Kansas by failing to mention them.

Mr. MEIKLEJOHN. Will the gentleman allow me to ask him another question?

Mr. McRAE. Certainly.

Mr. MEIKLEJOHN. Do you think the Commissioner misapprehends the meaning and intent of your amendment?

Mr. McRAE. I say he does not understand the full scope of the amendment, if he thinks it would not be general.

Mr. MEIKLEJOHN. Then, if your construction is right, what objection would you have to naming Kansas, Nebraska, and the Territories of New Mexico, Oklahoma, Arizona, and Utah in your amendment?

Mr. McRAE. If you name one State you should name them all. I am opposed to special legislation for one section of the country which does not apply to another section.

Mr. MEIKLEJOHN. Would not that include them all?

Mr. McRAE. I do not know. I have no definite information as to where our desert lands are, so far as State lines are concerned. I find that the gentleman who wrote the act of March 3, 1877, and the Congress that passed it, did not include your State nor Kansas, presumably because there was supposed to be no such lands in either, and yet I find you here asserting that there are desert lands in those States. I assume that you are correct, and I have proposed the amendment so as to give you the benefit of the law. Let us not commit the same mistake that was committed when that act was passed.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. SAYERS. I yield ten minutes more to the gentleman from Arkansas.

Mr. MEIKLEJOHN. May I inquire of the gentleman——

Mr. McRAE. I hope the gentleman will not consume the whole of my time.

Mr. MEIKLEJOHN. If your amendment includes Kansas and Nebraska have you any objection to naming those States?

Mr. McRAE. I have no objection if you name all the States to be included, all those in which there is any desert land or supposed to be any; but I do object to naming those States the gentleman has mentioned and no others.

Mr. MEIKELJOHN. What States would you include?

Mr. McRAE. I do not know. That is the very reason I do not want to name any—because I do not know what States to name; and by making it general, you give every State the same opportunity and do not exclude any from the provisions of the law.

The only purpose of referring to the desert land act in this amendment was to fix a legal test by which the Interior Department can determine the question of whether the land is desert land or not and to give the Interior Department authority to decide what is reclamation. The gentleman from Iowa [Mr. HEPBURN] asserts that if this is adopted the lands will be taken up along the rivers, streams, lakes, springs, and other bodies of water. The Commissioner of the General Land Office has issued instructions under the desert land law to which reference is made in this amendment, as follows:

First. Lands bordering upon streams, lakes, or other natural bodies of water, or through or upon which there is any river, stream, arroyo, lake, pond, body of water, or living spring, are not subject to entry under the desert land law until the clearest proof of their desert character is furnished.

Second. Lands which produce native grasses sufficient in quantity, if used by grazing animals, to make an ordinary crop of hay in usual seasons are not desert lands.

Third. Lands which will produce an agricultural crop of any kind, in amount to make the cultivation reasonably remunerative, are not desert.

We know that if this amendment is adopted what construction will be put upon the term "desert lands," and the States can not take the streams and lakes, but they must take land which is desert, as defined in the section which I have read, as construed by the Department. We intend to adopt the accepted construction of the act of March 3, 1877, for the ascertainment of the lands that may be disposed of under this provision if it should become a law.

The vacant lands in the public land States and Territories, exclusive of Alaska, containing 369,529,600 acres, is about 560,000,000 acres. Perhaps one-half of this land will require irrigation in order to produce agricultural crops. The late very able Director of the Geological Survey says that the stream waters are sufficient to irrigate and reclaim about 100,000,000 acres.

We know from authentic sources that less than 5,000,000 acres of desert lands have been reclaimed by irrigation. We know also that it requires time, labor, and large expenditures to completely reclaim it. This vast barren waste ought and can be transferred into productive and prosperous homes for our constantly increasing population. The progressive civilization of the American people will not allow this great empire to remain a wilderness much longer. The title to it to a great extent is in the United States.

Three plans have been proposed. One is to leave the whole matter to private enterprise; another is to have the General Government undertake the reclamation an development by direct appropriations; the other is to grant the lands to the States and trust them. Since 1877 we have been trying the first plan under the desert land act, and while a considerable area of land has been reclaimed the results have not always been satisfactory. Much fraud has been practiced upon the Government and great wrongs have been perpetrated against the settlers by syndicates who own or control the water and the right to charge the owner of the land for its use.

To check and avoid this as far as possible the Government has wisely reserved from sale and entry the most important reservoir sites, and now holds them for public use. No one proposes to stop or in the least interfere with individuals who may wish to proceed under the present law, but there are many who are demanding something more than this. I do not hesitate to say that I am opposed to any plan that looks to the taxation of the people at large to construct and maintain irrigation works. I do not believe that Congress has any such power in the first place, and if it has it would be manifestly unjust to the people at large to tax them for such a purpose.

When the magnitude of that proposition is considered I assume that the prudent, conservative men of all parties will oppose it. I think the Representatives here from the desert-land States have already reached the conclusion that the United States will never undertake to do more than make surveys, reserve reservoir sites, and protect the forests at the heads of the streams. There is a strong sentiment in favor of granting all the remaining public lands to the States, and while I believe this will be done at no very distant day, the country is not yet ready for it.

The people in the desert-land States with practically one voice have asked through their Representatives and Senators for the chance of reclaiming some of these immense deserts. Conventions have been held and resolutions passed; irrigation associations have been organized, and the study of this great problem has commenced in earnest. The people of the West have a deeper interest in the matter than any other part of our country and, so far as I am concerned, I think it our duty to allow this experiment to be made. I do not share the fear that has been expressed that the Legislatures of the States will not honestly administer this trust.

The people who are to occupy and cultivate the land must elect the Legislatures, and I have sufficient faith in the honesty, patriotism, and energy of the self-reliant population of the great and growing West to trust them fully in this matter. But we have so guarded the authority as to prevent the consummation of any fraud upon the Government unless there is a concurrence in such fraud of both the State and Federal authorities. If this amendment is permitted to remain as offered, then ample power is reserved to the Interior Department to prevent fraud in any shape. In conclusion upon this point I desire to quote from a late able Representative from Texas, Mr. Lanham, whom many of us remember so kindly. He said:

> A sufficient answer to the inquiry as to the ability and competency of the States to deal with this question is the fact that they are States, clothed with all the paraphernalia of statehood, invested with the power and charged with the responsibility of conducting their own affairs and conserving the liberties, property, and happiness of their people. If they can not be safely trusted in all that concerns the well-being of their citizens within the sphere of State legislation, then their existence as States is a blunder and a reproach and they ought to be remitted to mere dependencies upon the Federal Government. They are presumed to be intimately conversant with their own immediate necessities and conditions, and confidence must be reposed in the virtue and intelligence of their people.

If anything at all is to be done upon this subject, let it be done in the direction and along the lines indicated in this amendment. Make no grant that will take all of the desert lands away from actual settlers or put it beyond their reach. Make no grant that will put it in a state of reservation until the work of reclamation begins, but if you find a great, progressive, enterprising State like California, which has developed a grand system of irrigation and which has taken the lead in the movement, that is willing to undertake this work of reclamation, then I say we should aid her by remitting the price of the land, which is only $1.25 an acre. That is all the help that is contemplated by this amendment. The State is required to submit to the same tests of reclamation that the individual settler is required to submit to.

All the advantage the States get over the individuals is that they are exempt from the payment of the purchase price. If we will preserve the forest reserves along our great mountains of the West, so as to conserve the water flow and forever preserve for public use the immense reservoirs that have been reserved by the Government, we will in the course of time be able to hold for the arid region much of the water which now comes down in floods through the Missouri and the Mississippi to annually overflow and wash away the crops that the people of the South grow.

If we can properly distribute the water that is now wasted and use it upon the vast arid region that is now without any water supply, we will have done that which will bless millions who are to come after us.

Whatever may be the fate of this amendment, I appeal to Congress and to the country generally to give careful consideration both to the preservation of our forests and to the protection of our reservoirs sites, which will enable us to house and hold for the public the immense volume of water now wasted and use it for irrigation. Any system which will make it possible to have it carried upon the arid lands and keep it from overflowing Arkansas, Florida, Louisiana, and Mississippi will be hailed with delight by that section of our common country, as well as the desert land States.

Mr. SAYERS. I yield five mintues to the gentleman from South Dakota [Mr. PICKLER].

Mr. PICKLER. Mr. Chairman, for a number of years this question of the improvement of our arid lands has been discussed in the House, and the idea has been often expressed, which the gentleman from Arkansas [Mr. McRAE] has just reiterated, that the General Government will never engage in the work of irrigation. Taking that as the prevailing sentiment, gentlemen here who are interested in this subject have gone off on another proposition, which is to let the States take these arid lands and do something with them.

It seems to me, gentlemen, that this simple experiment of giving to each State where these lands are situated a million acres of them, to see what can be done in that way to improve them and make them productive, is one to which the House ought to consent. I have no fear of these syndicates that are talked about. I wish more men and more syndicates with money would come West to help us to reclaim these arid lands and develop that region. There is no danger in that direction. We have provided ample safeguards to take care of the land.

Mr. HERMANN. This bill guards against that danger at any rate, so that it is perfectly safe in that respect.

Mr. PICKLER. I think it is. And, besides, Congress is in session every year, and if it should be thought desirable to impose further restrictions it can easily be done.

Gentlemen have said to me that we have plenty of land in the United States, and that we do not need these lands. Now, here is a question which calls for a solution. In the next ten years what are you going to do with the vast numbers of people who will be seeking homes upon the lands of the West—people equal in number to those who have within the last ten years occupied the States of Washington, Montana, North and South Dakota, and the Territories of Oklahoma and New Mexico? How are these people, who during the coming ten years will be desiring cheap homes, to be accommodated?

Mr. HERMANN. The gentleman will allow me to suggest that, as shown by statistics, this nation in 1915 will have 100,000,000 of inhabitants.

Mr. PICKLER. I thank the gentleman for interrupting me to give that information, for it enforces the point I was making. We shall during the next five or ten or fifteen years need these lands; and it is going to require these years to solve this question, even if we take this initial step now, as I believe we ought to do.

Mr. Speaker, I shall take the liberty of printing in the RECORD in connection with my remarks a bill introduced by me into this House and referred to the Committee on Public Lands—a bill authorizing the President of the United States to appoint a commission of five persons to investigate not only the subject of irrigation, but the whole subject of the public domain, embracing agricultural lands, mining lands, grazing lands, desert lands, etc., and report to the Secretary of the Interior, by whom the report shall be laid before Congress. I ask for this bill the attention of the gentlemen interested in this question.

I have been forced to the conclusion that on this subject we have too many theories, and I believe we shall never arrive at a practical and effectual solution of the question with regard to the disposition of the great public domain of the West in the interest of the people of the whole nation until such a commission has been appointed and has made a thorough examination and report. This bill proposes to give this commission a year for the performance of this service, allows them a secretary, and gives them authority to examine witnesses. In my opinion it is time that we should have such an examination. In the interest of the people of the country we should determine what we are to do with our public lands—how we are to dispose of our mining lands, how we are to utilize our desert lands, how we are to irrigate this great public domain in the West.

I believe, as I have said, that a proper solution of this question will never be reached until we have the report of a nonpartisan and unbiased commission, based upon a scientific investigation of the whole matter. Such an investigation will give us data that will lead to something practical. Let us determine how to dispose of our public domain in the interest of the whole people. In the meantime the measure now before us is merely a step in that direction. The lands we are talking of are not in their present condition worth anything to the United States Government, and nothing to the people. It seems to me it would be well to take the step here proposed. The bill referred to is as follows:

A bill (H. R. 7950) to provide for the appointment of a commission to examine and classify the mineral, timber, agricultural, grazing, and desert lands west of the ninety-eighth meridian, with regard to their practical irrigation and use, and disposition of the same by the Government.

Whereas there is in the Western portion of the United States 529,000,000 of acres of mineral, timber, agricultural, grazing, and desert lands of unoccupied public domain; and

Whereas the constantly increasing population of the country is ever demanding new homes for our people in the great West; and

Whereas large portions of these lands are useless for agricultural purposes without irrigation; and

Whereas the interest of the whole people of the country demands the utilization of these lands: Therefore,

Be it enacted, etc., That there be an appointment, by the President of the United States, of five commissioners, not more than three of whom shall belong to the same political party, and two of whom shall reside west of the ninety-eighth meridian of longitude, whose duty it shall be, under such rules and regulations as the Secretary of the Interior shall prescribe, to make a thorough examination of the mineral, timber, agricultural, grazing, and desert lands west of the ninety-eighth meridian of longitude, and ascertain and report what practical means can be employed by the Government, and what legislation, if any, is necessary for the utilization of these lands in the interest of the people of the whole country; that said commission shall report as to the best practical disposition of the mineral, timber, agricultural, grazing, and desert lands, and approximately the number of acres of each, and also the number of acres that can be irrigated, by all means of irrigation, including that by artesian wells, and the approximate cost per acre of such irrigation.

SEC. 2. That said commission shall take into consideration the question as to the disposition of said lands by the Government for the best interests of the people, as to the practicability of ceding them to the States and Territories wherein situated, as to what practical assistance, if any, the Government shall render in establishing a system of irrigation by which land susceptible of irrigation may be reclaimed, and to examine and report as to the advisability of the Government assisting in the irrigation of said land, whether the same shall be ceded to the States and Territories or the title remain in the Government, and fully investigate and report as to the duty of the Government to utilize for settlement and occupation the unoccupied public domain of the United States west of the ninety-eighth meridian, and to report what steps it should take to accomplish the same. And said commission shall fully examine and report the most practical treatment and disposition of the different classes of said lands herein set forth by the Government in the interest of the people.

SEC. 3. That said commissioners shall be paid each the sum of $10 per day while actually employed and their actual expenses, under such rules as the Secretary of the Interior shall prescribe. Their accounts shall be audited by the Secretary of the Interior and paid monthly. Before entering upon their duties each of said commissioners shall take an oath to faithfully perform the duties of his office. The oath of office of said commissioners shall be filed by them in the office of the Commissioner of the General Land Office. They may take the testimony of witnesses as to the character of any of said lands, and receive any other evidence relating to said matter, and shall have power to summon witnesses to appear before them, and to administer oaths. All testimony taken by said commissioners shall be reduced to writing. The commissioners shall employ a stenographer, who shall be clerk of said commission and shall receive the sum of $6 per day and expenses when actually employed, and his account shall be audited by the Secretary of the Interior and paid monthly.

SEC. 4. That said commissioners shall, immediately upon their appointment, enter upon the discharge of their duties, and shall not later than one year thereafter submit a full and complete report of their examinations and findings concerning the lands aforesaid, and the Secretary of the Interior shall submit said report to Congress at its next regular session after the same is filed in his office: *Provided*, That if Congress shall be in session at the time of the filing of said report by the commissioners in his office, the Secretary of the Interior shall report the same to Congress within thirty days after the same is filed in his office. That for the purpose of carrying out the provisions of this, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $40,000, or as much thereof as may be necessary.

Mr. SAYERS. I yield five minutes to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. Mr. Speaker, it seems to me unfortunate that so important a subject of legislation as this should be precipitated upon the House on an appropriation bill by an amendment of the Senate. The whole question of irrigation is exceedingly important, and should receive not only the careful attention of the appropriate committee of this House, but should be brought in here and considered without connecting it with other questions. In the limited time now given to the House for the consideration of this paragraph upon an appropriation bill, it is impossible for us to give the subject that consideration which its importance demands.

Feeling, as I do, that it is exceedingly important some action should be taken after due consideration on this subject, I am somewhat in doubt as to what course ought to be adopted with reference to the amendment now presented from the Senate. I am satisfied that the amendment as it comes to us from the Senate is so loosely constructed, with so many loopholes, that it would be very dangerous for this House to concur in it. The amendment proposed by the gentleman from South Dakota or the gentleman from Arkansas—I am not sure which—is much more carefully drawn, and protects the interests of the Government perhaps to the extent that may be necessary.

Mr. DOCKERY. Has this proposition been considered by a committee of either House?

Mr. DINGLEY. I do not understand that it has, unless the proposition submitted by the gentleman from Arkansas may have been formulated by the Committee on Public Lands. I ask the gentleman from Arkansas whether that is the fact?

Mr. MCRAE. It has not been considered by the committee.

Mr. DINGLEY. Then it does not come from any committee?

Mr. MCRAE. No; the part I have taken in the matter was at the request of the conferees of the House who were not satisfied with the Senate amendment. The Senate bill on this question is before the Committee on Arid Lands.

Mr. DINGLEY. Has the Committee on Arid Lands made any report on this subject?

Mr. MCRAE. Not so far as I know. They have reported another bill, but not embracing this proposition.

Mr. DINGLEY. It is always extremely dangerous for the House, by an amendment on an appropriation bill, to undertake to legislate, without the appropriate committee having carefully considered the subject-matter of the amendment. It is entirely possible that the amendment proposed by the gentleman from South Dakota may be safe and well-guarded. But yet, Mr. Speaker, I can see from the criticisms which have been already

made by several gentlemen around me, during the course of this discussion, that there are some provisions that should be in the amendment which are not included in it.

If it is the design of this House to enter upon legislation of this character and in this way on an appropriation bill—and I regret the necessity that exists for any such method of legislation—I am certain that the amendment proposed by the gentleman from South Dakota is much more acceptable than the Senate amendment. For example, I notice in the Senate amendment that the question as to what are "desert lands" is to be determined by two affidavits, or the affidavits of two individuals, and is to be conclusive. Now, evidently such legislation as that is so loose that it ought not to be enacted or undertaken by any legislative body.

The amendment proposed by the gentleman from South Dakota, on the contrary, accepts the definition in the desert land act of 1877, and that definition is undoubtedly safe, as I understand the act; and I would like to have information from the gentleman from Arkansas, the chairman of the Committee on the Public Lands, on that point. I understand that the act of 1877, known as the desert land act, provides that lands that will not produce a crop without irrigation shall be deemed desert lands, and that fact is to be determined prima facie by the affidavits of two different persons; but the Commissioner of the General Land Office finally determines the question.

Mr. MCRAE. That is correct.

Mr. DINGLEY. Now, that is the act of 1877. The amendment of the Senate omits entirely the provision giving to the Commissioner of the General Land Office the final decision of the question as to what shall be deemed to be desert land. I do not find in the statutes any mention of the words "arid lands." The term used is "desert lands," and the statute defines distinctly what are desert lands. Now, if this should be amended by inserting the words "arid lands," will some one tell me what lands will be included that are not now covered by the statute of 1877 to which I have just referred?

Mr. MCRAE. Mr. Speaker, I will say in response to the gentleman from Maine, that I have no knowledge or information as to what the term arid lands might cover in its legal sense. In this amendment we have used the term desert lands because we have a desert land law which has been in force for nearly twenty years. And we purposely avoided using the term "arid lands" because of the fact that we did not want to deal with a new character of lands.

Mr. DINGLEY. So it seems to me that if the word "arid" was introduced in connection with these lands that we should probably include in the bill another class of lands not now covered by desert land legislation.

Mr. PICKLER. If the gentleman from Maine will permit me, the term "arid" includes exactly the same lands that the committee of this House has jurisdiction of. We have a committee known as the Committee on the Irrigation of Arid Lands, and these words apply exactly to the land over which this committee has jurisdiction.

Mr. DINGLEY. That is the inquiry I desired to make to some gentleman familiar with the subject.

The SPEAKER *pro tempore*. The time of the gentleman from Maine has expired.

Mr. DINGLEY. I will be glad if the gentleman could yield to me for five minutes longer.

Mr. SAYERS. I yield five minutes more to the gentleman from Maine.

Mr. DINGLEY. I mention this, Mr. Speaker, simply for the purpose of illustrating the importance of a more careful consideration of such far-reaching legislation. I do not know whether the term "arid lands" means exactly what I understood the gentleman from Nebraska to indicate, that is to say, lands that can be made profitable by irrigation, or not.

Mr. HAINER of Nebraska. If the gentleman will allow me?

Mr. DINGLEY. Certainly.

Mr. HAINER of Nebraska. The gentleman, I think, did not understand me. As a matter of fact any and all lands will produce better under irrigation than without.

Mr. DINGLEY. Evidently.

Mr. HAINER of Nebraska. But I had reference to such lands that in the majority of years will not produce crops without irrigation. We have, for instance, in my own State, especially in the western part of it, a large area of country which can not in ordinary years produce crops. These lands it is necessary to irrigate in order to produce anything.

Mr. DINGLEY. That was my understanding of the general term used; but I was desirous of ascertaining what was included under the term arid lands, because whatever legislation is proposed on this subject ought to be exceedingly carefully considered, and much more carefully considered than is possible now under these circumstances.

But it seems to me that if it is not proposed to go further than the amendment of the gentleman from South Dakota [Mr. PICKLER], I do not know that there would be any serious danger in permitting that simple experiment to be made.

It is an experiment that is well guarded, I admit, in the amendment that has been offered. I understand that it has been approved by the Commissioner of the General Land Office; but, as the gentleman from Arkansas [Mr. MCRAE] has already substantially said, I deprecate any attempt to include lands that are not now covered without more careful consideration. While, therefore, I am entirely willing to accept the amendment that has been proposed by the gentleman from South Dakota, I trust that we shall be very careful in the consideration of the provisions that may be included within the terms of that amendment. Certainly, if we are to go beyond that, I hope we shall not undertake it without more careful investigation. And I desire to say, before sitting down, that in my judgment the amendment sent to us by the Senate is open to too many objections, is insufficiently guarded, and on no account ought to be accepted by the House.

[Here the hammer fell.]

Mr. SAYERS. I yield three minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL of Colorado. Mr. Speaker, the conditions themselves obviate the very question raised by the gentleman from Maine [Mr. DINGLEY.] In the first place, there is no considerable appropriation requested. Only $1,000 is asked in the way of an appropriation. In the second place, in the arid region, or in the West, you may say, practically, every acre of ground that will produce good crops without irrigation is taken up. Along every stream of the irrigating region, the ground which an individual can irrigate is taken now; but there are millions of acres as bare as this floor, where the ground, by diverting water at a great expense, and spreading over it, can be made very fertile, productive, and profitable.

I see by the Colorado papers that there are hundreds of families from the western portion of the State of Nebraska and Western Kansas on their way to Colorado now, hunting lands that can be irrigated—driven out by the uncertainty of rain and frequent recurrence of the drought. They can not take up available lands under the Government license, but they must go into the State and buy Colorado's school lands, or lands that have been sold to other individuals, for building canals, and in this way cheap lands can be obtained. They are going to the San Luis Valley, where the great Travelers' Insurance Company and other syndicates have expended millions of dollars in building canals, taking their remuneration in these lands. They came to us saying, "You have valuable State lands here. We will build canals; we will take our pay in these lands, and we will sell them to settlers, with permanent water and ditch rights." They sell these lands very cheap, expecting to make their profits or to remunerate themselves by selling an interest in these ditches. To-day the roads are lined with men from Western Nebraska, Western Kansas, and elsewhere looking for ground that can be irrigated.

In the great valleys of Colorado, if you give the State these lands, the Government of the United States will lose nothing. A sheep can not live comfortably on 10 acres of such ground, in the absence of irrigation. Not a bunch of thrifty grass, not a shrub, not a living thing grows there, but the moment the water is put upon it everything luxuriantly thrives. The men living around the irrigated regions always move that way. All farmers long for irrigation as soon as they learn its advantages. The man who once irrigates never goes back to the humid climates. In the rain belts of the East the vegetation comes up in the spring. In July and August it withers.

Go to the irrigated lands of the West and you will see the herbs, the grass, and everything perfectly green up to November. Then the farmer takes off the streamlet and says, "Put on your winter clothes for the icy blasts." Growth never stops there until he says so. They can grow from four to six tons of hay per year to the acre, cutting it three or four times. Three-fourths of these sterile lands are lying there waiting for some great power to come in and build canals. The Travelers' Insurance Company and other great companies have been there and spent their millions. The ditch from which my immediate neighbors water their lands cost $200,000. They furnish the farmer water for $1.10 an acre per year. They can furnish 1,000 people more cheaply than 500 people can furnish themselves individually. And if you put this land where the States can build the canals, it can furnish a thousand people more cheaply than 500 can furnish themselves.

In other words, no individual can build these canals; some corporation, public or private, must.

The Government will lose nothing by this plan. The land is now absolutely valueless. Where my ranches are I had an op-

portunity of settling and paying $1.25 an acre for land. I would not have taken the land if I could have had the whole 60,000 acres that is on the mesa. Soon afterward a canal was built, the land tested, and at once it began to sell for from $12 to $50 an acre. In addition to this, the owner rented the water at from $1.10 to $1.25 per acre, or paid $10 an acre for a permanent water right, and then submitted to a tax of 25 cents an acre, the acre proportion of the expense of keeping up the canal.

You think this is hard—expensive. Who of your agriculturists would not give $1.10 per acre to have enough and no excess of moisture furnished him? Who would not pay $1.10 per acre per year to be insured against drought, to be insured against injured grain and bleached hay in harvest time? The one item of a field-cured stubble for winter pasture is worth the price of the water. In the "dry and thirsty" arid region the stubble, the grasses upon the plains, cure in autumn and do not decay, but remains nutritious throughout the winter.

Mr. BROSIUS. Will my friend permit me to interrupt him?

Mr. BELL of Colorado. Yes, sir; with pleasure.

Mr. BROSIUS. From whom do you obtain the water with which you irrigate your land?

Mr. BELL of Colorado. The water comes down the Uncompahgre River. The land is 150 feet above the bed of the river. This water is carried through a canal to a mesa embracing about 60,000 acres.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BELL of Colorado. I want time enough to answer the gentleman's question.

Mr. BROSIUS. I ask unanimous consent that the gentleman from Colorado have two minutes longer, in which to answer that question.

Mr. SAYERS. I object.

Mr. BELL of Colorado. But I want to answer the gentleman's question.

Mr. SAYERS. How much time do you want?

Mr. BELL of Colorado. I want enough to answer the question.

Mr. BROSIUS. I think that this will throw some light upon this question, if the gentleman will state where the water comes from which he pays $1.10 an acre.

Mr. BELL of Colorado. It comes from the Uncompahgre River and is carried over the Spring Creek, California, and the Cushman mesas, from 50 to 150 feet above the bed of the river. No individual could ever think of building a ditch for himself, because it would cost from $30,000 to $40,000. Parties came in early after the Ute Indians ceded this land to the Government in 1882 and started a canal. They borrowed the money from the Travelers' Insurance Company, and put in about $200,000 in building a hundred miles of canal and distributing laterals, carrying the water from 50 to 150 feet above the river bed. We pay an annual rental of $1.10 an acre to secure the carriage of this water through the company's canal, on the same principle as railroads are paid for carrying goods over their highways.

Much of the school lands ceded to the State by the Government in the San Luis and Arkansas Valleys have been reclaimed by the State. It has negotiated certain portions of the lands for the watering of the remainder. The State is more wieldable than the Government, has a special interest in this reclamation, and has some practical knowledge of the subject. This is more than can be said for some of the nation's representatives who assume to edify their Western neighbors not only on irrigation, but on their dangerous financial condition.

Irrigation, where feasible, has been a great boon in all ages and climes. It is an automatic fertilizer, constantly depositing virgin soil conveyed as muddy water through the irrigating streams settling upon the surface as the water soaks into the ground. It is a security against drought from scarcity of rainfall and a preventive of sour root from excessive dampness. The dryness of the air prevents poisonous mildew and enables the husbandman to put up his crop without any injuries from dampness.

Much of the drought-stricken portion of the eastern rain belt will, like Jacob of Canaan, have to send their sons into the irrigated region for bread this year. The great production of the Orient is through irrigation. In China families of from four to six persons are maintained on a single acre of ground. By constant fertilization, intensive cultivation, and continuous irrigation in China from three to four crops are gathered from the same piece of ground per year, making it productively equal to three or four acres of ground in the rain belt. I was surprised the latter part of June, in the humid climates of the East to see the grass and clover wither and turn brown, the sap in the trees turn downward, the tips of the poplar and horse chestnut harden and finish the annual growth, while in the irrigated portion of the country the sap in all vegetation has had an uninterrupted upward flow, the cottonwood, maple, and fruit trees yet tipped with tender unripe shoots, and will so continue until the husbandman, who directs the fall decay as well as the summer growth, withdraws the fructifying streamlet and bids them prepare for the winter blasts.

Without intending irreverence or any disrespect for more sacred things, I must say the agriculturist of the irrigated region seems to have outstripped the Contriver of the universe in applying moisture for vegetable thrift, or it is more probable that through the husbandman nature offers this greater reward as a meritorious tribute to the ingenious and industrious application of natural laws to these more successful ends. No one not having spent a crop season in an irrigated country can have any true conception of the great benefits of irrigation over the haphazard rainfall for the maturing of crops.

Why should not Western Kansas and Western Nebraska thrive by irrigation? Who knows what can be accomplished until the experiment is made? Different conditions require different treatment everywhere. In the great Arkansas and San Louis Valleys in Colorado the husbandmen have turned loose the waters of the Arkansas and Rio Grande Rivers over the surface of their rich black loam soil with such a marked success as to make these valleys the granaries of this part of the West for wheat, oats, and barley. Just across the main range of the Rocky Mountains of the same State, in the great Uncompahgre, Gunnison, and Grand Valleys, cereals would not thrive from trickling the waters over the main surface.

The land is impregnated with lime, oxide of iron, and other natural fertilizing minerals. If the ground is inundated with water a silica slime forms upon the surface which is very detrimental to vegetable life. The farmer uses what he calls a marker, a machine trenching the land like a corrugated roof, creasing the surface about every 2 feet, through which the water runs, and from these it percolates throughout the whole surface. With this subirrigation these latter valleys have become in a period of twelve years, since the land was ceded to the Government by the Ute Indians, one of the most successful grain, vegetable, hay, and fruit producing counties in the United States. The peach, prune, apricot, plum, cherry, pear, apple, and all fruits common to a temperate climate thrive to perfection there.

The minerals that are unfavorable to a submerging of the whole surface of the ground is the chief support and producer of the stone fruits. These arid lands are a barren waste until artificially watered. Some great national method of reclamation should be devised. Water them and raise the price to the settler to $11.25 per acre, $1.25 for the land and $10 per acre for water right, payable at the rate of $1 per acre per annum, with such a rate of interest as the bonded indebtedness of the Government draws or some other more liberal and feasible plan to the settler. We know this plan or any other national one will have to have years in which to mature. The present plan is but an experiment—a reminder. I am in favor of any reasonable step which will keep even the subject before the public. The great agricultural production of the future in the United States will be, must be, through irrigation and the subject finally must be dealt with as a national question.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. SAYERS. I move the previous question upon the Senate amendment and the amendment proposed by the gentleman from South Dadota as a substitute, and also the amendment offered by the gentleman from Nebraska.

The SPEAKER *pro tempore*. The question is on the demand for the previous question.

The question was taken, and the previous question was ordered.

Mr. HAINER of Nebraska. I desire to withdraw my amendment, and offer this amendment as a substitute.

The SPEAKER *pro tempore*. The Chair will state the question. The gentleman from South Dakota moves that the House recede from its disagreement to the Senate amendment and agree to the same with an amendment in the nature of a substitute, to which the gentleman from Nebraska has offered one amendment. The Clerk will report the proposed amendment to the substitute offered by the gentleman from Nebraska.

The Clerk read as follows:

Mr. HAINER of Nebraska moves as a substitute for section 4, the following:

SEC. 4. That to aid the public-land States and the States which may be formed from the several Territories in the reclamation of arid or desert lands therein, and the settlement, cultivation, and sale thereof in small tracts to actual settlers, the Secretary of the Interior, with the approval of the President, be, and he is hereby, authorized and empowered upon proper application of the said States to contract and agree from time to time with each of the States in which there may be situated lands which are either arid or desert as such desert lands are defined by the act entitled "An act to provide for the sale of desert land in certain States and Territories, approved March 3, 1877," and the act amendatory thereof, approved March 3, 1891, binding the United States to donate, grant, and patent to the State free of cost for survey or price such desert lands, not exceeding 1,000,000 acres in

each State, as the State may cause to be irrigated, reclaimed, and cultivated by actual settlers, within ten years next after the passage of this act, as thoroughly as is required of citizens who may enter under the said desert-land law.

Before the application of any State is allowed or any contract or agreement is executed or any segregation of any of the land from the public domain is ordered by the Secretary of the Interior, the State shall file a map of the said land proposed to be irrigated, which shall exhibit a plan showing the mode of the contemplated irrigation and which plan shall be sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops, and shall also show the source of the water to be used for irrigation and reclamation; and the Secretary of the Interior may make necessary regulations for the reservation of the lands applied for by the States to date from the date of the filing of the map and plan of irrigation, but such reservation shall be of no force whatever if such map and plan of irrigation shall not be approved. That any State contracting under this section is hereby authorized to make all necessary contracts to cause the said lands to be reclaimed, and to induce their settlement and cultivation in accordance with and subject to the provisions of this section; but the State shall not be authorized to lease any of said lands or to use or dispose of the same in any way whatever, except to secure their reclamation, cultivation, and settlement.

As fast as any State may furnish satisfactory proof, according to such rules and regulations as may be prescribed by the Secretary of the Interior, that any of said lands are irrigated, reclaimed, and occupied by actual settlers, patents shall be issued to the State or its assigns for said lands so reclaimed and settled: *Provided*, That said States shall not sell or dispose of more than 160 acres of said lands to any one person, and any surplus of money derived by any State from the sale of said lands in excess of the cost of their reclamation shall be held as a trust fund for and be applied to the reclamation of other desert land in such State. That to enable the Secretary of the Interior to examine any of the lands that may be selected under the provisions of this section, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, $1,000.

The SPEAKER *pro tempore*. The question is first on this amendment to the amendment.

Mr. BRYAN. A parliamentary inquiry. I would like to ask if most of this is not simply a repetition of the other? What is the effect of this?

Mr. SAYERS. Regular order, Mr. Speaker.

Mr. BRYAN. Mr. Speaker, I think we ought to know what this is.

Mr. SAYERS. The gentleman from Nebraska in his remarks indicated the character of the amendment he was going to offer. He sent that amendment to the Clerk's desk for the information of the House; and now, just as we are going to take the vote, he sends up another paper in place of the one that he informed the House he was going to offer, and he should take the consequences if he has not informed the House about it. I object.

The SPEAKER *pro tempore*. The Chair will state that the previous question was ordered, and debate can not now interfere with its operation. The question which the gentleman from Nebraska has addressed to the Chair is not a parliamentary inquiry. The Chair is asked what is the object of the amendment. The House is as fully informed as the Chair as to what the meaning and the intent of the amendment is. The Chair did not know what it was until it was read, and every gentleman had the same opportunity to know the effect of the amendment as the Chair.

Mr. PICKLER. Mr. Speaker——

Mr. BRYAN. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. BRYAN. If the purpose of the amendment is simply to remove the doubt as to whether Nebraska and Kansas are included, I do not see that there can be any objection to it.

The SPEAKER *pro tempore*. That is not a parliamentary inquiry. The question is on the amendment to the amendment.

Mr. PICKLER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PICKLER. I desire to ask whether the House has not the right to know before voting on a proposition what that proposition is?

The SPEAKER *pro tempore*. That is not a parliamentary inquiry.

Mr. PICKLER. Well, I rise to a parliamentary inquiry. I wish to ask whether it is not a fact that all this substitute does is to include arid lands with desert lands?

The SPEAKER *pro tempore*. That is a matter of argument, not a parliamentary inquiry.

Mr. PICKLER. Then I ask unanimous consent that the gentleman from Nebraska [Mr. HAINER] have one minute to explain his amendment.

Mr. SAYERS. I object.

Mr. PICKLER. Does the gentleman want us to vote in the dark?

The SPEAKER *pro tempore*. The Chair calls the gentleman to order. Debate is not in order.

Mr. PICKLER. Then the Speaker holds——

The SPEAKER *pro tempore*. The Chair can not hear the gentleman debate the question after the previous question has been ordered.

Mr. PICKLER. But I am making a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PICKLER. I wish to know whether the Chair holds that the House has to vote blindly on a proposition without understanding it?

The SPEAKER *pro tempore*. The Chair does not hold any such thing, and no such question is presented to the Chair.

Mr. PICKLER. It seems to me that that is just what the Chair is holding.

The SPEAKER *pro tempore*. It is not. The amendment has been read to the House. The question is on the amendment to the amendment.

The question being taken; there were—ayes 42, noes 100. So the amendment of Mr. HAINER of Nebraska was rejected.

The question being taken on the original amendment, the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. COOMBS. I ask for a division.

The House divided; and there were—ayes 159, noes 9. So the amendment was agreed to.

On motion of Mr. SAYERS, a motion to reconsider the vote by which the amendment was agreed to was laid on the table.

Mr. SAYERS. Mr. Speaker, I desire now to have considered amendment No. 277.

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The Clerk read as follows:

(277) That the Secretary of the Treasury be, and he is hereby, empowered and instructed to purchase for and in the name of the United States, for the site of the Government Printing Office, by direct negotiation with the owners, the south half of square 673, containing about 213,815 square feet, and bounded as follows: Two hundred and seventy-three and one-fourth feet fronting on North Capitol street, along the same from the intersection of L street therewith to what is called Pierce or Babcock street; thence east extending through the said square for 782½ feet to First street; thence south along First street for 273¼ feet to L street; thence west along the same for 782½ feet to point of beginning; or, failing to secure such described property by negotiation with the owners or a satisfactory title thereto, as may be approved by the Attorney-General of the United States, he is hereby empowered and directed to secure the same by condemnation proceedings, as provided in chapter 11 of the Revised Statutes of the United States relating to the District of Columbia: *Provided*, That the said south half of square 673 shall be acquired at a cost not exceeding the amount appropriated in the sundry civil appropriation act approved August 30, 1890, to provide accommodations for the Government Printing Office, which is hereby made immediately available for the object of this act; and the Treasurer of the United States is hereby authorized and directed, upon the requisition of the said Secretary, to pay over to the owners of the said described property such purchase price, or in the event of the condemnation of the same, into court, the condemnation price thereof, in either case not exceeding the sum of $250,000.

That the Joint Committee on Printing, as soon as such site shall be acquired, shall cause to be prepared the requisite plans for a Government printing establishment, fireproof all the way, which shall be fully equal to the prompt and efficient performance of the work now required by the Government, and such plans to be so arranged as to admit of progressive extensions, as the growing demand upon the establishment may, from time to time, require; and for the preparation of such plans the sum of $10,000 is hereby appropriated.

Mr. SAYERS. Mr. Speaker, I ask unanimous consent that at 4 o'clock to-day all debate shall be considered as closed on the pending amendment and all amendments that may be offered, and that the previous question shall be then considered as ordered upon the amendment and such amendments as may be pending.

The SPEAKER *pro tempore*. The gentleman from Texas asks unanimous consent that all debate on the pending amendment and all amendments thereto may be closed at 4 o'clock this afternoon, and that at that time the previous question shall be considered as ordered on the amendment and any pending amendments.

Mr. WISE. Mr. Speaker, I think it is rather too early to undertake to limit debate on this amendment.

The SPEAKER *pro tempore*. Does the gentleman object to the request of the gentleman from Texas?

Mr. HENDERSON of Iowa. Say 5 o'clock, instead of 4, if that is agreeable to the gentleman from Virginia.

Mr. SAYERS. I would like to have it earlier than 5 o'clock, because we want to have a full House here to vote on this question, but I am willing to agree to half past 4.

Mr. CANNON of Illinois. This being Saturday, I do not think the gentleman will have a quorum here even at 4 o'clock.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Texas, that the previous question be considered as ordered at half past 4 o'clock this afternoon on the amendment and all amendments thereto?

Mr. BANKHEAD. Mr. Speaker——

The SPEAKER *pro tempore*. This matter is not debatable. Does the gentleman object?

Mr. BANKHEAD. I want to get an agreement with the gentleman in charge of the bill as to the distribution of the time.

Mr. SAYERS. The time will be distributed impartially between the conflicting propositions.

Mr. COX. Who will represent the Government?

Mr. SAYERS. I will, if the gentleman will permit me. [Laughter.]

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER *pro tempore*. As to the division of the time, the Chair suggests that the gentleman from Texas or some other gentleman who opposes the amendment should control the time. It would be difficult for the Chair to do it, because he would not know on which side gentlemen seeking the floor might be.

Mr. SAYERS. I think I can furnish a satisfactory solution of this question. I understand that there will be two amendments offered to this proposition. What I propose is to give gentlemen favoring the Senate amendment half an hour, and the same time to the gentlemen who favor each of the other amendments. In other words, I will divide the time equally among the supporters of the three amendments—the Senate proposition and the two others that are to be offered in the House.

The SPEAKER *pro tempore*. The gentleman from Texas him self to parcel out the time?

Mr. SAYERS. Yes, sir.

Mr. HENDERSON of Iowa. As I understand the matter, there can be but two sides to this, those who favor the Senate amendment and those who oppose it.

Mr. SAYERS. I will say to the gentleman from Iowa that there are two other amendments that are proposed to be offered which are antagonistic to each other as well as to the Senate amendment.

Mr. HENDERSON of Iowa. The result will be that two of the half hours will be used in opposition to the Senate amendment and only one in favor of it, but I have no doubt the gentleman from Texas will see fair play.

Mr. SAYERS. I will.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Texas?

Mr. BLACK of Georgia. I wish to ask the gentleman whether his attention has been called to a statement from the Public Printer in the morning papers which seems to make it our imperative duty to do something to protect the employés of the Government Printing Office temporarily?

Mr. SAYERS. That has already been provided for in the partial agreement.

There being no objection, the request of Mr. SAYERS was agreed to.

Mr. SAYERS (to Mr. HENDERSON of Iowa). Are you supporting the Senate amendment?

Mr. HENDERSON of Iowa. I purpose to support the amendment. I understand that the gentleman from Virginia [Mr. WISE] will make a motion to recede and agree to the Senate amendment, and if that is the case I think it would be proper that he should control the time on that side.

Mr. SAYERS. Then the gentleman from Virginia [Mr. WISE] will apportion the time in support of the Senate amendment.

Mr. BINGHAM. Is it the purpose of the gentleman in charge of this bill that at half past 4 o'clock, the previous question having been ordered, a vote shall then be taken?

Mr. SAYERS. Yes, sir.

Mr. BINGHAM. I ask the question because there are several pairs in my hands, and I want to arrange them.

Mr. SAYERS. Mr. Speaker, how much time is there to be divided?

The SPEAKER *pro tempore*. One hour and forty-five minutes, of which thirty-five minutes will be allowed to each of the three sides. The gentleman from Virginia [Mr. WISE] will have thirty-five minutes, the gentleman from Alabama [Mr. BANKHEAD] thirty-five, and the gentleman from Texas——

Mr. SAYERS. I will reserve the balance, twenty minutes of which I propose to yield to the gentleman from Indiana [Mr. BRETZ].

Mr. WISE. Mr. Speaker, I now submit my motion that the House recede from its disagreement to the Senate amendment and agree to the same. This is a very important question and ought to receive careful and deliberate consideration. The members of the House know that the amendment which has just been read provides that the south half of square 673 shall be purchased as a site for the Government printing establishment. Members are also aware that in the appropriation bill approved August 30, 1890, nearly four years ago, the sum of $250,000 was appropriated for the purchase of a site for a new Government Printing Office.

As was remarked a moment ago by the gentleman from Georgia [Mr. BLACK], the Public Printer, in the Post of this morning, has called our attention to the fact that the present structure is not only too small for the business of the establishment, but that the lives of the employés are daily and hourly in danger. If such a calamity should happen there as happened recently at the building on Tenth street known as Ford's Theater, the blood of those employés of the Government who might be its victims would be upon our hands.

I rejoice, then, that the Senate has taken action upon this question. For four years the Committee on Public Buildings and Grounds of the House and Senate have failed to agree. During these four years—and if I make any mistake I hope my friend from Alabama [Mr. BANKHEAD] will correct me—the committee of this House, I believe, has recommended the purchase of only one lot. I do not wish to be understood as casting any censure upon these committees; I simply state the fact that they have not agreed upon any proposition, and that the House Committee on Public Buildings and Grounds has made only one recommendation, which has been rejected by the House.

Now the Senate has placed on this appropriation bill the amendment which has been read and to which my motion relates. It provides for the purchase of the south half of square 673. This property contains 213,815 square feet, and is offered to the Government at the rate of $1.17 per square foot. I have been told and believe that no other property in that neighborhood can be purchased for less than $2 per square foot. If it shall be determined to purchase this property, we will then not only have sufficient space for the accommodation of the proposed building, but the price paid for it will be within the limit of the appropriation already made. That ground is 16 feet higher than the site of the present Government Printing Office, and therefore not subject to moisture.

It is surrounded by commodious streets, so as to exclude the danger of fire from adjacent buildings. It has on its eastern border the Metropolitan branch of the Baltimore and Ohio Railroad. The Public Printer tells us that the cost of carrying supplies to the Printing Office and taking the product from it is annually very large. I do not think I overstate it when I say it is in excess of $25,000 or $30,000 per annum.

This property, as I have said, is within two or three squares of the present location of the Printing Office. All the employés of that establishment have their homes in that neighborhood; and when we are determining where the new Printing Office shall be located it ought to be a matter for serious consideration that we do not put them to the trouble and expense of changing their homes.

Mr. JONES. Will my colleague allow me a question?

Mr. WISE. Certainly.

Mr. JONES. As I understand, the property now under consideration is three or four squares beyond the present Printing Office?

Mr. WISE. I have so stated.

Mr. JONES. At present the only way by which members of Congress can reach the Printing Office is either by walking or by hiring a private conveyance.

Mr. WISE. I was coming to that point in a moment.

Mr. JONES. I would like to know whether this proposed site will not be still more difficult to reach?

Mr. WISE. You will have the same means of reaching this proposed site that you have of reaching the present.

But I will say, in reply to the gentleman, that an electric street railroad is already being laid down on North Capitol street, and will be completed in a short time, by means of which the gentleman will have street-car connection by electricity with the site for this building in favor of which I am now speaking. He will also have connection from that locality with all of the Departments by the street-car line on New York avenue.

Now, Mr. Speaker, it has been stated by the Public Printer that not less than 170,000 square feet of space would be sufficient. Here we would have 213,815 square feet. Not only sufficient for all the present necessities of the Government, but enough for future enlargement, with railroad connections, and with broad streets surrounding it on all sides. At the present site you have no railroad connection, and there is no possibility of obtaining it; and, as I have before said, the Public Printer this morning told the members of this House that the cartage of supplies to the present building involves an expenditure of not less than from $25,000 to $30,000 per annum.

Mr. JONES. I would like to know if the letter of the Public Printer, to which the gentleman has referred, was not written—although it appears this morning—before the appropriation of $75,000 was made on yesterday to strengthen the present building?

Mr. WISE. I have no knowledge as to when the letter was written; but I do know the statements that it embodies, and I am satisfied of their accuracy.

Mr. JONES. On yesterday we appropriated $75,000 for the strengthening of the present building.

Mr. WISE. I am aware of that.

Now, Mr. Speaker, I wish to call the attention of the members of this House to some statements and remarks which have

been made by members of the Committee on Public Buildings and Grounds of the Senate with reference to this very important subject. Senator VEST, although at present opposed to the purchase of this site, in his speech on the 15th day of July, 1892 (CONGRESSIONAL RECORD, page 6873), speaking of this location, the southern half of square 673, says:

which I believe to be in every respect the most available and best adapted and cheapest of all the property that is offered to the Government.

Again he says:

In the communication from the Public Printer, referred to in the letter I have read, he states that at least 170,000 square feet is necessary for this building (the printing plant), and that as much more as can be purchased at suitable terms would be better.

And Senator VEST also says that—

In building an enormous establishment of this sort, to be suitable for the purposes of the Government for all time to come, there should be parking; that there should not be simply a naked structure running up to the lines of the street.

In another speech the Senator said:

The Government of the United States, in putting up any permanent structure, should never for an instant contemplate the erection of a building without any parking around it, and without all the facilities that would come from a large area and increased space.

Again he says:

The first consideration in regard to erecting a public building in the District of Columbia and elsewhere should be as to the area covered by the building.

I have no hesitation in giving it as the deliberate judgment of the Committee on Public Buildings and Grounds that the interests of the Government will be subserved by accepting the proposition as to the sale of the south half of square 673.

Senator MANDERSON, who is also a member of the Committee on Public Buildings and Grounds of the Senate, and who has examined the various sites that have been offered to the Government for the printing establishment, says:

There are advantages connected with the south half of square 673. It is not made ground, it will undoubtedly afford a good foundation for this building, and I do not know that it is too far removed from the Departments on the one hand and the Capitol on the other.

And he further says:

Another proposition urged against the spreading of the Government Printing Office at the present site, or near it, was that it was impracticable to obtain that which above all other things is needed for an economical administration of the printing affairs of the Government—a railway that shall carry in the crude material and that shall take out in mail cars from the distributing warehouse, the finished product.

These, Mr. Speaker, are important considerations.

Now, I have explained to the members of the House that not only have you in this location a sufficient space, at a smaller price than that for which any other property can be purchased in that locality, but you have also railroad connection, which Senator MANDERSON tells us is so important for the cheap administration of the Government printing establishment, and which would in a few years save to this country money enough to pay the price that you will have to pay for the site proposed in the Senate amendment for this establishment.

May I ask how much time I have remaining.

The CHAIRMAN. The gentleman has used sixteen minutes and has nineteen minutes of his time remaining.

Mr. WISE. I reserve the remainder of my time.

Mr. BRETZ. Mr. Speaker, I move to concur in the Senate amendment with the following amendment:

The Clerk read as follows:

Strike out all of amendment 277, and insert:

"That the Secretary of the Treasury is hereby authorized and directed to cause to be erected, as soon as practicable, of brick and metal, a substantial and commodious fireproof building, with fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for use as a Government Printing Office, at a cost not to exceed $1,250,000, upon plans to be agreed upon by said Secretary, the Supervising Architect, and Public Printer. That said building shall be erected upon the south end of that part of public reservation numbered 2, in the city of Washington, D. C., bounded on the east by Sixth street, on the south by B street southwest, on the west by Seventh street, and on the north by B street northwest: *Provided*, That all appropriations made for the purpose of constructing said building shall be expended under the supervision and control of the officer in charge of the construction of the building for the Library of Congress, and in accordance with the laws governing the disbursements of the appropriations for said Library building, and he shall annually make a report to Congress of his proceedings under this act: *And provided further*, That while said officer is engaged in the construction of said Printing Office his army pay and allowances shall be the same as for officers of his grade on the active list: *And provided further*, That the sum of $250,000, to provide accommodation for the Government Printing Office and the construction of the needed storage and distribution warehouses in connection therewith, in the act making appropriations for sundry civil expenses of the Government approved August 30, 1890, and suspended by act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1892, approved March 3, 1891, is hereby made available for beginning the work on said building and for each and every purpose connected with the same.

Mr. BRETZ. Mr. Speaker, I desire to have a resolution read that was adopted by the House on the 9th day May last.

The Clerk read as follows:

Resolved, That the pending bill (House bill 5438) be recommitted to the Committee of Public Buildings and Grounds with instructions to amend the bill so as to provide for the establishment of a Government Printing Office on land now owned by the United States in the city of Washington, D. C.

Mr. BRETZ. Mr. Speaker, in accordance with that resolution and the direction of the House the Committee on Public Buildings and Grounds made an investigation of the reservations in the city of Washington, with a view of reporting a bill in accordance with that resolution. I may say here that the committee are divided upon the question of taking any public reservation whatever. I was directed, however, by the Committee on Public Buildings and Grounds to report this bill. It is not the desire of the majority of the committee, but I favor the site.

I do not take it that it is necessary for me to say anything in regard to the site. I presume every member of this House is fully acquainted with its location. It is the site that is commonly known as the Fish Commission site—a reservation large enough to put two or three public printing offices upon. It is located just south of the Pennsylvania Railroad depot, and can be approached on the west side by the Seventh street cable line, is but a few steps from Pennsylvania avenue, is accessible on three sides, without subjecting anyone to any danger incident to the railroads. It is immediately adjacent to the Pennsylvania Railroad track, so that all of the appliances and material used in the Printing Office can be transported without extra cartage. It was the unanimous view of the Committee on Public Buildings and Grounds that if a public reservation should be taken at all, that was the best and most available site to be had in the District.

Mr. Speaker, I do not know that I desire to add anything else.

Mr. MILLIKEN. Before the gentleman sits down, will he allow me to ask him one question?

Mr. BRETZ. I will.

Mr. MILLIKEN. I do not know but what the gentleman has fully stated it, but I did not catch it. Was it not the decision of a majority of the committee that no public reservation should be taken for a Public Printing Office?

Mr. BRETZ. I have so stated.

Mr. PENCE. What committee does the gentleman refer to?

Mr. MILLIKEN. Committee on Public Buildings and Grounds, which has jurisdiction of the subject.

Mr. PENCE. Is that since the action of the House declaring for a reservation site?

Mr. MILLIKEN. That is since the action of the House.

Mr. BRETZ. This bill is on the Calendar by direction of the House; and three or four members of the committee favor it. I reserve the balance of my time.

The SPEAKER *pro tempore*. The gentleman from Indiana has used nine minutes of his time and has eleven minutes remaining.

Mr. BANKHEAD. Mr. Speaker, we have now reached that point in the consideration of this question that I apprehended would be reached after the action of the House on the report made by the Committee on Public Buildings and Grounds. That committee, having been charged with the duty of selecting a suitable site upon which the Government Printing Office was to be located, performed that work as faithfully as they knew how, and made a report to the House. The gentleman from Nebraska [Mr. BRYAN] and the gentleman from Indiana [Mr. HOLMAN], who had never given the matter one moment's thought, who had never investigated the subject from any standpoint, ran the House off on a proposition to locate this Government Printing Office on one of the public reservations in the city of Washington.

As has been stated by my colleague on the committee [Mr. BRETZ], the committee felt compelled, under the instructions of the House, to report a bill. The committee, however, are opposed, with the exception of two members, I believe, to invading any of the parks or public reservations of the city of Washington for any purpose whatever, except that for which they are now used.

We are face to face now, Mr. Speaker, with a proposition that involves the expenditure of a million and a half of dollars. We are confronted with an amendment upon an appropriation bill, put on by the Senate, not with the purpose perhaps of handicapping the House and preventing free expression on this question—I do not charge that—but they have made it impossible that this question should have that consideration to which it is entitled.

The Mahone property, proposed by the Senate amendment to be purchased was examined by the committee on the part of the House and the Senate. The joint committee made a thorough examination, so far as they could, of that property, and were unanimously of the opinion that the location was not suited for a public printing office, and that the character of the land itself was such as to positively forbid the erection of a Government Printing Office on that property.

Mr. KILGORE. Will the gentleman allow me right there?

Mr. BANKHEAD. Certainly.

Mr. KILGORE. I understand this proposition now under consideration was put on the bill by the Senate?

Mr. BANKHEAD. That is true.

Mr. KILGORE. And it has not been considered in the House since the time referred to by the gentleman from Alabama?

Mr. BANKHEAD. No.

Mr. KILGORE. How much is it proposed to appropriate for the purchase of that land?

Mr. BANKHEAD. Two hundred and fifty thousand dollars.

Mr. KILGORE. When the amendment was pending was it considered in the Senate by the Senate Committee on Finance?

Mr. BANKHEAD. I presume so.

Mr. KILGORE. And reported by them to the Senate?

Mr. BANKHEAD. I understand that to be the situation.

Mr. KILGORE. I understand it was thoroughly considered up at Chamberlin's grocery and was unanimously agreed to there.

Mr. BROWN. Will the gentleman yield for a question?

Mr. BANKHEAD. I can not yield any further.

Mr. BROWN. I know the gentleman would not like to make any incorrect statement. I understood the gentleman to say that this Senate amendment carried an appropriation of $250,000 to buy this Mahone property.

Mr. SAYERS. Is not that true?

Mr. BROWN. It is not.

Mr. WISE. The appropriation was made in 1890.

Mr. BANKHEAD. That is begging the question.

Mr. WISE. It is not begging the question.

Mr. BROWN. It does not carry a dollar of appropriation.

Mr. BANKHEAD. I decline to be further interrupted.

I will now answer the gentleman from Indiana and the gentleman from Virginia. They have undertaken to say that this proposition of the Senate makes no appropriation. That may be true, Mr. Speaker, but it reëstablishes or revives an appropriation made three or four years ago of $250,000, and that is made applicable to this purpose.

Mr. COX. It takes that much money.

Mr. BANKHEAD. It takes that much money out of the Treasury.

Mr. BROWN. The gentleman is mistaken about that. It does not take that money.

The SPEAKER *pro tempore*. The gentleman declines to yield.

Mr. BANKHEAD. This property, as I have stated, was examined by the committee and reported against without a single objection on the part of the committee. The reasons for that were, in the first place, its location is very inconvenient. It is very remote from the Capitol and from transportation to and from the location by street railroads and otherwise at this time.

Mr. PENCE. That is the Mahone property.

Mr. BANKHEAD. I mean the Mahone property, of course. But the main reason which influenced the committee in reaching the conclusion they did was that we had information that can not be questioned, in my judgment, that this lot, or that portion of this section known as the Mahone property, the southern portion of it, included in this amendment, is a filled lot, nearly the whole of it. It can not be questioned for a moment that the old Tiber Creek at one time, if the official maps of the city are to be believed, ran immediately, or almost immediately, through the center of it. When the sewer was built the bed or channel of the creek was straightened, and that the sewer now runs through one end of this lot; and nobody will deny that proposition.

Mr. WISE. I deny it.

Mr. BANKHEAD. Then you deny the official maps of this city.

Mr. WISE. I have got an official map.

Mr. BANKHEAD. So have I. [Laughter.]

Several MEMBERS. That is a "show down."

Mr. BANKHEAD. Now, Mr. Speaker, as the gentleman from Virginia has "called me," I propose to "show down." [Laughter.]

Now, here is the official map of the city, that has been on file in the Committee of Public Buildings and Grounds. If any gentleman will examine this map he will see the old Tiber Creek, as indicated in this map, runs almost immediately through the center of this lot. This map was made before the sewer was built. The creek, as shown at the time this map was made, was a surface creek, and it can be exactly told where it was.

Now, here is another map, prepared by a gentleman who is competent to make a report, and I expect my friend has got a copy of it. It shows the sewer which now exists. Here is the property that is proposed to be bought. This here (indicating) is the creek, and there is the sewer as it now exists; and I will guarantee it is correct.

Mr. CLARKE of Alabama. The money is yours.

Mr. BANKHEAD. Now, Mr. Chairman, I have no feeling in this matter; none whatever. I want a Public Printing Office; and it has been my desire, if I ever had an honest desire in life, to secure during this session legislation upon this subject. I have devoted much time to it, and now we are called upon to act upon this important proposition, involving, as I have said, $1,500,000, never having been reported by any committee of this House; and it is totally unfit for the purpose for which it is intended.

Now, I prefer, of course, the lot reported by the Committee of the House. I believe that is the place where this office ought to be located. I believe all the requirements would be met there. I believe that many thousand dollars annually would be saved in transportation to and from and transportation of materials, and all of that.

Mr. HUNTER. Where is that lot?

Mr. BANKHEAD. Near the Baltimore and Ohio depot here.

We have now reached that point in the proceedings where it appears to be impossible to get an expression from the House and Senate that would permit the erection of a building upon the site reported by the committee. I want to say that I shall feel very much disappointed; I shall feel that this House of Representatives have acted upon this question without proper information and investigation if they are persuaded by the lobby or by any other influence that has been swarming around this Capitol seeking favorable action on this amendment.

Mr. COX. Will the gentleman yield to me for a moment?

Mr. BANKHEAD. Just for a question.

Mr. COX. What is the reason that the property which belongs to the Government and on a part of which the present Printing Office is built should not be used instead of making this expenditure for new property?

Mr. BANKHEAD. As I have already indicated to the House, I am about to take a position on this question that does not fully meet my judgment. Before I take my seat I shall offer a substitute for the amendments of the gentleman from Virginia and the gentleman from Indiana. It is one to which I can not give my full approval; but I have reached the conclusion, Mr. Speaker, that it is the very best that can be done, and I believe every member upon this floor will agree with me that it is absolutely necessary that some action should be taken on this question before this Congress adjourns. I am going to offer a proposition authorizing the purchase of additional land adjacent to the present Government Printing Office and authorizing the construction there of a building which it is believed by the Public Printer will give immediate relief to the overcrowded condition of the Printing Office, and probably obviate the dangers that now surround the situation in that establishment. I say this proposition does not meet my full approval. I do not believe that a great Government establishment such as our Printing Office is and is to be, should be located in such a place as that where the present office is located. On a former occasion I stated to the House the reasons for the view which I hold on that subject.

But, sir, we must recognize the fact that we can not have our own way about everything. We have not been, and we can not and shall not be, able to induce the House of Representatives to agree with us as to the proper location of this building and as to the importance of that question. The letter from the Public Printer referred to by the gentleman from Virginia this morning is conclusive to my mind that immediate action should be taken with respect to this matter. The gentleman has referred to that letter, and has made the statement that the Public Printer has declared that $20,000 or $25,000 is expended annually in carting materials to and from the present Public Printing Office. That is explained by the fact that a former administration of the office rented a storehouse in the city of Georgetown, and the supplies have been carted back and forth between Georgetown and the Public Printing Office.

That is how this heavy expense for transportation has been incurred, and it would have been perfectly fair in my friend from Virginia to have stated the facts. The Public Printer in that letter, while making reference to the past expenditures for the transportation of supplies, states that a storehouse has now been secured in the immediate vicinity of the office, and that much of the expenditure for that purpose will be avoided in the near future. He states further that, if the proposition which I am about to submit shall be adopted, he will give his personal bond that he will save enough money in one year's operation of the office to erect the building that he proposes to erect on this site, and that after that building is occupied, the overcrowded condition of the Government Printing Office and the danger to the lives and limbs of the occupants will disappear.

Mr. Speaker, that is about all that I care to say on this sub-

ject. I have stated that this proposition does not meet the approval of my judgment, because it means the permanent location of the office where it is now.

Mr. HUDSON. Who recommends this proposition?

Mr. BANKHEAD. The present Public Printer. The adoption of this plan undoubtedly means, as I have said, the permanent location of the Government Printing Office down there. It involves an expenditure of a million and a quarter or a million and a half of dollars. This is to be, perhaps, the greatest public printing office in the world, and it ought to be erected at a more accessible point. It ought to be erected where visitors to the city of Washington could reach it without inconvenience, because it is always an object of interest to visitors.

It ought to be erected where members of the House and Senate could get to it without a day's travel. It ought to be erected upon a more suitable site, where the foundations would be better, where the atmosphere would be better, where the comfort of the employés would be advanced. But it seems to be impossible to secure that. A fit of economy has seized some gentlemen in the House, and they are not willing that a great establishment like this should be located in that section of the city where common sense and business principles would require.

Mr. BLACK of Illinois. What section is that?

Mr. BANKHEAD. I think the Printing Office ought to be upon some of the squares along Pennsylvania avenue. When I speak of common sense and business principles, I mean just that application of them which a prudent business man would make to his own affairs. Such a man, in spending so large an amount of money, would not stop to consider ten thousand, or twenty thousand, or fifty thousand dollars in securing a proper site; he would first select a suitable site and secure it and then put a building upon it.

Mr. TUCKER. I desire to know whether, if the proposition which the gentleman states he is going to introduce by way of amendment is adopted, it will, in the opinion of the chairman of the Committee on Public Buildings and Grounds, kill the proposition for the erection of a new Government Printing Office?

Mr. BANKHEAD. Certainly; I think there is no question about that, because the amendment itself contemplates that the whole of the site shall be covered by a new building suited for the purposes of the Printing Office.

Mr. TUCKER. If the amendment which my friend advocates should be adopted, then I understand that there is to be no more proposed legislation for a new printing building during this Congress?

Mr. BANKHEAD. Nor for many years to come, in my opinion. I think it settles the whole question.

Mr. PENCE. As I understand the gentleman's proposition, it is one on which the Senate voted only two or three weeks ago.

Mr. BANKHEAD. Yes, sir.

Mr. PENCE. And voted it down. Is not this the same proposition?

Mr. BANKHEAD. Yes, sir.

Mr. PENCE. Then, if we plant ourselves on that proposition and the Senate is against it, how are we going to get any new building at all?

Mr. BANKHEAD. Well, that is a matter for the conferees; I can not answer that question.

Mr. PENCE. I am losing my faith in conferees. [Laughter].

Mr. BANKHEAD. I believe there will be no trouble in the two Houses getting together on the question.

Mr. Speaker, I send to the desk the amendment which I desire at the proper time to offer, but I do not wish it to be read now.

The SPEAKER *pro tempore*. The gentleman is aware that the previous question will operate at half past 4 o'clock, and that any amendment which it is desired to offer must come in before the previous question begins to operate.

Mr. BANKHEAD. I am reserving enough time in which to have that amendment read.

The SPEAKER *pro tempore*. The gentleman understands that it must be read in his thirty-five minutes?

Mr. BANKHEAD. Yes, sir. How much time have I remaining?

The SPEAKER *pro tempore*. Fourteen minutes.

Mr. BANKHEAD. I reserve that time.

Mr. DUNN. I should like to ask the gentleman from Alabama [Mr. BANKHEAD] one question. Is it not a fact that if land next to the present printing establishment should be purchased and a building such as is contemplated by the Public Printer should be erected, the present building can be utilized for many years to come?

Mr. BANKHEAD. There is no doubt about that.

Mr. WISE. Mr. Speaker, I believe I have nineteen minutes remaining. I yield that time to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON of Iowa. Mr. Speaker, if there is one duty to which every member of this House should give his attention, it is the settlement of this controversy about a public printing establishment. You have no duty more solemnly pressing upon you at this moment than that. With a vast body of men and women in the present establishment working day and night under the shadow of death, and with the horrors of the Ford's Theater disaster still sounding in our hearts, we should give attention to this matter. For one, as a member of the committee before which this question came, I have addressed myself to the subject with no little care.

Let me call attention to two or three matters which are embarrassing the minds of some members. First, there is no appropriation covered by the Senate amendment. Many gentlemen think that carrying this amendment will appropriate $250,000. That is not so. This appropriation was made in the sundry civil act approved August 30, 1890.

Mr. HUDSON. I should like to ask——

Mr. HENDERSON of Iowa. I must decline to yield. I supposed I would have an hour to discuss this question, instead of a few minutes.

Mr. HUDSON. I only wanted to ask a question.

Mr. HENDERSON of Iowa. Very well, ask it.

Mr. HUDSON. Would not the passage of this amendment take $250,000 out of the Treasury?

Mr. HENDERSON of Iowa. Why, the money is already appropriated.

Mr. HUDSON. Will it not take that much money out?

Mr. HENDERSON of Iowa. This is no appropriation; the money is already appropriated, and this amendment simply determines where it is to be spent. Will you stop to weigh human life with money?

Since 1889 the importance of this question has been urged upon the attention of Congress. We have allowed it to go undisposed of. Three committees have failed to dispose of it. First a commission composed of the Secretary of the Treasury, the Architect of the Capitol, and the Government Printer grappled with the question, and failed. Then the Printing Committee grappled with it, and failed. Then the Committee on Public Buildings and Grounds grappled with it, and this body rejected their report. Now what do we see?

A representative of the minority of the Committee on Public Buildings and Grounds offers an amendment to take for this purpose a public reservation; and the chairman of that committee does not support the bill coming from his committee, but offers another amendment—to buy property to extend and build upon the present site. Is that solving the problem? You have it within your power to-day, gentlemen of the House of Representatives, to agree to the amendment of the Senate. Then the question is solved; life is saved, and this question is removed from public discussion.

The gentleman from Alabama refers to a "lobby." Aye, I know that there is a lobby. There are half a dozen different projects here pressing themselves on Congress; and whenever anything is about to be agreed upon the whole pack of the lobby outside jumps on it, hoping that it will be beaten, and that their special infant will finally have access to the national pap and get nourishment according to their desires. Gentleman had better not introduce such themes.

Now, let us see, first, what is the condition in regard to the lot covered by this amendment; and, in discussing this topic, I will touch arguments which have been advanced here in this debate. Gentlemen object that the lot covered by the Senate proposition is not a safe lot, because the course of Tiber Creek was through that lot.

In the first place, no gentleman here will dare contend that there is better or more solid ground in the District of Columbia than there is on this lot outside of the track of the Tiber. The gentleman from Alabama [Mr. BANKHEAD] has referred to a map of that part of the city. I hold in my hand the report of the Commissioners of the District of Columbia for the fiscal year 1892, and I call your attention to the map of that region here exhibited, and you will see on that map that between one-ninth and one-tenth only of that lot is traversed by the Tiber Creek at all. Take the map among you and look it over. You will find that all the rest is solid ground; and remember that this lot has in round numbers about 5 acres. It lies right adjoining the Baltimore and Ohio Railroad—behind it; there is room to build all of this establishment, and what this Government will need in the coming centuries, on the lot, and we have railroad communication from it directly, through the Baltimore and Ohio Railroad, with the world outside, and in that manner can stop the enormous expense for cartage, which can not be curtailed if you take the old site, I will say in passing. So much about the Tiber. It simply passes through the back corner of the lot and then comes up a street, and is formed there into a sewer, making the lot still drier and better in other respects.

Now, Mr. Speaker, as to the price——

Mr. LIVINGSTON. Do not you think $250,000 is too much money?

Mr. HENDERSON of Iowa. Two hundred and fifty thousand dollars is the price fixed on the lot.

Mr. LIVINGSTON. Is it not too much?

Mr. HENDERSON of Iowa. No, sir; and I think the gentleman from Georgia will credit me with sincerity.

Mr. LIVINGSTON. Certainly.

Mr. HENDERSON of Iowa. It amounts to a little over $1.16 per square foot; call it $1.17 Right across North Capitol street you can not buy a lot for less than $2.50 per square foot, and on the other side you can not buy a lot for less than $1.50 per square foot——

Mr. KILGORE. Mr. Speaker——

Mr. HENDERSON of Iowa. Some gentlemen will ask—possibly the gentleman from Texas—why it is that they want to sell under the circumstances.

Mr. KILGORE. Yes; why are they so anxious to sell?

Mr. HENDERSON of Iowa. I can not yield to the gentleman, for my time is very brief.

Mr. KILGORE. You have already anticipated the question.

Mr. HENDERSON of Iowa. Very well; if I have, I will answer it. If the House wants to go into a fuller discussion of the matter let us have more time for that purpose.

But I will answer the gentleman's question as to the reason why the parties wish to sell. To begin with, there is a mortgage of $125,000 on the lot, quite an important item. By selling now, even at a low figure, it is like a sale at wholesale as against one at retail; and you and I know that when a man has a mortgage on his property he will sell it at a reasonable advance rather than retain the burden of it on his own shoulders any longer than is necessary. So much for that.

Reference was made by the gentleman from Alabama to the fact that there was no street car connection with this lot. That is true now. But you have railroad connection, and a connection is now being completed by electric cars, and you who ride around the New Jersey avenue line can see the coming connection with the proposed line to the Capitol.

Another thing—on one side is a row of houses, nearly all of them owned by the employés of the Government Printing Office. Move the Printing Office to your reservation, and you take these people from their homes. The reservations! Gentlemen of the House of Representatives, that reservation covered in your bill is overflowed at times during the year. That is a decisive objection to using it for this purpose.

Where this army of men and women work we want health and safety for them, and not put them where they are to be subjected to danger and death from floods or from sickness. Aside from that we will need all of our reservations. At this day and hour when you can buy property at $1.16 a foot that answers the purpose, and will answer it for centuries better than any possible selection that we can make on your Government reservations, which were laid aside and dedicated to the public for their use forever, I say we had better pay the $1.16 a foot. So much for that.

Germane to the question as to whether that is a suitable lot or otherwise I call the attention of the House of Representatives to the fact that it is 16 feet higher than the old site, which it is proposed by some to take. It is as near every Department of the Government as the old site is. It is only about 350 yards from the present site.

Now, remember that the matter that is being pressed by the chairman of the Committee on Public Buildings and Grounds is the old site. Let us look at the question of cost to the Government for that. We own there now 60,000 feet where the old site is, and it is proposed to buy 52,000 feet additional. In this report from the Government Printing Office the old proposition was to take 152,000 feet in order to get sufficient accommodations. Less is insufficient. To do that you will pile up a bill so big that it would stagger any Congress to appropriate the money unless it was an absolute necessity. Now, mark it, 60,000 feet we own. Then purchase 52,000 feet and your scheme contemplates 112,000 feet in all. It is estimated that you will have to pay about $3.25 per foot for what you buy. If so, the 60,000 feet we own is worth that sum; that is to say, $3.25 a foot. Three dollars and twenty-five cents a foot for the 52,000 to be bought would be $175,000.

Three dollars and a quarter for what we own, which we will now save if we take the present amendment, would be $195,000; total cost for the ground, $370,000. By taking this amendment you get it for $250,000 and get 100,000 more square feet. The gentleman from Alabama would pay $100,000 more money and get 100,000 square feet less. Besides, you will, in the near future have to buy 100,000 more feet, making the total cost at least $350,000 more. Is that business and common sense: and is it the way you would treat your own business? There is not a man in this House, if he were going to put up a printing office for his own use, but what would take this amendment, and feel he was making the biggest profit in the transaction and doing the wisest thing.

Now, mark you, the original scheme was to have 170,000 square feet for the old site. This plan now is to have 112,000 square feet. That is 58,000 feet less than the amount that is recommended for a proper building for the Government Printing Office. Remember, too, that if you depend on the old site you can get no railroad connections without using the public streets. Now, for one, gentlemen of the House of Representatives, I do not intend to stand here and be influenced by Tom, Dick, and Harry, who hope to be pulled in, in the sweet by and by. I see now before me a solution of this problem, and if we let it go by God Almighty and humanity will indict the House of Representatives for deliberate murder, for murder is coming.

Three different commissions have condemned that site as unsafe. With these three condemnations, with every Government Printer saying, "I want to be rid of the responsibility," will you sit idly here and deal in quibbles, when you have it before you, at half past 4 this afternoon, to settle this question once and for all?

How much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has six minutes remaining.

Mr. HENDERSON of Iowa. Mr. Speaker, I desire to yield three minutes to the gentleman from Virginia [Mr. MEREDITH], and reserve the remaining three minutes.

Mr. MEREDITH. Mr. Speaker, I intend to support this amendment. I do it because I believe the location selected is the best, because I believe it will be cheaper to the Government in the end; and I desire to say to some of my colleagues from Virginia that I can not be frightened from the position which I take because this is called the Mahone lot. I shall vote for it whether it is called the Mahone lot, the Windsor lot, the Snowden lot, or by what other name it may be called. I vote for it, sir, as a Representative of Virginia, because I believe in so doing, I am best serving the Government which I represent; because I believe I am best serving the people of my State and the people of every State in this Union. I vote for it because I believe that the building now occupied by the Public Printer is in a dangerous condition; and I fear every day lest we hear that that building has gone down, as Ford's Theater went down, killing hundreds of the people employed in that Printing Office.

Mr. DUNN. Will the gentleman allow me to ask him a question?

Mr. MEREDITH. Certainly.

Mr. DUNN. Are you aware that there is $75,000 appropriated to make that building secure?

Mr. MEREDITH. I am aware of that fact; but I am aware also of the fact that a crack has been recently discovered in one of the walls, and that with the immense amount of machinery and material in that building, and the thousands of people who are there every day, it is in a dangerous condition, and I feel afraid whenever I walk through it. I was there this morning. I go there frequently, as I have to.

I had a conversation with the Public Printer this morning, or heard a conversation in my presence, and he called attention to the fact that a crack has been recently discovered in one of the walls; that he is having it watched, but that he believes that the people employed under him in that building are in danger; and this House would be *particeps criminis* not to do something by which the danger could be avoided and averted.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. HENDERSON] reserves the remaining three minutes of his time.

Mr. BRETZ. How much time have I left, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman has eleven minutes.

Mr. BRETZ. I yield five minutes to the gentleman from Nebraska.

Mr. BRYAN. Mr. Speaker, it is admitted that we need a new Printing Office. I presume there is no difference of opinion in this House as to that fact, but I do insist that those who stand here and say that we shall never have a new Printing Office until we buy somebody's lot can not clear their skirts if this building should fall down before a new one can be provided.

What I object to is, that people who are interested in building sites come here and lobby and lobby and keep Congress from erecting a public building when it is in our power to do so, and do it at once.

We decided here a few months ago by 39 to 149 in favor of putting this building upon public ground. The gentleman from Alabama complains, and says we did it without a moment's thought; but after the House has had time to think it over the

gentleman himself abandons the plan that he proposed then and comes in with a new plan for a public building. The committee, in compliance with the resolution of this House, has reported in favor of a site upon public ground.

There is land that is not needed for a public park; land not used for a public park; land upon which there is a small building, now known as the Fish Commission, which is more conveniently situated than any land that is proposed here. It lies midway between all these Departments; it adjoins the Smithsonian Institution and the Museum, and is more accessible to the Capitol and to all the Departments than the present site. It lies beside the railroad track, and it would save a great deal of money to erect a building on this land, near to the Departments, and save the cost of carrying books backward and forward and to and from the present Government Printing Office site.

I think, in view of the fact that we have land available for this purpose, we should not vote to buy anybody's property, and yet those who claim to be afraid that the building will fall down, who claim to be afraid that we will have the blood of employés on our hands, will stand and quibble and quarrel about somebody else's land, and refuse to use the land we have. I insist, Mr. Speaker, if this was private business, if we were acting for ourselves, we would not stop to hunt up somebody who wanted to sell his land to us, but we would erect a building upon our own land, and make it secure for our printers, and not go on, Congress after Congress and year after year, in order to furnish a market for somebody's land.

The gentleman from Iowa [Mr. HENDERSON] has convinced us that the site chosen by the gentleman from Alabama [Mr. BANKHEAD] is not a good one and would be expensive, and the gentleman from Alabama has convinced us that the site desired by the gentleman from Iowa should not be taken. But, sir, this House on a previous occasion, after a discussion longer than that of this afternoon, decided by a vote of nearly four to one in favor of using public ground instead of buying either site.

And, sir, if we instruct our committee to select Government land to be used for a building, and they come back without obtaining an agreement with the Senate, and after that this building falls and any employés are killed because we have refused to take the Mahone site, the Senate will be to blame and not we. [Loud applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BRETZ. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. SMITH].

Mr. SMITH of Illinois. Mr. Speaker, I do not see that there is any necessity for spending a great amount of time upon this subject. We have several propositions before us, all of them but one looking to the purchase of land for the building of a Printing Office. Now, if I was to favor any proposition for the purchase of any land for the erection of such a building I would certainly be in favor of purchasing the ground next to the present Printing Office, which, I understand, belongs to the Government. But why is there any necessity for our going to that expense?

A good many gentlemen of this House have an economical streak upon them, and ought to exercise it in this case, I think. We have property belonging to the Government, and the amendment offered by the gentleman from Indiana proposes to erect the Government Printing Office upon property which is now owned by the Government and which is of no use as a public park, and from its location the property never will be used for that purpose in my judgment. It is high, it is healthy, it is convenient; and it seems to me like good business sense would say take that property and erect our Government Printing Office upon it and settle this question.

I suppose the real estate agents in Washington want to sell some property to the Government; but I suppose those of us who do not live in Washington or in the District of Columbia have no special interest in subserving the interests of the reale-state agents in Washington. Hence I would favor the amendment of the gentleman from Indiana.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

The CHAIRMAN. The gentleman from Indiana [Mr. BRETZ] has two minutes remaining.

Mr. BRETZ. I yield one minute to the gentleman from Kentucky [Mr. BERRY].

Mr. BERRY. Mr. Speaker, as a member of the Committee on Public Buildings and Grounds, I visited every point in Washington that has been recommended as a site for a Public Printing Office. I find, sir, that the Government is in possession of property that is of ample elevation above tide water to give us a suitable site for this building.

The argument presented upon this floor, that because we now have a Public Printing Office around which printers have located, we ought to continue it there, is to me a reason why there ought to be a change. If men have been long enough in public positions to secure homes in the neighborhood of the office where they are employed, then I, as an opponent of civil service reform, think it is about time that we change the situation and let somebody else be accommodated. [Laughter.]

There is plenty of property in Washington more available than the lot suggested by the Senate, property which can be bought for 90 cents a foot. There is a lot within 1,500 feet of this Capitol that can be bought at that price, and which is far more desirable than any property mentioned. Still, sir, I am of the opinion that as long as the Government owns property that is suitable for this purpose we ought to utilize it, and not look around for property to expend the money of the Government upon. I have no fear about the old Public Printing Office. I have been in the old building a good many times, as probably have most gentlemen here, and I think this cry about its being unsafe is merely a cry gotten up for the purpose of forcing a purchase upon the Government rather than because of any real apprehension as to the safety of the building.

Mr. BRETZ. Mr. Speaker, I reserve the balance of my time.

The SPEAKER *pro tempore*. The gentleman has one minute remaining.

Mr. BANKHEAD. I offer the substitute which I send to the desk.

The proposed substitute was read, as follows:

That in order to procure a suitable site for a building to be used as a Government Printing Office the Secretary of the Treasury and the Public Printer are hereby authorized and directed to purchase from the owners thereof the following-described real estate, situate in Washington City, D. C., namely: Beginning at the southeast corner of square 624, at the intersection of North G street and North Capitol street; thence running north 175 feet 3 inches to an alley 30 feet wide running east and west through said square 624; thence west along the south line of said alley 336 feet to a point immediately south of the southwest corner of the site of the Government Printing Office as now located; thence directly south to a point on the northern side of North G street, and thence east along the southern boundary of said square on North G street to the place of beginning, except an alley 14 feet wide running north and south from the alley 30 feet wide, hereinbefore named, to North G street, which alley is hereby declared to be closed, and shall be appropriated and used as a part of the site of the building to be located on said real estate.

In case the Secretary of the Treasury and the Public Printer shall, within thirty days after the passage of this act, be unable to purchase this land at a reasonable price, they shall make application by petition to the supreme court of the District of Columbia, at any general or special term thereof, for the condemnation of such land and for the ascertainment of its value. Such petition shall contain a particular description of the property, with the names of the owner or owners and their residences, so far as the same can be ascertained, together with a description of the land proposed to be condemned, and thereupon the said court is authorized and required to cite all such owners and all other persons interested to appear in said court within a reasonable time to answer the said petition; and if it shall appear to the court that there are any owners or other persons interested who are under legal disability the court shall cause public notice to be given of the time at which the said court will proceed with the matter of condemnation; and at such time, if it shall appear that there are any persons under disability who have either appeared or not appeared, the court shall appoint guardians *ad litem* for each of such persons, and the court shall thereupon proceed to appoint three capable and disinterested commissioners to appraise the value of the respective interests of all persons named in plaintiff's petition. Such commissioners shall thereupon, after being duly sworn for the proper performance of their duties, examine the premises sought to be condemned and hear the persons in interest who may appear before them and ascertain their appraisement of the value of the interest of all persons respectively in such lands; and when such report shall have been confirmed by the court, the President of the United States shall, if he thinks the public interest requires it, cause payment to be made to the respective persons entitled, according to the judgment of the court, and in case any of such persons are under legal disability, or can not be found, or neglect to receive payment, the money due to them shall be deposited in the Treasury of the United States to their credit, unless there shall be persons lawfully authorized to receive the same under the direction of the court; and when such payments are so made, or the amounts belonging to persons to whom payment shall not be made are so deposited, the real estate described in the petition shall be deemed to be condemned, and taken by the United States for public use.

The sum of $250,000 appropriated by the act entitled "An act making appropriation for the sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," approved August 30, 1890, is hereby reappropriated and made available, and, in addition thereto, the sum of $75,000, or any part thereof, appropriated in this act for the repairs of the present Government Printing Office building, is hereby made available, together with the further sum of $51,000, for the purchase of said land and the erection of a building or buildings thereon for the use of the Government Printing Office and for each and every purpose connected with the construction of such building or buildings.

The Chief of Engineers of the Army is hereby authorized and directed, under the supervision of the Secretary of the Treasury and the Public Printer, during the present fiscal year, to erect a building or buildings for the use of the Government Printing Office, plans for which are to be prepared by him, subject to the approval of the Secretary of the Treasury and the Public Printer.

Mr. BANKHEAD. Mr. Speaker, I ask to have read now a letter from the Public Printer.

The letter was read, as follows:

OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., January 19, 1894.

DEAR SIR: In answer to your verbal request, communicated to me to-day, that I should explain the necessity for speedy action looking to the erection of a new Government Printing Office building, I have the honor to state that in each annual report made by me to Congress I have urged the importance of such action.

During the first session of the Fifty-first Congress an appropriation was made of $250,000 for the purchase of a site for such a building, and a commission, consisting of the Secretary of the Treasury, the Architect of the

Capitol, and the Public Printer, were authorized to select a site and effect the purchase. For reasons heretofore reported by me to Congress, the negotiations for the purchase of the site selected was suspended indefinitely, and the sum appropriated remains unexpended. No other site for a Government Printing Office has yet been selected by authority of Congress.

Meantime the necessity for a new building, or the extension of the present structure, becomes each day more apparent. The urgency relates to the inconvenience, disadvantage, and consequent expense of doing the work in the present building, as well as to the ever present danger of its destruction by fire, with all its valuable property, and the probable loss of human life. That plan which would afford relief in the briefest time and at the least expense, seems to me in the present exigency most practicable. With these ends in view, I suggest the expediency of an extension of the present site to G street on the south and to a point corresponding with the west boundary of the building.

The estimated cost of a fireproof building, six stories high, on the extended site would be $126,000, and the site itself, with all the improvements thereon, $175,000, making in all $301,000. Should the appropriation of $250,000 authorized by the Fifty-first Congress be made available for the extension herein proposed, the additional sum of $51,000 would be all that would be needed to furnish the relief which the extraordinary exigencies of this office demand.

Very respectfully,

F. W. PALMER, *Public Printer.*

Hon. J. D. SAYERS,
House of Representatives, Washington, D. C.

Mr. BANKHEAD. Now, Mr. Speaker, I ask to have read the papers I send to the desk.

The Clerk read as follows:

[Telegram.]

HOUSE OF REPRESENTATIVES, *July 31.*

Hon. T. E. BENEDICT:

Please send me at your earliest convenience a plat showing the land adjacent to the present Printing Office which you believe it would be wise to purchase for an addition to the Printing Office; also a statement of its probable cost, the total probable cost of necessary buildings to be erected thereon in order to completely accommodate the requirements of the office; the amount necessary to be appropriated at this session to erect within this fiscal year a sufficient building to relieve the present structures from danger to human life and property.

JOS. D. SAYERS,
Chairman Committee on Appropriations.

OFFICE OF THE PUBLIC PRINTER,
Washington, D. C. August 2, 1894.

SIR: In reply to your telegram of the 31st of July, requesting me to send you a plat showing the land adjacent to the Government Printing Office, which I believed it would be wise to purchase for an addition to same, with a statement of the probable cost, and an estimate of the total probable cost of necessary buildings to be erected thereon, in order to accommodate the requirements of the office at the present time, said building "to be erected within this fiscal year." I have the honor to hand herewith diagram of the block bounded by North Capitol, G, First, and H streets northwest, in which is situated the Government Printing Office. (See Exhibit A.)

On the plat I have indicated in blue field all the land owned and occupied by the office. South of the office, across Jackson alley, are two lots separated by a 14-foot alley. These lots can be purchased, I am informed, and parties having options on same are ready to sell to the Government at prices agreed upon with F. W. Palmer, esq., late Public Printer.

Lot 1, Exhibit A, on North Capitol street, containing 22,813 square feet of ground area, I am informed, will cost $82,468.90, or $3.615 per square foot.

Lot 2, on G street adjoining, containing 30,845 square feet of ground area, will cost $92,072.32, or $2.985 per square foot.

I am confident that the purchase of lot 1, on North Capitol street, would afford all the land needed to give present relief now required in working accommodations here, and also afford assured safety and comfort to the office employés. A five-story iron and brick building, with basement cellar, erected on same, covering the lot except a parking space of 25 feet left vacant on North Capitol and G streets, the building to cover the 14-foot alley running north and south from G street to Jackson alley, thus adding 2,453 square feet to the proposed purchase. This 14-foot alley should be declared closed by act of Congress.

I suggest a building 150 feet 3 inches in length north and south and 75 feet in width east and west, with wings reaching to the Government Printing Office warehouse across the 14-foot alley, each wing 44 by 50 feet (see diagram, Exhibit B), said building, when erected, giving about 77,000 square feet of working space. I estimate such building, if erected under contract, of brick, with steel and iron beams, brick arches, iron rafters, and thoroughly fireproof, to cost not exceeding $200,000, including elevators and bridge connections with the present Printing Office over and across Jackson alley, or a total not exceeding $282,468.99 in cost of land and building. I urgently recommend that this plot of land be purchased and such a building be directed to be erected during the present fiscal year, that the working needs of the office be met, and the safety and comfort of the employés secured.

I have in previous annual reports and in recent communications to Congress and members thereof stated in detail the urgent need of immediate relief in the directions here indicated as a measure of business and economical results, from which Congress and the country will at once receive the benefits, and the total cost saved to the Government within two years. I now urge the matter as a demand made by a common humanity that my working force may not be required longer to work in part under conditions here which are an outrage upon our fellow-beings for which we are in part responsible.

This is the only plan I can suggest for relief. It can be made immediate if accompanied by the necessary legislation to execute it this fiscal year. The same results can not be obtained elsewhere for four times the cost. Any other plan would require all the new expense of power, electric lights, steam heat, sewer, gas, and water connections, which can be secured here without duplicating expensive plants and connections.

Very respectfully,

TH. E. BENEDICT, *Public Printer.*

Hon. JOS. D. SAYERS,
Chairman Committee on Appropriations, House of Representatives.

Mr. SAYERS. How much time have I left, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman has eleven minutes remaining.

Mr. SAYERS. I yield five minutes to the gentleman from Maryland [Mr. MCKAIG].

Mr. MCKAIG. Mr. Speaker, like our distinguished chairman [Mr. BANKHEAD], I look forward to the speedy erection of a new Government Printing Office with a great deal of pleasure. When I was upon the Printing Committee in the Fifty-second Congress we had this matter under consideration both in the House and in the Senate committees, and we then obtained some figures upon which I based my judgment in voting for the site now occupied by the Government Printing Office. I believed then, as I believe now, that the purchase of additional land adjacent to the present building and the early erection of a new and commodious structure upon the same would not only assure the safety of the employés, but also subserve the interest of economy.

There seems to be an impression here that the present Government Printing Office is an old broken down building, when in fact you have $150,000 worth of fireproof structure there today in good serviceable condition. The foundations of all those buildings are in good shape; but a portion of the superstructure of the present Public Printing Office is in bad condition. On this question I have gleaned some data which I wish to submit to the House.

Three propositions are before Congress for relieving the present overcrowded and dangerous condition of the Government Printing Office.

The first is that of the Senate Committee on Public Buildings and Grounds, which provides for the purchase of additional ground contiguous to the present site and the preservation of the fireproof portion of the present building, which contains over 70,000 square feet of floor space, and the building of a suitable fireproof addition to it large enough to accomodate the demands of the office for at least twenty-five years to come.

The second is that for the purchase of what is known as the Mahone site, which on a small vote was substituted by the Senate for the committee proposition. A motion to reconsider this vote is now pending in the Senate.

The third is that of the House, to erect an entirely new building on one of the public reservations of the city.

The following is a comparison of the cost under the three propositions:

COMMITTEE SITE.	
Building	$126,000
Ground	175,000
Total	301,000
MAHONE SITE.	
Building	1,500,000
Ground	275,000
Sewers, water and gas mains	75,000
Total	1,850,000
HOUSE PLAN.	
Building	1,500,000
Sewers, gas and water mains	75,000
Total	1,575,000
Saving by the committee plan over Mahone site	1,549,000
Saving by the committee plan over House plan	1,274,000

Now, here are some facts to which I wish to call the particular attention of the House. By the selection of a new site the Government will abandon and render useless the following:

Over $150,000 worth of fireproof buildings, nearly new, and absolutely safe and perfectly adapted to the purposes	$150,000
A complete motive power plant of boilers, engines, coal vaults, etc.	50,000
A complete and nearly new electric light plant, with miles of wiring through the fireproof buildings	20,000
The finest electrotype foundry in the world	20,000
A complete system of water and gas supply, and perfect sewerage, which it will cost to duplicate on a new site	75,000
Complete and commodious stables and wagon houses	10,000
Total	315,000

So that if you choose any of the sites spoken of here to-day you abandon some $315,000 worth of good property belonging to the United States Government.

Besides, if the present site be retained, when you erect additional buildings, you erect them alongside of property you already have in possession, and as only a portion of the present structure is dangerous, you would be able to move out of the dangerous part in the course of something over eight months, according to the statement which comes from the Public Printer himself, whereas if you purchase property in another part of the city, and undertake to erect the buildings specified here, you can not put them up within less than three or four years at the lowest calculation.

The committee proposition has the indorsement of everybody conversant with the needs of the public printing, including the Committee on Printing, the Public Printer, and the Foreman of Printing, all of whom have made a careful and exhaustive investigation of the matter from every point of view.

[Here the hammer fell.]

Mr. BANKHEAD. I yield two minutes to the gentleman from New Jersey [Mr. DUNN].

Mr. DUNN. Mr. Speaker, I have been quite amused at the description of the land which the Senate amendment proposes to purchase—what is known as "the Mahone lot." In 1861 I happened to be called to Washington. I know what was the condition of that lot at that time. If you had a dead dog and wanted to bury him you would not be obliged to use a shovel; you would simply have to throw him into the lowest part of hat lot, and he would bury himself in a short time. [Laughter.]

That is the character of the ground upon which gentlemen want us to erect a Public Printing Office, and in doing so to abandon the commodious buildings we already have, which, if the property alongside be purchased, can be utilized for years to come. All we want to-day is groundwork for our heavy presses; the additional building can be utilized for the lighter work. Thus a great many thousand dollars can be saved by retaining the present site and buying additional property alongside of it.

[Here the hammer fell.]

Mr. CANNON of Illinois. Mr. Speaker, for many years the necessity, urgent and immediate, for a new Government Printing Office has been presented. In the Fifty-first Congress, when I had the honor to be chairman of the Committee on Appropriations, after waiting the greater part of the long session for action on the part of the Committee on Public Buildings and Grounds, the necessity for immediate action seemed to us so imminent that our committee secured an appropriation of $250,000 to buy a site. We thought it wise that a new site should be bought. We did not know where it would be, and did not care, so that it should be fairly located and should be purchased quickly. We constituted a commission to locate and buy the property. That commission performed its functions; but in that Congress and the last Congress the House and the Senate refused to ratify the location made by the commission; and we still have no site selected.

Mr. MILLIKEN. Did the House refuse?

Mr. CANNON of Illinois. Well, the matter failed; the two Houses did not ratify it.

Now, I still believe that there ought to be a new Government Printing Office. We have about 70,000,000 people in this country. We are not going to have fewer, but more. This Government Printing Office is now, and will always be, the greatest office on earth. We have in round numbers about 3,000 employés there.

Now, having fully considered the present site (located off of a railway, so that material arriving by rail must be carted to it, and you can not get a railway to it), I have come to the conclusion, as I did in the Fifty-first Congress, that you had better not build an addition to the present structure. It would give temporary relief; but inside of a very few years you would again have the crying necessity for a new Government Printing Office. I submit that you should buy a new site and erect an office sufficient for present needs, and in such a situation as will allow all the improvements to be made that may be required in all future time.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The gentleman from Indiana has one minute of his time remaining and the gentleman from Iowa has three minutes.

Mr. BRETZ. Mr. Speaker, all of this controversy between the two sites proposed to be purchased can be obviated by adopting my amendment. As I said before, that is the unanimous conclusion of the Committee on Public Buildings and Grounds. If we take a public reservation at all, it is their conclusion that this is the best site to be adopted.

This site is 14.7 feet above tide water, and a good foundation can be had. There has been some question raised as to what we would do with the property down here, the old site that we propose to abandon, if this is adopted. That is easily answered. We are renting buildings all over the city for public purposes, and it can be used for Government purposes for which we need such buildings, and thus save rent.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. HENDERSON of Iowa. I yield the three minutes remaining to me to the gentleman from Indiana [Mr. BROWN].

Mr. BROWN. Mr. Speaker, the question now before the House, as we all know, was brought here by an amendment upon an appropriation bill. The two several propositions which have been submitted to-day have been submitted for the express purpose of defeating that amendment of the Senate.

In my judgment, Mr. Speaker, it will be very unwise for the Congress of the United States to take any one of the public reservations belonging to the Government in this city for building purposes at this time, and especially so with reference to the very valuable piece of property that my friend and colleague from Indiana proposes to use.

Mr. BRETZ. You have given it to the railroads.

Mr. BROWN. I have given nothing to the railroads.

Mr. BRETZ. Well, they are occupying it.

Mr. BROWN. Well, I hope my friend will not take up my time.

This question is between what is known as the Mahone site, on the one hand, and all of the other propositions which have been submitted, on the other. There has been an attempt to cast discredit upon the Mahone property on several grounds. It has been already stated, and all are agreed, that this site contains about 5 acres of land; that less than one-fifth of it, through which the Tiber Creek runs, is called "made earth;" but no one disputes the fact that there is an abundance of natural earth there on which to erect a building five times as large as the one that will be necessary for the Printing Office of this Government for many years to come; and besides it is now ready for building. It will not cost a twenty-five-cent piece to clear it ready for building uses and purposes.

As to the cost of it: My friend says that this bill carries an appropriation of $250,000 which must be expended in the acquisition of the site. My friend, usually correct, is very much mistaken in this instance. This amendment does not carry a dollar of appropriation.

Mr. BRETZ. Well, the money will have to be paid for it.

Mr. BROWN. Now, I hope my friend will observe the courtesies of debate and remain quiet.

Mr. BRETZ. All right; I will.

Mr. BROWN. It will be the first time if you do. [Laughter.]

Mr. BYNUM. How are we to pay for this?

Mr. BROWN. I will show you. How are you to pay for the additional 50,000 feet that you propose to acquire at the present site?

Mr. WISE. And which is not enough.

Mr. BROWN. Which is not enough. These gentlemen talk as though the property was absolutely worthless at the present site.

[Here the hammer fell.]

Mr. SAYERS. I yield the remaining time to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS of Illinois. Mr. Speaker, the gentleman from Indiana [Mr. BROWN] and the gentleman from Iowa [Mr. HENDERSON] are technically correct when they say that this calls for no appropriation. An appropriation of $250,000 was made in 1890, and that appropriation has since been suspended. This amendment revives the project and takes out of the Treasury of the United States that sum of money to pay for the lot.

Now, Mr. Speaker, with a little addition to this we can purchase enough property adjoining the present office and erect a building that will do this Government for years, according to the report of the Public Printer, who knows more about the needs of that office than any member of this House. I hope the members of the House therefore will not be frightened by the gentleman from Iowa and the gentleman from Indiana into the acceptance of the Senate amendment.

This building can not be erected to-day or this week. If you are desirous of granting relief and for a less amount of money, if you want to do the best thing for the Government of the United States, then take this sensible and practical course, send Mahone back to Virginia to pay off his mortgage in some other way, and if the Government has no suitable lot of its own for this building, buy the ground adjacent to the present site of the Government Printing Office, erect an addition to the present building, and thus utilize the $300,000 worth of good buildings and grounds you already have, and you will get relief much quicker and much cheaper than by investing in this Mahone property.

[Here the hammer fell.]

The SPEAKER *pro tempore* (Mr. RICHARDSON of Tennessee). By agreement of the House the previous question is now ordered upon the three propositions. The gentleman from Virginia [Mr. WISE] moves that the House recede from its disagreement to the Senate amendment and agree to the same; and that motion takes precedence over the other two. The question will first be taken upon that motion.

The question was taken, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. WISE. Division.

The House divided; and there were—ayes 53, noes 127.

Mr. WISE. I will call for the yeas and nays.

The yeas and nays were refused, 34 members, not a sufficient number, seconding the demand.

So the motion was rejected.

The SPEAKER *pro tempore*. The question now is on the motion of the gentleman from Indiana [Mr. BRETZ].

Several MEMBERS. Let it be reported.

The SPEAKER *pro tempore*. The Chair will state the question. The gentleman from Indiana [Mr. BRETZ] moves that the House recede from its disagreement to the Senate amendment and agree to it with an amendment he has offered.

Mr. TAYLOR of Indiana. I understand that is the amendment to erect a printing office on a Government reservation.

The SPEAKER *pro tempore*. The amendment has been read. It is to erect a building on a public reservation.

The question was taken on the motion of Mr. BRETZ, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. BRETZ. Division.

The House divided; and there were—ayes 75, noes 105.

Mr. BRETZ. Let us have the yeas and nays.

The question was taken on ordering the yeas and nays, and the Speaker *pro tempore* announced that 34 gentlemen, not a sufficient number, seconded the demand.

Mr. BRYAN and Mr. FITHIAN demanded tellers on the yeas and nays.

Tellers on the yeas and nays were refused, 18 members, not a sufficient number, seconding the demand.

Accordingly the motion of Mr. BRETZ was rejected.

The SPEAKER *pro tempore*. The question now is on the motion made by the gentleman from Alabama [Mr. BANKHEAD] that the House recede from its disagreement to the Senate amendment, and agree to it with an amendment which he has offered.

Mr. WILLIAM A. STONE. Let us have that amendment read.

The SPEAKER *pro tempore*. It has been read, but it can be read again if there is no objection.

Mr. BYNUM. I object.

Mr. JOHNSON of Indiana. Mr. Speaker, we ought to understand what we are voting on. I hope it will be read.

The SPEAKER *pro tempore*. The amendment has been read and debated. It can now only be read by unanimous consent. The Chair will submit that request. Is there objection to the reading of this amendment?

Mr. COGSWELL. I object; and I ask that the gentleman from Alabama [Mr. BANKHEAD] have a minute to explain it. It is an extension of the present site.

The SPEAKER *pro tempore*. Objection is made to the reading of the amendment. The gentleman from Massachusetts [Mr. COGSWELL] asks that the gentleman from Alabama [Mr. BANKHEAD] be allowed one minute in which to explain it. Is there objection?

Mr. GROW. I object.

The SPEAKER *pro tempore*. Objection is made, and the question is on the amendment of the gentleman from Alabama.

Mr. GROSVENOR. A parliamentary inquiry, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. GROSVENOR. What is the amendment about to be voted upon?

The SPEAKER *pro tempore*. The amendment has been read and debated for twenty-five minutes.

Mr. BANKHEAD. If I can get a minute——

The SPEAKER *pro tempore*. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. BROWN demanded a division.

The House divided; and there were—ayes 138, noes 41.

Accordingly the amendment was agreed to.

On motion of Mr. BANKHEAD, a motion to reconsider the last vote was laid on the table.

Mr. SAYERS. Mr. Speaker, I move that the House ask for a further conference.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. SAYERS] asks that a further conference be asked with the Senate on the disagreeing votes of the two Houses. Is there objection?

There was no objection.

The SPEAKER *pro tempore* announced the appointment of Mr. SAYERS, Mr. O'NEIL of Massachusetts, and Mr. COGSWELL, as the conferees on the part of the House.

And then, on motion of Mr. SAYERS (at 4 o'clock and 40 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. RICHARDS, from the Committee on Claims: A bill S. 2281) to authorize the Postmaster-General to credit account of James A. Sexton with amount of funds stolen. (Report No. 1413.)

By Mr. MCNAGNY, from the Committee on War Claims: A bill (H. R. 853) for the relief of B. F. Moody & Co., or their legal representatives. (Report No. 1414.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 7912) granting a pension to Leda L. Overly, and it was referred to the Committee on Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. MEREDITH: A bill (H.R. 7949) to provide for the collection and disposal of garbage and dead animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PICKLER: A bill (H. R. 7950) to provide for the appointment of a commission to examine and classify the mineral, timber, agricultural, grazing, and desert lands of the public domain west of the ninety-eighth meridian, with regard to their practical irrigation and use and disposition of the same by the Government—to the Committee on the Public Lands.

By Mr. DE ARMOND: A bill (H. R. 7951) to amend section 3847 of the Revised Statutes of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUK of Tennessee: A bill (H. R. 7952) providing for the punishment of persons falsely making, forging, altering, or counterfeiting military and naval commissions or discharges or other public records for the purpose of defrauding the United States or deceiving the public, etc.—to the Committee on the Judiciary.

By Mr. HAUGEN: A resolution instructing the Committee on Interstate and Foreign Commerce to investigate the cause of strikes on railroads and to propose remedies therefor—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. O'NEILL of Missouri: A bill (H. R. 7953) granting an honorable discharge to Denis Byrnes, of Company D, Sixth United States Artillery—to the Committee on Military Affairs.

By Mr. SETTLE: A bill (H. R. 7954) for the relief of William Rommel—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. MCCLEARY of Minnesota: Petition of W. J. Footner, L. H. Hunt, G. F. Backus, E. J. Davenport, W. W. McCallum, S. C. Kelsey, and George Thane, officers of the Grand Council, Royal Arcanum of Minnesota, representing 2,500 members, asking that the income tax be not applied to fraternal beneficiary societies—to the Committee on Ways and Means.

By Mr. SMITH of Arizona: Petition of the residents of Winslow, Ariz., for the impeachment of the Attorney-General of the United States—to the Committee on the Judiciary.

SENATE.

MONDAY, *August 13, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Saturday last; when, on motion of Mr. HILL, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the Senate of the 4th instant, a report from the Commissioner of the General Land Office relative to the claim or rights of the State of Minnesota to sections 16 and 36 as school lands in cases where such sections are or have been situated in any Indian or military reservation, or in any unceded lands; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5575) making appropriations for sundry civil expenses

of the Government for the fiscal year ending June 30, 1895, and for other purposes; receded from its disagreement to the amendments numbered 141, 142, and 148, and agreed to the same; receded from its disagreement to the amendments numbered 277 and 280, and agreed to the same with amendments; in which it requested the concurrence of the Senate; insisted upon its disagreement to the amendments numbered 11, 110, 118, 119, 127, 128, 133, 134, 145, 238, 261, 270, 278, and 279; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAYERS, Mr. O'NEIL of Massachusetts, and Mr. COGSWELL managers at the conference on part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7006) authorizing the Washington, Alexandria and Mount Vernon Railway Company to extend its line of road into and within the District of Columbia, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

A bill (H. R. 4667) to provide for the opening of certain abandoned military reservations, and for other purposes;

A bill (H. R. 6777) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Company;

A bill (H. R. 6780) to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company; and

A joint resolution (H. Res. 95) providing for an investigation relating to the effects of machinery on labor.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented sundry memorials of citizens of San Francisco, Cal., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. CULLOM presented a memorial of sundry citizens of Chicago, Ill., remonstrating against the appropriation of public funds for sectarian Indian schools, etc.; which was referred to the Committee on Indian Affairs.

Mr. ALLISON presented memorials of Isaac H. Ward, J. L. Hedges, Ralph M. Brown, and sundry other citizens of Burlington; of C. H. Judd and sundry other citizens of Clinton; of J. M. Cummings and sundry other citizens of Sheldon; of G. F. Devol and sundry other citizens of Bristow; of L. H. Lowery, Henry Cutchen, and sundry other citizens, all in the State of Iowa, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. BLANCHARD presented a petition of 100 citizens of Louisiana, praying for the passage of the land-grant forfeiture bill, lately passed by the House of Representatives; which was referred to the Committee on Public Lands.

Mr. CALL. I present, by request, the memorial of Charles H. Aldrich, of Chicago, Ill., remonstrating against the adoption of the proposed amendment to section 4887 of the Revised Statutes of the United States, relating to patents. I move that the memorial be referred to the Committee on Patents.

The motion was agreed to.

Mr. VILAS presented a memorial of the Norwegian Synod of the Lutheran Church, of the eastern district of Wisconsin, remonstrating against the adoption of the proposed amendment to the preamble of the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. COCKRELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5575) making appropriations for sundry civil expenses for the Government for the fiscal year ending June 30, 1895, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 12, 14, 17, 18, 32, 33, 36, 40, 42, 43, 48, 49, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 91, 92, 95, 97, 114, 122, 123, 128, 150, 160, 163, 164, 165, 169, 170, 171, 172, 174, 188, 192, 195, 196, 226, 230, 234, 248, 249, 262, and 266.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 10, 13, 16, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 34, 35, 37, 38, 45, 53, 54, 80, 81, 82, 83, 85, 88, 93, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 112, 117, 120, 121, 124, 125, 126, 129, 130, 131, 135, 136, 137, 138, 140, 143, 144, 146, 149, 150, 151, 152, 153, 154, 155, 157, 161, 162, 167, 168, 176, 176, 177, 178, 179, 183, 185, 186, 187, 189, 190, 194, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 225, 227, 228, 233, 235, 236, 237, 239, 240, 242, 243, 244, 245, 247, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 267, 268, 269, 271, 272, 273, 274, 275, and 276, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "That, in order to give the necessary full and free ingress and egress to the wagons carrying the United States mails into and out from the Philadelphia post-office, the Secretary of the Treasury, acting for and in behalf of the Government of the United States, is hereby authorized to acquire, by purchase or condemnation, a certain lot or piece of ground in the city of Philadelphia, State of Pennsylvania, adjoining or adjacent to the Philadelphia post-office building on the west, and more particularly described as follows, to wit:

"All that certain lot or piece of ground late of John J. Ridgeway, deceased, situate on the south side of Market street, in the Ninth ward of the said city or Philadelphia, beginning at a point on the line of said Market street where the same intersects the west side of Post-Office street, containing in front on Market street 16 feet 8 inches, and extending in length or depth of that width southwardly between parallel lines at right angles with said Market street 231¾ feet, to the north side of Chant street, and for this purpose not exceeding the sum of $35,000 is hereby appropriated."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For public building at Sioux City, Iowa: The limit of cost of site and building is hereby extended $25,000, said increase being necessary by increased cost of foundation, and the Secretary of the Treasury may authorize a contract or contracts to be entered into for the construction of any portion or the whole of said building, subject to appropriations to be made therefor by Congress;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For public building at Topeka, Kans.: For the construction of an elevator, including new steam boiler, $8,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with amendment as follows: In lieu of the sum named in said amendment insert "$35,000;" and at the end of said amendment insert the following: ", and the total cost of said steam light-vessel with a steam fog signal, under a contract which is hereby authorized therefor, shall not exceed $70,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000;" and at the end of line 19, page 5 of the bill, insert the following: ", and the total cost of establishing said additional lights, under a contract which is hereby authorized therefor, shall not exceed $50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$25,000;" and the end of line 25, page 6 of the bill, insert the following: ", and the total cost of said light station, under a contract which is hereby authorized therefor, shall not exceed $50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and 10 per cent of the foregoing amounts shall be available interchangeably for expenditure on the objects named, but no more than 10 per cent shall be added to any one item of appropriation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$107,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment, insert the following:

"For four assistants, at $3,000;
"For four assistants, at $2,500;
"For eight assistants, at $2,200;
"For eight assistants, at $2,000;
"For four assistants, at $1,800;
"For four assistants, at $1,600;
"For three assistants, at $1,400;
"For four assistants, at $1,200 each."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$99,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$135,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment amended as follows: Strike out "twenty-five" in line 15, page 23, of the bill, and insert "thirty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,260;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: At the end of said amendment insert the following: ", but no more than 10 per cent shall be added to any one item of appropriation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: At the end of line 15, page 35, of the bill add the following: ", of which sum not exceeding $30,000 may be expended in the employment of counsel;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as fol-

lows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of State is hereby authorized and directed to investigate and report to Congress at its next session what amount of losses was sustained by the Republic of France and by French exhibitors at the World's Columbian Exposition at Chicago by fire on the night of January 8 and 9, 1894, in the building of Manufactures and Liberal Arts of said Exposition; he shall cause proofs to be taken, satisfactory to himself, to determine the amount of such losses sustained by the French Government and by the several French exhibitors, and also by whose fault or negligence, if any, the losses occurred."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In line 13 of the matter inserted by said amendment, after the word "America," insert the following: "; and also, to have engraved in like manner, true and facsimile copies of the seals of the Executive Departments, and to print the same in combination with the seals before mentioned, in a group under the following title: 'The seal of the United States and seals of the executive, judicial, and legislative departments of the Government;' " and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with amendments as follows: At the end of said amendment insert the following: "; and said reports, with synopsis, including index for each volume, shall not exceed ten quarto volumes in all, of not exceeding 1,000 pages each," and insert said amendment as amended in the bill, to precede the matter inserted by amendment numbered 89; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$750,000" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with amendments as follows: In lieu of the sum named in said amendment insert "$7,000," and add at the end of said amendment the following: "one-half of which sum shall be paid out of the revenues of the District of Columbia;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "and supplemental station;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$125,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with amendments as follows: In lines 7, 8, and 9 of said amendment strike out the following: "persons, their heirs and assigns, holding patents or other written evidence or title to the lands in the so-called Des Moines River land grant," and in lieu thereof insert the following: "settlers, their heirs and assigns, who, being duly qualified thereunto, have, under the homestead, preemption, or other public land laws, entered or filed upon lands included in the grant made by an act entitled 'An act granting certain lands to the Territory of Iowa to aid in the improvements of the navigation of the Des Moines River, in said Territory,' approved August 8, 1846, and by the 'joint resolution to quiet title to lands in the State of Iowa,' approved March 2, 1861;" and in line 39 of said amendment, strike out the word "or" where it first occurs and insert in lieu thereof the word "of;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$12,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$421,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and the Secretary of War is authorized to contract for all of said works at an additional cost not exceeding $37,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That the Secretary of War and the Attorney-General are hereby authorized to investigate and ascertain what action has been taken by them or their predecessors in office, or by any Secretary of the Interior, under the act of July 15, 1882, entitled 'An act to increase the water supply of the city of Washington,' and under any previous acts; and also the existing claims, if any, of the State of Maryland, the Chesapeake and Ohio Canal Company, the Great Falls Manufacturing Company, and any other owner of land and water rights, or either, at the Great Falls; and also, further, the cost of acquiring the title or titles to such land and water rights, or either, as may be necessary to vest in the Government complete ownership of the water rights and necessary lands, and to make a full report of all the facts to Congress; and the sum of $4,000, or so much thereof as may be necessary, is hereby appropriated for such investigation, examination, and report;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 180 and 181, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendments, and on page 64 of the bill strike out all after the word "dollars," in line 14, down to and including the word "park," in line 21; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: After the matter inserted by said amendment insert, as a separate paragraph, the following:

"That the proviso in the paragraph for the Medical Department, under title 'For pay of the general staff,' in the act making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes, approved August 6, 1894, is hereby amended so as to read as follows: '*Provided*, That hereafter no appointments shall be made to the office of assistant surgeon until the number of assistant surgeons shall be reduced below 110, and thereafter the number of officers in that grade in the Medical Department shall be fixed at 110.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "That all military records, such as muster and pay rolls, orders, and reports relating to the personnel or the operations of the armies of the Revolutionary war and of the war of 1812, now in any of the Executive Departments, shall be transferred to the Secretary of War to be preserved, indexed, and prepared for publication;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For purchase or construction of one steam tug, $15,000, or so much thereof as may be necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$76,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: Before the word inserted by said amendment insert the following: "Including fuel for cooking;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: On page 84 of the bill, at the end of line 3, after the word "dollars," add the following: "*Provided*, That no part of the appropriations for construction and repairs for any of the branch homes shall be used for the construction of any new building;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 229, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"For president of the Board of Managers, $4,000; secretary of the Board of Managers, $2,000; one general treasurer, who shall not be a member of the Board of Managers, $3,000; one inspector-general, $2,500; one assistant inspector-general, $2,000; clerical service for the offices of the president and general treasurer, $4,500; messenger service for president's office, $144; messenger service for secretary's office, $52; clerical services for managers, $1,500; agents, $2,400; for traveling expenses for the Board of Managers, their officers and employés, $11,500; for outdoor relief, $1,750; for rent, medical examinations, stationery, telegrams, and other incidental expenses, $2,500; in all, $37,846."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,324,473;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment insert the following: "That all amounts disbursed from the appropriation of a branch home shall be disbursed and accounted for monthly to the general treasurer by the treasurer of that branch, except such expenditures for services, stationery, tableware, clothing, and bedding as may be required by the Board of Managers to be legally made by the general treasurer, and all such stationery, tableware, clothing, and bedding as may be required for each branch home shall be shipped directly from the place of purchase or manufacture to such branch home; and all disbursements shall be made in conformity with sections 3678 and 3679, Revised Statutes;" and on page 85, after line 5 of the bill, insert as a separate paragraph the following:

"The general treasurer shall give good and sufficient bond to the United States in a sum not less than $100,000, as the Secretary of War may direct, and to be approved by him, faithfully to account for all public moneys and property which he may receive, and the treasurers of the several branch homes shall give good and sufficient bonds to the general treasurer in such sums as he may require, and to be approved by him, faithfully to account for all public moneys and property which they may receive."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 241, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendments insert the following: "The Secretary of State is hereby directed to cause the Revolutionary archives, except the military records, now deposited in his Department, to be carefully examined, and to ascertain what portions are of sufficient importance and historical value to publish, and the number of printed volumes they would make, and the reasonable cost of their publication, and editing, and report the result to Congress, with such recommendations as he may deem proper;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 263, and agree to the same with amendments as follows: In lines 5 and 6 of the matter inserted by said amendment, strike out the words "the sum of" and the words "to be immediately available, and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 264, and agree to the same with an amendment as follows: Strike out, of the matter inserted by said amendment, the following: "*Provided*, That no work upon the index of other Congresses shall be done;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 265, and agree to the same with amendments as follows: Strike out, in lines 6 and 7 of said amendment, the words: "Compensation paid them according to law," and insert in lieu thereof the words: "rate of compensation paid them at the time of their discharge;" and add at the end of said amendment the following: "*Provided*, That in case any of the employés above referred to have deceased since November 3, 1893, the amount herein provided shall be paid to the widow of such deceased employé;" and the Senate agree to the same.

The committee of conference have been unable to agree upon the amendments of the Senate numbered 11, 110, 118, 119, 127, 128, 133, 134, 141, 142, 145, 149, 238, 261, 270, 277, 278, 279, and 280.

F. M. COCKRELL,
A. P. GORMAN,
W. B. ALLISON,
Managers on the part of the Senate.

JOSEPH D. SAYERS,
JOS. H. O'NEIL,
WM. COGSWELL,
Managers on the part of the House.

Mr. SHERMAN. Mr. President, in order to facilitate the passage of the bill and remove one controverted question from it, I move that the Senate recede from its amendment numbered 277, which is the amendment of the Senate in regard to the purchase of property for the site of the Government Printing Office.

Mr. HOAR. I should like to ask whether the Senator having the conference report in charge will not consent to let it go over, at least until the routine morning business is concluded? There are bills to be reported by committees and other routine business to be transacted which can be disposed of in half an hour. I make that suggestion, but I understand there is a special order.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

Mr. GRAY. Mr. President——

Mr. SHERMAN. The conference report is privileged; but the Senator from Delaware desires to submit a motion to go into executive session, I understand.

Mr. GRAY. If the Senator will yield to me in order to make a motion pursuant to an order of the Senate, I will do so.

Mr. SHERMAN. Certainly.

EXECUTIVE SESSION.

Mr. GRAY. I move that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. I suppose my proposition will be considered as pending when the consideration of the conference report is resumed?

The VICE-PRESIDENT. The Chair will state that the pending question is on concurring in the report of the committee of conference.

Mr. SHERMAN. I have submitted a motion that the Senate recede from its amendment numbered 277.

Mr. COCKRELL. The Senator's motion will be in order when the conference report again comes up.

The VICE-PRESIDENT. The Chair will recognize the Senator from Ohio when the motion of the Senator from Delaware is disposed of. The question is on the motion of the Senator from Delaware.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-one minutes spent in executive session the doors were reopened.

REPORTS OF COMMITTEES.

Mr. DOLPH. By direction of the Committee on Public Lands, I report back adversely the bill (H. R. 7499) to grant to the city of Port Angeles, State of Washington, certain lands within the town site of Port Angeles, Wash., for cemetery purposes. The bill is reported adversely thereon because the same matter has been passed upon in the sundry civil appropriation bill. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 1739) to grant public lands to the State of Mississippi for the use of the Industrial Institute and College of that State, reported adversely thereon, and the bill was postponed indefinitely.

Mr. HILL, from the Committee on the Judiciary, to whom was referred the bill (S. 1863) to provide for and to regulate the admission of attorneys and solicitors to practice in the courts of the United States, reported it without amendment.

He also, from the committee, to whom the subject was referred, reported a bill (S. 2307) to require the prompt prosecution and speedy determination of the claim of the United States against the estate of the late Leland Stanford; which was read twice by its title.

Mr. BRICE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 501) granting a pension to John P. Biehn;

A bill (S. 890) granting a pension to George C. Abbey;

A bill (S. 1996) granting a pension to Mrs. Abby Jane Ward;

A bill (S. 1383) granting a pension to Russel N. Reynolds; and

A bill (S. 1970) granting an increase of pension to William T. Walker.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 7668) to authorize the St. Louis, Avoyelles and Southwestern Railway Company to bridge Bayou Des Glaises and Atchafalaya River, in the State of Louisiana, reported it with amendments.

Mr. PALMER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6228) granting a pension to Adaline J. Props;

A bill (H. R. 6103) for the relief of Mrs. Mary A. Menefee;

A bill (H. R. 6361) to grant a pension to Pauline J. Smith;

A bill (H. R. 6050) to pension Margaret A. Woods, widow of William W. Woods, late of Company E, Sixteenth Illinois Volunteer Infantry; and

A bill (H. R. 4290) for the relief of Druzilla J. Rigg, of Macomb, Ill.

Mr. VILAS, from the Committee on Public Lands, to whom was referred the bill (S. 2038) for the relief of Oklahoma settlers, reported it with an amendment, and submitted a report thereon.

COMMISSIONERS OF TERRITORIAL COURTS.

Mr. PLATT. From the Judiciary Committee I report back favorably with an amendment the bill (H. R. 4605) granting chief justices of United States courts in Territories power to appoint commissioners to take proof in land cases, etc. I ask for the present consideration of the bill. It is short, and will, I think, create no debate, and it is important that it shall be passed at the present session.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the Judiciary was to strike out all after the enacting clause and insert:

That the United States commissioners who have been, or may hereafter be, appointed by Territorial courts or judges thereof shall have and may exercise all the powers now conferred, or that may hereafter be conferred by law, upon commissioners of United States circuit courts.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill prescribing the powers of commissioners appointed by Territorial courts or judges thereof."

Mr. PLATT. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. PUGH, Mr. HILL, and Mr. PLATT were appointed.

AMENDMENT OF THE RULES.

Mr. BLACKBURN. I am directed by the Committee on Rules to report a resolution for which I ask immediate consideration.

The VICE-PRESIDENT. The resolution will be read for information.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Rules be instructed to inquire and report to the Senate, what revision of, or amendments to, the rules, if any, should be adopted to secure a more efficient and satisfactory disposition of the business of the Senate; and for this purpose the said Committee on Rules is authorized to sit during the coming vacation, and any expense incident thereto shall be paid out of the contingent fund of the Senate.

Mr. FRYE. I wish the Senator from Kentucky would add one amendment to the resolution, that the committee shall also report to the Senate a code of joint rules for the government of the two bodies.

Mr. ALDRICH. If the committee should deem it expedient?

Mr. FRYE. If they should deem it expedient.

Mr. BLACKBURN. I am entirely in favor of such an amendment.

The VICE-PRESIDENT. The resolution will be so modified.

Mr. HILL. I hope the resolution will be passed without objection on the part of anyone. It is very necessary.

Mr. HARRIS. I desire to suggest to my colleague upon the Committee on Rules that as his resolution creates a charge upon the contingent fund of the Senate——

Mr. BLACKBURN. It will have to go the Committee on Contingent Expenses.

Mr. HARRIS. It necessarily must go to that committee.

Mr. BLACKBURN. I ask that that reference be made.

The VICE-PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

PIER AT MOUTH OF CHICAGO RIVER.

Mr. CULLOM. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 6038) to repeal House resolution No. 104, first session Fifty-first Congress, granting to Secretary of War a permit to license to use a pier at mouth of Chicago River. It is a brief bill, and I ask that it be considered at this time.

Mr. COCKRELL. Let it be read for information.

Mr. CULLOM. Yes; let it be read. It is a short bill.

The Secretary read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. CULLOM. This bill is recommended by the Secretary of War. I desire to state that it pertains exclusively to the question of leasing a pier extending into the Chicago River. The Secretary of War was authorized to lease it under an act of Congress passed in 1890. The people of Chicago, and I think the shipping interests generally of the lakes, are opposed to the act, and the Secretary of War has never exercised the authority granted to him under it, except that a lease has been made to the Western Seamen's Friend Society for the use of a part of a pier. That privilege is excepted in the bill. So I think there can be no objection to the measure.

Mr. COCKRELL. For what length of time does that lease continue?

Mr. CULLOM. It is not stated, I think. The Chief of Engineers says in a report to the Secretary of War:

The use of a part of the outer 225 feet of this pier, which projects into water beyond the Illinois Central Railroad Company's dock, has been granted to the Western Seamen's Friend Society by the Secretary of War for a sailors' snug harbor, refuge, or home, but not yet used.

Mr. FRYE. These leases are made for an indefinite length of time, with the right reserved on the part of the Secretary of War to rescind them.

Mr. CULLOM. Both the Secretary of War and Gen. Casey desire that that permit shall not be interfered with. Otherwise they are absolutely in favor of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEPUTY CORONER FOR THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 1007) to authorize the Commissioners of the District of Columbia to appoint a deputy coroner, and for other purposes, to report it favorably without amendment, and as this is a very urgent matter, and it will take but a moment to pass the bill, I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. RANSOM introduced a bill (S. 2303) to authorize the construction of a bridge across the Contentnea Creek at Grifton, Lenoir County, N. C., and to establish it as a post-road; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PASCO introduced a bill (S. 2304) to establish a term of the district and circuit courts of the United States at Ocala, in the southern judicial district of Florida; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FAULKNER introduced a bill (S. 2305) to provide for the collection and disposal of garbage and dead animals in the District of Columbia, etc.; which was read twice by its title, and, with the accompanying letter from the Commissioners of the District of Columbia, referred to the Committee on the District of Columbia.

Mr. PEFFER introduced a bill (S. 2306) for the relief of settlers on public lands lying in the semiarid regions; which was read the first time by its title.

Mr. PEFFER. Inasmuch as the bill concerns a matter of great importance and is quite brief, I ask that it be read in full.

The bill was read the second time at length, as follows:

Whereas, by reason of long continued drought and heat in the semiarid regions of the United States, large numbers of settlers on the public lands are occasionally obliged to leave their homes temporarily in order to support their families, thus jeopardizing their titles to the lands they occupy: Therefore,

Be it enacted, etc., That the laws of the United States so far as they are applicable to public lands lying between the meridians of 22° and 30° of longitude west from the city of Washington, in the District of Columbia, be and they are hereby so amended as to allow settlers to make final proof and entry of their homesteads at the end of two years continuous settlement and improvement, under and subject to such rules and regulations of the Interior Department as are now in force or may be hereafter prescribed to prevent fraud.

SEC. 2. That provisions of this act shall apply to cases of settlers now on such lands, as well as to those who may hereafter make settlement.

Mr. PEFFER. I ask that the bill be referred to the Committee on Public Lands; and I wish to say through the Senate to that committee that there are now large numbers of people resident upon homesteads in the semiarid region and that by reason of long-continued and excessive dry weather during this year and also during a portion of last year many of them will be compelled temporarily to leave their homes, and to that extent they of course jeopard their titles to their claims. This condition extends over a very large tract of country north and south, and through a stretch perhaps 150 miles in width, and it is a great hardship upon those people.

I have here a petition which I want to have go with the bill to the committee. It is a petition signed by 194 citizens, most of them homesteaders, of one county in Northwestern Kansas—Sherman County—in which they set forth their present condition. The petitioners refer in the petition to their own county, and they state that during the present year and during last year their crops have been largely a failure, and they ask for legislation of this kind. In behalf of them and thousands of other persons similarly situated, I ask that the petition be referred to the Committee on Public Lands with the bill, and I hope the bill will be given early attention.

The VICE-PRESIDENT. The bill, with the accompanying petition, will be referred to the Committee on Public Lands.

Mr. BATE introduced a bill (S. 2308) for the relief of Juan S. Hart, administrator of Simeon Hart, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

STATE, COUNTY, AND MUNICIPAL TAXES.

Mr. HOAR was, on his own motion, excused from further service on the committee of conference upon the disagreeing votes of the two Houses on the bill (H. R. 6284) to prevent interference in the collection of State, county, and municipal taxes assessed against corporations and corporate property, and for other purposes.

The VICE-PRESIDENT was, by unanimous consent, authorized to appoint a conferee on the part of the Senate in place of Mr. HOAR, and Mr. PLATT was appointed.

ORDER OF BUSINESS.

Mr. WALSH. I ask unanimous consent to call up from the Calendar for immediate consideration the bill (S. 1453) for the transfer of a portion of the exhibit of the Department of State at the World's Columbian Exposition to the Columbian Museum of Chicago.

Mr. COCKRELL. I was willing to yield for morning business, but before we proceed with any cases on the Calendar I must insist in disposing of the conference report on the sundry civil appropriation bill. It is absolutely necessary and essential that the report of the conference committee shall be acted on.

RECENT ELECTION IN ALABAMA.

Mr. CHANDLER. I rise to morning business. The resolution which I offered proposing an investigation of the Alabama election, inasmuch as the senior Senator from Alabama [Mr. MORGAN] has not yet returned, I ask may go over, and that it be considered as a part of the morning business to-morrow.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

BRIDGE OVER CONTENTNEA CREEK, NORTH CAROLINA.

Mr. VEST. I am directed by the Committee on Commerce, to whom was referred the bill (S. 2303) to authorize the construction of a bridge across the Contentnea Creek, at Grifton, Lenoir County, N. C., and to establish it as a post-road, to report it favorably without amendment. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF THE RULES.

Mr. CAMDEN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted this day by the Senator from Kentucky [Mr. BLACKBURN], to report it favorably, without amendment, and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Rules be instructed to inquire and report to the Senate what revision of, or amendments to, the rules, if any, should be adopted to secure a more efficient and satisfactory disposition of the business of the Senate, and for this purpose the said Committee on Rules is authorized to sit during the coming vacation, and any expense incident thereto shall be paid out of the contingent fund of the Senate, and report also a code of joint rules for the government of the two Houses, if, in their opinion, it is expedient to do so.

Mr. BLANCHARD. Does it require unanimous consent to take up the resolution for consideration at this time?

Mr. COCKRELL. It does.

The VICE-PRESIDENT. It requires unanimous consent, the Chair will state.

Mr. BLANCHARD. I object to the resolution.

The VICE-PRESIDENT. There is objection, and the resolution will go over under the rule.

PENSIONS TO SOLDIERS AND DEPENDENT RELATIVES.

Mr. PALMER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 7574,) to amend section 3 of

an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890, to report it favorably without amendment. The bill is of very great importance, and if it will not interfere with the order of business the Senator from Missouri has in charge, I ask for its immediate consideration.

Mr. COCKRELL. Will the bill lead to any discussion?

Mr. PALMER. I think not.

Mr. COCKRELL. Let it be read for information.

The VICE-PRESIDENT. The bill will be read.

The Secretary proceeded to read the bill, which is as follows:

Be it enacted, etc., That section 3 of an act entitled "An act granting pension to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890, be so amended to read as follows:

SEC. 3. If any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged, has died, or shall hereafter die, leaving a widow without other means of support than her daily labor, or minor children under the age of 16 years, or a child or children who then are, or shall subsequently, prior to attaining the age of 16, become insane, idiotic, or otherwise permanently helpless, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his military or naval service, be placed upon the pension roll from the date of the application therefor under this act, at the rate of $8 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under 16 years of age, and also for each insane, idiotic, or otherwise permanently helpless child of such officer or enlisted man, of whom she has the care and custody, irrespective of age; and in case of the death or remarriage of the widow, leaving a child or children as above described, or if such soldier or sailor left no widow, such pension shall be paid to such child or children until the age of 16, and, to such insane, idiotic, or otherwise permanently helpless children, the pension, whether heretofore granted or hereafter to be granted either under this or any former statute, shall continue during the life of such children or during the period of such disability: *Provided*, That such condition of insanity, idiocy, or permanent helplessness shall have originated and existed prior to the arrival of such child or children at the age of 16 years: *And provided further*, That said widow shall have married said soldier or sailor prior to the 27th day of June, 1890: *And provided further*, That in case of the death of a soldier or sailor herein described from causes not chargeable to his service in the Army or Navy, leaving a widow to whom he was married subsequent to the 27th day of June, 1890, and leaving, by a former marriage, a child or children under the age of 16 years, or insane, idiotic, or otherwise permanently helpless, such child or children shall be pensioned in like form and manner as if no widow had survived. All pensions under this section shall commence from the date of filing the application therefor."

Mr. HARRIS. Let the remainder of the bill be printed in the RECORD as though it had been read, and let the bill go over. It seems to be an amendment of the general pension laws, and ought to be looked to and not railroaded through in this way.

Mr. CHANDLER. Is the bill not reported from the Committee on Pensions, I ask the Senator from Illinois?

Mr. HARRIS. It is reported from the committee, I understand.

Mr. PALMER. It is reported from the Committee on Pensions, and has been very carefully considered.

Mr. CHANDLER. I hope the Senator from Tennessee will allow it to go through. We want to do all the business——

Mr. HARRIS. Let the bill go to the Calendar. I want an opportunity to look at it.

Mr. CHANDLER. Time is short, I will say to the Senator, and we are going home in a few days——

Mr. HARRIS. I do not know that time is short. The time is as long as we choose to make it so far as that matter is concerned. But the bill will go over for the present.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

LONG ISLAND LIFE-SAVING STATION.

Mr. RANSOM. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 387) to authorize the construction of a life-saving station at or near Rocky Point or East Marion, Long Island, N. Y., to report it favorably without amendment, and I ask for its immediate consideration.

Mr. COCKRELL. If it leads to any discussion I must object.

Mr. RANSOM. I will withdraw the bill if it does.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. COCKRELL. I ask that the conference report on the sundry civil appropriation bill may be considered, and that the report be concurred in.

The VICE-PRESIDENT. The Senate resumes the consideration of the conference report. The question is on concurring in the report.

Mr. SHERMAN. Mr. President——

Mr. COCKRELL. Will the Senator from Ohio permit me?

Mr. SHERMAN. Certainly.

Mr. COCKRELL. The conferees on the part of the Senate and House reported a disagreement on amendment No. 11, which relates to public buildings in Cheyenne, Boise City, Helena and Spokane; upon amendment No. 110, which is the Ford's Theater disaster amendment, as it is called; upon amendment No. 118, which relates to the quarantine station at Southport, N. C.; upon amendment No. 119, which relates to the quarantine station at the mouth of the Columbia River; upon amendments Nos. 127, 128, 133, and 134, which relate to the electric lights in the Senate, about which there will probably be no disagreement in the future; upon amendment No. 145 for the resurvey of lands in Grant and Hooker Counties, Nebr.; upon amendment No. 238 relating to the appropriation for the dry dock at Puget Sound; upon amendment No. 261, relating to the Bureau of American Republics; upon amendment No. 270, relating to the librarian in the law library of Congress; upon amendment No. 277, relating to the Government Printing Office site; upon amendments Nos. 278 and 279, relating to the Atlanta Exposition; and upon amendment No. 280, in regard to arid lands.

In regard to the arid-lands amendment the House have proposed a substitute, and in regard to the Government Printing Office the House have proposed a substitute. They propose to recede from their disagreement to the Senate amendment with an amendment striking out the Senate amendment and substituting another. It is the same way with reference to amendments No. 278 and No. 279, relating to the Atlanta Exposition.

I ask that the conference report may be concurred in, and then the question in regard to the amendments disagreed to will come up.

Mr. DUBOIS. I should like to inquire of the Senator from Missouri what became of Senate amendment No. 11, I think it is.

Mr. COCKRELL. That I stated as the first item of disagreement. That was disagreed to and is still disagreed to.

Mr. SHERMAN. If a vote is now taken on the amendments that were agreed to it will leave the disputed amendments open.

Mr. COCKRELL. I want the Senate simply to concur in the report of the committee of conference, and that settles the amendments which have been agreed to in conference, and leaves all the others open.

Mr. SHERMAN. To that I have no objection at all.

Mr. HILL. I desire to know what becomes of the amendment of the Senate relating to one month's extra pay for the employés.

Mr. COCKRELL. That was agreed to be stricken out.

The VICE-PRESIDENT. The question is on concurring in the conference report.

Mr. CHANDLER. I notice that the item for the Bureau of American Republics is one upon which there is a disagreement.

Mr. COCKRELL. That is amendment No. 261, and is in disagreement.

Mr. CHANDLER. I wish to call the attention of the Senator from Missouri to the fact that that amendment was reported by the Committee on Foreign Relations of the Senate, and it is very important that that amount or some portion of it shall be granted if that Bureau is to be maintained in accordance with the existing understanding with the other American republics.

Mr. GALLINGER. Mr. President, before the vote is taken I wish to occupy the attention of the Senate for a single moment. When this bill was under consideration in the Senate I made certain inquiries concerning the paragraph to be found on page 102, which reads as follows:

Support and medical treatment of destitute patients: For the support and medical treatment of ninety-five medical and surgical patients who are destitute, in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, $19,000.

I inquired how it happened that it required $19,000 to take care in that hospital of ninety-five medical and surgical patients, using the precise language of the bill. I further inquired concerning that item, how it happened that the General Government was required to pay this entire appropriation, why it was not, as in similar appropriations, arranged that the treasury of the District should pay one-half and the Treasury of the United States one-half.

No direct answer was made to my inquiry; but a day or two after, at a time when I was necessarily absent from the Chamber, the senior Senator from Ohio [Mr. SHERMAN] made a statement to the Senate in reference to this matter, somewhat criticising the language I had used. I understand he made the statement at the request of the authorities of the Providence Hospital. I do not find fault with anything that was said by the Senator from Ohio, but I want now to say, inasmuch as I have received a great many letters concerning this matter, and there seems to be very peculiar sensitiveness somewhere in regard to it, that I was not mistaken in making the inquiry, basing it upon the language of the bill itself, "for the support and medical treatment of ninety-five medical and surgical patients."

As I understand the matter, instead of ninety-five patients being cared for, the hospital provides ninety-five free beds for the treatment of medical and surgical patients, which is a very different matter altogether. If that language had been used in the proposed act, and it had said "for the maintenance of ninety-five free beds for destitute medical and surgical patients," I never would have made the inquiry I did.

I am still of opinion, Mr President, that requiring the General Government to pay this entire amount both to that hospital and to the Garfield Memorial Hospital is a dangerous departure from the custom of the Government heretofore, and which it has applied in the matter of appropriations for the other hospitals and charities of the District.

This is all I care to say upon the matter. However, I wish to say one word in reference to an amendment that was put upon the bill on the motion of the Senator from Alabama [Mr. MORGAN], providing $2,600 for an elevator in the Home for Incurables, but which I find has been stricken out by the conferees. It is just possible that Senators generally have little knowledge of the Home for Incurables in the District of Columbia. The building is situated on Georgetown Heights, directly back of the beautiful residence of Mr. Blount. The land was donated by a charitable lady whose name, I think, up to the present time has been withheld from the public.

Money was collected to construct the building, and a board of directors, largely, I think, composed of ladies, one of them being the daughter of a distinguished Senator, have looked after the poor people who are sent there to die. They have never asked nor received one penny either from the General Government nor from the funds of the District of Columbia; and when they come here upon the presentation of a case as made by the Senator from Alabama, asking a pittance of $2,600 to put an elevator in that beautiful charity so that the patients on the second and third floors may be permitted the privilege of stepping upon the ground a few times before they leave earth, it strikes me as being a very remarkable circumstance that the conferees on the part of the Senate agreed to allow that item to go out of the bill.

I am not going to make any motion concerning it. I apprehend that all the matters connected with the hospitals and charitable institutions of the District will be reviewed before another Congress, and I hope that in the future appropriations made by Congress the Home for Incurables will not be ignored, as it certainly has been ignored by the action of the conferees upon the bill under consideration.

Mr. COCKRELL. Mr. President, one word. I hope the Senator from New Hampshire will see that these items are brought up for consideration in connection with the District of Columbia appropriation bill.

Mr. GALLINGER. I will gladly do so.

Mr. COCKRELL. That was the principal point made in this case.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. SHERMAN. I move that the Senate recede from its amendment numbered 277, which provides for purchasing a site for the Government Printing Office.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio that the Senate recede from its amendment numbered 277. The amendment will be stated.

Mr. COCKRELL. The House of Representatives agreed to recede from its disagreement to the Senate amendment with an amendment; and I ask that the amendment agreed to by the House of Representatives may now be read. Then the Senate will see what is before it.

Mr. SHERMAN. I have no objection to its being read.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the House of Representatives.

The Secretary read as follows:

That the House recedes from its disagreement to the amendment of the Senate numbered 277 to the said bill and agrees to the same with an amendment, in which said amendment the concurrence of the Senate is requested, as follows: In lieu of the matter inserted by said amendment insert the following:

"That in order to procure a suitable site for a building to be used as a Government Printing Office the Secretary of the Treasury and the Public Printer are hereby authorized and directed to purchase from the owners thereof the following described real estate, situate in Washington City, D. C., namely: Beginning at the southeast corner of square 624, at the intersection of North G street and North Capitol street, thence running north 175 feet 3 inches, to an alley 30 feet wide, running east and west through said square 624; thence west along the south line of said alley 336 feet to a point immediately south of the southwest corner of the site of the Government Printing Office, as now located; thence directly south to a point on the northern side of North G street, and thence east along the southern boundary of said square on North G street to the place of beginning, except an alley 16 feet wide running north and south from the alley 30 feet wide, hereinbefore named, to North G street, which alley is hereby declared to be closed, and shall be appropriated and used as a part of the site of the building to be located on said real estate.

In case the Secretary of the Treasury and the Public Printer shall, within thirty days after the passage of this act, be unable to purchase this land at a reasonable price, they shall make application by petition to the supreme court of the District of Columbia, at any general or special term thereof, for the condemnation of such land and for the ascertainment of its value. Such petition shall contain a particular description of the property, with the names of the owner or owners and their residences, so far as the same can be ascertained, together with a description of the land proposed to be condemned, and thereupon the said court is authorized and required to cite all such owners and all other persons interested to appear in said court within a reasonable time to answer the said petition; and if it shall appear to the court that there are any owners or other persons interested who are under legal disability, the court shall cause public notice to be given of the time at which the said court will proceed with the matter of condemnation; and at such time, if it shall appear that there are any persons under disability who have either appeared or not appeared, the court shall appoint guardians *ad litem* for each of such persons, and the court shall thereupon proceed to appoint three capable and disinterested commissioners to appraise the value of the respective interests of all persons named in plaintiff's petition. Such commissioners shall thereupon, after being duly sworn for the proper performance of their duties, examine the premises sought to be condemned and hear the persons in interest who may appear before them and ascertain their appraisement of the value of the interests of all persons respectively in such land; and when such report shall have been confirmed by the court, the President of the United States shall, if he thinks the public interest requires it, cause payment to be made to the respective persons entitled, according to the judgment of the court, and in case any of such persons are under legal disability, or can not be found, or neglect to receive payment, the money due to them shall be deposited in the Treasury of the United States to their credit, unless there shall be persons lawfully authorized to receive the same under the direction of the court; and when such payments are so made, or the amounts belonging to persons to whom payment shall not be made are so deposited, the real estate described in the petition shall be deemed to be condemned, and taken by the United States for public use.

The sum of $250,000, appropriated by the act entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," approved August 30, 1890, is hereby reappropriated and made available, and in addition thereto the sum of $75,000, or any part thereof, appropriated in this act for the repairs of the present Government Printing Office building, are hereby made available, together with the further sum of $51,000, for the purchase of said land and the erection of a building or buildings thereon for the use of the Government Printing Office and for each and every purpose connected with the construction of such building or buildings.

The Chief of Engineers of the Army is hereby authorized and directed, under the supervision of the Secretary of the Treasury and the Public Printer, during the present fiscal year, to erect a building or buildings for the use of the Government Printing Office, plans for which are to be prepared by him, subject to the approval of the Secretary of the Treasury and the Public Printer.

Mr. DOLPH. I should like to inquire what it is that has been read?

Mr. SHERMAN. I will state to the Senator. The Senator from Missouri [Mr. COCKRELL] asks the Senate to agree to the proposition made by the House of Representatives in the nature of a substitute for the amendment of the Senate numbered 277, which was passed upon by the House of Representatives, although it was not put in formally after the disagreement occurred. I am satisfied that the proper way to dispose of this matter is to drop it from the conference report. It is a great abuse on the part of the Committee on Appropriations and also on the part of the two Houses to put in appropriation bills long legislative provisions; and that remark applies to either the proposition of the Senate or the proposition of the House of Representatives on this subject. It is very common now to insert long legislative provisions in appropriation bills; it is a habit which has grown up very largely of late years, although it has always existed more or less.

The appropriation for the purchase of what is called the Mahone tract was adopted by a very large majority of the Senate, and the identical proposition which is now presented to us has been rejected by the Senate. So that the House is definitely in favor of one proposition and the Senate is definitely in favor of another. It would seem to me, therefore, that it is but right and proper under the circumstances to drop both propositions at this time and allow this important sundry civil appropriation bill to pass and become a law without this controversy interfering with it.

I am glad to notice that the Committee on Appropriations have inserted a provision for improving the present building so that it may be put in a safe and secure condition, and that the Public Printer is authorized, under the direction of the Joint Committee on Printing, to rent necessary buildings for the use of the Printing Office, and that $75,000 has been appropriated for those purposes. I am told by the Senator having charge of the bill that that amount has been reduced to $60,000, or something like that.

Mr. COCKRELL. I will ascertain in a moment and inform the Senator. He refers to amendment numbered 276.

Mr. SHERMAN. At all events, ample provision is made by a specific sum to protect the present Printing Office against danger from fire or against falling. There has been great fear expressed by the officers in charge of the Printing Office and by many of the people who work there that the building is unsafe and may fall at any time.

Mr. COCKRELL. I will state to the Senator that the appropriation was finally agreed to as put in by the Senate of $75,000.

Mr. SHERMAN. So that there is no haste now and the $75,000 is to be disbursed under the charge of the Chief Engineer of the Army, and no doubt the present building can be put in a condition of safety.

I am utterly opposed to the proposition of the House of Representatives, and I am surprised that there should be any favor shown either in the House or in the Senate for a building upon the old site, a crowded locality, surrounded by buildings. Several buildings will have to be torn down in order that the ground may be occupied again by other buildings, and it will be in a narrow, cramped place, insufficient in extent.

Whether the Mahone lot, or what is called the baseball lot, or the lot near the Capitol is taken, some place ought to be taken which is entirely detached, and not surrounded by other buildings. So I think it would be a great deal better to leave this matter entirely to the judgment of the Committee on Public Buildings and Grounds, and have them consider it. Therefore I move that the Senate recede from its amendment numbered 277.

Mr. COCKRELL. The Senator from Ohio spoke of the Senate having voted amendment numbered 277 into the bill by a very large majority. The Senate sometimes changes its mind. In the first session of the Fiftieth Congress the Senate inserted upon a deficiency appropriation bill a provision for the selection of ground around the Public Printing Office the same as the amendment now proposed by the House, and insisted upon it, but the House would not agree to it. Again, in the second session of the Fiftieth Congress, the Senate by a decisive majority agreed to another amendment on the sundry civil appropriation bill to select the ground around the present Government Printing Office for the completion of the necessary buildings for the accommodation of the Public Printer. We twice insisted upon that proposition, but finally had to yield.

The Senate subsequently changed its mind and selected another location. The House of Representatives has now come back to the original proposition which the Senate made. I think it is a very wise and just conclusion to which the House has come. It has agreed to select the ground around the present Government Printing Office so as to have all the buildings together.

The controversy will arise, if we recede from this amendment, what will become of the House amendment? Will it fall? The Senator doubtless means that it shall fall; and I do not say that that will not be the effect, for I think it will be the effect. If the Senate amendment is disagreed to the entire provision is stricken out. So that the question comes before the Senate purely as to whether the Senate will accept the amendment of the House of Representatives and locate the Printing Office on the lands adjoining the present site, or whether we shall insist on purchasing the Mahone lot, as it is called, in order to renew the struggle again and keep the question open for all eternity.

Mr. VEST. Mr. President, I think I can discuss this question without the slightest personal feeling in the world. I have nothing but the kindliest sentiments toward Gen. Mahone. I admire the persistency with which he has pursued his object in regard to this matter. If it were an original question I might support the purchase of the Mahone lot, that is to say, if the Government had no printing office location and owned no property which could be used for that purpose now.

I have endeavored, as I said to the Senate before, as the chairman of the Committee on Public Buildings and Grounds, to look upon this question simply as I would look upon a question of business for myself. I do not think that I have a right to use the money of the people in order to subserve the personal objects or aims of anybody.

A good deal can be said for the Mahone lot and a good deal against it, but one thing is absolutely certain—and I told the Senate so when this matter was up before—we can agree upon nothing except upon the proposition that is now before the Senate. I mean the House amendment.

I found from the House Committee on Public Buildings and Grounds—I can speak of this, because it is a joint committee—that they were unalterably opposed to the purchase of the Mahone lot. A majority of them were also opposed to improving the present site of the Printing Office. They finally offered to us a proposition to purchase the lot upon which the Senate stables and the engine house are located, just below the Capitol. That was rejected by the Senate, and so we are remitted to the single question of whether we shall compromise upon the improvement of the present site, where the Government already owns more than 60,000 square feet of property, and where it has a building, a part of which can be used efficiently for the purposes of a printing office, or allow this matter to remain open for another ten years, as it has been for ten years past. That is the whole question.

The Senator from Ohio raises the point that this is general legislation on an appropriation bill. The Senator ought to have raised that point the other day when he and others by their votes inserted a provision for the purchase of the Mahone lot in this same appropriation bill. But, Mr. President, that question ought not to be raised, in view of the facts which surround this case. I have letters in my possession, one of them published in the report made by me as chairman of the Committee on Public Buildings and Grounds, from Mr. Palmer, the former Public Printer, in which he declared that the H street wing of the present building was unsafe and imperiled life day by day and night by night.

I have another letter from the present Public Printer, Mr. Benedict, in which he repeats the statement, and says he will not be responsible if that building is left in its present condition. We have spent thousands of dollars in trying to make it safe. I have gone over it from top to bottom, and I know we have braced it with iron girders and with all kinds of contrivances and means; yet under the working of the heavy machinery and the rush by employés, which may take place at any time to that part of the building, great loss of life may occur any day. Do we want another such scandal as we had in regard to the old Ford's Theater which fell? Do we want Congress again lampooned and public officers indicted for murder?

Mr. President, it is not a personal question; it is a question of plain, common business sense. We can by the present expenditure of $75,000 prevent in the course of eight or twelve months, as Gen. Casey informs me, any danger; we can at the same time perfect the plan for a large Printing Office suitable to this Government, and we can do it as a private man would do it, upon business principles, by using property which we already own. The employés of the Government Printing Office are located all around this building. That is one inducement to accept the House amendment.

The Senator from Ohio tells us that it would be putting the Public Printing Office into a narrow and cramped place. I have been with the Joint Committee on Public Buildings and Grounds over that square, and know that we can obtain all the ground we want at reasonable prices, with wide streets upon three sides; for five or six thousand dollars more, to give us an open space of 40 or 50 feet upon the other side.

The present Printing Office is located in a part of the city entirely healthy, whatever may be said to the contrary. It is conveniently located, because it can be but a very short time until there will be a railroad on North Capitol street, and then there will be direct access between the Capitol and the Printing Office.

Sir, I have no more doubt that the proper thing for Congress to do now is to adopt the proposition of the House of Representatives than I have in regard to my own existence.

What will be the result if this amendment is rejected? The question will be left open; Congress adjourns in a few weeks, at any rate, if not in a few days, and this standing scandal and reproach upon the Government of the United States will be left here. Is it possible that we are to add to the charge of incapacity, already so freely made, the shameful one that we are unable to provide a Printing Office for the employés of the Government of the United States, in the face of what is known to every intelligent man that by day and night we are in danger of bringing upon ourselves the charge of a crime because we leave that building in its present condition?

I have done and said all I could. I have foregone personal feeling and personal association, and withstood personal appeal in order to do what I honestly believe is the duty of Congress in this present conjuncture, and I appeal to Senators to look at the facts as they stare us in the face and to do the only thing which is possible to be done to give immediate relief at this time.

Mr. GALLINGER. Mr. President, I have put myself on record so often in favor of the amendment which has come to us on this bill, indorsed by the conferees on the part of the House of Representatives, that perhaps it is unnecessary for me to add a single word; and yet I shall detain the Senate a moment by recalling to their attention once more the advantages which the present proposition has over any other proposition which has been presented to Congress, and the urgent necessity of some action, not next year, but this moment, that Congress and the country may be saved from what the Senator from Missouri [Mr. VEST] has properly characterized as a possible crime.

The Senator from Ohio [Mr. SHERMAN] calls attention to the fact that the Senate had passed favorably by a large majority the proposition to purchase the so-called Mahone lot, while the House of Representatives had taken different grounds and had advocated some different proposition. The House of Representatives, Mr. President, has heretofore put itself in opposition not only to the Mahone lot, but I think in opposition to the enlargement of the existing plant, and through its committee

of the present Congress recommended that the Government Printing Office should be located upon one of the public reservations, something which I apprehend Congress would never permit to become an accomplished fact. The House of Representatives has receded from that contention and has consented to an appropriation for the purchase of ground adjacent to the existing printing house, so that we may get speedy relief from the emergency and the imminent danger which exist to the lives of the 3,000 men and women employed in that great workshop.

The present Public Printer in a recent interview called attention to the danger which surrounds the employés in the printing house. The employés themselves have petitioned Congress for relief, setting forth in language more eloquent and more impressive than I can use, not only the necessity but the duty of Congress to come to their rescue.

I have heretofore called attention to the fact that on the point of economy no proposition has ever been presented to Congress which compares with the proposition to purchase land adjacent to the present printing house.

I shall not say that if I could see relief possible, within the next year even, in the direction of a magnificent printing house on a great square of ground which would compare, for instance, with the Congressional Library which is being erected, I should not be willing to vote for the motion of the Senator from Ohio and defer this matter a single year; but the attitude of the House of Representatives and the divided sentiment of the Senate persuade me to believe that unless we make some provision this year in this bill for a printing house the matter will be delayed very likely a great many years to come.

The House of Representatives has come to the position which a very respectable minority of the Senate held when the vote was taken a few weeks ago. There is a chance now for an agreement between the two Houses; there is a chance to obtain relief in a direction which is recommended by at least two Public Printers—the one now in possession of the office and the one who has recently retired; a site recommended by the present accomplished foreman of printing, who knows more about the Printing Office than any other man living and who has as deep an interest in this matter as any man can possibly have; a site which I know commends itself to the practical printers of the city of Washington and to the men directly connected with the Government Printing Office. We have there nearly $300,000 worth of property, as good as money can construct, which will be saved if we make this appropriation.

It seems to me that good business judgment; it seems to me that the dictates of common sense; it seems to me that the demands of humanity, so far as the employés are concerned, call upon us to-day to recede from the position which we have heretofore held and agree with the House of Representatives in making this appropriation for this very desirable purpose.

Mr. President, I can not add anything to what was so forcibly said by the Senator from Missouri; I can not add much to what I have heretofore said on this question, which touches my heart very deeply, and which appeals to my sense of justice and of humanity as has no question which has come before the Senate during my term of service heretofore. I hope the motion of the Senator from Ohio will not receive a majority vote of the Senate, and that we may agree with the House of Representatives in making this appropriation and in relieving ourselves from the stigma which already rests upon us, in refusing to these 3,000 men and women the protection which they have a right to demand from us, protection to their lives and to every interest which is dear to humanity.

Mr. HARRIS. Mr. President, if I understand the parliamentary status of the pending question it is this: In the sundry civil appropriation bill the Senate incorporated an amendment proposing to purchase a given plot of ground as a site for the Government Printing Office. The bill went to the House of Representatives with that and many other amendments, and that House amended this particular amendment by agreeing with the Senate that they would in this bill select a site for a Printing Office, but designating and prescribing and proposing to take another and a different lot. In that condition of affairs the bill went to conference; it comes back from the conference committee, and, if I understand the pending question, it is upon the motion of the Senator from Ohio [Mr. SHERMAN] that the Senate recede from its amendment upon the printing lot question. If that be the parliamentary status of the question, I propose to raise a question of order upon the motion of the Senator from Ohio. Is that the parliamentary status, Mr. President?

The PRESIDING OFFICER (Mr. BERRY in the chair). That is the question, as the Chair understands it.

Mr. HARRIS. Very well. Then I raise the question of order that when the House has amended the Senate amendment and the bill has gone into conference, in that condition the Senate can not dispose of the House amendment by simply receding from its original amendment to the sundry civil bill.

Mr. SHERMAN. The conference committee of the House of Representatives have never acted upon this proposition. The House of Representatives have expressed an opinion. That is all. There is no amendment pending to the proposition in the formal sense of the word "amendment."

Mr. HARRIS. It is a fact, however, that the House of Representatives amended the Senate amendment. Is that not true?

Mr. SHERMAN. No amendment has been offered to it, as I understand.

Mr. HARRIS. Then, does the Senator from Ohio deny that the House amended the Senate amendment by designating another and a different lot for the Printing Office site.

Mr. SHERMAN. I do say so, and the Senator from Missouri [Mr. COCKRELL], who sits near the Senator from Tennessee, and who has charge of the bill, stated substantially the same. This is an amendment which has not been acted upon by the conference. Therefore, in order to remove the dispute from the conference, I propose on behalf of the Senate that the Senate recede from the amendment.

Mr. HARRIS. As the conference report is at the desk let the Secretary read the action of the House of Representatives in respect to the Senate amendment.

Mr. SHERMAN. That has been done in full already. However, it may be read again.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 277 to the said bill and agrees to the same with an amendment, in which said amendment the concurrence of the Senate is requested, as follows: In lieu of the matter inserted by said amendment, insert the following.

Mr. SHERMAN. I understand that amendment has not been presented to or been acted upon by the conferees. The matter is entirely open between the conferees. No action has been taken by the conferees upon the subject and it is still pending in that position. The Senate has an unquestionable right to recede. It has been done over and over again.

Mr. HARRIS. It is an amendment with an amendment which is reported by the conference committee. Is not that the status of it?

Mr. SHERMAN. That is the way I understand it.

Mr. HARRIS. If it be the action of the House, amending a Senate amendment, I assert with absolute confidence that the Senate can not dispose of the House amendment to its amendment by the method suggested by the motion of the Senator from Ohio. If it be an amendment proposed by the conference committee, then it is a matter within the discretion of a majority of the Senate. I should be glad to ascertain the exact fact.

The PRESIDING OFFICER. The Chair will state that as the Chair understands the proposition the sundry civil bill passed the other House; it came to the Senate, and an amendment was put upon it providing for the purchase of a certain lot. The bill went back to the House of Representatives, and the House agreed to the Senate amendment with an amendment.

Mr. PLATT. Oh, no.

Mr. ALLISON. If the Chair will pardon me, the House agreed to the amendment by striking it all out and inserting something else.

Mr. HARRIS. That is an amendment to a Senate amendment, and the Senate can not dispose of the House amendment by simply undertaking to recede from the amendment to which the House has attached an amendment. There is an authority in Jefferson's Manual——

The PRESIDING OFFICER. The Chair will state, if the Senator from Tennessee will permit, that the Chair understands that the House agreed to the Senate amendment with an amendment. Then the question would be upon agreeing or disagreeing to the House amendment and not upon receding. The Chair is of opinion——

Mr. ALLISON. I am not very familiar with the rules, but I do not see how the House can agree to an amendment by striking it out. That seems to be an anomaly. It can not agree to an amendment by striking it out and putting on the bill a proposition entirely different.

Mr. HARRIS. Will the Senator from Iowa allow me to suggest to him how I think the House can do exactly that thing? The Senate amendment presents a new feature, a new subject-matter, and the Senate incorporates it in a House bill. The House agrees to it to the extent of saying "This is a proper subject-matter to be dealt with in the bill, and by the bill, and we submit an amendment which designates another and a different lot to be selected in place of the one the Senate amendment selects."

Mr. SHERMAN. Here is a sufficient answer to the point

made by the Senator from Tennessee. The conferees themselves have reported a disagreement upon amendment numbered 277. The action of the other House has not yet been presented to the conferees. I ask for the reading of the report of the committee of conference, where it states distinctly the action of the conferees on amendment numbered 277.

Mr. HARRIS. I quite understand. The Secretary need not read from the report to establish the fact that this is a question of disagreement between the two Houses. But the Senator from Ohio can not remove the disagreement by undertaking to recede from a Senate amendment that has been stricken out and a different lot selected by a House amendment, which is the only question now pending before the conferees of the two Houses.

Mr. SHERMAN. While these amendments are pending between the two Houses, either House can recede. The right is inherent in a legislative body, if a proposition which it has made is disagreed to or some substitute offered, to recede from that proposition and say, "if you will not agree to it, well and good."

Mr. HARRIS. Either House may recede from its own amendment, but the amendment of the Senate is not now a pending question before the conferees, except so far as it presents the issue between the two lots. The Senate can not recede from the House amendment. The Senate has no power over that amendment except to agree to it, or disagree to it, or amend it. The Senator from Ohio proposes to recede from the origin of this question, when the matter has advanced a step beyond his power to control it, except by such compromise as a committee of conference may agree to, and as the two Houses may agree to. He can not get rid of the question by a motion to recede from the Senate amendment, which was the original starting point and the beginning of this question.

Mr. DOLPH. Mr. President, I desire to state what I understand to be the parliamentary condition of the matter. The Senate placed in the bill an amendment proposing to purchase the Mahone lot. The House disagreed to the amendment. The disagreement was submitted to a conference, and the conference committee has reported a disagreement as to this amendment. The bill is in the possession of the Senate, and being in the possession of the Senate, and the report of the conference committee being of a disagreement as to this amendment, the matter is before the Senate, it appears to me, for its action.

The action of the House upon this amendment was not submitted by the conference committee. It comes here as a separate proposition. It had not been read to the Senate when the Senator from Ohio moved to recede from the Senate amendment to the bill, a motion which I claim was in order, the bill being before the Senate by a report of the conference committee disagreeing to the amendment.

Now, if we admit the right of the House, which I think is extremely doubtful, acting by itself and not through the report of a conference committee, to entirely change a Senate amendment and send it as a separate proposition to the Senate for its action, it does not necessarily follow that such consideration has to precede the motion of the Senator from Ohio.

That motion was in order the moment the Senate conferees had reported a disagreement as to the amendment under consideration. The communication from the House of Representatives was not read to the Senate until the Senator from Ohio made his motion and it was under discussion. To hold that a member of the Senate would be precluded from moving that the Senate shall recede from its amendment, because the House has taken some action concerning the amendment independent of the conference committee and communicated it to the Senate, it seems to me is not correct.

Mr. PLATT. Amendment numbered 277 to the sundry civil bill was put in by the Senate and was disagreed to by the other House. Then the bill went into conference. The conferees agreed on certain amendments, but disagreed as to that amendment of the Senate. The conference report then went to the other House, and the House accepted the report and undertook to amend the bill in a different way from what the Senate had amended it. In other words, they undertook to strike out of the bill the amendment which the Senate had put in the bill and to insert the amendments which they propose. I insist that that can not be done by the House in the present stage of the bill. The only way in which the Senate amendment can be shifted around into another amendment is through the action of a conference committee recommending it and the report of the conference committee being concurred in by both Houses.

I do not believe that the House had any right to do what they have done, to strike out the Senate amendment. How could they do it? They could disagree to the amendment, but they could not strike it out and put in another amendment. The only way that that is ever done in Congress is through the action of a conference committee recommending to both Houses that it be done, and both Houses then concurring in the report of the conference committee. But whether that be so or not——

Mr. FRYE. The Senator from Connecticut knows that a conference report can not be amended in either House.

Mr. PLATT. This is not an attempt to amend a conference report. The conferees have disagreed; they are unable to agree as to a Senate amendment.

Mr. FRYE. It is an attempt to amend the bill.

Mr. PLATT. Then when the bill got into the other House the House struck out the Senate amendment and put in an amendment of their own.

Mr. FRYE. That is another matter.

Mr. PLATT. That is, they said they agreed to the Senate amendment with another amendment, which was an entirely different affair, and proposed to purchase another lot of land upon which the building should be erected. I do not believe that can be done. But whether it can be done or not, the Senator from Ohio moves to recede from the Senate amendment, and I believe that is a perfectly proper way to dispose of the whole matter.

The PRESIDING OFFICER. The Chair understands that the sundry civil bill passed the House of Representatives and came to the Senate. An amendment was placed upon it providing for the purchase of a certain lot for a Government Printing Office. The bill went back to the House. There was a general disagreement to all of the Senate amendments, and the bill and amendments went into conference. After the conferees had been in session, the bill was reported back to the House, and the amendment now under consideration was offered in the House as an amendment to the Senate amendment. The Speaker put the question as follows, as shown by the RECORD:

> The question now is on the motion made by the gentleman from Alabama [Mr. BANKHEAD] that the House recede from its disagreement to the Senate amendment, and agree to it with an amendment which he has offered.

Thereupon the House did recede from its disagreement and agreed to the amendment with an amendment. The Chair thinks it was entirely competent for the House to do that, and that the question is upon agreeing or disagreeing to the House amendment. After the House has amended the Senate amendment the Senate can not recede from its own amendment and thereby avoid a vote either on agreeing or disagreeing to the House amendment. The Chair therefore thinks the motion to recede is not in order.

Mr. SHERMAN. The parliamentary question is on insisting upon the amendment. If this technical point is made, and I think this is the first time it has been made in the parliamentary history of this or any other country, I will move an amendment to the pending motion that the Senate insist on its amendments disagreed to by the House except as to the amendment numbered 277.

I desire the question to be put in that way. The Senator from Missouri, I understand, moves that the Senate insist upon its amendments and agree to the further conference asked by the House. That is the only form in which the matter can be put. Now, instead of that I move that we insist upon all the amendments except amendment numbered 277. We certainly have that right. The Senate of the United States is an equal deliberative body. We have the right to assist in making laws. We have the right to make propositions to the other House. We have made a proposition to the House of Representatives and they have declined it. Another proposition, entirely different, is proposed to be adopted. If we are denied the privilege of withdrawing our own amendment, then as a matter of course there is no free conference to be had.

Mr. COCKRELL. I move that the Senate insist upon its amendments and accede to the request of the House of Representatives for a further conference.

Mr. SHERMAN. I propose to amend the motion by moving that the Senate insist upon all of its amendments except amendment numbered 277.

Mr. COCKRELL. In other words, the Senator from Ohio does not want that amendment to go into conference.

Mr. SHERMAN. I do not want that amendment to go into conference.

Mr. COCKRELL. The Senator desires a separate vote on that amendment?

Mr. SHERMAN. Yes.

Mr. PLATT. Allow me to say one further word upon the question, for it is a most important one. Let me illustrate it by the tariff bill. The Senate made 634 amendments to the House bill. The report of the conference committee was of an entire disagreement. Is it claimed that when that proposed legislation went to the other House the House could have gone to work and amended every amendment of the Senate in that condition of the bill?

There was but one question before the House, and that was whether it would agree or disagree to the amendments of the

Senate. It can not be true that when there has been a disagreement, either as to the total number of amendments to a bill or a portion of them, and a conference committee reports a disagreement, the House to which it is reported can then go to work and amend the amendments of the other body. It would be a precedent to be set in our legislation from which innumerable evils would flow. Just think what would have happened to the tariff bill if, when a disagreement had been reported by the conferees, the other House, instead of insisting upon its disagreement, had gone to work and deliberately attempted to amend every amendment of the Senate and sent the bill back to us in that condition, and the Presiding Officer had then held that every right had been taken away from us except to say whether we would agree to the Senate amendments as the House had amended them! It is entirely new in parliamentary practice, and to my mind is not allowable for a moment.

Mr. GORMAN. Mr. President, I think the decision of the Chair is exactly in accordance with parliamentary usages and law. I beg to call the attention of the distinguished Senator from Connecticut to the facts. The Senate amended the appropriation bill by inserting a provision for the purchase of what is known as the Mahone lot. After a full and free conference the conferees failed to come to an agreement, and that amendment among others went back to the House of Representatives for its action. There was one of two things only that the House could do by its vote. It could either nonconcur in the Senate amendment or agree to it with or without an amendment.

Now, Cushing, as Senators will find on page 871, lays down the rule, which has been universal, that one house may recede from its disagreement to an amendment or the disagreeing house may recede from its disagreement to the amendment and agree to the same absolutely or with an amendment. An amendment may be a substitute or it may be of any character whatever, so that it relates to the same subject. There never has been any question as to the power of either House to do that. The Senate having adopted the amendment, if the House had rejected it and it had come back to this body, we could not have amended it in the Senate, because it is our amendment; but the other House had a perfect right to substitute for the amendment anything upon the face of the earth which is kindred to the subject.

Mr. SHERMAN. There can not be any doubt that the bill is before us and that we can withdraw an amendment proposed, if we choose to do so. Is it possible that parliamentary law is reduced to an absurdity? The object of a conference is to bring about an agreement. When the Senate makes a proposition to the House in the form of an amendment, that proposition is independent of all the rest. If they say, "No; we will not accept that amendment; we will provide some other site for the printing house," etc, and send the measure back to us, the bill is before us and we can recede; we can insist and ask for a further conference; we can adhere; we can do anything.

Therefore, I say it is an entire reversal of all ideas of parliamentary law, the intention of which is to bring the two Houses together, for us to say that we can not withdraw from a proposition which has been made. The House is allowed to act upon it; it has made its alternative proposition, and the bill is sent back to us on a disagreement between the two Houses. We say, "Very well; if the other House can not agree to that proposition we will withdraw it." That is all there is to it.

Mr. GORMAN. I wish to state the whole case as I understand it. The House, as it had the undoubted right to do, declined to accede to our amendment and sent back an amendment to it in the nature of a substitute. When the matter reaches this body the first proposition necessarily to come before us is for the Senate to insist upon all of its amendments disagreed to, and send the bill back for a further conference with the other House. If the Senate does not see proper to do that, then for the purpose of bringing the two Houses together, the first vote, and the only vote that can be properly taken, is upon the new proposition from the other House. If the Senate accedes to it, then the amendment becomes a part of the measure. If the Senate by a vote says, "Nay; we can not take your substitute," then a motion that the Senate recede from its original amendment is unquestionably in order. I believe that the precedents are all one way, not only as to the motion to recede when that stage has been reached in the Senate, but after the bill has gone into conference and is actually being considered by the conferees; the Senate can recede from an amendment placed by it upon the bill.

Mr. SHERMAN. The bill is not in conference. It has been reported from the conference and is before the Senate.

Mr. GORMAN. I understand that perfectly, but I say that under the rule the House had the right to make the proposition. The motion of the Senator from Missouri is to insist upon the amendments and send the bill back to conference. The next motion, and the only one that could be voted on in order, would be upon the question of agreeing to the House proposition. If that is voted down, then a motion to recede would unquestionably be in order.

Mr. ALDRICH. I agree fully with the statement made by the Senator from Maryland, with one exception. A motion to recede is, for obvious reasons, always first in order, and need not wait until after some other action is taken or is declined to be taken by the Senate itself.

Mr. SHERMAN. The Senator from Missouri made a proposition a moment ago. I do not care anything about the form of procedure, provided we can have a vote. I desire to have a separate vote upon the printing house site proposition, so as to determine whether the subject-matter had not better be postponed until next session, that we may have a full and fair examination of the question.

Mr. COCKRELL. I did not apprehend that any trouble would come up. I move that the Senate insist upon its amendments numbered 11, 110, 118, 119, 127, 128, 133, 134, 145, 238, 261, and 270, and agree to the further conference asked by the House of Representatives on the disagreeing votes thereon. That will leave out these other propositions.

Mr. SHERMAN. I can call for a division of the question. I will ask for a separate vote on amendment numbered 277.

Mr. COCKRELL. Let us get through with these amendments. I do not include amendment numbered 277, in regard to the Printing Office, or amendments numbered 278 and 279, as to the Atlanta Exposition. Neither do I include amendment numbered 280, which relates to arid lands. Let us first insist upon the other amendments, and then the remaining amendments will be open.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri that the Senate insist upon all of its amendments except the four amendments named, and accede to the request of the House of Representatives for a further conference on the disagreeing votes thereon.

The motion was agreed to.

Mr. COCKRELL. I ask in the case of amendments numbered 278 and 279, relating to the Atlanta Exposition, that the Senate disagree to the amendment proposed and agree to the conference asked. That will leave amendment numbered 280 open.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri that the Senate disagree to the amendment proposed by the House of Representatives and accede to the request for a further conference.

The motion was agreed to.

Mr. COCKRELL. I make the same motion with respect to amendment numbered 280, in relation to arid lands. That leaves amendment numbered 277, as to the Government Printing Office site, alone undisposed of.

Mr. SHERMAN. The Senator from Missouri proposes to insist upon that amendment?

Mr. COCKRELL. Yes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to.

The PRESIDING OFFICER. What is the motion of the Senator from Missouri as to amendment numbered 277?

Mr. COCKRELL. That is the amendment as to a site for the Government Printing Office. The Senate understands the matter, and it is for the Senate to determine what it will do in the premises.

Mr. SHERMAN. What does the Senator from Missouri propose to do?

Mr. COCKRELL. I intended to move that the Senate disagree to the House amendment and agree to the further conference asked. But, then, that is a matter for the Senate to determine.

Mr. LINDSAY. What is proposed to be done by the House amendment?

Mr. COCKRELL. It provides for the purchase of land adjacent to the present site and for the erection of buildings thereon. A motion to agree to the amendment of the House of Representatives would take precedence.

Mr. SHERMAN. If necessary, I will move that the Senate insist upon amendment numbered 277, which will raise the question at once.

Mr. ALDRICH. There are two questions. There will have to be a motion made to recede from the Senate amendment.

Mr. COCKRELL. If we disagree to the proposed amendment and insist upon our amendment, it does not change the attitude of the matter a particle, in my opinion.

Mr. SHERMAN If the Senator moves to insist upon the amendment and that question is determined in the negative, then as a matter of course the conferees will have no right to insist upon the amendment.

Mr. ALDRICH. In order to save trouble, I move to recede from the amendment. That brings the question right up, and then there need be only one vote.

Mr. COCKRELL. That is precisely the motion which the Senator from Ohio made, and it was decided to be out of order.

Mr. ALDRICH. By whom?

Mr. FRYE. By the Chair.

Mr. ALDRICH. Without an appeal?

Mr. LINDSAY. I move that the Senate concur in the amendment of the House of Representatives to the amendment.

Mr. HARRIS. That brings up the direct question.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky, that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate.

Mr. SHERMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN], which I transfer to the Senator from South Carolina [Mr. BUTLER]. I vote "nay."

The roll call was concluded.

Mr. GORDON. I am paired with the Senator from Iowa [Mr. WILSON].

Mr. VEST. I am paired with the Senator from Minnesota [Mr. WASHBURN]. I transfer my pair to the Senator from Georgia [Mr. WALSH], and vote "yea."

Mr. DUBOIS. I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. MCMILLAN (after have voted in the negative). I inquire if the Senator from Louisiana [Mr. BLANCHARD] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. MCMILLAN. I withdraw my vote, being paired with that Senator.

Mr. CAREY (after having voted in the negative). I inquire if the junior Senator from Wisconsin [Mr. MITCHELL] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. CAREY. I am paired with that Senator, and withdraw my vote.

Mr. PERKINS (after having voted in the negative). I inquire if the junior Senator from North Dakota [Mr. ROACH] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. PERKINS. Then I will withdraw my vote, as I am paired with the junior Senator from North Dakota.

Mr. GALLINGER. I have been requested to pair on this motion with the Senator from Nevada [Mr. JONES]. If he were present I should vote "yea."

Mr. DIXON. Has the junior Senator from Mississippi [Mr. MCLAURIN] voted?

The PRESIDING OFFICER. He has not voted.

Mr. DIXON. I am paired with that Senator and withhold my vote.

Mr. BLACKBURN. I am paired with the senior Senator from Nebraska [Mr. MANDERSON], who is detained by illness from the Chamber. If he were present he would vote "nay," as I am informed, and I should vote "yea."

Mr. PASCO. I wish to announce that the Senator from Indiana [Mr. VOORHEES] is paired with the Senator from Montana [Mr. POWER].

The PRESIDING OFFICER (after Mr. BERRY had voted in the affirmative). The present occupant of the chair is paired with the Senator from Colorado [Mr. TELLER], and withdraws his vote.

The result was announced—yeas 20, nays 28; as follows:

YEAS—20.

Bate,	Gibson,	Jarvis,	Pasco,
Camden,	Gorman,	Jones, Ark.	Peffer,
Cockrell,	Harris,	Lindsay,	Turpie,
Coke,	Hill,	Mills,	Vest,
Faulkner,	Hunton,	Palmer,	Vilas.

NAYS—28.

Aldrich,	Davis,	Kyle,	Pugh,
Allen,	Dolph,	Lodge,	Quay,
Allison,	Frye,	Mitchell, Oregon	Ransom,
Call,	Hale,	Patton,	Sherman,
Cameron,	Hansbrough,	Pettigrew,	Shoup,
Chandler,	Hawley,	Platt,	Stewart,
Cullom,	Higgins,	Proctor,	White.

NOT VOTING—37.

Berry,	Gallinger,	Manderson,	Squire,
Blackburn,	George,	Martin,	Teller,
Blanchard,	Gordon,	Mitchell, Wis.	Voorhees,
Brice,	Gray,	Morgan,	Walsh,
Butler,	Hoar,	Morrill,	Washburn,
Caffery,	Irby,	Murphy,	Wilson,
Carey,	Jones, Nev.	Perkins,	Wolcott.
Daniel,	McLaurin,	Power,	
Dixon,	McMillan,	Roach,	
Dubois,	McPherson,	Smith,	

So the amendment of the House of Representatives to amendment numbered 277 was rejected.

Mr. ALDRICH. I move that the Senate recede from its amendment numbered 277.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island that the Senate recede from its amendment.

Mr. VEST. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BATE. What is the question? We do not understand it over here.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island that the Senate recede from its amendment numbered 277 to the sundry civil appropriation bill. The Secretary will call the roll.

The Secretary proceeded to call the roll.

The PRESIDING OFFICER (when Mr. BERRY'S name was called). The present occupant of the chair is paired with the Senator from Colorado [Mr. TELLER], and would vote "nay" if not paired.

Mr. CAREY (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. MITCHELL].

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. DIXON (when his name was called). I am paired with the Senator from Mississippi [Mr. MCLAURIN], and withhold my vote.

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. GALLINGER (when his name was called). On this question I am paired with the Senator from Nevada [Mr. JONES].

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE].

Mr. MCMILLAN (when his name was called). I announce my pair with the Senator from Louisiana [Mr. BLANCHARD].

The roll call having been concluded, the result was announced—yeas 26, nays 19; as follows:

YEAS—26.

Aldrich,	Cullom,	Mitchell, Oregon	Ransom,
Allen,	Dolph,	Patton,	Sherman,
Allison,	Frye,	Perkins,	Shoup,
Brice,	Hale,	Pettigrew,	Stewart,
Call,	Hansbrough,	Platt,	White.
Cameron,	Higgins,	Pugh,	
Chandler,	Kyle,	Quay,	

NAYS—19.

Bate,	Gibson,	Jarvis,	Pasco,
Camden,	Gorman,	Jones, Ark.	Peffer,
Cockrell,	Harris,	Lindsay,	Roach,
Coke,	Hawley,	Martin,	Vest.
Faulkner,	Hunton,	Mills,	

NOT VOTING—40.

Berry,	Gallinger,	McMillan,	Smith,
Blackburn,	George,	McPherson,	Squire,
Blanchard,	Gordon,	Manderson,	Teller,
Butler,	Gray,	Mitchell, Wis.	Turpie,
Caffery,	Hill,	Morgan,	Vilas,
Carey,	Hoar,	Morrill,	Voorhees,
Daniel,	Irby,	Murphy,	Walsh,
Davis,	Jones, Nev.	Palmer,	Washburn,
Dixon,	Lodge,	Proctor,	Wilson,
Dubois,	McLaurin,	Power,	Wolcott.

So the Senate receded from its amendment numbered 277.

Mr. COCKRELL. That places the matter in conference. I ask now that the Senate further insist upon its amendments, and agree to the further conference asked by the House.

Mr. CULLOM. It places what matter in conference?

Mr. ALDRICH. It takes it out of conference.

Mr. COCKRELL. I mean that it places the bill in conference.

Mr. HARRIS. Before the bill is finally disposed of I should be glad to ask the chairman of the Committee on Appropriations as to whether the disagreement in respect to the appropriations for the relief of the sufferers by the Ford's Theater disaster is upon the principle of granting relief at all or as to the amount of relief that the Senate has agreed to incorporate in the bill.

Mr. COCKRELL. The disagreement is first on the principle that if we recognize this liability it will make the Government liable in cases of accident to railway mail employés, etc., and extend the principle of liability of the Government to its employés beyond anything that has ever been done. It is also urged on the part of the House conferees that the House have had no opportunity of making an investigation into this matter and no time to consider it. They have had no committee that has had jurisdiction of it, and they want time to consider it. Then they object in one or two instances where they think that there were no relatives so near to the deceased as to entitle them to any compensation in the event that compensation should be paid.

They are very stubborn in their opposition to this provision, which is No. 110, on page 59.

Mr. HARRIS. As chairman of the committee having charge the subject-matter of the sufferers from the Ford's Theater disaster I deem it proper to say in this connection that the sufferers in the Railway Mail Service or any other Government service bear no sort of parallel to the case presented to the two Houses of Congress in respect to this case. The Government owned the Ford's Theater. The Government placed five or six hundred of its employés there to perform their official duties. The Government undertook to change that structure, and by reason of that undertaking and in its execution the building collapsed and a number of men were killed instantly by the disaster. A number of other employés were more or less seriously injured, and many of them very seriously.

I shall not undertake to assert that there would not be a legal liability under exactly the same facts occurring between employé and employer if they were private individuals and could sue each other, but I need not assert the legal liability that exists for the injuries thus sustained. Whether there be a legal liability or not, no fair-minded man can hesitate to believe and act upon the opinion that there is the highest order of equity in favor of a fair and reasonable compensation for the injuries sustained by reason of that accident. The committee of which I have the honor to be the chairman are unanimously of that opinion, without the shadow of doubt or dissent.

As to the amount of compensation in the death cases, there may be margin for differences of opinion, but that a fair and reasonable measure of compensation is demanded by every consideration of equity and justice no fair-minded man can doubt, in my opinion.

From the unfortunate position that I occupy as chairman, I am the recipient of the statements of the suffering widows and orphans whose fathers and husbands were killed by that disaster. Most of them are to-day suffering in penury and want. Delay is exceedingly hurtful, if it may not be even more fatal than hurtful. The Senate amendment merely provides for the death cases. The cases of injury require a much larger scope and a more accurate investigation than where the persons were killed upon the instant.

Therefore, the committee of which I have the honor to be the chairman reported an amendment and asked the Committee on Appropriations to incorporate the appropriation to provide for the widows and orphans of the persons who were killed there. In respect to the injured parties the committee propose to scrutinize and carefully investigate and finally determine according to their honest judgment what measure of compensation should be granted in each individual case.

This much I have deemed it due to the position I hold to say to the Senate, and having said it, I hope our conferees will give it such weight as in their judgment they think fair and reasonable and right.

The PRESIDING OFFICER (Mr. PASCO in the chair.) How shall the conferees be appointed?

Mr. COCKRELL and others. By the Chair.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. COCKRELL, Mr. GORMAN, and Mr. ALLISON were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a joint resolution (H. Res. 217) to continue the provisions of existing laws providing temporarily for the expenditures of the Government; in which it requested the concurrence of the Senate.

COINAGE LAWS OF THE UNITED STATES.

Mr. COCKRELL. I ask for the adoption of the resolution which I send to the desk. I hope there will be no objection to it.

The PRESIDING OFFICER. The resolution will be read for information.

The Secretary read the resolution, as follows:

Resolved, That there be printed for the use of the Committee on Finance 1,000 copies of the report of the Finance Committee on the coinage laws of the United States, fourth edition.

Mr. COCKRELL. The cost will not be $500. I ask for the immediate consideration of the resolution.

Mr. CULLOM. Let it be passed.

The resolution was considered by unanimous consent, and agreed to.

TARIFF COMPARISON.

Mr. COCKRELL. I submit a resolution similar to the one just adopted, and ask for its present consideration.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That there be printed for the use of the Committee on Finance 1,000 copies of Senate Report No. 559, Fifty-third Congress, second session.

Mr. FRYE. What does that report relate to?

Mr. COCKRELL. It is the comparison of the tariff and administrative acts of 1890 and House bill 4864 as it passed the Senate with the rates of the bill as it passed the House and of the Mills bill of 1888.

The resolution was considered by unanimous consent, and agreed to.

EXTENSION OF APPROPRIATIONS.

The PRESIDING OFFICER. The Chair lays before the Senate a joint resolution from the House of Representatives.

The SECRETARY. A joint resolution (H. Res. 217) to continue the provisions of existing laws providing temporarily for the expenditures of the Government.

Mr. ALDRICH. I object to the first reading of the joint resolution.

The PRESIDING OFFICER. Objection is made.

Mr. ALDRICH subsequently said: I am satisfied, upon an examination of the rules, that I could not properly object to the first reading of the joint resolution which came from the House of Representatives. Therefore I withdraw the objection to the first reading, and object to its second reading.

Mr. COCKRELL. Let it be considered as read the first time, then.

The joint resolution (H. Res. 217) to continue the provisions of existing laws providing temporarily for the expenditures of the Government was read the first time by its title.

The PRESIDING OFFICER. Objection is made to the second reading of the joint resolution.

LAWS RELATING TO DISTRICT STREET RAILWAYS.

Mr. GORMAN. From the Committee on Printing I report back with amendments the joint resolution (S. R. 99) to compile and publish the laws relating to street railway franchises in the District of Columbia, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendments of the Committee on Printing were, in line 5, after the word "Congress," to insert "that may be in force at the end of the second session of the Fifty-third Congress;" in line 6, after the word "Columbia," to insert "the same to be compiled under the direction of the attorney of the District of Columbia;" in the same line after the word "that," to fill the blank by inserting "five hundred;" in line 7, after the word "Senate," to fill the blank by inserting "one thousand;" and at the end of the joint resolution add, "but the usual number shall not be printed;" so as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed and bound into one convenient volume, at the Government Printing Office, all the various acts of Congress that may be in force at the end of the second session of the Fifty-third Congress relating to street railway franchises in the District of Columbia, the same to be compiled under the direction of the attorney of the District of Columbia; and that 500 copies of the same shall be furnished for the use of the Senate, 1,000 copies for the use of the House of Representatives, and 1,000 copies for the use of, and distribution by, the Commissioners of the District of Columbia; but the usual number shall not be printed.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

THE COMMITTEE ON PRINTING.

Mr. GORMAN. I report from the Committee on Printing a resolution, and I ask for its present consideration.

The PRESIDING OFFICER. The resolution will be read for information.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Printing be, and is hereby, authorized to sit during the coming recess for the performance of any and all duties devolving upon it.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. GORMAN. There is no expenditure involved in the resolution. It is the usual and necessary provision for the Committee on Printing.

The resolution was agreed to.

SENATE EMPLOYÉS AT MALTBY BUILDING.

Mr. GORMAN submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Sergeant-at-Arms be, and he hereby is, authorized to continue the present session employés at the Maltby Building, authorized under resolution of July 26, 1892, during the coming recess of Congress.

Mr. GORMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock p. m.) the Senate adjourned until to-morrow, Tuesday, August 14, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *August 13, 1894.*

The House met at 12 o'clock m. Prayer by the Rev. W. E. PARSON, D. D.

The Journal of Saturday's proceedings was read and approved.

EXTENSION OF APPROPRIATIONS.

Mr. SAYERS. Mr. Speaker, I ask for the consideration of a joint resolution.

The Clerk read as follows:

A joint resolution (H. Res. 217) to continue the provisions of existing laws providing temporarily for the expenditures of the Government.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the joint resolutions approved June 29 and July 31, 1894, providing temporarily for the expenditures of the Government, be, and the same are hereby, extended and continued in full force and effect to and including the 24th day of August, 1894.

Mr. SAYERS. I will state for the information of the House that the resolution and the amended resolution, which have been adopted, extending the appropriations will expire to-morrow, and I do not believe it is possible for us to agree upon the sundry civil bill to-morrow in time to reach the President. I therefore ask the adoption of the resolution.

Mr. HOPKINS of Illinois. Why not make it the 14th instead of the 24th?

Mr. CANNON of Illinois. Does the gentleman think the extension of ten days is long enough?

Mr. SAYERS. Abundance.

Mr. JOHNSON of Indiana. Give yourselves plenty of time.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

Mr. DINGLEY. Is that an extension of the appropriations for ten days.

Mr. SAYERS. Yes.

The resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SAYERS, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

The SPEAKER. The Clerk will call the committees for reports.

SALE OF LAND IN MONTGOMERY COUNTY, MD.

Mr. GORMAN, from the Committee on Military Affairs, reported favorably the bill (S. 2118) authorizing the sale of title of United States to a tract of land in Montgomery County, in the State of Maryland, to William H. and George Bobinger; which was referred to the Union Calendar, and, with the accompanying report, ordered to be printed.

CONDEMNED CANNON.

Mr. GORMAN, from the Committee on Military Affairs, reported favorably the joint resolution (H. Res. 209) authorizing the Secretary of War to deliver condemned cannon to Asher Gaylord Post, Grand Army of the Republic, of Plymouth, Pa., and to Eckley B. Coxe Post, Grand Army of the Republic, of Freeland, Pa.; which was referred to the Union Calendar, and, with the accompanying report, ordered to be printed.

Mr. GORMAN, from the Committee on Military Affairs, reported favorably the bill (H. R. 7873) disposing of two condemned cannon; which was referred to the Union Calendar, and, with the accompanying report, ordered to be printed.

YUMA, COLO.

Mr. MEIKLEJOHN, from the Committee on Public Lands, reported the bill H. R. 7955 as substitute for the bill (H. R. 5713) to perfect the title to a quarter section of land in the town of Yuma, Colo.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 5713 was ordered to lie on the table.

ERRONEOUS ENTRY OF LANDS.

Mr. MADDOX, from the Committee on Indian Affairs, reported favorably the bill (H. R. 7916) authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NORTHERN MISSISSIPPI RAILWAY COMPANY.

Mr. CURTIS of Kansas, from the Committee on Indian Affairs, reported back the bill (H. R. 7450) granting to the Northern Mississippi Railway Company right of way through certain Indian reservations in Minnesota.

Mr. CURTIS of Kansas. Mr. Speaker, I ask that that bill lie on the table, the Senate bill having passed the House last Thursday.

The SPEAKER. Without objection, that order will be made. There was no objection, and it was so ordered.

MISSOURI, OKLAHOMA AND TEXAS RAILWAY COMPANY.

Mr. CURTIS of Kansas, from the Committee on Indian Affairs, reported with amendments the bill (H. R. 5651) to authorize the Missouri, Oklahoma and Texas Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory and Territory of Oklahoma; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

OKLAHOMA CENTRAL RAILWAY COMPANY.

Mr. CURTIS of Kansas, from the Committee on Indian Affairs, reported with amendment the bill (H. R. 5624) to authorize the Oklahoma Central Railway Company to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DAMS ACROSS ST. LOUIS AND CLOQUET RIVERS.

Mr. LYNCH, from the Committee on Indian Affairs, reported the bill H. R. 7956 as a substitute for the bill (H. R. 6022) to authorize the construction of certain dams across the St. Louis and Cloquet Rivers, in the State of Minnesota, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. CURTIS of Kansas submitted the views of the minority, which were also ordered to be printed.

PUBLIC BUILDING AT NEW ORLEANS.

Mr. McKAIG, from the Committee on Public Buildings and Grounds, reported favorably the bill (H. R. 7022) to provide for a public building at New Orleans, La.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT BRADFORD, PA.

Mr. WRIGHT of Pennsylvania, from the Committee on Public Buildings and Grounds, reported favorably the bill (H. R. 2676) to provide for the erection of a public building at Bradford, Pa.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MARYLAND AND WASHINGTON RAILWAY COMPANY.

Mr. RUSK, from the Committee on the District of Columbia, reported back with a favorable recommendation a joint resolution (H. Res. 202) to extend the charter of the Maryland and Washington Railway Company; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ANDREW J. CURTIS AND MARY E. CURTIS.

Mr. POST, from the Committee on the District of Columbia, reported back with a favorable recommendation a joint resolution (S. 2269) providing for the reconveyance by District Commissioners of certain lands to Andrew J. Curtis and Mary E. Curtis; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The SPEAKER *pro tempore* (Mr. BAILEY). This completes the call of committees for reports.

ORDER OF BUSINESS.

Mr. BURROWS. Mr. Speaker, has the regular order been called?

The SPEAKER *pro tempore*. It has not.

Mr. BURROWS. I ask unanimous consent for the passage of the Senate joint resolution, which I send to the desk (S. R. 68), for the relief of William D. Mack, a clerk in the Record and Pension Division of the War Department.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. DOCKERY. Let it be read.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That William D. Mack, a clerk in the Record and Pension Office, and a veteran of the late war, who lost both feet in a railroad accident while returning from the anniversary ceremonies of the battle of Gettysburg, on July 4 last, is hereby exempted from the operation of so much of the act approved March 3, 1893, making appropriations for legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1894, as limits the amount of sick leave with pay that may be granted by heads of Departments, and that the Secretary of War be, and he is hereby, authorized to pay to said William D. Mack such portion of his salary as has been withheld from September 11 to October 14 (thirty-four days) on account of injuries received in the said railroad accident.

Mr. BURROWS. I will say to the House that this is the matter to which I directed attention some time since—the case of a man employed in the War Department who, on the 4th of July,

going to Gettysburg, accidentally lost both of his feet, and was put in a hospital, where he was confined for one month beyond the term of sick leave allowed under the law. The amount involved is $132. When I called attention to the case before it had not been considered by the House Committee on Military Affairs, but since that time they have considered it, and have reported it favorably, and I will have the report read if it is desired.

Mr. COX. What does the gentleman say is the amount?

Mr. BURROWS. One hundred and thirty-two dollars.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this joint resolution?

Mr. ALDERSON. I object, Mr. Speaker. I think that can take the regular course.

DEPOSITIONS DE BENE ESSE.

Mr. TERRY, by unanimous consent, from the Committee on the Judiciary, reported back with a favorable recommendation a bill H. R. 7957 as a substitute for the bill (H. R. 7048) to amend section 864 of the Revised Statutes of the United States in relation to taking depositions *de bene esse*. The substitute was referred to the House Calendar, and, with the accompanying report, ordered to be printed, and the original bill was laid on the table.

JAMES A. SEXTON.

Mr. GOLDZIER. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill (S. 2281) to authorize the Postmaster-General to credit account of James A. Sexton with amount of funds stolen.

Mr. COX. Has that bill been considered by any committee?

Mr. GOLDZIER. Yes, sir; by the Committee on Claims. The bill has passed the Senate, and the report of the Committee on Claims is on file.

Mr. COX. Who reported that bill from the Committee on Claims?

Mr. GOLDZIER. The gentleman from Ohio [Mr. RICHARDS], who authorized me to call it up.

Mr. COX. I would like to have the report in that case read.

Mr. DOCKERY. Let us first have the bill read.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized to credit the account of James A. Sexton, postmaster at Chicago, Ill., in the sum of $3,737.05 for postal funds stolen from his office December 12, 1893.

The SPEAKER *pro tempore*. Is there objection to the request for the present consideration of this Senate bill?

Mr. KILGORE. I object, Mr. Speaker, and demand the regular order.

Mr. GOLDZIER. I trust the gentleman will not insist on his objection. This bill is recommended by the Department.

ORDER OF BUSINESS.

The Clerk proceeded under the rule to call the committees in the second morning hour.

Mr. BUNN (when the Committee on Claims was called). Mr. Speaker, I ask that the Committee on Claims be informally passed over without prejudice.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from North Carolina?

Mr. HEARD. Mr. Speaker, do I understand that this is the call in the second morning hour?

The SPEAKER *pro tempore*. It is.

Mr. HEARD. Well, I protest that, this being a day to which the District of Columbia is entitled under the rule, there is no second morning hour, and I therefore call for the regular order, which is the consideration of District business.

The SPEAKER *pro tempore*. If the gentleman had made his point of order in the beginning the Chair would have sustained it, on the ground that the practice heretofore has been as the gentleman suggests, but unless the Committee on the District of Columbia claims the day, the regular order would be the call of committees in the second morning hour. Paragraph 2 of Rule XXIV provides that—

On all days other than the first and third Mondays in each month, as soon as the business on the Speaker's table has been disposed of, there shall be a morning hour for reports from committees.

Then, in paragraph 4, it is provided that—

After the morning hour shall have been devoted to reports from committees (or the call completed), the Speaker shall again call the committees in regular order for one hour, upon which call, each committee, on being named, shall have the right to call up for consideration any bill reported by it on a previous day.

The Chair thinks under the rules, therefore, there is a second morning hour on every day, except the first and third Mondays; but the practice has been that whenever the Committee on the District of Columbia desired the second or the fourth Mondays of the month, it has been accorded to them after the first morning hour and the second morning hour has been dispensed with.

Mr. HEARD. Well, Mr. Speaker, I failed to make the point at the beginning because in the confusion which existed on the floor I did not observe that the call of committees for reports had been completed, and in fact reports continued to be made by unanimous consent after the completion of the call.

The SPEAKER *pro tempore*. Upon that statement the Chair will recognize the gentleman from Missouri [Mr. HEARD] to call up for consideration matters reported from the Committee on the District of Columbia.

Mr. BUNN. A parliamentary inquiry: The call will rest with the Committee on Claims in the next morning hour?

The SPEAKER *pro tempore*. The call will properly rest with the committee which was entitled to be called first this morning.

FREE LIBRARY IN DISTRICT OF COLUMBIA.

Mr. HEARD. I desire to call up the bill (H. R. 6642) to establish a free public and departmental library and reading room in the District of Columbia.

The SPEAKER *pro tempore*. This bill is on the Union Calendar.

Mr. HEARD. If no motion is made to go into Committee of the Whole for the consideration of the bill, I hope we may proceed with its consideration in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. HEARD] asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. KILGORE. I object.

Mr. HEARD. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering bills on the Union Calendar from the Committee on the District of Columbia.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. HATCH in the chair), and proceeded to the consideration of the bill (H. R. 6642) to establish a free public and departmental library and reading room in the District of Columbia.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, established in the city of Washington a free public and departmental library and reading room, being also a circulating or lending library, for the use of the citizens of the District of Columbia and of the employés of the several Departments and offices of the Government in Washington. The general management of the library shall be committed to a board of trustees, consisting of eleven citizens of the District of Columbia, to be appointed by the President of the United States.

SEC. 2. That said library shall be located in the new post-office building of Washington, D. C., and the architect of the same is hereby directed to provide in his plans and specifications rooms in said building suitable for and adapted to library and reading-room purposes, adequate to the accommodation of not less than 75,000 volumes.

SEC. —. That whenever provisions for the library are completed such books, periodicals, and papers in the existing libraries of the several Executive Departments and offices of the Government in the city of Washington as in the judgment of the head of the Department, bureau, or office affected are not required for the special official use of said Department, bureau, or office shall be transferred to the free public and departmental library and reading room, for its use, and it is hereby made the duty of the head of each Department, bureau, or office in which a circulating library is maintained for the use of employés of the Government to deliver all such books, periodicals, and papers, without delay, to the free public and departmental library and reading room, and thereafter no general circulating library, but only such library as is required for its special official use, shall be established or maintained by any Department, bureau, or office of the Government in the District of Columbia.

SEC. 4. That the Librarian of Congress is hereby authorized and directed to turn over to the free public and departmental library and reading room such duplicate copies of books in his charge as are not required for the use of the Library of Congress.

SEC. 5. That upon the completion of rooms for the library herein provided for the said board of trustees shall appoint one librarian and such assistant librarians and other employés as the said board may deem necessary.

SEC. 6. That all citizens of the District of Columbia, and all officers, clerks, and other employés of the Government on duty in the city of Washington shall be entitled to the privileges of the free public and departmental library and reading room, free of all charge, including the use of the books contained therein, as a lending or circulating library, under such rules and regulations as shall be prescribed by the board of trustees: *Provided*, That the library and reading room shall be kept open from 9 o'clock ante meridian to 10 o'clock post meridian each day excepting Sundays and holidays, on which days said library and reading room shall be kept open from 3 o'clock post meridian to 10 o'clock post meridian.

SEC. 7. That of the expenses incurred in the maintenance of the free public and departmental library and reading room, including all salaries of employés, one half shall be paid by the United States and one-half by the District of Columbia, and it is hereby made the duty of the Commissioners of the District to include these expenses in their annual estimates submitted to Congress.

The amendments reported by the committee were read, as follows:

In line 14 of section 3, after the word "library," insert the words "of miscellaneous books," and in line 1 of section 4, after the word "the," insert the words "Joint Committee on the Library upon report by the."

Mr. HEARD. I desire to offer from the committee some formal amendments.

Mr. DOCKERY. It is understood that this does not dispense with the general debate. The gentleman does not desire that?

Mr. HEARD. Oh, not at all.

The amendment of Mr. HEARD was read, as follows:

In line 1 of section 6, strike out "citizens" and insert "residents."

Mr. CANNON of Illinois. Let us understand whether the bill has reached the amendable stage.

Mr. HEARD. I will say to the gentleman that the object of this amendment is simply to change the word "citizens" to the word "residents." If there be any objection I will withdraw it.

Mr. CANNON of Illinois. I want it understood whether general debate is closed. I do not understand that we have yet reached the amendable stage.

The CHAIRMAN. The Chair understood the gentleman from Missouri to send this amendment to the desk to be read simply for information.

Mr. CANNON of Illinois. I have no objection to that.

Mr. HEARD. Mr. Chairman, as has doubtless been observed by members who have listened to the reading of this bill, its object is to establish a free library in the District of Columbia. It will no doubt surprise a great many members when I state that there is no free library in this city. I suppose it is probably true that there is not in the United States another city of equal population—certainly not one of equal importance—that has not a free public library. The object of the bill is to establish such an institution.

Permit me to state the provision made by the bill for the accumulation of books for this library. There are in, I believe, three of the Executive Departments of this Government located in Washington, what are known as departmental libraries, consisting largely of books of a technical character, for specific use in the conduct of affairs of such Departments. There are also in these three libraries a considerable number of books relating to general subjects, the use of which is enjoyed free by the officers and employés of those Departments respectively, but by them only.

Now, one design of this bill is to authorize the withdrawal from these several Departments of those books which do not relate to the specific business of the same; and to these it is proposed to add such duplicate volumes as can be spared from the Congressional Library. These contributions are to be made the nucleus of this free public library.

Mr. KILGORE. I understand the gentleman to say there is no library in this city to which residents or citizens can have access?

Mr. HEARD. I understand that to be the case, so far as the masses of the people are concerned.

Mr. KILGORE. Do they not have access to the Congressional Library?

Mr. HEARD. They do not; at least, not everybody.

Mr. KILGORE. Can not any reputable man or woman go there and get a book out of that library?

Mr. HEARD. My understanding is that within certain limits the public can have the use of the books in the Congressional Library, as the gentleman from Texas knows; but that privilege is not general, and the hours for the opening and closing of the Library practically forbids its use to a very large proportion of the inhabitants of the District who would like to avail themselves of the privilege.

Mr. KILGORE. Would it not be better and cheaper, though, to change the hours of opening and closing the Library and extend them, rather than to go to the expense which would be necessarily incurred in starting an entirely new establishment? Besides that, we are now having constructed a new Library building in which there will be no difficulty in accommodating everybody who desires to enjoy that privilege, and without the expense of establishing another, or the necessity for encroaching upon any of the space in the Post-Office building, which ought to be devoted entirely to some other matters.

Mr. HEARD. Well, Mr. Chairman, these are important questions, of course, which are to be considered in connection with the bill. I want to say, however, that so far as keeping the Congressional Library open longer hours than at present is concerned, in order to accommodate the people, there would be this advantage in favor of the proposed bill: that under it one-half of the expense would be paid by the District of Columbia, and only one-half by the General Government; whereas if the other plan were adopted it would all be paid out of the Treasury of the United States.

Again, Mr. Chairman, the saving that would be effected by this plan would be a lessening of the expense that has now to be met by the General Government in keeping up the departmental libraries to which I have referred, the uses of which being so narrowed they would require less attention, or fewer attendants to care for them than at present.

Mr. KILGORE. I understand it would not add a dollar to the expense to keep the Congressional Library open a little longer hours each day; that is to say, a little earlier in the morning and a little later in the afternoon. Besides, that is already provided for, and if there are books in the departmental libraries which could be withdrawn without detriment to them, they could go into the Congressional Library when it gets into operation in the new building, and thus afford additional accommodation for everybody who chose to avail themselves of it.

Mr. HEARD. The gentleman from Texas, though, as every other member of the House, knows that there is at present a great want of room in the Congressional Library.

Mr. KILGORE. Oh, I understand that, of course; but we expect to move out of it before very long.

Mr. HEARD. If the gentleman will hear me a moment. The gentleman's idea, as I understand it, is that when the new building for the Congressional Library is completed there will be ample opportunity to store there the books that have now no place because of the want of room in the present library, and in addition the accumulation of books which are not needed in the departmental libraries, and in that event the accommodation could be given to the people without appropriating any portion of the space in the new post-office building.

Mr. KILGORE. And plenty of time.

Mr. HEARD (continuing). Now, it has been suggested by some, and urged with a good deal of force, that instead of setting apart space in the new post-office building, it might be better to set apart a section in the new library building. That is, of course, a matter that the House will consider before it disposes of the bill. On the other hand, it is contended that a location nearer to the center of the city would be more advantageous and accessible to the reading public than up here in the new building.

But, as I say, these are all matters of detail to be determined hereafter. The main proposition is to fix upon the plan which the bill embodies, or some better one, to give to the people of this city the privileges of a free library.

Mr. KILGORE. If the gentleman will allow me a moment.

Mr. HEARD. Certainly.

Mr. KILGORE. I understand the post-office building now being constructed is for the purpose of accommodating everything relating to the city post-office, and to other post-office matters besides, so as to accommodate those offices that are now in rented buildings. If that building is to be partly occupied by a new public library, it seems to me it would not commend itself as a matter of economy, in view of the fact that we are renting other buildings which would continue to be rented under that arrangement.

Mr. HEARD. Within the limits to which the library would subject that building, which would be comparatively small, it would undoubtedly absorb some space. But it would not be a very material encroachment upon the building. It was the design of the law to provide a building for the use of the city post-office and other departmental work in the District. That is true. It is contended, however, and with some force, that the reduction of the space now occupied in these different Departments where libraries now exist would compensate largely for the use of the space in the new post-office building to be used for the library, which is estimated to be only 6,000 square feet. The House is to consider, therefore, whether the benefit to be conferred will justify a further appropriation for the space designed to be occupied in that building.

But aside from the question of whether the library should be located in one building or another, the greater question of importance is whether there shall be established for this people in the District of Columbia a public library. That is a matter entirely for the judgment and action of Congress, and as to where it shall be established, whether in a building entirely apart or in the post-office building, or in the library building, that is a matter for further consideration.

Mr. KILGORE. My theory is that the one great library ought to be ample and sufficient, by arranging the hours, to meet all the requirements to which the gentleman has referred.

Mr. HERMANN. Let me ask the gentleman from Missouri whether it is contemplated by the bill now before the House that the entire amount of money for this proposed library shall be appropriated by the General Government?

Mr. HEARD. Not at all.

Mr. HERMANN. How much of it?

Mr. HEARD. I will say that the provision here for the donation of the books is simply that there shall be transferred from the departmental libraries those books relating to general subjects not necessary in the proper conduct of Department business—in other words, not applying specifically to Depart-

ment work—and that large number of books, estimated I think at 25,000, that are now in the Congressional Library, which can be transferred, as we are informed, to the proposed new library without detriment to the present Congressional Library.

Mr. HERMANN. So we are to understand that there is to be no additional appropriation, as I understand it?

Mr. HEARD. Not for the purchase of books.

Mr. HERMANN. But that the books are on hand, and that they are to be distributed——

Mr. HEARD. Distributed where they will do the most good. Now, Mr. Chairman, it is represented to the committee by citizens of the District that there are many people here who are ready and willing to liberally donate books and money for the purchase of books for the establishment of a public free library, to which the masses of our people may have access at all reasonable hours.

The CHAIRMAN (Mr. HATCH). The gentleman from Missouri will suspend. The Chair will request visitors in the galleries to cease audible conversation. There is so much conversation in the galleries that the public business can not be transacted.

Mr. TALBERT of South Carolina. Under what obligation is the Government to make any appropriation by which to furnish reading matter to the citizens of the District of Columbia?

Mr. HEARD. None, I will say, more than that they are all citizens of the United States——

Mr. TALBERT of South Carolina. It does not furnish reading matter to the people all over the United States.

Mr. HEARD. Certainly not.

Mr. TALBERT of South Carolina. I ask this for information.

Mr. HEARD. But the gentleman from South Carolina realizes, of course, that a different relation exists between the people of the District toward the Government than that which the Government sustains to people outside of the District in many material matters. We have here a sort of partnership government; that is to say, the Government of the United States being liable in part for the money necessary to carry on the expenses of the District.

Mr. TALBERT of South Carolina. That ought not to apply to free reading matter.

Mr. HEARD. It is not proposed in this bill to tax the Federal Treasury one farthing for the purchase of these books; but it is simply that these books are now in libraries where, so far as the Department libraries are concerned, those persons in the Departments alone can get access to them, and in the Congressional Library, by reason of the rules for its conduct, only a limited portion of our people have access to it. Since these books in the Department libraries and in the Congressional Library are limited in their circulation, it is simply proposed that these books may be placed, by the voluntary action of the Government, where they will be of benefit to the people of the District.

Mr. TALBERT of South Carolina. Then the bill carries no appropriation?

Mr. HEARD. None whatever for the purchase of books.

Mr. HERMANN. But the real expenditure is to follow, and that will consist in the maintenance of the library?

Mr. HEARD. Certainly; there will be required a librarian and such attendants as are necessary.

Mr. HERMANN. And also a library room?

Mr. HEARD. Why, yes; this bill suggests the application or use of certain space in the post-office building. As to whether that will be donated or not is a question for Congress.

Mr. TALBERT of South Carolina. If that is not donated, do you not have to buy land and erect a building?

Mr. HEARD. There is no provision whatever for it, and if at any time in the future the provisions of this bill are carried out and the library located in the new post-office building, it will be within the power of Congress at any time to remove it.

Mr. HULL. As a further answer to the gentleman from South Carolina, this is the only way in which the city of Washington can get a library.

Mr. HEARD. I intended to present that question. I thank my friend from Iowa. I will say to my friend from South Carolina, and I ask his careful attention to this point, that another reason is, that independent of this partnership relation which exists here in this District——

Mr. TALBERT of South Carolina. That partnership does not extend to reading matter.

Mr. HEARD. Aside from the obligations fixed by law to meet our percentage of the cost of carrying on the government, there is this fact, which is superior to that, which my friend should not lose sight of.

That while Congress has absolute power to tax these people, to take from them any amount of money we please and put it in our Treasury, and absolute power to expend it even if we think fit on a worthless water tunnel costing them a million of dollars, and from which they get no good, they have no power to appropriate their own money to build a library, hospital, or anything else in the world.

Mr. TALBERT of South Carolina. Then pass a law giving them a representative here.

Mr. HEARD. You would have to overturn the existing system to do that; and with one representative what power would they have here, except by the grace of the entire Congress?

Mr. TALBERT of South Carolina. Then you may as well provide a library in every township in the United States.

Mr. HEARD. My friend says that you might as well undertake to provide a library in every township in the United States. There is no analogy, I beg my friend to consider, between this city and the townships and towns in the different States, for the reason that all townships and villages which have erected libraries for their own benefit have their own laws and regulations about these things, and can provide for them.

Mr. TALBERT of South Carolina. And they pay the money for it, without looking to the Government for it.

Mr. HEARD. I understand that.

Mr. TALBERT of South Carolina. Let the people here do the same thing.

The CHAIRMAN. The gentleman from South Carolina must not interrupt the gentleman from Missouri without his consent.

Mr. HEARD. Mr. Speaker, my friend is not annoying or disturbing me; I only ask that he permit me to explain the matter to him, and reply to the questions as he puts them.

Mr. HERMANN. If the gentleman will permit me, there is one point he has not made clear. In your answer to a former question by me, as to whether one-half of the expenses of maintaining this library was to be expended by the General Government. I see a very favorable provision here that one-half of the expenditures shall be paid out of the funds of the District of Columbia.

Mr. HEARD. I so stated.

Mr. HERMANN. Excuse me; I did not catch that in your statement.

Mr. HEARD. I want to say to my friend from South Carolina that it is within the competency of Congress to make these people maintain this themselves, if you want to do so; but I do not believe it to be right to do so. I think if there is a proper charge in the entire list of the expenses of this District that should rest in part on the Government it is one for the establishment of proper library facilities. In other words, I do not know a community whose legislative body would slight the duty of providing for the information and improvement of the minds of the people.

Mr. TALBERT of South Carolina. Then you might as well make an appropriation of money for the purpose of building their churches and building their private buildings, and all that sort of thing.

Mr. COOPER of Florida. Do not we at present appropriate for the schools?

Mr. TALBERT of South Carolina. Then you might as well appropriate for the churches, and so on.

Mr. HEARD. Now, let me say to my friend, that in almost all the States of the Union, and certainly in all the public land States, generous donations have been made by the Federal Government for the establishment and maintenance of educational institutions, such as schools, universities, and agricultural colleges. All have received munificent provisions from the public Treasury, but in this District not a dollar has been given for this purpose.

Mr. TALBERT of South Carolina. No money for public schools?

Mr. HEARD. I say for the establishment of public schools in these public land States—for the support of schools, colleges, and universities.

Mr. DINGLEY. Mr. Chairman, if the gentleman will pardon me for interrupting him, I would like to make an inquiry. Do I understand this is a proposition that one-half of the expense of the maintenance of this public library for the District shall be borne by the Government?

Mr. HEARD. Certainly.

Mr. DINGLEY. And it is proposed that rooms shall be assigned for that purpose in the post-office building?

Mr. HEARD. That is the proposition of the bill.

Mr. DINGLEY. Are there any rooms there available for that purpose?

Mr. HEARD. I will state to the gentleman from Maine my understanding is, and I think the gentleman understands, that when that building was first designed to a certain height for the use of the city post-office, that Congress concluded to add probably three additional stories, with a view to obtaining a good deal of office room above that which was demanded for the pur-

pose for which it was originally designed. Now, I suppose, and I have no purpose of concealment, that that space could be used for housing departmental business which is now carried on in rented buildings.

Mr. DINGLEY. This Government is paying $180,000 a year for such rent of buildings.

Mr. HEARD. I understand. I apprehend every member of the House is informed upon that subject—that the Government is now paying large sums for rented places in this District. The question is, therefore, whether the public benefits that are proposed in this measure are such as to justify Congress in appropriating space in this building which would be in excess of the space vacated in the Departments from which these books would be removed, and that is a question about which every gentleman will have his independent opinion.

Mr. HENDERSON of Iowa. Is it not true that if this space is occupied in the post-office building much space will be vacated in the Departments?

Mr. HEARD. I have aimed to make that clear, and the loss or gain in space is the difference between the space which this bill seeks to accord in the new building and the space which will be surrendered in the different Departments.

Mr. DOCKERY. What space will be vacated in the Department libraries?

Mr. HEARD. I understand that there are in each of three of the Departments about 10,000 volumes which are not required there, and which would be transferred to this building; and the portion of space occupied by these volumes in the Departments, which is very considerable, would be surrendered.

Mr. DOCKERY. My understanding is that these are generally books which are in actual use in connection with the conduct of the business of the Departments. I understand that to be the fact, except as to the Interior Department, where they have some books of a miscellaneous character.

Mr. HEARD. My information is that there is an average of 10,000 books of general reading matter in three of the different Departments.

Mr. GROUT. There is a total of 20,000 circulating volumes in those Departments.

Mr. HEARD. I thought there were thirty thousand. I accept the correction.

Mr. HULL. Twenty thousand. The subcommittee, consisting of the gentleman from New Jersey [Mr. CADMUS] and myself, made special inquiry of all the Departments and ascertained that they had about twenty thousand volumes which were not necessary for the operation of the Departments, circulating library books.

Mr. HEARD. Mr. Chairman, it is not intended by the authors of this bill to withdraw, nor does the bill itself contemplate the withdrawal, from any of the Departments of any books which are necessary for the convenience and proper conduct of the business of such Departments. Now, Mr. Chairman, if any gentleman desires to present objections to this bill I hope he will proceed, in order that we may reach a vote as soon as possible.

Mr. CANNON of Illinois. I shall be glad to have five minutes.

Mr. HEARD. I cheerfully yield five minutes to the gentleman from Illinois.

Mr. CANNON of Illinois. Mr. Chairman, in that time, if I can get the attention of the House, I want to say that if there ought to be a public library for the District of Columbia, and I am convinced of that fact, I stand ready to help to lease a building or to construct a building to put it in; or I stand ready to take from the new Library building such room as is not now needed and will not be needed for fifty years to come for the Library of Congress, and give this proposed public library quarters there. Mr. Chairman, the new post-office building is not yet completed and will not be for a year or two. I know something about that building.

Under the lead of the Committee on Public Buildings and Grounds the site was bought and the construction of a five-story building was authorized. Then the matter went to the Committee on Appropriations, and, in connection with the late Supervising Architect, Mr. Windrom, and under the lead of that committee Congress provided that there should be a modern building erected, eight stories high, with elevators and all modern conveniences, and the intention of Congress was that that building, covering the great space that it does, should take the Post-Office employés, the employés of the Geological Survey, the Patent Office if there was room enough, portions of the Land Office if there was room enough—the intention, I say, was that all the employés and records of this Government now scattered in different parts of Washington in old fire-trap buildings, for which we pay in the aggregate $180,000 a year rent, should be put into this modern fire-proof building, so that there might be security for valuable public records, and so that we might get rid of this burden of rent.

Congress, after the fullest consideration, entered on that policy, and while I have the honor to be a member of Congress, if my vote can prevent it there shall be no legislation, whether under the guise of providing a city library or any other form, which will divert one foot of that great building from the purposes for which it was intended by Congress.

I have nothing to say in the way of antagonism to a public library, but, in my judgment, this great building just east of the Capitol, which will be completed about as soon as the post-office building, will accommodate the Library of Congress for one hundred years to come, and this public library, if it is necessary, can be housed there.

But I ask this House not to take any portion of this great modern building which is being constructed for the purposes I have recited, namely, to contain the Government employés and the valuable Government records now scattered about the city in leased buildings. I ask this House not to divert a foot of that great building from the purposes for which it was intended originally, and for which its construction was authorized.

Mr. HEARD. Will the gentleman allow an inquiry?

Mr. CANNON of Illinois. Certainly, if the gentleman will yield me a little further time.

[Here the hammer fell.]

Mr. HEARD. I yield the gentleman a minute or two longer. I want to ask him a question. Would my friend be in favor of a bill allowing for this institution the necessary space in the new library building when completed?

Mr. CANNON of Illinois. Well, if I have the honor three years from now to be a member of Congress, when Congress will be Republican in both the House and the Senate, with a Republican President, and when the building will be ready, I shall then be ready to legislate on the subject, and legislate favorably, if in the meantime other arrangements are not made.

Mr. HEARD. I appreciate the gentleman's obliging disposition, but he puts the matter off too long.

Mr. CANNON of Illinois. Well, I have no objection to doing that if there be a crying necessity for it. I am willing to build at the joint expense of the Government and the District of Columbia a structure for this library, if its importance can be demonstrated. But I am not willing to take this building of which I have been speaking, even before it is completed, and devote it to a purpose that Congress did not contemplate when it made that building exceptional by making it eight stories high, with its enormous rooms dedicated to the purposes indicated. I hope this bill, in that feature at least, will fail.

Mr. HEARD. Mr. Speaker, I yield to the gentleman from Iowa [Mr. HENDERSON] such time as he may desire within the limits of my own time.

Mr. HENDERSON of Iowa. Mr. Chairman, I do not care whether it is a Democratic House or a Republican House, when the cause of education knocks at the door of Congress and the hand of labor knocks, I will help to open the door. Thomas Carlyle said: "Why is there not a majesty's library in every county town? There is a majesty's jail and a gallows in every one." This city has a jail and a gallows; yet with 225,000 people it has not a free public library.

Now, the people ask for this. A bill comes in taking steps to establish it. It asks no dollar now from the public Treasury. We have a city full of books and yet not one book free to "the common people," as Abraham Lincoln loved to call them. There will be room in the great Congressional Library when finished; there will be plenty of room in the post-office when it is finished; and one great advantage that the last-named building has is that the people who go to the post-office will be convenient to the free books and the free reading room proposed in this bill.

Let the masses of your people who have not money to buy books or pay for their use find in a building provided by this District government an inviting room where they can go and read and study. If you would strengthen your Government, if you would give power to your people, if you would make your National capital what it ought to be, pour intelligence like a flood of light fresh from Heaven into the minds of the masses of your people. I will not remain silent while I can give voice or vote for a free public library and a free reading room for the working people of the District of Columbia. [Applause.]

Mr. HEARD. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Seventeen minutes.

Mr. HEARD. I reserve the remainder of my time.

Mr. BARTLETT obtained the floor.

Mr. CANNON of Illinois. Is the gentleman from New York [Mr. BARTLETT] for or against this bill?

Mr. BARTLETT. I am against it.

Mr. CANNON of Illinois. I hope when the gentleman concludes he will yield me a few minutes.

Mr. BARTLETT. I have promised to yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. That is all right.

Mr. BARTLETT. Mr. Chairman and gentlemen of the committee, I am opposed to this bill for two reasons, and it has seemed to me fitting that as chairman of the Library Committee I should say a few words to the House upon the measure now offered for consideration. And I will say at the outset that I am just as much in favor of the spread of education and of granting all the facilities for education to the laborer and the mechanic as the gentleman who has just eloquently addressed this House. But there are special reasons, it seems to me, why this bill should not be passed. You must bear in mind that the functions of public libraries are two-fold.

In the first place and in the main a public library is a library of research. It is intended to be the receptable and repository of original records, of rare volumes coming hither from all parts of the world, of which each library can secure only one copy. And it is the design of public libraries that they should be established for the promotion of special investigation in the line of science or art or literature. It is intended that all these great original records and these rare volumes should be kept there for the inspection and study of the scholar, the student, the author, the inventor.

All the great public libraries of the world are libraries of research—not open for the carrying away of volumes, but open to the reading public, the books to be read within the walls of the library—not to be taken away, because in the first place they are too precious; and in the second place, the demands of those coming there daily within the hours of 9 and 4 could not be met if the volumes were removed.

So I conceive, Mr. Chairman, that it is the duty of this House, if we establish any libraries anywhere, to build libraries for research, and not circulating libraries. The other cities throughout this country provide their own libraries, and I can see no good reason why the District of Columbia should be treated differently from any of the others in this regard. It is no part of the Governmental function to start a circulating library. It is no part of our duty to maintain libraries for the accommodation of working girls or for shopkeepers in order that they may be able to take cheap novels to their homes and read them at night. It is no part of our duty as a part of the lawmaking power to take the action proposed here.

Now, I wish to call attention to the fact that the city of Washington and the District of Columbia will be more amply provided with all that is necessary for study and research when the new Library Building is completed, which will be in about twenty months, than any other city in the country——

Mr. GOLDZIER. Will the gentleman allow a question?

Mr. BARTLETT (continuing). And for that reason I do not think that the District can with any show of justice come and ask the passage of any such bill as this, which will involve eventually a large appropriation of the public money.

There is another consideration. Of whom is the reading public of the District of Columbia composed? You must bear in mind that the Congressional Library is open to anyone whomsoever, even to remove books, on the order of a Representative or a Senator and various other Government officials. The reading public here principally consists of the employés of the Government, and the departmental books are accessible to each and every one of these employés. It would hardly be worth while to establish a circulating library for the small body of citizens who would use it.

But there is another salient objection, and that is to the fourth section of the bill, which provides that the Librarian of Congress shall deliver all the superfluous volumes in the Congressional Library to this new circulating library.

Mr. Chairman, there is a prior claim on the Librarian of Congress and on this Government for these volumes, and I call your attention to Senate resolution No. 12, which passed the Senate and which has been reported favorably by the Committee on the Library of the House. That embodies a claim of the city of Beaufort, S. C., for the destruction of its library by fire during the civil war. All gentlemen present in the House know my attitude on war claims, and all of them know that in the main I am opposed to such claims.

But I believe that a claim arising from the destruction of a library during the war, and especially under the circumstances connected with this Beaufort library, is a claim in equity which should be met and redeemed. Our forces in the year 1861 went down to Beaufort and took possession of the town, and the library was removed and sent to the collector of the port of New York, at that time Mr. Hiram Barney. The library was advertised for sale, and the sale was only stopped by the intervention of the then Secretary of the Treasury, Mr. Chase.

The library was then removed to the Smithsonian Institution in Washington, and it remained here from January, 1863, until January, 1865, when it was destroyed by fire. Secretary Chase, in his letter forbidding the sale of these volumes at public auction, says: "I never thought of selling it. We do not war on libraries." Gen. Halleck, in his instructions to our armies at the inception of the civil war, gave special instructions in reference to the preservation from injury, or the preservation intact in every way, of all the precious instruments of science, such as astronomical instruments and all public libraries. That was the rule of our civil war. Now, we can see that under these circumstances we are bound to give back these volumes destroyed through our agency in the civil war to the Beaufort library.

It was first alleged that 2,000 volumes had been destroyed. I find, however, on inquiry of Mr. Spofford, the Librarian of Congress, that there were over 11,000 volumes in the Beaufort library. The total number of surplus volumes in our Congressional Library amounts to between 11,000 and 13,000. I concede that it would not be quite desirable perhaps to take all of that number and give them to this Southern library to replace those that have been destroyed—that is to say, it would be fair and just, but not entirely wise, to strip ourselves of every superfluous volume. But at the proper time, when the resolution comes before the House, I propose to offer an amendment that we give them anywhere from 2,000 to 5,000 volumes out of the number of volumes on hand, whatever may be agreed upon in the judgment of the House, and that we retain the remainder.

This provides for one of the class of claims in equity which must be met, and we have no right, when we owe these books to these libraries in the South, to appropriate the volumes to the District of Columbia and deprive ourselves of the means of replacing those which were lost or destroyed by our agency. So I shall move, if we proceed to vote upon this measure, to strike out section 4 of the bill. I think the surplus volumes should be kept as a reserve and that from two to five thousand books should be delivered to the Beaufort library or any other library in the same condition. I know, however, of no other measure of like tenor before our library committee. But we should not appropriate all the books to that library, but we should keep on hand a number sufficient to meet any exigency that may arise in the future.

These are some of the reasons why I object to this bill at this time. I conceive that the whole measure is unwise, since I have no doubt but that all the reading public in the District will be amply provided, in the way of study and research, through the medium of the Congressional Library.

I know that the Astor Library in my city, one of the greatest libraries in the world, is only open for the reading and examination of books during certain hours of the day. Not one volume can be taken out. Our rule here is much more lax, and books can be taken out. On our order, or on the order of a Senator, anyone who wishes to examine a book can obtain the relief he desires. I submit that on the whole this bill should not be enacted.

I yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON of Illinois. I want to say in addition to what I have said, and partially by way of comment upon what the gentleman from Iowa [Mr. HENDERSON] submitted, that I suspect that every member upon the floor of this House indorses Carlyle's statement, possibly, as unreservedly as he does. I suspect that every member upon the floor of this House stands ready, acting for the District of Columbia, to give the employés of the Government and those who are not employés of the Government in this District, as good or superior advantages for library privileges as are enjoyed by citizens in our respective communities which we represent. When we go that far perhaps we have performed our duty.

Now, let us strip this question of the fireworks with which the gentleman from Iowa can so well surround all questions that he discusses. I can not compete with him in that, and shall not try; but let us get back again to the proposition. Here is a building that is to cost $3,000,000, and when completed, two or three years from now, will take the valuable records of this Government, in which all the people are interested, laboring people and everybody else, out of insecure rented fire traps, and with the employés in charge thereof, and put them in a modern fireproof Government building, saving thereby every year $180,000 that we now pay in rent for these insufficient, dangerous, leased buildings.

That is what Congress intended to do and what I want done. Who objects? The Committee on the District of Columbia objects. They say, No; let a portion of these Government records, belonging to the people, still remain in perilous rented buildings, and take a portion of that space in the Government building and give it to the city library. And by inference at least those of us who do not agree to that proposition are said to stand in the way of enlightening labor. I do not accept the des-

ignation, even by implication. I stand ready here to devote a portion of the new library building, or to build or lease a building, if it is necessary, for a city library. There is the building occupied by the Geological Survey, which is quite sufficient for a city library.

If we must have it and ought to have it, lease the building and put it in. I do not believe, however, that it is necessary to lease a building. Sometimes in the name of intelligence we run wild and run into extravagance. Here is a great public library belonging to the Government, the greatest in the United States to-day. Any man, woman, or child can make an insignificant deposit and take the books from that library and read them.

Mr. HENDERSON of Iowa. It takes a five-dollar bill.

Mr. CANNON of Illinois. We can cheapen it, if we desire to do so. We are just completing the expenditure of $10,000,000 for the most magnificent library building on this earth, where the same thing can be done, and where there will be room enough, not demanded by the books we now have in the Library of Congress, to accommodate half a dozen city libraries. But all that will not do. They propose to take a portion of this city post-office building for this purpose, and by implication set down those of us who object as favoring ignorance. I will not accept the designation, nor will I be placed in a position of obstructing the course of intelligence when, exercising my duties as a member of Congress, I vote to keep a Government building for Government purposes.

I do not know that anything else can be said about it. Madam Roland is reported, just before she fell under the guillotine, with all her attachment to liberty and intelligence, to have said, "O Liberty! Liberty! what crimes are committed in thy name!".

Mr. BARTLETT. I yield ten minutes of my time to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Chairman, this is a proposition to create a partnership between the Government of the United States and the District of Columbia in the matter of establishing a free circulating library. I understand it comes to the House indorsed by the unanimous report of the Committee on the District of Columbia, and as such I feel some hesitancy in offering any objection to the measure. But upon an examination of its provisions I am constrained to call the attention of the House to some objectionable features. In the first place, a partnership is proposed between the Government of the United States and the District. What is the Government to do? The Government provides the building. The new post-office building is to be turned over for the use of this library.

Mr. HEARD. Do I understand my friend to state that the building is to be turned over to it?

Mr. DOCKERY. Such part of it as is not used by the post-office.

Mr. HEARD. A very insignificant part.

Mr. DOCKERY. Well, whatever remains of the building not in use by the city post-office is to be used—and if I am not correct I would be glad if the gentleman would correct me—whatever space not necessary for the city post-office is to be turned over for the use of a free library.

Mr. COOPER of Florida. It is calculated and reported by the committee that in that building there are 340,000 square feet, and this library would occupy only 6,000 feet. It is not to turn over that building, but only a small part, sufficient to accommodate the library.

Mr. DOCKERY. Then the bill proposes to turn over sufficient space in the city post-office building for such a library.

Then the Government of the United States is to turn over, according to section 4, certain books in the Congressional Library; and then the United States is to pay one-half of the cost of maintenance.

Now, Mr. Chairman, I do not believe it is wise or judicious for the United States to enter into a scheme of this sort with the District of Columbia. If there is a necessity for a free circulating library in this District, then that necessity ought to be fully met by an appropriation from revenues of the District of Columbia; and in reaching my judgment as to such necessity I should be governed very largely by the desires and wishes of the people who pay the taxes.

Now, then, if we are to go into partnership with the District of Columbia, it seems to me that the first section of the bill ought to be amended, because it provides for a board of eleven trustees who shall be appointed by the President of the United States from the citizenship of the District of Columbia. If the United States is to be an equal partner, it seems to me that at least half of the eleven trustees authorized to be appointed for this board should be taken from the citizenship of the United States outside of the District of Columbia.

Mr. Chairman, those who are familiar with the legislation which led up to the authorization of the construction of the post-office building know that the additional stories were placed on it and were authorized to be constructed, either for the storage of documents belonging to the United States, or for the use of clerks of the Government of the United States. It has been already stated on the floor of the House in this debate that the Government is paying an annual rental of over $180,000 for buildings used for governmental purposes; and it seems to me that this space ought to be reserved for Government uses and thus economize on our rental account. The fifth section of the bill, it seems to me, if it is to become law, is too broad. It provides—

That upon completion of rooms for the library herein provided for the said board of trustees shall appoint one librarian and such assistant librarians and other employés as the board may deem necessary.

That is a very large grant of power: "One librarian and such assistant librarians" as "the board may determine to be necessary."

Now, Mr. Chairman, I want to say, in conclusion, that I am opposed to any proposition that involves one dollar of expense to the Government for a free public library. I believe these departmental libraries ought to remain where they are, with the possible exception of the miscellaneous books, and if we are to have a District library, I might be willing to turn over miscellaneous publications to that library, the building to be erected and paid for and the operating expenses of the library to be paid out of the revenues of the District of Columbia.

Mr. BARTLETT. I yield ten minutes to the gentleman from Illinois [Mr. SMITH].

Mr. SMITH of Illinois. Mr. Chairman, I permit no man in Congress or in any portion of this world over which the flag of our country floats to go beyond myself in encouraging education, or in furnishing facilities to all classes of people within the borders of our country to secure liberal educations and to post themselves upon all subjects, scientific and otherwise. But while that is true, yet I can not favor the adoption of this bill for several reasons. Probably my limited time will not give an opportunity for stating all of them; but it does seem to me that as legislators, representing every portion of this country, we should have in view the interests of the people of all portions of our country as well as the interests of the citizens or residents of the District of Columbia.

There are several libraries within the city, as I understand from statements made upon this floor and from the statements contained in the report furnished by the Committee on the District of Columbia. Some of these libraries are departmental ones, containing books specially adapted to the use of employés and officials in these Departments, as well as certain miscellaneous books; and, as has been stated, each of these libraries is free and open to every employé of the Department in which the library is established.

We have, in addition to those, the Congressional Library, and, as has also been stated, under certain conditions every citizen and resident of the District of Columbia is entitled to the privileges and benefits of that library as now established. And, although the room in the building where that library is now located is possibly not sufficient at this time to accommodate all who desire to avail themselves of those privileges, yet when the Congressional Library building, costing the Government millions and millions of dollars, is completed, and it is now nearing completion, there will be, as I am informed, ample room in which to place all the books and in which to consolidate, if need be, all of the libraries of the city in that one building.

Then it will require but little time and no expense for Congress to provide by law that every citizen and resident of this District shall have the benefit of all the books and periodicals which will be contained in that Congressional Library building. Possibly the expense of establishing this proposed free circulating library would not be very great to begin with, but we do not know what the expense would be eventually; and, apart from that consideration, why not let the people of the District of Columbia—the actual residents of the District—establish a public circulating library here for themselves, as the residents of every other city, town, and village in the United States have the right to do and are doing. The citizens and residents of this District can now do that voluntarily. There is no law, as I understand, against their voluntarily establishing such a library, is there?

Mr. HULL. There is no law; but the gentleman's suggestion is an absurdity.

Mr. SMITH of Illinois. The gentleman from Iowa replies that there is no law against their establishing such a library if they desire, but that my statement is an absurdity. Well, sir, if it is an absurdity, so far as the residents and citizens of the District of Columbia are concerned, it is equally an absurdity to say that the different cities, villages, and towns throughout the United States outside of this District should establish libraries for themselves, and yet they have done it and are doing it still.

Mr. HULL. They do it through the action of their local governments, but where is your local government here?

Mr. SMITH of Illinois. The gentleman admits that there is no law against the citizens and residents of this District voluntarily establishing such a library for themselves; and if there is no law against it they can do it; and I imagine that the only reason why the Government employés are named as beneficiaries under this bill is to induce Congress to shoulder half the expense attending the establishment of this proposed library for the benefit of the people of this District.

Mr. TALBERT of South Carolina. And those employés draw from the Government about $21,000,000 in salaries.

Mr. SMITH of Illinois. Mr. Chairmnn, as is suggested by the gentleman from South Carolina, the Government employés draw $21,000,000 of Government money in salaries, and I doubt not that all of the employés of the Government would be willing to join with the actual citizens of the District in contributing to establish such a library and reading room for the benefit of them all.

Now, Mr. Chairman, while since I have been here I have always spoken and voted in favor of making liberal appropriations for all proper and legitimate purposes, yet in this particular case and under the existing circumstances, I am not in favor of the Government entering into a partnership with the District of Columbia to establish a free library and reading room here. At the same time I say give the citizens of the District by legislation, if the same is necessary, all the authority they want or need to establish such a library and reading room themselves, and let them conduct it as they see fit. I yield the remainder of the time to the gentleman from New York [Mr. BARTLETT].

Mr. BARTLETT. I reserve the balance of my time.

Mr. COOPER of Florida. I yield ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I regret to see a disposition here on this occasion, as I have seen it on so many other occasions, to assume a position antagonistic to the District of Columbia. It is to be regretted, it seems to me, that the Congress of the United States should fail to duly appreciate its relation to the District of Columbia. I have never been a member of the District committee and have had no special relations with any of the special interests of the District. In dealing with this subject I occupy simply the position of a representative citizen of the United States of America.

Mr. Chairman, the capital of any great State in this Union without a free public library would be a stigma upon the intelligence and civilization of the State, and there is scarcely a great city in the country that to-day has not one or more free libraries created, promoted, sustained by taxes drawn by operation of law from the taxable property of the constituency. We have here the capital of a nation of sixty-five or seventy millions of people, a nation that ought to be proud of its capital, a nation that ought to be ready and able and willing to challenge France in her beautification of her beautiful Paris; to challenge Belgium in her adornment and development of her beautiful Brussels.

In this mightiest of all the republics of the world the capital city should be fostered, builded, and furnished with every appliance of civilization in competition, in successful competition, with the capitals of all the nations of the earth. If the Government of the United States can not build an appraiser's warehouse in New York; if we have come to a point where we can not erect a public building for the transaction of the public business of the city of Chicago; if, as suggested by the gentleman from Missouri [Mr. DOCKERY], we have reached a condition of practical insolvency, I think we had better resign and go out of business as a nation.

Mr. QUIGG. Or else change the Administration.

Mr. GROSVENOR. But while we are in business, I protest against advertising to the world that we are incompetent or unwilling to do that which civilization demands of every government.

Here in this great city, with nearly 275,000 people, with its outlines of beauty, its capacity for beautification such as no other city in the world has, we learn with mortification and shame as American citizens that the people residing here have no public library. And then somebody talks about having the people of the District, the employés of a great government, the men who are here temporarily, "chipping in" something to buy the books for a public library—the Government of the United States going out upon the streets, hat in hand, "Coxey 'wealer" fashion, to petition the temporary lodger in the city to help buy books for the edification, enlightenment, and education of the people of the country.

I certainly feel it my duty to see to it that the people of this District have as good a chance for education as have the people of the other cities of the United States.

I do not discuss the details of this bill. It may be wise to strike out the Congressional Library and insert the new post-office building or provide a new building specially for the library. But what I stand here to insist upon is that it is due to the honor, the integrity, the grandeur, and the civilization of the people of the United States that now, when this appeal has been made to Congress, we shall recognize the propriety, the imperative duty, of Congress to legislate in favor of this great library enterprise. What are the people of this District? What is this District? Is it antagonistic to the Government of the United States? It is our District; it is the property of the people of the United States, politically speaking. It is under the jurisdiction of Congress. Congress provides and must provide all its legislation.

We have disfranchised the people of the District. They have no power to legislate; no power to establish a free circulating library. They are, as might well be said, the wards of the Government of the United States. Now, will the Government of the United States treat the people of the District of Columbia in a manner that no great city of this country or of Europe treats its constituency?

Take the city of Birmingham, in England—the low wages district. You find there a magnificent library, open to every man, woman, and child. Take the city of Inverness, in Scotland. Take all the large cities—I need not discriminate or speak of one above another—and you find ample provision in this respect. Yet when you come to the capital of free, enlightened America, we have a restricted library, a library with a restricted liberty as to its use by the citizen. When you come to inquire for a great, free, people's library we have it not.

I deny that this Government stands paralyzed in its functions. I deny that even in the hands of the present Administration this Government is unable to do that which is fair and just and right. And I am in favor of this library bill upon the system most conducive to a wise administration, and I think the people of the country will indorse the action of Congress in that behalf.

Mr. COOPER of Florida. Mr. Chairman, this bill is one which excites my earnest sympathy; and I am really surprised, although I know the jealousy that exists in this House against anything which looks like a local appropriation or a local expenditure in the city of Washington, that this measure has not met with more sympathy than has been manifested on this floor.

I have a vivid recollection of the time when I was a boy and when the war had destroyed the opportunities for schools and the materials for reading and for libraries—I recollect the boon it was to me when I could get hold of some old odd volume that had survived the wreck and destruction of war.

The gentleman from New York [Mr. BARTLETT] has no sympathy with a provision for a library which shall circulate books among the people. He has no sympathy with a library open at convenient hours, making it accessible to the working people, to those who are confined during business hours, and to the school boys and girls who have to come after school hours to get their books or to do their reading. He says that a great library should be simply a collection of antique works of reference, or rare volumes for the literary connoisseur. I say, sir, that the great function of books is to be read, and to be read by as many people as can be reached by them.

Mr. Chairman, this proposition has nothing of the character which gentlemen have sought to impress the House that it possesses. We already have in Washington a public school system, and a good one. It is paid for out of the funds of the District and of the United States. It is paid for by District appropriations. And a free library is nothing in the world but a supplement to the public school system. It is nothing in the world but the poor man's college. How is he to get access to the great volumes of thought? How is he to have the time and the opportunity to seek the wellsprings of knowledge, of truth, of information? He can get them in this way and in no other way.

Gentlemen may sneer at the proposition that it is a far better plan to establish libraries than to build jails; nevertheless it is a truth that a taste for reading and the opportunity for reading—the access to books—is one of the greatest benefits that we can confer on the great masses of our fellow-citizens; and one of the greatest benefits that we can put in the way of growing boys and girls, who come out of the tedious routine of mere school studies, is an opportunity of looking into these great vistas of enlightenment, of beauty, and of wisdom, that are opened to them through the doors of the free public library.

But, Mr. Chairman, I wish to call the attention of the House a moment to what is proposed to be done and for whom this action is proposed to be taken. We have in the Congressional Library at present about 15,000 volumes that the Librarian says are worse than useless; that they simply incumber that much space. Mr. Spofford says that it would be embarrassing to the Congres-

sional Library proper, a great library of reference, to have it also a circulating library, in the sense of a free library, with the right to remove books, with reading rooms, etc.; that the Library would be better off without them. So we have 15,000 volumes that are of no service in the present Library, and can be applied to the purpose contemplated by this bill.

When I walk to the door of that great collection and look into it and consider that I have access to hundreds of thousands of books, when I have now no time to read them and but little appetite for them, and consider what they would have been to me when I had both time and appetite for them, I will not stand here throwing any objections in the way—mere technical objections—to prevent the people of the District of Columbia from having that privilege so much desired, and which they can only have through our action. It is not a peculiar privilege. Every progressive city throughout the country—I mean one after the other as they come to the question—either have established public libraries or are establishing them as the time goes by.

Mr. BARTLETT. Will the gentleman yield for a question?

Mr. COOPER of Florida. Yes.

Mr. BARTLETT. What right have you to give the surplus volumes in the Congressional Library to the District of Columbia when we owe them to the town of Beaufort, in South Carolina?

Mr. COOPER of Florida. I am exceedingly glad the gentleman has called attention to that point. I desire to answer him now. I have sat here, Mr. Chairman, and heard the gentleman from New York, time after time, get up and object to and combat every just claim for compensation that came from the South against the United States Government regardless of its merits and wholly regardless of whether he knew anything about it or not.

Mr. BARTLETT. Not for a library, however.

Mr. COOPER of Florida. But now, when by interposing such an objection he can embarrass the location of a free public library in Washington, for the first time since the gentleman has been a member of this House such a claim finds favor with him, and he proposes to pay the town of Beaufort, not in money for the books taken and destroyed, not by buying and giving them others to replace them, but by taking away the books now in the library here and sending them down there. That is a system of "robbing Peter to pay Paul" that I do not favor.

Now, Mr. Chairman, in addition to the 15,000 volumes already in the Library, there are some 20,000 volumes of books for circulating purposes, books of general reading, in the libraries of the various Departments. We are not creating a new thing. We furnish now in the Department of the Interior, in the Treasury Department, and in the War Department free circulating libraries, and are paying the expenses of maintaining them. You have already bought the books and are paying the expenses of running the libraries, although no one has access to these libraries except the clerks in the several Departments. This bill does not touch a single technical book there. They are expressly excluded, but the general circulating books it is proposed to take away and put them in some place here where the people of the District can reach and read them, and where the working people and the school children can read them. The sole purpose, in other words, is to make them accessible to our people, and this is the best way we can do it.

Again, Mr. Chairman, these books are encumbering the Library and occupying a large space. Determined objection has been made to using any portion of the new post-office building for this purpose, but when the gentleman from Illinois [Mr. CANNON] was asked whether he would vote for the bill if we substituted the new Library Building instead of the post-office building we could get no assurance from him on that head. It is the pretext of men who want to vote against the measure. If that is the great objection it can easily be obviated. It is by no means material. The recommendation of a portion of the post-office building was made because of the fact that it was a central location and easily accessible from all parts of the city.

We wanted to make a library that would be accessible to the working people, a useful library for the general reading public most convenient of access, and for that reason this site was selected. This post-office building has 340,000 square feet of room. It is proposed to take for this library a small portion of this immense space, about 6,000 square feet, which can readily be spared for the purpose; but if the House is opposed we will not combat an amendment to put the library in the new Library Building, although I think the other location is far more desirable.

Mr. Spofford thought it was better to keep it entirely apart. That was one reason why it was intended to keep it apart. Doubtless it could be added there; but because the new post-office was more central, and for the other reasons, we preferred to accept that.

Mr. TALBERT of South Carolina. I understand you to say that this bill will give the citizens of the District of Columbia a right which they could not otherwise have. Please explain; is there any law that will prohibit the citizens of the District of Columbia from having a free circulating library as they do in other cities and towns? What law is there which prevents them from exercising that right?

Mr. COOPER of Florida. In the first place, they can not have access to these volumes of United States books.

Mr. TALBERT of South Carolina. Do they not have such access now?

Mr. COOPER of Florida. They do not, in a way that is of use to them.

Mr. TALBERT of South Carolina. I understand they do.

Mr. COOPER of Florida. They do not in a way that a free circulating library and reading room would reach the people who would be most benefited by it. They can not take away books without complying with certain regulations which make them inaccessible to those that need them most.

Mr. TALBERT of South Carolina. I understood the gentleman to say they were prohibited by law?

Mr. COOPER of Florida. I said nothing of the sort. I said that there was no law which made these books properly accessible to them. I said that there was no provision of law which did for them what is done in other cities, in making a free library and reading room, and I said that they could not make a public library and reading room for themselves, to be paid for out of the public funds, without an act of Congress.

Now, Mr. Chairman, who are particularly to be reached by this bill? There are in the District of Columbia about 63,000 children of school age. There are over 30,000 of these over 12 years of age. They are at that time of life when access to a free library and to these sources of knowledge will assist them in the forming of a literary taste and keep them from forming other tastes that are injurious, instead of promotive of their welfare through life. This large class should be taken into consideration. There are in the District about 23,000 adults engaged in lines of work classed as manufactures, omitting all the other numerous forms of labor. A free public library and reading room, under such regulations as would permit proper access to and use of the books and reading room is highly important to them, and the present library does not at all accomplish it.

But gentlemen say, "Why should the United States do this?" Why should the United States have a fire department here? Why should the United States have public schools here? Why should the United States have anything else that belongs to a city? We should have it because the Congress of the United States is the city government of this city, and because this city is set apart as the capital of the United States, under peculiar conditions. It has no local government. We should have it because we should do for Washington what every progressive local government does for every progressive city in this land.

It is said that the United States should not make any appropriations for libraries here. How many of you on this floor have school systems aided by the United States? How many of you have agricultural colleges? The United States has granted 80,000,000 acres to the States for public schools, 1,500,000 acres for State universities, and this is a people's university that we are asking this House to provide. The United States has given nearly 10,000,000 acres of land for agricultural colleges.

Mr. DOCKERY. Will my friend allow me to suggest that the United States is now and has been for a long time paying half the expenses of maintaining the public-school system of this District?

Mr. COOPER of Florida. Undoubtedly, and for that reason this is no novelty. A proper free library is simply a supplement to the common-school system of the country.

Mr. DOCKERY. That is something of an offset against the donations of land to the States.

Mr. COOPER of Florida. Not at all. The United States is simply contributing its part of the taxes, substantially. It gave away these countless millions of acres for schools and universities and colleges. A free public library is nothing but a common-school extension. I remember in our part of the country, with the independent ideas of our old-time people, when they stoutly maintained that it was no part of the functions of a government to assist any public school; but that idea has passed away, and this idea of opposing governmental aid to an educational institution like this is just as much a mossback prejudice as ever was the prejudice against public schools.

Now, Mr. Chairman, I have said that we are the government of Washington. This is the capital of the United States. I know that it is a cheap form of supposed political capital to get up and to object to every expenditure made for public purposes here of which the United States will pay a portion. But I believe the gentlemen who think that that line of talk and that that sentiment meets the approval of their constituents are far wrong.

There is scarcely a citizen of the United States who does not come through Washington at different times. I believe that the people of this country appreciate and take pride in this beautiful city—this Paris of America.

This is the capital of our country. I believe the people of the country desire to make proper expenditures for all that the Government should do here; and I do not believe that they desire to have this city without a free public library such as every second and third-rate progressive city of the land is establishing under government agencies for the development of the city and the enlightenment of its people and the perfection of its citizenship. This is a question of educating our citizens, giving them habits of reading, and keeping them out of objectionable places. This is in the line of progress, of good government; and I trust the bill may pass.

How much time have I remaining?

The CHAIRMAN. The gentleman from Florida has thirty-five minutes of his time remaining.

Mr. COOPER of Florida. I yield my time to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Chairman, I confess that I have been very much surprised at the course the debate on this bill has taken. I supposed that on the general proposition of establishing a free public library there would be absolutely no dissent on this floor.

Mr. Chairman, if any city of the United States outside of Washington with one-tenth the population of this city, was charged with being entirely out of a free circulating library, it would be considered a disgrace to the city. In my State, a city of 1,500 inhabitants without a free circulating library is considered an anomaly. In cities of 5,000 and over, by an act of the General Assembly, they are authorized to vote taxes to support one.

Mr. TALBERT of South Carolina. But the State does not pay half the expense.

Mr. HULL. I will come to that, if my friend will wait. In my own city, where we had less than 30,000, we had a circulating library containing more books than will be contained in this proposed library, with all the volumes that the Government proposes to turn over to it.

Mr. GEAR. We have had it since there were less than 15,000.

Mr. HULL. We had a free library when the city had less than 10,000 inhabitants; and we started it at the expense of all the city. Now, why is Washington without one? Simply because Washington has not the means that every village and town and city of the United States has to establish one for itself. It must come to Congress.

Why, gentleman talk as though this was an unheard-of proposition for the Government to pay half the expenses of this library. The Government pays half of all taxes here and owns more than half of the property. I will say to my friend from South Carolina, who suggested that the employés were drawing salaries such that they could afford to establish a library of their own, that the Congressional Library spends thousands and thousands of dollars practically for the benefit of Members of Congress and judges of the Supreme Court for the law library, as I understand that is a part of the Congressional Library, and for a few people with abundant leisure who can come to the Congressional Library and read.

Mr. TALBERT of South Carolina. They all have the same right. These employés can come there, too.

Mr. HULL. The Congressional Library is open at the same time these employés are compelled to be at their desks. Not only that, but I will say to my friend from South Carolina that the Government has been paying about $10,000 a year to keep up a medical library alone; and we are now paying $8,500 each year for it.

Mr. TALBERT of South Carolina. The Government has been doing a good many things that I do not think right, and I expect it will continue to do a good many things I do not think right.

Mr. HULL. Now, Mr. Chairman, the only way the people of the District of Columbia can obtain a library is through the action of Congress. Debate has not taken the position or line or shape that I thought it should do, but has been simply a question of location. Let us establish a library. The place to open it can be changed.

Now a word as to another question. My friend from Illinois [Mr. SMITH], whom I esteem highly, made an argument that if it was necessary for the people to have a library, for them to come together themselves and vote upon it and establish one. I want to say that I do not think there are more than one or two places in the country where a library has been established by voluntary contributions. Have you any such libraries in Illinois?

Mr. SMITH of Illinois. We have.

Mr. HULL. I ask the gentleman if they were not established by the proper authorities, in the form of local government, and not by voluntary contributions.

Mr. SMITH of Illinois. If I can have just a moment, I will say to the gentleman from Iowa that there are quite a number of public libraries in my district. I am proud of the fact, and the vote shows the necessity of it, I suppose.

Mr. HULL. But my question is whether they were established by your local government?

Mr. SMITH of Illinois. By individual contributions.

Mr. HULL. Your local government did not establish the libraries?

Mr. SMITH of Illinois. The local governments did not establish them. We got together and formed associations that contributed money to procure rooms and furnish periodicals.

Mr. HULL. Are they incorporated?

Mr. SMITH of Illinois. Some of them are and some are not.

Mr. HULL. Mr. Chairman, I think that is very much against the gentleman's district. According to my friend's statement they have a few public spirited people there who are willing to establish libraries, but the local governments of the cities, towns, and localities are not public spirited enough to establish such libraries under the forms of law. Now they must be incorporated as private corporations or else there is no authority to take care of the books. In this case the city of Washington coming to Congress for this library is simply coming to its town council. My friend from Illinois [Mr. CANNON] talks as though this bill proposed to appropriate the entire surplus space in the new post-office building. Why, sir, it appropriates only 6,000 square feet, and we gain more than twice as much space in the Departments.

Mr. HEARD. It appropriates less than one-fiftieth part of the total area of the building.

Mr. DOCKERY. It appropriates——

Mr. HULL. I know what the gentleman is going to say; he said it before. [Laughter.] It appropriates space enough to accomodate 75,000 volumes.

Mr. DOCKERY. I never said that before. [Laughter.]

Mr. HULL. Yes, you did. You read the section. It appropriates just enough space to accomodate that number of volumes, which is estimated by competent authority to be 6,000 square feet. It seems to me, Mr. Chairman, that the proposition to establish this library should not be combatted by anyone. So far as the point of the Government being in partnership in the matter is concerned, that is no argument, because the Government of the United States is in partnership with the District of Columbia on all lines of local improvement.

It is not so in our home localities. It is not so in the home of the gentleman from South Carolina [Mr. TALBERT], or in the home of the gentleman from Missouri [Mr. DOCKERY]; but it is so here.

Mr. TALBERT of South Carolina. If the people here have not the right to do this, suppose we just pass a law giving them the right to organize their board and go ahead and establish their library without any appropriation from the Government. I would be very glad to do that. Let them go ahead and build their own building and furnish their own library.

Mr. HULL. Certainly. But it should be remembered that nearly one-half the patrons of this library will be Government employés.

Mr. TALBERT of South Carolina. And I would like to say at that point that these Government employés are the best paid people in the world.

Mr. HULL. No, they are not. The gentleman from South Carolina, himself, is better paid than any man who sits at the clerk's desk in this country. [Laughter.] We who sit in this Hall are all better paid, and yet we have a library provided for us, and not only that, but we do not even have to carry the books home; we have them sent to our rooms.

But, Mr. Chairman, the point I want to get at is that these Department employés are at their desks from 9 in the morning until 4 in the afternoon, the very hours when the Congressional Library is open, and therefore it is of no benefit to them.

The fact is that a free public library, to be of any use to the masses of the people must be open at night, and it would be foreign to the purposes of the Congressional Library to make it a circulating library. In such a library as is here proposed the hours when it would be of the greatest benefit to the poor boys and the poor girls, and the working people of the District, would be from 7 to 10 o'clock in the evening. We have libraries for Congress, we have libraries for our judges, we have libraries for our doctors; now, my good friend from South Carolina, join with us in helping to establish a library for the people of the District of Columbia.

Mr. TALBERT of South Carolina. How about the people all over the country?

Mr. HULL. As to my part of the country, it would be a dis-

grace to any town of a thousand people in the State of Iowa not to have a public library.

Mr. TALBERT of South Carolina. But they have them at their own expense.

Mr. HULL. If we were legislating for the gentleman's district, if the Government of the United States owned one-half the property in his district, if we were in partnership with his constituents in their public schools, in their street improvements, in all their public improvements, then it would be entirely proper that we should be in partnership with them in their library, but we have no such connection with them.

This proposed library, as was well stated by the gentleman from Florida [Mr. COOPER], is really to be an extension of the common-school system, to bring within the reach of every child and every family the means of literary culture. In my judgment it is a disgrace to this nation that Washington, with nearly three hundred thousand people, has not a library for the common people of the District. Now, if it is wrong to take a part of this new post-office building for this purpose, let gentlemen who are opposed to that feature of the bill move to substitute something else. If this library should be put in the Congressional Library building an amendment will carry it there.

So far as I am concerned, I believe that it should be nearer the center of the city, and should be kept open at night for the accommodation of the people of this District. As I have already said, more space will be gained in the Departments than is proposed to be given to this library in the new post-office building. We do not trench upon any purpose for which the building is being erected. We take 6,000 square feet, less than one-fiftieth part of the space in the building, a space which will not be needed at present, and before it is needed for other purposes I trust that the District of Columbia will have a building where this library can be kept.

And I wish to say to my friend from Illinois [Mr. SMITH] that if we will establish this library, if we will do as we ought to have done ten years ago, inaugurate a free library for the District of Columbia, there will be many wealthy people who will contribute to build it up and make it a library that the people of the United States can have pride in.

I yield the balance of my time to the gentleman from Vermont [Mr. GROUT].

Mr. GROUT. Mr. Chairman, I shall detain the committee but a moment, for the gentleman who has just occupied the floor [Mr. HULL] and others have stated many of the reasons that have occurred to me why this bill ought to become a law. I am glad to see here a bill looking in the direction of establishing a free public library and reading room for the common people of the District.

The fact is that no such reading room or library now exists. Gentlemen have said that we have the Congressional Library to which the people have access. It has been replied that that Library is open only during certain hours. It is open only from 9 to 4 daily, except when Congress may sit later, and then the moment the two Houses adjourn the Library is closed. That Library is in no way accessible to the 33,000 children over 12 years of age who need library facilities, for during these hours they are in school. It is in no way accessible to the 23,000 working men of the District who ought to have library facilities, for during those hours they are at work. It is accessible merely to certain privileged classes; and let me read an enumeration of those classes, that it may be seen how restricted are the operations of this library:

No book shall be taken from the Library except by the President, the Vice-President, Senators, Representatives, and Delegates in Congress:
Heads of Departments:
The justices, reporter, and clerk of the Supreme Court:
The judges and clerk of the Court of Claims:
Representatives at Washington of foreign governments:
The Solicitor-General and Assistant Attorneys-General:
The Secretary of the Senate:
The Clerk of the House of Representatives:
The Solicitor of the Treasury:
The disbursing agent of the Committee on the Library:
Ex-Presidents of the United States:
The Chaplains of the two Houses of Congress:
The Secretary and Regents of the Smithsonian Institution:
The members and Secretary of the Interstate Commerce Commission:
Chief of Engineers of the Army.

There is a provision, Mr. Chairman, by which on the order of a Member or Senator a book can be procured, but not for the use of the individual presenting the order; always for the use of the Senator or Member.

This is shown by the following:

INSTRUCTIONS OF THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY TO THE LIBRARIAN.

The Library Committee have instructed me to ask you to enforce strictly the law in relation to the use of the Library.

No books should be given out upon the orders of members in favor of those who are not members.

This is directly contrary to the law, which confines the delivery of books to members themselves and other specified persons. If a member sends an order for a particular book which he wants, he is entitled to it; but if it be an order in favor of another person, or for such other person's use, it can not be delivered according to law.

Such are the limitations upon the use of this great Library, which it has been argued here serves the purpose of a popular library. It is far from doing so in fact.

Mr. Chairman, we should remember our relations to the District of Columbia. It is objected to this bill that by it the United States go into partnership. But the fact is the United States has already taken this District into partnership in everything pertaining to District affairs—everything, the police department, the fire department, the public schools, etc.—and the measure now proposed is only another step in the process of education.

It seems to me the judgment of every candid man will say that there should be some place provided for workingmen and others who desire the use of an institution of this kind in the evenings. You license saloons all over the District, but you provide no places that may afford a healthful and elevating counter attraction. It is true there are the theaters, but they are only a sort of midway plaisance. It is the duty of the American Congress to establish a free reading room, and have it open during the evening hours, to which men with their daily labor completed may repair and enjoy the companionship of books. You should do this for the benefit of the young working men and women of the District. You should at least place over against the saloons which you have licensed and tolerate as legal establishments, and on account of which you have received the cash, the competition of a free reading room, the antidote for ignorance and dissipation. How can we do less and do our duty? On reflection, all will agree that the people of this District ought to have the library provided by this bill.

Just a word as to where this library should be housed. Objection has been made to the place designated in the bill—the new post-office building. This objection was first suggested by my friend, the gentleman from Illinois [Mr. CANNON]; but when he undertook to state the objection it was apparent to all that it was sentimental rather than substantial.

The objection, as stated by the gentleman, is because this building was dedicated in the first instance to the uses of the post-office in this city; and on second thought was to be sent up eight stories, to store public records belonging to the various Departments and make room for the overflow of clerks from the Departments.

Well, I will admit that these are all good uses, but are they better than that proposed by this bill which asks for only 6,000 of the 340,000 for a free library, called by some one a minority of the people? What is there so sacred about this new post-office building, "this modern building," as the gentleman designates it, apparently as a reason why it should not be used by this proposed library as to make it improper for this university of the people to have a place in it?

There seems to be no good reason against the use of this building for this purpose; not only this, but the fact that it is built for local purposes, viz, to accommodate the city post-office, is really a reason why this library should be accommodated there also; inasmuch as it is conceded that not one-fourth part of the space within it will be needed for post-office purposes. It is also centrally located, and a place of continual public resort, as every post-office is, and the library there would be more easily available than in almost any other place that could be named.

The CHAIRMAN. The gentleman's time has expired.

Mr. HEARD. Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

The committee accordingly arose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 6642, had come to no resolution thereon.

THE TARIFF.

Mr. CATCHINGS. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The report will be read.

The Clerk read as follows:

Resolved, That after the adoption of this resolution it shall be in order in the House to move that the order heretofore made requesting a conference with the Senate on the disagreeing votes of the two Houses on H. R. 4864 be rescinded; that the conferees heretofore appointed on the part of the House be discharged from further duty in that behalf, and that the House recede from its disagreement to the Senate amendments to said bill in gross, and agree to the same. That after two hours' debate on said motion (which shall be indivisible) the vote shall be taken without delay or other motion; general leave to print is hereby granted for ten days.

Resolved, second, That at any time after the adoption of this resolution it shall be in order to present for consideration, without reference to a committee, separate bills placing upon the free list sugar in all its forms, coal, iron ore, and barbed wire. Each of said bills when presented shall be con-

sidered in the House. Thirty minutes' debate shall be allowed on each bill, and at the end of such debate the previous question shall be considered as ordered thereon, and without delay or other motion the vote shall be taken.

Mr. CATCHINGS. On the adoption of the resolution I demand the previous question.

Mr. REED. Mr. Speaker, I desire to raise a point of order.

The SPEAKER. The gentleman will state it.

Mr. REED. One portion of the order presented by the Committee on Rules proposes to take action upon a bill which, in my judgment, is not before the House at this time, and consequently it would not be in order for the House to pass the resolution now submitted by the gentleman from Mississippi, and I will state briefly to the Speaker my reasons for occupying that position.

When the two Houses differ in reference to a matter of legislation it is at their option to leave the matter there, and the bill is lost; or one of the Houses, having possession of the papers, may ask for a conference on the disagreeing votes, in which case there is either an agreement or a disagreement. If there is an agreement by the conference committee the bill then goes to the assenting House; not to the House that asked for the conference, but to the House that assented to the conference. In case of a disagreement, the bill goes to the body first asking the conference, the reason of this difference being very simple and founded on a principle of parliamentary law.

In the case of an agreement the bill goes to the assenting House, and not to the House asking the conference, because the assenting House is supposed to be the most reluctant or the more reluctant to come to an agreement. Hence, unless it passes that House, it is no use to present it to the other. Therefore, in the case of an agreement, the papers go, as I have said, to the assenting House.

In the case of a disagreement the papers go to the House which first asked the conference, upon the ground that the House having asked the conference is the House most desirous of accommodating the difference between the two Houses, and therefore that House is intrusted with the papers because all parliamentary law favors an agreement.

The papers can not remain with both Houses, because they must be in parliamentary sense, as they must be in physical sense, in one place only at one time. Otherwise the result would be that the two Houses might take entirely different action on the same subject, which would be the frustration of all agreement, or extreme confusion.

If you take this case as it stands at present, we might have the spectacle—provided the Senate possessed as little firmness as this body seems to possess—we might have the Senate presenting the spectacle of a recession from its amendments to the House bill, at the same time when the House was receding from its disagreement to the amendments of the Senate; and then which bill would be law would be excessively puzzling except to those persons who cut Gordian knots and do not untie them.

Now, Mr. Speaker, what is the position in regard to this bill? But before going to that I desire to fortify myself by reference to a ruling of Mr. Speaker Colfax on the 1st day of June, 1864, in the first session of the Thirty-eighth Congress. Mr. Washburn undertook to submit a conference report on House bill 426. Mr. Colfax, the Speaker, inquired which House asked for the conference; and was informed that it was the House of Representatives. And the Speaker further inquired if the Senate had acted on the report, and was told that it had not. The Speaker then ruled the motion out of order. This entirely irrespective of the question where the bill physically was.

This case is authority for two propositions: First, that the conference report must be acted upon primarily by the body which assents to the conference; and, second, that even if the papers are before the House, unless they are rightfully before the House, the House has no authority to act. These two propositions are perfectly plain and clear in parliamentary law. The status of the bill in case of agreement, and in case of disagreement, is also equally clear.

I admit—because I should not undertake to speak to this House without stating what I knew upon the subject—I admit that the action of the two Houses, no dispute being made, is often irregular; but never, so far as my knowledge goes, when the point has been raised and the question presented to either of the bodies. It may be that such irregular action has been taken, but so far as the limited research I have been able to give, that is my opinion.

Now, that being the case, what is the condition and situation of this bill? The House passed the bill and it went to the Senate. The Senate added six hundred and odd amendments. It voted to insist upon those amendments, and to ask a committee of conference before the House had had an opportunity for action. That is rather a new method, but it has been established, apparently, within the last six or eight years. The bill then came over to the House, and the House assented to the conference.

The bill and the papers came here. The conferees reported a disagreement, and the House and Senate then acted upon that disagreement, and continued to disagree. The legal result was that those papers went to the Senate. I have been told that upon agreeing to the proposition for a conference the Senate returned the bill with the message. If that was done it was irregular, because no papers need to be sent to any House unless that House is to take action upon those papers.

Recollect that the key to the whole situation is the rule that no House can act upon papers which are not before it, and not properly before it. It is impossible that it should be otherwise. If it were possible that it should be otherwise, we might have the two bodies acting at the same time upon the same or similar papers, which could only lead to confusion and to discredit to the business action of both bodies. The papers then, it being a case of disagreement, are properly before the Senate, because that body was the body that first asked for a conference.

There can be no better illustration of the wisdom and soundness of this than the actual position of public affairs at this moment. The Senate said: "We will pass your bill if you will admit our amendments:" That was upon July 2, a month and ten days ago, if I have the date right. The House refused the amendments of the Senate. There has been one conference, which has resulted in a disagreement. Another conference is now pending and inexistence. The bill must be in the hands of the Senate, although it may be in the custody of the conferees.

Nevertheless that is where the bill is, and the Senate to-day is proposing action upon it, and the House to-day is proposing action upon it, the House having repented of its bill and the Senate having repented of its bill also, and there being at this moment no assenting agreement possible between the two bodies, because each one of them is very properly ashamed of its own offspring and disgusted with the offspring of the other. [Laughter on the Republican side.] Now it is proposed that one body, the body which has not the papers, shall proceed to take action and actually climb over every legal obstacle in order to get at the nauseous meal which has been set before them, the nature of which they themselves have described.

Upon my word, I never heard of such a spectacle in parliamentary history, or any other; but I will not dwell upon that, because my point is entirely upon the parliamentary situation. I say that there can be no better example of the absurdity of the doctrine which that rule contemplates to uphold than just this present. It is intended that the laws of this land shall have the assent of both Houses. Thus far this bill has had the dissent of both of them. Thus far it has the opposition of both Houses, and this House is endeavoring to take a snap judgment, ready to take what it has so utterly denounced on all occasions for fear of worse.

Mr. DUNN. For fear of McKinleyism.

Mr. REED. The Senate, on the other hand, is contemplating some sort of action on this question. Now, suppose that should happen to be simultaneous. Suppose that the gentleman from New Jersey [Mr. DUNN] who just interrupted me should succeed in his effort to swallow what he has been unwilling even to look at. [Laughter.] Suppose he should adorn his record by this interesting back-down. Suppose he should be wreathed and garlanded by this action. He was rather late in getting upon the roll of honor. He seems to be ahead in getting on the roll of dishonor. [Laughter.] Suppose the Senate at the same moment should demand the bill for the purpose of taking other action upon it. What situation should we be in?

But, on the other hand, upon the proposition that the House which ought to take action upon the bill is the House which has the papers, why, the whole matter is perfectly simple, and it passes from one House to the other.

I am quite well aware that one precedent, and very possibly more, might be found, in which the Senate or the House may have taken some action like this without having the question raised; but if that is so, that is no authority, no more than it would be authority, for instance, to claim that I might attempt to send this rule back to the Committee on Rules, upon the ground that two Democrats have already been allowed to do it. The Speaker would say if some Republican asked it—very possibly the Speaker would say, that the question had not been raised; and thereupon rule according to his idea of parliamentary law. Authorities are to be found only in cases where the question has been brought up; and even the statement of a judge, made in deciding another case, never controls the case that is up, unless that was the case which was decided.

I do not know that I shall succeed in convincing gentlemen who come here to record caucus action; very possibly not; but I shall certainly put them in the condition of the heathen after

having listened to the missionary—they will not have any chance of redemption. [Laughter.]

Mr. DUNN. Mr. Speaker——

The SPEAKER. The Chair is ready to decide the question. In order that the House may fully understand the exact question that is——

Mr. REED. Permit me a single word; to present one citation that I wanted to make.

The SPEAKER. Certainly.

Mr. REED. It is from Jefferson's Manual, which is the rule of the House.

In the case of a conference asked after a vote of disagreement the conferees of the House asking it are to leave the papers with the conferees of the other body; and in one case where they refused to receive them they were allowed to lie on the table in the conference chamber.

The SPEAKER. In order to fully understand the exact question presented by the gentleman from Maine it is necessary, first, to look at the exact condition of this bill, and, second, to the exact proposition that has been recommended in the report which has been read.

The House passed a bill. It went to the Senate. The Senate amended that bill and requested a conference. The House acceded to the request for a conference. The conference was held and a report of disagreement reported to the respective Houses; the House received the report, and asked a conference and transmitted the papers to the Senate.

When it reached the Senate, that body did something more than agree to the request for a conference. It was then in the power of the Senate to have receded from its disagreement *in toto*, and the bill would have become law; but the Senate did not do that. They insisted upon their amendments and returned the bill to the House. Now, of course, under the parliamentary law, where a bill is theoretically it ought to be practically and physically. The gentleman from Maine cites a case where the point was made upon a report presented in the House that the Senate had acceded to the request for a conference and it was not in order to present the report in the House until the Senate had acted. That seems to be the scope and effect of Jefferson's Manual. But the rule which is now before the House proposes to change the rule in Jefferson's Manual so far as this proceeding is concerned. So that the question arises, not whether under Jefferson's Manual this course may be pursued, but whether if the House chooses to change that rule its act is legal, binding, and valid.

There is no question that the House has the right to change or abrogate or alter any rule in Jefferson's Manual so far as it applies to its proceedings, but the question to consider now is as to the validity of the act, conceding that the rule authorizes the act to be done. So that the precedent cited by the gentleman, where the Speaker under that rule refused to receive the report, does not cover this question. Now, as to the effect this rule would have if adopted, I have found but one precedent, and that was in the Forty-second Congress at the second session. I have the history of that bill, Senate bill 508. It passed the Senate on May 16, 1872.

On May 31 a message was received from the House stating that the House had passed with amendment the bill of the Senate 508. On June 1 the Senate disagreed to the amendment of the House to said bill, asked a conference on the disagreeing votes of the two Houses thereon, and appointed conferees. On June 4 a message was received from the House stating that the House had insisted upon its amendment to Senate bill 508, and had agreed to the conference. On June 10, 1872, on motion of Mr. Harlan, one of the conferees on the part of the Senate, the committee of conference on said bill was discharged from its further consideration, and the Senate receded from its disagreement to the amendment of the House and agreed to the same; and the House Journal shows that on June 10, 1872, when this action was taken in the Senate on motion of one of the conferees, and during the existence of the conference committee, the bill was in the House.

Now, that case is on all fours with this. In that case the Senate passed the bill; in this case the House passed it. In that case the Senate disagreed to the House amendment and asked for a conference, and the House acceded to the request for a conference. Under the rule laid down in Jefferson's Manual if an agreement to report had been made it must first have been made in the House. But there was no agreement. The conferees in that case, as in this case, had failed to reach an agreement, and in the Senate, on motion of Mr. Harlan, one of the conferees, the conferees were discharged and the Senate receded and the bill became a law.

Now, the object of all conferences between the two Houses is to get the minds of the Houses together to pass the bill. The Senate conferees are insisting upon the Senate amendments. The House conferees are insisting upon the rejection of those amendments. That conference committee is now in existence, and it has been held in the case just indicated that, pending that condition of affairs, the House which has rejected the amendment may recede from that action and permit the bill to become a law. In this connection, as showing the difference in the character of proceedings where there are disagreements between the two Houses, and the proceedings had generally in either House, I ask the Clerk to read from a decision of Speaker Carlisle.

The Clerk read as follows:

The Speaker overruled the point of order, upon the ground that the proceedings, when there has been a disagreement between the two branches of a legislative body, are different in many respects from the proceedings in other cases. The paramount object of all such proceedings is to bring the two branches to an agreement. Therefore either may, without reconsidering previous votes, take action in a directly opposite direction. For instance, the House may refuse to concur in an amendment, and may afterward insist again and again upon its disagreement to the amendment, and yet it may ultimately, without reconsidering any of these votes, recede absolutely from its disagreement, or recede from it with an amendment, as its judgment may dictate. And, while it is competent under the recent practice of the House to instruct conference committees, still the House in that case, as in the other, may ultimately recede from its disagreement to the very amendment in regard to which it had instructed its conferees to insist on a disagreement; and that may be done with or without a conference report upon the subject.

The SPEAKER. The Chair overrules the point of order made by the gentleman from Maine.

Mr. CATCHINGS. I demand the previous question.

The previous question was ordered.

Mr. REED. I will yield the floor until the gentleman from Mississippi explains this matter.

Mr. CATCHINGS. I prefer that the gentleman should take his time now. [Cries of "Vote!" on the Democratic side.]

Mr. REED. I think your feeling, gentlemen, is perfectly natural. The job that you have got to do is such that the sooner you get over it the better you will feel. [Laughter and cries of "Vote!" "Vote!" on the Democratic side.] But at the same time you will have to listen to a plain statement of what you are doing, and you will recognize it yourselves, and it is because you recognize it in advance that you are crying, "Vote!" "Vote!" "Vote!" Your class of people in the latter day will be crying, in similar fashion, for the mountains to fall on them. [Laughter.]

The first proposition which you are called upon to vote is that you will take action upon papers which are not before you, that you will violate the principles of parliamentary law in order to do a thing which you yourselves have proclaimed to be disgusting. You are going to trample upon the barriers which preserve the rights of the people of this country, in order to perform an act which would be distasteful to gentlemen who were differently constituted from yourselves. [Laughter on the Republican side.]

You are going to do it in defiance of all your protestations, in defiance of all your declarations. You are going to die not only in the last ditch, but in the very lowest part of the ditch. [Laughter on the Republican side.] You realize how distasteful and dissatisfying all this is, and you put into the order some trimmings. You are satisfied that what you are going to do needs seasoning, and you propose to garnish it with suitable seasoning, too. You are going to enact a bill which you believe not to be an honest bill, and you are going to accompany it with a parade which you also know is not honest. You are going to desert the "roll of honor" [laughter] in order to trick yourselves out with the gewgaws that are contained in this proposition. You are going to give us free sugar—yes, in your minds. [Laughter.] You are going to give us free coal—oh, my friends! And then you are going to give us free iron, and you are going to do it in a bold and manly way, like the backdown you are making here. [Laughter and applause on the Republican side.]

You are going to have no committee of this House, not even your own pliant committee, to stand between you and the noble purpose that thrills your souls. [Laughter and applause on the Republican side.] You fear that a bill for free sugar will be contaminated by passing through a committee which may have become an appendage of another portion of what has been discovered to be the legislative branch of this country. You are going to march to free coal over the dead bodies of the Ways and Means Committee. You are going to have free iron ore in defiance of the rules of this House, in defiance of the rules which you have always proclaimed were necessary for the due transaction of public business. You are going to give half an hour to the discussion of free sugar in all its branches! You are going to give fifteen minutes on a side to discuss the question of coal! You are going to give fifteen minutes on a side to discuss the question of iron! You are going to give an hour on a side to discuss six hundred amendments, no one of which has been touched by this House, one-tenth of a second for each amendment! [Laughter and applause on the Republican side.] Now, how do you like the whole programme? You are going to vote it; say

how you like it. [A voice on the Democratic side, "First rate!" and laughter.] Providence loves a cheerful devourer. [Laughter.]

Mr. Chairman, I reserve the remainder of my time. [Cries of "Vote!" "Vote!"]

Mr. CATCHINGS. Mr. Speaker, how much time has the gentleman from Maine used?

The SPEAKER *pro tempore* (Mr. RICHARDSON of Tennessee). The gentleman has used eight minutes. [Cries of "Vote!" "Vote!"]

Mr. CATCHINGS. I yield to the gentleman from Georgia [Mr. TURNER] so much of my time as he may wish. [Loud applause on the Democratic side as Mr. TURNER rose to address the House.]

Mr. TURNER of Georgia. Mr. Speaker, I begin by making a confession. I confess that in this rencontre I engage with the gentleman from Maine on a field of honor in which he has won already many prizes. And I am encountering, sir, one of the oracles of parliamentary law. If I were inclined to cherish animosities, if I were disposed to visit upon the head of my tormentor the direst punishment that I could devise, I would point the finger at the gentleman from Maine and say, "This is his own work," or, as the boys in the street would say, I am commending to his own lips the medicine which he has so often devised for us.

After having argued with so much force and ability the parliamentary situation in his opening remarks on the point of order (and the gentleman from Maine always states his propositions with great force and ability) and after the Speaker had overruled his punctilio, the gentleman from Maine now reargues the question, and assumes that this bill is not in the custody of the House, and that what we are about to do is illegal. I cite against the gentleman's last proposition the decision of this House just taken.

But if he wishes to retry the question, in the nature of an appeal on the discussion of this rule, I desire to say to him that he has assumed a great deal when he said that the transmission of this bill to the House, with the last message of the Senate, was an inadvertency or was an illegality. Why does the gentleman assume that that was a wrongful procedure? It was the action of a coördinate branch of Congress——

Mr. REED. I will state——

Mr. TURNER of Georgia. The gentleman will pardon me until I have finished my statement.

Mr. REED. I do not wish to interrupt the gentleman without his consent.

Mr. TURNER of Georgia. I will consent with pleasure in a moment.

I state that the gentleman assumes this bill came back to the House when the Senate sent its message here agreeing to our last conference; and yet he assumes further that that action of the Senate was wrongful or inadvertent or a mistake. I ask the gentleman why he makes that assumption?

Mr. REED. I answer in the first place that I did not assume the bill came back. I simply stated that I was informed that it came back. And if it did come back, I assumed that it was an error, for this reason: The bill was sent to the Senate because the Senate must take action on it; it was not sent back to the House properly, because the House had no action to take. There is the point I made exactly. And the gentleman from Georgia is large enough to answer the point made by me—not one that he makes himself.

Mr. TURNER of Georgia. The gentleman overestimates my importance, Mr. Speaker. I must look at things plainly, and take that view which occurs to a plain man. The sending of this bill back to the House by the Senate, with its message informing the House of its action, was, in fact, as I understand, accompanied by the bill in question. The gentleman says that there are irregularities in the precedents on these occasions; yet he would not dare take the further step of assuming that such irregularity would vitiate the action taken.

The gentleman from Maine contends that we take the risk of an absurd predicament if we insist on the course we are pursuing, and that one House might concur in an amendment and at the same time the other House might recede from the amendment. This is a forcible statement of the philosophy on which the gentleman bases his opinion. But the gentleman from Maine knows that in cases in which no conference has been ordered, and where one House has one of its bills returned with amendments, the same absurd predicaments could occur by one House concurring in the amendments at the same time that the other recedes from these amendments. Either House could in this supposed case act, or both could have acted, at the same moment and in opposite directions.

And this same condition of affairs might arise in conference cases, if Mr. Carlisle is to be regarded as an authority on parliamentary law. And so the gentleman's plausible contention evaporates. Let me suggest to him that the two Houses are in close proximity, and each generally knows what the other is doing. Argument must always yield to common sense. [Applause.]

Now, the gentleman from Maine has inveighed with some force against the limitation which we propose now to place upon this debate. And on a recent occasion, when the Committee on Rules reported to the House a special dispensation—which was never in very great favor with me when the gentleman from Maine occupied the chair, I admit—the gentleman from Michigan [Mr. BURROWS] complained that two hours was a very limited time in which to debate six hundred and thirty-four amendments. That gentleman did me the honor to read, with very much better emphasis than I could have commanded, some rather indignant remarks of my own when the five hundred and odd amendments of the McKinley bill were *in similia casu* in this body.

I hope the gentleman quoted the remarks with a distinct personal approval of them. Let me say to the gentleman that I had to "eat dirt" so many times under the administration of the gentleman from Maine, that it has got to be less nauseous to me than it used to be. [Applause.] And I want to commend to my friend from Michigan, as I have already done to the gentleman from Maine, the full measure of even-handed justice. If it took only two hours to impose the burden of the McKinley bill on the American people, in the name of all that is fair ought it to have taken any longer to remove these burdens from the people? [Loud applause on the Democratic side.]

And, sir, my honorable friend from Michigan [Mr. BURROWS], whose beaming face now confronts me across the aisle, took occasion to use some of the eloquent words uttered by Mr. Garfield, I believe, to the effect that the Democratic party would always be found on the old abandoned camping grounds of the Republican party. Mr. Speaker, we have for a long time been pursuing the trail of the Republican party, and in order that we may overtake them, we are compelled to go over the ground tramped by their feet.

Mr. Speaker, the gentleman from Maine took occasion to say, by implication at least, that the limitations imposed on this debate by the special order reported by the gentleman from Mississippi do not allow adequate debate on the various items included in the rule. Each one of these items has been in discussion in this Congress for weeks in this body at least, and for months in the other.

Mr. REED. When?

Mr. TURNER of Georgia. The gentleman's party associates in the Senate had three months of unlimited debate upon them.

Mr. REED. But you said in this House.

Mr. TURNER of Georgia. I said in this body these were under discussion for weeks.

Mr. REED. These amendments?

Mr. TURNER of Georgia. These amendments were under discussion for weeks, if anybody had desired to do so.

The gentleman from Maine, I am sure, does not wish to be specially technical. The gentleman knows that I mean that the subjects of these propositions involved in the separate bills to be offered were here, liable to discussion, for weeks, and for months in the other branch of Congress.

Mr. REED. Will the gentleman allow me to suggest that we could not possibly have discussed those amendments before they were made?

Mr. TURNER of Georgia. Does not the gentleman know that the whole tariff question was open here for debate for a whole month?

Mr. REED. No, sir.

Mr. TURNER of Georgia. Why does the gentleman say so?

Mr. REED. Simply because we were cut off and limited in our discussion of these matters, and we did not know what the Senate amendments would be, and I never heard of a man who could discuss an amendment which had never been made.

Mr. TURNER of Georgia. Now, the gentleman does not understand me, or is taking a very technical position.

Mr. REED. It really does not strike me that way.

Mr. TURNER of Georgia. The gentleman knows that I am referring to the subject-matter of these propositions, and the gentleman knows that they were subject to his assault here at any time for a month, and the gentleman knows that the same matters were undergoing discussion, exclusively by his party associates, in the Senate for months. I therefore assume, Mr. Speaker, that the discussion of these matters had been adequate and sufficient. And I am glad of the opportunity to be able to dispose of these matters, under all these circumstances, after a very limited debate.

Mr. BOUTELLE. The Carlisle sugar-trust schedule had not been made when the bill was under discussion in the House.

A MEMBER on the Democratic side. How did you get the floor?

The SPEAKER. The gentleman from Maine [Mr. REED] has seven minutes.

Mr. REED. I am very glad that the gentleman from Georgia has addressed the House. I am always delighted when I know that the heaviest artillery has been fired, because I can then look over the field and estimate accurately what the damage will be. The fact that the gentleman from Georgia is unable to say more in defense of his side shows how weak the condition of that side is; for if anybody could say anything that would get them out of this difficulty he would do it. Now, the gentleman undertook to say, and he created a great deal of applause on his side when he said it, that if it took two hours to pass the McKinley bill, two hours to get rid of it ought to be enough.

Now, that was a beautiful antithesis, but the difficulty with it is like the difficulty always with the Democratic position. It has no foundation in fact. [Laughter on the Republican side.] When the McKinley bill came back finally, in the latter part of September, it had six hours of discussion, and the gentleman on the other side and his friends were clamoring for more. He says he has got used to eating dirt. I am afraid he has got too used to it. [Laughter on the Republican side.] I am afraid he has got to like the flavor of it, and perhaps what he is going to do now under this bill will become tasteful to him also.

Mr. TURNER of Georgia. I do not desire to interrupt the gentleman in his line of remarks, although the gentleman is amusing himself somewhat at my expense.

Mr. REED. I yield with pleasure to the gentleman from Georgia.

Mr. TURNER of Georgia. I would ask the gentleman to what action does he refer when six hours were given for debate?

Mr. REED. I refer to the time when the McKinley bill was finally passed.

Mr. TURNER of Georgia. But the time to which I refer——

Mr. REED. The time as to which the comparison was made was six hours.

Mr. TURNER of Georgia. The gentleman perhaps is accurate in his recollection, but I want to appeal to his memory further. In the rule which the gentleman's committee framed for agreeing to nonconcur in the five hundred and odd amendments of the Senate to the McKinley bill was not the time limited by that rule to two hours?

Mr. REED. I can not say. I frankly state that I do not know.

Mr. TURNER of Georgia. I think that was the limitation, and I will endeavor to look it up.

Mr. REED. I do not remember; but I do say here that not one of the six hundred and odd amendments of the Senate to this bill ever had a moment's discussion in the House. The gentleman from Georgia [Mr. TURNER], with that skill which has stood him in such good stead at the bar no doubt, undertakes to confuse that with the general discussion.

Mr. TURNER of Georgia. There is a question of fact between the gentleman from Maine and myself——

Mr. REED. But my time is passing.

Mr. TURNER of Georgia. I have not been captious with the gentleman. The gentleman knows I was referring to an incident that occurred here the other day when the gentleman from Michigan [Mr. BURROWS] arraigned me for an incident on the occasion when we reported a rule limiting debate to two hours on a motion to nonconcur in the Senate amendments to the Wilson bill.

I meant to say just now that that rule was dissimilar to the one reported by the gentleman's committee. I ought at least to say when the Senate amendments to the McKinley bill were brought up for concurrence or nonconcurrence, that the time then was limited to two hours and not six.

Mr. REED. Then, if the gentleman made that statement, or intended to make that statement, it was not understood; and I suppose both the applause of the Democratic party and my remarks will be withdrawn. [Laughter.] I am glad also to see that the gentleman from Georgia recognizes the inadequacy of the decision that was made upon the point of order and comes to the rescue. But I am sorry also to see that he does not seem to quite fill the hiatus.

It is quite proper for me, even after the decision of the Speaker that this was in order, to represent—it is very proper for me to represent to the House the absurdity of the position in which they are placing themselves. A bill passes from one House to the other. It is never in both. It is not like Mahomet's coffin, suspended between heaven (which is the Senate at present) and the earth. [Laughter.] It is always in one body or the other; and it is there for a reason. It is there in the natural course of events. Now, the proper place for it is in the Senate, because there is the last place anything was done to it. It was the last place where they were expected to do anything. When they sent a message stating that they had agreed to our request for a committee of conference that did not bring the bill with it.

The Speaker was kind enough to say in his decision that this rule overruled Jefferson's Manual. But this rule can not overrule Jefferson's Manual so far as that relates to both Houses. It takes both Houses to do that; and according to the parliamentary law which obtains between the two Houses to-day that bill is in the Senate, and you are performing upon it in the House.

I reserve the remainder of my time.

The SPEAKER. The gentleman has one minute remaining.

Mr. REED. I reserve that.

Mr. CATCHINGS. I yield to the gentleman from Georgia

Mr. TURNER of Georgia. I would be very glad if the gentleman would indicate whether he will use the remainder of his time, because he is so formidable that I dislike very much to have him follow.

Mr. REED. That the gentleman from Georgia may have a free course and be glorified, I will give that one minute to him.

Mr. TURNER of Georgia. Mr. Speaker, there is nothing necessary for me to say in closing the desultory remarks I have endeavored to submit on this occasion except to refer to the criticism which the gentleman from Maine has made on the authority, or rather of the reasoning, of the Chair. He has commented with some sharpness on the statement of the Speaker, that it would not be competent for this House to repeal or modify one of the joint rules.

Mr. BOUTELLE. There are no joint rules.

Mr. REED. The gentleman misunderstands me. I did not say the joint rules.

Mr. TURNER of Georgia. Then I will be glad for the gentleman to correct me.

Mr. REED. What I said was that the regulations of parliamentary law which subsisted between two Houses can not be abrogated by one of them. There are no joint rules.

Mr. TURNER of Georgia. The gentleman from Maine knows we have no joint rules agreed to by the two Houses, but would invoke vague, mystic, and irregular tradition, which he says has varied on different occasions.

Mr. REED. No.

Mr. TURNER of Georgia. If, Mr. Speaker, we had a code of joint rules, agreed to between the two Houses, and formally settled and codified and expressed in all the forms and sanctions of law, I have no doubt in the world that either House would have a right of its own motion to repeal, modify, or abrogate any such rule; and if it could do so under the constitutional authority to formulate rules for its procedure at the beginning of each session of Congress or at any other time, why could it not modify and repeal or abrogate this tradition or practice to which the gentleman from Maine refers?

It seems to me that if there is any such thing as a reduction to an absurdity the gentleman from Maine has involved himself in that predicament. Why, sir, the rules between the two Houses would have no higher or stronger footing than a treaty between two different nations; and yet either one of those nations, according to all authority, could by the independent act of its own lawmaking department repeal the treaty; and so either House of Congress can repeal even a formal joint rule previously agreed upon by the two Houses. I wish to say——

The SPEAKER. The time of the gentleman has expired. The question is on agreeing to the resolution.

The question being taken, the Speaker declared that the ayes seemed to have it.

Mr. REED. I ask for a division.

The House divided; and there were—ayes 188, noes 3.

[Applause on the Democratic side.]

Mr. REED. Let us have tellers.

Mr. CATCHINGS. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered, and the Speaker appointed to act as tellers at the desk Mr. OUTHWAITE and Mr. HOOKER of New York.

The question was taken; and there were—yeas 176, nays 97, answered "present" 11, not voting 67; as follows:

YEAS—176.

Alderson,	Branch,	Clark, Mo.	De Forest,
Alexander,	Breckinridge, Ark.	Clarke, Ala.	Denson,
Allen,	Bretz,	Cobb, Ala.	Dinsmore,
Arnold,	Brookshire,	Cobb, Mo.	Dockery,
Bailey,	Brown,	Cockrell,	Donovan,
Baldwin,	Bryan,	Coombs,	Dunn,
Bankhead,	Bunn,	Cooper, Fla.	Dunphy,
Barnes,	Cabaniss,	Cooper, Ind.	Durborow,
Bartlett,	Cadmus,	Cooper, Tex.	Edmunds,
Barwig,	Caminetti,	Cornish,	Ellis, Ky.
Bell, Tex.	Campbell,	Cox,	English, Cal.
Berry,	Cannon, Cal.	Crain,	English, N. J.
Black, Ga.	Capehart,	Crawford,	Enloe,
Bland,	Caruth,	Culberson,	Epes,
Boatner,	Catchings,	Cummings,	Erdman,
Bower, N. C.	Causey,	De Armond,	Everett,

Fithian,	Latimer,	Oates,	Sorg,
Forman,	Lawson,	Ogden,	Sperry,
Fyan,	Layton,	O'Neil, Mass.	Springer,
Geary,	Lester,	O'Neill, Mo.	Stevens,
Geissenhainer,	Livingston,	Outhwaite,	Stone, Ky.
Goldzier,	Lockwood,	Page,	Strait,
Grady,	Lynch,	Paschal,	Straus,
Griffin,	Maddox,	Patterson,	Swanson,
Haines,	Maguire,	Paynter,	Talbert, S. C.
Hall, Minn.	Mallory,	Pearson,	Talbott, Md.
Hall, Mo.	Martin, Ind.	Pendleton, Tex.	Tarsney,
Hammond,	McAleer,	Pendleton, W. Va.	Tate,
Hare,	McCreary, Ky.	Pigott,	Taylor, Ind.
Hatch,	McCulloch,	Rayner,	Terry,
Hayes,	McDannold,	Reilly,	Tracey,
Heard,	McDearmon,	Richards, Ohio	Tucker,
Henderson, N. C.	McEttrick,	Richardson, Mich.	Turner, Ga.
Hendrix,	McKaig,	Richardson, Tenn.	Turner, Va.
Holman,	McLaurin,	Ritchie,	Tyler,
Hooker, Miss.	McMillin,	Robbins,	Weadock,
Hunter,	McNagny,	Rusk,	Wells,
Ikirt,	McRae,	Russell, Ga.	Wheeler, Ala.
Izlar,	Money,	Ryan,	Williams, Ill.
Jones,	Montgomery,	Sayers,	Williams, Miss.
Kribbs,	Moore,	Shell,	Wilson, W. Va.
Kyle,	Morgan,	Sipe,	Wise,
Lane,	Mutchler,	Snodgrass,	Wolverton,
Lapham,	Neill,	Somers,	Woodard.

NAYS—97.

Adams, Pa.	Gillet, N. Y.	Loud,	Robertson, La.
Apsley,	Gorman,	Loudenslager,	Russell, Conn.
Avery,	Grosvenor,	Lucas,	Scranton,
Baker, N. H.	Grout,	Marsh,	Sherman,
Bingham,	Grow,	Marvin, N. Y.	Smith,
Blair,	Hager,	McCall,	Stephenson,
Boutelle,	Hainer,	McCleary, Minn.	Stone, C. W.
Broderick,	Harmer,	Meiklejohn,	Stone, W. A.
Brosius,	Hartman,	Mercer,	Storer,
Burrows,	Haugen,	Meyer,	Strong,
Cannon, Ill.	Heiner,	Milliken,	Tawney,
Childs,	Henderson, Iowa	Murray,	Updegraff,
Cogswell,	Hepburn,	Newlands,	Van Voorhis, N. Y.
Cooper, Wis.	Hermann,	Northway,	Van Voorhis, Ohio
Cousins,	Hitt,	Payne,	Wadsworth,
Covert,	Hooker, N. Y.	Perkins,	Wanger,
Curtis, Kans.	Hopkins, Ill.	Phillips,	Warner,
Daniels,	Hopkins, Pa.	Pickler,	Waugh,
Davey,	Houk,	Post,	Wilson, Ohio
Dingley,	Hulick,	Powers,	Wilson, Wash.
Dolliver,	Hull,	Price,	Woomer,
Doolittle,	Johnson, Ind.	Quigg,	Wright, Pa.
Ellis, Oregon	Johnson, N. Dak.	Ray,	
Funk,	Johnson, Ohio	Reed,	
Gear,	Keifer,	Reyburn,	

ANSWERED "PRESENT"—11.

Baker, Kans.	Boen,	Hudson,	McDowell,
Bell, Colo.	Davis,	Hutcheson,	Pence.
Black, Ill.	Harris,	Kilgore,	

NOT VOTING—67.

Abbott,	Coffeen,	Lacey,	Sibley,
Adams, Ky.	Conn,	Lefever,	Sickles,
Aitken,	Curtis, N. Y.	Linton,	Simpson,
Aldrich,	Dalzell,	Magner,	Stallings,
Babcock,	Draper,	Mahon,	Stockdale,
Bartholdt,	Fielder,	Marshall,	Sweet,
Belden,	Fletcher,	McGann,	Taylor, Tenn.
Beltzhoover,	Gardner,	McKeighan,	Thomas,
Bowers, Cal.	Gillett, Mass.	Meredith,	Turpin,
Breckinridge, Ky.	Goodnight,	Moon,	Walker,
Brickner,	Graham,	Morse,	Washington,
Bundy,	Gresham,	Moses,	Wever,
Burnes,	Harter,	Randall,	Wheeler, Ill.
Bynum,	Henderson, Ill.	Robinson, Pa.	White,
Chickering,	Hicks,	Schermerhorn,	Whiting,
Clancy,	Hines,	Settle,	Wright, Mass.
Cockran,	Kem,	Shaw,	

The following named members were announced as paired until further notice:

Mr. ABBOTT with Mr. THOMAS.
Mr. WASHINGTON with Mr. ALDRICH.
Mr. BLACK of Illinois with Mr. CURTIS of New York.
Mr. BRICKNER with Mr. MCDOWELL.
Mr. SCHERMERHORN with Mr. TAYLOR of Tennessee.
Mr. GRESHAM with Mr. MAHON.
Mr. HUTCHESON with Mr. DRAPER.
Mr. WHITING with Mr. WHITE.
Mr. GOODNIGHT with Mr. WALKER.
Mr. TURPIN with Mr. GILLETT of Massachusetts.
Mr. COFFEEN with Mr. LACEY.

For this day:

Mr. SICKLES with Mr. SETTLE.
Mr. STALLINGS with Mr. HENDERSON of Illinois.
Mr. BRECKINRIDGE of Kentucky with Mr. BELDEN.
Mr. CLANCY with Mr. CHICKERING.
Mr. MARSHALL with Mr. MORSE.
Mr. MAGNER with Mr. RANDALL.
Mr. FIELDER with Mr. SWEET.
Mr. BURNES with Mr. ADAMS of Kentucky.
Mr. MOSES with Mr. WRIGHT of Massachusetts.
Mr. GRAHAM with Mr. FLETCHER.
Mr. BELTZHOOVER with Mr. WHEELER of Illinois.
Mr. HARTER with Mr. BUNDY.

The following on the tariff bill:

Mr. STOCKDALE with Mr. RAY.
Mr. BYNUM with Mr. DALZELL.

Mr. AVERY. Mr. Speaker, I ask that my colleague, Mr. LINTON, be excused, on account of sickness.

There was no objection, and it was so ordered.

Mr. DALZELL. I am paired with the gentleman from Indiana, Mr. BYNUM. If he were present he would vote "aye," and I would vote "no."

Mr. MCDOWELL. I am paired with the gentleman from Wisconsin, Mr. BRICKNER. If he were present, I would vote "no."

Mr. HUTCHESON. Mr. Speaker, I am paired with the gentleman from Massachusetts, Mr. DRAPER. Were he present, I would vote "aye."

Mr. LOUDENSLAGER. Mr. Speaker, I ask that my colleague, Mr. GARDNER, be excused, on account of sickness.

There was no objection, and it was so ordered.

Mr. LACEY. Mr. Speaker, I have voted, but I desire to withdraw my vote, being paired with the gentleman from Wyoming, Mr. COFFEEN. Were he present, I should vote "no," and he would vote "aye."

Mr. GROSVENOR. Mr. Speaker, I desire to ask whether my colleague from Ohio, Mr. OUTHWAITE, has voted?

The SPEAKER. He has.

Mr. GROSVENOR. I am paired with him, and I was about to withdraw my vote unless his vote was recorded.

Mr. PENCE. Mr. Speaker, I desire to state that Mr. MCKEIGHAN and Mr. KEM of Nebraska have been excused on account of sickness. If they were here they would vote "present." [Laughter.]

The SPEAKER. On this vote the yeas are 176, and the nays are 97, present and not voting 11. The ayes have have it and the resolution is agreed to. [Applause on the Democratic side.]

Mr. WILSON of West Virginia. Mr. Speaker, I submit the motion which I send to the desk.

Mr. DINGLEY. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. DINGLEY. There is so much confusion that it is difficult to hear.

The SPEAKER. The House will please be in order. The gentleman from West Virginia moves that the order heretofore made requesting a conference with the Senate on the disagreeing votes of the two Houses on bill H. R. 4864 be rescinded; that the conferees heretofore appointed on the part of the House be discharged from further duty in that behalf, and that the House recede from its disagreement to the Senate amendments to said bill and agree to the same. On this motion two hours are allowed for debate under the special rule. The gentleman from West Virginia [Mr. WILSON] will control one hour of the time and the gentleman from Maine [Mr. REED] the other.

Mr. REED. Mr. Speaker, in order to preserve any rights that may be involved, I make the point of order that the bill to which this resolution refers is not before the House. The Speaker has already ruled on it, but I make the point now.

The SPEAKER. The Chair will state in connection with the point made by the gentleman from Maine that the bill is in fact on the table.

Mr. REED. Of course, any fact can be stated in connection with the matter, but the bill is still in conference.

The SPEAKER. The bill is on the table. The Chair only desires to let that fact go along with the gentleman's point.

Mr. REED. That the bill is physically here?

The SPEAKER. Yes; that it is here.

Mr. REED. I do not see how it can be here under parliamentary law. [Laughter.]

Mr. WILSON of West Virginia. Mr. Speaker, I have made the motion which I have sent to the Clerk's desk not on my own responsibility or from my own volition, but as the official organ of the caucus of my associates on this side of the House and by their direction. I shall say very little myself on this occasion in advocacy of the motion; and I shall be sincere and frank in what I shall submit to this House.

I do not pretend that I am gratified at the outcome of this prolonged controversy. I do not pretend that up to the very last moment I had not cherished the hope and the faith that we should reach another and a better conclusion of this conflict between the two Houses of the American Congress.

I had hoped and believed, until there seemed no ground scarcely for hope or belief, that in such a contest this House, backed by the American people and enthusiastically sustained by the Democratic party, would be able to achieve some honorable compromise between the two Houses which we could have accepted, not from a sense of duty, but with a sense of satisfaction and a feeling that we had responded to the mandates of the American people.

But, Mr. Speaker, we have simply realized in this great fight the fact so well stated by the great leader of the tariff reform fight in Great Britain—that when the people have gained a victory at the polls they must have a further stand-up and knock-down fight with their own representatives. And we have realized, if nothing else, the warning lesson of the intrenchment of the protective system in this country under thirty years of class legislation, until the mere matter of tariff schedules is a matter of insignificance, and the great question presents itself, is this to be a Government by a self-taxing people or a Government of taxation by trusts and monopolies? [Applause on the Democratic side.]

If we have taken out of this fight no other lesson than that, it has been to us a great, an inspiring, and valuable lesson. If we have not been able to get all that the mandates of the people told us to get, all that the high enthusiasm of the people expected us to get, we have brought this dangerous fact face to face with American freemen, and we have made some breach, I hope, in the protective system through which the hosts of American freemen will continue to march. [Applause on the Democratic side.]

I shall not say to the people of this country, I shall not say to my colleagues here (from whom even at the expense of what may seem ill taste on this occasion I can not withhold the expression of my unspeakable gratitude for their personal friendship and their loyal and enthusiastic support)—I shall not say to them that white is black or that false is true, or that protection is a just and honest system of taxation. [Applause on the Democratic side.] Nothing which is not done right ever lasts. No work that is not thorough ever remains undisturbed. You can settle no question like the great question of taxation permanently and safely except upon the eternal basis of right and of liberty. [Applause.]

I shall not attempt, as I said at the outset, to explain the merits or to dwell upon the demerits of the six hundred and odd amendmends to this bill which this House is about, of necessity, to concur in. Perhaps I could not do justice as yet to the merits of the amendments. My attention has necessarily been so constantly and so steadily directed to their demerits that it would require some experience to learn what the merits are. [Laughter and applause.] But whatever the measure of shortcoming of this bill in its present form—whatever be its demerits in mere schedules—this I do believe, that it is not as bad as the McKinley bill. [Loud applause on the Democratic side.]

This I do know, that in part of it it does afford some relief to the taxpayers of this country, and does clip the wings of the gigantic monopolies that are now oppressing them and blocking legislation. [Applause on the Democratic side; derisive cries on the Republican side.]

Take even those portions of the bill over which this contest between the two Houses has been waged. Take iron ore and coal, upon which we have confronted, and to a certain extent unsuccessfully confronted, the great railroad syndicates of the country; yet we have reduced them both nearly 50 per cent below the McKinley bill. [Applause.] Take the sugar schedule, over which the greatest of all the contests between the two Houses has been waged. Vicious as it may be, burdensome to the people as it may be, favorable to the trust as it may be, it is less vicious, less favorable to the trust, less burdensome to the people than is the McKinley law, under which this trust has grown so great as to overshadow with its power the American people. [Applause.]

If for no other reason, then, those who believe that when they can not take the full step which they desire, when they can not do that which the people commissioned them to do, they must take the best they can and step as far as they can, may find some justification for a choice between the two bills.

Mr. HUDSON. Will the gentleman permit an interruption just here?

Mr. WILSON of West Virginia. Yes, sir.

Mr. HUDSON. I should like to ask the gentleman whether he has investigated fully so as to be able to state definitely that this bill as amended by the Senate will furnish sufficient revenue to meet the entire expenses of the Government?

Mr. WILSON of West Virginia. Mr. Speaker, that is a question which no man, perhaps—certainly not I—can answer in accurate terms. But I have no difficulty whatever in saying that, when the schedules of the bill with the Senate amendments get into normal operation, it will produce sufficient and more than sufficient revenue for the support of the Government.

I should add to the answer that perhaps in the beginning the bill will not produce as much revenue as will result from it later on under its ordinary working, because I am informed, whether it be true or not I do not know, that the sugar trust, in anticipation of the passage of the bill, have imported many millions' worth of raw sugar.

Mr. HUDSON. Will the passage of this bill, in your judgment, save the country from the further issue of bonds?

Mr. WILSON of West Virginia. I think I have already covered that question in my previous answer. It may be in the first few months of the operation of the bill, because of this great accumulation of raw sugar to which I have just referred, that the revenues of the Government will not be sufficient to meet the expenditures of the Government. But it is my belief, in view of the large amount of imported goods, and also in view of the fact that there will be larger importations when the tariff rates are definitely known and fixed, that if the necessity has not already been incurred it will not exist under the operation of this bill.

Mr. DINGLEY. Will the gentleman pardon me just on that point? I understood him to say that the sugar trust had already imported a hundred millions worth of sugar. If so, inasmuch as only $109,000,000 worth of sugar was imported last year, will not all of the revenue that we get from sugar, under the operation of this bill, for the first year be missing?

Mr. WILSON of West Virginia. I did not intend to give the figures that one hundred millions of raw sugar had been imported. I stated that I had been informed that the sugar trust had imported a very large amount, and I have even heard it stated that it reaches that amount. It has been put at 448,000 tons by gentlemen who profess to know.

Mr. MILLIKEN. Will the gentleman allow me to ask him a question?

Mr. WILSON of West Virginia. Yes; but I do not want to take up much of the time, as I have promised to yield to my associates.

Mr. MILLIKEN. Will not all of the duty on that sugar named go into the hands of the trust, and not into the Treasury under the operation of this bill?

Mr. WILSON of West Virginia. Well, the gentleman from Maine can answer that question for himself. I would rather that he would answer it.

Mr. HEARD. Will my friend yield to me for a question?

Mr. WILSON of West Virginia. Certainly, for a question.

Mr. HEARD. I want to know from the gentleman from West Virginia if it is not true that whatever may be this bonus to the sugar trust in view of the passage of this law, if it would not reap a still larger bonus under the operation of the McKinley law, if that were still left in force?

Mr. WILSON of West Virginia. They would not do so immediately, but under the operation of that law from year to year they would certainly reap a larger sum.

Mr. Speaker, in answer to all of these questions, I have simply to say that under the rule just adopted by the House, immediately following the passage of this bill we propose to present and pass a bill putting sugar on the free list. [Applause on the Democratic side.] The question is now made as to whether this is a Government by the American people for the American people, or a Government of the sugar trust for the benefit of the sugar trust. And this House will show the people, I doubt not, what its position is on that question, and the Senate will show the people its position.

I will reserve the residue of my time.

Mr. REED. Mr. Speaker, I am somewhat reluctant to address the House, because my feelings are divided between two emotions. One is an emotion of regret for the Democratic party and for its position, and the other is a feeling of equal regret for the country and its position, too. So far as the gentleman from West Virginia is concerned and his compatriots, there is not the slightest necessity of my commenting on the difference between this scene of sorrow and the triumphal procession which carried him out of this House. [Laughter and applause on the Republican side.] He is not so joyous now, having been carried out in another branch, and more effectually. [Renewed laughter.]

It is unfortunate for the gentleman from West Virginia that he and his compatriots have had to contend with gentlemen of so much more capacity and skill. Undoubtedly the House conferees meant well. Undoubtedly their intentions were honorable; but they were no match for the gentleman whom they met in the other branch. They were not skillful as these men are. Why, our conferees came back to us, gentlemen of the House, without so much as the name of the bill that they transported across this building a month ago. It will be known in history as the "Gorman-Brice vice the Wilson bill, dead." [Laughter and applause on the Republican side.] Aye! dead on the field of "dishonor." [Renewed laughter and applause.]

The gentleman from West Virginia and his compatriots appear before us now, not as the triumphal reformers, marching to glory at the sound of their own sweet voices. They are little babes in the wood, and it will be found pretty soon that they

were left there by their "uncle" in the White House. [Great laughter and applause on the Republican side.]

And I can hear the coming sound of the pinions of the little birds bearing the ballots that are to bury them out of sight. [Laughter on the Republican side.] But their fate is of small consequence. Their disappearance is the least and smallest particle of this event. I told this House, speaking on this tariff question, that one of the great misfortunes of this attempted action would be the fact that whatever basis was reached, it would not be a permanent basis on which this country could do business, that that was only an effort on their part to do something, an effort which they were going to continue; and the gentleman from West Virginia [Mr. WILSON] signalizes his departure from history by talking about this being a step in the onward march.

So, not even content with this Senate bill, not even content with what attacks it makes upon our industries, these men, at the moment when they seal their personal discredit by submitting to the bill, announce to us that it is only the herald of future attacks upon the business industries of this country. Great God! Has not this country suffered enough during the last twelve months, that these men should come and assure it that their ravages are to continue? I tell you, when the people of this country get an opportunity to express their opinion of you, you will listen to it more intently than you are listening to me, and with sadder hearts than you have to-day even.

Not content with what you have done, you have threatened the people of this country with yourselves again. [Laughter on the Republican side.] We shall not write your epitaph. That has been done by a nearer and a dearer. That has been done by the man whose name must be affixed to this bill before it can discredit the statute book. His name must be to it. He tells you that this bill is an instance of perfidy, injustice, and dishonor. We have got nothing to do in the next campaign except to read the testimony of your Chief Magistrate, under whose protecting wing the Committee on Ways and Means of the House of Representatives have lived, so that we did not know at any moment whether they were a committee of the House of Representatives or a committee of the Executive. [Applause on the Republican side.]

Out of your own household has come your condemnation. Nay, out of your own mouths has your condemnation come. For we shall read that bold and uncompromising declaration of the chairman of the Committee on Ways and Means that we were to sit here until the end of our term to put down the sugar trust. What do we have instead? Why, we have a proposition to fire one of those pop-gun tariff bills for which the gentleman from Illinois [Mr. SPRINGER] was deposed from the Committee on Ways and Means. [Laughter on the Republican side.] His successor, after filling the atmosphere with his outspread wings, finds his nest in some other bird's premises. [Laughter on the Republican side.] Why not resign if you were to adopt the action of the other person? I congratulate the gentleman from Illinois [Mr. SPRINGER] upon his personal triumph. I wish I could congratulate the country upon something, and I will—upon the speedy departure of incompetency. [Applause upon the Republican side.]

[Mr. MCMILLIN withholds his remarks for revision. See Appendix.]

Mr. WILSON of West Virginia. I hope the gentlemen on the other side will now consume a part of this time.

Mr. REED. I yield five minutes to the gentleman from Michigan [Mr. BURROWS].

Mr. BURROWS. Mr. Speaker, the gentleman from West Virginia [Mr. WILSON], chairman of the Committee on Ways and Means, who but a few short months ago confidently led the Democratic forces, bannered and shouting, on to the battle of tariff reform, finds himself to-day, before the battle is fought or the victory won, ignominiously deserted and abandoned to an inglorious fate. Remembering what occurred then, and looking upon this spectacle of to-day, one is forcibly reminded of the words of the chairman in his opening speech, which, in the light of the present, reads like a prophecy. On the 8th of January last he said:

> We knew and expected some friends would fall away from us whenever we presented any definite measure of legislation. We knew from all experience of the past that not all who march bravely in the parade are found in line when the musketry begins to rattle. [Applause.]
> This is always the case. Reform is beautiful upon the mountain top or in the clouds, but ofttimes very unwelcome as it approaches our own threshold.

[Laughter on the Republican side.]

Thus the gentleman from West Virginia, when he lashed the laggards into line, seemed even then to have a foreboding of the treachery and humiliating disaster which has befallen him to-day.

Where is that army of tariff reformers, which in the beginning "marched so bravely in the parade"? Utterly disorganized and scattered, looking more like the remnants of Coxey's army than the gaudily appareled forces of tariff reform. Where are those enthusiastic free traders, the young gentleman from Mississippi [Mr. WILLIAMS], and the gentleman from Virginia [Mr. TUCKER], and the new fledged Populist from Nebraska [Mr. BRYAN], through whose physical exertions the gentleman from West Virginia [Mr. WILSON] was enabled to reach an eminence in debate excelled by few and envied by none? Even they have deserted their leader, and their names are no longer borne upon the "roll of honor," but will be found among the list of deserters.

No wonder the gentleman from West Virginia is disheartened, and he is justified in disclaiming all responsibility for the disastrous outcome of this first campaign for tariff reform and in charging it to the treachery of those upon whose fidelity he had a right to depend.

But the retreat has been sounded, the terms of capitulation accepted, and it only remains to consummate the formal surrender. After all this parade and bluster and show of resistance on the part of the House to the demands of the Senate, it is finally agreed to abandon the House bill and accept the bill of the Senate without dotting an "i" or crossing a "t." It is proposed to accept this Senate bill, with its abandonment of the recognized principles of tariff reform and its acknowledged subserviency to trusts and combines, and with all its errors and inconsistencies, take it down at one gulp.

To this complexion has it come at last.

The reason for this sudden abandonment of the House bill and the unconditional acceptance of the Senate measure will probably never be known, but that there was some overmastering influence contributing to that end can not admit of doubt. Last Friday morning, August 10, the House never seemed more determined in its opposition to the Senate and apparently was never more sanguine of ultimate success. It had the approval and powerful influence of a determined Executive, the loyal support of the party at large, and the almost united Democratic press of the country.

On the morning of that day the supporters of the Wilson bill presented a solid front, united and determined and apparently never more confident of victory. Thus the Democratic members of the Senate and House stood confronting each other in persistent antagonism, when suddenly the whole camp was thrown into consternation by the announcement of a purpose by one of the conferees at the meeting of the Senate on the following day "to turn the calcium light on the doings of the conference."

> Ah, then and there was hurrying to and fro,
> And gathering tears and tremblings of distress,
> And cheeks all pale, which but an hour ago
> Blush'd—

No, not that; here the simile ends.

What there was in this threatened exposure to create alarm I do not know, but that it was followed by an immediate cessation of hostilities, culminating in abject submission by this body and the adjustment of all differences between the two Houses by taking the Senate bill, is now a matter of history. Under the leadership of the Speaker of this House, who up to that moment, if rumor can be credited, had been adverse to caucus action, a call for a Democratic caucus was at once circulated, and on the following day, August 11, public announcement was made that at 10 o'clock Monday morning, two hours before the regular meeting of the House of Representatives, there would be a Democratic caucus to consider the question of tariff legislation.

Before the meeting of the Senate on Saturday and the arrival of the hour for the threatened exposure it was an open secret that a call for a caucus was to be promulgated and that the House would surrender to the demands of the Senate. All this was publicly known before the meeting of the Senate on Saturday, and it is needless to say that the threatened exposure was never made. Silence was purchased by agreeing to a bill which had been publicly branded by your President as a measure of "party perfidy and party dishonor;" but better that than the threatened "exposure." [Applause on the Republican side and derisive cries on the Democratic side.]

Let us consider for a moment what is involved as a matter of principle in the proposed substitution of the Gorman bill for the Wilson bill.

First, it is a sacrifice of the doctrine of "free raw material" for which you have so strenuously contended. The Wilson bill was claimed to have been constructed on the basis of free raw material, and the persistent contention has been that this principle was essential to any true measure of tariff reform. The gentleman from West Virginia [Mr. WILSON], in the advocacy of his bill, said:

> We begin our task by an effort to free from taxation those things on which the industrial prosperity and growth of our country so largely depend.
> Of all the reductions made in this bill there are none in their benefit to the consumer, none in their benefit to the laborer, that can be compared with the

removal of the taxes from the materials of industry. We have felt that we could not begin a thorough reform of the existing system, built up, as I have shown, story by story, until it has pierced the clouds, except by a removal of all taxation on the great materials that lie at the basis of modern industry, and so the bill proposes to put on the free list wool, iron ore, coal, and lumber. [Applause on the Democratic side.]

In violation of this principle, the Senate bill removes most of these articles from the free list and subjects them to taxation, destroying one of the essential and fundamental principles upon which the Wilson bill was constructed.

In the second place, your proposed action is a surrender of the ad valorem method of assessing duties, concerning which the author of the House bill said:

A most important change in the bill proposed from the present law will be found in the general substitution of the ad valorem for specific duties. This must always be the characteristic of a revenue tariff levied upon a large range of articles.

It will be observed that these two principles are substantially eliminated from the Senate bill and taxed raw material and specific duties substituted therefor.

The adoption of the Senate bill is therefore a complete abandonment of the fundamental principles of tariff reform. The Senate bill has been constructed upon entirely different lines. It was framed upon the broad bedrock foundation of the necessity of securing 43 votes, and all minor considerations had to give way to this great underlying principle.

Coal is taxed in order to secure the necessary votes of the self-styled embassador from the sovereign State of Maryland; protection is accorded to the industries of the State of Maryland as the price of her votes; seventy-five millions of people are to be burdened with a tax on sugar in order to hold the votes of the sugar-producing State of Louisiana, and the sugar trust had to have its demands satisfied in order to insure liberal contributions to the Democratic campaign fund; while Republican Senators had but to threaten interminable debate to secure full protection to the industries of their State.

In this way the Gorman bill was constructed and passed and it is this measure so framed, you now propose without amendment or debate to indorse and approve. How you are able to do this with any sense of self-respect, it is difficult to understand. You voted for the Wilson bill under protest, declaring you did so because it was a movement in the right direction, a step toward free trade; and now you accept the Gorman bill without regard to the principles upon which it was constructed and without knowing whether it leads towards protection or free trade and in the face of an acknowledged abandonment of all principle. Such unexampled party stultification can not be too severely condemned. The measure you are about to adopt has been fittingly characterized by one of your own organs, the Louisville Courier-Journal, in the following vigorous language:

If in the Democracy of this country there is a depth of contempt which had not before been stirred by Democracy's alleged representatives in the United States Senate within the past six months, it has certainly been reached by the action of the Finance Committee in the latest "compromise" bill agreed on. Instead of a bill redeeming the pledges they were commissioned to redeem a mongrel piebald of patches and pusillanimity, a grotesque hodgepodge of pretense and pettifogging, a nondescript abortion of incompetency, selfishness, cowardice, and treachery is the outcome.

Again, a gentleman of your own party, a member of this House (Mr. HARTER of Ohio), speaking of this very measure which you now propose to adopt, said:

If passed and branded as a Democratic measure, it will stamp us as a lot of imbeciles, and our managers in both Houses as driveling idiots.

This is not my language, but the declaration of one of your own party adherents. But this is not all. The President of the United States, the chosen and acknowledged leader of your party, in that now famous epistle to the chairman of the Committee on Ways and Means, makes use of the following language:

There is no excuse for mistaking or misapprehending the feeling and temper of the rank and file of the Democracy. They are downcast under the assertion that their party fails in ability to manage the Government, and they are apprehensive that efforts to bring about tariff reform may fail; but they are much more downcast and apprehensive in their fear that Democratic principles may be surrendered.

Every true Democrat and every sincere tariff reformer knows that this bill in its present form—

Alluding to the Senate bill—

and as it will be submitted to the conference, falls far short of the consummation for which we have long labored, for which we have suffered defeat without discouragement; which in its anticipation gave us a rallying cry in our day of triumph, and which in its promise of accomplishment is so interwoven with Democratic pledges and Democratic success, that our abandonment of the cause or the principles upon which it rests means party perfidy and party dishonor.

And yet, this Gorman bill, which your President declares to be a measure of "party perfidy and party dishonor," you propose to take without question or compunction. If anything could add to your humiliation, it is the fact that you accept unconditionally the terms of surrender prepared and promulgated at the very beginning of the contest. It was said in another place:

Gentlemen, there is our bill. It is the result of great labor and infinite pains. It has met with the approval of both the free trade and protection elements of our party. It is adapted to conditions not theories. It is not perfect, but it as nearly perfect as we can hope to make it at this session. In any event, such as it is, there it lies. You are at liberty to take it or to leave it.

Let me quote for your edification another passage from the letter of the President. You propose to tax coal and iron ore in violation of your doctrine of raw material, while leaving the farmers' wool on the free list and exposing that great industry to swift and sure destruction. You will have some difficulty, I apprehend, in explaining to the woolgrowers of this country how wool in your philosophy is raw material and coal is not. You will have some trouble in making the common people understand why you protect coal and expose the woolgrowers to a ruinous foreign competition.

Let me say here, you will not deceive the people by supplementing your action of to-day on the Gorman bill by passing measures for free coal and free iron ore, for the people understand as well as you that this is done with no expectation that these measures will pass the Senate, or be enacted into law, and you must therefore go before the people in the attitude of protecting coal and iron ore and putting wool on the free list. The inconsistency of such action is forcibly expressed by the President as follows:

One topic will be submitted to the conference which embodies Democratic principle so directly that it can not be compromised. We have in our platforms and in every way possible declared in favor of the free importation of raw materials. We have again and again promised that this should be accorded to our people and our manufacturers as soon as the Democratic party was invested with the power to determine the tariff policy of the country.

The party now has that power. We are as certain to-day as we have ever been of the great benefit that would accrue to the country from the inauguration of this policy, and nothing has occurred to release us from our obligation to secure this advantage to our people.

It must be admitted that no tariff measure can accord with Democratic principles and promises, or bear a genuine Democratic badge, that does not provide for free raw materials. In these circumstances it may well excite our wonder that Democrats are willing to depart from this the most Democratic of all tariff principles, and that the inconsistent absurdity of such a proposed departure should be emphasized by the suggestion that the wool of the farmer be put on the free list and the protection of tariff taxation be placed around the iron ore and coal of corporations and capitalists. [Applause.]

How can we face the people after indulging in such outrageous discriminations and violations of principle?

But, independent of all this, I am curious to know how the gentleman from West Virginia [Mr. WILSON], after recording his vote for the Gorman bill, which places a tax on coal, will explain to his admiring tariff reformers throughout the country his speech delivered in this House only a few months ago in opposition to taxing coal. I propose to place in the RECORD by the side of that vote the gentleman's own condemnation of it, with the note of applause which greeted this declaration on the Democratic side. In the debate on the Wilson bill the gentleman said:

The Democratic party has advanced immensely on tariff reform in the last ten years, and I hope that I have at least kept up with the procession. [Applause on the Democratic side.]

Mr. Chairman, I have been unable to find a justification for a duty upon coal either in the platform of the Democratic party or in the platform of the Republican party. In their platform the Republicans declared in favor of levying such import duties as would compensate for the wages of labor in this country as compared with the countries that come into competition with us in our own markets. Gentlemen seem to have failed also to observe that together with the advanced position taken by the Democratic party in the platform adopted at Chicago it expressly declared in favor of free raw materials.

I have the platform before me in which I find this declaration:

"We indorse the efforts made by the Democrats of the present Congress to remove its most oppressive features (referring to the McKinley bill) in the direction of free raw materials."

No man can contend successfully, in view of the facts brought out before the Ways and Means Committee, in view of the facts accessible to anyone who will examine the subject, that we can not mine coal more cheaply in the great coal fields of this country than it can be mined in England or in Nova Scotia, about which gentlemen seem to have gotten up such a scare.

The point in controversy is, Shall we continue to tax the people of this country to enable railroad corporations to haul this coal to the remotest sections of the Union? [Applause.] The only question involved in this coal tariff is the question of railroad transportation.

Mr. SIMPSON. That is right.

Mr. WILSON of West Virginia. If you want to put more money into the treasury of the railroad carriers, vote for this duty upon coal.

It is the common knowledge of every man who reads the newspapers of the country that the price of coal is often put up and put down as the railroad corporations choose.

And I hope that I have not served in Congress ten years and not grown some. [Applause on the Democratic side.] I am not pleading the baby act. But when I come to make a tariff bill for all the people of the country, I have no right to look especially at the interests of my own district. [Applause on the Democratic side.]

Again, on the 9th of January, the gentleman from West Virginia used the following language:

Yet, here is a duty of 75 cents per ton, which is in excess of the entire cost of production, either in the United States or elsewhere.

In the testimony before the committee on Ways and Means it was proved that in my own district the cost of mining was from 40 to 60 cents a ton; that in the district of my colleague [Mr. ALDERSON], in what is known as the Pocahontas region, the cost of mining is from 25 to 30 cents a ton. That is what is paid to the miner. We are not only the great iron-producing country, we are the great coal-producing country of the world. If the regular

book of the coal trade—Saward's Coal Trade, 1893—is reliable, and I suppose it is, we have 192,000 square miles of territory underlaid with coal, of which 120,000 square miles can to-day be profitably worked—three times, more than three times, greater than the coal area of the rest of the world. With such exhaustless supplies, so close to the surface that the cost of mining has been reduced to a minimum, to less than is possible in Nova Scotia, to less than is actually paid in England, the question of a tariff on coal is neither a question of protection nor a question of revenue, but simply a question of subsidy to the great railroad corporations of the country. [Applause on the Democratic side.]

Upon neither Democratic ground nor Republican ground can you justify a tariff on coal, unless you believe that the people of the United States should be taxed to pay subsidies to the great railway carriers of the country.

Yet in the face of this declaration, that a duty on coal is "neither a question of protection nor a question of revenue, but simply a question of subsidy to the great railroad corporations of the country," the gentleman from West Virginia will to-day stultify himself by recording his vote in favor of this "subsidy."

Other gentlemen on that side of the Chamber were no less emphatic in their denunciations, particularly the gentleman from Maryland [Mr. RAYNER], who, with much of error in his speech, uttered some wholesome truths which gentlemen on the other side would do well to consider. The distinguished gentleman from Maryland [Mr. RAYNER] used this language:

I desire to enter a Democratic protest and demurrer against any Democrat standing upon this floor and demanding protective duties for the district that he represents. [Applause on the Democratic side.]

The attempt by this amendment is to retain the duty; or a part of the duty, upon coal. Now, coal is the principal product of my own State that is affected by this bill, and I can not be silent and permit my own position upon this subject to continue in any doubt either upon this floor or among my constituency at home. I am opposed to keeping the duty upon coal. With great deference to those who differ with me, and without in the slightest degree impugning their motives, I challenge the right of any Democrat to stand upon this floor and vote for free trade in everybody else's district and then vote for protection in his own. [Applause.]

I am not a Democrat on everything else and a Republican on coal. [Applause on the Democratic side.] If raw materials are to be put upon the free list, I want them put in the very places where I can stand in the thick of the contest and bear the brunt of battle with my colleagues on this floor. [Applause.] I have followed the members of this committee far beyond the outposts, and I shall never desert them now when the poisoned shafts are flying from the very citadel of protection. [Applause.]

Now, I utterly deny that it comes within our province as Democratic representatives to stand here and demand protection for the industries of our respective districts.

If such a course is justifiable, then there is an end of all Democracy and tariff reform. If we are all tariff reformers for everybody else's district except our own there will be no revenue reform at all; and we may as well resolve ourselves into a mercenary mob, ready to retreat whenever our interests are involved, instead of presenting an unbroken front upon the solemn pledges that we made to the people. [Applause on the Democratic side].

The Gorman bill also proposes to tax iron ore in violation of the accepted doctrine of the Democratic party, and the gentleman from West Virginia [Mr. WILSON] is about to record his vote in support of it. When he has done so, will the gentleman reconcile that vote with the following remarks made by him on the 25th day of January last, as follows:

Mr. Chairman, every reason for putting coal upon the free list applies with equal if not stronger force to removing the duty from iron ore. If duties are laid for revenue we could not select any duties more hurtful to American industries or more injurious to American labor than duties levied upon production. Just so far as you increase the cost of the article by a tax laid upon the materials of which it is composed you limit its market, you limit the consumption, and you take away from labor the opportunity for employment.

Upon no ground of protection can the duty on iron ore be any longer justified in this country.

If we are to gather revenues through a tariff system, we should levy those taxes for purposes of revenue and not for purposes of protection, and in selecting the articles on which to lay taxes for the sake of revenue we should select results and not processes, finished products and not the materials which go into those products. Every tax which we impose upon the material doubles and increases when it reaches the consumer; every tax that we impose upon the material increases the cost of the product and lessens the employment of the labor that produces that product by narrowing its market.

There is no possible excuse, then, either on the ground of revenue or protection, for continuing any duty upon iron ore; first, because it is not a proper subject of taxation under a revenue tariff; and, secondly, because we have to-day reached such a degree of capacity for its production, and possess such exhaustless stores that we can defy all the world; and a tariff upon ore, the raw material, has no other home effect than to operate as a protection to foreign manufacturers. [Applause on the Democratic side.]

I have selected these few citations from Democratic speeches made in this House when the Wilson bill was under consideration, not only for the edification of gentlemen on the other side, who are about to stultify themselves by voting for this measure, but that the country may know something of the hypocrisy and double-dealing of which the Democratic party is capable. But let me say to you, gentlemen, you will deceive no one. The people of this country "see clearly through this day's business," and in November next will record their verdict against a party capable of such duplicity and cowardice.

What will be the fate of this bill at the other end of the avenue, it is impossible to forecast, but the President of the United will belie his reputation for courage and tenacity of purpose if he does not promptly stamp it with his veto.

When this bill is laid before the President for Executive approval and he has sufficiently examined it to be assured of its identity as the very measure which he himself has already publicly repudiated, I can imagine him taking the Wilson letter in one hand and reading his own words, "This is an act of party perfidy and party dishonor," and then dropping his pen from the other, exclaiming with ineffable scorn, "Is thy servant a dog that he should do this thing." [Prolonged applause on the Republican side].

Mr. WILSON of West Virginia. I yield now ten minutes to the gentleman from Colorado [Mr. PENCE].

The SPEAKER *pro tempore*. The gentleman from West Virginia has thirty-one minutes of his time remaining.

Mr. PENCE. Mr. Speaker, the Populists of this House voted for the Wilson tariff-reform bill mainly because it had free sugar and the income tax in it. We thought then, and we still think, that there had been a good deal of a sham battle between the two old parties in this country on this question. Certainly the mock fury of the gentleman from Michigan [Mr. BURROWS] just now exhibited, as in attempting to advocate his own principles he time and time again swears the Democratic President, Mr. Cleveland, as the chief witness, proves to us that we have been right all the while.

The chief interest in this discussion during the last hour has been, first, that the gentleman from Maine [Mr. REED] proposes in the next campaign to introduce as his chief witness Mr. Grover Cleveland, the President of the United States, and quotes some words of his respecting the tariff question which appeal for the enactment of some particular tariff law.

Let me remind the gentleman [Mr. REED], because he has been out of the law practice longer than I have, that when he introduces his witness, he becomes his witness for all purposes. And there are other purposes for which he may not want to use him; although I am free to admit that in the one year that I have been here I have not yet witnessed an occasion where there has been any serious disagreement between them, excepting as they attempt to arrange the details of a mock conflict, a sham battle, under the smoke, powder, noise, and confusion of which they propose to deceive and mislead the people in the next campaign.

Mr. Speaker, the gentleman from Michigan [Mr. BURROWS] has used more earnest words about the President than I ever did, although I voted for the present President at one time, voted for him twice, in fact. Once he won, and the other time he lost, and the next time I left him.

Mr. MILLIKEN. And then he won. [Laughter.]

Mr. PENCE. And then he won again, against my will and the will of the gentleman from Michigan [Mr. BURROWS]. He speaks of him as "earnest, devoted, and sincere" in his support of the bill that he himself, the gentleman from Michigan, is opposing. He speaks of the "courage of his convictions," says we know something of his "courage and his devotion to principle." Is this the language that the gentleman is to use about the present President of the United States in the coming campaign? I imagine not.

Mr. Speaker, I do not know, I do not suppose anybody knows, unless you do, what the President will do with respect to any tariff-reform bill. [Laughter.] [Mr. TRACEY occupied the chair as Speaker *pro tempore*.] I beg the pardon of the Chair. I meant another Representative from New York. I am wrong. [Laughter.] I believe though, in common with the American people, that the President of the United States is conscientiously committed to a reform of the tariff laws of this land, and he believes that one of the greatest reliefs that can come to the masses will be the repeal of the McKinley law and the enactment of some law in its stead; and believing that, I believe he will sign this bill, although he has heretofore said that it is covered with "perfidy and dishonor."

Mr. BOUTELLE. A little thing like that will not stop him. [Laughter].

Mr. PENCE. I hope the gentleman from Hawaii will not take any of my time. [Laughter].

The gentleman from Michigan [Mr. BURROWS] complains of the bill the House is about to adopt, because it is "an utter abandonment of Democratic principles." When he comes to read the proof of his speech, he will find that is exactly what he said, although he said it when he was not reading from his manuscript. I took it down for that reason. If it is an abandonment of Democratic principles, what is it, under the issues that have been before the people so long, but an adoption of your own Republican principles?

Why is it you complain so seriously because a Democratic House is taking a McKinleyized-Wilson bill? There is no reason left for you to complain, except for campaign purposes. You speak of it as an "unconditional surrender." I remember hearing those words last fall, or reading them. I remember that the lips of him who stood so long a leader in the Senate, now sainted, honest old Zeb Vance, of North Carolina, announced to you and

your leader, and to the like of you in the Senate last fall, that unconditional repeal in the fight then on in the silver question meant unconditional surrender. You faced it then. You face it again.

Mr. Speaker, I am not prepared to agree with the course of the majority here to-day, although it may be the best that my fellows and I can do. But we can not hesitate to recognize the magnificent courage as well as ability of the men who have led this fight, above all the man who is standing here to-day with blindfold off, who is a great deal bigger than he was the other day when he stood here blindfolded. Mr. Speaker, the gentleman from West Virginia [Mr. WILSON] may not live to see the end of the fight for tariff reform. He may not live to stand again and sound the call to the clans for the roll of honor and every man to answer, but if I live to be a hundred years old, when I remember him it will seem to me that as he stands to-day, accepting the inevitable as he does, I shall feel like he stands, quoting the words of Edwin Arnold when he said:

Charge, charge once more
Then, and be dumb.
And let the victors, when they come,
When the forts of folly fall,
Find your body by the wall.

[Applause.]

The SPEAKER *pro tempore*. The gentleman from Maine.

Mr. REED. How much time have I remaining, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman has thirty minutes of his time remaining.

Mr. REED. I yield twenty minutes to the gentleman from New York.

Mr. COCKRAN. Mr. Speaker, it seems to me that the question before this House, the real, practical question, has been somewhat overlooked, if not actually misstated. The gentleman from Tennessee [Mr. MCMILLIN] has declared that the question for the House to consider is whether the Senate bill, in which we are asked to concur, is an improvement on the McKinley act from a Democratic point of view. I do not agree with the gentleman from Tennessee. There is a higher, a more vital point at issue here; and that is whether the American Congress is to legislate, or whether some unknown, unmentioned force can block the wheels of legislation and make the representatives of the people cower in the dust and surrender, they know not to whom. [Loud applause.]

Last winter we passed a bill through this House under the leadership of the gentlemen from West Virginia [Mr. WILSON]; a bill for tariff reform, which in my humble judgment meant the industrial emancipation of this country and the ultimate industrial conquest of the world by American labor and American genius. That bill passed through this House, amid such a scene of triumph and joy as never has been witnessed in the history of a legislative body. On that momentous day the gentleman from West Virginia, borne upon affectionate and loyal shoulders, was the central figure of a demonstration which evidenced the depth of feeling throughout the American people, long pent up, at last fondly considered triumphant over all obstructions.

To-day no more pathetic figure in the history of the world can be observed than that same leader, shorn of his support, walking down these aisles, disdaining to prevaricate or misrepresent the actual condition which confronts us, confessing that he has been deserted by those in whose support he had every reason to confide, and asking us to record our betrayal of every principle which this House under his leadership has maintained.

We are told by the gentleman from Tennessee [Mr. MCMILLIN], and we are told by some nameless rumor the source of which it is impossible to ascertain, that we must pass the Senate bill or nothing. On what is this statement based? Who says that, authorized to speak for the coördinate branch of Congress? What has the Senate of the United States declared? Why, sir, the record shows that a conference committee has been appointed: it is in existence to-day, and it is extending now, so far as official action is concerned, an open invitation to the Representatives of this House to meet them in conference and seek to reconcile their differences.

But we are told that three, four, five, six, seven, or eight individuals have managed to make such a combination in the other House that any change in its terms will be fatal to the passage of the measure. If that be so, in the name of the American people, in the name of liberty and honor, let us know who they are. [Applause on the Republican side and in the galleries.] We owe a duty to the American people above and beyond fixing schedules. If any given body of men in these United States has grown so great that they can forbid the operation of this Government, it is due to the American people that their names should be disclosed. If Democratic principles are to be basely surrendered, then we who have been loyal to our platform should ask judgment against those who have betrayed us.

If the motion of the gentleman from West Virginia prevails and these Senate amendments be concurred in by this House, under the influence of terror and fear, we never can criticise the men who have forced us to this surrender. It is no longer a question of concessions, a question of compromise. It is a question of honor and of honest dealing with the constituencies which have chosen us. We owe it to the American people, when two Houses charged with legislation disagree, that the disagreement should be attested by open official action. Those whom we accuse of taking a position hostile to the Democratic party are entitled to the judgment of the people. If they be right, they will have judgment in their favor; if they have deserted their party, judgment will be taken against them. We accuse them of treason under our breaths, and now we are invited to make them our leaders. If we accept their treason as our standard, they are not discredited as much as we are. Their success makes their treason respectable.

We are hopelessly discredited because our cowardice makes our surrender disgraceful. [Applause on the Republican side.] We are asked to surrender the privileges and prerogatives of the House without striking a blow in their defense. We are asked to surrender to some persons whose identity is not known, the right to frame tariff legislation for the American people.

And what are we to gain by this abject and ignoble course.

Why, we are told that we may get a concession of 5 or 10 per cent from the consent of the protected interests of this country! Now, Mr. Speaker, I desire to state here that in my humble judgment the measure which we are now asked to pass through this House and to make the permanent law of this country is a more obnoxious protective measure than the McKinley act, which it is designed to supplant. [Cries of dissent on the Democratic side and jeers.] Mr. Speaker, I am addressing myself to the intelligence of the House; its ignorance I can not enlighten in twenty minutes. [Applause on the Republican side.]

Mr. SNODGRASS. It is over there [indicating the Republican side].

Mr. COCKRAN. The gentleman from Tennessee says that over there is the intelligence of the House. I hope that the vote on this motion will not prove it. Mr. Speaker, I repeat that this is a more obnoxious protective measure than the McKinley act, and I hope to prove it. What is the principle that underlies the McKinley law? What is our objection to it? We are opposed to protection because we believe that by making production expensive it restricts the total productive capacity of the country and to that extent limits, impedes, and restricts its material growth. But when protection is given equally to all, when every man gets the protection that he demands or thinks he needs, each man finds his product restricted in proportion to his neighbor's.

Under such conditions men exchange their goods upon a fictitious basis of high values, but all are affected alike by what I conceive to be that economic enormity. Now, under this act, by the concession of the gentleman from Tennessee [Mr. MCMILLIN] himself, it is only in spots that there is any reduction made from the provisions of the McKinley act from the burdens of taxation laid upon the people by that law.

Now, when protection passes by favoritism, there is no defense for it either among Republicans or among Democrats. When we declare that all protection is in its nature robbery we utter a profound truth, but those who openly support protection on the other side, at least believe in its value, but we who know what protection really is, when we give it to a few individuals and deny it to others, or when we bestow it among our citizens in unequal proportion, are committing a crime with our eyes wide open; we are sinning against the light; we are hugging to our breasts the enormity that we affect to despise and that we have not hesitated to denounce.

What is the parliamentary character of the question now presented? Opposition to this motion is not an attempt to defeat this bill, or even to defeat the Senate amendments. What is to be the effect of a vote against the resolution of the gentleman from West Virginia? It is not even to defeat the Senate bill; it is simply to send back our conferees to a conference; it is simply to give life to the conference that has been ordered by both Houses. If no agreement is reached we can still show our capacity for self-abasement.

It is still within our power to submit to the arrogant demands of these nameless enemies of popular government; but we are asked now to fly from a shadow, to run from a threat which has never even taken definite form; and, as I recollect the pride and circumstance and confidence with which but a few weeks ago the conferees of this House, backed by the Speaker, went out to the conflict, and behold the spectacle presented here to-day, I see an attempt to accomplish that which, if it be successful, will form the most discreditable page in the history of the American Government.

These conferees, aided by the Speaker, emulating the example of a famous king of France, who has been celebrated in song and story, "marched up the hill," and then, even without waiting for the enemy to appear in sight, apparently alarmed at the solitude and silence which surrounded them, they turned pale and fled back to this House, declaring that they must not be asked to make such a perilous journey again. [Laughter and applause.] Think of my friend from West Virginia [Mr. WILSON] standing here and declaring that this is at least one step in the march against the citadel of American protection and that it constitutes a breach in its wall!

Why, Mr. Speaker, no hand has been raised here against that citadel of protection which the other House of this Congress has proved itself to be. Our representatives have fallen prostrate before the frowning wall of special privilege and craved leave to make their submission without striking a blow for industrial emancipation. If the current rumors be true we owe it to the Senate itself to stand out and make one fight more to liberate the thirty-eight members of that body who claim to be Democrats from the four or five custodians who have taken their consciences and their votes under their control.

We owe a duty to the American people greater and more important than the mere fixing of schedules—more vital than the mere adjustment of rates of taxation. It is to stand here now for the dignity of the House of Representatives, for the right of the American people at least to have their representatives polled upon any important question—for the right to have the yeas and nays called upon the question whether a great party shall sacrifice its principles and itself in a state of abject cowardice and panic-stricken fright and accept schedules which this House has denounced under the leadership of the gentleman who has now moved that we recede from the position of honor we have occupied for the last month.

It is said, Mr. Speaker, that something must be done; that trade is languishing in every quarter of the country; that the moment this tariff agitation is ended the wheels of industry will again spring into motion, and that we shall see prosperity throughout the length and breadth of this country. I do not believe, Mr. Speaker, that we are upon the verge of the dawn of such a happy day. Before you can have good times again this country must travel through industry, hard laborious industry, and self-denial, the path which it is necessary to pursue in order to restore the material of production to its former volume.

All trade is but the exchange of commodities. When commodities are plentiful this abundance leads to free exchange and makes prosperous trade. When the volume of commodities is reduced, there is less to be exchanged; and you have that depression of trade which is known as "hard times." The revival of prosperity in this country must come from the earth; it must come from an abundant crop; and then, with freer trade conditions, with emancipation from oppressive taxation, this country can enter upon a career of prosperity the like of which it has never seen in all the glories of its past history.

But now it is proposed to establish a new tariff—a new protective tariff—"protective in spots," freer of taxation in other spots. What must be the necessary consequence of that? Surely I can appeal to the distinguished Speaker of this House, who is largely responsible for its management, who will be largely charged with the result of whatever it may accomplish, who will enjoy the larger share of its credit if it win renown, who will have to submit to the larger share of its discredit if it become discredited throughout the country—surely I can appeal to him to justify me in saying that where one industry is highly protected and another is protected in lower proportion, the more highly protected industry will prosper at the expense of those less highly favored.

The first revival of activity and prosperity will be shown in the industry to which all other industries are made tributary. The American people, when the revival of industry comes, will see the protected industries more prosperous than all others. In every town this will serve as an "object lesson" to which those who are interested in maintaining high rates of duty will point. They will declare "Behold the effect of protection; protection means prosperity; lower tariff taxation means adversity!" The iron industry will march to greater activity under this bill than the woolen industry; and protectionists will claim that its prosperity is due to the high protection which this measure bestows on it. Thus you stab the cause of tariff reform in the house of its friends. You surrender the dignity and independence of the House to secure the passage of a bill which will so firmly intrench protection in popular favor that this generation may never see another successful effort to overthrow it.

Mr. Speaker, I believe it was Lord Macauley who declared that there never yet was a quarrel in which the equities were so exquisitely balanced that the right was all on one side and the wrong all on the other. But here we have a dispute between the Senate and the House; and the Senate does not even claim to be right. There is not within the length and breadth of this country a single disputant who declares that the attitude taken by the Senate is a sound position, consistent with any principle of legislation. Yet we are asked to surrender not to powerful or even plausible reasons, not to arguments which would justify our course, but we are asked to yield to some nameless public enemy that which both sides concede to be right and to debase ourselves before men who act not as part of the American Congress but who assume to constitute themselves a force that can absolutely control it.

Sir, the gentleman from Georgia has spoken recently of an article of diet to which he has been compelled to habituate himself. The article which he has named is too strong a dish for my digestion. Let those whose digestion is more robust than mine crowd around the table and dispute among themselves for the ranker portions. For my part, before I surrender my sword, I want to know who will take it. Rather than yield it to some foe who dares not show his face, I prefer to break it upon my knee and cast aside the pieces. I accepted this bill as it passed this House, although everyone here knows how bitterly I opposed the income-tax feature of it. I voted for it because I believed tariff reform essential to the progress of this country; and I was willing to submit to what I conceived to be an odious system of class taxation in order to secure for American labor emancipation from oppressive and restrictive laws.

I find now this bill returned from the Senate with tariff reform stricken out and nothing but the income tax left. True, you have the promise of a few pop-gun bills, as the gentleman from Maine [Mr. REED] has described them, and I rejoice that in adopting such a method of procedure my friend from Illinois [Mr. SPRINGER] is given the leadership of the House, although in the truncheon of the marshal which has been handed to him there is a barbed point, which shows at once the broad foundation on which the leadership of this House is based and the lofty height to which it may be upbuilded.

Mr. Speaker, I will not vote for this proposition unless some reason be given me for it. I must at least be satisfied by the declaration of some competent person that the Senate will not consent to recede from any of its amendments. I will not fly from shadows. I will not fly from threats coming from unauthorized and unknown sources. If we are to swallow this obnoxious bill, if we are to take to this article of diet which the gentleman from Georgia [Mr. TURNER] has described, then in the name of fair play, in the name of propriety, in the name of decency, in the name of American liberty and American freedom, let the gentleman from West Virginia [Mr. WILSON] name the men at whose hands we must take the dose, tell us to whom we are surrendering, tell us who they are who constitute the new force in this Government to which we are compelled to pay tribute, tell us fully and without reserve the character of the action which he asks us to take, that we may judge the depth of the infamy into which we are invited to descend. [Applause on the Republican side.]

The SPEAKER *pro tempore*. The gentleman from West Virginia [Mr. WILSON] is recognized.

Mr. WILSON of West Virginia. I hope the gentlemen on the other side will consume the balance of their time.

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. REED] has fifteen minutes remaining.

Mr. REED. I yield two minutes to the gentleman from Missouri [Mr. TARSNEY].

Mr. TARSNEY. Mr. Speaker, the question to be decided at the conclusion of this debate is not whether any particular bill shall become a law or shall be defeated. The tariff bill has already passed both Houses of Congress. There is a disagreement as to details, which might remain in the conference committee, might be reported from the conference committee, and might be acted upon by both Houses of this Congress on every day until the 4th of March next before it was determined whether there should or should not be a tariff bill passed. That is the parliamentary situation.

But we are now asked under this rule to accept, to make final, a certain bill that is familiar to all the members of this House; that is known to all the country; that has been reviewed by the press and the people of the country, and its manner and method of enactment is thoroughly understood by the people. That bill, Mr. Speaker, has by the highest authority in my party, has by the leader of my party, by the President of the United States, been stigmatized as an abandonment of Democratic principles to that degree that it involves party perfidy and party dishonor. In that characterization I thoroughly concur, and for me to vote for it now would, in my judgment, involve personal perfidy and personal dishonor upon my part, and this no individuals or organization, no party, can extort from me.

Mr. REED. I yield five minutes to the gentleman from Illinois [Mr. HOPKINS].

[Mr. HOPKINS of Illinois withholds his remarks for revision. See Appendix.]

[Mr. JOHNSON of Ohio withholds his remarks for revision. See Appendix.]

[Mr. STORER addressed the House. See Appendix.]

Mr. REED. I reserve the remainder of my time.

[Cries of "QUIGG!" QUIGG!"]

Mr. WILSON of West Virginia. I hope the gentleman from Maine will consume the remainder of his time.

Mr. REED. We have used continuously thirty minutes of our time, and I hope the gentleman from West Virginia will take a part of his.

Mr. QUIGG. Your Wilson bill is smashed. [Laughter.]

Mr. WILSON of West Virginia. I yield ten minutes to the gentleman from Georgia [Mr. TURNER].

Mr. TURNER of Georgia. Mr. Speaker, when the last Republican President sent his annual message to Congress, after the defeat of his party in 1890, he stated to the two Houses and to the American people that that defeat was due to misinformation. When his party, including himself, had been beaten in the election of 1892, he had the candor to announce to Congress in his annual message of December, 1892, a better estimate of that result. He said:

It is not my purpose to renew here the arguments in favor of a protective system. The result of the recent election must be accepted as having introduced a new policy.

Again he says:

I recommend that the whole subject of tariff revision be left to the incoming Congress. It is a matter of regret that this great work must be delayed for at least three months, etc.

This Congress assembled in extra session on the 7th day of August last, and it has been engaged in the task imposed by the political revolution. Let it be remembered that if it had been simply a question of providing a bill which should give adequate revenues to the Government, it could have been formulated and passed within a fortnight.

The rest of this long year has been spent in an effort on the part of our friends to take care not of the Government, but of private interests claiming the power of taxation! [Applause on the Democratic side.]

Mr. Speaker, it must be remembered, too, as some further excuse for this long delay, that the bill, in order to be enacted into law, has to pass the two Houses of Congress. Under the operation of that great impulse which the people had given to the popular branch, we were able after one month of debate to pass the bill through the House of Representatives. It then went to the Senate, and there, in the various stages which marked its history, it was undergoing some sort of discussion or consideration from the 1st of February until the 3d day of July last.

Let it also be remembered that during that long delay in the other branch of Congress our friends in that body, who represented the view that we entertain, and for the success of which their hearts beat as earnestly as ours, in the absence of rules limiting debate, had to sit in their seats in silence and endure the fusillade and fire of every pop-gun that could be raised against the measure in that body. I do not wish to disparage any honorable gentleman on either side of that illustrious body, but all gentlemen will remember the devices which were employed there to delay and obstruct the passage of the bill. One Senator is reported to have had a fifteen days' speech on the subject.

Mr. GROSVENOR. Will the gentleman allow me?

Mr. TURNER of Georgia (continuing). In this closing hour let it be borne in mind what our friends in that branch had to endure.

Mr. GROSVENOR. Did not the gentleman——

Mr. TURNER of Georgia. Will the gentleman forbear, if he pleases.

Mr. GROSVENOR. The gentleman stated the same thing to me a few months ago.

Mr. TURNER of Georgia. The gentleman is mistaken. I have been so occupied that I have not spoken to him for some time.

Mr. GROSVENOR. The gentleman said then that it was not in order to attack the Senate. That is what you said.

Mr. TURNER of Georgia. I know that the gentleman does not mean to interrupt my remarks without my consent.

Mr. GROSVENOR. I ask you if that is not what you said to me?

Mr. TURNER of Georgia. I decline to yield. I state to my honorable friend that no part of my ten minutes can be spared for his benefit.

Mr. GROSVENOR. It is not for my benefit.

Mr. TURNER of Georgia. Let me finish what I have to say.

Mr. Speaker, it must be borne in mind that in that other branch of Congress we had not the Democratic majority which we had in this House. The country, I hope, understands now that the tariff reformers were in a minority in that body. But whatever may be the relative strength of parties in the Senate, they completely changed many of the features of the bill, and a conference was instituted to adjust these differences.

The gentleman from Michigan [Mr. BURROWS] has just mentioned a remark made by some honorable gentleman in the Senate about "turning a calcium light on the conference." It is too contemptible to notice; but I beg to say to him that if he really suspects any wrong of any sort in the conference I will, in behalf of my colleagues in the conference, gladly emancipate every man I met on the other side or anywhere else from any injunction. I bid the calcium light welcome whenever it may come. [Loud applause on the Democratic side.] The facts can be easily ascertained. Honorable gentlemen met us there from the Senate who sincerely desired tariff reform.

But let it be said to their credit that from the beginning to the end of that remarkable controversy they said to us that we were right; they had no doubt that our positions were sound and correct; but that under their obligations to their associates in the Senate, and on account of the condition that prevailed in that body, they did not believe that they could materially change the bill.

Mr. COCKRAN. Will the gentleman permit me to ask him a question.

Mr. TURNER of Georgia. My friend will remember that I only have ten minutes.

Mr. Speaker, when that light is turned on it will show another fact. There was my friend from Tennessee [Mr. MCMILLIN] and my friend from Kentucky [Mr. MONTGOMERY] and my humble self, led by my gifted and devoted friend from West Virginia. [Applause.] It may be that we were too persistent; but when that calcium light is turned on it will be shown that the time that we spent there was spent in an honest effort to redeem the pledges of our party and to reinstate somewhat the bill which the House of Representatives had passed; and that struggle continued, through infinite complications, until the last hope of success perished on Saturday last.

My eloquent friend from New York [Mr. COCKRAN] has just said something about dietetics, and I understood him to refer to a remark which I had made earlier in this debate. I believe the reference was to eating something that was disagreeable.

[Here the hammer fell.]

Mr. WILSON of West Virginia. I yield one minute more to the gentleman from Georgia.

Mr. TURNER of Georgia. I confess, Mr. Speaker, that this article is not altogether agreeable to my taste; but my diet on this occasion is more agreeable to me than the diet of the McKinley bill taken from under the feet of the Republican party. *De gustibus non disputandum.* [Applause on the Democratic side.] Let the gentleman take the latter if he will. Now, Mr. Speaker, I wish to state two or three reasons why I shall vote for these Senate amendments. I shall vote for them, in the first place, because I know that they do not suit the Republican party. [Applause on the Democratic side.] In the next place, one of the main reasons why I shall vote for this bill—and I say it for the benefit of my honorable friend from New York—is because it still contains the income tax. [Applause on the Democratic side.]

Mr. COCKRAN. That is frank and candid.

The SPEAKER *pro tempore* (Mr. TRACEY). The Chair recognizes the gentleman from Maine [Mr. REED].

Mr. REED. I desire to reserve my time.

The SPEAKER *pro tempore*. The Chair thinks the gentleman from West Virginia [Mr. WILSON] is entitled to close the debate.

Mr. REED. If the gentleman from West Virginia wants a vote he can have it. If he wants to talk he can do that.

The SPEAKER *pro tempore*. The Chair thinks that the gentleman from West Virginia is entitled to close the debate. Does the gentleman desire to use his time?

Mr. WILSON of West Virginia. Does the gentleman from Maine decline to use his time?

The SPEAKER *pro tempore*. The gentleman from Maine declines to use his time.

Mr. REED. I reserve my time.

Mr. WILSON of West Virginia. I yield five minutes to the gentleman from Georgia [Mr. CRISP].

Mr. BURROWS. Mr. Speaker, there ought not to be any misunderstanding. The gentleman from Maine [Mr. REED] did not decline to use his time. He reserved it.

A MEMBER on the Democratic side. Then let him use it. This side is entitled to conclude the debate.

Mr. REED. That side is entitled to a vote if it does not want to talk.

The SPEAKER *pro tempore*. The Chair will not recognize the gentleman from Maine later.

Mr. REED. Well, if the Chair refuses to recognize the gentleman from Maine, he will only be carrying out what seems to be natural to the seat. [Derisive cries on the Democratic side.]

The SPEAKER *pro tempore*. The gentleman from Georgia [Mr. CRISP] is recognized.

Mr. CRISP. The rule is too well understood in this House to be misapprehended by anyone, that those holding the affirmative of a proposition have the right to conclude the debate, and if the gentleman from Maine loses the four minutes that remain to him he has himself alone to blame for it, because he now has full notice.

Mr. REED. Both from the floor and the Chair.

The SPEAKER *pro tempore*. Does the gentleman from Maine desire to use his four minutes?

Mr. REED. The gentleman from Maine desires to use them when he chooses. [Jeers on the Democratic side.]

Mr. CRISP. Mr. Speaker, I only desire to say——

Mr. BOUTELLE. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. BOUTELLE. I submit that the majority, having buncoed the Senate out of the bill and the House out of its judgment, are now trying to bunco the Republicans of the House out of their time. [Cries of "Sit down!" on the Democratic side.]

Mr. CRISP. I only desire in the few moments allowed to me to publicly assume my full share of responsibility for the action this side of the House is now asked to take, and to aver in the face of my colleagues and the country that we are doing what, in the judgment of those who have been actively engaged in this struggle, those who have taken earnest part in this fight, is for the best interests of the cause of tariff reform. [Applause on the Democratic side.] It is very easy for a distinguished gentleman like my friend from New York who, as we all know, with all his ability and amiability spends but little of his time in attending to the details of the business of the House [laughter and applause], it is very easy for him to come here and indulge in pyrotechnics about "principle" when we who are here as plain practical business men are seeking to obtain some relief for a suffering people.

But I want the gentleman to understand, and I want the country to understand, that the deserters from the cause of tariff reform are not these conferees and others who have been making this great struggle and who now advise that this bill be accepted, but the deserters are rather those gentlemen who, in the midst of the fight, because they do not approve all the provisions of this bill, hold back and say "We will have no lot or part in this struggle further." [Applause on the Democratic side.]

Those gentlemen can receive the approbation and applause of Republicans who desire nothing better than the maintenance of the McKinley bill; but they can never meet the approbation and applause of the plain people of this country who have been oppressed and downtrodden by that law. [Applause.]

The gentleman from Michigan [Mr. BURROWS] taunts this side of the House by saying that we wanted free iron ore, we wanted free coal, we wanted free sugar, and we have given them all up. I say to my friend from Michigan that these gentlemen who have labored day and night, in season and out of season, to secure some changes in the Senate bill, say to us that we must take that bill or we get nothing.

What should we do? We are plain, practical men. We are not discussing a theory. We believe in homely phrase that when people are starving, "half a loaf is better than no bread." Therefore we say we will take the Senate bill; but before this House adjourns to-night, if our friends will stay with us——

Many members on the Democratic side. We will do it.

Mr. CRISP (continuing). We will send to the Senate, crystallized into the form of acts passed in this Hall, bills making sugar free [loud applause], making coal free [renewed applause], making iron ore free [continued applause], and making barbed wire free. [Renewed applause.] If my friend on that side is so much concerned about these articles, let him stay here and vote with us. [Laughter and applause.]

It is quite apparent that you gentlemen on the other side prefer the McKinley bill. There are gentlemen on this side who prefer the McKinley bill to the House bill with the Senate amendments. Those gentlemen are willing to incur all kinds of risks and hazards, because they feel that in the end they can not be losers, because they prefer the McKinley law to this bill.

[Here the hammer fell.]

Mr. CRISP. Just one word further.

Mr. COCKRAN. I rise to a point of order. The gentleman's time has expired.

Mr. REED. I yield two minutes of my four minutes remaining to the gentleman from Georgia [loud applause on both sides of the House], and the other two minutes I will yield to the gentleman from New York [Mr. COCKRAN]. [Renewed applause.]

Mr. WILSON of West Virginia. I yield one minute more to the gentleman from Georgia.

The SPEAKER *pro tempore*. The gentleman from Georgia is entitled to another minute yielded by the gentleman from West Virginia.

Mr. CRISP. Mr. Speaker, in conclusion, I only want to say that so far as I am concerned, I was willing to continue the contest for a better bill so long as there was any hope of obtaining it. But when the conferees on the part of the House, in whom we have the utmost confidence, who are familiar with all the facts, tell us that in their judgment we must take this bill or be remitted to the penalties of the McKinley bill, I do not hesitate a moment. I take the Senate amendments.

If there is a sugar trust in this country which is dominating legislation, the Republican party created it. [Applause on the Democratic side.] And although this bill does not destroy that trust, as we wish it did, it takes away more than one-half of the protection accorded to that trust. [Applause.] If there is a "coal combine," the legislation of the Republican party built it up; and although we do not make coal free in this bill, we reduce the duty from 75 cents to 40 cents.

If there is a steel and iron combine the same remark applies. Going through these schedules, whilst they are not all we wish, they are (and we want the country to understand it) the best we can now get. The moment we get this we intend to move forward; we do not intend there shall be any backward step in tariff reform. [Loud applause on the Democratic side.] We believe that the adjournment of this Congress without the passage of some tariff bill would be a blow for tariff reform from which it would not recover for years to come. [Long continued applause on the Democratic side.]

Mr. COCKRAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The Chair is of the opinion that, operating under the order of the House, it would not be in order to recognize any member for any question of the kind suggested by the gentlemen from New York; but if the gentleman desires to use his minute yielded to him by the gentleman from Maine——

Mr. COCKRAN. Two minutes. I desire to state, Mr. Speaker, that the remark of the gentleman from Georgia—— [Derisive cries on the Democratic side.]

The SPEAKER *pro tempore*. The House will be in order. The gentleman from New York has been recognized for one minute.

Mr. COCKRAN. I desire to say that the gentleman from Georgia, in making a statement that my absence from this House formed any part or should form any part of this discussion, has made an exhibition which I am sorry to find made by any member. The gentleman from Georgia knows why I have been absent; nobody knows it better. He knows the painful circumstances which have compelled me to be absent; and that statement of his is but an evidence of the growth of Georgia chivalry since Alexander H. Stevens was replaced in the statesmanship of the country by the present Speaker of the House. [Applause, derisive cries, and great disorder.]

Mr. CRISP. Mr. Speaker, that statement was not made—— [Cries of "Regular order!" on the Republican side.]

The SPEAKER *pro tempore*. The House will be in order. Gentlemen will take their seats. Gentlemen on the left of the Chair will be seated. Gentlemen on the right of the Chair will be seated. Members will take their seats.

Mr. CRISP. I ought to be allowed to say——

Mr. BOUTELLE. Mr. Speaker—— [Great confusion in the Hall.]

The SPEAKER *pro tempore*. Gentlemen will be seated. The gentleman from Maine will be seated. The gentleman from West Virginia [Mr. WILSON] is recognized.

Mr. WILSON of West Virginia. I yield to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker, I want to say, in justice to myself and to the gentleman from New York [Mr. COCKRAN], that the reference to his absence had no relation and was not intended to be any reflection on him as a Representative. It was intended to show his ignorance of the situation here because he had been away. That is all. [Applause on the Democratic side.]

Mr. COCKRAN. Will the gentleman from Georgia tell us now why he is surrendering, and to whom? [Applause on the Republican side.]

The SPEAKER *pro tempore*. The gentleman from New York will be seated.

Mr. BOUTELLE. Why do you not make the gentlemen on your right sit down as well as those on your left?

The SPEAKER *pro tempore*. Gentlemen on the right will be seated.

Mr. WILSON of West Virginia. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from West Virginia [Mr. WILSON] has three minutes in which to close the debate.

Mr. WILSON of West Virginia. Mr. Speaker, in closing the debate I wish to correct or make more accurate a statement which I made in answer to the question of the gentleman from Kansas [Mr. HUDSON]. I stated to him that I was informed that the sugar trust had imported nearly $100,000,000 worth of raw sugar in anticipation of the going into effect of an ad valorem duty upon raw sugar. That statement was made to me by a member of Congress personally familiar with these matters and whose statement I supposed to be one that I could rely upon. It seems, however, that he was mistaken, and that my other statement was the correct one. About 448,000 tons is said to be the amount which the trust has imported in anticipation of the passage of this bill.

A MEMBER. How much is that in dollars and cents?

Mr. WILSON of West Virginia. I can not tell you, but it is something like $25,000,000, perhaps.

Mr. M'MILLIN. Twenty-two million dollars.

Mr. PENCE. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. WILSON of West Virginia. Certainly; I will answer a question.

Mr. PENCE. I do not seek to interrupt the gentleman, but I have read the rule which was reported here. I wish to ask him if we are to understand that after the passage of the motion that has been made by the gentleman from West Virginia it is the purpose of the majority of this House to sit here and at this session to-night pass a free sugar bill?

Mr. WILSON of West Virginia. Yes. Now, Mr. Speaker, I do not know that I shall occupy even the few moments of time that I have left. I do not know that it is necessary for me to add any word to what I have already said. I indorse in the main the sentiments of my friend from Georgia [Mr. TURNER]. I do not believe that this is an occasion for Democratic enthusiasm. I believe that we are doing that which is possibly our duty, or our plain necessity to do. But if the Democratic party is to live in this country, and if the Democratic party deserves to live in this country, it can not lay down its weapons until it has made this a country where class taxation shall be unknown and no man shall bear burdens for the enrichment of any other man. [Applause on the Democratic side.] Now, Mr. Speaker, I call for a vote.

The SPEAKER. The question is on the motion of the gentleman from West Virginia [Mr. WILSON], which will be read by the Clerk.

The Clerk read as follows:

I move that the order heretofore made, requesting a conference with the Senate on the disagreeing votes of the two Houses on House bill 4864, be rescinded; that the conferees heretofore appointed on the part of the House be discharged from further duty in that behalf, and that the House recede from its disagreement to the Senate amendments to said bill and agree to the same.

The question was taken; and the Speaker announced that the ayes seemed to have it.

A division was demanded.

The yeas and nays were demanded.

The yeas and nays were ordered.

The SPEAKER appointed as tellers Mr. JONES, and Mr. HOOKER of New York.

The question was taken; and there were—yeas 182, nays 106, answered "present" 3, not voting 61; as follows:

YEAS—182.

Alderson,	Caminetti,	Dockery,	Heard,
Alexander,	Campbell,	Donovan,	Henderson, N. C.
Allen,	Cannon, Cal.	Dunn,	Holman,
Arnold,	Capehart,	Durborow,	Hooker, Miss.
Bailey,	Caruth,	Edmunds,	Hudson,
Baker, Kans.	Catchings,	Ellis, Ky.	Hunter,
Baldwin,	Causey,	English, Cal.	Ikirt,
Bankhead,	Clark, Mo.	English, N. J.	Izlar,
Barnes,	Clarke, Ala.	Enloe,	Jones,
Barwig,	Cobb, Ala.	Epes,	Kilgore,
Bell, Colo.	Cobb, Mo.	Erdman,	Kribbs,
Bell, Tex.	Cockrell,	Fithian,	Kyle,
Beltzhoover,	Coffeen,	Forman,	Lane,
Berry,	Coombs,	Fyan,	Lapham,
Black, Ga.	Cooper, Fla.	Geary,	Latimer,
Bland,	Cooper, Ind.	Geissenhainer,	Lawson,
Boatner,	Cooper, Tex.	Goldzier,	Layton,
Boen,	Cornish,	Grady,	Lester,
Bower, N. C.	Cox,	Granam,	Livingston,
Branch,	Crain,	Griffin,	Lockwood,
Breckinridge, Ark.	Crawford,	Haines,	Lynch,
Bretz,	Culberson,	Hall, Minn.	Maddox,
Brookshire,	Cummings,	Hall, Mo.	Maguire,
Brown,	Davis,	Hammond,	Mallory,
Bryan,	De Armond,	Hare,	Martin, Ind.
Bunn,	De Forest,	Harris,	McAleer,
Cabaniss,	Denson,	Hatch,	McCreary, Ky.
Cadmus,	Dinsmore,	Hayes,	McCulloch,
McDannold,	O'Neill, Mo.	Russell, Ga.	Taylor, Ind.
McDearmon,	Outhwaite,	Ryan,	Terry,
McEttrick,	Paschal,	Sayers,	Tucker,
McGann,	Patterson,	Shell,	Turner, Ga.
McKaig,	Paynter,	Sipe,	Turner, Va.
McLaurin,	Pearson,	Snodgrass,	Tyler,
McMillin,	Pence,	Somers,	Weadock,
McNagny,	Pendleton, Tex.	Sorg,	Wells,
McRae,	Pendleton, W. Va.	Sperry,	Wheeler, Ala.
Money,	Pigott,	Springer,	Williams, Ill.
Montgomery,	Reilly,	Stevens,	Williams, Miss.
Moore,	Richards, Ohio	Stone, Ky.	Wilson, W. Va.
Morgan,	Richardson, Mich.	Strait,	Wise,
Mutchler,	Richardson, Tenn.	Straus,	Wolverton,
Neill,	Ritchie,	Swanson,	Woodard,
Oates,	Robbins,	Talbert, S. C.	The Speaker.
Ogden,	Robertson, La.	Talbott, Md.	
O'Neil, Mass.	Rusk.	Tate.	

NAYS—103.

Adams, Pa.	Ellis, Oregon	Johnson, Ind.	Quigg,
Apsley,	Everett,	Johnson, N. Dak.	Reed,
Avery,	Funk,	Johnson, Ohio	Reyburn,
Babcock,	Gear,	Kiefer,	Russell, Conn.
Baker, N. H.	Gillet, N. Y.	Lacey,	Scranton,
Bartlett,	Gillett, Mass.	Linton,	Sherman,
Bingham,	Gorman,	Loud,	Smith,
Blair,	Grosvenor,	Loudenslager,	Stephenson,
Boutelle,	Grout,	Lucas,	Stone, C. W.
Bowers, Cal.	Grow,	Marsh,	Stone, W. A.
Broderick,	Hager,	Marvin, N. Y.	Storer,
Brosius,	Hainer,	McCall,	Strong,
Burrows,	Harmer,	McCleary, Minn.	Tarsney,
Cannon, Ill.	Hartman,	McDowell,	Tawney,
Childs,	Haugen	Meiklejohn,	Updegraff,
Cockran,	Heiner,	Mercer,	Van Voorhis, N. Y.
Cogswell,	Henderson, Iowa	Meyer,	Van Voorhis, Ohio
Cooper, Wis.	Hendrix,	Milliken,	Wadsworth,
Cousins,	Hepburn,	Murray,	Wanger,
Covert,	Hermann,	Northway,	Warner,
Curtis, Kans.	Hitt,	Payne,	Waugh,
Daniels,	Hooker, N. Y.	Perkins,	Wilson, Ohio
Davey,	Hopkins, Ill.	Phillips,	Wilson, Wash.
Dingley,	Hopkins, Pa.	Pickler,	Woomer,
Dolliver,	Houk,	Post,	Wright, Pa.
Doolittle,	Hulick,	Powers,	
Dunphy,	Hull,	Price,	

ANSWERED "PRESENT"—3.

Black, Ill.	Hutcheson,	Page.

NOT VOTING—61.

Abbott,	Draper,	Meredith,	Stockdale,
Adams, Ky.	Fielder,	Moon,	Sweet,
Aitken,	Fletcher,	Morse,	Taylor, Tenn.
Aldrich,	Gardner,	Moses,	Thomas,
Bartholdt,	Goodnight,	Newlands,	Tracey,
Belden,	Gresham,	Randall,	Turpin,
Breckinridge, Ky.	Harter,	Ray,	Walker,
Brickner,	Henderson, Ill.	Rayner,	Washington,
Bundy,	Hicks,	Robinson, Pa.	Wever,
Burnes,	Hines,	Schermerhorn,	Wheeler, Ill.
Bynum,	Kem,	Settle,	White,
Chickering,	Lefever,	Shaw,	Whiting,
Clancy,	Magner,	Sibley,	Wright, Mass.
Conn,	Mahon,	Sickles,	
Curtis, N. Y.	Marshall,	Simpson,	
Dalzell,	McKeighan,	Stallings,	

So the motion was agreed to.

The following additional pairs were announced:

Mr. BRICKNER with Mr. HICKS, until further notice.

Mr. RAYNER with Mr. WEVER, for the rest of this day.

Mr. TRACEY with Mr. FLETCHER, on this vote.

Mr. HUTCHESON. I am paired with the gentleman from Massachusetts [Mr. DRAPER]. If he were present he would vote "no" and I would vote "aye."

Mr. DALZELL. I am paired with the gentleman from Indiana [Mr. BYNUM]. If he were present he would vote "aye" and I would vote "no."

Mr. GROSVENOR. I ask indefinite leave for my colleague, Mr. BUNDY, on account of sickness.

There was no objection.

Mr. RAY. I desire to withdraw my vote, as I am paired with the gentleman from Mississippi [Mr. STOCKDALE] on this tariff bill. If he were present he would vote "aye;" I should vote "no."

Mr. HOLMAN. I wish to announce the absence, on account of sickness, of my colleague Mr. CONN.

The SPEAKER. Without objection, leave of absence will be granted to the gentleman on account of sickness.

There was no objection.

Mr. BLACK of Illinois. I am paired with the gentleman from New York [Mr. CURTIS]. If he were present I would vote "aye."

Mr. PENCE. Before the vote is announced, Mr. Speaker, I wish to say in behalf of Mr. KEM and Mr. MCKEIGHAN of Nebraska and Mr. SIMPSON, all of whom are excused on account of sickness, that if present they would vote "aye."

The result of the vote was then announced as above recorded.

[Applause on Democratic side.]

On motion of Mr. WILSON of West Virginia, a motion to reconsider the last vote was laid on the table.

FREE COAL.

Mr. WILSON of West Virginia. Mr. Speaker, by direction of the Democratic caucus I send up this bill to the desk for immediate consideration.

The SPEAKER. The bill will be read.

The Clerk read as follows:

A bill (H. R. 7963) to place upon the free list bituminous coal, shale, slack, and coke.

Be it enacted, etc., That from and after the passage of this act the following articles, when imported into the United States, shall be admitted free of import duties: Bituminous coal, shale, coal slack, or culm, and coke.

The SPEAKER. Thirty minutes, under the rule, are allowed for debate. The Chair will recognize the gentleman from West Virginia [Mr. WILSON] for fifteen minutes, and the gentleman from Maine [Mr. REED] for the remainder of the time.

Mr. REED. I suppose the gentleman from West Virginia will explain what this bill is.

Mr. WHEELER of Alabama. Mr. Speaker, I desire to offer an amendment to this bill, to add after the word "coke," in the last line:

And machinery for the manufacture of cotton goods.

The SPEAKER. The bill is not open to amendment.

Mr. WILSON of West Virginia. I have no desire to debate the bill.

Mr. REED. The gentleman has the opening.

Mr. WILSON of West Virginia. I have nothing to say about it, because the House has debated the subject.

Mr. BURROWS. I would suggest that it would contribute to good order in the Hall if the Speaker would direct those machines to be stopped. It is late in the evening, and we do not need them.

The SPEAKER. The fans?

Mr. BURROWS. Yes, sir.

The SPEAKER. The fans will be stopped. Does the gentleman from Maine desire to debate the bill?

Mr. REED. Of course I desire debate. I will not be a party to this game without exposing it. I yield five minutes to the gentleman from Ohio.

Mr. CRAIN. I move the House do now adjourn.

The SPEAKER. That motion is not in order.

Mr. GROSVENOR. Mr. Speaker, during the debate this afternoon upon the tariff bill I sought opportunity to put a question to the gentleman from Georgia [Mr. TURNER]. I sought the opportunity in a regular parliamentary way, as I have always done. I have never yet attempted upon this floor to inject any remarks into the speech of any gentleman without asking his permission under the rules. What I desired to do was to call the attention of the gentleman from Georgia, in a respectful manner, to an interruption which he gave to me on a former occasion, and the reason why I desired to interrupt him was because the gentleman at the particular time had made utterance as follows. Speaking of this bill he said:

It then went to the Senate, a coördinate branch of Congress, and there in the various stages which marked its history it was undergoing some sort of discussion or treatment and consideration from the 1st of February until the 3d day of July last. Let it also be remembered that during that long delay in the other branch of Congress our honorable friends in that body who represented the views that we entertain, and for the success of which their hearts beat as cordially as ours, had to sit in their seats because they had no rules to do business, and endure the fusillade and fire of every popgun that could be raised in the Senate against the bill which we sent to that body. I do not wish to disparage any honorable gentleman on either side of that illustrious body, but all gentlemen will remember the tactics which were employed to delay and obstruct the passage of that bill; one Senator having a fifteen days' speech on his desk for the purpose of hurling it against this measure.

At that time I desired to call the attention of the distinguished gentleman to page 5460 of the CONGRESSIONAL RECORD of the current session of Congress, that he might see the following language:

Mr. MARSH. What is the date?

Mr. GROSVENOR. The 10th of May.

Take the lead trust, take the linseed oil trust, take all the trusts, as I have said, even the collar and cuff trust, they have gone one by one through their special representatives, have taken the body politic of Congress by the throat, and have established their domination in a way that no man can resist.

Mr. TURNER of Georgia. Will the gentleman yield for a suggestion?

Mr. GROSVENOR. Yes, sir.

Mr. TURNER of Georgia. I wish to ask the gentleman whether in his opinion it is exactly proper, on the naval appropriation bill, to arraign gentlemen at the other end of the Capitol and on an entirely different subject?

Now, I was trying to say in the most respectful manner, or to call the distinguished gentleman's attention, without any interruption or without any purpose of injuring his feelings or to incommode him to the difference between a gentleman coolly listening to a speech and another gentleman in the full tide of abuse of a coördinate branch of the Government.

Mr. WILSON of West Virginia. I yield to the gentleman from Georgia such time as he desires.

Mr. TURNER of Georgia. Mr. Speaker, I wish to say, in answer to the remarks of the gentleman from Ohio just made, that when he undertook to interpose during the brief remarks I was making a short time ago, I was going under some stress of excitement, and endeavoring to say a great many things in a very short time. I declined on account of my limited time to be interrupted by the gentleman from Ohio. I begged the gentleman not to persist, because I wished to finish my statement without losing my opportunity for discussing the pending subject. If I had understood correctly the gentleman's reference, I could not have resisted his request.

Let me say now, that the gentleman from Ohio has been uniformly courteous. I have never had any other experience at his hands; and when I found that he was somewhat ruffled at my refusal to yield the floor to him for an interruption, I sought the first occasion I had to find what the subject-matter was that he had in hand. I regret very much now that I said or did anything which in any manner offended the gentleman. I really think, from the remarks which he has just made, he can find nothing really at which to take umbrage, let me say to my honorable friend.

Mr. GROSVENOR. Let me say to my friend that I am not offended with him. I was only trying to satisfy the gentleman from Georgia and the House that I was not making an impertinent interference in his remarks.

Mr. TURNER of Georgia. If I were to reply to the gentleman in the same spirit which he has just replied to me, I would say that I did not intend on that occasion to which he refers to give any offense at all. The gentleman says that he took no offense. I am very glad of it. I wish to say that on the occasion to which he refers, when I had asked his consent to interrupt him he consented, and I did interrupt.

There is a little difference there, which I am sure the gentleman will recognize, perhaps to my disadvantage. The gentleman had an hour and I had only ten minutes. I desire to make one other statement, and that is that the gentleman now arraigns me, properly, for having, in reply to some strictures that were made on the floor here on the proceedings in the Senate, used language in reference to the affairs of that body which were not entirely in order.

I wish now to set the gentleman from Ohio an example which he may follow on a similar occasion when he next arraigns the Senate. I call his attention to it and hope he will not do as he did in May last. I propose to strike out of my remarks everything that could offend anybody in the Senate.

Mr. GROSVENOR. Should the gentleman from Georgia be found in the Senate at that time I shall great pains not to say anything offensive to that body. [Laughter.]

[Mr. PAYNE withholds his remarks for revision. See Appendix.]

Mr. WILSON of West Virginia. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question being put, there were, on a division (called for by Mr. REED)—ayes 78, noes 47.

Mr. REED. No quorum, Mr. Speaker. You would not think of passing an important bill like this without a quorum.

Mr. WILSON of West Virginia. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. HOPKINS of Illinois and Mr. BROOKSHIRE were appointed as tellers to act during the call of the yeas and nays.

The question was taken; and there were—yeas 162, nays 104, answered "present" 1, not voting 84; as follows:

YEAS—162.

Allen,	Catchings,	Ellis, Ky.	Holman,
Arnold,	Causey,	English, Cal.	Hooker, Miss.
Baldwin,	Clark, Mo.	Enloe,	Hunter,
Barnes,	Clarke, Ala.	Erdman,	Ikirt,
Bartlett,	Cobb, Mo.	Everett,	Islar'
Barwig,	Cobb, Ala.	Fithian,	Johnson, Ohio
Bell, Tex.	Cockran,	Forman,	Jones,
Beltzhoover,	Cockrell,	Fyan,	Kilgore,
Berry,	Coffeen,	Geary,	Kyle,
Black, Ga.	Coombs,	Geissenhainer,	Lane,
Bland,	Cooper, Ind.	Goldzier,	Lapham,
Boen,	Cooper, Tex.	Gorman,	Latimer,
Bower, N. C.	Cornish,	Grady,	Lawson,
Branch,	Covert,	Graham,	Layton,
Breckinridge, Ark.	Cox,	Griffin,	Lester,
Bretz,	Crawford,	Haines,	Livingston.
Brookshire,	Culberson,	Hall, Minn.	Lockwood,
Brown,	Cummings,	Hall, Mo.	Lynch,
Bryan,	Davis,	Hammond,	Maddox,
Bunn,	De Armond,	Hare,	Maguire,
Cabaniss,	De Forest,	Harris,	Mallory,
Cadmus,	Dinsmore,	Hatch,	McAleer,
Caminetti,	Dockery,	Haugen,	McCreary, Ky.
Campbell,	Donovan,	Hayes,	McCulloch,
Cannon Cal.	Dunn,	Heard,	McDannold,
Capehart,	Dunphy,	Henderson, N. C.	McDearmon,
Caruth,	Durborow,	Hendrix,	McEttrick,

McGann,	Page,	Russell, Ga.	Tarsney,
McLaurin,	Paschal,	Ryan,	Tate,
McMillin,	Patterson,	Sayers,	Taylor, Ind.
McRae,	Paynter,	Shell,	Terry,
Money,	Pearson,	Sipe,	Tracey,
Montgomery,	Pence,	Somers,	Turner, Ga.
Moore,	Pendleton, Tex.	Sorg,	Warner,
Morgan,	Pendleton, W. Va.	Sperry,	Wells,
Mutchler,	Pigott,	Springer,	Williams, Ill.
Neill,	Richards, Ohio	Stone, Ky.	Williams, Miss.
Ogden,	Richardson, Mich.	Strait,	Wilson, W. Va.
O'Neil, Mass.	Richardson, Tenn.	Straus,	Woodard.
O'Neill, Mo.	Ritchie,	Talbert, S. C.	
Outhwaite,	Rusk,	Talbott, Md.	

NAYS—104.

Adams, Pa.	Doolittle,	Lacey,	Robbins,
Alderson,	Edmunds,	Linton,	Russell, Conn.
Avery,	Ellis, Oregon	Loud,	Scranton,
Babcock,	Epes,	Loudenslager,	Sherman,
Baker, N. H.	Funk,	Lucas,	Smith,
Bankhead,	Gear,	Marsh,	Stephenson,
Bell, Colo.	Gillet, N. Y.	Marvin, N. Y.	Stone, C. W.
Bingham,	Grosvenor,	McCall,	Stone, W. A.
Blair	Grow	McCleary, Minn.	Storer,
Boatner,	Hager,	McDowell,	Swanson,
Boutelle,	Hainer,	McKaig,	Tawney,
Bowers, Cal.	Harmer,	Meiklejohn,	Tucker,
Broslus,	Hartman,	Mercer,	Tyler,
Burnes,	Heiner,	Northway,	Updegraff,
Burrows,	Henderson, Iowa	Oates,	Van Voorhis, Ohio
Cannon, Ill.	Hepburn,	Payne.	Wadsworth,
Childs,	Hermann,	Perkins,	Wanger
Cogswell,	Hitt,	Phillips,	Waugh,
Cousins,	Hooker, N. Y.	Pickler,	Weadock,
Crain,	Hopkins, Ill.	Post,	Wheeler, Ala.
Curtis, Kans.	Hopkins, Pa.	Powers,	Wilson, Ohio
Daniels,	Houk,	Quigg,	Wilson, Wash.
Davey,	Hull,	Ray,	Wise,
Denson,	Johnson, Ind.	Reed,	Wolverton,
Dingley,	Kiefer,	Reilly,	Woomer,
Dolliver,	Kribbs,	Reyburn,	Wright, Pa.

ANSWERED "PRESENT"—1.

Hutcheson.

NOT VOTING—84.

Abbott,	Curtis, N. Y.	Mahon,	Sibley,
Adams, Ky.	Dalzell,	Marshall,	Sickles,
Aitken,	Draper,	Martin, Ind.	Simpson,
Aldrich,	English, N. J.	McKeighan,	Snodgrass,
Alexander,	Fielder,	McNagny,	Stallings,
Apsley,	Fletcher,	Meredith,	Stevens,
Bailey,	Gardner,	Meyer,	Stockdale,
Baker, Kans.	Gillett, Mass.	Milliken,	Strong,
Bartholdt,	Goodnight,	Moon,	Sweet,
Belden,	Gresham,	Morse,	Taylor, Tenn.
Black, Ill.	Grout,	Moses,	Thomas,
Breckinridge, Ky.	Harter,	Murray,	Turner, Va.
Brickner,	Henderson, Ill.	Newlands,	Turpin,
Broderick,	Hicks,	Price,	Van Voorhis, N. Y.
Bundy,	Hines,	Randall,	Walker,
Bynum,	Hudson,	Rayner,	Washington,
Chickering,	Hulick.	Robertson, La.	Wever,
Clancy,	Johnson, N. Dak.	Robinson, Pa.	Wheeler, Ill.
Conn,	Kem,	Schermerhorn,	White,
Cooper, Fla.	Lefever,	Settle,	Whiting,
Cooper, Wis.	Magner,	Shaw,	Wright, Mass.

So the bill was ordered to be engrossed, and read a third time.

The following additional pairs were announced:

Rest of this day:

Mr. STEVENS with Mr. VAN VOORHIS of New York.

On coal and iron schedule:

Mr. BAILEY with Mr. APSLEY.

Mr. SNODGRASS with Mr. TAYLOR of Tennessee.

Mr. SCHERMERHORN with Mr. SHAW.

Mr. HUTCHESON. I am paired with the gentleman from Massachusetts [Mr. DRAPER]. If he were present, I would vote "aye;" he would vote "no."

Mr. BRODERICK. I was paired with the gentleman from Mississippi [Mr. STOCKDALE], but the bill proper was excepted from the pair. These other tariff bills were not contemplated or considered, and so in order to keep faith with him I shall refrain from voting except on the question of sugar. I know how the gentleman would vote on this question if present.

The result of the vote was then announced as above recorded.

The bill was accordingly read the third time, and passed.

On motion of Mr. WILSON of West Virginia, a motion to reconsider the last vote was laid on the table.

FREE IRON ORE.

Mr. WILSON of West Virginia. I am instructed by the Democratic caucus to present the following bill.

The SPEAKER. The bill will be read.

The Clerk read as follows:

A bill (H. R. 7969) to place upon the free list all ores of iron.

Be it enacted, etc., That from and after the passage of this act the following articles, when imported into the United States, shall be admitted free of import duties:

Iron ore, including manganiferous iron ore; also the dross or residiuum from burnt pyrites, and sulphur ore, as pyrites or sulphuret of iron in its natural state.

The SPEAKER. The Chair will recognize the gentleman from West Virginia to control fifteen minutes of the time in support of, and the gentleman from Maine the other fifteen minutes in opposition to the bill.

Mr. REED. I hope the gentleman from West Virginia will give us some explanation of the bill.

Mr. WILSON of West Virginia. I do not desire to speak.

Mr. REED. I thought some gentleman on that side would say something.

Mr. BLAIR. I would like to ask the gentleman from West Virginia a question, if he will take the floor for that purpose.

Mr. WILSON of West Virginia. Very well.

Mr. BLAIR. During the debate this afternoon—the discussion on the main question—it was stated by the honorable gentleman from Ohio [Mr. JOHNSON], and I do not now see him in his seat, and to whom I would have addressed the inquiry if present, that the Republican Senators had agreed to withdraw their opposition to the Senate bill, as it was sent to the House and adopted to-day, provided that certain schedules were fixed to their satisfaction, or the satisfaction of the great interests concerned in them.

Now, I challenge that declaration. I challenge its accuracy, and I ask the proof. I ask the chairman of the Committee on Ways and Means, responsible more than any other one man for this legislation, whether that statement is true or otherwise?

Mr. HOPKINS of Illinois. And, if so, to name the man.

Mr. BLAIR. Again I ask the gentleman if it is true?

Mr. WILSON of West Virginia. Of course, Mr. Speaker, I do not know what information the gentleman from Ohio has. I do not see him in his seat at this time. I have no definite information that would enable me to answer the question of the gentleman from New Hampshire. But my understanding is that several times—or my information is in a general way—that several times during the progress of the tariff bill through the Senate the silence, that is, the agreement to stop debate and come to a vote of the Republican Senators, or some of them, was obtained by conceding to them some interest in the tariff bill.

Mr. BLAIR. What interest was referred to?

Mr. WILSON of West Virginia. Well, perhaps something in the line of the iron and steel and cotton schedules. I would not undertake to be accurate as to that. I have not followed the debate thoroughly, being absent at the time, and do not know exactly what its progress was in the Senate.

Mr. BLAIR. Then it can be reduced to nothing more definite than the statement the gentleman now makes?

Mr. WILSON of West Virginia. Not so far as I am concerned. The gentleman is aware of the fact that they have no previous question in the Senate, and any Senator can speak for or against a matter and occupy the floor as long as he pleases. In the case of the tariff bill they had to buy the silence of the Republican Senators, or some of them, by the granting of additional taxes on the American people.

Mr. BLAIR. You mean to be understood as saying that certain protected interests bought their protection in the bill, which has just become a law by sacrificing the other and perhaps four-fifths of the people who were receiving protection under the McKinley bill?

Mr. WILSON of West Virginia. Well, that is a question that has many sides to those who make the sacrifice. I would like to sacrifice, I would state to the gentleman, a great many more of them.

Mr. BLAIR. I desired to ask the gentleman from Ohio the question, but did not see him in his seat.

Mr. REED. I yield ten minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON of Illinois. Mr. Speaker, after a year's session of Congress we seem to be approaching an adjournment. We have just enacted the Gorman-Brice tariff bill, which the gentleman from West Virginia [Mr. WILSON], in answer to the gentleman from New Hampshire [Mr. BLAIR] intimates, if he does not state, to be an improper bill, passed through another body by improper if not dishonorable methods.

Mr. BLAIR. And if the gentleman will allow me to suggest, a very proper subject-matter of investigation by this House.

Mr. CANNON of Illinois. And yet the gentleman from West Virginia and that side of the House by voting for it breathed the breath of life into the improper and dishonored product. The gentleman from West Virginia is estopped from making the accusation of dishonor, because he becomes an accomplice when he adopts it and blesses it by action. Votes are vital, not words. [Applause on the Republican side.] After all, you are to stand or fall by the merits of this legislation. With the notice that our Democratic friends give us, what is to come in the future? The gentleman from West Virginia [Mr. WILSON], following the gentleman from Tennessee [Mr. MCMILLIN] and the honorable Speaker of the House, or they following him, give

notice that this is but one stage of the journey to what they call tariff reform.

Think of it! From high prosperity to business despair, universal nonemployment, the borrowing of money, strikes, riot, arson, and murder, suppressed by the strong arm of the law, in less than eighteen months, from one condition to the other, with the gentleman from West Virginia heading the organized threat against the country's welfare. And now, when under protest he takes this dishonored legislation and adopts it, he gives notice to a distracted country that he is ready to hoist his flag and draw his sword and make another onslaught upon the people. Instead of giving quiet and rest, even if this legislation be improper, and enabling the country to say, "We will adjust ourselves to it," he still further unsettles it by saying, "We have not yet begun to fight." I thank God that his masters and mine will have a chance to say in November next whether he and his party shall remain in command in this House during the balance of this Administration.

Mr. WILSON of West Virginia. You do not want me defeated for Congress!

Mr. CANNON of Illinois. Personally, I wish the gentleman no harm. As he embodies the vicious economic principles which have bankrupted the country, I can say nothing too severe concerning him.

Now, Mr. Speaker, what have we? The gentleman from West Virginia [Mr. WILSON] in his first statement has, I suspect, stated substantially the truth. And what was it? That the dealers in sugar who control the product in the United States have now on hand—that they have imported, duty free, or substantially so—a hundred millions of dollars' worth of that product.

Mr. WILSON of West Virginia. I corrected that; I said 448,000 tons.

Mr. CANNON of Illinois. Oh, yes; the gentleman afterward said about one-fourth of the amount which he first stated. I think his first statement was right. Now, what does he do if his first statement is right? By doing that which he said he would not do, by taking, as he calls it, this dishonest product that comes from the Senate and breathing the breath of life into it, he legislates into the pockets of the men who control that great product of sugar, which rich and poor alike must have under all circumstances, $40,000,000 in the twinkling of an eye, if he is correct in his statement.

Mr. WILSON of West Virginia. If the Republican Senators will vote for the bill I have in my hand, they will not get one dollar of the forty millions.

Mr. CANNON of Illinois. Oh, "if!" That is nonsense. In the single period of six hours, under the gentleman's flag and command, you give these men $40,000,000 profit, and then turn around and say, "Oh, we will put sugar on the free list as an independent proposition." The gentleman knows, as he sits before me this evening, that that legislation is not to go upon the statute books, and that when he voted to pass this law placing this duty upon sugar that he fastened that burden upon the people of this country and upon all the people.

Mr. SWANSON. Will the gentleman allow me for a moment?

Mr. CANNON of Illinois. I will later on, because I have but little time. Now I want to talk about sugar a minute. What does this bill do? It not only gives this $43,000,000 of profit on the present product in the hands of these men, but the consumption of sugar in the United States per annum is 4,000,000,000 pounds in round numbers, worth $120,000,000. Forty per cent on that you can count, and then add, if you please, your one-eighth differential, and you have over $53,000,000 added by this legislation annually on sugar alone as a burden upon all the people of this country.

But that is not all. The bounty under the McKinley law to producers of sugar in the United States so as to establish that industry here is the *bête noire* of the Democratic party. They hold up their hands and they say, "What, pay a bounty on sugar; why not pay a bounty on the farmers' corn?" What, gentlemen, is it that you put in the Gorman-Brice law? In the McKinley law we put sugar on the free list, even all the sugar that came from all the world, the Sandwich Islands included, coming in free.

Mr. TYLER. Raw sugar.

Mr. CANNON of Illinois. Oh, yes, raw sugar; and we do not import any other kind.

Mr. SWANSON. Of which the trust gets the benefit.

Mr. CANNON of Illinois. The gentleman will get into very good company if he could get into my remarks; but I have not time to yield to him.

Mr. CLARK of Missouri. Will you allow me to ask you a question?

Mr. REED. Ask him in the time of the gentleman from West Virginia. He has time.

Mr. CANNON of Illinois. In a moment I will yield to the tornado from Missouri. [Laughter.]

Mr. CLARK of Missouri. All right.

The SPEAKER *pro tempore* (Mr. DOCKERY in the chair). The time of the gentleman has expired.

Mr. REED. I give the gentleman five minutes.

The SPEAKER *pro tempore*. The Chair has a memorandum that the gentleman has three minutes of his time remaining.

Mr. REED. I do not care what memorandum the Chair has; I have got a measure in the RECORD which shows what the memorandum amounts to up there. I know just what time I had, and just what time I gave; and 10 from 15 leaves 5.

The SPEAKER *pro tempore*. The gentleman is recognized.

Mr. WILSON of West Virginia. The gentleman from Maine is entitled to five minutes more, unless the gentleman from New Hampshire [Mr. BLAIR] occupied a part of his time.

Mr. REED. The gentleman from New Hampshire occupied part of the time of the gentleman from West Virginia.

Mr. BOUTELLE. Why, certainly. He asked the gentleman to take the floor long enough to answer some questions.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Illinois for five minutes as soon as order is restored.

Mr. WILSON of West Virginia. I do not object.

Mr. CANNON of Illinois. Now, Mr. Speaker, it is an open secret that Mr. Claus Spreckels and other members of the sugar trust control the sugar product in the Sandwich Islands, own most of the plantations, or have a contract with the whole product. That product already amounts to 300,000,000 pounds per annum, and can be indefinitely increased, and under the treaty with that country sugar from that country comes free into the United States. Your law puts 40 per cent tax on sugar that comes from all other countries. The result is that the moment the Sandwich Island sugar lands in the United States it has added to it 40 per cent of value, and that 40 per cent goes into the pockets of the sugar trust, and will amount to $5,000,000 annually, bounty paid practically from the Treasury to the sugar trust. Ah, you are not willing for the beet-sugar industry to be established in our country, by our own citizens; but you vote this bounty into the pockets of these men on the Sandwich Islands' product.

Mr. BOWERS of California. And abrogate a solemn treaty.

Mr. CANNON of Illinois. There, gentlemen, is the whole story; and if you think you can muddy the water and not let the light on the 1½ cents a pound of increase in price of sugar that everybody will have to pay after Grover Cleveland signs this bill, you are mistaken. The gentleman from Ohio [Mr. JOHNSON] gave you a fair warning, but after all his warning, after my warning, after the people have given you notice, with bankruptcy upon us, with disaster upon us, with strikes upon us, with almost civil war upon us in some sections, with our mills idle, with our farmers' products going for a song, you insist on this legislation that gives this great bounty to the sugar trust.

The English language does not afford words, or at least I have not ability enough to properly describe your political shortcomings, and I will remit you to your people in your respective districts, expecting, personally, that they will treat you well, but politically they will leave you at home as they ought to do, and send somebody here that believes in the country, that believes in her industries, that believes in her protection, that would rather our people should do well than to do ill, that our mills should be open and running and making profit enough that labor should have a fair price, rather than to be closed or running at a loss. Why, do you know, if I had time and was a preacher I would send a lot of missionaries to talk to your people about you.

Mr. WILSON of West Virginia. That last supposition is a very violent one.

Mr. CANNON of Illinois. I might not catch the chief of sinners, the Speaker, or the gentleman from West Virginia, but I would catch some of our New York friends, because up there you have suffering people; up there you have industries; up there they are crying for employment. I would open wide the church door, and I think I could secure some of these New York people, and possibly some New Jersey people. It might tax the grace of the Lord a great deal to convict and convert the average New Jersey Democratic politician, but I have faith to believe that thousands of farmers and working people in New Jersey who have followed the tariff reform "will-o'-the-wisp" are ready to acknowledge their error.

Go on, gentlemen; you have passed the Gorman-Brice bill with your eyes open; that is to be the law. The Senate and House concur, and now, having done the devilment, you hear the cry of a long-suffering and indignant people, and hope to escape their condemnation by passing these pop-gun bills through the House. One puts coal, one puts iron ore, one puts sugar on the free list.

You know the Senate will never pass them; you are exhibiting the ostrich act. You push your heads in the sand and think you are in hiding. It does not require a microscope to witness the exhibition.

Somebody asks will the President sign your Gorman-Brice act? I do not know. I expect he will. Somebody says, do not GORMAN and VEST & Co. gain a victory over him if he does? I do not know. I do not care. It did seem to me that the President had the best of the Senatorial junta. It seemed to me that he had the press and his party behind him, but they seem to have turned up on top some way, and now I suppose he will sign the bill. [Laughter.] Go on, gentlemen. It is a Kilkenny cat fight, and while you are at it honest men may get their due. [Laughter and applause on the Republican side.]

Mr. WILSON of West Virginia. I can assure my friend from Illinois, whose oratory I always delight to hear, that if he will hire a church anywhere within a convenient distance I shall be a constant attendant on the services. [Laughter.] So far as the animadversions he has made on the sugar trust are concerned, or on any profit that it may get on the raw sugar already in its warehouses or on any profit it may get from the continuance of the Hawaiian treaty, I indorse—not his figures, for I do not know that they are accurate—but I indorse his position upon that question, and before this House adjourns to-night I shall offer and ask him to vote for a bill putting sugar upon the free list, so as to cut off from the trust its yearly revenues from sugar imported from the Hawaiian Islands and its prospective profit on the sugar now stored in its warehouses; and I will say to the gentleman from Illinois that if he can find two or three or four Republican Senators who will vote for that bill, it will be on the statute book before this present session ends.

Mr. CANNON of Illinois. I want to say to the gentleman from West Virginia that I will vote for his popgun free-sugar proposition, but I tell him further that, while I shall vote for it, I shall do so without any hope of its becoming a law, and I will remind him that within the last sixty minutes I have voted to keep sugar on the free list, while he has voted to put it on the taxable list. [Laughter. Applause on the Republican side.]

The question being being taken on the engrossment and third reading of the bill, the Speaker declared that the ayes seemed to have it.

Mr. BARTLETT and others called for the yeas and nays.

Mr. WILSON of West Virginia. Mr. Speaker, I ask unanimous consent that the yeas and nays be considered as ordered on the passage of the bill, and not on the third reading.

Mr. BURROWS. That will be satisfactory.

The bill was ordered to be engrossed, and read a third time.

The question being taken on the passage of the bill, there were—yeas 172, nays 103, answered "present" 1, not voting 75; as follows:

YEAS—172.

Alexander,	Crain,	Hudson,	Paschal,
Arnold,	Crawford,	Hunter,	Patterson,
Baker, Kans.	Culberson,	Ikirt,	Paynter,
Baldwin,	Cummings,	Izlar,	Pearson,
Barnes,	Davis,	Johnson, Ohio	Pence,
Bartlett,	De Armond,	Jones,	Pendleton, Tex.
Barwig,	De Forest,	Kilgore,	Pendleton, W. Va.
Bell, Tex.	Dinsmore,	Kribbs,	Pigott,
Berry,	Dockery,	Kyle,	Richards, Ohio
Black, Ga.	Donovan,	Lane,	Richardson, Mich.
Bland,	Dunn,	Lapham,	Richardson, Tenn.
Boen,	Dunphy,	Latimer,	Ritchie,
Bower, N. C.	Durborow,	Lawson,	Russell, Ga.
Branch,	Ellis, Ky.	Layton,	Ryan,
Breckinridge, Ark.	English, Cal.	Lester,	Sayers,
Bretz,	English, N. J.	Livingston,	Shell,
Brookshire,	Enloe,	Maddox,	Sipe,
Brown,	Epes,	Maguire,	Somers,
Bryan,	Erdman,	Mallory,	Sorg,
Bunn,	Everett,	Martin, Ind.	Sperry,
Cabaniss,	Fithian,	McAleer,	Springer,
Cadmus,	Forman,	McCreary, Ky.	Stevens,
Caminetti,	Fyan,	McCulloch,	Stone, Ky.
Campbell,	Geary,	McDannold,	Strait,
Cannon, Cal.	Geissenhainer,	McDearmon,	Straus,
Capehart,	Goldzier,	McEttrick,	Talbert, S. C.
Caruth,	Gorman,	McGann,	Talbott, Md.
Catchings,	Grady,	McKaig,	Tarsney,
Causey,	Graham,	McLaurin,	Tate,
Clark, Mo.	Griffin,	McMillin,	Taylor, Ind.
Clarke, Ala.	Haines,	McNagny,	Terry,
Cobb, Ala.	Hall, Minn.	McRae,	Tracey,
Cobb, Mo.	Hall, Mo.	Money,	Turner, Ga.
Cockran,	Hammond,	Montgomery,	Turner, Va.
Cockrell,	Hare,	Moore,	Tyler,
Coffeen,	Harris,	Morgan,	Warner,
Conn,	Hatch,	Mutchler,	Wells,
Coombs,	Hayes,	Neill,	Williams, Ill.
Cooper, Ind.	Heard,	Ogden,	Williams, Miss.
Cooper, Tex.	Henderson, N. C.	O'Neil, Mass.	Wilson, W. Va.
Cornish,	Hendrix,	O'Neill, Mo.	Wolverton,
Covert,	Holman,	Outhwaite,	Woodard,
Cox,	Hooker, Miss.	Page,	Woomer.

NAYS—103.

Adams, Pa.	Edmunds,	Kiefer,	Reyburn,
Alderson,	Ellis, Oregon	Lacey,	Robbins,
Avery,	Funk,	Linton,	Robertson, La.
Babcock,	Gear,	Loud,	Russell, Conn.
Baker, N. H.	Gillet, N. Y.	Loudenslager,	Scranton,
Bankhead,	Grosvenor,	Lucas,	Sherman,
Bell, Colo.	Grout,	Marsh,	Smith,
Beltzhoover,	Grow,	Marvin, N. Y.	Stephenson,
Bingham,	Hager,	McCall,	Stone, C. W.
Blair,	Hainer,	McCleary, Minn.	Stone, W. A.
Boatner,	Harmer,	Meiklejohn,	Storer,
Boutelle,	Hartman,	Mercer,	Strong,
Bowers, Cal.	Haugen,	Meyer,	Swanson,
Brosius,	Heiner,	Northway,	Tawney,
Burrows,	Henderson, Iowa	Oates,	Tucker,
Cannon, Ill.	Hepburn,	Payne,	Updegraff,
Childs,	Hermann,	Perkins,	Van Voorhis, N. Y.
Cogswell,	Hitt,	Phillips,	Van Voorhis, Ohio
Cousins,	Hooker, N. Y.	Pickler,	Wanger,
Curtis, Kans.	Hopkins, Ill.	Post,	Waugh,
Daniels,	Hopkins, Pa.	Powers,	Weadock,
Davey,	Houk,	Price,	Wheeler, Ala.
Denson,	Hulick,	Quigg,	Wilson, Ohio
Dingley,	Hull,	Ray,	Wilson, Wash.
Dolliver,	Johnson, Ind.	Reed,	Wise.
Doolittle,	Johnson, N. Dak.	Reilly,	

ANSWERED "PRESENT"—1.

Hutcheson,

NOT VOTING—75.

Abbott,	Cooper, Wis.	Mahon,	Sickles,
Adams, Ky.	Curtis, N. Y.	Marshall,	Simpson,
Aitken,	Dalzell,	McDowell,	Snodgrass,
Aldrich,	Draper,	McKeighan,	Stallings,
Allen,	Fielder,	Meredith,	Stockdale,
Apsley,	Fletcher,	Milliken,	Sweet,
Bailey,	Gardner,	Moon,	Taylor, Tenn.
Bartholdt,	Gillett, Mass.	Morse,	Thomas,
Belden,	Goodnight,	Moses,	Turpin,
Black, Ill.	Gresham,	Murray,	Wadsworth,
Breckinridge, Ky.	Harter,	Newlands,	Walker,
Brickner,	Henderson, Ill.	Randall,	Washington,
Broderick,	Hicks,	Rayner,	Wever,
Bundy,	Hines,	Robinson, Pa.	Wheeler, Ill.
Burnes,	Kem,	Rusk,	White,
Bynum,	Lefever,	Schermerhorn,	Whiting,
Chickering,	Lockwood,	Settle,	Wright, Mass.
Clancy,	Lynch,	Shaw,	Wright, Pa.
Cooper, Fla.	Magner,	Sibley,	

So the bill was passed.

Mr. LOCKWOOD and Mr. WHEELER of Illinois were announced as paired on all political questions for the rest of this day.

Mr. LYNCH and Mr. SHAW were announced as paired on the iron and barbed-wire schedules.

Mr. HUTCHESON. Mr. Speaker, I am paired with the gentleman from Massachusetts [Mr. DRAPER]. If he were present I should vote "aye."

Mr. DALZELL. Mr. Speaker, I am paired with the gentleman from Indiana [Mr. BYNUM]. If he were present he would vote "aye" and I would vote "no."

Mr. PENCE. Mr. Speaker, the gentlemen from Nebraska [Mr. KEM and Mr. MCKEIGHAN] and the gentleman from Kansas [Mr. SIMPSON] are absent on account of sickness, either personal or in their families, and if present they would vote "aye."

The result of the vote was then announced, as above recorded.

On motion of Mr. WILSON of West Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

FREE BARBED-WIRE FENCING.

Mr. WILSON of West Virginia. Mr. Speaker, by direction of the Democratic caucus, I offer the bill which I send to the desk and ask for its immediate consideration.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7970) to place on the free list barbed-wire fencing and wire rods for the manufacture of the same.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act the following articles, when imported into the United States, shall be admitted free of import duties: Barbed wire, fencing wire; wire rods of iron or steel when imported for the manfacture of barbed-wire fencing, under such rules and regulations as the Secretary of the Treasury may prescribe.

The SPEAKER *pro tempore* (Mr. DOCKERY). Thirty minutes are allowed for debate, fifteen minutes on each side.

[Cries of "Vote!" "Vote!"]

The SPEAKER *pro tempore*. The gentleman from Maine [Mr REED] is recognized.

Mr. REED. I desire to inquire of the gentleman from West Virginia what was the duty on barbed wire in the late "Wilson bill?" [Laughter on the Republican side.]

Mr. WILSON of West Virginia. It was either 30 or 35 per cent; I do not recall at this moment which.

Mr. REED. Will the gentleman give us the reason for this change of heart?

Mr. PAYNE. And will the gentleman at the same time tell us why wire rods are not also made free?

Mr. WILSON of West Virginia. Oh, well, we are always progressing on the tariff question. [Laughter and applause on the Democratic side.]

Mr. HOPKINS of Illinois. I would like to know from the gentleman in charge of this bill——

Mr. WILSON of West Virginia. I do not hear what the gentleman is saying.

The SPEAKER. The gentleman from Maine has been recognized.

Mr. REED. I will yield to the gentleman from Illinois to ask the gentleman from West Virginia a question.

The SPEAKER. How long does the gentleman yield?

Mr. REED. Long enough for the gentleman to ask whatever questions he wants to ask, and more time, if he wants it, after he gets through with his questions.

Mr. HOPKINS of Illinois. I would like to know from the gentleman in charge of this bill whether there is anything personal in this measure, and whether it is intended as a reprimand to my friend from the Sangamon district of Illinois? [Cries of of "Vote!" "Vote!"] If the gentleman does not answer, I take it that my question is answered in the affirmative. [Renewed cries of "Vote!" "Vote!"]

Mr. REED. I am afraid that the House has not understood the remark of the gentleman from West Virginia, because it was applauded on the other side. He says his views are always progressive on the subject of the tariff. He means by this that he has jumped to-day from his old position in favor of taxed coal as a specialty to free coal (that, however, was a jump of several years), and that he is now ready to jump in a single session from taxed barbed wire at 30 or 35 cents to free barbed wire; and he declines to answer any questions as to why wire rods out of which barbed wire is made are made dutiable.

A MEMBER on the Democratic side. He will jump farther than that.

Mr. REED. Yes; he will jump farther than that; he will jump overboard. [Laughter and applause on the Republican side.] [Renewed cries of "Vote!" "Vote!"]

Mr. REED. Wait a moment. You gentlemen had better learn fully the lesson of what you are doing. I do not wonder you can not speak distinctly in view of the mouthful you have taken to-day; that is but natural. But I want you now to understand this matter. The gentleman from West Virginia, while he has been deposed practically from his position, and while the principles of the gentleman from Illinois have been adopted, still remains the "shadow of a name," which still reverberates somewhat in the country. And I want this House and the country fully to understand the significance of the utterance of the gentleman from West Virginia. His progressiveness on tariff matters in the past does not concern us very much; it is possible it may not in the future.

But so far as he represents his party, his views may be of some importance. And this enables me to reiterate—and neither he nor any gentleman on his side can contradict the proposition—that the actions of to-day are not in any sense a basis upon which this country can do business. Even the practical, plain, homely person that the Speaker to-day described himself to be with tremenduous accuracy [laughter on the Republican side]—even that plain and simple business person can not be able in any way to do business in this country as long as his feet rest upon the shifting sands, which are represented by the present chairman of the Committee on Ways and Means [applause on the Republican side], who, in the presence of this House, publicly submits to the reflection put upon him by the House in refusing to allow the committee over which he presides to have a word to say with regard to tariff matters which are presented here.

Bowled out by the Senate and by the House, he still represents their willingness to go from one point to another without regard to his and their past position; and he announces to the country (I recall again the significance of it) that this raid which has been made upon the industries of the land is to be repeated to the fullest extent, so far as he can get followers.

He has said here again and again, and he is always right, that he had destroyed some industries by this bill and was willing to destroy some others. [Laughter and applause.]

[Cries of "Vote!" "Vote!" on the Democratic side.]

Mr. CRAIN. Let us have a vote.

Mr. REED. I do not think that the gentlemen of the Democratic party are in their usually sweet temper this afternoon. Something they have eaten has perhaps disagreed with them. [Laughter and applause on the Republican side.] Perhaps it is indigestion that makes them adopt such a course as we have witnessed here during the time that this discussion has progressed. [Laughter.]

I reserve the remainder of my time.

Mr. WILSON of West Virginia. Mr. Speaker, I do not think it necessary to reply to the sneering remarks of the gentleman from Maine, in which he tries to work himself up to the idea that when the caucus gave me authority as an individual and ordered me as an individual to introduce these separate bills it put any affront upon me as chairman of my committee.

Now, I say to the gentleman from Maine that so far as I am concerned, and I believe so far as the people with whom I am associated in this great work here are concerned, we do not intend to give up this fight. [Prolonged applause on the Democratic side.]

The right of the American people to be relieved of class distinction is higher than the right of any protected industry to repose in its industry. [Renewed applause.] In so far as I am individually concerned, and my humble views, I can say to the gentleman that there will be no let up in the fight as long as the yoke of monopoly is on the neck of any citizen of this country. [Applause and cheers on the Democratic side.]

Mr. REED. Mr. Speaker, that is good. [Laughter.] That was my object in making those remarks. I have got the gentleman to the surface, and the whole Democratic party. There is where you are, and you can not fool the people again with your talk.

Mr. BUNN. We have not tried to; we reserve that for your side.

Mr. REED. I yield five minutes to the gentleman from Illinois, my colleague on the committee.

Mr. HOPKINS of Illinois. Mr. Speaker, I desire that the members of this House should remember that when the Wilson bill was prepared under the guidance of the gentleman from West Virginia, who has just addressed the House, that barbed wire was placed on the dutiable list at 35 per cent ad valorem. This amount of duty was placed there, not in the excitement or heat of debate, as this bill is presented to-day, but under the deliberate judgment of the gentleman himself and of his colleagues that it was a proper revenue duty. In the consideration of this item in the Senate it was found that the best interests of the Government would be subserved by retaining a duty on barbed wire, and it was retained, but changed from an ad valorem to a specific duty.

The only person in either branch of Congress who favored putting barbed wire on the free list was the Populist Senator from Nebraska. This bill is an abandonment of Democratic principles. It is a surrender to the Populists of the House and Senate. It may be that it is the price the leader of the Democratic party of the House has paid for the support the Populists gave his party less than an hour ago, when the abject surrender of the House was made to the Senate in the adoption of the Gorman bill in place of the Wilson bill. After the humility and disgrace you have voluntarily taken upon yourselves this afternoon in receding from the Senate amendments to the House bill and adopting all of the six hundred and thirty-four amendments without even the dotting of an "i" or the crossing of a "t" you probably are prepared to pass this bill, although it is a complete abandonment of all Democratic principles.

The gentleman himself said when he presented the original Wilson bill to the House that the various schedules were so graduated and regulated that they were in the interest of true revenue reform. Now I know that under the duty that is imposed in the Gorman bill as cheap barbed wire will be offered to the country as any individual can well ask. Under the duties that have been imposed by the Republican party great barbed-wire industries have been established in Illinois and in other States of the Union, and under this duty barbed wire has decreased in value steadily from 18 cents a pound until to-day, under the McKinley bill, it is sold for less than 2 cents a pound.

A MEMBER. One and three-quarter cents.

Mr. HOPKINS of Illinois. My colleague from Iowa says 1¾ cents, and yet these gentlemen, for the purpose of destroying this industry, are willing to put it on the free list. One of these large industries is now located in the district I have the honor to represent. This industry has made rapid progress there, and has given employment to four or five hundred men who have been retained in that employment during the whole time that the Republican party has been in control in this country.

The manager of that industry has told me that during the present year, owing to the conditions of trade and commerce that has been brought on the country by this threat to annihilate all manufactories that have been developed under Republican legislation, he has lost $20,000 in that industry alone in endeavoring to give employment to his hands. Now, in the face of such facts as these, I find that the members of the Democratic party are willing to put this industry on the free list. Why, what causes this change on the part of the Democratic party? Does your party, Mr. Speaker, expect to gain some political advantage by this sudden change of front on barbed wire?

I wish to say, sir, that during the entire debate that has been had on this tariff legislation, both in the Senate and in the

House, I have heard no Democrat rise in his place and talk about what is for the best interest of the Government. I have listened with interest to know from them by any statement they might make whether the proposed legislation would be in the interest of the wage workers of America or of the consumers. I have listened, Mr. Speaker, in vain for the expression of any such sentiments.

The great concern, Mr. Speaker, has been: "What shall we do to protect and to perpetuate the power of the Democratic party?" And in this they are simply playing with the people, they are undertaking what has been stated here to-day, to lead the people to believe that by these free coal and free iron and free sugar bills some legislation is to be had on these subjects. They know, and they knew when they surrendered here to-day, that the legislation that is proposed in these separate bills here will sleep the sleep of death in the Finance Committee of the Senate.

They knew, Mr. Speaker, that they could afford to pass this legislation, because nothing but the bill that they first voted for, the Gorman bill, would be the legislation that would be given to the people of the country. Now, see the position they put themselves in. In one hour they vote for a duty upon coal, iron ore, and sugar, and barbed wire. In the next hour they pretend to vote for free iron ore, free coal, free sugar, and free barbed wire.

Gentlemen, the people of this country are not as ignorant as you assume them to be. You will find when you go to your several homes that they know and appreciate the situation quite as well as you do. You have proven false to them upon every question upon which they placed you in power in 1892. You told the wage workers that under Democracy their wages would be maintained at the standard under Republican rule and they would be given cheaper clothing and food.

By your tinkering with the tariff you have reduced their wages from 10 to 25 per cent, and in the barbed-wire industry you propose in this bill to make tramps of all who heretofore have found employment at good wages in these industries.

Your race, however, is nearly run. In November these same wage workers will have an opportunity to express their present opinion of you and your broken promises. It requires no prophetic qualities to now tell what their verdict of you will be. They will not make the mistake of being fooled twice by the same party.

[Here the hammer fell.]

Mr. WILSON of West Virginia. I yield five minutes to the gentleman from New York [Mr. COOMBS].

Mr. COOMBS. Mr. Speaker, if there is any duty more indefensible than another, it is the duty upon barbed wire. For many years barbed wire, manufactured in the United States, has been exported to all parts of the world. The price to-day for export is $1.45 per hundred pounds, delivered free on board vessel in the port of New York.

If our manufacturers of barbed wire have been able to compete in foreign markets while paying a duty upon the raw material, how much more will their ability be increased when the iron rods from which they make their product are given them free of duty? The addition of the free material clause justifies the House committee in changing from 35 per cent to free list. Instead of closing the factories of our friend from Illinois, the second section of this bill will make them more able than ever to control the markets of the world.

And now I wish, Mr. Speaker, to make another statement that I consider as very important, for in it lies our only defense in receding from our disagreement with the Senate amendments.

It has been charged by gentlemen on the other side of the House that these independent tariff bills which we are passing to-night are popgun bills, not seriously intended to be passed or insisted upon in the Senate. This is a most serious charge, and strikes at the dignity and good faith of this House. It can not be too warmly resented. I for one would never have voted to recede except upon the most positive assurances that we should stay here and fight it out and insist upon the Senate's voting before we adjourn Congress. I expect the House to sustain its good faith and dignity and not permit Congress to adjourn until they become laws.

The action of to-day by which we recede from our differences with the Senate was simply, as I believe, to untie the deadlock existing between the House and the Senate and to fight out these other matters, sugar, coal, and iron, upon their own bases, not complicated with other articles—not a change of front, but a necessary change of tactics. This ought to have been the course from the beginning. We should not have united all the industries and trusts in one formidable opposition; it was bad strategy. If we had proceeded in this way, and I insisted upon it from the beginning, taking groups of industries and passing upon them with deliberation after careful consideration, tariff legislation would have been more effectual, more certain, and less hurtful to the industries of the country.

And now I want to say that this House can not afford to adjourn, can not afford to let the Senate adjourn, until every one of these measures is acted upon by that body. [Applause.] I received assurances from the leaders of the House, gentlemen in whom I have confidence, before I consented to vote for concurrence, that that should be the case, and any variation from that course would be undignified and indefensible. The Republican Congress stayed here until October to pass the McKinley bill. The Democracy, the people's representatives, can and should stay here until December, if necessary, to achieve its overthrow and redeem the pledges of the party. I for one will stay and make one vote to keep a quorum of the House here and enforce action by the Senate. [Immense applause.]

Mr. BRYAN. Mr. Speaker, the gentleman from Illinois [Mr. HOPKINS] has expressed some solicitude about a barbed-wire factory in his district. Of course we could not expect him to feel any interest in the farmers of his district, who buy of that factory.

Mr. HOPKINS of Illinois. I want to say to my friend that I represent the farmers in my district, and there is not a Democrat in the district but what will support me in my vote against this bill. [Cries of "Oh, no!" on the Democratic side.]

Mr. BRYAN. We shall be able to tell better about that after the vote is polled than we are now, when the gentleman tells us what he thinks about it. I want to reassure the gentleman by reading from a letter written by a manufacturer of barbed wire, so that the gentleman will not feel any concern about his constituents who are engaged in that industry. Senator ALDRICH, as a part of a speech made on the 28th of July, 1892, gives a letter which was dated at Worcester, Mass., July 13, 1892, signed by the Washburne & Moen Manufacturing Company, Charles F. Washburne, vice-president. In the course of that letter Mr. Washburne says, on page 7538:

> There is only one other thing in addition which we wish to add, and that is that barbed wire is sold a good deal less in the United States than it is anywhere abroad.

Now, if a manufacturer of barbed wire states that it is sold in the United States "a good deal less" than it is abroad, he need not be afraid of the high-priced wire from abroad coming in here and ruining the industry.

Mr. BOUTELLE. You need not be afraid of protection then if it has enabled us to sell it cheaper than it is sold anywhere else.

Mr. BRYAN. But I am telling you the condition of the industry now. I am showing that there is no need of protection to keep the industry up.

Mr. BOUTELLE. You wanted it cheaper and you got it cheaper.

Mr. BRYAN. I want the Republicans of the West who have been voting to give free salt to the fish curers of the State represented by the gentleman who has been interrupting me [Mr. BOUTELLE] to let us know by their votes whether they are willing to give our farmers free barbed wire.

Mr. DOLLIVER. Why did not my friend do that in the bill which was framed by his committee?

Mr. BRYAN. I did all I could do then, and am doing all I can do now. We are going to give to you gentlemen who pretend to be interested in the Western farmers a chance to show your hand and to defend yourselves. [Loud applause on the Democratic side.[

Mr. BOUTELLE. That is the trouble with you; you have shown your hand too clearly.

Mr. HAINER of Nebraska. Will the gentleman allow me to ask him a question?

Mr. BRYAN. I will.

Mr. HAINER of Nebraska. We of us who are in favor of the farmers in the West are going to run again in our districts on the doctrine of protection to American labor and to American industry, a position which the gentleman does not dare to assume with his record in this House.

Mr. BRYAN. We will give the gentlemen from Nebraska a chance to tell their constituents whether they are for free sugar or not.

Mr. HAINER of Nebraska. You can have it.

Mr. BRYAN. We will give to the Senators who claim to be for free sugar a chance to go on record.

Mr. HAINER of Nebraska. Did not the gentleman vote for a tariff on sugar to-day?

Mr. BRYAN. Yes, sir.

Mr. PICKLER. Did you not vote for a tariff upon barbed wire to-day?

Mr. BRYAN. Yes, sir; I voted for everything in that bill to-day.

Mr. PICKLER. And that will become the law.

Mr. BRYAN. I voted for everything in that bill to-day, because that is the best we could do, and now I am going to do better by voting for these separate bills. [Cheers on the Democratic side.]

Mr. HAINER of Nebraska. Will the gentleman allow me to ask him a question?

Mr. JOHNSON of Indiana. Will the gentleman allow me to ask him a question?

Mr. BRYAN. No; I only have five minutes time.

Mr. Speaker, just another word. I want to suggest to those gentlemen who find fault because we do not go far enough, that they stand in the attitude of the criminal who, when sent to the penitentiary, complained of the inefficiency of the prosecuting attorney and said, "He has not done his duty; he ought to have had me hung, but instead of that I got off with a term in the penitentiary."]Applause.]

The SPEAKER. The gentleman from Maine has five minutes and the gentleman from West Virginia has three minutes remaining. [Cries of "Vote!"]

Mr. REED. I yield five minutes to the gentleman from Iowa.

[Mr. GEAR withholds his remarks for revision. See Appendix.]

Mr. PENCE. Mr. Speaker, it would be a hard thing to discuss a question like this in three minutes, the time allotted to me. So far as barbed wire is concerned—and that is the question before the House, notwithstanding the animadversions of the gentleman from Iowa—no man stands here to oppose this bill except the gentleman who represents the district where the trust has its abiding place. There is no question, in my judgment, in the minds of the members of this House as to what should become of the barbed-wire trust or what should be done as to this bill. This House is for it; the country is for it; there should be free barbed wire, and if you can not make it in the gentleman's district in Illinois we will buy it elsewhere or make it for ourselves.

Mr. HOPKINS of Illinois. You will buy it abroad. There will not be a pound of it made in this country.

Mr. PENCE. As to the gentleman who has just spoken, let me answer him in two minutes. Two minutes do not suffice for the discussion of that question, but when the gentleman from Illinois attempts in ten minutes to persuade this House, and through this House the country, that there should be a tax left in some form or other upon sugar, he attempts that which no man can accomplish, I care not what his ability may be.

Mr. BOUTELLE. Did not you vote to put a tax on sugar this afternoon?

Mr. PENCE. Yes, sir; I voted for the Senate bill this afternoon.

Mr. BOUTELLE. And did not that bill tax sugar?

Mr. PENCE. That bill taxed sugar. I did it, if the gentleman from Hawaii will permit me [laughter], because I knew that after that there would be a chance to give to the American people free sugar regardless of any tax that might be desired by the gentleman's clients.

Mr. BOUTELLE. How did you expect to secure free sugar?

Mr. PENCE. How did I expect to secure it? I do not know that I can answer questions in one minute, Mr. Speaker. [Laughter.]

Mr. BOUTELLE. I do not think you can.

Mr. PENCE. I ask unanimous consent for five minutes more. There was no objection.

Mr. BOUTELLE. If the gentleman is to have five ninutes by unanimous consent to answer my question, I want an opportunity to put my question.

Mr. PENCE. Go on with the question.

Mr. BOUTELLE. I want to know how the gentleman justifies his course in voting this afternoon to put a tax on sugar, and now undertaking to claim that he is going to relieve the people from that tax by voting for a bill which he knows will never go farther than this House?

Mr. PENCE. Mr. Speaker, of course I can not expect to keep gait with the gentleman from Maine as to what a fellow may know. He knows a great many things in his mind that I never dreamed of. [Laughter.]

Mr. BOUTELLE. That is true.

Mr. PENCE. Now we are agreed on that. The gentleman asks me how it happens that this afternoon I voted for the motion of the gentleman from West Virginia to pass the Senate bill——

Mr. BOUTELLE. Taxing sugar.

Mr. PENCE. Taxing sugar. And I answer him, because the resolution which he had read and I had read contained a provision that immediately after the passage of the Gorman bill from the Senate this question should be presented in this House——

Mr. BOUTELLE. Yes, and nowhere else. [Laughter.] If the gentleman knows anything, he knows just that.

Mr. PENCE. The gentleman had the resolution before him, so had I. The difference between him and me was simply this: He did not believe that the majority in this House would follow the adoption of the Senate tariff bill by the adoption of a free-sugar bill.

Mr. BOUTELLE. Certainly, I did believe it.

Mr. PENCE. I believed that they would do it. I believed, and I believe yet, that before yonder clock shall strike the hour of 10——

Mr. MERCER. That clock never does strike. [Great laughter.]

Mr. PENCE (continuing). This House will adopt the bill putting sugar on the free list.

Now, Mr. Speaker, in this question I feel much concern, because on the income tax and this matter center all the interests of the party to which I belong.

Now, let me remind the gentleman who has said in retort to me that the bill which is to follow—the free sugar bill—will pass this House, but not the other——

Mr. BOUTELLE. That is my judgment.

Mr. PENCE. That is your judgment. Upon your judgment I would not bet a markee on any matter. [Laughter.]

Mr. BOUTELLE. What is the judgment of the gentleman from Colorado about that matter?

Mr. PENCE. Now, Mr. Speaker, I have lost track of the time by my watch——

The SPEAKER. The time of the gentleman has expired.

Mr. BOUTELLE. I should like to see how much the gentleman knows about the Democratic programme, or what is his judgment about the fate of the sugar bill.

The SPEAKER. The time of the gentleman has expired. The question is upon ordering the bill to be engrossed and read a third time.

The question being taken, the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being upon the passage of the bill—

Mr. BRYAN and others called for the yeas and nays.

The yeas and nays were ordered.

Mr. RICHARDSON of Tennessee and Mr. HOOKER of New York were appointed as tellers to act during the roll call.

The question was taken; and there were—ayes 191, nays 84, answered "present" 0, not voting 76; as follows:

YEAS—191.

Alderson,	Cooper, Tex.	Holman,	Patterson,
Alexander,	Cornish,	Hooker, Miss.	Paynter,
Allen.	Covert.	Hudson,	Pearson,
Arnold,	Cox,	Hunter,	Pence,
Bailey,	Crawford,	Ikirt,	Pendleton, Tex.
Baker, Kans.	Culberson,	Izlar,	Pendleton, W. Va.
Baldwin,	Cummings,	Johnson, Ohio	Pickler,
Bankhead,	Davey,	Jones,	Pigott,
Barnes,	Davis,	Kilgore,	Richards, Ohio
Bartlett,	De Armond,	Kribbs,	Richardson, Mich.
Barwig,	De Forest,	Kyle,	Richardson, Tenn.
Bell, Colo.	Denson,	Lane,	Ritchie,
Bell, Tex.	Dinsmore,	Lapham,	Robbins,
Beltzhoover,	Dockery,	Latimer,	Robertson, La.
Berry,	Donovan,	Lawson,	Russell, Ga.
Black, Ga.	Doolittle,	Layton,	Ryan,
Bland,	Dunn,	Lester,	Sayers,
Boatner,	Dunphy,	Livingston.	Sipe,
Boen,	Durborow,	Lucas,	Snodgrass,
Bower, N. C.	Edmunds,	Maddox,	Somers,
Branch,	Ellis, Ky.	Maguire,	Sorg,
Breckinridge, Ark.	English, Cal.	Marsh,	Springer,
Bretz,	English, N. J.	Martin, Ind.	Stone, Ky.
Brookshire,	Enloe,	McAleer,	Strait,
Brown,	Epes,	McCreary, Ky.	Straus,
Bryan,	Erdman,	McCulloch,	Swanson,
Bunn,	Everett,	McDannold,	Talbert, S. C.
Burnes,	Fielder,	McDearmon,	Talbott, Md.
Cabaniss,	Fithian,	McEttrick,	Tarsney,
Cadmus,	Forman,	McGann,	Tate.
Caminetti,	Fyan,	McKaig,	Taylor, Ind.
Campbell,	Geary,	McLaurin,	Terry,
Cannon, Cal.	Geissenhainer,	McMillin,	Tucker,
Capehart,	Goldzier,	McNagny,	Turner, Ga.
Caruth,	Gorman,	McRae,	Turner, Va.
Catchings,	Grady,	Money,	Tyler,
Causey,	Griffin,	Montgomery,	Warner,
Clancy,	Haines,	Moore,	Weadock,
Clark, Mo.	Hall, Minn.	Morgan,	Wells,
Clarke, Ala.	Hall, Mo.	Mutchler,	Wheeler, Ala.
Cobb, Ala.	Hammond,	Neill,	Williams, Ill.
Cobb, Mo.	Hare,	Oates,	Williams, Miss.
Cockran,	Harris,	Ogden,	Wilson, Wash.
Cockrell,	Hatch,	O'Neil, Mass.	Wilson, W. Va.
Coffeen,	Hayes,	O'Neill, Mo.	Wise,
Conn,	Heard,	Outhwaite,	Wolverton,
Coombs,	Henderson, N. C.	Page,	Woodard.
Cooper, Ind.	Hendrix,	Paschal,	

NAYS—84.

Adams, Pa.	Ellis, Oregon	Hull,	Reed,
Apsley,	Funk,	Johnson, Ind.	Reilly,
Avery,	Gear,	Johnson, N. Dak.	Reyburn,
Babcock,	Gillet, N. Y.	Kiefer,	Russell, Conn.
Baker, N. H.	Graham,	Lacey,	Scranton,
Bingham,	Grosvenor,	Loud,	Sherman,
Blair,	Grout,	Londenslager,	Smith,
Boutelle,	Hager,	Marvin, N. Y.	Sperry,
Bowers, Cal.	Hainer,	McCall,	Stevens,
Brosius,	Harmer,	McCleary, Minn.	Stone, C. W.
Burrows,	Haugen,	McDowell,	Stone, W. A.
Cannon, Ill.	Heiner,	Meiklejohn,	Storer,
Childs,	Henderson, Iowa	Mercer,	Strong,
Cogswell,	Hepburn,	Northway,	Tawney,
Cooper, Wis.	Hermann,	Payne,	Updegraff,
Cousins,	Hitt,	Perkins,	Van Voorhis, N. Y
Curtis, Kans.	Hooker, N. Y.	Phillips,	Van Voorhis, Ohio,
Daizell,	Hopkins, Ill.	Post,	Wadsworth,
Daniels,	Hopkins, Pa.	Powers,	Waugh,
Dingley,	Houk,	Quigg,	Woomer,
Dolliver,	Hulick,	Ray,	Wright, Pa.

ANSWERED "PRESENT"—0.

NOT VOTING—76.

Abbott,	Gillett, Mass.	McKeighan,	Sickles,
Adams, Ky.	Goodnight,	Meredith,	Simpson,
Aitken,	Gresham,	Meyer,	Stalings,
Aldrich,	Grow,	Milliken,	Stephenson,
Bartholdt,	Harter,	Moon,	Stockdale,
Belden,	Hartman,	Morse,	Sweet,
Black, Ill.	Henderson, Ill.	Moses,	Taylor, Tenn.
Breckinridge, Ky.	Hicks,	Murray,	Thomas,
Brickner,	Hines,	Newlands,	Tracey,
Broderick,	Hutcheson,	Price,	Turpin,
Bundy,	Kem,	Randall,	Walker,
Bynum,	Lefever,	Rayner,	Wanger,
Chickering,	Linton,	Robinson, Pa.	Washington,
Cooper, Fla.	Lockwood,	Rusk,	Wever,
Crain,	Lynch,	Schermerhorn,	Wheeler, Ill.
Curtis, N. Y.	Magner,	Settle,	White,
Draper,	Mahon,	Shaw,	Whiting,
Fletcher,	Mallory,	Sheil,	Wilson, Ohio
Gardner,	Marshall,	Sibley,	Wright, Mass.

So the bill was passed.

The following additional pairs were announced:

Mr. SCHERMERHORN with Mr. TAYLOR of Tennessee, for the rest of the day.

Mr. MCKEIGHAN with Mr. BARTHOLDT, for the rest of the day.

Mr. KEM with Mr. WANGER, on this question.

The result of the vote was then announced as above recorded.

On motion of Mr. WILSON of West Virginia, a motion to reconsider the last vote was laid on the table.

FREE SUGAR.

Mr. WILSON of West Virginia. Mr. Speaker, by direction of the Democratic caucus I send to the desk the following bill and ask its passage.

The SPEAKER. The bill will be read.

The Clerk read as follows:

A bill (H. R. 7971) to exempt from duty sugar, molasses, etc.

Be it enacted, etc., That on and after the passage of this act the following articles, when imported into the United States, shall be admitted free of all import duties:

All sugars, all tank bottoms, all sugar drainings and sugar sweepings, syrups of cane juice, melado, concentrated melado, and concrete and concentrated molasses, and molasses.

Mr. ROBERTSON of Louisiana. Mr. Speaker, I ask unanimous consent to offer the amendment which I send to the desk. I first ask consent that the amendment be read.

The SPEAKER. Is there objection to reading the amendment proposed by the gentleman from Louisiana?

Mr. TAYLOR of Indiana. I object.

Mr. ROBERTSON of Louisiana. I hope the gentleman will allow it to be read.

Mr. TAYLOR of Indiana. I have no objection to its being read.

Mr. ROBERTSON of Louisiana. I ask the Clerk to read the proposed amendment.

The Clerk read as follows:

Add to the bill:

"That the bounties authorized to be paid to producers of sugar by section 231 of the act entitled 'An act to reduce revenue, equalize duties, and for other purposes,' approved October 1, 1890, shall be reduced one-eighth part of their respective amounts, as prescribed in said act, each year, beginning with July 1, 1895, and extending to July 1, 1901, inclusive, and shall thereafter cease and determine."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana to be permitted to offer this amendment to the bill?

Mr. DOCKERY. I object.

The SPEAKER. The Chair will recognize the gentleman from West Virginia to control the time in support of the bill, and the gentleman from Maine in opposition.

Mr. WILSON of West Virginia. I yield five minutes to the gentleman from Illinois [Mr. SPRINGER].

[Mr. SPRINGER withholds his remarks for revision. See Appendix.]

Mr. REED. Mr. Speaker, I yield to my colleague [Mr. DINGLEY] ten minutes out of my fifteen.

Mr. DINGLEY. Mr. Speaker, the gentleman from Illinois [Mr. SPRINGER], who has just addressed the House, has made the remarkable statement that the Gorman-Brice bill, which has passed the Senate and has been concurred in by the Democratic majority of the House to-day, gives less than half the protection to refined sugar which the tariff act of 1890 gives. The gentleman has come so far out of the way of the actual facts, that his statement can only be excused on the ground that he has not carefully read the sugar schedule.

I desire to call the attention of gentlemen to the provisions of that bill which have received the almost solid vote of the Democratic side to-day. The bill provides for one-eighth of 1 cent differential duty upon refined sugar, and gentlemen have been talking as though that was all the protection there was to refined sugar contained in it. But the bill further provides that 40 per cent duty shall be imposed upon imported raw sugar and also upon imported refined.

How much concealed protection is there in that, I ask the gentleman from Illinois? assuming that it requires, as sugar refiners claim, 105 pounds of centrifugal raw sugar, polarizing 96°, to make 100 pounds of refined sugar. Raw sugar polarizing 96° has averaged 3 cents per pound in Cuba during the past year. One hundred and five pounds of raw sugar, polarizing 96°, would be valued at $3.15. A duty of 40 per cent upon it would be $1.26. When that sugar is refined, what is the foreign value of it? It is 1 cent per pound more than raw sugar, that is 4 cents per pound.

Now, you have 100 pounds of refined sugar, valued at $4, and your duty of 40 per cent ad valorem on it immediately becomes $1.60 instead of $1.26. Now, how much concealed protection is there in the difference between $1.26 and $1.60? There is a difference of 34 cents, or thirty-four one-hundredths of a cent per pound. Add that to your one-eighth of a cent differential, or twelve and one-half hundredths, and you have forty-six and one-half hundredths per pound as the protection that is given the sugar trust by the bill that you have passed, instead of the eighth of a cent per pound. And that is on the assumption, claimed by the trust, that it requires 105 pounds of raw centrifugal sugar to make 100 pounds of granulated sugar.

But it must be borne in mind that there is a residuum of sugar below No. 16, and of sirup, which is of value, not to mention the certainty that under an ad valorem duty sugar will be undervalued, making the real protection of refined sugar that is given by the bill that you have passed at least one-half of 1 cent per pound, or substantially the same as that given by the tariff act of 1890, instead of one-half as claimed by the gentleman from Illinois and the gentleman from West Virginia [Mr. WILSON].

Mr. GEAR. In addition to the other differential of one-tenth of a cent?

Mr. DINGLEY. The differential of one-tenth on sugar imported from bounty-paying countries is in the bill which has been passed to-day, and also is in the present law, hence that may be set aside in making a comparison.

Mr. MCMILLIN. Will my friend permit me to ask him a question there?

Mr. DINGLEY. Certainly.

Mr. MCMILLIN. Is it not a fact that when you framed the McKinley bill you only gave for refined sugar about 35 cents per hundred?

Mr. DINGLEY. You mean as the bill passed the House?

Mr. MCMILLIN. As it passed the House.

Mr. DINGLEY. Four-tenths of a cent.

Mr. MCMILLIN. Then, on the demand of the same combination of manufacturers, did you not give 5 cents, with the additional one-tenth of a cent on sugar coming from countries that gave a bounty?

Mr. DINGLEY. The facts relating to the framing of the sugar schedule of the tariff act of 1890 were these: After it was decided to place raw sugar upon the free list—because sugar is an article of food and nine-tenths of our consumption is imported, thus making the duty a tax—and to give a bounty to encourage its production here, the question arose as to what, if any, duty should be placed on refined sugar to maintain the business of refining in this country.

Inasmuch as we found that nearly half the refined sugar consumed in this country was refined by independent industries, the trust at that time not being able to prevent competition, we treated sugar refining as we did other competitive industries, and endeavored to ascertain the difference in cost of refining here and abroad. All the sugar refiners who came before us were independent refiners, struggling against the sugar trust, who appealed to us to strengthen their hands in the contest by preventing such foreign competition as would make the continuance of their business impossible. So far as I know, no member of the sugar trust came before the committee.

Acting on such information as we were able to obtain from independent refiners, it was decided in the House to fix the duty on imported refined sugar at four-tenths of 1 per cent per pound. When the bill reached the Senate the duty was increased, and when the bill reached conference, in view of the representations of the Senate conferees that four-tenths was an insufficient duty to protect the industry carried on by independent refiners, we finally compromised by making the duty five-tenths of 1 per cent per pound, not in response to the request of any trust, but in response to the appeal of independent refiners, and to aid so far as possible in maintaining home competition in the industry, and preventing the trust from breaking down independent refineries.

Mr. McMILLIN. Then, the McKinley bill created the trust.

Mr. DINGLEY. Not at all. The trust originated under the act of 1883, whose sugar schedule has been described by the gentleman from West Virginia as providing for a revenue duty, which he favors, at a time when fierce competition was leading up to trusts all over the world; and even the sugar schedule of the Mills bill of 1888 gave a higher differential for refined sugar than did the McKinley act. The Mills bill fixed the duty, on refined sugar at 2.80 cents per pound, and the duty on raw sugar polarizing 96° at 1.83 cents, thus giving a protection of over nine-tenths of 1 cent protection on refined sugar, which was 80 per cent more than the protection given by the McKinley act.

Mr. ENLOE. Then you perfected the control of the trust.

Mr. DINGLEY. Does the gentleman think that a reduction by the McKinley act of the differential duty on refined sugar to one-third that of the tariff of 1883, and but little more than half that proposed by the Mills bill of 1888, improved the opportunities of the sugar trust?

As I was saying, the five-tenths of a cent differential duty on imported refined sugar imposed by the McKinley act was imposed when nearly half our consumption was refined outside of the trust and was intended to strengthen independent refineries and enable them to make successful opposition to the trust. If the situation in 1890 had been as now, if the sugar trust had in 1890 strangled competition and held the industry by the throat as it does to-day, I am sure that the Republicans who framed the McKinley act would never have made the differential duty on refined sugar five-tenths or even one-fourth of a cent. At least I never should have consented to it. For, from my point of view, a protective duty on competing imports of a home industry capable of supplying our wants without natural disadvantage, rests on the sure defense of home competition, through which prices are kept at the lowest possible level consistent with the payment of high wages; and whenever any industry is able by the formation of a trust to strangle home competition—as has yet never been successfully done except in the cases of refined sugar and petroleum—then it forfeits all claim to protection until such time as such a trust is broken and the industry is opened to home competition. [Loud applause on the Republican side.]

DEMOCRATIC FAVOR FOR TRUSTS.

The complaint that I now make against the Democratic majority which has approved the tariff bill that has passed the House to-day, is not that it approved the differential duty of 1½ cents on refined sugar in the tariff act of 1883, which the gentleman from West Virginia has styled a revenue duty and under which the sugar trust was inaugurated; not that it favored the sugar schedule of the Mills bill, which made the differential duty on refined sugar nine-tenths of 1 cent; not that the Democrats in Congress solidly voted in 1890 to retain the sugar schedule of 1883, which gave a differential duty on refined sugar nearly three times as large as that provided by the McKinley law, at a time when the sugar trust was not able to stifle competition and when nearly half of our sugar was refined by independent industries; but that now, in this year of our Lord 1894, when everybody knows that the sugar trust has broken down competition and controls the entire sugar refining industry of this country and makes prices according to its own sweet will, this Democratic majority has deliberately enacted a tariff bill whose sugar schedule is so constructed as to give substantially as much differential duty to protect the product of this monopoly as was given four years ago by the McKinley tariff before the monopoly had gained control of the industry, and when severe competition between independent refineries assured to the consumers the lowest prices possible with the payment of American wages.

Neither will it answer for our Democratic friends to excuse the vote they have just given in favor of the sugar trust by saying that they voted two hours ago to protect the sugar trust with the expectation of voting three hours later to place all sugar on the free list. This dodge is too transparent to deceive anybody. When they voted for the Gorman-Brice tariff and its sugar-trust schedule they knew that that vote would make the trust schedule a law unless vetoed by the President. Now, when they vote for these popgun bills, the pending one to place sugar on the free list, designed simply to deceive somebody, they know that neither of them will become a law. They know, indeed, that in the Senate on a yea-and-nay vote the Democrats voted nearly solidly against free sugar. They know, also, that President Cleveland in his tariff letter to Chairman Wilson, for fear that it would be inferred that he opposed the sugar schedule of the Gorman-Brice bill, declared not only in favor of taxed sugar, but also in favor of a differential duty on refined sugar. Moreover everybody knows that the duty on sugar is indispensable if the reductions of duty proposed by the new tariff in other schedules are to be made. No, gentlemen, you will not escape the responsibility of voting for taxed sugar and a differential duty to protect the sugar trust by the performances you are now going through.

More than this, Mr. Speaker, you will not avoid the responsibility of voting for a tariff bill whose sugar schedule not only gives the sugar trust, at a time when you know it absolutely controls the sugar-refining industry of this country, as it did not in 1890, the benefit of a differential duty substantially as large as that given the industry when it was competitive, a sum estimated by the gentleman from West Virginia [Mr. WILSON] as exceeding $25,000,000 per annum, but which has also given the sugar trust an opportunity to import millions of tons of raw sugar free of duty to be refined and sold at the increased price required by the imposition of a duty of not far from 1½ cents per pound.

The gentleman from West Virginia [Mr. WILSON] said to-day that the sugar trust had already imported raw sugar that would have a value of nearly one hundred millions in anticipation of the duty; whereupon I remarked to him that if this were so, then, as it would make nearly a year's supply, the sugar trust would practically pocket the $43,000,000 revenue expected from sugar during the present fiscal year and the Government would get almost nothing. Probably this estimate of the quantity of sugar already imported is too large, but there is no doubt that the sugar trust's harvest through the simple transfer of sugar from the free list to the dutiable list will exceed $5,000,000.

THE WHISKY TRUST SLICE.

And I may add that the 20 cents increase of the internal-revenue tax on whisky, from 90 cents to $1.10, as provided by the tariff bill which you have passed to-day will for the present fiscal year be nearly all pocketed by the whisky trust, which has already withdrawn from bond and paid the tax at the old rate on a large proportion of the whisky that will enter into consumption during this period. It is estimated that the whisky trust and other owners of whisky in bond will thus pocket nearly the whole $20,000,000 increase of tax on whisky estimated for the present fiscal year.

But, Mr. Speaker, this is little as compared with the profits which the whisky trust and owners of whisky will realize from the five years' extension of the bonded period for whisky provided by this tariff bill.

Under the law as it existed previously, the bonded period, *i. e.*, the time during which the owner of whisky could retain it in a bonded warehouse without payment of tax, was three years. For years the whisky interest has been seeking for an extension of this bonded period; but always heretofore when the request has come squarely before Congress it has been refused. Now, it seemed to the whisky trust that trusts were in the swim, and hence while the sugar trust was securing its points the whisky trust appeared and secured in the Senate an amendment to the tariff bill extending the bonded period for whisky from the present period of three years to the astounding period of eight years. And now the Democratic majority of the House have concurred with the Senate in giving the whisky trust this astounding gift.

I say "gift," for it can be considered nothing else Consider that the object in putting whisky into bond, especially in holding it in bond for years, is not simply to hold it temporarily for a market, as ordinary imported merchandise is held, but to hold it to age and become more valuable. It is known that whisky worth only 25 cents per gallon when put into bond becomes worth more than $3 per gallon when held for six or eight years. It is proposed by the new tariff bill not only to allow the owners of whisky to hold their whisky in a Government bonded warehouse for eight years without payment of the $1.10 per gallon tax until the expiration of the eight years, but also to make an allowance of 9 gallons in every 40 for evaporation, etc., in the estimate of the amount on which the tax is to be paid.

In other words, this bonded extension legislation grants to the whisky trust and owners of whisky an extension of eight years, without interest, in which to pay their tax on whisky while it is being kept in bond for the purpose of aging and increasing in value from 25 cents to $3 per gallon, and then actu-

ally makes the Government pay for the loss by evaporation while this process is going on.

It is estimated that after deducting loss of interest by this deferred payment of tax and diminution of taxable gallons by evaporation the Government will not realize over 50 cents per gallon tax on any whisky kept eight years in bond to improve in value, while the cheap whisky which refiners of but small capital must sell as fast as made will pay $1.10 tax. How much this bonded extension period to the whisky trust may be worth to the whisky interest I do not know, but it is easy to see that it must be many millions per annum. And the Government practically loses what the whisky trust gains.

No wonder the New York World, the leading Democratic paper in the country, should have been moved to say of such legislation as this, enacted by a nearly solid Democratic vote in the Senate and in the House, that it is "a surrender to the sugar trust, the whisky trust, the lead trust, and the oil trust."

THE TWO TARIFFS COMPARED.

Mr. Speaker, gentlemen on the other side have excused themselves for voting for the Gorman-Brice tariff bill by saying that, in spite of some objectionable features, it is better than the McKinley tariff.

Better in what particulars? In its extension of the bonded period for whisky? Is that the feature which makes our Democratic friends favor it?

Or perhaps you regard it better because it imposes a duty of 40 per cent on sugar, an article of food as important as flour, nearly all of which is imported, and on which in the absence of a controlling product here the duty becomes a tax. Yet you confess by this bill to place sugar on the free list that you regard the McKinley tariff as better than the bill which you have just passed.

The gentleman from Tennessee [Mr. MCMILLIN] has just given at some length his reasons for regarding the Gorman-Brice tariff as much better than the McKinley tariff—enough better in his opinion, I presume, to justify the disastrous results on the business and industries of the country during the last fifteen months of the tariff revolution threatened by the elections of 1892. These reasons are summed up by him in his declaration that the new tariff has greatly reduced the tax burdens of the people.

Inasmuch as the new tariff proposes to raise from duties on imports, on the basis of the imports of 1893, only nineteen millions less than that raised under the McKinley tariff, resorting to an income tax only on persons possessed of an estate of $80,000 or more, as that is the average estate yielding an income of $4,000 or more—so small a reduction of taxation is rather an insignificant result to offset against the mischievous consequences of the Democratic tariff revolution.

The gentleman from Tennessee has read with much unction a table of average reductions of average ad valorem duties, and has informed us that the average duty on dutiable goods has been reduced from 49½ per cent under the McKinley tariff to 38½ per cent under the Gorman-Brice tariff, entirely overlooking the fact that while the average duty on all imports was 23 per cent under the Mckinley act, the average under the Gorman-Brice bill is 20½ per cent—a reduction of only 2½ per cent.

The difficulty about comparisons of average duties of dutiable imports is that they are so greatly affected by changes from the dutiable to the free list, and vice versa, as well as by reductions or increases of luxuries, as to be worthless as any indication of comparative burdens. The Gorman-Brice tariff transfers an importation of one hundred and nine millions of sugar from the free to the dutiable list, and reduces the duties on liquors, cigars, silks, and other luxuries; thus on the one hand swelling the dutiable imports by adding sugar at a duty lower than the average, and on the other hand reducing the average by diminishing the duties on luxuries, while in fact the real burdens are not diminished.

REDUCTION OF DUTIES ON LUXURIES.

This is made clear by the fact that the new tariff would have imposed a duty of $43,478,957 on the raw sugar imported and consumed in this country in 1893, equivalent to nearly 1½ cents per pound, where the McKinley tariff admitted it free of duty. And this increase of burdens laid on the people by the new tariff has been made in part to make it practicable to reduce duties on the following luxuries:

On leaf tobacco and Havana cigars	$1,434,012

This reduction is one which the gentleman from Tennessee seems to regard as a great relief to the suffering taxpayers.

On liquors	$1,232,950

To accomplish this relief, among other things the duty on brandy is reduced from $2.50 under the McKinley tariff to $1.80 under the new tariff. Is this one of the reductions which make the new Democratic tariff so great an improvement over the McKinley tariff?

On laces and embroideries	$1,537,890

What joy must come to the poor man's household over the announcement that after a year's struggle the Democratic majority has reduced the duties on laces and embroideries a million and a half, even at the price of the imposition of a duty of forty-three and a half millions on sugar.

On silk dress goods, plushes, velvets, etc	$2,720,605
On ostrich feathers and flowers	265,330
On kid gloves	873,000
On chinaware	2,233,087
On paintings and statuary	432,657
On pearl buttons	224,000
On plate and cut glass	215,667
On opium for smoking	400,073
On jewelry	76,000

I might go on enumerating luxuries like these on which the new Democratic tariff bill makes reductions of duties amounting to about $15,000,000 on the basis of the imports of 1893. There was not the slightest necessity for these reductions, because these articles are luxuries or articles of voluntary consumption, consumed mainly by the rich or well to do, who are entirely willing to pay the large duties imposed upon them by the McKinley tariff because they are luxuries; and especially no excuse for these reductions when they necessitated the imposition of a duty on an article of food like sugar, consumed nearly as largely by the poor as by the well to do.

Such reductions go far to make it appear that the average duty of the new Democratic tariff is reduced 11 per cent, when as a matter of fact the reductions are largely on articles where relief was not needed. It will be no relief to the workingman to be told that there has been a large reduction by the new Democratic tariff of the duties on laces, silks, Havana cigars, kid gloves, pearl buttons, opium, jewelry, ostrich feathers, velvets, and liquors, when he finds that he must pay 2 cents per pound more for the 200 pounds of sugar which his family use every year.

WOOLEN GOODS AND FREE RAW MATERIALS.

The gentleman from Tennessee has called special attention to the reduction of the duty on woolen goods, as a great relief to the people, yet every dollar of that reduction must come out of the farmers who keep sheep and who compose a large proportion of our population. Wool has been put on the free list, and the duties on woolen goods have been reduced to the extent of the compensatory duties to cover the duty on wool. The farmers of the country have been chosen by the Democratic leaders for the sole sacrifice on the altar of free raw materials. The farmers' wool, the farmers' lumber, and certain of the Northern farmers' products that have to meet Canadian competition have been put on the free list; but the free raw material theory of the Democratic party has ended there. Even the crudest of all so-called raw materials—coal and iron ore—are retained on the protected list.

Even the official head of the Democratic party, President Cleveland, in his letter to Chairman WILSON, felt obliged to say:

> It may well excite our wonder that Democrats are willing to depart from this most Democratic of all tariff principles (free raw materials), and that the inconsistent absurdity of such a proposed departure should be emphasized by the suggestion that the wool of the farmer should be put on the free list and the protection of high tariff taxation be placed around the iron ore and coal of corporations and capitalists.

Yet, even the reduction of the duties on woolen goods, coming as they do almost entirely out of the farmers who keep sheep, affects mainly fine imported goods worn by the well-to-do—for very few woolen goods worn by the masses are imported. The reduction of duties on woolens, on the basis of the imports of 1893, is $18,428,889, and an examination of the list of articles imported will show that more than $12,000,000 of the duties thus remitted came not from anything used by the masses of the people, but from wool plushes, embroideries, Axminster carpets, fine cloths and dress goods, and fashionable garments used by persons of ample means—those who have a fancy for something imported, "English, you know"—and who could have continued to pay these duties to the Government without feeling the burden, if the burden of such duties falls on the consumer.

And of the $2,404,319 of duties remitted on cotton goods, at least $2,000,000 was on imported goods used only by the well-to-do.

Indeed, in many cases the reduction of duties will not affect the price here. The foreign manufacturers will simply pocket the duty by raising their prices, just as they practically paid the increases of duty made by the McKinley tariff by reducing their prices. The remission of $6,000,000 duties on tin plate will not reduce the price here, just as the increase of duty in 1890 did not materially increase the price.

DESTRUCTION OF BENEFITS OF RECIPROCITY.

One of the serious evils resulting from the enactment of this new Democratic tariff bill, Mr. Speaker, is the fact that it destroys all of our reciprocal treaties with South American countries, Cuba, and Puerto Rico, by placing on the dutiable list the sugar imported from these countries, and used as a basis for the reciprocal agreements. Thus at one blow the increased markets for our agricultural products and manufactures opened in Cuba, Puerto Rico, and Brazil by these treaties, are destroyed.

Indeed, so unreasoning is the hostility of the Democratic majority to the great advantages gained by reciprocal treaties, that they have deliberately surrendered our great markets for lumber and in part to fish and agricultural products without compensation when Canada was ready to grant us in return for such favors important reciprocal advantages in the admission of our manufactures at lower rates of duty than she admitted similar goods from other countries. A private business man who should be guilty of such thriftlessness in the management of his property as the Democratic party has shown in this great national concern would have his sanity questioned. But the Democratic leaders seem to regard this stupidity—for that it really is—as one of the crowning advantages of the new Democratic tariff.

THE DISCRIMINATIONS OF THE NEW TARIFF.

Mr. Speaker, while the tariff which has been finally passed by the Democratic party, after more than a year's incubation is not as bad as the party pledged itself to enact; while it is not as bad as the Wilson bill which passed the House, in that it has retained much of protection—a result due partly to the wholesome fear inspired by the disasters which had resulted from the Democratic threats of tariff revolution, and partly to the narrow Democratic majority in the Senate; yet it has in so many features disturbed the basis on which many industries have so long stood that it will take a long time for them to readjust themselves to the new conditions, and will necessitate a permanent reduction of wages, which in itself is a public misfortune that will seriously affect the prosperity of the people. Business will of course slowly revive, because our people will not lie down, but it will revive on a new wage basis. And in the meantime the reduced duties on imports, which we ought to make for ourselves, will increase such foreign importations and correspondingly reduce our own production and the opportunities for labor.

The new Democratic tariff has amply protected many industries—as amply as any bill constructed on a protective basis could, notwithstanding the platform of that party declared protection to be "robbery"—but it has opened up so many other industries to increased foreign competition that the blight on these latter industries will be felt by all.

It is such discriminations between industries by the new Democratic tariff—discriminations sectional, political, and personal—which will always make this tariff known as one of bargain and sale.

On what basis of justice, for example, is the Southern planters' rice given a protection of 83 per cent, and the Northern farmers' oats, dairy products, vegetables, horses, cattle, hay, etc., subject to a sharp competition from Canada, have their protection practically obliterated by a reduction to 20 per cent?

Why should planed and tongued and grooved lumber, laths, pickets, shingles, clapboards, staves, and other manufactured lumber, constituting one of the most important manufacturing industries of many States, be placed on the free list, while the coarse cotton goods of the South are given from 30 to 40 per cent of protection?

Why should hoop iron when made into cotton ties be free, and when made into hoops for hay bales bear a duty of 30 per cent?

Why should collars and cuffs be protected by a duty of 58½ per cent—the highest duty on manufactured goods—while the most highly finished manufacture of granite is admitted to compete with our granite-cutters at the destructive rate of 30 per cent?

How does it happen that so crude raw materials as mica, coal and iron ore are accounted finished products worthy of a protective duty, while manufactured articles like planed lumber, barbed wire, and cotton bagging are placed on the free list?

No wonder President Cleveland, in his letter to Chairman WILSON, was compelled to exclaim:

How can we (the Democracy) face the people after indulging in such outrageous discriminations of principle?

While the McKinley tariff was constructed throughout on the protective principle, *i. e.*, on the basis of imposing on all imports which come into competition with the products of our industries duties equivalent to the difference in the cost of production growing out of our higher wages, the new Democratic tariff is not framed on any principle. It has high protection, free trade, free raw materials, protected raw materials, free manufactured products, protected manufactured products, duties for revenue only, duties for protection only—everything thrown together promiscuously, very much like one of the bargain counters of a class of stores found in our great cities. It is evident, too, that no such diverse and inconsistent measure could have been framed except on the bargain and sale principle.

The Democratic party in 1892 declared that protective duties are "unconstitutional and robbery." It has now passed a tariff bill having in part high protective duties.

The Democratic party in 1892 declared for free raw materials. It has enacted a tariff law which places the crudest of all so-called raw materials, to wit, mica, coal, and iron ore on the protected lists, and at the same time commits wool, the farmer's finished product, and planed lumber and other manufactured lumber to the free list.

The Democratic party in 1892 bawled itself hoarse in denunciation of alleged Republican favors to trusts which did not exist, and now passes a tariff bill which has gone so far to aid trusts which everybody knows exist and strangle competition, that by common consent the new tariff act will always be known as the "sugar trust" and "whisky trust" tariff.

FURTHER DEMOCRATIC TARIFF SMASHING THREATENED.

Yet, incongruous as it is, the tariff bill passed, outside of its trust features, is far better than the controlling elements of the Democratic party intended or would have consented to under other circumstances. Indeed, the very men who finally made it a law announce that from this time forward they intend to renew their agitation for further tariff changes in the direction of free trade. Not abashed by the destruction to our industries which they have caused in the past fifteen months, they feel aggrieved that any industries have been saved out of the disasters, and declare that the war must go on.

It is evident already that even the passage of this tariff bill, after a year's upheaval of the business of the country, is not regarded by the Democratic leaders as a finality. It remains for the people of this country in the election of Representatives to Congress in the coming autumn, and in the Presidential election two years hence, not only to pronounce their verdict against the uncalled-for Democratic war upon our industries which has resulted in such disasters during the past year, but also to put out of power at once and for the future a party which has proved itself so incapable and so mischievous.

REPUBLICAN PROSPERITY—THE "CHANGE" TO DEMOCRATIC CONTROL.

Mr. Speaker, for thirty-two years, from 1861 to 1893, under the uninterrupted policy of the Republican party, prosperity and progress marked the history of this country. From an inconsequential manufacturing country we became the largest manufacturing nation on the face of the earth. Agriculture developed until the products of our soil far surpassed the products of the soil of any other country. We grew in wealth as no other country ever did. The development of our railroads and internal trade was so marvelous as to be regarded with astonishment by the civilized world. Wages increased in purchasing power 80 per cent, and everyone who wanted employment found it with good pay.

In 1892, when the people of this country went to the polls, and under the appeals of the Democratic leaders voted for a "change," no nation in the world approached us in all the elements that go to make a prosperous nation and a happy people.

A year and a half has elapsed since it was known that a "change" had been decreed, and the full control of the country committed to the Democratic party. For over a year that party, with a majority of 90 in this House, as well as a majority in the Senate, and in possession of Executive power, has kept Congress in almost continuous session for the purpose of formulating the policy which they had promised in the convention of 1892, to give the country the increased prosperity they had promised a deluded people.

What have the Democratic party done? They have repealed the Federal law designed to secure honest national elections. They have after a year's struggle at last passed a tariff, which President Cleveland, the official head of the Democratic party, declares embodies "party perfidy and party dishonor." This is all of their legislation of national importance, unless the unsuccessful attempt of the Democratic Administration to reinstate a savage queen as the ruler of Hawaii is to be added to this roll of dishonor. They found the country with ample revenue to meet the national expenditures, notwithstanding the remission to the people of $60,000,000 in duties on sugar by the act of 1890—a revenue which, in 1891, had paid all expenditures and left a surplus of thirty-seven millions; which, in 1892 and 1893, had paid the large increase in pensions, as well as all other expenditures and had left a small surplus each year. Yet in the first fiscal year of the Democratic Administration, notwithstanding the pensions of Union soldiers have been cut down $18,000,000, while no reduction of expenditures has taken place elsewhere, a deficiency of $70,000,000 has occurred, which

has been supplied by issuing bonds in time of peace and borrowing $58,000,000 and drawing the balance out of the gold redemption fund set apart for the payment of the greenbacks.

The Democratic Administration found the country with a gold redemption fund of $105,000,000. To-day this redemption fund has gone down to $52,000,000, and another issue of bonds is inevitable.

The prosperity which the country had for thirty-two years has vanished. Business and industries which prospered so continuously for thirty years have been for fifteen months wrecked as never before in the history of the country. Millions of men are seeking work in vain; wages have been reduced; industries are unremunerative, and capital has suffered losses which are appalling.

The distrust caused by the Democratic threats of a tariff revolution has produced its bitter fruits, and the end is not yet. The people have had bitter experience of the "change" for which they unwittingly voted in 1892, and they have got enough of it. Unless the signs of the times are misleading, in the approaching elections the country will hear the voice of the people proclaiming to the Democratic party in thunder tones, "Weighed and found wanting."

APPENDIX.

PRESIDENT CLEVELAND TO CHAIRMAN WILSON.

[Letter from President Cleveland read in House of Representatives July 19, 1894.]

[Personal.]

EXECUTIVE MANSION, *Washington, July 2, 1894.*

MY DEAR SIR: The certainty that a conference will be ordered between the two Houses of Congress for the purpose of adjusting differences on the subject of tariff legislation makes it also certain that you will be again called on to do hard service in the cause of tariff reform.

My public life has been so closely related to the subject, I have so longed for its accomplishment, and I have so often promised its realization to my fellow-countrymen as a result of their trust and confidence in the Democratic party, that I hope no excuse is necessary for *my earnest appeal to you that in this crisis you strenuously insist upon party honesty and good faith and a sturdy adherence to Democratic principles.*

[Applause on the Democratic side.]

I believe these are absolutely necessary conditions to the continuation of Democratic existence.

I can not rid myself of the feeling that this conference will present the best if not the only hope of true Democracy. Indications point to its action as the reliance of those who desire the genuine fruition of Democratic effort, the fulfillment of Democratic pledges, and the redemption of Democratic promises to the people. To reconcile differences in the details comprised within the fixed and well-defined lines of principle will not be the sole task of the conference; but as it seems to me its members will also have in charge the question whether Democratic principles themselves are to be saved or abandoned.

There is no excuse for mistaking or misapprehending the feeling and temper of the rank and file of the Democracy. They are downcast under the assertion that their party fails in ability to manage the Government, and they are apprehensive that efforts to bring about tariff reform may fail; but they are much more downcast and apprehensive in their fear that Democratic principles may be surrendered.

[Applause on the Democratic side.]

In these circumstances they can not do otherwise than to look with confidence to you and those who with you have patriotically and sincerely championed the cause of tariff reform within Democratic lines and guided by Democratic principles. This confidence is vastly augmented by the action under your leadership of the House of Representatives upon the bill now pending.

Every true Democrat and every sincere tariff reformer knows that this bill in its present form and as it will be submitted to the conference, falls far short of the consummation for which we have long labored, for which we have suffered defeat without discouragement; which in its anticipation gave us a rallying cry in our day of triumph, and which, in its promise of accomplishment, is so interwoven with Democratic pledges and Democratic success that our abandonment of the cause or the principles upon which it rests means party perfidy and party dishonor.

[Applause on the Democratic side.]

One topic will be submitted to the conference which embodies Democratic principle so directly that it can not be compromised. We have in our platforms and in every way possible declared in favor of the free importation of raw materials. We have again and again promised that this should be accorded to our people and our manufacturers as soon as the Democratic party was invested with the power to determine the tariff policy of the country.

The party now has that power. We are as certain to-day as we have ever been of the great benefit that would accrue to the country from the inauguration of this policy, and nothing has occurred to release us from our obligation to secure this advantage to our people. It must be admitted that *no tariff measure can accord with Democratic principles and promises, or bear a genuine Democratic badge, that does not provide for free raw materials. In these circumstances it may well excite our wonder that Democrats are willing to depart from this the most Democratic of all tariff principles, and that the inconsistent absurdity of such a proposed departure should be emphasized by the suggestion that the wool of the farmer be put on the free list and the protection of tariff taxation be placed around the iron ore and coal of corporations and capitalists.*

[Applause.]

How can we face the people after indulging in such outrageous discriminations and violations of principle?

It is quite apparent that this question of free raw materials does not admit of adjustment on any middle ground, since their subjection to any rate of tariff taxation, great or small, is alike violative of Democratic principle and Democratic good faith.

I hope you will not consider it intrusive if I say something in relation to another subject which can hardly fail to be troublesome to the conference. I refer to the adjustment of tariff taxation on sugar.

[Laughter and applause.]

Under our party platform and in accordance with our declared party purposes, sugar is a legitimate and logical article of revenue taxation. Unfortunately, however, incidents have accompanied certain stages of the legislation which will be submitted to the conference that have aroused in connection with this subject a natural Democratic animosity to the methods and manipulations of trusts and combinations.

I confess to sharing in this feeling; and yet it seems to me we ought, if possible, to sufficiently free ourselves from prejudice to enable us coolly to weigh the considerations which, in formulating tariff legislation, ought to guide our treatment of sugar as a taxable article. While no tenderness should be entertained for trusts, and while I am decidedly opposed to granting them, under the guise of tariff taxation, any opportunity to further their peculiar methods, I suggest that we ought not to be driven away from the Democratic principle and policy which lead to the taxation of sugar by the fear, quite likely exaggerated, that in carrying out this principle and policy we may indirectly and inordinately encourage a combination of sugar refining interests. I know that in present conditions this is a delicate subject—

[Laughter on the Republican side]—

and I appreciate the depth and strength of the feeling which its treatment has aroused.

I do not believe we should do evil that good may come, but *it seems to me that we should not forget that our aim is the completion of a tariff bill, and that in taxing sugar for proper purposes and within reasonable bounds, whatever else may be said of our action, we are in no danger of running counter to Democratic principles.* With all there is at stake there must be in the treatment of this article some ground upon which we are all willing to stand, where toleration and conciliation may be allowed to solve the problem without demanding the entire surrender of fixed and conscientious convictions.

I ought not to prolong this letter. If what I have written is unwelcome I beg you to believe in my good intentions.

In the conclusions of the conference touching the numerous items which will be considered, the people are not afraid that their interests will be neglected. They know that the general result, so far as these are concerned, will be to place home necessaries and comforts easier within their reach, and to insure better and surer compensation to those who toil.

We all know that a tariff covering all the varied interests and conditions of a country as vast as ours must of necessity be largely the result of honorable adjustment and compromise. I expect very few of us can say when our measure is perfected that all the features are entirely as we would prefer. You know how much I deprecated the incorporation in the proposed bill of the income-tax feature. In matters of this kind, however, which do not violate a fixed and recognized Democratic doctrine, we are willing to defer to the judgment of a majority of our Democratic brethren. I think there is a general agreement that this is party duty.

This is more palpably apparent when we realize that the business of our country timidly stands and watches for the result of our efforts to perfect tariff legislation, that a quick and certain return of prosperity waits upon a wise adjustment, and that a confiding people still trust in our hands their prosperity and well-being.

The Democracy of the land plead most earnestly for the speedy completion of the tariff legislation which their representatives have undertaken, but they demand not less earnestly that no stress of necessity shall tempt those they trust to the abandonment of Democratic principle.

Yours, very truly,

GROVER CLEVELAND.

Hon. WILLIAM L. WILSON.

[Prolonged applause on the Democratic side.]

Mr. WILSON of West Virginia. I yield five minutes to the gentleman from Louisiana.

Mr. PRICE. Mr. Speaker, while I realize that nothing I can say at this time will probably affect the result, it is, nevertheless, my duty to the people whom I represent upon this floor to enter one last appeal and one last protest against the wrong that is to be done them now. In fact, all of our State is interested, and over half of its population is dependent upon the sugar industry. I represent 218,000 people who are agriculturists, a class of people who are entitled to the consideration and the sympathy of this Congress. I represent a class of people who are especially entitled to the sympathy of the Democrats upon this floor.

Coming as I do from a State of which every governmental branch is Democratic, and represented upon this floor by Democrats only, I did feel, my Democratic friends, that we were entitled to some consideration and fair treatment at your hands. Now, what is the situation? A great cry has arisen that there must be free sugar, and that the trust must be stricken down; and in an effort to strike at the trust you are striking us a deadly blow that will bring poverty and distress and ruin to what is now a fair and prosperous country.

I speak not in anger; I make no threats, but I do appeal to my personal friends and Democratic colleagues upon this floor, and ask if it is not possible for them even at this late hour to do something to save our people from utter ruin. Some may say it is necessary to pass this bill. The honored Speaker of this House, if I mistake not, said that he regretted in doing this act that a blow had to be stricken at some that he and others did not want to strike.

I am very thankful for the sympathy he expressed then, and I hope that something can yet be done. It is entirely possible, if you are to have free sugar, to give us the bounty, after our people have planted their crops, incurred their expenses, made their contracts, and gone eight months into this year, and something should be done to prevent them from being made bankrupts.

Mr. COOPER of Indiana. Will the gentleman allow me to ask him a question?

Mr. PRICE. I have only five minutes; but I will yield to the gentleman.

Mr. COOPER of Indiana. I will ask the gentleman from Louisiana if it is true that the two Senators from Louisiana entered into a written contract to defeat the whole bill?

Mr. PRICE. That I do not know.

Mr. MEYER. It is not true.

Mr. PRICE. Mr. Speaker, and if they did, is it right for the gentleman from Indiana or other member upon this floor to visit upon my Congressional district and the State of Louisiana punishment for anything that others might have done that was not approved by him? I appeal to you, my friends, to have some consideration, to have some pity, if I may use that word, for our people. Let us see what the facts are.

When this Congress assembled and the Committee on Ways and Means brought in a bill they proposed to gradually abolish the sugar bounty. That encouraged our people to believe that they would at least have some Governmental aid for several years. That was voted down; and the bill went to the Senate, and the Senate immediately reported a bill giving a duty on sugar and providing that the law should not go into effect until the 1st of January, 1895. The newspapers told our people that they would not have any change in the existing law during this year.

Mr. BOATNER. Will the gentleman permit me to say that it was stated in the press and it was understood to be an agreement in the Finance Committee of the Senate that the duty in the bill should take effect on the 1st day of January?

Mr. PRICE. It was said that the bill should take effect on the 1st day of January, 1895, and our people were all led to believe that there would be no change in the McKinley sugar schedule until that date.

The bill came into the House to-day and it is passed with a duty on sugar; and lo, in a few hours afterwards, here comes a proposition to take from our people absolutely everything, not only the bounty, but the duty given in the bill just passed.

The SPEAKER. The time of the gentleman has expired.

Mr. COOMBS. I hope the gentleman will be allowed further time.

Mr. PRICE. I realize that I can not make an argument in this short time.

Mr. COOMBS. I ask that the gentleman's time be extended ten minutes.

The SPEAKER. The gentleman from New York asks unanimous consent that the time of the gentleman from Louisiana may be extended ten minutes.

Mr. REED. I think it is nothing more than fair that he should be allowed time. [Applause.]

The SPEAKER. The gentleman from Louisiana is recognized for ten minutes.

Mr. PRICE. Mr. Speaker, I realize, as I have said, that perhaps nothing that I can say can do any good; but is there not some parliamentary method by which our people shall be saved from destruction? Can it not be by saying that we shall get a bounty for this year? Is it not good faith that these people should be allowed to go through the current year under the existing law? Would you, gentlemen, in your desire to strike at the sugar trust, that you talk so much about, wreck these farmers and these men who have believed that your course would be fair and just, regardless of what your views might be on economic questions?

Did we not proclaim all over this land that the Democratic party was not a party of destruction? Has not it been the doctrine of the Democratic party that a duty on sugar was a proper revenue duty? Had not our people a right to believe that under a revenue duty they would get at least incidental protection? My friends, I say to every one of you, before you cast your vote on this question, that unless some remedy follows this bill, you are casting a vote which will absolutely destroy half of a sovereign State, a State that has done, I believe, as much for the Democratic party as any State in the Union.

Mr. TALBERT of South Carolina. Do you contend that the sugar planter ought to receive any more protection or aid than the cotton planter?

Mr. PRICE. My dear sir, I have no time now to enter upon a discussion of theories of protection and free trade. I am talking about the condition that confronts our people; but I will say that if the cotton planter had been led to believe that he would get during this year a certain amount of Government aid, God knows I would never be the one to say that he should not have it, after he had been promised it and had made his contracts for the year with reference to it.

Another thing. You are doing worse than decreeing free sugar. You have allowed our people to expect that a duty would be put upon sugar or that a bounty would be retained. You have raised that expectation all over this land. Another thing, Mr. Speaker, the storehouses are filled with recently imported raw sugar, and what will be the consequence? When our people go to the refiners this fall and undertake to sell their sugar—because half the sugar sold in Louisiana is sold to the refiners—they will be told that the refiners do not need it, that they have already a great stock of sugar on hand, and the refiners will give the planter just what they choose and not what the sugar is worth.

Why, gentlemen, even if a man is the most ardent free trader in the world; if he believes in tearing down every custom-house in the land, he certainly ought to feel that in this instance it is only just and fair and equitable and right to allow these people to go through the current year under the existing law. Have you not given in this bill six months in which to put the woolen schedule into effect, and why should you be more considerate of those manufacturers than you are of the sugar-planter in our State?

My Democratic friends, do you remember that in 1884 the State of Louisiana held the balance of power, and that if her vote had not been recorded for the Democratic party and its leaders we never would have had our Democratic victory in that year? And now, are you going to strike down your friends without regard to the promises you have made or the equities that exist? I ask you earnestly to consider this question, and I do again most solemnly protest against the great injustice which you are about to do our people. [Applause.] I yield the remainder of the time to my colleague [Mr. BOATNER].

Mr. BOATNER. Is there any time left?

The SPEAKER. It will require unanimous consent for the gentleman from Louisiana [Mr. PRICE] to transfer his time. Is there objection to the gentleman [Mr. PRICE] yielding to his colleague the five minutes of the ten minutes accorded to him?

There was no objection.

Mr. BOATNER. Mr. Speaker, I merely desire to call the attention of the House to the legal aspects of this question. If the bill which passed the House to-day is to become a law, supplemented by the bill which is now before the House under consideration, it will amount to a repudiation by the United States of a legal obligation in favor of the sugar producers of this country for the bounty for this year. Under the terms of the McKinley act a bounty was to be paid for the production of sugar each year to those who availed themselves of the provisions of the act.

The sugar producers of this country have availed themselves of the provisions of that act for the present year. A great many of them have taken out licenses. More than six months of the year have passed, and the crop is now practically made. And for the Government to refuse to pay this bounty which has been earned under the provisions of its laws is merely to take advantage of its sovereignty and to avail itself of the privilege that it is subject to the jurisdiction of no court and can not be compelled to perform its obligations.

Mr. GROSVENOR. Did the gentleman vote for the tariff bill to-day?

Mr. BOATNER. Yes; I did.

Mr. GROSVENOR. If that bill becomes a law, is not that a repudiation of the sugar bounty?

Mr. BOATNER. It will be repudiation to some extent, unless the bounty for this year is otherwise provided for. I have just stated that. I have said that if that bill becomes a law in connection with the bill now under consideration, it will be a total repudiation of the obligation of the United States to pay the bounty which has been earned under the McKinley law.

Mr. GROSVENOR. The other bill has practically become a law.

Mr. BOATNER. It has not become a law; I hope it will; I hope the President will sign it.

The gentleman knows very well that I voted for that bill because it contained more of good than it did of bad. I could not have that bill altogether to suit me. If it had been within my power, I would have written it differently. There is no use to enter into a discussion of how gentlemen came to vote for that bill. The gentleman knows that as well as I can tell him. I am not now speaking of a matter of politics for the benefit of the gentleman from Ohio. I am appealing to this House for legislation which will require the officers of the Treasury Department to pay to the sugar growers of the United States the bounty for this year which has been earned under the provisions of the existing law. This should be done as a matter of common justice. The United States ought to pay to the sugar producers of this country, whether they live in Louisiana or Nebraska, the money which has been earned for the present year under the bounty law which is the law of the land.

As my colleague has said, it was given out authoritatively that the Committee on Finance of the Senate agreed that the bounty for this year should be paid by agreeing that the sugar schedule should not take effect until the 1st day of next January. That meant that the bounty should be paid under the provisions of the existing law. It was stated by authority that that agreement had been made. Subsequently, in violation of that agreement, several Democratic Senators voted in favor of an amendment which made the sugar schedule take effect with the other provisions of the bill.

But, in the mean time, contracts had been entered into; ex-

penses had been incurred; people had made all their arrangements and obtained their credits upon the faith of a statute of the United States and its continuance until the 1st day of next January. Now, I repeat that after the year has more than half passed, after obligations have been incurred, after the bounty has been earned under the very terms of the law, to repeal it without making adequate provisions for the performance of the obligations created by the law, is nothing short of absolute repudiation.

[Here the hammer fell.]

Mr. REED. Mr. Speaker, this is the last of the air-cushions which the statesmen of this little kingdom of Liliput, in which we are now living, have arranged for themselves to tumble on this evening. Of course, it is a cushion that is filled with air like the rest—not wind, because wind is air in motion; this is air that has gone to rest. [Laughter.]

I am inclined to feel a deep sympathy for the gentleman from Louisiana; and the cogent fact that I and my compatriots had that feeling towards him when it was of some use is proven by the fact that in order to do justice to an established industry in his State, we of the Republican party entered upon a new system of encouragement of home industries; and we did it because of a sense of justice which I should blame him for not indicating in his vote for the bill which passed to-day if I did not know that he is a Democrat; but knowing, as I do, that tariff and charity and good feeling are "purely local" with him from the nature of his party relations, I am not at all surprised that he should appeal to me and to the rest of us on behalf of his fellow-citizens, and be utterly forgetful of the fact that his vote to-day has helped to destroy ten or a dozen manufacturing institutions in my State.

But I bid him to be of good cheer, for this is only a part of the farce of which we have gone through some four acts preceding. There is really nothing in it—nothing but one of those little resolutions that used to be introduced here years ago when the Greenbackers were flourishing and the money question was made a trap to catch respectable gentlemen.

Now, the sugar tax is composed of two different things; but the great bulk of it is the 40 per cent taxation upon sugar of all kinds introduced into this country from abroad. That tax comes from the poor people of this country in a larger proportion than in my judgment is just and fair. I do not propose in this thimble-rigging arrangement to have myself put upon record as being opposed to the repeal of that particular tax. We Republicans repealed the tax and gave the people of this country free sugar.

You Democrats have reimposed the tax on sugar, and have also imposed a tax on its manufacture, in such a fashion that it is absolutely a stench in the nostrils of the people, so that there can be no sort of honest discussion of the question here so thoroughly has your conduct clouded it with prejudice. I do not wonder you are anxious to get from under it, by even so cheap and transparent a pretense as this. [Applause on the Republican side.]

Why can not the Democratic party, once in a while at least, be middling honest? [Laughter.] Why not come once in a while into the open, like men? But they never do and they never will; it is useless to expect it.

Now, we have a repetition of the same farce that has been perpetrated so often before. These things do not mean anything whatever; and when a man gives his vote, or allows this bill to pass by his vote in favor of it, there is nothing meant by it except a meeting with a political trap and crushing it. [Applause on the Republican side.] There is nothing in the vote I shall give upon this question which will prevent me, by bounties or other judicious methods, whatever I may consider wise and right, whenever the time shall come, from dealing with the question in a proper way, nor shall anything in this vote preclude me from retaining the manufacture and the production of sugar in this country. It is too great and important an industry, of too great necessity in the lives of all of our people, to be a shuttlecock between the battledores of the two discordant wings of the Democratic party. [Applause on the Republican side.]

[Here the hammer fell.]

The SPEAKER. The gentleman from West Virginia has five minutes remaining.

Mr. WILSON of West Virginia. Mr. Speaker, if there be any hardship to come to the people of Louisiana by this legislation, the responsibility for that hardship rests immediately at the door of the sugar trust; and the responsibility for the existence of the sugar trust lies at the door of the Republican party. [Applause on the Democratic side.] Under a revenue duty upon sugar, no such great and threatening monopoly could have appeared on the political horizon of this country as has now made its appearance.

Mr. BOUTELLE. And has now been made the special partner of the Democratic party.

Mr. WILSON of West Virginia. I hope the gentleman will not interrupt me.

The SPEAKER. The gentleman declines to be interrupted.

Mr. WILSON of West Virginia. The gigantic power of that great organization, which has been felt from the beginning almost to the end of this great tariff controversy in Congress, is the result of the legislation of the Fifty-first Congress, which gave them the power to tax the American people 50 cents on every hundred pounds of sugar, and possibly 60 cents, and then paid people a bounty to raise the material for them to manufacture.

You found, in the Fifty-first Congress when you came here, a large and fruitful duty flowing into the public Treasury from the revenue tax on sugar as the law then existed. For every dollar of tax paid by the people in that respect, at least 80 cents of it went into the Treasury of the Government to be applied to the support of the Government. In your haste to divert from the public Treasury as large a part of the tax paid by the people as possible, and to pour those taxes into the pockets of your favored beneficiaries, you struck down the revenue tax on sugar that you might resort to protective taxation for the benefit of the monopolies, and then went through the sham and pretense of putting a bounty, paid directly out of the Treasury, to the growers and agricultural producers of sugar in this country, knowing full well that whenever protection came out of its hidden lair, and materialized itself in the open as a bounty, that the American people would give it the *coup de grace*. [Applause on the Democratic side.]

Sir, I sympathize with what has been said by the gentleman from Louisiana [Mr. ROBERTSON]. I know something about the constituents he represents so faithfully and so ably upon this floor. I do not hesitate to say to-day, as I have said from the beginning in this debate in all of its stages, that I have always been a believer in a revenue tax upon sugar, and what little incidental protection came from the revenue tax on sugar the agricultural people of this country were welcome to, so far as I am concerned. I am ready to-day to coöperate with the Democrats of the House in the restoration of a just revenue tax upon sugar. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

The question is on the engrossment and third reading of the bill.

Mr. REED. The time, I think, has not elapsed, Mr. Speaker. The gentleman from West Virginia has more time.

The SPEAKER. The time has been consumed.

Mr. REED. I would like to ask the gentleman a question.

The SPEAKER. The time for debate has expired, and the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and it was accordingly read the third time.

The question recurred on the passage of the bill.

Several MEMBERS. Let us have the yeas and nays.

The yeas and nays were ordered.

The SPEAKER announced the appointment of Mr. HOOKER of New York and Mr. TRACEY, as tellers.

The question was taken; and there were—yeas 276, nays 11, not voting 65; as follows:

YEAS—276.

Adams, Pa.	Bunn,	Dalzell,	Hager,
Alderson,	Burnes,	Daniels,	Hainer,
Alexander,	Burrows,	Davis,	Haines,
Allen,	Cabaniss,	De Armond,	Hall, Minn.
Apsley,	Cadmus,	De Forest,	Hall, Mo.
Arnold,	Caminetti,	Denson,	Hammond,
Avery,	Campbell,	Dingley,	Hare,
Babcock,	Cannon, Cal.	Dinsmore,	Harris,
Bailey,	Cannon, Ill.	Dockery,	Hartman,
Baker, Kans.	Capehart,	Dolliver,	Hatch,
Baker, N. H.	Caruth,	Donovan,	Haugen,
Baldwin,	Catchings,	Doolittle,	Hayes,
Bankhead,	Causey,	Dunn,	Heard,
Barnes,	Childs,	Dunphy,	Heiner,
Bartlett,	Clancy,	Durborow,	Henderson, Iowa
Barwig,	Clark, Mo.	Edmunds,	Henderson, N. C.
Bell, Colo.	Clarke, Ala.	Ellis, Ky.	Hendrix,
Bell, Tex.	Cobb, Ala.	Ellis, Oregon	Hepburn,
Beltzhoover,	Cobb, Mo.	English, Cal.	Hermann,
Berry,	Cockran,	Enloe,	Hitt,
Bingham,	Cockrell,	Epes,	Holman,
Black, Ga.	Coffeen,	Erdman,	Hooker, Miss.
Black, Ill.	Cogswell.	Fielder,	Hooker, N. Y.
Blair,	Conn,	Fithian,	Hopkins, Ill.
Bland,	Coombs,	Forman,	Hopkins, Pa.
Boen,	Cooper, Ind.	Funk,	Houk,
Bontelle,	Cooper, Tex.	Fyan,	Hudson,
Bower, N. C.	Cooper, Wis.	Gear,	Hulick,
Bowers, Cal.	Cornish,	Geary,	Hull,
Branch,	Cousins,	Geissenhainer,	Hunter,
Breckinridge, Ark.	Covert,	Gillet, N. Y.	Ikirt,
Bretz,	Cox,	Goldzier,	Izlar,
Broderick,	Crain,	Gorman,	Johnson, Ind.
Brookshire,	Crawford,	Grady,	Johnson, N. Dak.
Brosius,	Culberson.	Graham,	Johnson, Ohio
Brown,	Cummings,	Griffin,	Jones,
Bryan,	Curtis, Kans.	Grosvenor,	Kiefer,

Kilgore,	McKaig,	Quigg,	Talbott, Md.
Kribbs,	McLaurin,	Ray,	Tarsney,
Kyle,	McMillin,	Reed,	Tate,
Lacey,	McNagny,	Reilly,	Tawney,
Lane,	McRae,	Richards, Ohio	Taylor, Ind.
Lapham,	Meiklejohn,	Richardson, Mich.	Terry,
Latimer,	Mercer,	Richardson, Tenn.	Tracey,
Lawson,	Money,	Ritchie,	Tucker.
Layton,	Montgomery,	Robbins,	Turner, Ga.
Lester,	Moore,	Russell, Conn.	Turner, Va.
Linton,	Morgan.	Russell, Ga.	Tyler,
Livingston,	Mutchler,	Ryan,	Updegraff,
Loud,	Neill,	Sayers,	Van Voorhis, N. Y.
Loudenslager,	Northway,	Scranton,	Van Voorhis, Ohio
Lucas,	Oates.	Shell,	Wadsworth.
Lynch,	O'Neil, Mass.	Sherman,	Wanger,
Maddox	O'Neill, Mo.	Sipe,	Warner,
Maguire,	Outhwaite,	Smith,	Waugh,
Mallory,	Paschal,	Snodgrass,	Weadock.
Marsh,	Patterson,	Somers,	Wells,
Martin, Ind.	Payne,	Sorg,	Wheeler, Ala.
Marvin, N. Y.	Paynter,	Springer.	Williams, Ill.
McAleer,	Pearson,	Stephenson,	Williams, Miss.
McCall,	Pence,	Stone, C. W.	Wilson, Ohio
McCleary, Minn.	Pendleton, Tex.	Stone, W. A.	Wilson, Wash.
McCreary, Ky.	Pendleton, W. Va.	Stone, Ky.	Wilson, W. Va.
McCulloch,	Perkins,	Storer,	Wise.
McDannold,	Phillips,	Strait,	Wolverton,
McDearmon,	Pickler,	Straus,	Woodard.
McDowell,	Pigott,	Strong,	Woomer,
McEttrick,	Post,	Swanson,	Wright, Pa.
McGann,	Powers,	Talbert, S. C.	The Speaker.

NAYS—11.

Boatner,	Harmer,	Price,	Sperry,
Davey,	Meyer,	Reyburn,	Stevens.
Everett,	Ogden.	Robertson, La.	

NOT VOTING—65.

Abbott,	Gillett, Mass.	Meredith,	Simpson,
Adams, Ky.	Goodnight,	Milliken,	Stallings,
Aitken,	Gresham,	Moon,	Stockdale,
Aldrich,	Grout,	Morse,	Sweet,
Bartholdt,	Grow,	Moses,	Taylor, Tenn.
Belden,	Harter,	Murray,	Thomas,
Breckinridge, Ky.	Henderson, Ill.	Newlands,	Turpin,
Brickner,	Hicks,	Page,	Walker,
Bundy,	Hines,	Randall,	Washington,
Bynum,	Hutcheson,	Rayner,	Wever,
Chickering,	Kem,	Robinson, Pa.	Wheeler, Ill.
Cooper, Fla.	Lefever,	Rusk,	White,
Curtis, N. Y.	Lockwood,	Schermerhorn,	Whiting,
Draper,	Magner,	Settle,	Wright, Mass.
English, N. J.	Mahon.	Shaw,	
Fletcher,	Marshall,	Sibley.	
Gardner,	McKeighan.	Sickles,	

So the bill was passed.

The Clerk announced the following additional pairs:

For the rest of this day:

Mr. RUSK with Mr. FLETCHER.

Mr. PAGE with Mr. GROUT.

Mr. CRAIN with Mr. SWEET.

Mr. KEM with Mr. ROBINSON of Pennsylvania.

The result of the vote was announced as above recorded.

[The announcement of the result was received with applause.]

On motion of Mr. WILSON of West Virginia, a motion to reconsider the last vote was laid on the table.

REPORTS FROM COMMITTEES.

The following reports were handed in at the Clerk's desk, referred to their appropriate Calendars, and otherwise disposed of as indicated below:

BRIDGE ACROSS SOUTH CANADIAN RIVER.

Mr. DURBOROW, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (H. R. 7811) authorizing the El Reno Bridge Company to construct a bridge across the South Canadian River, between Blaine County, Okla., and the Wichita Indian Reservation; which was referred to the House Calendar, and, with the accompany report, ordered to be printed.

BRIDGE OVER COLUMBIA RIVER.

Mr. DURBOROW, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (S. 1772) extending the time for the completion of a railroad bridge over the Columbia River at or near Vancouver, in the State of Washington; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 4490) granting a pension to Henry C. Field;

A bill (H. R. 5703) for the relief of Johanna Gleason;

A bill (H. R. 7006) to authorize the Washington, Alexandria, and Mount Vernon Electric Railway Company to extend its line of road into and within the District of Columbia, and for other purposes.

ADJOURNMENT UNTIL WEDNESDAY NEXT.

Mr. McMILLIN. Mr. Speaker, I understand that the tariff bill can not be enrolled in time for to-morrow's session. I therefore move that when the House adjourn to-day, it be to meet on Wednesday next.

The motion was agreed to.

And then, on motion of Mr. WILSON of West Virginia (at 10 o'clock and 25 minutes p. m.), the House adjourned until Wednesday, August 15, 1894, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BAKER of Kansas, from the Committee on Pensions:

A bill (H. R. 7002) to pension Mrs. Martha Frank. (Report No. 1415.)

A bill (H. R. 7524) granting an increase of pension to William M. Shipp. (Report No. 1416.)

By Mr. WOOMER, from the Committee on Military Affairs: A bill (H. R. 6305) for the relief of Henry M. Schrawder. (Report No. 1417.)

By Mr. WOLVERTON, from the Committee on the Judiciary: A bill (H. R. 6472) for the relief of John N. Quackenbush. (Report No. 1432.)

By Mr. STONE of Kentucky, from the Committee on War Claims:

A resolution referring to the Court of Claims the bill (H. R. 4018) for the relief of the First Baptist Church of Helena, Ark. (Report No. 1433.)

A resolution referring to the Court of Claims the bill (H. R. 445) for the relief of the estate of Jacob A. Wolfson, deceased, late of Natchitoches Parish, La. (Report No. 1434.)

A resolution referring to the Court of Claims the following bills (H. R. 427, 3366, 4532, 1013, and 424) for the relief of the Baptist Church of Corinth, Miss.; Primitive Baptist Church of Huntsville, Ala.; Baptist Church, of Grand Junction, Hardeman County, Tenn.; St. Philip's Church, of Atlanta, Ga., and the Cumberland Presbyterian Church, of Corinth, Miss. (Report No. 1435.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, and severally referred as follows:

By Mr. GROSVENOR: A bill (H. R. 7958) to provide for and regulate the free coinage of silver bullion, etc.—to the Committee on Ways and Means.

By Mr. GROW: A bill (H. R. 7959) providing that the widows of pensioners married before the close of the late war shall receive the same rate of pension that the pensioner was receiving at the time of his death—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 7960) providing for the payment of the bounty on sugar to the producers of sugar in the United States until February 28, 1895—to the Committee on Ways and Means.

By Mr. TARSNEY: A bill (H. R. 7961) to permit the construction and maintenance of a dam across the Rio Grande from a point above El Paso, in the State of Texas, to a point in the Republic of Mexico—to the Committee on Foreign Affairs.

Also, a bill (H. R. 7962) to amend paragraph 165, Schedule C, of the act of August —, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes"—to the Committee on Ways and Means.

By Mr. MEYER: A bill (H. R. 7963) to provide revenue for the Government—to the Committee on Ways and Means.

By Mr. LANE: A joint resolution (H. Res. 218) declaring the meaning of section 1069 of the Revised Statutes—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ENLOE: A bill (H. R. 7964) for the relief of Nathan H. Whitlow, of Madison County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7965) for the relief of the estate of L. C. Dumont, deceased, late of Perry County, Tenn.—to the Committee on War Claims.

By Mr. MEREDITH: A bill (H. R. 7966) for the relief of the heirs of B. H. Jordan—to the Committee on War Claims.

By Mr. O'NEILL of Missouri: A bill (H. R. 7967) for the relief of William P. Buckmaster—to the Committee on War Claims.

By Mr. WHEELER of Alabama: A bill (H. R. 7972) for the relief of heirs of John Hogan—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FLYNN: Petition of citizens of Blackwell, in K County, Okla., asking an appropriation of $15,000 for wheat—to the Committee on Appropriations.

By Mr. McRAE: Resolution from Board of Trade, Little Rock, Ark., that Congress should without delay take such steps as it may deem proper to the speedy construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. MADDOX: Petition of the Rome Council, No. 213, of the American Legion of Honor, of Rome, Ga., asking that fraternal beneficiary societies be exempt from the provisions of the income tax—to the Committee on Ways and Means.

By Mr. SCRANTON: Resolution of Catholic Total Abstinence Union, diocese of Scranton, Pa., asking for removal of causes of present unrest—to the Committee on Labor.

By Mr. WILSON of Washington: Memorial of the Chamber of Commerce of Seattle, together with resolutions of the Chamber of Commerce of Fair Haven, Wash., for an appropriation for publication of pilot chart of the North Pacific—to the Committee on Appropriations.

Also, memorial of Puget Sound Harbor No. 16, for an appropriation of $10,000 for the issuance of a pilot chart of the North Pacific Ocean—to the Committee on Appropriations.

Also, petition of 75 citizens of Washington, against the passage of the Wilson bill—to the Committee on Ways and Means.

Also, petition of Spokane Pressman's Union, No. 48, favorable to the passage of House bill 4478—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Council of Goldendale, in opposition to free raw materials—to the Committee on Ways and Means.

SENATE.

TUESDAY, *August 14, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. MILLS. I ask unanimous consent that the further reading of the Journal be dispensed with.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Texas?

Mr. BLANCHARD. I object.

The VICE-PRESIDENT. The Senator from Louisiana objects. The reading of the Journal will be proceeded with.

The Secretary resumed and concluded the reading of the Journal.

The VICE-PRESIDENT. If there are no suggestions of amendment or correction, the Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7968) to place upon the free list coal, shale, slack, and coke;

A bill (H. R. 7969) to place upon the free list all ores of iron;

A bill (H. R. 7970) to place upon the free list barbed fencing wire, and wire rods for the manufacture of the same; and

A bill (H. R. 7971) to exempt from duty sugars, molasses, etc.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 4490) granting a pension to Henry C. Field;

A bill (H. R. 5703) for the relief of Johanna Gleason; and

A bill (H. R. 7006) to authorize the Washington, Alexandria and Mount Vernon Electric Railway Company to extend its line of road into and within the District of Columbia, and for other purposes.

PETITION.

Mr. PEFFER presented a petition of Local Assembly No. 1562, Knights of Labor, of Brooklyn, N. Y., praying for the enactment of legislation embodying a provision taxing immigrants $50 apiece; which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. 5439) for the relief of Richard Hawley & Sons, asked that the committee be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 7571) to authorize the construction of a bridge across the Osage River in the State of Missouri, reported it without amendment.

Mr. VEST. I move that the Senate bill of the same title, being the bill (S. 2137) to authorize the construction of a bridge across the Osage River, in the State of Missouri, which has been reported from the Committee on Commerce, and is now upon the Calendar, be postponed indefinitely.

The motion was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 7572) to authorize the construction of a bridge across the Missouri River, at De Witt, Carroll County, Mo., and to establish it as a post-road, reported it without amendment.

Mr. GALLINGER. From the Committee on Pensions I report back adversely the bill (S. 2124) granting a service pension to soldier, sailors, and marines, and their widows and orphans, and for other purposes. By request of the Senator from Nebraska [Mr. ALLEN], who introduced the bill, I ask that it be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. VILAS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 4017) for the reinstatement of clerks dismissed from the Railway Mail Service between the 15th day of March and the 1st day of May, 1889, reported it without amendment.

Mr. WASHBURN, from the Committee on Commerce, to whom was referred the bill (H. R. 6529) to authorize the construction of a bridge across the St. Croix River between Wisconsin and Minnesota, reported it without amendment.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. MITCHELL of Wisconsin. I am unanimously directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 6060) to amend section 4833, Revised Statutes, and for other purposes, to report it favorably without amendment. It is a matter of some urgency and to meet an emergency which has arisen in the management of the Soldiers' Home, and I ask that the bill be considered at this time.

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 4833 of the Revised Statutes of the United States be, and the same hereby is, amended to read as follows:

"SEC. 4833. The Managers of the National Home for Disabled Volunteer Soldiers are authorized to aid persons who are entitled to its benefits by outdoor relief, in such manner and to such extent as they may deem proper, but such relief shall not exceed the average cost of maintaining an inmate of the home: *Provided*, That in the event that buildings at any branch of the home shall be destroyed by fire or rendered unfit for habitation because of pestilence or by the elements, then and in that event the Board of Managers shall have authority to remove the members of said branch so afflicted or destroyed to any other branch not so affected, and to do this they may use any funds appropriated for the home, notwithstanding they may have been specifically appropriated for other purposes, to the extent that such funds shall be necessary to effect such a transfer and the maintenance and support thereafter of said members so transferred, and shall report their doings therein to the Congress and their expenditures as in other cases of expenditures: *Provided further*, That the appropriations for any fiscal year shall not be exceeded."

SEC. 2. That this act shall take effect from and after its passage.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT. Is the bill reported from a committee?

Mr. MITCHELL of Wisconsin. It is reported unanimously from the Committee on Military Affairs.

Mr. PLATT. I should like to hear the title of the bill again read.

The SECRETARY. A bill to amend section 4833, Revised Statutes, and for other purposes.

Mr. PLATT. It relates to the National Soldiers' Home, I understand.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS C. SARTORI.

Mr. GIBSON. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (S. 1713) to promote Commodore Louis C. Sartori, now on the retired list of the Navy, to be a rear-admiral on said list, in accordance with his original position in the Navy Register, to report it favorably with an amendment, and to ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Naval Affairs was to strike out section 2 in the following words:

SEC. 2. That the accounting officers of the Treasury be, and they are hereby, authorized and directed to pay to the said Louis C. Sartori, out of any moneys in the Treasury not otherwise appropriated, the difference of pay between the sum which he has received as an officer of the Navy and the amount to which he would have been entitled had he not been passed over, but promoted regularly according to seniority.

And to insert:

SEC. 2. That upon promotion, as authorized by this act, he shall be allowed the pay of a rear-admiral retired on account of age, in conformity with the act of Congress approved March 3, 1873; but no additional back pay shall be allowed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMPLOYÉS IN DISTRICT HEALTH DEPARTMENT.

Mr. HARRIS. By direction of the Committee on the District of Columbia I report a joint resolution. I will make a brief statement in regard to it. On the 2d of October a special act was approved authorizing the health department of the District of Columbia to employ two additional clerks at $100 per month. That act provided for their payment up to the beginning of the fiscal year, the 1st of July, upon the presumption that the District appropriation bill would be passed by that time. These clerks are provided for permanently in that appropriation bill, but the Auditor decides that they can not be paid for the time between the 1st day of July and the time at which the appropriation bill takes effect. I therefore report the joint resolution from the committee.

The joint resolution (S. R. 101) providing for clerical assistance in the health department of the District of Columbia was read the first time by its title and the second time at length, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of the act entitled "An act to provide for clerical assistance in the health department of the District of Columbia" approved October 2, 1893, are hereby continued and declared to be in full force and effect from July 1, 1894, and until the date of the approval of the act making appropriations for the expenses of the government of the District of Columbia for the fiscal year 1895.

Mr. HARRIS. I ask the unanimous consent of the Senate that the joint resolution be considered at this time. It simply provides for the payment of those two clerks during the period of time I have indicated.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDEX TO PRIVATE CLAIMS.

Mr. GORMAN, from the Committee on Printing, submitted a report, accompanied by the following resolution; which was considered by unanimous consent, and agreed to:

Ordered, That the usual number of the index to private claims, from the Forty-seventh to the Fifty-first Congresses, inclusive, prepared by the Secretary of the Senate, in compliance with a resolution of the Senate of September 30, 1890, be printed.

BILLS INTRODUCED.

Mr. WHITE introduced a bill (S. 2309) to supplement and carry out and enforce the provisions of a treaty made pursuant to a convention concluded at Washington, D. C., March 17, 1894, between the United States of America and His Imperial Majesty the Emperor of China, and to more completely prohibit the coming of Chinese laborers into the United States; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. VILAS introduced a bill (S. 2310) to limit the benefit of pensions under the general law, founded upon the service of soldiers and sailors in the late war, to such persons as claim or shall hereafter claim the same through marriages contracted prior hereto; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SQUIRE (by request) introduced a bill (S. 2311) to provide for the establishment and maintenance of a college for the education of daughters of American soldiers and sailors; which was read twice by its title, and referred to the Committee on Education and Labor.

WITHDRAWAL OF PAPERS.

On motion of Mr. MANDERSON it was

Ordered, That John W. Walker be permitted to withdraw from the files of the Senate, under the rules thereof, the papers relating to the bill (S. 468) in the Fifty-third Congress to remove the charge of desertion standing against him, leaving copies thereof.

AMERICAN PRISONERS IN CUBA.

Mr. CALL. I introduced a resolution in the Senate on the 23d of July requesting the President of the United States to institute negotiations for the release or trial of certain citizens of the United States claimed to be held in unlawful imprisonment in the Island of Cuba. I send to the desk a letter received from one of them, and ask that it may be read and referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

CÁRCEL REAL, SANTA CLARA, CUBA, *August 9, 1894.*

DEAR SIR: I am a resident of Key West, Fla., a citizen of the United States of America, having lived and voted in Key West and New York City, and I am registered as a citizen of the United States of America in the United States of America's consulate at Cienfugos by our consul, after having exhibited to him satisfactory evidence of citizenship.

Now, my object in writing to you is to ask your aid in my behalf, for I have now been a prisoner in the Cárcel Real here in Santa Clara for some ten months, without trial, or much hopes or prospects of being tried and released, for if I could get a trial before any fair and impartial court I would be speedily set at liberty.

I am held here as a political prisoner without any just cause. The only cause of my arrest and long imprisonment is that I was unfortunately working in the town of Cruces last October when there was some kind of trouble in the country near that town, and being a citizen of the United States of America, was arrested on suspicion of sympathizing with the Cubans.

Is it not possible for you to ask our Secretary of State, Mr. Walter Q. Gresham, to instruct our consul-general at Havana to act promptly in my behalf, to the end that I obtain what rights and privileges are afforded to American citizens in such cases, under our treaties and regulations between Spain and the United States of America?

Your prompt and favorable action in this matter is urgently requested by one of your fellow-citizens in trouble.

Yours, very truly,

JOSE MENDEZ NIMEZ.

Hon. WILKINSON CALL,
U. S. A. Senate, Washington, D. C., U. S. A.

Mr. CALL. Mr. President, the United States are a great power. They command inexhaustible resources of force and for peaceful and respectful negotiation. I have no reason to think that this and other cases of like character have any other cause than the "law's interminable delay;" but whether this be true or not, the Government of the United States owes protection to its citizens in foreign countries, and has a right and is bound to demand their release after a reasonable detention without trial.

This duty is especially imperative in relation to the Cuban citizens of the United States, whose relations to the Government of Spain render them liable to unreasonable suspicion and to arbitrary arrest. I hope that prompt action will be taken by by the Government in this and all other like cases for the release of citizens of the United States subjected to arbitrary and unreasonable arrest and confinement.

The VICE-PRESIDENT. The letter will be referred to the Committee on Foreign Relations, in the absence of objection.

PRINTING OF THE REVENUE BILL.

Mr. HALE. Mr. President, there will be a great demand in the country for copies of the tariff bill which has recently been passed, and I offer the order which I send to the desk providing for its printing.

The VICE-PRESIDENT. The order will be read.

The Secretary read as follows:

Ordered, That 5,000 copies of bill H. R. 4864, as passed, and to be known as the sugar-trust tariff bill, be printed for the use of the Senate.

Mr. COCKRELL. Let that lie over.

The VICE-PRESIDENT. The resolution will go over under the rule.

Mr. VEST. What was the motion in regard to the resolution of the Senator from Maine? I could not hear it.

The VICE-PRESIDENT. The Chair will state that the resolution was offered by the Senator from Maine, to which resolution there is objection, and it goes over under the rule.

Mr. HALE. Let it be again read, so that the Senator from Missouri may understand it.

The VICE-PRESIDENT. The resolution will be again read.

The Secretary again read the resolution.

Mr. VEST. Is that the title of the bill, or does the Senator give the title himself?

Mr. HALE. I refer to what will be the popular acceptation of the bill as the sugar-trust bill. I do not insist that it be put into the title of the bill, of course, but public sentiment upon the matter will settle all that.

Mr. VEST. I respectfully question the right of the Senator from Maine to say what is the popular acceptation. He has no right to give any such appellation to any bill here, and it is an outrage upon the Senate for him to do so.

Mr. MILLS. I move to lay the resolution on the table.

Mr. ALDRICH. Regular order, Mr. President.

Mr. MILLS. Let us have the yeas and nays on my motion.

The VICE-PRESIDENT. The Chair will state that the present consideration of the resolution of the Senator from Maine having been objected to, it has gone over under the rule, and is not before the Senate for consideration at this time.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 11th instant approved and signed the following acts:

An act (S. 1640) granting a pension to Otis Smith;

An act (S. 470) for the relief of George H. Jewett, of Arlington, Washington County, Nebr.; and

An act (S. 2217) to provide for the closing of a part of an alley in square 185 in the city of Washington, D. C.

FREE COAL.

The VICE PRESIDENT. The Chair lays before the Senate bills from the House of Representatives; which will be read by title.

The SECRETARY. A bill (H. R. 7968) to place upon the free list bituminous coal, shale, slack, and coke.

Mr. MANDERSON. I ask that the bill on its first reading may be read at length.

The Secretary read the bill the first time at length, as follows:

Be it enacted, etc., That from and after the passage of this act, the following articles, when imported into the United States, shall be admitted free of import duties:

Bituminous coal and shale, and coal slack or culm, and coke.

Mr. MANDERSON. I object to the second reading of the bill.

Mr. VEST. I desire to make a parliamentary inquiry. I am not very familiar with the rules of the Senate; but as I understand the rule a single objection carries this bill over until to-morrow. Is it in order to move, notwithstanding that objection, that the Senate proceed to the consideration of this measure?

Several SENATORS. Oh, no.

Mr. VEST. I submit the inquiry.

The VICE-PRESIDENT. The Chair thinks that such a motion would not be in order, and that a single objection carries the bill over.

Mr. MANDERSON. I call attention to Rule XIV, which is very explicit on the subject.

Mr. VEST. I was under the impression that that was the rule——

The VICE-PRESIDENT. The Chair has no doubt that it is the correct ruling.

Mr. VEST. But I desired to make the motion if possible.

FREE IRON ORE.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 7969) to place upon the free list all ores of iron.

Mr. MANDERSON. I ask for the reading of the bill in full.

The Secretary read the bill the first time at length, as follows:

Be it enacted, etc., That from and after the passage of this act the following articles, when imported into the United States, shall be admitted free of import duties:

Iron ore, including manganiferous iron ore, also the dross or residuum from burnt pyrites, and sulphur ore, as pyrites or sulphuret of iron in its natural state.

Mr. MANDERSON. I object to the second reading of the bill.

The VICE-PRESIDENT. The bill will go over.

FREE BARBED FENCING WIRE, ETC.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 7970) to place upon the free list barbed fencing wire, and wire rods for the manufacture of the same.

Mr. MANDERSON. I ask that the bill may be read at length.

The Secretary read the bill the first time at length, as follows:

Be it enacted, etc., That from and after the passage of this act, the following articles, when imported into the United States, shall be admitted free of import duties:

BARBED FENCING WIRE.

Wire rods of iron or steel when imported for the manufacture of barbed-wire fencing under such rules and regulations as the Secretary of the Treasury may prescribe.

Mr. MANDERSON. I object to the second reading of the bill.

The VICE-PRESIDENT. The bill will go over.

FREE SUGAR, MOLASSES, ETC.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 7971) to exempt from duty sugar, molasses, etc.

Mr. MANDERSON. I ask that the bill may be read at length.

The Secretary read the bill the first time at length, as follows:

Be it enacted, etc., That from and after the passage of this act the following articles, when imported into the United States, shall be admitted free of all import duties: All sugars; all tank bottoms; all sugar drainings and sugar sweepings, sirups of cane juice, melada, concentrated melada, and concrete and concentrated molasses, and molasses.

Mr. MANDERSON. I object to the second reading of the bill.

Mr. HILL. If it is in order, I desire to give notice of some amendments to those bills, which I now ask to have printed, and I ask to have one of them read. By reading one, it will be discovered what the other amendments are.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read the amendment intended to be proposed by Mr. HILL to the bill (H. R. 7969) to place upon the free list all ores of iron, which was to add at the end of the bill:

All provisions of law in existence at the time of the passage of this act providing for the taxation of incomes are hereby repealed.

RECENT ELECTION IN ALABAMA.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from New Hampshire [Mr. CHANDLER], coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. CHANDLER on the 11th instant, as follows:

Resolved, That the Committee on Privileges and Elections be directed to inquire into the facts of the election held in the State of Alabama on the 6th of the present month of August, and to ascertain and report whether such election was full, fair, free, and honest, and resulted in the choice of a Legislature entitled to elect a United States Senator, and that said committee as a whole or by a subcommittee shall have power to send for persons and papers and sit during the approaching recess of Congress.

Mr. PUGH. Mr. President, I received a telegram from my colleague [Mr. MORGAN] on last Saturday, informing me that he would be in the Senate on yesterday. I have heard nothing from him since that time, and I ask that that resolution go over, believing that he will certainly reach the city to-day, or that I shall be informed of his inability to get here.

Mr. CHANDLER. I have no objection to the resolution going over until to-morrow, retaining its place as a part of the morning business.

The VICE-PRESIDENT. In the absence of objection, the resolution of the Senator from New Hampshire will go over, retaining its place.

DOMINION COAL COMPANY, OF NOVA SCOTIA.

Mr. CHANDLER. I ask unanimous consent for the present consideration of Order of Business 622, being a resolution that the special committee appointed to investigate the charges of bribery against certain Senators be instructed to inquire into the facts connected with the organization and history of the Dominion Coal Company, Limited, of Nova Scotia.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent for the present consideration of the resolution indicated. Is there objection?

Mr. GRAY and Mr. BERRY. I object.

The VICE-PRESIDENT. There is objection.

LEGAL REPRESENTATIVES OF JOHN WIGHTMAN, DECEASED.

Mr. QUAY. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 886) for the relief of the legal representatives of John Wightman, deceased.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment reported by the Committee on Post-Offices and Post-Roads, to strike out all after the enacting clause and insert a substitute.

The VICE-PRESIDENT. The substitute has been previously read.

Mr. HARRIS. The bill seems to be voluminous, and I should like to have a statement as to its purport before I consent to its further consideration. What does the claim amount to, and what is it based upon?

Mr. QUAY. The bill proposes to make an appropriation of $6,888 to the heirs of a former mail contractor. The matter is in charge of the Senator from Virginia [Mr. HUNTON], who will explain the details of the measure.

Mr. HARRIS. Has the Committee on Post-Offices and Post-Roads favorably reported the bill?

Mr. HUNTON. Yes, sir.

Mr. HARRIS. Unanimously?

Mr. HUNTON. I will explain the matter.

Mr. HARRIS. I do not care for a lengthy explanation.

Mr. VILAS. Will the Senator from Virginia permit me to say a word right there.

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Wisconsin?

Mr. HUNTON. No, sir; I will make a statement, and then the Senator from Wisconsin can follow.

In response to the inquiry made by the Senator from Tennessee, I beg to state that the bill was reported unanimously from the Committee on Post-Offices and Post-Roads in the absence of the Senator from Wisconsin [Mr. VILAS], who is now the chairman of that committee. At that time the committee was presided over by our late distinguished friend from Georgia, Mr. Colquitt. When the bill came up in the Senate the Senator from Wisconsin, who had then become chairman of the committee, moved its reference back to the Committee on Post-Offices and Post-Roads.

The bill was considered by the committee a second time and was reported back to the Senate favorably, I believe, with only

one dissenting vote. The question now comes before the Senate as to whether it will pass the bill thus twice reported from the Committee on Post-Offices and Post Roads. While I am on the floor I may as well explain to some extent the provisions of the bill.

It appears that Mr. Wightman was a post-office contractor for carrying the mails from Pittsburg to Erie, in the State of Pennsylvania. He carried the mails six times a week for the sum of $9,000 per annum. An appropriation for a daily mail was not made in the appropriation act of 1859, and the service was reduced from six times a week to three times a week.

There was great distress along the line of the route; it was a thickly settled country and very much in need of mail facilities, and a petition as long as the moral law was sent to the Postmaster-General asking him to restore the daily mail service. Thereupon the Postmaster-General and Mr. Wightman had an interview, and the Postmaster-General said: "Mr. Wightman, if you will carry the mails over this route six times a week I will recognize you as the contractor for carrying the mail six times a week and will recommend that the Congress of the United States shall pay you in the next appropriation bill the old sum of $9,000." This arrangement was entered into between the Postmaster-General and Wightman, and the latter did carry the mail between those two points six times a week for one year. He received therefor in money $4,500, leaving still due him the sum of $4,500.

At the next meeting of Congress, when the appropriation had to be made or refused, the Postmaster-General made an urgent request that Mr. Wightman should be paid his $4,500. Mr. Buchanan, who was then President of the United States, in the conclusion of his message in regard to this contract and others of a similar character, says:

> For these reasons I recommend the passing of a bill, at as early a day as may be practicable, to provide for the payment of the amount with interest.

That was not done, sir. Mr. Wightman first, and then his representatives afterwards, appeared before every succeeding Congress and asked the payment of this sum. Finally, in a recent Congress, a bill was passed referring the case to the Court of Claims. The Court of Claims reported back as a matter of fact and as its judgment on the law of the case that Mr. Wightman was entitled to the principal sum, leaving out the interest, because the court was not allowed by the law under which it was acting to pay interest on claims.

From the time of the payment of the principal, Mr. Wightman's representatives have had a claim before both Houses of Congress to pay the interest on that sum of money from the time the money became due until the principal was paid under the judgment of the Court of Claims. That is the provision of the pending bill. It is to pay the interest on the principal, $4,500, that principal having been paid. The interest amounts to the sum mentioned in the bill, $6,888.75.

Mr. COCKRELL. What was the amount of the principal?

Mr. HUNTON. The principal was $9,000 originally, and the principal sum paid under the judgment of the Court of Claims was $4,500 or thereabouts.

When this matter was up before there was something said about the Government not paying interest on what it owes. I, for one, do not sympathize with any such view. I know, Mr. President, that if you owe a debt the law makes you pay interest on it from the time it falls due, and if the law did not compel you to do it your own sense of propriety would. I can not draw a distinction between the morality and binding force of the law as applied to an individual and their application to a government. It was said heretofore by my friends, the Senator from Missouri [Mr. COCKRELL] and the Senator from Tennessee [Mr. HARRIS], I believe, that the Government never paid interest on such claims.

With great respect to those two Senators, I beg leave to take issue with them. I have before me a document published under the authority of Congress, and I call the attention of the Senate to a large list of claims where the Government has paid interest. I read from House Report No. 40, Forty-fourth Congress, first session, with respect to the claim of the Choctaw Nation. In this document are cited fifty-three acts of Congress in which interest has been allowed upon claims when paid. There is one very notable case to which I desire to call the attention of the Senate. There will be found on page 51 of this document an act approved July 29, 1854, directing the Secretary of the Treasury to pay John C. Fremont $183,825, with interest thereon from the 1st day of June, 1851, at the rate of 10 per cent per annum in full of his account for beef delivered to Commissioner Barbour for the use of the Indians in California.

I might go through the whole list of fifty-three claims cited in the document, where acts have been passed paying interest on claims, but the time of the Senate is too precious to do so. But here is the claim of John C. Fremont for beef delivered to Indians, and I ask the Senate whether a claim for furnishing beef is any more sacred than a claim for labor actually performed in carrying the mails along the route from Pittsburg to Erie, in the State of Pennsylvania?

More than that, the Senate will find upon examination of this document and of the claims, fifty-three in number where interest has been allowed, that there is no claim among them which could appeal to both Houses of Congress for interest to the same extent that the claim of Wightman does. It was recommended by Mr. Holt, the Postmaster-General who made the contract; it was recommended by Mr. Buchanan, who was then President of the United States, and it has been recommended repeatedly since by Postmasters-General and Presidents.

I beg leave to state one more fact. Mr. Wightman in carrying out the understanding between him and the Postmaster-General paid out $1,500 in cash in order to execute the contract. So he lost the interest on the $1,500, and it is but fair that the Government should pay him interest upon what the Government owed him at the time the contract was completed.

Mr. COCKRELL. Is there a written report in the case? I understand the Senator from Wisconsin (Mr. VILAS) has made a minority report.

Mr. VILAS. I think perhaps the views of the minority will state just what is the nature of the bill as well as anything can.

The VICE-PRESIDENT. The views of the minority will be read.

The Secretary read the views of the minority accompanying the report, as follows:

> The undersigned, a minority of the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 886) for the relief of the legal representatives of John Wightman, deceased, is unable to agree to a favorable report on the bill, and submits, as briefly as possible, his reasons for dissent.
>
> This is a claim for interest, pure and simple, upon a sum of money which was claimed by the deceased as due him under a contract for carrying the mail during the year ending June 30, 1860, and which was finally paid in pursuance of an act of Congress approved August 4, 1886. The amount found due and paid under that act was $4,125. The amount of interest now claimed, computed from the time when the service was performed until the payment of that judgment, is $6,888.75. Nothing else is now claimed, the debt—if it ever was a debt—having been fully discharged.
>
> Interest is never claimable except by virtue of express contract or express law. It is unnecessary to say that no law exists for the payment of interest to creditors of the United States, except in the case of its bonded debt, upon which interest was expressly provided to be paid.
>
> In this case there was no contract for the payment of interest. More than that, there was no contract for the payment of the principal. That was paid entirely by virtue of the special act above referred to, under the authority of which alone the Court of Claims had the right to render a judgment against the United States.
>
> The case presented, then, is simply an appeal to Congress to bestow interest as a favor or gratuity, upon the theory of some special equity.
>
> The case was, briefly stated, that the deceased had a contract to carry the mails six times a week, which the Postmaster-General, in pursuance of the contract itself, and because of a failure of appropriation, reduced to three times a week; and the contractor carried the mail six times a week upon the expectation that Congress would authorize his payment; which was effected twenty-six years afterwards. It is impossible to distinguish any just reason why such a claim should have interest awarded to the claimant when none is allowed to a creditor with a legal debt, payment of which has been deferred for years.
>
> The deceased voluntarily put himself in the attitude of a claimant instead of a creditor; and, although his claim was eventually allowed, his equity is not so great as that of a creditor would have been.
>
> It can require no discussion to show that if this claim for interest is to be allowed it ought to take the form of a general bill to allow interest to all creditors who have hitherto suffered delay in the payment of their demands against the United States.
>
> WM. F. VILAS.

Mr. VILAS. Mr. President, I have no possible interest in opposing this claim. I merely desire to call the attention of the Senate plainly to its nature. It is simply a bill to pay over $6,000 interest upon a claim amounting to about $4,000, which Congress passed an act to grant several years ago. The theory of the claim is that the deceased, Mr. Wightman, was a mail contractor in 1859 and 1860, just before the war broke out, and the Department, because of the lack of appropriations, and exercising the authority which the contract preserves in every case to the Postmaster-General, and which the law requires him to exercise, reduced the number of trips from six times a week to three times a week.

The contractor, however, at the solicitation of people interested, continued to carry the mail the full number, six times a week, and thus he had a claim against the United States for compensation for carrying the mail the additional three times a week. He had received, of course, one month's pay upon notice of discontinuance of the extra service, for the law requires and authorizes the Postmaster-General to pay one month's service in such case.

Some years afterwards, in 1886, Congress finally passed an act appropriating the amount of the balance due for the service of the additional three times a week; and this is a bill simply to pay interest upon the amount so appropriated from the time when the mail service was rendered to the date when the act was passed.

Of course, as I state in the views of the minority, Mr. Wightman voluntarily put himself in the position of a claimant. He was not a creditor of the United States; Congress made him a creditor. This bill would prefer him to every other creditor, except those who hold the bonds of the United States, and it would necessarily make every creditor entitled to interest on every deferred debt unless there is reason for a discrimination between one and another of the Government's creditors.

I have felt it my duty to make a plain statement of what the bill is, the entire committee disagreeing with me, I am bound to say. If the Senate thinks we will, in response to repeated solicitation, establish the precedent of passing a bill to pay interest upon a claim some years after we have allowed the claim, I make this statement plainly in order that the Senate may be possessed of the facts, and without a particle of care otherwise as to what is done with the bill.

Mr. COCKRELL. I should like to ask the Senator from Wisconsin one question in explanation. What was the language of the act of Congress authorizing the payment of the $4,000?

Mr. VILAS. I think it referred the case to the Court of Claims. I am not quite sure for the moment.

Mr. HUNTON. That is exactly right.

Mr. VILAS. The Senator from Virginia says I am right. It referred the case to the Court of Claims, and authorized the Court of Claims to allow the amount if the court found the facts to be as stated.

Mr. HUNTON. I think the Senator is wrong there. There was a reference of the case to the Court of Claims without saying anything about what the Court of Claims should allow. The Court of Claims considered the case and allowed the principal, but was not authorized under the law which gave jurisdiction in such cases to give anything but the principal. That is the fact.

Mr. VILAS. If the Senator from Virginia will allow me, he will see that I was correct in my remembrance of the act. The act says:

That the claim of the legal representatives of John Wightman, deceased, for and on account of the mail service rendered by said John Wightman, deceased * * * be, and the same is hereby, referred to the Court of Claims, and the said court is authorized and required to take jurisdiction of the same; and if, upon the evidence in the case, it shall appear to the satisfaction of the said court that the said service was performed—

Omitting the details—

and the same, or any part thereof, has not been paid for, then and in that case the said court shall render judgment in favor of claimants for the said service so rendered and not paid for at the rate of compensation provided for in said contract.

Mr. HUNTON. The Senator from Wisconsin reads from the record——

Mr. VILAS. I read from the act itself.

Mr. HUNTON. The Senator reads from the act itself to show that I am wrong and the act which he reads very clearly shows to my mind that he is wrong and I am right. As I stated before, according to the language of the act referring this case to the Court of Claims, it was a reference to that court to determine what should be done in the way of compensation to Wightman if he had rendered the service, and the Court of Claims was limited to the principal amount due; it could not give the interest.

There was one point omitted by the Senator from Wisconsin in his statement of the facts of the case to which I desire to call his attention and that of the Senate. He states the facts with entire accuracy except that he omits one, and it is the important fact in the case, because I believe that the question of the right of this party to the interest on the sum that was due him hinges upon the fact that I am about to relate.

When this mail service was reduced from six times a week to three times a week there was complaint all along the line of the route from Erie to Pittsburg. The parties went before the Postmaster-General, and the Postmaster-General said: "I am powerless to give you a daily mail, but if the contractor will agree to carry out his former contract, I will legalize it as far as I can by directing the postmasters along the line of the route to open the post-office and receive the mail and deliver it out to those to whom the mail is addressed." Under that arrangement between Wightman and the Postmaster-General, Wightman undertook to carry and did carry the mail six times a week, performing the service thus legalized by the Postmaster-General, under a promise from the Postmaster-General that "as far as in me lies, I will see that you are paid for it when Congress meets."

If it was not an express contract between Mr. Wightman and the Postmaster-General it was such a strong implied contract as between individuals always carries interest to the party recovering upon an implied contract.

If I am right in this statement of the fact in the case, there can not be any doubt about the equity of Wightman's representatives to interest upon the sum that was due him from the time the original sum became due until the principal was paid a few years ago. Upon this point I desire to call the attention of the Senate to a joint resolution that was passed in the very beginning of the Government. I believe it is maintained that it is not in force now, but I will show what the Government thought was right. It was passed on the 3d of June, 1784, and reads as follows:

That an interest of 6 per cent per annum shall be allowed to all creditors of the United States for supplies furnished or services done from the time that the payment became due.

I hold that that joint resolution of Congress of 1784 expresses nothing more than the law of the case, which ought to bind the Government if the Government was subject to be bound by law. We know that if this condition of affairs existed between two individuals, and it was recognized as the Government has recognized in this case, that the principal sum was fairly due to Wightman, then as a necessary appendage to that fact would follow the payment of interest on the claim. I think that Mr. Wightman is as much entitled to the interest on this money as he was to the principal.

I beg to say, in the language of the Senator from Wisconsin, that I have no particle of interest in the case, any more than he has. I never heard of John Wightman or his legal representatives until the case was put into my hands as a member of the Committee on Post-Offices and Post-Roads. I considered the case with a great deal of care, and I could not escape the conclusion that when the Government admitted, as it did by paying the sum, that it owed John Wightman $4,125 from 1860 down to the time when the principal was paid, that admission carries along with it an admission that he is entitled to interest upon that sum also, and especially when carrying the mail six times a week was the cause of an expenditure of $1,500 to a subcontractor to help him carry out this contract or stipulation with the Postmaster-General.

How much more it cost Wightman we can not tell. The mail could not be run every day on a route of that magnitude without a large outlay of money, and he expended money under the implied contract between Holt and himself with the expectation that when the money became due it would be paid to him, and as the money was not paid to him when it became due I hold—I could not hold any other doctrine as an honest man; however, honorable Senators may differ from me—that when the Government failed to pay that money which was justly due him, and which it has admitted to be due him, it owes the interest also.

Mr. MITCHELL of Oregon. Mr. President, this claim has received more than usual consideration at the hands of the Committee on Post-Offices and Post-Roads. The bill, it will be remembered, was reported heretofore from that committee unanimously and considered for a time by the Senate, and it was recommitted at the instance of the friends of the measure to the Committee on Post-Offices and Post-Roads for further consideration. It was carefully reconsidered, and the result is that the committee, with the single exception of one member, united in reporting back the bill favorably, as stated by the Senator from Virginia, who was instructed by the committee to report the bill. It is true the chairman of the committee dissents; and he has given his reasons for the position he takes.

This is an exceptional case, and even if it were not exceptional, it will not do to say that the passage of the bill is to establish a precedent that the Government of the United States will pay interest on a claim. Such ground can not be taken from the fact that I hold in my hand a list of fifty-three acts of Congress heretofore passed by which interest was allowed. The first act was passed the 14th of January, 1793, and the last not a great while ago. Such an act was passed May 31, 1794, and July 23, 1795, and January 23, 1798; another in 1802, one in 1804, two in 1807, two in 1810, two in 1812, three in 1813, two in 1814, one in 1815, two in 1816, one in 1818, two in 1820, one in 1822, two in 1823, two in 1824, two in 1826, one in 1827, one in 1828, one in 1830, five in 1832, two in 1834, four in 1836, one in 1838, one in 1842, one in 1846, one in 1859, one in 1847, one in 1852, another in 1854, and two in 1870.

Every one of these fifty-three cases was an act where interest was paid on claims against the Government of the United States. So it will not do to say that we are inaugurating a new principle here, or that we propose to establish a rule for which there is no precedent.

It has not been the custom, I admit, to pay interest generally on claims, although to tell the truth, so far as I am concerned I could never see any very good reason why if the Government owes an honest debt to one of its citizens and fails to pay it when it is due, it should not pay interest, just the same as an individual is expected to pay interest in law and in morals.

But this is an exceptional case as stated fully by the Senator from Virginia, and I shall not detain the Senate by going into its history further. It is enough to know that this committee, Democrats and Republicans, after a second investigation of the case, have come to the conclusion that this is an honest claim and one that the United States ought to pay. I

may refer to one fact. Under Mr. Buchanan's Administration, when Mr. Holt, recently deceased, was Postmaster-General, this claim by name was referred to in the Postmaster-General's report and in the message of the President of the United States, and it was there stated that it was a claim, principal and interest, that would not be withheld on the part of the Government without dishonor to the Government.

Mr. HIGGINS. If the Senator from Oregon will allow me, I should like to ask him a question.

Mr. MITCHELL of Oregon. Certainly.

Mr. HIGGINS. Are there precedents for the payment of interest?

Mr. MITCHELL of Oregon. There are fifty-three, to which I have just called attention, giving the date of the acts.

Mr. HIGGINS. It is an old policy of the Government?

Mr. MITCHELL of Oregon. The general policy of the Government is the other way, I presume, although as I have said there are fifty-three acts of Congress on the statute book to-day, placed there since the formation of the Government, where interest pure and simple has been paid. There have been exceptional cases.

Mr. HIGGINS. On what ground has this exception been placed?

Mr. MITCHELL of Oregon. On that which has been stated fully by the Senator from Virginia who made the report, and who is more able to give the details than I am.

Mr. HIGGINS. Then the Senator himself can not state it. I am sorry.

Mr. MITCHELL of Oregon. I can state it. The appropriation failed on an important mail route in the State of Pennsylvania, where it seemed to be absolutely necessary to continue the mails. The President of the United States and the Postmaster-General said to this man, "There is no appropriation; we can not pay you, but if you will go on and go to the expense of putting on stock and supplying the people on the route with the mails, taking your chances, we will see that you are paid at the end of the time." The contractor did so. He went to great expense, as the report shows, in putting on stock, and he carried the mails and performed his contract. Then the Government failed to pay him. It failed to pay him the old contract price until some twenty or thirty years afterwards.

Now, we say he is entitled to interest on the amount of that claim from the time he ought to have been paid until the time when he was paid, whether it amounts to $1 or whether it amounts to $500,000. It is a matter of honor on the part of the Government; it is a matter of justice to the claimant; it is a matter of right between the individual parties; and it is a matter of right between the Government and one of its citizens, the contractor. That is the view we of the committee with one exception take of this case. I do not wish to detain the Senate any longer. I submit the question to the Senate.

Mr. COCKRELL. Mr. President, there is some mystification in regard to this case, and I beg to say that with this report before me I can not agree to the statement of facts made by the Senator from Oregon. Here are the facts as found by the Court of Claims and that finding divests this case of a great deal of the sentimentality of obligation on the part of the Postmaster-General which has been woven into it by the Senator from Virginia and the Senator from Oregon. What are the facts?

5. On the 23th of June, 1859, the Postmaster-General—

This is the finding of facts by the Court of Claims—

the Postmaster-General, by reason of failure by Congress to make necessary appropriations, reduced the service to three times per week and correspondingly reduced the compensation, to wit, to the sum of $4,500 per annum.

That was perfectly legal. It was in accordance with the expressed will of Congress in refusing to appropriate the money to carry the mails six times a week. Now, let us go further.

6. Shortly after the order of curtailment to three times a week, owing to appeals made to the Postmaster-General by citizens along the route interested in the mails for revocation of the order of reduction, the Postmaster-General—

Did what?

the Postmaster-General indicated to the agents sent by these citizens to the Postmaster-General—

Not to the contractor. The contractor was not present. There was no promise, direct or indirect, on the part of the Postmaster-General, but—

the Postmaster-General indicated to the agents sent by these citizens to the Postmaster-General that if the contractor, John Wightman, would carry the mails six times per week, and trust to the justice of Congress for future appropriations to pay for the restored service, he would—

Do what?

he would cause the postmasters along the route to deliver the mails to him six times a week.

There is the only kind of contract that was in any manner made. It was an indication by the Postmaster-General to citizens who wanted service six times a week instead of three times a week that if the contractor went on and performed the service and trusted to Congress for payment he would cause the postmasters to deliver the mails to him six times instead of only three times as he was required to do under the law.

7. On the faith of such assurances from the Postmaster-General, Wightman did carry the mails six times a week each way from on or about the 1st day of July, 1859, to and including the 30th day of June, 1860, the mails during that time having, under the orders of the Post-Office Department, been delivered to him six times a week each way.

8. The said contractor, John Wightman, was paid for carrying the mail three times a week each way during all said year ending June 30, 1860, and was also paid, on or about the 9th day of May, 1860, the sum of $375, one month's extra pay, and no more.

9. The amount at the contract rate, for the service of carrying the mails three times a week from and including the 1st day of July, 1859, to and including June 30, 1860, is $4,125, after deducting the credit of $375 for one month's service.

CONCLUSION OF LAW.

On the foregoing finding of facts the court decides as a conclusion of law: The claimant is entitled to recover $4,125 for the additional service of carrying the mails set forth in the findings.

That amount was paid and the question is whether interest shall be paid upon it? I know there are precedents for paying interest, isolated examples, the facts of which we have not before us. We know that constantly in the Departments where an appropriation has failed or has not been made up to the amount, employés of the Government are told, "You can go on and do the work; we will accept of it, if you will trust to Congress for the appropriation." It may be that the appropriation is made at the next session or it may not be made for years. That is the case all through the service.

Mr. President, there are a hundred such cases as this, and probably a thousand. If we establish it as a matter of law that we are to pay interest upon mail contracts, where will it end? I sympathize with the claimant in this case. It was probably an extraordinarily great hardship to him; but where is it to end? Are we to say that the Government is liable for the payment of interest upon all contracts? Here are claims for supplies taken by a competent authority during the war. We paid for the supplies in 1880 and in 1890. Those supplies were furnished; they were worth a certain amount of money; the Government got them on that day; and are we to say that we shall go back and pay interest from the time the Government received the benefit of the supplies up to the time when the principal was paid?

Mr. President, this would be a dangerous precedent; and while this is an extraordinarily hard case, and I sympathize with those who claim the money, I can not in justice to the taxpayers of this country favor such a precedent.

Mr. SHERMAN. Mr. President, I know nothing about this case except what has been stated to-day before the Senate. It is perfectly clear to me that the payment of a claim like this would not only be a very bad precedent, but it would involve perhaps the payment of millions of money. In 1859 and 1860 we were passing through a period of great financial stringency, and throughout the country the postal routes were limited and the cost of the service in every respect was reduced to the lowest possible sum. This gentleman who had the contract in Pennsylvania suffered only the same inconvenience that probably thousands of other contractors did. A general reduction of the amount of service on all the postal routes of the United States occurred in those two years, and every one of those claimants, whether living or represented by heirs, would have a stronger right to claim money from the Government of the United States than this claimant.

This claimant had no contract with anybody authorized to make a contract to pay for any more service than three times a week. The Postmaster-General performed his bounden duty to keep within the limits of the expenditure appropriated by law. He had no right to make a contract for any more service than was authorized by Congress. The service was limited by the appropriation. The same rule of reduction of service was applied all over the United States. I happen to know that at that time it was applied in Ohio, and I have known of contractors who, for the convenience of the people, went on and carried passengers and mails six times a week when they were only paid for three times; but there was no pretense of any claim ever made by them.

Mr. HUNTON. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Let me go on a little further. As to the pretended declaration made by the Postmaster-General, it had no more operation in law or in equity than the declaration of any man walking along the road. He had no right to make such a stipulation, nor did he make it, because he never agreed that the money should be paid or that an additional appropriation would be made in the future. He did not promise anything of that kind. He promised nothing except that the mail would be received by the postmasters and delivered to the contractor

every day if he presented himself at the post-offices along the route. Now I will hear the Senator from Virginia.

Mr. HUNTON. I beg to ask the Senator from Ohio, if a party had done service for the Senator by his consent without a contract, and the dealing between him and that individual raised an implied contract on the Senator's part to pay him $5,000, would he as an honest man say, "I will pay you the $5,000 ten years afterwards, but I will not pay the interest"?

Mr. SHERMAN. That is a very fallacious argument. It is an absurdity on the part of my honorable friend, it seems to me. This work was not done for the benefit of the United States of America. The United States of America, through its officers, said they could only afford to pay for service three times in the week, and the work was done for the convenience of the people along the route. If this case is to be tried in a court of honor as being under a contract those people ought to be called upon to pay the money. Clearly the people who were benefited along the route ought to have paid it.

But there is another point, Mr. President, about the payment of interest. It is true there have been fifty or sixty cases during the history of our Government, going back a hundred years, in which we have paid interest, but what were the circumstances as to the particular claim? In more than a million cases we have refused to pay interest. It is the standing rule not to pay interest. No one expects interest in collecting a claim from the Government. The Government of the United States is always presumed to pay when due, and therefore there is no interest to pay; but if we do not pay when bound to pay we only exercise the same power that all governments sometimes exercise in delaying payments on account of public exigency.

It is not wise to depart from the established rule, except in some clear and strong case of a contract made for a stipulated amount and for a stipulated time, which would create an obligation to pay interest. Fifty or a hundred or a thousand such cases might occur where the interest ought to be paid, but if this bill should be passed this claimant would receive a sum of money which we never promised to give him. He has already received a sum of money to the full amount of the principal, obtained, it is true, by badgering Congress year after year, and now he comes in and wants interest. If interest at 6 per cent is allowed, instead of $5,000 interest, we ought to pay him $10,000 interest, because the claim has been in existence for thirty or forty years, and he will come back after awhile and say we have not paid him enough interest.

Private claims against the Government ought to be subjected to the severest test and scrutiny, and the Committee on Claims, the Committee on Post-Offices and Post-Roads, and all branches of the service ought to be careful not to set precedents like this and open the door to unreasonable demands.

For the benefit, therefore, of the people of the United States I make these remarks. I should like to vote in compliment to my friend from Pennsylvania for his bill, but under the circumstances I believe it will be setting a bad precedent, and I think the bill ought to be defeated.

Mr. PLATT. Mr. President, I have not been in the Senate all the while this matter has been under discussion, but I understand this is a claim for interest where the principal claimed to be due has been paid by the Government. That being so, I desire to say a word or two about the importance of adopting a precedent by the payment of interest in this case.

It is only a short time since a bill passed the Senate in quite a similar case, for money claimed to be due a constituent of mine, residing in the State of Connecticut, upon a contract for carrying the mail away back in 1860. The principal only was paid, and I never thought in behalf of my constituent nor did my constituent think of asking for interest in that case. There were some four or five thousand dollars of principal due, which were paid. The case to which I refer is the case of Nancy E. Day, administratrix, and the claim dated back to the 24th of May, 1861, being one month's pay of her husband for carrying the mail upon a contract from New Orleans to Mobile. That has been what Congress has done with regard to all these claims. Congress has not paid interest upon claims just as much entitled to interest as this, I have no doubt, and more. The case of Nancy E. Day, I think, was more entitled to the payment of interest than the one now under consideration, because that was upon a contract, the amount being due for the carrying of the mail one month prior to the time, or at the time when the South set up the so-called Confederate government.

The question of the payment of interest is a very large question, Mr. President. It may be that the Government ought to pay interest in all cases where it withholds money, but the fact is that it has not done so, and that, whether the rule be founded in equity and good morals or not, the rule is the other way. It is only when some person comes and by persistence in pressing a particular claim induces Congress to pay interest that any exception has been made to the rule. So, as the Senator from Ohio says, there are a few cases in which Congress has allowed interest; but in the innumerable cases where claims have not been paid and the parties have had to come to Congress for payment, no interest has been allowed.

Take the case of claims which are set up by the Indians against the Government, which come to my knowledge by reason of my service on the Committee of Indian Affairs. I believe I am not mistaken in saying that if the rule of paying interest upon such claims as this is to be adopted and settled as the rule of Congress, there are from five to ten million dollars due to the Indians for interest upon their transactions with the Government which should be paid. I merely speak of this to show how large a question this is. I have in my mind as a member of the Committee on Indian Affairs, not yet reported upon—and, of course, I do not know what report will be made—a bill proposing to pay $590,000 of interest, the principal having been paid, which was only $240,000.

In sending a case to the Court of Claims last year the Committee on Indian Affairs provided that the Court of Claims should not consider the question of interest. That was a case in which the principal sum claimed was about $700,000, dating back to 1838, and the interest would have been about a million and a quarter dollars. At this very session claim after claim has been urged upon the Committee on Indian Affairs and the Committee on Appropriations by parties representing Indians, asking for the payment of interest in very much larger sums than the principal sum.

If we are to reverse the rule and provide that the Government shall pay interest on all claims where the payment of money is deferred for any reason and under any circumstances, then let us do it by general act. A general act of that kind would not get five votes in the Senate, in my judgment; it would get scarcely any votes, because the amount which would have to be paid under such a general law would be simply enormous. The rule of the Government having been the other way, I think we should either maintain the rule, or else, if we change the rule, we should change it to make it applicable to all persons.

What reason is there that the party in this case should have the interest paid to him, the principal having been paid, which does not exist in the Day case, which I hold in my hand, where the Government paid $3,000 for one month's service under a contract for carrying the mail? So of innumerable other cases. We must have some rule on the subject which will be just and equal to all claimants. It will not do to say that it is just and equitable that this claimant should have this amount of interest and then not provide for the great number of other claimants. If we are going to change the rule, let us change it as to all and not change it as to one.

Mr. HUNTON. One word, Mr. President, and then I shall submit this case to the Senate, so far as I am concerned.

I admit the general practice of Congress has been to deny interest to claimants, but from the foundation of the Government to this time there have been exceptional cases. The Senator from Oregon [Mr. MITCHELL] and I laid before the Senate fifty-three of those exceptional cases. How many more there are we do not know, and nobody in the Senate Chamber does. All I mean to maintain is that this is an exceptional case, as much so as any one of those alluded to in the list produced by me to the Senate, and we ask the Senate to pay interest because it is an exceptional case.

I beg to state to the Senator from Connecticut and to the Senate th at two different committees of the House of Representatives have reported that this was an exceptional case and that interest ought to be paid; two committees of the Senate have reported to the Senate that this is an exceptional case and that it ought to carry interest; the Postmaster-General has said it is an exceptional case and ought to carry interest; and the President of the United States has said it is an exceptional case and ought to carry interest. Therefore I hope the Senate will concur in their view that this is an exceptional case, which ought to carry interest, and will pass the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. COCKRELL. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GORDON (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. QUAY (when his name was called). I am paired with the

Senator from Alabama [Mr. MORGAN]. Not knowing how he would vote on this question if he were present, I withhold my vote.

Mr. SQUIRE (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL], and I withhold my vote, unless it be necessary to make a quorum.

The roll call was concluded.

Mr. PATTON. I am paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. MILLS. I am paired with the Senator from Maine [Mr. HALE]. If he were present I should vote "yea," and he would vote "nay."

Mr. BATE. I am paired with the Senator from South Dakota [Mr. KYLE], and therefore withhold my vote.

Mr. BERRY. I am paired with the Senator from Colorado [Mr. TELLER]. If he were present I should vote "nay."

Mr. SQUIRE. In order to make a quorum, I vote "nay."

Mr. CULLOM. I have a general pair with the senior Senator from Delaware [Mr. GRAY], but as this is a private bill, I think I am at liberty to vote, notwithstanding the pair, and I vote "nay."

Mr. BATE. In order to make a quorum I shall vote. I desire to say that if the Senator from South Dakota [Mr. KYLE] were here, I believe he would vote "yea." I vote "nay."

Mr. SMITH. I am paired with the junior Senator from Idaho [Mr. DUBOIS], but in order to make a quorum I vote "yea."

The result was announced—yeas 10, nays 36; as follows:

YEAS—10.

Call,	Gallinger,	Mitchell, Oregon	Washburn.
Cameron,	Hunton,	Shoup,	
Dolph,	McMillan,	Smith,	

NAYS—36.

Aldrich,	Davis,	Manderson,	Proctor,
Allison,	Faulkner,	Martin,	Roach,
Bate,	Frye,	Mitchell, Wis.	Sherman,
Blackburn,	George,	Murphy,	Squire,
Blanchard,	Hansbrough,	Pasco,	Stewart,
Camden,	Hawley,	Peffer,	Turpie,
Carey,	Jarvis,	Perkins,	Vest,
Cockrell,	Jones, Ark.	Pettigrew,	Vilas,
Cullom,	Lindsay,	Platt,	White.

NOT VOTING—39.

Allen,	Gibson,	Jones, Nev.	Power,
Berry,	Gordon,	Kyle,	Pugh,
Brice,	Gorman,	Lodge,	Quay,
Butler,	Gray,	McLaurin,	Ransom,
Caffery,	Hale,	McPherson,	Teller,
Chandler,	Harris,	Mills,	Voorhees,
Coke,	Higgins,	Morgan,	Walsh,
Daniel,	Hill,	Morrill,	Wilson,
Dixon,	Hoar,	Palmer,	Wolcott.
Dubois,	Irby,	Patton,	

So the bill was rejected.

EXTENSION OF APPROPRIATIONS.

Mr. COCKRELL. I ask the Chair to lay before the Senate the House joint resolution in regard to the extension of appropriations.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution (H. Res. 217) to continue the provisions of existing laws providing temporarily for the expenditures of the Government.

Mr. COCKRELL. I ask that the joint resolution may be read the second time by its title.

Mr. ALDRICH. After the second reading I shall object to the third reading of the joint resolution to-day.

Mr. COCKRELL. Let the joint resolution be read the second time.

The joint resolution (H. Res. 217) to continue the provisions of existing laws providing temporarily for the expenditures of the Government was read the second time by its title.

Mr. ALDRICH. I object to the third reading of the joint resolution to-day.

The VICE-PRESIDENT. Objection being made, the joint resolution will go over.

BAYOU DES GLAISES AND ATCHAFALAYA RIVER BRIDGE.

Mr. BLANCHARD. I ask unanimous consent for the present consideration of the bill (H. R. 7668) to authorize the St. Louis, Avoyelles and Southwestern Railway Company to bridge Bayou Des Glaises and Atchafalaya River in the State of Louisiana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in section 1, line 7, after the word "Avoyelles," to insert "State of Louisiana;" and in line 9, after the words "Red River," to insert "in said State;" so as to read:

That the St. Louis, Avoyelles and Southwestern Railway Company, its successors or assigns, be, and is hereby, authorized to construct and maintain a railway bridge and approaches thereto over and across Bayou Des Glaises, in the parish of Avoyelles, State of Louisiana, and also a railway bridge and approaches thereto over and across the Atchafalaya River, between Melville and the mouth of Red River, in said State, at such point as may be selected by said railway company for crossing said bayou and river with its railroad line, subject to the approval of the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BOUNTY LAND WARRANTS—REMOVAL OF BAR OF DISLOYALTY.

Mr. GEORGE. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 3130) to repeal in part and to limit section 3480 of the Revised Statutes of the United States.

Mr. PLATT. I suggest that there is no quorum present.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bate,	Gallinger,	Mitchell, Oregon	Shoup,
Berry,	George,	Murphy,	Smith,
Blanchard,	Gray,	Pasco,	Squire,
Camden,	Harris,	Patton,	Turpie,
Cameron,	Hawley,	Peffer,	Vest,
Carey,	Higgins,	Perkins,	Vilas,
Chandler,	Hill,	Platt,	Walsh,
Coke,	Hunton,	Proctor,	Washburn,
Cullom,	Jarvis,	Pugh,	White.
Dolph,	Kyle,	Quay,	
Faulkner,	Lindsay,	Roach,	
Frye,	Martin,	Sherman,	

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum of the Senate is present. Is there objection to the request of the Senator from Mississippi for the present consideration of the bill indicated by him?

Mr. PLATT. I object.

Mr. GEORGE. I move that the Senate proceed to the consideration of the bill, notwithstanding the objection.

Mr. PLATT. On that I ask for the yeas and nays.

Mr. HARRIS. I move that the Senate adjourn.

Mr. GEORGE. I ask for the yeas and nays on the motion to adjourn.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee that the Senate do now adjourn.

The motion was agreed to; and (at 2 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, August 15, 1894, at 12 o'clock m.

SENATE.

WEDNESDAY, *August 15, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following resolution, August 13, 1894:

Resolved, That the order heretofore made requesting a conference with the Senate on the disagreeing votes of the two Houses on H. R. 4864, "An act to reduce taxation, to provide revenue for the Government, and for other purposes," be rescinded; that the conferees heretofore appointed on the part of the House be discharged from further duty in that behalf, and that the House recede from its disagreement to the Senate amendments to said bill and agree to the same.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. MITCHELL of Wisconsin, presented sundry memorials of citizens of Manitowoc, Montfort, and Milwaukee, all in the State of Wisconsin, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. SHERMAN presented a petition of the Chamber of Commerce and Merchants' Exchange, of Cincinnatti, Ohio, praying that an appropriation of $260,000 be made for the construction of a lock and dam in the Cumberland River below the mouth of the Harpeth River, in that State; which was referred to the Committee on Commerce.

Mr. BUTLER presented the petition of Mrs. Jane Dickson Vardell, of Newbern, N. C., establishing her claim for property destroyed by the Federal troops during the civil war and praying to be reimbursed therefor; which was referred to the Committee on Claims.

Mr. CULLOM presented a memorial of sundry citizens of Chicago, Ill., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. FRYE presented a petition of sundry citizens of Maine, praying for the passage of the antioption bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 5363) for the relief of Henry W. Lee, reported it without amendment.

B. D. GREENE.

Mr. PASCO. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 859) for the relief of B. D. Greene, to report it favorably, without amendment, and submit a report thereon.

Mr. HALE. I should like to have the bill taken up and put on its passage.

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is directed to pay, out of any money in the Treasury not otherwise appropriated, to B. D. Greene, bondsman of George E. Ward, who shall file the proper vouchers for money advanced or labor and materials furnished in and about the work of improvement on the Rappahannock River during the year 1889, the sum of $1,916.97, being the amount due George E. Ward by the Government, which said sum shall be paid to the said B. D. Greene.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HARRIS. I shall not object to the consideration of this bill, but I give notice now that until the routine business of the morning hour is concluded I shall object to the consideration of any other measure.

Mr. GEORGE. I hope the Senator from Tennessee will allow me to get in one bill that I have been trying for a week to have passed.

Mr. HARRIS. As soon as the routine business is over I think every Senator will have an opportunity to call up bills for consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PASCO. I am directed by the Committee on Claims, to whom was referred the bill (S. 2231) for the relief of B. D. Greene, the bill having the same purpose in view as the bill just passed, to report it adversely. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. MITCHELL. I am directed by the Committee on Claims, to whom was referred the bill (S. 1066) to authorize the Third Auditor of the Treasury to audit certain quartermaster's vouchers belonging to John Finn, of St. Louis, Mo., to report it favorably with amendments.

The bill is intended to correct a technical mistake in a bill passed in the last Congress, and I ask unanimous consent to place it on its passage.

Mr. HARRIS. What is the request?

Mr. MITCHELL of Oregon. The bill is intended to correct an error in an act passed in the last Congress, and I hope I may be allowed to have it considered at the present time.

Mr. HARRIS. I have given notice that until the routine morning business is disposed of I shall object to the consideration of any bill.

Mr. MITCHELL of Oregon. By unanimous consent I will withdraw the report for the present.

The VICE-PRESIDENT. The report will be withdrawn, if there be no objection.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (S. 118) for the relief of Peter Grant Stewart, of Oregon, reported it without amendment.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 898) granting a pension to Jesse Davenport, of Company A, Second Regiment Oregon Mounted Volunteers, in Oregon Indian wars of 1855 and 1856, reported it without amendment, and submitted a report thereon.

Mr. GORMAN, from the Committee on Printing, reported a bill (S. 2312) to authorize the preparation and publication of a descriptive catalogue and index of Government publications; which was read twice by its title.

Mr. HILL, from the Committee on Immigration, reported a bill (S. 2314) to provide for the exclusion and deportation of alien anarchists.

INVESTIGATION BY INTERSTATE COMMERCE COMMITTEE.

Mr. BUTLER, from the Committee on Interstate Commerce, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interstate Commerce be, and is hereby authorized and instructed to inquire and report to the Senate whether the Southern Steamship and Railway Association has violated the interstate commerce law in the fixing of its passenger and freight rates differentials for the shipment of freight from the interior to or through its various port points, or otherwise, and whether said rates are not in derogation of the law of competition, intended to be preserved by said interstate-commerce law.

Second. And, if it should find said rates in violation of the interstate-commerce law, said committee is hereby further instructed to report in what respect said rates violate said law, and suggest a remedy for a correction of the same.

That said committee have leave to sit during the recess of the Senate at such points as may be most convenient for a full and complete investigation of the matters embraced in the foregoing, and shall have authority to send for persons and papers, administer oaths, and examine witnesses and employ a stenographer; and the necessary expenses incurred by said committee in the conduct of the investigation shall be paid out of the contingent fund of the Senate.

INVESTIGATION BY THE COMMITTEE ON PATENTS.

Mr. JONES of Arkansas, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution submitted by Mr. CALL on the 10th instant, reported adversely thereon:

Resolved, That the Committee on Patents have authority to sit during the recess of Congress and continue their session during said recess for the investigation of the proposed change of the patent laws, to send for persons and papers and take such evidence as they may think proper and necessary, and visit such places as they may think advantageous for gathering information upon the subject and report the same to Congress at the next session, and also authority to employ a stenographer and the necessary clerical assistance, to be paid out of the contingent fund of the Senate.

Mr. CALL. Mr. President, I intend to ask leave of absence from the Senate for a few days, and in regard to the resolution which has just been reported adversely, I ask the Senate to take it up for consideration.

The VICE-PRESIDENT. The Senator from Florida asks unanimous consent for the present consideration of the resolution which has just been reported.

Mr. HARRIS. When routine morning business has been concluded I shall certainly interpose no objection to such request; now I do.

The VICE-PRESIDENT. Objection being made, the resolution can not now be considered.

INVESTIGATION BY THE COMMITTEE ON COMMERCE.

Mr. JONES of Arkansas, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. RANSOM on the 10th instant, reported adversely thereon:

Resolved, That the Committee on Commerce be, and they are hereby, authorized and directed to sit during the recess of Congress, and to visit and examine the Pacific coast between Points Duma and Capistrano, with a view to determining the best location for the construction of a deep-water harbor. Said committee is also hereby authorized to visit and examine such other works of river and harbor improvement on the Pacific coast, existing or proposed, as in their judgment the interests of commerce may demand, and shall have power to subpœna witnesses, to administer oaths and take testimony, to employ a stenographer, and to appoint a sergeant-at-arms from the messengers of the Senate; and that the actual necessary expenses of said committee, properly incurred, shall be paid out of the contingent fund of the Senate in the usual manner.

BILL INTRODUCED.

Mr. GORMAN introduced a bill (S. 2313) for the relief of William J. Maddox, administrator of Laura E. Maddox, deceased, sole executrix of Joseph H. Maddox, deceased; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. QUAY submitted an amendment intended to be proposed by him to the bill (H. R. 7971) to exempt from duty sugar, molasses, etc.; which was ordered to lie on the table.

He also submitted an amendment intended to be proposed by him to the bill (H. R. 7969) to place upon the free list all ores of iron; which was ordered to lie on the table.

He also submitted an amendment intended to be proposed by him to the bill (H. R. 7970) to place upon the free list barbed fencing wire and wire rods for the manufacture of the same; which was ordered to lie on the table.

He also submitted an amendment intended to be proposed by him to the bill (H. R. 7968) to place upon the free list bituminous coal, shale, slack, and coke; which was ordered to lie on the table.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (S. 2297) to provide for the restatement, readjustment, settlement, and payment of dues to army officers

in certain cases; which was referred to the Committee on Military Affairs, and ordered to be printed.

COMMITTEE SERVICE.

Mr. GORMAN. By the permission and at the request of the Senator from Virginia [Mr. DANIEL], I ask that he may be excused from further service as a member of the Committee on Claims.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Virginia [Mr. DANIEL] will be excused from further service upon the committee named.

Mr. BRICE was, on his own motion, excused from further service upon the Committee on Public Buildings and Grounds.

Mr. GORMAN. I ask that the junior Senator from North Carolina [Mr. JARVIS] be appointed a member of the Committee on Claims, the Committee on Public Buildings and Grounds, the Select Committee on National Banks, and the Select Committee to Establish the University of the United States; that the Senator from Virginia [Mr. DANIEL] be appointed a member of the Committee on Privileges and Elections; and that the Senator from Kansas [Mr. MARTIN] be appointed a member of the Committee on Pensions.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. MANDERSON. We were unable to hear the request on this side. We have no idea what it is. I ask that it be read at the desk.

The VICE-PRESIDENT. The Secretary will read the request of the Senator from Maryland.

The Secretary read as follows:

That Senator JARVIS be appointed on the Committee on Claims, the Committee on Public Buildings and Grounds, the Select Committee on National Banks, and Select Committee to Establish the University of the United States.

That Senator DANIEL be appointed upon the Committee on Privileges and Elections.

That Senator MARTIN be appointed upon the Committee on Pensions.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland? The Chair hears none, and it is so ordered.

Mr. CHANDLER. I should like to ask the Senator from Maryland whether he is ready to report an appointment to fill the vacancy upon the Committee on Finance?

Mr. GORMAN. I have not made such a request. The request is confined to the committees named.

CONGRESSIONAL LIBRARY BUILDING STATUARY.

Mr. TURPIE. I offer, on behalf of my colleague [Mr. VOORHEES], who is a member of the Committee on Additional Accommodations for the Library of Congress, a resolution which I send to the desk.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

Resolved, That the Committee on Additional Accommodations for the Library of Congress be instructed to inquire what expenditures, if any, are authorized by existing law for works of statuary in connection with the new Library Building, and whether any contracts or expenditures have been made for such works, and that said committee have leave to report at any time on said subject to the Senate.

Mr. TURPIE. I move that the resolution be referred to the Committee on Additional Accommodations for the Library of Congress.

The motion was agreed to.

INTOXICATING LIQUORS IN SENATE WING OF CAPITOL.

Mr. KYLE. I offer a concurrent resolution, which I send to the desk, and ask for its immediate consideration.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

Resolved, That during the recess of Congress no intoxicating liquors shall be sold or used in the Senate wing of the Capitol building; and the Capitol Police Board is hereby authorized and directed to enforce this resolution.

Mr. GORMAN. Under the rule the resolution should go to the Committee on Rules.

The VICE-PRESIDENT. The resolution under the rules will be referred to the Committee on Rules.

Mr. KYLE. I thought the resolution in regular form would lie on the table until to-morrow. I requested in the first place its immediate consideration.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota?

Mr. GORMAN. I object.

The VICE-PRESIDENT. There is objection to the present consideration of the resolution, and it will go over under the rules.

RECENT ELECTION IN ALABAMA.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from New Hampshire [Mr. CHANDLER] coming over from a previous day, in relation to the recent election in Alabama.

Mr. CHANDLER. The senior Senator from Alabama [Mr. MORGAN] has not yet reached the city. I therefore ask that the resolution may go over, as it did yesterday, for another day.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and it is so ordered.

PRINTING OF THE REVENUE BILL.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the order yesterday submitted by Mr. HALE, as follows:

Ordered, That 5,000 copies of bill H. R. 4864 as passed, and to be known as the sugar-trust tariff bill, be printed for the use of the Senate.

Mr. HALE. Let the resolution go to the Calendar.

The VICE-PRESIDENT. It will be so ordered.

FREE COAL, ETC.

Mr. HARRIS. I ask that the revenue bills which came from the House of Representatives on yesterday and had their first reading have their second reading at this time.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the bills.

The bills were respectively read the second time by their titles, as follows:

A bill (H. R. 7968) to place upon the free list bituminous coal, shale, slack, and coke;

A bill (H. R. 7969) to place upon the free list all ores of iron;

A bill (H. R. 7970) to place upon the free list barbed fencing wire, and wire rods for the manufacture of the same; and

A bill (H. R. 7971) to exempt from duty sugar, molasses, etc.

Mr. HARRIS. I deem it my duty to submit to the Senate a communication from the Secretary of the Treasury, received this morning. I send it to the Secretary's desk, in order that it may be read to the Senate.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 15, 1894.

DEAR SIR: Your letter advising me that the House of Representatives had passed and sent to the Senate bills putting sugar, coal, iron ore, and barbed wire on the free list, and requesting "an official statement from you (me) as to the effect that the passage of these bills, or either of them, would have upon the revenues of the Government," is received, and in response I have the honor to say that, according to the most careful estimates that can be made, if no change is made in the proposed revenue legislation which has recently passed through Congress, the total receipts into the Treasury during the current fiscal year will be as follows:

Estimated revenues for fiscal year ending June 30, 1895.

From duties on imports:		
Senate bill, including $43,000,000 on sugar		$179,000,000
From internal taxes:		
Whisky	$95,000,000	
Tobacco	33,000,000	
Fermented liquors	33,000,000	
Income	15,000,000	
Oleomargarine	1,800,000	
Playing cards	1,000,000	
Miscellaneous	200,000	
		179,000,000
From sales of lands and other miscellaneous sources		20,000,000
Total estimated revenue		378,000,000

The estimated receipts for the present year from the proposed tax on incomes and playing cards, and the proposed additional tax of 20 cents per gallon on distilled spirits, are, it will be observed, much less than is stated in the various tabulated statements which have heretofore been used in the discussion of these subjects, but I am satisfied the amounts here given are approximately correct.

The proposed income tax will not become payable, by the terms of the bill recently passed, until "on or before" July 1, 1895, which is the close of the fiscal year; and it is estimated by the Commissioner of Internal Revenue that by reason of the large stock on hand the receipts from the tax on playing cards will not amount to more than $1,000,000 during this year.

The estimated increase of receipts on account of the additional tax on distilled spirits during the present year has already been prevented to a great extent by the withdrawal of large quantities of goods from the bonded warehouses and the payment of the tax thereon at 90 cents per gallon, and this process is still going on.

The total expenditures during the current fiscal year will be as follows:

Civil and miscellaneous, including deficiency in postal revenues	$90,000,000	
War, including rivers and harbors	56,000,000	
Navy, including new vessels and armament	33,000,000	
Indians	10,000,000	
Pensions	143,500,000	
Interest	30,500,000	
Total estimated expenditures		$363,000,000
Estimated surplus for year		15,000,000

The duty on sugar proposed in the recent bill will, according to importations of that article during the fiscal year 1893, yield an annual revenue of $43,478,956, and the duties on the other articles mentioned in your communication would yield, under that bill, about $1,000,000; that is to say, iron ore, $270,920; coal, $436,149; and barbed wire, fencing wire, and wire rods, of iron or steel, when imported for the manufacture of barbed-wire fencing, about $200,000.

It will be seen, therefore, that if sugar alone is placed upon the free list, the expenditures during the present fiscal year will exceed the receipts to the amount of $28,478,956, and if the duties are removed from all the articles

specified in your letter the deficit will be $29,478,058, not including any expenditure on account of the sinking fund, or the payment of $2,363,000 of Pacific Railroad bonds which will mature during this fiscal year.

In view of the existing and prospective requirements of the public service, I am of the opinion that it would not be safe to place all the articles enumerated in your letter, or even sugar alone, upon the free list, without imposing taxation upon other articles or subjects sufficient to raise an annual revenue of about $30,000,000.

I have the honor to be, very respectfully yours,

J. G. CARLISLE, *Secretary.*

Hon. ISHAM G. HARRIS,
Acting Chairman Senate Finance Committee.

NOTE.—The bonds of the Pacific Railroad guaranteed by the Government, to the amount of $2,362,000, mature during the present fiscal year; and this amount is not included in the above estimate of expenditures.

Mr. BERRY. Mr. President, I desire to make a motion, if it is in order, to proceed to the consideration of the bill (H. R. 7971) to exempt from duty sugar, molasses, etc. I move that the Senate proceed to the consideration of that bill, and I hope it will be disposed of one way or another at this time.

Mr. VEST. Mr. President——

Mr. HARRIS. Mr. President, I feel it my duty to say a word, and move to refer these bills to the Committee on Finance, if the Senator from Missouri will allow me. I shall be very brief.

Mr. VEST. As a matter of course I yield to the Senator from Tennessee. I presume his motion will permit debate.

Mr. HARRIS. Yes; the motion which I shall make is debatable.

Mr. VEST. Then I yield to the Senator from Tennessee.

Mr. HARRIS. Mr. President, while I am heartily in favor of free sugar, raw and refined, and certainly have no objection to putting the other articles dealt with by the other bills which are now on the table upon the free list, in view of the communication just received from the Secretary of the Treasury, and the strong probability, if not the absolute certainty, that if these bills shall become laws we shall during the current fiscal year have a deficiency in the Treasury of twenty-nine or thirty million dollars, I feel it my duty to move the reference of each of those bills to the Committee on Finance, in order that that committee may, in dealing with those bills, so deal with them that we may provide against that probable or inevitable deficiency which must occur during the current fiscal year according to the statement submitted by the Secretary of the Treasury. I do not think that Congress can afford to adjourn without such provision as will effectually guard against such deficiency. For that reason, and that reason only, I move that the bills be referred to the Committee on Finance.

Mr. HUNTON. Will the Senator from Tennessee allow me to ask him a question?

Mr. HARRIS. Certainly.

Mr. HUNTON. I desire to know from the Senator whether an abolition of the differential duty on refined sugar would create any deficiency in the Treasury for the next fiscal year? I, for one, am in favor of a duty on sugar, and I am opposed to the differential duty of one-eighth of 1 cent. If it is in the power of the Senator from Tennessee to say that an abrogation of that duty of one-eighth of 1 cent will not create a deficiency, then I desire to separate the two points in that bill, and concur in the House provision as to the differential duty of one-eighth of 1 cent and nonconcur in the bill so far as raw sugar is concerned.

Mr. HARRIS. Mr. President, I do not hesitate to express the opinion that a duty of 40 per cent straight on raw and refined sugars, which would eliminate the one-eighth of 1 cent to which the Senator from Virginia refers, would produce more than $30,000,000, which deficiency the Secretary of the Treasury thinks the Treasury is threatened with by these bills. I am quite as much opposed to the differential duty as is the Senator from Virginia, but my opinion is that the Finance Committee ought to deal with the bills, and so deal with them that we may effectually guard against that dreaded deficiency. More than that, Mr. President, I do not care to say.

Mr. BERRY. Will the Senator from Tennessee permit me to ask him a question?

Mr. HARRIS. Certainly.

Mr. BERRY. This matter has been so thoroughly discussed during several months past and is so thoroughly understood by every Senator on this floor as to what his own views are, that I wish to ask the Senator from Tennessee why we can not proceed now, without sending the bills to the committee? Let us consider the Secretary's letter, and everything connected with the subject, and determine whether we will agree with the bill as it passed the other House, or whether we will let the tax remain on raw sugar and knock off the tax on refined sugar.

Let the Senate determine the matter and not bury it in a committee. The free-sugar bill was passed by the House of Representatives with only 13 dissenting votes. An overwhelming majority of the people of the entire United States are in favor of free sugar, and I believe it is the duty of the Senate to take up the bill now and vote on it and let each Senator record himself, so that the country will know how the Senate of the United States stands on this question.

We have been handicapped here for months; the Senate has been charged with being in favor of the sugar trust; we have been charged with being opposed to free sugar, and my object in moving to consider the bill now is to let the country know how each Senator stands on the bill. Let him record his vote for free sugar or against it. I for one believe that the Senate ought to pass the bill precisely as it came from the other House without the dotting of an "i" or the crossing of a "t"——

Mr. MANDERSON. Mr. President——

Mr. BERRY. And that a provision for free sugar ought to become the law of the land.

Mr. MANDERSON. Will the Senator from Arkansas submit to a question? I am led to ask it because the Senator's statement as to his views shows very conclusively to some of us that the matter has not been debated sufficiently, and the Senator certainly needs more light.

Mr. BERRY. I decline to yield to the Senator from Nebraska.

Mr. MANDERSON. The question I desire to ask is whether—

Mr. BERRY. I have stated that I decline to yield to the Senator.

Mr. MANDERSON. Will the Senator from Arkansas state how he voted on the differential of one-eighth when the tariff bill was before the Senate?

Mr. BERRY. I decline to yield to the Senator from Nebraska.

Mr. MANDERSON. All right, if the Senator from Arkansas does not desire to answer any question I propound to him.

The VICE-PRESIDENT. The Senator from Arkansas is entitled to the floor, and declines to yield.

Mr. BERRY. What I wish to ask the Senator from Tennessee is whether, in case the bill is referred to the Committee on Finance, there will be a report made in time to enable the Senate during the present session to vote upon these questions? I do not want to have the bill buried in the committee. I take it for granted that the Senators on the other side of the Chamber will desire to vote for free sugar, as many of them have done already. I certainly wish to vote for the bill as it came from the other House. It seems to me it is the duty of the Senate to dispose of this question now and not bury it in the Finance Committee, which I understand is equally divided between the two political parties, as it stands at present, or leave it there until we have no quorum or until the next session of Congress. All I desire is that the question shall be determined now in one way or the other, so that each Senator can say whether he is in favor of free sugar or is opposed to it.

Mr. HARRIS. In answer to the question of the Senator from Arkansas I can say, for myself only, that if this bill or these bills are referred to the Finance Committee I shall ask the committee to meet for the purpose of considering them immediately; and, so far as I am personally concerned, I shall insist upon the earliest report consistent with a fair consideration of the bill. If it could be done in three hours, I should gladly have them report the bill back within that time, but I think in dealing with a probable deficiency probably involved in these four bills, the measures ought to be considered by the appropriate committee and the deficiency provided against before the Senate takes definite action on any one of them, and certainly before the Senate takes definite action upon all of them.

As to the committee being equally divided, if, as the committee is to-day constituted, the majority party is not permitted to exercise its will in respect to the time and manner of report, I will promise the Senator from Arkansas that one hour shall not pass until I ask the Chair to fill the vacancy on the Finance Committee, when we will have the power to control the action of the committee.

Mr. VILAS, Mr. BLANCHARD, and Mr. COCKRELL addressed the Chair.

The VICE-PRESIDENT. The Chair had recognized the junior Senator from Missouri [Mr. VEST], who yielded to the Senator from Tennessee [Mr. HARRIS].

Mr. HARRIS. That is true.

The VICE-PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House insisted upon its amendment to the amendment of the Senate numbered 277 to the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, disagreed to by the Senate.

The message also announced that the House had passed the following bills and joint resolutions:

A bill (S. 253) granting a pension to Maria Hall, widow of Joseph E. Doak, deceased;

A bill (S. 1772) extending the time for the completion of a railroad bridge over the Columbia River at or near Vancouver, in the State of Washington;

A bill (S. 1885) to extend the privileges of the transportation of dutiable merchandise without appraisement to the city of Ocala, in the State of Florida;

A bill (S. 2269) providing for reconveyance by District Commissioners of certain lands to Andrew J. Curtis and Mary E. Curtis;

A bill (S. 2303) to authorize the construction of a bridge across the Contentnea Creek, at Grifton, Lenoir County, N. C., and to establish it as a post-road;

A joint resolution (S. R. 68) for the relief of W. D. Mack, a clerk in the Record and Pension Division of the War Department; and

A joint resolution (S. R. 96) to extend the charter of the Maryland and Washington Railway Company.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 2107) granting to the Northern Mississippi Railway Company right of way through certain Indian reservations in Minnesota; and it was thereupon signed by the Vice-President.

DEFICIENCY APPROPRIATION BILL.

Mr. COCKRELL. I submit a conference report on the general dificiency bill. I ask that the report be concurred in, and that the Senate insist upon its amendments numbered 127 and 128, upon which no agreement has been reached by the conference.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7477) "making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 23, 28, 29, 46, 51, 67, 123, 139, 168, 169, 171, and 172.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 25, 26, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, 48, 49, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 63, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 122, 124, 125, 129, 130, 131, 132, 133, 135, 137, 138, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 170, 173, 174, and 175, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the mattter inserted by said amendment insert the following:

"The accounting officers of the Treasury are hereby authorized and directed to examine the accounts of A. G. Studer, late consul at Singapore, and allow him credit for unofficial fees received by him for notarial and unofficial services performed by him during the period of his said consulship at Singapore, from the beginning of same to March 31, 1888, and by mistake paid by him into the Treasury, and to pay the balance, if any, which may be found due thereon."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$6,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "including expenditures for counsel employed, with the approval of the Attorney-General;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Strike out in lines 4 and 5 of said amendment the words "eight hundred dollars," and insert in lieu thereof the following: "$300, in addition to the sum of $500 heretofore appropriated;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"Territory of Arizona: The Attorney-General shall pay out of the appropriation for support of United States prisoners for the fiscal year 1895 such sums as may be found equitably due upon examination to the Territory of Arizona for maintenance of Indian convicts in Territorial prisons heretofore convicted under the provisions of section 9 of the Indian appropriation act, approved March 3, 1885: *Provided*, That hereafter no payment shall be made to any State or Territory for maintenance and keeping in prison of Indian convicts convicted in any State or Territorial court for violation of the provisions of said section 9 of the said act approved March 3, 1885."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: After the matter inserted by said amendment, insert as a separate paragraph, the following:

"For fees and expenses of marshals, United States courts, $250,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "attorney," insert the words "in full satisfaction;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with amendments as follows: In lieu of the sum named in said amendment insert "$400;" and add at the end of said amendment the following: ", and hereafter the preparation of memorial addresses on deceased Senators and Members of the House of Representatives shall be done under the direction of the Joint Committee on Printing without extra expense therefor;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: After the matter inserted by said amendment insert as a separate paragraph the following:

"To pay J. E. Johnson for services as stenographer on special hearings before the Committee on Education and Labor, $37.50."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: On page 51 of the bill, after line 9, insert as a separate paragraph the following:

"To pay the guardian of the only child of M. C. Lisle, late a Representative in Congress from the State of Kentucky, $3,508.60; and on page 52 of the bill, in lines 7 and 8, strike out the following: "In all, $24,777.50," and insert in lieu thereof the following:

"To E. H. Funston, $2,000;

"To H. L. Moore, $2,000; in all $28,777.50."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lines 5 and 6 of said amendment, strike out the words "discharge the expenses justly" and insert in lieu thereof the words "pay the expenses, and for legal services justly or equitably;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$175,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided further*, That any and all judgments included in said documents which the present Attorney-General has already examined and is willing to certify under the provisions of this act, and any and all judgments rendered during his term of office which he shall be willing to certify under the provisions of this act may be certified notwithstanding the order of payment herein specified;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: Strike out lines 27, 28, and 29 of said amendment, and insert in lieu thereof the following: "For horses and other property lost in the military service, except the claims of the Globe Mutual Insurance Company, of St. Louis, Mo., Gilbert Elliott, receiver, and the claim of the Security Insurance Company, of the city of New York, $14,462.14;" and the Senate agree to the same.

The committe of conference have been unable to agree on the amendments of the Senate numbered 127 and 128.

F. M. COCKRELL,
CALVIN S. BRICE,
EUGENE HALE,
Managers on the part of the Senate.

JOSEPH D. SAYERS,
J. G. CANNON,
Managers on the part of the House.

Mr. COCKRELL. The only point in dispute is the proposed appropriation of $1,809,539.70 to pay a judgment in favor of the Southern Pacific Company. The House has refused to agree to that amendment of the Senate. I move that the report be concurred in, and that the Senate further insist upon its amendments numbered 127 and 128.

Mr. DOLPH. I should like to know what has become of the amendment increasing the appropriation for the payment of Indian depredation claims?

Mr. COCKRELL. The amendments that were made by the Senate were substantially agreed to, and the amount as the Senate proposed was reduced somewhat. The appropriation is left substantially as it was.

Mr. DOLPH. Is the appropriation left substantially as the House put it, or as the Senate put it?

Mr. COCKRELL. As the Senate put it, except that there is some reduction. The House conferees would not agree to the full amount that the Senate put in.

Mr. DOLPH. The Senate increased the appropriation from $100,000 to $250,000.

Mr. COCKRELL. I do not remember the exact amount of the reduction which has been made, but there is some reduction.

Mr. SHERMAN. I call for a separate vote on the amendment providing for the payment of the judgment in favor of the Southern Pacific Company. I desire to vote against the amendment. Let the vote be taken upon the general agreement which has been made, and a separate vote on the two amendments which have not been agreed to.

The VICE-PRESIDENT. The question is on concurring in the report.

The report was concurred in.

Mr. COCKRELL. Now, the question is in respect to the amendment to pay the judgment in favor of the Southern Pacific Company.

Mr. SHERMAN. I move that the Senate recede from its amendment numbered 127. I have not had time during the present session to consider the very important question involved in the finding of the Court of Claims. I wish time to examine it. It not only involves the one or two million dollars proposed to be appropriated here, but it will involve also, arising out of this judgment, many other millions. I therefore hope that the Sen-

ate will recede from the amendment with a view to its consideration next session.

Mr. COCKRELL. Before the Senator from Ohio makes that motion, will he allow me to state that this is a judgment already rendered by the court. Subsequent liabilities have been paid, and every month the Government is paying this very company because of such claims. This is a back amount which was suspended.

Mr. MITCHELL of Oregon. Mr. President——

Mr. COCKRELL. Payment was refused; the matter was taken into court; the court rendered a judgment, and there the judgment stands, drawing 5 per cent interest now, I believe, under the law.

Mr. MITCHELL of Oregon. That is what I wished to inquire about. It is 4 per cent, is it not?

Mr. COCKRELL. It is 4 per cent. The judgment draws that rate of interest under the law.

Mr. SHERMAN. As we are borrowing money now, and as our receipts do not equal our expenditures, I think the Senate had better recede from the amendment. We are paying interest, anyway. I think a little more careful consideration should be given to this subject, which involves so much money. It will be only a short time until the next session of Congress.

Mr. COCKRELL. The Senator from Ohio must also remember that this is a nonbond-aided railroad.

Mr. SHERMAN. The fact that the House of Representatives has declined to agree to the amendment is a sufficient justification in itself why we should not press it, at least until a fuller examination is made. If the objection of the House of Representatives is final, if they insist upon it, we might as well recede now as at a later date.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio, that the Senate recede from its amendments numbered 127 and 128.

Mr. DOLPH. On that I ask for the yeas and nays. ["No," "No."]

Mr. GEORGE. Let the amendments be read.

The VICE-PRESIDENT. The yeas and nays are demanded. Is there a second?

Mr. DOLPH. I withdraw the demand for the yeas and nays.

Mr. GEORGE. I ask that the amendments be stated.

The VICE-PRESIDENT. The amendments will be read.

The SECRETARY read as follows:

To Southern Pacific Company, $1,809,539.70; in all, $3,083,785.85.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio, that the Senate recede from its amendments numbered 127 and 128.

The motion was not agreed to.

Mr. SHERMAN. I think I must ask for the yeas and nays. The amendments must be receded from if the other House insists upon its disagreement.

Mr. COCKRELL. The matter will be considered in conference fully in connection with what the Senator from Ohio has said. The vote of the Senate is equivalent to insisting upon the amendments.

Mr. SHERMAN. Very well; I have no objection to letting the matter go back to conference with the statement I have made.

Mr. COCKRELL. I move that the Senate request a further conference with the House of Representatives on the amendments numbered 127 and 128.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. COCKRELL, Mr. BRICE, and Mr. HALE were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. COCKRELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5575) "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11, 112, 127, 128, 133, 134, 270, and 279.

That the House recede from its disagreement to the amendment of the Senate numbered 118; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "That a joint commission, consisting of the select committee of five Senators appointed by the President of the Senate to investigate the Ford Theater disaster, and five members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, shall investigate the Ford Theater disaster and report to the Senate and House whether in equity and justice the Government should compensate the sufferers of that disaster for the injuries sustained by them; and if it shall be decided that they should be compensated, then the commission will investigate each individual case and report the amount of compensation that should be allowed in each case. The commission may employ a clerk who is a stenographer, and who shall do the stenographic work of the commission as clerk; and that the commission shall have power to send for persons and papers, and the chairman of the commission or of any subcommittee may administer oaths. The expenses of said investigation shall be paid out of the contingent fund of the Senate and House of Representatives on vouchers approved by the chairman, and the commission may report by bill or otherwise;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with amendments as follows: Add at the end of said amendment the following: "to be paid out of the appropriation for surveys of public lands made by this act;" and on page 87, in line 14 of the bill, strike out the words "two thousand five hundred dollars" and insert in lieu thereof the words "four thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$45,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 261, and agree to the same with amendments as follows: In lieu of the sum named in said amendment insert "$5,000;" and add at the end of said amendment the following: "The Bureau of American Republics shall be placed under the control and direction of the Secretary of State, who shall report to Congress at its next regular session the propriety of continuing said Bureau, or if any obligation exists upon the part of the United States requiring the continuance thereof;" and the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 277, from which amendment numbered 277 the Senate had receded.

That the House recede from its disagreement to the amendment of the Senate numbered 278, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"COTTON STATES AND INTERNATIONAL EXPOSITION AT ATLANTA, GA.

"SEC. 3. For an exhibit by the Government of the United States of such articles and materials as illustrate the function and administrative faculty of the Government, to be made at the Cotton States and International Exposition to be held at Atlanta, Ga., in the year 1895, and for the employment of proper persons as officers and assistants by the board of management hereinafter created, and for the maintenance of the building hereinafter provided for, and for other contingent expenses incidental to the Government exhibit, to be approved by the chairman of the board of management and by the Secretary of the Treasury upon itemized accounts and vouchers, $150,000, or so much thereof as may be necessary, to be disbursed by the board of management, of which not exceeding $10,000 shall be expended for clerical services. And to secure a complete and harmonious arrangement of said Government exhibit a board of management shall be created, to be charged with the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of such articles and materials as the heads of the Executive Departments, the Smithsonian Institution and National Museum, and the United States Fish Commission may, respectively, decide shall be embraced in said Government exhibit. The President may also designate additional articles for exhibition. Such board shall be composed of one member to be detailed by the head of each Executive Department, one by the head of the Smithsonian Institution and National Museum, and one by the head of the United States Fish Commission, and the President shall name one of said members as chairman.

"But the United States shall not in any manner nor under any circumstances be liable for any of the acts, doings, proceedings, or representations of the said Cotton States and International Exposition, organized under the laws of the State of Georgia, its officers, agents, servants, or employés, or any of them, or for the service, salaries, labor, or wages of said officers, agents, servants, or employés, or any of them, or for any subscriptions to the capital stock, or for any certificates of stock, bonds, mortgages, or obligations of any kind issued by said corporation, or for any debts, liabilities, or expenses incidental to the exposition: *Provided, however*, That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition, upon which there shall be a tariff or customs duty, shall be admitted free of payment of duty, customs fees, or charges, under such regulation as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell for delivery at the close of the exposition any goods or property imported for and actually on exhibition in the exposition building or on its grounds, subject to such regulation for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe; and all such articles when sold or withdrawn for consumption in the United States shall be subject to the duty, if any, imposed upon such article by the revenue laws in force at the date of importation, and all penalties prescribed by law shall be applied and enforced against such articles and against the persons who may be guilty of any illegal sale or withdrawal: *And provided further*, That medals with appropriate devices, emblems, and inscriptions commemorative of said Cotton States and International Exposition, and of the awards to be made to exhibitors thereat, be prepared at some mint of the United States for the board of directors thereof, subject to the provisions of the fifty-second section of the coinage act of 1873, upon the payment of a sum not less than the cost thereof; and all the provisions, whether penal or otherwise, of said coinage act against the counterfeiting or imitating of coins of the United States shall apply to the medals struck and issued under this section.

"For taking down the Government main building erected for the Government exhibit at the World's Columbian Exposition, and its transportation, or so much of the material thereof as may be available, and its rerection upon the site selected for the said Cotton States and International Exposition, including the purchase of such new materials as may be found necessary, $50,000, or so much thereof as may be necessary, to be disbursed by the Secretary of the Treasury: *Provided*, That if it be found impracticable to take down, transport, and rerect said building for the sum herein appropriated, then the Secretary of the Treasury shall cause a new building to be erected upon said site of the Cotton States and International Exposition for the Government exhibit, at a cost not to exceed $50,000, for which purpose the amount herein appropriated is hereby made available: *Provided always*, That the United States shall in no manner and under no circumstances be liable for any bond, debt, contract, expenditure, expense, or liability of any kind whatever of the said Cotton States and International Exposition, its officers, agents, servants, or employés or incident to or growing out of said exposition, nor for any amount whatever in excess of the $150,000 and of the $50,000 herein authorized; and the heads of Executive Departments, the Smithsonian Institution and National Museum, and the United States Fish Commission, and the board of management herein authorized, their officers, agents, servants, or employés, shall in no manner and under no circumstances expend or create any liability of any kind for any sum in excess of the appropriations herein made, or create any deficiency."

And the Senate agree to the same.

That the Senate recede from the amendment of the House to the amendment of the Senate numbered 280, and agree to the same with an amend-

ment as follows: In line 15 of said House amendment strike out the word "and" and insert in lieu thereof the following: "occupied, and not less than 20 acres of each 160-acre tract;" and the Senate agree to the same.

F. M. COCKRELL,
A. P. GORMAN,
W. B. ALLISON,
Managers on the part of the Senate.
JOSEPH D. SAYERS,
JOS. H. O'NEIL,
WM. COGSWELL,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

Mr. MANDERSON. Is this a final report?

Mr. COCKRELL. It is a final report.

Mr. MANDERSON. It completes the agreement between the two Houses?

Mr. COCKRELL. It does.

Mr. MANDERSON. I should like to have read again that feature of the report that has reference to the names of those who were killed in the Ford's Theater disaster.

Mr. COCKRELL. It is amendment numbered 110, on page 59.

The VICE-PRESIDENT. The part of the report indicated by the Senator from Nebraska will be read.

The Secretary read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "That a joint commission, consisting of the select committee of five Senators appointed by the President of the Senate to investigate the Ford Theater disaster, and five members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, shall investigate the Ford Theater disaster and report to the Senate and House whether in equity and justice the Government should compensate the sufferers of that disaster for the injuries sustained by them, and, if it shall be decided that they should be compensated, then the commission will investigate each individual case and report the amount of compensation that should be allowed in each case. The commission may employ a clerk who is a stenographer, and who shall do the stenographic work of the commission as clerk, and that the commission shall have power to send for persons and papers, and the chairman of the commission or of any subcommittee may administer oaths. The expenses of said investigation shall be paid out of the contingent fund of the Senate and House of Representatives on vouchers approved by the chairman, and the commission may report by bill or otherwise;" and the Senate agree to the same.

Mr. MANDERSON. Mr. President, I think that this is a most unfortunate if not a very cruel result. The Ford's Theater disaster occurred, as I recall the date, early in June, 1893. The whole country was shocked by that result, attributable clearly to negligence somewhere, for which the Government of the United States was responsible. Twenty men were killed and over one hundred men were injured; and all of them were employés of the Government, working in the capacity of clerks in the ramshackle building that tumbled about their ears. When the Senate met at the extra session it appointed a special committee, men some of whom were certainly well qualified by experience for the investigation of this matter. That committee had as its efficient chairman the Senator from Tennessee [Mr. HARRIS], who, with the Senator from West Virginia [Mr. FAULKNER], the Senator from California [Mr. WHITE], the Senator from Michigan [Mr. MCMILLAN], and the senior Senator from Nebraska were charged with the duty of the investigation.

The committee was composed of four lawyers, men of large practice in their profession, and a business man who has achieved, as is well known, great success in that capacity. They set themselves to this work. They held numerous meetings. There was prepared with great care a blank application or petition that should form the basis of each claim. No step has been taken by that committee which has not been akin in thoroughness of exploration to that which would have been had had those men gone into court for the purpose of a settlement of their claims. There was no question in the mind of any member of that committee, and there can be no question in the mind of any member of either House of Congress, but that the Government is liable in damages to the people who were thus injured and to the heirs of those who were killed. There is no question of the moral or equitable liability. There can be none in the mind of any man. In the mind of no lawyer can there be any question of the legal liability if a private individual and not the Government of the United States were substituted for the party to blame.

The blanks having been thus prepared they were carefully filled by those who applied. There devolved upon me as one member of the committee the exploration of the claims of those who were instantly killed or those who died immediately after the occurrence. I made very thorough exploration in every line not only as to the character of the injury, the result where death did not immediately follow, and the examination of physicians and those who had examined the body after death, but we also investigated the facts concerning the survivors. I wish it were possible for me to go through that list of names and that list of survivors to show the deplorable condition of the families of the people thus killed—widows in some cases with six or eight children, with no income, dependent upon the charity of the public or such aid as they can get from individual relatives, perhaps of relatives unable to give them the sustenance that they demand.

Even during this long session of Congress, with its daily sittings from 10 o'clock in the morning until 6 o'clock in the evening, the committee was unable to give that thorough examination that was needed as to the claims of those who were not killed, but great progress has been made in that direction. My impression is that the Senator from California and the Senator from Michigan have, as to all of the claims submitted to them, some twenty-two to each, made the exploration, and they have been ready to report. The Senator from Tennessee has not been able to make that exploration on account of the duties devolving upon him as a member of the Committee on Finance, but in the partial report made from the special committee it was shown that there had been such investigation that during the coming recess undoubtedly we would be able to report as to all the cases, that the aid they absolutely need may be given to them.

Partial report was made that $5,000 should be appropriated to the families of those who were killed, making a total appropriation of $105,000. This has apparently been abandoned by the Senate conferees. I regret it exceedingly, for I see that these people are to have that sickness of heart which comes from hope deferred. This new proposition is that there shall be raised a joint committee of ten, five from each House, and that they shall again explore and investigate, and so time will creep along with petty pace, day will succeed day, week will succeed week, and month will succeed month, and there will be no relief to these people who are in such great suffering and distress.

When can the proposed committee of ten of the two Houses of Congress meet for the purpose of this exploration. With this long continued session running close up to the fall elections it is not presumed that that committee will get to work during the recess. Then will come the short session of Congress with its numerous demands, requiring of every man the expenditure of all the forces in him, taking up great time. Certainly it will not be until after the close of the present Congress that any committee will have the opportunity to make that exploration; and then what will come? There then will be no organization of the House of Representatives that will permit a joint committee to be established; and I can foresee that for years to come these poor people will be clamoring at the door of Congress for that relief which common decency, common honesty should require that we should give at once.

Mr. President, for this reason alone I shall vote against this conference report. I appeal to the Senator from Missouri, in view of the circumstances which have been stated and that were stated a day or two since when unfortunately I was not in the Chamber, that an effort be made again to pay these people the money that is fairly due them.

Another item has been abandoned in the report. It is perhaps too late to make comment upon it, but here we are to be left with another adjournment of Congress without any steps being taken towards the erection of a new Government Printing Office. That item is, I understand, entirely stricken out of the bill by some sort of parliamentary juggling that for one I certainly can not understand. But I appeal to the Senator from Missouri and I appeal to my colleagues upon the special committee to see if we can not obtain for these people, by some process, that which is fairly and decently their due.

Mr. WHITE. Mr. President, I desire to offer a suggestion in connection with the amendment relating to the Ford's Theater disaster. The Senator from Nebraska as well as the Senator from Tennessee have gone over the matter thoroughly before the Senate and I fully agree with them as to everything they have said. We have done, of course, a great deal of work individually upon that committee. We have examined a number of cases, and with great care. I ask the chairman of the Committee on Appropriations if it would not be possible to insist upon this provision to pay the relatives of those who are dead, at the same time stating that we shall certainly be willing and glad to meet a joint committee on the part of the other House with reference to the cases concerning which there has been no formal conclusion reached.

I have no doubt the Senator from Nebraska will agree with me that it would be practicable to have a joint committee in the future with reference to the claims not yet reported to the Senate. If the House were willing to take that view of it, the payment could be made in those cases where there can be really no question. There is no doubt of the death. No one claims that there is any pretense here that a person applying for relief does not represent the family of the decedent, nor is there any doubt to anyone who has taken a most casual look at the transaction that if the property were owned and controlled by an individual that individual would be liable for gross neglect in

placing his employés in a building which was inherently unsafe and the unsafeness of which was patent. Under these conditions a private individual would undoubtedly be liable.

Of course if we can not agree, we can not agree, but it seems to me that it is worth an additional effort to see whether or not these people can not be to the limited extent proposed in the bill compensated at the present session. The chairman of the committee, of course, understands the situation better than I can understand it.

Mr. HARRIS. Mr. President, I have no desire to embarrass the committee of conference in charge of this bill. Believing as I did that the Government ought to make a measure of compensation to the heirs of the deceased and to the seriously injured parties in the employment of the Government who suffered by reason of the disaster, I introduced the resolution that raised the committee, of which I have the honor to be the chairman, to investigate and report whether compensation should be made at all, and, if at all, to what extent. That committee was unanimously of opinion that compensation ought to be made, as I am. I regret that the other House did not raise a similar committee at the same time. I would have been glad to have had a joint committee; but in the light of such investigation as we have been able to make, there is no member of that committee who has a doubt as to the fact that compensation ought to be made.

I stated the other day when the conference report was before the Senate that we had merely asked for appropriations in this bill to compensate the widows and orphans of those who were killed outright in the disaster, the injured parties requiring more scrutiny of investigation as to the extent, the character, and probable duration of their injuries, and as to the measure of compensation they ought to receive.

In view of the fact that the widows and orphans of those persons who were killed outright by that disaster are in the main penniless and suffering, I had hoped—and if there be a ground on which to base a hope, I still shall indulge it—that the conferees on the part of the Senate may induce the House of Representatives to appropriate by this bill the money necessary to relieve the sufferings of those widows and orphans.

So far from objecting, I am exceedingly glad to have the House of Representatives appoint a similar committee, or a joint commission, if it may be so called, and let both Houses investigate to their entire satisfaction all the circumstances leading to that disaster and its fatal results, and determine the question as to compensation; but being perfectly satisfied myself that compensation is demanded by every consideration of justice, of equity, and propriety, I have indulged the hope, and indulge it still, if possible, that the widows and orphans of those deceased persons may be provided for by the passage of this bill.

Mr. COCKRELL. Mr. President, I must say frankly and candidly to the Senate that the House conferees will not agree to the amendment proposed by the Senate. They say that they have had no opportunity of investigating the matter, and know nothing about it; that it does not belong to an appropriation bill, and ought not to have been sent to them in that form, when they had no opportunity of investigating it and determining it, and that it involves questions of law as well as questions of fact. When they made the suggestion to us that they did not understand the case, we then as a last resort agreed to the substitute directing the select committee already appointed by the Senate in connection with a similar committee to be appointed by the House of Representatives, to investigate and report upon the subject. In my judgment, I say frankly it is either this provision, or none at all.

The PRESIDING OFFICER (Mr. BERRY in the chair). The question is on concurring in the report of the committee of conference.

The report was concurred in.

EXTENSION OF APPROPRIATIONS.

Mr. COCKRELL. I ask the Chair to lay before the Senate the House joint resolution continuing the appropriations for the executive branches of the Government provided for in the sundry civil appropriation bill, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 217) to continue the provisions of existing laws providing temporarily for the expenditures of the Government.

Mr. COCKRELL. The sundry civil appropriation bill has now passed the Senate and will doutless pass the House of Representatives, where the conference report will be agreed to to-day, but it can not possibly be enrolled and signed by the Presiding Officers of the two Houses and prepared for the signature of the President of the United States before to-morrow evening, probably, if then. The clerks have already worked so hard that they are not able to work any longer until they have a few hours' rest. Therefore the passage of this joint resolution for some time is absolutely necessary. Let the joint resolution be read, and we can modify the time.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the provisions of joint resolutions approved June 29 and July 31, 1894, providing temporarily for the expenditures of the Government, be, and the same are hereby, extended and continued in full force and effect to and including the 24th day of August, 1894.

Mr. COCKRELL. I move to amend the joint resolution by changing the time it is to take effect by striking out "twenty-fourth" and inserting "twentieth;" so as to read "20th day of August."

Mr. ALDRICH. I have no objection to the joint resolution in the form now suggested.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

FREE SUGARS, ETC.

The PRESIDING OFFICER. The junior Senator from Missouri [Mr. VEST] has the floor on the motion to refer the bill (H. R. 7971) to exempt from duty sugars, molasses, etc., to the Committee on Finance.

Mr. VEST. Mr. President, it is with very great reluctance I find myself compelled to differ with the acting chairman of the Committee on Finance, of which committee I am a member. I have not the slightest doubt if this motion to refer the bills which have come to us from the House of Representatives prevails it will be the end of the consideration of those measures.

The fact has already been alluded to that the Committee on Finance as now composed consists of five Republican members and five Democrats. Even if the Senator from Tennessee should fill the vacancy occasioned by the death of our late lamented colleague, Senator Vance, of North Carolina, it is well known to every intelligent man that at this stage of the session, with the probability of the absence of a quorum in one or both Houses within a very few days, it will be impossible to bring those bills back here and secure their consideration.

Mr. President, in addition to the reasons which have been so forcibly urged why there is no necessity for a reference of these bills to the Committee on Finance, I desire most earnestly and explicitly to urge another. It is due to the Senate as a body, it is due to individual Senators, and particularly to those of us who have been called upon to discharge the difficult task imposed on members of the Finance Committee in the majority and members of the conference committee. I repeat what I said the other day, that the calcium light should be turned into this Chamber and every Senator should assume the responsibility before the American people of taking his position upon the questions which have been fruitful of gross and miserable scandals against the personal character of many of us.

The Senator from Nebraska [Mr. MANDERSON] asked the present occupant of the chair [Mr. BERRY] if he could now support free sugar after having voted for the one-eighth differential on refined sugar in the pending bill? Let me answer that question. I voted for that one-eighth differential. I am willing to stand by that vote and by the bill as it is to-day, rather than have the party to which I belong convicted before the American people of incompetency and incapacity and of utter obliquity as to the pledges which it made to the people in the canvass of 1892.

I was called upon as a member of the Finance Committee and as a member of the conference committee to make a choice between evils. I was called upon to stand before the people of this country and say we could pass no bill at all, that our party was utterly incompetent, or to take a bill infinitely better than the McKinley act, and go before the Democrats of the United States and say to them, "I have brought you the best that circumstances permitted, and I have done my duty honestly and faithfully as I saw it."

There is no inconsistency in the position of those who voted for the pending bill and who now favor free sugar or a duty upon sugar which will produce the revenue which the Secretary of the Treasury says is necessary to carry on the Government.

Mr. President, I am most unfortunate in that I am compelled again to say something in the nature of criticism as against the present Administration. It has not been many days since the President of the United States, the head of our party, under whose flag to-day and now I am ready to fight to the death for tariff reform and Democratic policy, declared in a letter to the

chairman of the Ways and Means Committee of the House of Representatives that the Senate bill, now accepted, constituted perfidy to the Democratic party and dishonor to Democratic principles.

The Wilson bill came to us with no duty at all upon sugar, raw or refined. Every word in the letter the Secretary of the Treasury sent to us to-day, and which was read from that desk, is an arraignment of that bill, because it shows that if passed there would have been a deficiency of more than $30,000,000, and it would have been necessary to again issue interest-bearing bonds in order to carry on the operations of the Government. It must be remembered that we have increased duties by the amendments adopted by the Senate to the House bill, and it must be remembered that we have produced more revenue——

Mr. COCKRELL. We had to do it.

Mr. VEST. And were compelled to do it; but if what the Secretary of the Treasury now says be true—and I do not gainsay it—what would have been the condition of this country with the Wilson bill enacted? A deficiency of from forty to fifty million dollars staring us immediately in the face.

Sir, the letter of the Secretary of th Treasury is a vindication of the bill as passed by the Senate. Much has been said against that bill. I propose before I close to show that the self-constituted critics of the newspaper press and the miserable demagogues who want to pull down men in high places in order that they may climb there themselves, have perverted the truth and have assailed the bill as passed by the Senate in such fashion as convicts them before the American people of gross slander or willful ignorance.

Mr. President, the Hebrew superstition which turned a goat into the wilderness in order that it might carry away the sins of the people still exists. In times of great popular depression and calamity a scapegoat must still be found even amongst civilized nations, and the Senate of the United States is now filling that position with the American people. Much of this we have brought upon ourselves. We have brought it upon us because we have no rules for the transaction of business. For some years after becoming a member of this body, attracted by the idea of its great dignity and conservative character, I favored the absence from our rules of the previous question, as it is termed.

Sir, after my experience in the last five months, I have not an enemy in this world whom I would place in the position that I have occupied as a member of the Finance Committee under the rules of the Senate. I would put no man where I have been, to be blackmailed and driven in order to pass a bill that I believe is necessary to the welfare of the country, by Senators who desired to force amendments upon me against my better judgment and compel me to decide the question whether I would take no bill at all or a bill which had been distorted by their views and objects. Sir, the Senate "lags superfluous on the stage" to-day with the American people, because in an age of progress, advance, and aggressive reform we sit here week after week while copies of the census reports, almanacs, and even novels are read to us, and under our rules there is no help for the majority except to listen or leave the Chamber.

Is it to be wondered at that in an age like this the people should at last turn upon a body which seems to be made for obstruction and not progress? I do not wonder that the Senate has become a byword and reproach with the loose tongues and pens, bought and acting for every sort of mercenary interest throughout the land.

Sir, let us look for a minute at the history of the sugar schedule, which has been the rock in all this debate around whose base the cross currents and eddies of discussion have boiled and seethed. In one end of the Union, in that beautiful State of Louisiana, were the cane-growers, on 74 per cent of whose product as refined sugar, is all the protection that is given to the product of the trust, and who demanded protection because they represented an American interest. For myself, let me say, that allied to them geographically and by the ties of blood and commerce, I had rather give to them protection than to any other class within our broad domain. At the other end of the Union was a giant monopoly, stretching its Briarean arms into every family and to every breakfast table throughout the land, with watered stock amounting to $75,000,000, upon one-half of which they were paying 7 per cent, and upon the other 12 per cent quarterly, with a surplus of $18,000,000 ready for distribution amongst their stockholders—aggressive, defiant, almost dominant in the legislation of the country. Between these two was the minor interest of the beet-sugar producers, so small, however, as hardly to enter into the discussion as to the duties to be imposed.

Mr. President, under the McKinley act the duty upon refined sugar, the product of the trust, amounts to 60 cents on the hundred pounds—50 cents upon the face of the act and one-tenth differential as to all countries that impose an export duty; and as Germany is the only country that imposes this discriminating duty, and the only country that sends to us the refined sugar that competes with our product, the duty upon refined sugar under the McKinley act amounts practically and really to 60 cents on the hundred pounds. Under the Wilson bill, about which we have heard so much, and which is so often placed antithetically against the bill as it passed the Senate in regard to tariff reform, and especially in regard to the duty upon sugar—under the bill as originally reported by Mr. WILSON from the Committee on Ways and Means to the House of Representatives, and which was endorsed in the President's message of December last, the duty upon refined sugar, the product of the trust, was 25 cents on the 100 pounds, with the raw material free, as it was in the McKinley act, and a bounty for eight years upon the raw sugar of the South. The House of Representatives struck out the duty and sent to us a bill with free sugar, raw and refined. That bill was sent to the Finance Committee and taken charge of by a subcommittee composed of the Senator from Texas [Mr. MILLS], who had taken the place of our late lamented colleague, Mr. Vance, the Senator from Arkansas [Mr. JONES], and myself.

Sir, it has been said that we are the creatures of the sugar trust. The liars and slanderers and libelers, the miserable creatures who live upon the garbage and filth of public life, and whose bread has been breathed upon by infected lungs, dare to make this statement about men who have gone through these five months of labor and anxiety and humiliation in order to do their duty.

Here is the bill we proposed [exhibiting], printed and brought to the full Committee on Finance. Here is the sugar schedule as we made and agreed upon it. It imposed eighty hundredths of a cent on sugar not above 80 degrees under the polariscopic test, and one-hundredth of a cent for each additional degree up to 100 degrees, without any differential at all in favor of the sugar trust. It imposed a revenue duty upon the sugars of Louisiana, but gave nothing to this trust, which is said now to dominate the Senate.

This bill, upon the morning that we proposed it to the Finance Committee, was taken out of our hands and put before a caucus of Democratic Senators, without our knowledge or consent, and for three days we wrangled and disputed in regard to the terms of the tariff measure to be proposed to Congress.

The end of that discussion was—and if any Senator here denies it let him rise in his seat and say so—that this bill as we had made it was rejected, although a better bill than the Wilson bill in the way of tariff reform, lowering duties upon woolen goods and in the metal and other schedules.

Mr. MILLS. Reducing duties $15,000,000.

Mr. VEST. Reducing duties $15,000,000, as my friend from Texas says.

Mr. GRAY. And with more ad valorems and fewer specifics.

Mr. VEST. And with more ad valorems and fewer specifics. It came nearer to my idea of what a tariff-reform bill should be than any that had been enacted since the Walker tariff of 1846. At the end of these three days of miserable wrangling and recrimination we were turned out of that caucus with the intelligent and definite instruction to make a bill that would secure 43 Democratic votes, and which could be passed by the Senate! To that task we addressed ourselves. The result is seen in the bill which has been passed.

Mr. President, I shall speak of that bill in a few moments; but I desire to say now in passing that much of it, a very large portion of it, was agreed to by me simply in order to escape the humiliation of going back to the Democrats of the United States with no bill at all It is as well known as that we are assembled in the Senate of the United States that in this Chamber are some six or seven Democrats as honest as I, whose motives I do not impugn, with whom I differ radically and essentially in regard to the tariff.

It has been said that we have made a fight here for the Senator from Maryland [Mr. GORMAN] against the President. Mr. President, in 1892 I wrote the first letter that came from a member of this body in favor of Mr. Cleveland's nomination for the Presidency. It was written to the Greystone Club, of Denver, Colo., and in it I said that, whilst my personal relations with the Senator from Maryland were as pleasant as they could possibly be, I would not support him for the nomination because he did not represent my views in regard to tariff reform; that, whilst I differed with Mr. Cleveland in regard to the silver question, I was prepared to support him for the nomination, and, of course, for election, because he stood the foremost representative of what I believed right in regard to the tariff question.

Sir, I have fought for no man, and never shall. I belong to no faction. I am neither of the house of Montague nor Capulet, of York nor Lancaster. I shall fight under any flag which leads to the principles I believe to be right, no matter in whose hands the staff of that banner may be placed. I am ready now to follow

the President. I shall not follow him when I know that he is committing an injustice upon members of his party and doing violence to the results that ought to be achieved by the Democratic party in the coming canvass.

Mr. President, pursuing what I was saying in regard to the sugar duty, the result of our labors in regard to it is seen in the provisions of the tariff bill which has been accepted by the House of Representatives. The bill passed the Senate, but under circumstances which convinced many of us that the margin was so slight and the danger so great that it would be almost rashness to bring it back to the Senate with any great difference in its composition.

It has been said repeatedly—and I shall come to that more explicitly directly—that there never has been a time, and this has formed the staple of the editorials of the metropolitan press—that a bill like the Wilson bill in its provisions substantially and generally could not be passed in this Senate.

It has been asserted that nothing but pure cowardice or sinister motives kept us from reporting a bill similar to the Wilson bill which would have been passed, and which would have forced certain Senators "into the open," as the expression was, and who then would not have dared to vote against it. If there is a Senator here to-day upon either side of this Chamber who believes that the Wilson bill, or anything equivalent to it, could have been passed in the Senate at any time I ask him as a personal favor to rise in his seat and say so. [A pause.] I have been in this contest from the beginning, giving time and labor at the risk of life and health to the work before me, and I assert there never was a time when anything like the Wilson bill could have been enacted into law.

Senators from the great manufacturing States of the Northeast looked upon that bill as murderous to the interests of their constituents and would have fought it to the death. The complications growing out of the sugar interest assisted them in their opposition, and with no rules in the Senate and a majority of one, possibly of two, we were at the mercy of the minority, and it was as impossible to have passed that bill as for me to-day to carry this mass of marble upon one hand.

I come now to another phase of this measure, and I shall

nothing extenuate,
Nor set down aught in malice.

When we came into conference with our brethren in the other House after the first disagreement—and it is unnecessary to go behind that—I stated myself (and I make that remark in order to assume the full responsibility), when the conference first assembled, that it was useless to go any further with the bill or with the disagreement between the two Houses until we had disposed of this Medusa head of the sugar tariff continually confronting us. It was agreed unanimously that we should take up the sugar schedule to the exclusion of every other subject, and come to a determination upon it.

We did take it up, and finally agreed, without a dissenting vote in the conference, upon a sugar schedule. That schedule was 40 per cent upon the saccharine matter in the sugar imported, together with a differential of one-fifth of 1 cent in favor of the refiners, constituting 20 cents upon the 100 pounds. The one tenth differential as to countries which impose a discriminating duty was left out and the bounty upon sugar until the first of January was left out. The schedule as I have stated it was unanimously agreed upon in the conference, and was set aside.

The argument in favor of this schedule was that it removed the nebulous and scandalous accusation that in the 40 per cent upon raw and refined sugar in the bill there was some hidden profit to the trust, to which they clung closely, and which was not known to the public. As the chairman of the Ways and Means Committee of the other House suggested, when the 40 per cent was placed upon the saccharine matter alone, it stripped the bill of this objection and let the whole world know that the trust received 20 cents upon the 100 pounds instead of 25 cents under the Wilson bill as originally framed, and 60 cents under the McKinley act.

Mr. President, for five long months the waves and winds had roared around Congress in regard to sugar. Cartoons, editorials, lying correspondents, demagogues on the hustings had accused the Senate of having been sold out to the sugar trust. Everywhere and anywhere, by night and day, the question was in regard to the sale of the Senate to the sugar trust. When we had agreed with our associates of the other House, and the sugar schedule had been disposed of, we fondly supposed that the great obstacle to agreement had been removed, and that we should then and there meet and embrace like brethern and stand as one before the American people. Imagine our surprise when we found that the insuperable obstacle was not in the sugar duty, but that it came from the duty upon coal and iron ore.

From the 20th day of March, when the tariff bill was published to the world, to the 2d day of July, when the President wrote his letter to Mr. Wilson, no intimation had been made to the members of the Finance Committee that a bill with a duty upon coal or iron ore, or both, constituted perfidy to Democratic principles and dishonor to the Democratic party.

Sir, recurring again to an unpleasant subject, I hope for the last time, I have no quarrel with the President of the United States. I made no attack upon the President of the United States. The Senator from New York [Mr. HILL] did me injustice when he put me in the classic rôle of the envious Casca, who stabbed Cæsar at the foot of Pompey's statue. I simply defended the motives of myself and my colleagues upon the Finance Committee against the imputation in the President's letter.

If it were necessary, in order to remain in public life, that I should retract one word of what I said in the Senate, I would not utter it. No man, no matter how high his position, has a right to perpetrate an injustice upon another. After the President of the United States had told my colleagues—for I had not been to the White House—that although he preferred free coal and free iron, still the bill as we were preparing it would receive his support; and after we had given our labor, our energy, almost our lives, to the preparation of the bill, for the President to come before the American people and denounce a measure which he had failed to denounce before, although he knew its provisions, was an act of gross injustice to those of us who had suffered far more than he.

The result has been and will be under existing circumstances that the best campaign document furnished the Republican party, of which we will not hear the last until the approaching canvass is ended, will be the letter of the President denouncing the Senate without exception for having framed a bill, the provisions of which are now necessary, according to the Secretary of the Treasury, to prevent the issue of interest-bearing bonds to carry on the Government.

After two days or more of attempt at amicable adjustment—and I beg to say here and now that for each of the conferees on the part of the other House I entertain the most sincere personal regard and have no complaint to make of their action in any way whatever—we offered to the conferees on the part of the House to allow the sugar schedule to stand as we had made it, and to which we all agreed, and that they should take either free coal or free iron ore, as they pleased.

Mr. FRYE. The Senator from Missouri means as the conferees had made the sugar schedule.

Mr. VEST. As a matter of course as we, the conferees, had made and agreed upon it. We offered them the privilege of taking either free coal or free iron ore, stating to them that it seemed to us fair to adjust the differences between the two bodies by their taking one-half and leaving the other half as the Senate had voted it.

Let it be understood that all this time the Senate conferees personally agreed with the House of Representatives, but we were there as conferees, representing the Senate, standing by the votes of the Senate, instructed to maintain the position of the Senate. While I did not consider myself bound to the extremity of standing by all the amendments of the Senate without exception and without further amendment, but was prepared to give up many of those amendments in order to save the bill, yet, at the same time, as a conferee on the part of the Senate, I considered myself honorably bound to defend and advocate, as far as possible, the instruction which had been given to me.

When this proposition was made to the House conferees that they should take either free coal or iron ore, they expressed great gratification, and said the spirit which we had manifested would be met by them in the same conciliatory and friendly manner. They went out for consultation, and after some two hours came back and suggested that it would probably be best to take free iron ore instead of free coal. We told them that was a matter to be determined by them, and that we were willing to make the change.

We then adjourned, with a sort of parliamentary love feast for the second time, concluding that the matter had been fully adjusted and that we could make a report. We stated to them at the same time, I should have said, that with our knowledge of the Senate and the close vote that must occur here upon any disputed question, it was not safe to go through all of the schedules and cut down duties, and that it would be dangerous to come back to the Senate with reductions in the metal schedule, the woolen schedule, the cotton schedule, the glass schedule, and the other great schedules in the bill. The next morning we met again in conference, and our friends from the House then informed us that they had concluded it was best to have free coal instead of free iron ore. We said "Gentlemen, take your choice. We can be

Happy * * * with either,
Were t'other dear charmer away."

[Laughter.]

After we had concluded upon free coal and had settled the sugar question, the chairman of the conferees on the part of the House stated that he considered it his duty and that of his coconferees to demand that we take up the whole bill and go through all of the schedules and agree to such adjustment as would not endanger the fate of the bill in the Senate.

Speaking for myself, I can state that while I personally was willing to agree to any report that they might see proper to make in order to get the bill through the Senate—I stated frankly that to commence such a general reduction, or even any material reduction, of the duties in the bill would endanger its passage through the Senate, and that this was the great peril to be avoided above all others.

We also offered them free sugar instead of free coal, or 40 cents a ton for five years on coal and iron ore, with a reciprocal provision imposing the same duties on coal and iron ore from other countries as might be placed by such countries on coal and iron ore from the United States.

The House conferees insisted upon those reductions, and from the beginning to the end of the whole conference the trouble was, and I say it most respectfully and kindly, that our friends in the other House could never be made to understand that we knew more about the condition of affairs in the Senate than they did. Their idea seemed to be that for some sinister or occult purpose we were avoiding an open vote. They continually demanded of us, "Take the bill back to the Senate with such amendments as you yourselves concede with us ought to be made, and let the Senate, in the broad, open light of day, vote upon it."

We, upon the other hand, with one view under heaven, so far as I am concerned, that of avoiding the absolute destruction of all tariff legislation during this Congress, assured them, and every day confirmed us in our opinion, that if the bill came back here with material amendments it would be defeated and the country would be told that the Democratic party was incompetent to make any bill at all.

While the House conferees were insisting upon taking up all of the schedules and we were warning them against the inevitable result, the Senator from New York [Mr. HILL] introduced his resolution which brought about the tie vote, in which the Chair gave the deciding vote, so well known to the Senate and to the public. After that there was no conference, because that vote demonstrated beyond all sort of question that what we had said to them in regard to the conditions in the Senate was absolutely and inevitably correct.

Mr. President, what are the salient points in the Senate bill, which has been so much derided and abused? What has the Democratic party of the country given to the American people in the shape of tariff reform as compared with the McKinley act? A false issue has been made before the people, and it has been made deliberately and intentionally for sinister purposes. It has been telegraphed, written, and spoken everywhere that the question was between the Senate bill and the Wilson bill.

That never was the question. It is as false as the assertion so often made that this is a Democratic Senate. This is not a Democratic Senate on the question of tariff reform. It never was, and it never will be, as at present constituted. But it has been said everywhere that the question was between the Wilson bill and the Senate bill. The question all the time has been between the Senate bill and the McKinley law. That was the choice to be made, and every man who understood the situation knew it.

Now, what have we done; and I shall dispose of that question in a very few words? The bill which the House has accepted, and which in a few hours will go to the President of the United States, puts wool, lumber, salt, copper, burlaps, bags and cotton bagging, flax and hemp, all agricultural implements, cotton ties, and binding twine absolutely on the free list, in antagonism to the provisions of the McKinley law. On coal and iron ore the duty has been decreased from 75 cents to 40 cents a ton. On lead ore the duty has been decreased one-half. On zinc sheets it has been decreased one-half. On woolen goods, the citadel of protection, the great fortress of monopoly and outrage in the McKinley law, the duties have been reduced 50 per cent. They have been reduced 38 per cent in the metal schedule, 22 per cent on cotton goods, 31 per cent in the glass schedule, 22 per cent on chemicals, where the House bill reduced the duties only 20 per cent.

If Senators and the opponents of the Democratic party, before they criticise the bill further, will take the trouble to examine the "Comparison of the Tariff and Administrative Acts of 1890 and the Bill H. R. 4864," being report No. 550, Fifty-third Congress, and turn to the comparative statement from the Treasury Department, they will find a summary, the substance of which I will state. Under the present law the average ad valorem is 49.58 per cent; under the House bill it is 35.51, and under the Senate bill it is 38.68 per cent. In other words, between the McKinley act and the House bill there is a decrease of 14 per cent; between the McKinley act and the Senate bill there is a decrease of over 11 per cent, being a differential between the House and Senate bills of 3 per cent. We have sugar included in our bill, while the House bill came to us with no duty on raw and refined sugar.

Mr. HARRIS. Under the McKinley act, of course, sugar was free.

Mr. VEST. It was free with a bounty of 2 cents a pound. If Senators will turn to page 394 they will find another summary. The average ad valorem rate based on the value of importations of the fiscal year 1887, in the act of 1883, was 47.10 per cent; average ad valorem rate of the Mills bill, based on the value of importations of the fiscal year 1887, 42.38 per cent, or a difference of 5 per cent; average ad valorem rate in the McKinley act, based on the value of the importations of the fiscal year 1893, 49.58 per cent; average ad valorem rate, based on the value of the importations of the fiscal year 1893, in the House bill, 35.51 per cent; average ad valorem rate, based on the value of the importations of the fiscal year 1893 in the Senate bill, 38.68 per cent.

So it appears, Mr. President, that all this scandal, vituperation, and criticism arise upon a difference of 3 per cent between the two bills. When we have made the immense step in advance on the path of tariff reform of putting wool upon the free list, and have reduced the duty upon woolen goods 50 per cent, when we have put lumber and salt upon the free list, and have reduced the duties upon lead and zinc, we are still told that in framing the Senate bill we have been guilty of perfidy to Democratic principles and dishonor to the Democratic party.

Nor should it be forgotten that the Senate bill retains the Income Tax, shorn of many objectionable provisions, which establishes, I trust, for all time the democratic principle that taxation should be in proportion to Governmental protection, and that the citizen should pay upon his income above a fixed sum, and not upon consumption.

Mr. President, I am glad now to be able to speak as an American Senator and not as a conferee. My friend from Maryland [Mr. GORMAN] suggests to me that I should say something in regard to the deficiency. The Secretary of the Treasury has informed us that if the duty is taken from sugar there will be a deficiency of $30,000,000. I make no issue with the Secretary of the Treasury. I regret that this fact was not made known to us before, but since it has come to us now I shall not avoid the issue. If it be true that a deficiency of $30,000,000 will be created and that bonds are to be issued, why should we send the bill to the Finance Committee, never to be heard of again?

Why should we not grapple with the proposition now? What are committees for except to give information to the Senate as to details? Who does not know all about the sugar duty? Who is not prepared to act upon it? If to make sugar free will create a deficiency of $30,000,000, then why not put 40 per cent on sugar, raw and refined, and leave it there and take the responsibility each one for himself before the American people, with no protective duty to the refiners at all? Take Mr. Theodore Havemeyer, president of the trust, at his own proposition, when, in 1888, he said that the refiners of the United States could hold their own with those of any other country in the world.

Why should we continue this scandal? Why should we now send the bill into a tomb and put the seal of the everlasting upon it, and then have the American people say, "Oh, yes; they did their work for the trust, and then they were afraid to face what the representatives of the people had sent them in the shape of a free sugar bill?" Why can not we settle it now? Why shall we put it off? Where stands the majority of the Senate upon the sugar question? Why force a few of us to be the scapegoats of popular indignation, scandal, and defamation everywhere? Why not let every man stand out and answer to his name and say what he thinks should be done, and go back to his people with the result?

Sir, I am tired of evasion, suspicion, and lies. I want the truth to be known, and let each man assume the responsibility for himself. Another word and I shall have concluded.

Mr. HARRIS. Before the Senator from Missouri, my colleague on the Committee on Finance, concludes, I should be glad to have him state, as he opposes the reference of the bill to the committee, what remedy he suggests for the threatened evil of a deficiency of $30,000,000 in the Treasury.

Mr. VEST. I have just stated it.

Mr. HARRIS. I have not understood the Senator. I was unfortunate in that respect.

Mr. VEST. I endeavored to make it as clear as possible. I would impose a revenue duty upon raw and refined sugar. I understand my friend from Arkansas [Mr. JONES] has prepared such an amendment. He showed it to me this morning. It meets all doubt about a deficiency, answers the Secretary of the Treas-

ury completely, and relieves us of all this nebulosity of defamation which has been so rank in the country for the last five months. I have, for myself, always advocated free sugar, but I am willing, in order to meet the demands of the Treasury Department, to vote for the amendment which the Senator from Arkansas has prepared and will offer. I will make another remark, and then I am done with the subject, I hope forever.

Mr. President, it is not pleasant ever to indulge in personality, but my attention has been called recently to an infamous statement, coming from a generally reputable source, made in the public press, to the effect that my action in reference to the letter of the President to Mr. WILSON, and in regard to the bill had been dictated by a feeling of revenge against his Excellency because he had ignored me as to the patronage of my State. The Senator from New York [Mr. HILL] was kind enough in his concluding remarks, when he played the role of Marc Antony, and when some people suspected that he would like to have played Marc Antony in earnest, and "come to bury Cæsar, not to praise him," to say as to those who formed the classic group that had attacked our modern Cæsar:

What private griefs they have, alas, I know not.

Mr. President, I have no private griefs; but I wish to acknowledge in the most public manner my gratitude to the President for having relieved me from all responsibility in regard to appointments in Missouri. Sir, if there is anything in my public life which has afforded me any pleasure, real and substantial, it has been the fact that the President in the exercise of his constitutional right, of which I do not complain, informed me that he no longer desired my advice or assistance in regard to Missouri patronage.

Not again during this Administration will I stand in a crowded anteroom looking into the anxious and haggard faces of expectant officeholders. Not again when admitted to his august presence, will I watch the shadows, possibly produced by indigestion, that float across the Executive brow and feel hope sink "to rise no more." Not again will I be damned at country post-offices and upon street corners as an ingrate who has given no offices to his friends. Sir, were it not for this tariff I could now indulge in the ecstacy of that well-known hymn:

There shall I bathe my wearied soul
In seas of endless rest,
And not a wave of trouble roll
Across my peaceful breast.

[Laughter.]

I have no complaint against the President as to patronage. I am ready to follow him now as the old Scotch followed the banner of the Bruce, when he fought for country and honor. I fight for no man; I fight for my principles, my party, and my country. Men pass away like clouds from the evening sky, but principles live forever. Sir, when any man accuses me of personal motives in what I have done in connection with the bill, my connection with which is now ended, I simply answer him as Marmion to Douglas:

Lord Angus, thou hast lied.

Mr. JONES of Arkansas. Mr. President, in view of the letter of the Secretary of the Treasury which has been read to the Senate, I offer an amendment to the pending bill.

The VICE-PRESIDENT. The amendment proposed by the Senator from Arkansas will be stated at the desk.

Mr. MANDERSON. I do not understand that the bill is open to amendment.

Mr. ALDRICH. Let the amendment be read for information.

Mr. MANDERSON. That can be done. Let it be read for information and ordered printed.

The VICE-PRESIDENT. The Chair will state to the Senator from Arkansas that the amendment can be read for information. The pending question is on the motion of the Senator from Tennessee to refer the bill to the Committee on Finance.

Mr. JONES of Arkansas. I ask that the amendment may be considered as pending, and that it be printed with the bill and go over.

Mr. ALDRICH. It can not be considered as pending, but the Senator may offer it and have it printed.

Mr. HARRIS. Let the amendment be read and printed, and if the bill is referred, let it be referred with the bill.

Mr. ALDRICH. That is right.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Strike out all after the enacting clause, and insert:

That from and after the passage of this act there shall be levied, collected, and paid on all sugars and on all tank bottoms, sirups of cane juice, or of beet juice, melada or concentrated melada, concrete or concentrated molasses, a duty of 30 per cent ad valorem.

That there shall be levied, collected, and paid on molasses testing above 40° and not above 56° polariscope, a duty of 2 cents per gallon; if testing above 56° polariscope, a duty of 4 cents per gallon.

Mr. MILLS. Mr. President, I have not risen either to attack or defend the bill which has recently passed Congress and is now awaiting the signature of the President. I think perhaps the least that we can say about that measure the better it will be. It is the most remarkable measure that has ever found itself upon the pages of the statute books of any country. It is a phenomenon in political science; and especially is it so when we consider that this is a popular Government and that legislation in a popular government is the crystallization of the public will. I make bold to say here to-day that that bill does not reflect the sentiment of one thousand people of the United States.

I do not think I will be far from the truth when I say there is not a Republican in the United States who favors it. I do not think I will be far amiss when I say there is not a Populist in the United States who favors it, judging by the votes of their representatives in this Chamber. I do not believe I will be far from the truth when I say that the great masses of the Democratic people of the United States condemn it. It is the product, as we all know, of five or six, or at best seven, members on this floor.

As my friend from Missouri said, and well said, a while ago, there is no Democratic majority on this floor on tariff reform, and there has not been at any time since I have been a member of this body. There are four distinct parties upon this floor. There is a Republican party, a Democratic party, a Populist party, and a Conservative party. The Conservatives hold the balance of power, and we all know what the balance of power means. It is one of the most potent instruments wielded either in legislation or in the executive departments of government. It is the balance of power that has adjusted the territorial boundaries of the dominions of Europe for more than a century. It is the balance of power that has kept crowns upon heads in Europe, and the balance of power here, five or six members expressing by their votes their will and not the will of the people of the United States, or any considerable number of them, have made the bill what it is, and it will be a law in a short time. In a government of freemen the ballot box is the source of all power and the expression of all power. It is the crystallized public will, so to speak, of the people of the United States. Yet, as I said, I do not believe if the entire body of the people of the United States were polled 1,000 voters would say that it is a bill that meets their approval.

We all voted for it over here. We passed it. As the Senator from Missouri well said, the issue was between that bill and the McKinley law; and as I said, perhaps not in such fine language as my friend would use, and perhaps not exactly in parliamentary language, especially when used in the Senate of the United States, we all found ourselves "between the devil and the deep sea," and we went to the sea rather than see the country go to the devil. [Laughter.]

We have no apologies to make for it. The bill is better than the McKinley law. It was the best we could do under the circumstances.

I regret, Mr. President, that my friend and other distinguished gentlemen will continue to attack the President of our party because we differ. The President may have been wrong or he may have been right. I believe that he is an honest man. I believe that he sincerely wants the redemption of the pledges made to the six million Democrats at the ballot box when they voted to change the control of the Government. The issue is not between the President and this body on the sugar question. The President's letter showed that he is in favor of a tax on sugar. The letter of the Secretary of the Treasury is no condemnation of the President's letter to Mr. WILSON.

The nervous language that he used in the letter to Mr. WILSON that to abandon the cause and the principles of the Democratic party and its professions would be party perfidy and party dishonor was not made about sugar. It was made because we were departing from the pledges that we had made for free materials of manufacture and the reduction of the cost of the production of American manufactures, giving employment to our people, manufacturing more, and sending our manufactures out to the world and selling them in competition, driving all rivals and competitors before us and taking the world's market. The President of the United States wanted to give employment to the idle people of the United States. We had promised them not only free coal and free ore, but our platform pledge was that tariff reform should take the direction of free materials for manufacture. The bill we had passed was not doing it.

Now, my friend from Missouri was not hit by those words. He need not lose any sleep. They were not aimed at men who have his principles and his record in public life. I know what his political convictions and his principles and his record have been. His record has been the same as that of the great majority of our party. It has been for tariff reform, for reduction of taxes, for exempting from taxation the materials of manufacture. It was not at him that those words were aimed. I myself lose no

sleep on account of those words. "Let the galled jade wince; my withers are unwrung."

I will state some of the things at which the President was aiming. If you will look on pages 324 and 325 of this document, here are nearly two pages of materials that were taken from the free list in the Wilson bill and transferred to the dutiable list in the Senate bill. I will not take time to read them. We were going backward when we had promised to go forward and exempt materials of manufacturers from taxation. It was at these and at this line of policy that the criticism of the Executive was leveled, and not at such a man as my friend from Missouri [Mr. VEST], or my friend from Tennessee [Mr. HARRIS], or my friend from Arkansas [Mr. JONES].

I have no criticism to make on the committee of conference. They have done all that they could do. We were within a power we could not resist, and we either had to take the terms dictated to us or to take the McKinley law. That is all there is about it.

My friend quoted in defence of the bill the per cents in the tables. Nothing is more deceptive than per cents. Suppose we had $400,000,000 worth of dutiable goods coming into the United States, and that is in round numbers the amount in 1893. Suppose the duties paid on those goods amounted to $400,000,000 this year, that would be 100 per cent, would it not? Suppose, in revising the tariff, we put $200,000,000 worth of these same imports on the free list and receive $200,000,000 of duty on the other $200,000,000 of imports, the duty would still be 100 per cent and show that we had not reduced taxation.

Suppose we put $300,000,000 worth on the free list and $100,000,000 worth on the dutiable list, and tax them $100,000,000, it would still show that we have done nothing, for it is still 100 per cent. Suppose you put everything on the free list but a pound of candy worth a dollar and charge a dollar and a half duty upon it, you are arrayed before the country for increasing taxation 50 per cent, notwithstanding you have exempted $400,000,000 worth of imports from taxation, and removed that great burden from the shoulders of the people.

In looking at a question of this sort, you must take into consideration the goods that you exempt entirely from taxation and add to the free list. That was the peculiar value of the bill of 1887. In that bill we put about $20,000,000 worth of imports on the free list. This bill only puts about $11,000,000 worth on the free list. We are going backward instead of forward. I say for myself (and I know I speak for my friend from Missouri, and my friend from Tennessee, and my friend from Arkansas, and all the rest of them), we do not at all accept this as a final settlement of the question of tariff reform. We have carried the outposts that defended the citadel of the enemy, and we intend to push the contest until we carry the gates of the city and sweep the streets of the enemy and take everything from him.

We intend to restore to the people of this country the God-given right to work for life and to sell the products of their work in whatever markets they can sell them. The right to work is worthless if you can not sell the products of your work, for we are all working for other people. If we entirely forbade commerce and trade and exchange, civilization would perish in one generation from off the face of the earth. The greatest possible calamity that could befall the human family would be to carry the doctrine of protection to its logical analysis and forbid everybody from trading. The greatest possible benefit that could occur to the human family would be to remove all barriers and permit them to enjoy free trade all over the world.

Mr. President, I shall say nothing more about the bill. It is a step in the right direction. It is a substantial step in the right direction, with the exception of the policy of taking from the free list any articles that enter into free manufacture. It will be a substantial benefit to the country. It will reduce the cost of woolen goods to the people of the United States from $150,000,000 to $200,000,000, to say nothing of other schedules.

But, Mr. President, I rose to say something about the letter of the Secretary of the Treasury. I rose to say that there is no cause whatever to apprehend a deficit. I say that you may take all the tax off sugar and you will have more money than you can spend legitimately. All the estimates that have been made by the Finance Committee, which have been adopted by the Secretary of the Treasury, are based upon the imports of 1893 under the McKinley law.

What has been the fact with reference to every tariff act in the history of the Government that reduced duties when they were above the protected point? Importations increased, and with increased importations came increased revenue. It was so in the Walker tariff of 1846. We had no surplus revenue under the protective tariff of 1842. In 1846, though the duties were decreased down to a revenue standard, the revenue increased $8,000,000 the very next year. I want to read good standard authority on this question. I read from the report of the Finance Committee of this body made by my friend from Rhode Island [Mr. ALDRICH] in 1888. At that time, as we all know, we had about $100,000,000 in the Treasury that we had no use for, and one of the main arguments for the bill of the House of Representatives was that it would empty the Treasury and reduce the revenue.

What do our friends say? I read from the report of the majority of the Committee on Finance on the Mills bill in 1888. Listen to it. Here is the truth enunciated and a principle to which all of us agree, both Republicans and Democrats, that when you have protective duties above the revenue point and reduce them you increase importations and increase the revenue. We contend that that is right. Our friends on the other side contend that it is wrong; but the fact we both admit.

Mr. GRAY. Both admit it as true.

Mr. MILLS. The fact we both admit, that when the duties are above the revenue point and a reduction of duties is made, the logical and inexorable consequences are increased importations and increased revenue. I read from the report made by my friend from Rhode Island [Mr. ALDRICH] in 1888:

> Your committee, after a thorough examination of the provisions of the bill (H. R. 9051) referred to them by the Senate, have become convinced of its inadequacy as a remedial measure in view of the condition which confronts us.
>
> 1. Its adoption would probably result in an increase, instead of a reduction, of the revenue from customs.
>
> It is claimed by the friends of the bill that the reduction of revenue from this source would amount to $49,486,240.75, but we are confident that the large reduction in rates proposed would result in greatly increased importations. When American producers supply a considerable portion of our market with articles in general use and the rates on these are reduced below the protective point, both importations and revenue must increase.
>
> By the acts of July 14, 1870, May 1 and June 6, 1872, important reductions in tariff rates were made and the free list greatly enlarged. It was officially estimated at the time of the passage of the various acts that these changes would result in a reduction of the revenue from customs of $57,227,510. The revenue from this source in 1869 was $176,114,904, and in 1873 it was $184,929,542, or an increase of $8,814,138, instead of a reduction of $57,227,510. This increase took place notwithstanding the fact that free importations increased in value $157,707,264 between 1869 and 1873. Similar results may be reasonably expected should the House bill become a law.

Now, listen to this:

> If foreign manufacturers should, through the changes made in the cotton and woolen schedules, secure a quarter of the market now held by our cotton and woolen manufacturers—and this is certainly a very conservative estimate—the additional amount of duty collected from increased importations would amount to at least $60,000,000 annually. The expansion of imports which would surely follow the reduction of rates on china, porcelain, common window glass, manufactures of iron and steel, flax, jute, hemp, and a large number of minor manufactures, would greatly augment the revenue.

The importations in 1888 were about what they were in 1893. The reduction proposed is in the same neighborhood, only this approaches more closely to the revenue point and therefore will bring greater importation and greater revenue.

Mr. GRAY. May I ask the Senator for information—which bill approaches nearer the revenue point?

Mr. MILLS. The Senate bill.

Mr. GRAY. Nearer than the so-called Mills bill?

Mr. MILLS. Yes, sir; the duties are lower. Now, with these facts before us, and they are mathematical and can not be contradicted, there is to be a very large increase of importations under the bill. My friend from Rhode Island nods his head in assent to it. A large increase of importations means a large increase of revenue. It was estimated at $60,000,000 in 1888 on cotton and woolen goods alone, to say nothing of the other articles in the schedules.

There is no necessity for putting a dollar of taxation on sugar, and yet I consented to it with my friend from Missouri and my friend from Arkansas when we were arranging these schedules. I will be frank enough to say that I proposed it, and that my friend from Missouri and my friend from Arkansas opposed it for a time. I proposed it and urged it, for two reasons. One was that we could not pass the bill without it, which is just the same reason that I gave for voting for the bill. The other was that a number of our friends, as some of them appear to-day on the floor, felt that it would not be safe; that the bill upon its face looked like it would bring a deficit. They had not looked at the question of the increased importations that would follow. I consented that a tax on raw sugar might be placed in the bill. That would bring $35,000,000 or $40,000,000.

That tax was placed in the bill, as my friend has read. It was changed, however, but the amount of revenue produced under the changed specifications in the bill will be about the same. The only fact that reconciles me to the duty on sugar is that if we receive forty, fifty, sixty, or seventy-five million dollars more money than we want, we are in debt and can purchase our interest-bearing bonds and extinguished them.

But I prefer to put sugar on the free list, and to do it now. There is no necessity for sending this bill to the Finance Committee. We are in possession of all the facts. A number of us have been dragooned from day to day and week to week and

month to month as voting the way we did not believe we ought to vote in accordance with our own private convictions, and because we deferred to others in voting to get a bill that was better than the McKinley law. Now, I ask for a vote on this question in order that we may all show what our convictions were as to this item.

Mr. MCPHERSON. May I ask the Senator from Texas a question?

Mr. MILLS. Certainly.

Mr. MCPHERSON. Does the Senator take issue with the Secretary of the Treasury in the statement made by him this morning, and does the Senator hold that there is no necessity for the revenue to be derived from sugar?

Mr. MILLS. I do, most unequivocally.

Mr. MCPHERSON. I understand the Senator to say that he would vote to put sugar on the free list?

Mr. MILLS. I will.

Mr. MCPHERSON. Will he do so in the face of the statement made by the Secretary of the Treasury?

Mr. MILLS. I tell you the Secretary of the Treasury copies the estimates made by the Finance Committee and they are made on the imports of 1893 and on the duties of the McKinley law. As I have shown, in every instance where we have reformed the tariff and brought the rates of duty down the imports have increased and the revenues have increased.

Mr. MCPHERSON. If I correctly understood the Senator's contention since he began his remarks, it was simply that while we had placed many things on the free list, notably wool, salt, lumber, and other articles, still the bill had been maintained nearly up to the McKinley rates. If that be the case, how is it possible for him to claim a large importation of goods over and above the imports of 1893?

Mr. MILLS. The Senator has got things mixed up. If he will notice the estimates he will find that, taking the importation of 1893 with the rate of taxation existing in 1893, $400,000,000 worth of goods were imported. Now, take the goods which are made dutiable under the bill according to the amount imported in 1893 and we get $179,000,000, when under the McKinley law the amount was $198,000,000. Of course, some of the dutiable articles in the McKinley law are put on the free list, but take these same goods and you will find that the imports will be increased perhaps $100,000,000 or $150,000,000 in value, and then at our rate, say 38 per cent, they will bring over $30,000,000 more than the amount indicated by the Secretary of the Treasury. If you go to the Secretary of the Treasury and ask him he will tell you that he made his estimate on the importations of 1893.

Mr. MCPHERSON. He could make it upon nothing else.

Mr. MILLS. He could make it upon nothing else. He had nothing else to make it on.

Mr. HARRIS. He so states.

Mr. MILLS. Mr. President, I have made these remarks to present the facts to the Senate that we may act intelligently on the question. There is no earthly necessity for any consideration of the bill by a committee. We now have all the facts. These questions were discussed over and over again in this body during the long continued debate on the tariff bill, and I hope my friend from Tennessee will withdraw his motion to refer and let us vote upon this measure.

Mr. HARRIS. With great respect, as I have, for the opinions of the Senator from Texas upon this question, the actual conditions of the Treasury of the United States, the demands upon it and the revenue necessities, I trust, as I know he will pardon me for saying, I shall be governed by the statements of the Secretary of the Treasury as to these necessities and as to the probable revenues derivable from the bill just passed rather than upon his opinions.

Now, I move the reference of these four bills. My motion, to be strictly in order, should refer to each of them separately, and inasmuch as the Senator from Arkansas [Mr. BERRY] has made a motion that the Senate proceed to the consideration of the bill for free sugar, as it may be called, I apply my motion to that bill. I can not withdraw it; believing, as I do, that the proper committee of this body should carefully consider and report the proper method, whatever that may be, of guarding against this apprehended and, as I believe, absolutely certain deficiency if that bill shall pass in the form it comes to us from the other House.

I am in full sympathy with the Senator from Texas. If I felt at liberty to exercise my own judgment and inclinations, independent of revenue necessities, I should go with him; but, as a member of the Finance Committee and as a member of the American Senate, I shall never consent for this Congress to adjourn until we have made such provision as will avoid the bankruptcy of the Treasury and a deficiency of twenty-nine or thirty million dollars. It is the highest of our duties to provide against such deficiency. If the amendment of the Senator from Arkansas [Mr. JONES] will cover that contingency, as I believe it will, and the Senate chooses not to refer to the committee, upon the idea that the Senate knows quite as much as it can be informed by any committee, I shall have no regrets.

I would myself prefer absolutely free sugar, raw and refined, but in view of the present revenue necessities, and in view of the fact that the duties upon coal, the duties upon iron ore, the duties upon barbed wire, and rods to make it, are infinitesimal and cut no figure which is appreciable in respect to this deficiency, we have to deal with sugar in respect of this deficiency. Whether the Senate may choose to deal with it without a reference to the Committee on Finance or not I am not so particular, but in respect to questions such as these I have always deemed it safest for the appropriate committee to consider, and carefully consider, and report to this body the exact method best calculated to accomplish a given and a necessary result.

Let the Senate decide the question as it may as to whether the bill shall be referred or not, but if it is not referred, free-sugar man as I am, in reference to this inevitable deficiency I shall vote to put such a duty on sugar, raw and refined—and I want it to be a straight duty upon both, equal and alike—as will give absolute assurance of furnishing the revenues necessary to meet the demands of the Government. No more than this do I desire to say.

Mr. MILLS. Before taking my seat I wish to state, as I have stated repeatedly here before, in the other House, and in the country, that I am in favor of a tax on sugar, on coffee, on tea, on tropical fruits, and on every article that does not come in competition with anything that is produced in this country, except the materials of manufacture. That I understand to be a tariff for revenue. I have taken that position everywhere.

The only reason why I would favor the repeal of the sugar tax now is that it would be going backward, and, as I said awhile ago, I do not want to go backward. It has been placed on the free list, and I do not want to go back and vote it on the dutiable list, nor do I advocate putting coffee and tea and those other things upon the dutiable list now; but if there was a majority of this body and of the other body in perfect harmony with my views, then I would construct a tariff, and in constructing that tariff I would put a tax on coffee and on tea, and I would put everything that is to be remanufactured on the free list, in order that we might produce our products at the lowest possible cost and drive all rivals before us in all the markets of the world.

Mr. President, for the same reason I would put a tax on sugar, because nine dollars out of every ten would go into the Treasury and only one dollar out of every ten would go into the private pocket of a protected producer; but when you put sugar on the free list, which was done in carrying out the Republican policy, that revenue shall be the incident and protection the principle, and they put a heavy tax on woolen goods in order that nine dollars might go into the pocket of the private producer where one dollar goes into the Treasury.

For these reasons I would put a duty on sugar. But we are not now constructing a Democratic tariff, a tariff for revenue, and such a tariff as the industrial interests of these people require. The time will come when we shall be engaged in that work here in this body, for, if I am not mistaken in the public judgment and public common sense of this country, they are growing stronger in the faith that the best possible condition of the human family is that in which the God of nature placed them, every man to be free, and every man following his own pursuits of happiness in his own way, choosing his own occupation, and government existing alone for the purpose of securing him in the full enjoyment of those rights.

Mr. GRAY. And of keeping the peace.

Mr. MILLS. Yes.

Mr. VILAS. Mr. President, before this matter is disposed of, I wish to make one suggestion in respect to the course which may be, and I think ought to be, taken with this bill. But before doing so I will call a moment's attention to the observations of the Senator from Missouri [Mr. VEST], with a view to correct one or two points to which he adduced facts, and of supplementing what he said with some further facts in relation to the passage of the revenue bill. Whenever we hear the charming eloquence of the Senator from Missouri we are captivated and enthralled for the time, and it is almost with difficulty that one is able to direct his attention to facts which are not presented, or reasons which have influenced the actions of others.

The distinguished Senator from Missouri truly said that a caucus of Democratic Senators was called, and that as the end of it the Finance Committee was required to report a bill which should command the assent of 43 Democratic Senators; and at least at that time it was hoped it would command the assent of 44.

Mr. President, let me call attention to the fact that the caucus which charged the Finance Committee with that duty as-

sembled long before the report of the Finance Committee was made to the Senate. The Finance Committee undertook to execute that behest. They did execute it so far as it was in their power to do so. If we can understand the action they took, the fact that they reported a bill implied attempt to discharge the duty imposed upon them.

The bill had come to the Senate on the 2d of February. It was not until the 20th of March, after weeks of labor, that the Finance Committee reported their bill. That bill was then entitled to have had the support of a Democratic majority in the Senate. That bill was, as the Senator from Missouri said, a justifiable bill in its general features, while criticism might be passed upon some points in respect to it. We have been speaking of caucus action, and it is only fair to Democrats, of whose caucus so much has been told, to add that they voted in that caucus for free iron ore, and the bill reported to the Senate did not execute that vote. But upon the general behest to prepare a bill which should command a majority of the Senate, the committee reported the bill with a duty upon iron ore as well as upon coal.

Mr. VEST. Mr. President, I beg the Senator's pardon, but he is entirely mistaken about the facts. There never was but one bill, except the bill which the House has accepted, prepared by the majority of the Finance Committee. That was a bill which I had a moment ago upon my table here, which proposed a duty upon coal, but not a duty upon iron ore. It provided a duty of 50 cents upon coal and made iron ore free. I helped to make that bill and I know every word in it. That bill was carried to the Democratic caucus on the morning we prepared it. The chairman of the committee, the Senator from Indiana [Mr. VOORHEES], had called the Finance Committee together, and notice was served upon us of a caucus.

That was the only bill that ever was presented to a caucus of Democratic Senators. I said nothing in my remarks about the last one. The amendments had all been made and were submitted. I spoke of the caucus at which we presented that bill with a duty of 50 cents on coal and with iron ore free. The bill is in print and the Senator from California [Mr. WHITE] has it.

Mr. VILAS. Let me understand the Senator from Missouri. Does he say that he spoke of a caucus after the Finance Committee had reported the bill to the Senate?

Mr. VEST. Oh, no; before the bill was reported to the Senate. There were two caucuses. The bill which I had upon my desk, and which was printed and put in the hands of each member of that caucus, had 50 cents duty on coal, and iron ore free, together with a specific duty on sugar, to which I referred this morning, commencing at 80° by the polariscopic test and going up one-fourth of a cent on the hundred. That was the only bill we presented until the bill which was accepted by the House of Representatives was reported from the committee. The Senator has his dates and facts all wrong.

The second caucus called was in regard to the Jones amendments to the bill as to which we took a vote in the caucus—I will say since the matter has been mentioned—upon iron ore, and the vote stood 18 to 18, if I remember.

Mr. VILAS. I remember it as 19 to 17.

Mr. VEST. I know the vote was very close. Then we were dismissed with the advice to make a bill which could be passed.

Mr. VILAS. Has the Senator from Missouri the bill which was reported by the Finance Committee?

Mr. VEST. I had it a few moments ago, and will procure it for the Senator.

Mr. VILAS. I may be in error in respect to the report of the Finance Committee. It may be easily corrected if I am. Upon that point there ought to be no difference of statement although there is liable to be always a difference of remembrance in respect to a particular fact, which it will be easy enough to correct if I am wrong.

Mr. VEST. I now have the bill and will hand it to the Senator.

Mr. VILAS (examining). This is not the bill as it was reported by the Finance Committee.

Mr. VEST. It is the bill reported by the subcommittee of the Committee on Finance; it is the caucus bill.

Mr. VILAS. Mr. President, the Senator from Missouri and I are not at difference. He is speaking of a bill which was printed as a mere tentative report of the subcommittee of the Committee on Finance before the time when the caucus was held. I was speaking of the bill which the Finance Committee reported a long time—I shall not say how many days, for I do not remember the date of the caucus—but a long time after the caucus, and the bill of the Finance Committee as reported first to the Senate, the only report the Finance Committee ever made, I am very sure contained a duty of 40 cents a ton on iron ore and a like duty on coal, although the caucus had previously voted for free iron ore, and Senators about me confirm my remembrance.

Mr. VEST. That is a very different statement.

Mr. VILAS. That is the identical statement which I made, and it was with reference to that bill that I was about to remark that if the Finance Committee discharged the duty imposed upon them—and I think they did at that time faithfully and laboriously, and after great labor to do so—the duty then fell upon the Senate to support them; it fell upon the Democrats here to accept the best solution which the Finance Committee had been able to make, at least, and pass the bill in the Senate.

But, sir, all that faded away. Nothing came of it. Why? Because the action of the Finance Committee in the execution of the direction of the Democratic caucus was not accepted by all professing Democrats. From the 20th of March to the 7th of May, a period of forty-eight days, the bill was unfinished business in the Senate, talked about, filibustered against, debated after a fashion which our rules permit under the name of debate, but not a step of advance was made. Why? Because the Finance Committee had not made a Democratic bill? No; it was for the reason given this morning both by the Senator from Missouri and the Senator from Texas, that there is no Democratic majority here so far as tariff reform is concerned, which would accept and follow the principles of the party as expressed by its constituted authorities in caucus and in the Finance Committee.

Then came the second caucus, as a result of which a long list of amendments were proposed. I do not wish to review what I said the other day upon that subject nor to repeat; but I desire to ask this of the distinguished Senator from Missouri, as an independent fact which is necessary to my justification and to the justification of the Democratic members on this side of the Senate. I ask him if it was his understanding that the result of that caucus in a request to support those amendments in the Senate was obligatory, or regarded as obligatory, upon members on this side of the Chamber after the time when that bill should pass the Senate and go into conference?

Mr. VEST. Do you want an answer now?

Mr. VILAS. I will thank the Senator to answer.

Mr. VEST. Mr. President, my understanding is—I speak for myself alone—that as members of the Democratic party and the caucus we were to support those amendments. I never understood that after we went into conference, and I was a member of that conference committee, that I could agree to nothing except those amendments. In other words, I considered it my duty to carry out the wishes of the Senate as expressed by their votes so far as possible consistent with securing a tariff bill, but no farther. If I had found that any of those amendments by being modified could have secured the passage of any sort of a tariff reform bill, I should have been willing to modify them, and so expressed myself in conference.

Mr. VILAS. I call attention to the fact that the Senator from Missouri did not quite answer the question which I have put to him, but I have no doubt he will. I was not speaking of what might be his opinion of his duty as a member of the conference committee, but whether or not he understood that any obligation upon those who attended that caucus extended beyond the passage of the bill in the Senate?

Mr. VEST. I thought I answered that question. If I did not, I shall do so. I did not think so.

Mr. VILAS. The Senator answers precisely as I thought he would.

I wish to observe another fact and ask the Senator another question, for I know, or I believe I know, he agrees with me upon that subject. After the amendments, known as the Jones amendments, were reported and the bill was thereupon further debated in Committee of the Whole, there was a great number of amendments proposed, and more than 60 distinct and important increases of duty were placed upon that bill in Committee of the Whole; eleven different subjects that had been left upon the free list after all previous action were placed upon the dutiable list in Committee of the Whole. Now, I desire to ask the Senator from Missouri if it was not a common expression which he and other Senators of the Finance Committee made use of, which passed continually among Democratic Senators on this side of the Chamber, that this bill was to be made in conference and that none of those amendments were to be regarded as obligatory or binding upon us, but would be corrected in conference?

Mr. VEST. Mr. President, I will state frankly that my idea in regard to those amendments was that they were to be changed in conference if it were possible. There were a great many amendments put upon the bill, which I supposed we could afterwards get rid of in conference, and some of them were put on with the distinct understanding that they could be changed in conference. I never understood that when we adopted those

amendments they were to remain there without regard to the consequences upon the measure. The result in conference, as a matter of course, was governed by circumstances, about which I knew nothing and could have known nothing at that time.

I agree with the Senator from Wisconsin, if I understand him, that there were amendments which were put on that we hoped to get rid of. I could name a great many of them that we hoped to get rid of in conference, but it so eventuated that we could not do it.

Mr. JONES of Arkansas. I think the Senator from Missouri ought to add in connection with his statement that about that class of amendments there would have been no difficulty in correcting them in conference if other things could have been agreed to.

Mr. VEST. That is true.

Mr. VILAS. Mr. President, one other thing ought to be understood here if we are having a plain talk about the facts, and that is that most of those amendments, if not all of them—no, perhaps not all, but nearly all—were made at the instance of Senators upon the other side of the Chamber, and were made with the expectation that they were not to be defended and fought for in conference, at least to some extent. I do not know as to what number of them that would be true, but it was true as to a considerable number.

Mr. ALLISON. Before the Senator passes from that statement, I want to say that I had no such understanding as he now states.

Mr. VILAS. I do not remember whether the Senator from Iowa had any amendments made or not.

Mr. ALLISON. I had one made, but I had no understanding that it was to be surrendered at any time or under any circumstances.

Mr. VILAS. Mr. President, I have had no understandings of the sort, but I am only speaking of reports and conversations current on this side of the Chamber.

Now, I wish to draw attention to the facts, or to the inference which is properly to be drawn from these facts. And, first, let me observe that it is the explanation of the votes that were given on this side of the Chamber by Senators who were ready to trust the Finance Committee in their leadership of this bill, but who, except for their confidence in a justification by the final result, would have been unwilling to have gone on assenting to those amendments, I think all of them, or nearly all of any great significance.

Take the amendments that were put on in reference to wool. I wish I had at hand the documents by which I could show the effect of those amendments. The Senate would never have accepted them.

I do not care to attack the bill which has passed; I do not care to carry forward for a moment any controversy among ourselves; "Let the dead Past bury its dead;" but, sir, I can not permit the statements which have been made to go without calling attention to these very important and significant facts upon which turns the justification of Democratic Senators on this side, men who have been sincere and honest in their belief that this system of taxation, which has failed so far of redress, is an iniquity and an injustice upon the people of the United States.

I wish right here to make another remark, for the Senator from Missouri [Mr. VEST], I am sorry to say, felt it permissible to cast some animadversions upon the President. Just these facts here disclosed, and the others stated by the Senator from Arkansas [Mr. JONES] and the Senator from Tennessee [Mr. HARRIS] some days ago, completely exonerate the President from any obligation to the Senate bill, and that ought to be told as it has been now plainly told. He constantly expressed his wish and hope that the bill when made in conference, as it was to be made, as it was expected to be made, by Democratic conferees in fidelity to Democratic principles, would carry to the extent claimed the principle of free raw materials.

The Senator from Missouri began by saying the President accused the Senate of party perfidy. The letter does not bear that interpretation.

The President spoke only to a conferee on the part of the House, in a private letter, a conferee who had been foremost in championship of the cause of free raw materials, when he said that in that particular conjuncture of affairs to abandon that cause would be party perfidy and party dishonor. He did not put it to him in personal terms, but simply said that the abandonment of the cause would be such perfidy and dishonor. There was no accusation of the Senator from Missouri, and I am astonished and regret that he should assume to believe that he could be accused of party perfidy or party dishonor by reason of any effort which he made here to pass the bill through the Senate, or that any other man, who has been so honestly and zealously laboring to bring about that result, could be so accused.

Mr. HARRIS. In view of the most kindly relations which exist between the Senator from Wisconsin and myself, I regret to interrupt him; but he stated a few minutes since that the Democratic Senators had trusted the Finance Committee, and I beg to know whether he meant to be understood as saying that the committee had in any sense, to any extent, or in any way, betrayed the trust which the Democratic Senators reposed in them?

Mr. VILAS. I will presently speak to the point to which the Senator from Tennessee calls attention.

Mr. HARRIS. I will wait patiently until it suits the convenience of the Senator from Wisconsin.

Mr. VILAS. I was not speaking with the view of accusing members of the Finance Committee——

Mr. HARRIS. I did not quite understand the Senator's reference to the trust which the Democratic Senators had reposed in the committee, and then I thought he somewhat complained of their action.

Mr. VILAS. No; I did not. What I was saying was that the members of the party on this side of the Chamber did place their trust in the Finance Committee and its leadership, and therefore they voted, as they did in special and particular cases, against the principles they would have supported or what the principles they supported would have required of them.

Mr. HARRIS. If the Senator from Wisconsin will allow me, I will state that the Democratic members of the Finance Committee did the same thing under the absolute necessities which confronted them.

Mr. VILAS. Yes, sir; precisely. I made that statement with a view of explaining the basis of our action.

I am going to make a remark in respect to the way in which the bill was passed. The Senator from Missouri asked if anyone in the Senate believed that the Wilson bill would have passed the Senate. I am perfectly sincere in saying that I do not. I have not believed it. If I had believed it I should not have consented to a single amendment increasing a duty above that reported by the Wilson bill, and I should have been glad to have had many duties lower than the Wilson bill provided.

To the point to which the Senator from Tennessee [Mr. HARRIS] called my attention I will make this observation. Those Senators assigned to conference failed to agree with the House conferees. I do not know, except as I have heard shadowy reports outside, and some statements by conferees, what took place or why they failed to agree. I do not know upon what basis our expections for a better bill were disappointed, except that the Senator from Missouri has said that it was because the conferees believed they could pass nothing else through the Senate.

I have but one criticism upon that, and that criticism I desire to make openly and plainly, since the Senator from Tennessee has called my attention to the matter. I by no means impute to him or to any of these honorable gentlemen any motive different from that which ought to govern a man of honor, but I do not believe they ought to have subjected all of us to the consequences of that fear without giving it a trial in the Senate. There is the point which I make.

Mr. HARRIS. Will the Senator from Wisconsin allow me for a moment? My answer to the suggestion of the Senator is this. When I was informed by individuals who had the power to defeat the passage of the bill as originally reported by the Senate committee or as it came from the other House, and I was informed that it could pass and could only pass by certain concessions, and in good faith we agreed to make those concessions in order to harmonize and unify the elements necessary to its passage and thereby acquired power to pass the bill, which is a vast improvement upon the existing law, though not what the Democratic members of the Finance Committee would have desired, and not what the majority of the Democrats on this side of the Chamber would have desired, does the Senator from Wisconsin assume that having entered upon such an agreement and it having been carried out in good faith by the other side, we were at liberty to throw it off, ignore and abandon it because it was not exactly consistent with our views? If he does, he and I entertain very different opinions as to the obligations of an honorable agreement.

Mr. VILAS. I do not believe——

Mr. VEST. Will the Senator from Wisconsin allow me to make a statement?

Mr. VILAS. I should like to make one observation.

Mr. VEST. I beg the Senator's pardon, but I should like to make a statement.

Mr. VILAS. I should like to make an answer to the Senator from Tennessee first, and then I will give way.

I desire very particularly to state, and I may refer here to the friendly and pleasant personal relations between the Senator from Tennessee and myself, which I am sure will not be broken by any difference between us in respect to what our duty requires of us in the Senate——

Mr. HARRIS. I certainly hope not.

Mr. VILAS. That from my intimate knowledge of his character I could conceive of no such thing as his abandoning or breaking an agreement; and I do not believe that the Senator from Tennessee imagines that I would either do it myself or would suspect it of him.

Mr. VEST. Now, if the Senator from Wisconsin will permit me, I thought I had stated clearly this morning, but perhaps it was obscurely stated, that the difficulty all the time between the House conferees and the Senate conferees consisted in the fact that the House conferees seemed to think, like the Senator from Wisconsin, that we exaggerated the obstacles in the way of passing in the Senate any bill that might be reported from the conference. Finally, all the Senate conferees agreed in the offer to the House conferees that we would come back and submit to our respective Houses the disagreement between us and allow the respective bodies to vote upon those disagreements.

We repeatedly stated to the House conferees, "If you doubt our judgment in regard to this matter, all of us being anxious to pass a tariff bill, let us go back to the Senate and report the action we have taken, and the fact that we are unable to agree, and let the Senate instruct us;" and they refused to allow us to do it. Finally, speaking for myself alone, I said to the House conferees, "Write out your report; I will not even read it. I will sign it and go back to the Senate and take the result, and you gentlemen can then be satisfied whether we are fighting a shadow or whether we understand the real condition of affairs among our colleagues."

There never was a more unjust statement than that made by the Senator from Wisconsin. We exhausted every proposition in order to get the bill back into the Senate, to report a disagreement, to report a general disagreement, to report what we had done, and then report specifically what we had disagreed about. They said, "No; we have the power to prevent any such report, and it can not be made."

Mr. VILAS. If the Senator from Missouri will add that the conferees on the part of the Senate offered to the House conferees to make any report which they thought they would be willing to intrust to the chances of passing and that the conferees on the part of the Senate would agree to such a report being made, certainly there can be no criticism in respect to it. But I do not understand from the statement which the Senator has made that that was offered on the part of the Senate conferees, but that it was only an expression of personal willingness on his part.

Mr. VEST. I stated distinctly that the Senate conferees offered to report a disagreement, a general disagreement or a report of the progress we had made in agreeing, and then the points on which we disagreed, and let the Senate vote upon it. We of course did not say to the conferees as a body "Make out your report and we will accept it and go to the Senate." That would have been absurd, although for myself I was willing to come here with any report at all, in order to show the world that the House did not understand the situation and that we did.

Mr. VILAS. I have no desire to enter into any criticism upon the action of the Senate conferees. I desire only to state the justification for our action during the progress of the bill on this side of the Chamber. The Senator from Tennessee [Mr. HARRIS] invited me, impliedly, to state what I thought about it, and I felt bound to do it. I can only say this, in further justification of the remark, that I myself am not happy under the idea that there is or was some specter, undefinable, intangible, unnamable, that should have frightened the Senate and the House of Representatives into the acceptance of a bill with all those sixty amendments put on here as in Committee of the Whole, in superaddition to those which were reported by the Senator from Arkansas [Mr. JONES], and which we undertook to pass into conference with hope of improvement there.

Mr. President, I do not propose to prolong any discussion of the methods by which the bill was passed. I know, and do not question, the personal honor of the men who were especially engaged in trying to pass the bill. Criticism can be made, explanation of the position which the rest of us were placed in can be made, without any imputation of that kind upon any of them. We are not talking here of personal action. We are talking of party duty and the maintenance of party principles; and I am sure the Senator from Missouri will not claim, whatever may be the gain of the bill that has passed over the McKinley law, that it comes near to being the fulfillment of the pledges of the Democratic party to the people, which we hope yet to meet in time.

I am unwilling to let it go, as the Senator from Maryland [Mr. GORMAN] stated in his speech, that we are settling the tariff measure for twenty years by the passage of this bill. I am not willing to let it go that this meets my sense of obligation as a Democrat, my sense of obligation as the servant of Democrats, who has often appealed to the people to support these measures of tariff reform. It is true something has been gained. I do most profoundly hope that it is more than I have supposed it to be from the examination I have made.

I wish it had been vastly more than it is; and while I agree that the Wilson bill could not have been passed, I can not yet discharge myself from the belief that something better could have been done than what we have done. Yet in that I am perhaps unsupported by the opinions of others; it may be merely an erroneous individual belief. At all events the Senate in its majority and the House of Representatives have acknowledged the justification of fear, and the bill has been therefore passed.

Mr. GRAY. May I ask the Senator from Wisconsin a question?

Mr. VILAS. Certainly.

Mr. GRAY. Is the Senator from Wisconsin of the opinion that the Wilson bill, so called, as it passed the House, was a bill which presented to the country a measure of full tariff reform as he and I understand tariff reform?

Mr. VILAS. No, sir; I wish it had. I myself would have been far better pleased to have seen the bill come from the House of Representatives constructed on the principle on which the Walker tariff of 1846 stood. I would have been far better pleased to have seen a bill brought here which was everything that a Democrat could wish for. I believe it would have had a better chance of passage. Oh, no, Mr. President, let us have no misunderstanding on that matter. The Democratic party has lost such an opportunity, it seems to me, as in the providence of God is offered to man or parties but seldom in the history of the world.

While I lament it, while I feel, and do not attempt to conceal my regret, that we have not done more, I by no means undertake thereby to say that we have not done much. The Democratic party in the nation understand by this time, I believe, the situation in which we stood. I hope they understand the paralysis which the rules of the Senate give it in the power of any minority to inflict upon its action. I hope they understand by this time with what constancy of effort, with what humiliation, almost, we have bowed our necks in faithful desire to pass a bill that will give them as much relief as it was possible for us to obtain from those who were preventing so far as they could the passage of any bill. Upon that belief, upon that hope, I stand alone for justification before my countrymen for having contributed to a union of effort by support of some duties that I never could have justified except because thus, and thus only, could we gain anything from the enemy intrenched in power and possession.

I have been led into extending the observations that I desired to make, preliminarily to what I wish specially to urge, much beyond what I originally intended. It seems to me that now is the opportunity for us. The Senate, if we can judge by the expression elicited when the first conference report was under discussion, is not, on either side of it, ready to defend a special and particular duty in favor of the sugar trust. We are now given the opportunity to deal with it, and no longer does the safety of the tariff bill, with all its various features of beneficence, stand involved in the attempt to correct the iniquitous advantages given to that great trust. Let us, therefore, take up the pending bill, and if we can not remove the duty upon sugar, let us amend the measure and place the duty upon sugar where it ought to be.

Mr. GRAY. A revenue duty.

Mr. VILAS. A revenue duty upon sugar, without one single particle of gift to a great monopoly, and above all things without winning the hand of corporate greed with any of the great powers of government to levy taxes upon every home and every family in this land.

It is easy to deal with this subject. We need no reference of the bill to the Finance Committee. The Senator from Missouri, himself a member of the Finance Committee, has well expressed that. We need no further incubation out of the Senate.

Right here, under the light of day and the witness of all who may assemble to observe our action, let us take the bill, and leaving the duty on sugar as a revenue duty or fixing it where you will, let us eliminate from it, by suitable amendment, all these advantages given to the sugar-trust monopoly, and send it back to the House of Representatives. And I aver my belief that when that action shall be taken there will be a cry of rejoicing from the people of this country from one end to the other, not Democrats alone, but Republicans as well, that at last their great Government, their Congress with its two Houses, is not the servile dependent of a sugar trust or any other monopoly in the land.

Mr. President, was a motion made for the present consideration of this bill, or was it withdrawn?

Mr. BERRY. I made the motion, and I did not withdraw it. I made the motion that the Senate now proceed to the consideration of the bill.

Mr. VILAS. Then that motion was made before the motion of the Senator from Tennessee.

The VICE-PRESIDENT. The Chair will answer the inquiry of the Senator from Wisconsin, if he desires.

Mr. VILAS. If the Senator from Arkansas has not answered it.

The VICE-PRESIDENT. The Chair did not hear the remark of the Senator from Arkansas.

Mr. BERRY. I stated to the Senator from Wisconsin that I made a motion that the Senate proceed to the consideration of the bill now on the table, calling it by number. Thereupon the Senator from Tennessee moved to refer the bill to the Committee on Finance.

The VICE-PRESIDENT. The Chair will state that under the rules the motion of the Senator from Tennessee takes precedence. The rule can be read if there is any question about it.

Mr. MITCHELL of Oregon. Mr. President——

Mr. VILAS. I yield to the Senator from Oregon.

Mr. MITCHELL of Oregon. I should like to ask the Senator from Wisconsin whether, in the event the motion to refer the bill to the Committee on Finance should fail, he favors the passage of the bill as it came from the other House, or whether he proposes to put some kind of a duty upon sugar?

Mr. VILAS. Mr. President, I have no concealment of my opinions on this subject. Sugar is a fair subject for a revenue duty, and when that duty shall be laid in fair and moderate measure so that none but the Treasury of the United States shall derive the gain which comes from it except so far as it is impossible to withhold incidental protection to the fields of agriculture, I have no doubt the people of the United States will willingly and cheerfully pay it. They will gladly pay it rather than be bestridden by this Man of the Sea.

Mr. MITCHELL of Oregon. If the Senator will allow me, I will say, with all deference, that is hardly an answer to my question. I am in favor of the passage of the bill as it came from the other House. I am not in favor of the passage of a bill putting any kind of a duty on sugar, and my vote on the motion to refer might be influenced somewhat if I were fully advised as to the intention of parties on the other side of the Chamber.

Mr. VILAS. I do not know what may be the opinion of others on the subject. For my own part I think a revenue duty on sugar is proper. I would, however, rather than have the trust profit to the extent of millions, abandon sugar as a subject of revenue duty. But I do not think it is necessary to take that course in order to relieve ourselves. We may obliterate from the law the differential duties in favor of this gigantic monopoly and leave a revenue duty that shall give no protection but that which will go to a class of people who, as a whole, pay the tariff duties and do not enjoy them—the agricultural class of the country.

Therefore I was about to make a remark, but the President of the Senate anticipated me. I thought that a motion to take up a bill for consideration was not debatable, and therefore when it was made, except debate proceeded by unanimous consent, it was necessary that a vote should be immediately taken upon it.

Mr. FAULKNER. If the Senator from Wisconsin will permit me, I will state that a motion could not be made to take up the bill until it has reached the Calendar, but before it reached the Calendar the Senator from Tennessee intervened with a motion to refer, which takes precedence in that way, and the motion to refer is debatable.

Mr. VILAS. Can a debatable motion be made upon the top of a nondebatable motion, and thus debate be opened?

Mr. FAULKNER. The order of precedence of motions is laid down in the rule.

Mr. HARRIS. If the Senator will allow me, I will state that the motion to refer takes precedence of the other motion, and is the first motion in order.

Mr. VILAS. I do not conceive that it makes any difference in what order we vote, so that there is an intelligent understanding of what we mean to do. If we vote to refer the bill (and I mean no imputation at all upon the Finance Committee when I say it) I think we vote to do what the distinguished member of that committee who sits near me [Mr. VEST] said we thereby should to bury it or hide it, or put it beyond possibility of immediate action at the present session of Congress. Therefore, those who are willing to make this effort to take off the tentacles of this gigantic sugar trust from the Senate and the people of the country will vote against a reference and in favor of the consideration of the bill.

Mr. FAULKNER. Before the Senator from Wisconsin sits down, as my mind is leaning in the direction of voting in favor of the motion of the Senator from Tennessee, and yet I stand very much on the line he has been discussing, I should like him to state to the Senate in a way to satisfy me that a vote to refer means the killing of this bill. By what authority, after the declaration of the Senator from Tennessee, does the Senator make that statement to the country? I understood the Senator from Tennessee to say that he would call the committee together at once, and if there was any question about the matter, the political division being equal in the committee, if it divided on party lines, within one hour after that division he would see that the Democrats had a majority of the committee. Now, after that statement, upon what authority does the Senator from Wisconsin state that there will be no action by the committee?

Mr. VILAS. I do not make that statement upon authority, though if I sought to obtain it the distinguished Senator from Missouri [Mr. VEST] is sufficient authority to justify the opinion. But upon a very few circumstances or reasons, which can be readily presented, I base that idea. If it is necessary for the bill to go to the Finance Committee at all, after the months of instruction which we have had here by our mutual debate, it is necessary that it should go there for some time; it is necessary that it should go there for reflection and study, perhaps again to struggle with the idea whether the bill can be passed or not, or what amendment is necessary to pass it. That will take time. The moment we fail to act on this measure, that moment we shall see our quorum disappear and our power to dispose of it at all at the present session will go with it. Now, while we have the Senate present, a Senate instructed in this business, able to cope with it to-day as well as to-morrow, without as well as after a Finance Committee's report, let us proceed to deal with this subject and discharge our obligation to the country.

Mr. MANDERSON. Mr. President, if no other gentleman on the other side of the aisle desires to unfold the secrets of that great charnel house know as the Democratic party, I move that the Senate do now adjourn.

Mr. DOLPH. I hope the Senator will allow an executive session and withdraw his motion.

Mr. MANDERSON. Very well.

Mr. CALL. I hope neither motion will be insisted upon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the second report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H. Res. 217) to continue the provisions of existing laws providing temporarily for the expenditures of the Government.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 2303 to authorize the construction of a bridge across the Contentnea Creek, at Grifton, Lenoir County, N. C., and establish it as a post-road;

A joint resolution (S. R. 96) to extend the charter of the Maryland and Washington Railway Company; and

A joint resolution (H. Res. 217) to continue the provisions of existing laws providing temporarily for the expenditures of the Government.

OFFICERS OF THE ARMY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the Senate of July 24, 1894, information as to the percentage of the enlisted men, noncommissioned and commissioned officers of the regular Army of the United States who are aliens, and what percentage are citizens of the United States by birth or naturalization; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. DOLPH. With the consent of the Senator from Nebraska [Mr. MANDERSON], I move that the Senate proceed to the consideration of executive business.

Mr. CALL. I ask the Senator from Oregon to withdraw that motion while I ask the consideration by the Senate of a resolution which was reported adversely by the Committee on Contingent Expenses.

Mr. DOLPH. Very well.

Mr. BERRY. I shall have to object to the consideration of the resolution the Senator from Florida desires to call up. I want to have the question determined whether we are going to settle this free-sugar proposition before any other thing is interjected into it. I am compelled, therefore, to object to the consideration of the resolution.

The VICE-PRESIDENT. There is objection to the resolution called up by the Senator from Florida.

Mr. MANDERSON. I renew my motion.

Mr. DOLPH. The Senator from Nebraska yielded to me a moment ago that I might move that the Senate proceed to the consideration of executive business.

Mr. MANDERSON. I have no objection to that. I yield for an executive session.

Mr. GRAY. I ask for the yeas and nays on the motion.

The VICE-PRESIDENT. The Senator from Oregon moves that the Senate proceed to the consideration of executive business, upon which the yeas and nays are demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay," and I suppose he would vote "yea."

Mr. GORDON (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

Mr. McLAURIN (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON]. I transfer my pair to the junior Senator from South Carolina [Mr. IRBY], and vote "nay."

Mr. McPHERSON (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. WALSH (when his name was called). I am paired with the junior Senator from Nebraska [Mr. ALLEN]. If he were present I should vote "nay."

The roll call was concluded.

Mr. PLATT. My colleague [Mr. HAWLEY] is paired with the Senator from West Virginia [Mr. FAULKNER], I believe.

Mr. FAULKNER (after having voted in the negative). I did not know that the Senator from Connecticut [Mr. HAWLEY] had left the Chamber. He said he would leave some time to-day.

Mr. PLATT. He has gone.

Mr. FAULKNER. Under those circumstances, I withdraw my vote.

Mr. BLANCHARD. I am paired with the senior Senator from Michigan [Mr. McMILLAN]. Having ascertained that if he were present he would vote "yea," I will vote. I vote "yea."

Mr. GALLINGER. I was requested to announce that the Senator from Minnesota [Mr. WASHBURN] is paired with the Senator from Kansas [Mr. MARTIN].

Mr. HARRIS (after having voted in the negative). I voted "nay," but I am paired with the Senator from Ohio [Mr. SHERMAN], who I see is not present and has not voted. I will transfer my pair with the Senator from Ohio [Mr. SHERMAN] to the Senator from Indiana [Mr. VOORHEES].

Mr. PASCO. The Senator from Indiana [Mr. VOORHEES] is paired with the Senator from Montana [Mr. POWER].

Mr. HARRIS. Then I suggest to the Senator from Pennsylvania [Mr. QUAY], who is paired with the Senator from Alabama [Mr. MORGAN], that we transfer our respective pairs.

Mr. QUAY. I have no objection.

Mr. HARRIS. I vote "nay."

Mr. QUAY. I vote "yea."

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR], but with the privilege of voting on this question. I therefore vote "nay."

Mr. MARTIN. I am paired with the Senator from Minnesota [Mr. WASHBURN].

The result was announced—yeas 18, nays 34; as follows:

YEAS—18.

Aldrich,	Davis,	Manderson,	Quay,
Allison,	Dolph,	Mitchell, Oregon	Shoup,
Blanchard,	Gallinger,	Patton,	Smith.
Caffery,	Higgins,	Perkins,	
Chandler,	Kyle,	Platt,	

NAYS—34.

Bate,	Dubois,	Jones, Ark.	Ransom,
Berry,	George,	Lindsay,	Roach,
Blackburn,	Gibson,	McLaurin,	Stewart,
Brice,	Gray,	Mills,	Turpie,
Call,	Hansbrough,	Mitchell, Wis.	Vest,
Camden,	Harris,	Palmer,	Vilas,
Carey,	Hill,	Pasco,	White.
Cockrell,	Hunton,	Peffer,	
Coke,	Jarvis,	Pettigrew,	

NOT VOTING—33.

Allen,	Gorman,	Martin,	Teller,
Butler,	Hale,	Morgan,	Voorhees,
Cameron,	Hawley,	Morrill,	Walsh,
Cullom,	Hoar,	Murphy,	Washburn,
Daniel,	Irby,	Power,	Wilson,
Dixon,	Jones, Nev.	Proctor,	Wolcott.
Faulkner,	Lodge,	Pugh,	
Frye,	McMillan,	Sherman,	
Gordon,	McPherson,	Squire,	

So the motion was not agreed to.

Mr. DOLPH. I simply desire to say that the motion I made has no reference whatever to the pending measure. The Senator from Nebraska [Mr. MANDERSON] was about to move an adjournment. There was some executive business that I thought should be transacted, and obtaining his consent, I moved an executive session. If it is the desire of the Senate to discuss the pending measure I shall certainly be very glad to have it done, and if I get a chance to vote upon the House bill relating to sugar, I shall vote for the bill as it came from the other House.

Mr. PALMER. I ask unanimous consent for the present consideration of House bill 5645, which is a bridge bill.

Mr. BERRY. I object to any bill called up by anyone until the sugar matter is disposed of. Let us have a vote on the pending motion.

FREE SUGARS, ETC.

The VICE-PRESIDENT. The pending question is on the motion of the Senator from Tennessee [Mr. HARRIS] to refer to the Committee on Finance the bill (H. R. 7971) to exempt from duty sugars, molasses, etc.

Mr. PALMER. As the Senator from Arkansas [Mr. BERRY] declines to allow the consideration of the bill I wished to call up, I will for a few moments turn my attention to the consideration of what might be fairly called the pending measure.

The tariff bill now in the hands of the President received the vote of every Democratic Senator except the Senator from New York [Mr. HILL]. It is a Democratic measure. I voted for that bill and for most of the amendments, and I accept the distinct responsibility of having done so. I have no apologies to make here for any vote I gave. Whatever apologies or explanations I may hereafter undertake to make, I will make to those to whom I am responsible. I voted as in Committee of the Whole for nearly all the amendments. I voted for the bill on its final passage in this body. I am, I repeat, responsible for my votes, and I am surprised that Senators decline that proper responsibility.

Mr. President, I am not a party leader, and I am glad that I am not. I have been a soldier in a very small way, and I have read something of military history. Napier, in the marvelous account he gives of the Peninsula campaign, says that the cry of save yourself was never heard in the English army, but he says that in the French army the French expression equivalent to it was often heard. I have never on any occasion used the cry, "save yourself," or "save myself." I voted for the measure with my Democratic friends, and whatever responsibilities may result from it I accept without the slightest hesitation.

I do not regard the bill as perfect. It is obnoxious to some of the objections which have been urged by Democratic Senators; but I shall expect to hear those objections sufficiently urged within a short time by those who are opposed to the bill. I am not disposed to furnish them any material myself, if I could do so. Even though my humble share might be beneficial to them, I am not disposed to vouch it now. All that can be said for the bill is that it is a very great improvement over the law which it is to supersede, and that is glory enough.

We talk about the pledges of the Democratic party during the last campaign. What were those pledges? So far as I am concerned, the pledge I made to the people was to exert myself to secure the best possible tariff bill, based upon the principle of a tariff for revenue only. That the bill which has been passed falls short of the perfect realization of that purpose may be admitted, but we have done what we could in that direction.

Neither do I agree with gentlemen who say that there is not a Democratic majority in the Senate. There is. I know of no authority to impose any cast-iron rule upon Democratic Senators or Democrats in either public or private life.

Gentlemen here have presented their opinions, they have urged them, and they have stood by them. The majority members of the Committee on Finance exerted themselves with a fidelity to principle, with a devotion to the opinions of the majority of the Senate to an extent that is worthy of all praise. They accomplished the very best possible results, and what more can be expected? They have simply expressed the views of the Democrats in this body. It is true our private opinions were expressed to them. It was their task to have a bill passed which would be the best possible approximation to a perfect bill in the conception of those who claim to be masters of the science. They had done that.

It is true my eloquent friend from Wisconsin [Mr. VILAS] says an offering has been made to the sugar trust. Mr. President, this is not the first time it has been done. Let the act that will be superseded by the bill just passed be examined and it will be found that there are large concessions in it to special interests. In the canvasses that have occurred since 1890 we have charged it, and we have demonstrated it. That the bill recently passed should have a particular blemish is not surprising. Special interests have great power.

I return again to the original proposition. We have done the

very best that could be done. Think of the condition in which we were placed. I repeat that it is a Democratic measure. The Democratic party is entitled to all the credit that can possibly be derived from it. The Democratic party must accept all the blame.

Mr. President, I have made it the rule of my life never to complain, publicly at least. Whatever little private swearing I may have done on my own account, I have never complained of that which I intended to submit to. I must confess that my party leaders with their needless confessions, I think, with their gratuitous confessions of imperfections in the bill are going far beyond the wisdom that should characterize party leaders.

Mr. President, I think this is about what I wish to say in this connection. I have no disposition, I may remark by the way, to go into the history of party controversies over this question. I doubt the wisdom of these disclosures; I doubt the propriety of these discussions of what took place before the conference committee. I am sure so far they have done no good, and I am sure that neither of the gentlemen who represented the Democratic side of the Senate have any reason to suppose a defense of their conduct is in any possible sense necessary. They need no defense; and whatever they have said in defending themselves or any explanation they have made I think is the result of extreme sensibility, because I think that we know and the country knows how faithfully and earnestly they have exerted themselves to secure the best possible result. The conference committee knew very well what the difficulties were; the conference committee recognized them, and it dealt fairly with us and dealt fairly with the conferees on the part of the House of Representatives. The result has been realized so far as our votes go.

I say all these measures are to be tested not by any absolute rule. I wish I could get some cast-iron mode, some cast-iron form of a tariff bill. I should like to see the production even in mere delineation. These measures are good or bad as they are compared with what precedes or what may follow. The Senator from Missouri to-day enumerated the great results which have been accomplished when we have struck at the foundation of the whole doctrine of protection.

Mr. President, the abolition of the tariff on wool is of itself a triumph. I hope my friends will allow me to say that it used to be said in Illinois before the war and during the war that if a man had an interest in a negro, however small, it necessarily made him sympathize with the Southern Confederacy; and wool has been the very type, the shibboleth of protection. We have step after step stricken it down; we have destroyed that method by which the protectionists have captured the farmers of the West.

Mr. GALLINGER. Would it interrupt the Senator if I were to call his attention to a little matter in that connection?

Mr. PALMER. Not in the slightest. Nothing ever disturbs me.

Mr. GALLINGER. Here is a dispatch from Ottawa, Ontario, dated August 14, which says:

> At last we Canada wool men will have an opportunity of selling our goods in the United States. For the past eighteen months we have had to grin and bear it; now we have a chance of getting even.

Does the Senator think that removing the tariff on wool and permitting the woolgrowers of Ontario to take possession of our markets will help the farmers of the United States?

Mr. PALMER. I have an answer to the Senator from New Hampshire that does not cost me an effort. If the Canadians will bring their woolens into Illinois and sell them cheaper than the manufacturers of New England, in God's name let them come.

Mr. GALLINGER. This is in reference to raw wool.

Mr. PALMER. Let them bring in the raw wool.

Mr. GALLINGER. And blot out the sheep industry of Illinois?

Mr. PALMER. Never. That is one of the humbugs of this whole controversy. It has been argued again and again that sheep can not be raised without some protection, some help. The sheep industry would be benefited by cheap wool.

Mr. GALLINGER. If the Senator will allow me—I do not wish to trespass upon his time—if wool is raised in Canada and brought into Illinois, and if woolen goods are manufactured in Canada and brought into Illinois and displace both wool and the woolen manufactures in Illinois, how are the people of Illinois to be benefited by that? Will they not be damaged?

Mr. PALMER. The Senator says "if." If the Senator will affirm that those things will certainly follow, then I shall contradict him as emphatically as politeness will allow.

Mr. GALLINGER. That is what this telegram from Ontario says. Will the Senator also permit me to read a statement from one of our consuls in Scotland covering substantially the same matter?

Mr. PALMER. I shall consider it as having been read, as I understand it covers the same matter.

Mr. GALLINGER. Very well; I shall read it in my own time when I get the opportunity.

Mr. PALMER. It will afford me the greatest satisfaction to hear it.

Mr. President, the age of humbug is rapidly passing away, and the day has passed in this country when people can be deceived by this humbug protection. It is claimed that wool can not be raised without protection, and the same claim has been made for every other product. One of the successes of the tariff bill recently passed is in the destruction of that miserable delusion which has kept the sheep-growers of the West attached to the protectionist party.

Mr. ALDRICH. Will the Senator from Illinois kindly allow me to ask him a question?

Mr. PALMER. With the greatest satisfaction in the world.

Mr. ALDRICH. Is the Senator now approving, defending, or opposing the bill which has surreptitiously passed recently in regard to the tariff?

Mr. PALMER. Am I approving it?

Mr. ALDRICH. Yes; or is the Senator opposing it? I do not understand exactly what the Senator's position is?

Mr. MITCHELL of Oregon. Or apologizing for it?

Mr. ALDRICH. Or is the Senator apologizing for it?

Mr. PALMER. I shall answer that question so fully that the Senator, even though he is from Rhode Island, in my opinion can not err. I approve the bill.

Mr. ALDRICH. Which one?

Mr. PALMER. I mean the bill in the hands of the President.

Mr. ALDRICH. I did not know whether the Senator meant the bill which is now pending or the one which has been passed.

Mr. PALMER. I think the Senator is not quite so ignorant as he professes to be.

Mr. ALDRICH. There is a bill on the table for putting barbed wire on the free list.

Mr. PALMER. I approve that, because it also provides for the free admission of the material of which barbed wire is made.

Mr. MITCHELL of Oregon. The Senator from Illinois, then, approves both bills. One puts barbed wire on the free list and the other puts a duty upon it; and yet the Senator approves both.

Mr. PALMER. Mr. President, I do approve both as stated. [Laughter.] I approve them upon the principle that I had rather take a cup of coffee than a dose of salts.

Mr. ALDRICH. Which is the cup of coffee and which is the dose of salts?

Mr. PALMER. The McKinley law is the dose of salts. The Senator ought to know that without being told.

I have said already that the value of such measures is to be determined by comparison. I have said that I approve the bill now before the President. I regard it as one not perfect, but one which admits of improvement. I should regard the bill proposing to abrogate the duty upon sugar as a great improvement.

Mr. BUTLER. Did the Senator ever know of a tariff bill which could not be improved? I have never seen one which could not.

Mr. PALMER. I have just asked for a cast-iron form of a tariff bill, or the picture of it. I should regard the barbed-wire bill as an improvement; I should regard the bill proposing to remove the duty upon iron as an improvement; I should regard the bill removing the duty upon coal as an improvement, but, with all that, I regard the bill as it is as an infinite improvement over the law which it proposes to repeal. By its provisions we get rid of the infamy of a bounty on sugar.

There is nothing in the history of legislation so indicative of corruption, and never was an attempt made by any party in the world to corrupt a whole section such as was the imposition of the sugar bounty of 1890. Look at it; think of the effect of it. I speak not now of the Louisana Senators; I speak of the Populists. The Populists, as I understand them, are free traders, are in sympathy with us, and yet the bounty upon sugar has embarrassed those gentleman to an extent which is pitiable. Although there were improvements, changes in the tariff much to their advantage, yet they were—I shall not say bribed, I shall not say corrupted, but yet they cling to this miserable bounty, and their known opposition to this bill has been one of the embarrassments which stood in the way of its final passage.

Mr. KYLE. Will the Senator from Illinois allow me just one word?

Mr. PALMER. With great pleasure.

Mr. KYLE. I wish to say for the Populist Senators in this Chamber that they are in favor of fulfilling every moral contract made by the United States Government with the humblest of its citizens. That is their position.

Mr. PALMER. Does my friend from South Dakota put that upon the ground of contract alone?

Mr. KYLE. Upon the ground of contract alone. *Ab initio* I am not in favor of the bounty system.

Mr. PALMER. The question of ethics involved in this is one which I shall not now discuss; but I think my friends the Populists are a good deal like other people; they insist upon the absolute and perfect fulfillment of every bargain where they have the long end of it. [Laughter.] But I doubt, with great respect to my friend, whether they would have been so conscientious about a bargain which operated in favor of other people.

It can be said with equal confidence that manufacturing establishments have been constructed in New England, in New York, in New Jersey, in Pennsylvania, in Illinois, in which large investments have been made upon the faith of the McKinley law; and if the judgment of those persons were to control Congress it would be but a little while until all the powers of Congress over revenue questions would be held to be irrevocably abandoned on the score of some moral contract.

Mr. KYLE. I presume the Senator from Illinois, then, is in about the same category as the Populists.

Mr. PALMER. I should be willing to be like them in many respects.

Mr. KYLE. I understand the Senator is a free trader upon general principles, but when it comes to barbed wire he is not a free trader, but wishes to protect the barbed-wire interests in Illinois.

Mr. PALMER. I confess I am somewhat like a citizen of Maine who said he was in favor of the Maine liquor law, but against its enforcement. [Laughter.] I have explained myself fully on that point, I trust. When I have expressed my satisfaction with the bill which has passed the House that ought to acquit me, at least so far as I need an acquittal, but I need to be acquitted of nothing. About half my lifetime was spent in proving my consistency, and I regard that portion of my life as having been substantially thrown away. [Laughter.] From this time forth no Senator, no friend of mine, can stop my mouth by any testimony that I have given by my past acts. I am trying to do the best I can now. If I erred in the past, I have repented thoroughly.

But that has been the effect of the bounty, and although my friends the Populists had in the bill which has passed provisions which were largely in the interest of their people, although the whole country will feel the benefit of them at no distant day, still the bounty was not there, and because the bounty was not there our friends would not even accept the very great advantages which were offered them by the bill.

Mr. KYLE. I should like to have one word just there.

Mr. PALMER. With pleasure.

Mr. KYLE. I should like to ask whether the Senator from Illinois does not recognize the justice of paying the bounty to the sugar growers for the present year?

Mr. PALMER. I do.

Mr. KYLE. That is all the Populists contend for.

Mr. PALMER. But, Mr. President, I do not put it upon the ground of a debt. I felt, and I feel yet, that the retention of that bounty was too much to pay, or rather we could not sacrifice all which that bill contained for the sake of the bounty.

Mr. KYLE. But we could sacrifice the honor of the American people to the sugar trust.

Mr. PALMER. I do not quite understand what my friend, the Senator from South Dakota, means by the sugar trust and sacrificing the honor of the American people to the sugar trust. May I ask the Senator what he means by that?

Mr. KYLE. I mean the granting of the differential of one-eighth of 1 cent per pound on sugar.

Mr. GEORGE. They have a half cent now.

Mr. PALMER. I understand that under the present law they get more.

Mr. HARRIS. It gives them 60 cents on the hundred pounds.

Mr. PALMER. So I am told; and the difference is altogether in favor of the consumer, as I understand. I was told by the distinguished Senator from Louisiana that even the sugar producer derived a very considerable benefit from that same one-eighth differential.

But, Mr. President, I said sometime ago, and I repeat it, that I expected to pay a large price to get rid of the bounty. It did not make much difference to me into whose pocket the money went. We had to buy the exemption from the bounty on sugar, and had to pay for it. The bounty, as I said before, had demoralized South Dakota, it had demoralized Nebraska, and we had to buy out the representatives from those States where they raised cane and beets. Somebody has said they had us by the throat. They said, "Give us bounty," not "your life or your bounty," but "You can have no bill that will reform the tariff unless you pay for it by a bounty."

Mr. KYLE. Then, according to that statement, the Senator finally concluded that it was cheaper to buy the sugar trust than to buy the Populist Senators?

Mr. PALMER. Yes, I did do that, too. The price is much less, I confess. [Laughter.] I have said in reply to the Senator from New Hampshire [Mr. GALLINGER] in another connection, when my people have to buy, I want them to buy where the thing is to be bought the cheapest. But the great point was to buy out of this bounty, and we had to pay that price for it, unless we can get rid of it by the passage of the bill now before us.

Mr. President, I have been betrayed into criticisms upon the bill that I did not intend to indulge in. There is nothing in this matter for recrimination among Democrats. We have differed in opinion about the provisions of the tariff bill. Gentlemen whose Democracy will never be questioned have entertained one view of the question—I need not name them—and another gentleman, who need not be named, and whose boast it is "I am a Democrat," has voted against this bill. [Laughter.] We have found him not opposing it on all grounds, but at all points. So it is not fair to say that gentlemen who differ about these things are not Democrats.

I propose to go home and tell the people of Illinois—for they are very sensible people—"The House passed a bill which was confessedly imperfect"—perhaps I ought not to say "confessedly"—"and the Senate received that bill. There were a number, whom I need not name, who favored a different bill from that which has passed; some Democrats felt that they could not in conscience vote for the bill under any aspect of the case; that was the situation; and we have presented you a bill"—that is, if the President shall think proper to sign it [laughter], and that is a matter about which I do not, of course, know anything—"at all events the House and the Senate have passed a bill, and I take for myself the full and absolute responsibility for every provision of that bill. You may think that I erred; no doubt I did; but I will give you the reasons why I did it."

Mr. President, I want to say, in conclusion, that aside from the people of the State of Illinois, whose confidence I had once, and I hope to retain it, although I expect it will cost me some explanations [laughter], I am responsible to no earthly being. I am simply doing the very best I can, and I am willing to take the consequences. If any Senator here thinks that he needs explanation, in God's name let him make it. I need none. I have done the best I could; I have done my duty; I will take the responsibility, and I have no complaints to make of any Senator on either side.

The gentlemen on the other side have fought us steadily. They must be answerable for that. We have been somewhat divided, but do not let us aggravate the trouble by any controversies here. If we are going to have any fight, let us retire to a private room. Indeed, I understand we had a caucus, but I think the divisions there have been so far exposed that it might as well have been had out of doors.

Mr. CAREY. Will the Senator permit me to ask him a question?

Mr. PALMER. With great pleasure.

Mr. CAREY. I should like to ask the Senator from Illinois whether he is favor of the repeal of the bill as passed by the Senate in whole or in part before the President signs it.

Mr. PALMER. Neither. I want to answer that so distinctly that the Senator can not misunderstand it. I am in favor of neither. I am in favor of improving the bill, whether the President signs it or not.

Mr. CAREY. Then, the agreement on the part of forty-three Senators on the other side did not go any further than simply getting the bill through; that is, you propose to fool some people on your side of the Chamber.

Mr. GRAY. Oh, no.

Mr. PALMER. If the Senator means by that question to ask me whether I mean to fool anybody or not, I hope he will pardon me for not answering. If the Senator means to use an appellation, I hope he will still pardon me for declining to answer.

Mr. CAREY. Reference has been made to forty-three Senators who agreed to pass the Senate bill. Does the agreement last up to the time the President approves the act, or is that off now?

Mr. PALMER. I am not prepared to answer the question. I would advise the Senator, if he desires information on that point, to consult gentlemen who know better than I do. That is the best source of information from which he can get it. I think I have stated my own views and opinions, and the Senator will pardon me for not answering his question.

Mr. WALSH. Mr. President, I desire to present certain statements obtained from authentic sources with reference to the operations of the tariff bill as passed by the Senate when it becomes a law.

I regret exceedingly that Democrats should decry and denounce a measure for which the Democratic party is in honor bound to accept the entire responsibility. This bill is at best a compromise measure, for the passage of which no Democrat is called upon to apologize.

We all know the situation which surrounded us in the Senate;

we all know the formidable opposition which confronted this measure on the other side of the Chamber; and we must admit that this bill is in a measure a compromise to the strength of the formidable opposition arrayed against it on the other side of the Chamber, because under the rules of the Senate, or rather in the absence of a rule, it is impossible to bring any question to a vote until the utmost limit of debate has been exhausted.

So, instead of Democrats, after the passage of the bill, indulging in crimination and recrimination about it, we should make up our minds to assume the full responsibility and go before the country and say that we have done the best we could under the circumstances. I do not consider that this is the end of this great question. It will continue to be a live question before the American people until the issue of tariff reform is finally and ultimately accomplished.

Mr. President, I did not rise to make any extended remarks, but merely to submit for publication in the RECORD certain authentic statements which will show how beneficial the bill as it passed the Senate will be to the taxpayers of the country in removing onerous tariff rates and in opening up the way for freer trade among the nations. I shall not trouble the Senate or consume its time by reading these tables, etc., but shall ask permission to have them published in the RECORD.

The PRESIDING OFFICER (Mr. BERRY in the chair). If there be no objection, the statements referred to will be printed in the RECORD.

Mr. ALDRICH. I should be glad to have the statements made by the Senator from Georgia read, and I should also be glad if the would state the authority upon hich they are based.

Mr. WALSH. I have here an official statement showing the schedules of importations under the McKinley law, the estimated duties under the bill as it came from the House, and the duties under the bill as it passed the Senate. I have a statement here by Mr. Durfee, the secretary of the Finance Committee, and I have certain other statements of importance prepared by Mr. Schoenhof, one of the tariff experts connected with the Finance Committee. I give them now upon my own responsibility, of course.

Mr. ALDRICH. If they are to be published in the RECORD as coming from any authority, I desire to have them read.

Mr. WALSH. I will have them read. It will take some time to read them, however.

The PRESIDING OFFICER. Does the Senator from Rhode Island object to the publication in the RECORD of the statements mentioned?

Mr. HARRIS. I imagine the Senator from Rhode Island does not desire to have these tabulations and statements read.

Mr. WALSH. It would be very interesting to him.

Mr. ALDRICH. As the statements are to be published in the RECORD with more or less authority, I should be glad, as I may not have time to read them, to hear them read.

Mr. HARRIS. Would it not answer the Senator's purpose to read them in the RECORD in the morning?

Mr. ALDRICH. My time is taken up with the sessions of the Senate, and I have very little time to read the RECORD. I should be glad to have the statements read.

Mr. HARRIS. It is now 5 o'clock, and I was about to ask the Senate to devote its attention to some other business or quit.

Mr. ALDRICH. If the Senator from Tennessee desires to move that the Senate proceed to the consideration of executive business, or adjourn, I am willing to quit.

Mr. HARRIS. The Senator from Georgia must be permitted to print the papers in the RECORD.

Mr. ALDRICH. I have no objection to that being done.

Mr. HARRIS. Let it be done, then.

The PRESIDING OFFICER. If there be no objection, the statements will be published in the RECORD. Is there objection? The Chair hears none.

The statements referred to are as follows:

Imports, rates of duty and revenues under McKinley law and estimated revenues under House and Senate bills.

	Schedules.	Importations of the fiscal year ending June 30, 1893— Values.	Importations of the fiscal year ending June 30, 1893— Duty received.	Estimated duties by bill (H. R. 4864), as passed by the— House.	Estimated duties by bill (H. R. 4864), as passed by the— Senate (July 3).	Senate increases over House bill.	Average ad valorem under— Present law.	Average ad valorem under— House bill.	Average ad valorem under— Senate bill.	Per cent of reduction by Senate bill over present law.
							Per ct.	*Per ct.*	*Per ct.*	*Per cent.*
A	Chemicals, oils, and paints	$21,066,224.25	$6,284,555.13	$5,096,316.00	$4,860,370.05	*$235,945.95	31.61	25.09	24.44	22.68
B	Earths, earthenware, and glassware	23,606,698.85	12,118,239.41	8,060,370.31	8,333,152.65	272,782.34	51.20	34.13	35.21	31.23
C	Metals, and manufactures of	46,296,500.64	25,964,071.84	15,606,146.03	16,878,956.08	1,272,810.05	56.33	34.99	36.53	37.37
D	Wood, and manufactures of	2,247,205.40	714,518.62	488,098.36	484,931.17	*3,167.19	31.79	21.96	23.62	25.70
E	Sugar	109,817,948.14	193,294.43	16,832.14	43,478,957.57	43,462,125.43	14.55	28.43	39.59	†172.10
F	Tobacco, and manufactures	12,588,407.12	14,831,989.99	11,928,783.11	13,337,977.28	1,809,194.17	117.82	91.58	105.95	10.07
G	Agricultural products and provisions	41,526,276.40	12,421,205.69	7,983,441.78	9,594,583.51	1,611,141.73	33.21	21.59	23.10	30.44
H	Spirits, wines, and other beverages	13,874,921.08	9,698,336.91	8,421,347.54	8,465,386.86	44,039.32	69.90	60.69	61.01	12.75
I	Cotton manufactures	20,510,438.98	11,333,605.23	7,885,585.28	8,929,286.92	1,043,701.64	55.25	38.45	43.54	21.19
J	Flax, hemp, and jute, and manufactures of	41,706,792.44	18,767,353.37	12,724,279.49	13,848,060.04	1,123,780.55	45	30.51	41.05	8.76
K	Wool, and manufactures of	36,913,737.16	36,404,797.81	14,714,879.29	18,019,778.37	3,304,899.14	98.62	39.78	48.82	50.50
L	Silk and silk goods	37,919,948.92	20,310,258.74	17,113,647.62	17,589,653.77	476,006.15	53.56	45.13	46.39	13.38
M	Pulp, papers, and books	8,680,319.32	2,070,124.10	1,658,398.97	1,781,922.00	123,523.03	23.85	19.10	20.53	13.92
N	Sundries	54,975,796.63	14,573,886.16	13,100,352.45	13,444,152.56	343,800.11	26.80	26.33	24.45	8.62
Sec. 4.	Unenumerated	1,364,192.47	256,951.01	256,951.01	203,973.39	*54,977.62	18.98	18.98	18.73	1.31
	Articles transferred to free list by both House and Senate	41,398,000.71	11,436,264.42				27.63			
		514,463,408.49	198,373,452.97	124,657,429.32	179,251,142.16	‡54,593,712.84	49.58	35.51	38.68	21.96

* Schedules A, D, and section 4 are decreases. † Increase. ‡ Net increase over House.

NOTE.—The computations of the average ad valorem rates of duty are calculated upon the dutiable value only. The value of the articles that are free of duty by either the present law, House or Senate bills, are excluded.

	Dutiable value.	Duty.	Advalorem rate.	Decrease of duty.
			Per cent.	
Under present law	$400,069,698.48	$198,373,452.97	49.58	
Under House bill	351,041,983.12	124,657,429.32	35.51	$73,716,023.65
Under Senate bill	463,447,168.11	179,251,142.16	38.68	19,122,310.81

The increase in duties under the Senate bill as compared with the House bill is due almost entirely to the duty placed on sugar by the Senate.

ESTIMATES OF REVENUES UNDER HOUSE AND SENATE BILLS.

The estimated revenue by Senate bill:

From customs		$179,251,142.16
Internal revenue, additional from—		
Income	$30,000,000	
Spirits	20,000,000	
Playing cards	3,000,000	
		53,000,000.00
		232,251,142.16

Estimate of revenue by Secretary of Treasury for fiscal year 1895.

Customs	$190,000,000.00
Internal revenue	160,000,000.00
Miscellaneous items	20,000,000.00
Postal service	84,427,748.00
	454,427,748.00

Estimate of revenues under House bill 4864 as it passed the House.

Customs	$124,657,429.32
Internal revenue (under present law)	160,000,000.00
Internal revenue, additional (under bill 4864)	53,000,000.00
Miscellaneous items (under present law)	20,000,000.00
Postal service (under present law)	84,427,748.00
	442,085,177.32

Estimate of revenues under House bill as amended and passed by the Senate, July 3, 1894.

Customs	$179,251,142.16
Internal revenue (as above stated)	213,000,000.00
Miscellaneous items (as above stated)	20,000,000.00
Postal service (as above stated)	84,427,748.00
	496,678,890.16

COMPARISON OF THE M'KINLEY SUGAR BOUNTY AND THE SENATE DUTY.

The following in reference to the sugar schedules of 1883, 1890, and the Senate bill was prepared by Mr. Benjamin Durfee, statistician of the Finance Committee of the Senate:

Imports of sugar (dutiable only).

1883.

Amount of imports	pounds..	1,694,207,751
Value of imports		$84,355,545
Duty collected		$46,711,795
Average ad valorem of duty	per cent..	55.37
Average value of imports, per pound	cents..	4.47
Average duty per pound	do....	2.47

1890.

Amount of imports	pounds..	2,709,554,549
Value of imports		$92,743,777
Duty collected		$53,985,873
Average ad valorem of duty	per cent..	65.24
Average value of imports per pound	cents..	3.05
Average duty per pound	do....	1.99

Imports of free sugar, 1893.

Amount of imports	pounds..	3,728,783,783
Value of imports		$114,796,397
Under tariff act of 1894, at 40 per cent duty, would be		$45,917,558
Average value of imports per pound	cents..	3.78
Average duty per pound under tariff act of 1894	do....	1.51

Under the operations of such a law as the Senate bill there would have been payments of $45,917,558 into the United States Treasury as duties on the imports of sugar in the fiscal year 1892–'93, instead of payments of $9,375,130 out of the Treasury as bounty to American producers of sugar.

The payments of bounty to sugar producers are increasing at the rate of 29 per cent per annum. For the past three fiscal years the amounts paid have been as follows:

Year ending June 30—	Amount of bounty.
1892	$7,342,077
1893	9,375,130
1894	12,099,399

At the same rate of increase the payments for the next ten years would be as follows:

Year ending June 30—	Amount of bounty.
1895	$15,608,224
1896	20,134,608
1897	25,973,644
1898	33,506,000
1899	43,232,740
1900	55,780,234
1901	71,956,501
1902	92,823,886
1903	119,742,812
1904	154,568,227
Total for ten years	633,326,876

Such a rate of increase in the domestic production of sugar would be necessary to enable the industry to supply the entire amount consumed in this country by the time fixed for the expiration of the bounty provisions of the tariff act of 1890, namely, July 1, 1905. In the fiscal year ended June 30, 1894, the consumption of raw sugars in the United States was approximately 2,933,017,920 pounds, this amount representing the sum of the imports and domestic production for that period. On a similar basis, the consumption for the year ended June 30, 1894, was 4,931,711,251 pounds, an increase of 68 per cent in the ten years. A continuance of this ratio of increase in the consumption of sugar for the next ten years would reach 8,275,274,901 pounds in 1904, in which year the domestic production would have reached a slightly smaller figure at the present rate of increase, or about 7,728,411,350 pounds.

The import value of sugars has decreased from an average of 4.47 cents in 1883, to 3.78 cents in 1893. Assuming a similar decrease in the next ten years, the price would be about 3.20 cents per pound in 1904, making the value of the amount necessary to supply this country in that year $264,808,796. If all the demands of the country at that time were to be supplied by domestic producers, under a continuance of the present bounty, it would necessitate the payment of $165,505,498 out of the National Treasury. If the wants of the people were to be met by imports of sugar, there would be paid into the Treasury the sum of $105,923,518 in duties under the rates fixed by the Senate bill and upon a price for sugar assumed to be as much below the present value in 1904 as the present price is below that of ten years ago. There would be a difference of $47,422,016 between the operations of the McKinley bounty and the Senate bill duties on sugar ten years hence.

The average yearly bounty under the McKinley bill if continued to termination would be $63,332,687, while the duty under the Senate bill based on imports for 1893 would be only $45,917,558

The advantages of the sugar schedule of the Senate bill, as compared with the bounty provision of the McKinley law, are still further emphasized by contrasting the operation of the two measures in the matter of refined sugars. The McKinley law gives the refiners a protection of five-tenths of a cent per pound, and an additional tenth of a cent upon refined sugars imported from countries that pay an export bounty, making a total of six-tenths of a cent per pound, or 60 cents per 100 pounds.

The Senate bill gives refiners a protection of one-eighth of a cent per pound over and above the duty on the raw sugar. An additional tenth of a cent is provided for sugars imported from countries that pay an export bounty, but importers can be relieved from this additional duty upon proof that any particular invoice of sugar has not received any such export bounty, either direct or indirect. Based upon the differential the protection to refiners under the Senate bill is, therefore, virtually one-eighth of a cent per pound, or 12½ cents per 100 pounds. The benefit to consumers of refined sugar by reason of the Senate bill can be stated thus:

Duty per 100 pounds of refined sugar.

McKinley law	$0.600
Senate bill	.125
Saving by Senate bill	.475

The approximate consumption of raw sugars in the United States during the fiscal year 1892–'93 amounted to 4,210,908,864 (imports 3,728,783,783 pounds, domestic production 482,125,081 pounds). Upon the usual allowance of 112 pounds of raw sugar for 100 pounds of refined this would equal a consumption of 3,759,740,067 pounds of refined sugar. The saving to consumers on this quantity by the difference between the McKinley act and the Senate bill, at the rate of 47.5 cents per 100 pounds, would amount to $17,858,765. The cost of the McKinley bounty to producers of raw sugar and protection to refiners may be stated as follows:

Cost of McKinley sugar bounty and duty to consumers, 1892–'93.

Protection to refiners	$17,858,765
Bounty paid to producers	9,375,130
Total	27,233,895

Not a penny of this amount went into the United States Treasury; the people paid direct to the refiners the amount of the protection given to this industry, while the amount of the bounty was paid out of the Treasury receipts from customs and other taxes. As the total duties paid during the fiscal year 1892–'93 on sugars above No. 16 Dutch standard amounted to only $160,500, the tariff on refined sugars was not paid by importers, in accordance with the protectionist theory. A tariff rate of 40 per cent, like that provided in the Senate bill, applied to the imports of 1892–'93, would have yielded $45,917,558 in revenues, instead of costing the consumers and the United States Treasury $27,233,895 on the above basis. The duty imposed by the Senate bill saves the payment of over $9,000,000 per year out of the Treasury to sugar producers, and also saves the payment of nearly $18,000,000 by the people, as consumers, into the coffers of the sugar trust.

SAVING TO CONSUMERS OF WOOLEN GOODS BY THE SENATE DUTIES.

English cloth made in Leeds, imported into the port of New York, wool and cotton warp, 60 inches wide, weighing 11½ ounces per yard: Cost per yard 1*s.* 3*d.* less 5 and 5 per cent discount, 27 cents net per yard:

	Cents.
McKinley duty (38½ cents per pound + 40 per cent per yard)	39.80
Senate duty (40 per cent per yard)	10.80
Saved to consumer	29.00

The samples No. 1 to No. 6 attached to the respective statements represent actual importations made in the current year. The prices are the actual invoice prices, as passed by the appraiser's department in New York.

J. SCHOENHOF,
Deputy Appraiser of the Port of New York.

English cloth, wool and cotton warp, imported into the port of New York, 54 inches wide, weight 13 ounces per yard: Cost per yard 1*s.* 2½*d.*, less 7 per cent, 27 cents net yer yard:

	Cents.
McKinley duty (38½ cents per pound + 40 per cent per yard)	42.00
Senate duty (40 per cent per yard)	10.40
Saved to consumer	31.60

English overcoatings, wool and cotton warp, imported into the port of New York, 50 inches wide, weight 26 ounces per yard: Price 1*s.* 9*d.* net per yard, 42 cents net per yard:

	Cents.
McKinley duty (33 cents per pound + 40 per cent yer yard)	70.45
Senate duty (40 per cent per yard)	16.80
Saved to consumer	53.65

Worsted coating, Bradford, England, imported into the port of New York, 57 inches wide, weight 20 ounces: Cost 3*s.* 9*d.* per yard, less 7 per cent, 62½ cents per yard:

	Cents.
McKinley duty (44 cents per pound + 50 per cent), per yard	93½
Senate duty (50 per cent), per yard	31½
Saved to consumer	55

French cashmere, imported into the port of New York, 45 inches wide: Cost 0.95 francs per meter net, 18 cents per yard:

	Cents.
McKinley duty (12 cents per square yard + 50 per cent), per yard	24
Senate duty (50 per cent), per yard	9
Saved to consumer	15

French dress goods, challies, all wool, imported into the port of New York, 30 inches wide, weight 2½ ounces per yard: Cost per yard, 28½ cents net:

	Cents.
McKinley duty (12 cents per square yard + 50 per cent), per yard	30
Senate duty (50 per cent), per yard	10
Saved to consumer	19

Balance sheet, showing the amount saved to the consumer by the adoption of the Senate bill in place of the McKinley act.

SCHEDULE K.—WOOL AND WOOLENS.

1892-'93.	Imports of manufactures of wool		$36,993,000
	Duties		36,448,000
	Import value, duty paid		73,441,000
1889-'90.	Census year, domestic manufactures:		
	Woolen goods	$133,577,000	
	Worsted goods	79,194,000	
	Hosiery and knit goods	67,241,000	
	Deduct cotton hosiery	17,000,000	
		50,241,000	
	Carpets	47,770,000	
			310,782,000
	Value of domestic manufactures		384,223,000
	Add 33⅓ per cent to cover wholesale and retail profits		128,074,000
	Cost of wool manufactures to consumers		512,297,000
	Cost of wool manufactures under Senate bill on same amounts:		
	Importations	$36,993,000	
	Duty, 45 per cent	16,665,000	
		53,658,000	
1889-'90.	Value of domestic manufactures, $310,000,000, reduced from an average of 100 per cent duty to 45 per cent rate as a result of free wool	224,525,000	
		278,183,000	
	Add 33⅓ per cent as profits	92,728,000	
			370,911,000
	Amount saved to consumers under Senate bill		141,386,000

Articles transferred from the dutiable list of the House bill to the free list of the Senate bill.

	Present.	House.	Senate.
Opium, crude or unmanufactured.	Free	$1 per lb.	Free.
Boards, plank, deal, and other sawed lumber:			
Of hemlock, whitewood, sycamore, white pine, and basswood—			
Planed or finished on one side.	$1.50 per M feet	50c. per M feet.	Do.
Planed or finished on two sides.	$2 per M feet	$1 per M feet.	Do.
Planed on one side and tongued and grooved.	do	do	Do.
Planed on two sides and tongued and grooved.	$2.50 per M feet	$1.50 per M feet.	Do.
All sawed lumber not specially provided for.			
Planed or finished on one side.	$3 per M feet	$1 per M feet.	Do.
Planed or finished on two sides.	do	do	Do.
Planed on one side and tongued and grooved.	$2.50 per M feet	50 c. per M feet.	Do.
Planed on two sides and tongued and grooved.	$3.50 per M feet	$1.50 per M feet.	Do.
Burlaps, of flax, jute, or hemp, or of which flax, jute, or hemp, or either of them, shall be the component material of chief value (except such as may be suitable for bagging for cotton)—			
Not exceeding 60 inches in width.	1¼ cents per pound	15 pr. ct.	Do.
Exceeding 60 inches in width.	40 per cent	30 pr. ct.	Do.
Bags for grain made of burlaps	2 cents per pound	20 pr. ct.	Do.
Bagging for cotton, gunny cloth, and all similar material for covering cotton, composed in whole or in part of hemp, flax, jute, or jute butts—			
Valued at 6 cents or less per square yard.	1.6 cents per square yard.	15 pr. ct.	Do.
Valued at more than 6 cents per square yard.	1.8 cents per square yard.	do	Do.
Enfleurage grease	20 per cent	20 pr. ct.	Do.

Saving in duties by transfers from dutiable to free list by House and Senate bills.

Schedules.	Imports, 1893.	Duties, 1893.
A. Chemicals, oils, and paints	$712,180.57	$114,967.29
B. Earth, earthen and glass ware	636.00	95.40
C. Metals, and manufactures of	1,131,240.45	128,657.23
D. Wood, and manufactures of	10,198,301.11	1,143,204.34
G. Agricultural products, etc	1,512,574.31	494,365.84
H. Spirits, wines, etc	31,490.00	5,896.53
J. Flax, hemp, jute, etc	1,730,231.60	207,485.99
K. Wool, and manufactures of	18,496,553.92	8,203,323.14
N. Sundries	3,195,695.85	432,657.93
Articles under section 4, act of October 1, 1890	4,389,007.00	717,530.79
Total	41,398,000.71	11,438,264.48

AVERAGE AD VALOREM RATES OF MILLS BILL, M'KINLEY LAW, AND SENATE BILL, WITH PER CENT OF REDUCTION BY SENATE BILL.

[From the CONGRESSIONAL RECORD of Wednesday, August 1, 1894.]

TARIFF STATEMENT SUBMITTED BY HON. PATRICK WALSH.

Mr. WALSH. I present a petition of the Commercial Club of Savannah, Ga., praying for the early settlement of the tariff question. I ask that the petition lie on the table, and be printed in the RECORD.

The petition was ordered to lie on the table and to be printed in the RECORD, as follows:

"SAVANNAH, GA., *July 20, 1894.*

"The Commercial Club of Savannah, at a meeting duly held and regularly called for that purpose, distinctly and emphatically records its earnest protest against the dilatory action which now marks the progress of the tariff bill pending before the Congress of the United States. This club embraces within its membership men who represent the leading commercial and industrial pursuits of this community. Its interests are not circumscribed within the limits of this city, nor within the great State of Georgia, but the objective purpose of its formation was to advance alike the material prosperity of the entire nation. It believes that it voices the sentiment of the people of the United States when it says that the uncertainty attendant upon the adjustment of that measure has caused untold financial embarrassment, restricted the use of capital, limited investment, and has had a general and most depressing effect upon all lines of material activity.

"The delicate and complicated machinery of business at this time is not unlike the condition of a sick patient who has long been deprived of the sustaining forces of life; and the great financial convulsion which has recently swept over this country has left its business interests in such a condition that the immediate application of restorative remedies is imperatively required.

"Any concession which would tend to effectuate the immediate passage of this bill would be infinitely preferable to delay at this crisis. It is therefore

"*Resolved by the Commercial Club of Savannah*, That immediate action upon the tariff bill is necessary to end the existing financial depression and embarrassment and to stimulate trade to its normal condition. It is

"*Further resolved*, That the Representatives and Senators of the State of Georgia in Congress be, and they are hereby, requested to use every effort to bring about some speedy and definite action upon this bill. It is

"*Further resolved*, That a copy of these resolutions be sent to each of the Representatives and Senators from the State of Georgia."

TARIFF STATEMENT.

Mr. WALSH. I ask the unanimous consent of the Senate to have printed in the RECORD a statement of the average ad valorem rates of duty of the Mills bill, the McKinley law, and the Senate bill, with per cent of reduction by Senate bill on the articles contained herein. It is a matter of information in which I think the country generally is interested.

The statement was ordered to be printed in the RECORD as follows:

Statement of average ad valorem rates of duty of the Mills bill, McKinley law, and Senate bill, with per cent of reduction by Senate bill on the undermentioned articles.

Articles.	Mills bill (1888).	McKinley bill.	Senate bill.	Per cent of reduction by Senate bill over McKinley bill.
Camphor, refined	15.25	12.20	10	18.03
Sumac, extract of	20	23.24	10	56.97
Epsom salts	63.90	38.34	25.51	33.46
Castor oil	50.17	100.35	43.87	56.28
Cod-liver oil	25	28.65	20	30.19
Opium, prepared for smoking	141.58	169.65	84.82	50
Chromium colors	25	30.84	20.56	33.33
Ocher	19.64	19.64	16.37	16.66
Sienna	21.14	21.14	17.62	16.66
Umber	25.80	25.80	21.50	16.66
Spirit varnishes	74.56	69.56	59.56	14.38
All other varnishes	40	35	25	28.57
Whiting:				
Dry	142.48	143.48	71.24	50
Ground in oil (putty)	189.50	189.50	94.75	50
White lead	39.47	59.21	29.60	50
Nitrate of potash	21.32	21.32	10.66	50
Bicarbonate of soda	45.35	60.47	30.24	50
Bichromate of soda	45.59	20	25	45.16
Strychnia, or strychnine	117.24	93.79	70.34	25
Sulphur, sublimed	34.39	28.66	20	30.22
Sumac, ground	14.86	19.81	10	49.52
China:				
Painted, etc	50	60	35	41.67
Plain	40	55	30	45.45
Bottles:				
Empty	70.17	70.17	52.63	25
Filled	71.48	71.48	53.61	25
Demijohns, empty	37.91	37.91	28.43	25
Manufactures of glass	40	60	35	41.67
Cylinder glass, polished, unsilvered	17- 64	20- 64	13- 48	25- 38
Plate glass, fluted, etc	49- 64	49- 64	37- 48	25- 33
Plate glass, unsilvered, cast, etc.	98-174	98-174	88-122	10- 30
Plate glass, cast, silvered, above 24 by 60	37.04	49.39	31.28	36.67
Cylinder and crown glass, silvered	32.91	43.88	27.79	36.67
Spectacle lenses	40	60	35	41.67
Stained or painted window glass	40	45	35	22.22
Roofing slate	25	25	20	20
Iron ore	22- 37	26- 41	15- 21	40.47
Iron in pigs, etc	42.70	42.70	22.77	46.67
Scrap iron	42.70	47.83	28.47	40.48
Scrap steel	38.39	43	25.50	40.49
Bar iron	27- 83	25- 53	16- 32	25- 40
Bars of rolled iron	56.18	61.77	44.93	27.25

Statement of average ad valorem rates of duty of the Mills bill, McKinley law, and Senate bill, etc.—Continued.

Articles.	Mills bill (1888).	McKinley bill.	Senate bill.	Per cent of reduction by Senate bill over McKinley bill.
Boiler or other plate iron or steel	95	54	25	53.70
Rails of steel	60.67	58.24	33.99	24.47
Sheets of iron or steel, common or black	62- 25	25- 70	20- 55	21- 30
Tin plate	Free	78.44	42.32	46.05
Tin, manufactures of	40	55	35	36.36
Steel ingots, etc	22- 45	29- 50	20- 40	20- 35
Wire rods	34	34	22.67	33.33
Cast-iron vessels, etc	28.31	26.97	17.98	33.33
Malleable iron castings	36.37	31.83	16.37	48.57
Hollow ware	29.43	35.33	23.55	33.34
Chains	39.41	47.28	30	36.55
Firearms	35	41- 80	30	27- 62
Nails	23- 39	23- 46	23- 30	4- 46
Railway fish plates	57.54	72.18	25	65.36
Hand, back, and other saws	30	40	25	37.50
Screws	53-133	47-111	33- 67	28- 40
Wheels	66.98	83.72	41.86	50
Plates, rolled, brazier's copper	30	35	20	42.86
Gold leaf	33.65	44.87	30	33.14
Silver leaf	77.78	77.78	30	61.43
Lead sheets	32.98	36.65	18.33	50
Nickel	36.65	23.77	14.26	40
Gold pens	35	30	25	16.67
Penholders and parts of	30	30	25	16.67
Pins	30	30	25	16.67
Zinc in sheets	23.35	29.19	14.59	50
Manufactures of metal	40	45	35	22.22
Shooks and boxes	30	30	20	33.33
Casks and barrels	30	30	20	33.33
Clocks, of wood	30	35	25	28.57
Rice, cleaned	111.85	111.85	83.89	25
Rice, uncleaned	64.19	64.19	41.08	20
Honey	44.83	44.83	22.42	49.99
Oranges, lemons, and limes	15- 33	12- 31	12- 32	----------
Comfits, sweetmeats, etc	35	35	30	14.29
Nuts, not shelled (almonds)	51.34	51.34	30.80	40.01
Nuts, shelled (almonds)	42.42	42.42	28.28	33.33
Filberts, not shelled	52.90	52.90	35.32	33.35
Peanuts, unshelled	54.64	72.86	20	72.85
Extract of meat	20	17.95	15	10.87
Spirits, distilled	73-294	91-307	65-264	28
Cotton cloth:				
Not over 100 threads:				
Not bleached	40	35.17	25.05	37.39
Bleached	40	38.60	26.53	31.27
Dyed, colored, etc	40	40.80	30.54	25.15
Exceeding 100 threads:				
Not bleached	40	42.39	32.39	23.59
Bleached	40	43.27	35	18.88
Dyed, etc	40	43.84	38.84	11- 40
Cables, cordage, and twine	16- 25	16- 31	10- 20	40- 17
Bagging for cotton	15.24	32.52	Free	100
Woolen yarns	40	278.66	30	89.23
Shawls, woolen, not above 40 cents per pound	40	150.30	35	76.71
Knit fabrics, not above 40 cents per pound	40	136	35	74.27
Blankets	40	80-104	35	66- 71
Hats of wool	40	86-106	35	72.00
Flannels, not over 50 cents per pound	40	86-104	25- 35	66- 71
Silk, partially manufactured	60.50	60.50	20	66.94
Silk, webbings, gorings, etc	50	50	45	10
Silk buttons	50	50	45	10
Silk dress goods	50	50	45	10
Silk ribbons	50	50	45	10
All other silk	50	50	45	10
Writing, drawing, and other paper, n. s. p	25	25	20	20
Dolls and other toys	30	35	25	28.57
Emery	25.19	25.19	20.15	20
Firecrackers	100	147.32	50	66.06
Coal, bituminous	22.72	22.72	12.12	46.65
Slack or culm of coal	28.68	28.68	14.34	50
Coke	20	20	15	25
Matches	35	33.93	20	41.06
Haircloth, known as crinoline cloth	30	27.90	20.99	25
Haircloth, known as hair seating	23.22	23.22	15.48	33.33
Leather, bend or belting, and sole	15	10	10	----------
Calfskins, japanned	30	30	20	33.33
All not specially provided for	15	10	10	----------
Boots and shoes	35	25	20	20
Manufactures of India rubber	30	30	25	14.29
Umbrellas covered with silk or alpaca	50	55	45	18.18
Burrstone, manufactured	20	15	Free	100
Composition metal, copper	35	6.49	Free	100
Plates of copper, not rolled, etc	18.88	11.80	Free	100
Cider	20	18.52	Free	100
Binding-twine	15	6.47	Free	100
Paintings in oil or water colors	30	15	Free	100
Statuary	30	15	Free	100
Hatters' plush	15	10	Free	100

PRINCIPAL ITEMS OF REDUCTION BY SENATE BILL.

The most prominent reductions of duty proposed by the Senate bill are set forth below:

Articles.	Per cent of reduction.
Borax, refined	60.00
Castor oil	56.28
Peppermint	46.89
Baryta, manufactured	55.36
Whiting, dry	50.00
Paints, ground in oil	50.00
Zinc paint	42.80
Lead, red	49.99
Lead, white	56.00
All other not specially provided for	50.00
Soda (saleratus)	50.00
Soda, caustic	50.00
Sal, or soda crystals	50.00
Sponges	50.00
Cement	50.00
Lime	16.67
Clocks, china	58.33
Iron ores	46.67
Fuel, bars, blooms, etc	45.46
All other and slabs, blooms, or loops	76.31
Sheets or plates (iron or steel)	45.73
Tin plates	46.05
Wire rope made of steel wire not smaller than No. 5 wire gauge	58.40
Sheets	60.09
Chains	61.50
Penknives and pocketknives	42.50
Knives and forks	52.09
Firearms, pistols	53.15
Shotguns	55.88
Nails, wire	46.16
Spikes	76.67
Bronze metal	60.88
Silver leaf	61.00
Lead	50.00
Zinc	50.00
Sugar candy	71.00
Mules	79.00
Cattle	68.00
Beans	51.00
Castor beans or seeds	50.00
Raisins	40.00
Peanuts	73.00
Apples	53.00
Lard	50.00
Mustard	47.00
Cotton cloth	50.00
Cotton plushes	50.00
Flax	50.00
Cables, hemp, untarred	55.00
Cables, tarred	68.00
Gill netting	72.00
Shoddy	71.00
Woolen yarns	89.00
Woolen shawls	77.00
Knit fabrics	74.00
Blankets	72.00
Hats of wool	72.00
Flannels for underwear	71.00
Woolen dress goods	54.00
Woolen plushes	52.00
Carpets	64.00
Silk	67.00
Silk velvets	69.00
India rubber wearing apparel	39.00
Paper sheathing	50.00
Playing cards	63.00
Brooms	50.00
Buttons	41.00
Shoe buttons	62.00
Firecrackers	66.00
Coal, bituminous	47.00
Matches	41.00
Gun wads	71.00
Gloves	50.00
Cocoa matting and mats	72.00
Clay pipes	80.00

Mr. CALL. I ask unanimous consent that the resolution proposing an investigation by the Committee on Patents, reported adversely by the Committee on Contingent Expenses, may be considered by the Senate.

Mr. COCKRELL. When was it reported?

Mr. HARRIS. This morning.

Mr. COCKRELL. I object. I do not think the Senate is in condition to take up a resolution that comes from a standing committee of the Senate adversely reported, and undertake to pass it over the adverse report.

Mr. CALL. All right. I shall not press the request at this time.

Mr. COCKRELL. It is a resolution providing for a peripatetic traveling committee to go over the country. I am opposed to such propositions on general principle.

Mr. CHANDLER. I ask unanimous consent to address an inquiry to the Senator from Tennessee [Mr. HARRIS]. The whole day has been wasted with useless debate, and I wish to know whether the Senator is not prepared to fix an hour to-morrow when we may vote upon the pending question. [Laughter.]

Mr. HARRIS. It is always with profound attention, and generally with admiration, that I hear a suggestion from the Senator from New Hampshire, and I always regret, as I regret now, when I am unable to give him a perfectly frank, full, and satisfactory answer.

Mr. CHANDLER. A suffering country, I say to the Senator from Tennessee, waits upon his answer. [Laughter.]

Mr. HARRIS. I admit that there is a suffering country, and it has suffered for many months because of the conduct of the Senator from New Hampshire. [Laughter.] But not to prolong this exceedingly interesting and important discussion between the Senator from New Hampshire and myself, unless he hankers to make a reply to my remarks——

Mr. CHANDLER. I simply wish to ask the Senator to fix a time when the country may be relieved from suffering because of either of us by an adjournment.

Mr. HARRIS. Whenever the Senator from New Hampshire will consent to be absolutely silent, that result will be brought about. [Laughter.] I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 16, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August 15, 1894.*

The House met at 12 o'clock m. Prayer by the Rev. W. E. PARSON, D. D.

The Journal of the proceedings of Monday was read and approved.

CORRECTIONS.

Mr. GROW. Mr. Speaker, I rise to a question of personal privilege. I desire to correct the daily RECORD. On page 9956, on the vote on the bill for free sugar, I am recorded as paired with the gentleman from Texas [Mr. CULBERSON]. I was not paired with anybody. Mr. CULBERSON, I see, voted "yea," and if present I should have voted the same way. I would have voted to continue the bounty provided for the producers of sugar in this country under the act of 1890, believing that the Government in good faith was pledged to that.

The SPEAKER. The correction will be made.

Mr. SNODGRASS. I desire to correct the daily RECORD. On page 9950 I am recorded as voting in the affirmative on the question of free iron ore. I did not vote on that question at all; but was paired with my colleague from Tennessee [Mr. TAYLOR]. I want the RECORD so corrected.

The SPEAKER. The correction will be made.

Mr. BLACK of Illinois. Mr. Speaker (after making a correction as to how he would have voted on the motion to discharge the House conferees on the tariff bill had he not been paired, said: "I desire to be recognized for the purpose of presenting a resolution."

The SPEAKER. The Chair did not understand the gentleman.

Mr. BLACK of Illinois. I desire to be recognized for the purpose of presenting a resolution.

The SPEAKER. We have not reached that period yet.

THE TARIFF.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes; when the Speaker signed the same.

LEAVE OF ABSENCE.

Mr. MCCREARY of Kentucky. Mr. Speaker, I am requested to ask indefinite leave of absence for my colleague, Mr. ADAMS, on account of sickness in his family.

There was no objection, and it was so ordered.

Mr. BARTLETT. Mr. Speaker, I am requested by my colleague, Mr. COCKRAN of New York, to ask indefinite leave of absence on account of sickness in his family.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 6060) to amend section 4833 of the Revised Statutes, and for other purposes;

A bill (H. R. 6038) to repeal House resolution numbered 104, first session Fifty-first Congress, granting to Secretary of War a permit to license to use a pier at the mouth of Chicago River; and

A bill (H. R. 387) to authorize the construction of a life-saving station at or near Rock Point or East Marion, Long Island, New York.

The message also announced that the Senate had passed with amendments the bill (H. R. 4605) granting chief justices of United States courts in Territories power to appoint commissioners to take proof in land cases, etc., asked a conference with the House on the bill and amendments, and had appointed Mr. PUGH, Mr. HILL, and Mr. PLATT as the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolution (S. R. 99) to compile the public laws relating to street-railway franchises in the District of Columbia;

A bill (S. 1007) to authorize the Commissioners of the District of Columbia to appoint a deputy coroner, and for other purposes; and

A bill (S. 2303) to authorize the construction of a bridge across the Contentnea Creek at Grifton, Lenoir County, N. C., and to establish it a post-road.

The message also announced that the Senate had passed the following resolution:

Resolved, That Mr. HOAR be excused as one of the conferees on the part of the Senate on the bill (H. R. 6284) to prevent interference in the collection of State, county, and municipal taxes assessed against corporations and corporate property, and for other purposes, and Mr. PLATT be appointed in his place.

The message also announced that the Senate had disagreed to the amendment of the House to the amendment of the Senate numbered 277, and had receded from the amendment of the Senate numbered 277 to the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

RESIGNATION OF HON. CLIFTON R. BRECKINRIDGE.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES, *Washington, D. C., August 14, 1894.*

DEAR SIR: I have to-day resigned my commission as member of Congress for the Second district of Arkansas.

Very truly, yours,

CLIFTON R. BRECKINRIDGE.

Hon. CHARLES F. CRISP,
Speaker House of Representatives.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, I desire to call up the sundry civil appropriation bill.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

Mr. SAYERS. Mr. Speaker, I move that the House insist upon its amendment to the Senate amendment numbered 277.

The SPEAKER. The Clerk will report the amendment indicated by the gentleman from Texas, so that the House can see what it is.

Mr. SAYERS. I will state to the House, Mr. Speaker, that the amendment of the House is simply the amendment for the purchase of ground upon which to erect a public building near the present Printing Office.

The SPEAKER. What is the gentleman's motion?

Mr. SAYERS. To insist upon the House amendment to the Senate amendment 277.

The SPEAKER. The gentleman moves that the House further insist upon its amendment to the Senate amendment indicated.

The motion was agreed to.

SAUGATUCK HARBOR, MICHIGAN.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, in response to a resolution of Congress, information as to the probable cost of completing the improvement of Saugatuck Harbor, Michigan; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

JOSHUA BECK, DECEASED, VS. THE UNITED STATES.

The SPEAKER also laid before the House a copy of the finding of the Court of Claims in the case of Joshua Beck, deceased, against the United States; which was referred to the Committee on War Claims, and ordered to be printed.

CHARLESTON HARBOR.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, showing the necessity for additional aids to navigation in Charleston Harbor, South Carolina; which was referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A. D. BABCOCK.

The SPEAKER also laid before the House a bill (S. 744) for

the relief of Avery D. Babcock and wife, of Oregon; which was referred to the Committee on Claims.

MARIA HALL.

The SPEAKER also laid before the House an act (S. 253) granting a pension to Maria Hall, widow of Joseph D. Doak, deceased.

Mr. DE ARMOND. Mr. Speaker, I ask unanimous consent for the present consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Hall, widow of Joseph E. Doak, deceased, late a private in Capt. Renshaw's company of Tennessee militia from December 6, 1812, to April 20, 1813, and from September 26, 1813, to December 10, 1813.

The SPEAKER. Is there objection to the request of the gentleman from Missouri for the present consideration of this bill?

Mr. KILGORE. I think we have passed that bill two or three times already in this House.

Mr. DE ARMOND. No, sir. It has never been presented before.

Mr. KILGORE. Let the report be read, Mr. Speaker.

The report was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 253) granting a pension to Maria Hall, widow of Joseph Doak, deceased, have examined the same and report:

The following facts are established in this case:

Soldier performed military service as recited in the bill.

Soldier's widow remarried, and for this reason pension was denied her in the Pension Bureau.

Claimant is now a widow, aged 90 years, and entirely supported by charity.

The bill is a meritorious one, and your committee recommend its prompt passage.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. DE ARMOND, a motion to reconsider the vote by which the bill was passed was laid on the table.

MARYLAND AND WASHINGTON RAILWAY COMPANY.

The SPEAKER also laid before the House a joint resolution (S. R. 96) to extend the charter of the Maryland and Washington Railway Company.

Mr. HEARD. Mr. Speaker, in the temporary absence of the gentleman from Maryland [Mr. RUSK], I ask unanimous consent that Senate joint resolution be taken up and passed, as the House committee has reported a like measure unanimously.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc, That the time for building and completing the railroad provided for in an act entitled "An act to incorporate the Maryland and Washington Railway Company," approved August 1, 1892, be, and the same is hereby, extended six months from and after the 1st day of August, 1894.

Mr. HEARD. I only want to say, Mr. Speaker, that this is a road chartered in the State of Maryland to run to the District line, and by Congress to come from that point to the boundary of this city, and this joint resolution extends for six months the time for its construction. I think there can be no objection to it on the part of anybody.

Mr. DINGLEY. Has the work been commenced?

Mr. HEARD. I understand that they have commenced work on the road in Maryland, and they ask only six months to complete it to the boundary of this city.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HEARD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LUCAS, for two weeks, on account of sickness.

To Mr. MCCALL, indefinitely, on account of sickness in his family.

To Mr. ROBBINS, indefinitely.

To Mr. GORMAN, indefinitely, on account of sickness.

To Mr. COCKRAN, indefinitely, on account of sickness in his family.

To Mr. TAYLOR of Tennessee, indefinitely, on account of sickness.

To Mr. CONN, indefinitely, on account of sickness.

To Mr. WELLS, indefinitely, on account of sickness in his family.

To Mr. HOPKINS of Pennsylvania, indefinitely, on account of sickness in his family.

To Mr. ENLOE, indefinitely, on account of sickness in his family.

To Mr. WHEELER of Alabama, for one week, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. HULICK, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers (a petition for a pension) in the case of Joseph Shayler, Seventh Congress, no adverse report having been made thereon.

TURNER MERRITT.

Mr. ROBERTSON of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3268) for the relief of the estate of Turner Merritt, late of the parish of East Baton Rouge, La.

The bill was read, as follows:

Be it enacted, etc., That the Court of Claims be, and it hereby is, authorized and directed to investigate and find whether or not Turner Merritt, late of the parish of East Baton Rouge, La., was loyal to the United States throughout the late war; and if said finding should be that he was so loyal, then and in that event, said court is further authorized and directed to investigate, find, and report to Congress how much cotton, if any, was taken from him and used by the Federal Army in the defenses of Port Hudson, and what its value then was, and whether any payment has been made therefor; also how much of said cotton was thereafter sold by the Government and for how much. And if it should appear from the testimony to be given in said court that any witnesses have died whose affidavits are now on file in the case, such affidavits shall be received as evidence and shall be allowed such weight as said court may deem proper.

An amendment recommended by the Committee on War Claims was read, as follows:

Strike out all after the enacting clause and insert:

"That the claim of Turner Merritt, late of the parish of East Baton Rouge, La., for cotton alleged to have been taken from claimant during the war of the rebellion by the United States forces, and used by them in the defenses of Port Hudson, be referred to the Court of Claims under the provisions of what is commonly known as the Bowman act and section 14 of the Tucker act, and said court is authorized to take jurisdiction in the premises and report to the House of Representatives as authorized and required by said statutory provisions, reserving to said House of Representatives the right to finally pass upon said claim upon the receipt of said report."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT. I object.

Mr. ROBERTSON of Louisiana. The gentleman, I am sure, will withdraw his objection when he understands that this merely refers the case to the Court of Claims, without binding Congress in any way, shape, or manner to make an appropriation in case the court should pass favorably upon the claim.

Mr. BARTLETT. Is this for cotton seized?

Mr. ROBERTSON of Louisiana. No, sir; it is for cotton used for breastworks in the defense of Port Hudson.

Mr. BARTLETT. By whom?

Mr. ROBERTSON of Louisiana. By Gen. Grant.

Mr. BARTLETT. I object.

STEAMER MARGARITA.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6986) to provide for the American registry of the steamer Margarita.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer Margarita, of Philadelphia, purchased and owned by an American citizen and repaired by him in the United States, to be registered as a vessel of the United States.

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed to authorize and direct the inspection of said steam vessel, steam boilers, steam pipes, and appurtenances of said boilers, and cause to be granted the proper and usual certificate issued to steam vessels of the merchant marine, without reference to the fact that the said steam boilers, steam pipes, and appurtenances were not constructed pursuant to the laws of the United States and were not constructed of iron stamped pursuant to said law; and the test to be applied to the inspection of said boilers, steam pipes, and appurtenances will be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes, save the fact that said boilers, steam pipes, and appurtenances not being constructed pursuant to the requirements of the laws of the United States and are of unstamped iron, shall not be an obstacle to the granting of the usual certificate if said boilers, steam pipes, and appurtenances are found to be of sufficient strength and safety.

Mr. FITHIAN. Is there a report in this case?

The SPEAKER. There is.

Mr. PIGOTT (to Mr. FITHIAN). The bill is all right.

Mr. PAYNE. Mr. Speaker, I ask that the report be read.

The report (by Mr. PIGOTT) was read, as follows:

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H. R. 6986) to provide for the American registry of the steamer Margarita, having considered the same, respectfully report as follows:

This steamer was purchased in England by A. J. Drexel, an American citizen, of the city of Philadelphia, Pa., for the sum of $90,000. The owner has expended in repairs upon the said steamer in an American shipyard the sum of $15,000 and has made and approved plans for further expenditure of $30,000, including the following alterations: Replumbing, refurnishing, electric light, painting, calking decks, new boats, and entirely overhauling the machinery.

During the Fiftieth, Fifty-first, and Fifty-second Congresses a large number of vessels were authorized by similar acts to be registered as vessels of the United States, in volume 25 of the United States Statutes at Large, pages 134, 475, and 668; volume 26, pages 105, 312, 414, 491, 495, 561, and 830.

Your committee, having carefully considered all the facts in the case, respectfully recommend that the bill be passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania for the present consideration of this bill?

Mr. PAYNE. I have no objection to the gentleman making an explanation of the bill.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I hope the gentleman will not interpose any objection in the way of the patriotism of an American gentleman who wishes to sail under his country's flag, and who has made every effort to do so. Mr. Drexel last summer had an American yacht, which he owned and sailed in. Owing to the ill health of his wife, he was ordered to take a trip abroad.

He endeavored to have built in an American shipyard a yacht large enough for this purpose, but was informed that a year and a half would be the shortest time in which it could be completed, and he was unable in any shipyard in the country to succeed in getting a promise of its construction in less time than that. There was no yacht of sufficient tonnage of American build that could be found for sale; and so under all of the circumstances, being unable to purchase here or have the yacht built, he purchased one abroad, paying for it $90,000.

But true to his American instincts, which he had inherited from his father, he brought the ship into our ports, and expended $45,000 additional in an American shipyard to put it in proper condition for the purpose contemplated. He discharged the English captain and the English crew, and in these hard times keeps in constant employment a crew of forty men and a Yankee skipper; and with that natural pride which belongs to an American citizen he comes here now asking Congress, having used every honorable and patriotic effort to get this ship of American build, to be allowed to sail the ship under our own flag and with an American register.

I trust, Mr. Speaker, when these circumstances are known that this courtesy will be extended to him. I trust, in view of the patriotic instincts exhibited by one of our citizens, under such circumstances, who desires to sail under his own flag, as a loyal American citizen, and obey in every way the laws of his country, that this privilege will be granted to him that the bill contemplates. I trust when these facts are known that there will be no member of this House who will make an objection to the request for unanimous consent to consider the bill. Does any member of this House suppose that I, being the representative in part of one of the great cities of this country, in which are the largest shipping interests in the United States; that I, coming from the city of Philadelphia, full of shipyards, and now building the great American Navy, would dare to rise in my place and introduce a bill or ask consent to have one considered that would hurt in any way American shipbuilding interests?

I hope, therefore, in view of the peculiar circumstances of the case, and the large amount expended in an American shipyard on the remodeling of this yacht, that the strict letter of the law will not be allowed to stand in the way of doing a simple act of justice to an American citizen who desires the privilege of sailing with an American register and under the American flag.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I object.

OCALA, FLA., PORT OF DELIVERY.

Mr. COOPER of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1885) to extend the privileges of the transportation of dutiable merchandise without appraisement to the city of Ocala, in the State of Florida.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the privileges of the seventh section of the act approved June 10, 1880, governing the transportation of dutiable merchandise without appraisement be, and the same are hereby, extended to the city of Ocala, in the State of Florida. And the said city of Ocala is hereby constituted a port of delivery.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. Before consent is given to the consideration of this bill, I think there should be some explanation of it. Is this recommended by the Department?

Mr. COOPER of Florida. It is recommended by the Treasury Department.

Mr. DOCKERY. As I caught the reading of the bill it creates some additional officers.

Mr. COOPER of Florida. No. Let me say to the gentleman that this is recommended by the Treasury Department for the reason that Ocala has become a very large cigar-manufacturing point, and they are proposing now to transfer several large cigar factories from Havanna to Ocala, if it can be made a port of entry. For that reason, in view of the largely increasing business of the place in this direction, the Department recommends the passage of the bill.

Mr. DOCKERY. What number of additional officers does it create?

Mr. COOPER of Florida. It does not create any that I know of.

Mr. WISE. None whatever.

Mr. DOCKERY. No additional charge on the Treasury?

Mr. COOPER of Florida. No, sir.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, and being read the third time, was passed.

On motion of Mr. COOPER of Florida, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE COLUMBIA RIVER.

Mr. ELLIS of Oregon. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1772) extending the time for the completion of a railroad bridge over the Columbia River at or near Vancouver, in the State of Washington.

The bill was read, as follows:

Be it enacted, etc., That the time for the completion of the bridge across the Columbia River at or near Vancouver, in the State of Washington, under the act of Congress approved August 29, 1890, entitled "An act to authorize the construction of a bridge across the Columbia River by the Oregon Railway Extension Company," be, and the same is hereby, extended until the 15th day of April, 1898.

The SPEAKER. Is there objection to the present consideration of the Senate bill?

Mr. COOMBS. I would like some explanation first, Mr. Speaker. Has this bill passed the Committee on Interstate Commerce?

Mr. ELLIS of Oregon. It has. It is the unanimous report of that committee. The report is very short, if the gentleman desires to have it read. I will state, however, that this is simply the ordinary extension of a franchise which was granted about four years ago.

Mr. COOMBS. It extends the franchise to 1897; quite a long time.

Mr. ELLIS of Oregon. Under the circumstances it is not a long time. The river is very broad, and the company got into some financial difficulties, and is now in the hands of a receiver. Prior to that time the work was partly done. The piers are already built; but it will take some time to complete the superstructure. It is a gigantic enterprise.

Mr. COOMBS. Have there been any protests against it?

Mr. ELLIS of Oregon. None whatever.

There being no objection, the bill was considered, ordered to a third reading, and being read the third time, was passed.

On motion of Mr. ELLIS of Oregon, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS CONTENTNEA CREEK, NORTH CAROLINA.

Mr. BUNN. I ask unanimous consent for the present consideration of the bill (S. 2303) to authorize the construction of a bridge across the Contentnea Creek, Grifton, Lenoir County, N. C., and to establish it as a post-road.

The bill was read.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. BUNN, a motion to reconsider the last vote was laid on the table.

W. D. MACK.

Mr. HULL. I ask unanimous consent for the present consideration of the joint resolution (S. R. 68) for the relief of W. D. Mack, a clerk in the Record and Pension Division of the War Department.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That William D. Mack, a clerk in the Record and Pension Office, and a veteran of the late war, who lost both feet in a railroad accident while returning from the anniversary ceremonies of the battle of Gettysburg, on July 4 last, is hereby exempted from the operation of so much of the act approved March 3, 1893, making appropriations for legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1894, as limits the amount of sick leave with pay that be granted by heads of Departments, and that the Secretary of War be, and he is hereby, authorized to pay to said William D. Mack such portion of his salary as has been withheld from September 11 to October 14 (thirty-four days) on account of injuries received in the said railroad accident.

There being no objection, the House proceeded to the consideration of the joint resolution; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS NEWARK BAY.

Mr. DUNN. I ask unanimous consent for the present consideration of the bill (H. R. 7839) to bridge Newark Bay.

The bill was read, as follows:

Be it enacted, etc., That the boards of chosen freeholders of the counties of Hudson and Union, in the State of New Jersey, or the legally constituted authorities of the city of Bayonne and the city of Elizabeth, as may be determined by the authorities of the State of New Jersey, now or hereafter to be granted, shall be, and they or either of them are hereby, authorized to locate, build, maintain, equip, and operate a bridge across Newark Bay, in the State of New Jersey, between the city of Elizabeth, in the county of

Union, and the city of Bayonne, in the county of Hudson, at a point not less than 500 feet above the present bridge structure known as the Central Railroad bridge: *Provided*, That the bridge herein authorized shall be built as a drawbridge, with a draw giving a clear width of opening of not less than 100 feet, and said bridge shall be located and built in such manner and under such regulations for the security of navigation as the Secretary of War may prescribe; and to secure that object the parties proposing to build said bridge shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plans of said bridge during the progress of its construction, such changes shall be subject to the approval of the Secretary of War: *Provided also*, That the draw of said bridge shall be promptly opened, upon reasonable signal, for the passage of vessels and boats; and the owners of said bridge shall maintain theron, from sunset to sunrise, such lights and other signals as the Light-House Board shall prescribe.

SEC. 2. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the approval of this act.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WISE. Mr. Speaker, this bill has been favorably reported by the Committee on Interstate and Foreign Commerce, and personally I have no objection to its passage. But it is proper to state that one of the Representatives from New Jersey [Mr. ENGLISH] now absent is bitterly opposed to it; and therefore I do not think it ought to go through by unanimous consent.

Mr. DUNN. My colleague [Mr. ENGLISH] has withdrawn his objection to the bill. I think the gentleman from New York [Mr. BARTLETT] will sustain me in this statement. Since the objection of my colleague was made, the bill has been amended so that there is no objection to it now whatever.

Mr. BARTLETT. On the occasion of my last conversation with Dr. ENGLISH, he was still opposed to the bill; so that I can not state that he has withdrawn his opposition.

Mr. DUNN. He withdrew his opposition in committee.

Mr. WISE. I would cheerfully give consent to the passage of the bill; but I know that in the last interview I had with Dr. ENGLISH he expressed himself as bitterly opposed to the bill, and as wanting an opportunity to be heard in opposition to it on the floor of the House. I see him entering the Hall now. He can speak for himself. Personally I have no objection to the bill.

Mr. DUNN. I will ask my colleague [Mr. ENGLISH], whom I now see in his place, whether he has any objection to this bill as amended by the committee.

Mr. ENGLISH of New Jersey. Not at all. It is the substitute that I favored.

Mr. DUNN. Mr. Speaker, my colleague states that he has no objection to the measure.

Mr. WISE. I withdraw my objection.

The SPEAKER. Is there further objection to the consideration of the bill?

Mr. DINGLEY. This is not a railroad bridge?

Mr. DUNN. No, sir; it is a bridge for public travel between the cities of Elizabeth and Bayonne.

There being no objection, the House proceeded to the consideration of the bill.

Mr. DUNN. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the words "Secretary of War," in line 27, page 2, insert the folowing: "And the said bridge shall be held to be a public highway forever."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BRIDGE ACROSS SOUTH CANADIAN RIVER.

Mr. AVERY. I ask unanimous consent for the consideration of the bill (H. R. 7811) authorizing the El Reno Bridge Company to construct a bridge across the South Canadian River, between Blaine County, Okla., and the Wichita Indian Reservation.

The bill was read.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee was read, as follows:

Amend by adding at the end of section 2 the following:

"And equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have the right of way across said bridge and approaches for postal telegraph purposes: *Provided*, That before the construction of any bridge herein authorized is commenced the said company shall submit to the Secretary of War, for his examination and approval, a design and drawing of such bridge and a map of the location, giving sufficient information to enable the Secretary of War to fully and satisfactorily understand the subject, and unless the plan and location of such bridge are approved by the Secretary of War the structure shall not be built: *Provided, also*, That any bridge constructed under authority of this act shall at all times be so kept and managed as to offer reasonable and proper means for the passage of vessels and other water craft through or under said structure, and for the safety of vessels passing at night there shall be displayed on such bridge, from sunset to sunrise, such lights or other signals as may be prescribed by the Light-House Board."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. AVERY, a motion to reconsider the last vote was laid on the table.

THE CURRENCY.

Mr. BLACK of Illinois. Mr. Speaker, I ask for the reading of the resolution which I send to the desk.

The SPEAKER. The gentleman from Illinois asks consent for the consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

Whereas the balance in available gold in the Treasury of the United States on the 1st day of August, 1894, had been reduced, despite the sale of $50,000,000 in gold bonds, to the sum of $54,975,607; and

Whereas the demand for gold in the Treasury made for shipments to foreign ports continues and increases; and

Whereas the reports from the Treasury show that during the month of July not a dollar in gold was added to the Treasury stock from the port of New York, the largest customs port in the United States; and

Whereas it is a matter of common knowledge that gold coin and gold certificates have virtually ceased to be used in discharging obligations to the Government, but that the obligations to the Government are discharged in silver certificates, United States notes and United States Treasury notes, which are so used as to deplete the Treasury of gold faster than it accumulates from all sources, including customs, internal revenue, and sales of bonds; and

Whereas there is in the Treasury unused and available an amount of silver equal to $513,880,682 of American standard coin value; and

Whereas the income of the United States does not now equal its expenditures: Therefore,

Be it resolved by the House of Representatives of the United States, That the Committee on Coinage, Weights, and Measures is directed to at once report to the House for its consideration a bill providing for the proper use and avail of the said silver.

Resolved, That the Committee on Rules is directed, upon the report of said bill from the said committee, to report a rule for the consideration of the House under which suitable, full, and reasonable debate may take place, and amendments be offered and votes taken within a reasonable time, to be fixed by the House.

The SPEAKER. Is there objection to the request for the present consideration of this resolution?

Mr. CHARLES W. STONE. I object.

Mr. TRACEY. Let it go to the committee.

POTOMAC STEAMBOAT COMPANY.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 425) for the relief of the Potomac Steamboat Company.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a bill which the Clerk will report, after which the Chair will ask if there be objection.

The bill was read at length.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. SAYERS. I object, Mr. Speaker.

JOEL A. KING.

Mr. STONE of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2231) for the relief of Joel A. King.

The SPEAKER. The gentleman from Kentucky [Mr. STONE] asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joel A. King, of Caldwell County, Ky., out of any money in the Treasury not otherwise appropriated, the sum of $1,800, being for stores and supplies furnished the Army of the United States during the late war for the suppression of the rebellion.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. SAYERS. Mr. Speaker, I should like to have an explanation of that bill.

The SPEAKER. Without objection, the gentleman can make a brief explanation.

Mr. STONE of Kentucky. Mr. Speaker, the report is very short. It sets forth the facts.

The SPEAKER. Without objection the report can be read.

The report (by Mr. STONE of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2231) for the relief of Joel A King, submit the following report:

This is a claim for quartermaster's stores furnished to the Army of the United States by Dr. Joel A. King, of Caldwell County, Ky., during the late war for the suppression of the rebellion, under orders from Lieut. Col. S. F. Johnson, Forty-eighth Regiment Kentucky Mounted Infantry. Claim stated at $1,800.

The committee find that Joel A. King was loyal to the Government of the United States throughout the late war; and that in 1863 and 1864 he furnished stores and supplies for the military use of the United States at or near Princeton, Ky., then reasonably worth $1,800.

Your committee report back the bill and recommend its passage.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT. I object.

TITLE TO LAND IN YUMA, COLO.

Mr. PENCE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7955) to perfect the title to a quarter section of land in the town of Yuma, Colo.

The bill was read, as follows:

Be it enacted, etc., That the preëmption cash entry numbered 4990, of George F. Weed, made at the district land office at Denver, Colo., on the 19th of September, 1885, for the southeast quarter of section 22, township 2 north, of range 48 west, which tract embraces the town of Yuma, Colo., the county seat of Yuma County, Colo., be, and the same is hereby, confirmed; and that patent of the United States issue therefor to said Weed.

The SPEAKER. Is there objection to the request of gentleman from Colorado [Mr. PENCE]?

Mr. DINGLEY. Mr. Speaker, let the report be read.

The SPEAKER. The report is quite long. By consent, the gentleman can make a brief explanation.

Mr. PENCE. Mr. Speaker, the bill is simply to perfect the title to the land on which the town of Yuma, in Eastern Colorado, now stands. This bill is reported favorably by the Committee on Public Lands, unanimously.

In 1885 Mr. Weed made his proof upon the land. Thereafter, within the next twelve months, when the railroad came through, a town sprang up and was organized under our State laws, and proceeded to build its public improvements. In October, 1888, some three years afterwards, an affidavit was filed of record that raised some question as to the title to these town lots. It has caused some considerable trouble to the owners of the lots, and the petitioners who have presented this bill have presented such facts to the Committee on Public Lands that they feel that these people ought to be relieved by this act. There is nobody who is interested in it now except the lot claimants, and they wish to perfect their title.

Mr. COOMBS. Are there many of them?

Mr. PENCE. There were a good many last spring. I have forgotten how many voted last spring. This is the county seat of the county. There are probably less people there now since the drought.

Mr. COOMBS. Do I understand this bill is reported unanimously and favorably?

Mr. PENCE. Yes.

Mr. COOMBS. Is it understood out there, so that the people who would have the right to object to it could have done so?

Mr. PENCE. I should not present it otherwise.

Mr. COOMBS. I make no objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado [Mr. PENCE]?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. PENCE, a motion to reconsider the last vote was laid on the table.

RECONVEYANCE BY DISTRICT COMMISSIONERS OF CERTAIN LAND.

Mr. POST. Mr. Speaker, I ask for unanimous consent for the consideration of the bill S. 2269.

The SPEAKER. The gentleman from Illinois asks unanimous consent to consider a bill which the Clerk will report, after which the Chair will ask if there be objection.

The Clerk read as follows:

A bill (S. 2269) providing for reconveyance by District Commissioners of certain lands to Andrew J. Curtis and Mary E. Curtis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, directed to reconvey by a suitable deed of conveyance or quitclaim to Andrew J. Curtis and Mary E. Curtis, their heirs and assigns, all the right, title, and interest of the District of Columbia in and to all that lot or parcel of land fully described and acquired in a deed from Andrew J. Curtis and Mary E. Curtis to the said District of Columbia on the 10th day of September, A. D. 1891, and recorded in liber 1628, folio 294 of the land records of the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. COOMBS. I would like to hear the report.

Mr. POST. The simple facts are these, if the gentleman will allow me. A street in Bennings was deeded to the District.

Mr. COOMBS. Where?

Mr. POST. In Bennings. The Commissioners say that the topography of the ground makes it unsuitable for a street; and the only effect of this conveyance is to relieve the owners from taxation; and they desire to have it reconveyed.

Mr. COOMBS. Have you a letter from the Commissioners?

Mr. POST. I have a letter from the Commissioners to that effect.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. POST, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. POST. Mr. Speaker, I ask that the House bill relating to the same subject lie on the table.

The SPEAKER. Without objection that order will be made.

There was no objection, and it was so ordered.

JOEL A. KING.

Mr. BARTLETT. Mr. Speaker, I withdraw my objection to the bill of the gentleman from Kentucky [Mr. STONE].

The SPEAKER. The gentleman from New York withdraws the objection he entered to the request of the gentleman from Kentucky. The Chair will have the title of the bill read again, and ask if there is any other objection.

The Clerk read as follows:

A bill (H. R. 2231) for the relief of Joel A. King.

The SPEAKER. The gentleman from New York objected to the consideration of this bill. Is there further objection?

Mr. LOUD. I will ask if this bill was not considered some few weeks ago?

The SPEAKER. Without objection, the bill will be again read.

The bill was read again.

Mr. LOUD. I would like to ask if that bill was not considered here one Friday afternoon?

Mr. STONE of Kentucky. No, sir.

Mr. LOUD. I do not think this bill ought to pass without some discussion.

Mr. STONE of Kentucky. It never has been before the House, but it has been reported from the committee a number of times.

Mr. LOUD. I think it ought to come up in committee on Friday.

The SPEAKER. The gentleman from California objects.

FINANCES.

Mr. TALBERT of South Carolina. Mr. Speaker, I ask that the resolution which I send to the Clerk's desk be read, after which I will ask unanimous consent for its consideration.

The Clerk read as follows:

Whereas, etc., the tariff bill has been passed by the House reducing the duty and cheapening the necessaries of life; and

Whereas by separate acts coal, iron, barbed wire, sugar, and molasses have been put upon the free list; and

Whereas without further legislation the masses of the people will be very little better off than before: Therefore,

Be it resolved, That it is the sense of the House of Representatives that the people's money should be restored to its original status by the remonetization of silver at a ratio of 16 to 1, followed by some financial legislation increasing the circulating medium of the country, so that the people may be able to purchase the necessaries of life lately reduced in the tariff bill.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to consider this resolution. Is there objection?

Mr. TRACEY. Let it go to a committee.

Mr. PAYNE. Regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded, which is equivalent to an objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. ALDERSON, indefinitely, on account of sickness.

To Mr. JOHNSON of Indiana, indefinitely, on account of sickness.

REPRINT OF A BILL.

By unanimous consent, on the request of Mr. PHILLIPS, a reprint was ordered of the bill (H. R. 7756) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

LIFE-SAVING STATION, BOSTON HARBOR, MASSACHUSETTS.

Mr. CARUTH, from the Committee on Interstate and Foreign Commerce, reported the bill (H. R. 7973) as a substitute for the bill (H. R. 7213) to establish a life-saving station at or near City Point, Boston Harbor; which was referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

The original bill was ordered to lie on the table.

INVESTIGATIONS AND TESTS OF AMERICAN TIMBER.

Mr. HATCH, from the Committee on Agriculture, reported back favorably the bill (S. 313) appropriating funds for investigations and tests of American timber; which was referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

INSPECTION OF LIVE CATTLE, HOGS, AND CARCASSES AND PRODUCTS THEREOF.

Mr. HATCH, from the Committee on Agriculture, reported with amendments the bill (H. R. 7910) to amend "An act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are subject to interstate commerce, and for other purposes;" which was referred to the House Calendar, and, with accompanying report, ordered to be printed.

EXPLORATION AND PURCHASE OF MINES.

Mr. WEADOCK, from the Committee on Mines and Mining, reported favorably the bill (H. R. 7148) to authorize the exploration and purchase of mines within the boundaries of private land claims; which was referred to the House Calendar, and, with accompanying report, ordered to be printed.

PUBLIC BUILDING, JAMESTOWN, N. Y.

Mr. CADMUS, from the Committee on Public Buildings and Grounds, reported favorably the bill (H. R. 2891) for the erection of a public building at the city of Jamestown, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

VIEWS OF MINORITY.

Mr. CHILDS, from the Committee on the Judiciary, submitted the views of the minority on the bill (H. R. 6411) relating to issuance of writs of habeas corpus by Federal courts or judges thereof, and on the bill (H. R. 5217) to regulate and discharge the payment of contracts in any money made a legal tender by law for the payment of debts; which were ordered to be printed.

The SPEAKER. The regular order is demanded.

Mr. BLACK of Illinois. I ask unanimous consent for the present consideration of a bill reported from the Committee on Military Affairs.

The SPEAKER. That is not in order during the call.

The call of committees was resumed and concluded.

The SPEAKER. The morning hour begins at fifteen minutes past 1, and the call rests with the Committee on Patents.

The Clerk proceeded to call the committees.

Mr. BUNN (when the Committee on Claims was called). Mr. Speaker, I ask that the Committee on Claims be passed, with the privilege of being called later.

There was no objection.

Mr. HERMANN. Mr. Speaker, I ask that a similar privilege be granted to the Committee on War Claims, owing to the temporary absence of the chairman.

There was no objection.

PAYMENT OF CONTRACTS IN LEGAL-TENDER MONEY.

Mr. CULBERSON. Mr. Speaker, I call up the bill (H. R. 5217) to regulate and discharge the payment of contracts in any money made a legal tender by law for the payment of debts.

The bill was read, as follows:

Be it enacted, etc., That all contracts for the payment of any money, whether in gold, silver, or coin, may be discharged by any money which is by law a legal tender for the payment of debts when the contract matures.

An amendment recommended by the Committee on the Judiciary, inserting in line 3, after the word "contracts," the words "hereafter executed," was read.

Mr. CULBERSON. Mr. Speaker, I yield to the gentleman from Illinois [Mr. LANE].

Mr. LANE. Mr. Speaker, the importance of this bill can not be overstated. The purpose of the measure is to secure stability in our financial system. Under our present financial method we have various kinds of money, and the law, as it is now interpreted by the courts, allows parties to discredit various forms of our money by contract.

Mr. COOMBS. Does not the gentleman think that is proper?

Mr. LANE. It is not proper, and I will show that it is not. Our law requires that all the proceedings of our courts shall be expressed in dollars, dimes, cents, and mills. It was always the practice in this country up to 1878. The records of this country everywhere were always kept in that way, and the Supreme Court in 1878 for the first time changed that mode of procedure.

I have examined with great care the decisions of the courts of the various States on this question, and I find a uniform concurrence of opinion up to the time the question came before the Supreme Court of the United States. The courts of the various States had formerly held that when an obligation was given for the payment of money, it meant that that obligation could be discharged in whatever was declared to be the legal money of the country. I know that some gentlemen may claim that this bill is an attempt on my part to bring up the silver question, but I beg to state that such an idea never entered my mind in connection with this bill.

What brought this question to my attention was the fact that some of my constituents, desiring to borrow money, were offered some, but were required, in executing their notes, to give an obligation that the money should be repaid in gold. They sent the papers to me and asked my view about it. I advised them that that was not necessary, and with a view to meet that contingency I introduced this bill.

Mr. COOMBS. Has this bill been reported unanimously by the Judiciary Committee?

Mr. LANE. There is no dissenting report, as I understand.

Mr. POWERS. One was filed this morning.

Mr. LANE. I did not know that. The Democratic members of the committee, as I understand, all agree in recommending this bill, and some of the members on the other side, but not all. I wish to call attention now to the law as it was before this question came before the Supreme Court.

Mr. DANIELS. When this question came before the courts of New York they decided that all contracts could be discharged by the tender and payment of greenbacks, and that inasmuch as all debts were payable only in gold and silver before the law was passed, it made no difference whether that provision was in the contract or not, the greenback law covered the whole question.

Mr. LANE. I have those decisions here. I wish to call attention now to the decision of the courts of Massachusetts. In 1863 this question came before the supreme judicial court of the State of Massachusetts, and I have here a brief summary of the decision of the court. The note in that case was for $500 payable in specie, and of course the plaintiff insisted that he was entitled to gold or its equivalent on that contract. The court in that case said:

All the court can do is to treat as money that which the statutes of the United States legally enacted declare to be money. If it were in our power to render a specific judgment designating a species of currency in which it should be paid, we might avoid some of the existing difficulties, but we have no such power.

That is the opinion of the court of Massachusetts in 1863.

Mr. COOMBS. That was before the war.

Mr. LANE. It was during the war and after Congress had passed an act declaring greenbacks to be a legal tender for the payment of all debts.

Mr. Speaker, I wish to say that in this controversy I do not raise at all the question about the power of Congress to declare what shall be a legal tender. That question is not involved in this discussion.

Congress saw proper to declare that greenbacks should be a legal tender for the payment of debts; and my contention is that no private party has a right to annul an enactment of Congress.

Mr. COOMBS. Does not the form of the bill prevent contracts being made for the payment of a debt in specie even if the parties desire to so frame the contract?

Mr. LANE. The effect of the bill if it should become a law will be that a money contract may be discharged with any money that Congress has declared shall be legal tender.

Mr. COOMBS. No matter what the contract may be.

Mr. LANE. That is, a money contract. But it does not prevent a contract to be executed for a commodity, and gold may be a commodity.

Mr. COOMBS. I think it does.

Mr. LANE. It applies only to money contracts.

Mr. TRACEY. But it prevents the enforcement of a gold contract.

Mr. LANE. If it is a money transaction, you can discharge the debt in legal-tender money. That is the purpose of the bill.

Mr. DOCKERY. That is what ought to be done.

Mr. LANE. If you desire to purchase gold as a commodity you may provide that the contract may be discharged in so many grains of gold. But that is a different transaction. If the intention of the contract is the payment of money, then the legal-tender money will discharge the obligation. That is the purpose of the bill.

Mr. DOCKERY. And a very proper purpose.

Mr. COOMBS. I call the attention of the gentleman to this provision of the bill:

All contracts hereafter executed for the payment of any sum of money, whether in gold or silver or coin, may be discharged by any money which is by law a legal tender for the payment of debts when the contract matures.

Mr. LANE. Yes; that is the provision of the bill.

Mr. COOMBS. And that prevents a man from making a contract for payment in specie.

Mr. LANE. That is exactly what we intend shall be the law. But it applies only to money contracts. When a man makes a money contract that contract ought to be dischargeable in money of the United States declared by law to be a legal tender. No man has a right to discredit that which the Government has declared to be money. No contract can be made except in con-

formity with the law. The law is the essence of every contract. A contract which does not conform to the law is void. This bill prevents anybody from making a contract that a money debt shall be discharged specifically in gold and nothing else.

Mr. COOMBS. So I understand.

Mr. LANE. In other words, if you loan greenbacks you can not exact from your debtor an obligation that he shall repay the debt in gold.

Mr. RYAN. But suppose gold is the money loaned?

Mr. LANE. You can loan gold if you want to loan it, just as you can loan paper.

Mr. RYAN. The bill prevents a contract being made (though both parties may be willing) for the payment of a debt in gold dollars.

Mr. LANE. It prevents any man from discriminating against the currency of the country. If there has been a loan of gold, and if, when the contract matures, paper money is legal tender, you are allowed to discharge that obligation with paper money.

Mr. COOMBS. Then it restricts contracts?

Mr. LANE. It does not.

Mr. RYAN. But if both parties are willing to make the contract payable in gold this bill forbids it, though gold be loaned.

Mr. LANE. It does, because such a thing is against public policy. We propose not to allow any man to discredit the money of his country. At one time it was regarded as treason for any man to undertake to discredit the money of his country. Why should we allow a privileged class in this country to make gold contracts and cast upon the debtor the burden of preserving the currency of the country from depreciation? We have in this country now thousands, I may say millions, of dollars of money out on contracts of this very kind, contracts which are payable in gold; and the holders of such contracts can force gold to a premium in two hours, thus filching from the hands of the debtor class millions of dollars. I say the principle is wrong.

Mr. COOMBS. But suppose the parties have made contracts payable in gold?

Mr. LANE. This bill does not affect contracts already made; only those hereafter made.

Mr. COOMBS. But you said it was wrong that such contracts should be recognized by the law.

Mr. LANE. I do say it is wrong, morally wrong.

Mr. COOMBS. I see that it was an afterthought to amend the bill so as not to affect contracts already made.

Mr. LANE. That makes no difference. You have a right to make contracts in conformity to the existing law. Contracts must always be made in obedience to law. When there is no law there can be no binding contract. If there was no government, contracts would have no legal force; they would simply be moral obligations, dischargeable at the pleasure of the maker.

Mr. COOPER of Florida. I should like to ask the gentleman a question. A bill was presented here not long ago proposing to permit the Territory of Arizona to issue gold bonds, because it was stated that as gold bonds they could be floated at a lower rate of interest than if they were payable in currency. Now, this bill will prevent any State or municipality from issuing gold bonds, although the inability to do so may involve the payment of a higher rate of interest for years on the bonds issued.

Mr. LANE. I beg to differ with the gentleman from Florida. This has nothing whatever to do with contracts of the States or the nation.

Mr. COOPER of Florida. Why?

Mr. LANE. Simply because it has not. That question was settled in Lane County *vs.* Oregon (7 Wall., 71); or, rather, a kindred question.

Mr. COOPER of Florida. I think it has.

Mr. LANE. It relates only to private contracts.

Mr. COOPER of Florida. There is nothing in it that confines it to private contracts.

Mr. LANE. Oh, yes. The States and the nation can take care of themselves. They can only be sued by their consent.

Mr. COOPER of Florida. I would risk my judgment as a lawyer that it covers all contracts—State, municipal, or any other—coming within the purview of the law.

Mr. BARTLETT. Let me ask the gentleman from Illinois a question.

Mr. LANE. Certainly.

Mr. BARTLETT. How does the gentleman from Illinois reconcile his position with that taken by the Supreme Court of the United States in the case of Brownson *vs.* Rodes, where the Supreme Court say, in speaking of a contract to pay a certain number of dollars in gold and silver, that—

It is not distinguishable, as we think, in principle from a contract to deliver an equal weight of bullion of equal fineness.

Mr. LANE. Well, I will come to that in a little while, and I think I can satisfy the gentleman on that point.

Mr. DINGLEY. Before the gentleman from Illinois proceeds I wish to ask him if, in his judgment, this prohibits a municipality from issuing bonds payable in gold?

Mr. LANE. It would.

Mr. DINGLEY. Even if they could borrow money at 3 per cent to pay a debt which carried 5 per cent or more?

Mr. LANE. It would. The bond could be made payable in gold, but it could be discharged in legal tender.

I want to read now from what Judge Cooley says on this subject. He has some followers on this floor, and there are many gentlemen here who regard him as eminent in his profession as a lawyer. In a citation in 13 Michigan Reports, 420, in the case of Buchegger *vs.* Schultz, where the question before the court was in reference to a contract to pay a certain number of dollars stipulated to be paid in gold, not being a contract for merchandise, but for money, and to be discharged in money, Judge Cooley, delivering the opinion of the court, among other things, said:

If legal-tender laws were designed chiefly to confer upon debtors a privilege, there would be force in an argument that the class to be benefited might waive the privilege by stipulation in their contracts. But these laws are also based in great measure upon reasons of state policy, which sometimes to a considerable degree override and disregard individual interests. The act in question was based exclusively upon reasons of a public character, which, in the opinion of the lawmaking power, imperatively demands that Treasury notes shall be made equal in legal value to coin, and parties have no more right to stipulate that their contracts shall not be governed by it than those of a particular locality have to agree among themselves that a law shall not be in force in that locality.

That was in 1865, before the question came before the Supreme Court of the United States, which declared that a contract payable in gold could be discharged by legal tender, it being held that under the law of Congress legal-tender notes were equal in value with gold.

Now, in the State of Illinois, my own State, the question came up there on a similar presentation of fact, and that State held the same view of the law.

It was declared in 1866, in the case of Appel *vs.* Woltman, Thirty-eighth Missouri reports, that the same principle would apply, the court using this language:

But by law Congress has made Treasury notes of legal value with gold, and declared they should be legal tenders in satisfaction of private debts. As a legal medium, then, there can not be a dittinction taken between them and gold.

The same principle, precisely, was laid down in the Illinois case. Of course when the Supreme Court decided the question they had to reverse that decision, as the Supreme Court of the United States had primarily full power in the premises.

The court in the Missouri case continue as follows:

It is a notorious fact which has passed into the history of the country that for the purpose of trade and in commercial transactions there is a difference made between Treasury notes and specie coin; but whatever fluctuations there may be arising from extraneous causes, the debtor's right to pay in whatever medium he chooses can not be affected. In administering the law gold and Treasury notes must be considered as equal, and no difference or discrimination can be allowed.

That was followed by the decision in the Indiana case, in 1886, in the case of Brown *vs.* Welch, where the court used this language:

When Treasury notes were made a legal tender in the payment of debts they were made the equivalent of coin as a means of payment in all but the cases excepted by law. If, then, the law makes them equivalent for the purpose of payment, a failure to pay a given sum in gold, as required by contract, can not possibly beget an obligation to pay a greater sum in legal-tender notes, whatever premium men may voluntarily choose to give for gold when forced to obtain it for a specific purpose or when impelled by a spirit of speculation or by a weak distrust of the Government.

Without giving a citation from all of the other cases I can say, in brief, that this same principle was followed uniformly by a perfect concensus of opinion in all of the States—in Massachusetts, Pennsylvania, Michigan, Illinois, Missouri, Indiana, Kentucky, New York, Texas, California, Georgia, Louisiana, Vermont, Alabama, Nebraska, and Iowa.

Mr. POWERS of Vermont. To what case does the gentleman refer from Vermont?

Mr. LANE. I will refer to that case particularly.

It was the case of Townsend *vs.* Jennison, quoted in the Forty-fourth Vermont Reports, where the court held that when a debt is payable in specie it is an error for the court to allow the plaintiff premium on silver coin, there being more than one kind of money called "specie," and the kinds being capable of different values.

Mr. TALBOTT of Maryland. Then you wish to provide that A can not contract with B a debt which shall be paid in gold?

Mr. LANE. I do; simply that and nothing more.

Mr. COOMBS. And it was an afterthought that they put in the word "hereafter."

Mr. LANE. It is in the bill now.

Mr. COOMBS. But it shows the wisdom of the bill!

Mr. LANE. In the Alabama case, the court say:

The verdict is for $5,000 in gold, and the judgment follows the verdict. The present law of the United States governing the currency and defining what shall be legal tender for the payment of debts forbids such a payment

The verdict ought, therefore, to have been for dollars simply. A judgment for dollars in gold is erroneous.

That is the decision of the court in that case. If you will take the pains to read through all these cases you will find they all hold that when a private contract is made to be paid in gold, silver, or specie, that the debt is discharged by any money that is legal tender at the time the debt matures. I find that the court of Georgia delivered this utterance on the question:

As the debt was contracted long after the passage of the legal-tender acts of Congress regulating the payment of such contracts, the judgment should have been for so many dollars only, leaving it to be discharged in any legal-tender currency or money of the United States.

I say that uniformly the State courts of this country have held that this kind of a contract could be discharged in any money that was a legal tender. The courts of France, construing not a special act, but their general law, held that it was against public policy to allow a man to contract against the currency of his country, and it was treason in England to discredit the money of the realm, and subjected the offender to the penalty of death. Now, these gentlemen, every time they make a contract of this kind, discredit the money of this country, discredit the paper money or any other money, excepting the special money contracted to be paid.

As I said before, all contracts must be made according to law, not contrary to law, and if the law was as indicated by this bill, then we should have a uniform currency, uniform contracts, and uniform decisions everywhere. This question came before the Supreme Court of the United States in 1868 for the first time, in the case of Bronson *vs.* Rodes, reported in 7 Wallace, 229. I call your attention to the anomalous position in which the question was placed under that decision. The contract was for $1,507, to be paid in gold and silver coin. The court went on and decided in that case, and adopted a new rule, for the first time, I think, in this or any other country. They held that on a note payable in gold and silver coin the judgment should be for coined dollars and part of dollars.

The judgment in that case was for coined dollars. We all know that an execution is the end of the law or was up to that time. When you go into court and get a judgment, and take out an execution, that is the end of the law; but under this decision it is not the end of the law. How will you collect a judgment for coined dollars? How are you going to enforce it? When you get an ordinary judgment for dollars and cents, the execution runs to the sheriff or marshal, to collect from the debtor so much money in dollars and cents. Under the decision of the case here in Bronson *vs.* Rodes, 7 Wallace, it is to collect coin dollars.

Under that kind of an execution, what must the sheriff do? He takes the execution, goes out and makes a demand for the coin dollars. He can not get them. They are not in the country at all. Coin does not circulate. What does he do? He levies his execution on a farm or some other property of the debtor, and sells it. What does he sell it for? Why, for greenbacks.

The marshal is compelled to accept the legal tender from the party purchasing the property. The law compels him to do so. What is he to do then?

Go to New York or some other market and purchase coined dollars. How is he going to know what premium to pay for gold? Who made him a judicial officer? What market is to control the price?

Mr. COOMBS. I would ask the gentleman if the original error does not lie in the party making that contract to pay in coin?

Mr. LANE. No. The error lies in the court legislating in the interest of the gold bugs.

Mr. BARTLETT. How is there any more difficulty in enforcing such a judgment than in enforcing any judgment for specific performance?

Mr. LANE. I will tell you. When you get a judgment of a court for specific performance, the court tells you what you are to do.

Mr. BARTLETT. They can do the same in this case.

Mr. LANE. Here you get a judgment for coin dollars. Now, the sheriff or the marshal goes with the execution, and how is he going to buy gold? In what market shall he buy? Shall he take the premium on gold in Illinois or New York or Louisiana, or in England? What right has anyone to make of him a judicial officer? He is a ministerial officer, to execute a process. How is he going to do it?

Mr. NORTHWAY. I should like to ask the gentleman a question. Half dollars are legal tender, are they not?

Mr. LANE. For a certain amount.

Mr. NORTHWAY. They are legal-tender money?

Mr. LANE. For certain amounts.

Mr. NORTHWAY. Under this contract you could redeem a contract for a million dollars in half dollars.

Mr. LANE. You could under certain conditions.

Mr. NORTHWAY. But there is no condition. They are legal tender.

Mr. LANE. They are only legal tender for $5.

Mr. MARSH. A limited legal tender.

Mr. NORTHWAY. But nevertheless what is known as legal tender.

Mr. LANE. But if you make a contract for $10, you can not pay it off in half dollars.

Mr. NORTHWAY. Read the bill and see.

Mr. LANE. I know what it is; and I say you can discharge it in any money that is legal tender to that amount. Now, the State courts follow the case of Bronson *vs.* Rodes. There are only two cases in the Supreme Court, Bronson *vs.* Rodes, and the case of Trebilcock *vs.* Wilson, 12 Wall., 687. In that case there was a note given for $900, a plain promissory note. In the court below the debtor tendered the amount due on the note in legal tender, and the trial court below held that that was a good tender.

Mr. COOPER of Wisconsin. Did this note call for gold?

Mr. LANE. I will give you the exact words [reading]: "Payable in specie."

Mr. COOPER of Wisconsin. Payable in specie.

Mr. LANE. Now, specie is gold and silver, and it is also copper. There are three kinds of specie. So you will see the absurdity of the position. The definition of specie in the law books and in ordinary dictionaries is given as coined money, in gold, in silver, or in copper; and according to the literal meaning of this note the debtor could have discharged it in copper coin. It is payable in specie. Now, the court below held that as he had tendered in greenbacks or Treasury notes the amount of the contract it was a sufficient tender.

The case was appealed to the Supreme Court of the United States, and they held that he was entitled to a coin judgment for the amount due. You find the same condition as in the other case. The marshal is to take out an execution and go to the party and make his collection, or sell the property, and then go and buy gold.

Mr. HEPBURN. Will the gentleman allow me just a moment to make a suggestion to him?

Mr. LANE. Certainly.

Mr. HEPBURN. Is it not true that the effect of these two decisions is entirely destroyed, so far at least as silver is concerned, by the declaration of the statute of the policy of this Government to preserve gold and silver at a parity? Is not that obligatory upon the courts, as well as on the other branches of the Government? Would the court be permitted to discredit a portion of the coin of the United States by holding that it would not discharge an obligation, in the face of the declaration of the Government that silver is equivalent to gold?

Mr. LANE. I am glad the gentleman made that point, and I will show him how it operates. When this contract was made, there was no question between gold and silver. That was before some people in this country had discriminated against silver; now they claim that a silver dollar is only worth 50 cents, and they insist that the contract shall be in gold, not in specie.

Mr. BARTLETT. Make it gold.

Mr. LANE. A silver dollar is just as much a dollar as a gold dollar, and it has the same purchasing power.

Mr. BARTLETT. But make the contract in gold.

Mr. LANE. This contract is not made for gold. The rate is payable in specie and it can be discharged in specie. But it is a contract for the payment of money and it should have been held by the court that it could be discharged in any money that was by law made a legal tender. This is and should be the legal effect of such a contract. The law must control. The law declares that a certain per cent per annum shall be the legal rate of interest for the use of money, and any amount over that would be usury.

Parties, by private contract, can not annul such a law. The law controls the contract and the lawmaking power has the right to say that all contracts for the payment of money, whether in gold or silver, shall be discharged and satisfied by the payment of any money made by law a legal tender. You have no more right to make a contract in gold than you have to make a usurious contract.

Mr. BARTLETT. What right have you to restrain the liberty of making a contract if the contract is not against good morals?

Mr. LANE. It is contrary to public policy, and it is therefore against good morals. No contract can be lawful unless it is in conformity to law, and the law has the right to control the contract. The law is greater than the contract or the parties to the contract.

Now, let me show you what the court did here in this case. In the case of Vaughn *vs.* Telegraph Company, 14 Wallace, the action was for the loss of a cargo of goods, valued at $2,436 in

gold. Now, in this case there was no contract at all. It was simply an action of tort. The court below held that the value of the goods destroyed was $2,436, and they turned round and entered up a judgment for $6,515.51.

Putting it mildly, this might be called legal robbery. This property was worth in gold only a little over $2,000, and the court rendered a judgment for over $6,000. That is the Supreme Court of the United States that rendered this judgment. If you will take and read this case, you will see what the court did in the premises.

A MEMBER. That is the case reported in your report?

Mr. LANE. It is in my brief. I will read you from 12 Wallace, page 548.

But the obligation of a contract to pay money is to pay that which the law shall recognize as money when the payment is to be made. If there is anything settled by decision it is this, and we do not understand it to be controverted.

That is what the Supreme Court itself decided in this class of cases.

Mr. COOMBS. That was not a gold contract.

Mr. LANE. It was in regard to a contract for the payment of money.

Mr. HENDERSON of Iowa. Yes; but that gold contract was before the statute establishing the equality of gold and silver and imposing the duty of maintaining that parity.

Mr. LANE. What the gentleman states is true, but the question then before the court was not a question between gold and silver, but the difference between specie or coined money and a legal tender in paper money. At that time there was no question as to a difference between gold and silver. The attempt then was to discredit paper money, and having succeeded in doing that, since that time the war has been made on silver and the attempt made to recognize no money as lawful money but gold.

The act of July 14, 1890, in regard to the purchase of silver bullion, known as the Sherman act, expressly provides that it is "the established policy of the United States to maintain the two metals (that is, gold and silver) on a parity with each other upon the present ratio, or such ratio as may be provided by law." This was the solemn declaration of Congress, but clearly that was not the intention of Congress in passing this act, for the act destroys the parity of the two metals by prohibiting the free coinage of silver. Parity means equality, and a law that grants a certain right to one metal and denies it to another does not put the two metals on a parity.

The statute does not declare that the parity shall relate to their legal-tender quality or their purchasing power, but simply to maintain the two metals on a parity with each other upon the present ratio or such ratio as may be provided by law. But I beg leave to remind gentlemen that the Supreme Court of the United States, so far as I know, has never discriminated against the silver dollar. When the decisions in the cases of Bronson *vs.* Rodes and Trebilcock *vs.* Wilson were rendered there was no complaint that a silver dollar was not as good as a gold dollar.

In the first case the promise was to pay in "gold and silver coin," and in the second case in "specie," and the judgments in both cases were for so many "coined dollars." As a matter of course a coined silver dollar would discharge the judgments as well as a coined gold dollar. If, however, a case should be carried to the United States Supreme Court now where the promise would be to pay so many dollars in gold, I do not know whether the court would or not render a judgment for coined dollars. The purpose of this bill is, however, simply to change the law as laid down in these cases where the court discriminated against Treasury notes or greenbacks and denied their validity as a legal tender.

The Congress of the United States declared that Treasury notes should be equal in value to coin, and private parties have no right nor power to annul that law. It is no violation of the right of contract to provide that a certain thing shall not be done, and every act is now regarded as unlawful which the law forbids to be done, and the courts generally hold that contracts made in violation of law are void.

Lobbying contracts are held void on the ground of public policy. Services in procuring contracts from heads of Departments of the Government and to secure appointments to offices or places of trust or an agreement to influence the action of an officer are void. Contracts made on Sunday, wager or gaming contracts are void. Option, future, and margin contracts and contracts in restraint of trade are void. Contracts given for Confederate money are void, as being against public policy. And so should contracts be void that discriminate against Treasury notes, which are a legal tender by law. Contracts for human flesh were permitted by the laws of Venice:

> But, in the cutting it, if thou dost shed
> One drop of Christian blood, thy land and goods
> Are, by the laws of Venice, confiscate
> Unto the state of Venice.

This condition was the restraint on Shylock, but our modern Shylocks oppose all restraint. The gentleman from New York [Mr. COOMBS] asked me some time ago if this bill prevents contracts being made for the payment of a debt in specie, even if the parties desire to so frame the contract.

Mr. Speaker, the gentleman states a false assumption in his question. No person ever desires to sign such a contract. No sane man would voluntarily sign such a contract. Such a contract might be signed to-day for a hundred dollars in Treasury notes with the gold or specie clause in it, and within six months gold might go to a premium and the debtor would be compelled to pay $200 in Treasury notes in discharge of his contract for $100. Such things have happened and may happen again, and the law that permits it is manifestly unjust.

There is no equality between the creditor and debtor when the one is about to borrow of the other; the parties are not on equal terms. The debtor is pressed for means and he must yield to the tyrannical exactions of the creditor, whatever his terms are.

If all men were just we would need no laws, but human experience teaches that they are not, and therefore the law must protect the weak against the strong. The question finally resolves itself into one of justice. The reason a gold contract is exacted by the creditor is to protect himself against any fluctuation in our currency.

Why should the debtor alone be held responsible for the stability of the money of the country. Should not this burden be borne as well by the creditor as the debtor. Equality is justice and every man should have an equal chance in the race of life. When an ordinary money contract is given, if the volume of money in the country increases it is to the interest of the debtor, if it decreases it is to the interest of the creditor. These are chances that all business men must take in the affairs of life.

But under the gold contract the rule is changed and the responsibility is all cast on the debtor.

Justice demands that this measure should be enacted into law.

Mr. Speaker, my time has about expired, and I therefore ask permission to extend my remarks and to print in connection with them the report which I made to the House on this bill.

There being no objection permission, is therefore granted.

APPENDIX.

[House Report No. 1270, Fifty-third Congress, second session.]

TO REGULATE AND DISCHARGE THE PAYMENT OF CONTRACTS IN ANY MONEY MADE A LEGAL TENDER BY LAW FOR THE PAYMENT OF DEBTS.

July 17, 1894.—Referred to the House Calendar and ordered to be printed.

Mr. LANE, from the Committee on the Judiciary, submitted the following report (to accompany H. R. 5217):

The Committee on the Judiciary, to whom was referred House bill 5217, introduced by Mr. LANE, which reads as follows:

"A bill to regulate and discharge the payment of contracts in any money made a legal tender by law for the payment of debts.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all contracts hereafter executed for the payment of any sum of money, whether in gold, silver, or coin, may be discharged by any money which is by law a legal tender for the payment of debts when the contract matures."

Beg leave to report that they have considered said bill, and find that the purpose of this bill is to regulate the practice in the Federal courts in regard to entering judgments, in requiring such judgments to be expressed in dollars and parts of dollars, and to preserve the stability and uniformity of our currency.

The act of Congress of 1792, establishing a mint and regulating the coins of the United States, provides that the money of accounts of the United States shall be expressed in dollars, dimes, cents, and mills, and that all proceedings in the courts of the United States shall be kept in conformity with this regulation.

The law now is that gold and silver coin and Treasury notes are a legal tender for the payment of all debts, public and private. There are some exceptions in regard to the payment of customs, etc., in Treasury notes, but this has no application to judgments between private parties. The law makes coined money and Treasury notes a legal tender in the payment of private debts, that is, makes both kinds of money equal for this purpose, and neither the courts nor private individuals have the right to annul the law.

The law is greater than the court or the individual, and neither have the right to set it aside. The courts have no power to legislate or to annul the laws of Congress, or to permit private parties to set aside a public statute. This the Federal courts have done in holding that a judgment can be entered in "coined dollars," which is done for the very purpose of annulling the act of Congress making Treasury notes a legal tender for the payment of debts. In England it was a felony to discredit the money of the realm. The courts of France have held that parties can not, by special contracts, discriminate between the bank notes of the Bank of France, which are made a legal tender, and coin money, which is also a legal tender.

The decision will be found in Bulletin of Appeals of France, volume 75, No. 46, of date February 11, 1873. In the case of Delatre *vs.* Scouteters the court said: "In a monetary crisis laws directing the legal tender of bank notes have the character of police and surety laws, and are for the public benefit; consequently these laws can not be avoided by written contracts, made either after the promulgation of such laws or even before. Therefore creditors can not, in view of such contracts, refuse payment if it is tendered him in notes of the Bank of France, taking them at their legal value, which is by law equivalent to that of coin." Many other nations of the earth even went further and made it a crime punishable by death to discredit the money of the country.

The State courts of many of the States of the Union have passed on this question, and they hold the law substantially as it was held by the court in France.

These decisions were rendered in the State courts after the passage of the legal-tender act by Congress and before the decision of the United States Supreme Court was fully known. A few of the cases will be examined and the date of trial given.

Attention is first called to the following case:

In 1863, in the case of Wood *vs.* Bullens, 6 Allen (Mass.), 516, the note was for $500, with this statement in the note: "The above payable in specie." The court held that the note could be discharged in currency, and in deciding the case used this language:

"All the court can do is to treat as money that which the statutes of the United States, legally enacted, declare to be money. If it were in our power to render a specific judgment designating the species of currency in which it should be paid we might avoid some of the existing difficulties, but we have no such authority."

In 1862, in Shoenburger *vs.* Watts, 10 Am. Law Reg., 553 (Pa.), a bond for $28,000 was executed payable in specie, "current gold and silver of the United States," and the court held that the bond could be discharged in currency. The court says in that case:

"This being the object and design for which the coining and money-making power was given to the Government of the United States in common with all other governments, we may well doubt whether, while that Government has exercised its high prerogative by deciding that certain modes or forms of value shall all be money, and all money be equal, that the same named quantities of each shall be worth as much as any of the others, it can be competent for the citizen to distinguish to make a bargain excluding those with whom he contracts from a means of payment which the law has decided shall be open to and available for all and encumber them with a debt of a new and special nature not capable of being discharged in the way in which the ordinary debts are by law payable."

In 1864, in Schallenberger *vs.* Brinton, 12 Am. Law Reg., 591 (Pa.), the lease was for ground rent payable in "lawful silver money of the United States," the court held that the rent could be paid in legal-tender notes.

In 1865, in the case of Buchegger *vs.* Schultz (13 Mich., 420), it is held by the court that a contract for a certain number of "dollars," though stipulated to be paid "in gold," is not a contract for merchandise, but for money, and therefore can be discharged in any lawful money. Judge Cooley delivered the opinion in this case, and in doing so, among other things, he said:

"If legal-tender laws were designed chiefly to confer upon debtors a privilege, there would be force in an argument that the class to be benefited might waive the privilege by stipulation in their contracts. But these laws are also based in great measure upon reasons of State policy, which sometimes to a considerable degree override and disregard individual interests.

"The act in question was based exclusively upon reasons of a public character, which, in the opinion of the lawmaking power, imperatively demands that Treasury notes shall be made equal in legal value to coin, and parties have no more right to stipulate that their contracts shall not be governed by it than those of a particular locality have to agree among themselves that a law shall not be in force in that locality."

In 1865, in Whetstone *vs.* Colley (30 Ill., 228), suit was on a note for $150, payable in "gold." The court held that the note could be discharged in United States Treasury notes, and in an action thereon evidence as to the value of gold compared with legal-tender Treasury notes is inadmissible.

In 1866, in Appel *vs.* Woltman (38 Mo., 194), the action was for a recovery of $2,000, which, by the terms of the contract, "should be paid in the current gold coin of the United States, in full tale, or without regard to any legal tender that may be established or declared by any law of Congress." It was held by the court that this contract could be discharged in legal-tender Treasury notes. The court say in this case:

"But by law Congress has made Treasury notes of legal value with gold, and declared they should be legal tenders in satisfaction of private debts. As a legal medium, then, there can not be a distinction taken between them and gold."

Again the court in the same case say:

"It is a notorious fact which has passed into the history of the country that for the purpose of trade and in commercial transactions there is a difference made between Treasury notes and specie coin; but whatever fluctuations there may be arising from extraneous causes the debtor's right to pay in whatever medium he chooses can not be affected. In administering the law gold and Treasury notes must be considered as equal and no difference or discrimination can be allowed."

In 1866, in Brown *vs.* Welch (26 Ind., 116), the contract was for the "payment of a specified sum in gold or if paid in paper the amount thereof necessary to purchase the gold at the place of payment." It was held by the court that the contract could be discharged in Treasury notes at the sum named in the contract. The court uses this language in the opinion:

"When Treasury notes were made a legal tender in the payment of debts they were made the equivalent of coin as a means of payment in all but the cases excepted by law. If, then, the law makes them equivalent for the purpose of payment, a failure to pay a given sum in gold, as required by contract, can not possibly beget an obligation to pay a greater sum in legal-tender notes, whatever premium men may voluntarily choose to give for gold when forced to obtain it for a specific purpose, or when impelled by a spirit of speculation, or by a weak distrust of the Government."

In 1866, in Rily *vs.* Sharp (1 Ky., 348), it is held that a note payable in "gold" can be discharged in legal tender in the amount named in the contract.

In 1871, in Kellogg *vs.* Sweeney (49 N. Y.), $493.51 in gold coin was stolen from the plaintiff, and in a civil suit for its recovery it was held that the amount could be discharged by Treasury notes, although the value of gold coin in currency was $1.59 at the time, and if the matter was in contract the law would be the same. (Chysler *vs.* Renois, 4 Hand, 209.)

In 1870, in Killough *vs.* Alford (32 Texas, 457), the court holds that $750, payable "in gold coin, or the equivalent thereof in the United States legal-tender notes" can be paid in legal-tender notes of the United States, and gold coin are the same dollar for dollar; that things which are equal to the same thing are equal to each other.

In 1867, in Beatty *vs.* Rhodes (3 Nebr., 240), it is held that in the payment of a debt legal-tender notes are in contemplation of law equal to coin, and making the salary of a State officer payable in legal-tender notes after it had previously made it payable in coin is not unconstitutional.

In 1865, in Reise *vs.* Stearns (29 Cal., 275), a suit was on a contract to pay in gold coin of the United States, "or the equivalent of such gold coin, if paid in legal currency," and it was held that such contract can be paid in any kind of lawful money of the United States. The court say in this case:

"In contemplation of law a dollar in legal-tender notes is equal to and therefore the equivalent of a dollar in coin. In comparing the two kinds of money the law knows no difference in value between them. Where none is adopted the standard of equivalents must be that which the law establishes. Tried by this standard, any given number of dollars in legal-tender notes is equivalent to the same number of dollars in coin."

In 1873, in Glover *vs.* Robbins (49 Ga., 219), the note was of date October 10, 1864, and in five years after date promised to pay $6,500 in specie with 4 per cent interest. The trial court in this case rendered the following judgment:

"It is there ore considered and ordered by the court that the plaintiff have and recover of the defendant the said sum of $7,540.15 in gold or silver coin or its equivalent in United States currency, for which execution may issue to be levied and collected in gold or silver coin or its equivalent in United States currency, and also that the said plaintiff have and recover of said defendant the costs of this suit, for which execution may issue to be levied in United States currency."

On appeal the supreme court of Georgia reversed this judgment, and in the opinion, among other things, said:

"Yet, as the debt was contracted long after the passage of the legal-tender acts of Congress regulating the payment of such contracts, the judgment should have been for so many dollars only, leaving it to be discharged in any legal-tender currency or money of the United States."

In 1866, in Jump *vs.* Pettier (18 La. Am. 196), it is held that a note payable in gold can be satisfied by the tender of United States Treasury notes.

In 1872, in Townsend *vs.* Jennison (44 Vt., 315), the court held that when a debt is payable in specie it is error for the court to allow plaintiff premium on silver coin, there being more than one kind of money called specie, and the kinds being capable of different values.

In 1876, in Hunter *vs.* Rogers (50 Ala., 283), the court used this language:

"The verdict is for $5,000 in gold, and the judgment follows the verdict. The present law of the United States governs the currency, and defining what shall be legal tender for the payment of debts forbids such a payment. The verdict ought, therefore, to have been for dollars simply. A judgment for dollars in gold is erroneous."

The decisions of the supreme courts of fifteen of the States are now given, and they all hold with singular unanimity that private parties can not discriminate against the different kinds of legal tender in this country. We have here the opinion of fifty judges, many of them men of eminent learning, celebrated as jurists, and of national reputation, among them such men as Judge Cooley, of Michigan, and Judge Breese, of Illinois, all substantially agreeing that the debtor could not be held as an insurer against the fluctuation of our currency and that the debtor could discharge his debt in the payment of Treasury notes made a legal tender. Up to that time such a thing as a judgment in "coin dollars" was unknown to the law. Attention is now called to the decision of the United States Supreme Court on this point.

It is not intended to question the power of Congress to issue Treasury notes or make them a legal tender for the payment of debts. The simple inquiry is, did not the court misinterpret the act of Congress in regard to making Treasury notes a legal tender? If they did, here and now is the time to make the correction. It will further be noticed that these decisions in the United States Supreme Court were by a divided court, sometimes but one judge in the majority, and the dissenting opinion being joined in by sometimes three or even four of the nine judges composing that august tribunal, and the dissenting opinion being in harmony with the decisions of the State courts, as will be seen by a fair comparison. Attention is now called to some of the decisions of the United States Supreme Court.

In 1868, in Bank *vs.* Supervisors (7 Wall., 26), the United States Supreme Court held that Treasury notes were not subject to taxation in the same manner and to the same extent as coin issued under like authority, and reversed the decision of the New York court. The decision of the Supreme Court was predicated on the act of February, 1862, which declares that—

"All United States bonds and other securities of the United States held by individuals, associations, or corporations within the United States shall be exempt from taxation by or under State authority."

It was held that Congress had the power to make this difference between coin and Treasury notes; so it will be seen that this case has no application to the question presented by this bill.

In 1868, in Lane County *vs.* Oregon (7 Wall., 71), the Legislature of Oregon passed a statute enacting that the sheriff of that State shall pay over to the county treasurer the full amount of the State and school taxes in gold and and silver coin. The county of Lane brought suit against the sheriff to recover $5,460.96 in gold and silver coin. The sheriff answered that he had tendered the amount in United States notes, but the circuit court held this was not a good tender and rendered judgment against the sheriff for the sum claimed, in gold and silver coin with costs. This judgment was affirmed by the supreme court of the State and also by the United States Supreme Court. The reason for this decision was placed on the distinct ground that the law making United States notes a legal tender for debts has no reference to taxes imposed by State authority. So it can be safely claimed that this case has little or no bearing on the question at issue, as this bill only applies to private debts.

In 1868, in Bronson *vs.* Rodes (7 Wall., 229), a bond or note was given for $1,400, payable in gold and silver coin, with 7 per cent interest, payable also in coin. A tender of $1,507 in United States notes, the nominal amount of the note, was made and refused.

At this time $1 in coin was worth $2.25 in United States notes. So the question is here fairly presented, whether the United States notes have an equal debt-paying power as coin and whether the practice should be that judgments may be entered for "coined dollars and parts of dollars" on coin contracts, and in dollars generally in other cases. In this case the supreme court of New York held that the plea of tender was not a good plea, but on appeal to the supreme court in general term the plea was held good and this judgment was affirmed by the court of appeals of New York and the case was brought to the United States Supreme Court, when the judgment was reversed, Justice Miller dissenting.

The United States Supreme Court held in this case that a bond or note, payable in gold and silver coin, must be paid in coined dollars and can only be satisfied by the payment of coined dollars, and that such judgments may be entered for coined dollars and parts of dollars.

A judgment for coined dollars is a judicial curiosity. When Congress made Treasury notes a legal tender it was clearly the intention to give those notes the same purchasing and debt-paying power as coin, and public policy demanded that the statutes should be so construed. A "coin judgment" is also an undesirable innovation in our judicial practice.

In Butler *vs.* Harwitz (7 Wall., 258), the decision in Brownson *vs.* Rodes is followed.

In 1869, in Willard *vs.* Taylor (8 Wall., 557), the court in a suit in equity for the specific performance of contract, decreed that the complainant should pay in gold, although the contract which was made in 1854 did not in express terms contract for gold payment.

This case had no general application and does not demand further notice.

In 1869, in Hepburn *vs.* Griswold (8 Wall., 604), a suit was brought on a note of date June 20, 1860, for $11,250, but there was no express promise to pay the note in gold. In March, 1864, the maker of the note tendered $12,720 in Treasury notes in full payment. The trial court held the tender good, and the case was taken to the court of errors of Kentucky, which reversed the judgment, and the case was then taken to the United States Supreme Court, where the judgment of the court of errors of Kentucky was affirmed.

The United States Supreme Court placed the decision in this case on the ground that the act making Treasury notes a legal tender in payment of all debts, public and private, had no application to debts contracted before the passage of the act, Justices Miller, Swayne, and Davis dissenting. This case has since been overruled by the court, and therefore has no application now.

In Knox *vs.* Lee and Parker *vs.* Davis (12 Wall., 457), the decision in Hepburn *vs.* Griswald (8 Wall., 603), is overruled, and the court holds that the

acts of Congress known as the legal-tender acts are constitutional when applied to contracts made before their passage, the Chief Justice and Justices Clifford, Field, and Nelson dissenting. It will be noticed, however, that there was no express contract to pay in coin in this case.

In 1871, in Trebilock *vs.* Wilson (12 Wall., 687), a note was given for $900, due in one year, with 10 per cent interest, "payable in specie." The amount due on the note was, after its maturity, tendered in United States notes, being a legal tender for all debts, public and private. The district court of Iowa held that the tender was good. The case was then appealed to the supreme court of Iowa and the decree was affirmed; the case was then brought to the United States Supreme Court and the decree reversed, Justice Bradley and Miller dissenting. The United States Supreme Court held that the note could not be discharged in its nominal value in Treasury notes, but that the plaintiff was entitled to a judgment to be entered for the payment of "coined dollars."

In 1871, in Vaughan *vs.* Telegrap (14 Wall., 258), the action was for the loss of a cargo of goods, valued at $2,436 in gold, and the decree was for $4,896.30 and interest, making in all $6,515.51. At this time gold was 101 per cent above legal-tender notes. On appeal from the United States circuit court at New York to the United States Supreme Court this decree was affirmed, the Chief Justice and Justices Clifford and Field dissenting. The principle announced in this case seems to be indefensible.

In the first place, the court heard evidence and found that the value of the goods destroyed was $2,436 in gold, and then heard further testimony and found that $2,436 in gold was worth $4,896.30, more than double the value of the goods, and rendered judgment for this sum and the interest, making $6,515.51. If this was not simple robbery, it was very near of kin to it. Why should the debtor be held alone responsible for the fluctuation of the currency when Congress declared that currency and coin money should be a legal tender, dollar for dollar, one as good as the other? What right had the court to annul the law in order to favor the creditor? It can not be explained.

It is no part of the design of this bill to consider the authority of Congress to issue Treasury notes and declare them a legal tender. These were burning questions at one time in this country, but they may be regarded as settled now. Before the adoption of the Constitution the power of coining gold and silver and emitting bills of credit or making money and declaring it a legal tender existed in the several States, but now by the Constitution it is prohibited in all the States except the right to make gold and silver a legal tender.

The power to issue money does not exist in the States, and it must therefore exist, if at all, in Congress. The fact is not forgotten that a great many constitutional lawyers believe that when the Constitution was drafted the intention of its framers was not to grant to the General Government the right to emit bills of credit, and if the General Government did have a right to issue bills of credit in certain emergencies, still they had no right to make them a legal tender. The United States Supreme Court, however, has finally held that Congress has the power in times of peace or war to issue Treasury notes, and also to make them a legal tender.

These questions are now settled in the affirmative, it is true, by a divided court, but they are settled, and it is to be hoped that they will remain so. But the trouble now is that, after the court decided that Congress can make Treasury notes a legal tender in payment of all debts, public and private, the court annuls its own decision by holding that these coin contracts can be satisfied by entering a "coin judgment." The uniform judgment of common-law courts is for a specific sum of money in pounds and parts of pounds, or in dollars and parts of dollars, leaving such judgment to be discharged in whatever has been rightfully made a legal tender for the payment of debts.

Judgments are not rendered and can not be rendered without an act of the Legislature or Congress in anything but dollars. Congress can say what a dollar shall be, and in such dollars judgments of courts shall be paid. It is the stamp of the Government that bestows upon a piece of gold or silver the value of a dollar. So Congress can make Treasury notes money, transmitting, if you please, the paper into coin and cause it to pass in all private transactions at their declared value, and all judgments rendered by the courts between individuals being entered up for dollars can, and of a right should be, discharged in dollars, paper money as well as coin.

When Congress declared that Treasury notes should be lawful money and a legal tender for the payment of all debts, public and private, the design was to render paper dollars legally equivalent to specie and an adequate performance of a contract expressly stipulating for payment in coin.

If the law does not mean this it means nothing. When the parties intended by their contract that money should be paid, then it can be paid in any lawful money. This is made plain by the court itself. In Knox *vs.* Lee (12 Wall., 566) Justice Bradley, in concurring in the opinion of the majority of the court, among other things said:

"So long as the money of the country, in whatever terms described, is in contemplation of the parties it is the object of the legal-tender laws to make the credit of the Government a lawful substitute. Therefore, if the contract is for the delivery of a chattel or a specific commodity or substance the law does not apply. If it is bona fide for so many carats of diamonds, or so many ounces of gold as bullion, the specific contract must be performed. But if terms which naturally import such a contract are used by way of evasion, and money only is intended, the law reaches the case. Not but that Congress might limit the operation of the law in any way it pleased. It might make an exception of cases when the contract expressly promises gold and silver money. But if it has not done so, if the enactment is general in its terms, specific promises to pay the money in specie are just as much subject to the operation of the law as a mere promise to pay so many dollars, for in contemplation of law is a promise to pay in specie."

No language could be plainer than this. Can any person doubt that in the cases cited and decided by the court it was not the intention that money was to be paid and not a commodity delivered?

There are but two of the foregoing cases that have a direct bearing on this question, and those are the cases of Brownson *vs.* Rodes and Trebilock *vs.* Wilson. In the first case the court tells us that a contract was given for $1,400, payable in gold and silver coin. Then there can be no doubt but it was a contract for the payment of money, coupled with an attempt to hold the maker as a guarantor against any fluctuation in the currency.

Now, a promissory note is an agreement in writing to pay a certain person a certain sum of money by a time certain. These three elements are indispensable to a promissory note. An agreement to deliver to a certain person a certain number of ounces of gold or silver by a day certain is not a promissory note, nor is it a negotiable instrument. If, therefore, the note for $1,400 was not for a sum of money, but the amount had to be fixed by testimony as to the difference between coin and Treasury notes, then the sum would not be certain, and the court was in error in calling it a promissory note. It was payable in gold or silver coin, so it is uncertain in which coin.

Suppose a suit was brought on this note at the present time; it might become a question in which coin it should be paid. Some members of Congress state on the floor of the House that a silver dollar is only worth 50 or 70 cents, and it is supposed they would swear to it if called on in court, and in that event in which coin would the court hold that the note could be discharged?

No one can tell. If parties have a right to discriminate between Treasury notes and coin, then they have the right to discriminate between the coins themselves, and the whole matter is at sea. Nor did it help the matter for the court to legislate that the judgment should be for "coined dollars," for the same trouble still remained.

The means of satisfying a judgment is by execution. The execution must follow the judgment and be founded on it. What would a sheriff or a marshal do with an execution for "coined dollars?" The usual language of an execution is a command to the officer to cause to be made so many dollars out of the defendant by levying the same on his goods and chattels, lands and tenements, etc. When the execution would be for coined dollars then the sheriff would be compelled to sell the property of the defendant, and if he could not get coined dollars, and then he would be compelled to accept Treasury notes and with that buy gold or silver coin, how would he determine what price he would pay? What market would control the price of coin as compared with Treasury notes? Such a system leads to endless confusion.

Again, suppose the promise was to pay $1,400 in wheat. The promiser would have the right to discharge his note by tendering $1,400 worth of wheat, but if he defaulted and suit should be brought on the paper the court would not inquire into the value of wheat but simply render a judgment for $1,400. The instrument itself fixed the measure of damages. Now suppose in the place of wheat the word "gold" should be used—gold is simply a commodity and the rule would not be changed, and in default of payment in gold the judgment would be for $1,400. The parties themselves in their contract fixed the amount to be paid at $1,400, no more nor no less. And the contract further provided that this sum should be paid in gold and silver coin; so according to the very terms of the contract the maker had a right to pay $1,400 in gold and silver coin, and if gold and silver were at a premium then why should not the maker of the contract be allowed to satisfy the claim with less than $1,400 in gold coin? But the truth is the promise was for $1,400, and the judgment should be for that sum.

All that has been said with reference to the case of Brownson *vs.* Rodes applies with even greater force to the case of Trebilock *vs.* Wilson (12 Wall., 687). In this case a promissory note was given for a debt of $900, payable in "specie." Now, what is specie? It is coin; gold, silver, and copper as currency. How could the court determine what kind of specie would discharge this note? Suppose a promise is made to pay $900 in wheat, oats, or corn. The maker could discharge the obligation by a tender of $900 worth of either of these commodities. These three articles were of different values, and if default was made in the payment of the note the court would not go into an investigation of the value of the wheat, oats, and corn, but would render a judgment for $900. The court was correct in the Vermont case just cited when they said that it was "error for the court to allow plaintiff premium on silver coin, there being more than one kind of money called specie and the kinds being capable of different values."

Again, the maker of this promise to pay $900 in coin could lawfully discharge it in silver half dollars and quarter dollars. When, then, did the court find authority to render judgment for "coined dollars"? It was clearly a money contract, and Judge Cooley was right when he said in Buchegger *vs.* Schultz:

"The act in question (meaning the legal-tender act) was based exclusively upon reasons of a public character, which, in the opinion of the lawmaking power, imperatively demanded that Treasury notes should be made equal in legal value to coin, and parties have no right to stipulate that their contracts shall not be governed by it."

Parties can not make contracts in violation of public policy. The statute of usury can not be annulled by contract; gambling contracts, and contracts for the sale of margins and for speculation in the rise and fall of commodities, and contracts for the sale of "puts" and "calls," and contracts in restraint of trade, are all void.

A contract to defeat a public statute is void. No lawyer will deny this proposition, for it can be sustained by unlimited authority from the courts of this and other countries.

Congress passed a public statute making Treasury notes equal in legal value to coin in the payment of debts; yet in the two cases mentioned the Supreme Court held that the parties could by private contract annul and defeat this statute. The rule is a menace to trade and commerce. A party desires to borrow money to go into business, and when he applies for it he is told that there must be the usual gold clause in the note. The risk is too much, and he refuses to borrow. It is to the interest of society that money should be used in business. The borrowers of money are the men who build our railroads, span our rivers, tunnel the mountains, build cities and towns, churches and schoolhouses, and engage in our vast industrial pursuits, all at great risk to them financially, and it is unjust in addition to the risk of their business to hold them responsible for the fluctuation of the currency. This rule also offers a premium for rascality. When the money of the country is loaned in the gold contracts, then the money power can greatly increase their wealth by forcing gold to a premium and compel the debtor to pay double the amount of money borrowed.

There can be no stable currency in this country if private parties are permitted to contract against a certain kind of currency and in favor of another kind, both of which the law declares shall be equal. Legal tender is a function of money, and no private contract should be permitted to annul it. Contracts must be made in pursuance of law and not contrary to it. There is no class of persons in this country who should be more interested in sustaining the commercial law of the land and the financial policy of the Government than the credit class.

When default is made in their contracts for the payment of money they apply to the courts to enforce the law for its collection, and, therefore, they should not themselves violate the law when they make their contracts and demonetize the money of the country. The creditor and debtor rarely ever occupy the same vantage ground. The necessities of the debtor often deprive him of the freedom of contract.

The object of law is to defend the weak against the strong, "to restrain men from injuring one another." "Equal and exact justice to all and special privileges to none," is the basis of all free governments; and it is not just to the debtor that he should be held liable for any and all fluctuations that may take place in the currency between the date of contract and the time of performance. The creditor should be willing to submit to the law and accept on his money contract the money declared by Congress to be legal tender for the payment of all debts.

This is what the United States Supreme Court declared in its second legal-tender decision, when it used this language:

"The obligation of a contract to pay money is to pay that which the law recognizes as money when the payment is to be made."

The flag of the country is pledged to sustain our financial system, and to make every dollar of our money equal to every other dollar in purchasing and debt-paying power, and no person should have the right to repudiate the money or the flag of the Republic. Patriotism, justice, and State policy demand that this bill should become a law, amended, however, by adding after the word "contract" in line 3 of said bill, the following words, to-wit: "Hereafter executed;" and as amended the bill is reported back to the House with a recommendation that the same do pass.

Mr LANE. I now yield to the gentleman from Texas [Mr. CULBERSON].

Mr. CULBERSON. Mr. Speaker, I understand that the Committee on Appropriations desire to submit a conference report, and as they could take us off the floor anyway, I am willing to yield now. I suppose, however, that when the conference report is disposed of I may be permitted to occupy the remainder of the hour.

The SPEAKER. Without objection that can be done.

Mr. CULBERSON. I will merely state that I intend to withdraw this bill and present another one, inasmuch as the time at command will not give sufficient opportunity for the discussion of this measure.

Mr. WARNER. I trust the gentleman will allow the time to be so divided as not to have the discussion of this bill, which goes into the RECORD, all on one side.

Mr. CULBERSON. I am going to withdraw the bill.

Mr. WARNER. Well, that is one way to defeat it.

The SPEAKER. Without objection, after the conference report is disposed of, twenty minutes will be given to the consideration of this bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7477) making appropriations to supply the deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes.

The message also announced that the Senate had passed with amendments the bill (H. R. 7668) to authorize the St. Louis, Avoyelles and Southwestern Railway Company to bridge Bayou Des Glaises and Atchafalaya River, in the State of Louisiana; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 859) for the relief of B. D. Greene.

The message also announced that the Senate had passed joint resolution and bill of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. Res. 101) providing for clerical assistance in the Health Department of the District of Columbia;

A bill (S. 1713) to permit Commodore Louis C. Sartori, now on the retired list of the Navy, to be a rear-admiral on said list in accordance with his original position on the Navy Register.

GENERAL DEFICIENCY BILL.

Mr. SAYERS. Mr. Speaker, I present the conference report on the bill (H. R. 7477) making appropriations to supply deficiences.

As the report is quite long, I ask that the reading of it be dispensed with, that only the statement of the House conferees be read, and that the report be printed in the RECORD.

There was no objection, and it was so ordered.

For conference report see Senate proceedings.

The statement of the House conferees was read as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H. R. 7477, making appropriations to supply deficiencies, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report, namely:

The bill as it passed the Senate appropriated $7,939,551.41, being an increase of $2,934,518.83 over the bill as it passed the House.

Of this sum, $1,809,539.70 is to pay a judgment in favor of the Southern Pacific Railroad Company, and upon this amendment the committee of conference have been unable to agree; $77,453.34 is for payment of certain so-called charter party cases and insurance claims, from which it is recommended that the Senate recede, together with other amendments involving appropriations amounting to $107,163.06.

It is recommended that the House agree to the amendments appropriating $940,362.73, to cover deficiencies, final judgments of the Court of Claims, and audited accounts certified to Congress since the passage of the bill by the House. An additional appropriation of $250,000, for fees and expenses of marshals, United States courts, is recommended in the conference report, in accordance with a recommendation of the Attorney-General, certifying that at least that sum will be necessary to settle accounts on account of the fiscal year 1894.

Exclusive of the judgment of the Southern Pacific Railroad Company, the bill as finally agreed upon appropriates $6,202,903.91, being $1,736,647.50 less than as it passed the Senate, and $1,197,871.33 more than as it passed the House.

JOSEPH D. SAYERS,
J. G. CANNON,
Managers on the part of the House.

Mr. SAYERS. Mr. Speaker, I desire to inform the House that all the differences between the two Houses upon this bill have been settled with the exception of one item, amounting to about $1,500,000 in round numbers, in relation to the Southern Pacific Railroad Company, and I suggest to my colleague on the conference committee, the gentleman from Illinois [Mr. CANNON], that the House be asked to agree to the partial report, leaving that item still open for discussion.

Mr. CANNON of Illinois. That is, the gentleman desires the House to adopt the report?

Mr. SAYERS. Yes, sir.

Mr. PICKLER. What has been done about the judgments for Indian depredation claims?

Mr. SAYERS. The item was increased $50,000. It passed the House at $100,000, and was increased $50,000 in conference.

Mr. PICKLER. And was the provision retained which the House adopted with regard to a future investigation?

Mr. SAYERS. Yes, sir.

The SPEAKER. The question is upon agreeing to the conference report.

Mr. CANNON of Illinois. Mr. Speaker, I would be glad to have a few minutes before this report is adopted. I understand that there is still one amendment upon which no agreement has been reached.

Before this vote is taken I would be glad to have two minutes to state generally my understanding as to the appropriations of this session——

Mr. SAYERS. I will state to my friend that when the deficiency bill comes back I will yield to him. We want to pass the sundry civil bill immediately; but when we come back with our final report on the general deficiency bill, the gentleman can have as much time as he wants.

Mr. CANNON of Illinois. There will be no final report in a certain contingency. If the House should insist upon its disagreement to the Senate amendment, we would have to go into conference again; if the Senate should recede from its amendment, that would pass the bill.

Mr. SAYERS. Certainly. I am willing to accommodate the gentleman from Illinois as to the time he desires to occupy.

Mr. CANNON of Illinois. I think I had better take a few minutes now, as my friend from Iowa [Col. HENDERSON], who is now temporarily absent, desires to be heard when the deficiency bill comes up.

Mr. SAYERS. Very well, I will yield to the gentleman from Illinois as much time as he desires.

The SPEAKER. Before the gentleman from Illinois begins, the House will receive a message from the Senate.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. SAYERS. I ask unanimous consent to withdraw from consideration for a few minutes the report on the general deficiency bill in order that the House may agree to the report on the sundry civil bill. It is important that this bill should be enrolled and signed as quickly as possible.

The SPEAKER. In the absence of objection, the conference report on the deficiency bill will be temporarily withdrawn, and the House will take up the conference report on the sundry civil bill. The Clerk will read the statement of the House conferees.

The Clerk read as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the sundry civil appropriation bill, submit the following written statement in explanation of the action recommended in the accompanying conference report on each of the amendments, namely:

On amendment numbered 11: Strikes out the appropriation of $100,000 proposed by the Senate for the purchase of sites for and commencement of buildings at Cheyenne, Wyo.; Boise City, Idaho; Helena, Mont.; and Spokane, Wash.

On amendment numbered 110: Strikes out the appropriation of $105,000 proposed by the Senate for the sufferers of the Ford Theater disaster, and inserts in lieu thereof provision for a joint commission of the two Houses to investigate and report upon the claims of said sufferers.

On amendment numbered 118: Appropriates $25,000, as proposed by the Senate, for a quarantine station at Southport, N. C.

On amendment numbered 119: Strikes out the appropriation of $40,000 proposed by the Senate for a quarantine station at or near the mouth of the Columbia River.

On amendments numbered 127, 128, 133, and 134: Strikes out the appropriations proposed by the Senate of $10,000 for the purchase of the etectric-light plant in the Senate wing of the Capitol and $10,000 for the repairs and extension thereof, and restores to the bill the provision proposed to be stricken out by the Senate authorizing the payment of $200 per month rent for the electric-light plants in the Senate and House wings during the sessions of Congress; and strikes out the provision proposed by the Senate authorizing the introduction of electric-light current into the Capitol building by any existing electric-light company in Washington.

On amendment numbered 145: Authorizes the use of $16,000 of the appropriation made for surveys of public land, for making a resurvey of lands in Grant and Hooker Counties, Nebr., and makes a verbal correction in the text of the bill.

On amendment numbered 238: Appropriates $45,000, instead of $86,000, as proposed by the Senate, for dry dock at Puget Sound, Washington.

On amendment numbered 261: Appropriates $5,000, instead of $16,000, as proposed by the Senate, for the Bureau of American Republics, and places said Bureau under the control and direction of the Secretary of State, and requires him to report to Congress at its next session the propriety of continuing said Bureau, or if any obligation exists on the part of the Government for its continuance.

On amendment numbered 270: Strikes out the provision, proposed by the Senate, fixing the salary of the assistant librarian in charge of the Law Library at $1,000, and allowing him $480 for laborer's service.

On amendment numbered 277: Strikes out the amendment, proposed by the House, providing for the purchase of additional land for the Government Printing Office, and for the construction of additional buildings thereon.

On amendments numbered 278 and 279: Appropriates $200,000 for the Cotton States and International Exposition at Atlanta, Ga., in terms substantially in accordance with the instructions of the House.

On amendment numbered 280: Provides for the reclamation of desert lands as provided by the House, with an amendment that not less than 20 acres of each 160-acre tract shall be irrigated, reclaimed, occupied, and cultivated by actual settlers.

The bill as finally agreed upon appropriates $34,209,776.05, being $1,991,390.65 less than as it passed the Senate, and $1,696,393.25 more than as it passed the House.

JOSEPH D. SAYERS,
JOS. H. O'NEIL,
W. COGSWELL,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the report.

Mr. WILSON of Washington. Before the question is taken, I would like to occupy three or four minutes.

Mr. SAYERS. I yield to the gentleman five minutes.

Mr. WILSON of Washington. Mr. Speaker, I desire only to call attention to the receding on the part of the Senate from amendment numbered 11, providing an appropriation for the purchase of sites for public buildings in the four new States—in Boise City, Idaho; Cheyenne, Wyo.; Helena, Mont., and Spokane, Wash.

Taking into consideration the environment of this question, the conditions operating in that section of the Union, and the further fact that this amendment was placed on the sundry civil bill in the other end of the Capitol, it seems to me the House conferees might, in their extreme liberality, have granted to each of these new States a public building for United States courts, for marshals' offices, for postal purposes, and for other official uses needed by the Government. I believe that every State in the Union is provided with at least one public building except the States of Wyoming, Idaho, and Montana.

The difficulty in this case, Mr. Speaker, is that the responsibility for the failure of this appropriation will be regarded as coming with peculiar and particular hardship upon the Representatives of these States in the House. I do not know of anything in the nature of appropriations with which I have had any connection since I have been in the House that will cause me personally, perhaps, so much damage as the defeat of this amendment. By reason of the fact that when the amendment was placed on the appropriation bill it was telegraphed to the various newspapers of our locality, causing the people to become intensely interested; all the responsibility for the defeat of the amendment will now be regarded as falling upon the members from the various new States, to which the amendment appertains.

The postal receipts at the town of Spokane are $60,000 a year. It is the headquarters of a postal division. Besides, we have there the United States court, United States marshal's offices, United States land office, the offices of the deputy collector of internal revenue and deputy collector of customs, etc. It seems to me that now, when the opportunity offers, the Government should acquire a site there, because in the course of a year or two it may not be able to do so; for since the great fire of 1889 which swept over that city and destroyed $6,000,000 worth of property, the available sites for the location of a public building are being rapidly appropriated.

I am not here (in the language of a gentleman who addressed the House the other evening) asking for pity; but I do think that in view of the large appropriations embraced in this bill for the improvement of rivers and harbors; in view of the large appropriations made in every direction by this Congress, it would have been nothing more than fair and just to have granted to these four States these sites for the erection of public buildings. You must of necessity come to it sooner or later.

I had on this floor a controversy relative to an appropriation for a public building that was already constructed in the State that my friend from Texas represents so ably and honorably on this floor. There they had no United States court; there their postal receipts were not equal to ours. But they came here and got a provision for a third story to be placed on their building on this sundry civil bill. Now, if they could not pass that bill through the House; if I could not pass mine through the House for a similar purpose, it seems to me that if the new States are to be cut out from any consideration, then all of them should be placed upon the same footing, and all of this appropriation should have been stricken out.

I know, sir, and I make my public acknowledgment of the fact now, that the gentleman from Texas, the chairman of the Committee on Appropriations, has upon many occasions rendered not only to myself but to the people of my State great services, and I here and now wish to thank him for myself and for them for the many and extensive acts of courtesy shown through his committee. I am not here to criticise the gentleman on this subject; but I do think I may be permitted to say that all the responsibility for the defeat of this amendment should not have been placed on the members of the House of Representatives.

The SPEAKER. The time of the gentleman has expired.

Mr. SAYERS. I yield now what time my colleague on the committee desires.

Mr. COGSWELL. Mr. Speaker, I wish to occupy but a very few moments.

As the statement of the conferees set forth, the amendment agreed to in the report in regard to the Atlanta Exposition is substantially in accord with the instructions of the House itself. The only material variance is in retaining the Government building exclusively for the Government exhibit.

The House instructions involved the setting apart of the vacant space in that building for the exhibit of the colored people. It was thought best, however, that the Government exhibit should occupy the Government building exclusively; and this was yielded because of the assurance that the corporation itself would erect a proper structure for the colored exhibit; and in this connection, and at the request of the friends of that exposition, I desire to have read from the desk as a part of my remarks the following letter:

The Clerk read as follows:

WASHINGTON, D. C., *August 14, 1894.*

Hon. JOSEPH D. SAYERS,
Chairman House committee in conference on the sundry civil bill:

SIR: The Cotton States and International Exposition Company hereby guarantees that said company will provide upon their grounds a suitable building, to contain not less than 25,000 square feet of space, and as much more as may be needed for an exhibit by the colored people of the United States, free of all expense for rent and entrance fees for exhibits.

Said space so provided to be used exclusively by said race for the purpose of making exhibit of the progress of the said race in education, art, mining, agriculture, and all other pursuits and industries; said exhibit to be made at the time and under the rules and regulations governing all other exhibits.

In witness whereof, the said Exposition Company hereunto attaches its signature by its president.

THE COTTON STATES AND INTERNATIONAL EXPOSITION COMPANY,
By C. A. COLLIER, *President.*
EVAN P. HOWELL, *Director.*
CLEMENT A. EVANS, *Director.*

In presence of:
J. B. GORDON, *United States Senator.*

Mr. SAYERS. I will yield a few minutes to the gentleman from South Dakota [Mr. PICKLER].

Mr. PICKLER. Mr. Speaker, I desire, as a Representative of one of the Northwestern States, to join in the commendatory words of the gentleman from Washington [Mr. WILSON] in regard to the chairman of the Committee on Appropriations, the gentleman from Texas [Mr. SAYERS], for his uniform courtesy and consideration of the interests of our section of the country.

I desire now, with the gentleman's permission, to ask one or two questions in regard to the agreement just submitted. I understand the conference committee agree to the proposition to donate the million acres of land to the States, with an amendment?

Mr. SAYERS. With an amendment.

Mr. PICKLER. Will the gentleman please state the purport of the amendment?

Mr. SAYERS. The gentleman will recollect that the amendment of the House provided that the 160 acres of land should not only be occupied, but also cultivated. Instead of that, we now provide that at least 20 acres of the land shall be occupied, cultivated, and irrigated. We thought that if you let the House amendment stand, requiring the entire 160 acres to be cultivated and irrigated, it would be of little or no benefit to the States; but by only requiring that at least 20 acres of it shall be cultivated or irrigated, the real purpose of the House would be accomplished.

Mr. PICKLER. I did not understand the House bill required that; but I am glad that it is made certain and definite.

Mr. SAYERS. We consider it as more liberal to the States than the House amendment as it originally stood.

I will state to the gentleman that we have further increased the sum appropriated for surveys to $250,000. It was $175,000 as the House passed it, and we increased it $75,000 more, making $250,000 in all.

Mr. PICKLER. Then one more question, with the gentleman's consent. I have felt a great deal of interest, as I have constituents who are directly involved, in the Ford's Theater disaster. That question goes over, I understand.

Mr. SAYERS. The agreement reached by the conferees amounts to this: That the President of the Senate and the Speaker of the House appoint five Senators and five Members who shall investigate the matter and report to the two Houses.

Mr. PICKLER. When?

Mr. SAYERS. At the next session.

Mr. PICKLER. Well, will this matter be then disposed of?

Mr. SAYERS. That is for the House to determine.

Mr. PICKLER. But will they come to a conclusion and make their report?

Mr. SAYERS. That is for the commission to say. They have the power to act if they choose to do so.

Mr. PICKLER. If it were going to put the matter off indefinitely I should have very grave objections.

Mr. SAYERS. That was certainly not the intention of the conferees.

Mr. COOMBS. This is a very specific arrangement.

Mr. O'NEIL of Massachusetts. It was the distinct understanding, I will state with the gentleman's consent, in the conference committee that this was not an attempt on the part of the conferees to evade any responsibility of the United States at all, but was an honest effort on the part of the committee, through a commission to be appointed in the manner suggested, to secure a report of all the facts by the time Congress meets in December for whatever action was proper to be taken at that time.

Mr. PICKLER. I think I understood the gentleman from Massachusetts [Mr. ONEIL] this morning in private conversation to say that it not only relates to death claims, but to all claims.

Mr. O'NEIL of Massachusetts. To claims growing out of the Ford's Theater disaster.

Mr. SAYERS. I wish to amend the statement of the gentleman from Massachusetts [Mr. O'NEIL] by saying that so far as my understanding goes, and speaking for myself, it was not intended to admit any responsibility on the part of the Government for that disaster.

Mr. O'NEIL of Massachusetts. I meant simply the responsibility, if any existed.

Mr. HERMANN. What changes have been made by the conferees as to the arid lands provision?

Mr. SAYERS. The only change was, that instead of requiring the whole 160 acres to be occupied, cultivated, and irrigated, it only requires that at least 20 acres of the 160 shall be so occupied, cultivated, and irrigated, making it more favorable to the States than the House amendments.

Mr. HERMANN. Then, in that case, upon proof being made to the Secretary of the Interior, that 20 acres have been regularly cultivated and resided upon, that will carry the remainder of the 160 acres into title?

Mr. SAYERS. That is my understanding of the matter.

Mr. HERMANN. Then, I ask the gentleman further whether the precaution has been taken by the conferees as to requiring that these prerequisites shall be complied with before title vests in the State?

Mr. SAYERS. I will state to the gentleman from Oregon that the amendment adopted by the House was passed with the single amendment thereto, requiring that at least 20 acres of the land be occupied, cultivated, and irrigated before title should pass.

Mr. HERMANN. Otherwise the McRae amendment stands.

Mr. SAYERS. Yes. Now, Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. COFFEEN].

[Mr. COFFEEN addressed the House. See Appendix.]

Mr. SAYERS. I ask for a vote on the conference report.

Mr. BRYAN. Was there any concession made in regard to the arid lands on which we passed the resolution the other day?

Mr. SAYERS. The conferees amended the House amendment, by making it more favorable, putting 20 acres in as the minimum, instead of 160, to be cultivated and irrigated, and not requiring them to cultivate 160 acres.

Mr. BRYAN. Did you include Nebraska and Kansas, or did you consider them included in the present terms of the bill?

Mr. SAYERS. We adopted the resolution passed by the House.

The question was taken on the motion to agree to the conference report; and the Speaker *pro tempore* [Mr. TARSNEY] announced that the ayes seemed to have it.

Mr. COFFEEN. Division.

Mr. WILSON of Washington. I hope the gentleman will withdraw that demand. I am as much interested in this matter as the gentleman from Wyoming, and it is impossible to secure anything. I appeal to him to withdraw that motion. We can not help ourselves. If we could I would be with the gentleman until the last moment in attempting to accomplish something.

Mr. COFFEEN. I am not disposed to be captious, but you have given us no time to consider the injustice which has been done to our States.

Mr. WILSON of Washington. I hope you will withdraw your demand. We are interested the same as you are.

Mr. COFFEEN. I withdraw on that plea.

The SPEAKER *pro tempore*. The ayes have it; and the report of the committee on conference is agreed to.

On motion of Mr. SAYERS, a motion to reconsider the vote by which the report of the committee of conference was agreed to was laid on the table.

Mr. WILSON of Washington. I have returned good for evil to my friend from Texas. [Laughter.]

INSPECTION OF LIVE STOCK.

Mr. HATCH. Mr. Speaker, I ask unanimous consent of the House to consider at this time a bill of great public interest to the entire meat industries of the United States, in relation to the enforcement of a section of the law now upon the statute books. If the Clerk will read the bill, it will explain itself or I will explain it to the House.

Mr. SAYERS. Mr. Speaker, I desire to know how much time it will take.

Mr. HATCH. It will not take two minutes to explain it.

The report is only a few lines, and I will explain it to the House. I do not think that any gentleman will object, and if they do I will withdraw it.

The Clerk read as follows:

A bill (H. R. 7910) to amend "An act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof, which are the subjects of interstate commerce, and for other purposes."

Be it enacted, etc., That the "Act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof, which are the subjects of interstate commerce, and for other purposes," approved March 3, 1891, be, and the same is hereby, amended by the addition of the following section, which shall be designated as "section 8" of said act, and which shall read as follows, to wit:

"SEC. 8. That the Secretary is hereby authorized to make such rules, regulations, and orders as he may decide to be necessary to prevent the transportation from one State or Territory or the District of Columbia into any other State or Territory or the District of Columbia, or to any foreign country, of the condemned carcasses or parts of carcasses of cattle, sheep, and swine, or the edible products of the same, which have been inspected in accordance with the act entitled 'An act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof, which are the subjects of interstate commerce, and for other purposes,' approved March 3, 1891. Any person, company, or corporation owning or operating any such slaughter-house, abattoir, or meat curing, packing, or canning establishment, or any employé of the same, that shall willfully violate any rule, regulation, or order made pursuant to this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished for each offense by a fine not exceeding $1,000 or imprisonment not exceeding one year, or by both said punishments, in the discretion of the court, one-half of the fine to go to the informer."

Mr. HATCH. Mr. Speaker, I would state to the House, in explanation of this matter, that it is simply to carry out the provisions of a law now upon the statute books in regard to the inspection of meats for interstate commerce, in which an omission was made as to any penalty for the violation of the law in taking the carcasses or any part of the carcasses condemned and putting it on the market for sale. The Secretary of Agriculture, in a personal conversation, and in a letter written, part of which is embodied in this report, states that he has ascertained, after having complied with the law and made the inspection of animals, such as lump-jawed cattle and cholera hogs, and they had been condemned and sent to the tanks for rendering into grease, he found portions of them had been stolen out of the tanks, after being put into them, and shipped outside of the State and sold for human food.

The Secretary says that it is impossible for him to execute the law properly without this additional legislation, and he asks that it be passed at once, and I have asked unanimous consent to pass it, so that it may be sent to the Senate and passed before we adjourn. [Cries of "Vote!"]

The SPEAKER *pro tempore*. The gentleman from Missouri asks unanimous consent to consider this bill. Is there objection? [After a pause.] The Chair hears none.

Mr. COOMBS. What is the usual course taken with condemned cattle after being slaughtered.

Mr. HATCH. I can not hear the gentleman.

Mr. COOMBS. I want to ask a question for information as to the disposition of these condemned cattle?

Mr. HATCH. The law is that after the meat has been inspected either at a slaughterhouse, a packing house, or a canning establishment, and has been found defective, and for any reason unfit for human food, it shall be condemned by the inspector, and under the regulation of the Department the owner of the carcass can only take it to a rendering establishment to be rendered into what is known as common grease, and it is for the violation of that rule (which had no penalty attached to it) that we ask this additional legislation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HATCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

GENERAL DEFICIENCY BILL.

Mr. SAYERS. Now, Mr. Speaker, I desire to call up the con-

ference report on the general deficiency bill, and I ask consent that the members of the Committee on Appropriations have leave to print remarks on the subject of the appropriations made by the present and previous Congresses. That is a privilege which has always been granted to members of the Committee on Appropriations ever since I have been a member of this House.

There was no objection to the request of Mr. SAYERS, and it was so ordered.

[Mr. COFFEEN addressed the House. See Appendix.]

Mr. SAYERS. Now, Mr. Speaker, I yield to my colleague on the committee [Mr. CANNON of Illinois] such time as he may desire.

Mr. CANNON of Illinois. Mr. Speaker, under our Constitution and laws the Congress appropriates the moneys for the public service and the President expends the same. In practice the Congress appropriates from year to year for the service of the succeeding year. The law requires the Executive to send to each session of Congress his estimates in detail for the public service and the amounts he desires therefor. There are, however, certain appropriations for the public service made by permanent law, and known as "permanent," as distinguished from annual appropriations. Among the permanent appropriations are those for the interest on the public debt, the collection of the customs revenues, the sinking fund, etc.

When the Executive forwards yearly to Congress his estimates for annual appropriations he also forwards his estimate of the amount that will be expended for the coming year under permanent law. Mr. Cleveland, by his estimates, asked Congress to appropriate for the public service, for the coming fiscal year, including permanent appropriations, $520,662,840.71, and Congress has appropriated for such service $490,668,369.51. This, in round numbers, is $30,000,000 less than the President asked for the public service. A large part of this $30,000,000, however, will be appropriated next winter by way of deficiencies.

I hold in my hand a table which I will submit, to be printed as a part of and at the conclusion of my remarks. It is a comparative statement of appropriations made at this Congress for the fiscal year ending June 30, next, with appropriations made at the first and second sessions of the last Congress (the Fifty-second Congress), and at the first and second session of the Fifty-first, commonly known as the "Reed Congress."

This statement shows, Mr. Speaker—and such is the fact—that the appropriations this year are greater by $27,269,858.72 than were those made by the first session of the Fifty-first, or "Reed Congress." The statement also shows that the appropriations made this year are $28,835,989.70 less than those made at the second session of the last or Fifty-second Congress. The Democrats controlled the House in both the last Congress and this. But, Mr. Speaker, I ask the House and the country to notice that this reduction is covered by the item for pensions alone. There was appropriated this year for pensions $29,099,504.85 less than was appropriated last year. It will be noticed, therefore, that the appropriations this year, excepting pensions, are greater than the appropriations made last year by $263,515.15.

Mr. Speaker, the total appropriations for the Fifty-first, or "Reed Congress," two years, were $988,417,183.34; those for the Fifty-second, or last Congress, two years, were $1,027,104,547.92; and it is absolutely certain that, starting off at $490,000,000, as we do, for this year, when the deficiencies are added next winter to the regular appropriations then to be made for the coming year, the total appropriations will aggregate at least $1,050,000,000 for the Fifty-third Congress, unless by unfriendly administration further heavy reductions are made in payment of pensions.

In the main, Mr. Speaker, these appropriations are necessary. Ours is the greatest country on earth, and the demands of the public service will grow as the country grows. I would not call attention to this matter now were it not that in 1890, 1891, and 1892 the Democrats in the House, in the press, on the stump, and everywhere in the country, denounced the Republicans for having made the Fifty-first Congress a "billion-dollar Congress." You Democrats had two-thirds of the House in the last Congress, and in that Congress you increased the appropriations over those of the "Reed Congress" by $40,000,000, in round numbers, and now in this Congress you are to increase the appropriations over and above the "Reed Congress" by $60,000,000.

You were either guilty of misrepresentation and deceit then or you are guilty of fearful extravagance now. You can choose which defense you will make.

RECEIPTS AND EXPENDITURES OF 1894 COMPARED WITH 1893.

Mr. Speaker, under the law the Executive is required at the close of each fiscal year to make a statement of the receipts and expenditures of the United States Government for the past year. I hold in my hand and read the official comparative statement for the fiscal years 1894 and 1893, respectively:

Comparative statement of the receipts and expenditures of the United States.

Source.	Fiscal year ending June 30, 1894. Since July 1, 1893.	Fiscal year ending June 30, 1893. Since July 1, 1892.
RECEIPTS.		
Customs	$132,294,242.43	$203,355,016.73
Internal revenue	146,945,778.31	161,027,623.93
Miscellaneous	17,720,315.26	21,436,988.12
Total	296,960,336.00	385,819,628.78
EXPENDITURES.		
Civil and miscellaneous	101,403,455.85	103,732,799.27
War	54,357,600.84	49,641,773.47
Navy	31,527,195.15	20,136,084.43
Indians	10,286,416.64	13,345,347.27
Pensions	141,177,284.96	159,357,557.87
Interest	27,841,405.64	27,264,392.18
Premium		
Total	366,593,359.08	383,477,954.49

TREASURY DEPARTMENT,
Warrant Division, July 2, 1894.

This statement does not include the postal receipts or expenditures therefrom, and as they balance each other it is not material to state them here. It shows the receipts of the United States for the twelve months ending June 30, 1894, to have been $88,859,292.78 less than the receipts for the fiscal year ending June 30, 1893.

This alarming deficit was paid in part from moneys in the Treasury on the 4th of March, 1893, when President Cleveland was inaugurated, and in part from a sale of 5 per cent interest-bearing bonds made by the Secretary of the Treasury, Mr. Carlisle, in February last, yielding $58,633,295.71, and increasing the annual interest charge against the Government $2,000,000.

Mr. Speaker, this statement shows also that the expenditures for the twelve months ending June 30, 1894, were $16,884,595.31 less than for the twelve months ending June 30, 1893; but, Mr. Speaker, I call the attention of the House and of the country to the fact that this same statement shows that the payment for pensions made for the year ending June 30, 1894, was $18,180,272.91 less than they were for the year ending June 30, 1893.

In other words, exclusive of pensions, President Cleveland, for his first full fiscal year, expended $1,295,677.50 more to carry on the Government than was expended in the final fiscal year under President Harrison. Whatever was saved by President Cleveland was saved at the expense of the soldiers of the late war and of their widows and orphans by an unfriendly and unjust administration of the pension laws.

Mr. Speaker, during the whole of the Harrison Administration we were on the highway of prosperity. The Government was liberally and effectively performing its functions. Public improvements were being made where needed, and the Government, by wise and economical expenditures, kept step with a prosperous and happy people; whereas for the last year, under Cleveland, there has been great distress throughout the land. The revenues of the Government have fallen off and the expenditures of the Government have increased, except for pensions.

In other words, it is more expensive to enforce the law with great blocks of our citizens out of employment, the Government making its strong arm felt by force, than it is to expend the public moneys for the common good, for public objects, with our people profitably employed, and therefore contented—the people obeying the law from love, rather than from force.

The condition of the country under the respective policies of Harrison and Cleveland is known by all, and its future condition will depend upon the economic and fiscal policies which will be chosen by the people at the ballot box.

Mr. Speaker, notwithstanding the great distress throughout the country, there have been many increases in the salaries of Democratic officials, especially in the diplomatic and consular service. I specify a few of them. The salary of the First Assistant Secretary of State is increased from $3,500 to $4,500. The minister to Belgium, Mr. Ewing, of Illinois, the former law partner of the Vice-President, is increased from $7,500 to $10,000. The ministers to Switzerland and Portugal, Messrs. Caruth and Broadhead, are increased from $5,000 to $6,500 respectively.

The minister to Mexico, ex-Governor Gray, of Indiana, who receives an annual salary of $17,500, has the salary of his secretary of legation increased from $1,800 to $2,650. The ministers to Nicaragua and Costa Rica, for the first time, are allowed secre-

taries of legation at $1,800 each, while the Bureau of American Republics, established under the auspices of Secretary Blaine to promote commerce and reciprocity—a real service—is cut down from $30,000 to $10,000. The six Auditors of the Treasury Department are increased from $3,600 to $4,000 each. The salaries of a great many consuls and other officials are largely increased, but I have not the time to enumerate them or you the patience to hear.

Mr. Speaker, all these Democratic officials have received their appointments under Mr. Cleveland. For years they declaimed, in common with all other Democrats, about the extravagant salaries of officials, and pledged that if they came into power there should be economy and reform. There is no excuse for the increase of most of these salaries. I call attention to the matter to show the difference between promise and performance.

Mr. Speaker, I ask how many more poor widows of soldiers of the late war and how many worthy veterans must have the small pensions which they receive taken away or reduced by an unfriendly Administration, to meet these and many other increases of salary to already well-paid officials? From every standpoint the Democratic party fails. The best interests of all the people demand that the Democratic party step down and out.

Comparative statement of appropriations made by the Fifty-first and Fifty-second Congresses, and by extra and first regular sessions of the Fifty-third Congress, fiscal years 1891 to 1895 inclusive.

Title.	Fifty-first Congress.		Fifty-second Congress.		Fifty-third Congress.
	First session, 1891.	Second session, 1892.	First session, 1893.	Second session, 1894.	Extra and first regular sessions, 1895.
Agricultural	$1,799,100.00	$3,028,153.50	$3,232,995 50	$3,323,500.00	$3,222,023.06
Army	24,206,471.79	24,613,529.19	24,308,499.82	24,223,639.78	23,592,884.68
Diplomatic and consular	1,710,815.00	1,656,925.00	1,604,045.00	1,557,445.00	1,563,918.76
District of Columbia	5,769,544.15	5,597,125.17	5,317,973.27	5,413,223.91	5,544,593.57
Fortifications	4,232,935.00	3,774,803.00	2,734,276.00	2,210,055.00	2,427,004.00
Indian	7,262,016.02	16,386,284.86	7,664,047.84	7,854,240.38	9,329,648.49
Legislative, etc	21,030,752.75	22,027,674.75	21,900,132.97	21,865,802.81	21,308,295.79
Military Academy	435,296.11	402,064.64	428,917.33	432,556.12	405,523.08
Navy	24,136,035.53	31,541,654.78	23,543,385.00	22,104,061.38	25,327,126.72
Pensions, including deficiencies*	123,779,368.35	164,550,383.34	154,411,682.00	180,681,074.85	151,581,570.00
Post-office	72,226,698.99	77,907,222.61	80,331,276.73	84,001,314.22	87,236,599.55
River and harbor	25,136,295.00		21,154,218.00		11,473,180.00
Sundry civil	29,738,282.22	37,410,363.99	27,665,076.93	41,716,311.15	34,209,776.05
Deficiencies	13,295,541.61	9,364,148.62	8,230,859.50	8,127,361.51	11,830,545.76
Total	354,759,152.52	398,260,333.45	382,527,385.89	403,515,586.11	389,043,689.51
Miscellaneous	7,010,905.27	4,271,531.10	3,208,922.82	520,499.18	550,000.00
Total regular annual appropriations	361,770,057.79	402,531,864.55	385,736,308.71	404,036,085.29	389,593,689.51
Permanent annual appropriations†	101,628,453.00	122,486,808.00	121,863,880.00	115,468,273.92	101,074,680.00
Total	463,398,510.79	525,018,672.55	507,600,188.71	519,504,359.21	490,668,369.51
Total Fifty-first and Fifty-second Congresses	$988,417,183.34		$1,027,104,547.92		

*Deficiencies included as follows: 1891, on account of 1890, $25,321,907.25; 1892, on account of 1891, $29,335,598.34; 1893, on account of 1892, $7,674,332; 1894, on account of 1893, $14,149,724.85.

†This is the amount originally submitted to Congress by the Secretary of the Treasury as estimated to be necessary under permanent specific and permanent indefinite appropriations.

Mr. DINGLEY. Mr. Speaker, the figures to which the gentleman from Illinois has called the attention of the House seem to make it desirable that three facts should be emphasized to the people of this country.

It will be remembered that two and four years ago there rang all through this country denunciations of the Republican party, the Republican Congress, and the Republican Administration for alleged extravagance of appropriations and expenditures. We replied at that time, showing that there had been only the ordinary growth of the expenditures of the country, except so far as permanent work had been done which had been delayed too long, and that the charges were without foundation. Yet these unfounded charges were iterated and reiterated, and had more or less influence in bringing the Democratic party into power.

It is certainly a gratification, after the Democratic party has been in power in every department of the Government for one year, now to have it so clearly demonstrated that these gentlemen who, when out of power, made such denunciations of Republican extravagance two and four years ago, now find the boot is on the other leg. The extravagance now is on the part of the Democratic party in power, who denounced alleged Republican extravagance two and four years ago, and who find themselves now subject to the criticism of those whom they then criticised.

In short, it appears from the statement of the gentleman from Illinois, first, that the appropriations at the first session of the Fifty-first Congress, which had been denounced throughout the country as the "billion-dollar Congress," were $27,000,000 less than the appropriations at the corresponding session of this Congress, the round figures being $463,000,000 for the first session of the Fifty-first Congress and $490,000,000 for the first session of the present Congress.

Second, that the expenditures under the Democratic Administration, with both Houses of Congress Democratic, for the fiscal year ending June 30, 1892, have been only seventeen millions less than the last fiscal year of President Harrison, and this reduction has been entirely in pensions, leaving an increase of one million in other expenditures.

And third, that while the revenue after the enactment of the McKinley tariff was more than enough all through President Harrison's Administration to meet all expenditures, including the increasing pensions, for the first year of the present Democratic Administration there is a deficiency of $70,000,000.

Having stated these three facts by way of reply to the billion-dollar charges of the Democratic party in 1892 against the Republican party, I desire to add—what is the simple truth—that there was no extravagance in 1890 beyond the requirements of the country; there is none now. The Government of this country two and four years ago was conducted as reasonably, economically, and efficiently as any government upon the face of the earth, and I do not stand here to declare that those who are now in power and who, two and four years ago, criticised us for extravagance have themselves become participants in extravagance, notwithstanding they have appropriated and expended more than we did.

This simply illustrates the fact that gentlemen who are out of power have little difficulty in criticising those who are in power, and that when the critics themselves come into power, if they do as well as the party they criticise, they will be doing better than our friends on the other side have done thus far.

I took up a few moments ago an editorial article in the Kansas City Times, in which the editor proceeded to say that the Democratic party had inherited a deficiency which had been created by their predecessors, and upon that ground to excuse the deficiency which now exists.

The editorial stated that a hundred million dollars of the bank-redemption fund was turned into the Treasury by the act of July 14, 1890, and was used for the purpose of meeting current expenditures. Gentlemen here very well understand that there is not a particle of truth in that statement. Fifty-four million dollars—not a hundred millions—of the bank-redemption fund was turned into the Treasury by the act of July 14, 1890, and that $54,000,000 was used not for current expenditures, but for the reduction of the public debt.

Every year since the passage of the tariff act of 1890 up to the close of the fiscal year ending June 30, 1893, the revenue was sufficient to meet the current expenditures. For the fiscal year ending June 30, 1891, the revenue exceeded the expenditures by $37,000,000. For the fiscal year ending June 30, 1892, the revenue exceeded the expenditures by nearly $10,000,000, and even for the fiscal year ending June 30, 1893, in the last portion of which the revenue was affected by the disturbance of business,

resulting from the threatened tariff revolution, the revenue exceeded the expenditures by $2,500,000. Thus, for every year after the enactment of the tariff act of 1890 up to and including the fiscal year 1893, the revenue under that act was ample to meet all the current expenses of the Government, including the current expenditures for pensions.

For the fiscal year ending June 30, 1890, the revenue exceeded the expenditures by $105,000,000. Gentlemen will remember the demand that was made at that time by our Democratic friends that such a surplus should not be allowed to continue which necessitated the purchase of our bonds at a premium. We were told that a "condition" of a surplus and "not a theory" confronted us which called for a reduction of revenue by a revision of the tariff. In response to that demand the annual revenue was reduced $60,000,000 by the abolition of the duty on sugar, by the remission of the duty on sugar.

At the same time expenditures were increased from year to year by enlarged appropriations for pensions; yet, notwithstanding the fact that by the repeal of the duty on sugar $60,000,000 was thus remitted to the people in the fiscal years 1891, 1892, and 1893, as I have already said, we were able to meet all expenditures and leave a surplus each and every year. Every dollar, let me repeat, of the bank redemption fund which was turned into the Treasury by the act of June 14, 1890, was used for the reduction of the public debt.

Mr. LIVINGSTON. What about the postponement of the payment of bonds and the running of contracts on them?

Mr. DINGLEY. What does the gentleman mean by the "running of contracts"? Surely the gentleman does not include the payment of bonded indebtedness a current expenditure in carrying on the Government. It is sufficient for me to repeat, Mr. Speaker, that every year up to the close of the fiscal year ending June 30, 1893, the revenue was ample to meet all current expenditures of the Government, and if it had not been decreed in 1892 that a Democratic tariff revolution should come upon the country, there is no doubt whatever that this condition of things would have been continued.

In the last fiscal year, the year ending June 30, 1894, for the first time in time of peace since 1860, we had a deficiency of $70,000,000. That deficiency has not been caused by an increase of expenditures. The expenditures, as has been stated by the gentleman from Illinois [Mr. CANNON], are $17,000,000 less than those of the previous year, but the whole of that $17,000,000 reduction, and one million more, has been brought about by reducing and discontinuing pensions for the boys in blue. The expenditures for the ordinary purposes of the Government are $1,000,000 more for this fiscal year under Democratic rule than they were for the preceding year, under Republican rule.

[Here the hammer fell.]

By unanimous consent, Mr. DINGLEY'S time was extended.

Mr. DINGLEY. Mr. Speaker, as I have said, the deficiency for the past fiscal year has been brought about entirely by a falling off of revenue. There has been a decline of the revenue in the last fiscal year of $89,000,000, of which $71,000,000 is in customs revenue, $14,000,000 in internal revenue taxes, and $4,000,000 miscellaneous. In order to meet this deficiency of over $70,000,000, occurring for the first time in peace since 1860, bonds have been issued and money borrowed to the extent of $58,000,000, and $12,000,000 more have been taken from the gold redemption fund to meet current expenses.

Now, in this condition of things, with the gold redemption fund run down to-day to $52,000,000, while $100,000,000 is the amount contemplated by law and by the regulations of the Department, this amount being necessary to preserve the public confidence in the currency of the nation, the situation is such certainly as should command the serious attention of Congress and the people. Fifty-two million dollars only as the gold redemption fund to maintain at par $346,000,000 of greenbacks and $163,000,000 of Treasury notes!

This is a situation, Mr. Speaker, which if we will but carefully consider must inspire a feeling of alarm in the minds of those who understand that with so small a redemption fund the public confidence may be impaired at a single stroke.

And, Mr. Speaker, the other day when the "popgun" bill for the abolition of the duty on sugar imposed by the Gorman-Brice bill, was passed by this House, I could not but think that gentlemen of the majority who voted for it and also for the Gorman-Brice tariff, could not have considered the fact that the duty on sugar is absolutely required to meet the expenditures of this Government for the present fiscal year, if the bill which has been known as the Gorman-Brice act should become a law, as I presume it will, because the latter measure reduces the revenue from a large number of sources—particularly upon luxuries—to such an extent that it is impossible the expenditures of this nation can be met without the duty on sugar. And it must have been obvious to gentlemen here that this sugar bill was presented and put through, not with the slightest purpose of its becoming a law, but for buncombe, with the distinct knowledge that it could not be enacted into law in the present condition of the finances of the nation if the Gorman-Brice bill is to stand in the terms in which it has been enacted.

Why, sir, in that Gorman-Brice bill—just as there was in the Wilson bill—there has been a reduction of revenue to the extent of over $15,000,000 upon pure luxuries, such as liquors, cigars, leaf tobacco, opium, ostrich feathers, silks, kid gloves, etc., where there was no earthly call for a single dollar's reduction. In order to meet the deficiency created by such reductions, it is inevitable that the duty on sugar, as provided by the Gorman-Brice act, must remain, if that act in its other provisions is to become law as the Democratic majority have willed.

Mr. Speaker, I had not intended to enter upon any discussion of these questions. I simply desired to call attention to the fact that the situation in which this country finds itself at the close of the fiscal year just passed—the first year of full Democratic control since 1860—is one which may indeed attract the attention and arouse the alarm of every true friend of our institutions. I trust that before this Congress shall reassemble the clouds will to some extent have broken away; that gentlemen who have the responsibility of the government of this nation will feel the sense of that responsibility, and that from this time henceforth we shall have legislation designed to promote the interests of the people—legislation calculated to restore confidence—not the revolutionary threats which we have had throughout the past year, which have so destroyed confidence and excited alarm throughout the country that business has been shattered, industries overwhelmed, and millions of men have found themselves out of employment, with wages reduced, consumption diminished, and all the springs of industry dried up to an extent which may well arouse the commiseration of every friend of the American Republic. [Loud applause on the Republican side.]

[Here the hammer fell.]

EXTENSION OF APPROPRIATIONS.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, the joint resolution (H. Res. 217) to continue the provisions of existing laws providing temporarily for expenditures of the Government.

Mr. SAYERS. I ask unanimous consent that the further consideration of the conference report be suspended for the purpose of considering the resolution just received from the Senate.

There was no objection.

The amendment of the Senate was read, as follows.

In line 7, strike out the word "twenty-fourth" and insert "twentieth;" so that the resolution will read as follows:

"*Resolved by the Senate and House of Representatives, etc.*, That the provisions of joint resolutions approved June 29 and July 31, 1894, providing temporarily for the expenditures of the Government, be, and the same are hereby, extended and continued in full force and effect to and including the 20th day of August, 1894."

Mr. SAYERS. Mr. Speaker, it will be impossible for the sundry civil bill to be enrolled and sent to the President to-day. The resolution of which this is amendatory expired last night at 12 o'clock; hence it is important that this resolution go to the President as soon as possible. I move that the House concur in the amendment of the Senate.

The motion was agreed to.

On motion of Mr. SAYERS, a motion to reconsider the vote just taken was laid on the table.

GENERAL DEFICIENCY BILL.

Mr. SAYERS. I now call up, Mr. Speaker, for further consideration the report of the conferees on the general deficiency bill, and yield to the gentleman from Iowa [Mr. HENDERSON] such time as he desires.

Mr. HENDERSON of Iowa. Mr. Speaker, I want the House of Representatives and the country to understand the leading facts touching the appropriations for 1895 and their relations to the appropriations in the near past.

THE REDUCTIONS BY THIS CONGRESS—THE FIFTY-THIRD.

The total appropriations for the fiscal year ending June 30, 1895, just made by the Fifty-third Congress, amount to $490,668,369.51. This includes the permanent annual appropriations as well as those for the postal service. It includes all appropriations. The total amount appropriated for the last fiscal year, ending June 30, 1894, made by the second session of the Fifty-second Congress, amounted to $519,504,359.21. The details of these several appropriations will be found in a table appended to my remarks and marked "Exhibit A."

These figures give a reduction for 1895 of $28,835,989.70, and doubtless much credit will be claimed during the campaign now coming on for this reduction, and the cry of "demonstrated economy by the Democracy" will be heard on every stump.

First, let it be borne in mind that this is a reduction by one Democratic Congress below the appropriations of a former Democratic Congress, the former doing work under the watchful

eye of Judge HOLMAN, the "watchdog of the Treasury." Let the question come up, If these are proper, were the former improper?

Let us now examine the appropriations for the two years 1894 and 1895, and find where these reductions come from. It will be found that in the single item of appropriations for pensions alone the difference can be accounted for, and not in a cutting down of the other current expenses of the Government.

The pension appropriations for last year amounted to $180,681,074.85, while for next year it is $151,581,570. Here is a cut of $29,099,504.85, more than accounting for the reductions in the bills just passed for the next year, and leaves a margin of $263,515.15.

But let us look a step further. The second session of the last Congress had to appropriate for the Eleventh Census $1,020,000. This session only had to give $356,580 for that work. Again, the second session of the last Congress had to give $958,000 for the World's Fair. This Congress had nothing to appropriate for that purpose. Now, let us take the three items of pensions, Eleventh Census, and World's Fair and see what the three cuts aggregate:

Cut in pensions	$29,099,504.85
Cut in Eleventh Census	663,500.00
Cut in World's Fair	958,000.00
Total	30,721,004.85
Subtract reductions for '95	28,835,989.70
And the difference of	1,885,015.15

is found over and above all reductions by this Congress.

The passing by of the great fair and the almost finished work of the Eleventh Census dropped, unasked, $1,621,500 from the appropriations for next year. Leaving out these three items, for doing which no credit can be claimed by this Congress, and it will be seen that there is an increase of the current expenses of the Government of $1,885,015.15.

THE OLD SOLDIER SACRIFICED TO ECONOMY.

These facts will demonstrate that the reductions made, the "economy" practiced, falls alone upon the old soldiers—the defenders of the country from 1861 to 1865.

Of the appropriations made even by the last Congress for pensions, the sum of $23,822,715.04 was withheld from them and covered back into the Treasury last year.

One is filled with horror when the brutal attacks on the pension roll by this Administration is examined. I call attention to Senate Executive Document No. 121 of the second session of this Congress, being a report of the suspensions ordered by the present Administration—a report called for by a Senate resolution introduced by the watchful, true-hearted Senator CULLOM of Illinois.

This report confesses that between March 4, 1893, when Harrison went out and Cleveland came in, and May 10, 1894, the pensions of 15,520 old soldiers and widows had been suspended. Of this number the Pension Office found that it had to reinstate at their former rates, 9,509, thus confessing the hasty and inconsiderate and unfeeling attack upon these deserving men. But 3,014 were reduced from former rates, cutting them mostly down to $6 and $8 per month, where they had been drawing mostly $12 and $10 per month; 2,671 were dropped altogether from the rolls, and 326 are still under suspension, pursued, undoubtedly, by the detectives of the Pension Bureau.

These men sent out to examine into pension claims are called "special examiners." The real aim of the law creating them was to look into doubtful cases and to help out ignorant but worthy claimants who did not know how to properly prepare their proofs. I fear that now instead of "special examiners" they are used as detectives to cut off pensioners from the great roll of honor.

As bearing upon this point it may be well to note that for the year 1893 there was appropriated for special examiners the sum of $225,000, while for 1894, at the request of the Pension Office it was increased to $400,000. Evidently an assault of deadly character was being made on the pension roll. It is however significant and gratifying that even an unfriendly Administration was forced to restore the 9,509 at the rates formerly allowed.

THE FIFTY-FIRST, FIFTY-SECOND, AND FIFTY-THIRD CONGRESSES COMPARED.

The Fifty-first Congress was Republican, and was denounced by the Democratic party as "the billion-dollar Congress," and I believe that the able, genial, and creative mind of the present chairman of the Committee of Appropriations in the House first gave birth to the name.

Time ought to make the blind see and the deaf hear. It ought also to cause some to blush. Let us see what these three Congresses have been at. The figures are now made up showing the work done, and I refer to table "A."

The Fifty-first Congress appropriated $988,417,183.34 for the two years of its service. But that amount includes deficiencies made by its Democratic predecessor, the Fiftieth Congress, amounting to $38,617,448.96, and included in that was a deficiency for pensions, amounting to $25,321,907.35. Deducting the above deficiency, which belonged to the Fiftieth Congress, and it leaves the appropriations of the Fifty-first Congress at $949,799,734.38.

The appropriations of the Fifty-second Congress were for its two years $1,027,104,547.92. The present Congress has only appropriated for one year, and it has done its best at cutting before the elections just coming on. At the next session, after the elections, look out for a large increase by reason of forced deficiencies and deferred appropriations. But let us assume that the appropriations for next year will be the same as those just made, and the total for this Congress will be $981,336,739.02.

Let us now look at the work of the three Congresses placed together:

Fifty-first Congress (Republican)	$949,799,734.38
Fifty-second Congress (Democratic)	1,027,104,547.92
Fifty-third Congress (Democratic)	981,339,739.02

Where, I ask my Democratic friends, is your cry of economy? You may slash at the defenders of your country in order to swell other bills, and yet you can not keep the appropriations down to the Republican standard.

ADDITIONS BY THE SENATE.

It has been one of the great pleasures of our Democratic friends to call attention to the fact that the appropriations, as made by the House of Representatives, were increased by the Republican Senate. But now the Senate is Democratic as well as the House, and yet the Senate increased the House bills to the amount of $15,372,977.34.

I am not questioning the constitutional right of the Senate to increase or to decrease the House bills, but I invite attention to it and hope that the Democratic press and stumpers will tell the country of the outrages perpetrated by the Democratic Senate.

The table marked "Exhibit B" will throw full light on this question, and give in detail the work of the two Houses.

INCREASE OF SALARIES, ETC.

While Republicans filled the public offices every effort was made by the Democracy in Congress to reduce the salaries of public officials; even to cutting the amount appropriated lower than the compensation fixed by law. But now that Democrats fill the offices their economic zeal has calmed down materially, and increases have commenced all along the line. They can find the heart to cut down pensions, while they are increasing the salaries of Democratic officials, and that, too, in the face of a hungry Treasury, with bonds being sold to meet the running expenses of the Government.

I will give a few illustrations:

Minister to Belgium is increased from $7,500 per annum to $10,000. The First Assistant Secretary of State increased $1,000. Secretary of legation to Mexico increased $850. Minister to Switzerland is increased from $6,000 to $7,500. Contingent expenses of foreign missions is increased $15,000. Two new secretaries of legation are created at $1,800 each. Salaries of two consular clerks increased $200 each. In the Departments at Washington there are several other increases in the salaries of bureau chiefs. No increases were made by the Fifty-first Congress, excepting a large clerical force given to bring up the work in the Pension Office.

CERTAIN OTHER REDUCTIONS AND INCREASES.

The bills showing reductions as compared with appropriations made at the last session of the last Congress are as follows:

The Agricultural bill	$101,476.94
The Army bill	632,755.10
The legislative bill	557,507.02
The Military Academy bill	26,033.94
The pension bill	14,949,780.00
The sundry civil bill	7,506,535.10
Deficiencies	10,456,540.60
Permanent appropriations after deducting for both sessions the amounts charged for "Refund of national-bank notes"	12,393,593.92
Total reduction	46,624,221.72

Of the reduction on the legislative bill, $345,000 is on account of 300 clerks dropped in the Record and Pension Office. This reduction was promised both by Secretaries Proctor and Elkins, Republicans, in their last annual reports, the work on which the clerks were employed in carding war records having just been completed. I presume that the claim will be made that because of these reductions great credit is deserved by this Congress.

The reduction in the pension bill is in accordance with recommendations of the Commissioner of Pensions.

Of the reduction of $7,506,535.10 on the sundry civil bill,

$5,766,153 is on account of contracts for river and harbor works.

The deficiencies of the last session of the last Congress included $14,149,724.85 for payment of pensions. Deducting that sum from the whole amount of deficiencies of the last session, only $8,127,361.51 remain, or $3,693,184.25 less than the deficiencies appropriated by this Congress.

The permanent appropriations show an apparent reduction of $14,393,593.92, which includes $11,000,000 for sugar bounty and $450,000 for expenses under election laws.

The bills which have been increased are as follows:

The diplomatic and consular bill	$6,473.76
The District of Columbia bill	131,396.66
The fortification bill	216,949.00
The Indian bill	1,475,408.11
The naval bill	3,223,065.34
The Post-Office bill	3,232,285.33
The river and harbor bill	11.473,180.00
Miscellaneous	29,500.82
Total increase	19,788,232.02
Net apparent reduction	28,835,989.70

During the last session of the last Congress there was appropriated for pensions, including a deficiency of $14,149,724.85, the total sum of $180,681,074.85. At this session there is appropriated for pensions only $151,581,570, or $29,099,504.85 less, which reduction in pensions exceeds the whole apparent net reduction in all appropriations by this session, under the last session of the last Congress, by $263,515.15. I have already alluded to this and to other items of reduction forced upon this Congress and not of its seeking.

WHAT HAS THIS CONGRESS DONE?

It has repealed the purchasing clause of the Sherman act, but wholly failed to keep the promise made at the time that during this Congress other legislation would follow for the proper utilization of both our metals.

It has let the Mormons into the Union of States.

It has wiped out the last vestige of Federal protection to the ballot box, and thus opened the door for frauds and a high carnival of crime.

It has utterly failed to keep its pledges touching a revision of the tariff, and after a surrender to the sugar trust, after stopping commerce, closing factories, throwing millions of laboring men out of employment, keeping order with fixed bayonets and the slaughter of the people, it winds up by giving the country an unwise revision of the McKinley law.

I see but one thing to commend it for, and over that the whole country will heartily rejoice, and that is that both Houses are without a quorum, and give promise of an early adjournment.

DEMOCRACY AND FOREIGN COMMERCE.

I invite the attention of the House and the country to the terrible effects of Democratic control upon the foreign commerce of the country.

During the last year of President Harrison, and before the elections warned the people here and abroad that Democracy had the power, by carrying the legislative and executive branches of the Government, to carry out the dangerous doctrines of the national Democratic platform, the foreign commerce of this country reached the highest point ever attained by the nation, the aggregate reaching the enormous sum of $1,857,680,610 in 1892.

In 1893, after the Democracy were in power, it fell to $1,714,066,118, and in 1894 to $1,547,138,698.

Here is a falling off in 1893, as compared with 1892, of $143,614,494, and in 1894, as compared with 1892, of $310,541,912.

In 1892 the exports from this country exceeded our imports $202,875,686. We were doing a safe business, selling more than we bought; but after the advent of Democracy, in 1893, the imports exceeded the exports $18,735,728, and we were buying more than we were selling.

How did agriculture fare under Democracy? Let us see. We exported in 1892, under Harrison, $799,328,232 of our agricultural products. In 1893, under Cleveland, $615,382,986, and in 1894 only $628,318,773. Here is a falling off in 1893 of $183,945,246, and in 1894 of $171,009,459.

In support of my statement I refer to table from the Bureau of Statistics appended to my remarks and marked "Exhibit C."

REVENUES AND EXPENDITURES.

I come now to consider the management of the finances by this Administration.

In 1865 the expenditures of the Government exceeded revenues $936,840,619.33, and during the civil war our expenditures each year exceeded our revenues. But from 1865, the last year of the war, we have had no such experience until the fiscal year just closed, when we find that the expenditures exceeded the revenues in the startling sum of $69,803,260.58.

With this exception the revenues and the cash in the Treasury have met all of our necessities since 1865. (See Exhibit D.)

I find that the receipts, exclusive of postal, from March 1, 1885, to March 1, 1889, under President Cleveland, was $1,451,660,246.74, while from March 1, 1889, to March 1, 1893, under President Harrison, they amounted to $1,540,225,448.35. This gives an excess of receipts for the four years of Harrison of $88,565,201.61. This is the key to the efficiency of a Republican Administration executing Republican laws.

But here comes a sharper test of the two Executives, leaving out postal receipts:

Receipts:

For first sixteen months of Harrison's Administration (from March 1, 1889, to July 1, 1890)	$532,743,283.03
For first sixteen months of Cleveland's Administration (from March 1, 1893, to July 1, 1894)	422,147,849.48
For last sixteen months of Harrison's Administration (from November 1, 1891, to March 1, 1893)	493,601,074.39

A study of these figures will show that the first sixteen months of Harrison's Administration collected $110,595,413.55 more than the first sixteen months of the present Administration, and the receipts for the last sixteen months of Harrison's Administration exceeded the first sixteen months of the present Administration $71,543,224.91. Is it any wonder that a deficit in the Treasury is upon us, and that this Administration is selling bonds to pay the running expenses of the Government?

Let me give a further test of the administration of the laws by the different Executives. I call attention to "Exhibit E," appended to my remarks—a statement prepared in the Treasury Department at my request. Observe the receipts from "customs, internal revenue, and miscellaneous," which gives the true test of an honest and efficient enforcement of the laws:

Collected by President Arthur, $1,487,749,110.37.

Collected by President Cleveland, $1,451,661,246.74.

Collected by President Harrison, $1,540,225,448.35.

When President Cleveland came in the revenues in four years fell off $36,087,863.63, and when President Harrison came in they increased in four years over President Cleveland's work $88,564,201.61.

The moonshiners and violators of law evidently had an easy time of it under Mr. Cleveland's appointees.

"THE SURPLUS."

The favorite argument of the ignorant, or those who understanding wish to deceive the people is that Mr. Cleveland left a full Treasury on March 4, 1889, and found an empty one on March 4, 1893. Let us examine this question.

On the first line in "Exhibit E" will be found the amount available at the beginning of the several Administrations of Arthur, Cleveland, Harrison, and again Cleveland, and on the last line, opposite the word "surplus," the amounts over and above expenditures during each period indicated.

Mr. Arthur had, when he was inaugurated, in round numbers $170,000,000, Mr. Cleveland $159,000,000, Mr. Harrison $183,000,000, and Mr. Cleveland, second term, $124,000,000. President Harrison did start with $59,000,000 more than President Cleveland started with in 1893. Why? Because Harrison, during his term paid off $233,588,950 of the public debt of the country. During Mr. Cleveland's first term he paid off only $143,884,350, and had to be forced to pay off any by the passage of a resolution in the House of Representatives, assailing him for his delinquency in this particular.

Even after so lashed to his duty he paid off $89,704,600 less than Mr. Harrison paid during the four years following. Mr. Harrison applied the cash locked up in the Treasury to pay off the debt of the people, and in doing so he saved in interest $55,352,493.51, as against $42,832,538.38 saved by Mr. Cleveland.

The Democracy used to abuse the Republicans for keeping too much cash in the Treasury, but now when it is applied to lift the debt burden, they are displeased and regret that the money so spent was not left in the Treasury for them to spend.

There is nothing clearer to my mind than this: That if the Democracy had not come into power on their revolutionary platform the Republicans would have had plenty of money with which to run the Government, and that the $50,000,000 of bonds lately issued by this Administration would not have been needed.

I call attention to Exhibit F, following my remarks, being a statement of the bond purchases, prepared in the Treasury Department.

If Harrison left $59,000,000 less for Cleveland than he received, he paid off $89,704,600 more of the public debt.

I have demonstrated that the revenues were vastly greater under the Republicans, and if they had been continued in power there would have been plenty of cash to pay the Government bills.

It is a sad sight for this country to see the bonded debt increased, while the revenues that come from the foreigners are

being transferred so as to come directly from the pockets of our own people. The burden is increased at home, while the laborer abroad is allowed to do the work of our people, thus lessening our ability to lift the burden.

IN CONCLUSION.

I do not see one claim that can be advanced by the President or this Democratic Congress for the continued support of the people. Leaving out the pension roll, and the current expenses are increased in the appropriation bills just passed.

In our dealings with foreign questions we have become the laughingstock of the people and the Administration the rich subject for the cartoonist.

The people are sick at heart, and hope for the first time has left the breasts of a large army of workers only willing and eager to earn their daily bread.

For the first time in the history of our country the capital city has become the camping ground and rallying place for an unemployed army.

But even Democracy can not destroy this great Republic. There is a sure remedy—the ballot in the hand of the sovereign citizen.

EXHIBIT A.

Appropriations made by the Fifty-first and Fifty-second Congresses, and by extra and first regular sessions of the Fifty-third Congress, fiscal years 1891 and 1895, inclusive.

Title.	Fifty-first Congress.		Fifty-second Congress.		Fifty-third Congress.
	First session, 1891.	Second session, 1892.	First session, 1893.	Second session, 1894.	Extra and first regular sessions, 1895.
Agricultural	$1,799,100.00	$3,028,153.50	$3,232,995.50	$3,323,500.00	$3,222,023.06
Army	24,206,471.79	24,613,529.19	24,308,499.82	24,225,639.78	23,592,884.68
Diplomatic and consular	1,710,815.00	1,656,925.00	1,604,045.00	1,557,445.00	1,563,918.76
District of Columbia	5,769,544.15	5,597,125.17	5,317,973.27	5,413,323.91	5,544,593.57
Fortifications	4,232,935.00	3,774,803.00	2,734,276.00	2,210,055.00	2,427,004.00
Indian	7,262,016.02	16,386,284.86	7,664,047.84	7,854,240.38	9,329,648.49
Legislative, etc	21,030,752.75	22,027,674.75	21,940,132.97	21,865,802.81	21,308,295.79
Military Academy	435,296.11	402,064.64	428,917.33	432,556.12	400,523.08
Navy	24,136,035.53	31,541,654.78	23,543,385.00	22,104,061.38	25,327,126.72
Pension, including deficiencies*	123,779,368.35	164,550,383.34	154,411,632.00	180,681,074.85	151,581,570.00
Post-Office	72,226,698.99	77,907,222.61	80,331,276.00	84,004,314.22	87,236,509.55
River and harbor	25,136,295.00		21,154,218.00		11,473,180.00
Sundry civil	29,738,282.22	37,410,363.99	27,665,076.93	41,716,311.15	34,209,776.05
Deficiencies	13,295,541.61	9,364,148.62	8,230,859.50	8,127,361.51	11,820,545.76
Total	354,750,152.52	398,260,033.45	382,527,385.89	403,515,586.11	389,043,689.51
Miscellaneous	7,010,905.27	4,271,531.10	3,208,922.82	520,499.18	550,000.00
Total regular annual appropriations	361,770,057.79	402,531,864.55	385,736,308.71	404,036,085.29	389,593,689.51
Permanent annual appropriations†	101,628,453.00	122,486,808.00	121,863,880.00	115,468,273.92	101,074,680.00
Total	463,398,510.79	525,018,672.55	507,600,188.71	519,504,359.21	490,668,369.51
Total Fifty-first and Fifty-second Congresses	$988,417,183.34		$1,027,104,547.92		

*Deficiencies included as follows: 1891, on account of 1890, $25,321,907.25; 1892, on account of 1891, $29,335,598.34; 1893, on account of 1892, $7,674,332; 1894, on account of 1893, $14,149,724.85. †This is the amount originally submitted to Congress by the Secretary of the Treasury as estimated to be necessary under permanent specific and permanent indefinite appropriations.

EXHIBIT B.

Tabular history of appropriation bills, first and second sessions of the Fifty-third Congress; estimates and appropriations for the fiscal year 1894-'95, and appropriations for the fiscal year 1893-'94.

Title.	Estimates, 1895.	Reported to the House, amount.	Passed the House, amount.	Reported to the Senate, amount.	Passed the Senate, amount.	Law, 1894-'95, amount.	Law, 1893-'94, amount.
Agriculture	$2,223,843.06	$3,180,643.06	$3,215,643.06	$3,208,183.06	$4,225,183.06	$3,222,023.06	$3,323,500.00
Army	25,332,918.52	23,568,284.68	23,586,924.68	23,605,384.68	23,611,384.68	23,592,884.68	24,225,639.78
Diplomatic and consular	1,642,638.76	1,511,738.76	1,509,738.76	1,580,438.76	1,591,218.27	1,563,918.76	1,557,445.00
District of Columbia *a*	5,381,473.91	5,157,573.57	5,206,473.57	5,854,573.57	5,887,088.57	5,544,593.57	5,413,223.91
Fortification	7,438,413.00	2,219,654.00	2,221,654.00	2,779,104.00	2,836,604.00	2,427,004.00	2,210,055.00
Indian	6,931,156.61	6,611,260.78	6,735,518.90	9,327,386.69	9,404,248.49	9,329,648.49	7,854,240.38
Legislative, etc	22,310,810.33	21,086,923.29	21,105,787.29	21,348,739.79	21,378,315.70	21,308,295.79	21,865,802.81
Military Academy	463,183.58	401,283.08	401,283.08	410,203.08	410,203.08	400,523.08	432,556.12
Navy	27,875,914.02	25,280,930.27	25,339,580.27	25,215,080.27	25,437,105.30	25,327,126.72	22,104,061.38
Pension	162,631,570.00	151,581,570.00	151,581,570.00	151,581,570.00	151,581,570.00	151,581,570.00	166,531,350.00
Post-Office *b*	90,399,485.33	87,470,599.55	87,240,599.55	87,236,599.55	87,236,599.55	87,236,599.55	84,004,314.22
River and harbor	*c*7,625,000.00	9,458,689.56	9,538,689.56	12,771,180.00	12,946,680.00	11,443,180.00	(*d*)
Sundry civil	34,966,002.81	32,308,642.80	32,523,383.80	35,061,685.70	36,202,165.70	34,209,776.05	*e*41,716,311.15
Total	395,232,109.93	369,837,793.40	370,209,846.52	379,981,094.15	382,748,367.49	377,223,143.75	381,238,499.75
Urgent deficiency, recoinage silver coins, etc		300,000.00	300,000.00	306,000.00	306,000.00	306,000.00	
Further urgent deficiency, assistant custodians, etc		338,000.00	338,000.00	370,588.33	370,588.33	370,588.33	
Further urgent deficiency, customs, census, etc		1,651,806.31	1,880,455.86	1,880,455.86	1,880,455.86	1,968,470.86	
Further urgent deficiency, United States courts, etc	*f*17,012,627.31	338,958.00	338,958.00	453,278.00	453,278.00	768,278.00	*g*22,277,086.36
Further urgent deficiency, engraving and printing, courts, etc		1,237,255.66	1,242,255.66	1,785,889.66	1,842,304.66	1,854,304.66	
Further urgent deficiency, printing and customs		350,000.00	350,000.00	350,000.00	350,000.00	350,000.00	
Deficiency 1894 and prior years		4,890,593.78	5,005,032.58	7,910,219.96	7,939,551.41	6,202,903.91	
Total	412,244,737.24	378,944,497.15	379,673,548.62	393,046,525.96	395,809,545.75	389,043,689.51	403,515,586.11
Miscellaneous	7,343,423.47					550,000.00	520,499.18
Total, regular annual appropriations	419,588,160.71					389,593,689.51	404,036,085.29
Permanent annual appropriations	A101,074,680.00					A101,074,680.00	*i*108,468,273.92
Grand total, regular and permanent annual appropriations	520,662,840.71					490,668,369.51	512,504,359.21

a One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1895 at $265,083.93), which are payable from the revenues of the water department. *b* Includes all expenses of the postal service payable from postal revenues and out of the Treasury. *c* This is the amount estimated for rivers and harbors for 1895, exclusive of $4,885,000 required to meet contracts authorized by law included in the sundry civil estimates. "The amount that can be profitably expended" in that fiscal year, as reported by the Chief of Engineers, is $43,760,611. [Book of Estimates for 1895, pages 192-197.] *d* No river and harbor bill was passed for 1894, but the sum of $14,166,153 was included in the sundry civil act to carry out contracts authorized by law for river and harbor improvements. *e* This amount includes $14,166,153 to carry out contracts authorized by law for river and harbor improvements, and for improvements under the Mississippi River and the Missouri River Commissions. *f* This amount includes $3,974,646.14 judgments, and claims audited and certified as due the several Pacific railroad companies. *g* This amount includes $14,149,724.85, deficiency for pensions for the fiscal year 1893. A No amount is included in the estimates of permanent annual appropriations for 1895 for bounty on sugar, for the reason stated in the following note on page 267, Book of Estimates for 1895: "NOTE.—The Secretary of the Treasury having recommended the repeal of the sugar bounty law, no estimate is submitted for the fiscal year 1895. In case the law is not repealed, $11,000,000 will be required for the purpose, which should be added to the sum total to the estimates for 1895." *i* This is the amount submitted by the Secretary of the Treasury in the annual estimates for the fiscal year 1894, the exact amount appropriated not being ascertainable until two years after the close of the fiscal year.

EXHIBIT C.

Imports and exports of merchandise of the United States, 1884 to 1894.

Years.	Imports.				Exports.					
	Free.	Dutiable.	Total.	Per capita for consumption.	Domestic.	Foreign.	Total.	Per capita of domestic.	Domestic exports of agricultural products.	Per cent of domestic.
1884	$209,884,184	$457,813,509	$667,697,693	12.16	$724,964,852	$15,548,757	$740,513,609	13.20	$536,315,218	73.98
1885	193,213,624	384,313,705	577,527,329	10.32	726,682,946	15,506,809	742,189,755	12.94	530,172,966	72.96
1886	212,159,296	423,276,840	635,436,136	10.89	665,964,529	13,560,301	679,524,830	11.60	484,954,595	72.82
1887	234,221,131	458,098,637	692,319,768	11.65	703,022,923	13,160,288	716,183,211	11.98	523,073,798	74.40
1888	244,071,615	479,885,499	723,957,114	11.88	683,862,104	12,092,403	695,954,507	11.40	500,840,066	73.23
1889	256,487,078	488,644,574	745,131,652	12.10	730,282,609	12,118,766	742,401,375	11.92	532,141,430	72.87
1890	265,668,629	523,641,780	789,310,409	12.35	845,293,828	12,534,856	857,828,684	13.50	629,820,808	74.51
1891	366,241,352	478,674,844	844,916,196	13.36	872,270,283	12,210,527	884,480,810	13.63	642,751,344	73.69
1892	457,999,658	369,402,804	827,402,462	12.44	1,015,732,011	14,546,137	1,030,278,148	15.53	739,328,232	78.09
1893	444,544,211	421,856,711	866,400,922	12.64	891,030,785	16,634,409	847,665,194	12.44	615,382,986	74.05
1894	379,796,006	275,199,145	654,995,151	9.58	869,207,941	22,935,606	892,143,547	16.03	628,318,773	72.30

TREASURY DEPARTMENT, *Bureau of Statistics, July 27, 1894.*

WORTHINGTON C. FORD, *Chief of Bureau.*

EXHIBIT D.

Receipts and expenditures of the Government.

RECAPITULATION OF REVENUE BY FISCAL YEARS.

Year.	Customs.	Internal revenue.	Direct tax.	Sales of public lands.	Miscellaneous sources.		Total revenue.	Excess of revenue over expenditures.	Surplus revenue.
					Premiums on loans and sales of gold coin.	Other miscellaneous items.			
1856	$64,022,863.50			$8,917,644.93		$1,116,190.81	$74,056,699.24	$4,485,673.45	$4,485,673.45
1857	63,875,905.05			3,829,486.64		1,259,920.88	68,965,312.57	1,169,604.91	1,169,604.91
1858	41,789,620.96			3,513,715.87		1,352,029.13	46,655,365.96	*27,529,904.43	*27,529,904.43
1859	49,565,824.38			1,756,687.30	$709,357.72	1,454,596.24	53,486,465.64	*15,584,511.10	*15,584,511.10
1860	53,187,511.87			1,778,557.71	16,008.00	1,088,590.25	56,064,607.83	*7,065,990.56	*7,065,990.56
1861	39,582,125.64			870,658.54	33,630.90	1,023,515.31	41,509,930.39	*25,036,714.50	*25,036,714.50
1862	49,056,397.62		$1,795,331.73	152,203.77	68,400.00	915,122.31	51,987,455.43	*422,774,363.48	*422,774,363.48
1863	69,059,642.40	$37,640,787.95	1,485,103.61	167,617.17	602,345.44	3,741,794.38	112,697,290.95	*602,043,434.22	*602,043,434.22
1864	102,316,152.99	109,741,134.10	475,648.96	588,333.29	21,174,101.01	30,331,401.25	264,626,771.60	*600,695,870.37	*600,695,870.37
1865	84,928,239.60	209,464,215.25	1,200,573.03	996,553.31	11,683,446.89	25,441,556.00	333,714,605.08	*963,840,619.33	*963,840,619.33
1866	179,046,651.58	309,226,813.42	1,974,754.12	665,031.03	38,083,055.68	29,036,314.23	558,032,620.05	37,223,203.07	37,223,203.07
1867	176,417,810.88	266,027,537.43	4,200,233.70	1,163,575.76	27,787,330.85	15,037,522.15	490,634,010.27	133,091,335.11	133,091,335.11
1868	164,464,599.56	191,087,589.41	1,788,145.85	1,318,715.41	29,203,629.50	17,745,403.59	405,638,083.32	28,297,798.46	28,297,798.46
1869	180,048,426.62	158,356,460.86	765,685.61	4,020,344.34	13,755,491.12	13,927,338.65	370,943,747.21	39,387,469.41	39,387,469.41
1870	194,538,374.44	184,899,756.49	229,102.86	3,350,481.76	15,295,643.76	12,942,118.30	411,255,477.63	101,601,916.88	73,450,016.88
1871	206,270,408.05	143,098,153.63	580,355.37	2,388,646.68	8,892,839.95	22,093,541.21	383,323,944.89	91,146,756.64	61,210,506.64
1872	216,370,286.77	130,642,177.72		2,575,714.19	9,412,637.65	15,106,051.23	374,106,867.56	96,583,904.89	63,970,454.89
1873	188,089,522.70	113,729,314.14	315,254.51	2,882,312.38	11,560,530.89	17,161,270.05	333,738,204.67	43,392,959.34	14,714,959.34
1874	163,103,333.69	102,409,784.90		1,852,428.93	5,037,665.22	17,075,042.73	289,478,755.47	2,344,882.30	†10,591,567.70
1875	157,167,722.35	110,007,493.58		1,413,640.17	3,979,279.69	15,431,915.21	288,000,051.10	13,376,658.26	†11,793,741.74
1876	148,071,984.61	116,709,732.03	93,798.80	1,129,466.95	4,029,280.58	17,456,776.19	287,482,039.16	22,022,241.83	†3,161,246.26
1877	130,956,493.07	118,630,407.83		976,253.68	405,776.58	18,031,655.46	269,000,586.62	30,340,577.69	5,841,667.64
1878	130,170,680.20	110,581,624.74		1,079,743.37	317,102.30	15,614,728.09	257,763,878.70	20,799,551.90	3,786,917.33
1879	137,250,047.70	113,561,610.58		924,781.06	1,505,047.63	20,585,697.49	273,827,184.46	6,879,300.93	6,155,637.94
1880	186,522,064.60	124,009,373.92	30.85	1,016,506.60	110.00	21,978,525.01	333,526,610.98	65,883,753.20	†8,020,964.21
1881	198,159,676.02	135,264,285.51	1,516.89	2,201,863.17		25,154,850.98	360,782,292.57	100,069,404.98	25,589,053.93
1882	220,410,730.25	146,497,595.45	160,141.69	4,753,140.37		31,703,642.52	403,525,250.28	145,543,810.71	85,405,955.16
1883	214,706,496.93	144,750,368.98	108,156.60	7,955,864.42		30,796,695.02	398,287,581.95	132,879,444.41	87,982,187.45
1884	195,067,489.76	121,586,072.51	70,720.75	9,819,705.01		21,984,881.89	348,519,869.92	101,393,625.59	57,603,396.09
1885	181,471,939.34	112,498,725.54		5,705,983.44		24,014,955.06	323,690,706.38	63,463,771.27	17,859,735.84
1886	192,905,023.44	116,805,936.48	108,239.94	5,630,999.34		20,989,527.86	336,439,727.06	93,956,588.56	49,405,545.20
1887	217,286,893.13	118,823,391.22	32,892.05	9,254,286.42		26,005,814.84	371,403,277.66	103,471,097.69	55,567,849.54
1888	219,091,173.63	124,296,871.98	1,565.82	11,202,017.23		24,374,446.10	379,266,074.76	111,341,273.63	67,608,723.63
1889	223,832,741.69	130,881,513.92		8,038,651.79		24,297,151.44	387,050,058.84	87,761,080.59	48,694,907.24
1890	229,668,584.57	142,606,706.81		6,358,272.51		24,447,419.74	403,080,982.63	85,040,271.97	45,192,432.47
1891	219,522,205.23	145,686,249.44		4,029,535.41		23,374,457.23	392,612,447.31	26,838,541.96	†17,167,569.41
1892	177,452,964.15	153,971,072.57		3,261,875.58		20,251,871.94	354,937,784.24	9,914,453.66	†27,659,726.32
1893	203,355,016.73	161,027,623.93		3,182,089.78		18,253,898.34	385,818,628.78	2,340,674.29	†4,368,070.21
1894	131,818,530.62	147,111,232.81		1,673,637.30		17,118,618.52	297,722,019.25	*9,803,360.56	*70,024,847.78

RECAPITULATION OF EXPENDITURES BY FISCAL YEARS.

Year.	Civil and miscellaneous.		War Department.	Navy Department.	Indians.	Pensions.	Interest on public debt.	Total expenditures, including premium.	Bonds and other securities applied to sinking fund.
	Premium on loans and purchase of bonds, etc.	Other civil and miscellaneous items.							
1856	$385,372.90	$32,124,214.07	$16,948,196.89	$14,091,781.06	$2,769,429.55	$1,298,208.95	$1,953,822.37	$69,571,025.79	
1857	363,572.39	28,164,532.97	19,261,774.16	12,747,976.83	4,257,543.07	1,312,043.01	1,678,265.23	67,785,707.66	
1858	574,443.08	26,429,609.57	25,485,383.60	13,984,551.09	4,926,738.91	1,217,488.47	1,567,055.67	74,185,270.39	
1859		23,700,295.14	23,243,822.38	14,642,989.73	3,625,027.24	1,220,378.29	2,638,463.96	69,070,976.74	
1860		27,976,434.22	16,409,767.10	11,514,964.96	2,949,191.34	1,102,926.15	3,177,314.62	63,130,598.39	
1861		23,267,010.46	22,981,150.44	12,420,887.89	2,841,358.28	1,036,064.06	4,000,173.76	66,546,644.89	
1862		21,408,491.16	394,368,407.36	42,668,277.09	2,273,223.45	853,095.40	13,190,324.45	474,761,818.91	
1863		23,256,965.39	599,298,600.83	63,221,963.64	3,154,357.11	1,078,991.59	24,729,846.61	714,740,725.17	
1864		27,505,599.46	690,791,842.97	85,725,994.67	2,629,858.77	4,963,924.41	53,685,421.69	865,322,641.97	
1865	1,717,900.11	43,047,658.01	1,081,323,360.79	122,612,945.29	5,116,837.08	16,336,811.13	77,397,712.00	1,297,555,224.41	
1866	58,476.51	41,056,961.54	284,449,701.81	43,324,118.52	3,247,064.56	15,605,352.35	133,067,741.69	520,809,416.99	
1867	10,813,349.38	51,110,223.72	95,224,415.63	31,034,011.04	4,642,531.77	20,936,551.71	143,781,591.91	357,542,675.16	
1868	7,001,151.04	53,009,867.67	123,246,648.62	25,775,502.72	4,100,682.23	23,782,385.78	140,424,045.71	377,340,284.88	
1869	1,574,080.05	56,474,061.53	78,501,990.61	20,000,757.97	7,042,923.06	28,470,021.78	130,694,242.80	322,855,277.80	$88,691,000.00
1870	15,906,555.60	53,237,461.56	57,655,675.40	21,780,229.87	3,407,938.15	28,346,202.17	129,235,498.00	309,653,560.75	28,151,900.00
1871	9,016,794.74	60,481,916.23	35,799,991.82	19,431,027.21	7,426,497.44	34,343,894.88	125,576,565.93	292,177,188.25	29,936,250.00
1872	6,958,266.76	60,984,757.42	35,372,157.29	21,249,809.99	7,061,728.82	28,533,402.76	117,357,839.72	277,517,962.67	32,618,450.00
1873	5,105,919.99	73,328,110.06	46,323,138.31	23,536,256.79	7,951,704.83	29,359,426.86	104,750,688.44	290,345,245.23	28,678,000.00
1874	1,395,073.55	69,641,593.02	42,313,927.22	30,932,587.42	6,692,462.09	29,698,414.66	107,119,815.21	287,133,873.17	12,936,450.00
1875		71,070,702.98	41,120,645.98	21,497,626.27	8,384,656.82	29,456,216.22	103,093,544.57	274,623,392.84	25,170,400.00
1876		66,958,373.78	38,079,888.64	18,963,309.82	5,906,556.17	28,257,396.69	100,243,271.23	258,459,797.33	22,183,433.09

EXHIBIT D—Continued.

Receipts and expenditures of the Government—Continued.

RECAPITULATION OF EXPENDITURES BY FISCAL YEARS—continued.

Year.	Civil and miscellaneous.		War Department.	Navy Department.	Indians.	Pensions.	Interest on public debt.	Total expenditures, including premium.	Bonds and other securities applied to sinking fund.
	Premium on loans and purchase of bonds, etc.	Other civil and miscellaneous items.							
1877		$56,252,066.50	$37,082,735.90	$14,959,935.36	$5,277,007.22	$27,963,752.27	$97,124,511.58	$238,660,008.93	$24,498,910.05
1878		53,177,703.57	32,154,147.85	17,365,201.37	4,622,280.28	27,137,019.08	102,500,874.65	236,964,326.80	17,012,631.57
1879		65,741,555.49	40,425,660.73	15,125,136.84	5,206,103.08	35,121,482.30	105,327,949.00	266,947,882.53	723,662.99
1880	$2,795,320.42	54,713,529.76	38,116,916.22	13,536,984.74	5,945,457.09	56,777,174.44	95,757,575.11	267,642,957.78	73,904,617.41
1881	1,061,248.78	64,416,324.71	40,466,460.55	15,686,671.66	6,514,161.09	50,059,279.62	82,508,741.19	260,712,887.59	74,480,351.05
1882		57,219,750.98	43,570,494.19	15,032,046.26	9,736,747.40	61,345,193.95	71,077,206.79	257,981,439.57	60,137,855.55
1883		68,678,022.21	48,911,382.93	15,283,437.17	7,362,590.34	66,012,573.64	59,160,131.25	265,408,137.54	44,897,256.96
1884		70,920,483.70	39,429,603.36	17,292,601.44	6,475,999.29	55,429,228.06	54,578,378.48	244,126,244.33	46,790,229.50
1885		87,494,258.38	42,670,578.47	16,021,079.67	6,552,494.63	56,102,267.49	51,386,256.47	260,226,935.11	45,694,635.43
1886		74,166,229.85	34,324,152.74	13,907,887.74	6,099,158.17	63,404,864.03	50,580,145.97	242,483,138.50	44,551,043.56
1887		85,264,825.59	38,561,025.85	15,141,126.80	6,194,522.69	75,029,101.79	47,741,577.25	267,932,179.97	47,903,248.15
1888	8,270,842.46	72,952,260.80	38,522,436.11	16,926,437.65	6,249,307.87	80,288,508.77	44,715,007.47	267,924,801.13	43,732,550.00
1889	17,202,362.65	80,664,064.26	44,435,270.85	21,378,809.31	6,892,207.78	87,324,779.11	41,001,484.29	299,288,978.25	39,063,173.35
1890	20,304,224.06	81,403,256.49	44,582,538.08	22,006,206.24	6,708,046.67	106,936,855.07	36,099,284.05	318,040,710.66	39,847,839.50
1891	10,401,220.61	110,048,167.49	48,720,065.01	26,113,896.46	8,527,469.01	124,415,951.40	37,547,135.37	365,773,905.35	44,003,111.37
1892		99,841,988.61	46,805,456.30	20,174,138.98	11,150,577.67	134,583,052.79	23,378,116.23	345,023,330.58	37,574,179.98
1893		103,732,799.27	49,641,773.47	20,136,084.43	13,345,347.27	159,357,587.87	27,264,392.18	393,477,954.49	6,708,744.50
1894		101,943,884.07	54,567,929.85	31,701,293.79	10,293,481.52	141,177,284.96	27,841,405.64	367,525,279.83	221,587.20

TREASURY DEPARTMENT, *Warrant Division.* * Expenditures in excess of revenue. † Excess supplied from cash in the Treasury.

EXHIBIT E.

Condition of the Treasury for the four-year periods ending March 1, 1885, March 1, 1889, March 1, 1893, and for sixteen months ending July 1, 1894.

	March 1, 1881, to March 1, 1885.	March 1, 1885, to March 1, 1889.	March 1, 1889, to March 1, 1893.	March 1, 1893, to March 1, 1894.
Available cash balance at beginning of each period	$170,817,436.69	$159,356,506.41	$183,827,190.29	$124,128,087.88
Receipts from customs, internal revenue, and miscellaneous	1,487,749,110.37	1,451,661,246.74	1,540,225,444.35	422,147,849.48
National-bank redemption fund			68,671,039.25	17,453,853.00
Five per cent loan, principal and premium				58,633,295.71
Total available	1,658,566,547.06	1,611,017,753.15	1,792,723,677.89	622,363,086.07
Expenditures during each period:				
Civil and miscellaneous	275,816,227.84	317,070,407.91	386,152,128.75	134,165,656.61
War	173,397,251.55	154,442,288.29	188,968,268.91	70,115,973.89
Navy	63,416,599.86	65,474,108.82	103,290,176.54	42,559,374.71
Indians	29,678,240.95	24,861,517.36	36,029,664.36	16,112,912.65
Pensions	234,522,496.16	316,546,814.59	488,132,532.83	193,567,478.66
Interest	241,178,532.52	187,823,251.08	128,745,242.72	34,261,607.47
Redemption of debt, principal and premiums	480,246,511.10	363,858,032.31	292,691,254.02	483,560.20
Redemption of debts, national-bank notes redeemed			46,398,978.00	13,354,228.75
Total expenditures	1,498,255,859.98	1,430,076,460.36	1,670,378,247.13	505,220,792.94
Surplus	160,310,687.08	180,941,292.79	122,345,430.76	117,142,293.13

EXHIBIT F.

Statement of United States bonds purchased from March 1, 1885, to March 1, 1893.

	Principal.	Premium paid.	Interest saved.
From March 1, 1885, to March 1, 1889:			
Four percents	$856,726,550.00	$15,604,309.79	$27,450,259.22
Four and a half percents	87,157,800.00	6,772,813.32	5,382,279.16
Total	143,884,350.00	22,377,123.11	32,832,538.38
From March 1, 1889, to March 1, 1893:			
Four percents	121,615,950.00	30,666,138.59	53,596,469.67
Four and a half percents	111,973,000.00	3,225,388.08	1,756,023.84
Total	233,588,950.00	33,891,526.67	55,352,493.51

Mr. SAYERS. I ask the adoption of the report.

Mr. DUNPHY. Before that, I would like to ask the chairman of the committee a question with his consent. I find on page 54 of the bill as reported by the Senate this provision:

And the clerks of the United States court may act as United States commissioners without receiving additional compensation for their services from the United States.

I see from the report that the Senate has receded from that amendment.

Mr. SAYERS. Yes, sir.

Mr. DUNPHY. I would like to know the reason why?

Mr. SAYERS. Well, they receded, in the first place, because it is legislation on a general deficiency bill; and I am one of those who do not believe that there should be legislation on an appropriation bill. In the second place, it is believed that under the law passed at this Congress there was embodied a provision that no one man shall hold two offices unless hereafter or heretofore specially authorized to do so; and I was informed that there was a law which authorized this clerk to act as commissioner. I think these are the facts in connection with the matter, although I do not pretend to speak with absolute accuracy.

Mr. DUNPHY. I desired to have the explanation appear in the RECORD, because some question has come up between the members of the House on this point.

Mr. SAYERS. The gentleman understands me to say, however, that I do not pretend to speak with absolute accuracy on the subject.

Mr. DUNPHY. I understand that.

The SPEAKER *pro tempore* (Mr. TARSNEY). The question is on the adoption of the conference report.

The report was adopted.

On motion of Mr. SAYERS, a motion to reconsider the last vote was laid on the table.

Mr. SAYERS. Now, Mr. Speaker, I will call the attention of my colleague on the committee, the gentleman from Illinois [Mr. CANNON], to the remaining question at issue, and ask how much time he would like to have in discussing that matter?

Mr. CANNON of Illinois. Well, I can not tell exactly; but we will not occupy very long.

Mr. SAYERS. Well, say a half hour on each side.

A MEMBER. What is the amendment?

Mr. SAYERS. It is the amendment of the Senate appropri-

ating $1,800,000, in round numbers, to pay the Southern Pacific Company.

Mr. CANNON of Illinois. I will say to the gentleman from Texas it seems to me as this is the last appropriation bill to be passed—I suppose about the last piece of legislation Congress will enact——

Mr. COGSWELL. Oh, no; there are four tariff bills in the Senate to be passed.

Mr. CANNON of Illinois (continuing). I think that a half hour on this side would be enough, although I would prefer not to be limited in that way.

Mr. SAYERS. We want to get through with the discussion of this matter with a view to adjourning.

Mr. CANNON of Illinois. I think we can get through in a half hour, but I hope the gentleman will not regard it as absolutely necessary to close up the time definitely. I think my friend from Iowa [Mr. HENDERSON] desires some time, and perhaps other gentlemen. The length of debate will depend a little on the course it takes. I think we can get through by 5 o'clock.

Mr. SAYERS. I suggest that we take a vote at twenty minutes to 5.

Mr. HENDERSON of Iowa. I will not occupy very much time.

Mr. SAYERS. I will divide the time with you. I ask consent that debate be closed at twenty minutes to 5.

Mr. CANNON of Illinois. I think you had better let it alone. We will get through sooner.

Mr. HENDERSON of Iowa. There will be no trouble about that.

Mr. CANNON of Illinois. I think if the gentleman will just let the debate run along, we can close it up more quickly than if we make an agreement.

Mr. SAYERS. Mr. Speaker, I first desire to have the amendment read.

The Clerk read as follows:

To the Southern Pacific Company, $1,809,539.70.

Mr. SAYERS. Mr. Speaker, I yield twenty minutes to the gentleman from California [Mr. MAGUIRE].

[Mr. MAGUIRE addressed the House. See Appendix.]

Mr. DALZELL. Do I understand the proposition to be one for the payment of any judgment in favor of the Central Pacific Railroad Company?

Mr. SAYERS. This bill proposes to pay a judgment in favor of the Southern Pacific.

Mr. DALZELL. I understand; but there are judgments existing in favor of the Central Pacific Railroad which, as I understand, this bill does not propose to pay. That is true, is it not?

Mr. SAYERS. Yes, sir.

Mr. DALZELL. This bill proposes to pay a judgment of the Southern Pacific, which is the lessee of a number of roads, among others the Central Pacific, but not for services on the Union Pacific or any of the nonaided lines.

Mr. SAYERS. That is so.

Mr. DALZELL. Then the proposition of the gentleman from California is that we shall punish this innocent company, between whom and the Government no relation exists.

Mr. OUTHWAITE. Leave out the word "innocent."

Mr. MAGUIRE. The same men own it.

Mr. DALZELL. They are separate organizations, and this Government has connection with them.

Mr. MAGUIRE. This same set of men promoted and incorporated the Southern Pacific Company in Kentucky for the purpose of using it as a cover for the diversion of these funds and earnings of the Central Pacific road.

Mr. DALZELL. All of which would have been good matter to present in a trial of the cause.

Mr. MAGUIRE. No, sir; because the Central Pacific Company would have had a legal right to recover if it had sued.

Mr. DALZELL. I would like to know why not?

Mr. MAGUIRE. Because the Supreme Court, in the case of the United States against the Union Pacific, held that these fraudulent diversions could not give rise to a cause of action or suit in equity in favor of the Government until the obligations of the Central Pacific Railroad Company to the Government shall have matured.

Mr. DALZELL. I understand the decision.

Mr. SAYERS. How much time does the gentleman from Illinois want?

Mr. DALZELL. Why, I am told there are 30,000 stockholders in the Southern Pacific Railroad Company.

Mr. MAGUIRE. Where is the evidence of that?

Mr. DALZELL. The evidence is quite as good as the evidence the gentleman has furnished.

Mr. MAGUIRE. The attorney of the company does not say so.

Mr. SAYERS. How much time shall I yield to the gentleman from Illinois?

Mr. CANNON of Illinois. I do not know; several gentlemen desire to have some time.

Mr. SAYERS. How much time does the gentleman from Iowa desire?

Mr. HENDERSON of Iowa. I can not tell exactly, but I think not over ten or fifteen minutes.

Mr. SAYERS. Will fifteen minutes satisfy the gentleman?

Mr. HENDERSON of Iowa. I think that will cover my necessities. If I need more, I shall get it.

Mr. SAYERS. I yield the gentleman fifteen minutes.

Mr. HENDERSON of Iowa. Mr. Speaker, as a member of the Committee on Appropriations, it is my duty to explain this matter as I understand it. We have had repeated hearings before the Committee on Appropriations in respect to this subject. Now, let us not have any confusion in this discussion. Let us know exactly what we are talking about. This amendment provides $1,809,539.70 to be paid to the Southern Pacific Railroad Company. Fix that in your minds. For what is that payment to be made? For carrying troops, mails, and freight for the Government of the United States. Is there any controversy between the Government and the Southern Pacific Railway Company as to the rates? None whatever. They have always been able to agree as to the compensation to be paid for the work done by the Southern Pacific Railroad. There is not to-day pending a single issue between the Government and that railroad company, not one.

Fix another point in you minds. The amount covered by this amendment, inserted in the bill by the Senate without a dissenting voice, is all in judgment. Suit has been brought for these amounts and they are covered by judgments in the Federal courts, and every question has been adjudged by the highest tribunal in this country. So much for that.

Now, an attempt has been made, I think, to confuse the House by a discussion of the Central Pacific Railroad and its relations to the Government. The Central Pacific and the Union Pacific Railroads are roads that were aided by the issue of Government bonds, the amount aggregating, I believe, without interest, some $27,000,000. The amount covered by this amendment for the Southern Pacific Railroad Company is for work done and for money earned wholly by nonaided railroads. Not a single Government bond was issued to one of the railroads that performed this work.

Mr. COOPER of Indiana. Is it not a fact, well known in the history of these railroads, that the Southern Pacific Road is owned by the Central Pacific Company, and that it was created out of the profits of the Central Pacific, which were diverted to the Southern Pacific? And is there not now pending litigation between the Government and the Central Pacific and its owners to recover money that they owe the Government by reason of the aid extended to them?

Mr. HENDERSON of Iowa. I do not so understand it at all. Let me read at this point from the hearings on this subject before the Committee on Appropriations a question which I put to Judge Payson and his answer. There are many gentlemen here who remember the attitude of Judge Payson in this House on these railroad questions, and I voted with him in every instance when a vote was taken for the forfeiture of the railroad land grants. Here is a question that I put to him when he was recently before the Committee on Appropriations:

Mr. HENDERSON. One other matter, because I am quite interested and we have gone into this thing more comprehensively than before, in order to bring up a question which has appeared in the discussion, as I am not clear as to what was done, and that is in relation to the idea that Governor Sayers brought out when he made clear from your answers that the same men owning the Central Pacific own the Southern Pacific.

It has been stated that the funds derived from the sale of Government bonds for the construction of the Central Pacific were diverted by the management of the Central Pacific for the purchase of lines and for the construction of lines of the Southern Pacific system, and that therefore an equity arises affecting the whole Southern Pacific as an offset, or equitable offset, to the claims against the Government for transportation, etc. Now, I want you to state whether that question has ever been investigated and decided in court, or in anyway adjudicated.

Judge PAYSON. I will answer first in a general way, and in the letter which I will prepare and send you I will give you a citation of the book and page where you will find a brief of it. First, I will state that every dollar which the Government aided the Central Pacific system was used upon that road. The entire amount of both the bonds furnished by the Government, $27,000,000, and the bonds issued by the railroad company, which were also $27,000,000, was sold on the market for gold. At that time, if you remember, the currency of California and west of the Rocky Mountains was in gold.

The official reports show that out of that amount of $54,000,000 there was realized only forty-odd millions—between $40,000,000 and $41,000,000 in gold. That had to stand the shaving; you understand as to that. So there was expended in cash on the Central Pacific system between $42,000,000 and $43,000,000 of cool cash in its construction before it commenced its practical operation. More money was expended upon this road than was realized from both sets of bonds. I will refer you to the book and page.

Now, if $54,000,000 was expended upon this road and the Government aid was $27,000,000, it would require a smart mathematician to demonstrate that there was a diversion of $52,000,000 or $62,000,000 or any other sum to build the Southern Pacific.

Here is Judge Payson's statement in the brief which he subsequently filed:

The report of the Pacific Railroad Commission of 1887 shows fully that there has been no improper diversion of funds by the Central Pacific Company, and that every legal requirement has been met and satisfied; that no dividends have been paid in violation of law, page 111; no diversion of earnings through constructive mileage accounts.

So much for the information that was furnished the committee on that point, and Judge Payson stated further that there was nothing now in controversy between the Southern Pacific and the Government. If there is anything I have no knowledge of it. I have only the information that we derived from the investigation we have made as a committee.

Now, let me say another thing. It is true, as Judge Payson stated before our committee, that the chief owners of the Southern Pacific are the same men who are the chief owners in the Central Pacific.

But I am assured that in the Central Pacific Railroad Company, as was shown before the committee of which the gentleman from Pennsylvania [Mr. REILLY] is chairman, there are some 10,000 stockholders, and that there are many thousands more in the Southern Pacific. Bear in mind that the whole attempt here is to keep back payment from the Southern Pacific on principles which might apply to the Central Pacific.

The Central Pacific being a bond-aided road, the statement is made (and it is a matter that has occupied my mind and troubled me not a little) that as the bonded indebtedness of that road will fall due or commence falling due in 1895, and they admit that they can not pay it, it might be well for us to hold back what is due to the Central Pacific road until that indebtedness matures, so that we may put it in as an offset.

But no such consideration can apply in the case of the Southern Pacific Road. If we were to-day in such a position that the bonds of the Central Pacific Road were due, there is no offset that can apply to the Southern Pacific or any of the branches that are entitled to this $1,900,000. Then why put this off? We should not have the benefit of any offset even if the time were come for a settlement between the Government and the Central Pacific Road.

But there is another consideration. Granting the stockholders, and the largest stockholders are common to both these lines, the one line aided, the other nonaided, what follows? If I owe a thousand dollars to the gentleman from California [Mr. MAGUIRE] and the gentleman from Texas, Governor SAYERS, owes me a thousand dollars, does it follow that I can not settle with the gentleman from Texas because the gentleman from California has some arrangement with me? For my part, I can not understand such logic. I see no reason in it.

Here is another point that I want to impress upon this body. We have already been paying this very class of claims to the Southern Pacific Railroad Company. Indeed, I believe we are paying them now. And I call attention to a circular which was issued by Secretary Fairchild June 4, 1886. Prior to that time there had been a general holding up of payments in regard to these railroads; then after matters were settled by the Supreme Court, he issued this circular:

The attention of the accounting officers of the Treasury Department is invited to the decision of the Supreme Court of the United States in the case of The United States, appellants, *vs.* The Central Pacific Railroad Company, respondents, No. 1291, calendar October term, 1885, rendered May 10, 1886, as to the right of the Government to withhold and apply under the Thurman act the compensation due the Central Pacific Railroad Company—

This applies even to the Central Pacific road—

for transportation and other services for the Government over the nonaided portions of the lines owned, leased, or operated by such company, and hereafter the accounts and claims of the company for such services will be settled, adjusted, and paid in conformity to such decision.

All Department circulars heretofore issued upon the subject are modified accordingly.

C. S. FAIRCHILD, *Acting Secretary.*

Under that order a large amount of these earnings was paid even to the Central Pacific Railroad Company. When Mr. Harrison came in as President a temporary suspension of that order was had, on the advice of an officer of the Department of Justice. But there was no revocation of the order, as I understand; there was merely a suspension until another question, not previously raised, in regard to these claims could be settled. That question was raised in the Court of Claims and unanimously decided against the Government; and so clear was the case that no one thought it necessary to appeal; no appeal has ever been taken, and the time for appeal has long since gone by.

Thus it will be seen that the Central Pacific Company cuts no figure in this case. That company is not here. No aided line is covered by this proposition. The only question now is whether Congress shall exercise a power, which I grant it may exercise, the power of refusing to pay an honest debt. The question is whether the Government will set to the people of the country the example of not paying debts that are justly due for services faithfully rendered, there being no controversy as to the legality of the claim.

[Here the hammer fell.]

Mr. HENDERSON of Iowa. Just a word more.

Mr. SAYERS. I yield the gentleman a few moments more.

Mr. HENDERSON of Iowa. Mr. Speaker, I believe for one that the Government ought not to be adding to the distress, already mountain high, upon the railroad systems of the country. I believe in holding the railroads to a strict accountability to the people. I have voted for the most radical propositions that have come before Congress to so hold them. I believe in that doctrine. But with our railroads passing one after another into bankruptcy, and when they do so are throwing armies of laboring men out of employment, is it wise policy to hold back this sum of nearly $2,000,000 honestly earned, the work having been well done by a line of road which never had a dollar of aid from the United States Government? I state the facts; and this House can do as it pleases.

Mr. CANNON of Illinois rose.

Mr. SAYERS. How much time does the gentleman from Illinois want?

Mr. CANNON of Illinois. There are a number of gentlemen here who want to speak.

Mr. SAYERS. I will yield to the gentleman if he will state what time he wants.

Mr. CANNON of Illinois. If the gentleman yields to me, I will yield ten minutes to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. SAYERS. I do not yield the floor to the gentleman. I have asked him how much time he wants?

Mr. CANNON of Illinois. Oh, I do not know. The gentleman from Pennsylvania wants ten minutes; the gentleman from New York [Mr. PAYNE] ten, and I may want ten or fifteen minutes myself.

Mr. SAYERS. Well, I yield thirty minutes to the gentleman from Illinois, and he can parcel out that time as he chooses.

Mr. CANNON of Illinois. All right. I would be glad to hear from the gentlemen, however, on the other side. But I will yield to the gentleman from Pennsylvania [Mr. DALZELL for ten minutes.

Mr. DALZELL. Mr. Speaker, the only interest I have in the pending controversy at this time is largely a personal one. It so happened that early in my service in Congress I was brought into a study of the relations existing between the United States Government and the Pacific railroads; and in a discussion in the Fifty-first Congress—in the second session of that Congress—I strenuously resisted, so far as I could resist, an appropriation then proposed for the payment of certain judgments which had been rendered by the Court of Claims and affirmed by the Supreme Court of the United States, in favor of the Central Pacific Railroad Company and against the Government.

It has been said in the course of this discussion that the position I have assumed to-day, judging that position from the interrogatories I propounded to the gentleman from California [Mr. MAGUIRE], is inconsistent with the position I then assumed. I do not think that it is so in any sense of the word; in fact, I think it quite the contrary; and I desire to occupy the floor for a few moments in order to establish that fact.

Now, what was the question before the Fifty-first Congress? The question then presented was whether or not that Congress should appropriate a sum of money for the payment of certain judgments rendered in favor of the Central Pacific Railroad Company against the Government. These judgments were rendered for services performed by that company on the nonaided lines, and were rendered in favor of the Central Pacific Company, because the Supreme Court had held that, under the contract relations existing between the company and the Government, it had a right to be paid in full for all services rendered upon the nonaided lines.

The situation then was this: There was a judgment in favor of the Central Pacific Railroad Company against the Government for services rendered on what is known as the nonaided lines, for which services the Supreme Court of the United States said the company had a right to be paid in full. It was urged here on the floor of the House that the judgment having been so rendered, and there being no money due to the Government from these companies at the time, we could not set off the amount of money to be due by them in the future against the judgment that they had already recovered.

I conceded that principle; but I stood on this principle: That the Central Pacific Company having the judgment, was an insolvent company; that it had presented itself at the doors of every Congress within my recollection declaring that when the

time came to pay the $70,000,000 which it owed to the Government of the United States it would be unable to meet its obligations, and I stood on the proposition that a court of equity would always grant an injunction to restrain an execution on the part of an insolvent judgment creditor issued against a party to whom the insolvent would be bound to pay a greater sum of money in the future.

That was the position I then assumed, and I stand on that proposition and the principles it enunciates now. No man on the floor of this House will go further than I will in resistance of the payment, on the part of the United States, of a single dollar to these subsidized railroads, whether for services rendered on the subsidized portions of the lines or upon the nonaided portions of the lines. But that is not the case here.

Mr. RILEY. If the gentleman will permit me, I think it is exactly the case presented here, the only difference being, as I understand, that the judgments before were in the name of the Central Pacific Railroad Company, whereas to-day they are in the name of the Southern Pacific, its lessor, but for the same services and over the same nonaided lines.

Mr. DALZELL. That is precisely the fallacy of the position that is assumed by these gentlemen. The gentleman from California [Mr. MAGUIRE] says it is true the judgment is not in favor of the Central Pacific Railroad, but in favor of the Southern Pacific. He says, however, that the stockholders of the Central Pacific and the stockholders of the Southern Pacific Railroad are one and the same.

Why, Mr. Speaker, is there any lawyer here who will have the temerity to claim that identity of stockholders makes identity of corporations? If it were a good defense that this is a scheme on the part of the stockholders of the Central Pacific road, under cover of another corporate name, to recover a judgment against the Government of the United States, it was a good defense to set up in court where the case was tried, but it is no defense here; and because we refuse and still refuse, and will continue to refuse to pay judgments, how many or how great it does not matter, rendered in favor of the subsidized lines, is no reason why we should refuse to pay a judgment in favor of another company for services rendered on roads not aided by the Government and having no connection with the subsidized lines.

Mr. COOPER of Indiana. Now, if the gentleman from Pennsylvania will allow me, had the Central Pacific Company under the terms of its agreement with the Government in the first instance the right to make leases with the Southern Pacific Company, or any other company to deprive the Government of its opportunity to obtain services to be rendered, or which should have been rendered to it under the terms of its creation?

Mr. DALZELL. I understand the services were rendered on lines belonging to the Southern Pacific Company, a company which was not aided by the Government, and has no contract with the Government at all.

Mr. COOPER of Indiana. I think the gentleman is mistaken in that. The services in this case were rendered on branches of the Central Pacific which were leased by the Southern Pacific.

Mr. DALZELL. Oh, not at all.

Mr. COOPER of Indiana. I understand from the gentleman from Pennsylvania [Mr. REILLY] chairman of the Committee on Pacific Railroads, that that is the situation of the case.

Mr. REILLY. That is the way I understand it.

Mr. COOPER of Indiana. Now, I want to ask as to the validity of this lease made without the consent of the General Government.

Mr. DALZELL. I can not pass upon that question.

Mr. COOPER of Indiana. If they had no power to make that lease without the consent of the General Government, then we are under no obligations to deal with them.

Mr. DALZELL. That is too big a question for me to pass on now. If your position is correct, why do you simply include in this appropriation bill the judgment rendered in favor of the Southern Pacific Railroad Company? Why do you not put in the judgments rendered in favor of the Central Pacific Railroad Company that are yet unpaid?

Mr. OUTHWAITE. You understand that this amendment was put into the bill at the other end of this building.

Mr. DALZELL. I understand, but they must be consistent.

Mr. OUTHWAITE. Yes, but they are not consistent.

Mr. DALZELL. The mere fact that they have provided for the payment of this judgment and have not provided for the others is a declaration upon their part that there is a fundamental distinction between the Central Pacific judgment and this judgment. As I stated when I started, I have no interest in this matter except that I want to be consistent; and if any gentleman can convince me that the ground I now occupy is not the ground I occupied in the Fifty-first Congress, I will go back to that ground.

Mr. CANNON of Illinois. Mr. Speaker, I wish the Chair, at the end of ten minutes, would call me down.

This is a Senate amendment that provides for the payment of a judgment rendered in favor of the Southern Pacific Railroad Company for carrying the mails and transportation of Government troops over the Southern Pacific Railroad—not the Central Pacific Railroad—prior to 1889.

Since the passage of the Thurman act the Central Pacific Railroad, which was built by Government aid and a loan of Government bonds, performed services over its line which have never been paid for, but under the law are held to reimburse the Government for the debt of that road hereafter to accrue.

But there came up a question between the Government and the Central Pacific Railroad, that was then operating itself and also operating certain leased lines built without Government aid, as to whether payment could be recovered for the service to the Government upon those lines, or whether under the law such earnings could be held by the Government to reimburse it for debts hereafter to accrue from the Central Pacific Railroad. Well, some said one thing and some said another. The question went to the Supreme Court of the United States, and was fully argued by way of appeal from the Court of Claims, and the Supreme Court of the United States, construing the Pacific railroad laws and the Thurman act, said that for services performed on the nonaided lines they were entitled to pay. The judgment was rendered and is still unpaid. That judgment is not only unpaid, but is not on this bill.

In 1885 or 1886, I am not sure which, a new corporation was organized, the Southern Pacific Railroad Company, and they proceeded to build railroads and bridges, and to build, own, and acquire 2,000 miles of railroad in that system. The Central Pacific Railroad is less than 1,000 miles long. Now, from that time up to 1889, on these 2,000 miles of railroad, owned and operated by the Southern Pacific Railroad Company, they carried our mails and troops until we owed them $1,800,000. The Southern Pacific Railroad went into the courts and got judgment, which was finally adjudicated. This is on the Southern Pacific, upon its own lines, not upon the Central Pacific at all.

Now, the gentleman from California [Mr. MAGUIRE] can talk. The gentleman from Texas and the gentleman from Ohio can talk, and I can talk about this question and that question and the other question, but the coördinate branch of the Government, the Supreme Court of the United States, was created to settle questions, and when it has solemnly settled them and rendered a judgment, that is the last guess, and is the guess that binds everybody.

Mr. MAGUIRE. Will the gentleman allow a question?

Mr. CANNON of Illinois. Certainly.

Mr. MAGUIRE. Would it not be perfectly true if you owed one of your colleagues $2,000 immediately maturing, and he owed you $10,000 to mature within a few days after judgment was rendered; would not the court be bound to render judgment in his favor upon the note against you, notwithstanding the greater obligation in your favor about to fall due? That is the situation here.

Mr. CANNON of Illinois. That is not the situation; and the gentleman does not state it fairly when he states it to be the situation. Not at all. The Southern Pacific Railroad system is an entirely different system from the Central Pacific. It was built independent of the Government. The Government never aided in its construction. It has different stockholders from the Central Pacific in part.

Mr. MAGUIRE. Did not the Government aid it to the extent of a grant of several millions of acres in aid of its construction?

Mr. CANNON of Illinois. Yes. I stated that it had not aided it in the issue of bonds. It aided the Northern Pacific and 10,000 miles of other roads; but that is not the question. The Southern Pacific Railroad owns 2,000 miles of road, has built and paid for its construction, and it has its own set of stockholders independent of the Central Pacific. I am told there are 20,000 of them. And now, after they have earned this money, and the highest court of the land has rendered a judgment in their favor, the gentleman seeks to come in here and muddy the water by not correctly stating the situation. Now, one further matter.

Mr. HOPKINS of Illinois. Will the gentleman allow me to ask him a question?

Mr. CANNON of Illinois. Certainly.

Mr. HOPKINS of Illinois. Where does this $1,800,000 come from? Is it an allowance for carrying the mails, etc., on nonaided roads; and is it proposed to hold this as security for the debts and obligations of aided roads?

Mr. CANNON of Illinois. Oh, no; it is for money due by the United States for carrying the mails on 2,000 miles of the South-

ern Pacific Railroad, and not over a single foot of the Central Pacific.

Mr. HEPBURN. Over a nonaided road.

Mr. CANNON of Illinois. It has 2,000 miles of nonaided road, having no connection with the Central Pacific, but having different stockholders; and after exhaustive litigation the judgment has been rendered.

Now, let me tell you another fact, and I hope I will have the attention of the gentlemen from California, Ohio, and Texas. Under Mr. Cleveland's former Administration, a part of it, after the decision of the Supreme Court, and under Mr. Harrison's Administration, and under this Administration, and by our appropriations last Congress, and by Congresses before, and this Congress, we are paying money this day to this Southern Pacific Railroad Company for carrying our mails quarter by quarter. You have appropriated for it in the army bill, in the naval bill, and you have appropriated for it in the Post-Office appropriation bill; and in all these years we pay them every dollar that they earn, if there is enough appropriated; and there is substantially enough.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. CANNON of Illinois. I will take two minutes more.

Now, I can not say anything more about it. That is enough. If the gentleman from Ohio and the gentleman from California object to the payment of this claim after the money has been earned, and after the Supreme Court has rendered a judgment, pray, if you want to be consistent, why do you not withhold that money, or why do you permit its payment for current services? Why do you not amend this very amendment if you want to do that, and say that there shall be no money paid for services rendered by the Southern Pacific Railroad?

Mr. HOPKINS of Illinois. Will the gentleman allow me to ask him a question right there?

Mr. CANNON of Illinois. Certainly.

Mr. HOPKINS of Illinois. Do I understand the gentleman to say that the chairman of the committee, under the present Administration, is reporting provisions for paying the Southern Pacific Company for carrying the mails, the class of services for which it refused to pay on a judgment—for carrying the mails prior to 1879?

Mr. CANNON of Illinois. We refuse to pay if we vote down this amendment.

Mr. HEPBURN. It is the same class of case.

Mr. CANNON of Illinois. It is the same thing.

Mr. HOPKINS of Illinois. That is what I wanted to find out.

Mr. CANNON of Illinois. The United States mails were carried in 1888 or 1889, or parts of those years, and troops transported to the amount of $1,800,000, which the Southern Pacific Railroad went into the court and recovered by a final judgment; and in the last quarter and the quarter before, and for years before, we have been paying the same company for similar services, and are doing it to-day.

Mr. HULICK. Will the gentleman allow me to ask him a question?

Mr. MARSH. Will my colleague allow me to ask him a question?

Mr. CANNON of Illinois. Well, I will; both.

Mr. HULICK. In the suit in which that judgment was rendered was there any defense, legal or equitable, set up against the payment of the judgment bearing upon this defense now set up?

Mr. CANNON of Illinois. On which defense?

Mr. HULICK. The claim that the Central Pacific Railroad Company would be insolvent, and that it could not pay.

Mr. CANNON of Illinois. All the defenses were set up that could be set up, I apprehend. I have not read the pleadings; but I am satisfied that every defense was set up.

Mr. MARSH. This is just what I want to ask my colleague. The gentleman from California made the point, and it made some impression upon my mind, that four individuals, and he named them, are the owners of the Central Pacific, which railroad is about to default to the United States.

Mr. OUTHWAITE. And it is sustained by the testimony taken.

Mr. MARSH. I do not want to know anything from you. I want my colleague to answer my question. The point the gentleman from California made was that four certain men, whom he named, are the owners, and the sole owners, of the Central Pacific Railroad, and that the same four men are the owners of the Southern Pacific Railroad. And hence he says, properly, as I believe, if his statement is correct, that what the Central Pacific road owes the Government might, in equity, be set off against what the Government owes the Southern Pacific. Now, what is the fact? Are the same men the owners of the two corporations?

Mr. CANNON of Illinois. My colleague on the committee, the gentleman from Iowa [Mr. HENDERSON], answered that question in part.

Mr. MARSH. Well, will you not answer it in whole?

Mr. CANNON of Illinois. Certainly. And I answer that, if Judge Payson's word can be taken, the stockholders of the two companies are different. I have no doubt that there are some stockholders common to each company; but all the stockholders in one company are not all the stockholders in the other.

Mr. MARSH. Then the statement of the gentleman from California is not correct.

Mr. CANNON of Illinois. I understand that it is not correct if that gentleman intended to make that statement.

Mr. MAGUIRE. Judge Payson is contradicting the testimony taken by the Pacific Railway Commission.

Mr. CANNON of Illinois. Let us have the testimony, but in your own time. Now, Mr. Speaker, even if it were so, it would cut no figure. The corporations are different. Their debtors and creditors are different. Each one of these roads is bonded. The Southern Pacific Railroad, with its 2,000 miles of road, is bonded. Its bonds were sold to build the road step by step through Texas long after the Central Pacific was completed. They have different interests. Their creditors are different. Their stockholders are different in part, as I am informed.

Mr. CULBERSON. Do I understand the gentleman to say that they sold bonds to build the railroad through Texas?

Mr. CANNON of Illinois. Oh, well, the road runs through Texas, and I made that as a general remark. I do not know specifically that they sold bonds to build the part of the road that runs through Texas; but I understand that the Southern Pacific Railroad, in whole or in many of its branches, did sell bonds for construction purposes.

Mr. SAYERS. Will the gentleman yield to me a moment?

Mr. CANNON of Illinois. If the gentleman has any special knowledge on this subject I will yield to him.

Mr. CULBERSON. I would like to have three or four minutes on this question.

Mr. SAYERS. I will yield the gentleman time.

Mr. CANNON of Illinois. If the gentleman has any information on the subject that I have not, I will yield to him.

Mr. CULBERSON. I was simply asking the question for information.

Mr. CANNON of Illinois. I did not mean United States bonds.

Mr. SAYERS. Mr. Speaker, I understand that the gentleman from Illinois [Mr. CANNON] and the gentleman from Pennsylvania [Mr. DALZELL] have used about twenty-five minutes, and the gentleman from Iowa [Mr. HENDERSON] about fifteen minutes, making forty minutes altogether used on that side. Now, I intend to move an adjournment at 5 o'clock——

Mr. CANNON of Illinois. You can not complete this matter this evening.

Mr. SAYERS. I am not going to try. I am going to submit a proposition to the House. I ask unanimous consent that, after the reading of the Journal to-morrow the debate on this amendment be continued for an hour and a half, when the vote shall be taken; the time for debate to be divided in proportion to the consumption of time to-day; that is, those in favor of the amendment having consumed forty-five minutes and those opposed to it twenty minutes, each side shall have its proper proportion of the remaining time.

Mr. CANNON of Illinois. There is no disposition to prolong the debate, but I think it would be better to let it run temporarily.

Mr. SAYERS. I would like to reach an agreement because members will desire to know when they are required to vote. I ask consent that the debate continue now until 5 o'clock and for an hour and a half to-morrow immediately after the reading of the Journal——

Mr. CANNON of Illinois. Why not say that you will not ask a vote before half past 1 or half past 2? We on this side have used a good deal of the time, and I do not know what may be said on the other side that may require a reply.

Mr. SAYERS. I am willing to give the gentleman time.

Mr. CANNON of Illinois. Well, the gentleman has it in his power to move the previous question at any time. I will coöperate with him to close the debate as soon as it can be done reasonably.

Mr. SAYERS. I believe I have the floor, Mr. Speaker, and I do not want to yield it so that other motions may be made. What I desire is to reach some fair and equitable agreement between those who are in favor of the Senate amendment and those who are opposed to it. I do not wish to press a vote unless with the consent of the gentlemen who are in favor of the amendment.

Mr. CANNON of Illinois. I can say nothing further than I have said. There is no disposition on my part to occupy one

minute of time for the mere purpose of consuming time, and I will, to the best of my ability, coöperate with the gentleman to bring this matter to a speedy vote, but I am not prepared at this moment to say just how much time we require.

Mr. SAYERS. Will the gentleman agree that the vote be taken at 2 o'clock to-morrow?

Mr. CANNON of Illinois. I will agree that I will not ask the gentleman to call for a vote before 2 o'clock. [Laughter.]

Mr. CULBERSON. There are a few of us over here that want a little time.

Mr. CANNON of Illinois. The gentleman from New Hampshire also wants ten minutes, and quite a number of gentlemen over here want to be heard.

Mr. CULBERSON. I think we can get through by 2 o'clock.

Mr. CANNON of Illinois. I hope so; but there is a morning hour.

Mr. SAYERS. No; I am going to call up the report the first thing after the reading of the Journal.

Mr. CANNON of Illinois. I will agree to two hours and a half, this side to have an hour and the other side an hour and a half.

Mr. SAYERS. All right, sir. Mr. Speaker, I ask unanimous consent that the debate on this question may be limited to two hours and a half—one hour and a half to be used by those gentlemen who are opposed to the Senate amendments, and the remaining hour by those who are in favor of those amendments, the hour to be controlled by the gentleman from Illinois [Mr. CANNON], and the hour and a half by myself.

Mr. CANNON of Illinois. That is, two hours and a half to-morrow.

Mr. SAYERS. Perhaps the gentleman might be willing to go on now.

Mr. CANNON of Illinois. Oh, I will not go on now. It is quarter before 5.

The SPEAKER *pro tempore* (Mr. TARSNEY). The gentleman from Texas asks unanimous consent that, after two hours and a half of further debate, the previous question may be considered as ordered and a vote be taken on the pending proposition. Is there objection? The Chair hears none, and it is so ordered.

Mr. SAYERS. With the understanding that this conference report will be called up as soon as the Journal is read to-morrow, I will move that the House adjourn.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2107) granting to the Northern Mississippi Railway Company right of way through certain Indian reservations in Minnesota;

Joint resolution (H. R. 217) to continue the provisions of existing laws providing temporarily for the expenditures of the Government;

A bill (S. 2303) to authorize the construction of a bridge across the Contentnea Creek at Grifton, Lenoir County, N. C., and establish it as a post-road; and

Joint resolution (S. R. No. 96) to extend the charter of the Maryland and Washington Railroad Company.

WINNEBAGO INDIANS IN MINNESOTA.

Mr. PICKLER, by unanimous consent, reported back favorably from the Committee on Indian Affairs the bill (H. R. 7731) for the relief of certain Winnebago Indians in Minnesota; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

The motion of Mr. SAYERS was then agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LOUDENSLAGER, from the Committee on Pensions: A bill (H. R. 6985) granting a pension to William Armstrong. (Report No. 1438.)

Also, a bill (S. 577) granting an increase of pension to Thomas M. Chill. (Report No. 1416.)

Also, a bill (H. R. 6461) to grant a pension to Mrs. Mary Button, of Arkansas, widow of Asa Button, deceased. (Report No. 1417.)

By Mr. HOUK, from the Committee on War Claims: A bill (H. R. 1512) for the relief of Slater and William Cowart, of Hamilton County, Tenn. (Report No. 1439.)

Also, a bill (H. R. 7802) for the relief of William Pickett, administrator of Jesse Pickett, late of Sequatchie County, Tenn., as found due by the Court of Claims under the act of March 3, 1883. (Report No. 1440.)

By Mr. BAKER of Kansas, from the Committee on Pensions: A bill (S. 2056) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka. (Report No. 1448.)

Also, a bill (H. R. 6663) granting an increase of pension to Mrs. Annie E. Colwell. (Report No. 1449.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. HOUK: A bill (H. R. 7974) providing for the punishment of persons falsely making, forging, altering, or counterfeiting military and naval commissions or discharges or other public records for the purpose of defrauding the United States or deceiving the public, etc.—to the Committee on the Judiciary.

By Mr. TATE: A bill (H. R. 7975) to provide to whom contracts for carrying the mails shall be awarded—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: A bill (H. R. 7976) to repeal section 4901 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. MCMILLIN: A bill (H. R. 7977) to amend the internal revenue laws of the United States—to the Committee on Ways and Means.

By Mr. PENDLETON of Texas: A resolution asking for a special order providing for the consideration of a bill repealing all specific and differential duties on sugar—to the Committee on Rules.

By Mr. HUDSON: A resolution calling for a committee to ascertain the status of lands granted to railroads and other corporations—to the Committee on the Public Lands.

By Mr. BLACK of Illinois: A resolution directing the Committee on Coinage, Weights, and Measures to report to the House a bill providing for the proper use and avail of the silver in the Treasury, and asking the Committee on Rules to report a rule providing for the consideration of said bill—to the Committee on Rules.

By Mr. COGSWELL: A joint resolution (H. Res. 219) instructing the Secretary of War to return to the State of Massachusetts the flag of the Twenty-third Regiment of Massachusetts Volunteer Infantry—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 7948) granting a pension to Aloysius Oberle, and the same was referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 7978) for the benefit of Martin W. Greene—to the Committee on Claims.

Also, a bill (H. R. 7979) for the benefit of Edward Lautenschlager—to the Committee on Claims.

By Mr. BELL of Colorado: A bill (H. R. 7980) granting an increase of pension to Alvin F. Kimball—to the Committee on Pensions.

By Mr. COOMBS: A bill (H. R. 7981) for the relief of Capt. John T. Bruen, of the State of New York—to the Committee on Claims.

By Mr. DURBOROW: A bill (H. R. 7982) for the relief of W. L. Clifford, a letter-carrier in the Post-Office Department of the United States—to the Committee on Claims.

By Mr. ENLOE: A bill (H. R. 7983) for the relief of Daniel Cupples, Claiborne Wilson, J. B. King, and R. A. Mitchell—to the Committee on Military Affairs.

By Mr. KIEFER: A bill (H. R. 7984) for the relief of Mrs. Celeste H. McCoy, widow of W. D. McCoy, deceased—to the Committee on Foreign Affairs.

By Mr. OATES: A bill (H. R. 7985) for the relief of R. R. Barrow, of Geneva County, Ala.—to the Committee on War Claims.

By Mr. TAYLOR of Indiana: A bill (H. R. 7986) to correct the military record of Christopher Bolin—to the Committee on Military Affairs.

By Mr. WHEELER of Alabama: A bill (H. R. 7987) for the relief of the estate of James Campbell, deceased, late of Jackson County, Ala.—to the Committee on War Claims.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 7988) for the relief of the Methodist Episcopal Church South, of Phœnix, Yazoo County, Miss.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRODERICK: Petition of W. H. Griffith and 600 other

citizens of Kansas City, Kans., against appropriating public money for sectarian purposes—to the Committee on Indian Affairs.

By Mr. COFFEEN (by request): Petition of 100 American Railway Union members of Uinta County, Wyo., asking for impeachment proceedings—to the Committee on the Judiciary.

By Mr. ENLOE: Papers to accompany the bill for the relief of Daniels Cupples, Claiborne Wilson, J. B. King, and R. A. Mitchell—to the Committee on Military Affairs.

By Mr. JOHNSON of North Dakota: Petition of Samuel Moore and 54 other citizens of Grand Forks County, N. Dak., residing near Turtle River, asking that John R. G. Karlen be relieved of the contest now pending against his free claim, viz, the northwest quarter of section 8, township 154, range 51, and that he be allowed to prove up on said land—to the Committee on the Public Lands.

By Mr. MADDOX: Petition of William Hadaway, for a claim against the Government—to the Committee on War Claims.

By Mr. MEREDITH: Papers to accompany House bill 7966—to the Committee on War Claims.

By Mr. PENCE: Resolutions of the taxpayers of Rio Blanco County, Colo., urging that White River forest reservation be abolished or very materially reduced—to the Committee on the Public Lands.

Also, petition of the citizens of Colorado, for the impeachment of the Attorney-General of the United States—to the Committee on the Judiciary.

SENATE.

THURSDAY, *August 16, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4605) granting chief justices of United States courts in Territories power to appoint commissioners to take proof in land cases, etc.; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCRAE, Mr. SOMERS, and Mr. ELLIS of Oregon managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7668) to authorize the St. Louis, Avoyelles and Southwestern Railway Company to bridge Bayou Des Glaises and Atchafalaya River, in the State of Louisiana.

The message further announced that the House had passed the joint resolution (S. R. 101) providing for clerical assistance in the health office of the District of Columbia.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7811) authorizing the El Reno Bridge Company to construct a bridge across the South Canadian River, between Blaine County, Okla., and the Wichita Indian Reservation;

A bill (H. R. 7839) to bridge the Newark Bay;

A bill (H. R. 7910) to amend "An act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof, which are the subjects of interstate commerce, and for other purposes;" and

A bill (H. R. 7955) to perfect the title to a quarter section of land in the town of Yuma, Colo.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 387) to authorize the construction of a life-saving station at or near Rocky Point or East Marion, Long Island, New York;

A bill (H. R. 859) for the relief of B. D. Greene;

A bill (H. R. 6038) to repeal House resolution numbered 104, first session Fifty-first Congress, granting to Secretary of War a permit to license to use a pier at mouth of Chicago River; and

A bill (H. R. 6060) to amend section 4833, Revised Statutes, and for other purposes.

MEMORIALS.

Mr. ALLISON presented the memorial of Robert Lipton and sundry other citizens of Ida County, Iowa, and the memorial of H. G. Harshburger and sundry other citizens of Woodbine, Iowa, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

EXCLUSION AND DEPORTATION OF ALIEN ANARCHISTS.

Mr. HILL. I ask unanimous consent to call up for present consideration the bill (S. 2314) to provide for the exclusion and deportation of alien anarchists.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary proceeded to read the bill.

Mr. CALL. I do not wish to interfere with the Senator from New York, but this seems to be a very long bill, and it will probably occupy some time.

Mr. HILL. I will explain it to the Senator, if he will permit me just a moment.

This bill is virtually a report from a conference committee. The other House passed a bill to provide for consular inspection abroad. The Senate did not like that bill, and we substituted another measure. A conference committee was appointed, and we finally agreed upon this bill; but the conferees on the part of the House did not wish to have their bill killed, but wanted the principle of consular inspection to remain open and go over until the next session. We consented to allow that bill to remain in conference, they in the mean time agreeing that we should pass this bill here and send it to the House, when that body would concur in it.

Mr. CALL. If there is to be no debate, I will withdraw my objection.

The VICE-PRESIDENT. The reading of the bill will proceed.

The Secretary resumed and concluded the reading of the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SHERMAN. When this bill or a similar bill was before the Senate the other day, on the motion of the Senator from New York there was a provision inserted that when any person had come into our country and had been naturalized, if it could be proven before the proper tribunal that he was not a man of good moral character, that he was not attached to the Constitution and principles of our Government, and was not disposed to the good order and happiness of the same, he should be deported. That language is omitted from this bill, and I do not see why it should not be contained in it.

Mr. HILL. By the provisions of this bill, in the first place, if an alien immigrant should be convicted of a crime and the judge should determine upon a further hearing that the person had been guilty of a crime involving moral turpitude, and that his presence in the country would be a menace to the Government and the peace and good order of society, he may be ordered deported. It was thought wise by the conference committee not to use the words "attached to the principles of the Constitution of the United States," as it left too much open. As the man is an alien, of course it is not expected that he will be attached to the principles of our Constitution. An alien who behaves himself in this country would not and could not be touched under this bill, and we do not propose to do it.

Mr. SHERMAN. I do not propose to offer an amendment——

Mr. HILL. The bill was very carefully considered by the committee.

Mr. SHERMAN. But it does seem to me that every person who has been admitted under our immigration laws ought to be required to stand by the declaration we require for admission; and if it be proven afterward that he is not a man of good moral character, that he is not attached to the principles of our Government, and is not disposed to the good order and peace of the same, he ought to be excluded.

Mr. HILL. We do not touch the citizen who is naturalized. We do not think it wise to go so far as that.

Mr. SHERMAN. I see no reason why persons who are brought into our country under our naturalization laws should not only prove at the time they are admitted that they come within its provisions, but that they should maintain that condition, or else be liable to be deported.

Mr. HILL. I will simply say, as has been said heretofore in regard to other bills, that it is a step in the right direction. Sooner or later we may adopt the idea, which is an entirely good one, of the distinguished Senator from Ohio, but it is a little too early to do it now.

Mr. CHANDLER. I wish to say that it was not deemed advisable by the committee to provide that every alien should be deported whom we would not be willing to naturalize and make a citizen of.

This bill was drawn in the Treasury Department, and has been

subjected to very careful scrutiny. It may not go so far as the Senator from Ohio would like to go, but it is an excellent bill, which has been carefully rewritten by the Senator from New York [Mr. HILL], the chairman of the Committee on Immigration, and there has been inserted by the committee a provision in reference to the writ of habeas corpus, which effectually guards any alien against being deported without all the proceedings which result in the order of deporting being carefully reviewed by a judicial tribunal.

The bill is stringent enough for the time; it is sufficiently well guarded, and it is of the highest importance, in the opinion of the committee, that it should be passed without delay and sent to the House of Representatives, where we are assured it can be immediately acted upon.

Mr. PALMER. Mr. President, I desire to say in reference to the pending bill that, while I shall not resist its passage in any way, the language is so general that I fear under some circumstances it may be greatly abused.

With this remark I shall content myself with the action of the Senate; but if the yeas and nays were called on the passage of the bill I should not vote for it with its present loose language.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4686) to correct the military record of Alexander P. Magaan, of Battery H, Fourth United States Artillery, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1770) to place Maj. Robert P. Barry on the retired list of the Army, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 2186) for the relief of the widow and legal representatives of the late Orsemus B. Boyd, captain in Eighth United States Cavalry, reported it without amendment, and submitted a report thereon.

REPORT OF LIBRARIAN OF CONGRESS.

Mr. MILLS submitted the annual report of the Librarian of Congress for the calendar year 1893.

He also, from the Committee on the Library, reported the following resolution; which was referred to the Committee on Printing:

Resolved, That the annual report of the Librarian of Congress for the calendar year 1893 be printed, and that 500 extra copies, with paper covers, be printed for distribution by the Librarian.

PRINTING OF THE REVENUE BILL.

Mr. GORMAN, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed in pamphlet form, for the use of the Senate, 15,000 copies of the bill (H. R. 4864) entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes."

CIVIL SERVICE COMMISSION REPORT.

Mr. GORMAN. I am instructed by the Committee on Printing, to whom was referred a concurrent resolution of the House of Representatives for the printing of the tenth report of the Civil Service Commission, to report it without amendment. I ask unanimous consent for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That 23,000 copies of the tenth report of the United States Civil Service Commission be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 20,000 for distribution by the United States Civil Service Commission.

Mr. GORMAN. Mr. President, I desire to say in reference to this concurrent resolution to print the report of the Civil Service Commission, that it is a resolution which came from the House of Representatives in the midst of the pressure of the public business here. The resolution had been lying in the Senate for some days, when the president of the Civil Service Commission called here ten days or two weeks ago to press its passage, and not finding it passed, the Commission, as has been usual with it, furnished to the public press malicious and slanderous statements about the delay, for the purpose, I take it, of creating a false impression in the country. I have reported the resolution at a time when it is convenient to the committee to report it.

I wish to emphasize the statement that that Commission had better in the future seek to have its reports published and printed by respectful communications to this body and to the other, and keep out of the public press.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

JOHN FINN.

Mr. MITCHELL of Oregon. I am instructed by the Committee on Claims, to whom was referred the bill (S. 1066) to authorize the Third Auditor of the Treasury to audit certain quartermaster's vouchers belonging to John Finn, of St. Louis, Mo., to report it with amendments.

I will state that this is a very brief bill of one page, intended to correct certain defects in a private act which was passed at the last Congress. I ask unanimous consent that the bill may be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Claims were, in line 5, after the word "Missouri," to strike out the words "as owner" and insert "claimant;" in line 8, after the word "vouchers," where it appears the second time, to insert "it is alleged;" in line 10, after the word "now," to insert "alleged to be;" in line 15, after the word "authorities," to insert "and came rightfully and for value into the hands of said Finn," and at the end of the bill to insert:

Provided further, That all original payees who do not present claims for payment on said vouchers within thirty days from the date of the approval of this act shall be forever barred from presenting such claims, and said John Finn shall, after said thirty days, be entitled to receive the amount found to be due thereon upon the conditions aforesaid.

So as to make the bill read:

Be it enacted, etc., That the Third Auditor of the Treasury be, and he is hereby, authorized and directed to permit John Finn, of St. Louis, Mo., claimant of 371 quartermaster's vouchers, aggregating $6,363.95, more or less, to sign the receipts upon the said vouchers, which said vouchers, it is alleged, were presented by the said Finn to the Quartermaster-General, and are now alleged to be in the office of the Third Auditor of the Treasury; and the receipts so signed shall be acceptable as a sufficient compliance with the laws and rules regulating such cases: *Provided*, That it shall be found, upon examination, that the said vouchers were duly issued by the legally constituted authorities, and came rightfully and for value into the hands of said Finn, and that they have not heretofore been audited and paid: *Provided further*, That all original payees who do not present claims for payment on said vouchers within thirty days from the date of the approval of this act shall be forever barred from presenting such claims, and said John Finn shall, after said thirty days, be entitled to receive the amount found to be due thereon upon the conditions aforesaid.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. MITCHELL of Oregon, the title was amended so as to read: "A bill to authorize the Third Auditor of the Treasury to audit certain quartermaster's vouchers alleged to belong to John Finn, of St. Louis, Mo."

POWERS AND PRIVILEGES OF THE SENATE.

Mr. GRAY. From the Special Committee to Investigate Attempts at Bribery, etc., I beg leave to submit a report at their instance, which I ask may be printed as a miscellaneous document. The document will consist of decisions and precedents in the Senate and House of Representatives relating to the powers and privileges of the Senate and House of Representatives in respect to their members, investigations, contempts, libels, contumacious witnesses, and so on. It will make a very valuable volume, in the opinion of the committee. It is already in print, and I ask by authority of the committee that it may be printed as a miscellaneous document. The index will be very full and complete, and I think it will be a valuable document for reference and of much use to the public.

The VICE-PRESIDENT. The order to print will be made, in the absence of objection.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2315) granting a pension to Mary C. Minnick; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BRICE introduced a bill (S. 2316) to repeal section 4901 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Patents.

Mr. GEORGE introduced a joint resolution (S. R. 102) authorizing the Secretary of the Treasury to provide rooms for the accommodation of the United States circuit and district courts and their officers at Meridian, Miss.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENT TO BILL.

Mr. DOLPH. I submit an amendment intended to be proposed by me to the bill (H. R. 7971) to exempt from duties sugars, molasses, etc. I will state that the amendment provides for the

restoration and continuation of the McKinley duties on wool. I move that the amendment lie on the table and be printed.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. FAULKNER, it was

Ordered, That leave be granted for the withdrawal of the papers in the case of A. H. Herr for reference to the Treasury Department for further examination; subject to the provisions of the rules of the Senate.

CORPORATIONS IN THE DISTRICT OF COLUMBIA.

Mr. CHANDLER. I ask unanimous consent for the present consideration of the bill (S. 2263) to amend section 553 of the Revised Statutes of the United States, relating to the District of Columbia.

Mr. CALL. I hope the Senator from New Hampshire will allow me to bring up for consideration a resolution.

Mr. CHANDLER. The bill I wish considered is an important one, as Senators will understand the moment it is read, and one to which there will be no objection.

Mr. CALL. I make no objection.

Mr. DOLPH. Will the Senator not let us get through with morning business?

The VICE-PRESIDENT. Does the Chair understand the Senator from Oregon to object?

Mr. CHANDLER. Senators will not object when they hear the bill read.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 553 of the Revised Statutes of the United States relating to the District of Columbia be, and the same is hereby, amended by adding to the said section the following provision:

"That any corporation heretofore or hereafter organized under the provisions of this section may renew its charter for any stated number of years not exceeding twenty, by filing in the office of the recorder of deeds of the District of Columbia a certificate in writing, signed by a majority of its trustees and duly acknowledged, certifying that at the last regular meeting of the stockholders held prior to the date of such certificate, or at a special meeting called for that purpose, the stockholders of such company, by a vote of at least two-thirds of all the shares of the stock of the company, resolved to renew the charter thereof for a period designated by them: *Provided*, That the proposed renewal shall be approved by the Commissioners of the District of Columbia in writing indorsed on said certificate: *And provided*, That a duly authenticated copy of the resolution of the stockholders in respect of such renewal shall be attached to said certificate.

"The filing of such certificate so approved shall be and operate as a renewal of such charter for the time specified therein. The charter so renewed may afterwards be renewed from time to time: *Provided*, That no one renewal shall be for a longer period than twenty years, and that each renewal shall be authorized by the stockholders and be subject to the approval of the Commissioners of the District of Columbia in the manner hereinbefore provided.

"The provisions of section 553 of the Revised Statutes of the United States relating to the District of Columbia shall apply to the record of all certificates of renewals of charters authorized by this act."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time and passed.

The title was amended so as to read: "A bill to amend section 553 of the Revised Statutes of the United States, relating to the organization of corporations within the District of Columbia."

DESCRIPTIVE CATALOGUE OF GOVERNMENT PUBLICATIONS.

Mr. GORMAN. I ask unanimous consent for the present consideration of the bill (S. 2512) to authorize the preparation and publication of a descriptive catalogue and index of Government publications, which was reported yesterday from the Committee on Printing.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

Be it enacted, etc., That there be prepared and published, under the direction of the Joint Committee on Printing, a classified, analytical, and descriptive catalogue and index of all Government publications, issued subsequent to March 4, 1881, the date at which the Descriptive Catalogue, by Poore, prepared under act of July 27, 1882, terminates, and prior to the Fifty-third Congress; and upon the request of the said joint committee, the officers of the Senate and House of Representatives, and the heads of all the Executive Departments and of the bureaus and offices thereof, shall furnish to the said joint committee all such information and assistance in reference to said publications as will facilitate the completion of said work; and the sum of $2,500 is hereby appropriated for the purposes of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. JOSEPH H. RICHARDS.

Mr. GRAY. I ask unanimous consent to call up the bill (S. 1558) for the correction of the military record of Capt. Joseph H. Richards. It is a small matter.

Mr. CALL. I hope the Senator from Delaware will not do that until the resolution which I desire to call up is considered.

Mr. GRAY. This is a matter which will not take five minutes. I think that when the Senator from Florida hears the bill read he will have no objection to it, and I shall have to leave the Chamber soon on public business.

Mr. CALL. I will yield for a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 7, after the word "Volunteers," to insert "on the 26th day of April, 1864;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to correct the rolls of the Adjutant-General's Office so as to show Capt. Joseph H. Richards as honorably mustered out of the service of the United States as an officer of the Eighty-eighth Pennsylvania Volunteers, on the 26th day of April, 1864.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION BY THE COMMITTEE ON COMMERCE.

Mr. RANSOM. Yesterday morning the Committee on Contingent Expenses reported back a resolution of the Committee on Commerce in reference to the latter committee sitting during the vacation. The resolution was reported adversely, and indefinitely postponed. I am desired by the chairman of the committee and the member of the committee who made the report to ask that the indefinite postponement may be reconsidered, and that the resolution may be recommitted to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 7811) authorizing the El Reno Bridge Company to construct a bridge across the South Canadian River, between Blaine County, Okla., and the Wichita Indian Reservation; and

A bill (H. R. 7839) to bridge Newark Bay.

The bill (H. R. 7910) to amend "An act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof, which are the subjects of interstate commerce, and for other purposes," was read twice by its title, and referred to the Committee on Agriculture and Forestry.

The bill (H. R. 7955) to perfect the title to a quarter section of land in the town of Yuma, Colo., was read twice by its title, and referred to the Committee on Public Lands.

RECENT ELECTION IN ALABAMA.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from New Hampshire [Mr. CHANDLER], coming over from a previous day, in relation to the recent election in the State of Alabama.

Mr. CHANDLER. The Senator from Alabama [Mr. MORGAN] is still absent from the city. I am very desirous that he shall be present when the resolution is considered, and therefore I again ask the favor of allowing the resolution to go over until to-morrow, retaining its place in the morning business.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 13th instant approved and signed the following acts:

An act (S. 1896) to provide for the payment of the 8 per cent greenback certificates of the District of Columbia, and for other purposes; and

An act (S. 1852) to provide an American register for the steamer S. Oteri.

The message also announced that the President of the United States had on the 15th instant approved and signed the following acts:

An act (S. 901) for the relief of the owners of the schooner Henry R. Tilton, and of personal effects thereon;

An act (S. 2234) to further amend section 2399 of the Revised Statutes of the United States;

An act (S. 876) granting a pension to Rebecca H. Chambers; and

An act (S. 1949) for the relief of James E. North.

INTOXICATING LIQUORS IN SENATE WING OF CAPITOL.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from South Dakota [Mr. KYLE], coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. KYLE, as follows:

Resolved, That during the recess of Congress no intoxicating liquors shall be sold or used in the Senate wing of the Capitol building; and the Capitol police board is hereby authorized and directed to enforce this resolution.

Mr. KYLE. I do not think there can be any objection to the resolution.

Mr. GORMAN. I desire to state that I interrupted the consideration of the resolution when it was up before in order to suggest that under the rules the resolution must go to the Committee on Rules; but I have no objection to waiving the point of order for the present if the Senator from South Dakota desires to be heard.

Mr. PLATT. I wish to ask why it is proposed to prohibit the sale of liquors only during the recess of Congress.

Mr. KYLE. I will answer the Senator from Connecticut.

The VICE-PRESIDENT. The Senator from Maryland makes the point of order, as the Chair understands, that the resolution must be referred to the Committee on Rules. Is that the point of order?

Mr. GORMAN. Mr. President——

Mr. KYLE. I should like to know by what rule the resolution must go to the Committee on Rules.

The VICE-PRESIDENT. The Senator from South Dakota will suspend until the Chair can hear the Senator from Maryland.

Mr. GORMAN. That is the point of order I made, but I suggested that if the Senator from South Dakota wishes to say a few words I would withhold the point of order until he can be heard.

The VICE-PRESIDENT. The Chair recognizes the Senator from South Dakota upon the point of order.

Mr. KYLE. I merely wish to know by what rule the resolution must go to the Committee on Rules without first being considered here. I supposed that any current resolution was subject to the disposition of the Senate at any time.

Mr. SHERMAN. I should like to ask the Senator from South Dakota whether there is any rule which authorizes the sale of intoxicating liquors here during the recess. If not, the Senator's resolution is clearly in order, unless it seeks——

Mr. KYLE. I will read the rule for the benefit of the Senator from Ohio. Rule 10, on page 181 of the Manual, states:

> No spirituous liquors shall be sold, furnished, or kept in the restaurant.

Mr. SHERMAN. If no rule of the Senate allows liquors to be sold during the session or during the recess, then it is clearly in order to prohibit their sale, because such sale would be a violation of the rule. Any change of the rules, of course, requires a notice, etc.

Mr. GRAY. Under those circumstances the resolution would be for the enforcement of the rule.

Mr. SHERMAN. It would be for the enforcement of the rule.

Mr. KYLE. The resolution merely relates to the enforcement of the rule.

Mr. SHERMAN. I think it is clearly in order.

Mr. KYLE. I will state to the Senator from Connecticut [Mr. PLATT] that it would be my wish to enforce the rule during the three hundred and sixty-five days in the year. It has been tried heretofore, but as everybody in the Senate Chamber knows, it has been an absolute and flat failure. The late Senator from Kansas, Mr. Plumb, on August 18, 1890, offered a resolution to the effect that the rule should be enforced and that no intoxicating liquors should be sold. It was discussed on three or four different days, as I notice in the RECORD of that date, but was finally passed over and was not agreed to by the Senate.

Now, there are those in the Senate Chamber, of course, who may object to the abridgment of their privileges along this line. I do not wish to abridge any Senator's privileges with reference to the use of intoxicating drinks. He can use them in his own private house, in his own private committee room, or wheresoever he chooses, but I do not think it proper and I never have thought it proper that intoxicating liquors should be sold openly over the counter of the Senate restaurant. There is not a Senator in the Chamber to-day who does not know that liquors are sold and sold openly, not to members of this body alone—I make no charge against anybody—but sold openly to visitors to the Capitol, sold to the young men—almost boys—who are occupied in the Capitol, and to clerks to Senators. I have seen these things; you have seen them——

Mr. COCKRELL. I never have.

Mr. KYLE. I refer to some Senators who have seen the same thing. I do not refer to the Senator from Missouri.

Mr. COCKRELL. Some Senators may, but not all.

Mr. KYLE. I should like to see this practice stopped at once and for all time; but if we can not stop it during the session of the Senate, we certainly can stop it during the time of the recess of Congress, when nobody is left here perhaps except the clerks around the Capitol. I ask therefore for the consideration of the resolution, and I hope it may be agreed to.

Mr. GORMAN. Instead of the point of order, I shall move to refer the resolution to the Committee on Rules. I know how easy it is for Senators to pose in public and make a display of their personal virtues, or rather by introducing resolutions prevent other gentlemen from enjoying this life as they see proper. I happen to be one of the Senators who can, at all events, talk about and deal with the whisky question as one who does not understand the taste of liquor. I neither indulge myself nor encourage others to indulge, but I have never yet, in public or in private, and especially in public, imposed my tastes upon others and posed before the country as a special reformer, and then, as reformers frequently do, slip behind the door and take two or three private drinks.

The rules of the Senate prohibit the sale in this end of the Capitol of intoxicating liquors, and it is only a question of the enforcement of the rule.

Mr. KYLE. That is all, and that is all the resolution calls for.

Mr. GORMAN. But the Senator from South Dakota wants the sale to be winked at during the session of the Senate and prohibited during the recess. The rule says intoxicating liquors shall not be sold at all. The resolution proposes a modification, and a bad modification, of the rule.

Mr. KYLE. Will the Senator from Maryland vote to prohibit the sale during the whole year?

Mr. GORMAN. No vote is necessary. There is nothing necessary in this case except an opportunity to pose before the public. The rule is as perfect as it can be. If the rules are not enforced, it is the fault of those who are charged with their enforcement. If the Senator desires to reach the difficulty, let him ascertain who is the guilty party in the failure to enforce the rule and bring in his resolution condemning him. If the Senator has information, which I have not, that Senators have witnessed the sale of liquor to boys and other young people, it was his duty to report that fact to the Committee on Rules, who have charge of this matter, or to the proper officers of the body, and try and get a reform without this public display.

Mr. President, that is all there is in this case. I will change my motion, sir. I move that the resolution lie on the table.

The VICE-PRESIDENT. The point of order is withdrawn.

Mr. KYLE. On that motion I call for the yeas and nays.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maryland that the resolution lie on the table, on which the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. MCPHERSON. I suggest to the Senator from Maryland that it would be very proper to refer the resolution to the Committee on Rules for some investigation of the matter and for some proper enforcement of the rules of the Senate.

Mr. GORMAN. Very well; I will change my motion to gratify the Senator from New Jersey, and move to refer the resolution to the Committee on Rules.

Mr. PLATT. I understand the motion now is to refer the resolution to the Committee on Rules.

The VICE-PRESIDENT. That is the motion now made by the Senator from Maryland.

Mr. PLATT. I shall support that motion. I doubt whether there is any occasion for this resolution. As I understand it, when we go away from here the restaurant is practically closed up; that it is not kept open during the summer, and there is no necessity for the resolution. I think it is clearly to be seen that there is no necessity for it.

I desire to say a few words further. I think that this talk which we read in the papers, and which to some extent has been to-day reaffirmed by the Senator from South Dakota, to the effect that we have a bar in the Senate restaurant, and that liquors are sold over it indiscriminately, is very much exaggerated, if not untrue. The Senator from South Dakota said that, as all Senators know, intoxicating liquors are sold there. I do not know it, Mr. President. I never saw it. I have never stood about watching to see whether that is the case. I never drink liquors of any sort myself; and I do not know that a practice is made of selling liquors in the restaurant of the Senate wing of the Capitol. I know it is against the rules; and I believe if there had been any serious infraction of the rules, and the fact had been brought to the attention of the Committee on Rules, it would have been remedied.

Mr. KYLE. Mr. President, I wish to say just one word in answer. It is furthest from my thought to pose as a reformer along the line of prohibiting the sale of intoxicating drinks in the Senate wing of the Capitol. It has not been the habit of my life to pose in any sense of the word. I never have done so, and I do not propose to do so now; but I do think that if people wish to drink they can at least go to the nearest saloon, which is only a very few hundred feet away.

Mr. BUTLER. Why, Mr. President——

Mr. GRAY. How does the Senator from South Dakota know? [Laughter.]

The VICE-PRESIDENT. The Senate will be in order.

Mr. BUTLER (to Mr. KYLE). In which direction is the nearest saloon?

Mr. KYLE. The Senator from Delaware wishes to know how I know. If the Senator from Delaware will walk down Pennsylvania avenue, as I do very frequently for exercise, he will find that he can not pass perhaps three or four blocks from the Capitol without running against a drunken man at 6 or 7 o'clock at night. Those are facts.

Mr. MANDERSON. Mr. President, in order to relieve the mind of the Senator from South Dakota, I ask that the parts of Rules X and I, which I have marked, regulating the Senate wing, be read at the desk. Let the part of Rule X that is marked be read first.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

RULE X.

* * * * * * *

No spirituous liquors shall be sold, furnished, or kept in the restaurant.

RULE I.

* * * * * * * *

The Sergeant-at-Arms of the Senate, under the direction of the Presiding Officer, shall be the executive officer of the body for the enforcement of all rules made by the Committee on Rules, for the regulation of the Senate wing of the Capitol.

The VICE-PRESIDENT. The Senator from Nebraska is entitled to the floor.

Mr. MANDERSON. I simply desired to have the rule read.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maryland, that the pending resolution be referred to the Committee on Rules.

Mr. KYLE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called.) I am paired with the senior Senator from Michigan [Mr. MCMILLAN].

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. If he were here I should vote "nay."

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. FAULKNER (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present I should vote "yea."

Mr. GORDON (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

Mr. HIGGINS (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

Mr. MCLAURIN (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. DIXON].

Mr. MILLS (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were present I should vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called). Has the Senator from Wyoming [Mr. CAREY] voted?

The VICE-PRESIDENT. He has not voted.

Mr. MITCHELL of Wisconsin. I withhold my vote, being paired with that Senator.

Mr. PALMER (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH].

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE].

Mr. SMITH (when his name was called). I am paired with the junior Senator from Idaho [Mr. DUBOIS].

The roll call was concluded.

Mr. BERRY. I am paired with the Senator from Colorado [Mr. TELLER].

Mr. PALMER. By distinct reservation of my pair I am authorized to vote if my vote is necessary to make a quorum. I vote "nay."

Mr. MARTIN. I am paired with the senior Senator from Minnesota [Mr. WASHBURN], and therefore withhold my vote.

Mr. MITCHELL of Wisconsin. I transfer my pair with the Senator from Wyoming [Mr. CAREY] to the Senator from Indiana [Mr. VOORHEES], and vote "yea."

Mr. FAULKNER. I will vote to make a quorum. I vote "yea."

Mr. MCLAURIN. I have reserved the right to vote to make a quorum. I vote "nay."

Mr. CALL. I will vote to make a quorum. I vote "nay."

Mr. MITCHELL of Wisconsin (after having voted in the affirmative). I understand the Senator from Indiana [Mr. VOORHEES] is paired with the Senator from Montana [Mr. POWER]. I withdraw my vote.

The VICE-PRESIDENT. The vote of the Senator from Wisconsin is withdrawn.

The result was announced—yeas 30, nays 14; as follows:

YEAS—30.

Aldrich,	Cullom,	Mitchell, Oregon	Shoup,
Bate,	Faulkner,	Murphy,	Stewart,
Blackburn,	Gibson,	Pasco,	Vest,
Brice,	Gorman,	Perkins,	Vilas,
Butler,	Gray,	Platt,	Walsh,
Caffery,	Harris,	Pugh,	White.
Camden,	Hunton,	Quay,	
Cockrell,	Manderson,	Roach,	

NAYS—14.

Allison,	Gallinger,	Lindsay,	Peffer,
Call,	George,	McLaurin,	Sherman,
Chandler,	Jarvis,	Palmer,	
Dolph,	Kyle,	Patton,	

NOT VOTING—41.

Allen,	Gordon,	McMillan,	Smith,
Berry,	Hale,	McPherson,	Squire,
Blanchard,	Hansbrough,	Martin,	Teller,
Cameron,	Hawley,	Mills,	Turpie,
Carey,	Higgins,	Mitchell, Wis.	Voorhees,
Coke,	Hill,	Morgan,	Washburn,
Daniel,	Hoar,	Morrill,	Wilson,
Davis,	Irby,	Pettigrew,	Wolcott.
Dixon,	Jones, Ark.	Power,	
Dubois,	Jones, Nev.	Proctor,	
Frye,	Lodge,	Ransom,	

So the resolution was referred to the Committee on Rules.

INVESTIGATION BY THE COMMITTEE ON PATENTS.

Mr. CALL. I ask that the resolution proposing an investigation by the Committee on Patents, reported yesterday from the Committee on Contingent Expenses of the Senate, be laid before the Senate.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Patents have authority to sit during the recess of Congress and continue their session during said recess for the investigation of the proposed change of the patent laws, to send for persons and papers and take such evidence as they may think proper and necessary, and visit such places as they may think advantageous for gathering information upon the subject and report the same to Congress at the next session, and also authority to employ a stenographer and the necessary clerical assistance, to be paid out of the contingent fund of the Senate.

Mr. CALL. The resolution is recommended by the Committee on Patents unanimously. It was brought forward in response to a request from large numbers of people in the United States for radical changes in the patent laws. The committee are of the opinion that no such legislation should be attempted without a full consideration of the system of patents and of the persons interested in patents throughout the country. The petitions state that a vast amount of money is collected from the people of the United States under the existing laws relating to patents. The Bell Telephone patent system is under consideration, and several bills have been introduced in the House of Representatives looking indirectly to a continuance of the monopolies created under those patents. In view of this proposed legislation, affecting the entire system of patent laws, and the widespread feeling upon the subject, the committee are unwilling to undertake the investigation and to make recommendation without full conference with all the interests concerned.

I send to the desk for the information of the Senate a letter addressed to me from the former Commissioner of Patents, Hon. Mr. Butterworth, who was a member of Congress and is well known to the members of the Senate. I ask that his letter be read for the consideration of the Senate.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

WASHINGTON, D. C., *August 11, 1894.*

Hon. WILKINSON CALL,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I observe that you have asked permission of the Senate for the Committee on Patents to sit during vacation to investigate alleged abuses which have grown up under the patent system. I sincerely hope the Senate will grant the leave you ask, as the investigation you propose is of the first importance to the community.

The time has come when an end should be put to the opportunity of individuals and combines to use the United States courts and an old patent as agencies and the means to extort money from defenseless citizens. I say defenseless, for they are practically so, since there is no alternative left to them under a system that is practiced by certain combines in the country, except to pay tribute or submit to a greater wrong in the shape of paying ten times as much to resist the unjust exaction. The scheme adopted by the combines is fairly set out in the resolution introduced in the Senate by Senator WASHBURN and in the House by the Hon. JAMES W. COVERT, chairman of the Committee on Patents of the House.

The abuses complained of can be corrected without in anywise or to any extent impairing the usefulness and efficiency of the patent system.

I have, as Commissioner of Patents, and since, while engaged in the practice, observed these abuses grow until they have become unbearable, and are more dangerous to our patent system, unless corrected, than all the other influences put together that are arrayed against the patent law as it exists. The present Commissioner of Patents, Mr. Seymour, has taken hold of the office, as I believe, with a firm determination to correct any evils or abuses that may be found to exist, in so far as he can do so, by a modification or extension of existing rules. But the abuse we speak of, which has all the elements and characteristics of black mail, can only be corrected by legis-

lation, and there ought to be no delay in providing that much needed remedial measure.

I will be very willing to go before your committee and give them the result of my experience and observation, and render any assistance in my power in providing a thorough and complete remedy for the evils that have grown up under the patent system, and are a source of complaint throughout the entire country.

Very respectfully,

BENJ. BUTTERWORTH.

Mr. CALL. Mr. President——

Mr. GRAY. May I ask the Senator from Florida a question? As I understood the Senator, he alluded, as one of the subjects for the proposed investigation, to the matter of the issue of the Bell telephone patents. Did I understand him correctly?

Mr. CALL. Yes, sir.

Mr. GRAY. Does not the Senator know that those patents are now the subject of litigation in the United States courts at the instance of the Government; that those conflicting claims require a judicial settlement, and that nothing could be gained by an investigation before a committee except to help one side or the other in that contest? In a great deal that the Senator has said about the necessity for an investigation of the patent laws I am in sympathy with him.

Mr. CALL. The Senator from Delaware is right and he is wrong, as we frequently are. What I said was that several bills had been introduced, which are referred to in the letter of Mr. Butterworth, the former Commissioner of Patents, looking to the indirect extension of those patents, and that legislation is now pending, not in reference to the original right of the patentees, but continuing divers inventions subsidiary to the original patents, which it is claimed by Mr. Butterworth and others, and by petitions now before the Committee on Patents, will have the effect, whatever may be the legislation, of extending those patents. That is the question which is presented by the proposed legislation in part, and it is a question which requires investigation.

The Senator from Delaware may be right in reference to certain cases which are pending in litigation, and which are involved in the question, and the Commissioner of Patents may also be right in reference to the indirect effect of the bill now pending, proposing changes in the existing law. However that may be, the Committee on Patents have here given an expression of opinion which does not concern that inquiry. The patent system levies a vast amount of money upon the people of the United States every year. There is great discontent with it. It has distinguished merits. It has performed a great part in the civilization of the country and in its progress. In view of this fact, in order that there may be no action which is too radical, that it may be conservative and just, and at the same time do away with existing abuses, the Committee on Patents, after a full investigation, appreciating the magnitude of the subject, brought in the resolution which is before the Senate.

I may be permitted to say that this question is not less important than the tariff legislation which has attracted the attention of the country for so great a length of time. The annual imposition upon the people of this country by the patent laws, however beneficial they may be, will not be greatly less in amount than that levied by the tariff revenue system of the country, and the indirect effects are as great in the promotion of monopolies and syndicates.

Mr. President, this is a great interest; and yet, with the unanimous recommendation of the Committee on Patents, with the recommendation, as I understand from this letter, of the Commissioner of Patents, of the former Commissioner, a distinguished member of Congress from Ohio, and notwithstanding the vast public opinion soliciting this action, the two gentlemen who compose the Committee on Contingent Expenses, while they hold that it is sufficiently important to make a rule of five or six lines that permission should be given and the expense paid of the Committee on Rules sitting during a vacation, hold that this great public opinion concerning a question closely connected with the progress of civilization to-day does not demand an inquiry, and that the Committee on Patents shall not have the privilege of making this investigation.

It is manifest that it can not be made during the coming short session of Congress. It is known that a great public opinion throughout the country is attacking the patent system and the existing laws, and it is only reasonable and fair and just to patentees and to the system which is intended to encourage invention that there should be a full hearing accorded to them.

Now, upon the question of expense, I wish to say a few words. It is less expensive for five or six Senators to attend at a particular place than to bring to the Capitol from a distance forty or fifty or a hundred persons in a prolonged inquiry upon this subject. The resolution is in the interest of economy, and it can not be sat down upon by saying they are to be a peripatetic and wandering committee. When such committees properly discharge their duty they are less expensive and more beneficial to the country than inquiries held at the Capitol with the expense of numerous witnesses summoned here. I hope the resolution will pass.

Mr. CHANDLER. I move to amend the resolution by striking out the words "the proposed change" and inserting "proposed changes," and by inserting, after the words "patent laws," the words "and of all bills concerning patents pending in Congress."

Mr. CALL. I have no objection to that amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER.]

The amendment was agreed to.

Mr. CAMDEN. Mr. President, I desire to speak in behalf of the Committee on Contingent Expenses. The committee have no desire whatever to antagonize the wishes of the Senator from Florida, but the appropriation for the purpose of paying the expenses of investigations by committees is limited. The proposition is to incur a large expenditure by going over the country to investigate the operation of the patent laws, when, in the opinion of the Committee on Contingent Expenses, the matter can be just as well investigated at the Capitol. Therefore, the contingent fund of the Senate not being large enough to meet all the demands upon it, the committee reported adversely on this particular resolution.

Mr. CHANDLER. Mr. President, this is almost the first time that I ever knew a resolution of this kind opposed on the ground that the United States could not afford to make the investigation. The usual course has been to allow committees of this body to decide for themselves whether an investigation during the recess would be advisable and beneficial, and the judgment of the committee has usually been accepted by the Senate. Now, the Committee on Patents state that the proposed changes in the patent laws require investigation, and in their judgment such investigation as they can not give during the present session nor in season for action upon bills to be brought forward at the coming short session of Congress. I submit that unless we wish to discredit our committee we can afford to trust the committee to make the proposed investigation.

I doubt if the Committee to Audit and Control the Contingent Expenses of the Senate have made a careful inquiry as to the purposes of this investigation; indeed, the Senator from West Virginia did not say that he had. He stated that the Government was too poor to make this investigation. I submit if the Committee on Patents is to be trusted as to its judgment that the investigation ought to be made, then the investigation should go forward, and the United States and the Senate will manage to find some way to pay the necessary bills. I do not know what expenditures the Senator from Florida expects will be made necessary; I do not know whether he expects that there will be a large expenditure for this purpose.

The Senator from West Virginia did not name any particular sum, but seemed to be apprehensive that extravagant expenditures were to be indulged in. I am not myself afraid that such will be the case. The chairman of the Committee on Patents is a member of the Committee on Appropriations and understands the policy of that committee, both concerning expenditures and the restriction of expenditures, and he would not propose an investigation, the expenses of which would run counter to the general policy of that committee. Therefore it seems to me that there ought not to be an objection to the passage of the resolution.

Mr. ALDRICH. I ask that the resolution may be read as amended in order that we may know what it is.

The VICE-PRESIDENT. The resolution as amended will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Patents have authority to sit during the recess of Congress and continue their session during said recess for the investigation of proposed changes of the patent laws, and of all bills concerning patents pending in Congress, to send for persons and papers and take such evidence as they may think proper and necessary, and visit such places as they may think advantageous for gathering information upon the subject and report the same to Congress at their next session, and also authority to employ a stenographer and the necessary clerical assistance, to be paid out of the contingent fund of the Senate.

Mr. ALDRICH. I should like to ask the Senator from New Hampshire—I do not know whether or not he is a member of the Committee on Patents—as the champion of this resolution, what necessity there is for visiting places throughout the United States to ascertain the effect of patent laws? It seems to me that if the Senator from Florida and his associates desire to visit the watering places or anywhere else in the United States they should say so frankly and plainly, and not ask for the passage of a resolution in this form for that purpose.

It seems to me the city of Washington is the proper place to investigate this question, if anywhere, because the Patent Office is the place to learn the effect of the patent laws; all the

eminent patent lawyers are here, and if any place in the United States is the proper place it is the city of Washington. I see no reason for that part of the resolution, and I hope the Senator from New Hampshire will explain why it is necessary.

Mr. JONES of Arkansas. Mr. President——

Mr. CALL. I hope the Senator from Arkansas will allow me a moment, as an inquiry has been addressed to me.

Mr. JONES of Arkansas. Very well.

Mr. CALL. The Senator from Rhode Island has no right to assume nor to say that this resolution is intended to enable the committee to go to any watering place. That is a pure assumption and imagination of his. I remember, however, some years ago when the Senator spent nearly a whole summer at a watering place in the investigation of proposed changes in the tariff law, and I remember many such occasions, one where the Committee on Rules regaled themselves at a watering place for the purpose of determining what should be the rules of the Senate, and I remember that the Committee on Contingent Expenses have at this session and within the last day or two recommended that the Committee on Rules, of which I believe the Senator from Rhode Island is a member and has been for many years, should be allowed to sit during the recess, and a discretion given them as to where they should go or what they should do.

Now I will answer the Senator's question. As to so great an interest as that dependent upon the patent laws, which have been of such vast benefit to the civilization of the day, but which levy a greater tribute upon the people of the United States today than the Senator's pet tariff system does, before the committee undertake to recommend a radical change in the patent laws, which is demanded by existing legislation, shortening the patent life and providing for the condemnation by the Government and the purchase of patents in certain cases, it is important that the people who are interested in these patents should be permitted to express their views, opinions, and recommendations to the committee. How are they to do it? How are those who are not rich men, the poor inventors of the country, to do it unless they are summoned here?

Does the Senator desire to suppress the inventive intellect of the poor people of this country by such flings as that Senators will go to watering places, instead of performing their duty? Why should not this committee go where the brains of the poor people are inventing the wonderful changes in mechanical forces that are now being made in the great centers of thought and activity and summon them to come before that committee and express their opinions? Inventors are poor; they do not derive the benefits of their inventions; it is the moneyed men, the rich, the capitalists who take from the poor man his brains and the great thoughts which he contributes to civilization.

Sir, there is no more important subject than that of a proper encouragement of the inventive faculties of the country. There is no more important thing for any committee of this body to do than to place themselves in contact with the living thought of the people upon this subject; and as a matter of economy it is far cheaper to go to those people than it is to bring them here. They constitute thousands and tens of thousands of the 70,000,000 people in this country; they are to be found in New York, in Chicago, in Boston, and in the great centers of manufacturing industry; and it is the duty of this body, if they sympathize with the progress of intellect and of discovery, and the subjection of the mechanical forces to the uses of man—it is the duty of this body, if they are up with the spirit of the age, to see how best this inventive faculty can be encouraged and protected. That is the object of this recommendation, unanimously made by the Committee on Patents, and not to go, as my friend has done heretofore, to Bar Harbor or some other pleasant place.

Mr. JONES of Arkansas. Mr. President, as a member of the Committee to Audit and Control the Contingent Expenses of the Senate, I agreed with the chairman in an adverse report on this resolution. I did so because I understood the proposition was to examine the patent laws. I do not know a better place to examine laws than in Washington City, where there is more ready access to all the laws that I imagine can be found anywhere in this country. I can see no necessity for a committee being authorized to have a stenographer and to travel over the country to find out what the patent laws are. If they ought to be changed it seems to me all that is necessary to be ascertained can be done in the committee room here as well as it can be anywhere else on the face of the earth.

I can understand when a matter of fact is to be found out, when something not in the written laws of the land is desired to be known, that a committee might be sent to investigate the facts. A committee was sent some time ago to investigate some troubles which occurred at Pittsburg. I can understand why the Committee on Interstate Commerce might be sent to investigate facts bearing upon certain questions which would come within the jurisdiction of that committee, so that it could make a personal examination on the ground to obtain an understanding of the facts.

Mr. GRAY. Matters that are local.

Mr. JONES of Arkansas. Matters that are local; but why there could be any reason for a committee investigating the question of a change in the law to be sent out to make the investigation is absolutely beyond my comprehension and imagination. The Senator from Florida has cited an instance in the argument he has just made which perhaps might justify it. He says there have been instances where committees have gone to watering places to make such investigations. If such has been the fact I hope it will not occur again, and I hope it will not occur when this Senate is in session, and I shall not be a party to making it possible that any committee shall discharge any sort of duty in that way.

The Senator from Florida makes some criticism of the fact that the Committee to Audit and Control the Contingent Expenses of the Senate has reported favorably a proposition for the Committee on Rules to sit in Washington in vacation.

Mr. CALL. I beg the Senator's pardon. I did not say anything about that.

Mr. JONES of Arkansas. The resolution which the Senator from Florida introduced is in the following language:

> That the Committee on Patents have authority to sit during the recess of Congress and continue their session during said recess for the investigation of proposed changes of the patent laws and of all bills concerning patents pending in Congress.

There is no objection to the committee having all the time necessary to make this investigation, but the resolution proceeds:

> To send for persons and papers, and take such evidence as they may think proper and necessary.

This is not to ascertain a fact, but simply to hunt up somebody who it may be supposed wants to make an argument about the patent laws. If any suggestions are to be made by people interested in the patent laws the mails are open, and they can easily reach the committee, as such arguments are made daily from all sections of the country in other matters which affect the general public. But here is another branch of the resolution:

> And visit such places as they may think advantageous for gathering information upon the subject and report the same to Congress at the next session, and also authority to employ a stenographer and the necessary clerical assistance, to be paid out of the contingent fund of the Senate.

I can see no necessity for the adoption of this resolution. After a careful consideration on the part of the Committee to Audit and Control the Contingent Expenses of the Senate there was no difference of sentiment among us. We believed there was no necessity for the resolution, and we reported it adversely to the Senate, and I hope the Senate will express itself positively upon the subject.

Mr. MANDERSON. I desire to call the attention of the Senator from Arkansas to the terms of the resolution offered by the Senator from Kentucky [Mr. BLACKBURN], the chairman of the Committee on Rules. That resolution provided that "the Committee on Rules are authorized to sit during the coming vacation." The resolution does not limit the place nor does it say, as does this resolution, "at any place they may see fit."

As one member of the Committee on Rules, I desire to say that I see no necessity for that committee sitting anywhere except here at the Capitol. I do not know that it ever performed a duty elsewhere, but certainly under this resolution there would be no session anywhere except in this city.

Mr. JONES of Arkansas. I stated a moment ago that the resolution we reported authorizing the Committee on Rules to sit during the vacation was an authorization to sit here, and I think the provision was made that it should. I so understood it. I have no objection to that. I believe it is proper and right that they should sit and make an examination of our rules. We reported that resolution favorably, and we reported the other adversely.

Mr. MANDERSON. I think, unless some authority is given in the resolution to sit elsewhere than at the Capitol, it would be confined to the Capitol.

Mr. JONES of Arkansas. I should think so.

Mr. HARRIS. Mr. President, as reference has been made to the fact that the Committee on Rules many years ago met at a place other than the Capitol, I simply desire to state this fact, for I was then as now a member of that committee. A number of years ago—I do not remember exactly the date—when the honorable Senator from Maine [Mr. FRYE] was chairman of the Committee on Rules, the committee undertook to revise the rules of the Senate, and did revise them, during the recess of Congress, a revision which is now in force, so far as it was afterwards agreed to by the Senate. The Senator from Florida referred to the Senator from Rhode Island as a member of that committee. I do not think he was at that time.

Mr. ALDRICH. I was not a member of the committee at that time.

Mr. HARRIS. But I remember the fact that the Senator from Maine, then chairman of the committee, the committee being authorized to sit during the recess of Congress, summoned me as a member of the committee to a meeting at Bar Harbor, and I went there. But the Senator from Maine and myself, my recollection is, were the only members of the committee who met there. I think I remained there a couple of days and returned to the capital. The revision of the rules was made here. That is the whole story so far as Bar Harbor is concerned.

Mr. CHANDLER. Mr. President, the Senator from Rhode Island alluded to me as the champion of this resolution. I disclaim that title. He also asked me if I were a member of the Committee on Patents. I am not a member of the Committee on Patents. I made two points in my brief remarks which caused the Senator from Rhode Island to again develop himself in this Chamber. One was that the Government of the United States was not so poor that it could not pay the bills of this committee if the Senate deemed it important that they should do the work specified in the resolution. I still adhere to that opinion, and I do not think any member of the Senate will dispute the truth of that proposition.

Mr. MITCHELL of Oregon. Will the Senator from New Hampshire allow me to ask him a question?

Mr. CHANDLER. Certainly.

Mr. MITCHELL of Oregon. Which side of this proposition is the Senator on?

Mr. CHANDLER. I advocated the passage of the resolution, but I did not assume to be a champion of it. I would not have said that a speech which I made in its behalf constituted me its champion any more than I would say the Senator from Rhode Island had championed a resolution simply because he made a speech in its behalf, because, instead of resulting in its passage, it might, as it usually does when the Senator speaks, result in its defeat. [Laughter.]

In answer to the Senator from Oregon, who interrupted me when I reached my second point, I will make that point again and call it to his attention. All that I said in addition was that the Senate ought to be able to trust its committee. I spoke simply in behalf of the fair and reasonable treatment of a committee of this body. I do not know who constitute the membership of that committee. I did not know at the time that the Senator from Florida was the chairman of the committee, although I presume he is; but I simply said that when, in the orderly conduct of business in the Senate, a committee of the body states that there is work before it, that there is proposed legislation before Congress, and asks that it may have leave to sit in vacation and attend to that business, the Senate ought, in common courtesy, unless it wishes to put a stigma of condemnation upon the committee, to grant the power and leave it to the discretion of the committee to decide where it shall sit.

Mr. President, if this committee can not be trusted to determine that this investigation ought to be made, let us blot the committee from our list of committees; if it can not be trusted to stay where it ought to stay and go where it ought to go, and nowhere else in making the investigation, then let us strike it from the list of committees. But in every case I have ever known come before the Senate where a committee of this body has deliberately decided that its duties require that it should make an investigation of this kind, the request never has been refused. I simply say that we ought to accord to this committee the same privileges and the same weight in this body as has heretofore been accorded to other committees.

Mr. CALL. Mr. President, the argument of the Senator from Arkansas [Mr. JONES] very clearly shows, whatever may be the vote of the Senate upon this resolution, the propriety and the wisdom of it, and if he had addressed himself to the task of showing this in his remarks, he could not have reached it more clearly.

The Senator says that the resolution simply proposes to investigate changes in the existing patent laws, and all that it is necessary to do is to read the laws. The opinions of the great body of people interested in the matter, their mind, and their intellect he considers to be nothing.

The wishes of a great body of people protesting against these monopolies and asking for changes, and the desire of the committee not to make these changes without inquiry of those who are directly interested in them and give them an opportunity of argument, the Senator from Arkansas does not appreciate. He does not regard the fact that the great body of the inventors of this country are not literary people. He does not know that these great inventions come from the brains of the poor, of the energies and the manhood which live at the bottom of society. No, they must use the mails, though they may scarcely ever have written an essay or a treatise. Mechanics in the workshops of the country are not, in the opinion of the Senator from Arkansas, to be entitled to the privileges of investigation and inquiry into their ideas.

Mr. President, this will not do. This is a great question. The patent system is one upon which the pillars of civilization rest, and ought to be treated in reference to the character of the people from whom these inventions and discoveries come. They are the poor people of the country, the engineers upon the locomotives and the mechanics in the workshops; they are the people whose ideas ought to be inquired into, and this committee should go where they are.

Mr. President, how do these objections come from these two gentlemen who compose this committee, opposing seven members of the Committee on Patents who have asked for this investigation upon the request of all the Western States and many of the Middle States? How much money has the Senator from Arkansas expended in his tariff inquiries? Thousands and tens of thousands of dollars beyond the one or two thousand dollars which the Committee on Patents would have expended in investigating this subject. Witness after witness has been summoned, our corridors have been crowded, expense after expense has been incurred, and now the Senator gets up here and says that this committee, charged with the revision of the entire patent system and its revolution, shall not have one or two thousand dollars. Fresh from an inquiry in which the consumers of the whole country have been summoned to present their views and opinions upon these different subjects, the Senator objects to this resolution.

So in the tariff investigation which took place years ago, it was held at a convenient place. I do not object to it. I defend it. I am not governed by these small ideas that to save a penny and to lose a pound is wise policy. This is a country of progress, and it is a country where the people are to be considered, and where we recognize the fact that from the brains of the poor, and not those of the rich, great ideas and inventions come.

Mr. President, I have discharged my duty. I do not know that the committee would have found time or opportunity to have gone to any place outside of the city of Washington. I am indifferent myself to the matter, but I believe that something is due to this committee, to the great system of patent law, to the inventors, and to public opinion, which complains of the crying monopolies of the patent system.

Mr. COCKRELL. Mr. President, the Senate will remember that some years ago a very thorough investigation and inquiry was made by the Committee on Patents. Patent attorneys and inventors from all over the country came here and made their arguments, and all that matter is in print. A very elaborate report was prepared and made to the Senate, and discussed here. What necessity can there be for the Committee on Patents going all over the country and examining this man who is an inventor and that man who is an inventor? Forty thousand inventions every year are patented. Why hunt up forty thousand people throughout the length and breadth of the United States and consult them as to what the patent laws ought to be?

Mr. CALL. Have they not a right to be consulted?

Mr. COCKRELL. What good would result from consulting 40,000 claimants for patents scattered all over the United States who rely upon their attorneys for the transaction of their business? Every particle of information which is of any utility to the Committee on Patents can be obtained inside of the corporate limits of the District of Columbia. There is no occasion for them to go elsewhere.

It is no discrimination against the Committee on Patents to refuse to adopt this resolution. The Committee on Commerce have had a similar resolution before the Committee to Audit and Control the Contingent Expenses of the Senate, which has been reported adversely.

It is time for the Senate to call a halt upon these peripatetic committees going all over the country hunting up Tom, Dick, and Harry to procure evidence, then presenting a report which never amounts to anything, wasting our contingent-expense fund, and placing upon committees here the unpleasant duty of making contests before the representatives of another body as to whether such expenses shall be allowed or not.

I move to lay the resolution on the table.

Mr. CALL. On that I ask for the yeas and nays.

The VICE-PRESIDENT. The question is on the motion of the Senator from Missouri to lay the pending resolution on the table, on which the yeas and nays are demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I am paired with the senior Senator from Michigan [Mr. MCMILLAN].

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. If he were present I should vote "nay."

Mr. GIBSON (when his name was called). I am paired with the junior Senator from Michigan [Mr. PATTON], and withhold my vote in his absence.

Mr. GRAY (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM].

Mr. MCLAURIN (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON]. I transfer my pair to the Senator from South Carolina [Mr. IRBY], and vote "yea."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. MILLS (when his name was called). I am paired with the Senator from Maine [Mr. FRYE].

Mr. PASCO (when his name was called). I am paired for to-day with the Senator from Connecticut [Mr. HAWLEY]. In his absence I withhold my vote.

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. SHOUP (when his name was called). I am paired with the senior Senator from California [Mr. WHITE].

Mr. SMITH (when his name was called). I am paired with the junior Senator from Idaho [Mr. DUBOIS].

Mr. TURPIE (when his name was called). I inquire whether the Senator from Minnesota [Mr. DAVIS] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. TURPIE. I withhold my vote, being paired with the senior Senator from Minnesota.

The roll call was concluded.

Mr. GEORGE. I will vote in order to make a quorum. I vote "nay."

Mr. BUTLER (after having voted in the negative). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. I therefore withdraw my vote.

Mr. PASCO. I desire to announce that the Senator from Indiana [Mr. VOORHEES] is paired with the Senator from Montana [Mr. POWER]. I make this announcement for the day.

Mr. QUAY. I have a general pair with the Senator from Alabama [Mr. MORGAN], but in order to make a quorum I will vote. I vote "nay."

Mr. DOLPH. I have agreed to pair with the junior Senator from Nebraska [Mr. ALLEN].

Mr. BLANCHARD. Under the terms of my pair I am permitted to vote to make a quorum. I vote "nay."

Mr. MARTIN. I am paired generally with the junior Senator from Minnesota [Mr. WASHBURN], but have reserved the right to vote to make a quorum. I vote "nay."

Mr. SMITH. I have authority from my pair to vote in order to make a quorum. I vote "nay."

The result was announced—yeas 20, nays 25; as follows:

YEAS—20.

Aldrich,	Camden,	Higgins,	Sherman,
Berry,	Cockrell,	Hunton,	Stewart,
Blackburn,	Coke,	Jarvis,	Vest,
Brice,	Gorman,	Jones, Ark.	Vilas,
Caffery,	Harris,	McLaurin,	Walsh.

NAYS—25.

Bate,	Hansbrough,	Murphy,	Roach,
Blanchard,	Kyle,	Palmer,	Shoup,
Call.	Lindsay,	Peffer,	Smith,
Carey,	Manderson,	Perkins,	White.
Chandler,	Martin,	Pettigrew,	
Gallinger,	Mitchell, Oregon	Platt,	
George,	Mitchell, Wis.	Quay,	

NOT VOTING—40.

Allen,	Faulkner,	Jones, Nev.	Proctor,
Allison,	Frye,	Lodge,	Pugh,
Butler,	Gibson,	McMillan,	Ransom,
Cameron,	Gordon,	McPherson,	Squire,
Cullom,	Gray,	Mills.	Teller,
Daniel,	Hale,	Morgan,	Turpie,
Davis,	Hawley,	Morrill,	Voorhees,
Dixon,	Hill,	Pasco,	Washburn,
Dolph,	Hoar,	Patton,	Wilson,
Dubois,	Irby,	Power,	Wolcott.

So the Senate refused to lay the resolution on the table.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 7971) to exempt from duty sugars, molasses, etc.

Mr. MANDERSON. Mr. President——

Mr. CALL. I ask unanimous consent that the Senate take a vote on agreeing to the resolution proposing an investigation by the Committee on Patents.

Mr. BERRY. I object.

The VICE-PRESIDENT. There is objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes; insisted upon its disagreement to the amendments of the Senate numbered 127 and 128 to the said bill and agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRECKINRIDGE of Kentucky, Mr. SAYERS, and Mr. CANNON of Illinois, managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 1007) to authorize the Commissioners of the District of Columbia to appoint a deputy coroner, and for other purposes.

FREE SUGARS, ETC.

The VICE-PRESIDENT. The unfinished business, being the bill (H. R. 7971) to exempt from duty sugars, molasses, etc., is before the Senate.

Mr. ALDRICH. I send up an amendment which I intend to offer to the pending bill, and I ask that it may be read for information, and printed.

Mr. MANDERSON. Before the amendment is read, I beg leave to suggest that the unfinished business is not House bill 7971, to exempt from duty sugars, etc., but the unfinished business is the motion to refer the bill, after the second reading and before it is placed upon the Calendar, to the Committee on Finance. The unfinished business is the motion, and not the bill.

Mr. ALDRICH. That is right.

Mr. GRAY. The bill has been read the second time.

The VICE-PRESIDENT. The pending question is upon the motion of the Senator from Tennessee [Mr. HARRIS].

Mr. MANDERSON. That is the unfinished business.

The VICE-PRESIDENT. To refer the bill to the Committee on Finance.

Mr. ALDRICH. I ask that the amendment which I have offered may be read for information.

The VICE-PRESIDENT. The amendment proposed by the Senator from Rhode Island will be read for information.

The SECRETARY. Amend House bill 7971 by adding as an additional section:

SEC. —. That the act entitled "An act to reduce taxation, provide revenue for the Government, and for other purposes," be, and the same is hereby, repealed.

Mr. MANDERSON. I beg leave to send forward an amendment which I intend to propose to the bill when it is up for consideration. I ask that it may be read.

The VICE-PRESIDENT. The Secretary will read the amendment intended to be proposed by the Senator from Nebraska.

The SECRETARY. At the end of the bill insert the following proviso:

Provided, however, That until July 1, 1905, the provisions of the act entitled "An act to reduce revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, authorizing the issue of licenses to produce sugar and for the payment of a bounty to the producers of sugar from beets, sorghum, or sugar cane grown in the United States, or from maple sap produced within the United States, contained in paragraphs 231, 232, 233, 234, 235, and 236 of said act, shall continue in full force and effect, and said sections of said act are hereby reënacted.

Mr. MANDERSON. I also send forward an amendment which I intend to propose to the bill when it shall be up for consideration. I ask that it may be printed and lie on the table. I do not care about its being read.

The VICE-PRESIDENT. The amendments submitted by the Senator from Nebraska will be printed and laid on the table.

Mr. BERRY. Let the question be taken on the motion to refer.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Tennessee [Mr. HARRIS] to refer.

Mr. QUAY. I ask that the motion of the Senator from Tennessee be stated. My recollection of the motion is that it covered not only the pending bill, but the other three bills, one of which places iron ore, another coal, and another barbed wire on the free list.

Mr. HARRIS. My motion is to refer to the Committee on Finance the bill proposing to put sugars on the free list. I have given notice of a similar motion as to the other bills; indeed, in the form in which I first made the motion it was to refer the four bills——

Mr. QUAY. That was my understanding.

Mr. HARRIS. But according to parliamentary usage the motion must be made in respect to each bill, and inasmuch as the Senator from Arkansas [Mr. BERRY] made a motion with regard to the sugar bill, I apply my motion to that bill at present.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Tennessee to refer the bill to the Committee on Finance.

Mr. BERRY. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KYLE (when Mr. ALLEN'S name was called). I wish to state that the Senator from Nebraska [Mr. ALLEN] is paired on this question with the Senator from Oregon [Mr. DOLPH].

Mr. BERRY (when his name was called). I have a general pair with the Senator from Colorado [Mr. TELLER], but on the question of free sugar the Senator from Colorado and I agree. I therefore vote "nay."

Mr. BLANCHARD (when his name was called). I have a pair with the senior Senator from Michigan [Mr. MCMILLAN]. I understand that if he were present he would vote "yea." I am therefore entitled to vote, as he would vote the same way. I vote "yea."

Mr. BUTLER (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. CAMERON]. I am informed by his colleague [Mr. QUAY] that the senior Senator from Pennsylvania would vote "yea" on this proposition, and I will therefore vote. I vote "yea."

Mr. QUAY (when Mr. CAMERON'S name was called). I desire to announce that on this question my colleague [Mr. CAMERON] is paired with the Senator from Oregon [Mr. MITCHELL]. If my colleague were present he would vote "yea."

Mr. PALMER. I rise to inquire as to the state of the question.

Mr. ALDRICH. That is not in order.

Mr. PALMER. I supposed a parliamentary inquiry was always in order.

Mr. ALDRICH. Nothing in the nature of debate is in order during a roll call.

Mr. PALMER. I rose to inquire whether this particular motion supersedes the amendment offered by the Senator from Arkansas [Mr. JONES] yesterday?

Mr. HARRIS. Necessarily.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Tennessee [Mr. HARRIS] to refer the pending bill to the Committee on Finance.

Mr. PALMER. The pending bill and the amendments proposed by the Senator from Arkansas and other Senators?

Mr. MILLS. The amendments go with the bill.

Mr. MANDERSON. All the amendments go with the bill.

Mr. HARRIS. All amendments will necessarily accompany the bill.

The VICE-PRESIDENT. The Secretary will proceed with the roll call.

The Secretary resumed the call of the roll.

Mr. DOLPH (when his name was called). The announcement has already been made that on this vote I am paired with the junior Senator from Nebraska [Mr. ALLEN].

Mr. HILL (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. LODGE]. I should like to inquire of the other side how he would vote on this question?

Mr. ALDRICH. The junior Senator from Massachusetts undoubtedly would vote "yea" if he were present.

Mr. HILL. I should vote "nay" if he were here. I therefore withhold my vote.

Mr. MCLAURIN (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. DIXON] to the junior Senator from South Carolina [Mr. IRBY], and vote "nay."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I do not know how he would vote, and therefore withhold my vote. If he were present I should vote "nay."

Mr. MARTIN (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. WASHBURN], who is not present. I do not know how he would vote, and therefore withhold my vote.

Mr. MILLS (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were here I should vote "nay."

Mr. MITCHELL of Oregon (when his name was called). On this question I am paired with the senior Senator from Pennsylvania [Mr. CAMERON]. If he were here I should vote "nay" and he would vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present I should vote "nay," and I am told by his colleague that he would vote "yea."

Mr. PUGH (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. HOAR]. I should like to be informed, if anyone can tell me, how he would vote if present.

Mr. ALDRICH. I will take the authority of saying that the senior Senator from Massachusetts would vote "yea" if he were present.

Mr. PUGH. Then I will vote. I vote "yea."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN], but I am informed that upon this question he would vote "yea," and I will therefore vote. I vote "yea."

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. If he were here he would vote "yea" and I should vote "nay."

Mr. SMITH (when his name was called). I am paired with the junior Senator from Idaho [Mr. DUBOIS]. If he were present he would vote "nay" and I should vote "yea."

The roll call was concluded.

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR].

Mr. DAVIS (after having voted in the affirmative). I am paired with the Senator from Indiana [Mr. TURPIE], and withdraw my vote.

Mr. RANSOM. I suggest to the Senator from Minnesota that we transfer our pairs, so that we may both vote, if that is agreeable to the Senator from Minnesota. Then the Senator from Maine [Mr. HALE], with whom I am paired, will stand paired with the Senator from Indiana [Mr. TURPIE], with whom the Senator from Minnesota [Mr. DAVIS] is paired.

Mr. DAVIS. All right.

Mr. RANSOM. I vote "nay."

Mr. DAVIS. I vote "yea."

The result was announced—yeas 32, nays 17; as follows:

YEAS—32.

Aldrich,	Cullom,	Higgins,	Pettigrew,
Allison,	Davis,	Jones, Ark.	Platt,
Blanchard,	Faulkner,	Kyle,	Pugh,
Brice,	Gallinger,	Manderson,	Quay,
Butler,	Gibson,	Murphy,	Roach,
Caffery,	Gorman,	Patton,	Sherman,
Camden,	Hansbrough,	Peffer,	Shoup,
Chandler,	Harris,	Perkins,	Stewart.

NAYS—17.

Bate,	George,	McLaurin,	Vilas,
Berry,	Gray,	Mitchell, Wis.	White.
Blackburn,	Hunton,	Palmer,	
Cockrell,	Jarvis,	Ransom,	
Coke,	Lindsay,	Vest,	

NOT VOTING—36.

Allen,	Gordon,	McPherson,	Smith,
Call,	Hale,	Martin,	Squire,
Cameron,	Hawley,	Mills,	Teller,
Carey,	Hill,	Mitchell, Oregon	Turpie,
Daniel,	Hoar,	Morgan,	Voorhees,
Dixon,	Irby,	Morrill,	Walsh,
Dolph,	Jones, Nev.	Pasco,	Washburn,
Dubois,	Lodge,	Power,	Wilson,
Frye,	McMillan,	Proctor,	Wolcott.

So the bill was referred to the Committee on Finance.

Mr. BLANCHARD. I wish to inquire whether the amendments which have been offered will be referred with the bill to the Committee on Finance.

The VICE-PRESIDENT. They will be so referred.

Mr. BLANCHARD. I merely wished to have it understood.

Mr. HARRIS. Necessarily the amendments which have been read at the desk will go with the bill.

The VICE-PRESIDENT. The amendments will be referred to the Committee on Finance in connection with the bill.

FREE COAL AND COKE.

Mr. HARRIS. I move that the bill (H. R. 7968) to place upon the free list bituminous coal, shale, slack, and coke, be referred to the Committee on Finance.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Tennessee to refer the pending bill to the Committee on Finance.

Mr. MILLS. Let us have the yeas and nays on the question.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KYLE (when Mr. ALLEN'S name was called). I understand that the Senator from Nebraska [Mr. ALLEN] is paired on this question with the Senator from Oregon [Mr. DOLPH].

Mr. BERRY (when his name was called). I have a general pair with the Senator from Colorado [Mr. TELLER]. If he were present I should vote "nay."

Mr. BLANCHARD (when his name was called). I am paired with the senior Senator from Michigan [Mr. MCMILLAN]. I understand that if he were present he would vote "yea," and I will therefore vote. I vote "yea."

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR].

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. The Senator from North Carolina [Mr. RANSOM] is paired with the Senator from Maine [Mr. HALE]. Our pairs have been transferred, so that the Senator from Maine [Mr. HALE] stands paired with the Senator from Indiana [Mr. TURPIE] and I will vote. I vote "yea."

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE]. If he were present he would vote "yea" and I should vote "nay."

Mr. MCLAURIN (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. DIXON] to the Senator from South Carolina [Mr. IRBY] and vote "nay."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he were present I should vote "nay."

Mr. MILLS (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were present I should vote "nay" and he would vote "yea."

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Connecticut [Mr. HAWLEY].

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. The Senator from Minnesota [Mr. DAVIS] is paired with the Senator from Indiana [Mr. TURPIE]. We have transferred our pairs. I vote "nay."

Mr. SMITH (when his name was called). I am informed by the senior Senator from Idaho [Mr. SHOUP] that if his colleague [Mr. DUBOIS], with whom I am paired, were here he would vote in the affirmative. I will therefore vote. I vote "yea."

The roll call was concluded.

Mr. BERRY. I transfer my pair with the Senator from Colorado [Mr. TELLER] to the Senator from Nebraska [Mr. ALLEN], who is paired with the Senator from Oregon [Mr. DOLPH], so that the Senator from Oregon and I can vote. I vote "nay."

Mr. DOLPH. I vote "yea."

Mr. BUTLER. I have a general pair with the Senator from Pennsylvania [Mr. CAMERON]. May I inquire of the junior Senator from Pennsylvania [Mr. QUAY] how his colleague would vote on this proposition?

Mr. QUAY. If my colleague were present he would vote "yea" on all these motions to refer.

Mr. BUTLER. Then I will vote. I vote "yea."

The result was announced—yeas 35, nays 17; as follows:

YEAS—35.

Aldrich,	Dolph,	Jones, Nev.	Platt,
Allison,	Faulkner,	Kyle,	Pugh,
Blanchard,	Gallinger,	Manderson,	Quay,
Brice,	Gibson,	Mitchell, Oregon	Roach,
Butler,	Gorman,	Murphy,	Sherman,
Caffery,	Hansbrough,	Patton,	Shoup,
Chandler,	Harris,	Peffer,	Smith,
Cullom,	Higgins,	Perkins,	Stewart.
Davis,	Jones, Ark.	Pettigrew,	

NAYS—17.

Bate,	George,	McLaurin,	Vilas,
Berry,	Gray,	Mitchell, Wis.	White.
Blackburn,	Hunton,	Palmer,	
Cockrell,	Jarvis,	Ransom,	
Coke,	Lindsay,	Vest,	

NOT VOTING—33.

Allen,	Gordon,	Martin,	Turpie,
Call,	Hale,	Mills,	Voorhees,
Camden,	Hawley,	Morgan,	Walsh,
Cameron,	Hill,	Morrill,	Washburn,
Carey,	Hoar,	Pasco,	Wilson,
Daniel,	Irby,	Power,	Wolcott.
Dixon,	Lodge,	Proctor,	
Dubois,	McMillan,	Squire,	
Frye,	McPherson,	Teller,	

So the bill was referred to the Committee on Finance.

FREE IRON ORE.

Mr. HARRIS. I move that the bill (H. R. 7969) to place upon the free list all ores of iron be referred to the Committee on Finance.

Mr. MILLS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I transfer my pair with the Senator from Colorado [Mr. TELLER] to the Senator from Nebraska [Mr. ALLEN], and I vote "nay."

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR].

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE]. If he were present he would vote "yea" and I should vote "nay."

Mr. MCLAURIN (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. DIXON] to the junior Senator from South Carolina [Mr. IRBY], and vote "nay."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he were present I should vote "nay."

Mr. MARTIN (when his name was called). I am paired with the Senator from Minnesota [Mr. WASHBURN]. I do not know how he would vote on this measure, and I therefore decline to vote.

Mr. MILLS (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were present I should vote "nay."

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. If he were present he would vote "yea" and I should vote "nay."

The roll call was concluded.

Mr. PLATT. Upon this vote and all the votes upon these bills my colleague [Mr. HAWLEY] is paired with the Senator from Florida [Mr. PASCO]. If my colleague were present he would vote "yea."

Mr. BLANCHARD. I am paired with the senior Senator from Michigan [Mr. MCMILLAN], but the fact that he would vote the same way I would releases me, and I vote "yea."

The result was announced—yeas 37, nays 17; as follows:

YEAS—37.

Aldrich,	Davis,	Kyle,	Quay,
Allison,	Faulkner,	Manderson,	Roach,
Blanchard,	Gallinger,	Mitchell, Oregon	Sherman,
Brice,	Gibson,	Murphy,	Shoup,
Butler,	Gorman,	Patton,	Smith,
Caffery,	Hansbrough,	Peffer,	Stewart,
Camden,	Harris,	Perkins,	Walsh.
Carey,	Higgins,	Pettigrew,	
Chandler,	Jones, Ark.	Platt,	
Cullom,	Jones, Nev.	Pugh,	

NAYS—17.

Bate,	George,	McLaurin,	Vilas,
Berry,	Gray,	Mitchell, Wis.	White.
Blackburn,	Hunton,	Palmer,	
Cockrell,	Jarvis,	Turpie,	
Coke.	Lindsay,	Vest,	

NOT VOTING—31.

Allen.	Gordon,	McPherson,	Ransom,
Call,	Hale,	Martin,	Squire,
Cameron,	Hawley,	Mills,	Teller,
Daniel,	Hill,	Morgan,	Voorhees,
Dixon,	Hoar,	Morrill,	Washburn,
Dolph,	Irby,	Pasco,	Wilson.
Dubois,	Lodge,	Power,	Wolcott.
Frye,	McMillan,	Proctor,	

So the bill was referred to the Committee on Finance.

FREE BARBED FENCING WIRE.

Mr. HARRIS. I move that the bill (H. R. 7970) to place upon the free list barbed fencing wire and wire rods for the manufacture of the same be referred to the Committee on Finance.

The motion was agreed to.

CONSIDERATION OF PRIVATE PENSION BILLS, ETC.

Mr. SHERMAN. I ask the unanimous consent of the Senate to dispose of a few pension bills on the Calendar reported favorably from the Committee on Pensions, mostly House bills. It will take but a few minutes.

Mr. COCKRELL. I suggest that we first dispose of the House pension bills favorably reported.

Mr. SHERMAN. I should like to have the pension bills and also the bills correcting the military records of soldiers disposed of.

Mr. PALMER. The Senator from Ohio has made a request that a brief time be devoted to the consideration of bills reported by the Pension Committee and the Committee on Military Affairs?

Mr. SHERMAN. Yes, pension bills and bills from the Committee on Military Affairs to correct military records of soldiers. There are only a few of them, and it will take but a short time.

Mr. PALMER. I desire to have the bills correcting military records included in the application.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio?

Mr. GALLINGER. Before consent is given I want to include a bill that has passed the House of Representatives and will not properly come under the order. It is House bill 7294 requiring fourth-class postmasters to administer oaths to pensioners. It is in the line of pension legislation and is favorably reported from the Committee on Pensions.

Mr. SHERMAN. There is no objection to including that bill.

Mr. COCKRELL. What is the order of business?

Mr. GALLINGER. It is Order of Business 656. The Commissioner of Pensions recommends the bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The first bill under the order will be announced.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GORMAN. Before the order is proceeded with, I desire to occupy the attention of the Senate for a few moments.

Yesterday the senior Senator from Missouri [Mr. COCKRELL] submitted the conference report on the sundry civil appropriation bill. That report was signed by the Senator from Missouri [Mr. COCKRELL] and the Senator from Iowa [Mr. ALLISON] and myself as the conferees on the part of the Senate. Among other provisions in the bill was one ingrafted on it by the vote of the Senate and the House of Representatives, donating to several States a million acres each of arid land and making provision for the settlement and improvement of the land.

I desire to say for myself that I am usually opposed to such legislation being ingrafted upon an appropriation bill. However desirable it may be to begin the development of that section of the country in this way, I do not want it understood that hereafter I am bound in any way to continue upon the scheme. I regret exceedingly that the provision should have found its way upon an appropriation bill, as it may not be, and I fear it is not, properly guarded. I submitted to it as the other conferees did in deference to the vote of the two Houses.

There is one other clause in the conference report to which I desire to call attention. It will be found on page 8510 of the RECORD:

That the House recede from its amendment to the amendment of the Senate numbered 277, from which amendment numbered 277 the Senate had receded.

That is the amendment relating to the Printing Office site. There was some controversy as to the right of the Senate to recede, the House having declined to accept the Senate amendment and having proposed a substitute for it which the Senate rejected. The conferees on the part of the House claimed that the Senate had no power or right to recede from its amendment and thus make the whole matter fall, in the absence of joint rules between the two bodies. With a firm conviction that the attitude of the Senate was correct, and that we had the right at any time to recede from our amendment, and that with the recession the amendment of the House fell, yet, as one of the conferees, without giving up any of the rights of this body, I agreed that that entry might be made in the conference report, so as to settle a matter which otherwise would have kept Congress in session for some time. For that reason, and that only, I agreed to the report with that clause in it.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Secretary will report the first bill under the order adopted by the unanimous agreement of the Senate.

IDA C. MARTIN.

The bill (S. 2032) to grant a pension to Ida C. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ida C. Martin, widow of John A. Martin, who was colonel of the Eighth Kansas Regiment of Kansas Infantry Volunteers in the war of the rebellion, and to pay her a pension of $50 a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BERRY. I ask unanimous consent to call up for consideration a House bill——

The PRESIDING OFFICER. The Chair will state to the Senator from Arkansas that the Senate is now proceeding under an order adopted by unanimous consent.

Mr. BERRY. I hope that the Calendar will be proceeded with until this particular measure is reached.

The PRESIDING OFFICER. The next bill under the order will be announced.

JOHN MAHOLM.

The bill (H. R. 2920) to pension John Maholm, dependent father, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Maholm, dependent father of George Maholm, late of Company B, Seventieth Regiment Indiana Volunteers, in the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH WELCH.

The bill (H. R. 1214) granting a pension to Hannah Welch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah Welch, widow of William Welch, late musician of Third Rhode Island Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADMINISTRATION OF OATHS.

The bill (H. R. 7294) empowering fourth-class postmasters to administer oaths to pensioners was considered as in Committee of the Whole. It provides that hereafter, in addition to the officers now authorized to administer oaths in such cases, fourth-class postmasters of the United States are hereby required, empowered, and authorized to administer any and all oaths required to be made by pensioners and their witnesses in the execution of their vouchers with like effect and force as officers having a seal; and such postmaster shall affix the stamp of his office to his signature to such vouchers, and he is authorized to charge and receive for each voucher not exceeding 25 cents, to be paid by the pensioner.

Mr. VEST. I should like to make an inquiry. How would this proposed enactment be affected by the general law in regard to perjury? Suppose a man goes before a fourth-class postmaster and swears falsely.

Mr. PALMER. As I understand the existing law, perjury is made to include false oaths taken before any officer or person entitled to administer oaths by act of Congress. That is my impression. I gave the matter some attention when the bill was before the committee, and I suppose that is the true construction of the law.

Mr. VEST. I do not like the proposed legislation. I do not see why a postmaster should be authorized to administer oaths in this particular class of cases. It is class legislation of the worst sort.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. WILLIAM FLETCHER.

The bill (S. 2255) for the relief of Capt. William Fletcher, United States Army, was announced as the next bill in order.

Mr. BERRY. That is not a pension case. Is it included in in the agreement?

Mr. PALMER. I suppose it is not included.

Mr. BERRY. It comes from the Committee on Military Affairs.

Mr. SHERMAN. If it is not a bill to correct a military record it does not come within the terms of my request.

The PRESIDING OFFICER. The bill will be passed over, and the next bill under the order will be announced.

RUFUS BETZ.

The bill (S. 2143) for the relief of Rufus Betz was announced as next in order.

Mr. BERRY. That is not a pension bill. It comes from the Committee on Military Affairs.

Mr. PALMER. I will state to the Senator from Arkansas that bills from the Committee on Military Affairs merely intended to correct the records of soldiers are included in the order under which the Senate is proceeding.

Mr. BERRY. They are included in the unanimous-consent agreement?

Mr. CULLOM. Yes.

The PRESIDING OFFICER. The present occupant of the chair was not in the chair at the time unanimous consent was given, and will ask the Senator from Ohio whether he understands that this character of bills was included in the agreement?

Mr. SHERMAN. I requested that bills correcting records of soldiers should be included with pension bills, and that was agreed to by unanimous consent. If this is not that kind of a bill it does not come within the agreement.

The PRESIDING OFFICER. It is a bill for the removal of the charge of desertion, and comes within the agreement, the Chair understands.

The Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Military Affairs with an amendment, in line 6, after the word "date," to insert "August 9," and in line 7, after "and," to strike out "sixty" and insert "sixty-two;" so as to make the bill read:

Be it enacted, etc., That the charge of desertion standing against the name of Rufus Betz, late a private of Company A, Nineteenth Regiment of Ohio Infantry Volunteers, be removed, and he be granted an honorable discharge to date August 9, 1862.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE ISENSTEIN.

The bill (H. R. 3005) for the relief of George Isenstein was considered as in Committee of the Whole. It directs the Secretary of War to make a record of George Isenstein, late a private in Company A, Second Regiment Missouri Volunteers, three months' service, showing his enlistment to date from the date of muster in of the company, and to grant and issue to him an honorable discharge, to be dated of the date of the mustering out of service of the company and regiment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARLIN PARKS.

The bill (H. R. 562) for the relief of Marlin Parks was considered as in Committee of the Whole. It directs the Secretary of War to revoke the order of dismissal of Marlin Parks, late first lieutenant Company B, Eleventh West Virginia Volunteers, and issue to him an honorable discharge from the service of the United States, to date the 18th day of November, 1864.

Mr. PASCO. There is an amendment reported by the committee, but further investigation showed that the name was properly printed in the bill and in the title. So the amendment is withdrawn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET A. WOODS.

The bill (H. R. 6050) to pension Margaret A. Woods, widow of William W. Woods, late of Company E, Sixteenth Illinois Volunteer Infantry, was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Margaret A. Woods, widow of William W. Woods, late a member of Company E, Sixteenth Illinois Volunteer Infantry, but in the event the soldier is found to be alive this pension shall cease.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. BIEHN.

The bill (S. 501) granting a pension to John P. Biehn was considered as in Committee of the whole. It proposes to place on the pension roll the name of John P. Biehn.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ABBY JANE WARD.

The bill (S. 1996) granting a pension to Mrs. Abby Jane Ward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abby Jane Ward, widow of James M. Ward, late of Company E, Sixty-third Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE C. ABBEY.

The bill (S. 890) granting an increase of pension to George C. Abbey was considered as in Committee of the Whole. It proposes to increase the pension of George C. Abbey, late a private of Company M, of the First Connecticut Volunteer Heavy Artillery, to $30 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RUSSEL N. REYNOLDS.

The bill (S. 1383) granting a pension to Russel N. Reynolds was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "infantry," to insert "at the rate of $20 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Russel N. Reynolds, late Company E, One hundred and thirtieth Regiment Ohio Volunteer Infantry, at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM T. WALKER.

The bill (S. 1970) granting an increase of pension to William T. Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Walker, late of Company H, Thirteenth Regiment Indiana Cavalry, at $25 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADALINE J. PROPS.

The bill (H. R. 6228) granting a pension to Adaline J. Props was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Adaline J. Props, widow of Lewis C. Props, a soldier in the Southern or Sabine war of 1836, and to allow her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY A. MENEFEE.

The bill (H. R. 6103) for the relief of Mrs. Mary A. Menefee was considered as in Committee of the Whole. It proposes to restore to the pension roll the name of Mrs. Mary A. Menefee, widow of Richard Menefee, captain Company E, Eighth Regiment Missouri State Militia Cavalry, in the late war, as well as a private in Company K, Extra Battalion Missouri Volunteers, in war with Mexico, and to allow her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAULINE J. SMITH.

The bill (H. R. 6361) to grant a pension to Pauline J. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Pauline J. Smith, permanently helpless daughter of Lewis C. Smith, late a private of Company G, Eighty-fifth Illinois Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DRUZILLA J. RIGG.

Mr. PALMER. The next bill on the Calendar is not fairly within the agreement. It provides for the payment of a pension to the legal representatives of a soldier. I ask for its present consideration, but did not feel that I was authorized to do so under the general arrangement without calling attention to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4290) for the relief of Druzilla J. Rigg, of Macomb, Ill. It proposes to pay to Druzilla J. Rigg, of Macomb, Ill., who is the daughter and only heir of James Depoy (who was second lieutenant in Company A in the Fifty-fourth Regiment of Ohio Infantry in the war of the rebellion, to whom pension certificate numbered 158723 was issued, and who died previous to the receipt by him of said certificate), the amount due upon that certificate at the time of the death of James Depoy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE DAVENPORT.

The bill (H. R. 898) granting a pension to Jesse Davenport, of Company A, Second Regiment Oregon Mounted Volunteers, in Oregon Indian wars of 1855 and 1856, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse Davenport, of Roseburg, Oregon, and late of Company A, commanded by Capt. Edward Sheffield, Second Regiment Oregon Mounted Volunteers, commanded by Col. John Kelsay, in the Oregon Indian wars of 1855 and 1856, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CIRCUIT AND DISTRICT COURTS AT MERIDIAN, MISS.

Mr. VEST. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the joint resolution (S. R. 102) authorizing the Secretary of the Treasury to provide rooms for the accommodation of the United States circuit and district courts and their officers at Meridian, Miss., to report it favorably and without amendment. I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. QUAY. I move that the Senate proceed to the consideration of executive business.

Mr. BERRY. I hope the Senator from Pennsylvania will allow us to pass a few bills and not make that motion now. There are several private bills which should be passed.

Mr. VEST. I did not hear the motion of the Senator from Pennsylvania.

Mr. QUAY. I have moved that the Senate proceed to the consideration of executive business.

Mr. VILAS. I hope the Senator will not insist on that motion for a few moments, until we dispose of a number of small bills on the Calendar.

Mr. BERRY. There are a number of small bills which should be disposed of.

Mr. QUAY. I withdraw the motion, and give notice that I shall renew it at half past 3 o'clock.

The PRESIDING OFFICER. The motion is withdrawn. Is there objection to the present consideration of the joint resolution reported by the Senator from Missouri [Mr. VEST]?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without

amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY W. LEE.

Mr. VILAS. I ask unanimous consent that the Senate take up the bill (H. R. 5363) for the relief of Henry W. Lee.

Mr. VEST. From what committee is that bill reported?

Mr. VILAS. It is reported from the Committee on Indian Affairs, and was passed by the Senate in the last Congress. It has been very carefully and elaborately considered.

Mr. COCKRELL. What is the object of the bill? I have not a copy of it before me; it was only reported yesterday, and we have had no chance to examine it.

Mr. VILAS. I can state to the Senator from Missouri in one moment the object of the bill. Henry W. Lee served the Winnebago Indians for years as their attorney, without having made in the formal manner required by law a contract for the purpose, approved by the Secretary of the Interior. For that reason he can not be paid, although the Indians are willing that he should be, and the bill stipulates that the amount of his compensation shall be settled by the Secretary of the Interior, and only be paid upon the consent of the Indians to pay it out of their money.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to inquire into and determine what services were rendered by Henry W. Lee, now of Stevens Point, in the State of Wisconsin, to the Winnebego Indians, or to any bands or families thereof; whether such services were rendered at the request of or under any agreement with or acceptance of such Indians; whether such services were of utility and value to such Indians and deserving of compensation, and to fix upon the proper measure of their value, not exceeding $10,000 and over and above any sums which may have been paid on account thereof; and if the Secretary shall determine that the said Lee is justly and equitably entitled to any such sum or compensation as he shall so fix, then to deduct the same from the accounts to be paid and distributed to the stray bands of Winnebagoes in Wisconsin, or to such of them as he shall find were justly answerable, in such yearly installments or portions as he shall think fit, and to pay the same to said Lee, in full discharge of all his claims, notwithstanding that a formal contract was never made in accordance with the statute in such cases made and provided; but said stray bands, or a majority of the heads of families thereof, shall give their consent to such payment in such manner as the Secretary shall direct.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNITED STATES COURT IN LITTLE ROCK, ARK.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (S. 2293) for the improvement of the buildings and grounds of the United States court and post-office at Little Rock, Ark.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GUNBOATS CONCORD AND BENNINGTON.

Mr. HILL. I ask unanimous consent for the present consideration of the bill (S. 967) to remit the penalties on gunboat numbered 3, the Concord, and gunboat numbrred 4, the Bennington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to considered the bill. It requires the Secretary of the Navy to remit to N. F. Palmer, jr., & Co., of New York City, the time penalties exacted by the Navy Department under the contracts with that company for the construction of gunboat numbered 3, known as the Concord, and gunboat numbered 4, known as the Bennington, the United States having suffered no damage by the delay in their construction.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS WILLIAMS.

Mr. MITCHELL of Oregon. I ask the Senate to proceed to the consideration of the bill (S. 1571) for the relief of Thomas Williams, an employé of the Senate folding room for injuries received while in the discharge of his duties in the year 1892.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with an amendment, in line 5, after the words "sum of," to strike out "three thousand" and insert "fifteen hundred;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,500 to Thomas Williams, who was injured while in the discharge of his duties as an employé of the Senate folding room in the year 1892.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY TELEGRAPH OPERATORS.

Mr. MANDERSON. I ask unanimous consent that the Senate now consider the bill (S. 1009) for the relief of telegraph operators during the war of the rebellion, which has been reported from the Committee on Military Affairs, and to which, I think, there will be no objection.

Mr. COCKRELL. That bill will lead to discussion unless it is a different bill from what I think it is.

Mr. MANDERSON. It is a very different bill from what the Senator from Missouri thinks, because this bill gives no recognition in the way of discharge. It is a bill that I think the Senator from Missouri himself agreed to, and which is a substitute for the bill that he thinks would lead to discussion. I ask that the substitute may be read. I think the Senator from Missouri will agree that it is correct.

Mr. COCKRELL. It is a bill going back and recognizing civilians who were connected with the Army during the war serving as civilians at from $75 to $100 a month, and they want to come in and be placed on an equality in some shape or form with soldiers. You might just as well bring the teamsters and every other class of persons who never were near where the Army marched, as to bring the telegraph operators in, unless the bill is guarded as we once guarded it.

Mr. MANDERSON. That is exactly what it is.

Mr. COCKRELL. I want a little more time to look into it. It will not hurt to give me a little time to examine it.

Mr. MANDERSON. If the bill were of the character the Senator from Missouri thinks it is, certainly I should not favor it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MANDERSON. Let it be read.

Mr. COCKRELL. I must object, unless it can go over by unanimous consent until I examine it. I have a right to do so. I have been so occupied with the business of the Committee on Appropriations that I have not been able to attend the meetings of the Committee on Military Affairs.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

Mr. COCKRELL subsequently said: I have examined the bill to which the Senator from Nebraska [Mr. MANDERSON] referred, and with one or two words added, which I shall move, and which he will doubtless accept, I have no objection to it. It will then be exactly what the Committee on Military Affairs have heretofore reported.

Mr. MANDERSON. I now ask that the bill may be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1009) for the relief of telegraph operators during the war of the rebellion.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of War is hereby authorized and directed to prepare a roll of all persons who served in the operation of military telegraph lines during the late civil war, and to issue to each, upon application, unless it appears that his service was not creditably performed, or to the representatives of those who are dead, suitable certificates of honorable service in the military telegraph corps of the Army of the United States, stating the service rendered, the length of such service, and the dates, as near as may be, between which such service was performed: *Provided*, That this law shall not be construed to entitle the persons herein mentioned to any pay or rights not herein specifically provided for.

Mr. COCKRELL. In line 13, after the word "pay," I move to insert "pension, bounty."

Mr. MANDERSON. That is right. The bill means that, but it will do no harm to make it a little more binding.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the word "pay," at the end of line 13, it is proposed to insert "pension, bounty;" so to read:

Provided, That this law shall not be construed to entitle the persons herein mentioned to any pay, pension, bounty, or rights not herein specifically provided for.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY J. HEWITT.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 1274) for the relief of Henry J. Hewitt.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MANDERSON. I shall not object to the consideration of that bill, but I should like to know why at this late day it is necessary to pass a bill of that character?

Mr. COCKRELL. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. PEFFER July 11, 1894:

The Committee on Claims, having had under consideration the bill (S. 1274) for the relief of Henry J. Hewitt, respectfully report as follows:

The facts in the case are set out in House Report No. 268, Fifty-first Congress, first session, when the Committee on War Claims reported favorably. That report was adopted as part of the report of the Committee on War Claims of the House of Representatives of the Fifty-second Congress (see House Report No. 2157, Fifty-second Congress, second session), and again by the same committee of the Fifty-third Congress, second session (see House Report No. 576), all of which are hereto attached and made part of this report.

You committee will add that there appears to be an equity in this case arising out of laches for which the claimant was not responsible. He appears to have acted in good faith, and in view of the facts in relation to the status of the claimant and the use to which at least part of his property was applied, the committee see no reason why he should not have an opportunity to present his case to the proper officers for investigation and report.

Your committee therefore recommend the passage of the bill.

[House Report No. 576, Fifty-third Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 3337) for the relief of Henry J. Hewitt, submit the following:

This claim was presented in the Fifty-second Congress, and was favorably reported upon by the House Committee on War Claims, to whom it was referred.

After a careful investigation of the facts involved, your committee adopt the report of the Fifty-second Congress, a copy thereof being hereto attached and made a part of this report, and recommend that the bill do pass.

[House Report No. 2157, Fifty-second Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 4096) for the relief of Henry J. Hewitt, submit the following report:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Fifty-first Congress, hereto annexed and made a part of this report.

Your committee adopt the said report as their own, and report herewith a substitute for the bill and recommend its passage."

[House Report No. 268, Fifty-first Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 1849) for the relief of Henry J. Hewitt, report as follows:

The affidavits of the claimant, Henry J. Hewitt, and ten other persons, several of them ex-Union officers and soldiers, and two or three of them employés of claimant in carrying the United States mails during the years 1862, 1863, 1864, and 1865, show that a large quantity of forage and several horses and wagons belonging to claimant were taken by the United States military authorities in Northern Missouri during the years named. It also appears that at the time this forage and these horses and wagons were taken the claimant was a subcontractor for carrying the United States mails in Northern Missouri and Southern Iowa, one of these mail routes being No. 10481, and it is alleged by claimant in his affidavit that this personal property, so taken, was purchased by him for the purpose of fulfilling his contract in carrying the United States mails over the several mail routes.

The affidavits also allege that the hotel, storehouse, and barn owned by claimant at Macon City, Mo., and the barn owned by him at Lancaster, Mo., were occupied during the years above named by the United States military forces.

It also appears from the evidence on file that very soon after the war the claimant placed his claim in the hands of A. Slingerland, clerk of the court of Adair County, Mo., for the purpose of having it filed in the proper Department and prosecuted; that a short time subsequent thereto Mr. Slingerland went to Colorado on a visit for the benefit of his impaired health, and while there he died; that the claimant supposed that his claim had been properly filed by Mr. Slingerland in his lifetime, and did not learn to the contrary until long after his death and too late to file the same in the proper Department.

Your committee believe that this delay in presenting this claim was not due to any laches on the part of the claimant, and in view of the allegation that the articles taken were purchased by him for the purpose of fulfilling his contract to carry the United States mails, he should in all equity have the same opportunity as other loyal claimants have heretofore had to establish the justice of his claim.

Your committee are therefore of the opinion that the claim of Henry J. Hewitt should be investigated by the Quartermaster's Department, United States Army, as other claims of this character have heretofore been investigated.

They accordingly report herewith a bill as a substitute for the bill H. R. 1849, and recommend that the same do pass.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROVIDING LAND SUBDIVISIONS IN THE DISTRICT.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 1005) to prevent the recording of subdivisions of land in the District of Columbia in the office of the Recorder of Deeds.

Mr. QUAY. I give way to the Senator from New Hampshire, but I give notice that at half past 3 o'clock I shall renew my motion for an executive session.

Mr. CULLOM. I hope the Senator from Pennsylvania will allow my colleague and myself to call up a bridge bill which will take no time.

Mr. GORMAN. I have no objection to the bill of the Senator from New Hampshire being read, but I object to the consideration of important bills in a thin Senate.

Mr. PALMER. I have been addressing the Chair quite frequently from a conspicuous place, and I find the Senator from Pennsylvania [Mr. QUAY], the Senator from New Hampshire [Mr. GALLINGER], and the Senator from Maryland [Mr. GORMAN] now get the better of me.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent for the consideration of the bill indicated by him, which will be read for information.

The Secretary read the bill.

EXECUTIVE SESSION.

Mr. GORMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 3 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 17, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate August 16, 1894.

ASSAYER OF MINT AT NEW ORLEANS.

Armand M. Delavallade, of Louisiana, to be assayer of the mint of the United States at New Orleans, La., to succeed R. L. Schroeder, removed.

INDIAN AGENTS.

Thomas B. Teter, of Belington, W. Va., to be agent for the Indians of the Fort Hall Agency in Idaho, vice Capt. John T. Van Orsdale, United States Army, to be relieved of detail as acting Indian agent at said agency.

Marshall Petet, of Veedersburg, Ind., to be agent for the Indians of the Klamath Agency in Oregon, vice David W. Matthews, to be removed.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

First Lieut. John B. Bellinger, Fifth Cavalry, to be assistant quartermaster, with the rank of captain, August 11, 1894, vice McCauley, promoted.

Infantry arm.

Lieut. Col. Hamilton S. Hawkins, Twenty-third Infantry, to be colonel, August 13, 1894, vice Blunt, Sixteenth Infantry, retired from service.

Maj. James Henton, Twenty-third Infantry, to be lieutenant-colonel, August 13, 1894, vice Hawkins, Twenty-third Infantry, promoted.

Capt. Daniel W. Burke, Fourteenth Infantry, to be major, August 13, 1894, vice Henton, Twenty-third Infantry, promoted.

First Lieut. William B. Reynolds, Fourteenth Infantry, to be captain, August 13, 1894, vice Burke, Fourteenth Infantry, promoted.

Second Lieut. Samuel Seay, jr., Twenty-first Infantry, to be first lieutenant, August 13, 1894, vice Kimball, Fourteenth Infantry, retired from active service.

Second Lieut. Eugene L. Loveridge, Eleventh Infantry, to be first lieutenant, August 13, 1894, vice Reynolds, Fourteenth Infantry, promoted.

UNITED STATES AGENT.

Alexander Porter Morse, of the District of Columbia, to be agent of the United States before the commission to arbitrate the claim of the Venezuelan Steam Transportation Company against the Government of Venezuela.

COLLECTORS OF CUSTOMS.

Edward W. Baker, of Maine, to be collector of customs for the district of York, in the State of Maine, to succeed George W. Currier, whose term of office has expired by limitation.

Charles C. Perkins, of Maine, to be collector of customs for the district of Kennebunk, in the State of Maine, to succeed Parker C. Wiggin, whose term of office has expired by limitation.

WITHDRAWAL.

Executive nomination withdrawn from the Senate August 16, 1894.

Luther Stephenson, to be postmaster at Togus, Me., whose nomination was delivered to the Senate March 8, 1894.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 16, 1894.

INDIAN AGENTS.

Louis F. Pearson, of Medicine Lodge, Kans., to be agent for the Indians of the Pottawatomie and Great Nemaha Agency in Kansas.

Horace M. Rebok, of Toledo, Iowa, to be agent for the Indians of the Sac and Fox Agency in Iowa.

SUPERVISING INSPECTOR OF STEAM VESSELS.

Michael J. Galvin, of New York, to be supervising inspector of steam vessels for the ninth district.

RECEIVER OF PUBLIC MONEYS.

Dixon Buchanan, of Sterling, Colo., to be receiver of public moneys at Sterling, Colo.

REGISTER OF THE LAND OFFICE.

John T. Joyce, of Leadville, Colo., to be register of the land office at Leadville, Colo.

POSTMASTERS.

Emil Holl, to be postmaster at Media, in the county of Delaware and State of Pennsylvania.

John L. Cummings, to be postmaster at Mansfield, in the county of Tioga and State of Pennsylvania.

John H. Ossenbeck, to be postmaster at Bradford, in the county of McKean and State of Pennsylvania.

Gilbert F. Myer, to be postmaster at McKeesport, in the county of Allegheny and State of Pennsylvania.

Montgomery S. Longaker, to be postmaster at Pottstown, in the county of Montgomery and State of Pennsylvania.

Albrecht Kneule, to be postmaster at Norristown, in the county of Montgomery and State of Pennsylvania.

J. C. Bryant, to be postmaster at Griswold, in the county of Cass and State of Iowa.

Frank Tanner, to be postmaster at Iowa City, in the county of Johnson and State of Iowa.

James E. Dougherty, to be postmaster at Haverford, in the county of Montgomery and State of Pennsylvania.

George A. Schofield, to be postmaster at Ipswich, in the county of Essex and State of Massachusetts.

B. W. Hero, to be postmaster at Westboro, in the county of Worcester and State of Massachusetts.

C. E. Smith, to be postmaster at Correctionville, in the county of Woodbury and State of Iowa.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August 16, 1894.*

The House met at 12 o'clock m. Prayer by Rev. W. E. PARSON, D. D.

The Journal of yesterday's proceedings was read and approved.

ST. LOUIS, AVOYELLES AND SOUTHWESTERN RAILWAY.

The SPEAKER laid before the House with amendments of the Senate the bill (H. R. 7668) to authorize the St. Louis, Avoyelles and Southwestern Railway Company to bridge Bayou Des Glaises and Atchafalaya River, in the State of Louisiana.

The amendments of the Senate were read.

Mr. DAVEY. At the request of my colleague [Mr. ROBERTSON] I move that the House concur in these amendments.

The amendments were concurred in.

COMMISSIONERS IN LAND CASES.

The SPEAKER also laid before the House with amendments of the Senate the bill (H. R. 4605) granting chief justices of United States courts in Territories power to appoint commissioners to take proof in land cases.

The SPEAKER. This bill has been returned from the Senate with an amendment and with a request for a conference.

Mr. McRAE. I move that the House nonconcur in the amendment of the Senate and agree to the conference requested.

The motion was agreed to.

The SPEAKER announced as the conferees on the part of the House Mr. McRAE, Mr. SOMERS, and Mr. ELLIS of Oregon.

COMMITTEE APPOINTMENT.

The SPEAKER announced the appointment of Mr. MOORE of Kansas as a member of the Committee on Pensions and the Committee on Irrigation of Arid Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HATCH, indefinitely, on account of sickness in his family.

To Mr. POWERS, indefinitely, on account of sickness in his family.

To Mr. GEARY, indefinitely, on account of sickness.

To Mr. WILSON of Washington, indefinitely, on account of sickness.

To Mr. EDMUNDS, indefinitely, on account of sickness.

CLERKS IN HEALTH DEPARTMENT, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the joint resolution (S. R. 101) providing for clerical assistance in the health department of the District of Columbia; which was read the first and second time.

Mr. DOCKERY. I ask unanimous consent that this resolution be now considered. It will take but a moment.

The joint resolution was read, as follows:

Be it resolved by the Senate and House of Representatives, etc., That the provisions of the act entitled "An act to provides for clerical assistance in the health department of the District of Columbia" approved October 2, 1893, are hereby continued and declared to be in full force and effect from July 1, 1894, and until the date of the approval of the act making appropriations for the expenses of the government of the District of Columbia for the fiscal year 1895.

Mr. DOCKERY. These clerks are already provided for; but this resolution is made necessary by the decision of the Comptroller, who thinks they are not entitled to pay for the time mentioned.

There being no objection, the resolution was considered, ordered to a third reading, and being read the third time, was passed.

REFERENCE OF SENATE BILLS.

The SPEAKER also laid before the House bills of the Senate of the following titles; which were severally referred as indicated, namely:

A bill (S. 1713) to permit Commodore Louis C. Sartori, now on the retired list of the Navy, to be rear-admiral on said list, in accordance with his original position on the Navy Register—to the Committee on Naval Affairs.

A joint resolution (S. 99) to compile and publish all laws relating to street railway franchises in the District of Columbia—to the Committee on Printing.

DEPUTY CORONER, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (S. 1007) to authorize the Commissioners of the District of Columbia to appoint a deputy coroner, and for other purposes.

Mr. COBB of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of that bill.

Mr. SAYERS. I hope the gentleman will allow it to remain on the table for the present until we dispose of the pending conference report.

The SPEAKER. In the absence of objection the bill will remain on the table.

There was no objection.

CERTIFICATES OF REGISTRY.

Mr. FITHIAN. Before the gentleman from Texas calls up the conference report I ask unanimous consent to submit a report from the Committee on Merchant Marine and Fisheries.

The SPEAKER. The title of the bill reported from the Committee on Merchant Marine and Fisheries will be read.

The Clerk read as follows:

A bill (S. 588) to repeal section 4145 of the Revised Statutes of the United States, and to amend sections 4146 and 4320; also section 1 of the act amending section 4214 of the Revised Statutes approved March 3, 1883, and for other purposes.

The SPEAKER. The report and the accompanying bill will be printed and referred to the House Calendar.

DEFICIENCY APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, I now call up the conference report on the general deficiency appropriation bill?

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes.

Mr. SAYERS. I yield four minutes of the time allowed for debate to the gentleman from Tennessee [Mr. SNODGRASS].

Mr. SNODGRASS. Mr. Speaker, in the short time yielded to me I do not hope to be able to discuss all of the questions relative to the Senate amendment appropriating $1,800,000 to the Southern Pacific Railroad Company. It is important to know, however, who constitutes this company, and what the company is. This is the "blanketed" company. This is the company that for thirty years has been engaged in a conspiracy

to defraud, and which has defrauded the people of the United States out of more than $130,000,000. This is the company that represents not only the Central Pacific Railroad but also the Southern Pacific Railroad Company. It is the company that contracts with itself for the Central Pacific Railroad Company, and against the Central Pacific Railroad Company with itself, in favor of the Southern Pacific Railroad Company. It is the company that has diverted the funds that legitimately belong to the Government and the people of the United States fraudulently; that put these funds into the construction of the Southern Pacific Railroad Company, together with the earnings of the Central Pacific Railroad Company.

I want to enter my solemn protest against the appropriation proposed here. It is unjust; it is inequitable; it is wrong, and amounts to a robbery on the part of this Congress of the people of the United States.

But gentlemen say that they have a judgment against the United States. This blanketed company, these foul conspirators have a judgment against the United States; and, therefore, because this appropriation is going to a railroad company we ought not to be unjust in administering what is right in the premises, because it happens to be a railroad company that is involved. I disclaim any motive to do what is otherwise than just, not only to these railroad companies, but to the people of the United States.

Now, Mr. Speaker, as to this judgment that we have heard so much about. It is true that they have obtained a judgment against the United States, but under the contract and under the laws of the United States the debts due by these companies to the United States do not accrue until 1895, and they appropriate the value of the amount of the judgment and insist that although these roads owe millions of dollars to the people of the United States, and although the Central Pacific Railroad Company, who are the real beneficiaries of this appropriation, is to receive the money, still that we ought to pay this $1,800,000 to this company, and then for the millions of dollars they owe the people rely upon our right to collect against the insolvent, fraudulent corporation. I insist that we should act as a court of equity and enjoin this judgment till all the matters of equity which the people have against these railroad companies shall have been settled.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

[Mr. COOPER of Indiana addressed the House. See Appendix.]

Mr. SAYERS. I yield five minutes to the gentleman from Mississippi [Mr. KYLE].

Mr. KYLE. Mr. Speaker, it seems to me that it requires a good deal of audacity for these people who are setting up this claim against the Government to come and seek an appropriation for it under existing circumstances. Ever since the beginning of this session of Congress the Committee on Pacific Railroads has been honestly and faithfully and earnestly trying to devise some scheme by which the Government could get back even a part of the money that the Government has loaned to them; and now these men come, not in the name of the concern to which the money has been loaned, but in the name of one of the non-aided roads that composed their system, and ask that an appropriation be made to pay that particular line for the services it has rendered.

Mr. Speaker, the purpose of that movement is clear. They know very well that if they came in and said that this money was properly due and payable to the Central Pacific Railroad the Government would say to them, "You must pay us before you can expect us to pay you the money that you claim for transporting the mails and for other services." Therefore they do not come in the name of the Central Pacific, but they come in and claim that this amount of money is due to the Southern Pacific.

Mr. Speaker, I wish we had time to go into this question fully now. During all this inquiry and discussion the idea has gone out, without being negatived positively by anyone, that the road which is now seeking this $1,800,000 was built out of the proceeds of the road that owes the Federal Government to-day about $70,000,000, not a dollar of which can be collected, because, according to the statements that have been made by the attorneys and by other gentlemen who have been connected with this system or who have investigated it, the concern that owes the Government this money is utterly and hopelessly insolvent.

For that reason I apprehend this claim was set up in the name of another party, instead of putting it in the name of the party to whom it will really go, if it were payable at all.

Mr. BOATNER. Will the gentleman permit a question?

Mr. KYLE. Yes, sir; although I have only five minutes.

Mr. BOATNER. My friend, I believe, agreed to the report of the Committee on Pacific Railroads granting an extension of fifty years for the payment of the debt due to the Government. Now, is he not aware that the effect of such an act would be to abandon all claims that the Government might have against individual stockholders, and that the debt which is here sought to be offset could never be reached except by an action against the stockholders and officers, to render them personally liable?

Mr. KYLE. Mr. Speaker, I do not think that question has anything to do with the proposition that is now under consideration.

Mr. GEARY. How is the gentleman going to accept the Riley bill, the majority report of the committee postponing the collection of this debt, and at the same time claim the right to follow these assets into another corporation? If he stands with the Riley bill, which postpones the debt, he vacates the claim against the stockholders.

Mr. KYLE. I am standing by the Riley bill. No rights are waived by that bill so far as these railroads are concerned. The question here is simply whether we shall retain this money in the Treasury. I admit that you could not go into court and plead this as a set-off against those judgments, but my idea is that these railroad companies, being virtually one and the same concern, this Congress ought to withhold this money until the principal railroad in the system does justice to the Government.

Mr. SAYERS. I hope the gentleman from Illinois will now use some of his time.

Mr. CANNON of Illinois. How much of the time of the gentleman from Texas has been consumed, Mr. Speaker?

The SPEAKER *pro tempore* (Mr. TARSNEY). The gentleman from Texas has sixty-one minutes remaining.

Mr. CANNON of Illinois. I yield five minutes to the gentleman from Louisiana [Mr. BOATNER].

Mr. BOATNER. Mr. Speaker, the gentlemen who oppose the adoption of the amendment, or rather who oppose the payment to the Southern Pacific Company of the amount adjudged to it by the Court of Claims, take for granted, in their arguments, the very question which is in dispute, namely, the legal identity of the Central and the Southern Pacific Railway Companies. I believe that no one will contest the correctness of the legal proposition that two corporations may be composed of the same stockholders, and may nevertheless be, and in fact are, distinct legal entities as much as if there was not a single stockholder of the one who was a stockholder of the other, and that, in their relations with each other and with the general public, are legally distinct and separate.

In this case, then, Mr. Speaker, it is a complete begging of the question to say that the stockholders of the Southern Pacific are the stockholders of the Central Pacific, and therefore the Government of the United States is justified in withholding what it owes the Southern Pacific on the ground that hereafter the Central Pacific will be indebted to it. That is a legal proposition which would be demurrable in any court of justice, and would not be considered by a single one of the gentlemen here if they themselves were sitting upon the bench.

Mr. KYLE. Are not the stockholders of the two companies the same?

Mr. BOATNER. I do not know whether they are or not. But I say that from a legal standpoint the question whether they are or not makes no difference in this matter.

Mr. SNODGRASS. What I want to suggest is this, that the judgment was in favor of the Southern Pacific Railroad Company, not of the stockholders; and I want to answer the gentleman's question——

Mr. BOATNER. I have only five minutes.

Mr. SNODGRASS. By asking him a question. If the proof shows (and the gentleman was a member of the committee that investigated this question) that the funds of the Government have been fraudulently diverted by the Central Pacific Company and used in the building of the Southern Pacific Railroad Company—not only the funds, but the earnings of the company—does the gentleman hold that we can not follow that fund into the Southern Pacific Railroad Company and make that company disgorge the amount that it fraudulently received by reason of this conspiracy?

Mr. BOATNER. Of course we may follow trust funds wherever we can find them, and if it be true that funds belonging to the Central Pacific have been diverted to the Southern Pacific Company by the fraud and collusion of the directors of both companies, the United States, when its right to do so arises, may demand an accounting and return of such funds to the Central Pacific, to be subjected to its demands——

Mr. SNODGRASS. That is the point.

Mr. BOATNER. But that question cuts no figure here. At present the Southern Pacific Company owes the Government

nothing; its liability to respond for any debts of the Central Pacific is uncertain, and not only unliquidated, but may never, as a matter of fact, arise.

Mr. SNODGRASS. It cuts this figure——

Mr. BOATNER. If the gentleman will allow me to proceed, I propose to deal with that question.

Mr. SNODGRASS. It ought to be dealt with right now.

Mr. BOATNER. Mr. Speaker, I am one of the two Democratic members of the Committee on Pacific Railroads who refused to assent to the report of the committee recommending an extension of the bonded indebtedness of the Pacific Railroads for fifty years. I dissented from that report for the reasons given by my colleague, the gentleman from Wisconsin [Mr. COOPER]. I do not think it is consistent with public policy or good morals that we shall permit the promoters, incorporators, officers, and managers of these railway companies to escape scot free with the enormous fortunes which they have filched from the United States—which they have acquired by legal fraud and moral turpitude.

But, Mr. Speaker, while I propose to advocate a prosecution of these parties to the very utmost extent of the law—while I am willing to vote for any appropriation necessary to carry those prosecutions to a conclusion—I am not willing to stultify myself as a member of this House, sitting here as a judge upon claims brought before us, or to take advantage of any clamor or any prejudice in the public mind, to avoid the performance of a public duty. There is no rule of law or equity which will justify us in withholding from a lawful creditor of the Government what is unquestionably lawfully due, because in the far future there is a possibility that this company may be adjudged a debtor of our debtor, and therefore a debtor of the United States.

It lies at the very basis of the law of "set off," or compensation, that the two debts must be equally due and liquidated.

Equity, it is true, might arrest an execution for a debt due, when the creditor was insolvent and attempting to escape the set off which would result from his own debt, not yet due; but certainly no court could arrest a judgment—the execution of a judgment—on the ground that the debtor held an uncertain, unliquidated, and conditional claim against the judgment creditor.

Now, sir, the Southern Pacific Railroad Company is an entirely different entity from the individuals who compose it. The Southern Pacific Railroad Company as a corporation is not responsible for the frauds which its stockholders and directors may have committed as stockholders and directors of other corporations. If the stockholders and directors of the Southern Pacific Railroad Company have committed frauds in their capacity as directors and stockholders of the Central Pacific Company, they are liable in their individual capacity, and not as directors and stockholders of this other company.

Mr. COOPER of Indiana. One question——

Mr. BOATNER. Let me finish this statement.

Now, the proposition resolves itself, in my mind, to this legal conclusion——

[Here the hammer fell.]

Mr. BOATNER. I should like to have five minutes more.

Mr. CANNON of Illinois. I will give the gentleman two minutes more.

Mr. BOATNER. I repeat, the proposition resolves itself into this deduction: The United States is the mortgage creditor of these Pacific railway companies. It has a statutory lien. What these roads will owe the United States can never be ascertained until its mortgage has been foreclosed, and the property sold. For the balance that will be due the United States it has its action by a creditor's bill or such other remedy as we may create by statute, against the stockholders, directors, and officers of those roads, making them responsible to the Government for all property of which they have wrongfully deprived the roads, and for all frauds which they have committed in their several capacities.

The right to claim the amount involved in this bill as an offset to what is due to the United States would only arise after we had foreclosed our mortgage upon the road, brought our bill in equity against the stockholders and directors of the Central Pacific, and obtained judgment against them. Then to the extent that the stockholders and directors of the Central Pacific were the directors and stockholders of the Southern Pacific, we would have to proceed against their interest in the property of the Southern Pacific Company if that company could be placed in liquidation and their interest ascertained, but the right of offset could never exist as against the Southern Pacific Company, because that corporation, as a corporation, could not be answerable for the personal obligations of its stockholders, whether they result from these contracts or these frauds.

But, sir, it seems to be taken for granted that the Southern Pacific Railroad Company has no interest, no property, and no rights, separate and distinct from those of the stockholders who compose it, which is a legal proposition that no lawyer will maintain for a moment. I repeat, Mr. Speaker, that as a corporation the Southern Pacific road can not be held responsible for the frauds committed by its directors or other officers, as directors or officers of another corporation, and keeping ourselves in a position to enforce all of our rights against these companies, against their stockholders, and against all of their available property, it is our highest duty to accord to each company the rights which have been ascertained by the judgment of our own courts, a judgment which has not been appealed from, and is now *res adjudicata*.

The Southern Pacific Company is a lawful corporation, and possesses all the powers granted by its charter. As a common carrier it leased the lines of the Central Pacific and obligated itself to make the annual payments to the United States which the law imposed upon that company. It has made those payments, and amounts have been withheld from it which could not have been withheld from the Central Pacific had not the lease been made. Strong as is my desire to hold the Pacific Railroad companies to the strictest accountability to the United States for the immense indebtedness contracted on their account, earnest as I am in the support of legislation which will require the executive officers of the Government to enforce our demands not only against the property of the companies but against their officers and directors who have misapplied and practically embezzled their property and funds, I can not oppose the payment by the United States of what it legally owes, and can not withhold except by a violation of the very principles of law and equity upon which we must rely for the recovery of what is due the United States by these companies, and those who have managed their affairs——

Mr. CANNON of Illinois. I yield now ten minutes to the gentleman from New Hampshire [Mr. BLAIR].

Mr. BLAIR. Mr. Speaker, this question seems to be argued with reference to the larger and broader one as to the manner in which we shall deal with the Pacific railroads in their general relations to the Government of the United States. A great degree of odium is sought to be cast on the rights of these corporations—these entities—that are to exist, it may be, as long as the nation itself exists, by reason of the alleged malfeasance on the part of certain of their managers—their officers—in the past.

I think we should make a very careful distinction between the individuals who may have had to do with the original construction and subsequent management of the roads, and the corporations which are now existing and which are to exist in the long future.

The important question here presented for our consideration is whether or not a judgment of $1,800,000, obtained after full investigation on its merits, in the courts of the country, our own courts, in favor of the Southern Pacific Railroad, now due and long past due, shall be paid to that corporation according to the legal tenor of the judgment of the court.

There is no question that the Southern Pacific Railroad is one entity, and the Central Pacific Railroad is an entirely distinct one in law, and, so far as this question is concerned, in equity also. It may be true that the present managers of these two corporations are largely the same; it may be true that the majority of the stock is in each corporation controlled by substantially the same individuals; but nevertheless there is a vast minority in each corporation separate and distinct from those who are engaged in them as managers, and also distinct from each other, who are the owners of certain portions of the stock of the company, while there is no identity whatever among the bondholders whose claims cover the greater part of the value of all these roads.

The evidence before the Committee on the Pacific Railroads of the House shows that at least 10,000 stockholders were in possession of the stock of the Central Pacific Railroad; and it has been stated, and I have not heard it contradicted—in fact I understand it to be true from inquiry by myself and others—that the stock of the Southern Pacific road is distributed among not less than 30,000 different individuals; and for a very large proportion of that stock large value has been paid by those who are now its holders.

The bondholders and the stockholders of all these companies are distributed all over the country, and over most of the civilized world; and unless the honest earnings of the properties which their money has created is paid to them when due, bankruptcy must follow; and the loss must fall upon bondholders and stockholders alike, not upon the innocent bondholders first, whose money generally built and equipped these roads.

It is said that the Central Pacific is insolvent. It is not insolvent, Mr. Speaker, in any legal or just sense of that term. All of its obligations—and there is no evidence to the contrary; it is admitted by all, that all of its obligations to the Government from the beginning to now, according to the construction

of the courts and the law—have been promptly met up to the present time. There is an anticipated default in the obligation to the Government when this large indebtedness shall become due, but not until then. That indebtedness matures in installments from January, 1895, until about the year 1900.

The interest has been met on the first mortgage bonds promptly; every claim of the Government has been met, so far as required to be met, by the corporation and will be met until the maturity of the bonds themselves. Then there will be a vast sum coming due to the Government; deducting the sinking fund and other accumulations of perhaps $16,000,000, a balance of over $50,000,000. The debt due to the Government on the maturity of the bonds will probably equal the value of the roads themselves, in the railroad markets of the world. But what would be the fate of any great civilized nation on the face of the earth, if called upon at the maturity of any national debt, to meet it and pay it in full and at once? It would result in absolute bankruptcy.

How would it have been with us, as our national debt matured at the close of the war, and at various periods since the war, if we could not have obtained by law a substantially forced loan or the extension of the debt? What great railroad is there in the country, or in the world, at this time that could meet its obligations for construction and equipment, or its existing debts when they fall due, without insolvency? Such obligations are universally extended, and if the Central Pacific and the Union Pacific ask to have their debts extended into the future by their creator and chief creditor, the Government of the United States, they are doing only what the United States itself had to do to preserve the life of the nation, and what every great nation on earth would be compelled to do under similar circumstances.

What would Great Britain do, with the wealth of the Indies at her command, if she had to meet the $4,500,000,000 of national debt at any given moment and furnish funds for its complete extinction? What would the New York Central Railroad do, or the great Pennsylvania Railroad, or the Baltimore and Ohio, or what would any railroad corporation in the United States do if called on at any given moment to meet and pay the vast accumulations of capital which are the basis of their construction and which represent their value, and which are, as investments, the safest and in many respects the best that are now offered in our country?

There is no reason why the debt of the Central Pacific road should be paid at its maturity any more than that of any other great railroad of the country. It is only incumbent upon that corporation and its creditors so to manage its plant and assets and earning power as best to secure the payment of the interest on its debts, and serve the public, for whose good its corporate functions and properties exist.

But gentlemen talk as though it was the business of this Congress to destroy these great properties because extensions of their debts are necessary, as is the fact in the case of all the great corporate agencies of a similar nature in the whole world.

These are times when a malevolent creditor could bankrupt or dispossess of their plants and franchises at least three-fourths of the railroads of the land and crush out and confiscate their earning power.

Mr. SNODGRASS. Will the gentleman allow me a question?

Mr. BLAIR. I have only ten minutes, and my time is slipping by more rapidly than I wish.

Mr. SNODGRASS. Just a question.

Mr. BLAIR. I want to strike at another point, and that is that I believe that great prejudice is sought to be excited in this House and this country, unjustly, against the men who constructed these Pacific railroads. Now, all the evidence obtained in this commissioners' report of 1887, the majority report to which allusion is constantly made—and there are eight or nine volumes of the testimony—and the conclusions of the majority of the committee, is and are to the effect that there should be an extension of these debts for seventy-five, one hundred and twenty-five, or one hundred and fifty years.

I refer now to the report which is being quoted here constantly against these roads. The very men who criticised the irregularities which undoubtedly took place in the construction and subsequent management of these roads recommend that there should be an extension of the time of payment of the Government claims against all these Pacific roads. The committee itself, appointed by President Cleveland, was not a friendly committee to these corporations. Anyone who reads the testimony, as well as the report, will be satisfied of that. But still that hostile majority reported and recommended bills for the extension of the Government's claims far more favorable than the bill reported by the committee of this House at this session, which has my support.

I ask the advocates of the confiscation of this property or of its absorption and control by the Government, to listen to the conclusion of the report of this committee, whose finding and action they constantly quote.

Criticising the recommendations of the minority of this committee which "were quite similar to the views expressed here by those who oppose the pending Senate amendment," the majority say on page 34:

> In concluding this portion of its report the commission desires to express its deep regret that a unanimous result has not been reached.
>
> We have patiently examined and endeavored to comprehend the reasons which appear to prevent the minority commissioner from uniting in the recommendations herein contained. Elsewhere we have replied in some detail to some of the specific matters referred to by him in his report. Its perusal certainly appears to lend additional force to the proposition that the existing relations between the United States and these companies should be severed and a permanent adjustment effected.
>
> The minority commissioner seems to have grouped together matters relating to these respective railroads without any attempt at a distribution of the actual wrongs complained of either as between the corporations themselves or between the corporations and the individual officers and directors, of whom complaint is made, and indicts them all under a sweeping bill of charges containing generally no specifications whatever, and based, so far as the companies themselves are concerned, on no acts which distinguish these companies from other railroad corporations in the United States, but on the stock in trade of all those who oppose what they call "monopolies" at all times, at all hazards, and under every possible circumstance.
>
> His report reads like a complaint in divorce for cruelty and desertion—an endless mixture of petty complaints united to real grievances, all tending only to show that the union of the parties can not produce a desirable result.
>
> This is the logic of the events themselves, and leads inevitably to the conclusion which the commission has reached. The sovereign should not be mated with the subject; and it is because we are so deeply impressed with that conclusion that we have devised and recommended the bills which, in our judgment, will as far as possible lead to a severance and adjustment of these relations.

The commission then proceed to recommend an extension of the Government claims against the aided roads of fifty years.

And now we come to this judgment of $1,800,000 in favor of the Southern Pacific, an entirely different entity, a corporation against which there are no charges, a corporation which has always met its obligations to the country and the Government and to individuals in every way, as far as we are advised. It is proposed to withhold the payment of this $1,800,000, at a time when the railroads of the country are passing into the hands of receivers, when this money is necessary for their ordinary management, and for the payment of its laborers and its current expenditures, when it is conceded to be due to them, and necessary to be paid in order that great misfortunes to them and to those who own their property may not occur.

Shall we withhold it at such a time as this? Why is this urged? Under the pretense that we are to collect of these roads the immense amount of this debt which they are soon to be owing, shall we create a state of things which will force them into the hands of receivers, and in carrying them down carry down immensely greater and cognate interests all over the country, and possibly extending to the world at large? For it is true, sir, that great amounts of this property are owned abroad, as well as in our own country.

COST OF THE CENTRAL PACIFIC.

All the evidence in the report of the commission of 1887 shows that the money obtained for the first-mortgage bonds, and the money obtained by the sale of the bonds given by the United States, amounting in the aggregate to some $54,000,000 or $56,000,000, on the face value, but which resulted in only about $41,000,000 or at the most $42,000,000 in actual funds—that this $41,000,000 and the $6,000,000 or $7,000,000 advanced by these four men (and repaid by land grant bonds, I believe) who are spoken of here, to wit, Huntington, Stanford, Hopkins, and Crocker, was used in the construction of that road, and when they got through every one of them had spent his entire personal fortune besides and was bankrupt.

In the process of construction there were seventeen days at one time when there was not a dollar in the till of the Central Pacific road, and when they got through in 1869, Mr. Stanford testifies and Mr. Crocker testifies and all of them testify, and there is no evidence to the contrary, that there was not a dollar left. As Crocker testified they "felt pretty blue," and this when the whole world was ringing with their praise. The stock could not be sold for a cent, was entirely worthless in the market. It was no asset whatever in raising this money. They took it subsequently at 12 cents on the dollar, as among themselves. The road was completed in 1869, seven years before the law required it to be done. This stock first paid dividend in 1873.

Gradually it was put upon the market, and it sold for large sums. It sold at par in many instances, and it was then six or seven years after the completion of these roads that these men, who are charged with this malfeasance, made their money in the sale of stock which they had held when it was worthless for years. That is the truth about it, and it is the evidence and substantially the report of these same commissioners of 1887.

Now, these same commissioners inquired as to the cost of the

construction of the Central Pacific road, and they say that it was some $36,000,000. All the bonds, first mortgage bonds and Government bonds, netted $41,000,000. What, then, was the profit to these men who had assumed the whole thing, who had carried it forward when nobody had any faith in the result of the enterprise and the business men and newspapers of California were as hostile and clamorous against the great work as they are now, and when the country demanded that the roads should be built to preserve the integrity of the nation itself? It could not have been more than five or six millions of dollars to be divided among the whole four of them, and the testimony shows that they had nothing left at all but the worthless stock. Moreover, the evidence shows that there was no diversion of the funds or the moneys of the Central Pacific into the construction of the Southern Pacific at all; that the Southern Pacific was not built until years after the completion of the Central Pacific, as ought to be well known.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. HUDSON. I hope the gentleman's time may be extended. I move that he have five minutes more.

Mr. REED. That must be done by unanimous consent.

Mr. CANNON of Illinois. I hope the gentleman's time will be extended.

Mr. WILLIAMS of Illinois. I object.

The SPEAKER *pro tempore*. Objection is made.

Mr. HUDSON. I wish to ask the gentleman from New Hampshire how these four men, Stanford and the others, made their millions if they did not make them out of the lands and other aid given by the Government of the United States?

Mr. BLAIR. That is what I did try to tell the gentleman. These men started rich, and at the completion of the Central Pacific road, in 1869, they were all poor.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BLAIR. I understood that my time had been extended.

Mr. CANNON of Illinois. Now, Mr. Speaker, I ask unanimous consent that the gentleman's time be extended five minutes.

The SPEAKER *pro tempore*. The gentleman from Illinois asks unanimous consent that the time of the gentleman from New Hampshire be extended five minutes. Is there objection?

Mr. WILLIAMS of Illinois. I object.

Mr. BLAIR. I will not trespass further——

The SPEAKER *pro tempore*. The gentleman from Illinois objects.

Mr. BLAIR. I would like to answer the question of this gentleman.

The SPEAKER *pro tempore*. The gentleman from Illinois objected to the extension of the gentleman's time.

Mr. CANNON of Illinois. I heard no objection. Who made the objection?

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. WILLIAMS].

Mr. CANNON of Illinois. Oh, well; I will have a chance——

Mr. BLAIR. You can give me one minute, and I will answer the gentleman's question.

Mr. CANNON of Illinois. My friend from Texas [Mr. SAYERS] can yield time for the gentleman to answer the question on his side.

Mr. HOOKER of Mississippi. I move that the gentleman be allowed three minutes.

The SPEAKER *pro tempore*. That would not be in order.

Mr. HOOKER of Mississippi. Then I ask unanimous consent that the gentleman have three minutes.

The SPEAKER *pro tempore*. Objection has been made to extending the time of the gentleman five minutes. The gentleman from Mississippi asks unanimous consent that his time be extended three minutes. Is there objection?

Mr. WILLIAMS of Illinois. I object.

Mr. CANNON of Illinois. That is right. They always get us to consent to limit debate and then put up somebody to interpose an objection for an extension of time.

Mr. SAYERS. Does the gentleman say that I have put anybody up to object?

Mr. CANNON of Illinois. Oh, no.

Mr. SAYERS. I deal openly. If I want to interpose an objection I do so.

Mr. CANNON of Illinois. I do not make any intimation against the gentleman from Texas. I believe he is as fair as I am, and I believe I am as fair as anybody.

Mr. BLAIR. With permission, I will extend my remarks.

Mr. SAYERS. I yield fifteen minutes to the gentleman from Ohio.

The SPEAKER *pro tempore*. The gentleman from New Hampshire asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. OUTHWAITE. Mr. Speaker, I would like to have a little better order before I begin to speak upon this subject.

The SPEAKER *pro tempore*. The House will be in order. Gentlemen on the floor will cease conversation.

Mr. OUTHWAITE. Mr. Speaker, when I came into the Forty-ninth Congress one of the questions to which I directed my attention was that of securing to the Government the great indebtedness of these Pacific Railroads.

Mr. BLACK of Illinois. I hope the gentleman will suspend until we can have better order. I am between two talks.

The SPEAKER *pro tempore*. The gentleman can not be heard. The Chair can not hear one word of what is said. (After a pause.) The gentleman will now proceed.

Mr. OUTHWAITE. I was then met in the study of this subject with the fact that the law stood in the way of proceeding immediately, in the best manner, to secure this indebtedness. To-day, when this question is up, which not only involves $1,800,000, but possibly involves many million dollars, the only argument that is presented to us is that it is a legal claim, and that the legal situation is such that we must pay this amount; that we must disregard everything else but the technical legal questions.

Now, Mr. Speaker, I do not hesitate to say in the presence of this House and of the country that certain railroad managements of this country have within the past few years perpetrated, legally, iniquities in the form of stealings, robberies, and other scoundrelly abstracting of other people's money than all the criminals in all the penitentiaries in this country combined. It is not a question simply of legality that we are to consider. It is clearly shown here by the testimony that was taken that this Southern Pacific Company was an organization to help evade the legal responsibilities of the Central Pacific Railroad Company; not only to help to evade the legal responsibilities, but to divert from its proper channel the moneys which should have come into the Treasury of the United States according to the law under which the Central Pacific Railroad was operating. Reading from the report of the Pacific Railway Commission, on the 95th page, I find:

> The railroad known as the Southern Pacific Company of Kentucky, organized under a Kentucky charter, was selected as the common lessee of all these companies. The Southern Pacific Company is in a great degree controlled by Stanford, Huntington, and Crocker.

Then the testimony shows that these three gentlemen and one other were really the organizers, stockholders, the builders, the construction company of both of them—the Central Pacific Railway Company and the Southern Pacific Railway Company:

> The large amount of stock of the Southern Pacific Railway Company issued to them for construction has been converted by them into stock of the Southern Pacific Company of Kentucky. The Southern Pacific Railroad Company and the Central Pacific Railroad Company are leased to this common corporation.

That is the finding of the Pacific Railway Commission that investigated this subject at a large expense. On the next page——

Mr. CULBERSON. What is the date of that report?

Mr. OUTHWAITE. It is Senate Executive Document No. 51, of the Fiftieth Congress, first session.

Mr. CULBERSON. What is the date of the report that you read from?

Mr. OUTHWAITE. January 17, 1888, is the date of the report. On page 96 I find:

> The question, therefore, of the effect of the Government's earnings of the lease of the Central Pacific Railroad Company to the Southern Pacific Company of Kentucky is merely a question whether the parties interested, having control of all the business operated on behalf of the Central Pacific Railroad and the Southern Pacific Railroad, would divert business naturally belonging to the Central Pacific Railroad to the Central Pacific Railroad, so as to affect the amount of earnings subject to the 25 per cent computation, or so as to advance their personal interests.
>
> It is doubtless true that a large portion of the through traffic from ocean to ocean since 1882 has been done via the Southern Pacific Railroad Company.

From this language it clearly appears that one of the objects for which this Southern Pacific Company of Kentucky was organized was to prevent the proper payment, under the law, of the 25 per cent which should have come to the Treasury of the United States. They diverted the traffic that should have gone over the Central Pacific, because it would be subject to this 25 per cent. While obeying the law in appearance, they violated it in spirit. Part of this sum of $1,800,000 which that company is here to-day suing to collect from the Government should have been paid in under the law as part of the requirements of the Thurman law. That company now seeks its legal rights as to this sum of diverted money.

Mr. BLAIR. If you will read page 115 of the report you will see the construction that is put upon that by the commissioners.

Mr. OUTHWAITE. I have no time to yield. This diversion resulted in injury to the Government, in that the company thus failed to apply such funds to the sinking fund provided to pay off the bonds which are about to become due. During this fiscal year there are coming due certain bonds loaned by the Government to the Central Pacific for the payment of which the company has failed to provide. Must we pay them, and yet give up money to this company? According to the statement of the company's attorneys, according to the facts, the Central Pacific will not be able to pay those bonds, and the United States Government must go into the Treasury of the people and pay these bonds during this year. It must so continue to do until the many millions loaned that company are paid off by the people.

With that fact staring us in the face, with the fact that the Central Pacific Railroad has bonds coming due which must be paid out of the Treasury of the people, we are asked to pay to this "common corporation" $1,800,000 of the people's money. Is there any haste that we should at this time, when the Treasury is depleted, when an issue of bonds has been found necessary to keep it from bankruptcy, to pay this claim, about which there is no legal question to be sure, but about which, as an old squire down in Missouri used to say, there are some "e-e-quities" that ought to be considered? If the proposition be true that the bulk of the stock of this Southern Pacific Company is owned and controlled by the men who robbed the Government——

Mr. REED. Will the gentleman permit a question?

Mr. OUTHWAITE. Yes; certainly.

Mr. REED. The gentleman says the bulk of the stock is owned and controlled by certain persons. How does he justify his action towards the other "bulk" of it that is not owned by those persons?

Mr. OUTHWAITE. I will justify that. It was all originally owned by these gentlemen. They paid to themselves for construction. If they sold it to innocent holders without any knowledge on the part of those holders of the taint that was upon the stock, then the purchasers must look to them.

Mr. BLAIR. Does not the gentleman know——

Mr. OUTHWAITE. I do not yield to the gentleman from New Hampshire.

Mr. REED. Now I understand the gentleman's point of view.

Mr. OUTHWAITE. I am simply admitting for the purpose of this argument a declaration made upon the other side that there are other stockholders; but there is no testimony or evidence here to that effect.

Mr. REED. Is not the gentleman aware of the fact that there has been a very lively correspondence on the part of the English owners of this stock with the late president of the company——

Mr. OUTHWAITE. No; I am not aware of that fact.

Mr. REED. Showing plainly that there is a large interest held by entirely innocent persons in England, not to speak of innocent holders in this country?

Mr. OUTHWAITE. I do not know that they are innocent, in the sense of not having had knowledge of the transactions which covers this whole matter with fraud. There may be some English stockholders, but I am not particularly anxious just now to pay money out of the Treasury of the United States to be sent to these English stockholders.

Mr. REED. I think you are right, after having just passed a tariff bill which will put infinite money in their pockets.

Mr. OUTHWAITE. Still "harping on my daughter."

Mr. REED. And a pretty bad daughter, too. [Laughter.]

Mr. OUTHWAITE. I wish that some subject could come up here which the late Speaker of the House would let go through without making some reference to the tariff.

Mr. DALZELL. Not their daughter, either, except by adoption.

Mr. REED. Do not interrupt the gentleman from Ohio. He means to be severe.

Mr. OUTHWAITE. Oh, no; I would not attempt the rôle of the gentleman from Maine.

Mr. REED. I should think you would not.

Mr. OUTHWAITE. No, I would not. The gentleman from Maine is superior in vulgarity in abuse of members, and I do not aspire to rival him therein.

Mr. REED. In what?

Mr. OUTHWAITE. I have said it.

Mr. REED (in his seat). You have said it; of course you have.

Mr. BLACK of Illinois. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BLACK of Illinois. I make the point of order that the gentleman from Maine when addressing this House should rise in his place. [Laughter.]

The SPEAKER *pro tempore*. The Chair sustains the point of order.

Mr. OUTHWAITE. Mr. Speaker, as I said at the outset, the question here is not whether there is a legal claim; the question is whether there is such a pure claim, so free from fraud, so free from taint of any kind, that in the present situation of affairs in this country we should make haste to put money into the pockets of these men who by their transactions are under obligation to pay many times more than this amount back into the Treasury of the United States.

Instead of attempting at this time to extend any of this indebtedness of these Pacific railroads, let us proceed to attempt to collect what is owing the Government and can never be paid by the companies, amounting to many millions of dollars, from these fiduciary parties, these directors, these presidents of boards of directors, who through contracts with themselves and other corrupt schemes robbed their own companies, and thus made way with the funds furnished by the Government. Let us proceed to pass legislation that will enable us, in the courts of the United States, to pursue them and get back at least a part of that of which they have robbed the Government. We can readily pass such legislation. The time has about come when no court can intervene to prevent us upon the ground that the indebtedness has not yet become due. Let me call the attention of the House to the second and fourth sections of the bill I introduced August 7 for that purpose:

SEC. 2. That the Attorney-General, as soon as may be after the passage of this act, shall institute proceedings, in the name of the United States, against any former or present directors, or against the estates of any such directors or their heirs, or personal representatives of former directors of Government-aided railroad companies, or against other persons who may be liable to the said corporations or to their creditors for property obtained contrary to equity, and particularly in respect of the following matters:

Contracts for construction or equipment, whether made by fiduciaries in their own names or through construction companies or other individuals. Contracts for the transfer of bonds or stocks of other railroads to the Government-aided companies. Any other contracts, or any acts, whereby the fiduciaries of Government-aided railroad companies have received from them securities or property of those companies, or the securities issued by other companies, and which securities belonged to the subsidized companies, or transferred to Government-aided companies the securities or stocks of other corporations, contrary to equity, or any other acts of said parties contrary to the equities of said companies. And the Attorney-General shall likewise institute suits against any former or present stockholders who may be liable by statute or otherwise for the debts of the aforesaid corporations.

SEC. 4. That upon the maturity of any of the bonds issued by the United States to Government aided railroad companies the Attorney-General shall institute common-law actions for recovery thereon, and the provisions of this act shall apply to those proceedings. And the United States shall have the right to allege its judgments so recovered, and proceedings thereon, by supplemental bills to the suits described in section 2 of this act, with like force and effect as if the said judgments had been recovered and proceeded upon at the time of the filing of the original bills by the United States. That the holders of overdue coupons and of any other overdue obligations of the said companies shall have the benefit of the foregoing provisions of this section. But nothing contained in this act shall be construed to abridge the right of the United States, or of any other creditor of the said companies, to proceed before judgment or maturity of debts by suits in equity against said companies when insolvent, and against any former or present directors of said companies, or against the estates of any former directors thereof, or against their heirs or personal representatives, or against their directors, officers, and transferees, to recover property obtained contrary to equity, and to have the benefit of all the provisions of this act.

No court can stay the hand of justice or equity in its attempt to follow these moneys of the Government into the possession of the fraudulent holders thereof. The men who own this indebtedness which our friends upon the other side are so anxious to pay, the men who are interested in receiving this money from the Treasury, are the very men who were guilty of the transactions by which the Government was so badly robbed in years gone by, both through construction contracts and the diversion of traffic to the other lines which they had under lease, which diversion enabled them to prevent payments being made to the Government that ought to have been made.

Mr. BOATNER. Will the gentleman give us the facts upon which he bases that statement, and also the legal principle upon which he confounds a legal corporation with the stockholders who compose it?

Mr. OUTHWAITE. These corporations confound themselves with each other. The one was organized for the purpose of confusion. As to the facts which the gentleman inquires about, here is a summary of those facts. This report of the investigations of the Pacific Railroad Commission fills several volumes, all going to establish beyond peradventure every statement that I have made as to the transactions of these people, and the fraudulent manner in which they constructed their railroads.

Mr. BOATNER. Now, I want to ask my friend whether as a lawyer he thinks that the statements and arguments he is making here would be considered at all in a court of justice——

Mr. OUTHWAITE. I said that as a legal question this company may be entitled to this money; but I said also that under the shield of law, some of the greatest robberies ever perpetrated upon any people have been perpetrated upon the people of this country in the management of these corporations.

[Here the hammer fell.]

Mr. SAYERS. I trust the gentleman from Illinois [Mr. CANNON] will now occupy some of his time.

Mr. CANNON of Illinois. How much time is there left on each side? I have consumed seventeen minutes, I believe.

The SPEAKER *pro tempore*. The gentleman from Illinois has forty-three minutes remaining; the gentleman from Texas fifty-one.

Mr. CANNON of Illinois. Does the gentleman prefer I should go on now.

Mr. SAYERS. Yes, sir.

Mr. CANNON of Illinois. I yield to the gentleman from Texas [Mr. CULBERSON] ten minutes or such additional time as he may desire.

Mr. CULBERSON. Mr. Speaker, in the Fifty-first Congress an amendment to an appropriation bill was considered providing for paying the Central Pacific Railroad a million and more of dollars for which judgment had been rendered by the Court of Claims, and affirmed by the Supreme Court of the United States. And although the Supreme Court decided that Congress could not lawfully withhold the payment of that money to the Central Pacific, since that company was in no manner in default, yet because the record did not show that another very important question in the case had been adjudicated and settled, I voted with my friends on this other side of the House to withhold the payment of the debt upon this ground: When Congress came to act upon the subject it was confessed on all sides that the Central Pacific Railroad Company was insolvent; that it would in a few years, if it did not then, owe to the Government of the United States a large amount of money.

I believed that upon the principles of equity we had the right to withhold the money and to appropriate it when the time came to the payment of the indebtedness of the Central Pacific Railway Company to the Government of the United States. I was influenced to vote as I did on this occasion by the same reasons which were presented in this House at that time by the gentleman from Pennsylvania [Mr. DALZELL]. I believe that Congress did right in withholding the money to pay that judgment. I believe now, if there were an effort to pay the Central Pacific Railroad Company the judgments which they hold against the United States, we should withhold the money.

But, Mr. Speaker, the question involved here is quite a different one. The Southern Pacific Railroad Company was organized under a charter obtained, I believe, in Kentucky. That road runs through Southern California, through Arizona, through New Mexico, and through Texas to New Orleans; that is, the different Pacific companies which built and operated this line and which is leased and operated by the Southern Pacific Company, which I shall treat as the owner of the whole line.

Mr. MAGUIRE. The Southern Pacific Railroad Company, which makes this claim, never owned a foot of railroad in the world. It was organized, we claim, simply as an agent of the Central Pacific people for the purpose of defeating the just claims of the Government.

Mr. CULBERSON. You claim that; but I dispute the claim. I say that it is a corporation doing business as a corporation, legally qualified to act, and is now the lessee of the Central Pacific system and the Pacific roads between San Francisco and New Orleans.

Now, this railroad company has performed services for the Government of the United States. The Government owes it about $2,000,000 under this judgment for carrying its mails and troops. Not one dollar of these earnings was made by the Central Railroad Company and its branches. This money was all earned by the Southern Pacific Railroad Company.

Now, we are told that Mr. Huntington and Mr. Somebody else owned both the Central and the Southern Pacific Railroads. I dispute that, as a matter of fact; but as a matter of law it would make no difference if the truth so existed. The fact is, that the Southern Pacific Railroad Company issued and sold $61,000,000 of bonds to aid in the construction of this railroad through Southern California and Texas. Who owns the bonds? Where are they? They are scattered throughout Texas, throughout the South, throughout California, and in foreign countries. How are these companies to pay their interest upon its indebtedness if the Government withholds from its lessee its just earnings?

Now, I want to submit, Mr. Speaker, that the mere identity of stockholders does not make the corporations identical. By no means. The gentleman from Ohio Mr. OUTHWAITE] states that this railroad was built for the very purpose of making a cover——

Mr. OUTHWAITE. I said that the railroad company was organized for such a purpose—not that this road was built for that purpose. There are three legal entities here.

Mr. CULBERSON. I understand that. I say it has been claimed by the gentleman that this whole Southern Pacific system was a mere cover for the Central Pacific Railroad Company and other aided lines, in order to defeat the Government of the United States in the collection of its debts. Now, I do not understand the history of this transaction in that way. And he claims that the money which ought to have gone to the Government has been diverted from its legitimate purpose and placed in the construction of the road.

Now, the witness that was mainly relied on in this proposition is Judge Payson, and yet Judge Payson quotes in his testimony the report of the Railroad Commission of 1887, the report from which the gentleman from Ohio has read, that not a dollar of this money had been diverted from the proper purpose in the building of this Southern Pacific Railroad.

But, Mr. Speaker, I will not argue, because I can not discuss this question in five or ten minutes the logic of the question presented here. But I ask as a legal proposition what right have you to withhold this money from this railroad company, because of the fact, as alleged, that Mr. Huntington, and three other men, hold in their hands a large block of the stock? What right, I ask, have we to withhold payment under such circumstances? Are not other people who are interested, stockholders in this company, entitled to some respect and consideration? Are we to run over law and justice and everything else in refusing to pay an honest debt? Is that any ground for the refusal to pay an honest debt?

I think, Mr. Speaker, that the Democratic party can well afford to swell this little appropriation bill by the sum of $1,800,000 in order to do a matter of justice, of fairness and right to these people.

But I would like to know whether the time can ever come, or will ever come, when you can take this money away from the stockholders of the Southern Pacific Company and put it into your Treasury to the credit of the Central Pacific? I answer that the time never will come, and that you never can do that; and if you can not, why not do now what is right, and let this just debt, which your own court has adjudicated, be paid? [Applause.]

Mr. CANNON of Illinois. I yield five minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER of Mississippi. Mr. Speaker, I understand the facts in connection with this case to be that the amount added to the appropriation bill by the Senate is an amount that has been adjudicated by the Court of Claims. Why is it then, sir, that the Government of the United States represented by its Attorney-General and its Solicitor-General who appeared in the Court of Claims for the purpose of defending the rights of the United States in the premises, why is it just, if the United States had a just and fair offset, as is now alleged, to this claim of the Southern Pacific Railroad Company, that they did not interpose at that time and present their alleged offset?

Mr. OUTHWAITE. It was not done for this reason——

Mr. HOOKER of Mississippi. Very well; I can not yield to the gentleman from Ohio. He has had his own time and he can answer that query in his own time. Certain it is that no such offset was presented. They should have presented it there and then; and if such an offset existed they had a right to resist the decree of the court which declared this to be a just debt due by the Government of the United States to the railroad company.

Mr. BOATNER. If my friend will permit me to suggest, the legal question was presented and adjudicated by the court, and the officers of the Government, after perfecting an appeal to the Supreme Court of the United States, declined to prosecute it.

Mr. HOOKER of Mississippi. Precisely; and it stands as my distinguished friend from Louisiana says, as *res adjudicata*, in a court where both parties were represented, the United States by its attorneys and the Southern Pacific Railroad Company by its attorneys, and the question was adjudicated and the Government abandoned its right of appeal to the Supreme Court.

No one denies here, neither the gentleman from Ohio [Mr. OUTHWAITE] nor the chairman of the Committee on Appropriations [Mr. SAYERS] that the services were rendered by this railroad company, that the mails were carried, troops and munitions of war were transported for the Government, and that the debt is justly due. All of that is admitted by all parties; but when the question of the payment for the services comes up they say, "Oh, no, you must not pay this debt, although adjudicated by the court and found due, until this railroad company will satisfy the debt of somebody else"—a legal proposition which of course can not be successfully submitted, and was not made in the course of the proceedings before the Court of Claims or in any other court.

Mr. MAGUIRE. If the gentleman will allow me to state——

Mr. HOOKER of Mississippi. I can not yield to the gentleman. If you could have made such a claim you ought to have made it and let the court pass upon it. There is the place to submit it, and if the United States had a just offset against the claim of the company, there was the place where the Attorney-

General and his subordinates, representing the United States, should have interposed the objection to the illegal and unjust demand of the railroad company.

But, Mr. Speaker, I understand that the gentleman from Ohio, and the chairman of the Committee on Appropriations, and everyone else who argues on this question admit that this is a legal claim, a just question, and a claim that has been adjudicated by a court of competent jurisdiction; and that all the parties in interest were before the court and had a proper hearing.

It is then a strange proposition that in the House of Representatives anybody will rise here and claim that when there has been a fair adjudication of a question of indebtedness before a court of competent jurisdiction, where both parties were represented by their attorneys, you will refuse to pay the party in whose favor the adjudication was made because you think the amount of the claim should go to somebody else! That is a strange principle of law to me. The true and manly course is for Congress to pay the adjudication of its own court, and when you come to the question of the liability——

Mr. SNODGRASS. Will the gentleman permit me?

Mr. HOOKER of Mississippi. I decline to be interrupted now.

When you come to the question of the liability of the Pacific railroads, the Central Pacific and the other roads who have large land grants made to them by the Government, then we must take into consideration not only the law as bearing upon each case by itself, but all of the equities which may be presented. It is true that these companies have had large grants of lands, mainly sage bush and arid plains, but they have returned you populous towns, villages, and cities, which are paying, daily, taxes into the Treasury of the Federal Government, as well as into the governments of the States which have been created out of these grants. It may be that the grants were too large. It may be that the Government was too liberal. I think so myself, but at all events you have the results flowing from the grants. You have men on this floor representing great sovereign States which have been carved out of the grants to these Pacific railroads. But all this is out of the question. The simple question presented here is, Does this judgment of the Court of Claims represent a just and honest claim against the Government?

Was the transportation rendered? Did the court have a right to make the adjudication it did? And if it did, is it not in common honesty the duty of the United States Government to pay the debt? And when we come to deal with the Pacific Railroads upon an adjudication as to what they owe, upon a foreclosure of the mortgages which the Government had taken from them, when we come to do that, then, while we are adjudicating upon that question, we can say what is due to those roads, and what is due to the Government, and withhold it. Upon an adjudication by a court of competent jurisdiction, that a certain amount is due, when everybody concedes that the service has been rendered, why should we withhold the payment of a just and honest judgment rendered by a competent court?

[Here the hammer fell.]

Mr. SAYERS. I yield ten minutes to the gentleman from Pennsylvania [Mr. REILLY].

Mr. REILLY. Mr. Speaker, the proposition to provide in this or one of the other appropriation bills for the payment of this claim was, as I understand, submitted to the Committee on Appropriations, and the parties interested were fully heard, and after consideration that committee decided to disallow it, or, in other words, not to include it in any of the bills, this or any other, reported by that committee. The bill reported by the committee, after having been considered and acted upon by the House, was sent to the other Chamber, and there the amendment which is now under discussion was first inserted in the bill.

If there were no other objections to the payment of this claim than that, I should regard it as sufficient to satisfy my own mind, but especially so in connection with all the history of this transaction. It has grown to be a custom here of late years to hold back matters of important legislation, and bring them in at the closing days of the session in the shape of Senate amendments to appropriation bills. I think this is a vicious practice, and one the House should discountenance and rebuke as often as opportunity presents itself.

Now, Mr. Speaker, there are some considerations which address themselves to my mind as a reason why this appropriation should not be allowed, notwithstanding the fact that it is asserted here that the claim has been adjudicated by one of our courts.

We all have respect, of course, for the adjudications of the courts, and bow to their decisions, but there are many considerations and suggestions that properly present themselves to the minds of a body such as this, when called upon to legislate, instead of deciding questions according to technical rules of law.

Mr. TERRY. Is it not a fact that hundreds of claims have been adjudicated which the committee have not found themselves able to provide for?

Mr. REILLY. Yes; and this House has refused time and time again to appropriate for claims that have been adjudicated by the courts, because, in the wisdom and discretion of this body, there were sufficient reasons, in the judgment of the members, to justify them in their action.

Now, in the brief time allowed me I can only give a hasty review of the facts connected with this matter, but hope the House may understand it, because it seems to me, from the tenor of the remarks of some of the gentlemen, particularly my friend from Texas, whose ability and sincerity we all respect, there is some misapprehension as to the real facts.

The Central Pacific Railroad Company embraces a system of railways of about 1,360 miles, of which about 860 miles were aided by the grant of Government bonds and the grant of public lands. The remaining 500 miles are not so aided.

Under existing laws the Central Pacific Railroad Company is required each year to pay into the Treasury of the United States a certain portion of its net earnings, equal to 25 per cent, which is made up by the Government retaining the whole amount that it owes to the company for transportation services, one-half to be credited to what is known as the bond and interest account, with 5 per cent of net earnings, and the other half to the sinking fund, together with an amount in cash to be paid by this company that would make the total equal to 25 per cent annually of the net earnings of the company.

Now, there were afterwards organized what were known as the Southern Pacific Railroad Company of California, the Southern Pacific Railroad Company of Arizona, and the Southern Pacific Railroad Company of New Mexico, and other roads, all of which were leased by the Central Pacific Railroad Company and operated by the Central Pacific Railroad Company as lessees for some years up to 1885. Since the passage of the Thurman act, in 1878, and up to 1885, the annual requirement of the law as to payment of portion of net earnings above explained, called for and obliged this company to pay a considerable sum of money in cash yearly; and the payments to the Government, while not sufficient to meet the annual amount that the Government was obliged to pay out, were largely in excess of the amounts that have been paid annually under the provisions of that act since 1885.

In 1885 this arrangement was just reversed, and instead of the Central Pacific Railroad Company being the lessee of these various lines and operated by it the Southern Pacific Company, a corporation created under the laws of Kentucky, was organized, and became the lessee of the Central Pacific and all of the lines that had theretofore been leased by it, the Central Pacific Company surrendering all such leased lines and leasing its own lines to said Southern Pacific Company.

Now, the fact is that during the last few years the amount that the Central Pacific Railroad Company has paid under the Thurman act has amounted to no more than the actual charges it had against the Government for transportation. Its earnings have been cut down to that extent, and in fact it practically has no earnings except the $1,350,000 rental that it receives under the terms of the lease from the Southern Pacific Company. Now, I do not say—perhaps this is not the time to say, perhaps I would not be justified in saying—that that lease was executed for the purpose of bringing about such a condition of affairs; but it has evidently had that effect, and I will ask the Clerk to read from the report of the Senate committee, in which they quote from the report of the Pacific Railway Commission.

Mr. DOCKERY. Do I understand the gentleman to say that the Central Pacific Company operated the Southern Pacific road until 188 ?

Mr. REILLY. Yes, sir.

Mr. DOCKERY. And that immediately thereafter the conditions were reversed so that the Southern Pacific Company now operates the Central?

Mr. REILLY. Yes, sir: the Southern Pacific became the lessor and the other became the lessee.

Mr. DOCKERY. Then there would seem to be something of a community of interests?

Mr. REILLY. Yes, sir. The Southern Pacific must not be confounded with other distinct corporations which existed previously, as the Southern Pacific Company of California, the Southern Pacific of New Mexico, the Southern Pacific of Arizona, and others. I ask the Clerk to read the extract I have marked.

The Clerk read as follows:

The lease of the Central Pacific Railroad to the Southern Pacific Company of Kentucky in connection with the Southern Pacific Railroad to the boundary of Oregon, and thence to Portland, Oregon, has placed it in the power of the directors of the Central Pacific Railroad Company to effect a diversion of business which would have a very disastrous result upon the traffic of the subsidized portion of the Central Pacific Railroad.

Mr. BLAIR. Will the gentleman yield for a suggestion?

Mr. REILLY. If I had the time I would be glad to do so.

Mr. BLAIR. On page 115 of the report of the Pacific Railway Commission the gentleman will find a denial that the lease was made for any such purpose.

Mr. REILLY. I do not charge that. I quote from the report of the Commission, and I say that the effect of it has been as I have stated, and the fact is that the amounts paid for the last few years have been far below the amount which the Government has been obliged to pay out annually for interest alone, without mentioning the principal.

But, Mr. Speaker, I do not wish to discuss now either the legality or the validity of this claim. I am willing, for the sake of the argument, to concede both. What I say is that in view of the relations which exist between the Central Pacific and the Government of the United States, the large indebtedness which that company owes the Government upon the bonds which are about maturing, and in view of the close and intimate relation which exists between the Southern Pacific Company and the Central Pacific Company, as a matter of expediency and good, sound public policy, Congress, when it is upon the eve of being obliged to legislate upon this great and important question, ought not to appropriate this large amount of money at this particular time.

The fact that the Southern Pacific is the lessee of the Central Pacific, if that lease be valid, will make it necessary for Congress to legislate in relation to that company if it is to retain its interest for ninety-nine years under the lease now existing between it and the Central Pacific. So, Mr. Speaker, it will be seen that there are in this matter grave and serious reasons apart from the question of the legality, or the validity, or the merits which, whilst they could not properly be presented before a court, address themselves to this House as reasons why this appropriation ought not to be made now. Next year, in January, the debts of this company will begin to fall due, both the first-mortgage bonds and the Government bonds, and Congress will be called upon to provide for the payment of those bonds, either by appropriating public money, or in some other way looking to an adjustment and settlement of the claims of this company. I deem it no injustice, under existing circumstances and in view of the community of interest between these two companies, the immense sum about to become due to the Government, and the admitted inability of the company to discharge the same at maturity, to defer action in this matter until the whole subject of the adjustment of the relations of these companies to the Government shall be considered.

Mr. SAYERS. I yield five minutes to the gentleman from California [Mr. CANNON].

Mr. CANNON of California. Mr. Speaker, having resided in California for over forty years, I am somewhat familiar with the proceedings of the Southern Pacific and the Central Pacific Railroad Companies. The Central Pacific at one time held leases of all the branch roads in California, including the Southern Pacific. After the Thurman act was passed they went to Kentucky and organized a new corporation called the Southern Pacific of Kentucky. There is no doubt in my mind that that corporation was organized for the very purpose of taking possession under leases of all the branch lines, including the Central Pacific Railroad. It was organized, in my opinion and in the opinion of Californians generally, for no other purpose.

There was no necessity in the world for them to go to Kentucky to get a corporation to lease all those branch lines. The Southern Pacific road was already built and was operated by the Central under a lease. The manner in which that lease was made indicated fraud upon its face. Mr. Stanford was the president of the Central Pacific and E. H. Miller was its secretary. They were also the president and secretary of the Southern Pacific Company.

In March, 1885, after this Kentucky corporation had been put in the hands of these men, Stanford and Miller resigned as president and secretary of the Southern Pacific Company and appointed William E. Brown president, and E. H. Nash, Stanford's private secretary, secretary of the Southern Pacific, and then Stanford and Miller entered into this lease with these two other officers, and all the branch roads in California and the Central Pacific were leased to the Southern Pacific of Kentucky. That, I say, was a fraud upon its face, and it was done for the purpose of beating the United States out of its 25 per cent of the net earnings of the Central Pacific Company.

And not only was it done for the purpose of wrecking the Central Pacific Railroad Company and diverting all the traffic over the southern line from the State of California. Now, there is a reason why they would divert the traffic—a natural reason. They only own the branch lines in California. The Central Pacific only runs to Ogden, and all the traffic they could get on the traffic arrangements would be to Ogden overland. On this other route they have the whole State of California under their control. They have their lines to New Orleans, and from there to New York by water. Consequently they could get all the freight and all the traffic by diverting it over the Southern Pacific lines.

Now, another thing. This was not the only instance in which they diverted the means and earnings of the Southern Pacific to their own private benefit. They had private corporations, the Contract and Finance Company, and the Pacific Improvement Company, and so on. These companies were organized for the purpose of distributing the earnings of the Central Pacific to Stanford, Huntington, Crocker & Co. This is well known to all Californians.

The Southern Pacific of Kentucky was organized for the purpose of leasing all the lines in California and beating the Government out of the net earnings provided by the Thurman act. It owns no railroads in California, nor anything else. It issued no bonds, and the poor bondholders gentlemen speak about will not suffer on account of a loss of interest. It is an organized pirate, to prey upon the industries of the people, and should receive no sympathy at our hands.

As an appendix to my remarks I desire to present and print the following speech delivered by me before the Committee on Pacific Railroads on the 12th of July last:

SPEECH OF HON. MARION CANNON, OF CALIFORNIA, BEFORE THE COMMITTEE ON PACIFIC RAILROADS.

Mr. Chairman, the bill now before the committee, extending the time for the payment of the Pacific railroads debts, is one of the most important that has been presented to this body for many years. It is important to the United States in attempting to secure the payment of about $178,000,000, principal and interest, from the Union and Central Pacific roads, or from the Central Pacific alone about $77,000,000.

It seems to me that the main question to be considered by this committee is, whether the conduct of the "Big four"—Stanford, Huntington, Hopkins, and Crocker—has been of such a character as to inspire in us a confidence sufficient to grant them an extension of time in which to pay this debt; whether they have so administered the great trust imposed in them by the act of 1862 as to warrant such confidence in their honesty in the future?

It seems to me, that having violated every trust reposed in them by the people of the United States when we entered into a partnership with them in the construction of these great public highways, that they are not now entitled to any consideration whatever at our hands. After violating every contract and law creating the Central Pacific Company, I believe the partnership should now be forever dissolved and these bandits retired to private life, or the State's prison, where better men are serving the State.

If this great Government can not enforce its own laws against this corporation; if we must be continually harassed by the belittling suits that have so persistently occurred since the issue of these bonds; if we must abdicate our sovereignty, and through our officials be made to contend for petty successes or disastrous defeats in the forum of our own credits, then it is time for a complete divorce of the Government from this corrupt gang of bandits, who have preyed upon both the people and the Government for nearly thirty years.

There is another reason why we should wind up the business of this corporation, and this reason is the most important to Stanford, Huntington, Hopkins, and Crocker, and their estates. Under the laws of California, the stockholders of this corporation are individually liable for the debts of the company in an amount equal to the stock they hold. The law and the constitution of the State also declare that no corporation shall be granted a franchise for a longer period than fifty years.

An extension of time would be making a new contract with these corporators, and would release them from all personal liabilities for the rascalities and frauds perpetrated by them in the building and management of these roads up to the time the new contract is made. The charter of the Central Pacific was granted by the California Legislature June 27, 1861, and runs fifty years, and the State constitution forbids the renewal of any franchise after it has expired. Therefore, if the time of settlement is extended beyond the year 1911, the corporation will be dead and no power on earth can resurrect it.

You will therefore see by this brief statement the importance of this extension of time to the big four—Stanford, Huntington, Hopkins, and Crocker, and their estates. First, it will release them from all personal liabilities for their rascalities; second, by extending the time for settlement beyond the life of the corporation—June 27, 1911—they will beat the Government out of the whole amount of the debt. Mr. Huntington stated in his letters to Mr. Coulton that it had cost his company $1,700,000 to defeat Tom Scott and his "Texas Pacific" in Congress, and in view of this fact what should this Congress expect from his company?

To be relieved of all personal liabilities and an extension of time beyond the life of his company would be worth the whole amount of the debt, $77,000,000.

Now, Mr. Chairman, it seems to me that these corporations are put upon trial before this Congress, when they come here and ask for an extension of time, for one hundred years, in which to pay their debts. I do not desire to do these corporations any injustice, and if their management of the great trust given into their charge has been conducted upon honest methods they should have the time extended. But if it shall appear to this House that the methods employed have not been honest, but the most corrupt and vicious, so much so that it has become a national disgrace, then no extension of time should be given, and they should be wiped out with all possible speed.

The partnership entered into between the Government and the Union and Central Pacific, Kansas Pacific, Sioux City and Pacific, and the Central Branch, as set forth in the several acts of Congress, were as follows: The United States loaned them $64,623,512 in bonds bearing 6 per cent interest and running thirty years. They also authorized the companies to issue first-mortgage bonds to an equal amount of $64,623,512. We also gave them 26,029,534 acres of land, from which they have realized $33,479,213, and they have remaining unsold lands worth $26,504,270, making a total gift of land which amounts to $65,983,483. We granted them a right of way 400 feet wide, with all necessary room for depots, machine shops, and side tracks. We vested these corporations with control of these great public highways across the continent, and gave them power to establish rates of transportation; that is, the power to levy toll upon all the traffic which might pass over these roads. We also gave them the right of eminent domain.

These two last great powers are vested alone in Congress, and they have been farmed out to these corporations. But in order to guard against all

possible abuses of these great powers, and to insure good management and personal responsibility, Congress enacted that in return for the nation's liberality in granting these great powers and immense sums in bonds and lands, these companies should bind themselves to have their stocks fully paid up in cash; to build first-class roads; to carry freight for the Government at the same rates as for private individuals; to operate all the lines in the Pacific system as one connected, continuous line, and to give to each equal facilities in rates, time, and transportation, and to convey telegraphic messages upon equal terms to all persons. They also agreed to make annual reports to the Government, giving the names of their directors and stockholders, and the amount of their stock actually paid up in cash, and the amount of receipts, expenditures, and indebtedness, under oath. They also agreed to pay 5 per cent of their net earnings into a sinking fund and one-half the cost of Government transportation to pay the principal and interest upon the debt they owed the Government.

With these binding obligations resting upon them, what did these companies do? They organized construction companies, through which they let contracts to themselves at immense profits. The Union Pacific had her "Credit Mobilier," the Central Pacific had "C. Crocker & Co. Contract and Finance Company;" "Shoemaker & Co." built the Kansas Pacific, and John I. Blair built the Sioux City. The books of all these companies have been destroyed, so that the actual cost of building these roads can not be given, but the records from other sources are sufficient to give a very close estimate of the cost.

I will now give you the cost of constructing these roads and the amount of stocks and bonds issued by the boards of directors to themselves through these construction companies, as reported by the Pattison Commission, known as Senate Executive Document No. 51, Fiftieth Congress, first session: Union Pacific cost $38,824,000. The board of directors issued to themselves, through the Credit Mobilier, in stocks and bonds, $109,814,812, making a clear steal of $70,990,812. The Central Pacific, including the Western Pacific, was built for $40,000,000, and Stanford, Huntington, Hopkins, and Crocker issued to themselves stocks and bonds to the amount of $124,211,680, making a clear steal of $84,211,680. The Kansas Pacific was built for $11,800,000, and stocks and bonds were issued to the amount of $25,028,250, making a clear steal of $13,228,250.

The Central Branch was built for $2,731,347, and stocks and bonds were issued to the amount of $4,200,000, making a clear steal of $1,468,652.

The Sioux City Branch was built for $2,600,000, and stocks and bonds were issued to the amount of $5,047,720, making a clear steal of $2,447,720.

The Southern Pacific was built for $27,216,931, and Stanford, Huntington, Hopkins, and Crocker issued to themselves, in stocks and bonds, $82,756,486, a clear steal of $55,539,554.

The California and Oregon was built for $3,505,609, and Stanford, Huntington, Hopkins, and Crocker issued to themselves, in stocks and bonds, $12,500,000, making a clear steal of $8,994,391.

The Oregon Short Line was built for $14,000,000, and stocks and bonds were issued to the amount of $29,000,000, making a clear steal of $15,000,000.

Now, Mr. Speaker, before we go any further with this history of these bandits, let us group these stealings in such shape as to be handy for future reference, for they will have an important bearing upon the question whether these companies should be permitted to exist any longer.

Stealings of—

Union Pacific	$70,990,812
Central Pacific	84,211,680
Kansas Pacific	13,228,250
Central Branch	1,468,650
Sioux City Branch	2,447,720
Southern Pacific	55,539,554
California and Oregon from Delta	8,994,391
Oregon Short Line	15,000,000
Total stealings upon construction	251,881,057

This is not all the stealings these companies perpetrated by any means; they are only the commencement.

By the act of March 3, 1873, the Union Pacific was prohibited from the payment of dividends, except from actual net earnings, yet they declared dividends in violation of this act. By this act the Union Pacific was prohibited from issuing stock or mortgages or any pledges upon their company or its future earnings without permission from Congress. Yet in 1880 the company increased its stock from $36,762,000 to $50,762,000 by the consolidation of the Union Pacific, Kansas Pacific, and Denver Pacific in violation of the act of March 3, 1873, and a little later in the same year the stock of the consolidated company was increased to $60,868,500 in violation of law, whereby Jay Gould pocketed about $14,000,000.

In 1879 they issued collateral trust bonds for $4,852,000, and pledged securities of the company in violation of the law. In 1883 they issued trust bonds for $4,500,000 in violation of the law.

In 1882 and 1884 they guaranteed the payment of interest on the bonds of the Oregon Short Line for $14,000,000 in violation of law. This was done by the board of directors of the Union Pacific, many of whom held these bonds thus voting money from the Union Pacific treasury into their own pockets.

About the same time they guaranteed interest on the bonds of the St. Joseph and Grand Island Railroad, amounting to $6,961,922, in violation of the law. They also used the stock and bonds of the Union Pacific, in violation of the act of 1873, in the construction of about forty branch lines and in building up fifteen or twenty private corporations, in which members of the board of directors were the principal stockholders, and so long as these private corporations paid dividends the old Union Pacific was not "in it." But when they ceased to pay the board of directors voted the stock over to the parent company, and in some instances voted to guarantee the payment of the interest upon the bonds, as was done in the case of the Oregon Short Line. While the majority of the board of directors held the stock and bonds of these branch lines they leased them to the Union Pacific for large sums, amounting in the aggregate to about $38,800,000.

At the risk of being tedious I will here give you the names of thirty-two of these branch lines with a mileage of 4,015 miles:

Nevada Central.	Utah Central.
Utah Central.	Salt Lake and Western.
Lawrence and Emporia.	Junction City and Fort Kearney.
St. Joseph and Grand Island.	Echo and Park City.
South Park and Leadville.	Omaha and Black Hills.
Denver and Boulder Valley.	Salina and Southwestern.
Denver and South Park.	Soloman Railroad.
Kansas Central.	Salina, Lincoln and Western.
Greeley and Salt Lake.	Colorado Central.
Leavenworth and Topeka.	Utah and Nevada.
Manhattan and Alma.	Montana Railroad Company.
Denver and Middle Park.	Manhatten and Blue Valley.
Georgetown and Leadville.	Denver, Marshall and Boulder.
Laramie and North Park.	Golden and Cariboo.
Oregon Short Line.	Central Branch.
Omaha and Republican Valley.	Utah and Northern.

In addition to these branch lines, many other corporations were organized from the earnings of the Union Pacific, such as elevators, smelting works, street railways, etc. And farmers testified before the Pattison committee that they were charged from 5 to 8 cents more for freight to Chicago than these elevator companies, thus forcing them to sell their grain to these elevators.

We also learn from this report that the directors of the Union Pacific voted themselves a rebate to the Omaha Grant Smelting Works of $570,000, and upon the elevators to the amount of millions of dollars, thereby beating the miners and farmers out of their hard-earned profits.

The names of these companies can be found in the report of the Pattison commission. For the payments of these rebates the Pacific railroads voted to themselves and their pet companies, out of the funds which should have been applied to the payment of the Government debt, $25,866,235. They also refused to consider these rebates in their report of the net earnings of their roads, from which the 5 per cent payments to the United States were to be made.

The law required them to pay up their capital stock in full, and make oath to that effect, and file it with the Interior Department. They complied with the law so far as to making the oath, but all honest men will hold them guilty of perjury as to the amount of stock they swore had been paid up.

I herewith furnish a table compiled by the Pattison Commission from these affidavits on file in the Interior Department, and you will see by this table the amount actually paid up was $1,797,350, while these four men swore that it was $97,098,590—only a small lie of about $95,000,000. Had any of the common people made such an oath they very likely would have been serving the State in some penal institution. But here is the table, with the names of the parties:

Stock table.

Company.	Stock actually paid in.	Stock paid in as sworn to.	Names of deponents.	Date of affidavit.
Union Pacific	$400,650	$36,762,300	Oliver Ames	Sept. 27, 1870
Kansas Pacific	250,000	5,072,500	R. E. Carr	Sept. 28, 1872
Central Pacific	760,000	54,283,190	Leland Stanford	Sept. 18, 1871
Central Branch	386,700	980,600	R. M. Pomeroy	Sept. 21, 1869
Total	1,797,350	97,098,590		

It is no answer to the Government that the managers of these companies did only that which the managers of railroads in other sections did. These lines were built upon public credit. They were public highways in the broadest sense of that term. The managers were acting as trustees of a national highway, and they can not plead any lawful justification for making false affidavits, which state that $97,098,590 of stock was actually paid for, when in fact less than two millions had been so paid for.

Now, let us return to the big four in California, and if, when I get through with exposing their rascalities in the management of the Central Pacific and branch lines, this Congress determines to continue the management of these roads in their hands, the people of the Pacific coast will have to submit to their robberies for another hundred years. Much has been said about the ownership of the stock in the Central Pacific. Huntington denies that he owned a large block of this stock; but that the big four owned nearly all this stock is evident from the fact that they held possession of the board of directors, and voted contracts, made leases, and robbed both the people and the Government for nearly thirty years.

It is no answer to say that this was done through private companies organized by these men for that purpose. Stanford, Huntington, Hopkins, and Crocker can not shield themselves behind these private corporations which were organized for the purpose of plunder. Therefore, when the Contract and Finance Company voted the stock of the Central Pacific, it was the vote of the big four, as they, in fact, owned all the stock in these private corporations. When they contemplated a steal they generally put sufficient stock in the hands of one of these private companies to carry it through the board, and but few instances occur where the big four voted more than a few thousand shares of stock, as shown by the books of the company now in existence. When the capital stock was increased from $20,000,000 to $100,000,000, in 1868, the Contract and Finance Company voted 141,000 shares out of a total of 151,520 shares. Every one of these shares at that time belonged to the big four.

We also find that Stanford, in his testimony before the Pattison Commission (volume 5, page 2669), stated that the Contract and Finance Company distributed to them in stock $54,000,000, which was a net profit, subject only to an indebtedness of about $3,000,000.

This $54,000,000 of stock was divided in equal shares among the big four. The original stock in the Central Pacific was $8,500,000. In 1864 it was increased to $20,000,000. In 1868 it was again increased to $100,000,000. This increase of stock from $8,500,000 to $100,000,000 was voted by the holdings of the big four, and voted to themselves.

They then tried to force the original stockholders to exchange their stock, share for share, for the new stock. This the holders of the original stock refused to do, and all dividends were refused to these old stockholders unless they made the exchange. This led to suits being brought by Sam Brannon and others for an accounting. These suits were compromised by the big four paying from $400 to $1,000 per share for the original stock. (See evidence of Stanford, volume 5, page 2641; volume 6, pages 2775, 2779.) The evidence on which the successful prosecution of such suits would depend was contained in the books of the Contract and Finance Company, and rather than have these books produced in court, which would show up their rascalities, they paid these large amounts for the outstanding stock. You will also find in the evidence of Stanford (volume 5, pages 2655, 2666) that each of the big four, Stanford, Huntington, Hopkins, and Crocker, received $13,000,000 of the stock from the Central Pacific Company as his share of the profits of construction.

These suits alarmed the big four and they removed the contract and finance books from their office in Sacramento and destroyed them. Section 10 of the act of the Legislature of California, dated May 20, 1861, under which the Central Pacific was incorporated, provided that "the directors shall cause to be kept a book to be called Record of Corporation Debts," and in this book the secretary was required to record all contracts, etc. This book, if produced, ought to throw some light upon the construction of the road by the Contract and Finance Company. But, strange to say, there were many things recorded in this book that were of importance to the big four, and instead of destroying it, as they did the books of the Contract and Finance Company, they cut the leaves out from pages 48 to 111, inclusive.

If such methods of concealing their dishonesty is approved by this Congress, the people of the United States will place the responsibility where it belongs—upon the shoulders of a majority of this body. Another method they resorted to was to pass resolutions in the board of directors, by the votes of themselves, exonerating themselves from all rascalities and ap-

proving the actions of their president when he succeeded in making a steal of a few millions from the old company.

When the Pattison commission ran across one of these resolutions spread upon their minutes they were astounded at the bold attempt of these four big rascals to shield themselves and their private fortunes from the penalties of the law. As these releases have been studiously suppressed and kept from the public gaze, I will here produce one of them as a memorial of the unadulterated gall of the big four in their dealings with their creditors. It is as follows:

"Whereas the president of this company, Leland Stanford; the first vice-president of this company, Collis P. Huntington; the second vice-president of this company, Charles F. Crocker, and the treasurer of this company, Timothy Hopkins, have done various acts and things in the interest of and for the benefit of this company, and have made various payments of money for which vouchers have not been received from the parties to whom payments were made; and

"Whereas the nature of such acts and things, and the amount of such payments have been exhibited and fully made known and explained to us: Now, therefore,

"*Resolved*, That the stockholders of this company do hereby ratify and approve all such acts and doings and payments made by said persons, and do hereby expressly waive the production or filing of vouchers therefor; and the president or a vice-president and the secretary of this company be, and they are hereby, authorized and directed to execute full and complete releases, under the seal of the company, to said Stanford, Huntington, Crocker, and Hopkins, and deliver the same to the respective parties; which releases shall be in substantially the following form, to wit:

"'Whereas Leland Stanford has been and is the president of this, the Central Pacific Railroad Company, and has, under and by virtue of the power and authority conferred upon him as such president, done certain acts and performed certain services for said company, both in the city and county of San Francisco, State of California, and in the city of New York and elsewhere, and has collected and received certain moneys of the company, and has paid out and expended certain moneys for the uses and purposes and for the benefit of said company, and in its name, place, and stead, and on its behalf has made and indorsed its checks, notes, drafts, and bills of exchange, and has executed and delivered contracts, agreements, and instruments of various kinds, has borrowed money for said company, and has pledged and hypothecated stock, bonds, and other securities of the company as collateral for money borrowed, has made purchases for said company, has paid, laid out, and expended moneys for interest, freight, loans, insurance, commission, purchase, and for other obligations and purchases of said company, and has employed clerks, agents, counsel, attorneys, and others in and about the business of the company, in its service and for its benefit, and has paid salaries, wages, expenses, and compensation to persons so employed, and has compromised, settled, and adjusted claims due and owing to and by said company, and has done and performed various acts and things, and has attended to and managed generally the affairs and business of said company in the State of New York and in the State of California and elsewhere, and has, from time to time, rendered accounts and reported his acts and duties to said company, which said accounts and reports have been examined, audited, found correct, and approved by said company, about and of all of which this company has full advice and knowledge.

"'Now, therefore, the said Central Pacific Railroad Company, with a full knowledge of all of the facts and circumstances relating to said transactions, and each of them, in consideration of the premises and of the payments of moneys for the benefit of said company by the said Leland Stanford, and for and in consideration of the further sum of $1, lawful money of the United States of America, to it in hand paid by said Leland Stanford, hath ratified, confirmed, and adopted, and doth hereby ratify, confirm, and adopt all the acts and deeds of said Leland Stanford in the premises as its own acts and deeds, and hath remised, released, and forever discharged, and by these presents for itself and its successors doth remise, release, and forever discharge the said Leland Stanford, his heirs, executors, and administrators of and from all manner of action and actions, cause of action and causes of action, suits, debts, dues, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, executions, claims, and demands whatsoever, in law or in equity, which against him the said company ever had, now hath, or which it or its successors shall, can, or may have, for, upon, or by reason of any matter, acts, or things whatsoever done in and about the premises from the beginning of the world to the date of these presents, and particularly for all acts done by him as president of said company, or individually or otherwise.

"'In witness whereof the said Central Pacific Railroad Company hath caused these presents to be signed in its name by its first vice-president, and its corporate seal attested by its secretary to be hereunto affixed this 8th day of October, 1887.'"

These releases were passed periodically by the board of directors, after their president or other officers had been successful in one of their schemes to beat the Central Pacific out of a few million dollars. Their minutes will show that they passed one of these releases to Stanford, as president, on October 7, 1887, after he had let the contract to build the California and Oregon, from Delta to the State line, to his private company, the Pacific Improvement Company, whereby he paid $8,000,000 in stock of the Central Pacific, and $4,500,000 in the bonds of the Central Pacific, making in all $12,500,000, for work that cost but $3,505,609.

One would naturally suppose that, having built these branch lines with the earnings of the Central Pacific, they would be a part of that company's property. But it appears that the big four were not in the railroad business for their health, or for the accommodation of the people, or to increase the value of the Central Pacific debt to the Government, but for their own personal interests. They therefore, after using the earnings of the Central Pacific in constructing these branch lines in California, entered into leases with themselves, through their construction companies, whereby the Central Pacific paid to the big four, for rentals, $29,912,373.49.

By such a system of fraud and rascality they turned over to themselves all the earnings of the Central Pacific, and when this plan failed to absorb all the money in the treasury they usually appointed a committee to invest the surplus. For instance, at the Central Pacific meeting August 26, 1886, a committee was appointed to "loan or invest" the surplus, and at a meeting held September 30 following, the committee reported as follows:

"SAN FRANCISCO, *September 30, 1886.*

"*To the Board of Directors, Central Pacific Railroad Company:*

"GENTLEMEN: We, the undersigned committee, appointed for the purpose of investigating the money in the sinking funds of this company, respectfully report as follows: No suitable investment presenting itself at present, we have, pursuant to the resolution of your board, dated August 26, 1886, loaned the amount in the sinking fund, namely, $2,032,410.23, to the Pacific Improvement Company on thirty days' call at 3 per cent.

"Yours, respectfully,

"TIMOTHY HOPKINS.
"C. F. CROCKER.
"W. V. HUNTINGTON."

You should always remember that the "Pacific Improvement Company" was organized and owned by Stanford, Huntington, Hopkins, and Crocker, as was also the "Contract and Finance Company" and others. These companies were organized for the purpose of receiving the earnings of the Central Pacific and distributing them to the big four. Usually the earnings are passed over to these private corporations on account of "leases," "constructions," "repairs," etc., and then distributed to the big four. This $3,032,400 was afterwards turned over to Stanford, Huntington & Co., in exchange for fifty-year bonds. If you will read the evidence in the examination made by the Pattison commission, you will find that Stanford & Co., as directors of the Central Pacific, loaned to the "Contract and Finance Company" $5,700,000, which was never returned to the Central Pacific.

Now, I have shown the necessity of these thieving corporations, in the distribution of the earnings of the Central Pacific. To credit Stanford, Huntington, Hopkins, and Crocker direct with the enormous profits they receive from the roads they operate would be stating the truth so the people could understand it, so they resort to these construction companies to cover up their rascalities.

The Pattison commission, after stating many of the facts in regard to the contracts, leases, etc., made by the big four to themselves, sums up their rascalities as follows, on page 84 of report:

"In general, it may be said to be established by the evidence that all the construction contracts, and all the important contracts for materials and supplies, were made between the Central Pacific Railroad Company and companies controlled by Stanford, Huntington, Hopkins, and Crocker. These four persons determined the terms of all these contracts, and the result has been that through the payments made by the Central Pacific Railroad Company they have received as profits a vast amount of stocks and bonds. Those resulting from the construction contracts above stated represent over $100,000,000 in stocks and over $5,000,000 in bonds.

"It appears from the books of the company that from the very inception of the enterprise down to the present time it has been the constant practice of the directors of this company to permit the expenditures of very large sums of money without requiring any sufficient vouchers disclosing the purposes to which they were applied. A detailed list of these insufficient vouchers will be found in Exhibit W, attached to Stevens's report, volume 8. These insufficient vouchers aggregate $4,818,355.67."

Soon after the Pattison commission was appointed by President Cleveland these rascals undertook to prepare their books as well as they could to meet this investigation. They knew that the books of "S., H., H. & C.," that is, Stanford, Huntington, Hopkins, and Crocker, showed standing to their credit over $35,300,000, and this immense sum would not look well standing to the credit of these paupers when Pattison cast his eye over the figures, so something had to be done before the commission arrived in California. I will here insert a letter from Huntington to E. H. Miller, jr., asking him to doctor up these books so that they would not show such an immense sum standing to the credit of the big four. Miller, who was so handy with the "contract and finance" books, shows Huntington how easy it can be done and proceeds to outline his plan in his reply to Huntington.

Here are both letters, and after reading them you will again see the importance to these rascals of their private corporations:

"NEW YORK, *January 10, 1887.*

"FRIEND MILLER: As you probably know, the account known as 'S., H., H. & C.' shows exceedingly large figures, which we propose now to cut down, since there are no assets to represent any such figures as these, which seem to show large amounts to be distributed. I do not understand this account myself, do not know much about it in fact, and Mr. Crocker does not know any more. I know it is asking considerable, but I would like to have you look over these accounts, assets, and everything connected therewith, so as to verify them, and then send me a statement. I have great confidence, as you know, in William E. Brown; but all men are liable to mistakes, and I would like to have you take this matter up and attend to it, as we propose to charge off to profit and loss enough to bring the figures down to the actual assets on hand. It is possible Willard can help you in this matter, if you call on him to do so. Mr. Brown will, of course, do all he can.

"Yours, very truly,

"C. P. HUNTINGTON."

"SAN FRANCISCO, CAL., *January 25, 1887.*

"DEAR SIR: Yours of the 10th instant duly received. I have looked into the matter of the very large balances to the credit of the individual accounts of Leland Stanford, C. P. Huntington, Charles Crocker, and estate of Mark Hopkins on the books of S., H., H. & C., amounting to over $35,300,000. These large balances arise from the following causes:

"As appears by the books, there has been distributed or divided at various times sundry properties, which have been currently charged to dividend account, amounting to $9,250,520.21; and various collections have been credited to same account, for dividends and interest received on stocks, etc., amounting to $655,535.53—the debt balance being $8,594,986.68. Among the items charged to dividend account the larger ones are: In June, 1877, 'S. P. bonds, divided,' $2,880,000; in 1878, Oakland water-front stock, divided, $474,601.37; Central Pacific Railroad Company stock (E. B. C.), $5,192,550.

"Since 1875 interest accounts have been made up yearly in favor of and amounts credited to the personal accounts of Leland Stanford, C. P. Huntington, Charles Crocker, Mark Hopkins, and estate of Mark Hopkins, and charged to 'interest account,' amounting in the aggregate, in round numbers, to $20,000,000. This was all right and proper, because the amount of capital contributed by each was unequal; and by making up interest on the full amount of credit balance of each from time to time each got in effect a credit to which he was entitled for interest on the excess he had in the company. This matter of equalizing the interest, however, led to the very large amount of debit which now appears in 'interest account.' This debit represents no assets, it being really a company loss, and might have been legitimately charged to profit and loss.

"Besides these large items of interest credited to the individuals, 'S., H., H., & C.,' above, there were large items of interest, both received and paid, leaving the balance of debit in interest account	$30,826,789.49
"There also appears on the books a debit balance to profit and loss account of	1,187,215.33
"The main item to credit of this account is balance transferred from Contract and Finance Company	2,608,292.20
A few of the larger items to debit of same account are:	
"Transfer Market Street Railroad	2121893.01
"Ione property stock issued and divided	229,065.60
"Rolling stock furnished S. P. R. R. for account of C. & F. Co	236,681.92
"Estate of E. B. Crocker, amount of note given to E. B. Crocker, March 24, 1871, by Stanford, Huntington, and Hopkins	1,298,140.00
"Amount due on contract of S. P. R. R. Co. for rolling stock not furnished	548,435.20

"There are many other entries. The above are stated merely to give you some idea of the account.

"Now, these items to debit of dividend account, say $8,594,986.68; interest account, say $20,826,789.49; profit and loss, say $1,187,215.33, amounting in aggregate to $30,608,991.50, are properly and legitimately chargeable to the individual accounts of the parties 'S., H., H., & C.' in equal amounts, one-fourth each.

"This would reduce the amounts now standing to their credits, as follows:

"Present credits aggregate in round numbers, say	$35,300,000.00
"Charges as above	30,600,000.00
"Leaves to their credit	4,700,000.00

"Something like the amount of their actual assets. In the above are stated the amounts as they appear for December 31, 1885, the accounts of 'S., H., H., & C.' are, as you are aware, inactive, and Mr. Brown has not yet posted them up for 1886, but will do so as soon as your statements for December, 1886, are to hand.

"The interest accounts for Leland Stanford, C. P. Huntington, etc., for 1886, will, when made up and credited, of course, vary the amounts of their accounts; but you will, I think, be able to get from the above sufficient general facts to enable you to understand how it comes that such large amounts appear to credit of L. S., C. P. H., C. C., and estate of M. H., while the assets are so much less.

"Mr. Hopkins makes a suggestion to Mr. Brown, in which Mr. Brown concurs, and which I think would be well to carry out—that is, that since 'S., H., H., & C.' are now the only parties in interest in the Pacific Improvement Company, that the books of 'S., H., H., & C.' be written up, the accounts of dividend, interest, profit and loss, etc., be charged off as suggested, and the books balanced and turned over with the balances and assets to the P. I. Co.; the P. I. Co. to transfer the balances of 'S., H., H., & C.' books to the P. I. Co. books, and thus have only one set of books for the accounts of the parties, 'S., H., H., & C.' Trusting the above will be satisfactory,

"I am, yours, very truly,

"E. H. MILLER, JR."

"C. P. HUNTINGTON, Esq.,
"*Vice-President, New York.*"

Mr. Chairman, you should not forget that this immense sum paid out for interest was paid to the big four, and not to the Government or the stockholders. When the Thurman act was passed, setting aside a certain per cent of the earnings of the Central Pacific to be applied on the debt they owed the Government, they tried to beat it in the courts, but failing in that suit, they deliberately set about to defeat the object of that act by fraud. To this end they incorporated the "Southern Pacific Railroad of Kentucky." They claimed, by incorporating under the laws of Kentucky, they could prevent the Government from inquiring into the management of the Central Pacific and branch lines by leasing them to this Kentucky pirate, and to fully carry out this infamous scheme they appointed two dummies president and secretary of this Kentucky abortion (W. E. Brown as president, and E. H. Nash, secretary), who entered into a lease of the Central Pacific for ninety-nine years, with Stanford and E. H. Miller, the president and secretary of the Central Pacific Company.

After securing the lease, these two dummies resigned, and Stanford and Miller were elected to fill their places. Then the wrecking of the Central Pacific commenced. They claimed that the Central Pacific had a floating debt of $12,873,945.61, which they assumed, and the remarking of the rolling stock, and the sale of the immense supplies of the Central Pacific were turned over to this Kentucky bandit to pay this assumed debt, and as this was the transfer of property upon which the Government held a lien, it was to that extent no better than highway robbery. The big four fixed the price at which this Government property was turned over to themselves, and from the character of their other transactions it is safe to say that they made millions by this transfer. Thus the parent company which had furnished all the capital to build up this bastard offspring was finally swallowed up.

Stanford, in his report of these transactions, touches the subject very gingerly This is what he says:

"On January 1, 1885, just prior to the lease to the Southern Pacific Company, there was a net floating debt of $12,873,945,61. This has been reduced each year, till, on December 31, 1887, the floating debt was wiped out and there remained a surplus of $1,970,194.65. The result has been chiefly accomplished by the sale of supplies and materials on hand to the Southern Pacific Company at the commencement of the lease, by the nonpayment of dividends for the period, and by the issue of bonds.

I may as well give the people some light upon this Kentucky pirate which assumes the prerogative of robbing the people of California, as well as the Government, of their just rights. It was incorporated by the Legislature of Kentucky March 12, 1884. The incorporators were Henry D. McHenry, William G. Duncan, Samuel E. Hill, Samuel M. Cox, and Henry McHenry, jr., who were dummies of Stanford, Huntington, Hopkins, and Crocker, and who assigned the franchise of the big four.

That act forbids the company doing business in the State of Kentucky, but gives it a license to prey upon all the rest of the world. Its capital stock is $1,000,000, with the privilege of increasing it to any amount deemed necessary for the transaction of its business; but in no event are the stockholders responsible for more than $1,000,000. After the big four possessed themselves of this franchise they increased the capital stock to $100,000,000, and later on they increased it again to the amount of $150,000,000. Thus the great State of Kentucky has sent out this pirate corporation with a commission to rob all the world whenever it pleases, using a capital of $149,000,000 free from any liability to stockholders, making only one exception—they must not enter the sacred territory of blue grass, fine horses, and whisky. Kentucky must be exempt from their operations.

Now, Mr. Speaker, I wish to insert here a few tables compiled by the Pattison Commission, showing the total amount of aid received by these bond-aided railroads, the earnings which have found their way into the pockets of the managers, and the principal and interest paid and to be paid by the Government at the maturity of the bonds, and the methods pursued by these companies.

Aid from all sources.

	Principal and interest advances paid and to be paid by United States.	Value of land grant—sold and unsold.	Aid from other sources.
Union Pacific Kansas Pacific	$92,844,290.94	$44,911,637.77	$250,000.00
Central Branch	4,426,608.26	1,000,000.00	
Sioux City and Pacific	4,509,255.89	239,364.60	265,686.00
Central Pacific Western Pacific	77,104,604.41	19,832,981.24	3,555,191.24
Total	178,884,750.50	65,983,583.61	3,070,877.24

Aid from all sources—Continued.

	Aid exclusive of use by companies until maturity of annual interest payment by Government.	Use until maturity in 1895-'99 of annual interest payments on basis of 6 per cent.	Total aid.
Union Pacific Kansas Pacific	$138,005,928.71	$103,690,859.36	$241,696,788.07
Central Branch	5,426,608.26	4,946,564.96	10,373,173.22
Sioux City and Pacific	5,014,306.49	5,034,119.16	10,048,425.65
Central Pacific Western Pacific	99,492,376.89	86,118,706.71	185,611,083.60
Total	247,939,220.35	199,790,250.19	447,729,470.54

Bonds.

Company.	Mileage.	Principal of subsidy bonds.	Interest accrued and to accrue to date of maturity.	Principal and interest paid and to be paid by United States.
Union Pacific	1,038.69	$27,236,512	$59,304,778.94	$92,844,290.94
Kansas Pacific	393.94	6,303,000		
Central Branch	100.00	1,600,000	2,826,608.26	4,426,608.26
Sioux City and Pacific	101.77	1,628,320	2,880,935.89	4,509,255.89
Central Pacific	737.50	25,885,120	49,248,924.41	77,104,604.41
Western Pacific	123.16	1,970,560		
Total	2,495.05	64,623,512	114,261,247.50	178,884,750.50

PROFITS OF $278,023,357.63 IN OPERATING THE ROADS.

The reports of these companies show the following figures relating to operation, disclosing a profit or net earnings of $278,023,357.63, equaling $15,000,000 a year.

Earnings table.

Road.	Gross earnings.	Operating expenses.	Net earnings.
Union and Kansas Pacific	$315,303,504.66	$169,916,078.90	$145,387,425.76
Central Pacific Railroad, from 1863 to December 31, 1886	274,139,116.27	149,199,102.40	124,940,013.87
Sioux City and Pacific Railroad, from July 30, 1869, to June 30, 1887	9,187,359.50	6,423,596.82	2,763,762.68
Central Branch Union Pacific	12,849,463.47	7,917,308.15	4,932,155.32
Total	611,479,443.90	333,456,086.27	278,023,357.63

OVER $25,000,000 FOR POOLS, REBATES, AND OVERCHARGES.

In addition to the gross earnings given as above, the bond-aided companies received the following sums, which they subsequently paid out on account of pools, subsidies, rebates, overcharges, etc.:

Pools, rebates, and overcharges.

Road.	Pools.	Rebates and overcharges.	Total.
Union Pacific Kansas Pacific	$4,005,512.48	$11,577,091.62	$15,581,604.10
Sioux City and Pacific			491,882.01
Central Pacific			9,882,799.61
Total			25,966,235.72

"Had the Pacific railroads been built and managed upon honest methods, had the Government loan been properly applied, these companies, regarded as a whole, could have declared dividends at the rate of 6 per cent per annum for eighteen years, from the date of actual completion to the present time, upon all the moneys that they would have been required to pay in to complete and equip the roads. They would have owned 2,495 miles of road free from all debt and worth $124,600,000, upon an original outlay of less than $35,490,381.44. Three of them, the Union Pacific, Central Pacific, and Central Branch, could have repaid every cent of the principal and interest advanced by the Government to date, and could have reduced their charges to shippers to the extent of over $140,000,000, or nearly $8,000,000 per year.

"For $1 the stockholders would have realized $1.07 in dividends in eighteen years and $1.11 in land sales. The property would have been free from debt, and for every dollar that they had invested the stockholders would have had in property over $4; so that in eighteen years each dollar would have yielded $5.18.

"But they chose dishonest methods. At the outset they divided $172,347,115 of fictitious capital, they dissipated over $107,000,000 which should have been applied to the payment of the principal and interest of the Government debt, and they taxed shippers to the extent of over $140,000,000, or nearly $8,000,000 a year, to pay for the inflation of the capital of these companies and for the vicious practices that crept into their management.

Method actually pursued.

	Union and Kansas Pacific.	Central Branch.	Sioux City and Pacific.	Central Pacific.	Total.
Cost of construction	$50,624,000.00	$2,731,347.23	$2,600,000.00	$40,000,000.00	$95,955,347.23
Capitalization	134,843,062.00	4,200,000.00	5,047,720.00	124,211,680.00	268,032,462.00
Fictitious capital put on the market	84,219,062.00	1,468,653.00	2,447,729.00	84,211,680.00	172,347,115.00
Actual net earnings	145,387,425.76	4,932,155.00	2,763,762.68	124,940,013.87	278,023,357.63
Land sales	30,907,367.77	1,000,000.00	239,364.60	7,332,581.34	39,479,313.71
Amount credited by Government to November 1, 1887	21,597,575.76	316,124.12	131,923.62	8,913,416.11	30,959,039.61
Net earnings and land sales in excess of the amounts credited by Government	154,697,217.77	5,616,030.88	2,871,203.66	123,359,179.10	286,543,631.41
Dividend of 6 per cent per annum for eighteen years on outlay to have been required of stockholders	18,383,207.04	1,245,991.33	762,473.52	17,937,940.06	38,329,611.95
Amounts dissipated	136,314,010.73	4,370,039.55	2,108,730.14	105,421,239.04	248,214,019.46

I have treated these bond-aided roads as a whole, because if the policy of extending the time for the payment of their debts is adopted by Congress, they will all claim the same rights, and Congress can not with justice apply one plan for settlement with the Union Pacific and another plan for the Central Pacific. We must either extend all their debts or call them all to a settlement.

The Central Pacific, fearing justice will be done them for their many rascalities, and that they will be called upon to settle with creditors in the near future, have filed a lot of claims against the Government, which they dub "equities." I propose to briefly look into these "equities" and see what merit they have. Here is the first one (page 91, Pattison report):

1. The loss and interest thereon which the company sustained by being forced to sell the bonds received by it from the Government at a discount:

Loss	$7,120,073.55
Interest to maturity	12,816,132.39
	19,936,205.94

Here they claim $19,936,205.94 for loss on the sale of the bonds which the Government loaned them. If they sold these bonds at a discount nobody is responsible for that act but themselves; the Government has paid interest upon them since they were issued, and at maturity will have to pay their full face value, and it makes no difference to the Government whether they were discounted $7,000,000 or $40,000,000.

These men might as well put in a claim for $40,000,000 as any other sum, because they used them for the payment to themselves for constructing the road, and the "contract and finance committee" divided the surplus between the big four. But the cheek of these bandits in claiming $12,816,132.39 for interest upon this discount is equal to that of a Government mule.

The second "equity" is worse still.

"2. The amount which the Government saved in its transportation on the Central and Union Pacific line between the completion of the road in May, 1869, and time when it might have been completed under the contract, *i. e.*, July 1, 1876, $47,763,178. This company's proportion, say 46 per cent, $21,971,-062."

Here they claim $47,763,178 for completing their roads seven years too soon. They had the use of the roads for seven years without any competing line, and charged what they pleased for transportation of freights and passengers, and on many parts of their roads fare was as high as 10 cents per mile. They received their bonds in payment for building the roads in 1869, and divided the earnings of these seven years which amounted to over $35,000,000, and yet they come here with a claim for $47,763,178 against the Government which is based upon the difference of transportation between the old ox team and their railroad. A set of men who would trump up such a claim after receiving such magnificent donations from the Government should not be permitted to operate these roads a day longer than the time when the Government can seize them for its debt.

These same men were so contemptible as to swear that their roads were completed in 1869, in order to draw their bonds, and they now set up this claim to beat the Government out of this large sum, as well as to avoid payment of the 5 per cent net earnings for this period of seven years.

Here is another "equity," which is absolutely false:

"4. The amount of loss which the company has directly sustained by reason of the refusal of the Government to grant the company patents for its lands as rapidly as called for, say $500,000."

They claim here $500,000 damages on account of the Government refusing to patent their lands.

Their land holdings when the Pattison Commission reported were valued at $26,504,270, and they absolutely refused to patent an acre until it was sold and paid for, in order to avoid paying taxes upon this immense property.

The State of Nebraska passed laws to compel them to take out patents for their lands, and they resisted them in the courts and defeated the law. There have been two bills introduced in this Congress upon this question, one by myself, to compel them to patent their land within one year or forfeit it to the Government, and the other by Mr. MAGUIRE, to refuse any patent until their debts are paid to the Government. Either of these bills will soon settle the ownership of these lands.

I give one more specimen of these "equities:"

"6. Loss by diversion of business from Central and Union Pacific to other subsidized roads, $37,000,000; Central Pacific's proportion of which, 46 per cent, is, say, $17,000,000."

Here they claim $37,000,000 for diversion of trade from the Union and Central Pacific. They set up a claim to all the territory between the Mexican border on the south and British Columbia on the north, and charge the United States $37,000,000 for permitting any other railroad to be constructed across the continent.

I can not use language strong enough to express my contempt for these men and their "equities." They have shown such a disregard for all decency in setting up these fraudulent claims that Uncle Sam should demand an immediate divorce from them. Our answer to these "multimillionaire paupers" should be, "Pay your debts or retire from business."

These great corporations have interfered with our elections in many States for the last quarter of a century. In my State they wielded such powerful influence that no man dared denounce them or expose their villainies if he expected to be elected to Congress.

Our railroad commissioners are generally believed to take their orders from "Fourth and Townsend streets," and when the people appear before them and demand relief from excessive rates of fares and freights they pop up like Macbeth witches and exclaim, "Say, if thou'dst rather hear it from our mouths or from our master's?" and then—

"The weird sisters, hand in hand,
Posters of the sea and land,
Thus do go about, about;
Thrice to thine, and thrice to mine,
And thrice again, to make up nine
Peace!—the charm's wound up."

And you get your orders from the great octopus.

I stand here in defense of the great State of California and her brave pioneers, who have been robbed for thirty years by this corporation, and demand that it retire from business and loose the fetters which have held us in their grasp for more than a generation.

I know that the power of this great corporation, which has not inaptly been compared to that of the devil-fish, has extended its influence in almost every direction. I know that the clank of its golden fetters has been heard along the corridors of the Capitol, and upon this floor in times gone by. I know the mildew of its corrupting influence has crept over the desks of those who should have defended the people. I know that its gilded finger of menace has been raised to stifle voices that should have been heard in defense of the people in all our great political conventions.

But, as yet, I believe its ministering messengers of corruption have had no influence upon the members of this House.

Although we may daily see its agents in the lobby and upon the floor of the House, and its officers appearing before our committees, yet I am pursuaded that they have not swerved a single member of the House or the committee from the duty they owe to the State. So long as this is so, we are safe; but should the time come again when these cormorants shall invade the halls of legislation, as they have heretofore, then the time for revolution has arrived and the days of government by law will be numbered, for the people of this country to-day are not in a humor to be trifled with longer upon this subject.

Now, Mr. Chairman, in conclusion I suggest the following line of action by Congress: Foreclosure of the Government lien; take the management out of the hands of these corrupt and dishonest men who have wrecked the Central Pacific; bring suit to restore to the Central Pacific the leases of the branch lines, including the Southern Pacific, that it held in 1885, when, through fraud, they were turned over to the Southern Pacific of Kentucky. Push these suits against all estates and individuals to whom any portion of said assets and property can be traced, without fear, favor, or affection.

The Central Pacific, in the hands of the Government, with all the branch lines in California under its control, is a magnificent property, and in a few years will be able to command such a price on the market that the debt would be secured. The Government could then sell or lease the road, should it find ownership embarrassing.

Some of my friends from the South bitterly oppose Government ownership, claiming that it would inject a corrupting influence into the administration of the state. But their fears are groundless, for to-day the Government has control of 152 railroads, and is managing them through its courts without corrupting the administration.

Now, Mr. Chairman, in conclusion I will group the incomes from all sources of these bandits, so as to show their rascalities at a glance:

Profits upon construction	$251,881,057
Net earnings	338,023,357
Aid from all sources	247,939,220
Rebates	25,886,235
Leases:	
Union Pacific	38,800,000
Central Pacific	29,912,373
Grand total	932,422,244

And yet these paupers come before Congress and ask an extension of time for fifty years to continue their rascalities, and expect us to leave the management of these great public highways of commerce in their hands for another half a century. Will you do it? This question must be answered by your action.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. SAYERS. I yield two minutes to the gentleman from Nebraska [Mr. BRYAN].

Mr. BRYAN. Mr. Speaker, the question presented is a very simple one. Shall we do the Government work as we do our own? The Southern Pacific Company sprung into existence under circumstances which tend to show that it was organized for the purpose of defrauding the Government. It never built a foot of road, but acquired by lease the Central Pacific and Southern Pacific Railroads on terms which suggest bad faith, and the effect of its conduct has been to cheat the United States. If, as is believed by those who are in a position to know, it was organized for a fraudulent purpose, those who incorporated it can not be innocent parties unless there is such a thing as a bona fide swindler.

But let us suppose, for the sake of the argument, that it was organized for an honest purpose, and that some of its stockholders are innocent of any wrongdoing, shall we allow them to shield the guilty parties? The Central Pacific will be in default next year in the sum of nearly $80,000,000. We know that it is insolvent and does not intend to pay. We also know that the road was wrecked by Messrs. Stanford, Hopkins, Huntington, and Crocker, and many millions of money fraudulently diverted from the road to their private use. The Government is trying to recover this enormous sum of money from them or their estates. It is also known that these four men or their estates own a large part of the stock of this Southern Pacific Company.

Mr. MAGUIRE. All.

Mr. BRYAN. It is said all. There can be no doubt that at least a large part of the stock of the Southern Pacific Company is owned by them. Shall we pay this sum of $1,800,000 to the Southern Pacific Company and let more than half, if not all of it, go to the same parties who will next year default to the amount of nearly $80,000,000 to the United States? What individual would deal that way with a debtor if he could avoid it?

If we make this appropriation the money is gone and we can not get it back; but if we refuse to make the appropriation we will yet have a chance to adjust the equities. No innocent party will suffer. We can find out how much would go to the Government debtors, and secure that, giving to innocent stockholders the share due them. If we make the appropriation the Government will lose all, and but little will go to innocent stockholders, if such there be. If we withhold the money we can save all but that due to innocent holders.

[Here the hammer fell.]

Mr. SAYERS. I yield five minutes to the gentleman from Illinois [Mr. BLACK].

Mr. BLACK of Illinois. Mr. Speaker, I think the contention in favor of this amendment is made to turn upon the fact that a judgment has been obtained in favor of the Southern Pacific Company and against the Government, a judgment in a court of law. That I understand to be the ground occupied by my friend from Texas [Mr. CULBERSON] in favor of this amendment.

Well, a court of equity will relieve against the rigorous action of a common law judgment. This is a common law judgment. I take it that the Government, the Congress of the United States, which is dealing with trust funds—for all the moneys in the Treasury are substantially trust funds—will exercise, when it comes to voting away the public moneys, as broad an equity at least as would be exercised by a chancellor.

I do not see, for instance, why one of the nine justices of the Supreme Court of the United States should be authorized to grant a writ of injunction restraining the collection of a part of a judgment at law, while at the same time the Congress of the United States, representing the people, whose court this is, and representing the Public Treasury, can not upon an equitable showing interpose an equitable injunction by setting off an equitable defense. It comes then, in my mind, to this question, whether any part of this judgment ought to be restrained.

It is traversing ground again which has been pretty well trodden to speak of the organization of these companies. The gentleman from California [Mr. CANNON] has told the local story very well; and I understand it to be the story which most nearly affects the real merits of the case. The people of California know all of the changes back and forward which have taken place in and among these railroad companies, which run from Ogden to San Francisco and from San Diego back to New Orleans, having their lateral lines leased, and covering the whole country, until now, first under one name and then under another, all the land for twenty years has been made to pay tribute to one company or corporation under different names, but really having the same common treasury.

Now then, the Southern Pacific Company was organized in Kentucky in 1885. It consolidated with it or leased in 1885 the Southern Pacific Railroad Company and four other railroad companies. They were all Government aided roads, either by land grants or by Government bonds, and the Southern Pacific Company, organized as it was, took possession of the five proprietary lines. It also leased shortly thereafter the Central Pacific Railroad as well as other lines.

At the time that the lease of the Central Pacific road was made it was indebted to the Government in a very great sum for interest due on bonds guaranteed by the Government, and owing to the failure of the railroad company to pay the interest from year to year that indebtedness has continued to increase until the present time, and now amounts, as shown by the report of the Secretary of the Treasury, to $32,811,803.24. To meet this it has accumulated a total sinking fund of $5,574,823.94.

The lease made by the Southern Pacific of the Central Pacific roads provided that the Southern Pacific should take possession of the Central Pacific property and all of its assets; that it should have entire charge of the Central Pacific, and that after operating the road it should pay back to the Central Pacific all the net surplus income earned the Central Pacific above annual charges of every sort and betterments. It guaranteed this net surplus income should be not less than $1,360,000 yearly.

Subsequent arrangements were made by which the land-grant bonds of the Central Pacific Road were extended for ten years, from October 1, 1890, to October 1, 1900, and were guaranteed by the Southern Pacific Company. It will thus be seen that the Southern Pacific Company had become in equity the owner charged with certain payments of everything but the mere franchise of being of the Central Pacific Road. It received, in other words, all the assets of the leased line of every description, and it is a familiar principle of law that where an entire assignment of such property is made to another corporation than the one incorporated by the State the corporation to which the assignments have been made becomes liable for the debts of the corporation absorbed. In other words, equity will not permit a transaction by which the total assets of a debtor corporation can be taken charge of by another corporation, thereby stripping the original creditors of all their rights.

Now, then, this indebtedness of the Central Pacific to the Government has not yet matured and will not mature until some months later. But in the meantime that indebtedness has constantly increased. The Central Pacific is substantially stripped of its existence. It is under the management of the Southern Pacific Company; and the Southern Pacific Company has so managed its lines, which are parallel and competing, as to greatly decrease the earnings of the Central Pacific, and thus diminish the chances of the Government to make good its claim.

The judgment in question and by which the amendment under discussion was framed is a judgment for services for the transportation of troops and the carrying of the mail, I think, from April, 1885, to 1889, and the suit was begun thereafter, probably in 1889. It seems to me under these circumstances, when it further appears as inevitable that the Central Pacific Railroad will absolutely fail to pay anything that is now due the Government, that its lessee and virtual owner should submit to allow the claim that it has reduced to judgment to be offset by the very greatly larger and older claims of the Government. Therefore I shall vote to strike out the amendment proposed by the Senate.

Mr. SAYERS. I yield nine minutes to the gentleman from California.

[Mr. MAGUIRE withholds his remarks for revision. See Appendix.]

Mr. MAGUIRE. I ask consent to extend my remarks.

Mr. SAYERS. I will ask that such permission be given to all gentlemen who have spoken.

The SPEAKER *pro tempore* (Mr. COOMBS). And to all gentlemen who will speak?

Mr. SAYERS. Yes, sir.

The SPEAKER *pro tempore*. If there is no objection, that leave will be granted.

There was no objection.

Mr. CANNON of Illinois. I yield five minutes to the gentleman from New Hampshire [Mr. BLAIR].

Mr. BLAIR. Mr. Speaker, the question presented here is as to the propriety of appropriating for the payment of this judgment in favor of the Southern Pacific corporation as it now stands.

The evidence before the hostile commission, which has been continually cited against these roads, was to the effect that there were about forty separate corporations and great expense and confusion in their operation; and this Kentucky organization was created for the express purpose of leasing them, and managing them, as owner, or trustee, or lessee, in a more economical manner, and not in any way—and I call your particular attention to this—not in any way to the disadvantage of the Government of the United States or to the impairment of its securities upon the Central Pacific Railroad system.

That same commission finds—and I would like the attention of the gentleman from California [Mr. MAGUIRE] to this fact, as he is familiar with the findings, which he so studiously ignores, of that commission, and yet which he cites with evident relish when he can against the roads—on page 115 of this hostile report they say:

> The fact that both the Southern Pacific and the Central Pacific Railroads are under one control jeopardizes the business of the bond-aided road and places it in the power of the Southern Pacific Company, if at any time it should cease to have an important interest in the Central Pacific Railroad, to divert a very large portion of its traffic.

It gives that power if they choose to exercise it and claim to have no interest in the Central Pacific. But they go on to say:

A considerable portion of the through transcontinental traffic has in fact passed over the Southern route during the past three years. This diversion is the natural consequence of the establishment of this route and of its superior advantages and more rapid and regular carriage and delivery of freight. The interest of the promoters and directors of this enterprise has led them to compete for this business, and they have succeeded in securing the greater part of the through transcontinental business. No evidence has been presented to the commission which establishes that the object of such diversion was to decrease the percentage of net earnings due to the United States.

And again they say earlier on the same page:

In the judgment of the commission the controlling motive which has led to this alteration in the transit of freight has been the question of convenience and public advantage. It has not arisen from an intention to reduce the net earnings applicable to the percentage due to the United States. In the report of the Postmaster-General it is stated that the same diversion is practiced by his Department and that he selects the best and quickest routes because he thereby promotes public convenience.

How, then, if the Government itself discriminates against its debtor, can it be expected to pay from its earnings, and how are other roads to blame if they act from the same motive that actuates the Government itself; or must the country go without new roads in order that everything may be forced over the original line?

Five other competing roads have been built across the United States which have taken away necessarily the earnings of this road; and the Southern Pacific was built on purpose, as all know, by the Central Pacific managers in the interest of the Central Pacific Road and to prevent the construction of the Tom Scott road from Easton, Tex., to San Diego, which would have been a competing line absolutely destructive of the interest of the Government in the whole Central and Union Pacific system.

Mr. DENSON. Will the gentleman allow me to ask him a question just at this point?

Mr. BLAIR. I have but a very few moments and can not yield to the gentleman.

I say that the construction of these several competing lines undoubtedly diminished the carriage and the earning power of the Central Pacific. The Government has allowed the establishment of five other great American lines, all in competition with the Central Pacific road, in the interest of the people at large; and to-day we are supporting the Canadian Pacific road, which like a gigantic syphon taps and drains the great Western country and affords still another and all-important transcontinental line for shipments from the whole Pacific coast, and in fact, from the vast orient, through Canada to the Atlantic, and constituting in the interest of shippers a most destructive competition to all the great central lines of American transportation.

Mr. DENSON. If the gentleman will permit me, I understand the Southern Pacific road is insolvent—not all now or prospectively if we pay it our debts, but I suppose the gentleman means to say the Central Pacific.

Mr. BLAIR. This road is insolvent precisely in the same sense that you might say the United States is insolvent, because it would be unable, if called upon, to pay the entire national debt in money at once. It must have time when its debt becomes due. It is not yet due, and the company is in no default.

Mr. DENSON. I understand the road is insolvent, and it is a fact that a judgment has been rendered in its favor against the United States——

Mr. BLAIR. It is not insolvent; I deny that. Besides, there are sixteen millions of sinking fund and other accumulations which will pay its installments of coming indebtedness for several years.

Mr. DENSON. Let me complete my sentence. A judgment has been rendered against the United States and in favor of the road. Now, is there not ground for equity in the claim that we should withhold the payment of that judgment, and file a bill of injunction on the ground that this is an insolvent debtor, against which the United States has an equitable claim which is more than an offset?

Mr. BLAIR. The judgment for $1,800,000 is in favor of the Southern Pacific Company. The same plea has been set up during the course of this debate and heretofore most persistently and against the fact, for the purpose of defeating the just claim of another and distinct corporation against the Government. It is insisted that these two corporations are identical, when it is proved over and over again that they are not.

That is not in any sense of the word true. They are separate in every detail. They are separate in law, and separate, largely, in the stockholders composing them, and the bondholders of both live all over the world. In law and equity we have before us the fact that there is a judgment here in favor of the Southern Pacific Railroad Company against the Government of the United States. It is sought to defeat that obligation in one direction by interposing a claim in another. Paul is robbing Peter in order to get what Barnabas will owe him in a few years from now, provided it is not paid. The Southern Pacific Road, it must be remembered, was built with its own bonds, sold in the markets of the world; and the stock of the Southern Pacific Railroad, or a large part of it, was disposed of in the same way.

Not a dollar of the money of the United States went into the construction of the Southern Pacific road or roads. They were built exclusively without Government aid, except a land grant of small value in California.

The finding of this same hostile commission, to which reference has already been made, takes up the objections that have been made here in this discussion and disproves them.

As I undertook to reply to the gentleman from Kansas [Mr. HUDSON] when I was cut off before completing the answer in regard to the wealth of the individuals—public benefactors they have been, sir, and will be so recognized when they have been dead long enough for the bitterness of contemporaneous strife to pass away and the common faults of our disjointed times to be forgotten—who have been subjected to great prejudice because of the accumulation of wealth from these roads, let me add that they were at the termination of the construction of the Central Pacific road absolutely poverty-stricken, and the stock, which was substantially all they had left, was itself of little value at the time and wholly unmarketable. Four years afterwards, however, it began paying dividends, and was then put on the market, and they made the money; hence came the gigantic fortunes and accumulations which have been so much commented upon during the course of this discussion.

In fact I will say further, in reply to the gentleman from Kansas [Mr. HUDSON], I do not believe that any of these gentlemen ever had the colossal fortunes which they are popularly supposed to have possessed. While he was in the Senate I often heard Senator Stanford's wealth estimated at from $150,000,000 to $200,000,000—yet his estate is less than twenty millions, as I remember the inventory; that of Mr. Crocker is about the same sum, while that of Mark Hopkins was, I think, not over $30,000,000. Mr. Huntington is still alive, but I guess if our California friends have their way of him he will wish that he had died the first of any of them. But this great nation will be just in the end. Let that either comfort or terrify us all.

[Here the hammer fell.]

Mr. GEAR. I shall hardly take the time allotted to me by the kindness of the gentleman from Illinois [Mr. CANNON]. It seems to me that this claim involves a simple question of business. The Southern Pacific has rendered the service claimed for it. It has not been paid. It went into the Court of Claims, the Government contesting the claim, and the Court of Claims gave a judgment. That judgment was appealed from by the Government to the highest court of arbitrament in the United States, the Supreme Court. They in turn have affirmed the judgment. That judgment, as I understand, is bearing 4 per cent interest, and it is honestly due. Wherefore, then, should we not pay it?

I do not understand the arguments of the gentlemen on the other side of this question. I can, perhaps, understand the argument of the gentleman from California [Mr. MAGUIRE], who, I understand, is to be the nominee of the Democratic party in that State, who is making a speech here adverse to this honest, just debt, and making that speech for campaign purposes. That is the view he takes, it seems to me.

Gentlemen on the other side allude to the fact that the Fifty-first Congress paid some French spoliation claims. Does anybody doubt the justice of the French spoliation claims? The Government received the money nearly a hundred years ago, in the settlement of the purchase of part of this country. The claims were justly audited. That class of claims frequently meet with defeat at the hands of Congress. No doubt Congress has the power to deny the payment of this claim. But it is a power that no honest individual would apply to his everyday, ordinary transactions of business.

Therefore, Mr. Speaker, I shall vote for the payment of this claim, believing that when the courts of my country have decided a case, after the Government has had its day in court, that there is nothing else to do except to pay the debt found to be due. I shall vote for the honest payment of the Government's debt, particularly when there is the supplemental fact that from the date of that judgment, as rendered, the Government itself has recognized the validity of the judgment by paying quarterly the amount accrued for carrying the mails, the transportation of munitions, supplies, etc.

A good deal has been said about the ownership of this road, that three or four men who controlled and built the Central Pacific Railroad, which was built under the stress of a great political necessity, using the word in its broad sense, have an interest in this enterprise. It may be true that they have. I do not know whether they have or not; but I do know that it is in evidence that there are thousands and multiplied thousands of peo-

ple in this country who equally have an interest, who paid over their hard-earned money in the construction of this road, to whom the payment of this debt is but a simple act of justice, which should not be denied.

I yield back to the gentleman from Illinois [Mr. CANNON] the remainder of my time.

Mr. CANNON of Illinois. Mr. Speaker, how much time have I remaining?

The SPEAKER *pro tempore*. There are twenty minutes remaining on each side.

Mr. CANNON of Illinois. Mr. Speaker, I crave the attention of the House for the short time that I shall address it upon this subject. I understand the gentleman from Texas [Mr. SAYERS[is to close debate. Gentlemen who have not familiarized themselves with the facts in this case are very apt to become confused; whereas a careful, candid statement of the facts enables us to get the exact condition. If this amendment of the Senate is adopted it ought to be because it is right. If it is rejected it ought to be because it is right to reject it. I have no further interest in it one way or the other, except to see the right done. Knowing as I do the candid mind of the gentleman from Texas [Mr. SAYERS], I crave his attention while I refer to the facts in this case; and if I state anything that is not the truth, and he knows what the facts are, I will take it as a favor if he will stop me right at the point that I misstate.

The Central Pacific Railroad was constructed across the continent when it was doubtful whether any road could be built. It was built across the desert and over and through the mountains. Land and bonds were granted to aid in the construction. The acts of Congress under which this Central Pacific Railroad was constructed are two, passed in 1862 and in 1864, and then, under the power of amendment, we passed the Thurman act in 1878.

By these acts this is the condition that all the earnings for the carrying of troops and mails on the Central Pacific Railroad for the Government go, one-half to pay the interest on those bonds that we loaned them, and the other half into the sinking fund.

Mr. BLACK of Illinois. Will my colleague allow me?

Mr. CANNON of Illinois. I would rather not. I am now stating the facts. I say that constitutes the contract, and every dollar of such earnings upon the Central Pacific Railroad goes for that purpose. Under the Thurman act we provided further that 25 per cent of the net earnings of the Central Pacific Railroad should go into a sinking fund to liquidate these bonds.

Mr. BLACK of Illinois. Will my colleague allow me to ask him how much has been accumulated or paid under that provision by the Central Pacific road?

Mr. CANNON of Illinois. Every dollar that the law provides.

Mr. BLACK of Illinois. How much?

Mr. CANNON of Illinois. I do not recollect the exact amount.

Mr. BLAIR. Over $16,000,000.

Mr. CANNON of Illinois. From sixteen to twenty million dollars. Every dollar provided to be paid under these three acts of Congress, including the Thurman act, has been paid by the Central Pacific Railroad. It never has been in default for a minute. It is about 900 miles long, built through the desert and over the mountains, and through the mountains very often, perhaps with the highest grades of any railroad on earth. Now, after this road was completed population increased in California, Arizona, and New Mexico. California wanted more roads. So did New Mexico, Arizona, and Texas.

The Southern Pacific Railroad of California was incorporated entirely distinct from the Central Pacific Railroad in California, issued its stock, and sold its bonds. I will tell the amount directly.

Mr. SAYERS. Which built what railroad?

Mr. CANNON of Illinois. The Southern Pacific of California. There was the Southern Pacific of California, of Arizona, of New Mexico, and the Texas and Pacific, and the Louisiana road. They sold the bonds and issued the stock. They sold the bonds all over the world to build the Southern Pacific Railroad of California. When they got to Arizona that was another enterprise, another extension of the same road, with a community of interests; but incorporated under that law.

There were the Southern Pacific of Arizona and the Southern Pacific of New Mexico, and the Texas Pacific; I think that was the name of the Pacific road, each road in the respective States or Territories issuing their stock and selling their bonds, which are unpaid to-day, with which they meant to construct these roads. And I assert here and now, and the record shows that not one dollar or one cent of the earnings or property of the Central Pacific Railroad ever went into the construction of those roads.

Why, gentlemen, here is the official report, the Interstate Commerce Report of 1891, in which this matter is set out. And I took the pains to make a table, which any gentleman can verify from the report before me. What does it show? Southern Pacific of California has $65,000,000 of stock, $47,000,000 of bonds, at 6 per cent interest, owned all over the world. The proceeds was to and did construct that road from San Francisco down to Los Angeles, etc. The Southern Pacific of Arizona has $19,000,000 of stock and $9,000,000 of bonds, built with the proceeds of those bonds. The Southern Pacific of New Mexico, $7,000,000 of stock in round numbers and over $4,000,000 in bonds. These three companies, with stock of $92,000,000 and bonds of $60,000,000, at 5 and 6 per cent interest, owned everywhere throughout the world; and thus they were constructed.

Now then, after the Thurman act of 1878, which provided that 25 per cent of the net earnings and all transportation of the Government on the Central Pacific Railroads should be retained, at that time the Central Pacific was the lessee of the Southern Pacific Railroad, and the question was raised by the Government whether the earnings of the nonaided lines of the Southern Pacific and of the Arizona Pacific should be retained by the Government; and that question was submitted to the Supreme Court, and I have the opinion here at large, where the court fully determines, and upon all the questions raised, that under the Thurman act, and the Pacific Railroad acts, that the earnings upon the Southern Pacific and those other Pacific Railroads were separate from the Central Pacific, etc., the Government had no right to retain one cent of the earnings of the nonbond-aided roads, and in that case the Government rendered judgment in favor of the Central Pacific Railroad upon its other lines which had reached to a large amount of money—two or three millions of dollars.

Mr. NORTHWAY. Which shows an identity of two roads.

Mr. CANNON of Illinois. That is unpaid to-day, and it is not proposed to be paid now. In 1685 or 1886 the Southern Pacific Company—not railroad company, but company—organized in the State of Kentucky, acquired the Southern Pacific Railroad of Arizona, and acquired its right and lines, and the Southern Pacific of California, and of New Mexico, and of Texas, and of Louisiana, and owns them to-day by lease or by purchase, but taking them with every dollar of indebtedness, with every dollar of stock—$92,000,000 of stock of these roads and $60,000,000 of bonds; and that Southern Pacific Company to-day is constructing a work below New Orleans, building a bridge over the Mississippi, the like of which, everything considered, never was done upon the face of the earth.

The Southern Pacific Company to-day, with all its interests, pays promptly from day to day and week to week a hundred thousand men who work for it and operate it. They touch the business interests and they touch the interest of all the Southern country, the North, the East, and the West.

Mr. BOATNER. Will the gentleman yield to me for a question?

Mr. CANNON of Illinois. Just as quick as you can.

Mr. BOATNER. The question I desire to ask the gentleman is this. Would the Government under the law be entitled to withhold on the ground that it has a claim against the Southern Pacific if the Southern had not leased the Central Pacific and the Central Pacific had rendered the services for which these charges are now made?

Mr. CANNON of Illinois. On the leased lines?

Mr. BOATNER. On the nonaided portion of the line.

Mr. CANNON of Illinois. That is just what the Supreme Court decided—on the nonaided portion of the line, the Supreme Court rendered a judgment for the Central Pacific for services done the Government on the nonaided portion of the line.

Mr. BOATNER. The point which I desire to call the attention of the gentleman to is this: That we are now disputing and refusing to pay an award to the Southern Pacific Company upon the ground that we can reserve it as an offset against the Central Pacific. If the Central Pacific itself had rendered the service, on what ground would we be entitled to withhold it.

Mr. CANNON of Illinois. Certainly, we would not be entitled to it then, and that is the exact question which the Supreme Court adjudicates in the case I cited.

Mr. MAGUIRE. Why, then, do not you advocate the payment of the judgment in favor of the Central Pacific?

Mr. CANNON of Illinois. I did advocate it in the Fifty-first Congress, and it was such reckless statements as come now from the gentleman from California, made at a night session, that defeated it. The Senate has always put it in without dissent. We owe it; and whatever gentlemen may think as to the technical judgment in favor of the Central Pacific, I do not discuss that question now.

Here are services performed by the Southern Pacific Company upon these nonbond-aided lines since they have leased them, the Government furnishing them its mails and freights and ac-

cepting the services, and it does not lie in the mouth of the Government, it does not lie in the mouth of honesty, it does not lie in the mouth of justice, having accepted those services from this common carrier which could be compelled to do the work, to turn around and say: "We will not pay you." And, Mr. Speaker, my position is fortified by the fact that Congress, this year, last year, the year before; all the years under Harrison and two years under Cleveland, has paid this identical Southern Pacific Company, year by year, for carrying its mails and its troops. We are doing it now by appropriations in the army bill.

Mr. OUTHWAITE. There is no specific appropriation for that, and Congress makes no appropriation whatever for that purpose. If the payment is made it is done by the Executive Departments.

Mr. NORTHWAY. But the estimates cover it exactly.

Mr. OUTHWAITE. The estimates do not do anything of the kind. It is not mentioned in the estimates anywhere.

Mr. NORTHWAY. But the Department includes it.

Mr. CANNON of Illinois. Neither does Congress make any specific appropriation to pay the Pennsylvania Railroad, or any other railroad, but when those roads do transportation for the Government the Government pays for the services like any other customer, and it has paid this road for three years under Cleveland and for four years under Harrison, and is paying to-day in an appropriation recommended by the gentleman from Ohio himself. He knew all these facts, yet he did not put in a limitation upon that appropriation.

Mr. OUTHWAITE. There is a limitation and a strict one, not saying that the money shall not be paid to this company, but providing that it shall not be paid as much as other roads.

Mr. CANNON of Illinois. Oh, you are paying this road according to law, just as you pay all other land grant roads. You are doing it now month by month and quarter by quarter. A few years ago, before this question was settled by the courts, we did not pay, and you drove the Southern Pacific, with its ninety millions of stock and its sixty millions of bonds on its leased lines, into the courts, and the company got a judgment against you which carries interest at 4 per cent. The gentleman from Ohio having swallowed that camel, now gags at this item. It is not consistent, Mr. Speaker.

Now, having presented this case, you have the power to repudiate, but it is a judgment of the courts such as we usually, I might say universally with this exception, pay. We are paying for like services to-day, and I for one will not stand here to combat a claim that is just under the law, a claim for services the like of which we are paying for now. I will not stand here to fight such a claim, to play the demagogue, and talk about Huntington as a "thief," and about Stanford as a "thief," and about tearing down the Stanford University in California, and all that kind of stuff. All that has nothing to do with this question.

C. P. Huntington, if he has any rights; the Central Pacific Railroad Company, if it has any rights; the Southern Pacific Company, if it has any rights or wrongs—each of them is entitled to vindication or redress, and they all must bow, not to this court of which my colleague [Mr. BLACK] speaks—this House is not a court—but to the court of last resort, the Supreme Court of the United States; and I would defend Huntington, I would defend the heirs of Stanford, or any other party that was rich, just as quickly as I would defend the poorest man in the land, and I would defend the poorest man in the land just as soon as I would the rich. All are, or should be, equal before the law. Thank God, justice, like the grace of the Almighty, reaches down and puts its arm about all the people, whether great or small, rich or poor, individual or corporate. [Applause.]

I again, in conclusion, ask my friend from Texas [Mr. SAYERS], who is a fair-minded and candid man, what authority is there in law, in right, for withholding payment of this judgment? Here are the facts set forth by the Interstate Commerce report. People all over the earth own the bonds of this Southern Pacific Railroad Company, which is owned by the Central Pacific Company. If I talked two hours I could not say anything in addition. If this debt was due from the Central Pacific Company no court in the universe, and no just man anywhere, would make the bondholders who furnished the money to build the Southern Pacific road in California, in Arizona, in New Mexico, in Texas, stand aside until their claims were paid.

Now, I hope my friend from Texas will address himself to that matter. I hope he will explain why it is that we are paying for similar services upon these roads to-day. I thank the House for its attention.

Mr. MAGUIRE. Before the gentleman from Illinois [Mr. CANNON] takes his seat, I would like to ask him this question: Upon what did this Southern Pacific Company ever issue a bond? It owns no road.

Mr. CANNON of Illinois. Oh, that is but a play upon words. The Southern Pacific Company is the purchaser and lessee of the Southern Pacific Railroad of California.

Mr. MAGUIRE. Not the purchaser.

Mr. CANNON of Illinois. Well, a lease is a qualified purchase. Great heavens! Is a man incapacitated, because he lives in California, from understanding the English language. [Laughter.]

Mr. MAGUIRE. He may be incapacitated from understanding it as some Illinoisans speak it.

Mr. CANNON of Illinois. I do not yield. Mr. Speaker, a lease is a qualified purchase. The Southern Pacific Company is the owner, as lessee, of these Pacific railways in California and these other States. It took the property subject to the lien of those bonds, amounting to $60,000,000, which are held all over the world, not only by capitalists alone, but by widows, orphans, and other persons of small means. That is all I have to say.

Mr. SAYERS. Mr. Speaker, I desire to enter a motion that the House further insist upon its disagreement to the Senate amendments numbered 127 and 128.

In order that the House may act understandingly, I wish to call attention to this bill, and especially those portions which have reference to the Pacific railroads. If gentlemen will turn to this general deficiency bill now before us, they will find not less than twenty items of appropriation from which the Pacific railroads are excepted.

In other words, accounts have been transmitted to Congress from the Treasury Department for payment, embracing a large number of items in each account; and it will be found that the House and the Senate have agreed to insert in each of these general items the phrase "exclusive of Pacific railroads." So that if the House should recede from the Senate amendment, it will be put in the embarrassing situation of paying to the Pacific railroads the judgment under consideration and at the same time refusing payment to the Pacific roads for other matters equally valid and honest.

Again, if gentlemen will examine the general deficiency bills of the Fifty-first Congress and the Fifty-second Congress, they will find that both those Congresses in making appropriations used the same language that is used in the present deficiency bill.

Mr. CANNON of Illinois. Will the gentleman allow me a moment on that point, for I know the gentleman is fair?

Mr. SAYERS. Certainly.

Mr. CANNON of Illinois. The gentleman is now speaking of deficiencies. But he will allow me to remind him that the principal sums paid to these roads in all these years have been paid from the army and navy appropriations. And it is the committee over which the gentleman presides that makes the exception in this case.

Mr. SAYERS. Now, Mr. Speaker, I ask the House to consider the language of this amendment, which is not to pay any particular Pacific Railroad, but to make payment to the Southern Pacific Company. It becomes important, then, to know what is the Southern Pacific Company. Who constitute the Southern Pacific Company? Gentlemen throw themselves behind the legal breastwork that the law will not hold the stockholders of one company responsible for the debts of another company, even though the persons be the same in both companies and operating on the same line and for the same purposes. Let us see how the matter stands.

Are we to be guided exclusively by the technical rules of the law, or are we the lawmaking power in connection with the Senate of the United States and the President. If we are limited by the narrow terms of the law, all that this House can do in such matters as this is simply to make appropriations to pay the judgments of the different courts. Now, sir, I hold in my hand the testimony of a very accomplished lawyer, formerly a member of this House, and more recently a representative of the Southern Pacific Company, before the Committee on Appropriations.

I refer to Judge Payson. What does he say in reference to this company? He says that the Southern Pacific Company, which never built one line of railroad, which I am told never issued bonds to the extent of one dollar, is now the lessee practically of the entire transportation system of California, Arizona, New Mexico, and the southern part of Texas. Here is this company holding in its grasp the transportation facilities of three or four States and Territories. Who constitute this company? Let me read the testimony of the same witness in answer to a question to him by myself:

The CHAIRMAN. What relations did the owners of the stock of the Southern Pacific Company bear to the Central Pacific Company; were they not the same parties?

Judge PAYSON. They were the same parties. The Central Pacific Railroad was principally constructed, this is a matter of public history of the country, by four men, Huntington, Crocker, Hopkins, and Stanford, and

the stockholders of the Central Pacific system were the principal stockholders of the Southern Pacific Company.

Mr. HAUGEN. Allow me to ask what relation Judge Payson bore to these companies?

Mr. SAYERS. He was their attorney, and came before the Committee on Appropriations to secure this appropriation.

Mr. BLACK of Illinois. But when he so appeared he was not a member of this House.

Mr. CANNON of Illinois. Let me remind the gentleman from Texas that the four men who have been referred to, though they were large stockholders in these companies, were not the only persons constituting those corporations.

Mr. SAYERS. I decline, Mr. Speaker, to be interrupted further.

The SPEAKER *pro tempore*. The gentleman from Texas declines further interruption.

Mr. SAYERS. Here we have the four principal owners not only of the Southern Pacific Railroad, but also of the Central Pacific road, and of all those other lines, a company which was created by the Legislature of Kentucky, not for the purpose of the construction of a road, but for the purpose of buying roads. In other words, it is a "blanket" corporation. Now, it is admitted—there is no question about it—that the Central Pacific Railroad is in a state of bankruptcy. It is further admitted that it has been so conducted for the past ten years that the roadbed is almost worthless; in fact, it is in such a condition that if put on the market its roadbed and rolling stock would not sell for enough to pay the first-mortgage bonds.

Mr. BLAIR. If the gentleman will permit me, he is very much mistaken as to the condition of the road. It is in excellent condition.

Mr. SAYERS. No, sir; not from the testimony.

Mr. Speaker, it is in common repute that the Attorney-General of the United States, in order to fix the liability of one of these gentlemen, has already filed in the State of California, in one of the probate courts of that State, a claim against the estate of the late Mr. Stanford. I have no doubt these gentlemen who are standing on the narrow technicality of the law, if they were representing that estate, would say as they do to us to-day, "Why, you can not enforce this obligation against this estate; it is his private property, and the Government of the United States has no right to hold any person individually responsible for the debts of the Central Pacific Railroad."

But the Attorney-General will endeavor to maintain the claim of the United States against Mr. Stanford's property and establish its liability, in part, for this enormous debt to the Government.

Mr. DUNN. Is it not on the ground that the wealth of Stanford, and others of that syndicate, was practically stolen from the Pacific roads to weaken the obligations of the roads to the Government of the United States?

Mr. SAYERS. Well, I would not say that.

But, Mr. Speaker, we are told by the Secretary of the Treasury that in the next few years the Government will be called on to pay the sum of $2,362,000 as the principal of a part of the maturing bonds. We find also that the judicial branch of the Government is endeavoring to fasten the liability of the Stanford estate for its proportion of the bonds; and I ask you, gentlemen, if under these circumstauces you can or will consent to this appropriation.

Mr. DENSON. Would not the Stanford estate plead that as an estoppal against this very claim of the Government?

Mr. MARSH. Will the gentleman from Texas allow an interruption?

Mr. SAYERS. Certainly.

Mr. MARSH. Do I understand the gentleman from Texas to assume the ground that the Southern Pacific Company is liable to the National Government for the indebtedness of the Central Pacific Company to it, which indebtedness will soon become due?

Mr. SAYERS. I will give you an answer: If the owners of the stock of the Southern Pacific Company were honest and honorable men, they would meet the indebtedness of the Central Pacific Railroad without a murmur.

Mr. MARSH. If the gentleman will pardon me, that does not seem to answer the question, and I have asked it in perfect good faith, for I desire to get at the meat in this thing. Do you hold that the Southern Pacific Company, which controls this vast system running from the Pacific to New Orleans—do you hold that this company is liable to the Government of the United States for the indebtedness of the Central Pacific Railroad to it, amounting to the sum of $70,000,000 soon to become due? Because I am willing to say that it seems to me if they are liable for this $1,800,000 embodied in the Senate amendment to the appropriation bill, they are, on the same ground, also liable for the $70,000,000 nearly due.

Mr. SAYERS. I will answer the question:

The gentleman in his question, Mr. Speaker, builds up in front of him the breastworks of corporate law. I desire to brush these breastworks aside and reach the individuals themselves. I want to get at those who will receive this money if the appropriation is made.

Mr. DOOLITTLE. I want to ask the gentleman a question with his consent.

Mr. SAYERS. I yield to the gentleman.

Mr. DOOLITTLE. I wish to ask if it is not true that there are a number of owners of stock of the Southern Pacific Company who are not at all interested in the Central Pacific?

Mr. SAYERS. The testimony of Judge Payson, which is contained in the pamphlet I hold in my hand, shows unqualifiedly that the vast proportion of the stock of these roads and of the Southern Pacific Company is in the possession and control of only four men or of their estates.

Mr. DOOLITTLE. Would it be right now for innocent stockholders or owners of the stock of the Southern Pacific Company to be held responsible in any wise for the default of the Central Pacific Company or the stockholders of the Central Pacific Company?

Mr. SAYERS. They have their remedy.

Mr. MAGUIRE. Let them disclose themselves.

Mr. SAYERS. Now, let me ask my friend this question. Suppose it should be established that nineteen-twentieths of the stock was either owned by these four men or their estates, and one-twentieth by others, would he favor this appropriation?

Mr. DOOLITTLE. I think they should be segregated, as a matter of equity, and not suffer for the wrongdoing of the others.

Mr. SAYERS. But the Southern Pacific Company comes in here and demands payment of the whole.

Mr. BLACK of Illinois. In what aspect do the stockholders of the Southern Pacific Company appear here? Are they not represented solely by the company itself?

Mr. SAYERS. Yes.

Mr. BLACK of Illinois. Is not that company the recipient or assignee of the assets of the Central Pacific?

Mr. SAYERS. Certainly.

Mr. BLACK of Illinois. Is it not true, therefore, that every stockholder in the Southern Pacific Company is directly interested in the result of this claim, and in the disposition of the assets of the Central Pacific Railroad Company?

Mr. SAYERS. Unquestionably that is so.

Mr. MARSH. Will the gentleman from Texas please tell me what becomes of the bondholders, the innocent purchasers of bonds, who built the road of the Southern Pacific Railroad Company in California?

Mr. LIVINGSTON. This Government has nothing to do with the bondholders of the Southern Pacific Railroad Company of California.

Mr. MARSH. But is it not proposed to take the earnings of that road from these people to pay the debts of the Central Pacific?

Mr. OUTHWAITE. The answer to that is that there are no bondholders of the Southern Pacific Company.

Mr. MARSH. I did not say the Southern Pacific Company. I said the Southern Pacific Railroad Company, and you ought to make a distinction between the two.

Mr. OUTHWAITE. There are no bondholders of the company claiming this payment.

Mr. SAYERS. The Southern Pacific Company is owned and controlled practically by four men, the Central Pacific Railroad Company likewise, the Southern Pacific Railroad Company likewise, the Arizona Pacific Railroad Company, and other connections in California also. Now I say to those gentlemen, let them wait until they make a proper adjustment with Congress for the indebtedness of the Central Pacific Railroad. When that is done, if this judgment is outstanding, I will be willing to pay it, but not until then.

Mr. OATES. Will my friend from Texas allow me to see if I understand correctly the legal attitude? As I understand it, it is that the plaintiffs seeking payment of this amount are indebted to the Government of the United States, but that the debt is not yet due, and their condition is well known to the United States to be insolvent?

Mr. SAYERS. Yes.

Mr. OATES. And the payment is withheld on the principle of equity that you should not pay an amount of that kind to your debtor simply because his debt to you is not due, when if you pay it you would be likely to lose it.

Mr. SAYERS. That is my answer, if the gentleman will allow me further to say that while no rinally and technically the Central Pacific and the Southern Pacific are not one and the

same, yet at the same time the very same men control and own the stock in both of these companies.

The SPEAKER *pro tempore*. By order of the House debate on this question is now exhausted.

Mr. SAYERS. I ask for a vote.

The SPEAKER *pro tempore*. The gentleman from Texas moves that the House further insist upon its disagreement to amendments numbered 127 and 128, and ask for a further conference with the Senate.

Mr. CANNON of Illinois. I move——

Mr. SAYERS. I submit that no other motion can be made until my motion is voted down. The previous question is operating now.

Mr. CANNON of Illinois. Oh, no.

Mr. SAYERS. That was the order.

Mr. CANNON of Illinois. The gentleman understands perfectly well that I am entitled to test the sense of the House to bring the two bodies together if I can.

Mr. SAYERS. All right; I will yield to the gentleman, although I do not think, under the rule, he is right.

Mr. CANNON of Illinois. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendments and agree to the same.

The SPEAKER *pro tempore*. The gentleman from Illinois moves that the House now recede from its disagreement to the Senate amendments 127 and 128 and agree to the same.

The question was taken, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. CANNON of Illinois. Division, Mr. Speaker.

The House divided; and there were—ayes 41, noes 90.

So the motion was rejected.

On motion of Mr. SAYERS, a motion to reconsider the vote by which the House refused to recede from its disagreement to the Senate amendments was laid on the table.

Mr. SAYERS. Now, Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER *pro tempore*. The Chair will announce the appointment of the following conferees: Mr. BRECKINRIDGE of Kentucky, Mr. SAYERS, and Mr. CANNON of Illinois.

DEPUTY CORONER FOR THE DISTRICT OF COLUMBIA.

Mr. HEARD. Mr. Speaker, there was laid before the House this morning a Senate bill, and my colleague on the Committee of the District of Columbia [Mr. COBB of Alabama] desired to ask unanimous consent that it should be considered to-day, but he gave way for the gentleman from Texas [Mr. SAYERS], who had a conference report, which took precedence. I now desire to ask that the bill be laid before the House.

The Clerk read as follows:

A bill (S. 1007) authorizing the Commissioners of the District of Columbia to appoint a deputy coroner, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to appoint a deputy coroner in and for the District of Columbia. That it shall be the duty of the deputy coroner to assist the coroner in the performance of his duties, and to perform the duties pertaining to the office of coroner in the absence or disability of the coroner. The deputy coroner shall, while acting as such, receive compensation at a rate not exceeding $5 per diem, to be paid as other expenses of the government of the District of Columbia are paid, and shall give bond, to be approved by the Commissioners of the District of Columbia, in the sum of $2,500, conditioned for the faithful performance of his duties.

Mr. HEARD. I yield to my colleague [Mr. COBB].

Mr. COBB of Alabama. Mr. Speaker, there is no need of saying anything about this bill. It is apparent to everybody, or ought to be, that there is a great necessity for a deputy coroner. There is no deputy coroner now under the law.

Mr. LIVINGSTON. Is that usual with the large cities?

Mr. COBB of Alabama. Yes, sir; it is absolutely essential. I ask unanimous consent that the bill be put upon its passage.

Mr. DOCKERY. I would like to ask the gentleman from Alabama what offici l has heretofore been discharging the duties of deputy coroner?

Mr. COBB of Alabama. Nobody.

Mr. LIVINGSTON. Well, have we not been getting along well enough without one?

Mr. COBB of Alabama. For a long time, Mr. Speaker, we had, as we supposed, in the District a deputy coroner. He went on and acted as deputy coroner, no question being made about his action until the question was raised at the time of the Ford s Theater disaster. Then his authority was questioned, and upon investigation it was found that he had no authority by law to act at all. And if you will remember, the whole proceeding at that time was declared void, all that he had done, because there was no legal authority for him to act.

Mr. DOCKERY. Does this bill provide for a deputy coroner in the absence of the coroner?

Mr. COBB of Alabama. Only in the absence of the coroner.

Mr. DOCKERY. He would not receive the $5, then, unless the coroner were absent.

Mr. COBB of Alabama. Unless the coroner is sick or absent from the city; and then only for services when he acts as deputy coroner.

Mr. COOMBS. I have investigated this matter and found it all right, and that a deputy coroner is necessary.

The SPEAKER *pro tempore*. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. COBB of Alabama, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXCLUSION AND DEPORTATION OF ALIEN ANARCHISTS.

The SPEAKER *pro tempore* laid before the House the bill (S. 2314) providing for the exclusion and deportation of alien anarchists; which was referred to the Committee on the Judiciary.

Mr. DOCKERY. Regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

OUTSTANDING MILITARY BOUNTY LAND WARRANTS.

Mr. NEILL, from the Committee on Public Lands, reported favorably the bill (S. 679) to provide for the location and satisfaction of outstanding military bounty land warrants and certificates of location under section 3 of the act approved June 2, 1858; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The SPEAKER *pro tempore*. This concludes the call of committees for reports.

EXCLUSION AND DEPORTATION OF ALIEN ANARCHISTS.

Mr. BOATNER. I ask unanimous consent for the present consideration of the bill (S. 2314) to provide for the exclusion and deportation of alien anarchists.

The SPEAKER *pro tempore*. The gentleman from Louisiana asks unanimous consent for the present consideration of this bill. Is there ob ection?

Mr. GEAR. Let the bill be read.

The SPEAKER *pro tempore*. The Chair hears none.

The bill was read, as follows:

Be it enacted, etc., That no alien anarchist shall hereafter be permitted to land at any port of the United States, or be admitted into the United States, but this prohibition shall not be so construed as to apply to political refugees or political offenders, other than such anarchists.

SEC. 2. That the board of special inquiry, authorized under the immigration act of March 3, 1893, shall diligently inquire of any alien seeking admission into the United States, who is suspected of being an anarchist, by pertinent questions, as to his antecedents, his opinions as to government, and whether he belongs to any society or association of known anarchistic tendencies; and it may examine the person of such alien for marks indicative of such membership; it may accept evidence of the immigrant's common reputation as an anarchist, and the orders, decrees, or judgments of foreign governments and police notifications as prima facie evidence, which may be deemed sufficient, unless successfully controverted, to prevent the admission of such alien.

SEC. 3. That where the Superintendent of Immigration is satisfied from oath or affirmation filed with him that any alien anarchist has been allowed to land or has come into the United States contrary to law, or such officer has reason to believe from oath or affirmation filed with him that any alien in the United States is an anarchist and that his presence in this country will be a menace to the Government or to the peace and well-b eing of society in general, he may issue a warrant and cause such suspected alien anarchist to be taken into custody and brought before such Superintendent, who shall proceed without unnecessary delay to hear the evidence upon such charge, and shall afford the suspected person an opportunity to submit evidence in his defense, and if, after such hearing, the Superintendent shall be satisfied that the person accused is an alien anarchist and has been allowed to land or has come into the United States contrary to law, or is satisfied that such person is an alien anarchist and that his presence in this country will be a menace to the Government or to the peace and well-being of society in general, the said Superintendent shall cause him to be conveyed to the port of departure and thence returned to the country whence he came; and if such anarchist was allowed to land or came into this country contrary to law, he shall be returned at the expense of the importing vessel, but if already in the country at the time of the passage of this act, or if he entered from an adjoining country of which he is not a citizen, then he shall be returned to the country of his nativity at the expense of the United States.

The Superintendent of Immigration, for the purposes of such hearings, shall have power to administer oaths, to summon and compel the attendance of witnesses, and to take testimony upon the questions involved, and may require any inspector of immigration or may specially authorize any other person to execute process, to make arrests, and to convey to ports of departure persons ordered deported. That upon any hearing before said superintendent, and upon any hearing provided for in the fourth section of this act, the same kind of evidence hereinbefore authorized to be received before the board of special inquiry on the admission of alien immigrants may be allowed and with the like effect.

It is further provided that any person arrested for being an alien anarchist and ordered to be deported by the Superintendent of Immigration shall have a right of appeal to the Secretary of the Treasury, who shall hear and dispose of such appeal under such rules and regulations as he may prescribe, and pending such appeal the order of deportation shall not be executed, but the decision of the Secretary of the Treasury upon such appeal shall be final and conclusive, but no final order of deportation shall be carried out until said alien anarchist has an opportunity, if he so desires, to apply for a writ of habeas corpus, to be issued by any judge of any United States court, and upon any hearing upon such writ the question of alienage, iden-

tity, and the regularity of the proceedings may be reviewed. The Secretary of the Treasury may authorize the collector of customs at any port to proceed against any alien anarchist, according to the provisions of this act, and in such proceedings to perform all the duties and exercise all the powers hereby conferred on the Superintendent of Immigration.

SEC. 4. That in cases where, upon the trial and conviction of any alien of any crime or misdemeanor involving moral turpitude, in any United States court or court of record of any State or Territory or the District of Columbia, it shall appear from the evidence produced at the trial that such alien is an anarchist, or that his remaining in this country will be a menace to the Government or to the peace and well-being of society in general, the presiding judge shall direct that a further hearing shall be had before him upon that matter at an early day, of which the convicted alien shall have due notice, and at which he shall be allowed to be heard and introduce evidence in his defense; and if the said judge shall be satisfied from the evidence produced at such hearing that such convicted alien is an anarchist, or that his remaining in the country will be a menace to the Government or to the peace and well-being of society in general, he may direct that in addition to other punishments adjudged, the said convicted alien, after undergoing such punishments, shall be taken before a commissioner of immigration at a port of entry, who shall order his deportation at the expense of the United States to the country from which he came. Should he thereafter return to the United States he shall be arrested and sentenced to confinement in a penitentiary for a period not exceeding four years and afterwards again deported.

SEC. 5. That the Secretary of the Treasury is authorized in his discretion to appoint such number of immigration agents as he may deem necessary, not exceeding twelve in number, at a salary not exceeding $2,500 each per annum, whose duties shall be to go abroad and make investigations in other countries, under such rules, directions, and regulations as the Secretary of the Treasury may prescribe, pertaining to intended immigrants, and especially to diligently inquire and inform themselves as to the character of intended immigrants, whether anarchists, criminals, or alien contract laborers, availing themselves of police records, decrees of expulsion, and any and every source of information useful and obtainable so as to enable them to arrive at correct conclusions, and to report thereon from time to time to the Superintendent of Immigration, and to execute such other duties relating to the matters aforesaid as the Secretary of the Treasury may impose; and for the purpose of enforcing this law and paying the salaries of the said agents, the sum of $30,000 is hereby appropriated.

SEC. 6. That the fact that an alien has declared his intention to become a citizen of the United States shall constitute no bar to proceedings against him under this act or under the acts to which it is an amendment.

Mr. BOATNER. Mr. Speaker, unless some gentleman desires to discuss the measure——

Mr. TRACEY. How does this bill get before the House, Mr. Speaker?

Mr. BLACK of Illinois. Mr. Speaker, is it open to objection?

The SPEAKER *pro tempore* (Mr. DOCKERY). It is not. The present occupant was not in the chair when unanimous consent was asked, but the request for unanimous consent to consider the bill was put and no objection was made.

Mr. BOATNER. I will state for the information of the House that this bill——

Mr. HAUGEN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HAUGEN. Was unanimous consent given for the consideration of this bill?

The SPEAKER *pro tempore*. It was.

Mr. TRACEY. No, Mr. Speaker; I did not hear any unanimous consent given.

Several MEMBERS. Oh, yes; it was given.

Mr. BLACK of Illinois. I move to refer the bill to the proper committee.

Mr. WILLIAM A. STONE. Mr. Speaker, the motion is made to refer this bill to a committee——

The SPEAKER *pro tempore*. The gentleman from Louisiana [Mr. BOATNER] has the floor.

Mr. BOATNER. I will state, for the information of gentlemen, that I called up this bill and asked unanimous consent for its consideration——

Mr. BLACK of Illinois. I beg to say to the gentleman from Louisiana that I did not understand his request.

Mr. BOATNER. Well, I made the request and no objection was made, and the bill is now before the House, unanimous consent having been given for its consideration.

Mr. TRACEY. Well, Mr. Speaker, I have been standing here all the time, and I heard no unanimous consent asked or given.

Mr. BOATNER. Then, I suppose that because the gentleman from New York did not hear it, no unanimous consent was given. Is that what the gentleman means to say?

Mr. TRACEY. The gentleman means to say that no unanimous consent was asked for by the Chair; none that the gentleman could hear.

Mr. BOATNER. Then, I state to the gentleman from New York that he is entirely incorrect.

Mr. TRACEY. Well, if the gentleman from Louisiana knows more about the state of my hearing than I do myself, it is quite extraordinary. I did not hear unanimous consent asked or given.

Mr. BOATNER. Oh, if the gentleman merely means to say that he did not hear unanimous consent asked or given, that is all very well; but when he states as a fact that no unanimous consent was asked or given, he is saying something that is not borne out by the facts or by the record.

Mr. WARNER. Mr. Speaker, there are several gentlemen back here who are waiting for a chance to ask unanimous consent. I myself was listening, and, as I understood what occurred, the Speaker *pro tempore* put the request, and a gentleman upon the other side of the House asked that the bill be read. Then, as I understood—of course I may be mistaken—the Chair, in the ordinary way, directed the Clerk to read the bill, and we back here were waiting to hear it read, in order that we might judge whether or not unanimous consent should be given.

Mr. TRACEY. Let us have the Official Reporter's notes read, Mr. Speaker.

Mr. BOATNER. Mr. Speaker, I desire to state, for the information of the gentleman from New York, that I asked unanimous consent for the consideration of this bill, and the Chair submitted the request to the House, and, after the usual pause, stated that there was no objection, and that the Clerk would read the bill. Thereupon the Clerk proceeded to read the bill, and it is now before the House for consideration by unanimous consent.

Mr. TRACEY. I make the point of order that it is not.

The SPEAKER *pro tempore*. The present occupant was not in the chair when the question was submitted——

Mr. BOATNER. Well, Mr. Speaker, I ask that the notes be read.

Mr. OATES. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. OATES. I rise for the purpose of speaking to this question.

The SPEAKER *pro tempore*. The gentleman from Louisiana [Mr. BOATNER] has the floor.

Mr. OATES. I rise for the purpose of speaking to this question, and I think the gentleman from Louisiana will not object. I distinctly heard the question asked by the Chair whether there was any objection to the request for the consideration of this bill; there was the usual pause, and then the Chair said that no objection was made.

Mr. HEARD. Mr. Speaker, I understood the gentleman from Louisiana to ask that the notes of the Official Reporter be read. I hope that will be done, to settle this question.

The SPEAKER *pro tempore*. The Chair will have the notes read from the desk as soon as they are transcribed, and pending that will state his version of what occurred. The present occupant was not in the chair when the request was submitted, but the gentleman from Missouri [Mr. TARSNEY], who was presiding, submitted the request for unanimous consent, the bill being read by title only. The request was submitted and no objection was made, and thereupon the bill was read at length. That is the recollection of the Chair of what occurred as he observed it from the floor.

Mr. BURROWS. There was no objection.

Mr. GROSVENOR. It is too late now to raise the question. Members must attend to their business.

Mr. BURROWS. The Chair asked whether there was objection; and there was none.

The SPEAKER *pro tempore*. But the gentleman from Louisiana [Mr. BOATNER], who is in charge of the bill, has asked that the notes of the stenographer be read.

Mr. BOATNER. I have asked that the notes be read, because there seems to be some question raised here.

The SPEAKER *pro tempore*. The notes will be read in the time of the gentleman from Louisiana.

The Clerk read as follows:

Mr. BOATNER. I ask unanimous consent for the present consideration of the bill (S. 2314) to provide for the exclusion and deportation of alien anarchists.

The SPEAKER *pro tempore*. The gentleman from Louisiana asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. GEAR. Let the bill be read.

The SPEAKER *pro tempore*. The Chair hears none.

Mr. WARNER. Now, Mr. Speaker, the record shows that when the question was put whether there was objection, a member asked that the bill be read; and I respectfully submit that under the almost universal practice of the House, we were entitled to hear the bill read before we passed judgment upon the question whether it should be considered at this time. The bill having been read, and it appearing to be a bill to make a new crime and provide for its detection and punishment, I respectfully submit that, even if there has been a mistake or misunderstanding by means of which consent for the consideration of the measure was given, no advantage should be taken of that circumstance to put before the House at this time a bill coming from the Senate which has never been considered by a committee of this House, and which has not even been printed here that members may have an opportunity to read it. I may be in favor of the bill when I understand it. I am not in favor of taking it up in this way.

Mr. BOATNER. Mr. Speaker, my reason for calling up this bill by unanimous consent——

Mr. TRACEY. I object to the bill. I object to the request for unanimous consent.

Mr. BOATNER. Mr. Speaker, my object in calling up the bill for consideration at this time was because it was regarded as covering a very important question. It is a bill which was considered in the conference committee of the two Houses a few days since and agreed upon, having been recommended by the Secretary of the Treasury as a matter which it was important should be acted upon at an early date.

Not anticipating any objection to the bill, supposing that the entire House had heard the request, which was submitted in a loud tone of voice, and the consideration of the bill having been ordered in the usual way, I had no idea that any gentleman would make objection. As it is, however, a matter of importance which I wish to be considered without the disadvantage of any factious opposition of this sort, I now ask unanimous consent to withdraw the bill, and that it be referred to the Committee on the Judiciary.

The SPEAKER *pro tempore*. The gentleman can withdraw his request for the consideration of the bill; and without objection it will be referred to the Committee on the Judiciary. The Chair hears no objection; and it is so ordered.

JOHN AND SARAH GRIFFIN.

Mr. CATCHINGS. I ask unanimous consent for the present consideration of the bill (H. R. 561) for the relief of John and Sarah Griffin.

Mr. CULBERSON. I understood that the regular order was called.

The SPEAKER *pro tempore*. Does the gentleman from Texas [Mr. CULBERSON] demand the regular order?

Mr. CULBERSON. I do not. But the Committee on the Judiciary has twenty-three minutes unexpired in the morning hour. I do not make any objection, however.

Mr. CATCHINGS. This matter can be disposed of one way or the other in a very few minutes.

The bill, with the amendment of the Committee on War Claims, was read.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. SMITH of Illinois. I call for the regular order.

Mr. CATCHINGS. I can explain this matter in a moment.

The SPEAKER *pro tempore*. The call for the regular order cuts off any request for unanimous consent. The regular order is the call of committees for the consideration of business during the second morning hour.

Some time subsequently:

Mr. CATCHINGS. Mr. Speaker, the gentleman from Illinois has withdrawn his demand for the regular order against the bill called up by myself, and I again submit the request for unanimous consent for its present consideration.

The SPEAKER *pro tempore*. The Chair is informed that the gentleman from Illinois [Mr. SMITH] has withdrawn his demand for the regular order as against the bill called up by the gentleman from Mississippi.

Mr. SMITH of Illinois. That is correct.

The SPEAKER *pro tempore*. Is there further objection to the request of the gentleman from Mississippi?

Mr. MAHON. I demand the regular order.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On August 11, 1894:

An act (H. R. 6893) to regulate water-main assessments in the District of Columbia;

An act (H. R. 6814) extending the time of payment to purchasers of lands of the Omaha tribe of Indians in Nebraska, and for other purposes;

An act (H. R. 7187) to make the city of Oakland, county of Alameda, State of California, a subport of entry;

An act (H. R. 6384) for the relief of Walter S. McLeod;

An act (H. R. 5901) to reimburse E. H. Nebeker, late Treasurer of the United States;

An act (H. R. 2896) for the relief of Henry James, residing in the original Hot Springs Reservation, in the State of Arkansas;

An act (H. R. 2133) to correct the military record of Capt E. M. Ives;

An act (H, R. 6206) granting a pension to A. F. Neeley;

An act (H. R. 5816) granting a pension to Mary Ann Donoghue;

An act (H. R. 3076) granting a pension to George L. Frymire;

An act (H. R. 5374) granting a pension to Sarah Oddy;

An act (H. R. 1463) granting a pension to Lucinda C. Wheeler, widow of John H. Wheeler;

An act (H. R. 856) granting an increase of pension to John Stockwell;

An act (H. R. 3992) to increase the pension of Julia Bews;

An act (H. H. 953) to increase the pension of Mary P. Broughton;

An act (H. R. 3065) to increase the pension of James Lane;

An act (H. R. 1313) to increase the pension of John Scott;

An act (H. R. 3840) to pension Joel A. Walters;

An act (H. R. 4780) to pension Thankful Robbins;

An act (H. R. 6213) to pension Harriet R. Tate;

An act (H. R. 3309) to pension Ambrose Gisebur;

An act (H. R. 4811) to pension Mary Trimble.

On August 13, 1894:

An act (H. R. 522) for the relief of Benjamin Alford;

An act (H. R. 4326) to subject to State taxation national-bank notes and United States Treasury notes;

An act (H. R. 7383) relating to lights on fishing vessels;

An act (H. R. 86) for the protection of persons furnishing materials and labor for the construction of public works;

An act (H. R. 4954) relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon;

An act (H. R. 6577) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the town of Columbia, Ala.;

An act (H. R. 7827) to authorize a bridge across the Perdido River, between the States of Florida and Alabama.

On August 14, 1894:

An act (H. R. 6415) to provide an immediate revision and equalization of real estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year 1896 and every third year thereafter, and for other purposes.

On August 15, 1894:

Joint resolution (H. Res. 95) providing for an investigation relating to the effects of machinery on labor;

An act (H. R. 2669) making an appropriation and providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California;

An act (H. R. 3033) granting a pension to Amanda J. Lane;

An act (H. R. 7683) to correct the naval record of James Fay and grant him an honorable discharge;

An act (H. R. 1589) for the relief of Louis Pelham;

Joint resolution (H. Res. 217) to continue the provisions of existing laws providing temporarily for the expenditures of the Government;

An act (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes;

An act (H. R. 7874) to enable the Secretary of the Interior to pay JOHN T. HEARD for professional services rendered the "Old Settlers" or Western Cherokee Indians out of the funds of said Indians.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment House concurrent resolution relative to printing 23,000 copies of Tenth Annual Report of Civil Service Commission.

The message also announced that the Senate had passed the bill (S. 2314) to provide for the exclusion and deportation of alien anarchists; in which the concurrence of the House was requested.

EXTENSION OF ALLEYS, DISTRICT OF COLUMBIA.

Mr. HEARD. Mr. Speaker, I desire to submit a report from a conference committee.

The SPEAKER *pro tempore*. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 971) to open and extend alleys in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its amendment.

JAMES D. RICHARDSON,
H. W. RUSK,
A. C. HARMER,
Managers on the part of the House.

CHARLES J. FAULKNER,
JOHN MARTIN,
JAMES MCMILLAN,
Managers on the part of the Senate.

Mr. HEARD. I will state, Mr. Speaker, that there is no written statement accompanying the report, for the reason that the result of the conference is to recede from the amendment of the House. The House ingrafted an amendment upon a Senate bill, but it is receded from because the same amendment is in-

cluded in the District appropriation bill, and there is no need for it here.

The report was agreed to.

On motion of Mr. HEARD, a motion to reconsider the last vote was laid on the table.

DEFICIENCY APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, I submit a report from the conference committee on the deficiency bill.

The SPEAKER *pro tempore*. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 127 and 128 to the bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: Strike out the last three lines of the matter inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,274,246.15;" and the Senate agree to the same.

JOSEPH D. SAYERS,
J. G. CANNON,
Managers on the part of the House.

F. M. COCKRELL,
CALVIN S. BRICE,
Managers on the part of the Senate.

Mr. SAYERS. I will state, Mr. Speaker, for the information of the House that this action on the part of the conferees disposes of the general deficiency bill, eliminating the appropriation for the payment of $1,800,000, in round numbers, for the Southern Pacific Company.

I ask the adoption of the report.

The report was agreed to.

On motion of Mr. SAYERS, a motion to reconsider the last vote was laid on the table.

JURISDICTION OF UNITED STATES COURTS.

Mr. CULBERSON. I ask for the regular order.

The SPEAKER *pro tempore*. The regular order is the morning hour for consideration.

The morning hour begins at twenty-five minutes before 4 o'clock, the call resting with the Committee on the Judiciary, which committee has twenty-three minutes of its hour of yesterday remaining unused.

Mr. CULBERSON. I call up for consideration the bill I now send to the desk.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 1892) to limit the jurisdiction of the district and circuit courts of the United States.

The SPEAKER *pro tempore*. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the district and circuit courts of the United States shall not take original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except the court having jurisdiction of the domicile of the corporation, except in cases arising under the patent or copyright laws, and in like cases in which said courts are authorized to take original cognizance of suits between citizens of the same State; nor shall any such suit between such a corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States, except in like cases in which such removal is authorized by the existing law in suits between citizens of the same State: *Provided*, That nothing in this act shall be so construed as to affect suits pending in the courts of the United States at the time this act shall take effect.

The Committee on the Judiciary recommend the adoption of the following amendment:

Strike out of lines 9 and 10 the words "except the court having jurisdiction of the domicile of the corporation," and insert after the word "State," in line 18, the words: "*Provided*, That nothing herein contained shall prevent a citizen of another State from suing a corporation in the State of its domicile."

Mr. CULBERSON. Let us have a vote on this, if nobody cares to debate it.

Mr. REED. One moment. I think that bill ought to be explained.

Mr. CULBERSON. Mr. Speaker, I do not wish to press this bill to a vote until members of the House understand its scope and effect.

It is one of the most important measures now before this Congress, and I believe is a far more important measure, when viewed in its relation to the benefits it will bring to the people, than the Senate tariff bill, or any other bill that can be named now upon our Calendar.

This bill provides that the circuit and district courts of the United States shall not take cognizance hereafter of any cause of action arising between a corporation doing business in a State and any citizen of the State; or in other words it makes a corporation a citizen of the State in which it is carrying on business, within the meaning of the judicial power of the Constitution. In order to illustrate the entire effect of this bill, I will state that if a corporation is organized in New Jersey, where they breed corporations, and is doing business in the State of Maine or in the State of Texas, by comity or otherwise, when a controversy arises between that corporation and a citizen from Texas, or Maine, under the law as it is now interpreted by the Supreme Court, it brings its suit in the Federal court, or has that right.

If this bill is passed, that jurisdiction which the Federal courts now have to entertain such controversies will no longer exist. A corporation thus created under the laws of New Jersey or any other State in the Union, and doing business in another State, will be, for all judicial purposes, classed as a citizen of that State. Now, I beg to suggest that for fifty years after this Government was founded the interpretation of the law by the Supreme Court was that a corporation was not a citizen of a State within the meaning of the Constitution.

In other words, if a corporation brought a suit in a Federal court and a plea in abatement to the jurisdiction was entered, the plaintiff would be required to prove that all of the incorporators of that corporation lived in a State outside of the State in which the court was held and in which the suit was pending. For fifty years that was the rule. The Supreme Court then overruled its former ruling and announced the doctrine as I will state it now.

If a corporation brings a suit in the State of Michigan, and alleges that it is a corporation organized under the laws of the State of Texas, the court will not permit a plea in abatement to the jurisdiction to show that the incorporators all of them live in the State of Michigan; but the plaintiff is only required to show a certified copy of the law creating the corporation in the State of Texas, and all other questions are concluded. Therefore, it follows from that state of the case that all the stockholders in a corporation may live in Kentucky, and yet if they get a charter from the State of Texas, but carry on their business in Kentucky, they can sue in the Federal courts of that State, although every one of the stockholders lives in the State of Kentucky.

Now, the mischief intended to be removed is this: Four-fifths of all the business of the United States is now conducted by the agency of corporations. More than one-third of the litigation of this country in the Federal courts arises out of controversies between corporations and citizens of the States in which they do business. This bill proposes to cut up this mischief by the roots and to require a corporation doing business in Texas, organized under the laws of Maine or New York, to be regarded by the courts as a citizen of the State in which it does business for judicial purposes.

Gentlemen will remember that the Constitution provides that the judicial power of the United States shall extend, among other things, to all controversies arising between citizens of different States. Therefore it was necessary for the Supreme Court to hold finally, for the convenience of corporations, that a corporation was a citizen in order to get a standing in a Federal court.

Now again, the jurisdiction of the Federal courts is dual in its character. All controversies arising between citizens of different States are cognizable in Federal courts, and all cases arising under the laws of the United States and under the Constitution and treaties of the United States, are likewise cognizable in those courts. This bill does not propose to interfere with that at all, but if there is a controversy between a corporation doing business in Texas, organized in another State, and a citizen of that State, and there is any construction of the laws of Congress to be invoked, and any construction of the Constitution, then the Federal court will maintain its jurisdiction, which is not affected by this bill.

Mr. EVERETT. Will the gentleman allow me to ask him a question there? In the case that the gentleman has stated, of a corporation getting a charter from the State of New Jersey, and doing business in several States—in Maine, for example, or in Kentucky, or in Texas. Would that corporation, under this law, be treated as a citizen of each of the several States in which it did business for judicial purposes?

Mr. CULBERSON. Yes, sir.

Mr. BLACK of Illinois. I would like to ask another question if the gentleman will permit.

Mr. CULBERSON. Yes, sir.

Mr. BLACK of Illinois. When a corporation is made up by the consolidation of other companies under the laws of the different States; in a case of that kind, where suit is brought against the consolidated company in one State by a citizen of

that State where it is operating, does your bill take the jurisdiction from the Federal court?

Mr. CULBERSON. I do not believe I heard the gentleman's question fully.

Mr. BLACK of Illinois. Here is a railroad built originally by more than one corporation and running through one State and partly through another. The roads are consolidated and operated by a single company. A suit is brought by a citizen of one of the States through which that line runs against that consolidated company. Now, does your bill, if it become law, prevent the right of the Federal courts to entertain that suit?

Mr. CULBERSON. There is an amendment proposed to the bill by the committee which will permit a citizen of a State other than that in which the corporation was organized to sue the corporation in the Federal courts of the legal domicile of the corporation.

But a consolidated company, as any other corporation, would under this measure be regarded as a citizen for judicial purposes of any State in which it conducted its business.

Mr. Speaker, this bill has passed the House of Representatives in three separate Congresses, but we have not been able to get the concurrence of the Senate in this measure. It was passed through the House originally in 1887. I believe it passed the Fifty-first Congress. I am sure it passed the Forty-eighth and the Forty-ninth; and I believe if you will pass the bill—if it can be enacted into law—it will relieve the people of this country of more hardships and more unnecessary costs than any member of Congress can now estimate.

Now, I want make another statement.

Mr. MARSH. Can I ask the gentleman a question there?

Mr. CULBERSON. Yes, sir.

Mr. MARSH. Where a railroad corporation, for instance, runs through four States.

Mr. CULBERSON. Doing business in four States.

Mr. MARSH. And doing business in four States, becomes insolvent, and it becomes necessary to appoint a receiver, would there be four separate receivers—one for each of the States?

Mr. CULBERSON. No, sir.

Now, Mr. Speaker, I want to say another thing in this connection. Every judicial circuit in the United States—nine of them—is now clamoring for another judge; every one of them. This Congress has already authorized the appointment of an additional circuit judge—for the eighth circuit. The ninth judicial circuit is asking for an additional judge, and so is the fifth. In fact, all the circuits want another judge. Nearly half of the States in the Union want more district judges.

The truth about it is now, they say, that the courts are overloaded and unable to dispose of the business before them. If this bill is passed, it will work off the dockets of the Federal courts more than one-third the business which now goes there, and these cases will be cognizable in the State courts, where they can get just as good justice as they can by taking a man a hundred miles away from his home.

Mr. BRYAN. It applies to all kinds of corporations as well as railroads, does it?

Mr. CULBERSON. All kinds. [Cries of "Vote."]

Mr. REED. Mr. Speaker, I hope before we pass an act of this sort that we will give it some consideration.

Mr. CULBERSON. I yield to the gentleman.

Mr. REED. Perhaps the gentleman had better let me be recognized in my own time or yield me unlimited time.

Mr. CULBERSON. I have only about seven or eight minutes.

Mr. REED. I frankly say to the gentleman that this bill can not pass unless we have an opportunity to discuss it.

Mr. CULBERSON. I propose to give you every opportunity. How much time have we of the morning hour, Mr. Speaker.

The SPEAKER *pro tempore*. The twenty-three minutes the gentleman had have expired.

Mr. CULBERSON. I will simply state to the gentleman that this bill goes over until the next morning hour, the second morning hour.

Mr. REED. I would like to speak about it just now, while my mind is fresh from what the gentleman has said.

Mr. CULBERSON. Then, you would have to ask unanimous consent.

Mr. REED. I ask unanimous consent for ten minutes.

Mr. CULBERSON. Now, Mr. Speaker, will the Chair be kind enough to let me know what is the parliamentary situation. I had twenty-three minutes of the first morning hour for the consideration of this matter.

The SPEAKER *pro tempore*. The morning hour has expired.

Mr. REED. If the matter goes over I will take an opportunity to discuss it. I thought from the clock that the morning hour began at twelve minutes to 4, in which case it would go around for an hour, and now I understand there were only twenty minutes, beginning at that time.

Mr. CULBERSON. Now, I understand that the first morning hour has expired, and I ask unanimous consent on the part of my colleague [Mr. BOATNER] to offer a resolution.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendments bills of the following titles:

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A bill (H. R. 898) granting a pension to Jesse Davenport, of Company A, Second Regiment Oregon Mounted Volunteers, in Oregon Indian wars of 1855 and 1856;

A bill (H. R. 1214) granting a pension to Hannah Welch;

A bill (H. R. 2920) to pension John Maholm, dependent father;

A bill [H. R. 3005) for the relief of George Isenstein;

A bill (H. R. 4290) for the relief of Druzilla J. Rigg, of Macomb;

A bill (H. R. 5363) for the relief of Henry W. Lee;

A bill (H. R. 6050) to pension Margaret A. Woods, widow of William W. Woods, late of Company E, Sixteenth Illinois Volunteer Infantry;

A bill (H. R. 6103) for the relief of Mrs. Mary A. Menefee;

A bill (H. R. 6228) granting a pension to Adaline J. Props;

A bill (H. R. 6261) to grant a pension to Pauline J. Smith; and

A bill (H. R. 7294) empowering fourth-class postmasters to administer oaths to volunteers.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

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A bill (H. R. 859) for the relief of B. D. Greene;

A bill (H. R. 6038) to repeal House resolution No. 104, first session Fifty-first Congress, granting to Secretary of War a permit to license to use a pier at mouth of Chicago River;

A bill (H. R. 6060) to amend section 4833, Revised Statutes, and for other purposes;

A bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes;

A bill (S. 253) granting a pension to Maria Hall, widow of Joseph E. Doak, deceased;

A bill (S. 1772) extending the time for the completion of a railroad bridge over the Columbia River at or near Vancouver, in the State of Washington;

A bill (S. 1885) to extend the privileges of the transportation of dutiable merchandise without appraisement to the city of Ocala, in the State of Florida;

A bill (S. 2269) providing for reconveyance by District Commissioners of certain lands to Andrew J. Curtis and Mary E. Curtis; and

Joint resolution (S. R. 68) for the relief of W. D. Mack, a clerk in the Record and Pension Division of the War Department.

UNITED STATES COURTS, STATE OF WASHINGTON.

Mr. BOATNER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the Clerk be directed to request the Senate to furnish to the House of Representatives a duplicate copy of the bill of the Senate (S. 1252) entitled "An act to provide for the times and places of holding terms of the United States courts in the State of Washington," the original having been misplaced.

The resolution was adopted.

ALCOHOL USED IN THE ARTS.

Mr. MCMILLIN. Mr. Speaker, I am instructed by the Committee on Ways and Means to report back the bill which I send to the desk with the recommendation that it do pass, and to ask for its immediate consideration.

The bill was read, as follows:

Be it enacted, etc., That all laws which authorize the rebate or repayment from the Treasury of the United States of the tax on alcohol used in the arts, or in any medicinal or other like compounds, are hereby repealed.

SEC. 2. That this act shall take effect from and after its passage.

Mr. MCMILLIN. I ask that the report be read.

The report was read, as follows:

The Committee on Ways and Means, to whom was referred bill H. R. 7277, having fully considered the same, report it back with the recommendation that it pass.

The following letter from the Commissioner of Internal Revenue to the honorable Secretary of the Treasury fully explains the ills that would flow from the failure to tax alcohol used in the arts.

Mr. MCMILLIN. I ask unanimous consent that the letter re-

ferred to in the report be incorporated in the RECORD, unless some gentleman desires to have it read, and that the bill be considered in the House as in Committee of the Whole.

Mr. TRACEY. Let it be read.

The letter was read, as follows:

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., July 6, 1894.

SIR: Referring to that part of the tariff bill relating to the internal revenue, as recently passed by the Senate, attention is respectfully called to section 61 of said bill, which provides for the rebate of tax paid on alcohol used "in the arts, or in any medicinal or other like compound."

I have carefully examined this section, and deem it proper to call your attention to certain objections which have occurred to me, both as regards its administrative features and as a revenue measure.

The section provides: "Any manufacturer finding it necessary to use alcohol in the arts, or in any medicinal or other like compound, may use the same under regulations to be prescribed by the Secretary of the Treasury, and on satisfying the collector of internal revenue for the district wherein he resides or carries on business that he has complied with such regulations and has used such alcohol therein, and exhibiting and delivering up the stamps which show that a tax has been paid thereon, shall be entitled to receive from the Treasury of the United States a rebate or repayment of the tax so paid."

The proposition to exempt from tax, alcohol used in the arts and manufactures, has heretofore received considerable attention, and during the past ten or twelve years several bills have been introduced in Congress with the view of securing this exemption from tax. Many safeguards, including the methylation of the spirits so used, have been proposed, but it appears that, after careful consideration, Congress deemed legislation on the subject inexpedient, and this office has, without exception, when called upon for an expression of its views, objected to the proposed exemption, on the ground that the privilege of using alcohol in such cases would afford dangerous opportunities for fraud and would involve great expense in the matter of official supervision.

The danger to be apprehended in such cases would, of course, be greatly increased by the further increase of tax on distilled spirits, and for this reason additional restrictions and safeguards would seem necessary. The section, however, not only affords no additional protection against the fraudulent use of alcohol, or for fraudulently obtaining a refund of the tax, but it imposes no penalty for such fraudulent use or claim, and requires no bond, or other security, to be given by the manufacturers, to comply with such regulations as may be prescribed thereunder.

The section also contains no limitation or restriction as to the time, or place, or manner in which the alcohol is to be used; nor does it provide for any official supervision or inspection, or for the keeping of books or rendering accounts such as would enable the officers to verify the claims made. The section is also, in my opinion, further defective, inasmuch as it does not define or limit the word "manufacturer," which, as now used in the section would include rectifiers and dealers in spirits, who, as such, have been carefully excluded from the provisions of the bills heretofore offered. The words "medicinal and other like compounds" are also vague and difficult of construction, and would, in my judgment, greatly increase the danger of fraud.

As stated, the section does not provide for any official inspection of the spirits on which a rebate is claimed or any supervision of the business in which the spirits are claimed to have been used. Such inspection and supervision, however, are, in my judgment, absolutely necessary to prevent fraud, and the expense attending the employment of a sufficient force for this purpose is a serious objection to the proposed measure.

This office has no very satisfactory data on which to base estimates as to the quantity of alcohol used in the arts and manufactures, or as to the number of persons using alcohol for manufacturing purposes.

A measure similar to the one now proposed was introduced in the Forty-seventh Congress (first session), and according to reports received at that time from the various collectors, the quantity of alcohol so used each year was 4,269,978 gallons, while the estimated quantity which would be so used if exempted from tax was stated as 7,367,594 gallons.

The list of manufacturers forwarded with these reports is found to embrace: Manufacturing chemists, druggists, perfumers, manufacturers of flavoring extracts, manufacturers of patent medicines, photographers, hatters, varnish and paint manufacturers, tobacco and cigar manufacturers, machinists, and others.

This list, although incomplete, serves to show some of the difficulties which this office would experience in exercising ordinary surveillance, even in cases where the alcohol is intended, and is used, for legitimate purposes.

The foregoing statement of the quantity of alcohol which would be used for manufacturing puposes, if exempted from tax, was based on such information as the officers were able to obtain at that time. The quantity thus stated, however, is found to be some 2,000,000 gallons less than that subsequently estimated by my predecessor; and, in my opinion, the quantity so used each year would not be less than 9,000,000 gallons, exclusive of that used in the manufacture of bitters, cordials, and other like preparations.

At the proposed rate of tax of $1.10 per gallon, imposed by section 48 of the bill, the loss of revenue on this quantity of spirits would amount to nearly $10,000,000 yearly, or more than one-half of the estimated increase of revenue to be derived from the additional tax thus imposed.

From a revenue standpoint, and aside from the probable loss of revenue resulting from fraudulent claims, this proposed measure seems open to serious objections; and it may, I think, be fairly questioned whether the consumer of articles manufactured from free alcohol, would, to any extent, be benefited by its enactment.

Respectfully, yours,

JOS. S. MILLER, *Commissioner.*

HON. JOHN G. CARLISLE,
Secretary of the Treasury, Washington, D. C.

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. MCMILLIN] asks unanimous consent that this bill be now considered in the House as in Committee of the Whole.

Mr. REED. It is understood that there shall be fifteen minutes debate, at least on our side.

Mr. MCMILLIN. I have no objection to that.

Mr. HEPBURN. Mr. Speaker, what is the parliamentary status of this bill? Is there a request for unanimous consent?

Mr. MCMILLIN. I will say to the gentleman that under the rules the bill can be considered now. The request I submitted was that it be considered in the House as in Committee of the Whole. Under the rule it is entitled to consideration now and I moved its consideration and then asked consent that it be considered in the House as in committee. I think the request of the gentleman from Maine, for fifteen minutes debate on each side, is reasonable and I make no objection to it.

Mr. REED. Mr. Speaker, there are important business interests concerned in this bill from whatever point of view you consider it, and hence I have not felt at liberty to give the bill and the action of the Committee of Ways and Means the pillorying which they actually deserve and ought to have. We have passed here a bill agreed upon by a committee, and by the House acting under the advice of that committee, which contains an absurdity which seems to be impossible of belief, and the conference committee, and presumably the House, which was acting under the influence of that committee, knew it all the time.

The interesting tariff bill which we have passed, as you will see by the bill now under consideration, contains a provision by which free alcohol used in the arts is given, under the direction of the Secretary of the Treasury, and in doing that the bill is so framed that the result is that all along the chemical schedule, and Heaven knows in what other schedules, the duty is raised beyond all belief; a raising which I am sorry to say was omitted from the elaborate table presented by the gentleman from Tennessee [Mr. MCMILLIN], although he was aware of it.

In addition to that, the Commissioner of Internal Revenue, in the letter which has just been read, practically informs this House that the tariff bill as it stands to-day, and as it has gone down the river [laughter], actually abrogates the internal revenue in large part and proportion; and yet the committee, knowing that, advised the Democratic caucus to "climb for it" at once. [Laughter.] I shall have to admit, in mitigation of their offense, that they were relying upon the patriotism of the Republican party not to stand in the way of the public good, even to expose thoroughly and practically burn into the public mind the blunders which their enemies have made. Of course there are plenty more blunders, but perhaps this is the most flagrant, the worst.

It is true that this proposition was presented in the Senate by a gentleman who probably had no idea of the extent of it, or if he had, it was understood in the Senate that the error would be corrected in the regular way; that is, that whatever was incongruous in it would be changed in conference, that whatever was wrong in it would be arranged by the meeting of parties who had that opportunity to carefully consider it. And it will be recollected, Mr. Speaker, that we were brought into an agreement to disagree to the amendments *en bloc* upon the ground that the conference committee would arrange the incongruities which the House might have discovered in the bill, and that we were disappointed entirely of that, and disappointed of it simply because of a quarrel between the high Democratic officials of the Senate and of the House and of—elsewhere. [Laughter.] I reserve the remainder of my time.

Mr. MCMILLIN. Mr. Speaker, so far as any quarrel is concerned, this incongruity is not the result of anything of the kind. The situation is this: In that hurry in which measures so great as this are often closed out on the last day, and without that care which would probably have characterized its consideration on any other day in the Senate, the amendment that this bill seeks to correct was put into the tariff bill on motion of Senator HOAR, of Massachusetts.

So far as I know, there was no member of the conference committee who was not willing and did not desire—indeed, who was not anxious—that this correction should be made. There was no concealment from the House at any time as to the existence of this incongruity. And it may be further said that the bill was passed with a knowledge of its existence. But as we all know—a thing not necessary to be concealed, a thing I could not conceal if I wished, and would not if I could—it finally came to a point where we had to pass the tariff bill with the Senate amendments, this one included, or get no bill at all.

That alternative being left to us, we accepted the Senate amendments, as the country knows. We passed the bill; but in doing so, stood ready to try to correct, and so far as I am individually concerned intending to try to correct, this great impropriety in the bill.

Sir, the difficulty that we encounter is not simply what has been referred to by the Commissioner of Internal Revenue; but the whole bill had been framed in this House and had been considered in the Senate on the idea that there was to be taxed alcohol in the arts; and that carries the schedule of articles into which alcohol enters to a very high rate of duty under all bills.

I suppose there never was a tariff bill here in thirty years in which the schedule embracing the articles into which alcohol enters was as low as 100 per cent average; and this results from

that State where it is operating, does your bill take the jurisdiction from the Federal court?

Mr. CULBERSON. I do not believe I heard the gentleman's question fully.

Mr. BLACK of Illinois. Here is a railroad built originally by more than one corporation and running through one State and partly through another. The roads are consolidated and operated by a single company. A suit is brought by a citizen of one of the States through which that line runs against that consolidated company. Now, does your bill, if it become law, prevent the right of the Federal courts to entertain that suit?

Mr. CULBERSON. There is an amendment proposed to the bill by the committee which will permit a citizen of a State other than that in which the corporation was organized to sue the corporation in the Federal courts of the legal domicile of the corporation.

But a consolidated company, as any other corporation, would under this measure be regarded as a citizen for judicial purposes of any State in which it conducted its business.

Mr. Speaker, this bill has passed the House of Representatives in three separate Congresses, but we have not been able to get the concurrence of the Senate in this measure. It was passed through the House originally in 1887. I believe it passed the Fifty-first Congress. I am sure it passed the Forty-eighth and the Forty-ninth; and I believe if you will pass the bill—if it can be enacted into law—it will relieve the people of this country of more hardships and more unnecessary costs than any member of Congress can now estimate.

Now, I want make another statement.

Mr. MARSH. Can I ask the gentleman a question there?

Mr. CULBERSON. Yes, sir.

Mr. MARSH. Where a railroad corporation, for instance, runs through four States.

Mr. CULBERSON. Doing business in four States.

Mr. MARSH. And doing business in four States, becomes insolvent, and it becomes necessary to appoint a receiver, would there be four separate receivers—one for each of the States?

Mr. CULBERSON. No, sir.

Now, Mr. Speaker, I want to say another thing in this connection. Every judicial circuit in the United States—nine of them—is now clamoring for another judge; every one of them. This Congress has already authorized the appointment of an additional circuit judge—for the eighth circuit. The ninth judicial circuit is asking for an additional judge, and so is the fifth. In fact, all the circuits want another judge. Nearly half of the States in the Union want more district judges.

The truth about it is now, they say, that the courts are overloaded and unable to dispose of the business before them. If this bill is passed, it will work off the dockets of the Federal courts more than one-third the business which now goes there, and these cases will be cognizable in the State courts, where they can get just as good justice as they can by taking a man a hundred miles away from his home.

Mr. BRYAN. It applies to all kinds of corporations as well as railroads, does it?

Mr. CULBERSON. All kinds. [Cries of "Vote."]

Mr. REED. Mr. Speaker, I hope before we pass an act of this sort that we will give it some consideration.

Mr. CULBERSON. I yield to the gentleman.

Mr. REED. Perhaps the gentleman had better let me be recognized in my own time or yield me unlimited time.

Mr. CULBERSON. I have only about seven or eight minutes.

Mr. REED. I frankly say to the gentleman that this bill can not pass unless we have an opportunity to discuss it.

Mr. CULBERSON. I propose to give you every opportunity. How much time have we of the morning hour, Mr. Speaker.

The SPEAKER *pro tempore*. The twenty-three minutes the gentleman had have expired.

Mr. CULBERSON. I will simply state to the gentleman that this bill goes over until the next morning hour, the second morning hour.

Mr. REED. I would like to speak about it just now, while my mind is fresh from what the gentleman has said.

Mr. CULBERSON. Then, you would have to ask unanimous consent.

Mr. REED. I ask unanimous consent for ten minutes.

Mr. CULBERSON. Now, Mr. Speaker, will the Chair be kind enough to let me know what is the parliamentary situation. I had twenty-three minutes of the first morning hour for the consideration of this matter.

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Joint resolution (S. R. 68) for the relief of W. D. Mack, a clerk in the Record and Pension Division of the War Department.

UNITED STATES COURTS, STATE OF WASHINGTON.

Mr. BOATNER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the Clerk be directed to request the Senate to furnish to the House of Representatives a duplicate copy of the bill of the Senate (S. 1252) entitled "An act to provide for the times and places of holding terms of the United States courts in the State of Washington," the original having been misplaced.

The resolution was adopted.

ALCOHOL USED IN THE ARTS.

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The bill was read, as follows:

Be it enacted, etc., That all laws which authorize the rebate or repayment from the Treasury of the United States of the tax on alcohol used in the arts, or in any medicinal or other like compounds, are hereby repealed.

SEC. 2. That this act shall take effect from and after its passage.

Mr. McMILLIN. I ask that the report be read.

The report was read, as follows:

The Committee on Ways and Means, to whom was referred bill H. R. 7277, having fully considered the same, report it back with the recommendation that it pass.

The following letter from the Commissioner of Internal Revenue to the honorable Secretary of the Treasury fully explains the ills that would flow from the failure to tax alcohol used in the arts.

Mr. McMILLIN. I ask unanimous consent that the letter re-

ferred to in the report be incorporated in the RECORD, unless some gentleman desires to have it read, and that the bill be considered in the House as in Committee of the Whole.

Mr. TRACEY. Let it be read.

The letter was read, as follows:

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., July 6, 1894.

SIR: Referring to that part of the tariff bill relating to the internal revenue, as recently passed by the Senate, attention is respectfully called to section 61 of said bill, which provides for the rebate of tax paid on alcohol used "in the arts, or in any medicinal or other like compound."

I have carefully examined this section, and deem it proper to call your attention to certain objections which have occurred to me, both as regards its administrative features and as a revenue measure.

The section provides: "Any manufacturer finding it necessary to use alcohol in the arts, or in any medicinal or other like compound, may use the same under regulations to be prescribed by the Secretary of the Treasury, and on satisfying the collector of internal revenue for the district wherein he resides or carries on business that he has complied with such regulations and has used such alcohol therein, and exhibiting and delivering up the stamps which show that a tax has been paid thereon, shall be entitled to receive from the Treasury of the United States a rebate or repayment of the tax so paid."

The proposition to exempt from tax, alcohol used in the arts and manufactures, has heretofore received considerable attention, and during the past ten or twelve years several bills have been introduced in Congress with the view of securing this exemption from tax. Many safeguards, including the methylation of the spirits so used, have been proposed, but it appears that, after careful consideration, Congress deemed legislation on the subject inexpedient, and this office has, without exception, when called upon for an expression of its views, objected to the proposed exemption, on the ground that the privilege of using alcohol in such cases would afford dangerous opportunities for fraud and would involve great expense in the matter of official supervision.

The danger to be apprehended in such cases would, of course, be greatly increased by the further increase of tax on distilled spirits, and for this reason additional restrictions and safeguards would seem necessary. The section, however, not only affords no additional protection against the fraudulent use of alcohol, or for fraudulently obtaining a refund of the tax, but it imposes no penalty for such fraudulent use or claim, and requires no bond, or other security, to be given by the manufacturers, to comply with such regulations as may be prescribed thereunder.

The section also contains no limitation or restriction as to the time, or place, or manner in which the alcohol is to be used; nor does it provide for any official supervision or inspection, or for the keeping of books or rendering accounts such as would enable the officers to verify the claims made. The section is also, in my opinion, further defective, inasmuch as it does not define or limit the word "manufacturer," which, as now used in the section would include rectifiers and dealers in spirits, who, as such, have been carefully excluded from the provisions of the bills heretofore offered. The words "medicinal and other like compounds" are also vague and difficult of construction, and would, in my judgment, greatly increase the danger of fraud.

As stated, the section does not provide for any official inspection of the spirits on which a rebate is claimed or any supervision of the business in which the spirits are claimed to have been used. Such inspection and supervision, however, are, in my judgment, absolutely necessary to prevent fraud, and the expense attending the employment of a sufficient force for this purpose is a serious objection to the proposed measure.

This office has no very satisfactory data on which to base estimates as to the quantity of alcohol used in the arts and manufactures, or as to the number of persons using alcohol for manufacturing purposes.

A measure similar to the one now proposed was introduced in the Forty-seventh Congress (first session), and according to reports received at that time from the various collectors, the quantity of alcohol so used each year was 4,269,978 gallons, while the estimated quantity which would be so used if exempted from tax was stated as 7,367,594 gallons.

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At the proposed rate of tax of $1.10 per gallon, imposed by section 48 of the bill, the loss of revenue on this quantity of spirits would amount to nearly $10,000,000 yearly, or more than one-half of the estimated increase of revenue to be derived from the additional tax thus imposed.

From a revenue standpoint, and aside from the probable loss of revenue resulting from fraudulent claims, this proposed measure seems open to serious objections; and it may, I think, be fairly questioned whether the consumer of articles manufactured from free alcohol, would, to any extent, be benefited by its enactment.

Respectfully, yours,

JOS. S. MILLER, *Commissioner.*

HON. JOHN G. CARLISLE,
Secretary of the Treasury, Washington, D. C.

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. MCMILLIN] asks unanimous consent that this bill be now considered in the House as in Committee of the Whole.

Mr. REED. It is understood that there shall be fifteen minutes debate, at least on our side.

Mr. MCMILLIN. I have no objection to that.

Mr. HEPBURN. Mr. Speaker, what is the parliamentary status of this bill? Is there a request for unanimous consent?

Mr. MCMILLIN. I will say to the gentleman that under the rules the bill can be considered now. The request I submitted was that it be considered in the House as in Committee of the Whole. Under the rule it is entitled to consideration now and I moved its consideration and then asked consent that it be considered in the House as in committee. I think the request of the gentleman from Maine, for fifteen minutes debate on each side, is reasonable and I make no objection to it.

Mr. REED. Mr. Speaker, there are important business interests concerned in this bill from whatever point of view you consider it, and hence I have not felt at liberty to give the bill and the action of the Committee of Ways and Means the pillorying which they actually deserve and ought to have. We have passed here a bill agreed upon by a committee, and by the House acting under the advice of that committee, which contains an absurdity which seems to be impossible of belief, and the conference committee, and presumably the House, which was acting under the influence of that committee, knew it all the time.

The interesting tariff bill which we have passed, as you will see by the bill now under consideration, contains a provision by which free alcohol used in the arts is given, under the direction of the Secretary of the Treasury, and in doing that the bill is so framed that the result is that all along the chemical schedule, and Heaven knows in what other schedules, the duty is raised beyond all belief; a raising which I am sorry to say was omitted from the elaborate table presented by the gentleman from Tennessee [Mr. MCMILLIN], although he was aware of it.

In addition to that, the Commissioner of Internal Revenue, in the letter which has just been read, practically informs this House that the tariff bill as it stands to-day, and as it has gone down the river [laughter], actually abrogates the internal revenue in large part and proportion; and yet the committee, knowing that, advised the Democratic caucus to "climb for it" at once. [Laughter.] I shall have to admit, in mitigation of their offense, that they were relying upon the patriotism of the Republican party not to stand in the way of the public good, even to expose thoroughly and practically burn into the public mind the blunders which their enemies have made. Of course there are plenty more blunders, but perhaps this is the most flagrant, the worst.

It is true that this proposition was presented in the Senate by a gentleman who probably had no idea of the extent of it, or if he had, it was understood in the Senate that the error would be corrected in the regular way; that is, that whatever was incongruous in it would be changed in conference, that whatever was wrong in it would be arranged by the meeting of parties who had that opportunity to carefully consider it. And it will be recollected, Mr. Speaker, that we were brought into an agreement to disagree to the amendments *en bloc* upon the ground that the conference committee would arrange the incongruities which the House might have discovered in the bill, and that we were disappointed entirely of that, and disappointed of it simply because of a quarrel between the high Democratic officials of the Senate and of the House and of—elsewhere. [Laughter.] I reserve the remainder of my time.

Mr. MCMILLIN. Mr. Speaker, so far as any quarrel is concerned, this incongruity is not the result of anything of the kind. The situation is this: In that hurry in which measures so great as this are often closed out on the last day, and without that care which would probably have characterized its consideration on any other day in the Senate, the amendment that this bill seeks to correct was put into the tariff bill on motion of Senator HOAR, of Massachusetts.

So far as I know, there was no member of the conference committee who was not willing and did not desire—indeed, who was not anxious—that this correction should be made. There was no concealment from the House at any time as to the existence of this incongruity. And it may be further said that the bill was passed with a knowledge of its existence. But as we all know—a thing not necessary to be concealed, a thing I could not conceal if I wished, and would not if I could—it finally came to a point where we had to pass the tariff bill with the Senate amendments, this one included, or get no bill at all.

That alternative being left to us, we accepted the Senate amendments, as the country knows. We passed the bill; but in doing so, stood ready to try to correct, and so far as I am individually concerned intending to try to correct, this great impropriety in the bill.

Sir, the difficulty that we encounter is not simply what has been referred to by the Commissioner of Internal Revenue; but the whole bill had been framed in this House and had been considered in the Senate on the idea that there was to be taxed alcohol in the arts; and that carries the schedule of articles into which alcohol enters to a very high rate of duty under all bills.

I suppose there never was a tariff bill here in thirty years in which the schedule embracing the articles into which alcohol enters was as low as 100 per cent average; and this results from

the fact that the alcohol which enters into such commodities has cost, by reason of the internal-revenue tax placed upon it, four or five times its intrinsic value.

Now, when we got into conference and were unable to agree, unable to get the bill amended in that form, we had, as I stated before, either to take the bill in the form that we passed it, or to get no bill at all. Of the two, I selected the bill in the form in which it passed; and bad as this provision is, I would rather have it—as a patriot, as a man who wishes my country well, as one who legislates the best he can—I would rather have had the bill, even if this provision had to stay in it, than no bill at all. That was a matter the country was interested in.

But it is not best that this provision shall stay in, giving free alcohol in the arts and at the same time raising the duty on the things into which alcohol enters to rates varying from 100 to 200 per cent. That is the whole story. That is the situation. In addition to that, I may say thus much upon the merits of the proposition for free alcohol in the arts:

When we were framing the Mills bill in 1878 we made an effort so to contrive the schedule or the section relating to this subject as to give free alcohol in the arts as far as possible, on the principle of cheapening the materials out of which our manufactured products are made, that we might cheapen the products to the people. But after a very thorough investigation we found it was utterly impracticable to do so.

Later on, when the present law was framed in 1890 my friend from Michigan [Mr. BURROWS], my friend from Iowa [Mr. GEAR], my friend from New York [Mr. PAYNE], and other gentlemen on the other side of the House who framed that bill will bear me witness that an effort was made then to see whether it was practicable to give alcohol to the arts free and not give it to the "alimentary canal" free.

As these gentlemen on the other side will testify, we were unable, either in framing the McKinley bill or the Mills bill or any other tariff bill of recent years, to come to the conclusion that it would be wise to recommend to the House free alcohol in the arts, because of the wide door it opened to the fraudulent use of alcohol, or rather to the abuse of the privilege that was given. So much for the merits of the proposition.

Now, as to this measure of correction. Propositions of this kind are not new, because at the very session during which we passed the McKinley bill, certainly at the next session, time after time we had to correct errors which were found in the various sections of that act. I do not desire to say anything further; and unless some other gentleman desires to speak, I will ask a vote.

Mr. HEPBURN. Will the gentleman allow me a question?

Mr. MCMILLIN. With pleasure.

Mr. HEPBURN. On Monday last, when you made your statement of percentages of reduction and spoke of the chemical schedule, how did you regard this subject then? Was your statement based upon the bill as it then was, or upon the bill as it will be should this amendatory bill be passed?

Mr. MCMILLIN. I did not finish my statement at that time. When I was speaking on the chemical schedule, if the gentleman will remember the facts of that debate, he will also remember that I was cut off in the midst of a sentence, so that I did not have the opportunity to present all the figures as I desired to do, or to discuss the question so fully in the light in which I was undertaking to discuss it as I could have wished.

But so far as this provision is concerned, in justice to myself, as well as in justice to other members of the committee on this side of the House, it is only proper for me to say that everybody, I suppose, knew the effect of this provision. It is an internal-revenue provision, and not a provision affecting import duties.

Mr. HEPBURN. I am speaking of the percentages to which you called attention in the chemical schedule. On what were they based?

Mr. MCMILLIN. They were based on the law as it would be when passed.

Mr. HEPBURN. So that the effect of this is to destroy entirely the accuracy of the figures you submitted? The value of the percentages you then presented is destroyed, so far as the chemical schedule is concerned, by this provision?

Mr. MCMILLIN. No; the percentages I gave would afford more profit to the manufacturer with free alcohol than with taxed. That statement was given on the basis of the high rates provided, of course.

Mr. REED. How does the gentleman mean; on the percentage of free alcohol in the arts?

Mr. MCMILLIN. That statement was given according to the computations, which were made independently of the adoption of this amendment.

Mr. REED. That is, the computation was made with free alcohol in the arts?

Mr. MCMILLIN. No, sir; the computation was made on the basis of taxed alcohol in the arts, and afterwards it was made free. So that the statement was made on the provision of the law as it now stands in the bill.

Mr. HEPBURN. How is that——

Mr. MCMILLIN (continuing). I may not have expressed myself felicitously. I meant to say——

Mr. REED. Well, I hope the gentleman will get it straight.

Mr. MCMILLIN (continuing). That that statement was based upon the rates of duty that would exist with taxed alcohol in the arts.

Mr. REED. Yes, with taxed alcohol. In other words, you did not quote the statistics that were applicable to the bill that you were passing, but to the bill that you were hoping to pass or the bill that you were passing, provided it was corrected.

Mr. MCMILLIN. As I have already stated to my friend, Mr. Speaker, the computation was made on the basis of the bill as it then existed. These computations, the gentleman must know, are the work of weeks; work that can not be performed in a day or a week or a month. They were made and completed before the section was added that we are seeking to amend.

Mr. REED. So the statement of the gentleman applied to the bill that you were passing with an amendment.

Mr. MCMILLIN. I have made my statement.

Mr. REED. Very well; the gentleman has made his statement. Now I will make mine.

Mr. MCMILLIN. I will be very glad to hear from the gentleman.

Mr. REED. The gentleman from Tennessee gives to this House statistics about the percentages covered by the bill—a worthless set of statistics, that are worthless if they are accurate and doubly so if they are inaccurate—and gives this statement of statistics not founded on the bill as it passed, or the bill he was urging the House to adopt, but on a bill he expected to become law through modifications adopted by the good sense of the future.

Mr. MCMILLIN. If the gentleman will allow an interruption.

Mr. REED. Certainly.

Mr. MCMILLIN. For I am quite sure the gentleman would not wish to do me an injustice.

Mr. REED. Most assuredly I would not.

Mr. MCMILLIN. The gentleman from Maine knows full well that the statistics I was giving were based on importations, and not on internal revenue. This provision that we are now considering relates exclusively to internal revenue, and has nothing whatever to do with tariff rates on imported alcohol or imported articles made of alcohol in part.

Mr. REED. In other words, the worthless set of statistics were based on a worthless set of importations, and the gentleman now appends to that set another set of statistics equally as strong and more worthless.

Mr. MCMILLIN. I will again state for the benefit of my friend from Maine that the statement then made, to which he refers, was based on importations. This relates to the internal-revenue regulations, not a matter of importation at all; and my figures were correct from start to finish, and I stand by them.

Mr. BRYAN. Is it not true that this bill simply reduces the profit of those who use alcohol in the arts? In other words, the import duties were adjusted so as to compensate for the internal tax on alcohol used in the manufacture of such articles and the amendment giving free alcohol without reducing the import duty to correspond, gave them an unfair and unintended protection. This bill, as I understand, restores the tax on such alcohol and leaves the import duties untouched, thus reducing the profit of the manufacturer without changing the rate of duty or the average of the schedule.

Mr. MCMILLIN. That is unquestionably the effect of it.

Mr. REED. They were correct from start to finish, with this modification, that they were worthless on general principles; they were worthless in this particular instance because they were founded on importations under other bills, and also they were founded upon a bill which did not exist, instead of the bill which was being passed. Now I really could add to my former statement, thanks to my friend. I want to say to him that in all of this I do not in the least make any charge of disingenuousness against him. I have always found him straightforward, stating the thing as he understood it, and probably at the time it had escaped his mind that his calculation was based, not on the bill he was passing, but possibly on a bill that he would have loved to pass, if he had not loved and lost. [Laughter.]

Now, here is the situation. The Democratic party in Congress assembled, Senate, House of Representatives, and Executive, were all working together, so close together that you could not tell which our Committee on Ways and Means belonged to at any time, not knowing where the House left off and the Pres-

ident began; but notwithstanding all this harmony of thought and feeling, and of desire, the result is that they passed a bill, and the very first minute afterwards they had to pass four other humbug bills, in order to deceive the people in connection with it, and then in order to prevent the business of the country and the internal revenue of the country from going to pieces, they bring in a bill here the passage of which absolutely depends upon the magnanimity and patriotism of their enemies. For this bill is not a decent bill with reference to free alcohol, with reference to the purpose for which it was intended, and it is coupled with other things which make it still worse for the country.

Why, if we treated the business of the country in the way those men would treat it if they were in our places, there would be not only the ruin and destruction which they intended, but no end of ruin and destruction that they did not have the sense to anticipate.

Mr. BRYAN. May I ask the gentleman from Maine a question in regard to alcohol?

Mr. REED. Certainly.

Mr. BRYAN. Is it not true that this amendment merely affects the profit which the man manufacturing the article would make and not the rate of duty imposed by the bill?

Mr. REED. No.

Mr. BRYAN. Is it not true that by simply amending this we do not give him free alcohol, and therefore lessen his profit without affecting the rate on the imported goods at all?

Mr. REED. Oh, no; the gentleman from Nebraska actually knows better than to ask me such a question as that.

Mr. BRYAN. I beg the gentleman's pardon, I do not.

Mr. REED. He may not know that he does, but he does. [Laughter.]

Mr. BRYAN. I ask the gentleman, because I am seeking information.

Mr. REED. I am well aware that I am making a mistake in talking about the Democratic party in this situation, just as I once before made a mistake in my own State. They endeavored in the most outrageous fashion to steal the State, and they would have actually stolen it if it had not been for the Supreme Court. I went around and told the people so, and it was so utterly incredible that they thought I was overstating it, and I have no doubt to-day that even some of these Democrats who listen to me think I am overstating it. The actual truth is so atrocious that they think I am overstating it; but the head ones do not. I reserve the remainder of my time.

Mr. McMILLIN. Mr. Speaker, the gentleman from Maine has not had his usual accuracy of discrimination to-day. The gentleman from Maine knows, as I do, that the bill we passed, and which this is to correct, is made up of two different classes of taxation, one that pertains to import duties, the other which pertains to the internal revenue or the collections from internal sources. Now, the amendment of Mr. HOAR which we are trying to correct, was never proposed to that portion of the bill which fixes import duties.

It is an internal-revenue regulation altogether, and hence does not affect the rates of duty one way or another, except that it would, if this bill failed to pass, enable, possibly, the manufacturers of the things into which alcohol enters to make a greater profit by reason of the high rate of duty that would exist, and the low cost of the alcohol used by reason of its being free from internal-revenue tax.

The gentleman knows this full well when he comes to think about it; and I know he would not do me any injustice.

Mr. REED. I know I would not.

Mr. McMILLIN. He knows that this amendment pertains to the internal revenue and does not affect the tariff rates on articles, and does not affect the calculations thereon one particle.

Mr. REED. Let me ask the gentleman whether, when he takes the tax off wool and leaves it on woolens the same, would not the protection be raised on the woolens 25 per cent?

Mr. McMILLIN. That is when they are imported. Both are regulated under tariff rates. One is not governed by an internal tax and the other by an import tax. These spirits provided for by the Hoar amendment are not imported.

Mr. REED. But what difference does it make?

Mr. McMILLIN. The wool is imported and the woolen goods to be imported; but this pertains to the internal revenue.

Mr. REED. Who knows that the alcohol is not to be imported?

Mr. McMILLIN. The importation of alcohol, as the gentleman knows, comes under a different section of the bill, that pertaining to import duties.

Mr. REED. When you make these tariff items you make them with an allowance for the tax. If you take the tax off you make the duties higher, and you make the hrotection higher.

Mr. McMILLIN. The gentleman does not catch the distinction. This is a matter of the internal-revenue section, and has no relation to the duties at all.

Mr. Speaker, I now demand the previous question.

Mr. BURROWS. I would like to ask my friend when this measure, if it shall pass, is to become a law?

Mr. McMILLIN. When it is approved by the President, or within ten days after it reaches him.

Mr. BURROWS. This repeals the provisions of the existing act for free alcohol. There is no such law now. I want to call the attention of the gentleman to this: That care must be taken to have the President sign this bill after he signs this other. If he should sign this before he signs the other, then we would have free alcohol.

Mr. McMILLIN. As he is our President, we will try to take care of that.

Mr. BURROWS. I only suggested that in order that care should be taken in the matter.

Mr. HEPBURN. I would like to ask the gentleman a question. Is it true that about 9,000,000 gallons of alcohol are supposed to be used in the arts?

Mr. McMILLIN. It is not true that 9,000,000 gallons of alcohol are now used in the arts. The Commissioner of Internal Revenue estimates that there would be about 8,000,000 gallons consumed in the arts under the increased use that would come from free alcohol; but at the present time there are about 4,000,000 or 5,000,000 gallons only thus used.

Mr. HEPBURN. Then, this increases the taxation to the extent of that number of millions.

Mr. McMILLIN. I would say more accurately that the failure to pass this bill would cause a loss of that amount of revenue.

Mr. HEPBURN. And that this will increase the tax that will be raised under the bill passed last Monday about $8,000,000 or $9,000,000.

Mr. McMILLIN. No, sir. It will not increase it that much, because the calculations made by the Commissioner of Internal Revenue are based upon the increased use that would come from the Hoar amendment. He stated it would cause a loss on that which is now supposed to be used in the arts of probably $4,000,000 or $5,000,000.

Mr. HEPBURN. Was it not expected, and was it not so stated, that the bill as it passed would yield a surplus revenue; and if that be true, why do you want to increase that revenue even to the extent of $6,000,000.

Mr. McMILLIN. I will state to my friend from Iowa that, even if we take his position to be correct, there is a higher ground on which to base this bill. The highest ground upon which this action can be taken is that it shuts the door to fraud and makes it impossible to defraud the Government, and prevents the whisky which it is claimed is taken for use in the arts from being used in another way, thereby preventing frauds on the Government.

Mr. HEPBURN. Assuming that is true, when that proposition for free alcohol in the arts was placed in the bill, was it put there without thought of any sort of the difficulties in the administration of the law?

Mr. McMILLIN. I can not state what were the motives of the gentlemen who put it in there. I have no wish to criticise their motives. I would not be allowed to criticise them if I wanted to; but it was done in the last night of that memorable contest, and in that hurry that often occurs in the passage of such bills.

Mr. HEPBURN. What is your motive in modifying it now, when you commended the bill so earnestly the other day?

Mr. McMILLIN. I have been chairman of the subcommittee having charge of the internal-revenue feature of the bill, and we never recommended it to the full committee when we framed this bill. We never did so on the Mills bill, and on the McKinley bill they refused to allow free alcohol for use in the arts. I was willing to take the bill with free alcohol in the arts rather than have no tariff legislation, trusting to amend it where necessary.

Now, I demand the previous question.

Mr. BRYAN. I would like to ask the gentleman a question.

Mr. CANNON of Illinois. I would be glad to have two minutes.

Mr. McMILLIN. I yield two minutes to the gentleman from Illinois.

Mr. CANNON of Illinois. Mr. Speaker, I suppose that if there is any bill that ever passed this House and Senate that the Secretary of the Treasury and the President knew all about it is this tariff bill.

Over a month ago the Senate amendments had been so closely examined by the President that he wrote his letter to the gentle-

man from West Virginia [Mr. WILSON]. They were prepared, too, after the fullest consultation with the Secretary of the Treasury. Now the bill has gone to the President and I do not know whether it is going to be signed. Do you? Rumor says in ten days, or that it will never be signed. The gentleman from Maine [Mr. REED] intimates that it has gone "down the river." I do know one thing, that every day until it is signed (if it is to be signed) a million gallons of whisky are being taken out of bond, and the day the bill is signed 20 cents in value per gallon will be added to that whisky. That is $200,000 a day.

I know another thing; that sugar is coming in, cargo after cargo—all of it that did not get in in advance—and the day that bill is signed every ton of sugar that comes in from now until then will have $25 added to its value. Now, how much longer the gentlemen who are taking whisky out of bond and importing sugar are to be allowed for their operations, I do not know, but it amounts to from $800,000 to $1,000,000 a day, and I wanted to call attention to it.

Mr. HEPBURN. I want to ask the gentleman who presents this bill another question. We have manufacturing warehouses where articles are manufactured in which alcohol is a component part. The present law provides for a rebate of the internal-revenue tax on the alcohol so used. I ask the gentleman if it is the purpose of this bill to repeal that law?

Mr. MCMILLIN. It is not the purpose to repeal the law on the subject of exportation at all.

Mr. HEPBURN. But does not this bill do it?

Mr. MCMILLIN. That is not the purpose of the bill, and I do not think it has that effect.

Mr. HEPBURN. This is so broad and general that it seems to me to repeal all laws authorizing a rebate on alcohol.

Mr. MCMILLIN. That was not and is not the purpose of it.

Mr. HEPBURN. But that is the only existing law under which there is a rebate. We have no other such law, and if the bill is not intended to repeal that, then it is entirely unnecessary, because there is nothing for it to operate upon.

Mr. MCMILLIN. There is no purpose to repeal those laws.

The SPEAKER. The gentleman from Tennessee demands the previous question.

The previous question was ordered.

The question was taken on the engrossment and third reading of the bill, and the Speaker declared that the ayes seemed to have it.

Mr. HEPBURN. I ask for a division.

The House divided; and there were—ayes 122, noes 5.

Mr. HEPBURN. No quorum, Mr. Speaker.

The SPEAKER. The gentleman makes the point that no quorum has voted. The Chair will appoint to act as tellers the gentleman from Iowa, Mr. HEPBURN, and the gentleman from Tennessee, Mr. MCMILLIN.

The House again divided, and the tellers reported—ayes 145, noes 3.

Mr. HEPBURN. I withdraw the point of no quorum, Mr. Speaker.

The bill was passed.

On motion of Mr. MCMILLIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. CLANCY, by unanimous consent, obtained indefinite leave of absence.

ADJOURNMENT.

Mr. MCMILLIN. Mr. Speaker, I move that when the House adjourns to-day it be to meet on Monday next.

The motion was agreed to.

The House then, on motion of Mr. CATCHINGS (at 4 o'clock and 45 minutes p. m.), adjourned until Monday, August 20.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. TAWNEY, from the Committee on Pensions: A bill (H. R. 5301) to pension David H. Sexton for services in Oregon Indian wars. (Report No. 1452.)

By Mr. WHEELER of Alabama, from the Committee on Military Affairs: In lieu of the bill (H. R. 6973) to place the name of Angus V. Wilson on the muster roll of the Forty-fifth Regiment Mounted Infantry Kentucky Volunteers, a bill (H. R. 7997) to amend the military record of Angus V. Wilson. (Report No. 1453.) Ordered, that the bill H. R. 6973 lie on the table

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the petition of Bernard Campbell, for compensation for personal injuries suffered by him through the alleged negligence of officers of the United States Navy, and the same was referred to the Committee on Foreign Affairs.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. TYLER: A bill (H. R. 7989) to regulate the employment of labor at the United States navy-yards and to increase the efficiency thereof—to the Committee on Naval Affairs.

By Mr. BAILEY: A bill (H. R. 7990) to secure the separation and independence of the legislative and executive departments of the Government—to the Committee on the Judiciary.

By Mr. BAKER of Kansas: A bill (H. R. 7991) for the relief of settlers on public lands lying in semiarid regions—to the Committee on the Public Lands.

By Mr. HARTER: A bill (H. R. 7993) to provide revenue—to the Committee on Ways and Means.

By Mr. WOOMER: A bill (H. R. 7994) to provide for the erection of a public building at Lebanon, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. HAUGEN: A bill (H. R. 7995) authorizing the Court of Claims to hear, determine, and render judgment upon the claims of the Eastern Cherokee Indians—to the Committee on Indian Affairs.

By Mr. BURROWS: A bill (H. R. 7996) making appropriations to settle the claims of Eastern Cherokees for removal to Indian Territory and subsistance for one year thereafter—to the Committee on Indian Affairs.

By Mr. MCKAIG: A resolution directing the printing of 20,000 copies of the bill (H. R. 4834) to reduce taxation, to provide revenue for the Government, and for other purposes—to the Committee on Printing.

By Mr. COGSWELL: A joint resolution (H. Res. 220) instructing the Secretary of War to return to the State of Massachusetts the flags of certain regiments of Massachusetts Volunteer Infantry—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HOLMAN: A bill (H. R. 7992) for the relief of J. and O. P. Cobb & Co.—to the Committee on War Claims.

By Mr. HARE: A bill (H. R. 7998) for the relief of S. R. Bentley—to the Committee on Military Affairs.

By Mr. HOOKER of Mississippi: A bill (H. R. 7999) for the relief of Samuel S. Coon, of Brookhaven, Lincoln County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8000) for the relief of the estate of John R. Powers, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8001) for the relief of Mrs. Nancy Eddins, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. MEYER: A bill (H. R. 8002) for the relief of the International Cotton Press Company, of New Orleans, La.—to the Committee on Interstate and Foreign Commerce.

By Mr. STONE of Kentucky: A bill (H. R. 8003) for the relief of the estate of George W. Lawrence, deceased, late of Cherokee County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8004) for the relief of the estate of William Clement, deceased, late of Tishomingo County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8005) for the relief of the estate of A. J. Underwood, deceased, late of Franklin County, Ala.—to the Committee on War Claims.

By Mr. TERRY: A bill (H. R. 8006) for the relief of Robert L. Pate, of Conway County, Ark.—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DANIELS: Resolutions proposing amendments to international laws—to the Committee on Naval Affairs.

By Mr. O'NEIL of Massachusetts: Papers to accompany House bill 7953—to the Committee on Military Affairs.

By Mr. TERRY: Petition of citizens of Conway County, Ark., for relief of Robert L. Pate—to the Committee on Claims.

Also, resolution of Board of Trade of Little Rock, Ark., in favor of construction and Government control of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *August 17, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

Mr. PEFFER was, on his own motion, excused from attending the session of the Senate to-morrow.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 127 and 128 to the bill H. R. 7477, making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 971) to open, widen, and extend alleys in the District of Columbia.

The message further requested the Senate to furnish the House with a duplicate copy of the bill (S. 1252) to provide for the times and places to hold terms of the United States courts in the State of Washington, the original having been misplaced.

The message also announced that the House had passed a bill (H. R. 7977) to amend the internal-revenue laws of the United States; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 253) granting a pension to Maria Hall, widow of Joseph E. Doak, deceased;

A bill (S. 1772) extending the time for the completion of a railroad bridge over the Columbia River at or near Vancouver, in the State of Washington;

A bill (S. 1885) to extend the privileges of the transportation of dutiable merchandise without appraisement to the city of Ocala, in the State of Florida;

A bill (S. 2268) providing for reconveyance by District Commissioners of certain lands to Andrew J. Curtis and Mary E. Curtis;

A bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes; and

A joint resolution (S. R. 68) for the relief of W. D. Mack, a clerk in the Record and Pension Division of the War Department.

FINANCE COMMITTEE SERVICE.

Mr. HARRIS. I move that the Senate fill the vacancy on the Finance Committee, occasioned by the death of the late Senator Vance, by the appointment of the Senator from California, Mr. WHITE.

Mr. CHANDLER. Mr. President, I object. I ask that the motion may go over until to-morrow.

Mr. HARRIS. I take it that this is a privileged motion, which is not subject to the ordinary suggestion as to resolutions in the Senate.

Mr. CHANDLER. Will the Senator cite some authority for that claim?

Mr. HARRIS. It is privileged owing to the fact that it looks to the organization of this body, and is therefore not subject to the ordinary rule as to an objection.

Mr. CHANDLER. It is rather late in the session to begin to organize this body.

The VICE-PRESIDENT. The Chair will hear the suggestion of the Senator from New Hampshire.

Mr. CHANDLER. I ask for the reading of the rule, which is that all resolutions shall go over one day if objected to. This is a substantial matter. Here is a vacancy on the committee that has existed for months, and it is proposed to fill it as the session is approaching its close. It is a vacancy that has stood without any attempt to fill it. When I inquired a few days ago of the Senator from Maryland [Mr. GORMAN] whether he proposed to have it filled, he said he did not.

Now, the filling of a vacancy upon a committee is a substantial thing. It is the same as if a formal resolution were offered that the Senator from California be appointed a member of the committee, and if that is not a resolution which must go over under the rule that all resolutions objected to shall go over one day, I can conceive of almost no resolution that would go over.

Mr. ALDRICH. Mr. President, I take it for granted it is not necessary to address any argument to the Chair to sustain the position taken by the Senator from New Hampshire. During my service in the Senate there have been frequent cases where this precise question has been raised. It was raised at the present session upon a resolution to fill the same vacancy in the same committee. The Senator from Indiana [Mr. VOORHEES], the chairman of the Finance Committee, made a motion that the vacancy be filled by the appointment of the Senator from Texas [Mr. MILLS]. The Senator from Massachusetts [Mr. HOAR] objected to its consideration, and it went over under the rule.

I take it for granted that we are not at this time in the session to enter upon revolutionary proceedings in a matter of this kind, and I certainly believe that there will be resistance to any such revolutionary processes. I presume that the rules of the Senate will be carried out, and that the Presiding Officer needs no further suggestion in this connection.

Mr. MILLS. I think it proper for me to say that the motion of the Senator from Indiana [Mr. VOORHEES] to place me on the Committee on Finance was without my consent and without consultation with me, and I informed the Senator that under no circumstances would I accept that assignment.

Mr. ALDRICH. The question I was suggesting was not in regard to that matter, it was only as to the right of objection to a resolution of this nature.

Mr. HARRIS. Mr. President, my motion looks to the completion of the organization of this body and is not subject, in my opinion, to the objection which the Senator from New Hampshire makes. But be that as it may, I want to say that it is with profound astonishment that I hear an objection from that side of this Chamber upon a question such as this. During the eighteen years I have had the honor of holding a seat upon this floor, no matter what party was in the majority, the members who sat over there have named at will, and without objection, criticism, or question, such committee representation as they were entitled to, and no voice was ever heard on this side of the Chamber to object, to criticise, or to suggest anything contrary to their wish. This side of the Chamber, no matter what party was in the majority, have named without objection, without suggestion, and without a word of complaint, their representation upon the various committees of this body.

This is the most revolutionary of all revolutionary ideas I have heard suggested since I have had the honor of holding a seat upon this floor. Let the Chair decide the question as he thinks the parliamentary law of the case demands, but I can not refrain from putting on record the facts as I have stated them and the expression of my profound astonishment, and, if I were to indulge myself, I should put upon record language perhaps not altogether parliamentary.

Mr. ALDRICH (in his seat). I hope the Senator will not refrain from doing so.

Mr. MANDERSON. I do not think the Senator from Tennessee has exercised any very great amount of restraint over himself.

Mr. HARRIS. He did not try to do so.

Mr. MANDERSON. His amazement only seems to be excelled by his excitement over an appeal to the Presiding Officer that he shall enforce the rules of this body.

Mr. President, what is this but a resolution—a resolution providing that a vacancy which has existed for months past shall be filled by the appointment of the Senator from California? It is called a motion by the Senator from Tennessee. It is a resolution; it is a resolution that on the demand of any Senator would be required to be reduced to writing. It is not a motion that pertains to some pending measure; it is a new matter.

Mr. HARRIS. Will the Senator from Nebraska allow me?

Mr. MANDERSON. I yield to the Senator from Tennessee.

Mr. HARRIS. I dislike to hear the distinguished Senator from Nebraska waste his time upon the assumption that I have undertaken to draw a distinction between a motion and a resolution. The Senator from Tennessee said no such thing as the Senator from Nebraska attributes to him. My motion is a motion; but if put in writing, it would be in the form of a resolution. I make no such point as the Senator from Nebraska is attributing to me; I have made none such; I do not propose to.

Mr. MANDERSON. Then, Mr. President, it seems to me that the argument of the Senator from Tennessee is entirely pointless. Admitting that it is a resolution, it comes under the rule—

All resolutions shall lie over one day for consideration unless by unanimous consent the Senate shall otherwise direct.

Mr. President, here is a new matter brought before the Senate this morning, one that is entitled to the consideration of every member of this body. There can be no question about it that on the objection of any single Senator it must go over; and certainly that which conforms to the rule can not be revolu-

tionary or objectionable. We have the right to appeal to the rules that govern us and compel their enforcement when a case comes within them.

Mr. HARRIS. Mr. President, if I were at this moment to move that the Senate do now adjourn, and any Senator on this floor should require me to put that motion in writing, it would necessarily be in the form of a resolution: "*Resolved*, That the Senate do now adjourn." Would the Senator from Nebraska or any other Senator say that it had to go over a day? There are exceptions to the rules; and when a motion is made looking to the completion of the organization of this body it is a question of the highest privilege, and a question that is not within the rule of ordinary resolutions, in the opinion of myself.

Mr. CHANDLER. But a motion to adjourn, Mr. President, is always in order.

Mr. ALDRICH. By the rules of the Senate.

Mr. CHANDLER. By the express rules of the Senate. But a resolution to fill a vacancy on a committee is a substantial matter, made such by the rules of the Senate, and it must go over one day if objected to.

Mr. President, I do not rise to discuss any longer the question of order, the justice of which is apparent, but to protest against the philippic which the Senator from Tennessee has delivered against a Senator for simply asking that the rules of the Senate may be complied with.

The Senator from Tennessee assumes that I have objected to the filling of this vacancy by the appointment of the Senator from California. I have made no such objection. I have simply asked that the resolution for the appointment of that Senator shall go over in accordance with the rules of the Senate. When it comes up to-morrow, I do not know that I shall object to the passage of the resolution.

But, Mr. President, it comes with an ill grace from the Senator from Tennessee to denounce Senators for simply invoking the rules of the Senate, which he professes so well to understand and in the construction of which he is such distinguished authority. He condemns a mere request made under such rules, and denounces me and Senators upon this side of the Chamber for simply asking that the Senate may proceed in a dignified and an orderly way to do the rest of the business which it may wish to do at this session. I resent the imputation, and consider it entirely illegitimate and uncalled for. When the Senator from Tennessee attempts to put down Senators who simply ask that the rules of the Senate shall be observed, and is successful in doing it, he will have to be a great deal older than he is on this day.

Mr. HILL obtained the floor.

Mr. MANDERSON. Will the Senator yield to me one moment?

Mr. HILL. Yes, sir.

Mr. MANDERSON. I wish to call the attention of the Senator from New Hampshire to the fact that Rule XXIV requires—and this will show the very material difference there is between a motion to adjourn and a resolution to appoint a member of a committee—that unless otherwise ordered by the Senate all members of committees shall be elected by ballot. So that could be required if any Senator saw fit to demand it.

Mr. HILL. Mr. President, in the discussion of this simple parliamentary question it is perhaps unnecessary that I should say a word in regard to the pending legislation in reference to which, or to effect which, it is suspected this vacancy is to be filled. So far as the bills which were disposed of yesterday by a reference to the Finance Committee are concerned, permit me to say that I am in favor of placing upon the free list coal, iron ore, and sugar. I voted that way when the question was legitimately before the Senate. I am not trying to escape from my record now. Having said this much, I shall go further, and say that I am ready again to vote to place those articles upon the free list.

I am not called upon to say that those bills may not require further amendment; I am not called upon to say that you ought to pick out simply these particular articles and pass these bills without the dotting of an "i" or the crossing of a "t," and say that that is the test of true Democracy.

Certain concessions were made, not by myself, but by some of my personal friends and associates, during the tariff debate. Some of them voted, I think, against their better judgment on some propositions which I made to the Senate, because they felt honorably bound so to do by virtue of a caucus of which they were members, and in which they took part, and in regard to the proceedings of which it was well known I was not bound. If that agreement is to be rent in twain and special and separate bills are now to be passed in sections, I desire to bring to the attention of the Senate certain amendments to these bills, so that I may have a vote of this body upon the propositions which were voted down—not because they were disapproved, but because Senators felt they could not vote according to their individual judgment and conscience. I feel bound, if all caucus agreements are now to be cast aside, to present those questions again for the consideration of the Senate.

Mr. President, having said this much, permit me to ask, it is proposed to do what? The bills have been referred to a committee of this body against my vote. I was yesterday willing to take them up and dispose of them without their having a vote of a committee, either with a favorable report or an adverse report.

I need not remind the Senate of the complexion of the Committee on Finance heretofore; I need not remind Senators that there was a majority of the Finance Committee against the income tax; and, if they had felt at liberty to vote according to their judgments and their consciences, there would have been an adverse report upon that portion of the tariff bill. What are you seeking to do now? Is it proposed to pack the committee in order that it shall again come before the Senate with an adverse report upon the amendments which I have offered?

One word more. Mr. President, heretofore in appointments to fill vacancies in committees the Democratic members of this body have usually been consulted. When the vacancy was filled upon the Commerce Committee and another committee—I now forget which committee it was—we were called together in conference, and the so-called steering committee submitted to our judgment certain names before the appointments were brought into the open Senate. They were agreed to. I have heard of no such consultation now; the Democratic members of the Senate have not been called together; but without my knowledge, without any opportunity for consultation, it is proposed this morning to fill this vacancy, at the suggestion I do not even know of whom; possibly of the steering committee. I may assume that to be the case.

I do not know why a different course is sought to be pursued in the filling of this most important vacancy than was pursued when the vacancies on the Commerce Committee and the other committees were filled. As a representative of a great State, with the largest population of any State in the Union, perhaps I might have been permitted to suggest that its interests and representatives here should have been consulted. I do not propose now to speak of the complexion or sectional character of the present steering committee or of the Finance Committee of the Senate. I shall wait and speak of that subject later if it shall be necessary.

Mr. President, I now address myself to the parliamentary question whether the filling of a vacancy upon a committee is a matter of privilege. It has not been made such expressly by the rules. I defy Senators to point to a single provision of the rules which says that the filling of a vacancy on a committee is a matter of privilege. It is not laid down among the privileged motions. Therefore it must be some implied power; it must be claimed that it arises from some other provision of the rules. The presentation of a conference report is held to be a privileged matter. Yet the other day, when I made a motion to discharge a conference committee, the Presiding Officer held that the motion must go over for a day.

Although the report itself was privileged, it was held that a resolution to discharge our own conferees, that they might make a special report, which I then contended was a matter of privilege or might fairly be held to be a matter of privilege, must go over for a day. If that was a sound ruling, and I did not test the sense of the Senate in regard to it, but assumed it to be correct, then I submit that the filling of this vacancy is not a privileged question which can be brought up at any time.

Mr. President, it matters not particularly when this vacancy shall be filled, if it is to be filled at this session. I do not think it is wise to make haste in a matter so important. I doubt the wisdom of a policy which seeks to fill a vacancy with a special view of immediate legislation upon particular matters. There will be legislation in the future. There will be matters of as vast importance as these four bills upon which we shall be called to pass. I suggest to Democratic friends upon this side of the Chamber whether it would not be wise to allow the resolution to go over until to-morrow, and let us have a consultation upon the subject, as we did before. Let some of us who have views, who represent large constituencies, be heard.

I agree with the Senator from Tennessee [Mr. HARRIS] in regard to one point. This is our matter, not yours upon the other side. It is a matter which we ourselves should dispose of, and I regret to see thrown into the Senate a contest in which the other side shall be permitted substantially to select a Democratic member of the Committee on Finance. I think common courtesy and the rules require it, and the custom of the Senate heretofore fixes the precedent that we upon this side should settle it.

As a parliamentary question, freed from any feeling whatever,

in my judgment the resolution is not privileged, and can not be called such without a great stretch of the rules. In the second place, as a matter of policy, I think it is wise that we should consult in regard to the matter. It can do no harm; it may do much good. Need I remind my Democratic friends here of the absence of consultation and of its results? From the commencement of the tariff legislation up to this hour it has been blunder piled upon blunder. We find the chairman of the Ways Means Committee with a ringing speech, presumably speaking *ex cathedra*, demanding of the House of Representatives that there shall be free sugar.

The Democratic public sentiment of the country recognizes that voice as the voice of the Administration. Democratic conventions meet in distant States and adopt resolutions in favor of free sugar, committing the party to that principle, of which I do not personally complain, and at the very moment when they were adopting those resolutions a Democratic Secretary of the Treasury was sending here a protest against placing sugar upon the free list as a suicidal policy.

Mr. President, it strikes me there had better be more consultation, in order that we may avoid these conflicting policies. If it is necessary for the Treasury that there should be a duty upon sugar, let there be consultation on the subject before further legislation. Let us mark out a policy upon which we can all agree, if we can. Let us try it. In the spirit of harmony, which should prevail, I suggest to my Democratic friends that we should adjourn and have a consultation or conference upon this subject.

Mr. HARRIS. I choose to put my motion in the form of a resolution, and rather than waste more of the time of the Senate this morning I ask that it be read, printed, and lie on the table until to-morrow morning, when I shall ask its consideration immediately after the reading of the Journal.

The VICE-PRESIDENT. The Secretary will read the resolution.

Mr. QUAY. I make the point of order that the resolution is out of order at the present time.

Mr. HARRIS. Let the resolution be read.

The VICE-PRESIDENT. What is the point of order raised by the Senator from Pennsylvania?

Mr. QUAY. I make the point of order that the resolution is not in order at the present time. The order of resolutions has not been reached. The routine morning business has not yet been called in its order.

Mr. SHERMAN. I think if the Chair will proceed with the call, calling first for petitions and memorials, we shall soon reach the order of resolutions, and then the resolution of the Senator from Tennessee will be in order.

The VICE-PRESIDENT. The resolution presented by the Senator from Tennessee, to which objection is interposed, has been withdrawn. Petitions and memorials are in order.

Mr. BERRY. The Senator from Tennessee did not withdraw the resolution.

The VICE-PRESIDENT. The Chair understood the Senator from Tennessee to withdraw the resolution for the present.

Mr. HARRIS. I put my motion in the form of a written resolution, and I consented that it might go over until to-morrow.

The VICE-PRESIDENT. The Chair will entertain the resolution when that order is reached, as there is objection to its reception at this time.

Mr. HILL. I ask unanimous consent of the Senate to call up the bill (S. 2307) to require the prompt prosecution and speedy determination of the claim of the United States against the estate of the late Leland Stanford.

Mr. BLACKBURN. I object.

Mr. HARRIS. Let the morning business be dispatched.

The VICE-PRESIDENT. The Chair will state that petitions and memorials are in order.

MEMORIALS.

Mr. CULLOM presented sundry memorials of citizens of Pekin and Zion, in the State of Illinois, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

REPORTS OF THE COMMITTEE ON CLAIMS.

Mr. PASCO, from the Committee on Claims, to whom was referred the joint resolution (H. Res. 79) for the relief of Peter Hagan, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2342) to reimburse George C. Tanner, late consul, etc., the sum of $200 paid by him for rent of rooms, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 284) to reimburse George C. Tanner, late consul, etc., the sum of $200 paid by him for rent of rooms, reported adversely thereon, and the bill was postponed indefinitely.

BILL INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2317) to remove the charge of desertion from the military record of Nicholas Swingle; which was read twice by its title, and referred to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

On motion of Mr. PALMER, it was

Resolved, That any and all papers on file in the office of the Secretary of Senate or Senate Committee on Pensions in connection with Senate bill 1705 granting a pension to Isaiah Queman, be, and the same are hereby, withdrawn from said files, there having been no adverse report made thereon.

FINANCE COMMITTEE SERVICE.

The VICE-PRESIDENT. The resolution of the Senator from Tennessee [Mr. HARRIS] will be read.

The Secretary read the resolution, as follows:

Resolved, That the vacancy in the Finance Committee of the Senate occasioned by the death of the late Senator Vance be filled by the appointment of the Hon. STEPHEN M. WHITE, a Senator from the State of California.

Mr. MANDERSON. Let it be printed and go over.

Mr. COCKRELL. I ask that the action of the House——

Mr. CHANDLER. What is the order in reference to the resolution?

The VICE-PRESIDENT. What was the request of the Senator from Tennessee?

Mr. HARRIS. I consent that the resolution may lie over until to-morrow, when I shall ask for its consideration. I ask that the resolution be printed.

The VICE-PRESIDENT. The resolution will go over under the rule, and be printed.

INEXPEDIENCY OF FURTHER REVENUE LEGISLATION.

Mr. MURPHY. I submit a resolution, for which I ask present consideration.

The resolution was read, as follows:

Resolved, That in view of the statement in the letter of the Hon. John G. Carlisle, Secretary of the Treasury, dated Washington, August 15, 1894, addressed to Hon. I. G. HARRIS, acting chairman of the Finance Committee, that the estimated surplus revenue for the year will not exceed $15,000,000, it is the judgment of the Senate that no further legislation or change in the revenue laws should be made at this session.

The VICE-PRESIDENT. The Senator from New York asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. MILLS. I object.

Mr. COCKRELL. Let the resolution lie over.

The VICE-PRESIDENT. The resolution will go over under the rule on objection.

DEFICIENCY APPROPRIATION BILL.

Mr. COCKRELL. I submit a conference report on the general deficiency bill and ask that it be concurred in.

The only question in dispute is a part of Senate amendment 127 and Senate amendment 128. Senate amendment 127 included judgments of the Court of Claims and comprised nearly sixty pages of the bill. At the end of the amendment a provision was inserted to pay to the Southern Pacific Company $1,809,539.70 in satisfaction of a judgment of the Court of Claims, which the Committee on Appropriations thought was honestly and justly due and ought to be paid. That amount was inserted in the bill by the Senate and the aggregate was increased accordingly.

The House conferees have peremptorily refused to agree to the amendment, and the Senate conferees have been compelled to recede. Consequently, the language adopted in the report had to be used in order to state the amount properly. The report simply strikes out "To Southern Pacific Company, $1,809,539.70," and makes the total in Senate amendment 128 correspond to that change.

The VICE-PRESIDENT. The conference report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 127 and 128 to the bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment, as follows: Strike out the last three lines of the matter inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert $1,274,246.15; and the Senate agree to the same.

F. M. COCKRELL,
CALVIN S. BRICE,
Managers on the part of the Senate.
JOSEPH D. SAYERS,
J. G. CANNON,
Managers on the part of the House.

The report was concurred in.

ALLEYS IN THE DISTRICT OF COLUMBIA.

Mr. FAULKNER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 971) to open, widen and extend alleys in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

CHAS. J. FAULKNER,
JNO. MARTIN,
JAMES McMILLAN,
Managers on the part of the Senate.

JAMES D. RICHARDSON,
H. W. RUSK,
A. C. HARMER.
Managers on the part of the House.

The report was concurred in.

RECENT ELECTION IN ALABAMA.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from New Hampshire [Mr. CHANDLER] coming over from a previous day.

The resolution submitted by Mr. CHANDLER on the 11th instant was read, as follows:

Resolved, That the Committee on Privileges and Elections be directed to inquire into the facts of the election held in the State of Alabama on the 6th of the present month of August, and to ascertain and report whether such election was full, fair, free, and honest, and resulted in the choice of a Legislature entitled to elect a United States Senator, and that said committee as a whole or by a subcommittee shall have power to send for persons and papers and sit during the approaching recess of Congress.

Mr. CHANDLER. I ask that the resolution may go over until to-morrow and retain its place.

The VICE-PRESIDENT. Without objection, it is so ordered.

COURTS IN THE STATE OF WASHINGTON.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives for a duplicate copy of the bill (S. 1252) to provide for the times and places to hold terms of the United States courts in the State of Washington, the original having been misplaced; and by unanimous consent it was ordered that the request be complied with.

INVESTIGATION BY THE INTERSTATE COMMERCE COMMITTEE.

Mr. JONES of Arkansas, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. BUTLER on the 15th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Interstate Commerce be, and is hereby, authorized and instructed to inquire and report to the Senate whether the Southern Steamship and Railway Association has violated the interstate commerce law in the fixing of its passenger and freight rates differentials for the shipment of freight from the interior to or through its various port points, or otherwise, and whether said rates are not in derogation of the law of competition, intended to be preserved by said interstate-commerce law.

Second. And, if it should find said rates in violation of the interstate-commerce law, said committee is hereby further instructed to report in what respect said rates violate said law, and suggest a remedy for a correction of the same.

That said committee have leave to sit during the recess of the Senate at such points as may be most convenient for a full and complete investigation of the matters embraced in the foregoing, and shall have authority to send for persons and papers, administer oaths, and examine witnesses and employ a stenographer; and the necessary expenses incurred by said committee in the conduct of the investigation shall be paid out of the contingent fund of the Senate.

INVESTIGATION BY THE COMMITTEE ON COMMERCE.

Mr. JONES of Arkansas, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was recommitted the following resolution, submitted by Mr. RANSOM on the 10th instant, reported it without amendment, and asked for its present consideration:

Resolved, That the Committee on Commerce be, and they are hereby, authorized and directed to sit during the recess of Congress, and to visit and examine the Pacific coast between Points Duma and Capistrano, with a view to determining the best location for the construction of a deep-water harbor. Said committee is also hereby authorized to visit and examine such other works of river and harbor improvement on the Pacific coast, existing or proposed, as in their judgment the interests of commerce may demand, and shall have power to subpœna witnesses, to administer oaths, and take testimony, to employ a stenographer, and to appoint a sergeant-at-arms from the messengers of the Senate; and that the actual necessary expenses of said committee, properly incurred, shall be paid out of the contingent fund of the Senate in the usual manner.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. COCKRELL. Mr. President, I did not understand that the preceding resolution was to be reported and put on its passage, or necessarily I should have objected to it, as I shall have to object to the adoption of the pending resolution.

Mr. President, I protest that it is not right to appoint a whole standing committee to go to California or to any other place between this time and the convening of Congress in December next. Everybody knows that Senators will be engaged in the canvasses in their respective States, and there is not time to make such an investigation as ought to be made, and it ought not to be done by the whole committee. A subcommittee of three members, or not exceeding five, can do the work, and do it more efficiently than the whole committee; and we are piling up unnecessary cost.

Mr. WHITE. Mr. President, I desire to say a few words with reference to this matter. I think my friend from Missouri does not fully understand the situation. It is proposed by the Government of the United States, upon the recommendation of the War Department, to establish an extensive breakwater for commercial purposes on the Pacific coast between the points designated. There never has been any doubt about the necessity or desirability of the establishment of such a harbor, but there has been some doubt as to where it should be located. The Government engineers upon the one hand have taken a position, and certain Senators who are also familiar with the subject have taken another position.

Personally, though living in the part of the State affected by the measure, I do not agree with some of my fellow-Senators upon the committee. The leading business men in that portion of California came here and appeared before the Commerce Committee. There was a great deal of evidence taken, and after it was taken the full committee met and considered the matter carefully, and half of its membership were unable to express an opinion and declared that they could not vote until they saw the ground.

As far as I am personally concerned I care nothing about the pleasures of the trip, for I shall be on the ground myself, and go there before the committee can reach the State, and probably I shall have to leave at a different time from that when the committee will leave. But this is the most important work contemplated to-day upon the western coast of this country. It is a matter not only of local importance, but it is designed through this port to carry the Oriental freight across the United States to the Gulf of Mexico and from there by water to New York. It is a matter, therefore, of great national importance, and is so regarded by the War Department. It is impossible to obtain the necessary information through a subcommittee. The affair has been hung up already for two years awaiting a definite report from the committee. As to the expense, if the Government of the United States can not stand it, if it is too much for this great Government to pay, although there is an outlay contemplated of over $2,000,000, I am satisfied that I could in a little time raise the money by subscription in my own State.

But when the Committee on Commerce, composed, with the exception of myself, of some of the most distinguished members of this body, men of experience here and long standing upon the committee, unite as to the necessity of this investigation, I think there ought to be no question of its advisibility raised in the Senate.

I can assure the Senator from Missouri (who deserves the greatest credit for preventing disbursements in cases where they are not necessary) that this is an exceptional case, and it should be so regarded by the Senate as it is so regarded by every member of the committee. It is a matter of vital importance to my State. The Senate will recollect that even an item of $40,000 that was inserted in the river and harbor appropriation bill with reference to the stretch of coast included within the two points mentioned in the resolution was eliminated because of this discussion, and because it was impossible to tell where the appropriation could be placed at this time. We are waiting for the investigation of the committee. The whole of the country interested is waiting for it; and there is no method of reaching a satisfactory determination of the question except by having the committee make a trip to the Pacific coast as proposed. When the Senators whom I have mentioned agree upon the matter, I think it should be satisfactory to the Senate.

Mr. CHANDLER. I desire to call the attention of the Senate to the fact that there is now pending an existing order of the Senate directing the Committee on Commerce to make this investigation.

Mr. WHITE. That is true. The Senator is correct.

Mr. CHANDLER. It was passed more than a year ago.

Mr. WHITE. If the Senator will permit me, I will state that the chairman of the committee, the Senator from North Carolina [Mr. RANSOM], was unable to call the committee together because of certain engagements at that time. I might here say that the objection made by my friend the Senator from Missouri, that it will be about election time will not avail, because every member of the committee has expressed a determination to go there immediately after election, regardless of his feelings.

Mr. CHANDLER. The order of the Senate last year was not carried out, I understand, because Congress was called in extra session on the 7th of August, and it was impossible for the committee to perform the duty which it was commanded by the Senate to perform.

Mr. RANSOM. If the Senator from New Hampshire will pardon me, I will state that I agree with him in his view as to

the previous order, but the committee thought it was best to have the approval of the Senate upon this resolution, and not to trust to the one requiring an investigation last year.

Mr. CHANDLER. I recognize the propriety of the resolution, and I wish to call the attention of the Senate to the fact that there was a discussion in the Senate in reference to this harbor of refuge, which it was expected would cost many hundred thousand dollars.

Mr. STEWART. Two millions.

Mr. CHANDLER. Certainly, if it is to cost $2,000,000, the money of the United States will be well expended in allowing the Committee on Commerce to see the ground and the water which are to constitute the harbor of refuge. I repeat my argument of yesterday, which I hope will commend itself to the Senator from Missouri, that when an important committee of this body takes the responsibility of deciding how it shall investigate, in what manner it shall do its work, the decision of that committee, unless the committee is to be discredited by the Senate, ought to be accepted and adopted and approved by a vote of the Senate.

Mr. BLANCHARD. Mr. President, the pending resolution, which authorizes the Committee on Commerce of the Senate to send a subcommittee to California for the purpose of examining what point upon the coast of Southern California is the best for the location of a deep-water harbor, is a resolution that should be adopted. The question of establishing a deep-water harbor upon the coast of Southern California has occupied the attention of Congress for the last four or five years. Several Boards of Engineers have been authorized by different acts of Congress for the purpose of examining this coast and determining where is the best place to construct the proposed deep-water harbor. These commissions have reported, and hearings upon this question have been had repeatedly by the River and Harbor Committee of the House and by the Commerce Committee of the Senate. These hearings have resulted in creating considerable doubt and uncertainty as to the correctness of the conclusions of the Boards of Engineers as to the particular locality where the harbor should be constructed.

I know a good deal about this matter. I have had occasion to deal with it in the other branch of Congress. I am not satisfied myself that the particular locality which the Board of Engineers have recommended as the best place for the construction of a deep-water harbor is the one that Congress should adopt. I believe there is so much doubt about the matter that it would be wise on the part of the Senate to send a subcommittee of its Committee on Commerce to investigate the merits of the port of Los Angeles, known as Santa Monica, and the merits of the San Pedro Harbor. These are the rival claimants to this harbor. It would be well to do this, and thus, looking to the future needs as well as to the present needs of commerce, to determine which of these localities is the one where the deep-water harbor should be located.

Congress can not be too careful to avoid a mistake about this harbor. The Government will be called upon to expend millions of dollars in its construction. It is to be a harbor for the accommodation of the deep-draft vessels of the ocean. We do not want hastily to make up our minds as to its location. We want to be sure we are right and then go ahead. It is better to encounter a little more delay and expend a little more money in investigation than run the risk of error.

I think, therefore, it is wise to send a subcommittee out there, after the adjournment of the present session, in order that its members may by personal observation and investigation satisfy themselves which of the competing points is the one where the deep-water harbor should be constructed.

Mr. DOLPH. Mr. President, I do not know the exact nature of the objection which is made to the resolution, but I desire to say that if the Committee on Commerce of this body and the Committee on Rivers and Harbors of the House could be authorized and induced to spend the recess between every session of Congress in examining the great river and harbor improvements in the United States, every dollar expended in that way would, in my judgment, save hundreds of dollars to the Government.

So far as this resolution is concerned, no one need fear that too many members of the committee will make the examination proposed. It will be very difficult indeed to get a sufficient number of the members of the committee to leave their homes and their own affairs to make the trip. It is understood that the investigation will not be made until after the November election.

There is great necessity for a deep-water harbor near Los Angeles, on the California coast. The Government has improved the inner harbor for light-draft vessels at Wilmington, which is but another name for San Pedro; an improvement at San Pedro for deeper vessels has been recommended. Members of the committee and others who have visited San Pedro and Santa Monica believe that Santa Monica, a few miles up the coast and at a less distance from Los Angeles than San Pedro, is a preferable point. The Southern Pacific Railroad Company expended about a million dollars at San Pedro, and until quite recently favored that place. It favored it at the same time the first report was made recommending an improvement there, but has abandoned that place and gone to Santa Monica, and built a wharf at an expense of about a million of dollars.

All these things have left the Committee on Commerce of the Senate, and I think of the House also, in doubt as to where this improvement should be made; and while there is pressing importance for the improvement, there are a number of members of the committee who do not desire to act upon the matter at all until it has been investigated by the committee. So far as I am concerned, I had made up my mind upon it and was ready to act.

I deem it very important that the committee should make this examination. As has been said, the committee was directed to do it last year; but Congress was called together on the 7th of August, and prior to that time the members of the committee had not found it convenient to get together and make the examination. No appropriation was inserted in the river and harbor bill for the work at this session, it being the understanding that the committee would examine as to where the improvement should be located.

It will not be an expensive examination. The expenses of the committee will not be great. There is no danger that all the members of the committee will go to make the examination. I think the chairman will find it difficult to get members of the committee who can make it convenient to attend to the matter. But I hope the resolution will be adopted, and that the committee will go to the coast and examine into the matter.

Mr. BERRY. I was told that the Senator from California [Mr. WHITE] stated that it was the unanimous wish of the Committee on Commerce that that committee should make this proposed trip. I desire to say that I was not present when the resolution was considered in the Commerce Committee. It was done while I was out of the city, and I knew nothing about it until my return. I have been of the opinion that it is unnecessary for the committee, or any part of the committee to go to the southern coast of California in order to determine this matter. The Government engineers, as I have been informed and believe, have uniformly decided in favor of one point; and, so far as I am concerned, I do not believe that it is necessary for the committee to go to California in order to determine where the deep-water harbor shall be located.

Mr. CAREY. I should like to ask the Senator from Arkansas how much the trip will cost?

Mr. BERRY. I have not figured the cost, and I do not know how much it will be. If I did know I would inform the Senator. I have an idea that whatever the cost may be it is not necessary that the committee shall go there.

Mr. CAREY. I should like to ask the Senator from Arkansas whether he believes in keeping a duty on sugar for the purpose of paying the expenses of these junketing trips?

Mr. BERRY. What is the Senator's question?

Mr. CAREY. I ask the Senator from Arkansas whether he believes in keeping a duty on sugar so as to raise money to pay these expenses?

Mr. BERRY. I do not believe in keeping a duty on sugar for any purpose whatever; and if the Senator from Wyoming and others who have been opposed to the duty on sugar will permit that bill to come back and let us have a square vote on it, my impression is that a majority of this side of the Chamber at least will say that they are not in favor of anything like a duty on sugar.

Mr. RANSOM. Mr. President——

Mr. CAREY. I wish to ask the Senator from North Carolina how much this proposed trip will cost?

Mr. RANSOM. I will answer that question. Last year, when a similar resolution was passed by the Senate, it became my duty to inquire what would be the expenses of the committee in going to the Pacific coast. Mr. Nixon, the financial clerk of the Senate, made out the estimate, and it was under $5,000.

Mr. CAREY. We were denied money in the appropriation bills where it is absolutely necessary, and the denial was made because of the poverty of the Treasury of the United States. If I believed that the committee would know anything more about the matter after they had seen the water and the proposed harbor I might be willing to vote for such an appropriation. I do not believe that it will be possible for them to tell anything about it. They must take the judgment of experts and engineers on the subject. Now is a good time to retrench, as we have been denied appropriations in the West for necessary purposes because of the condition of the Treasury of the United States.

Mr. KYLE. I should like to ask the Senator from Wyoming whether, in his judgment, this question would not be submitted to the engineers of the Navy Department?

Mr. CAREY. It will have to be done in that way in the end. The committee can tell nothing about it.

Mr. RANSOM. Mr. President, I am somewhat surprised at the opposition to the resolution and the objections made by Senators. A debate similar to this took place here eighteen months ago. It was the debate referred to by the Senator from New Hampshire [Mr. CHANDLER] in his remarks. In that debate the matter was fully discussed, and the Senate determined almost unanimously to send the Committee on Commerce to the Pacific coast.

I will state the case, Mr. President. For years there has been a contest in the State of California and in Congress as to where the deep-water harbor on the Pacific coast should be located.

Mr. CAREY. I wish to ask the Senator from North Carolina whether a committee has not already been out there?

Mr. RANSOM. No committee has been there. The Senator is under that impression because an investigation by the same committee was ordered eighteen months ago. But the committee could not go there at that time.

As I was proceeding to say, there has been a most serious controversy as to where the deep-water harbor for that coast should be located. Every Senator can comprehend at once the importance of locating the harbor at the right place. The United States engineers reported in favor of San Pedro, and it was supposed that that was the right point. Then there came a serious protest from other people decidedly in favor of Santa Monica, and persons who had seen Santa Monica declared that that was the right place.

The Committee on Commerce for the last five years has been doing its best to determine which is the best location. Boards of United States Engineer officers have decided in favor of one place. Most able engineers who do not belong to the Army have given their opinion in favor of the other point. The people of California are, I may say, divided on the subject. Here is the Senator from Oregon [Mr. DOLPH], who lives on the coast, asking that the committee shall go there. So with the Senator from Nevada [Mr. JONES], who is very familiar with the necessity for a deep-water harbor there.

Here are both the Senators from California, one belonging to our side of the Chamber, and the other belonging to the other side of the Chamber, asking that the committee shall go there and see for themselves. Here are the Senators upon the Committee on Commerce. I shall not designate them. Perhaps they are a little harder to convince than others; perhaps they do not see things quite as clearly and as intuitively as other Senators. They protest that they are in doubt upon the question and they wish to go to the coast and make an examination in person. For myself, after having been upon the committee all this time and never having determined as to which is the best place, for I could not do it, though having an earnest desire to do so, I believe the only way to settle this question is to have the committee go there in person and view and examine the harbors and settle the question, and the committee almost unanimously think as I do on this subject.

Senators ask what will the committee learn by going to those harbors and looking at the water? In asking such a question they are speaking without consideration and without experience. Do not Senators remember that six or seven years ago (I know the Senator from Pennsylvania [Mr. QUAY] will remember it; I know older Senators here remember it) there was a controversy for years as to the building of the bridge across the Arthur Kill in New York? Suits were brought and many committees came here, until finally the Committee on Commerce, under the direction of the Senate, determined to go and visit the bridge and examine the locality for themselves. My friend from Missouri [Mr. VEST] was one of them. There are other gentlemen here who belonged to the committee and remember it. The Senator from Maine [Mr. FRYE], if present, could give a graphic picture of it. We had not seen the place half an hour before the committee were unanimous as to what should be done.

If Senators will look at the pending resolution they will see that it provides for the summoning of witnesses and the taking of testimony. It provides for an investigation, sir, an exploration and examination which shall be made with the assistance of the best engineers of the Army and Navy and of the country, and with all the light that can be gathered from persons who have lived for years near the harbors, so that the Senate can see and know what ought to be done. I was very sorry last year that it was impossible for me to go with the committee, for I do not believe that the dispute will ever be settled in any other way.

Mr. WHITE. Mr. President, I think at least the Senators who have never seen that part of the country should perhaps pay a little more attention to one who has for a fifth of a century been in the neighborhood almost all his time. I am very familiar with the surroundings and I am very familiar with the status of this matter before the committee. Although it seems that my friend from Arkansas, who did not hear the discussion in the committee, as he was compelled to be absent at the time, does not agree with us—when I said the report was unanimous, I, of course, referred to those who were present, and I had forgotten the circumstance that he was not there; but there is no dissenting report on file—I am convinced, absolutely satisfied, that if the Senate does not send a committee there it simply means that the whole enterprise will be abandoned, or at least that nothing will be done, for I know from my experience upon the committee that it is impossible to get a vote or any definite or unanimous action without such an inspection. As I have said, it is not for my own benefit. I am pretty well advised with regard to the matter now; but I do know that the Committee on Commerce can not act, and until it goes there it certainly will not act, and Senators who have expressed doubt about the matter are just as conscientious and strong in their faith about it as any one of us who may be standing here is firm in his conviction upon any subject in the world.

I trust the Senate will take the judgment of the committee, and will remember, as I have said, the importance of this matter, and the fact that nothing has been done looking to harbor improvement recently in that neighborhood, because we are waiting for a report from the committee and action upon that enterprise indorsed by the War Department.

Mr. MILLS. I hope when the committee goes, as I suppose it will go, to California to investigate these two ports, that it will pay some attention to the land as well as to the water. In my judgment the ownership of the land around these waters is the principal part of the controversy now, and I should like to have the committee tell us who owns the land there.

Mr. WHITE. That is contemplated, I will state to the Senator.

Mr. RANSOM. That will be done.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

ALCOHOL USED IN THE ARTS, ETC.

The VICE-PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives, which will be read the first time by its title.

The bill (H. R. 7977) to amend the internal-revenue laws of the United States was read the first time by its title.

Mr. CHANDLER. I ask that the bill may be read at length.

The VICE-PRESIDENT. The bill will be read.

The Secretary read as follows:

Be it enacted, etc., That all laws which authorize the rebate or repayment from the Treasury of the United States of the tax on alcohol used in the arts, or in any medicinal or other like compounds, are hereby repealed.

SEC. 2. That this act shall take effect from and after its passage.

Mr. HARRIS. I ask that the bill may have its second reading by the unanimous consent of the Senate.

Mr. CHANDLER. I object, Mr. President, and ask that it may go over until to-morrow.

Mr. HARRIS. Very well; but I shall ask that it be read a second time to-morrow morning, and I give notice now that I shall probably ask the Senate to consider it to-morrow.

Mr. CHANDLER. I hope no accident or ill health will prevent the Senator from doing that.

Mr. GORMAN. I move that the Senate adjourn.

Mr. MANDERSON. I ask the Senator to withdraw the motion for a moment.

Mr. GORMAN. Very well.

Mr. MANDERSON. I rise with reference to the bill which has just had its first reading. I send forward an amendment which I intend to propose to that bill when it shall be properly before the Senate, and I ask that it be printed and lie on the table.

Mr. ALLISON. I desire to have the amendment intended to be proposed by the Senator from Nebraska read.

Mr. MANDERSON. All right.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Nebraska will be read.

The SECRETARY. At the end of the first section it is proposed to add the following proviso:

Provided, however, That until February 1, 1895, the provisions of the act entitled "An act to reduce revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, authorizing the issue of licenses to produce sugar and for the payment of a bounty to the producers of sugar from beets, sorghum or sugar cane, grown in the United States, or from maple sap produced within the United States, contained in paragraphs 231, 232, 233, 234, 235, and 236 of said act, shall continue in full force and effect, and said sections of said act are hereby reënacted: *Provided, however*, That the bounty hereby provided to be paid under said act of October 1, 1890, shall be eight-tenths of 1 cent per pound and no more.

The VICE-PRESIDENT. The proposed amendment will be ordered printed, in the absence of objection.

Mr. QUAY. I move to lay the amendment on the table.

Mr. MANDERSON. That can hardly be in order. I have

simply given notice of an amendment intended to be proposed by me when the bill is under consideration, and the Senator can hardly move to lay my intention on the table.

Mr. QUAY. I supposed the bill had been taken up, and in that case I intended to move to lay the amendment on the table.

The VICE-PRESIDENT. The Chair will state that the amendment is not before the Senate for its consideration, and the motion of the Senator from Pennsylvania can not be entertained.

Mr. CHANDLER. I offer an amendment which I intend to propose to the bill, and I ask that it may be read, printed, and lie on the table.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from New Hampshire will be read.

The SECRETARY. It is proposed to add as a new section the following:

SEC. —. That all the provisions of House bill 4864 relative to duties on imports, however entitled and by whatever name known or called, and whenever and wherever it may be found, which finally passed the House of Representatives on the 13th day of August, 1894, be, and the same are hereby, repealed, annulled, canceled, and made void and of no effect, from and after the passage of this act.

Mr. HARRIS. Let the amendment be printed to accompany the bill. It is very interesting.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

REVENUE DUTY ON SUGAR.

Mr. GRAY. I offer a resolution, which I ask may be read, printed, and lie over.

The resolution was read, as follows:

Resolved, That the Committee on Finance be instructed to report, without delay, to the Senate, the House bill No. 7971 referred to it, so amended as to provide for a revenue duty on all sugar without any differential duty on refined sugar.

The VICE-PRESIDENT. The resolution will be ordered to be printed, and it will go over on the request of the Senator from Delaware.

HUTCHISON AND SOUTHERN RAILROAD COMPANY.

Mr. JONES of Arkansas. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 2290) to amend an act entitled "An act to amend an act entitled 'An act granting the right of way to the Hutchison and Southern Railroad Company through the Indian Territory,'" to report it without amendment.

Mr. QUAY. I ask unanimous consent for the present consideration of the bill which has just been reported by the Senator from Arkansas.

Mr. GORMAN. I renew my motion that the Senate adjourn.

Mr. PALMER. I hope the Senator will withdraw that motion for a moment.

Mr. QUAY. What is the motion?

The VICE-PRESIDENT. The Senator from Maryland has moved that the Senate adjourn.

Mr. QUAY. I hope the Senator will withdraw that motion in order that the bill which has just been reported by the Senator from Arkansas may be considered and passed.

Mr. PALMER. I request the Senator to withdraw his motion that I may ask permission——

The VICE-PRESIDENT. The motion of the Senator from Maryland is pending, and it is not debatable.

Mr. QUAY. I trust the Senator from Maryland will withdraw the motion for a moment.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maryland, that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Saturday, August 18, 1894, at 12 o'clock m.

SENATE.

SATURDAY, *August 18, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

The VICE-PRESIDENT. The Secretary will read the Journal of yesterday's proceedings.

Mr. TURPIE. I ask unanimous consent that the reading of the Journal be dispensed with.

The VICE-PRESIDENT. Is there objection?

Mr. QUAY. I object.

The VICE-PRESIDENT. There is objection to the request of the Senator from Indiana. The Journal will be read.

The Secretary proceeded to read the Journal of yesterday's proceedings, and having read for five minutes—

Mr. TURPIE. I ask unanimous consent that the further reading of the Journal be dispensed with.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Indiana?

Mr. QUAY. I object.

The VICE-PRESIDENT. There is objection. The Secretary will proceed with the reading of the Journal.

The Secretary resumed and concluded the reading of the Journal of yesterday's proceedings.

The VICE-PRESIDENT. Without objection, the Journal stands approved.

HUTCHISON AND SOUTHERN RAILROAD COMPANY.

Mr. QUAY. Before proceeding with the morning business, I wish to say that I was interrupted, I think a little harshly, by the Senator from Maryland [Mr. GORMAN] when I was asking unanimous consent yesterday to put upon its passage a bill which had just been reported by the chairman of the Committee on Indian Affairs. It will occupy but a moment; I think it will provoke no opposition, and I would be much obliged to the Senate if it would give unanimous consent for the consideration of the bill (S. 2290) to amend an act entitled "An act to amend an act entitled 'An act granting the right of way to the Hutchison and Southern Railroad Company through the Indian Territory.'"

Mr. COCKRELL. Let the bill be read for information.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOME FOR DESTITUTE COLORED PERSONS.

Mr. TURPIE. I ask unanimous consent for the present consideration of the bill (H. R. 7095) to provide for the erection of a national home for aged and infirm colored persons, and for the maintenance of the inmates thereof.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary proceeded to read the bill.

Mr. GORMAN. I must object to the consideration of the bill.

The VICE-PRESIDENT. There is objection. Petitions and memorials are in order. [A pause.] If there are no petitions or memorials, reports of committees are next in order.

REPORTS OF COMMITTEES.

Mr. PASCO, from the Committee on Military Affairs, to whom was referred the bill (S. 1556) to relieve Titus Priest from the charge of desertion, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 2295) authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 6656) for the relief of P. W. Mitchell, M. C. Felmet, George H. Smathers, and others, reported it without amendment.

Mr. SHOUP, from the Committee on Indian Affairs, to whom was referred the bill (S. 1585) authorizing the sale of timber on the Jicarilla Apache Indian Reservation for the benefit of the Indians belonging thereto, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

BERLIN SILVER COMMISSION, ETC.

Mr. HARRIS. From the Committee on Finance, I report a translation of the report of the proceedings of the Berlin Silver Commission, together with the report of the proceedings of the International Bimetallic Conference held at London, May 2 and 3, 1894. The translation was made under the order of the Senate. I ask that the reports be printed.

The VICE-PRESIDENT. Without objection, it will be so ordered.

BILLS INTRODUCED.

Mr. MCLAURIN introduced a bill (S. 2318) for the relief of B. F. Berry; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CAREY (by request) introduced a bill (S. 2319) to provide for the issue of certain land scrip to the representatives of Robert George, a captain in the war of the Revolution; which was read twice by its title, and referred to the Committee on Public Lands.

RECENT ELECTION IN ALABAMA.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from New Hampshire [Mr. CHANDLER], coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. CHANDLER on the 11th instant, as follows:

Resolved, That the Committee on Privileges and Elections be directed to inquire into the facts of the election held in the State of Alabama on the 6th of the present month of August, and to ascertain and report whether such election was full, fair, free, and honest, and resulted in the choice of a Legislature entitled to elect a United States Senator, and that said committee as a whole or by a subcommittee shall have power to send for persons and papers and sit during the approaching recess of Congress.

Mr. CHANDLER. I ask a renewal of the order of yesterday in reference to the resolution.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the resolution will go over retaining its place.

FINANCE COMMITTEE SERVICE.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Tennessee [Mr. HARRIS], coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. HARRIS, as follows:

Resolved, That the vacancy in the Finance Committee of the Senate occasioned by the death of the late Senator Vance be filled by the appointment of the Hon. STEPHEN M. WHITE, a Senator from the State of California.

Mr. MANDERSON. There will be no objection raised, I think, in the Senate to the consideration of the resolution this morning. I wish to say for myself and some others as to the stand which was taken yesterday that in it there was no measure of disrespect intended to the Senator from California whose name is mentioned by the majority side: Recognizing the ability and fitness of that Senator, there was in this matter no personal feeling toward him whatever, but it was deemed desirable that this important vacancy should not be filled without full deliberation on the part of the entire membership of the Senate.

Mr. HILL. I concur in the expression of the hope that the resolution may be passed without any opposition whatever.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

INEXPEDIENCY OF FURTHER REVENUE LEGISLATION.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from New York [Mr. MURPHY] coming over from a previous day. The Secretary will read the resolution.

The Secretary read the resolution submitted yesterday by Mr. MURPHY, as follows:

Resolved, That in view of the statement in the letter of the Hon. John G. Carlisle, Secretary of the Treasury, dated Washington, August 15, 1894, addressed to Hon. I. G. HARRIS, acting chairman of the Finance Committee, that the estimated surplus revenue for the year will not exceed $15,000,000, it is the judgment of the Senate that no further legislation or change in the revenue laws should be made at this session.

Mr. GORMAN. I ask that the resolution may lie over for a few moments. I desire to make a suggestion to the Senator from New York.

The VICE-PRESIDENT. Is there objection?

Mr. MANDERSON and Mr. PLATT. What is the request?

Mr. GORMAN. Simply to allow the resolution to lie over, not to lose its place, but to be called up in a few minutes.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. MANDERSON. It is to go over for a few minutes, I understand.

Mr. CHANDLER. What is the exact request?

The VICE-PRESIDENT. That the resolution may lie over temporarily, to be called up later. The Chair hears no objection, and it is so ordered.

REVENUE DUTY ON SUGAR.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Delaware [Mr. GRAY] coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. GRAY, as follows:

Resolved, That the Committee on Finance be instructed to report, without delay, to the Senate, the House bill No. 7971 referred to it, so amended as to provide for a revenue duty on all sugar without any differential duty on refined sugar.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. MANDERSON. I submit an amendment to the resolution, which I ask to have read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. Strike out all after the word "instructed" and insert:

To report back House bill 7971, providing for free sugar, with an amendment reënacting the bounty provisions of the act approved October 1, 1890.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Nebraska.

Mr. GORMAN and Mr. MILLS called for the yeas and nays, and they were ordered.

Mr. TURPIE. The amendment by its text combines two subjects. One is to exempt sugar from a tariff duty; the other is to pay a bounty on sugar under what is known as the McKinley act. I ask for a division of the question upon those two subjects.

Mr. MILLS. I ask to have the resolution read as proposed to be amended. Then we can understand it.

The SECRETARY. It is proposed to amend the resolution so as to make it read:

Resolved, That the Committee on Finance be instructed to report back House bill 7971, providing for free sugar, with an amendment reënacting the bounty provisions of the act approved October 1, 1890.

Mr. MANDERSON. Mr. President, I suggest that that is not a divisible motion. The bill that is in the hands of the Committee on Finance provides for free sugar. This is simply an instruction to the committee that it shall add to that bill the bounty of the McKinley act. I will ask that the amendment shall be again read, so that the matter can be clearly understood.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be again stated.

The SECRETARY. It is proposed to strike out all after the word "instructed" in the original resolution and insert:

To report back House bill 7971 providing for free sugar, with an amendment reënacting the bounty provisions of the act approved October 1, 1890.

Mr. MANDERSON. Mr. President, the words "providing for free sugar" are words of identification of the bill rather than anything else, and are mere surplusage. I will modify my amendment by striking out the words "providing for free sugar."

The VICE-PRESIDENT. The amendment will be so modified.

Mr. MANDERSON. So that the only instruction to the committee is that it shall report the bounty of the McKinley act.

Mr. GRAY. I should like to ask the Senator from Nebraska why, after his resolution has been so modified, it is still not divisible, inasmuch as it includes an instruction to report back a certain bill and also an instruction to report it back with an amendment? The instruction to report back House bill 7971 is a distinct instruction. That provides for free sugar. The amendment that it shall be so modified as to contain also a provision for a bounty is a distinct substantive matter which can be separated from it.

Mr. ALDRICH. I suggest to the Senator from Delaware that both his resolution and the amendment of the Senator from Nebraska provide for reporting the bill back. There is no division of sentiment about that. The only question is as to the nature of the instructions. The Senator from Delaware proposes one set of instructions and the Senator from Nebraska another. The question is simply about the nature of the instructions which shall be given.

Mr. GRAY. I will say to my friend from Rhode Island that I have not said that my original resolution was not divisible. It contained an instruction to report back a certain bill, which is a substantive matter, and in addition to report it back with an amendment striking off the differential in favor of the refiners.

Mr. MILLS. One resolution has reference to imported foreign sugar and the other has reference to domestic sugar; one is the bounty on domestic sugar and the other is the exemption from duty of foreign sugar.

Mr. GRAY. That is so.

Mr. MILLS. They are two as distinct propositions as could be made.

Mr. ALDRICH. There is no difference of opinion whatever as to the first branch of the resolution, and any discussion or vote upon it would be simply a waste of time, in my opinion. We agree upon both sides of the Chamber that the committee shall be instructed to report back the bill. The only question is what other instructions shall be given.

Mr. McLAURIN. Mr. President——

Mr. MANDERSON. There is nothing in the provisions of the amendment I have proposed that——

Mr. McLAURIN. I believe I have the floor, Mr. President.

The VICE-PRESIDENT. The Senator from Mississippi is recognized.

Mr. MANDERSON. I beg pardon.

Mr. McLAURIN. There are two questions presented in this resolution. One is whether the Senate will instruct the committee to report back the bill; the other is whether it will instruct the committee to report it back with an amendment. Those two questions ought to be so divided as to allow each Senator to vote on each according to his judgment. A Senator may desire to vote to have the bill reported back and not vote for the amendment. There are two questions propounded to him—one

whether he will vote to have the bill reported back, and the other whether he will have the amendment to it; so that the question is clearly divisible.

Mr. HILL. Will the Senator allow me to ask him a question?

Mr. McLAURIN. Certainly.

Mr. HILL. I ask how is the amendment to be reported back without the bill?

Mr. McLAURIN. The amendment can not be reported back without the bill. But the bill can be reported back without the amendment. This shows two questions: Whether the bill shall be reported, and whether it shall be amended. On one of these I want to vote in the affirmative, and on the other I want to vote in the negative.

Mr. HILL. You may report a bill without an amendment, but you can not report an amendment unless it relates to a bill or resolution.

Mr. McLAURIN. You can not report an amendment without a bill. That is true enough.

Mr. HILL. That is a necessary proposition.

Mr. McLAURIN. But there are two questions presented, the Senator from New York ought to understand. You have first to determine the question of whether you will report back the bill at all. Is not that one question propounded to the mind of every Senator? Then is it not a question to be propounded to every Senator whether, being reported, it shall or shall not be amended?

Mr. HILL. The question as to whether you report a bill back at all comes up after the amendment has been adopted.

Mr. McLAURIN. Not at all. The amendment can not be adopted until the bill is reported. It does not adopt the amendment to report the bill back with an amendment. The question would still be whether the Senate would adopt the amendment after the bill had been reported back with the amendment. There are two distinct questions.

Mr. HARRIS. I should be glad to have the amendment read again.

The VICE-PRESIDENT. The amendment will be again stated.

Mr. JONES of Arkansas. Let the resolution be read, and then let the amendment which is proposed to the resolution be read.

The VICE-PRESIDENT. The resolution will be read and the amendment proposed by the Senator from Nebraska.

The SECRETARY. The original resolution reads:

Resolved, That the Committee on Finance be instructed to report without delay to the Senate the House bill No. 7971, referred to it, so amended as to provide for a revenue duty on all sugar without any differential on refined sugar.

It is proposed to amend the resolution by striking out all after the word "instructed," in line 1, and inserting:

Report back House bill 7971 with an amendment reënacting the bounty provisions of the act approved October 1, 1890.

Mr. MANDERSON. Now, I submit that the resolution as proposed to be amended does not present any question that can be divided. It is not an instruction to the committee to report in any particular way the House bill that has come to the Senate, except that they shall add to it, however they may change its form, the bounty of the McKinley act. The sole question involved in the amendment is whether they will report the bounty of the McKinley act.

Mr. JONES of Arkansas. Will the Senator allow me to ask him a question?

Mr. MANDERSON. Yes.

Mr. JONES of Arkansas. As I understand, the Senator's proposition is to amend the resolution which is pending. The question to be voted on, then, is whether the instruction proposed by the Senator from Delaware shall be stricken out and the instruction suggested by the Senator from Nebraska inserted. That is one question to be voted on as an amendment, and after the resolution is amended, the Senate will vote on the resolution as amended. The question stands now on the amendment of the Senator from Nebraska pure and simple.

Mr. MANDERSON. That is right.

Mr. GRAY. Undoubtedly. If the resolution shall be amended, the question will be presented whether it is divisible or not.

Mr. MANDERSON. Exactly.

Mr. JARVIS. Mr. President, it does seem to me there ought not to be any trouble about this question. A resolution is introduced by one Senator. Another Senator moves to strike out and insert. The first question is whether we shall strike out. The Senator from Nebraska moves to strike out and insert certain other matter. The question is divisible in that the first question is on the motion to strike out the original resolution.

Mr. MANDERSON. If the Senator will allow me, the difficulty with that proposition is that under the rules of the Senate a motion to strike out and insert is not a divisible motion.

Mr. BERRY. Mr. President, if I understand the proposition of the Senator from Delaware, it proposes to instruct the Committee on Finance to report the bill in such a way as that there shall be no tax on refined sugar. The Senator from Nebraska moves to strike out that part of the resolution, and instruct the committee to report a provision in favor of a bounty. Those who vote for the amendment of the Senator from Nebraska will be in favor of a bounty and opposed to the instruction to the committee to report against a tax on refined sugar. As I understand it, I think the question will be very clearly put as between those who favor a bounty and those who favor the striking out of all protection in favor of the sugar trust.

Mr. HARRIS. Mr. President, the resolution of the Senator from Delaware instructs the Finance Committee to report a certain bill back with an amendment which shall provide for a revenue duty on sugar. That is one proposition. The amendment of the Senator from Nebraska proposes to strike from the original resolution that feature which provides for a revenue duty, and to incorporate into the bill a provision for a bounty on all domestic sugars. Here are two distinctive and conflicting propositions, the one directing the committee to report a duty upon sugar——

Mr. GRAY. Without a differential in favor of the refined sugar.

Mr. HARRIS. Without a differential, but a flat, square, ad valorem duty on all sugars.

Mr. ALDRICH. If the Senator will permit me, neither of these propositions provides for any differential in regard to refined sugar. There is no difference in the two propositions in that respect.

Mr. HARRIS. That cuts no figure whatever in my argument.

Mr. ALDRICH. In view of the remark made by the Senator from Arkansas, I desired that that should be distinctly understood.

Mr. HARRIS. There may be a little political capital in iterating and reiterating that idea. I care nothing for that. Here is a distinct proposition, to instruct a committee to report a bill back incorporating in it a revenue duty. That is one clear and distinct proposition. The amendment instructs the committee to report the bill back striking out the revenue duty feature, but requiring that an amendment shall be incorporated in the bill giving a bounty upon domestic sugars. There is another and a distinct proposition. If these two distinct and independent propositions are not divisible it is difficult for me to determine what question would be divisible.

Mr. PLATT. Mr. President, what is the question before the Senate? It is this: A proposition to amend a resolution by striking out from it certain words and inserting certain other words. Is that divisible? Is it a motion to strike out and insert. Is the resolution amendable? Clearly so. A motion to strike out and insert under our rules is expressly declared not to be divisible. There is nothing here to divide. The motion is to strike out certain words in the resolution and insert certain other words. That is all of the motion, and that is in order. It can not be divided.

Mr. GRAY. May I interrupt the Senator to ask him a question?

Mr. PLATT. Certainly.

Mr. GRAY. The rule, as I understand it, which forbids the division of the question to strike out and insert merely relates to dividing the direction to strike out from the direction to insert; but it does not at all touch the propriety of dividing a question which may otherwise be presented by the proposition.

Mr. PLATT. There is no other question before the Senate. The only question before the Senate is shall the resolution be amended by striking out certain words and inserting certain other words.

Mr. GRAY. I think with the Senator from Connecticut that perhaps the proper parliamentary procedure now would be to vote on the amendment, and, if the amendment is adopted, then the question whether the proposition is divisible will come up.

Mr. PLATT. That is certainly so; but this is a square issue, as has been stated by the Senator from Arkansas. The proposition is so to amend the resolution as that it shall carry a certain instruction, and that is an instruction for a bounty. We all understand that. If the amendment prevails, it will be an amendment to instruct the committee to report back the bill with a provision for a bounty. If it does not prevail, then the other proposition will carry.

Mr. MILLS. Mr. President, a good deal of confusion has been thrown around this very simple proposition. It is perfectly simple. The Senator from Delaware offered a resolution; the Senator from Nebraska offers to amend that resolution; and the question for the Chair to submit to the Senate is on the adoption of the amendment submitted by the Senator from Nebraska.

Mr. ALDRICH. That is all.

Mr. GRAY. That is right.

Mr. ALDRICH. There is nothing more to be said. The Senator from Texas has stated the whole question.

The VICE-PRESIDENT. The Chair holds that the vote should be taken on the amendment proposed by the Senator from Nebraska, and the amendment, in the opinion of the Chair, is not divisable. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. KYLE (when Mr. ALLEN'S name was called). The Senator from Nebraska [Mr. ALLEN] is paired with the Senator from New York [Mr. HILL] upon this question.

Mr. BERRY (when his name was called). I am paired with the Senator from Colorado [Mr. TELLER], but I transfer that pair to the Senator from West Virginia [Mr. CAMDEN], so that the Senator from South Dakota [Mr. PETTIGREW] and I can vote. I vote "nay."

Mr. ALDRICH and Mr. PLATT. The Senator from South Dakota is absent.

Mr BERRY. The Senator from South Dakota was in the chamber two minutes ago, and will be here to vote. He told me so. If he does not return I shall withdraw my vote.

Mr. GALLINGER. I did not understand the statement.

Mr. ALDRICH. The Senator from South Dakota is paired with some other Senator.

Mr. GALLINGER. As I understand the matter, the Senator from South Dakota is paired with the Senator from West Virginia [Mr. CAMDEN], and the Senator from South Dakota proposes to transfer that pair to the Senator from Delaware [Mr. HIGGINS].

Mr. BERRY. My colleague [Mr. JONES of Arkansas] is paired with Senator from Delaware [Mr. HIGGINS].

Mr. GALLINGER. That is all right, then.

Mr. BERRY. If the Senator from South Dakota does not come into the Chamber in time to vote I shall withdraw my vote.

Mr. BLANCHARD (when his name was called). I have a general pair with the senior Senator from Michigan [Mr. MCMILLAN]; but I have ascertained from his colleague that if present he would vote "yea;" and as that is my way of voting, I vote "yea."

Mr. QUAY (when Mr. CAMERON'S name was called). My colleague [Mr. CAMERON] is paired with the Senator from South Carolina [Mr. BUTLER]. If my colleague were here he would vote "yea" and the Senator from South Carolina, I presume, would vote "nay."

Mr. CAREY (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. MITCHELL], but with the consent of the Senator from North Carolina [Mr. RANSOM] I will transfer my pair to the Senator from Maine [Mr. HALE], and vote. I vote "yea."

Mr. GIBSON (when his name was called). On this question I am paired with the Senator from Montana [Mr. POWER], and in his absence withhold my vote.

Mr. HILL (when his name was called). On this question, at the request of the Senator from South Dakota [Mr. KYLE], I have consented to pair with the Senator from Nebraska [Mr. ALLEN]. If he were present I should vote "nay."

Mr. HUNTON (when his name was called). I desire to state that my colleague [Mr. DANIEL] is absent by leave of the Senate, and during the whole of his absence he is paired with the Senator from Washington [Mr. SQUIRE]. I vote "nay."

Mr. JONES of Arkansas (when his name was called). I have a general pair with the Senator from Delaware [Mr. HIGGINS], but I transfer that pair to the Senator from South Carolina [Mr. IRBY], and vote.

Mr. GALLINGER. It has been stated to me that the Senator from Michigan [Mr. MCMILLAN] is paired with the Senator from South Carolina [Mr. IRBY].

Mr. MCLAURIN. That pair was not transferred to the Senator from South Carolina, and there was no announcement of that kind.

Mr. GRAY. The Senator from Louisiana [Mr. BLANCHARD] stated, if I understood him correctly, that he would vote the same way as the Senator from Michigan [Mr. MCMILLAN] would vote, and said nothing about the transference of a pair.

Mr. BLANCHARD. I have the right to transfer the pair I I have with the Senator from Michigan [Mr. MCMILLAN], and since I have voted I have agreed to transfer that pair to the Senator from South Carolina [Mr. IRBY]. That is my right.

Mr. GRAY. I doubt the right to transfer a pair where there is no pair. There is no pair where Senators would vote the same way, and the Senator from Louisiana announced that the Senator from Michigan would vote the same way as he.

Mr. BLANCHARD. I have a general pair, and it is that general pair for the purposes of this vote that I have transferred to the Senator from South Carolina.

The VICE-PRESIDENT. The Chair desires to state that he has nothing to do with pairs. The question of pairs is a matter for each Senator to determine for himself. The Secretary will continue the call of the roll.

Mr. JONES of Arkansas. I have a general pair with the Senator from Delaware [Mr. HIGGINS]. If he were present I should vote "nay." As he is absent I shall not vote.

Mr. MCLAURIN (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. DIXON]. If he were present I should vote "nay."

Mr. MCPHERSON (when his name was called). I have a general pair with the Senator from Vermont [Mr. MORRILL]. If he were present I should vote "nay."

Mr. MARTIN (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. WASHBURN]. I do not know how he would vote. If he were present I should vote "nay."

Mr. MILLS (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were present he would vote "yea" and I should vote "nay."

Mr. PALMER (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH], with the reservation of the right to vote to make a quorum. I should vote "nay" if he were present.

Mr. PASCO (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present I should vote "nay."

Mr. PLATT. I desire to state that if my colleague [Mr. HAWLEY] were present he would vote "yea."

Mr. PASCO (when the name of Mr. POWER was called). I was requested to state that the Senator from Montana [Mr. POWER] is paired with the Senator from Maryland [Mr. GIBSON].

Mr. PUGH (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. HOAR]. I transfer that pair to my colleague [Mr. MORGAN], who is paired with the junior Senator from Pennsylvania [Mr. QUAY], so as to enable the junior Senator from Pensylvania and me to vote. I vote "nay."

Mr. QYAY. I vote "yea."

Mr. RANSOM (when his name was called). As stated by the Senator from Wyoming [Mr. CAREY], I have a general pair with the Senator from Maine [Mr. HALE]. With the consent of the Senator from Wyoming [Mr. CAREY] my pair is transferred to the Senator from Wisconsin [Mr. MITCHELL], and I have a right to vote. I vote "nay." If the Senator from Maine [Mr. HALE] were here he would vote "yea."

Mr. SHERMAN (when his name was called). I have an absolute pair with the Senator from Indiana [Mr. VOORHEES].

Mr. SMITH (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. DUBOIS]. If he were present, I should vote "nay."

Mr. TURPIE (when the name of Mr. VOORHEES was called). I wish to announce that my colleague [Mr. VOORHEES] is detained from the Chamber by serious indisposition. If he were present he would vote "nay."

Mr. WALSH (when his name called). I am paired with the junior Senator from Massachusetts [Mr. LODGE]. If he were present I should vote "nay."

The roll call was concluded.

Mr. GORDON. I am paired with the Senator from Iowa [Mr. WILSON]. If he were present I should vote "nay."

Mr. ALLISON. I wish to state that if my colleague [Mr. WILSON] were present he would vote "yea." I desire to ask how the pair of the Senator from Colorado [Mr. TELLER] stands?

Mr. BERRY. The Senator from Colorado is paired with the Senator from West Virginia [Mr. CAMDEN], so that both the Senator from South Dakota [Mr. PETTIGREW] and I can vote.

Mr. ALLISON. I merely desired to know, as I have a letter from the Senator from Colorado requesting a pair on this subject.

Mr. ROACH (after having voted in the negative). I have a pair with the junior Senator from California [Mr. PERKINS]. I did not know until after I had voted that he is absent from the Chamber. I therefore withdraw my vote.

Mr. BRICE. I have a general pair with the junior Senator from Colorado [Mr. WOLCOTT]. If he were present he would vote "yea" and I should vote "nay."

Mr. WHITE. I desire to state that if my colleague [Mr. PERKINS] were present he would vote "yea" on this proposition.

Mr. MCLAURIN. I ask if a quorum has voted?

Mr. COCKRELL. Let the pairs be read.

Mr. MCLAURIN. I understand that there is no quorum voting, and I reserved the right to vote to make a quorum. I vote "nay."

Mr. QUAY (after having voted in the affirmative). If that practice is to prevail I withdraw my vote, and a vote will be withdrawn on this side for every one voted on the other side.

Mr. MANDERSON. I simply desire to say that in order to secure a quorum this side is ready to make any reasonable sacrifice, but certainly a pair should not be broken that would change the result of a vote; and if it is to be the practice to ignore pairs and thus change the result of what would be the expression of the Senate in that way, there will be a general withdrawal of votes upon this side.

Mr. PALMER. The Senator from Nebraska seems to furnish the very information that I desired to obtain. I accept his statement, and I shall observe my pair, for I am exceedingly careful not to do what might be regarded as a violation of the rights of a Senator in his absence.

Mr. MCLAURIN (after having voted in the negative). I had the distinct understanding with my pair that on any occasion when it was necessary to make a quorum I should be allowed to vote. But as it is the desire of my political associates that I shall withdraw my vote, I will do so.

Mr. QUAY. Then my vote will stand.

Mr. COCKRELL. Let the pairs be read.

The VICE-PRESIDENT. The pairs will be announced as soon as it is possible to arrange them.

Mr. COCKRELL. Let the result be announced.

The result was announced—yeas 21, nays 20; as follows:

YEAS—21.

Aldrich.	Cullom,	Manderson,	Quay,
Allison,	Davis,	Mitchell, Oregon	Shoup,
Blanchard,	Dolph,	Patton,	Stewart.
Caffery.	Gallinger,	Peffer,	
Carey,	Jones, Nev.	Pettigrew,	
Chandler,	Kyle,	Platt,	

NAYS—20.

Bate,	Faulkner,	Hunton,	Ransom,
Berry,	George,	Jarvis,	Turpie,
Blackburn,	Gorman,	Lindsay,	Vest,
Cockrell,	Gray,	Murphy,	Vilas,
Coke,	Harris,	Pugh,	White.

NOT VOTING—44.

Allen,	Gordon,	McMillan,	Proctor,
Brice,	Hale,	McPherson,	Roach,
Butler,	Hansbrough,	Martin,	Sherman,
Call,	Hawley,	Mills,	Smith,
Camden,	Higgins,	Mitchell, Wis.	Squire,
Cameron,	Hill,	Morgan,	Teller,
Daniel,	Hoar,	Morrill,	Voorhees,
Dixon,	Irby,	Palmer,	Walsh,
Dubois,	Jones, Ark.	Pasco,	Washburn,
Frye,	Lodge,	Perkins,	Wilson,
Gibson,	McLaurin,	Power,	Wolcott.

Mr. GALLINGER. Now let the pairs be announced.

The VICE-PRESIDENT. The pairs will be announced as soon as the list is made up.

Mr. COCKRELL. Let the roll be called.

Mr. HARRIS. Logically that is the next thing in order, no quorum having voted.

The VICE-PRESIDENT. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Faulkner,	Lindsay,	Pugh,
Allison,	Gallinger,	McLaurin,	Quay,
Bate,	George,	McPherson,	Ransom,
Berry,	Gibson,	Manderson,	Roach,
Blackburn,	Gordon,	Martin,	Sherman,
Blanchard,	Gorman,	Mills,	Shoup,
Brice,	Gray,	Mitchell, Oregon	Smith,
Carey,	Harris,	Murphy,	Stewart,
Chandler,	Hill,	Palmer,	Vest,
Cockrell,	Hunton,	Pasco,	Vilas,
Coke,	Jarvis,	Patton,	Walsh,
Cullom,	Jones, Ark.	Peffer,	White.
Davis,	Jones, Nev.	Pettigrew,	
Dolph,	Kyle,	Platt,	

The VICE-PRESIDENT. Fifty-four Senators have answered to their names. There is a quorum present.

Mr. GORMAN. Evidently upon this question we have not a voting quorum present, and there has been some confusion about pairs. It is not possible to proceed with the resolution to-day, and I ask that it may go over without losing its place.

Mr. ALDRICH. Possibly in the course of two hours or an hour we may have a quorum here, and I suggest to the Senator from Maryland that this question go over for an hour——

Mr. GORMAN. I have no objection to letting it go over.

Mr. ALDRICH. And in the meantime——

Mr. COCKRELL. Let it go over temporarily.

Mr. ALDRICH. Temporarily.

Mr. GORMAN. Let it go over, with the understanding that we can call it up when there is a voting quorum, and take a vote on it.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland? The Chair hears none, and it is so ordered.

INEXPEDIENCY O ' FURTHER REVENUE LEGISLATION.

Mr. MURPHY. I call up the resolution submitted by me yesterday.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted by the Senator from New York [Mr. MURPHY], coming over from a previous day.

Mr. JARVIS. I ask the Senator from New York to yield to me for just a moment, in order to have a House bill passed which was reported favorably this morning by the Committee on Indian Affairs. It is a local matter, and will take but a moment.

The VICE-PRESIDENT. Is there objection?

Mr. GORMAN. I call for the regular order.

Mr. DOLPH. Regular order.

Mr. ALLISON. I object to the consideration of the bill at this moment.

The VICE-PRESIDENT. There is objection. The resolution submitted by the Senator from New York will be read.

The Secretary read the resolution submitted yesterday by Mr. MURPHY, as follows:

Resolved, That in view of the statement in the letter of the Hon. John G. Carlisle, Secretary of the Treasury, dated Washington, August 15, 1894, addressed to Hon. I. G. Harris, acting chairman of the Finance Committee, that the estimated surplus revenue for the year will not exceed $15,000,000, it is the judgment of the Senate that no further legislation or change in the revenue laws should be made at this session.

Mr. MURPHY. I modify the resolution so that it will read as I now send it to the desk.

The VICE-PRESIDENT. The resolution as modified will be read.

The Secretary read as follows:

Resolved, That in the opinion of the Senate the enactment of further legislation on contested matters at this session is impracticable and that Congress should adjourn at the earliest possible day.

Mr. MURPHY. I ask for the adoption of the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution of the Senator from New York as modified.

Mr. ALDRICH. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KYLE (when Mr. ALLEN'S name was called). If the Senator from Nebraska [Mr. ALLEN] were present he would vote "yea."

Mr. BERRY (when his name was called). I am paired generally with the Senator from Colorado [Mr. TELLER]. I transfer that pair to the Senator from West Virginia [Mr. CAMDEN], so that the Senator from South Dakota [Mr. PETTIGREW] and myself can vote. I vote "nay."

Mr. BRICE (when his name was called). I announce my pair with the Senator from Colorado [Mr. WOLCOTT].

Mr. FAULKNER (when Mr. CAMDEN'S name was called). My colleague [Mr. CAMDEN] is necessarily absent. If he were here he would vote "nay."

Mr. QUAY (when Mr. CAMERON'S name was called). I desire to say that my colleague [Mr. CAMERON] is paired with the Senator from South Carolina [Mr. BUTLER] upon all questions. I do not know how either Senator would vote upon this question.

Mr. ALDRICH. I understand that the Senator from South Carolina [Mr. BUTLER] is paired with the Senator from Delaware [Mr. GRAY] on this question.

Mr. GRAY. He is. That is a fact.

Mr. QUAY. That may be.

Mr. CAREY (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. MITCHELL]. I transfer my pair to the Senator from Maine [Mr. HALE], with the consent of the Senator from North Carolina [Mr. RANSOM], and I will vote "yea."

Mr. GRAY (when his name was called). Just before the departure of the Senator from South Carolina [Mr. BUTLER], who was called from the city, he asked me to pair with him on this question, and I stand paired with him. If he were present I should vote "nay" and he would vote "yea."

Mr. PLATT (when Mr. HAWLEY'S name was called). My colleague [Mr. HAWLEY] is absent. If he were present he would vote "yea." He is paired with the Senator from Florida [Mr. PASCO].

Mr. HILL (when his name was called). I am paired with the junior Senator from Nebraska [Mr. ALLEN]. If he were present I understand he would vote "yea," and I should vote "nay."

Mr. HUNTON (when his name was called). My colleague

[Mr. DANIEL] is paired with the Senator from Washington [Mr. SQUIRE]. I vote "nay."

Mr. MCLAURIN (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. DIXON]. If he were present I should vote "nay."

Mr. MCPHERSON (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL]. If he were present I should vote "nay."

Mr. MARTIN (when his name was called). I again announce my pair with the junior Senator from Minnesota [Mr. WASHBURN]. I do not know how he would vote. I should vote "nay" if he were present.

Mr. MILLS (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were present he would vote "yea" and I should vote "nay."

Mr. PALMER (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH]. I should vote "nay" if the Senator from North Dakota were present.

Mr. PASCO (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present I would vote "nay."

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. That pair has been by myself and the Senator from Wyoming [Mr. CAREY] transferred to the Senator from Wisconsin [Mr. MITCHELL]. I vote "nay." If the Senator from Maine were here he would vote "yea."

Mr. ROACH (when his name was called). I am paired with the Senator from California [Mr. PERKINS].

Mr. SMITH (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. DUBOIS]. I am informed that if he were present he would vote "yea," and consequently I shall vote. I vote "yea."

Mr. WALSH (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE]. If he were present I should vote "nay."

The roll call was concluded.

Mr. GORDON. I am paired with the junior Senator from Iowa [Mr. WILSON]. If he were present I should vote "nay."

Mr. PASCO. My colleague [Mr. CALL], who is absent from the city, is paired with the Senator from Vermont [Mr. PROCTOR]. If my colleague were present he would vote "nay."

Mr. WHITE. I desire to state that my colleague [Mr. PERKINS] if present would vote "yea" on this proposition. He is paired with the Senator from North Dakota [Mr. ROACH].

Mr. ROACH. Under the circumstances I feel entitled to vote. I vote "yea."

Mr. JONES of Arkansas. I am paired with the Senator from Delaware [Mr. HIGGINS]. If he were present I should vote "nay."

Mr. MITCHELL of Oregon. I was requested to announce that the Senator from Montana [Mr. POWER] is paired with the Senator from Maryland [Mr. GIBSON]. If the Senator from Montana were here he would "yea."

The result was announced—yeas 27, nays 16; as follows:

YEAS—27.

Aldrich,	Davis,	Manderson,	Pugh,
Allison,	Dolph,	Mitchell, Oregon	Quay,
Blanchard,	Gallinger,	Murphy,	Roach,
Caffery,	Gibson,	Patton,	Shoup,
Carey,	Gorman,	Peffer,	Smith,
Chandler,	Jones, Nev.	Pettigrew,	Stewart.
Cullom,	Kyle,	Platt,	

NAYS—16.

Bate,	Coke,	Hunton,	Turpie,
Berry,	Faulkner,	Jarvis,	Vest,
Blackburn,	George,	Lindsay,	Vilas,
Cockrell,	Harris,	Ransom,	White.

NOT VOTING—42.

Allen,	Gray,	McMillan,	Proctor,
Brice,	Hale,	McPherson,	Sherman,
Butler,	Hansbrough,	Martin,	Squire,
Call,	Hawley,	Mills,	Teller,
Camden,	Higgins,	Mitchell, Wis.	Voorhees,
Cameron,	Hill,	Morgan,	Walsh,
Daniel,	Hoar,	Morrill,	Washburn,
Dixon,	Irby,	Palmer,	Wilson,
Dubois,	Jones, Ark.	Pasco,	Wolcott.
Frye,	Lodge,	Perkins,	
Gordon,	McLaurin,	Power,	

So the resolution as modified was agreed to.

REMOVAL OF SUGAR DUTIES.

Mr. LINDSAY. I offer the resolution which I send to the desk.

The VICE-PRESIDENT. The resolution will be read for information.

The Secretary read as follows:

Resolved, That it is the sense of the Senate that this Congress should not adjourn until a bill shall have been passed removing and discontinuing all import duties on refined or discolored sugars that operate directly or indirectly for the benefit of the so-called sugar trust.

Mr. MANDERSON. I move to amend the resolution by inserting the following words:

And that the Committee on Finance report with all possible speed the amount of profit or revenue derived by the tariff bill now in the hands of the President to the whisky or alcohol trust.

Mr. GRAY. All right. I hope the Senator from Kentucky will accept the amendment.

Mr. SHERMAN. Mr. President, I wish to indulge in a little plain talk. Our friends upon the other side——

Mr. COCKRELL. Mr. President, let us have order in the Senate, so that we can hear what the Senator from Ohio says.

Mr. LINDSAY. I ask for the present consideration of the resolution which I have offered.

The VICE-PRESIDENT. Order must be preserved in the Chamber. As soon as order is restored the Chair will recognize the Senator from Ohio.

Mr. COCKRELL. Let us have order. One can not hear a word.

Mr. QUAY. I object to the further consideration of the resolution.

The VICE-PRESIDENT. The Senator from Ohio has been recognized as entitled to the floor, and he will proceed.

Mr. SHERMAN. Our friends upon the other side of the Chamber have given us examples of what they call plain talk, but I hope I shall not have occasion to say anything that will be displeasing to any Senator, nor to criticise the conduct of anyone except as a pure party question.

I recognize the ability of the honorable Senators who had charge of the tariff bill and the subject-matter of this very resolution. They have evinced great ability, great energy, and great industry. Two of the members of that committee being on other committees and not heretofore engaged in financial legislation labored under some disadvantage; but we will all concur on both sides of the Chamber that they evinced great ability, tact, and judgment. But they made three essential and vital mistakes, and whether they are chargeable for those, or the party to which they belong, is a question that it is not for me to solve.

The first mistake is that they undertook to pass the bill through the Senate of the United States without any conference with the Finance Committee of the Senate, the bill was referred to that committee, it is true, but the Committee on Finance was never called in a single session to act upon the bill. It was adopted by the Democratic members of that committee as a pure party matter, and withheld from the consideration of an almost equal number of Republican Senators, members of that committee. Thus there were necessarily created in the Democratic party the dissensions that usually occur among the members of the same party when they are left to deal alone with a political measure. That was the first mistake they made.

Then another mistake equally great was that when you, sir, performed your duty according to the usages of the Senate and placed upon the committee of conference three Republicans and four Democrats. The Democratic conferees neglected to call upon their associates to participate in the examination of the bill or to participate in the examination of the six hundred and odd amendments that were adopted in the Senate. The result was that it continued to be during all the examination a party question between the factions of the Democratic party. The Republican party, confessedly a strong and powerful organization, well represented on this floor, was represented on that committee by two able Senators familiar with tariff legislation, my friend from Iowa [Mr. ALLISON] and the Senator from Rhode Island [Mr. ALDRICH], and myself. We were not allowed in any way to contribute to or take any part in the conference on which we were appointed.

It is certain that if the seven Senators instead of the four had met in conference together there would have been less discord and less contention. The minority of the conferees would have readily yielded to the will of the majority after the Democratic members had heard what we had to say on the various amendments and disagreements. If there had been a meeting of the conference upon the tariff bill the difficulties in which we are now very seriously involved would not have occurred.

Mr. President, these were radical mistakes. I do not, as I say, blame the gentlemen who participated in making them, because I have no doubt they were controlled by the action of their party. Indeed, from what the newspapers say, we know that they had caucuses upon the bill and the controverted amendments.

Sir, no bill upon which there is a substantial disagreement in the Senate or the House could ever pass if it is submitted to that kind of consideration. Nothing tends to solve questions and remove difficulties as much as conferences in committee between opposing political forces. They get together, and in the end the conversations conducted in the quiet of the committee room tend to promote peace and bring the two parties together.

But there was never any such consideration of the bill by the Committee on Finance, or by the representatives of the Republican party, either in the Senate or on the conference. That is clear.

Now, Mr. President, we are involved in a good many difficulties——

Mr. VEST. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. VEST. I beg pardon; I thought the Senator was through.

Mr. SHERMAN. If I say anything that my friend does not agree with me in, I yield to him with pleasure.

There is another very radical error which was made in the committee of conference itself when they met together. According to the statement made by Senators here there were over six hundred amendments in conference between the two Houses. The great body of those amendments were upon comparatively unimportant matters, but they related at the same time to some important questions, and there was some little disagreement between the two bodies.

It is certain that if the bill had been treated in the usual way, by going through the whole of the six hundred or seven hundred amendments, most of them would have been settled by the concurrence of both parties, either by splitting the difference or in the various modes by which conferences are brought to an agreement. If the conference had gone through and agreed to all those amendments that were not really contested they would have cleared away all the rubbish from the bill. But instead of that, according to the statement of the honorable Senator from Missouri [Mr. VEST], they undertook first to deal with the most difficult question of all, and that was the sugar question, and being divided upon that question, they made no progress whatever and took no definite action on this great multitude of amendments.

If the committee of conference had reported upon those six hundred and odd amendments an agreement as to four hundred or five hundred of them, a matter which the Senator from Missouri knows could easily have been done, they would have been swept out of existence, and then there would have only been brought to the Senate and House a few contested subjects-matter, and they would have been settled by the separate vote of the two Houses, the Senate receding from some and the House agreeing to others. In that way only, as the Senator from Missouri [Mr. COCKRELL] will recognize, can all the difficulties that go into conference be adjusted. In that way the long appropriation bills are passed.

Now, these three vital mistakes were made by the other side of the Chamber. First, they never consulted the Republicans in the consideration of the bill before the committee. Second, they never allowed the Republican conferees to participate in their conference; and, third, they reversed the whole manner and order by which agreements are brought about by committees of conference. These are matters not chargeable to individual persons, but what has been the result? The result has been that the House was compelled to agree to a vast number of amendments from which the Senate would have receded or else defeat the bill. In this way the bill, although carefully handled, contains from fifty to one hundred amendments that will create embarrassment and trouble. Several of them have already been discovered. Four or five of them are now attempted to be remedied by bills introduced before the tariff bill has become a law. I think no such example as that exists in the history of the country, where four or five bills are brought in to amend a bill that has not yet been signed by the President. When did that ever occur before? And how could it have occurred, except for this manner of conducting the business?

There is another thing. One amendment has crept into the bill by the consent of both parties, and both parties are responsible for it, that will sacrifice the revenues of the Government to the amount of from $10,000,000 to $20,000,000 a year. It is in the provision of the bill in regard to alcohol. The Senator from Massachusetts [Mr. HOAR], while I was present and scarcely knew what was going on, stepped forward to the center of the aisle, and there said he wanted to offer an amendment, and he offered the amendment contained now in section 94½, on page 229, of this print of the bill:

> Any manufacturer finding it necessary to use alcohol in the arts, or in any medicinal or other like compound, may use the same under regulations to be prescribed by the Secretary of the Treasury, and on satisfying the collector of internal revenue for the district wherein he resides or carries on business that he has complied with such regulations and has used such alcohol therein, and exhibiting and delivering up the stamps which show that a tax has been paid thereon, shall be entitled to receive from the Treasury of the United States a rebate or repayment of the tax so paid.

The question of relieving dealers in alcohol who use it in the arts has been the subject of controversy ever since the internal-revenue system has been founded, and really no feasible plan has ever been devised to allow the use of alcohol for the arts without greatly impairing the tax on spirits. The attempt has been made and it has always been defeated.

Mr. CULLOM. Will the Senator answer the question whether, if alcohol used in the arts could be safely exempted from tax by the bill, it ought not to be done?

Mr. SHERMAN. That may be or it may not be the case. I do not want to discuss that point; but certainly the attempt to do it has always failed, because you could not exempt alcohol used in the arts without exempting all the spirit tax. Here is the RECORD, which shows that the Senator from Massachusetts never offered the proposition expecting it to be adopted in that shape as a part of the law. He only offered it as a tentative proposition, to give jurisdiction to the conference committee to act upon the subject; and he so says, and it was received by the honorable Senators on the other side in that way. Let me read what he said. After a very few remarks this is the end of the colloquy which led to the adoption of the amendment:

> Mr. HOAR. If the Senators having charge of the bill are willing to let the amendment go in, so that the subject will be in their power, I will say for one that I shall not only not oppose it, but I shall support them in striking it out and make no complaint if, either on consulting with the authorities of the Treasury or on further consideration themselves, they find that it is not practical.

The Senator from Massachusetts said he would vote cheerfully against it, but he wished the conferees to consider the matter when it was referred to them.

> Mr. JONES of Arkansas. I have no objection to that.

The Senator from Arkansas having previously shown an opposition to the amendment, but the proposition being simply to refer it to the conference committee, he said: "I have no objection to that."

> The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Massachusetts.
> The amendment was agreed to.

The amendment was agreed to *nem. con.*

Many Senators, myself included, did not know the scope of the proposition and regarded it as a mere suggestion, to be dismissed by the conferees.

Now, if the committee had gone on in the usual way, both sides would have agreed in striking out this provision. But they did not do it, or if they did go so far as to agree or disagree on these points, the agreements were not reported to the Senate or the House.

That provision creates a very grave trouble. It is certain that this provision will greatly impair the revenue from spirits. The Commissioner of Internal Revenue estimates that it will lose $9,000,000 to the Government the first year. What can be done? We have 250,000 licensed liquor dealers in this country. We have more than 40,000 authorized druggists who make drugs, etc. All they have to do is to mix with alcohol or spirits ginger, quinine, or some so-called medicinal compound to secure a refund of the tax.

It is just as certain as it possibly can be that under the loose language of the bill as it now stands practically the greater part of the revenue from whisky will be destroyed. I know that the gentlemen who composed the conference committee never would have agreed to that provision, but it was placed in the bill and the amendments of the Senate were adopted by the House *nem. con.*, by the wholesale, by the hogshead, I may say, all at one vote. As a matter of course it is now to be dealt with by the Senate and House and corrected as seems to be best; and a bill has been sent here for that purpose.

So I might go over a great many other items, and refer to this question of sugar, and others, but I do not intend to do it. I merely wish to point out that the Democratic party have, in their mode of conducting this kind of legislation, placed themselves under a disadvantage, and they will be called upon not only during the brief remainder of this session, but through all the next session, over and over again, to correct inaccuracies in verbiage, in language, in rates, in classification.

Sir, at the very beginning it will be necessary to refer the law back to the two Houses in order to correct the mistakes that have been made. I have here a list of twenty or thirty mistakes which are palpable, that I could easily point out. For instance, the very date of the bill is wrong. The bill declares that it shall take effect on the 1st of August, and the President is away and will not sign it until probably the last of August, if he signs it at all. There are a good many incongruities, but I have not time now to point them out.

Mr. PALMER. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. PALMER. It has been suggested to me, what difference does it make that the date on which the bill is to take effect is past? Will not the act take effect after its passage?

Mr. SHERMAN. The bill is retroactive by its terms. The

provisions of some parts of the bill take effect at a future period. The Senator will see the difficulty if he will look over all these various matters. I have not time to do so. I have no doubt my friend from Iowa [Mr. ALLISON] could answer his question by giving a dozen or more cases where embarrassments occur growing out of the date.

Mr. PALMER. If the Senator will pardon me, I will say that my attention is directed to the single point that the bill is to take effect from the 1st of August. I had supposed that a bill is something like a deed, and that the date is immaterial, and that the time of the approval of the bill would be the true time of its taking effect.

Mr. SHERMAN. But the law itself declares that it shall take effect upon a prior date. Then the question arises whether Congress can pass a retroactive law.

Mr. PALMER. I think there is no such question involved. I think the law takes effect from and after its passage.

Mr. SHERMAN. The very first clause of the bill says "that on and after the 1st day of August."

Mr. PALMER. But it was not the law on the 1st of August, and it could not be. I suppose it is like a deed; it might be dated a year in advance of its delivery. I suppose a deed would take effect from its delivery, and that a law would take effect from and after its passage, whatever might be said in the law itself as to the date of its taking effect.

Mr. SHERMAN. In some cases the date is made very important. I do not wish to go into this matter, because it would lead me into details. I could give details undoubtedly and show that there are many cases in the bill where the enactment was not intended by the Senate. For instance, innumerable amendments were put on by Senators on both sides of the Chamber, merely, as the Senator from Massachusetts did in his case, to give the committee of conference a chance to think of the matter, and they are all adopted, whatever may be their language or the incongruity with other parts of the bill.

Mr. PLATT. If the Senator from Ohio will allow me, while the matter of date is under consideration, I wish to make a suggestion. When the bill says that from the 1st of August last certain duties shall be collected, if in the mean time the importer has paid higher duties under the old law, will he not be entitled to a rebate, so as to have the duties made according to the present law for what he has paid between the 1st of August and the time of the approval of the bill by the President?

Mr. PALMER. If the Senator from Ohio will allow me to interrupt him for a moment in regard to the remark of the Senator from Connecticut—I understood the Senator from Ohio to decline to go into that subject, and therefore I do not myself propose to go further.

Mr. SHERMAN. Now, Mr. President, I have here a letter, an official statement made in regard to the results of this unfortunate provision. It says:

The Hostetter Bitters Company, of Pittsburg, put up Hostetter's bitters having a spirit strength of about 65 per cent.

Not very far from alcohol strength.

They use in the neighborhood of two carloads of high-proof spirits per month, which would amount to about 140,000 gallons per year, upon which they would be entitled to a refund amounting to $154,000 per year. While this is one of the leading firms of the country engaged in this business, there are many more of equal magnitude, and thousands of less importance, who would become claimants for refund of taxes under the section for free alcohol in the arts, etc.

There is one establishment in Philadelphia, I am told, that consumes 5,000 gallons of alcohol every week; there are numbers of large establishments all over the country; there are establishments in Cincinnati making patent medicines; and under the provisions of the bill which has been passed all that it is necessary for them to do to escape the payment of the tax is to make an alcoholic compound and give it some high-sounding name. I have no doubt the Senate on both sides will concur in correcting this mistake.

Mr. CHANDLER. I will ask the Senator whether it would not be a great deal better to repeal and cancel the whole bill, instead of undertaking to tinker it in this way at this late hour of a session about to expire?

Mr. SHERMAN. The Senator and I no doubt would agree that it would be well to do that, but we can not do it. What will be done I have no doubt will be to tinker it.

Mr. CHANDLER. There is a majority, I think, of the Senate to-day in favor of repealing the whole bill, and why should we not repeal it and send the repeal bill to the House of Representatives?

Mr. SHERMAN. I will make one of a majority, if such can be found, to do that, but I do not know whether we can do it or not.

Mr. MANDERSON. I should like to ask the Senator, with his permission, whether he is not very fully convinced that the reason why the bill did not come back to the Senate by the usual parliamentary processes was because the Senate would have repudiated its own bill by a vote?

Mr. SHERMAN. That may be so; I do not know. I am not a prophet of what has not been.

Mr. President, in what is called the crockery schedule of the tariff bill, the Committee on Finance, in the first place, reported in favor of an increase of the duties on certain classes of crockery above the rates fixed by the House of Representatives.

Afterwards, by the action of the Senate, the rates on certain grades of crockery were reduced below the rates fixed by the House of Representatives. It has been shown by petitions from various persons interested in the industry that that action would be utterly destructive to the crockery industry, not only in New Jersey, where large interests exist, but in Ohio, and all over the country. I have no doubt, if the committee of conference had acted upon the crockery schedule, they would have advanced the rates rather than have lowered them. Now, those engaged in that character of business, which has been so unjustly dealt with, will probably suspend their operations until this can be corrected.

There is another thing to which I desire to refer. The President of the United States has been consulted about the tariff, and a letter of his on this subject has been read. In my judgment it is not within the constitutional power or duty of the President of the United States to have anything to do with framing the details of a tariff bill. By the established custom of all his predecessors the policy of protection and the policy of free trade have been freely discussed, but no President heretofore has ever interfered with the details of a tariff bill, and Congress has always been jealous of the power of the President in relation to financial questions. Therefore it is that the Secretary of the Treasury is required to make his reports directly to Congress. He does not make his reports in regard to the finances to the President, but they are sent to Congress. So it is to the Secretary of the Treasury that we must appeal for information on such subjects, and the Secretary is compelled to obey our will.

We can summon him before us and examine him under oath. When I was Secretary of the Treasury I was examined several times before committees of Congress, though I was not put under oath. The Secretary of the Treasury may be examined like any other witness; he may be called before the committees of the Senate or House of Representatives and freely examined, and conferences of this kind with the executive officers of the Government have had a tendency to smoothe the way of legislation, and the advice which the experience of the officers of the Treasury Department has enabled them to give to Congress has been beneficial. Therefore it was the right of the committee not only to ask Mr. Carlisle for information, but to require it, if necessary, and there ought to be no criticism on that ground. It is the bounden duty of the Secretary of the Treasury under the law to appear when called upon and be examined either in person or in writing.

As to the various amendments which are now proposed, most of them should be adopted in the face of the declaration made by Mr. Carlisle, who is the responsible head of the Treasury Department. If I shall be here at the time the vote is taken I shall unquestionably vote in favor of a straight ad valorem duty on sugar. I know, as a matter of course, that the party to which I belong is committed to free sugar. If we had a Republican Administration still in power I believe the revenues of the Government would probably have been sufficient to pay the current expenses. The difficulty is that from the very moment this Administration came into power business men became alarmed. Whether justly or unjustly, they were alarmed by the surrounding circumstances. The incoming Administration was known to favor a sharp reduction of duties, and therefore importations were stopped.

As to the other two bills which are pending, I certainly would vote against the bill in regard to iron ore. If iron ore should be made duty free it would operate in favor of no part of the people of this country, but in favor of Canada and probably a few persons who import pig iron from Cuba or from Africa.

Mr. GRAY. I call the attention of the Senator from Ohio to the fact—I do not know how it is in his part of the country—that upon the Eastern Atlantic slope all the iron furnaces demand free ore. They mix it with the ore produced in this country, in Pennsylvania, in Alabama, and in Tennessee.

Mr. SHERMAN. We have in the Lake Superior country the largest body of iron ore in the world. Already that industry, which is only ten or fifteen years old, has been developed so that its output now amounts to more than ten million tons, an amount so great that you can hardly conceive of it. That has furnished a business scattered all over our Northern boundary. The ore which is the best probably for making steel of any in existence is the Lake Superior ore. This industry now gives employment

I do not know to exactly how many, but probably to fifty or sixty thousand active men engaged in the business of smelting and converting the iron into rails. The result has been that the price of ore and of rails has gone down more and more. Only a little while ago steel rails were worth $100 a ton; now they are sold as low as $23 or $24 a ton; and that has been brought about by the development of our own industry. Will Senators on the other side, to carry out some visionary theory of free trade, break down that industry which gives employment to thousands of men?

So it is with coal. If I were looking simply for the interests of the State of Ohio, I should be in favor of free coal. Why? Because we export more coal to Canada than can be imported from Novia Scotia to New England. We send a million tons of coal into Canada to supply all that country from Montreal clear west to Winnipeg. At the same time I believe the principle of protection which has been applied in the past ought to be adhered to, and the people of West Virginia and other portions of the country who are supplying coal and iron in competition with Nova Scotia ought to have at least a reasonable rate of duty to compensate for the difference in the rate of wages and cost of transportation between Nova Scotia and Boston.

I believe the Senate, when it comes to act upon the question, will be found to be in favor of the present duty of 40 cents a ton upon this article; but I said I should not discuss these matters of detail, nor shall I.

Mr. President, I think the present tariff bill, if it can be got into running order, after a good many amendments have been made to it, will yield revenue enough to pay the expenses of the Government.

We have heard a great deal of talk about free trade, and yet the McKinley law admitted free 54 per cent in value of all the goods imported from foreign countries into this country; and the bill which has been passed, called a free-trade bill, will probably admit only about 40 per cent. In every respect in which I have been able to contrast the two measures, the McKinley act and the mongrel bill which has gone to the President, I feel bound to say that as a revenue measure the McKinley act would have been ample, and if it had been continued this country would have had a greater era of prosperity than ever before. More than one-half of all the goods brought into the country under the McKinley act were duty free. No doubt many duties were increases, but they were made in order to build up our own industries. The great enlargement of domestic manufactures and farm products justified the hopes founded upon the McKinley act.

The only possible effect the bill which has passed can have will be to destroy or paralyze our industries by the importation of foreign articles of production at a lower rate of duty. If the revenue should be increased on account of the increased importations, it would be at the cost and sacrifice of our domestic industries, which would be brought into closer and sharper competition with the industries in other countries. The worst result of this act will be the enforced reduction of wages in this country and the inevitable strikes and labor contests which it will cause.

Under the circumstances, I most heartily concur in the resolution which has been adopted by the Senate. The sooner we adjourn the better. After a long period of almost continuous session, now running into a year, it is utterly idle, if the President signs the bill which has been passed, for us to attempt now to tinker or to deal with it.

It will need far more tinkering and dealing with than merely the three or four items named in the amendments which are before us. Every day's examination, every day's consideration of that bill by the officers of the Treasury Department, who naturally favor it, will point out inconsistencies which should be corrected. The first bill which ought to be introduced at the next session of Congress should be either a bill to repeal the bill which has been passed or to amend it in probably fifty or sixty particular items.

Believing that to be so, I think the best course to pursue is to act in accordance with the resolution of the Senator from New York—to go home, see our constituents, consult with them, and come back here prepared to tinker up and amend the bill which has just been passed and is now awaiting the action of the President.

Mr. GRAY. Mr. President, whatever may be the political fortunes of this body and the other House of Congress as determined by the election to be held this fall or in future elections, there is one thing which I think may be safely predicted, which will be agreed to by any careful observer of political events, that no tariff law like the McKinley law, no high-protective measure such as the McKinley law, will ever again gain for itself a place upon the statute books of the United States. There is one thing which is absolutely certain, it seems to me, if certainty can be predicated about human action and human opinion, which the past winter and past spring have demonstrated, and that is that the people are heartily tired of all tariff schemes which produce and bring about, as the McKinley law has brought about, such scenes as have been witnessed in this body and in the other during the last six months. They have found out that privilege dies hard.

Entrenched, as it is, by long continuance, accumulated wealth, great intelligence always ready to be suborned in its service, trained advocates always ready to appeal for it, it has been able, as I knew and those who had thought about this subject knew it would be able, to make a stubborn, desperate, hard fight to hold on to the advantages which it had possessed for so many years, and to still retain the privilege of levying tribute upon the labor and industry of this country.

The Senator from Ohio [Mr. SHERMAN] spoke of the McKinley law as a law under which nearly one-half of the imports into this country came in duty free.

Mr. SHERMAN. More than one-half.

Mr. GRAY. More than one-half. He spoke of it as a law which produced the largest measure of free trade which had obtained in this country for many years. How was that brought about? By putting on the free list the one article of sugar, which had been annually producing more than $60,000,000 of revenue, every dollar of which had gone into the Treasury of the United States, so as to make room to impose duties under which $9 out of every $10 went, not into the Treasury of the United States, but into the pockets of the privileged few and the favored classes in whose interests the duties had been imposed. That is the difference between the McKinley law and the law framed upon a policy which is opposed to taxing the many for the benefit of the few.

Mr. President, I am in favor of the bills which have been brought from the House of Representatives. I am in favor of free iron ore and of free coal. Why should the ironmasters of the Atlantic Slope be made to pay tribute to those who are so fortunate as to have discovered and to own those great iron deposits of the Lake Superior region? The Senator from Ohio has asserted that as a sufficient reason why the people engaged in smelting iron ore on the Atlantic coast should not be allowed to buy iron ore where they can buy it cheapest because, forsooth, there have been discovered these great deposits of bountiful nature to which he says these people should pay tribute.

If they are fortunate enough to own these great deposits of iron ore, in Heaven's name ought they not to be content with Heaven's bounty, and not seek in addition to levy a tribute upon struggling industries in other parts of the country. Why should these industries be compelled to forego the cheaper Mediterranean and Cuban ores to mix with theirs, and compelled to buy the ores whose transportation costs them so much more than those which they naturally could obtain?

Therefore, in the interest of the iron industries, in the interest of fair play, in the interest of morality, of justice, I am in favor of exempting this great raw material of industry from any taxation and from any restriction, so as to enable it to be used freely for the employment of labor.

I have heard, and I believe it is true, that a single steel industry in the United States when it was in full operation paid $1,000 a day duty on the ore which they were compelled to import in order to mix it with the domestic ores to produce the result which they desired. I say that is an infamous outrage upon that industry, which had the right to employ its capital and to employ its labor to the greatest advantage, and in order that it might seek its profit in a way which seemed to it best and most likely to secure it. Free raw materials are in the interest of the labor of the country.

So, Mr. President, I am in favor of free coal, not because I think free coal bears the same relation to the industries as free iron ore and free raw material, because in one sense free coal is not to be classed as a free raw material. When it comes from the mine it is ready for consumption; it has already been produced in the state in which it goes to the final user, but it does enter into manufacturing expenses, not to so great a degree as the raw material which is worked up in other forms, but it is an item; and I would strike from it, as I would from every other article, the duty which is taxed merely for the sake of protection and not taxed for revenue. Therefore, not only would I lower the duty, as the bill already passed both Houses does lower the duty on coal and iron nearly one-half of what it was in the McKinley law, but I would make both absolutely free. I want to unshackle the labor and industry of the country, and I believe we are bound to continue to make progress in that direction.

Mr. PLATT. Mr. President, the debate of the last two or three days on the opposite side of the Chamber has been provocative of reply upon this. We have not desired further to debate this general question at the present time, and I should not rise now were it not for the purpose of replying in a word

to the challenge of the Senator from Delaware, that no such protective law as the McKinley law would ever again be put upon the statute books of this country, whatever the result of the fall elections might be.

I desire to say to that Senator that this triumph of free trade, which has been brought about by the methods and in the way in which the tariff bill has been passed, will be short lived, in my judgment; that the time which has elapsed since the principle of protection was declared to be unconstitutional and the time which this act must necessarily run as a law will be quite sufficient for the people of the United States, and they will be entirely ready to return, and anxious to return, to the principle of protection to American industries and American labor, which, with a few exceptions, has been a part of our history for more than a century.

There has been an object lesson, Mr. President, and the people who have been deceived hitherto by the professions and the jugglery of the party which desires to establish free trade in this country have had their eyes opened. I am quite willing to leave the question of whether we are to have protection or free trade to the voters of this country.

Mr. LINDSAY. Will the Senator allow me?

Mr. ALDRICH. I suggest there is no quorum of the Senate present. In that connection I will say that I think one or two Senators have come in since the vote was taken upon the resolution of instructions offered by the Senator from Delaware [Mr. GRAY], and I believe a roll call will bring a quorum into the Chamber.

Mr. LINDSAY. I believe I was recognized.

The VICE-PRESIDENT. The Senator from Connecticut [Mr. PLATT] is entitled to the floor.

Mr. ALDRICH. I supposed that my suggestion that no quorum was present could be made at any time.

The VICE-PRESIDENT. The Senator from Rhode Island suggests the want of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dolph,	McLaurin,	Pugh,
Allison,	Gallinger,	McPherson,	Quay,
Bate,	George,	Manderson,	Ransom,
Berry,	Gibson,	Martin,	Roach,
Blanchard,	Gordon,	Mills,	Sherman,
Brice,	Harris,	Mitchell, Oregon	Shoup,
Caffery,	Hill,	Murphy,	Smith,
Cameron,	Hunton,	Palmer,	Stewart,
Chandler,	Jarvis,	Pasco,	Turpie,
Cockrell,	Jones, Ark.	Patton,	Vest,
Coke,	Jones, Nev.	Peffer,	Vilas,
Davis,	Lindsay,	Platt,	Walsh.

The VICE-PRESIDENT. Forty-eight Senators have answered to their names. A quorum is present.

Mr. PLATT. Mr. President, I have said perhaps all that I desired to say, unless the question is to be opened for general discussion, when I shall be glad to be heard upon it, except with regard to some statements made by the Senator from Ohio respecting the amendment relating to the use of alcohol in the arts.

It will be remembered that the day previous to the time when the Senator from Massachusetts [Mr. HOAR] had offered his amendment, I had introduced a long amendment providing for rules and regulations under which alcohol used in the manufactures and arts might be used. I desire to say that the amendment which I then introduced, consisting, I believe, of nine sections, was taken from a bill passed by the Senate in 1888, and that those sections which I incorporated in my amendment were then drawn at the Treasury Department and were supposed to be entirely adequate to prevent the fraudulent use of alcohol in the arts. I still think that there will be no special difficulty in the Treasury Department doing so, if they desire to throw around the use of alcohol such regulations and restraints as will prevent fraud.

There is a word in the amendment proposed by the Senator from Massachusetts which I am sorry is in the amendment. The debate on that amendment was on June 30——

The VICE-PRESIDENT. The Chair is compelled to interrupt the Senator from Connecticut. The hour of 2 o'clock having arrived, the Calendar under Rule IX is in order.

Mr. PLATT. I shall not speak more than a minute longer, if I may have the indulgence of the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The Senator from Connecticut will proceed.

Mr. PLATT. The amendment of the Senator from Massachusetts [Mr. HOAR] was introduced, in the following words:

Any manufacturer finding it necessary to use alcohol in the arts, or in any medicinal or other like compound, may use the same under regulations to be prescribed by the Secretary of the Treasury, etc.

I am sorry that the words "or like compound" are in the amendment, because it is only because of those words, I imagine, that the argument can be made that the compounders and rectifiers of liquor, who manufacture from raw proof spirits so much of the liquor which is drunk in this country, would have any right to claim a rebate.

I do not think the language is broad enough to allow that to be done, but I am quite clear that whoever may avail himself of the benefits of the amendment may be so hampered and restrained by regulations to be prescribed by the Treasury Department that no fraud can be perpetrated under the provision. It may be that the language of the amendment is so broad that it would allow compounders and rectifiers of liquor to obtain a rebate, although I think not.

The VICE-PRESIDENT. Objection being interposed to the present consideration of the resolution submitted by the Senator from Kentucky [Mr. LINDSAY], it goes over under the rule.

Mr. CHANDLER. I offer an amendment to the resolution of the Senator from Kentucky, and ask that it may be printed and go over with the resolution.

Mr. ALLISON. Let the amendment be read.

The SECRETARY. Strike out all of the resolution after the word "until" and insert:

All the provisions of House bill 4864 relative to duties on imports, however entitled and by whatever name known or called, and whenever and wherever it may be found, which finally passed the House of Representatives on the 13th day of August, 1894, are repealed, annulled, canceled, and made void and of no effect.

Mr. HARRIS. That is an amendment to the resolution of the Senator from Kentucky, I believe.

The VICE-PRESIDENT. It is. The amendment will be printed and lie over.

TAX ON ALCOHOL.

Mr. HARRIS. I ask that the House bill known as the alcohol bill may be laid before the Senate for its second reading.

The VICE-PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The SECRETARY. A bill (H. R. 7977) to amend the internal-revenue laws of the United States.

Mr. MANDERSON. Let the bill be read at length on its second reading.

Mr. HARRIS. Yes; let it be read at length.

The bill was read the second time at length, as follows:

Be it enacted, etc., That all laws which authorize the rebate or repayment from the Treasury of the United States of the tax on alcohol used in the arts, or in any medicinal or other like compounds, are hereby repealed.

Sec. 2. That this act shall take effect from and after its passage.

Mr. MANDERSON. What is the purpose of the Senator from Tennessee with respect to the bill? Does he propose now to move that the bill be referred to the Committee on Finance?

Mr. HARRIS. My purpose was first to let the bill have its second reading.

Mr. MANDERSON. That has been done.

Mr. HARRIS. That has been done. Then, if there be no objection, I ask unanimous consent that the bill be now considered. It can not be considered to-day or carried to a third reading, of course, without unanimous consent.

Mr. CHANDLER. I object, Mr. President.

Mr. HARRIS. Then the bill will lie on the table.

Mr. CHANDLER. I move that the bill be referred to the Committee on Finance.

Mr. MANDERSON. And with it the amendments which have been offered.

Mr. CHANDLER. With the pending amendments. The vacancy in that committee, I will state to the Senator from Tennessee, has now been filled, and there is a Democratic majority on the committee.

Mr. HARRIS. The Senator from Tennessee is quite well aware of the fact that the committee has been filled, and he did not need the suggestion of the Senator from New Hampshire.

Mr. CHANDLER. I was afraid the Senator from Tennessee, not having moved to refer the bill, had forgotten that the committee is full.

Mr. HARRIS. The Senator from Tennessee is not likely to forget any matter of duty.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire that the bill be referred to the Committee on Finance.

Mr. CHANDLER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Colorado [Mr. TELLER]. If he were present I should vote "nay."

Mr. BLANCHARD (when his name was called). I am paired with the senior Senator from Michigan [Mr. MCMILLAN].

Mr. MCLAURIN (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. DIXON]. I transfer my pair to the junior Senator from South Carolina [Mr. IRBY], and vote "nay."

Mr. McPHERSON (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. MARTIN (when his name was called). I am paired with the junior Senator from Minnesota [Mr. WASHBURN]. Otherwise I should vote "nay."

Mr. MILLS (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were here he would vote "yea" and I should vote "nay."

Mr. PALMER (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH].

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Connecticut [Mr. HAWLEY].

Mr. PETTIGREW (when his name was called). I am paired with the junior Senator from West Virginia [Mr. CAMDEN]. The Senator from Arkansas [Mr. BERRY] has transferred his pair with the Senator from Colorado [Mr. TELLER] to the Senator from West Virginia [Mr. CAMDEN]. I am therefore at liberty to vote. I vote "yea."

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. If he were present I should vote "nay."

Mr. ROACH (when his name was called). I am paired with the junior Senator from California [Mr. PERKINS]. If he were present he would vote "yea" and I should vote "nay."

Mr. SMITH (when his name was called). I am paired with the junior Senator from Idaho [Mr. DUBOIS].

Mr. WALSH (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE].

The roll call was concluded.

Mr. JONES of Arkansas. I have a general pair with the Senator from Delaware [Mr. HIGGINS]. I transfer my pair to the Senator from South Carolina [Mr. IRBY], and vote "nay."

Mr. CAREY. I have a general pair with the junior Senator from Wisconsin [Mr. MITCHELL]. I transfer my pair to the Senator from Maine [Mr. HALE], who is paired with the Senator from North Carolina [Mr. RANSOM], and vote "yea."

Mr. JONES of Arkansas (after having voted in the negative). I understand that some other Senator has arranged a pair with the Senator from South Carolina [Mr. IRBY]. I therefore withdraw my vote.

The result was announced—yeas 14, nays 25; as follows:

YEAS—14.

Aldrich,	Davis,	Manderson,	Platt,
Allison,	Dolph,	Patton,	Shoup.
Carey,	Gallinger,	Peffer,	
Cullom,	Jones, Nev.	Pettigrew,	

NAYS—25.

Bate,	George,	Lindsay,	Turpie,
Berry,	Gorman,	McLaurin,	Vest.
Blackburn,	Gray,	Murphy,	Vilas,
Brice,	Harris,	Palmer,	White.
Cockrell,	Hill,	Quay,	
Coke,	Hunton,	Ransom,	
Faulkner,	Jarvis,	Stewart,	

NOT VOTING—46.

Allen,	Gibson,	McPherson,	Roach,
Blanchard,	Gordon,	Martin,	Sherman,
Butler,	Hale,	Mills,	Smith,
Caffery,	Hansbrough,	Mitchell, Oregon	Squire,
Call,	Hawley,	Mitchell, Wis.	Teller,
Camden,	Higgins,	Morgan,	Voorhees,
Cameron,	Hoar,	Morrill,	Walsh,
Chandler,	Irby,	Pasco,	Washburn,
Daniel,	Jones, Ark.	Perkins,	Wilson,
Dixon,	Kyle,	Power,	Wolcott.
Dubois,	Lodge,	Proctor,	
Frye,	McMillan,	Pugh,	

The VICE-PRESIDENT. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Dolph,	Jones, Nev.	Pugh,
Bate,	Faulkner,	Lindsay,	Quay,
Berry,	Gallinger,	McLaurin,	Ransom,
Blackburn,	George,	McPherson,	Roach,
Blanchard,	Gibson,	Manderson,	Shoup,
Brice,	Gordon,	Martin,	Stewart,
Cameron,	Gorman,	Mitchell, Oregon	Turpie,
Carey,	Gray,	Murphy,	Vilas,
Chandler,	Harris,	Palmer,	Walsh,
Cockrell,	Hill,	Pasco,	White.
Coke,	Hunton,	Patton,	
Cullom,	Jarvis,	Peffer,	
Davis,	Jones, Ark.	Platt,	

The VICE-PRESIDENT. Forty-nine Senators have answered to their names. A quorum is present. The question recurs on the motion of the Senator from New Hampshire [Mr. CHANDLER] to refer the bill to the Committee on Finance.

P. W. MITCHELL, M. C. FELMET, AND OTHERS.

Mr. HARRIS. Pending that, I move that the Senate proceed to the consideration of executive business.

Mr. JARVIS. Will the Senator from Tennessee be kind enough to permit me to call up a little local bill? It can not lead to any discussion.

Mr. HARRIS. If the bill leads to no discussion I shall not object, but I beg leave to give notice that I can not yield further.

Mr. JARVIS. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 6656) for the relief of P. W. Mitchell, M. C. Felmet, George H. Smathers, and others.

The VICE-PRESIDENT. The Senator from North Carolina asks unanimous consent for the present consideration of the bill.

Mr. CHANDLER. I shall not object if afterwards I can have unanimous consent that the Senate take up the resolution submitted by the Senator from Florida [Mr. CALL], proposing an investigation by the Committee on Patents during the recess.

Mr. JARVIS. I hope the Senator from New Hampshire will not couple a condition to the granting of unanimous consent. I am obliged to be absent from the Senate hereafter, and I shall be very much obliged if the Senator will allow the bill to be passed.

Mr. CHANDLER. Do I understand the Senator from North Carolina to say that he is going away from the Senate Chamber?

Mr. JARVIS. Yes, sir.

Mr. CHANDLER. Then I withdraw all objection, Mr. President.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to P. W. Mitchell, $129; to M. C. Felmet, $150; to George H. Smathers, $77.50; to David Blythe, $30; to Jesse Reed, $7; to William Locust, $17, and to George French, $5, out of any funds in the Treasury belonging to the Eastern band of Cherokee Indians.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND ENTRIES IN OKLAHOMA TERRITORY.

Mr. VILAS. I ask unanimous consent to call up the bill (S. 2038) for the relief of Oklahoma settlers. It has been considered and reported by the Committee on Public Lands.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That every homestead claim to land in the Territory of Oklahoma initiated by settlement or entry more than three months after such lands were open to settlement, and every such claim whenever initiated if no contest was raised against it for one year after it was initiated, and the land was in the meantime in the undisputed occupation of such homestead claimant, shall, in the absence of any other sufficient objection, be held valid and approved, notwithstanding the homestead claimant entered said Territory before the hour when said lands became open to settlement pursuant to the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 13, 1890, and for other purposes," approved March 2, 1889: *Provided*, That said claimant shall satisfy the Commissioner of the General Land Office that his premature entry and occupation were not made with willful purpose to violate the law.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Public Lands.

Mr. VILAS. Since the bill was considered in the Committee on Public Lands, and the term of one year fixed as the limitation for contests, the Secretary of the Interior and the Assistant Attorney-General for the Interior Department have suggested that with entire safety and justice the period can be limited to six months. I ask permission to place those letters in the RECORD, without troubling the Senate to have them read unless Senators desire it.

The VICE-PRESIDENT. Without objection the letters will be printed in the RECORD.

The letters referred to are as follows:

DEPARTMENT OF THE INTERIOR, *Washington, August 15, 1894.*

DEAR SIR: After further reflection and consideration of Senate bill No. 2038, entitled "For the relief of Oklahoma settlers," I am inclined to the opinion that six months would be a sufficient length of time within which contestants should initiate contests against persons who entered upon the Territory of Oklahoma prior to the time the lands were opened to settlement. I have before me a print of said bill, as proposed to be amended by the Committee on Public Lands, and I would suggest that the words "one year," in lines 6 and 7, be stricken out, and the words "six months" be inserted in lieu thereof.

Very respectfully,

HOKE SMITH.

Hon. JAMES H. BERRY,
United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, August 15, 1894.

DEAR SIR: I inclose herewith a letter to you from the Secretary in reference to amending Senate bill No. 2038, "For the relief of Oklahoma settlers." I called his attention to the fact that I thought it would be better to amend the bill so as to limit the time to six months as the time in which contests should be initiated after settlement and entry. He signed the inclosed personal letter to you, stating that after reflection he is inclined to the opinion that six months would be a sufficient length of time. I am myself decidedly of the opinion that a six months' limit would come nearer doing justice to the settlers than one year.

Of course the letter of the Secretary and this letter from me are personal communications, and you and the other members of the committee can take the suggestions for what you think they are worth. There is a dele-

gation of Oklahoma people here who are anxious to have the change made, and doubtless they will confer fully with you on the subject, if they have not already done so.

Very respectfully,

JOHN I. HALL.

Hon. JAMES H. BERRY,
United States Senate.

Mr. VILAS. I move to amend the amendment by striking out the words "one year," in line 6, and inserting "six months;" so as to read:

That every homestead claim to land in the Territory of Oklahoma initiated by settlement or entry more than three months after such lands were open to settlement, and every such claim whenever initiated if no contest was raised against it for six months after it was initiated.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETER HAGAN.

Mr. QUAY. I ask unanimous consent that the Senate proceed to the consideration of the joint resolution (H. Res. 79) for the relief of Peter Hagan. It will occupy but a moment. I trust the Senator from Tennessee will allow me to have the joint resolution passed.

Mr. HARRIS. I thought I had given notice some time ago that I should be obliged to object to other requests.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of the joint resolution. Is there objection?

Mr. HARRIS. I do not intend to object to the request of the Senator from Pennsylvania, provided I am permitted to state that I can not afterwards consent to the consideration of other bills. I must object.

Mr. CHANDLER. I ask the Senator from Tennessee whether he includes in the term "bills" the resolution of the Senator from Florida [Mr. CALL] for an investigation by the Senate Committee on Patents during the recess? I hope he will allow that resolution to be taken up.

Mr. HARRIS. I intend to include everything that requires a vote of the Senate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Pennsylvania for the present consideration of the joint resolution?

Mr. COCKRELL. Let it be read for information.

The Secretary read the joint resolution, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported from the Committee on Claims with an amendment, in line 11, after the word "Claims," to insert "with the right of appeal to either party to the Supreme Court;" so as to read:

That the claim of Peter Hagen, owner of the canal barge Mary Hagan, of Philadelphia, for damages sustained for the total loss of the said canal barge in consequence of injuries received while being discharged of a cargo of stone, by the military authorities of the United States, at Fort Monroe, September 23, 1891, and all papers relating thereto now on file in the office of the Third Auditor of the Treasury be referred to the Court of Claims, with the right of appeal to either party to the Supreme Court, for examination and the allowance of the amount of damages actually sustained by said claimant by reason of said loss, the judgment rendered by said court to be paid out of the appropriations duly made to pay judgments rendered by said court.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

ORDER OF BUSINESS.

Mr. HUNTON obtained the floor.

Mr. HARRIS. I renew my motion that the Senate proceed to the consideration of executive business.

Mr. HILL. Will the Senator from Tennessee allow me to call up and have passed a bill which will take no time at all?

Mr. HUNTON. I believe I am entitled to the floor.

Mr. HARRIS. I have given notice twice at least that, being anxious for an executive session, I should be compelled to object to requests of this character. Of course it is exceedingly disagreeable to object to the request of any Senator.

Mr. HUNTON. I beg leave to call the attention of the Senator from Tennessee to the fact that the Senate and the House have passed a bill authorizing a railroad from Arlington, Mount Vernon, and Alexandria into the city of Washington. To complete the project sought to be inaugurated it is necessary to get authority for the road to go through the Arlington reservation. It will take but a moment.

Mr. GRAY. Through the cemetery?

Mr. HUNTON. Oh, no; through the reservation. I ask unanimous consent to call up the bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Virginia?

Mr. VEST. The Senator from Maine [Mr. HALE], before leaving, came to me and suggested that he had serious objections to the bill. I myself do not know anything about it, but I should feel constrained to object.

The VICE-PRESIDENT. There is objection.

Mr. HUNTON. I think the Senator from Maine ought not to leave objections behind him when he goes away.

Mr. VEST. He stated that he would be back in a short time if the session continues.

Mr. HUNTON. In a short time the Senate will have adjourned.

Mr. VEST. I have done no more than what Senators generally do for each other. I merely make the statement that the Senator from Maine has objections to the bill.

Mr. GRAY. I ask the Senator from Virginia whether the bill which he asks the Senate to take up contemplates granting a right of way through the Arlington Cemetery?

Mr. HUNTON. Oh, no; through the Arlington reservation, not the cemetery.

EXECUTIVE SESSION.

Mr. HARRIS. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twelve minutes spent in executive session the doors were reopened, and (at 3 o'clock and 37 minutes p. m.) the Senate adjourned until Monday, August 20, 1894, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 18, 1894.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

First Lieut. John B. Bellinger, Fifth Cavalry, to be assistant quartermaster.

Infantry arm.

Lieut. Col. Hamilton S. Hawkins, Twenty-third Infantry, to be colonel.

Maj. James Henton, Twenty-third Infantry, to be lieutenant-colonel.

Capt. Daniel W. Burke, Fourteenth Infantry, to be major.

First Lieut. William B. Reynolds, Fourteenth Infantry, to be captain.

Second Lieut. Samuel Seay, jr., Twenty-first Infantry, to be first lieutenant.

Second Lieut. Eugene L. Loveridge, Eleventh Infantry, to be first lieutenant.

SENATE.

MONDAY, *August 20, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Saturday last; when, on motion of Mr. QUAY, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a joint resolution (H. Res. 220) instructing the Secretary of War to return to the State of Massachusetts the flags of certain regiments of Massachusetts volunteer infantry; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 971) to open, widen, and extend alleys in the District of Columbia;

A bill (S. 1007) to authorize the Commissioners of the District of Columbia to appoint a deputy coroner, and for other purposes;

A bill (H. R. 3005) for the relief of George Isenstein;

A bill (H. R. 4290) for the relief of Druzilla J. Rigg, of Macomb, Ill.;

A bill (H. R. 5363) for the relief of Henry W. Lee;

A bill (H. R. 6103) for the relief of Mrs. Mary A. Menefee;

A bill (H. R. 6228) granting a pension to Adaline J. Props;

A bill (H. R. 6361) to grant a pension to Pauline J. Smith;

A bill (H. R. 7294) empowering fourth-class postmasters to administer oaths to pensioners;

A bill (H. R. 7668) to authorize the St. Louis, Avoyelles and Southwestern Railway Company to bridge Bayou Des Glaises and Atchafalaya River, in the State of Louisiana; and

A joint resolution (S. R. 101) providing for clerical assistance in the health department of the District of Columbia.

LAND SUBDIVISIONS IN THE DISTRICT.

Mr. GALLINGER. The bill (S. 1005) to prevent the recording of subdivisions of land in the District of Columbia in the office of the Recorder of Deeds was called up by me a few days ago and was read at length. It will take but a moment to pass it, and there is urgency in the matter. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIALS.

Mr. CULLOM presented a memorial of sundry citizens of Gilchrist, Ill., and a memorial of sundry citizens of Galva, Ill., remonstrating against appropriating Government moneys for sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. CHANDLER presented the memorial of Lucius H. Thayer, and 70 other citizens of Portsmouth, N. H., remonstrating against appropriating Government moneys for sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

HOME FOR DESTITUTE COLORED PERSONS.

Mr. TURPIE. I ask unanimous consent to call up for present consideration the bill (H. R. 7095) to provide for the erection of a national home for aged and infirm colored persons and for the maintenance of the inmates thereof.

Mr. HARRIS. The routine morning business must be concluded before I can consent to the consideration of any bill.

Mr. TURPIE. One bill has already been considered.

Mr. HARRIS. I was not aware of it, and I regret that I was not.

The VICE-PRESIDENT. If there are no further petitions or memorials, the reports of standing and select committees are next in order.

REPORTS OF COMMITTEES.

Mr. PASCO, from the Committee on Military Affairs, to whom was referred the bill (S. 1793) to remove the charge of desertion from the military record of Robert Roby, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PUGH. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 7461) to amend an act entitled "An act to create a new division of the northern judicial district of Georgia," approved March 3, 1891, to report it favorably and to ask for its immediate consideration.

Mr. COCKRELL. Let it be read for information.

Mr. PUGH. The bill simply changes the time of holding the district court at Columbus, Ga., from January and June to May and December.

Mr. HARRIS. If I may be permitted to make some reports from a committee, I shall have no objection to the consideration of bills that Senators want to have passed.

The VICE-PRESIDENT. Reports of committees, standing and select, are in order.

Mr. McLAURIN. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 2318) for the relief of B. F. Berry, to report it with an amendment. I ask unanimous consent for the present consideration of the bill. It will take but a minute.

The VICE-PRESIDENT. Is there objection?

Mr. HARRIS. I have objected to one or two before, and I can not discriminate between Senators.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

DUTY ON SUGARS, ETC.

Mr. HARRIS. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 7971) to exempt from duty sugars, molasses, etc., to report it with an amendment.

Mr. CHANDLER and Mr. PLATT. Let the amendment be read.

Mr. HARRIS. Let the bill go to the Calendar, and the amendment will be read, of course, if Senators desire it.

The VICE-PRESIDENT. The amendment of the committee will be read.

The SECRETARY. The committee report to strike out all after the enacting clause and insert:

That from and after the passage of this act there shall be levied, collected, and paid on all sugars and on all tank bottoms, sirups of cane juice, or of beet juice, melada, concentrated melada, concrete, and concentrated molasses a duty of 40 per cent ad valorem.

That there shall be levied, collected, and paid on molasses testing above 40° and not above 56° polariscope a duty of 2 cents per gallon; if testing above 56° polariscope, a duty of 4 cents per gallon.

Mr. MANDERSON. I should be greatly pleased if the Senator from Tennessee, who reports the bill thus amended, would inform the Senate concerning the amendments that were referred with the bill to the committee. I am prompted to make this request for the reason that so far as the bounty amendment is concerned that received the approval of a majority of the Senate. While there was not final action upon the resolution of the Senator from Delaware [Mr. GRAY], it was very evident that a majority of the Senate favor a bounty clause. Did the committee consider that matter?

Mr. HARRIS. The committee voted upon it.

Mr. ALLISON. I will say to the Senator from Nebraska that I felt, as I have no doubt the majority of the Senate felt, that its vote was a practical instruction to the committee to report free sugar with a bounty, and I offered that amendment in committee.

Mr. MANDERSON. But a majority of the committee have favored the placing of a duty upon sugar.

Mr. ALDRICH. A duty of 40 per cent.

Mr. MANDERSON. Forty per cent flat, without a bounty.

Mr. CHANDLER. Mr. President, I desire to say a word with reference to the report just made. What action did the committee take upon the amendment which I offered for the repeal and cancellation of the revenue bill? Was that acted upon?

Mr. HARRIS. Perhaps the briefest, the most pertinent, and quite as respectful an answer as I could give to these various inquiries may be found in the fact that the committee has reported the bill back with an amendment; and that is really all that I need say.

Mr. CHANDLER. I wish to make a parliamentary inquiry.

Mr. HARRIS. But I will say to the Senator from New Hampshire that there was a majority of the committee decidedly opposed to his amendment.

Mr. CHANDLER. I wish to ask a parliamentary question, and that is whether the rejected amendments should not be reported back from the committee and go upon the Calendar? Have not those amendments some parliamentary status notwithstanding they have been treated with contumely by the committee?

Mr. COCKRELL. Oh, that is ridiculous. That has never been done.

Mr. CHANDLER. I do not want the Senator from Missouri to answer a question that I ask the Senator from Tennessee. I am willing to take the ruling of the Chair. I should perfer that always when I make these inquiries, but the Chair does not always have an opportunity to answer.

The VICE-PRESIDENT. The Senator from Tennessee reports back the bill, and it will go to the Calendar.

Mr. CHANDLER. What is the status of the amendments which were referred to the committee and not reported back, I ask the Chair?

The VICE-PRESIDENT. The Chair has no information in regard to amendments not reported by the committee.

Mr. HARRIS. If the Senator from New Hampshire will allow me, I think I may safely say——

Mr. CHANDLER. I do not need to allow the Senator. The Senator need not ask my permission to make the statement. I will allow him with pleasure, although I might prefer that he should not make it.

Mr. HARRIS. Mr. President, it is the most innocent of all innocent statements; but neither the Senator from New Hampshire nor any other man who has served here for three hours ever heard of an amendment that was not favorably considered by a committee being reported back as a report.

Mr. CHANDLER. Mr. President——

Mr. HARRIS. I propose to report some other bills from the committee.

Mr. CHANDLER. I will only say that I apologize for my ignorance, having served here more than three hours, in not knowing the rule which the Senator has laid down. I have not studied parliamentary law as much as he has, and I regret if it has given the Senator any pain, or agonized him to any degree whatsoever, that I made the inquiry.

Mr. MITCHELL of Oregon. I rise——

Mr. HARRIS. I want to put on record my certificate that the Senator from New Hampshire was not ignorant. Other motives controlled him than that of ignorance. I propose to report the following bill——

Mr. MITCHELL of Oregon. I rise to the report heretofore made by the acting chairman of the Committee on Finance, and I think I am entitled to be recognized before other reports are received.

The VICE-PRESIDENT. The Chair recognizes the Senator from Oregon upon the bill just reported.

Mr. MITCHELL of Oregon. I desire to give notice that if the bill just reported by the acting chairman of the committee is ever called up, when it is called up, and at the proper time, I shall offer an amendment to the bill, proposing to incorporate in it the provisions of the act of 1890 relating to the duty on wool.

Mr. QUAY. When the bills were laid on the table immediately after they were received from the House of Representatives I offered as an amendment to each one of the four the McKinley act entire. That amendment seems to have disappeared. It has not received the action or indorsement of the committee. I inquire of the Senator from Tennessee what has become of my amendments, because I intend to press them when these bills come up for consideration? They are not in print.

Mr. CULLOM. Those are small amendments that were lost in committee.

Mr. MITCHELL of Oregon subsequently said: I now submit the proposed amendment to House bill 7971, which I shall offer at the proper time, placing a duty on wool. I ask that it be printed.

Mr. HARRIS. Let it be printed and lie on the table.

Mr. MITCHELL of Oregon. Let it be printed and lie on the table.

The PRESIDING OFFICER (Mr. WHITE in the chair). The amendment will be printed and laid on the table.

COAL AND COKE.

Mr. HARRIS. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 7968) to place upon the free list bituminous coal, shale, slack, and coke, to report it with an amendment.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. ALLISON. I ask that the bill may be read as proposed to be amended before it goes to the Calendar.

The VICE-PRESIDENT. The amendment of the committee will be read.

The SECRETARY. The committee report to add at the end of the bill the following proviso:

Provided, That upon bituminous coal and shale and coal slack or culm, and coke, imported from any country, whether independent or a dependency, which imposes a duty upon bituminous coal, shale, coal slack or culm, or coke, exported from the United States, there shall be levied and collected the rate of duty existing prior to the passage of this act.

FREE IRON ORE.

Mr. HARRIS. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 7969) to place upon the free list all ores of iron, to report it without amendment.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

FREE FENCING WIRE, ETC.

Mr. HARRIS. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 7970) to place upon the free list barbed fencing wire and wire rods for the manufacture of the same, to report it with an amendment.

Mr. CULLOM. Let us have the bill read, so that we may see how it stands as proposed to be amended.

The VICE-PRESIDENT. The amendment of the committee will be stated.

The SECRETARY. The committee report to strike out all after the word "duties," in line 5, in the following words:

BARBED FENCING WIRE.

Wire rods of iron or steel when imported for the manufacture of barbed wire fencing under such rules and regulations as the Secretary of the Treasury may prescribe.

And in lieu thereof to insert:

Barbed fencing wire and all other fencing wire or strips, round, flat, or twisted, of iron or steel, and all wire rods of iron or steel, when imported for the manufacture of such fencing, under such rules and regulations as the Secretary of the Treasury may prescribe.

So as to make the bill read:

Be it enacted, etc., That from and after the passage of this act, the following articles, when imported into the United States, shall be admitted free of import duties: Barbed fencing wire and all other fencing wire or strips, round, flat, or twisted, of iron or steel, and all wire rods of iron or steel, when imported for the manufacture of such fencing, under such rules and regulations as the Secretary of the Treasury may prescribe.

Mr. ALLISON. I think the Senator from Tennessee who reports this bill ought to explain to the Senate that as the bill came from the other House it did not put fencing wire upon the free list, but put the material of which fencing wire is made on the free list, in order to give those who manufacture fencing wire free material. There was no provision in the bill as passed by the House whereby fencing wire or barbed wire should be made free. On the contrary, the very reverse of it was provided for, namely, that the material used should be made free, while the duty remained upon barbed wire.

Mr. HARRIS. It is true that the construction the committee placed upon the House bill was that it made iron or steel rods free, but did not make barbed wire free; and therefore the committee has reported in lieu of the House bill the provision which has been read.

Mr. CULLOM. I inquire of the Senator from Iowa whether the Senate has not once or twice voted in favor of a duty on all these articles, both the barbed wire and the iron of which the wire is made?

Mr. ALLISON. I think I ought to say, as respects all these bills, that after a very sharp contest upon each of them in the Senate, the Senate by a decided majority voted in favor of a duty. The Senate voted, I think, three times, with only 4 dissenting votes, for a duty upon coal and iron ore. Finally, upon a test with the House of Representatives, on the motion of the Senator from New York [Mr. HILL], but 6 votes could be found in this body in favor of putting iron ore or bituminous coal upon the free list.

As to barbed wire, I think I ought to say that the tariff bill as it came to us from the other House, known then as the Wilson bill, provided for a duty of 25 per cent ad valorem upon iron and steel rods and upon fencing wire. The Senate, in the final adjustment of that paragraph, reduced the duty from the amount provided by the House. A very sharp contest was made in favor of a duty upon fencing wire, in which my friend from Illinois [Mr. PALMER], on the opposite side of the Chamber, took the lead; and after a very full and thorough debate, by a fair majority the Senator from Illinois was sustained in his contention, and we provided for a duty upon steel rods and also upon the wire. The Senator from Illinois nearest me [Mr. CULLOM] must remember that a duty was placed upon all these articles after a very sharp and close contest and thorough debate in this body; and the committee now practically reverses the conclusions of the body made within six weeks on all of them.

Mr. HARRIS. At the request of the chairman of the Committee on Finance, and with the approval of the committee, I ask for the following order——

Mr. ALDRICH. Before the bills which have just been reported pass from the consideration of the Senate to the Calendar——

Mr. BERRY. Is the bill up for consideration now—the barbed-wire bill or any other bill? Is it before the Senate to be considered at this time?

Mr. ALDRICH. I desire to make a statement for the minority of the committee in regard to——

The VICE-PRESIDENT. The bill is not before the Senate, the Chair will state to the Senator from Arkansas.

Mr. HARRIS. I hope the Senator from Rhode Island will be permitted to make a statement as a member of the committee.

The VICE-PRESIDENT. The Chair will recognize the Senator from Rhode Island, but the Chair was answering the parliamentary inquiry of the Senator from Arkansas. The bill is not before the Senate for consideration at this moment. The Senator from Rhode Island will proceed.

Mr. ALDRICH. I deem it proper to say that the bills just reported represent the views of the majority of the committee and are not consented to but are antagonized by the minority members of the committee.

I wish to say another word upon the bill which came from the other House, in regard to barbed wire, and which shows the value which can be attached to this precipitate action in favor of tariff reform by the House of Representatives. The disposition and desire as expressed here was to put barbed wire upon the free list, to reduce the profits of the barbed-wire manufacturers for the benefit of the farmers of the United States. The bill as it came from the House of Representatives maintained the duties upon barbed wire unchanged at a very high ad valorem rate, but gave those manufacturers free materials, thereby increasing enormously their profits in the manufacture of barbed wire, without reducing the price to any consumer anywhere in the United States.

This, as I say, shows better than any argument can the nature of the movement for tariff reform which has been so precipitately entered upon in another place.

Mr. PALMER. Mr. President, I beg but a moment to make a single remark. Nothing, I think, illustrates the value of an amendment of the rules of the Senate more conspicuously and specifically than the remarks made by the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Iowa [Mr. ALLISON]. The bills to which they have referred are not before the

Senate, and therefore any debate upon them would clearly be out of order. I do not myself propose to violate the rules of the Senate, but I protest that Senators who, though not old men in some respects, are the Nestors of this body and are understood to be profoundly skilled in its rules, ought not to take advantage of this opportunity, in justice to those of us who are compelled to be silent.

Mr. ALLISON. Mr. President, I accept the mild and gentle reproof of my venerable friend from Illinois. I only answered an inquiry put to me by his colleague [Mr. CULLOM], and certainly, when such an inquiry is made, a fair courtesy would require that I should make an answer and not be dumb. So, if I have violated in any sense the rules of the Senate, I think I have a reasonable excuse for it in the question propounded by the Senator from Illinois.

Mr. PALMER. I should like to make a single remark with the permission of the Senate. I have no doubt the inquiry of my colleague was made in the most innocent and unsophisticated way [laughter], and I certainly feel grateful to the Senator from Iowa for his consideration of, and I tender him my thanks for his courtesy to my colleague. I shall, however, regard the rules, and say no more.

Mr. MILLS. I wish to ask the Senator from Rhode Island a question respecting the duties on barbed wire. As the Senator has certainly investigated the subject, I ask him what is the equivalent ad valorem duty upon the returns of 1893 and 1894.

Mr. ALDRICH. I do not know what it is on the returns of 1893 or 1894, but the duty is a cent and a quarter a pound as fixed in the tariff bill which has been passed.

Mr. MILLS. But what is the equivalent ad valorem?

Mr. ALDRICH. The domestic price of barbed wire is about a cent and three-quarters a pound, nearly equal to the duty. The duty is pretty nearly 100 per cent ad valorem, I think.

COMPARATIVE TARIFF COMPILATION.

Mr. HARRIS. I am directed by the Committee on Finance to ask for an order to print the tariff law of 1894, compared with the tariff law of 1890, the Mills bill of 1888, and the Wilson bill of 1894, in an abbreviated form. The information which this abbreviation will contain is already printed in a large volume, but very inconvenient for distribution. I am therefore directed to ask for an order to print the usual number of copies in the abbreviated form which I send to the desk.

The VICE-PRESIDENT. The order to print will be made, in the absence of objection.

COMPILATION OF TARIFF LAWS.

Mr. HARRIS. I am directed by the Committee on Finance to report an order, and I ask for its present consideration.

The Secretary read the resolution, as follows:

Ordered, That the Committee on Finance cause to be prepared a compilation of the tariff laws of the United States from 1789 to 1894, inclusive, with annotations of decisions of the Board of General Appraisers and the United States courts respecting such decisions.

Mr. VEST. Does that order come from the Committee on Finance?

The VICE-PRESIDENT. It was reported by the acting chairman of the Committee on Finance.

Mr. VEST. I was not in committee when that order was adopted, and I wish to examine it. Let it go over.

The VICE-PRESIDENT. Objection being made, the resolution will go over under the rules.

REPORT OF LIBRARIAN OF CONGRESS.

Mr. GORMAN. I am instructed by the Committee on Printing, to whom was referred a resolution submitted by the Senator from Texas [Mr. MILLS] for printing 500 extra copies of the report of the Librarian of Congress, to report it favorably and without amendment. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the annual report of the Librarian of Congress for the calendar year 1893 be printed, and that 500 extra copies, with paper covers, be printed for distribution by the Librarian.

BILLS INTRODUCED.

Mr. PALMER introduced a bill (S. 2320) granting a pension to Mrs. Harriet L. Mayo; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PEFFER introduced a joint resolution (S. R. 103) authorizing the Secretary of War to lend two cannon to the commissioners of Smith County, Kans., to be used in experiments to procure rainfall; which was read the first time by its title, and the second time at length, and referred to the Committee on Agriculture and Forestry, as follows:

Be it resolved, etc., That the Secretary of War is hereby authorized to lend two 20-pounder cannon to the board of commissioners of Smith County, in the State of Kansas, for the period of five years, to be used under direction of the said commissioners to produce concussions in the atmosphere with the view of producing rain.

GOLD AND SILVER PRICES.

Mr. CHANDLER. I submit a resolution which has the approval of the Senator from Maryland [Mr. GORMAN], the chairman of the Committee on Printing, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That there be printed for the use of the Senate 2,000 additional copies of Senate Miscellaneous Document No. 262 of the present session, containing papers relative to gold and silver prices and bimetallism, with a suitable cover and title-page describing the three papers contained in the document.

Mr. COCKRELL. What will be the cost?

Mr. MILLS. I think the resolution ought to go to the Committee on Printing.

Mr. CHANDLER. It is a very little matter. I submitted it to the chairman of the Committee on Printing, who I see is in his seat. He makes no objection to it. It is the document in reference to bimetallism which I submitted to the Senator from Maryland [Mr. GORMAN].

Mr. GORMAN. There is no doubt about the expediency of the printing. It is all right.

The resolution was considered by unanimous consent, and agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 18th instant approved and signed the act (S. 2280) to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service."

RETURN OF BATTLE FLAGS.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. Res. 220) instructing the Secretary of War to return to the State of Massachusetts the flags of certain regiments of Massachusetts Volunteer Infantry; which was read twice by its title.

Mr. MANDERSON. I ask unanimous consent that the joint resolution which has just come from the House of Representatives may be now considered. The War Department has been communicated with, and there is no possible objection to this action.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRANSFER OF LAND TO SAGINAW, MICH.

Mr. PATTON. I ask unanimous consent for the present consideration of the joint resolution (H. Res. 5) authorizing the Secretary of the Treasury to transfer a certain piece of land in the State of Michigan to the city of Saginaw.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs the Secretary of the Treasury to cause to be transferred to the city of Saginaw, in the State of Michigan, the piece or parcel of land therein described which was heretofore transferred by the city of Saginaw to the Government of the United States for the purpose of erecting thereon a Government building, the parcel of land not being required by the Government for that purpose, but provides that neither the land itself nor any building or buildings erected thereon shall ever be put to any use or uses detrimental or objectionable to the Government.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

B. F. BERRY.

Mr. McLAURIN. I ask unanimous consent for the present consideration of the bill (S. 2318) for the relief of B. F. Berry.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with an amendment, after the word "payment," in line 9, of section 1, to insert the words "or tender;" so as to make the section read:

Be it enacted, etc., That the Secretary of the Interior be directed to issue to B. F. Berry, of Simpson County, Miss., a patent to the east half of the northwest quarter of section 36, township 2 north, range 2 east, Choctaw meridian, situated in said Simpson County, Miss., conveying to said B. F. Berry the title of the United States to said land upon his payment or tender to Lloyd M. Kelley, of said county, of the sum of money paid by said Kelley into the land office at Jackson, Miss., for said land, on the 23d day April, 1894.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NORTHERN JUDICIAL DISTRICT OF GEORGIA.

Mr. PUGH. I renew my request for the present consideration of House bill 7461 in relation to the northern judicial district of Georgia, which has been reported favorably by the Committee on the Judiciary.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7461) to amend an act entitled "An act to create a new division of the northern judicial district of Georgia," approved March 3, 1891. It provides that the terms of the circuit and district courts of the western division of the northern judicial district of Georgia, held at Columbus, shall convene on the first Monday in May and the first Monday in December, instead of the first Monday in June and the first Monday in January, as now provided by law, and each of the terms shall continue as long as the presiding judge may deem necessary.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOME FOR DESTITUTE COLORED PERSONS.

Mr. TURPIE. I ask unanimous consent for the present consideration of the bill (H. R. 7095) to provide for the erection of a national home for aged and infirm colored persons and for the maintenance of the inmates thereof.

Mr. QUAY. That bill was read on Saturday, was it not?

Mr. TURPIE. The bill was partially read on Saturday.

Mr. COCKRELL. Let it be read again.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill.

Mr. PLATT. Is there a report accompanying the bill?

Mr. TURPIE. Yes, sir.

Mr. COCKRELL. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Secretary proceeded to read the report submitted by Mr. GIBSON, from the Committee on the District of Columbia, August 8, 1894.

Mr. GORMAN. I think there is no necessity for reading the report. It is impossible to pass the bill at this stage of the session. I know the bill does not propose to take any money directly out of the Treasury, but in the present condition of the Senate I must object to the consideration of the bill.

The VICE-PRESIDENT. There is objection.

Mr. MARTIN. I wish to say in behalf of the bill that it was very carefully considered by the House Committee on the District of Columbia. It relates to a fund which could hardly be appropriated for a more desirable or better purpose than the one designed by the bill. The matter has been carefully examined by the Committee on the District of Columbia of the Senate, and it seems to me that the bill is in a condition to be passed without objection. A report has been made which is before the Senate, and has been generally read by Senators. I hope the Senator from Maryland will withdraw his objection.

Mr. GORMAN. It is not possible for me to withdraw the objection in the present condition of the Senate. After full deliberation and discussion and with a full Senate it may be that the bill would be found to be a proper one to be passed, but I suggest to the Senator from Kansas that at this time it is not.

The VICE-PRESIDENT. There being objection, the bill goes over under the rule.

ADJOURNMENT TO WEDNESDAY.

Mr. GORMAN. I move that when the Senate adjourn to-day it be to meet on Wednesday next.

The motion was agreed to.

ESTATE OF THE LATE SENATOR STANFORD.

Mr. HILL. I ask unanimous consent for the present consideration of the bill (S. 2307) to require the prompt prosecution and speedy determination of the claim of the United States against the estate of the late Leland Stanford.

The VICE-PRESIDENT. The bill will be read for information.

The bill was read, as follows:

Be it enacted, etc., That it shall be the duty of the Attorney-General forthwith to cause to be instituted in the circuit court of the United States for the district of California such suit, or suits, as in his judgment may be necessary to enforce any claim of the United States against the estate of said Leland Stanford, deceased, and to cause the same to be prosecuted as rapidly as the interests of justice will permit. Jurisdiction in such case is hereby conferred upon said court subject to an appeal from the judgment therein to the Supreme Court of the United States.

SEC. 2. That said courts are hereby directed to cause the same to be forthwith determined and to give precedence in the hearing of the same to all other business pending in either of those courts so far as in their judgment the interest of justice and of the parties will permit.

SEC. 3. That if in the opinion of the Attorney-General such claim must first be prosecuted before any State court, he is directed to cause the same to be prosecuted with all convenient promptness, and the provisions of the foregoing sections shall be applicable to any proceedings heretofore or hereafter instituted in said court which may be transferred to a court of the United States.

SEC. 4. That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be at the disposition of the Attorney-General for carrying this act into effect.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HILL. I am advised that section 4, which proposes to appropriate a sum of money, is not necessary or desirable. I therefore move to strike out that section.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New York, to strike out section 4.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND ENTRIES IN OKLAHOMA TERRITORY.

Mr. VILAS. In the bill (S. 2038) for the relief of Oklahoma settlers, which was passed Saturday, there is a reference to the act making appropriations for the Indian service for the year ended June 30, 1890. By some mistake in copying the word "thirtieth" was written "thirteenth," to which the engrossing clerk called my attention. It is necessary that the error should be corrected in order that the bill may be properly engrossed. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. VILAS. In line 16, I move to strike out the word "thirteenth" and insert "thirtieth;" so as to make the title of the act read:

An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. LINDSAY. Mr. President——

Mr. QUAY. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Pennsylvania suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Gallinger,	Lindsay,	Pettigrew,
Bate,	George,	Manderson,	Platt,
Berry,	Gibson,	Martin,	Pugh,
Blanchard,	Gordon,	Mills,	Shoup,
Caffery,	Gorman,	Mitchell, Oregon	Turpie,
Carey,	Gray,	Mitchell, Wis.	Vest,
Cockrell,	Harris,	Palmer,	Vilas,
Coke,	Jarvis,	Pasco,	White.
Cullom,	Jones, Ark.	Patton,	
Faulkner,	Kyle,	Peffer,	

The VICE-PRESIDENT. Thirty-eight Senators have answered to their names. There is not a quorum present.

Mr. COCKRELL. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. CHANDLER. I ask for the yeas and nays on the motion of the Senator from Missouri.

The yeas and nays were ordered.

Mr. RANSOM entered the Chamber and answered to his name.

The VICE-PRESIDENT. The roll will be called on agreeing to the motion of the Senator from Missouri.

The Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I am paired with the Senator from Michigan [Mr. MCMILLAN].

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Delaware [Mr. HIGGINS], but I will transfer my pair to the Senator from South Carolina [Mr. IRBY] and vote "yea."

Mr. MARTIN (when his name was called). I am paired with the junior Senator from Minnesota [Mr. WASHBURN], and withhold my vote.

Mr. MILLS (when his name was called). I am paired with the Senator from Maine [Mr. FRYE].

Mr. PATTON (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. HUNTON], and therefore withhold my vote.

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

The roll call was concluded.

Mr. MANDERSON (after having voted in the affirmative). I withdraw my vote, being paired with the Senator from Kentucky [Mr. BLACKBURN]. I did not observe his absence.

Mr. GORDON. I am paired with the Senator from Iowa [Mr. WILSON].

The result was announced—yeas 23, nays 2; as follows:

YEAS—23.

Bate,	Faulkner,	Kyle,	Shoup,
Berry,	George,	Lindsay,	Stewart,
Caffery,	Gray,	Mitchell, Oregon	Vest.
Carey,	Harris,	Mitchell, Wis.	Vilas,
Cockrell,	Jarvis,	Palmer,	White.
Coke,	Jones, Ark.	Ransom,	

NAYS—2.

Gallinger, Peffer.

NOT VOTING—60.

Aldrich,	Dolph,	Lodge,	Power,
Allen,	Dubois,	McLaurin,	Proctor,
Allison,	Frye,	McMillan,	Pugh,
Blackburn,	Gibson,	McPherson,	Quay,
Blanchard,	Gordon,	Manderson,	Roach,
Brice,	Gorman,	Martin,	Sherman,
Butler,	Hale,	Mills,	Smith,
Call,	Hansbrough,	Morgan,	Squire,
Camden,	Hawley,	Morrill,	Teller,
Cameron,	Higgins,	Murphy,	Turpie,
Chandler,	Hill,	Pasco,	Voorhees,
Cullom,	Hoar,	Patton,	Walsh,
Daniel,	Hunton,	Perkins,	Washburn,
Davis,	Irby,	Pettigrew,	Wilson,
Dixon,	Jones, Nev.	Platt,	Wolcott.

So the motion was agreed to.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). A quorum not having voted, the Secretary will call the roll.

Mr. COCKRELL. No; it does not require a quorum to make an order requesting the attendance of absent Senators. It is not necessary.

The PRESIDING OFFICER. The Chair stands corrected.

Mr. MANDERSON. I think there have been decisions both ways.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

Mr. CHANDLER. I desire to appeal from the decision of the Chair.

Mr. COCKRELL. There is no question about it.

Mr. MANDERSON. It raises a very grave question.

Mr. CHANDLER. I desire to inquire——

Mr. ALDRICH. Debate is not in order.

The PRESIDING OFFICER. The Chair will suspend his decision until the rule is read. The Chair will have section 3 of Rule V read.

The Secretary read as follows:

RULE V.

3. Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate or motion, except to adjourn, shall be in order.

The PRESIDING OFFICER. The Chair is of opinion that under clause 3 of Rule V a majority of the Senators present have a right to adopt the order which is involved in the motion of the Senator from Missouri. The Sergeant-at-Arms will therefore execute the order of the Senate.

Mr. QUAY. Pending the execution of the order, I move that the Senate adjourn.

The motion was not agreed to.

Mr. QUAY. I demand the yeas and nays on the motion to adjourn.

The yeas and nays were not ordered.

After a little delay, Mr. HILL, Mr. STEWART, Mr. MCLAURIN, and Mr. ALDRICH entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. WHITE in the chair). Forty-three Senators having responded to their names, a quorum is present.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Will the Senator from Rhode Island withdraw the motion temporarily that the Senate may receive a message from the House of Representatives?

Mr. ALDRICH. Certainly.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 562) for the relief of Marlin Parks;

A bill (H. R. 898) granting a pension to Jesse Davenport, of Company A, Second Regiment Oregon Mounted Volunteers, in Oregon Indian wars of 1855 and 1856;

A bill (H. R. 1214) granting a pension to Hannah Welch;

A bill (H. R. 2920) to pension John Maholm, dependent father; and

A bill (H. R. 6050) to pension Margaret A. Woods, widow of William W. Woods, late of Company E, Sixteenth Illinois Volunteer Infantry.

EXECUTIVE SESSION.

Mr. HARRIS. I renew the motion of the Senator from Rhode Island that the Senate proceed to the consideration of executive business.

Mr. CHANDLER. I desire to address a persuasive remark to the Senator from Tennessee. I ask him to yield until the Senate may take up the resolution of the absent Senator from Florida [Mr. CALL], proposing an investigation by the Committee on Patents during the recess. It will take but a moment, I assure the Senator.

Mr. HARRIS. At least one Senator near me says that it is impossible to consider that resolution now, and in the present condition of the Senate I hope the Senator from New Hampshire will not urge me. I would be glad to oblige the Senator from New Hampshire, as I would always be glad to oblige any and every other Senator.

Mr. CHANDLER. Do I understand the Senator to ask me to withdraw the request?

Mr. HARRIS. I believe I will.

Mr. CHANDLER. I withdraw it, Mr. President.

Mr. HARRIS. I renew the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 2263) to amend section 553 of the Revised Statutes of the United States relating to the organization of corporations within the District of Columbia.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7451) to authorize the entry of land for gravel pits and reservoir purposes and authorizing the grant of way for pipeline purposes.

The message further requested the Senate to transmit to the House of Representatives a duplicate engrossed copy of the bill (S. 743) for the relief of the citizens of the States of Oregon, Idaho, and Washington who served with the United States troops in the war against the Nez Perces and Bannock and Shoshone Indians and for the relief of the heirs of those killed in such service, and for other purposes.

The message also announced that the House had passed a bill (H. R. 8007) to provide for the collection of internal revenue, and for other purposes; in which it requested the concurrence of the Senate.

Mr. PUGH. I move that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 37 minutes p. m.) the Senate adjourned until Wednesday, August 22, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate August 20, 1894.

SURVEYOR OF CUSTOMS.

Frank Cassidy, of Illinois, to be surveyor of customs for the port of Cairo, in the State of Illinois, to succeed John F. Rector, whose term of office will expire by limitation October 2, 1894.

POSTMASTERS.

Thomas F. Higgins, to be postmaster at Terryville, in the county of Litchfield and State of Connecticut, in the place of James B. Baldwin, deceased.

Frank P. Marble, to be postmaster at New Hartford, in the county of Litchfield and State of Connecticut, in the place of George W. Smith, whose commission expired May 7, 1894; Lyman R. Carter, who was confirmed by the Senate May 11, 1894, not having been commissioned.

Thomas S. Rourke, to be postmaster at Unionville, in the county of Hartford and State of Connecticut, in the place of Charles C. Georgia, whose commission expired June 14, 1894.

Thomas W. Anderson, to be postmaster at Cherryvale, in the county of Montgomery and State of Kansas, in the place of Clarence E. Moore, whose commission will expire August 22, 1894.

Barney O'Neil, to be postmaster at Howard, in the county of Miner and State of South Dakota, in the place of James J. Cox, removed.

S. H. Jones, to be postmaster at Hico, in the county of Hamilton and State of Texas, in the place of Charles S. Doubleday, removed.

PROMOTIONS IN THE ARMY.

Infantry arm.

Maj. James H. Bradford, Eleventh Infantry, to be lieutenant-colonel, August 16, 1894, vice Brady, Seventeenth Infantry, retired from active service.

Capt. George W. Davis, Fourteenth Infantry, to be major, August 16, 1894, vice Bradford, Eleventh Infantry, promoted.

First Lieut. Frank F Eastman, Fourteenth Infantry, to be captain, August 14, 1894, vice Patterson, Fourteenth Infantry, deceased.

First Lieut. Mitchell F. Jamar, Thirteenth Infantry, to be captain, August 16, 1894, vice Davis, Fourteenth Infantry, promoted.

Second Lieut. James T. Dean, Third Infantry, to be first lieutenant, August 14, 1894, vice Eastman, Fourteenth Infantry, promoted.

Second Lieut. Ulysses G. McAlexander, Twenty-fifth Infantry, to be first lieutenant, August 16, 1894, vice Jamar, Thirteenth Infantry, promoted.

To be captain of infantry.

Charles B. Stivers, formerly captain Seventh Infantry, to rank from September 9, 1861.

APPOINTMENTS IN THE NAVY.

Guy George Rodgers, a resident of Missouri; Martin McMahon Ramsay, a resident of the District of Columbia, and Joseph Johnston Cheatham, a resident of Tennessee, to be assistant paymasters in the Navy [subject to the examinations required by law], to fill vacancies in that grade.

John Twiggs Myers, a resident of Virginia; Edward S. Kellogg, a resident of New York, and David Van H. Allen, a resident of Tennessee, to be assistant engineers in the Navy, to fill vacancies in that grade, in accordance with the provisions of "An act making appropriations for the naval service, and for other purposes," approved July 26, 1894.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 20, 1894.

COLLECTOR OF INTERNAL REVENUE.

William A. Beach, of New York, to be collector of internal revenue for the Twenty-first district of New York.

ASSAYER.

Armand M. Delavallade, of Louisiana, to be assayer of the mint of the United States at New Orleans, La.

POSTMASTER.

Thomas R. Peck, to be postmaster at Horseheads, in the county of Chemung and State of New York.

HOUSE OF REPRESENTATIVES.

MONDAY, *August 20, 1894.*

The House met at 12 o'clock m. Prayer by Rev. W. E. PARSON, D. D.

The Journal of the proceedings of Thursday last was read and approved.

CORRECTION.

Mr. HEPBURN. I find on page 8151 of the daily RECORD an error to which my attention was not called until yesterday, and which I desire to have corrected. On the amendment offered by the gentleman from Illinois [Mr. SMITH] to the bill admitting New Mexico, the amendment requiring that the English language should be taught in the schools of that State, I am recorded as voting in the negative. In fact, I voted in the affirmative, as I was in favor of that amendment. See page 6916 of the permanent RECORD.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DURBOROW, for two days.

To Mr. TAWNEY, indefinitely, on account of sickness in his family.

To Mr. ROBERTSON of Louisiana, indefinitely, on account of sickness in his family.

To Mr. O'NEIL of Massachusetts, for three days, on account of sickness in his family.

To Mr. HAMMOND, indefinitely, on account of sickness.

To Mr. WAUGH, indefinitely, on account of the sickness of his daughter.

Mr. BLACK of Illinois, indefinitely.

To Mr. HOOKER of Mississippi, indefinitely, on account of sickness.

LEAVE TO PRINT COMMITTEE HEARINGS.

Mr. FITHIAN, on behalf of the Committee on Merchant Marine and Fisheries, asked leave to have printed hearings had before said committee on sundry bills known as the Maguire bills.

There was no objection, and it was so ordered.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills of the following titles:

On August 18, 1894:

An act (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

(NOTE.—The following-named bill having been presented to the President on the 6th instant, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.)

An act (H. R. 2582) to authorize the appointment of James William Abert to the retired list of the army.

(NOTE.—The following-named bill having been presented to the President on the 7th instant, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.)

An act (H. R. 6518) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendments the bill (H. R. 6656) for the relief of P. W. Mitchell, M. C. Felmet, George H. Smathers, and others.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House of Representatives in compliance with its request a duplicate engrossed copy of the bill (S. 122) to amend an act entitled an "Act to provide for the times and places to hold terms of the United States courts in the State of Washington."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 971) to open, widen, and extend alleys in the District of Columbia.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 501) granting a pension to John P. Biehn;

A bill (S. 890) granting an increase of pension to George C. Abbey;

A bill (S. 967) to remit the penalties on gunboat numbered 3, the Concord; and gunboat numbered 4, the Bennington;

A bill (S. 1009) for the relief of telegraph operators during the war of the rebellion;

A bill (S. 1066) to authorize the Third Auditor of the Treasury to audit certain quartermaster's vouchers alleged to belong to John Finn, of St. Louis, Mo.;

A bill (S. 1274) for the relief of Henry J. Hewitt;

A bill (S. 1383) granting a pension to Russel N. Reynolds;

A bill (S. 1558) for the correction of the military record of Capt. Joseph H. Richards;

A bill (S. 1571) for the relief of Thomas Williams an employé of the Senate folding room for injuries received while in the discharge of his duties in the year 1892;

A bill (S. 1970) granting an increase of pension to William T. Walker;

A bill (S. 1996) granting a pension to Mrs. Abby Jane Ward;

A bill (S. 2143) for the relief of Rufus Betz;

A bill (S. 2032) to grant a pension to Ida C. Martin;

A bill (S. 2263) to amend section 553 of the Revised Statutes of the United States relating to the organization of corporations within the District of Columbia;

A bill (S. 2293) to provide for the improvement of the building and grounds of the United States court and post-office at Little Rock, Ark.;

A bill (S. 2312) to authorize the preparation and publication of a descriptive catalogue and index to Government publications; and

Joint resolution (S. Res. 102) authorizing the Secretary of the

Treasury to provide rooms for the accommodation of the United States circuit and district courts and their officers at Meridian, Miss.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 127 and 128 to the bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 562) for the relief of Martin Parks;

A bill (H. R. 898) granting a pension to Jesse Davenport, of Company A, Second Regiment Oregon Mounted Volunteers, in Oregon Indian wars of 1855 and 1856;

A bill (H. R. 1214) granting a pension to Hannah Welch;

A bill (H. R. 2920) to pension John Maholm, dependent father;

A bill (H. R. 3005) for the relief of George Isenstein;

A bill (H. R. 4290) for the relief of Druzilla J. Rigg, of Macomb, Ill.;

A bill (H. R. 5363) for the relief of Henry W. Lee;

A bill (H. R. 6050) to pension Margaret A. Woods, widow of William W. Woods, late of Company E, Sixteenth Illinois Volunteer Infantry;

A bill (H. R. 6103) for the relief of Mrs. Mary A. Menefee;

A bill (H. R. 6228) granting a pension to Adaline J. Props;

A bill (H. R. 6361) to grant a pension to Pauline J. Smith;

A bill (H. R. 7294) empowering fourth-class postmasters to administer oaths to pensioners;

A bill (H. R. 7668) to authorize the St. Louis, Avoyelles and Southwestern Railway Company to bridge Bayou Des Glaises and Atchafalaya River in the State of Louisiana;

Joint resolution (S. R. 101) providing for clerical assistance in the health department of the District of Columbia;

A bill (S. 971) to open, widen, and extend alleys in the District of Columbia; and

A bill (S. 1007) to authorize the Commissioners of the District of Columbia to appoint a deputy coroner, and for other purposes.

COLLECTION OF INTERNAL REVENUE, ETC.

Mr. SAYERS. I ask unanimous consent for the consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill to provide for the collection of internal revenue, and for other purposes.

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1895, namely:

To enable the Secretary of the Treasury to employ such additional force as may be necessary for the collection of internal revenue, $9,000.

To carry into effect the convention between the United States and Venezuela providing for a reference to arbitration of the claim of the Venezuela Steam Transportation Company against the Government of Venezuela, signed at Caracas on the 19th day of January, 1892, $5,000, or so much thereof as may be necessary, to be expended under the direction of the President in such manner as he shall deem reasonable and proper.

For the compensation of the commissioner and agent on the part of the United States and for the contingent expenses of the commission, including the moiety of the compensation of the third commissioner: *Provided*, That the compensation of the commissioner on the part of the United States shall not exceed the rate of $5,000 a year and that of the agent of the United States $4,000 a year.

There being no objection, the bill was read a first and second time; and the House proceeded to its consideration.

Mr. HENDERSON of Iowa. Now, that this bill is before the House, I will ask the gentleman from Texas [Mr. SAYERS] to give us a brief explanatory statement in regard to it, and to tell us the total amount that it carries.

Mr. SAYERS. The total amount is $14,000. The first clause in the bill provides for an additional force in the Internal Revenue Bureau, which becomes necessary on account of the increased work which devolves upon that office.

Mr. HENDERSON of Iowa. Is that for clerical force?

Mr. SAYERS. I suppose so.

Mr. HENDERSON of Iowa. How many new clerks does it provide for?

Mr. SAYERS. Well, I do not know how many. Nine thousand dollars is all that the bureau asks.

The next clause in the bill carries $5,000. It provides simply for carrying into effect the arbitration treaty between the Governments of the United States and Venezuela upon a certain claim that is now pending against Venezuela. That commission will meet between this time and the next regular session of Congress; so that the appropriation ought now to be made.

Mr HENDERSON of Iowa. Neither of these items was before us when our regular bills were made up in committee?

Mr. SAYERS. They were not.

Mr. HENDERSON of Iowa. These are matters transmitted specially by the Secretary of the Treasury?

Mr. SAYERS. They are. But I will state to my friend that the sum of $14,000 will not add anything to the statement I have made, because in that statement $550,000 appears for miscellaneous appropriations, while in reality only $515,000 was appropriated.

Mr. HENDERSON of Iowa. It does not make much difference, because the gentleman's statement appeals largely to the imagination, at any rate. [Laughter.]

Mr. SAYERS. I can return the compliment.

Mr. LOUD. This item of $9,000 is for the purpose of carrying into effect the income tax, is it not?

Mr. SAYERS. And also the additional internal-revenue features which were incorporated in the new tariff bill.

Mr. LOUD. This is only a starter, I presume, notwithstanding the promise which was made when the bill was before us that there would be no additional cost for collection of the revenue.

Mr. SAYERS. I can give the gentleman no further information.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

The bill (H. R. 8007) was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SAYERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

PAY OF SENATE AND HOUSE EMPLOYÉS.

Mr. SAYERS. I desire also to send to the desk a joint resolution to which I think there will be no objection.

The Clerk read as follows:

Joint Resolution to pay the officers and employés of the Senate and House of representatives their respective salaries for the month of August, 1894, on the 23d day of said month.

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed to pay the officers and employés of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of August, 1894, on the 23d day of said month.

There being no objection, the joint resolution (H. Res. 221) was read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. SAYERS, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

WAR FLAGS OF MASSACHUSETTS REGIMENTS.

Mr. COGSWELL. I ask unanimous consent for the present consideration of the joint resolution (H. Res. 220) instructing the Secretary of War to return to the State of Massachusetts the flags of certain regiments of Massachusetts Volunteer Infantry.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War be, and is hereby, instructed to return to the State of Massachusetts the regimental flags of the Fifteenth, Nineteenth, Twenty-third, and Fifty-eighth Regiments of Massachusetts Volunteer Infantry, as requested by the governor of said State.

There being no objection, the Committee on Military Affairs was discharged from the further consideration of the joint resolution; which was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. COGSWELL, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ESTATE OF SYLVANUS SANDFORD.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I now send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the bill (H. R. 5215) for the relief of the estate of Sylvanus Sandford, deceased, now pending in the House, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts, under the provisions of the acts of March 3, 1883, and March 3, 1887, and generally known as the Bowman and Tucker acts.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. PAYNE. Before consent is given I hope the gentleman from Texas will explain what this bill is, or let it be read.

The SPEAKER. Without objection the bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, empowered and directed, out of any money not otherwise appropriated by law, to pay to the estate of Sylvanus Sandford, deceased, late of Cass County, Tex., the sum of $16,718.75, the amount due him on account of supplies taken by the Federal forces for their use at Brashear City, in the State of Louisiana, in the year 1862.

Mr. BAILEY. In reply to the suggestion of the gentleman from New York, Mr. Speaker, I wish to state that Mr. Sandford was at the beginning of the war a resident of Cass County, Tex. He was opposed to the secession of the State, and was, and continued to be throughout the war, a loyal citizen. He disposed

of as much of his property as he could possibly dispose of, and converted it into the most available shape; amongst other transactions, disposing of a lot of cattle and taking in exchange 107 hogsheads of sugar, which were shipped to Brashear City, La., which shortly before that time had been occupied by the Federal troops.

I have here a statement of Col. McMillan, to the effect that Mr. Sandford came to his headquarters with his wife and daughter, and asked to be permitted to see the sugar which he had shipped. It seems that there were some 400 hogsheads of sugar there at the time, but he gave Col. McMillan a description of the marks and brands and the number of hogsheads shipped, which Col. McMillan states in his testimony accords precisely with the description and number he had before given as belonging to him. After this sugar had been turned over to the Federal authorities and shipped to New Orleans, Mr. Sandford went to Illinois and remained there until after the close of the war.

That, Mr. Speaker, is all I know of this matter, and I gather it mainly from the papers in the case. The deceased had a son, who is residing in my district, and I know him to be a most excellent man. I observe from some of the papers accompanying the case an affidavit by Mr. Sandford, the father, which was made as long ago as 1876; so it is evident he was trying to prosecute this case in some form as far back as that period.

Mr. LOUD. In what form?

Mr. HAYES. What became of the sugar?

Mr. BAILEY. It was shipped to the United States officer in charge of such stores and supplies at New Orleans.

Mr. HAYES. Then it passed into the hands of the Federal authorities.

Mr. BAILEY. I think there is no question of that.

Mr. LOUD. The gentleman states that this claim was being prosecuted. In what form was he trying to prosecute it?

Mr. BAILEY. I am not advised as to that fact.

Mr. LOUD. It appears on the face of it that after the death of the claimant somebody, either his heirs or his attorneys in the case, seemed very anxious to prosecute the claim.

Mr. BAILEY. I will say to the gentleman from California that the most I know in connection with the case is gathered from the papers accompanying it, and on one of these papers I find an indorsement to the effect that the affidavit of Mr. Sandford was taken on the 3d day of February, 1876.

I will state further, that if this was a proposition to pay the money claimed I might not myself with my present information be willing to vote for it. But inasmuch as it is a mere reference of the matter to the court, I can not see that there is any objection to its taking that course.

Mr. LOUD. It provides for an examination by the court and a reference back to Congress?

Mr. BAILEY. Yes, under the provisions of the law cited.

Mr. LOUD. I think the case is a very old one and must be, but I will not object. If the gentleman from Texas can allow it to go to the court, I think I might be willing to have it take that course.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

On motion of Mr. BAILEY, a motion to reconsider the last vote was laid on the table.

RETURN OF ENGROSSED BILL FROM SENATE.

Mr. HERMANN. Mr. Speaker, I ask the present consideration of the resolution I send to the desk.

The Clerk read as follows:

Resolved, That the Senate be requested to transmit to the House of Representatives a duplicate engrossed copy of the bill (S. 743) entitled "An act for the relief of the citizens of the States of Oregon, Idaho, and Washington who served with United States troops in the war against the Nez Perces and Bannock and Shoshone Indians, and for the relief of the heirs of those killed in such service, and for other purposes."

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

CORRECTION OF A BILL.

Mr. HAYES. Mr. Speaker, I ask unanimous consent for the present consideration of a joint resolution to correct an error in the bill H. R. 855.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of a resolution similar in character to the one which has just been adopted, and which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the bill (H. R. 855) entitled "A bill to amend an act granting a pension to Elizabeth Voss, which has passed both branches of the present Congress and is now in the hands of the President of the United States, be amended and corrected by changing the word "eighty" therein to "ninety," so that said bill shall refer to the act approved March 2, 1889.

The SPEAKER. Is there objection to the request for the present consideration of this resolution?

There was no objection.

The resolution was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

PRESBYTERIAN BOARD OF HOME MISSIONS, OMAHA INDIAN RESERVATION.

Mr. MEIKLEJOHN. I ask unanimous consent for the present consideration of the bill (S. 870) authorizing the issue of a patent to the Presbyterian Board of Home Missions for certain lands on the Omaha Indian Reservation for school purposes.

The bill was read, as follows:

Whereas the location of the old mission school on the Omaha Indian Reservation, in the State of Nebraska, has become unsuitable for school purposes, and it being necessary to replace the buildings thereon by such as shall be more convenient and commodious, the Presbyterian Board of Home Missions propose to relinquish all claims to the land situate in section 12, township 25, range 9 east of the sixth principal meridian, on said reservation in the State of Nebraska, occupied for mission purposes for nearly forty years; and

Whereas the Omaha Indians, in consideration of said relinquishment and the promise of said board to erect on a proposed new site a building, to be used for school purposes, of the value of $7,500, for the benefit of the children and youth of the Omahas, have agreed to relinquish to said board all their right and title in and to the following-described land, for the purpose above named, to-wit: The southwest quarter of northeast quarter and west half of southeast quarter and northeast quarter of southeast quarter of fractional section No. 29, township 25, range 8 east, of the sixth principal meridian, on said Omaha Reservation, in Thurston County, Nebr.: Therefore,

Be it enacted, etc., That the President of the United States of America is hereby authorized and directed to issue to the Presbyterian Board of Home Missions a patent for the following-described land, to wit: The southwest quarter of northeast quarter and west half of southeast quarter and northeast quarter of southeast quarter of fractional section No. 29, township 25, range 8 east of the sixth principal meridian, on the Omaha Indian Reservation, in Thurston County, Nebr., containing 160 acres, more or less.

The SPEAKER. Is there objection to the request for the consideration of this bill?

There was no objection.

The Committee on Indian Affairs recommended the following amendments:

Add after the word "years," at the end of the first preamble, the following: "to the United States, the same to become a part of the reservation wherein it is located."

Add after the word "America," in the third line of page 2, the following: "upon the execution, by the Presbyterian Board of Home Missions, of a patent to the United States of the lands now occupied by them, as described in the first preamble herein."

Add after the word "less," on the twelfth line of page 2, the following: "to have and to hold the same so long as the said Presbyterian Board of Home Missions shall use and occupy the premises for educational, charitable, and religious purposes, and no longer."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to a third reading; and was accordingly read the third time, and passed.

SOCIETY OF AMERICAN FLORISTS.

Mr. FORMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill 5740, incorporating the Society of American Florists.

The bill was read, as follows:

Be it enacted, etc., That James Dean, of Bay Ridge, in the State of New York; William J. Stewart, Michael H. Norton, and Patrick Welch, of Boston, in the State of Massachusetts; Edward G. Hill, of Richmond, in the State of Indiana; John N. May, of Summit, in the State of New Jersey; William R. Smith, John Saul, and Benjamin Durfee, of Washington, in the District of Columbia; Myron A. Hunt, of Terre Haute, in the State of Indiana; John Thorpe, Joseph T. Anthony, and John C. Vaughan, of the State of Illinois; Robert Craig, Edwin Lonsdale, and John Burton, of Philadelphia, in the State of Pennsylvania; Alexander Murdock, of Pittsburg, in the State of Pennsylvania; John M. Jordan, of St. Louis, in the State of Missouri; John T. Temple, of Davenport, in the State of Iowa; Charles W. Hoitt, of Nashua, in the State of New Hampshire; William Falconer, of Glen Cove, and Daniel B. Long, of Buffalo, both in the State of New York; and Albert Manda, of Short Hills, in the State of New Jersey, their associates and successors, are hereby created a body corporate and politic, by the name of the Society of American Florists, for the elevation and advancement of horticulture in all its branches, to increase and diffuse the knowledge thereof, and for kindred purposes in the interest of horticulture. Said association is authorized to adopt a constitution and to make by-laws not inconsistent with law, to hold real and personal estate in the District of Columbia so far only as may be necessary to its lawful ends, to an amount not exceeding $50,000, and such other estate as may be donated or bequeathed in any State or Territory: *Provided*, That all property so held, and the proceeds thereof, shall be held and used solely for the purposes set forth in this act. The principal office of the association shall be at Washington, in the District of Columbia, but annual meetings may be held in such places as the incorporators or their successors shall determine. Said association shall from time to time report its proceedings to the Secretary of Agriculture at least once in each year, and said Secretary may communicate such reports in whole or in part to Congress.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act in whole or in part.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

ENTRY OF LANDS FOR CERTAIN PURPOSES.

Mr. LACEY. Mr. Speaker, I desire to present a conference report on the bill (H. R. 7451) to authorize the entry of lands for gravel pits and reservoir purposes and authorizing the grant of way for pipe lines.

The SPEAKER. The Clerk will read the statement, which perhaps will be satisfactory without the reading of the report.

The Clerk read the statement of the House conferees, as follows:

STATEMENT.

The first amendment of the Senate makes it certain that no land except that which is now subject to entry under the laws of the United States and not occupied can be disposed of under section 1 of this act.

The second amendment provides for a forfeiture of the title to the United States for nonuses for a period of two years.

The third amendment allows the sale for reservoir purposes in quantities not exceeding one-quarter section of unoccupied public lands not reserved for public use, but reserves all mineral and prohibits the sale of any reservoir site heretofore reserved, or that may be hereafter reserved. It also vests in the Secretary of the Interior the power to declare a forfeiture for a violation of any of the conditions upon which lands suitable for reservoir or water-storage purposes are sold under this act. It vests in the Secretary of the Interior authority to withdraw other reservoir sites upon the application of any State, county, or district, or organization, and to allow them the use thereof for the storage of water for irrigation, mining, or useful purposes.

THOS. C. McRAE.
ROBERT NEILL.
JOHN F. LACEY.

Mr. LACEY. Mr. Speaker, I hope the report will be agreed to.

The conference report was agreed to.

REPUBLIC OF HAWAII.

Mr. McCREARY of Kentucky. Mr. Speaker, I ask unanimous consent for the immediate consideration of a resolution which I send to the Clerk's desk, which I am directed by the Committee on Foreign Affairs to report favorably, and I ask that joint resolution No. 210 lie on the table. The joint resolution reported is in lieu of joint resolution No. 210.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution congratulating the Republic of Hawaii.

Resolved, etc., That the United States of America congratulates the Republic of Hawaii on the peaceful assumption of the powers, duties, and responsibilities of self-government, as indicated by the recent adoption of a republican form of government.

Mr. McCREARY of Kentucky. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution reported favorably from the Committee on Foreign Affairs.

The SPEAKER. Is there objection to the request for the consideration of this resolution?

Mr. GROSVENOR. I think that some later time had better be fixed for the consideration of this, so as to give us time to make arrangements about it.

Mr. McCREARY of Kentucky. Mr. Speaker, we have consumed much time in discussing Hawaiian affairs, and I do not suppose any one desires to open the debate again. I do not, and I hope that the resolution, which is simply a resolution to congratulate the Hawaiian Republic on having peacefully assumed the duties and responsibilities of self-government, will be allowed to pass without debate.

Mr. PAYNE. I understand that some members of the minority of the Committee on Foreign Affairs desire to discuss this resolution, and I think it would be better to let it go over. Otherwise I shall have to object.

Mr. McCREARY of Kentucky. If the resolution is not adopted to-day there is danger that it will not be acted upon by both Houses at this session.

Mr. PAYNE. They have waited so long that I think they can wait another day. I object.

The SPEAKER. Objection is made.

MRS. MARTHA FRANK.

Mr. LAWSON. Mr. Speaker, I ask unanimous consent to consider the bill (H. R. 7002) to pension Mrs. Martha Frank.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the regulations and provisions of law governing the payment of pensions, the name of Mrs. Martha Frank, widow of William Frank, member of the company of Capt. John Little in the Indian war of 1880.

The amendment recommended by the committee was read as follows:

Add after line 8 the words "and allow her a pension rated at $8 per month."

Mr. TALBERT of South Carolina. I would like to ask the gentleman if this bill has been considered in Committee of the Whole at a Friday night session?

Mr. LAWSON. It has not. On account of the adjournment over last Friday there was no opportunity to consider it in Committee of the Whole. The bill was reported last week.

Mr. TALBERT of South Carolina. Why was it not considered earlier?

Mr. LAWSON. This lady is 100 years old and quite indigent, and whatever is to be done must be done soon to be of any benefit to her.

Mr. TALBERT of South Carolina. What is the age of the applicant?

Mr. LAWSON. Over one hundred years.

The SPEAKER. Is there objection to the request for the consideration of this bill?

Mr. HEARD. Mr. Speaker, I do not desire to object; but I want to ask the gentleman from Georgia why arrears of pension is proposed to be given in this bill. I understand the bill grants a pension from a date prior to the passage of this act. I also understand the practice of Congress to be only to grant pensions from the date of the passage of the act.

Mr. LAWSON. I propose to put her on the same footing with other pensioners of the Indian wars.

Mr. LOUD. I think it had better be considered at a Friday night session. [Cries of "Oh, no!"]

The SPEAKER. The gentleman from California objects.

B. J. VAN VLECK.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent for the consideration at this time of the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 3402) for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased.

Be it enacted, etc., That the Treasurer of the United States shall pay, out of any money in his hands not otherwise appropriated, to B. J. Van Vleck, administrator of Henry Van Vleck, deceased, or to his duly authorized attorneys in fact, the sum of $4,520.20, being the amount due said Henry Van Vleck at the time of his death as a balance on account of extra work done on the locks of the Ste. Marie Canal, in Michigan, with interest thereon from October 2, 1882, the date of approval of said claim by the Secretary of War.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. SAYERS. I object, Mr. Speaker.

Mr. HAUGEN. Mr. Speaker, I want to say to the gentleman from Texas that this bill has been approved by the War Department.

Mr. SAYERS. I object to the passage of the bill.

The SPEAKER. Objection is made.

EXTENSION OF CHARTERS OF BUSINESS CORPORATIONS IN THE DISTRICT OF COLUMBIA.

Mr. COBB of Alabama. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk and put upon its passage a bill with reference to business corporations in the District.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the consideration of a bill which the Clerk will report, after which the Chair will ask if there be objection. The bill has just come from the Senate.

The bill was read, as follows:

A bill (S. 2263) to amend section 553 of the Revised Statutes of the United States, relating to the District of Columbia.

Be it enacted, etc., That section 553 of the Revised Statutes of the United States, relating to the District of Columbia, be, and the same is hereby, amended by adding to the said section the following provision:

"That any corporation heretofore or hereafter organized under the provisions of this section may renew its charter for any stated number of years, not exceeding twenty, by filing in the office of the recorder of deeds of the District of Columbia a certificate in writing, signed by a majority of its trustees, and duly acknowledged, certifying that at the last regular meeting of the stockholders held prior to the date of such certificate, or at a special meeting called for that purpose, the stockholders of such company, by a vote of at least two-thirds of all the shares of the stock of the company, resolved to renew the charter thereof for a period designated by them: *Provided*, That the proposed renewal shall be approved by the Commissioners of the District of Columbia in writing indorsed on said certificate: *And provided*, That a duly authenticated copy of the resolution of the stockholders in respect of such renewal shall be attached to said certificate.

"The filing of such certificate so approved shall be and operate as a renewal of such charter for the specified time therein. The charter so renewed may afterwards be renewed from time to time: *Provided*, That no one renewal shall be for a longer period than twenty years, and that each renewal shall be authorized by the stockholders and be subject to the approval of the Commissioners of the District of Columbia in the manner hereinbefore provided.

"The provisions of section 503 of the Revised Statutes of the United States relating to the District of Columbia shall apply to the record of all certificates of renewals of charters authorized by this act."

The SPEAKER. Is there objection to the request to consider this Senate bill?

Mr. SAYERS. Mr. Speaker, I would like to have some explanation of this bill before consent is given.

Mr. COBB of Alabama. I can explain it in a moment. By existing law the limitation on the existence of corporations in the District of Columbia is twenty years. There are corporations whose charters are about to expire under that limitation. There is no provision of law now for the renewal of those charters. This bill simply provides that these existing corporations, which are business corporations, may renew their charters for another twenty years with the consent of the Commissioners and of the stockholders of the respective companies.

Mr. COOMBS. I understand this bill does not apply to railroads?

Mr. COBB of Alabama. It does not. It relates to business corporations. The bill has been examined by the House Committee on the District of Columbia and reported favorably, and now comes from the Senate.

Mr. BLAND. Under what law are they extended now?

Mr. COBB of Alabama. They can not be extended now. They have to apply for a new charter, which puts business enterprises to a good deal of trouble.

The SPEAKER. Is there objection to the present consideration of this Senate bill? (After a pause). The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. COBB of Alabama, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BLAND. I move that the House do now adjourn.

The SPEAKER. Will the gentleman withhold that motion until the enrolled general deficiency bill comes in? The Chair understands it is about ready.

Mr. BLAND. I withdraw that motion, but demand the regular order.

The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports.

TO PROVIDE FEMALE HELP WITH SEATS.

Mr. DE ARMOND, from the Committee on the Judiciary, reported favorably the bill (S. 1841) to provide that all persons employing female help in stores, shops, offices, or manufactories shall provide seats for the same when not actively employed; which was referred to the House Calendar, and, with accompanying report, ordered to be printed.

EXCLUSION AND DEPORTATION OF ALIEN ANARCHISTS.

Mr. BOATNER, from the Committee on the Judiciary, reported favorably the bill (S. 2314) to provide for the exclusion and deportation of alien anarchists; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CONGRATULATING THE REPUBLIC OF HAWAII.

Mr. McCREARY of Kentucky, from the Committee on Foreign Affairs, reported a joint resolution (H. Res. 225), in lieu of H. Res. 210, congratulating the Hawaiian Islands on their peaceable assumption of the power of self-government, and recognizing that Republic as free, sovereign, and independent; which was referred to the House Calendar, and, with accompanying report, ordered to be printed, and House resolution was ordered to lie on the table.

LEAD ORE AND SILVER LEAD ORES.

Mr. TARSNEY, from the Committee on Ways and Means, reported favorably the bill (H. R. 7962) to amend paragraph 165, Schedule C, of an act of August —, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TURNER of Georgia, indefinitely, on account of sickness.

To Mr. McLAURIN, indefinitely, on account of sickness in his family.

EXCLUSION OF ALIEN ANARCHISTS.

Mr. BOATNER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BOATNER. I rise to move to suspend the rules and pass Senate bill 2314.

The SPEAKER. The Chair can not recognize the gentleman to move to suspend the rules.

Mr. BLAND. I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 12 o'clock and 53 minutes p. m.) adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. OATES, from the Committee on the Judiciary: A bill (H. R. 7407) for the relief of S. E. Hallford, of Alabama. (Report No. 1456.)

By Mr. CLARK of Missouri, from the Committee on Pensions: A bill (H. R. 7249) for the relief of Abner Abercrombie. (Report No. 1457.)

Also, a bill (H. R. 7287) granting a pension to Jerusha H. Brown. (Report No. 1458.)

By Mr. COOPER of Wisconsin: A bill (H. R. 8008) to grant a pension to William F. Williams—to the Committee on Invalid Pensions.

By Mr. HULICK: A bill (H. R. 8009) granting a pension to Rebecca J. Barrere, widow of James Barrere, deceased—to the Committee on Invalid Pensions.

By Mr. STORER (by request): A bill (H. R. 8010) for the relief of Annie Seitz—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Naval Affairs was discharged from the consideration of a petition presented by Mr. DANIELLS, asking and proposing amendments to international laws, and the same was referred to the Committee on Foreign Affairs.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, a bill and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. RICHARDS: A bill (H. R. 8011) to restrain and regulate the importation, manufacture, and sale of shoddy—to the Committee on Ways and Means.

By Mr. BAKER of Kansas: A joint resolution (H. Res. 224) authorizing the Secretary of War to lend two cannon to the commissioners of Smith County, Kans., to be used in experiments to procure rainfall—to the Committee on Military Affairs.

By Mr. McCREARY of Kentucky: A joint resolution (H. Res. 222) to carry into effect the convention between the United States and Venezuela providing for a reference to arbitration of the claim of the Venezuela Transportation Company—to the Committee on Foreign Affairs.

By Mr. BINGHAM: A resolution inquiring by what statutes of the United States the Secretary of War has granted permission to the Altamonte Water Company to construct dams across the St. Louis and Coloquet Rivers running through the States of Minnesota and Wisconsin—to the Committee on the Judiciary.

By Mr. CAMINETTI: A resolution authorizing the Committee on Rivers and Harbors to make certain investigation during the recess of Congress—to the Committee on Rivers and Harbors.

By Mr. LACEY: A resolution to pay increased compensation to H. B. Keffer—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Affidavits in the matter of the claim of Sylvanus Sandford, late of Cass County, Tex.—to the Committee on War Claims.

By Mr. DALZELL: Petition of sundry citizens of Allegheny County, Pa., relative to appropriations for Indian education at sectarian schools—to the Committee on Indian Affairs.

By Mr. GEAR: Petition of the faculty of Parsons College, of Fairfield, Iowa, praying admission of fraternal and college journals to the mails at 1 cent per pound—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Petition of M. L. Davis, of Dansville, N. Y., for amendments to international law extending the 3-mile limit seaward to 100 miles—to the Committee on Foreign Affairs.

Also, petition of Emerson Talcot & Co., Rockford, Ill., for 1-cent letter postage—to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August 21, 1894.*

The House met at 12 o'clock m. Prayer by Rev. WILLIAM E. PARSON, D. D.

CORRECTION.

Mr. WOOMER. Mr. Speaker, on page 9950 of the daily RECORD, in the vote on the bill placing iron ore on the free list, I am recorded as voting in the affirmative, whereas in fact I voted in the negative. I ask that the correction be made. [See page 8486 of permanent RECORD.]

The SPEAKER. The change will be made in accordance with the suggestion of the gentleman.

UNITED STATES COURTS IN THE STATE OF WASHINGTON.

The Speaker laid before the House a resolution of the Senate, transmitting, in compliance with the request of the House, a duplicate engrossed copy of the bill (S. 1252) to amend an act entitled "An act to provide for the times and places to hold

terms of the United States courts in the State of Washington." The duplicate was referred to the Committee on the Judiciary.

PUBLIC BUILDING, LITTLE ROCK, ARK.

The Speaker also laid before the House a bill (S. 2293) to provide for the improvement of the building and grounds of the United States court and post-office at Little Rock, Ark.

Mr. TERRY. Mr. Speaker, I ask unanimous consent for the present consideration of that bill, and I wish to make a brief statement and to read a letter from the circuit judge there.

Mr. PAYNE. Is this one of the bills that were reported favorably by the Committee of the Whole?

Mr. TERRY. No, sir. It is a Senate bill. The same bill has been unanimously reported by the House committee. The work for which the bill provides is absolutely necessary, and the Government is being put to expense all the time for want of it. To show the necessity, I read a letter addressed to me by the circuit judge.

DEPARTMENT OF JUSTICE, EIGHTH CIRCUIT.
Little Rock, March 28, 1892.

MY DEAR SIR: I have just seen a copy of your bill relating to the United States building in this city.

I have said and written so much about this building in the past that I have grown weary of the subject. My letters are on file in Washington protesting against laying the foundations of the building under the limitations and restrictions of the act making the first appropriation.

I said then, and time has verified the correctness of my judgment, that the building which it was proposed to erect would be found totally inadequate to accommodate the public officers and business expected to be provided for within its walls. I knew this was so, so far as it related to the United States courts.

I pleaded for two court rooms, or a judge's chambers large enough for a chambers court room; but all in vain. There is but one court room, and the judge's chambers is barely large enough to contain my bookcases, a table, and two or three chairs.

The result is that when there are two judges here and it is desirable to hold two courts at the same time, as it frequently is, we are unable to do so except when the county court-house is not in use and is loaned to us, or we can get in the State house.

The want of another court room is a source of expense to the Government and of delay and costs to parties and witnesses.

The circuit court of appeals ought to hold its winter sessions at this place, and doubtless would do so if we had a court room; but under existing conditions it is out of the question.

I know nothing about the wants of the other departments. I only know that the present building does not furnish adequate accommodations for the United States courts.

Yours, truly,

HENRY C. CALDWELL,
Circuit Judge.

HON. W. L. TERRY, M. C.,
Washington, D. C.

Now this bill is simply for the purpose of constructing an addition to the building, so as to give more room to enlarge the judge's chambers and the offices of the marshal and the clerk of the circuit and district courts, and also to put in an elevator, the whole at a cost not to exceed $54,000. I ask unanimous consent to have the bill considered at this time.

The building is in my home town, and the work is absolutely necessary, and certainly there is no economy in postponing it, because the Government is being put to extra expense for witnesses and jurors for want of these accommodations.

Mr. CANNON of Illinois. Mr. Speaker, it seems to me from the letter of Judge Caldwell which the gentleman has read and from his own statement that he makes not only a proper but an urgent case, and I, for one, shall not object.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the following improvements to be made on the building and grounds of the United States court and post-office at Little Rock, Ark., and at a cost not exceeding the following, to wit:

First. To construct an addition to said building, for the purpose of creating more room therein, and enlarging the judge's chamber and the offices of the marshal and clerk of the circuit and district courts, at a cost not exceeding $54,000.

Second. To put an elevator in said building, at a cost not exceeding $4,000.

SEC. 2. That the Secretary of the Treasury shall cause proper plans and estimates to be made for each of the improvements above contemplated, so that no expenditure shall be made or authorized for the full completion of either of them beyond the amount above provided therefor; said amount to be expended under the direction of the Secretary of the Treasury.

Mr. SAYERS. I did not follow closely the reading of the bill, and I will ask the gentleman whether it contains an appropriation?

Mr. TERRY. Not at all.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas for the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. TERRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXCLUSION AND DEPORTATION OF ALIEN ANARCHISTS.

Mr. BOATNER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill I send to the Clerk's desk.

The bill (S. 2314) to provide for the exclusion and deportation of alien anarchists was read, as follows:

Be it enacted, etc., That no alien anarchist shall hereafter be permitted to land at any port of the United States, or be admitted into the United States, but this prohibition shall not be so construed as to apply to political refugees or political offenders, other than such anarchists.

SEC. 2. That the board of special inquiry authorized under the immigration act of March 3, 1893, shall diligently inquire of any alien seeking admission into the United States, who is suspected of being an anarchist, by pertinent questions, as to his antecedents, his opinions as to government, and whether he belongs to any society or association of known anarchistic tendencies; and it may examine the person of such alien for marks indicative of such membership; it may accept evidence of the immigrant's common reputation as an anarchist, and the orders, decrees, or judgments of foreign governments and police notifications as prima facie evidence, which may be deemed sufficient, unless successfully controverted, to prevent the admission of such alien.

SEC. 3. That where the Superintendent of Immigration is satisfied from oath or affirmation filed with him that any alien anarchist has been allowed to land or has come into the United States contrary to law, or such officer has reason to believe from oath or affirmation filed with him that any alien in the United States is an anarchist and that his presence in this country will be a menace to the Government or to the peace and well-being of society in general, he may issue a warrant and cause such suspected alien anarchist to be taken into custody and brought before such Superintendent, who shall proceed without unnecessary delay to hear the evidence upon such charge and shall afford the suspected person an opportunity to submit evidence in his defense, and if, after such hearing, the Superintendent shall be satisfied that the person accused is an alien anarchist and has been allowed to land or has come into the United States contrary to law, or is satisfied that such person is an alien anarchist and that his presence in this country will be a menace to the Government or to the peace and well-being of society in general, the said Superintendent shall cause him to be conveyed to the port of departure and thence returned to the country whence he came; and if such anarchist was allowed to land or came into this country contrary to law, he shall be returned at the expense of the importing vessel, but if already in the country at the time of the passage of this act, or if he entered from an adjoining country of which he is not a citizen, then he shall be returned to the country of his nativity at the expense of the United States.

The Superintendent of Immigration, for the purposes of such hearings, shall have power to administer oaths, to summon and compel the attendance of witnesses, and to take testimony upon the questions involved, and may require any inspector of immigration or may specially authorize any other person to execute process, to make arrests, and to convey to ports of departure persons ordered deported. That upon any hearing before said Superintendent, and upon any hearing provided for in the fourth section of this act, the same kind of evidence hereinbefore authorized to be received before the board of special inquiry on the admission of alien immigrants may be allowed and with the like effect:

It is further provided that any person arrested for being an alien anarchist and ordered to be deported by the Superintendent of Immigration shall have a right to appeal to the Secretary of the Treasury, who shall hear and dispose of such appeal under such rules and regulations as he may prescribe, and pending such appeal the order of deportation shall not be executed, but the decision of the Secretary of the Treasury upon such appeal shall be final and conclusive, but no final order of deportation shall be carried out until said alien anarchist has an opportunity, if he so desires, to apply for a writ of habeas corpus, to be issued by any judge of any United States court, and upon any hearing upon such writ the question of alienage, identity, and the regularity of the proceedings may be reviewed. The Secretary of the Treasury may authorize the collector of customs at any port to proceed against any alien anarchist, according to the provisions of this act, and in such proceedings to perform all the duties and exercise all the powers hereby conferred on the Superintendent of Immigration.

SEC. 4. That in cases where, upon the trial and conviction of any alien of any crime or misdemeanor involving moral turpitude, in any United States court or court of record of any State or Territory or the District of Columbia, it shall appear from the evidence produced at the trial that such alien is an anarchist, or that his remaining in this country will be a menace to the Government or to the peace and wellbeing of society in general, the presiding judge shall direct that a further hearing shall be had before him upon that matter at an early day, of which the convicted alien shall have due notice, and at which he shall be allowed to be heard and introduce evidence in his defense, and if the said judge shall be satisfied from the evidence produced at such hearing that such convicted alien is an anarchist, or that his remaining in the country will be a menace to the Government or to the peace and wellbeing of society in general, he may direct that in addition to other punishments adjudged, the said convicted alien, after undergoing such punishments, shall be taken before a commissioner of immigration at a port of entry, who shall order his deportation at the expense of the United States to the country from which he came. Should he thereafter return to the United States he shall be arrested and sentenced to confinement in a penitentiary for a period not exceeding four years and afterwards again deported.

SEC. 5. That the Secretary of the Treasury is authorized in his discretion to appoint such number of immigration agents as he may deem necessary, not exceeding twelve in number, at a salary not exceeding $2,500 each per annum, whose duties shall be to go abroad and make investigations in other countries, under such rules, directions, and regulations as the Secretary of the Treasury may prescribe, pertaining to intended immigrants, and especially to diligently inquire and inform themselves as to the character of intended immigrants, whether anarchists, criminals, or alien contract laborers, availing themselves of police records, decrees of expulsion, and any and every source of information useful and obtainable so as to enable them to arrive at correct conclusions, and to report thereon from time to time to the Superintendent of Immigration, and to execute such other duties relating to the matters aforesaid as the Secretary of the Treasury may impose; and for the purpose of enforcing this law and paying the salaries of the said agents, the sum of $60,000 is hereby appropriated.

SEC. 6. That the fact that an alien has declared his intention to become a citizen of the United States shall constitute no bar to proceedings against him under this act or under the acts to which it is an amendment.

Mr. WARNER. Mr. Speaker, I must object to the consideration of that bill in its present form.

Mr. BOATNER. I desire to make a brief statement with regard to this bill, and I trust the gentleman will not object until he hears it.

Mr. WARNER. If the bill is to be amended, the amendments can be proposed and arranged before we are plunged into a discussion of the measure.

Mr. BOATNER. Mr. Speaker, this bill has the approval of the Secretary of the Treasury and of the Secretary of State. It was unanimously reported by the Committee on Immigration of the other House; it was passed by the Senate unanimously, and it has been reported unanimously by the Committee on the Judiciary of this House.

Mr. WARNER. My objection is not that the bill does not have good sponsors, but that in its present shape it is a bad bill. It is more likely to make anarchists than to punish them.

Mr. BOATNER. A word further, if the gentleman will permit me. The Administration also urges the very great importance of passing this bill at the present session of Congress, owing to the fact that we are advised that a large number of the most dangerous anarchists in the world are now on their way to the United States, and that at this time there is no law on the statute books which prohibits the landing of an anarchist in this country.

Mr. WARNER. And this bill does not even define the anarchy which it proposes to punish.

Mr. BOATNER. Just a moment. According to authority which is equal to that of the gentleman from New York all rights of those who are charged with being anarchists are safeguarded and taken care of in this bill.

For these reasons, I appeal to the gentleman not to put his judgment and opinion against the opinion and views of so many who are interested in this measure, which they regard as necessary for the maintenance of public order.

Mr. WARNER. Whenever it is proposed to put into the hands of administrative officers such powers as this bill proposes that they shall employ against so large a number—hundreds of thousands—of persons who are now in this country legally, and permits them to do this without what I consider proper safeguards, I must, without regard to the backing that the bill may have, object to its consideration in this form. The gentleman himself knows that this bill should be amended; and he knows that the proper method of procedure is to prepare the amendments and have them carefully considered before we plunge into a discussion of the subject in this House.

Mr. MCMILLIN. Does not the gentleman from New York [Mr. WARNER] know that there are now five hundred anarchists on their way to this country, the description of whom has been furnished to officers of the Government?

Mr. WARNER. No amount of panic can scare the "gentleman from New York" into putting into the hands of an administrative officer the detection and punishment of a crime which is not even defined in the measure which proposes to punish it by deportation. Nor will the "gentleman from New York" be scared by any other kind of panic into providing patronage for twelve men at $2,500 a year.

Mr. OATES. Allow me just a moment. The gentleman's objection is that anarchy is not defined in the bill. Does he not know that where a word or term is used in a statute without definition it always takes on its usual or common-law definition?

Mr. WARNER. Does not the gentleman know that there is no definition of "anarchy" to be found in the common law?

Mr. OATES. I think the gentleman is mistaken——

Mr. WARNER. Gentlemen inform me they have been looking for it and can not find it——

Mr. OATES. And if not, the word would be construed according to its ordinary or dictionary signification.

Mr. WARNER. The superintendent of immigration informs me that for several months he has been attempting to draw up a measure defining anarchy, and has not been able to do it.

Mr. BOATNER. I suggest to the gentleman from New York that doubtless he will be able to support with enormous strength of argument the position which he now assumes and will be able to impress upon the House the necessity of adopting such amendments as he advocates. The best way to get a good law on this subject is to consent that this bill be considered; the gentleman can then bring to our assistance in perfecting the bill his great ability and large information. Unfortunately he is not a member either of the Judiciary Committee or the Committee on Immigration, and therefore we have not had the benefit of his services in considering the measure in committee, but if he will consent to its consideration now by the House members can be enlightened, and a measure can be adopted which will reflect credit upon the gentleman from New York as well as the House.

Mr. WARNER. If anything could induce the "gentleman from New York" to do what he knows to be a foolish thing it would be the very persuasive suggestion of the gentleman from Louisiana. But I can not help thinking that by agreeing upon amendments which he may draft in cool deliberation and with mature judgment, not in the heat of debate, we shall arrive at better results than by any crude suggestions in that direction which I might make at this time and under the present circumstances.

Mr. HENDERSON of Iowa. I suggest to my friend from Louisiana [Mr. BOATNER] that if it was the intention of our friends over there to put this measure through it ought to have been brought forward when there was a quorum in both Houses.

Mr. MCCREARY of Kentucky. I wish to suggest to my friend from New York that if the bill is not considered to-day there is danger that it will not be considered this session. It is legislation looking in a most important direction. I suggest to him, therefore, that he allow the bill to come up for consideration, and then propose any amendment he may deem proper to perfect it. Thus the House will act upon this bill as upon other bills. In substantially its present shape the bill ought to pass.

Mr. BOATNER. I wish to say in reply to the gentleman from Iowa [Mr. HENDERSON]——

Mr. HENDERSON of Iowa. I am not opposing the bill, but simply suggesting that if gentlemen had intended the measure should pass they should have brought it forward when we had a quorum.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARNER. I object.

UNITED STATES COURT AT MERIDIAN, MISS.

The SPEAKER laid before the House the joint resolution (S. R. 102) authorizing the Secretary of the Treasury to provide rooms for the accommodation of the United States circuit and district courts and their officers at Meridian, Miss.

Mr. WILLIAMS of Mississippi addressed the Chair.

Mr. SAYERS. I call for the regular order.

The SPEAKER. The call for the regular order cuts off all demands for unanimous consent; but there are several bills on the table to be referred——

Mr. WILLIAMS of Mississippi (after conferring with Mr. SAYERS). I understand the call for the regular order is withdrawn for a moment; and I ask unanimous consent for the present consideration of this resolution.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required to cause the public building heretofore authorized to be erected in the city of Meridian, in the State of Mississippi, to be so constructed as to provide rooms for the accommodation of the United States circuit and district courts and their officers.

Mr. WILLIAMS of Mississippi. I will explain in a moment what it is.

The SPEAKER. The Chair will submit the request for consent——

Mr. WILLIAMS of Mississippi. Before the request is submitted, Mr. Speaker, in response to the suggestion of the gentleman from Texas, I will explain the resolution.

There has been hitherto appropriated the sum of $50,000 for the purpose of erecting a public building in the city of Meridian, Miss. At the time that this bill passed Congress no court was held there. This is merely a resolution to authorize the Supervising Architect of the Treasury and the Secretary of the Treasury so to remodel the plans of the building as to make room for the court and jury rooms, a court having been authorized to hold its sessions there since the bill was passed.

Mr. SAYERS. Does this make any addition to the limit of cost?

Mr. WILLIAMS of Mississippi. It makes no appropriation, I will state.

Mr. SAYERS. But is it within the limit of the cost as originally authorized?

Mr. WILLIAMS of Mississippi. I do not know about that.

Mr. SAYERS. If it increases the cost, I object to it.

Mr. WILLIAMS of Mississippi. It simply authorizes them to remodel the plans of the building and make room for the court.

Mr. SAYERS. If I understand the bill correctly, it does not authorize an increase of the limit of cost?

Mr. WILLIAMS of Mississippi. No; it does not.

Mr. PAYNE. Has a court been authorized by law to be held there?

Mr. WILLIAMS of Mississippi. Yes, sir; a division of the court in the State of Mississippi has been authorized to hold a term at this point.

Furthermore, I will state that plans were brought in and bids submitted for the construction of the building amounting to $13,000 less than the appropriation.

Mr. PAYNE. I have no objection to it, and think it ought to be passed.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the resolution was considered and agreed to.

On motion of Mr. WILLIAMS of Mississippi, a motion to reconsider the last vote was laid upon the table.

JOHN FINN.

The SPEAKER also laid before the House the bill (S. 1066) to authorize the Third Auditor of the Treasury to audit certain quartermasters' vouchers alleged to belong to John Finn, of St. Louis, Mo.

Mr. COBB of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of that bill.

Mr. SAYERS. I do not think we ought to pass such a bill by consent.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read at length.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. SAYERS. I object.

The SPEAKER. Objection is made, and the bill will be referred to the Committee on Claims.

PENALTIES ON CERTAIN GUNBOATS.

The SPEAKER also laid before the House the bill (S. 967) to remit the penalties on the gunboat numbered 3, the Concord, and gunboat numbered 4, the Bennington.

Mr. CAMPBELL. Mr. Speaker, a similar bill has been reported from the Committee on Naval Affairs as well as from the Committee on Claims, and is now on the Calendar. It has been there for several months past. I simply ask unanimous consent to substitute now the Senate bill for the House bill on the Calendar.

Mr. SAYERS. I object.

Mr. CAMPBELL. Very well, the gentleman can object. But it will be reported anyway, in spite of him.

The SPEAKER. Objection is made, and the bill will be referred to the Committee on Claims.

REFERENCE OF SENATE BILLS.

Bills of the Senate of the following titles were severally laid before the House by the Speaker, and referred as indicated, namely:

A bill (S. 2032) to grant a pension to Ida C. Martin—to the Committee on Invalid Pensions;

A bill (S. 501) granting a pension to John P. Biehn—to the Committee on Invalid Pensions;

A bill (S. 890) granting an increase of pension to George C. Abbey—to the Committee on Invalid Pensions;

A bill (S. 1009) for the relief of telegraph operators during the war of the rebellion—to the Committee on Military Affairs;

A bill (S. 1274) for the relief of Henry J. Hewitt—to the Committee on War Claims;

A bill (S. 1383) granting a pension to Russel N. Reynolds—to the Committee on Invalid Pensions;

A bill (S. 1558) for the correction of the military record of Capt. Joseph H. Richards—to the Committee on Military Affairs;

A bill (S. 1571) for the relief of Thomas Williams, an employé of the Senate folding room, for injuries received while in the discharge of his duties in the year 1892—to the Committee on Claims;

A bill (S. 1970) granting an increase of pension to William T. Walker—to the Committee on Invalid Pensions;

A bill (S. 1996) granting a pension to Mrs. Abby Jane Ward—to the Committee on Invalid Pensions;

A bill (S. 2143) for the relief of Rufus Betz—to the Committee on Military Affairs; and

A bill, (S. 2312) to authorize the preparation and publication of a descriptive catalogue and index of Government publications—to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PENCE, for the balance of the session, in consequence of sickness in his family.

To Mr. TALBERT of South Carolina, for the balance of the session, on account of sickness.

To Mr. SNODGRASS, indefinitely, on account of sickness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 2307) to require the prompt prosecution and speedy determination of the claim of the United States against the estate of the late Leland Stanford;

A bill (S. 2290) to amend an act entitled "An act to amend an act entitled 'An act granting the right of way to the Hutchison and Southern Railroad Company through the Indian Territory;'"

A bill (S. 2038) for the relief of Oklahoma settlers;

A bill (S. 1005) to prevent the recording of subdivisions of land in the District of Columbia in the office of the Recorder of Deeds; and

A bill (S. 2318) for the relief of B. F. Berry.

The message also announced that the Senate had passed with an amendment joint resolution (H. Res. 79) for the relief of Peter Hogan; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

A bill (H. R. 7461) to amend an act entitled "An act to create a new division of the northern judicial district of Georgia," approved March 3, 1891;

Joint resolution (H. Res. 5) authorizing the Secretary of the Treasury to transfer a certain piece of land in the State of Michigan to the city of Saginaw; and

Joint resolution (H. Res. 220) instructing the Secretary of War to return to the State of Massachusetts the flags of certain regiments of Massachusetts volunteer infantry.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following title; when the Speaker signed the same:

A bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes; and

A bill (H. R. 6656) for the relief of P. W. Mitchell, M. C. Felmet, George H. Smathers, and others.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted Mr. CHARLES W. STONE to withdraw from the files of the House, without leaving copies, papers accompanying the bill H. R. 1921.

CHANGE OF REFERENCE.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I rise to submit a privileged matter.

There was referred to the Committee on Printing a House resolution to compile and have printed a digest of contested-election cases in the Fifty-second Congress, and making an appropriation for that purpose. I think this resolution should go to the Committee on Appropriations, and I therefore ask that the Committee on Printing be discharged from its further consideration and that it be so referred.

Mr. HAUGEN. What digest does the gentleman refer to?

Mr. RICHARDSON of Tennessee. The digest of contested-election cases.

The SPEAKER. There is no appropriation now for this digest.

Mr. RICHARDSON of Tennessee. No. The resolution carries an appropriation, and therefore it ought to go to the Committee on Appropriations.

The SPEAKER. The Committee on Printing will be discharged from the further consideration of the matter, and it will be referred to the Committee on Appropriations.

PRINTING TARIFF BILL.

Mr. RICHARDSON of Tennessee. I desire to present a privileged report from the Committee on Printing for a print of the tariff bill.

The SPEAKER. The gentleman submits a privileged report, which the Clerk will read.

The Clerk read as follows:

Resolved, That there be printed for the use of the House 20,000 copies of the tariff bill which recently passed Congress.

The committee have considered the House resolution to print 20,000 copies of the tariff bill (H. R. 4864), and direct me to report the same with the recommendation that it do pass.

Mr. RICHARDSON of Tennessee. I do not yield the floor, but will answer any question.

The SPEAKER. This report does not give the estimated cost.

Mr. RICHARDSON of Tennessee. The cost is simply for reprinting the bill. I have no way to get at the exact cost.

Mr. HEPBURN. What is the form in which you propose to print this publication?

Mr. RICHARDSON of Tennessee. If gentlemen will examine the RECORD, they will find that on yesterday the Senate ordered prepared a print of the present law, the Wilson bill, and with it a comparative statement of the McKinley law and of the House bill as reported. Now, that is being prepared by the Senate Committee on Finance, and the Committee on Printing supposed that as soon as that was ready it would be desired that there be printed a considerable number for distribution by the members of the Senate and the House; and until that was done, we thought it would be well simply to pass this House resolu-

tion, which provides for the printing for the use of the House of 20,000 copies of this bill in its simple form.

The Senate have ordered a supply for their own use, and this will, in effect, be the printing of a large number of pamphlet copies, an edition of 20,000, for the use of the House. I will yield for a question.

Mr. FITHIAN. Why not have the comparison printed instead of the bill?

Mr. RICHARDSON of Tennessee. I have just stated that the Senate has ordered that comparison, and as soon as it is ready we will order it printed.

Mr. CANNON of Illinois. Will we not adjourn before that time?

Mr. FITHIAN. We may adjourn before that time.

Mr. RICHARDSON of Tennessee. It will take considerable work and I do not know how many we want printed; but that ought to be a separate resolution; and if some gentleman desires that printed, and will introduce such a resolution and have it referred to the committee, we will get an estimate of what it will cost and have that also passed, if we can have it done. It ought to be passed. But it seems to me there ought to be 20,000 copies of this bill.

Mr. MILLIKEN. Which bill is it you are going to print now?

Mr. RICHARDSON of Tennessee. The Wilson bill, which passed the House, amended by the Senate.

Mr. CAMPBELL. For the future use of members.

Mr. MARTIN of Indiana. I ask to amend the resolution by making the number 100,000.

Mr. RICHARDSON of Tennessee. I can not yield for that. Twenty thousand are enough for distribution. We shall want more of the comparison when that is prepared, but for the present it seems to me that 20,000 extra copies of the bill will be enough for distribution. Now I move the previous question.

Mr. MILLIKEN. Will my friend yield for a question before he does that?

Mr. RICHARDSON of Tennessee. Yes.

Mr. MILLIKEN. What I desire to know is simply this: You say you are going to print the Wilson bill. Are you going to print the Wilson bill, or the bill which passed the Senate?

Mr. RICHARDSON of Tennessee. I stated that it was the House bill with the Senate amendments; and I presume the gentleman understands what that means.

Mr. SPRINGER. Is this a concurrent resolution, or is it simply a House resolution?

Mr. RICHARDSON of Tennessee. A simple House resolution to print these copies for our own use.

Mr. HEPBURN. If I understand the gentleman, the Senate have already ordered published comparisons showing the Senate bill which recently passed, the Wilson bill as it passed the House, the present law, and the Mills bill, and the percentages of change. Now, why not reproduce that publication for the use of the House?

Mr. RICHARDSON of Tennessee. I will tell the gentleman why I did not report it that way. That is a publication almost as large as this which I hold in my hand.

Mr. MARSH. Oh, no.

Mr. RICHARDSON of Tennessee. Yes; it is a book of this size (indicating). If members will indulge me for a moment I will show them what was done in the Senate yesterday. This is the proper course for the House to take.

The chairman of the Committee on Finance of the Senate on yesterday said:

I am directed by the Committee on Finance to ask for an order to print the tariff law of 1894, compared with the tariff law of 1890, the Mills bill of 1888, and the Wilson bill of 1894, in an abbreviated form. The information which this abbreviation will contain is already printed in a large volume, but very inconvenient for distribution. I am therefore directed to ask for an order to print the usual number of copies in the abbreviated form which I send to the desk.

Now, that large form is in a volume about this size [exhibiting a volume about an inch and a half thick], and we thought that that would be too large and unwieldy and too costly, and that there will be too much in it. But the Senate provided for the printing of it in an abreviated form. Now, my idea is, if we want it in the abreviated form, we could have a resolution passed to print for the House the number of copies that may be necessary. For the present this resolution provides for the pamphlet-law form with the Senate amendments. Now, I think that is necessary. After that we will print any other edition that may be determined on.

Mr. HEPBURN. Why not include that in your present motion?

Mr. RICHARDSON of Tennessee. The only reason is we did not have that before us, but did have the resolution I have reported, and therefore we acted on it.

Mr. HEPBURN. Will you accept an amendment to include that?

Mr. RICHARDSON of Tennessee. I suggested to my friend from Iowa on yesterday that if he would prepare a resolution calling for this matter in an abbreviated shape we would report it immediately, and so we will. But I think we will need for ourselves in simple pamphlet form 20,000 copies of the law.

Mr. PAYNE. How much more will it cost to print the abbreviated form recommended by the Committee on Finance of the Senate than the other form?

Mr. RICHARDSON of Tennessee. I do not know.

Mr. PAYNE. It will only be the expense of the additional paper, and not be very much more, will it?

Mr. RICHARDSON of Tennessee. I think that is about all; but if the gentleman will prepare and introduce a resolution on what is wanted, I will get an estimate of the cost.

Mr. PAYNE. The gentleman thought "there was too much in it." I think the people want all the information they can get on this subject.

Mr. RICHARDSON of Tennessee. I do not object to printing the matter in any form that may be wanted, but I do know that we will need in this simple pamphlet form 20,000 copies for the use of the House; and that is all this resolution provides for.

Mr. DUNN. Does not the gentleman think that the gentleman from New York is facetious in what he says?

Mr. PAYNE. Can not the gentleman introduce a resolution for the printing of the comparative statement, and get an estimate of the cost in both forms?

Mr. RICHARDSON of Tennessee. I would be perfectly willing to do that and report it to-morrow, and discuss it as much as gentlemen desire.

Mr. MILLIKEN. Will the gentleman yield to me for a question?

Mr. RICHARDSON of Tennessee. Yes; I will yield to the gentleman for a question. How much time do you want?

Mr. MILLIKEN. Not over a minute.

Mr. RICHARDSON of Tennessee. I will yield to the gentleman for a question, but not for a speech.

Mr. MILLIKEN. I simply asked you to yield to me for a question.

Mr. RICHARDSON of Tennessee. Certainly.

Mr. MILLIKEN. When I ask you to let me make a speech I will let you know it.

Mr. RICHARDSON of Tennessee. Certainly; I yield to the gentleman for a question.

Mr. MILLIKEN. Allow me to say this, then. I believe we do not want anything that has not become a law.

Mr. RICHARDSON of Tennessee. That is not a question. [Laughter.]

Mr. MILLIKEN. We do not want the Wilson bill; we do not want the Mills bill. What has the Mills bill to do with it? It never passed. Give us the old law and give us the prospective law, and let them be compared together. That is all we want.

Mr. RICHARDSON of Tennessee. If my friend will introduce a resolution to that effect to-day we will report it to-morrow and then decide the matter.

Mr. MILLIKEN. Would it not come better from my friend from Tennessee instead of myself? We do not care anything about the Wilson bill or the Mills bill. They have both gone, although my friend from West Virginia [Mr. WILSON] has not. We have great hopes for him yet.

Mr. RICHARDSON of Tennessee. I now demand the previous question, Mr. Speaker.

Mr. DUNN. I would ask the gentleman from Maine if his question is not like that of the gentleman from New York [Mr. PAYNE], all fun, and absolutely fun.

The previous question was ordered, and under the operation thereof the resolution was agreed to.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

STREET RAILROAD FRANCHISES IN DISTRICT OF COLUMBIA.

Mr. RICHARDSON of Tennessee. I now report the Senate joint resolution (S. R. 99) to compile and publish the laws relating to street railway franchises in the District of Columbia. It is not privileged, but I ask for its consideration.

The resolution was read, as follows:

Resolved, etc., That there be printed and bound into one convenient volume, at the Government Printing Office, all the various acts of Congress that may be in force at the end of the second session of the Fifty-third Congress relating to street-railway franchises in the District of Columbia, the same to be compiled under the direction of the attorney of the District of Columbia; and that 500 copies of the same shall be furnished for the use of the Senate 1,000 copies for the use of the House of Representatives, and 1,000 copies for the use of, and distribution by, the Commissioners of the District of Columbia; but the usual number shall not be printed.

The report (by Mr. RICHARDSON of Tennessee) was read, as follows:

The committee have considered the Senate joint resolution to compile and publish the laws relating to street-railway franchises in the District of

Columbia, and direct me to report same with recommendation that it do pass.

The cost of same is about $100.

Mr. SAYERS. Reserving the right to object, I would like to ask the gentleman out of what funds the cost of this printing is to come?

Mr. RICHARDSON of Tennessee. This is a joint resolution which has passed the Senate, and it provides for the printing of a compilation of the laws relating to street-railroad franchises in the District of Columbia. It does not carry any appropriation, but it will cost about $100.

Mr. SAYERS. There is no appropriation.

Mr. RICHARDSON of Tennessee. Then it will be paid out of the appropriation made for printing in the sundry civil appropriation bill. It is simply a compilation of the laws relating to street-railroad franchises in the District of Columbia, in order that Congress may legislate intelligently in reference to them. The Senate has already passed it. The District Commissioners approve it, and desire that it shall be passed; and it will only cost, as I have stated, about $100.

Mr. SAYERS. Then I do not care to object to it.

The SPEAKER. Is there objection to the request. [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

House joint resolution (H. Res. 212) on the same subject was ordered to lie on the table.

SUPPRESSION OF LOTTERY TRAFFIC.

Mr. BRODERICK. I ask unanimous consent for the consideration of the bill (S. 1620) for the suppression of lottery traffic through national and interstate commerce and the postal service subject to the jurisdiction and laws of the United States.

The bill was read, as follows:

Be it enacted, etc., That any person who shall cause to be brought within the United States from abroad, for the purpose of disposing of the same, or deposited in or carried by the mails of the United States, or carried from one State to another in the United States, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, so-called gift concert, or similar enterprise, offering prizes dependent upon lot or chance, or shall cause any advertisement of such lottery, so-called gift concert, or similar enterprise, offering prizes dependent upon lot or chance, to be brought into the United States, or deposited in or carried by the mails of the United States, or transferred from one State to another in the same, shall be guilty of a felony, and be punishable in the first offense by imprisonment for not more than two years or by a fine of not more than $1,000, or both, and in the second and after offenses by such imprisonment only.

SEC. 2. That the provisions of sections 3929 and 4041 of the United States Revised Statutes as amended, respectively, and the provisions of sections 2491 and 2492 of the United States Revised Statutes, and of sections 11, 12, and 13 of the act of Congress of October 1, 1890, entitled "Chapter 1244. An act to reduce the revenue and equalize duties on imports, and for other purposes," and all other provisions of law for the suppression of traffic in or circulation of any such tickets, chances, shares, or interests in or other matter relating to lotteries, or for the suppression of traffic in or circulation of obscene books or articles of any kind, shall apply in support, aid, and furtherance of the enforcement of this act.

SEC. 3. That nothing herein contained shall de deemed to repeal by implication sections 3894, 3929, or 4041 of the United States Revised Statutes, or any part thereof, nor any provisions of the act of Congress of April 29, 1878, entitled "An act to prevent the sale of policy or lottery tickets in the District of Columbia," nor any provisions of the act of Congress of September 19, 1890, entitled "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes," nor any provision of the laws whatsoever against the establishment of lotteries, or games, or other schemes, or prizes, or chances, or the traffic in or circulation of tickets and other such papers or instruments, or the publication of advertisements or notices in anywise relating thereto.

SEC. 4. That the powers conferred upon the Postmaster-General by the statute of 1890, chapter 908, section 2, are hereby extended and made applicable to all letters or other matter sent by mail.

The SPEAKER. Is there objection to the request of the gentleman from Kansas for the present consideration of this bill?

Mr. DAVEY. I object.

Mr. BRODERICK. I hope the gentleman will withhold his objection until I can make a statement showing the necessity which exists for immediate action on this subject. I want to show that lotteries are being organized in three or four States of the Union, that the evil is growing, and that the demand for the suppression of the traffic is coming from the best people from all over the country. All the friends of this measure ask is for consideration and for a vote. I am not asking this for my constituents alone, though they are deeply interested, but am asking for a vote upon this bill in the interest of better government and on behalf of all the people in this country who are opposed to this species of gambling. I would like to read some letters and other evidences showing the extent of this evil, but owing to the objection am precluded from doing so.

HENRY HALTEMAN.

Mr. SORG. Mr. Speaker, I ask unanimous consent for the consideration of the bill (S. 1526) for the relief of Henry Halteman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge from the United States service to Henry Halteman, late of Company F, Second United States Artillery.

The SPEAKER. Is there objection to the request for the present consideration of this bill?

Mr. JONES. I object.

Mr. BLAND. Mr. Speaker, I move that the House do now adjourn.

The question being taken on the motion of Mr. BLAND, the Speaker declared that the noes seemed to have it.

Mr. BLAND. I ask for a division.

The House divided; and there were—ayes 44, noes 57; so the House refused to adjourn.

DULUTH AND WINNIPEG RAILWAY COMPANY.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill which I send to the Clerk's desk. This is a bill granting to the Duluth and Winnipeg Railway Company the right of way across an Indian reservation in the State of Minnesota. The railroad has now been built up to the limit of the reservation, and no further work can be done until permission is given to go through the reservation. The bill is in the usual form.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted to the Duluth and Winnipeg Railroad Company, a corporation organized and existing under the laws of the State of Minnesota, and to its assigns, the right of way for the extension of its railroad, and for a telegraph and telephone line, through the Chippewa and White Earth Indian Reservations in said State, commencing at some point on its already constructed line in said State and running in a general westerly or northwesterly direction, by such route as shall be deemed advisable, to some point on the western boundary line of the said State, or to some point on the northern boundary line thereof, between the Red River of the North and the Lake of the Woods, or to both such points. Such right of way shall be 50 feet in width on each side of the central line of said railroad, and said company shall also have the right to take from the lands adjacent to the line of said road material, stone, and earth necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount 200 feet in width and 3,000 feet in length for each station, and to an extent not exceeding one station for each 10 miles of road within the limits of said reservations: *Provided*, That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction and convenient operation of said railroad line, and when any portion thereof shall cease to be used, such portion shall revert to the nation or tribe of Indians from which the same shall be taken.

SEC. 2. That before said railroad shall be constructed through any land, claim, or improvement held by individual occupants according to any treaties or laws of the United States, compensation shall be made such occupant or claimant for all property to be taken or damage done by reason of the construction of said railroad. In case of failure to make satisfactory settlement with any such claimant, the United States district court at St. Paul or Duluth, Minn., shall have jurisdiction upon petition of either party to determine such just compensation in accordance with the laws of Minnesota provided for determining the damage when property is taken for railroad purposes; and the amount of damages resulting to the tribe or tribes of Indians pertaining to said reservations in their tribal capacity, by reason of the construction of said railroad through such lands of the reservations as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval: *Provided, however*, That said railroad company may file with the Secretary of the Interior a bond, in such amount and with such sureties as the Secretary shall approve, conditioned for the payment of just compensation for said right of way to said individual occupants and to said tribe or tribes, as hereinbefore provided, and said company may thereupon proceed to construct and operate its railroad across said reservations.

SEC. 3. That said company shall cause maps, showing the route of its line through said reservations, and including the grounds for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, to be filed in the office of the Secretary of the Interior before constructing any portion of said railroad.

SEC. 4. That said company is hereby authorized to enter upon said reservations for the purpose of surveying and locating its line of railroad: *Provided*, That said railroad shall be located and constructed with due regard to the rights of the Indians and under such rules and regulations as the Secretary of the Interior shall prescribe.

SEC. 5. That the right herein granted shall be forfeited by said company unless the road shall be constructed through the said reservations within three years after the passage of this act.

The SPEAKER. Is there objection to the request for the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

BONDS FOR REGISTRY OF VESSELS.

Mr. FITHIAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 588) to repeal section 4145 of the Revised Statutes of the United States, and to amend sections 4146 and 4320, also section 1 of the act amending section 4214 of the Revised Statutes, approved March 3, 1883, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That section 4145 of the Revised Statutes, providing for bonds for registry of vessels, is hereby repealed.

SEC. 2. That section 4146 of the Revised Statutes is hereby amended so as to read:

"SEC. 4146. A certificate of registry shall be solely used for the vessel for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person whomsoever; and in case the vessel so registered shall be lost, or taken by an enemy, burned, or broken up, or shall be otherwise prevented from returning to the port to which she may belong, the certificate, if preserved, shall be delivered up within eight days after the arrival of the master or person having the charge or command of such vessel within any district of the United States, to the collector of such district; and if any foreigner, or any person for the use and benefit of such foreigner, shall purchase or otherwise become entitled to the whole, or any part or share of, or interest in such vessel, the same being within a district of the United States, the certificate shall, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the district; and if any such purchase, change, or transfer of property shall happen when such vessel shall be at any foreign port or place, or at sea, then the master or person having the charge or command thereof shall, within eight days after his arrival within any district of the United States, deliver up the certificate to the collector of such district. Any master or owner violating the provisions of this section shall be liable to a penalty of not exceeding $500, and the certificate of registry shall be thenceforth void. The Secretary of the Treasury shall have the power to remit or mitigate such penalty if in his opinion it was incurred without willful negligence or intention of fraud."

SEC. 3. That section 4320, Revised Statutes, is hereby amended so as to read:

SEC. 4320. No licensed vessel shall be employed in any trade whereby the revenue laws of the United States shall be defrauded. The master of every such vessel shall swear that he is a citizen of the United States, and that such license shall not be used for any other vessel or any other employment than that for which it was specially granted, or in any trade or business whereby the revenue of the United States may be defrauded; and if such vessels be less than 20 tons burden the husband or managing owner shall swear that she is wholly the property of citizens of the United States; whereupon it shall be the duty of the collector of the district comprehending the port whereto such vessel may belong to grant a license.

SEC. 4. That no bond shall be required on the licensing of yachts; no licensed yacht shall engage in any trade, nor in any way violate the revenue laws of the United States; and every such yacht shall comply with the laws in all respects. Section 1 of the act approved March 3, 1883, amending section 4214, Revised Statutes, etc., is amended accordingly.

SEC. 5. That any master or owner violating the provisions of this or the preceding section shall be liable to the penalty of $200, in addition to any other penalty imposed by law. The Secretary of the Treasury shall have power to remit or mitigate any such penalty if in his opinion it was incurred without negligence or intention of fraud.

SEC. 6. That this act shall not invalidate the bonds heretofore given under the requirements of law.

Mr. WISE. I desire to ask the gentleman whether this bill has been considered by any committee of this House?

Mr. FITHIAN. Yes, sir.

Mr. WISE. By which one?

Mr. FITHIAN. The Committee on Merchant Marine and Fisheries.

Mr. WISE. Is this Senate bill similar to the bill which has been considered by your committee?

Mr. FITHIAN. Yes, sir.

Mr. LOUD. Is this the Frye Senate bill without amendment?

Mr. FITHIAN. Yes, sir; this is the Frye Senate bill.

The SPEAKER. Is there objection to the request for the present consideration of this bill?

Mr. PAYNE. Mr. Speaker, I do not think that a bill of this importance ought to be considered in this hurried way. It is impossible to tell whether it is a good or bad bill without having an opportunity to examine it.

The SPEAKER. Objection is made.

COMPILATION OF TARIFF LAWS.

Mr. HEPBURN. Mr. Speaker, I desire to offer the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That there be prepared and printed a compilation of the tariff laws of 1890, 1894, the Mills bill, and the Wilson bill as the same was originally reported from the Committee on Ways and Means to the House and also as the same passed the House, in such brief and succinct form as that each may be readily compared with the other, together with a table of comparisons and percentages.

The SPEAKER. Does the gentleman desire to have this referred to the Committee on Printing?

Mr. HEPBURN. Yes, sir.

The SPEAKER. It will be so referred.

S. E. HALLFORD.

Mr. OATES. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 7407) for the relief of S. E. Hallford, of Alabama.

The bill was read, as follows:

Be it enacted, etc., That the title to the following-described lands, the southwest quarter of the northwest quarter of section 18, township 3, range 26, and the southwest quarter of the southwest quarter of section 7, township 3, range 26, and the west half of the southwest quarter, and the southwest quarter of the northwest quarter, and 20 acres of the southeast quarter of the northeast quarter, and the west half of the northeast quarter of southwest quarter, and southeast quarter of southwest quarter, and northeast quarter of southeast quarter, and 20 acres of northeast quarter, section 21, township 5, range 24, which was bought by the United States at a sale made by the marshal of the middle division of said State, be divested out of the United States and be reinvested in the said S. E. Hallford as fully and completely as before the said sale.

An amendment recommended by the Committee on the Judiciary was read, as follows:

In line 3, insert between the words "lands" and "the" the following: "within the county of Dale and State of Alabama."

The SPEAKER. Is there objection to the request for the present consideration of this bill?

Mr. HEPBURN. Mr. Speaker, I think the gentleman ought to make some explanation of the bill. This land appears to have been sold on execution to make fines against this party.

Mr. OATES. I will gladly comply with the gentleman's suggestion and make a statement. The man for whose relief this bill is intended was surety upon the bond or recognizance of a defendant in the United States court at Montgomery, who was charged with the violation of the revenue laws. The defendant failed to appear when called, but this man afterward brought him into court, where he stood his trial and was acquitted. Mr. Hallford supposed the forfeiture was set aside. But through oversight or rush of business, the attention of the district attorney and the judge not being called to the matter, the forfeiture was in fact made final, without notice having been served upon Mr. Hallford that such action was to be taken.

In fact, his attention was not called to the matter until an execution was issued. When his land was levied upon under the execution (the amount of which was small—less than $300) he went to court and offered his defense, for the purpose of having the proceeding set aside. His attorney also made affidavit in regard to the matter; and the district attorney admitted the error which had occurred. But as another term of court had begun, the judge held properly that he had not jurisdiction to set aside the proceedings and grant the relief. The land of Mr. Hallford was levied upon and sold. The land is poor; and he is a very poor man, this property being about all that he was worth.

This bill proposes simply to restore to him this land which was sold under the execution, his bond having been forfeited by reason of a misapprehension, when he had in fact surrendered the defendant, the ends of justice being completely met. The Committee on the Judiciary, having had the bill under consideration, has unanimously made a favorable report.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee, inserting in lines 3 and 4 the words "within the county of Dade and State of Alabama," was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ADJOURNMENT TILL THURSDAY.

Mr. MCMILLIN. I move that when the House adjourns today it be to meet on Thursday next.

The motion was agreed to; there being on a division (called for by Mr. HUDSON)—ayes 91, noes 7.

Mr. WISE. I move that the House now adjourn.

The motion was agreed to; there being on a division (called by Mr. MCCLEARY of Minnesota)—ayes 55, noes 41.

Accordingly (at 1 o'clock and 13 minutes p. m.) the House adjourned until Thursday next.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. CLARK of Missouri, from the Committee on Pensions: A bill (H. R. 8018) granting pensions to Gray's battalion of Arkansas Volunteers. (Report No. 1463.)

Also, a bill (H. R. 7028) to pension Joseph W. Snyder, crippled son of a Revolutionary soldier. (Report No. 1464.)

By Mr. GORMAN, from the Committee on Military Affairs: A bill (H. R. 6834) for the relief of Richard H. Marsh. (Report No. 1465.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. GROW: A bill (H. R. 8012) providing that widows of pensioners married before the close of the late war shall receive the same rate of pension that the pensioner was receiving at the time of his death—to the Committee on Invalid Pensions.

By Mr. JOHNSON of North Dakota: A bill (H. R. 8013) for the unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. HEPBURN: A resolution for printing a compilation of the tariff laws of 1890 and 1894—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. COOPER of Florida: A bill (H. R. 8014) to amend the

military record of Dan S. Place, first lieutenant Eighteenth Indiana Volunteers—to the Committee on Military Affairs.

By Mr. STONE of Kentucky: A bill (H. R. 8015) for the relief of the estate of William Robert Buddendorff, of Orleans Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 8016) for the relief of the estate of Octave La Branche, deceased, late of St. Charles Parish, La.—to the Committee on War Claims.

By Mr. VAN VOORHIS of Ohio: A bill (H. R. 8017) to remove the charge of desertion from the military record of Nicholas Swingle—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER of Kansas: Petition of the citizens of Smith County, Kans., and others, asking for the donation of two 20-pounder cannons—to the Committee on Military Affairs.

By Mr. HARTMAN: Petition of certain citizens of the United States, for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. KEM: Petition signed by 409 citizens of Nebraska, for good roads—to the Committee on Labor.

Also, petition of certain citizens of Nebraska, for an appropriation for irrigation—to the Committee on Irrigation of Arid Lands.

By Mr. STORER: Memorial of Cincinnati Chamber of Commerce, asking for an appropriation of $260,000 to construct lock and dam below mouth of the Harpeth River in Cumberland River, in Tennessee—to the Committee on Rivers and Harbors.

SENATE.

WEDNESDAY, *August 22, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Monday last; when, on motion of Mr. TURPIE and by unanimous consent, the further reading was dispensed with.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes; and it was thereupon signed by the Vice-President.

HOUSE BILL REFERRED.

The VICE-PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 8007) to provide for the collection of internal revenue, and for other purposes, was read the first time by its title.

Mr. ALDRICH. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Faulkner,	Kyle,	Pettigrew,
Allison,	Gallinger,	Lindsay,	Pugh,
Bate,	George,	Manderson,	Ransom,
Berry,	Gorman,	Martin,	Roach,
Blackburn,	Gray,	Mitchell, Oregon	Turpie,
Cockrell,	Harris,	Palmer,	Vilas,
Coke,	Hill,	Pasco,	Walsh,
Cullom,	Jones, Ark.	Peffer,	White.

The VICE-PRESIDENT. Thirty-two Senators have answered to their names. No quorum is present. What is the pleasure of the Senate?

Mr. TURPIE. I ask unanimous consent for the present consideration of the bill (H. R. 7095) to provide for the erection of a national home for aged and infirm colored persons, and for the maintenance of the inmates thereof.

The VICE-PRESIDENT. The Chair will state that no quorum is present, and that no business is in order except a motion to adjourn or to request the attendance of absent Senators.

Mr. HARRIS. How many Senators have answered to their names?

The VICE-PRESIDENT. Thirty-two Senators have answered to their names.

Mr. TURPIE. I misunderstood the announcement of the Chair. I thought he said fifty-two.

The VICE-PRESIDENT. What is the pleasure of the Senate?

Mr. GORMAN. I move that the Senate adjourn.

Mr. BERRY and others. Oh, no.

Mr. GORMAN. Very well; I withdraw the motion.

Mr. HARRIS. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE-PRESIDENT. The Sergeant-at-Arms will execute the order of the Senate.

Mr. JARVIS, Mr. SHOUP, Mr. VEST, Mr. GORDON, Mr. BLANCHARD, and Mr. MITCHELL of Wisconsin entered the Chamber and answered to their names.

Mr. COCKRELL (at 12 o'clock and 27 minutes p. m.). Has the Sergeant-at-Arms made a report?

The VICE-PRESIDENT. He has made no report as yet.

Mr. MCLAURIN, Mr. GIBSON, Mr. CAFFERY, Mr. QUAY, and Mr. JONES of Nevada entered the Chamber and answered to their names.

The VICE-PRESIDENT (at 1 o'clock and 10 minutes p. m.). Forty-three Senators have answered to their names. A quorum is present.

The bill (H. R. 8007) to provide for the collection of internal revenue, and for other purposes, was read the second time by its title, and referred to the Committee on Appropriations.

VOLUNTEERS IN INDIAN WAR.

The VICE-PRESIDENT. The Chair lays before the Senate the request of the House of Representatives to transmit to that body a duplicate engrossed copy of the bill (S. 743) for the relief of the citizens of the States of Oregon, Idaho, and Washington who served with the United States troops in the war against the Nez Perces and Bannock and Shoshone Indians and for the relief of the heirs of those killed in such service, and for other purposes. In the absence of objection the request of the House of Representatives will be complied with.

BILLS INTRODUCED.

Mr. BATE (by request) introduced a bill (S. 2321) to authorize the exploration and purchase of mines within the boundaries of private land claims; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. QUAY introduced a bill (S. 2322) for the relief of I. H. Hathaway & Co.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

Mr. PALMER introduced a bill (S. 2323) granting a pension to Mary Trimble; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

On motion of Mr. MITCHELL of Oregon, it was

Ordered, That leave be granted for the withdrawal, for reference to the Treasury Department for further examination and report, of the papers in the claim of the State of Pennsylvania for expenses incurred on account of the war of 1812, for which an examination was authorized by the act of Congress approved June 12, 1858 (11 Statutes, page 326).

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate adjourn.

Mr. GRAY. Why not have an executive session?

Mr. ALDRICH. I have no objection to an executive session.

Mr. COCKRELL. Very well. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills and joint resolutions:

A bill (S. 1458) granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian Reservations in the State of Minnesota;

A bill (S. 2293) to provide for the improvement of the building and grounds of the United States court and post-office at Little Rock, Ark.;

A joint resolution (S. R. 99) to compile and publish the laws relating to street-railway franchises in the District of Columbia; and

A joint resolution (S. R. 102) authorizing the Secretary of the Treasury to provide rooms for the accommodation of the United States circuit and district courts and their officers at Meridian, Miss.

The message also announced that the House had passed the bill (S. 870) authorizing the issue of a patent to the Presbyterian Board of Home Missions for certain lands on the Omaha Indian Reservation for school purposes, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed

the following bill and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 5740) incorporating the Society of American Florists;

A joint resolution (H. Res. 221) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of August, 1894, on the 23d day of said month; and

A joint resolution (H. Res. 223) to correct an error in an act entitled "An act granting a pension to Elizabeth Voss."

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6656) for the relief of P. W. Mitchell, M. C. Felmet, George H. Smathers, and others; and it was thereupon signed by the Vice-President.

ELIZABETH VOSS.

Mr. VILAS. I ask that the joint resolution which has just been received from the other House to correct an error in a private pension act be laid before the Senate.

The joint resolution (H. Res. 223) to correct an error in the act entitled "An act to amend an act granting a pension to Elizabeth Voss" was read twice by its title.

Mr. VILAS. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole. It proposes to correct the act to amend an act granting a pension to Elizabeth Voss by changing the word "eighty" therein to "ninety;" so that it shall refer to the act approved March 3, 1893.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. CROIX RIVER BRIDGE.

Mr. VILAS. I ask unanimous consent for the present consideration of the bill (H. R. 6529) to authorize the construction of a bridge across the St. Croix River between Wisconsin and Minnesota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. TANNER.

Mr. WALSH. I ask unanimous consent to call up the bill (H. R. 2842) to reimburse George C. Tanner, late consul, etc., the sum of $200 paid by him for rent of rooms.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OMAHA INDIAN RESERVATION LANDS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 870) authorizing the issue of a patent to the Presbyterian Board of Home Missions for certain lands on the Omaha Indian Reservation for school purposes.

The amendments of the House of Representatives were, on page 1, at the end of the first preamble, after the word "years," to insert "to the United States, the same to become a part of the reservation wherein it is located;"

On page 2, line 3, after "America," to insert "upon the execution by the Presbyterian Board of Home Missions of a patent to the United States of the lands now occupied by them, as described in the first preamble herein;" and

On page 2, line 12, after the word "less," to strike out the period and insert a comma, and "to have and to hold the same, so long as the said Presbyterian Board of Home Missions shall use and occupy the premises for educational, charitable, and religious purposes, and no longer."

Mr. MANDERSON. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 23, 1894, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 22, 1894.

PROMOTIONS IN THE ARMY.

Infantry arm.

Maj. James H. Bradford, Eleventh Infantry, to be lieutenant-colonel.

Capt. George W. Davis, Fourteenth Infantry, to be major.

First Lieut. Frank F. Eastman, Fourteenth Infantry, to be captain.

First Lieut. Mitchell F. Jamar, Thirteenth Infantry, to be captain.

Second Lieut. James T. Dean, Third Infantry, to be first lieutenant.

Second Lieut. Ulysses G. McAlexander, Twenty-fifth Infantry, to be first lieutenant.

TO BE CAPTAIN OF INFANTRY.

Charles B. Stivers, formerly captain Seventh Infantry.

APPOINTMENTS IN THE NAVY.

Assistant engineers.

John Twigga Myers, a resident of Virginia; Edward S. Kellogg, a resident of New York, and David Van Allen, a resident of Tennessee, to be assistant engineers in the Navy.

Assistant paymasters.

Guy George Rodgers, a resident of Missouri; Martin McMahon Ramsay, a resident of the District of Columbia, and Joseph Johnston Cheatham, a resident of Tennessee, to be assistant paymasters.

APPRAISER OF MERCHANDISE.

Louis D. Voltz, of New York, to be appraiser of merchandise in the district of Buffalo Creek, in the State of New York.

SURVEYORS OF CUSTOMS.

Edward S. Havens, of New York, to be surveyor of customs for the port of Greenport, in the State of New York.

Frank Cassidy, of Illinois, to be surveyor of customs for the port of Cairo, in the State of Illinois.

COLLECTORS OF CUSTOMS.

Frank N. Potter, of New York, to be collector of customs for the district of Cape Vincent, in the State of New York.

Charles C. Perkins, of Maine, to be collector of customs for the district of Kennebunk, in the State of Maine.

Edward W. Baker, of Maine, to be collector of customs for the district of Yok, in the State of Maine .

POSTMASTER.

S. H. Jones, to be postmaster at Hico, in the county of Hamilton and State of Texas.

SENATE.

THURSDAY, *August 23, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

The VICE-PRESIDENT. The Journal of yesterday's proceedings will be read by the Secretary.

Mr. MANDERSON. Mr. President, I suggest the lack of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Gallinger,	Kyle,	Roach,
Bate,	George,	Lindsay,	Turpie,
Berry,	Gibson,	McLaurin,	Vest,
Blackburn,	Gorman,	Martin,	Vilas,
Blanchard,	Gray,	Mitchell, Oregon	Walsh,
Cockrell,	Harris,	Mitchell, Wis.	White.
Coke,	Hill,	Palmer,	
Cullom,	Hunton,	Pasco,	
Faulkner,	Jones, Ark.	Pugh,	

Mr. PASCO. I was requested to announce that the junior Senator from Ohio [Mr. BRICE] has been called from the city to attend the funeral of a relative. This is the cause of his absence.

Mr. ALLISON. I desire to state that my colleague [Mr. WILSON] is absent on account of illness. I have just received a telegram from the senior Senator from Ohio [Mr. SHERMAN] stating that he is also at home not well.

The VICE-PRESIDENT. Thirty-three Senators have answered to their names. There is no quorum present.

Mr. HARRIS. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. PASCO. Before that motion is put, I should like to ask if any report has been made under the order adopted yesterday morning, which was not revoked when we adjourned. There is an order of this kind now out.

Mr. COCKRELL. I understand that the order requested by the Senator from Tennessee is already in force. It was made yesterday.

Mr. PASCO. It was made yesterday morning, and it is unnecessary to renew it now.

Mr. GORDON entered the Chamber and answered to his name.

Mr. COCKRELL. I ask that the report of the Sergeant-at-Arms under the order of yesterday may be read.

The VICE-PRESIDENT. The Chair lays before the Senate the report of the Sergeant-at-Arms; which will be read.

The Secretary read as follows:

SERGEANT-AT-ARMS, UNITED STATES SENATE,
Washington, August 23, 1894.

SIR: In obedience to the instructions of the Senate directing me to request the attendance of absent Senators, I have to report:

Of the forty-two Senators who did not answer to their names yesterday only two are in the city. Both of these have been requested to attend. One of them is too ill to be present.

One Senator is in Europe.

Telegrams were sent to all the others requesting their attendance immediately.

I am informed by his business associates that one is on his way to Europe.

The telegraph company reports three can not be found.

One responded that he would be present to-day.

One responded that he would be present to-morrow.

One telegraphs it will be impossible for him to reach here before this evening.

One responded that it would be impossible to come.

Four answer that they are ill.

I am advised that one had left the place to which telegram was sent, and no other address was given.

No response has been received from the remainder.

Very respectfully,

R. J. BRIGHT,
Sergeant-at-Arms, United States Senate.

Hon. A. E. STEVENSON,
Vice-President of the United States.

Mr. GRAY. I ask that the names of the absentees be read.

The VICE-PRESIDENT. The Secretary will read the names of the absent Senators.

The Secretary read as follows:

ABSENT.

Aldrich,	Dolph,	McPherson,	Quay,
Allen,	Dubois,	Manderson,	Ransom,
Brice,	Frye,	Mills,	Sherman,
Butler,	Hale,	Morgan,	Shoup,
Caffery,	Hansbrough,	Morrill,	Smith,
Call,	Hawley,	Murphy,	Squire,
Camden,	Higgins,	Patton,	Stewart,
Cameron,	Hoar,	Peffer,	Teller,
Carey,	Irby,	Perkins,	Voorhees,
Chandler,	Jarvis,	Pettigrew,	Washburn,
Daniel,	Jones, Nev.	Platt,	Wilson,
Davis,	Lodge,	Power,	Wolcott.
Dixon,	McMillan,	Procter,	

Mr. TURPIE. I wish to state that my colleague [Mr. VOORHEES] is detained necessarily from the Senate by serious indisposition.

Mr. RANSOM entered the Chamber and answered to his name.

Mr. FAULKNER. I desire to state that I received a telegram from my colleague, the junior Senator from West Virginia [Mr. CAMDEN], stating that he will reach here, if the train is on time, at 12 o'clock to-day.

Mr. PASCO. For the reason which I stated a few minutes ago, I ask that the junior Senator from Ohio [Mr. BRICE] be excused from attendance to-day. He is absent in consequence of the death of a near relative, and has gone from the city to attend the burial.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida? The Chair hears none, and the junior Senator from Ohio [Mr. BRICE] is excused.

Mr. ALLISON. I ask unanimous consent that the senior Senator from Ohio [Mr. SHERMAN] may be excused from attendance during the remainder of the session on account of illness. I have received a telegram from him asking me to make this request of the Senate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa? The Chair hears none, and the senior Senator from Ohio [Mr. SHERMAN] is excused.

Mr. ALLISON. I also make the same request for my colleague [Mr. WILSON], who, as is well known, is absent on account of illness.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the junior Senator from Iowa [Mr. WILSON] is excused.

Mr. JARVIS entered the Chamber and answered to his name.

Mr. HARRIS (at 12 o'clock and 25 minutes p. m.). On the suggestion of the Senator from Missouri [Mr. COCKRELL], I believe it has been held by the Chair that the order of yesterday directing the Sergeant-at-Arms to request the attendance of absent Senators is still in force, and under that order the Sergeant-at-Arms has made his report, and it does not show the presence of a quorum. I now move that the Sergeant-at-Arms be directed to compel the attendance of absent Senators.

The motion was agreed to.

The VICE-PRESIDENT. The Sergeant-at-Arms will execute the order of the Senate.

Mr. FAULKNER (at 12 o'clock and 50 minutes p. m.). I ask that the junior Senator from West Virginia [Mr. CAMDEN] be excepted from the order requiring the Sergeant-at-Arms to compel the attendance of absent Senators. My colleague is now on his way to Washington, and will arrive in the city just as soon as possible.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the junior Senator from West Virginia [Mr. CAMDEN] is excepted from the order.

Mr. HARRIS. I ask that the Senator from Indiana [Mr. VOORHEES] and the Senator from Vermont [Mr. MORRILL] be excepted from the order made to compel the attendance of absent Senators. The Senator from Indiana is ill and the Senator from Vermont has been in frail health. I think they ought to be excepted from the order.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senators named are excepted from the order.

Mr. FAULKNER (at 1 o'clock p. m.). I ask that the Senator from South Carolina [Mr. BUTLER], who has telegraphed that he will be here in the early morning train to-morrow, and the Senator from Alabama [Mr. MORGAN], who has telegraphed that he will be here this evening, be excused from the order entered this morning to compel the attendance of absent Senators.

The VICE-PRESIDENT. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and the Senators named are excused.

Mr. HARRIS (at 1 o'clock and 18 minutes p. m.). Pending the execution of the order of the Senate, I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned until to-morrow Friday, August 24, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August 23, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev E. B. BAGBY.

The Journal of the proceedings of Tuesday was read and approved.

RECORDING LAND SUBDIVISIONS, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 1005) to prevent the recording of subdivisions of land in the District of Columbia in the office of the Recorder of Deeds.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I ask unanimous consent that this bill be considered now.

I will state, if I may be allowed to make a brief explanation, that the existing law on this subject is so drawn as to make evasion possible. Maps or plats of subdivisions in the District of Columbia may now be recorded in two places; that is, in the office of the recorder of deeds, and also in the office of the surveyor of the District. The District Commissioners have sent to the committee a letter, in which they urgently recommend the passage of the Senate bill, which provides that these maps or plats shall be recorded only in one place. That, it would seem, is ample for all purposes in connection with the matter. It makes reference to such subdivisions more convenient, while the present system, which authorizes their recording in two places, simply involves unnecessary expense, and has heretofore led to considerable confusion in the opening of streets through such subdivisions.

I ask that the letter from the Commissioners be read in connection with the statement I have made, to show the urgency of this matter.

A MEMBER. Is this recommended by the District Committee?

Mr. RICHARDSON of Tennessee. The chairman of the committee [Mr. HEARD] a few moments ago asked me to make this motion. He is temporarily absent from the Hall.

The SPEAKER. If there be no objection the letter to which the gentleman from Tennessee refers will be read.

The letter was read, as follows:

OFFICE OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, August 21, 1894.

DEAR SIR: The Commissioners earnestly request that you will do all in your power to secure favorable action by the House, and at once, on Senate bill 1005, "to prevent the recording of subdivisions of land in the District of Columbia in the office of the recorder of deeds," which passed the Senate yesterday without objection. The Commissioners can not too strongly express the urgency and importance of the enactment of this bill.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners, District of Columbia.

Hon. JOHN T. HEARD,
Chairman Committee on District of Columbia,
House of Representatives.

The SPEAKER. The bill will be read, after which the Chair will ask if there be objection to its present consideration.

The bill was read, as follows:

Be it enacted, etc., That hereafter it shall not be lawful for any person or persons to record any map or plat of the subdivision of land in the District of Columbia in the office of the recorder of deeds for said District, whether such map or plat be attached to a deed or other document or is offered separately for record.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I understand from the reading of this bill that it refers to maps or plats only, and not deeds.

Mr. RICHARDSON of Tennessee. Yes; that is correct. Under some construction of law they have been authorizing these subdivisions to be recorded in two places.

Mr. PAYNE. I do not understand from the language of the bill whether it has reference to the recording of deeds or not.

Mr. RICHARDSON of Tennessee. No; it refers to maps or plats.

The SPEAKER. The bill will be again read, if there be no objection.

The bill was read at length.

Mr. PAYNE. That is all right.

There being no objection, the bill was considered, ordered to a third reading, and being read the time, was passed.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the last vote was laid on the table.

B. F. BERRY.

The SPEAKER also laid before the House the bill (S. 2318) for the relief of B. F. Berry.

Mr. KYLE. Mr. Speaker, I ask unanimous consent for the present consideration of this bill.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be directed to issue to B. F. Berry, of Simpson County, Miss., a patent to the east half of the northwest quarter of section 36, township 2 north, range 2 east, Choctaw meridian, situated in said Simpson County, Miss., conveying to said B. F. Berry the title of the United States to said land upon his payment to Lloyd M. Kelley, of said county, of the sum of money paid by said Kelley into the land office at Jackson, Miss., for said land, on the 23d day of April, 1894.

SEC. 2. That this act take effect and be in force from and after its passage.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYNE. Has this been considered by the House committee?

Mr. KYLE. Mr. Speaker, it has not been considered by the committee, but with the consent of the House, I think I can explain very briefly the purpose of the bill, and then there will be no objection to it. There is no appropriation involved in it. Sometime between 1850 and 1860 the land mentioned in the bill was preëmpted, or the party who applied for it supposed he had preëmpted it, and it has been continuously held and occupied by him and those who held under him. In the early part of 1875 B. F. Berry, the party named in the bill and for whom relief is sought by it, purchased the land and since then has greatly improved it.

Last spring Lloyd M. Kelley, a neighbor of Berry's, learned that in the original entry a clerical mistake had been made in the description of the land. In other words, another quarter section had through mistake been described in the papers, and the land which Berry thought he was entering, and which has been held and occupied and improved by him and those under whom he holds, was left out, and Kelley homesteaded it.

Now, the bill simply provides that Berry, upon the payment of the fees, etc., due the United States, and the payment to Kelley of the amount paid out by him, may homestead the land. There certainly can not be any objection to it.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There being no objection, the bill was considered, ordered to a third reading; and being read the third time, was passed.

On motion of Mr. KYLE, a motion to reconsider the last vote was laid on the table.

REFERENCE OF SENATE BILL.

The SPEAKER also laid before the House the bill (S. 2038) for the relief of Oklahoma settlers; which was referred to the Committee on the Public Lands.

ESTATE OF LELAND STANFORD.

The SPEAKER also laid before the House the bill (S. 2307) to require the prompt prosecution and speedy determination of the claim of the United States against the estate of the late Leland Stanford.

Mr. CULBERSON. I ask unanimous consent for the present consideration of that bill.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MAGUIRE. I object.

Mr. CULBERSON. Then I ask its reference to the Committee on the Judiciary.

The SPEAKER. The bill will be so referred.

HUTCHISON AND SOUTHERN RAILROAD.

The SPEAKER laid before the House the bill (S. 2290) to amend an act entitled "An act to amend an act entitled 'An act granting the right of way to the Hutchison and Southern Railroad Company through the Indian Territory.'"

Mr. DURBOROW. I ask unanimous consent for the present consideration of this bill; and I shall be glad to say a word in explanation of it, if any gentleman so desires.

The bill was read, as follows:

Be it enacted, etc., That the provisions of section 2 of the act entitled "An act to amend an 'Act granting the right of way to the Hutchison and Southern Railroad Company through the Indian Territory,'" approved February 3, 1892, be, and the same hereby are, extended for a further period of three years.

There being no objection, the House proceeded to the consideration of the bill; which was read three times, and passed.

On motion of Mr. DURBOROW, a motion to reconsider the vote by which the bill was passed was laid on the table.

PETER HAGAN.

The SPEAKER laid before the House the joint resolution (H. Res. 79) for the relief of Peter Hagan.

The SPEAKER. This is a House bill, which has been returned from the Senate with an amendment. If no gentleman desires to make any motion respecting the bill, it will be referred to the Committee on Claims.

The bill was referred accordingly.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

A bill (H. R. 6529) to authorize the construction of a bridge across the St. Croix River, between Wisconsin and Minnesota;

A bill (H. R. 2842) to reimburse George C. Tanner, late consul, etc., the sum of $200, paid by him for rent of rooms; and

Joint resolution (H. Res. 223) to correct an error in the act entitled an act to amend an act granting a pension to Elizabeth Voss.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 870) authorizing the issue of a patent to the Presbyterian Board of Home Missions for certain lands on the Omaha Indian Reservation for school purposes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (S. 743) for the relief of the citizens of the States of Oregon, Idaho, and Washington, who served with the United States troops in the war against the Nez Perces and Bannock and Shoshone Indians, and for the relief of the heirs of those killed in such service, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. 870) authorizing the issue of a patent to the Presbyterian Board of Home Missions for certain lands on the Omaha Indian Reservation for school purposes;

A bill (S. 1458) granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian Reservations in the State of Minnesota;

A bill (S. 2263) to amend section 553 of the Revised Statutes of the United States, relating to the organization of corporations within the District of Columbia;

A bill (S. 2293) to provide for the improvement of the building and grounds of the United States court and post-office at Little Rock, Ark.;

A bill (H. R. 7461) to amend an act entitled "An act to create a new division of the northern judicial district of Georgia," approved March 3, 1891;

Joint resolution (H. Res. 5) authorizing the Secretary of the Treasury to transfer a certain piece of land in the State of Michigan to the city of Saginaw; and

Joint resolution (S. R. 99) to compile and publish the laws relating to street-railway franchises in the District of Columbia;

Joint resolution (S. R. 102) authorizing the Secretary of the Treasury to provide rooms for the accommodation of the United States circuit and district courts and their officers at Meridian, Miss.;

Joint resolution (H. Res. 220) instructing the Secretary of War to return to the State of Massachusetts the flags of certain regiments of Massachusetts volunteer infantry.

JOHN AND SARAH GRIFFIN.

Mr. CATCHINGS. I ask unanimous consent for the consideration of the bill which I send to the desk. Before the Clerk reads the bill I desire to make a brief explanation.

The SPEAKER. If there be no objection, the gentleman will proceed.

There was no objection.

Mr. CATCHINGS. The object of this bill is to refer a claim against the Government to the Court of Claims for consideration by them and for a report upon the facts of the case, with such recommendations as they may choose to make.

It will be observed that as the bill was written it contemplated conferring upon the court jurisdiction to entertain the case and render a judgment; but the committee recommend that that part of the bill be stricken out, and that it be simply referred to the Court of Claims to be considered by them and, to report back what they think should be done with it. The House will understand the bill better with this explanation.

The SPEAKER. The Clerk will report the bill, after which the Chair will ask if there be objection to its consideration.

The Clerk read as follows:

A bill (H. R. 561) for the relief of John and Sarah Griffin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claim of John Griffin and Sarah Griffin, of the city of Greenville and State of Mississippi, for damage done to their realty, situate in the county of Jefferson and State of Kentucky, by United States troops, while the said troops occupied the said realty as a smallpox hospital from the year 1862 to the year 1867, both inclusive, be, and hereby is, referred to the Court of Claims, with full jurisdiction and authority in the said court to hear and determine all questions of fact and law in the said claim, and to render a judgment therein in such sum as the said claimants shall appear to be entitled to from the evidence submitted. And the said claimants shall be entitled to recover as aforesaid, any statute or statutes of limitation notwithstanding: *Provided, however*, That the said claimants shall file their petition for the recovery of the amount of the said damages in the Court of Claims within six months from the date of the passage of this act.

The Committee on War Claims recommended the following amendment:

After the word "claim," in line 12, strike out the following: "And to render a judgment therein in such sum as the said claimants shall appear to be entitled to from the evidence submitted. And the said claimants shall be entitled to recover as aforesaid, any statute or statutes of limitation notwithstanding: *Provided, however*, That the said claimants shall file their petition for the recovery of the amount of the said damages in the Court of Claims within six months from the date of the passage of this act."

And insert in lieu thereof the following:

"And said court is directed to take order in the premises, and as speedily as may be to report herein to the House of Representatives in all things as provided by law."

Mr. CATCHINGS. The bill provides for nothing but a report on the facts, whatever they may be.

Mr. CULBERSON. What kind of a claim is that?

Mr. CATCHINGS. A claim for damages to property while it was used by the Government as a smallpox hospital. This does not confer any jurisdiction on the Court of Claims except to report what the facts are, with such recommendations as they may choose to make.

Mr. SAYERS. I understand that the bill as amended does not authorize the court to render judgment?

Mr. CATCHINGS. Not at all.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the Committee on War Claims was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. CATCHINGS, a motion to reconsider the last vote was laid on the table.

RAILROAD INDEMNITY LANDS IN CALIFORNIA.

Mr. BOWERS of California. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. Res. 159) to authorize intervention of the United States in a suit to determine rights to lands in railroad indemnity limits in California.

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The resolution was read, as follows:

Resolved, etc., That in order to obtain a proper construction of the acts of Congress of July 27, 1866, and March 3, 1871, concerning grants of lands in California to the Southern Pacific Railroad Company, so far as said grants relate to indemnity lands, and in order to determine the rights of the United States to lands within the indemnity limits of said grants, the United States attorney for the southern district of California is authorized to intervene on behalf of the United States in one suit now pending, or which may be brought in said district, involving rights to any such indemnity lands as a test case; and such suit may be appealed to the circuit court of appeals and to the United States Supreme Court as in other cases.

The report (by Mr. BRODERICK) is as follows:

The Committee on the Judiciary, to whom was referred House joint resolution 159, submit the following report:

Many thousands of acres of lands were granted to the Southern Pacific Railroad Company, in the State of California and elsewhere, along the line of that road. Certain conditions were imposed upon the company in order to perfect its title to these lands. Since August, 1887, the Interior Department has held that these conditions were not complied with by the company and that the lands were forfeited to the Government. Acting upon this ruling of the Department hundreds of tracts have been sold by the Government to actual settlers, who have entered upon the lands and made valuable and lasting improvements. These settlers' lands, as well as all the vacant lands in the same category, are still claimed by the railroad company, and it has instituted suit against some of the settlers to oust them of their possessions.

The Government having sold and patented the lands to the settlers, and being largely interested in the result of these suits, your committee believe that the Government should intervene in at least one of the suits and defend its title. It is therefore recommended that the accompanying resolution be passed as a substitute

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. BYNUM. I demand the regular order.

The SPEAKER. The gentleman from Indiana [Mr. BYNUM] demands the regular order, which is equivalent to an objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BELL of Colorado, indefinitely, on account of sickness.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. MEREDITH, leave was granted to withdraw from the files of the House, without leaving copies, papers in the case of John Vilevig, Forty-ninth Congress.

By unanimous consent, on motion of Mr. HARTMAN, leave was granted to withdraw a petition filed by him, relative to the coinage of silver, on leaving a copy of the same.

ARMOR PLATE.

Mr. CUMMINGS. Mr. Speaker, I desire to present a privileged report, and with it a privileged resolution.

The SPEAKER. The Clerk will read the resolution.

Mr. WILLIAM A. STONE. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAM A. STONE. The report which is asked to be presented, as I understand it, is accompanied by a resolution which is privileged. If the resolution should not be adopted, would that entitle the gentleman to have his report filed and referred to a committee?

The SPEAKER. The Chair does not understand the gentleman's inquiry.

Mr. WILLIAM A. STONE. Does the resolution accompanying the report, in case of the failure of the House to adopt the resolution, entitle the report to be sent to a committee?

The SPEAKER. It would not. This is a report from the Committee on Naval Affairs. The House referred to that committee a certain matter relating to the investigation of alleged frauds in the manufacture of armor plate, and authorizing the committee to report at any time, by bill or otherwise. This is a report made by the committee, and they accompany their report with a resolution which they ask the House to adopt. The House can either adopt or reject it. Of course it could not be again referred without further action of the House.

Mr. CUMMINGS. I ask that the resolution be read, so that gentlemen may understand what it is.

Mr. PAYNE. None of the minority members of the committee are present.

Mr. CUMMINGS. This is a unanimous report from the Committee on Naval Affairs.

Mr. PAYNE. Made before the minority members went away?

Mr. CUMMINGS. Made with the concurrence of the minority members of the committee, and I am authorized by the committee to report it to the House.

Mr. WILLIAM A. STONE. The minority members are not present.

Mr. CUMMINGS. The minority members gave their sanction to the report.

Mr. WILLIAM A. STONE. To this report?

Mr. CUMMINGS. They did.

Mr. WILLIAM A. STONE. I understand it differently, but I do not wish to contradict the gentleman. Is unanimous consent asked?

The SPEAKER. It is presented as a matter of privilege.

Mr. WILLIAM A. STONE. Let the report be read, then.

The SPEAKER. The Clerk will report the resolution.

The resolution was read, as follows:

Be it resolved by the House of Representatives of the United States (the Senate concurring), That the Secretary of the Navy be, and he is hereby, authorized

and directed to remove from the ships hereinafter mentioned the armor plates hereinafter mentioned, and subject said armor plates to the same ballistic tests in every respect as were given to the plates upon the ballistic tests of which the respective groups of armor plate containing the hereinafter mentioned plates were accepted. The armor plates to be tested, with the ships from which they are to be removed, are as follows, to wit:

From the ship Monadnock, the 9-inch belt plate, No. 19, starboard, manufacturing number 446.

From the monitor Terror, the 7-inch belt plate, No. 6, starboard, manufacturing number 678.

From the ship Oregon, the 8-inch barbette plate No. 587.

From the ship Indiana, the 4-inch casemate diagonal plate No. 14, port, manufacturing number 233.

From the ship Massachusetts, the 4-inch casemate door No. 379).

Be it further resolved, That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the 13-inch belt plate K L, starboard, No. X 8, from the ship Monterey, and ascertain whether said plate contains a pipe hole 4 feet long, and if such pipe hole be found the Secretary of the Navy is hereby further authorized and directed to subject the said plate to a ballistic test identical in every particular with that which was given to the plate upon the test of which the group containing the said plate, X 8, was accepted, and that the first shot be placed in that part of the plate containing the pipe hole.

The Secretary of the Navy is further requested and directed to send to the Congress a full and detailed report of the hereinbefore directed tests, as soon as may be.

The members of the Committee on Naval Affairs of the House of Representatives hereinbefore engaged in investigating the armor-plate frauds, are hereby directed to witness, as far as possible, each of the hereinbefore mentioned tests; and said tests are to be made at the Indian Head proving ground.

The Secretary of the Navy is hereby authorized and directed to pay from any moneys heretofore appropriated for the increase of the Navy, under the head of armor and armament, such sums as may be necessary for the carrying out of the hereinbefore directed tests, and for placing on the ships before mentioned other armor plates, in place of the plates removed for the purpose of being tested, as hereinbefore directed.

Mr. WILLIAM A. STONE. Mr. Speaker, I desire to ask the chairman of the committee a question. As I understand this proposition it is to retest the plates for which the Carnegie Company, or the contractors, were fined on the presumption that the plates were not up to the standard.

Mr. CUMMINGS. Not in every case, I will state in reply.

Mr. WILLIAM A. STONE. But in some cases.

Mr. CUMMINGS. Yes, in some cases. The groups which were passed on the test.

Mr. WILLIAM A. STONE. I want to ask the gentleman if there is any proposition in this resolution to return the fines imposed on account of these plates?

Mr. CUMMINGS. Not at all.

Mr. WILLIAM A. STONE. Even if you find the plates up to the standard?

Mr. CUMMINGS. These resolutions, I will say to my friend, are drawn in strict consonance with the resolution passed by the House, which directed us to ascertain certain facts. We have now arrived at such a stage in our investigation that to do what the House has asked us to do it is necessary that we should know whether these plates will pass the ballistic test or not. The superintendents of the Carnegie Company have expressed a wish for such a test. The committee is not certain whether the plates will pass the test or not; but before it can make a final report it is absolutely necessary that it should know whether these plates will pass the test or not; and these resolutions are drawn up for the purpose of ascertaining that fact, and for no other purpose.

Mr. WILLIAM A. STONE. Let me ask the gentleman one other question. Does not the report, which is already filed, which I have not seen, and which has not been read, prejudge this company and criticise it as having violated its contract?

Mr. CUMMINGS. Well, the gentleman can ascertain that by having the report read, if he desires. The resolutions are based on the report.

Mr. SPRINGER. Will the gentleman from New York allow me? I understand from the reading of the resolution that it is in the form of a concurrent resolution. It will have to be given the form of a joint resolution to make it effective. There is an error, doubtless, in copying it.

Mr. HENDERSON of Iowa. Mr. Speaker——

Mr. CUMMINGS. Then I ask unanimous consent that it be amended so as to make it a joint resolution.

The SPEAKER. The gentleman can change it to a joint resolution before he introduces it.

Mr. SPRINGER. The gentleman can change it before he introduces it.

Mr. CUMMINGS. All right.

The resolution was made a joint resolution (No. 226).

Mr. HENDERSON of Iowa. Mr. Speaker——

Mr. CUMMINGS. Mr. Speaker, I hold the floor.

The SPEAKER. Does the gentleman yield to the gentleman from Iowa?

Mr. CUMMINGS. I do, with pleasure always.

Mr. HENDERSON of Iowa. Mr. Speaker, I had a talk with the gentleman from New York [Mr. WADSWORTH], a member of the Committee on Naval Affairs, about this report, and he stated to me that the minority, the Republicans, were in favor of this report and the adoption of this resolution.

This is merely a step in the direction of getting information necessary for the committee to reach a conclusion, and no final conclusion, as I understand, has yet been reached. I hope no objection will be made to the adoption of the resolution.

Mr. CUMMINGS. Now, Mr. Speaker, I want to say this, that the report is made for the purpose, and the sole purpose, of showing that it is absolutely necessary in the opinion of the committee that this test should now be had. Does the gentleman from Pennsylvania wish the report read?

Mr. WILLIAM A. STONE. I would like to hear the report read. I do not understand what it contains.

Mr. CUMMINGS. Then, Mr. Speaker, I desire that the report be read. I could state the substance of it.

The report (by Mr. CUMMINGS) was read, as follows:

VIOLATION OF ARMOR CONTRACTS.

Mr. CUMMINGS, from the Committee on Naval Affairs, submitted the following report (to accompany H. Res. 226):

The Committee on Naval Affairs, to whom was referred the resolution of the House passed on May 22, 1894, providing for an investigation into the armor plate, bolts, and other appurtenances delivered to the Government by the Carnegie Steel Company, respectfully submit the following report, with the evidence on which it is founded.

The full text of the House resolution is as follows:

"*Resolved*, That the Committee on Naval Affairs of the House of Representatives be, and is hereby, authorized and directed to immediately investigate and inquire into the condition and character of all armor plate, bolts, and other appurtenances delivered to the Government by the said Carnegie Steel Company, Limited, and by Carnegie, Phipps & Co., during the entire period of any of the contracts between said companies and the Government, and to investigate and inquire as to what amounts of inferior or damaged armor plate, bolts, and other appurtenances have been delivered to the Government by said companies and the amount of compensation which should be paid to the Government in settlement for such damaged or inferior armor plate, bolts, and appurtenances."

"That for the purposes aforesaid the said committee, or a subcommittee thereof, if authorized by the full committee, shall have power to send for persons and papers and visit any place or places which may become necessary to the full discharge of its duties, to administer oaths, to sit during the present session of the House and during the recess of Congress. Said committee shall have authority to report at any time as to the result of its investigations and what action should be taken by this House or by Congress.

"The sum of $1,000, or so much thereof as may be necessary, is hereby appropriated out of the contingent fund of the House to defray the expenses of said investigation."

The following is a statement of the contracts for armor made by the Government with the Carnegie Steel Company, Limited, and with Carnegie, Phipps & Co.:

	Quantities.	Cost.
	Tons.	
Contract of November 29, 1890	6,000	$3,554,114.40
Deliveries thereunder shall be commenced by the delivery of not less than 300 tons on or before July 1, 1891, and shall be continued thereafter at the rate of not less than 500 tons per month until the delivery of the 6,000 tons aforementioned is completed, which shall be within eleven months and fifteen days from the date last above mentioned (viz, by June 15, 1892).		
Contract of September 28, 1891	36	9,778.90
To be delivered within ninety days from date of contract.		
Contract of April 7, 1892	9	1,493.61
To be delivered within thirty days from date of contract.		
Contract of December 21, 1892	6	1,631.70
To be delivered within thirty days from date of contract.		
Contract of February 28, 1893	2,927	1,878,904.66
Deliveries thereunder to be made at the average rate of 250 tons per month for the first six months after the first delivery becomes due, and thereafter at the rate of 300 tons per month. A penalty of $10 per ton on all armor thus due and not delivered shall be charged against the contractor.		
Total	8,978	5,445,926.27

The committee has taken a large mass of testimony, submitted with its report. It has visited the works of the Carnegie Company, and has carefully analyzed the testimony taken. The alleged frauds, as elicited by the testimony, are specific. They are as follows:

THE CHARGES AGAINST THE COMPANY.

First. The plates did not receive the uniform treatment required by the specifications of the contracts. In many cases the treatment was irregular, and in other cases it was practically inefficient. The specifications of the contract of February 28, 1893, required that each plate should be annealed, oil tempered, and again annealed, the last process being an annealing one.

Second. False reports of the treatment of the plates were systematically made to the Government inspectors. This was in violation of paragraph 95 of the circular concerning armor-plate appurtenances, dated January 16, 1893, which was made a part of the contract. Paragraph 95 says:

"The contractor shall state for each article in writing the exact treatment it has received."

The specifications of the contract of November 29, 1890, paragraph 164, says:

"A written statement of work and contractor's tests to be commenced and in progress each day must be furnished to the chief inspector."

Third. No bolts received the double treatment provided for in the specifications of either contract. A report of a double treatment, however, was made to the Government inspectors.

Fourth. Specimens taken from the plates both before and after treatment

to ascertain the tensile strength of each plate were stretched without the knowledge of the Government inspectors, so as to increase their apparent tensile strength when actually tested.

Fifth. False specimens taken from other plates were substituted for the specimens selected by the Government inspectors.

Sixth. The testing machine was repeatedly manipulated by order of the superintendent of the armor-plate mill so as to increase the apparent tensile strength of the specimens. These specimens were juggled in measurement so as to increase their apparent ductility.

Seventh. Various specimens selected by the Government inspectors were retreated without their knowledge before they were submitted to test.

Eighth. Plates selected by the Government inspectors for ballistic test were retreated with the intention of improving their ballistic resistance, without the knowledge of the Government inspectors. In one case, at least, the conclusion is almost irresistible that the bottom of another plate was substituted for the top half of plate A 619 after it had been selected by the Government and while awaiting shipment to Indian Head. Upon this ballistic test a group of plates containing 348 tons, valued at about $180,000, were to be accepted or rejected. In three cases, at least, the plates selected by the Government inspectors were retreated in this manner without their knowledge. These ballistic plates represented 779 tons of armor, valued at over $410,000. The groups represented by these three plates had all been submitted for premium of $30 per ton if they passed a more severe test than required for acceptance.

Ninth. In violation of the specifications of the contract, pipes or shrinking cavities, erroneously called blowholes, in the plates were plugged by the contractors and the defects concealed from the Government inspectors. These cavities, in some cases, diminished the resistance and value of the plate.

Tenth. The inspector's stamp was either duplicated or stolen, and used without the knowledge of the Government inspectors.

Eleventh. The Government inspector in inspecting bolts was deceived by means of false templets or gauges.

WHAT IS ADMITTED.

The superintendent of the company, C. M. Schwab, a stockholder, admits that the plates did not receive uniform treatment, explaining this by saying that uniform results alone were required. Specification 113 of the first contract says:

"All the members of a group shall receive a practically uniform treatment."

After the treatment was given, specification 115 says:

"The most important point to which attention will at this time be directed is uniformity of quality in the plates of the group."

Mark, uniformity of quality in the plates, and not uniformity of quality in the group.

Such was the language of the contract made November 20, 1890.

The contract of February 28, 1893, has this language (paragraph 30):

"All the members of a ballistic group shall receive a practically uniform treatment."

It then specifies treatment under the Harvey process, and continues thus:

"All other material is to be annealed, oil-tempered under such conditions as will give the best resistance, and again annealed. The last process must always be an annealing one."

Paragraph 34 says:

"The ballistic test is the chief one, and the object of all the other tests of plates is to insure, so far as possible, that the remaining plates of a group are capable of standing as severe a test as that to which the test plate has been subjected, and the conformity required among the plates of a group will be only such as may be necessary for this purpose."

This same provision is in the first contract (paragraph 116). Paragraph 25 of the contract of February 28, 1893, says:

"The tests (taken before treatment) are for the purpose of determining the question of the grade of the steel, which should be uniform, as well as the physical conditions of the plate itself."

In the first contract the requirements with regard to similar tests taken before treatment are that the variations in the ingot from the mean must not be large, intimating that uniformity in quality was required before treatment rather than after, which, of course, would follow a uniform treatment.

These extracts from the specifications certainly show that they meant what they said: Uniform quality before treatment, and practically uniform treatment, when practically uniform results would necessarily follow. If uniform results alone were meant there would have been no necessity for requirements as to process.

ADMISSIONS AS TO THE SECOND AND THIRD CHARGES.

The second charge is proved by the rough records of the company itself of over 700 plates and lots of bolts, which came into the hands of the Navy Department. These records originally gave the actual treatment of the plates. They were carefully examined by the committee. The figures were taken from the slates of the heaters employed at the furnaces, each morning, and reported to the superintendent by his clerk. That the original figures were correct is proved by their comparison with the time books of the heaters, in which every operation of heating was given by them in detailing their work each day. These books were also in evidence before the committee.

The figures were taken by the clerk of the superintendent, W. A. Cline, who had charge of the heating of the plates. The records show that the superintendent almost invariably changed the figures. In some cases he returned to his clerk an entirely new report in his own handwriting.

In one case the actual treatment of the plate was recorded and the treatment to be reported to the Government inspectors placed below it. There were "fake" reports of treatment of plates that had received no treatment whatever. The clerk, after sending the figures to the Government inspector, had marked upon the rough sheet the words "fake treatment," and had thrown it into his desk. Over 95 per cent of the records show similar changes, and many in the superintendent's own handwriting. These changes were evidently made for the purpose of deceiving the Government inspectors, making it appear that the plates had received the uniform and efficient treatment required by the contract.

A report of the treatment at the furnaces each day was required by the Government. The superintendent's clerk drew up this report from Superintendent Cline's alterations of the figures taken from the heaters' slates, and sent it to W. E. Corey, superintendent of the armor-plate department, who, through his clerk, turned it over to the Government inspectors. It is worthy of note that when Superintendent Cline was before the committee he refused to swear that the alterations were in his own handwriting, but would not swear that they were not.

The evidence that they were made by him is as clear as sunlight. He even refused to admit his signature to some of the reports, and when asked to write it beneath the alleged signature it proved a facsimile. (See cut, page 964.) A letter which he had written asking for the discharge of a workman was submitted to him, and he refused to acknowledge the handwriting. When asked to write a similar letter from dictation, the handwriting was not only the same, but the misspelling and capitalization of words were identical. (Cut, pages 964, 965.)

In endeavoring to account for these false reports Superintendents Schwab and Corey explained that Superintendent Cline had added to the original report taken from the slate the treatment the plates had received at previous times. In other words, where a plate had been heated for bending or for straightening, say days, weeks or even months before, this treatment was credited and added to the treatment which it had last received.

It is in evidence that a history of each plate was kept in books under Superintendent Cline's supervision. These books might have thrown some light upon the matter if they had not been thrown into the furnace by Superintendent Cline himself after the investigation was ordered. It is trite law that everything is to be taken against one who destroys the evidence. Every doubt is to be solved against him.

If the treatment the plates had received in times past had been added to the treatment recorded on the slate it is singular that Superintendent Cline should not only destroy the record of this treatment, but refuse to acknowledge his own figures and handwriting in making the changes. The apparent falsity of the explanation is shown where the second and even a third treatment of plates is recorded.

The company had the right under the specifications to give plates not passing the trial test after the first complete treatment the privilege of additional treatments. In such instances there could have been no previous treatments to add, yet similar changes of figures had been made on the rough reports.

The treatment of the bolts, however, thoroughly exposes the falsity of the explanation. All the superintendents acknowledge that they never received but one treatment, whereas in every case two treatments were reported to the Government inspectors.

It was of the utmost importance that they should receive two treatments. The peculiar shock to which they would be subjected in battle from projectiles and from ramming required it. Experiments had been made showing that unless this treatment was given the bolts would break under a heavy blow, rendering the armor in a measure useless. These experiments are detailed by Capt. Sampson in his testimony (page 848). It is a bad result of this acknowledged fraud that to-day the armor of our ships is held in place by bolts which the company acknowledges have received but one treatment when two were absolutely necessary.

In the light of admissions concerning Superintendent Cline's false reports, the following table will repay perusal:

Statement of quantity of armor delivered by Carnegie Company under each contract, with date of each delivery, including ballistic plates and appurtenances.

Date.	Amount.	Date.	Amount.
Contract November 20, 1890.	*Tons.*	*Contract November 20, 1890*—Continued.	*Tons.*
Jan. 12, 1892	9.10	Mar. 11, 1893	81.52
Feb. 1, 1892	16.95	Mar. 18, 1893	122.81
Feb. 5, 1892	17.48	Mar. 23, 1893	90.13
Feb. 10, 1892	17.50	Mar. 28, 1893	11.52
Feb. 17, 1892	22.40	Mar. 29, 1893	41.16
Feb. 26, 1892	16.87	Mar. 31, 1893	11.12
Feb. 29, 1892	29.49	Apr. 11, 1893	19.10
Mar. 19, 1892	10.92	Apr. 15, 1893	39.28
Mar. 29, 1892	13.41	Apr. 20, 1893	36.78
Mar. 31, 1892	17.27	Apr. 24, 1893	24.11
Apr. 1, 1892	15.47	Apr. 26, 1893	38.30
Apr. 9, 1892	15.72	Apr. 28, 1893	41.88
Apr. 11, 1892	15.52	Apr. 29, 1893	4.74
Apr. 14, 1892	15.32	May 10, 1893	5.43
Apr. 15, 1892	17.21	May 17, 1893	14.81
Apr. 20, 1892	4.68	May 18, 1893	10.31
May 4, 1892	18.53	May 19, 1893	25.92
May 5, 1892	19.39	May 25, 1893	31.63
May 11, 1892	17.96	May 26, 1893	35.50
May 12, 1892	7.69	May 27, 1893	57.44
May 20, 1892	15.72	May 29, 1893	23.74
May 21, 1892	9.64	May 31, 1893	110.31
May 25, 1892	15.31	June 7, 1893	41.15
June 3, 1892	19.59	June 9, 1893	24.54
June 17, 1892	18.11	June 14, 1893	30.14
June 24, 1892	22.26	June 16, 1893	37.69
June 25, 1892	14.96	June 24, 1893	14.84
June 29, 1892	45.11	June 28, 1893	63.75
June 30, 1892	30.26	June 30, 1893	41.79
Aug. 20, 1892	2.67	July 15, 1893	28.23
Aug. 22, 1892	24.72	July 19, 1893	29.13
Aug. 31, 1892	22.45	July 22, 1893	24.45
Sept. 10, 1892	4.52	July 27, 1893	9.41
Sept. 14, 1892	18.35	July 28, 1893	6.73
Sept. 26, 1892	25.45	July 29, 1893	16.07
Sept. 30, 1892	26.45	July 31, 1893	33.94
Oct. 13, 1892	2.99	Aug. 5, 1893	10.72
Oct. 14, 1892	4.54	Aug. 9, 1893	13.11
Oct. 19, 1892	2.74	Aug. 11, 1893	27
Oct. 22, 1892	2.97	Aug. 12, 1893	15.80
Oct. 27, 1892	9.46	Aug. 18, 1893	66.77
Oct. 29, 1892	25.65	Aug. 19, 1893	88.10
Oct. 31, 1892	10.95	Aug. 25, 1893	17.49
Nov. 12, 1892	2.50	Aug. 26, 1893	87.24
Nov. 15, 1892	35.81	Aug. 29, 1893	32.59
Nov. 18, 1892	5.58	Aug. 30, 1893	126.35
Nov. 25, 1892	9.39	Aug. 31, 1893	68.37
Nov. 29, 1892	14.97	Sept. 9, 1893	36.69
Nov. 30, 1892	33.32	Sept. 12, 1893	5.40
Dec. 7, 1892	2.56	Sept. 15, 1893	39.14
Dec. 30, 1892	41.93	Sept. 22, 1893	71.75
Jan. 4, 1893	3.66	Sept. 27, 1893	13.36
Jan. 12, 1893	10.79	Sept. 28, 1893	42.93
Feb. 3, 1893	2.78	Sept. 30, 1893	66.12
Feb. 18, 1893	3.37	Oct. 6, 1893	20.29
Feb. 22, 1893	3.45	Oct. 7, 1893	15.64
Feb. 23, 1893	7.	Oct. 13, 1893	41.75
Feb. 25, 1893	.65	Oct. 16, 1893	14.92
Feb. 27, 1893	4.54	Oct. 18, 1893	40.90
Mar. 1, 1893	3.22	Oct. 19, 1893	48.00
Mar. 7, 1893	1.97	Oct. 20, 1893	20.90
Mar. 9, 1893	96.72	Oct. 23, 1893	22.45
Mar. 10, 1893	44.23	Oct. 25, 1893	12.62

Statement of quantity of armor delivered by Carnegie Company under each contract, etc.—Continued.

Date.	Amount.
Contract November 20, 1893—continued.	*Tons.*
Oct. 27, 1893	20.85
Oct. 28, 1893	15.42
Oct. 31, 1893	82.50
Nov. 1, 1893	12.55
Nov. 4, 1893	19.36
Nov. 7, 1893	24.83
Nov. 8, 1893	15.51
Nov. 11, 1893	11.74
Nov. 18, 1893	18.97
Nov. 21, 1893	78.06
Nov. 23, 1893	36.39
Nov. 24, 1893	51.77
Nov. 25, 1893	11.49
Nov. 27, 1893	23.49
Nov. 28, 1893	15.56
Nov. 29, 1893	18.19
Dec. 4, 1893	15.40
Dec. 6, 1893	25.11
Dec. 11, 1893	36.31
Dec. 12, 1893	22.44
Dec. 15, 1893	53.72
Dec. 19, 1893	20.11
Dec. 22, 1893	23.24
Dec. 28, 1893	30.37
Dec. 29, 1893	12.37
Dec. 30, 1893	60.96
Jan. 9, 1894	17.44
Jan. 10, 1894	15.27
Jan. 15, 1894	19.23
Jan. 16, 1894	25.29
Jan. 19, 1894	15.43
Jan. 22, 1894	18.29
Feb. 5, 1894	18.83
Feb. 7, 1894	.11
Feb. 23, 1894	12.36
Feb. 28, 1894	146.42
Mar. 8, 1894	46.86
Mar. 12, 1894	74.36
Mar. 30, 1894	24.24
Apr. 7, 1894	.02
Apr. 18, 1894	74.70
Apr. 28, 1894	16.07
Apr. 30, 1894	15.62
July 23, 1894	3.85
Total	4,660.17
Contract September 28, 1891.	
Nov. 18, 1891	5.19
Dec. 5, 1891	1.18
Dec. 31, 1891	24.12
Feb. 5, 1892	3.30
Contract September 28, 1893—continued.	*Tons.*
Feb. 10, 1892	4.00
Feb. 27, 1892	2.53
Mar. 4, 1892	6.12
Mar. 22, 1892	.80
May 17, 1892	6.48
June 10, 1892	3.80
Total	67.42
Contract April 7, 1892.	
June 3, 1892	4.81
June 30, 1892	4.34
Total	9.15
Contract December 12, 1892.	
June 1, 1893	6.15
Total	6.15
Contract February 28, 1893.	*Tons.*
Jan. 31, 1894	2.52
Feb. 3, 1894	2.28
Mar. 8, 1894	12.44
Mar. 14, 1894	5.53
Mar. 26, 1894	2.52
Mar. 30, 1894	12.52
Apr. 21, 1894	18.81
Apr. 25, 1894	15.58
Apr. 28, 1894	16.46
May 2, 1894	11.87
May 23, 1894	38.30
May 30, 1894	38.45
May 31, 1894	67.43
June 11, 1894	39.01
June 16, 1894	17.06
June 21, 1894	19.52
June 26, 1894	135.77
June 28, 1894	19.78
June 29, 1894	35.32
June 30, 1894	58.84
July 18, 1894	33.04
July 21, 1894	1.48
July 24, 1894	26.95
July 26, 1894	24.98
July 27, 1894	15.46
July 31, 1894	14.69
Total	686.61

"BUREAU OF ORDNANCE,
"*Navy Department, August 9, 1894.*

"W. T. SAMPSON,
"*Chief of Bureau.*"

The investigation shows that there were only two furnaces for the treatment of plates and bolts at the works up to September 1, 1892. After this a third furnace was completed and used. These three furnaces did all the work up to August 1, 1893, when a fourth was added. After information of the frauds practiced in the works was given to the Navy Department and a penalty exacted by the decision of the President, other furnaces were added, until to-day ten are in use. The contract of February 28, 1893, required the contractor to "furnish and maintain the most improved and modern plant for the manufacture of the class of armor required under his contract. He is to use every endeavor and incur all the expense necessary to produce the most resisting and enduring plates."

Taking into consideration the number of tons of armor required by the new contract, the company evidently saw the necessity of increasing the number of furnaces. This may have been done in view of the penalties exacted under this contract for nonfulfillment of the requirements for the delivery of the armor.

It will be noted, however, that the contract of November 20, 1890, provided for the manufacture of a far greater amount of armor than the contract of February 28, 1893; no penalties being exacted for the failure to deliver specified amounts at specified times. When the contract of February 28 was signed the company was far behind in its deliveries under the first contract.

Its three furnaces were entirely inadequate to carry out the provisions of that contract, yet for five months they had only three furnaces in which to do the work required by all the contracts. This, in the view of the committee, clearly indicates one of the motives of the superintendents of the press shop and armor plate department in making false reports of the treatment of the plates and bolts to the Government inspectors.

It is clearly evident to the committee that there were not enough furnaces to turn out the work reported, if the plates were treated according to the specifications of the contract and in accordance with the directions of the Government inspectors.

ADMISSIONS AS TO THE FOURTH CHARGE.

The charge that "specimens taken from the plates both before and after treatment, to ascertain the tensile strength of each plate, were stretched without the knowledge of the Government inspectors, so as to increase their apparent tensile strength," is admitted by Superintendent Corey. When asked (p. 581 of the testimony):

"Q. Why did you tinker with specimens before the official tests, Mr. Corey?

"A. You mean to stretch them?

"Q. Yes.

"A. Well, it was tried as a method of bringing them up to the requirements."

He added that he did not see anything particularly out of the way about it, although he knew that the Government inspectors did not know it.

This method of deceiving the inspectors, it appears from the testimony, was also known to Superintendent Schwab. He was asked (page 652):

"Do you know anything about the practice of giving specimens a preliminary pull before the specimens were turned down to standard dimensions?"

He replied that he had heard of it from Superintendent Corey before the investigation and had talked over the matter with Superintendent Corey. He added that he would not have objected to it if he had any knowledge of it.

Again, Superintendent Corey was asked (page 583) if he did not know that the object in taking the tensile strength was to ascertain the tensile strength of the plate, and not of the specimen taken from the plate. He replied: "Yes; that was the object."

The testimony goes on:

"Q. So that if you stretched the specimen before putting it on the press for tensile treatment you did not get the actual tensile strength of the plate through the specimen?

"A. I knew the actual tensile strength of the plate.

"Q. You did?

"A. Yes.

"Q. Didn't you want to give to the inspectors the actual tensile strength of the plate? Didn't you know that the specimens were cut out for the purpose of ascertaining the actual tensile strength of the plate?

"A. Yes; that was the object.

"Q. And if you stretched the specimens before putting them on the press, you did not know the actual tensile strength of the plate by pulling the test, did you? You got the actual tensile strength of the specimen after it was stretched?

"A. Yes.

"Q. And that was not the actual tensile strength of the plate, was it?

"A. Not exactly, but it was very close to it."

When questioned concerning the stretching of these specimens (page 652), Superintendent Schwab said that he knew it before the investigation, but that it was done without his knowledge or sanction. He added, however, that he would not have objected to it if he had had any knowledge of it.

ADMISSIONS AS TO THE FIFTH AND SIXTH CHARGES.

The allegation that "false specimens taken from other plates were substituted for the specimens selected by the Government inspectors" is also practically admitted by Superintendent Corey (page 572). He said that he knew indirectly that such was the case; that he believed it to be true; that he had heard it mentioned in the works before it came out in the testimony, and that he had made no attempt to investigate it. When asked why he had not investigated it, he replied: "Well, it was a matter of small importance."

The further allegation that "the testing machine was repeatedly manipulated by order of the superintendent of the armor-plate mill so as to increase the apparent tensile strength of the specimens" is admitted by Superintendent Corey, and practically admitted by Superintendent Schwab. Superintendent Corey acknowledges that the man at the machine increased the apparent tensile strength of specimens by "jockeying (his own language) with the levers."

The tensile strength was by this "jockeying" made to appear from three to six thousand pounds greater than it really was. The man at the machine acknowledged this "jockeying." F. D. Buck, who had worked the machine for months under Superintendent Corey's supervision, not only testified how he had done it, but in the presence of the committee at Homestead showed how he did it, and apparently increased the tensile strength of a piece of metal 7,000 pounds by his manipulation. Buck testified that he was accustomed to do this by order of Superintendent Corey, and that he continued it after the first investigation.

The reason for the manipulation is shown in the evidence. The company itself was making private tests of the plates and knew beforehand, as Superintendent Corey testified, what the actual tensile strength of each plate was. If it was below the minimum the manipulation of the machine necessary to bring it within the minimum was made. It is in evidence that the required manipulation was indicated to the man at the machine by private marks on the record sent from Corey's office with the order to pull the specimen. The inspectors did not have this information, although specification 81 of the new contract and 164 of the old says:

"A written statement of work and contractor's tests to be commenced and in progress each day must be furnished to the chief inspector."

Utterly disregarding the absolute requirement of this specification, Superintendent Corey says that he would have given the Government inspectors this information if they had asked him for it.

But this is not all. The following is an extract from the evidence (page 635) given by Superintendent Schwab:

"Q. Well, there were three complaints developed in this evidence that appear to be substantiated. The jockeying of the physical tests, the fake reports, and the surreptitious treatment of ballistic specimens?

"A. Yes, sir.

"Q. Those three seem to be substantiated?

"A. First, if you will allow me to reply. The jockeying of the tests, however bad, could have had no effect on the quality of the armor, because, as I have pointed out, all the other manufacturers of plate make these armor without these tests, and the change of the report is a similar condition.

"Q. In other words, you say that amounts to nothing?

"A. No, sir; it does not; even assuming it was true, I would say it amounted to nothing.

"Q. Now, you say these official reports to the inspectors, whether true or false amounted to nothing?

"A. Yes, sir; as far as the quality of the armor is concerned. They were information tests.

"Q. Information reports?

"A. For the Government, or information reports, we will say. The tests are not made to determine the quality of the armor; that is what I want to say.

"Q. What are reports made for?

"A. For information as to the regularity of the armor; for information for a man, for example, to select his ballistic test. They are not information as to the quality."

It is very evident that one important object of these tests was to determine the quality of the armor. The specifications prove this. Take paragraph 114 of the specifications of the contract of November 20, 1890. It says:

"After the plates have been subjected to all the treatments they are to receive, and are otherwise entirely finished (except blowholes), tests will be made from them for the purpose of exhibiting both absolute and relative quality; first, in those parts of the same plate which have received similar treatment, and second, between all the plates of a group."

These same words occur in the specifications of the contract of February 28, 1893, paragraph 31.

Moreover, a principal object of the tests was to ascertain whether each plate was up to the minimum requirements of the contract, without which it could not honestly be delivered to the Government at all.

In addition to his acknowledgment Superintendent Schwab admits that

whenever it was necessary to bridg the tensile strength of a specimen up to the minimum the machine could be run very fast and that by its speed the specimen could acquire from 3,000 to 4,000 pounds increased tensile strength (page 669). He claims that this manipulation was legitimate and that the increased tensile strength obtained was the real tensile strength of the material. He says (page 669):

"Q. You would have done that knowing it was not a correct test of the tensile strength?

"A. It is correct; the tensile strength of a piece of steel is not a fixed quantity."

This, to say the least, is a remarkable statement, and must stand for what it is worth. A hardly less remarkable statement to the committee was Superintendent Schwab's additional statement (page 667) that anybody selling steel would manipulate the machine according to the result wanted.

THE SEVENTH CHARGE.

The charge that specimens taken for physical test were retreated, although not acknowledged by Superintendent Corey, is practically proven by a report from the ordnance board printed in the evidence. They say that 105 of the first 700 plates accepted were passed on a second test. To avoid the possibility of armor plates being rejected through specimens containing local defects the specifications permit the contractors in case of failure to reach the requirements to submit a second specimen from the immediate vicinity of the first and without additional treatment of the plate.

Of the 105 duplicate specimens submitted but 3 failed to exhibit an improvement in quality. And in the case of 59 specimens the increase of strength was accompanied by a decrease of ductility. High ductility, when increased, was accompanied by a decrease of strength, so that to clearly indicate that the second specimen had been hardened or softened so as to indicate the qualities required by the specifications.

When this statement is taken in connection with the testimony given by the workmen at the Carnegie works, the conclusion is irresistible that specimens for physical tests were retreated without the knowledge of the Government inspectors, and therefore did not represent the plates from which they were taken.

That the test specimens in some cases were retreated is shown by the testimony of John Daube (page 160), G. W. Kountz (page 100), C. H. Craig (page 72), George Stewart (page 124), and others.

ADMISSIONS AS TO THE EIGHTH CHARGE.

Superintendent Corey admits that part of the eighth charge that alleges the plates selected by the Government inspectors for a ballistic test were retreated without the knowledge of the inspector. He confines his admission to three test plates, A 468, A 531, and A 619. A 468 carried a group of 9-inch armor, intended for the Monadnock; A 531 carried a group of 7-inch armor intended for the Monterey; A 619 carried a group of 8-inch barbette plates to be used on the battle ship Oregon. Included in the same group were a number of deck and side plates for the ram Katahdin.

Superintendent Corey denies that his retreatment was given with the intention of improving the ballistic resistance of the plates. He says that he gave them this unlawful treatment and retreatment as an experiment, alleging that by this he could ascertain whether a retreatment and repeated retreatments benefited the plates. In other words, as he puts it, he did not treat the plates to improve them, but to ascertain whether or not the retreatment would improve them.

Under the contract he had no right whatever to experiment with the plates after they had been chosen as samples of the groups, either with or without the consent of the Government inspectors; and he acknowledges that he concealed this retreatment from them.

There is no doubt in the minds of your committee that your secret retreatment was given to increase the ballistic resistance of the plates, with the express purpose of passing inferior groups and securing premiums thereon, as the groups had been nominated for premiums. The company would hardly risk the rejecting of 779 tons of armor, valued at over $410,000, in making experiments unless they were positive it was safe to do so. The contention of Superintendent Corey is that he knew the plates were so good that they would bear the secret retreatment, which he called experimenting, without being injured thereby.

The real truth undoubtedly was that the sup rintendent and his assistants knew that the retempering and annealing could not but benefit the metal and increase the company's chances of passing the plates and obtaining premiums; and knowing this, and knowing that in many cases the plates had received no proper treatment theretofore, they secretly retreated the specimen plates selected for ballistic tests.

After selection for ballistic tests the plates were cut in two pieces. Superintendent Corey acknowledges that he secretly retreated the lower half of each plate. What the actual quality of the specimen plates was before they were retreated it is impossible now to say. But even after they had had the benefit of retempering and reannealing they failed to show superior excellence. The evidence shows that the bottom half of plate A 468, representing group 9, was secretly retreated once. Yet the plate did not secure a premium on the ballistic test.

The bottom half of plate A 531, representing group 10, had two secret retreatments. This plate also failed to secure a premium. The bottom half of plate A 619, representing group 11, the next in test, had three secret retreatments, but with all this it also failed to secure a premium. This would indicate that the group was certainly under the minimum contract requirement.

Superintendent Corey, in testifying regarding the secret retreatment of these three plates, excuses himself as follows (page 617):

"Now, here in this specification in the beginning they say, 'The manufacturer is to use every endeavor and incur all expenses to make the most resisting plate possible'—that is, the plate that will offer the most resistance to the shot; and I say the so-called alleged irregular retreatment those plates have been subjected to was for that express purpose of making the most resisting plate."

He thus quoted the specifications of the last contract to cover plates made under the first contract. In reply to the question, "Why did you not let the Government inspectors know it?" he replied that "It would have taken a man six months to determine it at the company's expense, whereas we determine it with these three plates at the same time."

This statement he made with the full knowledge that the top halves of these plates were practically in the possession of the company and that the Navy Department, at their request, at any time would have tested them for the purpose of experimenting with them. They had never failed to make similar experiments when the company requested it.

The absurdity of Superintendent Corey's attempted explanation is apparent when it is stated that the three plates in question were made under the specifications of the first contract, dated November 20, 1890, which allowed the company to give the plates all the treatment they saw fit before submitting them to a ballistic test.

But the conclusive answer to the superintendent's argument is that the necessary treatment should have been given honestly to all the plates of the group before a particular plate was chosen as a specimen, and not to the specimen plate alone, secretly and fraudulently, after it had been chosen for the test.

Superintendent Corey claims in his testimony that the retreatments of these plates were made upon his own responsibility and without the knowledge of his employers. This may be true, or it may be merely an effort to shield the company; for he admits that the secret retreatments were given to the plates after he had talked with Mr. Schwab, the superintendent of the company, and one of its stockholders concerning the matter (page 561). And it may be worthy of remark in this connection that the principal parties to these frauds, Superintendents Schwab and Corey, are still retained in the employ of the company.

THE SUBSTITUTED PLATE.

Further developments with regard to the treatment of A 619 are somewhat startling. This is the plate which Superintendent Corey testified received 3 secret retreatments after its selection by the Government inspectors in August, 1893, for a ballistic test. These retreatments, he alleges, were given to the bottom half alone.

In September following, the Secretary of the Navy received information that this plate had been retreated. To ascertain the correctness of this information he ordered test pieces to be taken from both halves of the plate. The top half was intact, while the lower half had been subjected to the ballistic test. The specimen tests, taken from both halves, were compared in tensile strength, elasticity, elongation, contraction of area, and fracture with specimen tests taken from the same plate at the works of the Carnegie Steel Company before its selection for a ballistic test. The comparison satisfied the Ordnance Bureau that the information concerning the secret retreatment of the entire plate was absolutely correct.

The board appointed by the Secretary of the Navy to investigate this matter was unanimous in its opinion that there was no doubt in their minds, from the experiments made, but that the whole plate had been retreated. The attention of one of the officers, Lieut. Ackerman, even at this early date, was drawn to the cut made in dividing the plate. It did not correspond in both halves. The testimony shows that he expressed the opinion at that time that another plate had been substituted for the top half of A 619 (page 908). He based his belief upon the character of the cut between the plates and upon the different tests taken from corresponding portions on each side of the cut.

After the beginning of the investigation by your committee the Carnegie Steel Company asked for a ballistic test of the top half of this plate. This test was made on June 23, 1894. It showed that the ballistic resistance of this alleged top half was greater than that of the lower half. This result was a surprise to the Ordnance Bureau, although they admit that the test was not as severe as the test of the lower half of the plate (pages 875 and 881). The top half of all plates had been invariably regarded as the weaker of the two halves.

On June 25, three days after the test was made, Superintendent Cline appeared before your committee. On June 28, five days after the test, Superintendent Corey appeared. On July 6, thirteen days afterward, Superintendent Schwab gave his testimony. It was while he was on the stand that the committee learned for the first time that any such test had been made. Indeed, Superintendents Cline, Corey, and Schwab knew the result of this ballistic test, while the committee had no information that any such test had been made.

Lieut. C. A. Stone, a retired Navy officer, then in the employ of the Carnegie Steel Company, and who had been in its employ for two years, on leave, before he was placed on the retired list, was present at Indian Head and witnessed this test as a representative of the company, while your committee were holding their sessions and entirely unaware that the company had asked for such a test, or that one was being made.

Superintendent Corey, when first before your committee, alleged that he had secretly retreated the lower half alone of plate A 619. This was at the time he informed the committee that he knew that the top halves of the plates he was retreating would pass the ballistic test. To use his words, he was taking no chances at all on it. Superintendent Schwab alleged that Corey's treatment had injured the lower half, basing his allegation upon the official report of the ballistic test June 25 of the alleged top half.

The result of the test and of Superintendent Corey's testimony elicited by it led to a closer scrutiny of the plate by the Ordnance Bureau. In October, 1893, they had taken nineteen test specimens from the two halves to ascertain whether the original information concerning the frauds was correct. Twelve of these specimens were taken from the middle, crossing the line of the cut. Six were heart specimens and six were surface specimens, taken from each plate correspondingly on each side of the cut. The marks of the cutting tool on the two halves of the plate were again examined. The two halves were brought together and the proximate cut surfaces were compared.

The utter lack of correspondence of the surfaces was manifest. More than this, it was discovered (Capt. Sampson's testimony, page 875) that there was one-fourth of an inch difference in the width of the two halves of the plate. This was evidence that they could not have been rolled at the same time. The suspicion that the top half was not the real top of A 619 was otherwise strengthened. A plate as hard as this would require a strong tool with a point at least half an inch in width to cut it. Superintendent Corey acknowledged this when placed on the stand. He said that it could not be cut with less than a half inch or nine-sixteenths of an inch tool. A measurement of the plate showed that it had lost only half an inch.

When Superintendent Corey was placed upon the stand to account for the difference in the cut, he testified that after giving the bottom half its three retreatments he had scraped the cut to remove the evidences of the retreatment from the plate. He said it had been done with a finishing tool on the planer. When confronted before your committee with the evidence furnished by the cut itself his explanation was not satisfactory. If he had used a finishing tool the result would have been shown upon the half of the plate which he had retreated.

As he testified before seeing the two specimens, it would have removed some of the ridges. The ridges, however, were all on the edge of the lower half, and the smoothness all on the edge of the upper half. If sufficient metal had been removed in the effort to conceal traces of retreatment to produce these ridges, in addition to the amount necessarily removed in cutting the plate in two pieces, the joint length of the two halves would have been more than one-half inch shorter than the original plate.

Horatio M. Steele, a mechanic in the Washington navy-yard, testified that he was familiar with the tools used in cutting 8-inch plates. Looking at the cut on the edge of the lower plate, he said that it was cut with a square-nosed tool—cut with one cut right through the plate and dividing the plate.

Other confirmatory evidence that the top half was not the real half of A 619 was shown by the test specimens. These were also before the committee. The corresponding halves in the two plates invariably showed phenomenal variations. These variations are recorded in Commodore Sampson's testimony (page 876). The elongation, tensile strength, elastic limit, contraction of area, and nature of fracture have been fully determined.

The upper plate, as the specimens showed when placed before your committee, was tough and fibrous, and the lower plate brittle; in each case the difference was more than strongly marked—it was abnormal; so much so

that one of the committee remarked that it looked as though they were made of two different metals—one pot metal and the other forged steel. Superintendent Corey volunteered no explanation of these phenomenal differences.

These specimens were all examined by your committee, and in their opinion strongly corroborate Commodore Sampson's belief that the alleged top half of A 619 was really the bottom half of some other plate. Commodore Sampson says that twelve of the tests were taken from the middle sections of the plate; three heart and three surface specimens from each half, forming six pairs, the units of which were in exact prolongation of each other.

ADMISSIONS AS TO THE NINTH CHARGE.

The ninth charge, that, in violation of the specifications of the contract, pipes or shrinking cavities, erroneously called blowholes, were plugged by the contractors and the defects concealed from the Government inspectors, is admitted by Superintendents Corey and Schwab. They allege, however, that in all cases these plates would pass the requirements of the ballistic tests. Here is an extract from the testimony of Superintendent Corey (page 589):

"Q. Did you ever know of plugging being done without the knowledge of any of the inspectors?

"A. Yes, sir.

"Q. Can you specify the time and what plate it was?

"A. No; I can not; I did not keep a record of it."

Superintendent Schwab, when questioned concerning the plugging of blowholes, said (page 647):

"Q. Do you know whether the company did really conceal the fact of blowholes in the plate?

"A. I think likely that was done.

"Q. Was it done with your knowledge?

"A. Well, the concealment was not; no; but I had knowledge of this fact, that they did not make any plates that did not have blowholes.

"Q. You had knowledge that these blowholes were plugged in many instances?

"A. No, sir; I did not say that. I said I had knowledge that the plates had blowholes, and that I should not be surprised if they were concealed.

"Q. That workmen under you had concealed these blowholes and covered them with dust and then exposed the plate to a treatment so as to prevent the Government inspector from ascertaining it?

"A. I should not be surprised at that. I would not have been surprised if they had, yet I know they would be all right.

"Q. Did you or Cline give orders to that effect?

"A. I certainly gave orders that blowholes should not reject the plate. I did, decidedly, and I can prove——

"Q. That is, the company would not withdraw a plate on account of blowholes?

"A. No, sir.

"Q. But that it must be subjected to a ballistic test?

"A. Yes, sir; and I can prove by competent experts a plate with blowholes is a proper plate.

"Q. Not with a blowhole 4 feet long and a pebble and card in the end?

"A. That is a plate that had a hole as big as a clock here?

"Q. No; that is not the one.

"A. I think I looked up the plate at the time, and my recollection is that that plate was accepted by express order of the Ordnance Bureau.

"Q. Did you look up a plate with a 4-foot-long blowhole with a card at the end of it?

"A. I am not surprised at all at anything like that. A blowhole in a plate is naturally pretty long, and such a thing is possible and not an injury to the plate."

Further on he was asked (page 648):

"Q. Do you acknowledge that the concealment of blowholes was a fraud against the Government?

"A. No, sir.

"Q. If they did plug them up so as to conceal them from the inspectors?

"A. I do not think so; we had to take the risk on that.

"Q. You do not think that would be a fraud?

"A. No, sir; I do not.

"Q. In other words, you think that treatment would be the same treatment you would expect from others if you were ordering plates?

"A. I would not object to it at all."

Again (page 649) Superintendent Schwab testifies:

"Q. Do you know of any case where they were plugged and filled without the knowledge of the Government inspector?"

"A. I do not, but I believe it was done."

Taken with these admissions, the statements of the other witnesses concerning blowholes is of some importance. T. F. Van Kirk, a workman, in an affidavit on page 87, says that he has assisted and helped plug numerous plates, with the assistance and under the direction of the general superintendent and superintendent of armor-plate department. He continues:

"The following is a partial list of plates: Plate x-9, 13 inches, April 11 and 12, 1892. Plugged and hammered up. Forty holes in top and bottom of plate. This plate was afterwards finished, stamped, x-8, 13 inches, April 23 and 24, 1892. A great many holes in top of plate run in wire 4 feet or more in presence of my helper. The material in this plate was very bad, and, in trying to plug, the plugs would fall in, but we finally doctored it up and it passed inspection."

The affidavit of Samuel Sheriff (page 88) says:

"The plugging and doctoring of plates was generally done at night, when no inspectors were about, but I seen one fixed one day at noon."

T. F. Farley makes an affidavit (page 88) in which he says concerning the plates of the Monterey:

"They were frequently imperfect, full of deep blowholes and defects. They were frequently taken off the planer in the daytime and hidden or covered up until night, so as not to be seen by the inspectors, and then worked upon in the nighttime."

He adds that the holes would be filled up and plugged by orders of those in authority about the mill.

G. W. Kounts (page 89) makes affidavit:

"I have known of heavy plates being plugged of holes from 4 to 6 inches unknown to the Government inspector. This fraud has been practiced upon the Government since long before November, 1892, and since September, 1893."

T. F. Farley testifies (page 147):

"I have seen them long enough for a person to run three fingers into them that way (illustrating). * * *

"Q. How were they plugged?

"A. When I first went there they were plugged by taking cuttings from the same plates, and with a small hand hammer those cuttings were taken and by pushing or placing small cuttings into these blowholes until they were full, then hammering them in with a punch and placing more and more in the hole until it was level, until it could stand no more plugging.

* * * * * * * * *

"Q. What was the largest blowhole or piping that you have seen plugged?

"A. The largest that I ever saw would not be over three-fourths of an inch in diameter at its mean diameter, and I could not say about the depth.

"Q. Why could you not say about the depth?

"A. Because they run in such a tortuous way.

"Q. Did you never try to search them?

"A. Yes, sir; I have used a small flexible wire and run it in. I have run wires in to the depth of 18 inches into the plates, and I know that plates that I run a wire into 18 inches passed and is now somewhere."

Samuel Sheriff testified (page 155) that two or three barbette plates of the Indiana were plugged and passed. He knew of a patch put on to one of these plates to fill a hole from two to three inches square.

Such are specimens of the testimony regarding the plugging of plates. In the opinion of your committee they bear out Commodore Sampson's allegation that "the concealment of the blowholes was a fraud upon the Government." Superintendent Schwab, however, when questioned concerning this allegation, said that he did not consider such concealment a fraud, and that he would expect the same treatment from others if he was ordering plates.

THE TENTH AND ELEVENTH CHARGES.

The tenth allegation, that the inspector's stamp was either duplicated or stolen and used without the knowledge of the Government inspector, is, in the opinion of your committee, hardly sustained. The stamp may have been used in some instances without the knowledge of the Government inspector while his attention was diverted to something else, but there was nothing systematic about it and there is no evidence that it was either duplicated or stolen.

The eleventh allegation, that the Government inspector in inspecting bolts was deceived by means of false templates or gauges, is unsupported.

THE GOVERNMENT INSPECTION.

The evidence discloses the fact that the Government inspection was negligent and defective. None of the inspectors were, however, charged with dishonesty, nor is there any evidence tending to show that any of them were corrupt. Some were diligent and others negligent. There was, however, a disposition on the part of most of them to assume that the company itself was watching its superintendents and employés. Mr. Frick, chairman of the board of managers, in his testimony (page 691) said that he always relied on the fact that the Government had inspectors there. He did not know what they were there for unless it was to see that the specifications of the contract were carried out.

The inspectors were thus relying upon the company and the chairman of the company upon the inspectors. Neither party, however, had any right to rely in this matter upon the other. Each had his own independent duty to perform. The company was bound to fulfill the contract in every particular and the inspectors were there to see that they so fulfilled it. The failure of either to perform his duty was no excuse for the other. The company can not shelter themselves behind the Government inspectors.

Moreover, the fraud has been traced home to their general superintendent, himself a stockholder in the company. Commodore Sampson in his testimony (page 882) alleges that if the Ordnance Bureau had sent officers to the works to act as spies upon the company they would have gone with very different instructions. They did not go there expecting to be deceived, and he thought it no excuse at all for the company to say that they were negligent in their duties. He says that they were slow to believe that frauds were being perpetrated, and not so quick to realize them as they perhaps ought to have been.

Certain it is that the inspectors were there to know of their own knowledge that the specifications of the contract were being faithfully carried out. They were not to rely upon others, but to know of their own knowledge that that everything was right. It was their sole duty to protect the Government. It is in evidence that while the manufacture of the armor was going on, day and night, including Sundays, the inspectors were on duty only eight hours each day, excepting Sundays, when they were not there at all.

Allowing the eight hours to have been spent in the works they were there only two-sevenths of the time. Their inspection covered only forty-eight hours of the one hundred and sixty-eight hours of work each week. Much of the eight hours of inspection was devoted to office work. At times only one inspector was on duty, and most of the time but two. While the committee believe that to-day the inspection is thorough, it is of the opinion, in view of what has happened, that the force of inspectors should be increased.

CRIMINALITY.

If the criminality of a wrongful act is to be measured by the deliberation with which it is committed, the magnitude of the evils likely to result from its perpetration, and the want of provocation with which it is done, the frauds which your committee have found are worthy to be called crimes. The servants of the Carnegie Steel Company (whether with or without the knowledge of the company), to increase their gains, deliberately continued for many months to commit acts whose natural and probable consequence would be the sacrifice of the lives of our seamen in time of war, and with them, perhaps, the dearest interests of the nation.

The company were hired to make the best possible armor plate and paid an enormous price for so doing. They were hired to make an armor that would stand the shots of an enemy and upon which the nation might rely in time of need. They were paid between $500 and $700 a ton and thousands of dollars a plate for so doing. Resting under these obligations the company or its servants have perpetrated manifold frauds, the natural tendency of which was to palm off upon the Government an inferior armor, whose inferiority might perchance appear only in the shock of battle, and with incalculable damage to the country.

No fine or mere money compensation is an adequate atonement for such wrongs. The commission of such frauds is a moral crime of the gravest character. Your committee do not consider it as within their province to draft a criminal statute; but they do feel under obligation to call the attention of the House to the importance of protecting in the future the interests of the Treasury, the lives of our seamen, and the safety of the nation by appropriate legislation, denouncing as crimes all such acts of fraud and deception practiced upon the Government in connection with armor plate and other material of war, and making such acts severely punishable in all persons who commit them or aid and abet their commission.

THE PLATES MUST BE TESTED.

Notwithstanding all the admissions made by the superintendents employed by the Carnegie company, they claim that all the plates paid for by the Government are up to the specifications of the contracts. They allege that they not only made the best plate that could be made at that time, but that the plates will all surpass the minimum acceptance test required by the Government without regard to the alleged false treatment, plugging of blowholes, or manipulation of tensile tests.

Paragraph 92 of the contract of February 23, 1893, states that the obligation is imposed upon the contractor to satisfy the inspector that everything has been done in strict accordance with the terms of the contract. It has been conclusively shown that the inspectors have been satisfied and the armor plates passed by the most notorious frauds.

The efforts of the company and of its superintendents, Cline, Corey, and Schwab, have been to satisfy your committee that the armor is up to the requirements of the contract, notwithstanding the false reports to inspectors, doctoring of specimens, plugging of plates, fraudulent retreating of test

plates, and "jockeying" of the testing machine. The unblushing character of the frauds to which these men have been parties, and the disregard of truth and honesty which they have shown in testifying before your committee, render them unworthy of credence.

And everything bears against their contention. It is not to be supposed that such manifold frauds were continued for so long a time without an important object to be gained. As the individual plates, and the groups of plates passed in many cases by fraud, the fair conclusion is that without the frauds they would not have passed.

Two questions remain, however, first, whether, notwithstanding the frauds and the failure to attain the high standard required by the contracts, the armor is not still good steel and fair armor; and second, the extent to which the Government has been damaged by the frauds and irregularities practiced upon it.

The terms of the resolution under which your committee is acting require them to ascertain the amount of damages. It is impossible, however, for them to do this with their present powers. The only way to determine the actual condition and strength of the armor is by subjecting certain plates of the groups passed by fraud to ballistic tests. This your committee has no power to do. For the information of the House, in relation to the question of further continuing this investigation by making such ballistic tests, your committee have ascertained the whereabouts of fifty-nine representative plates, alleged to have been falsely treated. The following table shows their weight, cost, and defects, and the ships upon which they can be found:

List of most important alleged defective plates.

MONTEREY.

Size.	Location.	No.	Weight.	Cost.	Defect.
13 inches	Belt K. L. starboard	X8	17.5 tons	$9,138.45	Pipe 4 feet long, page 87.
13 inches	Belt, No. 4, H. G. port	X13	16.74 tons	8,728.94	Bad holes, page 88.
7.5 inches	After-turret (porthole)	214	6.7 tons	3,929.28	Oil burned off.
7.5 inches	do	225	9.2 tons	5,414.80	Do.

MONADNOCK.

11.5 inches	Barbette	702		$10,596.15	Changed colors; not heated; test pieces stretched, page 105.
11.5 inches		661		15,507.05	Fake treatment after bending.
11.5 inches		985		10,875.60	Test pieces stretched, page 105.
11.5 inches		669		10,727.00	Tempered, no annealing.
9 inches	Belt	448	No. 10, starboard	7,643.00	Scrap ends only in furnace tested.
9 inches	do	473	No. 13, port	6,826.80	Heated to cherry for rectification after treatment.
		452	No. 8, port	7,855.00	
		486	No. 12, starboard	8,010.00	

NEW YORK.

10 inches	Barbette	490		$9,134.00	Test pieces substituted, page 109.
10 inches	do	X56	5.491 tons	9,080.00	Annealing heat, five minutes.
10 inches	do	X57		8,992.00	Not heated for treatment.
10 inches	do	X47		9,103.00	Heated eleven hours to cherry red after tests.
10 inches		248	15.492 tons	9,081.00	In pit from bending; no other heat.
5.5 inches	Turret	2939	5.279 tons	3,094.90	Heated one end thirty minutes; forty-eight hours in pit.
5.5 inches	do	2932	6.399 tons	3,749.00	Do.
4 inches	Side	X18a, X22a, X19b	No. 9, starboard sponson	2,419.00	Ends only oil burned off.

AMPHITRITE.

9 inches	13 P, belt	410	No. 13, starboard	6,880	Dipped in oil, burnt off.
9 inches	11 P, belt	397		7,602	Do.
9 inches	12 P, belt	420		7,758	Dipped in oil, ends changed.
5 inches	Belt	218		1,834	Dipped in oil, burnt off.

TERROR.

Size.	Location.	No.	Weight.	Cost.	Defect.
7 inches	Belt	492	No. 7, starboard	8,741	Ends only treated.
7 inches	do	705	No. 12, starboard	8,023	Edges only treated.
7 inches	do	678	No. 6, starboard	7,820	Do.

OREGON.

8 inches	Barbette	586		$8,231.00	Tempered O. K.; no annealing.
8 inches	do	583		8,214.00	One end only Bot.; other end blackened.
8 inches	do	587		8,008.00	Irregular treatment.

OLYMPIA.

45 inches	Barbette	370		$4,830.00	No treatment. Oil burnt off.
45 inches	do	400		4,667.00	Do.
45 inches	do	403		4,836.00	Do.

Four-inch cascade.

INDIANA.

Plates.	No.	Location.	Cost.	Defect.
Diagonal	222	No. 13, starboard	$2,172.00	Insufficiently heated before annealing.
Diagonal	224	No. 15, port	2,530.00	Do.
Diagonal	226		419.00	Fourth treatment same.
Diagonal	233	No. 14, port	2,540.00	Edges only.
Diagonal	237	No. 12, port	2,162.00	Ten minutes heat, thirty-six hours pit.
Side	240	No. 4, port	3,225.00	Blue heat anneal.
Side	241	No. 4, starboard	3,419.00	Do.

List of most important alleged defective plates—Continued.

MASSACHUSETTS.

Diagonal	253	No. 13, starboard	$2,157.00	Not oil-tempered.
	324	No. 5, starboard	3,394.00	On fourth and fifth heat top ends only heated.
	332	No. 4, port	3,414.00	
Door	379]	do	720.00	No treatment at all.

OREGON.

	272	No. 2, port	$3,849.00	In oil cold burned off.

Four-inch sponsons.

Ships.	No.	Location.	Cost.	Defect.
New York	2641	No. 7, port	$2,432.00	Ten minutes heat before annealing.
	2557	No. 5, port	2,377.00	Do.
	X19B	No. 9, starboard	2,408.00	Ends only treated.
Columbia	A284	No. 6, starboard	2,469.00	Do.
	502	No. 4, starboard	1,210.00	Do.
Minneapolis	449	No. 7, port	2,744.00	Oil burned off.
	663	No. 6, starboard	2,444.00	Edges only for annealing.
	645	No. 3, starboard	2,444.00	Do.
Olympia	2453	Starboard after between 64 and 65	3,117.00	Oil burned off.
	2136	Port after between 57 and 58	3,129.00	Do.
	472	Port forward, No. 29 frame	3,080.00	Oil burned off; heated to cherry after treatment.
Cincinnati	627	No. 2, starboard	2,909.00	Ends only.
	641	No. 3, port	2,909.00	Do.
Raleigh	2060	Port after board	2,890.00	Do.
	2063	Port forward board	2,860.00	Do.

The resolution of investigation directs your committee to inquire into the condition and character of all armor plate, bolts, and other appurtenances delivered to the Government by the Carnegie Steel Company and to investigate and inquire as to what amount of inferior or damaged plate, bolts, and other appurtenances had been delivered to the Government by said company, and the amount of compensation which should be paid to the Government in settlement for such damaged or inferior armor plate, bolts, and appurtenances. The committee can go no further into this investigation without knowing the actual ballistic resistance of groups of plates passed by a test of plates that did not really represent these groups.

The comany has admitted this charge. If the Government is precluded from making these tests at their expense by the settlement made January 18, 1894 (see House Executive Document, Fifty-third Congress, pages 37 and 38), they must be made at the expense of the Government. Believing that a test of these plates should be made, your committee have selected the plates which, in their opinion, ought to be tested. They recommend that the money necessary for such a test be taken from any moneys heretofore appropriated for the increase of the Navy under the head of armor and armament. They therefore recommend the adoption of the accompanying joint resolution.

Mr. WILLIAM A. STONE (during the reading of the report). Mr. Speaker, I ask permission to make a brief statement, and then I will withdraw my request to have the report read in full, and also my opposition to the resolution.

Mr. CUMMINGS. Then, Mr. Speaker, I ask that the report be printed in the RECORD.

There was no objection, and it was so ordered.

Mr. WILLIAM A. STONE. I ask consent that the minority of the committee, if they desire, may have permission to file a minority report.

Mr. CUMMINGS. There is no minority whatever in the matter. The subcommittee, and also the Committee on Naval Affairs, unanimously agreed to the report. The gentleman seems to be very anxious to scare up a minority, but there is none to be scared up. The report is unanimous both by the subcommittee and the Committee on Naval Affairs.

The SPEAKER. The gentleman from Pennsylvania asks the gentleman from New York to yield to him to make a statement. How much time does the gentleman desire?

Mr. CUMMINGS. I yield all the time he desires. How much?

Mr. WILLIAM A. STONE. Oh, about three minutes. Mr. Speaker, the very fact that the minority of the committee are not here, whether they desire to file a minority report or not, is a reason for giving them permission to do so. I take the gentleman's word for the facts which he states; but the minority of the committee are not here, and for that reason I desire that, if they should wish to file a minority report hereafter, they may have leave to do so.

The SPEAKER. Without objection, that order will be made.

Mr. CUMMINGS. I object to it, Mr. Speaker. The gentleman seems to want to prowl around to find a minority where there is none to be found. [Laughter.] The entire Committee on Naval Affairs and the entire subcommittee who investigated these matters were unanimous in agreeing to this report.

Mr. CANNON of Illinois. I wish to ask the gentleman a question. Is there anything in this report which justifies, condemns, or exonerates the President for fixing the penalty for supplying these bad plates?

Mr. CUMMINGS. The resolution of the House did not cover that subject. It was specific. It provided—

That the Committee on Naval Affairs of the House of Representatives be, and is hereby, authorized and directed to immediately investigate and inquire into the condition and character of all armor plate, bolts, and other appurtenances delivered to the Government by the said Carnegie Steel Company, Limited, and by Carnegie, Phipps & Co. during the entire period of any of the contracts between said companies and the Government, and to investigate and inquire as to what amounts of inferior or damaged armor plate, bolts, and other appurtenances have been delivered to the Government by said companies and the amount of compensation which should be paid to the Government in settlement for such damaged or inferior armor plate, bolts, and appurtenances.

Now, until we ascertain what the damage is we can not ascertain the amount to be paid.

Mr. CANNON of Illinois. I had in my mind a recollection, somewhat general in its nature, that before that resolution was offered here the Secretary of the Navy had fined these contractors under the contract for not complying with the same, and that the President had modified the fine and permitted to be received, and that probably there had been received, a stated sum as indemnity for shortages found in materials furnished under the contract. Am I correct about that?

Mr. CUMMINGS. The gentleman will find all the information in the testimony submitted with the report.

Mr. CANNON of Illinois. But, substantially, am I correct in my recollection about the matter?

Mr. CUMMINGS. I believe so.

Mr. CANNON of Illinois. Now, is there anything in the report which on the one hand condemns the President and the Secretary, or on the other justifies them, for having made that kind of settlement?

Mr. CUMMINGS. How can we condemn them or justify them until we ascertain the actual amount of injury to the plates?

Mr. CANNON of Illinois. That answers my question.

Mr. CUMMINGS. That is what we are endeavoring to find out.

Mr. WILLIAM A. STONE. I want to ask the gentleman from New York one further question—whether the minority of the subcommittee have read this report?

Mr. CUMMINGS. They have not; but they unanimously authorized me to make report, and said that they would stand by it, every one of them.

Mr. WILLIAM A. STONE. Whatever report you made?

Mr. CUMMINGS. Yes, sir.

Mr. WILLIAM A. STONE. Well, I think they made a very bold promise in that regard.

Mr. CUMMINGS. Well, I think they made a very wise one. [Laughter.]

Mr. WILLIAM A. STONE. Now, in the absence of the members of the minority of the subcommittee, I simply ask that, if they should want to file a minority report hereafter, they shall have leave to do so. That is all.

Mr. PAYNE. I do not see how there can be any objection to that.

Mr. CUMMINGS. Do you want to insinuate that the Carnegie Company can buy a minority report?

Mr. WILLIAM A. STONE. I want the Carnegie Company to have what they have not yet had—fair play in this thing—which they will not have if you have your way about it.

Mr. CUMMINGS. They have had fair play. I want to say to this House that the Carnegie Company has had in its employ

an officer of the United States Navy, who, on leave of absence with pay, has been in the employ of the company for two years. He went upon the retired list last December, and is now in the employ of the Carnegie Company. He has represented the Carnegie Company at every meeting held by this committee of investigation, while the Navy Department (on trial, as might be said, with the Carnegie Company) has been entirely unrepresented.

The Carnegie Company has been represented from the beginning of this investigation up to the present time. It has had its own stenographer before the committee taking down the testimony. The company apparently would not trust the official stenographer of the House. What more do you want for the Carnegie Company? Have they had fair play or have they not?

Mr. WILLIAM A. STONE. No, certainly not, if you refuse permission to the minority to file their views, accompanying your refusal with a statement that the minority of this investigating committee has not seen your report.

Mr. CUMMINGS. I am not authorized by the Committee on Naval Affairs to accept any such motion, and I will not accept it.

Mr. RICHARDSON of Tennessee. Will the gentlemen from New York allow me a single suggestion? I understood the gentleman just now, in offering the report, to make some request about the printing of it, and it was suggested, perhaps by the Speaker, that it be printed in the RECORD. Would it not be better to print it in document form instead of printing it in the RECORD?

Mr. CUMMINGS. If my friend will offer a resolution to that effect——

Mr. RICHARDSON of Tennessee. A simple request will be sufficient. If the report be printed as a document instead of being printed in the RECORD, it will be much more easy to get at and more acceptable. In the RECORD it will probably be buried and lost.

Mr. CUMMINGS. It will be printed as a document, anyhow.

Mr. RICHARDSON of Tennessee. That will be better than printing it in the RECORD.

Mr. CUMMINGS. But there will probably not be a sufficient number of copies in document form to supply the demand. Consequently I have secured permission for the printing of the report in the RECORD.

Mr. RICHARDSON of Tennessee. If the gentleman wants more copies of the report than would be regularly printed, then he might ask to have a double edition printed as a document. There would be no objection to a resolution to print a given number in addition to the usual number of printed reports.

Mr. CUMMINGS. If the gentleman will offer a resolution covering his suggestion I will accept it.

Mr. RICHARDSON of Tennessee. I will ask, then, that an order be made for printing. How many copies does the gentleman think would be necessary in addition to the usual number? Would 2,000 be sufficient?

Mr. CUMMINGS. I should say 5,000.

Mr. RICHARDSON of Tennessee. To print 5,000 additional copies as a document would be better a great deal than printing the report in the RECORD.

Mr. CUMMINGS. But we already have permission to print the report in the RECORD.

Mr. RICHARDSON of Tennessee. If the gentleman is anxious to have additional copies, those copies would cost much more if printed in the RECORD (possibly 10 cents apiece) than in document form.

Mr. CUMMINGS. The report has already been authorized to go into the RECORD.

Mr. RICHARDSON of Tennessee. But it will be almost wholly inaccessible in the RECORD.

Mr. CUMMINGS. Well, we can have the document, too.

Mr. RICHARDSON of Tennessee. But I want to get it out of the RECORD.

Mr. CUMMINGS. And I do not want to get it out of the RECORD. I want to get it into the RECORD.

Mr. RICHARDSON of Tennessee. I do not think it ought to be printed in the RECORD. It is unusual to lumber up the RECORD with such matters as this. It is an unnecessary expenditure; and we have a provision by which such reports can be printed in the usual form for distribution.

Mr. CUMMINGS. You can not get too much information on this subject.

Mr. HENDERSON of Iowa. Will the gentleman from New York allow me a moment?

Mr. CUMMINGS. With pleasure.

Mr. HENDERSON of Iowa. I want to say just this about the matter, as I understand it. The desire to test these plates that are now on the vessels, as provided in the resolution reported from the Committee on Naval Affairs, is for the purpose of ascertaining whether the company that supplied the plates has complied with the contract or not.

Mr. CUMMINGS. That is it precisely; and let me say——

Mr. HENDERSON of Iowa. Just one moment, to see if I am right in my impression. The company is interested in having this demonstrated just as much as the Government is.

Mr. CUMMINGS. Certainly.

Mr. HENDERSON of Iowa. For I understand they claim that the tests will show these plates to be a percentage better than the minimum under the contract.

Mr. CUMMINGS. That is precisely what they claim.

Mr. HENDERSON of Iowa. And the Government is interested in it, in having the best material for its battle-ships. Now, if this company had ten thousand Carnegies in it, for one I should insist upon the investigation [applause], and I think the gentleman from New York is entirely correct in the position he takes. The minority of the committee have not made any report, and have not asked the privilege of making a minority report.

Mr. CUMMINGS. They have authorized me to make the report.

Mr. HENDERSON of Iowa. And when a member of the minority was present here I inquired of him whether there was any minority report, or if the members of the minority desired to submit one, and I was answered that there was no minority report, but that the report to be made from the committee represented the views of the entire committee.

Mr. CUMMINGS. That is it.

Mr. HENDERSON of Iowa. Under these circumstances I hope now that no member here present will antagonize the resolution. Let us put the knife of honest investigation into the question, and ascertain, as we ought to ascertain, what are the facts in connection with it. [Applause.]

Mr. WILLIAM A. STONE. Mr. Speaker, in so far as the Carnegie Company is concerned, they are just as anxious for this investigation as the gentleman from New York or any of the members of the Naval Committee. There is no disposition on their part to interfere in any manner or in any way, shape, or form with the investigation. But a report is brought here which prejudges the company, which condemns them, which criticises their action——

Mr. CUMMINGS. How do you know? You have not read it.

Mr. WILLIAM A. STONE. Well, I heard enough of it read to satisfy me as to what is its character.

Mr. CUMMINGS. Then you are easily satisfied.

Mr. WILLIAM A. STONE. Here is an investigation which has been going on before the Naval Committee for some months past. The people who appear here against that company have made their statements, and, with the exception of the informers, without being sworn. The people representing the Carnegie Company have all been compelled to testify under oath——

Mr. CUMMINGS. I say, if the gentleman insists upon that assertion, he states what is false. Put that in your pipe and smoke it.

Mr. WILLIAM A. STONE. Oh, well; it is hardly worth while for me to put that "in my pipe" or the gentleman from New York either. I state what is told me——

Mr. CUMMINGS. Oh, what has been told you!

Mr. WILLIAM A. STONE (continuing). And the information I get is to that effect. Whether it be correct or not, I do not know personally, of course.

Mr. CUMMINGS. Let me say——

Mr. WILLIAM A. STONE (continuing). Here is a proposition brought in here which goes into the entire questions involved in the contract under which these plates were furnished to the Government. It has been said that they do not come up to the requirements of the contract. An inquisition was formed, and these people who furnished the plates, on the result of that inquisition, were fined a large amount of money. The proposition is now made to take these plates off the vessels and subject them to further tests. If they are up to the contract specifications, the Government takes the plates and the money also. Now, in fairness and justice, if these plates stand the tests, the money ought to be refunded to the contractors. That is the position that I have taken in regard to this matter. I only ask fair play.

But, Mr. Speaker, I am not inclined to stand in the way of investigation by obstruction; and under the declaration of the gentleman from New York that he will not consent to the filing of a minority report if it be desired to file one, or to refund the money if these plates are found up to the standard, the Carnegie Company will do as it has done heretofore, will bear the burden all the same and be compelled to submit to what I regard as an injustice.

I withdraw all opposition to the filing of the report and to the resolution which the gentleman submits.

Mr. HUNTER. Before the gentleman from Pennsylvania takes his seat, I would like to ask him if this company has not had a fair and full opportunity to present their side of the question? Have not they had ample time and opportunity to present all their objections to what is required of them, and to submit their side of the controversy?

Mr. WILLIAM A. STONE. I make no objection to that. I do not object to the filing of the report or the printing of the report, but I do object to prejudging this company in advance; to "hanging a man and then trying him."

Mr. CUMMINGS. I want to say to the gentleman from Pennsylvania that this resolution is not based upon the testimony of what the Carnegie Company were pleased to call the "informers."

These resolutions are based on the admissions of the Carnegie Company itself, and upon no other foundation.

Mr. WILLIAM A. STONE. I will not object to the resolution, but I denounce it as unfair, unless you propose to return the money if the plates stand the test, and I denounce your report as unfair and unjust in charging fraud when you admit that the facts can not be established without a test.

Mr. CUMMINGS. Then I demand the previous question on the adoption of the report and resolutions.

The previous question was ordered.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. CUMMINGS, a motion to reconsider the last vote was laid on the table.

Mr. CUMMINGS. Mr. Speaker, before we leave this subject, I should like to ask unanimous consent that 5,000 copies of the report, testimony, and resolutions be printed.

Mr. RICHARDSON of Tennessee. The only objection which I would suggest would be that if it costs more than $500 it would not be in order to do it in this way.

Mr. PAYNE. I do not think that a resolution which has not been read in the House should be so printed.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CUMMINGS]?

Mr. PAYNE and Mr. WILLIAM. A. STONE objected.

Mr. SPRINGER. As I understand it, this report is to be printed as a document?

The SPEAKER. It will be printed as a document, and also in the RECORD. That has already been ordered.

REMOVAL OF DOCUMENTS.

Mr. DURBOROW. Mr. Speaker, I wish to present certain resolutions from the Committee on Ventilation and Acoustics.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, 1. That the Architect of the Capitol is hereby authorized and directed to cause to be removed from the rooms in the basement and cellar of that portion of the Capitol south of the Rotunda hereinafter named all material of every name and nature, to the rooms in the terrace that are not now occupied.

Document room No. 1; document room No. 3; document room No. 6; south room in cellar; wood-storage rooms, and all other places where books and papers stored are not used during the session where practicable to do so.

2. That after removing the material from the rooms and places designated that the same be thoroughly cleansed, purified, and such portions kalsomined as will be improved thereby.

3. That all the rooms and spaces in the basement and cellar be opened and thoroughly aired each secular day until the meeting of Congress in December next; that so much of the force as now employed under the Doorkeeper of the House as may be necessary to assist in the work of removal of public documents and cleansing the rooms be retained by the Doorkeeper until the work thus ordered is completed, and they shall be paid for such service at the same rate they are now receiving.

Mr. SAYERS. Is this resolution reported by a committee?

Mr. DURBOROW. It is. In explanation of this resolution, I will state that it was adopted at a recent meeting of the Committee on Ventilation and Acoustics, and carries out the recommendations of the experts who examined the ventilating apparatus during the spring. They recommended this action, and it is believed that it will greatly improve the ventilation of this Chamber and of the entire south end of the Capitol.

Mr. SAYERS. Mr. Speaker, I should like to ask the gentleman in charge of this resolution how many of the Doorkeeper's force will be retained to do this work? If the entire force is to be retained during the vacation, we want to know it.

Mr. DURBOROW. I do not know that I can answer that question.

Mr. SAYERS. If the gentleman can not answer the question, then he ought not to present this resolution.

Mr. DURBOROW. It will be such part of the force as will be necessary to do the work, and that will be determined by the Doorkeeper himself, as it will be done under his charge.

Mr. PAYNE. I think this work ought to be done, and these documents ought to be removed. I do not see how they can be removed except by the Doorkeeper's force, which has them in charge and knows how they are arranged, and can arrange them after they are removed to the terrace. I have seen the documents, and I do not think it will require an extended time to do the work. I think the gentleman from Illinois [Mr. DURBOROW] should limit the time in his resolution, so that the force will not be employed during the whole recess.

Mr. DURBOROW. I have no objection to any limit which the gentleman will suggest.

Mr. SAYERS. Where are the books to be removed to?

Mr. DURBOROW. To rooms in the terrace. That is stated in the resolution. They are to be removed from the rooms designated, and taken to other rooms in the terrace. The rooms where they are now are to be thoroughly cleaned and aired. They have not been cleaned and aired for a great many years.

Mr. PAYNE. A portion of the documents are now in the terrace.

Mr. DURBOROW. I have no objection to any time limit which the gentleman may suggest.

Mr. SAYERS. I would suggest to the gentleman that he withdraw the resolution for the present. We shall meet again to-morrow, and he can than furnish the necessary information.

Mr. DURBOROW. It is a matter for the House to determine. It is important to the health of the members.

Mr. SAYERS. When resolutions or bills are brought before the House for consideration, gentlemen in charge of them ought to be able to give the House information.

Mr. DURBOROW. Mr. Speaker, with the understanding that this can be called up to-morrow morning I withdraw the resolution, and will call it up then. The gentleman from Texas [Mr. SAYERS] desires information as to the number of the force and the time it will probably require to move these books. I will investigate that and will call up the resolution again to-morrow.

Mr. SAYERS. All right.

The SPEAKER. The resolution is withdrawn. The Clerk will call the committees for reports.

JURISDICTION OF THE POLICE COURT OF THE DISTRICT OF COLUMBIA.

Mr. LANE, from the Committee on the Judiciary, reported favorably the bill (S. 1414) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SACRAMENTO AND SAN JOAQUIN RIVERS, CALIFORNIA.

Mr. CAMINETTI, from the Committee on Rivers and Harbors, reported a substitute for resolution authorizing the Committee on Rivers and Harbors to visit and examine, during the recess of Congress, the tributaries of the Sacramento and San Joaquin system in California; which was referred to the Union Calendar, and, with the accompanying report, ordered to be printed.

COPYRIGHTS.

Mr. HICKS, from the Committee on Patents, reported back favorably the bill (H. R. 7853) to amend section 4956 and section 11 following section 4967 of the Revised Statutes of the United States relating to copyrights; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER. This completes the call.

Mr. SAYERS. Mr. Speaker, I move that the House adjourn.

The motion was agreed to.

And accordingly (at 1 o'clock and 4 minutes p. m.) the House adjourned.

REPORT OF COMMITTEE ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. RITCHIE, from the Committee on War Claims, reported adversely the bill (H. R. 5417) for the relief of Thornton Rawls. (Report No. 1467). Ordered, that the bill lie on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. COFFEEN (by request): A bill (H. R. 8028) to encourage deep mining in the United States—to the Committee on Mines and Mining.

By Mr. JOHNSON of North Dakota (by request): A bill (H. R. 8029) to change the circulating medium of the United States and to make the same uniform—to the Committee on Coinage, Weights, and Measures.

By Mr. HUDSON: A bill (H. R. 8030) for the coinage of standard dollars out of the product of the mines of the United States—to the Committee on Coinage, Weights, and Measures.

Also, a bill (H. R. 8031) providing for the creation of three commissioners of pensions instead of one—to the Committee on Appropriations.

By Mr. KYLE: A bill (H. R. 3032) to place machinery used in the manufacture of cotton on the free list—to the Committee on Ways and Means.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 7857) for the relief of John Sanderson, and the same was referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARWIG: A bill (H. R. 8019) granting a pension to Mary Cowles, widow of Alexander Seigel—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 8020) for the relief of A. B. Pedigo—to the Committee on Claims.

By Mr. DINSMORE: A bill (H. R. 8021) for the relief of A. M. Webb, of Green Forest, Carroll County, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 8022) for the payment of the claim of Mary J. McCall, of Eureka Springs, Carroll County, Ark., administratrix of the estate of James Bridgman—to the Committee on War Claims.

Also, a bill (H. R. 8023) for the relief of Mary Hutchens—to the Committee on Pensions.

Also, a bill (H. R. 8024) for the relief of George W. Pierce, of Berryville, Carroll County, Ark.—to the Committee on Pensions.

Also, a bill (H. R. 8025) to pay E. J. Woolam, of Washington County, Ark., for carrying the mails from Rome, Ga., to Blue Mountain, Alabama—to the Committee on Claims.

By Mr. HUDSON: A bill (H. R. 8026) granting a pension to Thomas L. Todd—to the Committee on Invalid Pensions.

By Mr. RITCHIE: A bill (H. R. 8027) granting arrears of pension to George W. Boggs, late first lieutenant Company G, Tenth Ohio Volunteer Cavalry—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRODERICK: Petition of Caleb Crothers and others, citizens of Kansas, favoring the suppression of lotteries in the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. DINSMORE (by request): Petition of Thomas Cordingly, for relief—to the Committee on Military Affairs.

By Mr. HARTMAN: Petition of certain citizens of Butte, Mont., in opposition to the extension of time for payment of Pacific railroad debts—to the Committee on Pacific Railroads.

By Mr. HERMANN (by request): Petition for impeachment proceedings against the Attorney-General—to the Committee on the Judiciary.

By Mr. REILLY: Two petitions of citizens of Schuylkill County, Pa., in favor of resolution requesting amnesty for political offenses, etc.—to the Committee on Foreign Affairs.

By Mr. SWEET: Two petitions of certain citizens of Idaho, for the impeachment of the Attorney-General—to the Committee on the Judiciary.

SENATE.

FRIDAY, *August 24, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 23d instant approved and signed the following acts:

An act (S. 253) granting a pension to Maria Hall, widow of Joseph E. Doak, deceased;

An act (S. 1007) to authorize the Commissioners of the District of Columbia to appoint a deputy coroner, and for other purposes;

An act (S. 1772) extending the time for the completion of a railroad bridge over the Columbia River at or near Vancouver, in the State of Washington;

An act (S. 1885) to extend the privileges of the transportation of dutiable merchandise without appraisement to the city of Ocala, in the State of Florida;

An act (S. 2107) granting to the Northern Mississippi Railway Company right of way through certain Indian reservations in Minnesota;

An act (S. 2269) providing for reconveyance by District Commissioners of certain lands to Andrew J. Curtis and Mary E. Curtis;

An act (S. 2303) to authorize the construction of a bridge across the Contentnea Creek at Grifton, Lenoir County, N. C., and to establish it as a post-road;

An act (S. R. 68) for the relief of W. D. Mack, a clerk in the Record and Pension Division of the War Department;

An act (S. R. 96) to extend the charter of the Maryland and Washington Railway Company; and

An act (S. R. 101) providing clerical assistance in the health department of the District of Columbia.

BILL BECOME A LAW.

The message also announced that the bill (S. 16) granting a pension to Nettie N. Seaver, having been presented to the President on the 8th instant, and not having been returned by him to the Senate within the ten days (Sundays excepted) prescribed by the Constitution, had become a law without his signature.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 561) for the relief of John and Sarah Griffin; and

A bill (H. R. 7407) for the relief of S. E. Halliford, of Alabama.

The message also announced that the House had passed the following bills:

A bill (S. 1005) to prevent the recording of subdivisions of land in the District of Columbia in the office of the recorder of deeds;

A bill (S. 2290) to amend an act entitled "An act to amend an act entitled 'An act granting the right of way to the Hutchison and Southern Railroad Company through the Indian Territory;'" and

A bill (S. 2318) for the relief of B. F. Berry.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 870) authorizing the issue of a patent to the Presbyterian Board of Home Missions for certain lands on the Omaha Indian Reservation for school purposes;

A bill (S. 1458) granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian Reservations in the State of Minnesota;

A bill (S. 2263) to amend section 553 of the Revised Statutes of the United States, relating to the organization of corporations within the District of Columbia;

A bill (S. 2293) to provide for the improvement of the building and grounds of the United States court and post-office at Little Rock, Ark.;

A bill (H. R. 7461) to amend an act entitled "An act to create a new division of the northern judicial district of Georgia," approved March 3, 1891;

A joint resolution (S. R. 99) to compile and publish the laws relating to street-railway franchises in the District of Columbia;

A joint resolution (S. R. 102) authorizing the Secretary of the Treasury to provide rooms for the accommodation of the United States circuit and district courts and their officers at Meridian, Miss.;

A joint resolution (H. Res. 5) authorizing the Secretary of the Treasury to transfer a certain piece of land in the State of Michigan to the city of Saginaw; and

A joint resolution (H. Res. 220) instructing the Secretary of War to return to the State of Massachusetts the flags of certain regiments of Massachusetts Volunteer Infantry.

THE JOURNAL.

Mr. HARRIS. I ask unanimous consent that the reading of the Journal of day before yesterday and the Journal of yesterday be dispensed with.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. GEORGE. Will the Senator from Tennessee allow me to request a leave of absence for my colleague?

Mr. HARRIS. I yield to the Senator from Mississippi for a moment.

LEAVE OF ABSENCE.

Mr. GEORGE. I ask that an indefinite leave of absence be granted to my colleague [Mr. MCLAURIN], on account of serious illness in his family.

The VICE-PRESIDENT. Is there objection? The Chair

hears none, and an indefinite leave of absence is granted to the junior Senator from Mississippi [Mr. MCLAURIN].

EXECUTIVE SESSION.

Mr. HARRIS. I renew my motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened.

LEAVE OF ABSENCE.

Mr. JARVIS was, on his request, granted leave of absence for the remainder of the session.

PETITIONS AND MEMORIALS.

Mr. QUAY (for Mr. CAMERON) presented petitions of Council No. 109, Junior Order United American Mechanics, of McKeesport; Council No. 328, Junior Order United American Mechanics, of Harrisburg; Council No. 507, Junior Order United American Mechanics, of Port Marion; of Trade and Labor Council, of Reading; and of C. G. Creel, of Port Marion, all in the State of Pennsylvania, praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

He also (for Mr. CAMERON) presented sundry memorials of citizens of Brush Creek Valley, Hamburg, Broadtop, Philadelphia, and Lemont, all in the State of Pennsylvania, remonstrating against appropriating Government moneys for sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

BITUMINOUS COAL AND IRON ORE.

Mr. COCKRELL. I present a communication from the Acting Chief of the Bureau of Statistics of the Treasury Department, transmitting certain information relative to imports and exports of bituminous coal and imports of iron ore for the last twenty years. I move that the communication be printed as a miscellaneous document.

The motion was agreed to.

CAPT. W. H. BIXBY.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 7434) directing the issue of a duplicate of a lost check drawn by Capt. W. H. Bixby, Engineers, United States Army, at Newport, R. I., in favor of Messrs. Hughes Brothers & Bangs, to report it without amendment, and to ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

I. H. HATHAWAY & CO.

Mr. JONES of Arkansas. I am directed by the Committee on Finance, to whom was referred the bill (S. 2322) for the relief of I. H. Hathaway & Co., to report it without amendment, and to ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. The preamble recites that Thomas H. Handbury, major Corps of Engineers, United States Army, on the 14th of June, 1894, issued a check, numbered 269798, for $10,115.34, on the assistant treasurer of the United States at New York, in favor of I. H. Hathaway & Co., in payment of contract work done at the mouth of St. Johns River, Florida, which check is alleged to have been lost in transmission through the United States mails between St. Augustine, Fla., and Philadelphia, Pa.; and that the act of February 16, 1885, amending section 3646, Revised Statutes of the United States, authorizing United States disbursing officers and agents to issue duplicates of lost checks, applies only to checks drawn to $2,500 or less.

The bill instructs Maj. Handbury to issue a duplicate of the original check, under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS INTRODUCED.

Mr. MANDERSON. I introduced a bill for the senior Senator from Ohio [Mr. SHERMAN], and I desire that it shall appear the bill is introduced by him, by request.

The bill (S. 2324) to consolidate the five regiments of the artillery of the Army with the Marine Corps of the Navy into a corps of marine artillery, and to organize the field artillery of the Army, was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PUGH introduced a bill (S. 2325) supplementary to an act entitled "An act establishing a court of appeals for the District of Columbia, and for other purposes," approved February 9, 1893; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. QUAY (for Mr. CAMERON) introduced a bill (S. 2326) to place James T. Peale on the retired list of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

PENNSYLVANIA STATE CLAIM.

Mr. QUAY. On behalf of my colleague [Mr. CAMERON], who is necessarily absent, I introduce a joint resolution, and ask for its immediate consideration.

The joint resolution (S. R. 104) authorizing the Secretary of the Treasury to cause the proper accounting officers of the Treasury to reëxamine the settlement of the Second Comptroller of May 22, 1893, of the claim from the State of Pennsylvania for expenses incurred in aiding the United States to suppress the late insurrection, etc., was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Treasury be, and he is hereby, required to cause the proper accounting officers of the Treasury to reëxamine the settlement by the Second Comptroller of May 22, 1893, of the claim of the State of Pennsylvania for expenses incurred in aiding the United States to suppress the late insurrection, for which reimbursement is provided in the act of Congress approved July 27, 1861 (12 Stats., 276), which directs "that the Secretary of the Treasury shall pay to the governor of any State, or to his duly authorized agents, the cost, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection," and to report the amount expended, crediting such payments as have been made to the State for the purposes mentioned in said act on account of troops employed by the governor in aiding the United States to suppress the said insurrection or by the adjutant-general, or any other of the military agents of the governor and being within the authority conferred upon governors of States by General Orders numbered 78 of 1861 and 18 of 1862, of the War Department, by which they are authorized to organize and prepare troops for the service as they may judge advantageous for the interests of the General Government and are made the lawful authority for raising volunteers, including such payments as were made by the State upon judgments rendered against the State for the use of fair grounds and buildings occupied by troops for recruiting and other purposes.

Mr. COCKRELL. I should like to have the Senator from Pennsylvania make a little explanation of the object of the joint resolution.

Mr. QUAY. I never saw the resolution until it was handed to me this morning on behalf of my colleague. The object is to correct some errors which were made in settling the account of the State of Pennsylvania under the direct tax.

Mr. HUNTON. It merely calls for a report, I understand.

Mr. QUAY. It is an instruction to the Secretary of the Treasury to reopen and reëxamine the settlement and correct errors, if there are errors. That is all of it.

Mr. ALDRICH. Does the joint resolution come from a committee?

Mr. QUAY. No, it does not.

Mr. ALDRICH. It seems to me it is a pretty important matter to consider without reference to a committee if it undertakes to instruct any officers of the Government as to what they shall do.

Mr. QUAY. If the Senator objects to its consideration the joint resolution can go over.

Mr. ALDRICH. I think it ought to go to a committee.

Mr. QUAY. Very well.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Military Affairs.

CORRECTION OF ERROR.

Mr. COCKRELL introduced a joint resolution (S. R. 105) to change the initials of a name in the Indian appropriation bill; which was read the first time by its title.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the joint resolution.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the appropriation to pay "F. G." Niedringhaus for beef cows delivered at Fort Peck Agency be corrected to read "W. F." Niedringhaus.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WORLD'S COLUMBIAN COMMISSION DIPLOMAS.

Mr. LINDSAY introduced a joint resolution (S. R. 106) authorizing the printing upon the blank diplomas authorized by section 3 of the act of March 3, 1893, the names of the persons

to whom the diplomas are to be awarded by the World's Columbian Commission; which was read the first time by its title.

Mr. LINDSAY. I ask for the immediate consideration of the joint resolution.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the Bureau of Engraving and Printing, under the supervision of the Secretary of the Treasury, be authorized to print upon the blank diplomas authorized by section 3 of the act of March 3, 1893, making appropriations for the sundry civil expenses of the Government for the fiscal year 1894, the names of the persons to whom the diplomas are to be awarded by the World's Columbian Commission, and the language of the awards as furnished by the committee on awards of the World's Columbian Commission; and the expense thereof shall be paid from the appropriation of $103,000 contained in said section 3, which appropriation is hereby made available for such purpose until expended.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT, HEAT, AND POWER COMPANY.

Mr. HARRIS. Some weeks ago the bill (S. 2146) to incorporate the National Gas and Electric Light, Heat, and Power Company of the District of Columbia was adversely reported from the Committee on the District of Columbia and indefinitely postponed. I ask unanimous consent that the order indefinitely postponing the bill may be rescinded, and the bill recommitted to the Committee on the District of Columbia.

The VICE-PRESIDENT. Is there objection. The Chair hears none, and it is so ordered.

PENNSYLVANIA RAILROAD COMPANY CLAIMS.

Mr. MITCHELL of Oregon. I submit a resolution and ask for its present consideration. Before it is read I will state that it is a resolution similar to two others which have been passed at the present session, directing the Secretary of the Treasury to reëxamine and certify certain accounts about which there is some controversy.

Mr. COCKRELL. Let the resolution be read.

The resolution was read, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to cause the proper accounting officers of the Treasury to reëxamine the certified claims of the Pennsylvania Railroad Company and its leased lines against the United States for transportation, numbered 4889 of the year 1884, for the sum of $14,878.93, and to submit the reasons in full for said certification, with a detailed statement of the facts upon which said claims originated.

OWNERSHIP OF RAILROADS BY FOREIGN GOVERNMENTS.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Interstate Commerce Commission be, and is hereby, requested to furnish the Senate such information as they can procure concerning the ownership of railroads by foreign governments, the rates charged for carrying passengers and freight, as compared with the charges made by the railroads of the United States for like service, the cost of operating roads owned by governments, and the net revenue as compared with the roads of the United States. Also the wages paid to railroad employés by the governments operating roads, and also the wages paid to railroad employés for like services in the United States, and such other information as they may be able to furnish.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a joint resolution (H. Res. 226) authorizing and directing the Secretary of the Navy to have certain armor plates removed and tested; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution authorizing the President of the Senate and Speaker of the House of Representatives to close the present session by adjourning their respective Houses on the 28th day of August, instant, at 2 o'clock p. m.; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 1005) to prevent the recording of subdivisions of land in the District of Columbia in the office of the recorder of deeds;

A bill (S. 2290) to amend an act entitled "An act to amend an act entitled 'An act granting the right of way to the Hutchison and Southern Railroad Company through the Indian Territory;'"

A bill (H. R. 2842) to reimburse George C. Tanner, late consul, and so forth, the sum of $200 paid by him for rent of rooms;

A bill (H. R. 6529) to authorize the construction of a bridge across the St. Croix River between Wisconsin and Minnesota; and

A joint resolution (H. Res. 223) to correct an error in the act entitled "An act to amend an act granting a pension to Elizabeth Voss."

BACK BAY BRIDGE.

Mr. GEORGE. I ask unanimous consent for the present consideration of the bill (H. R. 5478) to authorize the Biloxi and Back Bay Bridge Company to construct and maintain a bridge over that portion of the bay of Biloxi, in the State of Mississippi, known as Back Bay.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

APPROPRIATIONS FOR INTERNAL REVENUE COLLECTION, ETC.

Mr. COCKRELL. I ask unanimous consent for the consideration of the bill (H. R. 8007) to provide for the collection of internal revenue, and for other purposes; which I report back from the Committee on Appropriations favorably.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $9,000 to enable the Secretary of the Treasury to employ such additional force as may be necessary for the collection of internal revenue; and $5,000 to carry into effect the convention between the United States and Venezuela providing for a reference to arbitration of the claim of the Venezuela, Steam Transportation Company against the Government of Venezuela, signed at Caracas on the 19th day of January, 1892.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAY OF EMPLOYÉS.

Mr. COCKRELL. I am directed by the Committee on Appropriations, to whom was referred the joint resolution (H. Res. 221) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of August, 1894, on the 23d day of said month, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE RULES.

Mr. BLACKBURN. I ask the Senate to take up Order of Business 692 for present consideration. It is a resolution of the Senate.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution reported by Mr. CAMDEN on the 13th instant from the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Committee on Rules be instructed to inquire and report to the Senate, what revision of, or amendments to, the rules, if any, should be adopted to secure a more efficient and satisfactory disposition of the business of the Senate; and for this purpose the said Committee on Rules is authorized to sit during the coming vacation, and any expense incident thereto shall be paid out of the contingent fund of the Senate, and report also a code of joint rules for the government of the two Houses, if, in their opinion, it is expedient to do so.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BLANCHARD. I feel constrained to object to the resolution.

Mr. BLACKBURN. I will state that the object of the resolution is to authorize the Committee on Rules to sit during the recess for the purpose of revising the rules of the Senate.

Mr. BLANCHARD. That is just why I object to it.

Mr. BLACKBURN. Very well, Mr. President.

The VICE-PRESIDENT. There is objection to the present consideration of the resolution.

C. P. GOOCH.

Mr. COKE. I ask unanimous consent to call up the bill (H. R. 3334) authorizing and directing the Secretary of the Treasury to pay to the heirs or legal representatives of C. P. Gooch certain money due him for carrying the mail.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the heirs or legal representatives of C. P. Gooch $65, being balance due him for carrying the mail on route No. 8237, in the State of Louisiana, from January 1 to March 31, 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOUNT VERNON ELECTRIC RAILWAY COMPANY.

Mr. HUNTON. I ask unanimous consent to call up for consideration the bill (H. R. 7515) granting the right of way through the Arlington reservation for electric railway purposes.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment in section 1, line 25, after the word "passengers," to insert "on such plans;" so as to read:

And the said company shall repair at its own expense, in a manner satisfactory to the Secretary of War, any damage, injury, or displacement that may be done to roads, footways, bridges, or fences upon or through the Government lands referred to in this act by the construction or operation of the said electric railway company, and shall erect such sheds or other shelter for the comfort and convenience of passengers on such plans and at such points as the Secretary of War shall direct.

Mr. HUNTON. To this amendment I would have no objection if we could get the bill back to the other House and have it concurred in there; but I have consulted with the chairman of the Committee on the District of Columbia [Mr. HARRIS] and the Senator from Nebraska [Mr. MANDERSON], and they do not object to having the amendment disagreed to. I ask the Senate to disagree to the amendment of the committee.

The amendment was rejected.

Mr. MANDERSON. I desire to say as to the amendment that under the circumstances I withdrew my desire to have the clause inserted, believing that the bill by its terms will give to the Secretary of War full power to exercise supervision over the plan or style of any building that may be erected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOME FOR DESTITUTE COLORED PERSONS.

Mr. TURPIE. I ask unanimous consent to call up for present consideration the bill (H. R. 7095) to provide for the erection of a national home for aged and infirm colored persons, and for the maintenance of the inmates thereof.

Mr. COCKRELL. Let the bill be read for information.

The Secretary proceeded to read the bill.

Mr. GORMAN. I am compelled to object to this measure. It is a bill which would take from the Treasury a very large amount of money, which under its terms would be placed in the hands of a corporation organized under the general laws of the District of Columbia. I trust the Senator from Indiana will not press the bill. It seems to me it ought to be referred to the Committee on Appropriations, and if this money is to be expended in the interests of the colored people, it ought to be done under greater safeguards than are provided for in the bill.

Mr. TURPIE. The Senator from Indiana would be exceedingly glad to have the bill passed if it could be done. All he can do is to ask that every Senator present shall consent to its present consideration, and if the Senator objects I have no remedy. But no member ought to object on the ground stated by the Senator from Maryland. This is entirely a local bill. It takes not a penny from the National Treasury. It was referred to the Committee on the District of Columbia, and carefully considered and favorably reported. Those objections ought not to obtain. But if through personal caprice, or from any other motive a Senator wishes to object, I have no remedy.

Mr. GORMAN. I never object to the consideration of a bill from personal caprice, and certainly I have none towards the Senator from Indiana and those who are bringing forward this measure. I object from public considerations and as a matter of proposed legislation, and nothing beyond that. I will say to the Senator from Indiana that after a careful examination of the bill and after reading the report I am perfectly satisfied in my own mind that it would be unwise to pass the bill. Now, I differ with the Senator from Indiana and the gentlemen on the committee who have reported the bill. Still I do not believe that the bill can be passed without careful consideration, and certainly not without amendments being offered on the part of others. Under the circumstances, and without the slightest feeling against the Senator from Indiana or anyone else who supports the bill, I do not think it ought to be pressed at this time.

Mr. TURPIE. The Senator from Maryland is mistaken in supposing that this bill has not been considered, or that it has been carelessly considered. I assure the honorable Senator that the bill has been very carefully considered. It was referred to the Committee on the District of Columbia and it has been fully discussed there.

Mr. GEORGE. I object to the further discussion of this question.

The VICE-PRESIDENT. The consideration of the bill is objected to.

FINAL ADJOURNMENT.

Mr. COCKRELL. I ask the Chair to lay before the Senate the resolution from the House of Representatives fixing a time for the final adjournment of the two Houses of Congress.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was read:

Resolved, by the Senate and House of Representatives, That the President of the Senate and Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 28th day of August instant, at 2 o'clock p. m.

Mr. VEST. On what day of the week is the 28th?

Mr. COCKRELL. Tuesday.

The concurrent resolution was considered by unanimous consent, and agreed to.

ADJOURNMENT TO MONDAY.

Mr. COCKRELL. I move that when the Senate adjourn today it be to meet on Monday next.

The motion was agreed to.

ALLOTMENTS OF LAND TO INDIANS.

Mr. JONES of Arkansas. I ask unanimous consent for the present consideration of the bill (S. 2295) authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

Be it enacted, etc., That in all cases where it shall appear that a double allotment of land has heretofore been, or shall hereafter be, wrongfully or erroneously made by the Secretary of the Interior to any Indian, by an assumed name or otherwise, or where a mistake has been or shall be made in the description of the land inserted in any patent, said Secretary is hereby authorized and directed, during the time that the United States may hold the title to the land in trust for any such Indian and for which a conditional patent may have been issued, to rectify and correct such mistake and cancel any patent which may have been erroneously and wrongfully issued, whenever in his opinion the same ought to be canceled for error in the issue thereof, or for the best interests of the Indian, and, if possession of the original patent can not be obtained, such cancellation shall be effective if made upon the records of the General Land Office; and no proclamation shall be necessary to open the lands so allotted to settlement.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

S. E. HALLFORD.

Mr. PUGH. I ask that House bill 7407 be laid before the Senate.

The bill (H. R. 7407) for the relief of S. E. Hallford, of Alabama, was read twice by its title.

Mr. PUGH. I ask the Senate to proceed to the consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to reinvest in S. E. Hallford the title to certain lands in Alabama bought by the United States at a sale made by the marshal of the middle division of that State.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATHEW S. PRIEST.

Mr. PASCO. I ask unanimous consent to call up the bill (H. R. 1314) for the relief of Mathew S. Priest. I call up the bill at the request of the Senator from Ohio [Mr. BRICE], who takes an interest in the case.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with amendments: In line 3, before the word "dollars," to strike out "six hundred" and insert "three hundred and seventy-five;" and in line 8, before the word "day," to strike out "twenty-seventh" and insert "seventeenth;" and to strike out section 2 of the bill, in the following words:

SEC. 2. That the sum hereby appropriated is made immediately available

So as to make the bill read:

Be it enacted, etc., That the sum of $375 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to compensate Mathew S. Priest for services rendered by him for the Government of the United States from the 16th day of March to the 17th day of August, 1863, as engineer of the steamers Silver Wave and Moderator, in passing the batteries of Vicksburg, Warrenton, and Grand Gulf, and for repairing steamers.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PASCO. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. PASCO, Mr. MCLAURIN, and Mr. MITCHELL of Oregon were appointed.

OSAGE RIVER BRIDGE.

Mr. VEST. I ask the Senate to proceed to the consideration

of the bill (H. R. 7571) to authorize the construction of a bridge across the Osage River, in the State of Missouri.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE.

Mr. VEST. I ask the Senate to proceed to the consideration of the bill (H. R. 7572) to authorize the construction of a bridge across the Missouri River at De Witt, Carroll County, Mo., and to establish it as a post-road.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TARIFF COMPARISON.

Mr. GORMAN. I report from the Committee on Printing a concurrent resolution and ask for its present consideration.

Mr. TURPIE. I object.

Mr. GORMAN. There can not be any objection made to the report. An objection to the consideration of the resolution can be entertained.

The VICE-PRESIDENT. The concurrent resolution will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 60,000 copies of the Comparison of the Tariff Law of 1890 and 1894, prepared under the supervision of the Senate Committee on Finance, 25,000 copies for the use of the members of the Senate and 35,000 copies for the use of the members of the House of Representatives of the Fifty-third Congress.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. VEST. I should like to ask the Senator from Maryland what comparison it is proposed to print?

Mr. GORMAN. It is a comparison prepared by the Committee on Finance.

Mr. VEST. There have been two or three of those comparisons.

Mr. ALLISON. It is the last one, I presume.

Mr. GORMAN. It is the last one, prepared by the Committee on Finance.

Mr. ALDRICH. Would it not be well enough to find out whether the bill will become a law before an order is made to print? I believe we have no official assurances in regard to the exact status of the bill.

Mr. COCKRELL. I suppose everyone will want to have it printed. Every Senator will want copies.

Mr. ALDRICH. Oh, yes; I should like to have it printed.

Mr. GRAY. It will be in demand whether it becomes a law or not.

Mr. COCKRELL. There are numerous applications for it.

Mr. ALDRICH. I am not making any formal objection. I merely made an inquiry.

Mr. VEST. It is the last comparative statement, I understand, that is to be printed.

Mr. GORMAN. It is the last comparative statement.

The VICE-PRESIDENT. The Chair understands that there is objection to the present consideration of the resolution.

Mr. RANSOM subsequently said: As to the concurrent resolution reported by the Senator from Maryland [Mr. GORMAN] just now from the Committee on Printing there is a misunderstanding. It was the impression that an objection was made to its consideration. There was none, and I ask that the resolution be passed.

Mr. TURPIE. I withdraw my objection to the resolution. I have looked at it, and I find that it has been carefully considered. My bill was not carefully considered, it seems.

The VICE-PRESIDENT. The Senator from Indiana withdraws his objection to the consideration of the concurrent resolution.

The concurrent resolution was considered by unanimous consent, and agreed to.

PETER GRANT STEWART.

Mr. MITCHELL of Oregon. I ask the Senate to take up the bill (S. 118) for the relief of Peter Grant Stewart, of Oregon.

Mr. COCKRELL. Oh, no.

Mr. MITCHELL of Oregon. Allow me to make a statement, and I think the Senator from Missouri will not object. The beneficiary in this case is an old man, 93 years of age, living in my State. The bill has been reported twice. It has been on the Calendar for a long time. It proposes to pay for property taken for a military reservation forty-four years ago. It is tardy justice, to say the least, and I should like to be able to say to the old man, who can not live many months longer, that his bill has passed the Senate. It has been unanimously reported twice from the Committee on Claims.

Mr. COCKRELL. What is the Order of Business?

Mr. MITCHELL of Oregon. It is Order of Business 700. It is a very short bill.

Mr. COCKRELL. I think I once had that case in my hands. I hope the Senator from Oregon will not insist on calling up the bill. I investigated one of those cases about property taken in that reservation years and years ago, and unless there is a great deal of additional evidence there is a very shadowy foundation for the existence of the claim.

Mr. MITCHELL of Oregon. Let me say to the Senator from Missouri——

Mr. COCKRELL. I hope the Senator will not insist on it in the present condition of the Senate.

Mr. MITCHELL of Oregon. The Senator from Missouri is evidently laboring under a misapprehension about this matter. There were three of these cases. The Congress of the United States has paid $25,000 for a precisely similar case growing out of property taken in the same reservation. This is the second case, and the other case is pending, involving a similar amount to this, before the Committee on Claims. The report states the case fully. There can not be any question about it. I hope the Senator will allow this to be done.

Mr. COCKRELL. I do not think the Senator from Oregon ought to insist on it.

Mr. MITCHELL of Oregon. The Senator from Missouri ought not to object to the bill.

Mr. COCKRELL. The Senator knows I am not in the habit of objecting, but I examined some of those claims and I found them to be without one particle of foundation.

Mr. MITCHELL of Oregon. When the Senator makes that statement, I can say that the Committee on Claims have considered this case twice favorably, and have reported it twice unanimously to the Senate, and they are of opinion that it is a meritorious case. The Senator can not say that he has examined this case.

Mr. COCKRELL. It will not hurt the Senator from Oregon to let this case go over on the reasonable request of a Senator who does not make a captious objection.

Mr. MITCHELL of Oregon. It will not hurt me at all whether the case goes over or whether the bill is passed. I will say, before it goes over, if it has to go over, that it would be a great satisfaction to me if I should be able to say to this old man when I return to Oregon, who is now 93 years of age, that the Senate of the United States has adopted the report of the committee that was made twice in his favor. That is all.

Mr. COCKRELL. I will look at it. I will not insist on my objection if the Senator will let the bill be laid aside until I can examine the report.

Mr. MITCHELL of Oregon. All right. Here is the report.

Mr. COCKRELL. I have the report here, but I have not had time to examine it.

The VICE-PRESIDENT. The consideration of the bill is objected to.

PROCEEDINGS UNDER CALL OF THE SENATE.

Mr. HARRIS. There is pending a call of the Senate not yet fully executed. I move that all further proceedings under the call be dispensed with.

The motion was agreed to.

MISSISSIPPI RIVER BRIDGE AT ST. LOUIS.

Mr. PALMER. I ask unanimous consent to call up for present consideration the bill (H. R. 5645) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county.

Mr. COCKRELL. I wish to say to the Senator from Illinois that I have an amendment. If it is accepted, I have no objection to the bill being passed. Otherwise I must object to it. My amendment is to add the following proviso at the end of the bill as it now stands:

Provided, That no bridge constructed under this act shall be located within a distance of 2 miles above or below either of the two bridges across the said river at St. Louis, Mo., at present known as the Eads Bridge and the Merchants' Bridge.

Mr. PALMER. Of course I can not accept the amendment.

Mr. ALLISON. It is a very important amendment.

Mr. PALMER. It is a very important amendment—too important to be accepted, if I can help it.

Mr. COCKRELL. I move that the Senate adjourn.

Mr. PALMER. I hope that we shall be able to dispose of the bill.

Mr. VEST. Oh, yes; let us dispose of it.

Mr. HARRIS. I ask the Senator from Missouri to withdraw the motion.

Mr. COCKRELL. I will withdraw it for the present.

The VICE-PRESIDENT. The Senator from Illinois asks unanimous consent for the present consideration of the bill indicated by him. Is there objection.

Mr. COCKRELL. I object unless my amendment can be agreed to.

Mr. VEST (to Mr. PALMER). Let the amendment go in.

Mr. PALMER. I can not accept the amendment, and if consent is dependent upon my acceptance of the amendment, of course the objection must be regarded as final.

The VICE-PRESIDENT. There is objection to the present consideration of the bill.

BARK SKUDESNAES.

Mr. RANSOM. I beg leave to report back from the Committee on Commerce without amendment the bill (H. R. 6888) for the registry or enrollment of the bark Skudesnaes. It is a very small bill, and it is my neglect that it has not been reported and attended to before. It is all right, and I hope the Senate will consider it and pass it. There is not a dollar involved in it.

Mr. COCKRELL. Let the bill be read for information.

Mr. RANSOM. That is right.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to admit to registry as a bark of the United States the bark Skudesnaes, a foreign-built vessel, wrecked in American waters, purchased, repaired and owned by C. C. Pinckney, jr., of Charleston, S. C., a citizen of the United States.

Mr. RANSOM. The law has been complied with, and the Secretary of the Treasury is in favor of the passage of the bill. I ask that it be put on its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. 561) for the relief of John and Sarah Griffin was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 5740) incorporating the Society of American Florists was read twice by its title, and referred to the Committee on Agriculture and Forestry.

The joint resolution (H. Res. 226) authorizing and directing the Secretary of the Navy to have certain armor plates removed and tested, was read twice by its title.

Mr. QUAY. I desire to send an amendment to the Committee on Naval Affairs to accompany the joint resolution instructing the Secretary of the Navy to test certain armor plates.

Mr. HARRIS. Let it be printed and referred with the joint resolution.

Mr. QUAY. Very well. The amendment simply provides that if the plates when tested prove to be equal to or above the requirements of the contract of the Carnegie Company with the Government the fine heretofore imposed upon them for defective plates shall be refunded. That is fair.

The VICE-PRESIDENT. The joint resolution and the proposed amendment will be referred to the Committee on Naval Affairs, and the amendment will be printed.

LEAVE OF ABSENCE.

Mr. HUNTON. I ask for a leave of absence for the remainder of the session on account of the sickness of my wife, who is at Cape May.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and leave of absence is granted.

EXECUTIVE SESSION.

Mr. HARRIS rose.

Mr. QUAY. I understand that the Senator from Tennessee is about to move an executive session. Before he makes that motion I desire to mention to the Senate that it is more than probable that no further legislative business will be transacted at the present session, and if a Senator has any business of that character which he wishes to have disposed of to-day it had better be done now before the Senator from Tennessee takes us back into executive session.

Mr. COCKRELL. I supposed we were through.

Mr. QUAY. If we are through, it is all right.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one minute spent in executive session the doors were reopened, and (at 1 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, August 27, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate August 24, 1894.

UNITED STATES ATTORNEY.

John W. Beekman, of New Jersey, to be attorney of the United States for the district of New Jersey, vice Henry S. White, whose term expired August 22, 1894.

UNITED STATES MARSHAL.

Samuel Puleston, of Florida, to be marshal of the United States for the northern district of Florida, as constituted by act approved July 23, 1894. The term of Edmund C. Weeks as marshal for said northern district, as constituted prior to July 23, 1894, expired April 22, 1894.

CONSUL.

Robert J. MacBride, of Wisconsin, to be consul of the United States at Leith, Scotland, vice Francis H. Underwood, deceased.

COLLECTOR OF CUSTOMS.

George M. Hanson, of Maine, to be collector of customs for the district of Passamaquoddy, in the State of Maine, to succeed George A. Curran, whose term of office has expired by limitation.

SURVEYOR OF CUSTOMS.

James Dougherty, of Illinois, to be surveyor of customs for the port of Peoria, in the State of Illinois, to succeed Philip Smith, resigned.

PASSED ASSISTANT SURGEON, MARINE HOSPITAL SERVICE.

Assistant Surg. Milton J. Rosenau, of Pennsylvania, to be passed assistant surgeon in the Marine Hospital Service of the United States.

JUSTICE OF PEACE IN DISTRICT OF COLUMBIA.

Emanuel M. Hewlett, of the District of Columbia, to be justice of the peace in and for the District of Columbia, to be assigned to the city of Washington, whose term will expire August 27, 1894.

POSTMASTERS.

John W. Ryland, to be postmaster at San Jose, in the county of Santa Clara and State of California, in the place of Thomas Kelley, whose commission expired March 20, 1894.

J. Monroe Lee, to be postmaster at Thomasville, in the county of Thomas and State of Georgia, in the place of Adam D. Rike, whose commission will expire September 30, 1894.

Horace Gauger, to be postmaster at Milton, in the county of Northumberland and State of Pennsylvania, in the place of Robert W. Correy, whose commission expired June 18, 1894.

William C. Doyle, to be postmaster at Sycamore, in the county of Dekalb and State of Illinois, in the place of Arthur J. Driver, whose commission expired December 21, 1893.

John P. Sweeney, to be postmaster at Lawrence, in the county of Essex and State of Massachusetts, in the place of Lewis G. Holt, whose commission expired July 11, 1894.

David L. Sollenberger, to be postmaster at Shamokin, in the county of Northumberland and State of Pennsylvania, in the place of Simon C. Wagonseller, whose commission expired August 13, 1894.

PROMOTIONS IN THE ARMY.

Cavalry arm.

Second Lieut. William C. Rivers, First Cavalry, to be first lieutenant, August 18, 1894, vice Robins, Third Cavalry, deceased.

CHAPLAIN IN THE NAVY.

W. E. Edmonson, a resident of North Carolina, to be a chaplain in the Navy (subject to the physical examination required by law), to fill a vacancy in that grade.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 24, 1894.

UNITED STATES AGENT.

Alexander Porter Morse, of the District of Columbia, to be agent of the United States before the commission to arbitrate the claim of the Venezuelan Steam Transportation Company against the Government of Venezuela.

COLLECTOR OF INTERNAL REVENUE.

Edward Grosse, of New York, to be collector of internal revenue for the third district of New York.

INDIAN AGENT.

Joseph R. Jewell, of Olean, N. Y., to be agent for the Indians of the New York Agency in New York.

UNITED STATES MARSHAL.

Samuel Puleston, of Florida, to be marshal of the United

States for the northern district of Florida, as constituted by act approved July 23, 1894.

CONSUL.

Robert J. MacBride, of Wisconsin, to be consul of the United States at Leith, Scotland.

SURVEYOR OF CUSTOMS.

James Daugherty, of Illinois, to be surveyor of customs for the port of Peoria, in the State of Illinois.

JUSTICE OF PEACE, DISTRICT OF COLUMBIA.

Emanuel M. Hewlett, of the District of Columbia, to be justice of the peace in and for the District of Columbia.

PROMOTIONS IN THE ARMY.

Cavalry arm.

Second Lieut. William C. Rivers, First Cavalry, to be first lieutenant, August 18, 1894.

CHAPLAIN IN NAVY.

W. E. Edmonson, a resident of North Carolina, to be a chaplain in the Navy (subject to the physical examination required by law).

POSTMASTERS.

Edwin C. Jenney, to be postmaster at Hyde Park, in the county of Norfolk and State of Massachusetts.

W. D. Gerard, to be postmaster at Osborne, in the county of Osborne and State of Kansas.

Thomas F. Higgins, to be postmaster at Terryville, in the county of Litchfield and State of Connecticut.

Frank P. Marble, to be postmaster at New Hartford, in the county of Litchfield and State of Connecticut.

Mitchell Chadwick, to be postmaster at Newark, in the county of Wayne and State of New York.

John D. Brennan, to be postmaster at Medina, in the county of Orleans and State of New York.

Thomas S. Rourke, to be postmaster at Unionville, in the county of Hartford and State of Connecticut.

Thomas W. Anderson, to be postmaster at Cherryvale, in the county of Montgomery and State of Kansas.

Barney O'Neil, to be postmaster at Howard, in the county of Miner and State of South Dakota.

John W. Ryland, to be postmaster at San Jose, in the county of Santa Clara and State of California.

J. Monroe Lee, to be postmaster at Thomasville, in the county of Thomas and State of Georgia.

Horace Gauger, to be postmaster at Milton, in the county of Northumberland and State of Pennsylvania.

William C. Doyle, to be postmaster at Sycamore, in the county of Dekalb and State of Illinois.

David L. Sollenberger, to be postmaster at Shamokin, in the county of Northumberland and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August 24, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SHELL, indefinitely, on account of sickness.

To Mr. BROSIUS, indefinitely, on account of sickness in his family.

To Mr. MADDOX, for the rest of the session.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. BROSIUS obtained leave to withdraw the papers filed in connection with the bill (H. R. 3801) for the relief of the legal owners of the Columbia bridge, at Columbia, Pa., for reference to the Treasury Department for further examination and report.

PRIVILEGE UNDER LEAVE TO PRINT.

Mr. HUDSON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUDSON. Is it proper, under the privilege to print a speech concerning any particular subject, to discuss subjects wholly different from that particular subject, and not germane to the question?

The SPEAKER. That is a very hard question for the Chair to decide. There is always a great deal of latitude exercised by members under leave to print.

Mr. HUDSON. I wish to know if it is proper and if that may be done. If one may discuss individuals, or the records of individuals, under leave to print a speech concerning the tariff bill that was recently before the House.

The SPEAKER. The Chair would not like to determine an abstract question like that.

Mr. PAYNE. I wish to know whether the gentleman refers to anything already done or something which he proposes to do.

Mr. HUDSON. To something already done.

FINAL ADJOURNMENT.

Mr. CATCHINGS. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, That the President of the Senate and Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 28th day of August instant, at 2 o'clock p. m.

The resolution was agreed to.

ADJOURNMENT OVER.

Mr. CATCHINGS. Mr. Speaker, I move that when the House adjourns to-day it be to meet on Monday next.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. LOUD. Division.

The House divided; and there were—ayes 76, noes 10.

Mr. LOUD and Mr. HUDSON. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Mississippi, Mr. CATCHINGS, and the gentleman from California, Mr. LOUD.

Pending the count of tellers,

Mr. LOUD said: Mr. Speaker, with the assurances that I have that there is no show for repentance on the part of the Executive, I withdraw the point of no quorum.

The SPEAKER. Then the ayes have it, and the motion is agreed to.

BILLS PASSED THIS CONGRESS.

Mr. CATCHINGS. Mr. Speaker, I want to make a request of the House.

The SPEAKER. The gentleman will state it.

Mr. CATCHINGS. I want to ask unanimous consent to publish in the RECORD, after we have adjourned, statement showing the bills that have passed this Congress, by title; also the bills that have passed this House, but have not been passed by the Senate. I think it would be a matter of useful information for the House. It is to be published without comment.

Mr. PAYNE. I would not object to a list of the bills which have become laws, but can hardly see the force or necessity for the publication of those that have not become laws.

Mr. SICKLES. It shows the amount of work that has been done by the House.

Mr. CATCHINGS. It would be a matter of information to members as to what they have done.

Mr. LOUD. I have no objection to that.

Mr. CATCHINGS. I do not think there ought to be any objection to it; indeed, I think such a list ought to be published every Congress.

Mr. PAYNE. I think I shall object to publishing any beyond those that have become laws.

Mr. CATCHINGS. It would be a matter of great usefulness to members, and I hope my friend will not make that objection. I say to my friend that the statement can do no possible harm, and will be useful to many members. Every member is interested in showing what bills have passed and what bills have not passed.

The SPEAKER. The gentleman from Mississippi [Mr. CATCHINGS] asks unanimous consent to print in the RECORD, without comment, a list of the titles of bills passed by the present Congress, and also of those passed by the House but not acted upon by the Senate. Is there objection?

Mr. CATCHINGS. I will get it into the RECORD before this House adjourns. If I can not do it in one way I will do it in another.

ALIEN ANARCHISTS.

Mr. TERRY. I ask unanimous consent for the present consideration of the bill (S. 2314) to provide for the exclusion and deportation of alien anarchists. I send to the desk an amendment which I propose to offer to the bill.

The bill was read, as follows:

Be it enacted, etc., That no alien anarchist shall hereafter be permitted to land at any port of the United States, or be admitted into the United States, but this prohibition shall not be so construed as to apply to political refugees or political offenders, other than such anarchists.

SEC. 2. That the board of special inquiry, authorized under the immigration act of March 3, 1893, shall diligently inquire of any alien seeking admission into the United States, who is suspected of being an anarchist, by pertinent questions, as to his antecedents, his opinions as to government, and whether he belongs to any society or association of known anarchistic tendencies; and

it may examine the person of such alien for marks indicative of such membership; it may accept evidence of the immigrant's common reputation as an anarchist, and the orders, decrees, or judgments of foreign governments and police notifications as prima facie evidence, which may be deemed sufficient, unless successfully controverted, to prevent the admission of such alien.

SEC. 3. That where the Superintendent of Immigration is satisfied from oath or affirmation filed with him that any alien anarchist has been allowed to land or has come into the United States contrary to law, or such officer has reason to believe from oath or affirmation filed with him that any alien in the United States is an anarchist and that his presence in this country will be a menace to the Government or to the peace and well being of society in general, he may issue a warrant and cause such suspected alien anarchist to be taken into custody and brought before such Superintendent, who shall proceed without unnecessary delay to hear the evidence upon such charge and shall afford the suspected person an opportunity to submit evidence in his defense, and if, after such hearing, the Superintendent shall be satisfied that the person accused is an alien anarchist and has been allowed to land or has come into the United States contrary to law, or is satisfied that such person is an alien anarchist and that his presence in this country will be a menace to the Government or to the peace and well being of society in general, the said Superintendent shall cause him to be conveyed to the port of departure and thence returned to the country whence he came; and if such anarchist was allowed to land or came into this country contrary to law, he shall be returned at the expense of the importing vessel, but if already in the country at the time of the passage of this act, or if he entered from an adjoining country of which he is not a citizen, then he shall be returned to the country of his nativity at the expense of the United States. The Superintendent of Immigration, for the purposes of such hearings, shall have power to administer oaths, to summon and compel the attendance of witnesses, and to take testimony upon the questions involved, and may require any inspector of immigration or may specially authorize any other person to execute process, to make arrests, and to convey to ports of departure persons ordered deported. That upon any hearing before said Superintendent, and upon any hearing provided for in the fourth section of this act, the same kind of evidence hereinbefore authorized to be received before the board of special inquiry on the admission of alien immigrants may be allowed and with the like effect.

It is further provided that any person arrested for being an alien anarchist and ordered to be deported by the Superintendent of Immigration shall have a right of appeal to the Secretary of the Treasury, who shall hear and dispose of such appeal under such rules and regulations as he may prescribe, and pending such appeal the order of deportation shall not be executed, but the decision of the Secretary of the Treasury upon such appeal shall be final and conclusive, but no final order of deportation shall be carried out until said alien anarchist has an opportunity, if he so desires, to apply for a writ of habeas corpus, to be issued by any judge of any United States court, and upon any hearing upon such writ the question of alienage, identity, and the regularity of the proceedings may be reviewed. The Secretary of the Treasury may authorized the collector of customs at any port to proceed against any alien anarchist, according to the provisions of this act, and in such proceedings to perform all the duties and exercise all the powers hereby conferred on the Superintendent of Immigration.

SEC. 4. That in cases where, upon the trial and conviction of any alien of any crime or misdemeanor involving moral turpitude, in any United States court or court of record of any State or Territory or the District of Columbia, it shall appear from the evidence produced at the trial that such alien is an anarchist, or that his remaining in this country will be a menace to the Government or to the peace and well-being of society in general, the presiding judge shall direct that a further hearing shall be had before him upon that matter at an early day, of which the convicted alien shall have due notice, and at which he shall be allowed to be heard and introduce evidence in his defense; and if the said judge shall be satisfied from the evidence produced at such hearing that such convicted alien is an anarchist, or that his remaining in the country will be a menace to the Government or to the peace and well-being of society in general, he may direct that in addition to other punishments adjudged, the said convicted alien, after undergoing such punishments, shall be taken before a commissioner of immigration at a port of entry, who shall order his deportation at the expense of the United States to the country from which he came. Should he thereafter return to the United States, he shall be arrested and sentenced to confinement in a penitentiary for a period not exceeding four years, and afterwards again deported.

SEC. 5. That the Secretary of the Treasury is authorized in his discretion to appoint such number of immigration agents as he may deem necessary, not exceeding twelve in number, at a salary not exceeding $2,500 each per annum, whose duties shall be to go abroad and make investigations in other countries, under such rules, directions, and regulations as the Secretary of the Treasury may prescribe, pertaining to intended immigrants, and especially to diligently inquire and inform themselves as to the character of intended immigrants, whether anarchists, criminals, or alien contract laborers, availing themselves of police records, decrees of expulsion, and any and every source of information useful and obtainable so as to enable them to arrive at correct conclusions, and to report thereon from time to time to the Superintendent of Immigration, and to execute such other duties relating to the matters aforesaid as the Secretary of the Treasury may impose; and for the purpose of enforcing this law and paying the salaries of the said agents, the sum of $50,000 is hereby appropriated.

SEC. 6. That the fact that an alien has declared his intention to become a citizen of the United States shall constitute no bar to proceedings against him under this act or under the acts to which it is an amendment.

Mr. TERRY. Now, Mr. Speaker, I have sent up an amendment, which is intended to obviate certain objections that have been made to the bill as it passed the Senate. I ask that the amendment be read.

The amendment was read, as follows:

Add at the end of section 1 the following:

"The word 'anarchist,' as used in this act, shall be construed to mean one who advocates the destruction by violence either of all government or of the Government of the United States."

The SPEAKER. Is there objection to the present consideration of this Senate bill?

Mr. ENGLISH of New Jersey and Mr. BOEN. I object.

LIST OF PRIVATE CLAIMS.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to present a privileged report, which I send to the desk. I ask that the resolution accompanying the report be read.

The resolution was read, as follows:

Resolved, That the Clerk of the House be authorized and directed to supply the Public Printer, as rapidly as possible, with the copy of the digested summary and alphabetical list of private claims presented to the House of Representatives from the Forty-seventh to the Fifty-first Congress, inclusive, as the same is prepared by him; and the Public Printer is hereby authorized to cause the same to be printed.

Mr. RICHARDSON of Tennessee. That resolution simply provides for printing the index of private claims. I wish to add an amendment at the end of the resolution, providing that only the usual number shall be printed.

Mr. PAYNE. Why not continue the publication down to the present time? I understand from the reading of the resolution that it includes only from the Forty-seventh to the Fifty-first Congress.

Mr. RICHARDSON of Tennessee. The list has been completed only that far. The Clerk of the House is required to prepare the list, and he has it completed only down to the Fifty-first Congress. I move to add at the end of the resolution, "but only the usual number shall be printed."

The amendment was agreed to.

Mr. RICHARDSON of Tennessee. The report accompanying the resolution is somewhat long, and I do not think it is necessary to read it, but I ask that it be printed in the RECORD.

There was no objection, and it was so ordered.

The resolution as amended was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

The report is as follows:

Mr. RICHARDSON of Tennessee, from the Committee on Printing, submitted the following report (to accompany resolution submitted by Mr. KRIBBS, December 12, 1892, providing for the printing of the index of private claims from the Forty-seventh to the Fifty-first Congress, inclusive):

The Committee on Printing, to whom was referred the resolution above mentioned, having considered the same, report it back with the recommendation that the usual number of said index be printed.

This index has been prepared by the Clerk of the House pursuant to numerous resolutions and acts of Congress, and is supplementary to the indexes of private claims published heretofore and covering a period from the First to the Forty-sixth Congress, inclusive, in three volumes.

As shown by the accompanying letter of Hon. Edward McPherson, Clerk of the House during the Fifty-first Congress, the work was completed up to and including that Congress so far as the preparation of the cards, but to complete it will require the arrangement and alliteration of the cards for the Public Printer.

This consolidated index will be a great convenience when printed, but in its present shape is of no value. We therefore recommend the adoption of the resolution.

The cost of printing the usual number will be, according to the estimate of the Public Printer, $15,700.

[House Miscellaneous Document No. 31, Fifty-second Congress, first session.]

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,
Washington, D. C., December 8, 1891.

SIR: I have the honor to report that within the last two years this office has completed the index of private claims presented in the Forty-ninth, the Fiftieth, and the Fifty-first Congresses. Under my predecessor the Forty-seventh and the Forty-eighth Congresses were covered.

This index is a digested summary and alphabetical list of private claims, and exhibits the action of Congress on each claim, with references to the journals, reports, bills, etc., elucidating its progress.

The work is a continuation of a volume published in 1882, which gives the like facts from the Forty-second down to and including the Forty-sixth Congress.

The printing of these indexes would greatly facilitate the transaction of public business. Nothing remains to be done but the proper arrangement of individual cards as copy for the Public Printer.

I am, very respectfully, your obedient servant,

EDWD. MCPHERSON,
Clerk of the House of Representatives, United States.

Hon. CHARLES F. CRISP,
Speaker of the House of Representatives.

CATALOGUE OF GOVERNMENT PUBLICATIONS.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to present another matter which I think is privileged, the bill (S. 2312) to authorize the preparation and publication of a descriptive catalogue and index of Government publications.

The SPEAKER. That does not appear to be privileged.

Mr. RICHARDSON of Tennessee. I think it is, Mr. Speaker. The list is printed simply for the use of the two Houses, and for that reason I think this is a privileged matter.

The bill was read, as follows:

Be it enacted, etc., That there be prepared and published, under the direction of the Joint Committee on Printing, a classified, analytical, and descriptive catalogue and index of all Government publications issued subsequent to March 4, 1881, the date at which the Descriptive Catalogue by Poore, prepared under act of July 27, 1882, terminates, and prior to the Fifty-third Congress; and upon the request of the said joint committee the officers of the Senate and House of Representatives and the heads of all the Executive Departments and of the bureaus and offices thereof, shall furnish to the said joint committee all such information and assistance in reference to said publications as will facilitate the completion of said work; and the sum of $2,500 is hereby appropriated for the purposes of this act.

Mr. SAYERS. Before unanimous consent is given for the consideration of that bill I would like to hear an explanation as to the necessity for its passage.

Mr. RICHARDSON of Tennessee. It simply provides for printing the catalogue of Government publications. A catalogue has been printed bringing the list down to 1881. Down to that date it was prepared by Ben: Perley Poore, who was for many years clerk of the Joint Committee on Printing, and this

is simply for the purpose of bringing the list down to date from the point where Mr. Poore's work stops.

Mr. SAYERS. Who is to prepare the list?

Mr. RICHARDSON of Tennessee. It has been prepared, as I understand, under direction of the Senate committee.

Mr. SAYERS. Does the bill only provide for printing the list, or does it also provide for paying some employé for preparing it?

Mr. RICHARDSON of Tennessee. I ask that the bill be again read, Mr. Speaker.

The Clerk again read the bill as above.

Mr. SAYERS. I have no objection to the passage of the bill, provided it does not carry an appropriation for an official who is already drawing a salary. If the gentleman will put in a provision that no portion of the money appropriated shall be paid to any person who is now drawing a salary from the Government I shall not object to the consideration of the bill.

Mr. RICHARDSON of Tennessee. As I have already said, the catalogue down to a certain date was prepared by Ben: Perley Poore, who for many years before I came to Congress was clerk of the Joint Committee on Printing, and this bill simply provides that the work shall be continued by his successor in office, the present clerk of the joint committee.

Mr. SAYERS. Who is he?

Mr. RICHARDSON of Tennessee. Mr. T. W. Cox. He is clerk of the Senate Committee on Printing and also of the joint committee.

Mr. SAYERS. Mr. Speaker, I wish to say a word right here There will be found in one of our appropriation bills an appropriation to pay this same official $1,200 in addition to the salary which he already receives.

Mr. RICHARDSON of Tennessee. If the gentleman means the clerk of the House Committee, he is very much mistaken.

Mr. SAYERS. I do not mean the clerk of the House committee, but the clerk of the joint committee.

Mr. RICHARDSON of Tennessee. That being understood, I want to say that this is a Government publication and a very necessary one, a catalogue of Government publications. If it is a necessary publication, it must be compiled by some one. Now, if you are going to pay some outside party to do this work, you might just as well pay an employé of the House or the Senate, whose duties do not compel him to attend to this business. I have no personal interest in the matter, but I regard this as a necessary publication.

Mr. SAYERS. I will remind the gentleman that he was one of the committee who reported the bill which has now become a law preventing persons who draw official salaries from receiving additional compensation from the Government unless specially authorized to do so.

Mr. RICHARDSON of Tennessee. That is exactly what we want to do here; we want to give special authority by this bill.

Mr. SAYERS. I will agree to the consideration of the bill provided the gentleman will strike out the provision for the extra payment of this officer and insert simply a provision to pay for the printing.

Mr. RICHARDSON of Tennessee. But who will do the work? Who is going to compile this catalogue?

Mr. SAYERS. I understood the gentleman to say that the work has already been done.

Mr. RICHARDSON of Tennessee. Not at all. Now, who is going to compile this catalogue of Government publications, running back to 1881, without compensation?

Mr. SAYERS. If you propose to pay the very same officer who is now drawing a large salary——

Mr. RICHARDSON of Tennessee. If the clerk of the Joint Committee on Printing is drawing salary, he is drawing it for his services as such clerk. Now, if we want this work done somebody must be paid for doing it.

Mr. BLAND. What is the necessity for this work anyway? I never saw any good in publications of this kind.

Mr. RICHARDSON of Tennessee. We have a great lot of publications—many thousands—and we have no way of knowing what they are. The work here proposed is simply a catalogue to show the publications made by the Government. That is all there is in it. I have no personal interest in the matter. If members of Congress do not want this publication, they can object to this resolution.

In reply to my friend from Texas, let me say that if we put duties upon an officer, I can see no reason why we should not pay him for such service just the same as we would pay a third party.

Mr. SAYERS. I will answer the gentleman.

Mr. RICHARDSON of Tennessee. One moment. My friend from Texas has said, if I understood him, that he would not object to authorizing this work to be done if some person not an employé of the Government is to do the work.

Mr. SAYERS. The gentleman knows very well—and I ask him to correct me if I make a misstatement—that there are clerks and employés in the Departments here who are in the habit of getting up data on one subject or another and then asking from Congress an appropriation to pay for the preparation and publication of such matter.

Mr. RICHARDSON of Tennessee. The gentleman is correct in that remark. A number of such applications have been before the Printing Committee; but not one has been favorably reported to the House, because we did not believe such work was necessary. But it seems to me members do want a catalogue of Government publications; and if we want it, then we ought to be willing to pay for it.

Mr. BLAND. I have heard a great deal about these "catalogues," and have seen some of them. I believe that about the only utility they have is to inform the junk-shop dealers what publications we are making, so that they may get hold of them. I think we ought to discountenance this whole business, and ought to repeal any law which authorizes it.

Mr. RICHARDSON of Tennessee. We ought to quit printing the documents, if we are not going to catalogue them so that they may be made accessible and useful.

Mr. BLAND. I think if we would quit printing them it would be still better.

Mr. GOLDZIER. I would like to ask my friend from Tennessee [Mr. RICHARDSON] whether the gentleman who prepared the former catalogue of this kind was paid extra for the work?

Mr. RICHARDSON of Tennessee. He was. That work was done by Ben: Perley Poore, who was for many years clerk of the Joint Committee on Printing.

Mr. BLAND. I object to the consideration of the resolution.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On August 23, 1894:

An act (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes;

An act (H. R. 4667) to provide for the opening of certain abandoned military reservations, and for other purposes;

An act (H. R. 6777) to amend "An act to incorporate the Washington and Great Falls Electric Railway;"

An act (H. R. 7006) to authorize the Washington, Alexandria and Mount Vernon Electric Railway Company to extend its line of road into and within the District of Columbia, and for other purposes;

An act (H. R. 4490) granting a pension to Henry C. Field;

An act (H. R. 5703) for the relief of Johanna Gleason;

An act (H. R. 387) to authorize the construction of a life-saving station at or near Rocky Point or East Marion, Long Island;

An act (H. R. 859) for the relief of B. D. Greene;

An act (H. R. 6038) to repeal House resolution No. 104, first session Fifty-first Congress, granting to Secretary of War a permit to license to use a pier at mouth of Chicago River;

An act (H. R. 6060) to amend section 4833, Revised Statutes, and for other purposes;

An act (H. R. 7294) empowering fourth-class postmasters to administer oaths to pensioners;

An act (H. R. 5363) for the relief of Henry W. Lee;

An act (H. R. 562) for the relief of Marlin Parks;

An act (H. R. 7668) to authorize the St. Louis, Avoyelles and Southwestern Railway Company to bridge Bayou Des Glaises and Atchafalaya River in the State of Louisiana;

(NOTE.—The following-named bills having been presented to the President on the 8th instant, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:)

An act (H. R. 2108) to perfect the military record of Warren Alonzo Alden;

An act (H. R. 1717) granting a pension to Eliza Holmes;

An act (H. R. 855) to amend an act granting a pension to Elizabeth Voss; and

An act (H. R. 7803) to amend sections 2401 and 2403 of the Revised Statutes.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 223) to correct an error in the act entitled "An act to amend an act granting a pension to Elizabeth Voss;"

A bill (H. R. 2842) to reimburse George C. Tanner, late consul, etc., the sum of $200, paid by him for rent of rooms;

A bill (H. R. 6529) to authorize the construction of a bridge across the St. Croix River between Wisconsin and Minnesota;

A bill (S. 1005) to prevent the recording of subdivisions of land in the District of Columbia in the office of the recorder of deeds; and

A bill (S. 2290) to amend an act entitled "An act to amend an act entitled 'An act granting the right of way to the Hutchison and Southern Railroad Company through the Indian Territory.'"

WINNEBAGO INDIANS, MINNESOTA.

Mr. McCLEARY of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7731) for the relief of certain Winnebago Indians in Minnesota.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Whereas by the fourth section of an act entitled "An act for the removal of the Winnebago Indians, and for the sale of their reservation in Minnesota for their benefit," approved February 21, 1863, it was made the duty of the Secretary of the Interior to allot to said Indians in severalty "lands which they may respectively cultivate and improve, not exceeding 80 acres to each head of a family other than to the chiefs, to whom larger allotments may be made, which lands, when so allotted, shall be vested in said Indian and his heirs, without the right of alienation, and shall be evidenced by patent;" and

Whereas by the ninth section of the Indian appropriation act approved July 15, 1870, the Secretary of the Interior was "directed to cause to be investigated and to determine the claims of certain Indians of the Winnebago tribe now lawfully residing in the State of Minnesota; to issue patents, without the right of alienation, to those of them whom he shall find to be entitled thereto for the lands heretofore allotted to them in severalty," etc.; and

Whereas by the Indian appropriation act approved May 29, 1872, it was declared to be the intention and meaning of said ninth and tenth sections of the act of 1870 "to authorize and direct the Secretary of the Interior to cause to be patented to each and every Winnebago Indian lawfully resident in the State of Minnesota at the date of this act, in accordance with the conditions of said two sections, an allotment of land," etc.; and

Whereas such a restriction for all time, without the right of alienation, by anyone, under any circumstances, is an entailment upon the land, which it is not deemed to be desirable: Therefore

Be it enacted, etc., That the fourth and ninth sections of the act of 1863 and 1870, respectively, so far as they relate to the lands of the Winnebago Indians in Minnesota, be, and the same are hereby, modified so as to permit the alienation and conveyance of said lands, with the consent and approval of the Secretary of the Interior.

Mr. HOLMAN. Before consent is given to the consideration of the bill, Mr. Speaker, I wish to inquire who reported it to the House?

The SPEAKER. The report was made by the gentleman from South Dakota [Mr. PICKLER].

Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McCLEARY of Minnesota, a motion to reconsider the last vote was laid on the table.

CLAIM OF WEST VIRGINIA.

Mr. ALDERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. Res. 119) to direct the Secretary of the Treasury to pay to the governor of the State of West Virginia the sum appropriated by the act of Congress entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861."

The SPEAKER. The joint resolution will be read, after which the Chair will ask if there be objection to its present consideration.

The joint resolution was read at length.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. PAYNE. I object.

I. H. HATHAWAY & CO.

Mr. REYBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7685) for the relief of I. H. Hathaway & Co.

The SPEAKER. The bill will be read subject to the right of objection.

The bill was read, as follows:

Whereas it appears that Thomas H. Handbury, major Corps of Engineers, United States Army, did on the 14th day of June, 1894, issue a check numbered 269798 for $10,118.34 on the assistant treasurer of the United States at New York in favor of I. H. Hathaway & Co., in payment of contract work done at mouth of St. Johns River, Florida, which check is alleged to have been lost in transmission through the United States mails between St. Augustine, Fla., and Philadelphia, Pa.; and

Whereas the provisions of the act of February 16, 1885, amending section 3646, Revised Statutes of the United States, authorizing United States disbursing officers and agents to issue duplicates of lost checks, apply only to checks drawn to $2,500 or less: Therefore

Be it enacted, etc., That the said Thomas H. Handbury, major Corps of Engineers, United States Army, be, and he is hereby, instructed to issue a duplicate of said original check under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SAYERS. I understand that this bill is merely to authorize the issuance of a duplicate check to these parties, the original never having been paid?

Mr. REYBURN. That is correct. The check was sent to the contractors, but was lost in transmission through the mail. Payment was stopped at the assistant treasurer's office in New York, and the money has never been paid to these parties.

Mr. SAYERS. Does this bill provide for the execution of the ordinary guaranty bond required in such cases?

Mr. REYBURN. It does.

Mr. LOUD. This bill is drawn under the statutory provision in such cases.

Mr. REYBURN. The contractor must give surety in double the amount of the payment.

Mr. LOUD. It is in the usual form.

Mr. McMILLIN. Will the gentleman from Pennsylvania permit a question?

Mr. REYBURN. With pleasure.

Mr. McMILLIN. I wish to ask what time this loss occurred? I was not able to gather from the reading of the bill, owing to some confusion in the Hall.

Mr. REYBURN. This check was issued on June 14, 1894.

Mr. McMILLIN. Are the facts set forth in the report?

Mr. REYBURN. The report states them briefly.

Mr. McMILLIN. I think, perhaps, you had better have the report read.

The SPEAKER. The Clerk will read the report.

The report (by Mr. MUTCHLER) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 7685) for the relief of I. H. Hathaway & Co., for check No. 269798, drawn by Thomas H. Handbury, major, Corps of Engineers, United States Army, on the assistant treasurer of the United States at New York, issued June 14, 1894, in favor of I. H. Hathaway & Co., report as follows:

It appears to your committee, from the evidence submitted, that the said check was duly mailed, and since that time no trace of it has been found. Payment on said check was duly stopped on June 19, 1894. Under the present law no duplicate check can be drawn for a larger amount than $2,500, and the only relief for sufferers of this character is by special act.

Your committee therefore recommend that the bill do pass.

Mr. McMILLIN. What bond does this act require?

Mr. LOUD. The usual statutory bond.

Mr. McMILLIN. That is to say, double the amount of the sum lost?

Mr. REYBURN. Yes. In other words, the contractor must give bond in the sum of $20,000, and is compelled to wait six months after the passage of the act before he can secure the money.

Mr. HUDSON. How long would he have to wait under the law before a duplicate check could be issued?

Mr. REYBURN. It would require a special act of Congress to issue a duplicate check if the amount exceeds $2,500.

Mr. McMILLIN. The reason I asked was, I wished to know whether this bond was adequate, inasmuch as the amount is not specified?

Mr. REYBURN. I understand it is required by a regulation of the Department.

Mr. LOUD. This check is to be paid under the usual statutory provision.

Mr. McMILLIN. I think the gentleman is mistaken in that. How can it be?

Mr. LOUD. Well, the bill provides that it shall be paid under the regulations prescribed in the statutes, except as to the amount of the check, of course.

Mr. McMILLIN. Then the statute requires that the bond shall be double the amount of the check lost?

Mr. LOUD. That is correct.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. REYBURN, a motion to reconsider the last vote was laid on the table.

PUBLIC BUILDING, NEWARK, N. J.

Mr. ENGLISH of New Jersey. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4796) supplemental to an act entitled "An act to authorize the purchase of additional ground in Newark, N. J., adjoining the custom-house and post-office building, and for the improvement thereon and the erection of additions thereto," approved March 1, 1888.

The bill was read at length.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. SAYERS. I object.

PROPERTY LOST IN THE MILITARY SERVICE OF THE UNITED STATES.

Mr. HERMANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 75) to extend the time for filing certain claims for compensation for horses and other property lost in the military service of the United States.

The bill was read, as follows:

Be it enacted, etc., That the act of Congress approved January 9, 1883, or any statute of limitation heretofore enacted, shall not be deemed to prohibit the receiving or adjudication of a claim for compensation for property lost in the military service of the United States, whensoever filed, when such loss is matter of record in any official record in the custody of the War or Treasury Departments: *Provided, however*, That this act shall not be construed to extend to any classes of property other than those for the loss of which compensation has been authorized by now existing laws.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CATCHINGS. Mr. Speaker, let the report be read.

The SPEAKER. Without objection, the report can be read.

The report (by Mr. HERMANN) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1759) to extend the time for filing certain claims for horses lost in the service, etc., report as follows:

This bill provides that the statutes of limitations enacted January 9, 1883, shall not be deemed to prohibit the receiving and adjudication of claims for compensation for property lost in the military service of the United States, when such loss is a matter of record in any official record in the custody of the War or Treasury Departments, which has been filed and certified to by the proper officer prior to January, 1870, provided that the classes of property referred to shall be such only as for which compensation has been authorized by now existing laws.

The first section of the act of January 9, 1883, which is referred to in the bill, extends the time for filing claims for horses and equipments lost by officers and enlisted men in the military service of the United States, which expired by limitation December 31, 1875, one year from the passage of the act; the second section of said act of January 9, 1883, extends the time for filing all claims arising under the act of March 3, 1849, entitled "An act providing for the payment of horses and other property lost or destroyed in the military service of the United States, and all acts amendatory thereof," one year from the passage of the act.

The committee are of opinion that the bill is just, especially as its provisions exclude all classes of property other than those for the loss of which compensation has been authorized by now existing laws. Your committee herewith append a report on the same subject made by the Committee on War Claims of the Forty-seventh Congress, which is full and exhaustive, and the reasoning of which the committee are of opinion is fully as applicable now as when the same was made. Your committee therefore report the bill to the House and recommend its passage.

Mr. SAYERS. Mr. Speaker, I should like to have an explanation of that bill.

The SPEAKER. Without objection, the gentleman from Oregon will be permitted to make a brief explanation.

Mr. HERMANN. I will state that this bill only applies to such claims as have been authorized by existing law, and as to which there is evidence on file in the Department, properly certified by the certifying officers. It is merely to complete the evidence of such claims as are now of record, but which the recent statute of limitations excludes.

Mr. SAYERS. I shall have to object to any bill of that kind.

Mr. HERMANN. It does not apply to any new claims whatever.

Mr. SAYERS. I object to the consideration of the bill.

Mr. CATCHINGS. I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. MCKAIG) there were—ayes 80, noes 13.

Accordingly (at 12 o'clock and 53 minutes p. m.) the House adjourned until Monday next.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. MOSES, from the Committee on Pensions, reported a bill (H. R. 8034) to repeal an act entitled "An act granting a pension to Mrs. Caroline Hardee Dyall," etc. (Report No. 1472)—to the Committee of the Whole House.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, a bill and joint resolution of the following titles were introduced, and severally referred as follows:

By Mr. O'NEIL of Massachusetts: A bill (H. R. 8033) fixing the duty on goods in bond imported previous to the passage of the tariff act of 1894—to the Committee on Ways and Means.

By Mr. HERMANN: A joint resolution (H. Res. 227) authorizing the Secretaries of War and of the Navy to donate to the Oregon State Soldiers' Home at Roseburg, Oregon, certain cannon, etc.—to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, Mr. HEARD introduced a bill (H. R. 8035) granting a pension to Austin J. Pickett; and the same was referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH: Memorial of Henry Mueller and 109 other citizens and residents of Pullman and Roseland, Ill., and members of American Railway Union, concerning the action of Attorney-General Olney on the recent strike—to the Committee on the Judiciary.

By Mr. BRYAN: Petition of citizens of Beatrice, county of Gage and State of Nebraska, asking an increase of pension for Mrs. Lucinda Harrington—to the Committee on Invalid Pensions.

By Mr. DINSMORE: Depositions of Washington Webb and others to accompany House bill 8021—to the Committee on War Claims.

SENATE.

MONDAY, *August 27, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 24th instant approved and signed the following acts:

An act (S. 971) to open, widen, and extend alleys in the District of Columbia; and

An act (S. 1005) to prevent the recording of subdivisions of land in the District of Columbia in the office of the recorder of deeds.

The message also announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 870) authorizing the issue of a patent to the Presbyterian Board of Home Missions for certain lands on the Omaha Indian Reservation for school purposes;

An act (S. 1458) granting the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian Reservations in the State of Minnesota;

An act (S. 2290) to amend an act entitled "An act to amend an act entitled 'An act granting the right of way to the Hutchison and Southern Railroad Company through the Indian Territory;'"

An act (S. 2293) to provide for the improvement of the building and grounds of the United States court and post-office at Little Rock, Ark.; and

An act (S. R. 102) authorizing the Secretary of the Treasury to provide rooms for the accommodation of the United States circuit and district courts and their officers at Meridian, Miss.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Friday last; when, on motion of Mr. QUAY and by unanimous consent, the further reading was dispensed with.

OWNERSHIP OF RAILROADS BY FOREIGN GOVERNMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, in response to a resolution of the 24th instant, a collection of statements contained in various publications treating of foreign railway ownership and operation; which, on motion of Mr. PETTIGREW, was, with the accompanying papers, referred to the Committee on Interstate Commerce, and ordered to be printed.

PRINTING OF REVENUE ACT.

Mr. COCKRELL. I ask unanimous consent for the passage of a Senate resolution which comes within the law, I understand.

Mr. MANDERSON. Let it be read.

The VICE-PRESIDENT. The resolution will be read for information.

The Secretary read the resolution, as follows:

Resolved, That there be printed for the use of the Senate 15,000 copies of Public Act No. 227, "An act to reduce taxation, to provide revenue for the Government, and for other purposes."

Mr. MANDERSON. I suggest that it be printed in document form rather than in bill form. The cost would be much less.

Mr. COCKRELL. It is the intention to have it printed in law form, just as the act will be printed when it becomes a law.

Mr. MANDERSON. It is to be printed simply in regular law form?

Mr. COCKRELL. Yes, that is the understanding. It will be "Public Act No." so and so.

The resolution was considered by unanimous consent, and agreed to.

RED CLIFF INDIAN RESERVATION.

The VICE-PRESIDENT. If there is no further routine business, the Calendar under Rule VIII is in order.

Mr. MITCHELL of Wisconsin. I ask unanimous consent to call up the joint resolution (H. Res. 140) to confirm the enlargement of the Red Cliff Indian Reservation in the State of Wisconsin, made in 1863, and for the allotment of the same.

Mr. COCKRELL. Mr. President——

Mr. MITCHELL of Wisconsin. It will take but a moment to put the joint resolution on its passage.

Mr. COCKRELL. Has the joint resolution been reported from the Committee on Indian Affairs?

Mr. MITCHELL of Wisconsin. It has.

The VICE-PRESIDENT. The Chair is advised that it has been so reported.

Mr. COCKRELL. Let it be read for information.

The Secretary read the joint resolution.

Mr. MITCHELL of Wisconsin. After conference with the Senator from Missouri [Mr. COCKRELL], I withdraw the request for the consideration of the joint resolution at the present time.

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7685) for the relief of I. H. Hathaway & Co.; and

A bill (H. R. 7731) for the relief of certain Winnebago Indians in Minnesota.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 3334) authorizing and directing the Secretary of the Treasury to pay to the heirs or legal representatives of C. P. Gooch certain money due him for carrying the mail;

A bill (H. R. 6888) for the registry or enrollment of the bark Skudesnaes;

A bill (H. R. 8007) to provide for the collection of internal revenue, and for other purposes; and

A joint resolution (H. Res. 221) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of August, 1894, on the 23d day of said month.

RECESS.

Mr. COCKRELL (at 12 o'clock and 45 minutes p. m.). I move that the Senate take a recess until 1 o'clock.

The motion was agreed to; and at the expiration of the recess (at 1 o'clock p. m.) the Senate reassembled.

TARIFF COMPARISON.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed 2,500 copies of the comparison of the tariff law of 1890 and 1894, prepared under the supervision of the Senate Committee on Finance, for the use of the members of the Senate of the United States.

I. H. HATHAWAY & CO.

Mr. QUAY. I ask that House bill 7685 be laid before the Senate.

The bill (H. R. 7685) for the relief of I. H. Hathaway & Co. was read twice by its title.

Mr. QUAY. I ask for the immediate consideration of the bill.

By unanimous consent, the bill was read at length and considered as in Committee of the Whole. The preamble recites that Thomas H. Handbury, major Corps of Engineers, United States Army, on the 14th of June, 1894, issued a check numbered 269798 for $10,115.34 on the assistant treasurer of the United States at New York in favor of I. H. Hathaway & Co., in payment of contract work done at the mouth of St. Johns River, Florida, which check is alleged to have been lost in transmission through the United States mails between St. Augustine, Fla., and Philadelphia, Pa.; and that the act of February 16, 1885, amending section 3646, Revised Statutes of the United States, authorizing United States disbursing officers and agents to issue duplicates of lost checks, applies only to checks drawn to $2,500 or less.

The bill instructs Maj. Handbury to issue a duplicate of the original check under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 7731) for the relief of certain Winnebago Indians in Minnesota was read twice by its title, and referred to the Committee on Indian Affairs.

AGRICULTURAL REPORT FOR 1894.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 198) to print the Agricultural Report for 1894, to report it without amendment, and to ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs that the Annual Report of the Secretary of Agriculture for the year 1894 shall be printed. The report is hereafter to be submitted and printed in two parts, as follows: Part 1, which shall contain purely business and executive matter which it is necessary for the Secretary to submit to the President and Congress; part 2, which shall contain such reports from the different bureaus and divisions, and such papers prepared by their special agents, accompanied by suitable illustrations as shall, in the opinion of the Secretary, be specially suited to interest and instruct the farmers of the country, and to include a general report of the operations of the Department for their information. There shall be printed of part 1, 1,000 copies for the Senate, 2,000 copies for the House, and 3,000 copies for the Department of Agriculture; and of part 2, 110,000 copies for the use of the Senate, 360,000 copies for the use of the House of Representatives, and 30,000 copies for the use of the Department of Agriculture, the illustrations for the same to be executed under the supervision of the Public Printer, in accordance with directions of the Joint Committee on Printing, the illustrations to be subject to the approval of the Secretary of Agriculture. The title of each of the parts shall be such as to show that such part is complete in itself.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KANSAS CITY, OKLAHOMA AND PACIFIC RAILWAY.

Mr. JONES of Arkansas. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 6122) authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, to report it without amendment.

Mr. MARTIN. I ask that the bill may be put on its passage at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 5478) to authorize the Biloxi and Back Bay Bridge Company to construct and maintain a bridge over that portion of the Bay of Biloxi, in the State of Mississippi, known as Back Bay;

A bill (H. R. 7407) for the relief of S. E. Hallford, of Alabama;

A bill (H. R. 7434) directing the issue of a duplicate of a lost check drawn by Capt. W. H. Bixby, Engineers, United States Army, at Newport, R. I., in favor of Messrs. Hughes Brothers & Bangs;

A bill (H. R. 7571) to authorize the construction of a bridge across the Osage River in the State of Missouri; and

A bill (H. R. 7572) to authorize the construction of a bridge across the Missouri River at De Witt, Carroll County, Mo., and to establish it as a post-road.

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday August 28, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate August 27, 1894.

UNITED STATES COMMISSIONER.

Noah L. Jeffries, of the District of Columbia, to be commissioner on the part of the United States to arbitrate the claim of the Venezuelan Steam Transportation Company against the Government of Venezuela.

PROMOTION IN THE ARMY.

Cavalry arm.

Second Lieut. Elwood W. Evans, Eighth Cavalry, to be first lieutenant, August 25, 1895, vice Bellinger, Fifth Cavalry, appointed assistant quartermaster.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 27, 1894.

UNITED STATES COMMISSIONER.

Noah L. Jeffries, of the District of Columbia, to be commissioner on the part of the United States to arbitrate the claim of the Venezuelan Steam Transportation Company against the Government of Venezuela.

PROMOTION IN THE ARMY.

Cavalry arm.

Second Lieut. Elwood W. Evans, Eighth Cavalry, to be first lieutenant, August 25, 1894.

POSTMASTER.

John P. Sweeney, to be postmaster at Lawrence, in the county of Essex and State of Massachusetts.

HOUSE OF REPRESENTATIVES.

MONDAY, *August 27, 1894.*

The House met at 12 o'clock, noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of Friday last was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. GRADY, indefinitely, on account of sickness in his family.

To Mr. WHEELER of Alabama, for the remainder of this session, on account of sickness.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. McCLEARY of Minnesota, leave was granted to withdraw from the files of the House the papers in the claim of B. Campbell, without leaving copies.

By unanimous consent, on motion of Mr. LAYTON, leave was granted to withdraw all papers heretofore filed in support of the bill (H. R. 4751) for the relief of Charles P. Wheeler, no action having been taken thereon.

LEAVE TO PRINT.

By unanimous consent, leave was granted—

To Mr. CATCHINGS, to print in the RECORD remarks on the business of the Fifty-third Congress.

To Mr. MARTIN of Indiana, to print remarks on the pension legislation of the present Congress.

To Mr. McRAE, to print remarks on the repeal of the Sherman law, and also upon the Bland bill.

To Mr. GORMAN, to print remarks on pension legislation.

To Mr. HUDSON, to print remarks on the tariff question.

To Mr. DAVIS, to print remarks on financial and pension subjects.

Mr. CANNON of Illinois. Mr. Speaker, I should be glad to have leave to print in the RECORD some remarks upon the business of the session.

The SPEAKER. The gentleman from Illinois asks unanimous consent to print in the RECORD remarks touching the business of the present session.

Mr. McMILLIN. Within what time?

Mr. CANNON of Illinois. Oh, I suppose within the same time that the others have.

The SPEAKER. The last copy of the daily RECORD will be published within a short time anyway.

Mr. SAYERS. In connection with that, I renew the request of the gentleman from Mississippi [Mr. CATCHINGS]——

The SPEAKER. That has been granted.

Mr. McMILLIN. I suppose there will be no objection to limiting this leave which has been granted to various gentlemen to one week.

Mr. HOLMAN. Say ten days.

The SPEAKER. The Chair understands that the last copy of the RECORD will be printed within a few days.

Mr. McMILLIN. But the law does not fix that time, and as it does not, I think it is proper that there should be some limit to the time within which the Public Printer can arrange this.

The SPEAKER. The Chair is informed that the custom is to print the last copy of the daily RECORD one week after the session closes. If a gentleman does not get his speech in within that time his leave would be of no avail.

Mr. McMILLIN. With that statement I have no objection.

The SPEAKER. In the absence of objection, leave will be granted as stated.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

A bill (H. R. 8007) to provide for the collection of internal revenue, and for other purposes;

A bill (H. R. 6122) authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (H. R. 7572) to authorize the construction of a bridge across the Missouri River at De Witt, Carroll County, Mo., and to establish it as a post-road;

A bill (H. R. 7571) to authorize the construction of a bridge across the Osage River in the State of Missouri;

A bill (H. R. 7515) granting the right of way through the Arlington reservation for electric railway purposes;

A bill (H. R. 7434) directing the issue of a duplicate of a lost check drawn by Capt. W. H. Bixby, Engineer, United States Army, at Newport, R. I., in favor of Messrs. Hughes Brothers & Bangs;

A bill (H. R. 7407) for the relief of S. E. Hallford, of Alabama;

A bill (H. R. 6888) for the registry or enrollment of the bark Skudesnaes;

A bill (H. R. 5478) to authorize the Biloxi and Back Bay Bridge Company to construct and maintain a bridge over that portion of the bay of Biloxi, in the State of Mississippi, known as Back Bay;

A bill (H. R. 3334) authorizing and directing the Secretary of the Treasury to pay to the heir or legal representatives of C. P. Gooch certain money due him for carrying the mail; and

Joint resolution (H. Res. 221) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of August, 1894, on the 23d day of said month.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the Senate and House of Representatives, That the President of the Senate and Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 28th day of August instant, at 2 o'clock p. m.

The message also announced that the Senate had passed with amendment the bill (H. R. 1314) for the relief of Mathew S. Priest; in which the concurrence of the House was requested.

The message also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 2295) authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes;

A bill (S. 2322) for the relief of I. H. Hathaway & Co.;

Joint resolution (S. R. 105) to change the initials of a name in the Indian appropriation bill; and

Joint resolution (S. R. 106) authorizing the printing upon the blank diplomas authorized by section 3 of the act of March 3, 1893, the names of persons to whom the diplomas are to be awarded by the World's Columbian Commission.

The message also announced that the Senate had passed the following resolution:

Resolved by the Senate and House of Representatives, That there be printed 60,000 copies of the comparison of the tariff law of 1890 and 1894, prepared under the provisions of the Senate Committee on Finance, 25,000 copies for the use of the members of the House of Representatives of the Fifty-third Congress.

The message also announced that the Senate had passed without amendment joint resolution (H. Res. 198) to print Agricultural Report for 1894.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 221) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of August, 1894, on the 23d day of said month;

A bill (H. R. 3334) authorizing and directing the Secretary of

the Treasury to pay to the heirs or legal representatives of C. P. Gooch certain money due him for carrying the mail;

A bill (H. R. 5478) to authorize the Biloxi and Back Bay Bridge Company to construct and maintain a bridge over that portion of the bay of Biloxi, in the State of Mississippi, known as Back Bay;

A bill (H. R. 6888) for the registry or enrollment of the bark Skudesnaes;

A bill (H. R. 7407) for the relief of S. E. Hallford, of Alabama;

A bill (H. R. 7434) directing the issue of a duplicate of a lost check drawn by Capt. W. H. Bixby, Engineers, United States Army, at Newport, R. I., in favor of Messrs. Hughes Brothers & Bangs;

A bill (H. R. 7571) to authorize the construction of a bridge across the Osage River, in the State of Missouri;

A bill (H. R. 7572) to authorize the construction of a bridge across the Missouri River at De Witt, Carroll County, Mo., and to establish it as a post-road;

A bill (H. R. 8007) to provide for the collection of internal revenue, and for other purposes; and

A bill (H. R. 7685) for the relief of I. H. Hathaway & Co.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his clerks, announced that the President had approved and signed bills and joint resolutions of the following titles:

On August 24, 1894:

Joint resolution (H. Res. 223) to correct an error in the act entitled "An act to amend an act granting a pension to Elizabeth Voss;

An act (H. R. 898) granting a pension to Jesse Davenport, of Company A, Second Regiment Oregon Mounted Volunteers, in Oregon Indian wars of 1855 and 1856;

An act (H. R. 1214) granting a pension to Hannah Welch;

An act (H. R. 2920) to pension John Maholm, dependent father;

An act (H. R. 4290) for the relief of Druzilla J. Rigg, of Macomb, Ill.;

An act (H. R. 6050) to pension Margaret A. Woods, widow of William W. Woods, late of Company E, Sixteenth Illinois Volunteer Infantry;

An act (H. R. 6103) for the relief of Mrs. Mary A. Menefee;

An act (H. R. 6228) granting a pension to Adaline J. Props;

An act (H. R. 6361) to grant a pension to Pauline J. Smith;

An act (H. R. 6656) for the relief of F. W. Mitchell, M. C. Felmet, George R. Smathers, and others;

An act (H. R. 7680) to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company.

On August 25, 1894:

An act (H. R. 2842) to reimburse George C. Tanner, late consul, etc., the sum of $200 paid by him for rent of rooms.

On August 27, 1894:

Joint resolution (H. Res. 5) authorizing the Secretary of the Treasury to transfer a certain piece of land in the State of Michigan to the city of Saginaw;

An act (H. R. 6529) to authorize the construction of a bridge across the St. Croix River between Wisconsin and Minnesota.

An act (H. R. 7461) to amend an act entitled "An act to create a new division of the northern judicial district of Georgia," approved March 3, 1891.

J. AND O. P. COBB & CO.

Mr. HOLMAN. Mr. Speaker, it has been a great many years since I have asked the House to consider a private bill. [Laughter.] I ask unanimous consent for the present consideration of the bill which I send to the desk.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7992) for the relief of J. and O. P. Cobb & Co.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. and O. P. Cobb & Co., of Aurora, Ind., out of any money in the Treasury not otherwise appropriated, the sum of $5,441.16, in full for barges and flatboats, the property of the said J. and O. P. Cobb & Co., which were taken possession of by the authority of the United States, on the Ohio River, at Vevay, Ind., in the month of July, 1863, and destroyed, the said barges and flatboats being at the time loaded with hay under contract between the said J. & O. P. Cobb & Co. and the United States, which hay has heretofore been paid for by the United States.

Mr. HOLMAN. Now, Mr. Speaker, I ask the indulgence of the House for a few moments to explain the bill.

The SPEAKER. Without objection the gentleman from Indiana will make a brief explanation of the bill. [After a pause.] The Chair hears none.

Mr. HOLMAN. Just a moment. The bill provides for the payment of something over $5,000 for these barges, destroyed on the Ohio River by the United States authorities in 1863. I have always admitted that if property was destroyed at the seat of war Congress could not fairly consider the claim for the damage. But never during the late war period was there an actual state of war in the section of country between Louisville and Cincinnati. Commerce was never interrupted. Vevay, where these barges were destroyed, is about halfway between these two cities of Louisville, Ky., and Cincinnati, Ohio.

In June, I think, 1863, these claimants were a part of a large company of men, but are now reduced, I think, to two in number, and they are now old and poor. They have been appealing to me for the past twelve years to ask Congress for justice. This company had a contract with the Government for the delivery of hay for the use of the army on the Mississippi River. Their boats were loaded at Vevay, Ind., at the time of the Morgan raid in 1863. That raid was never near Vevay, Ind. No portion of Morgan's army ever reached within 30 miles of the town of Vevay.

The Ohio River between Louisville and Cincinnati was never in any sense the seat of war. Gen. Boyle, anticipating that Morgan might attempt to cross the Ohio River, sent a gunboat up the river, and apparently finding that the only craft along the river between Louisville and Cincinnati that could be made available for crossing the river were these barges loaded with hay for the Government, they were destroyed by the gunboat. The proof is complete as to the value of the hay and the value of the barges. I introduced a bill in the House in the Thirty-eighth Congress to pay for the barges and the hay.

The measure passed the House by a unanimous vote, it was so clear a case. It went to the Senate. The Senate amended the bill so as to pay for the hay, but refused to pay for the barges. When that bill came back, I moved to lay it on the table, it seemed to me that the Senate amendment was so manifestly unjust. In the next Congress, the Thirty-ninth, the House again passed the bill by a unanimous vote, providing for payment of the barges and hay. It went to the Senate, and the Senate again struck out the pay for the barges, but made a provision to pay for the hay some $9,000. These men accepted the Senate bill under protest, as nothing better at the time could be obtained.

Now, in this interval of time these men, once a strong firm, are reduced to two in number. They are old and poor, and have been appealing to me to ask the House to consider their measure. Gentlemen will see at a glance that if it was proper to pay for the hay it was proper to pay for the barges. There are no questions as to the facts as to the value of the barges and the hay.

Reports have over and over again been made to the House establishing the facts, and the only question is whether or not the Senate will, if the House asks them to do so, pay for these barges. I do not know that they will; but there have been some measures passed within the last few years which justify me in the belief that if the House again passes this measure it will receive the approval of the Senate.

Mr. MARSH. Will the gentleman allow me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. MARSH. Will the gentleman state to the House how this property came to be destroyed?

Mr. HOLMAN. When Gen. Morgan, on his famous and disastrous raid, was going through Indiana, Gen. Boyle, in command at Louisville, Ky., sent a gunboat up the Ohio River from Louisville, Ky., to destroy the shipping, so as to prevent the use of the shipping in enabling Morgan to escape to the Kentucky side. That is all there was about it. These barges, loaded with hay, under contract with the Government, were burned by this gunboat. That is the whole case.

Mr. MARSH. Burned by whom?

Mr. HOLMAN. By a gunboat, under the order of Gen. Boyle.

Mr. MARSH. To prevent them being used by Morgan's army?

Mr. HOLMAN. That was the object.

Mr. MARSH. That was a military object.

Mr. HOLMAN. That was a military object, but not at the seat of war; for my friend will understand that Morgan was not within 30 miles of the place where these barges were. They were not in the track of Gen. Morgan. The commerce of the Ohio River between Louisville and Cincinnati was never interrupted during the late war.

Mr. BARTLETT. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. BARTLETT. If those boats were destroyed by the fire of the gunboat, was not the injury done in the track of war, according to the intention of the law?

Mr. HOLMAN. By no possibility. There never was an hour's interruption of commerce on the Ohio between Louisville and Cincinnati during the war.

Mr. BARTLETT. Do you know any instance where such a claim as this has been allowed?

Mr. HOLMAN. My friend must remember that the Senate consented to payment for the hay, and the claim for the barges stood and stands upon the same footing exactly. Can there be any question of that?

Mr. MARSH. Upon that point I want to ask the gentleman this question: Did not the Government pay for the hay on the ground that it had contracted for the hay?

Mr. HOLMAN. Yes.

Mr. MARSH. The Government, having purchased this hay from the contractor and having destroyed it, felt under obligation to pay for it. Now, I do think there is a difference between the claim for the hay and the claim for the barges.

Mr. HOLMAN. I concede that the Senate put the case on that ground; but let me read a passage from the report made to the Fifty-first Congress on this bill:

If this hay loaded on the vessels had, in pursuance of the contract, reached Memphis and had been there taken possession of by the Government in pursuance of this contract and the vessels never returned—lost or destroyed while so held—under the law as it existed before the late war and during the war and ever since the war, the Government would pay for the vessels.

This has been the law for more than forty years. The Government took possession of these barges loaded with hay, for the purchase of which the Government had contracted, and destroyed the barges and the hay. The Government paid for the hay. Can there be a question of doubt of the obligations of the Government to pay for the barges?

Mr. MARSH. One other question. Will the gentleman state whether this bill has been reported by any committee of this House during this Congress?

Mr. HOLMAN. No, sir; it has not. The claim, however, had been reported so often to the House and so unanimously that I hardly thought it was necessary to press the measure on the attention of the present committee.

Mr. MARSH. This is a bill to appropriate over $5,000 to pay an old claim—whether just or not, I do not know; but the case has not been submitted to a committee of this House for consideration, and notwithstanding the kindly feeling and the high opinion I entertain for my distinguished friend from Indiana, I must object to its consideration at this time.

Mr. HOLMAN. I think my friend will recall that objection when he reflects a moment. Our time here has been pretty well occupied with public matters, and this matter has been before Congress after Congress for over twenty years, and has been reported favorably over and over again. It has been passed upon in the House favorably over and over again. The only difficulty has been between the House and the Senate as to whether the hay should be paid for alone, or the hay and the barges.

Mr. HERMANN. Let me ask the gentleman from Indiana whether, during his Congressional experience in this body, he has ever objected to claims of like merit?

Mr. HOLMAN. My friend knows that I never hesitate to object to a bill if on inquiry I find it without merit, but a claim like this has never been rejected to my knowledge, or objected to by a gentleman who fully understood the facts. I defy the gentleman to point to a single instance of a claim like this that has been finally defeated. I feel sure that my friend from Illinois [Mr. MARSH] will withdraw his objection after he reflects for a moment.

Mr. BOWERS of California. Yet I could not get just as good a claim as that out of your committee. [Laughter.]

Mr. MARSH. Mr. Speaker, I am a little surprised to find the the gentleman from Indiana here, in the closing hours of this Congress, asking unanimous consent for an appropriation of over $5,000 of the peoples' money to pay a claim of a constituent of his, which claim has never even been submitted to a committee of this House.

Mr. HOLMAN. Oh, yes; it has been submitted to committees of the House over and over again. I have shown that it has twice passed the House by a unanimous vote. It has been submitted. I admit the Committee on War Claims wish to refer the bill to the Court of Claims. That would be fatal to the old claimants, so long useful and valuable citizens, now oppressed with years. The bill is at the mercy of a single member. The claim is entirely just and proper, and I feel confident that there will be no objection to its consideration at this time by any gentleman who understands its merits.

The SPEAKER. Is there objection to the request of the gentleman from Indiana for the present consideration of this bill?

Mr. MARSH. Does the gentleman from Indiana say that the Court of Claims would reject this claim?

Mr. HOLMAN. No, sir; the court would approve the claim; but sending the case to the court would involve time and expense, and my clients are too old and too poor to bear that.

The SPEAKER. Is there objection to the request for the consideration of this bill?

Mr. MARSH and Mr. ENGLISH of New Jersey objected.

COMPARATIVE EXHIBIT OF TARIFF LAWS.

Mr. RICHARDSON of Tennessee. I desire to present a privileged report from the Committee on Printing.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 60,000 copies of the comparison of the tariff laws of 1890 and 1894, prepared under the supervision of the Senate Committee on Finance; 25,000 copies for the use of the members of the Senate and 35,000 for the use of members of the House of Representatives of the Fifty-third Congress.

The committee have considered the Senate concurrent resolution to print 60,000 of the comparison of the tariff laws of 1890 and 1894, and direct me to report the same with an amendment striking out "35,000" for the House and making it "40,000," and striking out "25,000" for the Senate and making it "20,000." This is the usual manner of distribution of documents between the two Houses. The estimated cost of the same is $11,760.

Mr. RICHARDSON of Tennessee. I move the previous question on the amendment reported by the committee and on the resolution.

Mr. CANNON of Illinois. Before that is done, I would like to ask the gentleman a question. Is this the document already issued by the Senate committee——

Mr. RICHARDSON of Tennessee. It is Senate Report No. 559——

Mr. CANNON of Illinois. Made about the 15th of August?

Mr. RICHARDSON of Tennessee. I can not state accurately about that; but it is Senate Report No. 559, prepared by the Finance Committee of the Senate.

Mr. CANNON of Illinois. It includes the "Wilson bill" as well as the Senate bill?

Mr. RICHARDSON of Tennessee. I so understand.

Mr. CANNON of Illinois. I have seen that compilation.

Mr. WILSON of West Virginia rose.

Mr. RICHARDSON of Tennessee. I yield to the gentleman from West Virginia.

Mr. WILSON of West Virginia. Mr. Speaker, I may not have seen the comparative statement to which the resolution called up by the gentleman from Tennessee refers. I wish to ask him whether in that comparative table the duty upon sugar as imposed by the House bill is put down at 39 per cent, as it was in some tables which were sent out, or whether sugar is put down as free.

Mr. RICHARDSON of Tennessee. I have not had an opportunity to examine the report which this resolution proposes to print; but I am informed by the gentleman from Iowa [Mr. HAYES], who sits near me, that this statement puts sugar under the House bill as free. But I repeat I have not myself examined the statement, and therefore can not answer upon my own authority. This document has been prepared, I am informed, by the experts who have been at work for the Senate committee, and it is supposed to be as accurate as it can be made.

Mr. WILSON of West Virginia. Of course a table of this kind, printed by authority of the two Houses, ought to have the highest possible authenticity; for it will be accepted by the country as an official statement, as nearly correct as it can possibly be made. I suppose every member of the House understands that it is impossible for even an accurate statistician to make these comparisons upon many of the schedules in these bills in such a way as to enlighten the taxpayers and the country at large. It is impossible, for instance, very often to make a comparison between a specific rate of duty and an ad advalorem rate of duty, because often a specific rate of duty is practically prohibitory, there being only a small importation of the highest priced articles. Hence a specific rate calculated upon this small importation of high-priced articles might show a very moderate ad valorem duty, while upon the great mass of commoner and cheaper articles the duty might be prohibitory.

Then, again, Mr. Speaker, I want to call attention to the fact that in a comparison of rates of different tariff bills two items are always to be considered. As a rule, we consider simply the average ad valorem for a year as figured out upon the importations of that year; but quite as important, perhaps even more important than the average ad valorem rate of a particular year's importations, is the basis of taxation—the amount of imports subject to duty. Now, as I understand, the comparative statement referred to in this resolution shows a certain percentage upon the imports of 1893 subject to taxation under the McKinley law; it shows another rate upon the imports of that year upon the supposition of those imports being subject to taxation under the rates of the House bill; and then it shows another ad valorem rate of taxation based upon the imports of 1893, on the supposition of those imports being subject to taxation under the bill which has just passed both Houses.

Now, I repeat that it is quite as important, in my judgment it is far more important, in comparing these three bills, to consider the basis of taxation—the amount of imports of 1893 which would be taxed—than to consider the rates of taxation.

I believe, speaking entirely from memory, that under the Mc-

Kinley law there was an ad valorem duy on dutiable goods in 1893 amounting to forty-eight and some fraction per cent on something over $400,000,000 of importations for that year. If the House bill had been in operation only about $350,000,000 worth of these goods would have been taxed; and the rate of taxation would have been about 35 or 36 per cent, and the rest would have come in free.

Now, under the law which is expected to go into operation in the immediate future, the basis of taxation has been increased more than $100,000,000 over that fixed in the House bill, and, if I mistake not, quite fifty millions over the McKinley bill. That is a point to be taken into consideration in connection with this question of comparisons, as well as the ad valorem duties on dutiable goods, that the resolution now under consideration proposes to print.

Mr. MCMILLIN. Will the gentleman permit me to say——

Mr. RICHARDSON of Tennessee. How much time does my colleague want?

Mr. MCMILLIN. Only a minute.

Mr. RICHARDSON of Tennessee. I yield to my colleague for one minute.

Mr. MCMILLIN. I think it would be entirely proper to state in this connection that of the one hundred millions of addition, of which the gentleman from West Virginia speaks, over the House bill, fifty millions of that sum is a revenue tax which has been put on sugar.

Mr. RICHARDSON of Tennessee. Now, Mr. Speaker, I have only this to say——

Mr. BYNUM. I ask the gentleman from Tennessee to yield to me for a minute.

Mr. RICHARDSON of Tennessee. I yield to the gentleman from Indiana for one minute.

Mr. BYNUM. I desire simply to state, Mr. Speaker, that the comparison of rates to which this resolution refers is made in the same manner that every such comparison has been made heretofore. The comparison not only contains the specific duties as imposed by the different bills, but also a reduction of the specific to the ad valorem basis. Of course, the approximation of the amount of revenue is a mere mathematical calculation. Anyone can make it, based upon the previous year's importations, but no one can calculate exactly how much will be collected from imports under a new law.

These comparisons, however, are as nearly accurate as such comparisons can be made. They have been made precisely on the same basis that former comparisons have been made in preceding years. It is all the estimate that can be made; and so far as I have examined this comparison it contains all the data which have been contained in former tables of like character, and I think more, for it contains the specific rates reduced to an ad valorem basis.

I repeat, therefore, I think it is as near a correct comparison as can be made. I understand it has been made by the experts of the Treasury Department and the expert of the Finance Committee of the Senate in conjunction with the clerk of the Committee on Ways and Means, whom we all regard as the most accurate authority on statistical and tariff questions that has ever been in the employ of the House.

Mr. WARNER. Will the gentleman from Tennessee permit me to ask the gentleman from West Virginia a question?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. WARNER. May I ask the gentleman from West Virginia whether the matter proposed to be printed is, as he understands it, so made up as to give a fair and adequate comparison on the basis he suggested of the bills which it presumes to treat?

Mr. WILSON of West Virginia. As I have already said, Mr. Speaker, I am not sure that I have seen the tables which are now presented. The gentleman from Indiana [Mr. BYNUM] is undoubtedly correct in stating that the clerks, who are merely arithmeticians, have probably made up this statement as other similar statements are made up. But I called the attention of the House to the fact, in connection with the matter, that it is impossible to compare accurately a specific rate with an ad valorem rate——

Mr. WARNER. If this table is made up on the basis you suggest, would it be subject to the grave errors or defects to which you call attention?

Mr. WILSON of West Virginia. I wanted to call attention to the fact for this reason, that I do not know what the gentleman from Tennessee has sent up to the desk. I have here before me in the RECORD what I suppose is the statement, which is appended to a speech of the gentleman from Wyoming [Mr. COFFEEN]. I wanted the House to understand that, in my judgment, it would be unfair to undertake to institute a comparison in the manner suggested; for while the rates under the House bill—the average rates on dutiable goods—are about 35.51 per cent ad valorem, and in the Senate bill 38.68 per cent ad valorem, the House bill imposes 35 per cent on $351,000,000 of imported goods, leaving all the rest free, whereas the Senate bill imposes thirty-eight and a fraction per cent on $463,000,000 of goods, leaving the rest free; this, of course, calculated on the importation of 1893.

Mr. WARNER. I would like to ask the gentleman from Tennessee whether the explanation of the gentleman from West Virginia should not be added to the matter to be published in some shape or other?

Mr. RICHARDSON of Tennessee. In reply to the gentleman from New York, and also to the gentleman from West Virginia, I have no doubt that the statement the gentleman makes is literally true, and if it is desired that any such note may be appended by the editor of this comparison, such a thing can be added.

I want to say that I asked the gentleman from West Virginia to prepare the resolution providing for the printing of this comparison, and also asked to have the clerk of the Committee on Ways and Means to examine the comparison. All that I have endeavored to do is to get the matter before the House, so as to provide for the printing of the document.

Mr. WARNER. With the permission of the gentleman from Tennessee——

Mr. RICHARDSON of Tennessee. Now, Mr. Speaker, I think this document will be about as nearly what we want as any that can be prepared, possibly with the addition of the note or the information given by the gentleman from West Virginia [Mr. WILSON].

In order to get through with the matter, I think I will move the previous question.

Mr. HEPBURN. I wish to ask the gentleman a question.

Mr. RICHARDSON of Tennessee. We can debate the tariff for the next three hours and not get through with it.

Mr. HEPBURN. I do not want to debate the tariff bill, but I want to ask the gentleman a question.

Mr. RICHARDSON of Tennessee. I will yield for a question.

Mr. HEPBURN. I want to ask the gentleman what the matter that is to be printed consists of?

Mr. RICHARDSON of Tennessee. The Senate Committee on Finance, or the experts mentioned by the gentleman from Indiana [Mr. BYNUM], have prepared this comparison of the tariff law of 1890 and the present act, or the act now about to become a law.

Mr. HEPBURN. Is that all it contains?

Mr. RICHARDSON of Tennessee. I do not know. I have not seen it.

Mr. HEPBURN. Is it not a little singular that the chairman of the Committee on Printing should recommend the passage of this resolution calling for this printing without knowing what he is doing?

Mr. RICHARDSON of Tennessee. Now, it is not at all singular, because I do not know that the document is in print. Therefore, if you want——

Mr. HEPBURN. The gentleman——

Mr. RICHARDSON of Tennessee. Let me answer the question, inasmuch as you have asked me if it is not singular that I should do this. If we wait until I can see that document it will be after this Congress adjourns, and then it will be too late for the chairman of the committee to offer a resolution to have the printing done.

Mr. HEPBURN. Is it not true that that committee have had a resolution in their possession for several days, which resolution calls for the information that the House generally wants?

Mr. RICHARDSON of Tennessee. The gentleman from Iowa prepared a simple House resolution under which we could expend $500 and no more, and upon that resolution he is asking me now to give an opinion. I say, Mr. Speaker, that it would have been utterly futile if we had reported it. It would have been absolutely worthless, for this House can not order to exceed $500 worth of printing without the passage of a concurrent resolution.

Mr. HEPBURN. Would it not have been competent for the committee to have amended that resolution so as to give us the information that we want?

Mr. RICHARDSON of Tennessee. Here is a resolution, which has passed the Senate, to give us the information we want. I think I will move the previous question.

Mr. CANNON of Illinois. I hope the gentleman will withhold that motion just for a minute.

Mr. RICHARDSON of Tennessee. The only thing is, we shall never get through with this.

Mr. CANNON of Illinois. We have nothing else to do. Now, Mr. Speaker, I have listened to the gentleman from West Virginia [Mr. WILSON], chairman of the Committee on Ways

and Means, to the gentleman from New York [Mr. WARNER], the gentleman from Indiana [Mr. BYNUM], and the gentleman from Tennessee [Mr. MCMILLIN], and I am up in the air as to the value of this statement. It seems to me that the various gentlemen protesting about its value and its correctness agree about as well as do the members of the Democratic party concerning proper tariff legislation.

Mr. RICHARDSON of Tennessee. I move the previous question. If we want this document, let us order it printed.

Mr. SMITH of Illinois. I ask the gentleman to yield to me for a question.

Mr. RICHARDSON of Tennessee. I will yield for a question, but not for a speech. I yielded to the gentleman from Illinois [Mr. CANNON] for a question, and instead of that he made an onslaught upon the Democratic party.

Mr. SMITH of Illinois. I understand that this is a concurrent resolution to print a tariff comparison. Now, as I understand, there are two comparisons, which are Senate documents. What we want, I suppose, is the last one that was printed, which contains all of the amendments offered in the Senate and ingrafted in the bill as it will become a law.

I understood the gentleman from Tennessee [Mr. RICHARDSON] to say that he has not seen the comparison, and I wanted to call attention to that, and let it be understood that if this passes it is to cover the comparison embracing all of the amendments offered in the Senate and which are now embraced in the bill. There being two comparisons which have been printed from the Senate committee, the first one does not embrace all of the amendments, because it was printed before they were agreed to.

Mr. RICHARDSON of Tennessee. This is a comparison of the bill as it will become a law to-day. I move the previous question on the adoption of the resolution.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. JOHNSON of Ohio demanded a division.

The House divided; and there were—ayes 76, noes 4.

Mr. JOHNSON of Ohio. No quorum.

The SPEAKER. The gentleman from Ohio makes the point that no quorum has voted. The Chair will appoint as tellers the gentleman from Ohio, Mr. JOHNSON, and the gentleman from Tennessee, Mr. RICHARDSON.

The House again divided.

Before the announcement of the vote by tellers, Mr. RICHARDSON of Tennessee said: I withdraw the resolution.

CORRECTION OF INDIAN APPROPRIATION BILL.

The SPEAKER laid before the House the joint resolution (S. R. 105) to change the initials of a name in the Indian appropriation bill.

The resolution was read, as follows:

Resolved, etc., That the appropriation to pay "F. G." Niedringhaus for beef cows delivered at Fort Peck Agency be corrected to read "W. F." Niedringhaus.

The SPEAKER. This is a mere correction in the initials of a name.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

DEATH OF HON. GEORGE B. SHAW.

Mr. HAUGEN. Mr. Speaker, it becomes my sad duty to announce to the members of this House the death, at 8.15 o'clock this morning, of our genial colleague, Hon. George B. Shaw of Wisconsin. Mr. Shaw left here about a month ago the very picture of health, and this sudden death reminds us that "in the midst of life we are in death." He died at his home in the city of Eau Claire, Wis. Mr. Shaw was a gentleman who recommended himself by his genial and courteous manner to his colleagues upon this floor and to all who had the pleasure of his acquaintance. At some future time I shall ask this House to suspend its business in order to pay suitable tribute to his memory, his distinguished services, and his honorable life.

At present I will content myself with asking the House to adopt the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House of Representatives has heard with profound sorrow of the death of Hon. George B. Shaw, late a Representative from the State of Wisconsin.

Resolved, That a committee of nine members of the House be appointed by the Speaker to act with such Senators as may be selected to attend the funeral of the deceased, and that the Sergeant-at-Arms of the House shall take order for superintending the funeral of the deceased at his home; and the necessary expenses attending the execution of this order shall be paid out of the contingent fund of the House.

Resolved, That the Clerk of the House be directed to communicate to the Senate a copy of these resolutions.

Resolved, That as a further mark of respect the House do now adjourn.

The SPEAKER. The question is upon the resolutions submitted by the gentleman from Wisconsin.

The question was taken, and the resolutions were unanimously agreed to.

The SPEAKER. The Chair will announce the appointment of the following gentlemen under the resolutions: Mr. HAUGEN, Mr. BARWIG, Mr. COOPER of Wisconsin, Mr. SOMERS, Mr. BABCOCK, Mr. CANNON of Illinois, Mr. HEPBURN, Mr. JOHNSON of North Dakota, and Mr. COUSINS.

In accordance with the terms of the resolutions just adopted, the Chair now declares the House adjourned until to-morrow at 12 o'clock m.

Accordingly (at 1 o'clock and 23 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2, Rule XIII, Mr. WHEELER of Alabama, from the Committee on Military Affairs, reported with amendments the bill (H. R. 1819) to correct the military record of James McGee. (Report No. 1474.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. HAUGEN: A bill (H. R. 8036) to authorize the Court of Claims to hear, try, determine, and render final judgment upon the claims of the Eastern Cherokee Indians—to the Committee on Indian Affairs.

By Mr. SOMERS: A joint resolution (H. Res. 228) authorizing the Secretary of the Interior to approve the leasing of certain lands in Polk County, in the State of Minnesota—to the Committee on the Public Lands.

By Mr. CHARLES W. STONE: A resolution directing the Secretary of the Treasury to examine the claim of the State of Pennsylvania for expenses incurred in the war of the rebellion—to the Committee on War Claims.

PRIVATE BILLS, ETC.

Under Clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CATCHINGS: A bill (H. R. 8037) to pension Charles N. Prescott, alias Stone—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 8038) granting an increase of pension to Francis Knapp, of Ottawa, Kans.—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 8039) for the relief of Patrick Morris—to the Committee on Military Affairs.

By Mr. DONOVAN: A bill (H. R. 8040) for the relief of Reason C. Dillon—to the Committee on Military Affairs.

By Mr. KRIBBS: A bill (H. R. 8041) granting a pension to Jonas I. Boal—to the Committee on Invalid Pensions.

By Mr. MOSES: A bill (H. R. 8042) granting a pension to Bailey R. Gill—to the Committee on Pensions.

Also, a bill (H. R. 8043) granting increase of pension to Daniel P. Copeland—to the Committee on Pensions.

By Mr. TERRY (by request): A bill (H. R. 8044) for the relief of Bernard Campbell—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDERSON: Petition of James H. Nash, administrator of estate of George Harmon, deceased, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SIPE: Petition of John M. Davis, of Philadelphia, and 600 other citizens of Pennsylvania, praying for Government control of telegraphic system—to the Committee on the Post-Office and Post-Roads.

By Mr. SPRINGER: Petition of four Young People's Societies, of Rantoul, Ill., for the passage of Senator HOAR's anti-lottery bill—to the Committee on the Judiciary.

Also, papers to accompany House bill 7925—to the Committee on Invalid Pensions.

Also, petition of residents of Oklahoma Territory, praying for the appointment of a Congressional committee to investigate the entries of lands in the Cherokee Outlet—to the Committee on the Public Lands.

By Mr. CHARLES W. STONE: Memorial of the board of health of Warren, Pa., in favor of national board of health—to the Committee on Immigration and Naturalization.

By Mr. WRIGHT of Pennsylvania: Petition of 27 citizens of Susquehanna, Pa., in favor of a bill to establish a bureau of public health within the Treasury Department of the United States—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *August 28, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 105) to change the initials of a name in the Indian appropriation bill.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 6122) authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (H. R. 7685) for the relief of I. H. Hathaway & Co.; and

A joint resolution (H. Res. 198) to print Agricultural Report for 1894.

MEMORIAL.

Mr. DUBOIS presented the memorial of John Stack and 157 other citizens of Idaho, remonstrating against the action of the Attorney-General of the United States in relation to the recent labor strikes in Illinois and other States; which was referred to the Committee on Education and Labor.

NOTIFICATION TO THE PRESIDENT.

Mr. RANSOM submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That a committee of two members of the Senate be appointed to join a similar committee on the part of the House of Representatives to wait upon the President of the United States, and inform him that unless he may have some further communication to make the two Houses are now ready to adjourn.

The VICE-PRESIDENT appointed Mr. RANSOM and Mr. MANDERSON as the committee on the part of the Senate.

PRINTING OF TARIFF COMPARISON.

Mr. COCKRELL. I submit a resolution, which simply authorizes the printing of 2,500 copies of the tariff law of 1894 in comparison with the law of 1890, prepared under the supervision of the Senate Finance Committee. I ask unanimous consent for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

Resolved, That there be printed 2,500 copies of the comparison of the tariff law of 1890 and 1894, prepared under the supervision of the Senate Committee on Finance, for the use of the members of the United State Senate.

Mr. MANDERSON. In order that any force of the rule may be obviated, I suggest that upon inquiry it is ascertained that this number can be printed within the $500 limit. Let that appear of record.

Mr. COCKRELL. Yes; that is the calculation we made yesterday.

The resolution was agreed to.

FORD THEATER DISASTER INVESTIGATION.

Mr. HARRIS. I submit a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Select Committee to Investigate the Ford Theater Disaster is hereby authorized and directed to continue the investigation provided for in the resolution of the Senate adopted December 14, 1893, with all the powers and authority conferred by said resolution. Said committee to sit during the recess, and to report to the Senate at the next regular session.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HARRIS. I will state the purpose of the resolution. The sufferers by the Ford Theater disaster are in number one hundred and twenty-odd. The various cases were distributed between the members of the select committee. Some members of the committee have had time and opportunity to enter upon and perhaps almost, if not quite, complete the investigation of the special cases. Other members of the committee, myself being one of that class, did not have the opportunity. I have not had a minute to devote to the special examination of the cases referred to myself as a subcommittee. I desire from about the middle of November until the meeting of Congress in December the opportunity to come here and conduct that investigation.

The sundry civil appropriation act is, I think, amply sufficient perhaps of itself, but to relieve all possible doubt I offer the resolution, because about the middle of November next I propose to continue the investigation of the cases in my own personal charge.

Mr. WHITE. I should like to inquire of the Senator from Tennessee whether it is not contemplated that the investigation shall be had hereafter by a joint committee.

Mr. HARRIS. The sundry civil appropriation act provides for the appointment of a similar committee on the part of the House, which, with the committee of the Senate, shall constitute a commission to sit in final judgment upon the cases. Whether the other House has or has not taken action I am not advised; but whether it has or has not, I deem it the duty of our committee, to which my friend from California [Mr. WHITE] and myself belong, to proceed with the investigation and develop all the material facts, being very glad to coöperate with or have the coöperation of such committee as the other House may appoint. Whether it will appoint during the present session I am not prepared to answer.

Mr. WHITE. I have no objection at all to the resolution. I was simply inquiring as to what has been done by the other House with reference to the appointment of a commission. I have no information upon the point myself, and I made the inquiry.

Mr. HARRIS. Up to yesterday no action had been taken. Probably action will be taken this morning, and, if so, of course our committee will invite the coöperation of such committee as the other House may appoint.

Mr. MANDERSON. While in full accord with the chairman of the select committee, of which I am a member, I think it would be well in the event that the House of Representatives should appoint the select committee provided for as a part of the joint commission in the sundry civil appropriation act that the resolution should give power to act in conjunction with such select committee of the other House.

Mr. HARRIS. I think there is force in the suggestion, and I should be glad if the Senator would incorporate such a provision in the resolution.

Mr. MANDERSON. I have drawn an amendment. I move to add to the resolution of the Senator from Tennessee:

And with power to act in conjunction with any select committee that may be appointed by the House under the sundry civil appropriation act providing for the commission for such purpose.

Mr. HARRIS. I accept as a modification of my resolution the suggestion of the Senator from Nebraska. I think it is wise and proper.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

RECESS.

Mr. HARRIS (at 12 o'clock and 17 minutes p. m.). I move that the Senate take a recess until fifteen minutes to 1 o'clock.

The motion was agreed to; and at the expiration of the recess (at 12 o'clock and 45 minutes p. m.) the Senate reassembled.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had appointed a committee of three members of that body to join a similar committee on the part of the Senate to wait on the President of the United States and inform him that the two Houses of Congress are ready to adjourn, and respectfully inquire if he has any further communication to make to them, and had appointed Mr. WILSON of West Virginia, Mr. HOLMAN, and Mr. HEPBURN the committee on the part of the House.

The message also communicated to the Senate the intelligence of the death of Hon. GEORGE B. SHAW, late a Representative from the State of Wisconsin, and transmitted the resolutions of the House thereon.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 105) to change the initials of a name in the Indian appropriation bill, and it was thereupon signed by the Vice-President.

DEATH OF REPRESENTATIVE SHAW.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolution, as follows:

Resolved, That the House of Representatives has heard with profound sorrow of the death of Hon. George B. Shaw, late a Representative from the State of Wisconsin.

Resolved, That a committee of nine members of the House be appointed by the Speaker to act with such Senators as may be selected to attend the funeral of the deceased, and that the Sergeant-at-Arms of the House shall take order for superintending the funeral of the deceased at his home; and the necessary expenses attending the execution of this order shall be paid out of the contingent fund of the House.

Resolved, That the Clerk of the House be directed to communicate to the Senate a copy of these resolutions.

Resolved, That as a further mark of respect the House do now adjourn.

The Speaker appointed Mr. HAUGEN, Mr. BARWIG, Mr. COOPER of Wisconsin, Mr. SOMERS, Mr. BABCOCK, Mr. CANNON of Illinois, Mr. HEPBURN,

Mr. JOHNSON of North Dakota, and Mr. COUSINS as the committee on the part of the House.

Mr. WHITE. The Senator from Wisconsin [Mr. MITCHELL] desired that I should present to the Senate for him certain resolutions relating to the death of his deceased colleague. As the Senator from Wisconsin has left the city to attend the funeral, I submit the resolutions and ask that they be adopted.

The VICE-PRESIDENT. The resolutions submitted by the Senator from California will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. George B. Shaw, late a Representative from the State of Wisconsin.

Resolved, That a committee consisting of five Senators be appointed by the Vice-President to attend, with the committee on the part of the House of Representatives, the funeral of the deceased at his late residence, in the State of Wisconsin.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives, and that he be further directed to send a copy of the same to the family of the deceased.

The resolutions were considered by unanimous consent and unanimously agreed to.

The VICE-PRESIDENT appointed Mr. MITCHELL of Wisconsin, Mr. CULLOM, Mr. DAVIS, Mr. ROACH, and Mr. KYLE as the committee on the part of the Senate under the second resolution.

TARIFF BULLETINS.

Mr. HARRIS. From the Committee on Finance I report ten of the tariff bulletins that have not been printed, which will complete the series. I send them to the desk and ask that they be printed.

Mr. VEST. How many of these bulletins are there, I ask the Senator from Tennessee?

Mr. HARRIS. Sixty-four in all, and fifty-four of them have already been printed.

Mr. VEST. These are ten more?

Mr. HARRIS. These are the last, ten more, and in bulk, as the Senator from Missouri can see by looking at the documents I have sent to the desk.

Mr. BUTLER. May I inquire what number of these documents have been printed?

Mr. HARRIS. My recollection is that only the usual number of copies have been printed. I do not remember that there has been any order to print extra copies.

The VICE-PRESIDENT. That is the information of the Chair—that the usual number have been printed.

Mr. BUTLER. I am very little nearer the information I seek than I was before. How many copies comprise the usual number?

Mr. HARRIS. The usual number I believe is about 1,900.

The VICE-PRESIDENT. The bulletins will be printed.

RECESS.

Mr. COCKRELL (at 12 o'clock and 53 minutes p. m.). I move that the Senate take a recess until half after 1 o'clock.

The motion was agreed to; and at the expiration of the recess (at 1 o'clock and 30 minutes p. m.) the Senate reassembled.

NOTIFICATION TO THE PRESIDENT.

Mr. RANSOM and Mr. MANDERSON, of the joint committee appointed to wait on the President of the United States, appeared at the bar of the Senate, and

Mr. RANSOM said: Mr. President, the joint committee appointed by the two Houses to wait upon the President of the United States and inform him that the two Houses, having accomplished the business of the present session, are ready to adjourn, unless the President has some further communication to make to them, have performed that duty, and the President replied that he had no further communication to make.

PRINTING OF TARIFF COMPARISONS.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed 2,500 copies of the comparison of the tariff law of 1890 and 1894, prepared under the supervision of the Senate Committee on Finance, for the use of the members of the Senate of the United States.

THANKS TO THE VICE-PRESIDENT.

Mr. QUAY. I offer a resolution, which I send to the desk, the immediate consideration of which I desire.

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the thanks of the Senate are due, and are hereby tendered, to the Hon. ADLAI E. STEVENSON, Vice-President of the United States, for the ability, dignity, courtesy, and impartiality with which he has presided over its deliberations during the present session of Congress.

The resolution was unanimously agreed to.

THANKS TO THE PRESIDENT PRO TEMPORE.

Mr. MANDERSON. I offer a resolution, and ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

Resolved, That the thanks of the Senate are due, and are hereby tendered, to the Hon. ISHAM G. HARRIS, President of the Senate *pro tempore*, for the ability, dignity, courtesy, and impartiality with which he has discharged the duties of the chair during the present session.

The resolution was unanimously agreed to.

RECESS.

Mr. COCKRELL (at 1 o'clock and 37 minutes p. m.). I move that the Senate take a recess until ten minutes to 2 o'clock.

The motion was agreed to; and at the expiration of the recess (at 1 o'clock and 50 minutes p. m.) the Senate reassembled.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that, in accordance with the provisions of the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, "providing for a joint commission to investigate the Ford's Theater disaster, the Speaker of the House had appointed Mr. MADDOX, Mr. BROOKSHIRE, Mr. PIGOTT, Mr. DANIELS, and Mr. UPDEGRAFF members of the commission on the part of the House.

The VICE-PRESIDENT. Senators, the hour fixed by the concurrent resolution for the adjournment of the second session of the Fifty-third Congress has arrived.

Before making the formal announcement, I can not forbear giving expression of my grateful appreciation of the resolution personal to myself, just adopted by the Senate. For this manifestation of your confidence, as well as for the uniform courtesy, official and personal, extended me, I am profoundly grateful.

And now, wishing each of you a safe return to home and constituents, I declare the Senate adjourned without day.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August 28, 1894.*

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. E. B. BAGBY:

O, Thou Infinite One, we adore Thee as the Father of comfort and the God of all consolation. As we bow in Thy presence this morning, we are mindful that since we were last here Thy providence has removed one of our number from the earth. May his death be sanctified to his family, to his friends, and to his associates in public life.

Now, Our Father, as our deliberations here are drawing to a close, we ask Thy blessings upon Thy servants, that as they shall separate and return to their homes, scattered far and wide over this land, they may carry with them kindly recollections of each other, and a consciousness that whatever errors they have committed they have tried to do their duty and to serve the best interests of their fellow-citizens. Though, O Lord, we shall part from each other, we shall not part from Thee. Be Thou our helper at all times, our portion in life and our hope in death, through the merits of Christ our Saviour. Amen.

The Journal of yesterday's proceedings was read and approved.

FORD'S THEATER DISASTER.

The SPEAKER. The Chair announces the appointment of the following members, on the part of the House, of the joint commission provided for in the sundry civil appropriation bill:

The Clerk read as follows:

Joint commission to investigate the Ford's Theater disaster: Mr. MADDOX of Georgia, Mr. BROOKSHIRE of Indiana, Mr. PIGOTT of Connecticut, Mr. DANIELS of New York, and Mr. UPDEGRAFF of Iowa.

RESIGNATION OF HON. WILLIAM C. OATES.

The SPEAKER. The Chair will lay before the House the following communication from a member:

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., August 28, 1894.

SIR: I have this day tendered to the Governor of Alabama my resignation as Representative in this House from the Third district of said State, to take effect on and after the 5th day of November next.

Respectfully,

WM. C. OATES.

To Hon. CHARLES F. CRISP,
Speaker House of Representatives.

I. H. HATHAWAY & CO.

The SPEAKER laid before the House the bill (S. 2322) for the relief of I. H. Hathaway & Co.

The SPEAKER. This bill will be indefinitely postponed, the Senate having passed a House bill on the same subject.

DOUBLE ALLOTMENTS OF LAND.

The SPEAKER laid before the House the bill (S. 2295) author-

izing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes; which was referred to the Committee on Indian Affairs.

DIPLOMAS AWARDED BY WORLD'S COLUMBIAN EXPOSITION.

The SPEAKER laid before the House the joint resolution (S. R. 106) authorizing the printing upon the blank diplomas authorized by section 3 of the act of March 3, 1893, the names of the persons to whom diplomas are to be awarded by the World's Columbian Commission; which was referred to the Committee on Appropriations.

MATTHEW S. PRIEST.

The SPEAKER laid before the House the bill (H. R. 1314) for the relief of Matthew S. Priest, with Senate amendments; which was referred to the Committee on Military Affairs.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. CAMINETTI to print remarks on the bill (H. R. 7840) and item for sugar experiments in agricultural appropriation bill, on the tariff, river and harbor bill, Mr. MCRAE'S forestry bill, and silver.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On August 27, 1894:

Joint resolution (H. Res. 231) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of August, 1894, on the 23d day of said month;

An act (H. R. 8007) to provide for the collection of internal revenue and for other purposes;

Joint resolution (H. Res. 220) instructing the Secretary of War to return to the State of Massachusetts the flags of certain regiments of Massachusetts Volunteer Infantry;

An act (H. R. 3334) authorizing and directing the Secretary of the Treasury to pay to the heirs or legal representatives of C. P. Gooch certain money due him for carrying the mail;

An act (H. R. 6888) for the registry or enrollment of the bark Skudesnaes;

An act (H. R. 7571) to authorize the construction of a bridge across the Osage River, in the State of Missouri;

An act (H. R. 5478) to authorize the Biloxi and Back Bay Bridge Company to construct and maintain a bridge over that portion of the bay of Biloxi in the State of Mississippi known as Back Bay;

An act (H. R. 7572) to authorize the construction of a bridge across the Missouri River at De Witt, Carroll County, Mo., and to establish it as a post-road; and

An act (H. R. 7437) directing the issue of a duplicate of a lost check drawn by Capt. W. H. Bixby, Engineers, United States Army, at Newport, R. I., in favor of Messrs. Hughes Brothers & Bangs.

[NOTE.—The following-named bill having been presented to the President on the 15th instant, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval:]

An act (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 6122) authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

Joint resolution (S. R. 105) to change the initials of a name in the Indian appropriation bill; and

Joint resolution (H. Res. 198) to print Agricultural Report for 1894.

COMMITTEE TO WAIT ON PRESIDENT.

Mr. WILSON of West Virginia. Mr. Speaker, I send the following resolution to the Clerk's desk:

The Clerk read as follows:

Resolved, That a committee of three members of the House be appointed, to join a similar committee on the part of the Senate, to wait on the President of the United States, and inform him that the two Houses of Congress are ready to adjourn, and respectfully inquire if he has any further communication to make to them.

Ordered, That the Clerk acquaint the Senate therewith.

The resolution was agreed to.

The SPEAKER appointed as members on the part of the House Mr. WILSON of West Virginia, Mr. HOLMAN, and Mr. HEPBURN.

DIGEST AND MANUAL.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I have a privileged report from the Committee on Printing I desire to submit.

The SPEAKER. The gentleman from Tennessee presents a privileged report.

The Clerk read as follows:

Resolved, That there be printed 2,600 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session of the Fifty-Third Congress, the same to be bound and distributed under direction of the Speaker and Clerk of the House, 100 copies thereof to be bound in paper covers.

The report (by Mr. RICHARDSON of Tennessee) was read, as follows:

The committee have considered the House resolution to print the Digest and Manual of the Rules of the House of Representatives, second session Fifty-third Congress, and direct me to report the same with the recommendation that it do pass.

The estimated cost of same is $3,825.

The resolution was adopted.

COMPARATIVE TARIFF STATEMENT.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I have in my hand the report which I presented yesterday, with a resolution to print 60,000 copies of the comparative tariff statement. Quite a number of gentlemen have asked me to bring the matter up this morning, realizing the necessity for the publication of this document, and I will add that the Senate are going forward, as the RECORD of this morning shows, to print it for their own use, so that it is simply for the House to decide whether we shall have copies of the statement or not.

The SPEAKER. The Clerk will report the resolution.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 60,000 copies of the comparison of the tariff laws of 1890 and 1894, prepared under the supervision of the Senate Committee on Finance; 25,000 copies for the use of the members of the Senate and 35,000 for the use of members of the House of Representatives of the Fifty-third Congress.

The report (by Mr. RICHARDSON of Tennessee) was read, as follows:

The committee have considered the Senate concurrent resolution to print 60,000 copies of the comparison of the tariff laws of 1890 and 1894, and direct me to report the same with an amendment, striking out "35,000" for the House and making it "40,000," and striking out "25,000" for the Senate and making it "20,000." This is the usual manner of distribution of documents between the two Houses. The estimated cost of the same is $11,700.

The amendments recommended in the report were adopted.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the amendments are designed simply to make the distribution in the usual proportion, giving the House twice as many copies of the document as the Senate.

The question being taken on the resolution as amended, the Speaker declared that the ayes seemed to have it.

Mr. JOHNSON of Ohio. I ask for a division.

The House divided; and there were—ayes 71, noes 3.

Mr. JOHNSON of Ohio. No quorum.

The SPEAKER. The point of no quorum being made, the Chair will appoint as tellers the gentleman from Ohio, Mr. JOHNSON, and the gentleman from Tennessee, Mr. RICHARDSON.

MESSAGE FROM THE SENATE.

Pending the count by tellers, a message from the Senate was received, which the Speaker laid before the House and directed the Clerk to read; and the Clerk read as follows:

Resolved, That a committee of two members of the Senate be appointed, to join a similar committee on the part of the House of Representatives, to wait upon the President of the United States, and inform him that unless he may have some further communication to make the two Houses are now ready to adjourn.

Mr. CATCHINGS. Mr. Speaker, I believe that a resolution similar to that was passed by the House a few moments ago.

The SPEAKER. Yes. This simply notifies the House of the action taken by the Senate on the subject.

COMPARATIVE TARIFF STATEMENT.

Mr. WARNER (pending the count by tellers). Mr. Speaker, I ask unanimous consent that to the description contained in the resolution now pending of the matter proposed to be printed there be added the words, "including such addition, explanation, or amendment as may be proposed or approved by the chairman of the House Committee on Ways and Means."

Mr. RICHARDSON of Tennessee. I do not object to that, Mr. Speaker.

Mr. MAHON. I object.

Mr. LOUD. Take it straight.

Mr. DE ARMOND (pending the count by tellers). Mr. Speaker, I would like to offer a substitute for the pending resolution.

The SPEAKER. The trouble is that the point is made that there is no quorum voting on the pending proposition, and nothing can be done while that point is insisted upon.

Mr. DE ARMOND. I ask first to have my proposition read, and then I shall ask unanimous consent to have it considered as a substitute for the pending resolution, if that be in order.

The SPEAKER. If there be no objection, the Clerk will report the proposed substitute.

There was no objection.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be prepared by the clerk of the Ways and Means Committee of the House and the clerk of the Finance Committee of the Senate a comparative statement showing the rates of taxation, by items, under the McKinley act of 1890 and the tariff act of 1894, and that of such comparative statement, when approved by the chairman of the Committee of Ways and Means of the House and the chairman of the Finance Committee of the Senate, there be printed 60,000 copies; 40,000 for the use of the House and 20,000 for the use of the Senate.

Mr. DE ARMOND. I ask unanimous consent for the consideration of that as a substitute for the pending resolution.

Mr. HICKS. I object.

Mr. McMILLIN. Mr. Speaker, it is evident that nothing can be decided upon this question at present, and if there is to be any action it can be taken later. I ask unanimous consent that the House now take a recess until fifteen minutes to 2 o'clock.

There was no objection, and it was so ordered.

The House accordingly took a recess until 1 o'clock and 45 minutes p. m.

The recess having expired, the House at fifteen minutes before 2 o'clock resumed its session.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I rise for the purpose of withdrawing the resolution which I presented, unless the point of no quorum be withdrawn. I understand the gentleman from Ohio declines to withdraw the point.

Mr. JOHNSON of Ohio. I do.

Mr. RICHARDSON of Tennessee. Then I withdraw this resolution, with the statement that the Senate has just ordered 2,500 copies of this document printed, the same number having been ordered yesterday. Members desiring to procure copies of this document can do so by handing their order to the Public Printer, who will furnish them at 19 cents a copy; that is what they cost. Orders ought to be given at once, before the Senate order is executed.

REPORT OF THE COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. WILSON of West Virginia, Mr. HOLMAN, and Mr. HEPBURN appeared at the bar, when—

Mr. WILSON of West Virginia said: Mr. Speaker, the committee appointed on the part of the House, in conjunction with a like committee of the Senate, to wait upon the President and inform him that the two Houses of Congress are ready to adjourn, unless he has further communication to make, beg leave to report that they have discharged that duty, and have been directed by the President to say in response that he has no further communication to make, and also upon his part to congratulate the two Houses of Congress on the close of their labors, and to wish the individual members a pleasant and profitable vacation.

COMPARATIVE EXHIBIT OF TARIFF BILLS.

Mr. DE ARMOND. I now offer as a separate resolution the proposition which I undertook to offer as a substitute for the resolution submitted by the gentleman from Tennessee [Mr. RICHARDSON].

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be prepared by the clerk of the Ways and Means Committee of the House and the clerk of the Finance Committee of the Senate a comparative statement showing the rates of taxation, by items, under the McKinley act of 1890 and the tariff act of 1894, and that of such comparative statement, when approved by the chairman of the Committee of Ways and Means of the House and the chairman of the Finance Committee of the Senate, there be printed 60,000 copies—40,000 for the use of the House and 20,000 for the use of the Senate.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. HICKS. I renew the objection.

RIVER AND HARBOR IMPROVEMENTS ON PACIFIC COAST.

Mr. CAMINETTI. I ask unanimous consent for the consideration of a resolution reported by the Committee on Rivers and Harbors.

The Clerk read as follows:

Resolved, That the Committee on Rivers and Harbors, or a subcommittee thereof, is hereby authorized and directed to visit and examine, during the recess of Congress, such works of river and harbor improvement on the Pacific coast, existing or proposed, as in its judgment the interests of commerce and protection of existing works and navigation facilities may demand; and that the actual expenses of said committee or subcommittee, properly incurred, shall be paid out of the contingent fund of the House of Representatives in the usual manner.

Mr. SAYERS. If the gentleman from California [Mr. CAMINETTI] will accept as a substitute the resolution which I hold in my hand I will offer no objection to the consideration of the proposition.

The SPEAKER. The resolution sent to the desk by the gentleman from Texas [Mr. SAYERS] will be read for information, subject to objection.

The Clerk read as follows:

Resolved, That the Committee on Rivers and Harbors, through a subcommittee not exceeding five in number, is hereby authorized to visit and examine, during the recess of Congress, such works of river and harbor improvement on the Pacific coast, existing or proposed, as in its judgment the interests of commerce and protection of existing works and navigation facilities may demand: *Provided*, That no expense whatever shall be incurred or paid by the United States.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. CAMINETTI]?

Mr. KILGORE. I object.

Subsequently Mr. KILGORE said: Mr. Speaker, I understand that the gentleman from California is willing to accept as a substitute the resolution proposed by my colleague [Mr. SAYERS], to which I have no objection.

Mr. CAMINETTI. I accept the resolution suggested by the chairman of the Committee on Appropriations [Mr. SAYERS].

I will state, Mr. Speaker, that the Committee on Rivers and Harbors has reported that in its judgment an examination of the various projects now under way and those proposed would be proper, as it may lead to better facilities and more protection to navigation, as well as economy in future expenditures by the Government. I hope that no further objection will be made.

Mr. BAKER of New Hampshire. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. George B. Shaw, late a Representative from the State of Wisconsin.

Resolved, That a committee consisting of five Senators be appointed by the Vice-President to attend with the committee on the part of the House of Representatives the funeral of the deceased at his late residence in the State of Wisconsin.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives, and that he be further directed to send a copy of the same to the family of the deceased.

In compliance with the foregoing resolution, the Vice-President appointed Mr. MITCHELL of Wisconsin, Mr. CULLOM, Mr. DAVIS, Mr. ROACH and Mr. KYLE as said committee.

Also:

Resolved, That the select committee to investigate the Ford Theater disaster is hereby authorized and directed to continue the investigation provided for in the resolution of the Senate adopted December 14, 1893, with all the powers and authority conferred by said resolution. Said committee to sit during the recess and to report to the Senate at the next regular session and with power to act in conjunction with any select committee that may be appointed by the House under the sundry civil appropriation act providing for the commission for such purpose.

RIGHT OF WAY THROUGH YAKIMA INDIAN RESERVATION.

Mr. DOOLITTLE. I ask unanimous consent for the present consideration of the bill (H. R. 6854) to grant the Tacoma and Yakima Land Company a right of way through the Yakima Indian Reservation.

Mr. BARTLETT. I call for the reading of the report.

Mr. DOOLITTLE. The report is very short.

The SPEAKER. Without objection the report will be read.

The report was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ENGLISH of California. I object.

SUPPRESSION OF LOTTERY TRAFFIC.

Mr. TERRY. I ask unanimous consent for the present consideration of the bill (S. 1620) for the suppression of lottery traffic through national and interstate commerce and the postal service subject to the jurisdiction and laws of the United States.

The Clerk proceeded to read the bill; but before the reading was concluded——

The SPEAKER said: The hour of 2 o'clock having arrived, the Chair, by virtue of authority conferred by concurrent resolution of the two Houses, declares the second session of the Fifty-third Congress adjourned without day.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. STONE of Kentucky, from the Committee on War Claims, reported the bill (H. R. 1054) to authorize the Court of Claims to hear and determine the claim of the Citizens' Bank of Louisiana, etc. (Report No. 1476.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, a bill and resolution of the following titles were introduced, and severally referred as follows:

By Mr. CATCHINGS (by request): A bill (H. R. 8045) to re-

organize and increase the efficiency of the Navy of the United States—to the Committee on Naval Affairs.

By Mr. KRIBBS: A joint resolution (H. Res. 229) directing suspension of proceedings in certain cases in Oklahoma—to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. STONE of Kentucky: A bill (H. R. 8046) for the relief of the estate of William Parham Butterworth, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8047) for the relief of the estate of Jean Crouchet, deceased, late of New Iberia Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 8048) for the relief of T. B. Ulger Bourgue, of St. Martin Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 8049) for the relief of Jules J. Boudreaux, of Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 8050) for the relief of Kinney C. Miller, of Scottsboro, Jackson County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8051) for the relief of Prospere Lopez, of St. Martin Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 8052) for the relief of the estate of Thomas Owens, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8053) for the relief of Henry Easterlin, of Hinds County, Miss.—to the Committee on War Claims.

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